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25	5.50	April 1, 1978

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26 (Part 1 §§ 1.0–1.169)	5.75	April 1, 1978
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(§§ 1.301–1.400)	4.00	April 1, 1978
(§§ 1.401–1.500)	4.75	April 1, 1978
(§§ 1.501–1.640)	4.75	April 1, 1978
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(Parts 40–299)	5.50	April 1, 1978
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(Parts 500–599)	3.15	April 1, 1974•••
(Part 600–End)	3.00	April 1, 1978
27	8.75	April 1, 1978
28	4.50	July 1, 1978
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(Parts 500–1899)	6.25	July 1, 1978
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208	2179
211	11364
212	11238
221	1381, 9579
239	896
241	9394
288	2179
299	7736
300	4701
302	1381, 6395, 9579, 11364
312	11364
399	1381, 2179, 3724, 9953

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

4.4 (c), (d), and (e) revised	10364
4 Appendixes B and C revised	10364

Chapter I—Bureau of the Census, Department of Commerce

30.7 Authority citation added	1971
30.22 Authority citation added	1971
30.92 Authority citation added	1971

Chapter III—Industry and Trade Administration, Department of Commerce

371.2 (c)(9) revised	43
371.7 Added	44
371.17 (a) and (f) revised	1093
373.3 (a), (c)(1)(ii), (d)(3)(iii), and (iv), (h)(4), and (i)(1) revised	1972
373.4 Note added	1973
373.7 Revised	1095
374.2 (a)(1) revised	44
376.4 Added	1099
377.6 (d)(1)(iii), (9) and (e)(8) revised; (d)(1)(iv) redesignated as (d)(1)(vi); new (d)(1)(iv) and (v) added	44
Technical correction	1973

Chapter V—United States Metric Board

Chapter established	4463
500 Added	4463

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

930.70 Amended	3705
930.71 Nomenclature change	3706
930.72 Nomenclature change	3706
930.73 Nomenclature change	3706

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930.76 Nomenclature change; (b) revised	3706
930.79 Revised	3705
(a) amended	3706
930.83 Nomenclature change	3706
930.86 (c) and (d) amended	3706

Title 15—*Proposed Rules:*

0—17 (Subtitle A)	896
30	7738
200	4701
275	4701
370	4703
371	4703
377	11239
385	4703
390	4703
399	4703
922	6930
931	3230

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

2.4 Revised	10366
2.14 (c) revised	10366
3.22 (a) revised	10366
13 Amended	3033, 3259, 4465, 4664, 4939, 5391, 5871, 6380, 7124, 7943, 8866, 9378, 11060
17 Revised	11176
18 Added	11177
19 Added	11179
20 Added	11182
21 Added	11183
22 Added	11184
23 Revised	11185
24 Added	11190
34 Removed	11176
60 Removed	11176
62 Removed	11176
118 Removed	11176
152 Removed	11176
154 Removed	11176
456 Interpretations	2569
600.8 Revised	3260

Chapter II—Consumer Product Safety Commission

1205 Added	10024
1302 Heading revised	792
1303 Heading revised	792
1630.81 (Subpart D) Added	2169
1700.14 (a)(10)(iii) added	6342

Title 16—*Proposed Rules:*

1	1753
13	899, 2182, 2600, 3989, 4497, 5457, 5677, 7739, 9395, 9398, 9400, 10074, 10515, 10516, 10685
305	10076
419	69
437	5157, 10516
450	1123
453	10993
455	914, 4499
461	2602, 3495
600	11091
1205	10033
1209	3989
1500	5459
1608	1981
1610	1981
1611	1981
1700	6343–6345

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TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

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1 Forms 3–R, 7–R, and 8–R; instruction revised 19648
1.3 (ee) and (ff) added 39967
1.10 Revised 39967
1.10e Added 59341
1.12 Added 39969
1.16 Added 39970
1.17 Revised 39972
1.18 (b) revised; (c) removed 39981
1.33 Revised 31889
Revised △1924
1.33a Removed 31890
1.50 Revised 17814
1.52 Added; effective in part 1–31–79 and 6–30–79 39981
1.55 Added 31890
1.71 Added 32293
(a) revised 36897
Removed △1924
4 Added △1924
4.21 (a) introductory text, (4) (i) (C), and (ii) corrected △3706
4.22 (a) and (b) introductory texts corrected △3706
4.31 (c) corrected △3706
8 Added 41962
9 Added 59350
11.2 Existing text designated as (a); (b) added 55348
15.00 (b) (2) revised 45827
15.01 (d) revised 45827
15.02 Revised 45827
15.03 Revised 45828
17.01 (b) revised 60149
18.04 Revised 60149
18.06 Revised 37431
19 Revised 45828
30 Authority citation revised 47722
30.03 Removed 58554
31 Added 56887
31.03 Added 58554
32 Authority citation revised 54227
32.4 (a) revised 54226
(a) restored to prior status 59354
32.5 (a) (1) (ii) revised; (c) amended 54226
(a) (1) (ii) and (c) restored to prior status 59354
32.6 (a) revised 54226
(a) restored to prior status 59354
32.11 Added 16161
32.12 Added 23707
(a) (1) revised 47492
(a) (6) revised; (b) (1) amended; (f), (g), (h), and (i) added 52470
(a) introductory text and (1) and (c) revised; (a) (3) amended; (a) (9) through (11) added; (d) removed 54226
(a) (9), (10), and (11) removed; (a) introductory text, (1), and (3), and c) restored to prior status 59354
140.2 Revised 21659
140.12 Added 43452
140.13 Added 50167
140.81 Added 20971
145.6 Revised 21659
150 Revised △7127
166 Added 31890
166.2 (a) revised △4466

Chapter II—Securities and Exchange Commission

200.30–3 (a) (27) correctly added 50422, 57596
200.30–4 (a) (5) added 36621
200.30–6 (c) revised 15417
200.30–13 Added △3473
200.80 (c) (1) (i) revised; (c) (1) (ii) amended; (c) (1) (iii) added 45991
200.735–8 (e) added 36900
201.4 (a) revised 38575
201.6 (b) amended 28999
(f) added 52217
210 Heading revised; eff. 12–25–79 40712
210.1–01 (c) added; eff. 12–25–79 40712
210.3–17 Introductory text amended; eff. 12–25–79 40712
210.3–18 Added; eff. 12–25–79 40712
(a) through (h), (j), and (k) revised 60405
(i) revised; eff. 12–25–79 60417
210.5–01 (a) (7) revised; (b) removed; (c) redesignated as (b) 41024
210.9–01 Revised 41024
210.9–02 Revised 41024
Footnote 4 correctly designated as footnote 1 43709
Corrected △3960
210.9–03 Revised 41026

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Footnote 5 correctly designated as footnote 2 43709
210.9–04 Revised 41027
210.9–05 Revised 41027
Footnote 6 correctly designated as footnote 3 43709
210.12–01 Amended 41028
210.12–02 Table footnote 2 (b) removed; footnote 2 (a) redesignated as footnote 2 41028
211 Interpretative releases 29109, 29937, 36900, 40730, 50868, 52218, 54228, 55239, 58554
229.20 Items 3 through 6 added 34407
Item 4 (a), (b), and (c) revised 58186
Item 2 (a) (3) and (b) revised; Item 2 (a) (4) added 60423
230.134 (a) (3) (iii) (F) and (G) amended; (a) (3) (iii) (H) added 47495
230.144 (e) (1) and (2) and (f) revised 43711
(e) introductory text, (1), (2), and (3) introductory text and (ii) through (vi), (g) (3) notes (ii) introductory text and (c), and (h) revised 54230
230.145 (d) revised 21661
230.146 (b) (2) and (e) (1) (ii) (c) revised 41194
230.148 Added 14449
(b) (1) and (3) revised 43711
230.254 (a) (1) (i) revised 41385
230.257 Heading and introductory text revised 41385
230.403 (d) added △4665
230.429 (a) revised 33905
231 Interpretative releases 18163, 20485, 47492, 53250, 57596
Interpretative releases technical correction 52022
239.11 Form S–1 amended 18500, 34412
Form S–1; eff. 5–1–79 △7868
239.14 Revised 39554
Determination △4466
Form N–2 amended; eff. 5–1–79 △7868
239.15 Revised 39554
Determination △4466
Form N–1 amended; eff. 5–1–79 △7868
239.16b Revised 21661
Form S–8 amended 33905, 54234
Form S–8; eff. 5–1–79 △7869
Corrected △11214
239.18 Form S–11 amended 18500, 34412
239.23 Revised 21662
239.26 Revised 21662
239.27 Heading revised; Form S–[redacted] amended 16677
Revised 21662
Form S–16 amended △8247
239.144 Heading, (a), (b) and Form 144 revised 54231
240.0–3 Existing text designated as (a); (b) added △4666
240.10b–10 (b) introductory text revised 30271
Revised 47503
240.11a1–1(T) (b) revised; (c) added 18562
(b) revised; (c) removed △6093
240.11a1–2 Introductory text and (b) corrected 14451
240.11a1–3(T) Added △6093
240.11a1–4(T) Added 18562
240.11a2–2(T) (f) added 18562
240.11Ac1–1 (e) revised 18557
240.13a–13 (c) (1) revised △1727
240.13b2–1—240.13b–2 Undesignated center heading added △10970
240.13b2–1 Added △10970
240.13b2–2 Added △10970
240.13d–1—240.13d–7 Revised 18495
240.13d–1 (b) (1) (ii) (G) revised 29768
(a) and (b) (1) revised; (c) through (e) redesignated as (d) through (f); new (c) added; new (d), (e) and (f) (1) introductory text revised 55755
(c) corrected △10703
240.13d–3 (d) (3) revised 29768
240.13d–7 Revised 55755
240.13d–101 Revised 18498
Amended 55755
Revised △2144
240.13d–102 Removed 18495
Added 18499
Amended 55756
Revised △2148
240.13f–1 Added 26705
(a) revised △3034
240.14a–8 (e) added 58530
240.14a–101 Schedule 14A amended 24288, 29111, 34413, 58531
240.14d–100 Revised △2150

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240.15c3-1 (c)(2)(iv)(C) revised; (c)(2)(vi)(M) and (f)(3)(iii) amended ---- 33906
(c)(2)(iv)(C) revised; (c)(2)(vi)(M) and (f)(3)(iii) amended ---- △1974
240.15c3-3 (j) removed ---- △1975
240.15d-13 (c)(1) revised ---- △1727
240.17a-5 (e)(4) revised ---- △1975
241 Interpretative releases ---- 18163, 25421, 52697, 53250, 57596
249.14a-101 Schedule 14A amended ---- 18500
249.208a Revised ---- 21663
249.210 Form 10 amended ---- 18500, 34413
249.216 Revised ---- 21663
249.308 Form 8-K amended ---- 14450, 24288, 58532
249.308a Form 10-Q amended ---- 14451, 33905, 34413, 58532
249.310 Form 10-K amended ---- 14451, 18500, 33905, 34413
Revised ---- 21663
249.311 Revised ---- 21663
249.316 Revised ---- 21663
249.325 Added ---- 26705
Form 13F amended ---- △3035
249.330 Heading revised; Form N-1R amended ---- 39554
Determination ---- △4466
249.501 Form BD Schedules A through D revised; eff. 7-31-79 ---- △7899
249.504l Added ---- 46299
250.22 (e) added ---- △4666
250.93 Revised; eff. 1-1-80 ---- △8250
251 Interpretative releases ---- 57596
256 Revised; eff. 1-1-80 ---- △8250
360.0-4 Added ---- △4666
270.0-2 (h) added ---- △4666
Technical correction ---- △8247
270.8b-16 Added ---- 39553
270.8f-1 Added ---- 21664
270.17f-4 Added ---- 50873
270.20a-2 (a)(7) revised; eff. 5-1-79 ---- △7869
271 Interpretative releases ---- 47492
271 Interpretative releases technical correction ---- 52022
274.10 Form N-8A amended ---- 39553
274.11 Revised ---- 39553
Form N-1 amended; eff. 5-1-79 ---- △7868
Corrected ---- △11214

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274.11a-1 Added ---- 39553
Form N-2 amended; eff. 5-1-79 ---- △7868
Corrected ---- △11214
274.101 Form N-1R amended ---- 39554
Determination ---- △4466
274.101a-1 Removed ---- 39554
274.101a-2 Removed ---- 39554
274.106 Form N-1Q amended ---- 21665, 58532
274.218 Added ---- 21665
275.0-4 (i) added ---- △4666
275.204-1 Revised; eff. 7-31-79 ---- △7877
275.204-2 (a)(14) added; eff. 7-31-79 ---- △7877
275.204-3 Added; eff. 7-31-79 ---- △7877
275.206(3)-2 Comment response ---- 47176
275.206A-1(T) (a) amended ---- 19227
Comment response ---- 47176
279.1 Form ADV and Schedules A through G revised; eff. 7-31-79 ---- △7879
279.3 Form ADV-S revised; eff. 7-31-79 ---- △7909
300 Added ---- △5077

Title 17—*Proposed Rules:*

1-180 (Ch. I) ---- 32092
1 ---- 15072, 15438, 22220, 23729, 50699, 53450, 56904, 57284
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9 ---- △6428
16 ---- 37714
17 ---- 22220
30 ---- 52729
31 ---- 23729
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32 ---- 21022, 37715, 59396
145 ---- 57284
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150 ---- 43034
170 ---- 46039
210 ---- 15335, 15730, 19668, 29954, 40724, 40726, 57612
211 ---- 57612

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229 ---- 34415, 40720
230 ---- 15335, 15441, 22053, 35730, 41235, 43725, 43726, 53251, 55254
239 ---- 15335, 41052, 56053
240 ---- 15335, 16512, 18501, 30806, 31945, 33935, 34790, 43035, 47538, 50606, 50615, 53251, 54256, 56247, 58533
--- △1754, 1759, 1961, 4703, 9956, 10971
241 ---- 34790, 43035

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249 ---- 15335, 31945, 32309, 34790, 37460, 38026, 43035, 59092
250 ---- 22379, 34490, 53251
256 ---- 22379, 35490
260 ---- 53251
270 ---- 16192, 19669, 23589, 36643, 39396, 47542
---- △3376, 10580
274 ---- △10580

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy

1 Authority citation amended ---- 52223
1.3a (b)(1) amended; (b)(2) redesignated as (4); new (b)(2) and (3) added ---- 20790
1b Added ---- 27176
1.7 (d) revised ---- 36434
1.8 (a)(2), (d), (e), and (f)(2) revised ---- 36434
1.14 (a)(2) amended ---- 36435
1.27 (b)(10) redesignated as (b)(11); new (b)(10) added ---- 36435
1.31 (b)(1)(iv) revised ---- 39983
1.36 (16) redesignated as (17); second (15) redesignated as (16) and revised ---- 41965
(f)(1) and (2) existing texts designated as (f)(1)(i) and (2)(i); (f)(1)(ii) and (2)(ii) added ---- 46528
1.38 Added ---- 52223
Petition for rehearing denied ---- △2380
1.40 Added ---- 35909
2.68 (c) added; interim ---- 56536
(c) hearings ---- 59056, 59836
(c) extension of time denied ---- △10704
2.75 (o) revised ---- 23565
(o) technical modification ---- 48992
3.5 (a), (b), and (d) revised; (c), (f), and (g) added ---- 36435
3.8 (j)(4) amended; (j)(5) added ---- 20790
3.114 (b) revised ---- 40217
3.170 Form No. 69 removed; Form EIA-50 added ---- 27178
4.60 Revised ---- 40217
16.12 Revised ---- 40217

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35.2 (c) amended ---- 36437
101 Balance sheet accounts:
Acct. 127 amended ---- 15418
Acct. 215.1 redesignated from Acct. 264 redesignated as Acct. 215.1 and revised ---- 15418
104 Balance sheet accounts:
Acct. 125 amended ---- 15419
Acct. 215.1 redesignated from Acct. 264 and revised ---- 15418
Acct. 264 redesignated as Acct. 215.1 and revised ---- 15419
131.6 Revised ---- 40217
141.1 Form No. 1 amended ---- 15420, 19382
141.2 Form No. 1-F amended ---- 15422
141.13 (c) and Form No. 9 amended ---- 15419
154.38 (h) added ---- 45553
(d)(4)(iv)(a) through (c) revised; (d)(4)(viii) added ---- 50170
(d)(4) introductory text revised; (d)(4)(ix) added ---- 56034
(d)(4)(iv) revised; (d)(4)(viii) added ---- 56221
(d)(4) introductory text amended; (d)(4)(x) added ---- 57249
(h) revised; interim ---- 60443
154.63 (b), (3), (4), and (f) Schedule H(1)-3 revised ---- 56034
154.94 (b) amended; (h) and (i) added ---- 55757
(h)(2)(iii), (6), and Appendix A amended ---- △1102
(h)(2)(ii)(C) amended ---- △5875
157.8 Amended ---- 36437
157.22 (f) added; interim ---- 56536
(f) hearings ---- 59056, 59836
(f) extension of time denied ---- △10704
157.29 (e) added; interim ---- 56537
(e) hearings ---- 59056, 59836
(e) extension of time denied ---- △10704
157.40 (c)(6) added ---- 55757
157.45—157.52 (Subpart C) Added; interim ---- 56537
Hearings ---- 59056, 59836
Extension of time denied ---- △10704
157.48 (b)(1)(i) filing requirequirements ---- △6094
157.49 (a)(2)(ii)(A) corrected ---- 59482
157.53 (Subpart D) Added; interim ---- 56544
Hearings ---- 59056, 59836
Extension of time denied ---- △10704

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Title 18, Chapter I—Continued

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201 Balance sheet accounts:
Acct. 108 amended 19356
Acct. 111 amended 19356
Acct. 164.2 amended 19356
Acct. 164.3 added 19356
Gas plant accounts:
Subsection 3 heading revised 19357
Accts. 364.1—364.8 added 19357
Gas plant instruction 3 amended 19356
Operation and maintenance expense accounts:
Acct. 804.1 added 19359
Acct. 808 redesignated as Acct. 808.1 19359
Acct. 809 redesignated as Acct. 808.2 19359
201 Operation and maintenance expense accounts—Continued
Acct. 809.1 added 19359
Acct. 809.2 added 19359
Subsection 2 heading revised 19359
Accts. 843 through 848.3 redesignated as 843.1 through 843.9 19359
Accts. 844.1 through 847.8 added 19359
Table of contents corrected 35911
216 Storage plant heading revised 19362
Subsection 3 heading revised 19362
Accts. 361—364 (Subheading B) revised 19362
Acct. 362 heading revised 19362
Acct. 363 revised 19362
Accts. 363.1—363.5 added 19362
Accts. 364.2—364.8 added 19362
260.1 Form No. 2 amended 15420, 19363
Form No. 2 corrected 35912
260.2 Form No. 2–A amended 15422
260.13 (d) revised 34454
Form No. 40 filing dates postponed 56035
260.15 Form No. 69 removed; Form EIA–50 added 27178
270—276 (Subchapter H) Added; interim 56544
Hearings 59056, 59836
Extension of time denied △10704
270 Added; interim 56544
Hearings 59056, 59836
Extension of time denied △10704
270.202 (g) corrected 59482
(d) filing requirements △6094
270.203 Stay denied; rehearing granted △7944

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271 Added; interim 56551
Hearings 59056, 59836
Extension of time denied △10704
271.101 (a) table I and (c) corrected 59482
(a) tables I and II revised △5876
271.102 (d) (1) (i) corrected 59482
(c) revised △5877
271.202 Revised △5878
271.302 Revised △5878
271.402 (a) corrected 59482
(a) revised; (b)(9), (c)(1), (2), and (3) amended; (c)(4) added △5878
(c)(3) filing requirements △6094
271.602 Revised △5879
271.702 Revised △5879
271.802 Revised △5879
271.902 Revised △5879
271.1105 (d) (1) (v) corrected 59482
Filing requirements △6094
271.1106 Filing requirements △6094
273 Added; interim 56577
Hearings 59056, 59836
Extension of time denied △10704
273.201 (a)(1) revised △5879
273.204 (c) (2) corrected 59482
274 Added; interim 56686
Hearings 59056, 59836
Extension of time denied △10704
274.204 (f) corrected 59482
274.206 (a) (8) corrected 59482
274.207 (c) and (e) filing requirements △6094
274.501 (a) (2) table corrected 59482
275 Added; interim 56608
Hearings 59056, 59836
Extension of time denied △10704
275.201 (d) filing requirements △6094
275.202 (d) filing requirements △6094
275.204 Filing requirements △6094
275.205 (b) filing requirements △6094
275.206 (b) filing requirements △6094
276 Added; interim 56613
Hearings 59056, 59836
Extension of time denied △10704
277 Added; interim 57598
284 (Subchapter I and Part) Added; interim 56622
Hearings 59056, 59836
Extension of time denied △10704
284.127 Introductory text corrected 59482
284.164 (b) corrected 59482
284.165 (d) corrected △4940
285 (Subchapter J and Part) Added; interim △10369

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286 Added 57599
286.102 Added △2383
(a) and (d)(1) filing requirements △6094

Chapter III—Delaware River Basin Commission

401.35 (a) introductory text and (15) revised 38816
410.1 Revised 27784
420.41 (a) and (b) revised; eff. Apr. 79 56655

Chapter VI—Water Resources Council

701.1—701.6 (Subpart A) Revised 25944
701.51—701.79 (Subpart B) Revised 25945

Chapter VIII—Susquehanna River Basin Commission

803.62 Added 34127
803.63 Added △8868

Title 18—*Proposed Rules:*

0—260 (Ch. I) 20241, 43728, 45595, 47542, 55257
△6133
1 19669, 32814, 39122, 40037, 47542
2 15730, 18196, 26020, 32814, 36471, 53270
△7971
3 18196
△7740, 10517
4 18196
35 △7744
131 18196
△7740, 10517
154 26026, 50191, 53770
△7744, 10336
157 15730, 36471, 53270
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260 26026
270 53270
△10336
271 53270
△7971
273 53270
△10336
274 53270
275 53270
276 53270
281 △3052, 3725, 8900, 10517
284 53270
△7976
285 △4500
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801 48657
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TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

4 Forms 1302 and 1302–A compliance date stayed 36622, 60274
4.1 (c) revised 22174
4.7a (c)(1) and (2) revised △5649
4.22 Amended 22173, 24671, 54234
4.71 Revised △5650
4.81a (b) amended 58814
4.98 (a) table notification of impending revision 46962
4.101 Added 49787
6.2 (a) amended; (g) redesignated as (h); and new (g) added 14962
6.8 (a) amended △5651
6.13 Amended 28456
10.1 (g), (h), and (i) corrected 20003
10.66 Heading and (c) introductory text revised; (c) footnote 62a added 23709
10.99 Revised 43453
10.151 Heading and text amended 49787
10.152 Amended 49787
10.153 (b), (d)(2) and (3), (e), and (f) amended 49787
11.1 (b) amended 43454
11.2a Revised 43454
11.3 Amended 43454
11.7 Heading revised; text amended 43454
12.37 (c) amended 43454
12.80 Revised 56659
12.106 Revised 36055
19.15 (g)(2) revised 38382
19.16 (a) amended; (g) revised 43454
22.3 Revised △11063
22.4 Heading and (o) revised; (n) removed; (r) added △11063
22.6 (a) and (c) revised △11064
22.20a Amended 22176
22.23 (e) amended 43455
22.25 Revised 43455
101.3 (b) table amended 19833, 28456, 30289, 36056
(b) table corrected 31129

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101.4 (c) table amended 18659, 19834, 36056
101.5 Revised 36057
111.21 Policy statement 41192
111.22 Revised 21878
Technical correction 23565
(d) clarification 34455
Policy statement 41192
111.23 (b)(5) revised; (d) added 21880
Technical correction 23565
111.24 Revised 21880
Technical correction 23565
111.25 Revised 21880
Technical correction 23565
111.27 Revised 21880
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112.11 (a)(4) revised 31316
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141.11 (a)(1) revised; (a)(2), (3), and (6) amended 49787
141.13 Revised 49787
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141.61 (h) revised 43455
141.102 (b) revised 43455
141.111 (b)(4) and (c) amended 49788
143.1 (b) removed 43455
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145 Nomenclature changes; policy statement added 14455
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145.43 Added 49788
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148.2 (b) amended 49788
148.12 (b)(1)(i) and (2)(ii) amended 49788
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148.31—148.39 (Subpart D) Nomenclature changes 49788
148.31 (a) amended 49788
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148.43 (a) and (b) amended 49789
148.44 (a) amended 49789
148.51, (a)(2) and (b)(1) amended 49789
148.66 (b) amended 49789
148.84 Revised 49789
148.101—148.106 (Subpart J) Added 49789
148.102 (b) corrected 55758
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148.110 Corrected 55758
148.115 (e) corrected 55758
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153.7 Revised 35265
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153.27 (a)(3) (i) and (ii) revised; (a)(3)(iii) removed 35265
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153.31 (d) corrected 14450
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158.7 Added 53713
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159.4 (b)(1) amended 43455
159.6 (a) through (d) amended 49791
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171.1 (a) introductory text and (2) revised; (a)(3) redesignated as (a)(4); new (a)(3) added 23712
174.32 Added 49791
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4 14060, 19417, 21693, 23731, 53453
6 23731, 40238, 46981, 53453
10 53453, 55774, 60291
11 53461, 55774, 60291
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200.4 (e) revised 17468
250 Heading revised 56888
250.7—250.16 Removed 56888
258 Added 56888
259 Added 56889
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401 Technical correction 25672
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404.103a Added 34777
404.107 Heading revised 34778
404.107a Added 43778
404.108 (b) amended 34778
404.203 (a), (d), and (f) amended; (m), (n), and (o) added 60879
404.205 Amended 33706, 60879
404.207 (a) amended 60879
404.212 Added 60879
404.212a Added 60880
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404.214 Added 33706
404.219 (a) and (b)(2) revised; (d) added 60881
404.221 (a)(1) amended; (c), (d), and (e) added 60881
404.244 (b)(3) added 60882
404.282 (a) and (b) revised; (c) amended 29276
404.305a Revised 29276
404.330 (b)(1) revised; (b)(4) added 29277
404.333 (b)(1) revised; (b)(4) added 29277
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404.402 (d) (2) through (6) redesignated as (d) (4) through (8); new (b)(3), (d) (2) and (3) added 34456
404.405 (q) added 29277
404.408 (c)(3) and (j)(2) revised 56037
404.408a Added 34456
404.413 Existing text designated as (a); (b) and (c) added 33706
404.428 (a) revised 53714
404.430 Heading, (a) introductory text and (3), (b), and (c)(1) introductory text revised; (d) added 53715
404.435 Revised 53715
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404.502 (c) revised 31318
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404.1026 (b)(3)(i) revised	56038
404.1027 (l) heading, (1), (2), and heading of (3), (o), and (q) revised; (v) and (w) added	56038
404.1049 Revised	56039
404.1050 (a)(2) and (b) revised; (b)(1) revised	20972, 21880
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404.1051 Heading, (d) and (g) revised; nomenclature change	20973, 25423
404.1052 Nomenclature change	20973, 25423
404.1057 Nomenclature change	20973, 25423
404.1058 Nomenclature change	20973, 25423
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404.1501—404.1539 (Subpart P) Existing Appendix designated as Appendix 1; Appendix 2 added	55366
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(b) revised; (f) added	30047
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416.120 (c) (9) and (10) revised	25091
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416.1236 (a)(13) added	45555
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640 Revised	33225
654 Revised	△1047
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702 Authority citation revised	50171
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715 Removed	36772
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725 Revised	36772
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5.20 Revised	20487
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14.100 (c)(2) revised; (c)(8) and (15) removed	18661
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15.1 (b) revised	18664
16.1 (b)(31) added	32993
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20.100 (c)(31) added	32993
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71.1 (g) added; eff. 6-20-79	60020
71.6 (b) amended; eff. 6-20-79	60021
73.1299 Added	54235
73.2110 Added	44831
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73.2299 Added	54236
74.1254 (b) amended	14642
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81.10 (l) removed	44832
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105.66 Added; eff. 7-1-79	43259
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131.120 Revised; eff. 7-1-79	21670
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131.122 Added; eff. 7-1-79	21670
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131.123 Added; eff. 7-1-79	19835
131.125 (b) and (c) revised; (e) added; eff. 7-1-79	19836
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170.35 (c)(1)(vi) added; eff. 6-20-79	60021
171.1 (k) added; eff. 6-20-79	60021
171.6 Revised; eff. 6-20-79	60021
172.372 Added	27784
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172.822 (b)(4) added	18668
173.315 (a)(3) table amended	54926
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178.3570 (a)(3) amended	54928
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314.1 (c)(2) amended 37989
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314.8 (a)(5)(xi) added 37989
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314.111 (a)(8) amended; (a)(9) added; eff. 6-20-79 60022
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430.6 (b)(64) added 20976
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442.106 Added 20978
442.214 Added ..... △10376
442.240 Redesignated as 442.240a; new 442.240 added 14646
442.240a Redesignated from 442.240 14646
442.240b Added 14646
444.6 (b)(7) revised ..... △10379
444.442c Removed ..... △5880
444.540b Removed; effective date confirmed 26428
446.10 (a)(iii) and (b)(6) corrected 34456
446.10a (a)(1)(vi) and (b)(9) corrected 34456
446.15 (a)(v) corrected 34456
446.16 (a)(v) corrected 34456

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446.60 (b)(1) corrected 34456
446.65a (a)(1) introductory text and (5), (b) (3) through (5) corrected 34456
446.66 (a)(1) introductory text and (iv) corrected 34456
446.67 (a)(1) introductory text, (iv), and (v) corrected 34456
446.67a (a)(vii) corrected 34456
446.75a (b)(1) corrected 34456
446.80 (a)(1) (iv) and (vi) corrected 34456
446.81a (b) (3) and (8) corrected 34456
446.82 (a)(1) (iv), (vi) and (3) (i) corrected 34456
446.110 (b)(1) corrected 34456
446.110b Removed 34456
446.115a (a)(1) amended 50677
446.165a (a)(1) corrected 34456
446.166 (a)(1) amended 50677
446.180c (a)(1) corrected 34456
(a)(3)(i)(a) corrected 34457
446.180d (a)(3)(i) (a) and (b) corrected 34457
446.220 (b)(1) corrected 34457
446.276a (b)(1) corrected 34457
446.310b Removed 34457
446.367e (a)(3)(i)(a) corrected 34457
448.20a (a)(1)(v), (vi) and (viii), (3)(i), (b)(6), (7), and (8) revised ..... △10381
448.230 Added ..... △10379
448.430 Revised ..... △5880
449.40 Added 55384
449.120d (a)(1) amended 22676
449.340 (Subpart D) Added 55384
449.450 (Subpart E) Removed ..... △5881
449.650 Redesignated as 449.650a; new 449.650 added 43458
449.650a Redesignated from 449.650 43458
449.650b Added 43458
450.24 (a)(1) (i) through (vi) and (3)(i) and (b)(7) revised; (b)(6) removed; (b)(1) through (5) redesignated as (b) (2) through (6); new (b)(1) added; new (b)(2)(i) revised 44836
450.220 (b)(1)(i) revised ..... △10379
450.224 (a)(3)(i)(a), (b)(1) and (7) revised 44837
455.290 Added ..... △1374
455.310a (b)(1) revised 59057
455.310b (a)(1) and (4)(iii)(b) revised ..... △10379
455.310c (a)(1) and (4)(ii)(a) revised ..... △10380
455.410 Revised ..... △5881
(a)(1) and (4)(iii)(b) revised ..... △10380
455.510b Removed ..... △5881
455.510d Added ..... △10380
460.1 (a), (c)(1)(ii), and (c)(2) tables E and F amended ..... △10376
460.6 (c)(3) and (d) tables amended ..... △10376
460.100 (b)(2)(i) table correctly amended 16312
500.80—500.98 (Subpart E) Removed 22675
510.450 (e) redesignated as (f); new (e) added 19385
510.600 (c)(1) and (2) amended 29290, 32746, 35685, 39086, 58082
(c)(1) and (2) amended ..... △3966, 5882, 7132, 10058, 10706, 11066
511.1 (b)(4)(ii) revised; eff. 6-20-79 60023
514.1 (b)(12)(iii) added; eff. 6-20-79 60023
514.8 (l) added; eff. 6-20-79 60023
514.15 (c) added; eff. 6-20-79 60023
514.50 (c)(8)(ii) revised 41198
514.110 (b)(8) added; eff. 6-20-79 60023
514.111 (a)(10) removed 22675
(a)(11) added; eff. 6-20-79 60023
514.115 (b)(4) added; eff. 6-20-79 60023
520.260 (b)(1) and (2) revised; footnote 1 added; (b)(3)(i), (ii)(a), (b), and (iii) amended ..... △10059
520.310 Added 55385
520.420 Revised 39085
520.526 Added 28459
520.540b (b) revised ..... △7130
520.540c Added ..... △7130
520.580 (c)(1) revised 35685
520.622b (b) revised ..... △3967
520.903 (d)(3)(ii) removed 60882
520.905 Redesignated as 520.905a; new 520.905 heading added ..... △1375
520.905a Redesignated from 520.905 ..... △1375
520.905b Added ..... △1375
520.960 Added ..... △7131
520.1010 Redesignated as 520.1010a; new 520.1010 added 14647
520.1010a Redesignated from 520.1010 14647

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520.1010b Added	14647
520.1065 Added	30274
520.1100 (c) revised; (d)(4) added	28458
520.1235 Removed	60883
520.1242d Added	18171
520.1263a Heading and (a) revised	△7130
520.1320 (d)(2)(i) amended	35686
520.1430 Added	15625
520.1805 Added	32747
520.1900 (b) revised	55386
520.1962 (a) through (e) redesignated as (a)(1) through (5); new (b) added	55386
520.2042 Added	52700
520.2200c Added	36622
520.2330 Added	60895
520.2520d Added	39084
520.2645 (c) amended	32747
522.144 (c) revised	27785
522.234 Redesignated from 522.264	60883
522.264 Added	15625
Redesignated as 522.234	60883
522.540 (c)(2) revised; (a)(3)(i) and (ii), (b)(3)(i) and (ii), (c)(3)(i) and (ii), and (d)(3)(i) and (ii) amended; (d)(2) revised; footnote added	57600
522.1150 Added	59058
Effective date corrected	59837
522.1155 Added	40455
522.1235 Removed	60883
522.1244 Revised	20489
(b) and (c)(1) revised	29289
(c)(2)(i) amended	60895
522.1258 Added	46300
(c)(1) introductory text and (iii) corrected	59059
522.1410 Added	59058
522.1452 Added	△6707
522.1484 Revised	48996
Effective date corrected	59059
522.1662a (h) added	58083
522.1883 Revised	39769
522.1940 (d)(1) removed	△6708
522.2350 Removed	△6708
524.463 Revised	△11065
524.1484b Heading and (a) revised	18172
524.1484c Heading and (a) revised	18172
524.1484i Added	40456
524.1600a (a) and (c) revised	29770
524.1695 Removed	27786
524.2101 Added	29290
(b) and (c)(2) revised	48997
(b)(2) revised	49535
(b) and (c)(2) effective date corrected	59059
(b)(2) revised	△3966
524.2350 Added	29289
526.363 Added	37174
529.400 Added	△10705
529.2090 (b) added	29290
539.3 Added	38000
540.103a (c)(3) revised	24011
540.103c (c)(4) revised	16312
540.203 Added	38001
540.255c Technical correction	14008
Footnote 1 added; (c)(1), (4)(i) through (iv) amended	△10060
540.274b (c)(3) added	32748
(c)(3)(iv)(a) revised	46529
540.874f (c)(3)(i) revised	52701
544.274 (c) added	△8261
546.110d (b) corrected	14647
546.110f Removed	△1976
546.113a Technical correction	14647
546.113b (c)(6)(iii) amended	19385
546.180e (a)(1) and (3)(i)(a) corrected	14647
548.112d Heading, (a)(1) and (3)(i)(a) and (ii)(a) revised	48997
(a)(1) and effective date corrected	59059
555.310f (c)(1) amended	△7131
555.310g Removed	△10380
556.510 (b) revised	32749
556.708 Removed	△6708
556.750 Revised	41966
558.55 (e)(2) table amended	53717
558.58 (e)(1) table corrected	29290
(e)(1) table amended	30275
(e)(1) table effective date corrected	35686
558.76 (e)(3)(viii) added	17469
(e)(3)(ix) added	32750
558.95 (b) revised	46301
(d) added	54240
558.145 (f)(2) amended	19385
558.195 (g)(2) table amended	32750
558.258 Removed	55387
558.311 (e) table amended	17469, 19844
(b) and (c) revised	52701
558.315 (f) redesignated as (g) and (2)(ii) and (iii) revised; new (f) added	39351
558.325 (b)(2) and (e)(1) revised	△7133
558.355 (f)(3)(ii) and (iii) redesignated as (f)(3)(i)(a) and (b); (d)(5) and new (f)(3)(ii) added	27786
(b)(1) revised	28459
(f)(3)(iii) added	32749
(f)(1)(xii) added	32750
(c)(3) and (d)(5) added; (d)(3) and (f)(3)(i)(b) revised	56223
558.366 (d) added	57601
558.625 (f)(2) revised	27786
(b)(54) and (55) added	32747
(b)(56) added	39086
(b)(46) added	58082
(b)(35) revised; (b)(59) added	△5882
(b)(57) added	△7132
(b)(58) added	△10706
(b)(60) added	△11066
558.630 (b)(3) amended	14648
(f)(3) amended	19385
(b)(7) added	34457
(b)(3) revised	△11067
558.635 (f)(4) revised; (f)(5) added	41966
561.41 Revised	35915, 41386
561.51 Added	44838
561.53 Added	33238
561.55 Amended	△7946
561.95 Added	35687
561.98 Added	△7947
561.175 Added	29558
561.197 Added	40457
561.233 (a) amended	22176
Revised	32130
Correctly designated	34457
561.235 Revised	14009
561.253 (c) amended	20489
(f) added	57002
561.268 Added	56040
561.285 Added	41386
561.380 Revised	△4468
561.395 Added	54089
570.17 (c) added; eff. 6–20–79	60023
570.35 (c)(1)(vi) added; eff. 6–20–79	60024
571.1 (k) added; eff. 6–20–79	60024
571.6 Amended; eff. 6–20–79	60024
571.115 Removed	22675
573.180 Revised	33707
573.450 Added	33708
573.920 (b)(4) introductory text, (c)(1), and (3) revised; (b)(5), (6), and (c)(4) added	△5392
601.2 (a) revised; eff. 6–20–79	60024
601.25 (f)(4) revised	44838
(h) heading revised; (h)(4) and (5) added; eff. 7–5–79 in part	△1549
601.30 Revised; eff. 6–20–79	60024
607.65 (e) amended	37997
610.12 (f) amended	47182
610.19 Added; eff. 7–5–79 in part	△1549
610.53 (a) amended	34459
640.2 (b) amended	34460
640.4 (d)(4) and (g)(5) added	34460
640.7 (b)(1)(iv) added	34460
640.16 (a) revised	34460
640.22 (a) revised	34460
640.32 (a) amended	34460
640.34 (a), (c) and (g)(1) revised	34460
660.28 (a)(1) revised	19845
Technical correction	29291
807.3 (i) through (m) added	37997
807.20 Heading, (a) introductory text and (2), and (b) revised	37997
807.21 Revised	37997
807.22 Revised	37997
807.25 Heading revised; (f) added	37998
807.30 Added	37998
807.31 Added	37999
807.35 (c) revised	37999
807.37 Revised	37999
807.40 Revised	37999
808 Added	18665
808.20 (a) corrected	22010
809.20 (b) revised	31527
Technical correction	52701
820 Added	31527
Technical correction	52701
860 Added	32993
1003.31 (b) revised; eff. 6–20–79	60024
1010.4 (b)(1)(ix) added; eff. 6–20–79	60024
1010.5 (c)(12) revised; eff. 6–20–79	60025
1040.10 (b)(1), (6)(i), (9), (12), and (18), (e)(3)(i), (ii), and (iii), and (4), (f)(3), (5)(i), (6), and (8) revised; (d) tables I–B and III amended	55390
(g)(1) amended; (g)(2)(i), (4) introductory text, (6)(i)(a), (ii)(b), (iii)(b), (7)(i)(a), (ii)(b), (iii)(b), (8)(i), (ii), and (10), (h)(2)(i) and (ii) revised	55392
1040.11 (b)(1) revised	55393
1220.40 (a) revised	46301

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1308.11 (d)(21) redesignated as (23) and revised; new (d)(21) and (22) added 43295
1308.12 (e) revised 21325
1308.13 Petitions denied 44839
1308.14 (b) through (e) redesignated as (c) through (f); new (b) added 38383
(f) amended ..... △2170
1308.15 (b)(6) added 38383
1308.24 (i) table amended .. 18172, 18173
(j)(2) added 18174
1316.47 Existing text designated as (a); (b) added 26428

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10 ..... 25438, 35056, 51966
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TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

3a Added 55393
9 Revised 55944
10 Revised 18976
41.6 (a) amended 54928
41.122 Heading revised 59837
42.60 (a) revised 51013
42.65 (a), (b), and (d) amended .. 19649
(a), (c), and (d) revised ..... △1731
42.91 (a)(1–6)(i), (22), and (c) amended; (a)(10)(iv) and (12)(iii) revised 19649
(a)(15)(ii) revised 50423
42.111 (c)(2) amended 59837
42.113 (b) amended 19649
42.124 (a)(3) amended 19649
61.3 (c) revised 14456
61.4 (c) revised 14456
64 Removed 42247

Chapter II—Agency for International Development, Department of State

201.01 (s) amended 25998
201.11 (b)(2)(iii)(c) revised; (b)(4) amended 25998
201.12 Revised 25998
201.13 (b)(1) revised 25998
201.14 Revised 25998
201.22 (f) amended 25999
201.25 Revised 25999
201.26 Revised 25999
201.41 Amended 25999
201.52 (a)(4)(i) revised; (a)(5)(i)(b) amended 25999
201.63 (i) added 25999
201.67 (a)(4)(ii) revised 25999
201.71 (c) removed 25999
201.84 Amended 25999
201 Appendix A revised 25999
205 Revised 58815
216.1 (c)(2) and (3) amended; (c)(10) and (11) removed; (c)(12) and (13) redesignated as (c)(10) and (11); new (c)(12) added 20491
216.3 Revised 20491

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Chapter V—International Communication Agency

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Chapter nomenclature change	43712
501.2 (a) revised	14298
501.4 (b) revised	14298
502.2 (b) revised	14298
502.7 (d) and (e)(2) revised	14298
503.4 (a) revised	14298
503.5 (b) revised	14299
504 Revised	14299
Appendix I corrected	16312
505.11 (a) revised	14301
505 Appendixes I and II removed	14457
511.2 Revised	14301
516 Added	42248

Chapter VII—Overseas Private Investment Corporation

709 Added	36064

Chapter XI—International Boundary and Water Commission, United States and Mexico, United States Section

1101 Nomenclature change	47182

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TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

17 Revised	41387
130.201—130.209 (Subpart B) Removed	16167
130.301—130.310 (Subpart C) Removed	16167
140.101—140.111 (Subpart A) Added	57872
140.201—140.207 (Subpart B) Added	57873
140.301—140.304 (Subpart C) Removed	16167
140.401—140.404 (Subpart D) Removed	16167
140.900—140.922 (Subpart I) Appendix A tables amended	27518
Appendix A authority citation added	△9379
190 Revised	42742
230.121 (a)(1) and (2), (d)(1) and (2) amended; (e) removed; (f) redesignated as (e)	19386
230.201—230.209 (Subpart B) Appendix A amended	19386
Appendix C revised	19387
Appendix E revised	19388
Appendix F revised	19389
260.401—260.407 (Subpart D) Revised	35477
420.306 (b)(2) and (h)(1) revised; (g) amended	15626
470.107 (a) (1) and (2), (d)(2), and (e)(1) amended	38384
470.109 (a)(2), (b)(2), (c)(2), and (d)(2) amended	38384
480 Added	54077
625 Revised	14648
625.3 (c)(1) revised	27787
(b)(1), (d)(2), and Note revised	56660
626 Added	35030
630.102—630.114 (Subpart A) Revised	34461
630.201—630.205 (Subpart B) Revised	58564
630.501—630.519 (Subpart E) Removed	59483
630.1002—630.1010 (Subpart J) Added	47140
Technical correction	58368
635.410 Added	53717
637.201—637.207 (Subpart B) Revised	△2171
640 Revised	46964
646.111 (a) revised	22177
650.401—650.413 (Subpart D) Revised	35031
652 Revised	17814
655.101—655.109 (Subpart A) Revised	58564
655.301—655.310 (Subpart C) Revised	△6709
658.7 (d) revised	59464
660.501—660.511 (Subpart E) Added	43712
668 Added	59483
668.201—668.215 (Subpart B) Added	59485

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771.9 (d)(7) revised	20979
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771.19 (f) through (h), (i) introductory text, (j), (1) and (n) revised	20979
771.21 (e)(2) revised	20980
772.13 (e)(3) amended	45838
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810.202 Correctly designated; heading added	15321
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(a) republished	△7656

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455	57478
480	35008
620	51040
625	37556, 40539, 48658
635	36645
	△69
646	35491
650	60298
652	△7979
663	△7979
772	57161
924	14683

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

0.735–204 (f)(3) added	25815
0.735–205 (a)(7) revised	25816
10 Revised	△1606
58.5 (b)(3) added	19228
81 Revised	36211

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

200.51 Revised	△3035
200.93 Revised	△2383
200.94 Revised	△2384
200.927 Amended; incorporation by reference	59838
200.933 Incorporation by reference	18670
200 Appendix amended	31004
201.9 (b) revised	50173
201.13 (b)(1) added	60150
201.531 Added	26429
201.560 Revised	60151
201.630 (c) added	60150
201.1220 (d) added	60151
201.1514 (a) Added	60151
201.1665 (c) added	60151
203.12 (c) added	60152
203.20 (a) revised	23713, 29113
203.27 (a)(5) added	19846
203.60 (c) added	60152
203.74 (a) revised	23713, 29113
203.262 Added	60152
203.402 (c) revised	33907
203.405 Revised	13870, 38384
203.445 Added	60153
203.479 Revised	13879, 38385
203.606 (b) revised; interim	△1336
203.650 (a)(2) through (5) and (b)(1) revised; (a)(6) and (b)(4) added; interim	△1337
203.651 Revised; interim	△1337
203.652 (b) revised; interim	△1337
203.654 (c) revised; interim	△1337
203.656 Amended; interim	△1337
203.659 (a) and (c)(1) revised; interim	△1337
204.4 (c) added	60153
204.260a Added	60153
204.322 (c) revised	33907
205.50 Revised	29113
207.7 (a) revised	29114
207.19a Added; interim	△8194
207.32a (k)(1) amended	43023
207.252c Added	60154
207.258 (b) introductory text revised; (b) (3) and (4) redesignated as (b) (4) and (5); new (b)(3) added	△8195
207.259 (e)(6) revised	13870, 38385
213.10 (a) revised	29114
213.27a Added; interim	△8195
213.511 (a) revised	23713, 29114
220 Cross references to §§ 207.19a and 207.258	△8194
220.576 (a) revised	29114
220.804a Added	60154
220.830 Revised	13870, 38385

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221.514 (a)(2)(i), (3)(i), and (4)(i) revised; (a)(2)(iii), (3)(iii) and (4)(iii) added 39570
221.515 (b)(1) and (c)(1) revised; (b)(3) and (c)(3) added 39571
221.518 (a) revised 29114
221.541a Added; interim △8196
221.547 (a)(3) revised 39571
221.555 (a) revised 39571
221.556 (b) and (c) revised 39571
221.762 (c) added △7947
227 Cross references to §§ 207.19a and 207.258 △8194
231 Cross references to §§ 207.19a and 207.258 △8194
232.29 (a) revised 29114
232.57 Added; interim △8197
232.560 (a) revised 29114
232.805a Added 60154
234 Cross references to §§ 207.19a and 207.258 △8194
234.13 (c) added 60153
234.29 (a) revised 23713, 29114
235.5 (a)(3) and (c)(2) revised 60156
235.10 (c)(2)(ii) revised 60156
235.350 (a)(2) introductory text and (ii) revised; (d) removed 60156
235.361 Added 60156
235.375 (a) and (b) revised 60157
235.540 (a) revised 29114
236.15 (a) revised 29114
236.55 (a)(1) and (b)(1) introductory texts revised; (a)(2) redesignated as (a)(4) and introductory text revised; new (a)(2) and (3) added; interim 23568
236.60 Revised; interim 23568
236.901—236.915 (Subpart E) Added; interim 23568
241.41 Added; interim △8197
241.75 Revised 29115
242.33 (a) revised 29115
242.54 Added; interim △8198
244.45 (a) revised 29115
244.68 Added; interim △8199
250.318 (a) revised 29115
250.713 Added 60154
260.5 (j) revised 45557
279.9 Added 26709
279.26—279.34 (Subpart C) Added 25784
280.304 (b) effective date extended in part 19846

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280.305 (i) added; interim 25965
280.709 (c) revised 35266

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development

300.11 (c) amended 30276
(c) amended △3035, 3036
340.15 (a) and (b) revised 60444
390.3 Revised 60898
390.5 (e) removed 60898
390.7 (b) revised 60898
390.11 Revised 60899
390.13 Revised 60899

Chapter V—Office of the Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

570 Table of contents revised 24671
570.400—570.409 (Subpart E) Heading revised 24671
570.402 Added △11049
570.403 (c)(4) revised 19229
Revised 60746
570.404 Revised 34056
570.452 (b) heading and (1)(ii), (c), and (d) heading revised; interim 50668
570.455 (a) revised; interim 50669
570.459 (d) added; interim 50669
570.480—570.487 (Subpart H) Added 24656
571 Added; final 58734
571.305 (d) temporarily stayed in part 34751
571.405 (e) temporarily stayed in part 34751
590 Added 61156

Chapter VI—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

600.180—600.250 (Subpart F) Added 34058

Chapter VIII—Low-Income Housing, Department of Housing and Urban Development

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803 Schedule B revised 35163
841 Appendix A amended 13872, 16168, 41199, 50423
Appendix A revised 26989

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867.303 (f) revised; (g) added 50426
867.304 (a) revised 50426
868.2 Amended 28790
868.6a Added 28791
880.107 (d) revised 33880
882 Revised 61246
883.204 (d) revised 33881
883.706 (d) revised 33880
886.123 (c) revised; interim 60157
(c) effective date corrected △1731
886.301—886.330 (Subpart C) Added; interim 40403
888.203 (b) amended △3908
888.204 (a) amended △3908
888 Schedule A amended 14457, 46529, 48629
Schedule A revised 24673, 25604
Schedule B revised 35163
Schedule A corrected △2572
Schedule C revised △3913
891 Revised 50641
891.203 Correctly designated △3036
891.205 (c)(1) corrected △3036

Chapter IX—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

1720 Revised 29496

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

1911.11 Revised 50427
1914.6 Table amended 16313, 16314, 18671, 24012, 24014, 26285, 26288, 27788, 27987, 32751, 33239, 36066, 36901, 38689, 41029, 41031, 41967, 42743, 42748, 46848, 46967, 47725, 50875, 51014, 51616
Table amended △793, 2572, 2574, 4469, 6381, 6905, 7657–7659, 10060, 10710, 10712
1915.3 Table amended 24023, 27792, 36906, 38697, 41968, 50880
Table amended △796, 802, 7133, 10713
1915.6 Revised 24019
Table revised 24020
Revised 38692
Revised △815
Table amended △816
Revised △6384
1915.7 Table amended 16316
Revised 24022
1915.8 Added 36241–36244
Table amended △5079, 6382, 6909
1915.9 Added △5079
Table amended △6383, 6907, 10712

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1917 Appeals from determinations 16316–16336, 16450–16477, 16715–16734, 22010–22029, 22177–22210, 22346–22355, 22677–22706, 22939–22969, 23714–23722, 24051–24061, 24289–24308, 24520–24523, 24525–24527, 26290, 26291, 26293–26309, 26429–26441, 26709–26718, 27181–27186, 27518–27530, 28180–28184, 28460–28466, 31891–31896, 31899–31911, 35267–35278, 39352–39361, 39573–39582, 39761–39771, 39983–39987, 41204, 45558–45581, 50888–50903, 51387, 51617–51628
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1920 Map amendments 16169–16174, 24675–24691, 29186–28198, 35916–35920, 39772–39774
1930.6 Revised 27186, 50428
1931.1 (b) revised 16337, 27187, 50428

Chapter XIII—Federal Disaster Assistance Administration, Department of Housing and Urban Development

2205.46 Added 19230
2205.48 (c)(1) revised 22030
2205.54 (h)(1) introductory text and (i) through (iv), (i), (j), and (k) redesignated as (h) introductory text and (1) through (4), (j), (k), and (l); (h)(2) redesignated as (i) and revised 18992

Chapter XXIV—National Commission on Neighborhoods

Chapter established 28198
4000 Added; *see* p. 20511 for text 28198
4001 Added; *see* p. 20511 for text 28199

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8 16652, 25411
20 58592, 60392
40 △10586
41 △10590
51 57619, 60396
58 42220
200 17371, 57619
201 16513, 22058, 25349, 39592, 57619, 57622, 59849
△8900, 8901

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Chapter I—Bureau of Indian Affairs, Department of the Interior

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11.1 (a) revised ---------- 49982
11.2CA Removed ---------- 49982
11.3CA Removed ---------- 49982
11.5CA Removed ---------- 49982
11.6CA Removed ---------- 49982
11.8CA Removed ---------- 49982
11.22CA Removed ---------- 49982
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11.52CA Removed ---------- 49982
11.53CA Removed ---------- 59982
11.55ME Added ---------- 40805
11.63CA Removed ---------- 49982
11.70ME Added ---------- 40805
11.75CA Removed ---------- 49982
11.76CA Removed ---------- 49982
11.77H—11.87H Redesignated from 11.77NH—11.87NH ---------- 49982
11.77NH—11.87NH Redesignated as 11.77H—11.87H ---------- 49982
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11.96ME Added ---------- 40806
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11.98ME Added ---------- 40806
11.304 (n) added ---------- 16973
20.1 (s) amended ---------- 52228
36 Added ---------- 52024
41.3 (b) through (n), (p), (q), (u), (v), and (aa) removed -- 19649
(cc) added ---------- 41388
(cc)(3) revised ---------- △4667
43—43f Removed ---------- 19650
43h.15 (d) through (l) added -- 26442
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43i Removed ---------- 19650
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43k Reinstated in part ---------- 40457
43p Added ---------- 16175
44 Removed ---------- 19650
45 Removed ---------- 19650
49 Removed ---------- 19650
50 Removed ---------- 19650
54 Added ---------- 39362
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221.63 Removed ---------- 29771
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231.55 Added ---------- 60900
233.51 Revised ---------- 32410
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256.11—256.21 (Subpart B) Added ---------- 27187
258 Revised; interim ---------- 30049
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271 Authority citation revised --- 37440
271.2 (b), (e), and (n) revised -- 37440
271.12 Introductory text redesignated as (a); (a) through (d) redesignated as (a)(1) through (a)(4); (e) redesignated as (b) and amended; (a)(5) and (6) added ---------- 37440
271.14 (i)(3) removed; (i)(6), (m), and (o) revised; (q), (r), and (s) added ---------- 37440
271.15 (c)(5)(i) and (e) revised -- 37441
271.16 (a) amended ---------- 37441
271.18 (b) amended; (c)(2)(vii) introductory text and (A) revised; (c)(2)(vii)(G) and (viii) added ---------- 37441
271.20 Introductory text revised -- 37441
271.21 (a)(1) revised; (b) amended ---------- 37441
271.22 (b), (c), and (e) revised; (f) and (g) added ---------- 37441
271.23 Revised ---------- 37442
271.24 (c) revised ---------- 37444
271.25 (b) and (c) revised ---------- 37444
271.32 (f) and (g) revised ---------- 37444
271.34 (e) added ---------- 37444
271.41 (d) amended ---------- 37444
271.46 (e) added ---------- 37444
271.54 (h) added ---------- 37444
271.55 (d) added ---------- 37445
271.66 (b) revised; (c) added --- 37445
271.76 (c) revised ---------- 37445
271.81 Introductory text amended ---------- 37445
272 Authority citation revised --- 37445
272.2 (e) revised ---------- 37445
273 Authority citation revised --- 37445
273.2 (c) revised ---------- 37445
274 Authority citation revised -- 37445
274.2 Introductory text amended ---------- 37445
274.3 (e) revised ---------- 37445
274.11 (b) revised ---------- 37445
274.17 Revised ---------- 37445
274.18 (b) revised ---------- 37446
274.19 (c) removed; (d) revised -- 37446
274.20 Introductory text revised -- 37446
274.21 Introductory text, (c), and (d) revised ---------- 37446
274.22 (a) amended; (b) revised -- 37446
274.32 (a)(1) added ---------- 37446
275 Authority citation revised --- 37446
275.2 (d) revised ---------- 37446
276 Authority citation revised --- 37446
276.11 (b)(2) amended; (g)(2) revised ---------- 37446
276.17 Added ---------- 37446
276 Appendix A amended ---------- 37447
277 Authority citation revised -- 37447
277.1 Amended ---------- 37447
277.2 Revised ---------- 37447
277.3 (e) revised ---------- 37447
277.12 (a) and (b) revised; (c) amended ---------- 37447
277.13 (a) amended; (b) revised; (c) removed ---------- 37447
277.14 Revised ---------- 37448
277.15 (a) and (b) revised ---------- 37448
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277.18 Added	37449
277.21 Revised	37449
277.22 (a) amended; (c), (d), and (e) revised	37449
277.25 Amended	37449
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Chapter I—Internal Revenue Service, Department of the Treasury

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1.12 Removed	40466
1.42 Removed	19653
1.42–1 Heading revised	19653
1.42A–1 Added	19653
1.43–1 Added	13877
1.46 Removed	40466
1.46–1 (c) revised	40466
1.46–7 Added	△4133
1.46–8 Added	△4135
1.51 Removed	40466
1.52–1 Added	31322
1.52–2 Added	31323
1.52–3 Added	31324
1.53–1 Added	37451
Correctly added	60445
1.56–1 Added	40466
1.56–2 Added	40467
1.56–3 Added	40468
1.56–4 Added	40468
1.56–5 Added	40468
1.57–0 Added	40470
1.57–1 Added	40470
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1.58–2 Added	40481
1.58–3 Added	40482
1.58–4 Added	40483
1.58–5 Added	40484
1.58–6 Added	40484
1.58–7 Added	40484
1.58–8 Added	40492
1.61–2 (d) (1), (2), (4), and (5) revised; (d)(6) added	31913
1.61–15 (a) revised	31913
1.63 Removed	△1105
1.63–1 Added	△1105
1.82–1 (b)(2) amended	59355
1.83–1 Added	31913
1.83–2 Added	31915
1.83–3 Added	31916
1.83–4 Added	31918
1.83–5 Added	31918
1.83–6 Added	31919
1.83–7 Added	31920
1.83–8 Added	31921
1.122 Removed	38819
1.122–1 (a), (b)(2)(iii) (*a*) and (*b*), (c) (1), (3), and (4), and (d) amended; (b)(1) and (d) introductory text revised; (e) added	38819
1.164–1 Undesignated text following (a)(5) revised	59357
1.167(a)–11 (a)(1), (b)(4)(i) and (iii)(c), (d)(1)(iii), (2)(iv), (f)(1)(i), and (5) amended; (f)(1)(iii), (2), and (4) revised; (f)(6) added	△5420
1.217 Removed	59355
1.217–2 (g) redesignated as (h); new (g) added	59355
1.263(f)–1 (a) amended	△5421
1.280C–1 Added	31324
1.301 Removed	△1376
1.301–1 (d), (h)(2)(ii), (iii), and (iv) and (n)(1) revised; (j)(2) amended	△1376
1.306 Removed	34128
1.306–1 (a), (b)(1) and (2), and (c) amended	34128

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1.381(c)(1)–1 (a)(3) added	40493
1.382(b)–1 (h) added	40493
1.391 Removed	34128
1.391–1 Removed	34128
1.392 Removed	34128
1.392–1 Removed	34128
1.393 Removed	34128
1.393–1 Removed	34128
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1.394 Removed	34128
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1.401–8 Redesignated as 1.401–8A and amended; new 1.401–8 added	41204
1.401–8A Redesignated from 1.401–8; heading revised; (a) amended	41204
1.402(b) Removed	31922
1.402(b)–1 Revised	31922
1.403(c) Removed	31924
1.403(c)–1 Revised	31924
1.403(d) Removed	31925
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1.404(a) Removed	31926
1.404(a)–2(A) (a) amended	29292
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1.414(f)–1 Added	29940
1.421–6 (a)(2) and (c)(3)(ii) revised	31926
1.421–7 (b)(3)(i) amended	31927
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1.443–1 (d) redesignated as (e); new (d) added	40494
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1.451–1 (e) added	59357
1.453 Removed	40494
1.453–7 (b) (2) and (3) revised	40494
1.511 Removed	40494
1.511–4 Added	40494
1.593 Removed	21454
1.593–4 Revised	21454
1.593–5 (a) revised	21455
1.593–6 (a) introductory text revised	21455
1.593–6A Added	21455
1.593–7 (a)(2)(ii) revised	21457
1.593–8 (d) revised	21457
1.593–10 (a), (b)(3) (i) and (ii) (b) revised	21457
1.593–11 (b)(1) amended; (b)(3) and (4) revised	21458
1.614–3 (g)(3)(iii), (iv), and (v) revised	40494
1.642(h)–1 (b) revised	40495
1.642(h)–2 (a) revised	40495
1.682(b)–1 (a) revised	40495
1.692 Removed	19392
1.692–1 (a) revised	19392
1.702–1 (e) added	40496
1.819 Determination	32755
1.851 Removed	32753
1.851–2 (b) redesignated as (b)(1) and amended; (b)(2) added	32753
1.861–3 (a)(5)(i)(*a*), (iii), and (v)(*b*) revised; (a)(5)(ii)(c) added; (a)(5)(iv)(*a*) and (*b*), (vi), and (d) amended	△5116
1.901 Removed	40496
1.901–1 (f) revised	40496
1.952–1 (c)(2)(ii) amended	19652
1.954–3 (a)(1) amended	32754
1.959–3 (b)(3) amended	19652
1.960–1 (c)(1)(v) amended	19652
1.963–0 Added	19652
1.964–1 (c)(2), (c)(6)(iv), and undesignated texts following (b)(2)(ii) and (c)(6)(iv) amended	19652
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1.1239 Removed	51388
1.1239–1 Redesignated as 1.1239–2, heading revised and text amended; new 1.1239–1 added	51388
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1613.201—1613.235 Redesignated from 5 CFR 713.201—713.235; nomenclature changes 60901
1613.232 Revised 60901
1613.241—1613.283 Redesignated from 5 CFR 713.241—713.283; nomenclature changes 60901
1613.301—1613.302 (Subpart C) Redesignated from 5 CFR 713.301—713.302 (Subpart C); nomenclature changes 60901

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1613.501—1613.521 (Subpart E) Redesignated from 5 CFR 713.501—713.521 (Subpart E); nomenclature changes 60901
1613.501 (b)(4) revised 60901
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1613.601—1613.643 (Subpart F) Redesignated from 5 CFR 713.601—713.643 (Subpart F); nomenclature changes 60901
1613.601 (d) revised 60901
1613.701—1613.710 (Subpart (G) Redesignated from 5 CFR 713.701—713.710 (Subpart G); nomenclature changes 60901

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1903.4 Revised 59839
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1910 Partial republication △8577
1910.19 (c) revised 45809
(g) added 53007
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1910.20 (Subpart C) Added 31020
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1910.23 (e)(3) introductory text and (v)(d) removed 49744
1910.24 (k) removed 49744
1910.25 (b)(1)(i) revised 49744
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1910.26 (a)(1)(i), (ii), (iv), and (vi) introductory text, (2)(v), (3)(i), (ii), (iv), (vi), (4)(ii) through (v), (5)(ii) through (vi), (b), (c)(2)(i), (ii), (iii), and Table D-6 removed 49745
1910.28 (i)(2) removed; (v) amended 49746
1910.66 (c)(20)(ii), (21)(i)(h), (ii) and (iii) removed 49746
1910.68 (b)(8)(vi) and (c)(7)(i)(a) removed; (c)(7)(iii) amended 49746
1910.94 (c)(5)(i)(b) and (iii) removed 49746
1910.96 (b)(5), (e)(1)(ii), (l)(1)(iii) and (iv), (2)(ii) and (iii), (o)(2), and (r) removed 49746
(r)(4)(ii) correctly removed 51759
1910.103 Tables H-2 and H-4 amended 49746
1910.104 (b)(3)(xiv) through (xvii) removed; (b)(3)(xviii) amended 49746
1910.106 (b)(1)(i)(e), (ii)(a), (2)(i), (iii), (vii)(b)(3), (c)(5), (7) introductory text and (i) through (iv), (viii)(a), (b), and (c), (5)(vi)(e), (d)(5)(iv)(a) through (d), (6)(ii)(a), (e)(3)(iv)(c), (f)(4)(ii), (iii) and (v), (g)(1)(ii)(c), (iv), (h)(2), (3)(ii)(c), and Tables H-5 through 9, 14, 15, and 20 removed; (i)(4) amended 49746
(b)(2)(viii)(a) and (b) correctly removed; (h)(2)(i) corrected 51759
1910.109 (b)(1), (c)(1)(viii), (2)(iii), (4)(iii), (5)(viii), (d)(3)(i) and (ii), (e)(1)(iii), (g)(5)(i)(c), (ii)(a), (vii), (6)(ii), (i)(2)(iii)(e), and Table H-21 amended 49747
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1910.110 (b)(6)(ii), (11)(iii)(i) and (iv)(g), (g)(1), and (h)(6)(i)(a) amended 49747

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1910.157 (a)(5) through (8), and (c)(1)(iii) and (v) removed; (c)(1)(ii) amended ... 49749

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(1)(9)(xi)(*a*) correctly removed ... 51760

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751.21 (g) correctly designated 33241

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21.4280 (a)(1) and (2), (b) and (c) revised	35308
21.4503 (b)(2), (3), and (4) revised	35308
21.4504 (b) revised	35309
21.4505 (b) revised	35309
36.4202 (m) revised	37197
36.4212 (a) introductory text, (2) and (3) revised	29001
36.4301 (ii) revised	60459
36.4302 (a), (c), and (i) revised	60459
36.4303 (f) and (g) revised; (j)(4) amended	60460
36.4306 (a) introductory text revised	60460
36.4308 (g) added	53728
36.4311 (a) revised	29001
36.4340 (a) revised	51016
36.4342 (b) revised	60460
36.4351 Revised	51016
36.4502 Revised	60460
36.4503 (a) revised	29001, 60460
36.4509 Revised	60460
36.4519 (a) revised	60461
36.4520 (b) and (c) revised	60461

Title 38—*Proposed Rules:*

1	57923
	△11245
2	54104
3	28824, 34505, 40239, 55420
4	28826
17	38046
21	37204, 38046, 39832, 45399, 54104, 54666
	△1181, 7745
36	39150, 39833, 45400

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

10.3 Amended; incorporation by reference	60906
Amended; incorporation by reference	△6393
111.3 PSM amendments described	29944
Technical correction	30055
PSM amendments described	32294, 39583, 39996, 40812, 45839, 45840, 48637, 51017, 56224
PSM amendments described	△3051, 5422, 11069, 11229
221.3 (c) amended	29117
221.4 (c) amended	29117
221.5 (a) and (c) amended; (d) revised	29117
(d)(1)(vii) through (x) redesignated as (viii) through (xi); new (d)(1)(vii) added	41984
221.6 (d) revised	29117
222.5 (a) (1) and (7) and (c) amended	29117
222.7 (d) amended	29117
222.9 (a)(6) amended	29117
223.1 (a) and (b) amended; (c) revised; (d) and (e) added	29117
223.2 (a)(4) and (c)(3) amended; (b) (1) and (2) revised; (b) (3) and (4) redesignated as (b) (5) and (6); new (b) (3) and (4) added	29117

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224.1 (c) introductory text, and (2) introductory text and (i) amended; (a), (c)(2)(vii), (3), and (4) revised; (c)(2)(ix) and (x), (6) and (7) added ---- 29118
(c) introductory text amended; (c) (3) and (7) removed; (c) (4) through (6) redesignated as (c) (3) through (5); (a) revised ---- 41984
(c)(1) amended ---- 42250
(c)(5)(i) and (v)(B) ---- 60275
224.1 Technical correction ---- △5119
224.3 (b)(1) amended; (b) (2), (3), and (4) revised ---- 29118
224.4 (a), and (c) introductory text and (1) revised; (a)(3) added ---- △2386
224.5 Removed; new 224.5 redesignated from 224.6 ---- 29119
Redesignated as 224.6; new 224.5 added ---- 41984
224.6 Redesignated as 224.5; new 224.6 redesignated from 224.7 and revised ---- 29119
Redesignated as 224.7; new 224.6 redesignated from 224.5 ---- 41984
224.7 Redesignated as 224.6 and revised; new 224.7 redesignated from 224.8 ---- 29119
Redesignated as 224.8; new 224.7 redesignated from 224.6 ---- 41984
224.8 Redesignated as 224.7; new 224.8 redesignated from 224.9 ---- 29119
Redesignated as 224.9; new 224.8 redesignated from 224.7 ---- 41984
224.9 Redesignated as 224.8; new 224.9 redesignated from 224.10 ---- 29119
Redesignated as 224.10 new 224.9 redesignated from 224.8 ---- 41984
224.10 Redesignated as 224.9 ---- 29119
Redesignated from 224.9 ---- 41984
225.1 (c), (d), and (e) revised ---- 29119
225.3 (b)(1)(xiv) added ---- 29119
225.4 (b) (1)(xxiv) and (2)(ix) amended ---- 29119
225.5 (a) amended ---- 29119
225.7 (b)(2)(ix) amended ---- 29119
225.10 (b)(8) revised ---- 29119
225.11 Heading and (a) revised; (b) introductory text amended; (b)(7) removed; (b) (8) and (9) redesignated as (b) (7) and (8) ---- 29119
232.6 (n)(3) amended; (o) and (p) redesignated as (p) and (q); (h) revised; new (o) added ---- 38825
257 Revised ---- 53431
257.9 Added ---- 29120
265.6 (d)(4) amended; (d)(5)(iv) added ---- 42250
266.9 (b)(4) revised; (b)(8) added ---- 41391
601—602 (Subchapter H) Heading revised ---- 52250
601.100 Amended ---- △8262
Effective date corrected ---- △10061
601.105 Table amended ---- △8263
Table effective date corrected ---- △10061
602 Added ---- 42250
955.1 (b)(2) amended ---- 60275

Chapter III—Postal Rate Commission

3002.2 (a) revised ---- △7695

Title 39—*Proposed Rules:*

10 ---- 56959
111 ---- 30579, 35951, 37205, 38049, 39593, 42768, 57924, 57925
---- △3056, 11246
224 ---- 29134
310 ---- 60615
---- △915, 1762, 7982
320 ---- 60615
---- △915, 1762, 7982
602 ---- 29134
3001 ---- △2606

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

2 Authority citation revised ---- 39999
Interim procedures ---- 59060
2.113 (d) amended ---- 39999
2.115 (b) revised ---- 39999
2.116 Amended ---- 40000
2.118 (a)(3) revised ---- 40000
2.120 (d) amended; (e) added ---- 40000
2.202 (a) revised; (c) amended ---- 40000
2.204 (e)(4)(viii) revised ---- 40000
2.209 (a) through (d) revised ---- 40000
2.211 (d) amended ---- 40001

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2.213 (b) (6) and (7) and (c) revised; (b)(8) added ---- 40001
2.214 Added ---- 40001
2.215 Added ---- 40001
2.301 (a)(1), (b)(1) (ii) and (iii), (b) (2), (3), and (5), and (g) (2), (3) and (4) amended; (a) (5), (b)(1)(i), (c), and (h) (2) revised; (d) removed ---- 40002
(b)(1)(i), (c), (h)(2)(ii) (A) and (B) corrected ---- 42251
2.302 Heading, (a)(1), and (c) revised; (d) removed ---- 40003
2.303 (c) revised; (d) removed ---- 40003
2.304 (c) revised; (d) removed ---- 40003
2.305 Revised ---- 40003
2.306 Revised ---- 40003
2.307 (c) revised; (f) removed ---- 40005
2.308 (c) revised; (g) removed ---- 40005
2.309 (c) revised ---- 40005
6.102 (a) amended; (j) removed ---- 49792
6.106 (a)(3) revised ---- 49792
6.400 Amended ---- 49793
6.500—6.514 (Subpart E) Heading revised ---- 49792
6.500 Amended ---- 49793
6.504 (a)(1) removed; (b)(3) amended ---- 49793
6.510 Introductory text amended ---- 49793
6.512 (a)(4)(iv) removed; (a) introductory text, (b), (c), (e), and (g) amended; (f) revised ---- 49793
6.514 Revised ---- 49793
15.2 Revised ---- △6910
15.3 (l) revised ---- △6911
15.4 Nomenclature change ---- △6911
15.5 Nomenclature change ---- △6911
15.20 (a) and (c) amended ---- △6911
15.22 Nomenclature change ---- △6911
15.23 Nomenclature change ---- △6911
15.24 Nomenclature change ---- △6911
15.25 Nomenclature change ---- △6911
15.41 Nomenclature change ---- △6911
15 Appendix A added ---- △6911
22 Added; interim ---- 34730
25 Added ---- △10292
33 Interim regulations; effective date extended to 2-1-79 ---- 47975
Interim regulations; effective date extended ---- △10504
35.400—35.425 (Subpart B) Revised ---- 47134
35.605 Revised ---- △7144
35.650—35.680-2 Undesignated center heading added ---- 47131

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35.650 Added ---- 47131
35.653 Added ---- 47131
35.655 Added ---- 47132
35.655-1 Added ---- 47132
35.656 Added ---- 47132
35.657 Added ---- 47132
35.659 Added ---- 47132
35.659-1 Added ---- 47132
35.659-2 Added ---- 47132
35.660 Added ---- 47132
35.661 Added ---- 47132
35.662 Added ---- 47132
35.664 Added ---- 47132
35.666 Added ---- 47132
35.670 Added ---- 47133
35.670-1 Added ---- 47133
35.670-2 Added ---- 47133
35.670-3 Added ---- 47133
35.670-4 Added ---- 47133
35.670-5 Added ---- 47134
35.675 Added ---- 47134
35.680 Added ---- 47134
35.680-1 Added ---- 47134
35.680-2 Added ---- 47134
35.702 (e) amended ---- 43425
35.704 Revised ---- 43425
35.706-2 Added ---- 43426
35.710 (c) redesignated as (c)(1); (c)(1); (c)(2) added ---- 43426
35.714 Revised ---- 43426
35.722 (a)(3) revised; (b) (11) through (13) added ---- 43426
35.726 Revised ---- 43426
35.730-2 Removed ---- 43427
35.738-2 Revised ---- 43427
35.738-4 Added ---- 43427
35.738-5 Added ---- 43427
35.738-6 Added ---- 43427
35.900—35.970 (Subpart E) Revised ---- 44049
35.903 (o) revised ---- △10302
35.910-9 Added ---- 56200
35.910-10 Added ---- 56201
35.917-1 (g) revised ---- △10302
35.917-5 Revised ---- △10302
35.920-3 (a)(1) revised; (b)(10) and (c)(5) added ---- △10304
35.928-1 (h) revised ---- △10304
35.929-2 (e) revised ---- △10304
35.940-1 (t) added ---- △10304
35.1000—35.1050 (Subpart F) Revised ---- 42253
50.9 Revised ---- △8220
50.12 Added ---- 46258
50 Appendix G added ---- 46258

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Appendix D heading revised; Appendix H added	△8220
Appendix D revised	△8224
51 Nomenclature change	△8237
51.1 (k) revised; (n)(11) added	46269
51.12 (e)(3) added	46269
51.14 (c)(4) removed; (c) (7), (8), and (9) added	△8237
51.17 Heading revised; (d) added	46269
51.17b Added	46269
51.18 Footnote 1 amended	△3282
51.24 Petitions for review	31232
(h) (1) and (2) and (n)(2) corrected	40010
51.80—51.88 (Subpart E) Added	46270
51 Appendix S added	△3282
Appendix J removed	△8237
52 State implementation plan documents availability	△4948
52.01 Petitions for review	31232
52.21 Petitions for review	31232
Interpretation	58188
52.60 Petitions for review	31232
52.96 Petitions for review	31232
52.120 (c) (6) through (12), (13), (14), and (15) redesignated as (c) (7) through (13), (15), (17), and (21); (c) (6), (14), (16), (19), and (20) added	33246
(c)(26) added	34132
(c)(20) revised; (c)(24) added	34470
(c)(18) added	53034
52.125 (f) added; (h) redesignated as (g)	33247
(e)(3) added	53034
52.126 (c) added	53035
52.130 (e) added	34132
52.132 Removed	34471
52.133 (b) and (c) added	33247
(a) revised; (d) added	53035
52.144 Petitions for review	31232
52.181 Petitions for review	31232
52.220 (c)(35)(xiv)(C) and (D) added	33915
(c)(21)(viii)(B), (x)(B), and (xvii), (24)(iv)(B), (25)(i)(B) and (ii)(B), and (26)(xiii)(C) added	33917
(c)(37)(iv)(B) and (C) added	34464
(c)(35)(xii) revised; (c)(37)(iii) added	34466
(c)(41) and (42)(iii) added	34468
(c)(42)(ii) added	34470
(c)(42) added	35695
(c)(39)(vii) added	36247
(c)(35)(xvi)(B) added	36249
(c)(42)(iv) added	36625
(c)(35)(xvii)(C) added	36627
(c)(41)(ii) added	38826
(c)(41)(iii) added	38827
(c)(21)(xviii), (28)(xi), (39)(ii)(C) and (D), (iii)(C) and (D), and (39)(vi) added; introductory texts of (c)(39)(ii), (iii), and (iv) revised	40014
(c)(41)(iv) added	41033
(c)(35)(xiii)(B), (c)(41)(v), and (c)(42)(v) and (vi) added	41304
(c)(39)(viii) added	41036
(c)(42)(viii) added	41037
(c)(39)(ix) added	41038
(c)(39)(x) added	41040
(c)(41)(vii) added	47727
(c)(42)(x) added	51634
(c)(42)xv) added	51767
(c)(44)(i) added	51768
(c)(35)(xv)(C) and (D) added	51770
(c)(25)(ii)(C) and (42)(xii) added	51772
(c)(41)(ix) added	51773
(c)(42)(ix) added	51774
(c)(41)(viii) added	51775
(c)(35)(xii)(D), (41)(vi), and (42)(vii) added	51777
(c)(26)(xiii)(D) and (41)(xiii) added	51778
(c)(25)(i)(C) and (42)(xi) added; (c)(26)(vii)(A) revised	51780
(c)(26)(xi)(B) and (41)(xi) added	51781
(c)(31)(vi)(C), (32)(iv)(C), (36), (39)(ii)(B), (iii)(B), and (iv)(B) added	52238
(c)(41)(xii) added	52703
(c)(41)(x) added	53037
(c)(42)(xvii) added	59064
(c)(37)(i)(C), (39)(vi)(B), (41)(xiv), (42)(xvi), and (xviii) added	59065
(c)(42)(xix) added	59488
(c)(41)(xv) and (42)(xxi) added	59489
(c)(42)(xiii) and (xiv) added	59490
(c)(42)(xvi)(B) and (C) added	59491
(c)(42)(xx) added	59492

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(c)(44)(iv) added	△5663
(c)(45) added	△7712
52.224 (a)(2)(iii)(B) added	33915
(c) added	34464
(a)(2)(v) added	34466
(a)(2)(i)(B) added	34468
(a)(2)(iv) added	35695
(a)(2)(vi) added	36249
(a)(2)(iii)(C) added	36627
(a)(2)(ii)(B) added	41036
(a)(2)(ii)(C) added	41038
(a)(2)(ii)(D) added	41040
(a)(2)(ii)(E) added	51634
(a)(2)(iii)(D) added	51770
(a)(2)(ii)(F) added	53037
(a)(1)(i), (ii), and (iii) and (2)(i) through (vi) revised; (a)(2)(vii) through (xxx) added	△7714
52.226 (b)(1)(ii) added	34468
52.228 (b) added	35695
(b)(1)(ii) through iv) added	40014
52.229 (b)(2) added	40014
52.231 (b) added	34464
(a) revised	34466
52.233 (d)(2), (8)(i) through (iii), (g)(1)(ii), and (ix)(a) through (c) removed	52238
52.234 (a)(1)(iv) added	33915
(e)(2)(ii) added	34468
(a)(5) and (e) added	35695
(e)(2) added	36247
(e)(2)(iii) added	36625
(a)(1)(v) added	36627
(e)(1)(v) and (4) added	38826
(e)(5) added	38827
(e)(1)(ii) through (iv) added	40014
(e)(6) added	41033
(e)(2)(iv) added	41034
(e)(3) added	41036
(e)(3)(ii) added	41038
(e)(3)(iii) added	41040
(e)(8) added	47727
(e)(3)(iv) added	51634
(e)(9) added	51767
(e)(2)(viii) added	51772
(e)(2)(vi) added	51773
(e)(2)(v) added	51776
(e)(7) added	51777
(e)(2)(vii) added	51781
(a)(3)(v) and (e)(3)(v) added	53037
(e)(9)(ii) added	59064
(e)(6)(iii) and (7)(ii) added	59065
(e)(6)(ii) added	59066
(e)(9)(iii) added	59488
(e)(5)(ii) added	59489
(e)(9)(iv) added	59492
(a)(6) added	△7712
52.236 (d) added	34464
(b) introductory text and (1) added	34467
(b)(2)(iv) added	34470
(b)(3) added	36247
(b)(2)(v) added	41037
(f) added	51634
(e) added	51770
(b)(3)(v) added	51778
(b)(3)(iii) added	51780
(b)(3)(iv) added	51781
(e)(2) and (3) added	52703
(e)(4) added	59490
52.254 (a)(3)(iii) added	52703
(a)(4) added	△7712
52.269 (b)(2) added	34470
(d) added	35695
(b)(1)(iii) added	36625
(b)(3) added	40014
(b)(1)(iv) added	41034
(b)(4)(i)(B) added	51768
(b)(1)(viii) added	51772
(b)(4) added	51774
(b)(1)(vii) added	51778
(b)(1)(v) added	51780
(b)(1)(vi) added	51781
(b)(3)(ii)(B) added	59490
52.270 Petitions for review	31232
52.271 (a)(1)(i)(B), (ii)(B), (iv)(B) and (v)(B), (2)(iii)(B), (iv)(B), (v), (vi), (vii), (viii) and (ix), (3)(i)(B), (4)(i)(B), (ii)(B), (v)(B), (vii)(B), (x), (xi), (xii), (6)(i)(B), (7)(ii)(B) and (iii), and (8)(i)(B) added	33917
(a)(4)(iv)(B) added	34468
(a)(4)(vi)(B) added	36247
(a)(2)(viii)(B) added	41036
(a)(2)(ii)(B) added	41039
(a)(4)(x)(B) added	51773
(a)(5)(i)(B) added	51774
(a)(4)(ii)(C) added	51780
(a)(2)(vii)(B) added	53037
52.272 (a)(4) added	40014
(a)(1)(ii) added	51634
(a)(5) added	51774
(a)(1)(iii) added	53037
52.273 (a)(4)(ii) and (b)(3)(ii) added	33915
(b)(3)(v) added	34465
(a)(6)(i) added	34467
(b)(2)(ii) added	34468
(a)(1)(i)(A) revised; (a)(1)(i)(B) added	34470

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(b)(5) added	35695
(a)(3)(vi) added	36247
(a)(8) and (b)(7) added	36249
(a)(4)(iii) and (b)(3)(iii) added	36627
(b)(5)(iii) and (6) added	38826
(b)(5)(ii) added	40014
(a)(1)(v) added	41036
(a)(1)(iii)(B) added	41039
(a)(1)(ii)(B) added	41040
(a)(1)(vi) added	51634
(a)(4)(iv) and (b)(3)(iv) added	51771
(a)(3)(i)(B) and (C) added	51772
(a)(3)(vii) added	51773
(a)(3)(iv)(B) added	51776
(b)(1)(ii) added	51777
(a)(3)(ix) and (b)(2)(iv) added	51778
(a)(3)(viii) and (b)(2)(iii) added	51780
(a)(3)(ii)(B) and (C) added	51781
(a)(1)(viii), (9)(i), (b)(4)(ii), and (9)(i) added	52703
(a)(1)(vii) added	53037
(b)(5)(iv) added	59490
52.275 (b)(3)(ii) added	33915
(a)(2) added	34465
(a) introductory text and (1) added	34467
(b)(1)(ii) added	36247
(b)(5) added	36249
(b)(3)(iii) added	36627
(b)(2)(iii) added	41036
(b)(2)(iv) added	41039
(b)(3)(i)(B) added	51768
(b)(3)(iv) added	51771
(b)(1)(iii) added	51774
(b)(1)(i)(B) and (C) added	51776
(b)(2)(v) added	53037
(b)(3)(ii)(B) added	59064
(b)(3)(iv)(B) added	59488
(b)(5)(i)(B) added	59489
(b)(3)(iii)(B) added	59492
52.276 (b) added	35695
52.278 Added	34467
52.280 (b) added	35696
(a)(1)(ii) added	51774
(a)(3) added	59490
(a)(2)(i)(A) revised	△5664
52.320 (c)(10) added	44841
52.343 Petitions for review	31232
52.370 (c)(8) added	44841
(c)(9) added	△5429
52.382 Petitions for review	31232
52.432 Petitions for review	31232
52.470 (c)(11) added	29559
(c)(11) revised	56663
52.476 (b)(2)(vii), (3)(iv) and (v), and (5)(iii) revised	29559
52.499 Petitions for review	31232
52.530 Petitions for review	31232
52.581 Petitions for review	31232
52.632 Petitions for review	31232
52.683 Petitions for review	31232
52.720 (c)(12) revised; (c)(13) added	△11233
52.738 Petitions for review	31232
52.793 Petitions for review	31232
52.833 Petitions for review	31232
52.884 Petitions for review	31232
52.931 Petitions for review	31232
52.970 (c)(9) added	36628
(c)(10) added	△5661
52.985 Removed	36628
52.986 Petitions for review	31232
52.1029 Petitions for review	31232
52.1070 (c)(19), (20), and (21) revised	59495
52.1073 (f) added	59495
52.1116 Petitions for review	31232
52.1120 (c)(12) amended	40010
(c)(16) revised	44842
(c)(6) amended	56041
(c)(17) added	△7713
52.1165 Petitions for review	31232
52.1180 Petitions for review	31232
52.1234 Petitions for review	31232
52.1270 (c)(10) added	△7713
52.1280 Petitions for review	31232
52.1339 Petitions for review	31232
52.1382 Petitions for review	31232
52.1436 Petitions for review	31232
52.1470 (c)(12) added	36933
52.1471 Table amended	36933
52.1479 (b) added	36933
52.1485 Petitions for review	31232
52.1529 Petitions for review	31232
52.1570 (c)(17) added	34131
(c)(18) added	58567
(c)(19) added	58569
(c)(20) added	△5427
52.1603 Petitions for review	31232
52.1604 Added	58569
(a) added	△5427
52.1634 Petitions for review	31232
52.1670 (c)(39) added	36931
52.1689 Petitions for review	31232
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52.1829 Petitions for review	31232
Introductory text removed	40010
52.1884 Petitions for review	31232
52.1920 (c)(12) added	52029
52.1926 Added	52030
52.1929 Petitions for review	31232
Correctly designated	40010
52.1976 Added	36931
52.1987 Petitions for review	31232
52.2058 Petitions for review	31232
52.2083 Petitions for review	31232
52.2120 (c)(9) added	59496
52.2131 Petitions for review	31232
52.2178 Petitions for review	31232
52.2233 Petitions for review	31232
52.2270 (c) revised	△5662
52.2275 (b) and (c) added	△5662
52.2283 Removed	△5662
52.2289 Removed	△5662
52.2303 Petitions for review	31232
52.2346 Petitions for review	31232
52.2370 (c)(7) added	33918
(c)(8) added	59497
52.2380 Petitions for review	31232
52.2420 (c)(15) added	34130
(c)(20) through (23) added	38703
(c)(24) added	39367
52.2424 (b) removed	38703
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52.2431 (d) added	39367
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5B-2.202-70 Revised 40227
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5B-3.600-70 (a)(2) added; (b) corrected 50907
5B-3.603-1 (a)(2)(iii)(B) corrected 50907
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4416	Revoked by PLO 5651	49983
4791	Revoked in part by PLO 5649	48640
5043	Revoked in part by PLO 5656	△3706
5170	Amended by PLO 5657	△5433
5171	Amended by PLO 5657	△5433
5173	Amended by PLO 5657	△5433
5178	Amended by PLO 5657	△5433
5179	Amended by PLO 5657	△5433
5180	Amended by PLO 5657	△5433
5191	Amended by PLO 5657	△5433
5193	Amended by PLO 5657	△5433
5213	Amended by PLO 5657	△5433
5214	Amended by PLO 5657	△5433
5250	Amended by PLO 5657	△5433
5251	Amended by PLO 5657	△5433
5321	Amended by PLO 5657	△5433
5389	Amended by PLO 5657	△5433
5391	Amended by PLO 5657	△5433
5393	Amended by PLO 5657	△5433
5395	Amended by PLO 5657	△5433
5411	Amended by PLO 5657	△5433
5428	Amended by PLO 5657	△5433
5462	Amended by PLO 5648	46850
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5649		48640
5650		49794
5651		49983
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	See PLO 5657	△5433
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5656		△3706
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TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

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13	Removed	50183
14	Removed	50183
46.103	(c) (5) and (6) amended; (c) (7) added	51559
46.106	(b) (1) amended; (b) (3) through (6) redesignated as (b) (4) through (7); new (b) (3) added	53655
46.301	(Subpart (C) Redesignated as 46.401 (Subpart D)	53655
46.301—46.306	(Subpart C) Added	53655
46.401	(Subpart D) Redesignated from 46.301 (Subpart C)	53655
64.15—64.20	Corrected	54933, 58376
70	Removed; regulations transferred to 5 CFR Part 900 and revised	△8265
95.613	Corrected	53039

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100.10	(Subpart C) Added	57254
100a.29	(b) (3) correctly designated; CFR correction	46020
100a.80	Revised	57254
100a.81—100a.84	Removed	57255
100a.290	Removed	57255
100a.494	(b) (6) correctly designated; CFR correction	46020
100b.80	Revised	57255
100b.81—100b.84	Removed	57255
100—100d	(Subchapter A) Appendixes A, B, C, and D removed	57255
105.606	(h) correctly designated	46020
105	Appendix B amended	57255
116	Appendix removed	57255
116d	Revised	52678
117—119	Removed	57255
121	Removed	57255
121a	Appendix A removed	57255
121d.40—121d.41	(Subpart B) Guidelines removed	57255
124	Removed	57255
127	Removed	57255
129	Removed	57255
137	Added	55407
141	Removed	57255

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142	Removed	57255
154.6	(b) (7) (iii) correctly designated	49539
160	Removed	57255
162	Appendix B removed	57255
166	Appendices A and C removed	57255
170	Removed	57255
171	Removed	57255
180.03	Corrected	46021
180.06	Correctly designated	46021
180.6	Correctly designated as 180.06	46021
180.13	(b) corrected	46020
180.20	(b) revised	46021
180.33	(a) (2) corrected	46020
180.38	Correctly designated	46021
180.57	(a) corrected	46020
180.63	Corrected	46021
190.1—10	(Subpart A) Revised	△5260
190.11—190.16	(Subpart B) Revised	△5264
190.51—190.55	(Subpart E) Revised	△5264
190.61—190.67	(Subpart F) Revised	△5265
190.64	(b) (2) revised	△9388
190.71—190.85	(Subpart G) Revised	△5266
190.91—190.96	(Subpart H) Added	△5269

Chapter II—Office of Family Assistance (Assistance Programs), Department of Health, Education, and Welfare

		Page
	Chapter heading revised	45585
205.35	Removed; regulations transferred to 42 CFR Part 441 and revised	52174
220	Authority citation revised	△6718
220.21	Revised	52174
	Effective date stayed to 3–8–79	△5665
	(b) revised	△6718
222	Authority citation revised	△6718
222.59	Revised	52174
	Effective date stayed to 3–8–79	△5665
	(b) (1) revised	△6718
228	Authority citation revised	△6718
228.63	Revised	52174
	Effective date stayed to 3–8–79	△5665
228.92	Revised	△6718
232.12	(a) introductory text revised	45747
232.13	Redesignated as 232.40 through 232.49 and revised	45747
232.40	Added	45748
232.41	Added	45748
232.42	Added	45748
232.43	Added	45749
232.44	Added	45749
232.45	Added	45749
232.46	Added	45750
232.47	Added	45750
232.48	Added	45750
232.49	Added	45750
232	Appendix A added	45750
233.20	(a) (4) (ii) (*m*) added	45586
282	Added	53730

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Department of Health, Education, and Welfare

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302.31	Revised	45752

Chapter VIII—Civil Service Commission

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801	Appendix A amended	51784

Chapter X—Community Services Administration

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1015.735–31	(j) (2) revised	51636
1061.32–1—1061.32–4	Removed	52438
1061.52–1—1061.52–15	(Subpart) Added	60466
1061.52–1—1061.52–17	(Subpart) Revised	△4481
1067.50–1—1067.50–6	(Subpart) Revised	△6396
1067.60–1—1067.60–2	(Subpart) Added	55247
1067.61–1—1067.61–2	(Subpart) Added	△9754
1068.5–1—1068.5–6	(Subpart) Revised	57889
1068.20–1—1068.20–5	(Subpart) Revised	52438
	Appendix C corrected	58376
1068.21–1—1068.21–3	Removed	52438
1068.23–1—1068.23–4	Removed	52438
1068.24–1—1068.24–3	Removed	52438
1068.25–1—1068.25–2	Removed	52438
1069.9–1—1069.9–6	(Subpart) Added	57890
	Effective date corrected	59844

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Chapter XII—ACTION

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1201 Revised	46022

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1323 Removed	△10505
1325 Removed	△10505
1320—1326 (Subchapter C) Appendix A removed	△10505
1350 Removed	51785
1351 Revised	55635

Chapter XVI—Legal Services Corporation

1602 Revised	51785
1609.4 (d) added	51789
1620 Revised	51789

Chapter XVII—National Commission on Libraries and Information Science

1705 Added	47195

Chapter XX—United States Fire Administration, Department of Commerce

2012 Added	△2099

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2.01–5 Revised	△5316
2.01–6 Added	△5316
5.30–15 (a) and (b) revised	△5293
5.55–1—5.55–40 (Subpart 5.55) Removed	△5293
34.10–90 (a)(7), (10) through (13), and (b)(1) and (2) revised	△2391
35.10–10 (e) and (n) revised; (e–1) added; (o) removed; table (o–1) redesignated as table (e–1)	△2391
50.01–1 (j) added	56799
50.05–1 (e) added	56799

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50.05–10 (b) added	56799
50.05–15 (a) introductory text revised	56799
50.15–20 (a)(13) added	56799
50.20–5 (d)(1) and (2) revised; (d)(5) added	46545
54.01–16 Revised	56799
54.01–17 Added	53683
56.01–1 (c) revised	56799
56.01–10 (d–1) added	56799
56.25–5 (a) amended	46545
56.50–10 (b) revised	56799
56.50–15 (h) revised	56799
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(d)(1) and (2) and (e) revised; (f)(5) and (6) and Note added	56800
56.50–55 (a) and (b)(1) tables amended; (a)(3) revised; (a)(6), (b)(3), and (e)(4) added	56800
56.50–90 (d) added	56800
56.50–105 (a)(1)(ii) table added	46545
56.50–110 Added	53683
56.60–25 (c)(1) table amended	46545
56.95–10 Table amended	46546
58.03–35 Added	56801
58.10–10 (c) and (d) added	56801
58.10–15 (c)(4) added; (d) revised	56801
58.60–1—58.60–13 (Subpart 58.60) Added	56801
61.10–1 (a) revised	56801
61.10–5 (b) and (h)(1) revised	56801
61.20–15 (b)(4) added	56802
71.65–15 (a)(3)(i) and (ii) revised; (a)(3)(v) added	46546
76.10–10 (g) and (j) revised; (j–1) and (j–2) added	△2392
76.10–90 (a)(1) revised; (a)(6) and (7) revised	△2392
91.55–15 (a)(3)(i) and (ii) revised; (a)(3)(v) added	46546
95.10–10 (g) and (i) revised; (i–1) and (i–2) added	△2392
95.10–90 (a)(1) revised; (a)(5) and (6) added	△2392
107—109 (Subchapter I–A) Added	56802
107 Added	56802
108 Added	56808
109 Added	56828
110.01–10 (g) added	56837
110.05–8 Added	53683
111.05–5 (b)(4)(i) and (ii) revised; (b)(4)(v) added	46546
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111.92–1—111.92–11 (Subpart 11.92) Added	56837
111.94–1 (Subpart 111.94) Added	56838
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112.15–5 (c) added; (f) revised	56838
113.25–5 (e) added	56838
153.214 (d) removed	57256
162.027–1—162.027–6 (Subpart 162.027) Heading revised	△2393
162.027–2 Revised	△2393
162.027–3 (a)(1), (b) introductory text, (c), and (d) revised	△2393
162.027–4 (a) revised	△2393
162.027–5 Revised	△2393
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167.45–5 (c)(1) revised; (h) added	△2394
167.45–40 (c) revised; (c–1) and (c–2) added	△2394
189.55–15 (a)(3)(i) and (ii) revised; (a)(3)(v) added	46546
193.10–10 (d) and (i) revised; (i–1) and (i–2) added	△2394
193.10–90 (a)(2) revised; (a)(4) and (5) added	△2394
197 (Subchapter V and Part) Added	53683

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308.6 (d) redesignated as (e); new (d) added	54094
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502.102 Amended	56897
502.104 Amended	56897
502.227 (a) and (c) amended	50431
502.304 (g) amended	50431
502.318 Amended	50431
509 Added	△8269
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512.7 (b)(2)(i), (ii), (3)(i), (6), and (b)(7) amended; (b)(2)(iii) added	△6719
528 Technical correction	46972
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530.10 Added	60471
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531.5 (b)(8)(xvi) and (9) added	△7146
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0.311 (d) added	52245
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0.351 (i) added	49307
0.457 (d)(1)(iii) revised	51794
1.80 Revised	49308
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1.429 (d) amended	△5436
1.526 (a)(4) and (10) revised	45844
1.527 (a)(4), (c)(3), and (g) introductory text revised	45844
1.533 (a) (1), (5), (6), and (7) revised	54096
1.534 Revised	60927
1.536 (b) (1), (6), and (7) revised	54096
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1.925 Heading revised; (f) added	△3290
1.926 (b)(9) revised	△3290
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2.106 Footnote US 31 amended	△4491
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13.62 (c) introductory text, (1) introductory text and (2) revised; (d) removed	△1736
15.66 Heading and (c) revised	54097
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68.104 (c) added	△7957
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68.215 (c)(4) and (d)(5) note added; (d) (1), (2), and (3), (e) introductory text, (2), (3), and (7) revised	△7958
68.304 Note (a) revised; note (e) added	△7958
68.306 (a) revised	△7959
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73.142 (j) added	53736
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73.680	Revised	△6727
73.685	(h)(2) revised	53740
73.711	(c)(2) corrected	51790
73.793	Revised	△6727
73.1030	(b)(2) corrected	51790
73.1225	Added	45846
	(c)(2)(iii) and (3) correctly designated	50683
73.1226	Added	45847
	(c) corrected	50683
73.1230	Added	45847
73.1250	Added	45847
73.1550	Added	45848
73.1650	Added	45849
73.1660	Added	53740
73.1665	Added	53741
73.1670	Added	53741
73.1675	Added	53741
73.1680	Added	53741
73.1700—73.1800	Undesignated center heading added	45849
73.1700	Added	45849
73.1705	Added	45849
73.1710	Added	45849
73.1715	Added	45849
73.1720	Added	45849
73.1725	Added	45849
73.1730	Added	45850
73.1735	Added	45850
73.1740	Added	45850
73.1745	Added	45850
73.1750	Added	45850
73.1800	Added	45850
73.1810	Added	45851
73.1820	Added	45854
	(a)(2)(i) introductory text revised	△1738
73.1830	Added	45855
73.1840	Added	45856
73.1850	Added	45856
73.1910	Added	45856
73.1920	Added	45856
73.1930	Added	45856
73.1940	(g) and (h) added	45856
	(g)(1)(ii) and (iii) revised	55769
73.2080	Added	△6727
74.12	(c)(2) corrected	51790
74.1203	Technical correction	47975
76.7	(i) removed	49008
76.10—76.29	(Subpart B) Heading revised	49008
76.10	Removed	49008
76.11	Removed	49008
76.12	Added	49008
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76.14	Added	49008
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76.18	Removed	49008
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76.27	Removed	49008
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76.57	(c) and (d) amended	49008
76.59	(d)(1) through (4) amended	49009
76.61	(e)(1) through (4) amended	49009
76.65	(a) revised	49009
76.305	(a)(9) added; (c) amended	49009
	(a)(7) and (c) amended	53753
76.311	Revised	53753
76.400	Note amended	49009
76.403	FCC Form 326 amended	51795
78.19	(e)(2) revised	52246
81.33	Revised	△3290
81.61	Revised	60276
81.104	(b) and (d) revised	△8872
81.132	(a) table amended	△8872
81.134	(c)(1) table, (e) and (g) revised	△8872
81.191	(c)(1) revised	△8872
81.209	(a) table amended	52246
81.304	(c) revised; (d) removed	△8872
81.360	(a)(1)(v) revised	△8872
83.2	(i) revised	△3290
83.3	(r) added	△3290
83.6	(h) added	45365
83.20—83.74	(Subpart B) Revised	△3290
83.39	(c) added	△8877
83.58	Removed	△8878
83.59	Removed	△8878
83.62—83.75	(Subpart C) Removed	△3295
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83.106	(a) revised	△8872
83.132	(a) table amended	△8873
83.186	Introductory text revised	△3295
83.201	(b) revised	△8873
83.233	Table amended	56236
	Revised	△8873
83.242	(b) revised	△8873
83.248	(a) revised	△8873
83.249	(d) revised	△8873
83.301	Removed	△3295
83.351	(a) table amended; (b)(64) added	45365
	(c)(3)(i) revised; note removed	51791
83.352	Heading revised	56236
83.359	Table amended	45365
83.365	(a)(4) revised	△8873
83.484	(a) and (d)(2) revised	△8873
83.488	(a) revised	△8874
83.514	(a)(1) revised	△8874
83.517	(a) and (c)(2) revised	△8874
83.519	(a) revised	△8874
83.554	(a)(1)(i)(*a*) and (*b*) revised	52492
83.364	(c) revised	△3295
83.536	Introductory text, (a) and (b) revised	△4674
83.539	Revised	△4674
83.542	(b) revised	△4674
83.835	Added	△8877
87.31	(f)(2) revised	52246
87.58	Added	60276
87.67	(b)(2) removed; (b)(1) redesignated as (b)	△7961
87.181	Amended	△4491
87.195	(f) amended; (g) added	△4491
87.201	(c) and (d) amended	△4492
87.251	(a) revised; (b) through (e) redesignated as (d) through (g); new (b) and (c) added	56899

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87.257 (d)(5) added	56899
87.513 (h) and (i) revised	△4489
89 Removed and consolidated in new Part 90	54791
90 Added	54791
90.127 (c) and (d) added	59071
90.129 (i) effective date postponed	△4492
90.135 (a)(6), (b)(3) and (4) revised; (b)(5), (6) and (7) added	59071
90.155 Revised	59071
90.311 (b)(4) revised	△10386
91 Removed and consolidated in new Part 90	54791
91.114 (f)(3) revised	55769
91.554 (a) table amended; (b) (32) and (41) revised; (b) (55) and (56) added	51019
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93 Removed and consolidated in new Part 90	54791

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201 Removed	50431
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1.52 (a) revised	△10064
1.53 Heading and introductory text revised; (a)(6) added	△2395
5.41—5.59 (Subpart D) Added	△4677
7 Appendix B amended	48646
25 Appendix A tables revised	△7702
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107 Effective date corrected	51020
107.3 Amended	48642
107.103 (a) and (c) amended	48642
107.107 Nomenclature change	48642
107.109 (a) through (e) amended	48642
107.111 (a), (c) and (d) amended	48642
107.113 (c) amended	48642
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107.209 (a), (b) and (c) amended	48642
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107.311 (e) and (f) amended	48642
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107.355 (a) amended	48642
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Revised	48643
171 Effective date corrected	51020
171.4 (a) amended	48643
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171.7 (a) amended; (b) revised	48643
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171.8 Amended	48643
171.10 (a) amended	48643
171.14 (a) amended	48643
171.16 (b) revised	48643
172.100 Effective date corrected	51020
172.100 (c) introductory text and (d) amended	48643
172.101 Table amended	56667, 57892, 57901
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172.407 (d)(1) and (3) amended	48643
Effective date corrected	51020
Table 2 amended	57902
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172.411 Heading revised; (c) and (d) added	57902
172.523 Redesignated from 172.524	57902
172.524 Redesignated as 172.523; new 172.524 added	57902
172 Appendix B amended	57902
Appendix A heading revised; Appendix A amended	△9757
173 Effective date corrected	51020
173.22a (b) amended	48643
173.24 (a)(4) and (5) amended	48643
173.26 Heading and (a) revised	56044
173.32 (e)(1)(ii) amended	48643
173.33 (d)(5) removed; (d)(1), introductory texts of (12) and (15), (15)(i), and (k) amended	48643
173.34 (e)(10) amended	△3708
(e)(10) effective date corrected	△6915
173.53 (f) and (h)(1) Note 4 amended	48643
173.69 (a) Note 1 amended	48643
173.86 (a)(2) amended	48643
Heading revised	57902
173.93 (d)(4) amended	48643

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173.119 (b)(1) and (h) amended; (j) revised	48643
(m)(14) revised	57893
173.122 (b) introductory text amended	48643
173.123 (a)(5) amended	48643
173.134 (b) removed	48643
173.153 (b)(1) revised	48643
173.168 (a)(1) amended	48644
173.182 (a) introductory text amended; (a) Note 1 and (c) removed	57903
173.192 Revised	48644
173.206 (d)(1) added	48644
173.214 (e) amended	48644
173.220 (a)(2) amended	48644
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173.224 Heading and (a)(4) revised	57893
173.232 (c)(1), (3), (4) and (5) amended	48644
(a) revised	57893
173.245 (a)(22) amended	48644
173.249 (a)(10) amended	48644
173.249a (a) and (b) amended	48644
173.252 (a)(4) revised	57893
173.257 (a)(14) amended	48644
173.268 (b)(1) amended; (b)(5) removed	48644
173.284 Added	57893
173.300a (b)(1), (c), (d), (e), (g), (h) and (i) amended	48643
173.300b (b)(1) and (c) through (g) amended	48643
173.300c (a) and (b) introductory texts amended	48643
173.304 (d)(3)(i) amended	48644
173.314 (c) Note 7 amended	48644
(c) table amended	57894
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173.315 (l)(7)(i) revised	48644
(a) table amended	57896
173.333 (a)(2) revised	48644
173.358 (a)(14) revised	57897
173.359 (a)(16) revised	57897
173.364 (a) introductory text amended	48644
173.386 (a)(3) revised	48644
173.393a (a)(6) amended	48644
173.393b (a)(1) amended	48643
(a)(6) amended	48644
173.890 (a)(8) added	57897
173.1090 Added	56668
174.81 (a) table amended	57903
174.104 (f) amended	48644
Effective date corrected	51020
174.201 (b) amended	48644
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174.204 (a) introductory text and (2) amended	48644
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174.304 Amended	48644
174.700 (e) introductory text amended; (e)(1) and (2) revised	48644
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174.840 (Subpart M) Added	56668
175.45 (c) amended	48645
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175.78 Existing text designated as (a); (b) added	57903
175.320 (a) table amended	57903
175.640 Added	56668
175.700 (c) amended	48645
Effective date corrected	51020
175.710 (a)(2) and (3) amended	48645
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176.83 (c)(3)(ii) tables I and II amended	57903
176.400—176.419 (Subpart J) Heading revised	57903
176.410 Heading and (a)(1) revised; introductory texts of (c), (d), and (e), and (e)(1) amended	57903
176.415 Heading revised; (a)(2), (c)(1), and (2) amended	57904
176.906 Added	56668
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177.821 (c) amended	48645
177.822 (a) amended	48645
177.824 (a)(2) and (c)(4) amended	48645
177.834 (m)(4) revised	48645
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177.838 (f) amended	48645
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177.870 (d) and (g) amended	48645
178 Nomenclature change	48645
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178.65–14 (d) amended	48645
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178.205–7 (b)(1) amended	48645
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178.209–16 (a)(2) revised	48645
178.224–2 (d) added	48645
178.245–7 (a) amended	48645
178.337–1 (e) amended	48645
178.337–2 (c) amended	48645
178.337–6 (b) added	58820
(b) effective date corrected	△1739
178.337–8 (b) amended	48645
178.337–9 (b)(1) and (2) amended	48645
178.337–11 (a)(2) and (3) amended	48645
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178.340–8 (b) amended	48646
178.340–10 (b) introductory text revised	58820
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215.11 (b) introductory text, (c)(7), and (e)(1)(i) revised	59073
215.25 (b) introductory text and (d) revised; (e) added	59073
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218.1—218.11 (Subpart A) Revised	△2175
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218 Appendix A amended	△2177
221 Appendix C added	56237
225.5 (b)(2) revised	51021
225.19 (b) and (c) amended	51021
225 Appendix A revised	51021
270 Removed	56238

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301.60 (d)(2)(iv) added	56902
391.41 (b) introductory text and (2) revised	56900
391.43 (e) amended	56900
391.49 Revised	56900
395.8 (a) revised; (u) removed	50438
(a) corrected	52248
395.9 (x) removed	50438

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501.8 (k) revised	51022
511 Added	47513
523.3 (b)(2)(i) amended	△4493
531.5 (b)(5) added	△3709
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533.4 (b) amended	46547
571.108 Table III corrected	54933
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573 Revised	60169
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574 Authority citation revised	60171
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574.3 (c)(2) and (3) revised; (c)(4) added	△7964
574.7 (a) introductory text revised	△7964
574.8 (d) amended	60171
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574.9 Revised	△7964
574.10 Revised	△7964
575.104 (d)(2)(ii) and figures 1 and 2 amended	50440
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630.30—630.35 (Subpart D) Added	58928
630.31 (c) revised	△4493
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1033.1336 (e) revised ..... △3713
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1039 Added 58189
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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
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CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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Table of Effective Dates and Time Periods—February 1979

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
February 1	February 16	March 5	March 19	April 2	May 2
February 2	February 20	March 5	March 19	April 3	May 3
February 5	February 20	March 7	March 22	April 6	May 7
February 6	February 21	March 8	March 23	April 9	May 7
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February 21	March 8	March 23	April 9	April 23	May 22
February 22	March 9	March 26	April 9	April 23	May 23
February 23	March 12	March 26	April 9	April 24	May 24
February 26	March 13	March 28	April 12	April 27	May 29
February 27	March 14	March 29	April 13	April 30	May 29
February 28	March 15	March 30	April 16	April 30	May 29

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS
(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT
AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ESCS—Economics, Statistics, and Cooperatives Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FSQS—Food Safety and Quality Service
FS—Forest Service
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SEA—Science and Education Administration
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT
Census—Census Bureau
EAB—Bureau of Economic Analysis
EDA—Economic Development Administration
FTZB—Foreign-Trade Zones Board
ITA—Industry and Trade Administration
MA—Maritime Administration
MBEO—Minority Business Enterprise Office
NBS—National Bureau of Standards
NFPCA—National Fire Prevention and Control Administration
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIA—National Telecommunications and Information Administration
NTIS—National Technical Information Service
PTO—Patent and Trademark Office
USTS—United States Travel Service

DOD—DEFENSE DEPARTMENT
AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DCAA—Defense Contract Audit Agency
DIA—Defense Intelligence Agency
DIS—Defense Investigative Service
DLA—Defense Logistics Agency
DMA—Defense Mapping Agency
DNA—Defense Nuclear Agency
EC—Engineers Corps
Navy—Navy Department

DOE—ENERGY DEPARTMENT
BPA—Bonneville Power Administration
ERA—Economic Regulatory Administration
EIA—Energy Information Administration
ERO—Energy Research Office
ETO—Energy Technology Office
FERC—Federal Energy Regulatory Commission
OHADOE—Hearings and Appeals Office, Energy Department

SEPA—Southeastern Power Administration
SWPA—Southwestern Power Administration
WAPA—Western Area Power Administration

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT
AC—Aging Federal Council
ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Center for Disease Control
ESNC—Educational Statistics National Center
FDA—Food and Drug Administration
HCFA—Health Care Financing Administration
HDSO—Human Development Services Office
HRA—Health Resources Administration
HSA—Health Services Administration
MSI—Museum Services Institute
NIH—National Institutes of Health
OE—Office of Education
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT
CARF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
ILSRO—Interstate Land Sales Registration Office
NCA—New Communities Administration
NCDC—New Community Development Corporation
NVACP—Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR—INTERIOR DEPARTMENT
BIA—Bureau of Indian Affairs
BLM—Bureau of Land Management
FWS—Fish and Wildlife Service
GS—Geological Survey
HCRS—Heritage Conservation and Recreation Service
Mines—Mines Bureau
NPS—National Park Service
OHA—Office of Hearings and Appeals, Interior Department
RB—Reclamation Bureau
SMRE—Surface Mining Reclamation and Enforcement Office

JUSTICE—JUSTICE DEPARTMENT
DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT
BLS—Bureau of Labor Statistics
BRB—Benefits Review Board
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
MSHA—Mine Safety and Health Administration
OSHA—Occupational Safety and Health Administration
P&WBP—Pension and Welfare Benefit Programs
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT
AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT
CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMR—Office of Hazardous Materials Regulations
OPSR—Office of Pipeline Safety Regulations
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT
ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
PDB—Public Debt Bureau
RSO—Revenue Sharing Office
SS—Secret Service

INDEPENDENT AGENCIES
ATBCB—Architectural and Transportation Barriers Compliance Board
CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSA—Community Services Administration
CSC/FPRAC—Federal Prevailing Rate Advisory Committee
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ESSA—Endangered Species Scientific Authority
FCA—Farm Credit Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FEC—Federal Election Commission
FHLBB—Federal Home Loan Bank Board
FHLMC—Federal Home Loan Mortgage Corporation
FMC—Federal Maritime Commission
FPC—Federal Power Commission
FRS—Federal Reserve System
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FPA—Federal Preparedness Agency
GSA/FPRS—Federal Property Resources Service
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/OFR—Office of the Federal Register
GSA/PBS—Public Buildings Service
ICA—International Communications Agency
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
ITC—International Trade Commission
LSC—Legal Services Corporation
MB—Metric Board
MSPB—Merit Systems Protection Board.
MWSC—Minimum Wage Study Commission
NACEO—National Advisory Council on Economic Opportunity
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH—National Foundation for the Arts and the Humanities

NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OMB—Office of Management and Budget
OMB/FPPO—Federal Procurement Policy Office
OPIC—Overseas Private Investment Corporation
OPM—Office of Personnel Management.
OSTP—Office of Science and Technology Policy
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
ROAP—Reorganization, Office of Assistant to President
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

presidential documents

Title 3—
The President

Proclamation 4635 of January 30, 1979

National Inventors' Day, 1979

By the President of the United States of America

A Proclamation

The founding fathers in Section 8 of Article I of our Constitution provided that the Congress shall have the power to promote the progress of the useful arts by securing for a limited time to inventors the exclusive right to their discoveries.

The first Congress, pursuant to that Constitutional provision, enacted legislation providing inventors with such a right. That legislation became the first United States patent law when it was signed by President George Washington on April 10, 1790.

With the knowledge that the patent system contributes significantly to technological progress for the benefit of mankind, the United States since then has continually and actively maintained a national patent system even in times of war and rebellion.

This incentive provided inventors has prompted millions of our people to apply great effort and valuable resources, often persevering in the face of seemingly insurmountable odds, to create, perfect and bring to the marketplace many inventions which have made our labors more productive and which have contributed to our health and welfare.

The economic and technological preeminence which our Nation has known for many years and enjoys today is in large part due to the efforts of our inventors. This preeminence can be maintained by giving encouragement to their future efforts.

In honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, the 95th Congress, by House Joint Resolution 685, which I signed into law on October 14, 1978 (Public Law 95–463), designated February 11, 1979, as "National Inventors' Day."

February 11, 1979, is especially significant for celebration as National Inventors' Day because it is the anniversary of the birth of Thomas Alva Edison who one hundred years ago perfected and patented the first practical incandescent lamp, an invention which as we all know dramatically changed the way of life all over the world.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon and urge the people of the United States to honor all inventors by joining me in observing February 11, 1979, National Inventors' Day, with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

[FR Doc 79–3771
Filed 1–30–79; 5:01 pm]

Billing code 3195–01–M

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[1505-01-M]

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1977/1978 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1977 and 1978. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $400 domestic, $100 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1978):

Title	Price
1	$2.75
2 [Reserved]	
3	4.25
4	4.75
5	5.00
7 Parts:	
0-52	6.00
53-209	4.50
210-699	6.75
700-749	4.25
750-899	2.40
900-944	4.75
945-980	3.50
981-999	3.50
1000-1059	4.75
1060-1119	4.75
1120-1199	4.00
1200-1499	4.75
1500-2799	6.50
2800-2851	5.50
2852	6.00
2853-end	4.00
8	3.50
9	6.00
10 Parts:	
0-199	5.00
200-end	6.25
12 Parts:	
1-299	8.25
300-end	6.75
13	4.75
14 Parts:	
1-59	5.75
60-199	6.75
200-1199	5.75
1200-end	3.75
15	5.75
16 Parts:	
0-149	5.00
150-999	4.75
1000-end	5.25

CFR Unit (Rev. as of Apr. 1, 1978):

17	$8.25
16 Parts:	
0-149	5.00
150-end	5.00
19	6.00
20 Parts:	
1-399	3.50
400-499	5.00
500-end	4.50
21 Parts:	
1-99	4.00
100-199	6.00
200-299	2.75
300-499	5.75
500-599	5.00
600-1299	4.25
1300-end	4.50
22	5.50
23	5.00
24 Parts:	
0-499	8.25
500-end	9.00
25	5.50
26 Parts:	
1 (§§ 1.0-1.169)	5.75
1 (§§ 1.301-1.400)	4.00
1 (§§ 1.401-1.500)	4.75
1 (§§ 1.501-1.640)	4.75
1 (§§ 1.641-1.850)	4.75
1 (§§ 1.851-1.1200)	6.00
1 (§§ 1.1201-end)	6.50
2-29	4.75
30-39	5.50
40-299	5.50
300-499	4.75
600-end	3.00
27	8.75

CFR Unit (Rev. as of July 1, 1978):

28	$4.50
29 Parts:	
0-499	6.25
31	6.25
32 Parts:	
40-399	8.50
400-589	4.50
590-699	4.50
1000-1399	3.50
1400-1599	4.50
1600-end	3.00
35	4.75
37	4.00
39	4.25
40 Parts:	
0-49	4.75
41 Chapters:	
7	2.75
8	2.75
19-100	4.50
CFR INDEX	5.00

CFR Unit (Rev. as of Oct. 1, 1977):

42 Parts:	
1-399	$5.50
400-end	4.75
43 Parts:	
1-999	4.00
1000-end	6.00
44 [Reserved]	
45 Parts:	
1-99	4.25
100-149	5.50
150-199	4.75
200-499	3.50
500-end	6.00
46 Parts:	
1-29	3.00
30-40	3.25
41-69	4.50
70-89	3.25
90-109	3.00
110-139	3.00
140-165	4.75
166-199	3.75
200-end	6.00
47 Parts:	
0-19	5.75
20-69	5.25
70-79	5.00
80-end	6.00
48 [Reserved]	
49 Parts:	
1-99	3.00
100-199	8.25
200-999	8.75
1000-1199	4.50
1200-1299	8.00
1300-end	4.25
50	5.50

[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange, Grapefruit, Tangerine, and Tangelo Regulation 2, Amendment 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Minimum Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum diameter (size) requirements for Honey tangerines for domestic shipments from 2 1/16 inches to 2 9/16 inches and from 2 9/16 to 2 5/16 inches for export shipments, through October 14, 1979, and for pink seedless grapefruit from 3 5/16 inches to 3 5/16 inches through August 26, 1979. This action recognizes current market demand for smaller sizes of these fruits and is consistent with the size composition of the available crop in the interest of growers and consumers.

V 4 4 / 2 3

EFFECTIVE DATE: January 26, 1979, through October 14, 1979, for Honey tangerines. January 29, 1979, through August 26, 1979, for pink seedless grapefruit.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the marketing agreement and Order No. 905, both as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the recommendations of the committee established under the marketing agreement and order, and upon other available information, it is found that the regulation of shipments of Florida Honey tangerines and pink seedless grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

(2) The minimum size requirements, herein specified, for domestic shipments of Honey tangerines and pink seedless grapefruit and export shipments of Honey tangerines reflect the Department's appraisal of the need for the amendment of the current regulation to permit handling of smaller sizes of the designated fruits based on current supply and demand conditions. Relaxation of the minimum size requirements for Honey tangerines and pink seedless grapefruit will make additional supplies available to meet market needs and will tend to promote the orderly marketing of these fruits.

The Citrus Administrative Committee, at an open meeting on January 23, 1979, reported there is a good market demand for larger quantities of smaller size Honey tangerines and pink seedless grapefruit. With the marketing of Dancy variety tangerines and tangelos nearly finished, the Honey tangerines will help fill the demand. Grapefruit shipments from Texas are expected to be completed by the end of February due to adverse weather conditions in early January.

It is concluded that the amendment of the size requirements, hereinafter set forth, is necessary to establish and maintain orderly marketing conditions and to provide acceptable size fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Growers, handlers, and other interested persons were given an opportunity to submit information and views on the amendment at an open meeting, and the amendment relieves restrictions on the handling of Florida Honey tangerines and pink seedless grapefruit. It is necessary to effectuate the declared purposes of the act to make the regulatory provisions effective as specified, and handlers have been apprised of such provisions and effective time.

Accordingly, it is found that the provisions of § 905.302 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 2) (43 FR 43013; 52197; 53027; 54617; 57139; 58175; 58353; 59335), should be and are amended by revising Table I, paragraph (a) applicable to domestic shipments, and Table II, paragraph (b) applicable to export shipments, thereof, to read as follows:

§ 905.302 Orange, Grapefruit, Tangerine, and Tangelo Regulation 2.

(a) • • •

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
Grapefruit: Seedless, pink.	Jan. 29, 1979, thru Aug. 26, 1979	Improved No. 2	3-5/16
	Aug. 27, 1979, thru Oct. 14, 1979	do	3 9/16
Tangerines: Honey	Jan. 26, 1979, thru Oct. 14, 1979	Florida No. 1	2-6/16

(b) • • •

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
Tangerines: Honey	Jan. 26, 1979, thru Oct. 14, 1979	Florida No. 1	2-6/16

• • • • • • • •

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 26, 1979.

D. S. KURYLOSKI, *Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 79-3303 Filed 1-31-79; 8:45 am]

[3410-02-M]

[Navel Orange Reg. 451; Navel Orange Reg. 450, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 2-8, 1979, and increases the quantity of such oranges that may be so shipped during the period January 26-February 1, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective February 2, 1979, and the amendment is effective for the period January 26-February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on January 26, and 30, 1979 to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges remains good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.751 Navel Orange Regulation 451.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 2, 1979, through February 8, 1979, are established as follows:

(1) District 1: 800,000 cartons;

(2) District 2: 162,204 cartons;

(3) District 3: unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

§ 907.750 [Amended]

Paragraph (a)(1) in § 907.750 Navel Orange Regulation 450 (44 FR 5088), is hereby amended to read:

(1) District 1:950,000 cartons;

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 31, 1979.

CHARLES R. BRADER, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 79-3809 Filed 1-31-79; 11:39 am]

[1505-01-M]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1978 and Subsequent Crops

Corrections

In FR Doc. 79-973 appearing at page 2353 in the issue for Thursday, January 11, 1979, make the following changes:

1. On page 2355, second column, paragraph (f) of § 1421.3, seventh line, "warehousman" should read "warehouseman".

2. On page 2356, second column, paragraph (b) of § 1421.6, second line, "make" should read "made", and in the tenth line, "mortagage" should read "mortgage"; third column, paragraph (c) of § 1421.9, tenth and thirteenth lines, "in" should read "is".

3. On page 2358:

(a) First column, third line of § 1421.17, "that" should read "than";

(b) Second column, thirteenth line from the bottom, "§1421.3" should read "§ 1421.3"; and

(c) Third column, paragraph (c) of § 1421.17, twelfth line, "therof" should read "thereof".

4. On page 2359, first column, nineteenth line from the top, "if" should read "If"; third column, thirteenth line from the top, "perons" should read "persons".

5. On page 2360, second column, third line from the top, insert a comma after "may".

6. On page 2361, first column, sixth line of subparagraph (2), "county" should read "country".

[3410-07-M]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER L—LOAN AND GRANT MAKING

[FmHA Instructions 1933-A and 1942-A]

COMMUNITY FACILITY LOANS

Revision—Redesignation

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration (FmHA) revises and redesignates its regulations pertaining to Community Facility loans. This action is taken as a part of an overall restructuring of the numbering system, and incorporates provisions of recent public laws and reflects an internal reorganization. The intended effects of this action are to eliminate unnecessary duplication, comply with public law and due to responses from the public regarding clarification, and appropriate changes to comply with reorganization being implemented in the Agency.

EFFECTIVE DATE: February 1, 1979. However, comments must be received on April 2, 1979.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, DC 20250. All written comments made pursuant to this notice will be available for public information at the address given above.

FOR FURTHER INFORMATION CONTACT:

Louis K. Bangma, tel. 202-447-5506.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration re-

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vises and redesignates its regulations concerning Community Facility loans from Part 1933 Subpart A to a new Subpart A of Part 1942, "Associations," Subchapter L, "Loan and Grant Making," Chapter XVIII, Title 7 in the Code of Federal Regulations.

The reorganization being implemented will mean basically that loans will be processed to the maximum extent possible by the FmHA District Office staff. The State Office staff will monitor community programs loan making and servicing, and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations. The intended effect of these actions is to provide a regulation which will be simpler and clearer and achieve legislative goals effectively and efficiently, thus providing improved service. In addition to the overall restructuring of the regulation the following specific changes have been made:

1. Section 1942.2 (e) has been added to provide that other departments agencies, and executive establishments of the Federal Government may participate and provide financial and technical assistance jointly with FmHA.

2. Section 1942.5 (a) has been added to provide that FmHA will make certain that low-income and minority communities within the service area have not been omitted or discouraged from participating in the proposed project.

3. Section 1942.6 (a) provides that information required by the Office of General Counsel (OGC) to issue loan closing instructions will be forwarded to OGC.

4. Section 1942.17 (b) has been revised to clarify that loans will not be made to any city or town in excess of 10,000 population.

5. Section 1942.17 (b)(2) provides that FmHA shall document that the applicant is unable to finance the proposed project from its own resources or through commercial credit at reasonable rates and terms.

6. Section 1942.17 (b)(3) includes references to a new Guide 24 which contains a list of items to be included in management agreements.

7. Section 1942.17 (c)(2) is expanded to refer to new Guide 25 which is the joint policy statement between EPA and FmHA relative to the Safe Drinking Water Act. This section is also expanded to provide that communities having a large portion of its population with low incomes will also be given due consideration in determining project priorities for other essential community facilities as well as utility-type facilities.

8. Section 1942.17 (c)(2)(ii) has been added to provide guidance in selecting other essential community facility applications for funding.

9. Section 1942.17 (e)(1) has been reworded to provide that notice of the availability of the service should be sent to all persons living within the area who would logically be served by the phase of the project being financed.

10. Section 1942.17 (f)(2)(iii) has been added to prescribe monthly payments where practical.

11. Section 1942.17 (g)(1)(iii) and (g)(2)(iii) has been revised to clarify security requirements for other essential community facilities other than utility-type.

12. Section 1942.17 (g) (1) (iii) (A) (7) and (8) and (g) (2) (iii) (A) (3) and (4) provides for an assignment of income from other sources.

13. Section 1942.17 (h)(1) clarifies when and how financial feasibility reports should be prepared.

14. Section 1942.17 (j)(3) provides that a current and effective power-of-attorney should be attached to all insurance policies and fidelity bonds.

15. Section 1942.17 (k) (2) provides that a certification from the appropriate State and Federal agencies for water pollution control standards will be obtained showing that established standards are met.

16. Section 1942.17 (m)(4) has been added to prescribe the process as to how the applicant will be notified of preapplication review.

17. Section 1942.17 (n)(2) includes reference to a new Guide 1a which may be used to inform the private lender of FmHA's commitment.

18. Section 1942.17 (p)(3)(iii) has been added to encourage use of minority owned banks.

19. Section 1942.17 (p)(6) clarifies use of grant funds remaining after construction is completed.

20. Section 1942.17 (q)(2)(ii) provides for a list of the names and addresses of all members of the governing body rather than of all the members.

21. Section 1942.18 (c)(2) has been added to prescribe compliance with Lead Based Paint Poisoning and Prevention Act and National Consumer Health Information and Health Promotion Act of 1976.

22. Section 1942.18 (c)(3)(iii) provides an exception to the requirement that the operating pressure of plastic pipe shall not exceed ⅔ of its working pressure. This requirement does not apply to plastic pipe which meets AWWA C-900 standards.

23. Section 1924.18 (i) (2) (vi) (C) has been clarified to provide that allowable methods of surety for construction and facility improvement contracts over $100,000 will be contained in the bid documents and also provides that use of surety other than performance and payment bonds will require concurrence by the National Office.

24. Section 1942.18 (i) (2) (vi) (D) (1) has been revised to delete reference to bid conditions for imposed plans.

25. Section 1942.19 (b)(2) provides that the State Director can approve certain exceptions to the use of bond counsel, for issues of $50,000 or less.

26. Section 1942.19 (b)(3) has been added to provide for an exception to the use of bond counsel for loans of less then $500,000 under certain conditions.

It is the policy of this Department that rules relating to public property, loans, grant, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are being published effective on an interim basis. This action is being taken to simplify and improve this regulation, provide a more responsive delivery system, and comply with public laws and at the same time permit public participation in the rulemaking process. Since no substantive changes are made, publication in prior rulemaking format is unnecessary. Also, delay in implementing these additions and amendments would be contrary to the public interest for the following reasons: (1) the reorganization of FmHA's district office field staff has been implemented and this instruction is needed for them to effectively administer the program. Applicants need this instruction to provide information on how they are to work with the reorganized field staff thereby lessening their burden in obtaining FmHA assistance. (2) The changes in FmHA's bond accounting system have been implemented. This instruction is needed in order to prevent delay and confusion in providing existing borrowers and applicants with accurate information on loan account servicing and drafting bond instruments. (3) Time is of the essence to applicants who will use these instructions in making construction plans and specifications for projects to be put out for bid in the forthcoming spring building season.

Comments made pursuant to this notice will be considered in the development of the final rule.

Accordingly, Chapter XVIII is amended as follows:

SUBCHAPTER A—GENERAL REGULATIONS

PART 1803—LOAN AND GRANT DISBURSEMENT

§ 1803.11 [Amended]

1. In § 1803.11, paragraph (c), lines 4 and 5, change "Subpart A and I of this chapter" to "Part 1823, Subpart I and Part 1942, Subpart A".

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart B—Association Loans for Shift-in-Land Use Projects

§ 1823.65 [Amended]

2. In § 1823.65, lines 3 and 4, change "Subpart B of Part 1804 of this Chapter" to "§ 1942.9 of FmHA Instruction 1942-A".

Subpart I—Processing Loans to Associations (Except for Domestic Water and Waste Disposal)

§ 1823.266 [Amended]

3. In § 1823.266, paragraph (a), lines 14 and 15, change "Subpart B of Part 1804 of this Chapter" to "Part 1942, Subpart A".

§ 1823.271 [Amended]

4. In § 1823.271, paragraph (b), lines 14 and 15, change "Subpart B of Part 1804 of this Chapter" to "Part 1942, Subpart A".

5. In § 1823.271, paragraph (c)(3)(i), lines 1 and 2, change "Sections 1823.41 to 1823.48, Part 1823, Subpart A" to "Part 1942, Subpart A".

§ 1823.276 [Amended]

6. In § 1823.276, lines 2 and 3 of the introductory section, change "Subpart B of Part 1804 of this Chapter" to "Part 1942, Subpart A".

Subpart O [Amended]

7. The title of Subpart O is amended to read "Grants for Facilitating Development of Private Business Enterprises".

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

PART 1888—SPECIAL ASSISTANCE TO DROUGHT STRICKEN AREAS

§ 1888.13 [Amended]

8. In § 1888.13, line 8, change "442.1" to "1942-A".

9. In § 1888.13, paragraph (e), lines 5 and 6, change "Subparts A and P of this chapter" to "Part 1942, Subpart A and Part 1823, Subpart P".

SUBCHAPTER H—GENERAL

PART 1901—PROGRAM RELATED INSTRUCTIONS

Subpart O—Jointly Funded Grant Assistance to State and Local Governments and Nonprofit Organizations

§ 1901.711 [Amended]

10. In § 1901.711, paragraph (d)(2), lines 7, 8, and 9, change "Part 1933, Subpart A (FmHA Instruction 1933-A, Appendix B available in any FmHA office)" to "Part 1942, Subpart A, § 1942.18".

11. In § 1901.711, paragraph (d)(5), lines 10, 11, and 12, change "Part 1933, Subpart A (FmHA Instruction 1933-A, Appendix B available in any FmHA office)" to "Part 1942, Subpart A, § 1942.18".

SUBCHAPTER J—REAL PROPERTY

PART 1933—LOAN AND GRANT PROGRAMS (GROUP)

Subpart A [Deleted and Reserved]

12. Subpart A of Part 1933 is hereby deleted and reserved.

SUBCHAPTER L—LOAN AND GRANT MAKING

PART 1942—ASSOCIATIONS

Subpart I—Resource Conservation and Development (RCD), Loans and Watershed (WS) Loans and Watershed (WS) Advances

§ 1942.409 [Amended]

13. In § 1942.409(a), line 4, change "§ 1933.17(a)(6)" to "§ 1942.17(g)".

14. In § 1942.409(b), line 12, change "§ 1933.17(a)(7)" to "§ 1942.17(h)".

15. In § 1942.409(c), line 2, change "§ 1933.19" to "§ 1942.19".

16. In § 1942.409(d), line 1, change "§ 1933.17(a)(9)" "to § 1942.17(j)(3)".

17. In § 1942.409(e), lines 7 and 8, change "§ 1933.18(a)(3)(i)" to "§§ 1942.17(j)(3)(ii) and 1942.18(c)(i)".

18. In § 1942.409(f), line 2, change "§ 1933.18(a)(9)" to "§ 1942.18(i)".

19. In § 1942.409(g)(2), line 8, change "§ 1933.17(a)(6)" to "§ 1942.17(g)".

§ 1942.411 [Amended]

20. § 1942.411(b), lines 16 and 17, change "Section 1933.20(a) (guide 14) of this part available in any FmHA office" to "Part 1942, Subpart A, Guide 14 (available in any FmHA office)".

§ 1942.412 [Amended]

21. In § 1942.412(a)(2)(i), line 3, change "§ 1933.20(a), (guide 15)" to "Part 1942, Subpart A, Guide 15 (available in any FmHA office)".

22. In § 1942.412(a)(3), lines 4, 5, and 6, change "FmHA Instruction 1933-A including § 1933.20(a) (guide 16)" to "Part 1942, Subpart A, Guide 16 (available in any FmHA office)".

23. In § 1942.412(b)(3), line 9, change "§ 1933.20(a) (guide 16)" to "Part 1942, Subpart A, Guide 16 (available in any FmHA office)".

24. In § 1942.412(d), line 15, change "FmHA Instruction § 1933.2(c)" to "Part 1942, Subpart A, § 1942.2(c)".

§ 1942.414 [Amended]

25. In § 1942.414(d), line 8, change "§ 1933.3" to "Part 1942, Subpart A, § 1942.3".

§ 1942.415 [Amended]

26. In § 1942.415, line 3, change "§§ 1933.9 and 1933.18" to "§§ 1942.9 and 1942.18".

§ 1942.417 [Amended]

27. In § 1941.417(a), lines 5 and 6, change "§§ 1933.2, 1933.5, and 1933.20(a) (guide 15) (guide 16)" to "Part 1942, Subpart A, §§ 1942.3, and 1942.5, and Guides 15 and 16 (available in any FmHA office)".

28. In § 1942.417(a)(4), lines 4 and 5, change "§ 1933.20(a) (guide 15) and (guide 16)" to Part 1942, Subpart A, Guides 15 and 16 (available in any FmHA office)".

29. In § 1942.417(b)(2), line 6, change "§ 1933.5(a)(3)" to "§ 1942.5(a)(1)".

§ 1942.419 [Amended]

30. In § 1942.419(a), lines 3, 4 and 5, change "FmHA regulations including § 1901-A, and § 1933.5, § 1933.6, § 1933.7, § 1933.8, § 1933.17(a)" to "Part 1901, Subpart A, and §§ 1942.5, 1942.6, 1942.7, 1942.8, and 1942.17".

31. In § 1942.419(a)(6), line 3, change "§ 1933.19" to "§ 1942.19".

32. In § 1942.419(b), line 11, change "§ 1933.12" to "1942.12."

§ 1942.420 [Amended]

33. In § 1942.420(a), line 4, change "§ 1933.17(a)(13)" to "§ 1942.17(p)".

34. In § 1942.420(c), line 3, change "§ 1933.8" to "1942.8".

§ 1942.421 [Amended]

35. In § 1942.421, line 3, change "FmHA Instruction § 1933.10" to "§ 1942.17(q)".

§ 1942.424 [Amended]

36. In § 1942.424(a), line 4, change "1933-A, § 1933.16" to "Part 1942, Subpart A, § 1942.16".

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SUBCHAPTER P—GUARANTEED LOANS

PART 1980—GENERAL

Subpart E—Business and Industrial Loan Programs

§ 1980.402 [Amended]

37. In § 1980.402(b), lines 16, 17, and 18, change "Subpart A of Part 1823 of this Chapter (FmHA Instructions 442.1)" to "Part 1942, Subpart A".

§ 1980.425 [Amended]

38. In § 1980.425(b), lines 13 and 14, change "Subpart A of Part 1933 of this chapter" to "Part 1942, Subpart A".

§ 1980.452 [Amended]

39. In § 1980.452, paragraph D. 3. in the Administrative section, lines 7, 8 and 9, change "Subpart A of Part 1823 of this chapter (FmHA Instruction 442.1)" to "Part 1942, Subpart A".

§ 1980.454 [Amended]

40. In § 1980.454, paragraph A. 2. in the Administrative section, line 4, change "1933-A to "1942-A".

§ 1980.481 [Amended]

41. In § 1980.481(b), lines 6 and 7, change "Subpart A of Part 1823 of this Chapter (FmHA Instruction 442.1)" to "Part 1942, Subpart A".

42. In § 1980.481, paragraph C. in the Administrative section, lines 4 and 5, change "Subpart A of Part 1823 of this Chapter (FmHA Instruction 442.1)" to "Part 1942, Subpart A".

SUBCHAPTER L—LOAN AND GRANT MAKING

PART 1942—ASSOCIATIONS

43. Subpart A of Part 1942 is hereby added and reads as follows:

Subpart A—Community Facility Loans

Sec.

1942.1 General.
1942.2 Processing applications.
1942.3 Preparation of appraisal reports.
1942.4 Borrower contracts.
1942.5 Application review and approval.
1942.6 Preparation for loan closing.
1942.7 Loan closing.
1942.8 Actions subsequent to loan closing.
1942.9 Planning, bidding, contracting, and constructing.
1942.10 1942.11 [Reserved]
1942.12 Loan cancellation.
1942.13 Loan servicing.
1942.14 Subsequent loans.
1942.15 Delegation and redelegation of authority.
1942.16 State supplements and guides.
1942.17 Appendix A Community Facilities
1942.18 Appendix B Community facilities—Planning, bidding, contracting, constructing.
1942.19 Appendix C Information pertaining to preparation of notes or bonds and bond transcript documents for public body applicants.

Guides—Community Facilities, (Guides to the regulations may be used by FmHA officials in administering this program. They are not published in the FEDERAL REGISTER. However, they are available in National, State, District, and County Offices of FmHA.)

1942.20 1942.50 [Reserved]

AUTHORITY: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart A—Community Facility Loans

§ 1942.1 General.

(a) This Subpart outlines the policies and procedures for making and processing insured loans for community facilities. The Farmers Home Administration (FmHA) shall cooperate fully with appropriate State and local agencies in the making of loans in a manner which will assure maximum support to the State strategy for rural development. FmHA State Directors and their staffs shall maintain coordination and liaison with State agency and substate planning districts. Funds allocated for use as prescribed in this Subpart are to be considered for the use of Indian tribes within the State, regardless of whether State development strategies include Indian reservations within the State's boundaries. Indians residing on such reservations must have equal opportunity to participate in the benefits of these programs as compared with other residents of the State. The policy of FmHA is to extend its financial programs without regard to race, color religion, sex, marital status, age, or national origin.

(b) The County Office will normally be the entry point for preapplications and serve as a local contact point. However, applications will be filed with the District Office and loans will be processed to the maximum extent possible by the District Office staff. The applicant's governing body should designate one person to coordinate the activities of its engineer, architect, attorney, and any other professional employees and to act as contact person during loan processing. FmHA personnel should make every effort to involve the applicant's contact person when meeting with the applicant's professional consultants and/or agents. The State Office staff will monitor community programs loan making and servicing, and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations. The District Director will supply information on community program loan activity within the County Office service area to the County Supervisor at key points throughout the loan making process as described herein.

§ 1942.2 Processing applications.

(a) *Preapplications.* (1) The County Office may handle initial inquiries and provide basic information about the program. They are to provide the preapplication, Form AD 621, "Preapplication for Federal Assistance," and Form FmHA 449-10, "Applicant's Environmental Impact Evaluation." The County Supervisor will assist applicants as needed in completing Form AD-621, and in filing written notice of intent and request for priority recommendation with the appropriate clearinghouse (except Federally recognized Indian tribes which will be dealt with in accordance with § 1901.352(c) of FmHA Instruction 1901-H of this Chapter). The County Supervisor will inform the applicant that it may be necessary to apply for credit from commercial sources. It will be explained that if credit for the project is available from commercial sources at reasonable rates and terms the applicant is not eligible for FmHA financing. Preapplications will be filed in the County Office and forwarded immediately to the District Office. The applicant will be informed that further processing will be handled by the District Office. An information folder will be established and maintained by the County Office once a preapplication is received. In the event the preapplication is filed in the District Office, the District Director may assist the applicant in completing the preapplication requirements. The appropriate information to set up the County Office information file will be sent to the County Supervisor by the District Director. Guidance and assistance will be provided by the State Director, as needed, for orderly application processing. The District Director will determine that the preapplication is properly completed and fully review it. The District Director will then forward to the State Director:

(i) Eligibility determination and recommendations.

(ii) One copy of Form AD 621.

(iii) Clearinghouse comments.

(iv) Priority recommendations.

(v) Form FmHA 449-10.

(vi) Original and one copy of Form 440-46, "Environmental Impact Assessment."

(2) The State Director will review each Form AD-621 along with other information that is deemed necessary to determine whether financing from commercial sources at reasonable rates and terms is available. If credit elsewhere is indicated, the State Director will instruct the District Director to so inform the applicant and recommend the applicant apply to commercial sources for financing. Projects may be

funded jointly with other lenders provided the requirements of § 1942.17(g) are met. Joint financing occurs when two or more lenders make separate loans to supply the funds required by one applicant for a project.

(i) In order to provide a basis for referral of preapplications of only those applicants who may be able to finance projects through commercial sources, State Directors should maintain liaison with representatives of banks, investment bankers, financial advisors, and other lender representatives in the State. State Directors with their assistance, should maintain criteria for determining preapplications which should be referred to commercial lenders. A list of lender representatives interested in receiving such referrals should be maintained.

(ii) The State Director shall maintain a working relationship with the State A-95 or other appropriate State agency and give full consideration to their comments when selecting preapplications to be processed.

(iii) The State Director will review the District Director's eligibility determination and recommendations and return the executed original of Form FmHA 440-46 along with comments in sufficient time for the District Director's use in preparing and issuing Form AD-622, "Notice of Preapplication Review Action."

(iv) Form AD-622 will be prepared by the District Director within forty-five (45) calendar days from receipt of the preapplication by FmHA, stating the results of the review action. The original will be signed and delivered to the applicant, a copy to the County Supervisor, and a copy to the State Director.

(b) *Applications.* The District Director will assist the applicant in application assembly and processing.

(1) The application docket will include Form AD-624 "Application for Federal Assistance (For Construction Programs)," and other related forms, materials, and information. The application will be assembled in accordance with Guide 15 or appropriate State guides developed in accordance with § 1942.16. State Directors will have applications in process representing approximately 150 percent of the current State loan fund allocation. The District Director will inform applicants at the time Form AD-622 is delivered if they may proceed with application assembly. Those whose preapplications are not included in the 150 percent will be advised against incurring obligations for legal and engineering work, taking options on land rights, and inviting construction bids or making other commitments which cannot be fulfilled without loan funds until funds are actually made available.

(2) When an applicant is notified to proceed with an application, the District Director should arrange for a conference with the applicant to provide copies of appropriate appendixes and forms; furnish guidance necessary for orderly application processing; and to initiate a processing checklist for establishing a time schedule for completion of items using Form FmHA 442-39, "Processing Check List (Other Than Public Bodies)," or Form FmHA 442-40, "Processing Check List (Public Bodies)," or other checklist adopted for use in the State. The District Director will confirm decisions made at this conference by letter to the applicant and a copy of the processing checklist. The original and a copy of the processing checklist will be retained in the District Office and a copy will be forwarded to the State Office. The original and copy of the checklist retained in the District Office will be kept current as application processing actions are taken. The copy will be sent to the State Office to use in updating its copy of this form. The State Office will then return the District Office's copy. As the application is being processed, and the need develops for additional conferences, the District Director will arrange with the applicant for such conferences to extend and update the processing checklist.

(c) *Review of decision.* If at any time prior to loan approval it is decided that favorable action will not be taken on a preapplication or application, the District Director will notify the applicant in writing of the reasons why the request was not favorably considered. The notification to the applicant will state that a review of this decision by FmHA may be requested by the applicant in accordance with FmHA Instruction 1900-B.

(d) *Environmental impact assessments and statements.* Environmental impact assessments and statements will be prepared in accordance with Subpart G of Part 1901 of this Chapter. Forms FmHA 449-10, "Applicants Environmental Impact Evaluation," and FmHA 440-46, "Environmental Impact Assessment," will be submitted to the State Office with Form AD-621.

(e) *Joint Funding.* Other departments, agencies, and executive establishments of the Federal Government may participate and provide financial and technical assistance jointly with FmHA to any applicant to whom assistance is being provided by FmHA. The amount of participation by the other department, agency, or executive establishment shall only be limited by its authorities except that any limitation on joint participation itself is superseded by section 125 of Pub. L. 95-334.

§ 1942.3 Preparation of appraisal reports.

When the loan approval official requires an appraisal, Form FmHA 442-10, "Appraisal Report—Water and Waste Disposal System," may be used with appropriate supplements. Form FmHA 442-10 may be modified as appropriate or other appropriate format may be used for facilities other than water and waste disposal. Appraisal reports prepared for use in connection with the purchase of existing essential community facilities or when required by § 1942.17 (g) (1) (iii) (B) (2), (g) (2) (iii) (B) (2), and (j) (4) of this Subpart, may be prepared by the FmHA engineer/architect or, if desired by the State Director, some other qualified appraiser. The loan approval official may require an applicant to provide an appraisal prepared by an independent qualified appraiser, however, the loan approval official must determine that the appraised value shown in such reports reflects the present market value.

§ 1942.4 Borrower contracts.

The State Director will, with assistance as necessary by the Office of the General Counsel (OGC), concur in agreements between borrowers and third parties such as contracts for professional and technical services and contracts for the purchase of water or treatment of waste. State Directors are expected to work closely with representatives of engineering and architectural societies, bar associations, commercial lenders, accountant associations, and others in developing standard forms of agreements, where needed, and other such matters in order to expedite application processing, minimize referrals to OGC, and resolve problems which may arise.

§ 1942.5 Application review and approval.

(a) *Procedures for review.* Ordinarily FmHA staff review will proceed as applications are being developed. An overall review of the applicant's financial status, including a review of all assets and liabilities, will be a part of the docket review process by the staff and approval officials. The engineering/architect reports and associated data are to be reviewed by the FmHA staff engineer or architect, as appropriate, as soon as available but prior to the District Director's completion of the project summary. During the review the District Director in all cases will make certain that no low income or minority community within the service area has been omitted or discouraged from participating in the proposed project. The District Director will also determine how the service area was defined to assure that gerrymandering of specific communities or areas has not occurred. The findings should be documented in the running

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record. Prior to presenting the assembled application to the approval official, the assembled application will be ordinarily processed in the following sequence:

(1) The District Director will complete the project summary including written analysis and recommendations using either Form FmHA 442-45, "Project Summary—Water and Waste Disposal and Other Utility Type Projects," for utility type projects or Form FmHA 442-43, "Project Summary—Community Facilities (Other than utility-type projects)," for all other types of projects. The District Director will prepare a draft letter of conditions listing all the requirements which the applicant must agree to meet within a specific time.

(i) Requirements listed in letters of conditions will ordinarily include those relative to: maximum amount of loan which may be considered, term of loan and any payment deferment, number of users (members) and verification required, contributions, rates and charges, interim financing, security requirements, organization, business operations, insurance and bonding (including applicant/borrower and contractor), construction contract documents and bidding, accounts, records, and audit reports required, adoption of Form FmHA 442-47, "Loan Resolution (Public Bodies)," for public bodies or Form FmHA 442-9, "Association Loan Resolution (Security Agreement)," for other than public bodies, closing instructions, and other requirements.

(ii) Each letter of conditions will contain the following paragraphs:

"This letter establishes conditions which must be understood and agreed to by you before further consideration may be given to the application. Any changes in project cost, source of funds, scope of services, or any other significant changes in the project or applicant must be reported to and approved by FmHA by written amendment to this letter. Any changes not approved by FmHA shall be cause for discontinuing processing of the application."

"This letter is not to be considered as loan approval or as representation to the availability of funds. The docket may be completed on the basis of a loan not to exceed $. If FmHA makes the loan, the interest rate will be that charged by FmHA at the time of the loan approval."

"Please complete and return the attached Form FmHA 442-46, "Letter of Intent to Meet Conditions," if you desire that further consideration be given your application."

(iii) District Directors may add the following: "If the conditions set forth in this letter are not met within ——— days from the date hereof, FmHA reserves the right to discontinue the processing of the application."

(2) The FmHA staff engineer or architect, as appropriate, will include a written analysis and recommendations on Form FmHA 442-43 or FmHA 442-45.

(3) The Chief, Community Programs, will review the assembled application and include on Form FmHA 442-43 or FmHA 442-45 a written analysis and recommendations. The draft letter of conditions will be reviewed and any necessary modifications made.

(b) *Projects requiring National Office review.* Prior National Office review is required for certain proposals (See Subpart A of Part 1901 of this Chapter).

(1) Applications to be forwarded to the National Office should be assembled in the following order from top to bottom by the District Directors and forwarded to the State Director for review and submission to the National Office as follows:

(i) Transmittal memorandum including:

(A) Recommendation.

(B) Date of expected obligation.

(C) Any unusual circumstances.

(ii) Copies of the following:

(A) Proposed letter of conditions.

(B) Comments from the applicable State, Regional, and metropolitan clearinghouses.

(C) Form FmHA 442-45 or FmHA 442-43 (including the required copy of Forms FmHA 442-47, "Operating Budget," and FmHA 442-14, "Association Project Fund Analysis").

(D) Form FmHA 442-51, "Water and Waste Disposal Development Grant Summary," if applicable.

(E) Preliminary architectural or engineering report.

(F) Form FmHA 442-3, "Balance Sheet." This form may be supplemented to provide further details if desired.

(G) For other essential community facility loan applicants whose proposals do not meet the assured income or tax based security requirements of § 1942.17 (g)(1)(iii) and (g)(2)(iii), an income and expense statement for the last five years of operation will be submitted if available.

(H) For other essential community facility loans being secured in accordance with paragraph (b)(1)(ii)(G) of this section, submit a detailed explanation of the proposed security; evidence that the application cannot be processed and the loan secured in accordance with paragraph (b)(1)(ii)(G) of this section; evidence supporting the efforts by the applicant in persuading appropriate public bodies to provide the proposed facility and services and the results, and comments of the Regional Attorney concurring in the applicants legal authority to give the proposed security.

(I) Financial Feasibility Report when required by § 1942.17(h)(1).

(J) Proposed lease agreements, management agreements, or other agreements when facility management will be provided by other than the applicant.

(K) Other forms and documents on which there are specific questions.

(2) For applications to be reviewed in the State or field at least those items shown in § 1942.5(b)(1)(ii) should be available.

(c) *For all applications.* All letters of conditions will be addressed to the applicant, signed by the District Director or other FmHA representative, designated by the State Director and mailed or handed to the applicant. Upon signing or authorizing signature of the letter of conditions, the District Director will forward 2 copies of the letter of conditions and 2 copies of Form FmHA 442-43 or FmHA 442-45 to the State Director. A copy of the letter of conditions and the appropriate project summary will be forwarded to the County Supervisor for information purposes. The State Director will immediately forward one copy of Form FmHA 442-43 or FmHA 442-45 (including the required copy of Forms FmHA 442-7 and FmHA 442-14) and a copy of the letter of conditions to the National Office, Attention: Water and Waste Disposal Loan Division or Community Facilities Loan Division, as appropriate. The District Director with assistance as needed from the State Office will discuss the requirements of the letter of conditions with the applicant's representatives and afford them an opportunity to execute Form FmHA 442-46, "Letter of Intent to Meet Conditions."

(1) The letter of conditions should not ordinarily be issued unless the State Director expects to have adequate funds in the State allocation to fund the project within the next 12 months based on historic allocations or other reliable projections.

(2) If the applicant declines to execute Form FmHA 442-46, the District Director will immediately notify the State Director and provide complete information as to the reasons for such declination. The District Director will provide the County Supervisor with an information copy of the report.

(3) If the applicant executes Form FmHA 442-46, the District Director will forward two copies of the completed Form FmHA 442-14; the completed and executed original, a signed copy and an unsigned copy of Form FmHA 440-1 to the State Director.

(d) *Loan approval and obligating funds.* Loans will be approved in accordance with this Subpart and FmHA Instruction 1901-A (available in any FmHA Office). State Directors may

obligate funds when they are available and in accordance with the following:

(1) Funds may not be obligated until the applicant has legal authority to contract for a loan and enter into the required agreements.

(2) If approval was authorized by the National Office, a copy of the memorandum authorizing approval will be attached to the original of Form FmHA 440-1.

(3) Upon receipt of the executed approval documents from the District Office or upon completion and execution of the approval documents in the State Office, the State Director or a designee will telephone the Finance Office Check Request Station requesting that loan and/or grant funds for a particular project be obligated.

(4) Immediately after contacting the Finance Office, the requesting official will furnish the requesting office's security identification code. Failure to furnish the security code will result in the rejection of the request for obligation. After the security code is furnished, all information contained on Form FmHA 440-1 will be furnished the Finance Office. Upon receipt of the telephone request for obligation of funds, the Finance Office will record all information necessary to process the request for obligation in addition to the date and time of request.

(5) The individual making the request will record the date and time of request and sign Form FmHA 440-1 in section 37.

(6) The Finance Office will terminally process telephone obligation requests. Those requests for obligation received before 2:30 p.m. Central Time will be processed on the date of the request. Requests received after 2:30 p.m. Central Time to the extent possible will be processed on the date received; however, there may be instances in which a request will be processed on the next working day.

(7) Each working day the Finance Office will notify the State Office by telephone of all projects for which funds were reserved during the previous night's processing cycle and the date of obligation. If funds cannot be reserved for a project, the Finance Office will notify the State Office that funds are not available within the State allocation. The obligation date will be 6 working days from the date the request for obligation is processed in the Finance Office. The Finance Office will mail to the State Office Form FmHA 440-57, "Acknowledgment of Obligated Funds/Check Request," confirming the reservation of funds with the obligation date inserted as required by item No. 9 on the Forms Manual Insert (FMI) for Form FmHA 440-57.

(8) After notification by the Finance Office that the funds have been received, the original only of Form FmHA 442-14 will be mailed to the Finance Office. Form FmHA 440-1 will not be mailed to the Finance Office for those obligations requested by telephone. Immediately after notification by telephone of the reservation of funds, the State Director will call the Information Division in the National Office as required by FmHA Instruction 2015-C. Notice of approval to the applicant will be accomplished by mailing the applicant's signed copy of Form 440-1 on the obligation date. The State Director or the State Director's designee will record the actual date of applicant notification on the original of Form FmHA 440-1 and include the original or the form as a permanent part of the District Office project file with a copy in the State Office file. The District Director will notify the County Supervisor that the applicant has been notified of approval.

§ 1942.6 Preparation for loan closing.

(a) *Obtaining closing instructions.* Completed dockets will be reviewed by the State Director. The information required by OGC will be transmitted to OGC with request for closing instructions. Upon receipt of the closing instructions from OGC, the State Director will forward them along with any appropriate instructions to the District Director. Upon receipt of closing instructions, the District Director will discuss with the applicant and its architect or engineer, attorney, and other appropriate representatives, the requirements contained therein and any actions necessary to proceed with closing.

(b) *Verification of users and other funds.*

(1) In connection with a loan for a utility type project to be secured by a pledge of user fees or revenues, the District Director will authenticate the number of users obtained prior to loan closing or the commencement of construction, whichever occurs first. Such individual will review each signed user agreement and check evidence of cash contributions. If during the review any indication is received that all signed users may not connect to the system, there will be such additional investigation made as deemed necessary to determine the number of users who will connect to the system. The District Director will record the determination in a memorandum to the State Director.

(2) In all cases the availability and amounts of other funds to be used in the project will be verified by FmHA.

(c) *Initial compliance review.* An initial compliance review should be completed in accordance with FmHA Instruction 1901-E.

(d) *Ordering loan checks.* Checks will not be ordered until:

(1) Form FmHA 440-57 has been received from the Finance Office.

(2) The applicant has complied with approval conditions and closing instructions, except for those actions which are to be completed on the date of loan closing or subsequent thereto.

(3) The applicant is ready to start construction or funds are needed to pay interim financing obligations.

(e) *Multiple advances of FmHA funds.* When FmHA provides loan funds during the construction period using interim (temporary) instruments described in § 1942.19 (g), the following action will be taken prior to the issuance of the permanent instruments:

(1) The Finance Office will be notified of the anticipated date for the retirement of the interim instruments and the issuance of permanent instruments of debt.

(2) The Finance Office will prepare a statement of account including accrued interest through the proposed date of retirement and also show the daily interest accrual. The statement of account and the interim financing instruments will be forwarded to the District Director.

(3) The District Director will collect interest through the actual date of the retirement and obtain the permanent instrument(s) of debt in exchange for the interim financing instruments. The permanent instruments and the cash collection will be forwarded to the Finance Office immediately. In developing the permanent instruments, the sequence of preference set out in § 1942.19 (e) will be followed.

§ 1942.7 Loan closing.

Loans will be closed in accordance with the closing instructions issued by the OGC and § 1942.17 (o) and as soon as possible after receiving the check.

(a) *Authority to execute, file, and record legal instruments.* District Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for loans. This includes, as appropriate, mortgages and other lien instruments, as well as affidavits, acknowledgments, and other certificates.

(b) *Preparation of mortgages.* Unless otherwise required by State law or unless an exception is approved by the State Director with advice of the OGC, only one mortgage will be taken even though the indebtedness is to be evidenced by more than one instrument.

(c) *Source of funds for insured loans.* All loans will be made from the Rural Development Insurance Fund (RDIF).

(d) *Unused funds.* Obligated funds planned for project development which remain after all authorized costs have been provided for will be disposed of in accordance with

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§ 1942.17 (p) (6). See FmHA Instruction 451.2 as to the method of returning loan and grant funds to the Finance Office.

(e) *Loan checks.* Whenever a loan check is received, lost, or destroyed, the District Director will take the appropriate actions outlined in FmHA Instruction 102.1 (available in any FmHA Office). Checks which cannot be delivered within a reasonable amount of time, no more than 20 calendar days, will be handled in accordance with FmHA Instruction 102.1.

(f) *Posting management system records.* Record on Form FmHA 405-10, "Management System Card—Association or Organization," any actions to be completed subsequent to loan closing.

(g) *Supervised bank accounts.* Supervised bank accounts will be handled in accordance with Part 1803 of this Chapter (FmHA Instruction 402.1).

§ 1942.8 Actions subsequent to loan closing.

(a) *Mortgages.* The real estate or chattel mortgages or security instruments will be delivered to the recording office for recordation or filing, as appropriate. A copy of such instruments will be delivered to the borrower. The original instrument, if returnable after recording or filing, will be retained in the borrower's case folder.

(b) *Notes.* For a loan from the RDIF, a conformed copy of the note will be sent to the Finance Office immediately after loan closing.

(c) *Multiple advances—bond(s).* When temporary paper, such as bond anticipation notes or interim receipts, is used to conform with the multiple advance requirement, the original temporary paper will be forwarded to the Finance Office after each advance is made to the borrower. The borrower's case number will be entered in the upper right-hand corner of such paper by the District Office. The permanent debt instrument(s) should be forwarded to the Finance Office as soon as possible after the last advance is made.

(d) *Bond registration record.* Form FmHA 442-28, "Bond Registration Book," may be used as a guide to assist borrowers in the preparation of a bond registration book in those cases where a registration book is required and a book is not provided in connection with the printing of the bonds.

(e) *Disposition of title evidence.* All title evidence other than the opinion of title, mortgage title insurance policy, and water stock certificates will be returned to the borrower when the loan has been closed.

(f) *Material for State Office.* When the loan has been closed, the District Director will submit to the State Director:

(1) The completed docket.

(2) A statement covering information other than the completion of legal documents showing what was done in carrying out loan closing instructions.

(g) *State Office review of loan closing.* The State Director will review the District Director's statement concerning loan closing, the security instruments, and other documents used in closing to determine whether the transaction was closed properly. All material submitted by the District Director, including the executed contract documents (if required by OGC) with the certification of the Borrower's attorney, along with a statement by the State Director that all administrative requirements have been met, will be referred to OGC for post closing review. OGC will review the submitted material to determine whether all legal requirements have been met. OGC's review of FmHA's standard forms will be only for proper execution thereof, unless the State Director brings specific questions or deviations to the attention of OGC. It is not expected that facility development including construction will be held up pending receipt of the opinion from OGC. When the opinion from OGC is received, the State Director will advise the District Director of any deficiencies that must be corrected and return all material that was submitted for review. After the loan has been properly closed, the District Director will inform the County Supervisor of that fact.

(h) *Safeguarding bond shipments.* FmHA personnel will follow the procedures for safeguarding mailings and deliveries of bonds and coupons outlined in FmHA Instruction 2018-E (available in any FmHA Office), whenever they mail or deliver these items.

(i) *Water stock certificates.* Water stock certificates will be filed in the loan docket in the District Office.

§1942.9 Planning, bidding, contracting, and constructing.

[See §§ 1942.17(p) and 1942.18]

(a) *Review of construction plans and specifications.* All plans and specifications will be submitted as soon as available to the State Office for review and comments.

(b) *Contract approval.* The State Director is responsible for approval of all construction contracts utilizing the legal advice and guidance of OGC as necessary. The use of negotiated methods of contracting for amounts greater than $50,000 as provided in § 1942.18(i)(2)(iv) must be concurred in by the National Office and will not be considered when an FmHA grant is involved. When an applicant requests such authorization, the State Director will submit applicable information required by §1942.18(i)(2)(iv) and the following to the National Office for concurrence.

(1) State Director's and FmHA engineer/architect comments and recommendations including, if possible, an evaluation of previous work of the proposed construction firm.

(2) Regional attorney's opinion and comments regarding the legal adequacy of the proposed procurement method and proposed contract documents.

(3) Applicant's attorney's opinion and comments regarding the legal adequacy of the proposed contract documents and evidence that the applicant has the legal authority to enter into and fulfill the contract.

(4) Copy of the proposed contract.

(c) *Bid irregularities.* Any irregularities in the bids received or other matters pertaining to the contract award having legal implications will be cleared with OGC before the State Director consents to the contract award.

(d) *Noncompliance.* State Directors, upon receipt of information indicating borrowers or their officers, employees, or agents are not performing in compliance with § 1942.18(i), shall request the Regional Office of the Inspector General to investigate the matter and provide a report of such investigation. The State Director will be responsible for taking such action as appropriate to resolve the issue.

(e) *County Office notification.* The District Director will notify the County Supervisor of each construction contract award and final inspection occurring within the County Office service area.

§§ 1942.10 and 1942.11 [Reserved]

§ 1942.12 Loan cancellation.

Loans which have been approved and obligations which have been established may be canceled before closing as follows:

(a) *Form FmHA 440-10, "Cancellation of Loan or Grant Check and/or Obligation."* The District Director or State Director may prepare and execute Form FmHA 440-10 in accordance with the FMI. For a loan made from the RDIF, if the check has been received or is received subsequently in the District Office, the District Director will return it to the United States Treasury Regional Disbursing Office with a copy of Form FmHA 440-10.

(b) *Notice of cancellation.* If the docket has been forwarded to OGC, that office will be notified of the cancellation by a copy of Form FmHA 440-10. Any application for title insurance, if ordered, will be canceled. The borrower's attorney and engineer, if any, should be notified of the cancellation. The Distict Director may provide the borrower's attorney and engineer with a copy of the notification to the applicant. The State Director will notify the Director of Information by telephone and give the reasons for such cancellation.

§ 1942.13 Loan servicing.

Loans will be serviced in accordance with Subpart F of Part 1861 of this Chapter. (FmHA Instruction 451.5).

§ 1942.14 Subsequent loans.

Subsequent loans will be processed in accordance with this Subpart.

§ 1942.15 Delegation and redelegation of authority.

The State Director is responsible for implementing the authorities contained in this Subpart and to issue State supplements redelegating these authorities to appropriate FmHA employees. Loan approval authority is contained in FmHA Instruction 1901-A.

§ 1942.16 State supplements and guides.

State Directors will obtain National Office clearance for all State supplements and guides in accordance with paragraph VIII of FmHA Instruction 021.2, (available in any FmHA office).

(a) *State supplements.* State Directors may supplement this Subpart as appropriate to meet State and local laws and regulations and to provide for orderly application processing and efficient service to applicants. State supplements shall not contain any requirements pertaining to bids, contract awards, and materials more restrictive than those in § 1942.18 of this Subpart.

(b) *State guides.* State Directors may develop guides for use by applicants if the guides to this Subpart are not adequate. State Directors may prepare guides for items needed for the application; items necessary for the docket; and items required prior to loan closing or construction starts.

§ 1942.17 Appendix A—Community facilities.

(a) *General.* This Appendix includes information and procedures specifically designed for use by applicants including their professional consultants and/or agents who provide such assistance and services as architectural, engineering financial, legal or other services related to application processing and facility planning and development. This Appendix is made available as needed for such use. It includes FmHA policies and requirements pertaining to loans for community facilities. It provides applicants with guidance for use in proceeding with their application. FmHA shall cooperate fully with appropriate State agencies to give maximum support of the State's strategies for development of rural areas. State and substate A-95 agencies may recommend priorities for applications. FmHA will fully consider all A-95 agency review comments and priority recommendations in selecting applications for funding.

(b) *Applicant eligibility.* Facilities financed by FmHA shall primarily serve rural residents. The terms "rural" and "rural areas" shall not include any area in any city or town having a population in excess of 10,000 inhabitants according to the latest decennial census of the United States. Facilities must be located in rural areas except for utility-type services such as water, sewer, natural gas, or cable TV, serving both rural and urban areas. In such cases FmHA funds may be used to finance only that portion serving rural residents regardless of facility location. Loans will not be made to any city or town in excess of 10,000 population.

(1) *Types of applicants:*

(i) *Public bodies* such as municipalities, counties, districts, authorities, or other political subdivisions of a State.

(ii) *Organizations operated on a not-for-profit basis* such as associations, cooperatives, and private corporations. Applicants organized under the general profit corporation laws may be eligible if they actually will be operated on a not-for-profit basis under their charter, bylaws, mortgage, or supplemental agreement provisions as may be required as a condition of loan approval.

(A) Essential community facility applicants other than utility type must have significant ties with the local rural community. Such ties are necessary to ensure to the greatest extent possible that a facility under private control will carry out a public purpose and continue to primarily serve the local residents. Such ties may be evidenced by such items as:

(*1*) Association with or controlled by a local public body or bodies, or broadly based ownership and controlled by members of the community;

(*2*) Substantial public funding through taxes, revenue bonds, or other local Government sources, and/or, substantial voluntary community funding such as would be obtained through a community-wide funding compaign.

(iii) *Indian tribes* on Federal and State reservations and other Federally recognized Indian tribes.

(2) *Credit elsewhere.* Applicants must certify in writing and FmHA shall determine and document that the applicant is unable to finance the proposed project from their own resources or through commercial credit at reasonable rates and terms.

(3) *Legal authority and responsibility.* Each applicant must have or will obtain the legal authority necessary for constructing, operating, and maintaining the proposed facility or service and for obtaining, giving security for, and repaying the proposed loan. The applicant shall be responsible for operating, maintaining, and managing the facility, and providing for its continued availability and use at reasonable rates and terms. This responsibility shall be exercised by the applicant even though the facility may be operated, maintained, or managed by a third party under contract, management agreement, or written lease. Leases may be used when this is the only feasible way to provide the service and is the customary practice. Management agreements should provide for at least those items listed in Guide 24.

(4) *Refinancing FmHA debt.* FmHA shall require an agreement that if at any time it shall appear to the Government that the borrower is able to refinance the amount of the indebtedness then outstanding, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the borrower will, upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government and will take all such actions as may be required in connection with such loan.

(c) *Priorities.*

(1) *Applicant priority.* Preference for available loan funds will normally be given to public bodies. When this is not practicable:

(i) Loans for facilities providing a utility-type service such as water and sewer systems, natural gas distribution systems, and cable TV may be made to other than public-body-type organizations, when operated on a not-for-profit basis.

(ii) Loans for services and facilities basic to social, cultural, recreational needs, public health and safety, such as fire and rescue facilities, hospitals and health clinics, community and other public buildings, and similar facilities may be made to other then public-body-type organizations when such facilities are fully available to the public and it is not practicable for the public entity they serve to finance them.

(2) *Project priority.* In determining project priorities, FmHA shall give due consideration to State development strategies, projects needing improvements to comply with the Safe Drinking Water Act, (see Guide 25, Joint Policy Statement Between the Environmental Protection Agency (EPA) and FmHA) clearinghouse comments and priority recommendations, keeping in mind that projects which will provide service to communities having a large portion of its popula-

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tion with low incomes, as determined for example by Department of Labor, Bureau of Labor Statistics, would therefore, have a greater financial need because of the low income population. FmHA will assign priorities in accordance with the following:

(i) *Utility type.*

(A) Water and waste disposal system applications from any municipality or other public agency (including an Indian Tribe on a Federal or State reservation or other Federally recognized Indian tribal group) in a rural community having a population not in excess of 5,500 having a inadequate water or waste disposal system. Highest priority shall be given to such applications in which:

(*1*) An existing community water supply system requires immediate action as the result of unanticipated diminution or deterioration of its water supply; or

(*2*) An existing waste disposal system is not adequate to meet the needs of the community as a result of unexpected occurrences.

(B) Those projects which will enlarge, extend, or otherwise modify existing facilities to provide service to additional rural residents.

(C) Those projects which involve the merging of ownership, management, and operation of smaller facilities thereby providing for more efficient management and economical service to more rural communities and residents and more orderly development of the rural area in which the facilities are located.

(ii) *Other essential community facilities.* Each application should be carefully evaluated and full consideration be given to funding those applications having the highest priority and which will serve the largest number of rural residents. The following order of preference should be used in selecting applications for funding:

(A) Public safety facilities—fire, police, rescue, and ambulance services.

(B) Health care facilities—clinics, nursing homes, convalescent facilities, and hospital projects designed to make the facility conform with life/safety codes, medicare and medicaid requirements, and minor expansions needed to meet the immediate requirements of the community.

(C) Public service facilities—courthouses and community buildings.

(D) Recreation facilities.

(E) New hospitals and major expansions of existing hospitals.

(F) Other.

(d) *Eligible loan purposes.* Funds may be used:

(1) To construct, enlarge, extend, or otherwise improve community water, sanitary sewerage, solid waste disposal, and storm waste water disposal facilities.

(2) To construct, enlarge, extend, or otherwise improve community facilities providing essential service to rural residents. Such facilities include but are not limited to those providing or supporting overall community development such as fire and rescue services; transportation; traffic control; community, social, cultural, and recreational benefits; supplemental and supporting structures for rural electrification or telephone systems or facilities such as headquarters and office buildings, storage facilities, and maintenance shops only when they are not eligible for Rural Electrification Administration financing. Funds may be used for development of industrial park sites, consisting of land and land improvements (e.g., clearing, grading, drainage), necessary access ways and utility extensions to and throughout the site when the park is determined to be an integral part of community development. Funds may not be used in connection with industrial parks to finance on-site utility systems, or business and industrial buildings.

(3) To construct buildings and works of modest design, size, and cost, essential to the successful operation or protection of authorized community facilities and secondary facilities such as gas or electric service lines to convey fuel or energy for, or utilities for, primary facilities.

(4) To construct or relocate roads, bridges, utilities, fences, and other public improvements, or relocate roads, bridges, utilities, fences, and other private improvements.

(5) For the following when a necessary part of the loan relating to those facilities in paragraphs (1), (2), (3), and/or (4) of this section:

(i) Reasonable fees, services, and costs such as legal, engineering, architectural, fiscal advisory, recording, planning, establishing or acquiring rights through appropriation, permit, agreement, or condemnation. Fees for "loan finding" are not an eligible cost item.

(ii) Pay interest on loans until the facility is self-supporting, ordinarily not more than three years; on loans secured by general obligation bonds until taxes are available for payment, ordinarily not more than two years; and for interim financing.

(iii) Purchase existing facilities when it is determined that the purchase is necessary to provide efficient service and a satisfactory agreement between buyer and seller is reached and receives FmHA concurrence.

(iv) Acquire interest in land, rights such as water rights, leases, permits, rights-of-way, and other evidence of land or water control which are necessary for development of the facility.

(v) Purchase or rent equipment necessary to install, maintain, extend, protect, operate, or utilize facilities.

(vi) Initial operating expenses for a period ordinarily not exceeding one year when the borrower is unable to pay such expenses.

(vii) Refinancing debts incurred by or on behalf of a community when all of the following conditions exist:

(A) The debt being refinanced is the secondary part of the total loan.

(B) The debts were incurred for the facility, or any part thereof, or any service being financed.

(C) Arrangements cannot be made with the creditors to extend or modify the terms of the debt so that a sound basis will exist for making a loan.

(6) Paying obligations for construction incurred before loan approval. Construction work should not be started and obligations for such work or materials should not be incurred before the loan is approved. However, if there are compelling reasons for proceeding with construction before loan approval, applicants may request FmHA approval to pay such obligations. Such requests may be approved if FmHA determines that:

(i) A necessity exists for incurring obligations before loan approval;

(ii) The obligations will be incurred for authorized loan purposes;

(iii) Contract documents have been approved by FmHA;

(iv) The applicant has the legal authority to incur the obligations at the time proposed, and payments of the debts will remove any basis for any mechanic's, materialmen's, or other liens that may attach to the security property. FmHA may authorize payment of such obligations at the time of loan closing. FmHA's authorization to pay such obligations however, is on the condition that it is not committed to make the loan; it assumes no responsibility for any obligations incurred by the applicant; and the applicant must subsequently meet all loan approval requirements. The applicant request and FmHA authorization for paying such obligations shall be written.

(7) FmHA loan funds may be used alone or in connection with funds provided by the applicant or from other sources. Since "matching funds" are not a requirement for FmHA loans, shared revenues may be used with such loans for project construction.

(e) *Facilities for public use.* All facilities financed under the provisions of this Subpart shall be for public use.

(1) Facilities providing a utility type service such as water and waste disposal will be installed so as to afford service to all users living within the area which logically should be served unless State or local law or ordinance precludes such service. A notice of the availability of the service should be given to all persons living within the area who would logically be served by the phase of the project being financed.

(i) If a mandatory hookup ordinance will be adopted, the required bond ordinance or resolution advertisement will be considered adequate notification.

(ii) When any portion of the income will be derived from user fees and a mandatory hookup ordinance will not be adopted, each potential user will be afforded an opportunity to request service by signing a Users Agreement. Those declining service will be afforded an opportunity to sign a statement to such effect. FmHA has guides available for these purposes in all FmHA offices.

(2) In no case will boundaries for the proposed service area be chosen in such a way that any user or area will be excluded because of race, color, religion, sex, marital status, age, or national origin.

(3) This does not preclude:

(i) Financing or construction of projects in phases when it is not practical to finance or construct the entire project at one time, and

(ii) Financing or construction of facilities where it is not economically feasible to serve the entire area provided economic feasibility is determined on the basis of the entire system and not by considering the cost of separate extensions to or parts thereof; the applicant publicly announces a plan for extending service to areas not initially receiving service from the system; and those families living in the areas not to be initially served receive written notice from the applicant that service will not be provided until such time as it is economically feasible to do so.

(iii) Extension of services to industrial areas when service is made available to users located along the extensions.

(4) Before a loan is made to an applicant other than a public body, for other than utility type projects, the articles of incorporation or loan agreement will include a condition similar to the following:

In the event of dissolution of this corporation, or in the event it shall cease to carry out the objectives and purposes herein set forth, all business, property, and assets of the corporation shall go and be distributed to one or more nonprofit corporations or public bodies as may be selected by the board of directors of this corporation and approved by at least 75% of the users or members to be used for, and devoted to, the purpose of a community facility project or other purpose to serve the public welfare of the community. In no event shall any of the assets or property, in the event of dissolution thereof, go or be distributed to members director, stockholders, or others having financial or managerial interest in the corporation either for the reimbursement of any sum subscribed, donated or contributed by such members or for any other purposes, provided that nothing herein shall prohibit the corporation from paying its just debts.

(f) *Rates and terms.*

(1) Loans will bear interest at the rate of 5% per annum on the unpaid principal balance.

(2) Loans will ordinarily be scheduled for repayment on terms similar to those used in the State for financing such facilities but in no case shall they exceed the useful life of the facility or 40 years from the date of the note(s) or bond(s), whichever is less. In all cases in which the FmHA is jointly financing with another lender, the FmHA payments of principal and interest should approximate amortized installments.

(i) If the borrower will be retiring other debts the repayment on such debts may be considered in developing the repayment schedule for the FmHA loans.

(ii) Principal payments may be deferred in whole or in part for a period not to exceed the end of the third full year after the estimated date of loan closing. If for any reason its appears necessary to permit a longer period of deferment, the State Director may authorize such deferment with the prior approval of the National Office. Deferments of principal will not be used to:

(A) Postpone the levying of taxes or assessments.

(B) Delay the collection of the full rates which the borrower has agreed to charge users for its services as soon as major benefits or the improvements are available to those users.

(C) Create reserves for normal operation and maintenance.

(D) Make any capital improvements except those approved by FmHA determined to be essential to the repayment of the loan or to the obtaining of adequate security thereof.

(E) Accelerate the payment of other debts.

(iii) *Payment date.* Loan payments will be scheduled to coincide with income availablity and be in accordance with State law. Monthly payments will be required if consistent with the foregoing, and will be enumerated in the bond, other evidence of indebtedness, or other supplemental agreement. Insofar as practical monthly payments will be scheduled one full month following the date of loan closing; or semiannual or annual payments will be scheduled six or twelve full months respectively, following the date of loan closing or any deferment period. Due dates falling on the 29th, 30th or 31st day of the month will be avoided.

(g) *Security.* Loans will be secured by the best security position available. When processing a loan utilizing joint financing, FmHA will obtain at least a parity position with the other lender. A parity position is to insure that in a joint financing venture in the event of default each lender will be affected on a proportionate basis. Loans will be secured in a manner which will adequately protect the interest of FmHA during the repayment period of the loan. Specific requirements for security for each loan will be included in a letter of conditions.

(1) *Public bodies.* Loans to such borrowers will be evidenced by notes, bonds, warrants, or other contractual obligations as may be authorized by relevant State statutes and by borrower's documents, resolutions, and ordinances,

(i) *Utility type facilities* such as water and sewer systems, natural gas distribution systems, cable TV, etc., will be secured by:

(A) The full faith and credit of the borrower when the debt is evidenced by general obligation bonds, and/or

(B) Pledges of taxes or assessments, and/or

(C) Pledges of facility revenue and, when permitted by State law, liens will be taken on the interest of the applicant in all land, easements, rights-of-way, water rights, water purchase contracts, sewage treatment contracts, and similar property rights, including leasehold interest, used or to be used in connection with the facility whether owned at the time the loan is approved or acquired with loan funds. In unusual circumstances where it is not feasible to obtain a lien on such land (such as land rights obtained from Federal or local Government agencies, and from railroads) and the FmHA loan approval official determines that the interest of FmHA otherwise is secured adequately, the lien requirement may be omitted as to such land rights, and/or

(D) In those cases involving water and waste disposal projects where there is a substantial number of other than full-time residents and facility costs result in a higher than reasonable rate for such full-time residents, the loan will be secured by the full faith and credit of the borrower or by an assignment or pledge of taxes, or assessments from public bodies or other organizations having the authority to issue or pledge such taxes, or assessments.

(ii) *Solid waste projects* will be secured by bonds pledging solid waste disposal revenue, only when the revenue pledged includes that from the solid waste project plus revenue from other facilities of the applicant with tie-in enforcement rights, or by the taxing power of participating local governments.

(iii) *Other essential community facilities* other than utility type, such as those for public health and safety,

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social, cultural, and recreational needs and the like will meet the following security requirements.

(A) Such loans will be secured by one or a combination of the following and in the following order of preference:

(*1*) General obligation bonds.

(*2*) Assessments.

(*3*) Bonds which pledge other taxes.

(*4*) Bonds pledging revenues of the facility being financed when such bonds provide for the mandatory levy and collection of taxes in the event revenues later become insufficient to properly operate and maintain the facility and to retire the loan.

(*5*) Assignment of assured income which will be available for the life of the loan, from such sources as insurance premium rebates, income from endowments, irrevocable trusts, or committments from industries, public bodies, or other reliable sources.

(*6*) Liens on real and chattel property when legally permissible and an assignment of the borrowers income for applicants who have been in existence and are able to present evidence of a financially successful operation of a similar facility for a period of time sufficient to indicate project success. National Office concurrence is required when the applicant has been in existence for less than five years or has not operated on a financially successful basis for five years immediately prior to loan application.

(*7*) Liens on real and chattel property when legally permissible and an assignment of income from an organization receiving HEW operating grants under the provision of the "Memorandum of Understanding Between Health Services Administration, U.S. Department of Health, Education and Welfare and Farmers Home Administration, U.S. Department of Agriculture" (see FmHA Instruction 2000-T (available in any FmHA Office)).

(*8*) Liens on real and chattel property when legally permissible and an assignment of income from an organization proposing a facility whose users receive reliable income from programs such as social security, supplemental security income (SSI), retirement plans, long-term insurance annuities, medicare or medicaid. Examples are homes for the handicapped or institutions whose clientele receive State or local government assistance.

(*9*) When the applicant cannot meet the criteria in paragraphs (g)(1)(iii)(A) (*1*) through (*8*) of this section, such proposals may be considered when all the following are met:

(*i*) The applicant is a new organization or one that has not operated the type of facility being proposed.

(*ii*) There is a demonstration of exceptional community support such as substantial financial contributions, and aggressive leadership in the formation of the organization and proposed project which indicates a commitment of the entire community.

(*iii*) The State Director has determined that adequate and dependable revenues will be available to meet all operation expenses, debt repayment, and the required reserve.

(*iv*) Prior National Office review and concurrence is obtained.

(B) Real estate and chattel property taken as security in accordance with paragraphs (g)(1)(iii)(A) (*6*) through (*9*) of this section:

(*1*) Ordinarily will include the property that is used in connection with the facility being financed, and

(*2*) Will have an as-developed present market value determined by a qualified appraiser equal to or exceeding the amount of the loan to be obtained plus any other indebtedness against the proposed security, and

(*3*) May have one of the lien requirements deleted when the loan approval official determines that the loan will be adequately secured with a lien on either the real estate or chattel property.

(C) When security is not available in accordance with paragraphs (g)(1)(iii)(A) (*1*) through (*5*) of this section and State law precludes securing the loan with liens on real or chattel property, the loan will be secured in the best manner consistent with State law and customary security taken by private lenders in the State, such as revenue bonds, and any other security the loan approval official determines necessary for a sound loan. Such loans will otherwise meet the requirements of (g)(1)(iii)(A) (*6*) through (*9*) of this section as appropriate.

(2) *Other-than-public bodies.* Loans to other-than-public body applicants will be secured as follows:

(i) *Utility type facilities* such as water and sewer systems, natural gas distribution systems, cable TV, etc. will be secured as follows:

(A) Assignments of borrower income will be taken and perfected by filing, if legally permissible; and

(B) A lien will be taken on the interest of the applicant in all land, easements, rights-of-way, water rights, water purchase contracts, sewage treatment contracts and similar property rights, including leasehold interest, used, or to be used in connection with the facility whether owned at the time the loan is approved or acquired with loan funds. In unusual circumstances where it is not feasible to obtain a lien on such land (such as land rights obtained from Federal or local Government agencies, and from railroads) and the loan approval official determines that the interest of FmHA otherwise is secured adequately, the lien requirement may be omitted as to such land rights.

(C) When the loan is approved or the acquisition of real property is subject to an outstanding lien indebtedness, the next highest priority lien obtainable will be taken if the loan approval official determines that the loan is adequately secured.

(D) Other security. Promissory notes from individuals, stock or membership subscription agreements, individual member's liability agreements, or other evidences of debt, as well as mortgages or other security instruments encumbering the private property of members of the association may be pledged or assigned to FmHA as additional security in any case in which the interest of FmHA will not be otherwise adequately protected.

(E) In those cases where there is a substantial number of other than full time residents and facility costs result in a higher than reasonable rate for such full time residents, the loan will be secured by an assignment or pledge of general obligation bonds, taxes or assessments from public bodies or other organizations having authority to issue bonds backed by taxes or assessments.

(ii) *Solid waste projects* will be secured by a pledge of solid waste disposal revenue, only when the revenue pledged includes that from the solid waste project plus revenue from other facilities of the applicant with tie-in-enforcement rights, or by the taxing power of participating local governments.

(iii) *Essential community facilities* other than utility type such as those for public health and safety, social, cultural and recreational needs and the like will meet the following security requirements.

(A) Such loans will be secured by one or a combination of the following and in the following order of preference:

(*1*) An assignment of assured income that will be available for the life of the loan, from sources such as insurance premium rebates, income from endowments, irrevocable trusts, or commitments from industries, public bodies, or other reliable sources.

(*2*) Liens on real and chattel property with an assignment of income for applicants who have been in existence and are able to present evidence of a financially successful operation of a similar facility for a period of time sufficient to indicate project success. National Office concurrence is required when the applicant has been in existence for less than five years or has not operated on a financially successful basis for at least the five years immediately prior to loan application.

(*3*) Liens on real and chattel property and an assignment of income from an organization receiving HEW operating grants under the provision of the "Memorandum of Understanding Between Health Services Administration, U.S. Department of Health, Education, and Welfare and Farmers Home Administration, U.S. Department of Agriculture" (see FmHA Instruction 2000-T).

(*4*) Liens on real and chattel property when legally permissible and an assignment of income from an organization proposing a facility whose users receive reliable income from social security, supplemental security income (SSI), retirement plans, long-term insurance annuities, medicare or medicaid. Examples are homes for the handicapped or institutions whose clientele receive State or local government assistance.

(*5*) When the applicant cannot meet the criteria in paragraphs (g)(2)(iii)(A) (*1*) through (*4*) above, such proposals may be considered when all the following are met:

(*i*) The applicant is a new organization or one that has not operated the type of facility being proposed.

(*ii*) There is a demonstration of exceptional community support such as substantial financial contributions, and aggressive leadership in the formation of the organization and proposed project which indicates a commitment of the entire community.

(*iii*) The State Director has determined that adequate and dependable revenues will be available to meet all operation expenses, debt repayment, and the required reserve.

(*iv*) Prior National Office review and concurrence is obtained.

(*6*) Additional security may be taken as determined necessary by the loan approval official.

(B) Real estate and chattel property taken as security:

(*1*) Will include the property that is used in connection with the facility being financed, and

(*2*) Will have an as-developed present market value determined by a qualified appraiser equal to or exceeding the amount of the loan to be obtained plus any other indebtedness against the proposed security, and

(*3*) May have one of the lien requirements deleted when the loan approval official determines that the loan will be adequately secured with a lien on either the real estate or the chattel property.

(h) *Economic feasibility requirements.* All projects financed under the provisions of this Section must be based on taxes, assessments, revenues, fees, or other satisfactory sources of revenue in an amount sufficient to provide for facility operation and maintenance, a reasonable reserve, and debt payment. An overall review of the applicant's financial status, including a review of all assets and liabilities, will be a part of the docket review process by the FmHA staff and approval official.

(1) *Financial feasibility reports.* All applicants will be expected to provide a financial feasibility report prepared by a qualified firm or individual. These financial feasibility reports will normally be:

(i) Included as a part of the preliminary engineer/architectural report using Guides 6 through 10 as applicable, or;

(ii) Prepared by a qualified firm or individual not having a direct interest in the management or construction of the facility using Guide 5 when:

(A) The project will significantly affect the applicant's financial operations and is not a utility type facility but is dependent on revenues from the facility to repay the loan; or

(B) It is specifically requested by FmHA.

(2) *Applicants for loans for utility type facilities* dependent on user fees for debt payment shall base their income and expense forecast on realistic user estimates in accordance with the following:

(i) In estimating the number of users and establishing rates or fees on which the loan will be based for new systems and for extension or improvements to existing systems, consideration should be given to the following:

(A) An estimated number of maximum initial users should not be used when setting user fees and rates since it may be several years before all residents in the community will need the services provided by the system. In establishing rates a realistic number of initial users should be employed.

(B) User agreements from individual vacant property owners will not be considered when determining project feasibility unless:

(*1*) The owner has plans to develop the property in a reasonable period of time and become a user of the facility; and

(*2*) The owner agrees in writing to make a monthly payment at least equal to the proportionate share of debt service attributable to the vacant property until the property is developed and the facility is utilized on a regular basis. A bond or escrowed security deposit must be provided to guarantee this monthly payment and to guarantee an amount at least equal to the owner's proportionate share of construction costs. If a bond is provided, it must be executed by a surety company that appears on the Treasury Department's most current list (Circular 570, as amended) and be authorized to transact business in the State where the project is located. The guarantee shall be payable jointly to the borrower and the Farmers Home Administration; and

(*3*) Such guarantee will mature not later than 4 years from the date of execution and will be finally due and payable upon default of a monthly payment or at maturity, unless the property covered by the guarantee has been developed and the facility is being utilized on a regular basis.

(C) Income from other vacant property owners will be considered only as extra income.

(ii) In order to establish realistic user estimates, the following are required:

(A) Meaningful potential user cash contribution. Contributions shall be high enough to indicate sincere interest on the part of the potential user but not so high as to preclude service to low-income families. Contributions ordinarily shall be an amount approximating one year's minimum use fees and shall be paid in full before loan closing or the commencement of construction, whichever occurs first. User cash contributions are required except for users presently receiving service or in those cases where FmHA determines that users cannot make a cash contribution.

(B) Except for users presently receiving service, an enforceable user agreement with a penalty clause is required unless State statutes or local ordinances require mandatory use of the system and the applicant agrees in writing to enforce such statutes or ordinances, or an exception is otherwise approved by FmHA.

(iii) In those cases where all or part of the borrower's debt payment revenues will come from user fees, applicants must provide a positive program to encourage connection by all users as soon as service is available. The program will be available for review and approval by FmHA before loan closing or commencement of construction, whichever occurs first. Such a program shall include:

(A) An aggressive information program to be carried out during the construction period. The borrower should send written notification to all signed users at least three weeks in advance of the date service will be available, stating the date users will be expected to have their connections completed, and the date user charges will begin.

(B) Positive steps to assure that installation services will be available. These may be provided by the contractor installing the system, local plumbing companies, or local contractors.

(C) Aggressive action to see that all signed users can finance their connections. This might require collection of sufficient user contributions to finance connections. Extreme cases might necessitate additional loan funds for this purpose; however, loan

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funds should be used only when absolutely necessary and when approved by FmHA prior to loan closing.

(3) *Utility type facilities for new developing communities or areas.* Developers are normally expected to provide utility type facilities in new or developing areas and such facilities shall be installed in compliance with appropriate State statutes and regulations. FmHA financing will be considered to an eligible applicant in such cases when failure to complete development would result in an adverse economic condition for the rural area (not the community being developed); the proposal is necessary to the success of an area development plan; and loan repayment can be assured by:

(i) The applicant already having sufficient assured revenues to repay the loan; or

(ii) Developers providing a bond or escrowed security deposit sufficient to meet expenses attributable to the area in question until a sufficient number of the building sites are occupied and connected to the facility to provide enough revenues to meet operating, maintenance, debt service, and reserve requirements; or

(iii) Developers paying cash for the increased capital cost and any increased operating expenses until the developing area will support the increased costs; or

(iv) The full faith and credit of a public body where the debt is evidenced by general obligation bonds; or

(v) The loan is to a public body evidenced by a pledge of tax assessments; or

(iv) The user charges can become a tax lien upon the property being served and income from such lien can be collected in sufficient time to be used for its intended purposes.

(i) *Reserve requirements.* Provision for the accumulation of necessary reserves over a reasonable period of time will be included in the loan documents and in assessments, tax levies, or rates charged for services. In those cases where statutes providing for extinguishing assessment liens of public bodies when properties subject to such liens are sold for delinquent State or local taxes, special reserves will be established and maintained for the protection of the borrower's assessment lien.

(1) *General obligation or special assessment bonds.* Ordinarily, the requirements for reserves will be considered to have been met if general obligation or other bonds which pledge the full faith and credit of the political subdivision are used, or special assessment bonds are used, and if such bonds provide for the annual collection of sufficient taxes or assessments to cover debt service, operation and maintenance, and a reasonable amount for emergencies and to offset the possible nonpayment of taxes or assessments by a percentage of the property owners, or a statutory method is provided to prevent the incurrence of a deficiency.

(2) *Other than general obligation or special assessment bonds.* Each borrower will be required to establish and maintain reserves sufficient to assure that loan installments will be paid on time, for emergency maintenance, for extensions to facilities, and for replacement of short-lived assets which have a useful life significantly less than the replacement period of the loan. It is expected that borrowers issuing bonds or other evidences of debt pledging facility revenues as security will ordinarily plan their reserve program to provide for a total reserve in an amount at least equal to one average loan installment. It is also expected that ordinarily such reserve will be accumulated at the rate of at least one-tenth of the total each year until the desired level is reached.

(j) *General requirements.*

(1) *Membership authorization.* For organizations other than public bodies, the membership will authorize the project and its financing except that the State Director may, with the concurrence of OGC, accept the loan resolution without such membership authorization when State statutes and the organization's charter and bylaws do not require such authorization; and

(i) The organization is well established and is operating with a sound financial base; or

(ii) For utility type projects the members of the organization have all signed an enforceable user agreement with a penalty clause and have made the required meaningful user cash contribution, except for members presently receiving service or when State statutes or local ordinances require mandatory use of the facility.

(2) *Planning, bidding, contracting, constructing.* (See § 1942.18, Appendix B).

(3) *Insurance and bonding.* Property insurance, workmen's compensation insurance, liability insurance, and fidelity bonds will be obtained by the time of loan closing or start of construction, whichever shall occur first. In all cases a current and effective power-of-attorney should be attached. Such requirements will not normally be over and above those proposed by the borrower provided the coverage is found to be adequate, and in accordance with the following:

(i) *Property insurance.* Fire and extended coverage may be required on all aboveground structures, including borrower-owned equipment and machinery housed therein, usually in the amount of their value. This does not apply to water reservoirs, standpipes, elevated tanks, and other noncombustible materials used in treatment plants, clearwells, clarification units, filters, and the like. Where lift stations are properly ventilated, property insurance is not required except for the value of the pumping equipment and electrical equipment therein.

(ii) *Flood insurance.* Facilities located in special flood and mudslide prone areas must comply with the eligibility and insurance requirements of Subpart B of Part 1806 of this Chapter (FmHA Instruction 426.2).

(iii) *Workmen's compensation.* The borrower will carry suitable workmen's compensation insurance for all of its employees in accordance with applicable State laws.

(iv) *Liability and property damage insurance.* Requirements for liability insurance will be carefully and thoroughly considered in connection with each project financed. Public liability and property damage insurance amounts will be established accordingly. If the borrower owns trucks, tractors, or other vehicles that are driven over public highways, public liability and property damage insurance will be required.

(v) *Malpractice insurance.* The need and requirements for malpractice insurance will be carefully and thoroughly considered in connection with each health care facility financed. The applicant will maintain such insurance as determined necessary by the governing body, with the advice of the applicant's attorney and concurrence of FmHA.

(vi) *Fidelity bonds.* The borrower will provide fidelity bond coverage for the positions of officials entrusted with the receipt and disbursement of its funds and the custody of valuable property. The amount of the bond will be at least equal to the maximum amount of the money that the borrower will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. Unless prohibited by State law, the United States acting through the Farmers Home Administration, will be named as co-obligee in the bond. Corporate fidelity bonds will be obtained except that in unusual circumstances FmHA may give prior approval to cash bonds. Form FmHA 440-24, "Position Fidelity Schedule Bond," may be used.

(4) *Acquisition of land, easements, water rights, and existing facilities.* Applicants are responsible for acquisition of all property rights necessary for the project and will determine that prices paid are reasonable and fair. FmHA may require an appraisal by an independent appraiser or FmHA employee.

(i) *Title for land, easements, or existing facilities.*

(A) Applicants are responsible for obtaining continuous and adequate rights-of-way and interest in land needed for the construction, operation, and maintenance of the facility. When a lien will be taken on a site for structures such as a reservoir or pumping station, and the applicant is able to obtain only a right-of-way or easement on such site rather than a fee simple title, the applicant will furnish a title report thereon by the applicant's attorney showing the ownership of the land and all mortgages or other lien defects, or encumbrances, if any. It is the responsibility of the applicant to obtain and record such releases, consents, subordinations to such property rights from holders of outstanding liens or other instruments as may be necessary for the construction, operation, and maintenance of the facility and to give FmHA the required security.

(B) In those instances where it is feasible for Cable Television (CATV) to utilize poles of an existing utility through a joint use agreement this may be done in lieu of paragraph 1942.17(j)(4)(i)(A) of this section. Such joint use agreement must be for a period not less than the term of the loan and be approved by FmHA prior to its execution. Such an agreement does not relieve the borrower of its responsibility to assure FmHA that it can construct, operate, and maintain the facilities for which the loan is being sought. Appropriate permits should be obtained from public bodies. In the event difficulties ever arise relating to construction, operation, or maintenance of any jointly used facilities the borrower must promptly take the necessary steps to adequately remedy the matter. The borrower's attorney will furnish an opinion that the borrower has fulfilled its responsibilities under this paragraph and that any joint use agreement is sufficient and valid for its purpose. Guide 23 would be an acceptable agreement for this purpose.

(ii) *Water rights.* When legally permissable, an assignment will be taken on water rights owned or to be acquired by the applicant. The following will be furnished as applicable:

(A) A statement by the applicant's attorney regarding the nature of the water right owned or to be acquired by the applicant (such as conveyance of title, appropriation and decree, application and permit, public notice and appropriation and use).

(B) A copy of a contract with another company or municipality to supply water or stock certificates in another company representing right to receive water.

(5) *Lease agreements.* Where the right of use or control of real property not owned by the applicant/borrower is essential to the successful operation of the facility during the life of the loan, such right will be evidenced by written agreements or contracts between the owner(s) of the property and the applicant/borrower. Lease agreements shall not contain provisions for restricted use of the site or facility, forfeiture or summary cancellation clauses and shall provide for the right to transfer and lease without restriction. Lease agreements will ordinarily be written for a term at least equal to the term of the loan. Such lease contracts or agreements will be approved by the FmHA loan approving official with the advice and counsel of the Regional Attorney, OGC, as to the legal sufficiency of such documents. A copy of the lease contract or agreement will be included in the loan docket.

(6) *Notes and bonds.* Notes and bonds will be completed on the date of loan closing except for the entry of subsequent multiple advances where applicable. The amount of each note will be in multiples of not less than $100. The amount of each bond will ordinarily be in multiples of not less than $1,000.

(i) Form FmHA 440-22, "Promissory Note (Association or Organization)," will ordinarily be used for loans to nonpublic bodies.

(ii) § 1942.19 (Appendix C) contains instructions for preparation of notes and bonds evidencing indebtedness of public bodies.

(7) *Environmental impact statements.* The need for an environmental impact statement will be determined by FmHA in accordance with Subpart G of Part 1901 of this Chapter (FmHA Instruction 1901-G). The applicant will provide any information required.

(8) *Health care facilities.* Applicants will provide a statement from the appropriate State agency certifying that the proposed health care facility is not inconsistent with the State Medical Facilities Plan. In addition, a statement will be provided from the appropriate State agency or regional Department of Health, Education, and Welfare (HEW) engineer certifying that the proposed facility will meet the minimum standards for design and construction contained in the Public Health Service/Health Resources Administration (PHS/HRA), HEW Publication (No. HRA 79-14500), "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities"; the statement will also contain the life/safety aspects of the 1967 and 1973 editions of the National Fire Protection Association (NFPA) 101 Life Safety Code, or any subsequent codes that may be designated by the Secretary of HEW. Any exceptions must have prior National Office concurrence.

(k) *Other Federal, State, and local requirements.* Each application shall contain the comments, necessary certifications and recommendations of appropriate regulatory or other agency or institution having expertise in the planning, operation, and management of similar facilities. Proposals for facilities financed in whole or in part with FmHA funds will be coordinated with appropriate Federal, State, and local agencies in accordance with the following:

(1) *Compliance with special laws and regulations.* Applicants will be required to comply with Federal, State, and local laws and any regulatory commission rules and regulations pertaining to:

(i) Organization of the applicant and its authority to construct, operate, and maintain the proposed facilities;

(ii) Borrowing money, giving security therefore, and raising revenues for the repayment thereof;

(iii) Land use zoning; and

(iv) Health and sanitation standards and design and installation standards unless an exception is granted by FmHA.

(2) *State Pollution Control or Environmental Protection Agency Standards.* Water and waste disposal facilities will be designed, installed, and operated in such a manner that they will not result in the pollution of water in the State in excess of established standards and that any effluent will conform with appropriate State and Federal Water Pollution Control Standards. A certification from the appropriate State and Federal agencies for water pollution control standards will be obtained showing that established standards are met.

(3) *Consistency with other development plans.* FmHA financed facilities will not be inconsistent with any development plans of State, multijurisdictional area, counties, or municipalities in which the proposed project is located.

(4) *State agency regulating water rights.* Each FmHA financed facility will be in compliance with appropriate State agency regulations which have control of the appropriation, diversion, storage and use of water and disposal of excess water. All of the rights of any landowners, appropriators, or users of water from any source will be fully honored in all respects as they may be affected by facilities to be installed.

(5) *National historic preservation.* All projects will be in compliance with the provisions of the National Historic Preservation Act of 1966 in accordance with FmHA Instruction 1901-F.

(6) *Civil Rights Act of 1964.* All borrowers are subject to and facilities must be operated in accordance with, Title VI of the Civil Rights Act of 1964

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in accordance with FmHA Instruction 1901-E.

(7) *Architectural Barriers Act of 1968.* All facilities financed in whole or part with FmHA funds and which are accessible to the public or in which physically handicapped persons may be employed or reside must be developed in compliance with this act.

(l) *Professional services and contracts related to the facility.*

(1) *Professional services.* Applicants will be responsible for providing the services necessary to plan projects including design of facilities, preparation of cost and income estimates, development of proposals for organization and financing, and overall operation and maintenance of the facility. Professional services of the following may be necessary: engineer, architect, attorney, bond counsel, accountant, auditor, appraiser, and financial advisory or fiscal agent (if desired by applicant). Contracts or other forms of agreement between the applicant and its professional and technical representatives are required and are subject to FmHA concurrence. Form FmHA 442-19, "Agreement for Engineering Services," may be used when appropriate. Guide 20, "Agreement for Engineering Services (FmHA/EPA—Jointly Funded Projects)" may be used on projects jointly funded by FmHA and EPA. Guide 14 may be used in preparation of the legal services agreement.

(2) *Bond counsel.* Unless otherwise provided by § 1942.19(b), public bodies are required to obtain the services of recognized bond counsel in the preparation of evidence of indebtedness.

(3) *Contracts for other services.* Contracts or other forms of agreements for other services including management, operation, and maintenance will be developed by the applicant and presented to FmHA for review and approval. Management agreements should provide at least those items in Guide 24.

(4) *Fees.* Fees provided for in contracts or agreements shall be reasonable. They shall be considered to be reasonable if not in excess of those ordinarily charged by the profession for similar work when FmHA financing is not involved.

(m) *Applying for FmHA loans.*

(1) *Preapplications.* Applicants desiring loans will file Form AD-621, "Preapplication for Federal Assistance," comments from the appropriate A-95 clearinghouse agency and Form FmHA 449-10, "Applicants Environmental Impact Evaluation," normally with the appropriate FmHA County Office. The County Supervisor will immediately forward all documents to the District Office. The District Director has prime responsibility for all community program loan making and servicing activities within the District.

(2) *Preapplication review.* Upon receipt of the preapplication, FmHA will tentatively determine eligibility including the likelihood of credit elsewhere at reasonable rates and terms and availability of FmHA loan funds. The determination as to availability of other credit will be made after considering present rates and terms availability for similar proposals (not necessarily based upon 5% interest and 40-year repayment terms); the repayment potential of the applicant; long-term cost to the applicant; and average user of other charges. In those cases where FmHA determines that loans at reasonable rates and terms should be available from commercial sources, FmHA will notify the applicant so that it may apply for such financial assistance. Such applicants may be reconsidered for FmHA loans upon their presenting satisfactory evidence of inability to obtain commercial financing at reasonable rates and terms.

(3) *Incurring obligations.* Applicants should not proceed with planning nor obligate themselves for expenditures until authorized by FmHA.

(4) *Results of preapplication review.* After FmHA has reviewed the preapplication material and any additional material that may be requested, Form AD-622, "Notice of Preapplication Review Action," will be sent to the applicant. Ordinarily the review will not exceed 45 days.

(5) *Application conference.* Before starting to assemble the application and after the applicant selects its professional and technical representatives, it should arrange with FmHA for an application conference to provide a basis for orderly application assembly. FmHA will provide applicants with a list of documents necessary to complete the application. Guide 15 may be used for this purpose. Applications will be filed with the District Office.

(6) *Application completion and assembling.* This is the responsibility of the applicant with guidance from FmHA. The applicant may utilize their professional and technical representatives or other competent sources.

(7) *Review of decision.* If an application is rejected, the applicant may request a review of this decision per FmHA Instruction 1900-B.

(n) *Actions prior to loan closing and start of construction.*

(1) *Loan resolutions.* Loan resolutions will be adopted by both public and other-than-public bodies using Forms FmHA 422-47, "Loan Resolution (Public Bodies)," and FmHA 442-9, "Association Loan Resolution (Security Agreement)," respectively. These resolutions will supplement or add to provisions included elsewhere in this Subpart. The association will agree:

(i) To indemnify the Government for any payments made or losses suffered by the Government on behalf of the association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.

(ii) To comply with applicable local, State and Federal laws, regulations, and ordinances.

(iii) To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, establishment of adequate reserves, and to continually operate and maintain the facility in good condition. No free service or use of the facility will be permitted.

(iv) To acquire and maintain such insurance coverage including fidelity bonds, as may be required by the Government.

(v) To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof in such a manner as may be required by the Government and to provide the Government without its request, a copy of each such audit and to make and forward to the Government such additional information and reports as it may, from time to time, require.

(vi) To provide the Government at all reasonable times, access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the association is complying with the provisions thereof and of the instruments incident to the making or insuring of the loan.

(vii) To serve any applicant within the service area who desires services and can be feasibly and legally served and to obtain the concurrence of the FmHA prior to refusing services to such applicant. Upon failure to provide services which are feasible and legal, such applicant shall have a direct right of action against the association under this agreement.

(viii) To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds or notes or other debt instruments or other such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.

(ix) To refinance the unpaid balance, in whole or in part, of its debt upon the request of the Government if at any time it should appear to the Government that the association is able to refinance its bonds by obtaining a loan for such purposes from reasonable cooperative or private sources at reasonable rates and terms.

(x) To provide for, execute, and comply with Form FmHA 400-4, "Nondiscrimination Agreement," and Form

FmHA 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in or attached as a rider to each construction contract and subcontract involving in excess of $10,000.

(xi) To place the proceeds of the loan on deposit in an account in a bank and in a manner approved by the Government.

(xii) Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof or interest therein, and not to permit others to do so, without the prior written consent of the Government.

(xiii) Not to borrow any money from any source, enter into any contract or agreement, or incur any other liabilities in connection with making enlargements, improvements or extensions to, or for any other purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to repay the debt to FmHA.

(xiv) That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government, at its option, may:

(A) Declare the entire principal amount then outstanding and accrued interest, due and payable;

(B) For the account of the association (payable from the source of funds pledged to pay the bonds or notes or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default; and/or

(C) Take possession of the facility, repair, maintain and operate, or otherwise dispose of the facility. Default under the provisions of the resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the association and default under any such instrument may be construed by the Government to constitute default hereunder.

(2) *Interim financing.* In all loans exceeding $50,000, where funds can be borrowed at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be obtained so as to preclude the necessity for multiple advances of FmHA's funds. Guide 1 or Guide 1a as appropriate may be used to inform the private lender of FmHA commitment. When interim commercial financing is used, the application will be processed, including obtaining construction bids, to the stage where the FmHA loan would normally be closed, that is immediately prior to the start of construction. The FmHA loan should be closed as soon as possible after the disbursal of all interim funds. Interim financing may be for a fixed term provided the fixed term does not extend beyond the time projected for completion of construction. For this purpose, a fixed term is when the interim lender cannot be repaid prior to the end of the stipulated term of the interim instruments. When an FmHA Water and Waste Disposal grant is included, any interim financing involving a fixed term must be for the total FmHA loan amount. Multiple advances may be used in conjunction with interim commercial financing when the applicant is unable to obtain sufficient funds through interm commercial financing in an amount equal to the loan. The FmHA loan proceeds (including advances) will be used to retire the interim commercial indebtedness. Before the FmHA loan is closed, the applicant will be required to provide FmHA with statements from the contractor, engineer, architect, and attorney that they have been paid to date in accordance with their contracts or other agreements and, in the case of the contractor, that any suppliers and subcontractors have been paid. If such statements cannot be obtained, the loan may be closed provided:

(i) Statements to the extent possible are obtained;

(ii) The interests of FmHA can be adequately protected and its security position is not impaired.

(iii) Adequate provisions are made for handling the unpaid accounts by withholding or escrowing sufficient funds to pay such claims.

(3) *Obtaining closing instructions.* After loan approval the completed docket will be reviewed by the State Director. The information required by OGC will be transmitted to OGC with request for closing instructions. Upon receipt of the closing instructions from OGC, the State Director will forward them along with any appropriate instructions to the District Director. Upon receipt of closing instructions, the District Director will discuss with the applicant and its architect or engineer, attorney, and other appropriate representatives, the requirements contained therein and any actions necessary to proceed with closing.

(4) *Applicant contribution.* An applicant contributing funds toward the project cost shall deposit these funds in its construction account on or before loan closing or start of construction, whichever occurs first. Project costs, paid prior to the required deposit time with applicant funds shall be appropriately accounted for.

(5) *Evidence of and disbursement of other funds.* Applicants expecting funds from other sources for use in completing projects being partially financed with FmHA funds will present evidence of the commitment of these funds from such other sources. This evidence will be available before loan closing, or the commencement of construction, whichever occurs first. Ordinarily, the funds provided by the applicant or from other sources will be disbursed prior to the use of FmHA loan funds. If this is not possible, funds will be disbursed on a pro rata basis. FmHA funds will not be used to pre-finance funds committed to the project from other sources.

(o) *Loan closing.*

(1) *Closing instructions.* Loans will be closed in accordance with the closing instructions issued by OGC.

(2) *Obtaining insurance and fidelity bonds.* Required property insurance policies, liability insurance policies, and fidelity bonds will be obtained by the time of loan closing or start of construction, whichever shall occur first.

(3) *Distribution of recorded documents.* The originals of the recorded deeds, easements, permits, certificates of water rights, leases, or other contracts and similar documents which are not to be held by FmHA will be returned to the borrower. The original mortgage(s) and water stock certificates, if any, if not required by the recorder's office will be retained by FmHA.

(4) *Review of loan closing.* In order to determine that the loan has been properly closed the loan docket will be reviewed by the State Director and OGC.

(p) *Project monitoring and fund delivery during construction.*

(1) *Coodination of funding sources.* When a project is jointly financed, the State Director will reach any needed agreement or understanding with the representatives of the other source of funds on distribution of responsibilities for handling various aspects of the project. These responsibilities will include supervision of construction, inspections and determinations of compliance with appropriate regulations concerning equal employment opportunities, wage rates, nondiscrimination in making services or benefits available, and environmental compliance. If any problems develop which cannot be resolved locally, complete information should be sent to the National Office for Advice.

(2) *Multiple advances.* In the event interim commercial financing is not le-

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gally permissible or not available, multiple advances of FmHA loan funds are required. An exception to this requirement may be granted by the National Office when a single advance is necessitated by State law or public exigency. Multiple advances will be used only for loans in excess of $50,000. Advances will be made only as needed to cover disbursements required by the borrower over a 30-day period. Advances should not exceed 24 in number nor extend longer than two years beyond loan closing. Normally, the retained percentage withheld from the contractor to assure construction completion will be included in the last advance.

(i) § 1942.19 (Appendix C) contains instructions for making multiple advances to public bodies.

(ii) Advances will be requested in sufficient amounts to insure that ample funds will be on hand to pay cost of construction, rights-of-way and land, legal, engineering, interest, and other expenses as needed. The applicant will prepare Form FmHA 440-11, "Estimate of Funds Needed For 30 Day Period Commencing ——," to show the amount of funds needed during the 30-day period. Form SF-272, "Report of Federal Cash Transactions," and SF-272A, when applicable, will be prepared and submitted with each Form FmHA 440-11 after the initial advance of funds is made.

(3) *Use and accountability of funds.*

(i) *Supervised bank account.* Loan funds and any funds furnished by the applicant to supplement the loan including contributions to purchase major items of equipment, machinery, and furnishings may be deposited in a supervised bank account in a bank having Federal Deposit Insurance Corporation (F.D.I.C.) coverage. Funds placed in a supervised bank account are public monies under 12 U.S.C. 265, and therefore, any amount which exceeds the F.D.I.C. coverage will require a collateral pledge pursuant to Treasury Circular Number 176.

(ii) *Other than supervised bank account.* If a supervised bank account is not used, arrangements will be agreed upon for the prior approval by FmHA of the bills or vouchers upon which warrants will be drawn, so that the necessary control of payments from loan funds can be maintained and FmHA records can be kept current. Periodic audits of nonsupervised accounts shall be made by FmHA at such times and in such manner as the FmHA prescribes in the conditions of loan approval. Mandatory State laws regulating the depositories to be used shall be complied with.

(iii) *Use of minority owned banks.* Applicants are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members) for the deposit and disbursement of funds. A list of minority owned banks can be obtained from the Office of Minority Business Enterprise, Department of Commerce, Washington, DC 20230.

(4) *Development inspections.* The District Director will be responsible for monitoring the construction of all projects being financed, wholly or in part with FmHA funds. Technical assistance will be provided by the State Director's staff. Project monitoring will include construction inspections and a review of each project inspection report, each change order and each partial payment estimate and other invoices such as payment for engineering and legal fees and other materials determined necessary to effectively monitor each project. These activities will not be performed on behalf of the applicant/borrower, but are solely for the benefit of FmHA and in no way are intended to relieve the applicant/borrower of corresponding obligations to conduct similar monitoring and inspection activities. Project monitoring will include periodic inspections to review partial payment estimates prior to their approval and to review project development in accordance with plans and specifications. Each inspection will be recorded using Form FmHA 424-12, "Inspection Report." The original Form FmHA 424-12 will be filed in the project case folder and a copy furnished to the State Director. The State Director will review inspection reports and will determine that the project is being effectively monitored. In all cases where the governing body has entered into an agreement for technical services with an engineer or if such services are being made available by another Federal or State Agency, the District Director is authorized to review partial payment estimates prepared by the project engineer and accept them for payment after they have been approved by the borrower. Each such payment estimate will contain a certification by the project engineer or architect that all material purchased and all work performed is in accordance with the plans and specifications. When there is no project engineer or architect, the District Director may review and accept estimates for payments which have been approved by the borrower after determining that funds are requested for authorized purposes. If there is any indication that construction is not being completed in accordance with the plans and specifications or that any other problems exist, the District Director should notify the State Director immediately and withhold all payments on the contract.

(5) *Payment for construction.* Payment for construction will be made in accordance with the construction contract in amounts approved on Form FmHA 424-18, "Partial Payment Estimate." Advances for contract retainage will not be made until such retainage is due and payable under the terms of the contract. Form SF-271, "Outlay Report and Request for Reimbursement for Construction Programs," will be used to account for funds expended in the last 30 day period. Each payment estimate must be approved by the governing body of the borrower. The review and acceptance of partial payment estimates by FmHA does not attest to the correctness of the quantities shown or that the work has been performed in accordance with the plans and specifications. A final Form SF-272 will be submitted to FmHA to include the final advance and all other advances not later than 90 days after the final advance has been made.

(6) *Funds remaining after construction is completed.* Should loan and/or grant funds remain available, including obligated funds not advanced, after all costs incident to the basic project have been paid or provided for, such funds may be used for needed extensions, enlargements and improvements of the project with the prior permission of the FmHA State Director. If the additional work is to be undertaken by the contractor already engaged in the construction of the project, the additional work may be authorized by a change order. For grant funds remaining, eligibility for such funds to make extensions, enlargements, or improvements to the project must be in accordance with Section 1942.356(b) of FmHA Instruction 1942-H. Remaining project funds not needed for authorized extensions, enlargements, or improvements may be considered to include FmHA loan or grant funds, and funds from other sources but not to include applicant contribution funds. The applicant contribution funds will be considered as funds initially expended for the project. The amount of remaining funds from each funding source except from applicant contributions may be considered to be in direct proportion to the amounts obtained from each funding source except, any changes in the FmHA grant amount will be based on the actual project cost and recalculated in accordance with Section 1942.356(b) of FmHA Instruction 1942-H. FmHA grant funds not delivered to the applicant will be refunded to FmHA. Any remaining FmHA loan funds will be applied as an extra payment on the FmHA indebtedness, unless other disposition is required by the bond ordinance or resolution, or by the State Statute.

(q) *Borrower accounting methods, management reporting and audits.*

(1) *Accounting methods and records.*

(i) *Method of accounting.* The methods of accounting will be such that separate accounts are to be maintained on the individual project being financed by FmHA when it is a unit of a larger organization.

(A) *Accrual method.* Borrowers shall maintain their accounting records on the accrual basis unless State statutes or regulatory Agencies provide otherwise, or an exception to this requirement is made by FmHA.

(B) *Exception to accrual method.* The loan approval official may approve a basis of accounting other than accrual when the resultant financial statements will present fairly the financial position and results of operations of the organization. For organizations who have audits by independent public accountants, the basis of accounting other than accrual must have the written approval of the organization's auditor before granting an exception so that the basis of accounting will not be a factor in keeping the auditor from rendering an unqualified opinion.

(ii) *Records.* Each borrower shall retain all records, books, and supporting material for a period of 3 years after the issuance of the audit reports and financial statements. This material upon request will be made available to FmHA, the Comptroller General, or to their representatives.

(iii) *Approval requirement.* Prior to loan closing or commencement of construction, whichever shall occur first, each borrower shall provide and obtain approval from the FmHA loan approval official for its accounting and financial reporting system, including the agreement with its auditor, if an auditor is required.

(2) *Management reports.* These reports will furnish the management with a means of evaluating prior decisions and serve as a basis for planning future operations and financial conditions. In those cases where revenues from multiple sources are pledged as security for an FmHA loan, two reports will be required; one for the project being financed by FmHA and one combining the entire operation of the borrower. In those cases where FmHA loans are secured by general obligation bonds or assessments and the borrower combines revenues from all sources, one management report combining all such revenues will suffice. The following management data will be submitted by the borrower to the FmHA District Director.

(i) *Financial information.*

(A) Form FmHA 442-2, "Statement of Budget, Income and Equity," which includes Schedule 1, "Statement of Budget, Income and Equity" and Schedule 2, "Projected Cash Flow."

(B) Prior to the beginning of each fiscal year, two copies, with data entered in column three only of page one, annual budget of schedule 1 and all of schedule 2, will be submitted to the District Director. Twenty (20) days after the end of each of the first three quarters of each year, two copies with all information furnished on schedule 1 will be submitted. More frequent submissions may be required by FmHA when necessary. For the fourth quarter of each year, submit together with the year end financial requirements of paragraphs (q) (4) and (5) of this section. The submission dates to the District Director will be 90 days following year end for audited statements and 60 days following year end for unaudited statements. The fourth quarter submission may serve the dual purpose of management report and year end financial requirement for Statement of Income.

(ii) *Additional information.*

(A) A list of the names and addresses of all members of the governing body as appropriate, also indicating the officers and their terms of office, will be included with the other information required at the end of the year.

(B) Borrowers delinquent on payment to FmHA or experiencing financial problems, will develop a positive action plan to resolve financial problems. The plan will be reviewed with FmHA and updated at least quarterly. Guide 22 may be used for developing a positive action plan.

(3) *Substitute for management reports.* In those cases where FmHA loans are secured by the general obligation of the public body or tax assessments which total 100 percent of the debt service requirements, the State Director may authorize an annual audit to be substituted for other management reports.

(4) *Borrowers required to have audits.*

(i) *Audit requirements.*

(A) *Annual audits.* Audits are required each year from:

(*1*) Borrowers where gross annual income exceeds $100,000.

(*2*) *Others as FmHA State Director may require.*

(B) *Audit guide.* Audits will be prepared in accordance with the requirements of the handbook, "Instructions to Independent Certified Public Accountants and Licensed Public Accountants Performing Audits of Farmers Home Administration Borrowers and Grantees." The handbook is available at all FmHA offices.

(C) *Independent public accountant defined.* Audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants or by independent licensed public accountants licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(ii) *Public body borrowers.* Audit reports prepared in accordance with State statutes or regulatory Agencies are acceptable provided they contain the financial information necessary and are prepared on a frequency sufficient to furnish borrowers and FmHA the information for proper loan analysis. A copy of the audit report will be submitted to the District Director as soon as possible but in no case later than 90 days following the period covered by the audit. Public bodies should refer to the FmHA audit guide for further information and guidance.

(iii) *Other borrowers.* Borrowers other than public bodies and public bodies where the State has no audit requirements are required to have their records audited by an independent public accountant on an annual basis. A copy of the audit report will be submitted to the District Director as soon as possible but in no case later than ninety (90) days following the period covered by the audit.

(5) *Borrowers not required to have audits.* Borrowers whose gross annual income for a full year of operation is less than $100,000 and who do not have an annual audit made by an independent public accountant, will within 60 days following the end of each fiscal year, furnish the FmHA with annual financial statements, consisting of a verification of the organization's balance sheet and statement of income and expense by an appropriate official of the organization. Forms FmHA 442-2 and FmHA 442-3 may be used. For borrowers using Form FmHA 442-2, the dual purpose of fourth quarter management reports, when required, and annual statements of income will be met with this one submission.

(r) *FmHA actions for borrower supervision and servicing.*

(1) *Management assistance and management reports.* Management assistance will be based on such factors as observation of borrower operations and review of the periodic financial reports. The amount and type of assistance provided will be that needed to assure borrower success and compliance with its agreements with FmHA.

(i) *The District Director* is responsible for obtaining all management report data from the borrower and promptly reviewing and making any necessary recommendations to the borrower within 40 calendar days. However, after reviewing management reports for borrowers whose FmHA indebtedness exceeds $500,000 and for delinquent and problem case borrowers, the District Director will forward them with comments to the State Director for review.

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(ii) *District Director reviews of borrower operations.*

(A) An initial review of the borrower's records and accounts will be made between the sixth and ninth month of the first year of operation. A report will be made to the State Director by sending a copy of Form FmHA 442-4, "District Director's Report (Association-Organization Borrowers)," to the State Director.

(B) Subsequent reviews will be made for all delinquent and other borrowers having financial problems and reported to the State Director by a copy of Form FmHA 442-4. These borrowers will adopt a positive action plan (see Guide 22). The plan will be reviewed quarterly by the District Director until the delinquency is eliminated or other servicing actions are recommended.

(C) The District Director may, after the end of the borrower's third full fiscal year of operation, exempt it from submitting management reports provided it:

(*1*) Is current on its loan payments.

(*2*) Is meeting the conditions of its agreements with FmHA.

(*3*) Has demonstrated its ability to successfully operate and manage the organization and has not obtained subsequent loans in the last 3 years which have significantly altered the scope of the project.

(*4*) Has the State Director's written concurrence for all borrowers whose FmHA indebtedness exceeds $500,000.

(D) Borrowers qualifying for this exemption will still be required to submit a copy of its audits or annual financial statements.

(E) Ordinarily an exception will not be made to the requirement for the borrower to submit a copy of its annual budget.

(F) The District Director or State Director may reinstate the requirements for submission for periodic management reports for those borrowers who become delinquent or otherwise are not carrying out their agreements with FmHA or require more frequent submission of management reports. This requirement will be reinstated for borrowers receiving a subsequent loan which will significantly alter the scope of the project.

(G) The District Director may accept management reports which are not prepared on page 1 of Form FmHA 442-2 schedule 1 but contain like information. However, page 2 of this form must be used by all borrowers required to furnish management reports.

(iii) *The State Director* is responsible for:

(A) The review of the District Director's submission for all borrowers whose indebtedness exceeds $500,000. The State Director will forward comments to the District Director in order that a response if necessary, can be sent to the borrower within 40 calendar days after the borrower's submission of its management reports.

(B) The review of all delinquent and problem case borrower management reports. Ordinarily, review findings and instructions regarding further management assistance will be determined within 20 calendar days of submission for delinquent and problem borrowers.

(C) Forwarding to the National Office copies of review findings, instructions for further assistance, and positive action plans on delinquent borrowers and borrowers experiencing financial problems.

(*2*) *Audits and financial statements.*

(i) *The District Director* is responsible for obtaining all audit reports and financial statements from the borrower. Those received from borrowers whose FmHA indebtedness exceeds $500,000 and from delinquent and problem case borrowers will be promptly reviewed and forwarded to the State Director with appropriate comments.

(ii) *The District Director* is responsible for the review of audits and financial statements and for recommendations and instructions for borrower assistance.

(A) *Review of audits.* For borrowers required to have audits, the District Director will review each audit for conformance with "Instructions to Independent Certified Public Accountants and Licensed Public Accountants Performing Audits for FmHA Borrowers and Grantees." The borrower will be required to furnish any additional information necessary to satisfy the audit requirement. Guide 21 may be used in the audit review process.

(iii) *The State Director* is responsible for the review of audits of borrowers whose indebtedness exceeds $500,000 and delinquent and problem case borrowers. The State Director may recommend to the District Director any necessary actions to be taken.

(*3*) *Security inspections.* A representative of the borrower will ordinarily accompany the District Director during each inspection.

(i) *Initial inspection.* The District Director will inspect each facility at the end of the eleventh full month of operation. The results of this inspection will be reported to the State Director of Form FmHA 424-12. The State Director will provide guidance to the District Director to assure that appropriate action will be taken to correct project deficiencies.

(ii) *Subsequent inspections.* The District Director will make subsequent inspections of borrower security property and facilities during each third year after the initial inspection. The results of this inspection will be reported to the State Director on Form FmHA 424-12.

(iii) *Special inspections.* The District Director may request, or the State Director may determine, the need for a member of the State staff to make certain security inspections. In such cases, the State Director will detail a staff member to make such inspections.

(iv) *Follow-up inspections.* If any inspection discloses deficiencies or exceptions, or otherwise indicates a need for subsequent inspections prior to the third year, the State Director will prescribe the type and frequency of follow-up inspections. These inspections will be made until all deficiencies and exceptions have been corrected.

(*4*) *Civil rights compliance reviews* will be performed in accordance with FmHA Instruction 1901-E for the life of the loan.

(*5*) *Other loan servicing actions* will be in accordance with Subpart F of Part 1861 of this Chapter (FmHA Instruction 451.5).

§ 1942.18 Appendix B—Community facilities—Planning, bidding, contracting, constructing.

(a) *General.* This Appendix includes information and procedures specifically designed for use by applicants including the professional or technical consultants and/or agents who provide such assistance and services as architecture, engineering, inspection, financial, legal or other services related to planning, bidding, contracting, and constructing community facilities. These procedures do not relieve the borrower of the contractual obligations that arise from the procurement of these services.

(b) *Technical services.* Applicants are responsible for providing the engineering or architectural services necessary for planning, designing, bidding, contracting, and constructing their facilities. Such services may be provided by the applicants' "in house" engineer or architect or through contract, subject to FmHA concurrence.

(c) *Design policies.* Facilities financed by FmHA will be designed and constructed in accordance with sound engineering and architectural practices, and must meet the requirements of State and local agencies having jurisdiction in such matters.

(1) *Facilities to be located in flood plain area.* Ordinarily facilities will not be located in the 100-year flood plain level except for supply and treatment plants in which event applicants will evaluate the proposal from the standpoint or special design and additional initial and maintenance costs, and provide FmHA with the recommendations of appropriate agencies such as the U.S. Army Corps of Engineers, the Soil Conservation Service (SCS), or appropriate State official. Facilities located in special flood and mudslide prone areas must comply with the eligibility and insurance requirements of Subpart B of Part 1806 of this Chapter (FmHA Instruction 426.2).

(2) *Lead based paints.* Applicants must comply with Lead Based Paints Poisoning and Prevention Act and National Consumer Health Information and Health Promotion Act of 1976 with reference to specifications for paints used in construction in accordance with Part 1804 of this Chapter (FmHA Instruction 424.1, Exhibit E).

(3) *Water systems.*

(i) *Capacity.* The systems must have sufficient capacity to provide for reasonable fire protection and growth.

(ii) *Pressure.* Maximum operating pressure should not exceed 90 psi, minimum should not be less than 20 psi, calculated at maximum use flow.

(iii) *Pipe.* All pipe used shall meet current product or American Society for Testing Materials (ASTM) or American Water Works Association (AWWA) standards. Furthermore, if plastic pipe is used, its operating pressure shall not exceed 2/3 of its rated working pressure, and its wall thickness shall not be less than .090 inches. If flexible plastic pipe is used, its operating pressure shall not exceed 2/3 of its rated working pressure, and its wall thickness shall not be less than .060 inches. This provision regarding pressure does not apply to plastic pipe which meets AWWA C-900 standards.

(iv) *System testing.* Leakage shall not exceed 10 gallons per inch of pipe diameter per mile of pipe per 24 hours.

(v) *Service through individual installations.* Community water or waste systems may provide service through individual installations to individuals or small clusters of users within the central system service area but who are beyond the physical or economic limits of the central system, when it is more feasible to provide such service through individual or remote facilities. The determination shall be made taking into consideration such items as: quantity, quality of the system that may be developed; cost of the individual facility as compared with the cost per user on the central system; and health and pollution problems attributable to individual facilities.

(A) Agreements between the community and individuals for the installation and payment for individual facilities and their operation will be subject to approval by FmHA.

(B) Applicants providing service through individual facilities will obtain such security as the FmHA determines is necessary to assure collection of any sum the individual is obligated to repay the applicant, if taxes or assessments are not pledged as security.

(C) Notes representing indebtedness owed an association by a user for an individual facility will be scheduled for repayment over a period not to exceed the useful life of the individual facility or the loan, whichever is the shorter. The interest rate will be the same as the rate owed by the community on its FmHA loan.

(D) If the applicant cannot levy taxes or assessments against property being served through individual installations, arrangements are to be made for:

(*1*) Easements for the installation and ingress to and egress from the installation.

(*2*) Satisfactory method for denying service in the event of nonpayment of user fees.

(vi) *Quality.* Systems must provide water of a quality that meets the current primary drinking water regulations (PDWR) in compliance with the Safe Drinking Water Act, PL 93-523, December 16, 1974 (see Guide 25, Joint Policy Statement between EPA and FmHA).

(vii) *Metering devices.* Water facilities being financed by FmHA will have metering devices for each connection. An exception to this requirement may be granted by the FmHA State Director when the applicant demonstrates that installation of metering devices would be a significant economic detriment and that environmental consideration would not be adversely affected by not installing such devices.

(4) *Sanitary sewerage systems.*

(i) The systems must have sufficient capacity to provide for reasonable growth.

(ii) Collection and treatment facilities shall be designed and installed so as to meet the requirements of the State Environmental Protection (Water Pollution Control) Agency.

(5) *Combined sanitary and storm sewerage systems.* Combined systems will not be financed except that improvements to existing combined systems may be financed, provided it would be impractical to provide separate systems and the proposal is approved by the State Environmental Protection (Water Pollution Control) Agency.

(6) *Solid waste disposal systems.*

(i) Preliminary and final plans and designs shall address both site selection, planning, landfill design, drainage control, roadways, utilities and other problems such as those which may arise due to water leaking into or from landfills and allow for proper handling of landfill gases.

(ii) Each system will be in compliance with appropriate State and local Department of Health or environmental quality requirements.

(d) *Utility purchase contracts.* Applicants proposing to purchase water or other utility service from private or public sources shall have written contracts for such supply, and all such contracts will be reviewed and approved by FmHA prior to their execution by the applicant. Form FmHA 442-30, "Water Purchase Contract," may be used. Such contracts will:

(1) Include a definite commitment by the supplier to furnish at a specified point a specified minimum quantity of water or other service and provide that in case of shortages, all of the supplier's users will share the shortages proportionately. If it is impossible to obtain a firm commitment for a minimum supply at all times, a contract may be executed and approved, provided that adequate evidence is furnished to enable FmHA to make a positive determination that the supplier has adequate supply and treatment facilities to furnish its other users and the applicant for the foreseeable future, and:

(i) That a suitable alternative supply could be arranged within the repayment ability of the borrower if it should ever become necessary, or

(ii) If a suitable alternative supply cannot be arranged within the repayment ability of the borrower, prior approval must be obtained from the National Office.

(2) Set out the ownership and maintenance responsibilities of the respective parties including the master meter if a meter is installed at the point of delivery.

(3) Specify the initial rates and provide some kind of escalator clause which will permit rates for the association to be raised or lowered proportionately as certain specified rates for the supplier's regular customers are raised or lowered. Provisions may be made for altering rates in accordance with the decisions of the appropriate State agency which may have regulatory authority.

(4) Run for a period of time which is at least equal to the repayment period of the loan. State Directors may approve contracts for shorter periods of time if the supplier cannot legally contract for such period, or if the applicant and supplier find it impossible or impractical to negotiate a contract for the maximum period permissible under State law provided:

(i) The contract contains adequate provisions for renewal; or

(ii) A determination is made that in the event the contract is terminated, there are or will be other adequate sources available to the applicant that can be developed or purchased feasibly.

(5) Set out in detail the amount of connection or demand charges, if any, to be made by the supplier as a condi-

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tion to making the service available to the association. However, the payment of such charges from loan funds shall not be approved unless FmHA determines that it is more feasible and economical for the borrower to pay such a connection charge than it is for the borrower to provide the necessary supply by other means.

(6) Provide for a pledge of the contract to FmHA as part of the security for the loan.

(7) Not contain provisions for:

(i) Construction of facilities which will be owned by the supplier. This does not preclude the use of money paid as a connection charge for construction to be done by the supplier.

(ii) Options for the future sale or transfer. This does not preclude an agreement recognizing that the supplier and borrower may at some future date agree to a sale of all or a portion of the facility.

(e) *Contracts to treat sewage.* Applicants preparing to enter into a contract with private or public sources to treat raw sewage shall have written contracts for such service and all such contracts are subject to FmHA concurrence. Paragraph (d) of this section may be used as a guide to preparation of contracts for sewage treatment.

(f) *Preliminary engineering and architectural reports.* Reports shall be prepared in accordance with customary professional standards. FmHA has guides for preparing preliminary architectural/engineering reports for water, sewer, solid waste, storm sewer projects, and other community facilities.

(g) *Construction contract forms.* Standard contract documents prescribed for use by borrowers and grantees in Federally assisted projects may be used for all community facility projects including water and waste disposal systems and buildings, such as hospitals and nursing homes. These standard documents are contained in Guide 19. When these standard contract documents are used, it will normally not be necessary to obtain prior approval of the OGC.

(1) For those projects where a performance and payment bond is not provided, "Construction Contract Documents," may be used as indicated in Guide 17.

(2) Contract documents such as those of the American Institute of Architects (AIA) may be used for appropriate projects when modified to comply with this regulation and by including FmHA supplemental general conditions. Such documents must be submitted for prior review and approval by the Regional Attorney.

(h) *Performing construction.* Borrowers may accomplish construction through contracts with others or by using their own personnel and equipment, provided a licensed engineer or architect, as appropriate, inspects the construction and furnishes inspection reports as required by paragraph (l) of this section. In either case the requirements of paragraph (i) of this section. Payments for construction will be handled in accordance with § 1942.17(p)(5).

(i) *Procurement, bidding, and contracting.*

(1) *Contractual responsibilities of borrower.* These standards do not relieve the borrower of the contractual responsibilites arising under its contracts. The borrower is the responsible authority, without recourse to the FmHA regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a loan or grant. This includes but is not limited to: disputes, claims, protests of awards, source evaluation or other matters of a contractual nature. Matters concerning violation of laws are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

(2) *Procurement regulations of borrower.* Borrowers may use their own procurement regulations which reflect applicable State and local laws, rules and regulations, provided that procurements made with FmHA loan funds adhere to the standards set forth as follows:

(i) *Code or standards of conduct.* The borrower shall maintain a code or standards of conduct which shall govern the performance of it's officers, employees, or agents in contracting with and expending loan funds. Borrower officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by State or local law, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the borrower officers, employees, or agents, or by contractors or their agents.

(ii) *Maximum open and free competition.* All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The borrower should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. Performance specifications and the term "or equal" may be used for equipment and materials. In specifying pipe, however, the acceptable material(s) should be designed into the project to assure proper installation of the material chosen and to avoid uncertainty and misunderstanding. This can be done in the following ways:

(A) By reference to nationally known materials standards such as the American Society for Testing and Materials (A.S.T.M.), American Water Works Association (A.W.W.A.), and Federal specifications and standards, or the standards of similar agencies. In referring to standards, however, care must be exercised to assure that the desired type of material is selected since many standards cover two or more types.

(B) By specifying two or more materials, any one of which is acceptable to the owner.

(C) By specifying the particular material required for the project. In specifying materials, the owner and its consultant will consider all materials suitable for its project. Where materials which would normally be suitable are not included for bidding, the owner and his consultant must be prepared to justify the selection of the material used.

(iii) *Procurement requirements.* The borrower shall establish procurement procedures which provide for, as a minimum, the following procedual requirements:

(A) Proposed procurement actions shall be reviewed by borrower officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical and practical procurement. Where substantial amounts of funds are necessary for purchase of machinery and equipment, applicants ordinarily will be required to call for bids in a manner specified by the loan approval official to assure the best obtainable price.

(B) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material or product to be procured. Such description shall not contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by offerors should be clearly specified.

(C) Positive efforts shall be made by the borrower to utilize small business and minority-owned business sources. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing loan funds. Applicants shall, when submitting contract documents as required in paragraph (i)(2)(viii) of this section provide FmHA with a written statement or other evidence of the steps taken to comply with this requirement.

(D) The "cost-plus-a-percentage-of-the-cost" method of contracting shall not be used.

(E) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (i)(2)(iii) (F) below of this section is necessary to accomplish sound procurement. However, procurements of $50,000 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained, the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the borrower, price and other factors considered. Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for the bid to be evaluated by the borrower. Any or all bids may be rejected when it is in the borrower's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(F) Procurements may be negotiated if it is impracticable and infeasible to use formal advertising. Generally, procurements may be negotiated by the borrower if:

(*1*) The public exigency will not permit the delay incident to advertising; or

(*2*) The material or service to be procured is available from only one person or firm; (All contemplated sole source procurements where the aggregate expenditure is expected to exceed $50,000 shall be referred to the FmHA for prior approval) or

(*3*) The aggregate amount involved does not exceed $50,000; or

(*4*) No acceptable bids have been received after formal advertising.

(G) Contracts shall be made only with responsible contractors who possess the potenial ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

(iv) *Procurement requirements when other than formal advertising or negotiation is used.* Procurement records or files for purchases not handled in accordance with paragraphs (i)(2) (E) and (F) of this section and those in excess of $50,000 shall provide at least the following pertinent information:

(A) The applicant's written request to utilize methods of procurement other than competitive bidding and justification for the use of such negotiations.

(B) A written consent from FmHA making an exception to the requirements contained in paragraphs (i)(2)(iii) (E) and (F) of this section and (i)(2)(vii) of this section in regard to formal competitive bidding and the architect/engineer-contractor relationship. Such consent shall not be given when FmHA financing includes a grant.

(C) A detailed tabulation of similar type projects of comparative construction costs of several facilities recently completed within the geographical area by contactors other than the bidder. Such tabulation must show that the cost of constructing the proposed facility through use of negotiated contract will be less than the cost of comparable facilities constructed through competitive bidding.

(D) A firm total construction cost guaranteed in writing by the contractor. Any extra cost which may result from errors or omissions shall be the responsibility of the contractor.

(E) Final plans and specifications that are complete and in sufficient detail to indicate what is covered by the contract. The plans and specifications should include such items as site layout and all appurtenant work; structural and finish materials; electrical, heating, plumbing, ventilating, and air conditioning equipment; fixed equipment included in the construction contract as well as any other fixed equipment.

(F) The applicant will submit a detailed listing and cost estimate of equipment and supplies not included in the construction contract necessary to properly operate the facility.

(G) Contractor's and applicant's statement that the facility will equal or exceed all applicable Federal, State, and local requirements. Where applicable, certificate of need, permits, or other clearances are available, they will be included.

(H) Evidence that the applicant has hired an on-site full-time construction inspector who is completely independent from the contractor and is responsible only to the owner. Such inspector must be qualified to interpret plans and specifications and to advise the applicant of the full technical scope of the proposed project. This inspector must be hired prior to the execution of the construction contract.

(I) The applicant's evaluation of the contractors' performance for previous similar projects and those in which the contractor performed both the design and construction.

(J) The applicant's and contractor's written agreement in which they agree to comply with all FmHA regulations.

(v) *Contracts awarded prior to preapplications.* Applicants awarding construction or other procurement contracts prior to filing a preapplication with FmHA must comply with the following:

(A) Provide conclusive evidence that the contract was entered into without intent to circumvent the requirements of FmHA regulations. Such evidence will consist of at least the following:

(*1*) The lapse of a reasonable period of time between the date of contract award and the date of filing preapplication which clearly indicates an irreconcilable failure of previous financial arrangements; or

(*2*) A written statement explaining initial plans for financing the project and reasons for failure to obtain the planned credit.

(B) Modify the outstanding contract to conform with the provisions of this Subpart. Where this is not possible, modifications will be made to the extent practicable and as a minimum the contract must comply with all State and local laws and regulations as well as statutory requirements and executive orders related to the FmHA financing. When all construction is complete and it is impracticable to modify the contracts, the applicant must provide the certification required by paragraph (i)(2)(v)(D) of this section. Any exceptions to full compliance with this Subpart must be approved by FmHA with advice from OGC.

(C) Provide a certification by its engineer or architect certifying that any construction performed complies fully with the plans and specifications.

(D) Provide a certification that the applicant and its contractor complied with all statutory and executive requirements related to FmHA financing, for construction already performed, even though their requirements may not have been included in the contract documents.

(vi) *Additional required contract provisions.* The borrower shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts:

(A) Contractural provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. A realistic liquidated damage provision also should be included.

(B) All contracts, amounts for which are in excess of $10,000, shall contain suitable provisions for termination by the borrower including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

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(C) In all contracts for construction or facility improvement awarded in excess of $100,000, the borrower shall require bonds, a bank letter of credit or cash deposit in escrow, assuring performance and payment of 100 percent of the contract cost. The surety will normally be in the form of performance and payment bonds; however, when other methods of surety may be necessary, bid documents must contain provisions for such alternative types of surety.

The use of surety other than performance and payment bonds will require concurrence by the National Office after submission of a suitable justification by the State Director together with the proposed form of escrow agreement or letter of credit. For contracts of lesser amounts, the borrower may require surety. When a surety is not provided (Guide 17 may be used), contractors will furnish evidence of payment in full for all materials, labor, and any other items procured under the contract. Form FmHA 424-10, "Release by Claimants," and Form FmHA 424-9, "Certificate of Contractor's Release," may be obtained at the local FmHA office and used for this purpose. The United States, acting through the Farmers Home Administration, will be named as co-obligee on all surety unless prohibited by State law.

(D) All contracts in excess of $10,000 shall include provisions for compliance with Executive Order No. 11246, as amended, entitled "Equal Employment Opportunity." In addition and without reference to the number of employees, each contractor shall be required not to discriminate on the basis of race, color, religion, national origin, and sex.

(*1*) Bid conditions—hometown plans. All construction contracts in excess of $10,000 financed by FmHA, in areas which have hometown plans are subject to the Model Equal Employment Opportunity EEO Bid Conditions issued by the Department of Labor. See Attachment I to Guide 17. The Department of Labor's Regional Offices of Federal Contract Compliance maintain current lists of areas covered by these plans. They can provide specific information on such areas. Each State Director should seek the advice of OGC as to compliance with any such plans within the State Office service area. The following reports will be required from plan areas.

(*2*) Contractors will submit monthly to the Agency responsible for monitoring compliance with Executive Order No. 11246 SF 257, "Monthly Employment Utilization Report."

(E) All contracts for construction shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations. This Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The borrower shall report all suspected or reported violations to FmHA.

(F) All negotiated contracts (except those of $2,500 or less) awarded by borrowers shall include a provision to the effect that the borrower, FmHA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific Federal loan program for the purpose of making audits, examinations, excerpts, and transcriptions.

(G) If the contract exceeds $100,000, the contractor agrees to comply with all the requirements of Section 114 of the Clean Air Act and Section 308 of the Water Pollution Control Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in Section 114 of the Clean Air Act and Section 308 of the Water Pollution Control Act and all regulations and guidelines issued thereunder after the award of the contract. The contract should contain provisions obligating the contractor as a condition for the award of the contract as follows:

(*1*) To notify the owner of the receipt of any communication from EPA indicating that a facility to be utilized in the performance of the contract is under consideration to be listed on the EPA list of Violating Facilities. Prompt notification is required prior to contract award.

(*2*) To certify that any facility to be utilized in the performance of any nonexempt contractor subcontract is not listed on the EPA list of Violating Facilities as of the date of contract award.

(*3*) To include or cause to be included the above criteria and requirements of paragraph (i)(2)(vi)(G) (*1*) and (*2*) of this section in every nonexempt subcontract, and that the contractor will take such action as the Government may direct as a means of enforcing such provisions.

(H) The term "facility" means any building, plant, installation, structure, mine, vessel, or other floating craft, location, or site of operations, owned, leased, or supervised by a grantee, cooperator, contractor, or subcontractor, to be utilized in the performance of a grant, agreement, contract, subgrant, or subcontract. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location shall be deemed to be a facility except where the Director, Office of Federal Activities, EPA, determines that independent facilities are colocated in one geographical area.

(I) Each contract in excess of $2,500 shall contain FmHA supplemental general conditions. These conditions are contained in Guide 18 "Supplemental General Conditions."

(vii) *Unacceptable bidders.* No engineer or architect (individual or firm including persons they employ) who has prepared plans and specifications or who will be responsible for supervising the construction will be considered acceptable as a bidder. Any individual, firm, or corporation in which such architect or engineer (including persons they employ) is an officer, employee, or holds or controls a substantial interest will not be considered an acceptable bidder. Contracts or purchases by the construction contractor may not be awarded or made to a supplier or manufacturer if the engineer or architect (firm or individual) who prepared the plans and specifications has a corporate or financial affiliation with the supplier or manufacturer. Bids will not be awarded to firms or corporations which are owned or controlled wholly, or in part by a member of the governing body of the applicant or to an individual who is such a member. Arrangements which split responsibility of contractors (separate contracts for labor and material, extensive subcontracting, and multiplicity of small contracts on the same job), should be avoided whenever it is practicable to do so. Contracts may be awarded to suppliers or manufacturers for furnishing and installing certain items which have been designed by the manufacturer and delivered to the job site in a finished or semifinished state such as prefabricated buildings and lift stations. Contracts may also be awarded for materials delivered to the job site and installed by a patented process or method.

(viii) *Contract review and approval.* The applicant's attorney will review the executed contract documents including performance and payment bonds and provide FmHA with a certification that they have been properly executed and that the persons executing these documents have been properly authorized to do so. The contract documents, including bid bonds and bid tabulation sheets will be forwarded to FmHA for approval. All contracts will contain a provision that they are not in full force and effect until they have been approved by FmHA. The FmHA State Director is responsible for approval of all construction contracts utilizing the legal advice and guidance of the OGC where necessary. If the construction contract utilized the format of a guide form which has been approved by FmHA, it will not be necessary to submit individual contract documents to the OGC for prior approval. If the construction contract does not utilize the format of guide forms previously approved by FmHA, OGC approval of the contract will be obtained prior to its use.

(ix) *Change orders to be approved by FmHA.* The construction contract will require that all change orders be approved by FmHA.

(j) *Preconstruction conference.* Prior to beginning construction, FmHA will review the planned development with the applicant, its engineer, resident inspector, attorney, the contractor, and other interested parties. The conference will thoroughly cover the items included in Form FmHA 424-16, "Record of Preconstruction Conference," and the discussions and agreements will be documented on the form.

(k) *Applicant/borrower monitor reports.* Each applicant or borrower will be required to monitor, and provide a report to FmHA on actual performance during the construction for each project financed, or to be financed, in whole or in part with FmHA funds to include:

(1) A comparison of actual accomplishments to the construction schedule established for the period. SF-271 and Form FmHA 424-18 will be used for this purpose,

(2) A narrative statement will be attached to Form SF-271 giving full explanation of the following:

(1) Reasons established goals were not met.

(ii) Analysis and explanation of cost overruns or high unit costs and how payment is be made for the same.

(3) If events occur between reports which have a significant impact upon the project, the applicant/borrower will notify FmHA as soon as any of the following conditions are known:

(i) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(ii) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

(l) *Resident inspection.* Full-time resident inspection is required for all construction unless a written exception is made by FmHA. Unless otherwise agreed, the resident inspector will be provided by the consulting architect/engineer. Prior to the preconstruction conference, the architect/engineer will submit a resume of qualifications of the resident inspector to the applicant and to FmHA for acceptance in writing. If the applicant provides the resident inspector, it must submit a resume of the inspector's qualifications to the project architect/engineer and FmHA for acceptance in writing prior to the preconstruction conference. The resident inspector will attend the preconstruction conference where duties and responsibilities will be fully discussed. The resident inspector will work under the general supervision of the project architect/engineer. A guide format (Guide 11) for preparing daily inspection reports and Form FmHA 424-18 are available on request from FmHA.

(1) *Inspectors daily diary.* The inspector will maintain a daily diary in accordance with the following:

(i) The diary shall be maintained in a hard-bound book.

(ii) The diary book shall have all pages numbered and all entries in ink.

(iii) All entries shall be entered on a daily basis beginning with the date and weather conditions.

(iv) Daily entries shall include daily work performed, number of men and equipment used in the performance of work, and all significant happenings during that day.

(v) The daily diary will be made available to FmHA personnel and will be reviewed during project inspections.

(2) *Prefinal inspections.* A prefinal inspection will be made by the borrower, resident inspector, project architect or engineer, representatives of other agencies involved in project financing, the District Director and a member of the FmHA State Office staff, preferably the State Staff architect or engineer. A list of items necessary for project completion will be developed and agreed upon during the prefinal inspection. The inspection results will be recorded by the member of the State Office staff on Form FmHA 424-12 and a copy provided all appropriate parties.

(3) *Final inspection.* A final inspection will be made by FmHA before final payment is made.

(m) *Changes in development plans.*

(1) Changes in development plans may be approved by FmHA when requested by borrowers, provided:

(i) Funds are available to cover any additional costs;

(ii) The change is for an authorized loan purpose; and

(iii) It will not adversely affect the soundness of the facility operation or FmHA's security.

(2) Changes will be recorded on Form FmHA 424-7, "Contract Change Order." Change orders must be approved by the FmHA State Director or a designated representative.

(3) Changes should be accomplished only after FmHA approval on all changes which affect the work and shall be authorized only by means of a contract change order. The change order will include items such as:

(i) Any changes in labor and material and their respective cost.

(ii) Changes in facility design.

(iii) Any decrease or increase in quantities based on final measurements that are different from those shown in the bidding schedule.

(iv) Any increase or decrease in the time to complete the project.

(4) All changes shall be recorded on a chronologically numbered contract change order as they occur. Change orders will not be included in payment estimates until approved by all parties.

§ 1942.19 Appendix C—Information pertaining to preparation of notes or bonds and bond transcript documents for public body applicants.

(a) *General.* This Appendix includes information for use by public body applicants in the preparation and issuance of evidences of debt ("bonds," "notes," or "debt instruments") (herein referred to as "bonds"). This Appendix is made available to applicants as appropriate for application processing and loan docket preparation.

(b) *Policies related to use of bond counsel.* Preparation of the bonds and the bond transcript documents will be the responsibility of the applicant. Public body applicants will obtain the services and opinion of recognized bond counsel with respect to the validity of a bond issue, except as provided in (b) (1) through (3) below. The applicant normally will be represented by a local attorney who will obtain the assistance of a recognized bond counsel firm which has had experience in municipal financing with such investors as investment dealers, banks, and insurance companies.

(1) *Issues of $250,000 or less.* At the option of the applicant for issues of $250,000 or less, bond counsel may be used for the issuance of a final opinion only and not for the preparation of the bond transcript and other documents when the applicant, FmHA, and bond counsel have agreed in advance as to the method of preparation of the bond transcript documents. Under such circumstances the applicant will be responsible for the preparation of the bond transcript documents.

(2) *Issues of $50,000 or less.* At the option of the applicant and with the prior approval of the State Director of FmHA, the applicant need not use bond counsel if:

(i) The amount of the issue does not exceed $50,000 and the applicant recognizes and accepts the fact that proc-

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essing the application may require additional legal and administrative time.

(ii) There is a significant cost saving to the applicant particularly with reference to total legal fees after determining what bond counsel would charge as compared with what the local attorney will charge without bond counsel.

(iii) The local attorney is able and experienced in handling this type of legal work.

(iv) The applicant understands that, if it is required by FmHA to refinance its loan pursuant to the statutory refinancing requirements, it will probably have to obtain at its expense a bond counsel's opinion at that time.

(v) All bonds will be prepared in accordance with this regulation and will conform as nearly as possible to the preferred methods of preparation stated in paragraph (e) but still be consistent with State law.

(vi) Many matters necessary to comply with FmHA requirements such as land rights, easements, and organizational documents will be handled by the applicant's local attorney. Specific closing instructions will be issued by the Office of the General Counsel of the U.S. Department of Agriculture for the guidance of FmHA.

(3) *For loans of less than $500,000.* The applicant shall not be required to use bond counsel in a straight mortgage-note situation where competitive bidding is not required for the sale of the debt instrument, unless a complicated financial situation exists with the applicant. In addition, if there is a known backlog in a particular OGC regional office the applicant will be advised of such backlog and it will be suggested to the applicant that the appointment of bond counsel may be more expeditious. However, it will be the decision of the applicant whether or not to appoint bond counsel. The applicant must comply with (b)(2) (iii) through (vi) above.

(c) *Bond transcript documents.* Any questions with respect to FmHA requirements should be discussed with the FmHA representatives. The bond counsel (or local counsel where no bond counsel is involved) is required to furnish at least two complete sets of the following to the applicant, who will furnish one complete set to FmHA:

(1) Copies of all organizational documents.

(2) Copies of general incumbancy certificate.

(3) Certified copies of minutes or excerpts therefrom of all meetings of the applicant's governing body at which action was taken in connection with the authorization and issuance of the bonds.

(4) Certified copies of documents evidencing that the applicant has complied fully with all statutory requirements incident to calling and holding of a favorable bond election, if such an election is necessary in connection with bond issuance.

(5) Certified copies of the resolutions or ordinances or other documents, such as the bond authorizing resolution or ordinance and any resolution establishing rates and regulating the use of the improvement, if such documents are not included in the minutes furnished.

(6) Copies of official Notice of Sale and affidavit of publication of Notice of Sale where a public sale is required by State statute.

(7) Specimen bond, with any attached coupons.

(8) Attorney's no-litigation certificate.

(9) Certified copies of resolutions or other documents pertaining to the bond award.

(10) Any additional or supporting documents required by bond counsel.

(11) For loans involving multiple advances of FmHA loan funds, a preliminary approving opinion of bond counsel (or local counsel if no bond counsel is involved) if a final unqualified opinion cannot be obtained until all funds are advanced. The preliminary opinion for the entire issue shall be delivered on or before the first advance of loan funds and state that the applicant has the legal authority to issue the bonds, construct, operate and maintain the facility, and repay the loan subject to changes during the advance of funds such as litigation resulting from the failure to advance loan funds, and receipt of closing certificates.

(12) Preliminary approving opinion, if any, and final unqualified approving opinion of recognized bond counsel (or local counsel if no bond counsel is involved) including opinion regarding interest on bonds being exempt from Federal and any State income taxes. On approval of the Administrator, a final opinion may be qualified to the extent that litigation is pending relating to Indian claims that may affect title to land or validity of the obligation. It is permissible for such opinions to contain language referring to the last sentence of Section 306(a)(1) or to Section 309A(h) of the Consolidated Farm and Rural Development Act [7 U.S.C. 1926(a)(1) or 1929 a (h)], and providing that if the bonds evidencing the indebtedness in question are acquired by the Federal Government and sold on an insured basis from the Agriculture Credit Insurance Fund, or the Rural Development Insurance Fund, the interest on such bonds will be included in gross income for the purposes of the Federal income tax statutes.

(d) *Interim financing from commercial sources during construction period for loans of $50,000 or more.* In all cases where it is possible for funds to be borrowed at current market interest rates on an interim basis from commercial sources, such interim financing will be obtained so as to preclude the necessity for multiple advances of FmHA funds.

(e) *Permanent instruments for FmHA loans to repay interim commercial financing.* FmHA loans will be evidenced by the following types of instruments chosen in accordance with the following order of preference:

(1) *First preference—Form FmHA 440-22.* If legally permissible use Form FmHA 440-22 for insured loans.

(2) *Second preference—single instruments with amortized installments.* If Form FmHA 440-22 is not legally permissible, use a single instrument providing for amortized installments. Show the full amount of the loan on the face of the document and provide for entering the date and amount of each FmHA advance on the reverse thereof or on an attachment to the instrument. Form FmHA 440-22 should be followed to the extent possible. When principal payment is deferred, no attempt should be made to compute in dollar terms the amount of interest due on these installment dates. Rather the instrument should provide that "interest only" is due on these dates. The appropriate amortized installment computed as follows will be shown due on the installment dates thereafter.

(i) Annual payments—Subtract the due date of the *last annual interest only* installment from the due date of the final installment to determine the number of annual payments applicable. When there are no interest only installments, the number of annual payments will equal the number of years over which the loan is amortized. Then multiply the amount of the note by the applicable amortization factor shown in FmHA Amortization Tables and rounded to the next higher dollar. Example of Computation of Annual Payment:

Date of Loan Closing: 7-5-1976
Amount of Loan: $100,000.00
Interest Rate: 5%
Amortization Period: 40 years
Interest Only Installments: 7-5-1977 and 7-5-1978
First Regular Installment: 7-5-1979
Final Installment: 7-5-2016
Computation: 2016—1978=38 annual payments $100,000.00 x .05929=$5929.00 annual payment due

(ii) Semiannual payments—Multiply by two the number of years between the due date of the *last annual interest only* installment and the due date of the final installment to determine the correct number of semiannual periods applicable. When there are no interest only installments, multiply by two the number of years over which the loan is amortized. Then multiply the amount of the note by the applicable amortization factor shown in FmHA Amortization Tables and rounded to the next higher dollar.

Example of Computation of Semiannual Payment:

Date of Loan Closing: 7-5-1976
Amount of Loan: $100,000.00
Interest Rate: 5%
Amortization Period: 40 years
Interest Only Installments: 7-5-1977 and 7-5-1978
First Regular Installment: 7-5-1979
Final Installment: 7-5-2016
Computation: 2016—1978=38 x 2=76 semiannual periods $100,000.00 x .02952=$2952.00 semiannual payment due

(iii) Monthly payments—Multiply by twelve the number of years between the due date of the *last annual interest only* installment and the final installment to determine the number of monthly payments applicable. When there are no interest only installments, multiply by twelve the number of years over which the loan is amortized. Then multiply the amount of the note by the applicable amortization factor shown in FmHA Amortization Tables and rounded to the next higher dollar.

Example of Computation of Monthly Payment:

Date of Loan Closing: 7-5-1976
Amount of Loan: $100,000.00
Interest Rate: 5%
Amortization Period: 40 years
Interest Only Installments: 7-5-1977 and 7-5-1978
First Regular Installment: 7-5-1979
Final Installment: 7-5-2016
Computation: 2016—1978=38 x 12=456 monthly payments $100,000.00 x .00491=$491.00 monthly payment due

(3) *Third preference—single instrument with installments of principal plus interest.* In a single instrument with amortized installments is not legally permissible, use a single instrument providing for installments of principal plus interest accrued on the unmatured principal balance. The principal should be in an amount best adapted to making principal retirement and interest payments which closely approximate equal installments of combined interest and principal as required by the first two preferences.

(i) The repayment terms concerning interest only installments described in paragraph (e)(2) of this section. "Second preference" applies.

(ii) The instrument shall contain in substance the following provisions:

(A) A statement of principal maturities and due dates.

(B) Payments made on indebtedness evidenced by this instrument shall be applied to the interest due through the next installment due date and the balance to principal in accordance with the terms of the bond. Payments on delinquent accounts will be applied in the following sequence:

(*1*) billed delinquent interest,
(*2*) past due interest installments,
(*3*) past due principal installments,
(*4*) interest installment due, and
(*5*) principal installment due.

Extra payments and payments made from security depleting sources shall be applied to the principal last to come due or as specified in the bond instrument.

(4) *Fourth preference—serial bonds with installments of principal plus interest.* If instruments described under the first, second, and third preferences are not legally permissible, *use serial bonds with a bond or bonds delivered in the amount of each advance. Bonds will be delivered in the order of their numbers.* Such bonds will conform with the minimum requirements of paragraph (h) of this section. Rules for application of payments on serial bonds will be the same as those for principal installment single bonds as set out in the preceding paragraph (e)(3) of this section.

(f) *Multiple advances of FmHA funds using permanent instruments.* Where interim financing from commercial sources is not available, FmHA loan proceeds will be disbursed on an "as needed by borrower" basis in amounts not to exceed the amount needed during 30-day periods.

(g) *Multiple advances of FmHA funds using temporary debt instrument.* When none of the instruments described in paragraph (e) of this section are legally permissible or practical, a bond anticipation note or similar temporary debt instrument may be used. The debt instrument will provide for multiple advance of FmHA loan funds and will be for the full amount of the FmHA loan. The instrument will be prepared by bond counsel (or local counsel if bond counsel is not involved) and approved by the State Director and OGC. At the same time FmHA delivers the last advance, the borrower will deliver the permanent bond instrument and the canceled temporary instrument will be returned to the borrower. The approved debt instrument will show at least the following:

(1) The date from which each advance will bear interest.

(2) The interest rate.

(3) A payment schedule providing for interest on outstanding principal at least annually.

(4) A maturity date which shall be no earlier than the anticipated issuance date of the permanent instrument(s).

(h) *Minimum bond specifications.* The provisions of this paragraph are minimum specifications only, and must be followed to the extent legally permissible.

(1) *Type and denominations.* Bond resolutions or ordinances will provide that the instrument(s) be either a bond representing the total amount of the indebtedness or serial bonds in denominations customarily accepted in municipal financing (ordinarily in multiples of not less than $1,000). Single bonds may provide for repayment of principal plus interest or amortized installments; amortized installments are preferable from the standpoint of FmHA. Coupon bonds will not be used unless required by State statute.

(i) To compute the value of each coupon when the bond denomination is consistent:

(A) Multiply the amount of the loan or advance by the interest rate and divide the product by 365 days.

(B) Multiply the daily accrual factor determined in (A) by the number of days from the date of advance or last installment date to the next installment date.

(C) Divide the interest computed in (B) by the number of bonds securing the advance; this is the individual coupon amount.

(ii) To compute the value of each coupon when the bond denomination varies:

(A) Multiply the denomination of the bond by the interest rate and divide the product by 365 days.

(B) Multiply the daily accrual factor determined in (A) by the number of days from the date of advance or last installment date to the next installment due date; this is the individual coupon amount.

(2) *Bond registration.* Bonds will contain provisions permitting registration as to both principal and interest. Bonds purchased by FmHA will be registered in the name of "United States of America, Farmers Home Administration," and will remain so registered at all times while the bonds are held or insured by the United States. The address of FmHA for registration purposes will be that of the FmHA Finance Office.

(3) *Size and quality.* Size of bonds and coupons should conform to standard practice. Paper must be of sufficient quality to prevent deterioration through ordinary handling over the life of the loan.

(4) *Date of bond.* Bonds will preferably be dated as of the day of delivery, however, may be dated another date at the option of the borrower and sub-

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ject to approval by FmHA. If the date of delivery is other than the date of the bond, the date of delivery will be stated in the bond. In all cases, interest will accrue from the date of delivery of the funds.

(5) *Payment date.* Loan payments will be scheduled to coincide with income availability and be in accordance with State law. Monthly payments will be required if consistent with the foregoing, and will be enumerated in the bond, other evidence of indebtedness, or other supplemental agreement. Insofar as practical monthly payments will be scheduled one full month following the date of loan closing; or semiannual or annual payments will be scheduled six or twelve full months respectively, following the date of loan closing or any deferment period. Due dates falling on the 29th, 30th or 31st day of the month will be avoided.

(6) *Place of payment.* Payments on bonds purchased by FmHA should be submitted to the FmHA District Office by the borrower. The District Office will then remit the payments to the Finance Office on Form FmHA 451-2, "Schedule of Remittances."

(7) *Redemptions.* Bonds should contain customary redemption provisions, subject, however, to unlimited right of redemption without premium of any bonds held by FmHA except to the extent limited by the provisions under the "Third Preference" and "Fourth Preference" in paragraph (e) of this section.

(8) *Additional revenue bonds.* Parity bonds may be issued to complete the project. Otherwise, parity bonds may not be issued unless the net revenues (that is, unless otherwise defined by the State statute, gross revenues less essential operation and maintenance expense) for the fiscal year preceding the year in which such parity bonds are to be issued, were 120 percent of the average annual debt service requirements on all bonds then outstanding and those to be issued; provided, that this limitation may be waived or modified by the written consent of bondholders representing 75 percent of the then outstanding principal indebtedness. Junior and subordinate bonds may be issued in accordance with the loan agreement.

(9) *Scheduling of FmHA payments when joint financing is involved.* In all cases in which FmHA is participating with another lender in the joint financing of the project to supply funds required by one applicant, the FmHA payments of principal and interest should approximate amortized installments.

(10) *Precautions.* The following types of provisions in debt instruments should be avoided.

(i) Provisions for the holder to manually post each payment to the instrument.

(ii) Provisions for returning the permanent or temporary debt instrument to the borrower in order that it, rather than FmHA, may post the date and amount of each advance or repayment on the instrument.

(11) *Multiple loan types.* When more than one loan type is used in financing a project, each type of loan will be evidenced by a separate debt instrument or series of debt instruments.

(l) *Bidding by FmHA.* Bonds offered for public sale shall be offered in accordance with State law, in such a manner to encourage public bidding. FmHA will not submit a bid at the advertised sale unless required by State law, nor will reference to FmHA's rates and terms be included. If no acceptable bid is received, FmHA will negotiate the purchase of the bond.

§§ 1942.20-1942.50 [Reserved]

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

This document has been reviewed in accordance with FmHA Instruction 1901-G, Environmental Impact Statements. It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190 an Environmental Impact Statement is not required.

Dated: December 29, 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.

[FR Doc. 79-3444 Filed 1-31-79; 8:45 am]

[6450-01-M]

Title 10—Energy

CHAPTER II— DEPARTMENT OF ENERGY

PART 456—RESIDENTIAL ENERGY CONSERVATION PROGRAM

Interpretation of the National Energy Conservation Policy Act

AGENCY: Department of Energy.

ACTION: Interpretative rule.

SUMMARY: The Department of Energy interprets section 216(d) of the National Energy Conservation Policy Act (NECPA) (Pub. L. No. 95-619) to allow a public utility to supply, install, or finance energy conservation measures, if, at the time of the passage of NECPA (November 9, 1978), the utility either (1) was supplying, installing, or financing energy conservation measures or (2) had broadly advertised or completed substantial preparations for the supply, installation, or financing of such measures, until the Secretary of Energy has promulgated procedures by which the determinations described in sections 216(d)(1) and (2) of NECPA can be made and until 30 days thereafter to allow affected public utilities to seek determinations regarding continuation of such activities in accordance with those procedures.

EFFECTIVE DATE: November 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William Funk, Deputy Assistant General Counsel, U. S. Department of Energy, Office of General Counsel, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-9296.

SUPPLEMENTAL INFORMATION:

BACKGROUND

On November 9, 1978, the National Energy Conservation Policy Act (NECPA) became law. Part I of Title II of NECPA established the "Utility Program," a five year program designed to increase substantially the installation of energy conservation measures, including renewable resource measures, in existing residential buildings. Installation of energy conservation measures under the "Program" will not start until 1980.

Section 216(a) of NECPA contains a broad prohibition against public utilities themselves installing, supplying, or financing energy conservation measures. Sections 216(d) (1) and (2) exempt from the prohibition a utility's supply, installation or financing of energy conservation measures which the Secretary of Energy determines were being installed or financed (or for which substantial preparations had been completed) by the utility when NECPA was enacted. The legislative history establishes that sections 216(d) (1) and (2) were intended to "grandfather" existing programs by utilities to install or finance energy conservation measures and to allow utilities to continue those installation and financing activities which they either were engaged in or which they were about to engage in at the time of NECPA's enactment. *See* H.R. Rep. No. 95-488, Part I, 95th Cong., 1st Sess. 7, 25 (1977); H.R. Rep. No. 95-496, Part IV, 95th Cong., 1st Sess. 33 (1977); S. Rep. No. 95-409, 95th Cong., 1st Sess. 31, 58 (1977).

A question has arisen, however, whether sections 216(d) (1) and (2) were effective to exempt such activities from the prohibition in section 216(a) as soon as NECPA was enacted, or whether the Secretary of Energy is required to make a determination that a particular utility had in fact been installing or financing the particular measures or had made substantial preparations to do so before the exemption can apply to that utility. If the latter were the case, each utility with an existing program of installing or financing energy conservation measures at the time NECPA was enacted would have had to cease activity under that program until such time as the Secretary of Energy made the necessary determination, or else face the possibility of a $25,000 fine for each day it continued its program. *See* sections 216(h) and 219(g). Under the terms of NECPA, final rules for the "Utility Program" may not be promulgated for at least 150 days after enactment, so the Secretary could not establish procedures for making the determinations described in sections 216(d) (1) and (2) for at least five months.

Nothing in the legislative history suggests that Congress intended to force utilities to cease their programs for at least five months while awaiting the promulgation of those rules. Indeed, it would be inconsistent with the purpose of the "Utility Program" to interrupt the installation and financing of energy conservation measures while the regulations governing the "Program" are being developed.

Consequently, in order to provide guidance with respect to the conduct by public utilities of activities described in sections 216(d) (1) and (2) prior to promulgation of regulations implementing those sections, the Department of Energy is issuing this interpretative rule which will govern the Department's interpretation and enforcement of section 216(a) of NECPA.

All activities engaged in pursuant to this guidance must meet the substantive requirements set forth in this rule for an exemption and are subject to review by the Department for compliance therewith.

Dated: January 26, 1979.

LYNN R. COLEMAN,
General Counsel.

10 CFR is amended by adding Part 456, Residential Energy Conservation Program consisting of § 456.00 to read as follows:

§ 456.00 Exemption from prohibitions on supply, installation, or financing.

The prohibition on the supply, installation, or financing by any public utility of residential energy conservation measures, contained in section 216(a) of the National Energy Conservation Policy Act, Pub. L. No. 95-619, shall not apply to:

(a) A public utility's supply, installation, or financing of those specific residential energy conservation measures which were being installed or financed by that utility on November 9, 1978; or

(b) A public utility's supply, installation, or financing of those specific residential energy conservation measures (1) with respect to which that utility had, by November 9, 1978, broadly advertised such supply, installation, or financing or (2) with respect to which that utility had, by November 9, 1978, completed substantial preparations for undertaking such activities, until 30 days after the effective date of the procedures promulgated by the Secretary of Energy to implement sections 216(d)(1) and 216(d)(2) of that Act.

(Part 1 of Title II of the National Energy Conservation Policy Act, Pub. L. No. 95-619, 92 Stat. 3206 *et seq.*, Section 644 of the Department of Energy Organization Act, Pub. L. No. 95-91, 91 Stat. 565 *et seq.*)

[FR Doc. 79-3621 Filed 1-31-79; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-CE-24-AD; Amdt. 39-3386]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 33, 35, 36, 55, 56, 58, 65, 70, 90, 95, 99, 100 and 200 Series Airplanes; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects a rule issued on December 21, 1978, and appearing in FR Doc. 79-218 on pages 1078 and 1079 in the issue of Thursday, January 4, 1979 (78-CE-24-AD). An airplane serial number was inadvertently omitted in the Applicability Statement of the Airworthiness Directive (AD) which necessitates this correction.

EFFECTIVE DATE: January 8, 1979.

FOR FUTHER INFORMATION CONTACT:

William L. (Bud) Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: The FAA issued a Final Rule with an effective date of January 8, 1979. In the Final Rule, in the Applicability Statement of the AD, the ending serial number for Model V35B airplanes was incorrectly cited as "D-9539". The ending serial numbers for Model V35B airplanes should read "D-9539 through D-9968". Action is taken herein to make this correction. Since the change is editorial in nature, notice and public procedure thereon are not necessary.

In FR Doc. 79-218 appearing at pages 1078 and 1079 in the FEDERAL REGISTER of January 4, 1979, the last line of serial numbers for Model V35B airplanes in the AD Applicability Statement appearing on page 1078 should be corrected to read "9533 through D-9536 and D-9539 through D-9968".

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)).

Issued in Kansas City, Missouri on January 17, 1979.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 79-3217 Filed 1-31-79; 8:45 am]

[4910-13-M]

[Airspace Docket Number 78-CE-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW POINT ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area—West Union, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the existing transition area at West Union, Iowa to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the George L. Scott Municipal Airport, West Union, Iowa, which is based on a Non-Directional Radio Beacon (NDB) navigational aid installed near the airport.

EFFECTIVE DATE: April 19, 1979.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

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SUPPLEMENTARY INFORMATION: The City of West Union, Iowa is installing a Non-Directional Radio Beacon (NDB) on the George L. Scott Municipal Airport. This navigational aid will provide new navigational guidance for aircraft utilizing this airport. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the existing West Union, Iowa transition area at and above 700 feet above ground level (AGL) within which aircraft will be provided additional controlled airspace protection.

DISCUSSION OF COMMENTS

On pages 53447 and 53448 of the FEDERAL REGISTER dated November 16, 1978, the Federal Aviation administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at West Union, Iowa. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were reveived as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979 (44 FR 442) is amended effective 0901 GMT, April 19, 1979, by altering the following transition area:

WEST UNION, IOWA

George L. Scott Municipal Airport, West Union, Iowa. That airspace extending upward from 700 feet above the surface within an eight-mile radius of the George L. Scott Municipal Airport (latitude 42°59'00"N, longitude 91°48'00"W) Within 3 miles each side of the 174° bearing from the George L. Scott Municipal Airport, extending from the eight-mile radius to 10.5 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61)).

NOTE—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Kansas City, Missouri, on January 23 1979.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 79-3216 Filed 1-31-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2946]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Norris Industries, Inc.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Long Beach, Calif. manufacturer and distributor of dishwashers and other major home appliances to cease misrepresenting, or making unsubstantiated claims regarding the qualities, performance or efficacy of its products.

DATE: Complaint and order issued Dec. 27, 1978.*

FOR FURTHER INFORMATION CONTACT:

FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. 202-724-1499.

SUPPLEMENTARY INFORMATION: On Monday, Oct. 23, 1978, there was published in the FEDERAL REGISTER, 43 FR 49315, a proposed consent agreement with analysis In the Matter of Norris Industries, Inc., a corporation, for the purposes of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart-Advertising Falsely or Misleadingly: § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170-16 Cleansing, purifying; 13.170-56 Non-corroding; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45(a) Advertising substantiation. Subpart-Failing To Maintain Records: § 13.1051 Failing to maintain records; 13.1051-10 Accurate. Subpart-Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities and properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts.—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart-Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-3432 Filed 1-31-79; 8:45 am]

[4910-22-M]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER J—HIGHWAY SAFETY

[FHWA Docket No. 79-1]

PART 922—SAFER OFF-SYSTEM ROADS PROGRAM

Guidance and Procedures

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this document in order to provide guidance and establish procedures for administering the safer off-system roads program in accordance with Section 168(d) of the Surface Transportation Assistance Act of 1978.

EFFECTIVE DATE: February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. James Rummel, Office of Highway Safety (202/426-2131), or Mrs. Kathleen S. Markman, Office of the Chief Counsel (202/426-0346), Federal Highway Administration, United States Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday-Friday.

SUPPLEMENTARY INFORMATION: On November 6, 1978, the President signed into law the Surface Transportation Assistance Act of 1978, Pub. L. 95-599, 92 Stat. 2689. Section 168(d) of the Act amended 23 U.S.C. § 219(c) which necessitates an amendment of the regulations implementing the safer off-system roads program. The present regulations governing the safer off system program require that the States give special consideration to low-cost safety projects when developing a program of safer off-system projects. The new legislaion requires that at least 50 percent of the funds obligated in this program by a State in any fiscal year shall be obligated for highway safety improvement projects. This will help assure that necessary safety improvements are undertaken by the States and local governments on roads not located on any Federal-aid system. At present, collectively the States are already obligating almost 55 percent of the safer off-system funds for safety.

Accordingly, the Federal Highway Administration hereby amends Part 922, Chapter I of Title 23, Code of Federal Regulations as set forth below.

1. Section 922.5 is revised to read as follows:

§ 922.5 Objective.

The principal objective of the Safer Off-System Roads (SOS) program is to construct, reconstruct, or otherwise improve off-system roads and streets with special emphasis on the implementation of highway safety improvement projects.

2. Section 922.9 is amended by revising paragraph (a) to read as follows:

§ 922.9 Distribution of funds.

(a) Each SHA shall make funds apportioned under this program available throughout the State on a fair and equitable basis. Not less than 50 percent of the funds obligated by the State in any fiscal year for this program shall be obligated for highway safety improvement projects.

Each SHA shall ensure that projects are selected, designed, and constructed in a manner which will not discriminate against any person or community on the grounds of race, religion, color, national origin, or sex.

* * * * *

NOTE.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044. (23 U.S.C. 101(e), 219 and 315; 49 CFR 1.48(b).)

Issued on: January 22, 1979.

KARL S. BOWERS,
Federal Highway Administrator.

[FR Doc. 79-3438 Filed 1-31-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-5067]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Louisiana	Caldwell	Grayson, village of	Jan. 16, 1979, emergency	Aug. 13, 1976	220329
Guam	Unincorporated areas	Guam, territory of	Jan. 19, 1979, emergency		660001
Mississippi	Clarke	Shubuta, town of	do	June 7, 1974 and June 25, 1976.	280034-A

* Copies of the Complaint and Decision and Order filed with the original document.

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
.	.	.	.	.	.
Pennsylvania	Snyder	Beaver, township of	do	Nov. 1, 1974 and July 30, 1976.	422032-A
Do	Lackawanna	Scott, township of	do	Dec. 27, 1974	421757
Texas	Parker	Unincorporated areas	Jan. 22, 1979, emergency	Dec. 27, 1977	480520-A
Alaska		Matanuska-Susitna, borough of.	Jan. 23, 1979, emergency	Feb. 28, 1978	020021-A
Ohio	Tuscarawas	Sugarcreek, village of	do	May 31, 1974 and June 11, 1976.	390546-A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, (34 F.R., 2680, Feb. 27, 1969), as amended 39 F.R. 2787, Jan. 24, 1974.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Fedcral Insurance Administrator.

[FR Doc. 79-3025 Filed 1-31-79; 8:45 am]

[4210-01-M]

[Docket No. 5027]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With no Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1-4 family dwelling is $.25 per $100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 of coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follow:

§ 1915.8 List of Communities with No Special Flood Hazard Areas

State	County	Community name	Date of conversion to regular program
Arizona	Pima	City of South Tucson	January 31, 1979.
Illinois	Cook	City of Park Ridge	January 31, 1979.
Michigan	Eaton	Township of Carmel	January 31,1979.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended: 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 F.R. 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3038 Filed 1-31-79; 8:45 am]

[4210-01-M]

[Docket No. 5028]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With Minimal Flood Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood evelations for the Special Flood Hazard Areas. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

§ 1915.9 List of Communities with Minimal Flood Hazard Areas

State	County	Community name
Arkansas	Jackson	City of Swifton
Texas	Lamar	City of Royton
Indiana	Whitley	City of Columbia City
Michigan	Van Buren	Village of Paw Paw
Ohio	Guernsey	Village of Pleasant City
Ohio	Jefferson	Village of Wintersville
Pennsylvania	Adams	Borough of Fairfield
Pennsylvania	Lycoming	Borough of Salladasburg
Pennsylvania	Cumberland	Borough of Shiremanstown
Wisconsin	Iowa	Village of Cobb
Wisconsin	Iowa	Village of Linden
Wisconsin	Iowa	Village of Ridgeway
Arkansas	Jackson	City of Campbell Station
Texas	Caldwell	City of Luling
Texas	Bastrop	City of Smithville
Texas	Henderson	City of Trinidad
Arkansas	Jackson	City of Beedeville
Arkansas	Jackson	City of Tupelo
Massachusetts	Worcester	Town of Petersham
Texas	Panola	City of Carthage
Texas	Eastland	City of Cisco
Texas	Henderson	City of Malakoff
Texas	Smith and Cherokee	City of Troup
Texas	Hidalgo	City of Alamo

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 F.R. 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3039 Filed 1-31-79; 8:45 am]

[4210-01-M]

[Docket No. FI-5029]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

Withdrawal of Flood Insurance Maps

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Federal Insurance Administration, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATES: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, DC 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) for acquisition and construction of buildings, and

(2) for buildings located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction of buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

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The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number and a FIRM by the letter "R" following the community number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 24 CFR part 1909 et. seq.).

As the purpose of this revision is the convenience of the public, notice, and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. Present § 1915.6 is revised to read as follows:

§ 1915.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).*

The following is a cumulative list of withdrawals pursuant to this Part:
40 FR 5149
40 FR 17015
40 FR 20798
40 FR 46102
40 FR 53579
40 FR 56672
41 FR 1478
41 FR 50990
41 FR 13352
41 FR 17726
42 FR 8895
42 FR 29433
42 FR 46226
42 FR 64076
43 FR 24019
44 FR 815
44 FR 6383

(b) *Flood Insurance Rate Maps (FIRM's)*

The following is a cumulative list of withdrawals pursuant to this Part:
40 FR 17015
41 FR 1478
42 FR 49811
42 FR 64076
43 FR 24019

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made Pursuant to § 1915.6:

FIA MAP RESCISSIONS

State	Community name and number	County	Hazard ID date	Rescission date	Reason
AZ	City of Peoria 040050 C	Marcipa	Jan. 21, 1974	Nov. 17 1978	1A
IN	Plainville TN C	Davies	Mar. 21, 1978	June 1, 1978	1A
MN	Cromwell, City	Carlton	Nov. 4, 1978	June 1, 1978	1A
MO	City of Laredo 290152	Grundy	Oct. 18, 1974	Nov. 17, 1978	1
MO	City of Leadington 290560	St. Francois	Oct. 18, 1974	Nov. 17, 1978	1
MO	City of Linn 290708	Osage	Nov. 28, 1975	Nov. 17, 1978	1
MO	City of Lockwood 290682	Dade	June 11, 1976	Nov. 17, 1978	1
MO	Village of Lone Jack 290853	Jackson	Dec. 10, 1976	Nov. 17, 1978	1
MO	City of Lowry City 290683	St. Clair	July 9, 1976	Nov. 17, 1978	1
MO	City of Luray 290082	Clark	Oct. 30, 1975	Nov. 17, 1978	1
MO	City of Meadville 290566	Linn	Apr. 25, 1975	Nov. 17, 1978	1
MO	Village of Monticello 290207	Lewis	Dec. 27, 1974	Nov. 17, 1978	1
MO	City of Napolean 290547	Lafayette	June 11, 1976	Nov. 17, 1978	1
MO	City of Montgomery 290689	Montgomery	July 9, 1976	Nov. 17, 1978	1
MO	City of Nelson 290405	Saline	Dec. 17, 1978	Nov. 17, 1978	1
MO	City of Newton 290551	Sullivan	July 30, 1976	Nov. 17, 1978	1
MO	City of Nina 290078	Christian	Jan. 16, 1976	Nov. 17, 1978	1
MO	City of Osborn	De Kalb	July 18, 1975	Nov. 17, 1978	1
MO	City of Otterville 290556	Cooper	April 25, 1975	Nov. 17, 1978	1
MO	Village of Parkway 290532	Franklin	July 21, 1976	Nov. 17, 1978	1
MO	City of Parnell 290533	Nodaway	May 25, 1975	Nov. 17, 1978	1
MO	City of Perry 290676	Ralls	Feb. 14, 1975	Nov. 17, 1978	1
MO	Village of Pocahontas 290680	Cape Girardeau	Oct. 29, 1976	Nov. 17, 1978	1
MO	City of Ravenwood 290541	Nodaway	June 27, 1975	Nov. 17, 1978	1
OH	Village of Hammerville 390676 C	Brown	Feb. 14, 1975	Nov. 17, 1978	1A
OH	Village of Riverlea 390692	Franklin	Jan. 1, 1975	Nov. 17, 1978	1
OH	Village of South Mt. Vernon 390312	Knox	June 24, 1974	Nov. 17, 1978	3
PA	Blooming Valley 421559 C	Crawford	Apr. 9, 1976	Nov. 17, 1978	1A

FIA MAP RESCISSIONS—Continued

State	Community name and number	County	Hazard ID date	Rescission date	Reason
PA	Boro Elliport 422462 C	Lawrence	Jan. 24, 1975	Nov. 17, 1978	1A
PA	Boro Fredonis 422477 C	Mercer	Jan. 3, 1975	Nov. 17, 1978	1A
WI	Cudany, City	Milwaukee	May 14, 1976	June 1, 1978	1A
CA	City of Westminster 060237	Orange	July 2, 1976	Dec. 7, 1978	1A
KS	City of Nortonville 200150	Jefferson	June 18, 1976	Dec. 7, 1978	1
MN	Osseo 270658 C	Hennepin	Jan. 10, 1975	Dec. 7, 1978	1
MO	Village of Raymondville 290542	Texas	Feb. 14, 1975	Dec. 7, 1978	1
MO	City of Savannah 290664	Andrew	Nov. 5, 1976	Dec. 7, 1978	1
MO	City of Seligman 290521	Barry	Nov. 5, 1976	Dec. 7, 1978	1
MO	City of Shelbyville 290666	Shelby	Apr. 18, 1975	Dec. 7, 1978	1
MO	City of Sheldon 290522	Vernon	Jan. 3, 1975	Dec. 7, 1978	1
MO	City of Sheridan 290523	Worth	July 2, 1976	Dec. 7, 1978	1
MO	Village of Sibley 290177	Jackson	Jan. 16, 1976	Dec. 7, 1978	1
MO	Village of Silver Creek 290524	Newton	Oct. 29, 1976	Dec. 7, 1978	1
MO	City of Sparata 290529	Christian	Apr. 2, 1976	Dec. 7, 1978	1
MO	City of Spickard 290530	Grundy	Feb. 9, 1975	Dec. 7, 1978	1
MO	City of Stotts City 290531	Lawrence	Oct. 29, 1976	Dec. 7, 1978	1
MO	City of Strafford 290506	Greene	Apr. 30, 1976	Dec. 7, 1978	1
MO	City of Summerville 290507	Texas	Jan. 31, 1975	Dec. 7, 1978	1
MO	City of Tipton 290640	Moniteau	Jan. 17, 1975	Dec. 7, 1978	1
MO	City of Truesdale 290511	Warrenton	Nov. 12, 1976	Dec. 7, 1978	1
MO	Village of Unity 290513	Jackson	June 3, 1977	Dec. 7, 1978	1
MO	City of Velda Village 290643	St. Louis	July 2, 1976	Dec. 7, 1978	1
MO	City of Wardsville 290633	Cole	July 11, 1975	Dec. 7, 1978	1
MO	City of Washburn 290024	Barry	Jan. 10, 1975	Dec. 7, 1978	1
MO	City of Waverly 290644	LaFayette	July 11, 1975	Dec. 7, 1978	1
MO	City of Wellsville 290652	Montgomery	July 30, 1976	Dec. 7, 1978	1
MO	Village of Westboro 290635	Atchison	July 11, 1975	Dec. 7, 1978	1
MO	City of Wheaton 290636	Barry	Aug. 13, 1976	Dec. 7, 1978	1
MO	City of Wheeling 290637	Livingston	Dec. 24, 1976	Dec. 7, 1978	1
MO	Wright City 290654	Warren	Nov. 14, 1975	Dec. 7, 1978	1
OH	Village of Verond 390464	Preble	May 28, 1976	Dec. 7, 1978	1
TN	City of Gibson 470286	Gibson	July 18, 1975	Dec. 7, 1978	1
MN	Big Lake, City 270663 C	Sherburne	Jan. 17, 1975	Dec. 26, 1978	1A
MN	Dellwood, City 270694 C	Washington	July 15, 1977	Dec. 26, 1978	1A
MN	Deephaven, City 270158 C	Hennepin	Apr. 4, 1975	Dec. 26, 1978	1A
MN	Greenwood, City 270164 C	Hennepin	May 31, 1974	Dec. 26, 1978	1A
MN	Lauderdale, City 270376 C	Ramsey	Oct. 17, 1975	Dec. 26, 1978	1A

FIA MAP RESCISSIONS—Continued

State	Community name and number	County	Hazard ID date	Rescission date	Reason
MN	Oakdale, City 270511 C	Washington	June 25, 1975	Dec. 26, 1978	1A
MN	St. Bonifacius City 270183 C	Hennepin	May 28, 1976	Dec. 26, 1978	1A
MN	Young America City 270656 C	Carver	Jan. 31, 1975	Dec. 26, 1978	1A
OK	Mulhall, Town 400310	Logan	May 28, 1976	Dec. 26, 1978	1A
PA	Coaldale, Boro 420788 C	Schuylkill	June 4, 1976	Dec. 26, 1978	1A
WV	Blacksville, City 540140 C	Monongalia	Oct. 26, 1978	Dec. 26, 1978	1A
WV	Flemington, Town 540189 C	Taylor	July 23, 1976	Dec. 26, 1978	1A
VA	Standardville, Town 510251 C	Greene	Feb. 11, 1977	Dec. 26, 1978	1A
VA	Strasburg, Town 510149 C	Shenandoah	Dec. 28, 1973	Dec. 26, 1978	1A

KEY TO SYMBOLS

E The community is participating in the Emergency Program. It will remain in the Emergency Program without a FHBM.
C The community is participating in the Emergency Program. It will be converted to the Regular Program without an FIA map.
R The community is participating in the Regular Program.
1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
1A. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
2. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
3. The Community lacked land-use authority over the special flood hazard area.
4. A more accurate FIA map is the effective map for this community.
5. The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.
6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.
7. The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.
8. The T&E or H&E Map was rescinded.
9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3024 Filed 1-31-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4403]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Brookfield, Fairfield County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Brookfield, Fairfield County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Brookfield, Fairfield County, Connecticut.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Brookfield are available for review at the Town Hall, Brookfield Center, Brookfield, Connecticut.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Brookfield, Fairfield County, Connecticut.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Still River	620 feet upstream from corporate limits with New Milford.	231
	2,250 feet upstream from Aldrich Road.	232
	Just upstream of confluence with Limekiln Brook.	235
	2,040 feet upstream from confluence with Limekiln Brook.	239
	100 feet downstream from second dam downsteam from Station Road.	250
	Just upstream of second dam downstream from Station road.	257
	180 feet upstream from first dam downstream from Station Road.	266
	Just upstream of Station Road (Route 25).	272
	Silvermine Road	277
	Upstream of Route 7 (1,000 feet upstream from Silvermine Road).	278
	450 feet upstream from Route 133.	279
	900 feet upstream from Route 7 (downstream of Grays Bridge Road).	282
	Just upstream of relocated Grays Bridge Road.	283
	660 feet upstream from Route 7 (upstream of Grays Bridge Road).	284
	Upstream of East Brook confluence.	286
	470 feet upstream from White Turkey Road.	287
	At the upstream corporate limits with Danbury.	287
Limekiln Brook	At the confluence with Still River.	235
	70 feet upstream from Route 7.	236
	Just upstream of North Mountain Road.	240
	At upstream limit of study near Hillside Court.	241
East Brook	At the confluence with Still River.	286
	100 feet upstream from private drive (460 feet upstream from U.S. 202).	288
	40 feet downstream from private drive (1,050 feet upstream from U.S. 202).	303
	165 feet upstream from private drive.	305
	Downstream end of culvert.	310
	Upstream end of culvert	316
	120 feet upstream from third driveway upstream from the culvert.	320
	125 feet upstream from the second dam downstream from Rocky Road.	345
	Just downstream of first dam downstream of Rocky Road.	355
	Upstream of the first dam downstream of Rocky Road.	359
	30 feet downstream from Rocky Road.	378
	Upstream side of Rocky Road.	380
	570 feet upstream from Rocky Road.	383
	1,370 feet upstream from Rocky Road.	405
	2,650 feet upstream from Rocky Road.	429
	30 feet downstream from Huckleberry Hill Road.	480
	Upstream side of Huckleberry Hill Road.	485
	Just upstream of a driveway, 830 feet upstream of Huckleberry Hill Road.	519

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-3040 Filed 1-31-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3224]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Rosemont, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Rosemont, Cook County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Rosemont, Cook County, Illinois.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Rosemont, Cook County, Illinois, are available for review at the Rosemont Vil-

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lage Hall, 9301 West Bryn Mawr, Rosemont, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Rosemont, Cook County, Illinois.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Plaines River..	Downstream Corporates Limits.	626
	Kennedy Expressway	627
	Northwest Tollway.....	627
	Higgins Road.....	627
	Upsteam Corporate Limits.	627
Willow Creek	Confluence w/Des Plaines River.	627
	River Road	630
	Northwest Tollway.....	631
	Interstate 294.....	631
	Ruby Street.....	631
	Route 72.....	638
	Soo Line Railroad.....	640
	Orchard Drive.....	640
	Route 45.....	641
	Lee Street	643
	Upstream Corporate Limits.	643

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3041 Filed 1-31-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4271]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the Township of Frankenlust, Bay County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Frankenlust, Bay County, Michigan. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Frankenlust, Michigan.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Frankenlust, are available for review at Township Hall, 2401 Delta Road, Bay City, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Frankenlust, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saginaw River	Hotchkiss Road—20 feet*.	585
	Upstream Corporate Limits.	586
Saginaw River West Channel.	Confluence with Dutch Creek.	585
Dutch Creek	Euclid Road—40 feet*.....	585
	Minnesota Highway 84—50 feet*.	585
Squaconning Creek.	Ziegler Road—20 feet*....	585
	Southbound Interstate highway 75—50 feet*.	588
	Minnesota Highway 84—100 feet*.	588
	Bay Valley Road—20 feet*.	589
	Four Mile Road—20 feet*.	593
	Hotchkiss Drive—100 feet*.	596
Squaconning Creek Secondary Channel.	Minnesota Highway 84—50 feet*.	588
Kochville and Frankenlust Drain.	Delta Road—20 feet*	591
	Amelith Road—50 feet*..	602
	Kloha Road—10 feet*.....	604
	Mackinaw Road—10 feet**.	606
Klauss Drain.....	Footbridge—10 feet*	594
	South Campus Drive—50 feet*.	598
	Delta Road—50 feet*	604

*Upstream of centerline.
**Downstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3042 Filed 1-31-79; 8:45 am]

[3810-71-M]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 705—PUBLIC AFFAIRS REGULATIONS

Amendments

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: These regulations are being amended to incorporate the changes made to the underlying regulation, Department of the Navy Public Affairs Regulations (SECNAVINST 5720.44), and to update Part 705.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Jesse J. Graham II, Regulations Branch Attorney (Code 133.1), Office of the Judge Advocate General, Department of the Navy, Washington, D.C. 20370, telephone number (202) 694-5267.

SUPPLEMENTARY INFORMATION: Pursuant to the authority conferred in 5 U.S.C. § 301 and 10 U.S.C. § 5031, the Department of the Navy amends 32 CFR Part 705. Part 705 is a codification of the Department of the Navy Public Affairs Regulations (SECNAVINST 5720.44). These amendments basically reflect nonsubstantive changes to the underlying regulations adopted by the Secretary of the Navy. They relate to internal naval management and/or rules of agency organization, procedure, and practice. It has been determined that invitation for public comment on these amendments prior to adoption would be impracticable, unnecessary, and contrary to the public interest and thus is not required under the rule-making provisions in Parts 296 and 701 of 32 CFR.

Accordingly, 32 CFR Part 705 is amended as follows:

1. Section 705.2 is revised as follows:

§ 705.2 Chief of Information and the Office of Information (CHINFO).

(a) The Chief of Information is the direct representative of the Secretary of the Navy and of the Chief of Naval Operations in all public affairs and internal relations matters. As such, the Chief of Information has the authority to implement public affairs and internal relations policies and to coordinate Navy and Marine Corps public affairs and internal relations activities of mutual interest.

(b) The Chief of Information will keep Navy commands informed of Department of Defense policies and requirements. No command within the Department of the Navy, except Headquarters, Marine Corps, will deal directly with the Office of the Assistant Secretary of Defense (Public Affairs) on public affairs matters unless authorized to do so by the Chief of Information.

(c) The Chief of Information will be consulted on all Navy public affairs and internal relations matters and informed of all operations and proposed plans and policies which have national or international (and in the case of audio-visual material, regional) public affairs aspects.

(d) The Chief of Information heads the Navy Office of Information, the Navy Internal Relations Activity (NIRA), the Office of Information Branch Offices (NAVINFOs), the Navy Public Affairs Center (NAVPACENs) and the Fleet Home Town News Center (FHTNC). In addition, the Chief of Information has responsibility (on behalf of the Secretary of the Navy as Executive Agent for the Department of Defense) for the High School News Service and has operational control of the U.S. Navy Band, Washington, D.C.

(e) The Navy Office of Information Branch Offices (NAVINFOs) are located in Atlanta, Boston, Chicago, Dallas, Los Angeles, and New York. As representatives of the Secretary of the Navy, Chief of Naval Operations, and Chief of Information, the NAVINFOs have a primary mission of providing direct liaison with local and regional mass communications media.

(1) The function of the NAVINFOs are as follows:

(i) Establish and maintain close personal relationships with local television, radio, film, publishing, and other mass-media organizations including minority-group-oriented media.

(ii) Seek ways through these media to inform the public about naval personnel and activities.

(iii) Provide assistance to media organizations and respond to their interest in Navy programs, stories, and features. In this regard, maintain informal liaison with various information offices afloat and ashore in order to respond to requests from local media representatives, particularly those from inland areas, who desire to visit fleet units or activities ashore.

(iv) Provide advice on Navy cooperation and assistance, as appropriate, to representatives of national industrial and commercial organizations, including advertising agencies.

(v) Maintain a library of Navy motion picture films for use by local television stations, distribute news films and audio material, and otherwise perform normal audio-visual functions at the local level.

(vi) Provide personnel and other assistance as appropriate, to special Command Information Bureaus and public information staffs of other naval activities as directed by the Chief of Information.

(vii) Advise the Chief of Information on current trends and significant problems relating to local media requirements.

(viii) Seek ways to support the long-range goals and immediate priorities of the Navy.

(ix) Provide advice and assistance in the placement of news and feature materials to the field activities of the Navy Recruiting Command.

(x) Perform such other tasks as may be assigned by the Chief of Information.

(2) Additionally, NAVINFO Los Angeles is the Navy representative for all appropriate liaison with motion picture and network television offices in the Hollywood area. Naval activities will channel all requests for information or assistance from these media to NAVINFO Los Angeles, which will coordinate with CHINFO.

(3) Additionally, NAVINFO New York is the Navy representative for all appropriate liaison with television and radio networks in the New York area and with magazine and book publishers in that area. Requests for assistance originating from these media should be directed to NAVINFO New York, which will coordinate with CHINFO.

(4) Except as specifically directed by CHINFO, the Branch Offices do not have responsibility or authority for community relations or internal relations.

(5) Direct liaison between NAVINFOs and Naval District public affairs offices, Navy recruiters and other naval activities afloat and ashore is encouraged.

(f) Areas covered by the respective offices are:

(1) NAVINFO Atlanta: Alabama, the District of Columbia, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Southern West Virginia.

(2) NAVINFO Boston: Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(3) NAVINFO Chicago: Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Northern West Virginia.

(4) NAVINFO Dallas: Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(5) NAVINFO Los Angeles: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

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(6) NAVINFO New York: Connecticut, Delaware, New Jersey, New York, and Pennsylvania.

(g) The Navy Public Affairs Centers (NAVPACENs) are located in Norfolk and San Diego. The centers have a primary mission of producing Navy stories for dissemination to the media through normal information channels.

(1) The following tasks are included among the functions of the NAVPACENs.

(i) Produce written, audio and photographic feature public information material about fleet and shore personnel, units and activities, as coordinated with and approved for policy and concept by the respective fleet and shore commander concerned.

(ii) Serve as public affairs emergency reaction teams/resource personnel responsive to the requirements of the CNO and CHINFO, and when feasible and appropriate and as approved by CNO or CHINFO, serve as public affairs emergency reaction teams/resource personnel in support of Fleet Commanders.

(iii) Develop feature material to support the long range goals and the immediate priorities of the Navy. Direct liaison is authorized with the Navy Recruiting Command, Recruiting Areas, Recruiting Districts, and other Commanders as appropriate to achieve this function.

(iv) Perform such other tasks as may be assigned by the Chief of Information.

(2) NAVPACENs will have no public affairs news media responsibilities which conflict with the basic public affairs responsibilities of Fleet Commanders-in-Chief. Specifically, NAVPACENs are excluded from responding to news media queries, releasing news information, arranging news media embarkations, or any other day-to-day news media services concerning the respective fleets. These responsibilities remain with the Fleet Commander.

(3) NAVPACENs have no direct responsibility or authority for community relations or internal relations and shall defer in these areas to the cognizant Naval District Commandant.

(4) Direct liaison with Fleet Commanders-in-Chief and NAVINFOs is appropriate and authorized. As approved by the Fleet CINCs, direct liaison with forces afloat and shore activities under the Fleet CINCs is appropriate.

(5) NAVPACENs will carry out their mission and functions in such a manner as not to interfere with the public affairs responsibilities of the District Commandants.

2. Paragraph (b) of § 705.4 is revised as follows:

§ 705.4 Communication directly with private organizations and individuals.

• • • • • •

(b) Assistance within the command's capabilities should (and in some cases, must) be given. Where an established channel for obtaining the item exists, such as a publication stocked by the Superintendent of Documents (Government Printing Office), or photos, as explained in the subparagraph below, the requester may be directed to it. Under some circumstances, a charge may be made. (Consult Part 701 or the command's Freedom of Information authority for details.) If a lengthy search, beyond the convenient manpower resources of the command, would be required, the requester may be offered the opportunity of examining the material at the command instead of copies being made.

• • • • • •

3. Paragraph (c) of § 705.8 is revised as follows:

§ 705.8 Motion pictures.

• • • • • •

(c) Navy assistance to motion pictures and all other audio-visual products produced by Navy contractors will be subject to the same rules and procedures that apply to other non-government producers. Audio-visual products produced by Navy contractors, with or without Navy assistance, will be submitted to the Chief of Information via the appropriate Navy headquarters activity for coordination with the Assistant Secretary of Defense (Public Affairs) for clearance for public release. They will be accompained by five copies of the script and a statement from the producer that costs were paid from corporate (vice contract) funds.

• • • • • •

4. Subparagraphs (d)(2) and (d)(4) of § 705.14 are revised as follows:

§ 705.14 Embarkation of media representatives.

(d) *Communications.*

• • • • • •

(2) All persons embarked with permission of proper authority and accredited as correspondents are eligible to file press traffic, as authorized by the procedures set forth in Naval Telecommunication Procedures (NTP-9), "Commercial Communications."

• • • • • •

(4) Messages and instructions from editors and station managers to embarked newsmen will be handled as press traffic, as authorized in Naval Telecommunication Procedures (NTP-9).

• • • • • •

5. In subparagaph (b)(3)(i) of § 705.16, lines seven, eight, and nine of the labeling address are revised as set forth below.

6. Subparagraph (b)(4) of § 705.16 is deleted.

7. § 705.16 is also amended by adding an new paragraph (c) as follows:

§ 705.16 Navy produced public information material.

(b) • • •

(3) • • •

(i) • • •

Commanding Officer, U.S. Naval Photographic Center (ATTN: CHINFO Liaison), Washington, DC 20374.

• • • • • •

(c) FLEET HOME TOWN NEWS CENTER (FHTNC).

(1) All public affairs officers will assure that appropirate news and photo releases on personnel of their commands are regularly sent to the Fleet Home Town News Center.

(2) Procedures, requirements and formats are contained in CHINFOINST 5724.1.

• • • • • •

8. In paragraph (q) of § 705.17, at lines five and six, the last sentence is revised as follows: Other exceptions may be given under unusual circumstances.

9. Section 705.17 is further amended by revising paragraphs (s), (t), and (u), and by adding new paragraphs (v) and (w), as follows:

§ 705.17 Participation guidelines.

• • • • • •

(s) Navy participation in public events shall be authorized only when it can be reasonably expected to bring credit to the individuals involved and to the Armed Forces and their recruiting objectives. Naval personnel will not be used in such capacities as ushers, guards, parking lot attendants, runner or messengers, baggage handlers or for crowd control, or in any installations.

(t) Maximum advantage of recruiting potential will be taken at appropriate events for which Navy participation has been authorized.

(u) Navy support will not normally be authorized for commercially-oriented events such as shopping center promotions, Christmas parades, and other such events clearly sponsored by, or conducted for the benefit of commercial interests. However, this policy does not preclude participation of Navy recruiting personnel and their organic equipment, materials and exhibits so long as their participation is not used to stimulate sales or increase the flow of business traffic or to give that appearance. Requests for exceptions will be considered on a case-by-case basis by the Chief of Information.

(v) Questions as to appropriateness of Navy participation, or as to existing Navy and OASD (PA) policy, may be referred to the Chief of Information.

(w) Procedures for requesting participation are addressed in § 705.21.

§ 705.20 [Amended]

10. In paragraph (a) and subparagraph (a)(20) of § 705.20, the word "load" is changed to "loan."

11. In subparagraph (b)(4) of § 705.20, in the first line, the word "gristis" is changed to "group visits."

12. In paragraph (c) of §705.20, in the fourth line, the cite to "OPNAVINST 5030.11A" is changed to "OPNAVINST 5030.11B."

§ 705.22 [Amended]

13. In paragraph (e) of § 705.22, the second line is amended as follows: in the Community (refer to SECNAVINST 5370.2F and DOD Directive 5500.7):

§ 705.23 [Amended]

14. In paragraph (e) of § 705.23, in the 20th line, the phrase "back to your home" is added after the word "debarkation."

15. In subparagraph (c)(1) of § 705.24, lines one through five are revised as set forth below.

16. In subparagraph (c)(2)(ii) of § 705.24, in the fifth and sixth lines, the phrase, "See § 705.28 following, 'Interagency Exhibit Program,'" is deleted.

17. Finally, subparagraph (c)(4) of § 705.24 is amended as set forth below.

§ 705.24 Exhibits.

(c) • • •

(1) Requests for Navy exhibits, other than local exhibits may be forwarded to the Navy Recruiting Exhibit Center via the local Navy recruiter with an information copy to the Chief of Information. The primary mission of the Navy Recruiting Exhibit Center is to support local Navy recruiters. Requests for exhibits for community relations events will be considered favorably only when not in conflict with recruiting requirements.

• • • • • •

(4) Requests for exceptions to policy for exhibit displays should be forwarded to the Officer in Charge, Navy Recruiting Exhibit Center.

• • • • • •

§ 705.25 [Amended]

18. Paragraph (b) of § 705.25 is deleted.

§ 705.26 [Amended]

19. In paragraph (b) of § 705.26 in the third and sixth lines the phrase "Navy Exhibit Center" is amended to "Navy Recruiting Exhibit Center."

20. Subparagraph (b)(3) of § 705.29 is amended as set forth below.

21. Paragraph (c) of § 705.29 is amended as set forth below.

22. Finally, in subparagraph (d)(1) of § 705.29, in the seventh and twenty-second lines, the phrase "Navy Exhibit Center" is amended to "Navy Recruiting Exhibit Center."

§ 705.29 Navy Art Collection.

(b) • • •

(3) The Curator Navy Combat Art Center, in coordination with the Chief of Information, will:

• • • • • •

(c) Requests for art displays should be forwarded to the Director, Community Relations Division, Office of Information, Navy Department, Washington, DC 20350.

• • • • • •

23. Section 705.34 is amended by revising paragraphs (a) and (e) as follows:

§ 705.34 Other Special Events.

(a) *Ship visits.* Requests for visits generally originate with civic groups desiring Navy participation in local events. Often, members of Congress endorse these requests, advising the Navy of their interest in a particular event. Because of the marked increase in requests for ship visits, and in order to give equal consideration to all requests, the Chief of Information has arranged for quarterly meetings of representatives from CHINFO, Commander, Navy Recruiting Command, Chief of Naval Operations and Chief of Legislative Affairs. Based on the importance of the event (nationally, regionally, or locally) location, and prospective audience, recommendations are consolidated and forwarded to the fleet commanders prior to their quarterly scheduling conferences.

• • • • • •

(e) *Fund-raising events.*

(1) Navy support of fund-raising events must be limited to recognized, joint or other authorized campaigns. Navy support of fund-raising events or projects for a single cause, even though the cause is a member of one of the federated, joint or authorized campaigns, or donates in part to one of several of the recognized campaigns, is not authorized by Department of Defense.

(2) Navy support for a single-cause fund-raising event may be authorized if the event is:

(i) in support of Navy recruiting objectives;

(ii) supported by a letter indicating the local United Way representative has no objection; and

(iii) approved by the local Navy Commander as a single-cause charity which has broad local benefit.

24. Subparagraph (c)(1) of § 705.36 is revised as follows:

25. Subparagraph (c)(4)(i) of § 705.36 is deleted and thus subparagraphs (c)(4)(ii) and (c)(4)(iii) of § 705.36 are renumbered as (c)(4)(i) and (c)(4)(ii), respectively.

26. Subparagraph (c)(9)(ii) of § 705.36 is deleted and thus subparagraph (c)(9)(iii) is renumbered as (c)(9)(ii).

§ 705.36 Government transportation of civilians for public affairs purposes.

(c) • • •

(1) This section applies to media representatives who are embarked for the purpose of news gathering or of traveling to an area in order to cover a news event. It does not apply to:

(i) Correspondents when members of groups embarked as regular cruise guests of the Navy.

(ii) Casual trips by correspondents to ships in port or to shore stations in CONUS. Such visits may be authorized by officers in command or higher authority in accordance with instructions promulgated by the Chief of Naval Operations. Written orders are not required.

• • • • • •

§ 705.37 [Amended]

27. Subparagraph (d)(2) of § 705.37 is deleted and thus subparagraphs (d)(3) and (d)(4) of § 705.37 are renumbered as (d)(2) and (d)(3), respectively.

Dated: January 25, 1979.

P. B. WALKER,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Administrative Law).

[FR Doc. 79-3477 Filed 1-31-79; 8:45 am]

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[7710-12-M]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

SUBCHAPTER B—INTERNATIONAL MAIL

PART 10—INTERNATIONAL EXPRESS MAIL RATES

Rates

AGENCY: Postal Service.

ACTION: Final International Express Mail Rates.

SUMMARY: The Postal Service is beginning International Express Mail Service with Switzerland at rates indicated in the tables below. Rates to Switzerland are the same as those charged to other European countries.

EFFECTIVE DATES: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Patricia M. Gibert, (202) 245-5624.

SUPPLEMENTARY INFORMATION: On December 5, 1978, the Postal Service published for comment in the FEDERAL REGISTER proposed rates of postage for International Express Mail covering the Republic of China (Taiwan), Singapore, the Federal Republic of Germany (West Germany) and Switzerland. 43 FR 56959. Interested persons were invited to submit written data, views, or arguments concerning these rates. However, no comments were received. Accordingly, the Postal Service adopted on December 29, 1978, the rates for the first three countries named. 43 FR 60905. Rates for Switzerland had been delayed pending the conclusion of an agreement with that country. The Postal Service now adopts without change the rates of postage for International Express Mail covering Switzerland set out in the following tables (designated Tables 8-3 and 8-11) for inclusion in publication 42, International Mail, incorporated by reference, 39 CFR 10.1.

(39 U.S.C. 401, 403, 404(a)(2), 407, 410(a); Universal Postage Convention, Lausanne, 1974, T.I.A.S. No. 8231, Art. 6.)

W. ALLEN SANDERS,
Acting Deputy General Counsel.

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[7710-12-C]

Table 8-3

SWITZERLAND

INTERNATIONAL EXPRESS MAIL CUSTOM DESIGNED SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$27.85	$27.88	$27.92	$27.96	$28.00	$28.05	$28.10
2	29.92	29.98	30.06	30.14	30.22	30.32	30.42
3	31.99	32.08	32.20	32.32	32.44	32.59	32.74
4	34.06	34.18	34.34	34.50	34.66	34.86	35.06
5	36.13	36.28	36.48	36.68	36.88	37.13	37.38
6	38.20	38.38	38.62	38.86	39.10	39.40	39.70
7	40.27	40.48	40.76	41.04	41.32	41.67	42.02
8	42.34	42.58	42.90	43.22	43.54	43.94	44.34
9	44.41	44.68	45.04	45.40	45.76	46.21	46.66
10	46.48	46.78	47.18	47.58	47.98	48.48	48.98
11	48.55	48.88	49.32	49.76	50.20	50.75	51.30
12	50.62	50.98	51.46	51.94	52.42	53.02	53.62
13	52.69	53.08	53.60	54.12	54.64	55.29	55.94
14	54.76	55.18	55.74	56.30	56.86	57.56	58.26
15	56.83	57.28	57.88	58.48	59.08	59.83	60.58
16	58.90	59.38	60.02	60.66	61.30	62.10	62.90
17	60.97	61.48	62.16	62.84	63.52	64.37	65.22
18	63.04	63.58	64.30	65.02	65.74	66.64	67.54
19	65.11	65.68	66.44	67.20	67.96	68.91	69.86
20	67.18	67.78	68.58	69.38	70.18	71.18	72.18
21	69.25	69.88	70.72	71.56	72.40	73.45	74.50
22	71.32	71.98	72.86	73.74	74.62	75.72	76.82
23	73.39	74.08	75.00	75.92	76.84	77.99	79.14
24	75.46	76.18	77.14	78.10	79.06	80.26	81.46
25	77.53	78.28	79.28	80.28	81.28	82.53	83.78
26	79.60	80.38	81.42	82.46	83.50	84.80	86.10
27	81.67	82.48	83.56	84.64	85.72	87.07	88.42
28	83.74	84.58	85.70	86.82	87.94	89.34	90.74
29	85.81	86.68	87.84	89.00	90.16	91.61	93.06
30	87.88	88.78	89.98	91.18	92.38	93.88	95.38
31	89.95	90.88	92.12	93.36	94.60	96.15	97.70
32	92.02	92.98	94.26	95.54	96.82	98.42	100.02
33	94.09	95.08	96.40	97.72	99.04	100.69	102.34

NOTES: 1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.
2) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.
3) If tendered at origin airport mail facility, deduct $3.00 from these rates.

Table 8-11

SWITZERLAND

INTERNATIONAL EXPRESS MAIL ON DEMAND SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$17.57	$17.60	$17.64	$17.68	$17.72	$17.77	$17.82
2	19.64	19.70	19.78	19.86	19.94	20.04	20.14
3	21.71	21.80	21.92	22.04	22.16	22.31	22.46
4	23.78	23.90	24.06	24.22	24.38	24.58	24.78
5	25.85	26.00	26.20	26.40	26.60	26.85	27.10
6	27.92	28.10	28.34	28.58	28.82	29.12	29.42
7	29.99	30.20	30.48	30.76	31.04	31.39	31.74
8	32.06	32.30	32.62	32.94	33.26	33.66	34.06
9	34.13	34.40	34.76	35.12	35.48	35.93	36.38
10	36.20	36.50	36.90	37.30	37.70	38.20	38.70
11	38.27	38.60	39.04	39.48	39.92	40.47	41.02
12	40.34	40.70	41.18	41.66	42.14	42.74	43.34
13	42.41	42.80	43.32	43.84	44.36	45.01	45.66
14	44.48	44.90	45.46	46.02	46.58	47.28	47.98
15	46.55	47.00	47.60	48.20	48.80	49.55	50.30
16	48.62	49.10	49.74	50.38	51.02	51.82	52.62
17	50.69	51.20	51.88	52.56	53.24	54.09	54.94
18	52.76	53.30	54.02	54.74	55.46	56.36	57.26
19	54.83	55.40	56.16	56.92	57.68	58.63	59.58
20	56.90	57.50	58.30	59.10	59.90	60.90	61.90
21	58.97	59.60	60.44	61.28	62.12	63.17	64.22
22	61.04	61.70	62.58	63.46	64.34	65.44	66.54
23	63.11	63.80	64.72	65.64	66.56	67.71	68.86
24	65.18	65.90	66.86	67.82	68.78	69.98	71.18
25	67.25	68.00	69.00	70.00	71.00	72.25	73.50
26	69.32	70.10	71.14	72.18	73.22	74.52	75.82
27	71.39	72.20	73.28	74.36	75.44	76.79	78.14
28	73.46	74.30	75.42	76.54	77.66	79.06	80.46
29	75.53	76.40	77.56	78.72	79.88	81.33	82.78
30	77.60	78.50	79.70	80.90	82.10	83.60	85.10
31	79.67	80.60	81.84	83.08	84.32	85.87	87.42
32	81.74	82.70	83.98	85.26	86.54	88.14	89.74
33	83.81	84.80	86.12	87.44	88.76	90.41	92.06

NOTES: 1) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

[FR Doc 79-3524 Filed 1-31-79; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

[FRL 1049-5]

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Attainment Status Designations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On March 3, 1978, the Administrator of the Environmental Protection Agency (EPA) promulgated air quality designations for all areas of the country specifying whether the national ambient air quality standards required to have been attained under the 1970 Clean Air Act have been, in fact, attained. The Administrator's designations were required by the 1977 Amendments to the Clean Air Act. Pub. L. No. 95-95, 91 Stat. 685 (August 7, 1977). Under section 107(d)(1)-(2) of the Amendments, each State was required to assess the air quality within its borders and submit a list to EPA identifying those areas in the State which attained the national ambient air quality standards (NAAQS), those which had not, and those areas which could not be classified. The Administrator was to review the State's designations and promulgate his own list with any modifications he deemed necessary. On March 3, 1978, the Administrator promulgated the designations (43 FR 8972).

Even though the designations were immediately effective, EPA solicited public comments on the designations. On September 11, 12, and October 5, 1978, the Agency published responses to many of the comments received and in many cases, designations were changed. See 43 FR 40412, 43 FR 40502, and 43 FR 45993. The State of New Jersey submitted comments challenging the Agency's policy for designating areas as attainment, nonattainment, or unclassifiable for the ozone standard. The Agency has evaluated the technical comments submitted by New Jersey. The Agency's evaluation is set forth in a Technical Support Document which is incorporated herein. The Agency has determined that the comments do not establish a sufficient technical basis to change any designations. Accordingly, the Agency reaffirms the designations.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Action filed by the State of New Jersey: Ronald C. Hausmann, Office of General Counsel (A-133), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Area designations: G. T. Helms, Control Programs Development Division (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTAL INFORMATION: The Clean Air Act Amendments of 1977 (the 1977 amendments), Pub. L. 95-95, added to the Clean Air Act (the Act) a new section 107(d), which directed each State to submit to the Administrator a list of the NAAQS attainment status of all areas within the State. The Administrator was required under section 107(d)(2) of the act to promulgate the State lists, with any necessary modifications. For each standard, areas are designated as either not meeting the standard (nonattainment areas), meeting the standard (attainment areas), or lacking sufficient data to be classified (unclassifiable areas). EPA published these lists in the FEDERAL REGISTER on March 3, 1978, 43 FR 8962, and invited the public to submit comments to the Agency by May 2, 1978.

In guidance to the States while the States were developing designation lists, EPA stated there is scientific evidence that for many of the areas in the eastern portion of the country, without ozone monitoring data, ozone concentrations are probably greater than allowed by the NAAQS. The Agency recommended, therefore, that the eastern States list those areas as nonattainment areas for ozone even though there is no actual monitoring data showing a nonattainment problem. The State of New Jersey followed the EPA recommendation and the entire State was designated as nonattainment with reference to the ozone NAAQS. In contrast, many other States did not follow EPA's recommendation and designated areas in their States without ozone monitoring data as unclassifiable. Since the Agency determined that without actual monitoring data it is impossible to determine for certain that a nonurban area is nonattainment, the Agency approved the unclassifiable designations.

In comments submitted on the March 3, 1978, promulgation, the State of New Jersey contends that EPA's recommendation to the States to designate nonurban areas without monitoring data as nonattainment should have been a requirement and that there is sufficient information to find that in all areas east of the Mississippi River ozone concentrations are greater than the NAAQS allow. New Jersey, therefore, argues that all areas in the eastern half of the country must be designated nonattainment under Section 107(d)(1)(E) of the Act. The Agency has determined that the scientific information relied upon by New Jersey is not definitive enough to require that all areas in the eastern portion of the country be designated nonattainment. Moreover, the Agency's implementation of the nonattainment and prevention of significant deterioration provisions of the 1977 amendments should insure that the national standard is attained by the statutory deadline.

Accordingly, since the comments submitted by New Jersey do not establish a scientific or legal basis for changing the Agency's previous designations, the designations are reaffirmed. A detailed consideration of the comments is set forth in the Agency's technical support document affirming the Agency's ozone designations. See "Technical Support Document for Agency Policy Concerning Designation of Nonattainment Areas for Ozone," which may be obtained by writing Library Services Branch (MD-35), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. The Technical Support Document is incorporated as part of this notice and as part of the record affirming the ozone designations. Authority: Sections 107(d), 171(2), 301(a) of the Clean Air Act as amended (42 U.S.C. 7407(d), 7501(2), 7661(a)).

Dated: January 26, 1979.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 79-3536 Filed 1-31-79; 8:45 am]

[4310-09-M]

Title 43—Public Lands: Interior

CHAPTER 1—BUREAU OF RECLAMATION; DEPARTMENT OF THE INTERIOR

PART 405—CERTAIN LANDS SOUGHT TO BE COVERED BY RECORDABLE CONTRACTS; COLUMBIA BASIN PROJECT

Deletion of Part

AGENCY: Bureau of Reclamation, Interior.

ACTION: Deletion of Part 405 from the Code of Federal Regulations (CFR).

SUMMARY: 43 CFR Part 405 established rules and regulations for execution of recordable contracts on the Columbia Basin Project, Washington,

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pursuant to Section 2 of the Columbia Basin Project Act of March 10, 1943 (57 Stat. 14), as amended by the Act of September 26, 1950 (64 Stat. 1037). Section 2 was repealed in its entirety by the Act of October 1, 1962 (76 Stat. 677, 16 U.S.C. 835c). Accordingly, Part 405 is deleted from the CFR. The part number is reserved for future use of the Bureau of Reclamation, Department of the Interior.

DATE: Deletion of Part 405 is effective February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Michael S. Hacskaylo, O&M Policy Staff, Bureau of Reclamation, Washington, DC, (202) 343-2448.

SUPPLEMENTARY INFORMATION: The acreage limitation provisions of Reclamation law place a limit of 160 acres on the amount of land for which an individual may receive a Federal project irrigation water supply. Legislation authorizing the Columbia Basin Project initially placed this limitation at 40 acres and imposed other conditions on eligibility for project water that were stricter than those contained in general Reclamation law. After a number of statutory modifications, those acreage limitation provisions applicable only to the Columbia Basin Project were repealed by the Act of October 1, 1962. The act provided that the project was subject to the general acreage limitation provisions of Reclamation law.

The primary author of this document is Michael S. Hacskaylo, O&M Policy Staff, Bureau of Reclamation, Washington, DC.

Dated: January 24, 1979.

GUY R. MARTIN,
Secretary of the Interior.

[FR Doc. 79-3316 Filed 1-31-79; 8:45 am]

[6315-01-M]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6000-2c]

PART 1067—FUNDING OF CSA GRANTEES

Subpart—Index and Applicability of CSA Regulations (Instructions)

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing a final rule which provides an Index to its current regulations. This rule indicates which directives are in effect for grants made under specific authorities in the Economic Opportunity Act of 1964, as amended and describes the procedures by which the list will be kept current.

EFFECTIVE DATE: This final rule is effective February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Ms. Maryann J. Fair, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone (202) 254-5047, Teletypewriter Number (202) 254-6218.

SUPPLEMENTARY INFORMATION:—The index to CSA subject classification has been deleted since it is mainly for internal CSA use. This document has caused confusion among grantees as to which listing is correct. This index will show a total of 117 directives; whereas the last index showed a total of 127 directives. However, only two brand new directives have been added and a total of 113 directives have been deleted entirely since the last publication. For the first time, we have included a cross-index of CSA Instructions and Code of Federal Regulation (CFR) parts relating to grantees. This will enable grantees who subscribe to the CFR to locate Instructions that have been codified as well as identify the ones that have not been codified.

(The provisions of this subpart are issued under Sec. 602, 78 Stat. 530, 42 U.S.C. 2942)

GRACIELA (GRACE) OLIVAREZ,
Director.

45 CFR is amended as follows:

Subpart-Index and applicability of CSA Regulations (Instructions) is revised as follows:

Subpart—Index and Applicability of CSA Regulations (Instructions)

Sec.
1067.50-1 Applicability.
1067.50-2 Policy.
1067.50-3 Background.
1067.50-4 Determining Applicability.
1067.50-5 Procedures.
1067.50-6 Distribution to Delegate Agencies
Appendix A
Appendix B
Appendix C

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart—Index and Applicability of CSA Regulations (Instructions)

§ 1067.50-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, III-B and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1067.50-2 Policy.

The General Conditions of all CSA-administered grants made under the authorities of Titles II, III-B and VII of the Economic Opportunity Act provide that program funds expended under the grant are subject to CSA directives. This subpart shows which directives are in effect for grants made under specific authorities in the EOA and describes the procedures by which the list will be kept current.

§ 1067.50-3 Background.

(a) CSA's present issuance system is made up of the following types of issuance which set forth the policy and procedures to be followed by a grantee or offer advice as to how a grantee may better accomplish its objectives: Instructions, Notices, Handbooks, and Guidances. (These regulations may be referred to as "OEO" or "CSA" Instructions or Notices; in either case these regulations are deemed to be the policy statements of the Community Services Administration).

(b) Current Issuance System. (1) *Instructions:* These issuances set forth policies and procedures and are binding on the grantees to which they are applicable as shown in Appendix B to this subpart.

(2) *Notices:* These issuances announce matters of temporary concern or one time occurrence. They also announce interim policy on which immediate action is required, in which case they will be later replaced by more detailed subpart. These Notices are binding on the grantees to which they apply as shown in Appendix B.

(3) *Guidances:* These issuances are not binding on the grantee but are designed to offer suggestions as to how particular functions may be performed better. Since these issuances are not directives they are not included in the Appendix to this subpart but are issued periodically on a separate listing.

(4) *Handbooks:* These issuances include publication sometimes titled "pamphlets or manuals" and collect information relating to one subject. The information compiled in a handbook is drawn from Instructions, Notices and Guidances and arranged for programmatic convenience in one document.

(c) *Daily Publication.* On September 28, 1978 CSA began publishing all proposed rules in the FEDERAL REGISTER exclusively (Monday and Thursday of each week). CSA is requiring that grantees have access to daily publications of this document for the duration of their grants which are funded by CSA. If grantees do not have access to the FEDERAL REGISTER either through a direct subscription or a circulating copy, they must take immediate steps to purchase subscription.

§ 1067.50-4 Determining Applicability.

(a) Appendix B to this subpart is a chart which lists all CSA directives which are still in effect as of this Instruction. The chart indicates which of seven general categories of grants each directive applies. The seven categories correspond to sections of the EOA under which grants are authorized. An "X" in any column of the chart indicates that the directive applies to that grant category. Grants under Section 221/222(a) apply only to Community Action Agencies (CAAs), and not to Limited Purpose Agencies (LPAs) funded under those sections. This is indicated by "CAA" in lieu of "X" in the "221/222(a)" column. (Any directive not included in this list has been superseded and is no longer binding on the grantee.)

(b) Instructions and Notices contain an Applicability section which indicates which types of grants are covered by the issuance. Normally, this applicability is expressed in terms of specific statutory authority under which the grant is made. However, the applicability of CSA regulations shown in Appendix B supersedes applicability language stated explicitly on the face of each directive or, by implication, in the body of the directive's text which follows. (For example, by its terms OEO Instruction 6710-1, "Applying for a CAP Grant" applies only to CAAs. Since its applicability has been expanded to apply to grantees other than CAAs, the term "CAA" wherever referred to as a grantee or a prospective grantee shall be understood to include grantees other than CAAs unless the contrary is required by context.)

(c) Although a particular issuance may not be applicable to a general category of grants, such as to grants funded under Section 232, the special conditions to an individual grant in that category may make such an issuance applicable.

§ 1067.50-5 Procedures.

(a) Appendix A to this subpart lists additions, deletions, and correction or regulations since issuance of the last Index (March 28, 1978.)

(b) Appendix B to this subpart is a listing of all current policy statements applicable to grantees funding by CSA.

(c) Appendix C to this subpart is a cross-index of CSA Instructions and CFR parts relating to grantees. The cross-index will be easier for grantees to locate subparts in the CFR that have been codified, as well as identify the ones that have not been codified.

(d) Check all sets of issuances which you may have to determine whether they are accurate. Missing items in these sets may be ordered from:

(i) CSA Publications and Distribution Center, 49 L Street, S.E., Washington, D.C. 20003.

(ii) PLEASE DO NOT ORDER COMPLETE SETS SINCE THEY ARE NOT AVAILABLE. However, individual items are in stock.

(e) Grantees should cross-check all issuances in their possession and take the following actions:

(i) Remove all issuances which are not listed on the chart, *or which are not applicable to them.*

(ii) On those issuances listed on the chart, make pen-and-ink changes in the applicability sections, as necessary, to conform to the applicability status shown on the chart (e.g., adding and/or deleting sections or titles which do not/do appear on the original issuance.)

§ 1067.50-6 Distribution to Delegate Agencies.

Each grantee should assure that at least one copy of all Instructions has been forwarded to the Director of each of its delegate agencies. In addition, the grantee should establish a distribution system which will assure that each recipient (including delegate agencies) will also be furnished new issuances.

APPENDIX A

1. *Changes to Index Since March 28, 1978.*

a. *Additions.*

We would like to call your attention to the following regulations published since March 28, 1978.

(1) N—6000-4, Notice and Information on Certain 1978 Amendments to the EOA (Effective November 27, 1978).

(2) I—6000-2c, Index and Applicability of CSA Regulations (Instructions) (Effective on February 1, 1979.

I—6004-1k, CSA Income Poverty Guidelines (Revised) (Effective May 5, 1978).

(4) I—6005-2, Citizen Participation Grant Program—Fiscal Year 1978 (Effective August 9, 1978).

(5) I—6100-1b, Program Account Structure (Effective June 8, 1978).

(6) I—6100-1b, Ch.1, Program Account Structure (Effective August 1, 1978).

(7) I—6132-2a, Community Food and Nutrition Program (Effective July 14, 1978).

(8) I—6168-2b, Summer Youth Recreation Program (Effective May 3, 1978).

(9) I—6730-1a, Denial of Refunding (Effective July 6, 1978).

(10) I—6710-3a, Ch.2, CSA Procedures for the Federal Project Notification and Review System (PNRS) (Effective September 29, 1978).

(11) I—6800-10, Ch.1, Payment Requirements (Effective September 28, 1978).

(12) I—6802-3a, Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs (Effective December 11, 1978).

(13) I—6803-1b, Allowances and Reimbursements for Members of Policy Making Bodies (Effective January 10, 1979).

(14) I—6903-1a, Policies and Procedures on $18,000 Per Year Salary Limitation (Effective January 10, 1979).

(15) 7000-1, FEDERAL REGISTER; Access to Daily Publication (Effective September 28, 1978).

b. *Deletions.*

We would like to call your attention to the following deletions of regulations since March 28, 1978 and reasons for such.

Deletions; Superseded by and/or Reason for Deletion

(1) I—6000-1, Index to OEO Directives; Dropped since it is mainly for internal CSA use and its continuing as part of the CSA directive system has caused confusion among grantees regarding which document is the correct listing of current CSA directives.

(2) N—6000-1, Notice and Information on Certain 1972 Amendments to the EOA; CSA Notice 6000-4.

(3) I—6000-2b, Index and Applicability of CSA Regulations (Instructions); CSA Instruction 6000-2c.

(4) I—6004-1j, CSA Income Poverty Guidelines (Revised); CSA Instruction 6004-1k.

(5) I—6015-01, Maximum Use of Existing Community Facilities; Dropped because all information relevant to grantees is guidance.

(6) I—6100-1a, Program Account Structure; CSA Instruction 6100-1b.

(7) I—6100-1a, Ch.1, Program Account Structure; CSA Instruction 6100-1b.

(8) I—6132-2, Community Food and Nutrition Program; CSA Instruction 6132-2a.

(9) I—6143-3, Emergency Energy Conservation Program: Waivers for Farmworker Governed Organizations; Expired September 30, 1978.

(10) N—6143-7, Emergency Energy Conservation Program; Funding Requirements for Emergency Energy Assistance Program; Expired December 31, 1978.

(11) I—6168-2b, Summer Youth Recreation Program; CSA Instruction 6168-2b.

NOTE.—The reason the number is the same as last year's 6168-2b, is because the only change was the listing of State School Lunch Directors which has been updated to reflect changes in this year's list.

(12) I—6302-1, Choice of Project Names—Avoiding Infringement of Trademarks and Service Marks; Dropped because all information relevant to grantees is guidance.

(13) N—6347-2, Rural Home Repair; FmHA Cooperation; Expired November 30, 1978.

(14) I—6730-1, Denial of Refunding; CSA Instruction 6730-1a.

(15) N—6802-2, Non-Federal Share Requirement for Title II, Sections 221, 222(a) and 231 Programs; CSA Instruction 6802-3a.

(16) I—6802-3, Non-Federal Share Requirement for Title II, Sections 221, 222(a) and 231 Programs; CSA Instruction 6802-3a.

(17) I—6802-4, Additional Communities Eligible for Waivers of Non-Federal Share Requirement (Puerto Rico, Trust Territories, the Virgin Island and Indian Tribes on Reservations); CSA Instruction 6802-3a.

(18) I—6802-6, Additional Criteria for Waiver of Non-Federal Share; CSA Instruction 6802-3a.

(19) I—6802-7, Criteria for Waiver of Non-Federal Share; Disaster Relief; CSA Instruction 6802-3a.

(20) I—6802-8, Waiver of Non-Federal Share; Reprogrammed Special Crisis Intervention Funds; CSA Instruction 6802-3a.

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(21) I—6803-02, Revised Policy on Allowances and Reimbursements of Policy Making Bodies; CSA Instruction 6803-1b.

(22) I—6803-1a, Allowances and Reimbursements for Members of Policy Making Bodies; CSA Instruction 6803-1b.

(23) I—6903-1, Policies and Procedures on $18,000 Per Year Salary Limitation; CSA Instruction 6903-1a.

(24) I—7401-1, State/Special Technical Assistance Program; Dropped because we are not currently funding this activity.

(25) I—7801-1, CAP Policy and Guidance System; Dropped because all information relevant to grantees is guidance.

(26) I—1210-3, Exchange Visitors in Anti-poverty Programs: Applications for Waiver of Foreign Residence Requirement; This regulation is obsolete and should be removed from the CFR. The procedures contained in it have not been used for several years .45 CFR Part 1012 is deleted from the Code of Federal Regulations.

c. *Correction.*

We would like to call your attention to an item listed in the March 28, 1978 index:

The reference and item dealing with OEO Instruction 6907-01, Restrictions on Political Activities should have read 45 CFR 1069.6-2(a)(5). This regulation is revoked because it has been considered legally questionable since 1973 on the basis of *Local 2677 v Phillips* 358 F. SUPP. 60(1973), and has not been recognized or enforced as a CSA regulation since then.

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Appendix B

Index and Applicability of CSA Regulations (Instructions)
By Funding Source

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D TITLE VII	TITLE II 221-, 222(a)	230	231	232	234	TITLE III-D 312
	N	6000-4	Notice and Information on Certain 1978 Amendments to the EOA		X	X	X	X	X	X
	I	6000-2c	Index and Applicability of CSA Regulations (Instructions)	X	X	X	X	X	X	X
	I (CG)	6001-01 (B.9)	Means of Carrying Out a Community Action Program	X	X	X	X	X	X	X
	I (CG)	6001-03 (C.2)	Characteristics of Eligible Activities		X					
	I	6001-1	Eligible Activities		CAA					
	I	6004-01a	Title 45, Code of Federal Regulations, Part 1010, Nondiscrimination in Federally Assisted Programs of the Office of Economic Opportunity Effectuation of Title VI of Civil Rights Act of 1964	X	X	X	X	X	X	X

I - Instruction
N - Notice
CG - CAP Guide: Volumes I and II
M - Community Action Memo

[6315-01-C]

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I	6004-01a, CH-1	Title 45, Code of Federal Regulations, Part 1010, Nondiscrimination in Federally-Assisted Programs of the Office of Economic Opportunity Effecutation of Title VI of Civil Rights Act of 1964	X	X	X	X	X	X	X
	I	6004-1k	CSA Income Poverty Guidelines (Revised)	X	X	X	X	X	X	X
	I	6004-2	Limitation on Benefits of Those Voluntarily Poor	X	X	X	X	X	X	X
	N	6004-2	Requirement for Affirmative Civil Rights Program	X	X	X	X	X	X	X
	I	6004-4	Resolving Complaints of Discrimination in Employment, Program Participation, and Benefits by OEO Grantees	X	X	X	X	X	X	X
	I	6005-1	Participation of the Poor in the Planning, Conduct, and Evaluation of Community Action Programs		X	X	X		X	X
	I	6005-2	Citizen Participation Grant Program-Fiscal Year 1978		X					

I - Instruction
N - Notice
CG - CAP Guide: Volumes I and II
M - Community Action Memo

UNIFORM FEDERAL STANDARDL	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	224-222(a)	230	231	232	234	312
	I	6100-1b	Program Account Structure	X	X	X	X	X		X
	I	6100-1b, CH-1	Program Account Structure	X	X	X	X	X		X
	I (M)	6130-01 (37-A)	New Statement of OEO Policy on Family Planning Activities (Note: This directive had been amended by Section 244(4) of the EOA and by more recent directives containing the CSA Poverty Income Guidelines)		X	X	X	X		X
	I	6130-1	Family Planning Activities		X	X	X	X		X
	I	6132-1	Use of EFMS Funds for Food Stamp Activities (*Section 222(a)(5) only							
	I	6132-2a	Community Food and Nutrition Program		X					
	I (M)	6140-01 (79)	Notice and Interim Instruction as to Certain 1967 Amendments to the Economic Opportunity Act (NOTE: Only Part A "Independent Funding of Versatile CAP Programs")		X					

I - Instruction
N - Notice
CG - CAP Guide: Volumes I and II
M - Community Action Memo

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I	6143-1a	Emergency Energy Conservation Program		X					
	I	6143-2	Emergency Energy Conservation Program: Energy Data Form		X					
	N	6143-5	Reprogramming Unobligated Special Crisis Intervention Program Funds		X					
	N	6143-6	Emergency Energy Conservation Program: Policies and Allocations for Fiscal Year 1978 Fundings		X					
	I	6158-1	Special Impact Programs Policies and Priorities	X						
	I	6158-2	Small Business Programs Funded by CDCs	X						
	I	6158-3	Training, Public Service Employment and Social Service Programs Funded by CDCs	X						

I - Instruction
N - Notice
CG - CAP Guide: Volumes I and II
M - Community Action Memo

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I	6158-4	Location of CDC Ventures	X						
	I	6168-1a	Youth Development Program Policies		X					
	I	6168-2b	Summer Youth Recreation Programs		X					
	I	6170-1	Guidelines for Planning and Programming for the Elderly Poor		X					
	I	6302-2	CAAs: Eligibility and Establishment		CAA					
	I	6302-2, CH-1	CAAs: Eligibility and Establishment		CAA					
	I	6320-1	The Mission of the Community Action Agency		CAA					
	I	6335-1	CAA Relationship to Pilot Programs		CAA					
	I (M)	6400-01 (81)	The Organization of Community Action Agency Boards and Committees Under the 1967 Amendments to the Economic Opportunity Act (Section 211)		CAA					

I - Instruction
N - Notice
CG - CAP Guide: Volumes I and II
M - Community Action Memo

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I (M)	6402-01 (42-A)	Service by OEO Employees and Other Federal Employees with Grantee and Delegate Agencies	X	X	X	X	X	X	X
	I (M)	6402-02 (24)	Standards of Eligibility for Members of Governing Bodies and Policy Advisory Committees of Community Action Agencies and Single-Purpose Agencies; Policies and Procedures	X	X	X	X	X	X	X
	I	6402-1	Limitation on Terms of Board Service (*EXECPT INDIAN GRANTEES)		*X					
	I	6402-2	Composition and Selection of CDC Boards of Directors	X						
	I (CG)	6441-01 (Exh.IX Vol.1)	Special Conditions When A Community Action Component is Delegated to a Church Related Organization	X	X	X	X	X	X	X
	I	6441-1	Appeal to OEO by an Organization That Would Like to Serve As a Delegate Agency		CAA					
	N	6441-1	Authority of Regional Directors to Hear Appeals Under OEO Instruction 6441-1 (Extended Indefinitely)		X					

I - Instruction
N - Notice
CG - CAP Guide Volumes I and II
M - Community Action Memo

UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I (CG) (I.2)	6710-02 (Execpt paragraph c)	Instructions for Definding Cost Categories	X	X	X	X	X	X	X
	I	6710-1	Applying for a CAP Grant		X					
	I	6710-1, CH-10	Preparation of CSA Form 314, Statement of CSA Grant	X	X	X	X	X	X	X
	I	6710-1, CH-11	Applying for a Grant Under Title II, Sections 221, 222(a) and 231 of the EOA		X		X			
	I	6710-3a	CSA Procedures for the Federal Project Notification and Review System (PNRS)	X	X		X		X	
	I	6710-3a, CH-2	CSA Procedures for the Federal Project Notification and Review System (PNRS)	X	X		X		X	
	I	6710-4	Administration of Grants, Contracts, or Other Arrangements with Educational Institutions (*Research Projects with educational instructions only)	X*			X*			
	I	6710-6	Applying for a Grant Under Title VII of the Community Services Act	X						

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I	6710-7	Amending a Grant Under Title VII of the Community Services Act	X						
	I	6710-8	Preparing a Budget for a Title VII Grant Under the Community Services Act	X						
	I	6730-1a	Denial of Application for Refunding		X					
X	I	6800-1	Implementation of Uniform Federal Standards by the Community Services Administration	X	X	X	X	X	X	X
X	I	6800-2	Cash Depositories	X	X	X	X	X	X	X
X	I	6800-3	Bonding and Insurance	X	X	X	X	X	X	X
X	I	6800-4	Retention and Custodial Requirements for Records	X	X	X	X	X	X	X
X	I	6800-5	Program Income		X	X	X	X	X	X
X	I	6800-6	Cost Sharing and Matching	X	X	X	X	X	X	
X	I	6800-7	Standards for Financial Management Systems	X	X	X	X	X	X	

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
X	I	6800-8	Financial Reporting Requirements	X	X	X	X	X	X	X
X	I	6800-9	Monitoring and Reporting Program Performance		X	X	X	X	X	X
X	I	6800-10	Payment Requirements	X	X	X	X	X	X	X
X	I	6800-10, CH-1	Payment Requirements	X	X	X	X	X	X	X
X	I	6800-12	Grant Closeout Procedures	X	X	X	X	X	X	X
X	I	6800-13	Suspension and Termination Procedures	X	X	X	X	X	X	X
X	I	6800-14	Standard Form for Applying for Federal Assistance (SF 424)	X	X	X	X	X	X	X
	I	6801-1	Grantee Fiscal Responsibility and Auditing (Page 10, Item 6 superseded)	X	X	X	X	X	X	X

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I	6801-1, CH-1	Grantee Fiscal Responsibility and Auditing	X	X	X	X	X	X	X
	I	6801-1, CH-2	Grantee Fiscal Responsibility and Auditing	X	X	X	X	X	X	X
	I (M)	6802-01 (7)	Contributions to the Non-Federal Share of a Community Action Program by Local Housing Authorities	X	X	X	X	X		X
	I (M)	6802-02 (22)	College Work Study Program		X	X	X	X		
	I	6802-3a	Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs		X		X			
	I	6802-5a	Non-Federal Share Contribution; Eligibility for Waiver of Increase		X					

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I	6803-1b	Allowances and Reimbursements for Members of Policy Making Bodies		X	X	X	X	X	X
	I	6803-2	Allowability of Costs Incurred to Borrow Funds	X	X	X	X	X	X	X
	I	6803-5	Use of Federal Funds for Union Activities	X	X	X	X	X	X	X
	I	6803-6	Membership Dues and Related Expenses Paid to Professional Organizations	X	X	X	X	X	X	X
	I (CG)	6806-01 (I.1)	Establishing and Maintaining Program Accounts	X	X	X	X	X	X	X
	I (CG)	6806-04 (I.8)	Accounting for Delegated or Contracted Activities	X	X	X	X	X	X	X
	I	6807-1 (12-20-71)	Limitation on CAA Administrative Costs		CAA					
	I	6810-1	Grantee Compliance with IRS Requirements for Withheld Federal Income and Social Security Taxes	X	X	X	X	X	X	X

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I (M)	6900-01 (23-A)	Personnel Policies and Procedures-Revised	X	X	X				X
	I (M)	6900-02 (23-B)	Personnel Policies and Procedures-Additional	X	X	X		X		X
	I (TAM)	6900-03 (26)	Personnel Policies and Procedures				X			
	I (TAM)	6900-04 (26-A)	Personnel Policies and Procedures-Additional				X			
	I	6901-1	Employment of Persons with Criminal Records	X	X	X	X	X	X	X
	I	6901-2	Assistance to Vietnam-Era Veterans	X	X	X		X	X	X
	I	6903-1a	Policies and Procedures on $18,000 Per Year Salary Limitation		X				X	
	I	6903-3	Payment for Overtime and Authorization for Compensatory Time	X	X	X				X
	I (M)	6906-01 (45)	Social Security Coverage for Employees Under CAP Grants	X	X	X	X	X	X	X
	I (M)	6907-01 (66)	Policy Guidance on Lobbying Activities	X	X	X	X	X	X	X
	I	6907-1a	Restrictions on Political Activities	X	X	X	X	X	X	X

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I	6907-2	Limitation with Respect to Unlawful Demonstrations, Rioting and Civil Disturbances	X	X	X	X	X	X	X
	I	6907-3	Employee Participation in Direct Action							
	I	6907-4	Outside Employment of Grantee and Delegate Agency Personnel	X	X	X	X	X	X	X
	I (M)	6909-01 (75)	Conflicts of Interest in Community Action Program Contracts	X	X	X	X	X	X	X
	I	6909-1	Prohibition Against Acceptance of Gifts and Gratuities	X	X	X	X	X	X	X
	I	6910-1b	Travel Regulations for CSA Grantees and Delegate Agencies	X	X	X	X	X	X	X
	I	6910-2d	Per Diem Rates for CSA Grantees and Delegate Agencies	X	X	X	X	X	X	X
	I	7000-01 (H.5)	Funding of Third Party Contractors		X	X	X	X	X	
	I	7000-1	Federal Register; Access to Daily Publications	X	X	X	X	X	X	X
	I	7001-01a	Grantee Property Administration	X	X	X	X	X	X	X

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I	7041-1	Public Access to Grantee Information	X	X	X	X	X	X	X
	I	7042-1	Grantee Public Meetings and Hearings	X	X				X	X
	I	7044-1a	Grantee Involvement in the News Media	X	X	X	X	X	X	X
	I	7050-1	General Conditions Governing CSA Grants Funded Under Titles II, III-B and VII of the EOA of 1964 as amended (Including Amendments Made by the Community Services Act of 1974)	X	X	X	X	X	X	X
	I (CG)	7410-01 (Exhibit VI, Vol.I)	Standard Form for Professional or Technical Services to a Community Action Program	X	X	X	X	X	X	X
	I	7501-1	Role of State Economic Opportunity Offices				X			
	I	7570-1 (01-07-72)	Applying for a New Research or Demonstration Grant Under the EOA (Pages 17 and 18, Item 3 superseded)		X			X		

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UNIFORM FEDERAL STANDARD	TYPE OF DIRECTIVE	DIRECTIVE NO.	TITLE OF DIRECTIVE	TITLE I-D	TITLE II					TITLE III-B
				TITLE VII	221-222(a)	230	231	232	234	312
	I	7570-2	Applying for a Continuation of a Research or Demonstration Grant Under the EOA		X			X		
	I	7570-3	Amendment Procedures for a Research or Demonstration Grant Under the EOA		X			X		
	I	7570-4	Preparing a Budget for a Research or Demonstration Grant Under EOA		X			X		
	I	7641-1	Waiver of Non-Federal Share of Program Costs for Certain Title I-D Programs	X						
	I	7648-1	Training Requirements for Special Impact Program Grantees	X						
	I	7850-1a	Standards for Evaluating the Effectiveness of CSA Administered Programs and Projects	X	X	X	X	X	X	X

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[6315-01-M]

APPENDIX C.—*Cross-Index of CSA Instruction and CFR Parts*

Instruction	Title	CFR (All are 45 CFR)
6000-2C	Index and Applicability of CSA Regulations	1060.5
6001-01	Means of Carrying Out a Community Action Agency.	
6001-03	Characteristics of Eligible Activities	
6001-1	Eligible Activities	
6004-1K	CSA Income Poverty Guidelines	1060.2
6004-2	Limitation on Benefits to Those Voluntarily Poor	1060.3
6004-4	Resolving Complaints of Discrimination in Employment; Program Participation and Benefits Against OEO Grantees.	1060.4
6004-01a and 6004-01a, CH 1	Nondiscrimination in Federally Assisted Programs of the Community Services Administration-Effectuation of Title VI of the Civil Rights Act of 1964.	1010
6005-1	Participation of the Poor in the Planning, Conduct and Administration of the Community Action Programs.	1060.1
6005-2	Citizen Participation Grant Program (Fed. Register, Vol. 43, No. 154, P. 35312).	1061.60
6100-1b	Program Account Structure	
6100-1b, CH 1	Program Account Structure	
6130-1	Family Planning Activities	
6130-01	New Statement of OEO Policy on Family Planning Activities.	
6132-1	Use of EFMS Funds for Food Stamp Activities	1061.12
6132-2a	Community Food and Nutrition Program	1061.50
6140-01	Notice and Interim Instruction as to Certain 1967 Amendments to the Economic Opportunity Act.	
6143-1a	Emergency Energy Conversation Program	1061.30
6143-2	Emergency Energy Conversation Program	1061.31
6158-1	Special Impact Program Policies and Priorities	1076.5
6158-2	Small Business Programs Funded by CDC's	1076.20
6158-3	Training, Public Service Employment, and Social Service Programs Funded by CDC's.	1076.30
6158-4	Location of CDC Ventures	1076.40
6168-1b	Youth Development Program Policies	1061.1
6168-2b	Summer Youth Recreation Programs	1061.20
6170-1	Guidelines for Planning and Programming for the Elderly Poor.	
6302-2	Establishment and Eligibility of Community Action Programs.	1062.1
6302-2, CH 1	Establishment and Eligibility of Community Action Programs.	1062.1
6320-1	The Mission of the Community Action Agency	
6335-1	CAA Relationship to Pilot Programs	
6400-01	The Organization of CAA Boards & Committees Under the 1967 Amendments to the Economic Opportunity Act (Section 211).	
6402-1	Limitation on Terms of Board Service (Except Indian Grantees).	
6402-01	Service by OEO Employees and other Federal Employees with Grantee and Delegate Agencies.	
6402-02	Standards for Eligibility for Members of Governing Bodies and Policy Advisory Committees of Community Action Agencies; and Single-Purpose Agencies; Policies and Procedures.	
6441-1	Appeal to OEO by an Organization That Would Like to Serve as a Delegate Agency.	
6441-01	Special Conditions—When a Community Action Component is Delegated to a Church Related Organization.	
6710-1	Applying for a CAP Grant	
6710-1, CH 10	Preparation of CSA Form 314, Statement of CSA Grant.	1067.30
6710-1, CH 11	Applying for a Grant Under Title II, Sections 221, 222(a), and 231 of the EOA.	1067.40
6710-3a, and 6710-3a, CH 2	CSA Procedures for the Federal Project Notification and Review System (PNRS).	1067.10
6710-4	Administration of Grants, Contracts, or Other Arrangements with Educational Institutions. (Research Projects with Educational Institutions only).	
6710-6	Applying for a Grant Under Title VII of The Community Services Act.	1067.15
6710-7	Amending a Grant under Title VII of The Community Services Act.	1067.16
6710-8	Preparing a Budget for a Title VII Grant under The Community Services Act.	1067.17
6730-1a	Denial of Application for Refunding	1067.2
6800-1	Implementation of Uniform Federal Standards by the Community Services Administration.	1050.1-5
6800-2	Cash Depositories	1050.10-13
6800-3	Bonding and Insurance	1050.15-17
6800-4	Retention and Custodial Requirements for Records	1050.20-26
6800-5	Program Income	1050.40-43
6800-6	Cost Sharing and Matching	1050.50-57
6800-7	Standards for Financial Management Systems	1050.60-62
6800-8	Financial Reporting Requirements	1050.70-73
6800-9	Monitoring and Reporting Program Performance	1050.80

APPENDIX C.—*Cross-Index of CSA Instruction and CFR Parts*—Continued

Instruction	Title	CFR (All are 45 CFR)
6800-10, CH 1	Payment Requirements	1050.90-93
6800-12	Grant Closeout Procedures	1050.110-113
6800-13	Suspensions and Terminations	1050.115
6800-14	Standard Form for Applying for Federal Assistance	1050.120
6801-1	Grantee Fiscal Responsibility and Auditing	
6801-1, CH 1	Grantee Fiscal Responsibility and Auditing	
6801-1, CH 2	Grantee Fiscal Responsibility and Auditing	
6802-01	Contributions to the Non-Federal Share of a Community Action Program by Local Housing Authorities.	
6802-02	College Work Study Program	
6802-3a	Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs.	1068.20
6802-5a	Non-Federal Share Contribution; Eligibility for Waiver of Increase.	1068.22
6802-5a, CH 1	Non-Federal Share Contribution; Eligibility for Waiver of Increase for FY 1978 Grants.	1068.22-6
6803-1b	Allowances and Reimbursements for Members of Policy Making Bodies.	1068.5
6803-2	Allowability of Costs Incurred to Borrow Funds	1068.4
6803-5	Use of Federal Funds for Union Activities	1068.8
6803-6	Membership Dues and Related Expenses Paid to Professional Organizations (Fed Register, Vol. 42, No. 241, p. 63171).	1068.30
6806-01	Establishing and Maintaining Program Accounts	
6806-04	Accounting for Delegated or Contracted Activities	
6807-1	Limitation on CAA Administrative Costs	
6810-1	Grantee Compliance with IRS Requirements for Withheld Federal Income and Social Security Taxes.	
6900-01	Personnel Policies and Procedures—Revised	
6900-02	Personnel Policies and Procedures—Additional	
6900-03	Personnel Policies and Procedures	
6900-04	Personnel Policies and Procedures—Additional	
6901-1	Employment of Persons with Criminal Records	
6901-2	Assistance to Vietnam Era Veterans	
6903-1a	Policies and Procedures on $15,000 Per Year Salary Limitation.	1069.9
6903-3	Payment for Overtime and Authorization for Compensatory Time.	
6906-01	Social Security Coverage for Employees Under CAP Grants.	
6907-1a	Restrictions on Political Activities	1069.8
6907-2	Limitation with Respect to Unlawful Demonstrations, Rioting and Civil Disturbances.	1069.2
6907-3	Employee Participation in Direct Action	1069.1
6907-4	Outside Employment of Grantee and Delegate Agency Personnel.	
6907-01	Policy Guidance on Lobbying Activities	1069.6
6909-1	Prohibitions Against Acceptance of Gifts and Gratuities.	
6909-01	Conflicts of Interest in Community Action Program Contracts.	
6910-1b	Travel Regulations for CSA Grantees	1069.3
6910-2d	Per Diem Rates for CSA Grantees and Delegate Agencies.	1069.4
7000-01	Funding of Third Party Contractors	
7000-01a	Grantee Property Administration	1071
7000-1	Federal Register; Access to Daily Publication (Fed. Register Vol. 43, No. 189, p. 44532).	1067.6
7041-1	Public Access to Grantee Information	1070.1
7042-1	Grantee Public Meetings and Hearings	1070.2
7044-1a	Grantee Involvement in the News Media	1070.4
7050-1	General Conditions Governing CSA Grants Funded Under Titles II, III-B, and VII of the EOA of 1964 as amended (Including Amendments made by the Community Services Act of 1974).	1067.5
7410-01	Standard Form for Professional or Technical Services to a Community Action Program.	
7501-1	Role of State Economic Opportunity Program	1075.1
7570-2	Applying for a New Research or Demonstration Grant Under the EOA.	
7570-2	Applying for a Continuation of a Research or Demonstration Grant.	
7570-3	Amendment Procedures for a Research or Demonstration Grant under EOA.	
7570-4	Preparing a Budget for a Research or Demonstration Grant under EOA.	
7641-1	Waiver of Non-Federal Share of Program Costs for Certain Title I-D Programs.	
7648-1	Training Requirements for Special Impact Program Grantees.	
7850-1a	Standards for Evaluating the Effectiveness of CSA Administered Programs and Projects.	1067.4
	Freedom of Information Act Regulation	1005
	Privacy Act Regulation	1006
	General Administration and Management Committees.	1012 (obsolete)

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APPENDIX C.—*Cross-Index of CSA Instruction and CFR Parts*—Continued

Instruction	Title	CFR (All are 45 CFR)
Staff Instruction 735	Standards of Conduct for Employees	1015
Staff Instruction 2610-1	Contracts and Administration	1026
	Consultation with the Bar on Legal Services Program.	1061.2 (obsolete)
	Eligibility Standard of Comprehensive Health Services.	1061.3 (obsolete)
	Control over Cash in the Hands of Grantees	1067.3 (obsolete)

NOTE.—When there is no CFR reference the Instruction has not been codified.

[FR Doc. 79-3117 Filed 1-31-79; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Sixteenth Revised Service Order No. 1234]

PART 1033—CAR SERVICE

Distribution of Freight Cars; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Sixteenth Revised Service Order No. 1234.

SUMMARY: There are serious shortages of freight cars of the sizes and numbers required to comply with certain tariff provisions. Service Order No. 1234 authorizes the carriers to substitute sufficient smaller cars for larger cars required for shipments of specified commodities in order to meet minimum volume requirements but without limitations as to the number of cars to be used by each shipment. Sixteenth Revised Service Order No. 1234 adds coke to the list of commodities for which smaller cars may be substituted for the larger cars customarily used.

DATES: Effective 11:59 p.m., January 26, 1979. Expires 11:59 p.m., June 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION:

Decided: January 26, 1979.

There is an acute shortage of high capacity freight cars for transporting shipments of alfalfa pellets, barium sulphate (crude barite, ground or not ground), beet pellets, beet pulp, citrus pellets, citrus pulp, clay, coal, coke,[1] cottonseed hulls, electrode binder pitch, fertilizer, fish meal, grain, grain products, gypsum, gypsum rock, peanuts, peanut hulls, pencil pitch, perlite, phosphate (dried or ground, treated or untreated), salt, soybeans, soybean hulls, soybean products or sunflower seeds, caused by certain tariff provisions specifying the minimum quantities that must be loaded into cars offered to the carriers for transport. At the same time smaller cars, suitable except as to capacity, are available for transporting these products. The inability of the carriers and shippers to utilize the smaller capacity cars in place of the larger cars required by tariff provisions is resulting in great economic loss to both shippers and carriers. In the opinion of the Commission, an emergency exists requiring immediate action to modify existing rules, regulations and practices with respect to car service to secure maximum utilization of the available supply of freight cars and to alleviate shortages of cars. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1234 Distribution of freight cars.

(a) Subject to the concurrence of the shipper, carriers may substitute a sufficient number of smaller cars for larger cars ordered to transport shipments of alfalfa pellets, barium sulphate (crude barite, ground or not ground) beet pellets, beet pulp, citrus pellets, citrus pulp, clay, coal, coke,[1] cottonseed hulls, electrode binder pitch, fertilizer, fish meal, grain, grain products, gypsum, gypsum rock, peanuts, peanut hulls, pencil pitch, perlite, phosphate (dried or ground, treated or untreated), salt, soybeans, soybean hulls, soybean products or sunflower seeds regardless of tariff requirements specifying minimum cubic or weight carrying capacity. (See exceptions (b) and (c).)

(b) *Exception.* This order shall not apply to shipments subject to tariff provisions requiring the use of twenty-five or more cars per shipment.

(c) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(d) *Rates and Minimum Weights Applicable.* The rates to be applied and the minimum weights applicable to shipments for which cars smaller than those ordered have been furnished and loaded as authorized by Section (a) of this order shall be the rates and minimum weights applicable to the larger cars ordered.

[1] Addition.

(e) *Billing to be Endorsed.* The carrier substituting smaller cars for larger cars as authorized by Section (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

Car of (——) cu. ft. and of (——) lbs. or greater capacity ordered. Smaller cars furnished authority Sixteenth Revised ICC Service Order No. 1234.

(f) *Concurrence of Shipper Required.* Smaller cars shall not be furnished in lieu of cars of greater capacity without the consent of the shipper.

(g) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C., 20423. Requests for such exception must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(h) *Rules and Regulations Suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(j) *Effective date.* This order shall become effective at 11:59 p.m., January 26, 1979.

(k) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1979, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. (10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3544 Filed 1-31-79; 8:45 am]

[4310-55-M]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

PART 33—SPORT FISHING

Opening of Union Slough National Wildlife Refuge, Iowa, to Public Entry and Use and Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to public entry and use, and to sport fishing of Union Slough National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: For § 26.34, as stated in "Special Conditions" of Supplementary Information. For § 33.5, June 1, 1979 through September 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Richard Antonette, Rt. 1 Box 32-B, Titonka, Iowa 50480—Telephone Number (515) 928-2523.

SUPPLEMENTARY INFORMATION:

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

Public access on the Union Slough National Wildlife Refuge, Iowa, is permitted during daylight hours only, on the areas listed below and as designated by signs and delineated on maps available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Missouri 64116. The following areas are open under special conditions.

1. Union Slough Habitat Tour Route is open for travel in motor vehicles from the 20th through the 30th of April, July, and September, 1979, during the hours of 8:00 a.m.-5:00 p.m., weather permitting. Parking is permitted in designated parking areas only. Foot travel is permitted in designated areas.

2. Deer Meadow Picnic Area and Indian Bluff Nature Trail are open April 15 through September 30, 1979, for access by foot travel. Parking is permitted in designated parking area only.

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3. Vanishing Prairie Grassland Area is open July 15 through September 30, 1979 for access by foot travel. Parking is permitted in designated parking area only.

4. Deer Observation Area is open from February 1, 1979 through December 31, 1979. Parking is permitted.

5. Pets must be on a leash less than ten feet in length and under control of the owner at all times.

The provisions of this special regulation supplement the regulations which govern public entry and use on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26 and are effective through December 31, 1979.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

Sport fishing is permitted on the Union Slough National Wildlife Refuge, Iowa, during daylight hours only on the areas designated by signs as being open to fishing. These areas comprising eight acres and road right-of-ways transversing the refuge are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Missouri 64116. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

1. The use of boats, canoes, or other floating devices is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: January 5, 1979.

RICHARD ANTONETTE,
Refuge Manager.

[FR Doc. 79-3229 Filed 1-31-79; 8:45 am]

[4310-55-M]

PART 32—HUNTING

PART 33—SPORT FISHING

Opening of Mingo National Wildlife Refuge, Mo., to Hunting and Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to squirrel, waterfowl, deer hunting and sport fishing of Mingo National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: See below.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Clawson, Refuge Manager, Mingo National Wildlife Refuge, Route 1, P.O. Box V, Puxico, MO 63960. (314)-222-3589.

SUPPLEMENTARY INFORMATION:

See under *Hunting* and *Sport Fishing* below.

HUNTING

Hunting is permitted on the Mingo National Wildlife Refuge, Missouri, only on the areas designated by signs as being open to hunting. These areas comprising 6,500 acres are delineated on maps available at the refuge headquarters and from the office of the Area Manager, United States Department of the Interior, Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Missouri 64116.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Waterfowl hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Dogs may be used to retrieve downed waterfowl within the hunting area.

2. Hunting in or entering any cultivated field, pasture or diked area is prohibited.

§ 32.22 Special regulations; upland game; for individual wildlife refuges.

Squirrel hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open season for hunting squirrels on the refuge extends from opening date of Statewide season, August 1, 1979 through September 30, 1979.

2. Hunters must register when entering the refuge and record kill when leaving.

§ 32.32 Special regulations; big game; for individual wildlife refuges.

Deer hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Hunting with bows and arrows only is permitted.

2. Hunters must register when entering and leaving the area.

3. Hunting from permanent tree stands (one that is connected to the tree by nails, screws, etc.) is prohibited.

(Sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 4, 48 Stat. 451, as amended; sec. 2, 48 Stat. 1270; sec. 4, 80 Stat. 927; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a; 16 U.S.C. 460k, 668dd; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

SUPPLEMENTARY INFORMATION:

SPORT FISHING

Sport fishing is permitted on the Mingo National Wildlife Refuge, Missouri, only on the areas designated by signs as being open to fishing. These areas comprising 4,300 acres are delineated on maps available at the refuge headquarters and from the office of the Area Manager, United States Department of the Interior, Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Missouri 64116.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Open Season: January 1, 1979 through March 14, 1979 in designated waters.

2. Open Season: March 15, 1979 through September 20, 1979 in all waters.

3. Open Season: October 1, 1979 through December 31, 1979 in designated waters.

4. Use of all motors is prohibited.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651 secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270 sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

The provisions of these special regulations supplement the regulations which govern hunting and fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Parts 32 and 33. The public is invited to offer suggestions and comments at any time.

Dated: January 4, 1979.

GERALD L. CLAWSON,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Missouri.

[FR Doc. 79-3556 Filed 1-31-79; 8:45 am]

[4310-55-M]

PART 33—SPORT FISHING

Opening of Des Lacs National Wildlife Refuge, North Dakota, to sport fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of the Des Lacs National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: December 15, 1978 through March 25, 1979.

FOR FURTHER INFORMATION CONTACT:

John Venegoni, Project Leader, Des Lacs NWR, Kenmare, North Dakota 58746; 701-385-4046.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Des Lacs National Wildlife Refuge, North Dakota, only on the area designated as being open to fishing. This area comprising 700 acres is delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota. Sport fishing shall be in accordance with all applicable State Regulations subject to the following conditions:

(1) No fishing or parking is allowed on County Road 2 or the bridge over Des Lacs Lake. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33, and are effective through March 25, 1979. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Date: January 5, 1979.

JOHN VENEGONI,
Project Leader, Des Lacs National Wildlife Refuge, Kenmare, North Dakota 58746.

[FR Doc. 79-3431 Filed 1-31-79; 8:45 am]

[4310-55-M]

PART 33—SPORT FISHING

Opening of Pool 10 Lacreek National Wildlife Refuge, S. Dak. to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening of parts of the Lacreek National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: April 1, 1979 through March 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Lacreek National Wildlife Refuge, Martin, SD 57551 or telephone 605-685-6508.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on Pool 10 and adjacent streams, Lacreek National Wildlife Refuge, only on those areas designated by public fishing signs as being open to fishing. These areas comprising of about 600 acres are delineated on maps available at the refuge headquarters and at the office of the Area Manager, Federal Building, Pierre, SD. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Fishermen must use designated parking areas and/or boat landings.

2. No motors may be used on boats or canoes in the Refuge.

3. Public fishing on Lacreek National Wildlife Refuge may be closed by the manager whenever access roads are impassable, refuge wildlife need further protection from disturbances, or good refuge management dictates that the area be closed to the public.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

ROLF H. KRAFT,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota.

JANUARY 22, 1979.

[FR Doc 79-3439 Filed 1-31-79; 8:45 am]

[4310-55-M]

PART 33—SPORT FISHING

Opening of Cedar Creek Ponds, Lacreek National Wildlife Refuge, S. Dak. to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening of parts of the Lacreek National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: April 15, 1979 through November 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Lacreek National Wildlife Refuge, Martin, SD 57551 or telephone 605-685-6508.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on Cedar Creek Ponds No. 1, 2, and 3, Lacreek National Wildlife Refuge, only on those areas designated by public fishing signs as being open to fishing. These areas are delineated on maps available at the Refuge headquarters and at the office of the Area Manager, Federal Building, Pierre, South Dakota. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. The season for fishing on Cedar Creek Ponds 1, 2, and 3 extends from April 15 through November 1, 1979, daylight hours only.

2. The use of boats and the use of live minnows as bait, on the Refuge portion of Cedar Creek are prohibited.

3. Public fishing on Lacreek National Wildlife Refuge may be closed by the manager whenever access roads are impassable, refuge wildlife need further protection from disturbances, or good refuge management dictates that the area be closed to the public.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas

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generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

ROLF H. KRAFT,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota.

JANUARY 22, 1979.

[FR Doc. 79-3440 Filed 1-31-79; 8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[6210-01-M]

FEDERAL RESERVE SYSTEM

[12 CFR Part 238]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 26]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 348]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563f]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 711]

[Docket No. R-0198]

MANAGEMENT OFFICIAL INTERLOCKS

Proposed Regulations for Implementation

AGENCIES: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and National Credit Union Administration.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations would implement the Depository Institution Management Interlocks Act (Title II of the Financial Insitutions Regulatory and Interest Rate Control Act of 1978), which prohibits certain management official interlocks between depository institutions, depository holding companies, and their affiliates. Among other things, the regulations would permit, under certain circumstances, service by a management official that would otherwise be prohibited by the Act.

DATE: Comments must be received on or before March 5, 1979.

ADDRESS: Interested persons are invited to submit written data, views or arguments regarding the proposed regulations. Please send one copy of your comments to Theodore E. Allison, Secretary of the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C, 20551. All material submitted should refer to F.R.B. Docket No. R-0198. All comments received will be made available for public inspection.

FOR FURTHER INFORMATION CONTACT:

John Walker (202) 452-2418, or Allan Schott (202) 452-3779, Board of Governors of the Federal Reserve System; David Roderer (202) 447-1880, Office of the Comptroller of the Currency; Pamela LeCren (202) 389-4433, Federal Deposit Insurance Corporation; Kathleen Topelius (202) 377-6444, Federal Home Loan Bank Board; Ross Kendall (202) 632-4870, National Credit Union Administration.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act (the "Act") was enacted as Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630). The purpose of the Act is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides that:

(1) Except with respect to institutions with assets of less than $20 million, a management official (defined as an employee or officer with management functions, a director, or any person who has a representative or nominee serving in such a capacity) of a depository institution, depository holding company, or depository institution affiliate of such institutions may not serve as a management official of a nonaffiliated depository institution, depository holding company, or depository institution affiliate of such institutions that has an office located in the same Standard Metropolitan Statistical Area (SMSA) (§ 203);

(2) Regardless of the size of the institutions involved, a management official of a depository institution, depository holding company, or depository institution affiliate of such institutions may not serve as a management official of a nonaffiliated depository institution, depository holding company, or depository institution affiliate of such institutions if both institutions have offices located in the same or a contiguous or an adjacent city, town or village (§ 203); and

Notwithstanding geographic location, interlocking management relationships are prohibited between any depository institution or depository holding company with total assets exceeding $1 billion, or any affiliate of such institutions, and any nonaffiliated depository institution or depository holding company with total assets exceeding $500 million, or any affiliate of such institutions (§ 204).

Any management official who was serving as such prior to November 10, 1978, and whose service was not in violation of section 8 of the Clayton Act (15 U.S.C. 19) on that date, is not prohibited by the Act from continuing in that position until November 10, 1988 (§ 206).

The Comptroller of the Currency, the board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, The Federal Home Loan Bank Board, and the National Credit Union Administration (the "agencies") are designated to administer and enforce the Act with respect to the institutions they regulate (§ 207) and are authorized to promulgate rules and regulations which permit service otherwise prohibited under the Act (§ 209).

The agencies are proposing substantially identical regulations containing only those technical variations necessary to accomodate the different types of depository institutions regulated by each agency.

In order to provide clarity, the proposed regulations define the term "adjacent" as used in Section 203 of the Act. Similarly, the concept of a banker's bank is clarified in the proposed regulations. The term "office" has been defined to exclude electronic terminals.

The regulations would permit several types of interlocking relationships which may be appropriate in certain instances because of anticipated community benefits from the promotion of such institutions or because the institutions do not in fact compete with each other. It should be emphasized, however, that in each enumerated instance, specific approval must be obtained from each of the agencies charged with supervision of the institutions.

The proposed exceptions relating to institutions located in low income areas, or controlled or managed by persons who are members of minority groups or by women are substantially similar to existing exceptions contained in subparts 212.3(g) and (h) of Regulation L of the Board of Governors (12 CFR 212.3(g), (h)). These exceptions are designed to permit limited interlocking relationships for no more than five years. These exceptions may be permitted only with specific approval of the appropriate agencies and are subject to such other terms and

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conditions as may be imposed by the agencies.

Other exceptions would permit interlocking relationships, when determined by the appropriate agency or agencies to be necessary, to provide adequate management or operating expertise to a new or deteriorating institution. In the case of a new institution, no interlock would be permitted for more than two years after the institution commences business. In the case of either a new or a deteriorating institution, other terms and conditions that the agency or agencies believe necessary may be imposed.

Where a depository institution or depository holding company sponsors a credit union primarily to serve the needs of its employees and those of its affiliates, a specific exemption has been proposed which recognizes that the two institutions do not compete with each other.

Interlocking relationships between affiliated corporations are excluded from the prohibitions of the Act. One of the statutory definitions of the term "affiliate" requires common beneficial ownership of more than 50 per cent of the voting shares of corporations involved. In order to prevent circumvention of the intent of the Act, the proposed regulations would establish a rebuttable presumption that each member of a group that asserts such common ownership must own at least 5 per cent of the voting shares of each corporation. Comment is specifically requested to assist the agencies in developing criteria sufficient to overcome the presumption in those cases where an individual does not meet the 5 per cent qualifying standard, and to determine in which specific circumstances the presumption should not be applied at all.

The agencies particularly request specific comment on the application of the Act to nondepository affiliates of depository institutions, including diversified depository holding companies, in circumstances where such affiliates do not in fact compete with any nonaffiliated depository institution.

The proposed regulations do not attempt to interpret application of the Act to interlocking relationships involving foreign banks. Comment is specifically requested on the potential impact of the Act upon such relationships.

Finally, the proposed regulations provide for the exclusion of electronic fund transfer terminals from the term "office". Such an exclusion would help to prevent disruption and delay in the establishment of new payment systems where permitted by State law. However, the agencies are specifically requesting comment on the appropriateness of this approach or whether this issue should be resolved in another way, for example, by limiting the exclusion to terminals that are shared with another depository institution.

To aid in implementation of the Act, interested persons are also invited to submit relevant data, views, and comments on any other matter thought to be appropriate for further agency action, including other possible exceptions consistent with the purposes of the Act.

Although the agencies contemplate the adoption of a final regulation to be effective on March 10, 1979, subsequent amendments may be adopted as determined to be appropriate upon review of public comments. Interested persons are encouraged to file comments at the earliest possible date in order to facilitate prompt adoption of regulations.

The Administrator of the National Credit Union Administration would like to emphasize that the Act and Regulations affect Federally-insured credit unions differently, in some respects, than other depository institutions. First, the Act provides that its prohibitions on management official interlocks do not apply to a credit union being served by a management official of another credit union. Therefore, the Act will only affect credit unions when a management official of a credit union serves in a management capacity with another type of depository institution, or depository holding company, or with an affiliate of either such institution. Second, because each credit union member, regardless of the number of shares owned, has only one vote, a credit union will never be subject to the control of any one individual or holding company. An affiliate relationship based on common ownership by one or more individuals of two corporations will, therefore, never exist in the case of a credit union. And finally, while Federal law and regulations prohibit a Federally-chartered credit union from owning shares in another depository institution, some State statutes allow state-chartered credit unions to purchase stock in other depository institutions. A state-chartered credit union that is Federally-insured and holds enough stock in a depository institution to qualify as a depository holding company would be subject to the rules promulgated by the Federal Reserve Board pertaining to depository holding companies in addition to rules pertaining to credit unions.

In adopting the Act, Congress left untouched section 8 of the Clayton Act, which also contains prohibitions against certain interlocking relationships. While the two statutes overlap in many respects, there are significant differences. For example, although section 8 of the Clayton Act prohibits interlocks between a member bank and another bank, it does not prohibit interlocks between a member bank and a thrift institution. In proposing its regulation, the Federal Reserve Board has not attempted to reconcile its regulations under the two statutes for several reasons. First, the Federal Reserve Board wishes to propose regulations that are uniform among the other Federal regulatory agencies affected by the Act, and these other agencies do not have jurisdiction under the Clayton Act. Second, differing proposals at this time might lead to confusion that would make public comment less fruitful and interfere with the goal of inter-agency coordination. The Federal Reserve Board will consider reconciling the two sets of regulations at the time it takes final action on the regulations proposed herein. However, if it is not feasible to do so at that time, an individual would be bound by both sets of regulations and by whichever is the more restrictive. The Federal Home Loan Bank Board will similarly consider reconciling its final regulations based on this proposal with § 563.33 of the Regulations of the Federal Savings and Loan Insurance Corporation concerning composition of the board of directors of an insured institution. If it is not feasible to do so at that time, an individual would be bound by both sets of regulations and by whichever is the more restrictive.

In proposing these regulations, the Federal Reserve Board has not followed all of the expanded rulemaking procedures set forth in its policy statement of January 15, 1979. These regulations were initiated before the policy statement was adopted and expedited action is necessary to meet the effective date of the Act. Similarly, because the Act shall become effective on March 10, 1979, the Comptroller of the Currency has determined, in accordance with the existing procedures of the Department of Treasury regarding the issuing of regulations, that a 30-day time period for comment on the proposed regulation is appropriate in this instance in order to expedite the adoption of a regulation.

Some of the prohibitions of the Act depend upon whether a depository organization is located in a Standard Metropolitan Statistical Area (SMSA). For the benefit of those who may be unfamiliar with the current definitions of SMSAs, the Board will make available upon request, at no charge, a list of current SMSAs. Persons who are interested in this list should contact the Secretary of the Federal Reserve Board.

Accordingly, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration propose to amend 12 CFR by adding Parts 238, 26, 348, 563f, and 711, respectively, to read as set forth below:

FEDERAL RESERVE SYSTEM

[12 CFR Part 238]

[REGULATION LL]

PART 238—MANAGEMENT OFFICIAL INTERLOCKS

Sec.
238.1 Authority, purpose and scope.
238.2 Definitions.
238.3 Permitted relationships.
238.4 Common control.

AUTHORITY: Depository Institution Management Interlocks Act, 92 Stat. 3672 (12 U.S.C. 3201 et seq.).

§ 238.1 Authority, purpose and scope.

(a) *Authority.* This Part is based upon and issued pursuant to the provisions of the Depository Institution Management Interlocks Act ("Act") (92 Stat. 3672, 12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The purpose of the Act and this Part is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides, with certain exceptions, that a management official of a depository institution, depository holding company, or depository institution affiliate of either such institution, may not serve in such capacity with any other such institution that is not affiliated therewith if: (1) offices of such institutions are located within the same Standard Metropolitan Statistical Area ("SMSA") and either such institution has assets of $20 million or more; or (2) regardless of asset size, offices of such institutions are located within the same city, town, or village, or any city, town, or village contiguous or adjacent thereto. Notwithstanding geographic location, the Act also provides, with certain exceptions, that a management official of a depository institution or depository holding company having total assets exceeding $1 billion, or any affiliate of either such institution, may not serve in such capacity with any other nonaffiliated depository institution or depository holding company having total assets exceeding $500 million, or any affiliate thereof.

Any person whose service as a management official of a depository institution, depository holding company, or any affiliate thereof, began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. § 19), is not prohibited from continuing to serve in such capacity with such institution until November 10, 1988. The Board of Governors of the Federal Reserve System administers and enforces the Act with respect to State member banks, bank holding companies, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such institution to the Attorney General to enforce compliance with the Act and this Part.

§ 238.2 Definitions.

(a) "Depository institution", "depository holding company", "affiliate", and "management official" have the meanings provided in section 202 of the Act.

(b) "Adjacent", as used in section 203 of the Act, means that cities, towns or villages are less than 10 miles apart at their closest points.

(c) "Office", as used with reference to a depository institution in section 202 of the Act, means either a principal office or a branch, but does not include an electronic terminal.

(d) "Any other bank organized specifically to serve depository institutions", or "banker's bank", as used in section 205 of the Act, means any bank engaged solely in serving depository institutions.

§ 238.3 Permitted relationships.

The Act authorizes the Board to prescribe regulations permitting service by a management official that would otherwise be prohibited by the Act with respect to State member banks, bank holding companies, and any affiliate thereof. Upon request for its prior approval, the Board may permit not more than one of the following classifications of relationships in the case of any one individual:

(a) *Institution in low income area; minority institution.* A management official of a State member bank, bank holding company, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company located, or to be located, in a low income or other economically depressed area; or as a management official of not more than one other depository institution or depository holding company that is controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (1) The appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; (2) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(b) *Newly-chartered institution.* A management official of a State member bank, bank holding company, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company, subject to the following conditions: (1) no interlocking relationship permitted by this paragraph shall continue for more than two years after such other institution commences business; (2) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(c) *Conditions endangering safety or soundness.* A management official of a State member bank, bank, holding company, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company if the Federal regulatory agency that regulates such other institution has reason to believe that conditions exist that may endanger the safety or soundness of such other institution, subject to the following conditions: (1) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (2) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(d) *Institution sponsoring credit union.* A management official of a State member bank, bank holding company, or any affiliate thereof, may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the State member bank, bank holding company, or an affiliate thereof, primarily to serve employees of such institutions.

§ 238.4 Common control.

Unless otherwise demonstrated to the satisfaction of the appropriate Federal regulatory agency or agencies, it is presumed that an "affiliate" relationship does not exist under section 202(3)(B) of the Act unless each of the persons who beneficially own in the aggregate more than 50 per cent of the voting shares of each corporation beneficially owns 5 per cent or more of the voting shares of each corporation.

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Board of Governors of the Federal Reserve System, January 26, 1979.

THEODORE E. ALLISON,
Secretary of the Board.

[4810-33-M]

DEPARTMENT OF THE TREASURY

COMPTROLLER OF THE CURRENCY

[12 CFR Part 26]

PART 26—MANAGEMENT OFFICIAL INTERLOCKS

Sec.
26.1 Authority, purpose and scope.
26.2 Definitions.
26.3 Permitted relationships.
26.4 Common control.

AUTHORITY: Depository Institution Management Interlocks Act, 92 Stat. 3672 (12 U.S.C. 3201 et seq.).

§ 26.1 Authority, purpose and scope.

(a) *Authority.* This Part is based upon and issued pursuant to the provisions of the Depository Institution Management Interlocks Act ("Act") (92 Stat. 3672, 12 U.S.C. § 3201 *et seq.*).

(b) *Purpose and scope.* The purpose of the Act and this Part is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides, with certain exceptions, that a management official of a depository institution, depository holding company, or depository institution affiliate of either such institution, may not serve in such capacity with any other such institution that is not affiliated therewith if: (1) Offices of such institutions are located within the same Standard Metropolitan Statistical Area ("SMSA") and either such institution has assets of $20 million or more; or (2) regardless of asset size, offices of such institutions are located within the same city, town, or village, or any city, town, or village contiguous or adjacent thereto. Notwithstanding geographic location, the Act also provides, with certain exceptions, that a management official of a depository institution or depository holding company having total assets exceeding $1 billion, or any affiliate of either such institution, may not serve in such capacity with any other nonaffiliated depository institution or depository holding company having total assets exceeding $500 million, or any affiliate thereof.

Any person whose service as a management official of a depository institution, depository holding company, or any affiliate thereof, began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19), is not prohibited from continuing to serve in such capacity with such institution until November 10, 1978. The Comptroller of the Currency administers and enforces the Act with respect to national banks, banks located in the District of Columbia, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such institution to the Attorney General to enforce compliance with the Act and this part.

§ 26.2 Definitions.

(a) "Depository institution", "depository holding company", "affiliate", and "management official", have the meanings provided in section 202 of the Act.

(b) "Adjacent", as used in section 203 of the Act, means that cities, towns or villages are less than 10 miles apart at their closest points.

(c) "Office", as used with reference to a depository institution in section 302 of the Act, means either a principal office or a branch, but does not include an electronic terminal.

(d) "Any other bank organized specifically to serve depository institutions", or "banker's bank", as used in section 205 of the Act, means any bank engaged solely in serving depository institutions.

§ 26.3 Permitted relationships.

The Act authorizes the Comptroller to prescribe regulations permitting service by a management official that would otherwise be prohibited by the Act with respect to national banks, banks located in the District of Columbia, and any affiliate thereof. Upon request for its prior approval, the Comptroller may permit not more than one of the following classifications of relationships in the case of any one individual:

(a) *Institution in low income area; minority institution.* A management official of a national bank, bank located in the District of Columbia, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or despository holding company located, or to be located, in a low income or other economically depressed area; or as a management official of not nore than one other depository institution or depository holding company that is controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (1) The appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; (2) No interlocking relationship permitted by this paragraph shall continue for more than five years; and (3) Such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(b) *Newly-chartered institution.* A management official of a national bank, bank located in the District of Columbia, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company, subject to the following conditions: (1) No interlocking relationship permitted by this paragraph shall continue for more than two years after such other institution commences business; (2) The appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (3) Such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(c) *Conditions endangering safety or soundness.* A management official of a national bank, bank located in the District of Columbia, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company if the Federal regulatory agency that regulates such other institution has reason to believe that conditions exist that may endanger the safety or soundness of such other institution, subject to the following conditions: (1) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (2) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(d) *Institution sponsoring credit union.* A management official of a national bank, bank located in the District of Columbia, or any affiliate thereof, may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the national bank, bank located in the District of Columbia or any affiliate thereof, primarily to serve employees of such institutions.

§ 26.4 Common control.

Unless otherwise demonstrated to the satisfaction of the appropriate Federal regulatory agency or agencies, it is presumed that "affiliate" relationship does not exist under section 202(3)(B) of the Act unless each of the persons who benefically own in the aggregate more than 50 per cent of the voting shares of each corporation beneficially owns 5 per cent or more of the voting shares of each corporation.

JOHN G. HEIMANN,
Comptroller of the Currency.

JANUARY 26, 1979.

[6714-01-M]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 348]

PART 348—MANAGEMENT OFFICIAL INTERLOCKS

Sec.
348.1 Authority, purpose and scope.
348.2 Definitions.
348.3 Permitted relationships.
348.4 Common control.

AUTHORITY: Depository Institution Management Interlocks Act, 92 Stat. 3672 (12 U.S.C. 3201 et seq.).

§ 348.1 Authority, purpose and scope.

(a) *Authority.* This Part is based upon and issued pursuant to the provisions of the Depository Institution Management Interlocks Act ("Act") (92 Stat. 3672, 12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The purpose of the Act and this Part is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides, with certain exceptions, that a management official of a depository institution, depository holding company, or depository institution affiliate of either such institution may not serve in such capacity with any other such institution that is not affiliated therewith if (1) offices of such institutions are located within the same Standard Metropolitan Statistical Area ("SMSA") and either such institution has assets of $20 million or more, or (2) regardless of asset size, offices of such institutions are located within the same city, town, or village, or any city, town, or village contiguous or adjacent thereto. Notwithstanding geographic location, the Act also provides, with certain exceptions, that a mangement official of a depository institution or depository holding company having total assets exceeding $1 billion, or any affiliate of either such institution, may not serve in such capacity with any other nonaffiliated depository institution or depository holding company having total assets exceeding $500 million, or any affiliate thereof.

Any person whose service as a management official of a depository institution, depository holding company, or any affiliate thereof began prior to November 10, 1978, and was not immediately prior to that date in violation of Section 8 of the Clayton Act (15 U.S.C. 19), is not prohibited by the Act from continuing to serve in such capacity with such institution until November 10, 1988. The Board of Directors of the Federal Deposit Insurance Corporation administers and enforces the Act with respect to insured State nonmember banks and their affiliates and may refer the case of a prohibited interlocking relationship involving any such institution to the Attorney General to enforce compliance with the Act and this Part.

§ 348.2 Definitions.

(a) "Depository institution," "depository holding company," "affiliate," and "management official" have the meanings provided in section 202 of the Act.

(b) "Adjacent," as used in section 203 of the Act, means that the cities, towns, or villages are less than 10 miles apart at their closest points.

(c) "Office," as used with reference to a depository institution in section 202 of the Act, means either a principal office or a branch but does not include electronic terminals.

(d) "Any other bank organized specifically to serve depository institutions," or banker's bank, as used in Section 205 of the Act, means any bank engaged solely in serving depository institutions.

§ 348.3 Permitted relationships.

The Act authorizes the FDIC Board of Directors to prescribe regulations permitting service by a management official that would otherwise be prohibited by the Act with respect to insured State nonmember banks and their affiliates. Upon request for its prior approval, the Board may permit not more than one of the following classifications of relationships in the case of any one individual:

(a) *Institution in low income area; minority institution.* A management official of an insured State nonmember bank or any affiliate thereof may serve at the same time as a management official of not more than one other depository institution or depository holding company located, or to be located, in a low income or other economically depressed area, or of not more than one other depository institution or depository holding company that is controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (1) The appropriate Federal regulatory agency or agencies determines such relationship to be necessary to provide management or operating expertise to such other institution; (2) No interlocking relationship permitted by this paragraph shall continue for more than five years; and (3) Such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(b) *Newly-chartered institution.* A management official of an insured State nonmember bank or any affiliate thereof may serve at the same time as a management official of not more than one other depository institution or depository holding company, subject to the following conditions: (1) no interlocking relationship permitted by this paragraph shall continue past a date two years after the date such other institution commences business; (2) the appropriate Federal regulatory agency or agencies determines such relationship to be necessary to provide management or operating expertise to such other institution; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(c) *Conditions endangering safety or soundness.* A management official of an insured State nonmember bank or any affiliate thereof may serve at the same time as a management official of not more than one other depository institution or depository holding company if the Federal regulatory agency that regulates such other institution has reason to believe that conditions exist that may endanger the safety or soundness of such other institution, subject to the following conditions: (1) the appropriate Federal regulatory agency or agencies determines such relationship to be necessary to provide management or operating expertise to such other institution; and (2) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(d) *Sponsored credit union.* A management official of an insured State nonmember bank or any affiliate thereof may serve at the same time as a management official of a Federally insured credit union that is sponsored by the insured State nonmember bank or affiliate primarily to serve employees of such institutions.

§ 348.4 Common control.

Unless otherwise demonstrated to the satisfaction of the appropriate Federal regulatory agency or agencies, it is presumed that an "affiliate" relationship does not exist under Section 202(3)(B) of the Act unless each of the persons who beneficially own in the aggregate more than 50 percent of the voting shares of each corporation beneficially owns five percent or more of the voting shares of each corporation.

By direction of the Board of Directors dated January 24, 1979.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

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[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563f]

PART 563f—MANAGEMENT OFFICIAL INTERLOCKS

Sec.
563f.1 Authority, purpose and scope.
563f.2 Definitions.
563f.3 Permitted relationships.
563f.4 Common control.

AUTHORITY: Depository Institution Management Interlocks Act, 92 Stat. 3672 (12 U.S.C. 3201 et seq.)

563f.1 Authority, purpose and scope.

(a) *Authority.* This Part is based upon and issued pursuant to the provisions of the Depository Institution Management Interlocks Act ("Act") (92 Stat. 3672, 12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The purpose of the Act and this Part is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides, with certain exceptions, that a management official of a depository institution, depository holding company, or depository institution affiliate of either such institution, may not serve in such capacity with any other such institution that is not affiliated therewith if: (1) offices of such institutions are located within the same Standard Metropolitan Statistical Area ("SMSA") and either such institution has assets of $20 million or more; or (2) regardless of asset size, offices of such institutions are located within the same city, town, or village, or any city, town, or village contiguous or adjacent thereto. Notwithstanding geographic location, the Act also provides, with certain exceptions, that a management official of a depository institution or depository holding company having total assets exceeding $1 billion, or any affiliate of either such institution, may not serve in such capacity with any other nonaffiliated depository institution or depository holding company having total assets exceeding $500 million, or any affiliate thereof.

Any person whose service as a management official of a depository institution, depository holding company, or any affiliate thereof, began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19), is not prohibited from continuing to serve in such capacity with such institution until November 10, 1978. The Federal Home Loan Bank Board administers and enforces the Act with respect to insured institutions, savings and loan holding companies, and their affiliates, and may refer the case of a prohibited interlocking relationship involving any such institution to the Attorney General to enforce compliance with the Act and this Part.

563f.2 Definitions.

(a) "Depository institution", "depository holding company", "affiliate", and "management official", have the meanings provided in section 202 of the Act.

(b) "Adjacent", as used in section 203 of the Act, means that cities, towns or villages are less than 10 miles apart at their closest points.

(c) "Office" as used with reference to a depository institution in section 302 of the Act, means either a principal office or a branch, but does not include an electronic terminal

(d) "Any other bank organized specifically to serve depository institutions", or "banker's bank", as used in section 205 of the Act, means any bank engaged solely in serving depository institutions.

563f.3 Permitted relationships.

The Act authorizes the Bank Board to prescribe regulations permitting service by a management official that would otherwise be prohibited by the Act with respect to insured institutions, savings and loan holding companies, and any affiliate thereof. Upon request for its prior approval, the Bank Board may permit not more than one of the following classifications of relationships in the case of any one individual:

(a) *Institution in low income area; minority institution.* A management official of an insured institution, savings and loan holding company, or any affiliate, thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company located, or to be located, in a low income or other enconomically depressed area; or as a management official of not more than one other depository institution or depository holding company that is controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (1) The appropriate Federal regulatory agency or agenices determine such relationship to be necessary to provide management or operating expertise to such other institution; (2) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(b) *Newly-chartered institution.* A management official of an insured institution, savings and loan holding company, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company, subject to the following conditions: (1) no interlocking relationship permitted by this paragraph shall continue for more than two years after such other institution commences business; (2) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(c) *Conditions endangering safety or soundness.* A management official of an insured institution, savings and loan holding company, or any affiliate thereof, may serve at the same time as a management official of not more than one other depository institution or depository holding company if the Federal regulatory agency that regulates such other institution has reason to believe that conditions exist that may endanger the safety or soundness of such other institution, subject to the following conditions: (1) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (2) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(d) *Institution sponsoring credit union.* A management official of an insured institution, savings and loan holding company, or any affiliate thereof, may serve at the same time as a management official of a Federally-insured credit union that is sponsored by the insured institution, savings and loan holding company, or any affiliate thereof, primarily to serve employees of such institutions.

§ 563f.4 Common control.

Unless otherwise demonstrated to the satisfaction of the appropriate Federal regulatory agency or agencies, it is presumed that an "affiliate" relationship does not exist under section 202(3)(B) of the Act unless each of the persons who beneficially own in the aggregate more than 50 per cent of the voting shares of each corporation beneficially owns 5 per cent or more of the voting shares of each corporation.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

JANUARY 24, 1979.

[7535-01-M]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 711]

MANAGEMENT OFFICIAL INTERLOCKS

Sec.
711.1 Authority, purpose and scope.
711.2 Definitions.
711.3 Permitted Relationships.
711.4 Common control.
711.5 Relationships Involving Only Credit Unions.

AUTHORITY: Sec. 209(5), 92 Stat. 3672 (12 U.S.C. 3209(5)), Sec. 120, 73 Stat. 635 (12 U.S.C. 1766), and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).

§ 711.1 Authority, purpose and scope.

(a) *Authority.* This Part is based upon and issued pursuant to the provisions of the Depository Institution Management Interlocks Act ("Act")(92 Stat. 3672, 12 U.S.C. 3201 *et seq.*).

(b) *Purpose and scope.* The purpose of the Act and this Part is to foster competition among depository institutions, depository holding companies, and their affiliates. The Act provides, with certain exceptions, that a management official of a depository institution, depository holding company, or depository institution affiliate of either such institution, may not serve in such capacity with any other such institution that is not affiliated therewith if: (1) offices of such institutions are located within the same Standard Metropolitan Statistical Area ("SMSA") and either such institution has assets of $20 million or more; or (2) regardless of asset size, offices of such institutions are located within the same city, town, or village, or any city, town, or village contiguous or adjacent thereto. Notwithstanding geographic location, the Act also provides, with certain exceptions, that a management official of a depository institution or depository holding company having total assets exceeding $1 billion, or any affiliate of either such institution, may not serve in such capacity with any other nonaffiliated depository institution or depository holding company having total assets exceeding $500 million, or any affiliate thereof.

Any person whose service as a management official of a depository institution, depository holding company, or any affiliate thereof, began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in such capacity with such institution until November 10, 1978. The National Credit Union Administration administers and enforces the Act with respect to Federally insured credit unions, and may refer the case of a prohibited interlocking relationship involving any such institution to the Attorney General to enforce compliance with the Act and this Part.

§ 711.2 Definitions.

(a) "Depository institution", "depository holding company", "affiliate", and "management official" have the meanings provided in section 202 of the Act.

(b) "Adjacent", as used in secion 203 of the Act, means that cities, towns or villages are less than 10 miles apart at their closest points.

(c) "Office", as used with reference to a depository institution in section 202 of the Act, means either a principal office of a branch, but does not include an electronic terminal.

(d) "Any other bank organized specifically to serve depository institutions", or "banker's bank", as used in section 205 of the Act, means any bank engaged solely in serving depository institutions.

§ 711.3 Permitted relationships.

The Act authorizes the National Credit Union Administration to prescribe regulations permitting service by a management official that would otherwise be prohibited by the Act with respect to Federally insured credit unions. Upon request for its prior approval, the National Credit Union Administration may permit not more than one of the following classifications of relationships in the case of any one individual:

(a) *Institution in low income area; minority institution.* A management official of a Federally insured credit union may serve at the same time as a management official of not more than one other depository institution or depository holding company located, or to be located, in a low income or other economically depressed area; or as a management official of not more than one other depository institution or depository holding company that is controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (1) The appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; (2) no interlocking relationship permitted by this paragraph shall continue for more than five years; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(b) *Newly chartered institution.* A management official of a Federally insured credit union may serve at the same time as a management official of not more than one other depository institution or depository holding company, subject to the following condi-tions: (1) no interlocking relationship permitted by this paragraph shall continue for more than two years after such other institution commences business; (2) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (3) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(c) *Conditions endangering safety or soundness.* A management official of a Federally insured credit union may serve at the same time as a management official of not more than one other depository institution or depository holding company if the Federal regulatory agency that regulates such other institution has reason to believe that conditions exist that may endanger the safety or soundness of such other institution, subject to the following conditions: (1) the appropriate Federal regulatory agency or agencies determine such relationship to be necessary to provide management or operating expertise to such other institution; and (2) such other conditions as may be determined by the appropriate Federal regulatory agency or agencies in any specific case.

(d) *Credit union sponsored by another depository institution.* A management official of a Federally insured credit union that is sponsored by a depository institution, depository holding company or an affiliate thereof primarily to serve its employees or the employees of its affiliates may serve at the same time as a management official of such sponsoring depository institution, depository holding company or affiliate thereof.

§ 711.4 Common control.

Unless otherwise demonstrated to the satisfaction of the appropriate Federal regulatory agency or agencies, it is presumed that an "affiliate" relationship does not exist under section 202(3)(B) of the Act unless each of the persons who beneficially own in the aggregate more than 50 per cent of the voting shares of each corporation beneficially owns 5 per cent or more of the voting shares of each corporation.

§ 711.5 Relationships involving only credit unions.

The Act provides that its prohibitions against interlocks do not apply to a credit union being served by a management official of another credit union.

LAWRENCE CONNELL,
Administrator.

JANUARY 26, 1979.

[FR Doc. 79-3436 Filed 1-31-79; 8:45 am]

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[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-54]

TRANSITION AREA

Proposed Alteration: West Woodward, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose alteration of the transition area at West Woodward, Okla. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the West Woodward Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) on the airport.

DATES: Comments must be received by March 5, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Ken Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (43 FR 440) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Alteration of the transition area at West Woodward, Okla., will necessitate an amendment to this subpart.

COMMENTS INVITED

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before March 5, 1979, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling 817-624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at West Woodward, Okla. The FAA believes this action will enhance IFR operations at the West Woodward Airport by providing additional controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 440).

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) by altering the West Woodward, Okla., transition area to read as follows:

WEST WOODWARD, OKLA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the West Woodward, Okla. Airport (Latitude 36°28'12" N., Longitude 99°31'30" W.) and within 5 miles each side of the Gage, Okla. VORTAC 072° radial, extending from the 7-mile radius area, southwest to the Gage, Okla. VORTAC, and within 3.5 miles each side of the 349° bearing from the West Woodward NDB, extending from the 7-mile radius area to 11.5 miles northwest of the West Woodward NDB, excluding the Gage, Okla. Control Zone and Transition Area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Fort Worth, Tex., on January 18, 1979.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 79-3220 Filed 1-31-79; 8:45 am]

[6351-01-M]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 9]

COMMISSION REVIEW OF EXCHANGE DISCIPLINARY OR OTHER ADVERSE ACTION

Publication of Violations

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission is proposing to adopt a new regulation prescribing the manner in which an exchange is to make public its findings and reasons for acting whenever a person has been suspended, expelled, disciplined by, or denied access to, the exchange. This regulation would implement the Futures Trading Act of 1978, which requires exchanges to make this information public.

DATE: Comments must be received on or before April 2, 1979.

ADDRESS: Comments on the proposal should be sent to Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

Teresa J. Hermosillo, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, telephone (202) 254-7602.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission proposes to adopt a new § 9.12 to implement Section 18 of the recently enacted Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat. 865, 874-75 (1978). That Section amends Section 8c(1)(B) of the Commodity Exchange Act by replacing the requirement that an exchange keep confidential the notice and reasons for the exchange action in disciplinary and access denial proceedings with the requirement that "An exchange shall make public its findings, and the reasons for the exchange action in any such proceeding, including the action taken or the penalty imposed, but shall not disclose the evidence therefor, except to the person who is suspended, expelled, or disciplined, or denied access, and to the Commission."

The Commission has long favored the disclosure of exchange disciplinary actions because of the strong public interests served by releasing this information. As the Commission has previously observed:

> The general public and members of an exchange should be informed of the disciplinary actions taken by an exchange. Notice of these disciplinary actions would preclude an otherwise unknowing general public and/or members of an exchange from dealing with a member who has been suspended, expelled, or denied access to the exchange. In addition, such publicity would serve as a deterrent against further exchange rule violations. 40 FR 30156 (July 17, 1975).

This position was supported by several exchanges during the recent legislative hearings on the Senate and House bills to amend the Commodity Exchange Act.[1]

In implementing this new statutory provision, the Commission proposes to distinguish between the kind of publication required for minor infractions and that required for more serious violations. Thus, the manner in which disciplinary actions are to be made public is set forth in paragraph (a) of proposed § 9.12. The term "disciplinary action" is defined in § 9.2(a) and does not include minor sanctions imposed for violations of exchange rules of decorum, attire or similar rules.[2] Paragraph (b) of proposed § 9.12 will apply to minor sanctions imposed for violations of exchange rules of decorum, attire or similar rules.

Proposed § 9.12(a) provides that each exchange shall make public its findings and reasons for taking any disciplinary action by promptly posting a notice in a conspicuous place near the trading floor and making a written advisory available to the news media which conforms to the requirements for notice contained in § 9.11(a)(1)-(4).[3] An exchange is therefore required to make public: (1) The name of the person disciplined or denied access; (2) a statement of each rule found to have been violated or otherwise underlying the exchange's action or, in the event of a settlement, each rule which the exchange has reason to believe was violated; (3) the reason for the exchange's action; and (4) the action taken or the penalty imposed.

In addition, proposed § 9.12(b) requires an exchange to maintain and make available a record of its action whenever it imposes a minor penalty for violation of a rule of decorum, attire or a similar rule. The record must include the name of the person disciplined, the applicable exchange rule, a statement of the violation, and the action taken or penalty imposed.

In consideration of the foregoing, the Commission proposes to amend 17 CFR Part 9 by adding a new § 9.12 to read as follows:

§ 9.12 Publication of violations.

(a) As soon as the disciplinary action becomes effective or within five days after an exchange provides the notice required by § 9.11 to the person against whom the action was taken, whichever occurs first, the exchange shall make public its findings by posting a notice in a conspicuous place near the trading floor, and by making a written advisory available to the news media which shall contain at least the information required to be contained in the notice called for by § 9.11(a)(1)-(4).

(b) Whenever an exchange imposes a minor disciplinary penalty for violation of an exchange rule of decorum, attire or similar rule, the exchange shall maintain and make available for public inspection a record which includes:

(1) The name of the person disciplined,

(2) The applicable exchange rule,

(3) A statement of the violation, and

(4) The action taken or penalty imposed.

Issued in Washington, D.C. on January 26, 1979.

By the Commission.

GARY L. SEEVERS,
Acting Chairman.

[FR Doc. 79-3476 Filed 1-31-79; 8:45 am]

[1] See *Hearings on H.R. 10285 Before the Subcommittee on Conservation and Credit of the Committee on Agriculture*, 95th Cong., 2d Sess. 565, 586 (1978) (Statements of W. L. Perkins, President, New York Cocoa Exchange, Inc., and of the New York Mercantile Exchange); *Hearings on S. 2391 Before the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry*, 95th Cong., 2d Sess. 503, 557 (1978) (Statements of Robert K. Wilmouth, President, Chicago Board of Trade and Bennett J. Corn, President, New York Coffee and Sugar Exchange, Inc.)

[2] 17 CFR 9.2(a), 43 FR 59343, 59350 (December 20, 1978).

[3] Part 9 of the Commission's regulations which contains the procedures and standards governing Commission review of exchange disciplinary or other adverse action was adopted by the Commission on December 15, 1978 and will become effective January 19, 1979. 17 CFR Part 9, 43 FR 59343 (December 20, 1978).

[4110-07-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Regulations No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Income

AGENCY: Social Security Administration, HEW.

ACTION: Proposed rule.

SUMMARY: We plan to revise and reorganize our rules on income under the Supplemental Security Income (SSI) program. These rules describe what we consider income and what we do not consider income. They explain the difference between earned income and unearned income, how we treat each type, and the exclusions we apply to each. The rules also describe how we count an individual's income and its effect on the amount of benefits we pay. Our purpose is to make these rules clearer and easier for the public to use.

DATES: Your comments will be considered if we receive them no later than April 2, 1979.

ADDRESSES: Send your written comments to the Social Security Administration, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments we receive can be seen at the Washington Inquiries Section, Office of Information, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Sander Weissman, Legal Assistant, Room 4234, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7341.

SUPPLEMENTARY INFORMATION: We are revising and reorganizing these rules as part of Operation Common Sense, which is a Department-wide effort to review, simplify, and reduce these rules which are currently in effect.

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REARRANGING SECTIONS

We have retitled and rearranged the sections in this Subpart K so that the sequence is more logical. Subtitles are added to highlight important rules and make them easier to locate. In addition, we have removed § 416.1146 which contained a list of types of income that are excluded under the SSI program by Federal laws other than the Social Security Act. We have moved this listing into an appendix which will be updated periodically.

DEFINITIONS

We have added a new section (§ 416.1101) to define terms that are used throughout this subpart. We have also added definitions to other sections where they specifically apply.

INCOME GENERALLY

These rules (§ 416.1102) explain that we consider as income anything an individual receives in cash or in kind that can be used to meet his or her needs for food, clothing, and shelter. Section 416.1103 states that we do not consider as income something an individual cannot use as food, clothing, or shelter, or to obtain food, clothing, or shelter. This section goes on to list the items we do not consider as income. We have added three items to this list which are not income. The first is credit life or credit disability insurance payments made on behalf of an individual. The second is money an individual borrows or money the individual receives for repayment of a loan. However, interest received on money the individual has loaned is income. The third item is payment of an individual's bill by someone else. While the payment itself is not income to the individual, the payment may result in the individual's receiving income. This section also expands the description of medical and social services that are not income. These rules were published on September 14, 1978 (43 FR 41054), as a Notice of Proposed Rulemaking.

EARNED INCOME

We have placed the rules dealing with earned income in §§ 416.1110 through 416.112. These rules state we consider as earned income wages, and in some instances food, clothing, or shelter provided instead of cash. We also consider as earned income net earnings from self-employment. We explain how we treat these earnings and any net losses which may result from self-employment. We describe the kinds of earned income we do not count, and list in the order they apply the exclusions for earned income, in order to determine the amount of countable earned income.

UNEARNED INCOME

We have placed the rules dealing with unearned income in §§ 416.1120 through 416.1124. All income which is not earned is considered unearned income. Unearned income can be in the form of money, or it can be the receipt of food, clothing, or shelter, or it can be something which can be sold or traded for food, clothing, or shelter.

Section 416.1121 lists and explains some types of unearned income and gives a general explanation of in-kind support and maintenance. (Support and maintenance are discussed in greater detail under the next subheading.) We describe in § 416.1124 the kinds of unearned income we do not count, and list in the order they apply the exclusions for unearned income in order to determine the amount of countable unearned income.

IN-KIND SUPPORT AND MAINTENANCE

Both earned income and unearned income include food, clothing, or shelter (in-kind support and maintenance). We generally value this income at its current market value, and the various exclusions for both earned and unearned income apply. However, we also use some other rules when we consider food, clothing, or shelter as unearned income.

(1) If an individual lives in another person's household and receives both food and shelter from that person, we reduce the individual's Federal benefit rate by one-third as required by law instead of determining the actual value of the food and shelter. We have clarified the description of a household to indicate that there can be a household within a rooming or boarding establishment but there cannot be a household within an institution. We also define shelter (§ 416.1130(b)) to refer to room, rent or mortgage payments, real property taxes, heating fuel, gas, electricity, water, sewer and collection garbage services. The rules covering the one-third reduction are described in §§ 416.1131 through 416.1133. The rules describing the one-third reduction were published as an interim regulation on July 7, 1978 (43 FR 29281).

(2) If an individual lives in his or her own household (including a noninstitutional care situation), or is living in another person's household and is not receiving both food and shelter, we presume that any food, clothing, or shelter the individual receives is worth one-third of his or her Federal benefit rate plus the amount of the general income exclusion, unless the individual can show us that the actual value is less. These rules are described in § 416.1140.

(3) We apply the same rules we described in the preceding paragraph to people who live in nonmedical for profit institutions or nonprofit retirement homes or similar type institutions although there are some exceptions. The rules covering nonprofit retirement homes provide more detail than the interim rules which were published on October 20, 1975 (40 FR 48939). These rules are described in §§ 416.1142 and 416.1143.

(4) Section 416.1145 describes how we value food, clothing, or shelter for members of a couple.

(5) Section 416.1148 explains that the one-third reduction rule or the presumed value rule continues to apply during a temporary absence. This section also defines what a temporary absence is, and the exceptions to the general rule.

MAJOR DISASTERS

On April 1, 1977, interim regulations (42 FR 17440) were published to implement Pub. L. 94-331. That law provided for the exclusion of assistance received under the Disaster Relief Act of 1974 or other Federal statutes on account of a Presidentially declared major disaster. It further provided that the value of support and maintenance received by SSI applicants or recipients when forced from their own households as the result of a Presidentially declared major disaster would not be considered to be unearned income. However, the law was restricted to disasters which occurred on or after June 1, 1976, and before December 31,1976.

On November 12, 1977, Pub. L. 95-171 became law. This law extends the applicability of the above exclusions to major disasters which occur on or after December 31, 1976. In addition, the law provides that interest earned on Federal assistance received on account of a Presidentially declared major disaster be excluded from income for a period of 9 months and that the Secretary promulgate regulations to extend the 9-month period for good cause.

These rules provide for the exclusions required by Pub. L. 95-171 as it affected Pub. L. 94-331. In addition, the regulation extends the 9-month exclusion of interest from income for an additional 9 months for good cause. These rules are described in § 416.1149.

DEEMING INCOME

When an individual applies for or receives SSI, we consider the individual's own income, and we also deem (consider to be available) certain income of the individual's ineligible spouse, ineligible parent or essential person who is living in the same household. The rules which explain when we deem income and the method we use to determine the amount of income we deem from an ineligible spouse to an eligible individual are described in § 416.1153. The rules for deeming income from an ineligible parent to an eligible child are described in § 416.1155. Section 416.1158 describes how we deem income from an essential person to a qualified individual.

We deem income to an eligible individual, or eligible child, because we expect an ineligible spouse, or ineligible parent, or stepparent to use part of his or her income to help take care of some of the eligible individual's needs. Similarly, we consider the essential person's income is available to help meet part of the qualified individual's needs, since we have increased the qualified individual's benefit to help meet the essential person's needs.

There are certain types of income an ineligible spouse, or ineligible parent, may receive which we do not include when we deem income. These types of income are listed in § 416.1151.

Before we deem any income from either an ineligible spouse or ineligible parent we set aside (allocate) part of that income to make money available for the needs of each ineligible child. The amount of income we set aside and the way we do it are described in § 416.1153. In determining the amount of income to be deemed to an eligible child, we also set aside (allocate) some of the parents' income to help meet their needs. The amount of the parents' income we set aside (allocate) varies depending on the type of income the parents have, and is described in § 416.1155.

Section 416.1157 discusses how a change in an individual's living arrangement can affect the deeming of income. This section also provides that we stop deeming income to an eligible child the month after he or she attains age 18, unless the child is a student. If the child is a student, deeming stops the month after he or she attains age 21.

The deeming rules were published in final on September 6, 1978 (43 FR 39564). These rules state that an ineligible child's allocation is the difference between the quarterly standard payment amount for a couple and the quarterly standard payment amount for an individual. Although the allocation for each ineligible child remains the same, we are redefining the allocation, for the sake of clarity, to mean one-half the Federal benefit rate for an individual.

ALTERNATIVE INCOME RULES FOR CERTAIN BLIND INDIVIDUALS

These rules apply only to individuals who receive SSI benefits because they are blind and were transferred to SSI when the program began in January 1974. The individuals must have received State assistance payments for the blind for December 1973, under the State plan for October 1972. These individuals have an option as to how we count their income. Sections 416.1170 and 416.1171 explain that we count income for these individuals under the rules in this subpart, or under the rules that would have applied under the State plan for October 1972. We use whichever method results in the lower countable income.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income program.)

Dated: November 24, 1978.

STANFORD G. ROSS,
Commissioner of Social Security.

Approved: January 3, 1979.

JOSEPH A. CALIFANO, JR.
Secretary of Health, Education, and Welfare.

Subpart K of Part 416 Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart K—Income

GENERAL

Sec.
416.1100 Income and SSI eligibility.
416.1101 Definition of terms.
416.1102 What is income.
416.1103 What is not income.
416.1104 Income we count.

EARNED INCOME

416.1110 What is earned income.
416.1111 How we count earned income.
416.1112 Earned income we do not count.

UNEARNED INCOME

416.1120 What is unearned income.
416.1121 Types of unearned income.
416.1123 How we count unearned income.
416.1124 Unearned income we do not count.

IN-KIND SUPPORT AND MAINTENANCE

416.1130 Introduction.
416.1131 One-third reduction when you live in another person's household.
416.1132 Living in another person's household.
416.1133 Pro rata share.
416.1140 Valuing in-kind support and maintenance when you live in a household where the one-third reduction does not apply.
416.1141 Public assistance households.
416.1142 Valuing in-kind support and maintenance when you live in a nonprofit retirement home or similar institution.
416.1143 Valuing in-kind support and maintenance when you live in a nonmedical for profit institution.
416.1144 Valuing in-kind support and maintenance when you live in another kind of institution.

IN-KIND SUPPORT AND MAINTENANCE IN SPECIAL CIRCUMSTANCES

416.1145 Valuing in-kind support and maintenance for a couple.
416.1146 In-kind support and maintenance and deeming income.

TEMPORARY ABSENCE

Sec.
416.1148 Temporary absence from your living arrangement.

MAJOR DISASTERS

416.1149 Treatment of income received because of a major disaster.

DEEMING OF INCOME

416.1150 What is deeming.
416.1151 Income of ineligible individuals and essential persons for deeming purposes.
416.1153 How we deem income to you from your ineligible spouse.
416.1155 How we deem income to you from your ineligible parent.
416.1156 How we deem income to you and your eligible child from your ineligible spouse.
416.1157 When a change in status affects use of deeming rules.
416.1158 How we deem income to you from your essential person.
416.1159 When we stop deeming income from an essential person.

ALTERNATIVE INCOME COUNTING RULES FOR CERTAIN BLIND INDIVIDUALS

416.1170 General.
416.1171 When alternative applies.

Appendix.—List of types of income provided by Federal laws other than the Social Security Act which are excluded under the SSI program.

AUTHORITY.—Secs. 1102, 1611, 1612, 1614, and 1631 of the Social Security Act as amended; Sec. 211 of Public Law 93-66; 49 Stat. 647 as amended, 86 Stat. 1466, 86 Stat. 1468, 86 Stat. 1471, 86 Stat. 1475, 87 Stat. 154; 42 U.S.C. 1302, 1382, 1382a, 1382c, and 1383.

Subpart K—Income

GENERAL

§ 416.1100 Income and SSI eligibility.

You are eligible for supplemental security income (SSI) benefits if you are an aged, blind, or disabled person who meets the requirements described in Subpart B and has limited income and resources. Thus the amount of income you have is a major factor in deciding whether you are eligible for SSI benefits and the amount of your benefit. Generally, the more income you have the less your benefit will be. If you have too much income you are not eligible for a benefit. However, we do not count all of your income to determine your eligibility and benefit amount. We will explain in the following sections how we consider and count your income for the SSI program. These rules apply to the Federal benefit and also to any optional State supplementation benefit paid by us on behalf of a State. While this subpart explains generally how we count income, we explain how we compute your benefit in Subpart D of these regulations.

§ 416.1101 Definition of terms.

As used in this subpart—

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"Child" is someone who is not married, is not the head of a household, and is either under age 18 or is under age 22 and a student. (See § 416.1050)

"Couple" means an eligible individual and his or her eligible spouse.

"Current market value" means the price for which an item can be purchased on the open market in your geographic area.

"Federal benefit rate" refers to the quarterly payment amount for an eligible individual or couple. It is the figure from which we subtract countable income to find out how much your Federal SSI benefit should be.

"Institution" refers to an establishment which furnishes some treatment or services beyond food and shelter to four or more persons who are not related to the proprietor. (See § 416.231(b))

"Spouse" refers to someone who lives with another person as that person's husband or wife. (See §§ 416.1001–416.1041)

"We," "Us," or "Our" refers to the Social Security Administration.

"You" or "Your" refers to a person who is applying for, or already receiving, SSI benefits.

§ 416.1102 What is income.

We consider as income anything you receive in cash or in kind that you can use to meet your needs for food, clothing, or shelter. In-kind income is not cash, but is actually food, clothing, or shelter, or something you can sell or trade for one of these.

§ 416.1103 What is not income.

We do not consider something as income if you cannot use it as food, clothing, or shelter or to sell or trade to obtain food, clothing, or shelter. In addition, we do not consider as income what you receive from the sale or exchange of your own property, or something that we have already counted as income. (See Subpart L on resources.) Therefore, there are various items that are not income. These are—

(a) *Medical care or services* provided free of charge or paid for by someone else. This includes the value of room and board furnished during a medical confinement. It also includes any assistance regardless of the form it takes, if provided under a governmental program designed to provide medical care or services (including vocational rehabilitation). It includes, too, payment of supplementary medical insurance premiums under the Medicare program by a third party insurer. However, if a nongovernmental medical care or services program provides you with food, clothing, or shelter outside of a medical confinement, we consider that to be income. The same is true if a nongovernmental medical program gives you cash which is not reimbursement for, or restricted to the future purchase of, a service approved by that program.

Example. If you receive reimbursement from your health insurance for prescription drugs you have bought, we do not consider that income.

(b) *Social services* received from any governmental or private nonprofit agency. "Social services" includes any assistance regardless of the form it takes, if provided under a governmental program whose purpose is to provide social services (including vocational rehabilitation). However, if a nongovernmental program provides you with food, clothing, or shelter, you are receiving income. The same is true if a nongovernmental program gives you cash which is not reimbursement for, or restricted to the future purchase of, a service approved by that program.

Example. If you are unable to handle your household chores and the State Social Services agency provides you with homemaker services three times a week, that is not income.

(c) *Receipts from the sale, exchange, or replacement of a resource.* This also includes an insurance payment to replace or repair an excluded resource (see § 416.1210).

Example. If you sell your automobile, the money you receive is not income; it is another form of a resource.

(d) *Income tax refunds.* Any amount refunded on income taxes you have already paid.

(e) *Payments by credit life or credit disability insurance* made on your behalf.

Example. If a credit disability policy pays off the mortgage on your home after you become disabled in an accident, we do not consider either the payment or your increased equity in the home to be income.

(f) *Proceeds of a loan.* Money you borrow or money you receive as repayment of a loan; however, interest received on money you have loaned is income.

(g) *Bill paid for you.* Payment of your bill by someone else directly to your creditor. If this payment, however, results in your receiving income we have to count this.

Examples If your daughter uses her own money to pay the grocer to provide you with food, the payment itself is not your income because you do not receive it. However, because of your daughter's payment, the grocer provides you with food; the value of that food is income to you. Similarly, if you buy clothing and your son uses his own money to pay the bill, the payment to the store is not income to you. However, the value of the clothing is income to you.

§ 416.1104 Income we count.

We have described generally that we consider as income and what we do not for SSI purposes (§ 416.1103). There are different kinds of income, earned and unearned, and we have rules for counting each kind. The earned income rules are described in §§ 416.1110 through 416.1112 and the unearned income rules are described in §§ 416.1120 through 416.1124. One kind of unearned income is support and maintenance. The way we value support and maintenance depends on your living arrangement. These rules are described in §§ 416.1130 through 416.1146. In some situations we must consider the income of certain people with whom you live as available to you and we consider this as part of your income. These rules are described in §§ 416.1150 through 416.1159. In order to understand our rules for counting income and the effect on your eligibility and benefit amount, it is necessary to consider all types of income, and the rules for counting each type. We use all of these rules to determine your countable income.

EARNED INCOME

§ 416.1110 What is earned income.

Earned income is what you receive as wages or as net earnings from self-employment. We consider these items as earned income whether you receive them in cash or in kind.

(a) *Wages.* Wages are what you receive for working as someone else's employee. Wages include salaries, commissions, bonuses, and severance pay. They may also include food, clothing, or shelter or other items provided instead of cash. We refer to this as in-kind earned income. However, if you are a domestic or agricultural worker, we must treat your in-kind pay as unearned income. We count as wages the same things that are counted in the social security retirement insurance program for purposes of the earnings test. (See § 404.429(c) of this chapter.)

(b) *Net earnings from self-employment.* Net earnings from self-employment are your gross income from any trade or business that you operate, less allowable deductions for that trade or business. Net earnings also include your share of profit or loss from any partnership to which you belong. These are the same things that we would count under the social security retirement insurance program and that you would report on a Schedule C for Federal income tax purposes (See § 404.1050 of this chapter).

§ 416.1111 How we count earned income.

(a) *Wages.* We count wages either when you receive them or when they are credited to your account or set aside so you can use them at any time, whichever occurs first. We determine your wages for each calendar quarter.

(b) *Net earnings from self-employment.* We consider net earnings from self-employment on a taxable year basis. However, we divide the total of these earnings by four to get an amount of earnings for each quarter. For example, if your net yearly earnings are $2,000, we consider that you received $500 in each quarter. If you have net losses from self-employment, we divide them in the same way, and we deduct them only from earned income.

(c) *In-kind earned income.* We use the current market value of in-kind earned income for SSI purposes.

§ 416.1112 Earned income we do not count.

(a) *General.* While we must consider all of your earned income for SSI, we do not count all of it to determine your eligibility and benefit amount.

(b) *Other Federal laws.* Some Federal laws other than the Social Security Act provide that we cannot count some of your earned income for SSI purposes. (We list the laws and exclusions in the appendix which we update periodically.) We apply these exclusions first. Then we apply the other exclusions, in the order listed below to the rest of your earned income for a calendar quarter, but we never reduce your earned income below zero.

(c) *Other earned income we do not count.* We do not count as earned income—

(1) Up to $30 of earned income in a calendar quarter if you receive it infrequently or irregularly: that is, if you receive it only once during the quarter or if you cannot reasonably expect to receive it;

(2) Up to $1,200 of earned income in a calendar quarter, but no more than $1,620 in a calendar year, if you are a blind or disabled child who is a student regularly attending school as described in § 416.1060;

(3) Up to the first $60 of earned income in a calendar quarter if you do not also have at least $60 of unearned income in that same quarter (see § 416.1124(c)(10));

(4) $195 plus one-half of your remaining earned income in a calendar quarter;

(5) Earned income used to meet any expenses reasonably attributable to the earning of the income, if you are blind and under age 65 or if you receive SSI (or assistance under the prior State program) as a blind person for the month before you attain age 65. (We consider that you "attain" a certain age on the day before that particular birthday.); and

(6) Any earned income you use to fulfill an approved plan for achieving self-support (§ 416.1731), if you are blind or disabled.

UNEARNED INCOME

§ 416.1120 What is unearned income.

We consider any income you receive that is not earned income to be unearned income. We describe some types of unearned income in § 416.1121. We consider all of these items as unearned income, whether you receive them in cash or in kind.

§ 416.1121 Types of unearned income.

Some types of unearned income are—

(a) *Annuities, pensions, and other periodic payments.* This unearned income is usually related to prior work or service. It includes, for example, private pensions, social security benefits, disability benefits, veterans benefits, workman's compensation, and unemployment compensation.

(b) *Alimony and support payments.* These are contributions to meet some or all of a person's usual needs for food, clothing, or shelter. Support payments may be made voluntarily or because of a court order. Alimony (sometimes called "maintenance") is an allowance made by a court from the funds of one spouse to the other spouse in connection with a suit for separation or divorce.

(c) *Dividends, interest, and royalties.* Dividends and interest are returns on capital investment, such as stocks, bonds, or savings accounts. Royalties are payments to the holder of a copyright or patent for duplication of a writing or for use of an invention. Royalties may also be paid to the owner of a mine, oil well, etc., for extraction of a product or the like.

(d) *Rents.* Rent is payment for the use of real or personal property such as land, housing, or machinery. We do not consider all of the rent you receive to be unearned income. We deduct your ordinary and necessary expenses for renting the property. These include only those expenses necessary for the production or collection of income. Some of these are interest on debts, State and local taxes on real and personal property and on motor fuels, general sales taxes, and expenses of managing or maintaining the property. (Sections 163, 164, and 212 of the Internal Revenue Code of 1954 and related regulations explain this in more detail.) We do not consider depreciation or depletion of property a deductible expense. (See § 416.1110(b) for rules on rental income that is earned from self-employment if, for example, you are in business as a real estate dealer.)

(e) *Proceeds of life insurance policy.* These are payments you get as a beneficiary of a life insurance policy. We only count those payments, however, to the extent they exceed $1,500, or the amount you spend on the insured's last illness and burial expenses, whichever is less. Illness and burial expenses include related hospital and medical expense, funeral, burial plot, interment expenses, and other related costs.

Example. If you receive $2,000 from a relative's life insurance policy and you spend $900 on his or her burial expenses, we would count $1,100, as unearned income.

(f) *Prizes and awards.* A prize is generally something won in a contest, lottery, or game of chance. An award is something received as the result of a decision or judgment of a court, board of arbitration, or the like.

(g) *Gifts and inheritances.* A gift is anything you receive which is not payment for goods or services provided by you and is not given because of a legal obligation on the donor's part. An inheritance is something that comes to you as the result of someone's death. It can be in cash or in kind, including any right in real or personal property.

(h) *Support and maintenance in kind.* This is food, clothing, or shelter furnished to you. We have rules for valuing this type of income depending on your living arrangements. We use one rule if you are living in the household of another person and receiving both food and shelter. We use another rule if you live in your own household or another living arrangement, and receive food, clothing, or shelter. There are several exceptions, but we discuss all of the rules in §§ 416.1130 through 416.1146.

§ 416.1123 How we count unearned income.

(a) *When we count unearned income.* We count unearned income when you actually receive it or when it is first available to you or set aside so you can use it at any time, whichever occurs first. We determine your unearned income for each quarter.

(b) *Amount considered as income.* We determine the amount of unearned income available to you by subtracting from your total unearned income the expenses you had in getting the income. For example, if you are paid for damages you receive in an accident, we subtract from the amount of payment, your medical, legal, or other expenses connected with the accident. However, we do not subtract from income the part you have to use to pay personal income taxes. The payment of taxes is one of the ways you spend your income and not an expense you have in getting it. Also in certain situations, we may consider someone else's income to be available to you, whether or not it actually is. (For the rules on this process, called deeming, see §§ 416.1150–416.1159).

(c) *In-kind income.* We use the current market value of in-kind unearned income to determine its value for SSI

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purposes. We describe some exceptions to this rule in §§ 416.1131-416.1146.

§ 416.1124 Unearned income we do not count.

(a) *General.* While we must consider all of your unearned income for SSI, we do not count all of it to determine your eligibility and benefit amount.

(b) *Other Federal laws.* Some Federal laws other than the Social Security Act provide that we cannot count some of your unearned income for SSI purposes. (We list the laws and the exclusions in the appendix which we update periodically.) We apply these exclusions first to your unearned income. Then we apply the other exclusions, in the order listed below, to the rest of your unearned income for a calendar quarter, but we never reduce your unearned income below zero.

(c) *Other unearned income we do not count.* We do not count as unearned income—

(1) Any public agency's refund of taxes on real property or food;

(2) Assistance based on need which is funded wholly by a State or one of its political subdivisions. (An Indian tribe is considered a political subdivision of a State.) Assistance is based on need when it is provided under a program which uses the amount of your income as one factor to determine your eligibility. This includes State supplementation of Federal SSI benefits as defined in Subpart T of this part but does not include payments under a Federal/State grant program such as Aid to Families with Dependent Children under title IV-A of the Social Security Act;

(3) Any portion of a grant, scholarship, or fellowship used for paying tuition, fees, or other necessary educational expenses. However, we do not exclude any portion set aside or actually used for food, clothing, or shelter;

(4) Food which you or your spouse raise if it is consumed by you or your family and you did not raise it as part of a trade or business;

(5) Assistance received under the Disaster Relief Act of 1974 or assistance provided under any Federal program because of a catastrophe which the President of the United States declares to be a major disaster. (See § 416.1149 for a more detailed discussion of this assistance, particularly the treatment of in-kind support and maintenance received as the result of such a disaster.);

(6) Up to $60 of unearned income in a calendar quarter if you receive it infrequently or irregularly: that is, if you receive it only once during the quarter or if you cannot reasonably expect to receive it;

(7) Periodic payments made by a State under a program established before July 1, 1973, and based solely on your length of residence and attainment of age 65;

(8) Payments for providing foster care to an ineligible child who was placed in your home by a public or private nonprofit child placement or child care agency;

(9) One-third of support payments made to or for you by an absent parent if you are a child;

(10) The first $60 of any unearned income in a calendar quarter except for income based on need. (However, assistance based on need which is funded wholly by a State or political subdivision is not counted as income as described in § 416.1124(c)(2).) If you receive less than $60 of unearned income in a quarter and you have earned income in that quarter, we will use the rest of the $60 exclusion to reduce the amount of your earned income we count; and

(11) Any unearned income you use to fulfill an approved plan for achieving self-support (§ 416.1731), if you are blind or disabled.

In-Kind Support and Maintenance

§ 416.1130 Introduction.

(a) *General.* Both earned income and unearned income include food, clothing, and shelter (in-kind support and maintenance). Generally, we value this income at its current market value and the various exclusions for both earned and unearned income apply. However, we also use some other rules when we consider food, clothing, or shelter as unearned income.

(b) *In-kind support and maintenance as unearned income defined.* In-kind support and maintenance means any or all of your food, clothing, or shelter which is given to you or any part which you receive because someone else pays for them. Shelter includes room, rent or mortgage costs, real property taxes, heating fuel, gas, electricity, water, sewer and garbage collection services. The way we value in-kind support and maintenance depends upon whether you are living in the household of another (§§ 416.1131-416.1133), or in other situations (§§ 416.1140-416.1144). We also apply special rules when members of a couple have different living arrangements (§§ 416.1145-416.1146).

§ 416.1131 One-third reduction when you live in another person's household.

(a) *When the one-third reduction applies.* Instead of determining the actual dollar value of in-kind support and maintenance, we reduce the Federal benefit rate by one-third if you (or you and your eligible spouse)—

(1) Live in another person's household (see § 416.1132) for a full calendar month except for temporary absences (see § 416.1148); and

(2) Receive both food and shelter from the person in whose household you are living.

(b) *What the one-third reduction is.* The one-third reduction is a flat reduction of your Federal benefit rate. It applies in full or not at all. We do not treat the food and shelter you receive when you are living in another person's household the way we treat your other unearned income. Therefore, we cannot apply any income exclusions to the reduction amount. However, we do apply appropriate exclusions to any other earned or unearned income you receive. If you have an eligible spouse we apply the rules described in §§ 416.1145-416.1146.

§ 416.1132 Living in another person's household.

(a) *Household.* For purposes of this subpart, we consider a household to be a personal place of residence. This may include a household within a commercial establishment such as a rooming or boarding house. If you live in a household within a rooming or boarding establishment, we do not consider you to be a member of the proprietor's household. A household is not an institution and cannot exist within an institution.

(b) *Another person's household.* We consider that you live in another person's household if paragraph (c) of this section does not apply and if the household has at least one other member who is not—

(1) Your spouse (as defined in § 416.1005);

(2) A minor child; or

(3) An ineligible person whose income may be deemed to you as described in §§ 416.1150-416.1159.

(c) *Not another person's household.* We consider that you do not live in another person's houshold, if—

(1) You (or your spouse who lives with you) have an ownership or life estate interest in the home;

(2) You (or your spouse who lives with you) are liable to the landlord for payment of any part of the rental charges;

(3) You live in a noninstitutional care situation as described in § 416.1140(e); or

(4) You pay at least a pro rata share of household operating expenses (see § 416.1133).

§ 416.1133 Pro rata share.

(a) *How we determine a pro rata share.* Your pro rata share of household operating expenses is the monthly average household operating expenses divided by the number of people in the household, regardless of age. If you pay this amount toward monthly household operating expenses, we consider that you are living in your own household and the one-third reduction does not apply to you. (If your are receiving food, clothing, or shelter from someone outside the household, we must value that under the rules in § 416.1140.)

(b) *Average household operating expenses.* Household operating expenses are the household's total monthly expenditures for food, rent or mortgage costs, real property taxes, heating fuel, gas, electricity, water, sewage and garbage collection services. (The term does not include the cost of any of these items if someone outside the household pays for them.) Generally, we average household operating expenses over the past 12 months to determine a pro rata share.

§ 416.1140 Valuing in-kind support and maintenance when you live in a household where the one-third reduction does not apply.

(a) *General.* The rules in this section apply if—

(1) You are living in another person's household but not receiving both food and shelter from that person;

(2) You are living in your own household; or

(3) You are living in a noninstitutional care situation (see paragraph (e) of this section).

(b) *How we value in-kind support and maintenance.* Instead of determining the actual dollar value of any food, clothing, or shelter you receive, we presume that it is worth a maximum value. This maximum value is one-third of your Federal benefit rate plus the amount of the general income exclusion described in § 416.1124(c)(10). We use this amount because, if you have no other income, it will give you the same Federal benefit you would receive under the one-third reduction rules.

(c) *If you disagree with the presumed value rule.* We will not use the presumed value at any time if you—

(1) Show us that the current market value of any food, clothing, or shelter you receive, minus any payment you make for them is lower than our presumed value; or

(2) Show us that the actual amount paid for any of your food, clothing, or shelter by someone else is lower than our presumed value.

(d) *Determining your benefit.* (1) If you show us that the presumed value as described in paragraph (b) of this section is higher than the actual value of the food, clothing, or shelter you receive, we consider as part of your unearned income the actual amount you establish to determine your benefit.

(2) If you choose not to question the use of the presumed value, or if the presumed value is less than the actual value of the the food, clothing, or shelter you receive, we use the presumed value to determine your benefit.

(e) *Living in a noninstitutional care situation.* We consider you to be living in a noninstitutional care situation if all of the following conditions exist:

(1) You are placed by a public or private agency under a specific program such as foster or family care;

(2) You are in a private household (not an institution) which is licensed or approved by the placing agency to provide care;

(3) The placing agency is responsible for your care; and

(4) You, the placing agency, or someone else pays the person who takes care of you.

§ 416.1141 Public assistance households.

If you live in a household where every person is receiving some kind of public income maintenance payments, we assume that no one in the household is providing you with food, clothing, or shelter, unless there is evidence to the contrary. (If you are receiving food, clothing, or shelter from someone outside the household, we must value that under the rules in § 416.1140.) Public income maintenance payments are those made under—

(a) Title IV-A of the Social Security Act (Aid to Families with Dependent Children);

(b) Title XVI of the Social Security Act (SSI, including federally administered State supplements and State administered mandatory supplements);

(c) The Migration and Refugee Assistance Act of 1962;

(d) The Indochina Migration and Refugee Assistance Act of 1975;

(e) The Disaster Relief Act of 1974;

(f) General assistance programs of the Bureau of Indian Affairs; or

(g) General assistance programs of State or local governments.

§ 416.1142 Valuing in-kind support and maintenance when you live in a nonprofit retirement home or similar institution.

(a) *When we count.* If you live in a nonprofit retirement home or similar institution we count the value of the food, clothing, or shelter you receive under the rules described in § 416.1140, if—

(1) The home or nonprofit organization has expressly undertaken an obligation to provide you full support and maintenance (at least all of your food and shelter needs); and

(2) The home does not require any current or future payment for your food and shelter. A prepayment is not considered a current payment.

(b) *When we do not count.* If paragraph (a) does not apply, we do not count the value of the food, clothing, or shelter you receive from the home or institution as part of your unearned income—

(1) To the extent that the home or institution receives no payment for your food, clothing, or shelter; or

(2) If the home or institution receives payment from another nonprofit organization.

(c) *Definitions.* For purposes of this section the following definitions apply.

(1) "Nonprofit retirement home or similar nonprofit institution" means a nongovernmental institution which is, or is controlled by a private nonprofit organization that does not provide you with services which are (or could be covered) under Medicaid and does not provide you with education or vocational training.

(2) "Nonprofit organization" means a private organization which is tax exempt under section 501(a) of the Internal Revenue Code of 1954 and is of the kind described in section 501(c) and (d) of that code.

(3) An obligation to provide you full support and maintenance is expressly undertaken if there is either a legally enforceable written contract or membership rules that provide—

(i) The home (institution) or organization will provide you with at least all of your food and shelter needs; and

(ii) The home does not require any current or future payment.

§ 416.1143 Valuing in-kind support and maintenance when you live in a nonmedical for profit institution.

(a) *When we count.* If you live in a nonmedical for profit insitution and another person or organization pays the institution for any of your food, clothing, or shelter, we count its value under the rules described in § 416.1140.

(b) *When we do not count.* We do not count the value of the food, clothing, or shelter you receive from the institution if—

(1) You pay the institution and the institution accepts whatever you pay as payment in full; or

(2) You contract a legal debt to the institution for your food, clothing, or shelter and the institution accepts your debt plus the payment you make, if any, as payment in full.

§ 416.1144 Valuing in-kind support and maintenance when you live in another kind of institution.

(a) *General.* The rules in this section apply if—

(1) You are living in a public or private nonprofit educational or vocational training institution; or

(2) You are living in any other public institution even if less than a full calendar month.

(b) *How we value in-kind support and maintenance.* We value any food, clothing, or shelter you receive outside

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of a medical institution under the rules described in § 416.1140.

IN-KIND SUPPORT AND MAINTENANCE IN SPECIAL CIRCUMSTANCES

§ 416.1145 Valuing in-kind support and maintenance for a couple.

(a) *General.* The way we value any food, clothing, or shelter you or your eligible spouse receive, depends on your living arangements. We continue to consider you and your spouse as a couple even though you are separated as long as the separation does not last more than 6 months (§ 416.1040). This section contains the rules for the combinations of living arrangements.

(b) *Presumed value arrangments.* For purposes of this section, we refer to the following kinds of living arrangements as presumed value arrangements:

(1) You are living in another person's household and not receiving both food and shelter from that person;

(2) You are living in your own household;

(3) You are living in a noninstitutional care situation (see § 416.1140(e)); and

(4) You or your spouse are living in a nonmedical institution where we count any food, clothing, or shelter. (See §§ 416.1142-416.1144.)

(c) *Both live in another person's household and receive food and shelter from that person.* We apply the one-third reduction to the Federal benefit rate for a couple (§ 416.1131). The one-third reduction applies whether you are both in the same household or different households.

(d) *One lives in another person's household and receives food and shelter from that person and the other is in a medical institution.* We compute your benefits as if you were two eligible individuals, beginning with the first full calendar month one of you is in a medical institution as describe in § 416.231(a)(2). The one living in another person's household is eligible at an eligible individual's Federal benefit rate reduced by one-third. The one in the medical institution is eligible at the reduced Federal benefit rate as described in § 416.231(a)(2)(i).

(e) *One lives in the household of another and receives food and shelter from that person and the other is in a presumed value arrangement.*

(1) We value the food and shelter received by the one in the household of another at one-sixth of the couple's Federal benefit rate unless you can show that the value is lower as described in § 416.1140(c).

(2) We value any food, clothing, or shelter received by the other outside of a medical institution at one-sixth of the couple's Federal benefit rate plus one-half the amount of the general income exclusion (§ 416.1124(c)(10)), unless you can show that the value is lower as described in § 416.1140(c).

(f) *Both in a presumed value arrangement.* We value any food, clothing, or shelter you and your spouse receive at one-third of the Federal benefit rate for a couple plus the amount of the general income exclusion (§ 416.1124(c)(10)), unless you can show that their value is less as described in § 416.1140(c).

(g) *One is in a presumed value arrangement and the other is in a medical institution.* We compute your benefits as if you were two eligible individuals beginning with the first full calendar month that one of you is in a medical institution (§ 416.231(a)(2)). We value any food, clothing, and shelter received by the one outside of the medical institution at one-third of the eligible individual's Federal benefit rate, plus the amount of the general income exclusion (§ 416.1124(c)(10)), unless you can show that their value is less as described in § 416.1140(c). The one in the medical institution as described in § 416.231(a)(2) is eligible for the reduced Federal benefit rate (§ 416.231(a)(2)(ii)).

§ 416.1146 In-kind support and maintenance and deeming income.

(a) *The one-third reduction and deeming of income.* If you live in the household of someone whose income can be deemed to you as described in §§ 416.1150-416.1159, the one-third reduction does not apply to you. However, if you and a person whose income can be deemed to you both live in another person's household as described in § 416.1131, we must apply both the one-third reduction and the deeming rules to you.

(b) *The presumed value rule and deeming of income.* (1) If you live in the household of someone whose income can be deemed to you (§§ 416.1150-416.1159) we do not consider as income any food, clothing, or shelter that person provides. However, if you receive any food, clothing, or shelter from another source, we consider what you receive to be income and we value it under the presumed value rule (§ 416.1140). We also apply the deeming rules to you.

(2) If you are a child under age 21 who lives in the household of an ineligible parent, and you are temporarily absent from the household to attend school (§ 416.1157(a)(2)), we consider as income any food, clothing, or shelter you receive at school unless your parent provides it. We value this income under the presumed value rules (§ 416.1140). We also apply the deeming rules to you (§ 416.1155).

TEMPORARY ABSENCE

§ 416.1148 Temporary absence from your living arrangement.

(a) *General.* A temporary absence may be due to employment, hospitalization, vacations, or visits. Generally, we consider that you are temporarily absent from your permanent living arrangement if you (or you and your eligible spouse)—

(1) Were in your permanent living arrangement for at least one full calendar month prior to your absence; and

(2) Intend to, and do, return to your permanent living arrangement in the same calendar month in which you leave, or in the next month.

(b) *Rules we apply during temporary absence.* The income rules which apply in your permanent living arrangement continue to apply during a temporary absence. For example, if the one-third reduction applies in your permanent living arrangement, we continue to apply the same rule during a temporary absence. However, if you receive in-kind support and maintenance only during a temporary absence we do not consider it since you are still responsible for maintaining your permanent quarters during the absence.

(c) *Rules for temporary absence in special circumstances.* (1) If you enter a medical institution as described in § 416.231(a)(2) with the intention of returning to your prior living arrangement, we consider this a temporary absence. We use the rules that apply to your permanent living arrangement to value any food, clothing, or shelter you receive during the month you enter or leave the institution. During any full calendar month you are in the medical institution you are eligible at the reduced Federal benefit rate described in § 416.231(a)(2)(i). We do not consider food or shelter provided during a medical confinement to be income.

(2)(i) Generally, if you are a child under age 22, you are temporarily absent while you are away at school, regardless of how long you are away, if you come home on some weekends, lengthy holidays, and vacations (or for extended visits as provided in school regulations).

(ii) However, if you are a child under age 21, and your permanent living arrangement is with an ineligible parent or essential person (§ 416.243) we follow the rules in § 416.1146(b)(2).

MAJOR DISASTERS

§ 416.1149 Treatment of income received because of a major disaster.

(a) *Support and maintenance.* We do not count the value of support and maintenance (in cash or in-kind), and

the one-third reduction does not apply, if—

(1) You maintained and lived in your own household when a catastrophe occurred in the area;

(2) The President declares the catastrophe to be a major disaster for purposes of the Disaster Relief Act of 1974;

(3) You stopped living in the household because of the catastrophe, and within 30 days after the catastrophe you began to receive support and maintenance; and

(4) You received support and maintenance while living in a residential facility (including a private household) maintanied by another person.

(b) *Time limit.* Paragraph (a) of this section only applies to support and maintenance you receive during the 18-month period beginning with the month you begin to receive the support and maintenance.

(c) *Other assistance you receive.* We do not consider other assistance you receive under the Disaster Relief Act of 1974 or under another Federal statute because of a catastrophe which the President declares to be a major disaster. For example, you may receive payments to repair or replace your home or other property.

(d) *Interest payments.* Any interest earned on the assistance payments you receive under paragraph (c) is excluded from income for a period of 9 months beginning on the date you receive assistance. We can extend the 9-month period for up to an additional 9 months if you show good cause. Good cause exists, for example, if you show that circumstances beyond your control prevent the repair or replacement, or contracting for the repair or replacement of a home or other kinds of property within the initial 9-month time period.

DEEMING OF INCOME

§ 416.1150 What is deeming.

(a) *General.* (1) If you live in the same household as your ineligible spouse, or if you are a child living in the same household as your ineligible parent, we look at the person's income to determine whether we must consider (deem) some of it as your income. If you live in the same household as your essential person, we must also look at that person's income to determine whether we must consider some of it.

(2) We use the term "deeming" to identify the process of considering another person's income to be your own income. When the rules for deeming apply, it does not matter whether the income of the other person is actually available to you; we must apply these rules anyway. We deem income because we expect your ineligible spouse or ineligible parent with whom you live to use part of his or her income to take care of some of your needs. Similarly, we consider your essential person's income to be available to you, since we have increased your benefit to help meet his or her needs.

(b) *Steps in deeming.* Although the way we deem income varies depending upon whether you are an eligible individual, eligible child, or an individual with an essential person, we follow several general steps to determine how much income to deem.

(1) We determine how much earned and unearned income your ineligible spouse, ineligible parent, or essential person has and we apply the appropriate exclusions in § 416.1151.

(2) We then apply an allocation for each ineligible child in the household, before we deem income to you from either your ineligible spouse or ineligible parent. (Allocations for ineligible children are explained in § 41 6.1153(b).)

(3) We then follow the deeming rules which apply to you.

(i) For deeming income from your ineligible spouse, see § 416.1153.

(ii) For deeming income from your ineligible parent, see § 416.1155.

(iii) For deeming income from your ineligible spouse when you also have an eligible child, see § 416.1156.

(iv) For deeming income from your essential person, see § 416.1158.

(v) For provisions on change in status, see §§ 416.1157 and 416.1159.

(c) For deeming purposes—

(1) "Ineligible spouse" refers to someone who lives with you as your husband or wife and who is not eligible for SSI benefits.

(2) "Ineligible parent" refers to a natural, or adoptive parent, or stepparent who lives with you and is not eligible for SSI benefits.

(3) "Ineligible child" is your natural child, adopted child, or stepchild who is under age 21, lives in the same household with you, and is not eligible for SSI benefits. If you are a child, this term applies to a natural, adopted, or stepchild of your parent.

(4) "Essential person" is someone whose presence was felt to be necessary for your welfare under the State program that preceded the SSI program. (See § 416.241-416.249 for the rules on essential persons.)

§ 416.1151 Income of ineligible individuals and essential persons for deeming purposes.

The first step in deeming is determining how much income your ineligible spouse, ineligible parent, or essential person has. We do not always include all of their income when we determine how much income to deem. In addition, we must determine the amount of income of any ineligible children in the household.

(a) *For a spouse or parent, we do not include*—(1) Any assistance which is based on need and provided by a Federal agency or by a State or one of its political subdivisions, or any income which was counted so that it affected the amount of that assistance;

(2) Any portion of a grant, scholarship, or fellowship used to pay tuition or fees;

(3) Money received for providing foster care to an ineligible child;

(4) The value of food stamps and the value of Department of Agriculture donated foods;

(5) Home produce grown for personal consumption;

(6) Tax refunds on income, real property, or food purchased by the family;

(7) Income needed to fulfill an approved plan for achieving self-support;

(8) Income used to comply with the terms of court-ordered support;

(9) The value of in-kind support and maintenance;

(10) Periodic payments made by a State under a program established before July 1, 1973, and based solely on duration of residence and attainment of age 65; and

(11) Income excluded by Federal laws other than the Social Security Act. (These are listed in the appendix, which will be updated periodically.)

(b) *For an essential person.* We include all of an essential person's income as defined in § 416.1102, except for income excluded under Federal laws other than the Social Security Act. (See the appendix.)

(c) *For an ineligible child.* Although we do not deem any income to you from an ineligible child, we reduce his or her allocation if the ineligible child has income of his or her own (See § 416.1153(b)(2)). For this purpose, we do not include any of the income listed in paragraph (a) of this section. In addition, if the ineligible child is a student (see § 416.1060), we do not include any of the child's earned income up to $1,200 a calendar quarter, but not more than $1,620 per year.

§ 416.1153 How we deem income to you from your ineligible spouse.

If you and your ineligible spouse live in the same household, we apply the deeming rules to your spouse's income.

(a) *Determining your ineligible spouse's income.* We first determine how much earned and unearned income your ineligible spouse has, using the appropriate exclusions in § 416.1151(a).

(b) *Allocations for ineligible children.* We then deduct an allocation for each ineligible child in the household to help meet their needs.

(1) The allocation for each ineligible child is one-half of the Federal benefit rate for an eligible individual. The

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amount of the allocation automatically increases whenever the Federal benefit rate increases. If the allocation only applies to one or two months of a calendar quarter, we reduce the allocation by two-thirds or one-third, as appropriate.

(2) Each ineligible child's allocation is reduced by the amount of his or her own income as described in § 416.1151(c).

(3) We deduct the allocations from your ineligible spouse's unearned income first. If your ineligible spouse does not have enough unearned income to cover the allocations we deduct the balance from the ineligible spouse's earned income.

(c) *Your SSI benefit.* (1) If the remaining amount of your ineligible spouse's income is not more than one-half of the Federal benefit rate for an eligible individual, we do not deem any of the income to you. In this situation, only your own countable income is deducted from the Federal benefit rate for an individual to determine the amount of your benefit.

(2) If the remaining amount of your ineligible spouse's income is more than one-half of the Federal benefit rate for an eligible individual, we treat you and your ineligible spouse as an eligible couple. We do this by:

(i) Combining the remainder of your spouse's unearned income with your own unearned income and the remainder of your spouse's earned income with your earned income;

(ii) Applying all appropriate income exclusions, in §§ 416.1112 and 416.1124; and

(iii) Subtracting the total countable income from the Federal benefit rate for an eligible couple.

(3) However, your SSI benefit under the deeming rules cannot be higher than what it would be if deeming did not apply. Therefore, your benefit is the amount computed under the rules in paragraph (c)(2) or the amount remaining after we subtract only your own countable income from an individual's Federal benefit rate, whichever is lower.

(d) *Examples.* These examples describe how we deem income in a calendar quarter to an eligible individual. Therefore, the amounts of income used, the income exclusions described, and the allocation amounts shown are all quarterly amounts. The Federal benefit rates used are based on rates effective July 1, 1978.

Example 1. Ted, an aged individual, lives with his ineligible spouse, Alice, and their ineligible son, Mike. Alice receives $500 unearned income per quarter. She has no earned income and Mike has no income at all. Before we deem any income we make an allocation to Mike of $284.10 (half of the Federal benefit rate for an eligible individual). We take the allocation ($284.10) from Alice's unearned income ($500) leaving $215.90. Since Alice's remaining income ($215.90) is not more than one-half of the Federal benefit rate for an individual ($284.10) we do not deem any income to Ted. Instead, we subtract only Ted's own countable income from the Federal benefit rate for an eligible individual to determine his benefit.

Example 2. George, a disabled individual, lives with his ineligible spouse, Ellen, and ineligible child, Christine. George and Christine have no income. Ellen has earned income of $1,000 a quarter and unearned income of $750 a quarter. Before we deem any income we make an allocation to Christine of $284.10. We take the allocation ($284.10) from Ellen's unearned income ($750) leaving $465.90 in unearned income. Since Ellen's remaining income is more than one-half the Federal benefit rate for an individual we deem the remaining unearned income ($465.90) and the earned income ($1,000) available to George and Ellen and treat them as a couple. We apply the $60 general income exclusion to the unearned income reducing it further to $405.90. We then apply the earned income exclusion ($195 plus one-half the remainder) to Ellen's earned income of $1,000, leaving $402.50. We combine the countable unearned income ($405.90) and the countable earned income ($402.50) and subtract it ($808.40) from the Federal benefit rate for a couple ($852.30) leaving a benefit of $43.90 for that quarter. (George would receive a Federal benefit of $14.64 each month.)

Example 3. Joe, a disabled individual, lives with his wife, Mary. She earns $600 in a quarter. Joe receives a pension (unearned income) of $300 a quarter. Since Mary's income is greater than one-half the Federal benefit rate for an individual ($284.10), we deem all of her income to be available to both Joe and Mary and treat them as a couple. We apply the $60 general income exclusion to Joe's $300 unearned income, leaving $240. Then we apply the earned income exclusion ($195 plus one-half the remainder) to Mary's $600, leaving $202.50. This gives the couple total countable income of $442.50 for the quarter ($240 plus $202.50). Subtracting $442.50 from the $852.30 Federal benefit rate for a couple leaves a benefit of $409.80. However, if Joe were not subject to deeming rules, his benefit would only be $328.20. This is because Joe's own unearned income of $300, minus the $60 general income exclusion, leaves $240 countable income. Subtracting $240 countable income from the $568.20 Federal benefit rate for an individual leaves a benefit of $328.20. Since Joe's benefit cannot exceed the amount he would receive if deeming did not apply, his benefit is $328.20 for the quarter ($109.40 each month).

§ 416.1155 How we deem income to you from your ineligible parent.

If you are a child under age 21 living with one or both of your parents, we apply the deeming rules to their income.

(a) *Determination of your ineligible parents' income.* We first determine how much earned and unearned income your parents have, using the appropriate exclusions in § 416.1151(a).

(b) *Allocations for ineligible children.* We then deduct an allocation for each ineligible child in the household as described in § 416.1153(b).

(c) *Allocations for your ineligible parents.* We then deduct allocations for your parents. These vary depending on the type of income they have.

(1) *All parental income is earned.* If your parents have only earned income, we allocate $255 (the sum of the $60 general income exclusion and the $195 earned income exclusion) plus—

(i) Double the Federal benefit rate for a couple if both parents live with you; or

(ii) Double the Federal benefit rate for an individual if only one parent lives with you.

(2) *All parental income is unearned.* If your parents have only unearned income, we allocate $60 (the amount of the general income exclusion) plus—

(i) The Federal benefit rate for a couple if both parents live with you; or

(ii) The Federal benefit rate for an individual if only one parent lives with you.

(3) *Parental income is both earned and unearned.* If your parents have both earned and unearned income, we first deduct $60 from their combined unearned income. If they do not have enough unearned income we subtract the balance of the $60 from their combined earned income. Then we subtract $195 plus one-half the remainder of their earned income. We total the remaining earned and unearned income, and subtract—

(i) The Federal benefit rate for a couple if both parents live with you; or

(ii) The Federal benefit rate for an individual if only one parent lives with you.

(d) *Your SSI benefit.* We deem any of your parents' income that remains to be your unearned income. We combine it with your own unearned income and apply the exclusions in § 416.1124 to determine your countable unearned income. We add this to any countable earned income you may have and subtract the total from the Federal benefit rate for an individual to determine your benefit.

(e) *When you are not the only eligible child.* If your parents have more than one eligible child in the household, we divide the parental income to be deemed equally among the eligible children. However, we do not deem more income to an eligible child than the amount which, when combined with the child's own income, reduces his or her SSI benefit to zero. (For purposes of this paragraph, an SSI benefit includes any federally administered State supplement.) If the share of parental income that would be deemed to a child makes that child ineligible because that child has other countable income, we deem any remaining parental income to other eligible children in the household in the manner described in this paragraph.

(f) *Examples.* These examples describe how we deem income in a calendar quarter to an eligible child. Therefore, the amounts of income used, the income exclusions described, and the allocation amounts shown are all quarterly amounts. The Federal benefit rates used are based on rates effective July 1, 1978.

Example 1. Henry, a disabled child, lives with his mother and father and a 12-year-old ineligible brother. His mother receives a pension (unearned income) of $600 per quarter, and his father earns $1,900 per quarter. Henry and his brother have no income. First we allocate $284.10 for Henry's brother from the unearned income of $600. This leaves $315.90 in unearned income. Since the remaining parental income is both earned and unearned, we reduce the unearned income further by $60, leaving $255.90. We then reduce the $1,900 of earned income by $195 plus one-half the remainder, leaving $852.50. From the total remaining income of $1,108.40 we subtract $852.30 (the Federal benefit rate for a couple), leaving $256.10 to be deemed as Henry's unearned income. We then apply Henry's $60 general income exclusion which reduces his countable income to $196.10. We subtract that amount from the $568.20 Federal benefit rate for an individual, leaving a benefit of $372.10 for the quarter ($124.04 each month).

Example 2. James and Tony are disabled children who live with their mother. The children have no income but their mother receives $900 a quarter in unearned income. Since all of the mother's income is unearned, the amount we allocate for her needs is $628.20 (the Federal benefit rate for an individual, $568.20, plus the $60 general income exclusion). After subtracting this allocation from her $900, we divide the remaining $271.80 equally between the two children ($135.90 each) as unearned income. We then apply the $60 general income exclusion leaving each child with $75.90 countable income. Subtracting $75.90 countable income from the $568.20 Federal benefit rate for an individual gives each child a benefit of $492.30 for the quarter.

§ 416.1156 How we deem income to you and your eligible child from your ineligible spouse.

If you and your eligible child live in the same household with your ineligible spouse, we deem your ineligible spouse's income first to you, and then we deem any remainder to your eligible child.

(a) *Determination of your ineligible spouse's income.* We first determine how much earned and unearned income your ineligible spouse has using the appropriate exclusions in § 416.1151(a).

(b) *Allocations for ineligible children.* We then deduct an allocation for each ineligible child in the household as described in § 416.1153(b).

(c) *Your SSI benefit.* We follow the rules in § 416.1153 to find out how much of your ineligible spouse's income is deemed to you and the amount of your benefit.

(d) *Your eligible child's benefit.* (1) If you are eligible to receive an SSI benefit after your ineligible spouse's income has been deemed to you, we do not deem any income to your eligible child. We determine your child's benefit by subtracting only his or her own countable income from the Federal benefit rate for an eligible individual.

(2) If you are not eligible for an SSI benefit after your ineligible spouse's income has been deemed to you, we deem to your eligible child any of your spouse's income which was not used to reduce your benefit to zero. (For purposes of this section your SSI benefit includes any federally administered State supplement.) We then follow the rules in § 416.1155 (d) and (e) to determine the child's SSI benefit.

(e) *Examples.* These examples describe how we deem income in a calendar quarter to an eligible individual and an eligible child in the same household. Therefore, the amounts of income used, the income exclusions described, and the allocation amounts shown are all quarterly amounts. The Federal benefit rates used are based on rates effective July 1, 1978.

Example 1. Mary, a blind individual, lives with her husband, John, and their disabled child, Peter. Mary and Peter have no income, but John is employed and earns $1,700 per quarter. We determine Mary's eligibility first. Since John's income is more than one-half the Federal benefit rate for an eligible individual, we treat the entire $1,700 as earned income available to John and Mary as a couple. Because they have no unearned income, we reduce the $1,700 by the $60 general income exclusion and then by the earned income exclusion of $195 plus one-half the remainder. This leaves John and Mary with $722.50 in countable income. Subtracting the $722.50 countable income from the $852.30 Federal benefit rate for a couple gives Mary a benefit of $129.80. Since Mary is eligible for an SSI benefit, there is no income to be deemed to Peter. His benefit is $568.20 (the Federal benefit rate for an individual) because he has no countable income.

Example 2. Al, a disabled individual, resides with his wife Dora and their disabled son, Jeff. Al and Jeff have no income but Dora is employed and earns $2,500 a quarter. Since Dora's income is more than one-half the Federal benefit rate for an eligible individual, we treat the entire $2,500 as earned income available to Al and Dora as a couple. We reduce this income by the $60 general income exclusion and then by $195 plus one-half the remainder (earned income exclusion), leaving $1,122.50 in countable income. Al is ineligible because the countable income ($1,122.50) exceeds the Federal benefit rate for a couple ($852.30. Since Al is ineligible, we deem to Jeff $270.20, the amount of income over and above the amount which causes Al to be ineligible (the difference between the countable income and the Federal benefit rate for a couple). We treat the income deemed to Jeff ($270.20) as unearned income and we apply the $60 general income exclusion reducing Jeff's countable income to $210.20. We subtract the countable income ($210.20) from the Federal benefit rate for an individual ($568.20) making Jeff eligible for a benefit of $358 for the quarter.

§ 416.1157 When a change in status affects use of deeming rules.

(a) *When you are no longer living in the same household with spouse or parent.* If you and your ineligible spouse or parent stop living in the same household, we stop applying deeming rules with the first full month that one of you is absent, unless the absence is temporary. For example, if you leave the household in September with no intention of returning, the deeming rules do not apply to you beginning in October.

(1) A temporary absence, for purposes of deeming, occurs when you or your ineligible spouse or parent leave the household but intend to, and do, return in the same month or the month immediately following. If the absence is temporary, we continue to deem.

(2) If you are an eligible child who is away at school but comes home on some weekends or lengthy holidays and is still under parental control, we consider you temporarily absent from your parent's household. However, if you are not under parental control during the absence, we do not consider it temporary and do not deem parental income to you.

(b) *When you move into the same household with spouse or parent.* If you have not been subject to deeming rules and then move into a household with your ineligible spouse or parent, or if you marry an ineligible person, we begin to deem beginning with the month following the change. For example, if you marry in September, your spouse's income can begin to affect your SSI benefit in October.

(c) *When you are no longer a child.* If you are a child living with your parents, we stop deeming with the month following your attainment of age 18. For example, if you attain age 18 in June, the deeming rules do not apply to you beginning in July. However, if you are a student, we do not stop deeming until the month following your attainment of age 21. (You "attain" a certain age on the day before your birthday.)

(d) *When you are age 18–21 and become a student.* If you are between the ages of 18 and 21 but not a student, deeming rules do not apply even if you live with a parent. However, if you become a student during this period and continue to live with a parent, we begin to apply deeming rules in the month after you become a student. For example, if you become a student in September, the deeming rules apply to you beginning in October if you live with your parent(s).

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§ 416.1158 How we deem income to you from your essential person.

(a) *Essential person's income.* If you have an essential person, we deem all of that person's income as described in § 416.1151(b) to be your own unearned income.

(b) *Your SSI benefit.* We apply the exclusions to which you are entitled under §§ 416.1112 and 416.1124 to your earned and unearned income (including any deemed to you). After combining the remaining amounts of countable income, we subtract the total from the Federal benefit rate for a qualified individual (see § 416.413) to determine your SSI benefit.

§ 416.1159 When we stop deeming income from an essential person.

If your countable income, including the income deemed to you from your essential person, causes you to be ineligible for an SSI payment, you are no longer considered to have an essential person and only your own countable income is deducted from the Federal benefit rate for an eligible individual. Other deeming rules may then apply.

(a) *Essential person is your spouse.* If the person who was your essential person is your ineligible spouse, we apply the deeming rules in § 416.1153 to determine your benefit.

(b) *Essential person is your parent.* If you are a child, and the person who was your essential person is your ineligible parent, we apply the deeming rules in § 416.1155 to determine your benefit.

ALTERNATIVE INCOME COUNTING RULES FOR CERTAIN BLIND INDIVIDUALS

§ 116.1170 General.

(a) *What the alternative is.* If you are blind and meet the requirements in § 416.1171, we use special rules to see how much countable income you have. We will use whichever of the following sets of rules results in the lower amount of countable income:

(1) The SSI income exclusions in §§ 416.112 and 416.1124; or

(2) The disregards that would have applied under the State plan for October 1972.

(b) *State plan.* As used in this subpart, "State plan for October 1972" means a State plan for providing assistance to the blind under title X or XVI (AABD) of the Social Security Act. That plan must have been approved under the provisions of 45 CFR Chapter II which were in effect for October 1972.

§ 416.1171 When alternative applies.

(a) *Eligibility for alternative.* You are eligible for use of the alternative income counting rules if—

(1) You were eligible for, and received, assistance for December 1973 under a State plan as in effect for October 1972;

(2) You have continued to live in the same State since December 1973;

(3) You were transferred to the SSI rolls in January 1974; and

(4) You have not been ineligible for an SSI benefit for any period of more than 6 consecutive months. (For purposes of this section, an SSI benefit means a Federal benefit only; it does not include any State supplementation.)

(b) *Living in the same State.* For purposes of this section, you have not continued to live in the same State since December 1973 if you have left it at any time with the intention of moving to another State. Unless there is some other evidence, we assume that—

(1) If you leave the State for 90 calendar days or less, the absence is temporary and you still live in that State; and

(2) If you leave the State for more than 90 calendar days, you are no longer living there.

APPENDIX—LIST OF TYPES OF INCOME PROVIDED BY FEDERAL LAWS OTHER THAN THE SOCIAL SECURITY ACT WHICH ARE EXCLUDED UNDER THE SSI PROGRAM

Many Federal statutes that provide assistance or benefits for certain individuals or groups of people specify that the assistance or benefit will not be considered in deciding eligibility for SSI. These statutes are intended to provide additional benefits without affecting the SSI payment. The following list gives the name of the Federal statute (where possible), the public law number, and the citation. Each item briefly describes what assistance is provided that will not reduce or eliminate an SSI payment. More detailed information is available from a social security office or by reference to the statutes.

We update this list periodically. However, when new Federal statutes of this kind are enacted, or existing statutes are changed, we apply the law currently in effect, even before this appendix is updated.

1. Agriculture Act of 1949, chapter 792, section 416, 63 Stat. 1058 (1949) and chapter 641, section 32, 49 Stat. 774 (1935). Value of Federally donated foods.

2. Alaska Native Claims Settlement Act, Pub. L. No. 92-203, section 21(a), 85 Stat. 713 (1971); 43 U.S.C. 1620(a). Revenues from the Alaska Native Fund.

3. Child Nutrition Act of 1966, Pub. L. No. 89-642, section 11(b), 80 Stat. 889 (1966); 42 U.S.C. 1780(b). Value of free or reduced price food for children in schools and institutions.

4. Comprehensive Employment and Training Act of 1973, Pub. L. No. 93-203, section 111(a), 87 Stat. 849 (1973); 29 U.S.C. 821(a); and section 356 as added by Pub. L. No. 95-93, 91 Stat. 649; 29 U.S.C. 895e. Allowances paid to a youth in certain training or educational programs are not considered the youth's income. A youth's earnings are not considered income to the family.

5. Domestic Volunteer Service Act of 1973, Pub. L. No. 93-113, sections 404(g), 418, 87 Stat. 409, 413 (1973); 42 U.S.C. 5044(g), 5058. Compensation provided volunteers in the foster grandparents program and other similar programs.

6. Economic Opportunity Act of 1964, Pub. L. No. 93-644, section 5(d)(1), 88 Stat. 2291 (1975). Assistance provided under the Emergency Energy Conservation Services Program to prevent fuel cut-offs and promote energy efficiency.

7. Food Stamp Act of 1977, Pub. L. No. 95-113, section 1301, 91 Stat. 968 (1977); 7 U.S.C. 2017(b). Value of coupons.

8. Higher Education Amendments of 1968, Pub. L. No. 90-575, section 507, 82 Stat. 1063 (1968). Grants or loans to undergraduate students made or insured under programs administered by the Commissioner of Education.

9. Housing Authorization Act of 1976, Pub. L. No. 94-375, section 2(h), 90 Stat. 1068 (1976). Value of assistance paid under certain Federal Housing statutes.

10. Indian Tribes—Distribution of per capita Judgment Funds. Judgment funds paid to members of the Gros Ventre and Blackfeet Tribes, Pub. L. No. 92-254, section 4, 86 Stat. 65 (1972); 25 U.S.C. 1264. Grand River Band of Ottawa Indians, Pub. L. No. 94-540, section 6, 90 Stat. 2504 (1976). Yakima and Mescalro Indian minors, Pub. L. No. 95—433, 92 Stat. 1047 (1978); and certain tribes according to a plan of the Secretary of the Interior, Pub. L. No. 93-134, section 7, 87 Stat. 468 (1973); 25 U.S.C. 1407.

11. Indian Tribes—Receipts from land held in trust, Pub. L. No. 94-114, section 6, 89 Stat. 579 (1975). Receipts from lands held in trust by the Federal government and distributed to members of certain tribes.

12. Revenue Adjustment Act of 1975, Pub. L. No. 94-164, section 2(d), 89 Stat. 972 (1975), as amended. Earned income tax credits and refunds only if the individual received an SSI payment, a mandatory supplementary payment, or a Federally administered optional supplementary payment for the month before the month the tax credit or refund is received.

13. National School Lunch Act, section 13(h)(3), as added by Pub. L. No. 90-302, section 3, 82 Stat. 119 (1968); 42 U.S.C. 1761 (h)(3). Value of free or reduced price food for children in schools and institutions.

14. Older Americans Act of 1965, section 709, as added by Pub. L. No. 92-258, section 2, 86 Stat. 95 (1972); 42 U.S.C. 3045(h). Value of free or reduced price food provided for the elderly.

15. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. No. 91-646, section 216, 84 Stat. 1902 (1971); 42 U.S.C. 4636. Payments made to persons displaced by Federal or federally assisted programs.

[FR Doc. 79-3437 Filed 1-31-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-5030]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Oro Valley, Pima County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Oro Valley, Pima County, Arizona. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 680 West Calle Concordia, Oro Valley, Arizona. Send comments to: Honorable Steve Engle, Mayor, Town of Oro Valley, Town Hall, 680 West Calle Concordia, Oro Valley, Arizona 85704.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Oro Valley, Arizona, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Canada Del Oro Wash.	Lambert Lane-50 feet upstream from centerline.	5231

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3043 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5031]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Patagonia, Santa Cruz County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Patagonia, Santa Cruz County, Arizona. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Patagonia, Arizona. Send comments to: Honorable Virgil J. Smith, Mayor, Town of Patagonia, P.O. Box 515, Patagonia, Arizona 85624.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Patagonia, Arizona, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sonoita Creek.....	Downstream Corporate Limits.	4026
	Confluence with Tributary E-50 feet upstream.	4031
	Confluence with Tributary D.	4046

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Confluence with Tributary B.	4050
	Confluence with Tributary A.	4057
	Sonoita Avenue—50 feet*.	4060
	Naugle Avenue (U.S. Highway 82)—at centerline.	4067
	Confluence with Harshaw Creek.	4073
	Upstream Corporate Limits.	4100
Tributary A	Confluence with Sonoita Creek.	4057
	Second Avenue—at centerline.	4062
	Corporate Limits	4078
Harshaw Creek	Confluence with Sonoita Creek.	4073
	Confluence with Redrock Creek.	4094
	Corporate Limits—100 feet downstream.	4108
Redrock Creek	Confluence with Harshaw Creek.	4094
	Corporate Limits	4106

* Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3044 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5032]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Nogales, Santa Cruz County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Nogales, Santa Cruz County, Arizona. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Civic Building, 1018 Grand Avenue, Nogales, Arizona. Send comments to: Mr. Fidel A. Encisco, City Administrator, City of Nogales, Civic Building, 1018 Grand Avenue, Nogales, Arizona 85621.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Nogales, Arizona, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Nogales Wash East Flood Plain.	Corporate Limits—40 feet upstream.	3791
Nogales Wash West Flood Plain.	Corporate Limit	3793
Nogales Wash	Confluence with Falls Wash.	3799
	State Highway 82 Overpass—50 feet*.	3800
	Confluence with Ephriam Canyon Wash.	3803
	Confluence with Arroyo Boulevard Channel.	3822
Nogales Wash-Covered Floodway and Overland Flow East of Southern Pacific Railroad.	Park Avenue—at centerline.	3862
	International Street—at centerline.	3869
	International Boundary.	3870
Arroyo Boulevard Channel and Covered Floodway and Overland Flows West of Southern Pacific Railroad.	Confluence with Nogales Wash.	3822
	Southern Pacific Railroad—20 feet*.	3824
	Outlet of Covered Floodway.	3836
	Walnut Street—40 feet*.	3849
	Elm Street—at centerline.	3853
	Crawford Street—at centerline.	3882
	International Boundary.	3872
Ephriam Canyon Wash.	Confluence with Nogales Wash.	3803
	State Highway 89—40 feet*.	3809
	Bayze Avenue	3810
	Bautista Road	3839
	Walkway Bridge	3840
	Western Avenue—42 feet*.	3882
	Western Avenue Culvert—upstream side.	3904
	Corporate Limits	3979
Falls Wash	Confluence with Nogales Wash.	3799
	Confluence with State Highway 82 Tributary.	3799
	Morley Avenue—at centerline.	3800
	Plum Street—at centerline.	3843
	Walnut Street	3844
	Confluence with Arroyo Boulevard Channel—downstream end of Covered Floodway.	3872
	Beginning of Covered Floodway.	3875

*Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In Accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3045 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5033]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Forrest City, St. Francis County, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Forrest City, St. Francis County, Arkansas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Mayor's Office, 224 North Rosser, Forrest City, Arkansas 72335. Send comments to: Mayor Conlee or Mr. Danny Ferguson, Administrative Assistant of the Mayor, P.O. Box 1074, Forrest City, Arkansas 72335.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for City of Forrest City, St. Francis County, Arkansas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
MD-1	Just upstream of U.S. Highway 70.	218
Lateral 1-E	Just downstream of U.S. Route 70.	230
Lateral 1-B	Just downstream of Arkansas Route 1.	266

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3046 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5034]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Lake Elsinore, Riverside County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lake Elsinore, Riverside County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the City Manager, City Hall, Main Street, Lake Elsinore, California. Send comments to: Mr. John Del Bruegge, City Manager, City of Lake Elsinore, Drawer D, Lake Elsinore, California 92330.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Elsinore	At end of Chaney Street (extended).	1265
Elsinore Spillway Channel.	Limited Street*	1265
	Flint Street*	1270
San Jacinto River.	State Highway 71-100 Feet**.	1273
	At Upstream Corporate Limits.	1313
Temescal Wash	Atchinson, Topeka and Santa Fe Railroad*.	1258
	Chaney Street*	1266
Wasson Cayon Creek.	Mint Horn Avenue*	1275
	State Highway 71*	1289

*At centerline.
**Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3047 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5035]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Fort Jones, Siskiyou County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Fort Jones, Siskiyou County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, City Hall, East Street, Fort Jones, California. Send comments to: Honorable Mary Berry, Mayor, Town of Fort Jones, Post Office Box 40, Fort Jones, California 96032.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Fort Jones, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Moffett Creek	Diggles Street-100 feet upstream from centerline.	2731
	Butte Street-50 feet upstream from centerline.	2737

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3048 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5036]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of the Town of Los Altos Hills, Santa Clara County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of the Town of Los Altos Hills, Santa Clara County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 26379 Fremont Road, Los Altos Hills, California. Send comments to: Mr. Robert Crowe, Town Administrator, City of the Town of Los Altos Hills, Town Hall, 26379 Fremont Road, Los Altos Hills, California 94022.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of the Town of Los Altos Hills, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Adobe Creek	Edith Road	174
	Burke Road	192
	O'Keefe Lane	264
	Foothill College Road	307
	El Monte Avenue	328
	Rhus Ridge Drive	379
	Francemont Drive	421
Barron Creek	Fremont Road (downstream crossing).	145
	Ortega Drive	172
	Fremont Road (upstream crossing).	205
	La Paloma Road	220
	Todd Lane—20 feet upstream from centerline.	245
Purissima Creek	Purissima Road (downstream crossing).	252
	Viscaina Road	303
	Purissima Road (upstream crossing).	332
Matadero Creek	Old Page Mill Road	193
	Interstate 280	212
	Page Mill Road	244
	Moon Lane	270
	Lupine Road—20 feet upstream from centerline.	286
Arastradero Creek	Page Mill Road	254
Hale Creek	Magdelena Avenue	221
	Dawnridge Drive	270
Concepcion Drainage.	Fremont Road	207
	Alto Verde Lane	225
	Roble Veneno Lane	247

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3049 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5037]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of San Clemente, Orange County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of San Clemente, Orange County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Civic Center, 100 Avenida Presidio, San Clemente, California. Send comments to: Mr. Jerry Weeks, City Manager, City of San Clemente, City Hall, Civic Center, 100 Avenida Presidio, San Clemente, California 92672.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of San Clemente, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Prima Deshecha Canada.	Avenida Vaquero (first crossing)—130 feet*.	24
	Calle Grande Vista	41
	Interstate 5	91
	Avenida Vaquero (second crossing)—160 feet**.	92 –
	Avenida Vaquero (second crossing)—200 feet*.	104
	Calle Nuevo—160 feet**	142
	Calle Nuevo—100 feet*	154
	Confluence with Prima Deshecha Canada Tributary.	157
Segunda Deshecha Canada.	Atchison, Topeka and Santa Fe Railroad-100 feet**.	14
	Atchison, Topeka and Santa Fe Railroad-25 feet*.	21
	El Camino Real-75 feet*.	24
	Calle de los Molinos-100 feet**.	42
	Calle de los Molinos-275 feet*.	50
	Interstate 5	66
	Avenida Pico	70
	Confluence with Segunda Deshecha Canada Tributary-200 feet upstream.	88
	Corporate Limits (first crossing).	119
	Corporate Limits (second crossing)-25 feet upstream.	143
Segunda Deshecha Canada Tributary.	Confluence with Segunda Deshecha Canada.	87
	Avenida Pico	87

*Upstream from centerline
**Downstream from centerline

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3050 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5038]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Rocky Hill, Hartford County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Rocky Hill, Hartford County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 699 Old Main Street, Rocky Hill, Connecticut. Send comments to: Honorable Paul T. Daukas, Mayor, Town of Rocky Hill, Town Hall, 699 Old Main Street, Rocky Hill, Connecticut 06067.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Rocky Hill, Connecticut, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Confluence with Dividend Brook.	29
	Upstream Corporate Limits.	29
Dividend Brook	Confluence with Connecticut River.	29
	Conrail Culvert—50 feet*.	29
	Conrail Culvert—50 feet**.	38
	Dividend Pond Dam—120 feet*.	38
	Dividend Pond Dam—25 feet**.	60
	Swamp Dam—50 feet*.....	72
	Swamp Dam—75 feet**...	81
	Main Street Culvert—25 feet downstream from outlet.	105
	Main Street Culvert—50 feet upstream from inlet.	115
	Brook Street—150 feet*..	116
	Brook Street—100 feet**	122

*Downstream from centerline.
**Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3051 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5039]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the town of Oxford, New Haven County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Oxford, New Haven County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Building Department, Town Hall, Route 67, Oxford, Connecticut. Send comments to: Mr. William J. Stakum, First Selectmen, Town of Oxford, Town Hall, Route 67, Oxford, Connecticut 06483.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Oxford, Connecticut, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Housatonic River ..	Confluence with Five Mile Brook.	54
Five Mile Brook	State Route 34—at centerline.	54
	East Hill Road—40 feet*	78
	Limit of Detailed Study (440 feet north of end of East Hill Road)—10 feet**.	165
Eight Mile Brook ..	Loughlin Road—30 feet*	80
Little River	Downstream crossing of State Route 67—20 feet**.	170
	Downstream crossing of State Route 67—60 feet*.	175
	Dam (near Park Road)—20 feet**.	193
	Dam (near Park Road)—5 feet*.	201
	Sethden Road—25 feet* .	275
	Old State Road No. 3—50 feet*.	334
	Hogsback Road—70 feet*.	417
	Towner Lane—75 feet**..	470
	Towner Lane—10 feet* ...	478
	Christian Road—30 feet*.	592
Riggs Street Brook.	State Route 67—10 feet*	347
	School Access Road—30 feet*.	380
	Riggs Street—10 feet*.....	473

*Upstream from centerline.
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3052 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5040]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Vernon, Tolland County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Vernon, Tolland County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 14 Park Place, Vernon, Connecticut. Send comments to: Mr. Frank J. McCoy, Mayor, Town of Vernon, P.O. Box 245, Vernon, Connecticut 06066.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Vernon, Connecticut, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hockanum River ...	Weil Road-50 feet*.....	178
	Interstate 86-50 feet*	185
	Kelly Road-50 feet*.....	187
	Pleasant View Drive-30 feet*.	198
	Farm Road #1-80 feet*...	199
	Farm Road #2-50 feet*...	204
	Dart Hill Road-140 feet*	211
	Farm Road #3-80 feet*...	212
	Windsorville Road-50 feet*.	214
	Union Street Bridge-30 feet*.	240
	West Street Bridge-60 feet*.	244
	West Main Street-70 feet*.	246
	River Street-30 feet*	250
	Orchard Street-50 feet*.	269
	Vernon Avenue-50 feet*.	315
	Brooklyn Street-20 feet*	481
	East Main Street-50 feet*.	486
Tankerhoosen River.	Golfland Bridge-20 feet*.	184
	State Highway 83-20 feet*.	186
	Main Street-50 feet*	208
	Dobson Road-50 feet*	253
	Phoenix Street-40 feet* ..	258
	Tunnel Road-50 feet*	276
Ogden Brook.....	Thrall Road-50 feet*	208
	Worcester Streeet-50 feet*.	210
	State Highway 83-50 feet*.	219
	Center Road-50 feet*.....	316
	West Street-50 feet*	386

*Upstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional

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review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3053 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5041]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Crescent City, Putnam County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Crescent City, Putnam County, Florida. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 115 North Summit Street, Crescent City, Florida. Send comments to: Honorable Edward Preston, Mayor, City of Crescent City, City Hall, 115 North Summit Street, Crescent City, Florida 32012.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Crescent City, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Depth in feet above ground
Lake Stella	End of Lake Shore Drive.	41
	200 feet south of Huntington Highway at Lake Stella Drainage Outlet.	41
Crescent Lake	1020 feet east of the intersection of Summit Street and Myrtle Avenue.	7
	400 feet east of the intersection of Palmetto Avenue and Lake Street.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3054 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5042]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Interlachen, Putnam County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Interlachen, Putnam County, Florida. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Interlachen, Florida. Send comments to: Honorable Joseph C. Stock, Mayor, Town of Interlachen, Post Office Box 85, Interlachen, Florida 32048.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Interlachen, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gum Creek	Sleepy Hollow Drive-80 feet*.	57
	River Street-60 feet*	62
	Gasline Crossing**	76
Chipco Lake	Along Shoreline	89
Lake Lagonda	Intersection of Bay Avenue and Lake Shore Drive.	80
Grassy Lake	Intersection of Rowell Avenue and Summer Street.	83

*Upstream from centerline
**At centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3055 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5043]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Lauderdale Lakes, Broward County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lauderdale Lakes, Broward County, Florida. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 4300 NW 36th Street, Lauderdale Lakes, Florida. Send comments to: Honorable Howard Craft, Mayor, City of Lauderdale Lakes, City Hall, 4300 NW 36th Street, Lauderdale Lakes, Florida 33319.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Lauderdale Lakes, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle River Canal.	U.S. Highway 441*	8
East Gate Canal	At Intersection of U.S. Highway 441 and NW 29th Street.	8

*Centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In Accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3056 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5044]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Pomona Park, Putnam County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Pomona Park, Putnam County, Florida. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Office, Pomona Park, Florida. Send comments to: Honorable Willard F. Hazen, Mayor, Town of Pomona Park,

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Post Office Box 518, Pomona Park, Florida 32081.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Pomona Park, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Depth, feet above ground
Lake Broward	1400 feet northeast of the intersection of Park Avenue and Lake Street.	42
	1300 feet north of the intersection of Broward Avenue and East Main Street.	42

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3057 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5045]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Bingham County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Bingham County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Bingham County Courthouse, Blackfoot, Idaho. Send comments to: Mr. Willard Wray, Chairman, Bingham County Commissioners, Bingham County Courthouse, Box 867, Blackfoot, Idaho.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Bingham County, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above ground
Sand Creek	1000 feet northwest of intersection of Wolverine Road and Bithell Lane.	2

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Snake River	U.S. Highway 26 Bridge—100 feet*.	4481
Aberdeen Wasteway.	Central Avenue—50 feet*.	4387
Twin Buttes Drainageway.	Wearyrick Road—centerline.	4439
	600 feet north of intersection of Union Pacific Railroad and 800 West Street.	4456
Blackfoot River	U.S. Highway 91 Bridge—50 feet*.	4490

* Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3058 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5046]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Weippe, Clearwater County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Weippe, Clearwater County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Weippe, Idaho. Send comments to: Honorable Norman Steadman, Mayor, City of Weippe, City Hall, P.O. Box 146, Weippe, Idaho 83553.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Weippe, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jim Ford Creek	Pierce Street Bridge—50 feet*.	2997
	Main Street Bridge—60 feet*.	2998
Grasshopper Creek.	8th Avenue Bridge—70 feet**.	2993
	8th Avenue Bridge—50 feet*.	2999

*Upstream from centerline.
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3059 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5047]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Merrillville, Lake County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Merrillville, Lake County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Planning and Building Department, Merrillville, Town Hall, Merrillville, Indiana. Send comments to: Mr. Richard Waite, President of the Town Board, Merrillville Town Hall, 13 West 73rd Street, Merrillville, Indiana 46410.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Merrillville, Lake County, Indiana in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deep River	Downstream Corporate Limits.	644
	Upstream Side Randolph Street.	655
	Upstream Side Grand Boulevard.	662
	Upstream Side Chessie System.	664
	Upstream Side Clay Street.	668
	Upstream Side Colorado Street.	672
	101st Avenue	675
Turkey Creek	Interstate Route 65	613
	Upstream Side 61st Avenue.	614
	Upstream Side State Route 53.	616
	Upstream Side Harrison Street.	619
	Upstream Side Grand Trunk Western Railroad.	620
	Upstream Side State Route 55.	621
	Upstream Side Chessie System.	622
	Upstream Side Hendricks Street.	623
	Upstream Corporate Limits.	625
Meadowdale Lateral.	West 64th Place	620
	Upstream Side 63rd Avenue.	624
	Upstream Side Grand Trunk Western Railroad.	625
	61st Avenue	625
Chapel Manor Lateral.	Grand Trunk Western Railroad.	618
	Upstream Side Private Drive.	625
	Upstream Side 68th Place.	625
	Upstream Side Chessie System.	633
	Upstream Side Private Garage.	637
	Upstream Side State Route 53.	640
	Upstream Side Delaware Place.	654

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Adminstrator.

[FR Doc. 79-3060 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5048]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Patriot, Switzerland County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Patriot, Switzerland County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Switzerland County Planning Commission, Town Hall, Patriot, Indiana. Send comments to: Mr. Glenn Wells, Town Board President, Town of Patriot, Box 176, Patriot, Indiana 47038.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Patriot, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Upstream corporate limit.	479
	Downstream corporate limit.	479

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3061 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5049]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Unincorporated Areas of Pike County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the unincorporated areas of Pike County, Kentucky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Pike County Courthouse, Main Street, Pikeville, Kentucky 41501. Send comments to: Mr. Wayne T. Rutherford, Pike County Judge Executive, or Mr. Ron Clark, Pike County Planner, Pike County Courthouse, Main Street, Pikeville, Kentucky 41501.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the unincorporated areas of Pike County, Kentucky, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tug Fork	400 feet downstream of the confluence of McCoy Branch.	658
	Approximately 650 feet upstream of Tate Road Bridge extended.	660
	450 feet downstream of confluence of Buzzard Roost Branch.	674
	250 feet downstream of the Norfolk and Western Railway.	695
	450 feet downstream of the confluence of Coon Branch.	700

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In Accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3064 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5050]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Porter, Oxford County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Porter, Oxford County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Office, Porter, Maine. Send comments to: Mr. Paul Stacy, Chairman, Board of Selectmen, Town of Porter, Town Office, Porter, Maine 04047.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Porter, Maine, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ossipee River	State Route 25—50 feet*	363
	State Route 160—50 feet*.	363
Mill Brook	Confluence with Ossipee River—20 feet*.	382
	State Route 25 Bridge—30 feet*.	404
Spectacle Ponds Brook.	State Route 160—40 feet*.	369
	Pine Street—70 feet*	377

*Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the

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Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3065 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5051]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Sebec, Piscataquis County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Sebec, Piscataquis County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Office, Sebec, Maine. Send comments to: Mr. Dana Lovell, Chairman, Board of Selectmen, Town of Sebec, Town Office, RFD 2, Box 118, Sebec, Maine 04426.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Sebec, Maine, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertial datum
Meadow Brook	Sebec Station Road.....	302
	Ladd Road (Downstream Crossing).	365
	Ladd Road (Upstream Crossing).	412
	State Route 16—100 feet upstream from centerline.	468

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3066 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5052]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Carlisle, Middlesex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Carlisle, Middlesex County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Offices, Carlisle, Massachusetts.

Send comments to: Mr. Alfred F. Peckham, Chairman, Board of Selectmen, Town of Carlisle, Town Hall, Box N, Carlisle, Massachusetts 01741.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Carlisle, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Concord River	Bedford Street—30 feet*	120
Pages Brook.....	Road and Structure at Outlet of Greenough Road—30 feet*.	119
	Maple Street—60 feet* ...	121
	Brook Street—50 feet*....	125
	Unimproved Road—20 feet*.	138
Pages Brook Branch.	Brook Street—20 feet*....	126
	Unimproved Road—60 feet*.	138
Meadow River Branch.	Gravel Road—20 feet*....	175
	Dirt Road—60 feet*.....	185
	Curve Street—30 feet*....	187
	Twin Concrete Spillway—100 feet*.	189
Spencer Brook.....	Concord Street—30 feet*	159
	Russell Street—50 feet ...	163

*Upstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3067 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5053]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Georgetown, Essex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Georgetown, Essex County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Clerk's Office, Town Hall, 1 Library Street, Georgetown, Massachusetts. Send comments to: Mr. Joseph A. Soucy, Chairman, Board of Selectmen, Town of Georgetown, Town Hall, 1 Library Street, Georgetown, Massachusetts 01833.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Georgetown, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bulford Brook	Confluence with Penn Brook.	81
	West Main Street*.....	81
Jackman Brook	Parish Road*.....	18
	Jewett Street*.....	56
Parker River	Thurlow Street*.....	65
	Mill Street*.....	74
	Confluence with Penn Brook.	75
	Pond Street—175 feet**..	77
	Pond Street—50 feet***..	83
	Baileys Lane*.....	85
Penn Brook.....	North Street*.....	75
	Summer Street*.....	78
	Confluence with Bulford Brook.	81
	East Street—50 feet**....	88
	State Highway 97 (Central Street).*.	93

*At centerline.
**Downstream from centerline.
***Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3068 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5054]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Lakeville, Plymouth County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Lakeville, Plymouth County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed

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rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Bedford Street, Lakeville, Massachusetts. Send comments to: Mr. Richard Fickert, Chairman, Board of Selectmen, Town of Lakeville, Town Hall, Bedford Street, Lakeville, Massachusetts 02346.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Lakeville, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Long Pond River...	State Routes 18 and 105—50 feet*.	59
Nemasket River.....	Bituminous Road—40 feet*.	62
	Vaugh Street—90 feet*...	62

*Upstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3069 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5055]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Natick, Middlesex County, Massachusetts.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Natick, Middlesex County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Clerk's Office, Town Hall, 13 East Central Street, Natick, Massachusetts. Send comments to: Mrs. Erica Ball, Chairman, Board of Selectmen, Town of Natick, Town Offices, 13 East Central Street, Natick, Massachusetts 01760.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Natick, Massachusetts in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Charles River.....	South Natick Dam—75 feet*.	116
	At Upstream Corporate Limits.	122
Davis Brook	Eliot Street—25 feet*	122
	Ernest Drive—25 feet*	138
Beaver Dam Brook.	State Route 135 (downstream crossing)**.	139
	Tournament Road—20 feet*.	147
	State Route 135 (upstream crossing)—25 feet*.	151
Bogle Brook	Oak Street**	133

*Upstream from centerline.
**At centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3070 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5056]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Waltham, Middlesex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Waltham, Middlesex County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Office of Public Works, City Hall, Main Street, Waltham, Massachusetts. Send comments to: Mayor Arthur J. Clark, City of Waltham, City Hall, Main Street, Waltham, Massachusetts 02154.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Waltham, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Charles River.....	Downstream Corporate Limits.	22
	Bleachery Dam-50 feet* .	24
	Elm Street	27
	Moody Street Dam-50 feet**.	28
	Moody Street Dam-50 feet*.	39
Beaver Brook.....	Main Street	40
	Boston and Maine Railroad (Second Crossing)-25 feet*.	41
	Boston and Maine Railroad (Fifth Crossing)-at centerline.	46
	Beaver Street	51
	Trapelo Road	76
Hobbs Brook	Downstream Corporate Limits.	137
Chester Brook	Confluence with Beaver Brook.	41
	Confluence with Westchester Brook.	45
	Beaver Street	49
	Stanley Road-50 feet*.....	102
	Lexington Street Culvert Outlet-50 feet downstream.	160
	Lexington Street Culvert Inlet-200 feet upstream.	191
	Confluence with Hardy Pond.	204
West Chester Brook.	Confluence with Chester Brook.	45
	Lexington Street Culvert Inlet.	48
	Bacon Street Culvert Inlet.	75
	Worcester Lane-at centerline.	75
	Totten Pond Road-100 feet*.	77
Stony Brook.....	Confluence with Charles River.	39
	Weir at South Street-50 feet*.	48
	Stony Brook Reservoir Dam-75 feet**.	48
	Stony Brook Reservoir Dam-50 feet*.	72
	Boston and Maine Railroad (First Crossing).	84
	Interstate 28 Interchange-185 feet*.	89
	Boston and Maine Railroad (Second Crossing).	92

*Upstream from centerline
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3071 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5057]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Westborough, Worcester County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Westborough, Worcester County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, West Main Street, Westborough, Massachusetts. Send comments to: Mr. Michael Berberian, Chairman, Board of Selectmen, Town of Westborough, West Main Street, Westborough, Massachusetts 01581.

FOR FURTHER INFORMATION CONTACT:

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Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Westborough, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lower Assabet River.	Maynard Street*	280
	George Nichols Dam*	312
Upper Assabet River.	Old Nourse Street—70 feet**.	332
	Nourse Street*	335
Rutters Brook	East Main Street—25 Feet**.	285
	Robin Road—35 feet**	291
Denny Brook Branch.	South Street—20 feet**	286
	High School Road*	306
Jackstraw Brook	Hopkinton Road—100 feet**.	285
	Morse Street—100 feet**	296
	Warren Street—20 feet**.	332
Picadilly Brook	Hopkinton Road—10 feet downstream of centerline.	298
	Hokinton Road—30 feet**.	306
	Belknap Street—20 feet downstream of centerline.	357
	Belknap Street—100 feet**.	383
	Upton Road*	424

* At centerline
** Upstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3072 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5058]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Worcester, Worcester County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Worcester, Worcester County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, City Hall, 455 Main Street, Worcester, Massachusetts. Send comments to: Honorable Thomas J. Early, Mayor, City of Worcester, City Hall, 455 Main Street, Worcester, Massachusetts 01608.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Worcester, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blackstone River	Boston and Maine Railroad Bridge—100 feet*.	420
	Millbury Street Bridge—50 feet*.	427
	2nd Bridge upstream of Conrail Crossing—50 feet*.	442
Middle River	Millbury Street Bridge—50 feet*.	445
	Southbridge Street Bridge—40 feet*.	453
	St. Johns Cemetery Road Bridge—80 feet*.	461
	Webster Street Bridge—30 feet*.	476
Beaver Brook	Main Street Bridge—50 feet*.	479
	Park Avenue Bridge—50 feet*.	483
Kettle Brook (East).	Webster Street Bridge—50 feet*.	477
Kettle Brook (West).	James Street Bridge—50 feet*.	526
	Stafford Street—150 feet*.	549
	Weir Upstream of Building—10 feet**.	653
	Weir upstream of Building—30 feet*.	672
Tatnuck Brook	Park Avenue Bridge—50 feet*.	486
	June Street Bridge—30 feet*.	526
	Pleasant Street Bridge—60 feet*.	565
	Dawson Road Bridge—100 feet*.	629
Curtis Ponds	Areas adjacent to shoreline.	474
Leesvile Pond	Areas adjacent to shoreline.	487
Indian Lake	Intersection of Sears Island Road and Doran Road.	543
	Areas adjacent to shoreline.	543
Flagg Street Pond.	Areas adjacent to shoreline.	567
Mill Brook Conduit (Ponding).	Intersection of Blackstone Street and Exchange Street.	468
	Intersection of Commercial Street and Thomas Street.	468
	Approximately 1000 feet west of the intersection of New Bond Street and West Boylston Street.	556
Weasel Brook (Ponding).	Area along Higgins Street approximately 2800 feet north of the intersection of Higgins Street and Brooks Street.	593

Source of flooding	Location	Depth in feet, above ground
Mill Brook Conduit.	Intersection of West Boylston Drive and Hill Place.	2
	Intersection of North Street and Grove Steet.	2
Weasel Brook	Intersection of Greendale Avenue and West Boylston Street.	2
	Intersection of Assumption Avenue and West Boylston Street.	2

*Upstream from centerline.
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3073 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4699]

NATIONAL FLOOD INSURANCE PROGRAM

Revision of Proposed Flood Elevation Determination for the Township of Flint, Genesee County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Flint, Genesee County, Michigan. Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 43 FR 50197 on October 27, 1978, and in the *Swartz Creek-Flint Township News* published on or about October 26, 1978 and November 2, 1978, and hence supersedes those previously published rules.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100-year) elevations are available for review at the Township Hall, 1490 South Dye Road, Flint, Michigan.

SEND COMMENTS TO: Mr. Ray Flavin, Township Supervisor, Township of Flint, 1490 South Dye Road, Flint, Michigan 48504.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Flint, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, (national geodetic vertical datum)
Flint River	At downstream corporate limit.	690
	950 feet downstream of Hartshorn Drain confluence.	696
	Just downstream of Ballenger Highway.	702
Swartz Creek	Just upstream of Ballenger Highway at downstream corporate limit.	737
	Just upstream of Interstate 75.	741
	Just upstream of Claude Road.	743
	4,300 feet upstream of Claude Road.	746
	730 feet downstream of Interstate 69.	751
	Just downstream of Bristol Road.	752
	4,100 feet downstream of Maple Avenue.	758
	Just downstream of Maple Avenue.	761
West Branch Swartz Creek.	At confluence with Swartz Creek.	751
	Just downstream of Bristol Road.	752
	Just upstream of Dye Road.	756
	Just upstream of Golf Course dam.	758
	1,550 feet downstream of Interstate 69.	761
	Just downstream of Elms Road.	764
Hartshorn Drain	At confluence with Flint River.	696
	980 feet downstream of Linden Road.	696
	100 feet downstream of Linden Road.	703
	100 feet upstream of Linden Road.	708
	Upstream corporate limit.	709
Carman Creek	Just upstream of Hemphill Road.	755
	1,350 feet upstream of Hemphill Road.	756
	Just downstream of Fenton Road.	759
Massmore Cronk Drain.	Just upstream of Elms Road.	740
	Just upstream of Calkins Road.	750
	Just upstream of Yorkshire Road.	753
	Just upstream of West Court Street.	759
	150 feet upstream of Corunna Road.	761
	2,560 feet upstream of Corunna Road.	763

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended

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(42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3074 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5059]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Unincorporated Areas of Hall County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Unincorporated Areas of Hall County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at The Hall County Court House, Grand Island, Nebraska. Send comments to: Mr. Ben J. Camp Chairman of the County Board of Supervisors Hall County Nebraska Hall County Court House Grand Island, Nebraska 68801

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Unincorporated Areas of Hall County, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle Channel Platte River.	At mouth	1,843
	1.2 miles upstream of mouth.	1,850
	790 feet downstream of County Road.	1,860
	500 feet upstream of Union Pacific Railroad.	1,873
	Just upstream of U.S. Route 34 and U.S. Route 281.	1,880
	Upstream side of Interstate 80.	1,885
	1.5 miles upstream of Interstate 80.	1,895
	Just upstream of Highway 11W and Highway R10W.	1,922
	3.5 miles downstream of State Route 2.	1,935
	2.0 miles downstream of State Route 2.	1,945
	0.2 mile downstream of State Route 2.	1,957
	260 feet upstream of State Route 2.	1,962
	3.2 miles upstream of State Route 2.	1,980
	2.4 miles downstream of western county boundary.	1,995
	At western county boundary.	2,010
South Channel Platte River.	0.4 mile downstream of confluence with Middle Channel Platte River.	1,842
	1.5 miles upstream of confluence with Middle Channel Platte River.	1,854
	Just downstream of County Road.	1,867
	Just upstream of Union Pacific Railroad.	1,879
	Upsteam side of State Route 34 and State Route 281.	1,880
	2.0 miles upstream of State Route 34 and State Route 281.	1,895
	0.8 miles downstream of Highway R11W and highway R10W.	1,920
	1.6 miles upstream of Highway R11W and highway R10W.	1,935
	4.0 miles upstream of Highway R11W and Highway R10W.	1,950
	At divergence with Middle Channel Platte River.	1,961
Wood River	At Grand Island Extraterritorial Limits.	1,868
	5,550 feet upstream of Grand Island Extraterritorial Limits.	1,875
	2,700 feet downstream of County Road Bridge No. 1.	1,880
	Downstream side of County Road Bridge No. 2.	1,892
Silver Creek	Just upstream of County Road Bridge No. 1.	1,855
	Just upstream of U.S. Route 281.	1,858
	Just upstream of County Road Bridge No. 3.	1,870
	Just upstream of Burlington Northern Railroad.	1,876
	Just upstream of County road Bridge No. 6.	1,884
	Just upstream of County Road Bridge No. 7.	1,889
	Just upstream of U.S. Government Railroad.	1,893
	Just upstream of County Road Bridge No. 8.	1,895
	2.0 miles upstream of County Road Bridge No. 8.	1,899
Prairie Creek	Just upstream of Highway R10W and Highway R9W.	1,861
	Just downstream of County Road Bridge No. 1.	1,866
	Just upstream of County Road Bridge No. 1.	1,870
	Just downstream of County Road Bridge No. 3.	1,879
	Just upstream of County Road Bridge No. 3.	1,881
	Just downstream of County Road Bridge No. 4.	1,887
	Just upstream of County Road Bridge No. 4.	1,889
	Just upstream of County Road Bridge No. 5.	1,895
	Just upstream of County Road Bridge No. 8.	1,901
Moores Creek	Just upstream of County Road 1.88 miles downstream of U.S. Route 281.	1,946
	950 feet downstream of U.S. Route 281.	1,954
	Just upstream of U.S. Route 281.	1,957
	2,100 feet upstream of U.S. Route 281.	1,958

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3075 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5060]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Winslow, Dodge County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Winslow, Dodge County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Office, Winslow, Nebraska. Send comments to: Marion O. Nelson, Chairman of the Village Board, Village of Winslow, Village Office, Village of Winslow, Nebraska 68072.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Winslow, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Elkhorn River	1.4 miles downstream of U.S. Highway 77.	1,213
	0.6 miles downstream of U.S. Highway 77.	1,215
	Just upstream of U.S. Highway 77.	1,216
	850 feet upstream of Highway 77 bridge.	1,218
	1,000 feet upstream of Burlington Northern Railroad.	1,220
	0.8 mile upstream of Burlington Northern Railroad.	1,222

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3076 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5061]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Dover, Strafford County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Dover, Strafford County, New Hampshire. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Planning Office, City Hall, Dover, New Hampshire. Send comments to: Mr. Robert Steele, City Manager, City of Dover, City Hall, Central Avenue, Dover, New Hampshire 03820.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Dover, New Hampshire, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the

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National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cocheco River	Washington Street Footbridge—20 feet*.	10
	Washington Street—40 feet*.	12
	Walkway—40 feet*	13
	Central Avenue—20 feet*.	44
	Chestnut Street—20 feet*.	44
	Boston and Maine Railroad (Spur)—20 feet*.	46
	Boston and Maine Railroad—20 feet*.	47
	Fourth Street—50 feet*..	47
	Whittier Street—20 feet**.	48
Bellamy River.....	Old Durham road—40 feet*.	55
	Bellamy Park Footbridge—30 feet*.	75

*Upstream from centerline.

**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3077 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5062]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Peterborough, Hillsborough County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Peterborough, Hillsborough County, New Hampshire. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Office, 1 Grove Street-Townhouse, Peterborough, New Hampshire 03458. Send comments to: Mr. Mark Wheeler, Chairman, Board of Selectmen, Town of Peterborough, 1 Grove Street-Townhouse, Peterborough, New Hampshire 03458.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Peterborough, New Hampshire, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Contoocook River .	Confluence with Otter ...	691
	Brook-20 feet upstream Confluence with Bogle.	694
	Brook-30 feet upstream U.S. Route 202-40 feet* Main Street-40 feet*.	701
	Main Street-30 feet*	724
	State Route 101-30 feet*	726
	Morrison Road-50 feet* ..	739
	Sharon Road-50 feet*	778
	Drury Road-60 feet*	787
Otter Brook	New Hampshire State.....	709
	Route 136-30 feet* Slap Road-30 feet*.	715
	Gulf Road-20 feet*	734
	Unnamed Road-20 feet*.	769
	Unnamed Cart Path-30 feet*.	798
Nubanusit Brook...	Grove Street Bridge-20 feet*.	723
	Historical Society Dam-20 feet*.	748
	Elm Street Bridge-30 feet*.	778
	Steel Road Bridge-20 feet*.	790
	Union Street Bridge-20 feet*.	851
	Wilder Street Bridge-20 feet*.	864

*Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3078 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5063]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Wilton, Hillsborough County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Wilton, Hillsborough County, New Hampshire. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Office, Main Street, Wilton, New Hampshire. Send comments to: Mr. Richard Greeley, Chairman, Board of Selectmen, Town of Wilton, Town Office, Main Street, Wilton, New Hampshire 03086.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Wilton, New Hampshire, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Souhegan River.....	Pine Valley Mill Dam-75 feet*.	317
	Pine Valley Mill Dam-100 feet*.	328
	Mill Street-25 feet**	345
	Abbott Dam-50 feet**	357
	State Routes 101 and 31-25 feet**.	415
	Isaac Frye Highway-25 feet*.	455
	At Confluence with Russell Hill Brook.	513
Stony Brook.....	Highland Street Bridge-15 feet**.	347
	At Confluence with Beaver Dam Brook.	418
	Boston and Maine Railroad Bridge-25 feet**.	428
	Forest Road Culvert (Downstream crossing)-20 feet**.	448
	Gravel Pit Road Bridge-25 feet**.	483
	At Upstream Corporate Limits.	540
Gambol Brook.....	Greenville Road (State Route 31)-25 feet**.	467
	Russel Hill Road-10 feet**.	521
Mill Brook	At Breached and Abandoned Dam (950 feet upstream of confluence with Stony Brook)-10 feet*.	457
	At Breached and Abandoned Dam (950 feet upstream of confluence with Stony Brook)-20 feet**.	463
	Old Wilton Reservoir Dam-10 feet*.	599
	Old Wilton Reservoir Dam-10 feet**.	611
	Isaac Frye Highway Culvert-100 feet**.	651
	Frye Mill Road Bridge-10 feet**.	680
	Burton Highway Bridge (upstream crossing)-10 feet**.	708

*Downstream of centerline.

**Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3079 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5064]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Bellmawr, Camden County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Bellmawr, Camden County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Borough Hall, 21 East Browning Road, Bellmawr, New Jersey. Send comments to: Honorable Joseph N. Petruzzi, Mayor, Borough of Bellmawr, Borough Hall, 21 East Browning Road, Bellmawr, New Jersey 08031.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Bellmawr, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat.

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980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Big Timber Creek	Intersection of Buchanan Avenue and Creek Road.	10
	Crossing of Interstate Highway 295 at Big Timber Creek.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3080 Filed 1-31-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5065]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of Cedar Grove, Essex County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Cedar Grove, Essex County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Council Chambers, Municipal Building, 525 Pomtton, Cedar Grove, New Jersey. Send comments to: Honorable Ronald San Fillipo, Mayor, Township of Cedar Grove, Municipal Building, 525 Pomtton, Cedar Grove, New Jersey 07009.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Cedar Grove, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Taylor Brook	Bowden Road-10 feet*	293
	Spillway-60 feet*	357
Peckman River	Downstream crossing of Conrail-15 feet*.	193
	Little Falls Road-10 feet*.	216
	Pedestrian Crossing-40 feet*.	236
	Pompton avenue-10 feet*.	279
	Bradford Avenue-30 feet*.	299
Peckman River Tributary.	Small Roadway-20 feet* (near confluence with Peckman River).	220
	Old Orchard Court-15 feet*.	248

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3081 Filed 1-31-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5066]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Verona, Essex County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Verona, Essex County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in

the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Borough Hall, 600 Bloomfield Avenue, Verona, New Jersey. Send comments to: Honorable Jerome Greco, Mayor, Borough of Verona, Borough Hall, 600 Bloomfield Avenue, Verona, New Jersey 07044.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Verona, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Peckman River	Ozone Avenue—10 feet*.	306
	Linden Avenue—80 feet*	329
	Blomfield Avenue—30 feet*.	338
	At Upstream Corporate Limits.	352

*Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3082 Filed 1-31-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

DELAYED COMPLIANCE ORDERS

Proposed Approval of an Administrative Order Issued By Indiana Air Pollution Control Board To Indiana-Kentucky Electric Corporation Clifty Creek Generating Station

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Amendment to an Administrative Order issued by the Indiana Air Pollution Control Board to Indiana-Kentucky Electric Corporation (IKEC). The Amendment to the Order requires the company to bring air emissions from its fossil-fired steam electric generating plant in Madison, Indiana, into compliance with certain regulations contained in the federally approved Indiana State Implementation Plan (SIP) by July 1, 1979. Because the Amendment has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Amendment to the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Amendment as a Delayed Compliance Order.

DATE: Written comments must be received on or before March 5, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, the Amendment to the Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2082.

SUPPLEMENTARY INFORMATION: IKEC operates an electric generating plant at Madison, Indiana. The Amendment to the Order under consideration addresses emissions from five units at the facility, which are subject to APC-3 and APC-4R. The regulations limit the emissions of particulate matter, and are part of the federally approved Indiana State Implementation Plan. The Amendment to the Order requires final compliance with the regulation by July 1, 1979. The original State Order signed in 1973 called for the installation of an electrostatic precipitator by 1975. This is the third Amendment to this Order. This Amendment sets up a new compliance schedule and interim dates with July 1, 1979, as the final compliance date.

Because this Amendment to the Order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulations, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve this Amendment to the Order only if it satisfies the appropriate requirements of this subsection.

If the Amendment to the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Amendment of the Order during the period the Amendment is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Amendment to the Order would also

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constitute an addition to the Indiana SIP.

All interested persons are invited to submit written comments on the proposed Amendment to the Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Amendment to the Order. After the public comment period, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Amendment to the Order in 40 CFR Part 65.

(Authority: 42 U.S.C. 7413, 7601.)

Dated: January 10, 1979.

JOHN MCGUIRE,
Regional Administrator,
Region V.

BEFORE THE AIR POLLUTION CONTROL BOARD OF THE STATE OF INDIANA

In the Matter of Indiana-Kentucky Electric Corporation Madison, Indiana; Cause No. A-26; Amendment No. 3 to the Order Entered October 26, 1973; Findings of Fact

1. The State of Indiana Air Pollution Control Board (the Board) is an agency of the State of Indiana duly empowered pursuant to Indiana Code 13-1-1 and 13-7 to promulgate regulations related to the control of air pollution, to act on complaints of alleged air pollution, and to enter such orders and determinations as may be necessary to prevent or abate air pollution.

2. The Board has jurisdiction over both the subject matter and the parties to this action.

3. That pursuant to the provisions of IC 13-1-1 and IC 13-7-11-2, notice and service of same is waived by Respondent.

4. On October 26, 1973, the Air Pollution Control Board entered an Order in this case requiring Indiana-Kentucky Electric Corporation (IKEC) to take certain actions with respect to its fossil-fired steam electric generating plant located in Jefferson County, Indiana, known as the Clifty Creek Plant (the Plant). On October 2, 1974 and September 26, 1975, the Board issued amendments to the Order in certain particulars, requiring that Units 1-5 comply with APC-3 and APC-4R on the following dates:

First Unit—January 9, 1979
Second Unit—March 9, 1979
Third Unit—May 9, 1979
Fourth Unit—July 9, 1979
Fifth Unit—September 9, 1979

5. That on August 7, 1977, the President signed the Clean Air Act Amendments of 1977; which amendments provide that an existing enforcement order shall be void if it provides for the achieving of compliance with the applicable implementation plan beyond July 1, 1979, unless the Order is modified, before August 7, 1978, to achieve compliance prior to July 1, 1979 (Clean Air Act, Sec. 113(d)(12)).

6. That IKEC agreed to accelerate its schedule and bring the fourth and fifth units into compliance prior to July 1, 1979; however, IKEC cannot meet the compliance date contained in the State Implementation Plan.

7. That Units 1-5 at IKEC's Clifty Creek Plant are presently unable to comply with Indiana Air Pollution Control Board Regulations APC 3 (as approved in the Indiana Implementation Plan) and APC 4R, the applicable portions of the Indiana State Implementation Plan.

8. That the schedule contained in this Order is the most expeditious and practicable one which the company can achieve and calls for the best practical control system available.

9. That the granting of this amendment, thereby effecting a Delayed Compliance Order, will result in a reduction in particulate emissions at a date earlier than that provided for in the Order entered October 26, 1975, as amended, and is therefore in the public interest.

10. That after a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable and that the terms of this Order comply with section 113(d) of the Clean Air Act.

Therefore, based upon and subject to the above Findings of Fact, the Air Pollution Control Board of the State of Indiana hereby orders:

1. That Paragraphs 4B and 4C of the Order entered October 26, 1973, as amended, be amended to require that final compliance be achieved with Regulations APC 3 (as approved in the Indiana Implementation Plan) and APC 4R and that proof of compliance be submitted to the Board according to the following schedule:

First Unit—January 9, 1979
Second Unit—March 9, 1979
Third Unit—May 9, 1979
Fourth Unit—June 30, 1979
Fifth Unit—June 30, 1979

2. Compliance test results and certification of compliance shall be submitted to the Board 60 days after completion of construction and tie-in of control equipment for the last unit. The Company shall notify the Board at least 10 days before any compliance test is conducted.

3. Nothing contained in this Order shall affect the responsibility of the Company to comply with other State or local regulations.

4. No later than 15 days after any date for compliance specified in the Order, the Company shall notify the Board in writing of its compliance, or noncompliance and reasons for noncompliance, with the requirement. If delay is anticipated in meeting any requirement of this Order, the Company shall immediately notify the Board in writing of the anticipated delay, reasons for the delay, and the estimated length of the delay.

5. During the period of this Order, until completion of the program set out in Paragraph 1, the Company shall use the best practicable system of emission reduction so as to maximize the reliability and efficiency of the existing controls at the Plant, minimize particulate matter emissions, avoid any imminent and substantial endangerment to the public health, and comply with the requirement of the applicable implementation plan to the extent it is able to do so.

6. The Company shall continue to operate the emission monitoring system in the vicinity of the Plant and report the data derived from the monitors to the Board on a quarterly basis. In-stack monitors shall be installed in accordance with the requirements of Regulation APC-8, as it applies to IKEC's Clifty Creek Plant.

7. The Company is notified that failure to achieve final compliance, as required under the Clean Air Act, may result in a requirement to pay a noncompliance penalty. In that event, the Company will be formally notified pursuant to Section 120(b)(3) of the Clean Air Act and any regulations promulgated under that Section.

8. All provisions of the Order entered on October 26, 1973, as amended, shall remain in effect except as specifically modified by this Order.

9. The Company hereby waives its right to file a petition for review of this Order under Section 307(b)(1) of the Clean Air Act.

10. This Order is effective upon its issuance.

Dated: September 6, 1978.

HARRY D. WILLIAMS,
Director, Air Pollution Control Division.

Indiana-Kentucky Electric Corporation has reviewed this Order, consents to the terms and conditions of this Order, and believes it be a reasonable means by which its Clifty Creek Plant can achieve final compliance with Indiana Regulation APC-3 and APC-4R.

Dated: September 16, 1978.

RALPH D. DUNLEVY, Sr.,
Vice President, Indiana-Kentucky Electric Corporation.

[FR Doc. 79-3538 Filed 1-31-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1049-8]

DELAYED COMPLIANCE ORDERS

Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency to Formica Corp.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Formica Corporation. The Order requires the company to bring air emissions from its laminate manufacturing plant in Evendale, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before March 5, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2082.

SUPPLEMENTARY INFORMATION: Formica Corporation operates a laminate manufacturing plant at Evendale, Ohio. The Order under consideration addresses emissions from Boilers #3 and #4 at the facility, which are subject to OAC 3745-17-10 (formerly AP-3-11). The regulation limits the emissions of particulate matter, and is part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulation by July 1, 1979, through the installation of baghouses on Boilers #3 and #4 which shall exhaust into a stack.

Because this Order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulation, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

(Authority: 42 U.S.C. 7413, 7601.)

Dated: January 10, 1979.

JOHN MCGUIRE,
Regional Administrator,
Region V.

OHIO ENVIRONMENTAL PROTECTION AGENCY

Formica Corporation, Applicant.
Case No. 77-AP-054.

STIPULATION

The parties in the above matter hereby agree that the Stipulations and attached Orders which were filed by the parties on July 27, 1977, November 23, 1977, and May 5, 1978, are hereby withdrawn for any and all purposes:

The parties further agree that the Applicant hereby:

1. Withdraws its adjudication request in reference to the denial of Permit Application No. 1431150801 B002 relating to Formica's No. 4 B & W Traveling Grate Boiler and the denial of Permit Application No. 1431150801 B003 relating to Formica's No. 3 B & W Traveling Grate Boiler;

2. Waives its right to a hearing before the Ohio Environmental Protection Agency (OEPA) with respect to the Order of the Director, a copy of which is attached hereto;

3. Waives its right to contest the lawfulness or reasonableness of said Order before the Ohio Environmental Board of Review or any court of competent jurisdiction; but waives no other right.

Provided, however, that the above withdrawal and waivers will be void and of no effect if the Director fails to enter the said Order upon his Journal, or if the USEPA fails to approve the issuance of said order.

Respectfully submitted, William J. Brown, *Attorney General of Ohio*; by Robert E. Olwell, *Assistant Attorney General, Environmental Law Section*, 30 East Broad Street, 17th Floor, Columbus, Ohio 43215, (614) 466-2766; Vincent B. Stamp, *Dinsmore, Shohl, Coates & Deupree, Attorney for Applicant*, 2100 Fountain Square, 511 Walnut Street, Cincinnati, Ohio 45202, (513) 621-6747.

OHIO ENVIRONMENTAL PROTECTION AGENCY

Formica Corporation, Applicant.
Case No. 77-AP-054

ORDER

Pursuant to Section 3704.03(S) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 et. seq., the Director of the Ohio Environmental Protection Agency (OEPA) (hereinafter "Director") hereby makes the following Findings of Fact and issues the following orders which will not take effect until the Administrator of the United States Evironmental Protection Agency has approved their issuance under the Clean Air Act.

FINDINGS OF FACT

1. Formica owns and operates a laminate manufacturing plant in Evendale, Ohio.

2. On February 4, 1977, the Director issued proposed denials of Formica's applications for permits to operate listed below:

(a) Permit Application No 1431150801 B001 relating to Formica's No 5 Erie City Traveling Grate Boiler (hereinafter referred to as "No. 5 Boiler");

(b) Permit Application No 1431150801 B002 relating to Formica's No 4 B & W Traveling Grate Boiler (hereinafter referred to as "No. 4 Boiler"); and

(c) Permit Application No 1431150801 B003 relating to Formica's No 3 B & W Traveling Grate Boiler (hereinafter referred to as "No. 3 Boiler").

3. On March 3, 1977, Formica filed a timely request for an adjudication hearing to contest the Director's proposed denials of the permit applications referred to herein.

4. Applicant Formica Corporation had withdrawn its adjudication request with regard to the Director's proposed denials of the permit applications referred to herein.

5. Boilers 3, 4, and 5 are coal burning boilers with separate stocks, feeding systems, ash removal systems and controls. Each separate boiler attaches to a common steam duct which carries steam into Formica's manufacturing plant.

6. In addition to Boilers 3, 4, and 5, Formica currently has at its Evendale plant Boilers 1 and 2 which are gas burning boilers with separate stacks, feeding systems, and controls. Formica was issued an operating permit for Boiler 1 (Application No. 1431150801 B004) and Boiler 2 (Application No. 1431150801 B005) on January 25, 1974. The OEPA on May 13, 1977, issued a notification to Formica that Boilers 1 and 2 were being placed on the exempt registration list effective June 27, 1977, pursuant to OAC 3745-35-05(F).

7. On December 7, 1976, Formica applied to the Ohio EPA for and subsequently the OEPA issued to Formica a permit for the installation of phenolic treating machines including an oil burning incinerator for fume destruction with a waste heat steam recovery system (hereinafter referred to as "No. 6 Boiler"). This boiler will have a separate stack, feeding system, and separate controls from Boilers 1, 2, 3, 4 and 5. Boiler 6 will attach to the same steam duct referred to above.

8. Pursuant to presently applicable statues, rules and regulations of the State of Ohio and U.S. EPA, particularly Ohio Administrative Code § 3645-17-10 (formerly AP 3-11), the applicable particulate emissions standard for each of the coal burning boilers 3, 4 and 5 is 0.164 lbs. per million BTU, and for oil burning boiler 6 is 0.151 lbs. per million BTU.

9. Boiler No. 5's particulate emission is 0.160 lbs. per million BTU and therefore is in compliance with applicable particulate emission standards of the State of Ohio and the U.S. EPA.

10. Boiler No. 3's particulate emission is 0.265 lbs. per million BTU and Boiler No. 4's particulate emission is 0.270 lbs. per million BTU. Formica Corporation is currently unable to comply with OAC 3745-17-10 regarding the particulate emission of Boilers No. 3 and No. 4.

11. Achievement of compliance with OAC Administrative Code § 3745-17-10 by Formica Corporation as expeditiously as possible will require until July 1, 1979.

12. Compliance will be achieved by the installation on Boilers No. 3 and No. 4 of baghouses which shall exhaust into a stack. In this situation, it is feasible to install a continuous monitoring opacity meter on the stack and to conduct a stack test.

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13. The Director's determination to issue the Orders set forth below is based on his consideration of reliable, probative, and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

ORDERS

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Section 3704.03(S) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Except as hereinafter stated otherwise, Formica Corporation is hereby ordered to bring the particulate emissions from Boilers No. 3 and No. 4 into compliance with the currently applicable particulate emission standard under Ohio law of 0.164 lbs. per million BTU pursuant to the following compliance schedule:

(a) Engineering study to scope work and select control method: By 8/15/77

(b) Authorization of funds—finalization of equipment specifications and evaluation of bids: By 12/1/77

(c) Awarding of primary contracts: By 3/15/78

(d) Detailed engineering, delivery and erection on site: By 5/1/79

(e) Start-up and debug of system: By 6/1/79

(f) Compliance testing and achievement of compliance: By 7/1/79

The above compliance schedule constitutes achievement of compliance with OAC § 3745-17-10 by Formica Corporation as expeditiously as possible.

2. Applicant Formica Corporation is further ordered to submit quarterly progress reports for each source to the Ohio Environmental Protection Agency until such compliance has been achieved. Such reports shall include any steps taken to achieve compliance and the results of any testing. Such reports shall be sent to: Division of Air Pollution Control, 2400 Beekman Street, Cincinnati, Ohio 45214.

3. Formica Corporation is hereby notified that, except as otherwise stated by law, it will be required to pay a noncompliance penalty under the Clean Air Act Amendments of 1977, Pub. L. No. 95-95, § 120, 91 Stat. 715, in the event Formica fails to achieve final compliance under the Order by July 1, 1979.

4. In the event of an amendment or modification of the Ohio implementation plan so as to allow for a particulate emission from either Boiler No. 3, Boiler No. 4 or Boiler No. 5 of a particulate emission greater than 0.164 lbs. per million BTU or for Boiler No. 6 of a particulate emission of greater than 0.151 lbs. per million BTU, Formica shall be allowed to comply with such greater emission standard in accordance with the compliance schedule referred to above.

5. Formica shall install an opacity meter on any stack into which Boilers No. 3 and No. 4 shall exhaust. The opacity meter shall be operational by July 1, 1979, and shall continuously monitor and record opacity.

6. Formica shall submit quarterly opacity monitoring reports to the OEPA. Said reports shall include, as applicable, all opacity excursions in violation of OAC § 3745-17-07, the nature and cause of the excursions, and the remedial action taken in response to the excursions, or the fact that no excursions have occurred. Said reports shall be sent to: Division of Air Pollution Control, 240 Beekman Street, Cincinnati, Ohio 45214. All data resulting from the operation of the opacity meter shall be retained for at least two (2) years and shall be available upon request for inspection by appropriate personnel of the OEPA.

7. During the pendency of these Orders, Formica Corporation is ordered to: (a) properly use and maintain all emission reduction systems currently installed on any and all boilers, including all multiclones; and (b) during periods where boiler use is below capacity, to utilize to the greatest extent possible the boiler or boilers emitting the least amount of pollutants, considering, when necessary, the need to eliminate sanding dust and phenolic fumes.

8. Compliance with this Order relates only to compliance with emission regulation OAC 3745-17-10 and in no way excuses the applicant from complying with any and all applicable laws or regulations, including the requirement to obtain a permit to operate pursuant to OAC 3745-35-02. Further, the applicant shall comply with the requirements of the Ohio implementation plan during the pendency of these Orders insofar as the applicant is able to do so.

NED E. WILLIAMS, P.E.,
Director, Ohio Environmental Protection Agency.

[FR Doc. 79-3539 Filed 1-31-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1050-1]

DELAYED COMPLIANCE ORDERS

Proposed Delayed Compliance Order for Defense Logistics Agency Defense Electronics Supply Center

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to Defense Logistics Agency, Defense Electronics Supply Center (DESC). The Order requires the Company to bring four boilers in building 17 (the source) into compliance with 40 CFR 52.1881(b)(46)(vii), part of the federally promulgated Ohio State Implementation Plan (SIP). Because the Company is unable to comply with this regulation at this time the proposed Order would establish an expeditious schedule requiring final compliance by June 30, 1979. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (the Act) for violation of the SIP regulation covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request public hearing on U.S. EPA proposed issuance of the Order.

DATES: Written comments must be received on or before the thirtieth day from the date of this notice and requests for a public hearing must be received on or before the fifteenth day from the date of this notice. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days' prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Ms. Louise C. Gross, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 253-2082.

SUPPLEMENTARY INFORMATION: DESC owns four boilers in Building 17 at Dayton, Ohio. The proposed Order addresses emissions from the boilers at this facility, which is subject to 40 CFR 52.1881(b)(46)(vii) of the Ohio Implementation Plan. The regulation limits the emissions of sulfur dioxide and is part of the federally promulgated Ohio State Implementation Plan. The Order requires final compliance with the regulation by June 30, 1979, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

Dated: January 10, 1979.

JOHN MCGUIRE,
Regional Administrator, Region V.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending the table in §65.400 to reflect approval of the following order:

§ 65.400 Federal Delayed Compliance Orders issued under Section 113(d) (1), (3), and (4) of the Act.

* * * * *

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: Department of Defense, Defense Logistics Agency, Defense Electronics Supply Center, Dayton, Ohio. Proceeding Under Section 113(d) of the Clean Air Act, as Amended; Order No. EPA-5-79-A

ORDER

The following ORDER is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (hereinafter referred to as the Act). Public notice, opportunity for public hearing and thirty days notice to the State of Ohio have been provided pursuant to Section 113(d)(1) of the Act. This ORDER contains a schedule for compliance, interim control requirements and reporting requirements. Final compliance is required as expeditiously as practicable, but no later than June 30, 1979.

On November 25, 1977, Dale S. Bryson, Acting Director, Enforcement Division, Region V, United States Environmental Protection Agency (hereinafter referred to as the U.S. EPA), pursuant to authority duly delegated to him by the Administrator of the U.S. EPA, issued a Notice of Violation, pursuant to Section 113(a)(1) of the Act, to the Department of Defense, Defense Logistics Agency, Defense Electronics Supply Center in Dayton, Ohio (hereinafter referred to as DESC), upon a finding that the four boilers in Building 17 were in violation of the applicable Ohio Implementation Plan, as defined in Section 110(d) of the Act. The Notice cited DESC for violation of sulfur dioxide regulation 40 CFR 52.1881(b)(46)(vii), as demonstrated by DESC's Air Pollution Emissions Report, emission factor calculations and material contained in the Office of Federal Activities file. A copy of this Notice was sent to the State of Ohio.

After a thorough investigation of all relevant facts, it is determined that DESC is presently unable to comply with the Ohio Implementation Plan, that the schedule for compliance set forth in this ORDER is as expeditious as practicable, and that the terms of this ORDER comply with Section 113(d) of the Act. Therefore, it is hereby ORDERED that:

I. DESC shall achieve compliance with 40 CFR 52.1881(b)(46)(vii) at Building 17 by use of coal with a sulfur content of 0.7% in accordance with the following schedules:

A. Initiate bid process—has been commenced prior to the issuance of this ORDER.

B. Award contracts—has been commenced prior to the issuance of this ORDER.

C. Commence use of coal with a sulfur content of 0.7%—March 1, 1979.

D. Demonstrate compliance with 40 CFR 52.1881(b)(46)(vii) through use of coal with a sulfur content of 0.7%—June 30, 1979.

II. DESC shall achieve and demonstrate final compliance with 40 CFR 52.1881(b)(46)(vii) as specified in Paragraph I and IV by June 30, 1979.

III. Pursuant to Section 113(d)(7) of the Act, during the period in which this ORDER is in effect, DESC shall minimize sulfur dioxide emissions so that in no case shall the boilers' emission exceed the present emission level of 1.4 pounds of sulfur dioxide per million BTU of heat input. Such a limit is determined to be reasonable and is the best practicable interim system of emission reduction (taking into account the requirements with which the source must ultimately comply in Section I, above) for the period during which this ORDER is in effect.

IV. DESC shall submit reports to the U.S. EPA detailing progress made with respect to each requirement of this ORDER. Such reports shall be submitted within ten (10) days of the completion of such requirement. In addition, no later than June 30, 1979, DESC shall certify to the U.S. EPA that the four boilers in Building 17 are in final compliance with 40 CFR 52.1881(b)(46)(vii), as provided in Paragraph 1. Such compliance may be demonstrated through stack emission tests conducted pursuant to 40 C.F.R. Section 52.1882(a)(5) and (b)(5). In the alternative, compliance may be demonstrated through testing in accordance with ASTM Method D3176, as conducted by DESC's coal supplier at the mining site, pursuant to 43 F.R. 6646 (February 15, 1978).

V. All submissions and notifications to the U.S. EPA pursuant to this ORDER shall be made to the Chief, Air Compliance Section, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Copies shall also be sent to Supervisor, Abatement Unit, Regional Air Pollution Control Agency, 451 West Third Street, P.O. Box 972, Dayton, Ohio 45422.

VI. Nothing in this ORDER shall be construed so as to affect DESC's responsibility to comply with any other Federal, State, or local regulations.

VII. Nothing in this ORDER shall be construed as a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. Section 7603.

VIII. Nothing in this ORDER shall be construed or asserted as prohibiting the revision of the sulfur dioxide regulation applicable to DESC, which revision would relax those standards. Nor shall anything in this ORDER be construed or asserted as preventing DESC from actively pursuing and obtaining a relaxation of the applicable sulfur dioxide emission standards. In the event that a relaxation of the sulfur dioxide emission standards is obtained from the U.S. EPA, this ORDER will be effectively modified on the date such change is made effective.

IX. DESC is hereby notified that its failure to achieve final compliance by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120. In the event of such failure, DESC will be formally notified, pursuant to Section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

X. This ORDER is effective upon FEDERAL REGISTER promulgation. It shall terminate upon a demonstration satisfactory to U.S. EPA that DESC has complied with all commitments and obligations under this ORDER, or upon a determination in accordance with Section 113(d)(8) of the Clean Air Act.

Date:———————————

Administrator or Delegate.

DESC has reviewed this ORDER and believes it to be a reasonable means by which Building 17 can achieve final compliance with 40 CFR 52.1881(b)(46)(vii), as specified in Paragraph 1. DESC stipulates as to the correctness of all facts stated above and consents to the requirements and terms of this ORDER.

Date:———————————

Defense Logistics Agency, Defense Electronics Supply Center.

[FR Doc. 79-3532 Filed 1-31-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1049-6]

DELAYED COMPLIANCE ORDER

Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency to Sorg Paper Company

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Sorg Paper Company. The Order requires the Company to bring air emissions from its coal-fired boilers in Middletown, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order.

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The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before March 5, 1979.

ADDRESS: Comments should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the order and public comments received in response to this notice may be inspected or copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: Sorg Paper Company operates a facility at Middletown, Ohio. The Order under consideration addresses emissions from two coal-fired boilers at the facility, which are subject to Ohio Administrative Code 3745-17-07 and 3745-17-10. The regulations limit the emissions of particulate matter, and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by July 1, 1979 through the installation of a baghouse or high energy, wet scrubbers.

Because this Order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulations, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio State SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: January 23, 1979.

JOHN MCGUIRE,
Administrator.

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: the Sorg Paper Company, 901 Manchester Avenue, Middletown, Ohio 45042.

The Director of Environmental Protection (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Sections 3704.03 (I) and (S) and 3704.031 of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

FINDINGS OF FACT

1. The Sorg Paper Company, (hereinafter "Sorg"), operates two (2) pulverized coal-fired boilers (hereinafter "boilers") which serve its facility located at 901 Manchester Avenue, Middletown, Ohio 45042. These boilers are identified in the original variance application received August 15, 1972 as follows:

Application No. 18/09/91/0043 B001: B&W 4 Drum Sterling, Pulverized Coal-Fired Boiler (Ohio 49545) 100 MMBTU/Hr. Max. Input Capacity.

Application No. 18/09/01/0043 B002: B&W 4 Drum Sterling, Pulverized Coal-Fired Boiler (Ohio 49544) 100 MMBTU/Hr. Max. Input Capacity.

2. In the course of operation of said boilers, air contaminants are emitted in violation of Rules 3745-17-07 and 3745-17-10 of the Ohio Administrative Code.

3. Sorg is unable to immediately comply with OAC 3745-17-07 and OAC 3745-17-10.

4. Potential emissions of particulates from Sorg are approximately 7,238 tons per year; therefore, Sorg constitutes a major source under Section 302(j) of the Clean Air Act, as amended.

5. The compliance schedule set forth in the Orders below requires compliance with OAC 3745-17-07 and OAC 3745-17-10 as expeditiously as practicable.

6. Implementation by Sorg of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

7. It is technically and economically unreasonable to require Sorg to install and operate a continuous opacity monitoring system on the boilers prior to achieving compliance with the Orders specified below, since Sorg is currently unable to comply with the requirements of OAC 3745-17-07 pertaining to visible emissions, no data would be produced which is not already known, and, therefore, no purpose would be served.

8. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

ORDERS

WHEREUPON, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 3704.03 (I) and (S) and 3704.031 of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C., 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Sorg shall bring its boilers B001 and B002 located at 901 Manchester Avenue, Middletown, Ohio into compliance with OAC 3745-17-07 and OAC 3745-17-10 by installing a baghouse or high energy, wet scrubbers on these boilers no later than July 1, 1979.

2. Compliance with Order (1) above shall be achieved by Sorg in accordance with the following schedule on or before the dates specified:

Submit final control plans—September 20, 1978.
Award contracts—November 15, 1978.
Begin construction—April 15, 1979.
Complete construction—June 15, 1979.
Testing of Control Equipment (if determined necessary)—June 15, 1979.
Achieve final compliance with OAC 3745-17-07 and 3745-17-10—July 1, 1979.

3. Pending achievement of compliance with Order (1) above, Sorg shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable system of emission reduction, and which are necessary to ensure compliance with OAC 3745-17-07 and OAC 3745-17-10 insofar as Sorg is able to comply with them during the period this Order is in effect in accordance with Section 113(d)(7) of the clean air act, as amended. Such interim requirements shall include:

A. Sorg shall immediately use coal with an analysis of: Less than or equal to one (1) percent sulfur and greater than or equal to 13,500 BTU per pound of coal; or a comparable coal quality which will meet an emission rate of less than or equal to 1.40 pounds SO_2 per MMBTU input.

B. Sorg shall immediately institute a regular maintenance program to minimize emissions from the boilers.

C. Sorg shall immediately institute the following actions to minimize emissions from the boilers:

a. Maintain and operate the coal pulverizing mills to efficiently pulverize the coal to a 200 mesh or better.

b. Use fuel oil as a supplement for boiler start-up or emergency situations.

c. Minimize the impact of load swings by establishing and maintaining a program of communication and cooperation between production management and boiler management.

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order (2) above, Sorg shall submit a progress report to the Southwestern Ohio Air Pollution Control Division, 901, Atkinson Square, Cincinnati, Ohio 45246. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. The reports shall also include the facility's status of compliance with the interim control requirements in Order (3) above.

5. If Southwestern Ohio Air Pollution Control Division determines it is necessary, Sorg shall conduct emission tests on any or all boilers to verify compliance with Order (1) above. Such tests shall be conducted no later than the date specified in the compliance schedule in Order (2) above, in accordance with procedures approved by the Director. Notification of intent to test shall be provided to the Southwestern Ohio Air Pollution Control Division thirty (30) days prior to the testing date. The emission test report shall be submitted to Southwestern Ohio Air Pollution Control Division by July 15, 1979.

6. Sorg is hereby notified that unless it is exempted under Section 120(a)(2)(B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended.

These orders will not take effect until the administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

NED E. WILLIAMS,
Director of Environmental Protection.

WAIVER

The Sorg Paper Company agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The Sorg Paper Company hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. The Sorg Paper Company also waives any and all rights it might have to seek judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement, except for reasons beyond our control, of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan or portion thereof.

WILLIAM R. PICARD,
V.P. of Operations, Authorized Representative of The Sorg Paper Company.

[FR Doc. 79-3537 Filed 1-31-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3300]

OUTER CONTINENTAL SHELF LEASING, GENERAL

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking implements the changes mandated in the Outer Continental Shelf Mineral Leasing program administered by the Secretary of the Interior by the passage of the Outer Continental Shelf Lands Act Amendments of 1978. The proposed rulemaking also contains changes to make Part 3300 more readable as directed by Executive Order 12044. The subparts have also been rearranged to make the part easier to follow and understand.

DATE: Comments by April 2, 1979.

ADDRESS: Send comments to: Director (210), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in room 5555 of the above address during regular business hours (7:45 a.m.-4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

William Quinn (202) 334-8457, or
Abigail B. Miller (202) 343-6264, or
Robert B. Bruce (202) 343-8735.

SUPPLEMENTARY INFORMATION: The passage of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1331 et seq.), mandated a number of changes in the Outer Continental Shelf programs, with special emphasis on the leasing program that is the responsibility of the Department of the Interior. This proposed rulemaking incorporates those mandated changes in Part 3300 of Title 43 of the Code of Federal Regulations. In view of the fact that the part is being rewritten, its language has been reviewed and clarified to make it more easily understood, as directed in Executive Order 12044. At the same time, the subparts of Part 3300 were re-arranged into a more orderly format. This rearrangement was deemed necessary because Part 3300 has been amended in a piecemeal fashion over the last twenty or so years without adequate consideration of the appropriate order of the regulations. The revisions required by the passage of the Outer Continental Shelf Lands Act Amendments of 1978 and the consolidation of all parts of the program for the Outer Continental Shelf provided an opportunity to unify the provisions for the leasing program in Part 3300.

The leasing program regulations are being moved from subpart 3308 to subpart 3310 in the new rulemaking. Likewise, the joint bidding procedures that appear in section 3302.3 of the existing regulations are being renumbered as section 3316.3 in the proposed rulemaking. Even though the regulations for the OCS leasing program are being renumbered to be placed in this proposed rulemaking, the text of the regulation is not being published because it is not being substantively amended. Likewise, the text of the joint bidding regulation is not being substantively changed and, therefore, does not appear in this proposed rulemaking. The provisions of both of these subparts will appear in full in the final rulemaking when it is published.

Most of the changes that are being made in the proposed rulemaking are minor and are in compliance with the requirement of the provisions of the Outer Continental Shelf Lands Act Amendments of 1978. Some of the changes that the proposed rules include are the mechanism for the employment of new bidding systems for mineral leases when they are developed; the requirement for greater cooperation by Federal agencies in the OCS program; and the enhancement of the roles of State and local governments in the OCS program, to name a few. Some of these matters are covered in existing regulations but the proposed rulemaking consolidates them into one document.

There are several specific changes made by the proposed rulemaking. Two changes that are considered important are the incorporating of new provisions of the Outer Continental Shelf Lands Act Amendments which allow the offering of leases for terms longer than five years and allow lease areas larger than the 5760-acre maximum set by the law prior to the amendments.

The proposed rulemaking includes other specific changes. Among them is an increase in the filing fee for an application for an assignment of a lease from $10 to $25. This increase is needed to cover the increased cost of handling the applications for transfer. A second specific change is an amendment relating to the effect of assignment of a portion of an oil and gas lease. Finally, a specific change has been made that drops the requirement for a minimum royalty payment for offshore oil and gas leases after discovery in favor of continued rental payments until actual production on the lease. Also included in the proposed rulemaking is the procedure for granting rights-of-way on the Outer Continental Shelf. The proposed rulemaking moves the OCS rights-of-way procedure from subpart 2883, where it is presently located in Title 43 to Part 3300. This placement is a more orderly arrangement of this subject and puts all rules dealing with the granting of land uses on the OCS in one place. The proposed rulemaking on OCS pipeline rights-of-way also includes changes mandated by the Outer Continental Shelf Lands Act Amendments of 1978. Other changes have been made to make the proposed rulemaking clearer and more easily understood and to clarify certain procedural conditions.

The filing fee and fee for assignment of a right-of-way grant have been changed from $10 each to $100 and

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$25, respectively. The rental has been changed from $5 for each mile and $50 for each accessory site to $15 for each mile and $75 for each accessory site. The required scale of maps accompaning a right-of-way grant application has been changed, as well. In addition, bonds are required for each OCS area in which a right-of-way grant is applied for, conditioned upon compliance with the terms and conditions of the right-of-way grant.

A major change contained in the proposed rulemaking is the provision making OCS right-of-way grants subject to cost recovery. Even though this is provided for in the proposed rulemaking, the Solicitor of the Department of the Interior is preparing an opinion as to whether cost recovery is applicable to the Outer Continental Shelf. If the opinion makes the determination that cost recovery is applicable to the Outer Continental Shelf, the final rulemaking may contain these provisions. If, however, the decision is that cost recovery is not applicable to the OCS, the cost recovery provisions will be deleted from the final rulemaking.

The principal authors of this proposed rulemaking are William J. Quinn, Division of Minerals Program Analysis, Edward J. Tennyson, Jr., Division of Mineral Resources, Abigail B. Miller, Division of Mineral Environment Assessment, all of the Bureau of Land Management, and Sandra E. Seim, staff assistant to the Assistant Secretary for Land and Water Resources, assisted by the staff of the Division of Legislation and Regulatory Management of the Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Under the authority of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1331 et seq.), it is proposed to revise Part 3300, Group 3300, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations as set forth below:

PART 3300—OUTER CONTINENTAL SHELF LEASING, GENERAL

Subpart 3300—Outer Continental Shelf Minerals Deposits, General

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3320.1 Relinquishment of leases or parts of leases.
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3340.7 Bonding.
3340.8 Reimbursement of costs.

AUTHORITY: 43 U.S.C. 1331 et seq.

Subpart 3300—Outer Continental Shelf Mineral Deposits, General

§ 3300.0-1 Purpose.

The purpose of these regulations is to establish the procedures under which the Secretary of the Interior will exercise the authority granted to administer a leasing program for minerals and grant rights-of-way on the submerged lands of the Outer Continental Shelf.

§ 3300.0-3 Authority.

The Outer Continental Shelf Lands Act as amended, (43 U.S.C. § 1331 et seq.) authorizes the Secretary of the Interior to issue, on a competitive basis, leases for oil and gas, sulphur, geopressured-geothermal and associated resources, and other minerals in submerged lands of the Outer Continental Shelf. The act authorizes the Secretary of the Interior to grant rights-of-way through the submerged lands of the outer Continental Shelf.

§ 3300.0-5 Definitions.

As used in this part, the term:

(a) "Act" refers to the Outer Continental Shelf Lands Act of August 7, 1953 (43 U.S.C. 1331 et seq.) as amended.

(b) "Director" means the Director, Bureau of Land Management.

(c) "OCS" means the Outer Continental Shelf, as that term is defined in 43 U.S.C. 1331(a).

(d) "Secretary" means the Secretary of the Interior.

(e) "Bureau" means the Bureau of Land Management.

(f) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes islands, transition and intertidal areas, salt marshes, wetlands, and beaches, which zone extends seaward to the outer limit of the United States territorial sea and extends inland from the

shore lines to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and the inward boundaries of which may be identified by the several coastal States, pursuant to the authority of section 305(b)(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454(b)(1));

(g) "Affected State" means, with respect to any program, plan, lease sale, or other activity, proposed, conducted, or approved pursuant to the provisions of this act, any State—

(1) the laws of which are declared, pursuant to section 4(a)(2) of this act, to be the law of the United States for the portion of the Outer Continental Shelf on which such activity is, or is proposed to be conducted;

(2) which is, or is proposed to be, directly connected by transportation facilities to any artificial island or structure referred to in section 4(a)(1) of this Act;

(3) which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining, or transshipment which was extracted from the Outer Continental Shelf and transported directly to such State by means of vessels or by a combination of means including vessels;

(4) which is designated by the Secretary as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the Outer Continental Shelf; or

(5) in which the Secretary finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine or coastal environment in the event of any oilspill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities;

(h) "Marine environment" means the physical, atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, conditions, and quality of the marine ecosystem, including the waters of the high seas, the contiguous zone, transitional and intertidal areas, salt marshes, and wetlands within the coastal zone and on the Outer Continental Shelf;

(i) "Coastal environment" means the physical atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, conditions, and quality of the terrestrial ecosystem from the shoreline inward to the boundries of the coastal zone;

(j) "Human environment" means the physical, social, and economic components, conditions, and factors which interactively determine the state, condition, and quality of living conditions, employment, and health of those affected, directly or indirectly, by activities occurring on the Outer Continental Shelf;

(k) "Mineral" includes oil, gas, sulphur, geopressured-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from public lands as defined in section 103 of the Federal Land Policy and Management Act of 1976.

(l) "Authorized officer" means any person authorized by law or by delegation of authority to or within the Bureau of Land Management to perform the duties described in this part.

§ 3300.1 Leasing diagrams.

(a) Any area of the OCS which has been appropriately platted as provided in paragraph (b) of this section, is subject to lease for any mineral not included in a subsisting lease issued under the act or meeting the requirements of subsection (a) of section 6 of the act. Before any lease is offered or issued an area may be (1) withdrawn from disposition pursuant to section 12(a) of the act, or (2) designated as an area or part of an area restricted from operation under section 12(d) of the act.

(b) The Bureau shall prepare leasing diagrams and official protraction diagrams of areas of the OCS. The areas included in each mineral lease shall be in accordance with the appropriate leasing diagram or official protraction diagram.

§ 3300.2 Information to States.

(a) The Director shall make available, on a regular basis, to affected States and, upon request, to any affected local government, an index which lists all relevant, actual or proposed programs, plans, reports, environmental statements, lease sale information and any similar type of relevant information including modifications, comments and revisions, prepared or obtained by the Director pursuant to the act. (See 30 CFR 252.5)

(b) Upon request, the Director shall transmit to affected States and local governments a copy of any information listed in the index which is subject to the control of the Bureau.

(c) Relative indications of interest on tracts nominated for a proposed sale shall be provided upon request as shall any comments timely filed in response to a call for nominations and comments for such a sale. However, no information transmitted shall indentify any particular tract with the name of any particular party so as to not compromise the competitive position of any participants in the nominating processs.

(d) The Director shall make available data and information in accordance with the requirements of the Freedom of Information Act (5 U.S.C. 552), and regulations implementing the act, and of the regulations contained in Part 2 of this title (Records and Testimony). No data or information determined to be exempt from public disclosure under such acts and regulations shall be made available for public disclosure or provided to any affected State.

§ 3300.3 Helium.

(a) Each lease issued or continued under these regulations shall be subject to a reservation by the United States, under section 12(f) of the act, of the ownership of and the right to extract helium from all gas produced from the leased area.

(b) In case the United States elects to take the helium, the lessee shall deliver all gas containing helium, or the portion of gas desired, to the United States at any point on the leased area or at an onshore processing facility, in the manner required by the United States, for the extraction of helium in such plant or reduction works for that purpose as the United States may provide.

(c) The extraction of helium shall not cause a reduction in the value of the lessee's gas or any other loss for which he is not reasonably compensated, except for the value of the helium extracted. The United States shall have the right to erect, maintain and operate on the leased area any and all reduction works and other equipment necessary for the extraction of helium.

§ 3300.4 Payment.

(a) Payments of bonuses, first year's rental, other payments due upon lease issuance, filing charges, and fees and costs for grants of pipeline rights-of-way shall be made to the manager of the appropriate OCS field office. All payments shall be made by check, bank draft or money order payable to the Bureau of Land Management, unless otherwise directed by the Secretary.

(b) All other payments required by a lease or the regulations in this part shall be payable to the United States Geological Survey.

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Subpart 3310—Leasing Program

§ 3310.1 Receipt and consideration of nominations; public notice and participation.

§ 3310.2 Review by State and local governments.

§ 3310.3 Periodic consultation with interested parties.

§ 3310.4 Consideration of coastal zone management program.

Subpart 3312—Reports From Federal Agencies

§ 3312.1 General.

For oil and gas sales shown in an approved leasing schedule and as the need arises for other mineral leasing, the Director shall request the Director, Geological Survey, to prepare a report describing the general geology and potential mineral resources of the area under consideration. The Director shall request other interested Federal agencies to prepare reports describing, to the extent known, any other valuable resources contained within the general area and the potential effect of mineral operations upon the resources or upon the total environment or other uses of the area.

Subpart 3313—Call for Nominations and Comments

§ 3313.1 Nominations of tracts.

(a) The Director may receive and consider tract nominations or requests describing areas and expressing an interest in leasing of minerals.

(b) In accordance with an approved program and schedule for the leasing of oil and gas, the Director shall issue Calls for Nominations and Comments on tracts for the leasing of such minerals in specified areas. Nominations and comments on tracts shall be addressed to the manager of the appropriate OCS office, with copies to the Director and to the Director and the Regional Conservation manager of the Geological Survey.

(c) The Director shall also request comments on tracts which should receive special concern and analysis.

Subpart 3314—Tract Selection

§ 3314.1 General.

The Director, in consultation with the Director, Geological Survey and other appropriate Federal agencies, shall recommend to the Secretary tracts for further environmental analysis and consideration for leasing. Comments received from States and local governments and interested parties in response to Calls for Nominations and Comments shall be considered in making recommendations. After tracts have been selected, the Director shall evaluate fully the potential effect of leasing on the human, marine and coastal environments, utilizing, as appropriate, the views and recommendations of Federal agencies, State agencies, organizations, industries, and the general public. The Director may hold public hearings after appropriate notice.

§ 3314.2 Tract size.

A tract selected for leasing shall consist of a compact area not exceeding 5760 acres, unless the authorized officer finds that a larger area is necessary to comprise a reasonable economic production unit.

Subpart 3315—Lease Sales

§ 3315.1 General.

(a) The Director in consultation with appropriate Federal agencies shall develop lease stipulations and conditions For oil and gas lease sales, appropriate proposed stipulations and conditions shall be contained in the proposed notice of lease sale as described in § 3315.2 of this title.

(b) A proposed notice of lease sale shall be submitted to the Secretary for approval. All comments and recommendations received and the Director's findings or actions thereon, shall also be forwarded to the Secretary.

§ 3315.2 Proposed notice of sale.

(a) Within 60 days after notice of a proposed lease sale, a Governor of any affected State or any local government in such State may submit recommendations to the Secretary regarding the size, timing or location of the proposed lease sale. Prior to submitting recommendations to the Secretary, any affected local government shall forward such recommendation to the Governor.

(b) The Secretary shall accept such recommendations of the Governor and may accept recommendations of any affected local government if he determines, after having provided the opportunity for consultation, that they provide for a reasonable balance between the national interest and the well-being of the citizens of the affected State. The Secretary shall communicate to the Governor, in writing, the reasons for his determination to accept or reject such Governor's recommendations, or to implement any alternative means identified in consultation with the Governor to provide for a reasonable balance between the national interest and the well-being of the citizens of the affected State.

§ 3315.3 Notice of sale.

(a) Upon approval of the Secretary, the Director shall publish the notice of lease sale in the FEDERAL REGISTER, as the official publication, and in other publications as may be desirable. The publication in the FEDERAL REGISTER shall be at least 30 days prior to the date of the sale. The notice shall state the place and time at which bids shall be filed, and the place, date and hour at which bids shall be opened. The notice shall contain a description of the areas to be offered for lease and any stipulations, terms and conditions of the sale.

(b) Tracts shall be offered for lease by competitive sealed bidding under conditions specified in the notice of lease sale and in accordance with all applicable laws and regulations.

(c) The notice of lease sale shall contain a reference to the OCS lease form which shall be issued to successful bidders.

(d) With the approval of the Secretary, the Director may defer any part of the payment of the cash bonus according to a schedule announced at the time of the notice of lease sale. However, payment shall be made no later than 5 years after the date of the lease sale.

(e) In order to obtain statistical information to determine which bidding alternatives best accomplish the purposes and policies of the act, the Director may require each bidder to submit bids for any OCS area in accordance with more than one of the bidding systems described in section 8(a)(1) of the act. No more than 10 percent of the tracts offered each year shall contain such a requirement. Leases may be awarded using a bidding alternative selected at random for statistical purposes, if it is otherwise consistent with the purposes and policies of the act.

Subpart 3316—Issuance of Leases

§ 3314.1 Qualifications of lessees.

(a) In accordance with section 8 of the act, leases shall be awarded only to the highest responsible qualified bidder.

(b) Mineral leases issued pursuant to section 8 of the act may be held only by: (1) citizens and nationals of the United States, (2) aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. 1101(a)(20); (3) private, public or municipal corporations organized under the laws of the United States or of any State or of the District of Columbia or territory thereof, or (4) associations of such citizens, nationals, resident aliens, or private, public, or municipal corporations, States, or political subdivisions of States.

§ 3316.2 Lease term.

(a) All oil and gas leases shall be issued for an initial period of five yers, or not to exceed ten years where the Secretary finds that such longer period is necessary to encourage exploration and development in areas because of unusually deep water or other unusually adverse conditions.

(b) An oil and gas lease shall continue after such initial period for as long as oil or gas is produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted. The term of an oil and gas lease is subject to extension as provided in § 3319.8 of this title.

(c) Sulphur leases shall be issued for a term not to exceed 10 years and so long thereafter as sulphur is produced from the leasehold in paying quantities, or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon.

(d) Other minerals leases shall be issued for such term as may be prescribed at the time of offering the leases in the notice of lease sale.

§ 3316.3 Joint Bidding Provisions.

§ 3316.3-1 Definitions.

§ 3316.3-2 Joint bidding requirements.

§ 3316.3-3 Chargeability for production.

§ 3316.3-4 Bids disqualified.

§ 3316.4 Submission of bids.

(a) A separate sealed bid shall be submitted for each lease unit bid upon as described in the notice of lease sale. A bid may not be submitted for less than an entire unit.

(b) Each bidder shall submit with the bid, a certified or cashier's check or bank draft on a solvent bank, or a money order or cash, or any other form of payment approved by the Secretary for one-fifth of the amount of the cash bonus.

(c) If the bidder is an individual a statement of citizenship shall accompany the bid.

(d) If the bidder is an association (including a partnership), the bid shall also be accompanied by a certified copy of the articles of association or appropriate reference to the record of the Bureau in which such a copy has already been filed, with a statement as to any subsequent amendments.

(e) If the bidder is a corporation, the following additional information shall be submitted with the bid:

(1) A certified copy of the articles of incorporation and a copy either of the minutes of the meeting of the board of directors or of the bylaws indicating that the person signing the bid has authority to do so, or,

(2) In lieu of such a copy, a certificate to that effect signed by the secretary or the assistant secretary of the corporation over the corporate seal, or appropriate reference to the records submitted to the Bureau in connection with which such articles and authority have been previously furnished.

(f) Bidders should be aware of the provisions of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

(g) In addition to the above, every joint bid submitted for any oil and gas lease shall be accompanied by a sworn statement by each joint bidder stating that the bid is not disqualified under § 3316.3-4(c) of this title.

(h) To verify the accuracy of any statement submitted pursuant to § 3316.3-2 of this title and paragraph (g) of this section, the Director may require the person submitting such information to: (1) submit no later than 30 days after receipt of the request by the Director, a detailed Report of Production which shall list, in barrels, the average daily production of crude oil, natural gas and liquefied petroleum products chargeable to the reporting person in accordance with § 3316.3-3 of this title for the prior production period, and (2) permit the inspection and copying by an official of the Department of the Interior of such documents, records of production of crude oil, natural gas and liquefied petroleum products, analyses and other material as are necessary to demonstrate the accuracy of any statement or information upon which any information in any Statement of Production or Report of Production was based or from which it was derived.

(i) No bid for a lease may be submitted if the Secretary finds, after notice and hearing, that the bidder is not meeting due diligence requirements on other leases.

§ 3316.5 Award of lease.

(a) Sealed bids received in response to the notice of lease sale shall be opened at the place, date and hour specified in the notice. The opening of bids is for the sole purpose of publicly announcing and recording the bids received and no bids shall be accepted or rejected at that time.

(b) The United States reserves the right to reject any and all bids received for any tract, regardless of the amount offered.

(c) Awards of leases shall be made only by written notice from the authorized officer. Such notices shall transmit the lease forms for execution.

(d) In the event the highest bids are tie bids, the tie bidders (unless they would be disqualified under § 3316.1(b) of this title, or disqualified under § 3316.3-4 of this title if their bids had been joint bids) may file with the Director, within 15 days after notification, an agreement to accept the lease jointly; otherwise all bids shall be rejected.

(e) Pursuant to section 8(c) of the act, the Attorney General may review the results of the lease sale prior to the acceptance of bids and issuance of leases.

(f) If the authorized officer fails to accept the highest bid for a lease within 60 days after the date on which the bids are opened, all bids for that lease shall be considered rejected.

(g) Notice of the authorized officer's action shall be transmitted promptly to the several bidders. If the lease is awarded, three copies of the lease shall be sent to the successful bidder who shall be required, not later than the 15th day after receipt thereof, to execute them, pay the first year's rental and balance of the bonus bid, and file a bond as required in § 3318.1 of this title. Deposits and any interest found due on rejected bids shall be returned.

(h) If the successful bidder fails to execute the lease within the prescribed time or otherwise comply with the applicable regulations the deposit shall be forfeited and disposed of as other receipts under the act.

(i) If, before the lease is executed on behalf of the United States, the land which would be subject to the lease is withdrawn or restricted from leasing, all payments made by the bidder shall be refunded.

(j) If the awarded lease is executed by an agent acting in behalf of the bidder, the lease shall be accompanied by evidence that the bidder authorized the agent to execute the lease. When three copies of the lease are executed and returned to the authorized officer, the lease shall be executed on behalf of the United States, and one fully executed copy shall be mailed to the successful bidder.

(k) No lease or permit shall be issued for any area within fifteen statute miles of the boundaries of the Point Reyes Wilderness in California unless the State of California allows exploration, development or production activities in the adjacent navigable waters of the State under section 11(h) of the act.

§ 3316.6 Lease form.

Oil and gas leases and leases for sulphur shall be issued on forms approved by the Director. Other mineral leases shall be issued on such forms as may be prescribed by the Secretary.

§ 3316.7 Dating of leases.

All leases issued under the regulations in this part shall be dated and become effective as of the first day of the month following the date leases are signed on behalf of the lessor. When prior written request is made, a lease may be dated and become effective as of the first day of the month within which it is so signed.

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Supart 3317—Rentals and Royalties

§ 3317.1 Rentals.

(a) An annual rental shall be due and payable, at the rate specifed in the oil and gas lease, in advance of the first day of each lease year prior to production of oil or gas.

(b) The owner of any lease created by the assignment of a portion of a producing lease and on which assigned portion there is no production, actual or allocated, shall pay an annual rental for such assigned portion at the rate per acre specified in the lease. This rental shall be payable each lease year following the year in which the assignment became effective and prior to commencement of production on such segregated portion.

(c) Annual rental paid in any year shall be in addition to, and shall not be credited against, any royalties due from production.

(d) An annual rental on a lease for a mineral other than oil or gas, shall be due and payable in advance of the first day of each lease year prior to discovery in paying quantities, at a rate specified in the lease form.

§ 3317.2 Royalties.

(a) Royalties on oil and gas shall be at the rate specified in the lease, unless the Secretary, in order to promote increased production on the leased area through direct, secondary or tertiary recovery means, reduces or eliminates any royalty set forth in the lease.

(b) The royalty on sulphur shall be not less than 5 percent of the gross production or value of the sulphur at the wellhead.

§ 3317.3 Minimum royalty.

For leases which provide for minimum royalty payments, each lessee shall pay the minimum royalty specified in the lease at the end of each lease year beginning with the first lease year following a discovery on the lease.

§ 3317.4 Effect of suspensions on royalty and rental.

(a) If under the provisions of 30 CFR 250.12 (c), (d)(1), or (d)(4), the Director, Geological Survey, with respect to any lease, directs the suspension of both operations and production, or, with respect to a lease on which there is no producible well, directs the suspension of operations, no payment of rental or minimum royalty shall be required for or during the period of suspension.

(b) The lessee shall not be relieved of the obligation to pay rental, minimum royalty or royalty for or during the period of suspension if the Director, Geological Survey: (1) under the provisions of 30 CFR 250.12 (d)(1) approves, at the request of a lessee, the suspension of operations or production, or both, or (2) under the provisions of 30 CFR 250.12(d)(3) suspends any operation, including production.

(c) If the lease anniversary date falls within a period of suspension for which no rental or minimum royalty payments are required under paragraph (a) of this section, the prorated rentals or minimum royalties are due and payable as of the date the suspension period terminates. These amounts shall be computed and notice thereof given the lessee. The lessee shall pay the amount due within 30 days after receipt of such notice. The anniversary date of a lease shall not change by reason of any period of lease suspension or rental royalty relief resulting therefrom.

Subpart 3318—Bonding

§ 3318.1 Acceptable bonds.

(a) The successful bidder, prior to the issuance of an oil and gas or sulphur lease, shall furnish the authorized officer a corporate surety bond in the sum of $50,000 conditioned on compliance with all the terms and conditions of the lease. Such bond shall not be required if the bidder already maintains or furnishes a bond in the sum of $300,000 conditioned on compliance with the terms of oil and gas and sulphur leases held by the bidder on the OCS for the area in which the lease to be issued is situated.

(b) For the purposes of this section, there are four areas: (1) the Gulf of Mexico; (2) the area offshore the Pacific Coast States of California, Oregon, Washington, and Hawaii; (3) the area offshore the Coast of Alaska; and (4) the area offshore the Atlantic Coast.

(c) A separate bond shall be required for each area. An operator's bond in the same amount may be substituted at any time for the lessee's bonds.

(d) The amount of bond coverage on leases for other minerals shall be determined by the Director at the time of the offer to lease and shall be stated in the notice of lease sale.

(e) If, as the result of a default, the surety on a Mineral Lease Bond makes payment to the United States of any indebtedness under a lease secured by the bond, the face amount of such bond and the surety's liability shall be reduced by the amount of such payment.

(f) A new bond in the amount of $300,000 shall be posted within 6 months or such shorter period as the authorized officer may direct after a default. In lieu of the $300,000 bond required in this paragraph, a separate bond for each lease may be filed within the time period authorized. Failure to post a new bond shall, at the discretion of the authorized officer, be the basis of cancellation of all leases covered by the defaulted bond.

§ 3318.2 Form of bond.

All bonds furnished by a lessee or operator shall be in a form approved by the Director.

§ 3318.3 Additional bonds.

The authorized officer may require additional security in the form of a supplemental bond or bonds or to increase the coverage of an existing bond if, after operations or production have begun, such additional security is deemed necessary.

Subpart 3319—Assignments, Transfers and Extensions

§ 3319.1 Assignment of leases or interests therein.

(a) Subject to the approval of the authorized officer, leases, or any undivided interest therein, may be assigned in whole, or as to any officially designated subdivision, to anyone qualified under § 3316.1(b) of this title to hold a lease. Prior to any such approval, the Secretary shall consult with and give due consideration to the views of the Attorney General.

(b) An assignment shall be void if it is made pursuant to any prelease agreement described in § 3316.3-4(c) of this title that would cause a bid to be disqualified.

(c) Any approved assignment shall be deemed to be effective on the first day of the lease month following its filing in the appropriate office of the Bureau, unless at the request of the parties, an earlier date is specified in the approval.

(d) The assignor shall be liable for all obligations under the lease accruing prior to the approval of the assignment.

(e) The assignee shall be liable for all obligations under the lease subsequent to the effective date of an assignment, and shall comply with all regulations issued under the act.

§ 3319.2 Requirements for filing of transfers.

(a)(1) All instruments of transfer of a lease or of an interest therein as to any officially designated subdivision, including operating agreements, subleases and assignments of record interest, shall be filed in triplicate for approval within 90 days from the date of final execution. They shall include a statement over the transferee's own signature with respect to citizenship and qualifications similar to that required of a lessee and shall contain all of the terms and conditions agreed upon by the parties thereto. Carried working interests, overriding royalty interests or payments out of production may be created or transferred without requirement for filing or approval.

(2) An application for approval of any instrument required to be filed shall be accompanied by a nonrefundable fee of $25. An application not accompanied by payment of such fee shall not be accepted for filing.

(b) An attorney in fact, in behalf of the holder of a lease, operating agreement or sublease, shall furnish evidence of authority to execute the assignment or application for approval and the statement required by § 3316.4 of this title.

(c) Where an assignment creates a segregated lease, a bond shall be furnished in the amount prescribed in § 3318.1 of this title. Where an assignment creates separate leases, the assignee, if the assignment so provides and the surety consents, may become a joint principal on the bond with the assignor.

(d) An heir or devisee of a deceased holder of a lease, or any interest therein, shall be recognized as the lawful successor to such lease or interest, if evidence of statutes as an heir or devisee is furnished in the form of: (1) a certified copy of an appropriate order or decree of the court having jurisdiction of the distribution of the estate or, (2) if no court action is necessary, the statements of two disinterested parties having knowledge of the facts or a certified copy of the will.

(e) In addition to the requirements of paragraph (d) of this section, the heirs or devisees shall file statements that they are the persons named as successors to the estate with evidence of their qualifications as provided in § 3316.4 of this title.

(f) In the event an heir or devisee is unable to qualify to hold the lease or interest, the heir or devisee shall be recognized as the lawful successor of the deceased for a period of not to exceed 2 years from the date of death of the predecessor in interest.

(g) Each obligation under any lease and under the regulations in this part shall inure to the heirs, executors, administrators, successors, or assignees of the lessee.

(h) Where the proposed assignment or transfer is by a person who, at the time of acquisition of an interest in the lease, was on the List of Restricted Joint Bidders, and that assignment or transfer is of less than the entire interest of the assignor or transferor, to a person or persons on the same List of Restricted Joint Bidders, the assignor or transferor shall file a copy, prior to approval of the assignment, of all agreements applicable to the acquisition of that lease or a fractional interest.

§ 3319.3 Separate filings for assignments.

A separate instrument of assignment shall be filed for each lease. When transfers to the same person, association or corporation, involving more than one lease are filed at the same time for approval, one request for approval and one showing as to the qualifications of the assignee shall be sufficient.

§ 3319.4 Effect of assignment of particular tract.

(a) When an assignment is made of all the record title to a portion of the acreage in a lease, the assigned and retained portions become segregated into separate and distinct leases. In such a case, the assignee becomes a lessee of the Government as to the segregated tract that is the subject of assignment, and is bound by the terms of the lease as though the lease had been obtained from the United States in the assignee's own name, and the assignment, after its approval, shall be the basis of a new record. Royalty, minimum royalty and rental provisions of the original lease shall apply separately to each segregated portion.

(b) In the case of an assignment of a portion of an oil and gas lease, each segregated lease shall continue in full force and effect for the primary term of the initial lease and so long thereafter as oil or gas is produced from that segregated portion of the leased area in paying quantities or drilling or well reworking operations as approved by the Secretary are conducted.

§ 3319.5 Extension of lease by drilling or well reworking operations.

The term of a lease shall be extended beyond the primary term so long as drilling or well reworking operations are approved by the Secretary according to the conditions set forth in 30 CFR 250.35.

§ 3319.6 Directional drilling.

In accordance with an approved exploration plan or development and production plan, a lease may be maintained in force by directional wells drilled under the leased area from surface locations on adjacent or adjoining land not covered by the lease. In such circumstances, drilling shall be considered to have commenced on the leased area when drilling is commenced on the adjacent or adjoining land for the purpose of directional drilling under the leased area through any directional well surfaced on adjacent or adjoining land. Production, drilling or reworking of any such directional well shall be considered production or drilling or reworking operations on the leased area for all purposes of the lease.

§ 3319.7 Compensatory payments as production.

If an oil and gas lessee makes compensatory payments as provided in 30 CFR 250.33 and if the lease is not being maintained in force by other production of oil or gas in paying quantities or by other approved drilling or reworking operations, such payments shall be considered as the equivalent of production in paying quantities for all purposes of the lease.

§ 3319.8 Effect of suspensions on lease term.

(a) If the Director, Geological Survey, directs the suspension of either operations or production, or both, under the provisions of 30 CFR 250.12 (c), (d)(1) or (d)(4) with respect to any lease in its primary term, the primary terms of the lease shall be extended by a period equivalent to the period of the suspension.

(b) If the Director, Geological Survey, orders or approves the suspension of either operations or production, or both, under the provision for 30 CFR 250.12(c), (d)(1), or (d)(4) with respect to any lease extended beyond its primary term, the term of the lease shall not be deemed to expire so long as the suspension remains in effect.

Subpart 3320—Termination of Leases

§ 3320.1 Relinquishment of leases or parts of leases.

A lease or any officially designated subdivision thereof may be surrendered by the record title holder by filing a written relinquishment, in triplicate, with the appropriate OCS office of the Bureau. A relinquishment shall take effect on the date it is filed subject to the continued obligation of the lessee and the surety to make payment of all accrued rentals and royalties and to abandon all wells and condition or remove all platforms and other facilities on the land to be relinquished to the satisfaction of the Director, Geological Survey.

§ 3320.2 Cancellation of leases.

(a) Any nonproducing lease issued under the act may be cancelled by the authorized officer whenever the lessee fails to comply with any provision of the act or lease or applicable regulations, if such failure to comply continues for 30 days after mailing of notice by registered letter to the lease owner at the owner's record post office address. Any such cancellation is subject to judicial review as provided in section 23(b) of the act.

(b) Producing leases issued under the act may be canceled for such failure only by judicial proceedings in the manner prescribed in section 5(d) of the act.

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(c) Any lease issued under the act, whether producing or not, shall be canceled by the authorized officer upon proof that it was obtained by fraud or misrepresentation, and after notice and opportunity to be heard has been afforded to the lessee.

(d) Pursuant to section 5(a) of the act, the Secretary, may cancel a lease when: (1) continued activity pursuant to such lease would probably cause serious harm or damage to life, property, any mineral, national security or defense, or to the marine, coastal or human environment; (2) the threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of time; and (3) the advantages of cancellation outweigh the advantages of continuing such lease or permit in force. Such consultation shall not occur unless and until operations shall have been under suspension or temporary prohibition.

SUBPART 3321—SECTION 6 LEASES

§ 3321.1 Effect of regulations on lease.

(a) All regulations in this part, insofar as they are applicable, shall supersede the provisions of any lease which is maintained under section 6(a) of the act. However, the provisions of a lease relating to area, minerals, rentals, royalties (subject to sections 6(a) (8) and (9) of the act), and term (subject to section 6(a)(10) of the act and, as to sulfur, subject to section 6(b)(2) of the act) shall continue in effect, and, in the event of any conflict or inconsistency, shall take precedence over these regulations.

(b) A lease maintained under section 6(a) of the act shall also be subject to all operating and conservation regulations applicable to the OCS. In addition, the regulations relating to geophysical and geological exploratory operations and to pipeline rights-of-way are applicable, to the extent that those regulations are not contrary to or inconsistent with the lease provisions relating to area, the minerals, rentals, royalties and term. The lessee shall comply with any provision of any State lease, the subject matter of which is not covered in the regulations in this part.

§ 3321.2 Leases of other minerals.

The existence of a lease that meets the requirements of section 6(a) of the act shall not preclude the issuance of other leases of the same area for deposits of other minerals. However, no other lease of minerals shall authorize or permit the lessee thereunder unreasonabley to interfere with or endanger operations under the existing lease. No sulphur leases shall be granted by the United States on any area while such area is included in a lease covering sulphur under section 6(b) of the act.

SUBPART 3331—STUDIES

§ 3331.1 Environmental studies.

(a) The Director shall conduct a study of any area or region included in any lease sale in order to establish information needed for assessment, management, and to the extent practicable, prediction of impacts on the human, marine and coastal environments which may be affected by OCS oil and gas activities in such area or region. To the extent practicable, information available or collected by the studies program shall be in a form that can be used in the decisionmaking process associated with a specific leasing action or with longer term OCS minerals management responsibilities.

(b) Studies shall be planned and carried out in cooperation with the affected States and interested parties and, to the extent possible, shall not duplicate studies done under other laws. Where appropriate, the Director shall, to the maximum extent practicable, enter into agreements with the National Oceanic and Atmospheric Administration in executing the environmental studies responsibilities. By agreement, the Director may also utilize services, personnel or facilities of any Federal, State or local government agency in the conduct of such study.

(c) Any study of an area or region required by paragraph (a) of this section for a lease sale shall be commenced not later than six months prior to holding a lease sale for that area. The Director may utilize information collected in any prior study. The Director may initiate studies for areas or regions not identified in the leasing program.

(d) After the leasing and developing of any area or region, the Director shall conduct such additional studies to establish additional information as is deemed necessary and shall monitor the human, marine and coastal environments of such area or region in a manner designed to provide information which can be used for comparison with the results of studies conducted prior to OCS oil and gas development. This shall be done to identify any significant changes in the quality and productivity of such environments, to establish trends in the areas studied, and to design experiments identifying the causes of such changes. Findings from such studies shall be used, if appropriate, to recommend modifications in practices which are employed to mitigate the effects of OCS activities and to enhance the data/information base for impact prediction resulting from a single future sale action or cumulative actions.

Subpart 3340—Grants of Pipeline Rights-of-way on the Outer Continental Shelf

§ 3340.0-5 Definitions.

As used in this subpart, the term "right-of-way" includes the site on which the pipeline and associated structures are situated which shall not exceed 200 feet in width for pipelines unless safety and environmental factors during construction and operations require a greater width and shall be limited to the area reasonably necessary for pumping stations or other accessory structures. It does not include gathering lines and associated structures constructed for the purpose of conveying production for gathering, storage or treating of the production from a lease or leases.

§ 3340.1 Nature of grant.

(a) An applicant, by accepting a right-of-way grant, agrees and consents to:

(1) Comply with all existing regulations and with all existing and future regulations which the Secretary determines to be necesssary and proper in order to provide for the prevention of waste, the conservation of the natural resources of the OCS and the protection of correlative rights therein. Comply with all stipulations which the authorized officer attaches to the right-of-way grant for the purpose of assuring envionmental protection, and the utilization of the best available and safest technologies, such as the safest reasonable pipeline burial techniques, which the Secretary determines to be economically feasible.

(2) Pay the United States or its lessees or right-of-way holders, as the case may be, the full value for all damages to the property of the United States or its said lessees or right-of-way holders, and to indemnify the United States against any and all liability for damages to life, person or property arising from the occupation and use of the area covered by the right-of-way grant. (3) Keep the authorized officer informed at all times of the applicant's address, and, if a corporation, of the address of its principal place of business and the name and address of the officer or agent authorized to receive service of notice. Agree that in the construction, operation and maintenance of the project, the holder shall not discriminate against any employee or applicant for employment because of race, creed, color or national origin and shall require an identical provision in all subcontracts.

(4) Agree that the granting of the right-of-way shall be subject to the express conditions that the rights granted shall not prevent or interfere in any way with the management, administration of, or the granting, either prior or subsequent to the right-of-way grant, of other rights by the United States. Moreover, the holder agrees to allow the occupancy and use by the United States or other rights-of-way holders of any part of the right-of-way grant not actually occupied or necessarily incident to its use for any necessary operations involved in the management, administration or the enjoyment of such other granted rights. Finally, the right-of-way shall be contained within the boundaries of any area designated for pipelines by the authorized officer.

(5) Pay the Bureau for the first calendar year or fraction thereof, and thereafter annually, in advance, an annual rental of $15 for each statute mile or fraction thereof, traversed by the right-of-way and $75 for each area applied for as a site for an accessory to the right-of-way, including, but not limited, to a platform. Payments may be on an annual basis, for a 5-year period or for multiples of the 5-year period.

(6) Upon abandonment, relinquishment, revocation or termination of the right-of-way grant, remove any platforms, structures or domes over valves which would present any hazard to navigation or fishing, and unless the requirement is waived in writing by the authorized officer, remove the pipe, taps and valves along the right-of-way. In order to secure a waiver of the removal of the pipe, taps or valves, the holder shall demonstrate to the satisfaction of the authorized officer, that abandonment of the pipeline, taps or valves in place shall not constitute an unreasonable hazard to navigation, fishing or the marine environment, that the line has been purged to remove materials that, if released, could be harmful to the marine environment, and that all open ends of the pipe have been plugged and buried to a minimum cover of three feet or such other depth as may be required by the authorized officer.

Any improvement required to be removed shall be removed by the holder within one year of the effective date of the relinquishment, revocation, termination or abandonment. All such structures or improvements not removed within the time provided herein, shall become the property of the United States but that shall not relieve the holder of liability for the cost of their removal or for restoration of the site. Any application for relinquishment of a right-of-way shall be filed in accordance with § 3340.5 of this title.

(7) Suspend operations of any pipeline for a period of time specified by the authorized officer upon a determination by the authorized officer that continued operation would result in serious, irreparable, or immediate harm to life (including fish and other aquatic life), to property, or the marine, coastal or human environments.

(8) Construct, operate and maintain the project in such a manner so as not to pose an unreasonable obstruction to fishing and shipping operations.

(9) Furnish the authorized officer, within 30 days of request, all data as to maximum design capacity of the pipeline, average product quantity being moved as of the time of request and copies of all contracts for transportation existing at the time of request.

(10) Assure that such oil or gas pipelines shall either transport or purchase, at the option of the Secretary, oil or natural gas produced from said submerged lands in the vicinity of the pipeline without discrimination and in such proportionate amounts as the Federal Energy Regulatory Commission, may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste.

(11) Provide open and nondiscriminatory access to the pipeline to both owner and nonowner shippers.

(12) Comply with the provisions of section 5(f)(1)(B) of the act, under which the Federal Energy Regulatory Commission may order an expansion of the throughput capacity of a pipeline which is authorized after September 18, 1978, and which is not located in the Gulf of Mexico or the Santa Barbara Channel.

(b) Failure to comply with the act, regulations or any conditions prescribed by the Secretary as to the application for a pipeline and the survey, location and width of a pipeline shall be grounds for forfeiture of the grant in an appropriate judicial proceeding instituted by the United States in any United States District Court having jurisdiction under the provisions of section 23 of the act.

(c) Any right-of-way granted under the provisions of this subpart shall be for so long as the pipeline is properly maintained and used for the purpose for which the grant was made, unless otherwise expressly stated in the grant. Temporary cessation or suspension shall not terminate the grant, but if the purpose of the grant ceases to exist or use of the pipeline is permanently discontinued for any reason, the grant shall be subject to forfeiture.

§ 3340.2 Application procedures.

§ 3340.2-1 Applications.

(a) No special form of application is required. The application shall be filed in triplicate in the OCS office having jurisdiction of the lands covered by the application. It shall specify that it is made pursuant to the act and these regulations and that the applicant agrees that if the right-of-way grant is approved, the grant shall be subject to the terms and conditions of the regulations in this part. It shall also state the primary purpose for which the right-of-way is to be used. If the right-of-way has been utilized prior to the time the application is made, the application shall state the date such utilization commenced and by whom, and the date applicant obtained control of the improvement. A nonrefundable filing fee of $100 and the rental required herein under § 3340.1(a)(5) of this title, shall accompany the application. A separate application shall be filed for each right-of-way.

(b) Each copy of the application shall be accompanied by a map, showing the center line of the right-of-way, properly identified so that the right-of-way can be accurately located by a competent engineer. The map shall comply with the following requirements:

(1) The scale shall be at least 1:4,000, or such other scale as may be determined by the authorized officer.

(2) Courses and distances of the center line of the right-of-way shall be given either on the margin of the map or on an attached sheet or sheets with the courses referred to the true or grid meridan, either by deflection from a line of known bearing or by independent observation and calculated distances in feet and decimals.

(3) The total distance and width of the right-of-way shall be given, and the diameter of the pipeline specified.

(4) The initial and terminal points of the right-of-way shall be accurately located by latitude and longitude or by grid references, even though the right-of-way may have an onshore terminal point.

(5) Each copy of the map shall bear upon its face a signed certificate of the engineer who made the map that the right-of-way is accurately represented upon the map, and the design characteristics are in accordance with Department of Transportation regulations.

(c) Rights-of-way issued pursuant to section 5(e) of the act may be acquired or held only by citizens and nationals of the United States, aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. § 1101(a)(20), private, public or municipal corporations organized under the laws of the United States, the District of Columbia, or of any State, or territory thereof, or associations of such citizens, nationals, resident aliens or private, public or municipal corporation, States or political subdivision of States.

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(d)(1) An individual applicant shall submit with the application a statement of citizenship or nationality. An applicant who is an alien lawfully admitted for permanent residence in the United States shall also submit with the application evidence of such status.

(2) An applicant that is a private corporation shall submit with its application, a certified copy of its charter or articles of incorporation, or, if a public or municipal corporation, a certified copy of the law under which it was organized and proof of its organization. The application shall also be accompanied by a certified copy of the resolution or bylaws of the corporation authorizing the submission of the application or a certificate of the secretary or an assistant secretary of the corporation over the corporate seal certifying that the person signing the application has authority to do so. Where an attorney-in-fact, on behalf of the right-of-way applicant, signs the application for approval, evidence of the authority of the attorney-in-fact to execute the application shall be furnished.

(3) If the applicant is an association (including a partnership), each individual unincorporated member of the association shall submit the information required by paragraph (d)(1) of this section, and each incorporated member of the association shall submit the information required by paragraph (d)(2) of this section. The application shall also be accompanied by a certified copy of the articles of association, and such other notarized statements and certified documents as may be necessary to demonstrate the authority of the persons seeking to act on behalf of the association.

(e)(1) An applicant shall show the extent to which the right-of-way applied for invades or crosses mineral leases or rights-of-way other than the applicant's own. The application shall contain a statement that a copy of the application has been delivered personally or by registered or certified mail to each lessee or right-of-way grant holder whose lease or right-of-way is so affected. When the statement is filed, no final action shall be taken on the right-of-way grant application until 30 days have elapsed after the date of service of such papers, in order to afford the parties concerned ample opportunity to comment on the granting of the right-of-way. A copy of the comments shall be filed with the authorized officer for his consideration.

(2) If the authorized officer determines that a change in the application as filed should be made based on the comments received, the authorized officer shall notify the applicant that an amended application shall be filed subject to changes which the authorized officer stipulates. The authorized officer shall determine whether the applicant shall deliver copies of the amended application to other parties for comment pursuant to 3340.2-1 of this title. The authorized officer shall consider safety, environmental and economic factors in deciding whether or not to grant the right-of-way. The decision shall be in writing and shall state the reasons for the decision.

§ 3340.2-2 Approval action.

(a) If the application and other required information are found to be in compliance with the law and regulations, the right-of-way may be granted.

(b) In considering the application for a right-of-way, the authorized officer shall consider the potential effect of the pipeline on the human, marine and coastal environments, life, including aquatic life, property and mineral resources in the entire area during construction and operational phases. To aid in the evaluation and determinations, the authorized officer may request and consider views and recommendations of appropriate Federal agencies, may hold public meetings after appropriate notice, and may consult with State agencies, organizations, industries and individuals. The authorized officer may attach, as a condition to approval, special stipulations and conditions necessary to protect human, marine and coastal environments, life, including aquatic life, property and mineral resources, located on or adjacent to the proposed right-of-way.

(c) If the right-of-way as applied for crosses any area withdrawn from disposal or restricted from exploration and operation, it shall be rejected unless the Federal agency in charge of such withdrawn or restricted area gives its consent to the granting of the right-of-way. In such case the applicant, upon request filed within 30 days after receipt of the rejection notice, shall be allowed an opportunity to file an amended application rerouting the proposed right-of-way so as to eliminate the conflict.

(d) Should the proposed route of the right-of-way adjoin and subsequently cross any State submerged lands, the applicant shall submit to the authorized officer evidence that the State or States so affected have reviewed the application, and shall submit any comment received, including any recommendations to relocate the route, if such relocation is considered necessary. In the event of a State recommendation to relocate the proposed route, the authorized officer shall coordinate with the appropriate State officials all applications for right-of-way grants that pass from Federal to State submerged lands.

(e) If an application is for a grant for a right-of-way affecting any land or water use in the coastal zone of any State with a coastal zone management program approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), then the application shall not be approved unless it is consistent with the approved coastal zone management program or the Secretary of Commerce makes a finding that the right-of-way will be consistent with the objectives or purposes of the Coastal Zone Management Act of 1972, or is necessary in the interest of national security. However, if the application is for a grant for a right-of-way that has been described in detail in an approved development and production plan, then the application may be approved without a further finding of consistency with any approved coastal zone management program or a further finding on the part of the Secretary of Commerce.

§ 3340.2-3 Construction.

(a) Failure to construct the pipeline within 5 years from the date of the grant shall be deemed to be an abandonment of the grant which shall be forfeited by an appropriate proceeding. Proof of construction shall be submitted to the authorized officer within 90 days after completion of construction of the pipeline. Such proof shall consist of drawings of the pipeline as built, in triplicate; a signed certificate of the engineer who made the drawings, that the pipeline is accurately represented; grid references for all turning points on the line; and other data as required by the authorized officer. If there is substantial deviation from the right-of-way as shown on the original map, the unused portion of the grant shall be relinquished and maps, in triplicate, of the location of the right-of-way as constructed shall be furnished to the authorized officer as soon as possible after the deviation is determined to be necessary or advisable. Any deviation made prior to approval of such supplemental plat shall be at the risk of the holder.

(b) Right-of-way grants shall be reviewed annually prior to commencement of construction of any pipeline. Any changes in conditions subsequent to the granting of a right-of-way but prior to commencement of construction may be grounds for a request to alter the grant by the authorized officer.

§ 3340.4 Assignment of right-of-way.

(a) Assignment may be made of a right-of-way grant in whole or of any lineal segment thereof, subject to the approval of the authorized officer. Any such proposed assignment shall be filed in triplicate, accompanied by an application for approval in which the assignee shall make the showing required by § 3340.2-1(c) of this title and agree to the terms and conditions prescribed in § 3340.1(a) of this title.

(b) Any proposed assignment, in whole or in part of any right, title or interest in a right-of-way grant, shall be accompanied by the same showing of qualifications of the assignees as is required of an applicant, and shall be supported by a stipulation that the assignee agrees to comply with and to be bound by the terms and conditions of the right-of-way grant. No transfer shall be recognized unless and until it is first approved, in writing, by the authorized officer. A nonrefundable fee of $25 shall accompany the application for the approval of an assignment.

§ 3340.5 Relinquishment of rights-of-way.

A right-of-way grant or a portion thereof may be surrendered by the record holder by filing a written relinquishment, in triplicate, with the authorized officer. A relinquishment shall take effect on the date it is filed subject to the satisfaction of all requirements for abandonment set by the authorized officer.

§ 3340.6 Change of use.

(a) A change may be made by the holder in the use of the pipeline or direction of flow from that specified in the approved permit only if prior approval is obtained from the Department of Transportation and the authorized officer. Application for such a change shall be filed not less than 15 working days in advance of the proposed change of use.

(b) Each application shall specify whether the change in use is to be temporary or permanent, and any technical changes necessary to accommodate the change in use.

(c) Each application shall demonstrate that the pipeline is physically and technically adaptable to the proposed change in use without adverse environmental effects.

§ 3340.7 Bonding.

(a) Prior to the issuance of a right-of-way grant the applicant shall furnish the authorized officer a corporate surety bond in the sum of $300,000 conditioned on compliance with all the terms of the grant. Such bond shall not be required if the bidder already maintains or furnishes a bond in the sum of $300,000 conditioned on compliance with the terms of all right-of-way grants held by the bidder on the OCS for the area in which the grant to be issued is situated.

(b) For the purposes of this section, there are four areas: (1) the Gulf of Mexico; (2) the area offshore the Pacific Coast States of California, Oregon, Washington, and Hawaii; (3) the area offshore the Coast of Alaska; and (4) the area offshore the Atlantic Coast.

(c) A separate bond shall be required for each area.

(d) If, as the result of a default, the surety on a Right-of-way Grant Bond makes payment to the Government of any indebtedness under a lease secured by the bond, the face amount of such bond and the surety's liability shall be reduced by the amount of such payment.

(e) A new bond in the amount of $300,000 shall be posted within 6 months or such shorter period as the authorized officer may direct after a default. Failure to post a new bond shall, at the discretion of the authorized officer, be the basis of cancellation of all grants covered by the defaulted bond.

§ 3340.8 Reimbursement of costs.

The regulations contained in this subpart do not apply to State or local Governments, agencies or instrumentalities thereof, of agencies of the Federal Government, where the lands are to be used for governmental purposes. Applicants for right-of-way grants and necessary accessory structures under this subpart shall reimburse the United States for administrative costs incurred by the United States in processing applications, including the preparation of reports and statements pursuant to the National Environmental Policy Act (42 U.S.C. 4331-4347), before a right-of-way grant shall be issued under the regulations of this part. Reimbursement is also required of costs incurred by the United States on behalf of a potential applicant. Such reimbursement shall be in accordance with § 2803.1-1 of this title. The regulations of this subpart are applicable to all non-exempt applications for right-of-way grants or permits incident to rights-of-way over the OCS pending on the effective date of these regulations.

DANIEL P. BEARD,
Acting Assistant Secretary of the Interior.

JANUARY 29, 1979.

[FR Doc. 79-3482 Filed 1-31-79; 8:45 am]

[4310-84-M]

[43 CFR Part 3800]

PROPOSED MINING AND WILDERNESS MANAGEMENT POLICY

Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of meetings on proposed rules and management policy.

SUMMARY: This document announces meetings to be held in connection with proposed rules regarding mining on certain public lands, to protect their suitability for wilderness during inventory and study, and draft interim management policy and guidelines for wilderness study areas during Bureau of Land Management's wilderness review. The proposed mining regulations were published in 44 FR 2623 as 43 CFR 3800. The draft interim management policy was published in 44 FR 2694. The intent of the meetings is to answer questions about the proposed rules and management policy and accept public comment on them.

DATES: Meetings will be held as follows: February 21, 1979, 7:30 p.m., Lakeview, Oregon; February 23, 1979, 7:30 p.m., Klamath Falls, Oregon; February 24, 1979, 10:00 a.m., Portland, Oregon, and 3:00 p.m., Prineville, Oregon; February 26, 1979, 7:30 p.m., Eugene, Oregon; February 27, 1979, 7:00 p.m., Burns, Oregon, 7:00 p.m., Medford, Oregon, and 7:30 p.m., Baker, Oregon; February 28, 1979, 7:00 p.m., Spokane, Washington, and 7:00 p.m., Ontario, Oregon.

Further written comments will be accepted by Director of the Bureau of Land Management until March 14, 1979.

ADDRESSES: February 21, 1979, BLM District Office Conference Room, 1000 S. 9th, Lakeview, Oregon; February 23, 1979, Klamath County Library, 126 S. 3rd St., Klamath Falls, Oregon; February 24, 1979, Bonneville Power Administration Auditorium, 1002 NE Holladay, Portland, Oregon, and Prineville City Hall, 400 E. 3rd Street, Prineville, Oregon; February 26, 1979, Harris Hall, 125 E. 8th Street, Eugene, Oregon; February 27, 1979, BLM District Office, 74 S. Alvord, Burns, Oregon, and Medford Chamber of Commerce, 304 S. Central, Medford, Oregon, and Baker Community Center, 2610 Grove Street, Baker, Oregon; February 28, 1979, Federal Building, Room 752, W. 920 Riverside, Spokane, Washington, and Room 10, Weese Building, Treasury Valley Community College, 650 College Boulevard, Ontario, Oregon.

Further comments should be addressed to Director (330) Bureau of Land Management, 1800 C. Street NW., Washington, D.C. 20240. Comments will be available for public review in Room 5600 at the above address.

FOR FURTHER INFORMATION, CONTACT:

Bill Keil, Oregon State Office, Bureau of Land Management, 729 NE Oregon Street, Portland, Oregon, 97208 or phone (503) 231-6276.

Dated: January 26, 1979.

HUGH SHERA,
Acting State Director, Oregon State Office.

[FR Doc. 79-3385 Filed 1-31-79; 8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07-M]

DEPARTMENT OF AGRICULTURE

Farmers Home Administraton

COORDINATION AND DELIVERY OF FEDERAL WATER AND SEWER PROGRAMS

Interagency Agreement

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) gives notice that an INTERAGENCY AGREEMENT TO IMPROVE THE COORDINATION AND DELIVERY OF FEDERAL WATER AND SEWER PROGRAMS has been entered into by the Farmers Home Administration (FmHA), Environmental Protection Agency (EPA), Department of Housing and Urban Development (DHUD), Community Services Administration (CSA), Council on Environmental Quality (CEQ), Department of Labor (DOL), and Economic Development Administration (EDA) in order to implement in the manner described below measures for coordination and streamlining the review and approval of water and sewer grants or loans to small, rural communities.

FOR FURTHER INFORMATION CONTACT:

Lonney H. Posey, telephone 202-447-5717.

SUPPLEMENTAL INFORMATION: This Agreement was entered into after several months of intensive work by members of an interagency task force composed of representatives from the above named agencies and the White House staff. The Agreement reflects several new initiatives by the administration to reduce overlapping and duplication in the delivery of Federal assistance to rural communities. The FmHA, EPA, DHUD, CSA, CEQ, DOL, and EDA intend to implement the policies and procedures outlined in the agreement notwithstanding any provisions of each agency's present regulations governing the affected programs which may be inconsistent with the goals and purposes of the agreement.

The text of the Interagency Agreement is as follows:

INTERAGENCY AGREEMENT TO IMPROVE THE COORDINATON AND DELIVERY OF FEDERAL WATER AND SEWER PROGRAMS

I. PURPOSE

The purpose of this interagency agreement is to improve planning of water and sewer projects for rural areas in the United States while yet allowing and promoting the continuation of agriculture and other rural land uses. Such planning should take into account the smaller service areas, fewer governmental entities and greater opportunities for innovative and alternative solutions present in rural areas. It should recognize that agriculture is the mainstay of many of these areas and encourage solutions that will not threaten farmland with urban sprawl or lengthy and costly capital facilities but will instead recycle nutrients and other resources back into agricultural operations. It should recognize the complementary nature of urban and rural concerns, and as such this agreement will further the coordination of national rural and urban policy.

The Federal agencies most active in providing grants or loans to small, rural communities for the development of water and sewer facilities are agreed that duplication and repetition of administrative and programmatic requirements are obstacles to achieving their respective program goals. They are also agreed that funds can be distributed more efficiently and better project selection can be achieved by coordinating and streamlining application procedures and project review or monitoring requirements. Finally, they are agreed that greater interagency coordination and more active programs of information and technical assistance will make more rural communities aware of the funding opportunities and other forms of assistance available to them for the development of water and sewer systems.

To achieve these goals, the Environmental Protection Agency (EPA), Farmers Home Administration (FmHA), Economic Development Administration (EDA), Department of Housing and Urban Development (HUD), and Community Services Administration (CSA) agree to implement in the manner described below measures for coordinaton and streamlining the review and approval of water and sewer grants of loans to small, rural communities.

II. ACTIONS

A. *Rural communities, by nature of their size, density, and activity patterns, have different requirements for water and wastewater treatment facilities than urban communities. Alternatives to conventional treatment facilities that may have lower per capita capital and operating costs and require less sophisticated technology and skill to operate will be encouraged by EPA, FmHA, EDA, HUD, and CSA.*

1. Information and technical assistance in the area of innovative and alternative technology and its applicability to a small community's needs will be disseminated. Specifically, the use of land treatment as an alternative technology to promote agricultural land uses will be emphasized. Similarly, technologies which will promote recreation-oriented development in rural areas will also be emphasized. Also, water conservation techniques and low cost on-site disposal methods will be promoted as solutions to rural water and sewer problems.

2. EPA will encourage the application of eligible projects for the 85 percent grant permitted for such projects under section 202(a)(2) of the Clean Water Act.

3. FmHA, EDA, HUD, and CSA will also, where appropriate, encourage such projects over more conventional solutions.

B. *A regular exchange of information between all agencies involved in funding a project can be beneficial to applicants and agencies. EPA, FmHA, EDA, CSA, and HUD agree to meet periodically during each year using the Federal Regional Councils.*

1. They will review the status of projects being jointly or concurrently funded, discuss future potential projects in common, and exchange information on current and new administrative or substantive procedures or requirements.

2. They will also review action items such as one-year priority or project lists to identify combined funding possibilities, existing project lists to identify overlapping projects or funding, and construction and inspection schedules to identify areas for coordination.

3. One of these meetings will take place at least 120 days before the beginning of a new fiscal year.

4. They will also encourage regular meetings between their respective State level agencies for similar purposes of coordination.

C. *In addition to facilitating application and disbursement of funds for rural water and sewer projects, EPA, FmHA, EDA, HUD and CSA recognize the need for continued efforts to inform communities of the range of funding and other assistance available to them.*

1. A manual describing how to obtain Federal grants for water and sewer facilities has been prepared and will be distributed by the agencies. The purpose of the manual will be to introduce communities to the opportunities for assistance available to them at an early stage and to allow communities to explore the potential applicability of these programs before they progress too far in development of a project on their own.

2. Joint training seminars for Federal field personnel, State agencies and other organizations involved in the delivery of water/sewer services will be held under the aegis of the Federal Regional Councils to inform participants of these steps to promote coordination and streamlining of delivery of funds, and to encourage other formal and informal efforts to achieve these goals.

D. *The establishment of a universal data base for national wastewater disposal and treatment needs to be used by EPA, FmHA, EDA, HUD and CSA.*

1. A universal data base for wastewater treatment needs will facilitate the estimation of dollar needs for planning and construction of publicly-owned wastewater treatment facilities. The EPA biennial Needs Survey will be used as the initial data base for all agencies involved in funding rural facilities.

2. From the Needs Survey, EPA will, upon request and with assistance of the other agencies, separate data showing facilities that may be eligible for their programs. Agencies that request such data will reimburse EPA for the costs of listing, summarizing and reporting the data.

3. For future Needs Surveys, agencies may choose to work with EPA in developing criteria to record needs for facilities eligible for their programs that can be used in the collection of data. These agencies will share the costs for survey development, data collection and analyses and information dissemination based upon the number of added facilities and data elements included in the Needs Survey as a result of their eligibility determinations.

E. *The A-95 process of review by clearinghouse agencies will be more efficiently used by communities and the funding agencies of EPA, CSA, FmHA, EDA and HUD.*

1. When a notification of intent to apply for grant funds is submitted to the clearinghouse(s), it should also indicate at that time the intention to apply for joint or combined funding of the project at specified steps and identify the prospective assisting agencies.

2. When more than one agency is funding a project, the A-95 agency need conduct only one review of the actual project for each step which will meet the A-95 requirements for all agencies involved.

3. Federal agencies will promote the use of the A-95 process and the Water Quality Management Planning process under section 208 of the Clean Water Act as an added means of identifying projects that may be eligible for funding under their programs.

4. Federal agencies will encourage clearinghouses to use the A-95 process to evaluate the rural and urban impact of projects developed under the framework of this agreement.

F. *A pilot demonstration program designed to improve coordination and upgrade the assistance provided to rural communities for water and sewer needs will be initiated by FmHA and EDA.*

1. For purposes of this pilot program, the States of Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Louisiana and Texas will be involved. The program shall cover a six month period starting with the date of execution of this agreement and will apply to projects funded by FmHA and EDA together through loans, grants or a combination of these funding sources and/or in cases where advisory services to communities are provided by FmHA and EDA.

2. FmHA and EDA will, when appropriate during their initial consultation with local communities, involve the expertise and resources of EPA, of its State counterpart, and HUD. This involvement will include the use of EPA's Needs Survey where appropriate, and consideration of the consistency of the proposed project with an applicable approved 208 or ongoing 208 planning at the State or local level, as may be appropriate.

3. The funding sources and participation rates of the respective agencies for projects will be determined on a case-by-case basis based on the relative needs of the area and on the merits of the project to be assisted in accordance with existing FmHA and EDA rules and regulations and relevant agreements between the agencies.

4. The lead agency responsibility for a project will be determined on a project-by-project basis but will generally follow the principles set forth and agreed to by FmHA and EDA in existing memoranda of understanding.

5. The implementation of this demonstration program will cover both the project planning and selection phase as well as construction and monitoring phase.

6. FmHA and EDA will adopt and use a new project profile format which will provide a screening procedure for project selection. This profile will also identify the potential for use of CETA sponsored employees on the operation of the facility.

7. FmHA and EDA will use one application form.

8. FmHA and EDA will help control project costs by a) agreement to a fixes price or cost ceiling for engineering fees and b) requirements that any additional design work by the engineer required because of errors or omissions by the engineer shall be at no additional charge to the community.

9. FmHA and EDA will consolidate and streamline reporting and audit requirements associated with their programs where feasible.

10. The primary responsibility for implementation of this agreement will be at the field level between FmHA's District Directors and State Directors and EDA's Economic Development Representatives and Regional Directors.

11. FmHA and EDA will continue their cooperative efforts in the areas of construction monitoring and inspection, audits and disbursements. EPA and HUD will monitor the results of these efforts to determine the advisability of applying them to their own programs.

12. A summary of the procedures to be followed by FmHA and EDA in implementing this demonstration program is attached.

G. *In the review of proposed water and wastewater projects the same criteria will be used by EPA, EDA, and FmHA to evaluate the financial impact of the proposed system upon the community.*

1. A project shall be identified as a high-cost project when the projected debt service and operation and maintenance portions per average household user cost are:

1.5 percent—median household income is under $6,000.
2.0 percent—median household income is $6,000-$10,000.
2.5 percent—median household income is over $10,000.

2. In combined funding projects, the identification of a project as high-cost will be made by EPA in the review of facility plans if EPA is involved or else by FmHA if it is involved in latter stages. These agencies will inform the community and other participating agencies of this determination.

3. Agencies will work with the community to either change the scope or redesign the project to achieve lower user costs or until they are assured that the community is aware and willing to understand the costly project.

H. *EPA and FmHA will coordinate with each other on the review of facility plans. These facility plans will also serve to the extent possible as the feasibility report required by FmHA in their grant or loan reviews. However, FmHA may under these provisions receive facility plans to review prior to receiving a formal application for their grant/loan program or even from communities in rural areas who will not be applying for any FmHA assistance. EDA and HUD may choose to review a facility plan and the EPA-FmHA comments on it as part of their project review and selection processes.* The procedure to incorporate review by EPA and FmHA will be as follows:

1. Communities will be directed to contact FmHA during the development of their facility plan to receive informal comments before the plan is finalized and submitted for review.

2. The regional offices of EPA receive facility plans to review after review by the State water pollution control agency. A copy of all facility plans for communities with less than 10,000 population will, upon receipt by EPA regional office, be sent to the appropriate FmHA State office.

3. FmHA will review these facility plans in terms of:

a. financial impact of the selected alternative upon the community;

b. their experience with small alternative systems.

4. FmHA will review the plans within 30 days and will return their comments to the EPA regional office.

5. EPA will do the in-depth technical review of the facility plan as well as review for other EPA requirements such as cost-effectiveness, environmental effects and conformance with applicable approved 208 water quality management plans.

6. EPA will incorporate FmHA comments into its own review and when appropriate convey them to the community in the official EPA response to the facility plan.

7. For projects that are receiving funding from EPA and FmHA, EPA shall be determined the lead agency for assessing environmental impact and determining whether an environmental impact statement (EIS) under the provisions of the National Environmental Policy Act is required. If an EIS is required, it will be the, responsibility of EPA to have one prepared.

8. This agreement will expedite the review of grant/loan applications by both agencies. However, review by FmHA under these provisions does not guarantee the approval of a grant or loan and does not preclude additional review by FmHA during formal review of an application. The review is for the purposes of assisting EPA and in no way does it assign responsibility for EPA funded projects to FmHA.

I. *During the review of plans and specifications and of construction activities, communities are required to demonstrate or assure compliance with many Federal requirements. Where communities are using funds from more than one program that may have identical compliance requirements, there is no need to demonstrate compliance more than once. To fulfill the requirements of the National Environmental Policy Act of 1969, EPA, FmHA, EDA, HUD, and CSA agree to conduct a single environmental review process, as allowed in the regulations of the Council on Environmental Quality. The participating agencies agree to accept the demonstration or assurance of*

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compliance for the requirements of the following laws or executive orders when they apply in an identical manner to the programs of each agency as permissible by statute. When agency regulations differ in requirements for compliance, agencies will work together to ensure that all requirements are through individual or coordinated review as appropriate.

1. Uniform Relocation and Real Property Acquisition Policies Act of 1970;
2. Civil Rights Act of 1964, Civil Rights Act of 1968, Executive Order No. 11246;
3. Davis-Bacon Fair Labor Standards Act;
4. The Contract Work Hours Standards Act;
5. The Copeland (Anti-Kickback) Act;
6. The Hatch Act;
7. The Coastal Zone Management Act of 1972;
8. The Historical and Archaeological data Preservation Act;
9. The National Flood Insurance Act of 1968 as amended by the Flood Disaster Protection Act of 1973 and regulations and guidelines issued thereunder;
10. The Wild and Scenic Rivers Act of 1968;
11. The Endangered Species Act of 1973;
12. The Clean Air Act;
13. Executive Order No. 11988 on floodplains management;
14. Executive Order No. 11990 on wetlands protection;
15. The National Historic Preservation Act of 1966 and Executive Order No. 11593;
16. The Safe Drinking Water Act of 1974.

III. IMPLEMENTATION

A. *EPA, FmHA, EDA, HUD, CSA and DOL shall take a variety of actions to implement this agreement in the most direct manner.*

1. Where agencies have adopted procedures to implement the Joint Funding Simplification Act, or OMB Circular A-111, they will seek out projects that will be suitable for such joint funding designation and use those procedures.

2. Other actions such as policy guidance to regional, district or field offices; interagency agreements between corresponding district, regional or field offices; and promulgation of additional procedures by Headquarters offices to support agreements contained herein will be taken as identified appropriate for each agency's program.

3. Where agency determinations and funding authority have been delegated to a State, the conditions of this agreement shall be reflected in that delegation and the State will assume the responsibilities of coordination and cooperation outlined within this agreement.

Douglas Costle, Administrator Environmental Protection Agency; Juanita M. Kreps, Secretary, Department of Commerce; Bob Bergland, Secretary, Department of Agriculture; Patricia Roberts Harris, Secretary, Department of Housing and Urban Development; Graciela Olivarez, Director, Community Services Administration; Ray Marshall, Secretary, Department of Labor.

Witness:

CHARLES WARREN,
Chairman, Council on Environmental Quality.

IMPLEMENTING PROCEDURES FOR DEMONSTRATION PROGRAM FOR RURAL WATER AND SEWER ASSISTANCE

This section will briefly describe the procedures to be used by FmHA, EDA, EPA and HUD for assisting rural communities in identifying their water/sewer needs and funding projects to meet those needs. These general guidelines will be supplemented by more detailed procedures which the individual agencies will develop. The participating agencies feel that the following procedures will allow for a thorough examination of the overall opportunities and problems of rural communities from both a residential and economic development standpoint. This will include involvement between FmHA and EDA with the support and cooperation of HUD and EPA in the initial application stages and more effective use of the resources and expertise of all agencies to assist rural communities.

It was agreed that EDA and FmHA have the most administrative flexibility in terms of project selection and the most similarity in dealing with rural communities on water and sewer projects. The commonality of FmHA and EDA programs concerning rural communities is reinforced when one recognizes these two agencies have a 12-year history of working together to improve the economic, commercial and residential health of rural America. Therefore, although EPA and HUD provide substantial assistance to rural America, it was felt that FmHA and EDA should assume the lead role in working closely with rural communities in the initial stages of water and sewer construction assistance.

The implementation of these procedures will take place in the following demonstration area for initial testing purposes—Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Louisiana, and Texas. The demonstration effort shall cover a 6-month period beginning 15 days following the date of execution of the preceding agreement.

A. *Eligible Applicants:* The special procedures developed for joint assistance apply to projects proposed by entities which are eligible to receive funds under all agencies programs (initially for those States identified for the demonstration effort). Therefore, this initiative will apply only to local governments with jurisdictions of less than 10,000 population and only for water and sewer construction.

B. *Initial Inquiries:* Inquiries for funding assistance from either FmHA and EDA are first directed to the local Federal representative of those agencies. Upon receiving an inquiry from an applicant for a water or sewer project, the field representative of either agency will discuss: The needs of the community; the purpose of proposed project as presently defined; the funding sources identified to date; and the relationship to the State EPA plans and requirements.

From this discussion with the local government official the Federal field representative will complete a Profile for Water and Sewer Assistance (Attachment 1). This form has been developed as a common FmHA/EDA form.

C. *Agency Review:* When a field representative from either agency has a completed profile, the representative will forward it to his/her counterpart in the other agencies and the Economic Development District.

Each agency will review the profile in accordance with their programmatic requirements and expertise, organization structure and procedures. The resulting comments will set forth the views of the respective agencies on the proposed project including an opportunity to:

Offer advice on the scope of proposed project and its ability to meet all of a community's residential, economic development, and environmental needs, both present and future;

Determine the appropriate funding source or sources and define the dollar amounts; and

Suggests modifications and alterations to the proposal to better meet regional needs.

The review of the project profile by the various agencies will be completed within three weeks and if appropriate a preapplication conference scheduled.

D. *The Preapplication Conference For Jointly Funded Project:*

A. *Purposes:* The preapplication conference is an extremely important step in the process for it is here that the Federal agencies and the applicant meet together in order to discuss the project in detail. The result will be to define a specific facility which reflects the needs of the area in terms of its residential, commercial and economic development growth potential. This discussion will focus not only on the particular project but also the immediate and long-term needs of the community and may include such areas as use of waste disposal for agricultural purposes and expanded recreational opportunities. It is also important at this time to discuss the environmental factors associated with the proposed project. At least one week before the scheduled preapplication conference, EDA's environmental information form will be filled out and reviewed by the regional environmentalist from EDA who will also participate in the meeting if necessary. This involvement will not only provide for a more comprehensive discussion of the project, but also will allow for an early indication whether or not an Environmental Impact Statement will be necessary.

The participants of the preapplication conference may include:

Representatives of the proponent, e.g. the local government officials, the Architect/Engineer, and the attorney;

Representatives of the Federal agencies, EDA (including regional environmentalist as appropriate), FmHA, HUD and EPA; and

Economic Development District staff where relevant.

During the conference, the following topics will be discussed: Scope of the project; financing; lead agency determination; and other appropriate items.

E. *Authorization of Application:* Unless there are any major problems identified, an application will be authorized during the preapplication conference. In order to reduce the time and steps involved the Preapplication form will not be used since the Profile review will obviate the need for that step.

The standard OMB Circular A-102 Application form for construction projects, as printed by FmHA, will be used by EDA and FmHA. The applicant will complete only one application for these two agencies.

However, because each agency has unique statutory requirements, supplemental information will be requested of the applicant by each agency as necessary.

The applicant will then submit a copy of the joint application to the A-95 clearinghouse for a single review.

Each agency will review and process the application and any additional materials, and within 60 days of receiving a complete application, make a final decision to approve or disapprove the project. The two agencies will notify each other of their decision prior to making official announcements.

F. *Environmental Impact Statement:* Once an application is authorized, but prior to its acceptance, the environmental review must be completed. If this review determines that an Environmental Impact Statement (EIS) is needed, the applicant will be notified. The application will not be accepted until the EIS is completed. The applicant will be made aware of any modifications to the project that may be necessary depending on the analysis and findings contained in the EIS.

G. *Approval Announcement:* It is important for the purposes of this demonstration program and for the participating agencies that the announcement of the project approval be coordinated. Therefore, the lead agency will prepare a joint press release to be approved by the other agency and coordinated by the respective Congressional liaison offices and public relations staff.

H. *Project Construction and Monitoring:* Once a project has been approved, it is incumbant upon both agencies to continue their cooperative efforts in the area of construction monitoring, audit reports and construction inspections. Therefore, procedures will be adopted to ensure that the appropriate post construction activities are coordinated and streamlined including reporting requirements and disbursement procedures.

Authority: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Dated: January 24, 1979.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 79-3429 Filed 1-31-79; 8:45 am]

[3410-11-M]

Forest Service

MODOC NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Modoc National Forest Grazing Advisory Board will meet at 1:00 p.m. February 22, 1979 in the Conference Room of the Supervisor's Office at 441 N. Main St. Alturas, California.

The purpose of this meeting is to establish a charter, secure recommendations for use of the range betterment fund, and grazing allotment plans.

The meeting will be open to the public. Persons who wish to attend should notify William E. Britton, Modoc Supervisor's Office; telephone 916-233-3521. Written statements will be filed with the Board before or after the meeting.

KENNETH C. SCOGGIN,
Forest Supervisor.

JANUARY 22, 1979.

[FR Doc. 79-3374 Filed 1-31-79; 8:45 am]

[3410-11-M]

UINTA NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Uinta National Forest Grazing Advisory Board will meet at 9:00 a.m. on Friday, March 30, 1979 at the Rodeway Inn at 1292 South University Avenue, Provo, Utah.

The purpose of this meeting is to elect officers, establish a charter, and secure recommendations concerning the development of allotment management plans and utilization of range betterment funds for the Uinta National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ward F. Savage, Uinta National Forest Supervisor's Office, P.O. Box 1428, Provo, Utah 84601; phone 801-377-5780. Written statements may be filed with the board before or after the meeting.

DON T. NEBEKER,
Forest Supervisor.

JANUARY 26, 1979.

[FR Doc. 79-3448 Filed 1-31-79; 8:45 am]

[3410-16-M]

Soil Conservation Service

KNOB CREEK WATERSHED PROJECT, TEXAS

Notice of Intent Not To File an Environmental Impact Statement for Deauthorization of Funding of the Knob Creek Watershed

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); the Soil Conservation Service Guidelines (7 CFR 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for deauthorization of funding of the Knob Creek Watershed project, Bell County, Texas.

The environmental assessment of this action indicates that deauthorization of funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project plan provided for accelerated technical assistance for application of land treatment measures and the installation of four floodwater retarding structures.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency.

The basic data developed during the environmental assessment is on file and may be reviewed by interested parties by contacting Mr. George C. Marks, State Conservationist, P.O. Box 648, 101 South Main Street, Temple, Texas 76501; 817-774-1214. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests at the above address.

No administrative action on the proposal will be taken until April 2, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 USC 1001-1008.)

Dated: January 23, 1979.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Programs.

[FR Doc. 79-3392 Filed 1-31-79; 8:45 am]

[3410-16-M]

MIDDLE CREEK WATERSHED, PENNSYLVANIA

Notice of Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Middle Creek Watershed, Snyder County, Pennsylvania.

The environmental assessment of this federally-assisted action indicates that the action may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this action.

The action concerns a plan for watershed protection, flood prevention, municipal water supply, and recreation. The planned works of improvement include these features already installed: one floodwater retarding and recreational dam, some of the dam's recreation facilities and a portion of

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the land treatment. Features yet to be installed include the remaining land treatment, one floodwater retarding and recreation dam, one floodwater retarding and municipal water dam, one floodway, one dike, and recreation facilities at two dams.

A draft environmental impact statement will be prepared for the remaining project features and circulated for review by agencies and the public. The SCS invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building and U.S. Courthouse, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone number 717-782-2202.

Dated: January 25, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008.)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 79-3393 Filed 1-31-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket 33320]

HOUSTON SERVICE INVESTIGATION

Hearing

The hearing herein will be held on February 27, 1979, at 1875 Connecticut Avenue, N.W., Washington, D.C. 20428, in Room 1003, Hearing Room B at 10:00 a.m., to continue until the presentation of evidence is completed.

Dated at Washington, D.C., January 26, 1979.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 79-3525 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Docket 30699]

OAKLAND SERVICE CASE (ECONOMIC PHASE)

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled proceeding will be held on Wednesday, February 21, 1979, at 10:00 a.m. (local time), in the Crystal Room, Oakland Hilton Hotel, Hagenberger Road, Oakland, California.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on December 22, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 25, 1979.

ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc. 79-3527 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Docket 32709]

TUCSON-SAN DIEGO NONSTOP ROUTE INVESTIGATION

Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Thomas P. Sheehan to Administrative Law Judge Richard M. Hartsock. Future communications should be addressed to Judge Hartsock.

Dated at Washington, D.C., January 25, 1979.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 79-3526 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Docket Nos. 33703; 33744; 33934; 34437; Order 79-1-150]

BRANIFF AIRWAYS, INC., ET AL.

Order To Show Cause

JANUARY 24, 1979.

On October 17, 1978, Braniff Airways filed an application, accompanied by a motion for hearing, requesting us to amend its certificate for route 9 to include unrestricted nonstop authority between Dallas/Fort Worth, on the one hand, and Cincinnati and Indianapolis, on the other.

In support of its motion, it states that there is a need in both of these markets for price and service competition with American Airlines, the monopoly incumbent[1]; it will offer new low fare options, including one-half Home Free fares; it will fill existing gaps in single carrier service from the southwest[2] to Cincinnati and Indianapolis; it will operate two daily nonstop flights between Dallas/Fort Worth and Indianapolis, and one daily nonstop flight between Dallas/Fort Worth and Cincinnati; and it will earn a net profit of $360,000 in the Dallas/Fort Worth-Cincinnati market and $571,000 in the Dallas/Fort Worth-Indianapolis market.

The civic parties of Cincinnati and the Indianapolis Airport Authority[3] filed answers supporting Braniff's application.

Allegheny Airlines, Ozark Air Lines, and Texas International Airlines (TXI) subsequently filed applications requesting the same authority, accompanied by motions to consolidate. No supporting data was filed.

On November 16, 1978, American filed an answer opposing Braniff's motion for hearing. It contends that since Braniff has recently received unused authority in sixty new markets and remains first in line for twenty-six additional markets under Section 401(d)(5), it is in no position to seek authority on an expedited basis in the Dallas/Fort Worth-Cincinnati/Indianapolis markets; Braniff has amended its dormant authority filings to delete nine Cincinnati markets and seven Indianapolis markets initially requested, making its continuing interest in serving Cincinnati and Indianapolis doubtful; and there are other matters more deserving of priority consideration than Braniff's application.

We tentatively conclude, on the basis of the tentative findings below, that it is consistent with the public convenience and necessity to grant, on a Category II subsidy-ineligible basis, the Dallas/Fort Worth-Cincinnati/Indianapolis applications of Braniff, Allegheny, Ozark, TXI and any other fit, willing, and able applicant whose fitness, willingness, and ability can be established by officially noticeable data.[4] Further, we tentatively conclude that no oral evidentiary hearing is needed here since there are no material determinative issues of fact requiring such a hearing for their resolution.

Under the Airline Deregulation Act of 1978, we must approve an application for certificate authority unless we find, by a preponderance of the evidence, that approval would not be consistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). The new Act creates a presumption that the grant of all applications is consistent with the public convenience and necessity. It places on any opponents of these applications the burden of proving them inconsistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). To give such opponents a reasonable opportunity to meet an admittedly heavy burden of proof, it is our view that applicants must indicate what type of service they would provide, if after receiving authority, they chose to serve the markets at issue. This does not mean that an applicant must show that it will provide service if it receives authority but rather what the nature of its service would be if it decided to serve. We will give all existing and would-be applicants 15 days from the date of service of this order to supply data,[5] in order to give interested persons sufficient information on the nature of the applicant's proposal to assess consistency with the public convenience and necessity. Our tentative findings concerning all applicants that have not filed illustrative service proposals are contingent on such filings.

Upon review of all the facts and pleadings in this case, we have tentatively determined that there is no reason why we should not grant multiple permissive awards. Our tentative conclusions comport with the letter and spirit of the Airline Deregulation Act of 1978, particularly the declaration of policy set forth in section 102[6] which instructs us to rely, to the maximum extent possible, on competitive forces, including potential competition.[6] See our general conclusions about the benefits of multiple permissive authority in *Improved Authority to Wichita Case, et al.*, Order 78-12-106, December 14, 1978. Accordingly, we conclude that it is desirable to award the additional authority sought by the applicants, whether or not services are in fact operated. The existence of additional operating rights in markets now being served by incumbent carriers or authorized to be served will best effect the statute's policy objective of placing maximum reliance on the decisions of the marketplace. This will occur because newly authorized carriers may actually enter the market in order to exploit unmet demand, both in terms of price and service, or because incumbents will be encouraged by the realistic threat of entry to meet that demand. Because demand is dynamic in character and therefore constantly changing, the most effective means to assure that competitive forces will operate quickly and efficiently is to award multiple operating authority to carriers that are fit, willing and able to provide service.[7]

Notwithstanding the foregoing tentative conclusions in support of multiple permissive authority in this proceeding, we wish to make clear that we in no way desire to deter objections that might be asserted under the 1978 Act by air carriers, civic interests or other interested persons. The new statute contains a completely revised declaration of policy in section 102, as well as numerous additional and modified substantive provisions. Some of these statutory changes relate to considerations not expressly covered in the preceding statute. For example, while diversion from existing carriers will not be given decisive weight in rejecting applications for new authority except upon an extraordinary showing of financial jeopardy on the part of one or more existing air carriers, with the consequent loss of air service which cannot be immediately replaced, other provisions suggest that the Congress desires us to take into account other factors. These include, but are not limited to satellite airport questions, the degree of concentration within the industry and safety. Any party in this proceeding may explain in full why the authority that we oppose to grant should not issue. Such explanations should apply specifically to the applications in issue, and should be sufficiently detailed to overcome the statutory presumption of favorable treatment that the Act bestows on applications.

Finally, upon review of the environmental evaluation submitted by Braniff in its application, to which no answers have been filed, we find that our decision to award it authority does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, or a major regulatory action under the Energy Policy and Conservation Act of 1975. We reserve judgment on the environmental consequences of other applications, pending submission of environmetal data.

We will give interested persons 30 days following the service date of this order to show cause why the tentative findings and conclusions set forth here should not be made final; replies will be due within 10 days thereafter. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a proceeding that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections. We remind objectors that under the 1978 Act they have the burden of proving why the awards proposed here will not be consistent with the public convenience and necessity.

Accordingly, 1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated above and amending the certificate of public convenience and necessity of Braniff Airways for Route 9, Allegheny Airlines for Route 97, Ozark for Route 107, and TXI for Route 82 so as to authorize the carriers to engage in nonstop operations between Dallas/Fort Worth on the one hand, and Cincinnati and Indianapolis, on the other; and amending, to grant any of the authority in issue, the certificates of any other fit, willing and able applicants the fitness of which can be established by officially noticeable material;

2. We direct any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth here, to file with us and serve upon all persons

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[1] Since 1974, American has decreased the number of nonstop flights in both markets despite market growth of 30 percent in Dallas/Fort Worth-Indianapolis and 7 percent in Dallas/Fort Worth-Cincinnati.

[2] Austin, Brownsville, Lubbock, Amarillo, Houston, and Honolulu.

[3] A motion for leave to file an otherwise unauthorized document accompanied the Indianapolis answer. We will grant it.

[4] Officially noticeable data consist of that material filed under Section 302.24(m) of our Procedural Regulations. Applicants whose fitness cannot be so established must make a showing of fitness, as well as dealing with any questions under sections 408 and 409 of the Act. Should such applications be filed, we will then consider how to deal with them procedurally.

On the basis of officially noticeable data, we find that Braniff, TXI, Allegheny and Ozark are citizens of the United States and are fit, willing and able to perform the air services proposed and to conform to the provisions of the Act and our rules, regulations and requirements.

[5] They should submit an illustrative schedule of service in the markets at issue, which shows all points that they might choose to serve, the type and capacity of the equipment they would likely use and the elapsed trip time of flights in block hours over the segments. For the markets at issue only, they should also provide an environmental evaluation as required by Part 312 of our Regulations, and an estimate of the gallons of fuel to be consumed in the first year of operations in the markets if they instituted the proposed service, as well as a statement on the availability of the required fuel.

[6] Section 102(a) specifies as being in the public interest, among other things: "The placement of maximum reliance on competitive market forces and on actual and potential competition (a) to provide the needed air transportation system, and (b) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital" and "The encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the variety, quality, and price of air transportation services."

[7] Therefore, American's argument that Braniff will not be able or willing to soon start service in the markets at issue here is irrelevant to our conclusion. Our tentative determination that it is consistent with the public convenience and necessity to award authority in the markets to all fit, willing and able applicants does not depend upon any findings concerning whether the carriers will or will not actually serve a market or continue serving it. We stress the benefits of potential competition and the threat of entry by authorized but non-operating carriers.

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listed in paragraph 7, no later than February 26, 1979, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections; answers shall be due not later than March 8, 1979;

3. If timely and properly objections are filed, we will accord full consideration to the matters and issues raised by the objections before we take further action;[8]

4. In the event no objections are filed, we will deem all further procedural steps to have been waived and we may proceed to enter an order in accordance with the tentative findings and conclusions set forth here;

5. We grant the motions of Allegheny, TXI and Ozark to consolidate their applications in Dockets 33744, 34437 and 33934, respectively, with Braniff's application in Docket 33703;

6. We grant the motion of the Indianapolis Airport Authority for leave to file an otherwise unauthorized document;

7. We direct Allegheny, Ozark, TXI and any other applicant for the authority in issue to file the data set forth in footnote 5 no later than February 12, 1979; and

8. We will serve a copy of this order upon all persons named in the service list of Docket 33703 and upon Ozark Air Lines, Inc. and Texas International Airlines, Inc.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3530 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Docket Nos. 33527, 33615, 33923, 33901, 33665, 33826, 33659, 33890; Order 79-1-151]

FRONTIER AIRLINES ET AL.

Order To Show Cause

JANUARY 24, 1979.

On September 25, 1978, Frontier Airlines filed an application requesting that its certificate for Route 73 be amended to permit nonstop service between Denver and Los Angeles. Frontier prefers that its application be considered through show-cause procedures; however, it has no objection to having its application considered in a hearing.

In support of its request, Frontier alleges that its proposal will bring the benefits of three-carrier competition to the local Denver-Los Angeles market, besides improving service in several beyond-Denver markets on its system; that it will receive a gain over return and tax of $3.2 million; and that diversion from other carriers will be insignificant.

An answer in support of Frontier's application has been filed by the North Dakota Aeronautics Commission. It contends that North Dakota passenger traffic to Los Angeles is strong and growing rapidly; Frontier's forecast of its percentage participation in North Dakota-Los Angeles markets is understated; and Frontier's application should be granted through show-cause procedures.

No objections have been filed in response to Frontier's proposal.

Several carriers have filed applications requesting similar or identical authority. American Airlines, Northwest Airlines and Ozark Air Lines seek authority identical to that requested by Frontier, and their applications are accompanied by motions to consolidate. These carriers have not filed supporting documentation. TWA, which already holds Denver-Los Angeles authority, seeks removal of a long-haul restriction. Western Airlines, besides requesting Denver-Los Angeles authority, seeks to go beyond the scope of Frontier's proposal.[1] Continental Air Lines requests consolidation of its application for Denver-San Francisco/Oakland/San Jose authority.[2]

We tentatively conclude, on the basis of the tentative findings below, that it is consistent with the public convenience and necessity to grant, on a Category II subsidy-ineligible basis, the Los Angeles-Denver applications of Frontier, American, Northwest, Ozark and Western, and any other fit, willing and able applicant, whose fitness, willingness and ability can be established by officially noticeable data.[3] Further, we tentatively conclude that no oral evidentiary hearing is needed here since there are no material determinative issues of fact requiring such a hearing for their resolution.

Under the Airline Deregulation Act of 1978, we must approve an application for certificate authority unless we find, by a preponderance of the evidence, that approval would not be consistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). The new Act creates a presumption that the grant of all applications is consistent with the public convenience and necessity. It places on any opponents of these applications the burden of proving them inconsistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). To give such opponents a reasonable opportunity to meet an admittedly heavy burden of proof, it is our view that applicants must indicate what type of service they would provide if, after receiving authority, they chose to serve the markets at issue. This does not mean that an applicant must show that it will provide service if it receives authority, but rather what the nature of it would be if it decided to serve. We will give all existing and would-be applicants 15 days from the date of service of this order to supply data,[4] in order to give interested persons sufficient information on the nature of the applicant's proposal to assess consistency with the public convenience and necessity. Our tentative findings concerning all applicants that have not filed illustrative service proposals are contingent on such findings.

Our tentative conclusions comport with the letter and the spirit of the Airline Deregulation Act 1978, Pub. L. 95-504, particularly the declaration of policy set forth in section 102, which instructs us to rely, to the maximum extent possible, on competitive forces, including potential competition.[5] See our general conclusions about the

[8] Since provision is made for the filing of objections to this order, we will not entertain petitions for reconsideration.

[1] Western contends that its application for Dallas/Ft. Worth-Los Angeles authority filed in Docket 33306 should be consolidated into the instant proceeding to avoid the problem of carrier reliance on traffic flow from the same beyond points over Denver or Dallas/Ft. Worth.

[2] Frontier filed an answer opposing Continental's motion to consolidate.

[3] Officially noticeable data consist of that material filed under section 302.24(m) of our rules. Applicants whose fitness cannot be so established must make a showing of fitness, as well as dealing with any questions under sections 408 and 409 of the Act. Should such applications be filed, we will then consider how to deal with them procedurally.

On the basis of officially noticeable data, we find that Frontier, American, Northwest, Ozark, and Western are citizens of the United States and are fit, willing and able to perform the air services proposed and to conform to the provisions of the Act and our rules, regulations and requirements.

[4] They should submit an illustrative schedule of service in the markets at issue, which shows all points that they might choose to serve, the type and capacity of the equipment they would likely use and the elapsed trip time of flights in block hours over the segments. For the markets at issue only, they should also provide an environmental evaluation as required by Part 312 of our Regulations, and an estimate of the gallons of fuel to be consumed in the first year of operations in the markets, if they instituted the proposed service, as well as a statement on the availability of the required fuel.

[5] Section 102(a) specifies the following as being in the public interest and in accordance with the public convenience and necessity: "The placement of maximum reliance on competitive market forces and on actual and potential competition (A) to provide the needed air transportation, and (B) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital" and "The encouragement, development and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low price, and to determine the variety, quality and price of air transportation services."

benefits of multiple authority in *Improved Authority to Wichita Cases, et al.*, Order 78-12-106, December 14, 1978. Accordingly, we conclude that it is desirable to award the additional authority sought in the Denver-Los Angeles market, whether or not services are in fact operated. The existence of additional operating rights in markets now being served by incumbent carriers or authorized to be served will best effect the statute's policy objective of placing maximum reliance on the decisions of the marketplace. This will occur because newly authorized carriers may actually enter the market in order to exploit unmet demand, both in terms of price and service, or because incumbents will be encouraged by the realistic threat of entry to meet that demand. Since demand is dynamic in character and therefore constantly changing, the most effective means to assure that competitive forces will operate quickly and efficiently is to authorize multiple operating authority to carriers that are fit, willing and able to provide service.

Notwithstanding the foregoing tentative conclusion in support of multiple permissive authority in this proceeding, we wish to make clear that we in no way desire to deter objections that might be asserted by air carriers, civic interests or other interested persons under the 1978 Act. The new statute contains a completely revised declaration of policy in section 102, as well as numerous additional and modified substantive provisions. Some of these statutory changes relate to considerations not expressly covered in the preceding statute. For example, diversion from existing carriers will not be given decisive weight in rejecting applications for new authority except upon an extraordinary showing of financial jeopardy on the part of one or more existing air carriers, with the consequent loss of air service which cannot be immediately replaced. Other provisions suggest that Congress desires us to take into account factors which generally have not been utilized to justify the dismissal or denial of applications for operating authority. These include, but are not limited to, satellite airport questions, the degree of concentration within the industry and safety. Any party in this proceeding may explain in full why the authority that we propose to grant should not issue. Such explanations should be sufficiently detailed to permit us to overcome the statutory presumption of favorable treatment that the Act bestows on applications.

Upon review of the environmental evaluation submitted by Frontier in its application, to which no answers have been filed, we find that our decision to award it authority does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, or a major regulatory action under the Energy Policy and Conservation Act of 1975. We reserve judgment on the environmental consequences of other applications, pending submission of environmental data.

TWA, which already has nonstop authority in the Denver-Los Angeles market, has filed an application in Docket 33659 to modify condition 21 of its certificate. The modification would remove a long-haul restriction which requires flights serving Denver-Los Angeles to originate or terminate at Chicago or St. Louis or at a point east of these cities. We have tentatively concluded that it is consistent with the public convenience and necessity to grant its request. It is our established policy to remove operating restrictions unless there are affirmative reasons for retaining them. We are aware of none here. Moreover, since we are authorizing several carriers to provide new service in the market, TWA would be at a competitive disadvantage if we did not remove its restriction.[6]

Additionally, in Docket 33890, Hughes Airwest applied for an exemption to provide service in the Denver-Los Angeles market. By Order 78-12-120, December 15, 1978, we granted such an exemption to Airwest. Therefore, its request will be dismissed as moot.

Western seeks to consolidate its application for Los Angeles-Dallas/Ft. Worth authority in Docket 33665 with this proceeding. Los Angeles-Dallas/Ft. Worth authority is being adjudicated in a separate proceeding in Docket 33306. We will therefore deny Western's motion.

We will also deny Continental's request to consolidate its application for Denver-San Francisco/Oakland/San Jose authority in Docket 33826. That request will be considered in a separate order.

We will give interested persons 30 days following the service date of this order to show why the tentative findings and conclusions set forth here should not be made final; replies will be due within 10 days thereafter. We expect such persons to support any objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts would be established in written pleadings. We will not entertain general, vague or unsupported ojections.

Accordingly: 1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated above and amending the certificates of public convenience and necessity of Frontier for Route 73, American for Route 4, Northwest for Route 3, Ozark for Route 107, Western for Route 19 and TWA for Route 2 so as to authorize the carriers to engage in unrestricted nonstop operations between Denver and Los Angeles; and amending, to grant the authority in issue, the certificates of any other fit, willing and able applicants, the fitness of which can be established by officially noticeable material;

2. We direct any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions or certificate amendments set forth here, to file with us and serve upon all persons listed in paragraph 13, no later than February 26, 1979, a statement of objection together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections; answers shall be due no later than March 8, 1979;

3. If timely and properly supported objections are filed, we will accord full consideration to the matters and issues raised by the objections before we take further action;[7]

4. In the event no objections are filed, we will deem all further procedural steps to have been waived, and we may proceed to enter an order in accordance with the tentative findings and conclusions set forth here;

5. We grant the motion of Northwest to consolidate its application in Docket 33615;

6. We grant TWA's motion to consolidate its application in Docket 33659;

7. We grant American's motion to consolidate its application in Docket 33923;

8. We grant Ozark's motion to consolidate its application in Docket 33901;

9. We deny Western's motion to consolidate its application for Los Angeles-Dallas/Ft. Worth authority in Docket 33665;

10. We deny Continental's motion to consolidate its application in Docket 33826;

11. We direct American, Northwest, Ozark and Western to file the data in footnote 4 by February 12, 1979;

12. We dismiss Airwest's application in Docket 33890; and

13. We will serve this order upon American, Frontier, Continental, Hughes Airwest, Northwest, Ozark,

[6] We also tentatively find that TWA is a citizen of the United States and is fit, willing and able to perform the air service proposed and to conform to the provisions of the Act and our rules, regulations and requirements.

[7] Since provisions are made for the filing of objections to this order, we will not entertain petitions for reconsideration.

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TWA, Western, and the North Dakota Aeronautics Commission.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3529 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Docket Nos. 23080-2; 26487; Order 79-1-169]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION AND TRANSATLANTIC, TRANSPACIFIC AND LATIN AMERICAN SERVICE MAIL RATES INVESTIGATION

Order Establishing Final Service Mail Rates

JANUARY 25, 1979.

Order 79-1-37, adopted by the Board on January 4, 1979, directed all interested persons to show cause why the service mail rates established by Orders 78-11-80 and 78-12-159 should not apply to mail transport services performed in relation to new air services authorized pursuant to Public Laws 95-163 and 95-504.

The time designated for filing of objection has expired and none was filed. All persons have therefore waived the right to a hearing and all procedural steps short of fixing a final rate.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 406, and 416 thereof; the Board's Procedural Regulations, 14 CFR Part 302; and the authority delegated by the Board in its Organizational Regulations, 14 CFR 385.16(g),

1. We make final the tentative findings and conclusions with respect to the rates set forth in Order 79-1-37;

2. We make all air carriers and air taxi operators covered by Order 79-1-37 and all applicants for air services covered by that order parties to the proceedings in Dockets 23080-2 and 26487;

3. We exempt air carriers, charter air carriers, all-cargo air carriers, intrastate air carriers, and air taxi operators now and hereafter covered by this order from the provisions of section 406 of the Federal Aviation Act of 1958, as amended, insofar as the enforcement of section 406 would prevent those carriers from continuing to receive compensation for the transportation of mail under contracts entered into with the Postal Service;

4. The fair and reasonable rates of compensation the Postmaster General shall pay for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, on and after the date of commencement of new air services authorized pursuant to Public Laws 95-163 and 95-504,[1] are the rates established by Orders 78-11-80 and 78-12-159;

5. The Postmaster General shall pay all service mail rates fixed herein in their entirety; and

6. We shall serve this order on all parties to the proceedings in Dockets 23080-2 and 26487.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the service date of this order.

We shall make this order effective and an action of the Civil Aeronautics Board upon expiration of the above period unless a petition for review is filed or the Board decides to review this order on its own motion within such period.

We shall publish this order in the FEDERAL REGISTER.

By James L. Deegan, Associate Director, Pricing Bureau of Pricing and Domestic Aviation.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3528 Filed 1-31-79; 8:45 am]

[1] These rates shall be effective retroactively in the event such services were commenced prior to the issuance of this order.

[3510-04-M]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield Virginia 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 Half Street, SW, Washington, DC 20324.

Patent application 929,469: Microsphere Loading Device. Filed July 31, 1978.
Patent application 932,071: Head and Neck Impact Measurement System, Filed August 8, 1978.
Patent application 933,935: Grease Compositions. Filed August 15, 1978.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Branch, General service division/Federal Building, Agricultural Research Service, Hyattsville, Maryland. 20782.

Patent application 941,340: Precooked Fruits and Vegetables. Filed September 11, 1978.
Patent application 943,940: Microencapsulation Process. Filed August 17, 1978.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, DC 20545.

Patent application 729,640: Quaternary Metal Hydride. Filed October 5, 1976.
Patent application 773,360: Magnetohydrodynamic Electrode. Filed March 1, 1977. Patent 4,081,522: Regeneration of Sulfated Metal Oxides and Carbonates. Filed October 7, 1976, patented March 28, 1978. Not available NTIS.
Patent 4,091,076: Method of Removing Sulfur Emissions from a Fluidized-Bed Combustion Process. Filed May 7, 1976, patented May 23, 1978. Not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Virginia 22217.

Patent application 633,928: Pulsed X-Ray Lithography. Filed August 15, 1978.
Patent application 838,778: Distributed Feedback Filter and Laser. Filed September 28, 1977.
Patent application 852,265: Combined Intrusion sensor Line. Filed November 21, 1977.
Patent application 853,722: Multiple Function CO2 Valve. Filed November 21, 1977.
Patent application 873,200: Pressure Detector. Filed January 30, 1978.
Patent application 894,771: Corrosion Preventive Composition. Filed April 10, 1978.
Patent application 902,013: Cable Terminal-Ferrule Attaching Apparatus. Filed May 1, 1978
Patent application 902,314: Fail-Safe Optical Repeater-Amplifier Assembly for Fiber Optic Systems. Filed May 3, 1978.
Patent application 903,296: Temperature Compensation Means. Filed May 5, 1978.
Patent application 909,311: In Situ Purification of Liquid Metal Current Collectors. Filed may 24, 1978.
Patent application 909,312: Method and Means for Injecting Hot Liquid when Pumping Cold Liquid. Filed May 24, 1978.

Patent application 910,260: Antenna Feed for Scan-with-Compensation Tracking. Filed May 30, 1978.
Patent application 922,620: Piezoelectric Polymer Rectangular Flexural Plate Hydrophone. Filed July 7, 1978.
Patent application 922,954: A Self-Contained, Portable, Underwater Stud Welder. Filed July 10, 1978.
Patent application 925,729: Banner Towing Adapter. Filed July 18, 1978.
Patent application 926,700: Wide Angle Gimbal System. Filed July 21, 1978.
Patent application 926,978: Apparatus and Method for Curing Adhesively Joined Fiber Optic Elements. Filed July 21, 1978.
Patent application 929,068: Stripline Patch Antenna. Filed July 28, 1978.
Patent application 929,371: Intelligent Automatic Gain Control Circuit. Filed July 31, 1978.
Patent application 929,395: Water Cooled Bipolar Battery Apparatus. Filed July 31, 1978.
Patent application 930,835: CCD Camera Interface Circuit. Filed August 3, 1978.
Patent application 930,951: Analog to Digital Modulus Converter. Filed August 4, 1978.
Patent application 932,248: Acoustic-Wave Convolvers Utilizing Diffused Waveguides and Beam Compression Techniques. Filed August 9, 1978.
Patent application 932,592: A CW Scalable Donor-Acceptor Gas Transfer Laser. Filed August 10, 1978.
Patent application 932,745: Getter Pump for Hydrogen Maser. Filed August 10 1978.
Patent application 933,300: False Target Warning System. Filed August 14, 1978.
Patent application 933,304: Fiber Optic Light Launching Assembly. Filed August 14, 1978.
Patent application 933,364: 3-Fluoro-3-Nitrooxetane. Filed August 14, 1978.
Patent application 933,365: 2-Fluoro-2-Nitropropanediol. Filed August 14, 1978.
Patent application 933,395: Method and Materials for Tuning the Center Frequency of Narrow Band Surface-Acoustic-Wave (SAW) Devices by Means of Dielectric Overlays. Filed August 14, 1978.
Patent application 934,662: Angle Sensing System. Filed August 17, 1978.
Patent application 934,777: Aircraft Orientation Determining Means. Filed August 18, 1978.
Patent application 935,181: Time Delay Firing Device. Filed August 18, 1978.
Patent application 935,185: Rigid Jointed Limbed Vehicle for Walking on Water with Flanged Feet. Filed August 17, 1978.
Patent application 935,200: Simulated VLF/LF Noise Generator. Filed August 21, 1978.
Patent application 935,203: Improved Laser System. Filed August 21, 1978.
Patent application 936,146: A Reflex Tetrode for Producing an Efficient Unidirectional Ion Beam. Filed August 23, 1978.
Patent application 936,289: Metal Dihalide Photodissociation Cyclic Lasar. Filed August 23, 1978.
Patent application 936,450: Apparatus and Method for Supporting Oceanographic Equipment at Selected Ocean Depths. Filed August 24, 1978.
Patent application 937,659: Surface Acoustic Wave Tuning for Lasers. Filed August 28, 1978.
Patent application 939,040: A 15.9 Micron Acetylene Laser. Filed September 1, 1978.
Patent application 947,279: Charge Coupled Device Temperature Gradient and Moisture Regulator. Filed September 29, 1978.
Patent 4,088,884: Wide Aperture Optical Communications Detector. Filed January 26, 1978, patented May 9, 1978. Not available NTIS.
Patent 4,090,894: Moldable Ethylene/Vinyl Acetate Copolymer Filed March 21, 1977, patented May 23, 1978. Not available NTIS.
Patent 4,095,223: Four-Dimensional Isometric Radar Target Image Display. Filed April 8, 1977, patented June 13, 1978. Not available NTIS.
Patent 4,097,317: Desensitizing Agent for Compositions Containing Crystalline High-Energy Nitrates or Nitrites. Filed March 25, 1977, patented June 27, 1978. Not available NTIS.
Patent 4,098,096: High Strength, Non-Metallic Coupling. Filed May 25, 1977, patented July 4, 1978. Not available NTIS.
Patent 4,098,627: Solvolytic Degradation of Pyrotechnic Materials Containing Cross-linked Polymers. Filed December 15, 1976, patented July 4, 1978. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA, Code GP-2, Washington, DC 20546.

Patent application 878,253: Coal Desulfurization. Filed February 16, 1978.
Patent application 883,383: Optical Probe. Filed March 6, 1978.
Patent application 934,576: Static Pressure Orifice System Testing and Apparatus. Filed August 17, 1978.
Patent application 938,298: Microwave Integrated Circuit for Josephson Voltage Standards. Filed August 31, 1978.
Patent application 943,088: Antenna Deployment Mechanism. Filed September 18, 1978.
Patent application 945,041: Radar Target Remotely Sensing Hydrological Phenomena. Filed September 22, 1978.
Patent application 946,991: Telescoping Columns. Filed September 29, 1978.
Patent application 951,422: Micro-Fluid Exchange Coupling Apparatus. Filed October 16, 1978.
Patent 3,527,724: Thermoplastic Rubber Comprising Ethylene-Vinyl Acetate Copolymer, Asphalt and Fluxing Oil. Filed October 24, 1966, patented September 8, 1970. Not available NTIS.
Patent 3,573,470: Plural Output Optimetric Sample Cell and Analysis System. Filed March 28, 1968, patented April 6, 1971. Not available NTIS.
Patent 4,091,329: Logarithmic Circuit with Wide Dynamic Range. Filed February 16, 1977, patented May 23, 1978. Not available NTIS.
Patent 4,094,758: Process for Preparing Higher Oxides of the Alkali and Alkaline Earth Metals. Filed January 19, 1977, patented June 13, 1978. Not available NTIS.
Patent 4,097,194: Redundant Disc. Filed March 22, 1976, patented June 27, 1978. Not available NTIS.
Patent 4,112,875: Hydrogen-Fueled Engine. Filed August 27, 1976, patented September 12, 1978. Not available NTIS.

[FR Doc. 79-3394 Filed 1-31-79; 8:45 am]

[3510-25-M]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS FROM HAITI

Announcing Import Restraint Levels

JANUARY 29, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton and man-made fiber textile products from Haiti during the fifteen-month period which began on January 1, 1978, pursuant to a three-month extension of the bilateral textile agreement.

SUMMARY: On December 29, 1978, the Governments of the United States and Haiti exchanged letters agreeing to extend the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement March 23, 1976, as amended, for three months, through March 31, 1979. The bilateral agreement, as amended and extended, establishes levels of restraint for cotton and man-made fiber textile products in Categories 337, 632, 634, 635, 636, 637, 641, 648, 649, and 651 during the fifteen-month period which began on January 1, 1978 and extends through March 31, 1979. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton and man-made fiber textile products in the foregoing categories, be limited to the designated fifteen-month levels of restraint.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), and January 2, 1979 (44 FR 94)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Shirley Hargrove, Trade and Industry Assistant, Office of Textiles, U.S. Department of Commerce, Washing-

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ton, D.C. 20230 (202/377-5423).

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

JANUARY 29, 1979.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

To: Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 23, 1976, as amended and extended, between the Governments of the United States and Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on February 5, 1979, and for the fifteen-month period beginning of January 1, 1978 and extending through March 31, 1979, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products, exported from Haiti in the following categories, in excess of the indicated fifteen-month levels of restraint:

Category	Fifteen-Month level of Restraint [1]
337	100,000 dozen.
632	1,902,174 dozen pairs.
634	21,186 dozen.
635	150,091 dozen.
636	127,173 dozen.
637	357,042 dozen.
641	402,432 dozen.
648	761,616 dozen.
649	977,624 dozen.
651	76,923 dozen.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1977.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of March 23, 1976, as amended and extended, between the Governments of the United States and Haiti which provide, in part, that: (1) the aggregate, group and specific limits will be increased 7 percent annually; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable categories limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative agrrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), and January 2, 1979 (44 FR 94).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton and man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 79-3443 Filed 1-31-79; 8:45 am]

[6351-01-M]

COMMODITY FUTURES TRADING COMMISSION

PUBLICATION OF AND REQUEST FOR COMMENT ON PROPOSED RULE HAVING MAJOR ECONOMIC SIGNIFICANCE

Amendment to New York Coffee & Sugar Exchange Rules Concerning Raw Sugar Spot Prices

The Commodity Futures Trading Commission in accordance with Section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, section 12, 92 Stat. 871 (1978), has determined that the following proposed rule changes submitted by the New York Coffee & Sugar Exchange, Inc., are of major economic significance and is, therefore, publishing these proposals for public comment.

NEW YORK COFFEE & SUGAR EXCHANGE, INC.

ATTENTION

The texts of the following proposed amendments are using ►◄ arrows to indicate additions and [ ] brackets to indicate deletions.

I. AMENDMENTS TO BY-LAWS AND RULES

A. AMEND SECTION 16(h) OF THE BY-LAWS TO READ AS FOLLOWS:

(h) The following committees shall be appointed: Floor Committee, Membership Committee, Committee on Sugar, Business Conduct Committee, Committee on Coffee, Warehouse and License Committee, [*Spot Domestic Sugar Quotation Committee, Spot World Sugar Quotation Committee,*] Committee on Sugar Deliveries and a Pension Committee.

The Chairman of the Board shall also appoint a Chairman for each Committee and such Vice-Chairmen as may be desirable.

B. ADOPT A NEW SECTION 43 OF THE BY-LAWS TO READ IN ITS ENTIRETY AS FOLLOWS:

►*The Exchange may from time to time determine and publish, in accordance with such rules and/or procedures as may be adopted by the Board of Managers, spot quotations or prices for domestic raw sugar and/or for world raw cane sugar.*◄

C. DELETE BY-LAW SECTION 45 WHICH NOW READS AS FOLLOWS:

The Spot World Sugar Quotation Committee shall establish daily at 2:00 p.m. (half-days at 11:30 a.m.) the Spot Quotation of Raw Centrifugal Cane Sugar of 96 degrees average polarization deliverable on the Sugar Contract No. 11.

D. DELETE SUGAR TRADE RULE 12.26 WHICH NOW READS AS FOLLOWS:

The Spot Domestic Sugar Quotation Committee shall establish daily at 2:00 p.m. (half-days at 11:30 a.m.) the Spot Quotation (duty paid or duty free) in New York, Philadelphia, Baltimore and New Orleans of Centrifugal Sugar of 96 degrees average polarization and Standard Quality Range deliverable on the Exchange under Contract No. 12.

II. RESOLUTION

Whereas the Exchange has entered into a stipulation with the United States of America, consenting to the entry of a Final Judgment in the case of *United States of America* v. *New York Coffee and Sugar Exchange, Inc.*, 77 Civ. 5038, pending in the United States District Court for the Southern District of New York;

Whereas the proposed Final Judgment would enjoin the Exchange from determining and publishing spot quotations or prices for raw sugar except in accordance with the terms and conditions hereinafter set forth;

Whereas the Board is approving a new Section 43 of the By-Laws which will authorize the adoption of rules and/or procedures to determine and publish spot quotations or prices for raw sugar; and

Whereas the Board now wishes to adopt such procedures to be implemented as soon as reasonably practicable;

Now, therefore, be it resolved that, effective on the second Monday following the later of entry of said Final Judgment by the Court and receipt of approval of said new Section 43 and of the terms and conditions hereinafter set forth by the Commodity Futures Trading Commission, the Exchange shall determine and publish spot quotations or prices for raw sugar in accordance with the following terms and conditions:

1. *Definitions.*

As used in this Resolution:

(a) The term "applicable trading period" shall mean the period during the Exchange's trading day extending from 12:00 noon through the close of trading for that day.

(b) The term "commission house" shall mean a firm engaged in raw sugar futures trading, on a monetary commission basis, predominantly on behalf of its customers.

2. *Definition of Spot Quotations or Prices.*

(a) The Exchange shall determine and publish, each trading day, spot quotations or prices for domestic raw cane sugar and for world raw cane sugar.

(b) The domestic spot quotation or price shall reflect the estimated price per unit, C.I.F. duty paid, of raw cane sugar in quantities exceeding 4,500 tons to arrive in the United States at a port of entry north of Cape Hatteras during a period of not less than seven days nor more than sixty days after the day in question.

(c) The world spot quotation or price shall reflect the estimated price per unit, F.O.B. country of origin, of raw cane sugar in quantities exceeding 4,500 tons for shipment from North Brazil, Honduras, Trinidad, Dominican Republic, Guatemala, French Antilles, Jamaica, Mexico (East Coast).

3. *Establishment and Use of Industry Rosters.*

(a) In determining the domestic and world spot quotations or prices, the Exchange shall establish two rosters of individuals knowledgeable in raw sugar trading: one roster consisting of individuals knowledgeable in domestic raw sugar trading and the other consisting of individuals knowledgeable in world raw sugar trading. The individuals on each roster shall be divided into categories representing different segments of the sugar industry and shall include nonmembers as well as members of the Exchange.

(b) With respect to the domestic roster, there shall be five categories, as follows:

(i) Individuals associated with firms engaged in the growth of sugar cane and/or the production of raw sugar in the United States, including beet sugar growers and/or processors;

(ii) Individuals associated with raw sugar merchants or operators located in the United States, including foreign trade houses having offices, directly or through subsidiaries or affiliates, in the United States;

(iii) Individuals associated with sugar refineries located in the United States;

(iv) Individuals associated with industrial users of cane sugar located in the United States; and

(v) Individuals associated with commission houses located in the United States.

(c) With respect to the world roster, there shall be four categories, as follows:

(i) Individuals associated with raw sugar merchants or operators located in the United States, including foreign trade houses having offices, directly or through subsidiaries or affiliates, in the United States;

(ii) Individuals associated with sugar refineries located in the United States;

(iii) Individuals associated with industrial users of cane sugar located in the United States; and

(iv) Individuals associated with commission houses located in the United States.

(d) The Exchange shall approach the principal firms in each of the specified categories and invite them to submit the names of candidates to be included on the rosters. The appointments to each roster shall be made by the Chairman of the Board of Managers of the Exchange with the approval of the Board. An individual may be appointed to both the domestic and world rosters. However, no more than one individual from any firm shall be appointed to any roster, provided that an alternate may be appointed to serve in the absence of another individual from the same firm.

(e) The Exchange shall endeavor to place at least eight individuals (not including alternates) in each category of each roster, and in no event may any category of either roster consist of less than five individual (not including alternates). The names of the individuals, including alternates, selected by the Exchange and the firms with which they are associated will be retained in the Exchange's records subject to the inspection, upon request, of the Antitrust Division of the United States Department of Justice and/or of the Commodity Futures Trading Commission.

(f) On each trading day, an employee of the Exchange (the "Exchange Employee"), who is appointed for this purpose by the President, and who shall not be associated with any firm active at any level of the sugar industry, shall select by lot the names of five individuals from each roster. For the domestic roster, such employee shall select the name of one individual from each of the five categories. For the world roster, such employee shall select the name of one individual from each of the four categories and the name of one additional individual from the entire roster at large. The same individual may not be selected, on any trading day, from both the domestic and world rosters.

(g) At some time during each trading day, after 1:00 p.m. but before the commencement of the closing calls in sugar futures, the Exchange Employee shall telephone each of the individuals (or their alternates) selected by lot from the domestic and world rosters.

(h) The Exchange Employee shall ask each individual selected from the domestic roster for two figures representing his expert opinion of that day's prevailing price differential between the price per unit, C.I.F. duty paid, of raw cane sugar in quantities exceeding 4,500 tons to arrive in the United States at a port of entry north of Cape Hatteras during a period of not less than seven days nor more than sixty days after the day in question and

(i) The price, per unit, of raw cane sugar under the domestic sugar futures contract for the nearest delivery month then trading on the Exchange for that contract, and

(ii) The price, per unit, of raw cane sugar under the world sugar futures contract for the nearest delivery month then trading on the Exchange for that contract.

(i) The Exchange Employee shall ask each individual selected from the world roster for a figure representing his expert opinion of that day's prevailing price differential between the price per unit, F.O.B. country of origin, of raw cane sugar in quantities exceeding 4,500 tons for shipment from the countries listed in Section 2(a) of this Resolution during a period within sixty days of the day in question and the price, per unit, of raw cane sugar under the world sugar futures contract for the nearest delivery month then trading on the Exchange for that contract.

(j) No individual selected from either roster shall be informed of the identities or figures of the other individuals selected on that day; nor shall such individual be informed of the average, range or nature of the figures provided by the other individuals selected on that day. The Exchange shall not publicly disclose this information except that the figures provided by such individuals shall be maintained by the Exchange for inspection, upon request, by the Antitrust Division of the United States Department of Justice and/or by the Commodity Futures Trading Commission.

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(k) The nearest delivery month for the domestic and world futures contracts trading on the Exchange shall be the first one of the following delivery months that follows the day for which the spot quotation or price is being determined: March, May, July, September and (in the case of the world futures contract) October, or (in the case of the domestic futures contract) November; except that, beginning on the fifth from the last trading day for any of these delivery months, the next one of such months shall be regarded as the nearest delivery month trading on the Exchange. These delivery month designations may be changed, from time to time, by the Board of Managers of the Exchange in order to reflect prevailing market conditions.

4. *Computation of Estimated Spot Quotation or Price.*

As soon as practical after the close of the futures market on the day for which the spot quotations or prices are being determined, the Exchange Employee shall compute the domestic and world spot quotations or prices as follows:

(a) With respect to the domestic spot quotation or price, if more than 175 lots have traded on that day, during the applicable trading period, in the nearest delivery month of the domestic sugar futures contract then open for trading, the Exchange Employee shall take the figures received from the individuals selected from the domestic roster as to that day's prevailing differential above or below the price of such domestic futures contract, eliminate the highest and lowest figures, compute the average of the remaining figures, and add that average to or subtract that average from the weighted average price of all of that day's transactions on the Exchange, during that applicable trading period, in such contract. The resulting amount shall constitute the domestic spot quotation or price for such day.

(b) If that day's volume on the Exchange, during the applicable trading period, in the nearest delivery month of the domestic sugar futures contract then open for trading does not exceed 175 lots, then the Exchange Employee shall take the figures received from the individuals selected from the domestic roster as to the differential prevailing above or below the price of the world futures sugar contract, eliminate the highest and lowest figures, compute the average of the remaining figures, and add that amount to or sub- tract it from the weighted average price of all of that day's transactions on the Exchange, during the applicable trading period, in the nearest delivery month of the world sugar futures contract then open for trading. The resulting amount shall constitute the domestic spot quotation or price for such day.

(c) As used in this section, the figure "175 lots" does not include "AA" transactions (i.e., transactions against actuals) or straddle transactions traded on point differentials.

(d) With respect to the world spot quotation or price, the Exchange Employee shall take the figures received from the individuals selected from the world roster as to the prevailing differential, on the day for which the world spot quotation or price is being determined, above or below the price of the world sugar futures contract, eliminate the highest and lowest figures, compute the average of the remaining figures, and add that average to or subtract it from the weighted average price of all of such day's transactions on the Exchange, during the applicable trading period, in the nearest delivery month of the world sugar futures contract then open for trading. The resulting amount shall constitute the world spot quotation or price for such day.

5. *Publication of Spot Quotations and Prices and Other Considerations.*

(a) As soon as practical after their computation, but not later than the day on which they are computed, the Exchange shall make public the domestic and world raw sugar spot quotations or prices. In doing so, the Exchange shall preface any such quotation or price with the word "Estimated" and shall identify the day to which each quotation or price applies. At the same time, the Exchange shall also make public the weighted average prices of all of the transactions on the day to which the spot quotations or prices in question apply, during the applicable trading period, in the nearest delivery months of the domestic and world sugar futures contracts then open for trading, together with the total number of lots transacted on such day, during the applicable trading period, in each such contract.

(b) The Exchange shall instruct, in writing, each member of its domestic and world rosters not to, directly or indirectly, disclose or discuss his appointment or the figures which he submits to the Exchange employee with anyone associated with any other firm.

(c) The Exchange shall endeavor to replace a substantial number of the individuals on the domestic and world rosters every twenty-four months, and no individual may serve continuously on either roster for more than thirty-six months; and

Be it further resolved, that the officers of the Exchange be and they hereby are authorized to take such steps as they deem to be necessary or appropriate to implement the foregoing Resolution.

Any person interested in submitting written data, views, or arguments on these rules should send his comments within thirty days from the date of this publication to Ms. Jane Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Issued in Washington, D.C. on January 26, 1979.

GARY L. SEEVERS,
Acting Chairman.

[FR Doc. 79-3542 Filed 1-31-79; 8:45 am]

[6355-01-M]

CONSUMER PRODUCT SAFETY COMMISSION

MONOAZO DYES

Availability of Draft Monograph

SUMMARY: This notice announces that the Consumer Product Safety Commission is making available a draft monograph on monoazo dyes to any member of the public on request at no cost. The draft monograph was prepared by Calculon Corporation under contract to the Commission. The Commission is not soliciting comments on the draft monograph but any comments received will be reviewed by the Commission staff in its evaluation of the draft monograph.

DATE: Comments should be received in the Office of the Secretary to the Commission no later than March 30, 1979.

ADDRESS: Draft monograph is available from and comments should be addressed to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

FOR FUTHER INFORMATION CONTACT:

June Thompson, Directorate for Engineering and Science, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6477).

SUPPLEMENTARY INFORMATION: In this notice, the Commission informs the public of the availability of a draft monograph on monoazo dyes prepared for the Commission by Calculon Corporation. The draft monograph was prepared at the request of the Commission staff to collect information on the presence of monoazo dyes in consumer products and any potential health consequences. The draft monograph identifies the monoazo dyes which may be used in consumer products, the product categories in which the dyes are found, and discusses the toxicity of these dyes.

The monograph is in draft form and has not been reviewed by the Commission staff for accuracy or completeness. The Commission has not yet made an assessment of any potential health risk posed by the presence of these dyes in consumer products.

The Commission is making the draft publicly available at this time because it has received an individual request for the document. The Commission wishes all interested persons to have the opportunity to review the document at the same time, and to make comments if they wish.

Dated: January 29, 1979.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-3472 Filed 1-3-79; 8:45 am]

[6355-01-M]

TOXICOLOGICAL ADVISORY BOARD

Invitation for Membership Application

AGENCY: Consumer Product Safety Commission.

ACTION: Invitation to apply for advisory committee membership.

SUMMARY: This notice invites applications for membership on the Commission's Toxicological Advisory Board, a new advisory committee which Congress authorized in recent legislation to provide scientific and technical advice to the Commission concerning the labeling of hazardous substances. This notice contains information on the function and composition of the Board; general criteria for selection of Board members; and procedures for making application or nomination of candidates for membership.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sadye E. Dunn, Office of the Secretary, Suite 300, 1111 18th Street, NW, Washington, DC 20207, 202-634-7700.

CLOSING DATE: March 19, 1979.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Authorization Act of 1978 (Public Law 95-631) amended the Federal Hazardous Substances Act (FHSA) to provide that the Commission shall establish a Toxicological Advisory Board to advise the Commission on precautionary labeling for hazardous substances subject to the FHSA, and on the exemption of certain substances from the labeling requirements under the FHSA. In carrying out its advisory functions, the Board is to review labeling requirements or guidelines issued under the FHSA and develop and submit to the Commission any recommendations the Board considers appropriate for revisions in labeling requirements or guidelines. In reviewing first-aid instructions and precautionary labels, the Board may consider individual chemicals as well as specific product combinations. The Board shall assist the Commission in developing first-aid labeling instructions that are safe, effective and reflect prevailing standards of medical practice. The Board shall generally devote its energies and resources to the labeling of hazardous products which pose the greatest risk of short-term, acute toxicity. Carcinogenic, mutagenic, or other chronic hazards are not within the jurisdiction of the Board. The Board shall meet at least two times a year and possibly more if needed.

The Federal Hazardous Substances Act, as amended, specifies that the Toxicological Advisory Board shall be composed of nine (9) members who are qualified by training and experience in one or more fields applicable to the duties of the Board, and at least three of the members shall be members of the American Board of Medical Toxicology. Toxicology, pharmacology, and medicine are particularly applicable to the Board's responsibilities. From those persons qualified by training and experience, the Commission will seek a balanced membership, including individuals representative of consumers, government, and industry. Membership of the Board shall be, insofar as possible, balanced in terms of geographic location, age, sex, and minorities. Members are appointed to a three-year term, and may be reappointed.

Persons interested in serving on the Board may apply for membership by submitting the information requested at the end of this notice by March 19, 1979. Persons wishing to nominate another individual to serve on the Board should submit the same information on the nominee and should include a statement that the person nominated has agreed to serve if selected by the Commission.

PRIVACY ACT NOTICE

In accordance with the requirements of "The Privacy Act of 1974" (Public Law 93-579), persons from whom personal information is collected by a Federal agency are to be advised of the authority which authorizes the solicitation of information, whether disclosure is mandatory or voluntary, the principal purpose for which the information is collected and the routine use to which it will be put, and the effects, if any, of not providing all or any part of the requested information. Accordingly, applicants for membership on the Consumer Product Safety Commission's Toxicological Advisory Board are advised of the following:

(1) The authority for collecting the requested information is Section 10 of the Consumer Product Safety Authorization Act of 1978 (Public Law 95-631) amending the Federal Hazardous Substances Act by adding Section 20 (15 U.S.C. 1278).

(2) The submission of applications for Board membership is on a voluntary basis.

(3) The purpose for which the requested information is collected, and the routine use to which it will be put, are to evaluate and select candidates for membership on the Board.

(4) The effect of not providing the requested information is to preclude the Commission from properly evaluating a candidate for membership on the Board.

APPLICATION FORMAT

(NOTE.—Submission of the information listed below will constitute an application. There is no separate application form. Resumes may be substituted for the recommended application format as long as they are accompanied by an attachment which completes all of the application format questions.)

1. Please specify application is for the Toxicological Advisory Board.

2. Name of applicant.

3. Home address and telephone number (include area code).

4. Employment affiliation:

a. Current position and description of duties;

b. Employer's name, address, and telephone number (include area code), and type of employing organization, e.g., health care, manufacturing, educational, governmental, public interest, retail, etc., including if self-employed;

c. Do you perform consulting work? If yes, specify kind of consulting work, for whom, and if paid or volunteer;

d. Are you involved in the performance of work under a contract or grant awarded by CPSC? If yes, specify contract title and number and describe your involvement.

5. Experience/Expertise: Specify and describe education, experience and extra-curricular activities related to the activities of the Toxicological Advisory Board. Check applicable area(s) and provide descriptive comments for each area checked:

——— Hazardous substances
——— Labeling instructions
——— Toxicology
——— Pharmacology
——— Medicine
——— Other relevant experience/expertise

6. Interest Questions:

a. Why are you interested in serving on the Advisory Board?

b. What contribution do you believe you can make?

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c. Would you be able to attend at least two and possibly more two-day sessions annually in Washington, DC or another city? Travel expenses are reimbursable in accordance with Federal regulations.

7. Other affiliations: Without restating information given above, specify all affiliations, past and current, either paid or as a volunteer, that bear any relationship to the subject area of product safety or to membership on the Toxicological Advisory Board.

8. Signature of Applicant if self-application.

9. Signature of Person Making Nomination if application submitted by other than the applicant. Include statement that nominee has agreed to serve if selected.

Applications should be submitted not later than March 19, 1979, to the Committee Management Officer, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

JANUARY 29, 1979.

[FR Doc. 79-3473 Filed 1-31-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER79-139]

APPALACHIAN POWER CO.

Notice of Filing

JANUARY 25, 1979.

Take notice that American Electric Power Service Corporation (AEP) on January 9, 1979, tendered for filing on behalf of its affiliate, Appalachian Power Company (Appalachian), Modification No. 8 dated December 1, 1978 to the Interconnection Agreement dated February 28, 1949 between Appalachian and Duke Power Company, designated Appalachian's Rate Schedule No. 18.

AEP states that Section 1 of Modification 8 provides for an increase in the Demand Charge for Short Term Power from $0.60 to $0.70 per kilowatt per week, and Section 2 provides for an increase in the transmission charge for third party Short Term Power transaction from $0.15 to $0.175 per kilowatt per week.

AEP further states that Section 3 Modification No. 8 provides for an increase in the Demand Charge for Limited Term Power from $3.25 to $3.75 per kilowatt per month, and Section 4 provides for an increase in the transmission charge for third party Limited Term Power transaction from $0.65 to $0.75 per kilowatt per month.

AEP requests an effective date of March 1, 1979, and therefore requests waiver of the Commission's notice requirements.

AEP indicates that since the use of Short Term Power and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from this modification for such period. AEP further indicates that Exhibit I which was included with the filing of this modification, demonstrates that the increase in revenues, which would have resulted had the modification in effect during the twelve month period ending August 1978, would have been $146,660.80 (i.e., from $4,789,723.40 to $4,936,384.20).

Copies of the filing were served upon Duke Power Company, the Public Service Commission of West Virginia, the Virginia State Corporation Commission, the North Carolina Utilities Commission, and the South Carolina Public Service Commission, according to AEP.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3323 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. ER77-521]

ARIZONA PUBLIC SERVICE CO.

Notice of Extension of Time

JANUARY 19, 1979.

On January 15, 1979, Arizona Public Service Company filed a motion for extension of time for the filing of briefs on the initial decision issued in this proceeding on December 19, 1978. The motion states that the parties involved are engaged in preparation for a hearing in another rate proceeding pending before the Commission in Docket No. ER78-145 and that intervenors and Staff do not oppose the motion.

Upon consideration, notice is hereby given that an extension of time is granted to an including January 26, 1979 for the filing of briefs on exceptions. Briefs opposing exceptions shall be due on or before March 7, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3324 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-145]

COLUMBIA GAS TRANSMISSION CORP., ET AL.

Notice of Application

JANUARY 24, 1979.

Take notice that on January 8, 1979, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, (Applicants) filed in Docket No CP79-145 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that Columbia and Tennessee have the right, pursuant to a gas purchase agreement with Service Drilling Company, *et al.* (Service Drilling) which dedicates certain gas reserves in Eastern Oklahoma to a long term contract for delivery to the Ozark Gas Transmission System (Ozark), and Delhi Gas Pipeline Corporation (Delhi), a subsidiary of Texas Oil & Gas Company, has agreed to transport or cause to be transported thermally equivalent volumes of natural gas for Columbia's and Tennessee's accounts to Northern in Beaver County, Oklahoma, it is stated. It is indicated that Northern will connect its facilities with Delhi by installing minor facility additions pursuant to its current budget-type application pending before the Commission. Applicants state that Northern has executed gas purchase contracts with various producers for natural gas production in the Gulf Coast area and is able to cause the delivery of these volumes for the account of Columbia and/or for the account of Tennessee. Columbia and Tennessee are able to receive, or cause to be received, Northern's volumes in the Gulf Coast area with the existing pipeline facilities, it is said.

The application states the Delhi does not have connecting facilities between Eastern Oklahoma and Western Oklahoma and would rely upon Oklahoma Natural Gas Company (ONG) to complete the deliveries of gas from Eastern Oklahoma to Western Oklahoma. (ONG) would receive the gas from Delhi at an existing receipt point and by displacement would make the gas available to Delhi in Western Oklahoma by a reduction in volumes which Delhi delivers to ONG, it is said. It is indicated that Delhi would deliver the gas which Columbia and Tennesses have purchased from Service Drilling to Northern in Beaver County. It is further indicate that Northern, under the terms of the agreement would accept, for Columbia's and Tennessee's account, all gas up to 30,000 Mcf of gas per day. Volumes in excess of 30,000 Mcf of gas per day would be accepted on a best efforts basis when mutually agreeable, it is said. The application states that Northern would return thermally equivalent volumes to Columbia and Tennessee at one or more of the delivery points contained in the agreement.

It is stated that Delhi would charge Columbia and Tennessee a total of 25.0 cents per Mcf to perform the proposed transportation service.

Applicants state that they would balance receipts and deliveries of gas monthly on a Btu basis. However, it is recognized that it may be physically impossible to stay in zero balance; therefore, any monthly Btu delivery imbalance would be carried forward and eliminated on a best efforts basis, as quickly as possible, it is said. Applicants indicate that any imbalance existing at the termination of the agreement would be corrected within 60 days.

The application states that the gas purchase agreement between Service Drilling and Columbia and Tennessee provides for a term of up to 3 years or until the Ozark system is placed in service, whichever is earlier, (Interim Period), at which time it would be extended for an additional term of 15 years provided that the Ozark system has been placed in service. The application further states that service for which authorization is herein sought would be terminated the earlier of (i) notification by Columbia or Tennessee that Ozark has accepted a certificate and that a specific date has been set to terminate the agreement, or (ii) the expiration of 3 years. The termination date to be specified in (i) shall not be less than 6 months nor more than 12 months from the date of notification.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulation under the Natural Gas Act (18 CFR 157.10). All protests ffied with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3325 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket Nos. CP71-68, *et al.*]

COLUMBIA LNG CORP., ET AL.

Notice of Application for Rehearing and Motion for Modification

JANUARY 24, 1979.

Take notice that on January 15, 1979, Columbia LNG Corporation, 20 Montchain Road, Wilmington, Delaware, 19807, Consolidated System LNG Corporation, 445 West Main Street, Clarksburg, West Virginia 26301, and Southern Energy Company, P.O. Box 2563, Birmingham, Alabama 35202 (hereinafter, collectively referred to as Applicants) filed in Docket No. CP71-68, *et al.*,[1] an "application for rehearing and motion for modification" of a Commission order issued in the aforementioned dockets on December 22, 1978, pursuant to sections 3 and 7(c) of the Natural Gas Act, which authorized Applicants to utilize one temporary substitute liquefied natural gas (LNG) cryogenic tanker, in order to seek authorization for use of three temporary substitute LNG tankers, all as more fully set forth in the "application for rehearing and motion for modification" which is on file with the Commission and open to public inspection.

On October 27, 1978, as supplemented on November 8, 1978, Applicants filed a "motion for clarification" of the Commission's Opinion Nos. 622, issued June 28, 1978 (47 FPC 1624) and 622-A, issued October 5, 1972 (48 FPC 723), in Docket Nos. CP71-68 *et al.*, seeking temporary substitution of an LNG tanker for one of those previously authorized in Opinion Nos. 622 and 622-A.

By its Opinion Nos. 622 and 622-A, the Commission authorized Applicants to import LNG from Algeria for delivery to proposed LNG terminals at Cove Point, Maryland and Elba Island, near Savannah, Georgia. The Commission also approved the contractual arrangements between El Paso Algeria Corporation (El Paso Algeria), the supplier of LNG to petitioners, and Sonatrach, the supplier of LNG to El Paso Algeria, and the contractual arrangements between Applicants and El Paso Algeria, it is stated. It is further stated that these arrangements included the transport of the LNG from Algeria to the two LNG receiving terminals in the United States by nine LNG tankers, six of which were to be built in U.S. shipyards. In their "motion for clarification", Applicants stated that because of delays in the building of LNG tankers under construction in the United States, El Paso Algeria was unable to fulfull its shipping obligations under the contracts approved in Opinion Nos. 622 and 622-A. As a result, Applicants stated, El Paso Algeria proposed to utilize the *Larbi Ben M'Hidi*, which is owned by CNAN, the Algeria National Shipping Company, (which has chartered the vessel to Sonatrach). In their motion for clarification, Applicants sought authority for use of the ship for a period ending on December 31, 1979. In its order of December 22, 1978; the Commission treated Applicants' motion as a petition to amend their import and certificate authorizations and granted Applicants' amendment.

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[1] On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), P.L. No. 95-91, 91 Stat. 565 (August 4, 1978), and Executive Order No. 12009, 42 Fed. Reg. 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC), which, as an independent commission within the Department of Energy was activated on October 1, 1977. The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

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In their "application for rehearing and motion for modification" filed on January 15, 1979, Applicants state that El Paso Algeria expects to charter a second Sonatrach ship, the *Mostefa Ben Boulaid*, and, if necessary, a third ship, the *Bachir Chihani*, from Sonatrach. Under the proposed arrangements between Sonatrach and El Paso Algeria, the charge for transportation of LNG by the *Ben Boulaid*, or any other LNG tanker utilized on a spot charter basis, would be the same rate as that charged for transportation in vessels constructed for and dedicated to the project, as provided in the LNG Sale Agreements between El Paso Algeria and its U.S. customers, it is stated. Applicants say that they here entered into an agreement with El Paso Algeria under which all costs of these substitute LNG tankers would not increase or decrease the delivered price of LNG.

Applicants request modification of the order of December 22, 1978, to "clarify" that the contracts approved in their certificate and import authorization include the use of the three substitute tankers in the manner proposed for use through the period ending December 31, 1979.

Any person desiring to be heard or to make any protest with reference to the proposal herein should on or before February 8, 1979, file with the Federal Energy Regulatory Commission, Washingon, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3326 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. ER78-166]

GEORGIA POWER CO.

Notice of Certification

JANUARY 19, 1979.

Take notice that on January 9, 1979, Presiding Administrative Law Judge Michel Levant certified the proposed settlement agreement submitted by Georgia Power Company. The Presiding Judge indicated that the settlement agreement would resolve all issues affecting the partial requirements customers and that all parties were in full support of this agreement.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, on or before February 2, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3327 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-140]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

JANUARY 25, 1979.

Take notice that on January 2, 1979, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP79-140 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Commission's Regulations thereunder (18 CFR 157.7(b) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing February 1, 1979, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed gas-purchase facilities would not exceed $700,000 with the cost of any single project not to exceed $175,000. Applicant indicates it would initially finance the cost of constructing the proposed facilities from general funds of the company.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3328 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket Nos. CP77-604; CP77-658]

EL PASO NATURAL GAS CO. AND TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

JANUARY 25, 1979.

Take notice that on January 4, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, and Transwestern Pipeline Company (Transwestern), P.O. Box 2521, Houston, Texas 77001, (Petitioners) filed in Docket Nos. CP77-604 and CP77-658, respectively, a joint petition to amend the order of February 13, 1978, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of certain facilities and the expansion of the specified area of interest under the existing exchange arrangement between Petitioners, and the exchange of gas from the expanded area, all as more fully set forth in the petition to amend of file with the Commission and open to public inspection.

It is indicated that pursuant to the order of February 13, 1978, as amended, in the instant dockets, El Paso and Transwestern, respectively, were authorized: (i) to transport and deliver natural gas on an exchange basis; (ii) to operate certain existing facilities necessary to facilitate the exchange of natural gas; and (iii) to exchange natural gas from future wells attached to either party's system in specified areas of interest, all pursuant to a gas exchange agreement dated February 8, 1977, between the parties.

It is stated that El Paso has advised Transwestern that it has acquired additional natural gas supplies outside the specified areas of interest, in Lipscomb County, Texas, which it desires to cause to be delivered to Transwestern under the existing exchange arrangement. It is further stated that El Paso would purchase the additional gas supplies (3,000 Mcf per day of additional natural gas) from Dorchester Exploration, Inc. (Dorchester) from the Kelln 205 No. 1 well in Lipscomb County, which gas is situated in close proximity to certain of Transwestern's existing gathering system facilities in Ochiltree County, Texas.

In order that El Paso may obtain such additional gas supplies, El Paso requests authorization to construct and operate 3.5 miles of 4½-inch O.D. pipeline, with appurtenances, including a 4½-inch O.D. standard orifice meter run, commencing at the wellhead of the Dorchester—Kelln 205 No. 1 well in the NM/4 of Section 205 and terminating at a point of interconnection with Transwestern's 6⅝-inch O.D. pipeline in the SW/4 of Section 322, all in Ochiltree County, Texas. Transwestern requests authorization to construct and operate a 4½-inch O.D. tap and valve assembly, with appurtenances, at a point on an existing 6⅝-inch O.D. pipeline in Ochiltree County. It is stated that the estimated total cost of the facilities including overhead and contingency, to be constructed by El Paso is $175,000, which cost El Paso proposes to finance through the use of internally generated funds, and that the estimated total cost of the facilities to be constructed by Transwestern is $9,000, which cost El Paso has agreed to reimburse Transwestern. Petitioners state that they have amended their existing exchange agreement by an amendment dated September 11, 1978, which amendment provides for the construction and operation of the proposed facilities.

Petitioners also request authorization to expand the specified areas of interest by the addition of Lipscomb County, to permit Petitioners to exchange quantities of natural gas acquired by either party in Lipscomb County, Texas, pursuant to the exchange agreement dated February 8, 1977.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3329 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. ER78-166, *et al.*]

GEORGIA POWER CO.

Notice Cancelling Notice

JANUARY 24, 1979.

On January 12, 1979, a notice of the certification to the Commission of the proposed settlement agreement in this proceeding was issued with a request for comments by January 26, 1979. A duplicative notice with a comment date of February 2, 1979, was issued on January 19, 1979.

The latter notice is hereby cancelled and notice is given that comments shall be filed on or before January 26, 1979, on the proposed settlement agreement.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3330 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Project No. 2825]

INTERNATIONAL GENERATION AND TRANSMISSION CO., INC.

Notice Denying Intervention

JANUARY 25, 1979.

On July 26, 1978, the Commission issued an order granting intervention to four of the five organizations and individuals who had filed petitions to intervene in this proceeding. Action on the fifth petition to intervene—filed by attorneys for the city of Berlin, New Hampshire ("Berlin")—was deferred because the Secretary was seeking further information on the petition. This notice disposes of Berlin's petition.

Berlin filed its petition on May 30, 1978, after the deadline set by the public notice of the application. International Generation and Transmission Co., Inc.—the applicant in this proceeding—then challenged the authority of attorneys for Berlin to file the petition. The Secretary wrote to Berlin's attorneys on July 19, 1978, requiring information on several matters regarding the city's petition.[1] Of particular importance, the Secretary directed Berlin's attorneys, pursuant to section 1.16(a) of the Commission's General Rules ("Rules"),[2] to provide evidence of their authority to file the petition, an issue which had to be cleared up before action on the petition.

Berlin's attorneys did not respond to the Secretary's letter in the time prescribed, nor have they yet. In view of the length of time that has passed, action on the petition they filed should not be delayed any longer. Therefore, pursuant to § 3.5(a)(5) of the Commission's Rules,[3] the petition to intervene filed by attorneys for the city of Berlin is denied for failure to provide adequate proof of authority to file on Berlin's behalf. This denial is without prejudice to Berlin's right to file a new petition which fully complies with the Commission's Rules (including a showing of good cause for late filing) and conforms to the requirements of the Secretary's July 19, 1978 letter.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3331 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-143]

KANSAS CITY POWER & LIGHT CO.

Notice of Filing of Proposed Service Schedule

JANUARY 25, 1979.

Take notice that on January 11, 1979, Kansas City Power & Light Company (KCPL) tendered for filing a proposed Service Schedule G-MPA for System Participation Power Service between KCPL and the City of Marshall, Missouri. KCPL requests an effective date of June 1, 1978. The pro-

[1] In addition, the petition did not specify upon whom service should be made.
[2] 18 CFR 1.16(a) (1978).
[3] 18 CFR 3.5(a)(5) (as amended August 14, 1978).

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posed Service Schedule G-MPA adds System Participation Power to the Municipal Participation Agreement (KCPL's rate Schedule FPC No. 83).

KCPL states that the proposed rates are KCPL's rate and charges for similar service under schedules previously filed by KCPL with the Federal Energy Regulatory Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3332 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket Nos. RP73-43 (PGA79-1) & RP77-58 (TT79-2)]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Rates

JANUARY 24, 1979.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on December 14, 1978, tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff, Thirty Second Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1 and E-1, that the revised tariff sheets is proposed to be effective February 1, 1979; and that the filing is being made in accordance with Section 19 of Mid Louisiana's FERC Gas Tariff and in compliance with Commission Order Nos. 452 and 452-A; and that copies of the filing were served on interested customers and state commissions.

In addition, the filing also tracks certain transportation costs as allowed in FERC Docket No. RP77-58 (Settlement) as explained in the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3333 Filed 1-31-79; 8:45 am]

[6450-01-M]

MOBIL OIL CORP. ET AL.

[Docket Nos. G-11957, et al.)

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

JANUARY 23, 1979.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft³	Pressure base
G-11957, D, 12/18/78	Mobil Oil Corporation, Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	El Paso Natural Gas Company, Spraberry Trend Field, Upton, County, Texas.	(1)	
	Texaco Inc., P.O. Box 62052, New Orleans, La. 70160.	Southern Natural Gas Company, Felice Bayou Field, Plaquemines Parish, Louisiana.	No known Physically recoverable reserves.	
G-16228, D, 12/11/78	Continental Oil Company, P.O. Box 2197, Houston, Texas 77001.	United Gas Pipe Line Company, Ridge and N. Leroy Fields, Lafayette and Vermillion Parishes, Louisiana.	Leases expired by their own terms for lack of production.	
CI61-1446, C, 12/18/78	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Panhandle Eastern Pipe Line Company, Quigley Well No. 1, Sec. 245-T76N-R10E.C.M., Texas County, Oklahoma.	(2)	14.65
CI64-349, C, 1/5/79	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Colorado Interstate Gas Company, Certain acreage in the Wamsutter Field, Sweetwater County, Wyoming.	(2)	14.73
CI67-973,C, 12/27/78	Mobil Oil Corporation	Northwest Pipeline Corporation, F31-13G USA Well located in the Piceance Creek Field, Rio Blanco County, Colorado.	(2)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft³	Pressure base
CI71-460, 12/18/78	Mobil Oil Corporation	Natural Gas Pipeline Company of America, W. C. R. R. Survey, A-412, Liberty County, Texas.	(2)	
CI74-425, C, 1/2/79	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Ca. 94120.	Natural Gas Pipeline Company of America, West Cameron Block 28 Field, Offshore Louisiana.	(2)	15.025
CI75-666, C, D, 12/11/78	Midlands Gas Corporation, P.O. Box 608, Hastings, Nebraska 68901.	Kansas-Nebraska Natural Gas Company, Inc., Certain acreage from the Bowdoin Field, Phillips and Valley Counties, Montana.	(7)(2)	15.025
CI76-586, C, 12/11/78	Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Southern Natural Gas Company, OCS G-3337, located in the southeast corner of South Pass Block 6, Offshore Louisiana.	(2)	15.025
CI77-250, C, 1/2/79	Pioneer Production Corporation (Non-operator), P.O. Box 2542, Amarillo, Texas 79189.	El Paso Natural Gas Company, Atoka formation of the Government AD #2 Well, La Huerta Field, Eddy County, New Mexico.	(2)	14.65
CI77-327, C, 1/2/79	Cities Service Company	El Paso Natural Gas Company, Government AD No. 2 Well, Sec. 27-21S-27E, Eddy County, New Mexico.	(2)	14.65
CI77-370, C, 12/28/78	Union Oil Company of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Ca. 90051.	El Paso Natural Gas Company, Government "AD" No. 2 Well, Sec. 27-T21S-R27E, Eddy County, New Mexico, limited to Atoka Formation.	(10)	14.73
CI77-711, C, 1/5/79	Transco Exploration Company, P.O. Box 1396, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, A portion of the Mosbacher-State Tract 162 No. 1 Well, Stephenson Point Field, Offshore Galveston County, Texas.	(11)	14.65
CI77-772, C, 9/25/78	Atlantic Richfield Company, P.O. Box 2819, Dallas Texas 75221.	El Paso Natural Gas Company, University Block 12, Andrews County, Texas, limited from the surface of the earth to the base of the Yates Formation.	(2)	14.65
CI78-55, C, 11/22/78	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	El Paso Natural Gas Company, Federal "DC" No. 1 Well, Sec. 29-T20S-R28E, Eddy County, New Mexico, limited to the Atoka Formation.	(2)	14.73
CI78-1217, C, 12/19/78	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Colorado Interstate Gas Company, Burton "A" Well No. 2, NW/4 SE/4 of Sec. 6-T29S-R34W, Haskell County, Kansas.	(2)	14.65
CI79-2, A, 10/5/78	Napeco Inc., 122 South Michigan Avenue, Chicago, Illinois 60603.	Natural Gas Pipeline Company of America, J. R. Marmion No. 1 Well, Brazoria County, Texas.	(2)	14.65
CI79-3, A, 10/5/78	Napeco Inc	Natural Gas Pipeline Company of America, J. R. Geissen No. 1 Well, Brazoria County, Texas.	(2)	14.65
CI79-173 (CI62-614), B, 12/11/78.	The Ballard & Cordell Corporation, Box 52151, Lafayette, La. 70505.	Michigan Wisconsin Pipe Line Company, E. R. Henry #2, Calcasieu Pass Field, Cameron Parish, Louisiana.	Producing horizon watered out and there are no remaining reserves in the well.	
CI79-174, A, 12/11/78	Sabine Production Company, 1200 Mercantile Bank Bldg., Dallas Texas 75201.	El Paso Natural Gas Company, West Parkway Field, Eddy County, New Mexico.	(12)	14.73
CI79-175, A, 12/11/78	Sabine Production Company	Northern Natural Gas Company, S. E. Gage Field, Ellis County, Oklahoma.	(13)	14.73
CI79-176, A, 12/11/78	Sarkeys, Inc., 1200 Mercantile Bank Bldg., Dallas, Texas 75201.	Northern Natural Gas Company, S. E. Arnett Field, Ellis County, Oklahoma.	(14)	14.73
CI79-177, A, 12/11/78	Sarkeys, Inc., 1200 Mercantile Bank Bldg., Dallas, Texas 75201.	Michigan Wisconsin Pipe Line Company, SW El Reno Field, Canadian County, Oklahoma.	(15)	14.73
CI79-178, A, 12/11/78	Exxon Corporation, P.O. Box 2180, Houstin, Texas 77001.	Transwestern Pipeline Company, Rio Pecos Field, Eddy County, New Mexico, limited to formations above the base of the Morrow Formation.	(3)	14.73
CI79-179, A, 12/11/78	Sabine Producution Company, 1200 Mercantile Bank Bldg., Dallas, Texas 75201.	Transwestern Pipeline Company Cottonwood Creek Field, Eddy County, New Mexico.	(16)	14.73
CI79-180, A, 12/11/78	Sabine Production Company	United Gas Pipeline Company Carthage Field, Panola County, Texas.	(17)	14.73
CI79-161, A, 12/11/78	Sabine Production Company	Panhandle Eastern Pipe Line Company Avard Field, Woods County, Oklahoma.	(18)	14.73
CI79-182, A, 12/11/78	Sabine Production Company	El Paso Natural Gas Company Millman Field, Eddy County, New Mexico.	(19)	14.73
CI79-183, A, 12/11/78	Sabine Production Company	Florida Gas Transmission Company Oakvale Field, Jefferson Davis Conty, Mississippi.	(20)	14.73
CI79-184, A, 12/11/78	Sabine Production Company	Northern Natural Gas Company N.E. Peek Field, Ellis County, Oklahoma.	(21)	14.73
CI79-185, A, 12/11/78	Continental Oil Company, P.O. Box 2197, Houston, Texas 77001.	Transwestern Pipeline Company Government "L" Well, Lea County, New Mexico, limited to Morrow Formation.	(22)	14.65
CI79-186, A, 12/14/78	Tenneco Oil Company P.O. Box 2511, Houston, Texas 77001.	Arkansas Louisiana Gas Company Robert English #1 Well, Centrahoma Field, Coal County, Oklahoma.	(23)	14.65
CI79-187, A, 12/14/78	Diamond Shamrock Corporation, (Succ. to The Shamrock Oil and Gas Corporation), P.O. Box 631, Amarillo, Texas 79173.	Truckline Gas Company Blocks A-327 and A-332, High Island Area, East Addition, South Extension, Offshore Texas.	(24)	14.65
CI79-188, A, 12/18/78	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	El Paso Natural Gas Company Certain acreage in the Bloomfield Field, San Juan County, New Mexico.	(3)	15.025
CI79-189, A, 12/18/78	Getty Oil Company, P.O. Box 1404, Houstop, Texas 77001.	Northern Natural Gas Company, Certain acreage in the Oakdale Field, Woods County, Oklahoma, limited to Red Fork Formation.	(3)	14.65

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Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft³	Pressure base
CI79-190, B, 12/18/78	An-Son Corporation, 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Ark-la Gas Company, Star Field, Sec. 10-19N-10W, Blaine County, Oklahoma.	Well is dead and no longer capable of producing.	
CI79-191, A, 12/18/78	An-Son Corporation	Northern Natural Gas Company, Wildcat Field, Sec. 6-1N-24ECM, Beaver County, Oklahoma.	Productive horizon has watered out and will no longer produce.	
CI79-192, A, 12/18/78	Amoco Production Company, P.O. Box 50879, New Orleans, La. 70150.	Michigan Wisconsin Pipe Line Company, Certain acreage located in the High Island Block A-339 in the High Island Block A-340 Field, Offshore Texas.	(28)	15.025
CI79-193, A, 12/18/78	Amoco Production Company	Michigan Wisconsin Pipe Line Company, Certain acreage in the West Cameron Block 812 in High Island Block 330 Field, Offshore Texas.	(28)	15.025
CI79-194, A, 12/19/78	Sabine Production Company, 1200 Mercantile Bank Bldg., Dallas, Texas 75201.	Texas Eastern Transmission Corporation, Breton Sound Block 53 Field, State Offshore, Plaquemines Parish, Louisiana.	(29)	15.025
CI79-195, A, 12/11/78	Sabine Production Company	El Paso Natural Gas Company, Reydon Field, Roger Mills County, Oklahoma.	(27)	14.73
CI79-196, A, 12/21/78	Florida Gas Exploration Company, P.O. Box 44, Winter Park, Florida 32790.	Florida Gas Transmission Company, Unit 25-10 #1 Well, and Unit 30-11 #1 Well, Oakvale Field, Jefferson Davis County, Mississippi.	(30)	15.025
CI79-197, B, 12/21/78	McDowell Oil Properties, Inc., Suite 110, 2215 West Lindsay, Norman, Okla. 73069.	Cities Service Gas Company, Wild Horse Field, Lincoln County, Oklahoma.	Uneconomical.	
CI79-198, A, 12/22/78	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	Texas Eastern Transmission Corporation, Jule Walker Field, Jim Hogg, County, Texas.	(29)	14.65
CI79-199, A, 12/26/78	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Colorado Interstate Gas Company, Fogarty Creek Field, Sublette County, Wyoming.	(2)	14.73
CI79-200, A, 12/21/78	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, South Pass Blocks 93 and 94, Offshore Louisiana.	(3)	15.025
CI79-201, A, 12/27/78	Mobil Oil Corporation, Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	El Paso Natural Gas Company, Certain acreage in the Azalea (Devonian) Field, Midland County, Texas.	(26)	14.73
CI79-202, A, 12/27/78	Mobil Oil Corporation	El Paso Natural Gas Company, Certain acreage in the Burton Flat Field, Eddy County, New Mexico.	(31)	14.73
CI79-203, B, 12/26/78	Aztec Minerals, Inc. (Succ. to Associated Minerals, Inc.) 425 Second Street, Parkersburg, West Virginia.	Gas Transport, Inc., Wood County, West Virginia (10 Wells).	Contract primary term expired. Seller desires to sell the gas to another buyer.	
CI79-204, B, 12/18/78	Walter Duncan, *et al.*, 1200-100 Park Ave. Bldg., Oklahoma City, Okla. 73102.	Getty Oil Company, Reinecke and Von Roeder Fields, Borden County, Texas.	(32)	
CI79-205, F, 1/2/79	Tenneco Oil Company (Succ. in Interest to Petro-Lewis Producing Company), P.O. Box 2511, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, Hatcher #2, Northwest Anthon Field, Custer County, Oklahoma, limited to Springer Formation.	(33)	14.73
CI79-206, A, 12/28/78	Northwest Exploration Company, 315 East Second South, Salt Lake City, Utah 84111.	Northwest Pipeline Corporation, San Juan Basin (Undesignated Field), San Juan County, New Mexico.	(24)	15.025
CI79-207, B, 1/2/79	Premier Resources, Ltd., Suite 2100 First of Denver Plaza, 633-17th Street, Denver, Colorado 80202.	Michigan Wisconsin Pipeline Company, Sec. 25-T21N-R18W, Woodward County, Oklahoma.	Reservoir depletion and uneconomic operation.	
CI79-208, A, 1/3/79	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Texas Gas Transmission Corporation, South Marsh Island Area, Block 219, No. 75 Well and Vermilion Area Block 31, Offshore Louisiana.	(35)	14.73
CI79-209, A, 1/4/79	Helmerich & Payne, Inc., 1579 East 21st Street, Tulsa, Oklahoma 74114.	Michigan Wisconsin Pipe Line Company, South Cogar Field, Grady County, Oklahoma.	(1)	14.73
CI79-210, A, 1/8/79	Cabot Corporation, 1 Houston Center, Suite 1000, Houston, Texas 77002.	Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., South Marsh Island Block 257, Offshore Louisiana.	(34)	14.73

[1] By Assignment of Oil, Gas and Mineral Lease, effective 2-27-78, Mobil assigned to John L. Cox, Small Producer in Docket No. CS 66-65, all of its right, title and interest in and to the certain non-producing acreage fully described in said assignment of oil, gas and mineral lease.
[2] Applicant is filing for Opinion 749 minimum rate.
[3] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.
[4] Applicant is filing under Gas Purchase Agreement, as amended, dated 1-15-67, amended by agreement dated 12-22-78.
[5] Being noticed to reflect change in the delivery point. By Amendment dated 10-1-78, Natural and Mobil changed the delivery point from Jefferson County, Texas to an existing point of inter-connection on Natural's and Mobil's pipelines in the W. C. R. R. Survey, A-412, Liberty County, Texas.
[6] Applicant is filing under Gas Purchase Contract dated 12-28-73, amended by amendatory agreement dated 9-25-78.

[7] Applicant is filing under Gas Purchase Contract dated 12-21-73, amended by amendments dated 9-1-78 and 9-13-78.
[8] The acreage to be deleted is presently shown as dedicated under the Midlands-Kansas-Nebraska gas purchase contract; however, Applicant does not, and did not, have the authority to dedicate such acreage.
[9] Applicant is filing under Gas Purchase Contract dated 1-24-77, amended by amendatory agreement dated 11-2-78.
[10] Applicant is filing for initial rate as specified in Section 271.402 of the Interim Regulations Implementing the Natural Gas Policy Act of 1978 (NGPA) for "Post-1974 gas".
[11] Applicant is filing under Gas Purchase Contract dated 7-29-77, amended by Agreement of 11-6-78.
[12] Applicant is filing under Gas Purchase Contract dated 6-20-78, and requests that the Certificate be issued *nunc pro tunc* as of 6-20-78.
[13] Applicant is filing under Gas Purchase Contract dated 9-15-78, and requests that the Certificate be issued *nunc pro tunc* as of 10-9-78.
[14] Applicant is filing under Gas Purchase Contract dated 5-26-78, and requests that the Certificate be issued *nunc pro tunc* as of 6-24-78.
[15] Applicant is filing under Gas Purchase Contract dated 4-17-78, and requests that the Certificate be issued *nunc pro tunc* as of 6-15-78.
[16] Applicant is filing under Gas Purchase Contract dated 4-1-78, and requests that the Certificate be issued *nunc pro tunc* as of 4-18-78.
[17] Applicant is filing under Gas Purchase Contract dated 7-24-78, and requests that the Certificate be issued *nunc pro tunc* as of 7-24-78.
[18] Applicant is filing under Gas Purchase Contract dated 7-7-78, and requests that the Certificate be issued *nunc pro tunc* as of 7-24-78.
[19] Applicant is filing under Gas Purchase Contract dated 6-12-78, and requests that the Certificate be issued *nunc pro tunc* as of 6-12-78.
[20] Applicant is filing under Gas Purchase Contract dated 8-2-78, amended by amendments dated 9-12-78 and 11-3-78, and requests that the Certificate be issued *nunc pro tunc* as of 8-2-78.
[21] Applicant is filing under Gas Purchase Contract dated 5-26-78, and requests that the Certificate be issued *nunc pro tunc* as of 6-22-78.
[22] Applicant is filing under Gas Purchase Agreement dated 11-1-78.
[23] Applicant is filing under Gas Purchase Contract dated 10-17-78.
[24] Applicant is filing under Gas Purchase Contract dated 9-12-78.
[25] Applicant is filing under Gas Purchase Contract dated 6-24-78.
[26] Applicant is filing under Gas Purchase Contract dated 6-22-78.
[27] Applicant is filing under Gas Purchase Contract dated 6-30-78 and requests that the Certificate be issued *nunc pro tunc* as of 6-30-78.
[28] Applicant is filing under Amendatory Agreements dated 9-12-78 and 10-27-78 and will accept the rates prescribed by the Natural Gas Policy Act of 1978.
[29] Applicant is filing under Gas Purchase Contract dated 8-14-78.
[30] Applicant is willing to accept an initial rate pursuant to Opinion No. 749, Section 2.58 B(A) (2) (ii) and would qualify for Section 104 price under the Natural Gas Policy Act of 1978.
[31] Applicant is willing to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart C, Section 103(c) and Subpart D, Section 104.
[32] Casinghead Gas Seller proposes to construct a new gas processing plant and deliver processed residue gas directly to El Paso Natural Gas Company at the tailgate of the new plant.
[33] Partial Assignment of Oil and Gas Leases dated 5-31-78, between Petro-Lewis Producing Company, Assignor, and Tenneco Oil Company, Assignee. Applicant is filing under Gas Purchase Contract dated 6-1-74, between Michigan Wisconsin Pipe Line Company, Buyer, and Ladd Petroleum Corporation, *et al.*, Seller.
[34] Applicant is filing under Gas Purchase Contract dated 12-4-78.
[35] Applicant is filing for the applicable rate established under Section 104 (b)(1)(A) of the Natural Gas Policy Act of 1978.
[36] Applicant is filing under Section 8 of the Gas Sales Contract dated 12-1-78.

Filing Code: A—Initial service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total succession, F—Partial succession.

[FR Doc. 79-3270 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. RP76-91]

MONTANA-DAKOTA UTILITIES CO.

Notice of Tariff Filing (Revision in Curtailment Plan)

JANUARY 19, 1979.

On January 15, 1979, Montana-Dakota Utilities Co. ("MDU"), 400 North Fourth Street, Bismarck, North Dakota 58501, filed pursunat to Section 4 of the Natural Gas Act a new tariff sheet as part of its FERC Gas Tariff, First Revised Volume No. 1. MDU states that the new tariff sheet, entitled First Revised Sheet No. 56, increases from 4,000 to 7,500 the number of new residential and small commercial customers which MDU will be permitted to connect under its FERC curtailment plan, all as more fully set forth in MDU's filing which is on file with the Commission and open to public inspection.

In support of its filing, MDU urges that recent reserve additions, decreased usage per customer, declines in industrial markets, and the needs of potential homebuyers justify and increase from the level of new attachments which has been permitted for the past two calendar years to the newly proposed level of 7,500 per year. MDU states that it does not propose any other changes in its currently effective FERC curtailment plan.

The proposed effective date of the new tariff sheet is February 15, 1979. MDU requests that any suspension of the effective date be limited to one day.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3334 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. RM79-3]

NATURAL GAS POLICY ACT OF 1978

Notice of Receipt of Report of Determination Process

JANUARY 26, 1979.

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

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Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

Agency and Date

State of New Mexico Energy and Minerals Department, Oil Conservation Division—November 29, 1978.
State of Louisiana Department of Conservation—November 29, 1978.
Railroad Commission of Texas—November 30, 1978.
West Virginia Department of Mines, Oil and Gas Division—November 30, 1978.
Alabama State Oil and Gas Board—November 30, 1978.
State Oil and Gas Board of Mississippi—November 30, 1978.
Kansas State Corporation Commission Conservation Division—November 30, 1978.
State of Michigan, Department of Natural Resources, Geological Survey Division—December 1, 1978.
State of California Department of Conservation Division of Oil and Gas—December 4, 1978.
Commonwealth of Virginia Department of Labor and Industry Division of Mines and Quarries—December 4, 1978.
State of Wyoming Office of Oil and Gas Conservation Commission—December 4, 1978.
State of Colorado Department of Natural Resources—Decmeber 5, 1978.
State of Ohio Department of Natural Resources Division of Oil and Gas—December 6, 1978.
State of Alaska Oil and Gas Conservation Commission—December 11, 1978.
State of Arizona Oil and Gas Conservation Commission—December 14, 1978.
State of Nebraska Oil and Gas Conservation Commission—December 15, 1978.
State of Tennessee Oil and Gas Board—December 19, 1978.
State of Indiana Department of Natural Resources—December 26, 1978.
State of Pennsylvania Department of Environmental Resources, Division of Oil and Gas—December 26, 1978.
State of Florida Department of Natural Resources—January 3, 1979.
State of North Dakota Geological Survey—January 4, 1979.
State of Illinois, Department of Mines & Minerals, Oil and Gas Division—January 5, 1979.
United States Department of Interior, Geological Survey—January 19, 1979.

Copies of these reports are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3363 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-015-22287
Operator: Yates Petroleum Corporation
Well Name: Blevins IK Com No. 1
Field: Kennedy Farms Morrow
County: Eddy
Purchaser: El Paso Natural Gas Co.
Volume: 32.360 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3342 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 26, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-08442
Operator: Dugan Production Corp.
Well Name: Claude Smith No. 1
Field: Fulcher Kutz PC
County: San Juan
Purchaser: Gas Company of New Mexico
Volume: 9.6 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3343 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 29, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-039-05667
Operator: Nancy Wilcox E. Qualls
Well Name: C. P. State No. 1
Field: Ballard PC
County: Rio Arriba
Purchaser: El Paso Natural Gas Co.
Volume: 6.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3344 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 10, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-039-05236
Operator: Nancy Wilcox E. Qualls
Well Name: C. P. State #2
Field: Ballard Pictured Cliffs
County: Rio Arriba
Purchaser: El Paso Natural Gas Co.
Volume: 6.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3345 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 29, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-039-05252
Operator: Nancy Wilcox E. Qualls
Well Name: C. P. State No. 3
Field: Ballard PC
County: Rio Arriba
Purchaser: El Paso Natural Gas Co.
Volume: 11.0 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3346 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 29, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-039-05634
Operator: Nancy Wilcox E. Qualls
Well Name: C. P. State #4
Field: Ballard PC
County: Rio Arriba
Purchaser: El Paso Natural Gas Co.
Volume: 4.8 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3347 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 26, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-06166
Operator: Dugan Production Corp.
Well Name: Farming B No. 1
Field: Ballard PC
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 8.8 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3348 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 26, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-08769.
Operator: Dugan Production Corp.
Well Name: Farming D No. 1
Field: Blanco PC South
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 7.3 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3349 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 6, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 10 of the Natural Gas Policy Act of 1978 applicable to:

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API Well Number: 30-045-22533
Operator: Consolidated Oil & Gas, Inc.
Well Name: Hancock No. 1-A
Field: Blanco Mesaverde
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 148.0 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3350 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 10, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-10264
Operator: C. M. Paul
Well Name: Harris #1
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 7.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3351 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 10, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-13141
Operator: C. M. Paul
Well Name: Johnson #1
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 3.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3352 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 10, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-10530
Operator: C. M. Paul
Well Name: La Rose #1
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 12.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3353 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 29, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-10686
Operator: C.M. Paul
Well Name: McCarty #1
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 7.2 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3354 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-015-22249
Operator: Yates Petroleum Corporation
Well Name: Millman HD St. Com #2
Field: Millman-Morrow, South
County: Eddy
Purchaser: El Paso Natural Gas Company
Volume: 63.030 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3355 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-015-22053
Operator: Yates Petroleum Corporation
Well Name: Pipkin HE Com No. 1
Field: Eagle Creek Permo Penn Gas
County: Eddy
Purchaser: El Paso Natural Gas Company
Volume: 30.750 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3356 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-015-22492.
Operator: Yates Petroleum Corporation
Well Name: Rio Pecos GB Com No. 2
Field: Und. Red Lake-Penn
County: Eddy
Purchaser: Transwestern Pipeline Company
Volume: 2850.990 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3357 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 10, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-13140
Operator: C. M. Paul
Well Name: Standard Nickels #1
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 10.5 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, DC. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or after February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3358 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-015-22146
Operator: Yates Petroleum Corporation
Well Name: State HU Com #1
Field: Millman-Strawn Gas
County: Eddy
Purchaser: El Paso Natural Gas Co.
Volume: 358.610 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275. 204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3359 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 26, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

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API Well Number: 30-045-08994
Operator: Dugan Production Corp.
Well Name: Stella Needs a Com #1
Field: Basin DK
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 6.0 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3360 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On December 26, 1978, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-039-06055
Operator: Dugan Production Corp.
Well Name: Stevenson Boring No. 1
Field: Gavilan PC
County: Rio Arriba
Purchaser: El Paso Natural Gas Co.
Volume: 5.8 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3361 Filed 1-31-79; 8:45 am]

[6450-01-M]

NEW MEXICO OIL CONSERVATION DIVISION

Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 25, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-23007
Operator: Consolidated Oil & Gas, Inc.
Well Name: Tafoya No. 1-A
Field: Blanco Mesaverde
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 146.0 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 16, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3362 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. CP77-378]

NORTHWEST PIPELINE CORP.

Notice of Petition To Amend

JANUARY 24, 1979.

Take notice that on January 9, 1979, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP77-378 a petition pursuant to section 7(c) of the Natural Gas Act to amend further the order of July 5, 1978, as amended, in the instant docket so as to authorize the sale of natural gas to Pacific Interstate Transmission Company (Pacific Interstate), on an as available basis, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner requests authorization to sell and deliver to Pacific Interstate volumes of natural gas which may be withdrawn from the Clay Basin Storage Field on an "as available" basis and which are surplus to the volumes of working gas in Clay Basin Storage Field required to protect the requirements of Petitioner's on-system customers.

Petitioner states that in order to effectuate the aforementioned proposal, it and Pacific Interstate have entered into a third amendment, dated December 26, 1978, which amendment amends their previous agreement dated April 29, 1977, as amended October 21, 1977 and July 14, 1978, and provides for an augmentation to the present "as available" service to Pacific Interstate by Petitioner.

It is indicated that said amendment provides for the following types of "as available" service covering gas tendered by Petitioner to Pacific Interstate:

(a) *Type A.* Type A service would be under the April 29, 1977, contract, as amended on October 21, 1977, and July 14, 1978, ("an existing effective contract"). No changes are contemplated in such service which would for all purposes be considered to be the "first through the meter" when any gas is delivered to El Paso Natural Gas Company (El Paso) for Buyer's account pursuant to the existing effective contract.

(b) *Type B.* Type B service would be any gas which is tendered by Seller to Buyer as specifically coming from the Clay Basin Storage Field and which Buyer accepts. There shall be an additional charge for any gas tendered and accepted under Type B service.

Under the terms of the December 26, 1978, amendment on any day when as available gas is tendered by Petitioner to Pacific Interstate, Pacific Interstate is required to accept all tendered Type A service prior to Type B gas being served. It is stated. In no event can the combined service under Type A and Type B exceed 200 billion Btu's, it is said.

Petitioner indicates that the rate for the Type B service consists of the rate provided for the present Type A service plus 39.0 cents per Mcf for any gas actually withdrawn from the Clay Basin Field. Petitioner states that the 39.0 cents charge is a negotiated rate and represents approximately one-half of Petitioner's average cost of Clay Basin storage. The rate reflects that the Type B service is on an "as available" basis rather than on a firm basis, it is said. Petitioner proposes to flow through any revenues from Type B service to its customers through its purchase adjustment clause.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3335 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. CS71-286]

O. C. YORK AND ROBERT S. BROWN, TRUSTEES UNDER SEPARATE TRUSTS FOR RICHARD STOLL SHANNON, III, *ET AL* (FORMERLY O. C. YORK AND J. R. LORETT, JR., TRUSTEE UNDER SEPARATE TRUSTS FOR RICHARD STOLL SHANNON, III, *ET AL*

Notice of Redesignation

JANUARY 24, 1979.

By letter of December 13, 1978, Mr. Lawrence P. Terrell, has advised the Commission that due to the recent death of J. R. Lorett, Jr., a former trustee of the above-captioned trusts, and the subsequent appointment, effective October 1, 1978, of Robert S. Brown as successor trustee, he is requesting that the certificate of public convenience and necessity issued by the Federal Power Commission on September 15, 1971, pursuant to section 7(c) of the Natural Gas Act, be redesignated, as set out in the above caption, to reflect a change in one of the trustees of the above-captioned trusts from J. R. Lorett, Jr. to Robert S. Brown.

Accordingly, the small producer certificate of public convenience and necessity issued pursuant to section 7(c) of the Natural Gas Act in Docket No. CS71-286 to O. C. York and J. R. Lorett, Jr., Trustee under separate trusts for Richard Stoll Shannon, III, *et al.*, is redesignated as that of O. C. York and Robert S. Brown, Trustees under separate trusts for Richard Stoll Shannon, III, *et al.*

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3336 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-148]

OHIO POWER CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 25, 1979.

Take notice that American Electric Power Service Corporation (AEP) on January 12, 1979 tendered for filing on behalf of its affiliate Ohio Power Company (Ohio Power), proposed Modification No. 8 dated November 1, 1978 to the Interconnection Agreement dated December 1, 1963 between Ohio Power Company and Columbus and Southern Ohio Electric Company designated Ohio Power Rate Schedule FERC No. 32.

Section 1 of proposed Modification No. 8 provides for an increase in the demand charge for Short Term Power from $0.60 to $0.70 per kilowatt per week and Section 2 in the transmission charge for third party Short Term transaction from $0.15 to 0.175/kW-week. Section 3 provides for an increase in the demand charge for Limited Term Power from $3.25 to $3.75 per kilowatt per month and Section 4 of proposed Modification No. 8 provides for an increase in the transmission charge for third party Limited Term transactions from $0.65 per kilowatt per month to $0.75 per kilowatt per month, both schedules proposed to become effective March 15, 1979.

AEP states that since the use of Short Term Power and Limited Term Power Service cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the proposed Modification. AEP's Exhibits which were included with the filing of this proposed Modification, demonstrate that the increase in revenues, which would have resulted had the proposed Modification been in effect during the twelve month period ending December 1978 would have been $172,267.87 (i.e., from $9,614,017.34 to $9,786,785.21) for sales and $35,000 (i.e., from $1,096,839.87 to $1,131,839.87) for purchases.

According to AEP, copies of the filing were served upon the Columbus and Southern Ohio Electric Company and Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before February 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3337 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-148]

OKLAHOMA NATURAL GAS CO.

Notice of Petition for Declaratory Order

JANUARY 19, 1979.

Take notice that on January 12, 1979, Oklahoma Natural Gas Company (Applicant), 624 South Boston Avenue, Tulsa, Oklahoma, filed in Docket No. CP79-148 a petition pursuant to section 501 of the Natural Gas Policy Act of 1978 (NGPA) and § 1.7(c) of the Commission's Rules and Regulations (18 CFR 1.7(c)) for an order declaring Oklahoma Natural Gas Company to be an intrastate pipeline as defined in Section 2(16) of the NGPA, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Oklahoma Natural states that it is concerned that without such a clarification, it might be construed that it is a local distribution company as defined in Section 1(17) of the NGPA or that it is exempt from the Natural Gas Act (NGA) *solely* because of Section 1(c) of the NGA and that therefore Oklahoma Natural would not be an intrastate pipeline under the NGPA. If Oklahoma Natural is not an intrastate pipeline within the meaning of the NGPA, then Oklahoma Natural will not be able to (1) transport gas for interstate pipelines under Section 311(a) of the NGPA; (2) sell gas to the interstate pipeline market under Section 311(b) of the NGPA; or (3) make assignments of gas purchase contracts under Section 312 of the NGPA. Applicant states that it is not a local distribution company as that term is defined in the NGPA and that less than 1% of its utility sales is attributable to purchases from interstate pipelines.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing

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to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3338 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. RI79-21]

SHELL OIL CO.

Notice of Petition for Declaratory Order

JANUARY 19, 1979.

Take notice that on December 18, 1978, Shell Oil Company [Shell] filed a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) requesting that the Commission issue an order removing any uncertainty as to the maximum lawful rate which Shell is entitled to receive for certain wells drilled in the Federal Domain Offshore Louisiana, and also in state waters offshore and the swamp and marsh areas onshore Louisiana.

Shell requests that the Commission clarify whether the utilization of previously set surface casing strings in offshore drilling precludes the producer from attaining the vintage price which would otherwise be attributable to that well.

Shell further states that a similar condition exists in State waters and the swamp and marsh areas of Southern Louisiana, where drilling is performed from a fixed platform. Shell requests clarification as to whether such "milling out" operations are considered a new onshore well, provided that the new well is drilled outside of the existing proration unit.[1]

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3339 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Project No. 459]

UNION ELECTRIC CO.

Notice of Application for Amendment of License

JANUARY 24, 1979.

Take notice that on December 11, 1978, Union Electric Company (Applicant) filed an application for amendment of license pursuant to the Federal Power Act, 16 U.S.C. §§ 791a-825r, for its Osage Project No. 459. The project is located on the Osage River in Benton, Camden, Miller, and Morgan Counties, Missouri. Correspondence concerning the application should be sent to: Michael F. Barnes, Esq., Union Electric Co., P.O. Box 149, St. Louis, Missouri 63166.

The Applicant proposes to install a system of post-tensioned anchors to Bagnell Dam and the powerhouse in order to insure stability of the dam and powerhouse during passage of the probable maximum flood. Highway traffic across the dam will be one-way during construction which should last two years.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before March 5, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3340 Filed 1-31-79; 8:45 am]

[6450-01-M]

[Docket No. RP74-20, *et al.* (Interest Reimbursement)]

UNITED GAS PIPELINE CO.

Notice of Compilation of Restricted Service List

JANUARY 23, 1979.

The present service lists in *United Gas Pipeline Company*, Docket No. RP74-20, *et al.* contain in excess of 250 parties. Since many parties are not specifically interested in the Interest Reimbursement issue, it would be inefficient to require service of pleadings on all parties on the present service lists. A restricted service list for the Interest Reimbursement will, therefore, be developed.

All parties desiring to receive documents in the Interest Reimbursement proceeding shall file with the Secretary their name and mailing address on or before February 2, 1979. The Secretary will then compile a restricted service list for utilization in the Interest Reimbursement proceeding and serve it on those parties.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3341 Filed 1-31-79; 8:41 am]

[6450-01-M]

National Petroleum Council

OIL SUPPLY, DEMAND, AND LOGISTICS TASK GROUP AND THE COORDINATING SUBCOMMITTEE OF THE COMMITTEE ON REFINERY FLEXIBILITY

Meetings

Notice is hereby given that the Oil Supply, Demand, and Logistics Task Group and the Coordinating Subcommittee of the National Petroleum Council's Committee on Refinery Flexibility will meet at the National Petroleum Council (NPC) Headquarters, 1625 K Street, NW, Washington, DC, on Wednesday, February 7 and Friday, March 2, 1979 respectively.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee.

[1] Alternatively if the well complies with the provisions of ordering paragraph (p) (Opinion No. 770-A, p. 196, slip opinion), it may qualify as a new onshore well within the meaning of Opinion 770-A although it is within an existing proration unit.

The tentative agendas of both the Task Group sessions are indicated below. Meetings will begin at 10:00 a.m.

Agenda for the February 7, 1979 meeting of the Oil Supply, Demand, and Logistics Task Group:

1. Introductory remarks.
2. Review decisions made at January 15, 1979 Coordinating Subcommittee meeting.
3. Discuss development of questionnaire on supply/demand projections.
4. Review progress of Task Group members in completing their assignments.
5. Discuss other pertinent matters relating to the overall assignment of the Task Group.

Agenda for the March 2, 1979 meeting of the Coordinating Subcommittee:

1. Introductory remarks by Warren B. Davis, Chairman.
2. Remarks by Frank A. Verrastro, Government Cochairman.
3. Discussion and review of the scope of the study.
4. Discussion and review of the progress of the Task Groups.
5. Discussion of any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

All meetings are open to the public. The Chairmen of the Subcommittee and Task Group are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file written statements with either the Task Group or the Coordinating Subcommittee will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements should inform Mr. Robert Long, U.S. Department of Energy, (202) 252-5629, prior to the meetings, and reasonable provisions will be made for their appearance on the agenda. Summary/minutes of the Task Group meetings and transcripts of the Subcommittee session will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, Department of Energy, Forrestal Bldg., 1000 Independence Avenue, SW, Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on January 24, 1979.

ALVIN L. ALM,
Assistant Secretary, Policy and Evaluation.

[FR Doc. 79-3478 Filed 1-31-79; 8:45 am]

[6450-01-M]

Office of the Secretary

HIGH ENERGY PHYSICS ADVISORY PANEL

Renewal

Notice is hereby given that the High Energy Physics Advisory Panel (HEPAP) will be renewed as an advisory committee to the Department of Energy (DOE). HEPAP will continue to provide guidance and advice on a continuing basis to the Secretary of Energy through the Director of Energy Research on the national high energy physics research program. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act (P.L. 92-463), the DOE Organization Act (P.L. 95-91), DOE policies and procedures, OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of the Federal Advisory Committee Act. The renewal is necessary and in the public interest.

This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Further information regarding this Panel may be obtained from the Department of Energy Advisory Committee Management Office (202-252-5187).

Issued at Washington, D.C., on January 25, 1979.

JAMES R. SCHLESINGER,
Secretary.

[FR Doc. 79-3428 Filed 1-31-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180258; FRL 1049-3]

ARIZONA COMMISSION OF AGRICULTURE AND HORTICULTURE

Issuance of a Specific Exemption to Use Permethrin to Control Heliothis on Lettuce

The Environmental Protection Agency (EPA) has granted a specific exemption to the Arizona Commission of Agriculture and Horticulture (hereafter referred to as the "Applicant") to use Permethrin for the control of *Heliothis* on approximately 20,000 acres of lettuce in Arizona. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, *Heliothis virescens* and *H. zea* migrate from cotton to lettuce after the cotton is defoliated. In the past, growers plowed the cotton under after harvest. Now, however, the cotton is allowed to stay in the fields and thereby provides an optimum habitat for the pest. Because of a large population, the pest migrates to adjacent fields such as lettuce.

Heliothis infestations in 1977 doubled those of 1976, and the Applicant estimates that in 1978 they are 50% greater than in 1977. The Applicant advises that if any amount of *Heliothis* is present, the entire "pack" of lettuce (a truckload or railcar load) will be declared to be out of condition and will not be allowed to be sold, a 100% loss. It is estimated that 50% of the lettuce crop could be lost.

The Applicant claims that registered, available insecticides, such as acephate, methyl parathion, methomyl, and *Bacillus thuringiensis*, which are being used either individually or in combination, failed to control the pest on lettuce in 1977 and the first applications in 1978 have been ineffective.

The Applicant proposed to use Ambush and Pounce, which contain the active ingredient (a.i.) permethrin, at a rate of 0.2 pound a.i. per acre. A maximum of five applications using ground or air equipment were to be made at 5- to 7-day intervals per season with a 7-day pre-harvest interval.

EPA has determined that a residue level of 10 parts per million (ppm) permethrin on lettuce is adequate to protect the public health and the proposed use of permethrin is not expected to exceed this level.

As a result of this program, no unreasonable adverse effects would be expected to occur to either the environment and/or any non-target species. However, since permethrin is known to be highly toxic to aquatic vertebrates and invertebrates and to bees, appropriate conditions were imposed.

After reviewing the application and other available information, EPA determined that (a) a pest outbreak of *Heliothis* had occurred; (b) there was no effective pesticide presently registered and available for use to control this pest in Arizona; (c) there were no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems might result if *Heliothis* was not controlled; and (e) the time available for action to mitigate the problems posed was insufficient for a pesticide to be

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registered for this use. Accordingly, the Applicant was granted a specific exemption to use the pesticide noted above until December 31, 1978. The specific exemption was also subject to the following conditions:

1. The products Pounce and Ambush might be used at a dosage rate of 0.2 pounds a.i. per acre;
2. Applications were limited to 20,000 acres of lettuce in Arizona;
3. A maximum of five applications might be made per season at 5- to 7-day intervals with a 7-day pre-harvest interval;
4. Applications might be made by either ground or air equipment;
5. Only fields where registered alternatives had not been applied and control had been achieved might be treated;
6. The feeding of lettuce trimmings from treated fields to livestock was prohibited;
7. All applicable directions, restrictions, and precautions on the product label were to be followed;
8. Permethrin is extremely toxic to fish and aquatic invertebrates. It was to be applied with care in areas adjacent to any body of water. It was not to be applied when weather conditions favored run-off or drift. It was to be kept out of lakes, streams, and ponds. Care was to be taken to prevent contamination of water by the cleaning of equipment or disposing of wastes;
9. Permethrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It was not to be applied or allowed to drift to weeds in bloom on which an economically significant number of bees were actively foraging. Protective information was to be obtained from the State Cooperative Extension Service;
10. The EPA was to be immediately informed of any adverse effects resulting from the use of permethrin in connection with this exemption;
11. The Applicant was responsible for insuring that all the provisions of this specific exemption were met and must submit a report summarizing the results of this program by December 20, 1979; and
12. Lettuce with residue levels of permethrin not exceeding 10 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, was advised of this action.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: January 25, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 79-3540 Filed 1-31-79; 8:45 am]

[6560-01-M]

[OPP-180218A]

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Issuance of a Specific Exemption To Use Permethrin To Control Vegetable Leafminers

The Environmental Protection Agency (EPA) has granted a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use permethrin on 750 acres of chrysanthemums to control vegetable leafminers in ten counties in Florida. This exemption was granted in accordance with, and is subject to, provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

The vegetable leafminer, *Liriomyza sativae*, Blanchard, has periodically plagued various Florida crops, including flowers, since the late 1960's, reaching epidemic proportions in 1977. The leafminers damage flowers by depositing eggs directly into the leaf so that developing larvae tunnel through the leaf, removing much of its photosynthetic mesophyll layer. In flowers, damage occurs either directly to the petals, or to the photosynthetic leaf tissues, decreasing the plant's vigor. Leaves, and in many cases, whole branches of the plants, die. The mines left by these pests are also excellent points of entry for bacterial and fungal pathogens. In vegetable crops, this damaged foliage can be trimmed, but in the flower market, the Applicant stated, value is largely dependent on the quality of the foliage, so that damage can be quite detrimental to the crop's value.

According to the Applicant, none of the many registered pesticides for leafminer control on chrysanthemums is effective due to the leafminer's developed resistance. Various attempts at integrated pest management have been made by University of Florida personnel as well as by growers. According to the Applicant, however, chemical control is the only means available to reverse the epidemic populations of the pest.

The Applicant proposed to use Ambush, a product manfactured by ICI Americas, Inc., which contains the active ingredient (a.i.) permethrin. State-certified applicators would make ground applications in Broward, Dade, Glades, Hillsborough, Lee, Manatee, Martin, Palm Beach, Pinellas, and St. Lucie Counties. The Applicant claimed the entire flower industry, valued at $25 million may be lost to the State, if an effective method of control is not made available.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of vegetable leafminers on chrysanthemums has occurred; (b) resistance has developed to the pesticides presently registered and available for use to control this pest in Florida; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the leafminer is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 31, 1979, to the extent and in the manner set forth in the application, subject to the following modifications and conditions:

1. The product Ambush, manufactured by ICI Americas, Inc., is authorized;
2. Ambush will be applied at a rate of 0.05 to 0.10 pound a.i. per acre;
3. Applications may be made in the counties named above to 550 acres of chrysanthemums grown for cuttings and 200 acres grown as propagative material. Applications will be made at five-day intervals or two applications may be made per week when leafminer infestations are high or irrigation necessitates additional applications. A maximum of 1,920 pounds a.i. is authorized;
4. All applications will be made with broadcast ground equipment;
5. All applications will be made by State-certified applicators;
6. All applicable directions, restrictions, and precautions on the product label must be followed;
7. This product is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It may not be applied or allowed to drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the State Cooperative Agricultural Extension Service;
8. Permethrin is extremely toxic to fish and aquatic invertebrates. It must be kept out of lakes, streams, ponds, tidal marshes, and estuaries. Care must be taken to prevent contamination of water by cleaning of equipment or disposing of waste;
9. All personnel involved in the preparation and application of Ambush must wear protective clothing (long-sleeve shirts, full trousers, and non-permeable boots) and a respirator. During the mixing and loading operations, gloves and an apron must also be worn;
10. A 60-day crop rotation restriction shall be observed for food crops;
11. The Applicant shall be responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the result of this program by January 31, 1980; and
12. The EPA shall be immediately informed of any adverse effects resulting from use of permethrin in connection with this exemption.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: January 26, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 79-3540 Filed 1-31-79; 8:45 am]

[6560-01-M]

[OPP-180218A; FRL 1050-3]

MINNESOTA DEPARTMENT OF AGRICULTURE

Amendment to Specific Exemption To Use Asulox To Control Wild Oats, Buckwheat, and Foxtails

On August 18, 1978 (43 FR 36681) the Environmental Protection Agency (EPA) published a notice in the FEDERAL REGISTER which announced the granting of a specific exemption to the Minnesota Department of Agriculture (hereafter referred to as the "Applicant") to use an asulam formulation (Asulox) to control wild oats, buckwheat, and foxtails on 26,720 acres of flax in northwest Minnesota. This exemption was granted in accordance with, and was subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agncies for use of pesticides under emergency conditions.

The specific exemption inposed a 12-month rotation restriction for all crops but root crops which have an 18-month rotation restriction. The Applicant has advised that these restrictions are not practical since flax is generally rotated to grain crops within 12 months of Asulox application; adherence to the restriction would pose an economic hardship to the growers. The Applicant has requested that the crop rotation restriction be revised from 12 months to 10 months for grain crops.

EPA has determined from crop rotation data that there are no detectable residues of Asulox in the grain of grain crops rotated with treated flax fields 300 days (10 months) after treatment. Residues of Asulox, however, are present in the stems and leaves of grain crops. The requested crop rotation revision would still prevent illegal residues in the grain and a grazing and forage restriction would prevent the use of stems and leaves of grain crops which have residues of Asulox present.

After reviewing the request and other available information, EPA has determined that the proposed change in the crop rotatio period should pose no additional hazard to the public health and environment. Accordingly, EPA has amended the specific exemption granted to the Applicant to use Asulox to control wild oats, buckwheat, and foxtails in flax. The specific exemption is subject to the following conditions:

1. Root crops may not be planted within 18 months of application of Asulox. Crops other than small grains may not be planted within 12 months of application. Flax fields may not be rotate to grain crops within 10 months of application. Fodder from grain crops rotated with treated flax fields may not be grazed or cut for forage; and
2. All other restrictions in the original exemption remain in force.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: January 26, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs

[FR Doc. 79-3541 Filed 1-31-79; 8:45 am]

[6560-01-M]

[OPP-180251A (FRL 1049-2)]

OREGON DEPARTMENT OF AGRICULTURE

Amendment to Specific Exemption To Use Pydrin To Control Pear Psylla

On Thursday, January 4, 1979 (44 FR 1219), the Environmental Protection Agency (EPA) published a notice in the FEDERAL REGISTER which announced the granting of a specific exemption to the Oregon Department of Agriculture to use a maximum of 18,800 pounds active ingredient of Pydrin on 23,500 acres of pear orchards to control the pear psylla. The specific exemption was granted in accordance with, and was subject to, provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

Since then, the Oregon Department of Agriculture has requested that the specific exemption be amended to include the use of Pydrin in pear orchards which are interplanted with apple trees and to permit applications of Pydrin in combination with water or a superior type oil. These two items had been inadvertently omitted in the original request.

After reviewing the application, EPA has determined to issue the amendment which will not significantly change the original request and which includes identical uses permitted in two other pear-producing States. Accordingly, the Oregon Department of Agriculture may use the pesticide noted above as indicated in the specific exemption issued on November 10, 1978 and subject to the additional following conditions:

1. Pear orchards that are interplanted with apple trees may be treated as specified in the original specific exemption, provided applications are made prior to the bloom stage of development of both apple and pear trees;
2. Spray mixture volumes of 3-20 gallons will be applied by aircraft and 3-400 gallons with ground equipment. Pydrin may be applied in combination with water or a superior type oil;
3. Pears and apples with residue levels of Pydrin that do not exceed 0.01 part per million may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action; and
4. All other restrictions of the original specific exemption remain in force.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: January 25, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 79-3534 Filed 1-31-79; 8:45 am]

[6560-01-M]

[OPP—180261 (FRL 1049-4)]

TEXAS DEPARTMENT OF FOOD AND AGRICULTURE

Issuance of Specific Exemption To Use Permethrin To Control Cabbage Loopers on Cabbage

The Environmental Protection Agency (EPA) has granted a specific exemption to the Texas Department of Food and Agriculture (hereafter referred to as the "Applicant") to use Ambush and Pounce (permethrin) on 19,000 acres of cabbage in Texas. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, cabbage crops in the southern Texas area are suffering from heavy infestations of cabbage loopers for which the registered pesticides (methomyl, *Bacillus thurengiensis*, and methamidophos) have failed to provide adequate control. The Applicant proposed to use a maximum of 19,000 pounds of the active ingredient (a.i.) permethrin, at a rate of 0.1 a.i in a minimum of 3 gallons of water per acre. A maximum of 6 applications may be made, unless a knowledgeable expert determines that additional applications are necessary to control heavy infestations, at which time 4 additional applications may be made. Applications will be made at 5-

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to 7-day intervals with a 24-hour pre-harvest interval. Wrapper leaves will remain in the field. The Applicant claims that if this pesticide is not made available, losses to producers of up to $600 per acre will result.

EPA has determined that residues of permethrin from the proposed use will not exceed 3 parts per million (ppm) in field trimmed cabbage, a level adequate to protect the public health. Permethrin is highly toxic to fish, bees, and birds; appropriate use restrictions have been imposed to prevent unreasonable ecological dangers. A further restriction prohibiting the feeding of wrapper leaves to livestock has also been imposed.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of cabbage loopers has occurred; (b) there is no effective pesticide presently registered and available for use to control the cabbage looper in Texas; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the cabbage looper is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until May 15, 1979. The specific exemption is also subject to the following conditions:

1. The product permethrin may be used at a dosage rate of 0.05 to 0.1 pound a.i. in a minimum of 3 gallons of water per acre;
2. A maximum of 19,000 acres may be treated;
3. A maximum of 6 applications are authorized; however, if a knowledgeable expert determines that additional applications are necessary to control heavy cabbage looper infestations, then 4 additional applications may be made. The EPA shall be notified of the circumstances which warranted the additional applications;
4. A 5-7 day application interval will be observed, with a 24-hour pre-harvest interval;
5. A residue level of 3 ppm permethrin on cabbage has been deemed adequate to protect the public health. Cabbage with residues of permethrin that do not exceed this level may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;
6. The use of cabbage trimmings from treated fields for livestock feed items is prohibited;
7. All applicable restrictions and precautions addressed on the label must be adhered to;
8. Permethrin is toxic to fish, birds, and other wildlife. It must be kept out of any body of water and may not be applied where runoff is likely to occur. It may not be applied when weather conditions favor drift from treated areas. Care must be taken not to contaminate water by cleaning of equipment or disposal of wastes;
9. Permethrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied or allowed to drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the State Cooperative Agricultural Extension Service;
10. The EPA shall be immediately informed of any adverse effects resulting from the use of this product; and
11. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by September 1979.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: January 25, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-3535 Filed 1-31-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 380]

NOTIFICATION LIST

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

DECEMBER 27, 1978.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
(New)	Sudbury, Ontario, N. 46°26'15", W. 81° 01' 45" (Correction to change list No. 368, supplementary data dated Nov. 9, 1977 correct).	10	DA-1	*620 kHz* U	III				Nov. 9, 1978.
CFLS	Levis, Quebec, N. 46°48'26", W. 71°08'37" (In operation on new frequency at new site).	1	DA-N ND-D-188.	*920 kHz* U	III				
CJLP	Disraeli, Quebec, N. 45°54'28", W. 71°20'33" (In operation).	1D/0.25N	ND-186	*1230 kHz* U	IV	200	120	425 Ave.	
CBSI-4	Wabush-Labrador City, Newfoundland, N. 52°55'50", W. 66°53'24" (Change of call sign from CBDP).	1D/0.25N	ND-190	*1240 kHz* U	IV	198	120	320 Ave.	
(New)	Yellowknife, North West Territories, N. 62°28'00", W. 114°18'10".	1	ND-182	*1240 kHz* U	IV	150	120	317	Dec. 27, 1979.
CJLS	Levis, Quebec, N. 46°47'50", W. 71°08'33" (Delete).	0.25	ND-184	*1240 kHz* U	IV	155	120	320 Ave.	

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
CBGA-7	Ste. Anne des Monts, Quebec, N. 49°07'46", W. 66°27'46" (Change of call sign from CBGN).	1D/0.25N	ND-184	*1340 kHz* U	IV	150	120	295 Ave.	
CBGA-4	Causapscal, Quebec, N. 48°21'53", W. 67°14'17" (Change of call sign from CJBM).	1D/0.25N	ND-190	*1450 kHz* U	IV	170	120	275 Ave.	
CKAN	Newmarket, Ontario, N. 43°57'28", W. 79°26'53" (Correction of geographical co-ordinates).	10	DA-2	*1480 kHz* U	III				Oct. 23, 1978.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 79-3370 Filed 1-31-79; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSES

Correction to Notice of Revocation

By Decision served July 24, 1978, in Docket No. 77-53, *Licensing of Independent Ocean Freight Forwarders*, (FR, Vol. 43, No. 146, P. 32776, July 28, 1978), the Federal Maritime Commission amended its General Order 4 (46 CFR Part 510) to require all licensed independent ocean freight forwarders to file with the Commission a surety bond in the amount of $30,000. The amendment stated that if a licensee fails to file such bond on or before December 1, 1978, the license shall be revoked in accordance with Rule 510.9 of General Order 4.

The Commission published a Notice of Revocation in the FEDERAL REGISTER on January 3, 1979 (Vol. 44, No. 2, Pp. 953-955) wherein notice was given of the independent ocean freight forwarders who has failed to file with the Commission a surety bond in the amount of $30,000 and whose licenses were revoked effective December 2, 1978. Erroneously, the following were among the licensees named:

All Ports Household Goods Forwarders, FMC-1562, 25-36 31st Street, Long Island City, NY 11102.
Thomas A. Farrelly Co., Inc., FMC-1677, 400 Post Road, Fairfield, CT 06430.
Herb B. Meyer & Co., Inc., FMC-398, 11223 South Hindry Avenue, Los Angeles, CA 90009.

The Commission's Notice of Revocation also erroneously reflected:

Malvar Cargo Service (Alberto Malvar, dba), FMC-1689, 7760 NW 71st Street, Miami, FL 33166.

The Notice of Revocation properly should have shown as revoked:

M. Malvar Freight Forwarding Service (Manual Malvar, dba), P.O. Box 829, Miami, FL 33144.

With the exception of M. Malvar Freight Forwarding Service (Manuel Malvar, dba), FMC-1362, all requirements for bonds were met by December 1, 1978, by the above named forwarders. Hence, notice is hereby given that FMC License Numbers 1562, 1677, 398 and 1689, have not been revoked.

Notice is also given that the Independent Ocean Freight Forwarder License No. 1362 of M. Malvar Freight Forwarding Service (Manuel Malvar, dba) was revoked on December 2, 1978 for failure to submit the $30,000 bond.

Dated: January 25, 1979.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-3475 Filed 1-31-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

THE AVOCA CO.

Formation of Bank Holding Company

The Avoca Company, Avoca, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97 percent or more of the voting shares of Farmers State Bank, Avoca, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than February 23, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 23, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3403 Filed 1-31-79; 8:45 am]

[6210-01-M]

CUSHING BANCSHARES, INC.

Formation of Bank Holding Company

Cushing Bancshares, Inc., Cushing, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares (less directors' qualifying shares) of The First National Bank of Cushing, Cushing, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 23, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically

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any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System; January 23, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3402 Filed 2-1-79; 8:45 am]

[6210-01-M]

SECURITY NATIONAL OF NORMAN HOLDING CORP.

Formation of Bank Holding Company

Security National of Norman Holding Corporation, Noman, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring more than 80 percent, less directors' qualifying shares, of the voting shares of Security National Bank & Trust Company, Norman, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Security National of Norman Holding Corporation, Norman, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of J. H. Patten Company which will own 100 per cent of Patten Insurance Agency Inc., Norman, Oklahoma.

Applicant states that the proposed subsidiary would engage *de novo* in offering credit life insurance and credit accident and health insurance in connection with extensions of credit by its proposed subsidiary bank. This activity would be conducted at offices located at the Security National Bank & Trust Company, Norman, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accorance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competiton, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 23, 1979.

Board of Governors of the Federal Reserve System, January 24, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3400 Filed 1-31-79; 8:45 am]

[6210-01-M]

TRI COUNTY STATE BANK HOLDING CO., INC.

Formation of Bank Holding Company

Tri County State Bank Holding Company, Inc., Chamberlain, South Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 84.7 percent of the voting shares of Tri County State Bank, Chamberlain, South Dakota. The factors that are considerd in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 23, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 23, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3401 Filed 1-31-79; 8:45 am]

[6210-01-M]

AMERICAN STATE FINANCIAL CORP.

Acquisition of Bank

American State Financial Corporation, Lubbock, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Liberty State Bank, Lubbock, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 9, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 17, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3405 Filed 1-31-79; 8:45 am]

[6210-01-M]

BANK HOLDING COMPANIES

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indication how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 22, 1979.

A. *Federal Reserve Bank of Richmond,* 100 North Ninth Street, Richmond, Virginia 23261:

F&M NATIONAL CORPORATION, Winchester, Virginia (consumer finance and insurance activities; Virginia): through its subsidiary, Peoples Credit Corporation, to arrange, make, or acquire loans and other extensions of credit such as would be made by a consumer finance company under a revolving loan plan,, secured or unsecured, including loans under a revolving loan agreement secured by mortgages or deeds of trust on real propety and security interests in personal property; to service such loans and extensions of credit; and to act as agent or broker for the sale of life and accident and health insurance directly related to its extensions of credit, and to engage in making of loans, acquiring or servicing such loans, and take such security as authorized by the Code of Virginia. These activities would be conducted from an office in Luray, Virginia, and the geographic areas to be served are Page County and protions of Warren County, Virginia.

B. *Federal Reserve Bank of Kansas City,* 925 Grand Avenue, Kansas City, Missouri 64198:

MIDLAND CAPITAL CO., Oklahoma City, Oklahoma (mortgage banking activities; California): to engage in mortgage banking, through its subsidiary, Midland Mortgage Co., including origination and servicing of all types of residential and commercial mortgage loans. These activities would be conducted from an office in Apple Valley, California, and the geographic area to be served is southwest San Bernardino County, California.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 24, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3406 Filed 1-31-79; 8:45 am]

[6210-01-M]

FENNIMORE BANCORPORATION, INC.

Proposed Acquisition of Fennimore Finance Co., Inc.

Fennimore Bancorporation, Inc., Fennimore, Wisconsin, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Fennimore Finance Co., Inc., Fennimore, Wisconsin in connection with Applicant's acquisition of the First State Bank, Fennimore, Wisconsin. (See 44 FR 114) Notice of the application was published on November 8, 1978 in *The Fennimore Times,* a newspaper circulated in Fennimore, Wisconsin.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life and credit accident and health insurance related to the extensions of credit by First State Bank, Fennimore, Wisconsin. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Govenors of the Federal Reserve System, Washington, D.C. 20551, not later than February 23, 1979.

Board of Governors of the Federal Reserve System, January 25, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3407 Filed 1-31-79; 8:45 am]

[6210-01-M]

FIRST NATIONAL HOLDING CORP.

Proposed acquisition of First Grand Junction Industrial Bank, a De Novo Company

First National Holding Corp., Atlanta, Georgia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire through its subsidiary, Gulf Finance Corp., voting shares of First Grand Junction Industrial Bank, Grand Junction, Colorado, a *de novo* company. Notice of the application was published on August 30, 1978 in *The Daily Sentinel, a newspaper circulated in Grand Junction, Colorado.*

Applicant states that the proposed subsidiary would engage in the activities of operating as an industrial bank and acting as broker or agent in the sale of credit life insurance and credit accident and health insurance directly related to extensions of credit by the industrial loan bank. Such activities have been specified by the Board in § 225.4(a)(2) and (9)(ii) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 22, 1979.

Board of Governors of the Federal Reserve System, January 22, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3408 Filed 1-31-79; 8:45 am]

[6210-01-M]

FIRST PENNSYLVANIA CORP.

Proposed Retention of Investors Loan Corp., Philadelphia, Pa., and Industrial Finance & Thrift Corp., New Orleans, La.

First Pennsylvania Corporation Inc., Philadelphia, Pennsylvania, has applied, pursuant to section 4(c)(8) of

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the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain Investors Loan Corporation, Philadelphia, Pennsylvania, and Industrial Finance and Thrift Corporation, New Orleans, Louisiana. Notices of the application were published in newspapers of general circulation in the communities where offices of Investors Loan Corporation and Industrial Finance and Thrift Corporation, are located.

Applicant states that the proposed subsidiaries would engage in the activities of making and acquiring loans and other extensions of credit as would be made by a consumer finance company, selling credit life, accident, health, property and casualty insurance and reinsuring such credit insurance through their respective subsidiaries, Eastern Life Insurance Company and Tempco Life Insurance Company, both of Phoenix, Arizona. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 23, 1979.

Board of Governors of the Federal Reserve System, January 23, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3409 Filed 1-31-79; 8:45 am]

[6210-01-M]

THE WYOMING NATIONAL CORP.

Acquisition of Bank

The Wyoming National Corporation, Casper, Wyoming, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of First National Bank of Glenrock, Glenrock, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 22, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3404 Filed 1-31-79; 8:45 am]

[6820-23-M]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, on February 20, 1979, from 9:30 a.m. to 4:15 p.m., in Room 2636 of the GSA Regional Office Building, Seventh and D Streets, SW, Washington, DC. The meeting will be devoted to the initial stage of the process for screening and evaluating prospective architect-engineer firms to furnish professional services required in connection with development of Design Services for the following project: Upgrade Electrical System and Miscellaneous HVAC, Plumbing and Fire Safety Improvements, Agriculture South Building, 14th & Independence Avenue, S.W., Washington, D.C., (GS-03B-88317/89052). The meeting will be open to the public.

WALTER V. KALLAUR,
Regional Administrator.

JANUARY 23, 1979.

[FR Doc. 79-3395 Filed 1-31-79; 8:45 am]

[4110-84-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

ANNUAL REPORTS OF FEDERAL ADVISORY COMMITTEES

Notice of Filing

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress:

Interagency Committee on Emergency Medical Services

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Lee Shuck, Bureau of Medical Services, Health Services Administration, 6525 Belcrest Road, Hyattsville, Maryland 20782, Telephone (301) 436-6284.

Dated: January 24, 1979.

WILLIAM H. ASPDEN, Jr.,
Associate Administrator for Management.

[FR Doc. 79-3396 Filed 1-31-79; 8:45 am]

[4110-84-M]

ANNUAL REPORTS OF FEDERAL ADVISORY COMMITTEES

Notice of Filing

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress:

National Advisory Council on Migrant Health.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue SW., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Jaime L. Manzano, Bureau of Community Health Services, Health Services Administration, Room 7A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1153.

Dated: January 24, 1979.

WILLIAM H. ASPDEN, Jr.,
Associate Administrator for Management.

[FR Doc 79-3397 Filed 1-31-79; 8:45 am]

[4110-92-M]

Office of Human Development Services

FEDERAL ALLOTMENT TO STATES FOR SOCIAL SERVICES EXPENDITURES INCLUDING CHILD DAY CARE SERVICES PURSUANT TO TITLE XX OF THE SOCIAL SECURITY ACT

Promulgation for Fiscal Year 1979—Revised

In FR Doc. 78-34120 published in the FEDERAL REGISTER at page 57348 on December 7, 1978, the Federal allotment limitations for social services expenditures pursuant to Title XX of the Social Security Act were promulgated based on the new amount of $2,700,000,000 provided for the basic title XX program and the $200,000,000 provided for child day care services. Subsequent to this promulgation, errors were discovered in the rounding techniques used for both the census data and dollar computations. These errors would have adversely affected a single State while benefiting most other States in excess of their entitlement. These errors were significant enough to require the recalculation of all limitations for Fiscal Year 1979. Accordingly, the promulgation contained in such document is rescinded and the promulgation, as revised, is set forth below in its entirety.

Promulgation is made of the Federal allotment for Fiscal Year 1979 for purposes of grants to States under Title XX of the Social Security Act, as amended pursuant to Section 2002(a)(2) (Public Law 95-600, dated November 6, 1978) of the Act which provided that the Federal allotment shall be determined and promulgated in accordance with said section.

For Fiscal Year 1979, the allotment limitations are based on the Bureau of the Census population statistics contained in its publication, "Current Population Reports" (Series P-25, No. 646, February 1977) which was the most recent satisfactory data available from the Department of Commerce at the time the original allocations were made for Fiscal Year 1979 as to population of each State and of all States.

It is hereby promulgated, for purposes of grants to States for social services under title XX, that the Federal allotment of each of the 50 States and the District of Columbia for the Fiscal Year ending September 30, 1979, as determined pursuant to the Act and on the basis of said population data, shall be as set forth below:

State	Federal allotment
Total	$2,700,000,000
Alabama	46,099,000
Alaska	4,805,000
Arizona	28,552,000
Arkansas	26,527,000
California	270,682,000
Colorado	32,489,000
Connecticut	39,206,000
Delaware	7,321,000
District of Columbia	8,830,000
Florida	105,921,000
Georgia	62,513,000
Hawaii	11,157,000
Idaho	10,452,000
Illinois	141,240,000
Indiana	66,589,000
Iowa	36,099,000
Kansas	29,056,000
Kentucky	43,118,000
Louisiana	48,313,000
Maine	13,459,000
Maryland	52,124,000
Massachusetts	73,067,000
Michigan	114,511,000
Minnesota	49,872,000
Mississippi	29,609,000
Missouri	60,098,000
Montana	9,471,000
Nebraska	19,534,000
Nevada	7,673,000
New Hampshire	10,339,000
New Jersey	92,273,000
New Mexico	14,691,000
New York	227,463,000
North Carolina	66,790,000
North Dakota	8,088,000
Ohio	134,460,000
Oklahoma	34,791,000
Oregon	29,295,000
Pennsylvania	149,202,000
Rhode Island	11,660,000
South Carolina	35,823,000
South Dakota	8,629,000
Tennessee	53,004,000
Texas	157,063,000
Utah	15,446,000
Vermont	5,987,000
Virginia	63,293,000
Washington	45,432,000
West Virginia	22,905,000
Wisconsin	57,973,000
Wyoming	4,906,000
Total	$2,000,000,000
Alabama	3,415,000
Alaska	356,000
Arizona	2,115,000
Arkansas	1,965,000
California	20,051,000
Colorado	2,407,000
Connecticut	2,904,000
Delaware	542,000
District of Columbia	654,000
Florida	7,846,000
Georgia	4,631,000
Hawaii	827,000
Idaho	774,000
Illinois	10,462,000
Indiana	4,940,000
Iowa	2,674,000
Kansas	2,152,000
Kentucky	3,194,000
Louisiana	3,579,000
Maine	997,000
Maryland	3,861,000
Massachusetts	5,412,000
Michigan	8,482,000
Minnesota	3,694,000
Mississippi	2,193,000
Missouri	4,452,000
Montana	702,000
Nebraska	1,447,000
Nevada	568,000
New Hampshire	766,000
New Jersey	6,835,000
New Mexico	1,088,000
New York	16,849,000
North Carolina	5,096,000
North Dakota	599,000
Ohio	9,960,000
Oklahoma	2,577,000
Oregon	2,170,000
Pennsylvania	11,052,000
Rhode Island	864,000
South Carolina	2,654,000
South Dakota	639,000
Tennessee	3,926,000
Texas	11,634,000
Utah	1,144,000
Vermont	444,000
Virginia	4,688,000
Washington	3,365,000
West Virginia	1,697,000
Wisconsin	4,294,000
Wyoming	363,000

Dated: January 9, 1979.

ERNEST L. OSBORNE,
Commissioner, Administration for Public Services.

JANUARY 26, 1979.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development Services.

[FR Doc. 79-3434 Filed 1-31-79; 8:45 am]

[4110-83-M]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Application Announcement for Nursing Special Project Grants

The Bureau of Health Manpower, Health Resources Administration, announces that applications for grants for fiscal year 1979 Nursing Special Project Grants are now being accepted under the authority of section 820(a) of the Public Service Act.

Section 820(a) of the Act provides that the Secretary of Health, Education, and Welfare may make grants to public and nonprofit private schools of nursing and other public or nonprofit private entities to meet the costs of special projects to:

(1) Assist in (A) Mergers between hospital training programs or between hospital training programs and academic institutions; or

(B) Other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

(2) (A) Plan, develop, or establish new nurse training programs or programs of research in nursing education; or

(B) Significantly improve curricula of schools of nursing (including cur-

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riculums of pediatric nursing and geriatric nursing) or modify existing programs of nursing education;

(3) Increase nursing education opportunities for individuals from disadvantage backgrounds, as determined in accordance with criteria prescribed by the Secretary, by

(A) Identifying, recruiting, and selecting such individuals,

(B) Facilitating the entry of such individuals into schools of nursing,

(C) Providing counseling or other services designed to assist such individuals to complete successfully their nursing education,

(D) Providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

(E) Paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

(F) Publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

(4) Provide continuing education for nurses;

(5) Provide appropriated retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

(6) Help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care;

(7) Provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel; or

(8) Assist in meeting the costs of developing short-term (not to exceed 6 months) in-service training programs for nurses aides and orderlies for nursing homes, which programs emphasize the special problems of geriatric patients and include training for monitoring the well-being and feeding and cleaning of the patients in nursing homes, emergency procedures, drug properties and interactions, and fire safety techniques.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436-6564.

Applications are reviewed three times each year. The next deadline for receipt of applications is March 1, 1979; the following deadlines are July 1, 1979, and November 1, 1979. Applications should be sent to the address given in the previous paragraph.

Should additional programmatic information be required, please contact: Nursing Education Branch, Division of Nursing, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 3-50, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436-6681.

Dated: January 23, 1979.

HENRY A. FOLEY,
Administrator.

[FR Doc. 79-3398 Filed 1-31-79; 8:45 am]

[4110-83-M]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Application Announcement for Curriculum Development Grants

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1979 Curriculum Development Grants will be accepted under the authority of section 788(d) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484). Application materials are expected to be available on or about March 1, 1979.

Section 788(d) authorizes the award of grants to any health profession, allied health profession, or nurse training institution, or any other public or nonprofit entity for health manpower projects. Grants will be awarded in fiscal year 1979 to support the development and implementation of curriculum in applied nutrition, geriatrics, and occupational and environmental health with support in occupational and environmental health limited to schools of medicine and osteopathy.

The overall purposes of these grants are to: (1) Support interdisciplinary educational programs in nutrition which will result in improved skills in primary care including the application of knowledge in nutrition in the promotion of health.

(2) Increase the awareness of future primary care physicians of the role that occupational and environmental factors play in causing diseases and provide instruction in the diagnosis, treatment, and prevention of these diseases.

(3) Facilitate efforts to train future health care practitioners about the special health needs of the nation's growing elderly population and the most effective methods for meeting these needs.

While a maximum of three years of support may be requested, priority will be given to approved projects which will produce products, such as course syllabi, texts, and other instructional materials, during the first year of grant support which can be used by the grantee and other institutions.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, Health Resources Administration Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782, Phone: (301) 436-6098.

To be considered for fiscal year 1979 funding, applications must be received by the Grants Management Officer, Bureau of Health Manpower, at the above address no later than April 23, 1979. Approximately $4,500,000 is expected to be available for grants in fiscal year 1979 and will be allocated in the following manner:

Occupational and Environmental Health, $1,000,000; Geriatrics, 2,000,000; Applied Nutrition, 1,500,000.

Additional programmatic information concerning grants in applied nutrition can be received from:

Chief, Interdisciplinary Programs, Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration Center Building, Room 5-41, 3700 East-West Highway, Hyattsville, Maryland 20782, Phone: (301) 436-6607.

Additional programmatic information concerning grants in geriatrics and occupational and environmental health can be received from:

Chief Multidisciplinary Systems, and Programs Branch, Division of Medicine, Bureau of Health Manpower, Health Resources Administration Center Building, Room 4-50, 3700 East-West Highway, Hyattsville, Maryland 20782, Phone: (301) 436-6436.

Dated: January 29, 1979.

HENRY A. FOLEY, Ph. D.,
Administrator.

[FR Doc. 79-3546 Filed 1-31-79; 8:45 am]

[4110-83-M]

HEALTH RESOURCES ADMINISTRATION

Health Systems Agency Application Information

On October 19, 1978, notice was given of the availability of application materials in DHEW Regional Office IX for entities interested in applying for designation as the health systems agency (HSA) for California Health Service Area 11. This health systems agency will be responsible for health planning for the health service area and for the promotion of the development of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

The Notice requested a letter of intent from each entity interested in applying for designation by December 15, 1978, and an application by April 1, 1979. This Notice extends the deadline for receipt of applications to May 15, 1979. Applications may be submitted to DHEW Regional Office IX, 50 United Nations Plaza, San Francisco, California, 94102.

Dated: January 29, 1979.

HENRY A. FOLEY, Ph. D.,
Administrator.

[FR Doc. 79-3545 Filed 1-31-79; 8:45 am]

[4110-12-M]

Office of the Secretary

INTERNATIONAL AFFAIRS

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part A of the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare, Office of the Secretary, by transferring the Office of International Affairs from the Office of Management analysis and Systems (42 FR 36313, 7/14/77) to the immediate Office of the Secretary. The statement for the relocated office reads as follows:

AAC.00 Mission. Oversees the development, implementation, coordination, and evaluation of the international aspects of the Department's programs and activities. Advises the Secretary and the POCs on Administration, Secretarial, Departmental, and POC international initiatives, priorities, policies, and procedures. Represents the Secretary in international matters, and is the Department's central point of reference for international issues and questions.

AAC.10 Organization. The Office of International Affairs functions under a Director, who also serves as Special Assistant to the Secretary for International Affairs, and reports directly to the Secretary.

AAC.20 Functions. The Office of International Affairs (OIA) provides staff support to the Secretary and leadership to the Department in the international area. Specifically, OIA:

1. Gives leadership and guidance to the POCs in the development and implementation of international policies and procedures to achieve HEW and U.S. Government goals.

2. Prepares policy papers on how HEW can best achieve its goals, and appropriately support and influence U.S. foreign policy goals.

3. Formulates strategies for applying HEW resources in the international sphere and for assessing the methods by which other countries attempt to meet their health, education, social services, and income maintenance needs.

4. Advises the Secretary and the POC heads on the most effective organization of staff in the international area.

5. Evaluates HEW's performance in international activities.

6. Represents the Secretary and the Department in discussions of international matters with representatives of the White House, Congress, the executive agencies, international organizations, and the private sector.

7. Maintains an overall view of POC international activities (planning, authorization, funding, organization, staff levels, and evaluation), and leads in HEW-wide coordination of these activities, to avoid gaps or overlaps and to ensure conformance with Departmental and U.S. Government policy.

8. Makes nominations to the Department of State of HEW personnel and members of the public to serve on official U.S. delegations to international conferences and organizations.

9. Works with the Department of State and other agencies in the preparation of official U.S. positions and policies vis a vis international organizations of interest to HEW, and in observance of international years and special events.

10. Does planning and briefing for the Secretary's personal participation in international activities, such as travel and receiving foreign visitors.

11. Chairs and provides staff support for the HEW Exchange Visitor Waiver Review Board, which considers applications for wiavers of the two-year foreign residence requirement for exchange visitors under the Mutual Educational and cultural Exchange Program, and makes recommendations for waivers to the International Communication Agency on behalf of the Secretary.

12. Formulates and monitors international travel procedures.

13. Maintains a clearinghouse for selected summary information on HEW international activities, such as travel, research, resources, and HEW staff abroad.

Dated: January 8, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 79-3435 Filed 1-31-79; 8:45 am]

[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

IRRIGATION OPERATION AND MAINTENANCE CHARGES

Water Charges and Related Information on the Wapato Irrigation Project, Washington

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of Interior to the Assistant Secretary—Indian Affairs in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

On December 4, 1978, in 43 FR 56734, there was published a notice of proposed assessment rates and related provisions on the Wapato Irrigation Project for Calendar Year 1979 and subsequent years until further notice. These assessment rates were proposed pursuant to the authority contained in the Acts of August 1, 1914, (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, views, or arguments regarding the proposed rates and related provisions. During this period no comments, suggestions, or objections were submitted. Therefore, the assessment rates and related provisions as set forth below are adopted effective March 5, 1979.

WAPATO IRRIGATION PROJECT—GENERAL ADMINISTRATION

The Wapato Irrigation Project, which consists of the Ahtanum Unit, Toppenish-Simcoe Unit, and Wapato-Satus Unit within the Yakima Indian Reservation, Washington, is administered by the Bureau of Indian Affairs. The Project Engineer of the Wapato Irrigation Project is the officer-in-charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 191, Operation and Maintenance, Title 25—Indians,

V 4 4 / 2 3 F E 1 7 9 UMI

Code of Federal Regulations (42 FR 30362, June 14, 1977).

IRRIGATION SEASON

Water will be available for irrigation purposes from April 1 to September 30 each year. These dates may be varied as much as 15 days when weather conditions and the necessity for doing maintenance work warrants doing so.

DELIVERY TO PATENT IN FEE LANDS

No water will be delivered to a patent in fee farm unit until all irrigation charges assessed against the land for construction, operation and maintenance, and all penalties that may have accrued, are paid.

DELIVERY TO INDIAN LANDS UNDER LEASE

No water will be delivered to trust Indian lands under lease until the lessee has paid the irrigation charges and any penalties assessed under these regulations, or in cases where the lease provides that the landowners pay the operation and maintenance charges from the lease rental, no water shall be delivered until the Superintendent of the Reservation has issued a certificate to the Project Engineer certifying that the lessee has complied fully with the terms of the lease.

DELIVERY TO INDIAN LANDS BEING FARMED BY INDIAN FARMERS

No water will be delivered to land operated by an Indian farmer until the charges fixed in these regulations are paid, or until the Superintendent of the Reservation has issued a certificate to the Project Engineer, certifying that the Indian will pay the charges through the Superintendent, or that the Indian is financially unable to pay the charges.

TIME OF PAYMENT

The charges fixed by these regulations shall become due April 1 of each year and are payable on or before that date. To all charges assessed against lands in patent in fee ownership, and those paid by lessees of Indian lands direct to the project office, remaining unpaid on July 1 following the due date, there shall be added a penalty of 1½ percent for each month, or fraction thereof, from the due date until the charges are paid.

AHTANUM UNIT

CHARGES

The operation and maintenance rate on lands of the Ahtanum Irrigation Unit for the Calendar Year 1979 and subsequent years until further notice, is fixed at $5.25 per acre per annum for land to which water can be delivered from the project works.

TOPPENISH-SIMCOE UNIT

CHARGES

The operation and maintenance rate for the lands under the Toppenish-Simcoe Irrigation Unit for the Calendar Year 1979 and subsequent years until further notice, is fixed at $5.45 per acre per annum for land for which an application for water is approved by the Project Engineer.

WAPATO-SATUS UNIT

CHARGES

The basic operation and maintenance rate on assessable lands under the Wapato-Satus Unit is fixed for the Calendar Year 1979 and subsequent years until further notice as follows:

(1) Minimum charge for all tracts	$17.00
(2) Basic rate upon all farm units or tracts for each assessable acre except Additional Works lands	$17.00
(3) Rate per assessable acre for all lands with a storage water right, known as "B" lands, in addition to other charges per acre	$1.80
(4) Basic rate upon all farm units or tracts for each assessable acre of Additional Works lands	$17.90

ASSESSABLE LANDS

The assessable lands of the Wapato-Satus Unit are classified under these regulations as follows:

(a) All Indian trust (A or B) land designated as assessable by the Secretary of the Interior, except land which has never been cultivated if in the opinion of the Project Engineer the cost of preparing such land for irrigation is so high as to preclude its being leased at this time for agricultural purposes.

(b) All Indian trust (A and B) land not designated as assessable by the Secretary of the Interior for which application for water is pending or on which assessments had been charged the preceding year.

(c) All patent in fee land covered by a water right contract, except on land that because of inadequate drainage is no longer productive. The adequacy of the drainage is determined by the Project Engineer.

(d) At the discretion of the Project Engineer and upon the payment of charges, patent in fee land for which an application for a water right or modification of a water right contract is pending.

W. D. BABBY,
Acting Area Director.

JANUARY 25, 1979.

[FR Doc. 79-3399 Filed 1-31-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

[AA-6646-A]

ALASKA

Alaska Native Claims Selection

On September 10, 1974, and December 13, 1974, Natives of Akhiok, Inc., for the Native village of Akhiok, filed selection application AA-6646-A under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)), for the surface estate of certain lands in the Akhiok area, including lands within the Kodiak National Wildlife Refuge (Public Land Order (PLO) 1634).

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

This decision approves approximately 441 acres of national wildlife refuge lands for conveyance to Natives of Akhiok, Inc., for a cumulative total of approximately 55,782 acres. This does not exceed the 69,120 acres permitted under Sec. 12(a)(1).

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 441 acres, is considered proper for acquisition by Natives of Akhiok, Inc., and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Lands *within* the Kodiak National Wildlife Refuge (PLO 1634)

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 36 S., R. 31 W.
Sec. 25 (fractional), excluding U.S. Survey 2508 and U.S. Survey 2371;
Sec. 36 (fractional), all.

Containing approximately 441 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)).

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601) (Supp. V, 1975), any valid existing right recognized by said act shall continue to have whatever right of access as is now provided for under existing law;

3. Those rights for water pipeline purposes as have been granted to CWC Fisheries, Inc., its successors or assigns, by right-of-way A-053899, located in Sec. 25, T. 36 S., R. 31 W., Seward Meridian, under the act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

4. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g) (Supp. V. 1975)), that (a) the above described lands which are within the boundaries of the Kodiak National Wildlife Refuge on December 18, 1971, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;

5. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Natives of Akhiok, Inc. is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date approximately 57,089 acres, of this entitlement have been approved for conveyance. The remaining entitlement of approximately 12,031 acres will be conveyed at a later date.

The lands approved for conveyance in this decision are entirely within Kodiak National Wildlife Refuge. Section 12(a)(1) provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region.

There are no Sec. 17(b) easements to be reserved in this conveyance.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks in the ANCHORAGE TIMES and in the KADIAK TIMES. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until March 5, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Natives of Akhiok, Inc., Ralph Eluska, Vice President, 5028 Mills, Anchorage, Alaska 99504.

Koniag, Inc., Regional Native Corporation, P.O. Box 746, Kodiak, Alaska 99615.

SUE A. WOLF,
Chief, Branch of Adjudication.

[FR Doc. 79-3480 Filed 1-31-79; 8:45 am]

[4310-84-M]

ARIZONA, SAFFORD DISTRICT GRAZING ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Safford District Grazing Advisory Board will be held on March 6, 1979.

The meeting will begin at 9:30 a.m. in the conference room of the Bureau of Land Management, 425 East 4th Street, Safford, Arizona 85546.

The agenda for the meeting will include:

(1) Election of a Vice-Chairman.

(2) Expenditure of range betterment and advisory board funds for range improvements.

(3) A review of the following as they relate to allotment management plans:

(a) District Wildlife Water Policy

(b) Wilderness Inventory

(c) The Range Lands Improvement Act

(d) Implementation of allotment management plans following completion of the Upper Gila-San Simon Environmental Statement and Rangeland Management Program Document.

The meeting will be open to the public. Interested persons may make oral statements to the board, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 East 4th Street, Safford, Arizona 85546, by 4:15 p.m., March 2, 1979.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

GUY E. BAIER,
District Manager.

JANUARY 24, 1979.

[FR Doc. 79-3376 Filed 1-31-79; 8:45 am]

[4310-84-M]

[Colorado 23734 s]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

JANUARY 26, 1979.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for approximately 0.136 miles of natural gas pipeline to collect and deliver gas into the North Douglas Creek Gathering System on the following public land:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 1 S., R. 101 W.
Section 31: SE¼NW¼, NE¼SW¼

The expansion of the above-named gathering system will enable the applicant to collect and deliver natural gas.

V 4 4 / 2 3

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) to give all interested parties the opportunity to comment on the application. (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

JOHN R. BERNICK,
Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-3379 Filed 1-31-79; 8:45 am]

[4310-84-M]

[Colorado 23734 t]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

JANUARY 24, 1979

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for a 10¾" o.d. and 4½" o.d. natural gas pipeline for the North Douglas Creek Gathering System approximately 5.037 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 2. S., R. 103 W.
Section 1: SW¼SW¼
Section 10: SE¼SE¼
Section 11: S½NE¼, NW¼SE¼, E½SW¼, SW¼SW¼
Section 12: W½NW¼
Section 15: N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼
Section 21: W½NE¼
Section 30: NW¼SW¼
T. 2. S., R. 104 W.
Section 25: S½S½
Section 26: E½SE¼

The above-named gathering system will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) to give all interested parties the opportunity to comment on the application. (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

JOHN R. BERNICK,
Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc 79-3380 Filed 1-31-79; 8:45 am]

[4310-84-M]

[Colorado 25122 h, 24402 p]

NORTHWEST PIPELINE CORP.

R/W Applications for Pipeline

JANUARY 24, 1979

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, 315 East 200 South, Salt Lake City, Utah 84111, has applied for a rights-of-way for 4½" o.d. and 6⅝" o.d. natural gas pipeline for the Foundation Creek and East Douglas Creek Gas Gathering Systems approximately 4.721 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 2 S., R. 101 W.
Section 24: S½SE¼, NE¼SE¼
Section 25: W½NW¼, NE¼NW¼, NW¼NE¼
Section 26: N½SE¼, SE¼NE¼
Section 35: NE¼NW¼
T. 2 S., R. 100 W.
Section 17: N½SW¼, NW¼SE¼
Section 18: E½SW¼, N½SE¼, S½NE¼
Section 19: NW¼SW¼, W½NW¼, NE¼NW¼
T 4 S., R. 102 W.
Section 23: SW¼NE¼

The above-named gathering systems will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determing whether or not the application should be approved and if approved, under what terms and conditions. (2) to give all interested parties the opportunity to comment on the application. (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwestern Pipeline Corporation.*

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

JOHN R. BERNICK,
Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc 79-3381 Filed 1-31-79; 8:45 am]

[4310-84-M]

[Colorado 25378-D]

NORTHWEST PIPELINE CORP.

Pipeline Application

JANUARY 25, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a 4½ inch o.d. natural gas pipeline, approximately 0.120 miles long across the following public lands in Garfield County, Colorado:

T. 6S., R. 102 W., 6th P.M.
Section 11.

The proposed lateral pipeline will enable the applicant to convey natural gas from a wellhead in said Section 11 to their existing Calf Canyon Gathering System.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objection must be filed with the Team Leader, Canon City-Grand Junction Team, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Leader, Canon City-Grand Junction Team, Branch of Adjudication.

[FR Doc. 79-3382 Filed 1-31-79; 8:45 am]

[4310-84-M]

IDAHO WILDERNESS INVENTORY

Meeting

Notice is hereby given that the Bureau of Land Management will hold a public informational meeting at the American Legion Hall in Challis, Idaho, February 8, 1979, from 3:00 p.m. to 7:00 p.m., for the purpose of providing the opportunity for public discussion and review of the proposed decision on the wilderness inventory conducted in the Donkey Hills area of the BLM Salmon District.

The proposed decision was published in the January 11, 1979, FEDERAL REGISTER.

For further information, contact Harry Finlayson, District Manager, Salmon District Office, BLM, P.O. Box 430, Salmon, Idaho 83467—Telephone: 208-756-2201.

Dated: January 25, 1979.

WILLIAM L. MATHEWS,
State Director, Bureau of Land Management.

[FR Doc. 79-3383 Filed 1-31-79; 8:45 am]

[4310-84-M]

IDAHO, WILDERNESS POLICY

Public Meetings

Notice is hereby given that the following statewide public meeting will be held in Idaho to discuss the Draft Interim Management Policy and Guidelines and the proposed Surface Mining Regulations for wilderness study areas of the Bureau: February 13, 1979 at 5:00 P.M. in the Training Center Auditorium of the Boise Interagency Fire Center, 3905 Vista Avenue, Boise, Idaho. Additional district workshops will be held by the Boise, Burley, Idaho Falls, Salmon, Shoshone and Coeur d'Alene Districts. Time and place of these workshops will be announced later.

The purpose of the statewide meeting is to inform the public, answer questions and accept written and oral comments on (1) Draft Interim Management Policy and Guidelines (published—FEDERAL REGISTER, Vol. 44, No. 9, Pages 2695 and following) and (2) Proposed Surface Mining Regulations (proposed rulemaking published—FEDERAL REGISTER, Vol. 44, No. 9, January 12, 1979, Pages 2623 and following). Written and oral comments on the two documents identifying public responses to the basic policy concepts reflected in the draft documents; public expressions about particular issues, concerns and recommended solutions related to how the general policies contained in these documents are applied to specific activities and uses; public concerns regarding the process and procedures for implementing the policies will be recorded to assure their use in the BLM decision making process.

Comments on the two draft documents will be accepted during the 60-day comment period which began January 12, 1979, and ends March 14, 1979.

For further information, contact William L. Mathews, State Director, Idaho State Office, Bureau of Land Management, Federal Building, 550 W. Fort Street, Box 042, Boise, Idaho 83724 (Telephone No. 208-384-1402). Copies of the two documents are available from the Idaho State and District Offices of the BLM.

Addresses: Bureau of Land Management, Idaho State Office, Federal Building, 550 W. Fort Street, Box 042, Boise, Idaho 83724; Bureau of Land Management, Boise District, 230 Collins Road, Boise, Idaho 83702; Bureau of Land Management, Burley District, Route 3, Box 1, Burley, Idaho 83318; Bureau of Land Management, Idaho Falls District, 940 Lincoln Road, Idaho Falls, Idaho 83401; Bureau of Land Management, Salmon District, P.O. Box 430, Salmon, Idaho 83467; Bureau of Land Management, Shoshone District, P.O. Box 2-B, Shoshone, Idaho 83352; Bureau of Land Management, Coeur d'Alene District, P.O. Box 1889, Coeur d'Alene, Idaho 83814.

Dated: January 26, 1979.

WILLIAM L. MATHEWS,
Idaho State Director, Bureau of Land Management.

[FR Doc. 79-3384 Filed 1-31-79; 8:45 am]

[4310-84-M]

[NM 35788]

NEW MEXICO

Application

JANUARY 22, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 11 W.,
Sec. 14, E½SW¼

This pipeline will convey natural gas across 0.215 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will proceeding with consideration of whether the application should be approved. and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107

FRED E. PADILLA,
Chief, Branch of Lands and Mineral Operations.

[FR Doc.79-3386 79- Filed 1-31-79; 8:45 am]

[4310-84-M]

PACIFIC OUTER CONTINENTAL SHELF

Availability of Official Protraction Diagram

AGENCY: Department of the Interior, Bureau of Land Management, Pacific Outer Continental Shelf.

ACTION: Availability of Official Protraction Diagram.

ADDRESS: 300 No. Los Angeles St., Los Angeles, CA 90012.

FOR FURTHER INFORMATION CONTACT:

William E. Grant (FTS 798-7234).

Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagram approved on the date indicated, is available, for information only, in the Pacific Outer Continental Shelf Office, Bureau of Land Management, Los Angeles, CA. In accordance with Title 43, Code of Federal Regulations, this protraction diagram is the basic record for the description of mineral and oil and gas lease offers in the geographic area it represents.

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OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAM

Description	Approval date
NL 10-10, Newport, Revised	October 24, 1978

Copies of this diagram are for sale at two dollars ($2.00) per copy by the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 300 No. Los Angeles St., Rm. 7127, Los Angeles, CA 90012. Checks or money orders should be made payable to the Bureau of Land Management.

KEITH A. SHONE,
Acting Manager, Pacific Outer Continental Shelf Office.

[FR Doc. 79-3377 Filed 1-31-79; 8:45 am]

[4310-84-M]

WILSON GLADES

Seasonal Closure to Vehicle Access

In cooperation with the California State Department of Fish and Game, and under the authority of 43 CFR, 8364.1-1, the Bureau of Land Management will institute a seasonal vehicle closure of the access road which leads to sensitive meadow environments in an area known as Wilson Glades. The road crosses private land to reach public lands at a point just east of Spring Valley Road, and west of Indian Valley Reservoir. A locked gate and sign will be located near the southeast corner of the SW¼SW¼ Section 1, Township 14 N., Range 7 W., Mount Diablo Base Meridian.

The seasonal vehicle closure of the access road, which was made after considerable damage had occurred to the meadow area by vehicles during the wet season, is being initiated to prevent further unnecessary destruction of plant life and wildlife habitat. In addition, trespass and vandalism of private property adjacent to the road closure have been a constant problem because the only access to public lands in this area is through private property, via a connecting private road.

The closure is consistent with the Indian Valley Reservoir Recreation Management Plan and will be effective from October 15 to May 15, 1979, and each year thereafter for the same period and until further notice.

Copies of a map showing the designated area are available at the Bureau of Land Management Office, 555 Leslie St., Ukiah, California 95482.

Dated: January 24, 1979.

DEAN STEPANEK,
District Manager.

[FR Doc. 79-3378 Filed 1-31-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

[AA-6986-A and AA-6986-C]

ALASKA

Alaska Native Claims Selection

On December 12, 1974, Cape Fox Corporation, for the Native village of Saxman, filed selection application AA-6986-A; and on December 16, 1974, filed selection application AA-6986-C under the provisions of section 16(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 706; 43 U.S.C. 1601, 1615 (Supp. V, 1975)), for the surface estate of lands located in the Tongass National Forest in the vicinity of Saxman and Ketchikan.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 16(b), aggregating approximately 4,982 acres is considered proper for acquisition by Cape Fox Corporation and is hereby approved for conveyance pursuant to section 14(b) of the Alaska Native Claims Settlement Act:

Mineral Survey 2190 A and B, Alaska, situated on unsurveyed public land, Ketchikan Mining District, Anchorage Land District, Alaska.

Containing 35.044 acres.

COPPER RIVER MERIDIAN, ALASKA (SURVEYED)

T. 74 S., R. 91 E.
Sec. 1, Lots 1, 2, 3, 4;
Sec. 2, Lots 1, 2, 3, 4, 5, 6, 7, 8, NE¼SW¼, S½SW¼, NW¼SE¼;
Sec. 3, Lots 1, 2, 3, S½SE¼;
Sec. 4, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, W½SW¼, NE¼SE¼;
Sec. 5, E½, S½SW¼;
Sec. 9, S½NE¼, SE¼SW¼, SE¼;
Sec. 10, N½, N½SW¼, SW¼SW¼;
Sec. 11, NE¼NW¼, W½NW¼;
Sec. 13, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 17, E½SE¼;
Sec. 20, NE¼NE¼;
Sec. 21, W½NE¼, E½NW¼, NW¼NW¼, NW¼SE¼, E½SE¼.

Containing 3,125.00 acres.

COPPER RIVER MERIDIAN, ALASKA (UNSURVEYED)

T. 74 S., R. 91 E.
Sec. 3, the portion of Lake Harriet Hunt within Sec. 3;
Sec. 4, the portion of Lake Harriet Hunt within Sec. 4;
Sec. 11, E½, SE¼NW¼;
Sec. 13, W½;
Sec. 14, NE¼, N½SE¼;
Sec. 20, SE¼NE¼;
Sec. 21, SW¼NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 24, E½, E½NW¼, NE¼SW¼;
Sec. 25, E½, S½NW¼, SW¼, excluding Mineral Survey 2190;
Sec. 26, SE¼;
Sec. 28, NE¼NE¼;
Sec. 35, NE¼NE¼;
Sec. 36, N½N½

Containing approximating 1,822 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1981 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the public easements, listed below, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in casefile AA-6986-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses permitted for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail: The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road: The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

100 Foot Proposed Road: The uses allowed on a one hundred (100) foot wide road easement are travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks. All roads in this category must be proposed for construction within a five-year period. If the road is not constructed the easement will be reduced to a twenty-five (25) foot wide trail and the uses will be consistent with the trail width. If after the road has been constructed a lesser width is sufficient to accommodate the road, the easement shall be reduced to a 60 foot wide easement.

One (1) Acre Site: The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

a. (EIN 11 D9) An easement for a proposed access trail twenty-five (25) feet in width from the north boundary of Sec. 2, T. 74 S., R. 91 E., Copper River Meridian, southerly to public lands in Sec. 11, T. 74 S., R. 91 E., Copper River Meridian. The trail will be located within the powerline easement EIN 35 L, G, where it traverses lands in Sec. 2, T. 74 S., R. 91 E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 12 D1, D9) A one (1) acre site easement upland of the mean high tide line in Sec. 11, T. 74 S., R. 91 E., Copper River Meridian, on the west shore of George Inlet. The uses allowed are those listed above for a one (1) acre site easement.

c. (EIN 17 C5, G) A two (2) acre site easement in Sec. 4, T. 74 S., R. 91 E., Copper River Meridian, at the terminus of the existing road. The uses allowed are vehicle parking, and loading or unloading. Loading and unloading will be limited to 24 hours. This site will be relinquished as an easement in five years or less.

d. (EIN 20 G) An easement one hundred (100) feet in width for a proposed road from site easement EIN 17 C5, G in Sec. 4, T. 74 S., R. 91 E., Copper River Meridian, northerly to public lands. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

e. (EIN 23 D9) An easement for an existing acess trail twenty-five (25) feet in width from trail easement EIN 11 D9, in Sec. 11, T. 74 S., R. 91 E., Copper River Meridian, easterly to site easement EIN 12 D1, D9 on the west shore of George Inlet. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

f. (EIN 24 C5, G) An easement sixty (60) feet in width for an existing road from the end of road easement deed No. 5713 in Sec. 8, T. 74 S., R. 91 E., Copper River Meridian, northeasterly to its terminus in Sec. 4, T. 74 S., R. 91 E., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

g. (EIN 35 L, G) An easement one hundred (100) feet in width for a proposed powerline from the selection boundary in Sec. 4, T. 74 S., R. 90 E., Copper River Meridian, northerly adjoining the existing road (highway easement deed No. 5713) to a point in Sec. 18, T. 74 S., R. 91 E., Copper River Meridian, thence easterly approximately 1.2 miles to a point in Sec. 17, T. 74 S., R. 91 E., Copper River Meridian, near the existing road right-of-way, thence southeasterly to a point near the White River in Sec. 21, T. 74 S., R. 91 E., Copper River Meridian, thence northeasterly generally following the White River to the selection boundary in Sec. 35, T. 73 S., R. 91 E., Copper River Meridian. The uses allowed are those activities associated with the construction, operation, and maintenance of the powerline facility.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2. Sec. 6(g) (1970))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Pursuant to Sec. 17(b)(2) of the Act, any valid existing right recognized by the Act shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 715; 43 U.S.C. 1601, 1621(k) (Suppl. V, 1975)), that, until December 18, 1983, the above-described lands, located within the boundaries of a national forest, shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands;

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Pursuant to Sec. 16(b) of the Alaska Native Claims Settlement Act, Cape Fox Corporation is entitled to 23,040 acres of land. The corporation recently received patent to 3,763.01 acres. By a recent decision, 1,652.32 acres of surveyed land and approximately 355 acres of unsurveyed land were approved for conveyance. Together with the lands herein approved, the total of lands conveyed or approved for conveyance is 8,575.374 acres of surveyed land an approximately 2,177 acres of unsurveyed land. Patent to the surface estate of the surveyed land herein approved will be issued when this decision becomes final; interim conveyance will be issued for the unsurveyed lands and the lands requiring additional survey. Conveyance of the remaining entitlement to Cape Fox Corporation will be made at a later date. Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be issued to Sealaska Corporation when the surface estate is conveyed to Cape Fox Corporation, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the KETCHIKAN DAILY NEWS. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until 3-5-79, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information of the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

If an appeal is taken the adverse parties to be served with a copy of the notice of appeal are:

Cape Fox Corporation, P.O. Box 8558, Ketchikan, Alaska 99901.
Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801.

JUDITH A. KAMMINS,
Chief, Division of ANCSA Operations.

[FR Doc. 79-3481 Filed 1-31-79; 8:45 am]

[4310-84-M]

[F-14937-A]

ALASKA NATIVE CLAIMS SELECTION

On September 18, 1967, the State of Alaska filed community purposes grant selection application F-592, as amended, pursuant to Sec. 6(a) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(a) (1970)). This selection describes lands near the Native village of St. Mary's including a portion of T. 23 N., R. 76 W., Seward Meridian.

On November 18, 1974, St. Mary's Native Corporation filed selection application F-14937-A, as amended, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (Supp. V, 1975)), for the surface estate of lands located in the St. Mary's area, including lands within the subject State selection.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 11(a)(2) further withdrew for possible selection by the Native corporation those lands within the townships described in Sec. 11(a)(1) that have been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act. Sec-

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tion 12(a) further provides that no village corporation may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The lands described below were properly selected by St. Mary's Native Corporation in village selection application F-14937-A. Accordingly, State selection application F-592 is hereby rejected as to the following described lands:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 23 N., R. 76 W.
Secs. 11 and 12, all;
Sec. 13, excluding Native allotment F-18407 Parcel A;
Sec. 14, all;
Sec. 23, excluding Native allotment F-16606 Parcel B;
Sec. 24, excluding Native allotments F-16606 Parcel B, F-18185 and F-18745 Parcel A;
Sec. 25, all;
Sec. 26, excluding U.S. Survey No. 2984, the Andreafsky River and Steamboat Slough;
Sec. 35, excluding the Andreafsky River and Steamboat Slough;
Sec. 36, excluding Steamboat Slough.

Containing approximately 5,605 acres.

The total amount of State selected lands rejected to permit conveyance to St. Mary's Native Corporation is approximately 5,605 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of the Alaska Native Claims Settlement Act. Further action on the subject State selection application, as to those lands not rejected herein, will be taken at a later date.

As to the lands described below, the application submitted by St. Mary's Native Corporation, as amended, is properly filed, and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 107,541 acres, is considered proper for acquisition by St. Mary's Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 24 N., R. 74 W.
Secs. 1 to 5, inclusive, all;
Sec. 6, excluding Native allotment F-18745 Parcel C
Secs. 7 to 36, inclusive, all.

Containing approximately 22,777 acres.

T. 25 N., R. 74 W.
Secs. 1 to 35, inclusive, all;
Sec. 36, excluding Native allotment F-17406.

Containing approximately 22,932 acres.

SEWARD MERIDIAN, ALASKA (SURVEYED)

T. 24 N., R. 75 W.
Sec. 1, all;
Secs. 2 and 3, excluding Native allotment F-031484 Parcel B;
Secs. 4 to 22, inclusive, all;
Sec. 23, excluding Native allotments F-18115 and F-18116 Parcel A;
Secs. 24 and 25, all;
Sec. 26, excluding Native allotment F-18116 Parcel A;
Secs. 27 to 32, inclusive, all;
Sec. 33, excluding Native allotment F-18117;
Secs. 34, 35 and 36, all.

Containing approximately 22,340 acres.

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 25N., R. 75 W.
Secs. 1 to 36, inclusive, all.

Containing approximately 23,007 acres.

T. 23 N., R. 76 W.
Secs. 1 and 2, all;
Secs. 11 and 12, all;
Sec. 13, excluding Native allotment F-18407 Parcel A;
Sec. 14, all;
Sec. 23, excluding Native allotment F-16606 Parcel B;
Sec. 24, excluding Native allotments F-16606 Parcel B, F-18185 and F-18745 Parcel A;
Sec. 25, all;
Sec. 26, excluding U.S. Survey No. 2984, the Andreafsky River and Steamboat Slough;
Sec. 35, excluding the Andreafsky River and Steamboat Slough;
Sec. 36, excluding Steamboat Slough.

Containing approximately 6,885 acres.

T. 24 N., R. 76 W.
Secs. 15 and 16, all;
Secs. 21 to 28, inclusive, all;
Secs. 32 to 36, inclusive, all.

Containing approximately 9,600 acres.
Aggregating approximately 107,541 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file F-14937-EE, are reserved to the United States and subject to further regulation thereby:

a. (EIN 2 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width for the Hamilton to Marshall route, from the western bank of Steamboat Slough in Sec. 34, T. 23 N., R. 76 W., Seward Meridian, through public lands to Pilot Station. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

b. (EIN 4 C3, D1) An easement one hundred (100) feet in width for an existing road from St. Mary's Village westerly to the airport for access between these two points. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

c. (EIN 7 C1, D1, L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the Andreafsky and East Fork Andreafsky Rivers through the village selection area and an easement on the entire bed of the non-navigable portion of these rivers through the selection area. Purpose is to provide for public use of waters having highly significant present recreational use.

d. (EIN 8 D9) A site easement upland of the ordinary high water mark in Sec. 33, T. 24 N., R. 75 W., Seward Meridian, on the right bank of the Andreafsky River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping and vehicle use.

e. (EIN 9 D9) A site easement upland of the ordinary high water mark in Sec. 35, T. 24 N., R. 74 W., Seward Meridian, on the left bank of the East Fork Andreafsky River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping and vehicle use.

f. (EIN 11 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 6, T. 24 N., R. 76 W., Seward Meridian, northerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

g. (EIN 12 C) The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

These reservations have not been conformed to the Departmental easement policy announced March 3, 1978 and published as final rulemaking on November 27, 1978, 43 FR 55326. Conformance will be made at a later date in accordance with the terms and conditions of the agreement dated November 15, 1978, between the Alaska State Director, Calista Corporation, and St. Mary's Native Corporation.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601) (Supp. V, 1975)), any valid existing right recognized by said act shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

4. The terms and conditions of the agreement dated November 15, 1978, between the Alaska State Director, Calista Corporation and St. Mary's Native Corporation. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for St. Mary's Native Corporation, serialized F-14937-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

St. Mary's Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date approximately 107,541 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 7,649 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above will be granted to Calista Corporation at the same time conveyance is granted to St. Mary's Native Corporation for the surface estate and shall be subject to the same conditions as the surface conveyance.

The following inland water bodies within the lands described are considered to navigable:

The Andreafsky River west of the village of St. Mary's
Steamboat Slough

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in both in ANCHORAGE TIMES and THE TUNDRA DRUMS. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed refused to sign the return receipt shall have until March 5, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal there must be strict compliance with the regulations governing such appeal. Further information on the manner of an requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Puch 7-512, Anchorage, Alaska 99510.

If an appeal is taken, the parties to be served are:

St. Mary's Native Corporation, St. Mary's Alaska 99658.
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

JUDITH A. KAMMINS,
Chief, Division of ANCSA Operations.

[FR Doc. 79-3457 Filed 1-31-79; 8:45 am]

[3410-84-M]

[M-18537]

MONTANA

Amendment to Pipeline Right-of-Way Okie Pipe Line Company

JANUARY 23, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended, Okie Pipe Line Company has applied for an amendment to their right-of-way for a 4-inch oil pipeline across the following public lands:

PRINCIPAL MERIDIAN, MONTANA

T. 7 N., R. 59 E.,
Sec. 20, N½NW¼.
T. 6 N., R. 60 E.,
Sec. 14, SW¼SW¼; and
Sec. 24, S½ and SW¼NW¼.
T. 6 N., R. 61 E.,
Sec. 28, S½SW¼;
Sec. 30, N½; and
Sec. 34, S½NW¼, NE¼SW¼, and NW¼SE¼.

The amendment consists of the addition of another 4-inch pipeline to be installed 8 feet from and parallel to their existing pipeline which crosses 4.24 miles of public lands located in Fallon County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, Box 940, Miles City, Montana 59301.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-3451 Filed 1-31-79; 8:45 am]

[4310-84-M]

[N-16095]

NEVADA

Proposed Withdrawal and Opportunity for Public Hearing

JANUARY 22, 1979.

The United States Army, Corps of Engineers, on behalf of the Department of the Air Force, filed application N-16095 on January 4, 1979, for the withdrawal of public lands described below from settlement, sale, location or entry under the public land laws, including the mining, mineral leasing and mineral materials disposal laws.

MOUNT DIABLO MERIDIAN

Tps. 1, 2, 3, and 4 S., R. 44 E.
Tps. 1, 2, 3, and 4 S., R. 45 E.
Tps. 1 and 2 S., R. 46 E.
Tps. 3 and 4 S., R. 46 E. (unsurveyed).
Tps. 1 and 2 S., R. 47 E.
Tps. 3 and 4 S., R. 47 E. (unsurveyed).
Tps. 1 and 2 S., R. 48 E.
Tps. 3 and 4 S., R. 48 E. (unsurveyed).
Tps. 1 and 2 S., R. 49 E.
Tps. 3, 4, 5, 6, and 7 S., R. 49 E. (unsurveyed).
T. 8 S., R. 49 E. (unsurveyed),
Secs. 1-11, incl., 14-23, incl., 26-35, incl.;
Secs. 12, 13, 24, 25, and 36, exclusive of those portions withdrawn by P.L.O. 2568.
Tps. 9, 10, 11, and 12 S., R. 49 E. (unsurveyed),
Secs. 2-11, incl., 14-23, incl., 26-35, incl.;
Secs. 1, 12, 13, 24, 25, and 36, exclusive of those portions withdrawn by P.L.O. 2568.
Tps. 1, 2, 3, 4, 5, 6, and 7 S., R. 50 E. (unsurveyed).
T. 8 S., R. 50 E. (unsurveyed),
Secs. 1-6, incl.;
Secs. 7-12, incl., exclusive of those portions withdrawn by P.L.O. 2568.
Tps. 1, 2, 3, 4, 5, 6, and 7 S., R. 50 E. (unsurveyed).
T. 8 S., R. 50 E. (unsurveyed),
Secs. 1-6, incl.;
Secs. 7-12, incl., exclusive of those portions withdrawn by P.L.O. 2568.
Tps. 3 and 4 S., R. 51½ E. (unsurveyed).
Tps. 3, 4, 5, 6, and 7 S., R. 52 E. (unsurveyed).
T. 8 S., R. 52 E. (unsurveyed),
Secs. 1-6, incl.;
Secs. 7-12, incl., 18, 19, 30, and 31, exclusive of those portions withdrawn by P.L.O. 805 and 2568.
Tps. 3 and 4 S., R. 53 E.
Tps. 5, 6, and 7 S., R. 53 E. (unsurveyed).
T. 8 S., R. 53 E. (unsurveyed),
Secs. 1-6, incl.;
Secs. 7-12, incl., exclusive of those portions withdrawn by P.L.O. 805.

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Tps. 3 and 4 S., R. 54 E.
Secs. 4-9, incl., 16-21, incl., 28-33, incl.
Tps. 5 and 6 S., R. 54 E. (unsurveyed).
T. 7 S., R. 54 E. (unsurveyed),
Secs. 1-34, incl.;
Secs. 35 and 36, exclusive of those portions withdrawn by P.L.O. 1662.
T. 8 S., R. 54 E. (unsurveyed),
Secs. 3-6, incl.;
Secs. 2, 35, 36, and 7-11 incl., exclusive of those portions withdrawn by P.L.O. 1662 and 805.
Tps. 9, 10, 11, and 12 S., R. 54 E. (unsurveyed).
Secs. 1, 12, 13, 24, 25, and 36;
Secs. 2, 11, 14, 23, 26, and 35, exclusive of those portions withdrawn by P.L.O. 805.
T. 13 S., R. 54 E. (unsurveyed),
Secs. 10-15, incl., 22-27, incl., 34, 35, and 36;
Secs. 9, 16, 21, 28, 33, exclusive of those portions withdrawn by P.L.O. 805.
T. 14 S., R. 54 E. (unsurveyed),
Secs. 1-3, incl., 10-15, incl., 22-27, incl., 34, 35, and 36;
Secs. 4, 9, 16, 21, 28, and 33, exclusive of those portions withdrawn by P.L.O. 805.
Tps. 5 and 6 S., R. 55 E. (unsurveyed),
Secs. 2-11, incl., 14-23, incl., 26-35, incl.;
T. 7 S., R. 55 E. (unsurveyed),
Secs. 2-11, incl., 14-23, incl., 26-30, incl.;
Secs. 31-35, incl., exclusive of those portions withdrawn by P.L.O. 1662.
Secs. 36, S½, exclusive of those portions withdrawn by P.L.O. 1662.
T. 8 S., R. 55 E. (unsurveyed),
Secs. 31-36, incl., exclusive of those portions withdrawn by P.L.O. 1662.
Tps. 9, 10, 11, 12, 13, and 14 S., R. 55 E. (unsurveyed).
T. 7 S., R. 55½ E. (unsurveyed),
Secs. 31, 32, and 33, S½, exclusive of those portions withdrawn by P.L.O. 1662.
T. 8 S., R. 55½ E. (unsurveyed),
Secs. 4, 9, 16, 21, 28, 31, 32, and 33, exclusive of those portions withdrawn by P.L.O. 1662.
Tps. 9, 10, 11, 12, 13, and 14 S., R. 55½ E. (unsurveyed).
Tps. 8, 9, 10, 11, 12, 13, and 14 S., R. 56 E. (unsurveyed).
T. 15 S., R. 56 E.
T. 16 S., R. 56 E.
Secs. 1 and 2;
Sec. 3, lots 5, 6, 7, 8, 9, E½;
Sec. 4, lots 5, 6, 7, 8;
Sec. 5, lots 5, 6, 7, 8, 9, NW¼, W½NE¼;
Sec. 6, lots 8, 9, NE¼, W½;
Sec. 8, lot 1;
Sec. 9, lot 1;
Tracts 38, 39, 40, 41, 42 A and B.
Tps. 8,9,10,11,12,13, and 14 S., R. 57 E. (unsurveyed).
Tps. 8,9,10,11,12,13, and 14 S., R. 58 E. (unsurveyed).
Tps. 8,9,10,11,12,13, and 14 S., R. 59 E. (unsurveyed).

The lands described above aggregate 2,945,725 acres more or less in Nye, Lincoln, and Clark Counties. Approximately 810,000 acres are within the Desert National Wildlife Range. The lands are delineated on maps designated 256-FP-1, 256-FP-3 and 389-FP-1, copies of which are on file in Case NO. N-16095, Nevada State Office, Bureau of Land Management.

The applicant proposes to continue using the lands within the Indian Springs Auxiliary Air Force Field and bombing and gunnery ranges (Nellis AFB) for training combat aircrews and testing new or improved weapons systems.

The lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal, if effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the lands will not be affected by the temporary segregation. In accordance with section 204(b) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, the segregative effect of the withdrawal application will terminate 2 years from the date of this notice.

The Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and the related resources and undertake negotiations with the applicant agency to reduce the proposed withdrawal to the minimum essential for the applicant's needs and to provide for the maximum concurrent utilization of the lands.

Pursuant to section 204(h) of the Federal Land Policy and Management Act, an opportunity for a public hearing is hereby afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the Bureau of Land Management at the address shown below within 30 days from the date of publication notice. Upon determination by the State Director that a public hearing will be held, a notice will be published in the FEDERAL REGISTER, giving the time and place of such hearing.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management within the 30 day period allowed.

All correspondence in connection with this withdrawal should be directed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, 300 Booth Street, Reno, Nevada 89509.

WM J. MALENCIK,
Chief,
Division of Technical Services.

[FR Doc. 79-3447 Filed 1-31-79; 8:45 am]

[4310-84]

[W-65946]

WYOMING

Application

JANUARY 24, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Company of Salt Lake City, Utah filed an application for a right-of-way to construct a 10¾ inch O.D. transmission pipeline for the purpose of transporting gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 119 W.,
Sec. 32, E½NE¼, SW¼NE¼, NE¼SW¼, S½SW¼ and NW¼SE¼.
T. 15 N., R. 120 W.,
Sec. 10, NW¼NW¼.
T. 16 N., R. 120 W.,
Sec. 12, NE¼NE¼, W½NE¼, NE¼SW¼, S½SW¼ and NW¼SE¼;
Sec. 14, SE¼NE¼ and N½S½;
Sec. 22, NW¼NW¼;
Sec. 28, NW¼NW¼, E½SW¼ and SW¼SE¼;
Sec. 34, W½SW¼.

The proposed pipeline will extend from a point of connection with an existing pipeline located in the NE¼ of Section 18, T. 15 N., R. 120 W., to a point located in the NE¼ of Section 19, T. 17 N., R. 119 W., all within Uinta County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-3452 Filed 1-31-79; 8:45 am]

[4310-31-M]

Geological Survey

NATURAL GAS CATEGORY DETERMINATION

Delegation of Authority, Correction

In FR Doc. 79-2444, appearing on page 5024, in the issue for Wednesday, January 24, 1979, in the second column of page 5024, in the fourth line from the top, "July 1, 1978" should be corrected to read "July 1, 1979."

[4310-03-M]

Office of the Secretary

NATIONAL WILD AND SCENIC RIVERS SYSTEM

Proposed Illinois National Wild and Scenic River

Notice of Application for Inclusion in the National Wild and Scenic Rivers System as State Administered River Area.

This notice is to acknowledge that on November 6, 1978, the Secretary of the Interior received formal application from the Governor of Oregon to include the Illinois River, an Oregon Scenic Waterway, in the National Wild and Scenic River System under section 2(a)(ii) of Pub. L. 90-542, as amended by Section 761 of Pub. L. 95-625.

The segment of the Illinois River for which national designation has been requested is from its confluence with Deer Creek downstream to its confluence with the Rouge River, a total of 46 miles.

This same river segment plus an additional 4.4 miles has been studied by the U.S. Forest Service, found to qualify, and recommended for addition to the National System. On October 1, 1978, the President concurred with this recommendation and urged speedy congressional approval.

Before approving or disapproving an application for inclusion of a State river in the National System, the Secretary of the Interior is required under section 4(c) of the Act to circulate the proposal for review and comment by affected Federal agencies. That review was initiated on December 21, 1978.

Questions concerning this application may be addressed to the Heritage Conservation and Recreation Service, U.S. Department of the Interior, Federal Building, Room 990, 915 Second Avenue, Seattle, Washington 98174 (phone 20-442-4706) or 440 G Street, N.W., Washington, D.C. 20243 (phone 202-343-4793).

Dated: January 25, 1979.

CECIL D. ANDRUS,
Secretary.

[FR Doc. 79-3387 Filed 1-31-79; 8:45 am]

[4310-05-M]

Office of Surface Mining Reclamation and Enforcement

AVAILABILITY OF MINE PLAN

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Major Modification of Existing Coal Mining and Reclamation Plan.

SUMMARY: Pursuant to §211.5(b) of Title 30, CFR Notice is hereby given that the Office of Surface Mining has received the following mine plan for a coal mining and reclamation operation on Federal coal lands:

LOCATION OF LANDS

Applicant—Northern Energy Resources Co.
Mine Property Name—Spring Creek Mine.
State—Montana.
County—Big Horn.
OSM Reference Number—MT-0012.
General Description of Affected Lands—Federal Coal Lease #M-069782, Approx. 3482 Acres in T8B, R39E of the Montana Principal Meridian.

This application is available for public review in the library of Region V Offices of the Office of Surface Mining, Room 270, Post Office Building, 1823 Stout Street, Denver, Colorado.

This Notice is issued at this time for the convenience of the public. The OSM has not yet determined whether the plan is adequate and may, during the course of its reviews, request additional information. Any additional information so obtained will also be available for public review. Prior to final decision on this mine plan, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to § 211.5(c)(2) of Title 30, Code of Federal Regulations. Copies of the mining plan are also being sent to the offices of the Bureau of Land Management and the Geological Survey in Billings, Montana.

DATES: Comments on or objections to the plan should be received by the Region V Office no later than 30 days following the date of this announcement.

ADDRESSES: Comments should be sent to the Regional Director, Office of Surface Mining and Reclamation and Enforcement, Region V, 1823 Stout Street, Denver, Colorado 80202.

PAUL L. REEVES,
Deputy Director.

[FR Doc. 79-3558 Filed 1-31-79; 8:45 am]

[4410-09-M]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 79-1]

SUN KWOH-CHENG, M. D.

Hearing

Notice is hereby given that on December 22, 1978, the Drug Enforcement Administration, Department of Justice, issued to Sun Kwoh-cheng, M. D., Siren, Wisconsin, an Order to Show Cause as to why the Drug Enforcement Administration should not revoke Respondent's Certificate of Registration, AS4974730, issued to him pursuant to Section 303 of the Controlled Substances Act (Title 21, United States Code, Section 823).

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, February 6, 1979, in the Hearing Room, Room 1210, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C.

Dated: January 25, 1979.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 79-3433 Filed 2-1-79; 8:45 am]

[4410-18-M]

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Competitive Research Grant Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant solicitation to support a study of the movement of confined offenders between mental health and correctional facilities. The major objective of this research is to acquire greater understanding of incarcerated population sources and flows both within and between these two systems of confinement.

The solicitation requests submission of draft proposals rather than full, formal proposals. Full proposals will be requested from those applicants receiving favorable review by a peer review panel. In order to be considered, a draft proposal must be received by the National Institute no later than April 1, 1979. One grant will be awarded under this announcement. A maximum of $250,000 will be awarded for a project with an expected duration of 24 months.

Additional information and copies of the solicitation may be obtained by contacting:

Lawrence A. Greenfeld, Corrections Division, Office of Research Programs, National Institute of Law Enforcement and Criminal Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (301) 492-9118.

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Dated: January 19, 1979.

BLAIR G. EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 79-3453 Filed 1-31-79; 8:45 am]

[4510-23-M]

MINIMUM WAGE STUDY COMMISSION

MEETING

JANUARY 29, 1979.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Commission meeting:

Name: Minimum Wage Study Commission.
Date: February 13, 1979.
Place: Room 550, 2000 K St. NW, Washington, DC. Persons desiring to attend will be admitted to the extent seating is available.
Time: 10 a.m.

PROPOSED AGENDA

1. Minutes of Preceding Meeting.
2. Plans for studies concerning the inflationary impact, if any, of increases in the minimum wage as prescribed by the Fair Labor Standards Act.
3. Wage distribution survey of farm labor.
4. Executive Session.

Next meeting of the Commission will be Tuesday, March 13, 1979.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW, Suite 500, Washington, DC 20005, (202) 376-2450.

LOUIS E. MCCONNELL,
Executive Director.

[FR Doc. 79-3368 Filed 1-31-79; 8:45 am]

[7537-01-M]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE, PLANNING, AND DESIGN ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Architecture, Planning, and Design Advisory Panel to the National Council on the Arts will be held February 22, 1979, from 9:00 a.m. to 5:30 p.m., and on February 23, 1979, from 9:00 a.m. to 5:30 p.m., in room 1130, Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9 (B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

JANUARY 25, 1979.

[FR Doc 79-3454 Filed 1-31-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Revised Notice of Meeting

Regarding the previous FEDERAL REGISTER notice (published on January 24, 1979, Volume 44, p. 5028) for the meeting of the Advisory Committee on Reactor Safeguards to be held on February 8-10, 1979, in Washington, D.C., a change in schedule for the items being discussed on Friday, February 9, 1979 has been made as follows.

FRIDAY, FEBRUARY 9, 1979

1:00 p.m.-2:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the reports of its Subcommittees on recent activities regarding Anticipated Transients Without Scram, Emergency Core Cooling Systems, and ACRS review of Licensee Event Reports.

2:30 p.m.-5:30 p.m.: Meeting with NRC Staff (Open)—The Committee will meet with members of the NRC Staff to hear reports on and to discuss recent operating experience and licensing actions. These matters will include matters related to operations at the Kewaunee Nuclear Station, the Duane Arnold Energy Center, and NRC activities related to the capability of nuclear power plants to shut down and remove decay heat using only safety grade equipment.

5:30 p.m.-6:30 p.m.: Executive Session (Open)—The Committee will discuss its proposed reports to the NRC on the Salem Nuclear Station and the Fluor Pioneer Inc. Standard Balance of Plant.

Portions of this session will be closed as required to discuss Proprietary Information related to these facilities and arrangements for physical security of these facilities.

Dated: January 29, 1979.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 79-3456 Filed 1-31-79; 8:45 am]

[7590-01-M]

[PRM-2-5]

STATE OF NEW HAMPSHIRE

Extension of Comment Period

On November 30, 1978 the Nuclear Regulatory Commission published in the FEDERAL REGISTER (43 FR 56110) a notice that a petition for rule making had been filed with the Commission by the State of New Hampshire. The petitioner requests the Nuclear Regulatory Commission to conduct a joint proceeding with the Council on Environmental Quality, Environmental Protection Agency, Secretary of the Army, Secretary of the Interior, Secretary of State, and Secretary of Transportation, to adopt rules designed to achieve efficiency in the granting or denial of all licenses required for the construction and operation of nuclear power facilities.

In view of a request from Debevoise and Liberman for additional comment time, the Commission is hereby extending the period for submitting written comments or suggestions concerning the petition for rule making to February 28, 1979. Any written submissions should be sent to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before February 28, 1979.

Copies of the petition and the comments are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records at the above address.

Dated at Washington, D.C., this 29th day of January 1979.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 79-3455 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Dockets Nos. STN 50-592, STN 50-593]

ARIZONA PUBLIC SERVICE CO., ET AL., (PALO VERDE NUCLEAR GENERATING STATION, UNITS 4 AND 5)

Special Prehearing Conference

JANUARY 26, 1979.

On May 8, 1978, the Nuclear Regulatory Commission published in the FEDERAL REGISTER a notice of a hearing to be held to consider the application for construction permits filed by Arizona Public Service Company on behalf of itself and ten joint applicants (43 FR 19727-29). Such permits would authorize construction of two pressurized water nuclear reactors designated as the Palo Verde Nuclear Generating Station, Units 4 and 5, each of which would be designed for operation at a core power level of 3,800 thermal megawatts, with a net electrical output of approximately 1,307 megawatts. The proposed facilities would be located in Maricopa County, Arizona, about 36 miles west of Phoenix.

That notice, among other things, provided that any person whose interest may be affected by the proceeding and who wishes to participate as a party in the proceeding may file a petition for leave to intervene. However, because at the time of that notice the Environmental Report required by the Commission's regulations had not been filed, petitioners were not required to raise environmental issues by the deadline established in the notice.

Thereafter, on December 8, 1978, the Atomic Safety and Licensing Board designated to preside in this proceeding published a supplemental notice of hearing which provided an opportunity for any person whose interest may be affected to file a petition for leave to intervene with regard to environmental issues (43 FR 57694-95).

In response to these notices, Mr. Larry Bard has filed a timely petition for leave to intervene. In addition, petitions for leave to participate in the proceeding pursuant to the "interested state" provision of 10 CFR § 2.715(c) have been filed by the California Energy Resources Conservation and Development Commission, the Arizona Atomic Energy Commission, the Public Utilities Commission of the State of California and the City of El Paso.

Please take notice that a special prehearing conference pursuant to the provisions of § 2.751a of the Commission's Rules of Practice (10 CFR 2.751a) will be held in this proceeding at 10:00 a.m., local time, on Wednesday, February 21, 1979, at the Maricopa County Board of Supervisors Auditorium, 205 West Jefferson Street, Phoenix, Arizona 85003. The purposes of this special prehearing conference are to (1) permit identification of the key issues in the proceeding; (2) take any steps necessary for further identification of the issues; (3) consider the petition for intervention in the proceeding; and (4) establish, in consultation with all the parties and other participants, schedules for completing the public hearing process.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board.

It is so ordered.

Dated at Bethesda, Maryland, this 26th day of January, 1979.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc. 79-3461 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. 40-3453]

ATLAS MINERALS CORP.

Availability of Final Environmental Statement for MOAB Uranium Mill

Notice is hereby given that a Final Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards related to the application for renewal of Source Material License No. SUA-917 for the Moab Uranium Mill located in Grand County near Moab, Utah, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555. The Final Statement is also being made available at the Utah State Clearinghouse, Utah State Planning Coordinator, Office of the Governor, State Capitol Building, Salt Lake City 84114 and at the Southeastern Utah Association of Governments, P.O. Box 686, 109 S. Carbon Avenue, Price, Utah 84501.

The notice of availability of the Draft Environmental Statement for the Moab Uranium Mill and requests for comments from interested persons was published in the FEDERAL REGISTER on December 9, 1977 (42 FR 62222). The comments received from Federal agencies, State and local officials, and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document no. NUREG-0453) may be purchased for $9.00 a printed copy and $3.00 for microfiche from the National Technical Information Service, Springfield, Va. 22161, on or about February 7, 1979.

Dated at Silver Spring, Maryland, this 19th day of January, 1979.

For the Nuclear Regulatory Commission.

ROSS A. SCARANO,
Section Leader, Uranium Mill Licensing Section, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 79-3462 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-400, 50-401, 50-402, 50-403]

CAROLINA POWER & LIGHT CO., (SHEARON HARRIS NUCLEAR POWER PLANT, UNITS 1, 2, 3 AND 4)

Continuation of Hearing

On September 5, 1978 the Nuclear Regulatory Commission remanded to the Atomic Safety and Licensing Board for a further hearing the issue of whether Carolina Power and Light Company has the management capabilities to construct and operate the proposed Shearon Harris nuclear power facility without undue risk to the health and safety of the public. Please take notice that the evidentiary hearings on the remanded issue will commence on February 27, 1979 at 9:00 A.M. at the following location:

Federal Building, Courtroom No. 2, 7th Floor, 310 New Bern Avenue, Raleigh, North Carolina 27611.

If the hearings continue until March 6 and thereafter the place of hearing shall be, beginning March 6 at:

Federal Building, Grand Jury Room, Rm. 820, 310 New Bern Avenue, Raleigh, North Carolina 27611.

The public is invited to attend.

By order of the Board.

Dated at Bethesda, Maryland this 24th day of January, 1979.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc. 79-3463 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Provisional Operating License No. DPR-20, issued to

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Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Palisades Plant (the facility), located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment authorizes changes to the requirements for reactor internals vibration monitoring.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 25, 1977, as supplemented by letter dated March 23, 1978, (2) Amendment No. 45 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of January, 1979.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-3465 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for Operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment changes certain provisions in Section 6 of the Technical Specifications to reflect an organizational structure which conforms to the guidance of ANSI N18.7-1976 and to allow more efficient operation of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 27, 1978, and supplement thereto dated January 12, 1979, and (2) Amendment No. 46 to License No. DPR-20, including the Commission's Evaluation contained in the letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of January, 1979.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-3466 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. P-636-A]

FLORIDA POWER & LIGHT CO.

Withdrawal of Partial Application for Construction Permits and Facility Licenses

On July 14, 1975, Florida Power & Light Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed one part of an application in connection with its plans to construct and operate two nuclear power reactors. The portion of the application filed contained the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

Notice of receipt of this partial application was published in the FEDERAL REGISTER on December 10, 1975, 40 FR 57518.

In a letter dated September 13, 1978, Florida Power & Light Company (FP&L) stated: (1) FP&L did not submit other parts of the application within thirty-six months as required by the Commission's regulations; (2) FP&L has no plans for completing the application or for proceeding with the project in the reasonably foreseeable future; and (3) the application should be deleted from the Commission's docket of pending applications.

The atomic Safety and Licensing Board's Order dated October 26, 1978 approved withdrawal of the application without terms.

Accordingly, the Commission considers the partial application submitted by Florida Power & Light Company to be withdrawn.

Dated at Bethesda, Maryland this 19th day of January, 1979.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc. 79-3467 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. 50-482]

KANSAS GAS & ELECTRIC CO. (WOLF CREEK UNIT I)

Request for Enforcement Action To Revoke Construction Permit of Kansas Gas & Electric Co. for Wolf Creek Unit I

Notice is hereby given that by letter dated December 27, 1978, the Critical Mass Energy Project requested that the Commission revoke the construction permit of the Kansas Gas & Electric Company for Wolf Creek Unit I. The Critical Mass Energy Project requests revocation of the construction permit until the licensee takes appropriate remedial action for alleged deficiencies in the quality assurance and quality control mechanisms at the reactor site. They also requested the Commission to take appropriate enforcement action for an alleged delay in reporting deficiencies in the strength of concrete at the site to the Commission. They further requested the Commission to evaluate the capabilities of its Region IV inspection program.

The Commission has also received petitions from Wanda Christy, Marvin Dawson, Tom Wheeler, Janet Skiles, David McCullough, Kaye Yoder, Ferdinand H. Burmeister, Ivonne S. Burmeister and James E. Mason, on behalf of Kansans for Sensible Energy, all residents of Kansas, requesting the Commission to halt construction of Wolf Creek Unit I because of alleged deficiencies in the concrete in the reactor base mat.

Because of their similar nature, all of the above requests are being consolidated for consideration. They are being treated under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the requests within a reasonable time.

Copies of these requests are available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the local public document room for the Wolf Creek plant located near Burlington, Kansas.

Dated at Bethesda, Maryland this 25th day of January, 1979.

For the Nuclear Regulatory Commission.

JOHN G. DAVIS,
Acting Director, Office of Inspection and Enforcement.

[FR Doc. 79-3468 Filed 1-31-79; 8:45 am]

[7590-01-M]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL. (TROJAN NUCLEAR PLANT)

(Proposed Amendment to Facility Operating License NPF-1 To Permit Storage Pool Modification; Order

JANUARY 25, 1979.

Oral argument on the appeals of Susan M. Garrett (*pro se* and on behalf of the Coalition for Safe Power) and the State of Oregon from the October 5, 1978 initial decision of the Licensing Board in this license amendment proceeding will be heard at *9:30 a.m. on Thursday, February 15, 1979 in the United States Courthouse, 620 S.W. Main Street, Portland, Oregon.* The specific courtroom has not as yet been assigned. That information can be obtained in the Clerk's Office (Room 606) by counsel and other representatives of the parties at 9 o'clock on the morning of the argument.

Ms. Garrett and Oregon will be heard first in that order; each is allotted 40 minutes for the presentation of argument. The licensee and the NRC staff will then be heard in that order; each of those parties is similarly allotted 40 minutes for argument. In preparing for argument, the parties may assume that the members of the Board will be fully familiar with the decision of the Licensing Board and the contents of the briefs filed in connection with the appeals.

The Secretary to this Board should be notified, by letter mailed no later than February 7, of the names of the counsel or other representative who will present argument on behalf of each party.

It is so Ordered.

For the Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 79-3469 Filed 1-31-79; 8:45 am]

[7590-01-M]

REGULATORY GUIDE

Notice of Withdrawal

The Nuclear Regulatory Commission staff has withdrawn Regulatory Guide 3.36, "Nondestructive Examination of Tubular Products for Use in Fuel Reprocessing Plants and in Plutonium Processing and Fuel Fabrication Plants," which was issued for comment in August 1975. This guide applies the guidelines for the nondestructive examination of tubular products in Section III of the ASME Boiler and Pressure Vessel Code, suitably supplemented, to tubular products for use in safety-related structures, systems, and components of fuel reprocessing plants and plutonium processing and fuel fabrication plants. The ASME Code now includes requirements equivalent to the supplemental recommendations of this guide. In addition, the NRC staff believes that matters of this type, for which adequate rules are found in the ASME Code, are best dealt with by proper application of Code rules on a case-by-case basis.

Regulatory guides are developed to describe and make available to the public methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems. Guides may be withdrawn when they are superseded by the Commission's regulations, when equivalent recommendations have been incorporated in applicable approved codes and standards, or when changes in methods and techniques or in the need for specific guidance have made such guides obsolete.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 24th day of January 1979.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 79-3471 Filed 1-31-79; 8:45 am]

[7590-01-M]

[License No. DPR-43; Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Increase Spent Fuel Storage Capacity; Order Convening Hearing

JANUARY 25, 1979.

In the matter of Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (Kewaunee Nuclear Power Plant).

The Atomic Safety and Licensing Board on July 12, 1978, issued a "Notice of Hearing on Amendment to Facility Operating License" [1] to consider the request of Wisconsin Public Service Corporation, et al., for an amendment to Facility Operating License No. DPR-43 which currently authorizes Licensees to possess, use and operate the Kewaunee Nuclear Power Plant located in Kewaunee, Wisconsin. The proposed amendment would allow modification to the spent fuel storage pool to increase the spent fuel storage capacity at the Kewaunee facility in accordance with Licensees' application for amendment dated November 14, 1977.

[1] 43 FR 31077 (published July 19, 1978).

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The Board has inquired of the parties and other participants concerning their readiness to proceed with the presentation of evidence and the earliest and most convenient day for convening the hearing in the subject proceeding. All have agreed that they have no schedule conflicts during the latter part of February or the early part of March.

Wherefore, it is ordered in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, and please take notice that an evidentiary hearing in this proceeding shall convene at 10:00 a.m., local time, Tuesday, March 13, 1979, at the Meeting Room of the Carlton Inn Motel, 1515 Memorial Drive, Two Rivers, Wisconsin 54241. The hearing shall be conducted continuously day to day until all evidence on matters outstanding has been received or until continued by further order of the Board.

Members of the public are invited to attend the hearing.

Dated at Bethesda, Maryland, this 25th day of January, 1979.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc. 79-3470 Filed 1-31-79; 8:45 am]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-5]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability

Railroad Accident Report.—The National Transportation Safety Board on January 22 released its formal report of investigation into the derailment of a St. Louis Southwestern Railway Company freight train at Lewisville, Ark., March 29, 1978.

The report, No. NTSB-RAR-78-8, indicates that the four locomotive units and 43 cars of freight train SRASK (the letter "K" in the train identification indicates the presence of hazardous material cars in the train consist) derailed when they entered an 8° curve in the wye (Y-shaped) track at the accident site. The body of the 13th car struck and ruptured the tank head of the 12th car, releasing vinyl chloride into the atmosphere. The vinyl chloride subsequently ignited and buildings within a 1,500-foot radius of the ruptured car were damaged. About 1,700 residents of Lewisville were evacuated. The engineer and two head brakemen were injured. Property damage was estimated to be $2,189,000.

The Safety Board has determined that the probable cause of this accident was the failure of the engineer and other crewmembers to slow train SRASK for the 10-mph speed restriction through the wye track as required by the railroad's general orders. As a result of the train's high speed and consequent emergency brake application, the high rail in the curve moved laterally, allowing the locomotive to derail, and subsequently turn over, and the following cars to derail. The release and ignition of vinyl chloride from the ruptured tank car caused extensive damage to the train equipment and the adjacent industrial plant and buildings.

As a result of its investigation of this accident, the Safety Board on December 29, 1978, forwarded a letter to the Federal Railroad Administration reiterating the following recommendations which were first issued to FRA on March 14, 1973, as a result of similar train accidents:

> • • • in cooperation with the Association of American Railroads, develop a fail-safe device to stop a train in the event that the engineer becomes incapacitated by sickness or death, or falls asleep. Regulations should be promulgated to require installation, use, and maintenance of such a device. (R-73-8)
>
> • • • include in its present investigation of the safety of locomotive-control compartments a study of environmental conditions that could distract crews from their duties or cause them to fall asleep at the controls. Regulations should be promulgated to correct any undesirable conditions disclosed. (R-73-9)

Railroad/Highway Accident Report.—Also made available on January 22 were copies of the report on the Safety Board's investigation of the accident which occurred in Plant City, Fla., on October 2, 1977, when a westbound Seaboard Coast Line/Amtrak passenger train struck a northbound pickup truck at a grade crossing after the pickup truck proceeded past the railroad crossing flashing signals onto the track and into the path of the train which was traveling at 70 mph. The 10 occupants of the pickup truck were killed; neither the crew of the train nor its 30 passengers were injured.

The report, No. NTSB-RHR-78-2, indicates that the Safety Board's determination of probable cause of this accident was the failure of the pickup truckdriver, who was under the influence of alcohol, to stop short of the railroad tracks in response to the warnings of an approaching train and an activated railroad crossing flashing signal.

As a result of this accident investigation, the Safety Board on December 27 issued recommendation H-78-71 to the Federal Highway Administration, the Federal Railroad Administration, Amtrak, the Seaboard Coast Line Railroad Company, and the Florida Department of Transportation calling for cooperative corrective action to reduce the high frequency of railroad/highway grade crossing accidents along the 240 miles of track between Jacksonville and Tampa, Fla.

Goals of eight other Safety Board recommendations (Nos. H-78-72 through H-78-79, also issued December 27) include (1) a report to the Safety Board by the National Highway Traffic Safety Administration of the U.S. Department of Transportation on alcohol countermeasures it has found to be practical and effective; (2) effective and continuous programs of selective law enforcement and "Operation Lifesaver" grade crossing safety improvement efforts throughout Florida; (3) provisions for uniform warning times, over the full range of train speeds, in grade crossing improvement plans for Plant City and other Jacksonville-Tampa corridor crossings; and (4) specific improvements at the accident crossing site. (For the full text of these recommendations, see 44 FR 3795, January 18, 1979.)

Railroad Accident Reports, Brief Format.—The third issue of reports of 1977 railroad accidents was released by the Safety Board on January 23. The 154-page volume, report No. NTSB-RAB-78-4, contains in brief format the basic facts, conditions, circumstances, and probably cause(s) of 147 rail accidents. Each involved a fatality, a passenger train operation, or substantial property damage. "Railroad Accident Reports, Brief Format, Issue Number 3, 1977" may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

NOTE.—The brief reports in this publication contain essential information; more detailed data may be obtained from the original factual reports on file in the Washington office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 17 cents per page from printed matter, $5 per page for black-and-white photographs, and $4 per page for color photographs, plus postage. Requests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

SAFETY RECOMMENDATIONS

Marine: M-78-79 through 85.—On July 28, 1977, the French tankship SS SITALA, fully loaded with crude oil, collided with a fleet of moored marine construction vessels on the Mississippi River near New Orleans, La., after she suffered a steering gear malfunction. There were no deaths or injuries as a result of the accident, but property damage was estimated to be $1,500,000. The Safety Board's analysis of the evidence developed in its investigation of this accident indicated that leaks had developed in the SITALA's hydraulic steering system because of inadequate maintenance. The loss of hydraulic oil from the system caused the steering gear to malfunction and direction control of the vessel was lost.

As a result of its investigation of this accident, the Safety Board on December 29, 1978, forwarded the following recommendations to the U.S. Coast Guard:

> Amend the proposed steering standards for tankships to reduce the time allowed for alarms to alert the crew of a failure and to reduce the time allowed to restore steering control, and make these requirements applicable to all sea-going vessels entering U.S. navigable waters. (M-78-79)
>
> Initiate action through the Inter-Governmental Maritime Consultative Organization to develop a program to insure that owners, operators, crewmen, and inspectors are made aware of the importance of a vessel's steering gear and the importance of proper maintenance of this equipment. (M-78-80)
>
> Amend 46 CFR 58.25 and 33 CFR 164 to require that all vessels be equipped with test devices which will indicate whether the steering gear is operating properly and to require that operating parameters, test procedures, and maintenance records be made available to crewmembers and inspectors during inspections and tests, including those required by 46 CFR 35.20-10, 78.17-15, and 97.15-3, and by 33 CFR 164.25, so that proper evaluations can be made regarding the machinery's operation. (M-78-81)
>
> Amend 33 CFR Part 164 to require that pilots review the maneuvering characteristics of the vessel, as discussed in 33 CFR 164.11(k), before they commence navigation of a vessel.
>
> Determine which vessels entering U.S. waters are fitted with the same type steering gear installed on the SITALA. Require testing of the installed cast-iron differential controller foundation to determine if defects similar to those detected on the SITALA are present, and report the findings. (M-78-83)
>
> Expand the foreign vessel boarding program with respect to steering gear inspections to determine the adequacy of current maintenance practices and report the findings. (M-78-84)
>
> Expand the U.S. Government's effort through the Inter-Governmental Maritime Consultative Organization to obtain more comprehensive and more uniform annual surveys of merchant vessels of all types rather than just tankerships. (M-78-85)

Each of the above recommendations is designated "Class II, Priority Action." The recommendations will be reproduced in the Safety Board's formal investigation report which will be made available to the public in the near future. The report will provide factual information, analysis, conclusions, and the probable cause of the SITALA accident.

Railroad: R-79-1 and 2.—Two "Class I, Urgent Action" recommendations were issued January 19 to the Metropolitan Transportation of New York as the Safety Board continues its investigation of the December 12 derailment of a New York City Transit Authority (NYCTA) subway train. Twenty-two persons were injured as a result of the accident.

Investigation indicates that, after making a station stop at 59th Street, the eight-car train continued southward to a point approximately 1,000 feet beyond the station where the sixth and seventh cars derailed. The derailed cars struck a concrete and steel wall, tearing out the side of the seventh car. Both wheels of the leading pair of wheels of the trailing truck of the sixth car were broken. The wheels were cracked through the rim and the plate, and into the hub. All of the wheels of the trailing truck appeared to have been damaged by excessive heat.

The Safety Board is concerned that other NYTCA rapid transit cars may have been operated with applied handbrakes and may have wheels that have been exposed to above normal heating. Therefore, the Board recommends that the Metropolitan Transportation Authority, with its oversight responsibility, require the NYCTA to:

> Immediately inspect all NYTCA rapid transit cars to determine if their wheels have been subjected to above normal heat and remove from service any wheel that shows evidence of thermal damage. (R-79-1)
>
> Immediately equip handbrakes on NYCTA rapid transit cars with a positive indicator so that an operator can determine if the brake is applied or fully released. (R-79-2)

SAFETY BOARD COMMENTS ON PROPOSED RULEMAKING

Highway.—The Safety Board has urged suspension of Federal rulemaking on highway design standards pending a scientific determination of the safety effects or proposed changes in the standards. The Board's position was made public on January 23 by issuance of Press Release SB 79-5. The press release covers the Board's comments forwarded January 5 to the Federal Highway Administration in response to FHWA's notice of proposed rulemaking, "Design Standards for Highways," Docket No. 78-10. The Board stated in that letter that it cannot support the proposal, which contains the same deficiencies that the Board cited in the prior advance notice (ANPRM Docket 77-4, "Geometric Design Guide for Resurfacing Restoration and Rehabilitation (RRR) of Highways and Streets"—1977—the Purple Book).

The Board's January 5 letter also expresses concern that FHWA, in the current rulemaking step, is proposing to lower design criteria, which admittedly will reduce safety on individual projects due to the lower criteria, without producing evidence for the public record to support the contention that overall safety will be enhanced because more highways might be improved. The Board recommends that FHWA, absent objective and reliable data, suspend rulemaking and immediately begin, in cooperation with State agencies and the National Highway Traffic Safety Administration, a comprehensive research effort to determine the safety effects of proposed highway design standards, clearly identifying procedures used to project levels of injury or death.

Meanwhile, the Board believes FHWA should approve proposed highway projects that do not meet existing standards "on an exception basis only • • • based on a thoroughly documented review and approval process to insure that public safety is not jeopardized."

RESPONSES TO SAFETY RECOMMENDATIONS

Highway: H-78-27 and 28.—On January 9 the Safety Board inquired of the Division of Motor Vehicles, Department of Law and Public Safety, State of New Jersey, as to their progress in implementing these recommendations. The recommendations were developed as a result of the Board's investigation of a collision involving a truck and an automobile at the intersection of U.S. Route 206 and County Road Route 616 near Vincentown, N.J., on July 6, 1977.

The recommendations asked the State of New Jersey to: Develop and implement a classified driver licensing system which conforms to the National Highway Traffic Safety Administration Highway Safety Program Standard No. 5, "Driver Licensing" (H-78-27); develop and implement regulations requiring employers to make preemployment investigations and inquiries into the driving record of each truckdriver it employs, requirements similar to those in 49 CFR 391.23 and 391.25 of the Federal Motor Carrier Safety Regulations (H-78-28). (See 43 FR 21520, May 18, 1978.)

In response to the Safety Board's inquiry, the New Jersey Division of Motor Vehicles on January 16 provided copies of pertinent correspondence exchanged last July with the Bureau of Motor Carrier Safety (BMCS), U.S. Department of Transportation. A letter of July 28 to BMCS stresses the Division's difficulty in accepting the Safety Board's findings and recommendations as reflected in the investigation report. With reference to the recommendations, the July 28 letter informs that during 1975 and 1976 a blue ribbon study commission was established by the Governor of New Jersey to review the State's licensing and driver improvement programs, and states, "This commission recommended that a classified licens-

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ing program be established for operators of articulated vehicles, but despite testimony from NHTSA officials and a thorough review of existing literature, the commission was unable to find any evidence to support a category of licensing for operators of large single unit trucks."

Intermodal: I-78-9.—Letter of January 19 from the Research and Special Programs Administration (RSPA), U.S. Department of Transportation, is in response to one of six recommendations issued to DOT last June 29 following the Safety Board's en banc hearing on the hazardous materials derailment problem. The recommendation called on DOT to develop and implement a safety plan for utilizing the best available safety analysis technology to determine regulatory actions needed to adequately control hazardous materials transportation risk. (See 43 FR 30149, July 13, 1978.)

In response, RSPA reports that the Materials Transportation Bureau (MTB) is reviewing all known technology in the field of risk and safety analysis and is now developing safety analyses in both regulatory and exemption activities of hazardous materials transportation. These analyses will include fault free models and will assist MTB in developing and changing regulations and will assist RSPA in allocating its resources to the most needed areas. RSPA notes that a substantial portion of this task has now been completed but several additional months will be required to develop a workable plan.

In the area of risk analysis RSPA reports monitoring the progress on all related ongoing contracts, among which is one with Arthur C. Little Company. That contract involves a risk analysis and assessment using a liquefied natural gas (LNG) facility in Massachusetts as its model. RSPA notes that this company is a major transporter of LNG in the Northeast, and, because of its proximity to a major city, RSPA believes that the risk analysis performed on this facility will be useful in developing a risk analysis plan in other areas of interest to MTB and the Safety Board.

RSPA's contract with ORI Incorporated is another example of ongoing work in risk analysis and assessment. This study will determine the risks associated with shipment of specific hazardous materials over air, highway, rail, and marine modes and will assist in formulating effective policies for the safe movement of such materials. Also, RSPA says this study will result in an independent risk assessment of shipping Class A explosives and liquid hydrogen via selected routes and modes. This assessment will be used to assist in (a) determining the adequacy of existing regulations in 49 CFR Parts 100-179, (b) evaluating safety analyses submitted with exemption petitions, and (c) providing a means to compare the relative risks of air shipment versus those of other modes.

Also, RSPA reports having a contract study with Booz, Allen and Hamilton to produce an impact assessment of RSPA's proposed regulations for siting, design, and construction of new LNG facilities.

Railroad: R-78-32 and 33.—Letter of January 16 from the Federal Railroad Administration also relates to recommendations evolved from the Safety Board's proceedings into derailment and hazardous materials. The recommendations asked the Department of Transportation to regulate or fund a hazardous materials track improvement priority system to insure adequate protection of the public in urban corridors against accident risks (R-78-32), and to fund research on safety effects of heavier cars and trains on present track facilities, and safest positioning of hazardous materials tank cars and others in train consist and issue regulations resulting from the finding of this research (R-78-33). (See 43 FR 30149, July 13, 1978.)

FRA reports establishing the Hazard Anaylsis and Priority Determination System which will utilize statistical analysis to identify safety problems and attributing causes in component failures that can potentially create catastrophic accidents. This analysis will allow FRA to recognize early developing patterns leading up to a catastrophic accident. Also, FRA is conducting a 3-year accident (1975-1977) directed toward improving the movement of hazardous materials. The information gathered from past accident studies, in conjunction with population/traffic density data, will help to identify urban corridors which may qualify for track improvement funding under Title V (Railroad Rehabilitation and Improvement Financing) of the Railroad Revitalization and Regulatory Reform Act of 1976.

With reference to recommendation R-78-33, FRA states that it is currently utilizing the Train Operation Simulation Model to analyze train make-up and train handling procedures, in accordance with section 10 of the Federal Railroad Safety Authorization Act of 1978. This simulation will determine possible track locations, train consists and operating practices which are potentially hazardous. Results of the simulation model, FRA reports, are expected to be released in April 1979.

Railroad: R-78-34 through 36.—FRA's letter of January 15 addresses additional safety recommendations relating to transportation of hazardous materials, issued June 29, 1978. These recommendations asked FRA to: Publish an annual program management report providing FRA's plans and programs to eliminate major accident causal factors (R-78-34); identify critical car component failure rates and assure that they are properly addressed either by regulation or emergency order and expand communication channels with the Association of American Railroads to facilitate this program (R-78-35); and evaluate and revise the State Participation Program to allow greater State flexibility and base evaluation of the program on the States' ability to adequately monitor railroad and hazardous materials safety (R-78-36). (See 43 30149, July 13, 1978.)

FRA reports that on its behalf the Transportation Systems Center (TSC) in Cambridge, Mass., has a study to develop a statistical causal factors program which will be published annually. The causal factors of accidents, FRA says, will be clearly identified and will allow FRA to determine need for regulatory actions to safeguard travelers and the general public from dangers of hazardous materials releases from tank cars. FRA is awaiting the TSC proposals and recommendations. Also reported on is FRA's Hazard Analysis and Priority Determination System which will utilize statistical analysis to identify and isolate specific safety problems in critical car component failures. This means of analysis will grant FRA early recognition of developing patterns of component failures which contribute to and are responsible for catastrophic accidents.

In answer to R-78-36, FRA states that this recommendation is "neither valid nor is it necessary," and considers it to be closed. The State Participation Program, as legislated by Congress, does not provide funding or State participation in the enforcement of the hazardous materials (HM) regulations. However, FRA said, the legislation does provide for State participation in the enforcement of the Freight Car Safety Standards and the Track Standards, and the States are encouraged to adopt the HM regulations as their own. Many States have adopted these regulations. FRA believes that since the HM regulations affect all modes of transportation, it would not be in the public's best interest to devise a program to allow the States to enforce the HM regulations pertaining to the railroads only. FRA states that this is particularly true when accident experience is evaluated. FRA further states:

> The recent serious derailments which caused the release of hazardous materials were not caused by faulty hazardous material packaging, marking, or labeling, or because of illegal transportation. The derailments were caused by improperly maintained equipment and track. If the States desire a greater degree of compliance with our safety regulations so as to prevent accidents and releases of hazardous materials, they should increase their activity in the enforcement of FRA Track and Equipment Standards, as provided for under the States Participation Program. This increased surveillance will result in fewer train accidents and fewer accidental releases of hazardous materials.

NOTE.—Single copies of the Safety Board's recommendation letters and responses thereto are available free of charge. Single copies of accident reports are also free, but stocks are limited. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JANUARY 28, 1978.

[FR Doc. 79-3479 Filed 1-31-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

REQUEST FOR CLEARANCE

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 25, 1979 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes:

The name of the agency sponsoring the proposed collection of information;

The title of each request received;

The agency form number(s), if applicable;

The frequency with which the information is proposed to be collected;

An indication of who will be the respondents to the proposed collection;

The estimated number of responses;

The estimated burden in reporting hours; and

The name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperative Service
Corn and Soybean Yield Research Study
Single-Time
Soybean & Corn Growers, 1,687 responses, 156 hours.
Office of Federal Statistical Policy & Standard, 673-7974

REVISIONS

VETERANS ADMINISTRATION

Request to Employer for Verification of Applicant's Employment and Earnings
FL 26-253
On Occasion
Employers, 8,000 responses; 1,333 hours.
Caywood, D. P., 395-6140.

OFFICE OF PERSONNEL MANAGEMENT AUTHORITY

Personal Qualifications Statement and Continuation
Sheet for Personal Qualifications Statement
SF-171 & 171A
On occasion
Applicants for Federal positions 1,200,000 responses 1,100,000 hours;
Marsha Traynham, 395-6140.

Amendment To Personal Qualifications Statement
SF-172
On Occasion
Applicant for Federal positions, 200,000 responses; 100,000 hours.
Marsha Traynham, 395-6140.

Job Qualification Statement
SF-173
On Occasion
Applicant for Federal positions, 200,000 responses; 200,000 hours.
Marsha Traynham, 395-6140.

VETERANS ADMINISTRATION

Report of Medical Examination for Disability Evaluation
21-2545
On Occasion
Veteran and Physician, 400,000 Responses; 100,000 hours.
Caywood, D. P., 395-6140.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service
Official export certificate for animal biological products
VS 14-17
On Occasion
Biologics establishments 220 responses; 55 hours.
Off. of Federal Statistical Policy & Standard, 673-7974.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Geological Survey
Production and Royalty Report (Federal-Land Mineral Leases)
9-368
Monthly
Mining leasees and operators, 1,500 responses; 750 hours.
Caywood, D. P., 395-6140.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 79-3322 Filed 1-31-79; 8:45 am]

[3110-0-M]

AGENCY FORMS UNDER REVIEW

BACKGROUND

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., chap. 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

LIST OF FORMS UNDER REVIEW

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
An estimate of the number of forms that will be filled out;
An estimate of the total number of hours needed to fill out the form; and
The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Any repetitive reporting requirement or form that requires one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific

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issues are raised to OMB about this form; such forms are identified in the list by an asterisk(*).

COMMENTS AND QUESTIONS

Copies of the proposed forms may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer of office listed at the end of each entry.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Donald W. Barrowman—447-6202.

REVISIONS

Economics, statistics, and cooperatives service
* Potato stocks inquiry
Other (see SF-83)
Potato storage operators, 9,720 responses; 1,595 hours
Ellett, C. A., 395-5080

DEPARTMENT OF ENERGY

Agency Clearance Officer—Albert H. Linden—566-9021.

NEW FORMS

Retail motor gasoline sales survey
EIA-132
Single-time
Retailers of gasoline, 9,000 responses; 2,250 hours
Hill, Jefferson B., 395-5867

EXTENSIONS

*Other remittance advice
ERA-95
On occasion
Petroleum importers, 400 responses; 200 hours
Hill, Jefferson B., 395-5867

Request for refund of oil import fees
ERA-96
On occasion
Petroleum importers, 120 responses; 480 hours
Hill, Jefferson B., 395-5867

*Survey of gallonage sales of gasoline
SG-1 and SG-1(birth)
Monthly
Retail gasoline service stations, 8,000 responses; 2,000 hours
Hill, Jefferson B. 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488.

EXTENSIONS

Office of the Secretary
*Application for waiver of the two-year foreign residence requirement of the exchange visitor program
OS-4-79
On occasion
Responsible person at University Hospital, or other institutions, 100 responses; 50 hours
LaVerne V. Collins 395-3214

DEPARTMENT OF LABOR

Agency Clearance Officer—Phillip M. Oliver—523-6341.

REVISIONS

Employment Standards Administration
Applications for special certificates under FLSA
Requirements WH-2, 205, 222, 226, 227, 242, 247, 249, 373
On occasion
Firms employing homeworkers in restricted industries, 25,550 responses, 14,910 hours
Strasser, A., 395-5080

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—634-4070.

EXTENSIONS

Application for international travel grant and international travel report form NSF 192
On occasion
Recipients of NSF international travel awards, 1,706 responses; 1,283 hours
LaVerne V. Collins, 395-3214

NATIONAL TRANSPORTATION SAFETY BOARD

Agency Clearance Officer—Frederick King, Chief—472-6177.

EXTENSIONS

*Passenger statement regarding aircraft accident
NTSB 6120.9
On occasion
Transportation accident, 2,400 responses; 1,200 hours
Geiger, Susan B. 395-5867

*Statement of witness
NTSB 6120.11
On occasion
Individuals who observe a transportation accident, 10,000 responses; 2,500 hours
Geiger, Susan B. 395-5867

STANLEY E. MORRIS,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-3453 Filed 1-31-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[Disaster Loan Area No. 1565]

CONNECTICUT

Declaration of Disaster Loan Area

Fairfield, New Haven and New London Counties and adjacent counties within the State of Connecticut consitute a disaster area because of physical damage resulting from heavy rainfall, melting snow and flooding which occurred on January 21, 1979. Applications will be processed under the provisions of Public Law 94-305. Interest rate is 7⅜ percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on March 26, 1979, and for economic injury until the close of business on October 25, 1979, at: Small Business Administration, District Office, One Financial Plaza, Hartford Connecticut 06103, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: January 25, 1979.

A. VERNON WEAVER,
Administrator.

[FR Doc. 79-3389 Filed 1-31-79; 8:45 am]

[8025-01-M]

[Disaster Loan Area No. 1548, Amendment No. 1]

MICHIGAN

Declaration of Disaster Loan Area

The above number Declaration (See FR 58691), is amended by adding the following counties:

County	Natural disaster(s)	Dates
Allegan	Tornado	08/19/78
Gratiot	Drought	01/01/78-08/15/78
Kalkaska	Drought	06/15/78-08/23/78
Macomb	Hail Storm	07/26/78

and adjacent counties within the State of Michigan as a result of natural disasters as indicated. All other information remains the same; i.e., the termination date for the filing applications for physical damage is close of business on June 7, 1979, and for economic injury until the close of business on September 7, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 25, 1979.

A. VERNON WEAVER,
Administrator.

[FR Doc. 79-3390 Filed 1-31-79; 8:45 am]

[8025-01-M]

[Disaster Loan Area 1563]

TEXAS

Declaration of Disaster Loan Area

Dallas and Hunt Counties and adjacent counties within the State of Texas constitute a disaster area as a result of damage caused by ice storms which occurred on December 30-31, 1978. Applications will be processed under the provisions of Public Law 94-305. Interest rate is 7⅜ percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on March 26, 1979, and for economic injury until the close of business on October 24, 1979, at:

Small Business Administration, District Office, 1100 Commerce Street, Dallas, Texas 75242

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 24, 1979.

HAROLD A. THEISTE,
Acting Administrator.

[FR Doc. 79-3388 Filed 1-31-79; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), P.L. 92-463, Federal Advisory Committee Act, notice is hereby given of the twenty-sixth meeting of the Board for International Food and Agricultural Development (BIFAD) on February 22, 1979.

The purpose of this meeting is to: Receive and discuss the progress reports of the Joint Research Committee (JRC) and the Joint Committee for Agricultural Development (JCAD); discuss policy items; discuss the Agricultural Development Report; discuss status of the Country Development Strategy Statement Reports; discuss the BIFAD Annual Report for Congress; hear comments from Dr. D. C. Kimmel, North American Representative of the Food and Agriculture Organization of the United Nations; discuss A.I.D.'s response to policy recommendations by participants in the workshop on Women in Development; and to hear various other reports and activities.

The meeting will begin at 9:00 a.m. and adjourn at 4:00 p.m.; and will be held in Room 1107, State Department Building, 22nd and C Streets NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting room.

Dr. Carl E. Ferguson, Acting Director, Office of Title XII Coordination and University Relations, Development Support Bureau, A.I.D., is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703) 235-9054.

Dated: January 22, 1979.

CARL E. FERGUSON,
AID Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc 79-3449 Filed 1-31-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

[Coast Guard CGD 79-006]

ADVISORY COMMITTEES

Applicants for Membership

The Coast Guard is seeking applicants who are interested in being appointed as a member on one of the following technical advisory committees:

1. CHEMICAL TRANSPORTATION ADVISORY COMMITTEE (CTAC)

CTAC advised the Coast Guard on rulemaking matters relating to the carriage of hazardous materials on vessels, the transfer of these materials between the vessels and shore, and waterfront facilities over which these materials move.

2. RULES OF THE ROAD ADVISORY COMMITTEE (RORAC)

RORAC provides advice and consultation to the Coast Guard with respect to matters concerned with proposals affecting the Rules of the Road. Emphasis in the immediate future will be on revision and unification of the current pilot rules in conjunction with the Committee's past efforts to unify the present inland rules.

In order to acquire the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is particularly interested in receiving applicants from minorities, women, and public interest representatives. Selection will be based upon expertise in the subjects under consideration.

Each committee meets once or twice a year at a location selected by the sponsor. Members serve at their own expense and receive neither travel nor per diem allowances.

Interested persons should write to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590, prior to March 1, 1979 identifying which committee they wish to apply for. Supplemental information will then be forwarded. Appointments will be announced next summer effective 1 July 1979.

C. F. DEWOLF,
Rear Admiral, U.S. Coast Guard, Chairman, Marine Safety Council.

JANUARY 29, 1979.

[FR Doc. 79-3485 Filed 1-31-79; 8:45 am]

[4910-60-M]

Materials Transportation Bureau

OFFICE OF HAZARDOUS MATERIALS REGULATION

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted December 1978. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo-vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

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Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		RENEWALS		
2051-X	DOT-E 2051	Virginia Chemicals, Inc., Portsmouth, Va.	49 CFR 173.34(d), 173.304(a)(1), (2).	To ship certain non-flammable and non-poisonous refrigerant gases in non-DOT specification aluminum containers, complying with DOT specification 39 with certain exceptions. (modes 1, 2, 3, 4)
2136-X	DOT-E 2136	U.S. Department of Defense, Washington, D.C.	49 CFR 173.1, 173.3(a), 173.7(a), 174.3 174.10, 174.90(a), 174.104, 177.801,177.802.	To ship radioactive materials with explosives in specially designed metal containers. (modes 1, 2)
2587-P	DOT-E 2587	Welding & Therapy Service, Inc., Louisville, Ky.; C & C Oxygen Co., Chattanooga, Tenn.	49 CFR 173.315(a)(1)	To become a party to Exemption 2587. (See Application No. 2587-X). (mode 1)
4039-X	DOT-E 4039	AIRCO Industrial Gases, Murray Hill, N.J.	49 CFR 173.316(a)	To ship flammable gas in a non-DOT specification vacuum insulated portable tank constructed and designed in accordance with Section VIII of the ASME Code. (mode 1)
4803-X	DOT-E 4803	Dow Chemical Co., Midland, Mich.	49 CFR 173.249, 173.272, 173.289.	To ship corrosive liquids in non-DOT specification cargo tank motor vehicle designed and constructed in accordance with DOT Specification MC-310, MC-311 or MC-312 with certain exceptions. (mode 1)
4850-P	DOT-E 4850	Pengo Industries, Inc., Fort Worth, Tex.	49 CFR 173.100(cc), 175.3	To become a party to Exemption 4650. (See Application No. 4650-X). (modes 1, 2, 4)
4884-X	DOT-E 4884	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.302(a)(1), 175.3, 178.61.	To ship certain non-liquefied compressed gases in non-DOT specification steel cylinders complying with DOT Specification 4BW with certain exceptions. (modes 1, 2, 3, 4, 5)
4990-X	DOT-E 4990	Schenley Distillers, Inc., Cincinnati, Ohio.	49 CFR 173.125	To ship certain flammable liquids in an AAR Specification 206W tank car. (mode 2)
5038-X	DOT-E 5038	Western Electric, Lee's Summit, Mo.	49 CFR 173.135(a)(6), 173.136(a)(5).	To ship corrosive and flammable liquids in a non-DOT specification Type 304 stainless steel cylinder. (modes 1,2)
5188-X	DOT-E 5188	U.S. Department of Defense, Washington, D.C.	49 CFR 173.395(c) (2), 173.398(c), 175.3.	To ship radioactive materials and non-liquefied compressed gases in special inside containers overpacked in a non-DOT metal drum. (modes 1, 2, 4)
5263-X	DOT-E 5263	Dow Corning Corp., Midland, Mich.	49 CFR 173.245(a)	To ship a corrosive liquid in a non-DOT specification stainless steel vessel. (mode 1)
5403-X	DOT-E 5403	Halliburton Services, Duncan, Okla.	49 CFR 173.245(a) (31), 173.263(a) (10), 178.343-2(b), 178.343-5(b)(1), (b)(2)(i).	To ship certain corrosive materials in non-DOT specification cargo tanks, meeting the requirements of DOT Specification MC-312 with certain exceptions. (mode 1)
5736-P	DOT-E 5736	Mobil Chemical Co., Beaumont, Tex.	49 CFR 172.101, 173.314(c)	To become a party to Exemption 5736. (See Application No. 5736-X). (mode 2, 3)
5792-X	DOT-E 5792	Publicker Industries, Inc., Philadelphia, Pa.; Stauffer Chemical Co., Westport, Conn.; El Paso Products Co., Odessa, Tex.	49 CFR 172.101, 173.314(c)	To ship a flammable liquefied compressed gas in an AAR proposed Specification 113D60W tank car. (mode 2)
5825-X	DOT-E 5825	Phillips Petroleum Co., Bartlesville, Okla.	49 CFR 172.101, 173.315(a)	To ship a flammable liquefied compressed gas in a non-DOT specification cargo tank designed and constructed in accordance with Section VIII of the ASME Code. (mode 1)
5959-X	DOT-E 5959	El Paso Gas Products, Odessa, Tex.	49 CFR 172.101, 173.315(a)	To ship a liquefied flammable compressed gas in a non-DOT specification cargo tank designed and constructed in accordance with Section VIII of the ASME Code. (mode 1)
6121-X	DOT-E 6121	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 179.220-19(c)	To ship a certain flammable liquid in DOT Specification 115A60W1 and 115A80W6 tank car tanks. (mode 2)
6126-P	DOT-E 6126	Hoffmann-La Roche Inc., Nutley, N.J.	49 CFR 173.253(a)	To become a party to Exemption 6126. (See Application No. 6126-X). (modes 1, 3)
6252-X	DOT-E 6252	Containertechnik, Hamburg, Germany.	49 CFR Part 173	To ship certain hazardous materials in non-DOT specification intermodal portable tanks. (modes 1, 2, 3)
6349-X	DOT-E 6349	Air Products and Chemicals, Inc., Allentown, Pa.; Union Carbide Corp., Tarrytown, N.Y.; Airco Industrial Gases, Murray Hill, N.J.	49 CFR 172.101, 173.315(a)	To ship certain flammable and non-flammable gases in a non-DOT specification insulated portable tanks.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		RENEWALS—Continued		
6392-P	DOT-E 6392	Mobil Chemical Co., Beaumont, Tex.	49 CFR 172.101, 173.314(c)	To become a party to Exemption 6392. (See Application No. 6392-X). (mode 2)
6418-X	DOT-E 6418	Great Lakes Chemical Corp., Irvine, Calif.; Shell Oil Co., Houston, Tex.	49 CFR 173.357(b)	To ship Class B poisonous liquids in DOT Specification MC-303, MC-304, MC-306, or MC-307 steel cargo tanks. (mode 1)
6434-X	DOT-E 6434	Mobil Chemical Co., Richmond, Va.	49 CFR 173.377(f)(1)	To ship a Class B poisonous solid in non-DOT specification 5-ply paper bag. (modes 1, 2)
6536-P	DOT-E 6536	Chemetron Industrial Gases, Chicago, Ill.	49 CFR 172.101, 173.315(a)	To become a party to Exemption 6536. (See Application No. 6536-X). (mode 1)
6554-P	DOT-E 6554	GPS Industries, Los Angeles, Calif.	49 CFR 173.154, 173.217	To become a party to Exemption 6554. (See Application No. 6554-X). (modes 1, 2, 3)
6602-X	DOT-E 6602	Great Lakes Chemical Corp., El Dorado, Ariz.	49 CFR 173.245(a), 173.314(c), 173.315(a)(1).	To ship certain corrosive liquids and non-flammable compressed gases in DOT Specification MC-331 tank motor vehicles, and DOT Specification 105A500W tank cars or 106A500W tanks. (modes 1, 2)
6651-X	DOT-E 6651	Enthone, Inc., West Haven, Conn.	49 CFR 173.28(h), (m)	To ship a certain Class B poisonous solid in DOT Specification 37A metal drums. (mode 1)
6927-X	DOT-E 6927	Dow Chemical Co., Midland, Mich.; Great Lakes Chemical Corp., West Lafayette, Ind.	49 CFR 173.353	To ship certain Class B poisonous liquids in a non-DOT specification portable tank. (modes 1, 3)
6962-X	DOT-E 6962	U.S. Department of Energy, Washington, D.C.	49 CFR 173.301(d)	To ship certain nonflammable compressed gases in a DOT Specification 3AA1800 or 3AA2000 cylinder integral to a leak transfer unit. (modes 1, 2)
7005-X	DOT-E 7005	Bignier Schmidt-Laurent, Paris, France; Lowaco, S.A., Geneva, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620.	To ship certain flammable, corrosive, Class B poisonous and combustible liquids and ORM-A materials in non-DOT specification portable tanks. (modes 1, 2, 3)
7005-P	DOT-E 7005	Trafpak Limited, Aylesbury, England.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620.	To become a party to Exemption 7005. (See Application No. 7005-X). (modes 1, 2, 3)
7023-P	DOT-E 7023	Allied Chemical Corp., Morristown, N.J.	49 CFR Part 173	To become a party to Exemption 7023. (See Application No. 7023-X). (mode 1)
7046-X	DOT-E 7046	J. T. Baker Chemical Co., Phillipsburg, N.J.	49 CFR 178.340-5(c)	To ship certain corrosive liquids in glass lined cargo tanks complying with DOT Specification MC-312 with certain exceptions. (modes 1, 3)
7065-X	DOT-E 7065	California Seal Control Corp., San Pedro, Calif.	49 CFR 172,101, 173.86, 173.100, 173.51(a)(7).	To ship a Class C explosive in DOT Specification 12B fiberboard boxes. (modes 1, 2, 3)
7097-X	DOT-E 7097	Fuller System, Inc., Woburn, Mass.	49 CFR 173.377(f)	To ship certain Class B poisonous solids under the specification packaging exception and conditions specified. (mode 1)
7220-X	DOT-E 7220	Greif Brothers Corp., Union, N.J.	49 CFR Part 173, 178.19	To manufacture, mark and sell non-DOT specification polyethylene containers for shipment of certain corrosive liquids, flammable liquids and oxidizers. (modes 1, 2, 3)
7275-X	DOT-E 7275	Express Airways, Inc., Mojave, Calif.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b); 49 CFR Part 107, Appendix B.	To transport shipments of certain Class A, B, and C explosives. (mode 4)
7285-X	DOT-E 7285	Ugine Kuhlmann, Paris, France.	49 CFR 173.315(a)	To ship certain nonflammable, liquefied gases in non-DOT specification portable tanks. (modes 1, 2, 3)
7493-X	DOT-E 7493	Hugonnet, S.A., Paris, France.	46 CFR 90.05-35; 49 CFR 173.119, 173.128(a), 173.129.	To ship certain hazardous materials in non-DOT specification insulated portable tanks. (modes 1, 2, 3)
7526-X	DOT-E 7526	Schering AG, Berlin, Germany.	49 CFR 173.134	To ship a pyrophoric liquid in a non-DOT specification portable tank. (modes 1, 3)
7538-X	DOT-E 7538	Southern Chemical Products Co., Macon, Ga.	49 CFR Part 173, Subpart F; 178.19.	To manufacture, mark and sell non-DOT specification reusable polyethylene containers for shipment of corrosive liquids. (modes 1, 2, 3)
7549-P	DOT-E 7549	Wallach-Gracer Export Corp., New York, N.Y.	49 CFR 172.245a(a)	To become a party to Exemption 7549. (See Application No. 7549-X). (modes 1, 2, 3)
7568-X	DOT-E 7568	W. A. Murphy, Inc., El Monte, Calif.	49 CFR 176.415(c)(1)	To handle nitro carbo nitrate packed in paper bags, loaded in containers, at non-isolated facilities. (mode 3)

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Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
RENEWALS—Continued				
7576-X	DOT-E 7576	Hugonnet S.A., Paris, France.	49 CFR 173.620(a), 173.630(b).	To ship ORM-A liquids in non-DOT specification portable tanks. (mode 3)
7590-X	DOT-E 7590	Smith's Transfer Corp., Staunton, Va.	49 CFR 177.841(e)	To transport Class B poisons in a special designed reusable overpack in the same vehicle with foodstuff (mode 1)
7654-P	DOT-E 7654	Mallinckrodt, Inc., St. Louis, Mo.	49 CFR 173.119(f)	To become a party to Exemption 7654. (See Application No. 7654-X). (modes 1, 2)
7683-X	DOT-E 7683	Lubbock Manufacturing Co., Lubbock, Tex.	49 CFR 173.315(a)(1), (c)(1).	To manufacture, mark and sell DOT Specification MC-331 cargo tanks for shipment of flammable gases. (mode 1)
7767-X	DOT-E 7767	Hydraulic Research Textron, Pacoima, Calif.	49 CFR 173.304(a)(1), 175.3, 175.3, 178.47.	To manufacture, mark and sell non-DOT specification welded steel cylinders for shipment of nonflammable compressed gases. (mode 1, 2, 3, 4, 5)
7823-X	DOT-E 7823	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.248	To ship an oxidizer n a non-DOT specification welded stainless steel cylinder. (modes 1, 2, 3)
7894-P	DOT-E 7894	Container Corporation of America, Chicago, Ill.; Packaging Corporation of America, Evanston, Ill.	49 CFR 173.186	To become a party to Exemption 7894. (See Application No. 7894-X). (modes 1, 2)
7896-X	DOT-E 7896	Monsanto Co., St. Louis, Mo	49 CFR 173.245, 173.374	To ship certain hazardous materials in a non-DOT specification portable tank. (modes 1, 2, 3)
7922-X	DOT-E 7922	Allied Chemical Corp., Mount Clemens, Mich.	49 CFR 173.302(a)(1), 178.65	To ship certain nonflammable compressed gases in non-DOT specification steel vessel inflator assembly. (mode 1)
7924-P	DOT-E 7924	Exxon Enterprises, Inc., Branchburg, N.J.	49 CFR 173.200, 175.3	To become a party to Exemption 7924. (See Application No. 7924-X). (modes 1, 2, 3, 4, 5)
7936-X	DOT-E 7936	Olin Corp., Stamford, Conn.	49 CFR 173.217(a)(3), 178.224-1.	To ship a certain oxidizer in a DOT Specification 21C250 fiber drum. (modes 1, 2)
7990-P	DOT-E 7990	FMC Corp., Philadelphia, Pa.; Georgia-Pacific Corp., Newport Beach, Calif.	49 CFR 173.217(a)	To become a party to Exemption 7990. (See Application No. 7990-N). (mode 1)
8012-P	DOT-E 8012	Transcontainer Leasing, S.A., Geneva, Switzerland.	49 CFR 173.266	To become a party to Exemption 8012. (See Application No. 8012-N). (modes 1, 2, 3)
NEW EXEMPTIONS				
8050-N	DOT-E 8050	Xmas Corp., Tulsa, Okla	49 CFR 173.306(b)(4)	To ship a nonflammable, nonliquefied compressed gas in x-ray machines. (modes 1, 2, 3, 4, 5)
8053-N	DOT-E 8053	Eastman Kodak Co., Rochester, N.Y.	49 CFR 173.148(a), 175.3	To ship a certain flammable liquid in DOT Specification 12B fiberboard boxes. (modes 1, 2, 4)
8063-N	DOT-E 8063	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304(a)	To manufacture, mark and sell DOT Specification 4L cylinders for shipment of certain nonflammable gases. (mode 1)
8082-N	DOT-E 8082	Arctic Foundations, Inc., Anchorage, Alaska.	49 CFR 172.101, 175.3, 175.30, 173.315.	To ship a nonflammable, liquefied gas in a non-DOT specification insulated portable tank designed and constructed in accordance with Section VIII of the ASME Code. (mode 4)
8083-N	DOT-E 8083	Farrell Lines Inc., New York, N.Y.	49 CFR 172.101 (Column 7(e) only).	To ship quantities of carbon bisulfide (or carbon disulfide) and nickel carbonyl aboard vessels also carrying explosives. (mode 3)
8090-N	DOT-E 8090	Goodyear Tire and Rubber Co., Akron, Ohio.	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To ship compressed natural gas in DOT Specification 3AAX2400 cylinders made of 4130X steel. (mode 1)
8119-N	DOT-E 8119	BJ-Hughes, Inc., Midland, Tex.	49 CFR 173.119(d),173.245(a)(31), 173.263(a)(10), 178.343-5(b)(2)(i).	To ship certain corrosive and flammable liquids in non-DOT specification cargo tanks. (mode 1)
EMERGENCY EXEMPTIONS Applications Received and Granted				
EE8116-N	DOT-E 8116	U.S. Environmental Protection Agency, Washington, D.C..	49 CFR 100-199	To ship small quantities of liquid hazardous materials in glass ampules overpacked in multiple packagings. (modes 1, 2, 3, 4, 5)
EE8118-N	DOT-E 8118	Magna Corp., Houston, Tex.	49 CFR 173.119(b); 46 CFR 64.9.	To ship certain flammable liquids in a marine portable tank. (modes 1, 3)

DENIALS

5107-P Request by Montana Sulphur & Chemical Co., Billings, Mont.—To become a party to Exemption 5107 for shipment of hydrogen sulfide in certain DOT Specification 105A600W tank car tanks, denied December 13, 1978.

6616-P Request by J & J Fire Safety Corp., Seaford, L.I., N.Y.—To become a party to Exemption 6616 for shipment of nonflammable compressed gases in non-DOT specification pressure vessels, denied December 7, 1978 as being unnecessary.

6616-P Request by Acousti Engineering Co., Atlanta, Ga.—To become a party to Exemption 6616 for shipment of nonflammable compressed gases in non-DOT specification pressure vessels, denied December 7, 1978 as being unnecessary.

7905-N Request by Applied Equipment Co., Van Nuys, Calif.—For reconsideration of denial of application to ship certain nonflammable gases in non-DOT specification welded high-pressure cylinders made of PH 15-7Mo corrosion-resistant (CRES) steel, denied December 14, 1978.

8007-N Request by Lameyer Corp., Palm Beach, Fla.—For reconsideration of denial of application to manufacture, mark and sell non-DOT specification steel cylinders for shipment of compressed air, denied December 8, 1978.

8036-N Request by Lear Siegler, Inc., Anaheim, Calif.—To ship compressed air in non-DOT specification coiled steel tubing apparatus, denied December 20, 1978.

8069-N Request by Michlin Chemical Corp., Detroit, Mich.—To ship ammonium hydroxide in overpack complying with Specification 6D without embossment, with a 2T inside container, denied December 18, 1978.

EE8142-N Request by General American Transportation Corp., Chicago, Ill.—For an emergency exemption from the December 31, 1978, compliance deadline for retrofitting DOT Specification 112 and 114 tank cars, denied December 22, 1978.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-3157 Filed 1-31-79; 8:45 am]

[4910-59-M]

National Highway Traffic Safety Administration

CALENDAR OF MEETINGS OPEN TO THE PUBLIC

Change

Reference is made to the NHTSA Calendar of Meetings Open to the Public, published in the FEDERAL REGISTER Monday, January 8, 1979. This change modifies the dates and sites of the Regional Child Restraint Workshops as published on January 8 and adds a meeting in which the public may be interested.

The information on the Child Restraint Workshops, to include the new dates and sites is as follows:

March-June 1979 *Regional Child Restraint Workshops* (City locations below).

Purpose: To assist interested organizations to inform parents of the importance of using restraint systems when their children are riding in automobiles. Ten meetings are scheduled as follows: March 21-22 Atlanta; April 23-24 Philadelphia; April 26-27 Newark, NJ; May 14-15 San Antonio; May 17-18 Kansas City, MO; June 4-5 Denver; June 7-8 Chicago; June 21-22 Seattle; June 25-26 Berkeley, CA.

Coordinator: W. Burleigh Seaver, Office of Traffic Safety Programs (NTS-14), 202-426-2180.

The additional meeting is as follows:

April 22-26, 1979 *Conference to Review NHTSA's Proposed 5-Year Traffic Safety Research, Development and Demonstration Plan.* Dulles Marriott Hotel (near the Dulles Airport) Reston, Virginia.

Purpose: The Transportation Research Board (TRB) of the National Academy of Sciences will sponsor and coordinate a conference to review and critique NHTSA's proposed Research, Development and Demonstration Traffic Safety Plan for 1980-1984. This plan is concerned with the research authorized by Section 403, U.S. Code, Title 23: Highways. The objective of the conference is to formulate an organized response from the traffic safety community on the proposed NHTSA plan. TRB will invite approximately 120 representatives of the U.S. traffic safety community to the conference. The conference will also be open to the public for observation. Although direct public participation in the conference may not be possible because of time limitations, public comment on the plan is desired by NHTSA. The proposed plan and information on where and when comments can be submitted directly to NHTSA will be published in the FEDERAL REGISTER at a later date.

Coordinators: Questions concerning the conference should be addressed to: Attn: James K. Williams, Transportation Safety Coordinator, The Transportation Research Board, 2101 Constitution Avenue, NW., Washington, D.C. 20418, 202-389-6466.

Questions concerning the Plan and submission of public comments should be addressed to: Attn: Joseph Delahanty, National Highway Traffic Safety Administration, Office of Plans and Programs (NPP-30), 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1570.

Issued in Washington, D.C. on January 24, 1979.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 78-3158 Filed 1-31-79; 8:45 am]

[4810-33]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Semiannual agenda.

SUMMARY: The Semiannual Agenda, required by the Secretary of the Treasury in order to implement the President's Executive Order 12044 concerning improving government regulations, provides notice to the public of the Comptroller of the Currency's regulatory actions since May 22, 1978, including projects initiated or acted upon since that date.

ADDRESS: Public comments are invited, and may be directed to Alan Herlands, Director of Regulations Analysis, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219. Comments on specific projects may also be directed to knowledgeable officials identified in connection with projects set forth below.

FOR FURTHER INFORMATION CONTACT:

Alan Herlands, Director of Regulations Analysis, 202-447-1177.

SUPPLEMENTARY INFORMATION: On May 24, 1978, the Department of the Treasury published for public comment a draft report for implementation of Executive Order 12044 and a List of Existing Regulations Selected for Initial Review (43 FR 22319). On November 8, 1978, the Department of the Treasury published a final report for implementation (43 FR 52120). The Treasury directive adopted requires each bureau to publish a semiannual agenda. February 1 and August 1 were selected by the Comptroller of the Currency for the publishing of a Semiannual Agenda.

The principal functions of the Comptroller of the Currency are the chartering, examining, supervising and regulating of national banking associations.

Actions taken by the Comptroller since May, 1978 in initiating the

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review or issuance of regulations are set forth below.

INVESTMENT SECURITIES REGULATION

[12 CFR Part 1]

A final rule, advance notice of proposed rulemaking, and request for comments were published in the FEDERAL REGISTER on January 3, 1979 (44 FR 762).

This action concerns 12 CFR 1.9, which provides that a national bank may request the Comptroller to rule on the applicability of 12 CFR Part 1 or paragraph Seventh of 12 USC 24 to any security which it holds, or desires to deal in, underwrite, or purchase for its own account.

12 CFR Part 1, beginning at § 1.105, contains those investment rulings issued by the Comptroller since 1962. A number of the rulings have been published in the past which, while important to the requesting bank were not of significiant general interest to the banking industry as a whole. It was for this reason that the Comptroller pledged, in furtherance of the President's Executive Order 12044 on improving government regulations, to review the entire 12 CFR Part 1. The purpose of the review was to simplify and clarify the regulation where possible and to reduce the number of rulings where they were found to be duplicative or unnecessary.

As a result of the review process, the Comptroller decided that for this year, only those rulings which have general significant interest will be published in the FEDERAL REGISTER and codified in the Code of Federal Regulations.

It should also be noted that the Comptroller has under consideration a proposal which would discontinue the publication of individual rulings, although such rulings would continue to be issued in letter form in response to bank requests. Instead of publication and codification, the Comptroller would make such rulings available to the public in the same manner as is afforded other significant letters issued by the Comptroller and his staff. In this way the rulings would be obtainable by private reporting services which are widely used by banks and bank counsel. In the event that this proposal is adopted, it is also expected that Part 1 would be revised by developing from the existing individual rulings a general set of principles applicable to bank investment activities. Although any specific revisions to Part 1 would first be published for comment in the FEDERAL REGISTER, the Comptroller has invited interested parties to submit any preliminary comments on the contemplated approach to Mr. John E. Shockey, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219.

12 CFR Part 1 was amended by changing the subheading immediately preceding § 1.105 to read "Eligibility of Securities for Purchase, Dealing in an Underwriting; Limitations on Holdings" and by adding twelve new subsections (1.469 through 1.480) containing individual investment rulings.

For further information, contact Mr. Richard H. Neiman, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

OFFICE ORGANIZATION

[12 CFR Part 4.1a]

This regulation describes the office organization and delegations of authority within the Office of the Comptroller of the Currency. An amendment will be issued to incorporate into the regulation recent organizational changes to provide current and accurate information to the public.

For further information, contact Richard H. Neiman, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

LENDING LIMITS APPLICABLE TO FOREIGN GOVERNMENTAL ENTITIES

[Proposed 12 CFR Part 7.1330]

On January 12, 1978 the Comptroller proposed (43 FR 1800) a new interpretive ruling to clarify the statutory (12 USC 84) national bank lending limits with respect to loans to foreign governments, their agencies and instrumentalities. This action was required as a result of the increased level of international lending by national banks, which in turn led to an increase in the number of questions concerning the proper interpretation of the statute.

For further information, contact William B. Glidden, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

LOANS SECURED BY REAL ESTATE

[12 CFR Part 7, Subpart B]

On February 16, 1978, the Comptroller published for comment (43 FR 6801) a proposed amendment to 12 CFR, Part 7 to revise selected interpretive rulings relating to loans by national banks which are secured by real estate. The revisions were necessary in order to conform the rulings with the governing statute under which national banks may make real estate loans (12 USC 371, as amended).

On September 25, 1978, the Comptroller ammounced that as a result of the suggestions made in the comments and after further study, the Comptroller has decided to (1) adopt in final form those rulings which were slightly altered or left unchanged from the February proposal (43 FR 43289) and (2) repropose for comment those rulings which were substantially changed from the February proposals or which were not specifically addressed in the February proposal (43 FR 43310).

Amendments adopted are listed below.

Section	Title	Action
7.2000	Real estate loans	Revised
7.2005	Loans secured by real estate mortgages of others.	Revised
7.2100	Conditions upon which national banks may make real estate loans.	Deleted
7.2120	Participation in real estate loans.	Revised
7.2125	Amortization of real estate loans.	Revised
7.2145	Real estate loans insured or guaranteed.	Revised
7.2150	Loans in excess of appraised value.	Revised
7.2155	Maximum aggregate of real estate loans.	Revised
7.2170	Purchase at premium or discount.	Deleted
7.2190	Demand and short-term real estate and construction loans.	Revised
7.2200	Real estate loans secured by leaseholds.	Revised
7.2410	Construction loans held beyond the permissible period.	Revised
7.2600	Loans on forest tracts	Revised

The Comptroller also proposed several amendments, with a comment period expiring November 24, 1978. Comments were to be addressed to Mr. John E. Shockey, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219. No final action has yet been taken on these proposed amendments, which are listed below.

Section	Title	Proposed action
7.2010	Loan-to-value ratios	Add
7.2015	Land acquistion and development loans.	Add
7.2020	Improved real estate	Delete
7.2040	First liens	Revise
7.2400	Construction loans	Revise
7.2700	Nonconforming loans	Add

For further information, contact Mr. Richard H. Neiman, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

TRUST DEPARTMENT REPORTS

[12 CFR Part 9]

Rescission of two national bank trust department reporting requirements was published in the FEDERAL REGISTER on June 2, 1978 (43 FR 23990). The Comptroller's regulation 12 CFR Part 9 was amended by rescinding sections 9.101, 9.102, 9.103 and 9.104.

On November 29, 1977, the Comptroller published for comment a proposed amendment (42 FR 65204) which would have rescinded two reporting requirements applicable to national banks so as not to duplicate new reporting requirements being issued by the Securities and Exchange Commission (SEC) and covering essentially the same subject matter. These two reporting requirements had been required of all national banks which held in their trust departments equity securities having an aggregate market value of $75,000,000 or more. The first report was an annual report of holdings, as of December 31 of the previous year, listing all issues of which the bank holds 10,000 shares or more. The second report was a quarterly report of transaction whereby each affected bank had to file a report of all transactions in equity securities in excess of 10,000 shares or having a market value of $500,000 or more, which occured during the preceding quarter.

In 1975, the SEC was given authority to require similar reports from all institutional investors, including national banks. (§ 13(f) of the Securities Exchange Act of 1934.) The law also required agencies having similar reporting requirements to take steps to ensure that unnecessary duplication and reporting burdens were not imposed. The SEC has approved final rules which require the filing of annual and quarterly reports of holdings by all institutional investors.

The Comptroller determined that because of the similarity between the reports required by this Office and the reports required by the SEC, and in light of Presidential and Congressional directives to reduce unneceesary duplication and reporting burdens, the annual report requirement of 12 CFR 9.102(a) and the quarterly report requirement of 12 CFR 9.102(b) with the final quarterly report due no later than October 30, 1978, should be eliminated.

For futher information, contact Mr. Dean E. Miller, Deputy Comptroller for Specialized Examinations, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW, Washington, D.C. 20219, 202-447-1731.

SECURITIES EXCHANGE ACT DISCLOSURE RULES

[12 CFR Part 11]

On January 19, 1979, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to revise certain sections of the Securities Exchange Act Disclosure Rules, 12 CFR Part 11). Items 1 through 5 of the approved work plan are set forth below.

1. This project concerns proposed additions to the Comptroller's existing regulation (12 CFR 11) promulgated under the Securities Exchange Act of 1934 ("1934 Act"). Part 11 prescribes the public disclosures and filing requirements by national banks which have a class of security registered on a national securities exchange or which have a class of equity security held of record by five hundred or more persons and total assets exceeding $1 million, and persons associated with such banks.

The additions to Part 11 will cover the following general areas:

a. Beneficial Ownership of Securities;
b. Corporate Governance;
c. Management Remuneration; and
d. Accounting Matters

The proposed amendments will be coordinated with proposals by the Federal Deposit Insurance Corporation and the Federal Reserve Board.

2. The Securities and Exchange Commission ("SEC") has recently amended the disclosure requirements for companies other than banks. The Federal securities laws mandate the issuance of substantially similar regulations by the Comptroller unless the Comptroller finds that substantially similar regulations are not necessary or appropritate in the public interest or for the protection of investors, and publishes such findings with detailed reasons in the FEDERAL REGISTER.

3. The primary statutory basis for the regulation is Section 12(i) of the 1934 Act, 15 USC 78l(i).

4. A knowledgeable official is Frederick R. Medero, Director, Securities Disclosure Division, (202) 447-1954.

5. A regulatory analysis will not be prepared. It does not appear that the amendments will exceed the criteria requiring a regulatory analysis. In addition, this regulatory action flows directly from Section 12(i) of the 1934 Act.

Following earlier SEC changes to its regulations under the 1934 Act, the Comptroller published proposed changes for comment in the FEDERAL REGISTER on March 13, 1978 (43 FR 10371; see correction of comment period published March 16, 1978, 43 FR 10938) and adopted changes on December 28, 1978 (43 FR 60537), concerning (1) confidential treatment, (2) dissemination of proxy information to beneficial owners by issuers through intermediary recordholders, (3) preliminary proxy materials, (4) shareholder proposals, and (5) tender offers. These changes are effective January 29, 1979.

For further information, contact Frederick R. Medero, Director, Securities Disclosure Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1954.

RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS EFFECTED FOR CUSTOMERS

[Proposed 12 CFR Part 12]

Revised proposals were published by the Comptroller on November 1, 1978 (43 FR 50917). Comments were to be directed to Mr. Dean E. Miller, Deputy Comptroller for Specialized Examinations, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219, to be received by December 18, 1978.

On February 7, 1978, the Comptroller published for comment in the FEDERAL REGISTER (43 FR 5004) proposed amendments that would require national banks to establish uniform procedures and records relating to the handling of securities transactions for trust department accounts and for customers. The proposed amendments were in part an outgrowth of the recommendations of the Securities and Exchange Commission's Final Report on Bank Securities Activities. Interested persons were also given the opportunity to consider whether and to what extent regulations should be promulgated concerning: (1) Best execution of securities transactions and (2) personnel training and competency requirements. The original comment period ended March 31, 1978, but was extended to May 1, 1978. Similar proposals were also published for comment by the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation.

The Comptroller received over 200 comment letters with a substantial number setting forth significant criticisms of the proposed amendments. As a result of consideration of and in response to the comment letters the Comptroller determined to revise the proposed amendments and to republish them for additional comment in a new part, 12 CFR Part 12, entitled, "Recordkeeping and Confirmation Requirements for Certain Transactions Effected by National Banks." The Comptroller at this time is taking no further action regarding the promulgation of regulations concerning the best execution of securities transactions and personnel training and competency requirements. The latter subject is still under consideration, however, and additional comments were requested from interested parties. Information as to estimated costs of implementation of the proposed amendment was also requested.

For further information, contact Mr. Dean Miller, Deputy Comptroller for Specialized Examinations, Office of the Comptroller of the Currency, 490 L'Enfant Plaza S.W., Washington, D.C. 20219, 202-447-1731.

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STOCK DIVIDEND RULES

[12 CFR Part 14]

On December 12, 1978, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to review the existing regulation governing stock dividends which may be issued by national banks. Items 1 through 5 of the approved work plan are set forth below.

1. This project concerns the Comptroller's existing regulation (12 CFR 14.3) of stock dividends which may be issued by national banks.

2. This regulation has been the subject of meaningful criticism and requests for review by affected national banks, primarily those located in the State of Montana.

3. The primary statutory basis for the regulation is 12 USC 57.

4. A knowledgeable official on this subject is Robert S. Child, Chief, Capital Increase Branch, 447-1593.

5. A regulatory analysis will not be prepared. The present regulation has had a very limited impact on national banks, and the alternative courses of action to be considered will have similarly limited impact.

For further information, contact Mr. Robert S. Child, Chief, Capital Increase Branch, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1593.

CHANGES IN BANK CONTROL RULES

[12 CFR Part 15]

On January 22, 1979, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to revise the existing regulation governing changes in bank control. The existing regulation requires that certain reports be filed after a change in control occurs. The Change in Bank Control Act of 1978 (Title VI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978) requires that individuals seeking to acquire control of a bank give the regulator advance notice, and the regulator may disapprove the acquisition. Items 1 through 5 of the approved work plan are set forth below.

(1) This project concerns the Comptroller's revision of 12 CFR Part 15 in light of the Change in Bank Control Act of 1978. The revision is being coordinated with proposals by the Federal Deposit Insurance Corporation and the Federal Reserve Board.

(2) The Change in Bank Control Act of 1978 authorizes the Federal banking agencies to issue regulations to carry out the provisions of the Act. This revision will replace the existing Part 15, which has been effectively superseded by the Act.

The Act provides that individuals proposing to acquire control of an insured bank must provide advance notice to the appropriate Federal banking agency, and that the agency may disapprove the acquisition of control.

(3) The primary statutory basis for the rule is 12 USC 1817(j)(13).

(4) A knowledgeable official on the subject is James V. Elliott, Director, Bank Organization and Structure Division, (202) 447-1184.

(5) A regulatory analysis will not be prepared. It does not appear that the effects of the revision will exceed the criteria requiring a regulatory analysis. In addition, this regulatory action flows directly from the Change in Bank Control Act.

For further information, contact Mr. James V. Elliott, Director, Bank Organization and Structure Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1184.

OFFERING CIRCULAR REGULATION

[12 CFR Part 16]

On January 5, 1979, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to review the existing regulation governing the use of offering circulars by national banks offering to sell securities to the public. Items 1 through 5 of the approved work plan are set forth below.

1. This project concerns the Comptroller's existing regulation (12 CFR 16) requiring the use of offering circulars by national banks offering to sell securities to the public.

2. The reasons for considering a review of this regulation are that the regulation has been subject to meaningful criticism from affected national banks because it involves a task which must be factored into the capital formation process, and because parts of the regulation require clarification.

3. The primary statutory basis for the regulation is 12 USC 57.

4. A knowledgeable official on this subject is Frederick R. Modero, Director, Securities Disclosure Division, (202) 447-1954.

5. Upon approval of the work plan, the Comptroller's Research and Economic Programs Department will examine (a) the potential cost savings relating to possible changes in the regulation; and (b) the potential increase in bank capital which may be raised should the regulation be amended.

If these preliminary studies indicate that the effects may exceed the minimum criteria for a regulatory analysis, one will be prepared. It is presently anticipated that the effects will not exceed the minimum criteria.

For further information, contact Mr. Frederick R. Medero, Director, Securities Disclosure Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1954.

RULES OF PRACTICE: HEARINGS

[12 CFR Part 19]

On December 7, 1978, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to amend the regulations governing certain hearings held by the Comptroller. Information coresponding to items 1 through 5 of the approved work plan is set forth below.

The recently enacted Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630) changes and expands the Comptroller's regulatory powers in several respects: (1) bank-related individuals are brought within the scope of the Comptroller's cease-and-desist authority under 12 USC 1818; (2) the Comptroller can, after opportunity for a hearing, assess civil money penalties against banks and individuals that violate certain provisions of law; and (3) the Comptroller can hold hearings with a view to suspension or removal from office of a bank officer or director who has evidenced personal dishonesty or has committeed a breach of trust. These statutory changes should be incorporated into an amended version of the Comptroller's rules of practice and procedure contained in 12 CFR 19. In addition, the Comptroller will propose to incorporate in the 12 CFR 19 revion procedures to govern securities law hearings, as authorized by 15 USC 781(i) and 78w, and rules relating to investigations authorized by 12 USC 1820(c).

The principal drafter of the 12 CFR 19 revision will be Staff Attorney William Glidden. It does not appear necessary to prepare a "regulatory analysis" because the revised regulation will merely prescribe rules of practice that govern the Comptroller's administrative actions where a national bank or bank-related individual is a party. There will not be any substantial cost imposed upon the banking industry.

For further information, contact Mr. William B. Glidden, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

PROCEDURES AND STANDARDS APPLICABLE TO SUSPENSIONS AND PROHIBITIONS, WHERE A FELONY IS CHARGED

[12 CFR Part 24]

A final regulation was published by the Comptroller on May 22, 1978 (43 FR 21868). This regulation will be reconsidered in connection with the project to amend 12 CFR Part 19, Rules of Practice: Hearings, discussed above.

The procedures and standards set forth in this rule are applicable to proceedings by the Comptroller to suspend and/or prohibit from participation any officer or director or other person participating in the affairs of a national bank, where such person is charged with a felony involving dishonesty or breach of trust. This rule is also intended to make available to such persons a hearing where they may present such facts as will aid the Comptroller in determining whether any existing suspension and/or prohibition order should continue in effect.

Substantially identical regulations were adopted by the Federal Deposit Insurance Corporation on November 14, 1977 (42 FR 59491) and by the Federal Home Loan Bank Board on March 14, 1978 (43 FR 10546).

The Comptroller's proposed regulations for the procedures and standards applicable to suspension and prohibitions of directors and officers of national banks were published in the FEDERAL REGISTER for comment on January 24, 1978 (43 FR 3368), and three formal comments were received in response to the proposed regulations. Two bank trade associations wrote to express their support for the proposed regulations, with one recommending a technical addition to the regulations. The third commentator, a national bank, also expressed its support for the proposed regulations, but recommended that the word "shall" in § 24.1 be changed to "May" in order to make it clear that the Comptroller will have discretion in determining whether to suspend a director or officer of a national bank even when the standards set forth in the rule have been met. For this reason, the recommended change was adopted in the final rule.

Based on further staff review of the proposed regulations, certain grammatical and organizational changes were made in order to clarify the regulation. In addition, time limit were placed on the filing of a petition for a hearing and on the submission of a written argument in the event the hearing is waived. Also, the fact that the records and transcripts of any proceeding brought under this regulation may be released to other government agencies was set forth. Further, the rule made clear that all hearing witnesses must testify under oath, contrary to the proposed regulation which would have made sworn testimony optional. This last change reflected the staff's belief that the quality of evidence offered would be enhanced without significantly affecting the informal character of the hearing.

For further information, contact Mr. Robert S. Pasley, Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1989.

COMMUNITY REINVESTMENT ACT REGULATIONS

[12 CFR Part 25; 12 CFR Part 5]

On October 12, 1978, the Comptroller published final regulations to implement the Community Reinvestment Act of 1977 (43 FR 47144, 43 FR 47156).

These regulations implement the Community Reinvestment Act of 1977, and are intended to encourage regulated financial institutions to fulfill their continuing and affirmative obligation to help meet the credit needs of their communities, including low- and moderate-income neighborhoods, consistent with safe and sound operation of such institutions. The regulations provide that the Comptroller will assess national banks' records in doing so, and take those records into account when evaluating certain applications by those banks.

On page 29918 of the FEDERAL REGISTER of July 11, 1978, the Comptroller of the Currency, Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board (collectively referred to as "the Agencies") proposed regulations to implement the Community Reinvestment Act of 1977 ("the CRA"). It is the purpose of the CRA, which was enacted as Title VIII of the Housing and Community Development Act of 1977 (Pub. L. 95-128), to require that, in connection with their examination of institutions under their jurisdiction, the Agencies encourage each institution to help meet the credit needs of its local community. The CRA further requires the Agencies to assess each institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the institution, and to take that record into account in its evaluation of any application by the institution for a charter, deposit insurance, branch or other deposit facility, office relocation, merger or acquisition of bank or savings institution shares or assets. The Agencies received numerous comments regarding the proposed regulations and revised the regulations after considering the concerns of the commenters.

The Agencies' final regulations are identical in their substantive provisions, but contain technical and procedural variations.

The sections of the Comptroller's new regulation are as follows:

Sec.
25.1 Authority.
25.2 Purposes.
25.3 Delineation of community.
25.4 Community Reinvestment Act statement.
25.5 Files of public comments and recent CRA statements.
25.6 Public notice.
25.7 Assessing the record of performance.
25.8 Effect on applications.

INTERPRETATIONS

.101 National banks performing limited services.

In connection with this regulation, the Comptroller also amended the regulations governing applications procedures and opportunities to be heard, 12 CFR Part 5.

This rule revised procedures of the Comptroller for applications for charters, branches, mergers, and relocations. The changes were prompted by the Community Reinvestment Act of 1977 and regulations issued pursuant to the Act and by suggestions received during the comment period following publication of the proposed regulations to implement the CRA. The goal of these changes is to improve the opportunity for public participation in the decision process on the affected applications listed above.

Each of the Agencies adopted changes to its regulations governing the treatment of these applications so that the Agencies' procedures are substantially similar. For each agency, these changes will facilitate public involvement in the decision-making process and increase the level of communication between the Agencies, the institutions, and the public.

These amendments were issued in final form, to take effect on November 6, 1978 and apply to applications filed on or after that date. However, the Comptroller and the other Agencies have undertaken to review the regulations' effectiveness as they gain experience in operating under them. The Agencies will also accept and consider written comments for 6 months from the effective date of the regulations. Comments may be submitted to Alan Herlands, Director, Regulations Analysis, Office of the Comptroller of the Currency, Washington, D.C. 20219.

On December 7, 1978, the Comptroller and other Agencies published (43 FR 57259) a proposed amendment to the Community Reinvestment Act regulation which would reflect an amendment to that law contained in the Financial Institutions Regulatory and Interest Rate Control Act of 1978 which relates to financial institutions whose business predominantly consists of serving the needs of military personnel who are not located within a defined geographic area.

This proposed regulatory amendment would allow qualified institutions to delineate a "military community" of nonlocal depositors in addition to a local community or communities; these would comprise their

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"entire community" under the regulation.

Institutions were requested to comply with the proposed regulation during the comment period.

Comments were to be received by January 8, 1979 and directed to Theodore E. Allison, Secretary to the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, referring to FRB Docket No. R-0192.

For further information, contact Ms. Jo Ann D. Barefoot, Deputy Comptroller for Customer and Community Programs, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-0934.

MANAGEMENT INTERLOCKS REGULATION

[Proposed 12 CFR Part 26]

On January 22, 1979, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to issue a new regulation concerning management interlocks between depository institutions. Items 1 through 5 of the approved work plan are set forth below.

(1) This project concerns the Comptroller's promulgation of 12 CFR Part 26 to implement the Depository Institution Management Interlocks Act (the "Act"), Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, (Pub. L. 95-630). The proposed regulation is being coordinated with substantially similar proposals by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the National Credit Union Administration.

(2) The Act authorizes those Federal agencies to issue regulations to implement its prohibitions and to permit service otherwise prohibited under the Act. The Act prohibits management official interlocks between (a) depository institutions with assets of less than $20,000,000 which are located in the same standard metropolitan statistical area or the same or an adjacent city, town or village; and (b) without regard to location, institutions with total assets exceeding $1,000,000,000 and non-affiliated institutions with total assets exceeding $500,000,000 or their affiliates.

(3) The primary statutory basis for the proposed regulation is Section 209 of the Act.

(4) A knowledgeable official on the subject is David W. Roderer, Attorney, Legal Advisory Services Division, (202) 447-1880.

(5) A regulatory analysis will not be prepared. It does not appear that the effects of the regulation will exceed criteria requiring a regulatory analysis. In addition, this regulatory action flows directly from the Act.

For further information, contact David W. Roderer, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

FOREIGN BANKS OPERATING IN THE UNITED STATES

On December 7, 1978, the Comptroller initiated, under a work plan approved by direction of the Secretary of the Treasury, a project to draft new regulations under the International Banking Act of 1978 (Pub. L. 95-369). Information corresponding to items 1 through 5 of the approved work plan is set forth below.

The Comptroller's Office has responsibility under the recently enacted International Banking Act (the "IBA") to charter and supervise the activities of federal branches and agencies operated by foreign banks in the United States. Sections 4(b) and 13(a) of the IBA authorize the Comptroller to prescribe rules and regulations to carry out the provisions and purposes of the Act. The Comptroller intends to publish a new regulation in Title 12 of the Code of Federal Regulations to govern the activities of federal branches and agencies.

The principal drafter of the regulation will be Staff Attorney William Glidden. The major policy decision to be made concerns the extent to which reporting requirements and various other privileges and responsibilities of federal branches and agencies should be covered in detail in the new regulation. It is anticipated that the regulation will cover in general terms such items as branch and agency application procedures, capitalization, reserve and insurance requirements, and the applicability of the national banking law to these institutions. We do not believe that the regulation will have major economic consequences for the general economy or the U.S. banking industry and so are not preparing a regulatory analysis. Detailed instructions, forms and guidelines will be developed as appropriate, apart from the new regulation to insure effective supervision of the federal presence of foreign banks.

For further information, contact Mr. William B. Glidden, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

Dated: January 26, 1979.

JOHN G. HEIMANN,
Comptroller of the Currency, by Direction of the Secretary of the Treasury.

[FR Doc. 79-3310 Filed 1-31-79; 8:45 am]

[4810-22-M]

Customs Service

[T.D. 79-34]

PORTLAND HYDRAULIC CEMENT FROM CANADA

Antidumping Duties

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Determination on American manufacturer's petition; notice of desire to contest, filed pursuant to section 516(c), Tariff Act of 1930, as amended.

SUMMARY: This notice is to advise the public that the Customs Service has denied an American manufacturer's petition requesting that antidumping duties be assessed with regard to importations of Portland hydraulic cement from Canada and has received notification of the manufacturer's desire to contest such determination.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Steven P. Kersner, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20220 (202-566-2938).

SUPPLEMENTARY INFORMATION: On October 30, 1978, a petition was received in proper form, pursuant to section 516(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(a)), from counsel acting on behalf of the Flintkote Company, Glen Falls Cement Division, alleging that an affirmative determination of injury or threat thereof should be made regarding importations of Portland hydraulic cement from Canada, and that antidumping duties should be assessed against such importations.

A notice of petition filed by an American manufacturer, producer or wholesaler was published in the FEDERAL REGISTER on December 12, 1978 (43 FR 58129) with respect to the above-mentioned entries from Canada and interested persons were afforded an opportunity to make written submissions. By letter dated January 12, 1979, the petitioner was notified that:

The Customs Service is foreclosed from investigating allegations as to injury or examining any conclusions of the International Trade Commission made within the scope of its statutory authority under section 201 of the Antidumping Act of 1921, as amended (19 U.S.C. 160). It is our opinion that the negative determination of injury, having been made, must be considered valid in the absence of a decision of the Customs Court to the contrary, and therefore is binding upon us. Accordingly, the decision not to assess antidumping duties was correct and your petition must be denied.

Notification was received by the Customs Service on that same date, January 12, 1979, of that American manufacturers' desire to contest in the United States Customs Court the failure of the Service to assess antidumping duties.

In accordance with the provisions of section 516(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.24, Customs Regulations (19 CFR 175.24), notice is hereby given that the Commissioner of Customs has decided that antidumping duties should not be assessed in this matter and that a domestic producer has given notice, as contemplated by section 516, that it desires to contest such determination.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: January 26, 1979.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 79-3458 Filed 1-31-79; 8:45 am]

[4810-25-M]

Office of the Secretary

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Executive Order 12044, "Improving Government regulations," and the Treasury Department directive implementing that Executive Order, the Office of the Secretary has prepared and is publishing for public information a listing of its one significant regulation under review.

FOR FURTHERMATION CONTACT:

Steven L. Skancke, Deputy Executive Secretary, Department of the Treasury, Washington, D.C. 20220 (202) 566-2269.

1. Description/Justification: Treasury regulations issued in response to the Freedom of Information Act (31 CFR Part 1, Subpart A) and the Privacy Act of 1974 (31 CFR Part 1, Subpart C) are under review for revision and updating. Revision is necessary to clarify and simplify existing Treasury regulations implementing these Acts. A regulatory analysis will not be necessary.

2. Statutory Basis: 5 U.S.C. 552 and 5 U.S.C. 552a.

3. Knowledgeable Official: Linda K. Zannetti, Departmental Disclosure Officer, (202) 566-5573.

Dated: January 30, 1979.

By direction of the Secretary.

STEVEN L. SKANCKE,
Deputy Executive Secretary.

[FR Doc. 79-3569 Filed 1-31-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

ADVISORY COMMITTEES

Charter Renewals

In accordance with section 14 of the Federal Advisory Committee Act (Pub. L. 92-463), the Veterans Administration announces the renewal of two advisory committees: Administrator's Education and Rehabilitation Advisory Committee, effective January 12, 1979, and Special Medical Advisory Group, effective January 15, 1979.

New charters for these committees have been filed in accordance with sections 9 and 14 of Pub. L. 92-463.

Dated: January 26, 1979.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc. 79-3474 Filed 1-31-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Permanent Authority Decisions Volume No. 4]

PERMANENT AUTHORITY APPLICATIONS

Decision-Notice

JANUARY 9, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after February 1, 1979.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, of the United States Code and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the

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issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930 (1978) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

H. G. HOMME, Jr.,
Secretary.

MC1335 (Sub-2F), filed December 15, 1978. Applicant: MOTEK TRANSPORT, INC., a New Jersey corporation, 345 Main St., P.O. Box 123, Harleysville, PA 19438. Representative: D. L. Cain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *foodstuffs*, (except in bulk), from Pitman, NJ, to Erie, PA, and points in NY. (Hearing site: Philadelphia, PA.)

MC1335 (Sub-3F), filed December 19, 1978. Applicant: MOTEK TRANSPORT, INC., a New Jersey corporation, 345 Main St., P.O. Box 123, Harleysville, PA 19438. Representative: D. L. Cain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *plastics*, from Eddystone, PA, to points in NY. (Hearing site: Philadelphia, PA.)

MC4966 (Sub-22F), filed August 1, 1978. Applicant: JONES TRANSFER COMPANY, a corporation, 300 Jones Ave., Monroe, MI 48161. Representative: Thomas M. Hummer, P.O. Box 717, Monroe, MI 48161. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Toledo and Youngstown, OH, from Toledo over Interstate Hwy 280 to junction Interstate Hwys 80/90, then over Interstate Hwy 80 to Youngstown, and return over the same route, serving intermediate and off-route points in Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, Summit, Columbiana, Carroll, Mahoning, and Stark Counties, (2)(a) between junction Interstate Hwy 80 and Interstate Hwy 77 and Canton, OH, over Interstate Hwy 77, (b) between junction Interstate Hwy 80 and Interstate Hwy 71 and junction Interstate Hwy 77 and Interstate Hwy 80, from junction Interstate Hwy 80 and Interstate Hwy 71, over Interstate Hwy 71 to Cleveland, OH, then over Interstate Hwy 77 to junction Interstate Hwy 80, and return over the same route, serving intermediate and off-route points in Holmes, Toscarawas, Wayne, and Harrison Counties, (3) between Toledo and Cincinnati, OH, (a) over Interstate Hwy 75, (b) from Toledo, OH, over U.S. Hwy 23 to Columbus, OH, then over Interstate Hwy 71 to Cincinnati, OH, and return over the same route, serving intermediate and off-route points in Brown, Butler, Clermont, Clinton, Hamilton, Montgomery, Preble, Warren, Clark, Champaign, Delaware, Fairfield, Fayette, Knox, Licking, Madison, Marion, Morrow, Perry, Pickway, Ross, and Union Counties, (4) Between Toledo and Van Wert, OH, from Toledo over Interstate Hwy 475 to junction U.S. Hwy 24, then over U.S. Hwy 24 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Van Wert, and return over the same route, serving intermediate and off-route points in Allen, Auglaize, Defiance, Henry, Mercer, Paulding, Putnam, and Van Wert Counties. CONDITIONS: (1) The regular-route authority granted here shall not be severable, by sale or otherwise, from applicant's retained pertinent irregular-route authority. (2) Applicant must request, in writing, the imposition of restrictions on its underlying irregular-route authority precluding service between any two points authorized to be served here pursuant to regular-route authority. (Hearing site: Detroit, MI, or Toledo, OH.)

NOTE.—The purpose of this application is to convert a portion of applicant's existing irregular-route authority to regular-route authority.

MC 11207 (Sub-457F), filed October 26, 1978. Applicant: DEATON, INC., a Delaware corporation, 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plywood, paneling, gypsum board, composition board, and molding*, for the facilities of the Pan American Gyro-Tex Company, at or near Jasper, FL, to points in AL, AR, FL, GA, IN, IL, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA, and WV; and (2) *materials* used in the manufacture of the commodities in (1) above, (except commodities in bulk), in the reverse direction, (Hearing site: Jacksonville, FL, or Birmingham, AL.)

MC 25798 (Sub-348F), filed December 18, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., a North Carolina corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of The Pillsbury Company and Fox DeLuxe Pizza Company, at Joplin and Carthage, MO, to points in AR, CO, IA, KS, NE, OK, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Louis, MO.)

MC 25798 (Sub-349F), filed December 21, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., a North Carolina corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in the United States (except AK, HI, and FL), to points in FL. (Hearing site: Tampa, FL.)

MC 26396 (Sub-211F), filed October 30, 1978. Applicant: POPELKA TRUCKING CO., INC., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028 Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber products*, from points in Wheatland County, MT, to points in AR, CO, IL, IN, IA, KS, MO, NE, OH, and WY. (Hearing site: Billings, MT.)

MC 27817 (Sub-145F), filed August 31, 1978. Applicant: H.C. GABLER, INC., R.D. #3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian v. Graf, 407 North Front St., Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal and pet foods*, from the facilities of Allied Mills, Inc., at or near (a) Everson and (b) Pittsburgh, PA, to points in CT, DE, MD, MA, MI, NC, NJ, NY, OH, RI, SC, VA, and DC; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Washington, DC.)

MC 29886 (Sub-358F), filed October 27, 1978. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave. Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *turbines, turbine parts, and turbo-generators*, from Wellsville, NY, to points in AR, LA, MS, OK, and TX. (Hearing site: New York, NY, or Washington, DC.)

MC 44927 (Sub-4F), filed October 23, 1978. Applicant: RAMS' EXPRESS, d.b.a. PRO EXPRESS, a California corporation, 2910 Ross St., Los Angeles, CA 90058. Representative: Wyman C. Knapp, 1800 United California Bank Bldg., 707 Wilshire Boulevard, Los Angeles, CA 90017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectioneries*, from Los Angeles, CA, to Beaumont, Mentone, and Yucaipa, CA, points in Santa Barbara, Ventura, Los Angeles, Orange, and San Diego Counties, CA, those in that portion of Riverside County, CA, bounded by a line beginning at Beaumont on the north by Interstate Hwy 10, then westerly along Interstate Hwy 10 to the San Bernardino-Riverside County line at Calimesa, then westerly along the Riverside County line to its intersection with California Hwy 31, then southerly and westerly along the Riverside County line to its intersection with the Riverside-Orange County line, then southerly along the Riverside-Orange County line to its intersection with the Riverside-San Diego County line, then easterly along the Riverside County line to its intersection with Interstate Hwy 15, then northerly along Interstate Hwy 15 and Interstate Temporary Hwy 15E through Perris and March Air Force Base to its intersection with California Hwy 60 on the eastern boundary of Riverside, then easterly on California Hwy 60 to point of beginning, and those in that portion of San Bernardino County, CA, bounded by a line beginning on the north at the intersection of California Hwys 30 and 106, then westerly along California Hwy 30 to its intersection with California Hwy 83, then southerly along California Hwy 83 to California Hwy 66, then westerly along California Hwy 66 to the San Bernardino-Los Angeles County line, then southerly along the San Bernardino County line, then northerly and easterly along said county line to its intersection with California Hwy 31, then northerly and easterly along the San Bernardino County line to its intersection with Interstate Hwy 10, then northwesterly along Interstate Hwy 10 to its intersection with California Hwy 106, then northerly along California Hwy 106 to point of beginning, restricted to the transportation of traffic having a prior movement by rail or motor carrier and originating at Tacoma, WA. (Hearing site: Los Angeles, CA.)

MC 59367 (Sub-130F), filed October 30, 1978. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in sections A, B, & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of John Morrell & Co., at (a) Estherville, IA, to points in AL, AZ, CA, CO, FL, GA, IN, KS, MI, MN, MO, MS, NV, NC, OH, OK, SC, TN, and TX, (b) Sioux Falls, SD, to points in AZ, FL, GA, IL, IN, IA, MI, NC, OH, OK, SC, TX, and those points in CA in and south of San Luis Obispo, Kern, and Bernardino Counties, (c) Worthington, MN, to points in AZ, CA, FL, GA, IN, IL, IA, MI, MO, NV, OH, OK, TN, TX, and WI, and (d) Sioux City, IA, to points in AZ, CA, FL, GA, IL, IN, MI, NV, NC, OK, SC, TN, and TX, restricted in (a), (b), (c), and (d) above to the transportation of traffic originating at the named origins, and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 63417 (Sub-178F), filed October 27, 1978. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel containers*, from Canton, MS, to Houston, TX, and points in Dallas and Tarrant Counties, TX. (Hearing site: Roanoke, VA, or Chicago, IL.)

MC 69116 (Sub-209F), filed October 30, 1978. Applicant: SPECTOR INDUSTRIES, INC., d/b/a SPECTOR FREIGHT SYSTEM, A Delaware Corporation, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel and Wire Company, at Sterling and Rock Falls, IL to points in AL, AR, DE, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, NH, NY, OH, OK, PA, TN, TX, VA, WV, and WI. (Hearing site: Chicago, IL.)

MC 73688 (Sub-81F), filed December 11, 1978. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, TN 38107. Representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, TN 38103. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles and dry kiln equipment*, from Memphis, TN, to points in AL. (Hearing site: Memphis, TN.)

MC 78947 (Sub-19F), filed October 2, 1978. Applicant: ELLIOTT BROS. TRUCK LINE, INC., Dysart, IA 52224. Representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of metal tool and utility boxes, tool chests, medical cabinets, benches, and shelves, (except commodities in bulk), between points in the United States (except AK, AZ, CA, HI, ID, NV, OR, UT, AND WA), restricted to the transportation of traffic originating at or destined to the facilities of Waterloo Industries, Inc. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 80653 (Sub-12F), filed November 28, 1978. Applicant: DAVID GRAHAM COMPANY, a corporation, P.O. Box 115 Croydon, PA 19020. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Weirton Steel Division, National Steel Corp., (1) at or near Steubenville, OH, to New York, NY, points in NJ, and those in PA on and east of a line beginning at U.S. Hwy 220 at the PA-MD State line and extending north to junction U.S. Hwy 15, and then north along U.S. Hwy 15

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to the PA-NY State line, and (2) at Wierton, WV, to points in NY and NJ. (Hearing site: Washington, DC.)

MC 87103 (Sub-27F), filed November 27, 1978. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, P.O. Box 6077, Akron, OH 44312. Representative: Edward P. Bocko (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, and (2) *equipment, materials, and supplies* (except commodities in bulk), between Pittsburgh, PA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

NOTE.—Dual operations may be involved.

MC 93393 (Sub-21F), filed November 17, 1978. Applicant: NIGHTWAY TRANSPORTATION CO., INC., 2000 North Broadway, Muncie, IN 47303. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *edible tallow, shortening, cooking oils, and margarine*, from the facilities of Swift & Company, at or near Bradley, IL, to points in IN, MI, OH, and KY. (Hearing site: Chicago, IL.)

MC 101053 (Sub-11F), filed November 24, 1978. Applicant: DRY BULK TRANSPORT, INC., R.D. #4, Marietta, OH 45750. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime*, in bulk, from Maysville, KY, and Porterfield, OH, to points in IL, IN, OH, PA, WV, and MI. (Hearing site: Columbus, OH.)

MC 102616 (Sub-967F), filed October 26, 1978. Applicant: COASTAL TANK LINES, INC., A Delaware Corporation, 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from Robinson, IL, to points in Lake and Porter Counties, IN. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 104683 (Sub-46F), filed November 27, 1978. Applicant: TRANSPORT, INC., P.O. Box 1524, Hattiesburg, MS 39401. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied petroleum gas*, in bulk, in tank vehicles, from points in MS, to points in AL, AR, FL, GA, LA, and TN. (Hearing site: Jackson, MS.)

NOTE.—The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the effective date thereof.

MC 107515 (Sub-1194F), filed December 11, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, 5th Floor, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of Saluto Foods, Inc., at or near Montgomery and Fort Payne, AL, to points in AR, CO, ID, IA, KS, LA, MN, MO, MT, NE, NV, ND, OK, SD, TX, UT, WI, and WY. (Hearing site: South Bend, IN, or Grand Rapids, MI.)

NOTE.—Dual operations may be involved.

MC 107515 (Sub-1195F), filed December 11, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, 5th Floor—Lenox Towers South, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fruit juices and fruit juice products*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Orchard Grove Co., at or near Lansing, MI, to points in IL, IN, KY, MN, OH, and WI. (Hearing site: Lansing, MI.)

NOTE.—Dual operations may be involved.

MC 109397 (Sub-430F), filed October 19, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, MO 64801. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *source, special nuclear and by-product materials, radioactive materials, related radioactive equipment, component parts, and associated materials*, between points in AZ, CA, CO, ID, NM, NV, OR, TX, UT, WA, and WY, on the one hand, and, on the other points in the United States (except AK and HI). NOTE: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the effective date thereof. (Hearing site: Houston, TX, or Washington, D.C.)

MC 109633 (Sub-38F), filed November 24, 1978. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60627. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printed matter*, and *materials, equipment, and supplies* used in the manufacture, sale, and distribution of printed matter, (except commodities in bulk), between Chicago, IL, Indianapolis, IN, Versailles and Lexington, KY, Taunton, MA, Ossining, NY, and Nashville, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 109633 (Sub-40F), filed November 24, 1978. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60627. Representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and feed business houses, (1) between Clinton and Davenport, IA, on the one hand, and, on the other, points in IN, MI, and OH, and (2) between Battle Creek, MI, and Lancaster and Sharonville, OH, on the one hand, and, on the other, points in CT, DE, KY, MD, MA, NJ, NY, PA, RI, VA, WV, and DC. (Hearing site: Chicago, IL.)

MC 109649 (Sub-26F), filed December 18, 1978. Applicant: L. P. TRANSPORTATION, INC., Main and Cross Streets, Chester, NY 10918. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied petroleum gas*, in bulk, in tank vehicles, between Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, VA, WV, and DC. CONDITION: Any certificate issued in this proceeding shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: New York, NY.)

MC 110012 (Sub-50F), filed November 21, 1978. Applicant: ROY WIDENER MOTOR LINES, INC., 707 N. Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture*, from the facilities of Residential Wood Furniture Group, Division of Sperry-Hutchinson Co., at or near Richmond and Kenbridge, VA, to Morristown, TN. (Hearing Site: Washington, DC.)

MC 111545 (Sub-267F), filed December 21, 1978. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers* designed to be drawn by passenger automobiles (except travel trailers and camping trailers), in initial movements, and (2) *buildings*, complete or in sections, mounted on wheeled undercarriages, from points in MD, MI, OH, PA, NY, and NH, to points in the United States (including AK but excluding HI). (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 111545 (Sub-268F), filed December 21, 1978. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers* designed to be drawn by passenger automobiles (except travel trailers and camping trailers), in initial movements, and (2) *buildings*, complete or in sections, mounted on wheeled undercarriages, from points in MN and WI, to points in the United States (including AK but excluding HI). (Hearing site: Washington, DC.)

MC 112713 (Sub-228F), filed November 27, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from points in PA, to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, and VA. (Hearing site: Pittsburgh, PA.)

MC 113119 (Sub-13F), filed November 28, 1978. Applicant: C.S.I., INC., doing business as CONTRACT SERVICE, INC., P.O. Box 281, Colmar, PA 18915. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asbestos cement pipe, pipe couplings, pipe fittings* and *pipe accessories*, from the facilities of CertainTeed Corporation, at Ambler, PA, to points in AL, FL, GA, IL, IN, KY, MI, MS, NC, OH, SC, TN, WV, and WI. (Hearing site: Washington, DC.)

MC 113382 (Sub-22F), filed November 20, 1978. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *tires, tubes, batteries, and wheels*, from points in the United States (except AK, HI, and NE), to the facilities of T. O. Haas Tire Company, Inc., at Lincoln, NE, under contract with T.O. Haas Tire Company, Inc., of Lincoln, NE. (Hearing Site: Lincoln, NE.)

MC 114273 (Sub-450F), filed August 9, 1978, previously notice in the FEDERAL REGISTER issue of October 3, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *adhesives* (except in bulk), in vehicles equipped with mechanical heating or refrigeration, from Camden, NJ, to points in IL, IN, IA, KS, MN, MO, NE, ND, SD, OK, and WI. CONDITION: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—This republication includes ND as a destination point.

MC 115276 (Sub-6F), filed October 26, 1978. Applicant: CHARLES O. INGMIRE, INC., Box 518, Indiana, PA 15701. Representative: John A. Pillar, 205 Ross Street, Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and petroleum products and petroleum byproducts (except commodities in bulk), and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (except commodities in bulk), between points in MD, NY, OH, PA, and WV, on the one hand, and, on the other, points in CT, DE, MA, ME, NY, NJ, RI, and VT. (Hearing site: Pittsburgh, PA, or Washington DC).

MC 115826 (Sub-355F), filed October 16, 1978. Applicant: W.J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs, fats, oils, restaurant supplies, and restaurant furniture and fixtures* (except commodities in bulk), and (2) *commodities* otherwise exempt form economic regulation under 45 U.S.C. 10526(a)(6), when moving in mixed loads with the commodities named in (1) above (except commodities in bulk), between Carpinteria, CA, Florence, KY, restricted to the transportation of traffic moving between the facilities of Sambo's Restaurants, Inc. (Hearing site: Denver, CO.)

MC 115826 (Sub-358F), filed October 25, 1978. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs, groceries (except foodstuffs) and cleaning compounds*, from the facilities of CFS Continental, Inc., at or near Chicago, IL, to points in AZ, CA, CO, FL, GA, IA, IN, MI, MN, MO, MT, ND, NJ, NM, OH, PA, TX, and WA. (Hearing site: Denver, CO.)

MC 115826 (Sub-362F), filed October 30, 1978. Applicant: W. J. DIGBY, INC., a Nevada corporation, 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by drug stores, variety stores, and food stores, (except commodities in bulk), and (2) *materials, supplies, and equipment* used in the manufacture of the commodities in (1) above (except commodities in bulk), between St. Paul, MN, on the one hand, and, on the other, points in GA. (Hearing site: Denver, CO.)

MC 116063 (Sub-157F), filed November 28, 1978. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *vegetable oils*, in bulk, in tank vehicles, between Lorenzo, IL, on the one hand, and, on the other points in AL, FL, GA, IN, IA, KS, KY, MI, MN, MO, NJ, NY, NC, SC, OH, PA, TN, VA, WV, and WI. (Hearing site: Fort Worth or Dallas, TX.)

MC 116763 (Sub-458F), filed November 27, 1978. Applicant: CARL SUBLER TRUCKING, INC., North

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West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper, paper products, and woodpulp*, from the facilities of International Paper Company, at or near Camden and Pine Bluff, AR, Bastrop and Springhill, LA, Natchez and Redwood, MS, and South Texarkana, TX to those points in the United States in and east of MN, IA, MO, TN, AL, and FL, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of paper and paper products, (except commodities in bulk in tank vehicles), in the reverse direction. (Hearing site: Mobile, AL.)

MC 116763 (Sub-459F), filed November 27, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper, paper products, and woodpulp*, from the facilities of International Paper Company, at or near Mobile, AL, Moss Point, MS, and Georgetown, SC, to those points in the United States in and east of MN, IA, MO, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products, (except commodities in bulk in tank vehicles), in the reverse direction. (Hearing site: Mobile, AL.)

MC 117686 (Sub-223F), filed October 26, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *suspended meat*, from Gonzales, LA, to points in IA, IL, KS, MN, MO, NE, and WI. (Hearing site: New Orleans, LA, or Miami, FL.)

MC 117883 (Sub-236F), filed November 28, 1978. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Neil E. Hannan, P.O. Box 62, Versailles, OH 45380. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household cleaning and sanitation articles and supplies, cooking bags, spray starch, and synthetic nutritional and dietary foods*, (1) from the facilities of the Drackett Company, at Urbana, OH, to points in CT, DE, MD, MA, MI, NJ, NY, PA, RI, VA, WV, and DC, and (2) from the facilities of the Drackett Company, at Dayton, OH, to points in CT, DE, IL, IA, KS, MD, MA, MI, MN, MO, NE, NJ, NY, PA, RI, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Columbus, OH, or Washington, DC.)

MC 118159 (Sub-306F), filed December 19, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., A Louisiana corporation, P.O. Box 51366 Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ground clay*, from the facilities of Waverly Mineral Products Company, in Thomas County, GA, to points in AL, AR, CT, DE, FL, GA, KS, KY, LA, ME, MD, MA, MS, MO, NH, NJ, NY, NC, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC. (Hearing site: Atlanta, GA.)

MC 118838 (Sub-38F), filed December 11, 1978. Applicant: GABOR TRUCKING, INC., RR#4, Box 124B, Detroit Lakes, MN 56501. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fiberglass reinforced concrete slabs*, from the facilities of Modulars, Inc., at or near Hamilton, OH, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin and further restricted against the transportation of commodities which because of size or weight require the use of special equipment. (Hearing site: Minneapolis, MN, or Columbus, OH.)

MC 119656 (Sub-50F), filed October 27, 1978. Applicant: NORTH EXPRESS, INC., 219 Main St., Winamac, IN., Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *printed matter*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of printed matter, (except commodities in bulk), between the facilities of Rand McNally & Company, (a) at Indianapolis and Hammond, IN, on the one hand, and, on the other, points in IL, KY, OH, and TN, (b) at Lexington and Versailles, KY, on the one hand, and, on the other, points in IL, IN, OH, and TN, (c) at Chicago, Downers Grove, Skokie, and Naperville, IL, on the one hand, and, on the other, points in IN, KY, OH, and TN, and (d) at Nashville, TN, on the one hand, and, on the other, points in IL, IN, KY, and OH. (Hearing site: Chicago, IL.)

MC 12355 (Sub-190F), filed December 11, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum articles*, from Oswego, NY, to points in IL, IN, MI, NJ, OH, PA, WV, and those in WI on and south of U.S. Hwy 10. (Hearing site: Columbus, OH.)

MC 123407 (Sub-507F), filed October 23, 1978. Applicant: SAWYER TRANSPORT INC., a Minnesota corporation, South Haven Square,. U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufactures and distributors of cellulose materials and products, between points in the United States (except AK and HI), restricted to the transportation of traffic orginating at or destined to the facilities of Diversified Insulation, Inc. (Hearing site: Minneapolis, MN.)

MC 123407 (Sub-510F), filed October 30, 1978. Applicant: SAWYER TRANSPORT, INC., a Minnesota corporation, South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hardboard*, from the facilities of Abitibi Corporation, at Alpena, MI, to the facilities of Abitibi Corporation, in Lucas County, OH. (Hearing site: Chicago, IL.)

MC 124078 (Sub-910F), filed December 13, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *monochloroacetic acid*, in bulk, in tank vehicles, from Hopewell, VA, to the facilities of Fallek-Lankro Corp., at or near Tuscaloosa, AL. (Hearing site: Birmingham, AL.)

MC 125433 (Sub-174F), filed November 24, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rubber conveyor belting*, from Newcastle, CA, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 125777 (Sub-234F), filed October 30, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46403. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ferro alloys*, in dump vehicles, from Calvert City, KY, to points in AL, AR, CT, DE, FL, GA, KS, LA, ME, MD, MA, MS, MO, NH, NJ, NY, NC, OK, RI, SC, TN, TX, VT, WV, and those in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, OH. (Hearing site: Chicago, IL.)

MC 126305 (Sub-100F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *perlite board*, from the facilities of Johns-Mansville Corp., at Natchez, MS, to points in KY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 126305 (Sub-101F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials* (except commodities in bulk), from the facilities of The Celotex Corporation, in Marion County, SC, to points in VA, WV, NC, SC, GA, FL, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 126305 (Sub-102F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials*, (except commodities in bulk), from the facilities of The Celotex Corporation, at or near Elizabethtown, KY, to points in VA, WV, NC, SC, GA, FL, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 126305 (Sub-103F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials*, (except commodities in bulk), from the facilities of The Celotex Corporation, at or near Texarkana, TX, to points in VA, WV, NC, SC, GA, FL, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 126305 (Sub-104F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials*, (except commodities in bulk), from the facilities of The Celotex Corporation, at or near Deposit, NY, to points in VA, WV, NC, SC, GA, FL, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 126305 (Sub-105F), filed December 18, 1978. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials*, (except commodities in bulk), from the facilities of The Celotex Corporation, at or near Peansauken, NJ, to points in VA, WV, NC, SC, GA, FL, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Birmingham or Montgomery, AL.)

MC 127303 (Sub-49F), filed November 24, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: Lester R. Gutman, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel & Wire Company, at or near Sterling and Rock Falls, IL, to points in AL, IA, IN, KY, GA, KS, LA, MS, MO, MI, AR, MN, ND, SD, NE, OK, and TX. (Hearing site: Chicago, IL.)

MC 127539 (Sub-71F), filed December 13, 1978. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave. E., Tacoma, WA 98424. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *log products* and *materials, equipment and supplies* used in the erection and installation of log products, and (2) *commodities* which are otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) formerly section 203(b)(6)) of the Interstate Commerce Act when moving in mixed loads with the commodities in (1) above, from Tacoma, WA, to points in AZ, CA, NV, and OR. (Hearing site: Seattle, WA.)

MC 128822 (Sub-6F), filed November 20, 1978. Applicant: RITTER & SMITH TRUCKING INC., 1910 Halethorpe Farm Road, Baltimore, MD 21227. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) from the facilities of Armco Inc., at Halethorpe, MD, to points in KY, ME, NH, MA, NC, OH, RI, and VT, and (2) from the facilities of Armco Inc., at Middletown, OH, Ashland, KY, and Summit, KY, to the facilities of Armco Inc., at Halethorpe, MD, under contract with Armco Inc., of Middletown, OH. (Hearing site: Washington, DC.)

MC 129387 (Sub-84F), filed October 30, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in the United States (except AK, HI, and KS), restricted to the transportation

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of traffic originating at the named origin. (Hearing site: Wichita, KS.)

MC 129643 (Sub-15F), filed November 27, 1978. Applicant: GEORGE SMITH, d.b.a. GEORGE SMITH TRUCKING CO., 433 Mountain Avenue, Winnipeg MB Canada R2W 1K5. Representative: George Smith (same address as applicant). To operate as a *common carrier*, by motor vehicle, in foreign commerce only over irregular routes, transporting *processed frozen potato products*, from points in OR and WA, to the ports of entry on the International Boundary line between the United States and Canada at or near Eastport, ID. (Hearing site: Fargo, ND.)

MC 133689 (Sub-246F), filed December 4, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles* and *equipment and supplies* used in the manufacture and distribution of plastic articles, (except commodities in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK, AR, and LA, on the one hand, and, on the other, the facilities of Mobil Chemical Company, at Lowell, MA, Stratford, CT, Washington, NJ, Frankfort, Joliet, Springfield, Jacksonville, and Chicago, IL, Canton, Cleveland, and Alliance, OH, Grand Rapids and Detroit, MI, Madison, WI, Springfield, MA, Minneapolis, MN, and in Wayne, Monroe, and Ontario Counties, NY, and Newton, Fulton, Rockdale, and De Kalb Counties, GA, restricted to the transportation of traffic originating at or destined to the facilities of Mobil Chemical Company named above. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-281F), filed October 26, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery and cough drops*, from the facilities of Luden's Inc., at or near Reading, PA, to points in CO, IL, IN, IA, KS, KY, MN, MO, NE, ND, OH, SD, TN, and WI. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-282F), filed October 27, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Emporia and Wichita, KS, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. (Hearing site: St. Paul, MN, or Omaha, NE.)

MC 135197 (Sub-17F), filed October 25, 1978. Applicant: LEESER TRANSPORTATION, INC., Route 3, Palmyra, MO 63461. Representative: Robert Leeser (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed and feed ingredients*, (except commodities in bulk), from Chattanooga, TN, to points in AR, IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, OK, PA, SD, TX, and WI. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 135797 (Sub-156F), filed October 30, 1978. Applicant: J. B. HUNT TRANSPORT, INC., a Georgia corporation, P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and feed business houses, between Clinton and Davenport, IA, on the one hand, and, on the other, points in IN, MI, and OH. (Hearing site: St. Louis, MO.)

MC 135797 (Sub-157F), filed October 30, 1978. Applicant: J. B. HUNT TRANSPORT, INC., a Georgia corporation, P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *canned foodstuffs*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of canned foodstuffs, (except commodities in bulk), between the facilities of Allen Canning Company, (a) at Moorhead, MS, and (b) in Benton and Crawford Counties, AR, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named shipper facilities. (Hearing site: Kansas City, MO.)

MC 136228 (Sub-36F), filed December 18, 1978. Applicant: LUISI TRUCK LINES, INC., a Washington corporation, P.O. Box H, Milton-Freewater, OR 97862. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen fruits and frozen vegetables*, between Milton-Freewater, OR, and Walla Walla, WA. CONDITION: Issuance of a certificate is subject to the prior or coincidental cancellation, at applicant's written request, of the outstanding permit in MC 136531 (Sub-6), issued September 28, 1978. (Hearing site: Milton-Freewater, OR.)

NOTES.—(1) The purpose of this application is to convert contract carrier authority to common carrier authority. (2) Dual operations may be involved in this proceeding.

MC 136315 (Sub-48F), filed December 11, 1978. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glue extenders*, in containers, from Memphis, TN, to the facilities of Georgia-Pacific Corporation, at Louisville and Taylorsville, MS. (Hearing site: Jackson, MS, or Memphis, TN.)

NOTE.—Dual operations may be involved.

MC 138157 (Sub-98F), filed October 24, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, a California corporation, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dehydrated noodles and dehydrated soup*, from the facilities of Nissin Foods (USA) Company, Inc., in Gardena, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations are involved.

MC 138157 (Sub-99F), filed October 27, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, a California corporation, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wheels and parts* for wheels; from the facilities of Keystone Products, Inc., at Ontario, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles or San Francisco, CA.)

NOTE.—Dual operations are involved.

MC 138415 (Sub-19F), filed October 30, 1978. Applicant: TRAILER EXPRESS, INC., Box 327, Topeka, IN 46571. Representative: Michael M. Yoder, Box 157, Topeka, IN 46571. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canoes*, from the facilities of The Coleman Company, Inc., at Wichita, KS, to points in the United States (except AK and HI), under contract with The Coleman Company, Inc., of Wichita, KS. (Hearing site: Chicago, IL, or Indianapolis, IN.)

NOTE.—Dual operations may be involved.

MC 138469 (Sub-95F), filed November 27, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *loose steel stampings, steel doors, steel frames, wood frames, thresholds, weather stripping*, and *glass door light inserts*, and (2) *parts and accessories* for the commodities in (1) above, from the facilities of Johnson Sheet Metal Works, Inc., at or near Richmond, IN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 138666 (Sub-5F), filed October 24, 1978. Applicant: TREKAMERICA, INC., A New York Corporation, P.O Box 9023, Lester, PA 19113. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers, and their baggage*, in the same vehicle with passengers, limited to the transportation of not more than 14 passengers (excluding the driver and escort) in one vehicle at one time, in special operations, in one-way and round-trip tours, between New York, NY, Miami, FL, Houston, TX, Los Angeles and San Francisco, CA, Seattle, WA, and Anchorage, AK, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Philadelphia, PA.)

MC 138762 (Sub-31F), filed November 16, 1978. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Richard H. Streeter, 1729 H Street NW, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in foreign commerce only over irregular routes, transporting *wood preservative*, in bulk, in tank vehicles, from Memphis, TN, to ports of entry on the International Boundary line between the United States and Canada, at points in MI.

NOTE.—dual operations are at issue in this proceeding. (Hearing Site: Washington, DC.)

MC 139495 (Sub-394F), filed October 16, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from points in CA to points in the United States (except AK and HI). (Hearing site: San Jose or San Francisco, CA.)

MC 140262 (Sub-7F), filed November 20, 1978. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, Oakdale, CA 95361. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *barite ore*, in bulk, from mines and processing facilities, at or near Springdale, WA, to Florin, CA. (Hearing Site: San Francisco or Bakersfield, CA.)

MC 140262 (Sub-8F), filed November 20, 1978. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, Oakdale, CA 95361. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gold and silver ore*, in bulk, from the facilities of the Lucky Chance Mining Company, Inc., and the Monte Cristo Mine, at or near Mammoth Lakes, CA, to the facilities of Asarco, Inc., at or near Tacoma, WA. (Hearing Site: San Francisco, CA, or Sparks, NV.)

MC 140262 (Sub-9F), filed November 20, 1978. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, Oakdale, CA 95361. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer*, in bulk, between points in CA, on the one hand, and, on the other, points in OR, WA, and ID. (Hearing Site: San Francisco, CA, or Seattle, WA.)

MC 140615 (Sub-32F), filed December 18, 1978. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1118, Wisconsin Rapids, WI 54494. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *plastic materials*, (except commodities in bulk), from South Brunswick and Finderne, NJ, to points in IA, MN, SD, and WI. (Hearing site: Philadelphia, PA, or Madison, WI.)

MC 140829 (Sub-157F), filed December 18, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey Corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel and Wire Co., at or near Rockfalls and Sterling, IL, to points in CO, IA, KS, MN, MS, MO, NE, OK, SD, and TX.

NOTE.—Dual operations may be at issue in this proceeding. (Hearing site: Washington, DC.)

MC 140829 (Sub-158F), filed December 19, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey Corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese*, from the facilities of Newman Grove Creamery Co., at or near Newman Grove, NE, to points in CT, IL, KS, MI, MN, NJ, OH, and PA.

NOTE.—Dual operations may be at issue in this proceeding. (Hearing site: Washington, DC.)

MC 141925 (Sub-4F), filed December 11, 1978. Applicant: KOHN BEVERAGE, INC., D/B/A KOHN TRANSPORT, 4850 Southway, S.W., Canton, OH 44706. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. To operate as a *Contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by printers, from the facilities of Danner Press Corporation, at or near Canton, OH, to Detroit, MI, Erie, PA, and Syracuse, Rochester, and Buffalo, NY, under contract with Danner Press Corporation, of Canton, OH. (Hearing site: Columbus, OH.)

MC 142516 (Sub-21F), filed October 24, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *adhe-*

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sives (except in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and sale of adhesives, (except commodities in bulk), from Bloomfield, NJ, and Chicago, IL, to points in the United States (except AK and HI), under contract with Roman Adhesives, Inc., of Bloomfield, NJ. (Hearing site: New York, NY, or Washington, DC.)

MC 142559 (Sub-76F), filed December 13, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *scales, power transmission machinery, motors, controls, elevators, escalators, and industrial components*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, restricted in (1) and (2) above, against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment, (a) between Cleveland, OH, and Lawrenceburg, KY, on the one hand, and, on the other, Mishawaka, IN, Greenville and Spartanburg, SC, Rogersville, TN, and points in CA, GA, KS, MA, NE, NV, NJ, NY, NC, OR, PA, TX, and WA, (b) from Mishawaka, IN, to Greenville, SC, and (3) from Columbiana, OH, to points in GA. NOTE: Dual operations may be at issue in this proceeding. (Hearing site: Columbus, OH.)

MC 142559 (Sub-77F), filed December 13, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), (a) between Holyoke, MA, Mattoon, IL, Salt Lake City, UT, and Grapevine, TX, and (b) between Holyoke, MA, on the one hand, and, on the other, points in FL, GA, NC, and SC. NOTE: Dual operations may be at issue in this proceeding. (Hearing site: Columbus, OH.)

MC 142715 (Sub-21F), filed December 4, 1978. Applicant: LENERTZ, INC., 411 Northwestern National Bank, South St. Paul, MN 55101. Representative: Andrew R. Clark, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal containers, composite containers, and container ends*, from the facilities of Central States Can Co., At Massillon, OH, to points in IL, IN, IA, MI, MN, MO, NE, and WI. (Hearing site: Clevelend, OH, or Washington, DC.)

MC 142843 (Sub-2F), filed November 28, 1978. Applicant: HOLMAN TRANSPORTATION, INC., P.O. Box 31, Dodge City, KS 67801. Representative: Clyde N. Christey, Kansas Credit Union Building, Suite 110L, 1010 Tyler, Topeka, KS 66612. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *anhydrous ammonia*, in bulk, from the facilities of Chevron Chemical Company, at or near Friend, KS, to points in CO, NE, OK, TX, and WY. (Hearing site: Kansas City, MO.)

MC 143267 (Sub-38F), filed October 26, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Peter A. Greene, 900 17th St., NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel & Wire Company, at Sterling and Rock Falls, IL, to points in IN, MI (except the Upper Peninsula), OH, PA, and WV. (Hearing site: Washington, DC, or Cleveland, OH.)

MC 143503 (Sub-17F), filed November 24, 1978. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture and furnishings*, from the facilities of Town and Country Fine Furniture, Inc., at or near Concordville, PA, to points in Garrett, Allegany, Washington, Frederick, Carroll, Baltimore, Harford, and Cecil Counties, MD, New Castle, Kent, and Sussex Counties, DE, and Warren, Morris, Essex, Hunterdon, Somerset, Burlington, Union, Monmouth, Middlesex, Mercer, Ocean, Camden, Gloucester, Salem, Cumberland, Cape May, and Atlantic Counties, NJ. (Hearing site: Philadelphia, PA, or Wilmington, DE.)

MC 143775 (Sub-44F), filed December 11, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85302. Representative: Michael R. Burke (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *batteries*, (2) *rubber tires and tubes*, and (3) *accessories* for the commodities in (1) and (2) above, (a) from Little Rock, AR, Hanford, Los Angeles, Palo Alto, and Santa Fe Springs, CA, Phoenix, AZ, Cumberland, MD, Jackson, MS, Great Falls, MT, Akron, OH, and Des Moines, IA, to points in NV, NM, and WY, (b) from Little Rock, AR, Hanford, Los Angeles, Palo Alto, and Santa Fe Springs, CA, Cumberland, MD, Jackson, MS, Great Falls, MT, Akron, OH, and Des Moines, IA, to points in AZ, and (c) from Little Rock, AR, Phoenix, AZ, Cumberland, MD, Jackson, MS, Great Falls, MT, Akron, OH, and Des Moines, IA, to Santa Ana, CA. NOTE: Dual operations may be involved. (Hearing site: Phoenix, AZ, or Washington, DC.)

MC 143868 (Sub-4F), filed December 18, 1978. Applicant: R.E.T.E.N.O. CARRIERS, INC., 2001 North Tyler, Suite H, South El Monte, CA 91733. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic sheets and plastic sheeting*, from Long Beach, CA, to Tupelo, MS, Hickory, NC, Morristown, TN, and South Boston, VA, to points in IL, IN, MA, MI, NJ, NY, OH, PA, and WI, under contract with Formosa Plastics Group (USA), Inc., of Long Beach, CA. (Hearing site: Los Angeles, CA.)

MC 143868 (Sub-5F), filed December 21, 1978. Applicant: R.E.T.E.N.O. CARRIERS, INC., 2001 North Tyler, Suite H, South El Monte, CA 91733. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *agricultural pesticides*, from Los Angeles, CA, to points in AL, AR, AZ, FL, GA, KY, LA, MI, MN, MS, MO, NC, OK, SC, TN, TX, VA, and WI; and (2) *ingredients for agricultural pesticides*, from Henderson, NV, Kingsport, TN, Niagara Falls, NY, and North Charleston, SC, to Los Angeles, CA, under contract with Amvac Chemical Corporation, of Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 143995 (Sub-10F), filed December 18, 1978. Applicant: SLOAN TRANSPORTATION, INC., 6522 W. River Drive, Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise*, as is dealt in by grocery and feed business houses, between Clinton and Davenport, IA, on the one hand, and, on the other, points in IN, MI, and OH, under contract with Ralston Purina

Company, of St. Louis, MO. (Hearing site: St. Louis, MO.)

MC 144162 (Sub-5F), filed November 22, 1978. Applicant: TIME CONTRACT CARRIERS, INC., 17734 Sierra Hwy, Canyon County, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Blvd., No. 300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *shoes*, from the facilities of National Shoes/J. Baker, Inc., at Hyde Park, MA, to Columbus, OH, and Sunnyvale, Citrus Heights, San Jose, and Sacramento, CA, under contract with National Shoes/J. Baker, Inc., of Hyde Park, MA. (Hearing Site: Los Angeles, CA.)

MC 144186 (Sub-1F), filed October 25, 1978. Applicant: SUPERIOR TRANSFER, INC., 2669 Merchant Drive, Baltimore, MD 21230. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, MD, and Chicago, IL. (Hearing site: Washington, DC.)

MC 144203 (Sub-3F), filed November 27, 1978. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flour and middlings*, from the facilities of ConAgra, Inc., at or near Decatur, AL, to points in FL, GA, KY, IL, IN, MS, TN, and WV, under contract with ConAgra, Inc., of Omaha, NE. (Hearing site: Omaha, NE.)

NOTE.—Dual operations may be involved.

MC 144203 (Sub-4F), filed November 27, 1978. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *sweeteners*, in bulk, from the facilities of Industrial Sugars, Inc., a subsidiary of Borden, Inc., at or near St. Louis, MO, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the production and distribution of sweeteners, in the reverse direction, under contract with Industrial Sugars, Inc., a subsidiary of Borden, Inc., of St. Louis, MO. CONDITION: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) formerly section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: St. Louis, MO.)

NOTE.—Dual operations may be involved.

MC 144363 (Sub-5F), filed November 27, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail stores (except foodstuffs and commodities in bulk), from Los Angeles, CA, to the facilities of Modern Merchandising, Inc., at points in AZ, CO, ID, OR, UT, WA, and WY, under contract with Modern Merchandising, Inc., of Minnetonka, MN. (Hearing site: Minneapolis, MN, or Omaha, NE.)

NOTE.—Dual operations may be involved.

MC 144408 (Sub-2F), filed December 7, 1978. Applicant: DICK HUIZENGA, d/b/a DICK HUIZENGA TRUCKING, 2882 Pomona Blvd., Pomona, CA 91766. Representative: Dick Huizenga (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal feed*, in bulk, from Serape, AZ, to points in Los Angeles, Orange, and San Bernardino Counties, CA, under contract with Spreckels Sugar Division of Amstar Corporation, of San Francisco, CA. (Hearing site: Los Angeles or San Diego, CA.)

MC 144622 (Sub-28F), filed November 20, 1978. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip Glenn (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *copper tubing*, from Wynne, AR, to points in AZ, CO, CA, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations are at issue in this proceeding.

MC 144636 (Sub-2F), filed October 23, 1978. Applicant: VICTOR & SON TRUCKING, INC., 223 N. Erie, Pomona, CA 91768. Representative: Milton W. Flack, 4311 Wilshire Blvd #300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fruit juices and fruit juice concentrate*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Sunkist Growers, Inc., Orange Products Division, at Ontario, CA, to Shrewsbury, MA, Baltimore, MD, Greensboro and New Bern, NC, and Yongstown and Cincinnati, OH, Atlanta, GA, Montgomery, AL, Detroit, MI, New Orleans, LA, Dallas and Houston, TX, St. Louis, MO, St. Paul, MN, Davenport, IA Richmond, Va, and Moline, IL, under contract with Green Spot CO., of South Pasadena, CA. (Hearing site: Los Angeles, CA.)

MC 144692 (Sub-3F), filed November 20, 1978. Applicant: GARY L. MANN, DOING BUSINESS AS, G. L. MANN TRUCKING, 551 East 18th Street, Hastings, MN 55033. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum coke*, in bulk, from Pine Bend, MN, to points in WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 144827 (Sub-10F), filed October 26, 1978. Applicant: DELTA MOTOR FREIGHT, INC. 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *appliances and parts* for appliances, from Mansfield, OH, Murray, KY, Springfield and Nashville, TN, and Dalton, GA, to points in AZ, CA, and those points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Memphis, TN.)

MC 144872 (Sub-3F), filed November 20, 1978. Applicant: RICE TRUCK LINES, P.O. Box 2644, Great Falls, MT 59403. Representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *refined uranium ore*, in containers, from the facilities of Western Nuclear, Inc., at or near Wellpinit, WA, to Metropolis, IL, and Gore, OK, under contract with Western Nuclear, Inc., of Lakewood, CO. (Hearing site: Great Falls, MT.)

NOTE.—Dual operations are at issue in this proceeding.

MC 145089 (Sub-2F), filed December 1, 1978. Applicant: PORTER BROTHERS, INC., Rt. 40, Box 53, Brownsville, OH 43721 Representative: Jerry B. Sellman, 50 West Broad St., Colum-

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bus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *oil and gas well tubular goods* and *oil and gas well supplies*, (except commodities in bulk), between points in Muskingum County, OH, on the one hand, and, on the other, points in PA and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 145103 (Sub-4F), previously published as MC 109501 (Sub-16F), filed July 27, 1978, previously noticed in the FEDERAL REGISTER issue of October 12, 1978. Applicant: CALHOUN TRANSPORTATION, INC., 319 Jacet Road, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by plumbing, building and industrial supply houses between the facilities of ITT Grinnel Corporation and ITT Grinnell Valve Company, Inc., at Elmira, NY, Columbia, East Hempfield Township, and Wrightsville, PA, Warren, OH, Clito, GA, Henderson, TN, Princeton, KY, Temple, TX, and Indianapolis, IN, on the one hand, and, on the other, points in the United States (except AK and HI), under contracts with ITT Grinnell Corporation and ITT Grinnell Valve Company, Inc., both of New York, NY.

NOTE.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) formerly Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Providence, RI.)

NOTE.—This republication is to correct MC number.

MC 145290 (Sub-1F), filed January 4, 1979. Applicant: Jim C. Fleming, Jr., P.O. Box 244, Ashland, VA 23005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wooden pallets* and *parts* for pallets, from Apple Grove, VA, to points in CT, DE, GFA, MD, MA, MI, NH, NJ, NY, NC, OH, PA, SC, WV, and DC, under contract with Dominion Pallet, Inc., of Mineral, VA. (Hearing site: Washington, DC or Hanover, VA.)

MC 145466 (Sub-2F), filed October 25, 1978. Applicant: BERYL WILLITS, 1145 33 Avenue, Greeley, CO 80631. Representative: Richard S. Mandelson, 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, CO 80264. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hides and pelts*, (1) from points in CO to points in CA, TX, and those ports of entry on the International Boundary line between the United States and Canada at or near Champlain, NY, and (2) from points in NE to points in CO, under contract with Chilewich Corporation, of Denver, CO. (Hearing site: Denver, CO.)

MC 145473 (Sub-1F), filed November 27, 1978. Applicant: GEORGE B. LAWRENCE trading as GEORGE LAWRENCE TRUCKING, P.O. Box 113, Gatesville, NC 27938. Representative: John N. Fountain, P.O. Box 2246, Raleigh, NC 27602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from points, in Camden, Chowan, Currituck, Gates, Pasquotank, and Perquimans Counties, NC, to points in DE, MD, VA, and DC. (Hearing site: Raleigh, NC.)

MC 145525 (Sub-1F), filed December 22, 1978. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44144. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between Warren, OH, and Fairmont, WV, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Alcan Aluminum Corporation, of Cleveland, OH. (Hearing site: Cleveland, OH.)

MC 145636F, filed October 24, 1978. Applicant: BOB BRINK INCORPORATED, 165 Stueben Street, Winona, MN 55987. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *crane attachments and prestressed concrete slabs and forms*, from Rosemount, MN, to points in IA, NE, ND, SD, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 145779F, filed November 29, 1978. Applicant: OIL SERVICE COMPANY, INC., Rt. 3, Petty Lane, Columbia, TN 38401. Representative: Edward C. Blank II, P.O. Box 1004, Columbia, TN 38401. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid industrial lubricating products, liquid industrial thinning products, liquid industrial dissolving products, corrugated waste materials*, and *paper waste materials*, in bulk, between points in AL, AR, GA, IL, IN, KY, NC, OH, LA, MI, MS, PA, and TN. CONDITIONS: (1) Applicant shall conduct separately its for-hire carriage and other business operations; (2) shall maintain separate accounts and records for each operation; and (3) shall not transport property as both a private and for-hire carrier in the same vehicle at the same time. (Hearing site: Nashlville or Memphis, TN.)

MC 145783 (Sub-1F), filed November 24, 1978. Applicant: ALPHINE TRANSPORTATION CO., INC., 191 Tenafly Road, Tenafly, NJ 07670. Representative: Roanld I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *urethane foam products* and *commodities* used in the manufacture of urethane foam products, (except commodities in bulk), between New York, NY, and Hackensack, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under contracts with (a) Mercury Foam Corporation of New Jersey, of Hackensack, NJ, and (b) Mercury Foam Corporation, of Brooklyn, NY. (Hearing site: New York, NY.)

MC 145813F, filed November 28, 1978. Applicant: POINTS WEST TRUCKING, INC., P.O. Box 55085, Valencia, CA 91355. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper products*, from points in Sufforlk County, NY, to points in CA, OR, WA, AZ, NV, ID, and UT. (Hearing site: New York, NY.)

NOTE.—Dual operations may be involved.

MC 145855 (Sub-1F), filed December 11, 1978. Applicant: JOHN RAY TRUCKING CO., INC., P.O. Box 206, Eastaboga, AL 36260. Representative: John W. Cooper, 200 Woodward Building, 1927 1st Avenue, North, Birmingham, Al 35203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, pipe fittings, and accessories*, from Anniston and Birmingham, AL, to points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of pipe, in the reverse direction, under contract with Union Foundary Company, of Anniston, AL. (Hearing site: Birmingham, AL.)

MC 145928F, filed December 12, 1978. Applicant: PANTEGO DISTRIBUTING CO., INC., P.O. Box 176, Pantego, NC 27860. Representative:

Peter A. Greene, 900 17th Street, NW, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, and wood pulp*, from the facilities of Weyerhaeuser Co., Inc., in NC, to points in CT, FL, ME, NH, NJ, NY, RI, VT, and the facilities of Weyerhaeuser Co., Inc., at Seymour, IN. (Hearing site: Washington, DC,)

MC 145929F, filed December 12, 1978. Applicant: NORTHWESTERN CONSTRUCTION, INC., 3812 Spenard Rd., Anchorage, AK 99503. Representative: Leo C. Franey, 918—16th St. NW, Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except household goods as defined by the Commission and commodities in bulk), between points in AK within 50 miles of the United States Post Office at Deadhorse, AK, in seasonal operations extending from July 1 to October 15, restricted to the transportation of traffic having a prior or subsequent movement by water, under contract with Arctic Marine Freighters, of Seattle, WA. CONDITIONS: (1) Applicant shall conduct separately its for-hire carriage and other business operations; (2) Shall maintain separate accounts and records for each operations; and (3) Shall not transport property as both a private and for-hire carrier in the same vehicle at the same time. (Hearing site: Washington, DC, or Seattle, WA.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 107583 (Sub-61F), filed November 28, 1978. Applicant: SALEM TRANSPORTATION CO., INC., 133-03 35th Avenue, Flushing, NY 11354. Representative: George H. Rosen, 265 Broadway, P.O. Box 348, Monticello, NY 12701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in special operations, between John F. Kennedy International Airport and LaGuardia Airport, NY, McGuire Air Force Base, Fort Dix, NJ, and Newark International Airport, Newark, NJ, and Philadelphia International Airport, Philadelphia, PA. (Hearing site: Newark, NJ, or Philadelphia, PA.)

[FR Doc. 79-3245 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Permanent Authority Decisions Volume No. 5]

PERMANENT AUTHORITY APPLICATIONS

Decision-Notice

JANUARY 16, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after February 1, 1979.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930 [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and

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Liberman (Board Member Boyle not participating).

H. G. HOMME, Jr.,
Secretary.

MC 217 (Sub-21F), filed October 30, 1978. Applicant: POINT TRANSFER, INC., 5075 Navarre Rd., SW, P.O. Box 1441, Sta. C, Canton, OH 44708. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *precast building components and prefabricated building modules*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and erection of the commodities in (1) above, between the facilities of Forest City Dillon Precast Systems, Inc., in Summit County, OH, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH.)

MC 1459 (Sub-10F), filed November 9, 1978. Applicant: ROYAL MOTOR EXPRESS, INC., 240 Harmon Ave., Lebanon, OH 47036. Representative: Richard H. Brandon, P.O. Box 97, Dublin, OH 43017. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in AL, AR, DE, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, OH, PA, SC, TN, VA, WV, WI, and DC, under contract(s) with Standard Oil Company of Ohio, Cleveland, OH, solely for the benefit of itself and its wholly-owned subsidiaries BP Oil Incorporated; Boron Oil Company, Division of BP Oil, Inc.; Mountaineer Carbon Company; Sohio Petroleum Company; Sohio Pipeline Company; and the Vistron Corporation and its following divisions: Agricultural Chemical Division, Champion Molded Plastics Division, Filon-Silmar Division, Industrial Chemical Division, Pro Brush Division, and Sohigro Services Division. CONDITION: Prior or coincidental cancellation, at carrier's written request, of its authority in MC 1459 (Sub-No. 7), issued July 19, 1976. (Hearing site: Columbus, OH.)

MC 4941 (Sub-42F), filed November 13, 1978. Applicant: QUINN FREIGHT LINES, INC., 1093 N. Montello St., Brockton, MA 02403. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials*, and (2) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of building materials, between the facilities of Georgia-Pacific Corporation, at or near Quakertown, PA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, RI, VT, VA, WV, and DC. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 7698 (Sub-12F), filed December 18, 1978. Applicant: FOWLER & WILLIAMS, INC., 1300 Meylert Avenue, Scranton, PA 18501. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rock salt*, in packages, from Retsof, NY to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC. (Hearing site: Scranton, PA.)

Mc 25798 (Sub-350F), filed December 27, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., A North Carolina Corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from the facilities of Hammermill Paper Co., at (a) Erie and Lock Haven, PA, and (b) Oswego, NY, to points in AL, GA, LA, MS, and SC. (Hearing site: Washington, DC.)

MC 26396 (Sub-212F), filed October 31, 1978. Applicant: POPELKA TRUCKING CO., INC., d/b/a THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Sharon L. Hamlett (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, and posts*, from points in Lawrence County, SD, to points in CO, IA, MI, MN, MT, NE, ND, UT, WI, and WY. (Hearing site: Billings, MT, or Rapid City, SD.)

MC 30844 (Sub-633F), filed October 30, 1978. Applicant: Kroblin Refrigerated Xpress, Inc., P.O. Box 50704, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by department stores, (except foodstuffs and commodities in bulk), from points in AL, FL, GA, NC, PA, SC, TN, VA, and WV, to Indianapolis, IN. (Hearing site: Chicago, IL.)

MC 35628 (Sub-406F), filed December 5, 1978. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, A Corporation, 134 Grandville Avenue, SW, Grand Rapids, MI 49503. Representative: Michael P. Zell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Champaign, Clark, Coles, DeWitt, Douglas, Edgar, Ford, Iroquois, Macon, McLean, Piatt, and Vermilion Counties, IL, as off-route points in connection with carrier's presently authorized regular-route service between Danville, Peoria, and Springfield, IL. (Hearing site: Peoria or Springfield, IL.)

NOTE.—The purpose of this application is to substitute applicant's single-line service for a discontinued joint-line service and to eliminate St. Louis, MO, as a gateway to this portion of Illinois.

MC 41404 (Sub-153F), filed November 1, 1978. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Martin, TN 38237. Representative: Mark L. Horne (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods, and materials and supplies* used in the manufacture of frozen foods (except commodities in bulk), between facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, LA, MI, MS, NC, OH, SC, VA, and WI, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 52704 (Sub-187F), filed November 1, 1978. Applicant: GLENN McCLENDON TRUCKING CO. INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *molded rubber products, and molded rubber and plastic combined products*, from the facilities of Entek Corporation of America, at or near Irving, TX, to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, VA, WV, and DC, and (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities in (1) above, (except commodities in bulk), from points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, VA, WV, and DC, to the facilities of Entek Corporation of America, at or near Irving, TX. (Hearing site: Atlanta, GA.)

MC 52704 (Sub-188F), filed November 1, 1978. Applicant: GLENN McCLENDON TRUCKING CO. INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers, plastic containers, and accessories* for containers (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Brockway Glass Company, Inc., at or near Ada and Muskogee, OK, on the one hand, and, on the other, points in AL, GA, LA, MS, and TN. (Hearing site: Atlanta, GA.)

MC 52704 (Sub-189F), filed November 1, 1978. Applicant: GLENN McCLENDON TRUCKING CO. INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned foodstuffs and canned pet foods*, from Gulfport, MS, to points in AL, FL, GA, KY, LA, and TN. (Hearing site: Atlanta, GA.)

MC 55896 (Sub-97F), filed October 19; 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those points in OH on, south, and west of a line beginning at the IN-OH State line and extending along U.S. Hwy 30 to junction U.S. Hwy 23, and then along U.S. Hwy 23 to the OH-KY State line, on the one hand, and, on the other, Chicago, IL, restricted to the transportation of traffic having a prior or subsequent movement (a) by rail or (b) in rail TOFC service on freight forwarders bills of lading. (Hearing site: Chicago, IL, or Toledo, OH.)

NOTE.—Applicant states that this application involves the elimination of the Toledo, OH, gateway.

NOTE.—The person or persons who appear to be engaged in common control between applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

MC 55896 (Sub-98F), filed October 26, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hartford City, IN, and Cincinnati, OH, restricted to the transportation of traffic having a prior or subsequent movement (a) by rail or (b) in rail TOFC service on freight forwarders bills of lading. (Hearing site: Chicago, IL, or Toledo, OH.)

NOTE.—Applicant states that this application involves the elimination of the Toledo, OH, gateway.

NOTE.—The person or persons who appear to be engaged in common control between applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

MC 61231 (Sub-133F), filed November 15, 1978. Applicant: EASTER ENTERPRISES INC., d/b/a ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50309. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *asbestos cement pipe, couplings*, and *fittings*, and (2) *accessories* used in the installation of the commodities named in (1) above, (except commodities in bulk), from the facilities of Certain-Teed Corp., at Hillsboro, TX, to points in AR, AZ, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, MN, ND, OH, OK, SD, WA, WI, and WY. (Hearing site: Dallas, TX or Chicago, IL.)

MC 66101 (Sub-6F), filed November 9, 1978. Applicant: AFT SERVICES, INC., 303 South St., Newark, NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Emery Air Freight Corp., at (a) Stewart Field, Newburgh, NY, and (b) Monticello Airport, Monticello, NY, on the one hand, and, on the other, Newark, NJ, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Newark, NJ, or New York, NY.)

MC 78228 (Sub-101F), filed December 26, 1978. Applicant: J. MILLER EXPRESS, INC., an Ohio corporation, 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Bldg. Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between McKeesport, PA, on the one had, and, on the other, points in IL, IN, MI, KY, MD, NJ, and PA. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 85934 (Sub-85F), filed November 2, 1978. Applicant: MICHGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and supplies used in the installation of gypsum wallboard*, from the facilities of Rapid Systems Co., at or near Cleveland, OH, to points in MI, IN, and IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 94201 (Sub-166F), filed October 26, 1978. Applicant: BOWMAN TRANSPORTATION INC., P.O. Box 17744, Atlanta, GA 30316. Representative Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *precipitator panels, sound control panels, insulation systems, liquid storage tank panels, lagging products, fabricated boiler accessories, fabricated steel components, and fabricated aluminum components*, from the facilities of Romet, Inc., at or near Solon, OH, to points in Fayette County, TX. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 94201 (Sub-168F), filed November 9, 1978. Applicant: BOWMAN TRANSPORTATION, INC., an Alabama corporation, P.O. Box 17744, 1500 Cedar Grove Rd., Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Brand-Rex

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Company, a division of Akzona, Inc., at or near Willimantic, CT, as an off-route point in connection with carrier's otherwise-authorized regular-route operations. (Hearing site: Washington, DC.)

MC 95694 (Sub-6F), filed October 5, 1978. Applicant: DIAMOND TOURS, INC., a Delaware corporation, 201 F Street, NE., Washington, DC 20002. Representative: Manuel J. Davis, 1701 K Street, NW #706, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Washington, DC, and, extending to points in MD, VA, PA, NY, DE, NJ, ME, VT, NH, RI, MA, WV, SC, NC, GA, TN, KY, OH, IN, IL, MI, and CT. (Hearing site: Washington, DC.)

MC 96881 (Sub-23F), filed October 30, 1978. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Ave., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Smith, AR, and Tulsa, OK: from Fort Smith over U.S. Hwy 64 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Muskogee Turnpike, then over Muskogee Turnpike to Tulsa, and return over the same route, serving no intermediate points. (Hearing site: Fort Smith, AR, or Tulsa, OK.)

MC 103051 (Sub-461F), filed November 13, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., a Georgia corporation, 934—44th Ave., North Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid sugar*, in bulk, in tank vehicles, from Chalmette and New Orleans, LA, to points in AL, AR, FL, GA, IL, MS, MO, TN, and TX. (Hearing site: Nashville, TN, or Atlanta, GA.)

MC 103051 (Sub-462F), filed November 13, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., a Georgia corporation, 934—44th Ave., North Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum* and *petroleum products*, in bulk, in tank vehicles, from Memphis, TN, to points in AL, AR, LA, MS, MO, and TN. (Hearing site: Nashville, TN, or Atlanta, GA.)

MC 106674 (Sub-352F), filed October 30, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *clay and clay products*, from Paris, TN, to those points in the United States in and east of MN, IA, MO, AR, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of clay and clay products, from those points in the United States in and east of MN, IA, MO, AR, and TX, to Paris, TN. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107403 (Sub-1149F), filed December 4, 1978. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coke*, in bulk, in dump vehicles, from Ashland, KY, to points in IL, IN, MI, NY, NC, OH, PA, VA, WV, and TN. (Hearing site: Washington, DC.)

MC 108341 (Sub-121F), filed November 13, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal tanks*, and *aircraft refueler units*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between the facilities of General Steel Tank Co., at or near Birmingham, AL, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 108341 (Sub-122F), filed November 13, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Republic Steel Corporation, at or near Gadsden, AL, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 108341 (Sub-124F), filed November 15, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cranes, contractors' equipment*, and *construction equipment*, and (2) *parts and accessories* for the commodities named in (1) above, between those points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 109397 (Sub-429F), filed October 25, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *radioactive materials, radioactivity equipment, and component parts and materials* for radioactivity equipment, between points in FL, IL, LA, MT, ND, and SD, on the one hand, and, on the other, points in OK. CONDITION: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the effective date of the certificate. (Hearing site: Oklahoma City, OK, or Washington, DC.)

SUPPLEMENTAL ORDER

MC 110325 (Sub-88F), filed August 21, 1978, previously noticed in the FR issue of October 5, 1978. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90245. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, (except articles of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, and those requiring special equipment), (5) between Houston and Orange, TX: (a) over Interstate Hwy 10, and (b) over U.S. Hwy 90, (11) between San Antonio and Brownsville, TX: over U.S. Hwy 281, serving all intermediate points and all off-route points in Hidalgo, Willacy, Cameron Nueces, and San Patricio Counties, TX, (12) between junction U.S. Hwys 281 and 59, and Brownsville, from junction U.S. Hwys 281 and 59, over U.S. Hwy 59 to junction Interstate Hwy 37, then over Interstate Hwy 37 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Brownsville, and return over the same route, serving all intermediate points and all off-route points in Hidalgo, Willacy, Cameron, Nueces, and San Patricio Counties, TX. This republication amends the territory in parts (5), (11), and (12). All other parts to this application remain as previously published.

MC 110563 (Sub-255F), filed November 28, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery products*, from Boston, Cambridge, and Mansfield, MA, and North Grosvenordale, CT, to points in CO, IL, IN, IA, KY, KS, MI, MN, MO, NE, OH, PA, and WI. (Hearing site: Boston, MA, or Washington, DC.)

MC 110683 (Sub-133F), filed November 30, 1978. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, 1000 Sixteenth St., N.W. Suite 502, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities*, (except articles of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Huntsville and Gadsden, AL, over U.S. Hwy 431, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations. (Hearing site: Washington, DC.)

MC 113271 (Sub-48F), filed November 9, 1978. Applicant: CHEMICAL TRANSPORT, a corporation, P.O. Box 2644, Great Falls, MT 59403. Representative: Ray F. Koby, 314 Montana Bldg., Great Falls, MT 59401. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sulphuric acid*, in bulk, in tank vehicles, from Grace and Pocatello, ID, to points in ID, WY, and UT. (Hearing site: Great Falls, MT.)

MC 113651 (Sub-295F), filed November 14, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Rd., Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodties in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AL, CT, DE, FL, GA, LA, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, VA, VT, WV, and DC. restricted to the transportation of traffic orginating at the named origin facilities. (Hearing site: Wichita, KS.)

MC 113651 (Sub-297F), filed November 13, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Rd., Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant.) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from the facilities of Atalanta Corp., at or near (a) Jersey City, NJ, (b) New York, NY, and (c) Philadelphia, PA, to Chicago, IL, Burlington, IA, and points in OH, MI, MN, IN, and WI. (Hearing site: New York, NY, or Washington, D.C.)

MC 114211 (Sub-385F), filed November 15, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal buildings*, complete, knocked down, or in sections, and *parts and accessories* for metal buildings, from Oklahoma City, OK, to those points in the United States in and west of WI, IL, MO, AR, and LA (including AK, but excluding HI). (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 114211 (Sub-386F), filed November 13, 1978. Applicant: WARREN TRANSPORT, INC., A Nebraska Corporation, P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber* and *lumber mill products*, from Belk, AL, to points in MN, IA, MO, WI, IL, MI, IN, OH, and KY. (Hearing site: Little Rock, AR.)

MC 114457 (Sub-448F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulating materials*, (except commodities in bulk), from Sedalia, MO, to points in AL, FL, GA, LA, MS, and SC. (Hearing site: Pittsburgh, PA, or St. Louis, MO.)

MC 114457 (Sub-449F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *office furniture, fabrics, lighting fixtures, partitions, and dividers*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between the facilities of E. F. Hauserman Company, at (a) Marked Tree, AR, (b) Cleveland, OH, and (c) Philadelphia, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cleveland, OH, or St. Paul, MN.)

MC 114457 (Sub-450F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods, and materials and supplies* used in the manufacture and distribution of frozen foods, (except commodities in bulk), between the facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA (except TN), retricted to the transportation traffic originating at or destined to the named facilities. (Hearing site: St. Paul, MN, or Milwaukee, WI.)

MC 114457 (Sub-451F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *adhesive cement, tackless strips, and carpet accessories*, (except commodities in bulk), and (2) *matrials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between the facilities of Taylor Industries, at Conyers, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or St. Paul, MN.)

MC 114457 (Sub-452F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same ad-

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dress as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *adhesive cement, tackless strips, and carpet accessories*, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between the facilities of Taylor Industries, at Los Angeles, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or St. Paul, MN.)

MC 114457 (Sub-453F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a coproration, 2102 University Ave., St. Paul, MN 55114. Representative: James C. Hardman, 33 North LaSalle St., Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers and container ends*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of containers, (except commodities in bulk), from the facilities of Crown, Cork & Seal Company, Inc., at (a) Baltimore and Fruitland, MD, (b) Lawrence, MA, (c) North Bergen, NJ, (d) Philadelphia, PA, and (e) Winchester, VA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Philadelphia, PA, or St. Paul, MN.)

MC 114457 (Sub-454F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *traffic control products and pavement marking compounds*, and (b) *materials, equipment, and supplies* used in the installation of the commodities in (1)(a) above, from the facilities of Pave Mark Corporation, in Cobb County, GA, to points in CT, DE, KY, LA, MD, MA, OK, NJ, NC, RI, TN, TX, VA, WV, and DC; and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), from points in LA, MO, MS, NC, OH, TX, and WV, to the facilities of Pave Mark Corporation, in Cobb County, GA. (Hearing site: Atlanta, GA, or St. Paul, MN.)

MC 114457 (Sub-455F), filed October 30, 1978. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz, U.S.A., Division of H.J. Heinz Company, at or near Pittsburgh, PA, to points in MN, MO, ND, SD, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 115826 (Sub-363F), filed November 1, 1978. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *floor coverings*, and (2) *materials, equipment, and supplies* used in the installation of floor coverings, from Madison, IL, and Lancaster and east Hempfield Township, PA, to points in AZ, CA, NV, and OR. (Hearing site: Denver, CO.)

MC 115904 (Sub-132F), filed October 30, 1978. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, ID 83401. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *mineral products*, in bags, from the facilities of Industrial Mineral Ventures, Inc., in Nye County, NV, to points in AR, AZ, CO, ID, IL, IA, KS, LA, MN, MO, MS, MT, NE, NM, ND, OK, OR, TN, SD, TX, UT, WA, WI, and WY. (Hearing site: Washington, DC.)

MC 117574 (Sub-318F), filed August 7, 1978, and previously noticed in FEDERAL REGISTER issue of October 31, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *tractors* (except truck tractors), (2) *attachments and parts* for tractors, in mixed loads with tractors, (3) *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities in (1) and (2) above, and (4) *equipment* designed for use with the commodities in (1) and (2) above, between the facilities used by International Harvester Company in Harrison County, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at or destined to the facilities used by International Harvester Company in Harrison County, MS. This republication adds the words "(1) and" to the commodity description in part (4), and eliminates a duplication in part (2). (Hearing site: Chicago, IL, or Washington, DC.)

MC 118318 (Sub-40F), filed December 20, 1978. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 162, Bosie, ID 83701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery and food business houses, from the facilities of Boyle Midway, Division of American Home Products Corporation, at or near Los Angeles, CA, to points in Box Elder, Cache, Davis, Morgan, Salt Lake, Tooele, Utah, and Weber Counties, UT. (Hearing site: Boise, ID, or Spokane, WA.)

MC 119441 (Sub-47F), filed November 13, 1978. Applicant: BAKER HIWAY EXPRESS, INC., 555 Commercial Parkway, P.O. Box 506, Dover, OH 44622. Representative: Richard H. Brandon, 220 West Bridge St., P.O. Box 97, Dublin, OH 43017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *brick building products and clay building products* (except commodities in bulk), from Sugar Creek, OH, to points in AR, KS, ME, VT, NH, OK, SC, TX, and LA. (Hearing site: Columbus, OH.)

MC 119628 (Sub-4F), filed December 29, 1978. Applicant: GARMARC TRANSPORTATION CO., INC., 10 Independence Street, Rochester, NY 14611. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Rochester, NY, to Miami, FL, under continuing contract(s) with Rochester Independent Packer, Inc., and Double B Packing Corp., both of Rochester, NY. (Hearing site: Rochester, NY.)

MC 119641 (Sub-151F), filed October 30, 1978. Applicant: RINGLE EXPRESS, INC., 450 E. Ninth St., Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by agricultural equipment, industrial equipment, construction equipment, lawn products, and leisure products

dealers, between points in the United States (except AK and HI). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119656 (Sub-51F), filed November 1, 1978. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods* (except frozen), (1) from the facilities of Joan of Arc Company, Inc., at or near Hoopeston and Princeville, IL, to points in IN, KY, MI, OH, and WI, and (2) from the facilities of Joan of Arc Company Inc., at or near Mayville, WI, to points in IL, IN, KY, OH, and MI. (Hearing site: Chicago, IL.)

MC 119741 (Sub-120F), filed November 13, 1978. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., an Illinois corporation, 1515 Third Ave. NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Huron Dressed Beef, Inc., at Huron, SD, to points in IL, IN, IA, KS, MI, MN, MO, NE, OH, and WI. (Hearing site: Minneapolis, MN.)

MC 119741 (Sub-121F), filed November 13, 1978. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., an Illinois corporation, 1515 Third Ave. NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Westward Industries, Inc., at Wichita, KS, to points in IL, MN NY, OH, and PA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Wichita, KS.)

MC 119789 (Sub-534F), filed December 19, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from Pecos, TX, to points in the United States (except AK, HI, and TX). (Hearing site: Dallas, TX.)

MC 119988 (Sub-179F), filed December 15, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feedstuffs* (except in bulk), from points in Tulsa and Rogers Counties, OK, to points in TX. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

NOTE.—Dual operations are involved in this proceeding.

MC 120761 (Sub-48F), filed November 3, 1978. Applicant: NEWMAN BROS. TRUCKING COMPANY, a corporation, 6559 Midway Road, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) *concrete roofing tile*, from the facilities of Monier Company, at Duncanville, TX, to points in the United States (except AK and HI); and (2) *equipment, materials, and supplies* used in the manufacture, distribution, and installation of the commodities named in (1) above, between the plantsite of Monier Company, at Duncanville, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC.)

MC 121664 (Sub-42F), filed October 30, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, a partnership, d.b.a. HORNADY BROTHERS TRUCK LINE, Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feedstuffs* (except in bulk), from the facilities of Feralloy Corporation—Southern Division, in Jefferson County, AL, to points in AR, AL, GA, FL, LA, MS, KY, NC, SC, VA, TN, WV, MO, TX, IN, IL, and OH. (Hearing site: Birmingham or Montgomery, AL.)

MC 121664 (Sub-43F), filed November 1, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, a partnership, d.b.a. HORNADY BROTHERS TRUCK LINE, Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from Greenville and Madison, GA, to points in IL, IN, OH, MI, KY, TN, AL, AR, MO, FL, MS, LA, TX, MD, NC, SC, VA, and WV. (Hearing site: Birmingham or Montgomery, AL.)

MC 121664 (Sub-44F), filed November 1, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, a partnership, d.b.a. HORNADY BROTHERS TRUCK LINE, Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, fittings, valves, hydrants, and castings*, and (2) *parts and accessories* for the commodities in (1) above, from the facilities of (a) McWane Pipe Company, in Jefferson County, AL, and (b) Union Foundry, in Calhoun County, AL, to points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA, and WV. (Hearing site: Birmingham or Anniston, AL.)

MC 121664 (Sub-45F), filed November 1, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, a partnership, d.b.a. HORNADY BROTHERS TRUCK LINE, Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel sheets and steel coils*, from the facilities of Feralloy Corporation—Southern Division, in Jefferson County, AL, to points in AR, AL, GA, FL, LA, MS, KY, NC, SC, VA, TN, WV, MO, TX, IN, IL, and OH. (Hearing site: Birmingham or Montgomery, AL.)

MC 123819 (Sub-73F), filed December 13, 1978. Applicant: ACE FREIGHT LINE, INC., P. O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bags*, from Crawley, LA, Jackson, MS, and Memphis, TN, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, from points in FL, IL, LA, MS, SC, TX, and VA, to Crawley, LA, Jackson, MS, and Mem-

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phis, TN. (Hearing site: Memphis, TN.)

MC 124078 (Sub-912F), filed December 15, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P. O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement*, from the facilities of Hercules Cement Co., at Stockertown, PA, to points in CT, MD, MA, NJ, NY, and VA. (Hearing site: Washington, DC.)

MC 124078 (Sub-913F), filed December 15, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P. O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime and mortar cement*, from Knowles and Eden, WI, to points in the United States (except AK and HI). (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 124078 (Sub-914F), filed December 15, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P. O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fly ash*, in bulk, from the facilities of the Central Illinois Public Service Company, at or near Grand Tower, IL, to Cape Girardeau, MO. (Hearing site: Nashville, TN.)

MC 124078 (Sub-915F), filed December 18, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fly ash*, in bulk, (1) from the facilities of Georgia Power Plant Wansley, at or near Roopville, GA, to points in GA, LA, NC, and SC, and (2) from the facilities of Savannah Electric and Power Company, Wentworth Station, at Port Wentworth, GA, to points in AL, FL, GA, LA, MS, NC, SC, TN, and VA. (Hearing site: Atlanta, GA.)

MC 124711 (Sub-70F), filed November 13, 1978. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Rufus Lawson, 2400 N.W. 23rd St., Oklahoma City, OK 73107. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sulphuric acid*, in bulk, in tank vehicles, from Tulsa, OK, to points in KS, NE, TX, AR, and LA. (Hearing site: Tulsa, OK, or Kansas City, MO.)

MC 124896 (Sub-75F), filed November 2, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralston Sts., P.O. Box 3485, Wilson, NC 27893. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of Buitoni Foods Corporation, at or near S. Hackensack, NJ, to points in AL, FL, GA, MD, NC, SC, TN, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: New York, NY, or Washington, DC.)

MC 124988 (Sub-8F), filed December 27, 1978. Applicant: TRUCK SERVICE COMPANY, An Oklahoma Corporation, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic materials* (except foam), and *lavatory fixtures*, from the facilities of E. I. du Pont de Nemours & Company, at or near Buffalo, NY, to points in CA, NV, and WA, under continuing contract(s) with E. I. du Pont de Nemours & Company, of Wilmington, DE. (Hearing site: Philadelphia, PA.)

MC 125254 (Sub-51F), filed October 30, 1978. Applicant: MORGAN TRUCKING CO., A CORPORATION, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs* (except commodities in bulk), from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA, to points in KS, MN, MO, ND, SD, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the named destinations. (Hearing site: Pittsburgh, PA.)

MC 125433 (Sub-175F), filed November 28, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building, building sections, and building panels*, (2) *prefabricated metal structural components*, and (3) *parts and accessories* used in the manufacture and installation of the commodities named in (1) and (2) above, from the facilities of American Buildings Company, at or near Carson City, NV, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 125433 (Sub-176F), filed November 28, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (Same as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *ovens, and (2) fittings and accessories for ovens*, from the facilities of National Equipment Corporation at or near (a) Denver, CO, (b) Kansas City, MO, and (c) Tulsa, OK, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Salt Lake City, UT, or Denver, CO.)

MC 125433 (Sub-180F), filed December 4, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (Same as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *conveyors*, (2) *filtering equipment*, (3) *parts and accessories* for the commodities in (1) and (2) above, (4) *cotton feeders*, (5) *coal breakers and feeders*, and (6) *under carriages and parts for mobile homes*, from the facilities of Continental Conveyor Corporation, at or near Sherman, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Oklahoma City, OK.)

MC 126139 (Sub-4F), filed December 7, 1978. Applicant: AARON SMITH TRUCKING COMPANY, INC., P.O. Box 153, Dudley, NC 28333. Representative: John N. Fountain, P.O. Box 2246, Raleigh, NC 27602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned foodstuffs*, from the facilities of Bruce Foods Corporation, at Wilson, NC, to points in AL, AZ, CA, FL, OR, UT, and WA, and points in GA south of U.S. Hwy 78. (Hearing site: Raleigh, NC.)

MC 126196 (Sub-73F), filed November 1, 1978. Applicant: BLACHOWSKE TRUCK LINE, INC., R.R. 1, Fairmont, MN 56031. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a

common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *limestone and phosphatic feed supplements*, from Alden, IA, to points in IL and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 126421 (Sub-9F), filed November 12, 1978. Applicant: GYPSUM TRANSPORT, INC., A Delaware Corporation, East Highway 80, P.O. Box 2679, Abilene, TX 79604. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials*, and (2) *materials and supplies* used in the manufacture, distribution, and installation of building materials (except commodities in bulk), between Shreveport, LA, on the one hand, and, on the other, points in OK, NM, and TX. (Hearing site: Shreveport, LA, or Dallas, TX.)

MC 126473 (Sub-34F), filed December 4, 1978. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs*, and (2) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, and foodstuffs), (a) from the facilities of Geo. A. Hormel & Co., at or near Austin, MN, Fremont, NE, and Ft. Dodge, IA, and the facilities of Shenson Meat Co., Coast Packing Co., Inc., and Geo. A. Hormel & Co., at Omaha, NE, to points in AL, FL, GA, LA, MS, NC, SC, and TN, and (b) from the facilities of Geo. A. Hormel & Co., at or near Ottumwa, IA, to points in AL, NC, and SC. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 126736 (Sub-108F), filed November 1, 1978. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st St., P.O. Box 1559, Jacksonville, FL 32201. Representative: L. H. Blow (same address as applicant.) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum lubricating and processing oils*, in bulk, in tank vehicles, from Jacksonville, FL, to points in TN. (Hearing site: Jacksonville, FL.)

MC 126884 (Sub-60F), filed November 2, 1978. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned food products*, from the facilities of Campbell Soup Co., at or near Napoleon, OH, to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, NJ, NY, PA, and WI. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 127303 (Sub-50F), filed December 4, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal feed, and materials and supplies* used in the manufacture and distribution of animal feed, (except commodities in bulk), from the facilities of Kal Kan Foods, Inc., at or near (a) Columbus, OH, and (b) Hutchinson, KS, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Chicago, IL.)

MC 127478 (Sub-11F), filed December 18, 1978. Applicant: WILLIAM M. HAYES, d/b/a HAYES TRUCKING CO., P.O. Box 31, Winterville, GA 30683. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd. Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs*, from the facilities of Kitchens of Sara Lee, at New Hampton, IA, to points in FL. (Hearing site: Atlanta, GA, or New Hampton, IA.)

MC 127579 (Sub-15F), filed December 13, 1978. Applicant: HAULMARK TRANSFER, INC., a Delaware Corporation, 1100 N. Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant.) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wrapping paper, woodpulp board, woodpulp, and scrap paper*, from the facilities of The Chesapeake Corp. of VA, at West Point, VA, to points in CT, DE, IL, IN, MD, MA, MI, NH, NJ, NY, OH, PA, RI, WV, and DC. (Hearing site: Washington, DC.)

MC 127651 (Sub-40F), filed November 13, 1978. Applicant: EVERETT G. ROEHL, INC., East 29th St., P.O. Box 7, Marshfield, WI 54449 Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fiberboard*, from Marinette, WI, to Adrian, MI. (Hearing site: Milwaukee, WI, or Detroit, MI.)

MC 128007 (Sub-130F), filed October 30, 1978. Applicant: HOFER, INC., 20th and Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal articles*, from Chicago, IL, to points in AR, CO, KS, MO, NE, OK, and TX. (Hearing site: Kansas City, MO, or Wichita, KS.)

MC 128273 (Sub-326F), filed December 4, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant.) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *unfrozen foodstuffs* (except commodities in bulk, in tank vehicles), from points in FL, to points in the United States (except AK, HI, and FL). (Hearing site: Orlando or Tampa, FL.)

MC 128878 (Sub-43 F), filed December 18, 1978. Applicant: SERVICE TRUCK LINE, INC., 1902 Claiborne Avenue, P.O. Box 3904, Shreveport, LA 71103. Representative: C. Wade Shemwell (same address as applicant.) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials*, and (2) *materials and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between Shreveport, LA, on the one hand, and, on the other, points in AR, MS, OK, and TX. (Hearing site: Shreveport, LA, or Dallas, TX.)

MC 133133 (Sub-20F), filed December 4, 1978. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, OH 45202. Representative: Norbert B. Flick, 715 Executive Building, Cincinnati, OH 45202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt*, from Louisville, KY, to points in IL, IN, MI, MO, OH, TN, and WV. (Hearing site: Cincinnati, OH, or Indianapolis, IN.)

NOTE.—Dual operations are involved in this proceeding.

MC 133928 (Sub-20F), filed December 27, 1978. Applicant: OSTERKAMP TRUCKING, INC., 764 N. Cypress Street, Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign com-

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merce, over irregular routes, transporting *wood fiberboard*, from the facilities of Masonite Corporation, in Orange County, CA, to points in AZ, CA, CO, NV, NM, and UT, under continuing contract(s) with Masonite Corporation, of Chicago, IL. (Hearing site: Los Angeles, CA, or Chicago, IL.)

NOTE.—Dual operations are involved in this proceeding.

MC 134134 (Sub-32F), filed October 30, 1978. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum plate and aluminum sheet*, from the facilities of Ekco Products, Inc., at Clayton, NJ, to Wheeling, IL, and Omaha, NE, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: New York, NY, or Omaha, NE.)

MC 1234477 (Sub-275F), filed October 30, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *matches and woodenware*, from Cloquet, MN, to points in the United States (except AK, CA, and HI). (Hearing site: St. Paul, MN.)

MC 135078 (Sub-37F), filed December 28, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Ten Main Center P.O. Box 19251, Kansas City, MO 64141. To operate as a *common carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail department stores and mail order houses (except foodstuffs, plumbing fixtures, plumbing supplies, and commodities in bulk), (a) from Boston, MA, and New York, NY, to Vandalia, IL, and Kansas City, MO, and (b) from Vandalia, IL, to Kansas City, MO. NOTE: Dual operations are involved in this proceeding. (Hearing site: Kansas City, MO.)

MC 136848 (Sub-22F), filed December 21, 1978. Applicant: JAMES BRUCE LEE & STANLEY LEE, a Partnership, d/b/a/ LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, IL 61764. Representative: Edward F. Stanula, 837 East 162nd Street, South Holland, IL 60473. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *magazines, magazine parts, printed paper, and printed inserts*, (except newsprint and carbonized articles), from the facilities of City National Printing Co., at Pontiac, IL, to Jonesboro and Little Rock, AR, Old Saybrook, CT, Atlanta, GA, Yorktown, IN, Kansas City and Lawrence, KS, Detroit, MI, Oakland, CA, Minneapolis, MN, St. Louis, MO, Carlstadt and Hackensack, NJ, Akron and Cleveland, OH, Philadelphia, PA, Dallas, TX, Springfield, VA, Elkhorn, Madison, and Pewaukee, WI, and points in Nassau, Suffolk, Queens, and Kings Counties, NY, under continuing contract with City National Printing Co., of Pontiac, IL. (Hearing site: Chicago, IL.)

MC 138741 (Sub-63F), filed November 13, 1978. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *gypsum wallboard, and materials* used in the installation of gypsum wallboard, from Grand Rapids, MI, to points in IL, IN, KY, OH, and WI, and (2) *materials, equipment, and supplies* used in the manufacture and installation of gypsum wallboard, from Cleveland, OH, to points in IL, IN, and MI. (Hearing site: Grand Rapids, MI.)

MC 139248 (Sub-3F), filed December 18, 1978. Applicant: CONTRACT CARRIERS, INC., 1006 East 11th Ellensburg, WA 98926. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts*, and *articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Toppenish, WA, to points in OR and ID. NOTE: Dual operations are involved in this proceeding. (Hearing site: Seattle, WA.)

MC 139458 (Sub-3F), filed December 27, 1978. Applicant: RICHNER, INC., Colorado Highway 160 South, P.O. Box 1488, Durango, CO 81301. Representative: J. Albert Sebald, 1700 Western Federal Bldg., Denver, CO 80202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal*, in bulk, from the facilities of Arness-McGriffin Coal Company, at or near Durango, CO, to points in Rio Grande County, CO, restricted to the transportation of traffic having a subsequent movement by rail. (Hearing site: Denver, CO, or Albuquerque, NM.)

MC 139906 (Sub-16F), filed August 7, 1978. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 W. 2200 So., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plumbing supplies*, from the facilities of Norris Industries, Plumbing fixtures Division, at or near City of Industry, CA, to points in CO, ID, MT, OK, OR, TX, UT, WA, and WY. NOTE: Dual operations are involved in this proceeding. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

MC 140086 (Sub-2F), filed November 1, 1978. Applicant: DE LARIA TRANSPORT, INC., 327 8th Ave., N. W., New Brighton, MN 55112. Representative: Charles E. Nieman, 1110 Northwestern Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *crude coffee oil*, in bulk, in tank vehicles, from Gonvick, MN, to Ripon, CA. (Hearing site: Minneapolis or St. Paul, MN.)

MC 140118 (Sub-15F), filed December 18, 1978. Applicant: S.T.L. TRANSPORT, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *costume jewelry*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of costume jewelry, between Newark, NY, on the one hand, and, on the other, points in MA, NH, and RI, under continuing contract(s) which C. H. Stuart, Inc., of Newark, NY. (Hearing site: Rochester or Syracuse, NY.)

NOTE.—Dual operations are involved in this proceeding.

MC 140118 (Sub-16F), filed December 18, 1978. Applicant: S.T.L. TRANSPORT, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers*, (a) from points in NJ and WV to points in CT, MA, NY, and PA, (b) from points in PA to points in CT, MA, and NY, and (c) from Brockport, NY, to New York, NY, points in Nassau, Suffolk, and Westchester Counties, NY, and points in CT, MA, and PA; and (2) *plastic pails*, from points in MA to points in NJ and NY, under continuing contract(s) in both (1) and (2) above with Empire State Bottle Co. of Syracuse, Inc., of Syracuse, NY. (Hearing site: Syracuse or Rochester, NY.)

NOTE.—Dual operations are involved in this proceeding.

MC 140134 (Sub-9F), filed November 2, 1978. Applicant: Caldarulo Trading Co., a corporation, 2840 South Ashland Avenue, Chicago, IL 60608. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionary and dessert preparations*, (except commodities in bulk), from Chicago, IL, to points in CA, AZ, NM, UT, CO, NV, WY, ID, OR, WA, MT, OH, PA, NY, WV, VA, MD, DE, NJ, CT, MA, and DC, under continuing contract(s) with Leaf Confectionary, Inc., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 140768 (Sub-28F), filed December 13, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *molded wood pulp products*, from Macon, GA, and Griffith, IN, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture, packaging, and distribution of molded pulp products (except commodities in bulk), from points in the United States (except AK and HI), to Macon, GA, and Griffith, IN. (Hearing site: New York, NY.)

NOTE.—Dual operations are involved in this proceeding.

MC 140768 (Sub-29F), filed December 21, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *pet foods*, from the facilities of Sunshine Mills, Inc., at or near Red Bay, AL, and Tupelo, MS, to points in AL, FL, GA, IL, IN, IA, KS, KY, MD, MI, MS, NJ, NY, NC, OK, OH, PA, SC, TN, TX, VA, and WV. (Hearing site: New York, NY.)

NOTE.—Dual operations are involved in this proceeding.

MC 141124 (Sub-32F), filed October 30, 1978. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 1709, Wilmington, DE 19899. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *paper and paper products*, from Philadelphia, PA, and Fort Edward and Albany, NY, to points in MI, SC, NC, WI, OH, IN, IL, and KY, and (b) materials, equipment, and supplies used in the manufacture or distribution of paper and paper products, (except commodities in bulk), points named in (1) above, the origins named in (1) above. (Hearing site: Philadelphia, PA, or Columbus, OH.)

MC 141187 (Sub-4F), filed October 30, 1978. Applicant: BLUFF CITY TRANSPORTATION, INC., 2877 Farisview Blvd., Memphis, TN 38118. Representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, TN 38103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cast iron pipe fittings and rough iron castings*, from Clito, GA, to points in the United States (except AK and HI); (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), from the destinations in (1) above, to the origin in (1) above; (3) *iron pipe fittings, iron pipe hangers, and wrought iron pipe*, from Henderson, TN, to points in the United States (except AK and HI); (4) *materials, equipment, and supplies* used in the manufacture and distribution of iron pipe, (except commodities in bulk, and those which because of size or weight require the use of special equipment), from the destinations in (3) above, to the origin in (3) above; (5) *iron pipe fittings, iron pipe, and steel pipe*, from Princeton, KY, to points in the United States (except AK and HI); and (6) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (5) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), from the destinations in (5) above, to the origin in (5) above, all of the operations in (1) through (6) above, to be performed under continuing contract(s) with ITT Grinnell Corporation, of Providence, RI. (Hearing site: Memphis or Nashville, TN.)

MC 141718 (Sub-1F), filed December 22, 1978. Applicant: E. W. MERRITT, Route 2, Box 224 (Canal Road), P.O. Box 1274, Brunswick, GA 31520. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry agricultural insecticides*, from Brunswick, GA, to the facilities of Union Carbide Corporation, at or near Woodbine, GA, restricted to the transportation of traffic having an immediately prior movement by rail. (Hearing site: Jacksonville, FL.)

MC 141804 (Sub-120F), filed July 31, 1978, and previously noticed in the FEDERAL REGISTER issue of October 31, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada Corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by manufacturers of health products, beauty products, personal care products, cleaning products, and purifying products, (except commodities in bulk, in tank vehicles), (a) from Hayward, CA, and Norman, OK, to Atlanta, GA, Dallas, TX, Lynhurst, NJ, and Chicago, IL, (b) between Hayward, CA, and Norman, OK, and (c) from points in the United States (except AK and HI), to the facilities of Shaklee Corp., at or near (a) Hayward, CA, and (b) Norman, OK, restricted (1) in (a) and (b) above to the transportation of traffic orginating at or destined to the facilities of the Shaklee Corp., at or near the named points, and (2) in (c) above to the transportation of traffic destined to the named destination facilities. NOTE: this republication adds "cleaning products and purifying products" to the commodity description. (Hearing site: Los Angeles or San Francisco, CA.)

MC 142888 (Sub-7F), filed December 26, 1978. Applicant: COX TRANSFER, INC., P.O. Box 168, Eureka, IL 61530. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *common carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *glass containers*, from the facilities of Midland Glass Co., Inc., at Terre Haute, IN, to Goodfield and Pekin, IL, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Chicago, IL.)

MC 143059 (Sub-39F), filed December 18, 1978. Applicant: MERCER TRANSPORTATION CO., a Texas corporation, P.O. Box 35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel building parts*, from the facilities of Engineered Components, Inc., at or near Stafford, TX, to points

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in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Louisville, KY or Washington, DC.)

MC 143289 (Sub-7F), filed December 18, 1978, Applicant: BERNARD SHAPIRO AND DAVID KUYKENDALL, a partnership, doing business as FEDERATED TRANSPORT SYSTEMS, 800 S. McGarry St., Los Angeles, CA 90021. Representative: Lucy Kennard Bell, 9701 Wilshire Blvd.—Suite 829, Beverly Hills, CA 90212. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *adhesive cement, boot and shoe findings, fireproofed, oiled and waterproofed fabric, pyroxylin and rubber processed fabric, friction fabric, rubber bands, insulating tape, friction tape*, and *electrical tape*, and (2) *plastic articles, in containers*, from Canton, MA, to Tucson, AZ, Chicago, IL, and St. Louis, MO, and to points in CA, under continuing contract(s) with Plymouth Rubber Company, Inc., of Canton, MA. (Hearing site: Los Angeles, CA.)

MC 143436 (Sub-16F), filed October 25, 1978, Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Rd., Indianapolis, IN 46227. Representative: Stephen M. Gentry, 1500 Main St., Speedway, IN 46224. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery houses, retail and chain department stores, and drug stores, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Warner-Lambert Corp., at or near Elk Grove Village, IL, to points in IN, restricted to the transportation of traffic origination at the named origin facilities and destined to the named destinations. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 143941 (Sub-2F), filed November 6, 1978. Applicant: UTILITIES INTERSTATE SERVICE, INC., 6899 Cherry Ave., Long Beach, CA 90803. Representative: Harold H. Turner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrical cable, electrical wire, cable reels, wire reels*, and *plastic pipe*, and (2) materials used in the manufacture of the commodities named in (1) above, between the facilities used by Anaconda Company, Wine and Cable Division at Orange, Long Beach, and Los Angeles, CA, on the one hand, and, on the other, points in WA and OR. (Hearing site: Los Angeles or San Francisco, CA.)

MC 143988 (Sub-6F), filed December 19, 1978. Applicant: JAMES W. TATE, d.b.a. JAMAR TRUCKING, 2995 Sanbrook, P.O. Box 98170, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *snack foods and confectioneries*, from the facilities of ITT Continental Baking Co., Wonder Snack Foods Division, at or near Memphis, TN, to Denver, CO, and to points in CA, OR, WA, and UT. (Hearing site: Memphis, TN.)

MC 144144 (Sub-1F), filed November 1, 1978. Applicant: RAINS TRUCKING SERVICE, INC., P.O. Box 73, DuQuoin, IL 62832. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gas grills, playground equipment, revolving chairs, gymnasium apparatus, scooters, and children's table sets*, from the facilities of Turco Manufacturing Corporation, at or near DuQuoin, Murphysboro, and Herrin, IL, to Louisville, KY, Fort Wayne and Indianapolis, IN, and Cleveland and Cincinnati, OH, under continuing contract(s) with Turco Manufacturing Corporation, of DuQuoin, IL. (Hearing site: Chicago, IL.)

MC 144298 (Sub-6F), filed December 21, 1978. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Avenue, Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of Fred Sanders, Inc., at or near Detroit, MI, to points in the United States (except AK, AZ, CA, FL, HI, ID, MI, NV, OR, UT, and WA), under continuing contract(s) with Fred Sanders, Inc., of Detroit, MI. (Hearing site: Detroit, MI.)

MC 144428 (Sub-4F), filed December 26, 1978. Applicant: TRUCKADYNE, INC., A Delaware Corporation, Route 16, Mendon, MA 01756. Representative: S. L. Watts, TDS, Inc., 1050 Waltham Street, Lexington, MA 02173. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles* used in the horticultural business and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Lockwood Products, Inc., at (a) Leominster, MA, and (b) Toledo, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Lockwood Products, Inc., of Cambridge, MA. (Hearing site: Springfield or Boston, MA.)

MC 144625 (Sub-2F), filed December 15, 1978. Applicant: CLOVERLEAF TRANSPORTATION, INC., 14 Kerri Lane, Spring Valley, NY 10977. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of foodstuffs, between Clifton, NJ, on the one hand, and, on the other, points in NY, CT, PA, NH, and VT, under continuing contract(s) with Globe Products Company, Inc., of Clifton, NJ. (Hearing site: New York, NY.)

MC 144765 (Sub-1F), filed December 10, 1978. Applicant: WATERVILLE CASCADE TRUCKING, INC., P.O Box 1686, Wenatchee, WA 98801. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials, equipment, and supplies* used in the manufacture of boats, from points in CA, CT, FL, IL, IN, GA, MA, MI, MN, MS, MO, NY, OH, OK, PA, SC, TN, VA, and WI, to the facilities of Bayliner Marine Corporation, at or near Arlington, WA, Pipestone, MN, and Valdosta, GA, under continuing contract(s) with Bayliner Marine Corporation, of Seattle, WA. (Hearing site: Seattle, WA.)

MC 144878 (Sub-1F), filed December 19, 1978. Applicant: LESTER ELLIOTT, JR., d/b/a ELLIOTT TRUCK SERVICE, Box 92, Greenfield, IA 50849. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass*, from Greenfield, IA, and Bayport and Minneapolis, MN, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of glass, (except commodities in bulk), from points in the United States (except AK and HI), to the origins in (1) above, under continuing contract(s) in both (1) and (2) above with Cardinal Insulated Glass Co., of Greenfield, IA. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 145178 (Sub-1F), filed December 26, 1978. Applicant: CHARLES INKS, d/b/a CHARLES INKS TRUCKING, 12400 Cypress, Space 37, Chino, CA 91710. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic materials* (except commodities in bulk), from Bay City, Beaumont, and Houston, TX, and Lake Charles, LA, to points in Los Angeles and Orange Counties, CA, under continuing contract(s) with C.B.M. Enterprises, of Santa Fe Springs, CA. (Hearing site: Los Angeles, CA.)

MC 145333 (Sub-1F), filed December 1, 1978. Applicant: SCHOEN-FOR, INC., d/b/a M.A.C. TRUCKING, 3658 S. Nova Road & Herbert Street, Port Orange, FL 32019. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flakeboard*, from Savannah, GA, and Tampa, Port Everglades, Miami, and Port Manatee, FL, to Port Orange, FL. (Hearing site: Jacksonville or Miami, FL.)

MC 145441 (Sub-2F), filed November 6, 1978. Applicant: A.C.B. TRUCKING, INC., Interstate Hwy 40-Protho Junction, P.O. Box 5130, North Little Rock, AR 72119. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of glass products, between Columbus, OH, on the one hand, and, on the other, points in the United States (except AK, HI, and OH). (Hearing site: Dallas, TX.)

NOTE.—Dual operations are involved in this proceeding.

MC 145703F, filed November 6, 1978. Applicant: FRL TRANSPORTATION, INC., 96 Doty Street, Fond du Lac, WI 54935. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *hides, leather, and shoes*, and (2) *materials, equipment, and supplies* used in the manufacture, and distribution, of the commodities in (1) above between Fond du Lac, WI, Taunton, MA, Milwaukee, WI, South St. Paul, MN, and Coldwater, MI, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with (a) M. T. Shaw, Inc., (b) Thru-Blu, Inc., (c) Fred Rueping Leather Company, (d) Rueping-East, Inc., and (e) Rueping-Milwaukee, Inc., all of Fond du Lac, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 145743 (Sub-3F), filed November 29, 1978. Applicant: TFS, INC., Box 126, Rural Route 2, Grand Island, NE 68801. Representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen onion products and frozen mushrooms*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Delicious Foods, Inc., at or near Grand Island, NE, on the one hand, and, on the other, points in the United States, (except AK and HI) restricted to the transportation of traffic originating at or destined to the above named facilities. (Hearing site: Grand Island or Lincoln, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 145743 (Sub-4F), filed December 1, 1978. Applicant: TFS, INC., Box 126, Rural Route 2, Grand Island, NE 68801. Representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *limestone and gypsum*, from points in Marion County, IA, to those points in the United States in and west of WI, IL, MO, AR, and LA, (except points in IL, KS, MN, MO, NE, ND, SD, and WI). (Hearing site: Des Moines, IA, or Grand Island, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 130526F, filed September 11, 1978. Applicant: QUINNIPIAC TRAVEL, LTD., 1883 Dixwell Ave., P.O. Box 4326, Hamden, CT 06514. Representative: Mary J. Morello (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at Hamden, CT, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in round trip special and charter operations, beginning and ending at Hamden, CT, and extending to points in the United States (except AK and HI). (Hearing site: Hamden, CT.)

MC 145524F, filed October 6, 1978. Applicant: WHITEFISH TAXI, INCORPORATED, 1410 East Edgewood Drive, P.O. Box 185, Whitefish, MT 59937. Representative: Roy M. Duff (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *passengers and their baggage*, in charter and special operations, between points in Flathead, Lincoln, and Glacier Counties, MT, on the one hand, and on the other, points in WA, ID, ND, SD, NV, UT, WY, OR, CA, and MT. (Hearing site: Missoula or Great Falls, MT.)

MC 125470 (Sub-35F), filed October 11, 1978. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Lavern R. Holdeman, 521 S. 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fabricated steel articles* (except commodities in bulk), from the facilities of Grain and Confinement Systems, Inc., d.b.a. Apache Enterprises, at or near Norfolk, NE, to points in CO, IA, KS, MN, MO, ND, SD, and WY, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Lincoln or Omaha, NE.)

MC 127840 (Sub-79F), filed October 26, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., P.O. Box 382, Lansing, IL 60438. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animals fats*, in bulk, in tank vehicles, from Denver, CO, to those points in the United States on and west of a line beginning at the mouth of the of the Mississippi River, then north along the Mississippi River to its junction with the western boundary of Itasca County, MN, then north along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada. (Hearing site: Denver, CO.)

MC 135410 (Sub-28F), filed October 5, 1978. Applicant: COURTNEY J. MUNSON, d/b/a MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), and (2) *foodstuffs* (except in bulk), in mixed loads with the commodities named in (1) above, from the facilities of Oscar Mayer & Co., Inc., (a) at Davenport, IA, to Madison and Jefferson, WI, points in Cook, DuPage, Will, Kane,

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and Lake Counties, IL, points in the Lower Peninsula of MI, and points in IN, and OH, and (b) at Beardstown, IL, to Madison and Jefferson, WI, points in the Lower Peninsula of MI, and points in IN, and OH, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 142120 (Sub-1F), filed August 24, 1978. Applicant: LENZNER COACH LINES, INC., d/b/a NORTH BOROUGHS CAB, Mt. Nebo Rd., R.D. #2, Sewickley, PA 15143. Representative: Willian A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *passengers and their baggage*, in special operations, beginning and ending at points in Allegheny County, PA, and extending to points in the United States (including AK, but excluding HI). (Hearing site: Pittsburgh, PA.)

[FR Doc. 79-3244 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Notice No. 18]

ASSIGNMENT OF HEARINGS

JANUARY 29, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 106644 (Sub-253F), Superior Trucking Company, Inc., now assigned for hearing on February 29, 1979, at Chicago, Illinois and will be held in Room 204A, E. M. Dirksen Building.

MC 135235 (Sub-6F), Loma Cartage, Inc., now assigned for hearing on February 26, 1979, at Chicago, Illinois and will be held in Room 204A, E. M. Dirksen Building.

MC 106497 (Sub-154F), Parkhill Truck Company, now assigned for hearing on February 21, 1979, at Chicago, Illinois and will be held in Room 204A, E. M. Dirksen Building.

MC 71043 (Sub-10F), LaPorte Transit Co., Inc., now being assigned continued hearing February 20, 1979, (3 days), at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115841 (Sub-624), Colonial Refrigerated Transportation, Inc., now being assigned February 6, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3491 Filed 1-31-79; 8:45 am]

[7035-01-M]

[ICC Order No. 18; Under Service Order No. 1344]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

Rerouting Traffic

In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport promptly all traffic offered for movement over its lines between Milwaukee, Wisconsin, and Fond du Lac, Wisconsin, because of adverse weather conditions.

It is ordered, (a) *Rerouting traffic.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, being unable to transport promptly all traffic offered for movement over its lines between Milwaukee, Wisconsin, and Fond du Lac, Wisconsin, because of adverse weather conditions, is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9:00 a.m., January 19, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 19, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-3492 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Ex Parte No. 241, Rule 19, Exemption No. 155]

RAILROADS IN THE NORTH CENTRAL PORTION OF THE UNITED STATES

Exemption Under Mandatory Car Service Rules

Because of severe winter storms resulting in massive snow drifts blocking main tracks and yards, railroads in the North Central portion of the United States are unable to relocate empty cars to other stations for loading or to return them promptly to car owners in accordance with Car Service Rules 1 and 2. Consequently, these carriers are unable to furnish cars of suitable ownership to shippers while at the same time similar cars of other ownerships stand idle because of the inability of the railroads to return them to owners.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19:

(a) Railroads operating in the States named in paragraph (b) are authorized to accept from shippers general service freight cars described in paragraph (c) owned by other railroads regardless of the provisions of Car Service Rules 1 and 2.

(b) North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Michigan, Illinois, Indiana, Ohio, Nebraska, Kansas, Colorado, Missouri.

(c) This exemption is applicable to general service freight cars bearing reporting marks assigned to railroads listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 409, issued by W. J. Trezise, or successive issues thereof, as having the following mechanical designations:

Plain Boxcars: "XM", "XMI"
Gondola Cars: "GA", "GB", "GD", "GH", "GS", "GT"
Hopper Cars: "HFA", "HK", "HM", "HMA", "HT", "HTA"
Flat Cars: "FM", less than 200,000 lb. capacity

It is further ordered, That:

(d) This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

Effective January 16, 1979.
Expires January 22, 1979.

Issued at Washington, D.C., January 16, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-3495 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Ex Parte No. 241, Rule 19, Revised Exemption No. 155]

RAILROADS IN THE NORTH CENTRAL PORTION OF THE UNITED STATES

Exemption Under the Mandatory Car Service Rules

Because of severe winter storms resulting in massive snow drifts blocking main tracks and yards, railroads in the North Central portion of the United States are unable to relocate empty cars to other stations for loading or to return them promptly to car owners in accordance with Car Service Rules 1 and 2. Consequently, these carriers are unable to furnish cars of suitable ownership to shippers while at the same time similar cars of other ownerships stand idle because of the inability of the railroads to return them to owners.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19:

(a) Railroads operating in the states named in paragraph (b) are authorized to accept from shippers general service freight cars described in paragraph (c) owned by other railroads regardless of the provisions of Car Service Rules 1 and 2.

(b) Wisconsin, Illinois, Lake and Porter Counties only, Indiana.[1]

(c) This exemption is applicable to general service freight cars bearing reporting marks assigned to railroads listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having the following mechanical designations:

Plan Boxcars: "XM", "XMI"
Gondola Cars: "GA", "GB", "GD", "GH", "GS", "GT"
Hopper Cars: "HFA", "HK", "HM", "HMA", "HT", "HTA"
Flat Cars: "FM", less than 200,000 lb. capacity

It is further ordered, That:

(d) This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners, nor to cars bearing reporting marks assigned to the Green Bay and Western Railroad Company and marked GBW.

Effective January 22, 1979.
Expires January 26, 1979.

Issued at Washington, D.C., January 19, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-3494 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Service Order No. 1344, Order No. 16, Amdt. No. 1]

REROUTING TRAFFIC

To: *ALL RAILROADS*

Upon further consideration of I.C.C. Order No. 16, and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 16 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 26, 1979, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., January 19, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 18, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-3493 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Exception No. 13 Under Section (a), Paragraph (1), Part (v) Second Revised Service Order No. 1332]

ST. LOUIS-SOUTHWESTERN RAILWAY CO. AND SOUTHERN PACIFIC TRANSPORTATION CO.

Car Service Order

Decided: January 17, 1979.

By the Board:

Because of adverse weather conditions on the St. Louis Southwestern Railway Company (SSW) and on the Southern Pacific Transportation Company (SP), the SP and the SSW are temporarily unable to forward all cars within 60 hours as required by Section (a)(4)(i) of Second Revised Service Order No. 1332.

It is ordered, Pursuant to the authority vested in the Railroad Service Board by Section (a)(1)(v) of Second Revised Service Order No. 1332, the SSW and the SP are required to forward loaded cars or empty foreign or private cars from the points named below within 72 hours.

SSW: Pine Bluff, Arkansas, East St. Louis, Illinois.

SP: Roseville, California, Los Angeles, California, West Colton, California, El Paso, Texas, San Antonio, Texas, Houston, Texas.

Effective January 17, 1979.

Expires 11:59 p.m., January 31, 1979.

JOEL E. BURNS,
Chairman,
Railroad Service Board.

[FR Doc. 79-3496 Filed 1-31-79; 8:45 am]

[7035-01-M]

[Notice No. 154]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment re-

[1] North Dakota, South Dakota, Minnesota, Iowa, Michigan, Ohio, Nebraska, Kansas, Colorado, Missouri, and part of Indiana eliminated.

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sulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before March 5, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77946 filed December 6, 1978. Transferee: A-1 TRANSIT, INC., 6202 East Concord Boulevard, Inver Grove Heights, MN, 55075. Transferor: DAKOTA EXPRESS, INC., 550 East 5th Street, South St. Paul, MN, 55075. Transferee's Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE, 68501. Transferor's Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE, 68106. Authority sought for purchase by transferee of a portion of the operating rights of transferor set forth in Certificate No. MC-83217 and all of the operating rights set forth in Certificates Nos. MC-83217 (Sub-No. 8) and MC-83217 (Sub-No. 9), issued by the Commission July 9, 1969, April 4, 1958, and August 27, 1958, respectively, as follows: Household goods as defined by the Commission, and general commodities, with certain exceptions, between Flandreau, SD, and points within 15 miles of Flandreau, on the one hand, and, on the other, points in MN; household goods as defined by the Commission, between Flandreau, SD, and points in SD within 100 miles thereof, on the one hand, and, on the other, points in ND, NE, and IA; from points in MN within 25 miles of Flandreau, SD, to points in SD except Flandreau and points within 15 miles of Flandreau; general commodities, with certain exceptions, between points in Lincoln County, MN, on the one hand, and, on the other, Sioux Falls, Gary, Brookings, and Watertown, SD; and general commodities, with certain exceptions, between Flandreau, SD, and Lake Benton, MN, over specified routes, serving the intermediate points of Elkton, SD. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC FC-77957, filed December 14, 1978. Transferee: TELROSS, INC., 554 Barretto St. Bronx, NY 10474. Transferor: LEICHTMAN BROS., INC., 544 Barretto St., Bronx, NY 10474. Representative: Francis X. Walsh, Esq., Attorney, 501 Fifth Ave., New York, NY 10017. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-77064, issued August 12, 1968, as follows: *Pianos,* uncrated and *organs* uncrated, *tone cabinets, amplifier accessories and component parts* used with or as an accessory to a piano or organ, between New York, NY on the one hand, and on the other, points in Fairfield County, CT and Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, NJ. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC FC-77964 filed January 2, 1979. Transferee: TAURUS TRANSPORT, INC., 302 North Main Street, Monticello, IN 47960. Transferor: JENKINS & NAGEL, INC., Wolcott, IN 47995. Representative: Warren C. Moberly, 320 North Meridian Street, Indianapolis, IN 46204. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit Nos. MC-133922 (Sub No. 1), MC-133922 (Sub No. 10), and MC-133922 (Sub No. 11), issued August 3, 1976, June 15, 1977, and February 25, 1977, respectively, as follows: Soy flour, from points in IL, IA, and MN, to Momence, IL, and Louisville, KY. Corn flour, from points in IL, IA, MN, and WI, to Momence, IL, and Louisville, KY; Delactosed whey, from points in MN and WI, to Momence, IL, and Louisville, KY; Whey from points in MN, WI, and IA, to Momence, IL, and Louisville, KY; dry milk when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, from points in IL, IN, IA, LA, MI, MN, MS, NY, NC, PA, SC, VA, and WI, to Momence, IL, and Louisville, KY; Casein and caseinate, from points in CA, FL, IL, IN, LA, MA, MI, MS, NJ, NY, NC, OR, PA, SC, TX, VA, and WA, to Memence, IL, and Louisville, KY; dry milk blended with soy flour, corn flour, delactosed whey, whey, casein, and caseinate, from Monence, IL, and Louisville, KY, to points in the United States except Alaska and Hawaii. The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Dry Milks, Inc., of Louisville, KY, and Dry Milk Products, Inc., of Momence, IL; Soy flour from Decatur, IL, Minneapolis, MN, and Cedar Rapids, IA, to Lousiville, KY; Corn flour, from Danville, IL, to Louisville, KY; Delactosed whey, from Winsted, MN, and Mayville, WI, to Louisville, KY; dry milk products, from points in MN, IA, NE, SD, NY, PA, OH, MI, and IL, to Louisville, KY; dry milk products blended with soy flour, corn flour, delactosed whey, casein, and caseinate, from Louisville, KY, to points in TX, AR, LA, NC, SC, PA, NY, OH, MI, MD, AL, TN, IL, IN, WV, VA, MS, GA, KS, CA, IA, WI, AZ, OR, MN, FL, and DC restricted to a transportation service to be performed, under a continuing contract, or contracts, with Dry Milks, Inc., of Louisville, KY; Soy flour from the plant site and warehouse facilities of Griffith Food Products, a subsidiary of Griffith Laboratories, Inc., at or near Remington, IN, to points in AL, GA, IL, IA, MI, NJ, OH, and PA; foodstuffs, (except vegetable oil and vegetable oil products) and materials equipment, and supplies used in the manufacture and distribution of foodstuffs, from the plant site and warehouse facilities of Griffith Laboratories, Inc. at Chicago IL, to Remington IN, and points in NJ and PA restricted to a transportation service to be performed under a continuing contract or contracts, with Griffith Food Products and Griffith Laboratories, Inc.; Soya flour and soy flour products from Remington, IN, to points in the United States (except AK, HI, and IN); foodstuffs (except liquid foodstuffs, in bulk, in tank vehicles) from the plant sites of Griffith Laboratories, Inc. at Chicago and Alsip, IL, to Lithonia GA, Union, NJ, Remington, IN, and Union City and Los Angeles, CA; dairy products mixed with cereal, from Chicago Heights and Decatur, IL, to points in the United States (except AK and HI) and cereal and dairy products, from points in the United States (except AK and HI) to Chicago Heights and Decatur, IL. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

MC-FC-77974, filed December 21, 1978. Transferee: JAMES FREDERICK LETTMAN, d.b.a. Lettman Transport, 13647-103 NE Kirkland, WA 98033. Transferor: Gerald R. Hackett, d.b.a. G. R. Hackett Transport, 10529 NE 141st, Kirkland, WA 98033. Representative: Michael D. Duppenthaler, Registered Practitioner, 211 S. Washington St., Seattle, WA 98104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-136309 (SUB No. 1), issued February 15, 1978, as follows: *Wooden shakes, shingles, and ridge trim,* from Skagit County, WA to points in CA, Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

MC-FC-77975 filed December 22, 1978. Transferee: RODNEY LEROY BOEHMER, d.b.a. Boehmer Trucking, Box 111, Groton, SD, 57445. Transferor: Benny J. Schaller, d.b.a. Schaller Truck Line, Groton, SD 57445. Representative: Rodney LeRoy Boehmer, (Same address as transferee). Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-120387 (Sub-No. 1), issued March 9, 1971 as follows: General commodities, except classes A and B explosives, between Aberdeen, SD, and Langford, SD, serving the intermediate points of Groton, Andover, and Pierpont, SD, over specified regular routes. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC-FC-77977 filed December 26, 1978. Transferee: KATO MOVING & STORAGE COMPANY, Highway 169 South, Mankato, MN, 56001. Transferor: Kato Moving & Storage, Inc., (Same address as transferee.) Representative: David T. Peterson, 206 East Hickory, Mankato, MN, 56001. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-141342 issued by the Commission on February 2, 1978, as follows: Used household goods, between Mankato, MN, on the one hand, and, on the other, points in Sibley, Nicollet, Brown, Watonwan, Blue Earth, Faribault, Freeborn, Waseca, Steele, Rice, and La Sueur Counties, MN. The operations are restricted to the transportation of shipments having a prior or subsequent movement in containers to or beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating or decontainerization of such shipments. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC-FC-77992, filed January 2, 1979. Transferee: JIMMIE JONES, 309 Wise Street, Appalachia, VA, 24216. Transferor: Eugene Randolph Still, Jr., d.b.a. Mountain Empire Movers, Kingsport, TN, 37664. Representatives: Harry J. Jordon, Esq., 1000 16th Street, N.W., Washington, DC 20036, Don. R. Pippin, Esq., Box 670, Norton, VA, 24273. Authority sought for purchase by transferee of a portion of the operating rights set forth in Certificate No. MC-64240, issued April 18, 1972, acquired by transferor pursuant to No. MC-FC-77448 consummated March 16, 1978, as follows: General commodities, with certain exceptions between Appalachia, VA, on the one hand, and, on the other, points in VA, and those in KY within 50 miles of Appalachia, VA; Household goods as defined by the Commission, between points in Harlan and Letcher Counties, KY, and Dickenson and Wise Counties, VA, on the one hand, and, on the other, points in AL, FL, GA, IN, KY, MD, NC, OH, PA, SC, TN, VA, WV, and DC; and between points in Lee County, VA, on the one hand, and, on the other, points in AL, FL, GA, IN, KY, MD, NC, OH, PA, SC, VA, WV, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority.

MC-FC-77995, filed January 3, 1979. Transferee: Daniel T. Buden, d.b.a. DAN THOMAS MOVING CO., 1781 Berlin Turnpike, Berlin, CT 06037. Transferor: George L. McClellan, d.b.a. BURNSIDE EXPRESS, 790 Tolland St., East Hartford, CT 06108. Representative: Daniel T. Buden, 1781 Berlin Turnpike, Berlin, CT 06037. Authority sought to purchase by transferee of the operating rights of the transferor, as set forth in Certificate No. MC-111056, issued July 7, 1949, as follows: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods,* 17 MCC 467, over irregular routes, between Suffield, CT and points in CT within 15 miles of Suffield, on the one hand, and, on the other, points in MA, NY, RI, ME, and NH. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC-FC-77998 filed January 11, 1979. Transferee: ARISTA VAN LINES, INC., 188 Nome Avenue, Staten Island, NY 10314. Transferor: LAPADULA & VAILLANI, INC., P.O. Box 158, Cedarhurst, NY 11516. Transferee's Representative: Arthur J. Piken, Esq., One Lefrak City Plaza, Flushing, NY 11368. Transferor's Representative: Roy A. Jacobs Esq., 550 Mamaroneck Avenue, Harrison, NY 10528. Authority sought for purchase by transferee of the operating rights of transferor remaining after approval of the transaction in No. MC-FC-77853 consummated January 12, 1979, issued May 19, 1970 as follows: Household goods, as defined by the Commission, Between New York, NY and points in Nassau County, NY, on the one hand, and, on the other, points in NY, VT, NH, ME, DE, VA, RI, MA, MD, PA, CT, NJ, OH, IL, MI, FL, AL, GA, NC, SC, TN, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3498 Filed 1-31-79; 8:45 am]

[7035-01-M]]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in *"Waste" Products,* Ex Parte No. MC-85, 124 M.C.C. 583 (1976). Requests are processed as seeking authority between all points in the United States.

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before February 21, 1979. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-1-79 (Special Certificate—Waste Products), filed January 25, 1979. Applicant: WRIGHT TRUCKING, INC., Route 1, Box 116, Coalville, UT 84017. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Sponsors: Disabled American Veterans Thrift Store, of Salt Lake City, UT; Provo Deseret Industries, of Provo, UT; Deseret Industries, of Ogden, UT; and Atlas Mill Supply, Inc., of Los Angeles, CA; Commodities: Waste products (rags).

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3499 Filed 1-31-79; 8:45 am]

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[7035-01-M]

[Ex Parte No. MC-65 (Sub-No. 6)]

PASSENGER MOTOR CARRIER SUPERHIGHWAY AND DEVIATION RULES

Petition To Revise

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of petition seeking institution of rulemaking.

SUMMARY: By petition filed January 8, 1979, Trailways, Inc., seeks the institution of a rulemaking proceeding to amend the Superhighway Rules—Motor Common Carriers of Passengers, 49 CFR 1042.1, and the Deviation Rules—Motor Carriers of Passengers, 49 CFR 1042.2. The changes proposed by petitioner would liberalize the circumstances under which motor carriers of passengers may conduct operations over superhighways and alternate routes.

DATES: Comments should be filed by March 19, 1979.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Dave Berger, telephone: 202-275-7980.

PETITIONER'S ARGUMENT

The presently effective Superhighway and Deviation Rules were adopted in Ex Parte No. MC-65, *Motor Service on Interstate Highways—Passengers*, 110 M.C.C. 514 (1969). In that proceeding, the Commission noted the substantial differences between the operations of regular-route passenger and property motor carriers, and decided to adopt passenger carrier rules which, in some respects, are more restrictive than the property carrier rules. This difference in treatment was based on the Commission's finding that any failure to ensure the substantial preservation of the delicate balance existing in the vigorously competitive motorbus industry, would lead ultimately to destructive competition and the consequent general deterioration of many passenger services to the public detriment. *Interstate Highways, supra* at 524. Accordingly, while property carrier operations over superhighways are authorized by a general rule of construction applicable to the carriers' outstanding certificates, passenger carriers are required to prosecute applications for such authority. Also, the amount of circuity reduction presumed to be lawful for passenger superhighway and alternate route applications has always been less than that permitted property carriers. This disparity was recently increased when the Commission modified the amount of operational circuity reduction permitted for property carriers from 85 to 80 percent. *Enlargement of Operational Circuity Reduction*, 121 M.C.C. 885 (1975).

Petitioner believes that the Nation's continuing need to conserve energy, combined with the dramatic rise in automobile, train and airline competition facing the bus industry, call for a reexamination and liberalization of the passenger Superhighway and Deviation Rules. Petitioner points out the substantial changes that have occurred in the competitive environment facing the bus industry since the existing rules were adopted. It notes that Amtrak, which did not exist in 1969, and the airline industry, which had not yet matured, have over the past several years developed into extremely effective competitors for intercity travelers. It also notes the increased use of the private automobile which today accounts for in excess of 85 percent of the total intercity passenger miles traveled. Petitioner contends that although the bus industry is engaged in intense price competition with these intermodal competitors, it must also be able to compete on service if it is to survive.

Petitioner also argues that the state of competition within the bus industry and the regulatory climate within which the industry operates are altogether different from that which prevailed in 1969. It argues that the Commission's concern over the "delicate" competitive balance in the bus industry, as expressed in 1969, can no longer justify perpetuation of the rules. Petitioner contends that the Commission's recent policies demonstrate that it has abandoned its former concern for the competitive position of existing carriers. Petitioner believes that its proposal for eased access to superhighways and alternate routes is consistent with the Commission's current program of regulatory reform.

Finally, petitioner argues that the existing rules frustrate our national policy of energy conservation and force the bus industry to bear the full magnitude of the recent fuel price increases. petitioner points out that the Commission has responded to the energy crisis by taking steps to rationalize the operations of both regular and irregular route motor property carriers; and maintains that the same logic applies with equal force to the bus industry. SPECIFIC PROPOSAL:

Petitioner's proposed revision of the Superhighway Rules essentially entails an extension of the existing property motor carrier superhighway rules, with some modifications, to passenger motor carriers. The most significant changes proposed by petitioner would be to: (1) authorize passenger carrier operations over superhighways by a general rule of construction; (2) permit passenger carrier operations over superhighways under the so-called "25-mile" rule; (3) change the circuity reduction criterion from 90 to 80 percent; and (4) subject passenger carrier superhighway operations to modification or discontinuance if, upon petition by any interested person, it is determined that the operations have resulted in destructive competition.

Petitioner asserts that its purpose in purposing a rule of construction is to eliminate the cumbersome nature of the existing application process which, it claims, is the reason the passenger motor carrier superhighway rules have received little use. Petitioner maintains that the benefits from an energy standpoint that will flow from changing the circuity criterion have already been recognized in the Commission's recent decision in *Enlargement of Operational Circuity Reduction supra.* Finally, petitioner suggests that the provision granting any interested person the right to petition for curtailment of superhighway operations resulting in destructive competition will afford more than adequate protection to competing bus carriers.

It should be noted that petitioner's proposal would eliminate the existing provision which permits the authorization of passenger carrier service at previously unauthorized intermediate points on the superhighway route. 49 CFR 1042.1(a). The proposal would also modify the existing "through-bus" provision [49 CFR 1042.1(e)] of the passenger motor carrier superhighway rules. As requested, the modification would: (1) eliminate the requirement that a through-bus operation over a superhighway route not materially change the existing competitive situation; (2) substitute a letter notice provision in lieu of the existing application procedure; and (3) eliminate the existing requirement that detailed information be furnished concerning leasing arrangements for vehicles moving through the interchange point.

Petitioner proposes the following principal revisions of the passenger Deviation Rules.

(1) The present standard that use of an alternate route not materially change the existing competitive situation would be revised so as to preclude only those alternate route operations which will result in destructive competition.

(2) The circuity reduction criterion for establishing the prima facie lawfulness of a proposed alternate route operation would be changed from 90 to 80 percent.

(3) Operating time comparisons would no longer be required in the alternate route notice.

(4) A provision allowing "through-bus" alternate route operations would be added to the Deviation Rules.

(5) The present exclusion from the applicability of the Deviation Rules of operations conducted wholly within the State of New Jersey would be amended to include only the specific New Jersey counties excluded under the rules prior to their amendment in *Interstate Highways, supra.*

Petitioner argues that the change in the standard of lawfulness of alternate route operations is necessary in order for the bus industry to meet the existing intermodal competition. It believes that competing carriers should only be shielded from "destructive competition", and that this standard will afford adequate protection without unduly constraining otherwise efficient operations. Petitioner claims that operating time comparisons serve no useful purpose in unopposed applications, and, in contested cases, this evidence could still be offered by a protestant and, if necessary, rebutted by the applicant.

Petitioner believes that the addition of a "through-bus" provision to the Deviation Rules is necessary in light of its proposed amendments to the Superhighways Rules. This provision would enable carriers to apply for "through-bus" alternate routes which do not satisfy the "80 percent" test but nevertheless would not result in destructive competition. Also, petitioner sees no valid reason why "through-bus" deviations should be restricted to superhighways.

PROPOSED REVISIONS OF THE SUPERHIGHWAY AND DEVIATION RULES

As proposed, the passenger motor carrier superhighway rules, 49 CFR 1042.1, would be amended to read as follows:

(a) *Regular-route, passenger certificates—construction.* All certificates of public convenience and necessity authorizing the transportation of passengers over a regular service route or routes, issued by the Commission pursuant to the provisions of part II of the Interstate Commerce Act, shall be construed as authorizing operations over superhighways as defined below (including highways connecting such superhighways with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes, provided that either (1) the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes (i) extends in the same general direction as the authorized service route or routes, and (ii) is wholly within 25 airline miles of the carrier's authorized regular service route or routes, or (2) the distance over the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes is not less than 80 percent of the distance between such points over the carrier's authorized regular service route or routes.

(b) *Intermediate point service.* Motor carriers conducting operations over superhighways under paragraph (a) of this section shall not provide service at any point not otherwise specifically authorized to be served by them.

(c) *Superhighway defined.* Any limited-access highway with split-level grade crossings and access ramps, or completed portion thereof, including those highways which make up the National System of Interstate and Defense Highways, and any direct existing highway, not a limited-access highway, located immediately adjacent to a planned superhighway.

(d) *Through-bus operation.* Where two or more certified regular-route motor carriers of passengers have been joining in the lawful performance of "through-bus" operations between a point on a certificated route of one such carrier, and a point on a certificated route of another such carrier, and there is wholly within the United States a superhighway or combination of superhighways (including highways connecting such superhighway or superhighways with the carriers' authorized regular service routes) between such two points, the use of which would afford a reasonable direct and practicable route between such two points and a safer, more convenient, efficient, or economical operation, such carriers so performing such joint "through-bus" operation may, subject to the provisions of paragraphs (a) and (b) of this section, use such superhighway or combination of superhighways (including highways connecting such superhighway or superhighways with the carriers' authorized regular service routes) as a service route for such joint "through-bus" service, with no service at any intermediate point thereon, except as authorized in their respective certificates, and with no service at the points of departure or return except as authorized in their certificates, and with no service at the point or points of interline except for interchange purposes only: *provided, however,* that such carriers shall, prior to commencing such "through-bus" superhighway operation, jointly execute and file a letter notifying the Commission that the operation is being instituted and specifying with particularity the point or points on the proposed route where the operation, control, and responsibility of each carrier will begin and end.

(e) *Specific circumstances.* If, upon the filing of a petition by any interested person and a determination of the issues presented thereby, the Commission shall find that operations by any motor carrier under the provisions of paragraph (a) of this section have resulted, or are reasonably certain to result, in either destructive competition or in the provision of inadequate transportation service by the carrier at any authorized service point or points, an appropriate order may be entered requiring the said motor carrier either to discontinue such operations in whole or in part, or to conduct its operations in compliance with the terms, conditions, and limitations in its certificates in the manner described in the said order. Upon the establishment by the petitioner that a motor carrier's service at a point on its underlying service route has been discontinued or curtailed, the burden of showing that the discontinuance or curtailment is reasonable is upon the motor carrier engaged in operations under these rules.

As proposed, the following sections of the passenger Deviation Rules would be revised to read:

§ 1042.2(a) *Applicability of rules.* These rules are promulgated under the provisions of sections 204, 206 (except 206(6) and (7)), 207 and 208 of the Interstate Commerce Act, and govern the use of all highways, including the National System of Interstate and Defense Highways, by motor common carriers of passengers operating under certificates of public convenience and necessity issued by the Commission. These rules do not govern operations of regular-route motor common carriers of passengers which operations are wholly within an area including New York, N.Y., Rockland, Westchester, and Nassau Counties, N.Y., Fairfield County, Conn., and Passaic, Bergen, Essex, Hudson, Union, Somerset, Middlesex, and Monmouth Counties, New Jersey. These rules do not supersede other rules and regulations of the Commission applicable to specific situations or operations.

§ 1042.2(c) (9) *Deviations-alternate routes without certificate-common carrier.* (i) Where a regular-route motor common carrier of passengers is authorized to operate over a regular route and there is wholly within the United States another highway which

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affords a reasonably direct and practicable route between any two points on such regular route, it may, subject to the requirements of subparagraphs (c)(10)-(14) of this section, use such other highway as an alternate route for operating convenience only and with no service at the termini except as otherwise authorized, in the manner and to the extent, as follows:

Where such carrier is authorized to operate over a regular route and there is a highway or highways which may be used as an alternate route between two points on the carrier's regular route regardless of the ratio of the distance over such alternate route between the point of deviation and the point of return to the distance over the carrier's regular service route between the same points, and regardless of whether or not such alternate route crosses or intersects or passes over or under any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return: *Provided,* that use of the alternate route will not result in destructive competition.

(ii) Proof that the mileage over the proposed alternate route between the point of deviation and the point of return to the carrier's authorized service route or routes is not less than 80 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that destructive competition will not result from the carrier's use of the proposed alternate route.

(iii) If a protest has not been filed within 30 days from the date of publication of notice of the proposed operation in the FEDERAL REGISTER, the operation may be commenced immediately thereafter subject to the provisions of paragraph (d)(5) of this section. In all cases in which protests are filed to a proposed new operation, the applicant may not commence operation over the route or routes applied for until an appropriate order is issued by the Commission.

New subparagraphs 1042.2(c)(10)-(15) would be added as follows:

(10) *Notice of Alternate Route:* The original and two copies of any notice under subparagraph (c)(9) must be filed with the Commission and may be in letter form. The notice shall contain the following information:

(i) A complete description by highway designations of the carrier's authorized route between the point of departure and the point of return.

(ii) An excerpt from the carrier's operating authority or authorities (with reference to the pertinent subnumber or numbers) setting forth the exact description of the route as specified in paragraph (c)(10)(i) of this section, including service authorized at any intermediate points and any applicable restrictions or conditions in said authority or authorities.

(iii) A complete description by highway designations of other authorized routes, including service authorized at any intermediate points and applicable restrictions and conditions specifically pertinent to and affected by the departure from the authorized route specified in paragraph (c)(10)(i) of this section.

(iv) A complete description of the proposed route between the point of departure from the authorized route to the point of return.

(v) The actual mileages over all routes described in paragraphs (c)(10)(i) and (iv) of this section. Such mileages shall be computed between the actual junction points of the routes, whether such junction points are within or without city limits. Rand McNally road map mileages will serve as the official mileage guide where such mileages have been published. Where not published, measured mileage or available official publications will be accepted.

(vi) A map clearly depicting and identifying all routes described in paragraphs (c)(10)(i) through (iv) of this section.

(vii) A statement that the carrier will continue to provide adequate and continuous service from and to all points authorized to be served in connection with the appurtenant service route or routes.

(viii) The volume of local and through traffic between the points of departure and return.

(ix) A statement that a copy of the application, together with all attachments, has been served on those persons required to be served by these rules.

(11) *Service of Notice.* The notice, with all attachments, must be served by mail or in person on the Commission, the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the proposed operation will be conducted.

(12) *Publication of Notice.* A summary of the notice will be prepared by the Commission and published in the FEDERAL REGISTER.

(13) *Protests and replies.* Any person may file with the Commission a protest in letter form together with two copies thereof, within 30 days after publication of the summary of the notice in the FEDERAL REGISTER, showing that a copy thereof with all attachments, has been served upon the applicant. Such protest shall contain a recital of facts and information specifically demonstrating protestant's interest and, if the protestant is a carrier, shall contain detailed information relating to the competitive situation between the protestant and the applicant. The applicant may file a reply to any protest within 20 days after the due date of the protest, showing that a copy of the reply, with all attachments, has been served upon the protestant or protestants. Such reply shall be directed solely to the information contained in the protest or protests.

(14) *Hearing or other procedure to be followed.* Where a protest is filed, oral hearing will not be held unless the Commission determines, either upon its own motion or upon a showing of good cause by a party to the proceeding, that oral hearing is necessary. Unless such a determination is made, the issues will be decided upon a consideration of the material submitted with the notice, the protest, the reply, and matters of which the Commission may take official notice, except that the Commission, if it so desires, may require the submission of additional facts from the parties.

(15) *Through-bus operation.* When two or more certificated regular-route motor carriers of passengers have been joining in the lawful performance of "through-bus" operations between a point on a certificated route of one such carrier, and a point on a certificated route of another such carrier, and there is wholly within the United States another highway or combination of highways which afford a reasonably direct and practicable route between such two points, such carriers so performing such joint "through-bus" operation may, subject to the provisions and requirements of subparagraphs (c)(9)-(14) of this section, use such other highway or combination of highways as an alternate route for such joint "through-bus" service, for operating convenience only, with no service at any intermediate point thereon, except as authorized in their respective certificates, and with no service at the points of departure and return except as authorized in their certificates, and with no service at the point or points of interline except for interchange purposes only: *Provided,* that the letter of notice of such "through-bus" alternate route operation shall be jointly executed by the participating carriers and shall specify with particularity the point or points on the proposed route where the operation, control, and responsibility of each carrier will begin and end.

Petitioner asserts that the proposed rule changes will result in environmental and energy impacts of a significant and beneficial nature.

PROCEDURAL MATTERS

No oral hearing in this proceeding is contemplated. Any person (including petitioner) wishing to participate in

this proceeding, in support of or in opposition to the proposal, shall file an original and 11 copies (wherever possible) of written representation, views, and arguments, including, if desired, comments upon the environmental and energy policy and conservation issues raised by the petition.

Written material or suggestions submitted will be available for public inspection at the Office of the Interstate Commerce Commission, 12th and Constitution Ave., Washington, DC, during regular business hours.

Notice to the general public of the matters under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the FEDERAL REGISTER.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3497 Filed 1-31-79; 8:45 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

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[6714-01-M]

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF AGENCY MEETING

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 4:25 p.m. on Friday, January 26, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met by telephone conference call to authorize payment of the insured deposits in Village Bank, Pueblo West, Colorado, which was closed by the State Banking Commissioner of the State of Colorado as of 8:00 a.m., Friday, January 26, 1979.

In calling the meeting, the Board determined, on motion of Acting Chairman John G. Heimann, seconded by Director William M. Isaac (Appointive) that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; and that the meeting could be closed to public observation pursuant to subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)), since the public interest did not require consideration of the matter in a meeting open to public observation.

Dated: January 29, 1979.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-215-79 Filed 1-30-79; 3:53 pm]

[7020-02-M]

2

[USITC SE-79-7]

INTERNATIONAL TRADE COMMISSION,

TIME AND DATE: 10 a.m., Monday, February 5, 1979.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary).
5. Rayon staple fiber from France and Finland (Inv. AA1921-190 and -191)—briefing and vote.
6. Certain flexible foam sandals (Inv. 337-TA-47)—vote.
8. Any items left over from previous agenda.
9. Certain yarns of wool from Uruguay and Brazil (Inv. 303-TA-4 and -5)—briefing and vote.
10. Gloves and glove linings of fur on the skin from Brazil (Inv. 303-TA-8)—briefing and vote.

Portions closed to the public:

7. Status report on Investigation 332-101 (MTN Study), if necessary.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-212-79 Filed 1-30-79; 11:02 am]

[7035-01-M]

3

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, February 6, 1979.

PLACE: Hearing Room "C", Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open regular conference.

MATTER TO BE CONSIDERED: Ex Parte No. 297 (Sub-No. 4), Reopening of section 5a application proceedings to take additional evidence. The proceeding involves an individual review of all non-rail agreements, but the conference will be limited to a discussion of the household goods carrier agreements. An options paper will be circulated later this week.

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

JANUARY 30, 1979.

[S-216-79 Filed 1-30-79; 3:54 pm]

[4910-58-M]]

4

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, February 8, 1979 [NM-79-5].

PLACE: NTSB board room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first four items on the agenda will be open to the public; the fifth item will be closed to the public under exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED.

1. *Railroad Accident Report*—Louisville and Nashville Railroad Co. freight train derailment and rupture of LPG tank car at Waverly, Tenn., February 24, 1978.
2. *Aircraft Accident Report*—Allegheny Airlines, Inc., BAC-1-11, N1550, Rochester, N.Y., July 9, 1978.
3. *Letter* to Mr. Allan Light re reconsideration of probable cause, Aero Commander 112A, Georgia, Vt., December 20, 1975.
4. *Briefing* by NTSB Staff on Federal Aviation Administration proposed "Controlled Visual Flight" Rules.
5. *Opinion and Order*—Petition of Bomkamp, Dkt. SE-2107; disposition of Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-214-79 Filed 1-30-79; 2:20 pm]

federal register

THURSDAY, FEBRUARY 1, 1979
PART II



OFFICE OF MANAGEMENT AND BUDGET

FEDERAL SUPPORT OF STATE AND LOCAL GOVERNMENT PRODUCTIVITY IMPROVEMENT EFFORTS

Study

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[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

FEDERAL SUPPORT OF STATE AND LOCAL GOVERNMENT PRODUCTIVITY IMPROVEMENT EFFORTS

Study by the National Productivity Council

On October 23, 1978, the President approved the establishment of the National Producitivity Council to serve as the focal point in the Executive Branch for Federal efforts to improve productivity in the public and private sectors of the economy. (Executive Order 12089; FEDERAL REGISTER, Volume 43, No. 207, October 25, 1978.) The Director of the Office of Management and Budget serves as Chairman of the Council. Other members of the Council are the Secretaries of the Treasury, Commerce, and Labor; the Chairmen of the Council of Economic Advisers, Council on Wage and Price Stability, and Council on Environmental Quality; the Directors of the Office of Personnel Management and Office of Science and Technology Policy; and the Special Trade Representative.

In its first meeting on December 11, 1978, the Council approved a study to determine the appropriate role of the Federal Government in supporting the productivity improvement efforts of State and local governments.

In developing the report the study team will rely heavily on input from public interest groups representing State and local governments. State and local governments active in productivity improvement efforts, major unions representing State and local employees, and other interested groups. Plans are being developed for interviews and other consultations with these groups during the preparation of the draft report. A notice announcing the availability for comment of the draft report will be published in the FEDERAL REGISTER and copies will be made available to any organization or individual wishing to review the report.

Any organization or individual wishing to submit written comments or statements for consideration in the preparation of the draft report is encouraged to do so. Written comments should be sent by March 1 to:

Edward H. Chase, Management Improvement and Evaluation Division, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, D.C. 20503,

or

Allan D. Heuerman, Intergovernmental Personnel Programs, Office of Personnel Management, Room 2311, 1900 E Street, NW., Washington, D.C. 20415.

STUDY OUTLINE

1. *Objective of the Study.* The objective of the study is to determine the appropriate role of the Federal Government in supporting productivity improvement efforts of State and local governments.

2. *Scope of Study.* The study will focus on: (a) identifying types of assistance that would be most supportive of the efforts of State and local governments to improve their productivity, and (b) determining whether it is appropriate for the Federal Government to provide the assistance and through what mechanisms. The study will identify major factors affecting State and local government productivity and the introduction and use of productivity improvement programs. Current Federal support for State and local productivity improvement efforts will be documented. Options for future Federal support will be developed and assessed in terms of expected costs and benefits as well as the appropriateness of the Federal support from an intergovernmental relations standpoint. Approaches to assuring effective coordination of Federal support will also be considered.

3. *Major Elements of the Report.*

a. *Introduction.* The introduction will provide a brief background on the importance of State and local government productivity improvement and the Federal interest in promoting State and local productivity improvement.

b. *Key Factors and Needs.* This section will identify key factors influencing the productivity of State and local governments and the introduction and use of productivity improvement programs at the State and local level. Examples of current State and local productivity improvement efforts will be provided. Finally, this section will identify the various types of Federal assistance that would be most supportive of the efforts of State and local governments to improve their productivity.

c. *Current Federal Support.* This section will describe current Federal support of State and local government productivity improvement efforts. An examination of the various methods used to provide support (technical assistance, financial assistance, information programs, training, demonstration projects, etc.) will also be made.

d. *Options for Federal Support.* This section will address the options for modified or additional Federal support for State and local productivity improvement efforts. The study will address most major recommendations which have been made in other studies on this subject (e.g., the General Accounting Office, "State and Local Government Productivity Improvement: What is the Federal Role?"). The discussion of options will also include an analysis of whether Federal efforts should be "targeted" in certain areas; e.g., functions with major concentrations of State and local employment.

It is not intended that the report provide a review of the Federal grants system to identify changes to provide incentives for productivity improvement. To the extent such information is identified in the course of the study it will be included in the report.

4. *Study Team Membership.* Members of the study team will include representatives form the Office of Management and Budget, the Office of Personnel Management, the Department of Labor, the Department of Housing and Urban Development, the Advisory Commission on Intergovernmental Relations, the Office of Science and Technology Policy, and the National Science Foundation. A representative of the General Accounting Office will serve as an observer on the study team. The OMB and OPM representatives will serve as co-leaders of the study.

5. *Estimated Study Schedule.*

Draft Report Due, March 16.

Comment Period for Draft Report Ends, April 13.

Final Report Due, April 30.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 79-3315 Filed 1-31-79; 8:45 am]

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federal register

THURSDAY, FEBRUARY 1, 1979
PART III



CIVIL AERONAUTICS BOARD

LIBERALIZED REGULATION OF CARGO INDIRECT AIR CARRIERS

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[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-1094; Reissuance of Pt 296; Docket 32318]

PART 296—AIRFREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Liberalized Regulation of Cargo Indirect Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Reissuance of part.

SUMMARY: This rule reissues and simplifies the Board's regulations for cargo indirect air carriers, removing many of the restrictions and reports on their operations. These changes are at the Board's initiative. They are in response to deregulation legislation recently passed by Congress, and the Board's recent liberalization of its rules for direct carriers in domestic cargo transportation.

DATES: Effective: January 24, 1979, except for §§ 296.20 and 296.40 which will be effective March 15, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks (general information), Office of the General Counsel, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5442; Raymond Kurlander (reporting information), Director, Bureau of Carrier Accounts and Audits, (address same as above), (202) 673-5270; Curtis B. Maloy (operations and registration information), Bureau of Pricing and Domestic Aviation, (address same as above), (202) 673-5088.

SUPPLEMENTARY INFORMATION: Recent developments in the operation and regulation of direct carriers in cargo transportation require a corresponding change in the Board's rules for indirect cargo air carriers (14 CFR Part 296). As of November 9, 1978, the cargo deregulation amendments of P.L. 95-163 are fully effective, allowing almost unlimited entry of direct carriers into all-cargo service. These amendments eliminate the Board's power over the reasonableness of cargo rules and rates, as well as its prehearing suspension power for tariffs. They also set forth three separate factors for the Board to consider as being in the public interest in regulating all-cargo air service: encouragement and development of an expedited all-cargo service responsive to the needs of shippers, the commerce of the United States, and the national defense; reliance upon integrated competitive market forces to determine the extent, variety, quality, and price of such service; and prohibition of unjust discrimination, undue preference or advantages, unfair or deceptive practices, or predatory pricing.

The Airline Deregulation Act of 1978, even more far-ranging, makes substantial changes in the way the air transportation system is regulated, gradually ending most economic regulation for passenger transportation by 1985. In both amendments Congress has emphasized that competition, not regulation, is to be the primary governor of the airline industry. Competition will be relied on to attain such goals as efficiency, innovation, low prices, and a variety of price/service options. The Board has also been given the power to relieve foreign indirect air carriers from provisions of the Act to the extent that it is in the public interest.

Under the framework of these two laws, the Board has substantially liberalized its regulations for direct air carriers operating in domestic cargo transportation (ER-1080, 43 FR 53628, November 16, 1978). Direct carriers no longer are required, among other things, to file tariffs, carry all shipments upon reasonable request, maintain cargo liability insurance, or follow certain antitrust review provisions of the Act.[1] Reporting requirements have also been simplified.

The direct carriers have already begun to use their new competitive freedom to lower some container rates, and offer special rates for off-peak or guaranteed shipments, although other rates are being raised. They have also started to establish new services and routes. In view of these statutory, regulatory, and operational changes in cargo services, and in order to prevent any unfair advantages to the direct carriers, regulations for indirect carriers are also being liberalized in a similar manner.

On March 30, 1978, the Board issued Notice of Proposed Rulemaking EDR-350/ODR-15 (43 FR 15720, April 14, 1978), proposing to revise Part 296 of the Economic Regulations. Under this proposal, indirect cargo carriers would not need to apply for an operating authorization by providing fitness data, such as detailed information on their proposed operations, affiliations with other common carriers, or on their financial stability. Instead, they would be required merely to register with the Board. The Board would therefore no longer review the fitness of indirect cargo carriers. These carriers would no longer file tariffs, and would be exempted from many of the antitrust review provisions of the Act (*i.e.*, be subject to general antitrust laws like other industries). Revisions were also proposed in the type and amount of insurance required for forwarders. The Board, in addition, requested comment on whether forwarders should be limited to the use of Board-authorized common carriers, whether persons should be required to file a notice of intent to enter into mergers and acquisitions, the types and forms of insurance coverage that should be required, and whether there are consumer protection problems in, or other alternatives to, eliminating tariffs.

Comments on the proposed revisions were submitted by carriers, forwarders, large and small shippers, government agencies, and interest groups and interested persons. A list of all commenters is attached as Appendix A. On October 19, 1978, we also heard oral argument from approximately 41 parties. Any requests or suggestions for changes made in the comments are denied unless specifically granted.

Corresponding changes in Parts 207, 208, 212, 215, 244, 249, 385 and 389 are being issued simultaneously in ER-1095 through ER-1100 and OR-144 and OR-145, respectively.

Under sections 101(3) and 416(a) of the Act, the Board has the authority to relieve indirect air carriers from provisions of the Act, and to establish classifications of air carriers and rules for their operation. Using this authority, the Board is issuing these rules for the operation of air freight forwarders and cooperative shippers associations as indirect air carriers under Part 296 of its regulations. Also, the Airline Deregulation Act has expanded the Board's exemption power under section 416(b) of the Act to include "persons," not just "air carriers," and by changing the criterion to "consistent with the public interest." Since a part of these rules affects the officers of an indirect carrier or persons acquiring control of indirect air carriers, exemptions from the Act for these purposes are being granted under section 416(b), while the general operating rules for the indirect cargo carriers are adopted under sections 101(3) and 416(a).

Subpart A—General

Subpart A contains classifications of indirect carriers, definitions, and other general provisions.

Several technical amendments have been made to subpart A. Two new sections explain the purpose of the regulations and their applicability. Also, the proposed definitions of freight forwarder and cooperative shippers association have been changed to make clear that one indirect air carrier may use another in transporting shipments. This language had been recently added to the previous definitions, but had been omitted by mistake from the proposed rules.

Indirect cargo air carriers will also now be able to use the agents of direct carriers. In the past, the prohibition against this use was based on the fear that air freight forwarders would set up dummy agencies to collect commissions from the direct carriers on forwarder traffic, or that they would enter into agreements with agents to split the commissions, both of which are prohibited as a rebate. Another concern has been that the use of agents would unnecessarily add an additional layer between the shipper and the direct carrier.

Although the danger of forwarders using this as an opportunity to evade the prohibition against rebates appears slight, the Board is making the prohibition against forwarders receiving commissions more explicit in order to better monitor any problems. In a notice of proposed rulemaking (PSDR-54, 44 FR 3724, January 18, 1979), however, the Board has proposed to allow payments by direct carriers to shippers or indirect air carriers for ready-for-carriage services.

Also, the market forces themselves will control any problem of unnecessary layers of intermediaries, and will in fact insure the most flexible, economic, and efficient means of cargo air transportation for the shipper.

Permitting indirect cargo carriers to use direct air carrier agents will give them greater flexibility where it is needed, similar to their authority to use other indirect carriers. Carrier agents are in the business of soliciting traffic for their carrier principals, and forwarders are seeking direct air carrier services. There is no reason to restrict their flexibility in offering services to the shipping public.

The sections authorizing an air freight forwarder and cooperative shippers association to act as an agent have been changed to make clear that forwarders may continue to operate as IATA (International Air Transport Association) cargo agents for the direct carrier on a shipment tendered by the shipper, if it expressly reserves the option to do so when accepting the shipment for carriage.

Also, these sections which further authorize a forwarder or cooperative to act as an agent of the shipper, have been changed to require an indirect carrier who wants the option to act as agent to reserve that option in the airway bill when accepting a shipment for carriage. This requirement puts the shipper on notice of the possibility of a forwarder acting in its capacity as an agent, rather than in the capacity of a forwarder, on a shipment, so that the shipper knows who has responsibility for the shipment as the principal. The old sections of Part 296 state that shipments may be accepted for forwarding, on the condition that the forwarder may exercise an expressly reserved option to act as an agent, as long as a notice to that effect is displayed at its premises, and on its stationery and airwaybills. Because of the predominance of knowledgeable shippers using forwarders, and, particularly the lack of any history of problems in this area, however, a requirement that such an option be set forth in the airwaybill should be sufficient protection for the shipper.

In response to the question, raised in the proposal, whether indirect cargo carriers should be limited to the use of Board-authorized common carriers, the Airfreight Forwarder Association and DHL Corporation argued that the Board should expand the definition of direct air carrier to include intrastate carriers and any carrier certificated by the Federal Aviation Administration, such as a private contract carrier. They said that use of these carriers will allow better service in secondary markets, and that courier services, in particular, need a wide range of immediate airlift capacity because their service is an expedited one and subject to direct competition from the small package services of the direct carriers.

The Federal Aviation Act establishes the framework for air carriers to operate in common carriage in commerce. Because of this framework, if the indirect carrier were authorized to use private contract and intrastate carriers, the direct carrier itself would still need to apply for authority from the Board to carry such shipments as a common carrier in commerce. Under Section 401(d)(4) of the Act, indirect carriers may, of course, use the services of intrastate carriers on an interline basis. But, general authorization of indirect cargo carriers to use the services of intrastate carriers and private contract operators would undermine the air carrier certification requirement, which Congress has left in effect throughout the phased deregulation. With the recent effectiveness of the free-entry provision of the cargo deregulation amendments, the expansion of the aircraft size for air taxis, and the general liberalizations of the Deregulation Act, there is no need to include private contract operators or intrastate carriers as proposed. Since the need of indirect carriers to use this type of carrier would be infrequent, requests for exemption are better handled on an *ad hoc* basis, rather than by general exemption.

As the applicability section states, these liberalized regulations apply to all indirect air cargo carriers, whether operating in interstate, overseas, or foreign air transportation. Although the cargo deregulation amendments and the Airline Deregulation Act primarily apply to domestic air transportation, there has been no evidence presented why the indirect cargo carrier industry should not be treated as a whole. Its domestic and international operations are often intertwined and inseparable. Also, while Congress is considering deregulation in other parts of air transportation, this part of the cargo industry (itself a small part of the whole air transportation industry) can provide a valuable testing ground in the international area for future liberalizations for the direct air carriers and passenger industry.

Subpart B—Relief and Exemption for Indirect Air Transportation of Property

This subpart contains the basic relief from the Act under which these carriers operate. For the reasons stated, we find this relief for indirect air carriers and the exemptions in this subpart to be in, and consistent with, the public interest under sections 101(3) and 416 of the Act.

CERTIFICATION

Indirect cargo air carriers have historically not been subjected to the certification requirement under section 401 of the Act, but instead have been given operating authorization under the Board's authority in sections 101(3) and 416(a) of the Act to relieve indirect air carriers from provisions of the Act, and to establish just and reasonable classifications of air carriers and regulations for their operation. As explained in Subpart C, below, the Board is changing its present operating authorization and determination of fitness for these indirect carriers to a simple registration procedure similar to that used for air taxi operators. Quasi-fitness standards had been initially established for these carriers because they were the first type of indirect air carrier authorized by the Board. At that time such standards were needed to establish an effective system of indirect cargo carriers and to monitor its operation. We no longer find that either of these two needs require the detailed operating authorization procedures of the present rule. All indirect cargo carriers covered by Part 296 are therefore relieved from section 401 of the Act.

TARIFFS

In EDR-350 the Board proposed to relieve indirect cargo carriers from the

[1] A petition for judicial review is pending on, among other issues, the exemptions for tariff filing and for the duty to carry upon reasonable request. *National Small Shipments Traffic Conference and Drug and Toilet Preparation Traffic Conference, et. al. v. C.A.B.*, CADC Case Nos. 78-2163, 78-2164. The court denied petitioners' motion for a stay of those exemptions pending review.

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requirement to file tariffs under section 403 of the Act. After a careful review of the numerous comments submitted on this issue, and in view of the Congressional mandate expressed in the cargo deregulation amendments and the Airline Deregulation Act, the Board has decided to relieve these carriers from the tariff filing requirement.

Numerous comments from shippers, direct carriers, forwarders, and traffic consultants opposed relieving indirect carriers from this requirement. Shippers argued that they will be unable to plan and budget their cost without the reliability of tariffs, that small shippers will be discriminated against and be unable to prove the forwarder's contract of carriage, that small shippers will also have no power to negotiate reasonable rates with the forwarders, that tariffs are necessary to resolve shipper-forwarder disputes, and that elimination of tariffs is contrary to Congressional intent. They also argue that there will not be any benefits, because tariff filing costs are insignificant, that rates most likely will not decrease, and that there is already a wide variety of prices in the forwarder industry under the present system. The forwarders and direct carriers all reiterate these arguments of the shippers.

Three recent documents in this docket and Docket 33093, "Rules for Direct Carriers in Domestic Cargo Transportation," (EDR-350, 43 FR 15720, April 14, 1978; EDR-359, 43 FR 33733, August 1, 1978; ER-1080, 43 FR 53628, November 16, 1978) have considered and discussed these same arguments in depth. We will recount here our disagreement with their premises and conclusions. There are three basic questions to be answered in these arguments: whether the Board has the legal authority to relieve indirect cargo carriers from the tariff filing requirement, whether the elimination of this requirement will prevent the shipper from receiving the necessary rate and rule information to conduct and plan its business, and whether tariffs are the only practical means by which the Board can enforce its supervisory responsibilities under the Act.

Several commenters argued that, as expressed in the cargo deregulation amendments (Pub. L. 95-163), it is Congress' intent that tariffs continue to be filed so that the Board can control predatory rates. Congress even increased the period for filing forwarders' tariffs, they argued, as an indication that the Board should continue to examine these rates and practices. The decision to extend the filing period for forwarder tariffs does not necessarily demonstrate their intent that tariffs continue to be filed, but only their intent to give indirect carriers time to respond to any changes in rates of the direct carriers. (H. Rept. No. 95-14, 95th Cong., 1st Sess. 3 (1977)). Since the tariff requirement has now been eliminated for direct carriers in domestic cargo transportation (ER-1080), there is an even greater lag in the ability of forwarders to change their rates relative to those of the direct carriers than before the cargo amendments and which should be eliminated. More important, however, is the emphatic Congressional statement in both deregulation laws that pricing and entry in air transportation, and especially in air cargo, is to be deregulated, with emphasis placed on competition to regulate our air transportation system. As with the elimination of domestic cargo tariffs for direct carriers, notice to shippers, and monitoring by the Board of forwarder rates, both Congressional goals, can be achieved without the artificiality and restrictiveness of tariffs.

As we stated in ER-1080 in eliminating this requirement for direct carriers, the Board has never doubted the value to the shipper of the rate and rule information contained in the tariffs. In reviewing the comments in this case and observing how the present air cargo system works, including the practices of air taxis without tariffs, the Board has concluded that there are sufficient economic incentives to ensure that this flow of information to the shipper will continue. Here also, the forwarders will continue to publish their own rate sheets and service guides, as they do now, and will continue to make them readily available to the shipping public. In fact the forwarders can, and undoubtedly will, continue to construct and distribute their rates as they do now through an independent publisher, but without the need to conform to government-imposed guidelines. Instead they will be designed and distributed in the way that best suits their own needs and those of their shippers. A forwarder's ability to successfully market its services depends to a large extent on informing the public of its charges and in abiding by them. Although there will need to be some adjustments by traffic managers and others, the Board concludes that the shippers' concern on this point is unwarranted.

The last question is whether tariffs are needed by the Board to conduct its enforcement responsibilities. The answer, as it was for the direct cargo carrier industry, is No. Since the Board can no longer suspend domestic property transportation rates to prevent a forwarder from putting a particular rate into effect or determine its reasonableness, there is no need to have advanced tariff filing for this purpose. As a practical matter, most investigations of discriminatory rates begin not as a result of an in-depth review of tariff filings, but in response to complaints from shippers or competing carriers. It is the Board's opinion that its spot audit procedures and this complaint procedure are certainly adequate to fulfill our enforcement responsibilities during the next 6 years until our authority is eliminated in 1985.

Although there may be some dislocations and difficulties in the operation of a tariff-free system as claimed by the opponents, the prospective benefits of such a system far outweigh any minor inconveniences. While we have given careful consideration to the near-unanimous arguments of the shippers, forwarders and direct carriers in opposition to elimination of tariffs, we must also look beyond those being regulated with an artificial uniformity and price level to the ultimate consumer who eventually pays for these inefficiencies by prices not competitively set.

There is evidence, some of which we admit is theoretical, that a system of advance notice of prices, with both carriers and shippers forced to abide them, results in prices higher than they might otherwise be. Also, as correctly claimed by some commenters, since the Board's authority over the reasonableness of rates was eliminated by P.L. 95-163, there has been a general increase in standard freight rates. There have, however, also been efforts by the same direct carriers to cut prices for off-peak or guaranteed-volume services, and other special services, and only recently one carrier cut its domestic door-to-door air freight rates by as much as 25 percent, thus putting these rates as much as 30 percent below some freight forwarders. One conclusion, therefore, is that those prices that did rise were held artificially low. Also, during the 8-month period of this discussion in two different proceedings, no persuasive factual, or even theoretical, evidence, other than these price movements, has been submitted by opposing parties to support their claims and arguments. During this time, and during the several-year debate in Congress over airline deregulation, no persuasive evidence has been presented that tariffs are a necessary part of the air transportation system. In fact, Congress has eliminated them for the much larger passenger traffic system as of January 1, 1983.

Since the prices and conditions of a tariff become part of the contract of carriage, and the Board no longer has the authority to force the carriers to establish reasonable charges and rules, the forwarder could, by simply filing a tariff, be able to avoid liabilities or obligations that would otherwise be enforceable in court. A second benefit of

eliminating tariffs, therefore, is the removal of the possibility that matter contained in a tariff can abrogate rights granted by the common law.

A third benefit of the elimination of tariffs is that of allowing the air cargo industry to be a complete test of deregulation of both entry and price, for both direct and indirect carriers, before the phased elimination of controls on the passenger side begins in 2 years. In passing separately the cargo deregulation amendments, in which entry and price are open to competition, Congress has enabled this smaller part of the transportation industry to be a testing ground for deregulation of the entire industry. The Board by these rules is proceeding down the track provided by Congress.

Several commenters opposed to the elimination of tariffs suggested various methods short of complete elimination to liberalize the filing of tariffs themselves. We find, however, that these suggestions would only delay the removal of this restraint on competition, while retaining the most objectionable feature, the posting of rates. It would, moreover, leave the indirect carriers at a severe disadvantage to domestic cargo carriers who do not have to file tariffs at all.

We are not, however, relieving indirect cargo carriers from the prohibition against receiving a rebate. There appears to be no reason to distinguish these indirect carriers from other cargo shippers who remain subject to enforcement action for receiving rebates from the direct carriers. This is particularly true in foreign air transportation where the tariff filing requirement for the direct carriers is still in effect.

As the Board stated in the rules for domestic cargo transportation, the Interstate Commerce Commission uses the tariffs filed with the Board as a basis for exemption of carriers providing pickup and delivery services from its own licensing and tariff requirements. The Board intends to use the same method as for direct carriers (with the knowledge of the Commission staff) to enable the exemption mechanism to continue: the Board will maintain a master list of groundpoints where indirect air carrier delivery services can operate; new points can then be added to this list by the filing of self-canceling pickup and delivery tariffs under Part 222. Effective May 16, 1979, however, the Commission is amending its rules (49 CFR § 1047.40 and § 1082.1) to delete its reliance on tariffs filed with the Board for determination of its air terminal exempt zone (44 FR 3295, January 16, 1979; Motor Transportation of Property Incidental to Transportation by Aircraft, 131 M.C.C. (87 (1978)). At that time, the Board will review the need for this list.

The Board is also amending its delegation of authority to the Director, Bureau of Pricing and Domestic Aviation, to require the filing of pickup and delivery tariffs under Part 221 by indirect air carriers, if needed in the public interest.

This relief is being made effective immediately to end the present discrimination between forwarders and domestic direct cargo carriers that no longer are required to file tariffs. Forwarders having effective tariff rules and rates on file with the Board will be allowed to maintain them in force until March 14, so that there will be sufficient time to arrange for alternative methods and procedures, and because this termination date matches that for the domestic direct cargo carriers, the forwarders will not be placed at a disadvantage. After that date, those rates and rules on file with the Board will not be legally effective as tariffs. During this transition period, forwarders may phase out their tariffs gradually. Tariffs on file, however, must not mislead the public about either their applicability or validity. Any forwarder, therefore, intending to provide air transportation not in accordance with filed tariffs, shall amend its tariff on file with the Board to indicate the extent to which such tariff is no longer in force, or to describe the exception it wishes to make to the tariffs on file.

Although the Board is relieving freight forwarders from the requirement to file tariffs, this does not mean that the Board is abandoning all oversight and review of the indirect cargo industry. The Board intends to monitor operation of the cargo market under these conditions for any possible adverse effects, and will take whatever action may be necessary to ensure fair, yet economically efficient operation of indirect air cargo services.

CARRIER'S DUTY

There is only a slight change from the relief granted to fowarders under the present rules from section 404(a) of the Act. We are now expanding the relief from this section of the Act to include the duty to establish, observe, and enforce just and reasonable rates and practices. Since Congress has abolished the Board's power to set reasonable rates, it is clearly their intent that these rates be set by market forces. Absent positive relief by the Board, these carriers could be faced with suits seeking to enforce this duty in the courts, with the rates then being determined by judicial decisions. We are continuing, however, to require these indirect cargo carriers to provide safe service and equipment as at present. Fowarders will continue to be subject to section 404(b), prohibiting discrimination in their services.

POSTAL RULES AND RATES

Indirect cargo carriers are now relieved from those provisions of the Act establishing rules and rates for the carriage of mail, and the Board is continuing the relief from sections 405 and 406 of the Act.

ANTITRUST

Sections 407(b) and 407(c) of the Act require the reporting of stockholdings in air carriers, and of aviation or surface carrier holdings by their officers and directors. Several commenters asked that these requirements be kept so the Board can monitor citizenship requirements and acquisitions of control. The need for such a detailed reporting of ownership is predicated on approval of acquisitions on a routine basis. Since we are not requiring prior Board approval of every acquisition or other transaction, there is no longer a regulatory purpose served by compliance with these two sections of the Act. We are therefore exempting those persons from sections 407(b) and 407(c) of the Act.

We are also relieving indirect cargo carriers from section 407(d) of the Act, which prescribes detailed forms of accounts. The cargo deregulation amendments eliminated the Board's need to monitor the detailed activity of the industry, despite arguments of some commenters to the contrary. We now need only collect gross data to monitor the activity and growth of the industry, thus eliminating the need for a uniform system.

The Board is also relieving indirect cargo carriers from section 408 of the Act dealing with mergers and acquisitions of control, from section 409 of the Act dealing with interlocking relationships between air carrier managements, and from section 412 dealing with filing and approval of agreements affecting air transportation. The primary objection to these exemptions was that by allowing vertical integration between direct carriers and indirect carriers, direct carriers would be able to give preferential treatment to their own affiliated forwarders, encouraging monopolies and decreasing competition. Other arguments against relief from these provisions of the Act were: anticompetitive practices in the industry have not materialized because the Board's control over mergers, acquisitions, and agreements; the Board has an obligation beyond the strict antitrust implications of these activities to review them as to whether they are in the public interest; and by relieving indirect carriers from these controls, the monitoring responsibilities are only being transferred to other agencies that enforce the gener-

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al antitrust laws, but which do not have the Board's expertise, and are already overburdened.

By its rules for domestic cargo transportation the Board has already enabled indirect carriers operating domestically to acquire and be acquired by direct carriers in domestic cargo transportation. We find that those opposing this relief have not presented any persuasive evidence that they should not be subject to the operation of the antitrust laws in the same fashion as any other business in the United States. (c.f., Orders 76-12-101, dated December 16, 1976, and 77-3-140, dated March 24, 1977) Congress has mandated a flexible, freely competitive environment for air service, and especially for air cargo service. To subject these indirect carriers to approval of all matters within the scope of these sections of the Act would be inconsistent with the statutory scheme. The Department of Justice and the Department of Transportation agree with this interpretation, arguing that the antitrust laws and section 411 of the Act provide sufficient protection to prevent anticompetitive practices within the industry.

Although we have established a 45-day pre-notification requirement for acquisitions of, or by, section 418 all-cargo carriers in relation to section 401 carriers with international operations, there is no need for such a requirement for similar relationships with indirect cargo carriers. Since these indirect carriers have no route structure, and there is no barrier to entry, the anticompetitive threat of such relationships is considerably smaller. For these reasons, we are not requiring any scrutiny of these relationships other than that contained in the antitrust laws applicable in other businesses in general.

As proposed, § 296.12 exempted persons from section 408(a)(5) of the Act, thus allowing acquisitions of indirect air carriers by any person. Since the provision in section 408(a)(5) that necessitated a specific rule has been eliminated by the Airline Deregulation Act, such an exemption is no longer needed. Also, proposed § 296.16 approved certain section 409(a) relationships that were then beyond the scope of the Board's exemption powers. The Airline Deregulation Act has expanded the Board's exemption authority to extend to any "person," instead of to any "air carrier," and therefore obviates the need for this section in our rules.

For these reasons, the Board is relieving indirect cargo carriers from sections 407(b), 407(c), 407(d), 408, 409, and 412 of the Act. Although section 412 has been amended by the Airline Deregulation Act to make the filing of agreements mandatory only when involving foreign air transportation, agreements involving interstate and overseas transportation may be filed, and antitrust immunity thereby remains a possibility. We are precluding the filing and approval of these agreements, by relieving indirect carriers from section 412 in its entirety. The Board does not consider that such powers over this portion of the industry are needed or desirable.

Proposed § 296.13 has been deleted as merely restating the general effect of our exemption.

Subpart C—Registration for Air Freight Forwarders and Cooperative Shipper Associations

Subpart C proposed a simplified registration procedure for indirect cargo carriers, replacing the detailed and burdensome operating authorization application in the present rules. As explained under Subpart A, while the quasi-fitness standards used in the present procedures were needed in establishing this classification of air carrier, their burden now outweighs any benefit to the Board or to the shipping public as a whole. The registration system in this rule thus confers no opinion by the Board on the fitness of the forwarder.

Some commenters argued that consumer protection may suffer without more in-depth information on those registering as forwarders, and that the fitness standards are necessary to ensure that the public receives reliable service. We disagree. There has been no evidence of widespread problems with air taxis, which are not subject to a fitness test by the Board, that cannot be handled through consumer complaints and enforcement actions. If there is a chronic problem with a particular indirect cargo carrier, its registration may be cancelled by the Board.

A new § 296.24 is being added stating that the operating authority currently held by fowarders and cooperative shippers associations shall terminate 75 days after the effective date of this rule. These carriers may re-register within this 75-day period without paying the $15 filing fee.

Subpart D—General Rules

This subpart sets forth the general rules for operations of indirect cargo carriers.

The Board proposed to change the structure of required minimum cargo liability insurance for forwarders from a specified total amount to a system based on the weight of the shipment tendered. It also proposed to delete the present public liability insurance requirement for forwarders, since in most cases it is duplicative of insurance required by the States and other Federal agencies. Several forwarders and shippers and two insurance companies commented on the cargo liability proposal, generally asking for clarification of certain parts of the proposal, arguing that premiums for that type of insurance policy would be prohibitive, suggesting various changes in the proposed endorsement, and claiming that the coverage would be either too low or too high. In view of the change in the market structure relying on competition, the consequent change in the makeup of the cargo industry, and our action in deleting this requirement for direct carriers in domestic cargo transportation, the Board has decided that cargo liability insurance should not be required for air freight forwarders. Instead, as with the direct carriers, we are requiring a notice to be placed on the airwaybill and rate sheet of the forwarder, stating the amount of its insurance coverage, if any. We are also requiring that the notice include the limits of liability established by the forwarder; so that the shipper has the full amount of information needed to understand the amount that may be paid on the shipment.

We find that it is most efficient for each forwarder to determine, based on its own history of claims and operations, the needed amount of insurance, if any. The shipper is in the best position to obtain appropriate insurance for its shipment, once notice of the forwarder's coverage is given.

Only one commenter, the Shippers National Freight Claims Council, argued that the Board's public liability insurance requirement should be retained, because not all States required such insurance, and that forwarders would be exempt from Interstate Commerce Commission insurance requirements within its 25-mile exempt zone. The Board's basic reason, however, for removing this requirement is that a Federal presence is not needed. The States have comprehensive authority to require liability insurance with respect to all forms of ground transportation within their borders, as long as the regulation does not frustrate the free entry and free pricing aspects of the provision of indirect air transportation. Although the Board could have preempted this area, we see no reason why the decision-making function in this area should not remain at the State level. The Board's requirement for public liability insurance for air freight forwarders is, therefore, revoked. This decision to eliminate the insurance requirement for forwarders, of course, has no bearing on any action the Board may take for other air carriers under section 401(q) of the Act.

This subpart also includes requirements for preparation of airwaybills and manifests. DHL Corporation (a courier service), Emery Air Freight (an air freight forwarder), and United Parcel Service requested some changes in the airwaybill requirements as proposed. They sought a lessening of the requirements for couriers, and a provision allowing deviations from the required format with the approval of the Board. We are, in response to these comments, changing the rule to require an airwaybill for each shipper, rather than for each shipment. This provides notice to the shipper without the need for an airwaybill to be prepared for each particular shipment. We are also including a provision for waiver of these requirements if special circumstances exist. Those carriers now using a special format granted by waiver may continue to do so.

Subpart E—Reporting Requirements

Subpart E contains simplified reporting requirements for indirect cargo carriers, substantially as proposed in EDR-350. Several forwarders and shippers recommended that the Board collect more detailed data than proposed, for use by the Board and the industry itself. There is, however, no regulatory need for these data, and the Board has been attempting over the years to eliminate reports collected solely for the benefit of others. As we stated in explaining our elimination of a uniform system of accounts for forwarders in Part 244, the cargo deregulation amendments removed the need for detailed Board supervision of the industry.

In response to the comments, however, the Board is making a minor change to § 296.41(c) and to Form 296R. The category of "numbers of shipments tendered to direct air carriers" is changed to "numbers of shipments received from customers as an indirect air carrier;" and the "number of tons of freight tendered to the direct air carrier" is changed to "number of tons of freight received from customers as an indirect air carrier." This information will more accurately reflect the growth and change in the industry itself, and will not be as burdensome, since this information is routinely maintained by the forwarders themselves. Also, certain technical instructions on filling out the form have been removed from the regulation and placed on the back of the form itself.

In view of the Airline Deregulation Act, the Board now believes that these reports are necessary only to monitor the industry during the initial stages of deregulation. It is the Board's intent eventually to phase them out completely.

Subpart F—Enforcement

Subpart F contains the basic enforcement powers of the Board for violations of the Act and Board regulations. It has been changed from the proposal to conform with a similar provision in the rules for direct cargo carriers.

Miscellaneous

Parts 207, 208, and 212 of the Board's regulations have been amended to reflect the changes made in categories of indirect air carriers. The changes in these parts also reflect the fact that transporters of used household goods for the Department of Defense no longer have separate authorizations, but are considered to be air freight forwarders.

The Board had also proposed to delete air freight forwarders from the applicability of Part 215, by which the Board monitors the trade names of air carriers. They are now the only class of indirect air carrier subject to these requirements. Over 4,000 air taxi operators have been operating for years not subject to Part 215, and there has been no evidence of public confusion over the names they use. Since there are considerably fewer air freight forwarders, the Board has no reason to believe that the public will be affected adversely by this change.

Effectiveness

Currently authorized forwarders and pending applicants may register within 75 days of the effective date of this rule under § 296.20 without imposition of the filing fee. After 75 days the new filing fee must be paid. Also, from the date of adoption of the rule, the Board will no longer accept applications using the present Part 296 format; and all applications pending on this date are dismissed. These applicants may, of course, register within this 75-day transition period without payment of the filing fee.

These rules are being made effective immediately, except for § 296.20 (Filing for Registration) and § 296.40 (Financial and Operating Report), which will be submitted to the General Accounting Office (GAO) for review under the Federal Reports Act (44 U.S.C. 3512). GAO will conduct its clearance review to ensure that a minimum burden is imposed upon registrants, and that the information requested is otherwise consistent with the Federal Reports Act. However, new registrants and those persons who have had applications pending with the Board are not precluded from providing the information requested in § 296.20 beginning January 24, 1979. Those forwarders presently holding operating authorization from the Board shall not provide the information requested under § 296.20 until after 50 days from adoption, unless the Board indicates otherwise. The Board will publish a notice of GAO's decision as soon as it is received.

In general the new regulations for indirect cargo carriers are relieving a multitude of restrictions from their operations. For example, a simplified registration is replacing the present complicated and burdensome operating authorization application; relief from merger and acquisition review provisions of the Act is being granted for the first time; insurance requirements have been eliminated; and reporting has been simplified. It would not be fair to require those wishing to start operations as a freight forwarder, or those whose applications are now pending, to bear the cost or burden of the old procedures.

Additionally, present operating restrictions have placed the freight forwarder at a competitive disadvantage (particularly their requirement to file tariffs) to the direct cargo carriers operating domestically, which often provide services directly competitive to the forwarders, and which have been exempt from the filing of tariffs effective December 14, 1978.

For these reasons, good cause is shown to make this reissuance of Part 296 effective immediately.

Accordingly, Part 296 of the Board's Economic Regulations (14 CFR Part 296) is revised to read as follows:

PART 296—AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Subpart A—General

Sec.
296.1 Purpose.
296.2 Applicability.
296.3 Definitions.
296.4 Joint loading.
296.5 Air freight forwarder as agent.
296.6 Cooperative shippers association as agent of shipper.

Subpart B—Relief and Exemption for Indirect Air Transportation of Property

296.10 Relief and exemption from the Act.
296.11 No relief from antitrust laws.

Subpart C—Registration for Air Freight Forwarders and Cooperative Shippers Associations

296.20 Filing for registration.
296.21 Procedure on receipt of registration form.
296.22 Notification to the Board of change in operations.
296.23 Cancellation of registration.
296.24 Termination of operating authority.

Subpart D—General Rules for Air Freight Forwarders and Cooperative Shippers Associations

296.30 Public Disclosure of cargo liability insurance.
296.31 Preparation of airwaybills and manifests.
296.32 Prohibition against receipt of commissions.

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Subpart E—Reporting Requirements

296.40 Financial and operating report.

Subpart F—Violations

296.50 Enforcement.

AUTHORITY: Sec. 101(3), 102, 204, 407, 408 & 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 743, 766; 92 Stat. 1726 & 1731; 49 U.S.C. 1301, 1302, 1324, 1377, 1378, 1386.

Subpart A—General

§ 296.1 Purpose.

This part establishes registration procedures and operating rules for air carriers that engage indirectly in interstate, overseas, and foreign air transportation of property. It also relieves these carriers from certain provisions of the Act, and establishes simplified reports for them.

§ 296.2 Applicability.

This part applies to air transportation of property by indirect air carriers under section 101 of the Act. It also applies to applications for registration as an indirect air carrier of property, and to persons entering into control relationships with indirect air carriers of property.

§ 296.3 Definitions.

For purposes of this part:

(a) "Air freight forwarder" means an indirect air carrier that is responsible for the transportation of property from the point of receipt to point of destination, and utilizes for the whole or any part of such transportation the services of a direct air carrier or its agent, or of another air freight forwarder.

(b) "Cooperative shippers association" means a bona fide association of shippers operating as an indirect air carrier on a nonprofit basis that undertakes to ship property by air for the account of such association or its members, and utilizes for the whole or any part of such transportation the services of a direct air carrier or its agent, or of an air freight forwarder.

(c) "Direct air carrier" means an air carrier or foreign air carrier directly engaged in the operation of aircraft under a certificate, regulation, order, or permit issued by the Board.

(d) "Indirect air carrier" means any citizen of the United States who undertakes indirectly to engage in air transportation of property.

§ 296.4 Joint loading.

Nothing in this part shall preclude joint loading, meaning the pooling of shipments and their delivery to a direct air carrier for transportation as one shipment, under an agreement between two or more indirect air carriers or foreign indirect air carriers.

§ 296.5 Air freight forwarder as agent.

An air freight forwarder may act as agent of a shipper, or of a direct air carrier that has authorized such agency, if it expressly reserves the option to do so when the shipment is accepted. An air freight forwarder shall not act as the agent of any direct air carrier with respect to shipments accepted for forwarding.

§ 296.6 Cooperative shippers association as agent of shipper.

A cooperative shippers association may act as agent of a shipper, if it expressly reserves the option to do so when the shipment is accepted.

Subpart B—Relief and Exemption for Indirect Air Transportation of Property

§ 296.10 Relief and exemption from the Act.

Indirect air carriers are hereby relieved from the following sections or subsections of the Act:

(a) Section 401 (Certification);

(b) Section 403 (Tariffs), except section 403(b)(2);

NOTE.—Tariffs already on file with the Board may be amended as provided in Part 221, and may remain in effect as evidence of the rates and rules of that carrier until March 14, 1979. Notice of any changes in, or exceptions to, tariffs on file shall be filed with the Board, and placed with that tariff.

(c) Section 404(a) (Carrier's duty to provide service, etc.), except the requirement to provide safe service, equipment, and facilities in connection with such transportation;

(d) Section 405 (Postal Rules & Regulations);

(e) Section 406 (Mail Rates);

(f) Subsection 407(b) (Disclosure of Stock Ownership);

(g) Subsection 407(c) (Disclosure of Stock Ownership by Officer or Director);

(h) Subsection 407(d) (Form of Accounts);

(i) Section 408 (Consolidation, Merger & Acquisition of Control);

(j) Section 409 (Interlocking Relationships); and

(k) Section 412 (Pooling and other Agreements).

§ 296.11 No relief from antitrust laws.

The relief and exemptions granted in § 296.10 do not constitute orders, within the meaning of section 414 of the Act, and do not confer any immunity or relief from the "antitrust" laws or any other statute except the Act. The relief and exemptions do not relieve any person from the preacquisition notification requirements of the Clayton Act, 15 U.S.C. 18a, which apply to certain transactions involving firms with annual rates or assets of $10 million or more.

Subpart C—Registration for Air Freight Forwarders and Cooperative Shippers Associations

§ 296.20 Filing for registration.

(a) Not later than 30 days before the start of operations as an indirect air carrier, every air freight forwarder and cooperative shippers association shall register with the Board, unless upon a showing of good cause, the Director, Bureau of Pricing and Domestic Aviation, allows registration at a later time.

(b) Registration shall consist of filing with the Board's Bureau of Pricing and Domestic Aviation, Special Authorities Division, two copies of completed CAB Form 296B (obtainable from the Board's Publications Service Division, Washington, D.C. 20428) and a $15 registration fee. Payment of the fee shall be in the form of check, draft, or postal money order, payable to the Civil Aeronautics Board.

§ 296.21 Procedure on receipt of registration form.

After review of a registration form filed under § 296.20, the Board will indicate by stamp on CAB Form 296B the effective date of the registration. The Board will then return to the carrier the duplicate copy of Form 296B as evidence of registration with the Board under this part.

§ 296.22 Notification to the Board of change in operations.

Not later than 30 days before any change in its name or address, or any temporary or permanent cessation of operations, each air freight forwarder or cooperative shippers association shall notify the Board's Bureau of Pricing and Domestic Aviation, Special Authorities Division, of the change by re-submitting CAB Form 296B.

§ 296.23 Cancellation of registration.

The registration of an air freight forwarder or cooperative shippers association may be canceled if it:

(a) Files with the Board a written notice that it is discontinuing indirect air carrier activities;

(b) Fails to perform air transportation services as authorized for a period of 2 years; or

(c) Fails to file for two successive periods the reports required by this part.

§ 296.24 Termination of operating authority.

The operating authorization held under this part by any indirect air carrier of property on January 24, 1979, shall terminate as of April 9, 1979.

Subpart D—General Rules for Air Freight Forwarders and Cooperative Shippers Associations

§ 296.30 Public disclosure of cargo liability insurance.

Every air freight forwarder shall give notice in writing to the shipper, when any shipment is accepted, of the limits of its cargo liability insurance, or of the absence of such insurance; and the limits of its liability, if any. The notice shall be included clearly and conspicuously on all of its rate sheets and airwaybills, and on any other documentation that is given to a shipper at the time of acceptance of the shipment.

§ 296.31 Preparation of airwaybills and manifests.

(a) Each registered indirect air carrier shall prepare an accurate airwaybill describing completely all services rendered to or on behalf of the shipper, including the conditions under which the contract will be completed, in its capacity of an indirect air carrier. A copy of the airwaybill shall be given to the consignor and to the consignee.

(b) Each registered indirect air carrier shall prepare an accurate manifest showing every individual shipment included in each shipment consigned for transportation to a direct air carrier.

(c) A waiver of paragraph (a) of this section may be granted by the Board upon a written application by the indirect air carrier not less than 30 days before the shipment to which it relates is transported, if the waiver is in the public interest, and is warranted by special or unusual circumstances.

§ 296.32 Prohibition against receipt of commissions.

No air freight forwarder, acting in that capacity, shall accept directly or indirectly any payment of a commission on traffic tendered to a direct carrier or its agent.

Subpart E—Reporting Requirements

§ 296.40 Financial and operating report.

(a) Each air freight forwarder, cooperative shippers association, and foreign air freight forwarder shall file with the Board a Financial and Operating Report (CAB Form 296R) (obtainable from Publications Services Section, CAB, Washington, D.C. 20428) on the first business day occuring on or before February 15 of each year.

(b) Blank copies of CAB Form 296R will be supplied annually by the Civil Aeronautics Board.

(c) In the spaces provided, each indirect air carrier shall report the gross air freight forwarding revenues, gross air freight forwarding expenses, net income (loss) from forwarding operations and the number of shipments and number of tons of air freight received from customers as an indirect carrier. Cooperative shippers associations need not report revenue or expense data.

Subpart F—Violations

§ 296.50 Enforcement.

In case of any violation of any of the provisions of the Act, or this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding under section 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance; or to civil penalties under the provisions of section 901(a) of the Act; or in the case of a willful violation, to criminal penalties under the provisions of section 902(a) of the Act; or other lawful sanctions including cancellation of registration.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A.—LIST OF COMMENTS ON EDR-50/ODR-15 IN DOCKET 32318

AIR FREIGHT FORWARDERS

Aero Mayflower Transit Company d/b/a/ Air Mayflower
Air Freight Forwarders Association of America (AFFA)
Airborne Freight Corporation
Astro Air Express
Burlington Northern Air Freight
CF Air Freight, Inc.
Century Air Freight, Inc.
Defron Freight, Inc.
DHL Corporation
Emery Air Freight Corp.
Galaxy Airfreight International, Inc.
International Air Forwarder and Agents Association
KRK Expediting, Inc.
Northern Air Freight
Pilot Air Freight Corp.
Senderex Cargo, Inc.
Tricor International, Inc., a division of MDS Courier, Inc.
United Parcel Service

TRANSPORTATION CONSULTANTS AND ASSOCIATIONS

Continental Freight Data Systems
Freight Traffic Services
Industrial Traffic Consultants, Inc.
International Support Systems
National Traffic Consultants
Northwest Traffic Associations
Philadelphia Management, Inc.
Puget Sound Traffic Association

TARIFF PUBLISHERS

Air Tariffs Corporation
Cargo Economics Tariff Publishing Corporation
Miller Traffic Service

DIRECT AIR CARRIERS

American Airlines
Federal Express Corporation
Flying Tiger Line
National Air Carrier Association, jointly for Evergreen International Airlines, Trans International Airlines, World Airways
Pan American World Airlines, Inc.
Seaboard World Airlines, Inc.
Trans World Airlines
United Airlines, Inc.

INSURANCE COMPANIES

American Institute of Marine Underwriters
Inland Marine Underwriters Association

SHIPPERS, SHIPPER ASSOCIATIONS, PRIVATE INDIVIDUALS

Abraham & Straus
Allis-Chalmers
American Institute for Shippers' Associations, Inc.
American Watch Association
Animal Shipper Parties
Aplysia Aquarium
Avon
Brown & Bigelow
Capitol Records
Deere & Company
Eastman Kodak
Exquisite Form Industries, Inc.
Fairchild Industries, Inc.
Foto-Publishers
Gators of Miami
Graham Associates, Inc.
Honeywell
International Harvester
Liberty Shamrock
Millbrook Farm
National Industrial Traffic League
Neiman-Marcus
Carl Parish (individual)
Pet Farm, Inc.
Phillips Petroleum Company
RHG Corp d/b/a/ MainLine Embossing Company
Searle
Shippers National Freight Claim Council, Inc.
Southland Corporation
Sperry Rand Corporation—Sperry Univac Division
Stearman Electronics, Inc.
Todd Allan Printing
Traffic Managers Conference of California
Travenol Laboratories, Inc.
Warren Uhlich (individual)
Westinghouse Electric Corporation
Wiedholdt Stores, Inc.

TOUR OPERATORS

Air Charter Tour Operators of America

GOVERNMENT AGENCIES

U.S. Department of Transportation
U.S. Department of Justice

[6320-01-C]

Appendix B
Page 1 of 2

CAB Form 296-B
(1-79)

FOR USE BY CAB ONLY

REGISTRATION AND AMENDMENTS UNDER PART 296 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD

INSTRUCTIONS: Submit this form in duplicate. If this is a registration, enclose a $15 fee (check, draft, or postal money order) payable to the Civil Aeronautics Board, Washington, D.C. 20428. Address Attention: Chief, Special Authorities Division.
NOTE: There is no filing fee for amendments to information previously filed.

1. Name and Mailing Address of Registrant:

Effective date of registration/amendments

2. Address of principal place of business (if different from above), and registrant's Area Code and Telephone Number:

3. Are you a U.S. citizen?
NOTE: Under the Federal Aviation Act a corporation is a U.S. citizen only if the president and two-thirds or more of the officers and directors are U.S. citizens and 75 percent of the voting interest is owned or controlled by U.S. citizens.

☐ YES ☐ NO

4. Is this filing registrant's ☐ Initial Registration ☐ Amendment to reflect changes since previous filing (please explain on reverse)

5. Check type or types of service registrant intends to perform upon commencement of operations:

☐ Air Freight Forwarder

☐ Cooperative Shippers Association

6. If this is a registration, give proposed date of commencement of operations:

7. Certification

I certify that the information contained in this application, and in the attachments hereto, is complete accurate to the best of my knowledge.

Signature: _____

Date: _____ Name (please type) _____

Place: _____ Title: _____
(City and State) (see note)

NOTE: Application must be signed by a responsible officer, such as the President, Vice President, Secretary or Treasurer of a corporation or association, or partner or owner of other applicants.

Page 2 of 2

8. (For use in reporting any changes or amendments to information previously filed).

a. Change in carrier's name and/or address:

b. Description of any other changes or amendments:

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Appendix C
Page 1 of 2

Financial and Operating Report for U.S. and Foreign Indirect Air Carriers of Property

Carrier _____ Carrier Code [ ][ ][ ][ ][ ]
Year Ended _____ Date [ ][ ][ ][ ]

* GROSS AIR FREIGHT FORWARDING REVENUES _____

* GROSS AIR FREIGHT FORWARDING EXPENSES _____

* NET INCOME (LOSS) FROM FORWARDING _____

NUMBER OF SHIPMENTS RECEIVED FROM CUSTOMERS AS AN INDIRECT CARRIER _____

NUMBER OF TONS OF FREIGHT RECEIVED FROM CUSTOMERS AS AN INDIRECT CARRIER _____

CERTIFICATION **

I, the undersigned _____

of the above-named carrier do certify that this report filed for the above-indicated period has been prepared by me or under my direction; that I have carefully examined the reported data and that it correctly reflects the accounts and records of the carrier; and to the best of my knowledge and belief constitutes a complete and accurate statement.

Date	Signature
Address of Principal Office	Mailing Address (If Different)

**Whoever, in any matter within the jurisdiction of any agency of the United States knowingly and wilfully falsifies or conceals a material fact or makes or uses any false writing knowing the same to contain any false, fictitious or fraudulent statement or entry is subject to a fine of not more than $10,000 or imprisonment for not more than 5 years or both. Title 18, U.S.C. §1001.

* Not applicable to cooperative shippers association.

CAB Form 296-R (1–79)

☐ Original ☐ Revision

(FOR INSTRUCTIONS SEE REVERSE)

[6320-01-M]

INSTRUCTIONS

Each form contains a five-block carrier code and a four-block date code. The five-block carrier code is assigned only for accounting/reporting purposes by the Office of Comptroller. The four-block date code will be used to record the year and the month, the first two blocks representing the year, and the second two blocks representing the month of the calendar year. For example, reports filed for the year ending December 31, 1978, will be entered as 7812. Both the carrier code and the date code shall be completed in the spaces provided on each form.

Each form, in the lower left hand corner, contains a block for an original filing and a block for a revised filing. Indicate the nature of the filing by placing an "x" in the box next to the work "Original" or an "x" in the box next to the word "Revision."

The certification shall be signed on the original copy by the chief accounting officer of the reporting carrier and shall apply to all data reported on the form.

[FR Doc. 79-3317 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Reg. ER-1095; Amdt. No. 17; Docket 32318]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Liberalized Regulations for Indirect Cargo Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons stated in ER-1094, issued simultaneously, this rule reflects the change in categories of indirect cargo carriers for the purpose of engaging aircraft for charter trips.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428, 202-673-5442.

The Board amends Part 207 of its Economic Regulations (14 CFR Part 207) by revising paragraph (b)(3) of § 207.11 to read:

§ 207.11 Charter flight limitations.

• • • • • •

(b) • • •

(3) By an air freight forwarder, or cooperative shippers association registered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective permit issued by the Board under section 402 of the Act; or, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

• • • • • •

(Secs. 101(3), 204, 416, of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 771; 92 Stat. 1726; 49 U.S.C. 1301, 1324, 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3318 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulations ER-1096; Amendment No. 15; Docket 32318]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Liberalized Regulations For Indirect Cargo Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons stated in ER-1094, issued simultaneously, this rule reflects the change in categories of indirect cargo carriers for the purpose of engaging aircraft for charter trips.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

The Board amends Part 208 of its Economic Regulations (14 CFR Part 208) as follows:

1. Paragraph (u) of § 208.3 is amended to read:

§ 208.3 Definitions.

• • • • • •

(u) "Indirect air carrier" means any citizen of the United States authorized to engage indirectly in air transportation.

2. Paragraph (b)(3) of § 208.6 is amended to read:

§ 208.6 Charter flight limitations

• • • • • •

(b) • • •

(3) By an air freight forwarder, or cooperative shippers association registered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective permit issued by the Board under section 402 of the Act; or, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

• • • • • •

(Secs. 101(3), 204, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743; 92 Stat. 1726; 49 U.S.C. 1301, 1324, 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3319 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulation ER-1097; Amendment No. 26; Docket 32318]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Liberalized Regulations for Indirect Cargo Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons stated in ER-1094, issued simultaneously, this rule reflects the change in categories of indirect cargo carriers for the purpose of engaging aircraft for charter trips.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; (202) 673-5442.

The Board amends Part 212 of its Economic Regulations (14 CFR Part 212) by revising paragraph (a)(3) of § 212.8 to read as follows:

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§ 212.8 Charter flight limitations.

. . . . . .

(a) . . .

(3) By an air freight forwarder or cooperative shippers association registered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act; or, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

. . . . . .

(Secs. 101(3), 204, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743; 92 Stat. 1726; 49 U.S.C. 1301, 1324, 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3320 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulation ER-1098, Amendment No. 1, Docket 32318]

PART 215—NAMES OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Liberalized Regulations for Indirect Cargo Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons stated in ER-1094, issued simultaneously, this rule reflects the liberalization of Board rules for indirect cargo carriers by making the regulations for use of trade names inapplicable to these carriers.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington D.C. 20428; (202) 673-5442.

The Board amends Part 215 of its Economic Regulations (14 CFR Part 215) by revising § 215.1 to read as follows:

§ 215.1 Applicability.

This part applies to all direct air carriers and foreign air carriers, except air taxi operators.

(Secs. 101(3), 204, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 771; 49 U.S.C. 1301, 1324, 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3321 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulation ER-1099; Amendment No. 3, Docket 32318]

PART 244—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR AIR FREIGHT FORWARDERS AND INTERNATIONAL AIR FREIGHT FORWARDERS: FILING OF REPORTS BY FOREIGN AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Revocation of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Revocation of Part.

SUMMARY: The Board is revoking this part of its Economic Regulations as no longer needed, for the reasons explained in ER-1094, issued simultaneously.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Carrier Accounts and Audits, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5270.

PART 244—[REVOKED]

The Board revokes Part 244 of its Economic Regulations (14 CFR Part 244).

(Secs. 204 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324 and 1377.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3366 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulation ER-1100; Amendment No. 29; Docket 32318]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Revocation of Subpart

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Revocation of subpart.

SUMMARY: For the reasons stated in ER-1094, issued simultaneously, the Board is deleting the applicability of its regulations for record retention requirements to air freight forwarders.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Carrier Accounts and Audits, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5270.

The Board amends Part 249 of its Economic Regulations (14 CFR Part 249) as follows:

1. The Table of Contents is amended by revoking and reserving Subpart B (§§ 249.20-249.29 inclusive) to read:

TABLE OF CONTENTS

. . . . . .

Subpart B—[Reserved]

. . . . . .

§§ 249.20-249.29 [Reserved]

2. Subpart B (§§ 249.20-249.29) is revoked and reserved.

(Secs. 204 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324 and 1377.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3365 Filed 1-31-79; 8:45 am]

[6320-01-M]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Regulation OR-144; Amendment No. 79; Docket 32318]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATIONS; NONHEARING MATTERS

Liberalized Regulations for Indirect Cargo Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule makes conforming changes in the Board's delegated authority to the Director, Bureau of Pricing and Domestic Aviation, for indirect cargo carriers, as explained in ER-1094, issued simultaneously.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442.

The Board amends Part 385 of its Organizational Regulations (14 CFR Part 385) by revising paragraph (d), by revoking and reserving paragraph (e), and by revising paragraphs (g) and (oo) of § 385.13 to read as follows:

§ 385.13 Delegation to the Director, Bureau of Pricing and Domestic Aviation.

. . . . . .

(d) Approve or disapprove applications for registration filed under Part 296 of this chapter (Economic Regulations).

(e) [Reserved]

. . . . . .

(g) Cancel any registration upon the filing by an air freight forwarder or cooperative shippers association of a written notice with the Board indicating the discontinuance of common carrier activities.

. . . . . .

(oo) Require pickup and delivery tariffs to be filed with the Board under Part 221 of this chapter by direct carriers operating in domestic cargo transportation under Part 291 of this chapter, and by air freight forwarders registered under Part 296 of this chapter, if in the public interest.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

PHILLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3364 Filed 1-31-79; 8:45 am]

[6320-01-M]

[Regulation OR-145; Amendment No. 27; Docket 32318]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Liberalized Regulations for Indirect Cargo Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons stated in ER-1094, issued simultaneously, the operating authorizations for air freight forwarders have been eliminated. This rule conforms the filing fee schedule to that change.

DATES: Effective: January 24, 1979. Adopted: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5442.

§ 389.25 [Amended]

The Board amends Part 389 of its Organization Regulations (14 CFR Part 389) by revoking and reserving paragraph (s) of § 389.25.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-3367 Filed 1-31-79; 8:45 am]

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federal register

THURSDAY, FEBRUARY 1, 1979
PART IV

ENVIRONMENTAL PROTECTION AGENCY

federal

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES; CERTIFICATION AND TEST PROCEDURES

Particulate Regulation for Light-Duty Diesel Vehicles

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[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 86]

[FRL 1011-7]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES CERTIFICATION AND TEST PROCEDURES

Particulate Regulation for Light-Duty Diesel Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation establishes a standard for the emission of particulates from diesel-fueled light-duty vehicles and light-duty trucks.[1] Beginning with the 1981 model year, this standard would be 0.60 gram per mile (0.373 gram per kilometer). Beginning with the 1983 model year the standard would be 0.20 gram per mile (0.124 gram per kilometer). This proposal will also amend the emission testing regulations at 40 CFR Part 86 to establish procedures for the testing of new diesel-fueled light-duty vehicles and light-duty trucks to determine compliance with the applicable particulate emission standard. In addition, this proposal will delete separate test procedures for Selective Enforcement Audits (SEA) beginning with the 1980 model year and will require that the test procedures used for certification be used for SEA.

Statutory authority and mandate for this action is provided under Section 202 of the Clean Air Act. Section 202(a)(3)(A)(iii) of the Act provides that, "The Administrator shall prescribe regulations under paragraph (1) of this subsection applicable to emissions of particulate matter from classes or categories of vehicles manufactured during and after model year 1981 (or during any earlier model year, if practicable.)"

[1] According to the interpretations of vehicle classes published in Conference Report, U.S. House of Representative Report No. 95-564, p. 164 "the recent classification of vehicles between 6,000 and 8,500 pounds as light-duty trucks would continue to be appropriate provided regulations developed for such vehicles conform to this section." The designation "light-duty truck" used in this regulation is based upon the definition of this class of vehicles which appears in Section 86.079-2 of the Code of Federal Regulations. Light-duty vehicles and light-duty trucks are distinct classes of motor vehicles but have similar operating characteristics, share similar engine types, and are tested using similar test procedures. EPA will use the designation "light-duty vehicles" to mean both classes of vehicles. "Light-duty diesels" will mean both classes of vehicles which have diesel engines.

DATES: *Public Hearing:* There will be a public hearing on the provisions of the proposed regulation on March 5, 1979. EPA will announce the time and place of the public hearing later in the FEDERAL REGISTER.

Public Comment: During final rulemaking EPA will consider comments received on or before April 9, 1979. We request that, to the extent possible, comments be submitted prior to the hearing. EPA will keep the record of the public hearing open for submission of rebuttal and other information following the close of the hearing. See "Supplementary Information" for additional details.

ADDRESSES: Interested persons may submit written comments to the: Administrator, U.S. Environmental Protection Agency, Attn: Office of Mobile Source Air Pollution Control (ANR-455), 401 M Street, S.W., Washington, D.C. 20460.

Ten copies of the comments are requested but not required.

FOR FURTHER INFORMATION CONTACT:

Merrill W. Korth or Richard A. Tykoski, Standards Development and Support branch, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668-4200.

SUPPLEMENTARY INFORMATION:

Public Comment. It is EPA's intention to assure all interested parties an opportunity to study all information which may become the basis for EPA's final action in this proceeding. Accordingly, the Agency will not consider in this rulemaking any material which cannot be made publicly available. Parties who wish to submit information in response to this Notice of Proposed Rulemaking are cautioned that EPA will not consider, but will return to the commenter, any comments which are claimed, in whole or in part, to be confidential.

Despite significant gains made in the control of total suspended particulate (TSP) emissions from stationary sources, there are many air quality regions which are not able to meet the primary National Ambient Air Quality Standard (NAAQS) for TSP of 75 micrograms per cubic meter. As diesel-fueled vehicles assume an increasing portion of the light-duty vehicle market, their contribution to the ambient TSP levels will increase, because diesel-fueled engines emit approximately 40 times the amount of particulate that is emitted by gasoline-fueled engines equipped with catalytic converters.

EPA expects that as many as 25 percent of all new light-duty vehicles sold by the late 1980s will be powered by diesel engines. This proposed regulation should reduce nationwide particulate emissions from light-duty diesels in 1990 by 197,000 metric tons (217,000 tons) of particulate per year. EPA arrived at this figure assuming that new diesels will appear at a maximum introduction rate of 17.5 percent. This represents a 77 percent reduction in light-duty diesel particulate emissions over the uncontrolled situation.

Heavily travelled urban road areas are the primary areas polluted by light-duty diesel particulate, and it is in these areas that this regulation will have its major effect. This regulation would reduce roadside TSP levels (measured at a distance 4 meters from the road and 3 meters above the ground with an average daily traffic of 17,000 vehicles) from light-duty diesels by over 11 micrograms per cubic meter in 1990.

Because the new light-duty diesel test procedure overlaps with the previous Federal Test Procedure (FTP), EPA has revised the FTP for all light-duty vehicles to incorporate the new procedures. This makes the revised procedure generally applicable to both gasoline-fueled and diesel-fueled vehicles and allows for the unique gasoline-fueled or diesel-fueled tests which the particulate standard necessitates. Specific changes in the FTP are outlined later in the preamble.

Changes to the FTP will also supply to SEA. Currently the test procedures for SEA are incorporated in a separate appendix to 40 CFR Part 86. Separate test procedures were published for SEA based on a suggestion by several manufacturers that all of the details of the application of the FTP in certification may not be appropriate in the context of SEA. However, EPA's experience with testing under the SEA program since its implementation indicates that there is no compelling reason to continue to have separate test procedures for SEA. Therefore, this proposed regulation deletes separate SEA test procedures beginning with the 1980 model year and applies the certification test procedures to SEA.

The proposed regulation requires a particulate emission standard for all light-duty diesels beginning with the 1981 model year and makes this standard more stringent beginning with the 1983 model year. EPA believes that this standard is feasible based upon best available technology. This standard also assumes the 1981 oxides of nitrogen (NOx) standard of 1.0 gram per mile will still apply. Current technology for the control of NOx emissions relies upon techniques which have a tendency to increase particulate emissions. We have taken this effect into consideration in determining the proposed particulate emission standard. We expect manufacturers to add turbochargers to most engines and believe that the use of this technology should result in a net fuel savings. Turbochargers can increase performance, fuel economy, or both. For the purposes of this regulation and the calculations included in it, EPA has assumed that manufacturers will combine the maximum fuel economy with the minimum loss of performance compared to diesels without turbochargers.

PROPOSED STANDARD

The proposed particulate standard for light-duty diesel vehicles beginning with the 1981 model year is 0.60 gram per mile (0.373 gram per kilometer) as tested over the standard EPA Urban Dynamometer Driving Schedule (UDDS). Beginning with the 1983 model year, the standard will be 0.20 gram per mile (0.124 gram per kilometer). Diesel-fueled vehicles must also meet the appropriate gaseous emission standards for hydrocarbons (HC), carbon monoxide (CO), and NOx.

TECHNOLOGY

The Clean Air Act of 1977 mandates particulate emission control based upon best available technology. EPA believes that the proposed 1981 particulate emission standard, which is based on the assumption that EPA will not waive the 1.0 gram per mile NOx standard, is achievable by several forms of current technology. Potential control technologies include engine modification and redesign (adjustments to timing, redesign of combustion chambers, redesign of fuel injectors, insulation of the engine, derating of the engine, turbocharging, etc.) to reduce the amount of particulate formed, or methods to remove the particulate once it is formed (catalytic converters, traps, trap-oxidizers, etc.).

It is EPA's judgment that the lead-time allowed before implementation of this regulation is sufficient to permit manufacturers to incorporate one of the simpler forms of this technology such as turbochargers or minor combustion chamber redesign to present engines, if necessary. Present small displacement diesel engines (less than 2.0 liters) will be able to meet the proposed 1981 standards in their current form requiring no modifications.

Current particulate control technologies, such as those listed above, should be sufficient to bring small displacement diesel engines into compliance with the 1983 particulate standard. Larger diplacement diesel engine manufacturers will have to make improvements on control devices or redesign engines to meet the 1983 particulate standard, both of which EPA believes to be technologically feasible in the time frame. EPA does not believe that implementation of this standard will result in discontinued production of any current engine line. Thus, EPA believes that these regulations will not limit the range of strategies available to manufacturers to comply with the government's fuel efficiency standards. The Agency solicits specific comments on these judgments.

EPA does not expect engines meeting the proposed standard to suffer any loss in fuel economy if manufacturers use available fuel efficient technologies.

We selected this standard because it represents a significant and cost effective reduction in emission levels. EPA considered alternative actions and standards, but did not select them as a basis for this proposal for the reasons cited below. We considered not controlling particulate emissions from light-duty diesels at all. The Agency did not select this alternative for proposal because: (1) the Clean Air Act mandated a particulate standard; (2) the current levels of ambient TSP required control of particulate emissions; and (3) light-duty diesels represented a particulate source with a relatively large potential reduction in emissions, particularly in areas with heavy traffic. EPA also considered alternative levels of control for the 1981 standard but did not select these alternatives. We believe that those alternatives requiring more control would not be attainable by 1981. We also believe that those alternatives requiring less control would not protect the environment as well as the proposed standard. Comments are solicited on these judgments.

In considering how best to determine the appropriate standard, EPA looked at the emission levels of existing vehicles (see Table I) and assessed emission levels judged to be technologically feasible considering cost, leadtime, noise, energy and safety for all models and types of light-duty diesel vehicles.

This was only one of a number of approaches EPA considered in setting the level of the final 1983 standard. The approaches considered included setting a standard requiring the best available technology, and:

(1) Based on the lowest particulate level achievable by the best light-duty diesel with respect to particulate emissions;

(2) Based on the lowest particulate level achievable by the worst light-duty diesel with respect to particulate emissions;

(3) Based on the lowest particulate level achievable by the best light-duty motor vehicle (gasoline or diesel) with respect to particulate emissions, which would include alternative types of engines; and

(4) Requiring an equal level of effort by all manufacturers on each of their vehicle lines. This approach would seek to find an engine or vehicle parameter (e.g., vehicle weight, engine size) which significantly affects particulate emissions and results in a graduated standard based on that parameter.

TABLE I—*Particulate Emission Rates from Light-Duty Diesels Tested over the EPA Recommended Test Procedure*

[Source of Data: 1979 Certification Vehicles]

Vehicle	Grams per mile
Typical gasoline-powered vehicle (catalyst equipped)	0.008
VW Rabbit	0.23
Peugeot 504	0.29
VW Dasher	0.32
Mercedes 300SD	0.45
IHC Scout (w/Nissan diesel)	0.47
Mercedes 240D	0.53
Chevrolet Pick-up (w/Oldsmobile 350 diesel)	0.59–0.61
Dodge Pick-up (w/Mitsubishi diesel)	0.61
Oldsmobile 260	0.73–1.02
Mercedes 300D	0.83
Oldsmobile 350	0.84

This proposal is based on the second approach described above. We did not select the first approach as a basis for this proposal because it would have prevented all diesels from meeting the standard except subcompacts and small pick-ups equipped with small engines, typified by the Volkswagen Rabbit. We did not select the third approach as a basis for this proposal because it would have established a standard not judged to be achievable by any diesel-powered vehicle. There are alternative engine types available (e.g., gasoline engine equipped with a three-way catalyst) which could comply with a standard one-tenth of that being proposed in this Notice of Proposed Rulemaking. Finally, we did not select the fourth approach because it would result in different standards being applied to different vehicles which are competing for the same general market. The philosophy of rejecting the fourth alternative would suggest that these standards should also apply to gasoline engines. As seen from Table I, though, gasoline engines are so far below the proposed standard that there is no need to promulgate regulations controlling particulate emissions from those vehicles. We believe that the second approach results in a fair standard and allows a variety of vehicle types to be produced. We invite all interested parties to comment on the approach selected and the appropriateness of the other approaches described above.

One manufacturer has suggested that we consider another alternative approach in which each manufacturer is allocated an allowable corporate tonnage of particulate emissions based upon his entire production. In this manner, it was suggested, the manu-

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facturer would have more flexibility in achieving the overall particulate reduction desired, e.g., trade-offs would be made between degree of particulate control per vehicle category and the number of diesel vehicles produced. Within this overall ceiling, a manufacturer could adjust his vehicle mix to stay within his allowable corporate emission tonnage. A possible component of this scheme could be the establishment of a maximum emission level which no vehicle would be permitted to exceed. Although EPA has not thoroughly analyzed this suggestion we would welcome a more complete exposition of it during the public comment period and would invite specific comment on its impact in the following areas:

On Selective Enforcement Auditing under Section 206; on the Section 207(a) warranties; on the Section 207(b) performance warranty; and on the recall actions under Section 207(c).

We also request comments addressing this proposal in general terms of its consistency with the letter and spirit of the 1977 Clean Air Act, impacts on competition in the industry, and the impact such an emission control strategy would have on public health and welfare.

We estimate that the EPA proposal contained herein will reduce particulate emissions nationwide in 1990 by 215,000 tons compared to the emissions that are expected if no regulation is promulgated. In urban areas, we estimate that the reduction would be 120,000 tons. Should anyone feel that there are alternative ways to achieve the same environmental result at lower cost than that which the Agency has put forward, we actively solicit those ideas during the public comment period. Those ideas will be placed in the public record so that there is adequate opportunity for a full and open evaluation of them. Accordingly, we solicit suggestions regarding other alternatives for the control of light-duty diesels which would achieve the same environmental benefit and be consistent with the statutory mandate.

In keeping with the approach selected as the basis for this proposal, EPA believes that the current light-duty diesel with the highest particulate emissions (an Oldsmobile powered by a 350 cubic inch engine) will be able to meet the 0.20 gram per mile (0.12 gram per kilometer) standard in 1983. We project that a vehicle with baseline emissions equal to the Oldsmobile engine can meet this standard with engine modifications, turbocharging, and a trap-oxidizer.[1] In EPA's judgment there is sufficient time available to fully develop this technology for implementation in the 1983 model year. Over the relatively short period of time that development work in this area has been in progress, we have observed significant reductions in particulate emissions due to engine modifications alone. Because of this, we believe there is a reasonable probability that even the largest light-duty diesels will be able to meet the 1983 standard without using an after-treatment device such as a trap-oxidizer. We also believe that reliance on engine modifications and a trap-oxidizer without use of a turbocharger may be a feasible strategy for such vehicles. The probability is even greater for mid-size and compact vehicles. The smallest light-duty diesels (e.g., Volkswagen Rabbit) can almost surely meet the 1983 standard without after-treatment and may not even require the addition of a turbocharger. To be conservative in our cost analysis, however, we assumed that all light-duty diesels would require turbocharging and that all vehicles except the Volkswagen Rabbit would require trap-oxidizers to meet the 1983 standard. We invite interested parties also to submit comments on our assessment of the technological feasibility of meeting this standard.

[1] See the "Regulatory Analysis" for further details.

Cost

Pursuant to the requirements of Executive Order 12044 and Section 317 of the amended Clean Air Act, EPA has prepared a Regulatory Analysis of the proposed regulation. We have considered the results of that analysis at each stage of the review process. The Agency will evaluate additional economic data submitted in response to this proposal, and will revise this analysis as appropriate. Taking such additional data into account, we will continue to consider the economic analysis of the proposed regulation during all further stages of this rulemaking action.

EPA expects the retail price of light-duty diesel vehicles and trucks to increase by approximately $130 in 1981 and $285 in 1983 due to the vehicle modifications necessitated by this regulation. We expect, however, that these cost increases will be reduced by a fuel economy benefit resulting from the use of turbocharging on all vehicles (with the exception of 1981-1982 Volkswagens). This fuel economy benefit should reduce fuel costs over the life of the average light-duty diesel by $138 in 1981 and 1982 and by $165 in 1983 on.

It is possible that the use of turbochargers will become more widespread without the influence of this regulation. It is also possible that turbochargers may not be necessary for use on certain engine families to meet the standard. To the extent that these possibilities occur, both the costs and fuel economy benefits resulting from this regulation would be reduced. In determining the cost of turbocharging, the EPA has assumed that no major engine modifications or significant integration work will be needed to turbocharge existing diesel engines.

To aid EPA in determining costs as accurately as possible, we are requesting all interested parties to submit detailed estimates of any cost increases to the ultimate purchaser (i.e., retail price equivalent) of vehicle modifications required as a result of this regulation. These estimates should be itemized to show the costs of any additional components added to the vehicle or any vehicle modfications required; the savings from components no longer necessary due to the above component additions; the cost savings of changes in maintenance requirements and fuel consumption; the cost of new testing equipment; and the cost of certification and selective enforcement audit over and above that already required by applicable gaseous emission regulations.

Applicability

The same particulate emission level applies to light-duty diesel trucks as to diesel-powered light-duty vehicles. The EPA feels strongly that if we regulate one category more stringently than another, and both use the same diesel engine, a bias in favor of diesels in the less stringently regulated category will occur. The result of this bias would be to reduce the effectiveness of the regulation.

At present, EPA has no good data which indicate an effect on increased inertial weight or road load (as would be the case with light-duty trucks) on diesel particulate emissions. We intend to investigate this area, but until we have data which shows a significant dependence of particulate emissions on inertial weight and road load, we will assume that there is none. EPA invites data or comments regarding this dependence.

Heavy-Duty Diesel Regulations

EPA is not proposing a new regulation for the control of particulate emissions from heavy-duty diesels for 1981. Currently, changes to both the heavy-duty gaseous emission standard and test procedure are being planned. The current heavy-duty gaseous emissions test procedure is a 13-mode steady state test. An additional transient test is used to measure smoke as smoke levels typical of in-use driving do not occur during the 13-mode cycle. The new heavy-duty test procedure will be a transient test procedure and is planned to replace the steady state test procedure for the 1983 model year. EPA believes that a transient test procedure is necessary to assess

accurately particulate emissions and regulations governing particulate emissions from heavy-duty diesels are presently being planned to start with the 1983 model year when the transient test procedures becomes available. Prior to the 1983 model year, the EPA will rely upon the current smoke regulation to control particulate emissions from heavy-duty diesels.

Major Changes From Previously Published Draft

EPA published the "Draft Recommended Practice for Measurement of Gaseous and Particulate Emissions from Light-Duty Diesel Vehicles" in March 1978 and distributed it to potentially interested parties on April 10, 1978. Ten motor vehicle manufacturers, the Department of Energy, the Mobile Source Emissions Research Branch (ORD/EPA), the State of California Air Resources Board, one equipment manufacturer, and one university responded to the request for comments.

Although the respondents felt that the recommended test procedure was complex and suggested slight changes and modifications for its increased efficiency, most thought the test procedure to be viable and accurate. Some manufacturers commented that high implementation costs, high complexity, and short lead time would make implementation for the 1981 model year difficult. They suggested taking these considerations into account when implementing standards.

The EPA analysis of comments resulted in the following major changes:

(1) The proposed requirement for the determination of particulate bound organics by using a second hydrocarbon detector after the 125°F (51.7°C) particle filter was dropped because the parameter which it measures is not regulated.

(2) The requirements that sampling velocities be isokinetic with tunnel flow were dropped, since the comments indicated this was not necessary due to low individual particle mass;

(3) We now specify flow through the filtering system to insure that sufficient sample material is collected.

(4) Many filter related changes, including the type of filter media to be used, associated conditioning times, installation times, locations in the sampling system, etc. were made to the specifications.

Major FTP Changes

In the past, provisions for testing diesel-fueled vehicles have been included in the FTP along with those for gasoline-fueled vehicles. The testing specified for diesels applied to only the same gaseous pollutants (HC, CO, and NOx) regulated for gasoline-fueled vehicles. Now, with the additional mandated regulation of particulate emissions for light-duty diesel vehicles, EPA has made major additions and changes to sections of the FTP. These changes affect only diesel testing, but due to their inclusion into the existing FTP there are some minor numbering and clarification changes in test procedures for gasoline-fueled vehicles.

Additions and changes to the current FTP for diesels which are brought about by the incorporation of particulate testing are discussed below:

(1) The proposed particulate measurement procedure requires a dilution tunnel and a constant volume sampler. The dilution tunnel must be sufficiently long to assure thorough mixing at the sampling probes. The use of a mixing box with extensive baffling is ruled out due to suspected particulate loss on its surfaces. The constant volume sampler must have sufficient capacity to maintain a maximum temperature of 125°F (51.7°C) at the probe tips. (Constant volume sampler units presently used for gaseous analysis may not be sufficiently large to maintain this maximum temperature when used in conjunction with larger engine displacement light-duty diesels.) The proposed use of the dilution tunnel and constant volume sampler in this manner will assure that the diesel exhaust is in a state of equilibrium with the surrounding air similar to what would be encountered in actual road use;

(2) The proposed particulate measurement procedure measures the total mass of particulate emissions simultaneously with regulated gaseous emissions over the Urban Dynamometer Driving Schedule. The particulate matter, after dilution and mixing with ambient air in a dilution tunnel, is collected on filter media maintained at 125°F (51.7°C) or less over each of the three phases (bags) of the driving cycle. The alternative of measuring total particulate by smoke opacity is not a viable procedure because it is only accurate under certain operating modes in which sufficient smoke is emitted to be measured accurately, thus neglecting appreciable amounts of particulate. The proposed method of collecting and measuring total particulate emissions can produce accurate data;

(3) In the proposed test procedure, hydrocarbons are continuously measured and integrated over each of the three phases (bags) of the test by a heated flame ionization detector (HFID). the hydrocarbon sampling system consists of three elements: (1) a sample probe which is placed in the dilution tunnel at a distance sufficiently downstream that thorough mixing of the gas stream is assured, (2) a filter to remove all particulate matter from the sample gas stream, and (3) the HFID. The entire sampling system from the probe tip to the HFID is heated to prevent condensation and to assure the measurement of all hydrocarbons which are volatile at or below the set temperature. The gas streams entering the particulate filter and HFID msut be maintained at 375±20°F (191±11°C).

Diesel engine exhaust contains a greater percentage of less volatile hydrocarbons than gasoline engine exhaust. We intend this procedure to require the measurement of all hydrocarbon species emitted by diesel engines which are volatile at or below 375±10°F (191±6°C). We expect most of these hydrocarbons to be photochemically active and thus contribute to oxidant formation. Ames bioassay testing has shown some of these hydrocarbons to be mutagenic. Although some of these hydrocarbons may remain adsorbed on diesel particulate matter under ambient conditions, we do not know how long they remain this way, and thus they must be measured when computing total hydrocarbons.

Presently, gasoline engine automobile exhaust is filtered after dilution and then collected in sample bags for analysis. For diesel engine exhaust an identical procedure is maintained, except that hydrocarbons are continuously measured rather than being measured from the sample bags. The reason for this is that appreciable amounts of hydrocarbon from the diesel exhaust are retained on the surfaces of the sample bags and thus are not measured by the gasoline engine procedure.

Nonconformance Penalties

Section 206(g) of the Clean Air Act states that a nonconformance penalty should be available "• • • in the case of any class or category of heavy-duty vehicles or engines to which a standard promulgated under section 202(a) of this Act applies • • •." According to the Act, "heavy-duty vehicle means a truck, bus, or other vehicle manufactured primarily for use on the public streets, roads, and highways which has a gross vehicle weight in excess of six thousand pounds." Since a portion of the diesel light-duty trucks has a gross vehicle weight greater than 6000 pounds and this proposed regulation establishes a standard, it might appear that nonconformance penalties should be available.

These regulations, however, do not provide a nonconformance penalty alternative for manufacturers of this category of heavy-duty vehicles. The legislative history behind Section 206(g) indicates that a nonconformance penalty alternative was to be made available to accommodate manufacturers who are technological lag-

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gards and are unable to meet emission standards set according to the technological leader among manufacturers of a class or category of vehicles or engines. These regulations set particulate emission standards for light-duty diesel trucks (including those which qualify as heavy-duty vehicles) at a level set according to the emission reduction capabilities of the light-duty diesel truck industry as a whole. Because all members of the light-duty truck industry are capable of complying with those standards, there are no technological laggards that need to be accommodated by a nonconformance penalty alternative. Thus, no nonconformance penalty scheme has been proposed.

COMMENTS AND THE PUBLIC DOCKET

Copies of materials relevant to this rulemaking action are contained in Public Docket No. OMSAPC-78-3 at the U.S. Environmental Protection Agency, Central Docket Section, Waterside Mall Room 2903B (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. (As provided in 40 CFR Part 2 the Agency may charge a reasonable fee for copying services).

EVALUATION PLAN

EPA intends to review the effectiveness and need for continuation of the provisons contained in this action no more than five years after initial implementation of the final regulation. In particular, EPA will solicit comments from affected parties with regard to cost and other burdens associated with compliance and will also review data on the particulate emissions from light-duty diesel vehicles built before and after promulgation of the regulation to determine how effective this measure has been.

REPORTING AND RECORDKEEPING REQUIREMENTS

While the EPA is not aware that this proposed regulation would impose any significant new or additional reporting or recordkeeping requirements on affected parties, the Agency specifically invites comments on ways that any such burdens might be reduced.

Under the EPA's new "sunset" policy for reporting requirements in regulations, the reporting requirements in this regulation will automatically expire five years from the date of promulgation, unless EPA takes affirmative action to extend them. To accomplish this, a provision automatically terminating the reporting requirements at that time will be included in the text of the final regulation.

EPA intends to promulgate a final regulation, modified as the Administrator deems appropriate, after considering comments and in time to apply to the 1981 model year.

NOTE.—The Administrator has determined that this action is a "Significant" regulation. We have prepared a document entitled "Light-Duty Diesel Particulate Regulations: Regulatory Analysis" detailing the Regulatory Analysis required by Executive Order 12044 and the Economic Impact Assessment required by Section 317 of the amended Clean Air Act.

Anyone may review and reproduce this document in the EPA Central Docket Section. Copies are also available upon request from the Office of Mobile Source Air Pollution Control (see address above).

Dated: January 9, 1979..

DOUGLAS M. COSTLE,
Administrator.

EPA proposes to amend Subparts A, B, and G of 40 CFR Part 86 as set forth below:

1. Section 86.081-8 is revised to read as follows:

§ 86.081-8 Emission standards for 1981 light-duty vehicles.

(a)(1) Exhaust emissions from 1981 and later model year light-duty vehicles shall not exceed:

(i) *Hydrocarbons.* 0.41 gram per vehicle mile (0.255 gram per vehicle kilometer);

(ii) *Carbon monoxide.* 3.4 grams per vehicle mile (2.11 grams per vehicle kilometer);

(iii) *Oxides of nitrogen.* 1.0 gram per vehicle mile (0.62 gram per vehicle kilometer).

(iv) *Particulate emissions.* (Diesels only). 0.60 gram per vehicle mile (0.373 gram per vehicle kilometer).

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in subpart B of this part and measured and calculated in accordance with those procedures.

(b)(1) Fuel evaporative emissions from 1981 and later model year gasoline-fueled light-duty vehicles shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the condition set forth in subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1981 and later model year gasoline-fueled light-duty vehicle.

2. Section 86.081-9 is revised to read as follows:

§ 86.081-9 Emission standards for 1981 light-duty trucks.

(a)(1) Exhaust emissions from 1981 and later model year light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 1.7 grams per vehicle mile (1.06 grams per vehicle kilometer);

(ii) *Carbon monoxide.* 18 grams per vehicle mile (2.11 grams per vehicle kilometer);

(iii) *Oxides of nitrogen.* 2.3 grams per vehicle mile (1.43 grams per vehicle kilometer);

(iv) *Particulate emissions* (Deisel only). 0.60 gram per vehicle mile .373 gram per vehicle kilometer).

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in subpart B of this part and measured and calculated in accordance with those procedures.

(b)(1) Evaporative emissions from 1981 and later model year gasoline-fueled light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the evaporative emissions collected under the conditions set forth in subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1981 and later model year gasoline-fueled light-duty trucks.

3. A new § 86.083-8 is added to read as follows:

§ 86.083-8 Emission standards for 1983 light-duty vehicles.

(a)(1) Exhaust emissions from 1983 and later model year light-duty vehicles shall not exceed:

(i) *Hydrocarbons.* 0.41 gram per vehicle mile (0.255 gram per vehicle kilometer);

(ii) *Carbon monoxide.* 3.4 grams per vehicle mile (2.11 grams per vehicle kilometer);

(iii) *Oxides of nitrogen.* 1.0 gram per vehicle mile (0.62 gram per vehicle kilometer);

(iv) *Particulate emissions* (Diesels only). 0.20 gram per vehicle mile (0.124 gram per vehicle kilometer).

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in subpart B of this part and measured and calculated in accordance with those procedures.

(b)(1) Fuel evaporative emissions from 1983 and later model year gasoline-fueled light-duty vehicles shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1983 and later model year gasoline-fueled light-duty vehicle.

4. A new § 8.083-9 is added to read as follows:

§ 86.083-9 Emission standards for 1983 light-duty trucks.

(a)(1) Exhaust emissions from 1983 and later model year light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 1.7 grams per vehicle mile (1.06 grams per vehicle kilometer);

(ii) *Carbon monoxide.* 18 grams per vehicle mile (11.2 grams per vehicle kilometer);

(iii) *Oxides of nitrogen.* 2.3 grams per vehicle mile (1.43 grams per vehicle kilometer);

(iv) *Particulate emissions* (Diesels only). 0.20 gram per vehicle mile (0.124 gram per vehicle kilometer).

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in subpart B of this part and measured and calculated in accordance with those procedures.

(b)(1) Evaporative emissions from 1983 and later model year gasoline-fueled light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the evaporative emissions collected under the conditions set forth in subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1983 and later model year gasoline-fueled light-duty truck.

5. A new section 86.081-28 is added to read as follows:

§ 86.081-28 Compliance with emission standards.

(a)(1) *Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.* (2) The applicable exhaust and fuel evaporative emission standards of this subpart apply to the emissions of vehicles for their useful life.

(3) Since it is expected that emission control efficiency will change with mileage accumulation on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new motor vehicle with exhaust emission standards is as follows.

(i) Separate emission deterioration factors shall be determined from the exhaust emission results of the durability-data vehicle(s) for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO, exhaust NO_x, and exhaust particulate (Diesel vehicles only) for each engine-system combination. A separate evaporative emission deterioration factor shall be determined for each evaporative emission family-evaporative emission control system combination from the testing conducted by the manufacturer (gasoline-fueled vehicles only).

(A) The applicable results to be used in determining the exhaust emission deterioration factors for each engine-system combination shall be:

(*1*) All valid exhaust emission data from the test required under § 86.080-26(a)(4) except the zero-mile tests. This shall include the official test results, as determined in § 86.079-29 for all tests conducted on all durability-data vehicles of the combination selected under § 86.080-24(c) (including all vehicles elected to be operated by the manufacturer under § 86.080-24(c)(1)(ii)).

(*2*) All exhaust emission data from the tests conducted before and after the scheduled maintenance provided in § 86.079-25.

(*3*) All exhaust emission data from tests required by maintenance approved under § 86.079-25, in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(B) All applicable exhaust emission results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the standards provided in § 86.081-8 or § 86.081-9, as applicable, or the data will not be acceptable for use in calculation of a deterioration factor, unless no applicable data point exceeded the standard. An exhaust emission deterioration factor shall be calculated for each engine-system combination as follows:

Factor-Exhaust emissions interpolated to 50,000 miles divided by exhaust emissions interpolated to 4,000 miles.

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29-67.

(C) An evaporative emissions deterioration factor (gasoline-fueled vehicles only) shall be determined from the testing conducted as described in § 86.079-21(b)(4)(ii), for each evaporative emission family-evaporative emission control system combination to indicate the evaporative emission level at 50,000 miles relative to the evaporative emission level at 4,000 miles as follows:

Factor-Evaporative emission level at 50,000 miles minus the evaporative emission level at 4,000 miles.

The factor shall be established to a minimum of two places to the right of the decimal.

(ii)(A) The official exhaust-emission test results for each emission-data vehicle at the 4,000-mile test point shall be multiplied by the appropriate deterioration factor: *Provided;* That if a deterioration factor as computed in paragraph (a)(4)(i)(B) of this section is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(B) The official evaporative emission test results (gasoline-fueled vehicles only) for each evaporative emission-data vehicle at the 4,000-mile test point shall be adjusted by addition of the appropriate deterioration factor: *Provided;* That if a deterioration factor as computed in paragraph (a)(4)(i)(C) of this section is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

(iii) The emissions to compare with the standard shall be the adjusted emissions of paragraphs (a)(4)(ii)(A) and (B) of this section for each emission-data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTM E 29-67, to two significant figures. The rounded emission values may not exceed the standard.

(iv) Every test vehicle of an engine family must comply with the exhaust emission standards, as determined in paragraph (a)(4)(iii) of this section, before any vehicle in that family may be certified.

(v) Every test vehicle of an evaporative emission family must comply with the evaporative emission standard, as determined in paragraph (a)(4)(iii) of this section before any vehicle in that family may be certified.

(b) (1) Paragraph (b) of this section applies to heavy-duty engines.

(2) The exhaust emission standards for gasoline-fueled engines in § 86.079-10 or for Diesel engines in § 86.079-11 apply to the emissions of engines for their useful life.

(3) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of a gasoline-fueled engine which has accumulated 1,500 hours of dynamometer operation or a Diesel engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

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(4) The procedure for determining compliance of a new engine with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability-data engines for each engine-system combination. Separate factors shall be established for HC, CO, and for the combined emissions of HC and NOx. For Diesel engines, separate factors shall also be established for the acceleration mode (designated as "A"), the lugging mode (designated as "B") and the peak opacity (designated as "C").

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All valid emission data from the tests required under § 86.079-26(b). These shall include the official test results, as determined in § 86.079-29, for all tests conducted on all gasoline-fueled durability-data engines of the combination selected under § 86.079-24(c)(2) or on all Diesel durability-data engines of the combination selected under § 86.079-24(c)(3) (including all engines elected to be operated by the manufacturer under § 86.079-24(c)(2)(iii) for gasoline-fueled engines or under § 86.079-24(c)(3)(ii) for Diesel engines).

(*2*) All emission data from the tests conducted before and after maintenance provided in § 86.079-25(c)(2)(i)(A) for gasoline-fueled engines or in § 86.079-25(c)(2)(i)(B) for Diesel engines.

(*3*) All emission data from the tests conducted before and after maintenance provided in § 86.079-25(c)(2)(v)(C) for Diesel engines if emission tests were conducted.

(B) All applicable emission results for (1) HC, (2) CO, (3) HC+NOx, (4) acceleration smoke ("A"), (5) lugging smoke ("B"), and (6) peak smoke ("C") shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125-hour and 1,500-hour points for gasoline-fueled engines or the 1,000-hour point for Diesel engines on each line, rounded to whole numbers in accordance with ASTM E 29-67, must be within the standards specified in § 86.079-10 for gasoline-fueled engines or in § 86.079-11 for Diesel engines or the data shall not be used in the calculation of a deterioration factor, unless no applicable data points exceed the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor = Exhaust emissions interpolated to 1,500 hours for gasoline-fueled engines or to 1,000 hours for Diesel engines minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero.)

(ii) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission-data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (b)(4)(ii) of this section rounded to two significant figures in accordance with ASTM E 29-67 for each emission-data engine.

(iv) Every test engine of engine family must comply with all applicable standards, as determined in paragraph (b)(4)(iii) of this section, before any engine in that family will be certified.

6. Section 86.102 is revised to read as follows:

§ 86.102 Definitions.

The definitions in Subpart A apply to this subpart.

7. Section 86.103 is revised to read as follows:

§ 86.103 Abbreviations.

The abbreviations in Subpart A apply to this subpart.

§ 86.104 [Amended]

8. Section 86.104-78 is amended by deleting the "-78" from the section number. As amended the section heading reads: "§ 86.104 *Section numbering; construction.*".

9. Section 86.105-78 is amended by deleting the "-78" from the section number and by changing the first sentence in paragraph (a) to read as follows:

§ 86.105 Introduction; structure of subpart.

(a) This subpart describes the equipment required and the procedures to follow in order to perform gaseous exhaust, Diesel particulate, and evaporative emission tests on light-duty vehicles and light-duty trucks. • • •

• • • • •

10. A new section 86.106-81 is added and reads as follows:

§ 86.106-81 Equipment required; overview.

(a) This subpart contains procedures for both exhaust and evaporative emission tests on Diesel- or gasoline-fueled light-duty vehicles and light-duty trucks. Certain items of equipment are not necessary for a particular test, e.g., evaporative enclosure when testing Diesel vehicles. Equipment required and specifications are as follows:

(1) *Evaporative emission tests, gasoline-fueled vehicles.* The evaporative emission test is closely related to and connected with the exhaust emission test. All vehicles tested for evaporative emissions must be tested for exhaust emissions. Further, unless the evaporative emission test is waived by the Administrator under § 86.078-26, all gasoline-fueled vehicles must undergo both tests. (Diesel vehicles are excluded from the evaporative emission standard.) Section 86.107 specifies the necessary equipment.

(2) *Exhaust emission tests.* All vehicles subject to this subpart are tested for exhaust emissions. The exhaust from gasoline-fueled vehicles is tested for gaseous emissions only, using the CVS concept (§ 86.109). The exhaust from Diesel vehicles is tested for both gaseous and particulate emissions. Diesel testing also utilizes the CVS concept of measuring emissions, but requires that a PDP-CVS or CFV-CVS with heat exchanger be used, and that it be connected to a dilution tunnel in order to sample particulate emissions (§ 86.110). All gasoline-fueled vehicles are either tested for evaporative emissions or undergo a diurnal heat build. Diesel vehicles are excluded from this requirement. Equipment necessary and specifications appear in §§ 86.108 through 86.114.

(3) *Fuel, analytical gas, and driving schedule specifications.* Fuel specifications for exhaust and evaporative emissions testing and for mileage accumulation for gasoline-fueled and Diesel vehicles are specified in § 86.113. Analytical gases are specified in § 86.114. The EPA Urban Dynamometer Driving Schedule (UDDS) for use in both gasoline-fueled and Diesel exhaust emissions tests is specified in § 86.115 and Appendix I.

11. A new § 86.109-81 is added and reads as follows:

§ 86.109-81 Exhaust gas sampling system; gasoline-fueled vehicles.

(a)(1) *General.* The exhaust gas sampling system described in this paragraph is designed to measure the true mass of gaseous emissions in the exhaust of gasoline-fueled vehicles. In the CVS concept of measuring mass emissions, two conditions must be satisfied; the total volume of the mixture of exhaust and dilution air must be measured, and a continuously proportioned sample of volume must be collected for analysis. Mass emissions are determined from the sample concentration and total flow over the test period.

(2) *Positive displacement pump.* The positive displacement pump-constant volume sampler (PDP-CVS), Figure B81-1, satisfies the first condition by metering at a constant temperature and pressure through the pump. The total volume is measured by counting the revolutions made by the calibrated positive displacement pump. The proportional sample is achieved by sampling at a constant flow rate.

(3) *Critical flow venturi.* The operation of the critical flow venturi-constant volume sample (CFV-CVS), Figure B81-2, is based upon the principles of fluid dynamics associated with critical flow. Proportional sampling throughout temperature excursions is maintained by use of a small CFV in the sample line. The variable mixture flow rate is maintained at sonic velocity, which is directly proportional to the square root of the gas temperature, and is computed continuously. Since the pressure and temperature are the same at both venturi inlets, the sample volume is proportional to the total volume.

(4) *Other systems.* Other sampling systems may be used if shown to yield equivalent results, and if approved in advance by the Administrator.

(b) *Component description, PDP-CVS.* The PDP-CVS, Figure B81-1, consists of a dilution air filter and mixing assembly, heat exchanger, positive displacement pump, sampling system, and associated valves, pressure and temperature sensors. The PDP-CVS shall conform to the following requirements:

(1) Static pressure variations at the tailpipe(s) of the vehicle shall remain within ±5 inches of water (1.2 kPa) of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ±1 inch of water (0.25 kPa) will be used by the Administrator if a written request substantiates the need for this closer tolerance.)

(2) The gas mixture temperature, measured at a point immediately ahead of the positive displacement pump, shall be within ±10°F (6°C) of the designed operating temperature at the start of the test. The gas mixture temperature variation from its value at the start of the test shall be limited to ±10°F (6°C) during the entire test. The temperature measuring system shall have an accuracy and precision of ±1.8°F (1°C).

(3) The pressure gages shall have an accuracy and precision of ±1.6 inches of water (0.4 kPa).

(4) The flow capacity of the CVS shall be large enough to virtually eliminate water condensation in the system. (300 to 350 cfm (0.140 to 0.165 m^3/s) is sufficient for most vehicles.)

(5) Sample collection bags for dilution air and exhaust samples shall be of sufficient size so as not to impede sample flow.

(c) *Component description, CFV-CVS.* The CFV-CVS, Figure B81-2, consists of a dilution air filter and mixing assembly, a cyclone particulate separator, a sampling venturi, a critical flow venturi, a sampling system and assorted valves, and pressure and temperature sensors. The CFV-CVS shall conform to the following requirements:

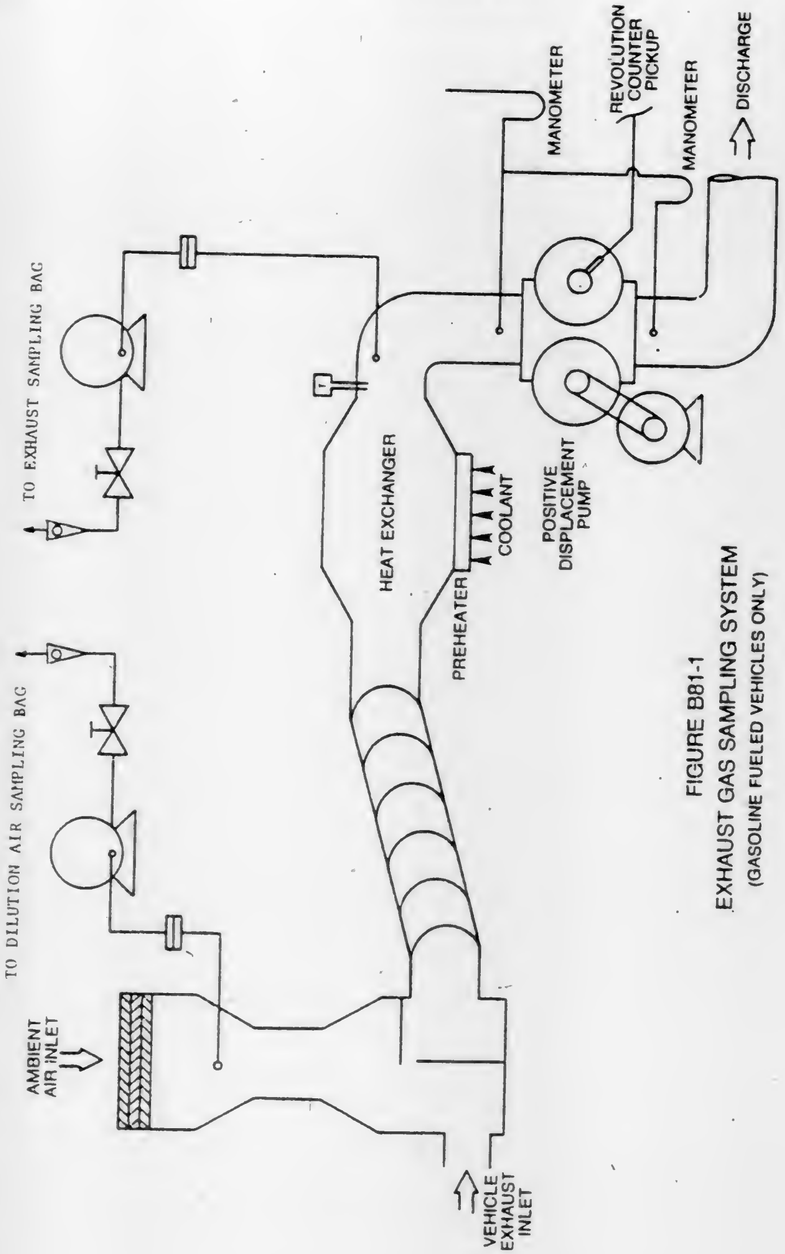
(1) Static pressure variations at the tailpipe(s) of the vehicle shall remain within ±5 inches of water (1.2 kPa) of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ±1 inch of water (0.25 kPa) will be used by the Administrator if a written request substantiates the need for this closer tolerance.)

(2) The temperature measuring system shall have an accuracy and precision of ±1.8°F (1°C) and a response time of 0.100 seconds of 62.5 percent of a temperature change (as measured in hot silicone oil).

(3) The pressure measuring system shall have an accuracy and precision of ±1.6 inches of water (0.4 kPa).

(4) The flow capacity of the CVS shall be large enough to virtually eliminate water condensation in the system. (300 to 350 cfm (0.142 to 0.165 m^3/s) is sufficient for most vehicles.)

(5) Sample collection bags for dilution air and exhaust samples shall be of sufficient size so as not to impede sample flow.



[6560-01-C]

FIGURE B81-1
EXHAUST GAS SAMPLING SYSTEM
(GASOLINE FUELED VEHICLES ONLY)

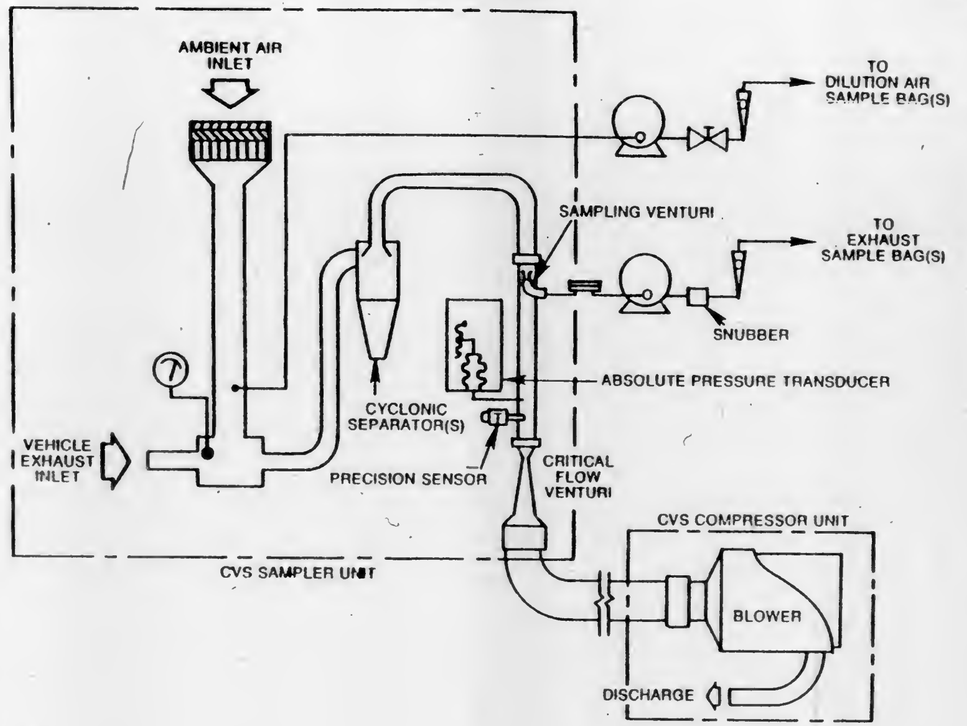


FIGURE B81-2 EXHAUST GAS SAMPLING SYSTEM (CFV-CVS)
(GASOLINE FUELED VEHICLES ONLY)
(SEE FIGURE B81-5 FOR SYMBOL LEGEND)

V 4 4 \ 2 3 FEB 1 7 9 UMI

V 4 4 / 2 3

12. A new § 86.110-81 is added and reads as follows:

§ 86.110-81 Exhaust gas sampling system; Diesel vehicles.

(a) *General.* The exhaust gas sampling system described in this paragraph is designed to measure the true mass of both gaseous and particulate emissions in the exhaust of light-duty Diesel vehicles. This system utlizes the CVS concept (described in § 86.109) of measuring mass emissions. The mass of gaseous emissions is determined from the sample concentration and total flow over the test period. The mass of particulate emissions is determined from a proportional mass sample collected on a filter and from the total flow over the test period. General requirements are as follows:

(1) This sampling system requires the use of a PDP-CVS or CFV-CFS with heat exchanger connected to a dilution tunnel. Figure B81-3 is a schematic drawing of the PDP system. Figure B81-4 is a schematic drawing of the CFV system.

(2) Diesel vehicles require a heated flame ionization detector (HFID) sample for hydrocarbon analysis. The HFID sample must be taken directly from the diluted exhaust stream through a heated probe in the dilution tunnel.

(3) Bag, HFID and particulate sampling capabilities as shown in Figure B81-3 (or Figure B81-4) are required to provide both gaseous and particulate emissions sampling capabilities from a single system.

(4) Since various configurations can produce equivalent results, exact conformance with these drawings is not required. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(5) Other sampling systems may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(b) *Component description.* The components necessary for Diesel exhaust sampling shall meet the following requirements:

(1) The PDP-CVS, Figure B81-3, shall conform to all of the requirements listed for the exhaust gas PDP-CVS (§ 86.109 (b)), with one exception: a flow rate of sufficient volume is required to maintain the diluted exhaust stream, from which the particulate sample flow is taken, at a temperature of 125°F (52°C) or less.

(2) The CFV-CVS, Figure B81-4, shall conform to all of the requirements listed for the exhaust gas CFV-CVS (§ 86.109(c)), with three exceptions:

(i) A flow rate of sufficient volume is required to maintain the diluted exhaust stream, from which the particulate sample flow is taken, at a temperature of 125°F (52°C) or less.

(ii) A heat exchanger is required.

(iii) The gas mixture temperature, measured at a point immediately ahead of the critical flow venturi, shall be within ±20°F (11°C) of the designed operating temperature at the start of the test. The gas mixture temperature variation from its value at the start of the test shall be limited to ±20° F (11° C) during the entire test. The temperature measuring system shall have an accuracy and precision of ±1.8°F (1°C).

(3) The transfer of heat from the vehicle exhaust gas shall be minimized between the point where it leaves the vehicle tailpipe(s) and the point where it enters the dilution tunnel airstream. To accomplish this, a short length (not more than 12 feet (365 cm)) of smooth stainless steel tubing from the tailpipe to the dilution tunnel is required. This tubing shall have a maximum inside diameter of 4.0 in (10.2 cm). Short sections of flexible tubing at connection points are allowed.

(4) The vehicle exhaust shall be directed downstream at the point where it is introduced into the dilution tunnel.

(5) The dilution tunnel shall be:

(i) Sized to permit development of turbulent flow (Reynold's No. >>4000) and complete mixing of the exhaust and dilution air between the mixing orifice and each of the two sample probes (i.e., the particulate probe and the heated HC sample probe).

(ii) At least 8.0 inches (20.3 cm) in diameter.

(iii) Constructed of electrically conductive material which does not react with the exhaust components.

(iv) Grounded.

(6) The temperature of the diluted exhaust stream inside of the dilution tunnel shall be sufficient to prevent water condensation. However, the sample zone dilute exhaust temperature shall not exceed 125°F (52°C) at any time during the test.

(7) The particulate sample probe shall be:

(i) Installed facing upstream at a point where the dilution air and exhaust are well mixed (i.e., on the tunnel centerline, approximately 10 tunnel diameters downstream of the point where the exhaust enters the dilution tunnel).

(ii) Sufficiently distant (radially) from the total hydrocarbon probe so as to be free from the influence of any wakes or eddies produced by the total hydrocarbon probe.

(iii) 0.5 inch (1.27 cm) minimum inside diameter.

(iv) The distance from the sampling tip to the filter holder shall be at least 5 probe diameters (for filters located inside of the tunnel), but not more than 40.2 inches (102 cm) for filters located outside of the dilution tunnel.

(v) Free from sharp bends.

(vi) Configured so that a clean particulate filter can be selected simultaneously with the selection of an empty gaseous emissions bag.

(8) The flow rate through the particulate probe shall be at least the equivalent of 0.130 SCFM/in² (0.00951 liters per second per square centimeter) of filter face area, but not more than the equivalent of 0.372 SCFM/in² (0.0272 liters per second per square centimeter) of filter face area.

(9) The particulate sample pump shall be located sufficiently distant from the dilution tunnel so that the inlet gas temperature is maintained at a constant temperature (±5.4°F (3°C)).

(10) The gas meters shall be located sufficiently distant from the tunnel so that the inlet gas temperature remains constant (±5.4°F (3°C)).

(11) The total hydrocarbon probe shall be:

(i) Installed facing upstream at a point where the dilution air and exhaust are well mixed (i.e., approximately 10 tunnel diameters downstream of the point where the exhaust enters the dilution tunnel).

(ii) Sufficiently distant (radially) from the particulate probe so as to be free from the influence of any wakes or eddies produced by the particulate probe.

(iii) Heated and insulated over the entire length to maintain a 375°±20°F (191°±11°C) wall temperature.

(iv) 0.19 in. (0.457 cm) minimum inside diameter.

(12) It is intended that the total hydrocarbon probe be free from cold spots (i.e., free from spots where the probe wall temperature is less than 355°F).

(13) The dilute exhaust gas flowing in the total hydrocarbon sample system shall be:

(i) At 375°±10°F (191°±6°C) immediately before the heated filter. This will be determined by a temperature sensor located immediately upstream of the filter. The sensor shall have an accuracy and precision of ±1.8°F (1°C).

(ii) At 375°F±10°F (191°±6°C) immediately before the HFID. This will be determined by a temperature sensor located at the exit of the heated sample line. The sensor shall have an accuracy and precision of ±1.8°F (1°C).

(14) It is intended that the dilute exhaust gas flowing in the total hydrocarbon sample system be between 365°F and 385°F (185°C and 197°C).

(c) *Filters, particulate sampling. (1) General.* Filters must have Diesel particulate collection efficiency of 98.0 percent or greater. The collection efficiency shall be determined with a representative Diesel vehicle while it is operated over both phases of a cold start Urban Dynamometer Driving Schedule according to the procedure described in § 86.135 and § 86.137 (b)(1) through (b)(16) with one exception: bag and HFID samples are not required. Requirements for a valid filter efficiency test are as follows:

(i) The efficiency test shall be performed on two filters each followed by a back-up filter. One pair of filters is used to determine the efficiency during the cold "transient" phase, and the other pair of filters is used to determine the efficiency during the cold "stabilized" phase of a UDDS.

(ii) The efficiency test shall be performed on each different lot of filters used for Diesel particulate measurement.

(iii) The components necessary for the filter efficiency test shall meet the requirements listed in § 86.110(b)(1) through (b)(10) with one exception: a back-up filter holder, located 3 to 4 inches (7.5 to 10 centimeters) downstream from each sample filter holder, is required.

(iv) The net weight of particulate material collected on the cold "transient" (or cold "stabilized") back-up filter shall not exceed 2.0 percent of the total net weight of particulate material collected on the cold "transient" (or cold "stabilized") test filter plus the cold "transient" (or cold "stabilized") back-up filter. That is:

$$\frac{(\text{Mass Particulate})_{\text{Back-up filter}}}{(\text{Mass Particulate})_{\text{Test filter}} + (\text{Mass Particulate})_{\text{Back-up filter}}} \times 100\% \leq 2.0\%$$

(v) The net weight of particulate material collected on each back-up filter and each test filter shall be determined by the procedure outlined in § 86.139.

(2) The particulate filter must have a minimum 47 mm diameter. Larger diameter filters are also acceptable. (Larger diameter filters may be desirable in order to reduce the pressure drop across the filter when testing vehicles which produce large amounts of particulate.)

(3) The recommended loading on the 47 mm filter is 2 to 7 milligrams. Equivalent loadings (i.e., mass/area) are recommended for larger filter.

(4) Fluorocarbon coated glass fiber filters are required for particulate collection.

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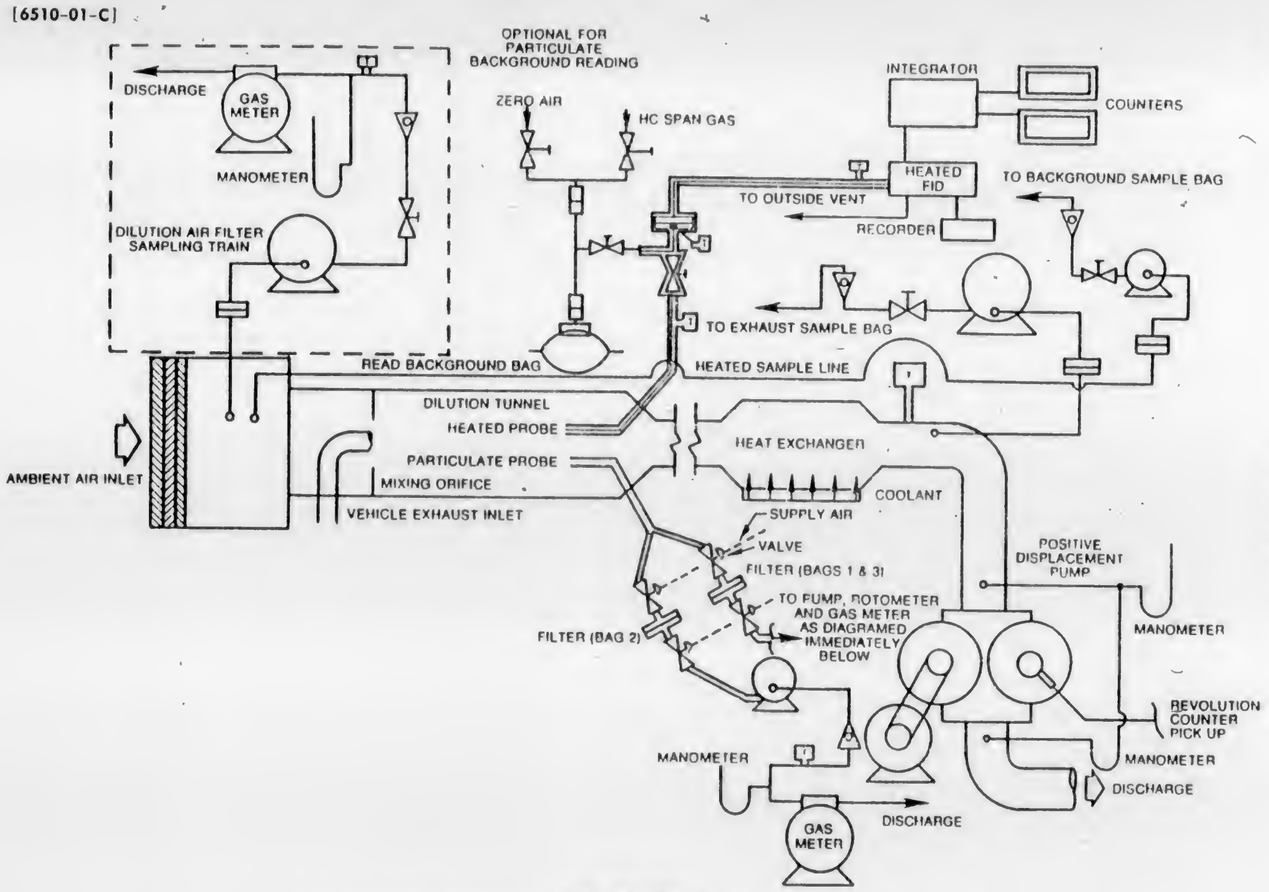


FIGURE B81-3
GASEOUS AND PARTICULATE EMISSIONS SAMPLING SYSTEM (PDP-CVS)
(FOR DIESEL VEHICLES ONLY)

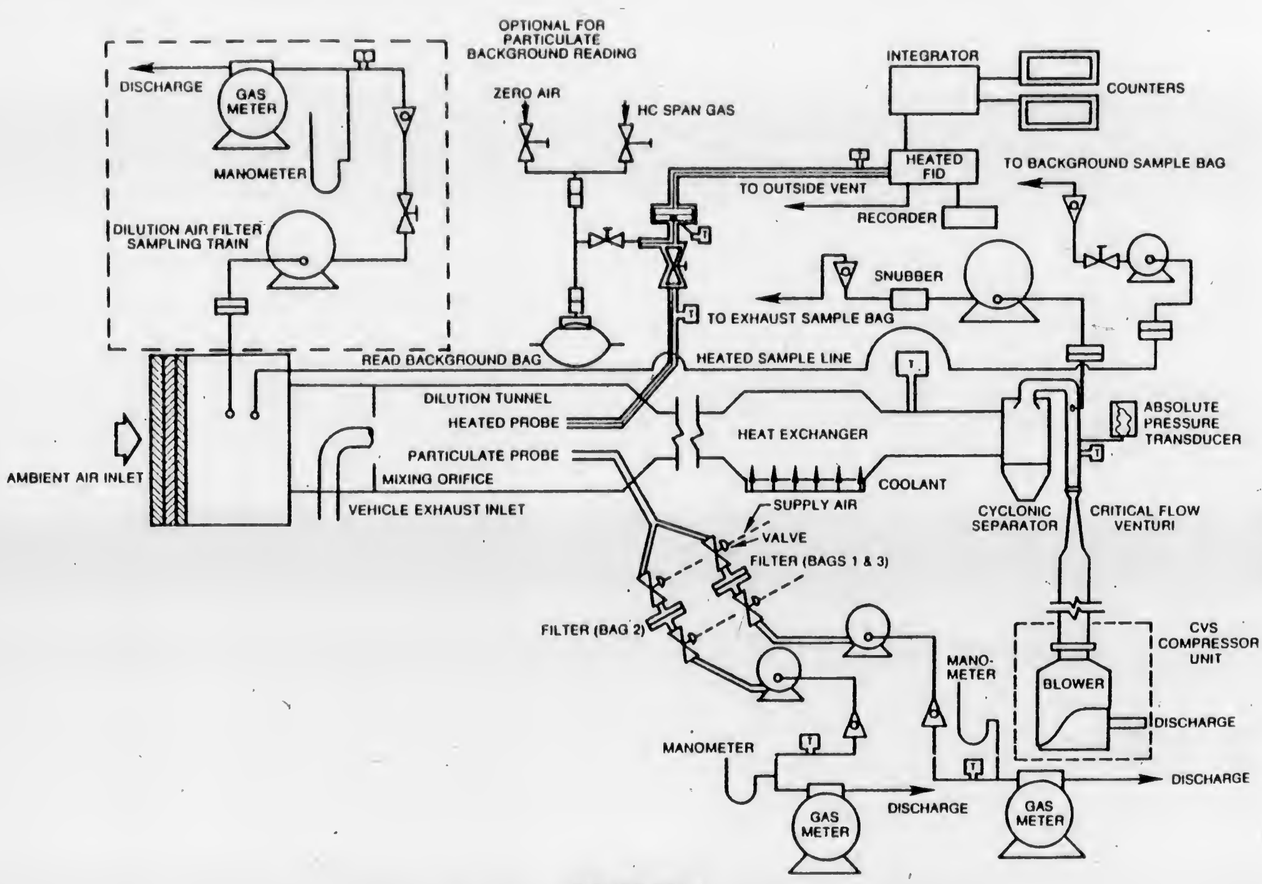


FIGURE B81-4
GASEOUS AND PARTICULATE EMISSIONS SAMPLING SYSTEM (CFV-CVS)
(FOR DIESEL VEHICLES ONLY)

V 4 4 / 2 3

13. A new § 86.111-81 is added and reads as follows:

§ 86.111-81 Exhaust gas analytical system.

(a) *Schematic drawings.* Figure B81-5 is a schematic drawing of the exhaust gas analytical system. The schematic diagram of the hydrocarbon analysis train for Diesel vehicles is shown as part of Figure B81-3 (or Figure B81-4). Since various configurations can produce accurate results, exact conformance with either drawing is not required. Additional components such as instruments, valves, solenoids, pumps and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Major component description.* The analytical system, Figure B81-5, consists of a flame ionization detector (FID) for the determination of hydrocarbons, nondispersive infrared analyzers (NDIR) for the determination of carbon monoxide and carbon dioxide and a chemiluminescence analyzer (CL) for the determination of oxides of nitrogen. A heated flame ionization detector (HFID) is used for the continuous determination of hydrocarbons from Diesel-fueled vehicles, Figure B81-3 (or B81-4). The exhaust gas analytical system shall conform to the following requirements:

(1) The CL requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(2) The carbon monoxide (NDIR) analyzer may require a sample conditioning column containing $CaSO_4$, or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

(i) If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted, see §§ 86.122 and 86.144.

(ii) A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2 which has been bubbled through water at room temperature produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on ranges above 300 ppm full scale or less than 3 ppm on ranges below 300 ppm full scale, see § 86.122.

(3) For Diesel vehicles a continuous hydrocarbon sample shall be measured using a heated analyzer train as shown in Figure B81-3 (or B81-4). The train shall include a heated continuous sampling line, a heated particulate filter and a heated hydrocarbon instrument (HFID) complete with heated pump, filter and flow control system.

(i) The response time of this instrument shall be less than 1.5 seconds for 90 percent of full scale response.

(ii) Sample transport time from sampling point to inlet of instrument shall be less than 4 seconds.

(iii) The sample line and filter shall be heated to maintain a sample gas temperature of 375°±10°F (191± 6°C) before the filter and before the HFID.

(c) *Other analyzers and equipment.* Other types of analyzers and equipment may be used if shown to yield equivalent results and if approved in advance by the Administrator.

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[6510-01-C]

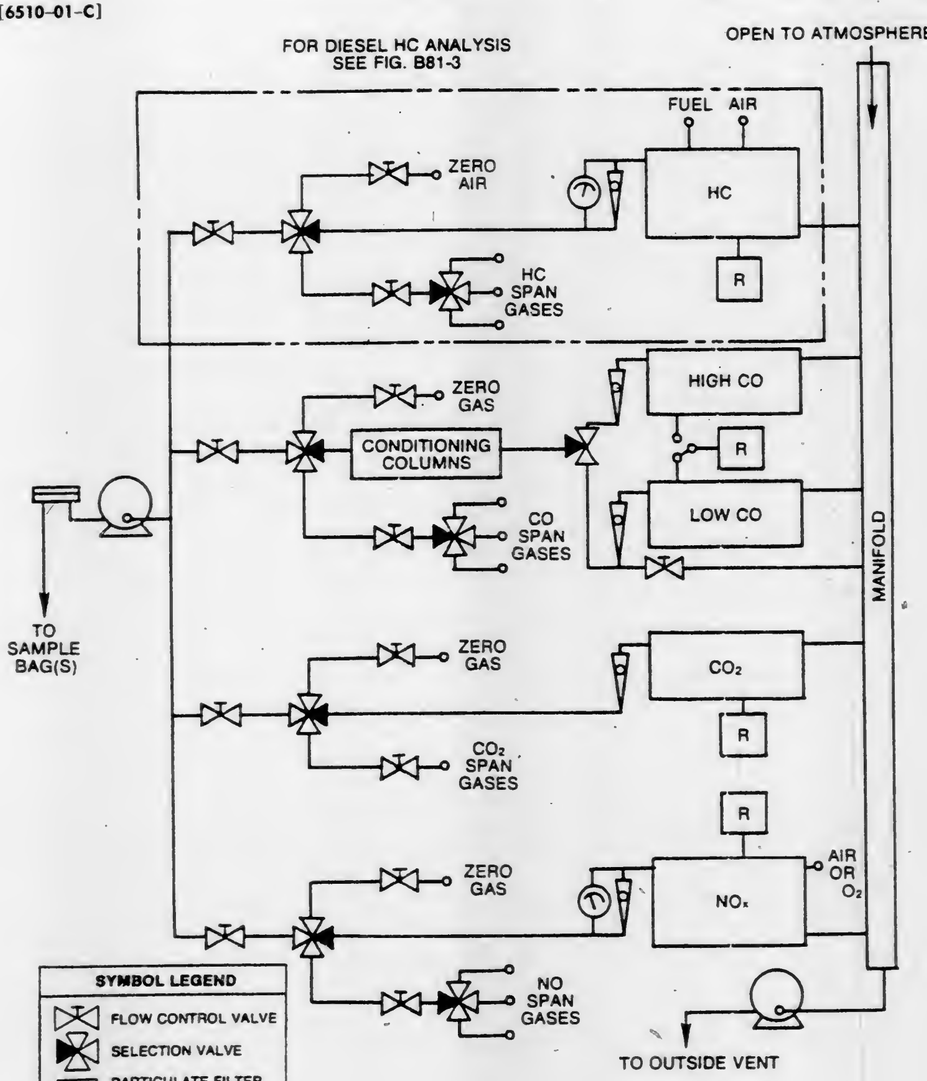


FIGURE B81-5 EXHAUST GAS ANALYTICAL SYSTEM

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14. A new § 86.112-81 is added and reads as follows:

§ 86.112-81 Weighing chamber (or room) and microgram balance specifications.

(a) *Ambient conditions.* (1) *Temperature.* The temperature of the chamber in which the particulate filters are conditioned and weighed shall be maintained to within ±10°F (6°C) of a set point between 68°F (20°C) and 86°F (30°C) during all filter conditioning and filter weighing.

(2) *Humidity.* The relative humidity of the chamber in which the particulate filters are conditioned and weighed shall be maintained to within ±10 percent of a set point between 30 and 70 percent during all filter conditioning and filter weighing.

(3) The environment shall be free from any ambient contaminates (such as dust) that would settle on the particulate filters during their stabilization. It is required that two reference filters remain in the weighing room at all times, and that these filters be weighed at the beginning and end of each conditioning period. If the weight of either or both of these two reference filters changes by more than ±1.0 percent of the nominal filter loading (2-7 milligrams) during the conditioning period, then all filters in the process of being stabilized should be discarded, and any tests repeated.

(b) *Microgram balance specifications.* The microgram balance used to determine the weights of all filters shall have a precision (standard deviation) and a readability (micrometer) of one microgram.

15. A new § 86.116-81 is added and reads as follows:

§ 86.116-81 Calibrations, frequency and overview.

(a) Calibrations shall be performed as specified in §§ 86.117 through 86.126.

(b) At least yearly or after any maintenance which could alter background emission levels, evaporative enclosure background emission measurements shall be performed.

(c) At least monthly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Calibrate the hydrocarbon analyzers (both evaporative and exhaust instruments), carbon dioxide analyzer, carbon monoxide analyzer, and oxides of nitrogen analyzer.

(2) Calibrate the dynamometer. If the dynamometer receives a weekly performance check (and remains within calibration) the monthly calibration need not be performed.

(3) Perform a hydrocarbon retention check and calibration on the evaporative emission enclosure.

(4) Calibrate the gas meters used for providing total flow measurement for particulate sampling.

(d) At least weekly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Check the oxides of nitrogen converter efficiency, and

(2) Perform a CVS system verification.

(3) Run a performance check on the dynamometer. This check may be omitted if the dynamometer has been calibrated within the preceding month.

(e) The CVS positive displacement pump or Critical Flow Venturi shall be calibrated following initial installation, major maintenance or as necessary when indicated by the CVS system verification (described in § 86.119).

(f) Sample conditioning columns, if used in the CO analyzer train, should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

16. A new § 86.120-81 is added and reads as follows:

§ 86.120-81 Gas meter calibration, particulate measurement.

Sampling for particulate emissions requires the use of gas meters to measure flow through the particulate filters. These meters shall receive initial and periodic calibrations as follows:

(a) Install a standard air flow measurement instrument (such as laminar flow element) upstream of the gas meter. This standard instrument shall measure air flow at standard conditions with an accuracy or ±1 percent. Standard conditions are defined as 68°F (20°C) and 29.92 in. Hg (101.3 kPa). A critical flow orifice, a bellmouth nozzle, or a laminar flow element is recommended as the standard instrument.

(b) Flow air through the calibration system at the sample flow rate used for particulate testing and at the backpressure which occurs during the sample test.

(c) When the temperature and pressure in the system have stabilized, measure the gas meter indicated volume over a time period of at least 5 minutes and until a flow volume of at least ±1 percent accuracy can be determined by the standard instrument. Record the stabilized air temperature and pressure upstream of the gas meter and as required for the standard instrument.

(d) Calculate air flow at standard conditions as measured by both the standard instrument and the gas meter.

(e) Repeat the procedures of paragraphs (b) through (d) above using flow rates which are 10 percent above the nominal sampling flow rate and 10 percent below the nominal sampling flow rate.

(f) If the air flow at standard conditions measured by the gas meter differs by more than ±1 percent from the standard measurement at any of the three measured flow rates, than a correction shall be made by either of the following two methods:

(1) Mechanically adjust the gas meter so that it agrees within 1 percent of the standard measurement at the three specified flow rates, or

(2) Develop a continuous best fit calibration curve for the gas meter (as a function of the standard instrument flow measurement) from the three calibration points that represents the data to within 1 percent at all points to determine corrected flow.

(g) *Other systems.* A bell prover may be used to calibrate the gas meter if the procedure outlined in ANSI B109.1-1973 is used. Prior approval by the Administrator is not required to use the bell prover.

17. A new § 86.121-81 is added and reads as follows:

§ 86.121-81 Hyrocarbon analyzer calibration.

The FID hydrocarbon analyzer shall receive the following initial and periodic calibration. The HFID shall be operated at a temperature of 375°±10°F (191±6°C).

(a) *Initial and periodic optimization of detector response.* Prior to its introduction into service and at least annually thereafter, the FID hydrocarbon analyzer shall be adjusted for optimum hydrocarbon response. Alternate methods yielding equivalent results may be used, if approved in advance by the Administrator.

(1) Follow the manufacturer's instructions or good engineering practice for instrument startup and basic operating adjustment using the appropiate fuel and zero-grade air.

(2) Optimize on the most common operating range. Introduce into the analyzer a propane in air mixture with a propane concentration equal to approximately 90 percent of the most common operating range.

(3) Select an operating fuel flow rate that will give near maximum response and least variation in response with minor fuel flow variations.

(4) To determine the optimum air flow, use the fuel flow setting determined above and vary air flow.

(5) After the optimum flow rates have been determined, record them for future reference.

(b) *Initial and periodic calibration.* Prior to its introduction into service and monthly thereafter the FID hydrocarbon analyzer shal be calibrated on all normally used instrument

ranges. Use the same flow rate as when analyzing sample.

(1) Adjust analyzer to optimize performance.

(2) Zero the hydrocarbon analyzer with zero-grade air.

(3) Calibrate on each normally used operating range with propane in air calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. For each range calibrated, if the deviation from a least squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

18. A new § 86.127-81 is added and reads as follows:

§ 86.127-81 Test procedures; overview.

The procedures described in this and subsequent sections are used to determine the conformity of vehicles with the standards set forth in Subpart A for light-duty vehicles and light-duty trucks.

(a) The overall test consists of prescribed sequences of fueling, parking and operating conditions. Vehicles are tested for any or all of the following emissions:

(1) gaseous exhaust HC, CO, NOx, CO_2 (both gasoline-fueled and Diesel vehicles).

(2) particulates (Diesels only).

(3) evaporative HC (gasoline-fueled vehicles only).

The evaporative portion of the test procedure occurs before and after the exhaust emission test, and in some cases, during the exhaust emission test.

(b) The gasoline-fueled exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles (12.1 kilometers). The test consists of engine startups and vehicle operation on a chassis dynamometer, through a specified driving schedule. A proportional part of the diluted exhaust is collected continuously for subsequent analysis, using a constant volume (variable dilution) sampler.

(c) The Diesel exhaust emission test is designed to determine particulate and gaseous mass emissions during a test similar to the test in § 86.127-81(b). Dilute exhaust is continously analyzed for total hydrocarbons using a heated sample line and analyzer. The other gaseous emissions, CO, CO_2 and NO_x are collected continuously for analysis as in § 86.127-81 (b). Simultaneous with the gaseous exhaust collection and analysis, particulates from a proportional part of the diluted exhaust are collected continuously on a filter. The mass of particulate is determined by the procedure described in § 86.139. This testing requires a dilution tunnel as well as the constant volume sampler.

(d) The evaporative emission test (gasoline-fueled vehicles only) is designed to determine hydrocarbon evaporative emissions as a consequence of diurnal temperature fluctuation, urban driving, and hot soaks during parking. It is associated with a series of events representative of a motor vehicle's operation, which result in hydrocarbon vapor losses. The test procedure is designed to measure:

(1) Diurnal breathing losses resulting from daily temperature changes, measured by the enclosure technique;

(2) Running losses from suspected sources (if indicated by engineering analysis or vehicle inspection) resulting from a simulated trip on a chassis dynamometer, measured by carbon traps; and

(3) Hot soak losses, which result when the vehicle is parked and the hot engine is turned off, measured by the enclosure technique.

(e) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 86.078-25.

19. A new § 86.132-81 is added and reads as follows:

§ 86.132-81 Vehicle preconditioning.

(a) The vehicle shall be moved to the test area and the following operations performed:

(1) The fuel tank(s) shall be drained through the provided fuel tank(s) drain(s) and filled to the prescribed "tank fuel volume" with the specified test fuel, § 86.113. For the above operations the evaporative emission control system shall neither be abnormally purged nor abnormally loaded.

(2) Within one hour of being fueled the vehicle shall be placed, either by being driven or pushed, on a dynamometer and operated through one Urban Dynamometer Driving Schedule test procedure, see § 86.115 and Appendix I. A gasoline-fueled test vehicle may not be used to set dynamometer horsepower.

(3) For those unusual circumstances where additional preconditioning is desired by the manufacturer, such preconditioning may be allowed with the advance approval of the Administrator. The Administrator may also choose to conduct or require the conduct of additional preconditioning to insure that the evaporative emission control system is stabilized in the case of gasoline engines, or to insure that the exhaust system is stabilized in the case of Diesel engines. The additional preconditioning shall consist of an initial one hour minimum soak and, one, two, or three driving cycles of the UDDS, as described in (a)(2) of this section, each followed by a soak of at least one hour with engine off, engine compartment cover closed and cooling fan off. The vehicle may be driven off the dynamometer following each UDDS for the soak period.

(b) Within five minutes of completion of preconditioning, the vehicle shall be driven off the dynamometer and parked. The vehicle shall be stored for not less than 12 hours nor for more than 36 hours prior to the cold start exhaust test. (Gasoline-fueled vehicles undergo a one hour diurnal heat build prior to the cold start exhaust test. A wait of up to one hour is permitted between the end of the dirunal heat build and the beginning of the cold start exhaust test. See § 86.130 and Figure B79-5.)

(c) Vehicles to be tested for evaporative emissions shall be processed in accordance with procedures in §§ 86.133 through 86.138. Vehicles to be tested for exhaust emissions only shall be processed according to §§ 86.133 through 86.137.

20. A new § 86.135-81 is added and reads as follows:

§ 86.135-81 Dynamometer procedure.

(a) *Overview.* (1) *Gasoline-fueled vehicles.* The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour and a maximum 36-hour soak according to the provisions of §§ 86.132 and 86.133, and a "hot" start test following the "cold" start test by 10 minutes. Engine startup (with all accessories turned off), operation over the UDDS and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with ambient air and a continuously proportional sample is collected for analysis during each phase. The composite samples collected in bags are analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen.

(2) *Diesel vehicles.* The dynamometer run consists of two tests, a "cold" start test after a minimum 12 hours soak and a maximum 36 hour soak according to the provisions of §§ 86.132 and 86.133, and a "hot" start test following the "cold" start by 10 minutes. Engine startup (with all ac-

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cessories turned off), operation over the UDDS and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with ambient air in the dilution tunnel as shown in Figure B81-3 (and Figure B81-4). Three particulate samples are collected on filters for weighing; the first sample is collected during the first 505 seconds of the "cold" start test; the second sample is collected during the remainder of the "cold" start test (including shutdown); the third sample is collected during the "hot" start test. Continuous proportional samples of gaseous emissions are collected for analysis during each test phase. The composite samples collected in bags are analyzed for carbon monoxide, carbon dioxide, and oxides of nitrogen. Hydrocarbons are sampled and analyzed continuously according to the provisions of § 86.110. Parallel samples of the dilution air are similarly analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen.

(b) During dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. In the case of vehicles with front engine compartments, the fan shall be squarely positioned within 12 inches (30.5 centimeters) of the vehicle. In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan shall be placed in a position to provide sufficient air to maintain vehicle cooling. The fan capacity shall normally not exceed 5300 cfm (2.50 cubic meters per second). If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, and that such additional cooling is needed to provide a representative test, the fan capacity may be increased or additional fans used if approved in advance by the Administrator.

(c) The vehicle speed as measured from the dynamometer rolls shall be used. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(d) Practice runs over the prescribed driving schedule may be performed at test point, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustment.

NOTE.—When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls; the rocking of the vehicle changes the tire rolling radius on each roll. This rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(e) The drive wheel tires may be inflated up to a gauge pressure of 45 psi (310 kPa) in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(f) If the dynamometer has not been operated during the 2 hour period immediately preceding the test it shall be warmed up for 15 minutes by operating at 30 mph (48 kph) using a non-test vehicle or as recommended by the dynamometer manufacturer.

(g) If the dynamometer horsepower must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

(h) The driving distance as measured by counting the number of dynamometer roll or shaft revolutions, shall be determined for the transient cold start, stabilized cold start, and transient hot start phases of the test. The revolutions shall be measured on the same roll or shaft used for measuring the vehicle's speed.

21. A new § 86.137-81 is added and reads as follows:

§ 86.137-81 Dynamometer test run, gaseous and particulate emissions.

(a) *General.* (1) *Gasoline-fueled vehicles.* The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours or more than 36 hours before the cold start exhaust emission test. The cold start exhaust test shall follow the diurnal breathing loss test by not more than one hour. The vehicle shall be stored prior to the emission test in such a manner that precipitation (e.g., rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 7.5 miles (12.1 kilometers) and simulates a hot start drive of 7.5 miles 12.1 kilometers). The vehicle is allowed to stand on the dynamometer during the 10 minute time period between the cold and hot start tests. The cold start test is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of the driving schedule including engine shutdown. The hot start test, similarly, consists of two periods. The first period, representing the hot start "transient" phase, terminates at the same point in driving schedule as the first period of the cold start test. The second period of the hot start test, "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run.

(2) *Diesel vehicles.* The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours or more than 36 hours before the cold start exhaust emission test. The vehicle shall be stored prior to the emission test in such a manner that precipitation (e.g., rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 7.5 miles (12.1 km), and simulates a hot start drive of 7.5 miles (12.1 km). The vehicle is allowed to stand on the dynamometer during the 10 minute time period between the cold and hot start tests. The cold start test is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of the driving schedule including engine shutdown. The hot start test, similarly, consists of two periods. The first period, representing the start of the "transient" phase, terminates at the same point in the driving schedule as the first period of the cold start test. The second period of the hot start test, "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run.

(b) The following steps shall be taken for each test:

(1) Place drive wheels of vehicle on dynamometer without starting engine.

(2) Open the vehicle engine compartment cover and position the cooling fan.

(3) With the sample selector valves in the "standby" position connect evacuated sample collection bags to the dilute exhaust and dilution air sample collection systems.

(4) Start the CVS (if not already on), the sample pumps (except the Diesel particulate sample pump, if applicable), the temperature recorder, the vehicle cooling fan and the heated hydrocarbon analysis recorder (Diesels only). (The heat exchanger of the constant volume sampler, if used, Diesel hydrocarbon analyzer continuous sample line and filter (if applicable) should be preheated to their respective operating temperatures before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate and set the gas flow measuring devices to zero.

(i) For gaseous samples, the minimum flow rate is 0.17 cfm (0.08 1/s).

(ii) For particulate samples, the minimum flow rate is the equivalent of 0.130 SCFM/in² (0.00951 standard liters per second per square centimeter) of filter face area.

NOTE.—CFV-CVS sample flow rate is fixed, by the Venturi design.

(6) Attach the exhaust tube to the vehicle tailpipe(s).

(7) Carefully install a particulate sample filter into each of the two filter holders for Diesel tests. The filters must be handled only with forceps or tongs. Rough or abrasive filter handling will result in erroneous weight determination.

(8) Start the gas flow measuring device, position the sample selector valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag (turn on the Diesel hydrocarbon analyzer system integrator, mark the recorder chart, start particulate sample pump No. 1, and record both gas meter readings, if applicable), turn the key on, and start cranking the engine.

(9) Fifteen seconds after the engine starts, place the transmission in gear.

(10) Twenty seconds after the engine start, begin the initial vehicle acceleration of the driving schedule.

(11) Operate the vehicle according to the Urban Dynamometer Driving Schedule (§ 86.115).

NOTE.—During Diesel testing, adjust the flow rate through the particulate sample probe to maintain a constant value within ± 5 percent of the set flow rate. Record the average temperature and pressure at the gas meter inlet. If the set flow rate cannot be maintained because of high particulate loading on the filter, the test shall be terminated. The test shall be rerun using a smaller diameter probe, 0.5 inch (1.27 centimeter) minimum, or larger diameter filter, or both.

(12) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilizied" bags, switch off gas flow measuring device No. 1, (switch off the No. 1 Diesel hydrocarbon integrator and the No. 1 particulate sample pump, mark the Diesel hydrocarbon recorder chart, and close valves isolating particulate filter No. 1, if applicable) and start gas flow measuring device No. 2 (and start the Diesel hydrocarbon integrator No. 2 and the No. 2 particulate sample pump and open valves isolating particulate filter No. 2, if applicable). Before the acceleration which is scheduled to occur at 510 seconds, record the measured roll or shaft revolutions and reset the counter or switch to a second counter. As soon as possible, transfer the "transient" exhaust and dilution air samples to the analytical system and process the samples according to § 86.140, obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(13) Turn the engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(14) Five seconds after the engine stops running, simultaneously turn off gas flow measuring device No. 2 (and the Diesel hydrocarbon integrator No. 2, mark the hydrocarbon recorder chart, turn off the No. 2 particulate sample pump and close the valves isolating particulate filter No. 2, if applicable) and position the sample selector valves to the "standby" position (and open the valves isolating particulate filter No. 1, if applicable). Record the measured roll or shaft revolutions (both gas meter readings), and re-set the counter. As soon as possible, transfer the "stabilized" exhaust and dilution air samples to the analytical system and process the samples according the § 86.140, obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test. (Carefully remove both particulate sample filters from their respective holders, and place each in a separate petri dish, and cover, if applicable.)

(15) Immediately after the end of the sample period, turn off the cooling fan and close the engine compartment cover.

(16) Turn off the CVS or disconnect the exhaust tube from the tailpipe(s) of the vehicle.

(17) Repeat the steps in paragraph (b)(2) through (b)(11) of this section for the hot start test, except only two evacuated sample bags (and only one particulate filter sample, if applicable) are required; one for sampling exhaust gas and another for sampling dilution air. The step in paragraph (b)(8) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(18) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off gas flow measuring device No. 1 (and the Diesel hydrocarbon integrator No. 1, mark the Diesel hydrocarbon recorder chart and turn off the No. 1 particulate sample pump, if applicable) and position the sample selector valve to the "standby" postion. (Engine shutdown is not part of the hot start test sample period.) Record the measured roll or shaft revolutions (and the No. 1 gas meter reading). (Carefully remove the third particulate sample filter from its holder and place in a clean petri dish and cover, if applicable.)

(19) As soon as possible, transfer the hot start "transient" exhaust and dilution air samples to the analytical system and process the samples according to § 86.140 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(20) As soon as possible, and in no case longer than one hour after the end of the hot start phase of the test, transfer the three particulate filters to the weighing chamber for post-test conditioning, if applicable.

(21) Disconnect the exhaust tube from the vehicle tailpipe(s) and drive the vehicle from dynamometer.

(22) The CVS may be turned off, if desired.

(23) Vehicles to be tested for evaporative emissions will proceed according to § 86.138. For all others this completes the test sequence.

22. A new § 86.139-81 is added and reads as follows:

§ 86.139-81 Diesel particulate filter handling and weighing.

(a) At least 8 hours, but not more than 56 hours before the test, place each filter in an open, but protected, petri dish and place in the weighing chamber which meets the humidity and temperature specifications of § 86.112.

(b) At the end of the 8 to 56 hour stabilization period, weigh the filter on a balance having a precision of one microgram. Record this weight. This reading is the tare weight.

(c) The filter shall then be stored in a covered petri dish which shall remain in the weighing chamber until needed for testing.

(d) If the filter is not used within one hour of its removal from the weighing chamber, it shall be re-weighed.

(e) After the test, and after the sample filter is returned to the weighing room, condition it for at least 8 hours but not more than 56 hours. Then weigh a second time. This latter reading is the gross weight of the filter. Record this weight.

(f) The net weight (Pe) is the gross weight minus the tare weight.

NOTE.—Should the sample on the filter contact the petri dish or any other surface, the test is void and must be re-run.

23. A new § 86.142-81 is added and reads as follows:

§ 86.142-81 Records required.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date of time of day for each part of the test schedule.

(d) Instrument operated.

(e) Driver or operator.

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(f) Vehicle: ID number, manufacturer, model year, standards, engine family, evaporative emissions family, basic engine description (including displacement, number of cylinders, turbocharger used, and catalyst usage), fuel system (including number of carburetors, number of carburetor barrels, fuel inection type and fuel tank(s) capacity and location), engine code, gross vehicle weight rating, inertia weight class, actual curb weight at zero miles, actual road load at 50 mph (80 kph), transmission configuration, rpm and drive wheel tire pressure, as applicable.

(g) Indicated road load power absorption at 50 mph (80 kph) and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided the test cell records show the pertinent information.

(h) All pertinent instrument information such as tuning-gain-serial number-detector number-range. As an alternative a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and humidity.

(j) Test cell barometric pressure, ambient temperature and humidity.

NOTE.—A central laboratory barometer may be used: *provided*, that individual test cell barometric pressures are shown to be within ± 0.1 percent of the barometric pressure at the central barometer location.

(k) Fuel temperatures, as prescribed.

(*l*) Pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

$$M_p = 0.43\ (M_{p_1} + M_{p_{2c}})/(D_{ct} + D_c) + 0.57\ (M_{p_3} + M_{p_2})/(D_{ht} + D_s))$$

where:

(1) M_p = Mass of particulate determined from the "transient" phase of the cold start test, in grams per test phase.

(2) M_p = Mass of particulate determined from the "stabilized" phase of the cold start test, in grams per test phase.

(3) M_p = Mass of particulate determined from the "transient" phase of the hot start test, in grams per test phase.

(4) D_{ct} = The measured driving distance from the "transient" phase of the cold start test, in miles.

(5) D_s = The measured driving distance from the "stabilized" phase of the cold start test, in miles.

(6) D_{ht} = The measured driving distance from the "transient" phase of the hot start test, in miles.

(m) The number of revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic feet metered by a critical flow venturi during each test phase would be the equivalent record for a CFV-CVS.

(n) The humidity of the dilution air.

NOTE.—If conditioning columns are not used (see §§ 86.122 and 86.144) this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(o) The temperature of the gas flowing in the heated sample line before the heated filter, and also before the HFID, and the temperature of the control system of the heated hydrocarbon detector (for Diesel vehicles only).

(p) The driving distance for each of the three phases of the test, calculated from the measured roll or shaft revolutions.

(q) *Additional required records for Diesel vehicles.* (1) Pressure and temperature of the dilute exhaust mixture (and dilution air if sampled) at the inlet to the gas meter used for particulate sampling.

(2) The temperature of the dilute exhaust mixture inside the dilution tunnel near the inlet of the particulate probe.

(3) Gas meter readings at the start of each sample period and at the end of each sample period.

(4) The stabilized pre-test weight and post-test weight of each particulate sample filter.

(5) The temperature and humidity of the ambient air in which the particulate filters were stabilized.

24. A new § 86.145-81 is added and reads as follows:

§ 86.145-81 Calculations; particulate emissions.

(a) The final reported test results for the mass of particulate (M_p) in grams/mile shall be computed as follows:

$$M_{p_j} = V_{mix_j} \times \left[\frac{P_{e_j}}{V_{ep_j}} - \frac{P_b}{V_{bp}}\ (1 - 1/DF)\right]$$

where:

(1) j=1, 2 or 3 depending on which phase the mass of particulate is being determined for (i.e., the "transient" phase of the cold start test, the "stabilized" phase of the cold start test, or the "transient" phase of the hot start test).

(2) V_{mix} = Total dilute exhaust volume in cubic feet per test, corrected to standard conditions 528°R (293K) and 29.92 in Hg (101.3 kPa). V_{mix} is further defined in § 86.144.

(3) P_e = mass of particulate per test on the exhaust filter, grams.

(4) P_b = mass of particulate on the "background" filter, grams.

(i) The background particulate level, P_b, inside the dilution air filter box at EPA is very low. P_b will be assumed = 0, and background particulate samples will not be taken with each exhaust sample. It is recommended that background particulate checks be made periodically to verify the low level.

(ii) Any manufacturer may make the same assumption without prior EPA approval.

(iii) If P_b is assumed = 0, then no background correction is made. The equation for particulate mass emissions then reduces to:

$$M_{p_j} = \frac{V_{mix_j} \times P_{e_j}}{V_{ep_j}}$$

(6) V_{ep} = total volume of sample pulled through the filter, cubic feet at standard conditions.

$$V_{ep} = \frac{V_{ap} \times (P_{bar} + P_{ip}) \times 528}{T_{ip} \times 29.92}$$

where:

(i) V_{ep} = corrected (according to procedure specified in § 86.120) dilute exhaust sample volume, cubic feet.

(ii) P_{bar} = barometric pressure, in Hg.

(iii) P_{ip} = pressure elevation above ambient measured at the inlet to the dilute exhaust sample gas meter, in Hg. For most gas meters with unrestricted discharge P_{ip} is negligible and can be assumed = 0.

(iv) T_{ip} = average temperature of the dilute exhaust sample at the inlet to the gas meter, °R.

(7) V_{bp} = total volume of the background sample, cubic feet at standard conditions. (V_{bp} is not required if P_b is assumed = 0.) It is calculated using the following formula:

$$V_{bp} = V_{ab} \times \frac{(P_{bar} + P_{ib}) \times 528}{T_{ib} \times 29.92}$$

where:

(i) V_{ab} = corrected (according to procedure specified in § 86.120) background sample volume, cubic feet.

(ii) P_{bar} = barometric pressure, in Hg.

(iii) P_{ib} = pressure elevation above ambient measured at the inlet to the background gas meter, in Hg. For most gas meters with unrestricted discharge P_i is negligible and can be assumed = 0.

(iv) T_{ib} = average temperature of the background sample at the inlet to the gas meter, °R.

(8) DF = dilution factor. (DF is not required if P_b is assumed = 0.) DF is defined in § 86.144-78.

25. Section 86.605 is amended by adding paragraph (a)(1)(iii)(E) to read as follows:

§ 86.605 Maintenance of Records; submittal of information

(a) • • •

(1) • • •

(iii) • • •

(E) Additional required records for Diesel vehicles.

(*1*) Pressure and temperature of the dilute exhaust mixture (and dilution air if sampled) at the inlet to the gas meter used for particulate sampling.

(*2*) The temperature of the dilute exhaust mixture inside the dilution tunnel near the inlet of the particulate probe.

(*3*) Gas meter readings at the start of each sample period and at the end of each sample period.

(*4*) The stabilized pre-test weight and post-weight of each particulate sample filter.

(5) The temperature and humidity of the ambient air in which the particulate filters were stabilized.

• • • • • •

28. Section 86.608 is amended by revising paragraph (a) to read as follows:

§ 86.608 Test procedures.

(a) The prescribed test procedure 1980 model year and later light-duty vehicles and light-duty trucks is contained in Subpart B of this Part.

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27. Section 86.609 is amended by revising paragraph (a) to read as follows:

§ 86.609 Calculation and reporting of test results.

(a) Initial test results shall be calculated following the method prescribed in Subpart B of this Part. Initial test results shall be rounded in accordance with ASTM E 29-67 to the number of places to the right of the decimal point indicated by expressing the appropriate emission standard to three significant figures.

• • • • • •

28. Section 86.610 is amended by revising paragraph (a) to read as follows:

§ 86.610 Acceptance and rejection of batches.

(a) A failed vehicle is one whose final deteriorated test results, for one or more of the regulated exhaust pollutants, when compared to the applicable emission standard for that pollutant, exceeds that standard.

• • • • • •

29. Section 86.611 is amended by revising paragraph (c) to read as follows:

§ 86.611 Acceptance and rejection of batch sequence.

• • • • • •

(c) If the batch sequence is accepted for all regulated pollutants, the manufacturer will not be required to perform any additional testing of vehicles from subsequent batches pursuant to the initiating test order.

• • • • • •

30. Appendices IX and X to Part 86 do not apply to the 1980 model year and subequent model years.

(Sections 202, 206, 208, 301(a) of the Clean Air Act as Amended (42 U.S.C. 7521, 7525, 7542, 7601(a)).)

[FR Doc. 79-2324 Filed 1-31-79; 8:45 am]

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federal register

THURSDAY, FEBRUARY 1, 1979
PART V



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda

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[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-79-911]

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agendo of Significant Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of significant regulations under development or review.

SUMMARY: Pursuant to section 2(a) of Executive Order 12044, "Improving Government Regulations", the Department is publishing the first semiannual agenda listing significant regulations that will be under development or review during the period December 15, 1978 through June 14, 1979.

FOR FURTHER INFORMATION CONTACT:

Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6207.

ADDRESSES: Rules Docket Clerk, Office of Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6703.

Office of Legislation and Intergovernmental Relations, Department of Housing and Urban Development, Room 10120, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-5005.

SUPPLEMENTARY INFORMATION: Executive Order 12044, "Improving Government Regulations" (43 FR 12661) directs each Executive Agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is required at least semiannually in order to give the public adequate notice of agency rulemaking activities. In fulfillment of requirements imposed by the Executive Order, this agenda: (1) describes significant regulations under development or review by the Department for the period December 15, 1978 through June 14, 1979; (2) indicates the need and legal basis for the action being taken; and (3) provides the name and telephone number of an agency official familiar with the regulation. The Executive Order also provides that if possible, this agenda is to indicate, for each listed rule, whether a regulatory analysis is anticipated. Because this Department's procedures implementing the Executive Order are not fully operational, it is impossible to indicate in this initial agenda those listed rules for which regulatory analyses will be prepared. However, subsequently published agendas will include this information.

Public comment on the agenda is invited and should be submitted to the Rules Docket Clerk. General purpose State and local governments, and national organizations representing general purpose State and local governments, are invited to notify HUD's Office of Legislation and Intergovernmental Relations of those rules in which they have particular interest. The Office of Legislation and Intergovernmental Relations will acknowledge receipt of any such expression of interest and will bring the matter to the attention of the appropriate drafting office and the Office of Regulations for follow-up attention. Comments should be sent to the addresses listed above.

If necessary, the Department will publish supplemental agendas to identify additional significant regulations under development or review.

Appended to this Notice is HUD's initial agenda of significant regulations.

Office of Fair Housing and Equal Opportunity

1. COMPLIANCE PROCEDURES FOR AFFIRMATIVE FAIR HOUSING MARKETING

Description. Would provide for HUD review of approved AFHM Plans and for procedures, including imposition of sanctions, to assure compliance with approved plans.

Need. It is necessary to add procedures for the processing of allegations of violations and for imposing sanctions to the existing AFHM regulations (24 CFR Part 200m).

Authority. Executive Order 11064, Equal Housing Opportunity, 27 FR 11527; Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, 82 Stat. 73 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

2. DISCRIMINATION IN THE FINANCING OF HOUSING

Description. Would indicate the Department's view of conduct considered unlawful under Section 805 of the Civil rights Act of 1968 and would require the collection of data by financial institutions on the race, national origin, and sex of applicants for loans or other assistance relating to dwellings.

Need. To deal with recent experience which indicates that some residential mortgage lenders are discriminating against blacks, other minorities, and women in the making of housing loans.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

3. DEPARTMENT-WIDE REGULATIONS IMPLEMENTING EXECUTIVE ORDER 11063

Description. Would establish compliance review and complaint processing procedures and create a compliance mechanism leading to the imposition of sanctions, including referral of cases to the Attorney General.

Need. Comprehensive regulations are needed to implement Executive Order 11063 which requires that all necessary and appropriate action be taken by Federal departments and agencies to prevent discrimination because of race, color, creed, or national origin in residential property and related facilities owned, operated, or provided with Federal financial assistance and in lending practices with respect to residential property and related facilities of lending institutions, insofar as such practices relate to loans insured or guaranteed by the Federal government.

Authority. Executive Order 11063—Equal Opportunity in Housing, 27 F.R. 11527, (November 20, 1962).

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

4. DISCRIMINATION IN HOUSING ADVERTISING

Description. Provides HUD's interpretation of the provisions of Title VIII of the Civil Rights Act of 1968 with respect to discrimination in advertising for the sale or rental of dwellings. Also indicates the nature of HUD's inquiry into advertising practices in complaint investigations which allege discrimination in advertising based on race, color, religion, sex, or national origin.

Need. Regulations are needed to implement Section 804(c) of the Civil Rights Act of 1968 which makes it unlawful to make, print, or publish any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex or national origin and to supplement HUD's Fair Housing Advertising Guidelines.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73, 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

5. PROHIBITED BROKER CONDUCT UNDER TITLE VIII

Description. Informs brokers as to their responsibilities with respect to fair housing in solicitations, sales advertising, marketing, and the provision of services pursuant to application of Title VIII of the Civil Rights Act of 1968; also provides information as to membership in associations, and the use of services among real estate brokers.

Need. Comprehensive regulations are needed to implement Title VIII which prohibits discrimination in the sale or rental of dwellings, discrimination in financing, blockbusting, and discriminatory advertising and which also makes it unlawful to deny any person access to, or membership or participation in, any multiple listing service or real estate broker's organization based on race, color, religion, sex or national origin.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

6. CONDUCT WHICH CONSTITUTES STEERING UNDER TITLE VIII

Description. Describes real estate practices which could be a violation of Title VIII of the Civil Rights Act of 1968 with emphasis on steering based on race, color, religion, sex, or national origin.

Need. By publishing a regulation which generally describes steering, the Department would aid persons in complying with Title VIII, and would advise prospective buyers and renters of practices, often unrecognized, which unlawfully restrict their range of housing choices.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

7. UNLAWFUL ZONING AND LAND USE PRACTICES UNDER TITLE VIII

Description. Describes the applicability of Title VIII of the Civil Rights Act of 1968 to zoning and land use practices and indicates the tests to be used by HUD in determining whether a violation has occurred.

Need. In dealing with cases where violation of Title VIII through zoning actions was alleged, the courts have provided some indication as to the scope of coverage of Title VIII. Thus the courts have held that Title VIII prohibits discriminatory land use and zoning actions. However, the courts have not articulated a standard for compliance with the Fair Housing Law. In administering the Law, HUD can provide assistance to the public, and local agencies by indicating the tests it will apply in its analysis of complaints alleging discriminatory zoning or land use practices. 000

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

8. PROHIBITED APPRAISAL PRACTICES

Description. Provides guidance to persons concerning HUD's interpretation of proper standards and policies concerning the appraisal of dwellings; also advises appraisers and the public of HUD's position concerning practices, procedures, and methods of appraisal which can constitute a violation of Title VIII.

Need. HUD complaint experience has shown that appraisals are the subject of many Title VIII complaints. In the investigation of such complaints, we have found that instructional materials recognized as being authoritative on appraisal methods contain directions to appraisers which can result in violations of Title VIII of the Civil Rights Act of 1968. Some efforts have been launched to review these materials; however, this process is cumbersome since the Government and each major association of appraisers have voluminous material relating to appraisal policies. A general statement of appraisal policies and practices which may violate Title VIII will be helpful to appraisers in their work and to the public in understanding fair housing considerations in the appraisal of dwellings.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

9. RESIDENTIAL REDLINING UNDER TITLE VIII

Description. Indicates HUD's interpretation of Section 804(a) of the 1968 Civil Rights Act with respect to redlining and set forth the tests to be applied by the Department in investigating allegations of redlining based on race, color, religion, sex, or national origin.

Need. To implement Section 804(a) which makes it unlawful "to refuse to sell or rent . . . or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin." HUD experience in this area indicates that applicants may not be aware of real estate practices which constitute redlining because of the subtle nature of the practice.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

10. DISCRIMINATORY PRACTICES REGARDING PROPERTY INSURANCE

Description. Describes the coverage of Title VIII of the Civil Rights Act of 1968 with respect to denials of property insurance and advises the public as to the tests which HUD will apply in complaint investigations to determine whether violations of Title VIII have occurred.

Need. To implement Title VIII, and to inform prospective owners securing and maintaining property insurance.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

11. AFFIRMATIVE ADMINISTRATION OF FEDERAL PROGRAM RELATING TO HOUSING AND URBAN DEVELOPMENT

Description. Sets forth HUD's interpretation of the Title VIII mandate to administer programs relating to housing and urban development in a manner affirmatively to further the purposes of fair housing, and identifies in general, the nature and types of action HUD will take in the administration of its programs to enhance their impact on the provision of fair housing.

Need. Better implementation of Sections 808(a), 808(d) and 808(e)(3) of the Civil Rights Act of 1968.

Authority. Title VIII of the Civil Rights Act of 1968; P.L. 90-284, 82 Stat. 73; 18 U.S.C. 245.

Contact. Kenneth F. Holbert, 202-755-5518; Laura Lee Spencer, 202-755-5518.

12. TRAINING AND EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME RESIDENTS

Description. Provides HUD's interpretation of the provisions of Section 3 of the Housing and Urban Development Act of 1968 with respect to opportunities for training and employment for lower income residents arising in connection with HUD assisted projects, and for contracting opportunities for business concerns located in or owned in substantial part by persons residing in the area of HUD assisted projects.

Need. HUD's existing Section 3 regulation was promulgated prior to the enactment of the Housing and Community Development Act of 1974, which established the Community Development Block Grant (CDBG) Program. The regulation would provide for interpretations in the context of that program.

Authority. Section 3 of the Housing and Urban Development Act of 1968,

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P.L. 90-448, 82 Stat. 476; 12 U.S.C. 1701 et seq.; and Section 118 of the Housing and Community Development Act of 1974, P.L. 93-383, 88 Stat. 633.

Contact. Kenneth F. Holbert, 202-755-5518

13. IMPLEMENTATION OF SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

Description. Sets forth procedures and policies to assure nondiscrimination on grounds of race, color, national origin, or sex in programs and activities receiving assistance under Title I of the Housing and Community Development Act of 1974.

Need. To provide detailed regulations and procedures which describe requirements for compliance with Section 109 of the HCDA of 1974 in regard to nondiscrimination.

Authority. Section 109 of the Housing and Community Development Act of 1974, as amended; P.L. 93-383, 88 Stat. 633.

Contact. Laurance Pearl, 202-755-8697

OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

14 CDBG CLARIFICATION OF PROGRAM BENEFIT REQUIREMENTS

Description. Would clarify the program benefit requirement in the CDBG Program to reflect 1978 statutory amendments.

Need. Implementation of the 1978 amendments to the Housing and Community Development Act of 1974.

Authority. Section 104(c) of the Housing and Community Development Act of 1974, as amended; P.L. 93-383, 88 Stat. 633; P.L. 95-557, 92 Stat. 2080.

Contact. James R. Broughman, 202-755 6300

15 URBAN DEVELOPMENT ACTION GRANTS

Description. Amends existing regulations to reflect changes dictated by needs identified by the Department and participants during the first year of implementation of the UDAG program.

Need. The Action Grant regulations were drafted before the Department began reviewing and approving applications. Changes are required to clarify policy and make technical amendments based on our experience to date.

Authority. Section 119 of the Housing and Community Development Act of 1974, as amended; P.L. 93-383, 88 Stat. 633

Contact. Margaret B. Sowell, 202-755 5284, Sarah Underwood, 202-755-6540

16. COMPREHENSIVE PLANNING ASSISTANCE (701) PROGRAM; 24 CFR PART 600—SUBPARTS A TO F—BASIC REGULATIONS

Description. Amends the 701 regulations to implement more effectively national objectives set forth by the President's Urban Policy including: (1) community conservation and aid to distressed communities; (2) expansion of housing and employment opportunities; and (3) promotion of orderly and efficient growth. Provides for waivers from areawide organization requirements regarding board composition in order to facilitate creation of single planning organizations which undertake unified planning for multiple Federal planning programs.

Need. This rule is needed to initiate activities in support of the President's National Urban Policy.

Authority. Section 701, Housing Act of 1954, as amended, 68 Stat. 640, 40 U.S.C. 461.

Contact. Trudy F. McFall, 202-755-6240.

17. SECTION 312 REHABILITATION LOAN PROGRAM

Description. Implements Section 312 of the Housing Act of 1964 and program changes required by the Housing and Community Development Amendments of 1978.

Need. Implementation of Section 312 of the Housing Act of 1964 and the Housing and Community Development Amendments of 1978.

Authority. Section 312 of the Housing Act of 1964; as amended; P.L. 88-560, 78 Stat. 769, 790; 42 U.S.C. 1452(b); P.L. 95-557, 92 Stat. 2080.

Contact. William Hanson, 202-755-6160.

18. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION

Description. Adopts requirements appropriate to the flexible nature of the Community Development Block Grant program under Title I of the Housing and Community Development Act of 1974; sets forth requirements governing acquisition and rehabilitation activities which take place with no intent to displace tenants and makes general improvements based on past experience in implementing the Uniform Act.

Need. To benefit from program experience and to present the regulations in a more understandable format.

Authority. Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Contact. Harold J. Huecker, 202-755-1871.

19. POLICIES, RESPONSIBILITIES AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Description. Implements the National Environmental Policy Act of 1969, by incorporating the provisions of HUD Handbook 1390.1, Procedures for Protection and Enhancement of Environmental Quality, and of Section 905 of the Housing and Community Development Amendments of 1978.

Need. To modify the Department's environmental review procedures to reflect program changes and/or amendments that have affected the comprehensiveness of the basic document (1390.1 Handbook). The modification would incorporate all of these changes into a single FEDERAL REGISTER document.

Authority. The National Environmental Policy Act of 1969; P.L. 91-190, 42 U.S.C. 4321, et seq.; Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080.

Contact. Fred D. Regetz, 202-755-6296.

20. ENVIRONMENTAL CRITERIA AND STANDARDS, NOISE ABATEMENT AND CONTROL

Description. Converts the existing noise policy to regulation format and makes revisions and improvements intended to make the policy more flexible and consistent with other Federal agencies' noise programs.

Need. To update, consolidate and clarify procedures and policies set forth in HUD Circulars into regulation form.

Authority. National Environmental Policy Act of 1969; P.L. 91-190; Noise Control Act of 1972, P.L. 92574.

Contact. James F. Miller, 202-755-6201.

21. HAZARDOUS OPERATIONS OF AN EXPLOSIVE OR FLAMMABLE NATURE

Description. Establishes standards for safety separation distances or other mitigation measures to provide a healthful and safe living environment to residential or community projects that would be located in close proximity to industrial installations whose activities include hazardous operations with large quantities of fuels or chemicals of an extremely explosive or flammable nature.

Need. To set safety standards for mixed use development in industrial urban areas.

Authority. National Environmental Policy Act of 1969; P.L. 42 U.S.C. 4321 et seq.

Contact. James Christopulos, 202-755-6201; Michael T. McGee, 202-755-6202.

OFFICE OF NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS, AND CONSUMER PROTECTION

22. NEIGHBORHOOD SELF-HELP DEVELOPMENT

Description. Implements new legislation under which HUD is to (1) provide grants and other forms of assistance to qualified neighborhood organizations to undertake specific housing, economic or community development, and other appropriate neighborhood conservation and revitalization projects in low- and moderate-income neighborhoods, which are in need of preservation and revitalization, and (2) in the process of providing such assistance, increase the capacity of neighborhood organizations to utilize and coordinate resources available from the public and private sectors and from the residents and neighborhoods themselves, in conserving and revitalizing such neighborhoods.

Need. To implement Title VII of the Housing and Community Development Amendments of 1978.

Authority. Title VII, Housing and Community Development Amendments of 1978; P.L. 95-557, 92 Stat. 2080.

Contact. Joseph McNeely, 202-755-8227.

23. LIVABLE CITIES PROGRAM

Description. Implements new legislation under which HUD is to assist the efforts of States, local governments, neighborhood and other organizations to provide a more suitable living environment, expand cultural opportunities and, to the extent practicable, stimulate economic opportunities, primarily for the low- and moderate-income residents of communities and neighborhoods in need of conservation and revitalization, through the utilization, design or development of artistic, cultural, or historic resources.

Need. To implement the provisions of Title VIII of the Housing and Community Development Amendments of 1978.

Authority. Title VIII, Housing and Community Development Amendments of 1978; P.L. 95-557, 92 Stat. 2080.

Contact. Joseph McNeely, 202-755-8227.

24. MODULAR HOMES—EXCLUDED STRUCTURES

Description. Amend the Mobile Home Procedural and Enforcement Regulations by setting forth the certification required to be made by manufacturers of modular homes in order to exempt those structures from coverage under the National Mobile Home Construction and Safety Standards Act of 1974.

Need. To clarify application of existing regulations.

Authority. National Mobile Home Construction and Safety Standards Act of 1974, as amended; P.L. 93-383, 88 Stat. 633.

Contact. Richard A. Mendlen, 202-426-1872.

25. COPPER CLAD ALUMINUM CONDUCTORS

Description. Amends the Federal Mobile Home Construction and Safety Standards to accept certain sizes of copper clad aluminum conductors for use in the branch circuit electrical wiring of mobile homes.

Need. To implement program legislation which calls for consideration of new and innovative building systems.

Authority. National Mobile Home Construction and Safety Standards Act of 1974; P.L. 93-383, 88 Stat. 633.

Contact. Richard A. Mendlen, 202-426-1872.

26. RECREATIONAL VEHICLES AND SIMILAR STRUCTURES

Description. Amends the Mobile Home Procedural and Enforcement regulations to further clarify the applicability of the National Mobile Home Construction and Safety Standards Act of 1974 to recreational vehicles and similar structures.

Need. To clarify existing regulations which deal with recreational vehicle type structures which are covered by the Act.

Authority. The National Mobile Home Construction and Safety Standards Act of 1974; P.L. 93-383, 88 Stat. 633.

Contact. Richard A. Mendlen, 202-426-1872.

27. FEDERAL MOBILE HOME PROCEDURAL AND ENFORCEMENT STANDARDS

Description. Changes the eligibility requirements of certain participants, further delineates the responsibilities of these participants and modifies some procedural and enforcement activities.

Need. This rule is needed to enhance the general effectiveness and overall efficiency of the Federal Mobile Home Standards Program. It will be designed to ensure the continued participation of States currently in the program and to make the program more attractive to States not presently in the program.

Authority. National Mobile Home Construction and Safety Standards Act of 1974; P.L. 93-383; 88 Stat. 633.

Contact. Tobias A. Gottesman, 202-472-4703.

28. INTERSTATE LAND SALES FULL DISCLOSURE ACT

Description. Revises regulations implementing the Interstate Land Sales Full Disclosure Act. Revisions are the result of a regulation simplification project which has included the use of a "readability consultant", public hearings and extensive consideration of public comment received on the published proposals.

Need. The revised rules and regulations simplify the registration requirements which developers must meet to comply with the Act and provide additional exemptions from registration in those cases where the public interest is not served or where the protection of purchasers is not needed.

Authority. Title XIV of the Housing and Urban Development Act of 1968, as amended; P.L. 90-448, 82 Stat. 476.590; 15 U.S.C. 1701.

Contact. Roger C. Henderson, 202-755-6847.

29. REAL ESTATE SETTLEMENT PROCEDURES ACT

Description. Would revise or add to the existing regulations implementing the Real Estate Settlement Procedures Act. Contents of the proposed rule will be determined by the response to comments on an Advance Notice of Proposed Rulemaking which was published on August 5, 1978. Closing date for comments was December 1, 1978.

Need. This is the first opportunity the public has had to comment on the regulations since they were issued in 1976. At that time, the program was new and the industry and consumers had little or no experience working with the program regulations.

Authority. Real Estate Settlement Procedures Act; P.L. 93-533, 88 Stat. 1724; 12 U.S.C. 2617.

Contact. Cynthia D. Lewis, 2Q2-755-7038.

OFFICE OF INSPECTOR GENERAL

30. EXERCISE OF SUBPENA POWER

Description. Describes the manner in which subpena authority may be exercised by the Office of Inspector General under the provisions of the Inspector General Act of 1978.

Need. To implement the Inspector General Act of 1978.

Authority. Inspector General Act of 1978; P.L. 95-452, 92 Stat. 1101.

Contact. Frank L. Coveleski, 202-755-6383.

31. AUDIT GUIDE FOR GNMA MORTGAGE BACK SECURITIES PROGRAM

Description. Promulgates an audit guide for use by public accountants in auditing operations of issuers of GNMA-guaranteed mortgage-backed securities. This guide will describe the audit work to be performed by a public accountant at the issuer's office and at the office of its custodians. The guide will require the public accountant to

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report to the Government National Mortgage Association (GNMA) through the issuer, on the issuer's compliance with GNMA's requirements.

Need. To incorporate procedures and policies in regulation form.

Authority. Inspector General Act of 1978; P.L. 95-452, 92. Stat. 1101.

Contact. Leonard Wolin, 202-755-6361.

FEDERAL INSURANCE ADMINISTRATION

32. STANDARD FLOOD INSURANCE POLICY REVISION

Description. Revises the Standard Flood Insurance Policy to enable policyholders to better understand its provisions, benefits and protections.

Need. The revision is needed to serve the needs of approximately 1.5 million flood insurance policyholders.

Authority. National Flood Insurance Act of 1968; Pub. L. 90-448, 82 Stat. 476.

Contact. Richard W. Krimm, 202-755-5581.

33. REVISION OF APPEALS PROCEDURE

Description. Addresses in greater detail the use of administrative hearings to resolve appeals from proposed base flood elevation determinations.

Need. The revision may be needed to satisfy due process requirements.

Authority. National Flood Insurance Act of 1968; Pub. L. 90-448, 82 Stat. 476.

Contact. Richard W. Krimm, 202-755-5581.

34. MARKETING OF FEDERAL CRIME INSURANCE

Description. Provides increased marketing incentives for Federal Crime Insurance (F.C.I.) policies and simplifies the computation of insurance premiums through adoption of a uniform rate for all cities.

Need. The amendment is needed to improve operation of the F.C.I. program.

Authority. Section 1231-4, of the National Housing Act, as amended by Section 602(d), HUD Act of 1970, Pub. L. 609, 84 Stat. 1770, 1789, et seq.

Contact. James Rose, 202-755-6555.

35. FAIR PLANS

Description. Revises existing regulations which govern the administration of Statewide FAIR Plans, established in response to the Urban Property Protection and Reinsurance Act of 1968, as amended by the Housing and Community Development Act of 1978; also encourages efforts to stem arson-for-profit.

Need. The revision is needed to implement Section 307 of the Housing and Community Development Amendments of 1978, which requires that FAIR Plan rates be no higher than rates for the same coverage in the voluntary market and that FAIR Plans have public voting members on their boards.

Authority. Housing and Community Development Amendments of 1978; Pub. L. 95-557, 92 Stat. 2080.

Contact. Robert J. DeHenzel, 202-755-6580.

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

36. HAZARD MITIGATION

Description. Adds a new subpart to implement the provisions of Section 406 of the Disaster Relief Act of 1974.

Need. Needed to implement statutory provisions.

Authority. Disaster Relief Act of 1974; Pub. L. 93-288, 88 Stat. 143.

Contact. Charles Stuart, 202-634-7835.

37. FLOODPLAIN MANAGEMENT

Description. Adds a new subpart to implement the provisions of Executive Orders 11988 and 11990.

Need. Needed to implement Executive Orders.

Authority. Disaster Relief Act of 1974; Pub. L. 93-288, 88 Stat. 143.

Contact. Charles Stuart, 202-634-7835.

OFFICE OF HOUSING—FHA

38. INSURING EXISTING CONDOMINIUMS

Description. Amends 24 CFR §§ 234.25, 234.27 and 234.28 to implement provisions of the Housing and Community Development Amendments of 1978. Provides for insuring existing condominiums containing a minimum of 12 units and more than one year old.

Need. To implement the Housing and Community Development Amendments of 1978.

Authority. Housing and Community Development Amendments of 1978; Pub. L. 95-557, 92 Stat. 2080.

Contact. William A. Rolfe, 202-755-6887.

39. MOBILE HOMES—INTEREST SUBSIDY

Description. Provides for an interest subsidy for low income families wishing to purchase mobile homes and lots.

Need. To increase program participation.

Authority. Housing Authorization Act of 1976; Pub. L. 94-375, 90 Stat. 1067.

Contact. Thomas C. Thornton, 202-755-5743.

40. COINSURANCE FOR PRIVATE MORTGAGE LENDERS

Description. Amends 24 CFR Part 255 to provide coinsurance for private mortgage lenders.

Need. This rule was published for comment September 26, 1978 with comments due by November 13, 1978 and a final rule is needed to implement the program.

Authority. Section 244 of the National Housing Act; Pub. L. 93-383, 88 Stat. 633; 12 U.S.C. 1701 et seq.

Contact. George O. Hipps, Jr., 202-755-5720.

41. SECTION 8 CO-OPS

Description. Implements the Section 8 cooperative housing program originally authorized by the Housing and Community Development Act of 1974; establishes policies and procedures for processing applications under that Program.

Need. To establish policies and procedures for processing Section 8 Program applications for Co-op projects.

Authority. U.S. Housing Act of 1937 as amended by Housing and Community Development Act of 1974; Pub. L. 93-383, 88 Stat. 633.

Contact. George O. Hipps, Jr., 202-755-5720.

42. PART 881—SECTION 8 SUBSTANTIAL REHABILITATION

Description. Revises completely the current regulations for the Section 8 substantial rehabilitation program to (1) incorporate cost containment provisions, (2) make the regulations easier to understand, and (3) simplify processing procedures.

Need. To incorporate cost containment provisions and to make the regulations easier to understand by simplifying processing procedures.

Authority. U.S. Housing Act of 1937, as amended by HCD Act of 1974; Pub. L. 93-383, 88 Stat. 633.

Contact. George O. Hipps, Jr., 202-755-5720.

43. SECTION 8 FARMERS HOME ADMINISTRATION AND SECTION 515 RURAL RENTAL HOUSING PROJECTS

Description. Revises the regulations covering use of the Section 8 program with the Farmers Home Administration (FmHA) Section 515 program to extend coverage to rehabilitation as well as new construction and to clarify the roles of HUD and FmHA.

Need. Simplify processing procedures and improve language for clarity.

Authority. U.S. Housing Act of 1937, as amended by HCD Act of 1974; Pub. L. 93-383, 88 Stat. 633.

Contact. George O. Hipps, Jr., 202-755-5720.

44. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

Description. Revises completely the regulations for the Section 8 New

Construction Program including a new summary and guide, revised basic policies and requirements, and improved processing procedures.

Need. To make the regulations easier to understand and use; to improve processing procedures, including revisions in response to work leveling recommendations; and to implement additional cost containment factors including limitations on rents, replacement costs and project funds distribution, prohibition on excess amenities and imposition of cost reviews.

Authority. United States Housing Act of 1937, as amended by Housing and Community Development Act of 1974; Pub. L. 93-383, 88 Stat. 633.

Contact. George O. Hipps, Jr., 202-755-5720.

45. OBLIGATIONS OF PUBLIC HOUSING AGENCIES—TAX EXEMPTION AND RELATED AMENDMENTS

Description. Amends 24 CFR Part 811 by setting forth the procedures for processing of developments being financed with tax-exempt bonds or mortgages issued as obligations of a Public Housing Agency (PHA) or a PHA instrumentality.

Need. To provide greater program control.

Authority. Section 11(b) of the U.S. Housing Act of 1937; Pub. L. 93-383, 88 Stat. 633.

Contact. Michael Smilow, 202-755-5946.

46. ELIMINATION OF RENT REDUCTION INCENTIVE; SECTION 8 EXISTING HOUSING PROGRAM

Description. Deletes the Rent Reduction Incentive and prohibits Public Housing Agencies from approving any reduction in the family contribution toward rent for families selecting units renting for less than HUD approved maximum rents.

Need. To respond the Congressional concern relative to cost effectiveness of the incentives.

Authority. Section 8 of the U.S. Housing Act of 1937; Pub. L. 93-383, 88 Stat. 633.

Contact. Patricia Arnaudo, 202-755-6460.

47. INTERJURISDICTIONAL MOBILITY; SECTION 8 EXISTING HOUSING PROGRAM

Description. Facilitates greater opportunities for families with Section 8 Existing Housing Program Certificates of Participation to find housing of their choice within an SMSA or elsewhere. Selected units must meet Section 8 Existing Housing Program Quality Standards and be within required Fair Market Rents.

Need. To increase housing opportunities by facilitating the use of existing resources.

Authority. Section 8 of the U.S. Housing Act of 1937; Pub. L. 93-383, 88 Stat. 633.

Contact. Patricia Arnaudo, 202-755-7460.

48. CO-INSURANCE FOR SINGLE FAMILY MORTGAGE LOANS BY SUPERVISED PRIVATE FINANCIAL INSTITUTIONS

Description. Modifies the existing regulations under 24 CFR Part 204 which prescribe rules governing coinsurance for mortgage loans on single family homes insured under Section 203(b) of the National Housing Act. Would add a new subpart to prescribe a separate set of rules for coinsurance for home loans made by supervised private financial institutions, defined as commercial banks, credit unions, life insurance companies, mutual savings banks, and savings and loan associations.

Need. To increase participation in and effect of program.

Authority. Section 244 of the National Housing Act; Pub. L. 93-383, 88 Stat. 633; 12 U.S.C. 1701 et seq.

Contact. Arnold Diamond, 202-755-6926.

49. CONGREGATE HOUSING SERVICES ACT OF 1978

Description. Authorizes grants to eligible PHAs and Section 202 project sponsors which contract to have at least two meals, seven days a week, and supportive services, such as housekeeping and personal care services, provided to frail elderly and non-elderly handicapped individuals in order to enable them to avoid institutionalization. Each project must be reviewed by the local area agency on aging or vocational rehabilitation/mental retardation agency, as appropriate, prior to being submitted to HUD.

Need. HUD must implement this new statutory program; there is no existing rule or guideline.

Authority. Title IV of the Housing and Community Development Amendments of 1978; Pub. L. 95-557, 92 Stat. 2080.

Contact. Morton Leeds, 202-755-2980; Jerry Nachison, 202-755-6618.

50. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING FINANCE AND DEVELOPMENT AGENCIES

Description. Sets forth the procedures for processing and administering the Section 8 Housing Assistance Payments Program financed by State Housing Finance and Development Agencies and implements cost containment policies.

Need. To implement cost containment policies.

Authority. Section 8 of the U.S. Housing Act of 1937, Pub. L. 93-383, 88 Stat. 633.

Contact. Neil Churchill, 202-755-5945.

51. NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Description. Sets forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving HUD financial assistance.

Need. To comply with Section 504 of the Rehabilitation Act of 1973, as amended, and Executive Order 11914 which relate to nondiscrimination against handicapped persons.

Authority. Executive Order 11914; Rehabilitation Act of 1973; Pub. L. 93-112, 87 Stat. 355.

Contact. Catherine Hillard, 202-755-7366.

52. ACCESSIBILITY DESIGN STANDARDS

Description. Prescribes accessibility design standards, which apply to all Federal programs involving publicly owned residential structures constructed, altered or leased with Federal funds. The amendments conform the rule with legislative changes, make a few routine changes, and add a provision to permit program-by-program supplementing of the accessibility standards with numerical or percentage requirements for specific building features such as parking spaces, dwelling units, or elevators.

Need. The amendments are needed to clarify the regulation, conform it with recent legislation, and make its application more useful to the disabled.

Authority. Architectural Barriers Act of 1968, Pub. L. 90-480, 82 Stat. 718.

Contact. Dr. Robert Wehrli, 202-755-7366.

53. ACCESSIBILITY DESIGN STANDARDS

Description. Augments the rule at 24 CFR Part 40, which prescribes accessibility design standards under the Architectural Barriers Act of 1968.

Need. This rule strengthens and coordinates the Department's procedures for compliance with the Architectural Barriers Act of 1968.

Authority. Architectural Barriers Act of 1968, Pub. L. 90-480, 82 Stat. 718; Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 355.

Contact. Dr. Robert Wehrli, 202-755-7366.

54. FLEXIBLE SUBSIDY REGULATIONS

Description. Describes the flexible subsidy program as enacted by Congress in the 1978 Housing and Community Development Amendments, de-

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fines eligible activities, and spells out HUD's oversight responsibilities in connection with the allocation of these needs.

Need. The regulations are needed to implement Section 201 of the Housing and Community Development Amendments of 1978.

Authority. The Housing and Community Development Amendments of 1978; Pub. L. 95-557, 92 Stat. 2080.

Contact. Susan Donohue, 202-755-5677.

55. UNSUBSIDIZED HOUSING PROJECTS—RENT PREEMPTION

Description. Modifies the existing rule on Federal Preemption of Local Rent Control by providing for a tenant comment period and redefining the amount of rental income needed to financially sustain a project.

Need. To improve existing regulations in response to significant public comment.

Authority. Section 7(d) of the Department of HUD Act; Pub. L. 89-174, 79 Stat. 667; 42 U.S.C. 3531.

Contact. James Tahash, 202-755-5757.

(Authority: Section 2(a) of Executive Order 12044, 43 FR 21661, March 24, 1978).

Issued at Washington, D.C., on January 26, 1979.

PATRICIA ROBERTS HARRIS,
Secretary, Department of Housing and Urban Development.

[FR Doc. 79-3430 Filed 1-31-79; 8:45 am]

federal register

THURSDAY, FEBRUARY 1, 1979
PART VI



DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

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SUPPLEMENTAL MINE MAP REQUIRED FOR SMALL OPERATORS

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[4310-05-M]

Title 30—Mineral Resources

CHAPTER VII—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

PART 715—GENERAL PERFORMANCE STANDARDS

Supplemental Mine Map Required for Small Operators

AGENCY: Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement ("OSM") amends 30 CFR 715.11(c) to require additional information in mine maps submitted by small operators. The amendment requires small operators to submit mine maps by March 15, 1979, showing the furthest extent of areas mined as of the termination date of a small operator's exemption, which would have occurred before January 1, 1979. This regulation is necessary both to protect the small operators and to enforce the Act.

EFFECTIVE DATE: March 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Harriet B. Marple, Office of Surface Mining, Department of the Interior, Washington, D.C., 20240, (202) 343-5384.

SUPPLEMENTARY INFORMATION: This regulation is necessary both to protect the small operators and to enforce the Act. The added mine map feature is necessary to avoid penalizing small operators for noncompliance with the full interim regulatory program on those areas mined during the period of the exemption. Secondly, effective enforcement of the Act requires the regulatory authority to know exactly which mining operations are not covered by the small operator's exemption. The present mine map required in § 715.11(c) does not provide the needed delineation of areas mined during the period of a small operator's exemption.

Notice of the proposed rulemaking was published in 43 FR 56425 (December 1, 1978), which provided for a thirty-day comment period. Opportunity for a hearing was provided if one was requested, but no person requested a hearing. Three written comments were received, which are responded to below.

1. Two comments requested clarification of the date when the new or revised mine map must be submitted. Since the rule will not be promulgated until after January 2, 1979, the commenters questioned how OSM could mandate submission of mine maps prior to January 1, 1979.

The regulation was clarified in response to these comments. Where a new or revised mine map is required of a small operator, it is to be submitted before March 15, 1979.

2. One commenter suggested that this regulation may cause duplication since certain states require a mine map as part of a permit application. If also part of an approved plan, a mine map would be required to be kept by the permittee "at or near the minesite" under 30 CFR 715.11(b). Also, for initial permits issued on or after February 4, 1978, and renewed permits issued on or after May 4, 1978, a state regulatory authority is to send a copy of the permit application directly to OSM pursuant to 30 CFR 720.13(b). The commenter requested that no new mine map be required when the information was already provided to the states and available to OSM under either of the regulations referred to above.

The regulation was modified in response to the comment. Where the information required under the regulation is already contained in a duplicate of a mine map submitted to the State and made available to OSM under 30 CFR 720.13(b), no new map will be required. However, in most cases the previous mine maps do not show the area used or disturbed to facilitate mining as of the date the small operator's exemption expired. Furthermore, mine maps generally cannot be copied on a photocopying machine, and thus a State cannot make an operator's map available to OSM unless the operator has furnished the State with an extra copy. Therefore, in most cases the operator will need to furnish to the State and OSM either new maps or duplicates of maps previously submitted that comply with 30 CFR 715.11(c) as previously in effect; if duplicates are resubmitted, they must be marked with the additional information required by the new § 715.11(c)(2).

The commenter's suggestion that mine maps contained in approved plans located "at or near the minesite" pursuant to § 715.11(b) may be adequate for the purposes of the present regulation was rejected. To determine which areas of the minesite are exempted, the inspector needs to carry the mine map on the inspection. Also the Office may need the mine map as evidence of a violation. Neither of these needs would be met if the operator refused to let a duplicate of the map be taken to the minesite by the inspector or if the operator's office happened to be closed.

3. The Virginia Division of Mined Land Reclamation submitted written comments supporting the mine map requirement as necessary both to protect the small operator and to enforce the Act. It proposed five requirements for such maps. The first proposed requirement was already contained verbatim in the proposed regulations and no change was made. The second was that the scale of the map should be 1"-400', and that three copies should be submitted: one for OSM, one for the office file and one for the inspector. A map of the scale of 1"-400' is larger than one of 1:6000. Since a map on a scale larger than 1:6000 would meet the requirements of the proposed regulation, no change was made. Also, no change was made in the number of copies required to be furnished to OSM because only one copy was required of operators who had no exemption and in any event one is adequate. The third proposed requirement was that the color code and legend required on Virginia maps be used. The map may use any color code and legend so long as the required information is clearly shown. Therefore, no change was made. The fourth proposed requirement was that on multiseam operations a series of overlays be used to delineate the lands from which coal has not yet been removed for each coal seam being mined. While this would be a good way of showing the required information, it is not necessary if the required information can be clearly shown without overlays. The fifth proposed requirement was that the maps should be submitted before March 1, 1979. OSM feels that small operators should have approximately the same time to prepare and submit these maps as was provided with respect to the maps required under redesignated paragraph (c)(1). The revised regulation so provides.

The reporting requirement contained in 30 CFR 715.11(c)(2) has been approved by the U.S. General Accounting Office under No. B-190462 (R 0494).

In § 715.11(c), the existing paragraph is redesignated (1), and a new paragraph (2) is added. As revised, § 715.11(c) reads as follows:

§ 715.11 General obligations.

• • • • • •

(c) *Mine maps.*

(1) • • •

(2) In addition to the requirements of paragraph (c)(1) of this section, any person who conducted surface coal mining and reclamation operations pursuant to a small operator's exemption shall submit before March 15, 1979, two copies of an accurate map of each mine showing the permit area at a scale of 1:6000 or larger. One copy

shall be submitted to the state regulatory authority and one copy to the appropriate Regional Director, OSM. The map shall show as of December 31, 1978 or the expiration date of the exemption (whichever is earlier) the lands from which coal had not yet been removed, the lands and structures which had been used or disturbed to facilitate mining, and the lands which had not been disturbed. The map need not be submitted if these areas have already been shown on mine maps submitted to the state regulatory authority, if a copy is available to the appropriate Regional Director pursuant to paragraph (c)(1) of this section or 30 CFR 720.13(b).

Dated: January 29, 1979.

HOPE M. BABCOCK,
Deputy Assistant Secretary for Energy and Minerals.

[FR Doc. 79-3531 Filed 1-31-79; 8:45 am]

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THURSDAY, FEBRUARY 1, 1979
PART VII



DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

Customs Service

Secret Service

■

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda

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[4810-31-M]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[Notice No. 79-2]

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda of Regulations

AGENCY: Bureau of Alcohol, Tobacco, and Firearms (ATF).

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development and review.

SUMMARY: This semiannual agenda lists the regulations that ATF will be developing and reviewing from February 1, 1979, through August 1, 1979. The purpose of this semiannual agenda is to give the public adequate notice of ATF regulatory activities.

FOR FURTHER INFORMATION CONTACT:

Ms. Armida N. Stickney or Mr. Charles N. Bacon at 202-566-7626.

For any information about any particular item on the semiannual agenda, contact the individual listed in the column headed "knowledgeable official" for that item.

SUPPLEMENTAL INFORMATION:

GENERAL

Executive Order 12044, "Improving Government Regulations," and Treasury Directive 50-04.F, "Criteria and procedures for the Preparation, Review and Approval of Regulations," require that a semiannual agenda of regulations under development and review be published in the FEDERAL REGISTER. In the FEDERAL REGISTER of Wednesday, November 1, 1978, the Department of Treasury announced that ATF will publish its semiannual agenda on February 1 and August 1 of each calendar year. The next semiannual agenda of ATF will be published in the FEDERAL REGISTER of Wednesday, August 1, 1979.

SEMIANNUAL AGENDA

The semiannual agenda reads as set forth below.

By Direction of the Secretary of the Treasury.

JOHN G. KROGMAN,
Acting Director

A1(1)

[4810-31-C]

A. REGULATIONS UNDER DEVELOPMENT

Description	Justification for Regulatory Action	Regulatory Analysis	Legal Authority	CFR	Knowledgeable Official
Disaster claims	Implements Pub. L. 95-423 which provides that other losses be treated the same as losses caused by Presidentially declared major disasters	No	Pub. L. 95-423 and 68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 170	Dorene Ehrard 202-566-7626
Change in return and deferral periods for alcohol and tobacco excise taxpayments and use of electronic wire transfers	Implements the President's Reorganization Project on Cash Management recommendation	No	72 Stat. 1335, 1417; 68A Stat. 775 (26 U.S.C. 5061 (a), 5703 (b) and (c), and 6302 (a) and (c))	27 CFR Parts 70, 170, 201, 240, 215, 270, 275, 285	Armida Stickney 202-566-7626
Procedural rules	Incorporates certain requirements from 26 CFR Parts 301 and 601 (Internal Revenue Regulations)	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 71	Steve Simon 202-566-7626
Disclosure of information	Incorporates certain requirements from 26 CFR Part 301 (Internal Revenue Regulations)	No	Pub. L. 94-455; 90 Stat. 1660 (26 U.S.C. 6103, 7429, 7609)	27 CFR 71.27	Steve Simon 202-566-7626
Home production of beer and wine	Implements section 2 of Pub. L. 95-458	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 240, 215	Edward Sheehan 202-566-7626
Alternate premises between distilled spirits plants and bonded wine cellars	Liberalizes use of premises	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 201, 240	Armida Stickney 202-566-7626
The fetal alcohol syndrome	Consumer protection	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 4, 5, 7	Armida Stickney 202-566-7626

Prohibited trade practices under the Federal Alcohol Administration Act	Implements trade practice subsections, 5 (a) - (d), of the Federal Alcohol Administration Act	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Parts 8, 10, 11	Charles Bacon 202-566-7626
Prohibited trade practices under the Federal Alcohol Administration Act	Contains substantive rules which have not been significantly revised in the preceding six years	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Part 6	Charles Bacon 202-566-7626
Ingredient labeling of wine, distilled spirits, and malt beverages	Is the subject of meaningful demand directed at ATF by the public; and contains substantive rules that are not simply interpretative rules	Yes	49 Stat. 981 (27 U.S.C. 205)	27 CFR Parts 4, 5, 7	Raymond Conrad 202-566-7626
Distilled spirits; varietal brandy	Responds to a petition to establish a standard of identity for varietal brandy	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Part 5	Armida Stickney 202-566-7626
Tobacco products; records requirement for cigarette distributors	Implements Pub. L. 95-575 which curtails the illicit traffic in contraband cigarettes	No	Pub. L. 95-575, 92 Stat. 2464 (18 U.S.C. 2343)	27 CFR Part 296, Subpart F (new)	Thomas Minton 202-566-7626
Tobacco products; large cigar markings	Further implements Pub. L. 94-455 relating to tax treatment of large cigars	No	Pub. L. 94-455, 68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 270, 275, 290, 295	Dorene Erhard 202-566-7626
Wine; viticultural area designation (Augusta, Missouri)	Responds to a petition to establish an American viticultural area	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Part 9	Thomas Busey 202-566-7626

Wine; viticultural area designation (North Coast, California)	Responds to a petition to establish an American viticultural area	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Part 9	Thomas Busey 202-566-7626
Labeling of commercial samples of alcoholic beverages used for testing of products of foreign origin	Responds to a petition to liberalize labeling requirements on certain imported samples	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Parts 4, 5 and 7 as they relate to Part 251	Raymond Conrad 202-566-7626

8. REGULATIONS UNDER REVIEW

B1(4)

Description	Justification for Regulatory Action	Regulatory Analysis	Legal Authority	CFR	Knowledgeable Official
Seizures and forfeitures	Implements section 111 of Pub. L. 95-410 which increases the appraised value of seized carriers, without judicial proceeding, which may be forfeited under the provisions of Customs laws	No	Pub. L. 95-410, the Customs Procedural Reform and Simplification Act of 1978; 92 Stat. 897, as amended (19 U.S.C. 1607, 1610, 1612)	27 CFR 72.22	Armida Stickney 202-566-7626
Procedural rules	Implements Title XII of Pub. L. 94-455 relating to disclosure of tax returns and return information	No	Pub. L. 94-455; 90 Stat. 1660 (26 U.S.C. 6103, 7429, 7609)	27 CFR Part 71	Steve Simon 202-566-7626
Special tax	Conforms to changes in Form 11 made by the Internal Revenue Service	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 179, 194, 197, 201, 245	Steve Simon 202-566-7626
Distilled spirits; liquor bottles	Clarify and simplify; eliminates certain requirements which are no longer applicable	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 173	Dorene Erhard 202-566-7626
Distilled spirits; denatured alcohol	Update; clarify and simplify	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 212	Steve Simon 202-566-7626
Distilled spirits; exportation of liquors	Clarify and simplify	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 252	Steve Simon 202-566-7626
Explosives	Update; clarify and simplify	No	84 Stat. 959 (18 U.S.C. 847)	27 CFR Part 181	Dorene Erhard 202-566-7626

Firearms	Update; to improve assistance to both State and local law enforcement agencies in investigating crimes committed with firearms	Yes	82 Stat. 1221 (18 U.S.C. 923 (g)); 82 Stat. 234, as amended (18 U.S.C. 926)	27 CFR Parts 47, 178, 179	James Hunt 202-566-7626
Tobacco products; exportation of tobacco	Clarify and simplify	No	68A Stat. 713 (26 U.S.C. 5723)	27 CFR Part 290	Steve Simon 202-566-7626
Tobacco products; export warehouses	Implements section 1905 of Pub. L. 94-455 relating to transfer of liability for tobacco taxes and to exemptions from tobacco taxes	No	Pub. L. 94-455; 90 Stat. 1821 (26 U.S.C. 5703, 5704)	27 CFR Parts 275, 290	Steve Simon 202-566-7626
Wine; public use forms	Reduces a paperwork burden and liberalizes certain requirements on proprietors of wineries	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 231, 240	James Hunt 202-566-7626
Wine; standard of identity (cider)	Liberalizes standard of identity requirements for cider	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Part 4, Subpart C, Subpart D	Thomas Minton 202-566-7626
Bonds	Revenue protection; increase, decrease, or elimination of certain bond requirements	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 201, 211, 213, 245	Steve Simon 202-566-7626
Advertising of wine, distilled spirits, and malt beverages	Contains substantive rules which have not been significantly revised in the preceding six years	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Parts 4, 5, 7	Thomas Busey 202-566-7626
Shipping case requirement for distilled spirits and wine metric containers	Eliminates an administrative burden on the Government and an unnecessary restriction on industry members	No	49 Stat. 981 (27 U.S.C. 205)	27 CFR Part 4, 5	James Hunt 202-566-7626

Distilled spirits; samples	Liberalizes sample requirements	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 201, Subpart T, Subpart U	Thomas Minton 202-566-7626
Distilled spirits; formulas for rectified products	Responds to a petition to redesignate Form 27-B Supplemental and to revise certain requirements for the submission of the form	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Parts 170, 201, 250, 252	Edward Sheehan 202-566-7626
Distilled spirits; marks on portable containers	Responds to a petition to eliminate the requirement for proprietors to mark the purpose of withdrawal on portable containers of tax-free alcohol	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 201	Edward Sheehan 202-566-7626
Distilled spirits; strip stamps and alternative devices	Issued prior to enactment of legislation which provides significantly different rules concerning the subject regulatory matter from the rules contained in the regulations	No	Pub. L. 94-569	27 CFR Parts 201, 194, 197, 250, 252	Edward Sheehan 202-566-7626
Distilled spirits; distribution and use of tax-free alcohol	Contains substantive rules which have not been significantly revised in the preceding six years; and is complex and can be clarified and simplified	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 213	Edward Sheehan 202-566-7626
Distilled spirits; storage facilities	Liberalizes uses of export storage facility to be consistent with Pub. L. 95-176	No	72 Stat. 1364, as amended (26 U.S.C. 5215)	27 CFR Part 201	Charles Bacon 202-566-7626
Distilled spirits; nonbeverage drawback	Update; clarify and simplify	No	72 Stat. 1345, 1346 (26 U.S.C. 5131-5134)	27 CFR Part 197	Steve Simon 202-566-7626

Distilled spirits; meters	Update; new technology	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 201	Steve Simon 202-566-7626
Distilled spirits; distribution and use of denatured alcohol and rum	Contains substantive rules which have not been significantly revised in the preceding six years; and is complex and can be clarified and simplified	No	72 Stat. 1370, 1372, 1373 (26 U.S.C. 5271-5275); 68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 211	Charles Bacon 202-566-7626
Distilled spirits; bottling proof tolerances	Responds to a petition to increase the loss allowance to 2% on distilled spirits lost during bottling operations	No	72 Stat. 1356 (26 U.S.C. 8201; 49 Stat. 981, as amended (27 U.S.C. 205(e))	27 CFR Parts 5, 201	Thomas Busey 202-566-7626
Firearms; National Firearms Act	Streamline transfer procedures for title II weapons	No	68A Stat. 917 (26 U.S.C. 7805); Title II of Pub. L. 90-618 (26 U.S.C. Chapter 53)	27 CFR Part 179	Armida Stickney 202-566-7626
Malt beverages; production of beer	Contains substantive rules which have not been significantly revised in the preceding six years; and is complex and can be clarified and simplified	No	72 Stat. 1333, 1335 (26 U.S.C. 5051-5056); 72 Stat. 1388-1390 (26 U.S.C. 5401-5416); 84 Stat. 2057 (26 U.S.C. 5417); 68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 245	Charles Bacon 202-566-7626
Tobacco products; packages	Removes a regulatory requirement	No	68A Stat. 713 (26 U.S.C. 5723)	27 CFR Parts 270, 290, 295	Steve Simon 202-566-7626

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	No	68A Stat. 713 (26 U.S.C. 7805)	27 CFR Part 240	Raymond Conrad 202-566-7626	
	No	Pub. L. 94-409 (5 U.S.C. 552)	27 CFR Part 200	Dorene Erhard 202-566-7626	
	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 201	Thomas Busey 202-566-7626	
	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 186	Thomas Busey 202-566-7626	
	No	82 Stat. 1221 (18 U.S.C. 923(g); 82 Stat. 234, as amended (18 U.S.C. 926)	27 CFR 178.125	James Hunt 202-566-7626	
	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR 18.127	James Hunt 202-566-7626	
	No	68A Stat. 917 (26 U.S.C. 7805)	27 CFR Part 250	James Hunt 202-566-7626	

Wine — Contains substantive rules which have not been significantly revised in the preceding six years; and is complex and can be clarified and simplified

Ex parte communications — Conforms regulatory language in Part 200 to "Government in Sunshine Act" (Pub. L. 94-409) language

Operational losses — Partially eliminates an administrative burden on ATF

Gauging procedures — Implements a necessary consistency in gauging spirits from bond to bottling

Recordkeeping change for firearms licensees — Simplifies procedure of recording serial numbers for firearms returned for service or repair

Transfer of volatile fruit-flavor concentrate between a manufacturers plant — Eases a restriction on non-beverage volatile fruit-flavor concentrate containing 15 to 24 percent alcohol

Change Customs certification requirement on spirits from Puerto Rico — Spirits from Puerto Rico do not need customs certification to land in United States; poses a problem in import procedure for importers

[FR Doc. 79-3806 Filed 1-31-79; 11:32 am]

[4810-22-M]

Customs Service

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Executive Order 12044, "Improving Government Regulations", and the Treasury Department directive implementing that Executive Order, Customs has prepared and is publishing for public information a list of significant regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT:

Todd J. Schneider, Regulations and Legal Publications Division, Office of Regulations and Ruling, U.S. Customs Service, Room 2335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, (202) 566-8237.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On November 8, 1978, the Department of the Treasury published a report in the FEDERAL REGISTER (43 FR 52120) to implement E.O. 12044. The report included a directive that each Treasury bureau or office shall publish a semiannual agenda of significant regulations either under development or under review. The agenda is to describe each regulation being considered, the need for and legal basis for the action being taken, the name and telephone number of a knowledgeable agency official, and whether a regulatory analysis will be prepared. In addition, subsequent agendas will show the status of regulations projects referred to in the previously published agenda. A notice published in the preliminary pages of the FEDERAL REGISTER on October 10, 1978 (43 FR xii), provides that Customs will publish its semiannual agenda on February 1 and August 1 of each year.

The following is the first semiannual agenda to be published by Customs. It has been determined that none of the regulatory projects listed will require a regulatory analysis under the criteria set out in the Executive Order and implementing Treasure directive.

General statutory authority for the development or review of regulations relating to Customs matters if found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). Specific statutory authority, if any, is indicated after the description of each regulatory project.

Dated: January 23, 1979.

By direction of the Secretary of the Treasury.

R. E. CHASEN,
Commissioner of Customs.

[4810-22-C]

U.S. CUSTOMS SERVICE

SEMIANNUAL AGENDA

I. SIGNIFICANT EXISTING REGULATIONS AND SIGNIFICANT REGULATIONS UNDER DEVELOPMENT

	Customs Regs. Section/Part (19 CFR-)	Description/Authority	Justification	Knowledgeable Official
1.	152.24	Extension of time before examination by domestic producers of footwear samples appraised at American selling price. 19 U.S.C. 1202, 1336, 1401a, 1402	To encourage timely submission of footwear samples to assist Customs in determining proper appraisement.	Charles E. Wilson (202) 566-8651
2.	146.48	Change of appraisement practice involving costs of processing and profit for certain merchandise produced in foreign trade zones. 19 U.S.C. 81h	To encourage use of domestic labor and materials in foreign trade zones.	Thomas Lobred (202) 566-2938
3.	141.89	Modify the Special Summary Steel Invoice to require name of producer and, in some cases, sale price to first unrelated purchaser in U.S. 19 U.S.C. 166, 173, 1202, 1481, 1484	To assist Customs in enforcing the "Trigger Price Mechanism" relating to steel imports.	Frank Brennan (202) 566-8235
4.	Parts 24 & 113	Charge interest on delinquent accounts with Customs of importers and others. 19 U.S.C. 1623	To encourage importers to pay Customs bills promptly and thereby improve cash-flow.	Robert B. Hamilton (202) 566-2596
5.	Part 111	Amend regulations relating to responsibilities of customs brokers. 19 U.S.C. 1641	To clarify responsibilities of customs brokers and to ensure uniform compliance with applicable regulations.	Edward B. Gable, Jr. (202) 566-5778
6.	Part 113	Consolidation of Customs bonds and related forms. 19 U.S.C. 1623	To simplify bond structure and language.	Joseph Goody (202) 566-2974
7.	Parts 4, 22	Conform regulations relating to Panama Canal Zone to provisions of Panama Canal treaty. 19 U.S.C. 1466	Treaty of September 7, 1977 "Panama Canal Treaty".	Patrick J. Casey (202) 566-5706

8.	Part 12	Regulations to administer the EPA noise emission standard and labeling requirements on certain imported merchandise.	P.L. 92-572, "Noise Control Act of 1972".	Harrison Feese (202) 566-8651
9.	Part 175	Reflect extension of procedures applicable to American manufacturers petitions to cases involving antidumping and countervailing duties. 19 U.S.C. 1516	P.L. 93-618, "Trade Act of 1974".	Theodore Hume (202) 566-5476
10.	12.92	Implement FTC labeling requirements for certain imported energy-using products.	P.L. 94-163, "Energy Policy Conservation Act".	Harrison Feese (202) 566-8651
11.	12.90, 12.91	Implement FTC labeling requirements for certain imported electronic products.	P.L. 93-523, "Public Health Service Act".	Marcia Kaplan (202) 566-5778
12.	Part 133	Amendments to regulations relating to recordation of copyrights with Customs. 17 U.S.C. 1603	P.L. 94-533, "Copyright Act of 1976".	Samuel Orandle (202) 566-5765
13.	Part 158	Refund of duties and taxes on alcoholic beverages destroyed or damaged by disaster or breakage.	P.L. 95-423.	Benjamin Mahoney (202) 566-5778
14.	4.98	Amend fee schedule under which Customs charges and collects fees for specific services provided to vessels. 31 U.S.C. 483a	P.L. 95-410, "Customs Procedural Reform and Simplification Act of 1978".	Jerry Laderberg (202) 566-5706
15.	Parts 141 & 142	Revise Consumption Entry (Customs Form 7501) to accommodate new entry procedures. 19 U.S.C. 1484	P.L. 95-410, "Customs Procedural Reform and Simplification Act of 1978".	William Wagner (202) 566-5307

16.	Parts 10,11, 127,132,141, 142,143,144, 158,159 & 173	~~Final~~ Amendments relating to the entry and liquidation of merchandise including the deposit of estimated duties within 3 days after authorization for release. 19 U.S.C. 467, 1315, 1484, 1504, 1505, 1520, 1559	P.L. 95-410, "Customs Procedural Reform and Simplification Act of 1978".	Herbert Geller (202) 566-5307
17.	12.73	Conform regulations governing importation of motor vehicles under Clean Air Act to proposed EPA amendments on Federal emission standards. 19 U.S.C. 1484	"Clean Air Act of 1955" as amended by P.L. 95-95.	Harrison Feese (202) 566-8651
18.	Part 10	Regulation of petroleum exports from Canada	P.L. 95-159.	G. Scott Shreve (202) 566-5307
19.	Part 114	Extend use of international Customs document (A.T.A. carnet) to professional samples in transit.	Customs Convention on A.T.A. Carnets (TIAS 6631)	Jerrald Worley (202) 566-8607
20.	Parts 10 & 114	Discontinue use of international Customs documents (E.C.S. carnet) relating to entry of commercial samples.	United States withdrawal from Customs Convention on E.C.S. Carnets (TIAS 6632)	Jerrald Worley (202) 566-8607
21.	Part 152	Amendments required by new International Valuation Code, if approved by Congress	Multilateral Trade Negotiations	Thomas Lobred (202) 566-2938

22.	147.45	Removal of trade fair merchandise from Foreign Trade Zones for consumption without permission of Foreign Trade Zones Board. 19 U.S.C. 81h	P.L. 91-692	William Rosoff (202) 566-5856
23.	Part 12	Administration of EPA prohibition against importation of certain chemical substances, mixtures, or articles.	P.L. 94-469, "Toxic Substances Control Act"	Harrison Feese (202) 566-8651
24.	Parts 4,6, 10, 123, 162, & 171	Final amendments regarding penalties for violations of Customs and navigation laws. 19 U.S.C. 1466, 1584, 1592, 46 U.S.C. 883, 49 U.S.C. 1509	P.L. 95-410, "Customs Procedural Reform and Simplification Act of 1978"	Edward Rosse (202) 566-8317
25.	Parts 11,111, 133, 148 & 162	Final amendments regarding record-keeping, reporting by customhouse brokers, trademarks, and disposition of forfeited distilled spirits, wines, and malt liquor. 19 U.S.C. 1491, 1509, 1510, 1511, 1526	P.L. 95-410, "Customs Procedural Reform and Simplification Act of 1978"	John Elkins (202) 566-8237
26.	159.9	Use of courtesy notice of liquidation (Customs Form 4333-A). 19 U.S.C. 1500, 1504	U.S. Customs Court decision: Reliable Chemical Company v. United States (C.R.D. 78-11, June 26, 1978)	Benjamin Mahoney (202) 566-5778

27.	4.22	Add Nauru to list of countries whose vessels are exempt from special tonnage taxes and light money.	To provide reciprocity to Nauru registered vessels.	Patrick Casey (202) 566-5706
28.	112.11	Revise criteria for designating private carriers of bonded merchandise to require only that they file bonds and transport property. 19 U.S.C. 1551	To lessen restrictions of prior regulation.	Donald Beach (202) 566-5856
29.	4.99	Authorize printing of Customs forms used in connection with the entry and clearance of vessels by private parties and foreign governments on metric A4 size paper.	To further U.S. policy regarding metric system and to facilitate international commerce.	John Mathis (202) 566-5706
30.	4.14	Status of Panama Canal Zone in regard to dutiability of fish net purchases by U.S.-flag vessels. 19 U.S.C. 1466, 1498	To clarify whether vessel equipment purchases in Canal Zone are subject to duty.	Jerry Laderberg (202) 566-5706
31.	4.7a	Provide alternative reporting procedure for bill of lading numbers on cargo declaration forms.	To simplify reporting requirement.	John Mathis (202) 566-5706
32.	101.3	Clarification and extension of port of entry limits: Las Vegas, Nevada; Sault Ste. Marie, Michigan; Dalton Cache, Alaska; Minot, North Dakota; Saginaw-Bay City-Flint, Michigan; San Francisco, California. 19 U.S.C. 2; E.O. 10289	To improve service to public.	Robert Schenarts (202) 566-8151
33.	22.3, 22.5	Expiration of drawback rates, unless renewed, 15 years after issuance or approval.	To allow Customs to dispose of obsolete records.	Donald Beach (202) 566-5856

34.	101.3	Extend port of entry limits: Buffalo, New York; Puget Sound, Wash., and Providence, R.I.; create port of entry at Owensboro-Paducah, Ky.; abolish port of entry at South Bend-Raymond, Ind.. 19 U.S.C. 2; E.O. 10289	To improve service to public	Robert Schenarts (202) 566-8151
35.	6.3, 6.8	Simplification and clarification of aircraft clearance procedures. 49 U.S.C. 1509	To facilitate clearance of aircraft departing U.S.	John Mathis (202) 566-5706
36.	101.3	Extend port of entry limits of Brownsville, Tex.. 19 U.S.C. 2; E.O. 10289	To improve service to public..	Robert Schenarts (202)566-8151
37.	101.3	Creation of Customs district at Dallas-Ft. Worth, Tex.. 19 U.S.C. 2; E.O. 10289	To improve service to public.	Robert Schenarts (202) 566-8151
38.	18.8	Increase amount of liquidated damages required by carrier's bond for shortage, failure to deliver, or irregular delivery of duty-free merchandise. Carrier also would be liable for duty on dutiable merchandise, as well as liquidated damages. 19 U.S.C. 1551, 1623	To clarify carrier's obligations under required bond and provide for liquidated damages as deterrent to violations.	William Rosoff (202) 566-5856
39.	143.23	Provide for use of Customs Form 7523 for informal entry of non-commercial, duty-free merchandise, regardless of value.	Public benefit and Customs convenience.	Drury Williford (202) 566-5354
40.	Part 174	Specification of Customs charges subject to protest. 19 U.S.C. 1514	To facilitate filing of protests.	Laurie Amster (202) 566-8237

41.	Part 113	Authorize use of letter of credit in lieu of foreign trade zone bond guaranteeing payment of claims made by Customs against a foreign trade zone. 19 U.S.C. 81c, 1623	To facilitate use of foreign trade zones.	William Rosoff (202) 566-5856
42.	162.47	Waiver of bond requirement by district director for individuals who show proof of inability to obtain bond.	Decisions of U.S. Courts of Appeals.	Joseph Priddy (202) 566-5746
43.	148.73	Execution of written baggage declarations by military personnel.	To conform Customs and DOD regulations.	Donald Thompson (202) 566-5706
44.	22.5	Allow drawback without actual use of bulk-fungible goods if substituted for goods of same kind/quality.	To extend to other articles privileges now applicable to petroleum products.	Donald Beach (202) 566-5856
45.	Parts 10, 18, 125, 162, 171, & 172	New procedures to provide relief from fines, penalties, forfeitures, and liquidated damages; expand authority of Customs field officers.	To ensure more uniform and equitable administration of fines, penalties, and forfeitures program.	Harvey B. Fox (202) 566-5761
46.	123.9	Establish uniform procedures for handling manifest discrepancies of vessels and vehicles arriving from contiguous countries.	To facilitate entry of vessels and vehicles from Canada or Mexico.	Donald Reusch (202) 566-5856
47.	4.7, 4.14	Revision of requirements and procedures for handling entries relating to foreign repairs and equipment purchases by U.S. vessels. 19 U.S.C. 1466, 1498, 1514	To reduce time and effort needed to process entries.	James Fritz (202) 566-5706
48.	4.80b	Incorporate into regulations administrative rulings relating to transportation of merchandise in coastwise trade. 46 U.S.C. 883	American Maritime Assn. etal., v. Blumenthal, Nos. 77-1934, 77-1962, 77-1970 (U.S. Ct. App. D.C. Cir) decided November 11, 1978.	William Hart (202)566-5706
49.	Part 22	Require drawback entries be identified at time of entry. 19 U.S.C. 1313; 31 U.S.C. 483a	To reduce delays in processing drawback claims.	George Steuart (202)566-8453

50.	Parts 18, 122 144	Change time limits and other rules relating to in-bond transportation of merchandise. 19 U.S.C. 1552, 1553, 1557, 1623	To give Customs greater control over merchandise transported in bond.	J. Bradley Lund (202)566-5354
51.	141.89	To revise the additional information required on entry of footwear. 19 U.S.C 1202, 1481, 1484	To assist Customs in the appraisement and classification of imported footwear.	Linda Mays (202) 566-2957
52.	148.1	New instructions for registration of personal effects taken abroad. 19 U.S.C. 1498	To ensure uniform registration procedures.	Bernard Harris (202) 566-5354
53.	123.41, 123.42	Require truck driver carrying merchandise between U.S. and Canada to present manifest for validation by U.S. Customs at U.S. port of departure. 19 U.S.C. 1553, 1554	Jointly initiated by U.S. and Canadian Customs to prevent evasion of duty when merchandise re-enters U.S. from Canada on in-transit documentation.	J. Bradley Lund (202) 566-5354
54.	Part 4	Clarify entry and clearance requirements for U.S.-flag vessels sailing to U.S. Virgin Islands.	To provide for uniform treatment of vessels in U.S.-Virgin Islands trade.	Donald Reusch (202) 566-5706
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1.	Part 18	Transportation in bond and merchandise in transit.	To ensure consistency of format and style.	Paul Hegland (202) 566-8237
2.	Part 24	Customs financial and accounting procedure.	To ensure consistency of format and style.	Paul Hegland (202) 566-8237
3.	Parts 10 & 54	Articles conditionally free, subject to a reduced rate, etc., and certain importations temprorarily free of duty.	To ensure consistency of format and style.	John Roth (202) 566-8237
4.	Part 103	Availability of information.	To conform to amendments to Freedom of Information Act made by P.L. 93-502.	John Roth (202) 566-8237

[FR Doc. 79-3807 Filed 1-31-79; 11:32 am]

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[4810-42-M]

United States Secret Service

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda

Notice is hereby given, as required by the Department of the Treasury implementation plan for Executive Order 12044 (43 FR 52120), that the United States Secret Service does not presently have any signficant regulations under development or review.

Dated: February 1, 1979.

By direction of the Secretary of the Treasury.

H. S. KNIGHT,
Director, U.S. Secret Service.

Approved:

RICHARD J. DAVIS,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 79-3808 Filed 1-31-79; 11:32 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—OFFICE OF PERSONNEL MANAGEMENT

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment continues the exception under Schedule A of all positions on the staff of the President's Commission on the Coal Industry, but with the provision that no one may serve under this authority after December 14, 1979. This amendment is authorized because it continues to be impracticable to examine for these positions.

EFFECTIVE DATE: January 22, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3199 (n)(1) is amended as set out below:

§ 213.3199 Temporary Boards and Commissions.

. . . . . .

(n) *President's Commission on the Coal Industry.*

(1) All positions on the staff of the President's Commission on the Coal Industry. No one may serve under this authority after December 14, 1979.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

OFFICE OF PERSONNEL MANAGEMENT

JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-3490 Filed 2-1-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment revokes the Schedule A authority for the President's Commission on Olympic Sports because this organization no longer exists.

EFFECTIVE DATE: January 19, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3199(s) is revoked, as follows:

§ 213.3199 Temporary Boards and Commissions.

. . . . . .

(s) [Revoked]

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

OFFICE OF PERSONNEL MANAGEMENT

JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-3469 Filed 2-1-79; 8:45 am]

[1505-01-M]

CHAPTER I—OFFICE OF PERSONNEL MANAGEMENT

PART 213—EXCEPTED SERVICE

Department of Commerce, U.S. International Trade Commission, Department of Transportation

Correction

In FR. Doc. 79-2793 appearing on page 5371 in the issue of Friday, January 26, 1979, on page 5372, the 1st two section headings were inadvertently transposed. They should have read § 213.3314 Department of Commerce. and § 213.3339 U.S. International Trade Commission.

[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 184]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period February 4-10, 1979. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: February 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the Act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on January 30, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports

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the demand for lemons has eased somewhat from the previous week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.484 Lemon Regulation 184.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period February 4, 1979, through February 10, 1979, is established at 205,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 1, 1979.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-3971 Filed 2-1-79 12:26 pm]

[3410-02-M]

[Papaya Reg. 9, Amdt. 2]

PART 928—PAPAYAS GROWN IN HAWAII

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment relaxes the quality requirement applicable to intrastate shipments of Hawaiian papayas during the period January 29 through April 30, 1979. Such action recognizes the current and prospective marketing situation for Hawaiian papayas and is consistent with the composition of the crop.

EFFECTIVE DATE: January 29, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Pursuant to the marketing agreement and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Papaya Administrative Committee, established under this marketing order, and upon other information, it is found that this amendment will tend to effectuate the declared policy of the act. This amendment has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The Papaya Administrative Committee reports that heavy rains are continuing in much of the production area increasing the incidence of disease and reducing the supply of papayas meeting current requirements to an amount less than needed to meet present and prospective market demand. The amendment recognizes demand conditions for papayas and is consistent with the quality of much of the potential supply in the period specified. The amendment is designed to permit movement of available supplies of papayas consistent with the interests of producers and consumers.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of papayas grown in Hawaii.

In § 928.309 (Papaya Regulation 9; 44 F.R. 30, 3669) paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) inserted reading as follows:

§ 928.309 Papaya Regulation 9.

(a) • • •
(1) • • •
(2) • • •
(b) • • •

(c) Notwithstanding the provisions of paragraph (a)(1) of this section, any handler may during the period January 29 through April 30, 1979, handle papayas to any destination within the production area which meet the requirements of Hawaii No. 1 grade, except that allowable tolerances for defects may total 10 percent: *Provided*, That not more than 5 percent shall be for serious damage, of which not more than 1 percent shall be for immature fruit, and not more than 1 percent shall be for decay: *Provided further*, That such papayas shall individually weigh not less than 13 ounces each.

• • • • •

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated January 29, 1979, to become effective January 29, 1979.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-3620 Filed 2-1-79; 8:45 am]

[4110-03-M]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 78G-0488]

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

Cocoa Butter Substitute From Palm Oil; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Extension of Comment Period on Final Rule.

SUMMARY: In response to a request for extension, the Food and Drug Administration (FDA) is extending the comment period on the tentatively established name "cocoa butter substitute from palm oil" as the common or usual name for the food additive 1-palmitoyl-2-oleoyl-3-stearin.

DATES: Comments on the common or usual name provisions by February 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 21, 1978 (43 FR 54238), the Commissioner of Food and Drugs published a regulation affirming that cocoa butter substitute from palm oil is generally recognized as safe (GRAS) for human use in nonstandardized confectionery products. The document also established "cocoa butter from palm oil" as the common or usual name for the ingredient 1-palmitoyl-2-oleoyl-3-stearin and provided for a 60-day comment period (to January 22, 1979) on the common or usual name.

The Commissioner has received a request for a 30-day extension of time for comment from the law firm of Freeman, Meade, Wasserman and Schneider, New York City, NY, on behalf of its clients, several of whom are European companies. The additional time is needed to permit gathering and preparing views of the clients for submission to FDA.

The Commissioner is extending the comment period regarding the common or usual name for this ingredient to February 21, 1979.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 202(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), the comment period on the November 21, 1978 (43 FR 54238) document concerning the establishment of "cocoa butter substitute from palm oil" as the common or usual name for 1-palmitoyl-2-oleoyl-3-stearin is extended to February 21, 1979.

Interested persons may, on or before February 21, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding the name established by this regulation. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday. A notice will be published at the end of the comment period to address the comments received in response to the common or usual name provision of this regulation, and, if appropriate, the notice will modify the common or usual name.

Dated: January 30, 1979.

JOSEPH P. HILE,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-3805 Filed 1-31-79; 11:48 am]

[4110-03-M]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Nalorphine Hydrochloride Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the regulations to codify a previously approved new animal drug application (NADA) providing for safe and effective use of injectable nalorphine hydrochloride as an antidote to respiratory and circulatory depression in dogs. The condition results from overdosage of, or unusual sensitivity to, morphine and certain other narcotics. The NADA is held by Merck Sharp & Dohme Research Laboratories.

EFFECTIVE DATE: February 2, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald A. Gable, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Rahway, NJ 07065, is sponsor of an NADA (10-424V) providing for use in dogs of a 5-milligram-per-cubic-centimeter nalorphine hydrochloride injection used as a specific antidote to respiratory and circulatory depression caused by morphine and certain other narcotics.

The application was approved by letter on April 5, 1956. However, the approval was not published because it was granted before enactment of the Animal Drug Amendments of 1968 (Pub. L. 90-399). One of the requirements of the Amendments is that approval of NADA's must be published in the FEDERAL REGISTER. Therefore, the regulations are amended to codify this application.

Codification of a previously approved NADA does not constitute reaffirmation of the drug's safety and effectiveness. Because this application was approved before July 1, 1975, a summary of safety and effectiveness data and information submitted in accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) to support this application is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by adding new § 522.1452 to read as follows:

§ 522.1452 Nalorphine hydrochloride injection.

(a) *Specifications.* Each milliliter of aqueous solution contains 5 milligrams of nalorphine hydrochloride.

(b) *Sponsor.* See No. 000006 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* One milligram per 5 pounds; intravenously, intramuscularly, or subcutaneously.

(2) *Indications for use.* Respiratory and circulatory depression in dogs resulting from overdosage of, or unusual sensitivity to, morphine and certain other narcotics. Not for depression due to any other cause.

(3) *Limitations.* Successive doses of the drug gradually lose their analeptic effect and eventually induce respiratory depression equal to that of opiates. Therefore, do not exceed therapeutic dosage. Do not mix drug with meperidine solutions because the buffer will cause precipitation.

Effective date. This regulation is effective February 2, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 26, 1979.

LESTER M. CRAWFORD,
Director, Bureau of Veterinary Medicine.

[FR Doc. 79-3391 Filed 2-1-79; 8:45 am]

[4110-03-50]

[Docket No. 78N-0437]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Revocation of Obsolute Regulations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This docment amends the new animal drug regulations by deleting the provisions for the combination drugs progesterone with estradiol benzoate for the treatment of lambs and testosterone with diethylstilbestrol for the treatment of cattle. The regulations are being revoked because approval of the drugs to which they refer was previously withdrawn.

EFFECTIVE DATE: February 2, 1979.

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FOR FURTHER INFORMATION CONTACT:

Robert S. Brigham, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: In § 522.1940 *Progesterone and estradiol benzoate in combination*, paragraph (d)(1) was initially issued to reflect approval of new animal drug application (NADA) 9-442V of Syntex Laboratories, Inc., 3401 Hillview Dr., Palo Alto, CA 94304. In the FEDERAL REGISTER of March 22, 1973 (38 FR 7481), the agency issued a notice withdrawing approval of the application, including all amendments and supplements thereto.

Section 522.2350 *Testosterone and diethylstilbestrol in combination* was initally issued to reflect approval of new animal drug application (NADA) 11-365V of E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540. In the FEDERAL REGISTER of November 26, 1976 (41 FR 52106), the agency issued a notice withdrawing approval of the application to be effective December 27, 1976.

Inadvertently, corresponding documents failed to publish revoking the corresponding regulations upon which these approvals relied pursuant to section 512(i) of the act (21 U.S.C. 360b(i)).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), Parts 522 and 556 are amended as follows:

1. Part 522 is amended as follows:

§ 522.1940 [Amended]

a. In § 522.1940 *Progesterone and estradiol benzoate in combination* by revoking paragraph (d)(1) and marking it reserved.

§ 522.2350 [Revoked]

b. By revoking § 522.2350 *Testosterone and diethylstilbestrol in combination.*

§ 556.708 [Revoked]

2. Part 556 is amended by revoking § 556.708 *Testosterone.*

Effective date. This regulation is effective February 2, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 24, 1979.

TERENCE HARVEY,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 79-3212 Filed 2-1-79; 8:45 am]

[4910-22-M]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 655—TRAFFIC OPERATIONS

National Standards for Specific Information Signs

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This rule extends the standard for specific information signs to signs erected within the rights-of-way of the Federal-aid primary highway system, in accordance with section 122(a) of the Federal-Aid Highway Act of 1976, 23 U.S.C. 131(f). It also makes revision to existing requirements for such signs on the rights-of-way of the Interstate system and other freeways where specific information signs are allowed under the present regulations. Preparation of this final rule has been coordinated with the Federal Highway Administration Task force to Restudy Directional and Informational Signing which was formed to conduct the study required by section 122(b) of the Federal-Aid Highway Act of 1976, 23 U.S.C. 131(q)(1). The Task Force has not yet issued its final report. These rules will be reviewed as part of that report, along with all other regulations governing the dissemination of directional information of interest to the traveling public. These regulations do not alter the status of existing experimental business directional signing projects authorized by the Federal Highway Administration.

EFFECTIVE DATE: February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. J. J. Crowley, Director, Office of Traffic Operations, 202/426-0372; or Ms. Barbara Dalmut, Office of the Chief Counsel, 202/426-0791, 400 7th Street, SW., Washington, D.C. 20590. Hours are from 7:45 a.m. to 4:15 p.m. EST, Monday through Friday.

SUPPLEMENTARY INFORMATION: On September 14, 1977, under FHWA Docket No. 77-6, there was published in the FEDERAL REGISTER (42 FR 46060) a notice of proposed rulemaking with proposed amendments of the existing standards for specific information signs to include additional classes of highways as authorized by section 122(a) of the Federal-Aid Highway Act of 1976.

Section 122(a) of the Federal-Aid Highway Act of 1976, Pub. L. 94-280, May 5, 1976, 90 Stat. 425, amended section 131(f) of Title 23, United States Code. Section 131(f) previously had authorized the Secretary, in consultation with the States, to provide areas within the Interstate System rights-of-way on which specific information signs could be erected. The amendment extends this authorization to permit the erection of such signs within the rights-of-way of primary system highways as well.

The agency reviewed comments on the proposed regulations from a substantial number of State highway agencies, some business and trade associations, and from other interested parties. A number of comments were rejected as contrary to the law or national standards contained in the Manual on Uniform Traffic Control Devices (MUTCD). Several commenters made suggestions for editorial revisions which have been incorporated into this final rule.

DISCUSSION OF MAJOR COMMENTS

A new section on "Applicability" was added in order to clarify that the law extends specific information signing to Federal-aid primary highways.

DEFINITIONS

Several definitions have been revised in accordance with the submitted comments. The definition of "business sign" was revised to clearly indicate that a business name may be used with or without a brand or trademark. Since the standards apply to all highways open to public travel, the term "conventional primary highways" was deleted from the statement of purpose and all other sections of the regulation. This deletion made the use of the terms "freeway" and "expressway" unnecessary for this section. The definition of these and other terms appear in the MUTCD and 23 U.S.C. 101.

LOCATION

The reference to suburban and urban areas was deleted, and the criteria for signing outside rural areas was delegated to the State highway agencies in response to four comments reviewed.

Five comments noted difficulties in locating signs near the right-of-way line. Responsibility for the lateral location of signs within the right-of-way has been delegated to the highway agencies.

The term "clear zone" was substituted for "30 feet from the edge of the traveled way" due to comments that these terms are synonymous and the former is more commonly used in highway standards.

CRITERIA FOR SPECIFIC INFORMATION PERMITTED

Six comments proposed various restrictions on the distance criteria. This responsibility will remain with the State highway agencies. Provisions for signing beyond the 3-mile limitation have been clarified so as to allow signing for more than one service of each type beyond the 3-mile increment.

Sixteen comments concerned the minimum criteria for eligible services. The hours of operation for gas services were modified, maintaining the 16-hour daily operation for services on freeways and expressways, but lowering the requirement to 12 hours of continuous operation for services on conventional roads. The requirement for offering lubrication services was eliminated. Other criteria remain the prerogative of the States, including the suggestion to make eligibility for signing contingent upon billboard removal.

Since specific information signs are intended for "essential" motorist services, other suggested services were not considered eligible for signing. Suggestions such as including "all legitimate businesses" as eligible for signing, and identifying service stations that dispense diesel fuel, will receive continuing consideration.

COMPOSITION

The requirements for fixed sign panel sizes given in §§ 655.306(c), 655.307(c), and 655.308(c) of the proposed rule were considered too restrictive upon the highway agencies, and were therefore eliminated and replaced with the general size criteria added to this section.

Appendix A, "Specific Information Signs", provides examples of typical specific information signs for both single exit and double exit interchanges. The Appendix incorporates the requirements of this regulation by means of these illustrations.

Eight comments suggested additional requirements for the composition of the business signs. The determination of additional requirements will remain the prerogative of the highway agencies.

SPECIAL REQUIREMENTS—INTERSTATE HIGHWAYS AND OTHER FREEWAYS

Based on seven comments from State highway agencies and other parties, the distance between signs on Interstate highways and other freeways was changed to the recommended 800 feet so as to conform to standards in the MUTCD.

Convenient reentry and the general location of the signs near interchanges are considered essential to motorists, so these requirements were not changed as suggested.

Minor mandatory features of ramp signs were made permissive to allow additional flexibility, but the provision for showing distances to services was made mandatory for the benefit of motorists, in accordance with six comments received.

The paragraph on composition was reworded for clarity. The requirement for a separate exit number panel was eliminated to reduce sign costs and for consistency with double-exit signs. The display of distance on the sign panel is not required as suggested in three comments, since convenient reentry and distances on ramp signs and other factors make this feature redundant.

The placement of the directional legend on signs at remote rural interchanges was changed for consistency with other sign composition as suggested.

The use of exit numbers on the signs, where applicable, was retained since this is a requirement of the MUTCD.

The maximum size requirement for signs was eliminated as it imposed undue restrictions on the State highway agencies. The lettering size requirement was retained as necessary for proper readability. This revision was made for signs on all classes of highways.

SPECIAL REQUIREMENTS—EXPRESSWAYS

The suggestion to delete this section and other sections was unacceptable as it would be contrary to the intent of the Federal-Aid Highway Act of 1976.

Eight comments objected to the mandatory spacing of signs at intersections on expressways. Since existing features and available space at intersections can vary considerably, it was agreed that spacing should be adjusted to meet field conditions as determined by the State highway agencies. It was also agreed that highway agencies could provide trailblazers to the services if desirable.

It was concluded from comments submitted that signing at interchanges on expressways should be consistent with freeway signing and that highway agencies should be allowed, at their discretion, to sign isolated intersections on an expressway in the same manner as the other interchanges on that expressway.

The paragraph on intersection signing was reworded for clarity and consistency with other paragraphs and to provide uniform composition of signs at all locations. The use of directional arrows and other minor flexibility have been provided as suggested in 16 comments.

SPECIAL REQUIREMENTS—CONVENTIONAL ROADS

The Federal-aid primary system includes conventional roads. Therefore, five suggestions to eliminate this section and to allow a variety of alternate types of signing were considered contrary to the intent of the Act.

Since the location and composition of signs for conventional roads are the same as signs for intersections on expressways, the 16 comments on these items were considered along with comments on § 655.307, Special Requirements—Expressways.

PROCEDURES

The section on the State's prerogative has been reworded for clarity, without any substantive changes.

The State Signing Policy has been revised to reflect other changes in the regulation. In order to provide additional flexibility as suggested, a policy is no longer mandatory.

Section 655.309 was revised to reflect comments which noted that FHWA approval is not required for non-Federal-aid projects and that opportunities for consultation have been provided through the Notice of Proposed Rulemaking and other means. In order to receive approval of their signing projects, the States will follow the same procedures as other Federal-aid projects in the State.

NOTE.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

Issued on: January 23, 1979.

JOHN S. HASSELL, JR.,
Deputy Administrator.

In consideration of the foregoing, the Federal Highway Administration (FHWA) hereby amends Chapter I of Title 23, Code of Federal Regulations, Part 655, Subpart C to read as set forth below.

PART 655—TRAFFIC OPERATIONS

Subpart C—National Standards for Specific Information Signs

Sec.
655.301 Purpose.
655.302 Applicability.
655.303 Definitions.
655.304 Location.
655.305 Criteria for specific information permitted.
655.306 Composition.
655.307 Special requirements—Interstate highways and other freeways.
655.308 Special requirements—expressways.
655.309 Special requirements—conventional roads.
655.310 Procedures.
Appendix A—Specific information signs.

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AUTHORITY: 23 U.S.C. §§ 109(d), 131(f), and 315; 49 CFR 1.48(b).

Subpart C—National Standards for Specific Information Signs

§ 655.301 Purpose.

The purpose of this regulation is to establish standards for signs erected within highway rights-of-way to provide directional information for business establishments offering goods and services in the interest of the traveling public.

§ 655.302 Applicability.

The provisions of this regulation are applicable to the Federal-aid primary highway system, including Interstate highways. However, nothing in this regulation shall be construed to prevent any State from applying the standards to other classes of highways.

§ 655.303 Definitions.

Except as defined in this section, the terms used in this regulation shall be defined in accordance with the definitions and usage of the Manual on Uniform Traffic Control Devices[1] (MUTCD).

(a) "Business sign"—a separately attached sign mounted on the rectangular sign panel to show the brand, symbol, trademark, or name, or combination of these, for a motorist service available on a crossroad at or near an interchange or an intersection.

(b) "Specific information sign"—a rectangular sign panel with:

(1) The words, "GAS," "FOOD," "LODGING," or "CAMPING";

(2) Directional information; and

(3) One or more business signs.

(c) "State"—any one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, or American Samoa.

§ 655.304 Location.

(a) *Intended for rural areas.* Specific information signs are intended for use primarily in rural areas. Any installation of such signs outside rural areas shall be consistent with the State signing policy criteria of paragraph (b) of § 655.310.

(b) *Lateral location.* The specific information signs should be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other signs within the highway right-of-way. Unprotected sign panel supports located within the clear zone shall be of a breakaway design.

(c) *Relative location.* In the direction of traffic, successive specific information signs shall be those for "CAMPING," "LODGING," "FOOD," and "GAS" in that order.

§ 655.305 Criteria for specific information permitted.

(a) *Conformity with laws.* Each business identified on a specific information sign shall have given written assurance to the State of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, or national origin, and shall not be in breach of that assurance.

(b) *Distance to services.* The maximum distance that service facilities can be located from the main traveled way to qualify for a business sign shall be in accordance with State standards, but not to exceed 3 miles in either direction except that, if within that 3-mile limit services of the type being considered are not available, the limit of eligibility may be extended in 3-mile increments until services of the type being considered, or 15 miles, are reached.

(c) *Types of services permitted.* The types of services permitted shall be limited to "GAS," "FOOD," "LODGING," and "CAMPING." To qualify for display on a specific information sign:

(1) *"GAS" shall include:*

(i) Vehicle services, which shall include fuel, oil, tire repair, and water;

(ii) Restroom facilities and drinking water;

(iii) Continuous operation at least 16 hours per day, 7 days a week for freeways and expressways, and continous operation at least 12 hours per day, 7 days per week for conventional roads; and

(iv) Telephone.

(2) *"FOOD" shall include:*

(i) Licensing or approval, where required;

(ii) Continuous operation to serve three meals a day, 7 days a week; and

(iii) Telephone.

(3) "LODGING" shall include:

(i) Licensing or approval, where required;

(ii) Adequate sleeping accommodations; and

(iii) Telephone.

(4) *"CAMPING" shall include:*

(i) Licensing or approval, where required;

(ii) Adequate parking accommodations; and

(iii) Modern sanitary facilities and drinking water.

(d) *Number of signs permitted.* The number of specific information signs permitted shall be limited to one for each type of service along an approach to an interchange or intersection. The number of business signs permitted on a sign panel is specified in §§ 655.307(b), 655.308(b), and 655.309(b). In exceptional cases, additional business signs may be considered.

§ 655.306 Composition.

(a) *Sign panels.* The sign panels shall have a blue background with a white reflectorized border. The panels may be illuminated. The size of the sign panels shall not exceed the minimum size necessary to accommodate the maximum number of business signs permitted using the required legend height and the interline and edge spacing specified in the MUTCD.

(b) *Business signs.* Business signs shall have a blue background with a white legend and border. The principal legend should be at least equal in height to the directional legend on the sign panel. Where business indentification symbols or trademarks are used alone for a business sign, the border may be omitted, the symbol or trademark shall be reproduced in the colors and general shape consistent with customary use, and any integral legend shall be in proportionate size. Messages, symbols, and trademarks which resemble any official traffic control device are prohibited. The vertical and horizontal spacing between business signs on sign panels shall not exceed 8 inches and 12 inches, respectively. Typical sign locations prepared from these standards are shown in Appendix A.

(c) *Legends.* All directional arrows and all letters and numbers used in the name of the type of service and the directional legend shall be white and reflectorized.

§ 655.307 Special requirements—Interstate highways and other freeways.

(a) *Location.* (1) *Separate sign panel.* Except as provided in paragraph (b)(3) of this section, a separate sign panel shall be provided for each type of service for which business signs are displayed.

(2) *Relationship to exit gore.* The specific information signs shall be erected between the previous interchange and 800 feet in advance of the exit direction sign at the interchange from which the services are available. There should be at least 800 feet spacing between the signs. Excessive spacing should be avoided.

(3) *Convenient reentry required.* Specific information signs shall not be erected at an interchange where the motorist cannot conveniently reenter the freeway and continue in the same direction of travel, or at interchanges between freeways.

(4) *Exit ramp signs.* At single-exit interchanges where service facilities are not visible from a ramp terminal, ramp signs shall be installed along the ramp or at the ramp terminal, and may be provided along the crossroad. These signs shall be duplicates of the corresponding specific information signs along the main roadway but reduced in size. Service information for visible facilities may be omitted. The signs shall include the distances to the service installations and directional arrows in lieu of words. The minimum letter height should be 4 inches except that any legend on a symbol shall be proportional to the size of the symbol. Ramp signing may be used on ramps and crossroads at double-exit interchanges.

(b) *Composition.* (1) *Single-exit interchanges.* The name of the type of service followed by the exit number shall be displayed in one line above the business signs. At unnumbered interchanges, the directional legend NEXT RIGHT (LEFT) shall be substituted for the exit number. The "GAS" specific information sign shall be limited to six business signs; the "FOOD," "LODGING," and "CAMPING" specific information signs shall be limited to four business signs each.

(2) *Double-exit interchanges.* The specific information signs shall consist of two sections, one for each exit. The top section shall display the business signs for the first exit and the lower section shall display the business signs for the second exit. The name of the type of service followed by the exit number shall be displayed in a line above the business signs in each section. At unnumbered interchanges, the legends NEXT RIGHT (LEFT) and SECOND RIGHT (LEFT) shall be substituted for the exit numbers. Where a type of motorist service is to be signed for at only one exit, one section of the specific information sign may be omitted, or a single-exit interchange sign may be used. The number of business signs on the sign panel (total of both sections) shall be limited to six for "GAS" and four each for "FOOD," "LODGING," and "CAMPING."

(3) *Remote rural interchanges.* In remote rural areas, where not more than two qualified facilities are available for each of two or more types of services, business signs for two types of services may be displayed on the same sign panel. Not more than two business signs for each type of service shall be displayed in combination on a panel. The name of each type of service shall be displayed above its respective business sign(s), and the exit number shall be displayed above the names of the types of services. At unnumbered interchanges, the legend NEXT RIGHT (LEFT) shall be substituted for the exit number. Business signs should not be combined on a panel when it is anticipated that additional service facilities will become available in the near future. When it becomes necessary to display a third business sign for a type of service displayed in combination, the business signs involved shall then be displayed in compliance with paragraphs (b) (1) and (2) of this section.

(c) *Size.* (1) *Business signs.* (i) Each business sign displayed on the "GAS" specific information sign shall be contained within a 48-inch-wide and 36-inch-high rectangular background area, including the border.

(ii) Each business sign on the "FOOD," "LODGING," and "CAMPING" specific information signs shall be contained within a 60-inch-wide and 36-inch-high rectangular background area, including border.

(2) *Legends.* All letters used in the name of the type of service and the directional legend shall be 10-inch capital letters. Numbers shall be 10 inches in height.

§ 655.308 Special requirements—expressways.

(a) *Location.* (1) *Interchanges.* The location of specific information signs and exit ramp signs erected for interchanges shall be in accordance with the provisions of paragraph (a) of § 655.307.

(2) *Intersections.* The specific information signs should be erected between the previous interchange or intersection and 300 feet in advance of the intersection from which the services are available. The spacing between sign panels, and between sign panels and other traffic control devices, should be determined on the basis of an engineering study. Business signs should not be displayed for a type of service for which a qualified facility is visible from a point on the traveled way 300 feet from the intersection. Signs similar to exit ramp signs of paragraph (a)(4) of § 655.307 may be provided on the crossroad.

(b) *Composition.* (1) *Interchanges.* The composition of specific information signs and exit ramp signs erected for interchanges shall be in accordance with paragraph (b) of § 655.307.

(2) *Intersections.* A maximum of four business signs for each type of service shall be displayed along each approach to the intersection. No more than four business signs shall be displayed on each sign panel. A maximum of two business signs for each of two different types of services may be combined on the same sign panel. The name of each type of service shall be displayed above its business sign(s) together with an appropriate legend such as NEXT RIGHT (LEFT) or a directional arrow.

(c) *Size.* (1) *Interchanges.* (i) *Business signs.* Business signs shall conform to the sizes specified in paragraph (c)(1) of § 655.307.

(ii) *Legends.* Legends shall conform to the requirements of paragraph (c)(2) of § 655.307.

(2) *Intersections.* (i) *Business signs.* Each business sign shall be contained within a 36-inch wide and 24-inch high rectangular background, area, including border; except that, where permitted in the State signing policy of paragraph (b) of § 655.310 the business signs may conform to the requirements of paragraph (c)(1) of § 655.307.

(ii) *Legends.* All letters used in the name of the type of service and the directional legend shall be 6-inch capital letters; except that, where permitted in the State signing policy of paragraph (b) of § 655.310, the legends may conform to the requirements of paragraph (c)(2) of § 655.307.

(iii) *Coordination of sizes.* Business signs and legends in accordance with paragraphs (c)(1) and (2) of § 655.307, respectively, shall be used only in combination with each other. They shall not be used on conventional roads.

§ 655.309 Special requirements—Conventional roads.

(a) *Location.* The location of the specific information signs shall be as specified in paragraph (a)(2) of § 655.308.

(b) *Composition.* The composition of the specific information signs shall be as specified in paragraph (b)(2) of § 655.308.

(c) *Size.* (1) *Business signs.* Each business sign shall be contained within a 24-inch wide and 18-inch high rectangular background area, including border.

(2) *Legends.* All letters used in the name of the type of service and the directional legend shall be 4-inch capital letters.

§ 655.310 Procedures.

(a) *State's prerogative.* Specific information signs may be erected at the option of the State. All specific information signs erected on any highway open to public travel shall conform to the provisions of this regulation.

(b) *State signing policy.* The State should develop a policy for specific information signing prior to sign installation. This policy, as a minimum, shall include criteria for:

(1) Distances to eligible services;

(2) Selection of eligible businesses;

(3) Use of business signs and legends conforming to the provisions of paragraphs (c)(1) and (2) of § 655.307, respectively, at intersections on expressways;

(4) Removing or covering business signs during off seasons for businesses operated on a seasonal basis;

(5) Prescribing the circumstances, if any, in which specific information

[1] The Manual on Uniform Traffic Control Devices (MUTCD) is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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signs may be used outside rural areas; and

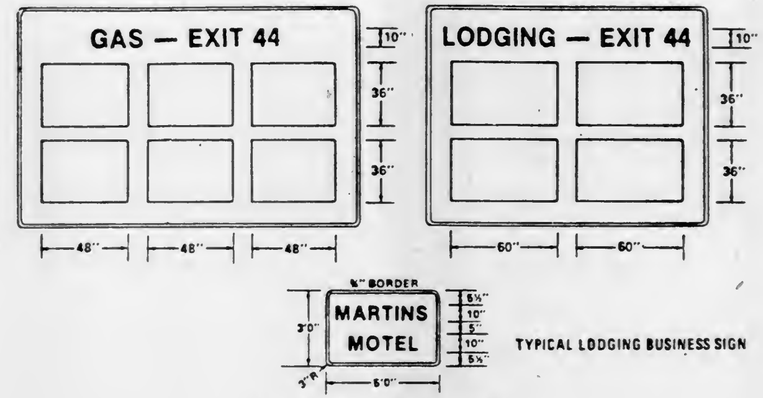
(6) Determining the costs to businesses for initial permits installation, annual maintenance, removal, etc., of business signs.

(c) *Eligibility of funds.* Federal-aid highway funds are eligible to participate in the cost and erection of specific information signs on Federal-aid highways in the same manner that such funds are eligible for other highway traffic control devices on the Federal-aid highway systems. However, Federal-aid highway funds are not eligible to participate in the cost of procuring and installing the business signs on sign panels or on ramp signs.

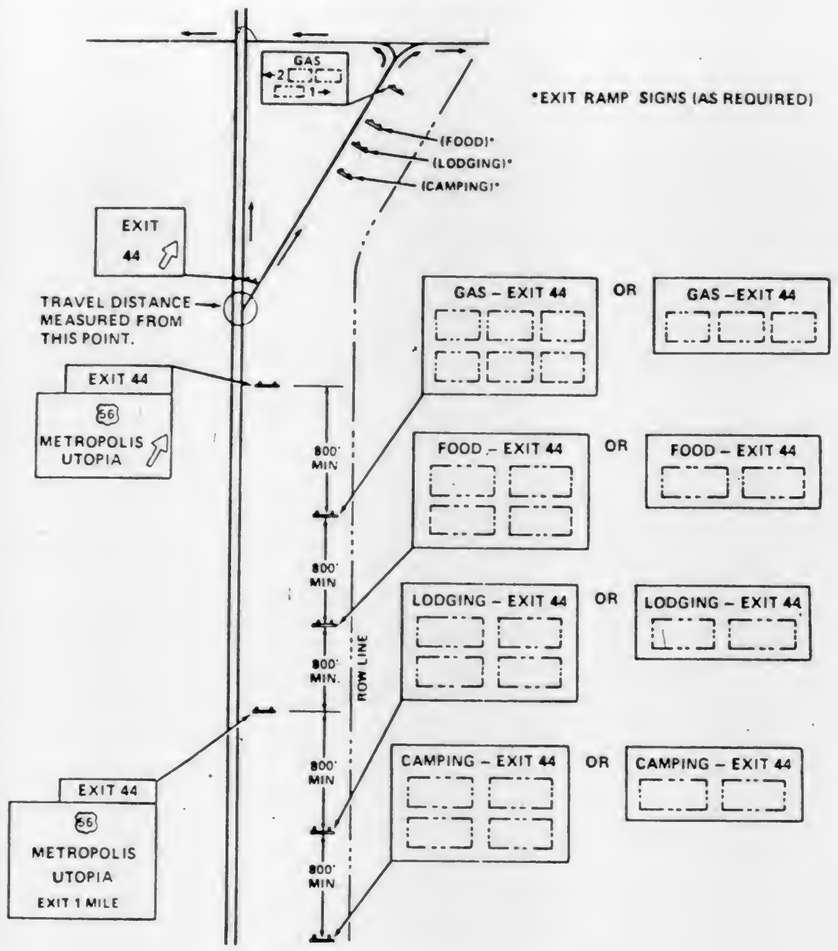
(d) *Approvals.* The procedures for obtaining approval for programming, project authorizations, and other actions for Federal-aid projects which include these signs shall follow the same procedures as other Federal-aid projects in the State.

[4910-22-C]

APPENDIX A -- SPECIFIC INFORMATION SIGNS



TYPICAL SPECIFIC INFORMATION SIGNS



TYPICAL SIGNING FOR SINGLE EXIT INTERCHANGES

[FR Doc. 79-3739 Filed 2-1-79; 8:45 am]

[4830-01-M]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

PART 9—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REDUCTION ACT OF 1975

Certain Provisions for TRASOP's

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction; section number changed.

SUMMARY: This document corrects the numerical designation of the new section added to Part 9 of the Code of Federal Regulations by Treasury Decision 7589. The Treasury decision, published in the FEDERAL REGISTER for January 19, 1979, adopted temporary regulations relating to investment credit employee stock ownership plans ("TRASOP's"). The Treasury decision affects all employees who participate in TRASOP's and employees who establish TRASOP's.

DATE: This correction is effective as of January 19, 1979, the publication date of T.D. 7589 in the FEDERAL REGISTER. The regulations section to which this correction relates is generally effective for taxable years ending after January 21, 1975.

FOR FURTHER INFORMATION CONTACT:

Thomas Rogan of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3589) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 19, 1979, the FEDERAL REGISTER (44 FR 4144) published Treasury Decision 7589. The Treasury decision provided temporary regulations relating to TRASOP's by adding a new section to 26 CFR Part 9, Temporary Income Tax Regulations under the Tax Reduction Act of 1975. However, the new section was erroneously designated as § 9.2

This document redesignates the newly-added section as § 9.3.

DRAFTING INFORMATION

The principal author of this document was Thomas Rogan of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service.

Correction of Treasury decision:

§ 9.2 Redesignated as § 9.3

Accordingly, Treasury Decision 7589 as published in the FEDERAL REGISTER (44 FR 4144) on January 19, 1979, is corrected by redesignating § 9.2 as § 9.3.

GEORGE H. JELLY,
Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 79-3568 Filed 2-1-79; 8:45 am]

[4510-27-M]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 552—APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Administrative Changes

AGENCY: Wage and Hour Division, Labor.

ACTION: Final rule.

SUMMARY: This rule amends the Wage and Hour Division regulations concerning the application of the Fair Labor Standards Act to domestic service workers to reflect 1977 amendments to that Act as well as to the Social Security Act. The amendment to the Fair Labor Standards Act raises the minimum wage, and the amendment to the Social Security Act changes the eligibility requirements from $50 per quarter to $100 annually. This rule implements those amendments.

EFFECTIVE DATE: February 2, 1979.

FOR FURTHER INFORMATION CONTACT:

Paul G. Campbell, Director, Division of Minimum Wage and Hour Standards, Wage and Hour Division, U.S. Department of Labor, S-3508, Washington, D.C. 20210; (202) 523-7043.

SUPPLEMENTARY INFORMATION: Domestic service employees covered by the Fair Labor Standards Act include employees whose compensation constitutes wages under section 209(g) of Title II of the Social Security Act. The definition of wages under that Act was changed by the Social Security Amendments of 1977 from "compensation paid in cash during a calendar quarter totaling $50 or more" to "compensation paid in cash during a calendar *year* totaling *$100* or more" (emphasis added). This change was effective as of January 1, 1978. In addition, the minimum wage applicable to domestic service employees (section 6(b) of the Fair Labor Standards Act) was increased by the Fair Labor Standards Amendments of 1977 to $2.65 an hour, effective January 1, 1978, with annual increases to $2.90, $3.10, and $3.35 on each subsequent January 1st. These amendments to the Social Security Act and the Fair Labor Standards Act require corresponding changes in §§ 552.2(b) and 552.100(a)(1) of the regulations.

This document was prepared under the direction and control of Herbert J. Cohen, Assistant Administrator, Wage and Hour Divison. Because the changes are not substantive but are merely to conform the regulations to legislative enactments, there is no requirement to publish for comment or delay the effective date.

1. Section 552.(b) of part 552, Title 29, Code of Federal Regulations is amended to read as follows:

§ 552.2 Purpose and scope.

. . . . . .

(b) Section 2(a) of the Act finds that the "employment of persons in domestic service in households affects commerce." Section 6(f) extends the minimum wage protection under section 6(b) to employees employed as domestic service employees under either of the following circumstances: (1) If the employee's compensation for such services from his employer would constitute wages under section 209(g) of Title II of the Social Security Act, that is, if the compensation paid in cash during a calendar year totaled $100 or more (or, prior to January 1, 1978, during a calendar quarter totaled $50 or more); or (2) if the employee was employed in such domestic service work by one or more employers for more than 8 hours in the aggregate in any workweek. Section 7(1) extends generally the protection of the overtime provisions of section 7(a) to such domestic service employees. Section 13(a)(15) provides both a minimum wage and overtime exemption for "employees employed on a casual basis in domestic service employment to provide babysitting services" and for domestic service employees employed" to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves." Section 13(b)(21) provides an overtime exemption for domestic service employees who reside in the household in which they are employed.

. . . . . .

2. Section 552.100(a)(1) of Part 552, Title 29, Code of Federal Regulations is amended to read as follows:

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§ 552.100 Application of minimum wage and overtime provisions.

(a)(1) Domestic service employees must receive for employment in any household a minimum wage of not less than—

$1.90 an hour beginning May 1, 1974, $2.00 an hour beginning January 1, 1975, $2.20 an hour beginning January 1, 1976, $2.30 an hour beginning January 1, 1977, $2.65 an hour beginning January 1, 1978, $2.90 an hour beginning January 1, 1979, $3.10 an hour beginning January 1, 1980, and $3.35 an hour after December 31, 1980.

• • • • •

(Sec. 29(b), 88 Stat. 76; (29 U.S.C. 206(f)); Secretary's Order No. 16-75, dated November 25, 1975 (40 FR 55913), and Employment Standards Order No. 76-2, dated February 23, 1976 (41 FR 9016)).

Signed at Washington, D.C., this 26th day of January 1979.

XAVIER M. VELA,
Administrator,
Wage and Hour Divison.

[FR Doc. 79-3709 Filed 2-1-79; 8:45 am]

[7910-01-M]

Title 32—National Defense

CHAPTER XIV—RENEGOTIATOIN BOARD

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

AGENCY: Renegotiation Board.

ACTION: Final rule.

SUMMARY: The Board has amended its regulations concerning the exemption from renegotiation of common carriers and public utilities. This amendment extends the period of exemption for certain contracts with common carriers for transportation by water to October 1, 1976. In light of the Board's experience, the occurrence of excessive profits under these contracts is improbable. Furthermore, this amendment will relieve a number of contractors from making filings with the Board.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446. Tel.: (202) 254-8277.

SUPPLEMENTARY INFORMATION: Under Section 106(a)(4) of the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1216(a)(4)), certain contracts involving the furnishing or sale of transportation by a common carrier by water are exempt from renegotiation. Such contracts are exempt if they are subject to the jurisdiction of the Interstate Commerce Commission under Part III of the Interstate Commerce Act, or subject to the jurisdiction of the Federal Maritime Board under the Intercoastal Shipping Act, 1933. The Renegotiation Act of 1951 further provides that the exemption applies to other such contracts "• • • in any case in which the Board finds that the regulatory aspects of rates for such furnishing or sale, are such as to indicate, in the opinion of the Board, that excessive profits are improbable • • •." Pursuant to this authority, the Board had issued a regulation, 32 CFR 1453.3(d)(2)(i), which exempted all amounts received or accrued before January 1, 1976, under all prime contracts for transportation by common carrier by water at, or at rates below, rates or charges filed with, fixed, approved or regulated by the Federal Maritime Board before August 12, 1961, or by the Federal Maritime Commission on or after August 12, 1961, and all prime contracts with the Military Sea Transportation Service for transportation of cargo at rates or charges based upon the manifest meas>urement or manifest weight of the cargo. By this action, the Board extends this exemption to amounts received or accrued through September 30, 1976.

The Board has determined that this amendment is not a significant regulation under Executive Order 12044 and the Board's General Order No. 9.

The Board has amended Chapter XIV of 32 CFR as set forth below.

Dated: January 18, 1979.

GOODWIN CHASE,
Chairman.

§ 1453.3 [Amended]

32 CFR 1453.3(d)(2)(i) is amended by changing "January 1, 1976" to "October 1, 1976."

[FR Doc. 79-3701 Filed 2-1-79; 8:45 am]

[4110-85-M]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 50—POLICIES OF GENERAL APPLICABILITY

Subpart C—Abortions and Related Medical Services in Federally Assisted Programs of the Public Health Service

AGENCY: Public Health Service.

ACTION: Final rule.

SUMMARY: The Department is making a technical amendment to the regulations which govern Federal financial participation in expenditures for abortions supported with funds appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service. The citation of authority is being amended in order to indicate that these regulations remain in effect under the Departments of HEW and Labor Appropriations Act for fiscal year 1979.

EFFECTIVE DATE: These regulations are effective as of October 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Marilyn L. Martin, Room 722H, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, 202-245-7581.

SUPPLEMENTARY INFORMATION: Subpart C of 42 CFR Part 50 was originally promulgated pursuant to Pub. L. 95-205, the Department's Appropriation Act for fiscal year 1978. The language prohibiting the use of funds for certain abortions has been repeated in the Department's Appropriation Act for fiscal year 1979. Thus, the Department is reissuing Subpart C of 42 CFR Part 50 under the authority of Section 210 of Pub. L. 95-480, the Departments of HEW and Labor Appropriations Act for fiscal year 1979.

Because the reissuance of these regulations will not result in any substantive changes, the regulations will take effect immediately. Therefore, the authority citation in Subpart C of 42 CFR Part 50 is amended as set forth below.

Dated: December 27, 1978.

CHARLES MILLER,
Acting Assistant
Secretary for Health.

Approved: January 26, 1979.

JOSEPH A. CALIFANO, JR.,
Secretary.

The authority citation at Subpart C of 42 CFR Part 50 is revised to read as follows:

AUTHORITY.—Sec. 101 of Pub. L. 95-205, 91 Stat. 1461; Sec. 210 of Pub. L. 95-480, 92 Stat. 1586.

[FR Doc. 79-3553 Filed 2-1-79; 8:45 am]

[4110-35-M]

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

Abortions

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final regulations.

SUMMARY: This amends current regulations governing the Department's expenditures for abortions under the Medicaid program. This amendment is being made because of the expiration of Pub. L. 95-205, which appropriated funds for FY 78 and is the statutory basis for the current regulations, and the enactment of the Department of HEW and Labor Appropriations Act (Pub. L. 95-480), which appropriated funds for FY 79 and contains identical limitations on Federal funding of abortions as Pub. L. 95-205. This amendment simply amends the statutory basis for the current regulations, making them applicable to funds appropriated under Pub. L. 95-480.

EFFECTIVE DATE: These regulations are effective as of October 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Cook, Room 4423, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201, 202-245-0962.

SUPPLEMENTARY INFORMATION: Section 210 of the HEW appropriations act for fiscal year 1979 contains restrictions on the extent to which funds appropriated under that Act may be used for abortions. These restrictions are identical to those contained in section 101 of Pub. L. 95-205. These restrictions are that no Federal funds shall be used to perform abortions except: (1) where the life of the mother would be endangered if the fetus were carried to term; (2) for such medical precedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; and (3) in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians.

Regulations implementing section 101 of Pub. L. 95-205 for the Medicaid program (Title XIX of the Social Security Act) were published on February 2, 1978, and republished on February 3, 1978 (43 FR 4570 and 4832). At that time, they were codified at 42 CFR part 449. Amendments to these regulations were published on July 21, 1978 (43 FR 31868). On September 29, 1978, as part of the Medicaid recodification project, these regulations were recodified, without substantive change, at 42 CFR Part 441, Subpart E, effective October 1, 1978 (43 FR 45176, 45229). The purpose of this amendment is to update the statutory basis for the current regulations and make them applicable to funds appropriated under Pub. L. 95-480. There is no change in the substance of the current regulations.

It should be noted that amendments to the regulations governing abortions under the social services programs administered by the Administration for Public Services, under title XX for programs in the States and titles I, IV-A, XIV and XVI (AABD) for programs in the territories, are also being published today. These amendments correct citations to the Medicaid regulations and update the statutory authority. This is necessary because the social services regulations incorporate these Medicaid regulations by cross-reference. (*See* 43 FR 4843 and 52173). In addition, amendments are also being published today which extend the current regulations governing the Federal funding of abortions under programs and projects administered by the Public Health Service, to cover funds appropriated by Pub. L. 95-480.

Notice of Proposed Rulemaking and a delayed effective date have been waived for three reasons. First, the limitations set forth in Pub. L. 95-480 are effective beginning on October 1, 1978, and there is a compelling need to provide immediate direction to the States and territories as to which abortions may be funded with appropriations for FY 79 under that Act. Second, the amendments simply extend the current regulations and, therefore, failure to provide advance notice does not require the States to vary the administration of their programs in any manner. Third, the regulations implement the identical statutory limitations which were implemented for FY 78, and the public was previously afforded opportunity to comment on these regulations.

42 CFR 441.200 is revised to read as follows:

§ 441.200 Basis and purpose.

This subpart implements the limitations on the Federal funding of abortions contained in section 101 of Pub. L. 95-205 and section 210 of Pub. L. 95-480.

Dated: November 28, 1978.

LEONARD D. SCHAEFFER,
Administrator, Health Care,
Financing Administration.

Approved: January 26, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary, Department of
Health, Education, and
Welfare.

[FR Doc. 79-3555 Filed 2-1-79; 8:45 am]

[4110-92-M]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SERVICE PROGRAMS FOR FAMILIES AND CHILDREN, INDIVIDUALS AND FAMILIES, AND AGED, BLIND, OR DISABLED PERSONS

Federal Financial Participation in State Claims for Abortions

AGENCY: Administration for Public Services (APS), Office of Human Development Services (OHDS), HEW.

ACTION: Final rule.

SUMMARY: Amendments are being made to regulations governing the Federal funding of abortions under social services programs. These amendments are being made because of the recodification of the Medicaid regulations, which these regulations incorporate by reference, and because of the enactment of Pub. L. 95-480, which contains identical limitations on the Federal funding of abortions with FY 79 funds as were applicable to FY 78 funds. The amendments reflect the current section numbers of Medicaid regulations and keep the statutory authorization for the social services regulations current.

EFFECTIVE DATE: These regulations are effective as of October 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Johnnie U. Brooks, Room 2225, Switzer Building, 330 C Street, SW., Washington, D.C. 20201, 202-245-9415.

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SUPPLEMENTARY INFORMATION: A recodification of all Medicaid regulations, without substantive change, was published on September 29, 1978, with an effective date of October 1, 1978 (43 FR 45176). The section numbers for regulations governing the Federal funding of abortions under the Medicaid program were changed under the recodification. Since the social services regulations cross-reference the Medicaid regulations (*see* 43 FR 4843 and 52173), it is necessary to amend the social services regulations to reflect this change.

In addition, we are extending the current regulations governing the Federal funding of abortions under social services programs which are administred by APS. The basis and purpose for this extension is the same as that set forth in the preamble to an amendment, which is published elsewhere in today's issue of the FEDERAL REGISTER, which extends the current Medicaid regulations governing the funding of abortions. We are amending the authority section of the social services regulations to keep that section current by including the statutory provision which serves as the basis for the extension, section 210 of Pub. L. 95-480.

The preamble to the amendments to the Medicaid regulations also explains our reasons for waiving notice of proposed rulemaking and a delayed effective date. 45 CFR Chapter II is amended as follows:

1. Part 220 is amended by revising the authority statement following the table of contents to read as follows:

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN; TITLE IV, PARTS A AND B OF SOCIAL SECURITY ACT

* * * * *

AUTHORITY: Sec. 1102 of the Social Security Act (42 U.S.C. 1302); sec. 101 of Pub. L. 95-205, 91 Stat. 1461; sec. 210 of Pub. L. 95-480, 92 Stat. 1586.

* * * * *

2. Part 220, § 220.21 is amended by revising paragraph (b) to read as follows:

§ 220.21 Family planning services.

* * * * *

(b) Federal financial participation in State claims for abortions is governed by 42 CFR 441.200 through 441.208

* * * * *

3. Part 222 is amended by revising the authority statement following the table of contents to read as follows:

PART 222—SERVICE PROGRAMS FOR AGED, BLIND, OR DISABLED PERSONS: TITLES I, X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

* * * * *

AUTHORITY: Sec. 1102, 102-103, 1002-1003, 1402-1403, 1602-1603 of the Social Security Act, 42 U.S.C. 1302, 302-303, 1202-1203, 1352-1353, 1382-1383 (AABD); sec. 101 of Pub. L. 95-205, 91 Stat. 1461; sec. 210 of Pub. L. 95-480, 92 Stat. 1586.

4. Part 222, § 222.59 is amended by revising subparagraph (b)(1) to read as follows:

§ 222.59 Services to individuals to meet special needs.

* * * * *

(b) Regarding the provision of family planning services:

(1) If a State authorizes abortions, Federal financial participation in State claims is governed by 42 CFR 441.200 through 441.208.

* * * * *

5. Part 228 is amended by revising the authority statement following the table of contents to read as follows:

PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

* * * * *

AUTHORITY: Sec. 1102 of the Social Security Act (42 U.S.C. 1302); sec. 101 of Pub. L. 95-205, 91 Stat. 1461; sec. 210 of Pub. L. 95-480, 92 Stat. 1586.

* * * * *

6. Part 228, § 228.92 is amended to read as follows:

§ 228.92 Federal financial participation in State Claims for Abortions.

Federal financial participation in State claims for abortions is governed by 42 CFR 441.200 through 441.208.

Dated: November 30, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development Services.

Approved: January 26, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary, Department of Health, Education, and Welfare.

[FR Doc. 79-3554 Filed 2-1-79; 8:45 am]

[6730-01-M]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—VESSEL OPERATING COMMON CARRIERS BALANCE SHEET AND INCOME STATEMENTS REPORTS

[Docket 78-21; General Order 11, Amdt. 4]

PART 512—FINANCIAL REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Average Value of Rate Base

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is revising its regulations which govern the financial reports by common carriers by water in the domestic offshore trades. This change will require common carriers by water in the domestic offshore trades to provide for the computation of the average value of rate base. The use of the average value instead of the beginning of the year rate base—which is currently used—will provide a more accurate calculation of the rate of return on rate base.

EFFECTIVE DATE: This amendment shall be effective March 5, 1979, and shall be applicable to proceedings institutued on and after that date.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTAL INFORMATION: This proceeding was instituted by Notice of Proposed Rulemaking published in the FEDERAL REGISTER on *June 16, 1978* to amend § 512.7 of the Commission's General Order 11 (46 CFR Part 512). The purpose of this amendment is to provide for construction of a midyear or average value-rate base. Such a rate base will better represent the actual extent of assets devoted to a trade throughout the year, as opposed to a rate base constructed at the beginning of the year, as currently required.

In its Notice the Commission recognized the fact that a rate base value for the beginning of the year indicates a value which is proper for only one point in time and not for the entire period. Because of accounting depreciation, the beginning of the year value of rate base will be steadily eroded throughout the period. Similarly, an end of the year rate base is only proper for that one point in time. A more appropriate value for rate base would be the average value.

Comments with respect to the proposed rules were received from (1) Matson Navigation Company (Matson), (2) Military Sealift Command, (MSC) and (3) Council of American-Flag Ship Operators (CASO).

Matson did not object to the proposed rule provided its application was to be prospective only and not used as a guide in determining the reasonableness and lawfulness of rate increases which were filed before the adoption of the rule. Matson requested that the report of the Commission promulgating the proposed rule specifically recite that the rule is not intended to be used in determining the reasonableness and lawfulness of rate increases filed prior to its adoption. The Commission accepts this to be a reasonable request.

MSC's comments addressed two issues. The first dealt with whether this rulemaking proceeding is intended to establish a substantive rule for application in rate cases as well as a reporting rule. The Commission intends for this rule to be applicable to both rate cases and annual reporting requirements. MSC also took the position that an end of the year rate base is preferable to an average rate base. This position is based on the proposition that it is unfair to require ratepayers to support both depreciation, a current expense, and a return on rate base that includes any part of that depreciation.

As previously discussed, the Commission recognizes the fact that a rate base value at the beginning of the year indicates a value which is proper for only one point in time and not for the entire period. Similarly an end of year rate base is proper only for that one point in time. The average rate base would correct for the overstated value created by using a beginning of the year rate base and the understated value of rate base which results from the use of end of the year values. The Commission feels the use of the average rate base more properly balances the interests of both the carriers and the ratepayers.

Comments submitted by CASO were opposed to the amendment based on historical acceptance of the present method. The Commission feels that historical acceptance of a particular method does not necessarily preclude the evolvement of a better method. Further, as discussed previously, it is the opinion of the Commission that the use of average rate base will better balance the interests of the carriers and the ratepayers.

CASO also commented that in computing the working capital portion of the rate base, terminated voyage expenses are included without the benefit of averaging to reflect increases in operating expenses. It is the Commission's view that the working capital computation allows the maximum fair allowance for working capital in the rate base. Furthermore, the fact that terminated voyages occur throughout the accounting period tends to result in the averaging of expenses, much in the manner advocated by CASO.

Therefore, pursuant to the authority of sections 18, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820 and 841), sections 2, 4 and 7 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844, 845(a) and 847 and section 4 of the Administrative Procedure Act (5 U.S.C. 553); § 512.7 of Title 46 CFR is amended to read as follows:

§ 512.7 [Amended]

In § 512.7(b)(2) *Reserve for Depreciation—Vessels (Schedule II*(i), the second sentence is amended to read as follows: For vessels owned for the entire year the accumulated reserve for depreciation for the beginning and the end of the year shall be reported and the arithmetic average thereof shall be allocated to The Service and to The Trade in the same proportion as is the cost of the vessel in Schedule I.

Subdivision (ii) is amended by adding a new sentence at the end reading as follows: The reserve for depreciation upon which the deduction is calculated shall be the average of the reserves for depreciation at the beginning of the year and at date of disposal.

A new subdivision (iii) is added as follows: (iii) For any vessels acquired during the period, an addition shall be made representing one-half of the reserve for depreciation on that vessel at the end of the year.

In § 512.7(b)(3)(i) the following three sentences will replace the first sentence: Actual invesment, representing original cost to the carrier, or to any related company, in other fixed assets employed in The Service shall be reported as at the beginning of the year. Accumulated reserves for depreciation for these assets shall be reported as at both the beginning and the end of the year. The arithmetic average of the reserves shall also be shown and shall be the amount deducted from original cost in determining rate base.

The following sentence is to be added to the end of existing § 512.7(b)(6): Where other assets are subject to depreciation, the amount of the reserve to be subtracted from the original cost in determining the component of rate base shall be the arithmetic average of the reserve for depreciation at the beginning and the end of the year.

The following sentence will be added between the existing second and third sentences of § 512.7(b)(7): In calculating depreciated costs, the reserve for depreciation to be deducted from the original cost shall be the arithmetic average of the reserve for depreciation at the beginning and the end of the year.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-3551 Filed 2-1-79; 8:45 am]

[6730-01-M]

[Docket 78-5: General Order 11, Amdt. 5]

PART 512—FINANCIAL REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Capitalization of Interest During Construction

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is revising its regulations which govern the financial reports by common carriers by water in the domestic offshore trades. This change will require common carriers by water in the domestic offshore trades to capitalize interest incurred during a period of construction in determining the value of an asset to be included in rate base. The capitalization of interest incurred during construction will assign a more accurate cost to the asset and permit a carrier to earn a rate of return on rate base which is more conceptually correct.

EFFECTIVE DATE: This amendment shall be effective March 5, 1979, and shall be applicable to assets the construction of which was completed after December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTAL INFORMATION: Pursuant to the authority of sections 18, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820 and 841), sections 2, 4 and 7 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844, 845(a) and 847) and section 4 of the Administrative Procedures Act, (5 U.S.C. 553); the Federal Maritime Commission, hereinafter referred to as the Commission, is authorized and directed to make rules and regulations affecting Vessel Operating Common Carriers in the Domes-

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tic Offshore Commerce of the United States.

Part 512 of the Commission's regulations requires the filing of rate base and income account statements from vessel operating common carriers. These statements aid the Commission in the discharge of its duties by providing data used in evaluating the reasonableness of rates for the carriage of cargo and insure that the level of the rates which produce profits are commensurate with the carrier's cost of capital.

This proceeding was instituted by Notice of Proposed Rulemaking published in the FEDERAL REGISTER on March 24, 1978, to amend section 512.3 of the Commission's General Order 11 (46 CFR Part 512) by adding a new paragraph (j).

The purpose of this amendment is to require domestic offshore vessel operating common carriers to capitalize interest during a period of construction. The capitalization of such interest will result in the inclusion in rate base of a more accurate cost of assets employed and allow a carrier to recover this cost in future rate structures.

Comments were received from six interested parties, one of which merely endorsed the proposed rule. Two commentators advocated the use of interest rates other than the prime rate as proposed. One suggested the utilization of the weighted average of rates paid by the particular carrier on all of its outstanding long-term issues. The other proposed using actual rates for borrowings and prime rate for equity funding.

In its reply, Hearing Counsel recited a number of reasons against adopting either of these proposals. Long-term debt averaging is not totally without merit, but not all financing comes from long-term debt. Loans payable within one year may contribute to funding construction. Furthermore, since such a method would not take into account equity financing, the average could be skewed by rates on funds not used for construction. The use of actual rates is even less attractive. Funding may come from several sources, such as bank borrowings, general purpose bond issues and equity. Identification of a specific amount from a specific source with a special asset may prove impossible. Also, the classification of a borrowing from a related company as debt or equity may prove difficult.

In addition to the foregoing, carriers building identical assets may be charged different rates based on credit rating. Thus, the less efficient carrier in all likelihood would achieve a higher rate base than the more efficient one. The Commission believes that, lacking conclusive arguments in favor of an alternative, the ease of administration of the prime rate makes its adoption appropriate. It may be noted that one commentator specifically endorsed utilization of the prime rate for that reason.

Comments received also recommended broadening application of the rule, both as to cost and period covered. It was suggested that all costs which are capitalized under generally accepted accounting principles should be included within the scope of the rule. It is the Commission's understanding that certain of these costs are significant sums and result in a number of payments over a period of time which are readily identifiable. Others involve smaller amounts, may result in a single payment, and/or present difficulties in verification. Having given due consideration to this matter, the Commission finds that periodic payments to a firm under contract to perform such services as asset design, engineering studies and performance inspections may appropriately be taken into account in computing the cost of funds during construction. However, broadening the application of the rule to include the multitude of items which may be appropriately capitalized would result in administrative complexity without significant benefit to the carrier.

One commentator questioned the nature of the rule, raised several procedural questions and equated treatment under the proposed rule to income tax treatment. The proposed rule will affect the computation of rate base and will impact on all matters which involve rate base, including the evaluation of ratemaking by carriers. The rule is substantive and is intended to provide for a more accurate computation of the value of assets devoted to the domestic offshore trades. Also, the Commission believes that income tax treated should not be an overriding consideration in regulatory ratemaking. It is the Commission's responsibility to develop a proper basis for the evaluation of the propriety of carrier rates, irrespective of how certain items are treated for tax purposes.

Several comments received were considered to have merit. It was suggested that the calculation of capitalized interest be shown only once and be incorporated by reference in subsequent reports. Recommendations were also made to include assets constructed by related companies, and to consider only those strikes which delay construction in computing the 12-month period. Hearing Counsel recommended substitution of the term carrier for company and making capitalization mandatory. These comments have been taken into account in the composition of the final rule.

Therefore, § 512.3 of the Title 46 CFR is amended by adding a new paragraph, designated § 512.3(j), and reading as follows:

§ 512.3 General requirements.

* * * * *

(j) *Interest during construction.* Interest shall be capitalized on all funds, including the carrier's own funds, actually employed in the design, engineering study, performance inspection, construction, reconstruction or reconditioning of a capital asset. Such asset shall be owned in a carrier's own name or in the name of any of its related companies. Should a carrier capitalize such interest on assets of related companies, said companies shall produce any information related to the assets upon request of the Federal Maritime Commission, its employees or agents. Interest during construction shall be eligible for capitalization when all of the following conditions and requirements are met:

(1) The construction period must be 12 months or greater. For the purpose of this part, the construction period begins when construction work commences on the asset and ends when the asset is ready for use by the carrier. Strike periods, during which construction is delayed for eight consecutive days or more, must be eliminated when determining whether or not the 12-month requirement is met.

(2) Payments must be made on a periodic basis during the period of design and construction.

(3) Interest shall be calculated starting with the first payment and on each payment thereafter. The rate employed shall be the average prime rate for the month in which the payment is made as set forth in the Federal Reserve Bulletin.

(4) A detailed description of the interest calculations made, including the name of the construction company employed and firm or firms performing design, engineering, and/or inspection services, shall be set forth on a separate schedule for each capital asset included in a rate base of the carrier, in the first year of such inclusion, for which interest capitalization has been employed. Such capitalized interest shall be included in rate base when the asset is included in rate base in accordance with § 512.7(b) and in the same allocable amounts as the asset. A schedule shall be provided with each rate base statement setting forth the year in which an interest calculation statement was submitted for each asset which includes capitalized construction interest in the rate base. The following is a simplified example of the interest calculation:

ABC COMPANY, INC.—*December 31, 1979*

Description of Asset: *SS Steamship*

Dates of Construction: May 1, 1977 to Apr. 30, 1979

Payment date	Payee	Payments	Prime rate	Months from payment to delivery	Interest
			Percent		
Oct. 31, 1976	J&J	$25,000	7.0	30	$4,375
Apr. 30, 1977	J&J	25,000	8.0	24	4,000
May 31, 1977		Construction Commenced			
Oct. 31, 1977	XYZ	25,000,000	7.0	18	2,625,000
Apr. 30, 1978	XYZ	25,000,000	7.5	12	1,875,000
Oct. 31, 1978	XYZ	25,000,000	8.0	6	1,000,000
Apr. 30, 1979	XYZ	25,000,000	7.0	0	
		100,050,000			5,508,375

Design, engineering and inspection services performed by: Jones and Jones, P.C. (J&J).
Constructed by: XYZ Construction Co. (XYZ).

(5) The effects of the interest during construction provisions shall be calculated on work completed after December 31, 1977.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-3552 Filed 2-1-79; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21357; RM-2874; RM-2938]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Antigo, Wis. and Hart, Mich.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: FCC assigns Class C FM Channel 287 to both Hart, Michigan and Antigo, Wisconsin, almost 180 miles away. In assigning the channel to Antigo, the Commission modified the license of Station WATK-FM to specify operation on Channel 287 in lieu of its present channel, 285A. This action will bring a higher powered facility to Antigo, Wisconsin, and is expected to bring a first FM radio station to Hart, Michigan. The proposed channel assignments resulted from a petition filed by Antigo Broadcasting Company and a counterproposal submitted by John D. DeGroot.

EFFECTIVE DATE: March 7, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Broadcast Bureau, (202-632-7792).

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—(PROCEEDING TERMINATED)

Adopted: January 22, 1979.

Released: January 26, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Antigo, Wisconsin and Hart, Michigan), Docket No. 21357. RM-2874, RM-2938. See 42 FR 56346, October 25, 1977.

1. The Commission has before it the *Notice of Proposed Rule Making*, 42 FR 41305, released August 10, 1977, which proposed the substitution of FM Class C Channel 287 for FM Channel 285A at Antigo, Wisconsin. Comments were filed by Antigo Broadcasting Company ("ABC"), licensee of Stations WATK and WATK-FM, Antigo, Wisconsin, the original proponent in this proceeding. John D. DeGroot ("DeGroot") submitted a counterproposal proposing the assignment of Channel 287 to Hart, Michigan.[1]

2. Although the distance between the WATK-FM site at Antigo and the Hart city reference is approximately 271 kilometers (168 miles) and thus approximately 19 kilometers (12 miles) short of the required spacing, it would be possible to assign Channel 287 to both communities if the petitioners are willing to compromise in their site requirements. According to a supplemental pleading filed by both parties, they have accomplished that end. The parties state that the required spacing can be met if the Antigo transmitter is located some 17.7 kilometers (11 miles) north of the city and the transmitter at Hart is located some 4.3 kilometers (2.7 miles) southeast of Hart. However, we note that the distance between the transmitters is actually .88 kilometers (0.55 miles) short of the required separation of 290 kilometers (180 miles). Thus, a slight adjustment (that is about 0.05 miles) in transmitter sites would be necessary to meet Commission spacing requirements. Since we believe this will not create any difficulty for petitioners, the need for a minor adjustment in transmitter locations will not prevent an allocation of Channel 287 to both Antigo[2] and Hart.

3. Since the question of whether it is possible to allocate Channel 287 to both communities has been answered in the affirmative, it is now necessary to consider whether these two relatively small communities warrant the assignment of a Class C channel. We believe that the following description of Antigo and Hart will aid in this evaluation. Antigo with a population of 9,005[3] is located in Langlade County (pop. 19,220) and is 256 kilometers (160 miles) northwest of Milwaukee, Wisconsin. Antigo is served by Stations WATK-FM (Channel 285A) and daytime-only AM Station WATK, both licensed to ABC, the Antigo proponent. According to petitioner, the service area on its present Class A channel (285A) is limited and beyond its pres-

[1] In August of 1978, David C. Schaberg filed a petition for rule making (RM-3191) proposing that Channel 287 be assigned to Big Rapids, Michigan, as its second FM allocation. This proposal is in conflict with the allocation of Channel 287 to Hart, Michigan. However, since the time for filing a counterproposal to the Hart proposal terminated almost a year before the Big Rapids petition was submitted, the Big Rapids proposal is not timely and will not be considered in the instant proceeding.

[2] Since no other party has expressed interest in applying for Channel 287 at Antigo, the proposal for that city only involves modification of ABC's license; whereas, the Hart proposal contemplates a channel allocation subject to applications by all interested parties.

[3] All population figures are taken from the 1970 U.S. Census.

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ent primary service lie areas which would be served by petitioner's proposed Class C facility. It points out that parts of this gain area have no FM service and some parts have one FM service. Petitioner notes that Antigo is the only city in Langlade County and has nearly half the county's population. It asserts that the city is the trading center for the area to the north and east where there is a scarcity of service. It adds that Antigo is also the commercial and media center for a wide area and is relied on by residents of surrounding areas for information and entertainment.

4. Hart, with a population of 2,139, is the seat of Oceana County (pop. 17,984) and is 148 kilometers (90 miles) northeast of Milwaukee, Wisconsin. Hart has no AM stations licensed to it or allocated FM channels. According to DeGroot, Hart also is not within the 1 mV/m contour of any FM stations. Furthermore, he states that substantial portions of Oceana County are without any FM service. Therefore, petitioner submits that the assignment of a Class C channel to Hart will for the first time provide Hart and Oceana County with greatly needed primary service. Also, DeGroot states that the assignment of a Class A channel to Hart would not enable a station operating on it to furnish a 1 mV/m signal to the eastern and northeastern portions of the county. The county is primarily an agriculturally oriented area specializing in fruit and vegetable crops with the industry in Hart basically oriented toward the fruit business. Emphasis is also placed, however, on tourism. To the west of Hart is the Lake Michigan shoreline and the Silver Lake sand dunes and state park. Another state park is located at Pentwater about 11 kilometers (7 miles) northwest of Hart. In addition, the Oceana Parks and Recreation Commission operates nine county parks. According to petitioner, these parks attract a tremendous influx of people on "peak" occasions with the population swelling to 57,002 (or a 154.5% increase) at such times. DeGroot also submits that the county receives heavy winter snowfall which frequently closes schools and businesses. Storms blow in without warning from Lake Michigan. A local radio service would enable many of the residents of the county to receive timely information during such emergencies.

5. Upon careful consideration of the comments filed, we believe it would be in the public interest to assign Channel 287 to both Antigo and Hart. The allocation to Antigo would bring first FM and first nighttime aural service to 457 persons and second FM and second nighttime aural service to 3,895 persons. In regard to Hart, although the assignment of Channel 287 would not bring a first or second nighttime aural service, it would bring a first FM service to approximately 400 persons and a second FM service to approximately 15,000 persons.

6. As to the matter of preclusion, we see no difficulty with the proposed assignments. Although allocation of Channel 287 to Antigo would preclude the use of Channels 287 or 288A to twenty-six communities with populations greater than 1,000, fourteen of these communities have AM and FM stations or assignments. Of the remaining twelve only six communities have populations over 2,500. Petitioner has shown that channels are available for assignment to five of these six communities. With respect to Hart, the assignment of Channel 287 would preclude the use of that channel to twelve communities of greater than 1,000 population. Of these twelve, only four communities have neither FM stations or assignments or AM stations. However, none of the four communities have populations of more than 2,500. In view of the limited preclusion caused by the proposed assignments, the *Roanoke Rapids-Anamosa*[4] showings and the apparent need for a Class C assignment to both communities, it is appropriate that Channel 287 be assigned to Antigo and Hart.

7. Since these communities are located within 402 kilometers (250 miles) of the U.S.-Canada border, the assignment of Channel 287 to both communities has been coordinated with the Canadian Government. It interposes no objection to these assignments.

8. The *Notice* stated that if no other person expressed an interest in the proposed assignment of Channel 287 at Antigo, the license of Station WATK-FM could be modified to specify the Class C channel.[5] Since no other party has expressed an interest in the proposed frequency, Channel 287 will be substituted for Channel 285A at Antigo, Wisconsin, and the license of Station WATK-FM will be modified. Station WATK-FM on Channel 287 must be located at a site complying with the minimum distance separation requirements, as indicated in paragraph 2, *supra*.

9. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules: *It is ordered*, That effective March 7, 1979, the FM Table of Assignments (§ 73.202(b) of the rules) is amended with respect to the following communities:

City: Hart, Michigan and Antigo, Wisconsin; Channel No. 287.

10. *It is further ordered*, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Antigo Broadcasting Company for Station WATK-FM, Antigo, Wisconsin, is modified, effective March 7, 1979, to specify operation on Channel 287 instead of Channel 285A. The licensee shall inform the Commission in writing no later than March 7, 1979, of its acceptance of this modification. Station WATK-FM may continue to operate on Channel 285A for one year from the effective date of this action or until it is ready to operate on Channel 287, or the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 287 the licensee of Station WATK-FM shall submit to the Commission the technical information normally required of an applicant for Channel 287, including that connected with a change in the transmitter site;

(b) At least 10 days prior to commencing operation on Channel 287, the licensee of Station WATK-FM shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of Station WATK-FM shall not commence operation on Channel 287 without prior Commission authorization.

11. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307.))

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 79-3720 Filed 2-1-79; 8:45 am]

[4] *Roanoke Rapids, N.C.*, 9 FCC 2d 672 (1967) and *Anamosa and Iowa City, Iowa*, 46 FCC 2d 520 (1974).

[5] This type of procedure was outlined in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

[6712-01-M]

[Docket No. 21474; RM-1968; RM-2810; RM-2978; FCC 78-920]

PART 73—RADIO BROADCAST SERVICES

Amending Broadcast Equal Employment Opportunity Rules and FCC Form 395

AGENCY: Federal Communications Commission.

ACTION: First Report and Order.

SUMMARY: The FCC made some changes in its equal employment opportunity (EEO) rules and forms for broadcasting. It changed the instructions on its annual employment report (Form 395) to make them easier for broadcasters to follow. Also, broadcasters will supplement Form 395 by placing with it in their local station files for public inspection a list ranking station employees in order of salary, but without giving dollar amounts, stating job title, race/ethnic group, sex and Form 395 job category in which the employee is classified. These lists will be filed with the FCC every three years as part of the station's renewal application. The FCC also changed to new terminology for race and ethnic groups to conform with Office of Management and Budget standards. Finally, it consolidated several broadcast EEO rules into one rule, new § 73.2080 (47 CFR 73.2080).

EFFECTIVE DATE: April 1, 1979.

ADDRESS.: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Carol P. Foelak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

FIRST REPORT AND ORDER

Adopted: December 21, 1978.

Released: January 29, 1979.

By the Commission: Commissioner Quello concurring in the result; Commissioner White concurring and issuing a statement in which Commissioner Washburn joins.

In the matter of amendment of Broadcast Equal Employment Opportunity Rules and FCC Form 395, Docket No. 21474, RM-1968, RM-2978, RM-2810. See 43 FR 35356, August 9, 1978.

1. We have before us our *Notice of Proposed Rule Making*, 66 F.C.C. 2d 955 (1977), 42 FR 60168, November 25, 1977, in this proceeding and comments and reply comments [1] concerning our broadcast equal employment opportunity (EEO) rules [2] and our Annual Employment Report, Form 395, as they apply to minorities and women.

2. This *First Report and Order* will not deal with our *Further Notice of Proposed Rule Making* in this proceeding, 43 FR 30078, July 13, 1978, in which we asked for comment on whether we should extend our EEO rules to include the handicapped, and if so, how to go about it. Because of the comments and requests for extension of time to comment on the *Further Notice*, we realize that we should allow parties and ourselves more time for the new issues than is necessary to conclude the original part of the proceeding.

BACKGROUND

3. Our broadcast EEO rules forbid discrimination in employment "because of race, color, religion, national origin, or sex" and affirmatively require all broadcast licensees and permitees to "establish, maintain and carry out, a positive continuing program of specific practices designed to assure equal employment opportunity in every aspect of station employment and practice." Stations with five or more full time employees must file the Form 395 Annual Employment Report, which was modelled after the Equal Employment Opportunity Commission's (EEOC) EEO-1 form, giving a breakdown of employees by several job categories [3] and by specified race and ethnic groups and sex. Such stations must also file a written EEO program, covering the specified race and ethnic groups and women, in applications for new stations and assignment and renewal applications. Stations with 50 or more employees must fill out a section of the written EEO program showing a list of all job titles within each 395 category and showing the number of incumbents in the specified groups and by sex. Stations with five or more but fewer than 50 employees file an updated Form 395 with such applications.

4. We use the data from the 395 forms to issue statistics on employment in the broadcast industry periodically and in reviewing the EEO programs of individual stations, mostly in connection with their triennial renewal applications. Members of the public seeking information on a station's employment practices also consult the forms, which are placed in a station's public file. Thus, they may be used in connection with negotiations between community groups and licensees over employment issues and in petitions to deny or informal objections filed against renewal and other licensing applications.

THE NOTICE

5. We issued the *Notice* in response to numerous formal and informal requests to revise Form 395 as well as requests to require additional information. We noted that the most recurring criticism of the form is that its use results in an inaccurate and misleading picture of minority and female employment because the job categories are too vague. We cited several studies which supported the proposition that upgrading of job titles of minority and female employees into unduly high job categories occurs.[4] This is an important problem since we do rely on percentages of minorities and women in the upper four job categories in renewal cases where licensees' employment practices are at issue.

6. Attached to the Notice were several proposals for redefining the job categories on the form. The proposals fall into two categories—those basically keeping the present categories and refining the instructions, and those proposing entirely new categories more specific to broadcasting or more specifically aimed at finding out who the real decisionmakers at a station are. The Notice also requested comment on whether we should require such additional information as information on hires, reasons for terminations, salaries and organizational charts, all of which would be required to be filed annually with Form 395. The Notice also observed that some of this information is already required to be filed in the recently changed EEO section in renewal and other applications and left open the option that improved employment information might better be considered in conjunction with the EEO programs in the renewal applications. Finally, the Notice proposed changes in the terminology describing race and ethnic categories according to the Office of Management and Budget's (OMB) revised "Race and Ethnic Standards for Federal Statistics and Administrative Reporting." We received a large number of comments both on the proposals to change Form 395 and on the proposals to require other information—on salaries, terminations, organizational charts, etc.

COMMENTS

7. *Form 395.* There was an especially wide range of comments on the proposals to change Form 395; indeed, it

[1] A list of about 144 parties which commented is attached as Appendix A. Also, there were about 115 more informal comments, mostly from broadcast station employees.

[2] The EEO rules for the various broadcast services are §§ 73.125, 73.301, 73.599, 73.680 and 73.793. The rules have identical wording, and as a housekeeping measure, this *Report and Order* will also remove them from the separate broadcast service Subparts of the rules and replace them with one EEO rule in Subpart H, Rules Applicable in Common to Broadcast Stations. The new EEO rule will be § 73.2080.

[3] Form 395's job categories are officials and managers; professionals; technicians; sales; office and clerical; craftsmen; operatives; laborers; and service workers. There are few jobs reported in the last three categories in broadcasting. In discussing employment issues in our renewal cases we examine employment in the upper four (officials and managers through sales) categories as well as overall employment to see if minorities and women are employed in positions of responsibility.

[4] We noted studies submitted by Dr. John Abel and Ms. Judith E. Saxon of Michigan State University; the U.S. Commission on Civil Rights; and a report by the Office of Communication of the United Church of Christ that while the number of women and minorities reported in the upper four job categories at TV stations has been increasing over several years, the number of jobs reported in those categories has also increased, while jobs reported as officer and clerical have decreased. This, it is urged, reflects an artificial upgrading of job classifications since many of these upper positions are little more than clerical in nature.

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seemed that each party had different suggestions on how to improve one or more of the several proposals. There was also quite a bit of argument over where specific job titles should fit as well as on how to frame and define job categories.

8. Supporters of the proposals changing the categories substantially were of the view that more precise categories and definitions for broadcasting would eliminate job title upgrading so that the annual reports would give a truly accurate picture of a station's employment profile. The arguments in favor of keeping the present form boil down to not destroying the data base which has been built up over the last seven years and retaining the ability to compare broadcasting with other industries, one of the reasons the Commission gave for adopting the present form, which is similar to the EEOC's Form EEO-1.

9. No only would changing the form drastically impair our ability to see trends in the entire industry, we are told, but we would also not be able to compare a station's current employment with its past employment in analyzing the effect of its EEO program. One party said that the fact that the proposals differ so much from each other, as to which job should be placed where, shows that it is necessary to rely on a licensee's good faith determination. In this regard, some multiple owners supplied us with examples from their own stations, where individuals with the same title at different stations performed different functions; conversely, persons performing the same function at the several stations had different titles. At any rate, we are told, at any individual station, the clasifications would not change over time.

10. Some stations have to file EEO-1, and they oppose changing the form on the grounds that they do not want to have to prepare two sets of records. However, there is a small number of licensees.

11. Some parties suggested that small stations should be exempt from filing the forms. Others stated that all should file, even those with fewer than five employees, since people tend to start in the broadcast industry at the smallest stations and work their way up to larger stations and larger paychecks. Thus, it is urged, it is important to assure equal employment opportunity at the gateway to a career in broadcasting. One party argued that AM-FM conbinations should not be permitted to file a combined report, suggesting that a station with all white employees could purchase another in the same city with all black employees and thus evade the intent of our EEO rules.

12. Specific comments were made on each individual proposal to change the form, and many parties offered additional suggestions and observations. For example, it was asserted that the National Organization for Women (NOW) and the Commission on Civil Rights' (CCR) categories (two of the proposals attached to the Notice) are so limited that only a few employees could be reported in each category and many jobs would not fall into any category. Some of the proposals tried to get at the heart of the paper upgrading problem by dividing officials and managers up so as to differentiate true management types from employees who merely supervise one other low level employee. However, it was pointed out that at most stations there are so few employees at the top that there would be only one or two in each category anyway and consequently, a change of one employee could alter percentages drastically. There were quite a number of other individual suggestions aimed at distinguishing the decision makers from other employees at stations.

13. *Salaries, Terminations and Organizational Charts.* The Notice also invited comment on whether we should require annual filing of additional information such as data on salaries, terminations and organizational charts. The theory behind this is that a comparison of salaries and other information requested will show whether two jobs with similar titles, e.g. department head, really are similar in importance and responsibility, and, importantly, salary information will also give a good indication of whether minorities and women are achieving parity in earnings. General arguments against requiring this additional information are that we would be burdening broadcasters with too much additional paperwork—already they spend more time and fill out more pages on employment than on programming, we are told—and that FCC is exceeding its jurisdiction. We were advised not to rely on *Bilingual Bicultural Coalition on Mass Media, Inc. v. F.C.C.*, 492 F. 2d 656 (1974) (Bilingual I) as a basis for requiring what in essence allegedly would be mass discovery of an entire industry. In any event, we were told, we already obtain much of this information in the model EEO program in renewal and other applications, and we should wait until this requirement has been in effect longer before we decide whether we need more information. It may be necessary to obtain so much information in a specific case, some opponents conceded, but there is no reason to get it routinely from the entire industry. Besides, if a person feels he has been discriminated against, he can always file a complaint, it was alleged.

14. *Salaries.* Many broadcasters argued against having to submit this information both on grounds of their own interest and to protect the privacy of their employees. As one party put it, many persons, whatever their salaries, have reasons not to have the exact amount of their earnings made available to banks, stores, creditors, former spouses, family members, friends, enemies and prospective employers. We received over a hundred letters from broadcast employees protesting the idea of having their salaries made public. While some parties suggested various schemes to avoid individual identification with a specific salary, such as listing employees' titles in salary ranges, listing the high and low salary for each position, etc., there was general agreement that, except at the largest stations, it would be impossible to conceal the salary received by an identifiable individual because there would be so few people in each category. It was argued that requiring this information on a form available to the public would violate the Privacy Act and also the confidentiality of the Form 324, the Annual Financial Report for broadcast stations, since salaries are a large component of expenses. On the other hand, certain parties said that if salaries could not be placed in the public file or released to the public, what good would submitting this information be, since the information could not be used as a basis for a petition to deny or negotiation. Turning to the value of obtaining salary information, we were told that salaries vary for so many reasons, including geography, that they would be useless for any nationwide comparison. Moreover, some broadcasters suggested that salaries are not an infallible guide to status, citing examples of account executives earning more than the general manager and other employees paid according to a union contract who make more than their supervisors.

15. *Organizational Charts.* There was opposition to filing organizational charts by broadcasters, while public interest groups did not feel that the burden of filing an organizational chart would be onerous. Some broadcasters stated that many stations did not regularly prepare such charts and that, in any event, they are meaningless at a small station, where each person may perform several functions, such as announcer, salesperson, etc., and where everyone reports to the same person, the manager.

16. *Terminations.* The weight of the arguments of broadcasters, as well as of other commentators, was against revealing the reasons for terminations to the Commission. Generally, such disclosure was viewed as being against the interests of both employer and employee. Opponents argued that to make these reasons public would violate the privacy of the employee. Indeed, it was noted that some reasons for termination could be quite embarrassing and consequently an employee's reputation might be ruined and he might have difficulty finding another job. This would be particularly injurious, it was argued, if a person made a mistake early in life, as he could not reform his reputation and get another chance. As a practical impediment, it was pointed out that often civil rights agreements contain specific provisions requiring the employer to expunge the reasons for termination from the complainant's file.

17. Another argument against such disclosure was that the employer would be required to retain adequate documentation to defend the publicly given reason for termination, since it might be open to defamation suits, among other things. But, in any event, we are told, the employer would most likely not give a truthful reason for termination. Some parties inclined to the view that too mild a reason would be given in order to protect the employee's privacy; others, that too strong a reason would be given to protect the employer in case anyone challenged its grounds for the termination.

18. *Public Broadcasters.* There were some special concerns of public broadcasters. Many have people working full time at the station who are paid by some other organization or through some government grant and they wanted to know how to reflect such people on their 395 forms. At least one requested a separate form for public broadcasters. It was also stated that they usually have to file other EEO forms because they have government grants, and it would be helpful if our form continued to resemble EEO-1. One party said we should request data on the composition of the governing bodies of public broadcasters.

19. *OMB Race and Ethnic Categories.* This proposal caused little controversy, although some parties had small quibbles. One party from Hawaii commented that the OMB categories are not particularly relevant to Hawaii since they would lump what are in Hawaii several distinct large groups into one or two categories, while there are few Blacks and Indians there.

Conclusion

20. In analyzing the comments to our proposals we must bear in mind the basic problem which we wish to address: upgrading job titles of minorities and women into the upper four job categories where their functions do not warrant it, which results in giving us misleading information in dealing with individual stations and in publishing statistics for the industry. Also we seek a remedy that will cause the least additional burden to broadcasters and avoid adverse impact on individual employees' private interest.

21. *Form 395.* We have decided to adopt the Broadcast Bureau's Policy Analysis Branch proposal changing the Form 395 instructions for broadcasters, modified somewhat in light of comments, as one step in attacking the problem. See Appendix B. We believe that the instructions will be clearer and easier to follow than the present instructions for broadcasters. We do not wish to change the form radically for two reasons. First, we do not wish to destroy the data base which has been built up for the industry and for each individual station over the past several years. This is important because our EEO enforcement would be set back several years if we switched to a new system and could not compare a station's employment profile with that of prior years. It would also be somewhat more burdensome for licensees to switch to a new form, especially those which have to file the EEO-1 form with the EEOC. Second, the great variety of comments has convinced us that it is virtually impossible to define each job category so precisely or to furnish so many examples of job titles and functions as to assure that each employee is placed in the ideal category by that means alone.

22. We recognize that proceeding by way of definitions of functions and job titles is not necessarily the most direct way of arriving at the status of an employee. In fact, a salary-based index may be the most effective way of evaluating an employee's status. Yet, it is clear that we must avoid unwarranted intrusions into the privacy of individual employees and unreasonable public disclosures of confidential business data. We are seeking some method of obtaining verifying information, but the comments which have been filed to date in this proceeding have not provided a full enough record for us to decide. Accordingly, in the very near future we will issue a Further Notice of Proposed Rule Making in this proceeding directed toward finding a verifying method, if possible.

23. *Miscellaneous.* Since our concern is with who is running a station and making programming decisions, not with how much their services are costing the licensee, public broadcasters should list on their 395 forms persons who work at the station as paid employees but who are paid by some source other than the licensee. The suggestion that we require information on the race and sex of governing bodies of public broadcasters is beyond the scope of this present proceeding, which is solely concerned with employment.[5]

[5] This matter will be reviewed further by the Broadcast Bureau to determine if any further action is warranted.

24. Some parties argued that stations with fewer than five full time employees should file our 395 forms and have written EEO programs on the ground that such stations are the gateway to a career in broadcasting. One party even suggested that a broadcaster might evade the intent of our EEO rules by employing four persons full time and dozens, part-time. One reason why we now exempt and will continue to exempt broadcasters with fewer than five full time employees is our administrative convenience. Another is that with so few employees statistics tend to be meaningless, since a change of one employee is a 25% change. As to the idea that licensees might evade our rules through the use of numerous part-time employees, this would be most unusual and unduly burdensome and expensive for the broadcaster.

25. One party argued that we should not permit jointly owned co-located AM and FM stations to file combination reports, theorizing that a radio station with an all white staff could escape our notice by simply buying another station in the same city with an all Black staff. This possibility also seems remote and a complicated and expensive way to evade our rules. In fact, since many AM and FM station combinations, despite decreased amounts of duplicated programming, are jointly operated for some purposes, it makes sense to permit combined reports. Also, since the numbers of employees are larger on combined than on separate reports, the statistics have more meaning.

26. *OMB Race and Ethnic Terminology.* We will change the race and ethnic terminology in our rules, Form 395, and other forms to the following categories: American Indian or Alaska Native; Asian or Pacific Islander; Black, not of Hispanic origin; Hispanic; and white, not of Hispanic origin.

27. Amendments to the rules necessary to carry out the changes which we discussed are set forth in Appendix C. This includes replacing the several existing broadcast EEO rules with one rule and changing the race and ethnic terminology in that rule. Amendments to the instructions for Form 395 are in Appendix B. Changes to the new race and ethnic terminology will also be made in the model EEO program filed with Forms 301, 303, 303R, 309, 311, 314, 315, 340 and 342.

28. The reporting requirement included herein is adopted subject to GAO clearance and unless advised to the contrary will be effective April 1, 1979.

29. *It is ordered,* That effective April 1, 1979, the Commission's rules are amended as set forth in Appendix C; and Form 395 is amended as set forth in Appendix B. Authority for the

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adoption and amendment of rules concerning the matters involved in this proceeding is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,[6]
WILLIAM J. TRICARICO,
Secretary.

APPENDIX A—PARTIES FILING COMMENTS

McKenna, Wilkinson & Kittner on behalf of several licensees
Central California Communications Corporation
Storer Broadcasting Company
Fly, Shuebruk, Blume, Gaguine, Boros and Schulkind on behalf of several licensees
Boston Broadcasters, Inc.
Nationwide Communications, Inc.
Field Communications Corporation
Public Broadcasting Service
Maryland-District of Columbia-Delaware Broadcasters Association, Inc.
Michiana Telecasting Corporation
Southwest Research and Information Center
National Radio Broadcasters Association
WTVY, Inc.
Annapolis Broadcasting Corporation
National Association of Educational Broadcasters
Greater Cleveland Interchurch Council and others ("Cleveland Group")
National Federation of Community Broadcasters
Metromedia, Inc.
Fletcher, Heald, Kenehan & Hildreth on behalf of several licensees
National Association of Broadcasters
Dow, Lohnes & Albertson on behalf of several licensees
Universal Broadcasting Corporation
WJER, Inc.
American Broadcasting Companies, Inc.
KNUI Radio
Anne Cooper
KUFM (University of Montana)
Catherine D. Drayton
Gibson Broadcasting Company
Women in Communications
Task Force on Sex Discrimination, U.S. Department of Justice
Screen Actors Guild, Inc.
Kenebec Broadcasting Co.
KMPL
KSON
WLIL
KQIZ
Springfield Television
KOFO
KWPM
Rahall Communication Corp.
KWGR
Television Muscle Shoals, Inc.
WCLV
WOOD Broadcasting, Inc.
Colorado Broadcasters Association
WIGS Radio
WDCS
WVOB
KGOU
WCEC
KITN
WTAQ
KRSP
WLEW
Shenandoah Valley Broadcasting Co., Inc.
WKDW
KXKZ
KWYO
WBOC
KNBP
KARN
WTAG
National Society of Professional Engineers
WMAR-TV
Maine Association of Broadcasters
Broadcast Financial Management Association
U.S. Commission on Civil Rights
Bari S. Robinson
WIRA
Carthage Broadcasting Company, Inc.
KJEZ
KNFM
KBIZ-KTVO
WLBN
Fairfield Broadcasting Company
Natural Broadcasting System, Ltd.
J. G. Rountree
Los Angeles Women's Coalition for Better Broadcasting
Marin Broadcasting Co., Inc.
KIUA-TV
KWAK
WFMZ
John Charles Perry
WRNO
Jerry Jacob
New Jersey Coalition for Fair Broadcasting
Fisher's Blend Stations, Inc.
WRDX-WSTP
Pennsylvania Association of Broadcasters
National Center for Law and the Deaf
Radio San Juan, Inc.
Forward Communications of Texas, Inc.
St. Louis Broadcast Coalition
Communications Improvement, Inc.
The Chesapeake Broadcasting Corporation
Earldun Broadcasting, Inc.
United Church of Christ
KCLU
WDUZ
KWOR
Steve Vogel
Barbara Jean Wickman
Dawn Orduny
KUEN
Nebraska Broadcasters Association
Oregon Television, Inc.
Smith & Pepper
United Broadcasting Company
Board of Regents, State of Florida
National Commission on Working Women
Pierson, Ball & Dowd on behalf of thirteen licensees
Ann Mitchell
Janet L. Leuning
Elaine Fuhrer
KOLY
WILQ
Irene Bollinger
WLET
WCRN
Lorna J. Simmons
Jim Cameron
Citizens Communications Center, et al.
Corporation for Public Broadcasting
Forward Communications Corporation
Haley, Bader & Potts
Century Broadcasting Corporation
CBS, Inc.
South Dakota Broadcasters Association
Ohio Association of Broadcasters
North Carolina Association of Broadcasters
Committee for Community Access
Stuart Broadcasting Company
Portal Communications, Inc.
American Women in Radio and Television, Inc.
WLVU-WLKK Radio
Herbert A. Terry
National Association for the Advancement of Colored People
In addition, there were about 115 informal comments

[6]See attached Concurring Statement of Commissioner White in which Commissioner Washburn joins.

APPENDIX B

The Instructions for completion of FCC Form 395 are hereby amended to ready as follows:

* * * * *

6. *Job Categories.*

* * * * *

a. Officials and Managers—* * *
Broadcast Licensees may include in this category the following:
Presidents and other corporate officers, general managers, station managers, controllers, chief accountants, general counsels, chief engineers, facilities managers, sales managers, business managers, promotion directors, research directors, personnel managers, news directors, operators managers, production managers.

b. Professional— * * *
Broadcast Licensees may include in this category the following:
On-air personnel, correspondents, producers, directors, writers, editors, researchers, designers, artists, musicians, dancers, accountants, attorneys, nurses, publicists, film buyers, ratings and research analysts, system analysts and programmers, financial analysts, stage managers, cinema photographers, senior staff assistants, personnel interviewers, continuity directors.

c. Technicians— * * *
Broadcast Licensees may include in this category the following:
All engineers, technicians and engineering aides, including: transmitter, studio, maintenance and master control engineers, and news camera, news sound, film lab and drafting technicians. Also film editors, projectionists, software specialists.

d. Sales— * * *
Broadcast Licensees may include in this category the following:
All sales account executives, sales analysts, account representatives, sales trainees.

e. Office and Clerical— * * *
Broadcast Licensees may include in this category the following:
All secretaries, production assistants, traffic managers,[1] traffic department employees, telephone operators, junior rating and research analysts, assistant camera technicians, news and feature assistants, billing clerks, mail clerks, messengers, cashiers, typists, key punch operators, bookkeepers, photo lab assistants, librarians (music, film or other), readers, administrative assistants,[1] tab operators, TWX operators, PBX operators, printing and duplicating operators, production coordinators, ledger clerks, operations assistants, pages and guides, stock clerks, office machine operators, including computer console operators.

f. Craftsmen (skilled)— * * *
Broadcast Licensees may include the following:
Electricians, machinists, building construction workers, hair stylists, carpenters, painters, make-up artists, wardrobe mistresses, hearing and air conditioning mechanics.

g. Operatives (semi-skilled)— * * *
Broadcast Licensees may include the following:
Chauffeurs, mobile messengers, drivers, apprentice carpenters and painters, scenic artists, film department assistants, material handlers.

h. Laborers (unskilled)— * * *
Broadcast Licensees may include the following:
Studio grips, property men, laborers performing lifting, pulling, piling, loading, etc., car washers, set-up helpers.

i. Service Workers— * * *
Broadcast Licensees may include the following:
Cooks, counter and fountain workers, elevator operators, guards and watchmen, doorkeepers, stewards, janitors, waiters and waitresses.

8. *Minority Group Identification.*

* * * * *

(d) FCC Form 395 provides for reporting American Indians and Alaska Natives; Asians and Pacific Islanders; Blacks, not of Hispanic Origin; Hispanics; whites, not of Hispanic Origin; wherever such persons are employed. The category which most closely reflects the individual's recognition in his community should be used to report persons of mixed racial and/or ethnic origins.

* * * * *

APPENDIX C

1. Part 73 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

§ 73.125 Equal employment opportunities.
See § 73.2080

§ 73.301 Equal employment opportunities.
See § 73.2080

§ 73.599 Equal employment opportunities.
See § 73.2080

§ 73.680 Equal employment opportunities.
See § 73.2080

§ 73.793 Equal employment opportunities.
See § 73.2080

2. New § 73.2080 is added to read as follows:

§ 73.2080 Equal employment opportunities.

(a) *General policy.* Equal opportunity in employment shall be afforded by all licensees or permittees of commercially or noncommercially operated AM, FM, TV or international broadcast stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national origin or sex.

(b) *Equal employment opportunity program.* Each station shall establish, maintain, and carry out, a positive continuing program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practice. Under the terms of its programs, a station shall:

(1) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(3) Communicate the station's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin or sex, and solicit their recruitment assistance on a continuing basis.

(4) Conduct a continuing campaign to exclude every form of prejudice or discrimination based upon race, color, religion, national origin or sex, from the station's personnel policies and practices and working conditions.

(5) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility in the station.

(c) Applicants for a construction permit for a new facility, for assignment of license or construction permit or for transfer of control (other than pro forma or involuntary assignments and transfers), and applicants for renewal of license who have not previously done so, shall file with the FCC programs designed to provide equal employment opportunities for American Indians and Alaska Natives; Asians and Pacific Islanders; Blacks, not of Hispanic Origin; Hispanics; and women, or amendments to such programs. Guidelines for the preparations of such programs are set forth in the Commission's "Report and Order, Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees," 60 F.C.C. 2d 618 (1976). A program need not be filed by any station having less than five full-time employees or with respect to any minority group which is represented in such insignificant numbers in the area that a program would not be meaningful. In the latter situation, a statement of explanation should be filed.

[1]The positions of traffic managers and administrative assistants have been included in the office and clerical category because in most instances they are not truly managerial positions. However, those stations that require managerial functions of either position (director of a full department or special phase of the firm's operation) may include it in the officials and managers category.

CONCURRING STATEMENT OF COMMISSIONER MARGITA E. WHITE IN WHICH COMMISSIONER ABBOTT M. WASHBURN JOINS

The Commission today has taken a significant step forward in implementing its broadcast equal employment opportunity program. At the same time, the Commission wisely has decided not to require a listing of employees by salary but to explore alternatives for supplementing the information provided by the statistics in Form 395.

I concur in the decision to explore such alternatives only because I believe a good alternative already exists for providing the Commission and public with such information without placing undue burdens on licensees. After reading all the comments in this proceeding, I concluded that the best proposal is to require each station to include in its public file each year, and to submit to the Commission with its renewal application, a list of employees by job title, race, sex, and Form 395 category. The order of listing would be up to the discretion of the station.

One licensee who voluntarily maintains a similar list in its station's public file and submits it with renewal application has done so "without any complaint from any employee or other person * * *." Another party in the proceeding suggested such a list would "give integrity to Form 395 statistics by enabling the Commission and the public to verify and confirm (from the employee, if necessary), whether job responsibility matches job title * * *." While such a simple listing would provide a valuable cross-index of information to the Commission and the public, it would not burden the licensee, and, indeed, could assist the broadcaster who is concerned that even the improved Form 395 job category descriptions may not provide an accurate profile of a station's employment structure.

Leaving the order of employee listing to the broadcaster's discretion would avoid the likely negative consequences of mandating a listing by salary, including the further involvement of the Commission in station management decisions, increased reporting burdens on licensees, the precipitation of employee morale problems, the encouragement of hiring piracy, placing smaller stations at a disadvantage in the recruiting and retaining of qualified employees and the solicitation of more information than the Commission can process or needs.

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All interested parties will have an opportunity to comment on various alternatives, including my own, and to suggest other approaches in response to the Commission's further notice. I am hopeful this will be a constructive process and that the Commission's wisdom of rejecting the requirement of salary information will prevail.

[FR Doc. 79-3718 Filed 2-1-79; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised Service Order No. 1210, Amdt. No. 9]

PART 1033—CAR SERVICE

Providence and Worcester Co. Authorized to Operate Over Tracks of Consolidated Rail Corp. and Consolidated Rail Corp. Authorized to Operate Over Tracks of Providence and Worcester Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, Amendment No. 9 to Revised Service Order No. 1210.

SUMMARY: Abandonments by the former Penn Central have isolated two segments of the Consolidated Rail Corporation's lines in Rhode Island, known as the Slatersville and Wrentham branches, from the remainder of the system. The Providence and Worcester Company has the sole rail connections with these two ConRail branches. Revised Service Order No. 1210 authorizes the Providence and Worcester to operate these branches for the account of ConRail pending the Commission's approval of a joint operating contract. The Order is published in full in FEDERAL REGISTER Volume 40 at page 7452. Amendment No. 9 extends Revised Service Order No. 1210 for six months.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., July 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7840, Telex 89-2742.

Decided: January 25, 1979.

Upon further consideration of Revised Service Order No. 1210 (40 FR 7452, 19478; 41 FR 4929, 15414, 32430; 42 FR 6817, 39221; 43 FR 4433, and 34147), and good cause appearing therefor:

It is ordered, That § 1033.1210 *Providence and Worcester Company authorized to operate over tracks of Consolidated Rail Corporation and Consolidated Rail Corporation authorized to operate over tracks of Providence and Worcester Company,* Revised Service Order No. 1210, is amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126))

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3729 Filed 2-1-79; 8:45 am]

[7035-01-M]

[Service Order No. 1262; Amdt. No. 6]

PART 1033—CAR SERVICE

North Stratford Railroad Corp. Authorized To Operate Over Certain Tracks Owned by the State of New Hampshire

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, Amendment No. 6 to Service Order No. 1262.

SUMMARY: Service Order No. 1262 authorizes the North Stratford Railroad Corporation to operate a line of railroad between North Stratford, New Hampshire, and Beecher Falls, Vermont, owned by the State of New Hampshire. Resumption of operation over this line restores rail service to shippers affected by its abandonment by the Maine Central, its former owner. Amendment No. 6 to Service Order No. 1262 extends for three months the emergency authority granted to the North Stratford Railroad for operation of this line. Service order No. 1262 is published in full in volume 42 of the FEDERAL REGISTER at page 16780.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., April 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telephone (202) 275-7840, Telex 89-2742.

Decided: January 25, 1979.

Upon further consideration of Service Order No. 1262 (42 FR 16780, 43637, 57317; 43 FR 19047, 50907 and 56673), and good cause appearing therefor:

It is ordered, that § 1033.1262 North Stratford Railroad Corpration authorized to operate over certain tracks owned by the State of New Hampshire, Service Order No. 1262, is amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3730 Filed 2-1-79; 8:45 am]

[7035-01-M]

[Service Order No. 1326; Amdt. No. 2]

PART 1033—CAR SERVICE

Norfolk and Western Railway Co. Authorized To Operate Over Tracks of Detroit, Toledo and Ironton Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. (Amendment No. 2 to Service Order No. 1326.)

SUMMARY: The Tecumseh, Michigan, branch of the Detroit, Toledo and Ironton Railway (DTI) is unserviceable between Malinta, Ohio, and Adrian, Michigan, isolating the remainder of the line from other parts of the DTI. A major industry located at Tecumseh requires uninterrupted rail service to continue its operations. Service Order No. 1326 authorizes the Norfolk and Western Railway to operate over the serviceable portion of the DTI's Tecumseh branch between Adrian, Michigan, and Tecumseh, Michigan, in order to provide continued service to shippers served by that line. The order is published in full in volume 43 at page 20235 in the FEDERAL REGISTER. Amendment No. 2 to Service Order No. 1326 extends the order for one month.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., February 28, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, Telephone 202-275-7840, Telex 89-2742.

Decided: January 25, 1979.

Upon further consideration of Service Order No. 1326 (43 FR 20235 and 51023), and good cause appearing therefor:

It is ordered, § 1033.1326 *Norfolk and Western Railway Company Authorized To Operate Over Tracks of Detroit, Toledo and Ironton Railway Company,* Service Order No. 1326, is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1979, unless otherwise modified, changed or suspended by order of this Commision.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the FEDERAL REGISTER.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3731 Filed 2-1-79; 8:45 am]

[7035-01-M]

[Service Order No. 1247; Amdt No. 5]

PART 1033—CAR SERVICE

Bath and Hammondsport Railroad Co. Authorized To Operate Over Tracks of Consolidated Rail Corp.

AGENCY: Interstate Commerce Commission

ACTION: Emergency Order. Amendment No. 5 to Service Order No. 1247.

SUMMARY: As the designated operator for the State of New York the Bath and Hammondsport Railroad operates the Wayland branch of the former Erie-Lakawanna Railroad between Kanona, New York, and Wayland, New York. This line is separated from the Bath and Hammonsport's own line by three miles of Consolidated Rail Corporation trackage. Service Order No. 1247 authorizes the Bath and Hammondsport to operate over this Consolidated Rail Corporation trackage in order to transfer locomotives, cars and crews between its own line and the Wayland branch. Service Order No. 1247 is published in full in FEDERAL REGISTER Volume 41 at page 29819. Amendment No. 5 extends the order for six months.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., July 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, Telephone (202) 275-7840, Telex 89-2742.

Decided: January 26 1979.

Upon further consideration of Service Order No. 1247 (41 FR 29819; 42 FR 6370, 39389; 43 FR 4617 and 34148), and good cause appearing therefor:

It is ordered, That § 1033.1247 *Bath and Hammondsport Railroad Company authorized to operate over tracks of Consolidate Rail Corporation,* Service Order No. 1247 is amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3732 Filed 2-1-79; 8:45 am]

[7035-01-M]

[Amendment No. 6 to Service Order No. 1240]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of the Kansas City Southern Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Amendment No. 6 to Service Order No. 1240.

SUMMARY: This amendment extends for five months an emergency order issued April 9, 1976, which authorized the Chicago and North Western Transportation Company (CNW) to operate an unused yard of the Kansas City Southern Railway Company (KCS) at Kansas City, Missouri. Increases in traffic on the CNW in the Kansas City area have resulted in severe congestion and delays to shipments in the Kansas City terminals of that line. The adjoining Hennig Street Yard of the KCS is no longer needed by that line because of changes in operating patterns.

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Use of this yard by the CNW enables that line to move traffic through Kansas City without the excessive delays previously encountered. Service Order 1240 is published in full in Volume 41 of the FEDERAL REGISTER at page 15698.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., June 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Section of Rail and Pipeline Operations, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

Decided: January 26, 1979.

Upon further consideration of Service Order No. 1240 (41 FR 15698, 48343; 42 FR 22367, 44546; 43 FR 9282, 43 FR 39795 and 45586), and good cause appearing therefor:

It is ordered, § 1033.1240 *Chicago and North Western Transportation Company Authorized To Operate Over Tracks of the Kansas City Southern Railway Company,* Service Order No. 1240 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126))

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and the car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3726 Filed 2-1-79; 8:45 am]

[7035-01-M]

[Amendment No. 1 to Service Order No. 1337]

PART 1033—CAR SERVICE

Western Maryland Railway Co. Authorized To Operate Over Tracks of the Baltimore & Ohio Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Amendment No. 1 to Service Order No. 1337.

SUMMARY: The Western Maryland Railway Company operates over tracks of the National Railroad Passenger Corporation between Fulton Junction, Maryland, and Back River, Maryland, thence over tracks of Consolidated Rail Corporation between Back River and Sparrows Point, Maryland. The high density of traffic results in serious delays to WM trains. Service Order No. 1337 authorizes Western Maryland to operate over tracks of The Baltimore and Ohio Railroad Company between Westport, Maryland, and Sparrows Point, Maryland, in order to expedite train movement. The order is printed in full in volume 43 of the FEDERAL REGISTER at page 41403. Amendment No. 1 to Service Order No. 1337 extends the order for four months.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., May 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

Decided: January 25, 1979.

Upon further consideration of Service Order No. 1337 (43 FR 41403), and good cause appearing therefor:

It is ordered, That, § 1033.1337 *Western Maryland Railway Company authorized to operate over tracks of the Baltimore and Ohio Railway Company,* Service Order No. 1337 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3727 Filed 2-1-79; 8:45 am]

[7035-01-M]

[Amendment No. 1 to Service Order No. 1346]

PART 1033—CAR SERVICE

Mercersburg Railway Authorized To Operate Over USRA Line No. 206, Former Mercersburg Secondary Track of Consolidated Rail Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Amendment No. 1 to Service Order No. 1346.

SUMMARY: The Mercersburg Railway is authorized by Service Order No. 1346 to operate USRA Line No. 206 between Marion, Pennsylvania, and Mercersburg, Pennsylvania. The operation of this line by the Mercersburg Railway has been authorized by the Commonwealth of Pennsylvania, which is replacing Consolidated Rail Corporation as the designated operator. The order is printed in full in Volume 43 of the FEDERAL REGISTER at page 51403. Amendment No. 1 extends the order for four months.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., May 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

Decided: January 26, 1979.

Upon further consideration of Service Order No. 1346 (43 FR 51403), and good cause appearing therefor:

It is ordered, That, § 1033.1346 *Mercersburg Railway authorized to operate over USRA Line No. 206, former Mercersburg secondary track of Consolidated Rail Corporation,* Service Order No. 1346 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3728 Filed 2-1-79; 8:45 am]

[7035-01-M]

[Amendment No. 14 to Service Order No. 1084]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co., W. M. Gibbons, Trustee, Authorized to Operate Over Tracks of Chicago & North Western Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, Amendment No. 14 to Service Order No. 1084.

SUMMARY: Service Order No. 1084 authorizes the Chicago, Rock Island and Pacific to operate over a track abandoned by the Chicago and North Western Transportation Company at McClelland, Iowa, for the purpose of continuing railroad service to a shipper located adjacent to that track. The order is printed in full in FEDERAL REGISTER Volume 36 at page 22063. Amendment No. 14 extends Service Order No. 1084 for six months.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., July 31, 1979.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, Telephone (202) 275-7840, Telex 89-2742.

Decided: January 25, 1979.

Upon further consideration of Service Order No. 1084 (36 FR 22063; 37 FR 12726; 28059; 38 FR 20840; 39 FR 3827, 27672; 40 FR 5162, 31939; 41 FR 4929, 31381; 42 FR 6371, 38572; 43 FR 4431 and 34147), and good cause appearing therefor:

It is ordered, That § 1033.1084, *Chicago, Rock Island and Pacific Railroad Company, W. M. Gibbons, trustee, authorized to operate over tracks of Chicago and North Western Transportation Company,* Service Order No. 1084, is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1979, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3737 Filed 2-1-79; 8:45 am]

[Amendment No. 8 to Service Order No. 1242]

PART 1033—CAR SERVICE

The Kansas City Southern Railway Co. Authorized to Operate Over Certain Tracks of Southern Pacific Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Amendment No. 8 to Service Order No. 1242.

SUMMARY: Service Order No. 1242 authorizes the Kansas City Southern to operate over tracks of the Southern Pacific Transportation Company at Lake Charles, Louisiana. The Kansas City Southern Railway's drawbridge over the Calcasieu River at Lake Charles is unserviceable because of failure of the machinery used to open and close the span, isolating a major industrial district served by the Kansas City Southern from the remainder of the system. Operation of Kansas City Southern trains over the parallel bridge of the Southern Pacific enables the Kansas City Southern to continue service to shippers served by the tracks disconnected from the remainder of the system by failure of the bridge operating mechanism. Service Order No. 1242 is published in full in FEDERAL REGISTER Volume 41 at page 18053. Amendment No. 8 extends the order for five months.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., June 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7840, Telex 89-2742.

Decided: January 26, 1979.

Upon further consideration of Service Order No. 1242 (41 FR 18053, 31824, 48344; 42 FR 6584, 39221; 43 FR 4432, 34147 and 39795), and good cause appearing therefor:

It is ordered, That § 1033.1242 *The Kansas City Southern Railway Company authorized to operate over certain tracks of Southern Pacific Transportation Company,* Service Order No. 1242 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns,

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Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3738 Filed 2-1-79; 8:45 am]

[3510-22-M]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 651—ATLANTIC GROUNDFISH (COD, HADDOCK, AND YELLOWTAIL FLOUNDER)

Amendment to Quarterly Quotas; Notice of Fishery Closures and Adjustment of Catch Limitations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final regulation on quarterly quotas and notice of fishery closures and adjustment of catch limitation.

SUMMARY: This final regulation adjusts the quarterly quotas of cod, haddock, and yellowtail flounder, as set forth in the supplementry information, as an emergency, effective February 4, 1979. The notice closes the cod and haddock fisheries in the Gulf of Maine for the 61-125 gross registered ton (GRT) vessel class, effective February 4, 1979; (2) closes the haddock fishery in the Gulf of Maine for the 0-60 GRT vessel class, effective February 4, 1979; (3) closes the yellowtail flounder fishery west of 69° W. longitude for all vessel classes, effective February 4, 1979; and (4) adjusts catch limitations for three vessel classes, as set forth in the supplementary information, effective February 4, 1979.

DATES: Effective dates: These actions are all effective as of 12:01 AM on the date noted in the summary above. Public comment on the final regulation will be accepted until April 5, 1979.

ADDRESS: Comments should be sent to: Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Telephone (617) 281-3600.

FOR FURTHER INFORMATION CONTACT:

William G. Gordon (617) 281-3600.

SUPPLEMENTARY INFORMATION: Final regulations governing domestic fishing for Atlantic Groundfish (cod, haddock, and yellowtail flounder) were published on January 3 and 11, 1979 (44 FR 885, 2397). These regulations implement the Fishery Management Plan for Atlantic Groundfish (FMP), as amended, which was prepared by the New England Fishery Management Council pursuant to the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.* The regulations established quarterly quotas for each fishery by species, area, and vessel class. To spread fishing effort over the quarter, the regulations also established catch limitations on a weekly or per trip basis. The regulations provide for adjustment of weekly or per trip catch limitations to achieve specified purposes, and for closures under certain circumstances.

A. QUOTA ADJUSTMENTS

The quarterly quotas may be adjusted by emergency regulation when the Assistant Administrator determines that the catch during the previous quarter exceeded or failed to reach the quota established for that quarter. Final catch statistics for the first quarter (October—December 1978) show that many of the vessel classes greatly exceeded their groundfish quotas in all areas. The quarterly quota for cod was exceeded by 725 metric tons (mt); the quota for haddock was overharvested by 678 mt; and the quota for yellowtail flounder west of 69° W. longitude was exceeded by 875 mt. For the yellowtail flounder fishery east of 69° W. longitude, the harvest was 378 mt below the quarterly allocation.

The Assistant Administrator, pursuant to § 651.20(d), has adjusted the quarterly quotas by emergency amendment to the regulations for the various groundfish fisheries. The first quarter quotas have been revised to reflect the reported landings during that period. The excess catch (overage) of the first quarter has been deducted from the quotas in subsequent quarters. Where possible, all overages were deducted from the second quarterly allocation. The deduction was not spread over the remaining three quarters. Otherwise the possibility exists of an accumulative excess catch which could result in almost total closure during the fourth quarter.

Because the over 125 GRT vessel class in the Gulf of Maine cod fishery caught most of its annual quota in the first quarter, its overages were deducted from the third and forth quarters, as well as from the second quarter. The over 125 GRT vessel class in the Gulf of Maine haddock fishery caught most of its quota for the first three quarters in the first quarter; therefore, the overage was also deducted from its allocation in the third quarter. Vessels in the fishery for yellowtail flounder east of 69° W. longitude did not catch the first quarter quota; the remainder of this quota was added to the allocation for the second quarter. The actual first quarter catches, by vessel class, species, and area, as compared with the quota follows.

Vessel Class	1st Quarter Quota (MT)	1st Quarter Landings (MT)	Difference − (over quota) + (under quota)
Cod, Gulf of Maine:			
0-60 GRT	581	765	−184
61-125	342	489	−147
Over 125	180	434	−254
Fixed Gear	317	466	−149
Cod, Georges Bank & South:			
0-60 GRT	501	528	−27
61-125	1,777	1,711	+66
Over 125	2,958	3,043	−85
Fixed Gear	404	349	+55
Haddock, Gulf of Maine:			
0-60 GRT	183	200	−17
61-125	261	311	−50
Over 125	178	441	−263
Fixed Gear	108	105	+1
Haddock, Georges Bank & South:			
0-60 GRT	86	92	−6
61-125	650	811	−161
Over 125	1,133	1,337	−204
Fixed Gear	33	11	+22
Yellowtail flounder, East of 69° long	810	432	+378
Yellowtail flounder, West of 61° long	960	1,835	−875

Adjustments to the quarterly quotas were made within the appropriate vessel classes, as required by the regulations. Appendix A to the regulations, which contains the quarterly quotas by vessel class, species and area, has therefore been revised to conform to this amendment. It is reprinted at the end of this document.

B. FISHERY CLOSURES

The Regional Director, Northeast Region, National Marine Fisheries Service, (Regional Director) has monitored catches and landings of groundfish for the first month of the second quarter. Based on the statistics for landings in the first quarter, and other data, the Regional Director has, pursuant to § 651.24(a), made the following projection: The respective vessel classes will have caught their adjusted quarterly quotas, less an anticipated amount to be taken as an incidental catch during the period of closure, on the listed dates:

Cod—Gulf of Maine:
61-125 GRT—February 4, 1979
Haddock—Gulf of Maine:
0-60 GRT—February 4, 1979
61-125 GRT—February 4, 1979
Yellowtail Flounder—west of 69° W. longitude:
All vessels—February 4, 1979

Therefore, pursuant to § 651.24(b), the Regional Director has recommended that these fisheries be closed on February 4, 1979. The Assistant Administrator has reviewed the findings of the Regional Director and has confirmed that they set forth the appropriate date to close these fisheries in order to prevent the quarterly quotas, as adjusted, from being exceeded. Closures for these fisheries, therefore, will become effective on February 4, 1979.

During the period of closure, which will continue until the beginning of the next quarter of the fishing year (April 1, 1979), the affected vessel classes are limited to an incidental catch of each species under § 651.24(d) as follows:

Cod and Haddock:
0-60 GRT—500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip
61-125 GRT—1,000 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip
Over 125 GRT—2,000 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip
Fixed Gear—500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip
Yellowtail Flounder:
All vessels—500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip

C. CATCH LIMITATIONS

In some other groundfish fisheries the Assistant Administrator has found, that the quarterly allocation is likely to be taken before the end of the quarter, although not within the next 30 days. Therefore, the Assistant Administrator, pursuant to § 651.23(f), makes the following adjustments in the weekly catch limitations in order to spread effort over the quarter:

Cod—Gulf of Maine:
Fixed Gear—Reduce weekly limit from 5,000 pounds to 2,500 pounds
Haddock—Georges Bank and South:
61-125 GRT—Reduce weekly limit from 7,000 pounds to 3,500 pounds and reduce overruns from 2,500 pounds to 1,500 pounds
Over 125 GRT—Reduce weekly limit from 10,000 pounds to 5,000 pounds and reduce overruns from 2,500 pounds to 1,500 pounds

Catches and landings of groundfish will continue to be monitored. It is possible that some further actions, either to reduce catch limitations or to close fisheries, might be necessary before the end of the quarter.

It is not believed that further yellowtail flounder restrictions will be necessary during this quarter. However, if significant effort is diverted from closed fisheries to those where catch rates during the first month of the quarter were relatively low, this situation can change.

Appendix B to the regulations, which contains the catch limitations by vessel class, species, and area, has been revised to conform with the actions stated in this notice and is reprinted at the end of this document.

These adjustments and closures must be implemented quickly to be effective in order to prevent serious and continued overfishing. One of the actions, the quarterly quota adjustment, required a regulatory amendment. The Assistant Administrator finds that advance notice and opportunity for public comment are unnecessary, impractical, and contrary to the public interest. The Assistant Administrator, Mr. T. L. Leitzell, also finds that an emergency exists under provisions of Executive Order 12044. The emergency arises from the excess catches during the first quarter and the need for immediate actions to protect the stocks from further excess harvest. Public comment on this emergency regulation is invited for a period of 60 days, or until April 5, 1979.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C., this 29th day of January, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director,
National Marine Fisheries Service.

Part 651 is amended by revising Appendices A and B to read as follows:

APPENDIX A—*Quarterly Quotas (Revised February 4, 1979)*

	Oct.-Dec. 78'	Jan.-Mar. 79	April-June 79	July-Sept. 79	Annual
COD—Gulf of Maine (Commercial)					
Mobile gear:					
1-60 GRT	765	515	798	479	2,557
61-125 GRT	489	130	262	266	1,147
Over 125 GRT	434	0	0	27	461
Fixed gear	466	104	645	620	1,835
Total	2,154	749	1,705	1,392	6,000

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APPENDIX A—*Quarterly Quotas (Revised February 4, 1979)*

	Oct.-Dec. 78[1]	Jan.-Mar. 79	April-June 79	July-Sept. 79	Annual
COD—Georges Bank and South (Commercial) Mobile gear:					
1-60 GRT	528	566	648	364	2,106
61-125 GRT	1,711	1,633	3,232	1,361	6,937
Over 125 GRT	3,043	2,044	2,426	2,365	9,878
Fixed gear	349	366	824	1,540	3,079
Total	5,631	4,609	6,130	5,630	22,000
HADDOCK—Gulf of Maine (Commercial) Mobile gear:					
1-60 GRT	200	129	460	200	989
61-125 GRT	311	159	183	160	813
Over 125 GRT	441	0	22	86	549
Fixed gear	105	211	265	198	779
Total	1,057	499	930	644	3,130
HADDOCK—Georges Bank and South (Commercial) Mobile gear:					
1-60 GRT	92	34	150	157	433
61-125 GRT	811	501	1,782	1,023	4,117
Over 125 GRT	1,337	1,189	2,449	1,720	6,695
Fixed Gear	11	94	82	338	525
Total	2,251	1,818	4,463	3,238	11,770
YELLOWTAIL FLOUNDER—East of 69° West (Commercial and Recreational):					
All classes	432	1,878	640	1,450	4,400
YELLOWTAIL FLOUNDER—West of 69° West (Commercial and Recreational):					
All classes	1,835	275	830	760	3,700

[1]Reporting landings.

APPENDIX B—*Catch Limitations (Revised February 4, 1979)*

Vessel Class	Gulf of Maine		Georges Bank and South	
	Limits	Overruns	Limits	Overruns
COD (pounds/week)				
0-60 GRT	2,500	1,500	4,900	3,500
61-125 GRT	Closed Feb. 4		9,800	3,500
COD (pounds/week)				
Over 125 GRT	Closed Jan. 1		14,000	3,500
Fixed gear	2,500	0	13,000	0
HADDOCK (pounds/week)				
0-60 GRT	Closed Feb. 4		3,500	2,500
61-125 GRT	Closed Feb. 4		3,500	1,500
Over 125 GRT	Closed Jan. 1		5,000	1,500
Fixed Gear	8,000	0	8,000	0
YELLOWTAIL FLOUNDER				
	West of 69° West		East of 69° West*	
0-60 GRT	Closed Feb. 4		5,000	
61-125 GRT	All vessel classes		5,000	
Over 125 GRT			5,000	

*Pounds per week or trip, whichever time period is longer. A vessel may land *no more than* 5,000 pounds, even if it fished on both sides of the 69° W. line. No overruns are allowed.

[FR Doc. 79-3772 Filed 2-1-79; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-37-M]

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[9 CFR Parts 318 and 381]

SUBSTANCES FOR USE IN MEAT AND POULTRY PRODUCTS

Proposed Rulemaking; Correction

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the Department's proposed amendment to the Federal meat inspection regulations and the Federal poultry products inspection regulations appearing at pages 19858-19860 in the FEDERAL REGISTER of May 9, 1978, with respect to the table listing TBHQ (tertiary butylhydroquinone) as an approved antioxidant in the preparation of certain meat food products and poultry food products. Several inadvertent errors are in the original proposed table. The corrections in the table are listed separately in the supplementary information, and the corrected table is herewith republished.

DATE: Comments must be received by April 3, 1979.

ADDRESSES: Written comments to: Annie Johnson, Executive Secretariat, Room 3807, South Agriculture Building, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments on poultry regulations to: Mr. Irwin Fried, (202) 447-6042.

FOR FURTHER INFORMATION CONTACT:

Mr. Irwin Fried, Acting Director, Product Standards and Labels Division, Food Safety and Quality Service, U.S. Department of Agriculture, Room 202, Annex Building, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to Annie Johnson, Executive Secretariat, Room 3807, South Building, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250. Comments should bear a reference to the date and page number of this issue of the FEDERAL REGISTER. Any person desiring opportunity for oral presentation of views concerning the proposed amendment to the poultry products inspection regulations must make such request to Mr. Fried so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Office of the Executive Secretariat during regular hours of business.

BACKGROUND

This document corrects the Department's proposed amendment to the Federal meat inspection regulations and the Federal poultry products inspection regulations appearing at pages 19858-19860 in the FEDERAL REGISTER of May 9, 1978, with respect to the table listing TBHQ (tertiary butylhydroquinone) as an approved antioxidant in the preparation of certain meat food products and poultry food products. Several inadvertent errors are in the original proposed table. The changes in the table appearing at page 19859 are as follows:

1. In the table with respect to § 318.7(c)(4) the following changes are made: Under the "Substance" column, line four of the table, "Propyl" is corrected to read "Propyl gallate."

2. Under the second "Amount" column, line five of the table, for the substance "BHA (butylated hydroxyanisole)," the amount is corrected from "Do" to read "0.02 percent in combination."

3. In the "Substance" column, line 13 of the table, "BTH" is corrected to read "BHT."

4. In the "Substance" column, immediately following the substance "Propyl gallate," at line 15 and before line 16 of the table, the substance "Resin guaiac" is added. This substance had been inadvertently left out of the table.

5. In the "Purpose" column, for the substance "Resin guaiac," immediately following line 15 and before line 16 of the table, the word "do" is inserted.

6. In the "Products" column, for the substance "Resin guaiac," immediately following line 15 and before line 16 of the table, the word "do" is inserted.

7. In the first "Amount" column, for the substance "Resin guaiac," immediately following line 15 and before line 16 of the table, the word "do" is inserted.

8. Wherever the abbreviation "pct" for the word "percent" occurs in the table, the word "pct" is changed to the word "percent."

9. Under the second "Amount" column, line five of the table, for the substance "TBHQ (tertiary butylhydroquinone)," the amount is changed from "0.006 pct in combination" to read "0.006 percent in combination with BHA and/or BHT."

10. Under the second "Amount" column, line 16 of the table, for the substance "TBHQ (tertiary butylhydroquinone)," the amount should be changed from "Do" to read "0.02 percent in combination with BHA and/or BHT."

11. Under the second "Amount" column, line 37 of the table, for the substance "TBHQ (tertiary butylhydroquinone)," the amount should be changed from "Do" to read "0.02 percent in combination with BHA and/or BHT based on fat content."

12. Under the second "Amount" column, line 41 of the table, for the substance "TBHQ (tertiary butylhydroquinone)," the amount should be changed from "Do" to read "0.01 percent in combination with BHA and/or BHT."

13. Under the "Products" column, lines 22-24 of the table, immediately after the words "Fresh pork sausage," delete the words "precooked uncured sausages," and add the words "brown and serve sausage."

14. Under the "Amount" column, line 38 of the table, for the product, "Dried meats," in the second "Amount" column, the present wording, "0.1 pct in combination," is corrected to read "0.01 percent in combination."

In the table with respect to § 381.147(f)(3) the following changes are made:

1. Under the "Amount" column, line one of the table is changed from "0.02 pct combination based on fat content" to read "0.02 percent in combination with any other antioxidant listed in this table based on fat content."

2. Under the substance, "Propyl gallate," line four of the table, the "Amount" column is changed from "Do" to read "0.02 percent in combination with any other antioxidant listed in this table except TBHQ based on fat content."

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3. Under the substance, "TBHQ (tertiary butylhydroquinone)," line five of the table, the "Amount" column is changed from "Do" to read "0.02 percent in combination only with BHA and/or BHT on fat content.

4. Under the substance, "Tocopherols," the second "Amount" column, line six of the table, is corrected from "0.02 pct combination with any other antioxidant based on fat content" to read "0.02 percent in combination with any other antioxidant listed in this table except TBHQ based on fat content."

Therefore, the Federal meat inspection regulations would be amended as follows:

§ 318.7 [Amended]

In § 318.7(c)(4), in that portion of the chart dealing with the "Class of Substance," "Antioxidants and oxygen interceptors," the following information is added to the appropriate columns in alphabetical order and the revised table is as shown:

Class of substance	Substance	Purpose	Products		Amount
Antioxidants and oxygen interceptors	BHA (butylated hydroxyanisole).	To retard rancidity.	Dry sausage	0.003 percent based on total weight.	0.006 percent in combination.
	BHT (butylated hydroxytoluene).	....do	....do	....do	
	Propyl gallate	....do	....do	....do	
	TBHQ (tertiary butylhydroquinone).	....do	....do	....do	0.006 percent in combination only with BHA and/or BHT.
	BHA (butylated hydroxyanisole).	....do	Rendered animal fat or a combination of such fat and vegetable fat.	0.01 percent	0.02 percent in combination.
	BHT (butylated hydroxytoluene).	....do	....do	....do	
	Glycine	....do	....do	....do	
	Propyl gallate	....do	....do	....do	
	Resin guaiac	....do	....do	....do	
	TBHQ (tertiary butylhydroquinone).	....do	....do	....do	0.02 percent in combination only with BHA and/or BHT.
	Tocopherols	....do	....do	0.03 percent	A 30 percent concentration of tocopherols in vegetable oils shall be used when added as an antioxidant to products designated as "lard" or "rendered pork fat."
Antioxidants and oxygen interceptors	BHA (butylated hydroxyanisole).	....do	Fresh pork sausage, brown and serve sausages, Italian sausage products, pregrilled beef patties, and fresh sausage made from beef or beef and pork.	0.01 percent based on fat content.	0.02 percent in combination based on fat content.
	BHT (butylated hydroxytoluene).	....do	....do	....do	
	Propyl gallate	....do	....do	....do	
	TBHQ (tertiary butylhydroquinone).	....do	....do	....do	0.02 percent in combination only with BHA and/or BHT based on fat content.
	BHA (butylated hydroxyanisole).	....do	Dried meats	0.01 percent based on total weight.	0.01 percent in combination.
	BHT (butylated hydroxytoluene).	....do	....do	....do	
	Propyl gallate	....do	....do	....do	
	TBHQ (tertiary butylhydroquinone).	....do	....do	....do	0.01 percent in combination only with BHA and/or BHT

§ 381.147 [Amended]

In § 381.147(f)(3), in that portion of the table dealing with the "Class of Substance," "Antioxidants and oxygen interceptors," the following information would be added to the appropriate columns in alphabetical order and the revised table is as shown:

Class of substance	Substance	Purpose	Products		Amount
Antioxidants and oxygen interceptors	BHA (butylated hydroxyanisole.	To retard rancidity.	Various	0.01 percent based on fat content.	0.02 percent in combination with any other antioxidant listed in this table based on fat content.
	BHT (butylated hydroxytoluene).	....do	....do	....do	Do.
	Propyl gallate	....do	....do	....do	0.02 percent in combination with any other antioxidant listed in this table, except TBHQ, based on fat content.
	TBHQ (tertiary butylhydroquinone).	....do	....do	....do	0.02 percent in combination only with BHA and/or BHT based on fat content.
	Tocopherols	....do	....do	0.03 percent based on fat content.	0.02 percent in combination with any other antioxidant listed in this table, except TBHQ, based on fat content.

(Sec. 21, 34 Stat. 1264, (21 U.S.C. 621); sec. 14, 71 Stat. 447, as amended, (21 U.S.C. 463); 42 FR 35625, 35626, 35631)

These amendments provide for corrections to the proposal of May 9, 1978, for which comments have been received. The proposal would amend the regulations to permit the use TBHQ as an approved antioxidant in the preparation of certain meat food products and poultry food products. The basic proposed changes and the purposes for such changes were previously discussed in the preamble of the notice of the proposal of May 9, 1978. A period of 60 days was provided for public comments. Under the circumstances, it appears that a further comment period of 60 days with respect to the reproposal is necessary to make a final decision in this matter.

Done at Washington, D.C. on January 30, 1979.

D. L. HOUSTON,
Acting Administrator,
Food Safety and Quality Service.

[FR Doc. 79-3747 Filed 2-1-79; 8:45 am]

[6351-01-M]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 31]

CERTAIN LEVERAGE CONTRACTS

Prohibition on the Offer and Sale

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission is proposing to adopt a rule that would prohibit persons from engaging in the business of offering and selling to the public standardized contracts for delivery of any commodity (other than gold and silver bullion and bulk coins), commonly known to the trade as margin accounts, margin contracts, leverage accounts, or leverage contracts. The proposed rule would also cover any contracts, accounts, arrangements, schemes, or devices that serve the same function or functions or are marketed or managed in substantially the same manner as such standardized contracts. Pending completion of the Commission's rulemaking proceeding on the proposed prohibition, the Commission may determine to impose a temporary suspension on the entry into the leverage transaction business. The Commission also intends to establish a procedure whereby a person might be granted an exemption from any prohibition or suspension that might be imposed.

DATES: Written comments must be received by the Commission at its offices in Washington, D.C., on or before April 3, 1979.

ADDRESS: In order to be considered, written comments must be submitted to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581; Attention; Secretariat.

FOR FURTHER INFORMATION CONTACT:

John P. Connolly, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581; telephone (202) 254-5797.

SUPPLEMENTARY INFORMATION: Under Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2 (1976), and Section 217 of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. § 15a (1976), Congress granted the Commission exclusive jurisdiction over leverage transactions involving gold and silver bullion and bulk coins and broadly empowered the Commission to regulate these transactions. On September 30, 1978, the President signed into law the Futures Trading Act of 1978, Pub. L. 95-405, 92 Stat. 865, *et seq.* Section 23 of that Act adds a new Section 19 to the Commodity Exchange Act, which greatly expands the Commission's authority over leverage transactions to encompass all commodities. That new legislation also grants the Commission exclusive jurisdiction over these transactions.[1]

New Section 19 of the Commodity Exchange Act (the "Act") prohibits leverage transactions involving those commodities (essentially domestic agricultural commodities) that were specifically enumerated in Section 2(a) of the Act prior to 1974,[2] incorporates the substantive provisions concerning gold and silver leverage transactions previously embodied in section 217 of the Commodity Futures Trading Commission Act of 1974, and empowers the Commission either to *prohibit or regulate leverge transactions involving all other commodities under terms and conditions that the Commission shall initially prescribe by October 1, 1979.* In addition, Section 19 broadens the Commission's jurisdiction over leverage transactions to include not only a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract, but also any contract, account, arrangement, scheme or device that serves the same function or functions, or is marketed or managed in substantially the same manner, as such a standardized contract. Finally, Section 19 provided that if the Commission determines any leverage transaction in gold, silver or any other commodity is a contract for future delivery within the meaning of the Act, such transaction shall be regulated as such.

Specifically, new Section 19 of the Commodity Exchange Act provides:

(a) No person shall offer to enter into, enter into, or confirm the execution of, any transaction for the delivery of any commodity specifically set forth in section 2(a) of this Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974 under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract.

(b) No person shall offer to enter into, enter into, or confirm the execution of any transaction for the delivery of silver bullion, gold bullion, or bulk silver coins or bulk gold coins, under a standardized contract described in subsection (a) of this section, contrary to any rule, regulation, or order of the Commission designed to ensure the financial solvency of the transaction or prevent manipulation or fraud: *Provided,* That such rule, regulation, or order may be made only after notice and opportunity for hearing.

(c) The Commission may prohibit or regulate any transactions, under a standardized contract described in subsection (a) of this section, involving any other commodities under such terms and conditions as the Commission shall initially prescribe by October 1, 1979: *Provided,* That any such order, rule, or regulation may be made only after notice and opportunity for hearing: *Provided further,* That the Commission may set different terms and conditions for such transactions involving different commodities.

(d) If the Commission determines that any transaction under subsections (b) and (c) of this section is a contract for future delivery within the meaning of this Act, such transaction shall be regulated in accordance with the applicable provisions of this Act.

In response to these legislative developments, the Commission promptly proposed and adopted a modification to its antifraud regulation to encompass leverage transactions in commod-

[1] See Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2, as amended by Pub. L. 95-405, §§ 2, 23, 92 Stat. 865, 876-877.

[2] The commodities specifically enumerated in Section 2(a) of the Act prior to 1974 are: Wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wooltops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice.

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ities other than gold and silver.[3] However, the Commission believes that additional measures to protect the public may be required at this time regarding those leverage transactions over which it has recently been granted jurisdiction. Specifically, from an examination of the highly speculative nature of leverage transactions other than those involving gold and silver, a careful study of the legislative history of Section 19 in light of the entire Act as amended, and a review of its experience with the marketing in the United States of off-exchange transactions, the Commission has determined to propose a general prohibition against all leverage transactions except those involving gold and silver bullion or bulk coins.

Section 19 originated in the Senate version of S. 2391, the bill that became the Futures Trading Act of 1978. The Senate bill prohibited leverage transactions involving those domestic agricultural commodities enumerated in Section 2(a) of the Act prior to 1974, and empowered the Commission either to prohibit or to regulate leverage transactions involving all other commodities—including gold and silver bullion and bulk coins. The House and Senate conferees modified the Senate bill by deleting the authority of the Commission to prohibit gold and silver leverage transactions and by substituting a provision that continued the Commission's existing authority to regulate those transactions either as contracts for future delivery or in some other way. The conference substitute was enacted into law.[4]

In its report accompanying S. 2391, the Senate Committee on Agriculture, Nutrition, and Forestry stated that, in exercising its authority to regulate or prohibit leverage transactions, the Commission—

• • • should make a careful evaluation of the public interest served by leverage transactions, if any, and the framework necessary to enable the Commission effectively to regulate these transactions • • •.[5]

[3] On November 14, 1978, the Commission announced that it was proposing to adopt an expanded version of the Commission's existing antifraud rule concerning gold and silver leverage transactions. 43 FR 52729. On December 11, 1978, the Commission adopted that proposed rule, as Rule 31.03, substantially in the form proposed. 43 FR 58554 (December 15, 1978). The new rule continues to proscribe fraudulent activity in connection with leverage transactions in silver or gold bullion or bulk coins, but also makes it unlawful to engage in fraudulent conduct in connection with leverage transactions involving all other commodities.

Since Section 19 already prohibits leverage transactions involving commodities enumerated in Section 2(a) of the Act prior to 1974, Rule 31.03 does not cover those leverage transactions.

[4] See S. Rep. No. 95-1239, 95th Cong., 2d Sess. 27 (1978).

[5] S. Rep. No. 95-850, 95th Cong., 2d Sess. 27 (1978).

The Senate report made it clear that the Commission may prohibit leverage transactions in their entirety or prohibit certain classes of such transactions—

• • • if the Commission concludes that these transactions or any class thereof are contrary to the public interest or cannot be regulated successfully to ensure the financial solvency of the transactions and prevent manipulation or fraud. • • •.[6]

Economic Purpose

In determining whether a particular activity is contrary to the public interest, the Commission has consistently considered the provisions, purposes and policies of the Commodity Exchange Act taken as a whole.[7] A basic element of the public interest reflected in the Act is the "economic purpose test."

Thus, under Section 5(g) of the Act the Commission may designate a board of trade as a "contract market" for futures trading when and only when—

• • • such board of trade demonstrates that transactions for future delivery in the commodity for which designation as a contract market is sought *will not be contrary to the public interest* (Emphasis added).

Section 5(g) includes the concept of an "economic purpose test" subject to the final test of the public interest.[8] It is not sufficient under the Act that a proposed contract for future delivery represent an attractive vehicle for speculative activity. As the House Committee on Agriculture observed in 1974 in discussing the economic purpose considerations involved in the designation process (emphasis added):

• • • [designation could be denied] if the contract or proposed contract is, or can be expected to be, *used entirely or almost entirely for speculation or if the manner in which the board of trade operates or permits trading to be conducted in the contract is or reasonably can be expected to be contrary to the public interest.* H. Rep. No. 93-975, 93d Cong., 2d Sess. 29 (1974).

Furthermore, the House Committee expected that—

• • • the Commission require each board of trade designated as a contract market and each board of trade seeking such designation to demonstrate economic justification • • • something more than occasional use of the contract for hedging or price basing must be established. *Id.*

The Commission is of the view that a public interest standard similar to that contained in Section 5(g) of the Act is to be applied in its consideration of leverage transactions.[9]

To the extent that the economic purpose of leverage transactions in commodities other than gold and silver is similar to that of futures contracts, the Commission seeks the submission of evidence concerning the commercial use of leverage transactions for hedging or price basing or otherwise to facilitate the production, marketing and processing of commodities in interstate commerce. Further, the Commission seeks evidence concerning any other economic purpose served by such leverage transactions. In this connection, the Commission requests that those persons currently involved in the business of marketing these leverage contracts to the public notify the Commission of their activities, identify the commodities involved and provide information pertaining to the economic purpose served by their enterprises. The Commission further requests indications of interest from the public and commercial enterprises on the possible use of leverage contracts on commodities other than gold and silver for hedging and price basing purposes. The Commission wishes to emphasize that the comments it receives on these issues are of extreme importance. In the absence of any substantial evidence of economic purpose, a prohibition against leverage transactions involving all commodities other than gold and silver would seem to be warranted since there would be no countervailing reasons to permit an activity in which the potential for customer abuses, as discussed below, is so great.

Congress, in differentiating between leverage transactions involving gold and silver bullion or bulk coins and other leverage transactions, may have perceived that the former did, in fact, serve some economic purpose. This may have been because those commodities have historically been viewed as having an intrinsic store of value and may, therefore, be an appropriate method by which protection could be sought from inflationary pressures. However, the same cannot be said with respect to the other commodities.

Of course, even if some leverage transactions in commodities other than gold and silver might be found to serve some economic purpose, it may be that the transactions involved are in fact contracts for future delivery within the meaning of the Act and therefore required to be regulated as such in accordance with Section 19(d) of the Act. Regulation in this manner, would necessarily include the requirement that the transactions be effected on boards of trade designated as contract markets by the Commission. Significantly, the characteristics of leverage transactions, as described by the Senate Committee on Agriculture, Nutrition, and Forestry, are similar, if not identical, to those of contracts for future delivery:

Generally, the leverage contract currently in use is an agreement for the purchase or sale of a contract for the delivery at a later date of a specified commodity in a standard unit and quality, or the close-out of the contract by an offsetting transaction. The principal characteristics of the contracts include: (1) Standard units, quality, and terms and conditions; (2) payment and maintenance of 'margin'; (3) close-out by an offsetting transaction or by delivery, after payment in full; and (4) no right or interest in a specific lot of the commodity. S. Rep. No. 95-850, 95th Cong., 2d Sess 26 (1978).

The Commission requests comments on whether there are any types of leverage transactions which have different characteristics than those enumerated above.

Customer Protection

As indicated above, the second element of the public interest considerations to be applied by the Commission under Section 19 is whether leverage transactions present an unnecessary risk to the public. In this connection, the Commission appreciates fully that in passing the Futures Trading Act of 1978 Congress was concerned over the recent scandals in commodity options.

Pursuant to sections 4c(b) and 8a(5) of the Act the Commission had attempted to regulate the offer and sale of commodity options in the United States.[10] However, the Commission found that the overwhelming majority of firms engaged in the offer and sale of commodity options employed fraudulent and other illegal practices. Because of the widespread scandals caused by the conduct of these firms, the Commission adopted a regulation generally suspending commodity option sales on or after June 1, 1978. 17 CFR 32.11, 43 FR 16153, 16161 (April 17, 1978). Thereafter, Congress, also prompted by the fraudulent practices with respect to commodity options, amended Section 4c of the Act to prohibit by statute the offer and sale of options with certain narrow exceptions. Section 3 of the Futures Trading Act of 1978, 92 Stat. 867-869. In enacting that prohibition, Congress was expressly concerned with option dealers moving into the leverage transaction field. As the Senate Committee on Agriculture, Nutrition, and Forestry stated:

The Committee is aware that when the suspension on commodity options trading goes into effect, many of the firms currently merchandising options contracts may shift their efforts to writing leverage contracts. Therefore, the Commission's regulatory authority should not be limited to leverage contracts on gold or silver bullion or bulk coins • • • S. Rep. No. 95-850, 95th Cong., 2d Sess. 27 (1978).

Similarly, Senator Huddleston, the sponsor of S. 2391, observed during the floor debate on the bill, as reported by the Conference Committee:

The media has recently disclosed the widespread potential for fraud in the marketing of leverage contracts in diamonds. The Commission under new section 19 of the Commodity Exchange Act, will have the authority to regulate or ban leverage transactions in diamonds, emeralds, or other commodities on which leverage transactions are offered. It is my hope that this new authority, coupled with the Commission's acquired experience over the past three years, will insure that the scandals with "London" options will not be repeated with leverage transactions. 124 Cong. Rec. S16530 (daily ed., September 28, 1978).

The danger of former commodity option firms moving into the area of leverage contracts is also a matter of grave concern to the Commission. Indeed, for this reason, among others, the Commission has imposed a temporary moratorium on persons entering into the business of offering and selling leverage transactions for the delivery of silver bullion, gold bullion, bulk silver coins or bulk gold coins who were not in that business on June 1, 1978. 43 FR 56885 (December 5, 1978).

A study conducted by the Commission's Division of Enforcement pertaining to those firms known to be currently marketing leverage contracts to the public identified approximately 73 firms that are selling off-exchange instruments, some of which appear to be leverage contracts. The Commission study indicated that several commodities other than gold and silver were being sold on a leverage basis, including diamonds [11] and other precious gems, copper, and platinum.[12] Customer complaints and preliminary investigations indicate a likelihood that high-pressure "boiler-room" sales techniques, including cold-canvas telephone calls and misrepresentations, are being employed to sell leverage contracts in commodities other than gold and silver. These are the same kinds of fraudulent and abusive practices which characterized the sale of London commodity options. Investigations conducted by the Commission's staff have thus far revealed that a number of these leverage contract firms are former commodity option dealers operating out of the same business address, with some of the same corporate principals and salespersons and using the same sales techniques. It also appears that entry of many of these persons into the leverage transaction business coincided with the June 1, 1978, effective date of the Commission's suspension of the offer and sale of commodity options in the United States.[13]

Leverage customers are entirely dependent upon the continuing financial solvency of their dealer for the creation of a buy-sell market for offsetting contracts, the delivery of the specified commodity and the maintenance, safety and payment of customer funds and profits.[14]

Since the area of leverage transactions has yet to be brought under and may not be susceptible to a system of comprehensive regulatory control, there exists a significant possibility that the increased marketing of these contracts will result in severe financial loss to numerous members of the public. Leverage transactions, like commodity options, are esoteric instruments the intricacies of which are difficult to comprehend by most members of the public, and require a substantial initial investment by the customer, a large percentage of which often goes immediately to the leverage dealer in the form of commissions, mark-ups or other costs or fees. The lack of public understanding concerning leverage transactions together with the lure of large potential profits to be made, make these transactions highly susceptible to overreaching and fraudulent activities. Under these circumstances, and in the absence of any evidence that there is a significant economic purpose associated with leverage transactions in commodities other than gold and silver, the Commission fully intends to implement the prohibition on such transactions.

[6] *Id.* at 27.

[7] See *National Association for the Advancement of Colored People v. Federal Power Commission*, 425 U.S. 662, 669-670 (1976).

[8] S. Rep. 93-1194, 93d Cong., 2d Sess. 36 (1974).

[9] The economic purpose criterion is also part of the Commission's announced policy with respect to whether and under what circumstances it will permit commodity options to be traded. See, *e.g.*, 42 FR 18248 (April 5, 1977), 42 FR 55545 (October 17, 1977), and 43 FR 16155-56 (April 17, 1978).

[10] 17 CFR 32.1, *et seq.* (1978), 41 FR 51808, 51814-51917 (November 24, 1976).

[11] The Senate Committee Report accompanying S. 2391 made clear that the Commission would have the "authority to regulate or ban leverage contracts on diamonds • • •" S. Rep. No. 95-850, 95th Cong., 2d Sess. 27 (1978).

[12] See, letter and exhibits of September 8, 1978, from Vice Chairman Seevers to Senator Talmadge, copies of which are available for public inspection at the Commission's Washington, D.C. headquarters.

[13] The Commission is also investigating to determine whether some of the contracts offered by these firms and other firms are in fact commodity options, being sold in violation of the statutory and administrative ban against the offer and sale of commodity options.

[14] The Senate Committee Report accompanying S. 2391, observed in connection with leverage transactions: "The leverage dealer is the principal to every transaction and functions as a market maker. The leverage dealer, however, does not guarantee a repurchase market and further reserves the right to cease operating as a market maker or broker for the customer. Most customer commitments are covered or 'hedged' in futures, forwards, or physical inventory; most physical inventory, however, is encumbered through bank loans. Leverage contract bid/ask prices are determined by dealer adjustments to spot and futures market quotations." S. Rep. No. 95-850, 95th Cong., 2d Sess. 26 (1978).

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In conjunction with the imposition of a suspension, the Commission is considering adoption of a procedure whereby a person might be granted an exemption if he could demonstrate to the Commission that he had invested substantial resources in the development of a leverage contract business, that this business has been and will continue to be conducted in a manner that may reasonably be expected to insure the financial solvency of the transactions to be offered and to prevent manipulation or fraud, and that the manner in which the business will be conducted would present no substantial risk to the public and would be otherwise consistent with the public interest.

Should commentators believe that the Commission should regulate—rather than prohibit—all or any class of leverage transactions in commodities other than gold and silver, the Commission requests that commentators set forth with particularity which forms of leverage transactions should be permitted, the economic purpose to be served by each, and the form of regulatory safeguards under which the transactions should be permitted. In addition to the comments requested above, the Commission is particularly interested in receiving comments on the following issues:

(1) Are there any alternatives to the proposed prohibition and the temporary suspension which the Commission could implement promptly and which could reasonably be expected to offer meaningful customer protection at this time?

(2) The extent to which leverage contract customers are being offered adequate protection against fraudulent and other unlawful and unsound business practices.

(3) Whether leverage contracts on diamonds and other precious gems should be prohibited since the diverse grade and quality of these items makes their offer and sale on a standardized contract basis inherently fraudulent.

Interested persons are invited to participate in this rulemaking proceeding by submitting their comments and views to the Commission at its office in Washington, D.C., Attn: Secretariat.

The Commission is mailing a copy of this release to the attorneys general and securities administrators of the states and requests that they provide the Commission with their comments and any promotional materials they may have obtained from leverage contract firms. Furthermore, the Commission considers the record developed in connection with its earlier proceeding pertaining to Rule 31.1, which establishes a moratorium on the entry into the business of offering and selling leverage contracts involving the delivery of silver bullion, gold bullion, bulk silver coins and bulk gold coins, to be a part of the record upon which it will consider the present proposal.

Issued in Washington, D.C. on January 29, 1979.

GARY L. SEEVERS,
Acting Chairman, Commodity Futures Trading Commission.

[FR Doc. 79-3548 Filed 2-1-79; 8:45 am]

[4810-31-M]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 4, 5, and 7]

[Notice No. 314]

LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking.

SUMMARY: This is a notice of proposed rulemaking to prescribe requirements for partial ingredient labeling of alcoholic beverages. The proposed requirements are intended to assist consumers in identification of ingredients contained in wine, distilled spirits or malt beverages. Regulations issued under the authority of the Federal Alcohol Administration Act did not previously require label disclosure of that information.

DATE: Comments must be submitted on or before April 3, 1979.

ADDRESS: Send comments in duplicate to: Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044. Attn: Chief, Regulations and Procedures Division.

FOR FURTHER INFORMATION CONTACT:

R. F. Conrad or T. B. Busey, Research and Regulations Branch, 202-566-7626.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Proposed amendments to Parts 4, 5 and 7, 27 CFR, were previously published in the FEDERAL REGISTER under separate notices of labeling and advertising hearings by Notice No. 271, (40 FR 6349), February 11, 1975; Notice No. 272, (40 FR 6354), February 11, 1975; and Notice No. 149, (39 FR 27812), August 1, 1974, respectively. These proposals would have required virtually full disclosure by order of predominance of all ingredients used in alcoholic beverages. Further, the proposals would have required disclosure of the maximum amount of sodium the alcoholic beverage may contain. Public hearings on all these ingredient labeling proposals were held, beginning with malt beverages on April 15, 1975, distilled spirits on April 16 and 17, 1975, and wine on April 29, 30, and May 1, 1975.

Well over 1,000 comments were received, most relating to ingredient labeling of wine. Generally speaking, these comments were simply for or against ingredient labeling, without touching on the substance of the proposals. Basically, comments received indicated objections to the proposed amendments were primarily based on (1) Apparent excessive cost, (2) The possibility of inadvertently misleading the public as to the nutritional value of alcoholic beverages, (3) The fact that the proposed regulations were seen by other countries as a non-tariff trade barrier, and, (4) The lack of need because ingredient usage was already comprehensively regulated.

As a result of the objections received during the course of the hearings, the Treasury Department, on November 11, 1975, withdrew its notices for ingredient labeling of alcoholic beverages (Notice No. 285, 40 FR 52613).

Approximately three years have now elapsed since the Department's decision to withdraw its ingredient labeling proposals. During this period of time the Treasury Department has continued to review its ingredient labeling position and to discuss its views with other interested agencies.

During these discussions, the Department has considered the following options: (1) Full ingredient labeling with requirements as previously proposed; (2) Partial ingredient labeling allowing the use of generic terms to describe the basic ingredients (such as grains or fruits) but with the requirement to list all additives used; (3) Partial ingredient labeling allowing the bottler to list the range of possible essential components in agriculturally identifiable terms (those necessary to develop the character of the product such as corn or rye for distilled spirits, or grapes for wine, or barley for malt beverages) but with the requirement of listing all additives used; (4) Partial ingredient labeling with the requirement to list only the additives used; and, (5) No ingredient labeling in any form.

After consideration of such alternatives and in view of the record established pursuant to the prior proposals and the statutory authority of the Federal Alcohol Administration Act, the Department proposes to amend its regulations to require partial ingredient labeling by allowing a bottler to list the range of possible essential components with a requirement for the specific listing of all additives remaining in alcoholic beverages domestically produced or imported. We feel that this proposal affords consumer and social benefits that are compatible with the increase in public awareness and desire for information.

By designing regulations in this form, the Department will provide consumers, particularly those allergic to a certain ingredient or type of ingredient, with valuable information while minimizing the cost of the regulations to the industry and ultimately the consumer. The cost saving measures include:

(1) "Shotgun" labeling for essential components will enable producers to take advantage of seasonal price fluctuations for ingredients which are fundamental to the production of the beverage without necessitating an expensive label change because of the substitution. Producers will be able to use the commodity most available but will not be forced to maintain separate records to substantiate each change, or be forced to maintain a label inventory for each essential component which may be used.

(2) Partial ingredient labeling will not require that the maximum amount of sodium contained in the alcoholic beverage be listed. According to comments from industry, the requirement for sodium would have meant separate labels for each batch of alcoholic beverages bottled. Even though there are some reasons for wanting this information readily available, the extra cost burden is not warranted.

(3) The new proposal does not require that ingredients be listed in order of predominance. The industry presented convincing arguments that alcoholic beverages undergo more delicate chemical changes than food and soft drink products. These variations will result in slight changes in the quantity of each ingredient added to a particular batch. Again, while a listing by order of predominance would be information for consumers, to provide it would have required elaborate records be kept for each batch, and labels changed each time the order of predominance varied. This extra cost burden is not warranted.

(4) The new proposal will allow producers, under specific conditions, to make minor adjustments to an essential component without listing the ingredient added. With this provision, we will minimize the costs of ingredient labeling for the industry since it is often necessary for producers to bring the natural elements of an essential component up to the desired and usual standard. This usually occurs because of varying climatic growing conditions, and the regulations will only permit omission of the listing of an additive if the level added, combined with the amount present, falls within an amount normally found in the natural ingredient.

(5) Under our prior proposal, each ingredient needed to be tested for a standard of measurability to determine whether it had to be listed or not. This proposal has been simplified. Expensive equipment to perform standard laboratory tests as prescribed by the latest edition of the "Official Methods of Analysis of the Association of Analytical Chemists" will not be required unless the producer desires to classify an ingredient as an incidental additive and not list it.

(6) The producer is offered the option of placing the ingredient list on an existing brand label, back label, or on a separate strip label attached to the container. The use of a strip label offers a cost saving alternative during implementation of the proposed regulations, since the less expensive label may be used indefinitely, or until existing inventories of the more expensive brand or back labels are depleted.

These changes will minimize costs. However, we still believe that it is important that industry supply us with their specific cost estimates. Once we receive this information we will independently prepare a final regulatory analysis after the close of the comment period and before the making and issuance of a Treasury decision, which will include an analysis of the economic consequences of implementing partial ingredient labeling and the specific gains to society as a whole.

PROPOSED CHANGES

Generally, the proposed amendment requires that, with the exception of incidental additives and incidental adjuncts, ingredients used in producing an alcoholic beverage for domestic consumption be listed on the label unless removed before packaging in the final consumer package. No order of predominance is required.

An ingredient is defined as any essential component, additive or adjunct, and incidental additive or incidental adjunct, used in the production of a finished alcoholic beverage.

An essential component is defined as any agriculturally identified substance, such as grapes for wine, corn for distilled spirits, or barley for malt beverages, or derivatives thereof, used in the production of a basic alcoholic beverage which is fundamental to the production of that alcoholic beverage. Water is included in the definition of an essential component due to its unique property of being fundamental to the production of alcoholic beverages.

An additive or adjunct is defined as any substance, except essential components and incidental additives or incidental adjuncts, added during the production, storage or treatment of the product. For example, yeast will be considered as an additive for listing purposes. We are, however, specifically interested in comments discussing the unique properties of yeast and whether it should be considered as an essential component or as an additive.

The proposed amendments specifically exclude from the listing requirement incidental additives or incidental adjuncts. An incidental additive or incidental adjunct is defined, in general terms as (1) a processing aid used in an intermediate product if it has no technical or functional effect on the finished product (such as sulfur dioxide used to preserve apple juice, which, when the apple juice is added to finish the wine, the sulfur dioxide is not present in the finished wine in sufficient quantity to preserve it), or (2) a processing aid that is added to the product for its mechanical effect only (such as an inert filter aid or clarifying agent) and is then removed or reduced to an amount too small to be significant, or (3) a processing aid which reacts chemically or biologically in the product to remove other substances (as by forming an insoluble compound) and which is then removed or reduced to a level too small to be significant, or (4) a processing aid which is added before or during fermentation to adjust the natural deficiencies of a constituent part present in an essential component if the amount added is limited so the total does not exceed the total quantity normally found in the essential component.

Expert comment and input is requested on points 2 and 3 above relating to the definition of an incidental additive. Is there or should there be a universal standard for determining when an amount is "too small to be significant?" Can a cut-off point be developed to determine a level of significance for all products as it relates to the incidental additive?

Exclusion of incidental additives or incidental adjuncts is based on the Food and Drug Administration practice with food products. The Department believes that any attempt to list every subtance which comes into contact with the product, whether or not it reacts within or remains in it, would result in a long and meaningless list which would be confusing to the consumer and an undue burden to the producer.

The proposed regulations require that a full listing of possible essential components and a specific listing of additives used in the manufacture of the product be placed on a label affixed to or a part of an immediate container holding the alcoholic beverage. Essential components not present in the product may be listed if they are sometimes used to produce the alcoholic beverage. Such essential components shall be identified by words indicating they may or may not be present, such as "or," "and/or," "contains one or more of the following." In

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order to provide more complete information for consumers, derivatives of essential components are required to be identified when used. For example, if grapes and grape concentrate are alternatively used by a wine producer, the label may state "grapes and/or grape concentrate." If corn and corn syrup are alternatively used by a distilled spirits producer or a malt beverage producer, the label may state "corn and/or corn syrup." However, no additives shall be listed unless actually present. Although not required, the bottler may list the exact names of all ingredients present (with or without the listing of incidental additives or incidental adjuncts). As proposed, the list is separate and distinct from all other matters shown on the label to make it readily identifiable by the consumer.

The proposed amendments further provide that an artificial color be identified by its Food, Drug and Cosmetic name (FD&C yellow number 5, for example), but also allow the term "artificially colored" to be used in the list of ingredients to identify artificial or natural materials which primarily contribute color, or to show that the color originates from a source other than the apparent source. However, if no coloring material other than natural flavoring material is added, a truthful statement of the source of the color can be made. If all coloring material used is from lots certified by the Food and Drug Administration for use in foods, the term "certified color" can be used. If only caramel is added for coloring, the term "colored with caramel" can be used.

Flavoring materials used in alcoholic beverages are required to be identified in the same manner as flavoring materials are identified under FDA regulations.

Identification of ingredients included in the list is also in accordance with FDA practice, or in the case of ingredients not specifically listed by FDA but Generally Recognized as Safe (GRAS), the ingredients must be identified by the common or usual name.

Also in accordance with FDA practice and in the interest of consumer knowledge, use of informational functional statements, such as "to clarify," has been left to the option of the producer. The use of these statements is restricted by prohibitions contained in the regulations regarding misleading statements.

The use, however, of any word or phrase denoting quality in the ingredient list (*e.g.*, "finest" grapes or "best" yeast) is specifically prohibited. Further, the use of negative statements such as "contains no additives" or "contains no preservatives" is prohibited. These provisions are intended to keep the ingredient list as clear and concise as possible by avoiding puffery and other unnecessary verbiage. These prohibitions apply only to the ingredient list.

Preservatives are identified by the term "to preserve" or "as a preservative."

The proposed amendments require that, in addition to current regulatory requirements for label approvals and certificates of origin, age and identity, all imported alcoholic beverages in bottles released from Customs custody be accompanied by a certified list of ingredients, signed by an authorized official of the foreign country in which the alcoholic beverages are produced. The certification must be filed with the application for release and, where the alcoholic beverages have been blended, rectified or treated in more than one foreign country, and appropriate certified list of ingredients would be required of each country. For alcoholic beverages imported in bulk for bottling in the United States, the proposed amendments similarly impose the requirement for submission of a certified list of ingredients by the producing foreign country or a certified list from each foreign country where the alcoholic beverages have been blended, rectified or treated.

The certification must be forwarded to the domestic bottler and maintained at his premises. We are aware, however, that this area is controversial, both from the standpoint of domestic and foreign industry members. Since this is such an important consideration, we especially invite comments or suggestions relating to an alternate procedure for handling the certifications.

The Bureau recognizes that many domestic and imported beverages may be bottled and stored prior to the mandatory compliance date and to require rebottling or relabeling of those alcoholic beverages would impose an unreasonable economic burden on producers. To allow an orderly and satisfactory transition from current regulatory requirements to compliance with regulations reflected by these proposals, foreign bottlers of alcoholic beverages will be allowed to submit a statement signed by an authorized official of the appropriate foreign country, attesting that the alcoholic beverages were bottled or packaged prior to the mandatory compliance date. No such statement is necessary for domestically bottled alcoholic beverages, since information on bottling dates is available in proprietor's records and will be verified by ATF inspectors during the course of on-site inspections.

During the period between the effective date and the mandatory compliance date, producers will be expected to obtain Bureau approval of labels on which the location, size or prominence of mandatory information has been changed by the addition of the ingredient list. However, to minimize the administrative burden for producers, a simplified form will be provided to allow producers to make application for approval of ingredient lists which do not change labels as to location, size or prominence of mandatory information. Further, the proposed rules allow submission of a single form to cover applications for approval of ingredient lists used on more than one label.

While the requirements for partial ingredient labeling may be interpreted as highly technical, they are designed to address the large number of variety of products for these complex industries so that they may know what is required. We do not believe the resulting lists will be either too technical or too complicated. These regulations insure enforcement authority to prevent misleading statements to consumers but offer dollar saving options to minimize the cost of ingredient labeling to both United States and foreign industry members.

Transition Period

Some industry representatives have previously proposed a four to six year transition period during which time adequate recordkeeping systems could be developed. Consumer groups on the other hand have favored a much shorter period. Our position is that a three year transition period between the effective date and mandatory compliance date of these or amended regulations contained in this document will provide ample time to meet the new requirements.

Miscellaneous Amendments

As with TA-ATF-53, dealing with 27 CFR, Part 4, labeling and Advertising of Wine, changes are proposed in type requirements to reflect metric sizes for labeling of distilled spirits and malt beverage products. The change to metric print size is proposed to be made effective January 1, 1980.

The table of sections to Parts 4, 5 and 7 would be amended to reflect the proposed changes. Additional conforming and minor editorial changes would be made to existing sections in Parts 4, 5 and 7 affected by the proposed changes.

Proposed amendments to other regulations affected by these proposals (Parts 201, 231, 240 and 245 of 27 CFR) would be made by a future notice of proposed rulemaking.

Public Participation

ATF requests comments from all interested consumers about the value of such a proposal. Also of particular interest are comments from industry members which present specific data and not general allegations on cost

burdens related to the adoption of these regulations. This data should include costs associated with equipment purchases, manpower, recordkeeping, labels, adhesives, etc. Previous comments for withdrawal of the full ingredient labeling proposal in 1975 (40 FR 52613) do not apply to this notice.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

After consideration of all comments and suggestions, ATF may issue a Treasury decision. The proposals discussed in this notice may be modified due to the comments and suggestions received.

Disclosure of Comments

Copies of the proposed changes, of the regulatory analysis, and of all written comments will be available for public inspection under authority of 27 CFR 71.41(b) during normal business hours at the following location:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

ATF will not recognize any designation of material in comments as confidential or not to be disclosed, and any material that the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal authors of these regulations were Thomas Busey and Raymond Conrad of the Regulations and Procedures Division of the Office of Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices of the Bureau of Alcohol, Tobacco and Firearms and Treasury Department participated in developing the regulations, both on matters of substance and style.

Authority

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981 (as amended; 27 U.S.C. 205)), 27 CFR Parts 4, 5 and 7 are proposed to be amended as follows:

PART 4—LABELING AND ADVERTISING OF WINE

Paragraph 1. The table of sections in 27 CFR Part 4, Subpart D is amended to include an additional section as follows:

Subpart D—Labeling Requirements for Wine

Sec.

. . . . . .

§ 4.37a List of ingredients.

. . . . . .

Par. 2. Section 4.10 is amended to add, in alphabetical order, the terms "Additive," "Artificial flavor or artificial flavoring," "Essential component," "Incidental additive," "Ingredient," and "Natural flavor or Natural flavoring." The added definitions read as follows:

§ 4.10 Meaning of terms.

. . . . . .

Additive. For purposes of this part, an additive is any substance, except essential components and incidental additives, added by any means during the production, storage, or treatment of wine and remains in the finished product. For example, substances added to clarify, filter, stabilize, preserve, flavor, or color wine that remain in the finished product are considered additives. Agriculturally identified substances (grapes for example) which are essential components in the production of the basic wine are not considered additives.

Artificial flavor or artificial flavoring. Artificial flavors or artificial flavoring materials are any flavoring materials not included in the definition of "Natural flavors" in this part.

. . . . . .

Essential component. For purposes of this part, an essential component is any agriculturally identified substance (grapes, peaches or blackberries for example), or derivative thereof, used in the production of a basic wine which is fundamental to the production of the wine. Water is specifically included as an essential component.

. . . . . .

Incidental additive. An incidental additive is, (1) A processing aid used in an intermediate product if it has no technical or functional effect on the finished wine (an example of such an incidental additive is sulfur dioxide used to preserve apple juice, which, when the apple juice is added to the finished wine, the sulfur dioxide is not present in the finished wine in sufficient quantity to preserve it); or (2) A processing aid that is added to a wine for its mechanical effect only (such as an inert filter aid or certain clarifying agents) and is then removed or reduced to a level too small to be significant; or (3) A processing aid which reacts chemically or biologically within the product only to remove other substances (as by forming an insoluble compound) and both the original substance and all of its reaction products are then removed, or reduced to a level too small to be significant, and have no further technical or functional effect on the finish product; or (4) A processing aid which is added before or during fermentation to adjust the natural deficiencies of a constituent part of an essential component if the amount added is limited so the total does not exceed the total quantity normally found in the essential component. Any substance which causes, catalyzes, or otherwise participates in a chemical or biological reaction within the product, except as noted in items (3) and (4) of this paragraph, is specifically excluded from this definition of an incidental additive.

. . . . . .

Ingredient. For purposes of this part, an ingredient is any essential component, additive or incidental additive used in the production of a finished wine.

. . . . . .

Natural flavor or natural flavoring. The term "natural flavor" or "natural flavoring" means the essential oils, oleoresin, essence or extractive, hydrolysate, distillate, or any product of roasting, maceration, heating or enzymolysis, which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, seafood, poultry, eggs, dairy products, or fermentation products thereof, whose significant function is flavoring.

. . . . . .

Par. 3. Section 4.32 is amended by changing the reference in (a)(4) from "domestic" to "American"; by adding a new paragraph (c); by relettering existing paragraph (c) as (d) and existing paragraph (d) as (e); and by changing the reference in paragraph (a) to (c) and (d). As amended, § 4.32(a), (a)(4), (c) and (d) read as follows:

§ 4.32 Mandatory label information.

(a) Except as otherwise provided in paragraphs (c) and (d) of this section,

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there shall be stated on the brand label:

. . . . .

(4) On blends consisting of foreign and American wines, if any reference to the presence of foreign wine is made, the exact percentage by volume of foreign wine.

. . . . .

(c) There shall be stated on the brand label, back label, or on a separate strip label, a list of ingredients required to be listed by § 4.37a.

(d) In the case of imported wine, the name and address of the importer (when required to be shown) need not be stated upon the brand label if it is stated upon any other label affixed to the container. In the case of American wine, bottled or packed for a retailer or other person under a private brand, the name and address of the bottler or packer need not be stated upon the brand label if the name and address of the person for whom bottled or packed appears upon the brand label, and the name and address of the bottler or packer is stated upon any other label affixed to the container.

Par. 4. A new section, 4.37a, has been added, in numerical sequence, to read as follows:

§ 4.37a. List of ingredients. (Not mandatory before January 1, 1983.)

(a) *General.* There shall be shown on the brand label, back label, or on a separate strip label, a list of all ingredients used in the production, rectification or treatment of wine, except incidental additives as defined in § 4.10.

(b) *Form of list.* The list shall be separate and distinct from all other matter shown on the label and shall take substantially the following form: "Ingredients," followed by a full listing of essential components (as defined in § 4.10 of this part) and a specific list of the additives used in the product. Essential components not present in the product may be listed if they are sometimes used to produce the wine. Such essential components shall be idenified by words indicating they may or may not be present, such as "or," "and/or," "contains one or more of the following." No additives shall be listed unless actually present. At the option of the bottler, an exact listing of ingredients may appear. Ingredients which are duplicated in the finished wine product need be listed only once.

(c) *Mandatory statements.* Substances used in wine to retard spoilage by oxidation or by microbes (such as sulfur dioxide and sorbic acid) will be identifed in the ingredient list both by the name and by the statement "to preserve" or "as a preservative."

(d) *Prohibited statements.* Statements of the following types may not appear in the ingredient list: (1) negative statements, such as "contains no additives"; (2) statements of substances formed within the product, such as substances formed by storage in wood; (3) statements denoting quality, as provided in § 4.39(a)(10); and (4) statements of grape (or other fruit) varieties used to make a wine.

(e) *Optional statements.* Specific function statements for additives included in the ingredient list may be used at the option of the producer if:

(1) the statement is truthful; and

(2) the statement does not create a misleading impression; and

(3) the statement is made in substantially the following form: "(*additive name*), to clarify."

(f) *Nomenclature.* When possible, ingredients shall be listed by common name (a name likely to be recognized by the average consumer as referring to a distinct substance) such as water or yeast. Essential components shall be broken down into agriculturally indentified substances, or their derivatives when used, such as "grapes," "grape concentrate," "cherries," "cherry concentrate," "oranges," or "orange concentrate." Additives, unless they can be identified by common names, will be broken down into their component compounds. As an example, a defoaming agent which contains sorbic acid and carboxymethylcellulose will be listed by the names of the two elements. Chemical nomenclature will be based on that used by the Food and Drug Administration. In all cases, ingredients which are not authorized for use in Parts 70-82 or Parts 170-189, of 21 CFR, or are not Generally Recognized as Safe (GRAS), may not be used in wine.

(g) *Coloring materials.* Label designations for artificial colors added shall be denoted by the FD&C color and number; for example, FD&C yellow number 5, rather than by a chemical derivative name. In lieu of the individual names, the term "artificially colored" may be used in the list of ingredients to idenitfy artifical or natural materials which primarily contribute color. When a label conveys the impression that he color is derived from a source other than the actual source, the term "artificially colored" may be used. However:

(1) If no coloring material other than natural flavoring material has been added, there may be stated in lieu of the words "artificially colored" a truthful and adequate statement of the source of the color; or

(2) If all of the coloring material used is from lots certified by the Food and Drug Administration for use in foods, the term "certified color" may be used in lieu of the term "artificial color"; or

(3) If no coloring material other than caramel has been added there may be stated in lieu of the words "artificially colored," the words "colored with caramel."

(h) *Flavoring materials.* Natural and/or artificial flavors used in wine shall be identified in the ingredient list in accordance with the labeling of flavors under FDA regulations. Examples are "natural and artificial," "artificial and natural," "natural," or "artificial." In the case of natural flavors, a truthful and adequate statement of the source of the flavor may be made in lieu of the words "natural flavor(s)."

(i) *Distilled spirits.* Distilled spirits used in wine production shall be identified by class and type in accordance with the standards of identity contained in 27 CFR Part 5 except wine spirits as defined in 27 CFR Part 240. Distilled spirits not covered by a standard of identity shall be identified by the term "spirits," preceded by the name of the commodity from which distilled.

(j) *Domestic wine bottled or packed prior to January 1, 1983.* Domestic wine bottled or packed prior to January 1, 1983, shall not be required to bear the list of ingredients required by this section.

(k) *Imported wine removed from Customs custody on or after January 1, 1983.* Labels on imported wine bottled or packed prior to January 1, 1983, and removed from Customs custody on or after January 1, 1983, shall not be required to bear the list of ingredients required by this section, if the shipment is accompanied by the statement required by § 4.40.

Par. 5. Section 4.38 is amended by adding a provision for ingredient lists to paragraph (b), size of type. As amended § 4.38(b) reads as follows:

§ 4.38 General requirements.

(a) *Legibility.* • • •

(b) *Size of type.* Unless otherwise provided in this paragraph, all statements and ingredients lists required on labels by this part shall be in script, type, or printing not smaller than 2 millimeters; (or 8-point gothic until January 1, 1980); except that if contained among other descriptive or explanatory reading matter, the script, type, or printing of all required material shall be of a size substantially more conspicuous than such other descriptive or explanatory reading matter. In the case of labels of containers having a capacity of 187 milliliters (or one-half pint until January 1, 1979) or less, such script, type, or printing need not be in 2 millimeter (or 8-point gothic until January 1, 1980) type but shall not be smaller than 1 millimeter (or 6-point gothic until January 1, 1980). Alcoholic content statements shall not appear in script, type, or printing larger or more conspicuous than 2 millimeters (or 8-point gothic until January 1, 1980) nor less than 1 millimeter (or 6-point gothic until January 1, 1980) on labels of containers having a capacity of 5 liters or less (or one gallon or less until January 1, 1979) and shall not be set off with a border or otherwise accentuated.

. . . . .

Par. 6. Section 4.39 is amended to add reference to a list of ingredients in (a)(7) and add a new paragraph (a)(10). As amended § 4.39(a)(7) and (a)(10) read as follows:

§ 4.39 Prohibited practices.

(a) *Statements on labels.* • • •

(7) Any statement, design, device or representation, (other than a statement of alcoholic content in conformity with § 4.36) which tends to create the impression that a wine is "unfortified" or has "fortified," or contains distilled spirits, or has intoxicating qualities, except that a statement of composition, if required to appear as the designation of a product not defined in these regulations, may include a reference to the type of distilled spirits contained therein. This paragraph shall not apply to the list of ingredients required by § 4.37a.

. . . . .

(10) Any word or statement in the ingredient list denoting quality, such as "finest" grapes or "best" yeast.

. . . . .

Par. 7. Section 4.40 is extensively amended to read as follows:

§ 4.40 Label approval and release.

(a) *Certificate of label approval.* No imported beverage wine in containers shall be released from Customs custody for consumption unless there is deposited with the appropriate Customs officer at the port of entry the original or a photostatic copy of an "Application for and Certification of Label Approval under the Federal Alcohol Administration Act" (Form 1649). Such certificate shall be issued by the Director upon application made on Form 1649, properly filled out and certified to by the importer or transferee in bond.

(b) *List of ingredients.* Each application for a certificate of label approval covering imported wine in containers bottled or packed after December 31, 1982, shall be accompanied by a list of ingredients, certified by an authorized official of the appropriate foreign country, and such list shall contain the information required by § 4.37a. Where the wine has been blended or treated in more than one foreign country, an appropriate list of ingredients must be certified by an authorized official of each such country.

(c) *Approval of ingredients lists.* Where there is no change in the location, size, or prominence of the mandatory information on a label covered by a valid Form 1649, except for the addition of, or change in, the list of ingredients required by § 4.37a, a new Form 1649 need not be filed. An application for approval of the ingredient list may be filed on Form 1649 Supplemental, in accordance with the instructions on the form. If the identical ingredient list is to be used with more than one approved label, a single Form 1649 Supplemental may be filed covering all such labels.

(d) *Release.* If the original or photostatic copy of Form 1649 bears the signature of the Director, then the brand or lot of imported wine bearing labels identical with those shown thereon (except for the list of ingredients, which may be on Form 1649 Supplemental) may be released from Customs custody. A beverage wine bottled or packed before January 1, 1983, may be released from Customs custody for consumption without the list of ingredients required by § 4.37a only if accompanied by a statement signed by an authorized official of the appropriate foreign country that the wine was bottled or packed prior to January 1, 1983. Wine bottled or packed on or after January 1, 1983, shall not be released from Customs custody unless the Form 1649 on file is accompanied by the certified list of ingredients and the label bears a list of ingredients.

(e) *Relabeling.* Imported wine in Customs custody which is not labeled in conformity with certificates of label approval (including Form 1649 Supplemental on or after January 1, 1983) issued by the Director and which certificates contain all information required by § 4.40 must be relabeled prior to release, under the supervision and direction of Customs officers of the port at which the wine is located.

Par. 8. Section 4.50 is amended by adding two sentences to the end of paragraph (a), by relettering paragraph (b) as (c), by adding a new paragraph (b), by making editorial changes in paragraphs (a) and (c), and by deleting the footnote. As amended, § 4.50 reads as follows:

§ 4.50 Certificates of label approval.

(a) No person shall bottle or pack wine, other than wine bottled or packed in Customs custody, or remove such wine from the plant where bottled or packed, unless upon application to the Director he has obtained and has in his possession an "Application for and Certification Label Approval under the Federal Alcohol Administration Act" (Form 1649), covering such wine. Such certificate of label approval shall be issued by the Director upon application made on Form 1649, properly filled out and certified to by the applicant. Each application for a certificate of label approval covering labels for imported wine shall be accompanied by a list of ingredients, certified by an authorized official of the appropriate foreign country, and such list shall contain the information required by § 4.37a. Where the wine has been blended or treated in more than one foreign country, an appropriate certified list of ingredients must be prepared by an authorized official of each such country.

(b) Where there is no change in the location, size or prominence of the mandatory information on a label covered by a valid Form 1649, except for the addition of the list of ingredients required by § 4.37a, a new Form 1649 need not be filed; in lieu thereof, an application for approval of the ingredient list may be filed on Form 1649 Supplemental, in accordance with the instructions on the form. If the identical ingredient list is to be used with more than one approved label, a single Form 1649 Supplemental may be filed covering all such labels.

(c) Any bottler or packer of wine shall be exempt from the requirements of this section if upon application he shows to the satisfaction of the Director that the wine to be bottled or packed by him is not to be sold, offered for sale, or shipped or delivered for shipment, or otherwise introduced in interstate or foreign commerce. A "Certificate of Exemption from Label Approval under the Federal Alcohol Administration Act" (Form 1650) shall be issued by the Director upon application upon the form designated "Application for Certificate of Exemption from Label Approval under the Federal Alcohol Administration Act" (Form 1648), properly filled out and certified to by the applicant.

Par. 9. Section 4.64 is amended by adding a provision for a list of ingredients to paragraph (a)(8). As amended, § 4.64(a)(8) reads as follows:

§ 4.64 Prohibited statements.

(a) *Restrictions.* • • •

(8) Any statement, design, device, or representation which relates to alcoholic content or which tends to create the impression that a wine is "unfortified" or has been "fortified," or contains distilled spirits, or has intoxicating qualities, except that a statement of composition, if required to appear as a designation of a product not defined in these regulations, may include a reference to the type of distilled

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spirits employed. This paragraph shall not apply to the list of ingredients required by § 4.37a.

. . . . .

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Par. 10. The table of sections in 27 CFR Part 5, Subpart D is amended to include an additional section as follows:

Subpart D—Labeling Requirements for Distilled Spirits

Sec.

. . . . .

§ 5.39a List of ingredients.

. . . . .

Par. 11. Section 5.11 is amended by adding in alphabetical order, new definitions of "Additive," "Essential components," "Incidental additive," "Ingredient" and "Natural flavor." The added definitions read as follows:

§ 5.11 Meaning of terms.

. . . . .

Additive. For purposes of this part, an additive is any substance, except essential components and incidental additives, added by any means during the production, storage, or treatment of distilled spirits and remains in the finished product. For example, substances added to clarify, filter, stabilize, preserve, flavor, or color distilled spirits that remain in the finished product are considered additives. Agriculturally identified substances (corn or wheat or rye for example) which are essential components in the production of the basic distilled spirits are not considered additives.

. . . . .

Artificial flavor or artificial flavoring. Artificial flavors or artificial flavoring materials are any flavoring materials not included in the definition of "Natural flavors" in this part.

. . . . .

Essential component. For purposes of this part, an essential component is any agriculturally identified substance (corn, wheat or rye for example), or derivative thereof, used in the production of a basic distilled spirits product which is fundamental to the production of the distilled spirits. Water is specifically included as an essential component.

. . . . .

Incidental additive. An incidental additive is, (1) a processing aid used in an intermediate product but which has no technical or functional effect on the finished distilled spirits product (an example of such an incidental additive is sulfur dioxide used to preserve apple juice, which, when the apple juice is added to the beverage, the sulfur dioxide is not present in the final product in sufficient quantity to preserve it); or (2) a processing aid that is added to a distilled spirits product for its mechanical effect only (such as an inert filter aid or certain clarifying agents) and is then removed or reduced to a level too small to be significant; or (3) a processing aid which reacts chemically or biologically within the product only to remove other substances (as by forming an insoluble compound) and both the original substance and all of its reaction products are then removed, or reduced to a level too small to be significant, and have no further technical or functional effect on the finished product; or (4) a processing aid which is added before or during fermentation to adjust the natural deficiencies of a constituent part of an essential component if the amount added is limited so the total does not exceed the total quantity normally found in the essential component. Any substance which causes, catalyzes, or otherwise participates in a chemical or biological reaction within the product, except as noted in items (3) and (4) of this paragraph, is specifically excluded from the definition of an incidental additive.

. . . . .

Ingredient. For purposes of this part, an ingredient is any essential component, additive or incidental additive used in the production of a distilled spirits product.

. . . . .

Natural flavor. The term "natural flavor" or "natural flavoring," except as otherwise provided in this part, means the essential oils, oleoresin, essence or extractive, hydrolysate, distillate or any product of roasting, maceration, heating or enzymolysis, which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, seafood, poultry, eggs, dairy products or fermentation products thereof, whose significant function is flavoring.

. . . . .

Par. 12. Section 5.22 is amended by adding a parenthetical explanation to the last sentence of paragraph (i). As amended § 5.22(i) reads as follows:

§ 5.22 The standards of identity.

. . . . .

(i) *Class 9; flavored brandy, flavored gin, flavored rum, flavored vodka,* and *flavored whisky.* "Flavored brandy," "flavored gin," "flavored rum," "flavored vodka," and "flavored whisky" are brandy, gin, rum, vodka, and whisky, respectively, to which have been added natural flavoring materials, with or without the addition of sugar, and bottled at not less than 70° proof. The name of the predominant flavor shall appear as a part of the designation. If the finished product contains more than 2½ percent by volume of wine, the kinds and percentages by volume of wine must be stated as a part of the designation, except that a flavored brandy may contain an additional 12½ percent by volume of wine, without label disclosure (except in the list of ingredients required by § 5.39a), if the additional wine is derived from the particular fruit corresponding to the labeled flavor of the product.

. . . . .

Par. 13. Section 5.32 is amended by (1) deleting paragraph (b)(4); (2) renumbering paragraphs (b) (5), (6), and (7) as (b) (4), (5) and (6); (3) relettering paragraph (c) as (d); and (4) adding a new paragraph (c). As amended § 5.32(b) (4), (5) and (6), § 5.32 (c) and (d) read as follows:

§ 5.32 Mandatory label information.

. . . . .

(b) • • •

(4) Percentage of neutral spirits and name of commodity from which distilled, or in the case of continuously distilled neutral spirits or gin, the name of the commodity only, in accordance with § 5.40.

(5) A statement of age or age and percentage, when required, in accordance with § 5.40.

(6) State of distillation of domestic types of whisky and straight whisky, except light whisky and blends, in accordance with § 5.36.

(c) There shall be stated on the brand label, back label, or on a separate strip label a list of ingredients required to be listed by § 5.39a.

(d) In the case of a container which has been excepted by the Director under the provisions of § 5.48(a), the information required to appear on the "brand label," as defined, may appear elsewhere on such container if it can be demonstrated that the container cannot reasonably be so designed that the required brand label can be properly affixed.

Par.14. Section 5.33 is amended by (1) making clarifying changes in paragraphs (a), (b), (c) and (f); (2) adding a new paragraph (b)(5) providing type size requirements for ingredients listed on the label; and (3) renumbering existing paragraph (b)(5) as (b)(6). As amended, § 5.33 reads as follows:

§ 5.33 Additional requirements.

(a) *Contrasting background.* Labels shall be so designed that the statements required by this subpart are readily legible under ordinary conditions, and such statements shall be on a contrasting background.

(b) *Location of statements and size of type.* (1) Statements required by this subpart (except brand names) shall appear generally parallel to the base on which the container rests as it is designed to be displayed or shall be otherwise equally conspicuous.

(2) Statements required by this subpart (except brand names) shall be separate and apart from any other descriptive or explanatory matter.

(3) Statements of the type of distilled spirits shall be as conspicuous as the statement of the class to which it refers, and in direct conjunction therewith.

(4) When net contents are stated in U.S. fluid measure only, statements required by this subpart (except brand names) shall be in script, type, or printing not smaller than 2 millimeters (or 8-point gothic until January 1, 1980), except that, in the case of labels on bottles of less that 200 milliliter capacity, (or one-half pint until January 1, 1980) such script, type or printing need not be in 2 millimeter (or 8-point gothic until January 1, 1980) type but not smaller than 1 millimeter (or 6-point gothic until January 1, 1980).

(5) The list of ingredients required by this subpart shall be in script, type, or printing not smaller than 2 millimeters (or 8-point gothic caps until January 1, 1980) except that, in the case of labels on bottles of less than 187 milliliters (or one-half pint until January 1, 1980), the script, type, or printing need not be in 2 millimeter (or 8-point gothic until January 1, 1980) type but shall not be smaller than 1 millimeter (or 6-point gothic until January 1, 1980).

(6) When net contents are stated either in metric measure or in both metric and U.S. fluid measures, statements required by this subpart (except brand names) shall be in script, type, or printing not smaller than 2 millimeters (or 8-point gothic caps until January 1, 1980) except that, in the case of labels on bottles of less than 200 milliliter capacity (or one-half pint until January 1, 1980), such script, type, or printing need not be in 2 millimeter (or 8-point gothic until January 1, 1980) type but not smaller than 1 millimeter (or 6-point gothic until January 1, 1980).

(c) *English language.* The requirements of this subpart shall be stated in the English language, except that the brand name need not be in English, and for products bottled for consumption within Puerto Rico the required information may be stated in the Spanish language if the net contents and, if the product is an imitation, the word "imitation" are also stated in the English language.

(d) Location of label. Labels shall not obscure government stamps or be obscured therby. Labels shall not obscure any markings or information required to be permanently marked in the bottle by other U.S. Treasury Department regulations.

(e) *Labels firmly affixed.* Labels which are not an integral part of the bottle shall be affixed to bottles in such manner that they cannot be removed without thorough application of water or other solvents.

(f) *Additional information on labels.* Labels may contain information other than the mandatory label information required by this subpart if the information does not conflict with, or in any manner qualify, statements required by this part.

. . . . .

Par. 15. Section 5.39 is amended to delete paragraphs (b), (b)(1), (b)(2) and (b)(3) and the remaining paragraph is relettered (b). Section 5.39 reads as follows:

§ 5.39 Presence of neutral spirits and coloring, flavoring, and blending materials.

. . . . .

(b) *Treatment with wood.* The words "colored and flavored with wood ——— (insert chips, slabs, etc., as appropriate)" shall be stated as a part of the class and type designation for whiskey and brandy treated, in whole or in part, with wood through percolation, or otherwise, during distillation, rectification, or storage (other than through contact with the oak container).

Par. 16. A new section, 5.39a, is added immediately following § 5.39, to read as follows:

§ 5.39a List of ingredients. (Not mandatory before January 1, 1983.)

(a) *General.* There shall be shown on the brand label, back label, or on a separate strip label, a list of all ingredients used in the production, rectification or treatment of distilled spirits, except incidental additives as defined in § 5.11.

(b) *Form of list.* The list shall be separate and distinct from all other matter shown on the label and shall take substantially the following form: "Ingredients," followed by a full listing of essential components (as defined in § 5.11 of this part) and a specific list of the additives used in the product. Essential components not present in the product may be listed if they are sometimes used to produce the distilled spirits product. Such essential components shall be identified by words indicating they may or may not be present, such as "or," "and/or," "contains one or more of the following." No additives shall be listed unless actually present. At the option of the bottler, an exact listing of ingredients may appear. Ingredients which are duplicated in the finished distilled spirits product need be listed only once.

(c) *Mandatory statements.* Substances used in distilled spirits products to retard spoilage by oxidation or by microbes (such as sulfur dioxide and sorbic acid) will be identified in the ingredient list both by name and by the statement "to preserve" or "as a preservative."

(d) *Prohibited statements.* Statements of the following types may not appear in the ingredient list: (1) negative statements, such as "contains no additives"; (2) statements of substances formed within the product, such as lactones formed by storage in wood; and (3) statements denoting quality, as provided in § 5.42(b)(6).

(e) *Optional statements.* Specific function statements for additives included in the ingredient list may be used at the option of the producer if:

(1) the statement is truthful; and

(2) the statement does not create a misleading impression; and

(3) the statement is made in substantially the following form: "(*additive name*), to clarify."

(f) *Nomenclature.* When possible, ingredients shall be listed by common name (a name likely to be recognized by the average consumer as referring to a distinct substance) such as water or yeast. Essential components shall be broken down into agriculturally identified substances, or their derivatives when used, such as "corn," "corn and/or corn syrup," "wheat," "orange," "orange and/or orange concentrate." Additives, unless they can be identified by common names, will be broken down into their component compounds. As an example, a cloud emulsion which contains d-limonen, citric acid, and neobee will be listed by the names of the three elements. Chemical nomenclature will be based on that used by the Food and Drug Administration. In all cases, ingredients which are not authorized for use in Parts 70-82 or Parts 170-189, of 21 CFR, or are not Generally Recognized as Safe (GRAS) may not be used in distilled spirits products.

(g) *Coloring materials.* Label designations for artificial colors added shall

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be denoted by the FD&C color and number; for example, FD&C yellow number 5, rather than by a chemical derivative name. In lieu of the individual names, the term "artificially colored" may be used in the list of ingredients to identify artificial or natural materials which primarily contribute color. When a label conveys the impression that the color is derived from a source other than the actual source, the term "artificially colored" may be used. However:

(1) If no coloring material other than natural flavoring material has been added, there may be stated in lieu of the words "artificially colored" a truthful and adequate statement of the source of the color; or

(2) If all of the coloring material used is from lots certified by the Food and Drug Administration for use in foods, the term "certified color" may be used in lieu of the term "artificial color"; or

(3) If no coloring material other than caramel has been added there many be stated in lieu of the words "artificially colored," the words "colored with caramel."

(h) *Flavoring materials.* Natural and/or artificial flavors used in distilled spirits shall be identified in the ingredient list in accordance with labeling of flavors under FDA regulations. Examples are "natural and artificial," "Artificial and natural," "natural," or "artificial." In the case of natural flavors, a truthful and adequate statement of the source of the favor may be made in lieu of the words "natural flavor(s)."

(i) *Approval of ingredient lists.* Where there is no change in the location, size or prominence of the mandatory information on a label covered by an "Application for and Certification of Label Approval under the Federal Alcohol Administration Act" (Form 1649), except for the addition of the list of ingredients, required by § 5.391, a new Form 1649 need not be filed. An application for approval of the ingredient list may be filed on Form 1649 Supplemental, in accordance with instructions on the form. If an identical list is to be used with more than one approved label, a single Form 1649 Supplemental may be filed covering all the approved labels.

(j) *Domestic distilled spirits bottled or packed prior to January 1, 1983.* Domestic distilled spirits bottled or packed prior to January 1, 1983, shall not be required to bear the list of ingredients required by this section.

(k) *Imported distilled spirits bottled or packed prior to January 1, 1983.* Labels on imported distilled spirits bottled or packed prior to January 1, 1983, and removed from Customs custody on or after January 1, 1983, shall not be required to bear the list of ingredients required by this section, if the shipment is accompanied by the statement required by § 5.51a.

Par. 17. Section 5.42 is amended by (1) adding a new paragraph (b)(6); and (2) redesignating paragraphs (b)(6) through (b)(8) as paragraphs (b)(7) through (b)(9). As amended, paragraphs 5.42 (b)(6), (b)(7), (b)(8), and (b)(9) read as follows:

§ 5.42 Prohibited practices.

* * * * *

(b) Miscellaneous * * *

(6) The ingredient list required by § 5.39a of this part shall not contain any words or statements denoting the quality of any ingredient listed. Examples of prohibited words are "finest" corn, "best" yeast.

(7) Distilled spirits shall not be labeled as "double distilled" or "triple distilled," or any similar term.

(8) Labels shall not contain any statement, design, device, or pictorial representation which the Director finds relates to, or is capable of being construed as relating to, the armed forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with that flag or armed forces; nor shall any label contain any statement, design, device, or pictorial representation of or concerning any flag, seal, coat of arms, crest or other insignia, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

(9) Labels shall not contain any statement, design, or device representing that the use of any distilled spirits has curative or therapeutic effects if the statement is untrue in any particular or tends to create a misleading impression.

Par. 18. Section 5.51 is completely revised to read as follows:

§ 5.51 Label approval and release.

(a) *Certificate of label approval.* No imported distilled spirits in containers shall be released from Customs custody for consumption unless there is deposited with the appropriate Customs officer at the port of entry the original or a photostatic copy of an "Application for and Certification of Label Approval under the Federal Alcohol Administration Act" (Form 1649). Such certificate shall be issued by the Director upon application made on Form 1649, properly filled out and certified to by the importer or transferee in bond.

(b) *Lists of ingredients.* Each application for a certificate of label approval covering imported distilled spirits in containers bottled or packed after December 31, 1982, shall be accompanied by a list of ingredients, certified by an authorized official of the appropriate foreign country, and such list shall contain the information required by § 5.39a. Where the distilled spirits have been blended or treated in more than one foreign country, an appropriate list of ingredients must be certified by an authorized official of each such country.

(c) *Release.* If the original or photostatic copy of Form 1649 bears the signature of the Director, then the brand or lot of imported distilled spirits bearing labels identical with those shown thereon (except for the list of ingredients, which may be on Form 1649 Supplemental) may be released from Customs custody. Distilled spirits bottled or packed before January 1, 1983, may be released from customs custody for consumption without the list of ingredients required by § 5.39a only if accompanied by a statement signed by an authorized official of the appropriate foreign country that the distilled spirits were bottled or packed prior to January 1, 1983. Distilled spirits bottled or packed on or after January 1, 1983, shall not be released from Customs custody unless the Form 1649 on file is accompanied by the certified list of ingredients and the label bears a list of ingredients.

(d) *Relabeling.* Imported distilled spirits in Customs custody which are not labeled in conformity with certificates of label approval issued by the Director (including Form 1649 Supplemental) and containing all information required by this section must be relabeled, prior to release, under the supervision of the Customs officers of the port at which the spirits are located.

(e) *Statements of process.* Forms 1649 covering labels for gin bearing the word "distilled" as a part of the designation shall be accompanied by a statement prepared by the manufacturer, setting forth a step-by-step description of the manufacturing process.

(f) *Approval of ingredient lists.* Where there is no change in the location, size or prominence of the mandatory information on a label covered by a valid Form 1649, except for the addition of, or a change in, the list of ingredients required by § 5.39a, a new Form 1649 need not be filed. An application for approval of the ingredient list may be filed on Form 1649 Supplemental, in accordance with the instructions on the form. If the identical ingredient list is to be used with more than one approved label, a single Form 1649 Supplemental may be filed covering all such labels.

Par. 19. Section 5.55 is amended by (1) adding two sentences at the end of paragraph (a); (2) adding a new paragraph (b); and (3) redesignating paragraphs (b) and (c) as (c) and (d). As amended § 5.55 reads as follows:

§ 5.55 Certificates of label approval.

(a) *Requirement.* Distilled spirits shall not be bottled or removed from a plant, except as provided in paragraph (c) of this section, unless the proprietor possesses a certificate of label approval, Form 1649, covering the labels on the bottle, issued by the Director pursuant to application on such form. Applications for certificates of approval covering labels for imported gin bearing the word "distilled" as a part of the designation shall be accompanied by a statement, prepared by the manufacturer, setting forth a step-by-step description of the manufacturing process. Each application for a certificate of label approval after December 31, 1982, covering labels for imported spirits shall be accompanied by a list of ingredients, certified by an authorized official of the appropriate foreign country, and such list shall contain the information required by § 5.39a. Where the spirits have been blended, rectified, or treated in more than one foreign country, an appropriate certified list of ingredients must be prepared by an authorized official of each such country.

(b) *Approval of ingredient lists.* Where there is no change in the location, size or prominence of the mandatory information on a label covered by a valid Form 1649, except for the addition of, or a change in, the list of ingredients required by § 5.39a, a new Form 1649 need not be filed; in lieu thereof an application for approval of the ingredient list may be filed on Form 1649 Supplemental, in accordance with the instructions on the form. If the identical ingredient list is to be used with more than one approved label, a single Form 1649 Supplemental may be filed covering all such labels.

(c) *Exemption.* Any bottler of distilled spirits shall be exempt from the requirements of paragraphs (a) and (b) of this section and § 5.56 if he possesses a certificate of exemption from label approval, Form 1650, issued by the Director pursuant to application on Form 1648 showing that the distilled spirits to be bottled are not to be sold, offered for sale, or shipped or delivered for shipment, or otherwise introduced in interstate or foreign commerce.

(d) *Miscellaneous.* Photoprints or other reproductions of certificates of label approval, or certificates of exemption are not acceptable as substitutes for an original or duplicate original (issued, on request, by the Director) of a certificate. The original or duplicate original of such certificates shall, on demand, be exhibited to an authorized officer of the U.S. Government.

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

Par. 20. The table of sections in 27 CFR Part 7, Subparts C and E is amended to include additional sections as follows:

Subpart C—Labeling Requirements for Malt Beverages

Sec.

* * * * *

§ 7.27a List of ingredients.

* * * * *

Subpart E—Requirements for Approval of Labels of Malt Beverages Domestically Bottled or Packed

* * * * *

§ 7.43 Certificates covering malt beverages produced from imported wort.

Par. 21. Section 7.10 is amended to add in alphabetical order the terms "Additive (Adjunct)," "Essential component," "Incidental Additive (Incidental Adjunct)," "Ingredient," "Natural flavor or Natural flavoring" and "Wort." The added definitions read as follows:

§ 7.10 Meaning of terms.

* * * * *

Additive (Adjunct). For purposes of this part, an additive (adjunct) is any substance, except essential components and incidental additives (incidental adjuncts), added by any means during the production, storage, or treatment of malt beverages and remains in the finished product. For example, substances added to clarify, filter, stabilize, preserve, flavor, or color a malt beverage that remain in the finished product are considered additives. Agriculturally identified substances (hops for example) which are essential components in the production of the basic malt beverage are not considered additives (adjuncts).

* * * * *

Artifical flavor or artificial flavoring. Artificial flavors or artificial flavoring materials are any flavoring materials not included in the definition of "Natural flavors" in this part.

* * * * *

Essential component. For purposes of this part, an essential component is any agriculturally identified substance (barley, hops, rice for example), or derivative thereof, used in the production of a basic malt beverage which is fundamental to the production of the malt beverage. Water is specifically included as an essential component.

* * * * *

Incidental additive (Incidental adjunct). An incidental additive (incidental adjunct) is, (1) a processing aid used in an intermediate product but which has no technical or functional effect on the finished malt beverage (an example of such an incidental additive or incidental adjunct is citric acid used to preserve a flavor, which, when the flavor is added to the malt beverage, the citric acid is not present in the final product in sufficient quantity to preserve it); or (2) a processing aid that is added to a malt beverage for its mechanical effect only (such as an inert filter aid or certain clarifying agents) and is then removed or reduced to a level too small to be significant; or (3) a processing aid which reacts chemically or biologically within the product only to remove other substances (as by forming an insoluble compound) and both the original substance and all of its reaction products are then removed, or reduced to a level too small to be significant, and have no further technical or functional effect on the finished product; or (4) a processing aid which is added before or during fermentation to adjust the natural deficiencies of a constituent part of an essential component if the amount added is limited so the total does not exceed the total quantity normally found in the essential component. Any substance which causes, catalyzes, or otherwise participates in a chemical or biological reaction within the product, except as noted in items (3) and (4) of this paragraph, is specifically excluded from this definition of an incidental additive or incidental adjunct.

Ingredient. For purposes of this part, an ingredient is any essential component, additive (adjunct), or incidental additive (incidental adjunct) used in the production of a finished malt beverage.

* * * * *

Natural flavor or natural flavoring. The term "natural flavor" or "natural flavoring" means the essential oils, oleoresin, essence or extractive, hydrolysate, distillate, or any product of roasting, maceration, heating or enzymolysis which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud,

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root, leaf or similar plant material, meat, seafood, poultry, eggs, dairy products or fermentation products thereof, whose significant function is flavoring.

. . . . .

Wort. For purposes of this part, "wort" means the nonalcoholic infusion which is fermented to produce a malt beverage.

Par. 22. Section 7.20 is amended by making editorial changes in paragraphs (a), (b) and (c)(2). As amended, § 7.20 (a), (b) and (c)(1) read as follows:

§ 7.20 General.

(a) *Application.* This subpart shall apply to malt beverages sold or shipped or delivered for shipment, or otherwise introduced into or received in any State from any place outside thereof, only to the extent that the law of such State imposes similar requirements with respect to the labeling of malt beverages not sold or shipped or delivered for shipment or otherwise introduced into or received in such State from any place outside thereof.

(b) *Marking, branding, and labeling.* No person engaged in business as a brewer, wholesaler, or importer of malt beverages, directly or indirectly, or through an affiliate, shall sell or ship, or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or receive therein, or remove from Customs custody any malt beverages in containers unless the malt beverages are packaged, and the packages are marked, branded, and labeled in conformity with this subpart.

(c) *Altcration of labels.* (1) It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label upon malt beverages held for sale in interstate or foreign commerce or after shipment therein, except as authorized by Federal law. The regional regulatory administrator may, upon written application, permit additional labeling or relabeling of malt beverages in containers if, in his judgment, the facts show that the additional labeling or relabeling is for the purpose of compliance with the requirements of this subpart or of State law.

. . . . .

Par. 23. Section 7.22 is amended by adding a new paragraph (b)(1), and by redesignating subparagraphs (b)(1), (2), and (3) as (b)(2), (3), and (4). As amended, § 7.22(b) reads as follows:

§ 7.22 Mandatory label information.

. . . . .

(b) On the brand label or on a separate label (back or front):

(1) A list of ingredients, in accordance with § 7.27a.

(2) In the case of imported malt beverages, name and address of importer in accordance with § 7.25.

(3) In the case of malt beverages bottled or packed for the holder of a permit or a retailer, the name and address of the bottler or packer, in accordance with § 7.25.

(4) Alcoholic content, when required by State law, in accordnce with § 7.26.

Par. 24. A new section, 7.27a, is added immediately following § 7.27, to read as follows:

§ 7.27a. List of ingredients. (Not mandatory before January 1, 1983.)

(a) *General.* There shall be shown on the brand label or any other label affixed to or part of the container, a list of all ingredients used in the production or treatment of malt beverages, except incidental additives (incidental adjuncts) as defined in § 7.10.

(b) *Form of list.* The list shall be separate and distinct from all other matter shown on the label and shall take the following form: "Ingredients," followed by a full listing of essential components (as defined in § 7.10 of this part) and a specific list of the additives (adjuncts) used in the product. Essential components not present in the product may be listed if they are sometimes used to produce the malt beverage. Such essential components shall be identified by words indicating they may or may not be present, such as "or," "and/or," "contains one or more of the following." No additives (adjuncts) shall be listed unless actually present. At the option of the bottler, an exact listing of ingredients may appear. Ingredients which are duplicated in the finished malt beverage product need be listed only once.

(c) *Mandatory statements.* Substances used in malt beverage products to retard spoilage by oxidation or by microbes will be identified in the ingredient list both by name and by the statement "to preserve" or "as a preservative."

(d) *Prohibited statements.* Statements of the following types may not appear in the ingredient list: (1) negative statements, such as "contains no additives"; (2) statements of ingredients formed within the product; and (3) statements denoting quality, as provided in § 7.29(a)(7).

(e) *Optional statements.* Specific function statements for additives (adjuncts) included in the ingredient list may be used at the option of the producer if:

(1) The statement is truthful; and

(2) The statement does not create a misleading impression; and

(3) The statement is made in substantially the following form: "*(additive/adjunct name)*, to clarify."

(f) *Nomenclature.* When possible, ingredients shall be listed by common name (a name likely to be recognized by the average consumer as referring to a distinct substance) such as water or yeast. Essential components shall be broken down into agriculturally identified substances, or their derivatives when used, such as "hops," "barley," "rice," "corn," "corn and/or corn syrup." Additives (adjuncts), unless they can be identified by common names, will be broken down into their component compounds. As an example, a foam stabilizer which contains propylene glycol alginate and agar shall be listed by the names of the two elements. Chemical nomenclature will be based on that used by the Food and Drug Administration. In all cases, ingredients which are not authorized for use in Parts 70–82 or Parts 170–189, of 21 CFR, or are not Generally Recognized as Safe (GRAS), may not be used in malt beverages.

(g) *Coloring materials.* Label designations for artificial colors added shall be denoted by the FD&C color and number; for example, FD&C yellow number 5, rather than by a chemical derivative name. In lieu of the individual names, the term "artificially colored" may be used in the list of ingredients, however, to identify artificial or natural materials which primarily contribute color. When a label conveys the impression that the color is derived from a source other than the actual source, the term "artificially colored" may be used. However:

(1) If no coloring material other than natural flavoring material has been added, there may be stated in lieu of the words "artifically colored" a truthful and adequate statement of the source of the color; or

(2) If all of the coloring material used is from lots certified by the Food and Drug Administration for use in foods, the term "certified color" may be used in lieu of the term "artificial color"; or

(3) If no coloring material other than caramel has been added there may be stated in lieu of the words "artificially colored," the words "colored with caramel."

(h) *Flavoring materials.* Natural and/or artificial flavors used in malt beverages shall be identified in the ingredient list in accordance with the labeling of flavors under FDA regulations. Examples are "natural and artificial," "artificial and natural," "natural," or "artificial." In the case of natural flavors, a truthful and adequate statement of the source of the flavor may be made in lieu of the words "natural flavor(s)."

Par. 25. Section 7.28 is amended by making editorial changes in paragraphs (a), (b), (c), and (e), and by adding a typesize requirement for ingredient lists to paragraph (b). As amended, § 7.28 reads as follows:

§ 7.28 General requirements.

(a) *Contrasting background.* All labels shall be so designed that all statements required by this subpart are readily legible under ordinary conditions, and all the statements are on a contrasting background.

(b) *Size of type.* Except for statements of alcoholic content, containers of less than one-half pint, and lists of ingredients, all statements required on labels by this subpart shall be in readily legible script, type, or printing not smaller than 2 millimeters (or 8-point gothic until January 1, 1980). If contained among other descriptive or explanatory reading matter, the script, type, or printing of all required material shall be of a size substantially more conspicuous than the other descriptive or explanatory reading matter. All portions of any statement of alcoholic content shall be of the same size and kind of lettering and of equally conspicuous color, and the lettering shall not be larger than 2 millimeters (or 8-point gothic until January 1, 1980), except when otherwise required by State law. Containers of less than one-half pint and lists of ingredients required by this part shall be in readily legible script, type, or printing not smaller than one millimeter (or 6-point gothic until January 1, 1980).

(c) *English language.* All information, other than the brand name, required by this subpart to be stated on labels shall be in the English language. Additional statements in foreign languages may be made, if the statements do not conflict with, or are contradictory to, the requirements of this subpart. Labels on containers of malt beverages packaged for consumption within Puerto Rico may, if desired, state the information required by this subpart solely in the Spanish language, in lieu of the English language, except that the net contents shall also be stated in the English language.

(d) *Labels firmly affixed.* All labels shall be affixed to containers of malt beverages in such manner that they cannot be removed without thorough application of water or other solvents.

(e) *Additional information.* Labels may contain information other than the mandatory label information required by this subpart if the information complies with the requirements of this subpart and does not conflict with, or in any manner qualify, statements required by this part.

Par. 26. Section 7.29 is amended by removing the footnote and adding it to paragraph (a)(5), and by adding a new paragraph (a)(7), in numerical order. As amended, § 7.29(a)(5) and (a)(7) read as follows:

§ 7.29 Prohibited practices.

(a) *Statements on labels.* • • •

(5) Any statement, design, device, or representation of or pertaining to any guaranty, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Statements in substantially the following form are not considered misleading: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

(Name of the permittee making statement)

. . . . .

(7) Any word or statement in the ingredient list which denotes quality, such as "best" corn or "finest" hops.

. . . . .

Par. 27. Section 7.31 is completely revised, to read as follows:

§ 7.31 Label approval and release.

(a) *Certificate of label approval.* No imported malt beverages in containers shall be released from Customs custody for consumption unless there is deposited with the appropriate Customs officer at the port of entry the original or a photostatic copy of an "Application for an Certification of Label Approval under the Federal Alcohol Administration Act" (Form 1649). This certificate shall be issued by the Director upon application made on Form 1649, properly filled out and certified to by the importer or transferee in bond.

(b) *List of ingredients.* Each application for a certificate of label approval covering imported malt beverages in containers bottled or packed after December 31, 1982, shall be accompanied by a list of ingredients, certified by an authorized official of the appropriate foreign country, and such list shall contain the information required by § 7.27a. Where the malt beverage has been blended or treated in more than one foreign country, an appropriate list of ingredients must be certified by an authorized official of each country.

(c) *Release.* If the original or photostatic copy of Form 1649 bears the signature of the Director, then the brand or lot of imported malt beverages bearing labels identical with those shown thereon (except for the list of ingredients, which may be on Form 1649 Supplemental) may be released from Customs custody. A malt beverage bottled or packed before January 1, 1983, may be released from Customs custody for consumption without the list of ingredients required by this section only if accompanied by a statement signed by an authorized official of the appropriate foreign country that the malt beverage was bottled or packed prior to Janauray 1, 1983. Malt beverages bottled or packed on or after January 1, 1983, shall not be released from Customs custody unless the Form 1649 on file is accompanied by the certified list of ingredients and the label bears a list of ingredients.

(d) *Relabeling.* Imported malt beverages in Customs custody which are not labeled in conformity with certificates of label approval (including Form 1649 Supplemental) issued by the Director and containing all information required by this section must be relabeled prior to release, under the supervision and direction of the Customs officers of the port at which the malt beverages are located.

(e) *Approval of ingredients lists.* Where there is no change in the location, size, or prominence of the mandatory information on a label covered by a valid Form 1649, except for the addition of, or a change in, the list of ingredients required by § 7.27a, a new Form 1649 need not be filed. An application for approval of the ingredient list may be filed on Form 1649 Supplemental, in accordance with the instructions on the form. If the identical ingredient list is to be used with more than one approved label, a single Form 1649 Supplemental may be filed covering all such labels.

Par. 28. Section 7.41 is amended by making editorial changes. As amended, § 7.41 reads as follows:

§ 7.41 Certificates of label approval.

No person shall bottle or pack malt beverages, or remove malt beverages from the plant where bottled or packed, unless, upon application to the Director, he has obtained, and has in his possession, and "Application for and Certification of Label Approval under the Federal Alcohol Administration Act" (Form 1649) covering the malt beverages. This certificate of label approval shall be issued by the Director upon application made on Form 1649 properly filled out and certified to by the applicant.

Par. 29. A new section 7.43, is added in numerical sequence, to read as follows:

§ 7.43 Certificates covering malt beverages produced from imported wort. (Not mandatory before January 1, 1983.)

Applications for certificates of label approval covering malt beverages produced from imported wort or wort concentrate shall be accompanied by a list of ingredients certified to by an authorized official of the appropriate

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foreign country. This certified list of ingredients shall be made a part of any application for a certificate of label approval covering the bottling or packaging of any malt beverage produced from such wort, and shall contain the information required by § 7.27a.

Par. 30. Section 7.50 is amended by making editorial changes. As amended, section 7.50 reads as follows:

§ 7.50 Application.

No person engaged in business as a brewer, wholesaler, or importer of malt beverages, directly or indirectly, or through an affiliate, shall publish or disseminate, or cause to be published or disseminated, by radio broadcast, or in any newspaper, periodical, or other publication, or by any sign or outdoor advertisement, or any other printed or graphic matter any advertisement of malt beverages if the advertisement is in, or is calculated to induce sales in interstate or foreign commerce, or is disseminated by mail, unless the advertisement is in conformity with this subpart. This subpart shall apply to advertisements of malt beverages intended to be sold or shipped or delivered for shipment, or otherwise introduced into or received in any State from any place outside thereof, only to the extent that the laws of the State impose similar requirements with respect to advertisements of malt beverages manufactured and sold or otherwise disposed of in the State. This subpart shall not apply to the publisher of any newspaper, periodical, or other publication, or radio broadcaster, unless the publisher or radio broadcaster is engaged in business as a brewer, wholesaler, bottler, or importer, of malt beverages, directly or indirectly, or through an affiliate.

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Signed: December 13, 1978.

JOHN G. KROGMAN,
Acting Director.

Approved: December 29, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury (Enforcement and Operations).

FR Doc. 79-3302 Filed 2-1-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

[28 CFR Part 47]

[Order No. 815-79]

RIGHT TO FINANCIAL PRIVACY ACT

Proposed Implementation Regulations

AGENCY: Department of Justice.

ACTION: Proposed regulation.

SUMMARY: These proposed regulations would authorize Department of Justice units to request financial records from a financial institution pursuant to the formal written request procedure established by the Right to Financial Privacy Act of 1978, 92 Stat. 3697, 12 U.S.C. 3401 *et seq.*, and would set forth the conditions under which such requests may be made. Section 1108(2) of the Right to Financial Privacy Act of 1978 requires that the formal written request be authorized by regulations promulgated by the head of the agency or department. These proposed regulations would thus, once implemented, enable Department of Justice units to utilize the formal written request procedure to obtain financial records.

DATES: Interested persons should comment on these proposed regulations on or before March 2, 1979. This abbreviated comment period is necessitated by the fact that the Right to Financial Privacy Act becomes effective on March 10, 1979, and the proposed regulations must also take effect on that date if Department of Justice units are to be able to use the formal written request procedure established by that Act.

ADDRESSES: Written comments should be submitted in triplicate to Abbe D. Lowell, Special Assistant to the Deputy Attorney General, Department of Justice, Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT:

Abbe D. Lowell, Special Assistant to the Deputy Attorney General, Department of Justice, Washington, D.C. 20530; 202-633-4238.

Dated: January 30, 1979.

BENJAMIN R. CIVILETTI,
Acting Attorney General.

It is proposed that a new Part 47 be added to Chapter I of Title 28 of the Code of Federal Regulations as follows:

PART 47—RIGHT TO FINANCIAL PRIVACY ACT

Sec.
47.1 Definitions.
47.2 Purpose.
47.3 Authorization.
47.4 Written request.
47.5 Certification.

AUTHORITY: 5 U.S.C. 301; 28 U.S.C. 509, 510; Right to Financial Privacy Act of 1978, 92 Stat. 3697, 12 U.S.C. 3401 *et seq.*

§ 47.1 Definitions.

The terms used in this part shall have the same meaning as similar terms used in the Right to Financial Privacy Act of 1978. "Departmental unit" means any office, division, board, bureau, or other component of the Department of Justice which is authorized to conduct law enforcement inquiries. "Act" means the Right to Financial Privacy Act of 1978.

§ 47.2 Purpose.

The purpose of these regulations is to authorize Departmental units to request financial records from a financial institution pursuant to the formal written request procedure authorized by section 1108 of the Act, and to set forth the conditions under which such requests may be made.

§ 47.3 Authorization.

Departmental units are authorized to request financial records of any customer from a financial institution pursuant to a formal written request under the Act only if:

(a) No administrative summons or subpoena authority reasonably appears to be available to the Departmental unit to obtain financial records for the purpose for which the records are sought;

(b) There is reason to believe that the records sought are relevant to a legitimate law enforcement inquiry and will further that inquiry;

(c) The request is issued by a supervisory official of a rank designated by the head of the requesting Departmental unit;

(d) The request adheres to the requirements set forth in § 47.4; and

(e) The notice requirements set forth in section 1108(4) of the Act, or the requirements pertaining to delay of notice in section 1109 of the Act, are satisfied, except in situations (e.g., section 1113(g)) where no notice is required.

§ 47.4 Written request.

(a) The formal written request shall be in the form of a letter or memorandum to an appropriate official of the financial institution from which financial records are requested. The request shall be signed by the issuing official, and shall set forth that official's name, title, business address and business phone number. The request shall also contain the following:

(1) The identity of the customer or customers to whom the records pertain;

(2) A reasonable description of the records sought; and

(3) Such additional information as may be appropriate—e.g., the date on which the opportunity for the customer to challenge the formal written request will expire, the date on which the requesting Departmental unit expects to present a certificate of compliance with the applicable provisions of the Act, the name and title of the individual (if known) to whom disclosure is to be made.

(b) In cases where customer notice is delayed by court order, a copy of the court order shall be attached to the formal written request.

§ 47.5 Certification.

Prior to obtaining the requested records pursuant to a formal written request, an official of a rank designated by the head of the requesting Departmental unit shall certify in writing to the financial institution that the Departmental unit has complied with the applicable provisions of the Act.

[FR Doc. 79-3777 Filed 2-1-79; 8:45 am]

[4810-25-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[31 CFR Part 14]

RIGHT TO FINANCIAL PRIVACY

Formal Written Request for Financial Records

AGENCY: Department of the Treasury.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations would authorize Department of Treasury personnel to request financial records from a financial institution pursuant to the formal written request procedure established by the Right to Financial Privacy Act of 1978, 92 Stat. 3697, *et seq.*, 12 U.S.C. 3401 *et seq.*, and would set forth the conditions under which such requests may be made. Section 1108(2) of the Right to Financial Privacy Act of 1978 requires that the formal written request be authorized by regulations promulgated by the head of the agency or Department. These proposed regulations would thus, once implemented, enable appropriately designated Department of Treasury personnel to utilize the formal written request procedure to obtain financial records.

DATE: Comments must be received on or before March 5, 1979. This abbreviated comment period is mandated by the fact that the Right to Financial Privacy Act becomes effective on March 10, 1979, and the proposed regulations must be issued by that date if Department of Treasury personnel are to be able to use the formal written request procedure established by the Act.

ADDRESS: Written comments should be submitted to R. Richard Newcomb, Enforcement Policy Advisor, Office of Assistant Secretary (Enforcement and Operations), Department of Treasury, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT:

R. Richard Newcomb, Enforcement Policy Advisor, Office of Assistant Secretary (Enforcement and Operations), Department of Treasury, Washington, DC 20220; (202-566-2872).

It is proposed that a new Part 14 be added to Subtitle A of Title 31 of the Code of Federal Regulations as follows:

PART 14—RIGHT TO FINANCIAL PRIVACY

Sec.
14.1 Definitions.
14.2 Purpose.
14.3 Authorization.
14.4 Contents of request.

AUTHORITY: Pub. L. 95-630, Title XI, Right to Financial Privacy Act of 1978, 92 Stat. 3697, *et seq.*, (November 10, 1978), 12 U.S.C. 3401, *et seq.*; 5 U.S.C. 301; and Reorganization Plan No. 26 of 1950.

§ 14.1 Definitions.

For purposes of this regulation, the terms:

(a) "Financial institution" means any office of a bank, savings bank, card issuer as defined in section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602(n)), industrial loan company, trust company, savings and loan, building and loan, or homestead association (including cooperative banks), credit union, or consumer finance institution, located in any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(b) "Financial record" means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution.

(c) "Person" means an individual or a partnership of five or fewer individuals.

(d) "Customer" means any person or authorized representative of that person who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name.

(e) "Departmental unit" means those offices, divisions, bureaus, or other components of Department of Treasury authorized to make law enforcement inquiries.

(f) "Act" means the Right to Financial Privacy Act of 1978.

§ 14.2 Purpose.

The purpose of these regulations is to authorize Department of Treasury personnel to request financial records from a financial institution pursuant to the formal written request procedure established by the Act, and to set forth the conditions under which such requests may be made.

§ 14.3 Authorization.

Department of Treasury personnel are hereby authorized to request financial records from a financial institution pursuant to a formal written request under the Act only if:

(a) No administrative summons or subpoena authority reasonably appears to be available to the Departmental unit to obtain financial records for the purpose for which the records are sought;

(b) There is reason to believe that the records sought are relevant to a legitimate law enforcement inquiry and will further that inquiry;

(c) The request is issued by a supervisory official of a rank designated by the head of the requesting Departmental unit;

(d) The request adheres to the requirements set forth in § 14.4; and

(e) The notice requirements set forth in section 1108(4) of the Act, or the requirements pertaining to delay of notice in section 1109 of the Act, or the exceptions of the notice requirements in sections 1113 and 1114 of the Act, are satisfied.

§ 14.4 Contents of request.

The formal written request shall be in the form of a letter or memorandum to the appropriate official of the financial institution from which financial records are requested. The request shall be signed by an offical of the requesting Departmental unit who is of the designated rank. It shall set forth that official's name, title, business address and business phone number. The request shall also contain the following:

(a) The identity of the customer whose records are sought;

(b) The name and title of the official to whom disclosure is to be made;

(c) A reasonable description of the records sought;

(d) the approximate date by which production is requested;

(e) A statement that no records should be released prior to receipt of the certification of compliance required by section 1103(b) of the Act; and

(f) Any other information that the issuing official deems appropriate.

Dated: January 30, 1979.

RICHARD J. DAVIS,
Assistant Secretary (Enforcement and Operations).

FR Doc. 79-3783 Filed 2-1-79; 8:45 am]

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[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[FRL 1050-7]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued By the Virginia State Air Pollution Control Board To the Solite Corp.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Virginia State Air Pollution Control Board to the Solite Corporation. The order requires the company to bring air emissions from its lightweight aggregate plant in Cascade, Virginia into compliance with certain regulations contained in the federally-approved Virginia State Implementation Plan (SIP) by March 31, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before March 5, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Gary Gross at the address above or telephone 215/597-8907.

SUPPLEMENTARY INFORMATION: Solite Corporation operates a lightweight aggregate plant at Cascade, Virginia. The order under consideration addresses emissions from five rotary kilns at the facility, which are subject to Sections 4.20 and 4.40 of the Virginia SIP. The regulation limits the emissions of visible emissions and particulate matter, and is part of the Federally approved Virginia State Implementation Plan. The Order requires final compliance with the regulation by March 1, 1979 through installation of wet multicyclones. The State order is based upon a compliance program developed by Solite. Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Virginia SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the agency's final action on the order in 40 CFR Part 65.

(Authority: 42 U.S.C. 7413, 7601.)

Dated: January 12, 1979.

JACK J. SCHRAMM,
Regional Administrator,
Region III.

[FR Doc. 79-3743 Filed 2-1-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1050-6]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued By the Virginia State Air Pollution Control Board To Dan River, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Virginia State Air Pollution Control Board ("SAPCB") to Dan River, Incorporated. The order requires the company to bring air emissions from its Riverside Division Power House in Danville, Virginia into compliance with certain regulations contained in the federally-approved Virginia State Implementation Plan (SIP) by July 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered oy the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before March 5, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Gary Gross at the address above or telephone (215) 597-8907.

SUPPLEMENTARY INFORMATION: Dan River, Inc. operates a fabric mill at Danville, Virginia. The order under consideration addresses emissions from four coal-fired boilers at the Compnay's Riverside Division, which are subject to Sections 4.20 and 4.30 of the Virginia Regulations for the Control and Abatement of Air Pollution. The regulations limit the emissions of particulate and visible emissions, and are part of the Federally approved Virginia State Implementation Plan. The order requires final compliance with the regulation by July 1, 1979 through installation of high efficiency electrostatic precipitators. The Company has consented to the terms of the order.

Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the SIP. At the present time, EPA believes that all applicable requirements of Section 113(d) have been satisfied. All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

(Authority: 42 U.S.C. 7413, 7601)

Dated: January 12, 1979.

JACK J. SCHRAMM,
Regional Administrator,
Region III.

[FR Doc. 79-3744 Filed 2-1-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 21351; FCC 79-30]

SAFETY AND SPECIAL RADIO SERVICES

Waiting Period for Filing Applications After a Dismissal With Prejudice or After a Revocation

AGENCY: Federal Communications Commission.

ACTION: Order terminating Rule Making Proceeding, Docket 21351.

SUMMARY: This action terminates the rule making proceedings. It had been proposed to extend to 3 years from 1 year the waiting period for filing applications in the Safety and Special Radio Services (currently designated the Private Radio Services) after a dismissal with prejudice or after revocation. However, upon further consideration, the Commission has decided to not change its rules in this respect, the reason being that the proposed change would have imposed a sanction and it is not the Commission's intent that the waiting period be a sanction.

EFFECTIVE DATE: Non-Applicable

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Newton B. Jaslow, Safety and Special Radio Services Bureau, (202) 632-7511.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of § 1.916 of the Commission's Rules with respect to the waiting period for filing applications in the Safety and Special Radio Services after a dismissal with prejudice or after a revocation; (Docket NO. 21351), (43 FR 24560); Report and order (Proceeding Terminated).

Adopted: January 22, 1979.

Released: January 25, 1979.

By the Commission:

1. A Notice of Proposed Rule Making in this proceeding was released on August 5, 1977, (FCC 77-524, 42 FR 40715, August 11, 1977). In it we proposed a rule to extend to three years from one year the waiting period in the Safety and Special Radio Services for filing an application for a like or new station following a denial, a dismissal with prejudice of an application or a license revocation. Its purpose was to bolster the relevant Commission sanction of denial, prejudicial dismissal, or revocation by allowing the Commission to dismiss as defective, without a hearing, subsequent applications filed within a three year waiting period. Comments were requested by September 14, 1977. Only the Aircraft Owners and Pilots Association (AOPA) filed a comment. It contends that the three year wait should not be applied to those cases in which a license application was denied, "particularly when a denial has no implication of impropriety attached to it." No reply comments were filed.

2. § 1.916 of the Rules provides that in the Safety and Special Radio Services, when an application has been denied or dismissed with prejudice, or a license revoked, an application of substantially the same kind by substantially the same applicant or licensee will not be considered for a period of one year. The Notice proposed to extend that time period to three years. However, it is now clear that the proposed amendment would be inappropriate. Section 1.916 is intended to prohibit repetitious applications. That section is not intended to be in the nature of a sanction such as a license revocation or the imposition of a forfeiture. Therefore, § 1.916 should not be utilized to strengthen a sanction by increasing the waiting period before an application can be filed to three years. Moreover, the rules pertaining to applicants in other services only require a one year waiting period, and there is no compelling reason why applicants in the Safety and Special Radio Services should have a longer waiting period.

3. Accordingly, *it is ordered,* That no rule change is made in this proceeding, and that this proceeding is hereby terminated.

4. For further information, contact Newton B. Jaslow, Federal Communications Commission, Washington, D.C. 20554. Phone: (202) 632-7511.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 79-3717 Filed 2-1-79; 8:45 am]

[6712-01-M]

[47 CFR Part 25]

[CC Docket No. 78-374; FCC 78-829]

REGULATION OF DOMESTIC RECEIVE-ONLY SATELLITE EARTH STATIONS

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The F.C.C. is soliciting the public for comments on the current regulatory scheme of licensing domestic satellite receive-only earth stations and specific proposals for ways in which this program might be improved.

DATES: Comments must be received on or before February 23, 1979. Reply comments may be filed on or before March 23, 1979.

ADDRESSES: Federal Communications Commission, 1919 M St. NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

William V. Lombardi or Ron Lepkowski, Common Carrier Bureau, (202) 632-5930.

SUPPLEMENTARY INFORMATION: In the matter of Regulation of Domestic Receive-Only Satellite Earth Stations; (CC Docket No. 78-374), Notice of inquiry.

Adopted: November 30, 1978.

Released: January 26, 1979.

By the Commission: [1]

1. The Commission has received informal comments suggesting deregulation of domestic satellite receive-only earth stations or recommending regulatory schemes different than the one which now exists. Through this inquiry we hope to obtain the public's views on the need for the effectiveness of our current regulatory program for these earth stations, and specific pro-

[1] Commissioner Lee absent.

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posals for ways in which this program might be improved.

2. Our regulatory policies for receive-only domestic satellite earth stations were devised to assure that the benefits of satellite communications are made available to the residents of the United States efficiently and economically, and in a manner consistent with our statutory and international obligations. Since the launching of the first domestic communications satellite in 1974, receive-only stations have proliferated, with over 1,300 presently licensed by the Commission. Receive-only earth stations have proven to be an effective and economical way of fulfilling a variety of domestic communications needs.[a]

3. Current authorization procedures require the receive-only station applicant to successfully complete several steps: frequency coordination, the filing of a completed application for either a simultaneous construction permit and license or separate applications for a construction permit and license. These processing procedures are described in the Commission's public Notice of August 5, 1975, (FCC 75-932) "Processing Procedures for Domestic Satellite Earth Station Applications" as revised in Public Notice of August 10, 1978 (Memo 6044) "Revised Procedures for Filing Domestic Satellite Earth Station Applications" and *American Broadcasting Companies, Inc.*, 62 F.C.C. 2d 901 (1977).

FREQUENCY COORDINATION

4. The domestic and international satellites operating in the 3700-4200 MHz band share those frequencies on a co-equal basis with point-to-point terrestrial microwave stations. Before applying for a license in either service, an applicant must successfully complete a frequency coordination procedure to show that his proposed station will neither cause nor receive harmful interference to or from any other licensed stations. This procedure is described in Parts 21 and 25 of the Commission's Rules. Since receive-only earth stations cannot cause interference, the analysis required in such applications considers the received interference, only.

5. In performing frequency coordination, an applicant for a domestic satellite receive-only station permit first notifies by letter the licensees of all radio facilities that potentially would cause harmful interference into the new facility. The applicant specifies the performance objective of the station, and then tests them against the predicted interference from all existing facilities. Recipients of the prior coordination letters have 30 days to indicate their agreement with the analysis. Once agreement is reached on the levels of interference expected at the receiving earth station, an application for the construction permit can be filed. Frequency coordination appears to be the most time consuming, and perhaps most expensive, aspect of our application procedures.

CONSTRUCTION PERMIT

6. No standard application form has been adopted for the earth station construction permit. These matters are covered by the *Public Notices* cited earlier. Specifically, the application for a construction permit must contain showings as to the legal, financial and technical qualifications of the applicant, technical particulars of the proposed operation, the frequency coordination report, and a statement of why these operations are in the public interest. In addition, a special technical showing is required for earth stations having an antenna diameter of less than 9 meters.[2] Upon receipt of the application by the Commission, the application is placed on public notice which provides a minimum 30-day pleading period. Routine, uncontested receive-only applications now are being granted within 45 days of the public notice date.

LICENSES

7. Upon completion of construction, but prior to the commencement of operations, application is made for the license.[3] The license is issued for three years, prior to the elapse of which the applicant must file for renewal. Changes in operating parameters (e.g., frequencies, emissions, points of communications, equipment and shared use) after the license is issued must currently be filed with the Commission as a request for modification of license. The Commission also must approve any change in earth station ownership, by assignment of the license or transfer of control.

DISCUSSION

8. These procedures have resulted in important benefits: (a) interference protection to the licensee from both satellite and terrestrial transmitters; (b) maintenance of high technical quality (e.g., signal to noise standards); (c) effective Commission regulation of inter-satellite spacing; (d) flexibility of earth station design and operations; and (e) conformity with international Radio Regulations.[4] Generally, our regulatory program for receive-only earth stations has resulted in an orderly and efficient development of the spectrum and orbit by all users.

9. Critics of the current regulatory program argue that unnecessary costs and delays are incurred in preparing applications to the Commission for receive-only earth stations. Modifications to these procedures that reduce the burden and costs to the applicant, without reducing the effectiveness of this program, are of course desirable and we encourage proposals in this regard.

10. More generally, alternative forms of regulation or deregulation to reduce or eliminate the costs of this program to the applicant may also be desirable, even though some of the benefits may be lost. For example, if frequency coordination is eliminated, then no protection from interference can be enforced by the Commission and the receive-only earth stations operator must bear the risk that the station may become unusable as a result of interference. At least some potential receive-only earth station operators may, however, believe that the costs and delays resulting from our present regulatory program outweigh the risks they would bear if the frequency coordination requirement were relaxed or eliminated. Some parties also may hold that the earth station operator should be given the option to decide for itself whether or not to seek protection of its operating frequencies by obtaining an FCC license. In addition to protecting receive-only earth stations against interference, our current procedures are designed to insure that stations deliver adequate signal quality and have sufficient operational flexibility. We wish to explore whether continued Commission action in these areas is needed. Can judgments about the necessary level of signal quality be left to some or all applicants? Other earth station applicants (such as broadcasters and cable operators) use their terminals to supply a regulated service. Regulation of the technical quality of that service may obviate the need for separate regulations on the quality of receive only earth stations. In the absence of special showings, applicants are required to have stations capable of potentially receiving a signal from a satellite at any location in the usable orbital arc and on any frequency in the band. This operational flexibility is needed because changes may be made at a later date in either frequency or orbital arc assignment. Here again it may be beneficial to allow licensees to balance the costs of this flexibility against the risks of the facility becoming unusable because of later shifts in assignments.

11. Accordingly, we also encourage interested parties to submit proposals for alternative forms of regulation or deregulation of receive-only earth stations. In making such proposals, we request parties to identify particularly the costs and delays reduced or eliminated, the benefits to be achieved, and the risks to be assumed by the earth station operator.

12. It should be noted that the satellites transmitting to the receive-only earth stations under consideration here are classified as fixed-satellite under the international Radio Regulations and the Commission's Rules. That is, these domestic satellites are to provide services between any number of "specified fixed points." They are not broadcasting satellites whose signals "are intended for direct reception by the general public" and such broadcasting satellites can not be operated in the 3700-4200 MHz band in question. As a result, Section 605 of the Communications Act of 1934 applies to these signals and prohibits the unauthorized reception and use or divulgence of such transmissions.[5] Parties should keep this distinction in mind in preparing their comments.

13. Without intending to limit the nature or breadth of such comments, we specifically seek views on the following matters:

(a) What are the benefits and detriments to cable television operators, MDS, broadcasters and other present or potential licensees and to the end users which result from the present Commission policies on licensing receive-only stations?

(b) What changes can be made to retain these same benefits while eliminating or reducing the detriments?

(c) What alterative forms of regulation or deregulation are desirable to eliminate or reduce the detriments from our current policies, even though they also reduce or eliminate the benefits of these policies and increase the risks to be borne by the earth station operator?

(d) Should the regulatory scheme distinguish between receive-only earth stations operated: By common carriers; by non-carriers who use the facilities as part of their programming opertions to the public; by individuals or other entities for private benefit not involving the public; or for developmental or demonstrational purposes?

(e) Should this regulatory scheme, or any portions of it, be made optional at the discretion of the receive-only earth station operator?

(f) To what extent does Title III of the Communications Act or any other statutory provision require regulation by the Commission of receive-only earth stations? What alternative regulatory schemes would increase benefits and/or reduce detriments while still complying with all applicable statutory requirements?

(g) In what way does the Commission's obligation to enforce Section 605 of the Communications Act dealing with unauthorized reception and use of radio signals influence the regulatory scheme?

(h) To what extent do the international Radio Regulations limit the Commission's flexibility to deregulate receive-only earth stations?

The Commission invites the comments of all interested parties and in particular licensees of receive-only earth stations, and of the common carriers offering domestic satellite services. Those filing comments also may provide any additional pertinent information they believe will be useful to the Commission.

14. This action is taken pursuant to Section 403 of the Communications Act of 1934, as amended. Interested parties may file comments on or before February 23, 1979. Reply comments may be filed on or before March 23, 1979. An original and eleven copies of each formal response must be filed in accordance with the provisions of §§ 1.49 and 1.51 of the Commission's Rules. However, in an effort to obtain the widest possible response in the proceeding from licensees and members of the public, informal comments without extra copies will be accepted. Copies of all pleadings filed in this matter will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 79-3719 Filed 2-1-79; 8:45 am]

[a] Receive-only earth stations are used primarily by CATV systems, broadcasters, and MDS operators to receive video programming for further distribution to their audiences. The substantial economies achieved by the use of satellites for domestic program distribution has resulted in a new market for video programming. Specialty programs, e.g., foreign language and religious, as well as premium entertainment and sports specials are transmitted routinely via domestic satellites. In addition, the Dow Jones Company operates receive-only earth stations in publishing the Wall Street Journal. Currently pending before us are applications by the Mutual Broadcasting System and National Public Radio for receive-only stations to be used for reception of audio programming.

[2] This showing follows the procedures given in *American Broadcasting Companies, Inc., supra.*

[3] The applicant has the option to file an application for a simultaneous construction permit and license if construction can be completed within 180 days.

[4] Protection from interference caused by radio stations operated by other countries is provided only through the coordination procedures of Article 9A of the international Radio Regulations (Geneva, 1976), annexed to the Convention of the International Telecommunications Union. Such international coordination procedures are undertaken by the Commission independently of the application and licensing procedures described above.

[5] Corresponding secrecy provisions are contained in Article 22 of the ITU Convention and Article 17 of the international Radio Regulations.

[6712-01-M]

[47 CFR Part 73]

[Docket No. 20576; RM-2467; RM-2468; RM-2578; RM-3192; RM-3300; RM-3301]

FM BROADCAST STATIONS

Franklin and Keene, New Hampshire, etc.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order extending time.

SUMMARY: Action taken herein grants additional time for the filing of reply comments in this proceeding involving FM channel assignments to various communities in New Hampshire, Maine, and Vermont. Also, a request to extend the deadline for initial comments herein is denied.

DATE: Reply comments must be filed on or before February 12, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION: In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Franklin and Keene, New Hampshire, and Bennington and Brattleboro, Vermont. Also Conway, Littleton, Meredith, Plymouth, Rochester and Wolfeboro, New Hampshire, and Skowhegan, Maine) (Docket Nos. 20576, RM-2467, RM-2468, RM-2578, RM-3192 [1], RM-3300, RM-3301, (44 FR 4744); *Order denying extension of time for filing comments and Order granting further extension of time for filing reply comments.*

Adopted: January 22, 1979.

Released: January 25, 1979.

By the Chief, Broadcast Bureau:

1. On October 27, 1978, the Commission adopted a *Further Notice of Proposed Rule Making and Orders to Show Cause*, 43 FR 51652, specifying a comment deadline of December 27, 1978. On December 26, 1978, the Commission received from Lakes Region Broadcasting Corporation, a Motion for Extension of Time. An opposition to the extension request was filed by

[1] This counterproposal for the assignment of Channel 285A to Hinsdale, New Hampshire, was inadvertently omitted from the *Further Notice* issued in this proceeding. Since we did not include it, there is additional reason to provide a further extension of the reply date so that the parties can respond. Two other proposals have been accepted subsequently, as described in footnote 4.

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Radio Wolfeboro, Inc. Lakes Region Broadcasting, submitted on January 11, 1979, a reply to that opposition in addition to a motion for the Commission to accept its late filed request for extension of time.

2. Lakes Region Broadcasting Corp., explains, in some detail, that due to recent events, it is no longer represented by counsel and that prior commitments plus the intervening holiday period necessitated additional time for it to file comments. These events, we are told, also occurred too late to enable Lakes Region to comply with § 1.46(b), which requires that motions for extension of time must be filed at least 7 days before the filing date.[2]

3. Due to a combination of factors including administrative problems, the request was not routed to the proper office for disposition until January 5, 1979. Previously, several parties had filed their comments within the specified deadline of December 27, 1978. With that fact in mind and also due to the unsatisfactory explanation of Lakes Region [3] for the lateness of extension request, the Broadcast Bureau denied an extended deadline for comments. However, the Bureau has now discovered that the *Order* denying an extension was not released to the public. Rather than release that document now, we will act on that request here. As a result, some parties became aware of the denial and acted accordingly, while others may not have known of that action. In a separate *Order* the Commission extended the reply comment date from January 16, 1979, to January 25, 1979.[4] The announcement of that extension was first given by Public Notice of January 10, 1979, Report No. 1159. A separate *Order* extending the time for filing reply comments was not issued by January 16, 1979, with the result that again some parties may not be aware of the extension for reply comments.[5]

4. The Commission regrets any inconvenience that may have resulted from the confusing events. We believe that the only fair course of action to take at this point, is to provide a further extension of time for filing reply comments to permit all parties to fully participate in this stage of the rule making proceeding.

5. Accordingly, *it is ordered*, That the date for filing reply comments in Docket 20576 is extended to and including February 12, 1979.

6. *It is further ordered*, That the motion for extension of time to submit comments, filed by Lakes Region Broadcasting Corporation, is denied.

7. *It is further ordered*, That the "Motion to Accept Late Filed Motion for Extension of Time" is denied.

8. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 79-3714 Filed 2-1-79; 8:45 am]

[2] This Section also provides for late-filed motions in emergency situations.

[3] Lakes Region indicates that about December 7, 1978, it terminated its relationship with counsel and that during the week of December 11, it was preparing the request for additional time to submit its comments. No further reasons are given for the subsequent delay.

[4] The reply comment date was extended to enable parties to comment on two counterproposals for FM assignments at other communities not previously mentioned in this proceeding and which were announced by the Public Notice of January 10, 1979.

[5] A preliminary check revealed that no reply comments have been recorded as submitted by January 16, 1979.

[6712-01-M]

[47 CFR Part 73]

[BC Docket No. 78-335; RM-2709]

COMMERCIAL BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding inquiring into whether a new program category, called "Community Service," should be added to the program definitions for commercial broadcast stations. Petitioner, the Communications Committee of the United States Catholic Conference and others, states that the additional time is needed so that it can submit a comprehensive study of programming trends during a ten year period.

DATES: Comments must be filed on or before February 28, 1979, and reply comments on or before March 28, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION: In the matter of Amendment of Commission Rules Concerning Program Definitions for Commercial Broadcast Stations by Adding a New Program Type, "Community Service" Program, and Expanding the "Public Affairs" Program Category and Other Related Matters; BC Docket No. 78-335, RM-2709), (43 FR 57624); Order extending time for filing comments and reply comments.

Adopted: January 26, 1979.

Released: January 30, 1979.

By the Chief, Broadcast Bureau:

1. On October 5, 1978, the Commission adopted a *Memorandum Opinion and Order and Notice of Inquiry*, 43 FR 50002, concerning the above-entitled proceeding. The dates for filing comments and reply comments were to be December 26, 1978, and January 25, 1979, respectively.

2. Pursuant to a request by the National Organization for Women, the comment and reply comment dates were extended to January 27, and February 28, 1979. A Motion for Extension of Time has now been submitted by counsel for petitioners, the Communications Committee of the United States Catholic Conference, the Communication Commission of the National Council of Churches of Christ in the U.S.A., the Office of Communication of the United Church of Christ, UNDA-USA and 70 individual church communicators. Counsel states that additional time is needed for completion of a survey of programming trends in 35 markets during a 10 year period which petitioners wish to make a part of the record for the Commission's consideration.

3. We believe that admission of the above-mentioned survey will assist in the development of a sound and comprehensive record on which to base a final decision in this proceeding. Consequently, we are extending the time for the filing of comments by 30 days. Since interested parties may wish to respond to petitioner's comments, we shall also extend the reply comment date by 30 days.

4. Accordingly, *It is ordered*, That the request for extension of time submitted by petitioners, is granted and the dates for filing comments and reply comments are extended to and including February 28, and March 28, 1979.

5. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 79-3716 Filed 2-1-79; 8:45 am]

[6712-01-M]

[47 CFR Parts 95 and 97]

[SS Docket No. 78-352]

RADIO ASTRONOMY OPERATIONS

Establishing Procedures To Minimize Potential Interference; Order Extending Time for Filing Comments and Replies

AGENCY: Federal Communications Commission.

ACTION: Order Extending Time to File Comments.

SUMMARY: The Commission proposed to make the National Radio Quiet Zone coordination procedures applicable to amateur repeater operations and base and fixed stations in the General Mobile Radio Service. The comment period was due to end February, 1979. To give interested parties additional time to comment, the comment period is being extended.

DATES: The comment period is being extended to March 5, 1979. The reply comment period is being extended to April 3, 1979.

ADDRESSES: Comments should be sent to: Secretary, FCC, 1919 "M" St., NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Cassler, Personal Radio Division, Safety and Special Radio Services Bureau (202-634-6620).

SUPPLEMENTARY INFORMATION: In the matter of Amendment of the General Mobile Radio Service (Part 95) and Amateur Radio Service (Part 97) Rules to establish procedures to minimize potential interference to Radio Astronomy Operations; SS Docket No. 78-352), (43 FR 51048); Order extending time to file comments.

Adopted: January 26, 1979.

Released: January 29, 1979.

1. On October 31, 1978, the Commission released a Notice of Proposed Rulemaking in SS Docket 78-352. The Commission proposed rules to require coordination with the National Radio Astronomy Observatory by Amateur Radio Service stations in repeater operation, and base and fixed stations in the General Mobile Radio Service. Comments were due no later than February 1, 1979. Reply comments were due no later than March 1, 1979.

2. A petition to extend the comment period to March 5, 1979, and the reply comment period to April 3, 1979 has been filed jointly by the American Radio Relay League (ARRL) and the National Radio Astronomy Observatory (NRAO). Petitioners state that informal discussions have been held regarding the proposal, and, seeing a need for better public understanding of the issues, a conference has been scheduled for February 1, 1979, between the ARRL, the NRAO, and other interested parties. The ARRL and the NRAO have asked that the comment period be extended in Docket 78-352 to afford those persons who will be attending the February 1 conference a chance to file comments after the conference. We agree with the petitioners that an extension of thirty days will not unduly delay final action by the Commission and that the extension is justified.

3. Accordingly, the Commission, by the Chief, Safety and Special Radio Services Bureau, pursuant to authority delegated to him by § 0.331 of the Commission's Rules orders that the comment period and the reply comment period in SS Docket No. 78-352 are extended to March 5, 1979 and April 3, 1979, respectively.

CARLOS V. ROBERTS,
Chief, Safety and Special Radio Services Bureau.

[FR Doc. 79-3715 Filed 2-1-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1003, 1132]

[Ex Parte No. MC-111]

TRANSFER OF MOTOR CARRIER OPERATING RIGHTS

Proposed Revision and Simplification of Rules

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This rulemaking has been instituted by the Commission on its own motion. The rules proposed in this notice revise and simplify the motor carrier transfer rules. Substantive changes in Commission policy have made some provisions of the rules obsolete. Others require applicants and the Commission to undergo a more tedious adjudication than necessary, since transfers seldom involve issues of major public consequence.

DATES: Written comments should be filed with the Commission on or before March 5, 1979.

ADDRESS: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Judy Holyfield (202) 275-7864/7863/7792.

SUPPLEMENTARY INFORMATION: We instituted this proceeding to revise the regulations at 49 CFR Part 1132. These regulations spell out the procedures which enable small motor carriers to merge, transfer, or lease their certificates and permits in financial transactions not subject to § 11343, formerly Section 5, of the Interstate Commerce Act. They also cover the transfer of operating rights to a person who is not already a carrier subject to the Act.

As provided in § 1132.3 of the present rules, the Commission may grant the application if it finds that (1) the transaction is not subject to Section 11343 of the Act, and (2) that the transferee is fit, willing, and able to perform the service authorized by the operating rights involved, and to conform with the provisions of the Act and the requirements and regulations of the Commission. The Commission also must find that the transaction does not conflict with the explicit bases for denial which are embraced in § 1132.5 of the rules. These provisions include unacceptable divisions of operating authorities, speculation, the creation of duplicating operating rights between affiliated companies, dual operations, and dormancy.

Once the Commission has approved a transfer, interested persons have 20 days to appeal. Petitions for reconsideration, if timely filed, suspend the transfer approval pending further adjudication. The total time to process transfer proceedings now generally takes from 3 to 6 months in an uncontested case and 6 months or more in a contested case. The revised rules will facilitate the Commissions decisionmaking process and will at the same time minimize the paperwork burden on the small entrepreneur.

The new transfer rules contain a number of changes. Among them are: (a) A shortened application form; (b) clarified definitions; (c) elimination of obsolete provisions; and (d) alteration of protest and public notice procedures.

Interested persons are invited to submit written comments concerning the proposed revisions.

It is proposed that 49 CFR be amended by striking existing Part 1132 and substituting a revised Part 1132 described below, and that form OP-FC-1 be superseded by form OP-FC-1 (revised) as set forth below.

This notice of proposed rulemaking is promulgated under 49 U.S.C. 10926 and 5 U.S.C. 552(b).

Dated: January 16, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Christian,

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Commissioners Brown, Stafford, Gresham and Clapp.

H. G. HOMME, Jr.,
Secretary.

PART 1132—TRANSFERS OF OPERATING RIGHTS

Sec.
1132.0 Purpose and scope.
1132.1 Definitions.
1132.2 Applications.
1132.3 Criteria for approval.
1132.4 Petitions for reconsideration.
1132.5 Operations by fiduciaries.

AUTHORITY: 49 U.S.C. 10926, 5 U.S.C. 552(b).

§ 1132.0 Purpose and scope.

These rules spell out the procedures which enable motor carriers to obtain approval from the Interstate Commerce Commission to merge, transfer, or lease their operating rights in financial transactions not subject to Section 11343 of the Interstate Commerce Act.

§ 1132.1 Definitions.

For the purposes of this part, the following definitions shall apply—

(a) *Transfer.* The sale or lease of interstate motor carrier operating rights[1] or the merger of two or more carriers or a carrier and a non-carrier, when the transactions are not subject to section 11343 of the Act.

(b) *Operating Rights.* Authority to perform transportation as a motor carrier as authorized by a certificate of public convenience and necessity, a permit, or a certificate of registration issued by this Commission. The term includes authority held by virtue of the gateway elimination regulations published in the FEDERAL REGISTER as letter-notices.

(c) *Certificate of Registration.* The evidence of a motor carrier's rights to engage in interstate or foreign commerce within a single State as established by a corresponding State certificate.

(d) *Duplicating Service Rights.* Operating rights authorizing the transportation of passengers, or of the same commodities, from and to, or between, the same points in substantially competitive or duplicative service.

(e) *Person.* An individual, partnership, corporation, company, association or other form of business, or a trustee, receiver, assignee, or personal representative of any of these.

(f) *Record Holder.* The person shown on the records of the Commission as the legal owner of the operating rights.

(g) *Control.* A relationship between persons, including actual control, legal control, and the power to exercise control, through or by common directors, officers, stockholders, a voting trust, or a holding or investment company, or any other means.

[1]The execution of a chattel mortage, deed of trust, or other similar document does not constitute a transfer or require the Commission's approval. However, a foreclosure for the purpose of transferring an operating right to satisfy a judgment or claim against the record holder or to settle an estate shall not be effectuated without approval of the Commission.

§ 1132.2 Applications.

(a) *Form.* Transfers shall be requested in writing on the specific form prescribed by the Commission. They also may be requested by letter if all required facts are presented.

(b) *Filing.* The original and two copies shall be filed with the Secretary of the Commission, Washington, D.C. 20423. The original must show that an additional copy has been furnished to the Commission's District Supervisor for the district(s) in which the applicants' headquarters are located.

(c) *Content.* Particular facts to be included depend on the type of transaction presented:

(1) *Category 1 Transfers.* Transactions in which the person to whom the operating rights would be transferred is not an ICC motor carrier and is not affiliated with any ICC motor carrier.

(2) *Category 2 Transfers.* Transactions in which the person to whom the operating rights would be transferred *is* an ICC motor carrier and/or is affiliated with an ICC motor carrier.

(i) In Category 1 and Category 2 transfers, applicants shall furnish the following:

(*a*) Full name, address, and signature of the transferee;

(*b*) Full name, address, and signature of the transferor;

(*c*) A copy of the complete ICC operating authority of transferor, which shall be clearly marked to show the rights being transferred and those being retained;

(*d*) A copy of each written agreement covering the proposed transfer of the ICC operating rights, State authorities, real estate, equipment, and other property involved in the transaction;

(*e*) The status of the proceedings for the transfer of the State certificate(s) corresponding to the certificate of registration being transferred;

(*f*) A certified copy of any court order issued to accomplish the transfer or to establish the authority of an executor, trustee, receiver, or the like; and

(*g*) A statement on whether the proposed transfer (will) (will not) significantly affect the quality of the human environment.

(ii) Category 2 applicants also must submit the following:

(*a*) A copy of the complete ICC operating authority of the transferee and its ICC motor carrier affiliate(s);

(*b*) Condensed income statements for applicants and their ICC affiliates for the preceding and current calendar years;

(*c*) Current balance sheet and *pro forma* balance sheet for the transferee, the latter of which shall be adjusted to reflect consummation of the proposed transfer; and

(*d*) A statement indicating whether (*1*) the operating rights to be transferred can or will be joined with any irregular route operating rights of transferee, and (2) a gateway elimination application is being filed concurrently.

(d) *Notice to the public.* The Commission will furnish public notice of transfer applications *only* if they are approved. Notice shall be given by publishing a summary of the transaction in the FEDERAL REGISTER. Protests received prior to the notice will be rejected.

§ 1132.3 Criteria for approval.

(a) A transfer shall be approved if:

(1) The transaction is exempt from Section 11343 (formerly Section 5) of the Act;

(2) Transferee is fit to receive authority; and

(3) No public harm will result.

(b) Proposed divisions of operating rights *along clearly defined lines* generally may be approved when they do not unduly fragment the operating rights of the transferor, improperly divide them, or result in substantially competitive or duplicative services. The Commission usually will *not* approve applications which propose:

(1) The separation of a commodity or commodities from a class of substantially related commodities or from general commodity authority; or

(2) The transfer of an alternate route or intermediate or off-route point from the route to which it is appurtenant.

(c) The Commission will not approve a transfer or lease of operating rights to a person who controls, is controlled by, or is under common control with another person who is the record holder of operating rights which materially duplicate those to be transferred.

(d) The Commission will not approve a proposed lease of operating rights for more than one year, unless there are unusual or compelling circumstances.

(e) The Commission will not approve a transfer of operating rights if it finds that transferor obtained the rights for speculation or that transferee does not intend to engage in bona fide motor carrier operations.

§ 1132.4 Petitions for reconsideration.

Petitions seeking reconsideration must be filed within 20 days following (a) service of denial decisions or (b) publication of affirmative decisions in the FEDERAL REGISTER. Within 20 days after the final date for filing, any interested person may file and serve a reply upon the parties to the proceeding. Petitions shall be filed with the Secretary of the Commission and shall:

(1) Detail alleged specific errors in the decision;

(2) Include concise arguments in support of each allegation; and

(3) Indicate service upon the parties to the proceeding.

If oral hearing is requested, petitioner shall explain why the testimony and evidence it seeks to present cannot be readily developed with affidavits and adjudicated without a hearing.

§ 1132.5 Operations by fiduciaries.

(a) Persons authorized by law to collect and preserve property of incapacitated, financially disabled bankrupt, or deceased holders of operating rights, and assignees of operating rights, may continue the operations without approval of a transfer. Within 30 days after assuming control, such persons shall give notice to the Secretary of the Commission. This shall consist of a certified copy of the court order appointing the fiduciary, a statement describing the operations and the particular operating rights affected, the full name and address of the person(s) continuing the operations, and the circumstances and date when control of the operations was assumed. If a court order has not been issued, the fiducicary must submit the best evidence of his/her authority.

(b) Operations by fiduciaries may be continued in the name of the record holder of the operating right, followed by the name of the person conducting operations. For example: John Jones, Richard Smith, administrator.

(c) All tariffs, schedules, reports or other documents required to be filed by record holders under the provisions of the Act and the Commission's rules shall be made by the fiduciary and shall constitute compliance for the record holder.

SMALL CARRIER TRANSFER APPLICATION FORM

NO. MC-FC-00000 (FOR COMMISSION USE ONLY)

Through the filing of this original application, two copies and a $100 filing fee (check or money order) with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, the applicants named below request transfer approval under Section 10931, 10932, or 10926 of the Interstate Commerce Act.

EXHIBIT I. IDENTIFICATION OF APPLICANTS

_____
(Name of Transferee)

_____
(Business Form: Corporation, Partnership, Individual)

_____
(Trade Name)

_____
(Business Address and ZIP Code)

DECLARATIONS

1. Transferee (is) (is not) an ICC motor carrier.
2. Transferee (is) (is not) a rail carrier, water carrier, express company, freight forwarder, or broker regulated by the ICC.
3. Transferee (is) (is not) affiliated with a motor, rail, or water carrier, express company, freight forwarder, or broker.
4. The name(s) of the rail or water carrier, freight forwarder, express company, or broker which transferee owns, or is affiliated with, is: ————

_____
(Name of Transferor)

_____
(Business Form: Corporation, Partnership, Individual)

_____
(Trade Name)

_____
(Business Address and ZIP Code)

EXHIBIT II. IDENTIFICATION OF ICC RIGHTS BEING TRANSFERRED

We seek to (transfer) (lease) (a portion of) (the entire) ICC operating rights under:

Certificate No. MC-
Permit No. MC-
Certificate of Registration No. MC-

We have attached true copies of the ICC certificates and permits of transferor and have marked the portions to be transferred, retained, or canceled.

Transferor owes ——— to owner-operators for services rendered. (If applicable) Transferor plans to settle these debts in the following manner:

EXHIBIT III. TERMS OF THE TRANSACTION

We (have) (do not have) written agreements covering the ICC rights, State authorities, real estate, equipment, and other property involved in the transaction. We have attached copies of those agreements or, if not, have submitted a statement explaining the terms of the transaction.

If our application involves a lease, we have specified the monthly rental fee, conditions, and time limits of the lease.

EXHIBIT IV. CERTIFICATE OF REGISTRATION TRANSFER

Our application (does) (does not) involve the transfer of a Certificate of Registration. If it does, we have attached a copy of the State order approving the transfer of the corresponding State rights or will furnish it when it is available.

EXHIBIT V. CERTIFICATIONS

A. We certify that on ———— —, 19—, we mailed a complete copy of this application to the ICC field office located at ———— (city and State).

B. We certify that this transaction (will) (will not) significantly affect the quality of the human environment.

C. We understand that knowing and willful omissions of material facts constitute Federal criminal violations punishable by up to five years imprisonment and fines up to $10,000 for each offense. (18 U.S.C. 1001).

_____
(Signature of Transferee)

_____
(Signature of Transferor)

EXHIBIT VI. APPLICANTS' REPRESENTATIVE

_____
(Name and Business Telephone)

_____
(Capacity)

_____
(Business Address and ZIP Code)

IF TRANSFEREE IS AN ICC CARRIER AND/OR IS AFFILIATED WITH AN ICC CARRIER, COMPLETE THIS PART

EXHIBIT VII. SUPPLEMENT

Since transferee is an ICC motor carrier and/or is affiliated with an ICC carrier, we have submitted the following supplemental information:

A. Name(s) of ICC motor carrier affiliate of transferee and a statement describing the extent of this affiliation.

B. True copies of the ICC operating rights of transferee and its affiliates.

B. Condensed income statements of transferee, transferor, and their ICC affiliates for the previous calendar year and the current calendar year to the latest available date.

D. Current balance sheet and pro forma balance sheet for transferee; the pro forma statement has been adjusted to show the effects of the transaction.

E. A statement indicating if (1) the rights to be transferred can or will be joined with any irregular-route rights of transferee, and (2) a directly-related gateway elimination application has been filed.

[FR Doc. 79-3567 Filed 2-1-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

FOREIGN FISHING

Proposed Rulemaking

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Proposed Regulation.

SUMMARY: This proposed amendment to the regulations governing foreign fishing activities within the United States fishery conservation zone (FCZ) would prohibit foreign fishing vessels from fishing within two nautical miles of reported gear areas. This action is taken in an effort to

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protect the gear of fishermen and to minimize gear conflict.

DATE: Comments are invited until February 16, 1979.

ADDRESS: Send comments to Mr. Denton R. Moore, Acting Chief, Permits and Regulations Division, National Marine Fisheries Service, Washington, D.C. 20235.

SUPPLEMENTARY INFORMATION: The 1978 foreign fishing regulations restricted the operator of each foreign fishing vessel operating in an authorized fishing area in the Atlantic from fishing within two nautical miles of reported gear areas (see *Fixed gear avoidance*, 50 CFR 611.50(e), 42 FR 60694, November 28, 1977). This two nautical mile protection zone is known as the "buffer" zone. Neither the proposed foreign fishing regulations for 1979 (43 FR 51053, November 2, 1978) nor the final 1979 regulations (43 FR 59292, December 19, 1978) provided for that buffer zone. However, a "Notice of Extension of Comment Period" was published in the FEDERAL REGISTER on December 12, 1978 (43 FR 58104) extending the period for comments until December 18, 1978, so that more public comments could be received on the two-mile buffer zone issue. The preamble to the final regulations stated: "The gear conflict/fixed-gear avoidance issue in the Atlantic Ocean was of major concern to all foreign commenters, and the other Federal agencies. It is clear that the issue of the 2-mile 'buffer' radius around reported fixed gear needs additional public comment and study".

The agency has received many comments on the proposed and final 1979 foreign fishing regulations. Foreign nations claim that the two-mile buffer zone prevented them from harvesting their allocations of fish. They believe gear conflicts could be minimized by proper marking and reporting of domestic fixed gear. The State Department and the Coast Guard believe that the buffer zone is unnecessary. The Atlantic Offshore Fish and Lobster Association feels the buffer zone is essential to protect fixed gear until regulations requiring fixed gear to be marked and reported are implemented.

Based on these comments, the Assistant Administrator for Fisheries has decided to propose amendment of the foreign fishing regulations to prohibit foreign fishing in two-mile buffer zones around reported fixed gear.

A 15-day comment period on the proposed amendment is provided. A longer comment period would be impractical, because it would defeat the purpose of the amendment, which is to minimize gear conflicts during the season when foreign vessels are allowed to bottom trawl in the Atlantic (January 1-March 31).

The Assistant Administrator has made an initial determination that this proposed regulation is not a significant regulation under Executive Order 12044. An environmental impact statement for the preliminary fishery management plan concerned is on file with the Environmental Protection Agency.

Signed at Washington, D.C., this 30th day of January, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director,
National Marine Fisheries Service.

Section 611.50(d)(1) is proposed to be amended by deleting paragraph (d)(1)(i) and replacing it with the following new paragraph (d)(1)(i):

§ 611.50 Northwest Atlantic Ocean fishery.

. . . . .

(d) • • •
(1) • • •
(i) In, or within two nautical miles of, any fixed-gear area (as broadcast by the Coast Guard; see § 611.11 and paragraph (d)(2) of this section);

. . . . .

[FR Doc. 79-3746 Filed 2-1-79; 8:45 am]

notices

This section of the FEDERAL REGISTER contoins documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-30-M]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

FOOD STAMP WORKFARE DEMONSTRATION PROJECT

Extension of Due Date for Applications

AGENCY: Food and Nutrition Service, USDA.

ACTION: Extension of due date for application.

SUMMARY: On November 28, 1978, 43 FR 55334, the Department published in the FEDERAL REGISTER final rulemaking and a Notice of Intent for the Food Stamp Workfare Demonstration Project which is mandated by Subsection 17(b)(2) of the Food Stamp Act of 1977. Originally published in FEDERAL REGISTER docket number 78-33376. Under this project, food stamp work registrants will be required to perform work in a public service capacity in exchange for the coupon allotment to which their household is otherwise normally entitled. The Notice of Intent announced the intention of the Departments of Agriculture and Labor to jointly conduct the project and sought proposals for project operation from eligible political subdivisions or groupings thereof wishing to take part in the project. We are hereby extending the due date for applications from 45 days of the date for final rulemaking to February 12, 1979. This action has been judged to be necessary by the Departments in order to permit applicants the necessary amount of time to obtain the assurances of cooperating State and local agencies as required in the Notice of Intent.

DATE: The due date for applications is extended from 45 days of the date for final rulemaking to February 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Mrs. Nancy Snyder, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250 (202-447-8982).

Dated: January 24, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary
of Agriculture.

Dated: January 26, 1979.

ERNEST G. GREEN,
Assistant Secretary of Labor.

[FR Doc. 79-3801 Filed 2-1-79; 8:45 am]

[3410-11-M]

Forest Service

OCHOCO NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Ochoco National Forest Grazing Advisory Board will meet at 10:00 a.m., March 2, 1979 in the Forest Supervisor's Office, Federal Building, Prineville, Oregon.

The purpose of this meeting is to select officers, discuss by-laws, rules for public participation, and subjects concerning the development of allotment management plans and utilization of range betterment funds as presented by board members, permittees, and the general public.

The meeting will be open to the public. Persons who wish to attend should notify Jack Royle, P.O. Box 490, Prineville, Oregon 97754; Phone (503) 447-6247. Written statements may be filed with the committee before or after the meeting.

BERNIE CARTER,
Acting Forest Supervisor.

JANUARY 26, 1979.

[FR Doc. 79-3550 Filed 2-1-79; 8:45 am]

[3410-11-M]

ROUTT NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Routt National Forest Grazing Advisory Board will meet March 8, 1979 at 10:00 a.m. at the Yampa Valley Electric Association building, Steamboat Springs, Colorado. The Board is being established in accordance with provisions of the Federal Land Policy and Management Act of 1976.

The Agenda for the meeting will include: (1) election of officers: (2) a discussion of the function of the Board: (3) establishment of by-laws: (4) recommendation concerning the development of allotment management plans and the utilization of range betterment funds.

The meeting will be open to the public. Persons who wish to attend and participate should notify Les Clark, Routt National Forest (303-879-1722) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

JACK WEISSLING,
Forest Supervisor.

JANUARY 26, 1979.

[FR Doc. 79-3633 Filed 2-1-79; 8:45 am]

[3410-15-M]

Rural Electrification Administration

CAJUN ELECTRIC POWER COOPERATIVE, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has issued a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with possible financing assistance for Cajun Electric Power Cooperative, Inc., P.O. Box 578, New Roads, Louisiana 70760.

The anticipated financing assistance would provide Cajun with the financing required to construct a third unit at the cooperative's Big Cajun No. 2 plant. The 540 MW (net) coal-fired steam electric generating unit would be similar to the two units presently under construction at that plant, located at New Roads, Louisiana.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examained during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C. Room 4313 or at the headquar-

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ters of Cajun Electric Power Cooperative, Highway 1, New Roads, Louisiana, telephone (504) 638-6326. Final action may be taken with respect to this matter after thirty (30) days.

Any financing assistance by REA pursuant to these applications will be subject to, and release of funds thereunder will be contingent upon REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with environmental statement procedures required by the National Environmental Policy Act of 1969, and by other environmentally related statutes, regulations, and Executive Orders.

Dated at Washington, D.C., this 24th day of January 1979.

JOSEPH VELLONE,
Acting Administrator, Rural Electrification Administration.

[FR Doc. 79-3206 Filed 2-1-79; 8:45 am]

[3410-15-M]

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with the proposed use of REA financing by Colorado-Ute Electric Association, Inc., to finance the construction of transmission facilities to deliver additional power and energy to Creede and the San Luis Valley in the State of Colorado. This statement describes the impacts of the originally proposed Lake City to Creede 115 kV transmission line as well as the now proposed project, the Poncha to San Luis Valley 230 kV transmission line. The proposal is to construct and maintain approximately 65 miles of 230 kV transmission line in an existing utility corridor between a USBR Poncha substation near Poncha Springs (Chaffee County) and a new San Luis Valley substation near Center (Alamosa County).

Additional information may be secured on request, submitted to Mr. Joseph S. Zoller, Acting Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. This Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th and Independence Avenue, S.W., Washington, D.C., Room 1268, South Building or at the borrower's address indicated above.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 24th day of January 1979.

ROBERT W. FERAGEN,
Administrator, Rural Electrification Administration.

[FR Doc. 79-3484 Filed 2-1-79; 8:45 am]

[3410-05-M]

Office of the Secretary

1979 UPLAND COTTON PROGRAM

Determinations Regarding Proclamation of the 1979-Crop National Program Acreage and Voluntary Reduction Percentage for Upland Cotton

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Notice of Determination of the 1979-Crop National Program Acreage and Voluntary Reduction Percentage for Upland Cotton.

SUMMARY: The purpose of this notice is to determine and proclaim with respect to the 1979-crop of upland cotton (referred to as "cotton"): (1) No set-aside requirement; (2) no voluntary diversion program; and, (3) no limitation on planted acreage. These determinations are required to be made by the Secretary in accordance with provisions of the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977 and the Act of May 15, 1978, (referred to as the "Act"). This notice is needed to satisfy statutory requirements.

EFFECTIVE DATE: February 1, 1979.

ADDRESS: Production Adjustment Division, ASCS-USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Charles V. Cunningham (ASCS) (202) 447-7873.

SUPPLEMENTARY INFORMATION: A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on September 1, 1978 (43 FR 39117), in accordance with 5 U.S.C. 553. A total of 61 comments were received, 34 from individual producers, 4 from multiproducer petitions, 5 from cotton farm organizations, 7 from general farm organizations, 5 from the nonfarm public and 6 from ASC county committees. Thrity-one comments were received concerning set-aside. Six recommended no set-aside. Of the 25 comments recommending a set-aside, 8 recommended a 10 percent requirement; four recommended 15 percent; six recommended 20 percent; five recommended 25 percent; and two did not specify a percentage. Three stated that, if there was a feed grain set-aside, then there should be an equal cotton set-aside. Two comments recommended that the target price be adjusted as compensation for participating in the set-aside. Twenty-six comments were received concerning voluntary diversion. Seven comments opposed and 19 favored voluntary paid diversion, one comment recommended a 10 percent diversion requirement, four recommended 15 percent, four recommended 20 percent, one stated it should be between 10 and 25 percent, one recommended 30 to 50 percent, and eight did not specify a percentage. Three comments favored a 10-10 combination of set-aside and paid diversion, and one favored a 10-15 combination. One comment recommended a diversion payment rate of 3 to 4 cents per pound on planted plus diverted acres. One comment suggested a payment rate of 10 cent per pound on the 10 percent required set-aside and 5 cents per pound on the voluntary diversion. Three comments opposed the bid system for setting the diversion payment rate. Two comments recommended that the diversion program operate exactly as in 1978. Five comments recommended that there be no limitation on planted acreage. All comments were duly considered by the Secretary within the statutory authority.

It is essential that these decisions be made effective immediately since farmers need to know these provisions as soon as possible so that they can make their farming plans accordingly. Therefore, the Secretary has made the following determinations:

DETERMINATIONS

1. *Set-Aside Requirements.* It is hereby determined that there will be no set-aside requirements under the 1979-crop cotton program.

The decision not to have a set-aside was based on the following factors:

a. The big increase in cotton stocks that resulted from the large 1977 crop is being reduced this year as a result of smaller production and larger exports. Stocks on August 1, the beginning of the 1978-79 marketing year, totaled 5.3 million bales, up form 2.9 million a year earlier. Taking into account the uncertainties over the final 1978-crop estimate and domestic use and exports for the balance of this marketing year, stocks on August 1, 1979 could be as low as 3.4 million or as high as 4.6 million bales. A stock level of about 4.5 million bales is generally considered desirable.

b. U.S. mill use has improved in recent months and for the marketing year could range from 6.0 million to 6.5 million bales.

c. Export demand for U.S. cotton continues strong as the projected foreing production to consumption deficit has increased substantially this year. Exports for the year could range from 5.1 million to 6.5 million bales. A recent reduction in the production estimate for the USSR, coupled with the current ban on exports on new crop cotton by Pakistan, could result in U.S. exports somewhat higher than the 5.8 million bales now forecast.

d. Export demand is expected to continue strong during the 1979-80 season as foreign cotton stocks are expected to be at relatively low levels next August 1.

e. A set-aside program, coupled with another bad weather year, could result in very tight supplies and a further reduction in cotton stocks next year. The resultant higher prices would, in the longer term, reduce both domestic use and exports as U.S. cotton would be less competitive with synthetic fibers and foreign grown cotton. The higher prices would also increase consumers costs and contribute to further inflation.

3. *Voluntary Diversion Program.* It is hereby determined that there will be no voluntary diversion program under the 1979-crop cotton program for the same reasons there will be no set-aside program.

4. *Limitation on Planted Acreage.* It is hereby determined that there will be no limitation on acreage planted to upland cotton in 1979. Since there is no set-aside requirement, there can be no planting limitation.

NOTE: An approved Final Impact Analysis is available from Charles V. Cunningham (ASCS), (202) 447-7873.

Signed at Washington, D.C., on January 26, 1979.

BOB BERGLAND,
Secretary.

[FR Doc. 79-3207 Filed 2-1-79; 8:45 am]

[3510-25-M]
[4510-28-M]

DEPARTMENT OF COMMERCE

Office of the Secretary

DEPARTMENT OF LABOR

Office of the Secretary

STEEL TRIPARTITE ADVISORY COMMITTEE

Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, the Secretary of Commerce and the Secretary of Labor have determined that the establishment of the Steel Tripartite Advisory Committee is in the public interest in connection with the performance of duties imposed on the Departments.

The Committee will advise the Secretary of Commerce and the Secretary of Labor on such international and domestic issues as trade and trade adjustment questions, taxes, environmental protection and controls, occupational safety and health regulations, and structural readjustments with respect to plant and labor. It will review data relating to those issues, propose potential remedies, and review other proposals and their impacts.

The Committee will consist of members appointed by the Secretary of Commerce and the Secretary of Labor with representation from companies and labor organizations in the basic steel industry and the U.S. Government.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, February 20, 1979.

Interested persons are invited to submit comments regarding the establishment of the Steel Tripartite Advisory Committee. Such comments, as well as any inquiries, may be addressed to Mr. A. M. Brueckmann, Director, Iron & Steel Div., Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4412, or Mr. David Mallino, Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20210, telephone (202) 523-9549.

Dated: November 14, 1978.

ELSA A. PORTER,
Assistant Secretary of Commerce for Administration.

Dated: November 22, 1978.

FRANCIS X. BURKHARDT,
Assistant Secretary of Labor for Labor-Management relations.

[FR Doc. 79-3937 Filed 2-1-79; 10:16 am]

[3510-07-M]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF RETAIL SALES AND INVENTORIES

Determination

In accordance with title 13, United States Code, sections 182, 224, and 225, and due notice of consideration having been published November 30, 1978 (43 FR 56086), I have determined that certain 1978 annual data for retail trade are needed to provide a sound statistical basis for the formation of policy by various governmental agencies, and that these data are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted each year since 1951 (except 1954). It provides on a comparable classification basis data covering 1977 and 1978 year-end inventories, and 1978 annual sales. These data are not publicly available on a timely basis from nongovernmental or other governmental sources.

Reports will be require only from a selected sample of retail firms operating retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from a sample or stores with probability of selection based on their sales size.

Report forms will be furnished to the firms covered by the survey and will be due 20 days after receipt. Copies of the forms are available on written request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting these data.

Dated: January 29, 1979.

MANUEL D. PLOTKIN,
Director, Bureau of the Census.

[FR Doc. 79-3628 Filed 2-1-79; 8:45 am]

[1505-01-M]

National Bureau of Standards

ROTATING MASS STORAGE SUBSYSTEMS

Proposed Federal Information Processing Standards

Correction

In FR Doc. 79-2275, appearing at page 4751 in the issue for Tuesday, January 23, 1979, on page 4751 in the second column, the first sentence in the *"Implementation"* paragraph should be corrected to read "The provisions of this standard are effected 120 days after date of publication of the approved standard in the FEDERAL REGISTER."

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[3510-22-M]

National Oceanic and Atmospheric Administration

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL, SURF CLAM ADVISORY SUBPANEL

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atantic Fishery Management Council was established by the Fishery Conservation and Management Act of 1976 (Public Law 94-265), and the Council has established the Surf Clam Advisory Subpanel that will meet to discuss the Surf Clam/Ocean Quahog Fishery Management Plan.

DATE: The meeting will convene on Friday, March 9, 1979, at 10:00 a.m. and adjourn at approximately 3:00 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Sheraton, Route 13, Dover, Delaware (302) 678-8500.

FOR FURTHER INFORMATION CONTACT:

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: January 30, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 79-3630 Filed 2-1-79; 8:45 am]

[6820-33-M]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1979

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1979 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: February 2, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On November 13, 1978 the Committee for Purchase from the Blind and Other Severely Handicapped published notice (43 FR 52510) of proposed addition to Procurement List 1979, November 15, 1978 (43 FR 53151).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1979:

CLASS 1730

Chock Assembly, Wheel
1730-00-163-8317
Painted
Unpainted
Codit Reflective
Reflective Tape

The above for all requirements for facilities located west of the Mississippi River and any requirements for facilities located east of the Mississippi River which are not furnished by Federal Prison Industries.

C. W. FLETCHER,
Executive Director.

[FR Doc. 79-3626 Filed 2-1-79; 8:45 am]

[3710-08-M]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY SCIENCE BOARD

Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of committee: Army Science Board.
Dates of meeting: February 6-7, 1979.
Place: Pentagon, Washington, DC (exact location can be determined by contacting LTC Sweeney at 202 697-9703).
Time: 0800 to 1700 hours, February 6-7, 1979 (Closed.)
Proposed agenda: The ASB Ballistic Missile Defense Standing Committee will hold classified discussions of briefings they have received on the threat and other issues and programs which relate to the defensive posture of the U.S. This meeting will be closed to the public in accordance with Section 552B(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

This notice is being published in less than the 15 day requirement prior to the committee meeting date as required by the Federal Advisory Committee Act. The reason the 15 day requirement was not met is a result of an oversight in the administrative processing of the notice within departmental headquarters.

Date: January 31, 1979.

By authority of the Secretary of the Army.

ROME D. SMYTH,
Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

[FR Doc. 79-3827 Filed 2-1-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

CONSERVATION AND SOLAR APPLICATIONS, FOOD INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Food Industry Advisory Committee will meet on Wednesday, February 21, 1979, from 9:00 a.m., until approximately 4:30 p.m., in the Regency Room, Sheraton-Palace Hotel, 639 Market Street, San Francisco, California.

The Committee was established to provide the Secretary of Energy with recommendations and advice with respect to the development and implementation of policies and programs affecting the food industry.

The tentative agenda is an follows:

9:00 am—Proposed UDSA Rulemaking on Essential Uses of Natural Gas, Dr. Weldon Barton.
9:45—Rechartering of the Food Industry Advisory Committee, Larry R. Kelso, DOE.
10:30—Presentations of Ongoing and Proposed DOE Development and Demonstration Projects in Food and Agriculture:
  10:30—Agrimod/ALINET, Alex Levis, Systems Control Corp.
  10:50—Energy Conservation in Canning, Paul Singh, University of California.
  11:10—Sugar Beet Prelimimg; Alfalfa Dehydration, Art Morgan, USDA Western Regional Reseach Center.
12:00 Noon—Lunch Break.
1:00 pm—Energy Efficiency in Irrigation, Dr. Bruce Cone, Battelle.
2:00—Waste Water Recovery, Richard Farrow, National Food Processor's Assn.
2:20—Old Committee Business.
2:45—New Committee Business.
3:30—Public Comment.

The meeting is open to the public. the Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his/her judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee concerning items on the agenda will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements concerning items on the agenda should inform Georgia Hildreth, Director, Advisory Committee Management, 202/252-5187, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000. Independence Avenue, SW, Washington, DC, between the hours of 8:00 am, and 4:30 pm. Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter. An Executive Summary of the meeting may be obtained by calling the Advisory Committee Management Office at the number above.

Issued at Washington, D.C., on January 30, 1979.

GEORGIA HILDRETH,
Director, Advisory Committee Management.

[FR Doc. 79-3930 Filed 2-1-79; 9:59 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[OPP—00087; FRL 1051-3]

STATE FIFRA ISSUES RESEARCH AND EVALUATION GROUP (SFIREG)

Working Committee on Certification; Open Meeting

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of Open Meeting.

SUMMARY: There will be a three-day meeting of the Working Committee on Certification of the State FIFRA Issues Research and Evaluation Group (SFIREG) on Monday through Wednesday, February 12-14, 1979, beginning at 8:30 a.m.

The meeting will be held at the Dunfey Dallas Hotel, Dallas, Texas, telephone (toll free): 800/228-2121. The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Mr. Ron Johnson, Maryland Department of Agriculture, Annapolis, Maryland, telephone: 301/269-2325 or Mr. Andrew Caraker, Office of Pesticide Programs (TS-770), Room M-2709, EPA, 401 M Street, S.W., Washington, D.C. 20460, telephone (202) 755-0356.

SUPPLEMENTARY INFORMATION: This is the second meeting of the Working Committee on Certification. The primary purpose of the meeting will be to develop program details for a national certification and training workshop to be held in Dallas in April. Representatives from the State Cooperative Extension Services are expected to participate in these discussions.

Other topics scheduled for discussion are:

1. Evaluation of funding guidance for State Lead Agencies;

2. Record keeping for recertification;

3. Additional items as appropriate.

Dated: January 30, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-3770 Filed 2-1-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1161]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

JANUARY 23, 1979.

Docket or RM No.	Rule No.	Subject	Date Rec'd
21402		American Telephone and Telegraph Company (Long Lines Department) Wide Area Telecommunications Service (WATS).	
		Filed by Edwin B. Spievack and James H. Johnson, Attorneys for Republic Distributors, Inc.	Jan. 12, 1979
		Filed by Jeremiah Courtney and Philips B. Patton, Attorneys for Ad Hoc Telecommunications Users Committee.	Jan. 12, 1979
		Filed by Arthur Scheiner and Richard H. Waysdorf, Attorneys for Aerospace Industries Association of America, Inc.	Jan. 12, 1979
		Filed by Richard M. Cahill and Richard McKenna for GTE Service Corporation and its affiliated domestic telephone companies.	Jan. 12, 1979
		Filed by Spence W. Perry and William H. Smith, Jr., Attorneys for the Administrator of General Services on Behalf of the Executive Agencies of the United States.	Jan. 16, 1979
		Filed by Michael D. Hess, Attorney for Committee Of Corporate Telephone Users.	Jan. 17, 1979
		Filed by Charles R. Cutler, John L. Bartlett and Donald R. Bustion, II, Attorneys for Aeronautical Radio, Inc., and by James E. Landry, Attorney for Air Transport Association of America.	Jan. 17, 1979
		Filed by Joseph M. Kittner and Lawrence J. Movshin, Attorneys for Tele-Communications Association.	Jan. 17, 1979
		Filed by George M. Shea, Vice President and Corporate Counsel and Ralph W. Christy and Emily M. Williams, Attorneys for National Data Corporation.	Jan. 17, 1979
		Filed by Wayne V. Black, Larry S. Solomon and Christine A. Meagher Attorneys, for Central Committee On Telecommunications Of The American Petroleum Institute.	Jan. 17, 1979

NOTE: Oppositions to Petitions for reconsideration must be filed on or before February 20, 1979. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 79-3703 Filed 2-1-31-79; 8:45 am]

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[6712-01-M]

TV BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: January 24, 1979.

Released: January 26, 1979.

Notice is hereby given, pursuant to § 1.572(c) of the Commission's rules, that on March 20, 1979, the TV broadcast applications listed in the attached Appendix below will be considered ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on March 19, 1979, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on March 19, 1979.

Any party in interest desiring to file pleadings concerning any pending TV broadcast application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the rules which specifies the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

BPCT-781006KE (NEW), Bloomington, Illinois, Grace Communications Corporation, Channel 43, ERP: Vis. 2095.2kW; HAAT: 1026.2 ft.

BPCT-781011KE (NEW), Bridgeport, Connecticut, Hi Ho Television Corporation, Channel 43, ERP: Vis. 1082kW(Max); HAAT: 702 ft.

BPCT-781016KE (NEW), Bridgeport, Connecticut, Bridgeways Communications Corporation, Channel 43, ERP: Vis. 794kW(Max); HAAT: 570 ft.

BPCT-781116KE (NEW), Macon, Georgia, Russell-Rowe Communications, Inc., Channel 24, ERP: Vis. 1280kW: HAAT: 802 ft.

BPCT-781206KE (NEW), Denver, Colorado, American Television and Communications Corporation, Channel 20, ERP: Vis. 902kW: HAAT: 1099 ft.

[FR Doc. 79-3702 Filed 2-1-79; 8:45 am]

[6712-01-M]

[SS Docket No. 79-5; File Nos. 3465/6/7-IB-109TV]

WHITMAN WHOLESALE NURSERIES, INC.

Memorandum Opinion and Order

Adopted: January 24, 1979.

Released: January 26, 1979.

In re applications of Whitman Wholesale Nurseries, Inc., 565 North Service Road, Dix Hills, New York 11746, for authorizations for new facilities in the Business Radio Service, SS Docket No. 79-5, File Nos. 3465/6/7-IB-109TV.

1. The Chief, Safety and Special Radio Services Bureau (the Bureau) has before him for consideration the above-captioned applications of Whitman Wholesale Nurseries, Inc. (Whitman) for authorization of new facilities in the Business Radio Service. Whitman's applications, filed October 13, 1978, propose operation on the frequency pair 472.1375/475.1375 MHz and would use a mobile relay station located at 270 Grand Central Parkway in the Borough of Queens, New York City.

2. Information before the Bureau indicates that Whitman has been operating unlicensed Business Radio Service facilities for a period of approximately two years. The unlicensed facilities discovered by the staff of the Commission's Field Operations Bureau on November 30, 1978, evidently had commenced operation about two weeks earlier using the frequency pair and the mobile relay station proposed in Whitman's applications. That mobile relay facility was provided to Whitman by Robert Nopper d/b/a Norcom, who also prepared and certified the accuracy of the technical portions of Whitman's applications. However, it appears that for approximately two years prior to use of the Nopper mobile relay station Whitman had operated without a license using a mobile relay station located elsewhere.

3. The information before the Bureau concerning Whitman's unlicensed operation raises serious questions as to whether Whitman possesses the requisite character qualifications or is sufficiently competent or shows sufficient interest with respect to the licensing and implementation of radio facilities to receive a grant of the authorizations which it here seeks. Because the Bureau cannot make the necessary finding, pursuant to Section 309(a) of the Communications Act of 1934, as amended, that a grant of the above-referenced applications would serve the public interest, convenience and necessity, the applications must, in accordance with Section 309(e) of the Act, be designated for hearing.

4. *Accordingly, it is ordered,* That in accordance with the provisions of Section 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309 (e)), the above-captioned applications of Whitman Wholesale Nurseries, Inc., File Nos. 3465/6/7-IB-109TV, for authorization of new facilities in the Business Radio Service are, pursuant to authority delegated in §§ 0.131(a) and 0.331 of the Commission's rules, designated for hearing, at a time and place to be specified at a later date, on the following issues:

(a) To determine whether Whitman Wholesale Nurseries, Inc. operated radio facilities in the Business Radio Service which were not licensed to it.

(b) To determine whether any unlicensed operation by Whitman Wholesale Nurseries, Inc. was knowing or willful.

(c) To determine, in light of the evidence adduced pursuant to issues (a) and (b) hereinabove, whether Whitman Wholesale Nurseries, Inc. possesses the requisite character qualifications to receive a grant of the applications which are the subject of this proceeding.

(d) To determine, in light of the evidence adduced pursuant to issues (a) and (b) hereinabove, whether Whitman Wholesale Nurseries, Inc. has exhibitied such lack of interest or carelessness concerning conduct of its affairs with respect to the licensing and implementation of radio facilities that it should not be entrusted with the radio authorizations which it is here seeking.

(e) To determine, in light of the evidence adduced pursuant to each of the foregoing issues, what disposition of the above-captioned applications of Whitman Wholesale Nurseries, Inc. will best serve the public interest, convenience and necessity.

5. *It is further ordered,* That Whitman Wholesale Nurseries, Inc. and the Chief, Safety and Special Radio Services Bureau are made parties in this proceeding.

6. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof are, pursuant to Section 309(e) of the Communications Act of 1934, as amended, and §§ 1.254 and 1.973(e) of the Commission's rules, upon Whitman Wholesale Nurseries, Inc. with respect to the issues set forth in paragraph 4 hereinabove.

7. *It is further ordered,* That each of the parties named in paragraph 5 hereinabove, in order to avail itself of the opportunity to be heard, shall within 20 days of the mailing of this notice of designation by the Secretary of the Commission, file with the Commission, in triplicate, a written notice of appearance that it will appear on the date fixed for hearing and present evidence on the issues specified in this Order, as prescribed in § 1.221 of the Commission's rules.

8. *It is further ordered,* That the Secretary of Commission shall serve a copy of this Order, by Certified Mail, Return Receipt Requested, upon Whitman Wholesale Nurseries, Inc. at the address furnished in its applications.

FEDERAL COMMUNICATIONS COMMISSION
CARLOS V. ROBERTS,
Chief, Safety and Special Radio Services Bureau.

[FR Doc. 79-3704 Filed 2-1-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggreived by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 23, 1979.

A. *Federal Reserve Bank of New York,* 33 Liberty Street, New York, New York 10045:

CITICORP, New York, New York (commercial lending and leasing activities; New Jersey): To engage, through its subsidiary, Citicorp (USA), Inc., in commercial lending activities for its own account (with the intention that Citibank, N.A., Citibank (New York State), N.A., and other commercial banks may participate in the loans); and leasing personal or real property or acting as agent, broker, or advisor in leasing such property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Iselin, New Jersey, and the geographic area to be served is New Jersey.

B. *Federal Reserve Bank of Cleveland,* 1455 East Sixth Street, Cleveland, Ohio 44101:

CENTRAN CORPORATION, Cleveland, Ohio (consumer finance and insurance activities; Virginia): To engage, through its subsidiaries, Major Finance Corporation of Alexandria and Major Mortgage Corporation, in making and acquiring consumer finance loans (including loans to individuals secured by second mortgages or deeds of trust on residential property); purchasing installment sales contracts; servicing loans; and selling as agent life, accident and health, fire, inland marine, and extended coverage insurance directly related to its extensions of credit. These activities would be conducted from an office in Norfolk, Virginia, and the geographic area to be served is within a radius of approximately 25 miles from that office.

C. *Federal Reserve Bank of Chicago,* 230 South LaSalle Street, Chicago, Illinois 60690:

1. BANKS OF IOWA, INC., Cedar Rapids, Iowa (data processing activities; Iowa): To engage, through its subsidiary, Banks of Iowa Computer Services, Inc., in providing bookkeeping or data processing services for the internal operations of its subsidiaries and other banking institutions, and storing and processing other banking, financial, or related economic data such as performing payroll, accounts receivable or payable, or billing services for other businesses. These activities would be conducted from an office in Davenport, Iowa, and the geographic area to be served is within a radius of 100 miles from that office.

2. CONTINENTAL ILLINOIS CORPORATION, Chicago, Illinois (financing and investment advisory activities national): To engage, through its subsidiary, Continental Illinois Equity Corporation, in making or acquiring secured and unsecured loans and other extensions of credit to or for business, governmental and other customers (excluding direct consumer lending), entities or projects; purchasing or acquiring receivables or chattel paper (including consumer receivables and paper); issuing letters of credit and accepting drafts; servicing loans and other extensions of credit; and providing portfolio investment and financial advice to others. These activities would be conducted from an office in Chicago, Illinois, and the geographic area to be served is national.

3. SJV CORPORATION, Elkhart, Indiana (finance and insurance activities; Indinia): To engage, through its subsidiary, St. Joseph Valley Finance Corp., in making or acquiring loans and other extensions of credit, including secured and unsecured consumer loans, such as would be made by a mortgage or finance company; and selling as agent life and accident and health insurance directly related to its extensions of credit. These activities would be conducted from an office in Merrillville, Indiana, and the geographic area to be served is Merriville, Indiana.

D. *Federal Reserve Bank of Kansas City,* 925 Grand Avenue, Kansas City, Missouri 64198:

1. NEW MEXICO BANCORPORATION, INC., Santa Fe, New Mexico (insurance activities; New Mexico): To act as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to extensions of credit by it or its subsidiary banks, and acting as agent or broker in the sale of any insurance for its subsidiary banks. These activities would be conducted from the main offices of Applicant's subsidiary banks in Santa Fe, Albuquerque, and Taos, New Mexico, and the geographic areas to be served are the Santa Fe, Albuquerque, and Taos, New Mexico Metropolitan areas.

2. SURVCO BANCORP., INC., Sugar Creek, Missouri (insurance activities; Missouri): To act as agent for the sale of property insurance directly related to extensions of credit by its subsidiary bank. These activities would be conducted from the subsidiary bank's office in Sugar Creek, Missouri, and the geographic areas to be served are Sugar Creek, Independence, and eastern Kansas City, Missouri.

E. *Federal Reserve Bank of San Francisco,* 400 Sansome Street, San Francisco, California 94120:

1. BANKAMERICA CORPORATION, San Francisco, California (insurance activities; national): To act, through its subsidiary, BA Insurance Agency, Inc., as agent or broker for the sale of credit-related property and casualty insurance, including insurance protecting 1-4 family residences securing loans made or acquired by, and personal property securing extensions of credit made by, Applicant's subsidiaries, from physical damage or loss, and liability and other insurance sold in conjunction therewith as a matter of general practice; insurance

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protecting collateral (both real and personal) securing construction loans made by Applicant's subsidiaries, from physical damage or loss, and related surety and liability insurance sold in conjunction therewith as a matter of general practice; insurance protecting property leased to customers of Applicant's subsidiaries; insurance protecting Bank of America NT&SA and its subsidiaries from any type of loss or liability; and insurance protecting properties held in trust from physical damage or loss, and liability insurance sold in conjunction therewith as a matter of general practice. These activities would be conducted from offices in Allentown, Pennsylvania; Dallas, Texas; San Francisco, California; and Minneapolis, Minnesota, and the geographic area to be served is national.

2. WELLS FARGO & COMPANY, San Francisco, California (financing, leasing, investment advisory, and data processing activities; Minnesota, North and South Dakota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan): To engage, through its subsidiary, Wells Fargo Realty Advisors, in making, acquiring, and servicing real estate related loans and other extensions of credit; acting as investment advisor to Wells Fargo Mortgage and Equity Trust, other affiliates of Applicant, and other investors with respect to real estate investment portfolios; providing full payout leasing of real property and acting as agent, broker, or advisor in arranging such leases in accordance with the Board's Regulation Y; and providing bookkeeping or data processing services related to real estate investments of Applicant or its affiliates. These activities would be conducted from an office located in Minneapolis, Minnesota, and the geographic areas to be served are Minnesota, North Dakota, South Dakota, Iowa, Missouri, Wisconsin, Illinois, Indiana, and Michigan.

F. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 26, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

FR Doc. 79-3625 Filed 2-1-79; 8:45 am]

[6210-01-M]

[Docket No. R-0197]

FINANCIAL PRIVACY ACT

Proposed Statement of Customer Rights

AGENCY: The Board of Governors of the Federal Reserve System.

ACTION: Proposed Statement of Customer Rights under the "Right to Financial Privacy Act of 1978".

SUMMARY: This Proposed Statement sets forth rights that customers of financial institutions have under the "Right to Financial Privacy Act of 1978." (Public Law 95-630.) This proposal is being issued in implementation of section 1104(d) of the Act, which requires the Board to prepare a model Statement of customer's financial privacy rights. The Act also requires financial institutions to notify customers of their financial privacy rights, and if these institutions use the Board's Statement for that purpose they will be deemed to be in compliance with the Act's requirement.

The Board is not required to publish notice or to solicit public comments about this proposal, but has chosen to do so because it believes that public comments will aid the Board in its consideration of the Proposed Statement. Interested persons are therefore invited to submit relevant data, views or comments. Any such materials should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and must be received by February 16, 1979. All material submitted should include the Docket No. R-0197. All materials received will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a).)

DATE: Comments must be received by February 16, 1979.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the Docket Number R-0197.

FOR FURTHER INFORMATION CONTACT:

Anne J. Geary, (202-452-2761), Division of Consumer Affairs, or Mary-Ellen A. Brown, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Publication of this Proposed Statement was delayed pending further action on legislative initiatives to limit the applicability of section 1104(d) of the Right to Financial Privacy Act, Pub. L. 95-630. First, on January 10, 1979, the Board acting on a resolution from its Consumer Advisory Council, voted to transmit to the Congress a recommended amendment to section 1104(d) that would require financial institutions to give a customer the statement of financial privacy rights at the time a Federal agency sought to have access to the customer's records. Following the Board's action, members and staff of Congressional committees stated publicly an intention to limit applicability of section 1104(d) by means of amendment or amendments that would be introduced in the 96th Congress. Then, on January 16, 1979, Senator Proxmire introduced S. 37 which would repeal section 1104(d). Other amendments to section 1104(d) may also be forthcoming, but none have been introduced as yet, and there has been no further action in Congress.

The Board's Proposed Statement follows:

PROPOSED STATEMENT OF CUSTOMER RIGHTS UNDER THE FINANCIAL PRIVACY ACT

Federal law protects the privacy of your financial records. Before banks, credit unions, credit card issuers or other financial institutions may give financial information about you to a Federal agency, certain procedures must be followed.

CONSENT TO RELEASE OF FINANCIAL RECORDS

You may be asked to consent to make your financial records available to the Government. You may withhold your consent, and your consent is not required as a condition of doing business with any financial institution.

WITHOUT YOUR CONSENT

Without your consent, a Federal agency that wants to see your financial records may do so ordinarily only by means of a lawful subpoena, summons, formal written request, or search warrant for that purpose.

Generally, the Federal agency must give you advance notice, explaining why the information is being sought and telling you how to object in court. The Federal agency must also send you copies of court documents to be prepared by you with instructions for filling them out.

EXCEPTIONS

In some circumstances, a Federal agency may obtain financial information about you without advance notice or your consent. For example, information may be released: When authorized by the Internal Revenue Code; when required by law to be reported; when there has been a possible violation of Federal law; when required by a Federal loan program (however, you have the right to ask which agency(ies) obtained this loan information about you and when).

TRANSFER OF INFORMATION

Generally, a Federal agency must tell you if any records obtained from a financial institution are transferred to another Federal agency.

PENALTIES

If a Federal agency or financial institution violates the Financial Privacy Act, you may sue for damages or to seek compliance with the law. If you win, you may be repaid your attorney's fees and costs.

ADDITIONAL INFORMATION

If you have any questions about your rights under this law, or about how to consent to release your financial records, please call (*phone number of financial institution's office that answers customer privacy questions.*)

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Board of Governors of the Federal Reserve System, January 26, 1979.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 79-3623 Filed 2-1-79; 8:45 am]

[6210-01-M]

IMPROVING GOVERNMENT REGULATIONS

Notice of Semi-Annual Agenda of Regulations

The Board of Governors of the Federal Reserve System anticipates having under consideration the following regulatory matters during the period from February 1 through August 1, 1979. Supplements to the agenda may be published if necessary.

A. REGULATORY ACTIONS RESULTING FROM RECENT LEGISLATION, OR FROM REGULATORY DECISIONS OF OTHER FEDERAL AGENCIES

1. REGULATION: REGULATIONS D (RESERVES OF MEMBER BANKS) AND M (FOREIGN ACTIVITIES OF NATIONAL BANKS)

ANTICIPATED ACTION: New legislation provides for the imposition of reserve requirements on the liabilities of U.S. branches and agencies of foreign banks. U.S. branches and agencies of foreign banks have been growing very rapidly in the United States, extending an increasing proportion of bank credit in U.S. financial markets. The Board will be considering the applicability of Regulations D and M to these institutions and plans to publish for public comment amendments to these regulations.

AUTHORITY: International Banking Act, 12 U.S.C. 3105.

STAFF CONTACT: Edward C. Ettin, Deputy Staff Director, Office of Staff Director for Monetary and Financial Policy (202-452-3762).

2. REGULATION: E (ELECTRONIC FUND TRANSFERS)*

ANTICIPATED ACTION: In December 1978, the Board issued for public comment proposed regulations to implement two sections of the Electronic Fund Transfer Act. These sections, which become effective on February 3, 1979, establish limits on the consumer's liability for unauthorized transfers which occur after loss, theft or unauthorized use of an EFT card, and provide a partial ban on the unsolicited issuance of EFT access devices (43 FR 60933, December 29, 1978). The Board will review the comments received on the draft regulations and take final action on the proposal.

Proposed regulations as required for other sections of the Act that go into effect in May 1980 will be issued later.

AUTHORITY: Financial Institutions Regulatory and Interest Rate Control Act of 1978, Public Law 95-630, Title XX, Section 904.

* The original Regulation E, Purchase of Warrants, has been rescinded.

STAFF CONTACT: Anne J. Geary, Assistant Director, Division of Consumer Affairs, (202-452-2761); Dolores S. Smith, Section Chief, Division of Consumer Affairs, (202-452-2412).

3. REGULATION: F (SECURITIES OF MEMBER STATE BANKS)

ANTICIPATED ACTION: The Board will consider issuing for public comment proposed amendments to certain portions of Regulation F concerning:

(a) confidential treatment for preliminary proxy materials;

(b) proposals by securities holders;

(c) dissemination of proxy materials to beneficial owners of registered securities;

(d) tender offer statements;

(e) consolidation and revision of several items, including current quarterly and annual reports;

(f) stock appreciation rights.

These changes are required to make the Board's Regulation F substantially similar to regulations of the Securities and Exchange Commission.

AUTHORITY: Securities Exchange Act of 1934, 15 U.S.C. 78(l).

STAFF CONTACT: Richard M. Whiting, Attorney, Legal Division, (202-452-3786); Thomas A. Sidman, Assistant Director, Division of Banking Supervision and Regulation (202-452-3503).

4. REGULATION: H (MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM)

ANTICIPATED ACTION: The Board will consider issuing for public comment an amendment to Regulation H to implement section 28(e) of the Securities Exchange Act of 1934 which requires any person (including a bank) which exercises investment discretion with respect to an account to disclose his policies and practices with respect to commissions that will be paid for effecting securities transactions. The amendment would prescribe the manner and frequency of making such disclosures by State member banks. Similar regulations are expected to be considered by the Comptroller of the Currency, the Federal Deposit Insurance Corporation and the Securities and exchange Commission.

AUTHORITY: Securities Exchange Act of 1934, 15 U.S.C. 78bh(e)(2).

STAFF CONTACT: Robert S. Plotkin, Assistant Director, Division of Banking Supervision and Regulation, (202-452-2782); Robert A. Wallgren, Chief, Trust Activities Program, Division of Banking Supervision and Regulation, (202-452-2717).

5. REGULATION: O (LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS)

ANTICIPATED ACTION: In December 1978, the Board published for comment proposed amendments to regulation O, which governs loans by a member bank to its executive officers, to implement certain additional requirments imposed on loans by member banks to certain persons under the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (44 FR 893, January 3, 1979). The additional requirements relate to loans by a member bank to executive officers, directors and principal shareholders of the member bank and of its holding company affiliates. The requirements are also applicable to companies and political or campaign committees controlled by such insiders. The Board will review the comments received on the draft amendments and take final action on the proposal.

AUTHORITY: Financial Institutions Regulatory and Interest Rate Coantrol Act of 1978, Public Law 95-630, Title I, Section 104.

STAFF CONTACT: Robert S. Plotkin, Assistant Director, Division of Banking Supervision and Regulation (202-452-2782); Michael Bleier, Senior Attorney, Legal Division (202-452-3721).

6. REGULATION: Y (BANK HOLDING COMPANIES)

ANTICIPATED ACTION: The Board has adopted a policy statement and regulations, effective March 10, 1979, to implement recent legislation which gives the Federal banking agencies authority to disapprove changes in control of insured banks and bank holding companies. The Change in Bank Control Act requires any person seeking to acquire control of any insured bank or bank holding company to provide 60 days' prior written notice to the appropriate Federal banking agency and provides criteria under which the agencies may disapprove the transaction. The policy statement describes the Act's requirements, outlines several procedures for compliance, and clarifies the most significant points of difficulty in the Act. Amendments to Regulation Y clarify which persons need to file notice. The Regulation has also been amended to modify the information requirements that are set forth in the Act. Normally such proposals would be issued for public comment prior to being adopted, but in this case the March 10, 1979 effective date of the Act does not permit sufficient time to do so. The Board has, however, invited public comment on the final regulation and is prepared to alter it if necessary.

AUTHORITY: Financial Institutions Regulatory and Interest Rate Control Act of 1978, Public Law 95-630, Title VI, Section 602.

STAFF CONTACT: James McAfee, Senior Attorney, Legal Division (202-452-3707); Jack M. Egertson, Assistant Director, Division of Banking Supervision and Regulation (202-452-3408).

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7. REGULATION: AA (UNFAIR OR DECEPTIVE ACTS AND PRACTICES)

ANTICIPATED ACTION: The Board is required by the Federal Trade Commission Act to adopt substantially similar trade regulation rules applicable to banks to those adopted by the FTC with regard to other creditors. The Board will consider issuing for public comment a new proposal to adopt a rule governing the preservation of consumers' claims and defenses (commonly known as the "creditor holder in due course rule"). The rule was originally proposed by the Board on February 17, 1976 (41 FR 7110, February 17, 1976) before Regulation AA was adopted; the Board will consider the revised proposal as an amendment to Regulation AA. This proposal would require the insertion in certain credit contracts of a notice preserving a consumer's claims and defenses against a seller of goods or services against all holders of the contract. It is expected that the FTC will adopt its creditor rule in final form on or about March 1, 1979.

AUTHORITY: Federal Trade Commission Act, 15 U.S.C. 18f.

STAFF CONTACT: Lynne B. Barr, Senior Attorney, Division of Consumer Affairs (202-452-2412).

8. REGULATION: LL (MANAGEMENT OFFICIAL INTERLOCKS)

ANTICIPATED ACTION: The Board, with the other Federal financial regulatory agencies, has issued jointly for public comment proposed regulations to implement recent legislation that prohibits a management official of a depository institution from serving at the same time as a management official of any other depository institution. The Financial Institutions Regulatory and Interest Rate Control Act provides for regulations to implement the Act, as well as for exceptions by regulation for certain interlocking relationships that would otherwise be prohibited under the Act. The Board will review any comments received on the proposed amendments and take final action on the proposal.

AUTHORITY: Financial Insitutions Regulatory and Interest Rate Control Act of 1978, Public Law 95-630, Title II, Section 209.

STAFF CONTACT: Paul Allan Schott, Senior Attorney, Legal Division (202-452-3779); John L. Walker, Attorney, Legal Division (202-452-2418).

9. REGULATION: PROPOSAL TO BE MADE PART OF A NEW BOARD REGULATION TO COVER INTERNATIONAL BANKING OPERATIONS (SEE ENTRY C. 10 BELOW)

ANTICIPATED ACTION: Under the International Banking Act (IBA), the Board will issue for public comment proposals relating to (a) activities of foreign bank holding companies and (b) criteria for selection of "home State" by foreign banks with U.S. offices. The IBA subjects foreign banks with U.S. banking offices to the Bank Holding Company Act. Provisions of the Act provide an exemption from the nonbanking prohibitions of the Bank Holding Company Act for certain qualifying foreign banks. The scope of that exemption will be determined by Board regulation. The IBA also provides for the determination of a foreign bank's "home State." Criteria for determining a foreign bank's home State and procedures for changing the home State once it is determined require a Board regulation.

AUTHORITY: International Banking Act, 12 U.S.C. 611a, 3106, and 3108. Bank Holding Company Act, 12 U.S.C. 1844.

STAFF CONTACT: C. K. Hurley, Jr., Senior Attorney, Legal Division, (202-452-3269).

10. REGULATION: INITIATIVES REQUIRED UNDER TITLES VIII (CORRESPONDENT ACCOUNTS) AND IX (DISCLOSURE OF MATERIAL FACTS) OF THE FINANCIAL INSTITUTIONS REGULATORY AND INTEREST RATE CONTROL ACT

ANTICIPATED ACTION: The Board will issue for public comment a policy statement which will provide information on implementing procedures in connection with the prohibitions pertaining to insider loans involving correspondent banking relationships under Title VIII, and reporting requirements contained in Title IX which relate to loans of insiders at their own banks. There are no plans for a new regulation.

STAFF CONTACT: N. Edwin Demoney, Jr., Section Manager, Division of Banking Supervision and Regulation, (202-452-2434).

11. REGULATION: STATEMENT OF CUSTOMER RIGHTS REQUIRED UNDER TITLE XI (RIGHT TO FINANCIAL PRIVACY) OF THE FINANCIAL INSTITUTIONS REGULATORY AND INTEREST RATE CONTROL ACT

ANTICIPATED ACTION: The Board has issued for public comment a Statement of Customer's Rights as provided for in the right to Financial Privacy Act. All financial institutions, as that term is defined by the Act, are required to notify all customers of their new financial privacy rights, and if these institutions use the Board's statement for that purpose, they will be "deemed to be in compliance" with the new law. The Board will review the comments received on the draft Statement and will take final action on the proposal.

AUTHORITY: Financial Institutions Regulatory and Interest Rate Control Act of 1978, Public Law 95-630, Title XI, Section 1104(d).

STAFF CONTACT: MaryEllen A. Brown, Senior Attorney, Legal Division, (202-452-3608).

12. REGULATION: RULE WRITING REQUIRED UNDER TITLE XI (RIGHT TO FINANCIAL PRIVACY) OF THE FINANCIAL INSTITUTIONS REGULATORY AND INTEREST RATE CONTROL ACT

ANTICIPATED ACTION: The Board will issue for public comment proposed new regulations to implement Title XI which provides for reimbursement to financial institutions for reasonably necessary and direct costs incurred in providing customers' financial records to Federal agencies. The regulation will establish the rates and conditions for reimbursement to financial institutions including banks, savings banks, credit card issuers, industrial loan companies, trust companies, savings and loan associations, building and loan associations, homestead associations, cooperative banks, credit unions, and consumer finance companies.

AUTHORITY: Financial Institutions Regulatory and Interest Rate Control Act, Public Law 95-630, Title XI, Section 1115.

STAFF CONTACT: MaryEllen A. Brown, Senior Attorney, Legal Division, (202-452-3608).

B. ACTIONS INTENDED TO REDUCE REGULATORY BURDEN OR TO CLARIFY EXISTING REGULATIONS

1. REGULATION: B (EQUAL CREDIT OPPORTUNITY)

ANTICIPATED ACTION: In July 1978, the five Federal financial regulatory agencies—Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, National Credit Union Administration, and the Federal Reserve Board—issued for public comment proposed uniform guidelines for enforcement of the Equal Credit Opportunity and Fair Housing Acts (43 FR 29256, July 6, 1978). The guidelines specify the kind of corrective action a creditor will be required to take for violations of the more substantive provisions of Equal Credit Opportunity Act (Regulation B) and the Fair Housing Act. Each of the agencies has authority to require correction of violations, both prospectively and retrospectively. The agencies will review the comments received on the draft guidelines and take final action on the proposals.

AUTHORITY: Equal Credit Opportunity Act, 15 U.S.C. 1691. *et seq.* Federal Deposit Insurance Act, 12 U.S.C. 1818(b).

STAFF CONTACT: Jerauld C. Kluckman, Associate Director, Division of Consumer Affairs, (202-452-3401).

2. REGULATION: Z (TRUTH IN LENDING)

ANTICIPATED ACTION: In January 1979, the Board issued for public comment a wide range of questions bearing on disclosure to borrowers of the annual percentage rate (APR) required by the Truth in Lending Act and its implementing Regulation Z (44 FR 1103, January 4, 1979). The Board is reviewing the existing provisions in order to ascertain what changes, if any, may be necessary to provide greater uniformity and simplicity in the determination of the APR. Specific regulatory changes resulting from this review will be proposed for comment at a later date.

AUTHORITY: Truth in Lending Act, 15 U.S.C. 1604 and 1606.

STAFF CONTACT: Dolores S. Smith, Section Chief, Division of Consumer Affairs, (202-452-2412).

3. REGULATION: Z (TRUTH IN LENDING)

ANTICIPATED ACTION: In August 1978, the Board issued for public comment a proposed interpretation of Regulation Z regarding an interest reduction on a time deposit used to secure a loan (43 FR 38849, August 31, 1978). Under Regulation Q, Interest on Deposits, the interest rate on a loan secured by a deposit must be at least 1% above the interest rate paid on the deposit. Where a state usury ceiling makes it necessary for a creditor to lower the interest on the deposit in order to maintain the rate differential required by Regulation Q, the proposed interpretation will require disclosure of the reduction, but the amount need not be included as part of the "finance charge." The Board will review the comments received on the draft interpretation and take final action on the proposals.

AUTHORITY: Truth in Lending Act, 15 U.S.C. 1064.

STAFF CONTACT: Dolores S. Smith, Section Chief, Division of Consumer Affairs, (202-452-2412).

4. REGULATION: RULES OF PRACTICE FOR FORMAL HEARINGS

ANTICIPATED ACTION: The Board will consider revising its Rules of Procedure for Formal Hearings to simplify and clarify the rules applicable to formal administrative hearings conducted pursuant to section 554 of the Administrative Procedure Act. The proposed revision of the Rules will also expand the coverage of the Rules to cover administrative proceedings required by certain provisions of the Financial Institutions Regulatory and interest Rate Control Act of 1978 (FIRA). In particular, procedures will be established governing the imposition of civil money penalties authorized by FIRA for violations of provisions of the Federal Reserve Act, Bank Holding Company Act, and certain other statutes administered by the Board. Procedures will also be established governing cease and desist, removal, and suspension actions under the amendments made by FIRA to the Financial Institution Supervisory Act, 12 U.S.C. 1818(b) *et seq.* Pursuant to the authority of 5 U.S.C. 553, it is not anticipated that these proposals will be issued for public comment.

AUTHORITY: Federal Reserve Act, 12 U.S.C. 248(i).

STAFF CONTACT: J. Virgil Mattingly, Jr., Senior Attorney, Legal Division, (202-452-3430); Mary E. Curtin, Senior Attorney, Division of Banking Supervision and Regulation, (202-452-2600).

5. REGULATORY IMPROVEMENT PROJECT

ANTICIPATED ACTION: The Board's Regulatory Improvement Project involves, among other things, a substantive, zero-base review of all Federal Reserve regulations that affect the public to determine (1) the fundamental objectives of the regulation and the extent to which it is meeting current policy goals, (2) nonregulatory alternatives that would accomplish the objectives, (3) costs and benefits of the regulation, (4) unnecessary burdens imposed by the regulation, and (5) the clarity of the regulation. Work on all of the Federal Reserve regulations with letter designations is under way—with the exception of Regulation C (Home Mortgage Disclosure) and E (Purchase of Warrants) for which reviews are complete. Over the next six months, proposals likely to be considered by the Board will include, but are not necessarily limited to: Regulation F (Securities of Member State Banks), H (Membership of State Banking Institutions in the Federal Reserve System), I (Issue and Cancellation of Capital Stock of Federal Reserve Banks), J (Collection of Checks and Other Items by Federal Reserve Banks), K (Corporations Engaged in Foreign Banking and Financing Under the Federal Reserve Act), L (Interlocking Bank Relationships Under the Clayton Act), M (Foreign Activities of National Banks), N (Relations with Foreign Banks and Bankers), O (Loans to Executive Officers of Member Banks), P (Minimum Security Device and Procedures for Federal Reserve Banks and State Member Banks), R (Relationships with Dealers in Securities Under Section 32 of the Banking Act of 1933), S (Bank Service Arrangements), V (Loan Guarantees for Defense Production), and Y (Bank Holding Companies). Requests for public comment on proposals concerning many of these regulations will be made over the coming six months.

STAFF CONTACT: Richard H. Puckett, Manager, Regulatory Improvement Project, (202-452-3743).

C. OTHER REGULATORY ACTIVITY

1. REGULATION: B (EQUAL CREDIT OPPORTUNITY)

ANTICIPATED ACTION: In October 1978, the Board issued for public comment three amendments to broaden the scope of Regulation B: (1) arrangers of credit would be covered by the regulation; (2) certain commercial credit transactions would be subject to record keeping and notification requirements; and (3) the general bar against asking an applicant's marital status would be made applicable to business credit transactions (43 FR 49987, October 26, 1978). These proposals are made in response to recommendations from the staff of the Federal Trade Commission and the President's Task Force on Women Business Owners. The Board will review the comments received on the draft amendments and take final action on the proposals.

AUTHORITY: Equal Credit Opportunity Act, 15 U.S.C. 1691, *et seq.*

STAFF CONTACT: Dolores S. Smith, Section Chief, Division of Consumer Affairs (202-452-24120); Robert C. Plows, Section Chief, Division of Consumer Affairs (202-452-3667).

2. REGULATION: H (MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM)

ANTICIPATED ACTION: In April 1977, the Board issued for public comment a proposal to amend Regulation H to prohibit State member banks from purchasing loans on improved real estate or mobile homes located in flood hazard areas if the property is not covered by flood insurance (42 FR 20815, April 22, 1977). This proposal implements the Flood Disaster Protection Act which requires flood insurance on real estate located in flood hazard areas as a condition of obtaining a loan from a member bank. The Board will review the comments received on the draft amendments and take final action on the proposal.

AUTHORITY: Flood Disaster Protection Act, 42 U.S.C. 4012a(b) and 4128.

STAFF CONTACT: John L. Walker, Attorney, Legal Division (202-452-2418).

3. REGULATION: H (MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM)

ANTICIPATED ACTION: In January and October 1978, the Board issued for public comment proposed amendments to require that State member banks that effect certain securities transactions for customers

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provide confirmations of and maintain records with respect to such transactions (43 FR 5006, February 7, 1978 and 43 FR 50914, November 1, 1978). Similar proposals were also published for comment by the Comptroller of the Currency and the Federal Deposit Insurance Corporation. These proposals were made subsequent to a study by the Securities and Exchange Commission on bank securities activities and respond to recommendations in the SEC report. The Board will review the comments received on the draft amendments and take final action on the proposals.

AUTHORITY: Federal Reserve Act, 12 U.S.C. 248 (a) and (i), and 321. Federal Deposit Insurance Act, 12 U.S.C. 1818(b).

STAFF CONTACT: Robert S. Plotkin, Assistant Director, Division of Banking Supervision and Regulation (202-452-2782); Robert A. Wallgren, Chief, Trust Activities Program, Division of Banking Supervision and Regulation (202-452-2717).

4. REGULATION: J (COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS)

ANTICIPATED ACTION: In January 1976, the Board issued for public comment proposals to amend Regulation J to deal with clearing and settlement of wire transfers and payment instructions recorded on magnetic tape (41 FR 3097, January 21, 1976). On June 16, 1977, the Board adopted Subpart B of Regulation J dealing with wire transfer operations only, and determined to adopt amendments regarding automated clearing house (ACH) operations at a later date (Subpart C of Regulation J).

The purpose of proposed Subpart C will be to set forth a system of rights and responsibilities governing the receipt and use of Federal Reserve electronic clearing and settlement services through automated clearing houses. At the present time individual agreements are in place with each of the 32 automated clearing house associations. This proposal is needed in view of the continuing increase in the volume of ACH transactions and the benefits that would be derived from the establishment of a uniform set of rules and responsibilities applicable to all participants in Federal Reserve ACH operations. It is anticipated that the Board will issue a *revised* proposal for public comment before taking any final action.

AUTHORITY: Federal Reserve Act, 12 U.S.C. 248 (i)(j) and (o), 342 and 360.

STAFF CONTACT: Lee S. Adams, Attorney, Legal Division (202-452-3594).

5. REGULATION: J (COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS)

ANTICIPATED ACTION: The Board will consider issuing for public comment an amendment to Regulation J dealing with the treatment by Federal Reserve Banks in their check collection procedures of payment instruments that are not payable on demand. This proposal will be considered in view of a recent court case in the State of Pennsylvania where State-chartered savings banks are authorized to issue to their depositors noninterest bearing negotiable orders of withdrawal (NINOWs). The Pennsylvania Superior Court recently determined that these instruments are not payable on demand, and thus Regulation J needs to be amended if Reserve Banks are to continue to collect these as cash items.

AUTHORITY: Federal Reserve Act, 12 U.S.C. 248(i), 248(o), 342, and 360.

STAFF CONTACT: Lee S. Adams, Attorney, Legal Division (202-452-3594).

6. REGULATION: Q (INTEREST ON DEPOSITS) OR AA (UNFAIR OR DECEPTIVE ACTS AND PRACTICES)

ANTICIPATED ACTION: The Board will consider issuing for public comment an amendment to its Regulations Q or AA to require member and nonmember banks to make certain additional disclosures to depositors concerning savings and time deposit account. It is anticipated that the required disclosures, if proposed, would relate to the rate at and manner in which interest is computed and paid, service charges that may be imposed, and withdrawal restrictions. This initiative is in response to consumer surveys and consumer complaints alleging unfairness concerning certain practices engaged in by banks with regard to disclosure of terms relating to interest on deposits.

AUTHORITY: Federal Reserve Act, 12 U.S.C. 371b. Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

STAFF CONTACT: Gilbert Schwartz, Senior Attorney, Legal Division (202-452-3623); Dolores S. Smith, Section Chief, Division of Consumer Affairs (202-452-2412).

7. REGULATION: Q (INTEREST ON DEPOSITS)

ANTICIPATED ACTION: The Board has been asked by several Members of the Congress to consider termination of a restriction contained in section 217.6(i) of Regulation Q which generally limits advertising and solicitation of NOW accounts to states in which Federal law authorizes the issuance of such accounts. Proponents urge this action based on recent action by the Board and the Federal Deposit Insurance Corporation authorizing commercial banks to offer automatic transfer accounts. This proposal will be considered by the Board in the near future.

AUTHORITY: Federal Reserve Act, 12 U.S.C. 371b.

STAFF CONTACT: Anthony F. Cole, Attorney, Legal Divsion, (202-452-3711).

8. REGULATION: Y (BANK HOLDING COMPANIES)

ANTICIPATED ACTION: In February 1978, the Board issued for public comment a proposed amendment to Regulation Y that would permit bank holding companies and their nonbank subsidiaries to sell, at retail, money orders and similar instruments, travelers checks, U.S. Savings Bonds and consumer-oriented financial management courses (43 FR 7440, February 23, 1978). The proposal was initiated in connection with an application by Citicorp, a New York bank holding company, to engage in such activities in Utah pursuant to section 4(c)(8) of the Bank Holding Company Act. The Board will review the comments received on the draft amendment and take final action on the proposal.

AUTHORITY: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

STAFF CONTACT: James McAfee, Senior Attorney, Legal Division, (202-452-3707).

9. REGULATION: Y (BANK HOLDING COMPANIES)

ANTICIPATED ACTION: In March and May 1978, the Board issued for public comment proposals to amend its Regulation Y relating to permissible insurance activities for bank holding companies (43 FR 14970, April 10, 1978 and 43 FR 23588, May 31, 1978). These proposals would conform the regulation with a recent federal court decision, *Alabama Association of Insurance Agents v. Board of Governors of the Federal Reserve System*, 553 F.2d 224 (5th Cir. 1976), rehearing denied, 558 F.2d 729 (1977), *cert.* denied 435 U.S. 904 (1978). The Board will review the comments received on the draft amendments and take final action on the proposals.

AUTHORITY: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

STAFF CONTACT: Richard M. Whiting, Attorney, Legal Division, (202-454-3786).

10. REGULATIONS: CONSOLIDATION AND REVISION OF THE BOARD'S INTERNATIONAL BANKING REGULATIONS: REGULATION K (CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT), REGULATION M (FOREIGN ACTIVITIES OF NATIONAL BANKS), AND PARTS OF REGULATION Y (BANK HOLDING COMPANIES)

ANTICIPATED ACTION: The Board's international banking regulations will likely be revised to account for the changes that have taken place in international banking in recent years. Existing Regulation K governing Edge Corporations is expected to be revised substantially in accordance with the International Banking Act. The proposed consolidated regulation would apply, in addition to Edge Corporations, to the foreign branches and investments of member banks, foreign investments by domestic bank holding companies, and the activities of foreign banks and foreign bank holding companies. The Board would issue the proposal for public comment.

AUTHORITY: International Banking Act, 12 U.S.C. 611a and 3108. Federal Reserve Act, 12 U.S.C., 601 and 615. Bank Holding Company Act, 12 U.S.C. 601 and 615. Bank Holding Company Act, 12 U.S.C. 1844.

STAFF CONTACT: C. K. Hurley, Jr., Senior Attorney, Legal Division, (202-452-3269).

Comments on this agenda should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Board of Governors of the Federal Reserve System, January 26, 1979.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 79-3483 Filed 2-1-79; 8:45 am]

[6820-27-M]

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register

NATIONAL FIRE CODES

Proposed Revision of Standards

AGENCY: Office of the Federal Register, GSA.

ACTION: Request for comments and proposals.

SUMMARY: The National Fire Protection Association (NFPA) proposes to revise its fire safety standards. The Office of the Federal Register (OFR), as a service to the public, requests public comment on revisions proposed by NFPA technical committees. The OFR also requests proposals from the public to amend existing NFPA standards. The purpose of these requests is to increase public participation in the system used by NFPA to develop its fire safety standards.

DATES: Comments on the technical committee proposals are due on or before April 6, 1979. Proposals from the public to amend existing NFPA standards are due on or before the dates listed in Supplementary Information—Request for Proposals.

ADDRESS: Send comments and proposals to the Assistant Vice President for Standards, 470 Atlantic Avenue, Boston, Mass. 02210. Copies of the 1979 Annual Technical Committee Reports are available from the NFPA Publications Department at the above address. The reports are available for public inspection at the Office of the Federal Register library, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Ann Stevens, 202-523-4534.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The National Fire Protection Association (NFPA) develops fire safety standards which are known collectively as the National Fire Codes. Federal agencies frequently use these standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register (OFR) approves the incorporation by reference of these standards under 5 USC 552(a) and 1 CFR Part 51.

REQUEST FOR COMMENTS

Revisions of existing fire safety standards and adoption of new standards are reported by the technical committees at the NFPA's Fall Meeting in November or at the Annual Meeting in May of each year. The NFPA invites public comment on its Technical Committee Report.

Action at the NFPA Fall Meeting in November, 1979 is being proposed on the NFPA standards listed below:

No.	Title	Action Proposed
15	Water Spray Fixed Systems	O-P
32	Drycleaning Plants	O-P
34	Finishing Processes	O-C
50	Bulk Oxygen Systems at Consumer Sites	O-P
51A	Acetylene Cylinder Charging Plants	O-P
59A	Liquefied Natural Gas	O-P
72A	Local Protective Signaling Systems	O-P
72B	Auxiliary Protective Signaling Systems	O-P
72D	Proprietary Protective Signaling Systems	O-C
72F	Emergency Communication Systems for High Rise and Other Occupied Buildings	N-O
86D	Industrial Furnaces Using Vacuum as an Atmosphere	O-P
88A	Parking Structures	O-P
88B	Repair Garages	O-P
92M	Waterproofing and Draining of Floors	W
110	Emergency Power Supplies	N-O
231	Indoor General Storage	O-C
385	Tank Vehicles for Flammable and Combustible Liquids	O-P
386	Portable Shipping Tanks	O-P
501A	Mobile Home Parks	W
501B	Mobile Homes	W
501BM	Mobile Home Heating and Cooling Load Calculations	W
501C	Recreational Vehicles	W
501D	Recreational Vehicle Parks	W
802	Nuclear Reactors	O-C
1410	Initial Fire Attack	O-C
1963	Screw Threads and Gaskets for Fire Hose Connections	O-P

TYPES OF ACTION

PROPOSED ACTION ON OFFICIAL DOCUMENTS

O-P Partial Amendments
O-C Complete Revision
O-T Tentative Revision

PROPOSED ACTION ON NEW DOCUMENTS

N-T Tentative Adoption
N-O Official Adoption

PROPOSED ACTION ON TENTATIVE DOCUMENTS

T-P Partial Amendments
T-C Complete Revision
T-O Official Adoption

OTHER PROPOSED ACTION

R Reconfirmation
W Withdrawal

Single copies of the 1979 Fall Technical Committee Reports are available at no charge from the National Fire Protection Association, Publications Department, 470 Atlantic Avenue, Boston, Mass. 02210. The NFPA will mail the reports during the week of February 5, 1979.

Interested persons may participate in these revisions by submitting written data, views, or arguments to the Assistant Vice President for Standards, NFPA, 470 Atlantic Avenue, Boston, Mass. 02210. Commenters should use the forms provided for comments in the Technical Committee Report. Each person submitting a comment should include his or her name and address, identify the notice, and give reasons for any recommendations. The NFPA will consider comments received on or before April 6, 1979, before final action is taken.

The NFPA will publish copies of all written comments received and the disposition of those comments by the NFPA committees as the Technical

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Committee Documentation by September 10, 1979, prior to the Fall Meeting. A copy of the Technical Committee Documentation will be sent automatically to each commenter. Action on the Technical Committee Reports (adoption or rejection) will be taken at the Fall Meeting, November 12-14, 1979, at the Hyatt Regency Hotel, Phoenix, Arizona, by NFPA members who are members of record 30 (thirty) days prior to that meeting.

The NFPA will make copies of the Technical Committee Reports and Technical Committee Documentation, when published, available for review at the Office of the Federal Register, 1100 L. Street, N.W., Washington, DC.

REQUEST FOR PROPOSALS

The technical committees of the NFPA report revisions of existing standards and adoptions of new standards. The OFR and NFPA request proposals from the public to amend some of these standards. Interested persons may submit proposed amendments, supported by written data, views, or arguments, to the Assistant Vice President for Standards, 470 Atlantic Avenue, Boston, Mass. 20010. Each person who submits a proposal must include his or her name and address, must identify the notice that requests the proposal, and must give reasons for the proposal. The NFPA will consider any proposal that it receives on or before the date listed with the standard.

The NFPA will publish a copy of each written proposal that it receives and the disposition of each proposal by the NFPA committee as the technical committee report. The NFPA will send a copy of the technical committee report to each person who submits a proposal. The NFPA will make copies of the technical committee report available for review at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C. The NFPA requests proposals to amend the following standards:

Committee	Document	Proposal closing date
Air Conditioning	NFPA 90A, Air Conditioning and Ventilating Systems.	July 20, 1979
Atomic Energy	NFPA 801, Facilities Handling Radioactive Materials.	July 20, 1979
Automatic Sprinklers	NFPA 13, Installation of Sprinkler Systems	July 20, 1979
	NFPA 13A, Care and Maintenance of Sprinkler Systems.	July 20, 1979
Aviation	NFPA 402, Aircraft Rescue and Fire Fighting.	July 20, 1979
	NFPA 416, Airport Terminal Buildings	July 20, 1979
	NFPA 424, Airport/Community Rescue and Fire Fighting.	July 20, 1979
Blower Systems	NFPA 91, Installation of Blower and Exhaust Systems for Dust, Stock and Vapor Removal for Conveying.	Nov. 1, 1979
Boiler-Furnace Explosions	NFPA 85B, Furnace Explosions in Natural Gas-Fired Multiple Burner Boiler-Furnaces.	Mar. 1, 1979
	NFPA 85D, Furnace Explosions in Fuel Oil-Fired Multiple Burner Boiler-Furnaces.	Mar. 1, 1979
	NFPA 85E, Furnace Explosions in Pulverized Coal-Fired Multiple Burner Boiler-Furnaces.	Mar. 1, 1979
	NFPA 85G, Furnace Implosions in Multiple Burner Boiler-Furnaces.	Mar. 1, 1979
Chimneys and Heating Equipment	NFPA 96, Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment.	May 1, 1979
Combustible Metals	NFPA 48, Storage, Handling and Processing of Magnesium.	Nov. 1, 1979
	NFPA 481, Production, Processing, Handling and Storage of Titanium.	Nov. 1, 1979
	NFPA 482M, Zirconium	Nov. 1, 1979
Dust Explosion Hazards	NFPA 61A, Manufacturing and Handling Starch.	Nov. 1, 1979
	NFPA 61C, Prevention of Fire and Dust Explosions in Feed Mills.	Nov. 1, 1979
	NFPA 61D, Prevention of Fire and Dust Explosions in the Milling of Agricultural Commodities for Human Consumption.	Nov. 1, 1979
	NFPA 63, Prevention of Dust Explosions in Industrial Plants.	June 1, 1979
	NFPA 66, Pneumatic Conveying Systems for Handling Feed, Flour, Grain and Other Agricultural Dusts.	June 1, 1979
	NFPA 654, Prevention of Dust Explosions in the Plastic Industry.	June 1, 1979
	NFPA 655, Prevention of Sulfur Fire and Explosions.	June 1, 1979
	NFPA 664, Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants.	June 1, 1979
Fire Department Equipment	NFPA 69, Explosion Prevention Systems	(Open)
	NFPA 1904, Maintenance, Care, Testing and Use of Fire Department Aerial Ladders and Elevating Platforms.	(Open)
	NFPA 1921, Specifications for Fire Department Portable Pumping Units.	(Open)
Fire Hazards of Materials	NFPA 704, System for the Identification of the Fire Hazards of Materials.	July 20, 1979
Fire Prevention Code Committee	NFPA 1, Fire Prevention Code	May 1, 1979
Fire Reporting	NFPA 901, Uniform Coding for Fire Protection.	June 1, 1979
	NFPA 902M, Fire Reporting Field Incident Manual.	June 1, 1979
	NFPA 903M, Property Survey Manual	June 1, 1979
Fire Service Training	NFPA 1401, Training Reports and Records	July 20, 1979
Fire Tests	NFPA 702, Flammability of Wearing Apparel.	July 20, 1979
Flammable Liquids	NFPA 30, Flammable and Combustible Liquids Code.	(Open)
	NFPA 327, Procedures for Cleaning or Safeguarding Small Tanks and Containers.	July 20, 1979
	NFPA 326, Control of Flammable and Combustible Liquids and Gases in Manholes and Sewers.	July 20, 1979
	NFPA 395, Storage of Flammable and Combustible Liquids on Farms and Isloated Construction Plants.	(Open)
Foam Water Sprinklers	NFPA 16, Foam Water Sprinkler and Spray Systems.	July 20, 1979
Fuel Gases	NFPA 54, National Fuel Gas Code	July 20, 1979
Health Care Facilities	NFPA 56B, Respiratory Therapy	(Open)
	NFPA 56C, Laboratories in Health-Related Facilities.	July 20, 1979
	NFPA 56K, Medical Surgical Vacuum Systems.	July 20, 1979
	NFPA 76C, Safe Use of High Frequency Electricity in Health Care Facilities.	July 20, 1979
	NFPA 3M, Hospital Emergency Preparedness.	July 20, 1979
	NFPA 56G, Inhalation Anesthetics in Ambulatory Care Facilities.	July 20, 1979
Industrial and Medical Gases	NFPA 51, Installation and Operation of Oxygen-Fuel Gas Systems for Welding and Cutting.	May 1, 1979
	NFPA 56F, Nonflammable Medical Gas Systems.	May 1, 1979
Motor Vehicle and Highway Fire Protection.	NFPA 502, Fire Protection for Limited Access Highways, Tunnels, Bridges, Elevated Roadways and Air Right Structures.	July 20, 1979
Pest Control Operations	NFPA 57, Fumigation	(Open)
Portable Fire Extinguishers	NFPA 10L, Model Enabling Act for the Sale or Leasing and Servicing of Portable Fire Extinguishers.	July 20, 1979
Protective Equipment for Fire Fighters	NFPA 19B, Respiratory Protective Equipment for Fire Fighters.	(Open)
	NFPA 1971, Protective Clothing for Structural Fire Fighting.	(Open)
Pyrotechnics	NFPA 1121L, Model State Fireworks Law	Nov. 1, 1979
	NFPA 1122L, Unmanned Rockets	Nov. 1, 1979
Signaling Systems	NFPA 72G, Audible and Visual Signaling Applicances for Protective Signaling Systems.	July 20, 1979
Standpipes and Outside Protection	NFPA 14, Installation of Standpipe and Hose Systems.	(Open)
Storage of Rubber Tires	NFPA 231D, Storage of Rubber Tires	July 20, 1979
Water Tanks	NFPA 22, Water Tanks for Private Fire Protection.	July 20, 1979

Dated: January 30, 1979.

FRED J. EMERY,
Director, Office of the Federal Register.

[FR Doc. 79-3573 Filed 2-1-79; 8:45 am]

[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 78N-0318; DESI 8082]

CERTAIN PREPARATION FOR VAGINAL USE

Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice proposes to withdraw approval of the new drug applications for certain preparations for vaginal use of the grounds that there is a lack of substantial evidence that they are effective. The products are used in the treatment of vulvovaginal candidiasis.

DATES: Any request for a hearing must be submitted on or before March 5, 1979.

In support of a request, all data and information relied upon to justify a hearing must be submitted on or before April 3, 1979.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 8082, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Request for hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk (HFA-305), Rm. 4-65.

Request for opinion of the applicability of this notice to a specific drug product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Nathan J. Treinish, Bureau of Drugs (HFD-32), Food and Drug Adminis-

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tration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 8082) published in the FEDERAL REGISTER of July 28, 1972 (37 FR 15188), the Food and Drug Administration (FDA) announced its conclusions that the drug products described below are probably effective for use in the treatment of vulvovaginal candidiasis.

1. NDA 8-082; Propion Gel containing calcium propionate and sodium propionate; Wyeth Laboratories, Inc., Division American Home Products Corp., P.O. Box 8299, Philadelphia, PA 19101.

2. NDA 11-816; Sporostacin Cream containing chlordantoin and benzalkonium chloride; Ortho Pharmaceutical Corp., Route 202, Raritan, NJ 08869.

Subsequent to the July 28, 1972 notice, Ortho Pharmaceutical Corp. submitted reports of three studies intended to show the effectiveness of Sporostacin Cream in the treatment of vulvovaginal candidiasis.

The first study, dated August 28, 1973, was an open uncontrolled study conducted by 10 investigators, involving a total of 170 patients. This study is, on its face, not an adequate and well-controlled study as no control group was employed. 21 CFR 314.111(a)(5)(ii)(*a*)(*4*). Uncontrolled studies are of necessity not blinded and no other measures were taken to minimize bias on the part of the subject and observer. 21 CFR 314.111(a)(5)(ii)(*a*)(*3*). The corrected cure rate (eight cases the sponsor deleted but which should have been regarded as test drug failures were added) for this study was 56.4 percent. In the absence of a proper control group, however, there is no way to determine whether this cure rate is higher than the cure rate that would have resulted from treatment with a placebo (e.g. a group treated with the base cream of Sporostacin Cream lacking the active ingredient).

The second study, submitted January 22, 1974, compared Sporostacin Cream and Nystatin Vaginal Tablets in 102 patients in a controlled, randomized, imperfectly blinded study (cream versus tablet). Of 49 subjects (divided among four investigators) treated with the test drug (Sporostacin), the firm eliminated all but 26 from evaluation and only 13 of these (50%) were considered cured. Of the 53 subjects treated with the control drug (Nystatin), 32 were retained for evaluation and 22 (68.8%) were said to be cured. This study was consistent with the others reported by the company in that a relatively low cure rate was found (50% in this case).

This study utilized a positive or active control design, attempting to demonstrate effectiveness of Sporostacin by showing it to give cure rates similar to Nystatin, a drug acknowledged to be effective. To be meaningful, however, such a study must have a high likelihood of detecting a difference between the two drugs, if one is present; i.e., it must have a high level of power. In this study, however, there would be only a 50% probability of detecting a difference as large as 20% (75% vs 55%) between the two drugs. In the present case, despite the small size of the study and low degree of power, a nearly significant difference from the control drug ($p < .07$) was seen. It is thus impossible to conclude that Sporostacin is equivalent to Nystatin in this study, and, in fact, it is more likely it was inferior to Nystatin. As the study did not include a placebo group, it cannot show Sporostacin to be superior to placebo. It thus fails to show effectiveness in comparison to an appropriate control group. 21 CFR 314.111(a)(5)(ii)(*a*)(*4*).

The third study, submitted in two parts on February 14, 1975, and December 30, 1975 consisted finally of 117 subjects. Four investigators, following the same protocol as the second study, compared the test drug to Nystatin. Of 117 subjects entered, Ortho used only 96 in its computations, eliminating 21 patients for various technical reasons. Some of those dropped, however, were evaluable for drug effect. Ortho reported a cure rate of 69.8% for the test drug and 75.5% for the control but FDA's review of the data, which included many of the subjects dropped from the sponsor's review, yielded cure rates of 54.2% and 71.6% respectively.

A statistical test of the difference in the two drugs using the sponsor's figures as submitted shows no significance, but because of the small numbers of subjects tested this study had only a 65% chance of detecting a clinically meaningful difference in cure rates of 20%, had one existed. Looking at this another way, the 95% confidence interval for the difference between the two cure rates ranges from Sporostacin 30% worse to Sporostacin 5% better, again indicating a study too small to provide acceptable precision. Thus, as in the second study, we cannot conclude the two drugs were equivalent and cannot conclude Sporostacin is effective by virtue of such equivalence. Again, there was no placebo group, so that we cannot tell whether Sporostacin was superior to placebo.

In summary, study two strongly suggests that a real difference exists between the test and control drugs. Study number three, while showing no difference, has insufficient statistical power and precision to contradict the findings of study two. In the absence of a direct comparison of Sporostacin to a placebo, the data are insufficient to demonstrate effectiveness of Sporostacin.

No data were submitted on behalf of Propion Gel in response to the July 28, 1972 notice. However, data were submitted on January 20, 1975, to the over-the-counter (OTC) Panel on Contraceptives and Other Vaginal Drug Products. 21 CFR Part 330. The data were reviewed in full and did not include adequate and well-controlled clinical studies by which effectiveness could be determined. 21 CFR 314.111(a)(5)(ii). The material consisted only of testimonial case studies from the literature.

In addition, OTC vaginal products are under review by the OTC Panel on Contraceptives and Other Vaginal Drug Products. No data submitted on behalf of these products provided evidence of effectiveness for the two products that are the subject of this notice. The OTC products are not subjects of this notice. When the OTC review is completed, the results will be announced in the FEDERAL REGISTER.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigations, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 300.50 (in the case of Propion Gel) which provide substantial evidence of effectiveness for these drugs.

Therefore, notice is given to the holders of the new drug applications and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug applications and all amendments and supplements thereto on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the applications, shows there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holders of the new drug applications specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

In addition to the grounds for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicants and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

An applicant or any other person subject to this notice pursuant to 21 CFR 310.6 who decides to seek a hearing, shall file (1) on or before March 5, 1979, a written notice of appearance and request for hearing, and (2) on or before April 3, 1979, the data, information and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate. Such submissions except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Cerk between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: January 24, 1979.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 79-3372 Filed 2-1-79; 8:45 am]

[4110-03-M]

[Docket No. 77N-0372; DESI 6002]

COMBINATION DRUG CONTAINING PIPERAZINE CITRATE AND TYLOXAPOL

Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application (NDA 11-639) for Bryrel with Superinone Syrup containing piperazine citrate and tyloxapol. The drug product, which had been used in the treatment of ascariasis and enterobiasis, is no longer marketed.

EFFECTIVE DATE: February 12, 1979.

ADDRESS: Reqests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 6002 and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Carol A. Kimbrough, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the FEDERAL REGISTER of December 9, 1977 (42 FR 62207), the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the new drug application for the combination drug named below on the ground that the drug product lacks substantial evidence of effectiveness for its labeled indications. In order to meet the requirements for proving the effectiveness of a fixed-combination drug (21 CFR 300.50), each of the ingredients must be shown to contribute to the claimed effects of the combination. Neither the articles submitted by the sponsor of the product nor other material available to the Director of the Bureau of Drugs showed that tyloxapol contributes to the effectiveness of piperazine citrate for ascariasis and enterobiasis:

NDA 11-639; Bryrel with Superinone Syrup containing piperazine citrate and tyloxapol; Winthrop Products, Inc., Subsidiary of Sterling Drug Inc., 90 Park Ave., New York, NY 10016.

The effectiveness of piperazine, as a single entity, for ascariasis and enterobiasis is not in question; it was classified as effective in a FEDERAL REGISTER notice of August 7, 1971 (36 FR 14662).

Neither the holder of the new drug application for the named combination drug nor any other person filed a written appearance of election as provided by the December 9, 1977 notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

All drug products that are identical, related, or similar to the combination drug named above and are not the subject of an approved new drug application are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a

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specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds that on the basis of new information before him with respect to this drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of NDA 11-639 providing for the drug product named above and all amendments and supplements applying thereto is withdrawn effective February 12, 1979.

Shipment in interstate commerce of the above product or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: January 25, 1979.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 79-3369 Filed 2-1-79; 8:45 am]

[4110-03-M]

[Docket No. 78N-0324; DESI 10392]

HYDROXYZINE HYDROCHLORIDE AND HYDROXYZINE PAMOATE

Drugs For Human Use; Drug Efficacy Study Implementation; Announcement and Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces the results of the efficacy review of hydroxyzine hydrochloride and hydroxyzine pamoate and the conditions for marketing these drugs for the indications classified as effective. It offers an opportunity for hearing concerning indications classified as lacking substantial evidence of effectiveness. The drugs are used for symptomatic relief of anxiety.

DATES: Hearing requests due on or before March 5, 1979, bioavailability supplements to approved new drug applications due on or before August 1, 1979; other supplements and data in support of hearing requests due on or before April 3, 1979.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 10392, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Neuropharmacological Drug Products (HFD-120), Rm. 10B-34, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk (HFA-305), Rm. 4-65.

Requests for guidelines or information on conducting bioavailability tests: Division of Biopharmaceutics (HFD-520), Bureau of Drugs.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drugs Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of July 9, 1966 (31 FR 9426), each holder of a new drug application that became effective before October 10, 1962, was requested to submit to the Food and Drug Administration (FDA) reports containing the best data available in support of the effectiveness of each such product for the claimed indications. That information was needed to facilitate a determination by FDA, with the assistance of the National Academy of Sciences-National Research Council (NAS-NRC), whether each claim in the labeling is supported by substantial evidence of effectiveness, as required by the Drug Amendments of 1962. Pfizer Laboratories and J. B. Roerig, a division of Pfizer, the sponsors of the following drug products, did not submit such information and therefore the drug products were not reviewed by NAS-NRC.

1. NDA 10-392; Atarax Tablets containing hyroxyzine hydrochloride; J. B. Roerig & Co., Division of Pfizer, Inc., 235 East 42d St., New York, NY 10017.

2. NDA 10-485; Atarax Syrup containing hydroxyzine hydrochloride; J. B. Roerig & Co.

3. NDA 11-111; Vistaril Injection containing hydroxyzine hydrochloride; Pfizer Laboratories, Division of Pfizer, Inc., 235 East 42d St., New York, NY 10017.

4. NDA 11-459; Vistaril Capsules containing hydroxyzine pamoate; Pfizer Laboratories

5. NDA 11-795; Vistaril Oral Suspension containing hydroxyzine pamoate; Pfizer Laboratories

EFFICACY REVIEW

Another notice published in the FEDERAL REGISTER of November 19, 1975 (40 FR 53609), re-invited Pfizer, Inc., among other firms, to submit data on or before January 19, 1976. On February 13, 1976, Pfizer, Inc., submitted for its hydroxyzine hydrachloride and hydroxyzine pamoate products supplemental new drug applications containing revised draft labeling and data consisting of 83 reprints from the literature, to demonstrate the effectiveness of the drug products for the indications contained in this labeling. No data have been submitted for any other indication contained in previous labeling for these drug products or in the present labeling that is being used for them. Those indications for which no data have been submitted are classified as lacking substantial evidence of effectiveness. The indications for which data have been submitted and evaluated are as follows: *Syptomatic relief of anxiety associated with psychoneurosis, in other emotional disorders in which symptoms of anxiety are prominent, and as adjunctive therapy in organic disease states in which anxiety is manifested.*

For this indication 26 reprints were submitted. Some were of adequate and well-controlled studies, and others were of uncontrolled studies or other articles from the literature. These studies were evaluated and determined to support effectiveness for the following modified indication: "Symptomatic relief of anxiety and tension associated with psychoneurosis and as an adjunct in organic disease states in which anxiety is manifested." The data supported this indication at a dose level of 50 to 100 milligrams hydroxyzine four times a day, either orally or by intramuscular injection, but not at a lower dosage. *The American Medical Association Drug Evaluations*, second edition, states a dose range of 225 to 400 milligrams hydroxyzine per day for adults with anxiety. *Relief of histamine-mediated pruritus and allergic dermatoses such as chronic urticaria.*

For this indication 13 reprints were submitted. Some were of adequate and well-controlled studies and others were of open studies. These were evaluated and determined to support effectiveness for the following modified

indication: "Hydroxyzine is useful in the management of pruritus due to allergic conditions such as chronic urticaria and atopic and contact dermatoses and in histamine-mediated pruritus." The data supported this indication at a dose level of 25 milligrams hydroxyzine three or four times a day.

As a premedication for relief of anxiety and tension in patients who are to undergo surgical and dental procedures or obstetric delivery, and for the relief of postoperative and postpartum apprehension and anxiety.

For this indication 36 reprints were submitted, 10 pertaining to the oral dosage forms and 26 to the intramuscular dosage form. Some were of adequate and well-controlled studies and others were of uncontrolled studies or other articles from the literature. These studies were evaluated and determined to support effectiveness for the following modified indication: "As a sedative when used as premedication and following general anethesia." The data supported this indication at a dose level of 50 to 100 milligrams hydroxyzine orally or 50 milligrams intramuscularly in adults and at a dose level of 0.6 mg/kg in children by either route.

For that portion of the above indication "As a premedication for relief of anxiety and tension in obstetric delivery," two reprints were submitted, containing studies of Inmon and Zsigmond. The results of the studies are as follows:

Inmon (*study 19*). This was a double-blind study comparing the effects of hydroxyzine and placebo in 139 female patients in labor and delivery. A medical student or physician in the delivery room obtained answers to a total of 41 questions, which were concerned with the physical course of labor, the behavior of the woman during labor, pain experienced during labor, events of labor and delivery, and the condition of the baby at birth. The questions mainly pertained to the sedative and pain-killing properties of hydroxyzine and not to its use in relief of anxiety and tension. Therefore this study was not considered relevant to the use of hydroxyzine for relief of anxiety and tension. In addition, 50 milligrams of meperidine was given to 41 percent of the hydroxyzine patients and to 32 percent of the placebo patients every 2 hours as needed until delivery was accomplished, and it cannot be determined what effect this drug had on the results attributed to the test drug as no analysis of the results taking meperidine into account is available.

Zsigmond (*Study 39*). This was a double-blind study comparing the effects of hydroxyzine, hydroxyzine in combination with meperidine and atropine, and placebo in combination with meperidine and atropine in 131 patients in labor. The description of randomization, blinding techniques, and experimental design of the study is incomplete and inadequate. 21 CFR 314.111(a)(5)(ii) (*a*)(2)(*ii*), (*3*), and (*4*). The results of the study as stated are incomplete as the baseline values for the measured variables are not given, providing no means of assessing comparability of groups. 21 CFR 314.111(a)(5)(ii)(*a*)(*3*).

The studies submitted thus fail to provide substantial evidence of effectiveness for hydroxyzine and therefore the drug is classified as lacking substantial evidence of effectiveness for use as a premedication for relief of anxiety and tension in obstetric delivery.

Management of postoperative and postanesthetic nausea and vomiting.

For this indication eight reprints were submitted—one for the oral dosage form and seven for the intramuscular dosage form of hydroxyzine.

The studies by Bare (study 2), Dees (study 12), and Grady (study 54) were for hydroxyzine given intravenously and not by the intramuscular route of administration and thus are not pertinent to this evaluation.

Payne (*study 31*). This study mainly pertained to the drug's ability to produce adequate sedation and was not considered relevant to its use in management of postoperative and post-anesthetic nausea and vomiting.

Smith (*study 79*). This was an open study comparing the use of preanesthetic medications with three anesthetic agents. The occurrence of nausea and vomiting postanesthetic was never related specifically to the use of the preanesthetic medications, and therefore this study was not considered relevant to the above indication.

Hayward-Butt (*study 57*). This was an open study designed to compare hydroxyzine, hydroxyzine with meperidine, meperidine with promethazine, meperidine alone, and placebo as preanesthetic medications in nearly 5,000 patients undergoing various surgical procedures. The vast majority of the patients in the study were given hydroxyzine with meperidine, while only a small percentage of the patients were given hydroxyzine alone. This study was not considered relevant to the above indication but is actually a study of the effects of meperidine by itself and with other drugs.

Snow (*study 80*). This study compared the effects of hydroxyzine, prochlorperazine, and placebo in the control of postoperative nausea and vomiting in 450 patients who had retinal detachment. The results of the study showed that hydroxyzine was as effective as prochlorperazine and more effective than placebo in the control of postoperative nausea and vomiting following eye surgery for retinal detachment.

Momose (*study 62*). This study compared the use of hydroxyzine, hydroxyzine in combination with meperidine or pyrabital, meperidine or pyrabital alone, or no drug in 786 surgical patients in various Japanese hospitals to determine hydroxyzine's analgesic effect. The study also evaluated hydroxyzine's effect in management of postoperative nausea and vomiting. Due to the following methodology problems and lack of data submitted, no conclusions were reached on this study:

The criteria for entrance to the study were not described. 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*i*). The method of assignment of patients to the treatment groups and the number of patients and the amount of drugs given for the meperidine or pyrabital groups were not stated. 21 CFR 314.111(a)(5)(ii(*a*)(*2*)(*ii*). Also the method of blinding was not described and the method of evaluation was not described adequately. 21 CFR 314.111(a)(5)(ii)(*a*)(*3*).

The studies submitted thus fail to provide substantial evidence of effectiveness of hydroxyzine for management of postoperative and postanesthetic nausea and vomiting. Only one study, by Snow, provided some evidence of effectiveness of hydroxyzine for relief of nausea and vomiting following eye surgery for retinal detachment, but there was no other study to corroborate its findings. Therefore hydroxyzine is classified as lacking substantial evidence of effectiveness for management of postoperative and post-anesthetic nausea and vomiting.

Because of hydroxyzine's analgesic properties it has been found to be effective in the management of postoperative and posttraumatic pain. Hydroxyzine enhances the effectiveness of other analgesic agents when used in conjunction with them preoperatively, postoperatively, during labor, and after delivery, therefore permitting the dosage of other analgesic agents to be reduced accordingly.

For this indication 15 reprints were submitted. Three of the studies, Bare (study 2), Clark (study 10), and Dees (study 12), were for the intravenous use of hydroxyzine and were determined not to be pertinent to this evaluation. Twelve of the studies were for the intramuscular dosage form of hydroxyzine and the results of these studies are as follows:

Beaver (*study 3*). This was a double-blind study comparing the analgesic effects of hydroxyzine, hydroxyzine and morphine, and morphine and placebo in 96 patients with postoperative pain. The study shows that hydroxyzine given intramuscularly has analgesic activity, but an acutal determina-

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tion of the drug's effectiveness cannot be made because no raw data or tabular summaries of the data were submitted. 21 CFR 314.111(a)(5)(ii)(*a*)(*5*).

Brelje (*study 6*). This was a comparison of hydroxyzine plus meperidine and placebo plus meperidine. There was no significant difference shown between the two groups.

Malkasian (*study 26*). This was a comparison of hydroxyzine plus meperidine versus promethazine plus meperidine for analgesia during labor. No placebo control was used. The study shows no significant difference between the two groups.

Sunshine (*study 38*). This was a double-blind study conparing the analgesic properties of hydroxyzine, morphine, and hydroxyzine plus morphine for the relief of pain. No placebo was used. There were no significant differences between any of the test groups.

Childers (*study 44*). This was a short narrative on the use of hydroxyzine in labor and delivery. It does not meet the criteria of adequate and well-controlled studies. 21 CFR 314.111(a)(5)(ii).

Hayward-Butt (*study 57*). This was previously discussed and determined not to be relevant to this indication.

Forrest (*study 49*). This is an ongoing study and no conclusions can be drawn from it.

Pishkin (*study 67*). This is a study of the pshychophysiological and cognitive indices of stress in an acute double-blind study with hydroxyzine in psychiatric patients. The design of the study does not permit measurement of enhancement of analgesia as no analgesic agent was used in the study, and therefore the study is not relevant to this indication.

Semler (*study 71*). This study does not measure analgesic effect and is not relevant to this indication.

Mamose (*study 62*). This study was previously discussed and determined not to be adequate and well controlled.

Mamose (*study 63*). This study compared the use of hydroxyzine and pentazocine, and pentazocine alone on 658 patients waiting for surgery. A group of 303 patients that received no drug and were treated under similar conditions served as a control group. The drug was given within 15 to 30 minutes after the patients regained consciousness from the anesthesia following surgery. The drugs were administered in random order and then comparisons made between the groups receiving the drugs and the control group. Analgesic effectiveness was assessed by the time between the administration of the above post medications immediately after surgery and the first supplemental administration of analgesic. This study contained many methodological problems, some of which are as follows:

The measurement of analgesic effectiveness used in this study is not standardized, the basis on which the decision to remedicate the patient was not described, and therefore it is not know if the decision to remedicate was consistently made on the same basis by all 10 investigators in the study. 21 CFR 314.111(a)(5)(ii)(*a*)(*3*).

The control group was not analyzed to ensure comparability with the drug-treated groups. 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*). Also the methods of blinding, if any, were not described so it is not known if bias was eliminated. 21 CFR 314.111(a)(5)(ii)(*a*)(*4*).

Momose (*study 64*). This study is made up of three individual studies involving approximately 12 investigators. The purpose of the study was to control the initial appearance of pain for a period of 12 hours and, insofar as possible, eliminate the appearance of pain in the patient altogether. The study was made up of 2,103 patients undergoing stomach, gall bladder, kidney, uterus, limb, body surface, or lower abdominal surgery. The drugs used in the study were hydroxyzine, pentazocine, diazepam, and placebo. These drugs were given by themselves and in combination with each other. In one study the drugs were given only once and in the other studies the drugs were given at prescribed intervals. Analgesic effectiveness was considered satisfactory if no pain appeared for 12 hours following surgery. The treatment was considered ineffective if pain appeared within the first 12 hours following surgery. The study contained many methodological problems some of which are as follows:

The measurement of analgesic effectiveness used in the study was not measured by pain relief, but by the need for remedication and the criteria for deciding whether or not to medicate during the period of observation are not stated. 21 CFR 314.111(a)(5)(ii)(*a*)(*3*).

The patients in each treatment group were not analyzed to determine if the populations were comparable. 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*).The method of assignment of patients to the groups was not clearly spelled out. 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*ii*).

In comparing the results obtained from the different groups, only subsets of each group were compared based on the site of surgery; at no time were the total numbers of patients in each group compared. 21 CFR 314.111(a)(5)(ii)(*a*)(*4*).

The only statistically significant results obtained in the study were found in a small subgroup of one of the individual studies in which the best results were obtained from a combination of hydroxyzine and pentazocine when this medication was repeated in 4 hours.

The studies submitted thus fail to provide substantial evidence of effectiveness of hydroxyzine for its analgesic claims and therefore it is classified as lacking substantial evidence of effectiveness for the following indication: "For use in the management of postoperative and posttraumatic pain. It enhances the effectiveness of other analygesic agents when used in conjunction with them preoperatively, postoperatively, during labor, and after delivery, therefore permitting the dosage of other analgesic agents to be reduced accordingly."

RESULTS OF REVIEW

This notice announces that hydroxyzine, as the hydrochloride and as the pamoate, is evaluated as effective for certain of its indications and as lacking substantial evidence of effectiveness for its other indications. It sets forth the conditions under which such drug products may be marketed and offers an opportunity for a hearing on those indications classified as lacking substantial evidence of effectiveness.

As stated in the FEDERAL REGISTER of August 23, 1977 (42 FR 423311), the provision of 21 CFR 320.22(c) waiving bioavailability data for certain drugs does not necessarily apply to drug products first announced as effective in DESI notices published after January 7, 1977. As this is the first notice announcing that hydroxyzine hydrochloride and hydroxyzine pamoate are effective, the oral and injectable products have also been reviewed for actual or potential bioequivalence problems. It has been determined that solid oral dosage forms of hydroxyzine hydrochloride and hydroxyzine pamoate and oral suspension dosage forms of hydroxyzine pamoate should be added to the list of drugs for which bioavailability data are not waived.

CONDITIONS FOR MARKETING AND OPPORTUNITY FOR HEARING

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the products specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to a product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufacturers or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that drug products containing hydroxyzine hydrochloride or hydroxyzine pamoate are effective for the indications set forth in the labeling conditions below and they lack substantial evidence of effectiveness for their other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Hydroxyzine hydrochloride is in tablet or syrup form suitable for oral administration, or in sterile solution form suitable for intramuscular injection. Hydroxyzine pamoate is in capsule or suspension form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

For symptomatic relief of anxiety and tension associated with psychoneurosis and as an adjunct in organic disease states in which anxiety is manifested.

Useful in the management of pruritus due to allergic conditions such as chronic urticaria and atopic and contact dermatoses and in histamine-mediated pruritus.

As a sedative when used as a premedication and following general anesthesia.

The effectiveness of hydroxyzine as an antianxiety agent for long-term use, that is more than 4 months, has not been assessed by systematic clinical studies. The physician should reassess periodically the usefulness of the drug for the individual patient.

c. The Dosage and Administration section contains the following information: (i) Dosage recommendations, expressed in amounts equivalent to hydroxyzine hydrochloride, as follows:

For symptomatic relief of anxiety and tension associated with psychoneurosis and as an adjunct in organic disease states in which anxiety is manifested: 50-100 milligrams q.i.d.

For use in the management of pruritus due to allergic conditions such as chronic urticaria and atopic and contact dermatoses and in histamine-mediated pruritus: 25 milligrams t.i.d. or q.i.d.

As a sedative when used as a premedication and following general anesthesia: 50-100 milligrams orally or 50 milligrams intramuscularly in adults, and 0.6 mg/kg in children by either route.

and (ii) When treatment is initiated by the intramuscular route of administration, subsequent doses may be administered orally.

3. *Marketing Status.* a. Marketing of such drug products that are the subject of a new drug application approved before October 10, 1962, may be continued provided that, on or before April 3, 1979, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)). In addition, to permit full approval of such applications on the basis of effectiveness, as well as safety, the holders of applications for capsule, tablet, and oral suspension dosage forms are required to supplement their applications, on or before August 3, 1979, to provide the information described below. If the NDA holder wishes to submit the protocol for its study, the date by which bioavailability data are due will be extended by the time required by the Division of Biopharmaceutics to review and comment on the protocol.

Hydroxyzine Hydrochloride Tablets—Dissolution data on three consecutive lots of the product, conducted in accordance with the methods provided for in the guidelines on conducting dissolution tests, which are available from the Division of Biopharmaceutics. The drug product should meet the specifications of 50 percent in 30 minutes and 80 percent in 60 minutes. Failure of the product to meet these dissolution specifications would require the firm to conduct an in vivo bioavailability study, comparing the product to hydroxyzine hydrochloride syrup.

Hydroxyzine Pamoate Capsules and Suspension—Evidence from in vivo studies demonstrating the bioavailability of the product compared to hydroxyzine hydrochloride syrup. The bioavailability study should be conducted with at least 18 subjects in a crossover design.

Any firm that makes a claim of bioequivalence or equal activity between the hydrochloride and pamoate salts of hydroxyzine must provide evidence from an in vivo study demonstrating the bioequivalence of its product. This bioequivalence study may be incorporated into bioavailability study required above.

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained before marketing such products. The bioavailability regulations (21 CFR 320.21) published in the FEDERAL REGISTER of January 7, 1977, require any person submitting an abbreviated new drug application after July 7, 1977, to include evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement. Applications for the syrup dosage form must include such evidence or information. No waiver will be granted for the other oral dosage forms. However, the bioavailability requirement will be regarded as satisfied for the tablet, capsule, and oral suspension forms by supplying the information stated in 3.a above. For the intramuscular dosage form the following is required:

Hydroxyzine Hydrochloride Intramuscular Injection—For drug products identical in both concentration of active ingredient and inactive ingredient formulation to the innovator product: provide either evidence demonstrating that the drug is identical in both active and inactive ingredient formulation, or evidence demonstrating the in vivo bioavailability of the drug product as compared to the innovator product.

For drug products differing in either concentration of active ingredient or in inactive ingredient formulation: provide evidence from in vivo studies demonstrating the bioavailability of the drug product as compared to the innovator product.

Marketing before approval of a new drug application will subject such products, and the persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is aware of only one adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drugs for the following indication: "For relief of nausea and vomiting following eye surgery for retinal detachment." For this indication a second study should have been submitted to determine whether the results of the first are replicable. If the second study used a similar surgical procedure of the eye then the indication would only be reevaluated for relief of nausea and vomiting following eye surgery, but if the second study used another clinical investigator and some other surgical procedure, then the indication would not have to be limited to eye surgery

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and it would be reevaluated for relief of postoperative and postanesthetic nausea and vomiting. The Director is unaware of any such adequate and well-controlled clinical investigations demonstrating effectiveness of the drugs for the other indications lacking substantial evidence of effectiveness referred to in paragraph A of this notice.

Notice is given to the holders of the new drug application, and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug applications and all amendments and supplements thereto providing for the indications lacking substantial evidence of effectiveness referred to in paragraph A of this notice on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the applications, shows that is a lack of substantial evidence that the drug products will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any applications supplemented, in accord with this notice, to delete the claims lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6). e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, contained in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicants and all other persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application providing for the claims involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

An applicant or any person subject to this notice under 21 CFR 310.6 who decides to seek a hearing shall file (1) on or before March 5, 1979, a written notice of appearance and request for hearing, and (2) on or before April 3, 1979, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice under 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to make use of the opportunity for a hearing concerning the action proposed with respect to such drug product. Any such drug product labeled for the indications lacking substantial evidence of effectiveness referred to in paragraph A of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact that precludes the withdrawal of approval of the application, or when a request for a hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions under this notice of opportunity for a hearing must be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) an under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: January 25, 1979.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 79-3373 Filed 2-1-79; 8:45 am]

[4110-35-M]

Health Care Financing Administration

PHARMACEUTICAL REIMBURSEMENT BOARD

Suspension of Maximum Allowable Cost Limits

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Suspension of Maximum Allowable Cost Limits on Penicillin G Potassium 400mu and 800mu Tablets.

SUMMARY: In accordance with 45 CFR 19.5 and 19.6, the Pharmaceutical Reimbursement Board announces the suspension of the maximum allowable cost (MAC) limits on penicillin G potassium 400mu and 800mu tablets. These limits were set forth at 43 FR 57972-77, December 11, 1978. These limits will remain suspended pending an additional review of price data by the Pharmaceutical Reimbursement Board.

DATE: The effective date of this suspension is January 25, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter Rodler, Executive Secretary, Pharmaceutical Reimbursement Board, 3076 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201, (202) 472-3820.

Dated: January 29, 1979.

VINCENT R. GARDNER,
Chairman, Pharmaceutical Reimbursement Board.

[FR Doc. 79-3627 Filed 2-1-79; 8:45 am]

[4110-08-M]

National Institutes of Health

CANCER CONTROL MERIT REVIEW COMMITTEE OF THE NATIONAL CANCER INSTITUTE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Merit Review Committee, National Cancer Institute, February 23, 1979, Blair Building, First Floor Conference Room, 8300 Colesville Road, Silver Spring, Maryland 20910. Except as noted below, this meeting will be open to the public on February 23, 1979, from 8:30 a.m.-5:00 p.m., to review contract progress reports from: University of Arizona, Georgetown University, Fox Chase Cancer Center, Medical College of Virginia, Utah State Division of Health, North Dakota State Department of Health, Nevada Division of Health, Arizona State Department of Health, Wyoming State Department of Health and Social Services. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public approximately half an hour in the morning before lunch to discuss personal information concerning individuals associated with: University of Arizona, Georgetown University, Utah State Division of Health, North Dakota State Department of Health, Nevada Division of Health, Arizona State Department of Health, Wyoming State Department of Health and Social Services; and will be closed approximately half an hour before closing to discuss personal information concerning individuals associated with: Fox Chase Cancer and Medical College of Virginia. The disclosure of such information would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will provide a summary of the meeting and a roster of committee members, upon request.

Hugh E. Mahanes, Jr., Acting Executive Secretary, National Cancer Institute, Blair Building, Room 720, National Institutes of Health, Silver Spring, Maryland 20910 (301/427-7298) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.394, National Institutes of Health)

Dated: January 26, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-3562 Filed 2-1-79; 8:45 am]

[4110-08-M]

NATIONAL CANCER INSTITUTE

Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of committee: President's Cancer Panel.
Dates: March 9, 1979; 9:30 a.m.—adjournment.
Place: Building 31C Conference Room 8. National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To hear reports on activities of the President's Cancer Panel and the National Cancer Program.
Executive Secretary: Dr. Richard A. Tjalma, Building 31, Room 11A46, National Institutes of Health, 301/496-5854.
Name of Committee: Chemical Selection Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: March 26, 1979; 9:00 a.m.—adjournment.
Place: Landow Building, Conference Room A, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times: Open for the entire meeting.
Agenda: To consider chemicals for bioassay and other matters relevant to chemical selection.
Executive Secretary: Dr. James M. Sontag, Building 31, Room 3A16, National Institutes of Health, 301/496-5108.

Dated: January 22, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-3564 Filed 2-1-79; 8:45 am]

[4110-08-M]

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Meeting of Pulmonary Diseases Advisory Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on February 22 and 23, 1979, in Conference Room 7, Building 31, at the National Institutes of Health, Bethesda, Maryland.

The entire meeting, from 8:30 a.m. on February 22 to 4:00 p.m. on February 23, will be open to the public. The Committee will discuss initiatives proposed for the Division of Lung Diseases' implementation plan for Fiscal 1980. Attendance by the public will be limited to the space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Malvina Schweizer, Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.838, National Institutes of Health)

Dated: January 25, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-3561 Filed 2-1-79; 8:45 am]

[4110-08-M]

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Meeting of the Education and Training Work Group of the National Arthritis Advisory Board

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Education and Training Work Group of the National Arthritis Advisory Board on February 20-21, 1979, in Washington, D.C. The time and meeting location may be obtained by contacting Mr. William Plunkett, Executive Director of the Board, P.O. Box 30286, Bethesda, Maryland 20014, telephone (301) 496-1991.

The meeting, which will be open to the public, is being held to continue review of the status and implementation of national arthritis programs. Attendance by the public will be limited to space available.

Mr. William Plunkett, address above, will provide summaries of the meeting and a roster of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

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Dated: January 22, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-3560 Filed 2-1-79; 8:45 am]

[4110-08-M]

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Meeting of the Population Research Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on March 21-23, 1979 in the Landow Building, Conference Room "A," 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on March 21 from 9:00 a.m. to 10:30 a.m. to discuss the program status, new developments and projections for population research centers, program projects and institutional fellowships. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552(c)(4) and 552(c)(6) and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 21 from 10:30 a.m. to adjournment on March 23 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Majorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. William A. Sadler, Executive Secretary of the Population Research Committee, NICHD, Landow Building, Room 7C-33, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496—6515, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.864, National Institutes of Health).

Dated: January 26, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

FR Doc. 79-3565 Filed 2-1-79; 8:45 am]

[4110-08-M]

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Meeting of the Maternal and Child Health Research Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on March 22-23, 1979, in Building 31, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public on March 22 from 9:00 a.m. to 10:30 a.m. to discuss items relative to the Committee's activities including announcements by the Acting Director, Center for Research for Mothers and Children, the Chiefs, Human Learning and Behavior, Pregnancy and Infancy, and Developmental Biology and Nutrition Branches and the Executive Secretary of the Committee. Concept clearance for contract programs of the Center for Research for Mothers and Children will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 22 from 10:30 a.m. to adjournment on March 23 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. Jane Showacre, Executive Secretary, Maternal and Child Research Committee, NICHD, Landow Building, Room 7C16 National Institutes of Health, Bethesda, Maryland, Area Code 301-496-1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health.)

Dated: January 25, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-3566 Filed 2-1-79; 8:45 am]

[4110-08-M]

NATIONAL INSTITUTE OF DENTAL RESEARCH

Meeting of the NIDR Special Grants Review Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the NIDR Special Grants Review Committee, National Institute of Dental Research, on March 6-7, 1979, in Building 31-C, Conference Room 10, National Institutes of Health, Bethesda, Md. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on March 6 to discuss general policies and philosophies relating to dental research institutes and centers. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 7 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Dr. Emil L. Rigg, Chief of Scientific Review Branch, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, MD 20014 (Phone 301 496-7658) will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.845, National Institutes of Health.)

Dated: January 25, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-3563 Filed 2-1-79; 8:45 am]

[4110-08-M]

National Institutes of Health

INTERAGENCY PRIMATE STEERING COMMITTEE

General Announcement Replies to Solicitation of Comments on a Proposed National Primate Plan

The Interagency Primate Steering Committee, at the request of the Assistant Secretary for Health, developed a National Primate Plan. The document was reviewed and approved by all agencies of the Federal government concerned with the supply and use of nonhuman primates for bio scientific purposes. The Plan has broad implications affecting both the public and private sectors of the bioscientific

community and it was, therefore, released in draft form in order that all interested parties might comment upon it before preparation of the final version. Announcement of the availability of the draft National Primate Plan appeared in the FEDERAL REGISTER, February 10, 1978 (43 FR 5895).

All relevant material received has been considered in preparation of the final version of the National Primate Plan and a record of the analysis of that material is available upon request from the Office of the Interagency Primate Steering Committee, NIH Building 31, Room 4B30, 9000 Rockville Pike, Bethesda, Maryland 20014.

The final version of the National Primate Plan is currently undergoing departmental review. Once final approval is received, a notice announcing its availability will appear in the FEDERAL REGISTER.

Dated: January 22, 1979.

DONALD S. FREDRICKSON, M.D.,
Director,
National Institutes of Health.

[FR Doc. 79-3559 Filed 2-1-79; 8:45 am]

[4110-03-M]

Public Health Service

FOOD AND DRUG ADMINISTRATION

Statement of Orgainization, Functions, and Delegations of Authority; Correction

In the FR Doc. 78-10369, appearing on page 16420 in the FEDERAL REGISTER of April 18, 1978, make the following change in the third column:

Delete paragraph (k-3-iii) Division of Industry Programs (HFFK) in its entirety.

In the reorganization of the Bureau of Foods as published at 43 FR 1136, January 6, 1978, the Division of Industry Programs was disestablished and its functions combined with those of the Division of Compliance Programs to form the Division of Compliance and Industry Programs.

Dated: January 23, 1979.

FREDERICK M. BOHEN,
Assistant Secretary for Management and Budget.

[FR Doc. 79-3622 79-Filed 2-1-79; 8:45 am]

[4110-07-M]

Social Security Administration

CERTIFICATION OF MANUAL, ONE-TIME SUPPLEMENTAL SECURITY INCOME BENEFIT PAYMENTS TO THE DEPARTMENT OF THE TREASURY FOR DISBURSEMENT

Modifications in Redelegations of Authority

Section 301 of title III of Pub. L. 92-603 (the Social Security Amendments of 1972) amended title XVI of the Social Security Act, as amended, (the Act) to establish a new program and retitle this portion of the Act to read: "Title XVI—Supplemental Security Income for the Aged, Blind and Disabled." Section 1631(a)(1) of the Act, which is contained in part B of title XVI, authorizes the Secretary of Health, Education, and Welfare (the Secretary) to pay benefits in a manner that will best effectuate the purposes of title XVI. Section 1616(a) of the Act, which is contained in part A of title XVI, authorizes the Secretary to make optional State supplementation payments on behalf of any State that enters into an agreement with the Secretary. Section 212 of Pub. L. 93-66 (Amendments to the Renegotiation Act of 1951, and to the Social Security Act) established a program of mandatory minimum State supplementation of Federal supplemental security income (SSI) benefits. Section 212(b)(1) of Pub. L. 93-66 authorizes the Secretary to make such mandatory minimum supplementation payments on behalf of any State that enters into an agreement with the Secretary under subsection (a) of section 212.

Authority to perform the functions vested with the Secretary by sections 1631(a)(1) and 1616(a) of the Act has been delegated to the Commissioner of Social Security (the Commissioner), with authority to redelegate (38 FR 15648, dated June 14, 1973). Authority to perform the SSI functions vested with the Secretary by sections 210 through 214 of part B of title II of Pub. L. 93-66 has also been delegated to the Commissioner, with authority to redelegate (38 FR 32828, dated November 28, 1973). The Commissioner previously redelegated the subject authorities to various positions in the Social Security Administration (SSA), as described in the material published in the FEDERAL REGISTER on May 10, 1976 (41 FR 19155).

I. Notice is hereby given that the Commissioner has rescinded the previous redelegations of the subject authorities published at 41 FR 19155, dated May 10, 1976, and has replaced them with the following redelegations:

A. AUTHORITIES

1. Authority to certify to Department of the Treasury Disbursing Officers amounts to be disbursed from supplemental security income appropriation accounts for Federal assistance payments required by and properly authorized under section 1631(a)(1) of the Act.

2. Authority to certify to Department of the Treasury Disbursing Officers amounts to be disbursed from supplemental security income appropriation accounts for optional State supplementation payments required by and properly authorized under section 1616(a) of the Act.

3. Authority to certify to Department of the Treasury Disbursing Officers amounts to be disbursed from supplemental security income appropriation accounts for mandatory minimum State supplementation payments required by and properly authorized under section 212(b)(1) of Pub. L. 93-66.

B. DELEGATES

1. Teleservice Center Manager and Supervisor, Boston Teleservice Center; Assistant Regional Commissioner, Supplemental Security Income; Supervisory Supplemental Security Income Quality Review Specialist; and Supplemental Security Income Quality Review Analyst, Boston Regional Office.

SCOPE OF AUTHORITY

1. Any SSI claim filed in the Boston region which requires manual processing and certification to the Department of the Treasury for payment of a one-time SSI benefit check.

DELEGATES

2. Deputy Assistant Regional Commissioner, Field Operations and Supervisory Social Insurance Specialist, New York Regional Office.

SCOPE OF AUTHORITY

2. Any SSI claim filed in the New York region which requires manual processing and certification to the Department of the Treasury for payment of a one-time SSI benefit check.

DELEGATES

3. Assistant Regional Commissioner, Supplemental Security Income; Supervisory Quality Maintenance Review Analyst; and Supervisory Supplemental Security Income Claims Specialist, Philadelphia Regional Office.

SCOPE OF AUTHORITY

3. Any SSI claim filed in the Philadelphia region which requires manual processing and certification to the Department of the Treasury for payment of a one-time SSI benefit check.

DELEGATES

4. Chief; Deputy Chief; Operations Specialist; and Automated Data Processing Specialist, Payment Records Processing Branch, Southeastern Program Service Center.

SCOPE OF AUTHORITY

4. Any SSI claim filed in the Atlanta region which requires manual processing and certification to the Department of the Treasury for payment of a one-time SSI benefit check.

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DELEGATES

5. Chief, Operations Branch; Chief, Special Operations Staff; and Director, Division of Operational Support, Chicago Regional Office.

SCOPE OF AUTHORITY

5. Any SSI claim filed in the Chicago region which requires manual processing and certification to the Department of the Treasury for payment of a one-time SSI benefit check.

DELEGATES

6. Assistant Regional Commissioner, Supplemental Security Income; Supervisory Supplemental Security Income Quality Review Specialist; and Supplemental Security Income Quality Review Analyst, Kansas City Regional Office.

SCOPE OF AUTHORITY

6. Any SSI claim filed in the Kansas City region which requires manual processing and certification to the Department of the Treasury for payment of a one-time SSI benefit check.

DELEGATES

7. Assistant District Manager, Austin, Texas District Office; Field Processing Unit Supervisor, Dallas Regional Office; and Claims Authorizer, Dallas Regional Office.

SCOPE OF AUTHORITY

7. Any SSI claim filed in the Dallas region which requires manual processing and certification to the Department of the Treasury for payment of a one-time SSI benefit check.

DELEGATES

8. Assistant Regional Commissioner, Field Operations; Manager, Special Operations Section; and Claims Authorizer, Special Operations Section, Denver Regional Office.

SCOPE OF AUTHORITY

8. Any SSI claim filed in the Denver region which requires manual processing and certification to the Department of the Treasury for payment of a one-time SSI benefit check.

DELEGATES

9. Assistant Regional Commissioner, Field Operations; and Supervisory Social Insurance Specialist, San Francisco Regional Office.

SCOPE OF AUTHORITY

9. Any SSI claim filed in the San Francisco region which requires manual processing and certification to the Department of the Treasury for payment of a one-time SSI benefit check.

DELEGATES

10. Chief, Operations Branch and Operations Specialist, Operations Branch, Seattle Regional Office.

SCOPE OF AUTHORITY

10. Any SSI claim filed in the Seattle region which requires manual processing and certification to the Department of the Treasury for payment of a one-time SSI benefit check.

C. CONDITIONS

1. Further redelegations may not be made.

2. The individuals occupying the positions enumerated above must be personally designated as certifying officers by the Director, Division of Finance, Office of Financial Management, Office of Management and Administration, SSA, in accordance with current Department of the Treasury requirements, before they exercise any of the subject authorities.

II. Previous redelegations of the subject authorities are rescinded as of February 2, 1979. The new redelegations described in section I. above are also effective as of that date.

III. Should any of the individuals occupying the positions enumerated in section I. above exercise any of the subject authorities before this notice is published in the FEDERAL REGISTER, such actions are hereby affirmed and ratified, provided they fall within the scope of the new redelegations.

Dated: January 25, 1979.

STANFORD G. ROSS,
Commissioner of Social Security.

[FR Doc. 79-3572 Filed 2-1-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WILLIAMS FORK MANAGEMENT FRAMEWORK PLAN

Notice of Intent

The Craig Colorado District Office, Bureau of Land Management, is reviewing and will publish a supplement to the Williams Fork Management Framework Plan (MFP). The Supplement will reflect, as completely as possible, existing statutory requirements and policies as well as requirements of the Bureau's Federal lands review mandated by Section 522(c) of the Surface Mining Control and Reclamation Act (SMCRA). The requirements of SMCRA, as well as their implications for existing policy, are discussed in a draft environmental statement (DES) describing the Secretary's proposed coal program and the alternatives. The DES was released for review on December 15, 1978, FEDERAL REGISTER Volume 43 No. 242.

Background and standards for this MFP review and procedures for preparation of the supplement appear in FEDERAL REGISTER Volume 43 No. 237, of December 8, 1978.

Procedures and content of this specific update will be discussed at a public meeting to be held at 7:00 PM, February 12, 1979 at Craig, Colorado City Hall (new), 300 West 4th Street and at 7:00 PM, February 13, 1979 at the Ramada Foothills, 11595 West 6th Avenue in Denver.

MARVIN W. PEARSON,
District Manager.

[FR Doc. 79-3375 Filed 2-1-79; 8:45 am]

[4310-70-M]

Office of the Secretary

[INT DES 78-6]

PROPOSED GENERAL MANAGEMENT PLAN, HALEAKALA NATIONAL PARK, HAWAII

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental Statement for the proposed General Management Plan, Haleakala National Park, Maui, Hawaii.

The statement considers programs designed to preserve and protect the park's unusual biotic communities and cultural resources. Major actions include the acquisition of 952 acres of land, improvement and replacement of visitor facilities and campground expansion on the West Crater Rim, provision of minimal facilities in the Oheo area, and designation of 9,000 acres of the Kipahulu Valley as a research natural area.

Written comments on the evironmental statement are invited and will be accepted until March 19, 1979. Comments should be addressed to the Superintendent, Haleakala National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Avenue, San Francisco, California 94102.
Hawaii State Office, National Park Service, P.O. Box 50165, 300 Ala Moana Boulevard, Suite 6305, Honolulu, Hawaii 96850.
Haleakala National Park, P.O. Box 537, Makawao, Maui, Hawaii 96768.

Dated: January 29, 1979.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc. 79-3549 Filed 2-1-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

SOUTHERN NINTH CIRCUIT PANEL OF THE UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION

Meeting

A meeting of the Southern Ninth Circuit Panel of the United States Circuit Judge Nominating Commission will be held on February 24, 1979, at 9:00 a.m. in the Federal Court Building, 230 N. First Avenue, Phoenix, Arizona.

The purpose of the meeting is to interview candidates from Arizona for a vacancy on the Court of Appeals. The meeting will be closed to the public pursuant to Pub. L. 92-463, Section 10(D) as amended. (CF 5 U.S.C. 552b(c)(6).)

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

JANUARY 29, 1979.

[FR Doc. 79-3773 Filed 2-1-79; 8:45 am]

[4510-24-M]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON PRICE INDEXES

Meeting

The BRAC Committee on Price Indexes will meet on Tuesday, February 20, 1979, at 10:00 A.M. in Room 4454 of the General Accounting Office Building, 441 G Street, N.W., Washington, D.C. The agenda for the meeting is as follows:

1. Status Report on the Consumer Price Index Program;
2. Developments in the Family Budget Program;
3. Producer Price Index Revision Progress Report;
4. Current Developments in the International Price Program;
5. Committee Reaction to the Chartbook on Wages, Prices, and Productivity;
6. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523-1559

Signed at Washington, D.C. this 24th day of January 1979.

JANET L. NORWOOD,
Acting Commissioner of Labor Statistics.

[FR Doc.79-3487 Filed 2-1-79; 8:45 am]

[4510-30-M]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 29th day of January 1979.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING JANUARY 29, 1979

Name of applicant and location of enterprise	Principal product or activity
Cochise Airlines, Inc. Yuma, Arizona.	Scheduled air transportation for passengers and freight.

[FR Doc. 79-3640 Filed 2-1-79; 8:45 am]

[4510-43-M]

Mine Safety and Health Administration

[Docket No. M-79-2-C]

AMANDA MINING, INC.

Petition for Modification of Application of Mandatory Safety Standard

Amanda Mining, Inc., P.O. Box 373, Masontown, West Virginia 26542, has filed a petition to modify the application of 30 CFR 75.1710 (canopies) to its Amanda Mine in Preston County, West Virginia. The petition is filed under section 101 (c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition pertains to the following equipment at the petitioner's mine: one 11RU Joy cutting machine, two Fletcher roof bolting machines, and three 74 SS Uni-Trac scoops.

2. The petitioner is mining in heights averaging 48 inches.

3. The petitioner states that because of roof and floor undulations and roof supports, the installation of canopies on its equipment would—

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(a) Place the equipment operator in such a cramped and confined position that it would be impossible to safely operate and maintain complete control of the equipment, and

(b) Severely restrict the operator's view of the roof condition above him and restrict his view of other miners in the area.

(4) For these reasons, the petitioner states that cabs or canopies on the equipment in its mine would result in a diminution of safety; and therefore the petitioner requests relief from the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before March 5, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: January 23, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

FR Doc. 79-33748 Filed 2-1-79; 8:45 am]

[4510-43-M]

[Docket No. M-78-130-C]

DOVERSPIKE BROS. COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Doverspike Bros. Coal Co., RD #4, Box 271, Punxsutawney, Pa., 15767, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Ringgold No. 2 Mine in Jefferson County, Pa. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition pertains to the illumination of working places by permissible lighting on self-propelled mining equipment.

2. The petitioner is mining in heights varying between 27 and 34 inches.

3. These low seam heights prevent the installation of lights on the tops of the mining equipment, and operating controls and rope drums prevent the installation of lights on the sides of the petitioner's auger-type mining equipment.

4. The auger-type mining equiment is powered by direct current, and no satisfactory direct current power supply for mine lighting is readily available.

5. The petitioner states that the application of the standard will result in a diminution of safety to miners for the following reason:

a. The equipment operator would no longer be able to see the signal light from the jack-setters indicating for the operator to start or stop the equipment.

b. Due to the contact of the equipment with coal ribs, timbers and jacks, equipment lights could not be maintained.

6. For these reasons, the petitioner requests relief from the standard until such time as technology provides an acceptable lighting system that can be used in low mining heights.

Request for Comments

Persons interested in this petition may furnish written comments on or before March 5, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Copies of the petition are available for inspection at that address.

Dated: January 25, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-3749 Filed 2-1-79; 8:45 am]

[4510-43-M]

[Docket No. M-78-125-C]

GREEN TREE MINING CORP.

Petition for Modification of Application of Mandatory Safety Standard

Green Tree Mining Corporation, Route 1, Box 210, Princeton, West Virginia 24740, has filed a petition to modify the application of 30 CFR 75.1100 (fire protection) to its Swope #2 Mine in McDowell County, W. Va. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition follows:

(1) This petition pertains to the installation of fire-protection waterlines along the entire length of belt conveyors.

(2) The expected life of the petitioner's mine is less than one year.

(3) There is no surface water available within 5,000 feet of the petitioner's mine.

(4) Three seams of coal have been mined out beneath the petitioner's mine to depths of 1,200 feet and there is no assurance of finding water by drilling a well in these areas.

(5) The entire length of the belt conveyor inside the mine will be less than 900 feet.

(6) As an alternative to the installation of the waterline, the petitioner proposes to place 10 lb. dry chemical fire extinguishers with 240 lbs. of rock dust at 150 foot intervals along the belt conveyor and at the tailpiece. In addition, during certain times of the year a 500 gallon water car could also be maintained.

(7) The petitioner contends that this alternative will achieve no less protection for the miners of its mine than that provided by the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before March 5, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Copies of the petition are available for inspection at that address.

Dated: January 24, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-3750 Filed 2-1-79; 8:45 am]

[4510-43-M]

[Docket No. M-79-6-C]

L & M COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

L & M Coal Company, Box 2097, Lashmeet, West Virginia 24733, has filed a petitition to modify the application of 30 CFR 75.305 (weekly examinations of return airways) to its No. 1 Mine in Mercer County, W. Va. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. Due to adverse roof conditions, roof falls have made the return airway of the mine impassable at locations designated on a map supplied with the petition.

2. Because of these roof falls, the return airway cannot be examined on a weekly basis as required in section 75.305.

3. As an alternative, the petitioner proposes to establish two air quality monitoring stations, one at the inby side of the fall area.

4. The following procedures will be followed in conjunction with these stations:

a. Air measurements will be taken on a daily basis where the air enters and exits the area designated in the petition.

b. The monitoring stations and the approaches leading to them will be maintained in a safe condition at all times.

c. The date, time and results of air quality measurements will be recorded in a book or on a date board provided at each monitoring station. The results will also be recorded in a book kept on the surface and made available to all interested parties.

5. The petitioner states that this alternative will achieve no less protection for the miners affected thant that provided by the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before March 5, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Copies of the petition are available for inspection at that address.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

Dated: January 24, 1979.

[FR Doc. 79-3751 Filed 2-1-79; 8:45 am]

[4510-26-M]

Occupational Safety and Health Administration

[V-78-12; V-79-1]

GENERAL MOTORS CORP. AND CHRYSLER CORP.

Applications for Variance; Grants of Interim Orders

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTIONS: (1) Notice of application for variance and interim orders. (2) Grant of interim orders concerning lead and renewal of interim orders concerning inorganic arsenic.

SUMMARY: This notice announces the application of General Motors Corporation and Chrysler Corporation for variance and the grant of interim orders from certain provisions of the standard prescribed in 29 CFR 1910.1025 concerning occupational exposure to lead. It also announces the renewals of interim orders granted Nov. 17, 1978, in the FEDERAL REGISTER (43 FR 58847) from certain provisions of the standard prescribed in 29 CFR 1910.1018 concerning occupational exposure to inorganic arsenic.

DATES: The effective date of the interim orders is February 2, 1979. The last date for interested persons to submit comments concerning the applications for variances from the occupational safety and health standards on Occupational Exposure to Inorganic Arsenic and Occupational Exposure to Lead is April 18, 1979. The last date for affected employers and employees to request hearings on the applications is April 18, 1979.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, Third Street and Constitution Ave., N.W., Room N-3668, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: (202) 523-7121.

Copies of the applications are available for review at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, JFK Federal Building, Room 1804—Government Center, Boston, Massachusetts 02203.

U.S. Department of Labor, Occupational Safety and Health Administration, 400-2 Totten Pond Road—2nd Floor, Waltham, Massachusetts 02154.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza)—Room 3445, New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, 200 Mamaroneck Avenue—Room 302, White Plains, New York 10601.

U.S. Department of Labor, Occupational Safety and Health Administration, 2E Blackwell Street, Dover, New Jersey 07801.

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building—Suite 2100, 3535 Market Street, Philadelphia, Pennsylvania 19104.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 1110, Charles Center, 31 Hopkins Plaza, Baltimore, Maryland 21201.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 3007, 844 King Street, Wilmington, Delaware 19801.

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street, N.E.—Suite 587, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, Building 10—Suite 33, La Vista Perimeter Office Park, Tucker, Georgia 30084.

U.S. Department of Labor, Occupational Safety and Health Administration, 32nd Floor—Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 344 Smoke Tree Business Park, North Aurora, Illinois 60542.

U.S. Department of Labor, Occupational Safety and Health Administration, 231 West Lafayette, Room 628, Detroit, Michigan 48226.

U.S. Department of Labor, Occupational Safety and Health Administration, Clark Building—Room 400, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building—Room 4028, 550 Main Street, Cincinnati, Ohio 45202.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building—Room 847, 1240 East Ninth Street, Cleveland, Ohio 44199.

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building—Room 602, Dallas, Texas 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, 1425 W. Pioneer Drive, Irving, Texas 75061.

U.S. Department of Labor, Occupational Safety and Health Administration, 32nd Floor—Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 344 Smoke Tree Business Park, North Aurora, Illinois 60542.

U.S. Department of Labor, Occupational Safety and Health Administration, 231 West Lafayette, Room 628, Detroit, Michigan 48226.

U.S. Department of Labor, Occupational Safety and Health Administration, Clark Building—Room 400, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building—Room 4028, 550 Main Street, Cincinnati, Ohio 45202.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building—Room 847, 1240 East Ninth Street, Cleveland, Ohio 44199.

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building—Room 602, Dallas, Texas 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, 1425 W. Pioneer Drive, Irving, Texas 75061.

U.S. Department of Labor, Occupational Safety and Health Administration, 50 Penn Place—Suite 408, Oklahoma City, Oklahoma 73118.

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street—Room 3000, Kansas City, Missouri 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 210 North 12th Boulevard—Room 520, St. Louis, Missouri 63101.

U.S. Department of Labor, Occupational Safety and Health Administration, 1150 Grand Avenue—6th Floor, 12 Grand Building, Kansas City, Missouri 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue—P.O. Box 36017, San Francisco, California 94102.

U.S. Department of Labor, Occupational Safety and Health Administration, 211 Main Street, San Francisco, California 94105.

U.S. Department of Labor, Occupational Safety and Health Adminis-

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tration, 400 Oceangate, Suite 530, Long Beach, California 90802.

NOTICE OF APPLICATIONS

Notice is hereby given that General Motors Corporation, 3044 W. Grand Blvd., Detroit, Michigan 48202 and Chrysler Corporation, P.O. Box 1919, Detroit, Michigan 48288 have made applications pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for variances, and interim orders pending a decision on the applications for variances, from the standards prescribed in various paragraphs of 29 CFR 1910.1025 concerning lead.

The addresses of the places of employment that will be affected by the applications for inorganic arsenic and lead are as follows:

GENERAL MOTORS CORPORATION

FISHER BODY DIVISION

Detroit Fleetweed, W. Fort & W. End, Detroit, Michigan.

Flint Plant, 4300 S. Saginaw Street, Flint, Michigan.

Lansing, 401 Verlinden Avenue, Lansing, Michigan.

Pontiac, 900 Baldwin Avenue, Pontiac, Michigan.

Detroit Control Plant, 6051 Hastings Street, Detroit, Michigan.

GENERAL MOTORS ASSEMBLY DIVISION PLANTS

Arlington, 2525 E. Abram Street, Arlington, Texas.

Baltimore, 2122 Broening Highway, Baltimore, Maryland.

Doraville, 3900 Motors Industrial Way, Doraville, Georgia.

Fairfax, 100 Kindelberger Road, Kansas City, Kansas.

Framingham, Western Avenue, Framingham, Massachusetts.

Fremont, 45500 Fremont Boulevard, Fremont, California.

Janesville, 1000 Industrial Drive, Janesville, Wisconsin.

Lakewood, McDonough & Sawtell, Atlanta, Georgia.

Leeds, 6817 Stadium Drive, Kansas City, Missouri.

Linden, 1016 West Edgar Road, Linden, New Jersey.

Lordstown, 1600 Hallock Young Road, Lordstown, Ohio.

Norwood, 4726 Smith Road, Norwood, Ohio.

Oklahoma City, 7447 SE 74th Street, Oklahoma City, Oklahoma.

St. Louis, 3809 N. Union Boulevard, St. Louis, Missouri.

Southgate, 2700 Tweedy Boulevard, Southgate, California.

Tarrytown, Beekman Avenue, Tarrytown, New York.

Van Nuys, 8000 Van Nuys Boulevard, Van Nuys, California.

Willow Run, 2625 Tyler Road, Ypsilanti, Michigan.

Wilmington, Boxwood Road, Wilmington, Delaware.

CHRYSLER CORPORATION

STAMPING AND ASSEMBLY DIVISION

Belvidere Assembly Plant, Chrysler Drive, Belvidere, Illinois.

Hamtramck Assembly Plant, 7900 Jos. Campau Avenue, Hamtramck, Michigan.

Jefferson Truck Assembly Plant, 12200 E. Jefferson Avenue, P.O. Box 1658, Detroit, Michigan.

Lynch Road Assembly Plant, 6334 Lynch Road, P.O. Box 1518, Detroit, Michigan.

Missouri Truck Assembly Plant, 1050 Dodge Drive, Fenton, Missouri.

Newark Assembly Plant, 550 S. College Street, P.O. Box 179, Newark, Delaware.

St. Louis Assembly Plant, 1001 N. Highway Drive, Fenton, Missouri.

Warren Recreational Vehicle Plant, 6600 E. Nine Mile Road, Warren, Michigan.

Warren Truck Assembly Plant, 21500 Mound Road, Detroit, Michigan.

Warren Truck Special Equip. Center, 21900 Hoover Road, Warren, Michigan.

In addition, the applicants have asked to have these variances apply to any future facilities which would have solder grinding booths which operate in the same manner.

The applicants certify that employees who would be affected by the variances have been notified of the applications by giving copies of them to their authorized employee representatives, and by posting copies at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for Occupational Safety and Health for a hearing.

Regarding the merits of the applications, the applicants contend the method they propose to use will provide a place of employment as safe as that required by § 1910.1025 which contains regulations concerning lead. The permissible exposure limit of this standard requires, in part, that the employer shall assure that no employee is exposed to lead at concentrations greater than 50 micrograms per cubic meter of air (50 $\mu g/M^3$) averaged over an eight hour period. The industry represented by the applicants has an implementation schedule of compliance dates as follows:

The permissible exposure limit shall be not more than 200 $\mu g/M^3$ on the effective date of the standard and 50 $\mu g/M^3$ by one year after this effective date.

In the assembly of an automotive body, the applicants state it is necessary to apply solder to some welded joints. Excess solder must then be removed in order to achieve a smooth finish of the joint. Removal of the excess solder is accomplished in solder grind booths. These booths vary from about 100 to 200 feet in length, and can accommodate a line of several car bodies with about six feet on either side for the solder grind operators to work. These workers use grinding and finishing tools to remove excess solder and smooth the finish. The first operator in the line will use a relatively coarse abrasive; successive employees use a finer abrasive as the car body passes through the booth.

According to material specification, the Chrysler Motor Corporation solder contains 90 percent lead, while the General Motors Corporation solder contains 92 percent lead. High velocity particles of solder dust containing lead are thrown into the atmosphere of the booth by the grinding operation. The booths are operated under negative pressure with an in-draft of a minimum of 150 fpm at all openings.

Specifically, the applicants request variances from several paragraphs of the lead standard, as follows:

Section 1910.1025(d) contain requirements concerning exposure monitoring.

Section 1910.1025(d)(1)(i) defines employee exposure to lead as the exposure which would occur if the employee were not wearing a respirator.

Section 1910.1025(d)(1) (ii) and (iii) requires collection of full shift (at least 7 continuous hours) personal sampling including at least one sample for each shift for each job classification in each work area which shall be representative of the monitored employee's regular, daily exposure to lead.

The applicants state that past monitoring has shown that the level of airborne lead in the booths does not exceed 100,000 $\mu g/M^3$. The operation of the booths is on a continuous assembly-line basis as are most other job classifications involving lead operations, with very little fluctuation in the dust levels during any of the shifts. For these reasons, the applicants state that monitoring the levels in the booths and taking full-shift personal samples of employees in other assembly-line areas would serve no useful purpose. The applicants contend that monitoring for a short period of time is representative and should be allowed.

The employees in the booths are required to wear approved positive pressure air-supplied hoods which are

listed in § 1910.1025(f)(2) Table II for concentration of lead not greater than 100,000 $\mu g/M^3$. The applicants state that there are no problems with fit, comfort or employee acceptance with these respirators, and that their proper use is strictly enforced. Therefore, they state that the only monitoring which is meaningful is inside the respirator in the breathing zone of the employee. The applicants also state that their blood lead monitoring program serves as an additional check on the proper functioning of the air-supplied hoods.

Section 1910.1025(e)(1) requires the institution of engineering and work practice controls to reduce exposures to or below the permissible exposure limits. Paragraph (e)(3) requires the establishment and implementation of a written program to reduce exposure. The applicants request variances from the requirement for using engineering and work practice controls to reduce employee exposure in the solder grinding booths and from the requirement to develop written compliance programs. The applicants state that the postive pressure air-supplied hoods and the respirator programs will protect their employees from exposure to lead while in the solder grinding booths, and that the negative pressure of the booths and the hygiene requirements will keep the airborne lead from being carried to other areas of the plants. Therefore, the applicants state that, without regard to the feasibility of engineering or work practice controls, they are providing a place of employment to their employees as safe and healthful as that which would be provided by compliance with the standards.

Section 1910.1025(f)(2) Table II contains the requirements for respirator selection, including a table which lists the required respirator for various concentrations of airborne lead. The applicants request variances from this section to permit supervisors to wear half facepiece filter-type respirators aproved for toxic dust, with a high-efficiency filter if necessary. Although these respirators are accepted in Table II of the standard only for concentrations of lead not greater than 500 $\mu g/M^3$, the applicants state that the time the supervisors spend in the booth is minimal (1-3 minutes at a time, not exceeding 15 minutes per shift and 1 hour per week) and, therefore, the supervisors' exposure would be within the permitted 8 hour time-weighted average. The applicants also state that supervisors would be required to wear the positive pressure air-supplied hoods if they are in the booth for an extended period of time.

Section 1910.1025(g)(2)(vili) requires that employers provide and assure the use of facilities for employees working in regulated areas where exposure (without the use of respirators) exceeds 200$\mu g/M^3$ to vacuum their protective clothing and clean or change shoes before entering change rooms, lunchrooms or showers. The applicants propose instead to provide an air ring to blow the solder dust from the clothing before the employees leave the booth. The dust is contained within the atmosphere of the booth. The applicants state that vacuuming properly requires considerable time and effort to pass the nozzle over all parts of the clothing, while blowing the dust off the clothing with an air ring can be accomplished quickly and easily. Thus they state that the use of compressed air to blow the dust off is likely to be more effective than vacuuming.

Section 1910.1025(h)(3) prohibits the use of compressed air cleaning of equipment. Chrysler contends that cleaning dust from car bodies inside of ventilated booths with compressed air is more effective then vacuuming as required by the standard, because the dust is contained inside the solder grind booths and does not substantially change the lead levels inside the booths.

Section 1910.1025(i) requires special hygiene facilities and practices other than lavatories (including changerooms, showers, and lunchrooms) where employees are exposed to lead above the permissible exposure level. The applicants contend that with the low blood levels of the affected employees (employees who work between the solder grind booth and Bonderite operation) this requirement is unnecessary. Moreover, ample space is not available at all of the locations. to install hygiene facilities.

Also, the applicants have indicated that they plan to reduce or eliminate inorganic arsenic and lead (solder) in their automobile bodies, as soon as feasible.

General Motors Corporation has committed itself to a program to eliminate employee exposure to lead in its automotive body assembly operations by the elimination or redesign of certain exterior solder joints, which will require extensive body retooling, from new dies in stamping plants to new fixtures and facilities in the automotive body assembly plants. Such substantial alterations can only be accomplished during the shutdown incident to a major model change. The Corporation anticipates that barring unforeseen economic or other developments, all of its models will undergo major change by the 1986 model year, the production of which will commence by August 1, 1985.

This program is already underway and some 1979 car models are being produced without body solder. With the introduction of 1980 models, further progress is anticipated toward reduction in lead usage.

In undertaking this program, however, General Motors Corporation does not foreclose the possibility of alternative solutions which would result in employees' health being protected from lead hazards in conformity with the OSHA standard and its requirements. Should a breakthrough result in a solution to the health problem of employees without eliminating the use of lead in the body building process, the basic objective would still be attained in the Corporation.

Chrysler Corporation has committed itself to substantially reduce the amount of lead solder used on the car body and where feasible to eliminate lead body solder.

Two automobile models that the Corporation has recently introduced have no soldered seams. A substantial effort has been made to reduce the number of soldered seams for the other models that Chrysler Corporation builds. Where solder cannot be eliminated, the seams have been or will be reduced in width.

The Corporation intends to continue its development efforts towards the elimination of lead body solder. If this process (the development of plastic body solder) can be perfected it will be introduced at all car assembly plants which require the use of body solder in production.

While this program is being developed, measures can be taken to protect employee health as fully as it would be protected under the standard itself, short of shutting down production. In particular, Chrysler Corporation is presently removing employees from the job when they have a 70 $\mu g/100g$ blood lead level. By September 1, 1979, Chrysler is willing to lower this removal level to 60 $\mu g/100g$. This commitment, which improves on the removal schedule required by the standard by two years, will assure that no employee suffers impairment of health as a result of lead exposure on the job.

Section 1910.1025(l)(4) requires that employers provide readily accessible lunchrooms with temperature controlled, positive pressure, filtered air supply for employees working in regulated areas. The applicants state that the negative pressure in the booths keeps the airborne lead from spreading to other areas of the plant. Employees are forbidden to eat in the booths, and are required to blow dust from their clothing, remove hoods and gloves and wash prior to eating. The applicants argue that the negative pressure of the booths and the hygiene requirements make it safe for employees to eat in the existing lunchrooms throughout the plant. A separate lunchroom with temperature con-

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trolled filtered air would provide no additional protection to the employees, according to the applicants.

Section 1910.1025(r) requires that all obligations of the lead standard commence on the effective date except for such requirements as hygiene facilities and compliance programs. The applicants request relief from any obligation of this section from which the variances are requested.

Employees in the solder grinding booths will receive blood-lead monitoring on a bimonthly basis. This will serve as a check on the efficacy of the hoods.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the applications for variances are invited to submit written data, views, and arguments relating to the pertinent applications no later than April 18, 1979. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 18, 1979, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

RENEWAL AND GRANT OF INTERIM ORDERS

It has been determined that interim orders from the lead standard shall be issued. These interim orders are being issued to permit the employers time to submit additional relevant data to support their applications that they will be providing places of employment as safe and healthful as the requirements of the standards, and to allow the Occupational Safety and Health Administration sufficient time to complete its evaluation of relevant data and information.

The applicants were previously granted limited time interim orders from the inorganic arsenic standard which were published in the November 17, 1978 FEDERAL REGISTER (43 FR 58847). These interim orders expired on January 8, 1979.

It has been determined that these interim orders from the inorganic arsenic standard shall be renewed subject to the terms and conditions of the original interim orders and the conditions set forth below in this notice.

Therefore, it is ordered, pursuant to the authority in section 6(d) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.11(c) and in Secretary of Labor's Order No. 8-76 (41 FR 25059) that General Motors Corporation and Chrysler Corporation be, and they are hereby subject to the following conditions, in lieu of complying with the paragraphs of the inorganic arsenic and lead standards from which they have requested variances. Both applicants have requested and been granted relief from the following paragraphs of 29 CFR 1910.1018—Occupational Exposure to Inorganic Arsenic:

(e)(ii);
(e)(iii);
(g);
(h)(2);
(m)(5);
(n)(1)(i); and
(u)(5).

Both applicants have requested and been granted relief from the following paragraphs of 29 CFR 1910.1025—Occupational Exposure to Lead:

(d)(1)(i);
(d)(1)(ii);
(d)(1)(iii);
(e)(1);
(e)(3);
(f)(2);
(g)(2)(viii); and
(i).

Chrysler Corporation has also requested and been granted relief from §§ 1910.1025(h)(3) and 1910.1025(i)(4) of the Standard for Occupational Exposure to Lead.

The applicants shall comply with all provisions of the inorganic arsenic and lead standards for which variances have not been requested and granted.

1. Employees in the grinding booth shall be supplied with and required to wear individually issued approved air-supplied hoods, for protection up to 100,000 $\mu g/M^3$ of lead;

2. Monitoring of air levels for lead and arsenic separately shall be performed by both Corporations as follows:

a. At least 10 full-shift personal samples from each of 5 different plants shall be taken in tandem, i.e., paired or side-by-side, from within the air-supplied hood in the breathing zone of the solder grinder in the solder grind booth, and from within the solder grind booth, outside of the air-supplied hood. Within each plant, the samples shall include solder grinders utilizing grinding and finishing tools of different grades of abrasive including the finest abrasive grit. The grade of abrasive represented by each sample shall be reported with the sample results and the job or work station shall be identified;

b. At least 10 full-shift area samples from each of 3 different plants shall be taken at various distances outside of but within 10 feet from entrances to and exists from the solder grind booth. The distances selected for sampling shall be reported with the sample results;

c. At least 20 full-shift personal samples shall be taken for employees on the assembly line in areas adjacent to the solder grind booth along with the appropriate accompanying short-term samples to demonstrate their comparability. This data shall be submitted with the proposed method of extrapolating the short-term data to full-shift representation;

d. At least 12 wipe samples shall be obtained from the interior of the respirator hood face-plate as follows: From each of 2 employees monitored in section 2a., an initial wipe sample shall be taken prior to starting work with a freshly cleaned hood. Wipe samples shall be taken at the end of the shift for 5 consecutive work days on the same hood. Data shall be reported individually with data of sample and reference to air monitoring results from that employee;

e. At least 10 wipe samples shall be obtained from eating surfaces (tables or counters) in snack rooms or other facilities where solder-grind employees usually eat lunch. For both 2d. and 2e. a description of sampling method and area sampled shall be provided.

f. For 2 of the 10 employees at each plant monitored in 2a. above, the sampling filter from within the air-supplied hoods shall be changed at the end of the shift prior to final dust removal. The employees shall be sampled during dust removal, in one case using blow down by compressed air and in the other using vacuum. The samples shall be identified so that the values may be compared to their full-shift exposure.

3. For the period of these interim orders, each Corporation shall operate a program of medical removal including medical removal protection benefits as provided in paragraph (k) of the final Standard for Occupational Exposure to Lead for any employee whose most recent blood lead level is 70 $\mu g/100$ g whole blood or greater or whose blood lead, based upon the average of the three most recent samples, is 70 $\mu g/100$ g whole blood or greater.

4. The development and implementation of a written program (compliance plan) for using engineering and administrative controls to reduce exposure is not required for the period of these interim orders. However, available data on such items as air flow within the solder grind booth and at exhaust points, treatment of exhaust air through filters, and whether such air is recirculated, shall be submitted by both Corporations.

5. The supervisors shall be permitted to use half facepiece filter-type respirators approved for toxic dusts when they enter the grinding booths, so long as their exposure time remains minimal (1-3 minutes at a time, not exceeding 15 minutes per shift and 1 hour per week) and the mask remains in place at all times. If they are in the booth longer than the time limits above they shall be required to wear positive pressure air-supplied hoods. A log book shall be maintained of the entrance and exit time for the supervisors at the 5 plants selected for monitoring in 2a. above. Entries shall include name, shift, and time in booth. It shall be kept for 2 weeks continuously and submitted with data from item 7. below;

6. Before employees leave the grinding booth, they shall be required to remove dust from their clothing by vacuuming or blowing with compressed air while connected to their air supply. Data must be supplied to support the contention that the use of compressed air is as effective in removing dust from clothing as vacuuming;

7. Employees shall be required to remove dust from their clothing, remove hoods and gloves, and wash face, hands, and arms to the elbow prior to eating. However, readily accessible temperature controlled, positive pressure, filtered air lunchrooms are not required for the period of these interim orders;

8. Both Corporations shall provide the two most recent blood lead values for each individual currently in the Corporations lead and blood monitoring program as a result of exposures arising out of vehicles body solder operations grouped by the following job categories: booth grinder, repairman, torch solder and supervisory personnel. The latest blood lead level data shall be provided for any other employee monitored during the last 12 months who no longer works in the area. Each blood lead level shall be identified by job category, plant location, and date obtained. The data shall not be in summary form, but on an individual employee basis;

9. The establishment of hygiene facilities other than lavatories for solder grind applicators and employees on the line between the solder grind booths and Bonderite in the case of General Motors Corporation, and on the line between the solder grind booths and phosphating in the case of Chrysler Corporation, is not required for the period of the interim orders. However each Corporation shall compile and submit a census of available hygiene facilities by plant and work shift which shall include at least the following information: number of employees affected, protective clothing required, clothing change frequency, shower and lunchroom facilities and the distance of each of these facilities from employees' work stations;

10. Both Corporations shall submit a written, detailed respiratory protection program to include selection, maintenance, cleaning, and training procedures for solder grind employees and supervisors.

11. The applicants shall provide all currently available data and any additional data gathered to support their requests for variance within 30 calendar days after the publication of these interim orders in the FEDERAL REGISTER. A second submission of data is due within 45 calendar days after publication of this interim order and all information required is due within 60 calendar days after publication of this interim order.

12. The applicants will comply with the conditions of these interim orders and with all provisions of the lead standard not subject to the interim orders, without regard to the grant of any administrative or judicial stays of the lead standard.

General Motors Corporation and Chrysler Corporation shall give notice of these grants and renewals of interim orders to employees affected thereby by the same means required to be used to inform them of the applications for variances. These interim orders shall become effective upon publication in the FEDERAL REGISTER. The Assistant Secretary may revoke these interim orders at any time if the applicants do not comply with the requirements for the submission of further information within the specified time or do not comply with any other requirements of the interim orders or the relevant standards; or if evaluation of the information submitted by the applicants or other information indicates that revocation of the interim orders is warranted. Unless revoked, the interim orders will remain in effect until a decision is made on the application for variances. Signed at Washington, D.C. this 26th day of January 1979.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 79-3752 Filed 2-1-79; 8:45 am]

[4510-26-M]

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

[V-78-7]

UNITED STATES STEEL CORP.

Hearing on application for Variance; Change of Dates and Room Locations

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Change dates of hearing on application for variance.

SUMMARY: This notice changes the dates and room locations of the previously announced hearing on the application for variance submitted by U.S. Steel Corporation. The variance requested is from 29 CFR 1910.1029(g)(2)(ii) concerning respirator selection for coke oven emissions.

DATES: The hearing will be held on March 6, 7, and 8, 1979.

ADDRESS: The location of the hearing will be the Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222. The hearing will be held in Room 2501 on March 6, 1979, and Room 2212 on March 7 and 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue NW., Room N-3668, Washington, D.C. 20210, Telephone: (202) 523-7121.

SUPPLEMENTARY INFORMATION: On November 21, 1978, a notice was published in the FEDERAL REGISTER (43 FR 54306) announcing a hearing on the application for variance submitted by U.S. Steel Corporation.

The purpose of this document is to notify interested persons that the dates and room location of the hearing for U.S. Steel Corporation has been changed. The hearing will now be held at 9 a.m. on March 6, 7, and 8, 1979, at the Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222. The new room locations are as follows: Room 2501 on March 6, 1979, and Room 2212 on March 7 and 8, 1979.

Signed at Washington, D.C., this 30th day of January, 1979.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 79-3935 Filed 2-1-79; 10:13 am]

[4510-28-M]

Office of the Secretary

[TA-W-3959]

CONSOLIDATED ALUMINUM CORPORATION BENTON, KENTUCKY

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3959: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 11, 1978 in response to a worker petition received on July 10, 1978 which was filed on behalf of workers and former workers producing aluminum chairs, redwood picnic tables, tea carts and aluminum signs at Consolidated Aluminum Corporation, Benton,

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Kentucky. The investigation revealed that workers at the Benton plant also produced CB radio antennas, but produced no aluminum signs.

The Notice of Investigation was published in the FEDERAL REGISTER on July 25, 1978 (43 FR 32199-32200). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Consolidated Aluminum Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Aluminum lawn furniture accounted for the major proportion of production at the Benton plant. Imports of Metal Outdoor Furniture increased absolutely and relative to domestic production in 1977 compared to 1976, and increased absolutely in the first nine months of 1978 compared to the like period in 1977.

The Department surveyed a number of Consolidated Aluminum Corporation's customers for lawn furniture. Several of the respondents reported that they reduced purchases from the company and increased their purchases of imported lawn furniture in 1977 compared to 1976 and in the first eight months of 1978 compared to the like period in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with aluminum lawn furniture produced at Consolidated Aluminum Corporation, Benton, Kentucky contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Consolidated Aluminum Corporation, Benton, Kentucky engaged in employment related to the production of aluminum lawn furniture who became totally or partially separated from employment on or after June 27, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-3501 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-2921]

EAGLE CLOTHES, INC., BROOKLYN, NEW YORK

Notice of Negative Determination Regarding Application for Reconsideration

By letters of June 22, 1978, and July 18, 1978, counsel for a window trimmer employed by Eagle Clothes, Inc., requested administative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers engaged in setting up clothing displays at New York and New Jersey retail stores of Eagle Clothes, Inc. The determination was published in the FEDERAL REGISTER on May 23, 1978. (43 FR 22092). An oral presentation in support of the application was given on December 6, 1978, in New York, New York.

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Counsel for one of the former workers claims through personal testimony and through an oral presentation in New York on December 6, 1978, that his client was separated from employment with Eagle Clothes, Inc., because of increased imports.

Neither the written application nor the oral presentation in New York provided information which would indicate that the Department's denial was erroneous. The Department's denial was based on the determination that the window trimmers were not integrated into the production process of Eagle Clothes, whose workers produced men's suits, sportcoats and pants and were certified eligible for adjustment assistance. The Department determined that window trimming and retail selling do not constitute the production of an article. The Department of Labor has previously determined that the performance of services is not included within the term "article" as used in Section 222(3) of the Act.

Workers at the Brooklyn, New York, plant and the New York, New York, offices of Eagle Clothes, Inc., were certified eligible to apply for trade adjustment assistance on August 31, 1978, (TA-W-3465 and 3466). All hourly and piecework employees at Eagle Clothes, Inc., were covered by an earlier certification (TA-W-279). Workers in retail stores owned by Eagle Clothes have not petitioned for adjustment assistance. According to company officials, 30 percent of sales by its retail stores consisted of suits, sportcoats and slacks produced by Eagle Clothes, some 50 percent consisted of clothing produced by other domestic U.S. manufacturers and 20 percent of the clothing originated in foreign countries.

According to the oral testimony of December 6, 1978, Mr. Al Sherman was an employee of Eagle Clothes, Inc., who set up and maintained store window displays in several Eagle Clothes' retail outlets. Given the fact that well over half of the stock of apparel carried by the stores in which he worker were of non-Eagle origin, the Department does not regard him or other window trimmers as part of the integrated production process at Eagle whereby men's suits, sportcoats and pants are produced.

Under the circumstances in the subject case, it is not reasonable to regard workers in the retail stores as part of an integrated production process. It would be unlikely that layoffs in the firm's retail stores would be importantly and directly linked to the import impact on the firm's production operations. While there is some connection between the retail sales stores and the manufacturing operation in Brooklyn given the fact that they are in the same corporation, the functions are significantly different. Since the retail stores are so dependent on goods produced by other domestic and foreign manufacturers, they are considered as standing by themselves.

CONCLUSION

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-3503 Filed 2-1-79; 8:45 am]

[4510-30-M]

FEDERAL COMMITTEE ON APPRENTICESHIP

Reestablishment

Notice is given that after consultation with the General Services Administration, it has been determined that the Federal Committee on Apprenticeship (FCA), whose charter expired January 5, 1979, is hereby reestablished for a period of 4 months. This action is necessary and in the public interest for the following reasons:

A. The National Apprenticeship Act itself, under Section 1, requires the Secretary of Labor to bring together employers and labor for the formulation of standards of apprenticeship. The FCA is a major means by which the Secretary accomplishes this objective.

B. The FCA is the only advisory committee dealing exclusively with apprenticeship matters across industry lines at the national level. No other forum of this type, either in-house, intragovernment or public, is available to the Secretary of Labor.

C. The FCA serves as an effective sounding board in testing experimental projects and assessing policy issues. The open FCA meetings have been drawing an increasing number of people from the public. The meetings provide an opportunity for the reaction, interest, and contributions from the public sector on issues of vital significance to the apprenticeship community.

D. The FCA meetings foster the expansion of cooperative relationships with State agencies concerned with apprenticeship and skill training.

E. In consideration of its purposes, an equitable balance of concerned interests has been achieved in the membership of the Committee. From the apprenticeship establishment, management and labor are equally represented with management from a cross section of major industry groups and labor from diverse craft union organizations. The special interest of minority and women's groups is represented as well as participation from education and State apprenticeship agencies.

F. Many of the issues surface with respect to an ongoing program such as apprenticeship operating almost exclusively in the private sector and are not amenable to single opinion resolution. There needs to be a continuity in the deliberations and in the work and the membership of subcommittees that would not be possible under ad hoc or limited life arrangements.

G. Under the terms of the National Apprenticeship Act, members of the Committee do not receive compensation for their service.

H. In order to maintain the skill requirements of the Nation, the Committee's recommendations are a deciding factor in accomplishing the skilled manpower requirements.

I. Due to the required involvement of personnel from industry, labor, and other public interest groups, it is beyond the scope of this Agency to perform the functions of the Committee, nor is there an existing advisory committee which can perform these functions.

The General Services Administration is waiving the 15-day period between the publication of this notice and the filing of the charter in view of the previously scheduled meeting of the Committee for January 17-19, 1979, as published in the FEDERAL REGISTER (43 FR 10647).

Signed at Washington, D.C. this 17th day of January, 1979.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 79-3488 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4455]

FOREMAN MANUFACTURING CO., INC., COLLINGS LAKE, N.J.

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4455: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1978 in response to a worker petition received on November 27, 1978 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' outerwear at Foreman Manufacturing Company, Inc., Collings Lake, New Jersey.

The investigation revealed that the plant produces ladies' raincoats.

The Notice of Investigation was published in the FEDERAL REGISTER on December 8, 1978 (43 FR 57692). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Foreman Manufacturing Company, Inc., the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met: That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales increased in value in 1977 compared with 1976 and continued to increase in value through 1978 as compared to 1977.

Conclusion

After careful review, I determine that all workers of Foreman Manufacturing Company, Inc., Collings Lake, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3504 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4517]

GEAR, INC., EL MONTE, CALIF.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4517: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 14, 1978 in response to a worker petition received on December 8, 1978 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' coats at Gear, Incorporated, El Monte, California.

The Notice of Investigation was published in the FEDERAL REGISTER on December 26, 1978 (43 FR 60243). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Gear, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met: That sales or production, or both, of the firm or subdivision have decreased absolutely.

Company sales and production at Gear, Incorporated increased in the fourth quarter of 1977 compared to the like period in 1976 and in January-November 1978 compared to the like period in 1977.

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CONCLUSION

After careful review, I determine that all workers of Gear, Incorporated, El Monte, California are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3505 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4408]

GENERAL HOUSEWARES CORP. COLUMBIAN DIVISION, TERRE HAUTE, IND.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4408: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1978 in response to a worker petition received on November 15, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing porcelain and steel cookware at General Housewares Corporation, Columbian Division, Terre Haute, Indiana.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56951-56952). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of General Housewares Corporation its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been made.

Imports of porcelain enameled cookware increased absolutely and relative to domestic production from 1976 to 1977, and increased absolutely during the first nine months of 1978 compared to the first nine months of 1977.

A survey of several customers of cookware produced by General Housewares Corporation revealed that most of the surveyed customers reduced purchases from General Housewares while purchasing large quantities of imported cookware.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with porcelain enameled steel cookware produced at General Housewares Corporation, Columbian Division, Terre Haute, Indiana contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of General Housewares Corporation, Columbian Division, Terre Haute, Indiana who became totally or partially separated from employment on or after November 13, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3506 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4518]

HEIDI-HO, INC., KEYSVILLE, VA.

2Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4518: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 14, 1978 in response to a worker petition received on December 11, 1978 which was filed on behalf of workers and former workers producing children's apparel at Heidi-Ho, Incorporated, Keysville, Virginia.

The Notice of Investigation was published in the FEDERAL REGISTER on December 26, 1978 (43 FR 60243). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Heidi-Ho, Incorporated, its customer (manufacturer), the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that layoffs at Heidi-Ho, Incorporated in the fourth quarter of 1978 were seasonal in nature.

The average number of production workers at Heidi-Ho increased in every quarter of 1978 compared to like quarters in 1977.

During 1978, contract work with one manufacturer accounted for all of Heidi-Ho's production. This manufacturer, when contacted by the Department, indicated that imports have had no effect on its contract work with Heidi-Ho and that any decrease in contract work with Heidi-Ho during the last quarter of 1978 reflects the seasonality of the children's apparel industry.

CONCLUSION

After careful review, I determine that all workers of Heidi-Ho, Incorporated, Keysville, Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-3507 Filed 2-1-79; 8:45 am]

[4510-28-M]

ALATEX, INC., ET AL.

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 12, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 12, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of January 1979.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of:)	Location	Date Received	Date of Petition	Petition Number	Articles Produced
Alatex, Incorporated (ACTWU)	Crestview, Florida	1/22/79	1/18/79	TA-W-4,745	men's underwear
Arizona Agrochemical Company, Inc., (workers).	Chandler, Arizona	1/22/79	1/17/79	TA-W-4,746	liquid ammonia
Bethlehem Steel Corp., Sparrows Point Shipyard (Industrial Union/ Marine & Shipyard Workers of America.	Sparrows Point, Maryland	1/25/79	1/24/79	TA-W-4,747	ocean-going ships, tankers, bulk cargo vessels, ore carriers, etc
Delton Ltd. (ACTWU)	New York, New York	1/22/79	1/18/79	TA-W-4,748	tailored clothing for men
Texas Apparel Company, Alice Street Plant (ACTWU).	Eagle Pass, Texas	1/22/79	1/18/79	TA-W-4,749	boy's jeans
Texas Apparel Company, Plant #2 (ACTWU).	Eagle Pass, Texas	1/22/79	1/18/79	TA-W-4,750	boy's jeans
Texas Apparel Company (ACTWU)	Del Rio, Texas	1/22/79	1/18/79	TA-W-4,751	men's jeans

[FR Doc. 79-3500 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4507]

JALYN FASHIONS, SAN GABRIEL, CALIF.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4507: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 12, 1978 in response to a worker petition received on December 8, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats at Jayln Fashions, San Gabriel, California.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59180-1). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jayln Fashions, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

Production and sales of ladies' coats by Jalyn Fashions increased absolutely from 1977 to 1978. Increases were registered in each of the first three quarters of 1978 compared to the like quarters in 1977.

Conclusion

After careful review, I determine that all workers of Jayln Fashions, San Gabriel, California are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-3508 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4441]

JOSEPH F. CORCORAN SHOE COMPANY STOUGHTON, MASS.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4441: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 29, 1978 in response to a worker petition received on November 6, 1978 which was filed on behalf of workers and former workers producing men's boots at the Joseph F. Corcoran Shoe Company, Stoughton, Massachusetts.

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The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56953). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Joseph F. Corcoran Shoe Company and its parent firm, Acme Boot Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

Company sales of men's boots, in quantity and value, increased in the last quarter of 1977 compared to the last quarter of 1976, and continued to increase in the first nine months of 1978 when compared with the like period in 1977. Production of men's boots, in quantity, increased in the last quarter of 1977 compared to the previous quarter, and increased in the first nine months of 1978 when compared with the like period in 1977.

Conclusion

After careful review, I determine that all workers of Joseph F. Corcoran Shoe Comany, Stoughton, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 793502 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4278]

KNITCRACKER SWEET, LTD., NEW YORK, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4278: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 20, 1978 in response to a worker petition received on October 18, 1978 which was filed on behalf of workers and former workers producing women's sweaters and knit tops at Knitcracker Sweet, Limited in New York, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on October 31, 1978 (43 FR 50758). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Knitcracker Sweet, Limited, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's sweaters increased from 1975 to 1976. In 1977, imports of sweaters increased 9.0 percent over the average level of imports for the years 1973 through 1976. The ratio of imports of sweaters to domestic production in 1977 was above the import to domestic production ratio recorded in each year in the 1973 to 1975 time period.

U.S. imports of women's, misses' and children's blouses and shirts increased from 1976 to 1977. Imports increased in the first three quarters of 1978 compared to the first three quarters of 1977.

A Departmental survey of the major customers of Knitcracker Sweet, Limited revealed that several customers increased their purchases of imported women's sweaters and knit tops and decreased their purchases from Knitcracker Sweet during the January-September period in 1978 compared to the same period in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's sweaters and knit tops produced at Knitcracker Sweet, Limited, New York, New York, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Knitcracker Sweet, Limited, New York, New York, who became totally or partially separated from employment on or after August 5, 1978 and before November 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 or the Trade Act of 1974."

Signed at Washington, D.C. this 26th day of January, 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-3509 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4425]

LONDON KNITTING CO., PHILADELPHIA, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4425: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 27, 1978 in response to a worker petition received on November 14, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's and boys' sweaters. The investigation revealed that London Knitting Company, Incorporated also produces women's sweaters.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56952). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of London Knitting Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased absolutely and relative to domestic production from 1975 to 1976. U.S. imports increased absolutely from 1976 to 1977 and for the first three quarters of 1978 compared to the same period of 1977.

U.S. imports of women's, misses' and children's sweaters increased both absolutely and relative to domestic production from 1975 to 1976. Imports of sweaters in 1977 were greater than the average level of imports for the years 1973 through 1976. The ratio of imports of sweaters to domestic production exceeded 140 percent in 1976 and in 1977. The import to domestic production (IP) ratio in 1977 was higher than the average IP ratio for the period 1973 through 1976.

A Departmental survey of the customers of London Knitting Company, Incorporated indicated that several customers increased their reliance on imported men's, boys', and women's sweaters and decreased their purchases from London Knitting Company, Incorporated during the first eleven months of 1978 compared to the same period in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports or articles like or directly competitive with men's, boys' and women's sweaters produced at London Knitting Company, Incorporated, Philadelphia, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, make the following certification:

"All workers of London Knitting Company, Incorporated, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after July 21, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3510 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4457, TA-W-4457a]

LOUSONS KNITTING MILLS, INC., PHILADELPHIA, PA.

MARDER KNITTING MILLS, INC., PHILADELPHIA, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4457 & TA-W-4457a: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1978 in response to a worker petition received on November 27, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's and ladies' sweaters at Lousons Knitting Mills, Incorporated in Philadelphia, Pennsylvania and at Marder Knitting Mills, Incorporated in Philadelphia, Pennsylvania. The investigation revealed that the plants also produce boys' sweaters.

The Notice of Investigation was published in the FEDERAL REGISTER on December 8, 1978 (43 FR 57692-93). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Lousons Knitting Mills, Incorporated and Marder Knitting Mills, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Lousons Knitting Mills, Incorporated and Marder Knitting Mills, Incorporated are two separate companies under common management. Evidence developed during the course of the investigation revealed that the average employment of hourly workers at Lousons Knitting Mills, Incorporated and at Marder Knitting Mills, Incorporated increased in 1977 compared to 1976. Average employment of hourly workers increased at Lousons in the first eleven months of 1978 compared to the same period of 1977. Average employment of hourly workers at Marder did not change in the first eleven months of 1978 compared to the same period of 1977. The average number of hours worked remained stable in both companies from 1976 through November 1978.

CONCLUSION

After careful review, I determine that all workers of Lousons Knitting Mills, Incorporated in Philadelphia, Pennsylvania and of Marder Knitting Mills, Incorporated in Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3511 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4427]

MARK-D KNITTING CO., INC., PHILADELPHIA, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4427: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 27, 1978 in response to a worker petition received on November 20, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing knit fabric for sweaters at Mark-D Knitting Company, Incorporated, Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56952). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Mark-D Knitting Company, Incorporated, its manufacturers, the American Textile Manufacturers Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligiblity to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that U.S. imports of finished fabric (bleached, dyed and printed) declined from 464 million square yards in 1976 to 453 million square yards in 1977. Imports increased from 341 million square yards in the first nine months of 1977 to 386 million square yards in the first nine months of 1978. However, the ratio of imports to domestic production was less than two percent in 1976 and in 1977.

Major manufacturers for whom Mark-D Knitting Company produced knit fabric indicated that they did not purchase imported knit fabric in 1976, 1977 or 1978.

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CONCLUSION

After careful review, I determine that all workers of Mark-D Knitting Company, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3512 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4428]

MEYER MANUFACTURING, INCORPORATED, PHILADELPHIA, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4428: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 27, 1978 in response to a worker petition received on November 20, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's swimwear, tennis dressed, tennis warm-up suits and sweaters at Meyer Manufacturing, Incorporated in Philadelphia, Pennsylvania. the investigation revealed that the plant primarily produces women's and girls' swimwear.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56952-53). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Meyer Manufacturing, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment asistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

Meyer Manufacturing, Incorporated began operations in September of 1976. Sales, in value, increased at Meyer Manufacturing, Incorporated in the last quarter of 1977 compared with the last quarter of 1976 and continued to increase in the first eleven months of 1978 compared with the like period of 1977. Sales and production are equivalent at Meyer Manufacturing.

CONCLUSION

After careful review, I determine that all workers of Meyer Manufacturing, Incorporated in Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-3513 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-3692]

NEW BRUNSWICK CHILDREN'S COAT CO., HIGHLAND PARK, N.J.

Revised Determination on Reconsideration

On January 12, 1979, (44 FR 4045), the Department of Labor granted administrative reconsideration of the negative determination which it had made on November 7, 1978, (43 FR 53861) pursuant to Section 223 of the Trade Act of 1974 for all workers at the Highland Park, New Jersey, plant of the New Brunswick Children's Coat Company regarding eligibility to apply for worker adjustment assistance.

In its reconsideration, the Department reviewed the investigative files of the subject firm and its major manufacturer. The review revealed that workers of the major manufacturer which supplied the subject firm with virtually all of its orders in 1977 and 1978 were certified eligibile to apply for trade adjustment assistance on November 13, 1978. Further, the Highland Park, New Jersey, plant of the New Brunswick Children's Coat Company closed in November 1978 because of a lack of orders.

U.S. imports of women's, misses' and children's coats and jackets increased from 2252 thousand dozen in 1976 to 2723 thousand dozen in 1977. The ratio of imports to domestic production increased from 48.3 percent in 1976 to 54.9 percent in 1977. Imports declined slightly from 590 thousand dozen in the first quarter of 1977 to 572 thousand dozen in the first quarter of 1978.

CONCLUSION

Based on additional evidence, a review of the entire record and in accordance with the provisions of the Act, I make the following revised determination:

"All workers at the Highland Park, New Jersey, plant of the New Brunswick Children's Coat Company who became totally or partially separated from employment on or after April 25, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-3514 Filed 1-31-79; 8:45 am]

[4510-28-M]

[TA-W-2524]

NEW JERSEY RUBBER CO., BEISINGER INDUSTRIES CORP., TAUNTON, MASS.

Notice of Revised Determination of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 and in accordance with Section 223 (a) of such Act, on January 23, 1978 the Department issued a Notice of Negative Determination of Eligibility to Apply for Adjustment Assistance applicable to workers and former workers of New Jersey Rubber Company, Division of Beisinger Industries Corporation, Taunton, Massachusetts.

The Notice of Negative Determination was published in the FEDERAL REGISTER on January 31, 1978 (43 FR 4131).

Subsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received an inquiry on behalf of workers and former workers who were separated from New Jersey Rubber Company, Division of Beisinger Industries Corportion. Further investigation revealed that all of the group eligibility requirements of Section 222 of the Act have been met.

Imports of non-leather bottomstock materials for footwear increased absolutely and relative to domestic production from 1976 to 1977.

The Department surveyed customers which reduced purchases of non-leather bottom stock from New Jersey Rubber Company. The survey revealed that some customers had increased purchases of imported non-leather bottom stock for shoes.

CONCLUSION

Based on the additional evidence, a review of the entire record and in accordance with the provisions of the Act, I make the following certification:

"All workers of New Jersey Rubber Company, Division of Beisinger Industries Corporation, Taunton, Massachusetts who became totally or partially separated from employment on or after October 25, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3515 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4215]

OUTBOARD MARINE CORP., GALE PRODUCTS DIVISION, GALESBURG, ILL.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4215: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 26, 1978 in response to a worker petition received on September 21, 1978 which was filed by the Independent Marine and Machinist Association on behalf of workers and former workers producing lawn mowers and parts for outboard motors at the Galesburg, Illinois plant of the Outboard Marine Corporation. The investigation revealed that the Galesburg plant is known as the Gale Products Division.

The Notice of Investigation was published in the FEDERAL REGISTER on October 17, 1978 (43 FR 44795). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Outboard Marine Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other ceiteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales and/or production.

The Galesburg plant produces lawn mowers and parts for outboard motors and has acted as the parts and accessories distribution center for Outboard Marine Corporation. During July and August of 1977 a model changeover occurred that required a retooling of production equipment. Additionally the workers at the plant went on strike from October 30 to November 21, 1977. The combined impact of the model changeover and the strike depressed lawn mower production levels at the Galesburg plant in the third and fourth quarters of 1977.

Company sales and production of lawn mowers at the Galesburg plant increased during the January-October period of 1978 compared to the same period of 1977.

Furthermore, the ratio of imports to domestic production for lawn tractor and lawn mowers remained below 0.3 percent in the 1973-1977 period.

During 1978 the Galesburg plant experienced employment declines as a result of the transfer of the parts and accessories distribution center to a new facility in Beloit, Wisconsin.

Parts for outboard motors are manufactured at the Galesburg plant for use primarily in company-assembled motors. Data on company sales and production of outboard motor parts were not maintained. However, company sales and production of outboard motors, which are rough proportional equivalents to the sales and production of outboard motors parts, increased during the January-October period of 1978 compared to the same period of 1977.

CONCLUSION

After careful review, I determine that all workers at the Gale Products Division of Outboard Marine Corporation, Galesburg, Illinois are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-3516 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4475]

P. F. INDUSTRIES, INC., BRISTOL, R.I.

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4475; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 6, 1978 in response to a worker petition received on December 4, 1978 which was filed by the United Rubber, Cork, Linoleum and Plastic Worker's of America on behalf of workers and former workers producing canvas, sporting, and waterproof footwear at P. F. Industries, Incorporated, Bristol, Rhode Island. The investigation revealed that the plant produces canvas and leather athletic footwear.

The Notice of Investigation was published in the FEDERAL REGISTER on December 9, 1978 (43 FR 59165-59166). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of P. F. Industries, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales and/or production.

P. F. Industries, Incorporated purchased the Bristol, Rhode Island plant in April 1977 from Converse Rubber Company. Since that time, P. F. Industries has sold canvas and leather athletic footwear to three groups of customers. For the first year of operation, P. F. Industries produced footwear under contract with Converse Rubber Company. At the end of this contract in April 1978, Converse sourced that production at another one of its domestic facilities.

Workers at P. F. Industries were eligible to apply for adjustment assistance under certification TA-W-911. That certification expired on September 6, 1978.

During the period preceeding and subsequent to the expiration of the certification in September 1978, P. F. Industries has been producing footwear primarily for sale to the U. S. Government and to distributors. Under the "Buy American " plan, the U. S. Government does not buy any imported footwear.

Footwear produced at P. F. Industries is also sold through distributors. A survey of these customers indicated that they had increasing sales from 1977 to 1978 and reduced their pur-

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chases of imports over the same period.

CONCLUSION

After careful review, I determine that all workers of P. F. Industries, Bristol, Rhode Island are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3517 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4431]

S & E KNITTING CO., INC., PHILADELPHIA, PA.

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4431: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 27, 1978 in response to a worker petition received on November 20, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing doubleknit fabric for dresses and blouses at S & E Knitting Company, Incorporated, Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56952-53). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of S & E Knitting Company, Incorporated, its manufacturers, the American Textile Manufacturers Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that U.S. imports of finished fabric (bleached, dyed and printed) declined from 464 million square yards in 1976 to 453 million square yards in 1977. Imports then increased from 341 million square yards in the first nine months of 1977 to 386 million square yards in the first nine months of 1978. However, the ratio of imports to domestic production was less than two percent in 1976 and in 1977.

Manufacturers for whom S & E Knitting Company produced knit fabric indicated that they did not purchase imported knit fabric in 1976, 1977 and 1978.

CONCLUSION

After careful review, I determine that all workers of S & E Knitting Company, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3519 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4255]

SALANT AND SALANT, INC., UNION CITY, TENN.

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4255: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 10, 1978 in response to a worker petition received on October 10, 1978 which was filed by the Amalgamated Clothing Textile Workers' Union on behalf of workers and former workers producing men's jeans at the Union City, Tennessee plant of Salant and Salant, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on October 20, 1978 (43 FR 49061). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Salant and Salant, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Salant and Salant, Incorporated made a one-time small purchase of imported jeans in early 1978 amounting to less than 1.5 percent of Union City's annual production.

A survey by the Department revealed that none of the customers of the Union City, Tennessee plant purchased imported jeans in 1976, 1977 or the first nine months of 1978.

CONCLUSION

After careful review, I determine that all workers of Salant and Salant, Incorporated, Union City, Tennessee are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3520 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4433]

SALZ LEATHER, INC., SANTA CRUZ, CALIF.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4433: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 27, 1978 in response to a worker petition received on November 20, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's and ladies sweaters at Sturbridge, Incorporated, Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56952-53). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Salz Leather, Incorporated its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of tanned and finished cattlehides increased both absolutely and relative to domestic production in January-September 1978 compared to the same period in 1977.

A Departmental survey of customers of Salz Leather revealed that several surveyed customers reduced purchases from the subject firm and increased purchases of imported leather in the first ten months of 1978 compared to the same period in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with finished leather produced at Salz Leather, Incorporated, Santa Cruz, California contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Salz Leather, Incorporated, Santa Cruz, California who became totally or partially separated from employment on or after June 3, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3521 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4435]

STURBRIDGE, INC., PHILADELPHIA, PA.

Certification Regarding eligibility To Apply for worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4435: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 27, 1978 in response to a worker petition received on November 20, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's and ladies sweaters at Sturbridge, Incorporated, Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56952-53). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Sturbridge, Incorporated, its manufacturers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirement have been met.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased absolutely in 1977 compared to 1976 and increased absolutely in the first three quarters of 1978 compared to the same period in 1977.

U.S. imports of women's, misses' and children's sweaters increased both absolutely and relative to domestic production in each successive year from 1973 through 1976. In 1976, the ratio of imports to domestic production reached 141.9 percent. In 1977, imports of sweater were 9.0 percent above the average level of imports for the years 1973 through 1976. The ratio of imports of sweaters to domestic production in 1977 was above the import to domestic production ratio recorded in each year in the 1973 through 1975 time period.

A Departmental survey of manufacturers for whom Sturbridge, Incorporated performed contract work indicated that some manufacturers decreased their contract work with Sturbridge and increased their purchases of imported sweaters. In addition, several manufacturers, accounting for a significant proportion of Sturbridge's contract work, decreased their utilization of Sturbridge in the first eleven months of 1978 compared to the like period of 1977, as they themselves experienced decreasing sales. A survey of the manufacturers' retail customers revealed that major retailers reduced purchases from the manufacturers and increased their purchases of imported sweaters during this time period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and ladies' sweaters produced at Sturbridge, Incorporated, Philadelphia, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Sturbridge, Incorporated, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after November 15, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3522 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4416]

TRAN SPECTRA, INCORPORATED, AIRPORT ROAD, GREENFIELD, TENN., PALMERSVILLE, TENN.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4416: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1978 in response to a worker petition received on November 17, 1978 which was filed on behalf of workers and former workers producing electronic capacitors at the Palmersville, Tennessee plant of Tran Spectra, Incorporated. The investigation was expanded to include Tran Spectra's plant at Airport Road, Greenfield, Tennessee.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56951-56952). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Tran Spectra, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

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U.S. imports of fixed aluminum electrolytic capacitors increased absolutely during 1977 compared to 1976 and during the first nine months of 1978 compared to the first nine months of 1977.

Major customers of aluminum electrolytic capacitors produced by the Palmersville and Greenfield (Airport Road), Tennessee plants were surveyed by the Department. The customers reported that they decreased their purchases from Tran Spectra in the first ten months of 1978 while increasing their purchases of imported aluminum electrolytic capacitors.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with fixed aluminum electrolytic capacitors produced at the Palmersville, Tennessee, and Airport Road, Greenfield, Tennessee plants of Tran Spectra, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Palmersville, Tennessee and Airport Road, Greenfield, Tennessee plants of Tran Spectra, Incorporated who became totally or partially separated from employment on or after February 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

FR Doc. 79-3523 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4458]

WILLIAM PRYM, INC., DAYVILLE, CONN.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4458: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1978 in response to a worker petition received on November 6, 1978 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing sewing novelties at William Prym, Incorporated, Dayville, Connecticut.

The Notice of Investigation was published in the FEDERAL REGISTER on December 8, 1978 (43 FR 57692). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of William Prym, Incorporated.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of production workers increased in the fourth quarter of 1977 compared to the fourth quarter of 1976, and in each quarter of 1978 compared to the same quarter of 1977. Safety pins and straight pins comprise over half of William Prym's output. In 1977, imports of safety pins increased both absolutely and relative to domestic production but declined both absolutely and relatively in the first six months of 1978 compared to the same period in 1977. Imports of straight pins decreased both absolutely and relatively in 1977 and while declining absolutely in the first half of 1978 increased slightly relative to domestic production.

William Prym's total production was higher in 1977 than in 1976 and in the first eleven months of 1978 than in the same period of 1977.

CONCLUSION

After careful review, I determine that all workers of William Prym, Incorporated, Dayville, Connecticut, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3518 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4420]

CREATIVE KNITTING, INC., PHILADELPHIA, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results to TA-W-4420: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 27, 1978 in response to a worker petition received on November 20, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing knit sweater fabrics at Creative Knitting, Incorporated, Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56952). No Public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Creative Knitting, Incorporated, its manufacturer, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of finished fabric (bleached, dyed and printed) declines from 464 million square yards in 1976 to 453 million square yards in 1977. Imports increased from 341 million square yards in the first three quarters of 1977 to 386 million square yards in the first three quarters of 1978. However, the ratio of imports of finished fabric to domestic production was less than two percent in 1976 and in 1977.

A Departmental survey conducted with the sole manufacturer that contracted work with Creative Knitting, Incorporated revealed that the manufacturer did not employ any foreign contractors nor did the manufacturer import any knit sweater fabric during the period of 1976 through November 1978.

CONCLUSION

After careful review, I determine that all workers of Creative Knitting, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-3753 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4443]

DRIVER-HARRIS CO., HARRISON, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4443: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 29, 1978 in response to a worker petition received on November 27, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing wire and strip products, all nickel base for electrical and high temperature applications, at Driver-Harris Company, Harrison, New Jersey. The investigation revealed that the plant primarily produces nickel alloy wire.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56953). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Driver-Harris Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Evidence developed during the course of the investigation revealed that the impact of imports of nickel alloy wire in the domestic market has been substantial. U.S. imports of nickel alloy wire increased absolutely and relative to domestic production and consumption in 1976 compared to 1975, and increased in 1977 compared to 1976.

Historically, it has been the practice of domestic producers to sell resistance wire at published list prices without offering discounts. Approximately four years ago the Germans began offering a 5 to 8 percent discount on their products to induce domestic users to switch to their product. U.S. producers did not meet these price discounts and the Germans subsequently captured 5 to 10 percent of domestic market sales. When the French seriously entered the U.S. market in 1977, prices of both domestically produced and imported resistance wire dropped 15 to 20 percent. It is believed that at present the price of resistance wire is 5 to 10 percent lower in the U.S. than in any other country in the world.

A survey of Driver-Harris Company's customers indicated that some customers have increased purchases of imported nickel alloy wire and decreased purchases from the subject firm during the period 1976 through November 1978.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with nickel alloy wire produced at Driver-Harris Company, Harrison, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of Driver-Harris Company, Harrison, New Jersey who became totally or partially separated from employment on or after November 20, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-3754 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4292]

FITCHBURG YARN CO., FITCHBURG, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4292: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 25, 1978 in response to a worker petition received on October 24, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing acrylic and other man-made fiber yarns at Fitchburg Yarn Company, Fitchburg, Massachusetts.

The Notice of Investigation was published in the FEDERAL REGISTER on November 3, 1978 (43 FR 51475). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Fitchburg Yarn Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The ratio of imports to domestic production for all yarns remained below two percent in each year from 1974 through 1977. Most of the customers surveyed indicated that they did not increase purchases of imported yarn while decreasing purchases from Fitchburg Yarn during the first three quarters of 1978 compared with the same period in 1977. Increases in purchases of imports by those customers who did reduce puchases from Fitchburg Yarn Company were insignificant in relation to the subject firm's total sales.

CONCLUSION

After careful review I determine that all workers of Fitchburg Yarn Company, Fitchburg, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of January 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-3755 Filed 2-1-79; 8:45 am]

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[4510-28-M]

[TA-W-4238]

GAF PHOTO SERVICE, APPLETON, WIS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4238: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 4, 1978 in response to a worker petition received on October 3, 1978 which was filed on behalf of workers and former workers engaged in the developing of film at the Appleton, Wisconsin plant of the GAF Photo Service.

The Notice of Investigation was published in the FEDERAL REGISTER on October 20, 1978 (43 FR 49060). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the GAF Corporation, and Department files.

The GAF Photo Service operated within the GAF Corporation's Consumer Photo Products Division, but operated with a completely independent management.

No more than 20 percent of the film processed by GAF Photo Service was film manufactured by GAF Corporation. At least 80 percent of the film processed at the Appleton, Wisconsin plant was produced by other manufacturers. The Photofinishing plant did not depend on any GAF plant for its work. Each photofinishing plant obtained its work from individual consumers. All of the GAF photofinishing plants were sold on April 17, 1978.

Since only a small percentage of the film processing done at GAF Photo Service was of film manufactured by GAF, it has been determined that the GAF Photo Service, Appleton, Wisconsin is not an "appropriate subdivision" of GAF Corporation within the meaning of Section 222 of the Trade Act of 1974. Furthermore, GAF Photo Service does not produce an article, and the Department of Labor has already determined that the performance of services is not included within the term "article" as used in Section 222 (3) of the Act.

CONCLUSION

After careful review, I determine that all workers of the Appleton, Wisconsin plant of the GAF Photo Service are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-3756 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4505]

H AND M SPORTSWEAR, GLENDALE, CALIF.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4505: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 12, 1977 in response to a worker petition received on December 8, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats at H and M Sportswear, Glendale, California.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59180-1). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of H and M Sportswear, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales and Production of Ladies' Coats at H and M Sportswear, Glendale, California, increased in the fourth quarter of 1977 compared to the like quarter of 1976 and in 1978 compared to 1977.

CONCLUSION

After careful review, I determine that all workers of H and M Sportswear, Glendale, California are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-3757 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4426]

MAINLINE, INC., PHILADELPHIA, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4426: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 27, 1978 in response to a worker petition received on November 20, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's sweaters at Mainline, Incorporated of Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56952). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Mainline, Incorporated, its manufacturers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey conducted with the manufacturer from whom Mainline, Incorporated received contract work revealed that the manufacturer did not employ any foreign contractors nor import any men's sweaters in the 1976 through November 1978 period. The manufacturer's sales increased in 1977 compared to 1976 and were unchanged in the first eleven months of 1978 compared to the same period of 1977.

CONCLUSION

After careful review, I determine that all workers of Mainline, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-3758 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4447]

MOHAWK RUBBER CO., WEST HELENA, ARK.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4447: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 29, 1978 in response to a worker petition received on November 27, 1978 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing passenger car tires and truck tires at the West Helena, Arkansas plant of the Mohawk Rubber Company.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56953). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Mohawk Rubber Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of passenger car tires increased in 1976 and 1977, decreasing slightly during the January-October period of 1978 compared with the same period of 1977.

U.S. imports of truck tires increased in 1976 and 1977 and remained at the same level during the January-October period of 1978 compared to the same period of 1977.

A Department survey of customers of the Mohawk Rubber Company revealed that some customers decreased purchases of both passenger car tires and truck tires from Mohawk while increasing imports during the January-September period of 1978 compared to the same period of 1977.

The closure of the West Helena plant, which primarily produced bias tires, was hastened by the shift in consumer preference to radial tires which are imported in greater quantities than bias tires.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires and truck tires produced at the West Helena, Arkansas plant of the Mohawk Rubber Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the West Helena, Arkansas plant of the Mohawk Rubber Company who became totally or partially separated from employment on or after April 24, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-3759 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4483]

MOHAWK RUBBER CO., AKRON, OHIO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4483: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 6, 1978 in response to a worker petition received on November 29, 1978 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers formerly producing truck tires at the Akron, Ohio plant of the Mohawk Rubber Company.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59165-6). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Mohawk Rubber Company, its customers, the U.S Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of truck tires increased in 1976 and 1977 and remained unchanged during the January-October period of 1978 compared to the same period of 1977.

A Department survey of customers of the Mohawk Rubber Company revealed that some customers decreased purchases of truck tires from Mohawk while increasing imports during the January-September period of 1978 compared to the same period of 1977.

The closure of the Akron plant, which primarily produced bias tires, was hastened by the shift in consumer preference to radial tires which are imported in greater quantities than bias tires.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with truck tires produced at the Akron, Ohio plant of the Mohawk Rubber Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Akron, Ohio plant of the Mohawk Rubber Company who became totally or partially separated from employment on or after November 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3760 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4429]

QUALITEX KNITWEAR MANUFACTURING CO., PHILADELPHIA, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4429: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

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The investigation was initiated on November 27, 1978 in response to a worker petition received on November 30, 1979 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's sweaters at Qualitex Knitwear Manufacturing Company, Philadelphia, Pennsylvania. The investigation revealed that Qualitex also produces boys' sweaters, men's knitted vests, ladies' knitted vests and knit sweater fabric.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56952-53). No public hearing was requested and none was held.

The determination was based upon information obtained principally from official of Qualitex Knitwear Manufacturing Company, its manufacturers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers (which includes vests) increased from 20.4 million units in 1975 to 26.5 million units in 1976 and to 28.3 million units in 1977. Imports increased to 33.2 million units in the first three quarters of 1978 as compared to 22.6 million units in the first three quarters of 1977.

U.S. imports of women's, misses' and children's sweaters (which includes vests) increased from 1975 to 1976. In 1977, imports of sweaters increased 9.0 percent over the average level of imports for the years 1973 through 1976. The ratio of imports of sweaters to domestic production (IP ratio) in 1977 was higher than the average IP ratio for the period 1973 through 1976.

The Office of Trade Adjustment Assistance conducted a survey of the manufacturers that contracted work to Qualitex Knitwear Manufacturing Company. The survey revealed that a manufacturer, which accounted for a substantial proportion of Qualitex's sales decline, decreased purchases of sweaters from Qualitex in the first eleven months of 1978 compared to the same period of 1977 and itself experienced decreasing company sales. A secondary survey conducted with manufacturer's retail customers indicated that major retailers increased their purchases of imported sweaters and decreased purchases from the manufacturer during this time period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and boys' sweaters, men's knitted vests, and ladies' knitted vests produced at Qualitec Knitwear manufacturing Company, Philadelphia, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Qualitex Knitwear Manufacturing Company, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after November 15, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3761 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4434]

SHEROFF-GREEN COMPANY, INC., METUCHEN, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results to TA-W-4434: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 27, 1978 in response to a worker petition received on November 17, 1978 which was filed on behalf of workers and former workers producing tooling (machinery) for the shoe and clothing industries at the Sheroff-Green Company, Incorporated, Metuchen, New Jersey. The investigation revealed that since 1976 the company also produced universal joints.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56952-53). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Sheroff-Green Company, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The petition alleges that increased imports of shoes and clothing adversely affected production and employment at Sheroff-Green.

However, shoes or clothing cannot be considered to be like or directly competitive with tooling (machinery) uses in the shoe and clothing industries. Imports of tooling (machinery) would need to be considered in determining import injury to workers producing tooling (machinery) for the shoe and clothing industries. It is the Department's understanding that imports of this kind of custom machinery are negligible.

Evidence developed in the course of the investigation, however, revealed that within the period of potential coverage, namely, since November 14, 1977, Sheroff-Green primarily produced universal joints for nuclear submarines. Sheroff-Green had begun to produce the nuclear submarine equipment in 1976. With the company's sale to its present owner in March 1977, production was shifted away from the specialized textile and footwear machinery produced by the petitioners and into universal joints. It was this strategic marketing decision that was the dominant cause of the separations of the petitioning workers.

CONCLUSION

After careful review, I determine that all workers of Sheroff-Green Company, Incorporated, Metuchen, New Jersey, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of January 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-3762 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4013]

HENRY I. SIEGEL COMPANY, INC., FULTON, KY.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of

TA-W-4013: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 31, 1978 in response to a worker petition received on July 20, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's and ladies' slacks at the Fulton, Kentucky plant of Henry I. Siegel Company, Incorporated (H.I.S.).

The Notice of Investigation was published in the FEDERAL REGISTER on August 8, 1978 (43 FR 35130-35131). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Henry I. Siegel Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department filed.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of men's and boys' dress and sport trousers and shorts increased from 73.2 million pairs in 1976 to 76.4 million pairs in 1977 and from 54.4 million pairs in the first nine months of 1977 to 72.4 million pairs in the first nine months of 1978.

Imports of men's and boys' woven cotton and man-made jeans and dungarees increased from 14 million pairs in 1976 to 23 million pairs in 1977 and from 16.7 million pairs in the first nine months of 1977 to 24.8 million pairs in the first nine months of 1978.

Imports of women's, misses' and children's slacks and shorts increased from 132.5 million pairs in 1976 to 139.5 million pairs in 1977 and from 40.5 million pairs in the first nine months 1977 to 54.5 million pairs in the first nine months of 1978.

A survey was conducted of customers who purchased men's and ladies' slacks from H.I.S. The survey revealed that some customers reduced purchases from H.I.S. and increased purchases of imports in 1977 and in the first three quarters of 1978.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and ladies' slacks produced at Henry I. Siegel Company, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of the Fulton, Kentucky plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Fulton, Kentucky plant of Henry I. Siegel Company, Incorporated who became totally or partially separated from employment on or after July 18, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-3763 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4014]

HENRY I. SIEGEL COMPANY, INC., DICKSON, TENN.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4014: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 31, 1978 in response to a worker petition received on July 20, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's and ladies' slacks at the Dickson, Tennessee plant of Henry I. Siegel Company, Incorporated (H.I.S.).

The Notice of Investigation was published in the FEDERAL REGISTER on August 8, 1978 (43 FR 35130-35131). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Henry I. Siegel Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of men's and boys' dress and sport trousers and shorts increased from 73.2 million pairs in 1976 to 76.4 million pairs in 1977 and from 54.4 million pairs in the first nine months of 1977 to 72.4 million pairs in the first nine months of 1978.

Imports of men's and boys' woven cotton and man-made jeans and dungarees increased from 14 million pairs in 1976 to 23 million pairs in 1977 and from 16.7 million pairs in the first nine months of 1977 to 24.8 million pairs in the first nine months of 1978.

Imports of women's misses' and children's slacks and shorts increased from 132.5 million pairs in 1976 to 139.5 million pairs in 1977 and from 40.5 million pairs in the first nine months of 1977 to 54.5 million pairs in the first nine months of 1978.

A survey was conducted of customers who purchased men's and ladies' slacks from H.I.S. The survey revealed that some customers reduced purchases from H.I.S. and increased purchases of imports in 1977 and in the first three quarters of 1978.

CONCLUSION

After careful review of the facts obtained in the investigation, I concluded that increases of imports of articles like or directly competitive with men's and ladies' slacks produced at Henry I. Siegel Company, Incorporated, contributed importantly to the decline in sales or production and to the total or partial separation of workers of the Dickson, Tennessee plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Dickson, Tennessee plant of Henry I. Siegel Company, Incorporated, who became totally or partially separated from employment on or after July 18, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-3764 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4388]

STRESSTEEL CORP., WILKES-BARRE, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4388: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 14, 1978 in response to a worker petition received on November 13, 1978 which was filed on behalf of workers and former workers producing high strength steel bars used in prestressed concrete construction at Stressteel Corporation, Wilkes-Barre, Pennsylvania.

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The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55013). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Stressteel Corporation, the Post-Tensioning Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of cold finished alloy steel bars increased from 1976 to 1977 and in the first six months of 1977 compared to the first six months of 1978. The ratio of imports to domestic shipments increased from 5.6 percent in 1976 to 6.6 percent in 1977, and from 5.5 percent in the first six months of 1977 to 10.0 percent in the first six months of 1978.

Imports of steel strand for prestressed concrete increased absolutely from 1976 to 1977, and in the first nine months of 1978 compared to the like period of 1977. The ratio of imports to domestic production increased from 190.5 percent in 1976 to 217.2 percent in 1977.

Industry sources indicate that there has been a gradual shift from bars to strand in prestressed concrete construction over the past ten years. Stressteel Corporation, originally a manufacturer of only high-strength steel bars, began purchasing steel strand from Japanese firms in the mid-1960's in order to maintain its sales. In the second half of the decade, the composition of Stressteel's sales began to change, with bar shipments declining and strand shipments increasing in each year. By 1977, the major proportion of Stressteel's strand purchases was imported.

In November 1978, the U.S. International Trade Commission determined that several Japanese firms have been dumping strand on the U.S. market. According to industry sources, the effect of the import competition has been to depress the market price of bars and strand, and has hurt domestic manufacturers of both products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with high strength steel bars used in prestressed concrete construction produced at Stressteel Corporation, Wilkes-Barre, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Stressteel Corporation, Wilkes-Barre, Pennsylvania who became totally or partially separated from employment on or after July 22, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-3765 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4191-4198, 4200]

WALWORTH CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4191-4198, 4200: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 20, 1978 in response to a worker petition received on September 11, 1978 which was filed on behalf of workers and former workers engaged in administrative and support functions at the corporate offices and warehouse facilities of the Walworth Company King of Prussia, Pennsylvania (TA-W-4200) and sales offices of the Walworth Company located in Hinsdale, Illinois (TA-W-4191); Downey, California (TA-W-4192); Oakland, California (TA-W-4193); Atlanta, Georgia (TA-W-4194); Dallas, Texas (TA-W-4195); Houston, Texas (TA-W-4196); Westfield, New Jersey (TA-W-4197); and New York, New York (TA-W-4198).

The Notice of Investigation was published in the FEDERAL REGISTER on October 31, 1978 (43 FR 50758). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Walworth Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. The Department's investigation revealed that all of the requirements have been met.

The administrative and warehousing functions performed at the company's King of Prussia, Pennsylvania facilities and the services provided by the company's eight regional sales offices constitute support services necessary to the company's operations.

Imports of valves increased absolutely and relative to domestic production from 1976 to 1977 and in the first nine months of 1978 compared with the same period of 1977.

The Department of Labor has previously determined that imports of valves contributed importantly to declines in production and employment at three production facilities of the Walworth Company (see TA-W-1359, 1360, 1361). These three plants account for a significant portion of the total production of the Walworth Company. Declines in the production and sale of valves by the Walworth Company have resulted in worker separations at the company's King of Prussia facilities and in the regional sales office.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with valves produced by the Walworth Company contributed importantly to the decline in sales or production of the company and to the total or partial separation of employees at the company's corporate offices, sales offices and warehouse facilities. In accordance with the provisions of the Act, I make the following certification:

All workers at the corporate offices and warehouse facilities of the Walworth Company in King of Prussia, Pennsylvania and sales offices of the Walworth Company located in Hinsdale, Illinois; Downey, California; Oakland, California; Atlanta, Georgia; Dallas, Texas; Houston, Texas; Westfield, New Jersey; and New York, New York who became totally or partially separated from employment on or after September 6, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-3766 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4199]

WALWORTH CO., COLUMBUS, OHIO

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4199: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 30, 1978 in response to a worker petition received on September 11, 1978 which was filed on behalf of workers and former workers producing steel industrial valves at the Columbus, Ohio plant of Walworth Company.

The Notice of Investigation was published in the FEDERAL REGISTER on October 31, 1978 (43 FR 50758). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Walworth Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Average quarterly employment of production workers at the Columbus plant increased steadily each quarter from the first quarter of 1977 through the second of quarter of 1978 compared to the previous quarter. Employment increased from the third quarter of 1977 through the second quarter of 1978 compared to the same quarter of the previous year. Average employment increased in the first 8 months of 1978 compared to the first 8 months of 1977. There is no immediate threat of worker separations at the plant.

CONCLUSION

After careful review, I determine that all workers of the Columbus, Ohio plant of Walworth Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of January 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-3767 Filed 2-1-79; 8:45 am]

[4510-28-M]

[TA-W-4201 and 4202]

WALWORTH CO.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4201 and 4202: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 20, 1978 in response to a worker petition received on September 11, 1978 which was filed on behalf of workers and former workers producing steel industrial valves at the Linden, New Jersey and Elizabeth, New Jersey plants of Walworth Company.

The Notice of Investigation was published in the FEDERAL REGISTER on October 31, 1978 (43 FR 50758). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Walworth Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production of valves at the Linden and Elizabeth plants of Walworth Company increased in 1977 compared to 1976 and in the first ten months of 1978 compared to the first ten months of 1977. Production was higher in each of the last two quarters of 1977 and the first three quarters of 1978 when compared to the corresponding quarter of the previous year.

Company sales data are not separately identifiable by plant, however company officials stated that increased production at a given plant indicated increased sales of the products produced at the plant.

CONCLUSION

After careful review, I determine that all workers of Linden, New Jersey and Elizabeth, New Jersey plants of the Walworth Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of January 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-3768 Filed 2-1-79; 8:45 am]

[4510-23-M]

NATIONAL ADVISORY COMMITTEE FOR WOMEN

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the National Advisory Committee for Women.

Date and Time: February 20 and 21, 1979, 10 a.m. to 5 p.m. each day.

Place: Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. Conference room S4215 A, B, C.

Purpose: This is a meeting called by the Acting Chair.

The agenda for the meeting will focus on the future directions of the Committee, including working procedures and program.

Dated: January 30, 1979.

ELLEN M. MCGOVERN,
Executive Director.

[FR Doc. 79-3769 Filed 2-1-79; 8:45 am]

[6820-35-M]

LEGAL SERVICES CORP.

GRANTS AND CONTRACTS

JANUARY 29, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

Western Nebraska Legal Services in Scottsbluff, Nebraska to serve Adams, Merrick, Hamilton, Howard, Sherman, Kearney, Phelps, Franklin and Gosper Counties.

Legal Aid Society in Omaha, Nebraska to serve Antelope, Pierce, Madison, Boone, Nance, Platte, and Colfax Counties.

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Legal Services of Southeast Nebraska in Lincoln, Nebraska to serve Polk, York, Fillmore, Thayer, Jefferson, Cass, Pawnee, Richardson, and Nemaha Counties.

Kansas Legal Services in Topeka, Kansas to serve Sherman, Wallace, Thomas, Logan, Greeley, Wichita, Scott, Lane, Ness, Norton, Graham, Phillips, Roosk, Ellis, Rush, Russell, Barton, Stafford, Pratt, Barber, Rice, Reno, Ottawa, Riley, Geary, Jefferson, Johnson, Linn, Lyon, Nemaha, Osage, Pottowatomie, and Wabaunsee Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,
President.

[FR Doc. 79-3740 Filed 2-1-79; 8:45 am]

[6820-35-M]

GRANTS AND CONTRACTS

JANUARY 29, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355 88 Stat. 378, 42 U.S.C. 2996-2996*ll*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly • • • such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

Upper Peninsula Legal Services in Sault Ste. Marie, Michigan to serve Leelanau, Benzie, Wexford, Mainstee and Missaukee Counties.

Legal Aid of Western Michigan in Grand Rapids, Michigan to serve Montcalm and Ionia Counties.

Legal Aid Society of Calhoun County in Battlecreek, Michigan to serve Branch County.

Virginia Legal Aid Society in Lynchburg, Virginia to serve Amherst, Southampton, Isle of Wright Counties and Franklin and Suffolk Cities.

Legal Aid Society of Roanoke Valley in Roanoke, Virginia to serve Rockbridge and Bath Counties and Lexington and Buena Vista Cities.

Blue Ridge Legal Aid Planning Group in Harrisonburg, Virginia to serve Augusta, Rockingham, Highland Counties and Harrisonburg, Staunton and Waynesboro Cities.

Client Centered Legal Services of Southwest Virginia in Clintwood, Virginia to serve Lee, Scott, Wise, Dickenson, Russell, Tazewell and Buchanan Counties and Norton City.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Virginia 22209.

THOMAS EHRLICH,
President.

[FR Doc. 79-3741 Filed 2-1-79; 8:45 am]

[1410-01-M]

LIBRARY OF CONGRESS

AMERICAN FOLKLIFE CENTER, BOARD OF TRUSTEES

Meeting

In accordance with Pub. L. 92-463, the Board of Trustees of the American Folklife Center announces its meeting to be held on February 23, 1979, in the Wilson Room of the Library of Congress from 9:30 a.m.-5 p.m. The meeting will be open to the public up to the seating capacity of the room (approximately 50, including about 25 members of the Board and the staff of the American Folklife Center). It is suggested that persons planning to attend this meeting as observers contact Eleanor Sreb, American Folklife Center (202) 426-6590.

The American Folklife Center was created by the U.S. Congress with passage of Public Law 94-201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publication, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal Agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done on contract by others. In the brief period of the Center's operation it has begun energetically to carry out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

RAYMOND L. DOCKSTADER,
Deputy Director,
American Folklife Center.

[FR Doc. 79-3634 Filed 2-1-79; 8:45 am]

[7535-01-M]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on March 7, 1979, at the Offices of the National Credit Union Administration, 2025 M Street, N.W., Washington, DC 20456. The meeting will commence at 9:00 a.m. in Room 4002.

The agenda for this meeting will consist of an update briefing regarding the activities of the several offices of the National Credit Union Administration. An NCU Board review will also be held.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, DC 20456.

LORENA C. MATTHEWS,
Acting Administrator.

JANUARY 30, 1979.

[FR Doc. 79-3571 Filed 2-1-79; 8:45 am]

[7532-01-M]

NATIONAL COMMISSION ON NEIGHBORHOODS

MEETING CANCELLATION

ACTION: Notice of meeting cancellation by the National Commission on Neighborhoods cancelled by a consensus of the commissioners.

SUMMARY: This notice required under the Federal Advisory Committee Act (5USC Appendix I) cancels a public meeting.

TIME & DATE: From 9 a.m. to 5 p.m. on February 8, 1979.

PLACE: Room 9104, New Executive Office Building.

AGENDA: 9 a.m. to 5 p.m.—Consideration of final report.

JOHN EADE,
Designated Federal Officer.

[FR Doc. 79-3722 Filed 2-1-79; 8:45 am]

[7532-01-M]

PRIVACY ACT OF 1974

Revocation and Transfer of Sytems of Records

Pursuant to the provision of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a, the National Commission on Neighborhoods published in the FEDERAL REGISTER (43 FR 13025) notices of the existence of the following systems of records subject to the Privacy Act:

NCN-1, General Financial Records; NCN-2, Payroll Records; NCN-3, Correspondence Records—National Commission on Neighborhoods. The Commission will terminate operations on April 19, 1979, and the above systems of records are revoked as of that date.

Following is a summary of the disposition of the Commission's systems of records, subsequent to the termination date:

NCN-1

System Name:

General Financial Records-NCN.

To be retained by the General Services Administration, External Services Branch, for use in concluding administrative operations for the National Commission on Neighborhoods as part of the GSA system of records, Defunct Agency Records, GSA/OAD-G14.

NCN-2

System Name:

Payroll Records—NCN.

To be retained by the General Services Administration, Region 3, Payroll Processing Branch, for use in concluding administrative operations of the National Commission on Neighborhoods as part of the GSA system of records, Defunct Agency Records, GSA/OAD-G14.

NCN-3

System Name:

Correspondence Records—NCN.

To be destroyed.

JOHN EADE,
Administrator.

[FR Doc. 79-3632 Filed 2-1-79; 8:45 am]

[7555-01-M]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR INFORMATION SCIENCE AND TECHNOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Information Science and Technology.
Date and Time: February 22 and 23, 1979—9 a.m. to 4 p.m. each day.
Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of meeting: Open.
Contact person: Mrs. Darcey Higgins, Room 1250, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 632-5824. Persons planning to attend should notify Mrs. Higgins by February 16, 1979.
Summary minutes: May be obtained from Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of committee: To provide advice, recommendations, and oversight concerning support activities related to the Foundation's program in information science and technology.
Agenda:

FEBRUARY 22, 1979

Welcome and Introductory Remarks.
Discussion of the Goals of the Division of Information.
Science and Technology.
General Discussion of Core Research Problems in Information.
Science.
Open Public Participation

FEBRUARY 23, 1979.

Continuation of Discussion of Core Research Problems.
Planning for Next Meeting.
Open Public Participation.

M. REBECCA WINKLER,
Committee Management Coordinator.

JANUARY 29, 1979.

[FR Doc. 79-3638 Filed 2-1-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON MOLECULAR BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Molecular Biology, Group A, of the Advisory Committee for Physiology, Cellular, and Molecular Biology.
Date and time: February 22 & 23, 1979; 9:00 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G. Street, N.W., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Brian J. Johnson, Program Director, Biochemistry Program, Room 330, National Science Foundation, Washington, D.C., 20550, telephone (202) 632-4260.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in Molecular Biology.
Agenda: To review and evaluate research proposals as part of the selection process of awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

JANUARY 29, 1979.

[FR Doc. 79-3637 Filed 2-1-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE FOR SENSORY PHYSIOLOGY AND PERCEPTION

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences Subcommittee for Sensory Physiology and Perception.
Date and time: February 21 and 22, 1979, 9:00 a.m.-5:00 p.m. each day
Place: National Science Foundation, 1800 G. Street, N.W. Room 642, Washington. D.C. 20550
Type of meeting: Closed
Contact person: Dr. Terrence R. Dolan, Program Director for Sensory Physiology and Perception, Room 310, National Science Foundation, Washington. D.C. (202) 634-1624
Purpose of subcommittee: To provide advice and recommendations concerning support for research in sensory physiology and perception.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed included information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within ex-

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emptions (4) and (6) of 5 U.S.C. 552b(C). Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10 (d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

[FR Doc. 79-3636 Filed 2-1-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON ELECTRICAL SCIENCES AND ANALYSIS OF THE ADVISORY COMMITTEE FOR ENGINEERING

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Electrical Science and Analysis of the Advisory Committee for Engineering.

Date and time: February 20 and 21, 1979—9 a.m. to 5 p.m. each day.

Place: Room 1224, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550. Room 1224 on 2/20; Room 643 on 2/21.

Type of meeting: Part-Open—Open—2/20—9 a.m. to 12:30 p.m., 2/21—9 a.m. to 5 p.m.; Closed—2/20—1:30 p.m. to 5 p.m.

Contact person: Dr. Yoh-Han Pao, Section Head, Electrical Sciences and Analysis Section, Room 416, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 632-5881.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in the area of Electrical Sciences and Analysis.

Agenda:

TUESDAY, FEBRUARY 20, 1979—9 A.M. TO 12 NOON—OPEN

9:00 a.m.—Introductory Remarks, Yoh-Han Pao.

9:10 a.m.—Briefing by Division Director, Engineering, H. C. Bourne, Jr.

9:30 a.m.—Overview of Section Activities, Yoh-Han Pao.

10:00 a.m.—Briefing by Program Directors: N. Caplan; J. H. Harris; W. L. Brogan and E. Schutzman.

TUESDAY, FEBRUARY 20, 1979—1 P.M. TO 5 P.M.—CLOSED

1:00 p.m.—Discussion of proposal review and decisionmaking processing, followed by separate subgroup discussions of individual programs, including review of peer review material and other privileged material.

5:00 p.m.—Adjourn.

WEDNESDAY, FEBRUARY 21, 1979—9 A.M. TO 5 P.M.—OPEN.

9:00 a.m.—Briefings by Section Heads and Program Directors of Related Research Areas (Computer Sciences, Materials, Research Applications).

10:30 a.m.—Presentation of Electrical Sciences and Analysis Long Range Plans.

11:30 a.m.—Open Discussion of Goals and Priorities—Chaired by—Professor D. T. Paris.

12:30 p.m.—Lunch.

1:30 p.m.—Open Discussion of Goals and Priorities—Chaired by—Professor D. T. Paris.

5:00 p.m.—Adjourn.

Reason for closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Director, NSF, pursuant to provisions of Section 10(d) of Pub. L. 92-463.

M. REBECCA WINKLER,
Committee Management Coordinator.

JANUARY 29, 1979.

[FR Doc. 79-3635 Filed 2-1-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON SOCIAL AND DEVELOPMENTAL PSYCHOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Social and Developmental Psychology of the Advisory Committee for Behavioral and Neural Sciences.

Date and Time: February 22-23, 1979: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 628, National Science Foundation, 1800 G Street, NW. Washington, D.C. 20550

Type of Meeting: Closed

Contact Person: Dr. Kelly G. Shaver, Program Director, Social and Developmental Psychology, Room 317, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5714.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Social and Developmental Psychology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The Proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

JANUARY 29, 1979.

[FR Doc. 79-3639 Filed 2-1-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

REGULATORY REQUIREMENTS REVIEW COMMITTEE

Report of Meeting

The Regulatory Requirements Review Committee (RRRC), composed of senior members of the U.S. Nuclear Regulatory Commission staff, held a meeting on January 2, 1979 and made recommendations on the issue of Anticipated Transients Without Scram (ATWS).

A summary of the results of the RRRC meeting dated January 18, 1979, the Committee recommendations, and all of the associated documents considered by the RRRC in reaching its recommendations have been placed in the Commission's Public Document Room at 1717 H Street N.W., Washingon, D.C., for public inspection.

The NRC Office Director having responisbility for deciding whether to implement the recommendations of the RRRC will consider appeals from these recommendations if received by March 2, 1979.

Appeals with respect to this issue should be directed to H. R. Denton, Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 26th day of January 1979.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Chairman, Regulatory Requirements Review Committee.

[FR Doc. 79-3784 Filed 2-1-79; 8:45 am]

[6325-01-M]

OFFICE OF PERSONNEL MANAGEMENT

DEPARTMENT OF DEFENSE

Notice of Title Change in Noncareer Executive Assignment

By notice of December 28, 1976, F.R. Doc. 76-37972, the Civil Service Commission authorized the Department of Defense to make a change in title for the position of Deputy Assistant Secretary (International Trade and Resources), ODAS (International Trade and Resources), OASD (International Security Affairs), Office of the Secretary of Defense, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Deputy Assistant Secretary of Defense (International Economic Affairs), ODAS (International Economic Affairs), OASD (International Security Affairs), Office of Under Secretary of Defense for Policy, Office of the Secretary of Defense.

The Office of Personnel Management.

JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-3460 Filed 2-1-79; 8:45 am]

[6325-01-M]

ESTABLISHMENT OF OFFICE OF GOVERNMENT ETHICS

Establishment, Location, and Functions

The "Ethics in Government Act of 1978," P.L. 95-521 (the "Act"), created the Office of Government Ethics (OGE) as an office within the Office of Personnel Management (OPM).

Notice is hereby given that:

1. The OGE is located at 1900 E Street, N.W., Washington, D.C. 20415. Phone (202) 632-7692.

2. There is at the head of the OGE a Director, appointed by the President.

3. The OGE has the responsibility for overall direction of executive branch policy relating to conflicts of interest, as well as specific responsibilities under the Act. The Office will consult with the Attorney General and recommend rules and regulations for promulgation by the OPM or the President. It will monitor compliance with ethical practices and procedures by executive branch personnel and agencies, review certain forms and require reports and corrective action as necessary. A general statement of the Office's responsibilities is contained in Title IV of the Act.

FOR FURTHER INFORMATION CONTACT:

David Reich, (202) 632-5421, or David W. Ream, (202) 632-7642.

The Office of Personnel Management.

JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-3459 Filed 2-1-79; 8:45 am]

[6820-97-M]

PRESIDENTIAL COMMISSION ON WORLD HUNGER

PRIVACY ACT OF 1974

Adoption of Systems of Records

On December 1, 1978, there was published in the FEDERAL REGISTER (Vol. 43, FR 56344) a notice of systems of records pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 522a. The public was given the opportunity to submit, not later than January 1, 1979, written comments concerning the proposed systems of records. No comments were received.

The proposed systems notices are hereby adopted as published.

Dated at Washington, D.C. on January 25, 1979.

DANIEL E. SHAUGHNESSY,
Acting Executive Director.

[FR Doc. 79-3631 Filed 2-1-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-7008]

COMMUNITY PSYCHIATRIC CENTERS

Application To Withdraw From Listing and Registration

JANUARY 26, 1979.

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the AMERICAN STOCK EXCHANGE, INC. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Community Psychiatric Centers (the "Company") has been listed for trading on the Amex since October 15, 1971. On June 30, 1978 the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith such stock was suspended from trading on the Amex. In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses and reporting requirements attendant on maintaining a dual listing on both exchanges and has determined that they are unnecessary and should no longer be incurred.

The application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect upon the continued listing of such common stock on the NYSE and the Pacific Stock Exchange, Inc. The Amex has posed no objection in this matter.

Any interested person may, on or before February 26, 1979, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3733 Filed 2-1-79; 8:45 am]

[8010-01-M]

[File No. 1-5979]

FILMWAYS, INC.

Application to Withdraw from Listing and Registration

JANUARY 26, 1979.

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the AMERICAN STOCK EXCHANGE, INC. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Filmways, Inc. (the "Company") has been listed for trading on the Amex since January 15, 1969. On June 28, 1978 the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith such stock was suspended from trading on the Amex. In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and ex-

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penses attendant on maintaining a dual listing on both exchanges. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for such stock.

The application relates solely to the withdrawal from listing on the Amex and shall have no effect upon the continued listing of such common stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before February 26, 1979, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS
Secretary.

[FR Doc. 79-3734 Filed 2-1-79; 8:45 am]

[8010-01-M]

[Rel. No. 20899; 70-6098]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Issue and Sale of Short-Term Notes to Banks

JANUARY 26, 1979.

Notice is hereby given that Jersey Central Power & Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 29, 1977 (HCAR No. 20345), the Commission authorized JCP&L, for the period ending December 31, 1978, to issue or renew, from time to time, its short-term notes to various commercial banks, provided that the aggregate principal amount of such notes outstanding at any one time would not exceed $127,000,000, or the amount permitted by JCP&L's charter.

JCP&L now requests that, for the period commencing on the date of an order granting this application and ending December 31, 1979, it be permitted, from time to time, to issue or renew notes, of a maturity of nine months or less evidencing short-term bank borrowings up to the lesser of (a) $105,000,000 principal amount outstanding at any one time or (b) the amount permitted by JCP&L's charter.

The short-term notes will bear interest at the lending bank's prime interest rate for commerical borrowing at the date of issue of the notes, will mature not more than nine months from the date of issue, will be prepayable at any time without premium and will not be issued as a part of a public offering.

Although no commitments or agreements for the proposed borrowings have been made, JCP&L expects that, to the extent its cash needs require, borrowings will be effected from time to time from among 32 designated banks. It is proposed that the maximum short-term credit made available by the banks will total $178,800,000, which exceeds by $73,800,000 the maximum amount for which authority is being requested. It is stated that the purpose of this excess amount of available credit is to provide flexibility with one or more particular banks (but without exceeding such authorized total amount for all banks) since some banks have indicated from time to time that it is not always convenient for them to renew outstanding notes at the time JCP&L request them to do so.

It is anticipated that the banks, from which borrowings will be made, will require compensating balances at levels generally approximately 10% of the line of credit or 20% of the amounts actually borrowed, whichever is higher. Assuming compensating balances will equal 20% of the aggregate amounts borrowed and a prime rate of 11¾%, the effective cost of borrowing would be 14.69%.

JCP&L proposes to use the proceeds of the short-term loans for its short-term working capital requirements, including repayment of other short-term borrowings, and for construction expenditures. JCP&L states that it now has short-term notes outstanding in an aggregate principal amount of $50,000,000. The cost of JCP&L's 1979 construction program is approximately $295,000,000.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 20, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be amended, may be granted as provided in Rule 23 of General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3735 Filed 2-1-79; 8:45 am]

[8010-01-M]

[Release No. 34-15510; File No. SR-NASD-78-20]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 15, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following is the full text of the proposed amendment to Section 5 of the Association's Uniform Practice Code. (New language is indicated by italics, deletions are indicated by brackets.)

TRANSACTIONS IN SECURITIES "EX-DIVIDEND,"

"EX-RIGHTS" OR "EX-WARRANTS"

Sec. 5

[Ex-date designated by the Committee]

Designation of ex-date

(a) All transactions in securities, except "cash" transactions, shall be "ex-dividend," "ex-rights" or "ex-warrants" (*i*) on the day specifically designated by the Committee after definitive information concerning the declaration and payment of a dividend or the issuance of rights or warrants has been received at the office of the Committee[.]*; or (ii) on the day specified as such by the appropriate national securities exchange which has received definitive information in accordance with the provisions of SEC* Rule 10b-17 concerning the declaration and payment of a dividend *or the issuance of rights and warrants.*

NASD STATEMENT OF PURPOSE OF PROPOSED RULE CHANGE

The proposed amendment to Section 5 of the Association's Uniform Practice Code clarifies the fact that the ex-date for dividends, rights and warrants is the date designated by either the Association or the national securities exchange which has in effect procedures recognized as appropriate under Rule 10b-17, after receipt of definitive information from the issuer. Adoption of the proposed amendment as set forth herein was considered necessary by the Association to comply with a request of the Commission staff for such clarification.

NASD STATEMENT OF BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

Secton 15A(b)(6) provides that the rules of a national securities association shall be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable prinicples of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The proposed amendment to Section 5 of the Uniform Practice Code was approved by the board of Governors under the authority granted to it by Article XIV, Section 1 of the Association's By-Laws as a means of carrying out the purposes of the Act.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

Article XIV of the Association's By-Laws provides that the Board of Governors may amend the Uniform Practice Code without recourse to the membership.

Comments of the membership were not solicited or received.

NASD STATEMENT ON BURDEN ON COMPETITION

The Association believes that no burden on competition is imposed by the proposed amendment to Section 5 of the Uniform Practice Code.

On or before March 9, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 15 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 22, 1979.

[FR Doc. 79-3736 Filed 2-1-79; 8:45 am]

[4910-57-M]

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

UMTA PROCUREMENT STUDY TASK FORCE, EVALUATION OF ROLLING STOCK AND EQUIPMENT PROCUREMENT PROCEDURES

Request for Public Comment

AGENCY: Department of Transportation, Urban Mass Transportation Administration.

ACTION: Request for Public Comment.

SUMMARY: This publication reviews the purposes for which the UMTA Procurement Study Task Force was created. It requests comments from the public as to strengths and weaknesses of the existing governmental procurement process, formally advertised (low-bid), used to purchase rolling stock and technical equipment with financial assistance under the Urban Mass Transportation Act of 1964, as amended. Additional information is sought to help the Department of Transportation identify advantages and disadvantages of alternative procurement methods as well as to evaluate present procedures.

DATES: Comments should be received by March 15, 1979, to be given full consideration by the Task Force in its recommendations.

ADDRESS: Mail comments to: W. H. Lytle, Director, Office of Procurement and Third Party Contract Review, UMTA/UAD-70, 2100 2nd Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

William J. Rhine, Office of Safety and Product Qualification, UMTA/UTD-50, 2100 2nd Street, S.W., Washington, D.C. 20590 (202) 426-9545.

SUPPLEMENTARY INFORMATION: Section 309 of the Surface Transportation Assistance Act of 1978 requires that the Secretary of Transportation make an evaluation of the procurement process utilized for the purchase of rolling stock and other technical equipment purchased with Federal financial assistance under the Urban Mass Transportation Act of 1964. The evaluation will focus on advantages and disadvantages of utilizing alternative procurement procedures, such as negotiated procurement and two-step formally advertised, and additional factors, such as performance, standardization, and life-cycle costs. The evaluation is not concerned with details of contract language, such as terms and conditions or other contract clauses.

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In formulating its recommendations, the Department of Transportation strongly encourages submission of comments, information and views from transit operators, manufacturers, buyers, designers, engineers, contract and procurement specialists, state or local public bodies, and other interested parties.

In addition to general comments, information and opinions on the following matters would be particularly useful to the Department of Transportation:

1. Identify and describe present procurement procedures used in buying rolling stock or other transit equipment with Federal assistance.

2. Delineate advantages and disadvantages resulting from present procurement procedures. An objective analysis is requested.

3. Cite state or local laws which govern and/or control the type(s) of procurement procedures that can be used for purchase of this equipment or would preclude changing present procurement procedures.

4. Present your assessment of the advantages and disadvantages in using alternative procurement procedure for Federally-assisted purchases.

5. Identify and describe other procurement procedures that may be suitable or applicable to purchase of rolling stock and technical equipment.

Persons who are interested in assisting the Department of Transportation in reaching its recommendations by responding to this notice, should do so in writing to: W. H. Lytle, Director, Office of Procurement and Third Party Contract Review, UMTA/UAD-70, 2100 2nd Street, S.W., Washington, D.C.

All communication received on or before March 15, 1979 will be afforded full consideration by the Department of Transportation in making its recommendations to Congress.

Signed at Washington, D.C., this 29th day of January 1979.

RICHARD S. PAGE,
Administrator.

[FR Doc. 79-3624 Filed 2-1-79; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Customs Service

AMOXICILLIN TRIHYDRATE FROM SPAIN

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to advise the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Spain has given benefits which are considered to be bounties or grants on the manufacture, production or exportation of amoxicillin trihydrate. A final determination will be made no later than July 27, 1979. Interested parties are invited to comment on this action.

EFFECTIVE DATE: February 2, 1979.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On September 11, 1978, a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (43 FR 40331). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Spain upon the manufacture, production, or exportation of amoxicillin trihydrate constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as the "Act"). Imports covered by this investigation are classified under item 407.8517 of the Tariff Schedules of the United States, Annotated.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits which consititute a bounty or grant within the meaning of section 303 of the Act have been paid or bestowed, directly or indirectly, by the Government of Spain on the manufacture, production, or exportation of amoxicillin trihydrate. The benefits are received in the form of an overrebate upon exportation of the Spanish indirect tax, the "Desgravacion Fiscal". The overrebate consists of three elements: (1) Taxes on services and inputs which are not physically incorporated in the final product; (2) a credit for a tax on transactions between manufacturers and wholesalers which, in fact, is not levied on export sales; and (3) a number of "parafiscal" taxes included in the computation of the rebate, which are charges assessed for services provided and which are not levied on an *ad valorem* basis on the product.

Accordingly, it is determined preliminarily that bounties or grants, within the meaning of section 303 of the Act are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of amoxicillin trihydrate from Spain. A final determination will be made no later than July 27, 1979.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W. Washington, D.C. 20229, in time to be received by his office not later than March 5, 1979. Any request for an opportunity to present views orally should accompany such submission and a copy of all submissions should be delivered to any counsel that has heretofore represented any party to these proceedings.

This preliminary determination is published pursuant to section 303(a), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15), March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 29, 1979.

[FR Doc. 79-3705 Filed 2-1-79; 8:45 am]

[4810-22-M]

DELEGATION OF PROCUREMENT AUTHORITY TO OFFICE OF ADMINISTRATIVE PROGRAMS AND TREASURY

[Number 101-3]

JANUARY 16, 1979.

Pursuant to the authority vested in me as Assistant Secretary (Administration) by Treasury Department Order No. 208, Revision 4, it is hereby ordered as follows:

1. The authority to prescribe and publish Treasury Procurement Regulations is hereby delegated to the Director, Office of Administrative Programs, Office of the Secretary, without the power of further redelegation.

2. (a) The following officials of the Department of the Treasury are hereby delegated the authority to procure property and services consistent with Title III of the Federal Property and Administrative Services Act of 1949 (Act), as amended (41 USC 251-260), except as precluded by Section 307 (41 USC 257) of the Act:

Director, Office of Administrative Programs for Office of the Secretary and Bureau of Engraving and Printing.
Director, Bureau of Alcohol, Tobacco and Firearms.
Comptroller of the Currency.
Director, Federal Law Enforcement Training Center.
Commissioner of Customs.
Commissioner, Bureau of Government Financial Operations.
Commissioner of Internal Revenue.
Director of the Mint.
Commissioner of the Public Debt.
National Director, U.S. Savings Bonds Division.
Director, U.S. Secret Service.

(b) Each of the officials named in (a) is deemed "chief officer responsible for procurement" within the meaning of 41 USC 257(b).

3. The authority delegated includes but is not limited to taking the following actions:

(a) To enter into and take all necessary actions with respect to purchases, contracts, leases, and other contractual procurement transactions;

(b) To make determinations and decisions with respect to procurement matters, except those determinations and decisions required by law or regulation to be made by other authority; and

(c) To designate persons qualified in procurement matters as Contracting Officers and representatives thereof and to signify such designation of qualified persons by issuance of Treasury Department Form 70-06.1, "Certificate of Appointment," in accordance with requirements and procedures established in Section 1.404 of the "Treasury Procurement Regulations."

4. The authority delegated herein shall be exercised in accordance with the applicable limitations and requirements of the Act; the Federal Procurement Regulations, 41 CFR, Chap. 1; the applicable portions of the Federal Property Management Regulations, 41 CFR, Chap. 101; as well as regulations issued by the Department of the Treasury which implement and supplement the Federal Procurement Regulations and the Federal Property Management Regulations, including but not limited to 41 CFR, Chap. 10, and Treasury Directive Manual Chapter 70-06, "Treasury Procurement Regulations."

5. To the extent permitted by the Act and this delegation, the authority herein delegated to the above-named officials may be redelegated by them by letter or bureau order to any subordinate officer or employee who has been duly designated to act as a Contracting Officer for the United States.

This Order supersedes Treasury Department Order 208-1 dated June 29, 1977.

WALTER J. MCDONALD,
Acting Assistant Secretary (Administration).

[FR Doc. 79-3570 Filed 2-1-79; 8:45 am]

[4810-22-M]

Office of the Secretary

PERCHLORETHYLENE FROM BELGIUM

Antidumping; Withholding of Appraisement and Determination of Sales at Less Than Fair Value

AGENCY: United States Treasury Department.

ACTION: Withholding of Appraisement and Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that perchlorethylene from Belgium is being sold at less than fair value under the Antidumping Act, 1921. (Sales at less than fair value generally occur when the price of merchandise for exportation to the United States is less than the price of such or similar merchandise in the home market or to third countries). Appraisements of entries of this merchandise will be suspended for three months. This case is being referred to the United States International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: February 2, 1979.

FOR FURTHER INFORMATION CONTACT:

Leon McNeill, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On June 16, 1978, a petition in proper form was received from counsel on behalf of PPG Industries, Pittsburgh, Pennsylvania, Stauffer Chemical Company, Westport, Connecticut, Diamond Shamrock Corporation, Cleveland, Ohio, Vulcan Materials Company, Birmingham, Alabama, and Dow Chemical, U.S.A., Midland, Michigan, alleging that perchlorethylene from Belgium is being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) ("the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of July 24, 1978 (43 FR 32009).

For purposes of this investigation, "perchlorethylene" means perchlorethylene, including technical grade perchlorethylene and purfied grade perchlorethylene, provided for in item 429.3400, Tariff Schedules of the United States, Annotated.

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of information developed in the Customs investigation and for the reasons noted below, I hereby determine that perchlorethylene from Belgium is being sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation.* Available information indicates that 100 percent of the imports of the subject merchandise from Belgium are manufactured by Solvay and CIE. Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For the purposes of this determination, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales were made to an unrelated purchaser in the United States through a buying agent in Germany. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis for comparison.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning exports and home market sales during the period February 1, 1978, through July 31, 1978.

c. *Purchase Price.* For the purposes of this determination, since all merchandise was purchased or agreed to be purchased prior to the time of exportation, by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act, the purchase price has been calculated on the basis of an f.o.b. price to the German buying agent for the unrelated U.S. purchaser. Adjustments were made for inland freight and terminal charges.

d. *Home Market Price.* For the purposes of this determination, the home market price has been calculated on the basis of the delivered price to distributors in the home market with adjustments for inland freight, a quantity rebate and special rebate. A deduction for inland freight is permitted pursuant to section 205(a) of the Act, 19 U.S.C. 164(a), for the cost of moving the merchandise from Solvay's factory to the port of Rotterdam. An adjustment for a quantity rebate also has been permitted. The amount of the rebate varies from 1-5 percent, depending upon the quantity of mer-

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chandise sold to individual purchasers during the preceding year. In calculating fair value the amount of the weighted-average rebate was determined by dividing the total amount of the rebate by the total value of the sales in the home market. The special rebate adjustment is granted to distributors who must sell the merchandise at prices which do not yield a sufficient profit. An adjustment was allowed for the special rebates to the extent that the amount paid could be verified.

Circumstances of sale adjustments were claimed for advertising, travel costs, technical expenses, and packing differentials. Advertising, travel costs, and technical expenses were disallowed because on the basis of the information submitted, it could not be determined that these expenses were directly related to the sales under consideration, as required by § 153.10, Customs Regulations (19 CFR 153.10). Further information relative to these claims was requested, but has not been received. The adjustment for differences in packing costs was disallowed because the packing costs for almost all sales compared were identical in both markets.

e. *Results of Fair Value Comparison.* Using the above criteria, comparisons were made on 100 percent of subject perchlorethylene sales to the United States during the representative period. Those comparisons indicate that the purchase price was less than the home market price of such or similar merchandise. Margins were found ranging from approximately 147 to 154 percent on 100 percent of the sales compared. The weighted-average margin of those sales on which comparisons were made amounted to 150 percent.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

Based on the reasons noted above, Customs officers are being directed to withhold appraisement of perchlorethylene from Belgium in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisement notice, which is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective February 2, 1979. It shall cease to be effective at the expiration of three months from the date of this publication unless previously revoked.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 29, 1979.

[FR Doc. 79-3721 Filed 2-1-79; 8:45 am]

[4810-22-M]

PERCHLORETHYLENE FROM FRANCE

Antidumping: Notice of Withholding of Appraisement and Determination of Sales at Less Than Fair Value

AGENCY: United States Treasury Department.

ACTION: Withholding of appraisement and Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that perchlorethylene from France is being sold at less than fair value under the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. Appraisement of entries of this merchandise will be suspended for 3 months. This case is being referred to the United States International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: February 2, 1979.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On June 16, 1978, a petition in proper form was received from counsel on behalf of PPG Industries, Pittsburgh, Pennsylvania, Stauffer Chemical Company, Westport, Connecticut, Diamond Shamrock Corporation, Cleveland, Ohio, Vulcan Materials Company, Birmingham, Alabama, and Dow Chemical, U.S.A., Midland, Michigan, alleging that perchlorethylene from France is being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of July 24, 1978 (43 FR 32010).

For purposes of this investigation, "perchlorethylene" means perchlorethylene, including technical grade perchlorethylene and purified grade perchlorethylene, provided for in item number 429.3400, Tariff Schedules of the United States, Annotated (TSUSA).

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of information developed in the Customs investigation and for the reasons noted below, I hereby determine that perchlorethylene from France is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation.* Approximately 90 percent of the imports of the subject merchandise from France are manufactured by Rhone-Poulenc-Petrochimie (R.P.P.). Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis for comparison is between the exporter's sales price and the home market price of such or similar merchandise. Exporter's sales price, as defined in section 204 of the Act (19 U.S.C. 163), was used since all export sales to the United States were made to related customers who resold the merchandise subsequent to its exportation. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide an adequate basis for comparison.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning exports and home market sales during the period February 1, 1978 through July 31, 1978.

c. *Exporter's Sales Price.* For purposes of this determination, the exporter's sales price was calculated on the basis of the resale price to unrelated distributors of the imported merchandise in accordance with section 204 of the Act. Adjustments were made for ocean freight, insurance, survey fees, brokerage, duty, inland freight in the home market and selling and administrative expenses incurred in the U.S. Adjustments for ocean freight, insurance, survey fees, brokerage, duty and inland freight were made pursuant to section 204(1) of the Act since these costs and charges are incident to bringing the merchandise from the place of shipment in France to the place of delivery in the United States. The selling and administrative expenses incurred in the United States were deducted as charges incurred in the resale of the merchandise, pursuant to section 204(3) of the Act.

d. *Home Market Price.* For the purposes of this determination, the home market price was calculated on the basis of the f.o.b. factory price with adjustments for inland freight, differences in packing, advertising and selling expenses.

The selling expenses claimed in the home market were deducted as an offset, not to exceed the amount of the selling and administrative expenses incurred in the United States market. This is in accordance with § 153.10(b), Customs Regulations (19 CFR 153.10(b)). The adjustment for advertising was for costs incurred in advertising the perchlorethylene on behalf of the distributors purchasing the merchandise, as provided by § 153.10, Customs Regulations (19 CFR 153.10). The adjustment for differences in packing was based on additional home market costs incurred in placing the merchandise in trucks. The export merchandise was piped directly onto chemical tankers.

Claims were made for a circumstance of sale adjustment for finance costs. These were related to costs anticipated as a result of the failure of customers to pay for merchandise already received. Such claims for anticipated bad debts in the past have been determined not to be directly related to the sales under consideration. Therefore, the claim has been disallowed.

e. *Results of Comparison.* Using the above criteria, comparisons were made on 90 percent of subject perchlorethylene sales in the United States during the representative period. Those comparisons indicate that the exporter's sales price was less than the home market price of such or similar merchandise. Margins were found ranging from 30.23 to 56.78 percent on 100 percent of the sales compared. The weighted-average margin of those sales on which comparisons were made amounted to 47.82 percent.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

Based on the reasons noted above, Customs Officers are being directed to withhold appraisement of perchlorethylene from France in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisement notice, which is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 3 months from the date of this publication unless previously revoked.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 26, 1979.

[FR Doc. 79-3708 Filed 2-1-79; 8:45 am]

[4810-22-M]

PERCHLORETHYLENE FROM ITALY

Antidumping: Notice of Withholding of Appraisement and Determination of Sales at Less Than Fair Value

AGENCY: United States Treasury Department.

ACTION: Withholding of Appraisement and Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that perchlorethylene from Italy is being sold at less than fair value under the Antidumping Act, 1921. (Sales at less than fair value generally occur when the price of merchandise for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries). Appraisements of entries of this merchandise will be suspended for 3 months. This case is being referred to the United States International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: February 2, 1979.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On June 16, 1978, a petition in proper form was received from counsel on behalf of PPG Industries, Inc., Pittsburgh, Pennsylvania, Stauffer Chemical Company, Westport, Connecticut, Diamond Shamrock Corporation, Cleveland, Ohio, Vulcan Materials Company, Birmingham, Alabama, and Dow Chemical U.S.A., Midland, Michigan, alleging that perchlorethylene from Italy is being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, an industry in the United States, within the meaning of the antidumping act, 1921, as amended (19 U.S.C. 160 *et seq.*) ("the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, and "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of July 24, 1978, (43 FR 32011).

For purposes of this investigation, the term "perchlorethylene" refers to perchlorethylene, including technical grade perchlorethylene and purified grade perchlorethylene, provided for in item number 429.3400, Tariff Schedules of the United States, Annotated.

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of information developed in the Customs investigation and for the reasons noted below, I hereby determine that perchlorethylene from Italy is being sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation.* All of the imports of the subject merchandise from Italy are manufactured by Montedison S.p.A. and Rumianca S.p.A., both of Milan, Italy. Therefore, the investigation was limited to these two manufacturers.

b. *Basis of Comparison.* For purposes of this determination, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all exports to the United States were purchased, or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account the merchandise was imported. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis for comparison.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning exports and home markets sales during the period January 1, 1977, through July 31, 1978.

c. *Purchase Price.* For purposes of this determination, since all merchandise was purchased or agreed to be purchased prior to the time of exportation, by the persons by whom or for whose account it was imported, within

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the meaning of section 203 of the Act, the purchase price has been calculated on the basis of the C.I.F. price with the exception of one sale, in which the price also included U.S. customs duty. Adjustments were allowed for ocean freight, insurance, duty (where applicable), and sales commission (where applicable).

d. *Home Market Price.* For purposes of this determination, the home market price has been calculated, in the case of Montedison, S.p.A., on the basis of the weighted-average sales price to unrelated wholesalers with adjustment for discounts, rebates and inland freight expenses. The sales prices to wholesalers were used to established fair value because that was the class of purchaser most similar to the class to which Montedison sold in the United States.

Montedison made claims for adjustments to the home market price for an offset for selling expenses in the U.S., and for the cost of preparation and shipment and research and development. Because purchase price was used as the basis for establishing the sales price to the United States, an adjustment for selling expenses incurred in the United States cannot be made, in accordance with § 153.10, Customs Regulations (19 CFR 153.10). The claim for preparation and shipment expenses was neither adequately explained nor documented. The extent to which research and development claim pertained to perchlorethylene has not been demonstrated. Therefore, these claimed adjustments were not allowed.

In the case of Rumianca, S.p.A., home market price has been calculated on the basis of the weighted-average sales price to all customers with adjustments for a prompt payment discount (where applicable), inland freight expenses in Italy, rebates (where applicable), and an amount for home market sales expenses equivalent to the amount of the commission paid on the export sales, in accordance with § 153.10, Customs Regulations (19 CFR 153.10). The home market price to all customers was used as the starting price for the home market calculation because Rumianca does not vary its price according to class of purchaser.

e. *Results of Comparison.* Using the above criteria, comparisons were made on 100 percent of the perchlorethylene sales to the United States during the representative period. Those comparisons indicate that the purchase price was less than the home market price of such or similar merchandise. Margins were found ranging from 15 to 53.8 percent on 100 percent of the sales compared in the case of Montedison, and were found ranging from 35 to 40 percent on 100 percent of the sales in the case of Rumianca. The weighted-average margin was 29 percent in the case of Montedison and 37.8 percent in the case of Rumianca. The weighted-average margin on all sales from Italy was 30.8 percent.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

Based on the reasons noted above, Customs Officers are being directed to withhold appraisement of perchlorethylene from Italy in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisement notice, which is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 3 months from the date of this publication unless previously revoked.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 25, 1979.

[FR Doc. 79-3707 Filed 2-1-79; 8:45 am]

[4810-22-M]

45 R.P.M. ADAPTERS (FLAT AND ROUND SPINDLE) FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of 45 r.p.m. adapters (flat and round spindle) from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. There is substantial doubt that imports of the subject merchandise, allegedly at less than fair value, are causing, or are likely to cause, injury to an industry in the United States. Therefore, the case is being referred to the U.S. International Trade Commission for a determination as to whether there is a reasonable indication of injury.

EFFECTIVE DATE: February 2, 1979.

FOR FURTHER INFORMATION CONTRACT:

Mary S. Clapp, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On December 12, 1978, a petition in proper form was received pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from the Aldshir Manufacturing Company, Inc., Tuckahoe, New York, alleging that 45 r.p.m. adapters (flat and round spindle) from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

Flat and round spindle 45 r.p.m. adapters are ½ inch diameter plastic or metallic devices which fit over a standard record changer spindle in order to permit the automatic sequential play of 45 r.p.m. records. These adapters are classifiable under item 685.3270 of the Tariff Schedules of the United States, Annotated. Single adapters which are imported as part of a record changer or combination unit, and which are intended for resale as part of these units, are not subject to this investigation.

It appears that the foreign producer and the purchaser in the United States are related within the meaning of the Act and, therefore, it will be necessary to establish the exporter's sales price of the merchandise in the U.S. market.

Based upon the information set forth in the petition and that derived from the Customs Service's summary investigation, it appears that the margins of dumping may range from 30 percent to 90 percent or more.

There is evidence on record concerning injury, or likelihood of injury, to the U.S. industry from the alleged less than fair value imports of 45 R.P.M. adaptors from the United Kingdom. This information indicates that the primary British exporter, BSR, holds a large share of the U.S. market in round adaptors and a predominant share of the U.S. market in flat adaptors. Further, information submitted by petitioner indicates that margins by which petitioner is being undersold by BSR in connection with flat adaptors would be completely eliminated were the alleged less than fair value margins eliminated. Petitioner has alleged that it has been unable to compete with BSR in sales to large volume customers which are original equipment manufacturers without resorting to unprofitable price levels. Information has also been received, however, that BSR has ceased exporting flat spindle adaptors to the United States and has taken steps to commence production of this merchandise in the United States. Further, information received from the petitioner and from other sources indicates that round spindle adaptors represent and extremely small share of the total adaptor (round and flat) market in the United States.

On the basis of such evidence, it has been concluded that there is substantial doubt of injury or likelihood of injury to an industry in the United States by virtue of such imports from the United Kingdom. Accordingly, the U.S. International Trade Commission is being advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value. Should the U.S. International Trade Commission, within 30 days of receipt of this referral, advise the Secretary that there is not reasonable indication that an industry in the United States is being, or is likely to be, injured by reason of the importation of such merchandise into the United States, this investigation will be terminated. Otherwise, the investigation will continue to conclusion.

This notice is published pursuant to § 153.30, Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 26, 1979.

[FR Doc. 79-3706 Filed 2-1-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 19]

ASSIGNMENT OF HEARINGS

JANUARY 30, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 144620F, Executive Coach, Inc., now being assigned continued hearing March 5, 1979, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 138328 (Sub-60F), Clarence L. Werner dba Werner Enterprises now assigned continued hearing March 6, 1979 at the office of Interstate Commerce Commission, Washington, D.C.

No. MC 22301 (Sub-26F), Sioux Transportation Company, Inc., now assigned March 12, 1979 (1 week), at Sioux Falls, South Dakota, in a hearing room to be later designated.

No. MC 15859 (Sub-10F), The Hine Line, now assigned May 1, 1979 at Chicago, Illinois (4 days), in a hearing room to be later designated.

MC 115495 (Sub-37F), United Parcel Service, Inc., now assigned February 27, 1979, at Dallas, Texas, is changed to February 27, 1979 (14 days), at Dallas Marriott Hotel Market Center 2101 Stemmons Freeway, Dallas, Texas and continued to April 3, 1979 (9 days) at Dallas Marriott Hotel, Market Center 2101 Stemmons Freeway, Dallas, Tex.

MC-114533 (Sub-371), Bankers Dispatch Corporation, now assigned April 2, 1979 (5 days), at Topeka, Kansas in a hearing room to be later designated.

MC-F 13644, Ford Brothers, Inc.—Purchase (Portion)—Davis Transport, Inc. MC-112595 (Sub-77F), Ford Brothers, Inc.; now assigned for hearing on March 14, 1979 (3 days), at Columbus, Ohio in a hearing room to be later designated.

MC-116915 (Sub-65F), Eck Miller Transportation Corp., now assigned for hearing on March 13, 1979 (1 day), at Columbus, Ohio in a hearing room to be later designated.

MC 109324 (Sub-38F), Garrison Motor Freight, Inc., now being assigned March 13, 1979 (14 days), at Little Rock, Ark., in a hearing room to be later designated.

MC 123069, Aller & Sharp, Inc., now assigned continued hearing March 20, 1979, at the offices of Interstate Commerce Commission, Washington, D.C.

No. MC 126822 (Sub-48F), Westport Trucking Company, now assigned May 1, 1979 at Chicago, Illinois (4 days), in a hearing room to be later designated.

No. MC 119991 (Sub-22F), Young Transport, Inc., now assigned May 1, 1979 (4 days), at Chicago, Illinois in a hearing room to be later designated.

No. MC 119991 (Sub-18), Young Transport, Inc., now assigned May 1, 1979 (4 days), at Chicago, Illinois in a hearing room to be later designated.

No. MC F 13593, Nebraska Transport Co., Inc.—Control—G & H Truck Line, Inc., now assigned February 6, 1979 (2 weeks) at Scottsbluff, Nebraska is canceled and transferred to Modified Procedure.

No. MC 133233 (Sub-57), Clarence L. Werner, dba Werner Enterprises now assigned January 15, 1979 at Chicago, Illinois is canceled.

No. MC 116254 (Sub-204F), Chem-Haulers, Inc., now assigned February 28, 1979 at Kansas City, Missouri for hearing is canceled and application dismissed.

No. MC 116254 (Sub-206F), Chem-Haulers, Inc., now assigned for hearing February 27, 1979 at Kansas City, Missouri is canceled and application dismissed.

MC 143364 Sub 1F, Associated Cab Company, Inc., now assigned continued hearing March 13, 1979, (4 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 107012 Sub 258, North American Van Lines, Inc., now assigned continued March 19, 1979, (2 days), at Atlanta Ga., in a hearing room to be later designated.

MC 144190 Sub 2F, Story, Inc., now being assigned March 21, 1979, (3 days), at Atlanta, Ga., in a hearing room to be later designated.

No. MC-128460 (Sub-No. 4F), John J. Conahan DBA Central Air, Freight Service, now assigned for continued hearing March 1, 1979, (1 day), at Philadelphia, Pa., in a hearing room to be later designated.

No. MC 128527 (Sub-No. 121F), May Trucking Company now assigned for hearing April 17, 1979 (9 days), at Boise, Idaho in a hearing room to be later designated.

No. MC 8964 (Sub-No. 32), Witte Transportation, Company now assigned for hearing April 17 1979 (9 days), at St. Paul, Minnesota in a hearing room to be later designated.

No. MC 98291 (Sub-No. 3F), Kunkle Transfer & Storage Co., now assigned for hearing April 17, 1979 (9 days) at Phoenix, Az in a hearing room to be later designated.

No. MC 116004 (Sub-No. 49F), Texas Oklahoma Express, Inc., now assigned for hearing April 17, 1979 (2 weeks) at Wichita, Kansas in a hearing room to be later designated.

No. MC 29886 (Sub-No. 350F), Dallas & Mavis Forwarding Co., Inc. now assigned for hearing March 12, 1979 at Washington, D.C. for prehearing conference at the Offices of the Interstate Commerce Commission.

No. MC 114457 (Sub-No. 381F), Dart Transit Company now assigned for hearing May 8, 1979 at Washington, D.C. and will be held at the Offices of the Interstate Commerce Commission.

MC 103066 Sub 66F, Stone Trucking Co., now assigned April 3, 1979, at Houston, Texas, (4 days), and continued to July 10, 1979, (4 days), at Dallas, Texas, hearing rooms to be designated later.

MC 121496 Sub 11F, Cango Corp., now being assigned April 9, 1979, (2

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days), at Dallas, Texas, in a hearing room to be designated later.

MC 115826 Sub 299F, W. J. Digby, Inc., now being assigned April 11, 1979, at Dallas, Texas, in a hearing room to be later designated.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3724 Filed 2-1-79; 8:45 am]

[7035-01-M]

[Exception No. 12, Amdt. No. 1, Under Section (a), Paragraph (1), Part (v) Second Revised Service Order No. 1332]

ALL RAILROADS

Decided: January 25, 1979.

By the Board:

Upon further consideration of Exception No. 12 and good cause appearing therefor:

It is ordered,

Exception No. 12 to Second Revised Service Order No. 1332 is amended to: *Expire February 2, 1979.*

Issued at Washington, D.C., January 25, 1979.

JOEL E. BURNS,
Chairman,
Railroad Service Board.

[FR Doc. 79-3723 Filed 2-1-79; 8:45 am]

[7035-01-M]

[Volume No. 5]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

JANUARY 24, 1979.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

NOTICE

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247)* and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 172 (Sub-8) (M1F) (Notice of filing of petition to modify certificate), filed November 3, 1978. Petitioner: ROBERT E. WADE, 1312 Helderberg Avenue, Schenectady, NY 12306. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, NW., Washington, DC 20005. Petitioner holds a motor *common carrier* certificate in MC 172 Sub 8, issued May 3, 1973, authorizing transportation, over irregular routes, (1) *Passengers and their baggage* in round-trip sightseeing and pleasure tours, in special operations, beginning and ending at Schenectady, NY, and extending to points in the United States (except points in NJ, PA, DE, MD, VA, MA, CT, RI, VT, NH, AK, HI, and DC), and (2) *Passengers and their baggage* in the same vehicle with passengers in round-trip charter operations, beginning and ending at Schenectady, NY, and extending to points in the United States (except points in NJ, PA, DE, MD, VA, MA, CT, RI, VT, NH, NC, SC, GA, FL, ME, AK, HI, and DC). By the instant petition, petitioner seeks to modify the above authority by deleting AK from the excluded portion of authority, thereby adding it to the territory.

MC 730 (Sub-266) (M1F) (Notice of filing of petition to modify certificate), filed October 25, 1978. Petitioner: PACIFIC INTERMOUNTAIN EXPRESS CO., A Corporation, P.O. Box 958, Oakland, CA 94604. Representative: A. G. Krebs, (Same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 730 Sub 266 issued March 24, 1977, authorizing transportation, over regular routes, as alternate routes for operating convenience only: as pertinent, of, *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (3) Between Albuquerque, NM, and junction Interstate Hwy 40 and U.S. Hwys. 66 and 89, near Ash Fork, AZ, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving Albuquerque, NM, and junction Interstate Highway 40 and U.S. Hwys 66 and 89 near Ash Fork, AZ, for the purposes of joinder only: From Albuquerque over Interstate Hwy 40 (U.S. Hwy 66) to junction U.S. Hwys 66 and 89, and return over the same route. By the instant petition, petitioner seeks to serve Flagstaff, AZ as an additional point for purpose of joinder only.

MC 30204 (Sub-17) (M2F) (Notice of filing of Petition to modify Certificate), filed October 26, 1978. PETITIONER: HEMINGWAY TRANSPORT INC., 438 Dartmouth Street, New Bedford, MA 02740. Representative Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. Petitioner holds a motor *common carrier Certificate in No. MC-30204 (Sub-No. 17)*, served September 5, 1978, authorizing transportation over regular routes as pertinent of REGULAR ROUTES: (A) *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) Between Winchester, VA, and New York, NY, serving all intermediate points; the off-route point of Belvidere, NJ, restricted to the pickup or delivery of traffic moving to or from Celco VA, and Amcelle, MD; and the off-route points of Herndon, VA, Brunswick, MD, Biglerville, Bristol, Catasauqua, Hanover, Lititz, Littlestown, Mercersburg, Northampton, Pen Argyl, and Waynesboro, PA, Carneys Point, Carteret, East Rutherford, Haledon, Harrison, Irvington, Linden, New Brunswick, Parlin, Perth Amboy, and Rahway, NJ, those in the New York, NY Commercial Zone, as defined by the Commission, and those in the Philadelphia, PA Commercial Zone, as defined by the Commission: (a) From Winchester over U.S. Hwy 11 to Chambersburg, PA, then over U.S. Hwy 30 to junction Business Route U.S. Hwy 30 (formerly portion U.S. Hwy 30), then over Business Route U.S. Hwy 30 via Coatesville and Downingtown, PA, to junction U.S. Hwy 30, then over U.S. Hwy 30 to Philadelphia, PA, then over U.S. Hwy 1 to New York, and return over the same route. (b) From Winchester over Virginia Hwy 7 (formerly Alternate U.S. Hwy 340) to Berryville, VA, then over U.S. Hwy 340 to Frederick, MD, then over U.S. Hwy 40 to junction unnumbered hwy west of Ellicott City, MD, then over said unnumbered hwy to Baltimore, MD, then over U.S. Hwy 40 to State Road, DE, then over U.S. Hwy 13 to Philadelphia, PA, then over U.S. Hwy 1 to New York, and return over the same route. (c) From Winchester over U.S. Hwy 50 to Fairfax, VA, then over Virginia Hwy 236 to Alexandria, VA, then over U.S. Hwy 1 to New York, and return over the same route. (d) From Winchester over Virginia Hwy 7 to Falls Church, VA, then over U.S. Hwy 29 to Baltimore, MD, then to New York as specified above, and return over the same route. (2) Between Winchester, VA, and New York, NY, serving all intermediate points between Winchester, VA, and Chambersburg, PA, and between junction of U.S. Hwy 22 and New Jersey Secondary Hwy 567 near Raritan, NJ, and New York, NY: the specific intermediate points of Chambersburg, Harrisburg, Allentown, Bethlehem, and Easton, PA, and Phillipsburg, NJ; the off-route point of Belvidere, NJ, restricted to the pickup or delivery of traffic moving to or from Celco, VA, and Amcelle, MD; and the off-route points of Herndon, VA, Brunswick, MD, Biglerville, Bristol, Catasaugua, Hanover, Lititz, Littlestown, Mercersburg, Northampton, Pen Argyl, and Waynesboro, PA, Carneys Point, Carteret, East Rutherford, Haledon, Harrison, Irvington, Linden, New Brunswick, Parlin, Perth Amboy, and Rahway, NJ, those in the New York, NY Commercial Zone, as defined by the Commission, and those in the Philadelphia, PA Commercial Zone, as defined by the Commission: From Winchester over U.S. Hwy 11 to Harrisburg, PA, then over U.S. Hwy 22 to junction unnumbered hwy, then over unnumbered hwy via Allentown, Bethlehem, and Easton, PA, to junction U.S. Hwy 22, thence over U.S. Hwy 22 to Newark, NJ, then over U.S. Hwy 1 to New York, and return over the same route. (3) Between Lancaster, PA, and Reading, PA, serving no intermediate points: From Lancaster over U.S. Hwy 222 to Reading, and return over the same route. (4) Between Philadelphia, PA, and Easton, PA, serving no intermediate points: From Philadelphia over U.S. Hwy 611 to Easton, and return over the same route. (5) Between Philadelphia, PA, and Allentown, PA, serving no intermediate points: From Philadelphia over U.S. Hwy 309 to Allentown, and return over the same route. (6) Between Philadelphia, PA, and Harrisburg, PA, serving no intermediate points: From Philadelphia over U.S. Hwy 422 to Harrisburg, and return over the same route; RESTRICTION: In connection with the regular routes described in (A) (1) through (6) above, service at the following intermediate and off-route points in PA: those located on U.S. Hwy 30 west of Downingtown, PA, and east of Gettysburg, PA, and Catasaqua, Hanover, Lititz, Northampton, Pen Argyl, Allentown, Reading, Easton, Bethlehem, and Harrisburg, PA, is restricted against shipments destined to or originating at (1) points in the the New York, NY Commercial Zone, as defined by the Commission, (2) the intermediate and off-route points in Passaic, Sussex, Warren, Morris, Essex, Hunterdon, Union, Somerset, and Middlesex Counties, NJ, and (3) those in CT, RI and MA. By the instant petition, petitioner seeks to eliminate the above RESTRICTION from its Certificate.

MC 87205 (M1F) (Notice of filing of petition to modify certificate), filed October 30, 1978. Petitioner: PERKINS TRUCKING CO., INC., 250 Miller Place, Hicksville, NY 11801. Representative: Edward L. Nehez, P.O. Box 1409, Fairfield, NJ 07006. Petitioner holds a motor *common carrier* certificate in MC 87205 issued November 6, 1952, authorizing transportation over irregular routes, as pertinent of (1) *General commodities* (except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between New York, NY, on the one hand, and, on the other, points in NY, and NJ within 40 miles of Columbus Circle, New York, NY, and (2) *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in the New York, NY Commercial Zone, as defined by the Commission, on the one hand, and on the other, points in Queens, Nassau, and Suffolk Counties, NY. By the instant petition, petitioner seeks to modify the above authority by changing the territorial description to read: (1) Between New York, NY, on the one hand, and, on the other, points in Dutchess, Orange, Putnam, Rockland and Westchester Counties, NY.; Bergen, Burlington, Camden, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, NJ.; and those in Bucks, Montgomery, Northampton, and Philadelphia Counties, PA. (2) Between points in the New York, NY, commercial zone as defined by the Commission, on the one hand, and, on the other, points in Queens, Nassau, and Suffolk Counties, NY, and (3) between points in Dutchess, Orange, Putnam, Rockland, and Westchester Counties, NY, Bergen, Burlington, Camden, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, NJ.; and those in Bucks, Montgomery, Northampton, and Philadelphia Counties, PA, on the one hand, and, on the other, points in Queens, Nassau, and Suffolk Counties, NY.

MC 114301 (Sub-85) (M1F) (Notice of filing of petition to modify certificate), filed October 27, 1978. Petitioner: DELAWARE EXPRESS CO., A Corporation, P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1511 K Street, NW, Washington, DC 20005. Petitioner holds a motor *common carrier* certificate in MC 114301 Sub 85 issued August 25, 1976, authorizing transportation, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from the facilities of Union Texas Petroleum Division of Allied Chemical Corporation at Baltimore, MD, to points in PA, NJ, DE, MD, and VA. By the instant petition, petitioner seeks to modify the above authority by deleting the facility reference in the origin description.

MC 118288 (Sub-47) (M1F) (Notice of filing of petition to modify certificate), filed November 6, 1978. Petitioner: FROST TRUCK LINES, INC., P.O. Box 39639, Los Angeles, CA 90039. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Petitioner holds a motor *common carrier* certificate in MC-118288 (Sub-47), issued Sept. 20, 1978, authorizing transportation over irregular routes of: *General commodities* (except those of unusual value, Classes A and B explosives, households goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) which are at the time moving on bills of lading of freight forwarders as defined in Section 402(a)(5) of the Interstate Commerce Act, from Los Angeles, CA, to Seattle, Tacoma, Bellingham, Everett, Yakima, Pasco, and Spokane, WA, Medford, Salem, Eugene, and Portland, OR, and Boise, ID. Petitioner seeks to provide service in both directions by amending the territorial description to read: Between Los Angeles, CA, on the one hand, and Seattle, Tacoma, Bellingham, Everett, Yakima, Pasco and Spokane, WA; Medford, Salem, Eugene and Portland, OR; and Boise, ID on the other hand.

MC 119765 (M1F) (Notice of filing of petition to modify certificate), filed October 30, 1978. Petitioner: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Petitioner holds a motor *common carrier* certificate in MC-119765 issued June 14, 1965. MC-119765 authorizes transportation, over irregular routes of, as pertinent, *twine, farm machinery, farm implements and parts*, from Canton, Chicago, Moline, Rock Falls, and Rock Island, Ill., to points in that part of Iowa, on, west, and south of a line beginning at the Iowa-Missouri State line and extending north along Iowa Highway 25 to Junction U.S. Highway 30, at or near Scranton, Iowa, then west along U.S. Highway 30, to Denison, Iowa, then along Iowa Highway 141, to Ute, Iowa, then along Iowa Highway 183 to Soldier, Iowa, then along Iowa Highway 37 to Onawa, Iowa, then along Iowa Highway 175 to the eastern shore of the Missouri River. By the instant Petition, Petitioner seeks to modify the

*Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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commodity description in this certificate to include: "Such commodities as are used in the manufacture and production of farm machinery, farm implements and parts".

MC 124896 (Sub-15) (M1F) (Notice of filing of petition to modify certificate), filed November 2, 1978. Petitioner: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Petitioner holds a motor *common carrier* certificate in MC-124896 (Sub-15) issued September 13, 1977, which authorizes the transportation, as pertinent, of: (a) *Roasted peanuts and peanut products* (except in bulk, in tank vehicles), and (b) *peanuts*, when transported in the same vehicle and at the same time with roasted peanuts and/or peanut products, from the facilities of Seabrook Blanching Corp., at or near Sylvester, GA, to points in AL, AR, CA, CO, FL, IA, IN, KS, KY, MI, MN, MS, MO, OH, OK, OR, PA, TX, UT, WA, WI, and points in IL (except Cook and Du Page Counties), restricted to the transportation of traffic originating at the named origin points and destined to the named destination points. By the instant petition, petitioner seeks to modify the above authority by deleting the words, "except Cook and Du Page Counties".

MC 129424 (M1F) (Notice of filing of petition to modify permit), filed October 25, 1978. Petitioner: FILEX TRUCKING CORP., North Water Street, Ossining, NY 10562. Representative: Bruce J. Robbins, 118-21 Queens Boulevard, Forest Hills, NY 11375. Petitioner holds a motor *contract carrier* permit in MC 129424 issued October 25, 1978, authorizes transportation, over irregular routes, of *Filing and storage cabinets, desks, and parts thereof*, uncrated, and *filing and storage cabinets, desks, and part thereof*, crated, when moving in mixed loads with filing and storage cabinets, desks, and parts thereof, uncrated, between Ossining, NY, on the one hand, and on the other, points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VA, AL, TN, KY, IN, MI, OH, WV, VT, and DC. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract(s) with Filex Steel Products Company, of Ossining, NY. By the instant petition, petitioner seeks to modify the commodity description to read: *Filing and storage cabinets, desks*, and *parts* thereof.

MC 133146 (Sub-10 and 17) (MIF) (notice of filing of petition to modify permits), filed October 25, 1978. Petitioner: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3300 Northeast Expressway, Suite 1-M, Atlanta, GA 30341. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, NE, Atlanta, GA 30309 Petitioner holds motor *contract carrier* permits in MC 133146 Subs 10 and 17 issued June 11, 1975 and June 15, 1977, respectively. MC 133146 Sub 10 authorizes transportation, over irregular routes, of Wine (except in bulk, in tank vehicles), from Atlanta, GA, to points in TX and MO, under a continuing contract(s) with Monarch Wine Company of GA. MC 133146 Sub 17 authorizes transportation, over irregular routes, of *Wine* (except in bulk, in tank vehicles), from Atlanta, GA, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VT, VA, WV, WI, and DC, under a continuing contract(s) with Monarch Wine Company of GA. By the instant petition, petitioner seeks to modify the above two permits by adding the commodity and territorial descriptions as follows: Sub 10 seeks to have added as part (2) Materials and supplies used in the production and distribution of wine (except in bulk, in tank vehicles), from points in TX and MO to Atlanta, GA; Sub 17 seeks to have added as part (2) Materials and supplies used in the product on and distribution of wine (except in bulk, in tank vehicles), from points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VT, VA, WV, WI, and DC to Atlanta, GA.

MC 136155 (Sub-4) (MIF) (notice of filing of petition to modify certificate), filed October 24, 1978. Petitioner: GAY TRUCKING COMPANY, A Corporation, P.O. Box 7179, Savannah, GA 31408. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. Petitioner holds a motor *common carrier* certificate in MC 136155 (Sub-4) issued February 16, 1978, authorizing transportation, over irregular routes, of: *Iron and steel articles*, from the facilities used by National Wire of Georgia, Inc., Valiant Steel & Equipment, Inc., and L. B. Foster Company, at or near Savannah, GA to points in FL, NC, and SC. RESTRICTION: The authority granted herein is restricted against the transportation of shipments in containers or trailers having an immediately prior or subsequent movement by water in foreign commerce. By the instant petition, petitioner seeks to modify the above authority by deleting the words: "the facilities used by National Wire of Georgia, Inc., Valiant Steel & Equipment, Inc., and L.B. Foster Company, at or near."

MC 138069 (Sub-2) (M1F) (Notice of filing of petition to modify certificate), filed October 20, 1978. Petitioner: LUCIUS, INC., 9250 North Wadsworth, Broomfield, CO 80020. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Petitioner holds a motor *common carrier* certificate in MC 138069 Sub 2 issued April 18, 1978, authorizing transportation, over irregular routes, of *Alcoholic beverages* and *non-alcoholic beverage mixes* (except in bulk), (1) From points in MI and LA and St. Louis, MO, to Denver, CO, RESTRICTION: The authority granted under (1) above is restricted to the transportation of shipments originating at the above-described origins and destined to the facilities of Western Distributing Company (doing business as Western-Davis Company, Inc.), which were formerly the facilities of Davis Bros., Inc., and (2) from points in IL, IN, KY, TX (except Houston), and CA to Denver, CO. RESTRICTION: The authority granted under (2) above is restricted to the transportation of shipments originating at the above-described origins and destined to the facilities of Western Distributing Company (doing business as Western-Davis Company, Inc.), which were formerly the facilities of Davis Bros., Inc., or Midwest Liquor & Wine Company at Denver, CO, and (3) from Houston, TX, to Denver, CO, RESTRICTION: The authority granted under (3) above is restricted to the transportation of shipments destined to Denver, CO. By the instant petition, petitioner seeks to modify the above authority by deleting the restrictions in (1) and (2) above.

MC 139495 (Subs 4, 172, and 245) (M1F) (Notice of filing of petition to modify certificates), filed October 31, 1978. Petitioner: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Petitioner holds motor *common carrier* certificates in MC 139495 Subs 4, 172, and 245, issued November 13, 1975, August 5, 1977, and May 17, 1978, respectively. MC 139495 Sub 4 authorizes transportation over irregular routes, of *Lamps*, from the facilities of North American Philips Lighting Corporation, at or near Lynn, MA, to points in CA, CO, IL, IN, MO, NE, OK, OR, TX, WI, NV, TN, and KS. MC 139495 Sub 172 authorizes transportation, over irregular routes, of *Lamps*, from points in Essex County, MA, to points in WA, OR, CA, NV, MT, ID, UT, AZ, WY, CO, NM, ND, SD, NE, KS, OK, TX, MN, MD, MO, WI, IA, MI (except Detroit), WV, DE, and DC. MC 139495 Sub 245 authorizes transportation, over irregular routes, of *Light bulbs*, from the facilities used by North American Philips Lighting Corporation, at or near Lynn, MA, to Toledo, OH, and Detroit, MI.

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By the instant petition, petitioner seeks to consolidate the above three certificates to read: *Lamps*, from points in Essex County, MA, to points in AZ, CA, CO, DE, IA, ID, IL, IN, KS, MD, MN, MI, MO, MT, NE, ND, NM, NV, OH, OK, OR, SD, TN, TX, UT, WA, WI, WV, WY, and DC.

MC 139495 (Sub-210) (M1F) (Notice of filing of petition to modify certificate), filed October 30, 1978. Petitioner: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Petitioner holds a motor *common carrier* certificate in MC 139495 Sub 210, issued November 23, 1977, authorizing transportation over irregular routes, of *Wheat germ and granola*, (1) from the facilities of International Multifoods Corporation, at or near Manhattan, KS, to the facilities of International Multifoods Corporation, at or near Carrollton, MI, and (2) from the facilities of International Multifoods Corporation, at or near Manhattan, KS, and Carrollton, MI, to points in CT, MD, ME, MA, NH, NJ, NY, RI, and VT. By the instant petition, petitioner seeks to add authority to transport: Wheat germ and granola, from the facilities of International Multifoods Corporation at or near Buffalo, NY, to the facilities of International Multifoods Corporation at or near Carrollton, MI.

Republications of Grants of Operating Rights Authority Prior to Certification

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 98017 (Sub-6) (Republication), filed February 10, 1978, published in the Federal Register issue of April 6, 1978, as New York Docket No. T-863, and republished this issue. Applicant: SHAY'S SERVICE, INC., North Main Street, Dansville, NY 14437. Representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, NY 13203. A Decision of the Commission, Review Board Number 4, decided January 8, 1979, and served January 16, 1979, finds that the applicant may conduct operations in interstate or foreign commerce within limits which do not exceed the scope of the intrastate operations for which applicant holds Certificate No. 2880, embraced in the order dated September 26, 1978, extended and reissued by the New York State Department of Transportation, which authorized operations as a common carrier, by motor vehicle, solely within the State of New York in the transportation of (A) *Paper and paper machines*, from the Village of Dansville (Steuben County) and Perkinsville (Steuben County), NY, to all points in the State, (B) *waste paper*, from all points in the State to the Village of Dansville (Livingston County), (C) *general commodities*, as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York, between all points in the Counties of Allegany, Erie, Ontario, Broome, Genesee, Schuyler, Cattaraugus, Livingston, Steuben, Chautauqua, Monroe, Tioga, Chemung, Niagara, Wyoming; and (D) *general commodities*, as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York, except as otherwise authorized herein, between Livingston County, on the one hand, and, on the other, all points in the following counties, Orleans, Wayne and Yates. Restrictions: The authority contained herein is limited as follows, (1) to all traffic having prior or subsequent movement at all points in Livingston County by interlining common, contract or private carriage; and (2) the authority granted herein shall not be combined with any other operating authority now held by the applicant. The provisions of Section 831.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York shall not be deemed applicable to the authority granted herein. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 108375 (Sub-39) (2nd Republication), filed October 31, 1977, published in the Federal Register issues of December 22, 1977 and March 9, 1978, and republished this issue. Applicant: LEROY L. WADE & SON, INC., P.O. Box 27053, 10550 I Street, Omaha, NE 68127. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. A Decision of the Commission, by the Initial Decision of Administrative Law Judge Harold J. Sarbacher, served November 9, 1978, becomes effective January 3, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *Power generating equipment*, the transportation of which because of size or weight requires special equipment, between points in NE, restricted to shipments having an immediately prior or subsequent movement by rail or water; and (2) *used power generating equipment*, the transportation of which because of size or weight requires special equipment, (a) between points in Douglas, Sarpy, Cass, Otoe, Pawnee, Richardson, Nemaha, Burt, Colfax, Dodge, Johnson, Saunders, and Washington Counties, NE, on the one hand, and, on the other, Oklahamo City, OK, and (b) between points in NE and IA, on the one hand, and, on the other, points in KS and MO, and those points in IL which are in the St. Louis, MO, Commercial Zone, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 113678 (Sub-731F) (Republication), filed March 22, 1978, published in the Federal Register issue of May 18, 1978, and republished this issue. Applicant: CURTIS, INC. P.O. Box 16004 Stockyard Station, Denver, CO 80216. Representative: Roger M. Shaner (same address as applicant). A Decision of the Commission, Review Board Number 4, decided December 28, 1978, and served January 16, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Citrus and pineapple products* (except commodities in bulk, in tank vehicles), from Weslaco and Harlingen, TX; to points in AZ, CA, CO, IN, IA, KS, MI, MN, NE, and WI, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the commodity description and indicate Weslaco and Harlingen, TX, as origin points in lieu of Cameron, Willacy, Starr, Hidalgo, and Nueces Counties, TX.

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MC 134730 (Sub-5) (M1F) (REPUBLICATION OF NOTICE OF FILING PETITION FOR MODIFICATION OF PERMIT), filed May 10, 1978, published in the FEDERAL REGISTER issue of August 3, 1978 and republished this issue. Applicant: METALS TRANSPORT, INC., 528 South 108th Street, West Allis, WI 53214. Representative: M. H. Dawes (same address as petitioner). A Decision of the Commission, Review Board Number 3, decided January 8, 1979, and served January 11, 1979, finds that the present and future public convenience and necessity require modification of Permit No. MC 134730 (Sub-No. 5), issued February 11, 1976, authorizing transportation over irregular routes of (1) *Material handling equipment, parts and accessories* for material handling equipment, and *materials, parts, supplies,* and *equipment* used in the manufacturer and repair of material handling equipment, between points in the United States (including AK but excluding HI), under a continuing contract, or contracts, with Vulcan Materials Co., of Birmingham, AL; and (2) *waste water treatment equipment and parts, materials, equipment, and supplies* (except commodities in bulk), used in the manufacture of waste water treatment equipment between the facilities of Autotrol Corporation, at Oak Creek, WI, on the one hand, and, on the other, points in AR, IA, IL, IN, KS, KY, ME, MI, MN, MO, NE, NH, NJ, NY, ND, OH, PA, SD, TN, VT, VA, and WV, under contract with Autotrol Corporation, of Oak Creek, WI. Petitioner will be consistent with the public interest and the national transportation policy, is fit, willing, and able properly to perform such service and to comform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate petitioner's actual grant of authority.

MC 143032 (Sub-3) (REPUBLICATION), filed November 7, 1977, published in the FEDERAL REGISTER issue of December 29, 1977, and republished this issue. Applicant: THOMAS J. WALCZYNSKI, d/b/a Walco Transport, 607 North 27th Avenue West, Duluth, MN 55806. Representative: James B. Hoverland, P. O. Box 1637, 414 Gate City Building, Fargo, ND 58102. A Decision of the Commission, Division 1, decided December 28, 1978, and served January 16, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of (1) *Heating briquets,* from Superior, WI, to points in the United States (except AK, CO, HI, IL, IN, IA, MI, MN, NE, NY, ND, OH, SD, and WI; and (2) *coke,* from Superior, WI, to points in the United States (except AK and HI), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 144264 (Republication), filed January 30, 1978, published in the FR issue of March 9, 1978, and republished this issue. Applicant: MOHR TRUCKING CO., INC., Route 1, Box 198, Barboursville, WV 25504. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. A Decision of the Commission, Review Board Number 2, decided November 7, 1978, and served January 9, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier,* by motor vehicle, over irregular routes, in the transportation of (1) *Crushed limestone aggregate, limestone sand, railroad ballast, and agricultural lime,* in bulk, from points in Adams County, OH, to points in Boyd, Carter, Greenup, Lawrence, and Martin Counties, KY, and Boone, Cabell, Jackson, Kanawah, Lincoln, Logan, Mason, Mingo, Putnam, Roane, Wayne, Wirt, and Wood Counties, WV, under continuing contract(s) with Plum Run Stone Division of Davon, Inc. of Hillsboro, OH, and (2)(a) *rock dust, agricultural lime, limestone, slag, aggregates, limestone sand, coarse sand, and railroad ballast,* in bags in bulk, from points in Adams, Jackson, Lawrence, Muskingum and Scioto Counties, OH, to points in Boyd, Carter, Greenup, Lawrence and Martin Counties, KY, and Boone, Cabell, Jackson, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Roane, Wayne, Wirt, and Wood Counties, WV; and (b) *crushed limestone, agricultural lime, and slag,* in bags and in bulk, from points in Boyd, Carter, and Greenup Counties, KY, to points in Boone, Cabell, Jackson, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Roane, Wayne, Wirt and Wood Counties, WV, under continuing contract(s) in (2) (a) and (b) with M&M Supply, Inc., of Barboursville, WV, will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detai the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected.

The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such request shall meet the requirements of Section 247(e) (4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosectute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 135684 (Sub-85F) (correction), filed December 27, 1978, previously noted in FEDERAL REGISTER of January 18, 1979 and republished this issue. Applicant: BASS TRANSPORTATION CO., INC. P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Hervert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Containers, container ends, and closures,* (2) *commodities* manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers; and (3) *materials, equipment and supplies* used in the manufacture and distribution of containers, container ends and closures, restricted in (1) through (3) above against the transportation of commodities in bulk, between points in the United States (except AK and HI).

NOTE—The purpose of this republication is to indicate the territorial scope of the application. Procedural information: Applicants shall file their initial verified statements on or before February 13, 1979. Protestants shall file their verified reply statements on or before March 13, 1979. Applicants shall file their rebuttal statements on or before April 2, 1979

MC 139495 (Sub-402F) (correction), filed December 27, 1978, previously noted in FEDERAL REGISTER of January 18, 1979, and republished this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Containers, container ends, and closures,* (2) *commodities* manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers; and (3) *materials, equipment and supplies* used in the manufacture and distribution of containers, container ends and closures, restricted in (1) through (3) above against the transportation of commodities in bulk, between points in the United States (except AK and HI).

NOTE.—The purpose of this republication is to indicate the territorial scope of the application. Procedural information: Applicants shall file their initial verified statements on or before February 13, 1979. Protestants shall file their verified reply statements on or before March 13, 1979. Applicants shall file their rebuttal statements on or before April 2, 1979.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before March 2, 1979. Such protest shall comply with special rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the energy Policy and Conversation Act of 1975.

MC-F-13831F (correction) (REPUBLIC VAN AND STORAGE CO., INC.—PURCHASE (portion)—WESTERN GILLETTE, INC.), published in the December 14, 1978, issue of the FEDERAL REGISTER, on page 58465. The following errors appeared in the publication: 1) Column 3, Line 31: This line presently reads "• • • unnumbered highway between junction • • •". The phrase "• • • near Marble Canyon, AZ, those on unnumbered highway • • •" should be inserted after "highway" and before "between". Line 31, therefore, should read "• • • unnumbered highway near Marble Canyon, AZ, those on unnumbered highway between • • •". 2) Column 3, Line 36: U.S. Highway 66 should be changed to U.S. Highway 466.

MC-F-13835F. Authority sought for purchase by HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101, of the operating rights of Heimberg Cartage Co., Inc., 3420 W. 60th Street, Chicago, IL 60629 and for Thomas L. Hilt, individually and as trustee of the stock of Robert L. Hilt, and Sandra M. Norris, both of P.O. Box 988, D.T.S., Omaha, NE 68101, for control of such rights through the transaction. Applicants' attorney: James C. Hardman, Suite 2108, 33 N. LaSalle Street, Chicago, IL 60602. Operating rights sought to be transferred: *General commodities,* within a Fifty (50) mile radius of 2738 S. Wells Street, Chicago, Illinois and to transport such property to or from any point outside of such authorized area of operation for a shipper or shippers within such area; also, *feed,* to or from any point or points within the State of Illinois. Transferee is authorized to operate as a common carrier in all states except AK and HI. Application has been filed for temporary authority under Section 210a(b) of the Act. (Hearing site: Chicago, IL.)

NOTE.—MC 124211 (Sub-346F) is a directly related matter.

MC-F-13840F. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW—6th Floor, Grand Rapids, MI 49503. Representative: Rex Eames, Eames, Petrillo & Wilcox, 900 Guardian Building, Detroit, MI 48226. Authority sought for control and merger by Associated Truck Lines, Inc., 200 Monroe Avenue, N.W.—6th Floor, Grand Rapids, MI 49503, of the operating rights and properties of The Depenthal Truck and Storage Company, 857 Matzinger Road, Toledo, OH 43612, and for acquisition of control of such rights and property directly by Associated Freightways, Inc., 200 Monroe Avenue, N.W.—6th Floor, Grand Rapids, MI 49503 and, in turn, by American Natural Resources Company, One Woodward Avenue, Detroit, MI 48226 through the transaction. Operating authority of The Depenthal Truck and Storage Company sought to be transferred: *Property* from and to: Toledo, OH, and also to transport household goods, office furniture and fixtures upon and over irregular routes from and to any point in Lucas County, OH. RESTRICTED: Against transporting household goods, office furniture and fixtures from or to any locality in Lucas County, OH, from or to which van equipment is operated by a Certificated operator there located, unless such movements originate at or are destined to Toledo, OH.

Vendee is authorized to operate as a common carrier within the States of KY, MI, OH, PA, WV, and WI.

Temporary authority under 210a(b) has been sought. (Hearing site: Columbus, OH or Detroit, MI.)

NOTE.—MC 69833 (Sub-139F) is a directly related matter.

MC-F-13863F. Authority sought for purchase by WESTERN CARRIERS, INC., 2100 Alaskan Way, Seattle, WA 98121, of all of the operating rights of Albany Frozen Express, Inc., 510 West Mill Blvd., Suite 2F, Vancouver, WA 98660, and for acquisition by William Everett, 1559 Cottonwood Lane, Mt. Vernon, WA, and Walter T. Detrick, 2002 Highway 9, Mt. Vernon, WA 98273, of control of such rights through the purchase. Transferee's Attorney: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Transferor's Attorney: Same.

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Operating rights sought to be purchased: Frozen fruits, frozen berries, and frozen vegetables, (1) from points in that part of Oregon west of U.S. Highway 97, to points in California and points in that part of Washington west of U.S. Highway 97; (2) From points in Washington to points in California and points in that part of Oregon west of U.S. Highway 97, and (3) From points in California to points in those parts of Oregon and Washington west of U.S. Highway 97. Vendee is authorized to operate as a common carrier within the states of OR, WA, and CA. Application has been filed for temporary authority under Section 210a(b).

MC-F-13873F. Authority sought for purchase by B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, Ohio 43055, of the operating rights of Moeller Trucking Co., Post Office Box 359, North Lima, Ohio 44452, and for acquisition by The Capitol Corporation, 1984 Coffman Road, Newark, Ohio 43055, of control of such rights through the transaction. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be purchased: *General commodities* as a *common carrier*, over irregular routes, between Steubenville, OH on the one hand, and, on the other, points in OH. Vendee is authorized to operate as a *common carrier* in all states except AK and HI. Application has been filed for temporary authority under Section 210a(b).

NOTE.—MC 123255 (Sub-95F) is a directly related matter.

MC-F-13888F. Authority sought for purchase by TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050, of a portion of the operating rights of Herrett Trucking Company, Inc., 204 Butterfield Road, P.O. Box 1436, Yakima, WA 98907, and for control of the rights sought to be purchased by Gerald V. Smith, 1825 De La Cruz Blvd., Santa Clara, CA 95050. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Operating rights sought to be purchased and controlled: *Wooden shakes, shingles, and trim*, over irregular routes, from points in OR and WA to points in CA, AZ, and NV in docket MC 30092, Sub No. 17. Vendee is authorized to operate pursuant to various subs to certificate number MC 126327 and to permit number MC 138299 as a common and contract carrier in the states of AZ, CA, ID, MT, NV, NM, OR, TX, UT, WA and WY. Gerald V. Smith also controls Bakersfield Express, Inc., a motor contract carrier operating under permit number MC 136013 and subs thereto. Dual operations and common control have previously been approved in MC 136013 Sub 1 and MC-F-13272. There is no duplicating authority involved. Application has not been filed for temporary authority under 49 USC 11349 [Section 210a(b) of the former Interstate Commerce Act]. (Hearing site: San Francisco, CA.)

MC-F-13889F. Authority sought for the purchase by Penn Yan Express, Inc., 100 West Lake Road, Pen Yan, NY 14527, of a portion of the operating rights of B&P Motor Express, Inc., 720 Gross Street, Pittsburgh, PA 15224, and for acquisition by Robert L. Hinson, 100 West Lake Road, Penn Yan, NY 14527, of control of such rights through the purchase. Applicants' attorneys: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312 and Maxwell A. Howell, 1120 Investment Building, 1511 K Street, N.W. Washington, D.C. 20005. Operating rights sought to be purchased: *General commodities*, with exceptions, as a *common carrier* over regular routes between (1) Baltimore, MD and Washington, D.C. over U.S. Hwy 1, serving all intermediate points, (2) Philadelphia, PA and Washington, D.C. over U.S. Hwy 13 to junction U.S. Hwy 40, then over U.S. Hwy 40 to Baltimore, then over U.S. Hwy 1 to Washington, D.C., serving all intermediate points, (3) Richmond, VA and Baltimore, MD over U.S. Hwy 1, serving all intermediate points and the off-route points of Amphill, Richmond General Depot and Richmond Deepwater Terminal, VA, (4) junction U.S. Hwy 1 and Interstate Hwy 95 near the VA-D.C. line and junction of U.S. Hwy 1 and Interstate Hwy 95 north of Woodbridge, VA over Interstate Hwy 95 as an alternate route only, and (5) junction of U.S. Hwy 1 and Alternate U.S. Hwy 1 north of Fredericksburg, VA and junction of U.S. Hwy 1 and Alternate U.S. Hwy 1 south of Fredericksburg, over Alternate U.S. Hwy 1 as an alternate route only. Penn Yan Express, Inc. is authorized to operate as a *common carrier* in the States of CT, DE, MD, NJ, NY, PA, and D. of C. Application has been filed for temporary authority under section 210a(b).

NOTE—MC 105902 (Sub-20F) is a directly related matter.

MC-F-13890F. Authority sought for transfer to Bakersfield Express, Inc., 1825 De La Cruz Blvd., Santa Clara, CA 95050, of a portion of the operating rights of Trails Trucking, Inc. (same address) and of control of the rights through the transfer by Gerald V. Smith (same address). Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Operating rights to be transferred: *Mineral wool and mineral wool products, insulating material, insulated air ducts, and products* utilized in the installation of the above described commodities, over irregular routes, from La Mirada and Union City, CA to points in AZ, ID, MT, NV, NM, OR, TX, UT, WA, and WY. The operations authorized are limited to a transportation service to be performed under a continuing contract(s) with Certain-Teed Products Corporation of Valley Forge, PA and are described in permit number MC 138299 Sub 5. Transferee operates as a motor contract carrier, over irregular routes, in permit numbers MC 136013 Subs 1 and 3 under contract(s) with Mobil Chimical Company. Transferee's operations are conducted in the same states as listed above. Common control by Gerald V. Smith of transferor and transferee and approval of dual operations have previously been authorized in MC-F-13272 and MC 136013 (Sub-1). Approval of the transaction will not result in any duplicating authority. Application has not been filed for temporary authority under 49 USC 11349 [Section 210a(b) of the former Interstate Commerce Act]. (Hearing site: San Francisco, CA.)

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

An original and one copy of protests to the granting of the authorities must be filed with the Commission on or before March 2, 1979. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 69833 (Sub-139F), filed November 29, 1978 Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW, Grand Rapids, MI 49503. Representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. Authority sought as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). I. Over irregular routes: (A) Between Toledo, OH, on the one hand, and, on the other, points in OH, (B) Between points in OH. II. Over regular routes: (A) (1) between the OH-IN State line and the OH-PA State line over U.S. Hwy. 20 and return over the same route; (2) between Toledo, OH and Cleveland, OH over OH State Hwy. 2 and return over the same route; (3) between Conneaut, OH and junction OH Hwy. 7 and OH Hwy. 14 over OH Hwy. 7 and return over the same route; (4) between the OH-PA boundary lines and the junction of OH Alt. Hwy. 14 and OH Hwy. 14, over OH Hwy. 14 and return over the same route; (5) between the junction of OH Alt. Hwy. 14 and U.S. Hwy. 62 and the junction of U.S. Hwy. 62 and Interstate Hwy. 77 over U.S. Hwy. 62 and return over the same route; (6) between OH-PA State line and Cleveland, OH over U.S. Hwy. 422 and return over the same route; (7) between Cleveland, OH and Cambridge, OH over Interstate Hwy. 77 and return over the same route; (8) between OH-IN State line and Cambridge, OH over U.S. Hwy. 40 and return over the same route; (9) between OH-IN State line and junction Interstate Hwy. 70 and Interstate Hwy. 77 over Interstate Hwy. 70 and return over the same route; (10) between Cleveland, OH and Cincinnati, OH over Interstate Hwy. 71 and return over the same route; (11) between Cleveland, OH and Cincinnati, OH over U.S. Hwy. 42 and return over the same route; (12) between Columbus, OH and Cincinnati, OH over OH Hwy. 3 and return over the same route; (13) between Toledo, OH and Cincinnati, OH over Interstate Hwy. 75 and return over the same route; (14) between OH-IN State line and Canton, OH over U.S. Hwy. 30 and return over the same route; (15) between OH-IN State line and Toledo, OH over U.S. Hwy. 24 and return over the same route; (16) between Norwalk, OH and junction U.S. Hwy. 250 and Interstate Hwy. 77 over U.S. Hwy. 250 and return over the same route; (17) between Toledo, OH and Columbus, OH over Interstate Hwy. 280 to junction OH Hwy. 51, then OH Hwy. 51 to unnumbered hwy. at or near Millbury, OH, then unnumbered hwy. to junction U.S. Hwy. 23, then U.S. Hwy. 23 to Columbus, OH and return over the same route. Serving all intermediate points on the routes named above and serving as off-route points all points in OH north of a line commencing at the KY-OH boundary at Cincinnati, OH and extending along OH Hwy. 3 to junction with Interstate Hwy. 70, then along Interstate Hwy. 70 to junction with Interstate Hwy. 77, then along Interstate Hwy. 77 to U.S. Hwy. 62, then along U.S. Hwy. 62 to junction with Alt. OH Hwy. 14, then along Alt. OH Hwy. 14 to OH Hwy. 14, then along OH Hwy. 14 to the OH-PA boundary line. (Hearing site: Detroit, MI, Columbus, OH, or Washington, D.C.)

NOTE.—This application is directly related to the finance transaction involved in Associated Truck Lines, Inc.—Purchase—The Depenthal Truck & Storage Co., MC-F-13840F. By this application Associated Truck Lines, Inc. seeks to convert the Certificate of Registration sought to be acquired in such finance proceeding. Applicant seeks either the authority sought in (A) or (B) above and, in addition, the authority sought in (C).

Applicant proposes to tack the authority requested in (A) or (B) above to two existing irregular route authority grants found in Applicant's Sub-No. 57 authority:

(1) The requested irregular route authority in (A) or (B) above to Applicant's authority to transport Metals used in manufacturing, Metal Products, in Bulk and Heavy Construction, Excavating and Mill Machinery that authorizes transportation of such commodities between Detroit, MI and points in MI within 100 miles of Detroit, on the one hand, and on the other, points in a prescribed area in northern OH, including Toledo, OH. Through the proposed tacking, Applicant will be authorized to transport such commmodities between Detroit, MI and points in MI within 100 miles of Detroit, on the one hand, and, on the other, all points in OH.

(2) The requested irregular route authority in (A) or (B) above to Applicant's authority to transport Building Materials that authorizes transportation of such commodities between Detroit, MI, and points in MI within 8 miles of Detroit, on the one hand, and, on the other, points in a prescribed area in northern OH, including, Toledo, OH. Through the proposed tacking, Applicant will be authorized to transport such commodities between Detroit, MI, and points in MI within 8 miles of Detroit, on the one hand, and, on the other, all points in OH. MC-F-13840F is published in a previous section of this FR issue.

MC 105902 (Sub-20F), filed January 12, 1979. Applicant: Penn Yan Express, Inc., 100 West Lake Road, Penn Yan, NY 14527. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Philadelphia, PA and Binghamton, NY: From Philadelphia over Interstate Hwy 76 to junction Interstate Hwy 276, then over Interstate Hwy 276 to junction Pennsylvania Hwy 9, then over Pennsylvania Hwy 9 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Binghamton, and return over the same route, serving no intermediate points but serving the junction of Interstate Hwy 81 and U.S. Highway 6 for joinder only; (2) between Philadelphia, PA and Elmira, NY: From Philadelphia over Pennsylvania Hwy 309 to junction Pennsylvania Hwy 378, then over Pennsylvania Hwy 378 to junction U.S. Hwy 22, then over U.S. Highway 22 to junction Pennsylvania Hwy 33, then over Pennsylvania Hwy 33 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 380, then over Interstate Hwy 380 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction U.S. Hwy 6, then over U.S. Highway 6 to junction U.S. Hwy 220, then over U.S. Hwy 220 to New York Hwy 17, then over New York Hwy 17 to Elmira, and return over the same route, serving no intermediate points but serving the junction of Interstate Hwy 81 and U.S. Hwy 6 and the off-route point of Wind Gap, PA, for joinder only; and (3) between Philadelphia, PA and Elmira, NY, as follows: From Philadelphia over Interstate Hwy 76 to junction Interstate Hwy 176, then over Interstate Hwy 176 to junction U.S. Hwy 422, then over U.S. Hwy 422 to junction U.S. Hwy 322, then over U.S. Hwy 322 to junction U.S. Hwy 15, then over U.S. Hwy 15 to junction Pennsylvania Hwy 14, then over Pennsylvania Hwy 14 to junction New York Hwy 14, then over New York Hwy 14 to Elmira and return over the same route, serving no intermediate points. (Hearing site: Washington, D.C. or Rochester, NY.)

NOTE.—The purpose of this application is to convert applicant's existing irregular-route authority between Philadelphia, PA and Binghamton, NY, and Elmira, NY, serving points beyond Elmira and Binghamton through joinder at Binghamton and Elmira with applicant's existing regular route authority. This application is directly related to a finance proceeding docketed MC-F-13889F, published in a previous section of this FEDERAL REGISTER issue.

MC 123255 (Sub-95F), filed January 2, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, Ohio 43055. Representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) between Steubenville, OH on the one hand, and, on the other, points in OH, and (2) between points in OH on the one hand, and, on the other, points in

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MD, PA, and DC. (Hearing site: Columbus, OH.)

NOTE.—This application is directly related to MC-F-13873F, B & L Motor Freight, Inc.—Purchase—Moeller Trucking Co. Part (1) seeks to convert a certificate of registration to a certificate of public convenience and necessity, and part (2) seeks to eliminate the gateway of Steubenville, OH. MC-F-13873F is published in a previous section of this FEDERAL REGISTER issue.

MC 124211 (Sub-346F), filed November 21, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: James C. Hardman, Suite 2108, 33 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except classes A and B explosives) (a) Between points in Cook, De Kalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties, IL; and (b) Between points in the IL counties named in (1)(a) above, on the one hand, and, on the other, points in IL. (2) *Feed*, between points in IL. (3) *Pipe, conduit*, and *tubing* (except oil field commodities as described by the Commission in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459), from points in the IL Counties named in (1) above, to points in CA, CO, ID, KS, MT, MN, NE, OK, TX, UT, and WY. (Gateway eliminated: Fairbury, IL): (4) *Pipe and pipe fittings* (except iron and steel pipe, and commodities as described in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459 and 103 M.C.C. 823), from points in IL, to points in Adams County, NE. (Gateway eliminated: Lake and Madison Counties, IL). (5) *Sugar* and *dry fish meal*, from points in IL, to points in ID, IA, KS, MN, MO, MT, NE, ND, SD, UT, WI, and WY. (Gateway eliminated: East St. Louis, IL). (6) *Steel*, between points in IL, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), (Gateway eliminated: Fairbury and Sterling, IL). (7) *Cordage, bags, paper, paper products, twine*, and *yarn*, from Omaha, NE, to Monmouth, IL, and points in IL within the Chicago Commercial Zone, as defined by the Commission. (Gateway eliminated: points in IL (except Monmouth and Chicago). (8) *Metals, junk, scrap*, and *waste materials* (except waste materials in bulk), between points in Douglas and Sarpy Counties, NE, on the one hand, and, on the other, points in IL within the Chicago, IL Commercial Zone, as defined by the Commission. (Gateway eliminated: Moline, IL). (9) *Petroleum products* (except in bulk, in tank vehicles), from points in the IL Counties named in (1) above, to points in AZ and NM. (Gateway eliminated: Vermillion County, IL). (10) *Fungicides, herbicides, insecticides*, and *petroleum products* (except in bulk, in tank vehicles), from points in the IL Counties named in (1) above, to points in NE. (Gateway eliminated: Vermillion County, IL). (11) *Beverages*, from points in IL, to points in the United States on and west of U.S. Hwy. 61 (except AK and HI). (Gateway eliminated: Chicago, IL and East St. Louis, MO). (12) *Drugs* and *health aids* (except in bulk), (a) from points in IL, to points in CA, and (b) from points in NE, to points in IL. (Gateway eliminated: Chicago, IL). (13) *Television sets, radio, phonographs, recorders, players, loudspeakers, sound systems*, and *related stands, tables, parts*, and *accessories*, and *those commodities* used in the manufacture, production, and distribution of the aforesaid commodities (except in bulk, in tank vehicles), between Smithfield and Jacksonville, NC, and Batavia and Seneca Falls, NY, on the one hand, and, on the other, points in IL within the Chicago, IL Commercial Zone. (Gateway eliminated: points in IL (except Chicago). (14)(a) *Cellular products, rubber products, and accessories*, and (b) *commodities* used in the production, distribution and sale of commodities named in (14)(a) above (except commodities in bulk), between points in the IL Counties named in (1) above, on the one hand, and, on the other, points in the United States (except AK and HI). (Gateway eliminated: Mt. Vernon, IL). (15) *Junk materials*, between points in IL, on the one hand, and, on the other, points in NM, OK, and TX. (Gateway eliminated: East St. Louis, IL). (16) *Carpeting, carpet padding*, and *plastic mats*, (a) from points in IL, to points in the United States (except AK and HI), and (b) from Anaheim, CA, Cartersville, Calhoun and Dalton, Ga, Chattanooga, TN, and Norfolk, VA, to points in IL. (Gateway eliminated: Lake County, IL (Ozite plantsite)). (17) *Glassware, closures* for glass containers, and paper cartons used in the packing or shipping of glass articles, from points in IL, to points in CO, KS, MT, NE, ND, SD, and WY. (Gateway eliminated: Gurnee, IL). (18) *Materials, supplies* and *equipment* used in the manufacture of glassware, from points in CO, KS, MT, NE, ND, SD, and WY, to points in IL. (Gateway eliminated: Gurnee, IL). (19) *Plumbing fixtures, materials, supplies*, and *accessories* (except commodities in bulk), (a) from points in IL Counties named in (1) above, to points in that part of the United States in and west of U.S. Hwy 71, and (b) between points in IL within the Chicago, IL Commercial Zone as defined by the Commission, on the one hand, and, on the other, North Sioux City, SD. (Gateway eliminated: Knox County, IL). (20) *Toilet preparations*, and *cleaning* and *polishing compounds* (except commodities in bulk), from points in the IL Counties named in (1) above, to points in AZ, CA, CO, ID, KS, NE, NV, OR, UT, and WA. (Gateway eliminated: Ft. Madison, IA Commercial Zone). (21) *Pallets*, (a) from points in CO, ID, IN, IA, KS, MN, MO, MT, NE, NM, ND, OK, SD, TX, WY, and the lower peninsula of MI to points in IL, and (b) from points in NV, OR, and UT, to points in IL Counties named in (1) above, (Gateway eliminated: Chicago and Peoria, IL). (22) *Agricultural machinery*, between points in IL, on the one hand, and, on the other, Big Springs, Brule, Grand Island, Ogallala, and Sutherland, NE, (Gateway eliminated: Chicago, IL). (23) *Macaroni, noodles, grain products, bakery products, beverages, pancake flour, spaghetti*, and *vermicelli* (except in bulk), between points in IL, on the one hand, and, on the other, points in CO, IA, KS, and MO. (Gateway eliminated: Chicago, IL). (24) *Empty containers*, (a) from points in IL to points in CA, CO, KS, MT, NE, ND, SD, TX, WY, and Sioux City, IA, (b) from points in the IL Counties named in (1) above to points in IA (except Sioux City), MN, MO, OK, OR, and WA. (c) from points in ID, MT, NE, NM, ND, OK, SD, and TX, to points in IL, and (d) from points in AZ, CA, CO, NV, OR, UT, WA, and WY, to points in the IL Counties named in (1) above. (Gateway eliminated: Chicago, Alton and Quincy, IL), (25) *Foods, foodstuffs*, and *grain products*. (a) Between points in IL, on the one hand, and, on the other, points in the United States in and west of ND, SD, NE, KS, OK, and TX (except CO, OR, WA, and WY), and (b) from points in IL, to points in OR, WA, and WY. (Gateway eliminated: Chicago, Moline, and Quincy, IL). (26) *Groceries* and *grocery store supplies* (except commodities in bulk), between points. (27) *Such commodities* as are dealt in and used by producers and distributors of alcoholic beverages (except commodities in bulk, in tank vehicles), between points in the IL Counties named in (1) above, on the one hand, and, on the other, points in the United States (except AK and HI), (Gateway eliminated: Paducah, KY Commercial Zone). (28) *Candy, steel, machinery, foods*, and *automotive equipment* (except commodities in bulk), between points in IL. (Gateway eliminated: Cook County, IL). (29)(a) *Iron* and *steel* and *iron* and *steel articles;* and (b) *Commodities* used in the manufacture, distribution, sale, and erection of commodities described in (29)(a) above (except commodities in bulk, and commodities in dump vehicles, between points in the IL Counties named (1) above, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA. (Gateway eliminated: Sterling, IL). (30) *Plastic materials* and *plastic products* (except in bulk, in tank vehicles), from points in IL, to points in CA. (Gateway eliminated: McHenry County, IL). (31)(a) *Zinc oxide* (except in bulk), from points in the IL Counties named in (1) above, to points in the United States (except AK and HI). (b) *Materials, equipment*, and supplies used in the production or manufacture of zinc oxide (except in bulk), from points in the destination states named in (31)(a) above, to points in the IL Counties named in (1) above. (Gateway eliminated: Hillsboro, IL). (32) *metals* and *metal articles* (except in bulk, in dump vehicles), from points in the IL Counties named in (1) above, to points in the United States in and west of MT, WY, NE, CO, and NM (except AK and HI). (Gateway eliminated: East St. Louis, IL.) (Hearing site: Chicago, IL.)

NOTE.—The purpose of this application is to convert a certificate of registration to a certificate of public convenience and necessity in (1) and (2) above and to eliminate the gateways as shown in (3)-(32). The requests for elimination of gateways in (6), (29), (31), and (32) involve tacking with authority still pending before the Commission. This application is a directly related matter to MC-F-13835F, published in a previous section of this FEDERAL REGISTER issue.

MC 127602 (Sub-17F), Filed November 8, 1978. Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., P.O. Box 996, 5555 E. 58th Ave., Denver, CO 80201. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Denver, CO and Phoenix, AZ from Phoenix over Interstate Hwy 17 to Flagstaff, AZ, then over U.S. Hwy 89 to junction U.S. Hwy 160, then over U.S. Hwy 160 to Durango, CO, then over U.S. Hwy 550 to Montrose, CO, then over U.S. Hwy 550 to Grand Junction, CO, and then over Interstate Hwy 70 to Denver, CO and retrun over the same route, serving the intermediate points of Montrose and Delta, CO, and Kayenta and Mexican Water, AZ, and the off-route points of Aneth, UT and Farmington, NM. (Hearing site: Denver, CO, Phoenix, AZ, or Grand Junction, CO.)

Note.—This application is filed as a directly related application to finance proceeding docket Mc-F-13723F. The purpose of this application is to enable applicant to provide a through service between Phoenix, AZ, and Denver, CO and in conjunction therewith serve the additional intermediate points of Kayenta and Mexican Water, AZ, and the off-route points of Aneth, UT and Farmington, NM. MC-F—13723F is published in a previous section of the FEDERAL REGISTER issue of September 21, 1978.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

MOTOR CARRIERS OF PROPERTY

MC 78786 (Deviation No. 15). PACIFIC MOTOR TRUCKING COMPANY, 1766 El Camino Real, Burlingame, Calif. 94010, filed January 16, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Santa Ana, CA, over Interstate Hwy. 5 to San Diego, CA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Santa Ana, CA, over Interstate Hwy. 5 to junction CA Hwy. 60 at Los Angeles, CA, then over CA Hwy. 60 to junction Interstate Hwy. 10 near Beaumont, CA, then over Interstate Hwy. 10 to junction CA Hwy. 86 near Indio, CA, then over CA Hwy. 86 to El Centro, CA, then over Interstate Highway 8 to San Diego, CA and return over the same route.

MC 109533 (Deviation No. 20). OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, Virginia 23209, filed January 19, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, AL., over Interstate Hwy 65 to Nashville, TN. and return over same route for operating convenience only. This notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Birmingham, AL. over U.S. 11 to Chattanooga, TN., then over U.S. Highway 41 to Nashville, TN., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastrate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* by addressed to or filed with the Interstate Commerce Commission.

Maine Docket No. X-139 (amendment), filed January 2, 1979. Applicant: FRANLKIN W. POWELL, d/b/a SWAN'S EXPRESS, P.O. Box 124, Fryeburg, ME 04307. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101. Certificate of Public Convenience and Necessity sought to operate a freight service, over regular routes, providing both a pickup and delivery service between the cities and town as follows: Transportation of: *General commodities*, between Bridgton, E. Fryeburg, Moose Pond, Standish, Brownfield, E. Hiram, Naples, Step Falls, Casco, Fryeburg, N. Fryeburg, Stow, Center Lovell, Fryeburg Center, N. Lovell, Sweden, Cornish Station, Gorham, Portland, W. Baldwin, Denmark, Harbor, Raymond, W. Gorham, E. Baldwin, Harrison, Scarborough*, Westbrook, E. Brownfield, Hiram, Sebago, Windham, E. Denmark, Lovell, and S. Portland, ME. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to Main Public Utilities Commission, State House, Augusta, ME 04333, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-2153 (amendment), filed September 15, 1978. Applicant: TACY'S EXPRESS, INC., P.O. Drawer 191, Rensselaer, NY

*Only service provided is interlining of shipments with carriers whose terminals are in Scarborough. The applicant seeks to transport on an interline basis in connection with such intrastate operations traffic moving in interstate and foreign commerce. Intrastate, interstate and foreign commerce authority sought.

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12144. Representative: Martin Werner, 888 Seventh Avenue, New York, NY 10019. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, between all points in Albany, Montgomery, Columbia, Rensselaer, Dutchess, Saratoga, Fulton, Schenectady, Greene, and Schoharie Counties, NY, on the one hand, and, on the other, the City of New York. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Avenue, State Campus, Building #4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5317 (Sub-3), filed December 29, 1978. Applicant: VOLUNTEER EXPRESS, INC., 1220 Faydur Court, Nashville, TN 37211. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of: (1) *Such commodities* as are dealt in by printers and publishers, including *materials and supplies* used by printers and publishers, from Dresden, TN via TN Hwy 22 to junction with U.S. Hwy 79, thence via U.S. Hwy 79 to junction with U.S. Hwy 45E, thence via U.S. 45E to junction with U.S. Hwy 45, thence via U.S. Hwy 45 to Jackson, and return over the same route, serving no intermediate points; and (2) from Dresden, TN via TN Hwy 54 to junction with U.S. Hwy 45E, thence via U.S. Hwy 45E to junction with U.S. Hwy 45, thence via U.S. Hwy 45 to Jackson, and return over the same route, serving no intermediate points. Intrastate, interstate and foreign commerce sought. HEARING: March 27, 1979, at 9:30 A.M., Commission's Hearing Room, C1-110 Cordell Hull Building, Nashville, TN. Requests for procedural information should be addressed to Tennessee Public Service Commission, C1-102 Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3246 Filed 2-1-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6351-01-M]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 6, 1979.

PLACE: 2033 K Street, NW., Washington, D.C. Fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Update of long-term planning projections and priorities:
   Standards for regulatory improvement.
   The transition to oversight: A three phased approach.
2. Commodity option pilot program.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-220-79 Filed 1-31-79; 10:39 am]

[6351-01-M]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., February 6, 1979.

PLACE: 2033 K Street, NW., Washington, D.C., Fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters/consideration of civil actions in U.S. district courts.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-221-79 Filed 1-31-79; 10:39 am]

[6351-01-M]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., February 9, 1979.

PLACE: 2033 K Street NW., Washington, D.C., Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market surveillance.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-222-79 Filed 1-31-79; 10:39 am]

[6355-01-M]

4

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: 1:15 p.m., Commission meeting, Monday, February 5, 1979.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

ITEM TO BE DISCUSSED: Power lawn mowers:

The Commission will decide on a FEDERAL REGISTER document concerning a safety standard addressing blade-contact hazards associated with walk-behind power lawn mowers. The Commission determined at a January 25, 1979 meeting that it would not consider the standard promulgated until ten days after it is published in the FEDERAL REGISTER.

(Agenda approved Jan. 31, 1979. The Commission has determined that agency business requires holding this meeting without 7 days notice.)

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, 202-634-7700.

[S-226-79 Filed 1-31-79; 3:08 pm]

[6720-01-M]

5

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., February 7, 1979.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6677.

MATTERS TO BE CONSIDERED:

Consideration of regulations and statement of policy implementing the change in Savings and Loan Control Act of 1978.

Concurrent consideration of limited facility applications—(1) State Federal Savings & Loan Association, Nuckolls County, Beatrice, Nebr.; (2) State Federal Savings & Loan Association, Furnas County, Beatrice, Nebr.; and, (3) State Federal Savings & Loan Association, Red Cloud, Beatrice, Nebr.

Branch office application—Brookfield Federal Savings & Loan Association, Brookfield, Ill.

Application for insurance of accounts—Gregg County Savings & Loan Association, Longview, Tex.

Branch office application—First Savings & Loan Association, of Galion, Galion, Ohio.

Termination for insurance of accounts and withdrawal from bank membership—First Chartered Savings & Loan Association, Port Jervis, N.Y.

Withdrawal from bank membership—The Baltimore Savings & Loan Co., Cincinnati, Ohio.

Application for permission to organize a new Federal—Gilbert Tong et al., San Francisco, Calif.

Amendment of charter—United Federal Savings & Loan Association, San Francisco, Calif.

Application for bank membership—Rochester Savings Bank, Rochester, N.Y.

Merger application—United Federal Savings & Loan Association of South St. Paul, South St. Paul, Minn., into First Federal Savings & Loan Association of Minneapolis, Minneapolis, Minn.

Application for permission to increase insurable accounts by merger of the insured subsidiaries of First Texas Financial Corp., Dallas, Tex.—Survivor to be First Texas

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Savings Association of Gainesville, Gainesville, Tex.

Applications for bank membership and insurance of accounts—Local Savings & Loan Association, San Luis Obispo, Calif.

Branch office application—First Savings & Loan Association of Council Bluffs, Council Bluffs, Iowa.

Branch office application—First Federal Savings & Loan Association of Chickasha, Chickasha, Okla.

Preliminary application for conversion into a Federal mutual association—Morsemere Savings & Loan Association, Fort Lee, N.J.

Branch office application—First Federal Savings & Loan Association of Pittsburgh, Pittsburgh, Pa.

Branch office application—Coral Gables Savings & Loan Association, Coral Gables, Fla.

Termination of FSLIC insurance and bank membership—Hallowell Savings & Loan Association, Hallowell, Maine.

Voluntary termination of insurance of accounts and withdrawal from bank membership—The Home Savings & Loan Co., Columbiana, Ohio.

Preliminary application for conversion into a Federal mutual association—Kings Mountain Savings & Loan Association, Kings Mountain, N.C.

Bank membership and insurance of accounts applications—Mother Lode Savings & Loan Association, Sacramento, Calif.

Insurance of accounts application—Caddo Savings Association, Marshall, Tex.

Consideration of proposed merger—Berwyn Building & Loan Association, Berwyn Pa., into Malvern Federal Savings & Loan Association, Paoli, Pa.

Voluntary termination of insurance of accounts and withdrawal from bank membership—Southern Ohio Savings Association, St. Bernard, Ohio.

[S-228-79 Filed 1-31-79; 3:54 pm]

[6720-01-M]

6

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m., February 7, 1979.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling 202-377-6677.

MATTERS TO BE CONSIDERED:

Consideration of application to employ person previously convicted of criminal offense—Section 407(pX2) of National Housing Act.

Consideration of petition for revocation of bank board resolution removing an individual from participation in the affairs of an association.

Consideration of 1979 Office of Finance Budget.

Consideration of recommendation of designation of a supervisory agent.

No. 216, January 31, 1979.

[S-229-79 Filed 1-31-79; 3:54 pm]

[6730-01-M]

7

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., February 7, 1979.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. 10160-1: Application for extension of the Polarctic Joint Service Agreement for 3 years.
2. Agreement No. 10347: Cooperative working arrangement between Deutsche Dampfschifffahrts-Geselischaft "Hansa" and Nedlloyd Lijnen B.V.
3. Delegation of authority to the managing director to administer special permission applications under the Ocean Shipping Act, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-219-79 Filed 1-31-79; 10:39 am]

[6735-01-M]

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 2 p.m., January 31, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: These proceedings may be closed.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

2. *Rogers* v. *Anschutz*, Docket No. DENV. 76X-138.
3. *Kenny Richardson* v. *Secretary of Labor*, Docket BARB 78-600-P.

It was determined by unanimous vote of the Commissioners that Commission business required that these matters be added to the agenda for the January 31, 1979 Commission meeting and that no earlier announcement of this action was possible.

CONTACT PERSON FOR MORE INFORMATION:

Joanne Kelley, 202-653-5632.

[S-215-79 Filed 1-31-79; 3:54 pm]

[6210-01-M]

9

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, February 7, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed system for rating the performance and financial condition of bank holding companies.
2. Board's regulatory improvement program: Further consideration of Regulation V (Guarantee of Loans for National Defense Work).
3. Any agenda items carried forward from a previously announced meeting.

NOTE.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: January 30, 1979.

GRIFFITH GARWOOD,
Secretary.

[S-217-79 Filed 1-31-79; 10:39 am]

[7020-02-M]

10

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 11 a.m., Tuesday, February 13, 1979.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: (a) Coke (Docket No. 554).
5. Leather wearing apparel from Colombia and Brazil (Inv. 303-TA-6 and -7)—briefing and vote.
7. Any items left over from previous agenda.

Portions closed to the public:

6. Status report on Investigation 332-101 (MTN Study), if necessary.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-224-79 Filed 1-31-79; 11:05 am]

[6325-01-M]

11

MERIT SYSTEMS PROTECTION BOARD.

NOTICE OF MEETING POSTPONEMENT

The organizational meeting of the Merit Systems Protection Board scheduled for Friday, February 2, 1979, at 10 a.m. has been postponed for 1 week.

Therefore, in accordance with 5 U.S.C. § 552b announcement is made of the following meeting:

Name: Merit Systems Protection Board.
Date and Time: Friday, February 9, 1979 at 10 a.m.
Place: Offices of the Merit Systems Protection Board, Room 762, 1717 H Street NW., Washington, D.C.
Subject: Organizational meeting of Merit Systems Protection Board.

The meeting will be open to the public. Estella Michura (653-7101) will respond to requests for information about the meeting.

RUTH T. PROKOP,
Chair, Merit Systems Protection Board.

[S-218-79 Filed 1-31-79; 10:39 am]

[7555-01-M]

12

NATIONAL SCIENCE BOARD.

DATE AND TIME: February 15, 1979 9 to 10 a.m. Open session; February 16, 1979 9 a.m. Closed session.

PLACE: Room 540, 1800 G Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public.

1. Minutes—open session—203rd meeting.
2. Chairman's report.
3. Director's report: (a) Report on grant and contract activity—January 18—February 14, 1979; (b) Organizational and staff changes; (c) Congressional and legislative matters; and (d) NSF budget for fiscal year 1980.
4. Board committees—Reports on meetings.
5. Board representation at future meeting.
6. Other business.
7. Next meetings: (a) National Science Board—March 15-16, 1979; (b) NSB committees; and (c) Program review.
8. Perspective and overview of fiscal year 1981 planning and budgeting process.

Balance of day devoted to working group meetings not open to the public.

Portion closed to the public:

A. Minutes—closed session—203rd meeting.
B. NSB nominees.
C. NSB annual reports.
D. NSF budgets for fiscal year 1981 and subsequent years.
E. Reports of working groups 1 and 2.

CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson, Executive Secretary, 202-632-5840.

[S-227-79 Filed 1-31-79; 3:21 pm]

[7590-01-M]

13

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published).

TIME AND DATE: February 1 and 2, 1979.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed (changes).

MATTERS TO BE CONSIDERED:

Thursday, February 1 (Replacement item)

10:30 a.m. (approximately): 2. Briefing on waste management program (approximately 1 hour, public meeting) (replaces "Briefing on Upgrade Rule" which is *Cancelled*).

Friday, February 2 (Additional item)

9:30 a.m.: 1. Discussion of merits in Tarapur export license (XSNM-1222) (approximately 2 hours, closed—exemption 1).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

[S-223-79 Filed 1-31-79; 10:39 am]

[8010-01-M]

14

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 5, 1979, at High Ridge Park, Stamford, Connecticut, and in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, February 6, 1979 at 10:00 a.m., Wednesday, February 7, 1979 at 2:30 P.M., and on Thursday, February 8, 1979 following the 2:30 P.M. open meeting. Open meetings will be held on Monday, February 5, 1979 at 1:30 P.M. in the Board Room of the Financial Accounting Standards Board located at High Ridge Park, Stamford, Connecticut, on Wednesday, February 7, 1979 at 10:00 A.M., and on Thursday, February 8, 1979 at 2:30 P.M. in the Commission meeting room in Washington, D.C.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402 (a)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 6, 1979, will be:

Formal orders for investigation.
Access to investigative files by Federal, state or self-regulatory authorities.
Order compelling testimony.
Settlement of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Regulatory matters bearing enforcement implications.
Subpoena enforcement actions.
Institution of injunctive actions.
Institution of injunctive action and regulatory. matter bearing enforcement implications.
Litigation matter.
Institution and settlement of administrative proceeding of an enforcement nature and settlement of an injunctive action.

The subject matter of the closed meeting scheduled for Wednesday, February 7, will be:

Regulatory matter bearing enforcement implication.

The subject matter of the closed meeting scheduled for Thursday, February 8, 1979, will be:

Post oral argument discussion.
Opinion.

The subject matter of the open meeting scheduled for Monday, February 5, 1979 at 1:30 P.M., in Stamford, Connecticut, will be:

Joint meeting of the Securities and Exchange Commission Commissioners and the Financial Accounting Standards Board to discuss topics of mutual interest including the conceptual framework project, foreign currency translation and the Financial Accounting Standards Board proposal dealing with industry accounting matters and ques-

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tions of limited application. For further information, please contact Steve Golub at (202) 755-1177.

The subject matter of the open meeting scheduled for Wednesday, February 7, 1979, will be:

1. Consideration of a request by RCA Corporation that the Commission review the Division of Corporation Finance's determination concerning a shareholder proposal submitted to the Company by the Synanon Committee for Responsible American Media. For further information, please contact William E. Morley at (202) 755-1240.

2. Consideration of a release which would (1) request comment on proposed amendments to Rule 10f-3 under the Investment Company Act which would (a) add municipal securities to the class of securities which may be purchased under the Rule; (b) replace the requirement that the directors of the investment company approve each transaction in advance with requirements that both the disinterested directors and the board as a whole establish procedures reasonably designed to insure that any purchases will be made in compliance with the substantive provisions of the Rule and that the directors review any such transaction at least quarterly; (c) replace the Rule's specific percentage limitations on the commission, spread or profit to be received by the principal underwriters with a requirement that any such commission, spread or profit be reasonable and fair compared to that received by other such persons in connection with similar securities being purchased during a comparable period of time; (d) add a requirement to subsection (c) of Rule 10f-3 to require that municipal securities purchased pursuant to the rule be of investment grade quality; (e) establish record-keeping and reporting requirements; and (2) amend Form N-1Q to require that any acquisition pursuant to Rule 10f-3 be indicated therein. For further information, please contact Mark B. Goldfus at (202) 755-0230.

3. Consideration of whether to remove the thirty-year restricted-access classification assigned to information obtained from institutional investors in connection with the Commission's Institutional Investor Study in 1971. The data is stored on computer tapes in the custody of the National Archives. The Commission will also consider whether to grant the request of Mr. Pat Fishe for access to the data on the condition that he agree to treat the information confidentially until final action lifting the restriction is taken. For further information, please contact Julie Allecta at (202) 755-1335.

4. Consideration of an amendment to Section 201.26(b) of the Commission's Rules of Practice, 17 CFR 201.26(b), which provides for Commission review of determinations made at a delegated level. For further information, please contact Larry R. LaVoie (202) 376-8016.

5. Consideration of the request of Beverly Enterprises that its financial statements for the year ended December 31, 1978, be accepted by the Commission without being restated to reflect the effect of capital leases. In ASR No. 225 (August 31, 1977) the Commission announced its requirement that financial statements for fiscal years ending after December 24, 1978 be requested to reflect early application of the accounting requirements of Financial Accounting Standards Board Statement No. 13. "Accounting for Leases." Beverly Enterprises, Inc., has claimed that compliance with Statement No. 13 in its 1978 financial statements would be a hardship on the company, and has requested Commission consideration of the the matter. For further information, please contact Clarence M. Staubs at (202) 755-0222.

The subject matter of the open meeting scheduled for Thursday, February 8, 1979, will be:

Oral argument in broker-dealer proceedings on a petition by Richard O. Bertoli and Arnold L. Froelich, for review of the adverse initial decision of an Administrative Law Judge.

FOR FURTHER INFORMATION, CONTACT:

Beverly C. Rubman, 202-755-1103.

JANUARY 30, 1979.

[S-225-79 Filed 1-31-79; 12:36 am]

federal register

FRIDAY, FEBRUARY 2, 1979
PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

STATE MEDICAL FACILITIES PLAN

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[4110-83-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 124]

STATE MEDICAL FACILITIES PLAN

Proposed Rulemaking

AGENCY: Public Health Service, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice sets forth proposed regulations governing the development and contents of the State medical facilities plans required by section 1603(a) of the Public Health Service Act. These plans, when approved by the Secretary, will enable the Department to approve assistance to medical facility projects under Title XVI of the Act.

DATE: Comments must be received on or before April 3, 1979.

ADDRESS: Written comments and recommendations should be submitted to: Krys Krystynak, Ph.D., Acting Director, Office of Program Development, Bureau of Health Facilities Financing, Compliance and Conversion, Center Building, room 6-27, 3700 East-West Highway, Hyattsville, Maryland 20782. All materials received in response to this Notice will be available for public inspection and copying at the above location on weekdays (Federal holidays excepted) between the hours of 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Krys Krystynak, Ph.D., Acting Director, Office of Program Development, Bureau of Health Facilities Financing, Compliance and Conversion, at the above address, telephone (301) 436-7704.

SUPPLEMENTARY INFORMATION: The National Health Planning and Resources Development Act of 1974 (Pub. L. 93-641, January 4, 1975) added to the Public Health Service Act (hereinafter referred to as "the Act") a new Title XV, "National Health Planning and Development," and a new Title XVI, "Health Resources Development." Among other things, the new Title XV authorizes the Secretary to designate and provide grant assistance to a State health planning and development agency (State Agency) for each State and to a health systems agency (HSA) for each of 205 health service areas established under section 1511 of the Act. Each HSA is required to develop a health systems plan (HSP) and an annual implementation plan (AIP), and each State Agency is required to develop a preliminary State health plan, made up of the HSPs of the HSAs within the State, for the review and use by the Statewide Health Coordinating Council (SHCC) in establishing the State health plan (SHP).

Title XVI of the Act provides assistance, through grants, loans, and loan guarantees and interest subsidies for projects for the (1) modernization of medical facilities, (2) construction of new outpatient medical facilities, (3) construction of new inpatient medical facilities in areas which have experienced recent rapid population growth, and (4) conversion of existing medical facilities for the provision of new health services. Project grant assistance is also provided for construction and modernization projects in public or quasi-public medical facilities designed to prevent or eliminate safety hazards or to avoid noncompliance by those facilities with State or voluntary licensure or accreditation standards.

Section 1603(a) of the Act requires that a State Agency develop and submit to the Secretary and have approved by him a State medical facilities plan (SMFP) before an application for assistance under Title XVI (other than for projects for modernization designed to prevent or eliminate safety hazards or to avoid noncompliance with licensure or accreditation standards under section 1625 of the Act) for a medical facility project may be approved. Under section 1603(a) the SMFP must set forth, in accordance with criteria prescribed by the Secretary and on the basis of a statewide inventory of existing medical facilities, a survey of need, and the plans of HSAs within the State, (1) the numbers and types of medical facilities (inpatient, outpatient, and others) and medical facility beds needed to provide adequate inpatient, outpatient, and public health services to people residing in the State, (2) a plan for the distribution of medical facilities and beds in health service areas within the State, and (3) the extent to which existing medical facilities are in need of modernization or conversion to new uses. Section 1603(a) further prescribes that the SMFP must: (1) Prescribe that the State Agency shall administer or supervise the administration of the plan and contain satisfactory evidence that the State Agency has the necessary authority to carry out the plan; (2) prescribe that the SHCC of the State shall advise and consult with the State Agency in carrying out the plan; (3) be approved by the SHCC as consistent with the State health plan developed under section 1524(c)(2) of the Act; (4) set forth a program for the State for assistance under Title XVI for projects for modernization, construction, and conversion, and the type of assistance which should be made available to each project; (5) set forth priorities for the provision of assistance under Title XVI for projects in the State's program for assistance; (6) provide minimum requirements for the maintenance and operation of facilities assisted under Title XVI, and provide for the enforcement of such standards; (7) provide for affording every applicant for assistance for a Title XVI medical facilities project an opportunity for a hearing before the State Agency; and (8) provide that the State Agency will, at least annually, review the plan and submit necessary modifications to the Secretary. In addition, section 1602(5) requires that the SMFP must also provide for adequate medical facilities for all persons residing in the State and adequate facilities to furnish needed health services for persons unable to pay therefor.

Section 1603(b) requires the Secretary to approve any SMFP, and any modification thereof, which complies with the provisions of section 1603(a) if the State Agency, as determined under the review made under section 1535(d) of the Act, is organized and operated in the manner prescribed under section 1522 and is carrying out its functions under section 1523 in a manner satisfactory to the Secretary. The Secretary will determine whether or not these requirements have been met in approving or disapproving an SMFP submitted by a State. If the Secretary disapproves any SMFP or modification thereof which has been submitted by a State for failure to comply with the SMFP requirements, the Secretary must, upon request of the State Agency, afford it an opportunity for a hearing.

The purposes of these proposed regulations are to (1) set forth the requirements for the development and content of the SMFP; (2) set forth the criteria which the State Agency must consider for determining the need for medical facilities and medical facility beds and plans for their distribution; (3) prescribe criteria for determining the extent to which existing medical facilities are in need of modernization; (4) prescribe the minimum content of a statewide inventory of existing medical facilities; (5) prescribe the general manner in which the State Agency shall conduct a survey of need; (6) prescribe the general manner in which a State shall determine its program for assistance and the priorities for the provision of assistance; and (7) prescribe minimum considerations for the review of the SMFP by the State Agency.

The Secretary wishes to highlight several aspects of these proposed regulations, including (1) the methods for determining need for medical facilities

and medical facility beds, (2) the relationship of the State medical facilities plan to the State health plan and health systems plans, and (3) the content of the statewide inventory of existing medical facilities.

On August 9, 1977, the Department published in the FEDERAL REGISTER (42 FR 40252) a Notice concerning the availability of draft guidelines for the development of the State medical facilities plan for a 45-day public comment period. Among other things, the draft guidelines included specific formulas to be used by the States in determining the need for acute care medical facility beds. The Department received approximately 150 comments in response to the proposed guidelines, many of which objected to the continued use of a formula for determining medical facility bed needs on the grounds that (1) the formula assumed that the current utilization of the facility should continue into the future, (2) the assignment of a standard occupancy ratio to all facilities regardless of size was inappropriate, (3) the geographical origins of patients were not taken into account, (4) the formula was inconsistent with the utilization rates encouraged by the Department in other policy issuances, and (5) it was inconsistent with the concepts embodied in population based planning.

The Secretary has decided that the draft guidelines should e substantially revised in view of the merits of much of the criticism that has been received. However, he has directed that before that revision, the Department will proceed with the publication of this Notice of Proposed Rulemaking, which embodies an approach to the development of the State medical facilities plan which is integrated with the plans development process prescribed in Title XV of the Act.

In contrast to previous regulations (e.g., 42 CFR Part 53—Grants, Loans, and Loan Guarantees for Construction and Modernization of Hospitals and Medical Facilities) and in keeping with the current population based planning approaches, the emphasis in the regulations is on the application of proposed maximum or minimum resource levels to a population as specified in the National Guidelines for Health Planning issued by the Secretary under section 1501 of the Act, (42 FR 13040) rather than to specific formulas or processes with uncertain outcome. Methodologies for assessing demand and need are not specified, but criteria for application in determining need by the State are prescribed.

The Secretary does not propose to use these regulations to establish national resource standards in subject areas in which the National Guidelines for Health Planning are so far silent, e.g., long-term care and ambulatory care facilities in various settings. This position is based on the Department's view that national policy in these areas needs to be developed through a single set of regulations to ensure sufficient policy consistency and well-focused public attention. The National Guidelines for Health Planning regulations offer the appropriate arena for this policy development.

In the interim, the Secretary has specified criteria which apply to the development of all medical facilities for which assistance is provided under Title XVI of the Act. These criteria are consistent with the Department's policy to encourage less costly methods of care where medically appropriate, the need to consider innovative systems for providing care, and the need to address problems of maldistribution of medical facilities.

The Secretary is requiring that the SMFP be consistent with the standards for the supply, distribution, and organization of health resources specified in the National Guidelines for Health Planning, taking into account the adjustments provided for in those National Guidelines. This position is consistent with the intent of the National Health Planning and Resources Development Act which provides that the Secretary establish national resource standards and health planning goals while allowing area-level flexibility in health planning and resources development.

The relationship of the State medical facilities plan to the other plans required by the Act, i.e., the State Health plan, health systems plans, and annual implemenation plans, merits discussion. The HSPs and AIPs developed by HSAs include discussion of the health service area's current resources and the resources required to achieve the goals, objectives, and recommended actions contained in the HSPs and AIPs. The HSAs also recommend to the State Agency, under section 1513(h) of the Act, projects for the modernization, construction, and conversion of medical facilities in the agencies' health service areas which will move toward achievement of the goals and objectives in their HSPs and AIPs, and priorities among such projects. Since much of the work required to identify current and required resources will have been completed by the HSAs, the Secretary expects that the State Agency, in developing the SMFP, will rely heavily on the information and recommendations contained in the HSPs and AIPs. In fact, it was the anticipation of the House Committee on Interstate and Foreign Commerce on Pub. L. 93-641 that "this work will be done primarily by the HSAs under the requirement of section (1513(h)) and that the state agency will change the recommendations made under section (1513(h)) only to the extent that it finds it necessary to coordinate the recommendations of the different HSAs or to merge into a single statewide priority listing the priorities of the HSAs." H.R. Rep. No. 1382, 93rd Cong., 2nd Sess. 96 (1974).

The State health plan, established by the SHCC, is made up of the HSPs and is a statement of the State's policies and priorities for the health status of its residents and for the desired performance of the health systems within the State. The resources requirements discussed in the SHP for achieving its goals, objectives, and recommended actions should be the basis for the development of the State medical facilities plan. Indeed, the SMFP must be developed in conjunction with the SHP and it may be developed as the medical facilities portion of the SHP. If developed as a part of the SHP, it should, however, be a section physically separable from the SHP, in order to be submitted to the Secretary for approval.

Since the SHP is made up of the HSPs within the State, and since the SMFP must be based in part on the HSPs, the Secretary expects that the resources described as needed in the SMFP will support the health planning programs of the HSAs as well as the State. Additionally, the Secretary has determined that the SMFP must go through the same public hearing requirement as prescribed in the Act for the HSP and the SHP. The Secretary believes that this is in accordance with the intent of the Act, which seeks to provide substantial public participation in the health planning process. The health plans developed for each area and State will affect the residents of those areas and States significantly, and thus extensive public participation in the development of all plans must be ensured.

The Secretary expects that the statewide inventory of existing medical facilities and medical facility beds will be a comprehensive inventory containing information on the services offered by medical facilities, utilization statistics, and other general information (such as accreditation status) in addition to a count of medical facilities and medical facility beds and their location. This information will be useful to all agencies concerned with health planning, since it will present a useful picture of the types of facilities and services available, and it will enable a better determination of the types of facilities and services that are needed. A comprehensive inventory of facilities, services available, and their utilization experience will provide information required by the State in its conduct of a survey of need, determin-

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ing the extent to which existing medical facilities are in need of modernization or conversion to new uses, and determining priorities for the provision of assistance to medical facility projects. In addition, the availability of a central source of medical facilities information will be of use to the health systems agencies and other health and health-related agencies of the State.

The Secretary encourages the State Agency to conduct site visits to medical facilities during the development of the inventory of medical facilities. This site visit should include representatives from the appropriate health systems agency. The Secretary is, however, aware that medical facilities are subject to numerous surveys by various divisions of the Department of Health, Education, and Welfare and by other entities. This repetition, albeit sometimes for differing purposes, adds to the cost of health care. Thus, the Secretary is anxious to make the evaluation of facilities more efficient. For example, the State Agency could coordinate its site visit activities during the conduct of the inventory with the certification surveys for the Medicare program. The Department will be working toward the further coordination of the standards used in these and other surveys, especially those concerning need for modernization. Suggestions for improving medical facility surveys are welcomed and will be considered in the development of the final regulations on the State medical facilities plan.

The Secretary notes that federally operated facilities (Veterans Administration, Public Health Srevice, and Department of Defense hospitals, at a minimum) are to be inventoried by the State to add to the completeness of the statewide inventory of existing medical facilities and beds. This information on Federal facilities should, however, be readily identifiable and should identify federally operated facilities that provide substantial services to local residents.

Attention is drawn to the proposed § 124.107(a) concerning the reporting period during which data for the inventory should obtained. The Secretary notes the importance of having a common reporting period for medical facilities data. However, he is cognizant of the burden which other reporting requirements, which may cover different time periods, impose on medical facilities. The Secretary would like to keep this burden to a minimum and is interested in receiving comments on this section of the proposed regulations.

The Secretary expects tha State Agencies will have written agreements with the Cooperative Health Statistics Systems (CHSS) provided for under section 306(e) of the Act, and that they will coordinate their data collection activities with that system. In those States in which the CHSS has an operational facilities component, the data needed to meet the inventory requirement can be obtained through the existing mechanism. Since the information needed for a full medical facilities inventory as required in these proposed regulations will be greater than that required in the federally supported minimum data set under section 306(e), it is expected that the State Agency will ensure that the additional required data will be obtained in collaboration with the CHSS entity.

Written comments concerning the proposed regulations set forth below are invited from interested person. Inquires may be addressed, and data, views, and arguments relating to the proposed regulation, may be presented in writing to the office and at the address indicated above.

It is therefore proposed to amend Title 42, Code of Federal Regulations, as set forth below.

The Department of Health, Education, and Welfare has determined that this doucment does not contain a major proposal requiring a regulatory analysis under the provisions of Executive Order 12044.

Dated: September 18, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: December 22, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

PART 124—MEDICAL FACILITY CONSTRUCTION AND MODERNIZATION

Part 124 of Title 42, CFR, is amended by adding thereto a new Subpart B, to read as follows:

Subpart B—State Medical Facilities Plan

Sec.

124.101 Definitions.
124.102 Purpose and applicability.
124.103 Development of the State medical facilities plan.
124.104 Content of the State medical facilities plan.
124.105 Criteria for determining need for medical facility beds and medical facilities and plans for their distribution.
124.106 Criteria for determining the extent to which existing medical facilities are in need of modernization.
124.107 Statewide inventory of existing medical facilities.
124.108 Survey of need.
124.109 Program for assistance.
124.110 Priorities for the provision of assistance.
124.111 Review and modification of the State medical facilities plan.

AUTHORITY: Sec. 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216), sec. 1602 of the Public Health Service Act, 88 Stat. 2258 (42 U.S.C. 300o-1); sec. 1603 of the Public Health Service Act, 88 Stat. 2259 (42 U.S.C. 300o-2).

Subpart B—State Medical Facilities Plan

§ 124.101 Definitions.

Terms used in this subpart shall have the meaning given them in Subpart A (Purpose and Definitions) of this Part.

§ 124.102 Purposes and applicability.

(a) Section 1603(a) of the Act requires that a State health planning and development agency (State Agency) develop and submit to the Secretary for approval a State medical facilities plan (SMFP). An SMFP approved by the Secretary is required before an application for assistance under Title XVI of the Act (other than applications for assistance under section 1625 of the Act) for a medical facility project described in section 1601 of the Act may be approved. The purpose of this subpart is to set forth the requirements for the content of an SMFP and the process for its development.

(b) The purpose of the SMFP is to guide the development of medical facilities and medical facility beds within the State in a manner which is consistent with the health planning program of the State. Section 1603(a)(3) of the Act requires that the SMFP must be approved by the Statewide Health Coordinating Council (SHCC) as consistent with the State health plan (SHP). In addition, the SMFP must be based in part on the plans of the health systems agencies within the State (see section 1603(a)(4) of the Act), which plans are also used by the State Agency in developing its SHP.

§ 124.103 Development of the State medical facilities plan.

(a) The SMFP shall be viewed as part of an integrated health planning system, and its development as one part of the overall process of developing the SHP. To ensure consistency with the SHP, the SMFP shall be developed in conjunction with, or as the medical facilities part of, the SHP. Since the SMFP may be the medical facilities portion of the SHP, and, if not, must be consistent with it, and the SHP is made up of the health systems plans of the health systems agencies within the State, the State Agency shall use the health systems plans and annual implementation plans as well as the SHP in the development of its SMFP.

(b) The State Agency, in the development of its SMFP, shall give appropriate consideration to the National Guidelines for Health Planning (National Guidelines) issued by the Secretary under section 1501 of the Act, and the SMFP shall be consistent with the standards respecting the appropriate supply, distribution, and organization of health resources specified in those National Guidelines, taking into account the adjustments provided for in the National Guidelines (see 42 CFR Part 121, Subpart (C)). To document this consistency, the State Agency shall indicate in the SMFP how the proposed projects will help achieve the standards in the National Guidelines as set forth in the SHP.

(c) The State Agency shall develop and issue a detailed planning process document for its own use and the use of the health systems agencies in the development and implementation of the SMFP. To reduce the potential for conflict and to ensure compatibility between the processes of planning for medical facilities at the local and State levels, the State Agency shall consult with the health systems agencies within the State and with the SHCC in the development of the process document. The process document shall set forth the following planning guidance:

(1) A description of the roles and responsibilities of the health systems agencies, State Agency, and SHCC in the development and implementation of the SMFP;

(2) A statement of statewide needs and State priorities for actions to achieve consistency with the standards in the National Guidelines and which take into account the goals in the National Guidelines and the national health priorities set forth in section 1502 of the Act, especially as those standards, goals, and priorities pertain to facilities;

(3) Procedures for coordinating SMFP development with neighboring States and health systems agencies within interstate areas, if any; and

(4) Procedures for resolving differences between health systems agencies and the State Agency concerning data, recommendations, and priorities in the SMFP.

(d) At least sixty days prior to the submission of the SMFP or any modification thereof to the Secretary, the State Agency shall publish in one or more newspapers of general circulation in the State:

(1) A general description of the proposed plan or modification;

(2) A notice stating that the SMFP and the SHP are available at specified addresses for examination and comment by interested persons; and

(3) A notice of a public hearing to be held at least thirty days prior to the submission of the SMFP, or any modification thereof, to the Secretary.

§ 124.104 Content of the State medical facilities plan.

To be approved by the Secretary, an SMFP for a State must:

(a) Prescribe that the State Agency of the State will administer, or supervise the administration of, the SMFP;

(b) Contain evidence satisfactory to the Secretary that the State Agency has the authority to carry out the SMFP in conformity with Title XVI of the Act and the regulations of this Part;

(c) Provide that the SHCC will advise and consult with the State Agency in carrying out the SMFP;

(d) Be approved by the SHCC as consistent with the SHP;

(e)(1) Set forth (i) the number and type of medical facility beds and medical facilities needed to provide adequate inpatient care to people residing in the State, and a plan for the distribution of those beds and facilities in health service areas throughout the State, (ii) the number and type of outpatient and other medical facilities needed to provide adequate public health services and outpatient care to people residing in the State, and a plan for the distribution of those facilities in health service areas throughout the State, and (iii) the extent to which existing medical facilities in the State are in need of modernization or conversion to new uses;

(2) The information described in paragraph (e)(1) of this section shall be set forth (i) in accordance with the criteria established under § 124.105 and § 124.106, and (ii) on the basis of (A) a statewide inventory of existing medical facilities conducted under § 124.107, (B) a survey of need conducted under § 124.108, and (C) the plans of the health systems agencies within the State;

(f) Set forth a program for the State for assistance under this Part for projects described in section 1601 of the Act, which program shall indicate the type of assistance which should be made available to each project and shall conform to the assessment of need required by paragraph (e) of this section;

(g) Set forth, in accordance with § 124.110, priorities for the provision of assistance under this Part for projects in the program set forth under paragraph (f) of this section;

(h) Provide minimum requirements (to be fixed at the discretion of the State Agency) for the maintenance and operation of facilities which receive assistance under this part, and provide for the enforcement of such requirements;

(i) Provide for the establishment of such rules and regulations as will provide an opportunity for an appeal to and a fair hearing before the State Agency to every applicant for assistance for a medical facilities project under this part which is dissatisfied with any action of the State Agency regarding its application;

(j) Provide that the State Agency will from time to time, but not less often than annually, review the SMFP and submit to the Secretary either:

(1) Any modifications to the SMFP which the State Agency considers necessary; or

(2) A certification that no modifications are required;

(k) Provide for adequate medical facilities for all persons residing in the State and for adequate facilities to furnish needed health services for persons unable to pay therefor.

§ 124.105 Criteria for determining need for medical facility beds and medical facilities and plans for their distribution.

(a) In general, the criteria for determining need for all medical facility beds and medical facilities shall:

(1) Include special consideration of the need for the types of facilities listed in section 1602 of the Act;

(2) Include consideration of the following factors: (i) The geographical origins of the patients of each institution, (ii) estimates of each institution's market share of the population, (iii) effect of in-migration and out-migration from the hospital service areas, the health service areas, and the State, and (iv) for each institution, (A) the number of admissions, (B) length of stay, (C) number of arrivals, and at a minimum distribution of arrivals by the day of week, and (D) assumptions concerning waiting time, the proportion of demand which is uncontrollable, and the optimal size of the facility; and

(3) Be based on estimates of future utilization of medical facility beds and medical facilities, according to various levels and types of care, which estimates shall be developed by considering current utilization of these facilities and beds as adjusted to consider: (i) The need to encourage (where medically appropriate) use of the least costly settings and methods of care (e.g., home health care and nursing home care rather than hospital inpatient care), (ii) the need to foster development and implementation of innovative methods of health care delivery (e.g., health maintenance organizations), (iii) the need to achieve equality of access, such as by redressing identified problems of maldistribution of facilities, (iv) anticipated population shifts, including shifts in the size, age, and geographic distribution of population groups, that may affect utilization, (v) anticipated changes in the availability of services (e.g., the closure of a hospital) or changes in practice patterns (e.g., due to Profes-

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sional Standards Review organizations, utilization reviews) which may affect utilization, (vi) estimates of how efficiently and effectively existing health services are being utilized, and (vii) anticipated changes in the availability to the population of services provided by Federal medical facilities;

(b) In addition to the general criteria of paragraph (a) of this section, the State Agency may not determine that new acute care inpatient hospital beds are needed unless the ratio of the total of acute care inpatient hospital beds (including the projected beds) to the population would be less than the maximum number of such beds specified in the National Guidelines issued under section 1501 of the Act, taking into account the adjustments provided for in the National Guidelines.

(c) The criteria for developing plans for the distribution of medical facilities and medical facilities beds shall:

(1) Be based on the relative need of different areas within the State for medical facilities and medical facilities beds; and

(2) Provide for adequate medical facilities and medical facilities beds for all persons residing in the State, after consideration of the availability and accessibility of medical facilities and medical facilities beds to the State's population and the resources requirements identified in the health systems plans and the SHP.

§ 124.106 Criteria for determining the extent to which existing medical facilities are in need of modernization.

(a) The criteria for determining the extent to which existing medical facilities are in need of modernization shall be determined for each category of facilities and shall be based upon specific standards of plant evaluation which shall include:

(1) Imminent or actual safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations;

(2) Noncompliance with State or voluntary licensure or accreditation standards; and

(3) Design and structure factors affecting the function of the facility and its service departments;

(b) Based upon the criteria, medical facility beds and medical facilities shall be classified as conforming or nonconforming. Those beds and facilities which are classified as nonconforming shall represent the beds and facilities in need of modernization.

§ 124.107 Statewide inventory of existing medical facilities.

(a) The State Agency shall conduct a statewide inventory of existing medical facilities and medical facilities beds, including each hospital, public health center, outpatient medical facility, rehabilitation facility, and facility for long-term care in the State. Data shall be reported for a reporting year that begins October 1 and ends the following September 30;

(b) The inventory shall include non-Federal medical facilities and medical facility beds and shall also identify Federal medical facilities and medical facility beds including at a minimum those which are in Veterans' Administration, Public Health Service, and Department of Defense hospitals;

(c) Whenever practicable, the inventory shall include listings of medical facilities beds, utilization figures, and occupancy rates for the following major services; medical/surgical, obstetrical, pediatrics and psychiatric;

(d) The hospital inventory shall also include information on at least the following for the facility as a whole:

(1) The numbers and types of beds which are (i) licensed and unlicensed, (ii) set up and staffed for use, (iii) conforming and nonconforming as determined under § 124.106 of this subpart, and (iv) short and long-term;

(2) Occupancy rates;

(3) Admission restrictions;

(4) Services offered, including, at a minimum, separate identification of the specific services identified in the National Guidelines and identification of those services by level of care where so specified in the National Guidelines;

(5) Number of admissions and discharges;

(6) Patient days of care;

(7) Bassinets; and

(8) Number of live births;

(e) The facility for long-term care inventory shall include information on at least the following:

(1) The numbers and types of beds which are (i) licensed and unlicensed, (ii) set up and staffed for use, and (iii) conforming and nonconforming as determined under § 124.106;

(2) Occupancy rates;

(3) Admissions restrictions;

(4) Services offered;

(5) Number of admissions and discharges; and

(6) Patient days of care;

(f) The outpatient medical facility inventory (which includes outpatient facilities located in or apart from a hospital), the public health center inventory, and the rehabilitation facility inventory shall include information on at least the following:

(1) The type of facility;

(2) The types of services offered; and

(3) Patient encounters;

(g) The State Agency may conduct site visits for purposes of conducting the inventory. The State Agency shall be responsible for conducting or supervising any of these site visits with its own staff or, by agreement, by another agency of the State. The appropriate health systems agency shall be given an opportunity to participate as part of the visit team;

(h) Whenever particable, the acquisition of data shall be coordinated with the Cooperative Health Statistics System under section 306(e) of the Act.

§ 124.108 Survey of need.

(a) The State Agency shall conduct a survey of need for medical facilities and medical facilities beds, including hospitals, public health centers, outpatient medical facilities, rehabilitation facilities, and facilities for long-term care which shall be based on the criteria for determining need under § 124.105;

(b) The survey of need shall include the need for non-Federal medical facilities and medical facility beds, taking into account the availability of Federal medical facilities and medical facility beds;

(c) Whenever practicable, the survey of need shall be differentiated by the following services: Medical/surgical, obstetrical, pediatric and psychiatric, including separate identification of the specific services identified in the National Guidelines and identification of these services by level of care where so specified on the National Guidelines;

(d) The survey of need shall include an analysis of data on the geographical origins of patients, which data shall be obtained within five years of the effective date of these regulations and within each seven-year period thereafter. The analysis of the data on the geographical origins of patients shall be used to define service areas and to make appropriate adjustments for estimating bed population ratios;

(e) The survey of need for inpatient hospital beds shall include a determination of the need for construction of new acute care inpatient beds, in areas which have experienced recent rapid population growth and which have inadequate existing inpatient facilities;

(f) Whenever practicable, the acquisition of the survey of need data shall be coordinated with the Cooperative Health Statistics System under section 306(e) of the Act.

§ 124.109 Program for assistance.

(a) In establishing the program for assistance under this Part for the modernization, construction, and conversion of medical facilities, the State Agency shall consider the recommendations of the appropriate health systems agency submitted under section 1513(h) of the Act;

(b) The program for assistance shall list the criteria developed by the State Agency for determining the amount of the Federal share to approvable projects located in urban or rural poverty areas;

(c) In determining the program for assistance for the modernization or conversion of existing medical facilities, the State Agency shall use the criteria developed under § 124.106 and data from the site visit, if any, conducted under § 124.107(g);

(d) The program for assistance may not include assistance for the modernization or conversion of existing medical facilities if the existing supply of medical facility beds exceeds the limits established in the applicable health systems plan, unless the effect of the modernization or conversion is to reduce the number of beds in the facility, upgrade other services, or produce alternative services;

§ 124.110 Priorities for the provision of assistance.

(a) Priorities for the provision of assistance shall be based on the relative need of the different areas within the State for such projects as determined by the State Agency. In determining the priority among projects for the modernization, construction, and conversion of medical facilities in a health service area, the State Agency shall consider the recommendations of the health systems agency for that health service area submitted under section 1513(h) of the Act. The general manner in which the State Agency shall determine for the SMFP the priority among projects in the State program for assistance shall:

(1) Be in accordance with the applicable provisions of section 1602(1) of the Act;

(2) Take into account the National Guidelines and the national health priorities under section 1502 of the Act; and

(3) Be consistent with the resource standards specified in the National Guidelines;

(b) The State Agency shall develop a construction schedule in such manner as the Secretary may prescribe. Modernization, construction and conversion projects shall be listed in accordance with the priorities established under section 1601, 1602(1) and 1603(a)(5) of the Act and § 124.104, § 124.106, § 124.108 and § 124.109 and in accordance with the requirements of section 1611(d) of the Act.

(c) In determining priorities among projects the State Agency shall, whenever medically appropriate, give priority to the development of health services which are the least costly.

§ 124.111 Review and modification of the State medical facilities plan.

(a) In conducting its review of the SMFP, as required by section 1603(a)(9) of the Act (see § 124.104(j); the State Agency shall consider at a minimum:

(1) Changes in the designation or authority of the State Agency;

(2) Changes in (i) the population of the State, (ii) the health status of the residents of the State, and (iii) the methods of delivery of health services in the State;

(3) Recommendations by the SHCC concerning statewide health needs and areas for coordination;

(4) Any pertinent data developed since either the initial establishment or the last review of the SMFP, whichever is applicable;

(5) National priorities as set forth in section 1502 of the Act; and

(6) The National Guidelines that relate to medical facilities and services;

(b) In its review of the SMFP, the State Agency shall also evaluate;

(1) Progress toward achievement of projects considered by the existing SMFP to be of high priority, as measured by an analysis of the current status and cost of the projects; and

(2) Progress towards the reduction of resources that the existing SMFP indicates needs to be reduced;

(c) After any final modifications have been incorporated into the SMFP and approved by the SHCC as consistent with the SHP (see § 124.104(d), the SMFP shall be submitted to the Secretary. Amendments to the SMFP may be submitted to the Secretary for his approval at any time.

[FR Doc. 79-2446 Filed 2-1-79; 8:45 am]

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federal register

FRIDAY, FEBRUARY 2, 1979
PART III



DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

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MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTON

General Wage Determination Decisions

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[4510-27-M]

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Government Contract Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original general wage determination decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Florida—FL79-1019.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Colorado:	
CO78-5132	Nov. 17, 1978
Idaho:	
ID78-5120	Sept. 8, 1978
Illinois:	
IL78-2126; IL-2128	Oct. 27, 1978
IL78-2143	Dec. 8, 1978
IL78-2144	Dec. 1, 1978
Indiana:	
IN78-2162	Dec. 8, 1978
IN78-2163	Dec. 1, 1978
Iowa:	
IA78-4100; IA78-4101; IA78-4102; IA78-4103; IA78-4104; IA78-4105; IA78-4106; IA78-4107; IA78-4108; IA78-4109; IA78-4110; IA78-4111; IA78-4112	Nov. 24, 1978
Kansas:	
KS78-4008; KS78-4009	Feb. 3, 1978
Louisiana:	
LA79-4001; LA79-4002	Jan. 5, 1979
Mississippi:	
MS77-1078	June 17, 1977
Texas:	
TX78-4095	Sept. 22, 1978
TX78-4114	Oct. 20, 1978
TX79-4003; TX79-4011	Jan. 5, 1978
Vermont:	
VT78-2091	Oct. 6, 1978

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL78-1057 (AL79-1015)	July 21, 1978
Arkansas:	
AR77-4072 (AR79-4025)	Apr. 1, 1977
Florida:	
FL77-1146 (FL79-1025)	Mar. 24, 1978
FL77-1149 (FL79-1024)	Feb. 24, 1978
Kentucky:	
KY78-1029 (KY79-1022); KY78-1033 (KY79-1023)	Apr. 7, 1978
KY77-1108 (KY79-1018)	Aug. 26, 1977
KY77-1128 (KY79-1021)	Sept. 30, 1977
New Mexico:	
NM78-4046 (NM79-4022)	May 5, 1978
Oklahoma:	
OK78-4060 (OK79-4024); OK78-4061 (OK79-4023)	June 16, 1978
Pennsylvania:	
PA77-3134 (PA79-3001)	Sept. 9, 1977
South Carolina:	
SC77-1019 (SC79-1020)	Feb. 11, 1977
SC77-1070 (SC79-1016)	May 20, 1977

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C. this 26th day of January, 1979.

DOROTHY P. COME,
Assistant Administrator,
Wage and Hour Division.

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[4510-27-C]

NEW DECISION

STATE: Florida
DECISION NUMBER: FL79-1019
DESCRIPTION OF WORK: Heavy Construction
COUNTIES: See below*
DATE: Date of Publication

*Baker, Clay, Duval, Flagler, Nassau and St. Johns	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$9.17	.62	.50		.05
CONCRETE FINISHERS	7.27				
ELECTRICIANS	10.00	.50	3% + .81	.81	.07
LABORERS, unskilled	5.32	.20	.20		
POWER EQUIPMENT OPERATORS:					
Cranes	9.68	.55	.40		.05
Oilers	6.41	.55	.40		.05
Piledrivers	9.68	.55	.40		.05

MODIFICATIONS P. 1

DECISION NO. CO78-5132 - Mod #1 (43 FR 53966 - Nov. 17, 1978) Statewide, Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LINE CONSTRUCTION:					
Cable Splicer	$12.78	.45	3% + .35		3/4%
Journeyman Lineman Cableman	11.97	.45	3% + .35		3/4%
Journeyman Lineman	11.90	.45	3% + .35		3/4%
Line Equipment Maintenance Man	10.13	.45	3% + .35		3/4%
Line Equip. Operator, Class I: Crawler Equipment, wire equip pullers, tensioners, cranes over 8 tons, heavy pole trucks (such as diesel, twin screws), all bucket trucks-75 ft reach and over, trenchers -ft & over, and backhoes	10.13	.45	3% + .35		3/4%
Line Equip, Operator, Class II: Trenchers under 4 ft depth, hydro cranes under 8 tons, bobcats, trucks under 3 tons G.T.M. Classification	9.03	.45	3% + .35		3/4%
Groundman	8.35	.45	3% + .35		3/4%

MODIFICATIONS P. 2

DECISION #ID78-5120 - Mod. #5 (43 FR 40176 - September 8, 1978) Statewide Idaho	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	$12.15	.75	$1.10		
Bingham County (north of City of Blackfoot), Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton Counties	11.15	.55	.45		
Marble Setters:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	12.15	.75	1.10		
Bingham County (north of City of Blackfoot), Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton Counties	8.92	.55	.45		
Terrazzo Workers & Tile Setters:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	11.90	.75	1.10		
Bingham County (north of City of Blackfoot), Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton Counties	8.92	.55	.45		

MODIFICATIONS P. 3

DECISION #IL78-2128 - MOD #2 (43 FR 50323 - October 27, 1978) Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Jasper, Lawrence, Richland, Wabash and Wayne Counties Illinois	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers:					
Remainder of Counties	$11.20	.45	1.00		.03
DECISION #IL78-2126 - MOD #1 (43 FR 50414 - October 27, 1978) Boone, Carroll, DeKalb, JoDaviess, Lee, Ogle, Stephenson, Whiteside adn Winnebago Counties, Illinois					
CHANGE:					
Sheet Metal Workers:					
Boone, DeKalb, Lee, Ogle, Whiteside, Winnebago, Carroll (Eastern ½ of County) and JoDaviess & Stephenson Counties	$11.23	.55	1.04	.50	.07

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION #IL78-2143 - MOD #1 (43 FR 57781 - December 8, 1978) Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair and Washington Counties, Illinois					
CHANGE:					
Linemen:					
Monroe & St. Clair Cos. Okawville & Vehdy Twps in Washington Co.; Portion East of Roundtree, Irving & East Fork Twps. in Montgomery Cos. & Remainder of Macoupin & Madison Counties, Western ½ of Bond County					
Linemen	$13.35	4%	3%		.5%
Groundmen Equipment Operator	11.60	4%	3%		
Groundmen Truck Drivers:					
W/Winch & WO/Winch	9.43	4%	3%		.5%
Pick-Up-Jeeps	8.79	4%	3%		.5%
Groundmen	8.73	4%	3%		.5%
DECISION #IL78-2144 - MOD #2 (43 FR 56379 - December 1, 1978) Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, and Williamson Counties, Illinois					
CHANGE:					
Linemen:					
Red Bud Twps. in Randolph Co.:					
Linemen	$13.35	4%	3%		.5%
Groundmen Equipment Operator	11.60	4%	3%		.5%
Groundmen - Truck Drivers					
W/Winch & WO/Winch	9.43	4%	3%		.5%
Pick-Up-Jeep	8.79	4%	3%		.5%
Groundmen	8.73	4%	3%		.5%

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IN78-2162 - MOD #1 (43 FR 57769 - December 5, 1978) Lake, LaPorte, Porter & St. Joseph Counties, Indiana					
CHANGE:					
CARPENTERS:					
St. Joseph County:					
Heavy & Highway Construction: Carpenters	$10.91	.80	.80		.05
OMIT:					
Line Construction schedule					
ADD:					
Line Construction schedule					
LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA					
Linemen; Technicians	$11.42	.45	3%		.5%
Equipment Operators	8.92	.45	3%		.5%
Powder and Equipment Mechanic	8.72	.45	3%		.5%
Senior Groundman Truck Driver w/	7.45	.45	3%		.5%
Groundman Truck Driver with winch	7.16	.45	3%		.5%
Groundman Truck Driver w/o winch	6.28	.45	3%		.5%
Senior Groundman after 5 years	7.15	.45	3%		.5%
Senior Groundman after 12 months	6.96	.45	3%		.5%
Groundman 0-12 months	5.89	.45	3%		.5%
CALUMET AREA					
Linemen; Technicians	11.99	.45	3%		.5%
Equipment Operators	9.37	.45	3%		.5%
Powderman and Equipment Mechanic	9.16	.45	3%		.5%
Senior Groundman Truck Driver w/	7.82	.45	3%		.5%
Groundman Truck Driver with winch	7.52	.45	3%		.5%
Groundman Truck Driver w/o winch	6.59	.45	3%		.5%
Senior Groundman after 5 years	7.51	.45	3%		.5%
Senior Groundman after 12 months	7.31	.45	3%		.5%
Groundman 0-12 months	6.18	.45	3%		.5%

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IN78-2163 - MOD #1 (43 FR 56382 - December 1, 1978) Statewide, except Lake, LaPorte, Porter & St. Joseph Counties, Indiana					
CHANGE:					
CARPENTERS:					
Elkhart County	$10.91	.80	.80		.05
Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (except Edinburg), Marion, Montgomery, Morgan (except Washington), Parke (except portion lying west of a line south and north running through Jessup, Rosedale, Carbondale, and Poland), Putnam, Vermillion (north of the south city limits of Summit Grove), and Warren Counties	11.71	.75	.60		.08
Remainder of State of Indiana	10.96	.60	.60		.05
OMIT:					
Line Construction schedule (Statewide, except Clark, Crawford, Dearborn, DuBois, Floyd, Fountain, Gibson, Harrison, Jackson, Jefferson, Miami (Peru & Grissom AFB), Perry, Pike, Posey, Scott, Spencer, Switzerland, Vanderburgh, Vermillion, Warren, Warrick, Washington, & Clinton (Frankfort) Counties)					
ADD:					
Line Construction schedule (Statewide, except Clark, Crawford, Dearborn, DuBois, Floyd, Fountain, Gibson, Harrison, Jackson, Jefferson, Miami (Peru & Grissom AFB), Perry, Pike, Posey, Scott, Spencer, Switzerland, Vanderburgh, Vermillion, Warren, Warrick, Washington, & Clinton (Frankfort) Counties)					

MODIFICATIONS P. 7

DECISION NO. IN78-2163 (CONT'D)

IND-LC-AREA 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA					
Linemen; Technicians	$11.42	.45	3%		.5%
Equipment Operators	8.92	.45	3%		.5%
Powder and Equipment Mechanic	8.72	.45	3%		.5%
Senior Groundman Truck Driver w/	7.45	.45	3%		.5%
Groundman Truck Driver with winch	7.16	.45	3%		.5%
Groundman Truck Driver w/o winch	6.28	.45	3%		.5%
Senior Groundman after 5 years	7.15	.45	3%		.5%
Senior Groundman after 12 months	6.96	.45	3%		.5%
Groundman 0-12 months	5.89	.45	3%		.5%
CALUMET AREA					
Linemen; Technicians	11.99	.45	3%		.5%
Equipment Operators	9.37	.45	3%		.5%
Powderman and Equipment Mechanic	9.16	.45	3%		.5%
Senior Groundman Truck Driver w/	7.82	.45	3%		.5%
Groundman Truck Driver with winch	7.52	.45	3%		.5%
Groundman Truck Driver w/o winch	6.59	.45	3%		.5%
Senior Groundman after 5 years	7.51	.45	3%		.5%
Senior Groundman after 12 months	7.31	.45	3%		.5%
Groundman 0-12 months	6.18	.45	3%		.5%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #IA78-4100-Mod. #1 (43 FR 55161-November 24,1978) Building Black Hawk County, Iowa					
CHANGE:					
Elevator Constructor	$10.66	.745	.56	a+b	.025
Elevator Constructor Helper	70%JR	.745	.56	a+b	.025
Ironworkers	11.23	.45	.50		.06
Lathers	10.24	.45			
Roofers	9.20				
Sheet Metal Workers	10.95	.75	.22		.02
Line Construction					
GROUP 1-	10.92	.45	7%	b	5%
GROUP 2-	7.10	.45	7%	b	5%
GROUP 3-	7.32	.45	7%	b	5%
GROUP 4-	8.74	.45	7%	b	5%
GROUP 5-	6.01	.45	7%	b	5%
FOOTNOTE: a- Employer contibutes 8% of basic hourly rate for over 5 year's service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b-Paid Holidays-New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Friday after Thanksgiving					
Decision #IA78-4101-Mod. #1 (43 FR 55162-November 24,1978) Building Cerro Gordo Cty, Iowa					
CHANGE:					
Carpenters	9.36	.45	.30	.40	
Millwrights & Piledrivermen	9.61	.45	.30	.40	
Glaziers	9.87	.70	.35	4.35%+a	
Ironworkers	10.67	.61	.92		.03
Line Construction					
GROUP 1-	10.92	.45	7%	b	5%

IA78-4101 Continued	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 2-	7.10	.45	7%	b	5%
GROUP 3-	7.32	.45	7%	b	5%
GROUP 4-	8.74	.45	7%	b	5%
GROUP 5-	6.01	.45	7%	b	5%
Soft Floor Layers	9.36	.45	.30	.40	
FOOTNOTE: a- 6 paid holidays A thru F b- 7 paid holidays A thru G Paid Holidays- A- New Year's Day; B- Memorial Day; C- Independence Day; D- Labor Day; E- Thanksgiving Day; F- Christmas Day; G- Friday after Thanksgiving					
ADD:					
Lathers	10.24	.45			
Decision #IA78-4102-Mod. #1 (43 FR 55164-November 24,1978) Building Clinton County, Iowa					
CHANGE:					
Bricklayers & Stonemasons	11.25		.75		
Cement Masons	10.75		.75		
Electricians	12.49	.55	7.5%		.03
Ironworkers	12.97	.75	.375		.11
Millwrights	12.60	.60	1.00		.25
Painters:					
Brush	10.62	.55	.85		.18
Spray; Structural steel	11.12	.55	.85		.18
Plasterers	11.25		.75		
Plumbers & Pipefitters	11.75	.61	.60		.10
Roofers	12.65		.80		
Sheet Metal Workers	11.23	.55	.95		.12
Decision #IA78-4103-Mod. #1 (43 FR 55165-November 24,1978) Building Des Moines Cty, Iowa					
CHANGE:					
Carpenters	10.75	.75	.90		.04
Millwrights & Piledrivermen	11.45	.75	.90		.04

IA78-4103 Continued	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Soft Floor Layers	10.75	.75	.90		.04
Line Construction:					
GROUP 1-	10.92	.45	7%	a	5%
GROUP 2-	7.10	.45	7%	a	5%
GROUP 3-	7.32	.45	7%	a	5%
GROUP 4-	8.74	.45	7%	a	5%
GROUP 5-	6.01	.45	7%	a	5%
FOOTNOTE: a- seven paid holidays: New Years Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
Decision #IA78-4104-Mod. #1 (43 FR 55166-November 24,1978) Building Dubuque County, Iowa					
CHANGE:					
Bricklayers & Stonemasons	10.21	.45	.25		
Elevator Constructors	10.66	.745	.56	a	.025
Elevator Constructors Helpers	70%JR	.745	.56	a	.025
Ironworkers:					
Southeast portion of county	12.97	.75	.375		.11
Remainder of county	11.23	.45	.50		.06
Common Laborer	8.30	.30	.30		
Marble Setters	9.96	.45	.25		
Terrazzo Workers	9.96	.45	.25		
Tile Setters	9.96	.45	.25		
FOOTNOTE: a- Employer contributes 8% of basic hourly rate for over 5 year's service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. 7 paid holidays. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; & Friday after Thanksgiving.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #IA78-4105-Mod. #1 (43 FR 55168-November 24,1978) Building Johnson County, Iowa					
CHANGE:					
Elevator Constructor	10.66	.745	.56	a+b	.025
Elevator Constructor Helper	70%JR	.745	.56	a+b	.025
Ironworkers	11.23	.45	.50		.06
Line Construction:					
GROUP 1-	10.92	.45	7%	b	5%
GROUP 2-	7.10	.45	7%	b	5%
GROUP 3-	7.32	.45	7%	b	5%
GROUP 4-	8.74	.45	7%	b	5%
GROUP 5-	6.01	.45	7%	b	5%
FOOTNOTE: a- Employer contributes 8% of basic hourly rate for over 5 year's service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b- Paid holidays- New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Friday after Thanksgiving					
Decision #IA78-4106-Mod. #1 (43 FR 55169-November 24,1978) Building Linn County, Iowa					
CHANGE:					
Asbestos Workers	12.07	.45	.85		.10
Elevator Constructor	10.66	.745	.56	a+b	.025
Elevator Constructor Helper	70%JR	.745	.56	a+b	.025
Ironworkers:	11.23	.45	.50		.06

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IA78-4106 Continued	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
GROUP 1-	10.92	.45	7%	b	3%
GROUP 2-	7.10	.45	7%	b	3%
GROUP 3-	7.32	.45	7%	b	3%
GROUP 4-	8.74	.45	7%	b	3%
GROUP 5-	6.01	.45	7%	b	3%
Painters:					
Brush & Rollers	10.50				.03
Paperhangers	10.75				.03
Spraying	11.15				.03
Plumber and Pipefitters	12.29	.55	.66		.10
Tile Setters	10.21		.55		
Footnote: a- Employer contributes 8% of basic hourly rate for over 5 year's service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b- Paid holidays- New Year's Day Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Friday after Thanksgiving.					
Decision #IA78-4107-Mod. #1 (43 FR 55171-November 24,1978) Building Polk County, Iowa					
CHANGE:					
Elevator Constructor	10.97	.745	.35	a+b	.02
Elevator Constructor Helper	70%JR	.745	.35	a+b	.02
Line Construction:					
GROUP 1-	10.92	.45	7%	b	3%
GROUP 2-	7.10	.45	7%	b	3%
GROUP 3-	7.32	.45	7%	b	3%
GROUP 4-	8.74	.45	7%	b	3%
GROUP 5-	6.01	.45	7%	b	3%
Roofers	9.62	.80	.45		

IA78-4107 Continued	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Footnote: a- Employer contributes 8% of basic hourly rate for over 5 year's service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b-Paid holidays- New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Friday after Thanksgiving					
Decision #IA78-4108-Mod. #1 (43 FR 55173-November 24,1978) Building Pottawattamie Cty, Iowa					
CHANGE:					
Cement Masons	10.37	.57	.55		.07
Electricians	13.16	.68	3%+.65		.025
Elevator Constructor	11.56	.745	.56	a+b	.025
Elevator Constructor Helper	70%JR	.745	.56	a+b	.01
Glaziers	11.16	.55	.50		.05
Ironworkers	10.04	.67	.75	1.00	
Laborers:					
Common	8.29	.67	.45		.05
Mason Tenders,Mortar Mixers	8.445	.67	.45		.05
Pipelayers	8.59	.67	.45		.05
Plasterer Tenders	8.635	.67	.45		.05
Line Construction:					
GROUP 1-	10.92	.45	7%	b	3%
GROUP 2-	7.10	.45	7%	b	3%
GROUP 3-	7.32	.45	7%	b	3%
GROUP 4-	8.74	.45	7%	b	3%
GROUP 5-	6.01	.45	7%	b	3%
Painters:					
Brush, Paperhangers	9.10		.25		
Highwork; Spray, stage,structural	9.65		.25		
Plasterers	11.03	.57	.50		

IA78-4108 Continued	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Footnote: a- Employer contributes 8% of basic hourly rate for over 5 year's service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b- Paid holidays- New Year's Day; Memorial Day, Independence Day; Labor Day, Thanksgiving Day; Christmas Day; Friday after Thanksgiving					
Decision #IA78-4109-Mod. #1 (43 FR 55174-November 24,1978) Building Scott County, Iowa					
CHANGE:					
Carpenters	10.56	.45	.60		.04
Piledrivermen	10.81	.45	.60		.04
Millwrights	12.60	.60	1.00		.04
Cement Masons	10.37	.50	.60		
Electricians	12.09	.55	7.5%		.03
Cable Splicers	13.09	.55	7.5%		.03
Ironworkers	12.97	.75	.375		.11
Painters:					
Brush, roller	10.62	.55	.85		.18
Spray,Structural steel	11.12	.55	.85		.18
Roofers	12.65		.80		
Sheet Metal Workers	11.23	.55	.95		.12
Soft Floor Layers	10.56	.45	.60		.04
Decision #IA78-4110-Mod. #1 (43 FR 55175-November 24,1978) Building Story County, Iowa					
CHANGE:					
Bricklayers	10.72		.80		

IA78-4110 Continued	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Millwrights	10.23		.75		
Electricians	12.53	.40	3%+.80		3/4%
Elevator Constructors	10.97	.745	.35	a+b	.02
Elevator Constructors Helpers	70%JR	.745	.35	a+b	.02
Glaziers	9.12	.70	.25	4.35%	.005
Ironworkers	10.675	.61	.92		.03
Lathers	11.435				
Line Construction:					
GROUP 1-	10.92	.45	7%	b	3%
GROUP 2-	7.10	.45	7%	b	3%
GROUP 3-	7.32	.45	7%	b	3%
GROUP 4-	8.74	.45	7%	b	3%
GROUP 5-	6.01	.45	7%	b	3%
Plumbers and Pipefitters	11.40	.60	.85		.10
Roofers	9.62	.80	.45		
Soft Floor Layers	9.93	.60	.75		.08
Footnote: a- Employer contributes 8% of basic hourly rate for over 5 year's service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b-Paid holidays- New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Friday after Thanksgiving					
Decision #IA78-4111-Mod. #1 (43 FR 55177-Novrmber 24,1978) Building Webster County, Iowa					
CHANGE:					
Elevator Constructors	10.97	.745	.35	a+b	.02
Elevator Constructors Helpers	70%JR	.745	.35	a+b	.02
Ironworkers	10.675	.61	.92		.03
Lathers	10.24	.45			
Line Construction:					

IA78-4111 Continued	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1-	10.92	.45	7%	b	5%
GROUP 2-	7.10	.45	7%	b	5%
GROUP 3-	7.32	.45	7%	b	5%
GROUP 4-	8.74	.45	7%	b	5%
GROUP 5-	6.01	.45	7%	b	5%
Plumbers and Pipefitters	11.40	.60	.85		.10
Footnote: a- Employer contributes 8% of basic hourly rate for over 5 year's service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b- Paid holidays- New Year's Day Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Friday after Thanksgiving					
Decision #IA78-4112-Mod. #1 (43 FR 55178- November 24,1978) Building Woodbury County, Iowa					
CHANGE:					
Cement Masons	11.215				
Electricians:					
Within 15 mile radius of Sioux City and all electrical contracts over $300,000.00	12.01	.50	3%+.50		3/4%
All contracts $300,000.00 and under outside 15 mile radius of Sioux City	5.50	.50	3%+.50		3/4%
Elevator Constructors	9.65	.545	.35	a+b	.02
Elevator Constructors Helpers	70%JR	.545	.35	a+b	.02

IA78-4112 Continued	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
GROUP 1-	10.92	.45	7%	b	5%
GROUP 2-	7.10	.45	7%	b	5%
GROUP 3-	7.32	.45	7%	b	5%
GROUP 4-	8.74	.45	7%	b	5%
GROUP 5-	6.01	.45	7%	b	5%
Painters	9.83	.77	.50		
Plasterers	9.20				
Sheet Metal Workers	10.78	.75	.66		.04
Footnote: a- Employer contributes 8% of basic hourly rate for over 5 years service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b- Paid holidays- New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Friday after Thanksgiving.					

Decision #KS78-4008-Mod. 3 (43 FR 4812-February 3, 1978) Building Sedgwick County Kansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers	12.11	.945	.85		.02
Carpenters	9.90	.50			.05
Millwrights & Piledrivermen	10.20	.50			.05
Ironworkers	10.48		.50	.53	.02
Plasterers	10.00				
Plumbers & Pipefitters	11.97	.80	.85		.04
Decision #KS78-4009-Mod. #4 (43 Fr 4814-February 3, 1978) Building Shawnee County, KS					
CHANGE:					
Bricklayers & Stonemasons	10.69	.40	.25		.05
Carpenters	9.60	.40	.35		.05
Millwrights	10.10	.40	.35		.05
Piledrivermen	9.975	.40	.35		.05
Electricians	12.75	.45	3%+.65		.05
Cable Splicer	14.025	.45	3%+.65		.05
Glaziers	9.98	.61	.81	2.03	.04
Lathers	10.40		.20		
General Laborers	7.95	.40	.50		.05
Power Tool Operators, Compactors Concrete Breakers, Chipping Tools, Drilling Tools, Concrete Saws, Mechanicall Operated Georgia Buggy	8.15	.40	.50		.05
Mason Tenders, Plaster Tenders, Mortar Mixers for Plasterers, Masons and Cement Finishers, All Stocking Scaffold, Clean up for Masons (Building & Wrecking)	8.25	.40	.50		.05
Sand and Concrete Gun Nozzleman, Powderman	8.35	.40	.50		.05
Plumbers & Pipefitters	$12.23	.75	.65		.04
Roofers	11.46		.60	a	
Sheet Metal Workers	11.21	3%+.50	1.29		.04
Footnote: a-after 6 months of employment $.26; after 5 years $.52					

DECISION #LA79-4001 - Mod. #2 (44 FR 1634 - January 5, 1979) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters (Building Construction):					
Zone 1 - Carpenters	$ 9.65	.50			
Millwrights	10.37	.50			
Piledrivermen	10.55	.50			
Sheet metal workers - Zone 3	11.87	.55	.80		.14
Asbestos workers - Zone 3	10.50	.55	1.20		.05
Truck Drivers (Building Construction):					
Zone 1 - Group 1	8.61				
Group 2	9.09				
Group 3	9.32				
Group 4	9.11				
Group 5	9.21				
Group 6	9.13				
Group 7	9.55				
Zone 3 - Group 1	7.17				
Group 2	7.25				
Group 3	7.50				
Group 4	7.65				
Group 5	7.80				
Group 6	8.00				
Group 7	8.35				
Add:					
Truck Drivers (Building Construction):					
Zone 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes:					
Group 1 - up to but not including 1½ tons	8.14	.45			
Group 2 - 1½ tons up to but not including 3 tons	8.75	.45			
Group 3 - 3 tons up to but not including 5 tons	8.80	.45			
Group 4 - 5 tons & over, including Euclids, winch truck, Dempsey dumpsters, lowboys, semi-trailers, fork lifts	9.06	.45			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA79-4002 - Mod. #1 (44 FR 1650 - January 5, 1979) Bossier, Caddo, Calcasieu Parishes, Louisiana					
Change:					
Truck drivers:					
Bossier & Caddo Parishes:					
Group 1	$ 7.17				
Group 2	7.25				
Group 3	7.50				
Group 4	7.65				
Group 5	7.80				
Group 6	8.00				
Calcasieu Parish:					
Group 1	8.61				
Group 2	9.09				
Group 3	9.32				
Group 4	9.11				
Group 5	9.21				
Group 6	9.13				
Group 7	9.55				
Decision # MS77-1078 - Mod. #5 (42 FR-31044 - June 17, 1977) Lowndes County (excluding Columbia Lock and Dam and Tennessee Tombigbee Project), Mississippi					
CHANGE:					
Ironworkers, reinforcing	$10.75	.60	.815		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX78-4095 - Mod. #5 (43 FR 43241 - September 22, 1978) Ector & Midland Cos., Texas					
Change:					
Painters: Brush	$ 8.59				
Spray & sandblasters	9.34				
DECISION #TX78-411[illegible] - Mod. #5 (43 FR 49208 - October 20, 1978) Lubbock County, Texas					
Change:					
Painters: Brush	8.59				
Spray; sandblasters	9.34				
DECISION #TX79-4003 - Mod. #1 (44 FR 1671 - January 5, 1979) Brazos County, Texas					
Change:					
Sheet metal workers	11.81	.425	.695	.42	.06
DECISION #TX79-4011 - Mod. #1 (44 FR 1683 - January 5, 1979) Galveston & Harris Cos., Texas					
Change:					
Sheet metal workers:					
Galveston County	11.02	.80	.50	.75	.10
Harris County	11.81	.425	.695	.42	.06
DECISION #VT78-2091 - MOD #2 (43 FR 46490 - October 6, 1978) Bennington, Caledonia, Essex, Lamoille, Orange, Rutland, Washington, Windham and Windsor Counties, Vermont					
CHANGE:					
Laborers:					
Bennington County	$ 3.95	.15	.15		
Drillers:					
Bennington County	4.85			a	
ADD:					
Bennington County					
Compactor	6.80				
Crane	8.20	.35	.50	b	.05
Spreader	6.89				
Truck Crane	6.88				

STATE: Alabama COUNTY: Madison
DECISION No.: AL79-1015 DATE: Date of Publication
Supersedes Decision No.: AL78-1057 dated July 21, 1978 in 43 FR-31549
DESCRIPTION OF WORK: Building construction(does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.51	.45	.40		.05
Boilermakers	9.95	1.05	1.00		.02
Bricklayers	10.50				
Carpenters	8.60	.45	.35		.03
Cement masons	9.75				
Electricians: Linemen	11.05	.50	3%+.50		1%
Glaziers	6.00				
Ironworkers:					
Reinforcing	9.805	.60	.60		.08
Structural	9.805	.60	.60		.08
Laborers:					
Laborers, Mason tenders					
Air tool op. (jackhammer, vibrator), Mortar mixers	5.46	.30	.45		
Millwrights	9.24	.45	.35		.03
Painters:					
Commercial	8.25	.40	.25		.05
Industrial	9.00	.40	.25		.05
New Industrial	9.25	.40	.25		.05
Plasterers	10.00				
Plumbers Pipefitters	10.80	.55	.55		.15
Sheet metal workers	10.35	.69	.82		.09
Tile setter	10.25				
POWER EQUIPMENT OPERATORS:					
Group A	10.58	.45	.45		
Group B	9.24	.45	.45		
Group C	8.52	.45	.45		

AL79-1015 Cond't

POWER EQUIPMENT OPERATORS:
(CONT'D)

Group A - Backhoe, bulldozers, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge drill, elevating, grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking mechanic piledriver, post hole digger, scraper (pull type & self prop.), shovel, sweeper, tractor (spec. equip.,) trenching machine, well point & winch truck operators

Group B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, ½ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 tons crane & over) outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

Group C - Air compressor (port.) conveyor, fireman stationary equip., oiler, outboard motor boat & pump operators

Oiler driver - additional $.10 per hour

All cranes, derricks & gantry operators such equipment with an overall height of 150', including jibs; all scrapers operators in tandem - additional $.25 per hour.

STATE: Arkansas SUPERSEDEAS DECISION COUNTY: Statewide
DECISION NO. AR79-4025 DATE: Date of Publication
Supersedes Decision No. AR77-4072 dated April 1, 1977 in 42 FR 17754
DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, and water and sewer utilities, (but does not include building structures on highway rest areas).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$5.20				
Carpenters	5.20				
Concrete finisher	5.20				
Ironworkers:					
Structural	4.50				
Reinforcing	3.75				
Laborers:					
Air tool operator	3.65				
Asphalt heater operator	3.65				
Asphalt raker	4.20				
Carpenter helper	3.75				
Chain saw operator	3.75				
Checker grade	3.75				
Concrete finisher helper	3.75				
Concrete joint sealer	3.75				
Concrete saw operator	3.75				
Form setter	3.90				
Laborer	2.90				
Pipelayer	3.75				
Powderman	4.50				
Vibratorman	3.50				
Painter	4.50				
Pile driver leadman	4.50				
POWER EQUIPMENT OPERATORS:					
Aggregate spreader operator	4.00				
Asphalt plant fireman	3.25				
Asphalt plant drier operator	3.25				
Batch plant operator	4.00				
BULLDOZER OPERATOR:					
Finish	5.00				
Rough	4.28				
Bull float operator	4.00				
Concrete curing machine operator	4.25				
Concrete mixer operator (less than 5 sacks)	3.75				
Concrete mixer operator (5 sacks or over)	4.50				
Backhoe, operator - rubber tired (1 yard or less)	4.25				
Cherry picker operator	4.25				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (cont'd)					
Concrete paver operator	$4.75				
Concrete spreader operator	4.75				
Crane, derrick, dragline, shovel, backhoe operator (1½ yd. or less)	5.00				
Crane, derrick, dragline, shovel, backhoe opr. (over 1½ yd.)	5.25				
Crusher operator	4.00				
Distributor operator	4.00				
Drill operator (wagon or truck)	4.30				
Elevating grader operator	4.75				
Euclid or like equipment operator (bottom or end dump)	3.85				
Finishing machine operator	3.85				
Forklift operator	3.55				
Form grader operator	3.55				
Front end loader operator:					
Finish	4.75				
Rough	4.30				
Hydro seeder operator	3.85				
Mechanic	5.00				
Mechanic helper	4.00				
Motor Patrol Operator:					
Finish	5.00				
Rough	4.25				
Mulching machine operator	3.85				
Oiler and greaser	3.75				
Pile driver operator	4.40				
Pub mill operator	3.55				
Roller operator (self-propelled)	3.85				
Scraper Operator:					
Finish	5.00				
Rough	4.25				
Sod slicing machine operator	3.50				
Stabilizer mixing machine opr.	4.00				
Tractor operator (crawler type)	3.85				
Tractor operator (farm & wheel)	3.55				
Tractor operator wheel type (with attachments 1 yd. or under)	4.00				
Trenching machine operator	4.00				
Stonemasons	5.20				

DECISION NO. AR79-4025 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Distributor truck driver	$3.90				
Semi-trailer	3.90				
Lowboy driver	4.30				
Transit mix truck driver	3.90				
Truck driver (heavy-maximum pay load in excess of 3000 lbs)	3.60				
Truck driver (light-maximum pay load 3000 lbs)	3.50				
Welder, finish	5.00				
Welder, rough	4.25				
Well driller	5.00				
Well driller helper	4.25				
Electricians	6.50				
Electricians helper	5.00				

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Alachua
DECISION NUMBER: FL79-1024 DATE: Date of Publication
Supersedes Decision No.: FL77-1149 dated February 24, 1978 in 43 FR 7912.
DESCRIPTION OF WORK: Building Construction (does not include single family homes or garden type apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.29	.45	.55		.08
BOILERMAKERS	11.00	.75	1.10		.02
BRICKLAYERS	7.65	.30	.30		.02
CARPENTERS	9.17	.62	.50		.05
CEMENT MASONS	7.30	.30	.30		.02
ELECTRICIANS:					
Commercial:					
Wiremen	8.90	.50	3%		1%
Cable Splicers	9.79	.50	3%		1%
Industrial:					
Wiremen	10.75	.50	3%		1%
Cable Splicers	11.825	.50	3%		1%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.785	.745	.56	4% +a&b	.025
Helpers	6.85	.745	.56	4% +a&b	.025
Probationary Helpers	4.89				
GLAZIERS	8.00		.20		
IRONWORKERS	9.20	.65	.85		.02
LABORERS:					
Air tool operators; Mortar Mixers; Pipelayers (concrete & clay)	6.90	.20			
Unskilled	4.80	.20			
LATHERS	7.95				
MARBLE SETTERS	7.30	.30	.30		.02
MILLWRIGHTS	9.58	.62	.50		.05
PAINTERS:					
Brush	7.01	.10			.05
Paperhangers	7.51	.10			.05
Structural Steel	7.51	.10			.05
Spray	7.51	.10			.05
Swing Stage	7.51	.10			.05
Boatswain's Chair	7.51	.10			.05
PILEDRIVERS	9.17	.62	.50		.05
PLASTERERS	7.65	.30	.30		.02

FL79-1024 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Pipefitters; and Steamfitters	$10.30	.20	.25		.10
ROOFERS:					
Roofers	9.16	.50	.25		.025
Kettlemen	6.84	.50	.25		.025
SHEET METAL WORKERS	9.48	3% + .85	.66		.125
SOFT FLOOR LAYERS	9.17	.62	.50		.05
SPRINKLER FITTERS	10.61	.75	1.05		.10
STONE MASONS	7.65	.30	.30		.02
TILE & TERRAZZO WORKERS	7.30	.30	.30		.02
WELDERS - Rate for craft to which welding is incidental.					

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% or regular rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

FL79-1024 (cont'd) Page 3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.68	.55	.40		.05
GROUP II	8.50	.55	.40		.05
GROUP III	6.41	.55	.40		.05

GROUP I

Crane or derrick operator, clam shell operator, dragline operator, piledriver operator including Auger & Boring Machine operator for drilling in piling, backhoe operator, hydra crane operator, grade all operator, shovel operator, patrol operator, cable ways operator, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cubic yard scrapers), side boom cat operator, multi-drum hoist operator for rigging work, mechanic (heavy equipment), tower crane operator (stationary, climbing, and traveling), gantry crane operator, locomotive crane operator, bridge crane operator (over 20 ton capacity), concrete pump with boom (mobile) operator, high lift or fork lift operator (10' or higher), locomotive engineer (for job use that does not infringe upon the rights of Railroad Unions)

GROUP II

Bulldozer operator, bridge crane operator (20 tons & under), highlift or Forklift operator (less than 10'), straddle buggy operator, hoist operator (other than rigging work) including winch truck operator where winch truck is not mobile and used as a hoist, trenching machine operator (ladder & wheel type) over 6' cut and over 24" in width, concrete paver operator, scraper operator, front end loader operator, fireman-floating equipment, mobile winch truck operator, self propelled sub-grader operator, asphalt paving machine operator, lubricating engineer (mobile plant), pavement breaker operator

GROUP III

Tractor operated sweeper operator, trenching machine operator (ladder and wheel type) maximum cut 6' and maximum width 24", fireman, self propelled roller operators, wellpoint pump operator & supervise installation (one operator for 3 pumps, not including standby units, within 300 ft radius), asphalt distributor operator, water truck drive, motor boat operator, oiler, pumpman (other than wellpoint) up to and including pumps within 300 ft radius, conveyors operator (motor operated), welding machine operator (3 or more combustion type), pulver mixer operator, compressor operator (from 1 up to and including 3 compressors) within 300 ft. radius, self propelled sweeper operator, combination pump, compressor & combustion type welding machine operator (any group of 3 units) with 300 ft radius, concrete mixer operator, concrete pump operator, tractor operator, street sweeping machine operator.

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Orange
DECISION NUMBER: FL79-1025 DATE: Date of Publication
Superseded Decision No.: FL77-1146 dated March 24, 1978 in 43 FR 12535
DESCRIPTION OF WORK: Building construction (Does not include single family homes or garden type apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$11.28	.50	.35		.06
Boilermakers	11.00	.75	1.10		.02
Bricklayers:					
Bricklayers	8.70	.50	.40		.03
Stonemasons	8.70	.50	.40		.03
Marble masons	8.70	.50	.40		.03
Plasterers	8.70	.50	.40		.03
Cement masons	8.70	.50	.40		.03
Carpenters; Soft Floor Layers	9.05	.50	.50		.05
Electicians:					
Electrical contracts less than $20,000	7.50	.55	3%		1%
All other work	10.30	.55	3%		1%
Elevator constructors:					
Mechanics	9.41	.745	.56	4%+a&b	.025
Helpers	6.59	.745	.56	4%+a&b	.025
Probationary helpers	4.705				
Glaziers	7.60	.25	.20		.01
Ironworkers:					
Structural & ornamental	9.33	.65	.60	.65	.05
Reinforcing	9.33	.65	.60	.65	.05
Laborers:					
Air tool operators	6.92	.25	.10		
Laborers	6.77	.25	.10		
Mason tenders	6.92	.25	.10		
Mortar mixers	6.92	.25	.10		
Pipelayers (concrete & clay)	6.92	.25	.10		
Plasterers tenders	6.92	.25	.10		
Lathers	8.88	.35	.25		.15
Linemen:					
Linemen	9.61	.40	3%		½ of 1%
Cable splicers	10.31	.40	3%		½ of 1%
Groundmen:					
Up to 1 year experience	4.92	.40	3%		½ of 1%
Over 1 year experience	5.55	.40	3%		½ of 1%

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FL79-1025 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen (Cont'd):					
Heavy equipment operator	9.61	.40	3%		½ of 1%
Winch truck operator	7.68	.40	3%		½ of 1%
Pick up or flat bed operator	6.28	.40	3%		½ of 1%
Millwrights	9.42	.55	.70		.08
Painters:					
Brush	8.05	.40	.40		.06
Spray	8.55	.40	.40		.06
Paperhangers	8.55	.40	.40		.06
Sandblasters	8.55	.40	.40		.06
Piledrivers	9.35	.50	.50		.05
Plumbers	9.59	.50	.22+.40	.50	.12
ROOFERS:					
Roofers	7.65	.35	.25		
Kettlemen	6.20	.35	.25		
Sheet metal workers	10.24	3%+.30	.30	.50	.04
Sprinkler fitters	10.61	.75	1.05		.10
Tile & terrazzo workers	8.70	.50	.40		.03
Welders - receive rate for craft to which welding is incidental.					

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, 2% of regular hourly rate for employee who has worked in business less than 5 years.

PAID HOLIDAYS (WHERE APPLICABLE):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FL79-1025 cont'd) Page 3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.68	.55	.40		.05
GROUP II	8.50	.55	.40		.05
GROUP III	6.41	.55	.40		.05

GROUP I

Crane or derrick operator, clam shell operator, dragline operator, piledriver operator including Auger & Boring Machine operator for drilling in piling, backhoe operator, hydra crane operator, grade all operator, shovel operator, patrol operator, cable ways operator, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cubic yard scrapers), side boom cat operator, multi-drum hoist operator for rigging work, mechanic (heavy equipment), tower crane operator (stationary, climbing, and traveling), gantry crane operator, locomotive crane operator, bridge crane operator (over 20 ton capacity), concrete pump with boom (mobile) operator, high lift or fork lift operator (10' or higher), locomotive engineer (for job use that does not infringe upon the rights of Railroad Unions)

GROUP II

Bulldozer operator, bridge crane operator (20 tons & under), highlift or Forklift operator (less than 10'), straddle buggy operator, hoist operator (other than rigging work) including winch truck operator where winch truck is not mobile and used as a hoist, trenching machine operator (ladder & wheel type) over 6' cut and over 24" in width, concrete paver operator, scraper operator, front end loader operator, fireman-floating equipment, mobile winch truck operator, self propelled sub-grader operator, asphalt paving machine operator, lubricating engineer (mobile plant), pavement breaker operator

GROUP III

Tractor operated sweeper operator, trenching machine operator (ladder and wheel type) maximum cut 6' and maximum width 24", fireman, self propelled roller operators, wellpoint pump operator & supervise installation (one operator for 3 pumps, not including standby units, within 300 ft radius), asphalt distributor operator, water truck drive, motor boat operator, oiler, pumpman (other than wellpoint) up to and including pumps within 300 ft radius, conveyors operator (motor operated), welding machine operator (3 or more combustion type), pulver mixer operator, compressor operator (from 1 up to and including 3 compressors) within 300 ft. radius, self propelled sweeper operator, combination pump, compressor & combustion type welding machine operator (any group of 3 units) with 300 ft radius, concrete mixer operator, concrete pump operator, tractor operator, street sweeping machine operator.

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTY: FAYETTE
DECISION NUMBER: KY79-1018 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY77-1108, dated August 26, 1977, in 42 FR 43334.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION: (does not include single family homes and garden type apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.85	.60	1.00		
BOILERMAKERS	10.70	1.05	1.10		.02
BRICKLAYERS & STONE MASONS	10.80	.40	.50		
CARPENTERS & SOFT FLOOR LAYERS	10.95	.50	.30		
CEMENT MASONS	11.70				
ELECTRICIANS	12.45	.45	3% + .50		.0025
ELEVATOR CONSTRUCTORS:					
Mechanics	11.41	.745	.56	a + b	.025
Helpers	7.99	.745	.56	a + b	.025
Probationary helpers	5.705				
GLAZIERS	11.75				
IRONWORKERS	11.45	1.15	1.20		.06
LATHERS	9.74		.10		
LINE CONSTRUCTION:					
Linemen & equipment operators	13.00	.60	3%		½ of 1%
Cable splicers	13.25	.60	3%		½ of 1%
Groundman-truck drivers	10.40	.60	3%		½ of 1%
Groundmen	9.75	.60	3%		½ of 1%
MARBLE, TILE, & TERRAZZO WORKERS	9.65	.45	.50		.01
MILLWRIGHTS & PILEDRIVERMEN	11.45	.50	.30		
PAINTERS:					
Brush, drywall finishers, paperhangers	9.30	.45			
Steeple jack work, window jack work, work in enclosed buildings over 35' in height above permanent working floor area, steam cleaning	9.80	.45			
Sandblasting & spray	10.05	.45			
PLASTERERS	9.65				
PLUMBERS & PIPEFITTERS	11.70	.45	.85		.02
ROOFERS	8.50	.55			.02
SHEET METAL WORKERS	11.65	1.102	1.05		.14
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

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FOOTNOTES:
a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.
b. Vacation Pay Credit - employer contributes 0% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

DECISION NO. KY79-1018

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 7.60	.35	.47		
GROUP II	8.00	.35	.47		
GROUP III	8.20	.35	.47		
GROUP IV	8.30	.35	.47		
GROUP V	8.80	.35	.47		
GROUP VI	9.10	.35	.47		

LABORERS' CLASSIFICATIONS DEFINITIONS

GROUP I - General laborers, water boys, concrete pouring, concrete forms stripping and wrecking, hand digging and backfilling of ditches, clearing of right-of-ways and building sites, wood sheeting and shoring, signalman for concrete bucket, and general cleaning.

GROUP II - All air tool operators, air track drills, asphalt rakers, barco tampers, batcher plant and scale man, chain saw, concrete saw, electric hand grinder, all electric bush and chipping hammers, flagman, forklift operators, form setter (street or highway), gunnite laborers, hand spiker, Introflax burning rod, joint makers, mason tenders, pipe layers, plasterer tenders, powderman helpers, power driven Georgia Buggies, power posthole digger, railroad laborers, sandblaster laborers, scow man and deck hand, signal man, sweeper and cleaner machines, vibrator operators, walk behind trenching machines, mortar mixer machines, water pumpman.

GROUP III - Gunnite nozzleman and gunnite nozzle machine operator, sand blaster nozzleman, concrete or grout pumpman, plaster pumpman.

GROUP IV - Powderman and Blaster.

GROUP V - Caisson holes (6 ft. & over) pressure and free air including tools.

GROUP VI - Tunnel man and tunnel sand miner, cofferdam (pressure and free air) sand hog or mucker (pressure or free air).

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DECISION NO. KY79-1018

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.00	.60	.50		.05
CLASS B	8.41	.60	.50		.05
CLASS C	7.69	.60	.50		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumperete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steerman, hydraulic post driver, drill helper.

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTY: FRANKLIN
DECISION NUMBER: KY79-1021 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY77-1128, dated September 30, 1977, in 42 FR 53053.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION (does not include single family homes and garden type apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.85	.60	1.00		
BOILERMAKERS	10.70	1.05	1.10		.02
BRICKLAYERS & STONE MASONS	10.80	.40	.50		
CARPENTERS & SOFT FLOOR LAYERS	10.95	.50	.30		
CEMENT MASONS	11.70				
ELECTRICIANS	12.60	.45	3% + .50		.0025
ELEVATOR CONSTRUCTORS:					
Mechanics	11.41	.745	.56	a + b	.025
Helpers	7.99	.745	.56	a + b	.025
Probationary helpers	5.705				
GLAZIERS	11.75				
IRONWORKERS	11.45	1.15	1.20		.06
LATHERS	9.74		.10		
LINE CONSTRUCTION:					
Linemen & equipment operators	13.00	.60	3%		½ of 1%
Cable splicers	13.25	.60	3%		½ of 1%
Groundmen-truck drivers	10.40	.60	3%		½ of 1%
Groundmen	9.75	.60	3%		½ of 1%
MARBLE, TILE, TERRAZZO WORKERS	9.65	.45	.50		.01
MILLWRIGHTS & PILEDRIVERMEN	11.45	.50	.30		
PAINTERS:					
Brush, drywall finishers, paperhangers	9.65	.45			
Steeple jack work, window jack work, work in enclosed buildings over 35' in height from permanent work floor area, steam cleaning	10.15	.45			
Sandblasting & srpaying	10.40	.45			
PLASTERERS	9.65				
PLUMBERS & PIPEFITTERS:					
Western 3/4 of County, including the City of Frankfort:					
Plumbers	12.76	.80	1.24	.77	.15
Pipefitters	13.47	.75	1.40		.10
Remainder of County	12.45	.45	.85		.02
ROOFERS:					
Roofers	8.50	.65	.45		
Slate, tile, & precast concrete slab	8.90	.65	.45		
SHEET METAL WORKERS	11.65	1.102	1.05		.14
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS - Rate for craft.					

FOOTNOTES:
a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.
b. Vacation Pay Credit - employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

DECISION NO. KY79-1021

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 7.60	.35	.47		
GROUP II	8.00	.35	.47		
GROUP III	8.20	.35	.47		
GROUP IV	8.30	.35	.47		
GROUP V	8.80	.35	.47		
GROUP VI	9.10	.35	.47		

LABORERS' CLASSIFICATIONS DEFINITIONS

GROUP I - General laborers, water boys, concrete pouring, concrete forms stripping and wrecking, hand digging and backfilling of ditches, clearing of right-of-ways and building sites, wood sheeting and shoring, signalman for concrete bucket, and general cleaning.

GROUP II - All air tool operators, air track drills, asphalt rakers, barco tampers, batcher plant and scale man, chain saw, concrete saw, electric hand grinder, all electric bush and chipping hammers, flagman, forklift operators, form setter (street or highway), gunnite laborers, hand spiker, Introflax burning rod, joint makers, mason tenders, pipe layers, plasterer tenders, powderman helpers, power driven Georgia Buggies, power posthole digger, railroad laborers, sandblaster laborers, scow man and deck hand, signal man, sweeper and cleaner machines, vibrator operators, walk behind trenching machines, mortar mixer machines, water pumpman.

GROUP III - Gunnite nozzleman and gunnite nozzle machine operator, sand blaster nozzleman, concrete or grout pumpman, plaster pumpman.

GROUP IV - Powderman and Blaster.

GROUP V - Caisson holes (6 ft. & over) pressure and free air including tools.

GROUP VI - Tunnel man and tunnel sand miner, cofferdam (pressure and free air) sand hog or mucker (pressure or free air.

DECISION NO. KY79-1021

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.00	.60	.50		.05
CLASS B	8.41	.60	.50		.05
CLASS C	7.69	.60	.50		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumperete, Rose carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KoCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplans, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steerman, hydraulic post driver, drill helper.

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTIES: HARDIN, JEFFERSON MEADE
DECISION NO.: KY79-1022 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY78-1029, dated April 7, 1978, 43 FR 14859.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.85	.60	1.00		
BOILERMAKERS	10.70	1.05	1.10		.02
BRICKLAYERS & STONE MASONS	10.94	.50	.40		.01
CARPENTERS	10.35	.50	.50		.05
CEMENT MASONS	9.68	.90	.60		.04
ELECTRICIANS	13.30	.50	3% + .60		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.41	.745	.56	a + b	.025
Helpers	7.99	.745	.56	a + b	.025
GLAZIERS	8.90	.35	.45		
IRONWORKERS:					
Structural, ornamental, reinforcing, riggers, fence erectors, sheeters, machinery movers, and conveyormen	11.45	1.15	1.20		.06
LATHERS	11.29		.20		.01
LINE CONSTRUCTION:					
Linemen, line truck operators, & hole diggers	13.30	.50	3% + .60		½ of 1%
MARBLE MASONS	10.60	.50	.40		
MARBLE FINISHERS	8.60				
MILLWRIGHTS	11.75	.50	.65		.05
PAINTERS:					
AREA 1 - 35 mile radius from the Jefferson County Courthouse, Louisville, Ky.:					
Brush, roller, drywall painting, taping & finishing, and paperhanging	9.02	.35	.20		.03
Steeple jack work, boatswain chairs, safety-belt work, steamcleaning, sandblasting, exterior stage work and window jack work over 50' in height	9.37	.35	.20		.03
Spray	9.47	.35	.20		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS - AREA 1 (Cont'd)					
REPAINT WORK:					
Brush, roller, drywall painting, taping & finishing, and paperhanging	$ 8.43	.35	.20		.03
Spray	8.88	.35	.20		.03
AREA 2 - over a 35 mile radius from the Jefferson County Courthouse, Louisville, Ky.:					
Brush, roller, drywall painting, taping & finishing, and paperhanging	9.37	.35	.20		.03
Steeple jack work, boatswain chairs, safety-belt work, steamcleaning, sandblasting, exterior stage work and window jack over 50' in height	9.72	.35	.20		.03
Spray	9.82	.35	.20		.03
REPAINT WORK:					
Brush, roller, drywall painting, taping & finishing, and paperhanging	8.78	.35	.20		.03
Spray	9.23	.35	.20		.03
PILEDRIVERMEN	10.60	.50	.50		.05
PLASTERERS	10.85				
PLUMBERS & PIPEFITTERS:					
AREA 1 - Jefferson County:					
Plumbers	12.06	.80	1.24	.77	.15
Pipefitters	12.77	.75	1.40		.10
AREA 2 - Hardin (northern portion of county up to but not including Elizabethtown) and Meade Counties:					
Plumbers	12.51	.80	1.24	.77	.15
Pipefitters	13.22	.75	1.40		.10
AREA 3 - Hardin (remainder of county) County:					
Plumbers	12.76	.80	1.24	.77	.15
Pipefitters	13.47	.75	1.40		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers	$ 8.50	.65	.45		
Slab, tile & precast concrete slab	8.90	.65	.45		
SHEET METAL WORKERS	11.65	1.102	1.25		.14
SOFT FLOOR LAYERS	10.35	.50	.50		.05
SPRINKLER FITTERS	12.10	.75	1.05		.08
TERRAZZO WORKERS	10.60	.50	.40		
TERRAZZO FINISHERS	8.60				
TILE LAYERS	10.60	.50	.40		
TILE FINISHERS	8.60				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					
TRUCK DRIVERS:					
Truck helper & warehouseman	8.36	d	e	f	
Driver, 3 tons and under, greaser, tire changer and mechanic helper	8.48	d	e	f	
Driver, over 3 tons, semi-trailer or pole trailer, dump trucks, tandem axle, farm tractor when used to pull building material or equipment	8.59	d	e	f	
Driver, concrete mixer trucks (all types, hauling only on jobsites)	8.66	d	e	f	
Driver, Euclid & other heavy earth moving equipment and low boy, winch truck and A-frame & monorail truck when used to transport building materials	8.76	d	e	f	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$ 7.93	.35	.47		
Group 2	8.13	.35	.47		
Group 3	8.28	.35	.47		
Group 4	8.43	.35	.47		
Group 5	9.13	.35	.47		

CLASSIFICATIONS DEFINITIONS

Group 1 - General laborers, mobile sweepers;

Group 2 - Power driven Georgia buggy, chain saw, vibrator operator, mesh handler, power tools (air, diesel, electric, gasoline), wagon drill, pipelayer, wall man, chip & bush hammer, concrete saw, gasoline tamper machine, walk behind trenching machine, burner man, joint maker, asphalt raker;

Group 3 - Air track driller, mason tender, side rail setter (metal), stackman;

Group 4 - Powderman, introflax burning rod, gunnite nozzle man operator, sewer & tunnel laborers (free air), sand hog or mucker (free air);

Group 5 - Holeman drilled, piers, augured caissons, sand miner (tunnel free air), caisson workers.

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.00	.60	.50		.05
CLASS B	8.41	.60	.50		.05
CLASS C	7.69	.60	.50		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifor, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

DECISION NO. KY79-1022

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of the basic hourly rate for 5 years or more of service, or 6% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Employer contributes $21.00 per week per employee whose name appears on the payroll and has been employed a minimun of 20 work days within any 90 consecutive day period.

e. Employer contributes $20.00 per week per employee whose name appears on the payroll and has been employed a minimum of 20 work days within any 90 consecutive day period.

f. Employee who has been regularly employed on a project for one year and who has worked a minimum of 1200 hours during the year shall receive vacation and pay equal to 40 hours.

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTY: BOYD
DECISION NO.: KY79-1023 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY78-1033, dated April 7, 1978, in 43 FR 14865.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.10	.50	.70		.03
BOILERMAKERS	10.70	1.05	1.10		.02
BRICKLAYERS & STONE MASONS	12.23				
CARPENTERS	10.67	.55	1.00		.03
CEMENT MASONS	11.92		.60		
ELECTRICIANS:					
Wiremen	11.82	.50	3% + .82	1.02	.04
Cable splicers	12.41	.50	3% + .82	1.02	.04
ELEVATOR CONSTRUCTORS:					
Mechanics	11.465	.745	.56	1%+a+b	.025
Helpers	8.025	.745	.56	1%+a+b	.025
GLAZIERS	11.30		.80		
IRONWORKERS - Structural, Ornamental & Reinforcing	11.92	.90	1.20		.01
LATHERS	11.725		.10		
LINE CONSTRUCTION:					
Linemen	12.73	.60	3% + .52	.92	¼ of 1%
Cable splicers	14.00	.60	3% + .52	.92	¼ of 1%
Groundmen	8.27	.60	3% + .52	.92	¼ of 1%
Mechanical equipment operators	10.18	.60	3% + .52	.92	¼ of 1%
MILLWRIGHTS	10.79	.40	.37		.03
PAINTERS:					
Brush & paperhanging	8.88		.50		
Roller, drywall, & esping	9.04		.50		
Spray	9.40		.50		
Steamcleaning	9.62		.50		
Mittens or rags	9.93		.50		
Sandblasting	10.09		.50		
Drywall machine operator	10.30		.50		
PILEDRIVERMEN	10.96	.55	1.00		.03
PLASTERERS	11.92		.60		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS:					
Area 1 - within a 5 mile radius of 17th St. and Winchester Ave., Ashland	$11.22	.60	.85	1.00+d	
Area 2 - over 5 miles and within a 15 mile radius of 17th St. and Winchester Ave., Ashland	11.42	.60	.85	1.00+d	
Area 3 - over 15 miles and within a 30 mile radius of 17th St. and Winchester Ave., Ashland	11.62	.60	.85	1.00+d	
Area 4 - over a 30 mile radius of 17th and Winchester Ave., Ashland	11.72	.60	.85	1.00+d	
ROOFERS:					
New construction	11.55		.50		
Re-roofing	8.10		.50		
SHEET METAL WORKERS	11.80	1.07	.725		.085
SOFT FLOOR LAYERS	10.67	.55	1.00		.03
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$ 7.86	.35	.47		
Group 2	8.01	.35	.47		
Group 3	8.03	.35	.47		
Group 4	8.06	.35	.47		
Group 5	8.11	.35	.47		
Group 6	8.36	.35	.47		
Group 7	8.56	.35	.47		
Group 8	9.06	.35	.47		

CLASSIFICATIONS DEFINITIONS

Group 1 - Laborers, carpenter tenders, concrete men, wreckers, wall men, handlers of empty oxygen and acetylene bottles;
Group 2 - Hod carriers, mortar men, cement finisher tenders, lather and plaster tenders;
Group 3 - Wrapping, heating and applying hot and cold tar on all pipes, applying tape on pipes and operating of a Tiester;
Group 4 - Deck hand and scow men;
Group 5 - Jackhammer and electrical, gas or air power driven tools, burning torch, wagon drill operators, handling of all creosote material, signal men, and asphalt rakers;
Group 6 - Rock and powder men;
Group 7 - Sand hog or muckers, and tunnal miners
Group 8 - Caisson workers

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.00	.60	.50		.05
CLASS B	8.41	.60	.50		.05
CLASS C	7.69	.60	.50		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steerman, hydraulic post driver, drill helper.

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.77	e	f		
Group 2	9.87	e	f		
Group 3	10.02	e	f		
Group 4	10.07	e	f		
Group 5	10.12	e	f		
Group 6	10.17	e	f		
Group 7	10.42	e	f		

CLASSIFICATIONS DEFINITIONS

Group 1 - Warehousemen, yardmen, truck helpers, pickups, station wagons, panel trucks, flat-body material trucks (straight jobs), greasers, washers, tiremen, dump trucks (up to 5 cu. yds.);
Group 2 - Tank trucks (straight);
Group 3 - Dump trucks (5 cu. yds. or over), semi-dump trucks, semi-trailers (whether flat, rack or pole and hauled or pushed by trucks or tractors), agitator or mixer trucks (up to 5 cu. yds.), tank trucks (semi);
Group 4 - Lowboy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck cranes, monirail trucks;
Group 5 - Material checkers & receivers, mechanics helpers;
Group 6 - Agitator or mixer trucks (5 cu. yds. and over);
Group 7 - Tri-axle dump trucks, hydraulic lifts, tailgate trucks, farm type tractors, ross carriers, athey wagons or similar equipment, A-frame, hydro-lifts, dual purpose trucks, end dumpsters, mechanics.

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FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Two Paid Holidays: Independence Day and Christmas Day.

e. Employer contributes $93.17 per month per employee employed 30 days or more.

f. Employer contributes $60.67 per month per employee employed 30 days or more.

SUPERSEDEAS DECISION

STATE: NEW MEXICO
COUNTY: STATEWIDE
DECISION NO. NM79-4022
DATE: Date of Publication
Supersedes Decision No. NM78-4046 dated May 5, 1978 in 43 FR 19559
DESCRIPTION OF WORK: Sewer & Water & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$ 5.26	.10	.20	.10	.04
Power saw operator-saw filer	5.41	.10	.20	.10	.04
Millwrights & Piledriver	5.51	.10	.20	.10	.04
CEMENT MASONS	4.94	.26			
IRONWORKERS:					
Reinforcing	5.05	.25	.25		
Structural	7.99	.50	.75		.04
PAINTERS:					
Brush	4.57	.35	.20		.01
Spray	5.54	.10	.30		.04
LABORERS:					
Commonlaborer; carpenter tender concrete buggy opr. (hand); concrete workers	2.90	.20	.15		
Wagon, air track, drill & diamond drillers' tender (outside)	2.95	.20	.15		
Air & powr tool man; asphalt raker; batching plant scaleman; tenders (to cement masons and plasters); chain sawman; concrete touchup-man; concrete saw man; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer and mason tender; powderman or blaster helper; scaler; sandblaster helper; vibrator compactor (hand type); vibrator-man (hand-type); concrete power buggyman, wagon; air track drill and diamond drillers (outside)	2.95	.20	.15		
Gunite pumpcreteman & nozzleman; multiplate setter; pipelayer	3.35	.20	.15		
Manhole builder	3.35	.20	.15		
Powderman-blaster-make up	3.35	.20	.15		

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	4.88	.15	.10		.01
Group II	5.08	.15	.10		.01
Group III	5.66	.15	.10		.01
Group IV	5.68	.15	.10		.01
Group V	5.68	.15	.10		.01
Group VI	5.83	.15	.10		.01
Group VII	5.88	.15	.10		.01
Group VIII	6.03	.15	.10		.01
Group IX	6.53	.15	.10		.01
Group X	7.33	.15	.10		.01

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Concrete paving curing machine

GROUP II - Belt type conveyors (material & concrete); broom (self-propelled); fork lift; grease truck operator; head oiler; hydro lift; tractor (under 50 drawbar HP with or without attachment); Industrial locomotive brakeman; front end loader (2 cy or less); fireman;oiler screedman; roller (pull type); mulching machine; roller (self-propelled)

GROUP III - Concrete paving form grader; concrete paving gang vibrator; concrete paving joint or saw machine; concrete paving sub grader; tractor with backhoe attachment; subgrade or base finisher; power plant (electric general or welding machine)

GROUP IV - Bulldozer (including self-propelled roller with dozer attachment); batch or continous mix plant (concrete soil-cement, or asphalt); roller (steel wheel); front end loader (2 cy thru 10 cy); scraper operator; motor grader

GROUP V - Asphalt distributor; asphalt paving or laydown machine; asphalt retort heater; mixer, heavy duty, asphalt or soil cement; trenching machine; clam type shaftmucker; backhoe, clamshell, dragline, gradall, shovel (under 3/4 cy); elevating grader or belt loader; cranes (crawler or mobile) under 20 ton; air compressor (300 CFM & over); crushing screening and washing plants; drilling machine (cable core or rotary); mixer, concrete (1 cy and less); pump (6" intake or over); winch truck; hoist (1 drum); industrial locomotive motorman; lumber stacker; tractor(50 drawbar HP or over)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

GROUP VI - Concrete paver mixer; hoist (2 drum and over); sideboom; traveling crane; piledriver; backhoe, clamshell, dragline, gradall, shovel (3/4 cy to 3 cy); cranes (crawler or mobile) 20 ton to 40 ton; front end loader (over 10 cy); mixer, concrete (over 1 cy); mechanic and/or welder)

GROUP VII - Concrete slip-form paving machine; concrete paving finishing machine; concrete paving longitudinal float; gunite machine; refrigerator; jombo formor drilling stage; slusher; concrete paving spreader; pumpcrete machine; grout pump operator

GROUP VIII - Mine hoist; bulldozer (multiple units); scraper (multiple units); mucking machine; backhoe, clamshell, dragline, gradall, shovel (over 3 cy); cranes (crawler or mobile) over 40 tons

GROUP IX - Belt loader (CMI types) operator; derrick, cableway

GROUP X - Pipemobile operator; mole operator

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Distributor (asphalt)	$4.57	.26			
Dumpster of dumptor	4.65	.26			
Dump or batch truck:					
Under 8 cy	4.36	.26			
8 cy and under 16 cy	4.46	.26			
16 cy and under 20 cy	4.60	.26			
20 cy and over	4.65	.26			
Diesel-powered transport (non-self-loading) 10 yds & over)	4.88	.26			
Flatbed:					
1-½ ton	4.36	.26			
Over 1-½ ton	4.51	.26			
Lumber carrier	4.39	.26			
Lowboy, heavy equipment	4.98	.26			
Lowboy, light equipment	4.60	.26			
Off-highway hauler	4.63	.26			
Pick-up truck 3/4 ton or under	4.21	.26			
Service station attendant	4.25	.26			
Spreader box	4.30	.26			
Spreader box (self-propelled)	4.54	.26			
Swamper or rider helper	4.17	.26			
Tank Truck:					
3,000 gal. or under	4.44	.26			
3,001 gal. to 6,000 gal.	4.54	.26			
6,001 gal. and over	4.64	.26			
Teamster, 2 or 4 or more	4.17	.26			
Trailer or semi-trailer dump	4.73	.26			
Transit mix	4.60	.26			
Warehousemen	4.35	.26			

LINE CONSTRUCTION AREA & ZONE DEFINITIONS

Bernalillo, Colfax, Catron,Chaves, Curry, DeBaca, Grant, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia and White Sands Missile Range and that portion of Fort Bliss in New Mexico

ZONE I
Cities and Towns Basing Points - Miles from Main Post Offices

Albuquerque - 15 miles
Santa Fe - 10 miles
Las Vegas - 8 miles
Farmington - 6 miles
Raton - 6 miles
Tucumcari - 6 miles
Aztec - 6 miles
Roswell - 12 miles
Ruidoso - 12 miles
Portales - 12 miles
Carrizoso - 12 miles
Clovis - 12 miles
Gallup - 12 miles
*Pojoaque - 2 miles

*All areas adjacent to Pojoaque that are over two miles distant from the main post office in that town will be zoned out of Santa Fe.

ZONE II - Extending up to 20 miles beyond zone 1

ZONE III - Extending up to 30 miles beyond zone 1

ZONE IV - Anything beyond 30 miles from zone 1

LINE CONSTRUCTION :	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE I					
Linemen - Technicians	11.75	.60	3%+.70		½%
Cable splicers	12.93	.60	3%+.70		½%
Equipment Operaor (includes Helicopter op)	11.16	.60	3%+.70		½%
Equipment mechanic (includes Helicopter mechanic)	10.22	.60	3%+.70		½%
Powderman	10.22	.60	3%+.70		½%
Groundman & Jackhammer Oprs:					
1st 6 months	6.35	.60	3%+.70		½%
2nd 6 months	7.05	.60	3%+.70		½%
Experienced	8.34	.60	3%+.70		½%

LINE CONSTRUCTION (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE II					
Linemen - Technicians	12.57	.60	3%+.70		½%
Cable splicers	13.75	.60	3%+.70		½%
Equipment Operator (includes Helicopter op)	11.98	.60	3%+.70		½%
Equipment Mechanic (includes Helicopter mechanic)	11.04	.60	3%+.70		½%
Powderman	11.04	.60	3%+.70		½%
Groundman & Jackhammer Oprs:					
1st 6 months	7.17	.60	3%+.70		½%
2nd 6 months	7.87	.60	3%+.70		½%
Experienced	9.16	.60	3%+.70		½%
ZONE III					
Linemen - Technicians	13.28	.60	3%+.70		½%
Cable splicers	14.46	.60	3%+.70		½%
Equipment Operator (includes Helicopter op)	12.69	.60	3%+.70		½%
Equipment mechanic (includes Helicopter mechanic)	11.75	.60	3%+.70		½%
Powderman	11.75	.60	3%+.70		½%
Groundman & Jackhammer Oprs:					
1st 6 months	7.88	.60	3%+.70		½%
2nd 6 months	8.58	.60	3%+.70		½%
Experienced	9.87	.60	3%+.70		½%
ZONE IV					
Linemen - Technician	14.10	.60	3%+.70		½%
Cable splicers	15.28	.60	3%+.70		½%
Equipment Operator (includes Helicopter op)	13.51	.60	3%+.70		½%
Equipment Mechanic (includes Helicopter mechanic)	12.57	.60	3%+.70		½%
Powderman	12.57	.60	3%+.70		½%
Groundman & Jackhammer Oprs:					
1st 6 months	8.70	.60	3%+.70		½%
2nd 6 months	9.40	.60	3%+.70		½%
Experienced	10.69	.60	3%+.70		½%

Los Alamos County - Use Zone III Rates

LINE CONSTRUCTION AREA & ZONE DEFINITION

Applies to switching stations and substations adjacent to power plants in Zone 1 and zone 2 in Luna, Dona Ana, Otero and Hidalgo Counties, exclusive of White Sands Missile Range and that portion of Fort Bliss in New Mexico.

ZONE I
The area within 25 miles radius from the downtown Post Office of El Paso, Texas. Fort Bliss and Biggs Field; the area within a five mile radius of any city, town or municipality within which an employer establishes or maintains his place of business; the area with a ten mile radius from the post office in Las Cruces, New Mexico, and within a five mile radius from the post office in Alamogordo, New Mexico.

ZONE II
All other areas of the jurisdiction except those specified in zone 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE I					
Linemen - technicians	9.60	.30	3%		4%
Cable splicers	9.85	.30	3%		4%
Equipment operator (includes Helicopter operator)	9.12	.30	3%		4%
Equipment mechanic (includes helicopter mechanic)	8.40	.30	3%		4%
Powderman	8.40	.30	3%		4%
Groundman & Jackhammer Oprs.					
1st 6 months	5.18	.30	3%		4%
2nd 6 months	5.86	.30	3%		4%
Experienced	6.82	.30	3%		4%
ZONE II					
Linemen - technicians	11.05	.30	3%		4%
Cable splicers	11.30	.30	3%		4%
Equipment operator (includes Helicopter operator)	10.50	.30	3%		4%
Equipment mechanic (includes helicopter mechanic)	9.67	.30	3%		4%
Powderman	9.67	.30	3%		4%
Groundman & Jackhammer Oprs:					
1st 6 months	5.97	.30	3%		4%
2nd 6 months	6.74	.30	3%		4%
Experienced	7.85	.30	3%		4%

LINE CONSTRUCTION AREA & ZONE DEFINITION:
Applies to switching stations adjacent to power plants in Eddy and Lea Counties; the following zones listed shall be designated from main Post Office of Artesia, Carlsbad, Hobbs and Lovington.
Zone A - 0 - 12 miles
Zone B - 12 - 22 miles
Zone C - 22 - 40 miles
Zone D - 40 miles and beyond

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION WORK CONT'D):					
ZONE A					
Linemen - technician	10.95	.60	3%		4%
Cable splicers	11.30	.60	3%		4%
Equipment Operator (includes helicopter operator)	10.36	.60	3%		4%
Equipment mechanic (includes helicopter mechanic)	9.58	.60	3%		4%
Powderman	9.58	.60	3%		4%
Groundman & Jackhammer Oprs.:					
1st 6 months	5.91	.60	3%		4%
2nd 6 months	6.68	.60	3%		4%
Experienced	7.77	.60	3%		4%
ZONE B					
Linemen - technician	11.30	.60	3%		4%
Cable splicers	11.65	.60	3%		4%
Equipment Operator (includes helicopter operator)	10.71	.60	3%		4%
Equipment mechanic (includes helicopter mechanic	9.93	.60	3%		4%
Powderman	9.93	.60	3%		4%
Groundman & Jackhammer Oprs.:					
1st 6 months	6.26	.60	3%		4%
2nd 6 months	7.03	.60	3%		4%
Experienced	8.12	.60	3%		4%
ZONE C					
Linemen - technician	11.45	.60	3%		4%
Cable splicers	11.80	.60	3%		4%
Equipment Operator (includes helicopter operator)	10.86	.60	3%		4%
Equipment mechanic (includes helicopter mechanic)	10.08	.60	3%		4%
Powderman	10.08	.60	3%		4%
Groundman & Jackhammer Oprs.:					
1st 6 months	6.41	.60	3%		4%
2nd 6 months	7.18	.60	3%		4%
Experienced	8.27	.60	3%		4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION WORK CONT'D):					
ZONE D					
Linemen - technician	11.70	.60	3%		4%
Cable splicers	12.05	.60	3%		4%
Equipment operator (includes helicopter operator	11.11	.60	3%		4%
Equipment mechanic (includes helicopter mechanic)	10.33	.60	3%		4%
Powderman	10.33	.60	3%		4%
Groundman & Jackhammer Oprs.:					
1st 6 months	6.66	.60	3%		4%
2nd 6 months	7.43	.60	3%		4%
Experienced	8.52	.60	3%		4%

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Comanche
DECISION NO. OK79-4023 DATE: Date of Publication
SUPERSEDES DECISION NO. OK78-4061 dated June 16, 1978 in 43 FR 26269
DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.63	.55	1.00		.04
BOILERMAKERS	10.55	.80	1.00		.02
BRICKLAYERS-Stonemasons	9.91	.62	.40		.12
CARPENTERS:					
Carpenters	8.20	.45	.25		.04
Millwrights-Piledrivermen	8.70	.45	.25		.04
Power saw operator	8.325	.45	.25		.04
CEMENT MASONS	8.10				
ELECTRICIANS	10.25	.40	3%		4%
ELEVATOR CONSTRUCTORS	10.11	.545	.35	2½%+a+b	4%
ELEVATOR CONSTRUCTORS HELPER	70%JR	.545	.35	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER (Probationary)	50%JR				
IRONWORKERS	10.60	.45	.65		.12
LABORERS:					
Group I	6.30	.25	.40		
Group II	6.55	.25	.40		
Group III	7.05	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tenders; and common laborers.

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping teating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machine, and gunite mixing machines, including placing of concrete, handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating and sand blaster, except nozzle; signal men cutting torch operators in connection with laborers' work; concrete grader

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	10.60		3%		4%
Cable splicers	11.29		3%		4%
Hole digger operator	9.62		3%		4%
Heavy equipment operators (or pole cat equivalent)	9.62		3%		4%
Line truck driver (winch op)	8.71		3%		4%
Jack hammerman	7.93		3%		4%
Powdermen	9.62		3%		4%
Groundmen, 1st year	5.51		3%		4%
Groundmen	7.07		3%		4%
Truck driver (flat bed, ton and half and under)	7.55		3%		4%
MARBLE SETTERS	10.05		.30		
PAINTERS:					
Brush and roller	8.40		.25	.70	.05
Brush & roller (structural steel)	8.65		.25	.70	.05
Spray	9.05		.25	.70	.05
Swing stage, bosun chair work	8.65		.25	.70	.05
Taping & bedding (hand tools)	8.70		.25	.70	.05
Sandblasting	8.75		.25	.70	.05
PLASTERERS	8.85				
PLUMBERS & PIPEFITTERS	11.67	.60	.85		.10
POWER EQUIPMENT OPERATORS:					
GROUP I	11.25	.45	.50		.12
GROUP II	11.00	.45	.50		.12
GROUP III	10.75	.45	.50		.12
GROUP IV	10.50	.45	.50		.12
GROUP V	10.25	.45	.50		.12
GROUP VI	10.00	.45	.50		.12
GROUP VII	9.75	.45	.50		.12
GROUP VIII	9.35	.45	.50		.12
GROUP IX	8.75	.45	.50		.12
GROUP X	8.75	.45	.50		.12
GROUP XI	8.75	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 250' of boom or over (including jib)
GROUP II - All crane type equipment with 200' of boom or over (including jib)
GROUP III - All crane type equipment with 150 - 200' of boom (including jib)
GROUP IV - All crane type equipment with 100 - 150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg.), sideboom (booms 30' and over), guy derrick
GROUP V - Heavy duty mechanic, welder, crane-hood and overhead monorail, whirley, panel board, batch plant operator, piledriver engineer, dragline, shovel, clam-shell, backhoe (3/4 yd and over); sideboom (under 30'), gradeall, hydro crane, cherry picker, hoist while operating 2 or more drums, boists while doing stacks and chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP VI - Motor petrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21 and similar rubber tired equipment, euclid, TS-24 and similar, loader operator or Hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump-boom type - engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications
GROUP VII - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5; 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pumps, battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with a-frame, roller, all types, outside elevator or building type of personnel, hoist, concrete buster or tamper, heaters under juriadiction of operating engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, conveyor-operator duel, continous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines -- Engineers for machines not listed under the above classifications shall receive the scale comparable to those classifications
GROUP VIII - Greaser, tilt top trailer operator
GROUP IX - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (1or 2), fuelman, conveyor operator-single-continous belt bulk handling
GROUP X - Asphalt lay machine back end man, mechanic helper and welder helper
GROUP XI - Truck crane oiler driver or track crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	9.65	.60	.25		.04
SHEET METAL WORKERS	10.82	.50	.84		.07
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	9.60	.50		.25	.03
SPRINKLER FITTERS	11.60	.75	1.05		.08
TERRAZZO WORKERS:					
Terrazzo workers	10.73		.30		
Terrazzo workers finishers	6.98				
Terrazzo workers floor machine operator	7.08				
Terrazzo base machine operator	7.28				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE LAYERS	10.73		.30		
TILE & MARBLE HELPERS (EXPER.)	6.65				
TRUCK DRIVERS:					
Group I	6.92				
Group II	6.92				
Group III	6.62				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Truck drivers for heavy equipment such as lowboys, heavy winch & floats
GROUP II - Heavy earth moving equipment such as dump trucks and euclids
GROUP III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks

WELDERS - receive rate prescribed for craft to which welding is incidental
FOOTNOTES:
a - 1st 6 mos. to 5 yrs. 6%; over 5 yrs. 8% of basic hourly rate
b - Paid Holidays, A through F
PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Garfield
DECISION NO.: OK79-4024 DATE: Date of Publication
SUPERSEDES DECISION NO. OK78-4060 dated June 16, 1978 in 43 FR 26263
DESCRIPTION OF WORK: Building Construction (but does not including single family homes and garden type apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.75	.45	1.00		.02
BOILERMAKERS	10.55	.80	1.00		.02
BRICKLAYERS-Stonemasons	9.20		.30		
CARPENTERS:					
Carpenters	8.35	.45	.25		.05
Millwrights-Piledrivermen	9.90	.45	.60		.09
CEMENT MASONS	7.50				
ELECTRICIANS:					
ZONE I	11.35	.70	3%+.50		1%
ZONE II	11.60	.70	3%+.50		1%
ZONE III	11.85	.70	3%+.50		1%
CABLE SPLICERS:					
ZONE I	11.60	.70	3%+.50		1%
ZONE II	11.85	.70	3%+.50		1%
ZONE III	12.10	.70	3%+.50		1%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

Zone I - the area within the twelve mile radius of the main Post Office located in the City of Enid.
Zone II - the area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area.
Zone III - the area outside zone 1 and 2 within the local union area.

ELEVATOR CONSTRUCTORS	10.11	.545	.35	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary)	50%JR				
GLAZIERS	9.30				
IRONWORKERS	10.60	.45	.65		.12
LABORERS:					
Group I	6.15	.25	.40		
Group II	6.40	.25	.40		
Group III	7.00	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handlin of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tenders; and common laborers.

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher-helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping teating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machine, and gunite mixing machines, including placing of concrete, handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previouly used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating and sand blaster, except nozzle; signal men cutting torch operators in connection with laborers' work; concrete grader

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	10.60		3%		½%
Cable splicers	11.29		3%		½%
Hole digger operator	9.62		3%		½%
Heavy equipment operators (or pole cat equivalent)	9.62		3%		½%
Line truck driver (winch op.)	8.71		3%		½%
Jack hammerman	7.93		3%		½%
Powdermen	9.62		3%		½%
Groundman	7.07		3%		½%
Truck driver (flat bed, ton and half and under)	7.55		3%		½%
MARBLE SETTERS	10.05		.30		
PAINTERS:					
Group I	6.25				
Group II	6.75				
Group III	7.75				
Group IV	7.25				
Group V	7.60				
Group VI	8.25				
Group VII	8.60				

PAINTERS CLASSIFICATION DEFINITIONS

Group I - Brush and tapers
Group II - Sandblaaterers
Group III - Swinging stage or chair up to 40 ft.; structural steel; tanks and towers 25 ft. and up to 40 feet (brush paid from ground)
Group IV - Sandblasters, on work over 40 ft. (paid from ground)
Group V - Spray painting
Group VI - Swinging stage or chair over 40 feet
Group VII - Spray painting, swinging stage or chair over 40 feet structural steel and over 40 feet paid from ground

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	11.25	.45	.50		.12
GROUP II	11.00	.45	.50		.12
GROUP III	10.75	.45	.50		.12
GROUP IV	10.50	.45	.50		.12
GROUP V	10.25	.45	.50		.12
GROUP VI	10.00	.45	.50		.12
GROUP VII	9.75	.45	.50		.12
GROUP VIII	9.35	.45	.50		.12
GROUP IX	8.75	.45	.50		.12
GROUP X	8.75	.45	.50		.12
GROUP XI	8.75	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 250' of boom or over (including jib)
GROUP II - All crane type equipment with 200' of boom or over (including jib)
GROUP III - All crane type equipment with 150 - 200' of boom (including jib)
GROUP IV - All crane type equipment with 100 - 150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg.), sideboom (booms 30' and over), guy derrick
GROUP V - Heavy duty mechanic, welder, crane-hood and overhead monorail, whirley, panel board, batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe (3/4 yd and over); sideboom (under 30'), gradeall, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stacks and chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
GROUP VI - Motor patrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper tyoe equipment, tournapull, DW 10, 15, 16, 20, 21 and similar rubber tired equipment, euclid, TS-24 and similar, loader operator or Hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump-boom type - engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP VII - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pumps, battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with a-frame, roller, all types, outside elevator or building type of peraonnel, boist, concrete buster or tamper, heaters under jurisdiction of operating engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, conveyor-operator duel, continous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines -- Engineers for machines not listed under the above classifications shall receive the scale comparable to those classifications
GROUP VIII - Greaser, tilt top trailer operator
GROUP IX - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (lor 2), fuelman, conveyor operator-single-continous belt bulk handling
GROUP X - Asphalt lay machine back end man, mechanic helper and welder helper
GROUP XI - Truck crane oiler driver or track crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	9.65	.60	.25		.04
SHEET METAL WORKERS	10.82	.40	.84		.07
SOFT FLOOR LAYERS (RESILIENT FLOOR LAYERS & CARPET LAYERS)	9.10	.50		.25	.03
SPRINKLER FITTERS	11.60	.75	1.05		.08
TERRAZZO WORKERS	10.05		.30		
TERRAZZO WORKERS FINISHERS	6.98				
TERRAZZO WORKERS FLOOR MACHINE OPERATOR	7.08				
TERRAZZO WORKERS BASE MACHINE OP.	7.28				
TILE LAYERS	10.05		.30		
TILE & MARBLE EXPERIENCED FINISHERS	6.65				
TRUCK DRIVERS:					
Group I	6.92				
Group II	6.92				
Group III	6.62				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Truck drivers for heavy equipment such as lowboys, heavy winch & floats
GROUP II - Heavy earth moving equipment such as dump trucks and euclids
GROUP III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks

WELDERS - receive rate prescribed for craft to which welding is incidental
FOOTNOTES:
a - 1st 6 mos. to 5 yrs. 6%; over 5 yrs. 8% of basic hourly rate
b - Paid Holidays, A through F
PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Northampton
DECISION NO.: PA79-3001 DATE: Date of Publication
Supersedes Decision No. PA77-3124, dated September 9, 1977, in 41FR 45618.
DESCRIPTION OF WORK: Building construction, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	11.21	.87	.90		.01
Boilermakers	13.775	1.075	1.00		.02
Bricklayers & Stonemasons	11.19	.60	.66		.01
Carpenters	10.70	.64	.72		.01
Cement Masons	10.69	.60	.60		.01
Electricians:					
Allen, Hanover, Lehigh, Bath, Freemansburg, Hellertown and Bethlehem	11.25	.50	3%+.80		.02
Remainder of County	11.80	7%	3%+1.00		.02
Glaziers	9.19	.40	.40		.01
Ironworkers	12.45	1.14	1.36		
Laborers:					
Laborers & Window Cleaners	7.55	.62	.59		
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools coming under the jurisdiction of laborers, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for the same and cofferdams (below lo')	7.80	.62	.59		
Wagon drills and men handling burning torches in the wrecking of buildings	8.30	.62	.59		
Plaster and mason tenders, scaffold builders and handling of all materials to be used by plasterers and masons, brick and block loaded on pallets, cement finisher tenders, gunniting and molded-D and sandblaster helpers, power buggies, all floor hardner and "cure" application shall be the work of the mason tender. All pump such as the concrete, plaster,					

DECISION NO. PA79-3001 Page 2

Laborers Cont'd.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mortar and water, installing plastic or other non-solid refractory materials in connection with the boiler work	7.95	.62	.59		
Barko Tamper Operator	8.57	.62	.59		
Lathers	10.61	.65	.35		.01
Lead burners	10.75	.40	.25	b	.01
Line Construction:					
Linemen	13.12	.45	3%		3/8 of 1%
Cable Splicer	13.12	.45	3%		3/8 of 1%
Groundman	7.87	.45	3%		3/8 of 1%
Winch truck operator	9.18	.45	3%		3/8 of 1%
Millwrights	11.10	.64	.72		.01
Painters (Bethlehem):					
Brush	8.95	1.23	.70		
Structural Steel	9.95	1.23	.70		
Spray	9.95	1.23	.70		
Painters, Remainder of County:					
Brush	9.30	1.00	.60		
Structural Steel	10.05	1.00	.60		
Spray	11.01	1.00	.60		
Piledrivermen	11.12	2.32	1.35	a	.12
Plasterers	10.50	.60	.66		.01
Plumbers	12.37	.81	1.30		.14
Roofers, Composition, Slate & Tile	11.78		1.05		
Roofers, Helpers	7.21		1.05		
Sheet Metal Workers	10.47	1.40	1.18		.13
Soft Floor Layers	9.30	.44	.72	.45	
Sprinkler Fitters	12.31	.75	1.05		.08
Steamfitters	12.26	.80	1.45		.01
Terrazzo Workers	10.09	.60	.66		.01
Truck Drivers:					
Class I					
Helper, Stake Body Truck (single axle), Dumpster	8.97				

DECISION NO.: PA79-3001 Page 3

Truck Drivers (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class II					
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	9.04				
Class III					
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	9.53				

Welder - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day and Christmas Day.

b. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceeding and following the holiday.

DECISION NO. PA79-3001 Page 4

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. T.
GROUP 1	$12.46	7%	10.3%	a	1.8%
GROUP 2	12.15	7%	10.3%	a	1.8%
GROUP 3	11.28	7%	10.3%	a	1.8%
GROUP 4	10.51	7%	10.3%	a	1.8%
GROUP 5	10.04	7%	10.3%	a	1.8%
GROUP 6	9.13	7%	10.3%	a	1.8%
GROUP 7	12.69	7%	10.3%	a	1.8%
GROUP 7-A	12.94	7%	10.3%	a	1.8%
GROUP 7-B	13.18	7%	10.3%	a	1.8%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (conorete) drills, self-contained rotary drills; fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, conorete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: South Carolina
DECISION NO: SC79-1016
Supersedeas Decision No.: SC77-1070 dated May 20, 1977 in 42 FR-26182
DESCRIPTION OF WORK: Building Construction (does not included single family homes and garden type apartments up to and including 4 stories).

Counties: See Below*
DATE: Date of Publication

*Beaufort Colleton, Hampton, and Jasper

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.99				
Bricklayers	5.50				
Carpenters	5.22				
Cement masons	4.63				
Electricians	5.00				
Ironworkers	5.25				
Laborers	3.05				
Painters, brush	5.00				
Plasterers	6.00				
Plumbers	4.03				
Roofers	5.50				
Sheet metal workers (Beaufort Co.)	6.85	.30	.15		.02
Sheet metal workers (remainder of Counties.)	5.53				
Sprinkler fitters	8.25	.75	1.05		.08
Tile setters	6.00				
Truck drivers	3.32				
Welders - receive rate for craft.					
POWER EQUIPMENT OPERATORS:					
Bulldozers	3.73				
Cranes, derricks, draglines	6.63				
Roller operator	4.38				

SUPERSEDEAS DECISION

STATE: South Carolina
DECISION NUMBER: SC79-1020
Supersedes Decision No.: SC77-1019 dated February 11, 1977 in 42 FR 8900.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: *See below*
DATE: Date of Publication

*Counties: Chester, Chesterfield, Fairfield, Kershaw, and Lancaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANIC	$5.14				
BRICKLAYERS	6.50				
CARPENTERS	5.00				
CEMENT MASONS	5.00				
ELECTRICIANS	6.13				
IRONWORKERS, structural and ornamental	6.90				
LABORERS	3.02				
PAINTERS, brush	3.50				
PLUMBERS & Pipefitters	5.50				
ROOFERS	5.60				
SHEET METAL WORKERS	5.00				
SPRINKLER FITTERS (Fairfield & Kershaw Counties)	8.25	.75	1.05		.08
TILE SETTERS	5.75				
TRUCK DRIVERS	3.06				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	3.95				
Front end loader	3.40				
Luteman	3.45				
Motor grader	4.23				
Roller	3.50				

[FR Doc. 79-3235 Filed 2-1-79; 8:45 am]

federal register

FRIDAY, FEBRUARY 2, 1979
PART IV



DEPARTMENT OF JUSTICE

Parole Commission

PROCEDURE GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION

and

PROCEDURE GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

V 4 4 / 2 4 F E 2 7 9 UMI

[4410-01-M]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 4—PROCEDURE GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION

PART 4a—PROCEDURE GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: This document revises the Commission's Rules that govern the filing of applications for exemptions from statutory provisions barring convicted persons from holding positions of responsibility in labor unions, employee benefit plans, and similar organizations. These provisions may be found in the Labor-Management Reporting and Disclosure Act of 1959 and the Employee Retirement Income Security Act of 1974. The purpose of this revision is to consolidate two sets of similar rules, while making some additional clarifications of language. In addition, the revised rule reduces the amount of paperwork required for filing.

EFFECTIVE DATE: March 5, 1979.

FOR FURTHER INFORMATION, CONTACT:

Herman Levy, Office of the General Counsel, U.S. Parole Commission, 320 First Street, Northwest, Washington, D.C. 20537; Phone (202) 724-1991.

SUPPLEMENTAL INFORMATION: The present rules for applications under the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) are found at 28 CFR Part 4. The present rules for applications under the Employee Retirement Income Security Act (29 U.S.C. 1111) are found at 28 CFR Part 4a. This revision of Part 4 will result in the deletion of Part 4a.

Accordingly, pursuant to 18 U.S.C. section 4203(a)(1), Pub. L. 94-233 (1976) section 12, 29 U.S.C. section 504, 29 U.S.C. section 526, 29 U.S.C. section 1111, and 29 U.S.C. section 1137, Title 28, Code of Federal Regulations, is amended as set forth below.

PART 4A [DELETED]

1. Title 28, Code of Federal Regulations, Part 4a, is deleted in its entirety.

2. Text of Regulations—Part 4 is revised to read:

PART 4—PROCEDURE GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION UNDER THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, AND THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

Sec.

4.1 Definitions.
4.2 Who may apply for Certificate of Exemption.
4.3 Contents of application.
4.4 Supporting affidavit; additional information.
4.5 Character endorsements.
4.6 Institution of proceedings.
4.7 Notice of hearing; postponements.
4.8 Hearing.
4.9 Representation.
4.10 Waiver of oral hearing.
4.11 Appearance; testimony; cross-examination.
4.12 Evidence which may be excluded.
4.13 Record for decision. Receipt of documents comprising record; timing and extension.
4.14 Administrative law judge's recommended decision; exceptions thereto; oral argument before Commission.
4.15 Certificate of Exemption.
4.16 Rejection of application.
4.17 Availability of decisions.

AUTHORITY: Secs. 504, 606, 73 Stat. 536, 540 (29 U.S.C. 504, 526); and Secs. 411, 507a, 88 Stat. 887, 894 (29 U.S.C. 1111, 1137).

CROSS REFERENCE: For Organization Statement, U.S. Parole Commission, see Subpart V of Part O of this chapter.

§ 4.1 Definitions.

As used in this part:

(a) "Labor Act" means the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519).

(b) "Pension Act" means the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406) (88 Stat. 829).

(c) "Acts" means both of the above statutes.

(d) "Commission" means the United States Parole Commission.

(e) "Secretary" means the Secretary of Labor or his designee.

(f) For proceedings under the "Labor Act"

(1) "Employer" means the labor organization, or person engaged in an industry or activity affecting commerce, or group or association of employers dealing with any labor organization, which an applicant under § 4.2 desires to serve in a capacity for which he is ineligible under section 504(a) of the "Labor Act".

(2) All other terms used in this part shall have the same meaning as identical or comparable terms when those terms are used in the "Labor Act".

(g) For proceedings under the "Pension Act"

(1) "Employer" means the employee benefit plan with which an applicant under § 4.2 desires to serve in a capacity for which he is ineligible under section 411(a) of the "Pension Act" (29 U.S.C. section 1111).

(2) All other terms used in this part shall have the same meaning as identical or comparable terms when those terms are used in the "Pension Act".

§ 4.2 Who may apply for Certificate of Exemption.

Any person who has been convicted of any of the crimes enumerated in section 504(a) of the "Labor Act" whose service, present or prospective, as described in that section is or would be prohibited by that section because of such a conviction or a prison term resulting therefrom; or any person who has been convicted of any of the crimes enumerated in section 411(a) of the "Pension Act" (29 U.S.C. section 1111) whose service, present or prospective, as described in that section is or would be prohibited by that section because of such a conviction or a prison term resulting therefrom, may apply to the Commission for a Certificate of Exemption from such a prohibition under the applicable Act.

§ 4.3 Contents of application.

A person applying for a Certificate of Exemption shall file with the Office of General Counsel, U.S. Parole Commission, 320 First St., NW., Washington, D.C. 20537, a signed application under oath, in seven copies, which shall set forth clearly and completely the following information:

(a) The name and address of the applicant and any other names used by the applicant and dates of such use.

(b) A statement of all convictions and imprisonments which prohibit the applicant's service under the provisions of the applicable Act.

(c) Whether any citizenship rights were revoked as a result of conviction or imprisonment and if so the name of the court and date of judgment thereof and the extent to which such rights have been restored.

(d) The name and location of the employer and a description of the office or paid position, including the duties thereof, for which a Certificate of Exemption is sought.

(e) A full explanation of the reasons or grounds relied upon to establish that the applicant's service in the office or employment for which a Certificate of Exemption is sought would not be contrary to the purposes of the applicable Act.

(f) A statement that the applicant does not, for the purpose of the proceeding, contest the validity of any conviction.

§ 4.4 Supporting affidavit; additional information.

(a) Each application filed with the Commission must be accompanied by a signed affidavit, in 7 copies, setting forth the following concerning the personal history of the applicant:

(1) Place and date of birth. If the applicant was not born in the United States, the time of first entry and port of entry, whether he is a citizen of the United States, and if naturalized, when, where and how he became naturalized and the number of his Certificate of Naturalization.

(2) Extent of education, including names of schools attended.

(3) History of marital and family status, including a statement as to whether any relatives by blood or marriage are currently serving in any capacity with any employee benefit plan, or labor organization, group or association of employers dealing with labor organizations or industrial labor relations group, or currently advising or representing any employer with respect to employee organizing, concerted activities, or collective bargaining activities.

(4) Present employment, including office or offices held, with a description of the duties thereof.

(5) History of employment, including military service, in chronological order.

(6) Licenses held, at the present time or at any time in the past five years, to possess or carry firearms.

(7) Veterans' Administration claim number and regional office handling claim, if any.

(8) A listing (not including traffic offenses for which a fine of not more than $25 was imposed or collateral of not more than $25 was forfeited) by date and place of all arrests, convictions for felonies, misdemeanors, or offenses and all imprisonment or jail terms resulting therefrom, together with a statement of the circumstances of each violation which led to arrest or conviction.

(9) Whether applicant was ever on probation or parole, and if so the names of the courts by which convicted and the dates of conviction.

(10) Names and locations of all employee benefit plans, labor organizations or employer groups with which the applicant has ever been associated or employed, and all employers or employee benefit plans which he has advised or represented concerning employee organizing, concerted activities, or collective bargaining activities, together with a description of the duties performed in each such employment or association.

(11) A statement of applicant's net worth, including all assets held by him or in the names of others for him, the amount of each liability owed by him or by him together with any other person and the amount and source of all income during the immediately preceding five calendar years plus income to date of application.

(12) Any other information which the applicant feels will assist the Commission in making its determination.

(b) The Commission may require of the applicant such additional information as it deems appropriate for the proper consideration and disposition of his application.

§ 4.5 Character endorsements.

Each application filed with the Commission must be accompanied by letters or other forms of statement (in three copies) from six persons addressed to the Chairman, U.S. Parole Commission, attesting to the character and reputation of the applicant. The statement as to character shall indicate the length of time the writer has known applicant, and shall describe applicant's character traits as they relate to the position for which the exemption is sought and the duties and responsibilities thereof. The statement as to reputation shall attest to applicant's reputation in his community or in his circle of business or social acquaintances. Each letter or other form of statement shall indicate that it has been submitted in compliance with procedures under the respective Act and that applicant has informed the writer of the factual basis of his application. The persons submitting letters or other forms of statement shall not include relatives by blood or marriage, prospective employers, or persons serving in any official capacity with an employee benefit plan, labor organization, group or association of employers dealing with labor organizations or industrial labor relations group.

§ 4.6 Institution of proceedings.

All applications and supporting documents received by the Commission shall be reviewed for completeness by the Office of General Counsel of the Parole Commission and if complete and fully in compliance with the regulations of this part the Office of General Counsel shall accept them for filing. Applicant and/or his representative will be notified by the Office of General Counsel of any deficiency in the application and supporting documents. The amount of time allowed for deficiencies to be remedied will be specified in said notice. In the event such deficiencies are not remedied within the specified period or any extension thereof, granted after application to the Commission in writing within the specified period, the application shall be deemed to have been withdrawn and notice thereof shall be given to applicant.

§ 4.7 Notice of hearing; postponements.

Upon the filing of an application, the Commission shall: (a) set the application for a hearing on a date within a reasonable time after its filing and notify the applicant of such date by certified mail; (b) give notice, as required by the respective Act, to the appropriate State, County, or Federal prosecuting officials in the jurisdiction or jurisdictions in which the applicant was convicted that an application for a Certificate of Exemption has been filed and the date for hearing thereon; and (c) notify the Secretary that an application has been filed and the date for hearing thereon and furnish him copies of the application and all supporting documents. Any party may request a postponement of a hearing date in writing from the Office of General Counsel at any time prior to ten (10) days before the scheduled hearing. No request for postponement other than the first for any party will be considered unless a showing is made of cause entirely beyond the control of the requester. The granting of such requests will be within the discretion of the Commission. In the event of a failure to appear on the hearing date as originally scheduled or extended, the absent party will be deemed to have waived his right to a hearing. The hearing will be conducted with the parties present participating and documentation, if any, of the absent party entered into the record.

§ 4.8 Hearing.

The hearing on the application shall be held at the offices of the Commission in Washington, D.C., or elsewhere as the Commission may direct. The hearing shall be held before the Commission, before one or more Commissioners, or before one or more administrative law judges appointed as provided by section 11 of the Administrative Procedure Act (5 U.S.C. 3105) as the Commission by order shall determine. Hearings shall be conducted in accordance with sections 7 and 8 of the Administrative Procedure Act (5 U.S.C. 556, 557).

§ 4.9 Representation.

The applicant may be represented before the Commission by any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State or territory of the United States, or the District of Columbia, and who is not under any order of any court suspending, enjoining, restraining, or disbarring him from, or otherwise restricting him in, the practice of law. Whenever a person acting in a representative capacity appears in person or signs a paper in practice before the Commission, his personal

appearance or signature shall constitute a representation to the Commission that under the provisions of this part and applicable law he is authorized and qualified to represent the particular person in whose behalf he acts. Further proof of a person's authority to act in a representative capacity may be required. When any applicant is represented by an attorney at law, any notice or other written communication required or permitted to be given to or by such applicant shall be given to or by such attorney. If an applicant is represented by more than one attorney, service by or upon any one of such attorneys shall be sufficient.

§ 4.10 Waiver of oral hearing.

The Commission upon receipt of a statement from the Secretary that he does not object, and in the absence of any request for oral hearing from the others to whom notice has been sent pursuant to § 4.7 may grant an application without receiving oral testimony with respect to it.

§ 4.11 Appearance; testimony; cross-examination.

(a) The applicant shall appear and, except as otherwise provided in § 4.10, shall testify at the hearing and may cross-examine witnesses.

(b) The Secretary and others to whom notice has been sent pursuant to § 4.7 shall be afforded an opportunity to appear and present evidence and cross-examine witnesses, at any hearing.

(c) In the discretion of the Commission or presiding officer, other witnesses may testify at the hearing.

§ 4.12 Evidence which may be excluded.

The Commission or officer presiding at the hearing may exclude irrelevant, untimely, immaterial, or unduly repetitious evidence.

§ 4.13 Record for decision. Receipt of documents comprising record; timing and extension.

(a) The application and all supporting documents, the transcript of the testimony and oral argument at the hearing, together with any exhibits received and other documents filed pursuant to these procedures and/or the Administrative Procedures Act shall be made parts of the record for decision.

(b) At the conclusion of the hearing the presiding officer shall specify the time for submission of proposed findings of fact and conclusions of law (unless waived by the parties); transcript of the hearing, and supplemental exhibits, if any. He shall set a tentative date for the recommended decision based upon the timing of these preliminary steps. Extensions of time may be requested by any party, in writing, from the Parole Commission. Failure of any party to comply with the time frame as established or extended will be deemed to be a waiver on his part of his right to submit the document in question. The adjudication will proceed and the absence of said document and reasons therefor will be noted in the record.

§ 4.14 Administrative law judge's recommended decision; exceptions thereto; oral argument before Commission.

Whenever the hearing is conducted by an administrative law judge, at the conclusion of the hearing he shall submit a recommended decision to the Commission, which shall include a statement of findings and conclusions, as well as the reasons therefor. The applicant, the Secretary and others to whom notice has been sent pursuant to § 4.7 may file with the Commission, within 10 days after having been furnished a copy of the recommended decision, exceptions thereto and reasons in support thereof. The Commission may order the taking of additional evidence and may request the applicant and others to appear before it. The Commission may invite oral argument before it on such questions as it desires.

§ 4.15 Certificate of Exemption.

The applicant, the Secretary and others to whom notice has been sent pursuant to § 4.7 shall be served a copy of the Commission's decision and order with respect to each application. Whenever the Commission decision is that the application be granted, the Commission shall issue a Certificate of Exemption to the applicant. The Certificate of Exemption shall extend only to the stated employment with the prospective employer named in the application.

§ 4.16 Rejection of application.

No application for a Certificate of Exemption shall be accepted from any person whose application for a Certificate of Exemption has been withdrawn, deemed withdrawn due to failure to remedy deficiencies in a timely manner, or denied by the Commission within the preceding 12 months.

§ 4.17 Availability of decisions.

The Commission's Decisions under both Acts are available for examination in the Office of the U.S. Parole Commission, 320 First Street, NW., Washington, D.C. 20537. Copies will be mailed upon written request to the Office of General Counsel, U.S. Parole Commission, at the above address at a cost of ten cents per page.

Dated: January 26, 1979.

CECIL C. MCCALL,
Chairman,
United States Parole Commission.

[FR Doc. 79-3641 Filed 2-1-79; 8:45 am]

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Advance Orders are now Being Accepted for Delivery in About 6 Weeks

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1978)

Quantity	Volume	Price	Amount
_____	Title 31—Money and Finance: Treasury	$6.25	$_____
_____	Title 32—National Defense (Parts 700 to 799)	6.00	_____
_____	Title 36—Parks, Forests, and Public Property	5.00	_____
_____	Title 40—Protection of Environment (Parts 100 to 399)	5.50	_____
_____	Title 41—Public Contracts and Property Management (Chapters 1 and 2)	6.50	_____

Total Order $_____

[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

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	LABOR			LABOR
	HEW/FDA			HEW/FDA

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Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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By the President of the United States of America

A Proclamation

Since its founding in 1881, the American Red Cross has had one basic purpose: The concern for others in distress. Indicative of this concern is the fact that over five million people successfully completed Red Cross safety courses last year. Many of them received instructions in cardiopulmonary resuscitation and first aid techniques for choking. Exemplifying this concern is the Certificate of Merit, which is presented to our fellow Americans who have saved or sustained a human life with the skills learned in a Red Cross first aid, small craft or water safety training program. Since 1928, well over 6,000 persons have received this award.

The Red Cross also operates its Blood Services, which collects and processes half of the supply of blood needed by the Nation's medical facilities. Red Cross is continuously seeking new and more economical uses for blood and blood products. And there is always a need for more volunteer blood donors to meet the ever-increasing need for this lifesaving gift.

The Red Cross serves members of the armed forces, their families and veterans through financial assistance, counselling and emergency communications. Thousands of disaster victims each year receive a variety of Red Cross services, including emergency food, shelter and clothing, first aid and medical help, replacement of occupational tools and other vital services.

And Red Cross volunteers may be found each day performing compassionate, personal tasks to aid the elderly, the handicapped and the homebound. Young people develop leadership skills as they assist in Red Cross programs in their schools and communities.

Each year, March is observed as Red Cross Month. Although the American Red Cross works closely with government, there are no Federal funds appropriated for its support. The Red Cross depends upon the American people for membership and voluntary contributions to carry out the functions of its Congressional Charter.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America and Honorary Chairman of the American Red Cross, designate March 1979, as Red Cross Month. I urge all Americans to give generous support to the work of their local Red Cross chapter.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

[FR Doc. 79-3980
Filed 2-1-79; 2:31 pm]

Billing code 3195-01-M

EDITORIAL NOTE: The President's memorandum for the heads of executive departments and agencies, dated Feb. 1, 1979, on Red Cross Month, is printed in the Weekly Compilation of Presidential Documents (vol. 15, no. 5).

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 959—ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses for the functioning of the South Texas Onion Committee. It will enable the committee to collect assessments from first handlers on all assessable onions and to use the resulting funds for its expenses.

EFFECTIVE DATE: During fiscal period ending July 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in South Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the committee, established under the marketing order, and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments, engage in public rulemaking procedure, and that good cause exists for not postponing the effective date until 30 days after publication (5 U.S.C. 553), as the order requires that the rate of assessment for a particular fiscal period shall apply to all assessable onions handled from the beginning of such period. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the committee. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

This regulation has not been determined significant under USDA criteria for implementing Executive Order 12044.

The regulation is as follows:

§ 959.218 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1979, by the South Texas Onion Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $126,632.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be two cents ($0.02) per 50-pound container or equivalent quantity, of onions handled by him as the first handler thereof during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).)

Dated: January 30, 1979.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-3810 Filed 2-2-79; 8:45 am]

[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

[Docket No. ERA-R-77-6]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Guidelines for Including Petroleum Substitutes in the Entitlements Program

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Adoption of Guidelines.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") hereby adopts guidelines to be used in submitting and evaluating applications for inclusion of liquid petroleum substitutes in the entitlements program under the provisions of 10 CFR 211.67(a)(5).

FOR FURTHER INFORMATION CONTACT:

William Webb (Office of Public Information), Economic Regulatory Administration, Room 110-B, 2000 M Street NW., Washington, D.C. 20461, (202) 634-2170.

David A. Welsh (Entitlements Program Office), Economic Regulatory Administration, Room 6125, 2000 M Street NW., Washington, D.C. 20461, (202) 254-3336.

Jack O. Kendall (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6749.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose.
II. Discussion of Comments.

I. Background and Purpose

On May 12, 1978, the ERA issued a final rule which amended the Mandatory Petroleum Allocation Regulations to include liquid synthetic fuels in the entitlements program (43 FR 21429, May 18, 1978). The purpose of the final rule was to eliminate the inconsistencies that had previously existed in the regulations regarding the differ-

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ing treatment under the entitlements program of synthetic liquid fuels and imported crude oil. This inconsistency was intended to be redressed by providing for the issuance of entitlements with respect to certain synthetic fuels, thus allowing these synthetic fuels to receive the same treatment under the program that imported crude oil receives.

The final rule provides that shale oil produced from domestic oil shale and used in a refinery as a feedstock or fuel automatically will receive entitlement benefits on the same per barrel basis as crude oil. The rule also provides that the ERA may, on a case-by-case basis, grant entitlements benefits for liquid petroleum substitutes produced from domestic sources of biomass, coal, solid waste, and tar sands, as well as shale oil used outside a refinery, to promote the development of petroleum substitutes from non-petroleum domestic resources and thus reduce our dependence on imported crude oil.

On August 24, 1978, the ERA issued proposed guidelines to be used in the evaluation of applications for designation as a producer, marketer, or consumer of a petroleum substitute (43 FR 38844, August 31, 1978). The purpose of that notice was to propose and receive public comments on the guidelines. The purpose of this notice is to discuss those comments and to advise the public of our adoption of the guidelines appended to this notice.

The guidelines are intended to advise potential applicants as to the general procedures and criteria that will be applied in determining when and how the ERA will provide for entitlement issuances with respect to a petroleum substitute. They are not intended to create any fixed and absolute rules. The criteria established in the guidelines are intended to operate as flexible decisional standards, and the ultimate determination of whether or not entitlement issuances should be provided will depend upon all the relevant facts and circumstances of the particular case.

II. Discussion of Comments

There were a total of twenty-three (23) comments submitted on the guidelines. The majority of the comments favored the inclusion of liquid petroleum substitutes under the entitlements program.

Two main questions were raised in a number of comments. First, eleven of the twenty-three commenters stated that the guidelines should be expanded to included both soild and gaseous petroleum substitutes, as well as liquid petroleum substitutes, within the program. However, we have concluded that to expand the guidelines to grant entitlements to other than liquid petroleum substitutes would be beyond the scope of the rule adopted on May 12, 1978, and would necessitate a change in the current rule which these guidelines are intended to implement. In the process of reviewing all comments and information available to us, we are attempting to determine the necessity for and benefits of such a regulatory modification.

The second area that generated substantial comment concerned the decisional criteria set forth in the guidelines for the evaluation of applications, specifically the criteria concerning "net energy gain" and "higher valued fuel." In particular, some commenters contended that the production of alcohol for blending into gasohol may involve a net energy loss and should therefore be excluded from the program. Others, however, contended that the alcohol is, when blended into gasohol, a higher-valued fuel than that consumed in the process of manufacture, and should therefore be included in the program. It is not our purpose, and it would not be appropriate, for us to make a broad categorical determination here concerning gasohol or any other liquid synthetic fuel. We intend to evaluate applications on a case-by-case basis, balancing the net energy gain or loss against the question of whether the process results in a higher-valued fuel, without precribing a particular priority among these potentially competing criteria. Our decisions will be based upon the exercise of sound discretion and will depend upon all of the relevant facts available to us at the time of the decision on the particular application. Therefore, no *a priori* categorical determination can or should be made with respect to whether a particular fuel should or should not receive entitlements. The guidelines adopted have therefore preserved our flexibility to decide these matters on the basis of the totality of the facts presented in a particular case. The flexibility of these guidelines will also provide for an ability on our part to respond to changing circumstances in the future.

We should also note that, in general, any grant of entitlements pursuant to this program would not be intended to create vested rights in the recipient to continue to receive entitlements, regardless of changes in relevant circumstances or in the general regulatory program. Prior grants would therefore in principle be subject to review and possible modification, if warranted.

A few commenters expressed the viewpoint that petroleum substitutes should not be included in the entitlements program at all. We believe, however, that the thrust of these comments is beyond the purposes and scope of this proceeding, which is to provide guidelines for the implementation of the final rule previously adopted.

Given that no other substantial objections or concerns were mentioned in the comments, and in view of the foregoing, the ERA is adopting the guidelines essentially as proposed, as set forth below.

Issued in Washington, D.C. January 19, 1979.

Hazel R. Rollins,
Deputy Administrator,
Economic Regulatory Administration.

Guidelines for Evaluation of Applications for Designation as a Producer, Marketer or Consumer of Petroleum Substitutes in the Entitlements Program

1. BACKGROUND AND PURPOSE

On May 12, 1978, the Economic Regulatory Administration (ERA) issued a final rule amending the Mandatory Petroleum Allocation Regulations to include petroleum substitutes[1] in the entitlements program (43 FR 21429, May 18, 1978). The final rule provides for the automatic inclusion in the entitlements program of petroleum substitutes made from domestic oil shale and used by a refiner in a domestic refinery as feedstock or fuel. The final rule also provides that the ERA may, *on a case-by-case basis,* grant entitlement benefits for petroleum substitutes made from domestic biomass, coal, solid waste or tar, sands, and for non-refinery uses of domestic shale oil. These guidelines set forth the procedures and criteria under which ERA will review each application and determine an applicant's eligibility to participate in the program.

2. WHO MAY APPLY

If you are currently producing a petroleum substitute, constructing a facility to produce a petroleum substitute, or planning, designing, or otherwise considering the development of a facility to produce a petroleum substitute from domestic biomass, coal, oil shale, solid waste, or tar sands, you may apply for designation as a producer of a petroleum substitute that is eligible to receive entitlements. If you are a marketer or consumer (including a refiner) of a petroleum substitute, you may apply for entitlements whenever the producer (and any other entity through which you directly or indirectly obtain the substitute) does not desire to apply. However, you must obtain and provide ERA with the written agreement of the producer and any other entity preceding you in the distribution chain not to claim entitlements with respect to such substitute. After review of the application, if ERA determines that the petroleum substitute qualifies for entitlements, it will designate the entity in the production and distribution chain that will participate in the entitlements program with respect to that petroleum substitute. The direct entitlement benefit will be given to only one member in the production and distribution chain, although other entities in the production and distribution chain may receive the benefits indirectly in their cost for raw materials or for the petroleum substitute. Each designee (whether a producer, marketer, or consumer of a petroleum substitute) will, if qualified, receive the entitlement benefits when the petroleum substitute is actually produced and sold or consumed as a petroleum substitute. Benefits will be granted only for the volume of petroleum substitute being sold or consumed by the designee.

[1] A petroleum substitute is any synthetic liquid fuel produced from designated domestic resources and used in the United States as a substitute for petroleum as a refinery feedstock, as a fuel blendstock, or as a fuel.

3. CONTENTS OF APPLICATION

The application will consist of a completed Form ERA-83 and any supplementary information requested in the instructions to the form.

4. WHERE TO MAIL YOUR APPLICATION

If you want ERA to designate you as a producer, marketer, or consumer of a petroleum substitute for inclusion in the entitlements program, submit a completed Form ERA-83 to the following address:

Economic Regulatory Administration, Fuels Regulation, Petroleum Substitutes, P.O. Box 19326, Washington, D.C. 20036.

5. CRITERIA FOR REVIEW OF APPLICATION

ERA will review applications to determine that each of the following criteria are met:

(a) *Liquid Form.* The petroleum substitute produced in the described process is in liquid form.

(b) *Source—Domestic.* The petroleum substitute produced must be derived from *domestic* sources of *biomass, coal, oil shale, solid waste,* or *tar sands.* Petroleum substitutes derived from oil shale and used by a refiner in a domestic refinery as feedstock or fuel are automatically included in the entitlements program and no application is needed. Under no conditions will imported supplies of biomass, coal, oil shale, tar sands or solid waste be considered eligible sources of petroleum substitutes for purposes of this program.[2]

(c) *Usage—Fuel, Feedstock.* Once produced the petroleum substitute must be consumed or marketed for consumption and used in one or more of the following manners before the ERA can designate it as a petroleum substitute:

(1) Refinery feedstock;
(2) Fuel blendstock;
(3) Boiler or engine fuel; or
(4) Any other direct use as a fuel.

(d) *Net Energy Gain and/or Higher-Valued Fuel.* The determination to grant the entitlements will be in part dependent upon whether production of the substitute results in a net gain of energy and/or whether the substitute is a higher-valued fuel than that consumed in the process. The description of the process by which the petroleum substitute is manufactured should demonstrate the relative energy value (in BTUs) of the petroleum substitute produced compared to the energy value (in BTUs) of the fuel consumed by the process. The process description should further demonstrate why the petroleum substitute produced is a higher-valued fuel than those fuels consumed in its production.

The primary factors in the determination of whether a fuel is a higher-valued fuel are: (1) The availability in the United States of the fuels consumed in production, and the degree of dependency of consumers upon such fuels; and (2) the availability in the United States of fuels which the petroleum substitute will supplant, and the degree of dependency of consumers upon such fuels. Fuels which are in short supply will ordinarily be considered higher-valued fuels, and consumption of substantial quantities of such fuels to manufacture the petroleum substitute will be less likely to result in a determination that the resultant product is a higher-valued fuel.

(e) *Environmental impact of the petroleum substitute.* You should identify the particular components of the petroleum substitute that differ from those of the crude oil-based fuel that the petroleum substitute will replace, and identify the incremental environmental effects of burning or evaporating the petroleum substitute or of its production. You should assess the environmental effects in light of the quantities and expected uses of the substitute. If prior studies or determinations concerning the environmental effects of the substitute have been made, you should provide a copy of the relevant portions of these studies or determinations. If you do not know the environmental effects of your project, indicate this in your application and ERA will assist you.

(f) *Petroleum substitution.* You should describe how, when and the circumstances under which the petroleum substitute will be substituted for the use of crude oil or refined petroleum products. A showing that such a substitution will occur is necessary in order to obtain entitlements benefits.

(g) *Who will receive entitlements benefits.* The entitlements benefits will be given to only one person, group, firm or corporate entity in the distribution chain from the producer of the petroleum substitute to the consumer of the final product. The producer of the petroleum substitute will in many cases be the recipient of the entitlements issuances, although the ERA may issue the entitlements to any refiner in the chain that is already a participant in the entitlements program for reasons of administrative simplicity.

(h) *Entitlement benefits.* Petroleum substitutes derived from oil shale, and petroleum substitutes having a gross heating value of 5.7 million BTUs or more per barrel, will receive entitlement benefits on the same per barrel basis as crude oil. For all other petroleum substitutes, entitlements will be granted to each barrel on the basis of the same ratio to a full entitlement as the gross per barrel heating value of the substitute bears to 5.7 million BTUs.

[2] Certain synthetic crude oil made from tar sands and imported from Canada is already included in crude oil runs to stills for purposes of the entitlements program. See 10 CFR 211.67(d)(3), and 40 FR 39847, August 29, 1975. However, petroleum substitutes made in the United States from imported tar sands are not included.

6. PROCESSING PROCEDURES

As the applicant, you must identify and notify all parties involved in the production and distribution chain of the substitute of the pendency of the application. If you are unable to identify all such parties, you should indicate this in the application. ERA reserves the right to make available to such parties copies of the application and supporting documentation (except to the extent that information contained therein may be withheld from the public under 5 U.S.C. 552(b)(4)), for the verification of any information submitted and the receipt of their views concerning the granting of the application. As the applicant, you must follow the general and formal filing procedures provided in Subpart G of Part 205 of Title 10 of the Code of Federal Regulations (10 CFR 205.9 and 205.90 *et seq.*). We recognize that some applicants may not have had any previous experience with government regulations. Consequently, our Office of Fuels Regulation will, in addition to receiving the applications, render assistance to any small enterprises that need help in completing these filing requirements.

Applicants must submit two copies of the application. One copy (the "confidential" version) should contain all relevant information. The other copy (the "non-confidential" version) should not contain any information which you believe is confidential or non-disclosable to the public under 5 U.S.C. 552(b)(4). ERA may consult with other offices of the Department of Energy or other agencies of the Federal or State governments on certain aspects of the application in order to verify the energy consumption or determine any potential environmental effects of the production process or the use of the substitute. ERA also reserves the right to make any additional consultations it deems necessary. Normally, the applicant will be advised of such consultations.

7. DECISIONS AND ORDERS

All decisions and orders will be issued by the Assistant Administrator for Fuels Regulation. All decisions and orders will set forth the relevant facts, the criteria applied, and the decision made, together with a concise statement of the analysis used in reaching the decision.

The order shall identify the recipient of the entitlement benefits (if granted) and shall specify the manner in which the amount of the entitlements will be determined.

A decision and order issued under this program may be appealed to the Office of Hearings and Appeals in accordance with the procedures set forth in 10 CFR 205.97 and 205.100 *et seq.*

[FR Doc. 79-3853 Filed 2-2-79; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 18142; Amdt. No. 11-16]

PART 11—GENERAL RULEMAKING PROCEDURES

Publication of Petitions for Rulemaking and for Exemptions in the Federal Register

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment prescribes procedures for the publication in the Federal Register, in each appropriate case, of (1) petitions, or sum-

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maries of petitions, for rulemaking or exemptions; (2) denials of petitions for rulemaking, and grants or denials of petitions for exemptions. The amendment enhances the public's ability to comment on any published petition, or summary of a petition. Public participation before the initiation of rulemaking procedures and in the exemption process, is expected to improve the quality of administrative decision making. Further, the publication of denials of petitions for rulemaking and grants or denials of petitions for exemptions should increase public awareness of agency actions. As a result, this amendment furthers the intent of Executive Order 12044. This amendment is not applicable to rules concerning airspace assignment and use and to petitions for medical exemptions.

EFFECTIVE DATE: March 20, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward P. Faberman, Regulations and Enforcement Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3073.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This amendment is based on a Notice of Proposed Rulemaking (Notice No. 78-10) published in the FEDERAL REGISTER on July 24, 1978 (43 FR 3936). That Notice invited comment by all interested persons. All persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matters presented.

This amendment is part of the FAA's continuing effort to expedite its rulemaking and exemption programs and to make them more responsive to the public. This amendment increases early public participation in the agency's rulemaking process and enhances public awareness of agency actions.

DISCUSSION OF COMMENTS

The FAA received twenty comments from members of the general public, aviation industry, organizations representing consumer groups, and organizations representing pilots and flight attendants. The majority of the comments received were on the overall rule. These comments will be discussed first with a discussion of comments received on specific sections of the amendment to follow.

Those in support of the proposal and their comments were the following:

Avco Lycoming Williamsport Division (Avco) states that they were in "full agreement" with the NPRM if it will facilitate FAA action. As to the publication of summaries, they stated that this "will fill a current gap in public information."

The County of Los Angeles Department of Consumer Affairs states "with regular publication and invitations to comment, the public will be provided with improved opportunity to express its thoughts * * *."

The Association of Flight Attendants (AFA) states that the FAA "is to be congratulated for its efforts to open its rulemaking procedure to the public."

The Air Line Pilots Association states that it concurs with the basic intent of the NPRM which is in keeping with the Administration's policies to increase public participation in the regulatory process.

The Town-Village Aircraft Safety & Noise Abatement Committee (Town-Village Committee) stated "it is gratifying to see that steps are being considered to let the public become aware of change at the beginning and not after it is too late to alter decisions."

Both the Council on Environmental Alternatives, Inc., and the Independent Federation of flight Attendants both "strongly" supported the proposal. Letters supporting the proposal were also received from New York State Department of Transportation (NYDOT), Aircraft Owners and Pilots Association (AOPA), Flight Engineers' International Association, Independent Union of Flight Attendants (IUFA) and Mr. Jay Lewin.

Those opposed to the proposal were the following:

M. Richard Berryman states that the proposal concerning exemptions would have the effect of interfering with the leasing of U.S.-registered aircraft to foreign carriers which would impede the optimum utilization of U.S. aircraft, detract from U.S. trade, and adversely impact the U.S. balance of payments.

Cathay Pacific Airways Limited (Cathay) states that as a result of the proposal, the FAA's existing timetable for processing exemptions would be lengthened which would lead to a severe reduction in the lease of U.S.-registered transport aircraft from U.S. sources. Itavia Airlines objected for a similar reason.

The New Hampshire Aeronautics Commission states that it is not in favor of any further enlargement of the FEDERAL REGISTER.

The Air Transport Association (ATA) states that the proposal is not adequately justified, would provide no significant improvement to the existing rulemaking process, would needlessly complicate the process for obtaining exemptions, and that it would cause additional delays to the current procedures.

The Aerospace Industries Association of America (AIA) states the information made available to the public is unlikely to provide a response from the public that will contribute to reasonable and objective rulemaking and exemptions and will have an adverse effect upon the exemption processing time.

In discussing these proposals, it must be noted that under current Part 11, individuals can submit comments on petitions for rulemaking and exemptions (14 CFR 11.31). Comments received are reviewed in connection with the disposition of the petition. Although the FAA has not received a substantial number of comments on petitions, it has been our experience that analysis of the comments received has not delayed consideration of these petitions.

The effect of this amendment, therefore, would not be to create a new comment procedure but to expand it so that all interested parties are notified of petitions pending before the agency and are given the opportunity to submit comments on petitions for rulemaking or exemption.

Section 1 of Executive Order 12044 (March 23, 1978) states that "regulations shall be developed through a process which ensures that * * * opportunity exists for early participation and comment by other Federal agencies, State and local governments, business, organizations and individual members of the public."

The FAA believes that this amendment is consistent with the President's directive. The number of comments received in support of this proposal is evidence that the public will submit comments under the new procedures and does want to participate in the development of agency regulations and exemptions. In addition, this early public and industry participation will assist the FAA in meeting other objectives contained in Executive Order 12044 including consideration and analysis of meaningful regulatory alternatives.

The FAA believes that the benefits to the public and the agency as a result of this increased participation in the agency's rule-making process far outweigh the additional material that will be published in the FEDERAL REGISTER or the fact that processing time for certain petitions might be increased. The FAA further believes that this amendment will result in a lessening of the time required to process many petitions as a result of increased public awareness of the type of exemptions granted by the agency and of the information required to be submitted in support of those petitions. The cost and time involved in the submission of petitions by the public should be lessened by making readily available all petitions previously denied or granted. This should further result in fewer petitions submitted which are identical to ones previously denied. In addition, the amount of time spent by agency officials in assisting petitioners in the submission of documentation should also be lessened. As a result of this and since the quality of petitions submitted to the agency should be improved, the FAA believes that this amendment will accelerate the decisionmaking process involved in the review of petitions.

The FAA is concerned by the amount of time expended on processing petitions. Petitions must be submitted in accordance with the requirements of § 11.25(b)(1) which requires that petitions "be submitted at least 120 days before the proposed effective date of the exemption." The FAA will closely monitor these procedures to ensure that delays do not develop as a result of these new procedures. If necessary, adjustments will be made to eliminate any problems encountered.

It must be emphasized that submittal of all information required by these procedures by petitioners will assist the FAA in the handling of petitions in a timely manner. Failure to submit all required information, particularly summaries as required by § 11.25(c) and (d), will increase FAA processing time and delay publication.

SPECIFIC COMMENTS

AVAILABILITY OF INFORMATION

The Town-Village Committee suggests that since many individuals do not receive the Federal Register, then notices should be mailed to individuals on a mailing list. The FAA does have a Notice of Proposed Rulemaking (NPRM) Distribution system in which members of the public can obtain copies of specific NPRMs or to receive copies of NPRMs relating to a specific FAR Part. Persons interested in obtaining copies of NPRMs in accordance with these procedures should contact:

Federal Aviation Administration, Office of Public Affairs, Attn.: Public Information Center, APA-440, 800 Independence Avenue, SW., Washington, D.C. 20591.

The FAA is reviewing the possibility of including distribution of information submitted to the FEDERAL REGISTER pursuant to this amendment in a similar manner.

AFA suggests that a summary of rulemaking actions maintained in the Offices of the Regional Counsel for each region should be maintained in the Office of the Chief Counsel. The Office of Chief Counsel does maintain dockets for regional actions, however, these actions will not be included in summaries maintained under this amendment. As a result of the number of actions handled by the regions, summarizing them might create an undue administrative burden on the agency. The FAA will reexamine this decision based upon experience with the operation of this amendment.

PROPOSED EFFECTIVE DATE

AFA suggests that since petitions for exemptions are submitted without a proposed effective date, it is difficult for interested parties to know when their comments must be submitted. Therefore, they suggest that § 11.25(b) should clearly specify that a proposed effective date of the exemption is required. Under new § 11.27(c), twenty days will be allowed for public comment. Final action will not be taken until the comment period has been completed. Thus, the public will know the specific date by which their comments must be submitted.

COMMENT PERIOD

AFA suggests that subsections (b) and (c) of Section 11.27 should be amended to state that summaries will be published within 7 days after receipt. While the FAA will make every effort to publish the summaries when received, priorities and staffing limitations may prevent publication of these summaries immediately. In addition, FAA documents are only published twice a week as a result of FEDERAL REGISTER requirements. Therefore, the FAA believes that requiring publication of these summaries within a certain time frame would create an undue administrative burden on the agency.

Section 11.27(c) states that 20 days will be allowed for public comment after publication of a petition for exemption. The IUFA states that "as NPRMs will be allowed 60 days, so should the petitions for exemptions." NYDOT suggests that 30 days rather than 20 days should be allowed for public comment petitions for exemptions. In determining the time period allowed for the submission of comments, the need to provide adequate time for public response must be balanced against the continued handling of petitions in a timely manner. The FAA believes that a 20 day comment period will enable the agency to meet both of these objectives. In this connection, it must be noted that § 11.47(a) states that comments submitted after the closing date "are considered so far as possible without incurring expense or delay."

ACAP recommended in its comments that the proposal be modified to state that the agency has 120 days after the close of the initial comment period to initiate rulemaking or else deny the petition. They state that "by acting in this time frame, the Administrator can assure the petitioner and the public at large that it is moving swiftly on the resolution of important safety questions." Although the agency does respond to most petitions for rulemaking within this time frame, the response to a particular petition is dependent upon regulatory priorities within the agency (many involving safety issues), staffing limitations, and the complexity of the issues raised. Since these factors vary and to a large extent are not under the agency's control, a time limitation such as the one proposed by ACAP would not be beneficial and in fact would in many cases result in the premature denial of petitions.

The agency is aware, however, that as a result of these priorities agency action on a particular petition is often delayed without the petitioner having knowledge of its current status. The FAA does believe that a person who has submitted a petition for rulemaking should be kept apprised as to where it is in the regulatory process. Therefore, a paragraph (k) is added to § 11.27 which will require that a petitioner be advised of the status of a petition for rulemaking 120 days after it is published in the FEDERAL REGISTER and every 120 days thereafter until it is denied or issued as a notice of proposed rulemaking.

CONTENT OF SUMMARY

The AFA suggests that the following information be contained in the published summary:

1. If the Administrator determines to reduce the public comment period, deviations should be published in the FEDERAL REGISTER as should the basis of the Administrator's determination.

2. The basis upon which the disposition was made and the reasons why contrary comments submitted to the FAA were rejected.

3. FAA's findings on each safety issue to be stated with the justification for those findings.

As to the suggestion that deviations to the length of the public comment period be published, if a period other than stated in the regulation is utilized, that information will be included in the summary. The purpose of the publication of the summaries is to keep the public advised as to FAA rulemaking activities. The summary is not intended to be a complete synopsis of agency documents. Instead, it is intended that parties interested in a particular petition for exemption or rulemaking will write to the FAA or go to the FAA docket section to obtain a copy of the document which interests them. Therefore, it is not necessary to publish the basis upon which the disposition was made or why certain public comments were rejected since

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that information will be contained in the final disposition.

DOCUMENTS TO BE PUBLISHED

AFA suggests that "emergency exemptions" be published as required by § 11.27(e), (f), (g) and (h). They state that publication, although after the fact, would inform the public of the FAA's actions in emergency situations. The FAA concurs. The provisions of § 11.27(f), (g), and (h) will apply to emergency actions.

AFA suggests that petitions for rulemaking and exemptions involving Airworthiness Directives and those involving Part 139 should be subject to the same publication and comment requirements as are other petitions. ALPA states that exemptions from the requirements of Part 139 and deviations allowed by the Administrator from the provisions of Part 121 "should be made subject to the formal processing," since they raise questions concerning such matters as the adequacy of the crash, fire and rescue status at airports, and operating requirements such as survival equipment aboard aircraft.

Exemptions processed under Part 139 and exceptions to airworthiness directives are processed by FAA regional offices and basically concern local situations which are of limited interest to the general public. To subject these regional actions to the publication requirements of § 11.27(c) would create an undue administrative delay which would slow down the regulatory process. After further review, however, the FAA agrees that exemptions granted or denied under Part 139 or airworthiness directives should be published in accordance with § 11.27 (f) and (g). Accordingly, § 11.27 (i) and (j) are amended to require publication of these summaries.

As to ALPA's suggestion that regulatory deviations be included in the exemption process, the FAA does not believe that deviations are analogous to the regulatory actions included in this amendment. Deviation authority is contained in specific regulations. The public was given the opportunity to comment on the deviation authority when the regulation in which it was contained was promulgated. As a result of this and since deviations are granted at the local level primarily for specific factual situations, the FAA does not believe that they should be included within the publication requirements of this amendment.

The FAA does agree that deviation requests should be documented and available to the public. Therefore, the FAA is instituting a new procedure whereby deviation requests submitted by a carrier will be maintained in a docket by the FAA certificate holding office having jurisdiction over the carrier's operations. Individuals wishing to examine a particular docket should contact the certificate holding office in order to make arrangements to review the docket.

The NPRM specifically solicited comments on the usefulness of publishing medical exemptions from Part 67. The only comments received on this issue were from NYDOT and AOPA. NYDOT stated that they did not see any value in publishing summaries of FAA actions on medical exemptions. AOPA stated that if action is taken to insure that the published exemptions do not violate the airman's privacy, then they feel that publication of these exemptions will be particularly helpful. As a result of the large number of these petitions processed monthly (75-100), the FAA does not believe that it would be beneficial to publish summaries of agency action on medical exemptions at this time. The FAA will reexamine this decision after experience is gained with this amendment.

Several commenters have expressed the view that the proposed procedures might interfere with the leasing of U.S.-registered aircraft to foreign carriers. They state that timely processing of these petitions for exemption is essential to insure optimum utilization of U.S. aircraft, develop U.S. trade, improve relations with foreign governments, and stabilize U.S. balance of payments. These commenters state that in order to complete such a lease agreement, it is often necessary to obtain exemptions from various sections of the Federal Aviation Regulations relating to issuance of U.S. airman certificates, maintenance requirements, and minimum equipment lists. They further state that expeditious handling of a petition for exemption in these situations is essential before the lease agreement can be completed.

As previously stated, the FAA believes that these procedures will not delay the agency's exemption process. In this connection, it must be noted that a petitioner seeking expedited handling of a petition for exemption is obligated under § 11.25(b)(1) to submit the petition at least 120 days before the proposed effective date of the exemption unless good cause is shown. The FAA does agree, however, that in certain circumstances, such as in foreign lease arrangements, a one or two day period may be critical to the consummation of the lease. In a situation where a petitioner has met the obligation to show why the petition is not submitted 120 days before the proposed effective date and where any delay might be detrimental, the FAA believes the public comment procedures of § 11.27(c) should not apply. A situation in which detriment to the petitioner is shown would fall within the "good cause" provision of § 11.27(j)(3).

In order to maximize public involvement in the exemption process, however, the types of petitions to which this exception is applicable will be strictly limited. Section 11.27(j)(3) is amended to set forth these limitations. The factors considered in this "good cause" determination are (1) whether the relief sought is routine and similar to other exemptions issued in the past or would set a precedent; (2) whether the time required for publication would be detrimental to the petitioner, and (3) whether the petitioner has filed the petition in a timely manner. It must be emphasized that the burden to show that "good cause" exists under § 11.27(j)(3) is on the petitioner. The petitioner must present sufficient information in the petition, so that a determination under this section can be made.

Although in these cases, a summary of the petition for exemption will not be published in accordance with § 11.27(c), a summary of a grant of exemption (§ 11.27(e)) or a denial of exemption (§ 11.27(g)) will be published. In this connection, it must also be noted that under new § 11.55 (a) and (b), effective November 9, 1978 (43 FR 52203) there are procedures for reconsideration of denials or grants of petitions for exemption. Therefore, the public will have an opportunity to submit their views if they contest the grant of an exemption and submit a petition for reconsideration.

VI. REVIEW OF COMMENTS

ACAP states that proposed § 11.27(g) is broadly written and could be interpreted as permitting the Administrator to deny a petition solely on the basis of adverse initial reaction during the comments phase. Under this section, the agency is required to make a determination as to whether the petition justifies the relief requested. This determination must satisfy judicial requirements. Therefore, the FAA does not believe that this section need be amended.

ADOPTION OF AMENDMENT

Accordingly, the Federal Aviation Administration amends Part 11 of the Federal Aviation Regulations (14 CFR Part 11) as follows:

1. By revising the first sentence of § 11.11 to read as follows:

§ 11.11 Docket.

Official FAA records relating to rule-making actions, including (a) proposals, (b) notices of proposed rule making, (c) written material received in response to notices, (d) petitions for rule making and exemptions, (e) written material received in response to summaries of petitions for rule making and exemptions, (f) petitions for rehearing or reconsideration, (g) petitions for modification or revocation, (h) notices denying petitions for rule making, (i) notices granting or denying exemptions, (j) summaries required to be published under § 11.27, (k) reports of proceedings conducted under § 11.47, (l) notices denying proposals, and (m) final rules or orders are maintained in current docket form in the Office of the Chief Counsel.

. . . . .

§ 11.15 [Amended]

2. By amending the second sentence of § 11.15 to read: "The procedural requirements of §§ 11.53, 11.71, and 11.91, and the publication and comment procedures of § 11.27 need not be followed."

3. By revising § 11.25 by adding new paragraphs (c) and (d) to read as follows:

§ 11.25 Petitions for rule making or exemptions.

. . . . .

(c) A petition for rule making filed under this section must contain a summary, which may be published in the FEDERAL REGISTER as provided in § 11.27(b), which includes—

(1) A brief description of the general nature of the rule requested; and

(2) A brief description of the pertinent reasons presented in the petition for instituting rule-making procedures.

(d) A petition for exemption filed under this section must contain a summary, which may be published in the FEDERAL REGISTER as provided in § 11.27(c), which includes—

(1) A citation of each rule from which relief is requested; and

(2) A brief description of the general nature of the relief requested.

4. By revising § 11.27 to read as follows:

§ 11.27 Action on petitions for rule making or exemptions.

(a) *General.* Except for the publication and comment procedures provided for in this section, no public hearing, argument, or other formal proceeding is held directly on a petition, filed under § 11.25, before its disposition by the FAA.

(b) *Publication of summary of petition for rule making.* After receipt of a petition for rule making, except as otherwise provided in paragraph (i) of this section, the FAA publishes a summary of the petition in the FEDERAL REGISTER which includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) A brief description of the general nature of the rule requested;

(4) A brief description of the pertinent reasons presented in the petition for instituting rule-making procedures; and

(5) In appropriate situations, a list of questions to assist the FAA in obtaining comment on the petition.

Comments on the petition for rule making must be filed, in triplicate, within 60 days after the summary is published in the FEDERAL REGISTER unless the Administrator, for good cause, finds a different time period appropriate. Timely comments received will be considered by the Administrator before taking action on the petition.

(c) *Publication of summary of petition for exemption.* After receipt of a petition for exemption, except as otherwise provided in paragraphs (i) and (j) of this section, the FAA publishes a summary of the petition in the FEDERAL REGISTER which includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) A citation of each rule from which relief is requested; and

(4) A brief description of the general nature of the relief requested.

Comments on the petition for exemption must be filed, in triplicate, within 20 days after the summary is published in the FEDERAL REGISTER unless the Administrator, for good cause, finds a different time period appropriate. Timely comments received will be considered by the Administrator before taking action on the petition.

(d) *Instituting rule-making procedures based on a petition.* If the Administrator determines, after consideration of any comments received in response to a summary of a petition for rule making, that the petition discloses adequate reasons, the FAA institutes rule-making procedures.

(e) *Grant of petition for exemption—summary.* If the Administrator determines, after consideration of any comments received in response to a summary of a petition for exemption, that the petition is in the public interest, the Administrator grants the exemption and, except as otherwise provided in paragraph (i) of this section, the FAA publishes a summary of the grant of the petition for exemption in the FEDERAL REGISTER. A summary of a grant of a petition for exemption includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) a citation of each rule from which relief is requested;

(4) A brief description of the general nature of the relief granted; and

(5) The disposition of the petition.

(f) *Denial of petition for rule making.* If the Administrator determines, after consideration of any comments received in response to a summary of a petition for rule making, that the petition does not justify instituting rule-making procedures, the FAA notifies the petitioner to that effect. Except as otherwise provided in paragraph (i) of this section, the FAA publishes a summary of the denial of the petition for rule making in the FEDERAL REGISTER in accordance with paragraph (h) of this section.

(g) *Denial of petition for exemption.* If the Administrator determines, after consideration of any comments received in response to a summary of a petition for exemption, that the petition does not justify granting the requested exemption, the FAA notifies the petitioner to that effect. Except as otherwise provided in paragraph (i) of this section, the FAA publishes a summary of the denial of the petition for exemption in the FEDERAL REGISTER in accordance with paragraph (h) of this section.

(h) *Summary of denial of petition for rule making or exemption.* A summary of a denial of a petition for rule making or exemption includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) In the case of a denial of a petition for exemption, a citation of each rule from which relief is requested;

(4) A brief description of the general nature of the rule or relief requested; and

(5) The disposition of the petition.

(i) *General exceptions.* The publication and comment procedures of paragraphs (b) through (h) of this section do not apply to the following:

(1) To petitions for rule makings or exemptions processed under § 11.83.

(2) To petitions for exemptions from the requirements of Part 67 of this chapter.

(j) *Exceptions to publication of summary of petition for exemption.* The publication and comment procedures of paragraph (c) of this section do not apply to the following:

(1) To petitions for emergency exemptions processed under § 11.15.

(2) To petitions for exemptions processed under Part 139 of this chapter.

(3) Whenever the head of the Office or Service concerned, subject to the approval of the Chief Counsel with respect to form and legality, finds for good cause shown in a petition for exemption that action on the petition should not be delayed by the publication and comment procedures. Factors that may be considered in determining whether good cause exists, include—

(i) Whether a grant of exemption would set a precedent or whether the petition for exemption and the rea-

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sons presented in it are identical to exemptions previously granted;

(ii) Whether the delay in acting on the petition for exemption that would result from publication would be detrimental to the petitioner; and

(iii) Whether petitioner acted in a timely manner in filing the petition for exemption.

(k) *Status of petition for rule making.* Within 120 days after publication in the FEDERAL REGISTER of a summary of petition for rule making and every 120 days thereafter, unless sooner denied under § 11.51 or issued as a notice of proposed rule making under § 11.65, the Office or Service concerned shall advise petitioner in writing of the status of the petition.

(l) *Additional specific provisions.* Specific provisions covering actions on petitions are set forth in Subpart C of this part.

(Secs. 313 and 601 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354 and 1421); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044, and set forth in the proposed "Department of Transportation Regulatory Policies and Procedures" published in the FEDERAL REGISTER June 1, 1978 (43 FR 23925). In addition, this amendment is procedural in nature and the Federal Aviation Administration has determined that the expected impact of it is so minimal that it does not require an evaluation.

Issued in Washington, D.C., on January 30, 1979.

LANGHORNE BOND,
Administrator.

[FR Doc. 79-3832 Filed 2-2-79; 8:45 am]

[4910-13-M]

[Docket No. 17937, Amdt. 39-3407]

PART 39—AIRWORTHINESS DIRECTIVES

Augusta Model A109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that would require the installation of nuts of improved design on the tailboom attachment bolts of Costruzioni Aeronautiche Giovanni Agusta Model A109A helicopters. The AD is prompted by the reported failure of a nut, which possibly could result in excessive deflection of the tailboom and inflight contact with the main rotor blades.

DATES: Effective March 5, 1979.

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from: Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of nuts, bolts, and washers attaching the tailboom of Agusta Model A109A helicopters was published in the FEDERAL REGISTER at 43 FR 24849.

The proposal was prompted by the reported failure of a tailboom attachment nut and a determination by FAA that failure of such attachment nuts could result in excessive deflection of the tailboom and possible inflight contact with the main rotor blades.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and one comment was received. That comment stated that the proposed airworthiness directive is not required because Service Bulletin 109-8 has been accomplished on the three Agusta A109A helicopters on the U.S. Register, and will be accomplished on all other applicable helicopters prior to delivery from the factory, therefore negating the need for an AD. However, voluntary compliance with a manufacturer's service bulletin does not relieve the FAA from taking airworthiness directive action, as appropriate.

Upon further review, the FAA has determined that certain changes are needed to convey its original intent—full compliance with the service bulletin. Consequently the AD also requires that the removed hardware be discarded, and provides that the bolts be torqued, checked for torque, and retorqued and rechecked, if necessary, in accordance with the service bulletin.

The amendment is adopted as proposed with the exception of minor clarifying changes and the additions noted above.

Since a situation exists that requires immediate adoption of the additions, further notice and public procedure thereon are considered impracticable.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

COSTRUZIONI AERONAUTICHE GIOVANNI AGUSTA. Applies to Model A109A helicopters, certificated in all categories, serial numbers 7135 and below.

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent possible failure of the tailboom attachment provisions, remove and discard the nuts MS 21042-L6, the bolts NAS 626-20, and washers MS 20002-C6 and AN 960-616, and install in their place new nuts 42-FLW-624, bolts NAS 626-20, washers MS 20002-C6 and, as needed, one or more washers AN 960-616 and AN 960-616L, torque bolts, inspect bolts for torque, and retorque and re-inspect torque, if necessary, all in accordance with Agusta Bollettino Tecnico No. 109-8, dated February 6, 1978, or an FAA-approved equivalent approved by the Chief, Aircraft Certification Staff, Federal Aviation Administration, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667.

This amendment becomes effective March 5, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Issued in Washington, D.C., on January 29, 1979.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 79-3800 Filed 2-2-79; 8:45 am]

[4910-13-M]

[Docket No. 79-CE-2-AD; Amdt. 39-3406]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models TU206G, T207A, and T210M Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD) applicable to Cessna Models TU206G, T207A and T210M airplanes equipped with an AiResearch turbocharger (Cessna P/N C295001-0101, AiResearch P/N 406610-5), having a serial number HE0101 through HE0160. On airplanes so equipped it requires replacement of either the turbocharger center housing or the complete turbocharger. This replacement is necessary because it has been determined that the specified serial numbers of the aforementioned turbochargers which may be installed on the above aircraft have thrust bearing anti-rotation pins which have failed or may fail and be ingested into the turbocharger oil scavenge pump. This may cause failure of the oil pressure and scavenge pump drive shaft with resultant loss of engine oil pressure.

EFFECTIVE DATE: February 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3146.

SUPPLEMENTARY INFORMATION: The FAA has determined that the problem described in the summary is an unsafe condition which is likely to exist or develop in other airplanes of the same type design. The agency also determined that an emergency situation existed, that immediate corrective action was required, and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by the AD by airmail letters dated December 21, 1978. The AD became effective as to these individuals upon receipt of the letter. Since the unsafe condition described herein may still exist on other Cessna Models TU206G, T207A and T210M airplanes, the AD is being published in the FEDERAL REGISTER as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

ADOPTION OF THE AMENDMENT

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following new Airworthiness Directive.

CESSNA: Applies to Model TU206G, (S/Ns U20604459, U20604465, U20604473, U20604474, U20604480, U20604482 thru U20604484, U20604486, U20604487, U20604491, U20604493, U20604507, U20604567), Model T207A (S/Ns 20700453, 20700455, 20700456), and Model T210M (S/Ns 21062673, 21062699 thru 21062702, 21062704 thru 21062708,21062711, 21062712, 21062715, 21062717 thru 21062722, 21062724, 21062726, 21062728 thru 21062730, 21062732, 21062734 thru 21062736, 21062738 thru 21062741, 21062746, 21062747 thru 21062752, 21062766, 21062767, 21062818) airplanes certificated in all categories.

Compliance: Required as indicated unless already accomplished.

To preclude failure of the engine oil pressure and scavenge pump drive shaft and resulting oil pressure loss caused by turbocharger oil scavenge pump ingestion of failed turbocharger thrust bearing anti-rotation pins, within the next 10 hours' time-in-service after the effective date of this AD, accomplish the following:

(A) Check the Cessna P/N C295001-0101 (AiResearch P/N 406610-5) turbocharger nameplate to determine if the serial number is HE0101 through HE0160.

(B) If the serial number on the turbocharger nameplate is not one of those specified in Paragraph (A), make an entry in the aircraft maintenance records indicating compliance with this AD and no further action is required.

(C) If the serial number on the turbocharger nameplate is one of those specified in Paragraph (A) replace the turbocharger or replace the turbocharger center housing in accordance with applicable Cessna or AiResearch service instructions.

(D) Airplanes may be flown in accordance with FAR 21.197 to a location where replacement required by Paragraph (C) may be accomplished.

(E) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective on February 12, 1979, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated December 21, 1978.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).)

NOTE.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Kansas City, Missouri on January 26, 1979.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 79-3711 Filed 2-2-79; 8:45 am]

[4910-13-M]

[Docket No. 79-SO-1; Amdt. No. 39-3404]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Aircraft Corp.; Model 382 Series

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: A telegraphic airworthiness directive (AD) was adopted on December 29, 1978, and made effective immediately upon receipt of the telegram to all known U.S. operators of Lockheed Model 382 series airplanes. This directive required repetitive visual checks by the flight crew of the Main Landing Gear Ballscrew Assembly, P/N 8353, manufactured by the Calco Company and replacement, if necessary, prior to further flight. This AD was needed to prevent the collapse of the Main Landing Gear which could result in loss of the aircraft. On January 5, 1979, this AD was amended to include a Rockwell hardness test of the Main Landing Gear Ballscrew Assembly, P/N 8353, with a lower mounting flange (-25) casting only, manufactured by the Calco Company.

DATES: This amendment is effective February 5, 1979, and was effective upon receipt for all recipients of the telegram dated December 29, 1978, as amended by the telegram dated January 5, 1979, which contained this amendment.

ADDRESSES: The Lockheed Alert Service Bulletin, A382-32-28, may be obtained from the Lockheed-Georgia Company, Marietta, Georgia 30063, (404) 424-3560 (Model 382 Field Service). A copy of the Bulletin is also located in Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Whipple Street, East Point, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Don Buckley, Aerospace Engineer, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: There was a report of a failure of the Main Landing Gear (MLG) Ballscrew Assembly, P/N 8353-25, lower mounting flange manufactured by the Calco Company and used on Lockheed Model 382 series aircraft. Failure of the MLG P/N 8353-25 flange would result in the collapse of the MLG and possible loss of the aircraft. Since this condition was likely to exist or develop in other aircraft of the same type

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design, a telegraphic AD was issued on December 29, 1978, which required repetitive visual checks by the flight crew of the MLG P/N 8353 assembly lower mounting flange for cracks and its replacement, if cracks were detected, prior to further flight. Subsequent to the issuance of the initial telegraphic AD, it was determined that visual inspection of the P/N 8353-25 flange was not reliable due to restricted accessibility. Consequently, on January 5, 1979, the telegraphic AD was amended to include a Rockwell hardness test of the Calco P/N 8353-25 lower mounting flange in addition to the repetitive visual checks. Also, at this time the initial AD was clarified to make the AD applicable to the Calco P/N 8353-25 flange made from a casting and not a forging. Both the Calco cast and forged lower mounting flange are stamped with the same part number, P/N 8353-25.

Since a situation existed that required immediate corrective action, it was found that notice and public procedure thereon were impractical and contrary to the public interest, and good cause existed for making the AD effective immediately to all known U.S. operators of Lockheed Model 382 series aircraft by the initial telegram dated December 29, 1978, and the January 5, 1979, amendment. This condition still exists and the telegraphic AD as amended, and with further additional clarification, is hereby published in the FEDERAL REGISTER.

ADOPTION OF THE AMENDMENT

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

LOCKHEED: Applies to all Model 382 series aircraft with Calco manufactured ballscrew assembly, P/N 8353, installed in the main landing gear (MLG). Compliance required as indicated.

To prevent the collapse of the MLG due to a failure of the ballscrew P/N 8353 lower mounting flange and consequently possible loss of the aircraft, accomplish the following:

Within 10 hours time in service after the effective date of this AD and at each preflight thereafter on all airplanes with suspect P/N 8353 ballscrew assemblies, lower mounting flange P/N 8353 (castings only, not forgings), perform the repetitive visual check of the MLG Calco P/N 8353 Ballscrew Assembly in accordance with Lockheed Alert Service Bulletin A328-32-28.

NOTE.—Four (4) ballscrew assemblies per airplane).

The checks required by this AD may be performed by the flight crew. If cracks are detected or suspected in the lower mounting flange of the P/N 8353 ballscrew assembly as a result of the above service bulletin inspection requirements, replace the P/N 8353-25 casting with a serviceable forging prior to further flight. In addition to the above repetitive visual checks the following inspection of the P/N 8353-25 casting is required:

1. Prior to 50 hours time in service from the effective date of this AD, perform a Rockwell hardness test to determine that the P/N 8353-25 casting is within acceptable hardness limits to RC-35 of RC-45. If these limits are exceeded the P/N 8353-25 casting must be replaced prior to further flight except that if only one casting per aircraft is determined to be outside these limits, a ferry flight to a place of repair is permissible.

2. If the Rockwell hardness test confirms that the P/N 8353-25 casting is within the prescribed above limits, the casting must be replaced with a serviceable forging within 25 landings or 150 flight hours, whichever occurs first.

NOTE.—The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-Georgia Company, Marietta, Georgia 30063. These documents may also be examined at FAA, Southern Region Office, 3400 Whipple Street, East Point, Georgia, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C. and at the Southern Regional Office.

This amendment is effective Feb. 5, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

The incorporation by reference provisions in this document was approved by the Director of the FEDERAL REGISTER on June 19, 1967.

Issued in East Point, Georgia, on January 22, 1979.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 79-3710 Filed 2-2-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 79-RM-01]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Amendment to Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment revises the legal description of the Ogallala, Nebraska 1,200' transition area. Subsequent to final rule (issued on August 24, 1978, 43 FR 37682), it was revealed the name of Ogallala VOR should be Searle VOR. This amendment deletes the Ogallala VOR and adds the Searle VOR (latitude 41°07'08.3" N., longitude 101°46'32.6" W.) to the description of the Ogallala, Nebraska 1,200' transition area within the State of Colorado.

EFFECTIVE DATE: 0901 G.m.t., April 19, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Taber/Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On Thursday, August 24, 1978, the FAA issued final rule for the Ogallala, Nebraska 1,200' transition area within the State of Colorado (43 FR 37682). Subsequent to the final rule, it was revealed that the name of the VOR used in the description of the Ogallala transition area was Searle rather than Ogallala. Therefore, it is necessary to change the legal description of the transition area. It was further determined that issuance of a notice of proposed rulemaking for this amendment would be impractical and not within the interest of the public.

RULE

This amendment to subpart G of Part 71 of the Federal Aviation Regulations (FAR's) deletes the Ogallala VOR and adds Searle VOR (latitude 41°07'08.3" N., longitude 101°46'32.6" W.) to the legal description of the Ogallala 1,200' transition area within the State of Colorado.

DRAFTING INFORMATION

The principal authors of this document are Joseph T. Taber/Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective April 19, 1979, as follows:

By amending subpart G, section 71.181 (44 FR 442) to read:

OGALLALA, NEBR.

"• • • and that airspace within the State of Colorado extending upward from 1,200' above the surface within 9.5 miles south of the Searle VOR (latitude 41°07'08.3" N., longitude 101°46'32.6" W.) 258 radial extending to 18.5 miles west."

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colorado on January 26, 1979.

I. H. HOOVER,
Deputy Director,
Rocky Mountain Region.

[FR Doc. 79-3713 Filed 2-2-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 5085]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATE: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-5581 or Toll Free Line 800-424-8872.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (24 CFR Part 1901 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since publication of a flood insurance map. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of Suspended Communities.

State	County	Location	Community Number	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Alabama	Tuscaloosa	Tuscaloosa, City of	010203-A	Apr. 5, 1973, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Oct. 24, 1975	Feb. 15, 1979
California	San Diego	National City, City of	060293-B	Jan. 28, 1972, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Mar. 22, 1974 July 18, 1975	Do.
Colorado	Boulder	Unincorporated Areas	080023-A	May 14, 1971, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Feb. 1, 1979	Do.
Delaware	Sussex	Seaford, City of	100048-B	Oct. 2, 1974, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	June 21, 1974	Do.
Georgia	Rockdale	Unincorporated Areas	130384-A	Mar. 6, 1975, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Apr. 18, 1976	Do.
Florida	Palm Beach	Unincorporated Areas	120192-A	June 19, 1970, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	June 17, 1970	Do.
Do	Walton	Unincorporated Areas	120317-A	Oct. 16, 1970, emergency, Nov. 16, 1977, regular, Feb. 15, 1979, suspended.	Feb. 21, 1975	Do.
Illinois	Douglas	Villa Grove, City of	170196-B	Feb. 27, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	May 17, 1974	Do.

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State	County	Location	Community Number	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Indiana	Dearborn	Aurora, City of	185172-A	Jan. 19, 1973, emergency, Apr. 6, 1973, regular, Feb. 15, 1979, suspended.	Apr. 6, 1973	Do.
Do	Jay	Portland, City of	185178-A	Sept. 24, 1971, emergency, May 12, 1972, regular, Feb. 15, 1979, suspended.	May 13, 1972	Do.
Do	St. Joseph	Roseland, Town of	185179-A	May 5, 1972, emergency, May 4, 1973, regular, Feb. 15, 1979, suspended.	May 4, 1973	Do.
Maryland	Worcester	Unincorporated Areas	240083-A	Jan. 29, 1971, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Dec. 13, 1974	Do.
Minnesota	Washington	Afton, City of	275226-A	Mar. 19, 1971, emergency, Apr. 21, 1972, regular, Feb. 15, 1979, suspended.	Apr. 20, 1972	Do.
Do	Dakota	Lilydale, City of	275241-A	Apr. 9, 1971, emergency, Feb. 9, 1973, regular, Feb. 15, 1979, suspended.	Feb. 9, 1973	Do.
Do	Nicollet	North Mankato, City of	275245-D	Nov. 6, 1970, emergency, Apr. 28, 1972, regular, Feb. 15, 1979, suspended.	Apr. 28, 1972	Do.
Missouri	Jackson and Clay	Independence City	290172-A	Oct. 15, 1971, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Apr. 12, 1974	Do.
New Jersey	Monmouth	Asbury Park, City of	340285-B	Nov. 6, 1974, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	July 13, 1974 Apr. 30, 1976	Do.
New York	Monroe	Chili, Town of	360412-A	Mar. 16, 1973, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Feb. 1, 1979	Do.
Do	Delaware and Broome	Deposit, Village of	360043-B	May 30, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	June 14, 1974 Oct. 24, 1975	Do.
Do	Cattaraugus	Ellicottville, Village of	360070-B	Apr. 2, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	May 24, 1974 July 30, 1976	Do.
Do	Westchester	Pleasantville, Village of	360927-B	Apr. 4, 1974, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Apr. 12, 1974	Do.
Do	....do	Tuckahoe, Village of	360934-B	July 2, 1975, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	May 10, 1974 June 18, 1976	Do.
Oklahoma	Pittsburg	McAlester, City of	400170-B	Mar. 15, 1974, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Feb. 15, 1974 May 28, 1976	Do.
Oregon	Grant	Unincorporated Areas	410074-A	Feb. 18, 1972, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Oct. 18, 1974	Do.
Pennsylvania	Delaware	Middletown, Township of	420422-B	Dec. 1, 1972, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Apr. 12, 1974 May 28, 1976	Do.
	Northumberland	Ralpho, Township of	421027-B	Nov. 19, 1973, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	June 28, 1974 June 4, 1976	Do.
South Carolina	Lexington	West Columbia, City of	450140-C	Dec. 8, 1973, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	June 28, 1974 July 9, 1976	Do.
South Dakota	Davison	Mitchell, City of	460021-B	Dec. 28, 1974, emergeney, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Mar. 22, 1974 Feb. 6, 1976	Do.
Utah	Utah	Provo, City of	490159-B	Jan. 16, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Feb. 15, 1974 June 4, 1976	Do.
Virginia	Pittsylvania	Chatham, Town of	510114-B	June 10, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	May 31, 1974 June 4, 1976	Do.
Do	Cumberland	Unincorporated Areas	510043-A	Mar. 12, 1974, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Oct. 18, 1974	Do.
Vermont	Lamoille	Johnson, Town of	500063-B	May 13, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	June 21, 1974 Jan. 28, 1977	Do.
Do	....do	Johnson, Village of	500232-C	June 10, 1975, emergeney, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Apr. 5, 1974 Nov. 26, 1976	Do.
Do	Windsor	Woodstock, Village of	500161-B	Mar. 27, 1974, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Sept. 13, 1974 Dec. 10, 1976	Do.
Washington	King	Redmond, City of	530087-B	Oct. 15, 1974, emergeney, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Mar. 22, 1974 July 9, 1976	Do.
Wisconsin	Marathon	Unincorporated Areas	550245-A	Apr. 9, 1971, emergeney, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Feb. 1, 1979	Do.
Do	Crawford	Ferryville, Village of	555553-A	Apr. 16, 1971, emergency, May 26, 1972, regular, Feb. 15, 1979, suspended.	May 26, 1972 Oct. 31, 1975	Do.

State	County	Location	Community Number	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Wyoming	Fremont	Unincorporated Areas	560080-A	July 8, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Feb. 1, 1979	Do.
Mississippi	Lafayette	Oxford, City of	280094-A	Aug. 30, 1973, emergency, Sept. 29, 1978, regular, Feb. 15, 1979, suspended.	June 7, 1974 Feb. 27, 1976	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3412 Filed 2-2-79; 8:45 am]

[4210-01-M]

[Docket No. 5083]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With Minimal Flood Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or toll free line 800-424-8872, room 5270, 451 Seventh St., S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

§ 1915.9 List of Communities with Minimal Flood Hazard Areas.

State	County	Name of community	Date of conversions to the regular program
Arkansas	Quachita	City of Bearden	June 20, 1978
Nebraska	Hall	Village of Alda	June 20, 1978
Nebraska	Hall	Village of Cairo	June 20, 1978
Kansas	Sedgwick	City of Mount Hope	June 27, 1978
Louisiana	Morehouse	Village of Mer Rouge	June 27, 1978
Missouri	St. Louis	City of Dellwood	June 27, 1978
Maine	Penobscot	Town of Bradford	July 4, 1978
Washington	Yakima	City of Sunnyside	July 4, 1978
Illinois	Cook	Village of Worth	July 7, 1978
Ohio	Ashtabula	Village of Rock Creek	July 7, 1978
Wisconsin	Milwaukee	City of St. Francis	July 7, 1978
Iowa	Black Hawk	City of Raymond	July 11, 1978
Kansas	Sedgwick	City of Colwich	July 11, 1978
Vermont	Addison	Town of Waltham	July 25, 1978
California	Alameda	City of Alameda	August 1, 1978
California	Orange	City of Yorba Linda	August 1, 1978
Iowa	Black Hawk	City of Gilbertville	August 1, 1978
Nebraska	Hall	Village of Doniphan	August 1, 1978
Washington	Whitman	City of Colfax	August 1, 1978
Arkansas	Chicot	City of Lake Village	August 8, 1978
California	Orange	City of Westminster	August 8, 1978
Iowa	Pottawattamie	City of Carter Lake	August 8, 1978
New Mexico	San Juan	City of Bloomfield	August 8, 1978
Oklahoma	Coal	City of Coalgate	August 8, 1978

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State	County	Name of community	Date of conversions to the regular program
Oklahoma	Muskogee	Town of Wainwright	August 8, 1978
Texas	Erath	City of Dublin	August 8, 1978
Texas	Kaufman	City of Forney	August 8, 1978
Texas	Navarro	Town of Frost	August 8, 1978
Texas	Kaufman	City of Kaufman	August 8, 1978
Texas	Kaufman and Henderson.	City of Mabank	August 8, 1978
Washington	Snohomish	City of Edmonds	August 8, 1978
Illinois	Cook	Village of Maywood	August 11, 1978
Illinois	Cook	Village of River Forest	August 11, 1978
Minnesota	Dakota	City of Egan	August 11, 1978
New Jersey	Monmouth	Borough of Neptune City.	August 11, 1978
New Jersey	Ocean	Borough of Pine Beach	August 11, 1978
New Jersey	Bergen	Borough of Wood-Ridge	August 11, 1978
New York	Suffolk	Village of Dering Harbor.	August 11, 1978
New York	Rensselaer	Village of Nassau	August 11, 1978
New York	Nassau	Village of Plandome Heights.	August 11, 1978
Ohio	Mahoning	Village of Sebring	August 11, 1978
Wisconsin	Milwaukee	Village of Shorewood	August 11, 1978
Idaho	Benewah	City of Tensed	August 15, 1978
Oklahoma	Hughes	City of Holdenville	August 15, 1978
Arkansas	Dallas	City of Carthage	August 22, 1978
Louisiana	Iberia	City of New Iberia	August 22, 1978
New Mexico	Lea	City of Eunice	August 22, 1978
Texas	Navarro	City of Dawson	August 22, 1978
Texas	Ellis and Dallas	City of Ferris	August 22, 1978
Idaho	Clearwater	City of Pierce	August 29, 1978
Utah	Davis	City of North Salt Lake	August 29, 1978
Utah	Davis	City of Woods Cross	August 29, 1978
Maryland	Garrett	Town of Accident	September 1, 1978
New Jersey	Camden	Borough of Mount Ephraim.	September 1, 1978
New York	Nassau	Village of Lattingtown	September 1, 1978
New York	Renssalaer	Town of Petersburg	September 1, 1978
Ohio	Erie and Huron	Village of Milan	September 1, 1978
Ohio	Sandusky	Village of Lindsey	September 1, 1978
Pennsylvania	Franklin	Township of Lurgan	September 1, 1978
Pennsylvania	Bedford	Township of Mann	September 1, 1978
South Carolina	Florence	Town of Scranton	September 1, 1978
Arkansas	Lonoke	City of Ward	September 5, 1978
Kansas	Reno	City of Hutchinson	September 5, 1978
Missouri	Cass	City of Archie	September 12, 1978
Oklahoma	Cotton	Town of Randlett	September 12, 1978
Oregon	Umatilla	City of Milton-Freewater.	September 12, 1978
Utah	Davis	City of South Weber	September 12, 1978
Oklahoma	Okmulgee	City of Beggs	September 19, 1978
Florida	Marion	City of Ocala	September 22, 1978
Illinois	Cook	Village of East Hazel Crest.	September 22, 1978
Illinois	Cook	Village of Forest Park	September 22, 1978
New York	Rockland	Village of New Square	September 22, 1978
Ohio	Lucas	Village of Holland	September 22, 1978
Ohio	Lorain	Village of Kipton	September 22, 1978
Pennsylvania	Delaware	Township of Lower Chichester.	September 22, 1978
Pennsylvania	Delaware	Borough of Millbourne	September 22, 1978
Pennsylvania	Allegheny	Township of Pine	September 22, 1978
Pennsylvania	Allegheny	Township of Richland	September 22, 1978
Oklahoma	Noble	City of Perry	October 10, 1978
New Jersey	Camden	Bourough of Audobon	October 13, 1978
New York	Rensselaer	Town of Grafton	October 13, 1978
Pennsylvania	Center	Township of Halfmoon	October 13, 1978
Pennsylvania	Cambria	Borough of Westmont	October 13, 1978
Massachusetts	Hampshire	Town of Goshen	October 17, 1978
Maine	Aroostook	Town of Mars Hill	October 24, 1978
Maine	Aroostook	Town of New Sweden	October 24, 1978
Oklahoma	Craig	Town of Bluejacket	October 24, 1978
Texas	Navarro	City of Blooming Grove	October 24, 1978
Texas	Henderson	City of Chandler	October 24, 1978
Texas	Austin	City of Wallis	October 24, 1978
Utah	Weber	City of Roy	October 24, 1978
Arkansas	Baxter	City of Grassville	October 31, 1978
Maine	Oxford	Town of Sweden	October 31, 1978
Oklahoma	Lincoln	Town of Davenport	October 31, 1978
Texas	Eastland	City of Rising Star	October 31, 1978

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2030, this rule has been granted waiver of Congressional review rquirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3410 Filed 2-2-79; 8:45 am]

[4210-01-M]

[Docket No. 5084]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With No Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free 800-424-8872, Room 5279, 451 Seventh St., S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial non-subsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1-4 family dwelling is $.25 per $100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 of coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

§ 1915.8 List of communities with no special flood hazard areas.

State	County	Community Name	Date of Conversion to Regular Program
Nebraska	Cheyenne	Village of Gurley	July 14, 1978
Kansas	Doniphan	City of Elwood	July 28, 1978
Missouri	St. Charles	City of Wentzville	July 28, 1978
Ohio	Paulding and Van Wert.	Village of Scott	July 28, 1978
Michigan	Oakland	City of Oak Park	September 28, 1978
Pennsylvania	Adams	Borough of Biglerville.	September 28, 1978
Wisconsin	Milwaukee	Village of West Milwaukee.	September 28, 1978
California	Los Angeles	City of Lawndale	October 30, 1978
Pennsylvania	Allegheny	Township of Baldwin.	October 30, 1978
Pennsylvania	Cambria	Borough of Brownstown.	October 30, 1978
Pennsylvania	Allegheny	Borough of Chalfant	October 30, 1978
Pennsylvania	Washington	Borough of East Washington.	October 30, 1978

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended:

42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 F.R. 7719.

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has

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been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3411 Filed 2-2-79; 8:45 am]

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD DEPARTMENT OF TRANSPORTATION

[CGD 78-026]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Areas, Cabin Creek, Grasonville, Md., and Wye River, Wye, Md.

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This rule establishes special anchorages at Cabin Creek, Grasonville, Md., and Wye River, Wye, Md. This regulation is needed to provide anchorage space for small fishing and recreational vessels. Vessels not more than 65 feet in length, when at anchor in any special anchorage area are not required to carry or exhibit anchor lights. Establishing these two special anchorages will safely accommodate small vessel desiring to anchor without the necessity of carrying or displaying anchor lights.

EFFECTIVE DATE: This amendment is effective on March 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander H. E. Snow, Office of Marine Environment and Systems (G-WLE/73), Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1934.

SUPPLEMENTARY INFORMATION: On September 28, 1978, the Coast Guard published a proposed rule (43 FR 44550) concerning this amendment. Interested persons were given until November 13, 1978, to submit comments. No comments were received.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are Lieutenant Commander H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Lieutenant J. W. Salter, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 110, Title 33, Code of Federal Regulations, is amended by adding § 110.71a and § 110.71b to read as follows:

§ 110.71a Cabin Creek, Grasonville, Maryland.

The waters of Cabin Creek, Maryland, enclosed by a line drawn from latitude 38°56'34"N., longitude 76°12'49"W., on the western shore to latitude 38°56'28"N., longitude 76°12'29"W., on the eastern shore; thence following the general line of the shore to the point of beginning.

§ 110.71b Wye River, Wye, Maryland.

The waters of a cove on the western shore of Wye River opposite Drum Point enclosed by a line drawn from latitude 38°53'17"N., longitude 76°11'23"W., to latitude 38°53'18"N., longitude 76°11'23"W., to latitude 38°53'18"N., longitude 76°11'13"W.; thence following the shoreline to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2)).

Dated: January 30, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc. 79-3919 Filed 2-2-79; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 1050-5]

PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE CLEAN WATER ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: Executive Order 11738 (September 10, 1973) establishes a program for compliance with clean air and water standards by recipients of Federal contracts, grants, loans and subagreements and directs EPA to identify to Federal agencies certain facilities violating air or water standards, in order for the Federal taxpayer to avoid subsidizing seriously violating facilities.

Section 5 of E.O. 11738 authorizes EPA to issue regulations necessary to implement this program. These regulations were promulgated on April 16, 1975 (40 FR 11724). These regulations assigned responsibility for the maintenance of a list of Violating Facilities ineligible for use in new Federal contracts or assistance to EPA's Office of Federal Activities.

On September 8, 1978, an Environmental Protection Agency (EPA) organizational change became effective. This change transferred the responsibility for administration within EPA of the Executive Order 11738 Program from the Office of Federal Activities to the Office of the Assistant Administrator for Enforcement. The regulations are amended to reflect that internal reorganization.

EFFECTIVE DATE: February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Richard Kuntz, Special Assistant for Contractor Listing, Office of Enforcement (EN-329), U.S. Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20460, (202) 245-3006.

SUPPLEMENTARY INFORMATION: Due to the internal reorganization mentioned above, the regulations must be amended to reflect the replacement of the Director, Office of Federal Activities by the Assistant Administrator for Enforcement. Since these amendments merely change references in the regulation from one EPA official to another and do not change any substantive rules, they are being promulgated today as technical amendments to the existing regulation. These amendments are considered minor and do not meet the criteria for significant EPA regulations.

Additionally, EPA is appending to these regulations a procedural statement explaining the decision-making process within EPA relating to the placement of facilities on the list.

Dated: January 29, 1979.

MARVIN B. DURNING,
Assistant Administrator for Enforcement.

Part 15 of 40 Code of Federal Regulations is amended as follows:

1. Section 15.2 is deleted and a new § 15.2 is inserted:

§ 15.2 Administrative Responsibility.

The Assistant Administrator for Enforcement is hereby delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Administrator under the Order, except the power to issue rules and regulations. All correspondence regarding the Order or the regulations in this Part should be addressed to the Assistant Administrator for Enforcement (EN-329), U.S. Environmental Protection Agency, Washington, D.C. 20460.

§ 15.3 [Amended]

2. Section 15.3(l) is deleted and a new § 15.3(l) inserted:

Section 15.3(l) The term "Assistant Administrator" means the Assistant Administrator for Enforcement, U.S. Environmental Protection Agency, or any person to whom he delegates authority under the regulations in this part.

§ 15.4 [Amended]

3. In § 15.4 All references to "Director" shall be changed to "Assistant Administrator."

§ 15.5 [Amended]

4. (In § 15.5 All references to "Director" shall be changed to "Assistant Administrator."

§ 15.20 [Amended]

5. In § 15.20(a) All references to "Director" shall be changed to "Assistant Administrator."; in § 15.20(a)(2) The following sentence shall be stricken from this paragraph: "Upon request from the Assistant Administrator for Enforcement, EPA, the Director shall defer listing of a facility."; in § 15.20(c) All references to "Director" shall be changed to "Assistant Administrator." and The clause "or if the Assistant Administrator for Enforcement, EPA, requests removal," shall be stricken from the first sentence.

§§ 15.22, 15.23, 15.24, 15.25, 15.41 [Amended]

8. In § 15.22, § 15.23, § 15.24, § 15.25, and § 15.41 all references to "Director" shall be changed to "Assistant Administrator."

9. In the table of contents, the heading of § 15.41 shall be changed to "Delegation of Authority by the Assistant Administrator."

10. An Appendix A is added to Part 15 of 40 CFR to read as follows:

APPENDIX A

Statement of Procedures for the placement of facilities on the U.S. Environmental Protection Agency List of Violating Facilities.

A. PURPOSE

This statement describes the internal procedures used by the Environmental Protection Agency relating to the listing of facilities pursuant to 40 CFR 15.20(a) and § 15.20(b). The statement is intended as a supplement to that regulation.

B. RECOMMENDATIONS FOR LISTING

Recommendations of facilities for placement on the list may come from any of these individuals:

1. Regional Administrators (authority for which may be delegated to Regional Enforcement Division Directors);

2. The Deputy Assistant Administrator for Water Enforcement or for General Enforcement;

3. Governors (see State participation, 40 CFR 15.23(b)); or

4. Citizens (see public participation, 40 CFR 15.22).

C. LISTING OFFICIAL

A Listing Official shall be designated by the Assistant Administrator for Enforcement to receive recommendations to list. The Listing Official shall review the recommendations and may return the recommendation to the recommending official for deficiencies or for more information; otherwise he shall place the case on the Listing Docket.

Cases in the Listing Docket will be scheduled for Listing Proceedings and are assigned Case Examiners by the Assistant Administrator for Enforcement. The Listing Official will prepare a Notice of Proposed Listing for each case in the Docket, and will answer any requests from the facility or the recommending official prior to the Listing Proceeding. At any point prior to a Listing decision, the Recommending Official may request the Listing Official to withdraw the Notice of Proposed Listing due to a change in circumstances, e.g., settlement of the enforcement action.

D. CASE EXAMINER

The Listing Proceeding (40 CFR 15.20(a)(3)) will be chaired by the Case Examiner. A Case Examiner will be appointed for each case on the docket by the Assistant Administrator for Enforcement. The Case Examiner will be an EPA official familiar with pollution control in the media in question, subject to the following restraints:

1. He or she may not be the Listing Official;

2. He or she may not be the Recommending Official or anyone subordinate to the recommending official;

3. He or she may not have been closely involved in the preparation of the enforcement case.

E. LISTING REVIEW PANEL

The Listing Review Panel shall consist of the Assistant Administrator for Enforcement, who will serve as Chairman, the Assistant Administrator for Planning and Management, the General Counsel, and a representative from the Office of the Deputy Administrator who shall serve as a non-voting member. The panel members or their designees should attend and participate in the Listing Proceeding. No later than thirty working days after the close of the record of the Listing Proceeding, the Panel shall review the recommended decision of the Case Examiner and issue a final decision based on a majority vote of the three voting Panel members.

[FR Doc. 79-3745 Filed 2-2-79; 8:45 am]

[6560-01-M]

[FRL 1043-4]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for the City of Independence Power and Light Department, Independence, Mo.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues a Delayed Compliance Order to the City of Independence Power and Light Department. The Order requires the company to bring air emissions from its Blue Valley Station at Independence, Missouri into compliance with certain regulations contained in the federally-approved Missouri State Implementation Plan (SIP). The City of Independence Power and Light Department's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter J. Culver or Renelle Rae, Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Missouri 64108—Telephone 816/374-2576.

ADDRESSES: The Delayed Compliance Order, supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing issuance of the Order are available for public inspection and copying during normal business hours at:

Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Missouri 64108.

SUPPLEMENTARY INFORMATION: On December 6, 1978, the Regional Administrator of EPA's Region VII Office published in the FEDERAL REGISTER, 43 FR 57163, a notice setting out the provisions of a proposed delayed compliance order for the City of Independence Power and Light Department. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments or requests for a public hearing were received in response to the proposal notice.

Therefore, a delayed compliance order effective this date is issued to the City of Independence Power and Light Department by the Administrator of EPA pursuant to the authority

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of Section 113(d)(1) of the Clean Air Act, 42 U.S.C. 7413(d)(1). The Order places the City of Independence Power and Light Department on a schedule to bring its Blue Valley Station, Units 1, 2, and 3 at Independence, Missouri into compliance as expeditiously as practicable with Missouri Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area Regulation III (10 CSR 10-2.040), a part of the federally-approved Missouri State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and reporting requirements. The inclusion in the Order of emission monitoring requirements would be unreasonable. If the conditions of the Order are met, it will permit the City of Independence Power and Light Department to delay compliance with the SIP regulations covered by the Order until June 30, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place the City of Independence Power and Light Department on a schedule for compliance with the applicable requirement(s) of the Missouri State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: January 26, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.300 to read as follows:

§ 65.300 Federal delayed compliance orders issued under Section 113(d)(1), (3), and (4) of the Act.

• • • • •

Source	Location	Order No.	Date of FR Proposal	SIP regulation involved	Final compliance date
City of Independence Power & Light Department.	Independence, Missouri.	VII-78-DCO-17 ..	Dec. 6, 1978...	Regulation III (10CSR10.2.040).	June 30, 1979

[FR Doc. 79-3917 Filed 2-2-79; 8:45 am]

[4110-35-M]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—MEDICARE PROGRAM

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

EFFECT OF CAPITAL STOCK TRANSACTIONS

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: These final regulations clarify existing Medicare program policy concerning certain effects of capital stock transactions. Specifically, these rules make clear that if a provider's capital stock is acquired, the provider's assets will not be revalued for purposes of computing depreciation, nor will interest expenses incurred in acquiring the stock be recognized as allowable costs. However, they do allow for assets to be revalued when there is a statutory merger or a consolidation between unrelated corporations. The intent is to ensure clarity and uniform interpretation of these policies.

DATE: Effective on February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

William Goeller, Division of Provider Reimbursement and Accounting Policy Medicare Bureau, Room 405 East Building, Baltimore, Maryland 21235, (301) 594-9820.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Since the inception of Medicare, it has been the policy of the program administrators that: (1) The acquisition of a provider's capital stock is not in itself a basis for revaluation of the provider's assets for purposes of computing depreciation; (2) interest expenses incurred in acquiring such stock are not allowable costs; and (3) statutory mergers between related corporations do not justify revaluation of assets. Although no single provision of the Medicare regulations explicitly set forth these policies, our position has been based on the interaction of three regulations: 42 CFR 405.415 concerning allowance for depreciation based on asset costs; 42 CFR 405.427, concerning cost related organizations, and 42 CFR 405.626(c), Concerning change of ownership. We continue to believe that our interpretation and application of these regulations are reasonable and consistent with our statutory mandate to determine the scope of reasonable costs for Medicare providers.

However, the Provider Reimbursement Review Board has not adopted the same view. In several decisions, the Board has considered provider stock transactions to be in substance a purchase of assets and has accordingly allowed revaluation for purposes of computing depreciation. The Commissioner of Social Security and the Administrator of the Health Care Financing Administration have reversed the Board's rulings. The issue is being litigated in various Federal courts. We, therefore, find it necessary to adopt these regulations. Our intent is not to change existing Medicare policy, but merely to state explicitly in the Code of Federal Regulations that which has been stated in the past in less formal settings. (See, for example, Health Care Financing Administration Ruling 78-33, MBR-1(11/78) at page 82; "Wolkstein Letter" of January 24, 1974.)

We have, therefore, amended regulatory provisions in § 405.415 by adding a new paragraph (l), entitled "Transactions involving provider's capital stock," and have amended § 405.419 to indicate that interest expense incurred as a result of transactions described in paragraph (l) are not allowable.

Paragraph (l) of § 405.415 now specifies Medicare treatment of provider capital stock acquisitions, statutory mergers, and consolidations, as they relate to revaluation of assets for purposes of computing depreciation. When the capital stock of a provider is acquired (even if 100% of that stock), the provider's assets may not be revalued. Since assets are properly revalued only if there has been a change of ownership, this rule follows from the basic principle of corporate law that a transfer of corporate stock does not constitute a change of ownership of the corporate assets. A corporation and its stockholders are distinct legal

entities, with title to the corporate property vested in the corporation itself, and not in the stockholders. Only if the assets are transferred by means of a bona fide transaction between unrelated parties would revaluation be proper. Medicare regulations are consistent with this view. 42 CFR 405.626(c) states that a transfer of corporate stock does not in itself constitute a change of ownership for purposes of terminating a provider agreement. The existing provider agreement continues in effect and we, therefore, see no valid reason to change the basis for determining Medicare reimbursement to the provider.

With regard to statutory mergers, the new paragraph (l) provides that if the merger is between unrelated parties, the assets of the merged corporation may be revalued. This rule differs from the rule for provider stock transactions because, while the acquisition of capital stock does not affect the legal status of the corporation, in a merger, the merged corporation ceases to exist as a corporate entity. In a merger, the surviving corporation does not become a mere stockholder of the merged corporation but takes over the merged corporation entirely. Since the merged corporation no longer exists, there has indeed been a transfer of ownership and revaluation is proper. Of course, the basis of the assets already owned by the surviving corporation would not be affected by the transaction. The assets of the merged corporation could be revalued regardless of whether the merged corporation was a provider before the merger. The regulation makes clear that if the merged corporation was a provider, it is subject to the provisions of § 405.415(d)(3) and (f) concerning recovery of accelerated depreciation and the realization of gains and losses.

If the statutory merger is between related parties, the rule provides that no revaluation of assets is permitted. This is consistent with § 405.427 which states that costs applicable to facilities furnished to the provider by organizations related to the provider by common ownership or control are includable in the allowable cost of the provider *at the cost to the related organization.* Thus, the assets of the merged corporation would be included in the allowable cost of the surviving corporation, but at the cost to the merged corporation, not at a revalued market price. In determining what is a related party, the criteria specified in § 405.427 will be used.

A particularly important example of this form of transaction is one in which one corporation purchases the capital stock of a second corporation and a statutory merger of the two corporations follows. No revaluation of assets would be allowed. The two parts of the transaction must be viewed separately. In accordance with § 405.415(l)(1), revaluation is not allowed upon acquisition of a provider's stock. With regard to the second part of the transaction, under § 405.415(l)(2)(ii), revaluation is not allowed after statutory merger between related parties. (The parties would be related in that one corporation would be the sole shareholder of the other.)

This rule also provides that assets may be revalued if two or more unrelated corporations consolidate to form a new corporation, but revaluation is not allowed if related corporations consolidate. The reasoning underlying this distinction is the same as our reasons for adopting a like rule with regard to statutory mergers. The rule would apply only if at least one of the consolidating corporations was a provider and would apply only to the assets of those consolidating corporations that have been providers. Assets of non-provider corporations have never been valued for Medicare purposes, so "revaluation" would be impossible.

The rule also amends § 405.419(d) to provide that loans made to finance capital stock acquisitions, mergers, or consolidations for which revaluation of assets is not allowed under § 405.415(l) are not reasonably related to patient care and are not a basis for allowable interest costs.

The final rule does not differ in substance from the proposed rule published in the FEDERAL REGISTER on April 1, 1977 (42 FR 17485). However, we have made the following changes. The part of the rule that pertains to interest expense was transferred from § 405.415, which deals with depreciation, to § 405.419, which properly deals with interest expense. We have deleted that part of the proposed rule that stated, with reference to capital stock transactions, that any excess paid over the book value of the provider's assets may not be included in equity capital. The deleted portion did accurately reflect program policy and we are not changing that policy. However, since no goodwill at all is recognized, under any circumstances, for transactions occurring on or after August 1, 1970 (see 42 CFR 405.429(b)(2)), we do not consider it necessary at this date to adopt a regulation denying goodwill in a specific instance. For those transactions which occurred before August 1, 1970, the program policy of not recognizing goodwill in connection with provider stock transactions is still applicable. That policy, however, is effected through the Bureau's interpretation of regulations effective at that time, not through this regulation.

Clarifying nonsubstantive changes are made in section 405.415 (a), (b), (d), and (g). the date is indicated in each paragraph to eliminate the cross references to paragraph (h), which is vacated. Captions are provided in paragraph (g).

DISCUSSION OF COMMENTS

Comments on the April 1, 1977 notice of proposed rulemaking were received from a few major provider chain organizations, from the major hospital organizations such as the American Hospital Association and the Federation of American Hospitals, and from a few Medicare intermediaries and independent accountants. None of the comments or recommendations was accepted. A summary of these comments and our responses follow:

1. *Postpone the final rule pending resolution of existing litigation.* This rule clarifies policy and is expected to minimize additional litigation. To postpone the effective date of the rule pending the resolution of existing litigation would unnecessarily extend the period of time during which providers would not have the benefit of this clarification of policy. We have no way of knowing when pending cases will be finally decided and we do not wish to postpone the effective date of this rule for an indeterminate, possibly lengthy, period of time.

2. *Make this policy prospective only.* This rule is effective on the date of publication. The rule itself will not be applied retroactively. However, the policy which this rule clarifies has always been Medicare policy, and we are not changing that policy. Thus, for transactions occurring before the effective date of this regulation, the policy will be based on our interpretation of three related sections of the Medicare regulations, i.e., 42 CFR 405.415, 405.427, and 405.626.

3. *The policy is contrary to generally accepted accounting principles, specifically Accounting Principles Board Opinion No. 16, which calls for the revaluation of assets pursuant to certain business combinations.* Generally accepted accounting principles are considered in the development of Medicare reimbursement policy, but are not the controlling factor. Medicare reimbursement regulations are based on and designed to implement title XVIII of the Social Security Act. The situations referred to in the comment typically involve the purchase of one corporation by another, followed some time later by a liquidation of the assets of the purchased corporation. In our view, the purposes of title XVIII are not served by allowing the purchasing corporation to revalue the assets and, thus, obtain a higher level of Medicare reimbursement. The increased expenditures charged to the

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Medicare program in this instance do not appear to us to be necessary for the efficient delivery of needed health services.

4. *The Medicare program should recognize the substance of the transaction over form and allow revaluation of the assets based on the intent of the parties.* Substance is not being subordinated to form because this policy conforms with the legal principle that a corporation is considered an entity separate and apart from its owners (stockholders), and transactions involving the capital stock of a corporation generally have no bearing upon the operation or assets of the corporation. The assets are owned by the corporation and in turn the stockholders are not responsible for corporate liabilities.

Furthermore, the Medicare program reimburses only those costs related to the furnishing of care to Medicare patients. A transaction involving a provider's capital stock generally has no bearing on the operation of the provider and, therefore, for Medicare program purposes, is not related to patient care.

5. *The phrase "in itself" in § 405.626(c) indicates that there may be exceptions to the general rule that a purchase of stock does not give rise to a revaluation of assets.* Section 405.626(c) provides that a transfer of corporate stock would not, in itself, constitute a change of ownership. This means that a transaction that involves a transfer of stock does not, by virtue of that transfer, constitute a change of ownership. However, a transaction in which a transfer of stock is part of a larger arrangement (e.g., one including a transfer of assets) might constitute a change of ownership. In any case, with the adoption of this rule, reference need no longer be made to § 405.626 to determine Medicare treatment of provider stock transactions.

6. *The rule denies a reasonable rate of return on equity capital.* The rules as adopted concern only the revaluation of assets for purposes of computing depreciation and the recognition of interest expense. No mention is made of return on equity capital. However, these rules will necessarily affect the computation of equity capital, since § 405.429(b)(1)(ii) provides that in computing the amount of equity capital upon which a return is allowable, investment in facilities is recognized on the basis of historical cost, or other basis, used for depreciation and other purposes under the health insurance program. Strickly speaking, the rule affects only the determination of the total amount of equity capital upon which the return is based, not the rate of return itself. (See § 405.429(a)(1), which specifies how the rate itself is determined.) However, we acknowledge that the limitation on revaluation will result in a lower valuation of the equity capital, and accordingly, a lower return. We consider this return to be reasonable since the assets in question have been valued at their full fair market value at the time of their original acquisition.

7. *The rule will discourage business combinations.* It is not clear what effect this rule will have on business combinations, although it is clear that the rule will be one of a great number of considerations which businessmen will take into account when making professional judgments. Certainly the rule will not discourage statutory merger and consolidations between unrelated parties, since it allows the revaluation of assets for those transactions. If the rule does serve to discourage, to some extent, the purchase of a corporation through the acquisition of its stock, we consider this result to be a necessary consequence of our implementation of our mandate to reimburse only those costs which are reasonable, necessary, and related to patient care.

42 CFR Part 405 is amended as set forth below:

1. Section 405.415 is amended as follows:

a. Paragraph (a)(3)(ii) is amended by deleting the phrase "the date specified in paragrah (h) of this section" each time it appears and inserting the phrase "August 1, 1970".

b. Paragraph (b)(1) is amended by deleting the phrase "the date specified in paragraph (h) of this section" (lines 5 and 6) and inserting the phrase "July 31, 1970."

c. Paragraph (d)(2) is amended by deleting the phrase "the date specified in paragraph (h) of this section" (line 3) and the phrase "with the date specified in paragraph (h) of this section" (lines 13 and 14) and inserting in both places the phrase "August 1, 1970".

2. Section 405.415 is further amended by revising paragraph (g), vacating paragraph (h), and adding a new paragraph (l) to read as follows:

§ 405.415 Depreciation: Allowance for depreciation based on asset costs.

* * * * *

(g) *Establishment of cost basis on purchase of facility as an ongoing operation.*—(1) *Assets acquired after July 1, 1966 and before August 1, 1970.* The cost basis for the assets of a facility purchased as an ongoing operation after July 1, 1966, and before August 1, 1970, shall be the lowest of:

(i) The total price paid for the facility by the purchaser, as allocated to the individual assets of the facility; or

(ii) The total fair market value of the facility at the time of the sale, as allocated to the individual assets; or

(iii) The combined fair market value of the individually identified assets at the time of the sale.

(2) *Assets acquired after July 31, 1970.* For depreciable assets acquired after July 31, 1970, in addition to the limitations specified in paragraphs (g)(1) of this section, the cost basis of the depreciable assets shall not exceed the current reproduction cost depreciated on a straightline basis over the life of the assets to the time of the sale.

(3) *Transactions other than bona fide.* If the purchaser cannot demonstrate that the sale was bona fide, in addition to the limitations specified in paragraphs (g) (1) and (2) of this section, the purchaser's cost basis shall not exceed the seller's cost basis, less accumulated depreciation.

(h) [Reserved]

* * * * *

(l) *Transactions involving provider's capital stock.*—(1) *Acquisition of capital stock of a provider.* If the capital stock of a provider is acquired, the provider's assets may not be revalued. For example, if Corporation A purchases the capital stock of Corporation B, the provider, Corporation B continues to be the provider after the purchase and Corporation A is merely the stockholder. Corporation B's assets may not be revalued.

(2) *Statutory merger.* A statutory merger is a combination of two or more corporations under the corporation laws of the State, with one of the corporations surviving. The surviving corporation acquires the assets and liabilities of the merged corporation(s) by operation of State law. The effect of a statutory merger upon Medicare reimbursement is as follows:

(i) *Statutory merger between unrelated parties.* If the statutory merger is between two or more corporations which are unrelated (as specified in §405.427), the assets of the merged corporation(s) acquired by the surviving corporation may be revalued in accordance with paragraph (g) of this section. If the merged corporation was a provider before the merger, then it is subject to the provisions of paragraphs (d)(3) and (f) of this section concerning recovery of accelerated depreciation and the realization of gains and losses. The basis of the assets owned by the surviving corporation are unaffected by the transaction. An example of this type of transaction is one in which Corporation A, a nonprovider, and Corporation B, the provider, are combined by a statutory merger, with Corporation A being the surviving corporation. In such a case the assets of Corporation B acquired by Corporation A may be revalued in accordance with paragraph (g) of this section.

(ii) *Statutory merger between related parties.* If the statutory merger is between two or more related corporations (as specified in § 405.427), no revaluation of assets is permitted for those assets acquired by the surviving corporation. An example of this type of transaction is one in which Corporation A purchases the capital stock of Corporation B, the provider. Immediately after the acquisition of the capital stock of Corporation B, there is a statutory merger of Corporation B and Corporation A, with Corporation A being the surviving corporation. Under these circumstances, at the time of the merger the transaction is one between related parties and is not a basis for revaluation of the provider's assets.

(3) *Consolidation.* A consolidation is the combination of two or more corporations resulting in the creation of a new corporate entity. If at least one of the original corporations is a provider, the effect of a consolidation upon Medicare reimbursement for the provider is as follows:

(i) *Consolidation between unrelated parties.* If the consolidation is between two or more corporations which are unrelated (as specified in § 405.427), the assets of the provider corporation(s) may be revalued in accordance with paragraph (g) of this section.

(ii) *Consolidation between related parties.* If the consolidation is between two or more related corporations (as specified in § 405.427), no revaluation of provider assets is permitted.

3. Section 405.419 is amended by revising paragraph (d) to read as follows:

§ 405.419 Interest expense.

(a) *Principle.* Necessary and proper interest on both current and capital indebtedness is an allowable cost. However, interest cost incurred as a result of judicial review by a Federal court (as described in § 405.454(l) is not an allowable cost.

(b) *Definitions.* * * *

(2) *Necessary.* Necessary requires that the interest:

(i) Be incurred on a loan made to satisfy a financial need of the provider. Loans which result in excess funds or investments would not be considered necessary.

(ii) Be incurred on a loan made for a purpose reasonably related to patient care.

* * * * *

(d) *Loans not reasonably related to patient care.* (1) The following types of loans are not considered to be for a purpose reasonably related to patient care:

(i) For loans made to finance acquisition of a facility, that portion of the cost that exceeds:

(A) Historical cost as determined under § 405.415(b); or

(B) The cost basis determined under § 405.415(g); and

(ii) Loans made to finance capital stock acquisitions, mergers, or consolidations for which revaluation of assets is not allowed under § 405.415(l).

(2) In determining whether a loan was made for the purpose of acquiring a facility, we will apply any owner's investment or funds first to the tangible assets, then to the intangible assets other than goodwill and lastly to the goodwill. If the owner's investment or funds are not sufficient to cover the cost allowed for tangible assets, we will apply funds borrowed to finance the acquisition to the portion of the allowed cost of the tangible assets not covered by the owner's investment, then to the intangible assets other than goodwill, and lastly to the goodwill.

* * * * *

(Secs. 1102, 1814(b), 1833(a), 1861(v), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395(b), 1395(a), 1395x(v) and 1395hh)).

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: December 22, 1978.

LEONARD D. SCHAEFFER,
Administrator, Health Care Financing Administration.

Approved: January 28, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 79-3911 Filed 2-2-79; 8:45 am]

[1505-01-M]

Title 49—Transportation

CHAPTER I—RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-22; Amdt. Nos. 171-43, 173-126]

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Matter Incorporated by Reference

Correction

In FR Doc. 79-1482 appearing at page 3707 in the issue of Thursday, January 18, 1979, in the first column of page 3708, under "Effective Date", instead of the words "Upon publication in the FEDERAL REGISTER" insert the date "January 18, 1979".

[4910-59-M]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Corrections of Safety Standard No. 208 and Safety Standard No. 215

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Correction

SUMMARY: The purpose of this notice is to make several corrections to Safety Standard No. 208, *Occupant Crash Protection,* and Safety Standard No. 215, *Exterior Protection,* as they are currently codified in 49 Code of Federal Regulations at Part 571. The corrections include the additon of § 7.1.3 and its accompanying chart to Standard No. 208 and the addition of section headings for S7 of Standard No. 208 and S5.3 of Standard No. 215. These corrections were made in the May 9, 1972, issue of the FEDERAL REGISTER (37 FR 9322), but were never codified in subsequent publications of Title 49 of the Code of Federal Regulations.

DATES: These corrections are effective immediately.

FOR FURTHER INFORMATION CONTACT:

Hugh Oates, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, (202-426-2992).

In consideration of the foregoing, the following corrections are made to Safety Standard No. 208 (49 CFR 571.208) and Safety Standard No. 215 (49 CFR 571.215):

§ 571.208 [Amended]

1. In Safety Standard No. 208, the following heading is added between the end of the text of S6.4 and S7.1: "S7. *Seatbelt assembly requirements—passenger cars.*"

2. In Safety Standard No. 208, the following section and its accompanying chart are added following the text of S7.1.2: "S7.1.3. The weights and dimensions of the vehicle occupants specified in this standard are as follows:

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	50th-percentile 6-year-old child	5th-percentile adult female	50th-percentile adult male	95th-percentile adult male
Weight	47.3	102 pounds	164 pounds	215 pounds.
Erect sitting height	25.4 inches	30.9 inches	35.7 inches	38 inches.
Hip breadth (sitting)	8.4 inches	12.8 inches	14.5 inches	16.5 inches.
Hip circumference (sitting)	23.9 inches	36.4 inches	42 inches	47.2 inches.
Waist circumference (sitting)	20.8 inches	23.6 inches	33 inches	42.5 inches.
Chest depth		7.5 inches	9 inches	10.5 inches.
Chest circumference:				
(nipple)		30.5 inches		
(upper)		29.8 inches	37.7 inches	44.5 inches.
(lower)		26.6 inches		

§ 571.215 [Amended]

3. In Safety Standard No. 215, the following heading is added between the text of S5.2.3 and S5.3.1: "S5.3. *Protective criteria.*"

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50).

Issued on January 29, 1979.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 79-3618 Filed 2-2-79; 8:45 am]

[7035-01-M]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amendment No. 2 to Service Order No. 1340]

PART 1033—CAR SERVICE

Atlanta and West Point Rail Road Co., Clinchfield Railroad Co., Georgia Railroad, Seaboard Coast Line Railroad Co., and Western Railway of Alabama To Deliver Locomotives to Louisville and Nashville Railroad Co.; Regulations for the Use of Locomotives

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Amendment No. 2 to Service Order No. 1340.

SUMMARY: On September 22, 1978, the Commission ordered the Seaboard Coast Line Railroad and other lines members of its system collectively to furnish 100 locomotives to the Louisville and Nashville Railroad Company, also a system railroad. Amendment No. 2 allows the LN to return fifty locomotives to the SCL subject to immediate return to the LN should the LN in any week furnish less than forty percent of the cars ordered for coal loading by its single-car shippers located in Eastern Kentucky and Eastern Tennessee. The order is printed in full in Volume 43 of the FEDERAL REGISTER at page 44536. Amendment No. 2 of the order extends the expiration date of the order until April 30, 1979.

DATE: Expires 11:59 p.m., April 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTAL INFORMATION:

Decided January 30, 1979.

Upon further consideration of Service Order No. 1340 (43 FR 44536, 44606; 44 FR 874 and 3717), and good cause appearing therefor:

On August 3, 1979, the Commission entered an order requiring the six railroads named above (collectively known as the Family Lines), all of which are owned or controlled by the Seaboard Coast Line Railroad Company (SCL), to show cause why the Commission should not issue two proposed service orders. One proposed service order, entitled *Regulations For The Use Of Locomotives*, would have ordered the other five members of the Family Lines collectively to deliver 100 locomotives to the Louisville and Nashville Railroad Company (LN). The other proposed service order, entitled *Regulations For The Distribution Of Hopper Cars*, would have ordered the LN to supply weekly each coal mine ordering cars for single-car or non-unit-train shipments a minumum of forty percent of its daily mine rating multiplied by the number of working days in the week. The order to show cause was entered as a result of the Commission's conclusion that an acute shortage of locomotives and hopper cars for transporting single-car shipments or coal originating at stations on the LN in Eastern Kentucky existed.

Numerous responses to the show cause order were filed by the Family Lines, by producers and receivers of coal and other commodities, and by public officials in the States served by the Family Lines. The Commission held oral argument on the show cause order on September 7, 1978.

In a decision served September 22, 1978, the Commission ordered that the proposed service order entitled *Regulations For The Use Of Locomotives* be issued in modified form. The Commission deferred issuance of the proposed service order entitled *Regulations For The Distribution Of Hopper Cars.*

On October 11, 1978, the Commission denied an appeal of the Family Lines railroads seeking a stay of the order.

A subsequent appeal of the Family Lines seeking revocation of the order and of Tesoro Coal seeking broadening of the reporting requirements imposed upon the Family Lines by the order were denied on December 27, 1978. In that order the Commission stated that it would accept additional pleadings at any time up to ten days prior to the January 15, 1979, expiration date of the order.

Five such pleadings have been received. However, because of holiday delays in the distribution of the order dated December 27, 1978, and in the publication of that order in the FEDERAL REGISTER (Publication in the FEDERAL REGISTER was not accomplished until the issue date January 3, 1979), all petitions in this proceeding received in the Commission's offices on or before January 10, 1979, will be accepted.

To provide sufficient time to evaluate the varied opinions expressed in these petitions the Commission, on January 12, 1979, ordered a brief extension until January 31, 1979, of Service Order No. 1340.

The Family Lines request that Service Order No. 1340 either be vacated or allowed to expire. A similar request is made by The Fertilizer Institute (TFI). Tesoro Coal Company requests the extension of Service Order No. 1340. A group of petitioners comprising both of Kentucky's United States Senators, its two Congressmen from Eastern Kentucky, the governor of the Commonwealth of Kentucky and the Hazard and Harlan Coal Operators Association, hereafter described as the joint petitioners, seek both extension and modifications to the order.

In its pleading, the Family Lines stated that the fifty locomotive units which the parent SCL has leased from the Southern Pacific Transportation Company (SP) and sub-leased to LN will remain on LN through March 1979, by which time LN will have received approximately forty of seventy new locomotives scheduled to be delivered by the builders during February, March and April. LN argues that it can return fifty locomotives to SCL during the month of January and February without any appreciable effect on its ability to move its Eastern Kentucky coal traffic. It expects a seasonal increase in coal traffic in March and April which will require eighty more locomotives than it now has, but expects this need largely to be met by the scheduled delivery of seventy new locomotives during February, March and April. SCL itself pledges that if Service Order No. 1340 is vacated or allowed to expire, it will see that the LN has available at least the eighty locomotives which LN says it will need.

The Family Lines argue that although the percentage of cars furnished to single-car shippers of coal to cars ordered has improved since Service Order No. 1340 became effective, this improvement is a result of a decrease in the number of cars ordered rather than the result of an increase in the number of cars furnished. The weekly car distribution reports furnished by the LN do indeed reflect a decrease in car orders commencing in the week starting November 19, 1978, the week containing the Thanksgiving holiday. However these reports also disclose an erratic but increasing car supply both in the Eastern Kentucky coal fields and on the LN as a whole. We are not convinced that the increased availability of locomotives to move coal cars, both loaded and empty, has had no beneficial effect on the supply of cars to single-car coal shippers served by the LN.

The LN asserts that it can operate at present traffic levels with eighty fewer locomotives than it now has. However its weekly reports of trains held for power would indicate otherwise. During the seven-day period ending January 13, 1979, the LN reported that a total of 109 trains were released after being held 12 or more hours awaiting the availability of locomotives. During the two immediately preceding reporting periods 92 trains were reported held during the week ending January 6 and 103 during the week ending December 31. A total of 123 trains were released after locomotive delays of 12 hours or more during the week ending October 15, 1978. The latter date is the date the first 24 additional SCL units were reported in service on the LN. During each period substantially more trains were reported as being held for shorter periods. We cannot accept as valid the LN's belief that it can operate at existing traffic levels with eighty fewer locomotives than it is now using without excessive delays to trains and cars and consequent aggravation of shortages of cars for coal loading.

Subsequent to the issuance of this order, 54 locomotives were returned by the LN at the request of non-Family Line owners. Numerical replacement of these locomotives with locomotives furnished by SCL was not accomplished until some time between November 1 and November 15, 1978. At the time the "Show-Cause" order in this proceeding was served, on August 4, 1978, the LN was operating 120 leased locomotives, including 26 furnished voluntarily by SCL. As a result of the recall of fifty locomotives by Consolidated Rail Corporation and the Norfolk and Western the number of leased units had declined to 96 on October 15, in spite of the furnishing by SCL of 24 additional units as required by the order. On November 1, the LN was operating 103 leased locomotives, including eleven SP units.

On November 15, it was operating 127 leased locomotives including 37 SP units. (Four Detroit, Toledo and Ironton locomotives were recalled and returned between October 15 and November 15). On January 1, 1979, the LN was operating a total of 130 leased locomotives, ten more than the number operated when the proceeding was opened and 34 more than were operated on October 15, 1978, when the first report of trains held for power was due.

Although the reports received from the LN reveal that substantial progress has been made in reducing the number of trains and cars held for power, the large numbers of trains currently being reported as held for power indicates a continuing need for the locomotives furnished to it by the SCL as required by the order.

The Family Lines argue at length with respect to a "National Energy Policy" which they conceive as one which emphasizes the substitution of coal for other fuels in the generation of electricity and in major industrial uses. They allege that problems related to the implementation of this policy as it affects the producers and users of Eastern Kentucky coal, rather than deficiencies of the LN are the causes of its shortages of cars for coal loading and of shortages of locomotives for the prompt movement of coal, and that the LN should not be expected to furnish all of the cars and service required by its Eastern Kentucky coal shippers until the National Energy policy is clarified and the role of the Eastern Kentucky single-car coal shippers is more precisely determined. The LN contends that, with the exception of the Tennessee Valley Authority, all major utilities have received in a timely manner all of the coal they require.

Recent car distribution reports received from the LN for the two weekly periods ending January 6, 1979, and January 13, 1979, indicate that all orders for cars placed by non-unit-train coal shippers in the three Eastern Kentucky car distribution districts and in the Eastern Tennessee area were filled.

The level of car orders in the four eastern districts mentioned has declined steadily from the peak of 29,942 cars ordered during the week ending November 11, 1978, had decreased to 5,527 cars during the week ending January 13, 1979. Of significance was a decrease of 1,350 cars ordered between the holiday week ending January 6 and the normal week ending January 13, 1979.

Under ordinary circumstances we would consider the continuing decline in car orders and the recent ability of the LN to fill all orders for cars for coal loading as sufficient grounds for terminating our order. However, we are disturbed by the continued excessive delays to large numbers of trains attributed by the railroad to a lack of motive power and by the adverse effect such delays have on the availability of freight cars for placement for loading.

In its petition the LN states that if Service Order No. 1340 is vacated or allowed to expire it will retain fifty of the sixty SP locomotives leased by the SCL and sub-leased by that line to LN until replaced by new LN locomotives received from builders or until recalled by SP whichever occurs first.

We will extend Service Order No. 1340 until April 30, 1979. However, in view of the present ability of the LN to fill all orders for cars for coal loading by single-car shippers we will authorize the temporary return of fifty SCL locomotives to that line. The LN and other Family Lines railroads will be required to continue to furnish reports of trains held for power and the LN additionally will be required to continue its weekly reports of cars ordered by and furnished to single-car coal shippers and its bi-monthly report of locomotives operated on its line.

Should the LN, during any weekly reporting period, furnish less than 40 percent of the number of cars ordered by single-car shippers of coal served by its lines in Eastern Kentucky, and Eastern Tennessee, the SCL shall, no later than Wednesday of the following week return to the LN the locomotives it has recalled. Thereafter the base requirement of this order that the SCL furnish 100 locomotives to the LN shall remain fully in effect unless otherwise ordered by the Commission.

The Fertilizer Institute (TFI) asks that we vacate Service Order No. 1340. TFI asserts that SCL needs all of its locomotives in order to provide adequate service to shippers of phosphate and phosphate fertilizer who are predominately served by the SCL's network of lines in the vicinity of Mulberry, Florida. Although SCL is required by the order to furnish 100 locomo-

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tives to LN it has, in fact, transferred only fifty of its own locomotives to LN. It has successfully sought and leased fifty locomotives from SP and sub-leased these units to LN in order to complete its obligation to furnish a total of 100 locomotives to that line. Further SCL was given credit for twenty-six locomotives it had leased to LN prior to the issuance of this order. The net effect is that SCL transferred only 24 of its locomotives to LN as a result of this order.

By our action today we are authorizing the temporary return to SCL of the fifty locomotives it has leased to LN subject to possible return to that line should it again encounter severe car supply problems attributed to its inability to move car promptly because of a shortage of locomotives. We are also requiring that each of the Family Lines continue its weekly reporting of trains delayed because of a shortage of locomotives as suggested by TFI.

In a joint petition the Honorable Walter D. Huddleston and the Honorable Wendell H. Ford, United States Senators from Kentucky, Congressmen Carl D. Perkins and Tim Lee Carter, the Honorable Julian M. Carroll, Governor the Commonwealth of Kentucky, The Hazard Coal Operators Association and the Harlan Coal Operators Association (joint petitioners) ask that the Commission extend Service Order No. 1340 until June 15, 1979, and that SCL be required to furnish 100 of its own locomotives to LN. The joint petitioners argue that SCL's lease of locomotives from SP for sublease to LN does not constitute compliance with the order.

We do not agree. The order directed SCL and its affiliates other than LN to furnish a total of 100 locomotives to LN. No constraints were placed on the SCL's method of compliance. The SCL properly in our opinion, located and arranged for the lease, repair and subsequent sub-lease to LN of a group of locomotives owned by SP which that line was unable to repair and use on its own lines. SCL temporarily interrupted its own locomotive repair program in order to restore the SP locomotives to operating condition. By its action SCL successfully met the Commission's requirement that it furnish 100 additional locomotives to LN while at the same time minimizing the effects of the order on its own operations and upon the shippers dependent upon it for rail transportation.

Tesoro Coal Company also asks that Service Order No. 1340 be continued in effect, but offers no suggestions as to a new expiration date.

Shamrock Coal Company requested that the Commission extend and modify this order but subsequently withdrew its request because of errors in its initial petition. Shamrock now takes no position with respect to the continuance of Service Order No. 1340.

It is ordered, That Service Order No. 1340 is extended to expire at 11:59 p.m., April 30, 1979.

The Louisville and Nashville Railroad is authorized to return to the SCL, subject to recall, fifty SCL locomotives furnished by the SCL to the LN in accordance with the requirements of Section (a) of Service Order No. 1340. These locomotives must be returned to the LN no later than Wednesday of the week immediately following any week during which the LN furnishes less than 40 percent of the cars ordered by single-car coal shippers served by its lines located on its Corbin and Knoxville divisions in Eastern Kentucky and Tennessee. A week is defined as the period Sunday through Saturday inclusive.

(49 U.S.C. (10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Chairman O'Neal, Vice Chairman Brown, and Commissioners Stafford, Gresham, and Christian; Commissioner Clapp not participating.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3916 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Amendment No. 2 to Service Order No. 1352]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Fond du Lac, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Amendment No. 2 to Service Order No. 1352.

SUMMARY: The lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) serving Fond du Lac, Wisconsin, are inoperable because of heavy snow at this location, which is depriving industries located adjacent to the MILW tracks at this location of railroad service. Service Order No. 1352 authorizes the Chicago and North Western Transportation Company (CNW) to operate over tracks of the MILW in Fond du Lac in order to restore railroad service to these shippers. The order is printed in full in Volume 44 of the FEDERAL REGISTER at page 3715. Amendment No. 2 extends the expiration date of the order until February 15, 1979.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., February 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTAL INFORMATION:

Decided January 30, 1979.

Upon further consideration of Service Order No. 1352 (44 FR 3715 and 4953), and good cause appearing therefor:

It is ordered, That § 1033.1352 *Chicago and North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Fond du Lac, Wisconsin,* Service Order No. 1352 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 15, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3914 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Amendment No. 1 to Service Order No. 1353]

PART 1033—CAR SERVICE

Chicago & North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. at Oshkosh, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Amendment No. 1 to Service Order No. 1353.

SUMMARY: The lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) serving Oshkosh, Wisconsin, are inoperable because of heavy snow at this location, which is depriving industries located adjacent to the MILW tracks at this location of railroad service. Service Order No. 1353 authorizes the Chicago and North Western Transportation Company (CNW) to operate over tracks of the MILW in Oshkosh, Wisconsin, in order to restore railroad service to these shippers. The order is printed in full in Volume 44 of the FEDERAL REGISTER at page 5137. Amendment No. 1 extends the expiration date of the order until February 15, 1979.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., February 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, Telephone (202) 275-7840, telex 89-2742.

SUPPLEMENTAL INFORMATION:

Decided January 30, 1979.

Upon further consideration of Service Order No. 1353 (44 FR 5137), and good cause appearing therefor:

It is ordered, That § 1033.1353 *Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Oshkosh, Wisconsin,* Service Order No. 1353 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 15, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3915 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Amendment No. 2 to Second Revised Service Order No. 1332]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Amendment No. 2 to Second Revised Service Order No. 1332.

SUMMARY: There are severe shortages of freight cars throughout the country. Second Revised Service Order No. 1332 requires all railroads to place, remove, forward, weigh, clean or repair cars within 60 hours in order to expedite the handling of freight cars and to increase their availability for reloading. Boxcars, hopper cars and covered hopper cars are covered by this order. Amendment No. 2 extends the order until March 31, 1979. This order is published in full in Volume 43 of the FEDERAL REGISTER at page 45863.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., March 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTAL INFORMATION:

Decided January 26, 1979.

Upon further consideration of Second Revised Service Order No. 1332 (43 FR 45863 and 56674), and good cause appearing therefor:

It is ordered, That § 1033.1332 Railroad operating regulations for freight car movement, Second Revised Service Order No. 1332, is hereby amended by substituting the following paragraph (g) for paragraph (g) therefor:

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Chairman O'Neal, Vice Chairman Brown, and Commissioners, Stafford, Gresham, Clapp, and Christian.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3912 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Service Order No. 1335-A]

PART 1033—CAR SERVICE

Repair and Retirement of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Service Order No. 1335-A.

SUMMARY: On September 7, 1978, the Commission ordered each railroad owning plain forty-foot boxcars to show cause why they should not be required to repair and restore certain such cars to service and why certain restrictions should not be placed on the retirement of these cars. Replies were filed by sixty railroads. Recent changes in the Interstate Commerce Act by Public Law 95-607 nullified the previous action of the Commission in this matter.

Service Order No. 1335 is vacated and set aside effective upon date of service of this order.

DATE: Effective upon date of service of this order.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utiliza-

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tion and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTAL INFORMATION: The Order is printed in full below.

Decided January 29, 1979.

On September 7, 1978, the Commission ordered all railroads owning plain forty-foot boxcars to show cause why they should not be required to repair and restore such cars to service within specified time periods and why certain restrictions should not be placed on the retirement of these cars. Each railroad was requested to furnish detailed information in response to ten questions propounded by the Commission. Replies were due on September 23, 1978. Upon petition of the Association of American Railroads (the Association), the time for the filing of replies was extended until October 13, 1978, (43 F.R. 40891 and 43719). Replies were timely filed by the Association and by sixty railroads.[1] In addition, comments were submitted by eighteen non-carrier interested parties.[2]

On November 30, 1978, The Consolidated Rail Corporation (Conrail) filed a motion to dismiss the proceeding citing recent changes in the Interstate Commerce Act made by Public Law 95-607, enacted November 8, 1978, which, in its opinion, nullified the previous action of the Commission in this matter.

The language cited by Conrail is contained in Public Law 95-607 § 402. The pertinent portion of Public Law 95-607 reads:

Section 1(14) of the Interstate Commerce Act (49 U.S.C. 1(14) is amended by redesignating subdivision (b) as subdivision (c), and by inserting immediately after subdivision (a) the following new subdivision:

"(b) If the Commission finds, upon petition of an interested party and after notice and a hearing on the record, that a common carrier by railroad subject to this part has materially failed to furnish safe and adequate car service as required by paragraph (11) of this section, the Commission may require such carrier to provide itself with such facilities and equipment as may be reasonably necessary to furnish such service, if the evidence of record establishes, and the Commission affirmatively finds that—

"(i) the provisions of such facilities or equipment will not materially and adversely affect the ability of such carrier to otherwise provide safe and adequate transportation services;

"(ii) the expenditure required for such facilities or equipment including a return which equals such carrier's current cost of capital, will be recovered; and

"(iii) the provision of such facilities or equipment will not impair the ability of such carrier to attract adequate capital".

The newly enacted provisions clearly give the Commission authority to require a railroad found to be deficient in the furnishing of safe and adequate car service, to provide itself with such additional facilities and equipment as may be necessary to overcome its car service deficiencies. While the statute does not specifically refer to the repair of freight cars, an order requiring a railroad having a severe shortage of freight cars of any type to acquire additional cars while at the same time allowing that railroad indefinitely to defer repairs to existing cars of the same type would be ineffective. It requires from eight to eighteen months to receive new cars from the date orders are placed with the car builders for the purchase of cars, whereas an effective program for repairs to unserviceable cars can be started within a few weeks. Further, the operation of an adequate repair program will maintain the railroad's serviceable car fleet at the maximum level. For most railroads reporting severe car shortages, a combination of new car purchases and an adequate repair program will be required if an adequate supply of cars is to be made available to transport the level of traffic presently being offered.

The Commission's authority to require a carrier to provide itself with adequate facilities and equipment to enable it to furnish safe and adequate car service is more explicitly stated in Public Law 95-607 § 402 than it was before the enactment of that law. However, that law clearly authorizes such action only after petition of an interested party and only upon a finding by the Commission that:

"(i) the provision of such facilities or equipment will not materially and adversely affect the ability of such carrier to otherwise provide safe and adequate transportation services;

"(ii) the expenditure required for such facilities or equipment including a return which equals such carrier's current cost of capital, will be recovered; and

"(iii) the provisions of such facilities or equipment will not impair the ability of such carrier to attract adequate capital".

This proceeding was opened by the Commission on its own motion on September 7, 1978, two months prior to the enactment of Public Law 95-607, which now limits the Commission's authority in this area to proceedings initiated by a petition of an interested party. Since no such petitions had been received urging the Commission to require the carriers to increase their fleets of serviceable freight cars by repairs to defective cars or by limiting retirements of cars based on age and estimated cost of repairs, the Commission believes that this proceeding should be discontinued without prejudice to the reopening of a similar proceeding upon receipt of a petition requesting such action. Any such petition should be supported by evidence indicating a significant deficiency in the carrier's supply of cars, locomotives or other facilities.

It is ordered, That § 1033.1335 *Repair and retirement of freight cars—order to show cause*, Service Order No. 1335 is vacated and set aside, effective upon date of service of this order.

(49 U.S.C. 10304-10305 & 11121-11126); (1(14)(b) P.L. 95-607 § 402, Stat. 3079 (1978).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission. (Chairman O'Neal, Vice Chairman Brown and Commissioners Stafford, Gresham, Clapp and Christian).

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3913 Filed 2-2-79; 8:45 am]

[1] Replies were received from the Association of American Railroads, and from the following railroads: Angelina and Neches River Railroad Company; Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator; The Atchison Topeka and Santa Fe Railway Company; Bangor and Aroostook Railroad Company; Bessemer and Lake Erie Railroad Company; Birmingham Southern Railroad Company; Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees; Burlington Northern Inc.; Cambria and Indiana Railroad Company; Carbon County Railway Company; Chessie System (The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company and Western Maryland Railway Company); Chicago & Illinois Midland Railway Company; Chicago and North Western Transportation Company; Chicago, Milwaukee, St. Paul and Pacific Railroad Company; Chicago, Rock Island and Pacific Railroad Company; Chicago, South Shore and South Bend Railroad; Clinchfield Railroad Company; The Colorado & Wyoming Railway Company; Conemaugh & Black Lick Railroad Company; Consolidated Rail Corporation; The Denver and Rio Grande Western Railroad Company; Duluth, Missabe and Iron Range Railway Company; Elgin, Joliet and Eastern Railway Company; Galveston Wharves; Grand Trunk Western Railroad Company; High Point, Thomasville & Denton Railroad Company; Illinois Central Gulf Railroad Company; Illinois Terminal Railroad Company; Johnstown and Stony Creek Rail Road Company; Lake Erie, Franklin & Clarion Railroad Company; The Lake Terminal Railroad Company; Louisville and Nashville Railroad Company; Louisville, New Albany & Corydon Railroad Company; Maine Central Railroad Company; McKeesport Connecting Railroad Company; Mississippi Export Railroad Company; The Newburgh and South Shore Railway Company; Norfolk and Western Railway Company; Northhampton and Bath Railroad Company; Patapsco & Back River Railroad Company; Philadelphia, Bethlehem and New England Railway Company; The Pittsburgh and Lake Erie Railroad Company; St. Louis-San Francisco Railway Company; Seaboard Coast Line Railroad Company; Soo Line Railroad Company; South Buffalo Railway Company; Southern Pacific Transportation Company and St. Louis Southwestern Railway Company; Southern Railway Company; Steelton & Highspire Railroad Company; The Texas Mexican Railway Company; Toledo, Peoria & Western Railroad Company; Union Pacific Railroad Company; Union Railroad Company; The Western Pacific Railroad Company; Winston-Salem Southbound Railway Company; and The Youngstown and Northern Railroad Company.

[2] The following non-carriers submitted comments. Statements in support of the proposed Service Order were received from The United States Department of Agriculture; American Farm Bureau Federation; National Cotton Council of America; National Farmers Organization. Statements seeking modification of the proposed order to include additional car types were submitted by American Paper Institute, Inc.; General Mills Inc.; Grocery Manufacturers of America; Hunt Wesson Foods Inc.; Southern Hardwood Traffic Association. Statements in opposition to the proposed order were filed by the Honorable Henry S. Reuss, House of Representatives; Armstrong Cork Company; Bid, Inc.; Canners League of America; Carnation Company; Gerber Products Company; H. J. Heinz Company; The National Association of Shippers Advisory Boards; Pacific Coast Shippers Advisory Board.

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[4810-33-M]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Parts 19 and 24]

RULES OF PRACTICE AND PROCEDURE

Proposed Rule

AGENCY: Comptroller of the Currency.

ACTION: Proposed rule.

SUMMARY: This proposed revision of 12 CFR Part 19 incorporates changes in the Comptroller's supervisory and adjudicatory authority made by Titles I and II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630). The proposal also establishes rules of practice and procedure applicable to hearings held by the Comptroller under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) and to formal investigations conducted under 12 U.S.C. 481, 1818(n), and 1820(c). The Comptroller proposes to revoke Part 24, entitled "Procedures and Standards Applicable to Suspensions and Prohibitions, Where A Felony is Charged", because this subject is covered by the Financial Institutions Regulatory and Interest Rate Control Act of 1978 and the proposed implementing provisions of 12 CFR Part 19.

DATES: Written comments must be received on or before March 7, 1979.

ADDRESSES: Comments should be addressed to Mr. John E. Shockey, Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT:

Mr. William B. Glidden, Staff Attorney, Comptroller of the Currency, Washington, D.C. 20219, Tel. No. (202) 447-1880.

SUPPLEMENTARY INFORMATION: The regulation presently obtained in 12 CFR Part 19 is entitled "Rules of Practice and Procedures Applicable to Proceedings Relating to Cease and Desist Orders". The proposed revision is entitled "Rules of Practice and Procedure" and is divided into Subparts A thru H. Subpart A prescribes general rules that will be followed by the Comptroller of the Currency in formal hearings. However, in connection with any particular matter, reference should also be made to specific requirements of practice and procedure that may be contained in the statute involved or the rules found in other subparts of 12 CFR Part 19, which special requirements are controlling. The essential purpose of Subpart A is to state clear procedures that comply with due process concerns of the Administrative Procedure Act (5 U.S.C. 554-557). The Federal Rules of Civil Procedure have also been considered and to some extent incorporated in the proposal.

Subparts B thru E embody changes in the Comptroller's supervisory and adjudicatory authority made by the Financial Institutions Regulatory and Interest Rate Control Act of 1978, Pub. L. 95-630 ("Act"). Subpart B reflects that section 107(a) of the Act subjects bank-related individuals as well as banks to the Comptroller's cease-and-desist powers. A bank-related individual is any officer, director, employee, agent, or other person participating in the conduct of the affairs of a bank.

Subpart C is based upon sections 101, 103, 107, and 801 of the Act, which provide for the assessment of a civil money penalty against a bank or a bank-related individual for violation of certain laws and regulations or of a cease-and-desist order which has become final.

Subparts D and E prescribe hearing procedures related to suspension and removal of an officer, director or other person participating in the affairs of a bank and are based on sections 107 and 111 of the Act respectively. Subpart E involves suspension or removal where the individual concerned has been charged with or convicted of a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year. In such circumstances, the Comptroller must afford the subject individual an opportunity for an informal hearing. Under Subpart D, on the other hand, the Comptroller conducts a formal hearing and the presiding officer certifies the record to the Federal Reserve Board for a determination of whether a final removal order should be issued.

Subpart F, as authorized by sections 15B(c) and 23 of the Securities Exchange Act of 1934, 15 U.S.C. 78o-4(c) and 78w, prescribes rules applicable to any disciplinary proceedings that may be instituted by the Comptroller against certain banks acting as municipal securities dealers and persons associated with such dealers.

Subparts B through F are relatively brief. They generally set forth the scope of the particular proceeding involved, the nature of any notice or order that might be served on a bank or individual, and incorporate any specific time or other procedural requirements contained in the statute being implemented. The detailed rules of practice and procedure are set forth in Subpart A and cover such items as answers to charges, the filing and service of papers, the designation of a presiding officer and the conduct of formal hearings, access to agency process by parties afforded a hearing, various time requirements, and the certification of the hearing record to the Comptroller for decision.

Subpart G applies to informal hearings afforded a party seeking an exemption from certain provisions of the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.* Like Subpart E, which also involves informal hearings, the rules in this subpart establish a different framework from that which is set forth in Subpart A. The thrust of Subpart G is to permit considerable flexibility in the conduct of hearings while at the same time providing for the development of a meaningful record that can assist the Comptroller in arriving at a decision.

Subpart H will govern formal investigations conducted by the Comptroller's Office. Even though no adjudication is involved, these rules are included in 12 CFR Part 19 because they prescribe rules of practice and procedure and because formal investigations will frequently lead to or supplement an adjudicatory proceeding. As already noted, the Comptroller also proposes to revoke 12 CFR Part 24 because the provisions contained therein are rendered obsolete by section 107 and 111 of the Financial Institutions Regulatory and Interest Rate Control Act, amending 12 U.S.C. 1818(e) and (g) respectively.

The comment period on the proposed revisions is limited to 30 days because the effective date of the statute being implemented is March 10, 1979; there is thus a need to issue final regulations as soon as possible.

DRAFTING INFORMATION

The principal drafter of this document was Staff Attorney William B. Glidden.

PROPOSED RULE

For the reasons stated above, the Comptroller proposes to amend 12 CFR Part 19 to read as follows:

PART 19—RULES OF PRACTICE AND PROCEDURE

Subpart A—Rules Applicable to Formal Hearings

Sec.
19.0 Definitions.
19.1 Scope.
19.2 Commencement of proceedings; notice and answer.
19.3 Appearance and practice before the Comptroller.
19.4 Filing and service.
19.5 Form and signature of papers.
19.6 Time.
19.6 Time.
19.7 Motions.
19.8 Subpoenas.
19.9 Depositions.
19.10 Conduct of formal hearing.
19.11 Proposed findings and conclusions; recommended decision.
19.12 Exceptions.
19.13 Oral argument before the Comptroller.
19.14 Notice of submission to the Comptroller.
19.15 Decision of Comptroller.
19.16 Proceedings are confidential.
19.17 Retained authority.

Subpart B—Cease-and-Desist Proceedings

19.18 Scope.
19.19 Notice of charges and answer.
19.20 Temporary cease-and-desist orders.
19.21 Cease-and-desist orders.

Subpart C—Assessment of Civil Money Penalties

19.22 Scope.
19.23 Notice of assessment; request for hearing; answer.
19.24 Notice of hearing.
19.25 Assessment orders.

Subpart D—Removals, Suspensions and Prohibitions Generally

19.26 Scope.
19.27 Notice of intention and answer.
19.28 Suspension or prohibition by notice.
19.29 Removal or prohibition by order.

Subpart E—Removals, Suspensions and Prohibitions Where a Crime Is Charged or Proven

19.30 Scope.
19.31 Suspension or removal.
19.32 Informal hearing.
19.33 Decision of Comptroller

Subpart F—Disciplinary Proceedings Involving Municipal Securities Dealers

19.34 Scope.
19.35 Notice of charges and answer.
19.36 Disciplinary orders.

Subpart G—Exemption Hearings Under Section 12(h) of the Securities Exchange Act of 1934

19.37 Scope.
19.38 Application for exemption.
19.39 Newspaper notice.
19.40 Informal hearing.
19.41 Decision of Comptroller.

Subpart H—Formal Investigations

19.42 Scope.
19.43 Formal investigations are confidential.
19.44 Order to conduct formal investigation.
19.45 Rights of witnesses.
19.46 Service of subpoena and payment of witness fees.

AUTHORITY: Secs. 8 and 10 of the Federal Deposit Insurance Act (12 U.S.C. 1818, 1820); secs. 12(i) and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(i), 78w); Administrative Procedure Act (5 U.S.C. 554-57); secs. 101, 103, 107, and 801 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630); sec. 13 of the International Banking Act of 1978 (Pub. L. 95-369).

Subpart A—Rules Applicable to Formal Hearings

§ 19.0 Definitions.

(a) The term "bank" means a national bank, District bank, or a foreign bank having a federal branch or agency.

(b) The Comptroller's "interested division" means those staff members who are engaged in investigative or prosecutorial functions in connection with a Part 19 proceeding.

(c) The term "party" means a bank or person named as a party in any notice which commences proceedings, or any person who is admitted as a party or who has filed a written request and is entitled as of right to be a party. The Comptroller's interested division shall be deemed to be a party to Part 19 proceedings.

(d) The term "presiding officer" means an administrative law judge, or any agency employee or other person designated by the Comptroller to conduct a hearing. Ordinarily an administrative law judge will conduct a formal hearing.

§ 19.1 Scope.

This subpart prescribes rules of practice and procedure followed by the Comptroller of the Currency in formal hearings. In connection with any particular matter, reference should also be made to any special requirements of practice and procedure that may be contained in the statute involved or the rules adopted by the Comptroller in Subparts B, C, D or F of Part 19, which special requirements are controlling. These rules in Subpart A do not apply to the informal hearings described in Subparts E and G of this part or in Part 5 (12 CFR Part 5) or to any other informal hearing that may be ordered by the Comptroller.

§ 19.2 Commencement of proceedings; notice and answer.

(a) *Notice.* Proceedings are commenced by notice served upon the party or parties afforded a formal hearing. The notice may be a notice of charges, described in § 19.19 or § 19.35, a notice of assessment of civil money penalties, described in § 19.23, or a notice of intention to remove from office described in § 19.27. The matters of fact and law alleged in a notice may be amended by the Comptroller at any stage of the proceedings, and such amended notice may require an answer from the party or parties served and may set a new hearing date.

(b) *Answer is required within 20 days.* Except as otherwise provided in this part, a party who does not wish to consent to a final order must file an answer within 20 days after being served with a notice which commences proceedings. Any subsequent notice which contains amended allegations and by its terms requires an answer must similarly be answered within 20 days.

(c) *Answer shall specifically admit or deny.* An answer filed under this section shall concisely state any defenses and specifically admit or deny each allegation in the notice. Any allegation not specifically denied is deemed to be admitted. A party who lacks information or knowledge sufficient to form a belief as to the truth of any particular allegation shall so state and this has the effect of a denial. A party who intends in good faith to deny only a part or a qualification of an allegation shall specify what is true and deny only the remainder.

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the prescribed time constitutes a waiver of the right to appear and contest the allegations contained in the notice and authorizes the presiding officer, without further notice to the party, to find the facts to be as alleged and to file a recommended decision containing such findings and appropriate conclusions. The Comptroller or the presiding officer, for good cause shown, may permit the filing of a delayed answer.

§ 19.3 Appearance and practice before the Comptroller.

(a) *Representation of a party or person.* An attorney who desires to act on behalf of a client shall file a statement that the client has authorized such representation and that the attorney is currently a member in good standing of the bar of the highest court of a state, possession, territory, commonwealth, or the District of Columbia. Any other person desiring to act in a representative capacity may be required to file a power of attorney

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showing authority to act in such capacity and to show to the satisfaction of the Comptroller the possession of requisite qualifications. Attorneys and other representatives of parties afforded a hearing shall file a notice of appearance. Except with permission of the presiding officer, only one representative of a party may question a witness or assert objections to questions being propounded by another party at a deposition or a hearing.

(b) *Representation of multiple interests may be prohibited.* An attorney representing a bank which is a party shall not also represent other persons unless the attorney informs such other persons of any actual or potential conflict of interest. The presiding officer shall resolve the issue of multiple representation if it arises when a hearing is in session or is raised by motion of an opposing party.

(c) *Summary suspension.* Contemptuous conduct at any hearing before the Comptroller or a presiding officer shall be grounds for exclusion from the hearing and suspension for the duration thereof.

§ 19.4 Filing and service.

(a) *Filing.* Any notice which commences proceedings, any response or answer thereto, any amended notice and answer thereto, any notice of hearing, every order or ruling except one which is entered during the course of a hearing and is part of the hearing transcript, every paper relating to discovery, every written motion, memorandum, notice, appearance, proof of service or similar paper, every stipulation of the parties, the hearing transcript together with all exhibits accepted into evidence, proposed findings and conclusions by the parties, the findings and conclusions and recommended decision of the presiding officer, parties' exceptions thereto, and the decision and final order of the Comptroller shall be filed with the Deputy Comptroller for Administration or other person designated to receive papers for the agency in a proceeding. Papers required to be filed may be sent by mail or express but must be received at the office of the Comptroller in Washington, D.C., or postmarked by a post office, within the time limit, if any, prescribed for such filing.

(b) *Service.* Except as otherwise provided in these rules, each party who files papers is responsible for serving a copy thereof upon the presiding officer and upon the attorney or representative of record of every other party. A copy of all papers filed by the presiding officer shall be served upon the parties. Service shall be by personal service or by registered, certified or regular first-class mail. If a party is not represented, service shall be made at the last known address of the party or an officer thereof as shown on the records of the Comptroller.

(c) *Proof of Service.* Proof of service of papers filed by a party shall be filed before action is to be taken thereon. The proof shall show the date and manner of service, and may be by written acknowledgement of service, by affidavit of the person making service, or by certificate of an attorney or other representative of record. Failure to make proof of service shall not affect the validity of service. The presiding officer may allow the proof to be amended or supplied, unless to do so would result in material prejudice to a party.

§ 19.5 Form and signature of papers.

All papers filed by a party shall be printed or typewritten, and copies served upon the presiding officer and the parties shall be clear and legible. The original of all papers filed by any party shall be signed by that party's attorney. If a party is not represented by an attorney, the papers shall be signed by the party, an officer thereof, or a duly authorized representative.

§ 19.6 Time.

(a) *Computation.* In computing any period of time prescribed or allowed by this part, the date of the act or event from which the period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. Whenever a party is required or permitted to do some act within a prescribed period of time from the date of service, and service has been made by mail, 3 days are added to the prescribed period of time. Any paper that is mailed is timely if postmarked by a post office on or before the last day of the period prescribed for filing or service.

(b) *Change of time limits.* Except as otherwise provided by law, the presiding officer may extend time limits prescribed by these rules or by any notice or order issued in the proceedings. Prior to the appointment of a presiding officer and after the filing of a recommended decision pursuant to § 19.11(b), the Comptroller may grant such extensions. Subject to the approval of the presiding officer, the parties may by stipulation change the time limits specified by these rules or any notice or order issued thereunder.

§ 19.7 Motions.

(a) *How made.* An application or request for an order or ruling, unless made during a hearing session, shall be made by written motion supported by a memorandum which concisely states the grounds therefor.

(b) *Opposition.* Within 7 days after service of any written motion, or within such other period of time as may be fixed by the ruling authority, any party may file a memorandum in opposition thereto. The moving party has no right to reply except as permitted by the ruling authority. No oral argument will be heard on motions except as otherwise directed by the ruling authority. The ruling authority has discretion to waive the requirements of this section as to motions for extension of time and may rule upon such motions ex parte.

(c) *Rulings and orders.* After being designated and until such time as a recommended decision is filed pursuant to § 19.11(b), the presiding officer rules on all motions and may issue appropriate orders, except that the presiding officer for good cause and if unavailable may refer matters to the Comptroller. The Comptroller rules upon motions properly submitted by a party or referred by the presiding officer.

(d) *Interlocutory review.* All orders and rulings on motions become part of the record. the presiding officer shall not certify a ruling for interlocutory review to the Comptroller unless a party so requests and shows good cause.

§ 19.8 Subpoenas.

(a) *Issuance.* Upon written application of a party and a showing of the general relevance and reasonable scope of the testimony or other evidence sought, the presiding officer may issue subpoenas requiring the attendance of witnesses or the production of documents at a designated place of hearing. During sessions of a hearing the applications may be made orally on the record. Where it appears to the presiding officer that a subpoena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the presiding officer has discretion to refuse to issue a subpoena or to issue it only upon such conditions as fairness requires. In making this determination, the presiding officer may inquire of the other parties whether they will concede the facts sought to be proved. Such inquiry shall not disclose the identity of the person sought to be subpoened except with permission of the party requesting the subpoena.

(b) *Motions to quash.* Any person to whom a subpoena is directed may, prior to the time specified therein for compliance but in no event more than 5 days after the date the subpoena was served, with notice to the party requesting the subpoena, apply to the presiding officer to quash or modify the subpoena, accompanying such application with a brief statement of the reasons therefor. The presiding officer may deny the application or, upon notice to the party in whose behalf the subpoena was issued and after affording that party an opportunity to reply, may quash or modify the subpoena or impose reasonable conditions including, in the case of a subpoena duces tecum, a requirement that the party in whose behalf the subpoena was issued shall advance the reasonable cost of collecting and transporting documentary evidence to the designated place of hearing.

(c) *Service of subpoena.* Service of a subpoena shall be made by personal service or by certified mail addressed to the person named therein and by tendering the fees for one day's attendance and mileage as specified in paragraph (d) of this section, except that when a subpoena is issued in behalf of the Comptroller's interested division the fees and mileage need not be tendered at the time of service.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents at a designated place of hearing may be required from any place in any state or territory subject to the jurisdiction of the United States. Witnesses who are subpoenaed shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Fees required by this paragraph shall be paid by the party upon whose application the subpoena is issued.

§ 19.9 Depositions.

(a) *Application to take a deposition.* Any party desiring to preserve testimony for use at a hearing by taking a deposition shall make written application to the presiding officer setting forth the name and address of the witness, the subject matter concerning which the witness is expected to testify, its relevance, the time, place, and name and address of the person before whom it is desired the deposition be taken, and the reasons why such deposition should be taken. The application may include a request that specified documents be produced at the deposition. A copy of the application shall be served on the other parties.

(b) *Subpoena; notice to other parties.* Upon a showing that the proposed witness will or may be unable to attend the hearing, the testimony or other evidence sought will be material, and the taking of the deposition will not result in any undue burden to the witness or any party or undue delay of the proceeding, the presiding officer may issue a subpoena or subpoena duces tecum. Notice of the issuance of such subpoena shall be served upon the parties at least 5 days in advance of the date set for deposition.

(c) *Deposition by notice.* The requirements of paragraphs (a) and (b) of this section may be waived by agreement of the parties and the witnesses whose testimony or documentary evidence is sought. Such agreement shall be embodied in a stipulation which becomes part of the record and may provide for the taking of depositions upon notice and without leave of the presiding officer.

(d) *Procedure on deposition.* Each witness whose testimony is taken by deposition shall be sworn or shall affirm before any question is propounded. Examination and cross-examination of deponents may proceed as permitted at the hearing. Objections to questions or documents shall be in short form, stating the ground of objections relied upon, but the person before whom the deposition is taken shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence is deemed a waiver if the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate) shall be recorded by or under the direction of the person before whom the deposition is taken. The deposition shall be signed by the witness, unless the witness refuses and states the reason therefor on the record, and shall be certified as a true and complete transcript by the person recording the testimony. The person before whom the deposition is taken shall promptly file the transcript and all exhibits. Interested parties shall make their own arrangements with the person recording the testimony for copies of the testimony and the exhibits.

(e) *Introduction as evidence.* Subject to appropriate rulings by the presiding officer on such objections and answers as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying, the deposition or any part thereof may be received in evidence by the presiding officer. Only such part of a deposition as is received in evidence at a hearing shall constitute a part of the record upon which a decision may be based.

(f) *Payment of fees.* Deponents whose depositions are taken and the reporter taking the same shall be entitled to the same fees as are paid for like services in the courts of the United States, which fees shall be paid by the party upon whose application the deposition is taken.

§ 19.10 Conduct of formal hearing.

(a) *Authority of presiding officer.* Formal hearings are subject to the requirements of the Administrative Procedure Act (5 U.S.C. 554–557). The presiding officer designated by the Comptroller has complete charge of a hearing and must conduct it in a fair and expeditious manner.

(b) *Pre-hearing conferences and memoranda.* The presiding officer shall when possible schedule pre-hearing conferences aimed at expediting the proceedings. In this regard, the presiding officer may require the submission of pre-hearing memoranda which, among other things, specify the witnesses to be called, exhibits to be offered in evidence at the hearing, and such other matters as the presiding officer deems advisable. Any agreements reached among the parties, at pre-hearing conferences or otherwise, shall become part of the record and find the parties thereto unless the presiding officer permits otherwise for good cause shown.

(c) *Attendance at hearing.* Unless the Comptroller determines, after considering the views of the party or parties afforded a hearing, that a public hearing is necessary to protect the public interest, a hearing shall be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying and their counsel, and other persons having an official interest in the proceedings.

(d) *Hearing rules.* The Comptroller's interested division shall open and close. Every party has the right to present its case or defense by oral and documentary evidence and testimony and to conduct such cross-examination as may be required for full disclosure of the facts. Irrelevant or unduly repetitious evidence shall be excluded. Objections to the admission or exclusion of evidence shall be concise and, together with rulings thereon, become part of the record. Argument on objections may at the discretion of the presiding officer take place off the record. Failure to object to admission or exclusion of evidence or to any ruling constitutes a waiver of objection.

(e) *Transcript.* A hearing shall be recorded. The transcript shall be duly certified by the official reporter and together with all exhibits accepted into evidence shall be filed. Copies shall be furnished to the presiding officer and the interested division and are available to other parties upon payment of the cost thereof. Parties to the proceeding shall be promptly notified when the hearing transcript has been filed.

§ 19.11 Proposed findings and conclusions; recommended decision.

(a) *Proposed findings and conclusions by parties.* Within 30 days after

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the hearing transcript has been filed, any party may file proposed findings of fact and conclusions of law.

(b) *Recommended decision by presiding officer.* Within 30 days after the expiration of time allowed under paragraph (a) of this section, or within such further time as the Comptroller for good cause allows, the presiding officer shall file a recommended decision and findings and conclusions. A copy shall promptly be served upon the parties.

§ 19.12 Exceptions.

Within 15 days after being served with a copy of the findings and conclusions and recommended decision of the presiding officer, any party may file exceptions thereto and to any failure to adopt a proposed finding or conclusion.

§ 19.13 Oral argument before the Comptroller.

Upon the Comptroller's own initiative, or upon the written request of any party made within the time for filing exceptions to the recommended decision of the presiding officer, the Comptroller may order and hear oral argument on the recommended decision and the findings and conclusions on which it is based. Oral argument before the Comptroller shall be recorded unless otherwise ordered.

§ 19.14 Notice of submission to the Comptroller.

Upon the expiration of the time for filing exceptions to the recommended decision of the presiding officer, or after any hearing of oral argument by the Comptroller, the parties shall be promptly be notified that the case has been submitted to the Comptroller for final decision.

§ 19.15 Decision of Comptroller.

Staff who have not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Comptroller in the consideration of the case. Copies of the decision and order of the Comptroller shall be served upon the parties.

§ 19.16 Proceedings are confidential.

Unless and until otherwise ordered by the Comptroller, any information obtained and any papers and documents filed during the course of a proceeding are for the confidential use only of the Comptroller, the presiding officer, and the parties.

§ 19.17 Retained authority.

Nothing in these rules is in derogation of powers of examination and investigation conferred on the Comptroller of the Currency by 12 U.S.C. 481, 1818(n) and 1820(c) or any other provision of law.

Subpart B—Cease-and-Desist Proceedings

§ 19.18 Scope.

The rules in this subpart and in Subpart A apply to cease-and-desist proceedings instituted by the Comptroller of the Currency against a bank or any director, officer, employee, agent or other person participating in the conduct of the affairs of such bank, based upon practices or violations described in section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)).

§ 19.19 Notice of charges and answer.

A cease-and-desist proceeding is commenced by service of a notice of charges. The notice shall specify the violations or practices being complained of and shall fix a time and place for hearing. The hearing date shall be no earlier than 30 days nor later than 60 days after the service of the notice unless an earlier or later date is set by the Comptroller at the request of any party so served. A party served with a notice of charges shall file an answer as prescribed by § 19.2. Any party afforded a hearing who does not appear personally or by a duly authorized representative shall be deemed to have consented to the issuance of a cease-and-desist order.

§ 19.20 Temporary cease-and-desist orders.

Whenever the Comptroller determines that any violation or threatened violation or practice specified in the notice of charges, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to seriously weaken the condition of the bank or otherwise seriously prejudice the interest of its depositors prior to completion of administrative proceedings, the Comptroller may issue a temporary order requiring the bank or bank-related individuals to cease and desist from any such violation or practice and to take affirmative action to prevent such insolvency, dissipation, condition, or prejudice pending the completion of the proceedings. A temporary order is effective upon service and, unless set aside, limited or suspended by a court as authorized under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), remains effective and enforceable pending the completion of the administrative proceedings and until the Comptroller dismisses the charges, or if a cease-and-desist order is issued pursuant to § 19.21, until the effective date of any such order.

§ 19.21 Cease-and-desist orders.

In the event of consent, or if upon the record filed by the presiding officer the Comptroller finds that any violation or practice specified in the notice of charges has been established, the Comptroller may issue and serve upon the bank or person concerned an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank or its directors, officers, employees, agents, and other persons participating in the conduct of the affairs of the bank to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such violation or practice. A cease-and-desist order is effective 30 days after service (except in the case of a cease-and-desist order issued upon consent, which is effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the Comptroller or a reviewing court.

Subpart C—Assessment of Civil Money Penalties

§ 19.22 Scope.

Pursuant to authority in sections 101, 103, 107, and 801 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630), the Comptroller of the Currency may assess a civil money penalty against a bank or an officer, director, employee, agent, or person participating in the conduct of the affairs of a bank, for a violation of one or more of the following laws, including any regulations issued thereunder: (a) Section 22 or 23A of the Federal Reserve Act (12 U.S.C. 371c, 375, 375a, 376); (b) any provision of the National Bank Act or other law referenced in 12 U.S.C. 93; (c) a cease-and-desist order which has become final and was issued pursuant to section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818); or (d) section 106(b) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972). The rules in this subpart and in Subpart A apply to assessment proceedings.

§ 19.23 Notice of assessment; request for hearing; answer.

Proceedings are commenced by service of a notice of assessment of civil money penalty. The notice shall contain a statement of the facts constituting the alleged violation or violations, the amount of civil money penalty being assessed, and shall inform the bank or person being assessed of the right to request an agency hearing within 10 days after the notice is served. If a hearing is not requested within the prescribed 10 day period, the assessment constitutes a final and unappealable order. A party requesting a hearing shall file an answer as prescribed in § 19.2.

§ 19.24 Notice of hearing.

A bank or person requesting a hearing shall be informed by notice of the time and place set for hearing. The notice of hearing shall be given at least 30 days in advance of the date set for hearing. Any party afforded a hearing who does not appear at the hearing personally or by a duly authorized representative shall be deemed to have consented to the issuance of an assessment order.

§ 19.25 Assessment orders.

In the event of consent, or if upon the record filed by the presiding officer the Comptroller finds that any violation specified in the notice of assessment has been established, the Comptroller may serve an order of assessment of civil money penalty upon the bank or person concerned. An assessment order is effective immediately upon service, or upon such other date as may be specified therein, and shall remain effective and enforceable until it is stayed, modified, terminated, or set aside by action of the Comptroller or a reviewing court.

Subpart D—Removals, Suspensions, and Prohibitions Generally

§ 19.26 Scope.

The rules in this subpart and in Subpart A apply to proceedings by the Comptroller of the Currency to remove or suspend any director or officer of a bank or any other person participating in the conduct of the affairs of a bank, and prohibit such officer, director or other person from further participation in any manner in the conduct of the affairs of a bank, upon the grounds set forth in section 8(e) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)). The Comptroller may by notice suspend from office or prohibit the subject individual from participating in bank affairs until the administrative proceedings are completed. Following the hearing, the findings and conclusions of the presiding officer shall be certified to the Board of Governors of the Federal Reserve System for determination of whether any final order of removal or prohibition should be issued.

§ 19.27 Notice of intention and answer.

Proceedings are commenced by service of a notice of intention to remove from office or prohibit an individual from further participation in any manner in the affairs of a bank. The notice shall state the grounds for removal or prohibition and shall fix a time and place for hearing. The hearing date shall be no earlier than 30 days nor later than 60 days after the notice is served, unless the Comptroller sets an earlier or later date at the request of the subject individual and for good cause shown, or at the request of the Attorney General of the United States. A party served with a notice shall file an answer as prescribed in § 19.2. Any party afforded a hearing who does not appear at the hearing personally or by a duly authorized representative shall be deemed to have consented to the issuance of an order of removal or prohibition.

§ 19.28 Suspension or prohibition by notice.

The Comptroller may, by notice served upon the subject individual and the bank, suspend from office or prohibit the individual from further participation in the affairs of the bank pending administrative proceedings which could lead to a final order of removal or prohibition. A suspension or prohibition by notice is effective upon service of the notice and, unless stayed by a court as authorized in 12 U.S.C. 1818(f), shall remain in effect until the charges are dismissed and the administrative proceedings are completed, or until the effective date of any final order of removal or prohibition that is issued by the Federal Reserve Board.

§ 19.29 Removal or prohibition by order.

In the event of consent, or if upon the record certified by the presiding officer the Federal Reserve Board finds that any of the charges has been established, the Board may issue an order of removal from office or prohibition from participation in the affairs of a bank. Such an order is effective 30 days after service (except in the case of an order issued upon consent, which is effective at the time specified therein), and shall remain effective and enforceable until stayed, modified, terminated, or set aside by action of the Federal Reserve Board or a reviewing court.

Subpart E—Removals, Suspensions, and Prohibitions Where a Crime Is Charged or Proven

§ 19.30 Scope.

The rules in this subpart apply to informal hearings afforded to any officer, director or other person participating in the conduct of the affairs of a bank, and who has been suspended or removed from office and prohibited from further participating in bank affairs by a notice or order served by the Comptroller of the Currency, upon the grounds set forth in section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)).

§ 19.31 Suspension or removal.

The Comptroller may serve a notice of suspension or order of removal upon a director, officer or other person participating in the conduct of the affairs of a bank. A copy of such notice of order shall be served upon the bank, whereupon the individual concerned shall immediately cease service to the bank or participation in the affairs of the bank. Any notice or order shall indicate the basis for suspension or removal and shall inform the individual of the right to request in writing, within 30 days of being served with such notice or order, an opportunity to show at an informal hearing that continued service to or participation in the conduct of the affairs of the bank does not, or is not likely to, pose a threat to the interest of the bank's depositors or threaten to impair public confidence in the bank.

§ 19.32 Informal hearing.

(a) Upon receipt of a request for hearing, the Comptroller shall notify the individual of the time and place fixed for hearing and shall designate one or more agency employees to preside. The hearing shall be scheduled to be held no later than 30 days from the date when a request for hearing is received unless the time is extended at the request of a party afforded a hearing.

(b) An individual may appear personally or through counsel to submit relevant written materials and oral argument thereon. Oral testimony may be presented only if expressly permitted by the Comptroller.

§ 19.33 Decision of Comptroller.

Within 60 days following the hearing, the Comptroller shall notify the subject individual whether the suspension or removal from office, and prohibition from participation in any manner in the affairs of the bank, will be continued, terminated, or otherwise modified. A removal or prohibition by order remains in effect until terminated by the Comptroller. A suspension or prohibition by notice remains in effect until the criminal charge is finally disposed of or until terminated by the Comptroller. The Comptroller in deciding upon any suspension will not consider the ultimate question of the guilt or innocence of the individual with respect to the criminal charge which is outstanding. A finding of not guilty or other disposition of the charge shall not preclude the Comptroller from thereafter instituting removal proceedings pursuant to section 8(e) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)) and Subpart D of this part.

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Subpart F—Disciplinary Proceedings Involving Municipal Securities Dealers

§ 19.34 Scope.

The rules in this subpart and in Subpart A apply to proceedings by the Comptroller of the Currency to determine whether, pursuant to authority contained in section 15B(c)(5) of the Securities Exchange Act of 1934, 15 U.S.C. 78o-4(c)(5) ("Exchange Act"), to take disciplinary action against a bank which is a municipal securities dealer, or any person associated or seeking to become associated with such a municipal securities dealer, upon the grounds specified in section 15B(c) (2) and (4) of the Exchange Act, 15 U.S.C. 78o-4(c) (2) and (4). Nothing in these rules is in derogation of powers conferred on the Comptroller by other provisions of law. In addition to the issuance of disciplinary orders after opportunity for hearing, the Comptroller may serve any notices and temporary or permanent orders and take any actions that are authorized by section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) and other subparts of this part.

§ 19.35 Notice of charges and answer.

Proceedings are commenced by service of a notice of charges upon a bank or associated person. The notice shall indicate the type of disciplinary action being contemplated and the grounds therefor and shall fix a time and place for hearing. The hearing shall be set for a date at least 30 days after service of the notice. A party served with a notice of charges shall file an answer as prescribed in § 19.2. Any party who fails to appear at a hearing personally or by a duly authorized representative shall be deemed to have consented to the issuance of a disciplinary order.

§ 19.36 Disciplinary orders.

In the event of consent, or if upon the record filed by the presiding officer the Comptroller finds that any act or omission or violation specified in the notice of charges has been established, the Comptroller may serve upon the bank or persons concerned a disciplinary order. Such order may impose censure, limit the activities, functions or operations, or suspend or revoke the registration of a bank which is a municipal securities dealer, and may censure, suspend or bar any person associated or seeking to become associated with a municipal securities dealer. A disciplinary order is effective when served upon the party or parties involved and remains effective and enforceable until it is stayed, modified, terminated, or set aside by action of the Comptroller or a reviewing court.

Subpart G—Exemption Hearings Under Section 12(h) of the Securities Exchange Act of 1934

§ 19.37 Scope.

The rules in this subpart apply to informal hearings that may be held by the Comptroller of the Currency to determine whether, pursuant to authority in section 12(h) of the Securities Exchange Act of 1934, 15 U.S.C. 78*l*-h ("Exchange Act"), to exempt in whole or in part an issuer or a class of issuers from the provisions of section 12(g) or from section 13 or 14 of the Exchange Act, 15 U.S.C. 78*l*-g, 78m or 78n, or whether to exempt from section 16 of the Exchange Act, 15 U.S.C. 78p, any officer, director, or beneficial owner of securities of an issuer. The only issuers covered by this subpart are banks whose securities are registered pursuant to section 12(g) of the Exchange Act, 15 U.S.C. 78*l*-g. The Comptroller has discretion to deny an application for exemption without holding any hearing.

§ 19.38 Application for exemption.

An issuer or an individual (officer, director or shareholder) may submit a written application for an exemption order to the Comptroller of the Currency, Washington, D.C. 20219. The application shall specify the type of exemption sought and the reasons therefor, including an explanation of why an exemption would not be inconsistent with the public interest or the protection of investors. An applicant shall be informed in writing whether a hearing will be held to consider the matter.

§ 19.39 Newspaper notice.

Upon being informed that an application will be considered at a hearing, the applicant shall publish a notice one time in a newspaper of general circulation in the community where the issuer's main office is located. The notice shall state: (a) The name and address of the issuer and the name and title of any individual applicants; (b) the type of exemption sought; (c) the fact that a hearing will be held; and (d) a statement that interested persons may submit to the Securities Disclosure Division, Comptroller of the Currency, Washington, D.C. 20219, within 30 days from the date of the newspaper notice, written comments concerning the application and a written request for an opportunity to be heard. The applicant shall promptly furnish a copy of the notice to the Securities Disclosure Division, and to bank shareholders in conformity with 12 CFR Part 11.5(c)(8).

§ 19.40 Informal hearing.

(a) *Notice of hearing.* Following the comment period, the Comptroller shall send a notice which fixes a time and place for hearing to each applicant and to any person who has requested an opportunity to be heard.

(b) *Presiding officer.* The Comptroller shall designate a presiding officer to conduct the hearing. The presiding officer shall determine all procedural questions not governed by this subpart and has the authority to limit the number of witnesses and to impose such time and presentation limitations as are deemed reasonable.

(c) *Attendance.* The applicant and any person who has requested an opportunity to be heard may attend the hearing, with or without counsel. In addition, the applicant and any other hearing participant may introduce oral testimony through such witnesses as the presiding officer shall permit.

(d) *Order of presentation.* (1) The applicant may present an opening statement of a length within the discretion of the presiding officer. Then each of the hearing participants, or one among them selected with the approval of the presiding officer, may present an opening statement. Such opening statements should summarize concisely what the applicant and each participant intends to show. (2) The applicant shall have an opportunity to make an oral presentation of facts and materials or submit written materials for the record. Then one or more of the hearing participants may make an oral presentation or a written submission. (3) After the above presentations have been concluded, the applicant, and then one or more of the hearing participants may make concise summary statements reviewing their position.

(e) *Witnesses.* The obtaining and use of witnesses is the responsibility of the parties afforded the hearing. All witnesses shall be present on their own volition, but any person appearing as a witness may be questioned by each applicant, any hearing participant, and the presiding officer.

(f) *Evidence.* The presiding officer has authority to exclude data or materials deemed to be improper or irrelevant. Formal rules of evidence shall not apply. Documentary material must be of a size consistent with ease of handling and filing. The presiding officer has discretion to determine the number of copies that must be furnished for purposes of the hearing.

(g) *Transcript.* A transcript of each proceeding shall be arranged for by the Comptroller's Office, with all expenses of such service, including the furnishing of a copy to the presiding officer, being borne by the applicant.

§ 19.41 Decision of Comptroller.

Following the conclusion of the hearing and submission of the record, the Comptroller shall notify the applicant and all persons who have so requested in writing of the final disposition of the application. Any exemption granted shall be by an order which specifies the type of exemption granted and its terms and conditions.

Subpart H—Formal Investigations

§ 19.42 Scope.

The rules in this subpart apply to formal investigations initiated by order of the Comptroller of the Currency and pertain to the exercise of powers specified in 12 U.S.C. 481, 1818(n) and 1820(c), and section 21 of the Securities Exchange Act of 1934, 15 U.S.C. 78u. These rules do not restrict or in any way affect the authority of the Comptroller to conduct examinations into the affairs or ownership of banks and their affiliates.

§ 19.43 Formal investigations are confidential.

Information or documents obtained in the course of a formal investigation shall be confidential and shall be disclosed only in accordance with the provisions of Part 4 (12 CFR Part 4).

§ 19.44 Order to conduct formal investigation.

A formal investigation begins with the issuance of an order signed by the Comptroller. The order shall designate the person or persons who will conduct the investigation, which persons are authorized, among other things, to issue subpoenas and subpoenas duces tecum, to administer oaths, and receive affirmations as to any matter under investigation by the Comptroller. Upon application and for good cause shown, the Comptroller may limit, modify, or withdraw the order at any stage of the proceedings.

§ 19.45 Rights of witnesses.

(a) Any person who is compelled or requested to furnish testimony, documentary evidence, or other information with respect to any matter under formal investigation shall upon request to be shown the order initiating such investigation.

(b) Any person who, in a formal investigation, is compelled to appear and testify or who appears and testifies by request or permission of the Comptroller of the Currency may be accompanied, represented, and advised by counsel. The right to be accompanied, represented, and advised by counsel shall mean the right of a person testifying to have an attorney present at all times while testifying and to have this attorney (1) advise such person before, during and after the conclusion of testimony. (2) question such person briefly at the conclusion of testimony to clarify any of the answers given, and (3) make summary notes during the testimony solely for the use of such person.

(c) Any person who has given testimony and counsel who has represented such person may for cause be excluded from the taking of testimony of any other witness.

(d) Any person who is compelled to produce documents for inspection or copying is entitled to retain such documents. Any person who is compelled to give testimony is entitled to inspect any transcript that has been made of the testimony but may not obtain a copy if the Comptroller's representative conducting the proceedings has cause to believe that the contents should not be disclosed pending completion of the investigation.

(e) Any designated representative conducting an investigative proceeding shall report to the Comptroller any instances where any person has been guilty of dilatory, obstructionist or contumacious conduct during the course of the proceeding or any other instance involving a violation of these rules. The Comptroller may thereupon take such further action as the circumstances may warrant, including exclusion of the offending individual or individuals from participation in the proceedings.

§ 19.46 Service of subpoena and payment of witness fees.

Service of a subpoena shall be made by personal service or by certified mail addressed to the person named therein. Witnesses who are subpoenaed shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. The fees and mileage need not be tendered at the time a subpoena is served.

PROPOSED REVOCATION

PART 24—[REVOKED]

For the reasons stated above, the Comptroller proposes to revoke 12 CFR Part 24.

Dated: January 29, 1979.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 79-3811 Filed 2-2-79; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 79-NW-1-AD]

AIRWORTHINESS DIRECTIVES

Boeing 707-300/-400/-300B/-300C

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: It is proposed to adopt an Airworthiness Directive (AD) which would require repetitive inspections of the Boeing aircraft 707-300/-400/300B/300C horizontal stabilizer to detect spanwise stress corrosion cracks in the rear spar upper and lower chords. If cracks exist and go undetected, a safety of flight problem could result.

DATES: Comments must be received on or before March 15, 1979.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 78-NW-1-AD, 9010 East Marginal Way South, Seattle, Washington, 98108.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold N. Wantiez, P.E., Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communication should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

AVAILABILITY OF NPRM'S

Any person may obain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 79-NW-1-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

DISCUSSION OF THE PROPOSED RULE

Recent inspections of Boeing 707-300 aircraft have detected spanwise stress corrosion cracks in the vertical

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leg of the upper end and lower chord of the horizontal stabilizer rear spar. The cracks are located along a rivet line and at the tangent of the radius and have been found as far outboard as stabilizer Sta 265 and inboard to stabilizer Sta 96. To date, cracks have been found on 50% of the aircraft inspected.

The cracks do not pose an immediate safety of flight problem, however, if they should coalesce, the structural capability of the outer portion of the horizontal stabilizer could be compromised. It is proposed that an AD be issued which requires repetitive inspection of the vertical flange rear spar upper and lower chords. The manufacturer is currently preparing Service Bulletin 3356 which will contain approximately the same information contained in Boeing Service Letter 707-SL-55-2 which has been released to all operators.

THE PROPOSED AMENDMENT

§ 39.13 [Amended]

Accordingly, the Federal Aviation Administration proposes to amend Sec. 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

BOEING: Applies to all Boeing 707-300/-400/-300B/-300C airplanes noted in Boeing Service Bulletin 3356:

A. Unless inspected within the last 6 months prior to the effective date of this AD, within the next 6 months at intervals thereafter not to exceed 18 months, eddy current inspect the vertical flange of the horizontal stabilizer rear spar upper and lower chord from station 92 outboard in accordance with Boeing Service Bulletin 3356. If cracks are found, proceed in accordance with paragraph B or C of this AD, or by a method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. If cracks do not exceed the limits of Boeing Service Bulletin 3356 Figure 1 Paragraph 2(a) and 2(b), airplanes may continue in service if eddy current inspections are accomplished at intervals not to exceed 400 landings or 6 months, whichever occurs first.

C. If cracks exceed the limits of Figure 1 Paragraph 2(a) and 2(b), Boeing Service Bulletin 3356, repair prior to further flight in accordance with Figure 2 of that service bulletin, or in a method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

D. Inspections may revert to normal when the preventive modification of Boeing Service Bulletin 3356 or a modification approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, has been accomplished.

E. For purpose of complying with this AD subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average from takeoff to landing for the airplane type.

F. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region may adjust the inspection interval if the request contains substantiating data to justify the increase for that operator.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85).

NOTE.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978.))

Issued in Seattle, Washington, on January 26, 1979.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc. 79-3712 Filed 2-2-79 8:45 am]

[3510-12-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[15 CFR Part 922]

MARINE SANCTUARY REGULATIONS

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Proposed General Regulations for Marine Sanctuaries.

SUMMARY: These proposed regulations revise existing regulations which prescribe the procedures for nominating and designating marine sanctuaries, establishing appropriate management systems within designated sanctuaries and enforcing compliance with these management systems. The regulations reflect new approaches and interpretations developed by NOAA during the administration of the program to date.

DATE: Comments due: April 6, 1979.

ADDRESS: Send comments to: JoAnn Chandler, Acting Director Sanctuary Programs Office, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street, N.W., Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT:

JoAnn Chandler (202) 634-1672.

SUPPLEMENTARY INFORMATION: On June 27, 1974, NOAA published regulations setting forth the procedures for nominating, designating and managing areas of the oceans and Great lakes as marine sanctuaries under Title III of the Marine Protection Research and Sanctuaries Act of 1972, P.L. 92-532, 16 U.S.C. 1431-1434, (The Act). Four years of experience have revealed a number of areas where criteria and procedures could be refined to ensure greater certainty in the administration of the Program. These are as follows:

MAJOR CHANGES:

I. REVIEW OF RECOMMENDED SITES

During the past year, NOAA has received over 100 recommendations of possible marine sanctuary sites. Many of them are overlapping and only a small percentage of them can be pursued actively at any given time. Moreover, examination may indicate that certain sites already are protected under existing mechanisms so that designation would not provide significant additional protection. Also analysis must be conducted of the effect of designation on other existing or potential uses of an area. As a result of such factors and the limited resources available for the program, relatively few sites may be found to warrant designation.

Those sections of the current regulations which describe review procedures (primarily § 922.20, Nominations, and § 922.21, Analysis of nomination) provide that upon receipt of a nomination for designation as a marine sanctuary, a "preliminary review to determine feasibility" will be undertaken and, if designation appears feasible, and in-depth study leading to the preparation of a draft enviromental impact statement will follow.

The initail reviews conducted under these procedures have indicated areas where additional specificity can be articulated. These include the scope and criteria for the "preliminary review," the time limits within which it and subsequent steps in the designation process should be accomplished and the way in which the public will be kept informed of the progress of any nomination.

Accordingly, these sections have been substantially rewritten and new § 922.22, Effect of Placement on the List, § 922.23.

Selection of Active Candidates, and § 922.24, Review of Active Candidates, have been added to reflect the approach NOAA has developed over the past year, involving generally the following stages:

(1) Placement on the List of Recommended Areas:

Within three months of receiving a recommendation of any site, NOAA will determine whether the site appears to contain any of the significant resources listed in § 922.21(b) (see discussion of Criteria in II below), in which case it will be placed on a master list cataloguing such areas. (§ 922.21(a)) Experience indicates that many areas recommended contain significant resources and will therefore be listed; consequently, the list will contain many more sites than could or should be designated as marine sanctuaries.

NOAA may or may not consult other Federal agencies and/or outside parties at this stage but in any event the recommendor will be notified of the determination within the prescribed period and a notice of listing published in the FEDERAL REGISTER if listing is determined to be appropriate.

(2) Selection of Active Candidates:

From the comprehensive list of Recommended Areas, those areas which may be most suitable for designation as marine sanctuaries will be identified as Active Candidates from time to time as program resources allow. The criteria on which this selection will be based are set forth in § 922.23(a). (See II below)

(3) Review of Active Candidates and Designation as Marine Sanctuaries Active candidates will be subjected to extensive review procedures including consultation with interested Federal and State and local agencies, Regional Fishery Management Councils and the public at large. (see §§ 922.24(b), 922.25 and 922.26(a)) Ultimately the designation must be approved by the President. Sections 922.24, 922.25 and 922.26 outline the new review procedures, time limits and public notice requirements. The latter will include public workshops prior to issuance of an EIS discussed in § 922.22 of the current guidelines.

During the review of any Active Candidate, NOAA's policy has been to seek the close cooperation of any affected State and this policy is emphasized by new § 922.25.

II. ADDITIONAL CRITERIA

Taken together §§ 922.10 and 922.21(b) of the current regulations suggest a number of factors which are relevant in determining whether or not designation may be appropriate. Questions and suggestions have revealed that additional clarification in some areas would be helpful. The proposed regulations respond to these concerns by defining more precisely the features that must be present for a site to be a potential sanctuary, i.e. on the List of Recommended Areas (§ 922.21(b)) and the priorities for selection of Active Candidates (§ 922.23(a)). The categorization of types of sanctuaries presently found in § 922.10 has not been particularly useful because most sanctuary candidates fall in several categories, and it has been dropped.

New §§ 922.24 and 922.25 incorporate the other requirements of old §§ 922.22 and 922.23 and replace these sections.

III. SPECIFICATION OF REGULATORY SCOPE

New § 922.26 requires specification of the "terms" of the designation in a Designation document, including the geographic area to be included, the character of the area that requires protection, and the types of activities that may be subject to regulation after designation. They make explicit NOAA's interpretation of the Act that not every activity taking place within a sanctuary must be subject to additional control by NOAA. These sections ensure that the only activities that will be subject to additional regulatory control are those identified at the time of designation. Before any additional activities may be regulated, the Designation must be amended through the same review procedure used in making the original Designation.

These amendments also provide that existing regulations of other agencies and any permits and licenses issued pursuant to these regulations will remain unaffected unless specifically provided otherwise by the regulations implementing a particular Designation. Thus, even for those activities included in the Designation, certain licenses or permits issued by other authorities may remain valid until such time as provided otherwise by regulation. The amendment provisions are found in new § 922.25(b) and (c). The new sections replace §§ 922.26 and 922.27.

IV. INTERNATIONAL APPLICATION

The present regulations (§§ 922.12 and 922.13) which describe the effect of designating a sanctuary upon foreign nationals have been combined and reworded slightly to emphasize the nonterritorial nature of any regulation in a sanctuary beyond the territorial sea and that the only basis for their application is consistency with recognized principles of international law or authorization by international agreement.

PUBLIC REVIEW AND COMMENT: NOAA invites public review and comment on this proposed revision to the regulations. Written comments should be submitted to; JoAnn Chandler, Acting Director; Sanctuary Programs Office; Office of Coastal Zone Management; Page Building 1; 3300 Whitehaven Street, N.W., Washington, DC 20235 on or before April 4th, 1979. Following the close of the comment period and review of the comments received final regulations will be published in the FEDERAL REGISTER.

ROBERT L. CARNAHAN,
Acting Assistant Administrator
for Administration.

It is proposed to revise 15 CFR Part 922 to read as follows:

PART 922—MARINE SANCTUARIES

Subpart A—General

Sec.
922.1 Policy and objectives.
922.2 Definitions.
922.10 Effect of marine sanctuary designation.

Subpart B—Initial Review of Areas Recommended as Sanctuaries

922.20 Submission of Recommendations.
922.21 Analysis of Recommendations.
922.22 Effect of placement on the list.

Subpart C—Selection of Active Candidates and Designation of Sanctuaries

922.23 Selection of Active Candidates.
922.24 Review of Active Candidates.
922.25 Coordination with States.
922.26 Designation.
922.27 Boundaries.

Subpart D—Enforcement

922.30 Penalties.
922.31 Notice of violation.
922.32 Enforcement hearings.
922.33 Determinations.
922.34 Final action.

Authority: Title III, Public Law 95-532, as amended; 86 Stat. 1061 (16 U.S.C. 1431-1434).

Subpart A—General

§ 922.1 Policy and objectives.

(a) The purpose of the marine sanctuaries program is to identify distinctive areas in the oceans from the shore to the edge of the continental shelf and in the Great Lakes and to preserve and restore such areas for their conservation, recreational, ecological or esthetic values by designating them as marine sanctuaries and providing appropriate regulation and management.

(b) The primary emphasis of the program will be the protection of natural and biological resources and in most cases higher priority will be afforded candidate sites that meet this objective in accordance with Congressional design.

(c) The presence of actual or potential conflicts among existing or potential human uses of a candidate site is not of itself a basis for designating a site as a marine sanctuary. Human activities will be allowed within a designated sanctuary to the extent that such activities are compatible with the purposes for which the sanctuary was established, based on an evaluation of whether the individual or cumulative impacts of such activities may have a significant adverse effect on the resource value of the sanctuary.

(d) The marine sanctuaries program will be conducted in close cooperation with related Federal and State programs, including particularly the coastal zone management and estuarine sanctuary programs under the Coastal Zone Management Act of

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1972, as amended, 16 U.S.C. 1451 *et seq.*, the fishery management programs of the Regional Fishery Management Councils under the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.* and leasing programs of the Department of the Interior for the Outer Continental Shelf under the Outer Continental Shelf Lands Act, as amended 43 U.S.C. 1331 *et seq.*

§ 922.2 Definitions.

(a) "Act" means Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431-1434.

(b) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration, United States Department of Commerce.

(c) "Assistant Administrator" means the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, United States Department of Commerce.

(d) Continental Shelf means the Continental Shelf, as defined in the Convention on the Continental Shelf 15 U.S.T. 74 (TIAS 5578), which lies adjacent to any of the several states or any territory or possession of the United States.

(e) "Ocean waters" means those waters lying seaward of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1956, TIAS 5689.

(f) "Person" means any private individual, partnership, corporation, or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal government, or any state, local or regional unit of government.

§ 922.10 Effect of marine sanctuary designation.

The designation of a marine sanctuary and the regulations implementing it are binding on any person subject to the jurisdiction of the United States. In no case does a designation constitute any claim of territoriality on the part of the United States, and the regulations implementing it apply to foreign citizens only to the extent consistent with recognized principles of international law or authorization by international agreement.

SUBPART B—INITIAL REVIEW OF AREAS RECOMMENDED AS SANCTUARIES

§ 922.20 Submission of recommendations.

(a) Any person may recommend a site to be considered for potential designation as a marine sanctuary. Recommendations should be addressed to: Director, Sanctuary Programs Office, OCZM, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

Further information can be obtained by contacting this office.

(b) Recommendations should be submitted in the following format:

Site recommended:
- General description of area
- Approximate coordinates
- Area in square miles

Name of person or organization submitting recommendation.

Principal Contact:
- Name, Title
- Address
- Telephone number

Detailed description of the feature or features which make the site distinctive (See sec. 922.21).

Available Data on the Resources and Site:
- Summary of existing research and other data to support description
- Principal data deficiencies

Description of present and prospective uses of site.

Impacts of present and prospective uses on site and its distinctive features.

Probable effects of marine sanctuary designation and regulations:
- Present uses of resources
- Future uses of resources
- Uses of adjacent areas (including those on shore).

Management:
- Summary of who should manage area and why
- Summary of activities which must be regulated to ensure protection of distinctive features

(c) The Assistant Administrator may request such additional information as is necessary to make the determination called for by § 922.21.

§ 922.21 Analysis of recommendations.

(a) Within 3 months of receiving a recommendation for any site the Assistant Administrator will review the site in accordance with the criteria of paragraph (b) to determine if it should be placed on the List of Recommended Areas and will notify the recommendor in writing of this determination. Notification of the placement of any site on the List will be published in the FEDERAL REGISTER.

(b) A candidate area shall have one or more of the following resource values to be eligible for placement on the List of Recommended Areas for marine sanctuaries:

(1) A marine ecosystem characterized by the significant presence of one or more species which (i) is rare, endangered or threatened, (ii) has limited geographic distribution, or (iii) is rare in the waters to which the Act applies.

(2) A marine ecosystem of exceptional richness indicated by the abundance and variety of marine species and the productivity of the various trophic levels in the food web.

(3) An important habitat during one or more stages in the life cycle of species described in paragraph (1) or habitat on which one or more commercially or recreationally valuable marine species depends for one or more stages in its life cycle. Life cycle activities include breeding, feeding, and rearing young.

(4) Intensive recreational use growing out of its distinctive marine characteristics.

(5) Historic or cultural remains of widespread public interest.

(6) Distinctive or fragile geologic features of exceptional scientific or educational value.

(c) Where overlapping or adjacent sites are recommended or where the recommended boundaries of an area appear either excessive or inadequate to protect the identified features the Assistant Administrator may prepare a combined or revised description for placement on the List.

(d) All recommendations submitted prior to the effective date of these regulations will be reviewed in accordance with this section and an initial List of Recommended Areas will be published in the FEDERAL REGISTER within 3 months of such date. Thereafter the List will be updated semi-annually and a cumulative list published in the FEDERAL REGISTER.

§ 922.22 Effect of Placement on the list.

(a) Placement of a site on the List is a prerequisite for designation as a marine sanctuary but does not imply that designation will occur and does not establish any regulatory controls. Such controls can be established only after designation in accordance with § 922.26.

(b) The list provides a source of information on recommended sites that may be relevant to federal agencies and others conducting activities that affect these sites.

SUBPART C—SELECTION OF ACTIVE CANDIDATES AND DESIGNATION OF SANCTUARIES

§ 922.23 Selection of active candidates.

(a) Sites on the List will be selected for active consideration for designation as marine sanctuaries based primarily on the significance of the resources identified during listing under § 922.21(b) and the extent to which the means are available to the Assistant Administrator to support full review within the time specified in § 922.24. In addition the following factors will be taken into account:

(1) The severity and imminence of existing or potential threats to the resources including the cumulative effect of various human activities that individually may be insignificant.

(2) The ability of existing regulatory mechanisms to protect the values of the sanctuary and the likelihood that

sufficient effort will be devoted to accomplishing those objectives without creating a sanctuary.

(3) The significance of the area to research opportunities on a particular type of ecosystem or on marine biological and physical processes.

(4) The value of the area in complementing other areas of significance to public or private programs with similar objectives, including approved Coastal Zone Management programs.

(5) The esthetic qualities of the area.

(6) The type and estimated economic value of other natural resources and human uses within the area which may be foregone as a result of marine sanctuary designation, taking into account the economic significance to the nation of such additional resources and uses and the probable impact on them of regulations designed to achieve the purposes of sanctuary designation.

(b) Before selecting a site as an Active Candidate, the Assistant Administrator shall consult on a preliminary basis with relevant Federal agencies, state and local officials, Regional Fishery Management Councils and other interested parties including the recommender to discover if significant objections to designation exist and to gather additional information as necessary to conduct the review process.

(c) Selection of any site as an Active Candidate for designation shall be announced in the FEDERAL REGISTER and all Active Candidates shall be placed on a separate list published and updated concurrently with the List of Recommended Areas as provided in § 922.21(d).

§ 922.24 Review of active candidates.

(a) Within six months of selection as an Active Candidate as specified in § 922.23, the Assistant Administrator shall conduct a Public Workshop to solicit the views of interested persons to aid in determining whether the site should be further considered for designation. This workshop shall be before and in addition to the public hearings required under section 302(e) of the Act.

(b) Based on the views obtained at the Public Workshop and other relevant information, the Assistant Administrator shall determine whether the site should continue to be an Active Candidate and shall announce that decision in the FEDERAL REGISTER within 90 days of the Public Workshop. If appropriate, the Assistant Administrator shall commence preparation of a draft Environmental Impact Statement (DEIS), Designation document, and regulations implementing the Designation, with the participation of relevant Federal, State and local officials, Regional Fishery Management Council members and other interested parties in the preparation of such documents.

(c) No less than 30 days after EPA publishes a Notice of Availability in the FEDERAL REGISTER, the Assistant Administrator shall hold at least one public hearing on the DEIS in the coastal areas most affected by the proposed designation in accordance with section 302(e) of the Act.

§ 922.25 Coordination with states.

(a) The Assistant Administrator shall make every effort to consult and cooperate with affected states through the entire review and consideration process. In particular the Assistant Administrator shall:

(1) Consult with the relevant state officials prior to selection of a candidate for active consideration pursuant to § 922.23(b).

(2) Ensure that any state agency designated under sections 305 or 306 the Coastal Zone Management Act of 1972 and any other appropriate state agency is consulted prior to holding any public workshop pursuant to § 922.24(a) or public hearing pursuant to § 922.24(c).

(3) Ensure that such public workshops and public hearings include consideration of the relationship of a proposed designation to state waters or to an approved state Coastal Zone Management program.

§ 922.26 Designation.

(a) After filing a final environmental impact statement with EPD and after final consultation with all appropriate Federal agencies and Regional Fishery Management Councils, the Administrator may transmit to the President for approval the proposed Designation to make the site a Marine Sanctuary.

(b) The Designation shall specify by its terms the geographic coordinates of the Sanctuary area, its distinctive features that require protection, and the types of activities that may be subject to regulation. The terms of the Designation may be modified only by the same procedures through which the original designation was made.

(c) The Assistant Administrator shall promulgate regulations consistent with and implementing the terms of the Designation. Such regulations shall set forth procedures for the review and certification of permits, licenses or other authorization pursuant to other authorities. All amendments to or revisions of these regulations must remain consistent with the Designation.

(d) If the Governor of a state whose waters are included in the sanctuary certifies that any terms of the Designation are unacceptable, such terms and any regulations implementing them will not become effective for the part of the Sanctuary in state waters until the certification is withdrawn. If the Governor so certifies, the Designation may be withdrawn if the sanctuary, as modified, no longer achieves the objectives specified in the Act, the regulations and the Designation.

§ 922.27 Boundaries.

(a) Sanctuary boundaries should include an area sufficient to provide reasonable assurance that the resource value of the area can be protected against degradation or destruction. The boundary will not include an area greater than that appropriate to protect the resource. The determination of boundaries should consider the following elements, depending on the resource values that justify establishing the sanctuary:

(1) The range and interrelations of key elements of the ecosystem,

(2) The potential for adverse impact from human activities at some distance from where they are conducted, whether as a result of normal operations or foreseeable accidents,

(3) The economic, safety, and other effects of displacing certain human activities to other locations to the extent such displacement is likely to occur.

(4) The feasibility and cost of conducting surveillance and enforcement activities in managing the area.

(b) At any time prior to the designation of any candidate site as a marine sanctuary, the boundary proposed for such site may be revised in conformance with the criteria of this section to reflect new information. Notification of the revision will be made at the next update of the List of Recommended Areas or Active Candidates List, as appropriate.

SUBPART D—ENFORCEMENT

§ 922.30 Penalties.

Any person subject to the jurisdiction of the United States who violates any regulation issued pursuant to the Act will be liable for a civil penalty of not more than $50,000 for each such violation. Each day of a continuing violation will constitute a separate violation. No penalty will be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Administrator will commence action in the appropriate district court of the United States in order to collect the penalty and to seek such other relief as may be appropriate. A vessel used in the violation of a regulation issued pursuant to the Act will be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof. Pursuant

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to section 303(a) of the Act, the district courts of the United States have jurisdiction to restrain a violation of the regulations issued pursuant to the Act, and to grant such other relief as may be appropriate.

§ 922.31 Notice of violation.

Upon receipt of information that any person has violated any provision of this title, the Assistant Administrator will notify such person in writing of the violation with which charged, and of the right to demand a hearing to be held in accordance with § 922.32. The notice of violation shall inform the person of the procedures for demanding a hearing and may provide that, after a period of 30 days from receipt of the notice, any right to a hearing will be deemed to have been waived.

§ 922.32 Enforcement hearings.

Hearings demanded under § 922.31 will be held not less than 60 days after demand. Such hearings shall be on a record before a hearing officer. Parties may be represented by counsel, and will have the right to submit motions, to present evidence in their own behalf, to cross examine adverse witnesses, to be apprised of all evidence considered by the hearing officer, and, upon payment of appropriate costs, to receive copies of the transcript of the proceedings. The hearing officer will rule on all evidentiary matters and on all motions, which will be subject to review pursuant to § 922.33.

§ 922.33 Determinations.

Within 30 days following conclusion of the hearing, the hearing officer normally will make findings of facts and recommendations to the Administrator unless such time limit is extended by the Administrator for good cause. When appropriate, the hearing officer will recommend a penalty, after consideration of the gravity of the violation, prior violations by the person charged, and the demonstrated good faith by such person in attempting to achieve compliance with the provisions of the title and regulations issued pursuant thereto. A copy of the findings and recommendations of the hearing officer shall be provided to the person charged at the same time they are forwarded to the Administrator. Within 30 days of the date on which the hearing officer's findings and recommendations are forwarded to the Administrator, any party objecting thereto may file written exceptions with the Administrator.

§ 922.34 Final action.

A final order on a proceeding under this part will be issued by the Administrator no sooner than 30 days following receipt of the findings and recommendations of the hearing officer. A copy of the final order will be served by registered mail (return receipt requested) on the person charged or his representative.

[FR Doc. 79-3948 Filed 2-2-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-5070]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Westville, Gloucester County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Westville, Gloucester County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Borough Hall, 114 Crown Point Road, Westville, N.J. 08093. Send comments to: Honorable H. V. Laskowski, Mayor, Borough of Westville, Borough Hall, 114 Crown Point Road, Westville, N.J. 08093.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Westville, N.J. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet, national geodetic vertical datum
Big Timber Creek	Conrail—at centerline	10
	Interstate 295—at centerline.	10
Tributary No. 1	Intersection of Woodbine Avenue and 4th Avenue.	10
	Intersection of Willow Road and High Street.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-3415 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5069]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Watchung, Somerset County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Watchung, Somerset County, New Jersey.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Borough Hall, 15 Mountain Boulevard, Watchung, New Jersey.

Send comments to: Honorable Kenneth D. Schmidt, Mayor, Borough of Watchung, Borough Hall, 15 Mountain Boulevard, Watchung, New Jersey 07060.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Watchung, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Green Brook	Raymond Avenue—20 feet*.	129
	Terrill Road—30 feet*	137
	U.S. Route 22—20 feet*	147
	Road Bridge—30 feet*	158
	Park Avenue—20 feet*	159
	Union Avenue—20 feet*	161
	Dam Ruins—20 feet*	193
	New Providence Road—30 feet*.	199
	Valley Road—30 feet*	205
	Oak Way—20 feet*	210
	Private Road—20 feet*	235
	Bonnie Burn Road—20 feet*.	254
	Plainfield Avenue (1st crossing)—20 feet*.	259
	Interstate Highway 78 (1st crossing)—40 feet*.	308
	Plainfield Avenue (2nd crossing)—20 feet*.	349
	Plainfield Avenue (3rd crossing)—30 feet*.	377
	Appletree Road—20 feet*.	398
Stony Brook	Johnston Drive—30 feet*.	116
	Somerset Street—30 feet*.	188
East Branch Stony Brook.	Stirling Road—20 feet*	189
	Private Road downstream of Best Lake Dam—30 feet*.	191
	Best Lake Dam—60 feet**.	191
	Best Lake Dam—20 feet*.	200
	Valley Drive—20 feet*	221
	Private Road (3rd crossing)—30 feet*.	227
	Private Road (6th crossing)—20 feet*.	240
West Branch Stony Brook.	Mountain Boulevard—20 feet*.	189
	Brook Dale Road—20 feet*.	207
	Private Road (2nd crossing)—30 feet*.	217
West Branch Stony Brook Tributary.	Driveway No. 1—20 feet*	211
	Sunlit Drive—20 feet*	224
	Driveway No. 3—20 feet*	234
	Driveway No. 4—30 feet*	248
	Footbridge No. 2—30 feet*.	251
	Mountain Boulevard—20 feet*.	259

*Upstream from centerline.
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3414 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5068]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Belvidere, Warren County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Belvidere, Warren County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Clerk's Office, Town Hall, Belvidere, New Jersey. Send comments to: Honorble Irene M. Smith, Mayor, Town of Belvidere, Town Hall, 301 Second Street, Belvidere, New Jersey 07823.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood eleva-

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tions for the Town of Belvidere, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware River.....	U.S. Geological Survey Gage No. 10446500—50 feet*.	254
	Water Street—25 feet* ...	256
Pequest River	Conrail—25 feet*	255
	Hardwick Street—25 feet*.	261
	Weir 3100 feet upstream of Hardwick Street—100 feet*.	275

*Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3413 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5071]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Alfred, Allegany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Alfred, Allegany County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Hall, 7 West University Street, Alfred, N.Y. Send comments to: Honorable Gary S. Horowitz, Mayor, Village of Alfred, Village Hall, 7 West University Street, Alfred, N.Y. 14802.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Alfred, N.Y., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet, national geodetic vertical datum
Canacadea Creek ..	Corporate Limits—at centerline.	1,650
	Footbridge—40 feet*	1,704
	Pine Street—80 feet*	1,722
	Terrace Street—50 feet**.	1,798
	Terrace Street—40 feet*.	1,802
	South Main Street (1st crossing)—50 feet*.	1,851
Tributary 15.....	North Main Street—40 feet*.	1,684
	New York State Route 244-55 feet*.	1,717
Tributary 16.....	North Main Street—50 feet*.	1,701
	Hillcrest Drive—80 feet*	1,737
Tributary 17.....	North Main Street—40 feet*.	1,726
	Elm Street—60 feet*	1,756
	Dam—40 feet*	1,769
	West University Street (1st crossing)—60 feet*.	1,812
	West University Street (2nd crossing)—40 feet**.	1,850
	West University Street (2nd crossing)—60 feet*.	1,856
Tributary 18.....	Confluence with Canacadea Creek—at centerline.	1,908
	Corporate Limits—at centerline.	1,929

*Upstream from centerline
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3416 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5072]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Almond, Allegany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Almond, Allegany County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Municipal Building, Almond, New York. Send comments to: Honorable Lewis Wheeler, Mayor, Village of Almond, Almond Municipal Building, Almond, New York 14804.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Almond, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Canacadea Creek ..	Depot Road—10 feet*	1,327
	Canacadea Street-30 feet*.	1,330
	Upstream Corporate Limits.	1,354
Karr Valley Creek	Main Street (State Route 21)-50 feet**.	1,336
	Main Street (State Route 21)-25 feet*.	1,341

*Upstream from centerline
**Downstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3417 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5073]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Cohoes, Albany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Cohoes, Albany County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Engineer's Office, City Hall, Mohawk Street, Cohoes, New York. Send comments to: Honorable Ronald Canestrari, Mayor, City of Cohoes, City Hall, Mohawk Street, Cohoes, New York 12047.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Cohoes, N.Y., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River.....	112th Street-100 feet*....	32
Fifth Branch Mohawk River.	Delaware and Hudson Railroad-100 feet*.	32
	Bridge Avenue-40 feet*..	35
First Branch Mohawk River.	Ontario Street-60 feet**.	36
	Ontario Street-80 feet*..	39
Second Branch Mohawk River.	Ontario Street-at centerline.	38
Third Branch Mohawk River.	Delaware and Hudson Railroad-40 feet*.	34
Mohawk River.....	State Highway 32 (Saratoga Street)-100 feet**.	55
	State Highway 32 (Saratoga Street)-200 feet*.	63
	Cohoes Falls-50 feet downstream of the downstream end.	75
	Cohoes Falls-160 feet upstream of the upstream end.	143
Salt Kill.....	Walkway-50 feet*	29
	Dam upstream from Private Road-20 feet**.	38
	Dam upstream from Private Road-20 feet*.	44

* Upstream from centerline.
** Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-3418 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5074]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Waterford, Saratoga County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Waterford, Saratoga County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 65 Broad Street, Waterford, New York. Send comments to: Mr. Paul E. Grattan, Supervisor, Town of Waterford, Town Hall, 65 Broad Street, Waterford, New York 12188.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Waterford, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River.....	U.S. Highway 4-100 feet*.	34
	U.S. Highway 4—100 feet**.	34
Mohawk River.....	State Highway 32—100 feet*.	55
	State Highway 32—100 feet**.	62
	Cohoes Falls—50 Feet*...	75
	Cohoes Falls—50 feet** ..	141
	Dam upstream from Cohoes Falls—100 feet*.	149
	Dam upstream from Cohoes Falls—50 feet**.	165
	Crescent Dam—150 feet downstream of the downstream end.	167
	Crescent Dam—50 feet upstream of the upstream end.	193
Third Branch Mohawk River.	Delaware and Hudson Railroad—40 feet**.	34
	Falls upstream from Delaware and Hudson Railroad-at centerline.	34
Fourth Branch Mohwak River.	Delaware and Hudson Railroad—20 feet**.	34
	Dam upstream from Erie (Barge) Canal—50 feet*.	35
	Dam upstream from Erie (Barge) Canal—100 feet**.	37
Fourth Branch Mohawk River (Right Channel).	Confluence with Fourth Branch Mohawk River (Middle Channel)—at centerline.	38
Fourth Branch Mohawk River (Middle Channel).	Confluence with Fourth Branch Mohawk River (Right Channel)—at centerline.	38
Fourth Branch Mohawk River (Left Channel).	Confluence with Fourth Branch Mohawk River-at centerline.	38

*Downstream from centerline.
**Upstream from centerline.

(National Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3419 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5075]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Bathgate, Pembina County, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Bathgate, Pembina County, N. Dak. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Fire Department, Bathgate, North Dakota. Send comments to: Honorable Les Houston, Mayor, City of Bathgate, Bathgate, N. Dak. 58216

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Bathgate, N. Dak. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation feet, national geodetic vertical datum
Tongue River.....	5th Street—at centerline	819
	1st Street—at centerline	821

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3420 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5076]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Ashland, Ashland County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Ashland, Ashland County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Mayor's Office, 206 Claremont Avenue, Ashland, Ohio. Send comments to: The Honorable Don M. Richey, Mayor, City of Ashland, 206 Claremont Avenue, Ashland, Ohio 44805.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Ashland, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Run Creek...	Downstream corporate limits.	994
	Just upstream from Lee Avenue.	1,005
	230 feet downstream of Holbrook Avenue.	1,017
	Just upstream of Holbrook Avenue.	1,025
	Just downstream of East Main Street.	1,036
	Just upstream of Arthur Street.	1,062

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of Center Street.	1,052
	Just upstream of Center Street.	1,058
	Just downstream of Clairmont Avenue.	1,064
	Just upstream of Clairmont Avenue.	1,069
	Just downstream of West Main Street.	1,073
	Just upstream of Race Street.	1,080
	Just upstream of Lindale Avenue.	1,090
	Just upstream of Parkside Drive.	1,112
	Just downstream of Brookside Golf Course entrance.	1,137
	Just upstream of Brookside Golf Course entrance.	1,145
Lang Creek	Downstream corporate limit.	983
	Just upstream of Cleveland Avenue.	985
	Upstream corporate limits.	991
Jamison Creek	Downstream corporate limits.	1,015
	Just downstream of Center Street.	1,050
	1000 feet upstream from Center Street.	1,065
	Upstream corporate limits.	1,082

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7 (o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMINEZ,
Federal Insurance Administrator.

[FR Doc. 79-3421 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5077]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Geneva-on-the-Lake, Ashtabula County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Geneva-on-the-Lake, Ashtabula County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Mayors Office, 4964 South Spencer Street, Geneva-on-the-Lake, Ohio.
Send comments to: The Honorable John H. Korver, Mayor, Village of Geneva-on-the-Lake, 4964 South Spencer Street, Geneva-on-the-Lake, Ohio 44043.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Village of Geneva-on-the-Lake in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cowles Creek	Mouth at Lake Erie	575
	Just upstream from Park Drive.	577
	Just upstream from confluence of Cowles Creek Tributary.	578
Cowles Creek Tributary.	Just upstream from confluence with Cowles Creek.	578
	1900 feet downstream of Austin Road.	591
	Just upstream from Austin Road.	603
Unnamed Stream No. 1.	550 feet downstream from South Geneva Drive.	584
	Just upstream from South Geneva Drive.	589
	565 feet upstream from South Geneva Drive.	596
Unnamed Stream No. 2.	Mouth at Lake Erie	576
	Just upstream from abandoned bridge 2200 feet upstream from Lake Erie	580
	Just upstream from Lake Road.	582
	Just downstream of Palmer Drive.	585
	Just upstream of Palmer Drive.	596
	1170 feet upstream of Palmer Drive.	597
Unnamed Stream No. 5.	Just upstream from Cart Bridge.	594
	Just upstream from Shadow Brook Road.	596
	Just upstream from Taylor Road.	599
	Just downstream of corporate limits.	601
Lake Erie	Shoreline of community	581

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7 (o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3422 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5127]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Trotwood, Montgomery County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in The City of Trotwood, Montgomery County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 35 North Olive Street, Trotwood, Ohio. Send comments to: Mr. Robert McNay, City Manager, City of Trotwood, 35 North Olive Street, Trotwood, Ohio 45426.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Trotwood, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wolf Creek	Downstream corporate limit.	804
	Just upstream of Olive Road.	816
	Just upstream of Conrail.	833
	Just downstream of Main Street.	848
	Upstream corporate limit.	856
North Branch Wolf Creek.	Confluence with Wolf Creek.	827
	1600 feet upstream from Free Pike.	833
	Just upstream of Broadway.	839
	Just upstream of Newfields Boulevard.	858
	Upstream corporate limit.	861
Tributary A	Mouth at North Branch Wolf Creek.	845
	500 feet upstream from mouth.	850
	1550 feet upstream from mouth.	864
	Just upstream of Newfields Boulevard.	881
	220 feet upstream of Newfields Boulevard.	894
Tributary B	Mouth at North Branch Wolf Creek.	860
	1200 feet upstream from mouth.	868
	Upstream corporate limit.	870
Dry Run	100 feet downstream from confluence of Tributary E.	825
	East-West corporate limit.	836
	200 feet downstream of Shiloh Springs Road.	844
	Just upstream of Shiloh Springs Road.	845
	150 feet upstream from confluence of Tributary H.	851
	Upstream corporate limit.	854
Tributary F	400 feet upstream of mouth.	844
	1000 feet upstream of mouth.	847
	875 feet downstream from Salem Bend Road.	851
	175 feet upstream of Salem Bend Road.	863
Tributary G	Mouth at Dry Run	844
	700 feet upstream of mouth at Dry Run.	846
	Just upstream of Shiloh Springs Road.	852
	1200 feet upstream of Shiloh Springs Road.	859
	Limit of flooding 250 feet upstream of northern corporate limit.	867
Tributary H	Mouth at Dry Run	850
	Upstream corporate limit.	854

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January, 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3574 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5078]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Jacksonville, Jackson County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Jacksonville, Jackson County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Jacksonville, Oregon. Send comments to: Mr. Curtis Nesheim, Mayor, City of Jacksonville, City Hall, P.O. Box 7, Jacksonville, Oregon.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Jacksonville, Oregon, in accordance with section 110 of the Flood Disaster Protection Act

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of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Daisy Creek	Phoenix Canal Gate-90 feet*.	1486
	Phoenix Canal Gate-20 feet**.	1495
	Huebners Lane-30 feet**	1505
	D Street-160 feet*	1535
	D Street-20 feet**	1540
	C Street-140 feet*	1544
	C Street-20 feet**	1549
	California Street-110 feet*.	1554
	California Street-20 feet**.	1559
	Fourth Street-90 feet*	1566
	Fourth Street-90 feet**	1571
	Elm Street-150 feet*	1602
	Elm Street-20 feet**	1608
	Third Street-90 feet*	1621
	Third Street-40 feet**	1632
	2nd Private Drive (upstream from Third Street)-110 feet*.	1657
	2nd Private Drive (upstream from Third Street)-50 feet**.	1664
	3rd Private Drive (upstream from Third Street)-40 feet**.	1679
	Third Street (second crossing)-80 feet*.	1689
	Third Street (second crossing)-20 feet**.	1696
Jackson Creek	Bridge over Phoenix Canal-80 feet**.	1492
	G Street-80 feet*	1511
	G Street-20 feet**	1515
	Blackstone Alley-60 feet*.	1522
	Blackstone Alley-60 feet**.	1528
	E Street-50 feet*	1546
	E Street-20 feet**	1553
	Oregon Street-20 feet**	1557
	California Street-20 feet**.	1583

* Downstream from centerline.
** Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3423 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5079]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Talent, Jackson County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Talent, Jackson County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Talent, Oregon. Send comments to: Mr. Richard Turnbaugh, Mayor, City of Talent, City Hall, P. O. Box 445, Talent, Oregon 97540.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Talent, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Creek	Valley View Road—100 feet*.	1568
Wagner Creek	Valley View Road—30 feet*.	1572
	Pacific Highway Bridge—40 feet*.	1587
	Old Pacific Highway Bridge—50 feet*.	1610

* Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator

[FR Doc. 79-3424 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5080]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Springfield, Windsor County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Springfield, Windsor County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 96 Main Street, Springfield, Vt. Send comments to: Mr. Michael Valuk, Town Manager, Town of Springfield, Town Office, 96 Main Street, Springfield, Vt. 05156.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Springfield, Vt. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet, national geodetic vertical datum
Connecticut River.	Cheshire Bridge (State Route 11)-10 feet*.	302
Black River	U.S. Highway 5-50 feet*.	302
	Black Dam-30 feet**	351
	Black Dam-10 feet*	371
	State Route 106-centerline.	455
Seaver Brook	State Routes 11 and 106-25 feet*.	327
	Seaver Brook Road (downstream crossing)-10 feet**.	431
	Seaver Brook Road (downstream crossing)-15 feet*.	438
	Hard Scrabble Corner Road-10 feet*.	842
Valley Street Brook.	Main Street-30 feet*	414
	Valley Street (upstream crossing)-35 feet*.	570
Chester Road Brook.	State Route 11 (downstream crossing)-10 feet*.	450
	Walker Road-30 feet**	514
	Walker Road-30 feet*	525
	State Route 11 (upstream crossing)-30 feet*.	590
Charley Road Brook.	State Route 106-20 feet*	453
	Charley Road-20 feet*	467
	Fairground Road-20 feet*.	463
Spoonerville Brook.	Spoonerville Road-10 feet*.	515
Great Brook	Elm Street-15 feet*	477
	Main Street (upstream crossing)-20 feet*.	579
Spencer Brook	Spencer Hollow Road-75 feet*.	537
Williams River	At Corporate Limits	512

* Upstream from centerline
** Downstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3425 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5081]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Douglas County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Douglas County, Wisconsin. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Zoning Administrator, Douglas County Courthouse, Superior, Wisconsin. Send comments to: Mr. Harold Olson, County Zoning Administrator, Douglas County, Douglas County Courthouse, Superior, Wisconsin 54880.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Douglas County, Wisconsin, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Croix River	Soo Line Railroad—100 feet*.	1020
	County Trunk Highway A—100 feet**.	1020
Minnesuing Creek.	South Lake Boulevard—50 feet*.	1112
	Private Farm Bridge—50 feet*.	1113
	Fire Lane Road—100 feet*.	1114
	County Trunk Highway P—150 feet**.	1116
Eau Claire River ...	Areas adjacent to shoreline above the Eau Claire river Dam.	1047
Lake Superior.....	Areas adjacent to shoreline.	605
Lake Minnesuing ..	Areas adjacent to shoreline.	1117

*Upstream from centerline.
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3426 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5082]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Lincoln County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Lincoln County, Wyoming. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Lincoln County Courthouse, Kemmerer, Wyoming. Send comments to: Mr. Richard Jentz, Planning Director, Lincoln County, Unita Association of Governments, Box 389, Kemmerer, Wyoming 83101.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Lincoln County, Wyoming, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hams Fork	Frontier Highway Bridge—100 feet upstream of centerline.	6917

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3427 Filed 2-2-79; 8:45 am]

[3910-01-M]

DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 806b]

AIR FORCE PRIVACY ACT PROGRAM

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force has rewritten its rules for the operation of the Air Force Privacy Act program to reduce their length and complexity. The structure of the proposed rules has been reorganized to follow the process of information collection, maintenance and dissemination. In addition, a section on fees and one on training has been added. This revision is intended to make the program more understandable to persons seeking access to records on themselves which the Air Force is maintaining. It is also intended to reduce operating costs and improve responsiveness by giving program managers clear and logical instructions on how to operate the program. Except for revising the text, however, these proposed rules do not alter practices and procedures already in effect.

DATE: Comments must be received by March 21, 1979.

ADDRESS: Comments should be submitted to Captain Robert N. Veeder, Chief, Air Force Privacy Act Office, HQ USAF/DAAD(S), Washington, D.C. 20330, phone: 202-694-3431.

FOR FURTHER INFORMATION CONTACT:

Captain Robert N. Veeder at above address.

SUPPLEMENTARY INFORMATION: The Department of the Air Force proposes to revise Part 806b of 32 CFR, Air Force Privacy Act Program. This proposed revision adds decision logic tables for processing requests, appeals, time limits, and disclosure accounting and consent requirements; designates the Chief, Office of Civilian Personnel as Denial Authority for Civilian records; transfers subpart on Privacy Act requirements for forms and regulations to Forms Management Office and Publications Management Office; and adds a subpart on training.

Interested persons are invited to participate in this rulemaking by submitting comments to the above contact person.

The legal authority for this part is 5 U.S.C. 552, as amended by Pub. L. 93-501. The revised part is proposed to read as follows:

PART 806b—AIR FORCE PRIVACY ACT PROGRAM

Sec.
806b.0 Purpose.

Subpart A—General Information

806b.1 Air Force policy.
806b.2 Terms explained.
806b.3 Air Force supplements.
806b.4 Responsibilities assigned.
806b.5 Delegation of authority.
806b.6 Judicial sanctions.

Subpart B—Collecting Personal Information

806b.7 Collecting from the individual.
806b.8 Privacy Act statements.
806b.9 Promises of confidentiality when collecting information about individuals from third parties.

Subpart C—Maintaining Information in Systems of Records

806b.10 Air Force standards.
806b.11 Protecting records.
806b.12 Public notice and reporting requirements.
806b.13 Evaluating systems of records.

Subpart D—Disclosing Information from Systems of Records

Sec.
806b.14 Disclosures to the subjects of records.
806b.15 Disclosures of third parties and organizations.

Subpart E—Exempting Systems of Records

806b.16 Exemption index and cross reference.
806b.17 General exemptions.
806b.18 Specific exemptions.

Subpart F—Other Administrative Actions

806b.19 Training.
806b.20 Annual Privacy Act Report, RCS: DD-A(A&AR) 1379.
806b.21 Systems Notice Requirements.
806b.22 General and specific exemptions claimed.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-501.

§ 806b.0 Purpose.

This part explains policies and outlines procedures that govern collecting personal information and safeguarding, maintaining, using, accessing, amending, and disseminating personal information kept by the Department of the Air Force in systems of records. It implements 5 U.S.C. 552a, Pub. L. 93-579 and DOD Directive 5400.11, August 4, 1975. It is published in Title 32 CFR 806b and applies to all Air Force activities, including the Reserve Components, except for the office of the Chief, National Guard Bureau; Air National Guard technicians; and Army-Air Force Exchange Service activities, including Motion Picture Service Activities. It does not apply to civilian employee records which are maintained by Air Force activities and are covered under the Civil Service Government-wide systems of records, reprinted in AFP 12-36, Part Three. Such records are subject to Parts 293, 294, and 297 of Civil Service Commission regulations and the Federal Personnel Manual and Air Force Supplements. In case of a conflict, this part takes precedence over any existing Air Force directive that deals with the personal privacy and rights of individuals regarding their personal records, except for disclosures of personal information required by the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended by Pub. L. 93-501 and implemented by AFR 12-30.

Subpart A—General Information

§ 806b.1 Air Force policy.

It is Air Force policy to:

(a) Protect the privacy of individuals from unwarranted invasion as required by the Privacy Act of 1974. Individuals covered by this protection are living citizens of the United States or aliens lawfully admitted for permanent residence. A legal guardian or parent has the same rights as, and may act on behalf of, a minor. (A member of the Armed Forces is not a minor for the purposes of this part.)

(b) Collect, keep, and use only that personal information needed to support Air Force operations and programs as authorized by law or Executive Order. Disclose this information only as authorized by the Privacy Act of 1974 and this part.

(c) Keep only that personal information that is timely, accurate, complete, and relevant to the purpose for which it was collected.

(d) Safeguard personal information to prevent unauthorized use, disclosure, alteration, or destruction.

(e) Let individuals know what records the Air Force is keeping on them, and to let them review or get copies of these records, subject to exemption procedures authorized by law and published in this part.

(f) Let individuals amend records about themselves that they can prove are in error, or are untimely, incomplete, or irrelevant.

(g) Let individuals ask for an administrative review of decisions that deny them access to, or do not let them amend, their records.

(h) Keep personal information only for as long as it is needed to protect the rights of the citizen and the Government, and to provide for the administrative needs of the Air Force.

§ 806b.2 Terms explained.

Terms, and their meanings, used in this part are:

(a) *Access.* Reviewing or obtaining copies by individuals of their own records that are part of a system of records.

(b) *Agency.* For purposes of disclosing records subject to § 806b.15, the Department of Defense is an agency as defined by the Privacy Act. For all other purposes, including applications for access and amendment, appeals from denials, exempting systems of records, etc., the Department of the Air Force is an agency.

(c) *Confidential source.* Any individual or organization that has given information to the Federal Government under:

(1) An express promise that the identity of the source would be withheld, or

(2) An implied promise to withhold the identity of the source made before September 27, 1975.

(d) *Confidentiality.* An explicit promise to withhold the identity of a source. For a promise of confidentiality to be effective, the information furnished must be put into a system of records that is authorized for an exemption under the Privacy Act and for which the Secretary of the Air Force has claimed an exemption.

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(e) *Disclosure.* Giving information about an individual, by any means, to an organization or to an individual who is not the subject of the record. In the context of the Privacy Act and this part, this term only applies to personal information that is part of a system of records.

(f) *Individual.* A living citizen of the United States or an alien admitted for permanent residence. The Privacy Act rights of an individual may be exercised by the legal guardian of an incompetent, or by the parent of a minor. (NOTE: The Privacy Act confers no rights on deceased persons, nor may their next of kin exercise any rights for them.)

(g) *Maintain.* Includes "hold," "collect," "use," "control," or "disseminate."

(h) *Minor.* Any individual under the age of majority as determined by state law that governs the location of the facility where the records are kept. If there is no prevailing state law (for example, overseas), a minor is any individual under 18 years of age.

(i) *Official Use.* Any action by a member or employee of the Department of Defense which is prescribed or authorized by a regulation, and is intended to complete a mission or function of the department.

(j) *Personal Information.* Any item of information about a person that is not a matter of public record and is usually considered to be personal to the individual. It includes, for example, information about the individual's financial, family, social, and recreational affairs; his or her medical, educational (except military training), employment, political, or criminal history; or information that identifies, describes, or gives a basis for inferring personal characteristics, such as voice or fingerprints.

(k) *Privacy Act Request.* A request from an individual for information about the existence of, or for access to or amendment of, a record about him or her that is in a system of records. The request must cite or indicate a knowledge of the existence of the Privacy Act of 1974.

(l) *Record.* Any item, collection, or grouping of information about an individual that is kept by the Government.

(m) *Routine Use.* Any use or disclosure of information from a system of records that has been listed in a published systems notice and that is consistent with the purpose for which the information was collected.

(n) *System Manager.* The official responsible for the policies and procedures for operating a system of records. The local systems manager operates and has immediate contact with the system.

(o) *Statistical Record.* A record kept for statistical or reporting purposes which is not used by making judgements about individuals. The identity of specific persons must not be discoverable using usual statistical or data manipulation methods.

(p) *System of Records.* Any group of records from which personal information is retrieved by the name of an individual or by some personal identifier, such as the individual's Social Security Number (SSN). If such retrieval is possible but not actually done, the group does not constitute a system of records. Likewise, if retrieval depends on the operator's memory, no system of records exists. However, the creation of a retrieval index, arranged by personal identifier for a system that is filed at random, makes that system a system of records. Notices for all systems must be published in the FEDERAL REGISTER and no system may be operated or maintained until this is done.

(q) *Workday or day.* An official duty day, not including Saturdays, Sundays, and official Federal holidays.

§ 806b.3 Air Force supplements.

Commands will not change, through supplements or other publications, the policies and procedures set by this part. Send copies of each major command (MAJCOM) or separate operating agency (SOA) publication that implements this part to HQ USAF/DAAD(S), Wash DC 20330.

§ 806b.4 Responsibilities assigned.

(a) The Administrative Assistant to the Secretary of the Air Force (SAF/AA) has overall responsibility for the Privacy Act within the Air Force and is the final decision authority on all appeals.

(b) The Director of Administration, HQ USAF, manages and administers the program through the Air Force Privacy Act Office, HQ USAF/DAAD(S).

(c) HQ USAF Deputy Chiefs of Staff (DCS) (and comparable officials) and SAF offices make sure that their deputates or offices comply with this part and name a Privacy Act Officer to assume the responsibilities in (g) of this subparagraph.

(d) MAJCOM and SOA Commanders implement this part within their commands and ensure compliance with its requirements.

(e) MAJCOM and SOA Directors of Administration monitor and administer the command-wide program. They may give these responsibilities to another staff function, if HQ USAF/DA approves. They name a command Privacy Act Officer within the Documentation staff function, and a Privacy Officer at each installation or tenant unit. They send the name, grade or rank, and telephone number of the current command Privacy Act Officer to HQ USAF/DAAD(S). Privacy Act monitors may be appointed at subordinate organizations and staff elements, if required.

(f) Command Privacy Act Officers:

(1) Serve as the primary point of contact within the command on all Privacy Act matters.

(2) Make sure that appropriate command personnel are trained or oriented in the provisions of the Act.

(3) Develop the command supplement to this part, if required.

(4) Gather material for the annual report and record system notices for HQ USAF/DAAD(S).

(g) Local Privacy Officers:

(1) Act as liaison between the command Privacy Act Officer and individuals who are responsible for operating systems of records.

(2) Implement, administer, and monitor the Privacy Act program within their areas of jurisdiction.

(3) Make sure that personnel are trained or oriented in the provisions of the Act.

(4) Compile material for the annual report, and records system notices for the command Privacy Act Officer.

(h) Record system managers may serve at any level in the Air Force. They determine the content and set rules for operating the system. System managers are responsible for sending public notices for proposed new or changed systems of records to the local Privacy Officer and for evaluating the systems each year, as required by § 806b.13. In many cases, record system managers also operate the system as the local system manager.

(i) Local records system managers or custodians answer requests for information from individuals, keep accountability records of disclosures, and send the Privacy Officer data needed for the annual report.

§ 806b.5 Delegation of authority.

(a) *Access authorities.* (1) The person named or position listed in the record system notice published in the FEDERAL REGISTER, either as the one to whom the request is to be sent or as the system manager.

(2) Reports of the Air Force Office of Special Investigations (AFOSI) released under rules in Part 952. Reports on investigations that are not complete and on which no final action has been made, are released by the commander of the organization that requests the investigation. Reports on completed investigations may only be released by HQ AFOSI.

(3) Inspector General complaint records, released only with the approval of HQ AFISC/IC.

(b) *Denial authorities.* The authority to deny access to, or to refuse to amend records must not be delegated

to levels lower than those shown below, unless approved by SAF/AA. Send requests for waiver, with justification, to HQ USAF/DAAD(S), Wash DC 20330. Only the following officials, or their designees, have the authority to refuse to release or amend records:

(1) At SAF or HQ USAF, Deputy Chiefs of Staff and chiefs of comparable offices or higher level.

(2) At MAJCOM or SOAs, Commanders.

(3) For personnel records on civilian employees, Chief, Office of Civilian Personnel Operations (OCPO/MPK), Randolph AFB TX 78148.

(4) For OSI investigative records, Commander, AFOSI, HQ AFOSI, Wash DC 20314.

NOTE.—The officials named above may designate one alternate denial authority. Send a copy of the letter of appointment to HQ USAF/DAAD(S), Wash DC 20330.

(c) *Authority to request law enforcement records.* The Commander, AFOSI; the Chief, Air Force Office of Security Police; Base Chiefs of Security Police; and AFOSI District Commanders and their designees are authorized to ask for records from any source for law enforcement activities under 5 U.S.C. 552a(b)(7). These requests must be in writing and indicate the particular part of the record desired and the law enforcement activity that is asking for the record.

§ 806b.6 Judicial sanctions.

The Privacy Act has both civil remedies and criminal penalties for violations of its provisions.

(a) *Civil remedies.* An individual may file a civil suit against the Air Force, if Air Force personnel fail to comply with the Privacy Act.

(b) *Criminal Penalties.* A member or employee of the Air Force may be found guilty of a misdemeanor and fined not more than $5,000 for willfully:

(1) Maintaining a system of records without first meeting the public notice requirements. (See § 806b.12.)

(2) Disclosing individually idenitifable information to one not entitled to have it.

(3) Asking for and getting another's record under false pretenses.

Subpart B—Collecting Personal Information

§ 806b.7 Collecting from the individual.

Collect personal information, as much as possible, directly from the individual. Do not collect this information from third parties unless:

(a) The accuracy of information supplied by an individual must be verified with a third party.

(b) The information can only be obtained from a third party, such as information about how an employee performed in an earlier job or assignment.

(c) Getting the information from the individual would present exceptional difficulties or would result in an unreasonable cost.

(d) Other compelling and unusual circumstances make third party involvement necessary.

§ 806b.8 Privacy Act statements.

If the information asked for would be releasable under the FOIA, there is no requirement to give the person a Privacy Act Statement (some examples of this kind of information are name, grade, organization, duty assignment, and official telephone number). In all other cases, give individuals who are asked for information about themselves a Privacy Act Statement. This must be done regardless of how you collect or record the information, whether you use a form in the usual sense (that is, a printed document with a control number and edition date) or a blank page. You may advise individuals orally or display a sign in areas where they are frequently required to supply the same type of information; however, printed copies must be available and given to the individual on request. A Privacy Act Statement, whether given orally or placed on a form, must include:

(a) The number of the statute or executive order that authorizes collecting the information.

(b) The principal purposes for which the information will be used (for example, why the information is requested).

(c) The routine uses to be made of the information (for example, how the information is going to be used).

(d) Whether furnishing the information is mandatory or voluntary. Responding is mandatory, only if the information is essential to the Air Force mission, and if failure to furnish it could make the person liable to some administrative or disciplinary action.

(e) What will happen to the individual, if he or she does not give all or any part of the information requested?

NOTE: If you ask an individual for his or her SSN, you must state whether disclosure is voluntary or mandatory, give the statute or authority for requesting it, and state how it will be used.

(1) An individual may not be denied any right, benefit, or privilege provided by law for refusing to give his or her SSN unless disclosure:

(i) Is required by Federal statutes; or

(ii) Was required under statute or regulation adopted before January 1, 1975 for a system of records operating before that date.

(NOTE: Executive Order 9397, November 22, 1943, authorizes the use of the SSN as a system of numerical identification of individuals.)

(2) The fact that disclosure of the SSN is not required by Federal statute or is not for a system of records operating before January 1, 1975, does not preclude Air Force officials from asking for it. However, the Privacy Act Statement must make clear that disclosure of the SSN is voluntary. If the individual refuses to disclose it, be prepared to use other means for dentification.

NOTE:—The Forms Management office provides information on preparing and processing forms that should have Privacy Act Statements. The Publications Management office ensures that a Privacy Act warning statement is in the preamble of each regulation that calls for collecting personal information.

§ 806b.9 Promise of confidentiality when collecting information about individuals from third parties.

Give these promises rarely, and only for information that could not be obtained by other means. These promises can only be given for information that is put in an exempt system of records (see Subpart E). In order to exempt information under subsections (k)(2), (k)(5), and (k)(7) of the Privacy Act, sources must be given an express promise that their identities will not be revealed.

Subpart C—Maintaining Information in Systems of Records

§ 806b.10 Air Force Standards.

The Air Force must maintain information on individuals with such accuracy, relevancy, timeliness, and completeness as is reasonably necessary to make sure that determinations about them are made fairly.

(a) No record in a system of records will be kept unless it is authorized by statute or by Executive Order and is directed by an Air Force regulation.

(b) No record in a system of records will be kept unless it is relevant and necessary to carry out the mission or a function of the Air Force.

(c) No record will be kept that describes how an individual exercises any right guaranteed by the First Amendment to the Constitution unless expressly authorized by statute, by the individual concerned, or unless authorized for a law enforcement purpose.

(d) No system of records or revised system of records will be operated until the requirements for public notice and report to the Office of Management and Budget have been met. (See § 806b.12.)

(e) An activity must not issue a Request for Proposal or an Invitation to Bid for computer or communications systems and services to support a new or altered system of records until the requirement for a report to the Office

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of Management and Budget has been met. (See § 806b.12.)

(f) No record from a system of records will be released except according to Subpart D.

§ 806b.11 Protecting records.

Any activity that operates a system of records must set rules of conduct, operating procedures, and physical safeguards to keep the records safe from unauthorized disclosure. The level of protection should be in line with the level of sensitivity of the information.

(a) *Disposition of Records.* Dispose of records that have personal data and are eligible for disposal (as directed by AFM 12-50, Disposition of Air Force Documentation) by tearing into pieces, shredding, pulping, macerating, or burning.

(1) Dispose of magnetic tapes or other magnetic medium by degaussing or erasing.

(2) Activities may dispose of computer cards and printouts in a volume of 5 cubic feet or more without removing information subject to the Privacy Act from the records. This amount is sufficient to make sure that any one item of information becomes lost in the accumulated whole. It is not a disclosure under the Privacy Act. The carbon paper associated with these products may be disposed of through normal waste disposal methods. Systems managers may ask for a waiver of the required volume from command Privacy Act Officers. Systems managers must give substantial reasons to justify any reduction. Command Privacy Act Officers review the request in consultation with the Staff Judge Advocate. If there is disagreement, the request may be sent to HQ USAF/DAAD(S) for a final determination.

(b) *Safeguarding Personal Information in ADP Systems.* See AFR 300-13, Safeguarding Personal Data in Automatic Data Processing Systems.

§ 806b.12 Public notice and reporting requirements.

The Privacy Act requires that a report on all new or altered systems of records be published for public inspection. In addition, the Office of Management and Budget (OMB) requires a report on new systems and certain kinds of altered systems. Instructions on how to prepare both the OMB report and the systems notice are in § 806b.21. New systems notices, changes to current systems notices, and the OMB report, if required, must reach HQ USAF/DAAD(S), Wash. DC 20330 at least 90 days before the date an activity will begin to operate a new system, change an existing system, issue any data collection forms or instructions, or issue a request for proposal or invitation to bid for computer or communications systems or services to support the new or altered system.

(a) A new system of records is one for which no notice has been published in the FEDERAL REGISTER. It requires both a systems notice and an OMB report.

(b) An altered system of records, requiring both an OMB report and a systems notice, is one that:

(1) Significantly increases the number or changes the types of individuals on whom records are kept.

(2) Expands the categories of information. For example, a system that has physical training records is expanded to include medical records.

(3) Alters the way in which records are organized or in which they are indexed or retrieved so as to change the nature or scope of the records. For example, combining two or more existing systems as a result of centralizing a unit's responsibilities is an alteration.

(4) Alters the purpose for which the information is used.

(5) Alters the computer environment (for example, equipment configuration, software, or procedures) so as to create the possibility for greater or easier access (for example, adding a remote terminal at an office that did not previously have access to a system).

(c) An altered system of records that requires an amended systems notice but not an OMB report, is one that:

(1) Alters or adds routine uses within the scope of the original purpose for which the information was collected.

(2) Decreases the number of persons on whom records are kept.

(3) Adds a new data element clearly within the scope of the existing categories, or decreases the number of categories.

(d) A system manager who decides a system of records must be exempted from some or all of the requirements of the Privacy Act must send a letter through the command Privacy Act officer to HQ USAF/DAAD(S) Wash. DC 20330, giving specific reasons. This request must be processed by the Air Force Privacy Act Office for secretarial approval (see Subpart F).

§ 806b.13 Evaluating systems of records.

Each system manager must evaluate the system of records and each category of information in the system at least once a year to make sure they are still relevant and necessary. Send any amendments or deletions as prescribed in § 806b.12. Take into consideration:

(a) How the system and each item of information in it relate to the program it supports and to the statutory purpose of the program.

(b) What the specific adverse consequences of dropping the system or any item of information in it would be.

(c) The possibility of meeting information requirements by using other than personal data.

(d) The possibility of early purging of any item of information.

(e) The cost of running the system as it is, in relation to the result of discontinuing it.

Subpart D—Disclosing Information from Systems of Records

§ 806b.14 Disclosures to the subjects of records.

Individuals may ask whether the Air Force is maintaining records about them. If such records exist within systems of records, the Privacy Act gives the individual a right of access to the record, and a right to request its amendment.

(a) *How to identify a Privacy Act request.* To be considered under the Privacy Act, a request must:

(1) Come from a person whose records are in the system, or who is a designated agent or legal guardian. The request can be either oral or written.

(2) Cite the Privacy Act or at least show an awareness of the Act's requirements. For example, it could be addressed to the Privacy Act Officer, system manager, or FOIA manager, even if it does not cite the Act in the text of the request. Because people sometimes confuse the Privacy Act and FOIA, a request that cites or implies FOIA will be treated as a Privacy Act request, if it meets all the other criteria in this section.

(3) Pertain to records that are in a system of records. If the records the person wants are not in a system of records, the request falls into a category other than Privacy. The request does not have to name the system, but it should be fairly specific. Do not accept blanket requests for "all records about me." Instead, refer the person to AFP 12-37, Access Guide for Making Freedom of Information Act and Privacy Act Requests, and ask for more details.

(b) *How to identify a functional request.* Other Air Force directives give individuals the right to have access to their records. If an individual asks for his or her records and does not cite, or reasonably imply, the Privacy Act or FOIA, and another prescribing directive authorizes the release of the records, use that directive as authority for the release. Apply the schedule of fees in Part 813. Do not count the request as a Privacy Act request. An example is when an officer asks a personnel clerk for a copy of his or her Officer Effectiveness Report (OER). If the officer does not cite Privacy Act or FOIA, the clerk may give him or her

the record under AFR 36-10, Officer Evaluations, and charge according to Part 813.

(c) *How to process a Privacy Act request for existence or access that cites Privacy Act, FOIA, or both.* Regardless of whether a person cites or implies the Privacy Act or the FOIA, process the request so as to give the most information possible. This may mean processing part of the request under one Act and part under another.

(1) *Verifying identity.* When local systems managers receive a request for information about the existence of, or for access to, records, they must verify the requester's identity, unless the record sought is available to anyone under the FOIA. The person does not have to state a reason for the request, nor can the request be denied, if the person does not give his or her SSN, unless disclosure of the SSN is required by Federal statute or by a regulation adopted before January 1, 1975.

(2) *Notifying the requester.* Once the requester's identity is assured, the local system manager or custodian should:

(i) Within 10 working days from the date the request was received, tell the person if the system of records has a record about him or her, and when and where it may be reviewed.

(ii) Within 30 working days from the date the request was received, let the person review the record, or obtain a copy, unless it is exempt and listed in § 806b.22.

(A) If the requester wants to bring another person, the local manager may ask for written authorization for the other person to be present during any discussion of the content of the record.

(B) There is no requirement to create a record to fulfill a request; the record must be in existence at the time of the request. However, do not deny a record just because it is not readily available in a convenient format. Information in a system of records on magnetic or computer tape should be given in a format the requester can read.

(3) *Assessing fees.* When providing documents under the Privacy Act, charge fees for reproduction only.

(i) Use the following fee schedule:

Office copy (per page)	.10
Microform media (paper copy) (per image)	.25
Microfiche (per fiche)	.95

(ii) Do not charge fees for:

(A) Performing record searches.

(B) Reproducing a document for the convenience of the Air Force.

(C) Reproducing a record only in order to let a requester review it. If he or she wants a personal copy, use the fee in (3)(i) of this subpart.

(D) Reproducing a record for a requester who shows that he or she cannot pay the allowable charge.

(iii) Waive the fee, if the total amount is less than $5.

(4) *Denying access.* If the local systems manager decides the record should not be released, he or she sends a copy of the record (or records), and the reasons for recommending denial, including the exemption being applied, to the Denial Authority, through the command Privacy Act Officer. This must be done within 5 workdays from the date the request was received.

(i) *Evaluation of record.* No record may be withheld just because it is in an exempt system. Before recommending denial, the local manager must:

(A) Make sure the system is covered by an exemption approved by the Secretary of the Air Force and listed in § 806b.22.

(B) Make sure that each document is, in fact, covered by the exemption, since all documents in a system are not automatically exempt.

(C) Determine that no part of the record could be released, either by careful editing or in the form of a summary. If a record has both releasable and exempt material, the releasable part must be separated and made available.

(ii) *Medical records.* If, in the judgment of a physician, releasing a medical record to the subject could harm the subject's mental or physical health, the system manager may require the requester to name a physician to receive the record. This is a denial of the record, only if the subject refuses to name a physician.

(iii) *Third party information.* A record with personal information about someone else can be released after the third party information has been taken out. If the information is releasable under the FOIA, it is not deleted. If the record is one to which the requester has already had access, such as an order or effectiveness report, it is released intact. In all other cases, personal information such as home addresses and SSNs of others should be deleted.

If there is information in the record, the disclosure of which would be a clearly unwarranted invasion of someone else's privacy, that information should be withheld.

(iv) *Information compiled for litigation.* Information in a system of records compiled in reasonable anticipation of a civil action or proceeding may be denied. The requester should be informed of his or her right to appeal this denial.

(v) *Denial Authority action.* (A) The Command Privacy Officer reviews the denial recommendation and consults with the servicing Staff Judge Advocate and the office responsible for the program under which the record was created. He or she makes a recommendation to the Denial Authority, consistent with the results of this review.

(B) The Denial Authority, after examining the case, notifies the requester whether or not access will be granted. If the Denial Authority decides to grant access, he or she instructs the local systems manager to release the record. If the Denial Authority denies access, he or she must tell the requester why, and that the decision may be appealed to the Secretary of the Air Force within 45 days after the denial letter is received. The requester will be told to resubmit the original request and send any supporting material back to the Denial Authority for forwarding to HQ USAF/DA, Washington, D.C. 20330. The requester should be cautioned that failure to follow this procedure may delay the appeal.

(d) *How to process a request for amendment.* Individuals may ask the Air Force to amend records about them that are in a system or records. The amendment sought must change, delete, or add material to make a record factually accurate, timely, relevant, or complete. A request that asks for an amendment of information that is subjective, or involves a matter of opinion or interpretation, is not processed under this part. It is sent back, and the person told to send it to the Air Force Board for the Correction of Military Records under Part 865, Subpart A of this chapter, under grievance procedures in AFR 40-771, Appeal and Grievance Procedures, or any other appropriate directive.

(1) Requests to amend may be made orally or in writing. But, only requests asking for minor corrections are accepted orally. In either case, the local systems manager verifies the identity of the person seeking the amendment.

(2) Local systems managers routinely correct any record, if the requester can conclusively show it is factually in error, or if no lawful purpose would be served by not correcting the record. In these cases, the manager makes the change, notifies all holders of the record, and informs the individual when the correction is made.

(3) If the manager decides not to amend the record, he or she sends a copy of the record, the reasons for denial, and the request to the Denial Authority through the command Privacy Act Officer. The Command Privacy Act Officer reviews the denial recommendation and consults with the servicing Staff Judge Advocate and the office responsible for the program under which the record was created. He or she makes a recommendation to the Denial Authority based on the results of this review. A Denial Authority who decides to support, or partially

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support denial, sends the requester a letter stating why the request was denied and how to appeal the decision. If a review does not support denial, the system manager must be told to amend the record and notify all subsequent recipients of the change.

TABLE 1

PRIVACY ACT REQUEST PROCESSING

RULE	A	B	C	D
	If requester cites or implies (see note 1)	and asks for	which are	then process as a
1	Freedom of Information Act (FOIA)	his or her own records	in a system of records	Privacy Act (PA) request under AFR 12-35 (see note 2)
			not in a system of records	FOIA request under AFR 12-30
		someone else's records	filed anywhere	
2	Privacy Act (PA)	his or her records	in a system of records	PA request under AFR 12-35 (see note 2)
			not in a system of records	FOIA request under AFR 12-30
		someone else's records	filed anywhere	
3	neither Act	his or her own records	in a system of records	Functional request. If a regulation provides access, use its procedures. Otherwise, use AFR 12-35
			not in a systems of records	Functional request. If a regulation gives access use its procedures. If the functional regulation would deny access, see AFR 12-30.
		someone else's records	filed anywhere	
4	both acts	his or her own record	in a system of records	PA request under AFR 12-35 (see note 2) or FOIA request under AFR 12-30 or both, whichever gives most information
			not in a system of records	
		someone else's record	filed anywhere	FOIA request under AFR 12-30

NOTES: 1. Request for information from subject of an AFOSI investigation should be processed under AFR 12-30.

2. Report as Privacy Act Request in Annual Report.

(e) *Time limits:* Requesters should be told what action will be taken on their request within 10 workdays from the date the first Air Force office receives it. If access is granted or a record is amended, that should usually be done within 30 workdays. Table 2 gives time limits for the persons responsible for these actions. If the 10-day time limit cannot be met, the requester should be sent a letter telling why a delay is needed and giving an approximate response date. That date should be no more than 20 workdays after the first Air Force office receives the request. Send a copy of this letter to HQ USAF/DAAD(S), Washington, D.C. 20330, through Privacy Act channels.

TABLE 2

TIME LIMITS FOR PROCESSING PRIVACY ACT REQUESTS

RULE	A	B	C
	If you	and you are	then the time limit is
1	transfer action to another systems manager	Any recipient	2 workdays from receipt.
2	transfer action to Denial Authority	local Systems manager	5 workdays from receipt
3	acknowledge request and tell requester if record exists		10 workdays*.
4	acknowledge request and tell requester access will be granted	local Systems Manager, or Denial Authority	10 workdays*.
5	acknowledge request and tell requester amendment will be made		
6	Tell requester that access is denied	Denial Authority	
7	tell requester that amendment is denied		
8	grant access or amend record	local System Manager	30 workdays*.

NOTE: Time limits for granting access are recommended only; time limits for amending are required by the Privacy Act.

*From initial receipt by an Air Force activity.

(f) *Appeals of initial refusals to grant access or to amend records.* (1) *Request for secretarial review.* An individual may request a review of the initial refusal by writing to the Secretary of the Air Force within 45 days of the denial. The request should be addressed to the Secretary of the Air Force (SAF/AA), Wash DC 20330 and sent back to the initial Denial Authority for forwarding to HQ USAF/DA, Wash DC 20330. The Denial Authority sends a complete file in the following order:

(i) The request for review.

(ii) The initial request for access or amendment.

(iii) The initial refusal.

(iv) A copy of the record or portions involved.

(v) Any internal records or coordination actions that relate to the initial refusals.

(vi) Denial Authority comments on the appellant's arguments.

(2) *Responsibilities for Review.* (i) The Air Force Privacy Board reviews the initial denial and makes recommendations to the Vice Chief of Staff (CV). Members of the Board are representatives from HQ USAF/DA (Chairperson), the Office of The Judge Advocate General (HQ USAF/JA), and an Air Staff function not having primary responsibility for the record in question. The Chairperson may also call upon subject matter experts to advise the Board. CV may designate another official to serve as Chairperson or, if the record is the primary responsibility of HQ USAF/DA or HQ USAF/JA, may choose a member from another Air Staff organization to sit on the board instead.

(ii) The Office of the CV considers the recommendations of the Board and decides whether to direct the initial Denial Authority to grant access to or amend the record, or to uphold the denial. If the decision is to uphold, this recommendation is passed to SAF/AA through SAF/GC for a final decision.

(iii) SAF/AA considers HQ USAF/CV recommendations to uphold a denial, decides to grant or deny the appeal, and notifies both the individual and the initial Denial Authority of the decision. If SAF/AA upholds the denial, the individual is advised of his or her right to send a statement of disagreement to the system manager.

(3) *Time limits for appeal.* Table 3 shows the necessary actions and time limits for each part of the appeal process.

TABLE 3

APPEAL PROCESSING

RULE	A	B	C	D
	If	Decides to	then	within
1	AF Privacy Board	uphold denial OR overrule denial of access OR overrule denial of amendment	Pass to HQ USAF/CV with recommendations	15 work days *
2	HQ USAF/CV	uphold denial	pass to SAF/AA through SAF/GC with recommendations	30 work days*.
		overrule denial of access OR overrule denial of amendment	Notify the Individual and instruct Denial Authority to have access granted or record amended	
3	SAF/AA	uphold denial of access	notify the individual, giving reasons with copy to Denial Authority	45 work days*.
		uphold denial of amendment	Notify individual giving reasons. Invite individual to file statement of disagreement with systems manager stating any reasons for disagreeing with the Air Force's decision. Tell individual that statement will become permanent part of record, shown to all subsequent users and sent to prior recipients.	
4		overrule denial of access	Notify individual. Instruct Denial Authority to have access granted or record amended	
		overrule denial of amendment		

*Time from receipt of appeal by HQ USAF/DA.

(g) *Statements of disagreement.* If an individual submits a statement of disagreement with the Secretary of the Air Force's decision not to amend his or her record, the local system manager:

(1) Flags the record so that the disagreement may be seen by anyone who discloses or gains access to the record.

(2) Files the statement with the record. If this is not possible, maintain it to allow ready retrieval when the disputed portion of the record is used.

(3) Advises previous recipients that the record has been disputed and gives them a copy of the disagreement statement, if they can be identified.

(4) Lets subsequent users know that the record is disputed and gives them a copy of the statement along with the record. The manager may include a brief summary of the reasons for not amending the record. Summaries are limited to the reasons SAF/AA gives to the individual. The summary is treated as a part of the individual's record, but is not subject to the amendment procedures.

(h) *Privacy Act case files.* Except for the statement of disagreement, do not file documents used in processing notification, access and amendment requests (including appeals) in or with the system of records to which they pertain. Instead, set up Privacy Act case files. These files should include requests from, and replies to, individuals on whether a system has a record about them; requests for access, approvals, refusals, appeals, and final review action; and coordination actions and related papers. Do not keep copy of the disputed record in the case file.

Use the file solely to process requests and as a source of statistics. Do not use it as a source of precedents for processing similar actions. Do not use it to make any other kind of determination about the individual. Set up Privacy Act case files at each office that processes a request.

§ 806b.15 Disclosures to third parties and organizations.

The fact that the Air Force lets an individual know why we are collecting the information and how it will be used does not mean we have his or her consent to release it. Thus, when we decide to release information as authorized below, we must first consider all the consequences of that disclosure. Before we release any information, we must make a reasonable effort to ensure that it is accurate.

(a) *With subject's consent.* Unless prohibited by other statutes or directives, we may disclose information from a system of records if the subject of the record writes and asks us to, or if he or she has given prior written consent by signing a release form. For example, medical information could be released to an insurance firm with the subject's written authorization. Make sure, however, that there is no statute or directive that prohibits release. For example, drug or alcohol abuse treatment information kept in connection with a drug or alcohol prevention function may be released only as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582. For this information to be released, the subject's specific consent is needed; general consent is not enough.

(b) *Without subject's consent.* A person's records may be disclosed without his or her consent to:

(1) Department of Defense officials and employees who need the record to perform their duties and who use it for the purpose for which we collected it.

(2) The public, as required by the FOIA. See Part 806 of this chapter.

(i) Some examples of information that can be released for military personnel without an unwarranted invasion of privacy are: name; rank; date of birth; marital status; name, age, number and sex of dependents; date of rank; gross pay; present and past duty assignments and future assignments which are firm; office and unit address and phone number; source of commission; military and civilian education level, including major area of study, school, year of graduation and degree; promotion sequence number; awards and decorations; duty status at any given time; official photograph; and home of record without street address. See Federal Personnel Manual Supplement 990-1, Part 294, on release of civilian personnel information.

(ii) Disclosing a person's home address, SSN, or home telephone number without his or her consent is usually considered to be a clearly unwarranted invasion of privacy. Thus, disclosure under FOIA usually should not be made.

(iii) Apply a balancing test to decide whether disclosure would be clearly unwarranted invasion of the individual's privacy. Weigh the individual's right to privacy versus the public's right to know. Consider the nature of the information to be disclosed; do individuals usually expect this information to be kept private? Are the identi-

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ties of the subject and the recipient already in the public eye? What is likely to happen to the individual as a result of the disclosure? How old is the information; is it still relevant? To what degree is the information already in the public domain?

(iv) We may release information, if the balancing test described above weighs in favor of disclosure. For example, we may be permitted to disclose home addresses to a requester who wanted to enforce a court order for alimony or child support payments, or to local and state tax authorities to enforce tax laws.

(v) We may not sell or rent lists with individuals' names and home addresses. Likewise we may not, without individuals' consent, release lists of names and home addresses to the public. We must allow individuals to decide if they want their home addresses and phone numbers included in base directories.

(3) Agencies outside the Department of Defense for a routine use which has been listed in the systems notice describing the system of records and has been published in the FEDERAL REGISTER. The routine use must be compatible with the purpose for which the information was collected and must be within the expectations of the person when he or she furnished it.

(4) The Bureau of the Census to plan or carry out a census or survey under Title 13, U.S.C.

(5) A recipient for statistical research or reporting. The recipient must give us advance written assurance that the record will be used solely as a statistical research or reporting record. The record must not be used, in whole or part, to make any decisions about the individuals' rights, benefits, or entitlements. It must be sent in a form in which the identity of the individual cannot be found out through usual research methods.

(6) The National Archives of the United States has a record with enough value to warrant keeping it, or for evaluation by the Administrator of the General Services Administration to see if the record has such value. However, when we send records to Federal Records Centers for storage, they stay under Air Force control. These transfers are not disclosures under this subpart and do not need an accounting.

(7) An agency outside the Department of Defense for a civil or criminal law enforcement activity authorized by law. The head of the agency or a designee must send a written request to the systems manager. The request must specify the record or part needed and the law enforcement purpose for which it is wanted. A record may also be disclosed to a law enforcement agency by the Air Force office that has it if criminal conduct is suspected. This disclosure is a routine use for all U.S. Air Force records systems and has been published in the FEDERAL REGISTER.

(8) Another person or agency under compelling circumstances affecting the health or safety of an individual. The individual whose records are disclosed does not have to be the one in danger. For example, records on several persons could be disclosed to identify individuals injured in an accident. When individual records are disclosed in this way, we must send the subject a notification at the last known address.

(9) Either House of Congress, a congressional committee or subcommittee, for matters within their jurisdictions.

(10) A congressional office acting for a constituent who is the record subject. This disclosure is allowed by a blanket routine use.

(11) The Comptroller General or any authorized representatives on business of the General Accounting Office.

(12) A court of competent jurisdiction that has ordered us to do so. When a record is disclosed under compulsory legal process and the court makes public the fact that it has issued an order or subpoena for the records we must make reasonable efforts to notify the individual by mailing a disclosure statement to his or her last known address.

(13) A contractor who is operating a system of records under a contract to perform an Air Force function, such as personnel, payroll, or health systems management. In this case, the contractor is considered an employee of the Air Force and the system of records is considered an Air Force system. Disclosure of records to the contractor does not need the subject's consent nor does it require that an accounting be kept.

(c) *Accounting for disclosures.* (1) For those disclosures for which an accounting is required, each local record system manager must keep an accurate record showing the date of the release, the specific information released, the basis for making the disclosure, and the name and address of the recipient (see table 4). Accounting is required, even if the subject gives written consent. Systems managers may file the disclosure accounting record in any way they want, as long as they can reconstruct it to:

(i) Give to the subject on request.

(ii) Pass corrected or disrupted information in the record to previous recipients.

(iii) Provide a cross-reference to show the basis for making the disclosure.

(iv) Provide an audit trail for reviews of Air Force compliance with the conditions of disclosure outlined in this subpart.

(2) For some systems of records, subsections (j)(2) and (k) of the Privacy Act permit withholding the accounting record from the subject. § 806b.22 lists those systems. Also, an accounting of disclosures that were made for law enforcement purposes may be withheld.

(3) Dispose of the accounting record according to AFM 12-50.

TABLE 4

DISCLOSURE ACCOUNTING AND CONSENT REQUIREMENTS

RULE	A: If information from a system of records is disclosed to	B: and pertains to	C: then it is under the	D: and requires an accounting	D: and requires written consent
1	an individual	the individual	Privacy Act (note 1)	No	No
2	any DOD activity	info for official uses	Privacy Act	Yes	
3	any person or organization outside of DOD other than the subject	a published Routine Use in the Systems Notice			
4	anyone but the subject outside DOD	emergencies affecting health or safety			No (note 2)
5	The Congress	official uses			No
6	Bureau of the Census	census or survey or related activity			
7	The General Accounting Office	official uses			
8	The National Archives	info to be appraised or accepted for deposit			
9	A Court	an order of the court			No (note 3)
10	anyone but the subject	info releasable under Freedom of Information Act (FOIA)	FOIA	No	No
11	any US agency or instrumentality	civil or criminal law enforcement	Privacy Act	Yes	

NOTES:
1. When a request cites neither PA or FOIA but another Air Force directive authorizes the release of the information, then foreclosure is under that directive.
2. Notify the individual at his or her last known address.
3. Notify the individual as soon as the compulsory legal process becomes a matter of public record at his or her last known address.

Subpart E—Exempting Systems of Records

The Secretary of the Air Force may exempt Air Force systems of records from certain parts of the Privacy Act. There are two kinds of Exemptions: general and specific. The general exemption relieves systems of records from most requirements of the Act; the specific exemption from only a few.

§ 806b.16 Exemption index and cross reference.

The index below shows for which parts of the Privacy Act exemptions may be claimed. "No" means that no exemption may be taken; "yes" means that an exemption may be taken. Note that the index provides a cross reference to this part.

FIGURE 1. *Exemption Index and Cross-Reference.*

Exemptions: General 3(j)	Exemptions: Specific 3(k)	Privacy Act Section	AFR 12-35: Paragraph	AFR 12-35: Page
no	no	3(b)(1-11): conditions of disclosure	15	
no	no	3(c)(1,2): making and keeping disclosure acctg.	15	
yes	yes	3(c)(3): individual access to accounting	15	
yes	no	3(c)(4): informing prior recipients of corrections.	14	
yes	yes	3(d)(1-5): access to records	14	
yes	yes	3(e)(1): restrictions on collection of info	1	
yes	no	3(e)(2,3): collection from individual	7	
no	no	3(e)(4)(A-F): publishing systems notices	12	
yes	yes	3(e)(4)(G-I): system access & source descrpt.	12,14	
yes	no	3(e)(5): standards of accuracy	10	
no	no	3(e)(6,7): validate before disclosure/no records on 1st Amendment rights.	10,15	
yes	no	3(e)(8): notification of compulsory disclosure	15	
no	no	3(e)(9-11): rules of conduct/safeguards/routine use publication.	1,11,12	
yes	yes	3(f)(1-5): agency rules	14	
yes	no	3(g)(1-5): civil remedies	6	
yes	no	3(h): rights of legal guardians	1	
no	no	3(i)(1-3): criminal penalties	6	
	no	3(j)(1-2): general exemptions	17	
yes		3(k)(1-7): specific exemptions	18	
yes	no	3(l)(1-3): archival records	15	
yes	no	3(m): Government contractors	15	
yes	no	3(n): mailing lists	15	
yes	no	3(o): report on new systems	10	
yes	no	3(p): annual report	20	
no	no	7(a,b): restrictions on using SSN	8	

§ 806b.17 General exemptions.

Only US Air Force activities actually engaged in law enforcement may claim the general exemption for a system of records. These include the Staff Judge Advocate and correctional activities. This exemption appears in the Privacy Act in subparagraph (j)(2).

(a) To qualify for the exemption, a system must consist of:

(1) Data, compiled to identify individual criminals and alleged criminals, which consists only of identifying data and arrest records; type and disposition of charges; sentencing, confinement, and release records; and parole and probation status;

(2) Data that supports criminal investigations (including efforts to prevent, reduce, or control crime) and reports of informants and investigators that identify an individual; or

(3) Reports on a person, compiled at any stage of the process of law enforcement, from arrest or indictment through release from supervision.

(b) When we claim a general exemption for a system of records, the only parts of the Privacy Act we are required to comply with are subsections (b), (c)(1) and (2), (e)(4)(A) through (f), (e)(6)(7)(9)(10) and (11), and (i). See figure 1.

§ 806b.18 Specific exemptions.

(a) The Secretary of the Air Force has exempted a few systems of records that have the following kinds of information from certain parts of the Privacy Act. The Privacy Act exemption number appears in parentheses after each category below.

(1) Classified Information in any Air Force system of records. Before denying a person access to classified information, the Denial Authority must make sure that it was properly classified under the criteria of Executive Order 11652 or 12065, and that it must remain so in the interest of national defense or foreign policy [(k)(1)].

(2) Investigatory data for law enforcement purposes (other than that claimed under the general exemption). But, if this information has been used to deny someone a right, we must release it unless doing so would reveal the identify of a confidential source [(k)(2)].

(3) Data kept to protect the President of the United States and others, as authorized by 18 U.S.C. 3056[(k)(3)].

(4) Statistical data required by statute and used only for statistical purposes and not to make decisions on the rights, benefits, or entitlements of persons [(k)(4)].

(5) Data compiled to determine suitability, eligibility, or qualifications for Federal service, Federal contracts, or access to classified information. We may withhold this information, only if disclosure would reveal the identity of a confidential source [(k)(5)].

(6) Tests to find our whether to appoint or promote a person in the Federal service. We may withhold this information, only if disclosure would compromise the objectivity or fairness of the examination process [(k)(6)].

(7) Information to determine promotion potential in the Armed Forces. We may withhold this information, only to the extent that disclosure would reveal the identity of a confidential source [(k)(7)].

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(b) We do not have to comply with the following parts of the Privacy Act in operating a system for which we claim a specific exemption: subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) (see figure 1).

Subpart F—Other Administrative Actions

§ 806b.19 Training.

There are three kinds of training:

(a) *Orientation.* Command and local Privacy Officers must make sure that everyone in their areas of responsibility gets an initial orientation on how the Act works and what are the individual's rights and responsibilities under it. In addition, they must regularly conduct refresher training through Commanders Calls, articles in base bulletins, papers, and so forth.

(b) *Specialized.* This training takes place at USAF technical schools. It is for personnel who actually operate systems of records, or supervise their operation. Training elements that develop new blocks of instruction or alter old blocks must send them to HQ USAF/DAAD(S) for review.

(c) *Management.* Command and local Privacy Officers give commanders and their deputies management training that supplements the basic orientation. This training lets top managers know how the Act affects their operational decisions. For example, managers need to know that they will not be able to operate a system of records until 45 days after it has been published in the FEDERAL REGISTER for public comment. Also, this training gives Denial Authorities the information they need to act in this capacity.

§ 806b.20 Annual Privacy Act Report, RCS: DD-A (A&AR) 1379.

(a) Each Command Privacy Act Officer must report the following statistical information to the Air Force Privacy Act Office no later than March 1 of each year. The Report Control Symbol is DD-A(A&AR) 1379. The report must cover the previous year's activity. Data should be given for each system of records. The data must include the number of:

(1) Requests for existence of records.

(2) Requests for access to records under the Act.

(3) Privacy Act requests returned for lack of sufficient information to identify the records.

(4) Requests for access totally granted and number partially granted.

(5) Requests for amendment of records under the Privacy Act.

(6) Requests for amendment totally granted and number partially granted.

(7) Exemptions used to deny access by citation number (j2, j5, k1-k7 and d5).

(b) Each Privacy Act Officer should also keep a record of any unusual problems that arise in the course of the year about the administration of the Act. Report these in narrative form.

(c) The Air Force Privacy Act Office provides statistical reporting forms and instructions no later than December 31 of each year.

§ 806b.21 Systems notice requirements.

Each system of records operated by the Air Force must be covered by a systems notice published in the FEDERAL REGISTER. You must send two copies of this notice, with a report of a new system, through the command Privacy Act Officer to HQ USAF/DAAD(S) at least 90 days before operating the system. All items of information must be completed, and you should be as specific as possible. Use the following format:

HOW TO PREPARE SYSTEMS NOTICES AND REPORTS

F01101 MAC	("F" indicates Air Force, the number is the table and rule from AMF 12-50 for records disposition, and the letters show the command or DCS)
System name	(Use a short, specific plain language title for the system)
System location	(Address of primary system and any decentralized elements; if system is Air Force-wide, show functional office)
Categories of individuals covered by the system.	(List categories, but be specific; do not say all Air Force officers when the system applies only to officers of one command)
Categories of records in the system	(List specific elements of information; do not list form numbers)
Authority for maintaining the system	(Cite specific statute from the US Code or Executive Order that directs the program the records support; do not use Title 44)
Routine uses of records maintained in the system, including categories of users and the purposes of such uses.	(Show the purpose of the system and all routine users who *are not* part of the Department of Defense (DOD). Give specific reasons for disclosure to agencies or persons outside of the DOD)
Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system	
Storage	(Show how records are stored listing the storage medium and types of containers)
Retrievability	(List all data elements used for retrieval)
Safeguards	(Provide a specific list of safeguards by categories such as guards, alarmed buildings, safes; do not describe any specific safeguards in a way that would jeopardize security)
Retention and disposal	(Show length of retention from AFM 12-50 using the table and rule listed in the System Identification)
System manager(s) and address	(List the title and office address of the individual or individuals responsible for the system)
Notification procedure	(Give the title and address of any individuals who can tell people if their records are in the system)
Record Access procedure	(Tell who to contact for access giving title and address)
Contesting record procedure	(Leave blank)
Record source categories	(Show categories of individuals or other records used as sources for the system)
System exempted from certain provisions of the Act.	("None" unless you have filed an exemption, in which case list the sections of the Privacy Act from which the system is exempt)

(a) *Report of a new or altered system of records.* The report of a new or altered system must be sent through the Defense Privacy Board to the Congress and Office of Management and Budget by the Air Force Privacy Act Office. Systems managers must provide HQ USAF/DAAD(S), no later than 90 days before using the system or implementing the reportable change:

(1) System identification number and title of the system.

(2) Reason for creating the new system or for changing an existing system.

(3) A description of the change.

(4) The estimated number of individuals on whom records are kept in the system.

(5) Methods used to ensure accuracy of information in the system.

(6) A discussion of alternatives to using the system.

(7) The name, title, address and AUTOVON number of the person who knows how the system operates.

A complete system notice must be attached.

(b) *Nonreportable amendments or deletions.* Any change in the published systems notice that does not require a report to the Congress or to Office of Management and Budget must be sent at once to the Air Force Privacy Act Office. The following changes must be published in the FEDERAL REGISTER for public comment and must be sent at least 75 days in advance:

(1) Those that change the nature of or add to the routine uses of the system.

(2) Those that change the notification or access procedures.

§ 806b.22 General and specific exemptions claimed.

(a) *General exemption for criminal investigative files.* The Air Force claims the general exemption for the

following systems of records: Counter Intelligence Operations and Collection Records, F12408 07YLNGA; Criminal Records, F12410 07YLNGA; Incident Investigation Files, F12501 SPO I; Investigative Support Records, F12404 07YLNGA.

(b) *Specific exemptions.* These are the systems for which we claim specific exemptions:

(1) *Classified records.* All records in systems of records that are properly classified per Executive Order 11652 or 12065, are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), regardless of whether the entire system is otherwise exempt.

(2) *Air Force Academy Candidate System (F05302 OBXQPCB).* (i) *Exemption.* This system of records (Candidate Evaluation Record, Liaison Officer Evaluation, Letter of Evaluation from High School or College, and Drug Abuse Certificate) is exempted from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* Insure the frankness of information used to determine whether cadets are qualified for graduation and for commissioning as officers in the United States Air Force.

(3) *Air Force Personnel Test 851, Test Answer Cards (F03506 DPMAW A).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(6).

(iii) *Reasons.* To protect the integrity of the promotion testing system by keeping the test questions and answers safe.

(4) *Cadet Personnel Record System (F03502 OBXQPCB).* (i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only insofar as disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To maintain the candor and integrity of comments needed to evaluate an Air Force academy cadet for commissioning in the US Air Force.

(5) *Cadet Records (F04501 OKPNQSA).* (i) *Exemption.* Portions of the system (Detachment POC Selection Rating Sheets; AFROTC Form 0-24-Disenrollment Review; Memoranda for Record and Staff Papers with Staff Advice, Opinions, or Suggestions) are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), and (H), and (f), but only to the extent that disclosure would reveal the identity of a confidential force.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of a confidential source who furnished information necessary to make determinations about the qualification, eligibility, and suitability of cadets for graduation and commissioning in the US Air Force, under a promise of confidentiality.

(6) *Child Advocacy Case Files (F16802 SGPC A).* (i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(c)(3) and (d), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(2) and (5).

(iii) *Reasons.* To encourage those who know of child abuse or neglect to come forward by protection their identities. Also, to protect the integrity of on-going and civil law investigations of criminal and civil law violations. Giving subjects access to their files could result in them concealing, altering, or fabricating evidence; could hamper the identification of offenders and alleged offenders; and could jeopardize the safety and well-being of parents and their children.

(7) *Civilian Personnel Occupational and Suitability Employment Examinations (F04002 DPCMS D).* (i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(5) and (6).

(iii) *Reasons.* To protect the confidentiality of a source who gives information about whether a person is qualified and suitable for civilian employment in the Federal service. Also, to protect test material used to determine qualifications so as to be fair to all candidates.

(8) *Class Committee Products (F01103 XOBXQPCD).* (i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only to the extent that they would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To maintain the candor and integrity of comments needed to evaluate an Air Force Academy cadet for commissioning in the US Air Force.

(9) *Effectiveness/Performance Reporting Systems (F03501 DPMVO I).* (i) *Exemption.* The parts of this system that have completed AF Forms 705, Lieutenant Colonel Promotion Recommedation Report, and AF Forms 706, Colonel Promotion Recommendation Report, are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To make sure that selection boards get candid evaluations of the potential of officers being considered for promotion to the grades of Colonel and Brigadier General.

(10) *Equal Opportunity in Off Base-Housing (F03005 PRENC A).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(2).

(iii) *Reasons.* To enforce civil laws, court orders, and the activities of the Departments of Housing and Urban Development and Justice.

(11) *General Officer Personnel Data System (F03501 AFDPG O).* (i) *Exemption.* The parts of this system that have completed AF Forms 78, Air Force General Officer Effectiveness Report, are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that they would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To make sure selection boards get candid evaluations of the potential officers being considered for promotion to Major General, Lieutenant General and General.

(12) *Historical Airman Promotion Master Test File (F03508 DPMAW M).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(6).

(iii) *Reasons.* To protect the integrity, objectivity, and equity of the promotion testing system by keeping test questions and answers safe.

(13) *Inspector General Records (F12001 IGQ A).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f). But, if a person is denied any right, privilege, or benefit he or she would otherwise be entitled to as a result of keeping this material, we must release the material unless doing so would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(2).

(iii) *Reasons.* Granting individuals access to information collected while an Inspector General inquiry is in progress could interfere with the just, thorough, and timely resolution of the complaint or inquiry and could possibly enable individuals to conceal wrongdoing or mislead the inquiring officer. Disclosure might also subject sources, witnesses, and their families to harassment or intimidation.

(14) *Investigative Applicant Processing Records (F12401 07YLNGB).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect those who gave information in confidence during Air Force Office of Special Investigations (AFOSI) applicant inquiries. Fear of retaliation or exposure could

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cause sources not to make frank and open responses about applicant qualifications. This could compromise the integrity of the AFOSI personnel program that relies on selecting only qualified people.

(15) *Master Cadet Personnel Record (RR/Active) (F03502 OBXQPCE) and Master Cadet Personnel Record (RR/Historical) (F03502 OBXQPCD).* (i) *Exemption.* Parts of these systems are exempt from 5 U.S.C. 552a(d), (e)(4)(H) and (f), but only to the extent that they would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To maintain the candor and integrity of comments needed to evaluate a cadet for commissioning in the US Air Force.

(16) *Military and Leadership Order of Merit System (F03001XOBXQPCB).* (i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(d), (e)(4)(H) and (f), but only insofar as they reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To maintain the candor and integrity of comments needed to evaluate AF Academy cadets for commissioning in the US Air Force.

(17) *Personnel Files on General Officers and Colonels Assigned to General Officer Positions (F03501 AFREP T).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To protect the integrity of information used in the Reserve Initial Brigadier General Screening Board, the release of which would compromise the selection process.

(18) *Personnel Security Case Files (F20503 DAI A).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of retaliation or exposure could cause sources to refuse to give this information in the frank and open way needed to pinpoint those areas in an investigation that should be expanded to fully develop or put to rest charges of questionable conduct. It is essential that all such allegations be resolved fairly and quickly.

(19) *Security and Related Investigative Records (F12406 07YLNGA).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of retaliation or exposure could cause them to refuse to give this information in the frank and open way needed to pinpoint those areas in an investigation that should be expanded to fully develop or put to rest charges of questionable conduct. It is essential that all such allegations be resolved fairly and quickly.

CAROL M. ROSE,
Air Force Federal Register Liaison Officer.

[FR Doc. 79-3804 Filed 2-2-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 77-028]

ANCHORAGE GROUNDS, MISSISSIPPI RIVER BELOW BATON ROUGE, LA., INCLUDING SOUTH AND SOUTHWEST PASSES

Proposed Rule; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction to Proposed Rule.

SUMMARY: In FR Doc. 78-35519 appearing at page 59521 in the FEDERAL REGISTER of December 21, 1978, the following changes are made:

1. On page 59523, § 110.195(a)(6) is corrected by striking the number "63.2" on line 5 of the paragraph and inserting in its place "63.6".

2. On page 59523, § 110.195(a)(11) is corrected by striking line 5 of the paragraph reading "from mile 82.7 to mile 85.0 above Head" and inserting in its place the phrase, "from mile 78.5 to mile 80.8 above Head".

3. On page 59523, § 110.195(a)(28) is corrected in the second line of that paragraph by adding the words, "the left descending bank or east side of the river extending", immediately following the words, "in length along", and immediately before the word, "from".

FOR FURTHER INFORMATION CONTACT:

D. W. Ziegfeld, Project Manager, Office of Marine Environment and Systems (G-WLE/73), Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street, S.W. Washington, D.C. 20590, (202-426-1934).

Dated: January 30, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 79-3918 Filed 2-2-79; 8:45 am]

[4910-14-M]

[33 CFR Part 161]

[CGD 77-213]

U.S. MARINE SAFETY INFORMATION SYSTEM

Notification of Tonk Vessel Ownership Information, Names, and Country of Registry

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: On April 13, 1978, the Coast Guard published a Notice of Proposed Rulemaking (43 FR 15586) proposing a requirement that certain oil tankers report ownership information, all registered names the vessel has had, and the country of current registry. Because the Coast Guard has obtained some of this information from other sources and because stockholder information has been found to be impractical and unnecessary to obtain, the Coast Guard is withdrawing the proposed rule.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Edward H. Bonekemper, III, Project Manager, Office of Marine Environment and Systems (G-WLE-1/73). Room 7319, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1927).

DISCUSSION

The Coast Guard proposed requiring each oil tanker of 20,000 deadweight tons that calls at U.S. ports, places, or deepwater ports to engage in commercial services to report certain ownership information, all registered names the vessel has had since it began operation, and the country of current registry. The proposed regulations would have prohibited a vessel from entering the navigable waters of the United States or from entering the safety zone of a U.S. deepwater port unless the required information had been disclosed to the Captain of the Port. The ownership information which would have been required included the stockholders of a corporation owning five or more percent of the voting stock issued and outstanding.

A large majority of the comments received at three public hearings and in 30 letters were opposed to portions of the proposal, particularly the stockholder ownership disclosure requirement.

Since the time of the publication of this proposal, the Coast Guard has been able to obtain, through primarily commercial sources, information concerning vessel names, ownership, and registry. Additional information is being obtained from the Federal Maritime Commission. All this information is in the process of being incorporated into the Coast Guard Marine Safety Information System.

Numerous commenters, including several foreign governments, explained that it would be impractical and in many cases impossible for anyone to provide stockholder information where a corporation is the owner of a vessel. This would be particularly true where bearer shares are used as evidence of ownership. Other commenters indicated that providing this information would be costly and inflationary and would serve no useful purpose. One commenter indicated that Coast Guard disclosure of the names of shareholders would be of great value to persons attempting to enforce boycotts against nations friendly to the United States.

In light of the information which the Coast Guard has obtained from other sources and the resons stated in the substantial adverse comment received, the Coast Guard has determined that this rulemaking is not appropriate at this time.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (42 FR 15586) on April 13, 1978 entitled "U.S. Marine Safety Information System: notification of tank vessel ownership information, names, and country," CGD 77-213 is hereby withdrawn.

Dated: January 29, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard Acting Commandant.

[FR Doc. 79-3725 Filed 2-2-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 720]

[OTS-050002A; FRL-1052-8]

TOXIC SUBSTANCES CONTROL

Premanufacture Notification Requirements and Review Procedures: Notice of Meetings and Availability

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice of Meetings and Availability.

SUMMARY: On January 10, 1979, the Environmental Protection Agency proposed rules and notice forms that would implement the premanufacture notification requirements of section 5 of the Toxic Substances Control Act concerning new chemical substances (44 FR 2242). This notice supplements in two ways the January 10 notice of proposed rulemaking.

First, in the preamble to the January 10 proposal, EPA stated that it would provide an explanatory appendix to the forms. This notice announces the availability of that appendix. Second, EPA is revising the schedule for public meetings on the proposal. The February 14, 1979 meeting in Washington, D.C. has been postponed until March 7, 1979. In addition, EPA will hold a public meeting on March 9, 1979 in New York city to receive comment on international aspects of the proposed rules and forms.

DATES: The February 14, 1979 meeting in Washington, D.C. has been postponed until March 7, 1979. In addition, EPA will hold a public meeting on March 9, 1979 in New York city to receive comment on international aspects of the proposed rules and forms. The comment period on the January 10 notice of proposed rulemaking ends March 26, 1979.

ADDRESSES: The March 7 meeting in Washington, D.C. will be held at: North Building Auditorium, Department of Health, Education and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

The March 9 meeting in New York, N.Y. will be held at: Conference Room 305C, Federal Building (Worth and Broadway Streets), 26 Federal Plaza, New York, N.Y. 10007.

FOR FURTHER INFORMATION CONTACT:

Mr. John B. Ritch, Jr., Director Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20460, 800-424-9065 toll free; in Washington, D.C. call 554-1404.

SUPPLEMENTARY INFORMATION: *Explanatory Appendix.*—By this notice, EPA announces the availability of the explanatory appendix to the proposed notice forms. The appendix is being made available to aid interested persons in providing comment on the proposed notice forms, and may be obtained at the address given under "For Further Information Contact". The appendix is based on the Support Document which was made available at the time of proposal of the Premanufacture Notification Requirements and Review Procedures. It provides further explanation of reporting requirements contained in the proposed regulations and forms and explained in the Support Document. In addition it contains some examples of ways to respond to the questions.

The comment period on the proposed rules and notice forms ends March 26, 1979. Persons interested in considering the appendix before filing their comments will have ample opportunity to do so. Therefore, EPA is not extending the comment period.

EPA has established a public record for this rulemaking. All written comments will become a part of this public record. Comments should bear the docket number OTS-050002 and should be submitted to the Document Control Officer (TS-793), Office of Toxic substances, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C., 20460. The public record is available for inspection in the Office of Toxic Substances Reading Room from 9:00 a.m. to 5:00 p.m. on working days (Room 710E, 401 M St., S.W., Washington, D.C., 20406).

Public Meetings.—As described in the preamble to the January 10 notice of proposed rulemaking, EPA has scheduled a series of public meetings on the proposed rules and notice forms. EPA has received comments that it should postpone the two public meetings in Washington, D.C., scheduled for February 13 and 14, 1979, to allow more time for interested persons to prepare meaningful comments on the proposal. EPA believes that the schedule of public meetings allows adequate time to prepare meaningful comments. However, for the convenience of participants, EPA is postponing to March 7 the public meeting previously scheduled for February 14. (The dates and locations of the other public meetings, including the February 13 meeting in Washington, D.C., remain the same). Both the February 13 and March 7 meetings will be held

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at: North Building Auditorium, Department of Health, Education and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

EPA also has scheduled an additional public meeting, to provide a separate forum for the presentation of comments on international aspects of the proposed rules and forms, particularly their application to importers: *New York, NY—March 9, 1979.* Conference Room 305C, Federal Building (Worth and Broadway Streets), 26 Federal Plaza, New York, NY 10007.

A number of issues in the proposal relate especially to persons involved in international trade in chemical substances. Under § 720.21 of the proposed rules, persons who intend to import new chemical substances must use a separate form, Premanufacture Notice Form for Inporters (44 FR 2314). Under § 720.21(c), an importer must request the foreign manufacturer and supplier of his new substance to complete a separate form and submit to EPA test data related to the effects of the substance on health or the environment. Finally, certain requirements imposed on both importers and domestic manufacturers alike may, as a practical matter, have a special impact on persons involved in international trade. Because importers, exporters, and the governments of countries involved in trade with the United States, make up a distinct constituency with regard to the proposed rules and forms, EPA believes that a separate meeting to receive comment on these issues would be beneficial to all parties.

Although EPA has scheduled the March 9 New York meeting solely for comment on international trade issues, persons may raise such issues at any of the other public meetings. Persons who wish to comment on international issues and who are unable to attend the meeting in New York should attend another public meeting, or submit written comments to EPA.

As described in the preamble to the January 10 notice of proposed rulemaking, the purpose of these meetings is to enable interested persons to provide oral comments on the proposed rulemaking to EPA officials who are directly responsible for developing the rules and notice forms.

All meetings will begin at 9:00 a.m. and end at 4:30 p.m., with a one-hour recess for lunch. The meetings will start with a short summary by EPA of the proposed rules and notice forms, to be followed by oral presentations from the floor of no more than 10 minutes per person, company, or organization. (Less time may be allotted depending upon the number of presentations.)

Persons who wish to present their comments at any one of the meetings should contact EPA no later than four days before the meeting date by calling Dr. Doug Bannerman toll-free at 800-424-9065 (in Washington, D.C., call 554-1404), or by writing to the address listed under "Further Information". EPA will allot speaking times on a first-come basis, although the Agency reserves the right to alter the order depending upon the nature of the particular comments and other relevant factors. If time permits, following these prepared presentations EPA will receive any other comments from the floor.

Presenters are urged, but not required, to submit copies of their statements on the day of the meeting. All such written materials will become a part of EPA's record for this rulemaking. In addition, the Agency will transcribe each meeting and will include the written transcripts in the public record.

Dated: February 1, 1979.

STEVE D. JELLINEK,
Assistant Administrator for Toxic Substances.

[FR Doc. 79-3975 Filed 2-2-79; 8:45 am]

[4110-35-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

[42 CFR Parts 405 and 442]

MEDICARE AND MEDICAID

Nursing Home Provider Agreements: Effective Dates; Effect of Change in Ownership

AGENCY: Health Care Financing Administration, HEW.

ACTION: Proposed Rules.

SUMMARY: These proposed regulations would make Medicare and Medicaid rules identical on (1) the beginning effective dates of nursing home provider agreements and (2) the effect of a change in ownership on the continuation of Federal payments to nursing homes. Provider agreements under both programs would be effective on the date of the onsite health and safety certification survey if all Federal requirements are met. If all requirements are not met, the effective date would be the date on which the State survey agency subsequently finds that those requirements are met or on which the facility submits an acceptable plan of correction or waiver request. Existing provider agreements would be assigned to new owners under both programs when ownership changes, subject to the terms and conditions of the original agreement. The intent is to simplify administration and prevent unnecessary interruption of benefits to nursing home patients.

DATES: Consideration will be given to written comments and suggestions received by April 6, 1979.

ADDRESS: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013. When commenting, please refer to HSQ-55-P. Agencies and organizations are requested to submit their comments in duplicate. Comments will be available for public inspection beginning approximately 2 weeks after publication, in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-245-0950).

FOR FURTHER INFORMATION CONTACT:

Mr. Antoine Elias, Division Director, Office of Standards and Certification, Health Care Financing Administration, Room 322, East Building, 6401 Security Boulevard, Baltimore, Maryland 21235 (area code 301-549-7903).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Medicare and Medicaid have developed differing policies as to when a nursing home provider agreement may begin. Provider agreements are agreements between the Secretary and the facility (Medicare) or the State and the facility (Medicaid) which authorize reimbursement under the programs. Their issuance is based primarily on Federal and State survey agency findings that the facilities meet Federal statutory and regulatory standards. (See, generally 42 CFR Part 405, Subparts F and S, and Part 442, Subparts A-C.)

Medicaid regulations at 42 CFR 442.12(b) provide that the term of the provider agreement begins on the date of the survey agency's certification that the facility meets Federal standards. The certification paperwork delays the effective date. Medicare regulations at 42 CFR 405.606(b) do not specify the beginning date, but Medicare practice is to permit earlier effective dates, sometimes to a point as early as the facility's application for the program. As a result, providers participating in both programs are usually reimbursed by Medicare months before Medicaid.

The two programs also differ in the ways they treat the continuing participation of a facility which has changed ownership. Medicare reimburses providers throughout the process of certifying the new owners; under Medicaid a new State health and safety survey and related certification paperwork must be completed before payment is

continued. The divergent Medicare and Medicaid policies have produced uncertainties for patients, facilities, and the States as to when Federal payment may be expected for otherwise qualified nursing home care. For example, a Medicare patient who becomes ineligible for Medicare and would be eligible for Medicaid may find that the facility is not qualified under Medicaid because the Medicaid certification paperwork has not been completed. These inconsistencies are not required by statute and pose administrative hardships for Federal and State agencies and potentially significant financial hardship for patients, providers and States.

MAJOR PROVISIONS

The proposed regulations would make Medicare and Medicaid rules identical on the beginning dates of provider agreements and on the effect of a transfer of facility ownership.

1. EFFECTIVE DATE OF PROVIDER AGREEMENTS

Under the proposed rules, provider agreements for both programs would be made effective as of the date the onsite survey is completed, if all Federal requirements are met on that date. If all requirements are not met, the agreement would be made effective as of the date on which:

(a) All requirements are fully met, as determined by the State survey agency; or

(b) The facility submitted, in fully acceptable form, all necessary plans of correction or waiver requests.

Our intent, under the last provision, is that the plans of correction and the waiver requests must be approvable as submitted. If a plan of correction or waiver request is not fully acceptable and requires subsequent revision, the date of resubmission of a fully acceptable plan or request would govern.

We also intend for the date of survey to refer to the last day on which a survey occurred, if more than one day is required or more than one survey is required.

Under the proposed rules, if the agency surveyed January 1, found deficiencies, resurveyed March 1 and found those deficiencies corrected, the provider agreement would be effective March 1 (assuming all other Federal requirements were met on that date). If a facility surveyed on January 1 was cited for deficiencies and submitted a plan of correction on February 1 and that plan of correction was fully acceptable in the form submitted, the provider agreement would be effective February 1 (assuming all other federal requirements were met on that date). But if the plan was not acceptable and the facility resubmitted its plan on March 15, and it was found to be fully acceptable, the provider agreement would be effective March 15 (again assuming all other federal conditions were met on that date).

The regulations would permit dating of provider agreements as of the date on which all requirements were met. Thus, if a State made a determination that all requirements were met, as of April 1, but made that determination after April 1 and did not issue a provider agreement until May 1, it could make the agreement effective on April 1.

We considered but rejected certain alternative policies:

(a) For both programs, adopt the Medicaid policy establishing the date of certification as the effective date of the provider agreement. This option was rejected since it delays participation to otherwise qualified facilities pending the completion of the certification paperwork.

(b) For both programs, adopt the Medicare practice permitting provider agreements to begin on the date on which the facility first applies for the program. This option was rejeted because the Medicare and Medicaid statutes permit payments only for qualified facilities. Prior to survey, there is no generally reliable evidentiary method for establishing a facility's satisfaction of those standards. In addition, a beginning date prior to survey fails to provide adequate incentive to potential providers to request participation prior to admitting patients.

2. CHANGE OF OWNERSHIP

If a participating facility changes ownership, the existing provider agreement would automatically be assigned to the new owner without any action required on the part of the State agency (for Medicaid) or HEW (for Medicare). The assignment would be subject to all applicable statutes and regulations and the terms and conditions of the existing agreement, including the previous owner's plan of correction and the expiration date of the existing agreement.

This approach protects providers and Medicare and Medicaid patients already in the facility from loss of federal funds during a period in which the facility meets federal payment criteria. It eliminates the need for a resurvey of a facility before the normal term of the agreement ends. It would also avoid some of the delay in correcting deficiencies that has occurred under current rules, when the new owner is absolved from the responsibility of fulfilling the facility's former plan of corrections. Changes in ownership would not avoid meeting plans of correction.

We considered but rejected the possibility of retaining the Medicaid rule: Invalidate the former owner's agreement and require a new survey. This option was rejected because (1) it increases survey costs and State scheduling and workload problems; and (2) it could potentially do financial harm to States, facilities, and patients already in the facility by ruling out payments during a period when the facility actually met federal standards.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

1. Section 405.606 is revised to read as follows:

§ 405.606 Acceptance of provider as a participant.

(a) *Secretary's determination.* If the Secretary determines that a provider, as defined in § 405.605, meets the requirements for participation, he will:

(1) Send written notice of the determination to the provider; and

(2) Send the provider two copies of the provider agreement specified in section 1866 of the Act.

(b) *Submission and acceptance of provider agreement.* (1) If the provider wishes to participate, it shall submit to the Secretary both copies of the agreement duly signed by an authorized official.

(2) If the Secretary accepts the agreement, he will return one copy to the provider with his written notice of acceptance.

(c) *Notice of acceptance.* The notice shall: (1) Specify the date on which the agreement was signed by the authorized official of the provider and the date on which the agreement was accepted by the Secretary;

(2) In the case of an agreement filed by a skilled nursing facility, specify the term of the agreement, as determined in accordance with § 405.604; and

(3) Specify the effective date of the agreement.

(d) *Effective date of agreement.* The effective date of the provider agreement shall be:

(1) The date on which the onsite health and safety certification survey is completed, if all Federal requirements are fully met on that date; or

(2) If any Federal requirement is not fully met on that date, the date on which:

(i) All requirements are fully met, as determined by the State survey agency; or

(ii) The facility submitted, in fully acceptable form, all necessary plans of correction or waiver requests.

(e) *Admission policies and procedures.* If a participating hospital, skilled nursing facility, or home health agency has any restrictions on admissions or types of treatment, the Secretary expects that those restrictions will not be applied to Medicare

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beneficiaries, or will be applied to them in the same manner as to all other persons seeking care. If the provider fails to meet these expectations, the Secretary may terminate the agreement.

2. Section 405.625 is revised to read as follows:

§ 405.625 Transfer of provider ownership; general provisions.

(a) Upon a change of facility ownership, as specified in § 405.626, the existing provider agreement shall be automatically assigned to the new owner(s) subject to all applicable statutes and regulations and the terms and conditions under which the agreement was originally issued, including:

(1) Any existing plan of correction;

(2) The expiration date of the agreement, if applicable; and

(3) Compliance with applicable health and safety requirements.

(b) A provider contemplating or negotiating a change of ownership must inform the Secretary of the proposed change.

3. Section 405.626 is revised to read as follows:

§ 405.626 Change of ownership.

The following actions constitute a change of ownership for purposes of §405.625.

(a) In the case of a partnership, the removal, addition or substitution of a partner, in the absence of an express agreement among the partners to the contrary;

(b) In the case of an unincorporated sole proprietorship, the transfer of all title and property of the provider to another party;

(c) In the case of a corporation, the merger of the provider corporation into another corporation or the consolidation of the provider corporation with one or more other corporations to form a new corporation. (The transfer of corporate stock or the merger of another corporation into the provider corporation would not constitute a change of ownership.); or

(d) The lease of the provider's facility, in whole or part. In this case, the provider agreement shall be assigned to the lessee only to the extent of the portion of the facility being leased.

PART 442—STANDARDS FOR PAYMENT FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITY SERVICES

B. 42 CFR Part 442 is amended as set forth below:

1. The Table of Contents is amended as follows:

Subpart A—General Provisions

* * * * *

Subpart B—Provider Agreements

Sec.
442.10 State plan requirement.
442.12 Provider agreement: General requirements.
442.15 Duration of agreement.
442.16 Extension of agreement.
442.17 Change of ownership.
442.20 Additional requirements for agreements with SNF's participating in medicare.
442.30 Agreement as evidence of certification.

* * * * *

2. Section 442.12(b) is amended to read as follows:

§ 442.12 Provider agreement: General requirements.

* * * * *

(b) The effective date of an agreement shall be determined in accordance with § 405.606 of this title.

3. A new § 442.17 is added to read as follows:

§ 442.17 Change of ownership.

Upon change of facility ownerships, as specified in § 405.626 of this chapter, the existing provider agreement shall be automatically assigned to the new owner(s), unless the State cancels the agreement under the good cause provision contained in § 442.12(d). An assignment shall be subject to all applicable statutes and regulations and the terms and conditions under which the agreement was originally issued, including:

(a) Any existing plan or correction,

(b) The expiration date of the agreement, and

(c) Compliance with applicable health and safety requirements.

(Secs. 1102, 1866, 1902, 1910 of the Social Security Act; (42 U.S.C. 1302, 1395cc, 1396a, 1396i).)

(Catalog of Federal Domestic Assistance, Program No. 13.714, Medical Assistance Program; No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance.)

Dated: December 22, 1978.

LEONARD D. SCHAEFFER,
Administrator,
Health Care Financing Administration.

Approved: January 30, 1979.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc. 79-3009 Filed 2-2-79; 8:45 am]

[6315-01-M]

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1067]

[CSA Instruction 6004-5]

FUNDING OF CSA GRANTEES

Due Process Rights for Applicants Denied Benefits Under CSA-Funded Programs; Correction

AGENCY: Community Services Administration.

ACTION: Correction of extension of comment period.

SUMMARY: The Community Services Administration is correcting the final date for receipt of comments for its proposed rule on due process rights for applicants denied benefits under CSA-funded programs which appeared in the FEDERAL REGISTER January 4, 1979 (44 FR 1200). The closing date should have read February 15, 1979 rather than February 2, 1979.

DATE: The closing date for receipt of comments is extended to February 15, 1979. Comments received by that date will be considered in writing the final rule.

ADDRESS: Please send all comments to: Ms. Jacqueline G. Lemire, Community Services Administration, Office of Community Action, Policy Development and Review Division, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Ms. Jacqueline G. Lemire, Telephone (202) 254-5047, Teletypewriter (202) 254-6218.

The provisions of this subpart are issued under the authority of Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

THOMAS J. MACK,
Deputy General Counsel, Office of Legal Affairs and General Counsel.

[FR Doc. 79-3629 Filed 2-2-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19660; RM-690]

INTERNATIONAL RECORD CARRIER'S SCOPE OF OPERATIONS IN THE CONTINENTAL UNITED STATES INCLUDING POSSIBLE REVISIONS TO THE FORMULA PRESCRIBED UNDER SECTION 222 OF THE COMMUNICATIONS ACT

AGENCY: Federal Communications Commission.

ACTION: Extension of time to file comments and oppositions.

SUMMARY: The Commission grants one week extension, until January 29, 1979 for parties to file pleadings addressed to amended gateway applications filed in the International Record Carrier's Scope of Operations in Docket No. 19660; RM-690. The extension is granted because of the voluminous nature of the pleadings filed in this proceeding.

DATES: Time to file oppositions and reply comments directed towards petitions to deny and comments extended to January 29, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Hélene Bauman, Common Carrier Bureau, 202-632-7834

SUPPLEMENTARY INFORMATION:

Adopted: January 19, 1979.
Released: January 24, 1979.

The Commission has before it a letter filed January 12, 1979 by RCA Global Communications, Inc. requesting an extension of time to file oppositions to the petitions to deny and other comments addressed to its amended gateway expansion applications of RCA Globcom. The letter asks that the time for filing oppositions be extended from January 22, 1979 to February 5, 1979 for the reasons that (1) review of the pleadings addressed to the applications is burdensome, and, (2) the officer responsible for RCA Globcom gateway expansion program is unavailable until the week the pleadings are now due. In addition we are considering here the comments addressed to the letter that Western Union Telegraph Company has filed.

Review of the reasons underlying the request does not convince us that RCA Globcom warrants a two week extension of time. As RCA recognizes this proceeding has had a long pendancy following the Commission's release of its Tentative Decision in favor of expanding the gateways. See *International Record Carriers' Communications*, 54 FCC 2d 532 (1975). During the more than three year period since that decision and more particularly since the Commission's *Notice of Inquiry and Further Notice of Proposed Rulemaking*, released July 28, 1978, RCA Globcom has had more than ample time to analyze its gateway requirements and to anticipate the nature of any opposition which might arise to that expansion. However, because of the voluminous nature of the pleadings an additional seven days will be authorized for preparation of responses.

Accordingly, *it is ordered*, That the time for the parties to file oppositions and reply comments directed towards the petitions to deny and comments addressed to the applications of the international record carriers for new gateway cities is extended until January 29, 1979.

FEDERAL COMMUNICATIONS COMMISSION,

LARRY F. DARBY,
Acting Chief,
Common Carrier Bureau.

[FR Doc. 79-3864 Filed 2-2-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 652]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Hearing

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Public Hearings.

SUMMARY: The Mid-Atlantic and New England Fishery Management Councils will hold hearings to discuss the Draft Environmental Assessment/Amendment No. 1 for the Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries. This amendment would extend to December 31, 1979, certain provisions of the present plan which are now scheduled to end prior to December 31. The provisions affected cover the quarterly quotas on landings and the moratorium on the entry of new vessels into the surf clam fishery. The amendment also provides for processor reporting requirements which the Mid-Atlantic Council has established to comply with amendments revising the Fishery Conservation and Management Act of 1976. The proposed amendment will assure the continuation of the current plan until the completion and adoption of a revised plan for the surf clam and ocean quahog fisheries.

DATES: Public hearings will be held February 20, Cape May, N.J.; February 21, Norfolk, Va.; and Tinton Falls, N.J.; February 22, Newport, R.I.; and February 23, Ocean City, Md.

All of the hearings will convene promptly at 7:00 p.m. and adjourn at 10:00 p.m. Hearings will be recorded and the tapes filed as an official transcript of proceedings. Summary minutes will be prepared for each hearing.

Written comments should be submitted by February 28, 1979, to be considered in the amendment process.

ADDRESSES: The Mid-Atlantic Fishery Management Council will hold the following public hearings:

February 20—Golden Eagle Motor Inn, Philadelphia Avenue on the Beach, Cape May, New Jersey 08204.
February 21—Quality Inn Lake Wright, 6280 Northampton Boulevard, Box 2048, Norfolk, Virginia 23502.
February 21—Hilton Inn, 700 Hope Road, Tinton Falls, New Jersey 07724.
February 23—Sheraton Fountainebleau Inn, 10100 Ocean Highway, Ocean City, Maryland 21842.

The New England Fishery Management Council will hold the following public hearing:

February 22—Newport Harbor Treadway Inn on the Harbor, Newport, Rhode Island 02840.

SEND COMMENTS TO: Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: 320-674-2331.

FOR FURTHER INFORMATION CONTACT: Mr. John C. Bryson, 320-674-2331.

Dated: January 31, 1979.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 79-3818 Filed 2-2-79; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 195]

[Docket No. PS-56; Notice 1]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Highly Volatile Liquids

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This advance notice of proposed rulemaking invites comments on means to reduce the potential for accidents on pipelines used in interstate and foreign commerce to transport highly volatile liquids (HVL). These means are: (1) Make line pipe easier to weld and with tougher longitudinal seams, (2) add water to anhydrous ammonia to inhibit stress corrosion cracking, (3) use lower design and operational stress levels in accordance with population density, and (4) conduct periodic hydrostatic tests. Accident report statistics indicate that pipelines transporting highly volatile liquids have cased a substantially higher percentage of deaths, in-

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juries, and property damage than liquid pipelines transporting less volatile commodities. Materials Transportation Bureau (MTB) expects that each of the proposed means would reduce the potential for accidents in HVL pipelines.

DATE: Comments must be filed by May 4, 1979. Late filed comments will be considered so far as practicable.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Docket Branch, Materials Transportation Bureau, 2100 Second Street, SW., Washington, D.C. 20590. Comments are available at Docket Room 6500.

FOR FURTHER INFORMATION CONTACT:

Frank Robinson, (202) 426-0135.

SUPPLEMENTARY INFORMATION:

Need for This Advance Notice

This advance notice of proposed rulemaking invites comments on means to reduce the potential for accidents on pipelines transporting highly volatile liquids. The Federal pipeline safety regulations for transporting hazardous liquids are set forth in Part 195 of Title 49 of the Code of Federal Regulations. These regulations are applicable to pipelines transporting highly volatile liquids.

The definition of a highly volatile liquid which was proposed for adoption under Part 195 of Notice 1 of Docket PS-51 (43 FR 35513, August 10, 1978) was: "A highly volatile liquid (HVL) means a liquid which has an absolute vapor pressure of 100 kPa (14.5 psia) or more at 37.8° C (100° F)." Although the final definition may differ from that proposed, the intent is to identify those liquids with a vapor pressure high enough to form a vapor cloud when released to the atmosphere, such as liquefied petroleum gas, natural gas liquids, and anhydrous ammonia.

Materials Transportation Bureau (MTB) accident statistics show that HVL pipelines have caused a substantially higher percentage of deaths, injuries, and property damage than liquid pipelines transporting less volatile commodities. The record of liquid pipeline accidents reported on Form DOT-7000-1 from 1968 through 1976 shows that although HVL accidents comprise only 10 percent of the liquid pipeline accidents, the HVL accidents caused 66 percent of the deaths, 50 percent of the injuries and 30 percent of the property damage.

These statistics clearly illustrate the higher risk posed by an HVL spill than by spills of other liquids. The higher potential for damage is because HVL when released into the atmosphere, forms a gas cloud which is a markedly different and more insidious hazard than that presented by spills of less volatile liquids. The gas cloud will move downhill or downwind depending on the terrain, type of liquid involved and atmospheric conditions. Because it is generally heavier than air, the gas cloud will tend to hug the ground as it continues to move. If a source of ignition is encountered a petroleum gas cloud will burn or explode. If anhydrous ammonia is spilled, the greatest danger is that of toxicity or asphyxiation. For either commodity, the hazards are severe.

Other Current Rulemaking to Reduce Potential for HVL Accidents

MTB recently published the following three notices of proposed rulemaking in an effort to reduce the probability and severity of accidents involving HVL: Docket PS-51, Procedures for Operation, Maintenance, and Emergencies (43 FR 35513, August 10, 1976), Docket PS-53, Valve Spacing on Pipelines Carrying Highly Volatile Liquids (43 FR 39402, September 5, 1978), and Docket PS-55, Testing Highly Volatile Liquid Pipelines (43 FR 52504, November 13, 1978.) Docket PS-51 proposes more stringent requirements for handling emergencies, training operating and maintenance personnel and public education for HVL pipelines. Docket PS-53 proposes automatic or remotely controlled valves at 12 kilometer intervals on new HVL pipelines and equipping most block valves for remote operation on existing HVL pipelines. Docket PS-55 proposes hydrostatic testing HVL lines which have not been previously tested to 1.25 times maximum operating pressure for 24 hours.

Objective

Because of the high potential for damage to persons and property from even a single HVL accident, MTB is considering further means to reduce the probability of such accidents. MTB is considering these means but needs additional information in order to determine the technical feasibility and economic practicability of each means.

This advance notice is not a proposal to amend the existing regulations. Its only function is to generate information to use in evaluating means for improving HVL pipeline safety. If the evaluation leads to the conclusion that the regulations should be amended, MTB will publish a notice of proposed rulemaking setting forth the proposed amendments and inviting comment on those proposals.

Means Being Considered

MTB is considering several means to reduce the potential for an HVL accident. Some have been recommended to MTB by a Battelle Laboratories Study, and by an NTSB report. The means being considered are as follows:

1. PIPE USED FOR HVL PIPELINES

The Battelle Study "Transportation of Highly Volatile, Toxic, or Corrosive Liquids by Pipeline" (DOT/OPSO-75/06 available for inspection in MTB Docket Room 6500) makes various recommendations to enhance safety on HVL pipelines. Among these is a recommendation that Part 195 impose on carriers more stringent requirements regarding pipe manufacture.

In regulating the type of pipe a carrier may use, part 195 does not delineate how line pipe is to be manufactured. However, it is stated in Sections 195.112 and 195.114 that new and used pipe shall be made of carbon, low alloy-high strength or alloy-type steel suitable for service intended and must be made according to a written specification.

The Battelle study on page 5 recommends two additional requirements related to the manufacture of pipe to be used in HVL service: First, Battelle argues that the weldability of the steel pipe can be improved by limiting the "carbon equivalent" to 0.55 percent. The "carbon equivalent" is defined as the percent by weight of carbon plus one-fourth the percent by weight of manganese. The purpose in improving weldability is to reduce the number of welds that have cracks as a result of the welding process.

Pipe used for HVL pipelines is commonly manufactured to American Petroleum Institute (API) specification 5L or 5LX, which allow a "carbon equivalent" of approximately three times the amount recommended by the Battelle Study.

Secondly, the Battelle Study recommends that the longitudinal weld areas be made tougher by "normalizing" the seam weld areas in pipe which is manufactured by electric resistance welding (ERW). The normalizing treatment consists of heating the weld seam and adjacent material to approximately 1600°F after the pipe has been welded and the weld area has cooled to 1330°F or lower. Normalizing causes transformation of the weld area back to a material more like that of the pipe steel before being welded and results in considerably higher toughness than weld areas that have not been normalized. The purpose of normalizing is to prevent failures in the longitudinal seam weld. Neither Part 195 nor API 5L or 5LX require weld areas to be normalized.

Comments are requested regarding whether limiting the "carbon equivalent" will reduce cracked welds, and whether "normalizing" will reduce weld seam failures. If these manufacturing practices were adopted as regulatory requirements, should they apply to new pipelines and repairs to existing pipelines? What would be the costs to comply with these requirements? What problems might be encountered in an effort to keep HVL pipe so manufactured segregated from pipe intended for other service?

2. ADD WATER TO ANHYDROUS AMMONIA PIPELINES

In the same study noted above Battelle recommends adding 0.2 percent water by weight to pipelines transporting anhydrous ammonia (NH^{T23}) to inhibit stress corrosion cracking—a type of cracking caused by a combination of stress and electrochemical corrosion.

Although there is no specific requirement in Part 195 to add water to or monitor water content of NH^{T23} pipelines, Section 195.6 authorizes the Secretary to determine whether and in what manner such commodities may be transported without undue hazard. Under Section 195.6, MTB has required NH^{T23} pipeline carriers to monitor water content and add water where necessary to obtain 0.2 percent water content by weight.

MTB solicits comments regarding whether stress-corrosion cracking is a problem in NH^{T23} pipelines? What operational or maintenance problems might be caused by adding 0.2 percent water? What alternative means exist to inhibit stress corrosion cracking? How often should water content or other inhibitor level be monitored?

3. DESIGN AND OPERATIONAL STRESS LEVELS IN ACCORDANCE WITH POPULATION DENSITY

Under Federal gas pipelines safety standards (49 CFR Part 192), pipelines are classified according to their location near populated areas. Such class locations enable standards to be prescribed so that they become more stringent with increased population density.

Unlike Part 192, Part 195 does not provide more stringent standards for pipelines according to population density. Because an HVL vapor cloud may pose a greater hazard to persons and property than a gas leak, should HVL pipelines be designed, constructed, operated, and maintained to similar or more stringent standards than gas transmission pipelines? If so, should existing standards for HVL pipelines be amended to become more stringent according to class locations?

Commenters who believe that standards of increasing stringency are justified should recognize that a vapor cloud can travel a mile or more before being ignited. Given this circumstance, what should be the size of the class location unit? What population densities should define the class locations? Should the design factor change according to class location similar to that in § 192.111? Should the depth of cover vary with class location similar to § 192.327? Sections 192.609, 192.611, and 192.613 prescribe remedial actions when class locations change due to encroaching population. Should similar requirements be prescribed if class locations are adopted for HVL pipelines?

Section 192.619 prescribes factors by which the test pressure must be reduced to obtain the maximum operating pressure. Should maximum operating pressure for HVL pipelines be determined in a like manner? If so, what should be the factors for the various class locations? Section 192.705 prescribes the intervals for patrolling pipelines in accordance with class similar patrol intervals be prescribed for pipelines transporting HVL? Would an accident prevention program encompassing a one-call system negate the need for patrolling more often than two weeks as now required by Part 195?

Assuming a classification scheme similar to that of Part 192, what would be the initial cost of determining class locations along an HVL line?

4. PERIODIC HYDROSTATIC TESTING

Section 195.302 requires that each new pipeline system and each part of a pipeline system that has been relocated or replaced must be hydrostatically tested before it is placed in service. This requirement provides for an initial test of pipeline integrity. There is no current requirement in Part 195 for periodic hydrostatic testing to reconfirm pipeline integrity after a pipeline is placed in service.

The National Transportation Safety Board has suggested periodic hydrostatic testing (Report Number: (NTSB-PAR-73-2) as a means to enhance pipeline safety. Although the NTSB report concerns pipeline defects due to corrosion, periodic hydrostatic testing can locate and remove all defects above a certain size existing at the time of the test, that would later cause accidents.

Although periodic hydrostatic testing seems to be an obvious means of removing pipeline defects before those defects cause accidents there are several disadvantages. Among these are: (1) The pipelines being tested must be taken out of service, (2) testing costs can be substantial, and (3) the results of hydrostatic tests cannot be utilized for preventive maintenance because no information is gained concerning gradual deterioration that might be taking place but has not yet reached the point of failure during hydrostatic testing.

MTB solicits comments regarding periodic hydrostatic testing as a means to prevent accidents on HVL pipelines. Is there a need to periodically revalidate the integrity of a pipeline? Is so, is hydrostatic testing a feasible means of revalidation? What should the testing intervals be? What initial construction costs would be incurred to prepare pipelines for periodic testing? What costs would be incurred by loss of throughput when lines are taken out of service for testing? Are there feasible alternative means, such as electronic pigs, to revalidate pipeline integrity? Would these alternative cost less than periodic hydrostatic testing? Would these alternatives provide information on which preventative maintenance programs could be based?

(Sec. 6, Pub. L. 89-670, 80 Stat. 437 (49 U.S.C. 1655, 18 U.S.C. 831-835); 49 CFR 1.53 App A of Par 1 and App A of Part 106)

Issued in Washington, D.C., on February 1, 1979.

CESAR DE LEON,
Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 79-3998 Filed 2-2-79; 9:16 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605, at 10 a.m., on Wednesday, February 21, 1979.

The purpose of the meeting is to review various regulations issued under the grower designation plan pursuant to the Tobacco Inspection Act, 7 U.S.C. 511-511q. After a thorough review and discussion, the committee will have the opportunity to recommend to the Secretary, for consideraton, possible changes which may be needed to impove equitability and/or effectiveness of the regulations, particularly regarding sales scheduling.

Matters to be discussed also include other matters as specified in 7 CFR, Part 29, Subpart G, § 29.9404.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. Leonard J. Ford, Director, Tobacco Division, Agricultural Marketing Service, 300-12th Street, S.W., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

Dated: January 30, 1979.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 79-3903 Filed 2-2-79; 8:45 am]

[3410-11-M]

Forest Service

COMMITTEE OF STATE FORESTERS ADVISORY COMMITTEE

Meeting

The Committee of State Foresters Advisory Committee will meet at 8:30 a.m., March 6, 1979 to Noon, March 8, 1979, Rm. 702/704, Rosslyn Plaza-East Bldg., 1621 North Kent Street, Rosslyn, Virginia. The purpose of this meeting: Organization of Committee; and consultation with USDA officials concerning implementation of Pub. L. 95-313, the Cooperative Forestry Assistance Act of 1978. Agenda will include discussion of Forest Service directives and proposals for regulations covering Section 9 (Consolidated Payments); and Section 10 (General Provisions).

The meeting is open to the public.

PHILIP L. THORNTON,
Deputy Chief, S&PF,
USDA—Forest Service.

JANUARY 30, 1979.

[FR Doc. 79-3817 Filed 2-2-79; 8:45 am]

[3410-16-M]

Soil Conservation Service

FISH STREAM WATERSHED, MAINE

Deauthorization of Federal Funding

Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of deauthorization of Federal funding for the Fish Stream Watershed, Penobscot County, Maine, effective on January 1, 1979.

A notice of intent not to file an environmental impact statement for deauthorization of Federal funding was published on November 1, 1978. Appropriate committees of Congress and concerned Federal, State, and local agencies were notified of the proposed deauthorization at least 60 days prior to the effective date. No objections to deauthorization or expressions of support to complete the project have been made known to the Soil Conservation Service.

Dated: January 29, 1979.

VICTOR H. BARRY, Jr.,
Deputy Administrator
for Programs.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008.)

[FR Doc. 79-3870 Filed 2-2-79; 8:45 am]

[3410-16-M]

NEZINSCOT RIVER WATERSHED, MAINE

Deauthorization of Federal Funding

Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of deauthorization of Federal funding for the Nezinscot Watershed, Androscoggin and Oxford Counties, Maine, effective on January 1, 1979.

A notice of intent not to file an environmental impact statement for deauthorization of Federal funding was published on November 1, 1978. Appropriate committees of Congress and concerned Federal, State, and local agencies were notified of the proposed deauthorization at least 90 days prior to the effective date. No objections to deauthorization or expressions of support to complete the project have been made known to the Soil Conservation Service.

Dated: January 29, 1979.

VICTOR H. BARRY, Jr.,
Deputy Administrator
for Programs.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008.)

[FR Doc. 79-3871 Filed 2-2-79; 8:45 am]

[3410-16-M]

UPPER ELK CREEK WATERSHED PROJECT, OKLAHOMA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Elk Creek Watershed critical area treatment measures in Beckham, Washita, and Kiowa Counties, Oklahoma.

The environmental assessment of this federally assisted action indicates that the measures will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for these measures.

The planned critical area treatment will include small grade stabilization structures, diversions, critical area plantings, shaping and sodding, and grassed waterways.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Council on Environmental Quality. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties through the Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Oklahoma 74074; 405-624-4360. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication.

Dated: January 25, 1979.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Conservation
Service, U.S. Department
of Agriculture.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Act, Public Law 83-566 16 U.S.C. 1001-1008.)

[FR Doc. 79-3869 Filed 2-2-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket 33363]

FORMER LARGE IRREGULAR AIR SERVICE INVESTIGATON

Postponement of Hearing

The hearing on the application of IAL, Inc., heretofore set for February 15, 1979 (44 FR 5483, January 26, 1979), is continued to March 6, 1979 at 9:00 a.m. in Room 1003, Hearing Room B, 1875 Connecticut Avenue NW., Washington, D.C. 20428.

Dated at Washington, D.C., January 30, 1979.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 79-3866 Filed 2-2-79; 8:45 am]

[6320-01-M]

[Order 79-1-178; Dockets 34224 and 34516]

AMERICAN AIRLINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

International Excess Baggage Charges; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of January, 1979.

In the matter of increased international excess baggage charges proposed by American Airlines, Inc. (Docket 34224) and increased international excess personal and courier accompanied baggage proposed by Pan American World Airways, Inc. (Docket 34516).

By tariff revisions[1] variously marked to become effective January 12, and February 1, 1979, American Airlines, Inc. (American) and Pan American World Airways, Inc. (Pan American) propose to modify and increase excess baggage charges in international markets.

AMERICAN

American proposes to increase excess baggage charges applicable after the first three free pieces, between the U.S. on the one hand, and Barbados, Haiti, Jamaica and Santo Domingo, on the other, as follows:

Weight	Charge per piece	
	Present	Proposed
35 lbs. or less	$6.00	$15.00
36 lbs. to 70 lbs	20.00	30.00
71 lbs. to 125 lbs	40.00	55.00
126 lbs. or more	40.00	70.00

In support of its proposal, American asserts that its proposed levels conform to the standard of seven-tenths of one percent of the economy fare; the proposed charges are less than freight charges for similar movements; and since a substantial amount of excess baggage moves on freighter aircraft during the holiday season, it is reasonable to assume that the cost of this excess baggage is equal to that of freight.

A complaint requesting suspension pending investigation of the American proposal has been filed by DHL Corporation (DHL), an air courier service. DHL alleges that: although it does not offer courier service in the markets involved, it objects to American justifying its proposed levels as related to freight rates; for overseas and international excess baggage charges, carriers are required to construct such charges reflecting the Board's decision in *Baggage Allowance Tariff Rules in Overseas and Foreign Air Transportation (Excess Baggage Case), i.e.*, seventenths of one percent of the economy fare per kilogram; and it does not want freight-rate related excess baggage charges to slip in to effect and be cited for establishing higher excess baggage charges in other markets.

The Board will dismiss DHL's complaint against American's proposal. The proposed levels are almost always less than the Board recommended formula for excess baggage development in the *Excess Baggage Case.*

PAN AMERICAN

Pan American proposes two levels of charges for (1) personal passenger baggage and (2) courier accompanied baggage. Currently, excess baggage charges are not differentiated on the basis of the character of the accompanying passenger.

It proposes, for personal baggage, to (1) limit the number of excess pieces acceptable at currently effective charges to four pieces, over and above the two checked pieces carried free and, (2) to increase the charges for more than six checked pieces to twice the otherwise applicable charge. For example, each bag in excess of six will be assessed, in the New York to London market, $70. For courier accompanied baggage, it proposes to charge 130 percent of the applicable general commodity freight rate, with certain exceptions. The exception is that the applicable freight rate is held to the 300 kilogram rate even when lower rates at higher weights are published.

In support and in answer to the complaint, Pan American asserts that: since its previous excess baggage proposal was suspended, its baggage problems have become more severe; it has recently completed a comprehensive systemwide survey designed to measure the impact piece count baggage rules are having on standard baggage weights and as a result it has experienced new averages of 15 kilograms per bag and as much as 20 kilograms per bag in selected markets; it is experiencing greater passenger loads per flight stemming from use of higher density seating and increased load factors; higher baggage loads have been inevitable as a result of greater loads; aggravating the problem is an airworthiness directive, published by the FAA, which instructs the carrier to

[1] Revisions of Air Tariffs Corporation, Agent, Tariff C.A.B. No. 55.

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reduce the baggage capacity on B-747 aircraft; the combination of increased amounts of baggage per flight and reduced belly capacity is inconveniencing both passengers and freight shippers; it is proposing to institute revisions on a systemwide basis in the interest of efficiency and to have the conditions serve as a deterrent to any incipient baggage problem; rating of commercial shipments transported by couriers under the current baggage system serves to disadvantage those shippers who ship similar items on an unaccompanied basis as freight rated under the freight tariffs; the intent is to continue to permit courier shipments to be treated as part of the courier's baggage but assessed rates which reflect the nature of the material being shipped and the priority service being accorded the traffic; in the absence of contrary decision from the Board, Pan American is entitled to assume that the general commodity rate approved or permitted to become effective is a reasonable predicate for other rates; it would be impractical and inconsistent with the nature of the courier business to attempt to cost justify the proposed courier rates; this filing either matches or is patterned after United Air Lines, Inc., (United) current domestic baggage rule which the Board has found acceptable; and its implementation will remove the unintended incentive currently available on many routes for passengers to check as baggage items which are essentially air freight.

A complaint requesting suspension pending investigation or rejection of these proposals has been filed by DHL. The complaint alleges, among other things, that: in interstate markets, it is satisfied that the current proposal of $24 is reasonably related to costs; but that in overseas and foreign markets the excess baggage rates must be justified by costs as the Board decided in the *Excess Baggage Case;* the proposed courier baggage proposal violates the principle of *res judicata* in that it contradicts previous Board precedents; Pan American has again failed to demonstrate a systemwide need for the proposal and if certain markets have problems, it should establish special rates for those markets; the proposal is unreasonably high—the fact that there is a shortage of air service which is restricted by the government should not justify the supplier's making extraordinary profits; customers use the baggage service rather than the only alternative, air freight, because it is the only way one can be assured of timely receipt of many items; excess baggage charges at the current rates generally exceed average freight revenues; most current excess rates are cost related and international excess baggage rates are related to cost factors established in the *Excess Baggage Case;* baggage rates should not be tied to any freight rates unless the freight rate has been shown to be cost justified and the costs of handling baggage are the same as handling freight; Pan American's justification provides no economic rationale for its deviation from the piece system and it provides no justification for limiting couriers to the 300 kilogram weight break and not the lower yields of the higher weightbreaks for larger shipments; and these proposed increases exceed the zone of reasonableness authorized for interstate rates in Public Law 95-504 and by the Board.

The Board finds that Pan American's proposals may be unlawful and should be investigated. The Board further concludes that they should be suspended pending investigation.

As indicated, Pan American previoulsy attempted to attack the excess baggage problem with a somewhat similar proposal with higher surcharges aimed at both air couriers and regular passengers. By Order 78-5-155, May 12, 1978, the Board found the previous proposal with higher surcharges unjust and unreasonable and ordered it cancelled. The Board found that the earlier proposal was unjustified, that there was insufficient evidence that the increased charges should be applied system-wide, and that the charges were not cost-related. According to Pan American, that proposal was intended to alleviate continuing problems with the volume of excess baggage that passengers had been presenting at check-in time and, because of aircraft volume and weight limits, it has been unable to board all the baggage tendered. Pan American, in order to evercome the Board's objections to the earlier filing, has filed two separate proposals—one dealing with courier-accompanied baggage and the other with regular passenger baggage. We believe Pan American's current filing suffers from most of the shortcomings of the earlier filing.

As indicated, with respect to overseas and international excess baggage, the Board found in the *Excess Baggage Case* that an excess baggage charge of seven-tenths of one percent of the economy fare per kilogram bears a reasonable relationship to cost and held that a passenger should not be required to pay for excess baggage unless the carriage of the excess amount imposes additional costs on the carrier. Pan American's current personal baggage proposal results in charges greater than those resulting from the recommended formula and no indication has been made that the cost of handling courier material is any more than regular passenger baggage of similar weight. In fact, it is often conceded that baggage is less costly than regular freight if for no other reason that baggage requires less paperwork and handling. The fact remains that these proposed increases have not been justified as the Board previously requested and we do not believe that these sharply increased charges should be permitted without complete justification.

The complainant makes an allegation of discrimination with respect of couriers vs. other passengers. We find it hard to differentiate the problem as caused by mulitple-baggage pieces tendered by couriers vs. similar amounts of similar materials that are tendered by, for example, an employee on a business trip. Pan American does not clearly indicate how this distinction is to be made.

The carrier admits that the problem is aggravated in certain selected markets, particularly to Africa and South America. By its own data, such punitive charges are not necessary in all markets and the carrier should make an effort to localize the problem, separating out the markets causing the problem and apply charges accordingly. While we are sympathetic to the carrier's plea for consistency and efficiency in applying tariffs systemwide, we do not believe the burden of such charges should be placed upon customers in markets where if a similar problem exists, it is relatively insignificant.

Although we will suspend the proposal, we would be receptive to a filing of charges based on the *Excess Baggage Case* formula of seven-tenths of one percent of the economy fare per kilogram applied to the actual weight of the excess baggage or, in the alternative, a charge per piece for excess baggage based on a showing that the per piece charge is calculated on the basis of the average weight of the excess baggage multiplied by the recommended formula. Since courier bags are typically much heavier than regular passenger baggage, we would not object to different rates reflecting the actual or average weight in each service.

Accordingly, pursuant to section 102, 204(a), 403, 404, 801, and 1002 of the Federal Aviation Act of 1958:

1. We institute an investigation to determine whether the provisions set forth in Appendix A, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in Appendix A are suspended and their use deferred from February 1, 1979, to and including January 31, 1980, unless otherwise ordered by the Board, and that no changes be made in them during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [1] and it shall become effective on January 30, 1979; and

4. Except to the extent granted herein, the complaints of DHL Corporation in Dockets 34197 and 34224 are dismissed; and

5. Copies of this order shall be filed with the tariffs and served on Pan American World Airways, Inc., and the DHL Corporation, which are hereby made parties to the investigation instituted above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A—TARIFF C.A.B. No. 55, ISSUED BY AIR TARIFFS CORP., AGENT

On 6th, 7th and 8th Revised Pages 32-B, Rule No. 16(A)(4), insofar as it would apply in foreign air transportation.

On 30th, 31st, 32nd, 33rd, 34th and 35th Revised Pages 46-F, the double dagger reference market shown in connection with PA and the explanation of that reference market, insofar as it would apply in foreign transporation.

On 1st Revised Page 74-A, Rule No. 42, insofar as it would apply in foreign air transporation.

[FR Doc. 79-3865 Filed 2-2-79; 8:45 am]

[6355-01-M]

COMMISSION ON CIVIL RIGHTS

MAINE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. to 9:30 p.m. on February 27, 1979, in the Augusta Civic Center, Augusta, Maine.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

[1] We submitted this order to the President on January 19, 1979.

Dated at Washington, D.C., January 30, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-3839 Filed 2-2-79; 8:45 am]

[6355-01-M]

MONTANA ADVISORY COMMITTEE

Meeting; Amendment

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a press conference of the Montana Advisory Committee (SAC) of the Commission scheduled for February 6, 7, 1979 (FR Doc. 79-2347) on page 4750 time has been changed. The meeting held on February 6, 1979 will be at 7:00 p.m. to 10:00 p.m. and the meeting on February 7, 1979 will begin at 10:00 a.m. and will end at 12:00 p.m.

The place of the meeting will remain the same.

Dated at Washington, D.C., January 30, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer

[FR Doc. 79-3836 Filed 2-2-79; 8:45 am]

[6355-01-M]

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) of the Commission will convene at 12:00 p.m. to 2:00 p.m. on February 20, 1979, in the Federal Building, Manchester, New Hampshire.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., January 30, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-3838 Filed 2-2-79; 8:45 am]

[6355-01-M]

OHIO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a press conference of the Ohio Advisory Committee (SAC) of the Commission will convene at 2:00 p.m. and will end at 3:00 p.m. on February 23, 1979, in the Federal Building, 55 Main Street, Room 3026, Cincinnati, Ohio 45206.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

This press conference is to release the report—Insurance Redlingin; Fact, Not Fiction.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., January 30, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-3837 Filed 2-2-79; 8:45 am]

[6355-01-M]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 9:30 p.m. on February 28, 1979, in the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program planning.

Dated at Washington, D.C., January 30, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-3840 Filed 2-2-79; 8:45 am]

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[3510-25-M]

DEPARTMENT OF COMMERCE

DEPARTMENT OF AGRICULTURE, ET AL.

Consolidated Decision on Applications for Duty Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotimes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00425. APPLICANT: U.S. Department of Agriculture, Science and Education Administration, FR, Room 8, Building 200, ARC-East, Beltsville, Md. 20705. ARTICEL: LKB 2128-010 UM Ultrotome IV Ultramicrotome and accessories. MANUFACTURE: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for studies conducted on the morphology, histochemistry, and cytochemistry of cells and tissues of the reproductive organs of domestic farm animals, including ova sperm cells, gonads, and accessory organs, uterus, pituitary, and appropriate brain centers. Cell fractions from thses tissues (e.g., mitochondrial, nuclear, etc.) will be analyzed to determine composition and purity as corollary studies to biochemical investigations. Experiments will be conducted to determine the morphological-physiological response of reproductive cells and tissues to manipulations with various hormones and drugs. Cytochemical changes will be studied utilizing both thick and ultrathin sections. Responses of the reproductive cells to various methods of preservation will be investigated. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 14, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00427. APPLICANT: Yale University, Biology Department, Kline Biology Tower, New Haven, Conn. 06520. ARTICLE: LKB 2088 Ultrotome V Ultramicrotome with LKB 14800-3 Cryokit and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The articel is intended to be used for studies of cell ultrastructure and intracellular localization of elements in: (a) Plant cells that undergo large rhythmic and light-regulated changes in turgor; 9b) protoplasts isolated from cereals and regenerating new walls; (c) cells of plants subjected to gravitational stimulation; (d) cells of plants subjected to environmental pollutants; (e) pathological and normal tissue from animals and plants. The article will also be used in the course Cell Biology by advanced students who are learning cryoultramicrotomy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 18, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00433. APPLICANT: Wayne State University, 540 East Canfield Avenue, Detroit, Mich. 48201. ARTICLE: LKB 2088 Ultrotome V Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for th study of a variety of mammalian tissues, organs, and glands in addition to isolated cells, membrane fragments, and other cellular components. Investigations will include ultrastructural studies of the effects of a variety of drugs on whole mammalian exorcrine glands, and dispersed glandular cell preparations, toxicological studies of agents affecting the liver cytochemical localization of enzymes in inner mitochondria membrane preparations and in isolated vas deferens membranes and ultrastructural changes induced by drugs or ionic shifts in cardiac muscel fibers. A workshop entitled "Basic Techniques in Electron Microscopy" is the instructional course in which this instrument will be used. the workshop is intended as an introducion to the techniques of specimen preparation and to the use of the electron microscope as a tool for studying bologicAl fine structure and various subcellular oganelles. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 22, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00436. APPLICANT: Veterans Administration Hospital, 3801 Miranda Avenue, Palo Alto, Calif. 94304. ARTICLE: LKB 8800A Ultrotome III Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for investigation of peripheral nerve, central white matter tracts and central neuropil as well as bony structures such as the labyrinth and spinal vertebrae. Experiments to be conducted will include ultrastructure and cytochemical studies on normal and pathological nerve cells, developmental studies on the nervous system and on muscle, and studies on membrane structure on both normal and pathological animals. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 29, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00437. APPLICANT: Northwest Community Hospital, 800 West Central Road, Arlington Heights, Ill. 60008. ARTICLE: LKB 2128-010 Ultrotome IV Ultramicrotome and accessories. MANUFACTURE: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for studies of biological materials, especially human tissues from surgically excised specimens, autopsy tissue, body fluids, and blood cells, bacteria and fungi. Many tumor specimens, as well as kidney and liver biopsies, will be sectioned. Ultrastructural studies o humn tissues, cells, or by products will be performed for the purposes of diagnosis of disease and elucidation of disease mechansism. This will probably include ultramicroscopic, histochemical, and immunologic techniques. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 22, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00438. APPLICANT: University of Colorado, Purchasing Services Department, Willard Administrative Center, No.160, Boulder, Colo. 80309. ARTICLE: LKB 8800A Ultrotome III Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Swenden. INTENDED USE OF ARTICLE: The article is intended to be used to section biological material (cells and tissues). The experiments to be conducted will consist of ultrastructure of normal and transformed cells and tissues with special emphasis on three-dimensional organization visualized through use of thick section in a high-voltage electron microscope. Ultimately experiments will concentrate on such visualization in frozen materials. In addition, the article will be used in the courses MCDB-132 Cell and Tissue Biology and MCDB-513 Advanced Topics in Electron Microscopy in hopes of increasing expertise in various research areas handled by electron microscopy and specimen sectioning. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 22, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00439. APPLICANT: Louisiana State University Center for Agricultural Sciences and Rural Development, Department of Plant Pathology and Crop Physiology, Life Science Building, Baton Rouge, La. 70803. ARTICLE: LKB 2088 Ultrotome B Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used to section plant material which is infected, healthy plant materials used as controls and insects which are involved in the infections process. These sections will be viewed with the electron micriscope to determine what the pathogen is, where it is loccated and what effect it has on the plant's ultrastructure. These studies will be constructed to indentify the pathogens ivolved in these plant diseases and to learn more about these pathogens. In addition, the article will be used in the coursees Plant Virology and Methods in Plant Pathology to furnish graduate level training in plant pathology. APPLICATION SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 79-00001. APPLICANT: Children's Hospital Medical Center, Department of Neuroscience, 300 Longwood Avenue, Boston, Mass. 02115. ARTICLE: LKB 2088 Ultrotome V Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for 1 μm and thin sectioning of developing and adult brain and retina; in particular for studies of neurological mutant mice. The experiments include studying the ultrastructure of cells in mice that contain mixtures of normal and diseased cells. The objective of these studies is to determine in which cell type that mutant gene is acting and whether the normal cells can help save the mutant cells. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: October 3, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 79-00002. APPLICANT: Hahnemann Medical College and Hospital, 230 North Broad Street, Philadelphia, Pa. 19102. ARTICLE: LKB 2088 Ultrotome V Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for the study of biologic materials from humans suffering from a variety of diseases and from experimental animals which serve as animal models for diseases. In addition, the article will be used for training of medical students, cytotechnicians and residents in pathology, and residents from other subspecialties in the use and application of electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: October 3, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

COMMENTS: No comments have been received with respect to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. REASONS: Each of the foreign articles provides a range of cutting speeds 0.1 to more than 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3797 Filed 2-2-79; 8:45 am]

[3510-25-M]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Consolidated Decision On Applications for Duty Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is avialable for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C in the Department of Commerce building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00410. APPLICANT: DHEW, NIH, NIDR, Laboratory of Biological Structure, 9000 Rockville Pike, Building 30, Room 211, Bethesda, Md. 20014. ARTICLE: LKB 8800A Ultrotome III Ultramicrotome and Accessories. MANFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for sectioning mineralized and demineralized tooth and bone, exocrine glands, and tissue culture cells which have been embedded in hardened epoxy resins. Studies will be conducted on the process of mineralization, exocrine gland structure and function, cytochemical studies on various cellular organelles, electron diffraction of mineralized tissues, and energy dispersive X-ray analysis of various tissues. The primary ob-

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jectives of this research are to explore mechanisms controlling the process of mineralization of tissue and to investigate the interrelationships between the structure and function of exocrine glands. The article will also be used in teaching basic electron microscopy and cytochemistry to individuals within the laboratory. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 1, 1978. ADVICE SUBMITTED BY THE NATIONAL BUREAU OF STANDARDS ON: December 19, 1978.

DOCKET NUMBER: 78-00434. APPLICANT: National Eye Institute, Building 9, Room 1E118, National Institutes of Health, Bethesda, Md. 20014. ARTICLE: LKB 8800A Ultrotome III Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used in experiments concerned with understanding the functional organization of primate retina. These include identifying active and inactive synapses ultrastructural characteristics and various histochemical procedures. Understanding the functional organization of primate retina at the cellular level will be valuable in understanding human visual functioning and malfunctioning, which for many retinal diseases has its origins at the cellular level. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 29, 1978. ADVICE SUBMITTED BY THE NATIONAL BUREAU OF STANDARDS ON: December 26, 1978.

COMMENTS: No comments have been received with respect to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. REASONS: Each of the foreign articles provides a range of cutting speeds 0.1 to 20 millimeters per second.

The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70.00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, The National Bureau of Standards (NBS) advises in its respecively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign aricles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3798 Filed 2-2-79; 8:45 am]

[3510-25-M]

DIVISION OF HEALTH, LOUISIANA STATE CHEMICAL LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00411. APPLICANT: DHHR—Division of Health, Louisiana State Chemical Laboratory, 325 Loyola Ave., State Office Building, Room 827, New Orleans, Louisiana 70112. ARTICLE: Sample Fusion Rotary Burner. MANUFACTURER: Sasketchewan Research Council, Canada. INTENDED USE OF ARTICLE: The article is intended to be used for the study of uranium levels in drinking water.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: Two firms, one domestic, GEOCO, Inc. Golden, Colorado (GEOCO) and one foreign firm Sasketchewan Research Council, Saskatoon, Sasketchewan, Canada (Sasketchewan), offered to meet the applicant's technical requirements with comparable instruments. The National Bureau of Standards (NBS) advises in its memorandum dated November 22, 1978 that the bid response from the domestic manufacturer indicates ability to provide an instrument equivalent to the foreign article at a slightly greater price. The applicant makes no claim that there are any capabilities of the foreign article not available in the domestic instrument available from GEOCO. In reply to Question 8 of the application form which requires a listing of the differences between an available domestic instrument and the foreign article, the applicant alleges, "cost" is the pertinent feature of the foreign article.

The determination of scientific equivalency is based on a comparison of pertinent specifications of the instruments in question. However, as defined in § 301.2(n) of the regulations, the term "pertinent specifications" does not include cost of the instrument or apparatus. Accordingly, we find that cost of comparable domestic instrument cannot be a basis for duty-free entry.

For these reasons, we find that the domestic sample fusion rotary burner manufactured by GEOCO is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3789 Filed 2-2-79; 8:45 am]

[3510-25-M]

ILLINOIS INSTITUTE OF TECHNOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230

DOCKET NUMBER: 78-00448. APPLICANT: Illinois Institute of Technology, 3300 South Federal, Chicago, Ill. 60616. ARTICLE: TEA-103-2 Multimode CO_2 Laser with accessories. MANUFACTURER: Lumonics Research Ltd., Canada. INTENDED USE OF ARTICLE: The article is intended to be used for the study of gases which absorb 9-11m radiation produced by a CO_2 TEA laser and which have bond strengths less than about 60 kcal/mole. Experiments will be conducted to produce polyatomic free radicals under controlled conditions suitable for the study of their subsequent reactions.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article provides at least 15 joules per pulse. The National Bureau of Standards (NBS) advises in its memorandum dated December 29, 1978 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3790 Filed 2-2-79; 8:45 am]

[3510-25-M]

MEDICAL COLLEGE OF WISCONSIN, INC. ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before February 25, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in room 6886C of the Department of Commerce Building, 14th and Constitution Avenue, N.W. Washington, D.C. 20230.

DOCKET NUMBER: 79-00104. APPLICANT: The Medical College of Wisconsin, Inc., 8701 Watertown Plank Road, P.O. Box 26509, Milwaukee, WI 53226. ARTICLE: Jasco Model 500C Automatic Recording Spectropolarimeter. MANUFACTURER: Japan Spectroscopic Co., Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for circular dichroism spectroscopy of the following systems, and the changes therein induced by alterations in experimental parameters:

(a) The conformational attributes of proteins and synthetic polypeptides;

(b) The structure and function of heme proteins; and

(c) Complexes between drugs and nucleic acids.

The experimental approaches for each project are, respectively, (a) induction of the order-disorder transformations, (b) ligation and redox processes of the heme groups, and (c) characterization of the stability and specificity of drug-nuclei acid interactions. The article will also be used in the course Biochemistry 222, Protein Chemistry for training of Ph.D. candidates. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 3, 1979.

DOCKET NUMBER: 79-00105. APPLICANT: Department of the Interior, U.S. Geological Survey, Topographic Division, National Center (#526), 12201 Sunrise Valley Drive, Reston, VA 22092. ARTICLE: Stereoscopic Plotting System, Model G-6. MANUFACTURER: Officine Galileo, Italy. INTENDED USE OF ARTICLE: The article is intended to be used for studies of aerial photographs of the earth's surface used in stereopairs which permit accurate measurements of the earth's features. Investigations will be conducted to obtain information to permit compilation of data which may be combined to produce accurate topographic maps. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00106. APPLICANT: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. ARTICLE: Danfysik Model 262, Electrostatic Deflector Systems. MANUFACTURER: Danfysik, Denmark. INTENDED USE OF ARTICLE: The article is intended to be used for studies of radiation and ion implantation effects on specimens placed in a high voltage microscope. The article will be part of ion beam transport system between accelerator and high voltage microscope. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00107. APPLICANT: Geophysical Institute, C.T. Elvey Bldg., University of Alaska, Fairbanks, Alaska 99701. ARTICLE: Four(4) Recording Current Meters, Model 4 with 2105 Conductivity Sensor, Pressure Sensor, Temperature sensor, and Two (2) Aanderas tide recorders with pressure transducer to 20m. MANUFACTURER: Aanderas Instruments, Canada. INTENDED USE OF ARTICLE: The article is intended to be used for studies of the circulation under ice and in the cold waters of the Arctic Continental shelf off Alaska. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00108. APPLICANT: Rush-Presbyterian-St. Luke's Medical Center, 1753 West Congress Parkway, Chicago, Illinois 60612. ARTICLE: Electron Microscope, Model JEM 100CX and accessories. MANUFACTURER: JEOL Ltd.,

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Japan. INTENDED USE OF ARTICLE: The article is intended to be used by students from the following three formal courses and also independent thesis research as an integral part of the educational program:

CE BIO 512—Scientific Basis of Electron Microscopy
CE BIO 522—Electron Microscopy Laboratory
CE BIO 531—Stereology
CE BIO 699—Independent Thesis Research

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00109. APPLICANT: Northwestern University, Chemistry Dept., Evanston, Illinois 60201. ARTICLE: Multigas Laser Kit, Model K-203-2 and accessories. MANUFACTURER: Lumonics Research, Canada. INTENDED USE OF ARTICLE: The article is intended to be used for research involving the vibrational excitation of polyatomic organic, organometallic, and inorganic molecules. The goal is to induce new kinds of chemical reactions (including those which are isotopically selective) and to elucidate the chemical and photophysical mechanisms by which they take place. Molecules will be excited (usually in the gas phase) under a variety of conditions, including at various pressures, laser energies and power levels, as well as in the presence of various reactants. Products of the ensuing chemical reactions will be studied by a range of physichemical (mass infrared, and fluorescence spectroscopy) and more classical (gas chromatography, wet chemistry) analysis techniques. This research will be carried out by graduate students as part of their Ph.D. thesis research. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00110. APPLICANT: The Pennsylvania State University, Department of Chemistry, Whitmore Laboratory, University Park, PA 16802. ARTICLE: WP-200 Nuclear Magnetic Resonance Spectrometer with Aspect 2000-i-Data System and Accessories. MANUFACTURER: Bruker Instruments, Inc., West Germany. INTENDED USE OF ARTICLE: The article is intended to be used to improve the resolution and sensitivity of a large number of experiments conducted by members of the Chemistry Department. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3796 Filed 2-2-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF CALIFORNIA LIVERMORE LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00446. APPLICANT: University of California—Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, Calif. 94550. ARTICLE: Thomson-CSF Model TSN 660 4 gigahertz oscilloscope and accessories. MANUFACTURER: Thomson CSF, France. INTENDED USE OF ARTICLE: The article is intended to be used for the study of very high-speed shock-wave physics. Some of the experiments to be conducted are: (1) Shock wave risetime experiments were fundamental viscosity measurments of metals under very high pressure can be measured and (2) fundamental physical measurements of the reaction-zone thickness in chemical explosives measured using laser interferometry with very fast detectors to measure the initial velocity of metal plant in contact with the explosive to be studied.

COMMENTS: No comments have been received with respect ot this application.

DECISION: Application approve. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article provides a risetime of ≤100 picoseconds. The National Bureau of Standards advises in its meorandum dated January 7, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3791 Filed 2-2-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF CALIFORNIA, LIVERMORE LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00443. APPLICANT: University of California—Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, Calif. 94550. Article: 2 Stage static-mixers centrifugal-separators with feed units and control systems, MEAB Model SISAK 2. MANUFACTURER: MEAB Metallextraktion AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for studies of the radioactive decay of short-lived (half lives of 10 sec. and less) fission products. Experiments to be conducted will consist of irradiation of U_{235} followed by a chemical purification to give one element. The isotope of interest is then observed by beta, gamma, and neutron spectroscopy. The elements of interest are those which give poor yield on mass separator instruments.

Objectives pursued in the course of these experiments are: (a) accurate measurement of half lives and absolute decay energies to help the Nuclear Regulatory Commission to establish standards for loss of core coolant in nuclear reactors.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: the foreign article is constructed of structural-Titanium (which permits operation with very corrosive liquids), has a small internal volume (15 milliliters) and provides for continuous separation. The National Bureau of Standards (NBS) advises in its memorandum dated December 27, 1978 that the combination of characteristics cited above are pertinent to the purposes for which the article is intended to be used. NBS further advises that it knows of no domestically manufactured instrument or apparatus that provides this pertinent combination.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 79-3792 Filed 2-2-79; 8:45am]

[3510-25-M]

UNIVERSITY OF CALIFORNIA—LIVERMORE LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8.30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00445. APPLICANT: University of California—Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, calif. 94550. ARTICLE: Electronic Intensifying Streak/Framing Camera System, Model 790/520/ELC and accessories. MANUFACTURER: John Hadland Photographic Instrumentation Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to study shock-induced free surface motion and high-speed intensified flash X-ray diagnostics. Experiments to be conducted will include measurement of the thermodynamic properties of various materials under shock conditions, and measurements of the velocity-time history of material-air interfaces.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article is capable of providing framing capability to 2×10^7 frames/sec. and streak speeds as fast as 1 mm/nanosecond. The National Bureau of Standards advises in its memorandum dated January 2, 1979 that the specifications cited above are pertinent to the applicant's intended use and (2) it knows of no domestic instrument which provides a combination of streak/framing speeds comparable to those of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3793 Filed 2-2-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF CALIFORNIA—SAN FRANCISCO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L 89-651, 80 Stat. 897) and the regulations issued therunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00419. APPLICANT: University of California, San Francisco, 1438 Harbour Way South, P.O. Box 4028, Richmond, Calif. 94804. ARTICLE: JASCO Automatic Recording Spectropolarimeter, Model J-500A and accessories. MANUFACTURER: Japan Spectroscopic Co., Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used to investigate the circular dichroism spectra of peptides and proteins and their complexes with non-covalently bonded molecules. The objectives of the experiments conducted are to relate the circular dichroism spectra to the arrangement of molecular groups in three-dimensional space. In turn, the three-dimensional arrangement of molecular groups will be used to derive the basic molecular forces which stabilize the arrangement and the relationships between molecular arrangement and effect of the molecules on biological systems.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such puposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article provides capabilities for circular dichroism (cd) spectra and rapid switching between right and left polarized light (50,000 times/second). The Department of Health, Education, and Welfare advises in its memorandum dated January 4, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 1.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3794 Filed 2-2-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF TEXAS SYSTEM CANCER CENTER, ET AL.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and

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the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00355. APPLICANT: The University of Texas System Cancer Center, 6723 Bertner, Houston, Tex. 77030. ARTICLE: Pulse cytophotometer, model ICP 21. MANUFACTURER: Phywe AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for the studies of cells from animals, including humans. Experiments to be conducted will involve treating the animal cells with different anticancer drugs and then determining the alterations in the cell's division cycle using the pulse cytophotometer that were caused by the drug. The objective pursued in the course of these investigations is to further impove chemotherapy of human cancer by selecting anticancer drugs based on their effects on the cell division cycle.

COMMENTS: No comments have been received with respect to this application.

DECISION: application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The article can achieve a coefficient of variation of 0.8% for stained DNA. The Department of Health, Education, and welfare advises in its memorandum dated December 20, 1978 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it know of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3795 Filed 2-2-79; 8:45 am]

[3510-22-M]

HUBBS-SEA WORLD RESEARCH INSTITUTE

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit to import two Caspian seals (*Phoca caspica*) from USSR, issued to Hubbs-Sea World Research Institute on October 26, 1977, is modified in the following manner:

The period of validity of the Permit is extended from December 31, 1978, to December 31, 1979.

This modification is effective on February 5, 1978.

The Permit, as modified, and documentation pertaining to the modification is available in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven, Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California, 90731.

Dated: January 31, 1979.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 79-3850 Filed 2-2-79; 8:45 am]

[3510-22-M]

MARINE ANIMAL PRODUCTIONS, INC.

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Marine Animal Productions, Inc. (P108C).

b. Address: 150 Debuys Road, Biloxi, Mississippi 39531.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins (Tursiops truncatus), 10. California sea lions (Zalophus californianus), 6.

4. Type of Take: To capture and maintain permanently in a facility.

5. Location of Activity: between Mobile Bay and the mouth of the Mississippi (dolphins) and on Channel Islands (sea lions).

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 7, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California, 90731;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida, 33702; and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts, 01930.

Dated: January 30, 1979.

WILLIAM ARON,
Director, Office of Marine Mammals/Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-3852 Filed 2-2-79; 8:45 am]

[3510-22-M]

MARINELAND COTE d'AZUR

Issuance of Permit To Take Marine Mammals

On December 13, 1978, Notice was published in the FEDERAL REGISTER (43 FR 58222), that an application had been filed with the National Marine Fisheries Service by Marineland Cote d'Azur, Route de Biot, 06600 Antibes, France, for a permit to take four (4) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on January 18, 1979, as authorized by the provisions of the Marine Mammal protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Marineland Cote d'Azur, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington D.C.; and
Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Dated: January 18, 1979.

WINFRED H. MEIBOHM,
National Marine Fisheries Service.

[FR Doc. 79-3849 Filed 2-2-79; 8:45 am]

[3510-22-M]

DAVID MATTILA ET AL.

Issuance of Permit

On December 18, 1978, Notice was published in the FEDERAL REGISTER (43 FR 58849), that an application had been filed with the National Marine Fisheries Service by David Mattila, 3558 South River Terrace, Edgewood, MD., 21037 and Nathalie F. R. Ward, Box 573, Woods Hole, MA., 02543, for a permit to take by harassment an unspecified number of humpback whales (*Megaptera novaeangliae*) in the waters off western Puerto Rico for the purpose of scientifc research.

Notice is hereby given that on January 30, 1979, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Permit to David K. Mattila and Nathalie F. R. Ward, for the above taking subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367, November 27, 1974).

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida, 33702; and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts, 01930.

Dated: January 30, 1979.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 79-3848 Filed 2-2-79; 8:45 am]

[3510-22-M]

EDWARD C. MURPHY

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Edward C. Murphy, Agnes Anne Hoover

b. Address: 210 Irving Bldg., Univ. of Alaska Fairbanks, Alaska 99701.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Harbor seals (Phoca vitulina richardii), 1000.

4. Type of Take: to mark with paint or dye.

5. Location of Activity: Southeastern coast of the Kenai Peninsula, Alaska.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 7, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: January 30, 1979.

WILLIAM ARON,
Director, Office of Marine Mammals/Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-3851 Filed 2-2-79; 8:45 am]

[3510-22-M]

REFUGE MANAGER, SAN FRANCISCO BAY, NATIONAL WILDLIFE REFUGE COMPLEX

Issuance of Permit to Take Marine Mammals

On December 18, 1978, Notice was published in the FEDERAL REGISTER (43 FR 58849), that an application had been filed with the National Marine Fisheries Service by the Refuge Manager, San Francisco Bay, National Wildlife Refuge Complex, U.S. Fish and Wildlife Service, 3849 Peralta Boulevard, Fremont, California 94536, for a scientific research permit to take 40 harbor seals (*Phoca vitulina*).

Notice is hereby given that on January 30, 1979, the National Marine Fisheries Service issued a scientific research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972, to the Refuge Manager subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 30, 1979.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 79-3847 Filed 2-2-79; 8:45 am]

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[3510-17-M]

Office of the Secretary

[Dept. Organization Order 10-12]

ASSISTANT SECRETARY FOR CONGRESSIONAL AFFAIRS

Statement of Organization, Function, and Delegation of Authority

This order effective January 4, 1979 supersedes the materials appearing at 40 FR 17772 of April 22, 1975 & 43 FR 12359 of March 24, 1978.

SECTION 1. PURPOSE

This Order prescribes the functions and responsibilities of the Assistant Secretary for Congressional Affairs.

SECTION 2. ADMINISTRATIVE DESIGNATION

The position of Assistant Secretary of Commerce, established under section 9 of Pub. L. 95-173 (15 U.S.C. § 1507b), is hereby continued as the Assistant Secretary for Congressional Affairs (the "Assistant Secretary"). The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

SECTION 3. FUNCTIONS AND RESPONSIBILITIES

The Assistant Secretary shall serve as the Secretary's principal assistant in matters pertaining to Congressional relations, and shall also serve as Departmental liaison for the exchange of information with Members of Congress. More specifically, the Assistant Secretary shall:

a. Serve as the focal point in the Department for the conduct of Congressional relations, and advice the Secretary on such matters; and

b. Ensure Departmental responsiveness to inquiries or requests for information, reports, or other assistance from Members of Congress or their staffs, except as otherwise provided for in Section 5 of this Order.

SECTION 4. ORGANIZATION

The Office of the Assistant Secretary shall consist of:

a. The Deputy Assistant Secretary for Congressional Affairs, who shall be the principal assistant of the Assistant Secretary and shall perform the functions of the Assistant Secretary during the latter's absence; and

b. Such other staff as the Assistant Secretary, in consultation with the Assistant Secretary for Administration, may determine to be necessary to carry out the functions prescribed by the Order.

SECTION 5. LIMITATION OF AUTHORITY

Nothing in this Order shall be deemed to affect either the responsibility of the Office of the General Counsel for the preparation of and furnishing to the Congress of the Department's legislative program, and for furnishing reports to the Congress on any proposed legislation; or the responsibility of the Office of the Assistant Secretary for Administration for presentation to the Congress of budget estimates and direct liaison with appropriations committees and their staffs.

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc. 79-3841 Filed 2-2-79; 8:45 am]

[3510-17-M]

[Dept. Organization Order 30-2B]

NATIONAL BUREAU OF STANDARDS

Statement of Organization, Function, and Delegation of Authority

This order effective January 8, 1979 further amends the materials appearing at 43 FR 15473 of April 13, 1978 & 43 FR 43534 of September 26, 1978

Department Organization Order 30-2B dated March 8, 1978, is hereby further amended as shown below. The purpose of this amendment is to (1) delete the Supply Services Division within the Office of the Director, NBS/Boulder Laboratories, (2) revise the functional statement for the Institute for Computer Sciences and Technology, and (3) abolish divisions and establish centers as second level components within the Institute.

1. SECTION 9. OFFICE OF THE DIRECTOR, NBS/BOULDER LABORATORIES

In the last sentence of Section 9, the *Supply Services Division* is deleted. The sentence will now read as follows:

"Instruments Shops Division;
"Plant Division; and
"Administrative Services Division."

2. SECTION 10. IS REVISED TO READ AS FOLLOWS:

"SECTION 10. INSTITUTE FOR COMPUTER SCIENCES AND TECHNOLOGY

"The *Institute for Computer Sciences and Technology*, in accordance with Public Law 89-306 (40 U.S.C. 759), shall develop and recommend Federal Information Processing Standards and participate in the development of voluntary commercial ADP standards; conduct research in the science and technologies of automatic data processing, computers, and related systems; provide scientific and technical advisory services to the Office of Management and Budget and the General Services Administration to support the formulation of Federal automatic data processing policies; provide advisory services and technical assistance to other Government agencies; build and maintain competence in computer science and engineering necessary to carry out these programs; and coliaborate with the National Measurement Laboratory and the National Enigineering Laboratory in carrying out the Institute's responsibilities.

"a. The *Center for Programming Science and Technology* shall maintain computer science and engineering competence and experimental facilities support in order to provide Federal computer system and software standards and related guidelines for use in evaluation and management of computer utilization. Technical areas include computer programming languages, operating systems, text editors, data base management systems, programming tools and other utility software, data elements and codes, computer security, system certification and validation, performance assurance, and evaluation techniques such as auditing, programming productivity measurement, workload characterization, and system performance measurement. The Center also shall: (1) provide Federal agencies with technology assessments and advisory services in these and related technical areas, and (2) provide the computer science research and technology base for the Federal ADP standards program.

"b. The *Center of Computer Systems Engineering* shall maintain computer science and engineering competence and experimental facilities support in order to provide Federal computer system and network standards and related guidelines for use in the procurement and operation of Federal computer systems and networks, and their hardware and software components. Technical areas include computer system and network architecture, network protocols, local networks and office systems, network measurement, computer system interfaces, data communications, data acquisition and storage, terminals and peripherals, data interchange media, network access control, and system specification languages and verification techniques. The Center also shall: (1) provide technology forecasts in these and related technical areas for use in establishing priorities for the standards program and for use by Federal agencies in their planning for future requirements; (2) provide advisory services for Federal agencies in these and related technical areas, and (3) provide the computer technology research and engineering base for the Federal ADP standards program."

3. The organization chart attached to this amendment supersedes the chart dated August 15, 1978. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Approved:

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc. 79-3846 Filed 2-2-79; 8:45 am]

[3510-17-M]

[Dept. Organization Order 22-3]

OFFICE OF CONSUMER AFFAIRS

Statement of Organization, Function, and Delegation of Authority

This order is effective January 8, 1979

SECTION 1. PURPOSE

This Order establishes the Office of Consumer Affairs and prescribes its functions.

SECTION 2. ESTABLISHMENT

Pursuant to the authority vested in the Deputy Under Secretary by Department Organization Order 10-11 of December 6, 1978, the Office of Consumer Affairs is hereby established as a Departmental Office.

SECTION 3. STATUS AND LINE OF AUTHORITY

The Office of Consumer Affairs, a Departmental Office, shall be headed by a Director who shall report and be responsible to the Deputy Under Secretary.

SECTION 4. FUNCTIONS

The Office of Consumer Affairs shall conduct the Department of Commerce's consumer affairs program and serve as a liaison and advisory organization on matters affecting consumer affairs activities of State, county, and municipal governments, and in the private sector. In this capacity, the Office shall:

a. Plan and coordinate the consumer affairs program throughout the Department to assure that consumer views are considered in policy development.

b. Provide ongoing advice and assistance to operating units, Secretarial Representatives, and the field network, in the development and implementation of consumer-related programs. Analyze policies, programs, legislative proposals, etc., and identify consumer issues; help to develop positions responsive to consumer concerns.

c. Maintain contact with consumer organizations and other public groups and develop mechanisms to facilitate consumer involvement in Department activities and decision-making.

d. Serve as the point of contact in the Department for consumer inquiries, complaints, and requests for assistance.

e. Coordinate the Department's consumer affairs activities with other Federal, State, county, and municipal government agencies.

f. Develop information and educational activities for consumers and business. Advise the business community on being more responsive to consumer needs.

g. Perform other functions as assigned by the Deputy Under Secretary.

Approved:

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc. 79-3844 Filed 2-2-79; 8:45 am]

[3510-17-M]

[Dept. Organization Order 22-2]

OFFICE OF PROGRAM COORDINATION

Statement of Organization, Function, and Delegation of Authority

This order is effective January 8, 1979.

SECTION 1. PURPOSE.

This Order is established the Office of Program Coordination and prescribes its functions.

SECTION 2. ESTABLISHMENT

Pursuant to the authority vested in the Deputy Under Secretary by Department Organization 10-11 of December 6, 1978, the Office of Program Coordination is hereby established as a Departmental Office.

SECTION 3. STATUS AND LINE OF AUTHORITY

The Office of Program Coordination, a Departmental Office, shall be headed by a Director who shall report and be responsible to the Deputy Under Secretary.

SECTION 4. FUNCTIONS

The Office of Program Coordination shall function as a development, implementation, and analysis organization for the Department, for multiagency initiatives, policies, and services. In this capacity, the Office shall:

a. Assess, for the Deputy Under Secretary, matters affecting prospective lead and support roles of Departmental organizations when Commerce participation is required in interdepartmental groups.

b. As appropriate, serve as lead or staff unit on inter- or intra-Departmental task forces or groups concerned with program coordination and the development of new multi-agency service programs.

c. Assist operating units in the development of programs of services involving more than one unit, for the purpose of increasing the Department's effectiveness in accomplishing its responsibilities and goals.

d. As appropriate, coordinate or monitor the conduct of major Department programs, activities and services involving more than one operating unit to the end that the Department's activities are cohesive and supportive to each other.

e. Identify critical program issues and problems, based upon information provided from both internal and external sources, and design interagency response mechanisms.

f. Identify opportunities to improve the coordination of Commerce resources in the context of Departmental management practices.

g. Provide necessary support to the Secretarial Representatives and the Department's field structure in regard to their activities in the field for coordination with and support of the activities of other Federal agencies and those of State, county, and municipal governments and the private sector.

h. With the Offices reporting to the Assistant Secretaries for Administration and Policy, facilitate the incorporation of results from program coordination and development efforts and from multi-agency or Departmental initiatives, into standard Departmental practice and policy.

i. Perform other functions as assigned by the Deputy Under Secretary.

Approved:

GUY W. CHAMBERLAIN, Jr.
Acting Assistant Secretary for Administration.

[FR Doc. 79-3843 Filed 2-2-79; 8:45]

[3510-17-M]

[Dept. Organization Order 22-4]

OFFICE OF REGIONAL AFFAIRS

Statement of Organization, Function, and Delegation of Authority

This order is effective January 8, 1979.

SECTION 1. PURPOSE

This Order establishes the Office of Regional Affairs and prescribes its functions.

SECTION 2. ESTABLISHMENT

Pursuant to the authority vested in the Deputy Under Secretary by Department Organization Order 10-11 of December 6, 1978, the Office of Regional Affairs is hereby established as a Departmental Office.

SECTION 3. STATUS AND LINE OF AUTHORITY

The Office of Regional Affairs, a Departmental office, shall be headed by a Director who shall report and be responsible to the Deputy Under Secretry.

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SECTION 4. FUNCTIONS

.01 The Office of Regional Affairs shall function as the focal point in the Department, on behalf of the Secretary, for conducting the Secretarial Representative program, and for providing coordination, support, and general assistance to the Secretarial Representatives.

.02 There shall be ten Secretarial Representatives, one stationed in each of the ten Standard Federal Regional cities. The Secretarial Representatives shall serve as the personal representative of the Secretary to individuals and organizations and Departmental constituents in the Regions, and shall report to the Secretary through the Director, Office of Regional Affairs.

.03 The Secretarial Representatives shall:

a. Foster coordination among the Department's field operations to the ends that (1) the Department's activities are cohesive and supportive of each other, and (2) better serve Departmental goals and constituent needs.

b. Assure that the activities of the Department in the field are coordinated with and supportive of the activities of other Federal agencies and those of State, county, and municipal governments and the private sector.

c. Identify and analyze the needs of State, county, and municipal governments, the private sector, and other interested parties within the Region and foster the responsiveness of Department policies and programs to such needs.

d. Encourage agency initiatives to the end that Department field activities and programs fulfill the responsibilities and goals of the Department in responding to the needs and problems of State, county, and municipal governments and the private sector.

e. Assure that Department policies and programs are clearly understood by field personnel of the Department and by State, county, and municipal governments, the private sector, and other interested parties, and that all of the foregoing have the fullest opportunity to participate in the formulation of Department policies and programs.

f. Represent the Department on the Federal Regional Council, River Basin Commissions, and, in coordination with the Executive Director of the Interagency Council for Minority Business Enterprise, minority business opportunity committees located within their respective Regions.

g. Represent the Department on each Federal Executive Board within the Region, designating another representative of the Department as necessary for those Federal Executive Boards outside the Federal Regional city.

h. Plan, convene, and chair on a regular basis meetings of a Commerce Council composed of the highest ranking Department officials representing each Department unit in or serving the Region so as to facilitate the foregoing responsibilities. Report on the activities of the Commerce Council to the Secretary.

i. Make periodic reviews of the effectiveness of the Department's programs in meeting the needs of the Regions, and report the findings and recommendations of such reviews to the Secretary.

j. Provide the Secretary with information on developments and activities in the Regions, particularly on legislative, business, and economic issues which may affect the Department's programs in the Regions.

k. Provide support to the Deputy Under Secretary for coordination of Secretarial trips to the field.

.04 The Office and the Secretarial Representatives shall perform such other functions as the Secretary or the Deputy Under Secretary may from time to time direct.

Approved:

GUY W. CHAMBERLAIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc. 79-3845 Filed 2-2-79; 8:45 am]

[3510-17-M]

[Dept. Organization Order 22-1]

OFFICE OF STATE AND LOCAL GOVERNMENT ASSISTANCE

Statement of Organization, Function, and Delegation of Authority

This order is effective January 8, 1979.

SECTION 1. PURPOSE

This Order establishes the Office of State and Local Government Assistance and prescribes its functions.

SECTION 2. ESTABLISHMENT

Pursuant to the authority vested in the Deputy Under Secretary by Department Organization Order 10-11 of December 6, 1978, the Office of State and Local Government Assistance is hereby established as a Departmental Office.

SECTION 3. STATUS AND LINE OF AUTHORITY

The Office of State and Local Government Assistance, a Departmental Office, shall be headed by a Director who shall report and be responsible to the Deputy Under Secretary.

SECTION 4. FUNCTIONS

The Office of State and Local Government Assistance shall function as a liaison and coordination organization on matters relating to the Department's programs for assisting State, county and municipal governments. In this capacity, the Office shall:

a. Provide a central point of contact and assistance for State, county, and municipal governments seeking assistance from Department of Commerce programs.

b. Provide and coordinate, through the Secretarial Representatives and the Department's field structure, outreach to officials in State, county and municipal governments to obtain information for the Department on their needs and concerns, to promote their involvement in significant Department policymaking and program development, and to keep them aware of Department resources, policies and programs.

c. Convene meetings of appropriate officials of State, county, and municipal governments to identify service needs and requirements; and, in cooperation with the Assistant to the Secretary, to comment on significant Departmental policy or programs.

d. As appropriate, identify and convene Department officials on significant matters of concern to officials of State, county, and municipal governments, which involve two or more operating units of the Department.

e. Coordinate the actions of two or more operating units concerning a significant problem or activity affecting State, county, and municipal governments.

f. Initiate responses or actions, in concert with the affected Department organizations, to meet State, county, and municipal government needs or to implement Department policies and goals; and to assist with the delivery of Departmental services to Regional Commissions.

g. As appropriate, serve as the lead or staff unit on inter- or intra-departmental task forces or groups concerned with State, county and municipal government assistance.

h. Perform other functions as assigned by the Deputy Under Secretary.

Approved:

GUY W. CHAMBERLAIN,
Acting Assistant Secretary for Administration.

[FR Doc. 79-3842 Filed 2-2-79; 8:45 am]

[3510-17-M]

Office of the Secretary

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, (5 U.S.C. App. (1976)) and Office of Management and Budget Circular A-63 (Revised), and after consultation with the General Services Administration, the delegate of the Secretary of Commerce has determined that the renewal of the Exporters' Textile Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of Commerce by law. The Exporters' Textile Advisory Committee was initially established by the Secretary of Commerce on March 24, 1966. The Committee lapsed on April 5, 1977 and was reestablished on June 24, 1977.

The Exporters' Textile Advisory Committee, based on its members' experience and expertise in textile and apparel exporting, will continue to advise Department officials on the identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion. The Exporters' Textile Advisory Committee provides advice and information for Government officials who are seeking to stimulate expanding textile and apparel exports. Foreign governments' import rules and requirements are complex, extensive, and frequently changing. Exporters are the group most directly affected by these rules and quickly learn of their effects. They are best able to apprise the United States Government of the impact of foreign restrictions and other factors affecting textile exports. The functions of the Committee cannot be accomplished by any government organizational element or other committees.

The membership of the Committee will consist of approximately 30 members, appointed by the Secretary of Commerce. The Exporters' Textile Advisory Committee membership is associated with the textile and apparel exporting industry and consumer or public interest groups. Members are appointed by the Secretary of Commerce for two year terms to insure a balanced representation of the textile and apparel exporting industry and public interest views.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Copies of the Committee's revised charter will be filed with appropriate committees of the Congress, and a copy will be forwarded to the Library of Congress concurrent with the publication of this notice.

Interested persons are invited to submit comments regarding the renewal of the Exporters' Textile Advisory Committee. Such comments, as well as any inquiries, may be directed to Mr. Arthur Garel, Director, Office of Textiles, Bureau of Domestic Business Development, Industry and Trade Administration, U.S. Department of Commerce, Wasington, D.C. 20230, telephone (202) 377-5078.

Dated: January 29, 1979.

GUY W. CHAMBERLAIN, JR.,
Assistant Secretary for Administration.

[FR Doc. 79-3802 Filed 2-2-79; 8:45 am]

[3510-17-M]

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, (5 U.S.C. App. (1976)) and Office of Management and Budget Circular A-63 (revised), and after consultation with the General Services Administration, the delegate of the Secretary of Commerce has determined that the renewal of the Management-Labor Textile Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of Commerce by law.

The Committee was initially established by the Secretary of Commerce on October 18, 1961, pursuant to a Presidential directive of October 18, 1961. Its purpose was and continues to be to advise Department officials on problems and conditions in the textile and apparel industry. The Committee furnishes information on world trade in textiles and apparel to officials in the Department of Commerce and to the Committee for the Implementation of Textile Agreements, the Textile Trade Policy Group, U.S. representatives to the General Agreement on Tariffs and Trade, and U.S. negotiators of textile agreements.

The Management-Labor Textile Advisory Committee advises the Government on the operation and effectiveness of textile agreements in order to prevent import disruption to the domestic market from imports. This advice enables Federal officials to take early action to insure effective operation. The information and recommendations of the Committee are not only essential to the effective functioning of the textile agreements but are invaluable to U.S. negotiators in developing new textile agreements. The Committee represents consumers and people from the industry directly affected by the textile program. It is essential that there be a mechanism for obtaining their views and advice. The Committee's functions cannot be accomplished by any government organizational element or other advisory committees.

The Committee will have balanced representation of approximately 40 members associated with the domestic textile and apparel industry, labor unions, and consumer or public interest groups. Members will be appointed by the Secretary of Commerce and serve two year renewable terms.

The Committee will continue to function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress, and a copy will be forwarded to the Library of Congress concurrent with the publication of this notice. Inquiries or comments may be addressed to Mr. Arthur Garel, Director, Office of Textiles, Bureau of Domestic Business Development, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5078.

Dated: January 29, 1979.

GUY W. CHAMBERLAIN, JR.,
Assistant Secretary for Administration.

[FR Doc. 79-3803 Filed 2-2-79; 8:45 am]

[3810-70-M]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DOD ADVISORY GROUP ON ELECTRON DEVICES

Notice of Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, NY 10014, on 1 March 1979.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes,

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solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout. In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this meeting of the Advisory Group on electron devices concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

JANUARY 31, 1979.

[FR Doc. 79-3858 Filed 2-2-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

REQUESTS FOR INTERPRETATION FILED WITH THE OFFICE OF GENERAL COUNSEL

Month of December 1978

Notice is hereby given that during the month of December 1978, the Requests for Interpretation listed in the Appendix to this notice were filed pursuant to 10 CFR Part 205, Subpart F with the Office of General Counsel, Department of Energy (DOE). Notice of subsequently received requests will be published at the end of each calendar month. Copies of the Requests for Interpretation listed herein are on file in DOE's Public Reading Room, Information Access Office, GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Interested parties may submit written comments on the listed interpretation requests within 30 days of the publication of this notice. Comments should be identified on the oustide envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Office of General Counsel, Department of Energy, Room 5134, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, Attention: Diane Stubbs. Aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in accordance with the current practice of the Office of General Counsel.

For further information, contact Diane Stubbs, Office of General Counsel, 12th and Pennsylvania Avenue, NW., Room 5138, Washington, D.C. 20461, (202) 633-9070.

JANUARY 29, 1979.

EVERARD A. MARSEGLIA, Jr.,
Acting Assistant General Counsel for Interpretations and Rulings, Office of the General Counsel.

APPENDIX.—*List of Requests for Interpretation Recieved by the Office of General Counsel*

[Month of December 1978]

Date received	Name and location of requestor	File No.
Dec. 4, 1978	Standard Oil Company (Indiana), Matthew Gallo, Standard Oil Company (Indiana), 200 East Randolph Drive P.O. Box 5910-14, Chicago, Illinois 60680. Issue: Do liquids recovered from the production of natural gas by means of a mechanical separation process conducted in the field qualify as lease condensate (10 CFR 211.51)? May a refiner include these liquids, which are imported as refinery feedstock, in its volume of crude oil runs to stills for purposes of the domestic crude oil allocation ("entitlements") program under 10 CFR 211.67?	A-363
Dec. 4, 1978	Red Triangle Oil Company, Tracy R. Kirkham, Cooper & Scarpulla, 300 Montgomery Street, San Francisco, California 94104. Issue: May Red Triangle treat the costs of providing certain services to its customers, which were previously borne by Gulf when Red Triangle operated under the Gulf brand, as increased product costs under 10 CFR 212.92?	A-364
Dec. 4, 1978	Texaco, Inc., Michael H. Rudy, Texaco, Inc., 2000 Westchester Avenue White Plains, New York 10650. Issue: Would Texaco's proposed changes in its agreements with Texaco credit card holders for the purchase of covered products from Texaco wholesalers and retailers constitute the imposition of more stringent credit terms than the credit terms in effect on May 15, 1973, within the meaning of 10 CFR 210.62(a)?	A-365
Dec. 12, 1978	Mustang Fuel Corporation, C. L. Sherburne, Mustang Fuel Corportion, 1100 First National Center East Oklahoma City, Oklahoma 73102. Issue: May Mustang Fuel recover increased costs attibutable to gathering line expenditures as processing costs pursuant to 10 CFR 212.168?	A-366
Dec. 12, 1978	Sabre refining, Inc. Douglas M. Johnson Sabre Refining, Inc. P.O. Box 2465 Bakersfield, California 93303. Issue: Must Sabre file amended forms P-110 (Refiners' Monthly Cost Allocation Report) to reflect gasoline brokerage transactions during a period in which Sabre was not a refiner of motor gasoline?	A-367
Aug. 7, 1978	Midland Cooperatives, Inc. Foster Hemstock Midland Cooperatives, Inc. 2021 East Hennipin Avenue Minneapolis, Minnesota 55413. Issue: What are the permissible mark-up costs that may be used in determining the maximum permissible selling prices for propane that is sold by Midland, a regional, wholesale supply cooperative, through various member cooperative operations? (10 CFR 212.93).	A-368

[FR Doc. 79-3829 Filed 2-2-79; 8:45 am]

[6450-01-M]

Office of Hearings and Appeals

CHEVRON U.S.A. INC.

Application for Exception; Public Hearing

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Public Hearing.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) gives notices of a public hearing to be held in Washington, D.C. to receive comments with respect to an Application for Exception filed by Chevron U.S.A. Inc. (Chevron) on January 30, 1979, Case No. DEE-2135. In its submissions, Chevron requests relief from the provisions of 10 CFR 211.10 which requires that allocations of motor gasoline be determined by reference to volumes supplied during 1972, as adjusted. The purpose of this hearing is to provide interested persons an opportunity to make oral presentations regarding the basis for Chevron's request that exception relief be granted to Chevron which permits the firm to determine allocation levels on the basis of 1978 supply levels.

DATES:

HEARING: February 13, 1979.

Request to Speak: February 8, 1979.

ADDRESSES:
Request to Speak: Debra Kidwell, Office of Public Hearing Management, Box WS, 2000 M Street, NW., Room 2313, Washington, D.C. 20461, (202) 254-5201.

Hearing Location: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

Comments and Further Information to:

Thomas O. Mann, Associate Director, Office of Hearings and Appeals, 2000 M Street, NW., Room 8014, Washington, D.C. 20461, (202) 254-8606.

SUPPLEMENTARY INFORMATION: Currently pending before the Office of Hearings and Appeals is an Application for Exception filed by Chevron U.S.A. Inc. (Chevron) on January 30, 1979. In its Application for Exception, Chevron states that the firm's current supply of gasoline is insufficient to meet the needs of its customers. According to the Chevron submission, the DOE price regulations have held Chevron's gasoline prices at levels below those charged by other major oil companies. Chevron states that this situation has resulted in an increased demand for Chevron's products. Chevron indicates that until recently, it has had enough surplus gasoline available to meet both the growing demand for its 1972 base period purchasers and a substantial number of new customers, many of whom have no base period allocation with Chevron. However, Chevron claims that its surplus declarations in the next few months will not be sufficient to meet the increasing demand for its gasoline. According to the firm, if Chevron were required to allocate gasoline according to the 1972 base period, a hardship will result to those of its customers whose actual sales in 1978 far exceed their base period volumes, and to those new customers who have no base period allocation from Chevron.

Chevron contends that in order to equitably distribute its available supplies of gasoline until demand returns to normal levels, an exception should be granted which permits it to use an allocation method which more closely reflects current demand than the 1972 base period specified in § 211.102 of the DOE allocation regulations.

Since granting exception relief will affect the customers of Chevron and may have a precedential effect on other purchasers and suppliers, the DOE has determined that it would prove beneficial to convene a public hearing at which all interested parties will have an opportunity to make oral presentations regarding the merits of the underlying Chevron exception application.

Any party that wishes to make an oral presentation at the hearing should contact the individual whose name appears at the beginning of this notice by February 8, 1979. The Office of Hearings and Appeals reserves the right to limit the number of persons to be heard and to establish the procedures governing the conduct of the hearing. Those individuals selected to make oral presentations will be notified by February 9, 1979. The Director of the Office of Hearings and Appeals or his designee will preside at this hearing. Please submit 100 copies of the Proposed Statement by 4:30 p.m. on February 12, 1979.

At the hearing, representatives from Chevron will be afforded an opportunity to make an initial statement. Following those statements, interested parties, including customers affected by the exception application, will be permitted to make statements subject to reasonable time constraints. If any person wishes to ask a question of any person who has made an oral presentation at the hearing, he or she may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for an answer.

At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and may be purchased from the reporter. The entire record of the hearing will be retained by DOE and will be made available for inspection at the Office of hearings and Appeals Public Docket Room, Room B-120, 2000 M Street NW., Washington, D.C. 20461, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., Monday through Friday. Issued in Washington, D.C., January 31, 1979.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

[FR Doc. 79-4099 Filed 2-2-79; 9:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1052-8]

ENVIRONMENTAL IMPACT STATEMENTS

Availability

AGENCY: Office of Federal Activities, Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of January 22 to 26, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from February 2, 1979 and will end on March 19, 1979. The 30-day wait period for final EIS's will be computed from the date of receipt by EPA and commenting parties.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an ESI during the period covered by the Notice. If a Federal agency does not have the ESI available upon request you may contact the Office of Federal Activities, EPA for further information.

BACK COPIES OF EIS'S: Copies of ESI's previously filed with EPA or CEQ which are no longer available from the originating agency are available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Kathi Weaver Wilson, Office of Federal Activities, A-104, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-0780.

SUMMARY OF NOTICE: Appendix I sets forth a list of EIS's filed with EPA during the week of January 22 to 26, 1979 the Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the ESI, the actual date the EIS, was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief sum-

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mary of the proposed Federal action and the Federal agency EIS number if available. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the FEDERAL REGISTER and the extended date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agencies.

Appendix V sets forth a list of reports or additional supplemental information on previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: January 31, 1979.

WILLIAM N. HEDEMAN, JR.,
Director,
Office of Federal Activities.

APPENDIX I.—EIS'S FILED WITH EPA DURING THE WEEK OF JANUARY 22 TO 26, 1979

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Beaver-Marten-Vermilion Planning Unit, Kootenai National Forest, Sanders County, Mont., January 25: Proposed is a revised multiple-use land management plan for the Beaver-Marten-Vermilion planning unit in Kootenai National Forest, Sanders County, Montana. The plan recommends that 163,563 acres be managed for timber, esthetics, recreation, watershed, wildlife and range. An area of 45,923 acres which will remain unroaded will be managed for wildlife, recreation, esthetics and watershed. In total the project will affect approximately 209,486 acres of land which is divided into 14 management areas. (R1-01-14-79-05-USDA-FS-DES(ADM).) (EIS Order No. 90096.)

Final

Bull Run unit plan, Mt. Hood National Forest, Clackamas, Multnomah, and Hood River Counties, Mont., January 24: This statement refers to the Bull Rnn planning unit, Mt. Hood National Forest. The proposed action is to establish new direction for the management of the Bull Run Reserve in the counties of Clackamas, Multnomah, and Hood River. Under the proposed plan, the reserve would be managed to protect water quality as a domestic watershed for the city of Portland, while permitting other compatible activities. The areas outside the reserve would be managed for a variety of uses including timber harvest and recreation. (USDA-FS-FES(ADM)-76—16.) Comments made by: AHP, HUD, DOE, USDA, DOI, EPA, State and local agencies, groups and businesses. (EIS Order No. 90092.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

North Dakota-Saskatchewan Intertie, Transmission, Ward, Mountrail and Burke Counties, N. Dak., January 26: Proposed is the construction of 135 miles of 230 kV alternating current transmission line passing through the counties of Ward, Mountrail, and Burke, North Dakota. The line will be constructed from Basin Electric's Logan substation to the Montana-Dakota Utilities' substation at Tioga, Ward county, to a point on the Canadian border. This project would provide a seasonal interchange of 100 MW of power with Saskatchewan Power Corporation during peak conditions. (USDA-REA-DEIS(ADM) 78-7-D). (EIS Order No. 90100.)

Final

Cajun electric coal-fired power plant, Pointe Coupee Parish, La., January 24: Proposed is the construction and operation of a new steam electric generating facility by the Cajun Electric Power Cooperative. The project will be located at the Big Cajun No. 2 site, Pointe Coupee Parish, Louisiana. The principal features of the project are (1) a nameplate rating of 565 MW, (2) fuel obtained from two deposits of western sub-bituminous coal, (3) production of 4,300,000 lbs. per hour of steam, (4) limit oxides of nitrogen emissions to a maximum of 0.7 pounds per million Btu heat input, (5) particulate removal treatment, (6) water supplied from the Mississippi River, (7) tie-in lines from the switch-yard to existing distribution systems. (USDA-REA-EIS(ADM)-78-11-F.) Comments made by: HEW, DOI, EPA, COE, USDA, AHP, and State agencies. (EIS Order No. 90093.)

SOIL CONSERVATION SERVICE

Final

Bois D'Arc Bayou watershed plan, Little River County, Ark., January 22: Proposed is a watershed project for the Bois D'Arc Bayou located in Little River County, Arkansas. The planned works of improvement include conservation land treatment, 7.8 mile of channel work, 19.7 miles of associated onfarm measures, and a water-level control structure. The channel work will involve 0.1 mile clearing and debris removal within existing channels, 2.2 miles of new channel construction, and 5.3 miles of channel enlargement by excavation. Six alternatives were considered. (USDA-SCS-EIS-WS (ADM)-78-1-(D)AR.) Comments made by: HEW, DOI, DOC, AHP, EPA, and State agencies. (EIS Order No. 90087.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy, Atten: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington D.C. 20341 (202) 693-6795.

Draft

Toad Suck Ferry Lock and Dam, Arkansas River, Conway County, Ark., January 22: Proposed is the construction of a water supply impoundment to provide a water supply approximately equivalent to that existing prior to construction of the McClellan-Kerr Arkansas River navigation system for Conway County, Arkansas. The lake will be constructed on Cypress Creek along with an earthfill dam, a multiple-level outlet structure, a pipeline, and other appurtenant works. The surface area of the lake is to be approximately 1,165 acres with an average depth of 20.2 feet. (Little Rock district.) (EIS Order No. 90084.)

Eight Mile Creek basin flood control, Paragould, Greene County, Ark., January 22: Proposed is a flood control and recreation plan for a portion of the Eight Mile Creek basin near Paragould in Greene County, Arkansas. Features of the project consist of improving 11.4 miles of Eight Mile Creek and establishing a greenway along the entire length to be improved with incorporation of miniparks and hiking and biking trails into the greenway. The COE filed a draft EIS, No. 461401, dated 9-23-76, which is replaced by this revised draft. (Memphis district.) (EIS Order No. 90082.)

Draft

Red Run/lower Clinton River, flood control, Oakland County, Mich., January 22: Proposed is a major drainage and flood control plan for the Red Run drain and lower Clinton River in Oakland County, Michigan. Features of the plan will include various structural and non-structural methods including channel modification, floodway construction and flood plain regulation. Associated with the plan would be the construction of a boat launching facility and the disposal of excavated and dredged materials. Five alternatives are considered. (Detroit district.) (EIS Order No. 90083.)

DEPARTMENT OF ENERGY

Contact: Mr. Robert Stern, Acting Director, Division of NEPA Affairs, Department of Energy, Mail Station E-201 GTN, Washington, D.C. 20545, (202) 376-5998.

Final

500 kV transmission line, Minnesota to Canada, several counties in Minn., January 23: Proposed is the construction and operation of a 500 kV single circuit transmission line traveling from a substation near Forbes and through the counties of Saint Louis, Itasca, Koochiching, Beltrami, and Lake of the Woods, Minnesota to a point on the U.S.-Canadian border, approximately three miles west of Marvin Lake, Roseau County, Minnesota. This transmission facility would permit the sale of electrical energy between the Northern States Power Company, the Minnesota Power Company and the Canadian Manitoba Hydroelectric Board. (DOE-EIS 0032.) Comments made by: COE, DOT, EPA, and businesses. (EIS Order No. 90068.)

GREAT LAKES BASIN COMMISSION

Contact: Mrs. Lee Botts, Chairman, Great Lakes Basin Commission, 3475 Plymouth Road, Ann Arbor, Michigan 48105, (313) 668-2300 FTS 8 378-2300.

Final

Maumee River Basin Study, serveral counties in the States of Michigan, Ohio, and Indiana, January 26: The proposed action involves the Maumee level B plan which includes provisions for the conservation, development, and use of water and related land resources consistent with the interests of the local citizens. The States of Michigan, Indiana, and Ohio, and the Nation. The plan preparation process was designed to fulfill the environmental impact analysis requirements of the National Environmental Policy Act. The proposed action proposes future programs to meet resource needs and problems needs and problems in the areas of land resources management, erosion and sedimentation, water quality, wildlife, hunting and flooding in the Maumee Bay. Comments made by: HUD, DOT, DOE, STAT, USAF, USCG, USDA, DOC, DOI, EPA, State and local agencies and individuals. (EIS Order No. 90103.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6308.

Draft

Keegans Wood Development, Mortgage Insurance, Harris and Fort Bend Counties, Texas, January 22: Proposed is the issuance of HUD Home Mortgage Insurance for the Keegans Wood development in Harris and Fort Bend Counties, Tex. The project, when completed, will provide 989 dwelling units of primarily single-family/patio homes. The development will encompass approximately 206 acres of land with an expected population of 3,400 people. (HUD-R06-EIS-79-1D.) (EIS Order No. 90086.)

Draft

Easthill Subdivision, Bartlett City, Shelby County, Tenn., January 25: Proposed is the issuance of HUD Home Mortgage Insurance for the Easthill subdivision in northeast Shelby County, Tenn. The project will encompass approximately 6,024 dwelling units of mostly single-family homes and some townhouses. The development will be built on approximately 1159.6 acres. (HUD-R04-EIS-77-27D.) (EIS Order No. 90095.)

Final

Clayton Subdivision, Harris County, Tex., January 22: Proposed is the development of 511.5783 acres into a community composed of single-family homes in Harris County, Tex. The development will accommodate approximately 6,206 persons. (HUD-R06-79-45F.) Comments made by: EPA, COE, AHP, DOT, DOI, USDA, and State agencies. (EIS Order No. 90085.)

Final

Pheasant Creek Subdivision, Fort Bend County, Tex., January 24: Proposed is the approval of application for HUD home mortgage insurance by US Corporation of Stafford in conjunction with the development of Pheasant Creek Subdivision located in Fort Bend County, Tex. When completed the subdivision will encompass approximately 364 acres, and is expected to consist of approximately 1,273 dwelling units. As a planned community, Pheasant Creek will consist of single family homes, three unrestricted reserves, sites for a water plant and a recreation area. (HUD-R06-EIS-79-3F). Comments made by: EPA, AHP, DOT, DOI, USDA, State agencies. (EIS Order No. 90091.)

Springfield Subdivision, Mortgage Insurance, Harris County, Tex., January 26: Proposed is the issuance of HUD home mortgage insurance as applied for by the First General Realty Corporation of Houston for the Springfield Subdivision, located in Harris County, Tex. When completed the subdivision, which encompasses approximately 515.3 acres of land, is expected to consist of about 1,770 dwelling units. A total of 86 acres have been held in reserve for the following purposes: 1) commercial (office/retail) use, 2) recreation, 3) apartments, and 4) church facilities. (HUD-R06-EIS-IF-79). Comments made by: USDA COE, EPA, DOI, DOT, AHP, State and local agencies groups. (EIS Order No. 90098.)

Westland Creek Village Subdivision, Harris County, Tex., January 23: Proposed is the granting of HUD-FHA mortgage insurance for the development of the 628-acre Westland Creek Village Subdivision located in Harris County, Tex. The development will contain some 2,000 single family homes and 400 multi-family homes and shopping areas. (HUD-R06-EIS-79-2F). Comments made by: USDA, COE, DOI, EPA, DOT, AHP, State and local agencies groups and businesses. (EIS Order No. 90089.)

SECTION 104 (h)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104 (H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Brumps Bayou Drainage Project, Pine Bluff, Jefferson County, Ark., January 22: Proposed is the improvement of a major drainage canal known as Brumps Bayou in the City of Pine Bluff, Jefferson County, Ark. The drainage corridor extends from Hemlock Street along 9th and 8th Avenues, beneath US 79 and 6th Avenue through an industrial area, beneath the Martha Mitchell Expressway, and finally emptying into Lake Pine Bluff. The channel improvement would alleviater the 25-year frequency floods, with open and undeveloped areas used for the passage of flood flows. (EIS Order No. 90080.)

Final

Non-Metro Descretionary Fund Fiscal Year 1977, Macon County Ala., January 24: The proposed action is a request by Macon County, Alabama for community development block grant funds. This statement discusses a proposed project to provide a safe and reliable source of potable water to existing residents along a segment of US Highway 80. The project which is located southwest of the City of Tuskegee, Macon County, Ala., will involve the installation of 22,280 feet of 8 inch water main piping along the highway. The piping will carry water purchased from Tuskegee City and will be placed along the southern side of the highway within the public right-of-way. Comments made by: HUD, EPA, State and local agencies. (EIS Order No. 81011.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF LAND MANAGEMENT

Draft

OCS Oil and Gas Lease Sale, No. 58A, Gulf of Mexico, January 26: Proposed is an oil and gas lease sale in the Western and Central Gulf of Mexico which includes 115 tracts located on the Outer Continental Shelf in Federal waters offshore of the States of Texas, Louisiana, Mississippi, and Alabama. These proposed tracts comprise approximately 545,255.4 acres ranging from 3-165 nautical miles from shore in water depths of 6-500 meters. Approximately 58% of the tracts are gas prone, and 38% are both oil and gas prone. (EIS Order No. 90099.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Richard E. Cunningham, Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 396-SS, 301-427-4152.

Final

MOAB Uranium Mill, Operation, Grand County, Utah, January 25: Proposed is the continuation of source material license SUA-917 issued to Atlas Corporation for the operation of the Atlas Uranium Mill in Grand County, Utah, near MOAB. This authorizes a 600-ton (450-MT) per day acid leach circuit (for recovery of vanadium as well as uranium) and a 600-ton (450-MT) per day alkaline leach circuit (for other ores, including copper-bearing ores). The operation of the mill will not require the disturbance of additional lands beyond the approximately 200 acres presently committed to the project. (NUREG-0453) Comments made by: HEW, EPA, DOI, DOE, COE, DOT, USDA, AHP, State and local agencies groups. (EIS Order No. 90097.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Harry G. Moore, Jr., Acting Director, Division of Environmental Planning, Tennessee Valley Authority, 268 401 Building, Chattanooga, Tennessee 37401, 615-755-3161 FTS 854-3161.

Draft

Edgemount Uranium Mine, several counties in South Dakota, Wyoming, January 26: Proposed is the mining or uranium-vanadium deposits, by TVA through its operation, located in the southwestern Black Hills area of Fall River and Custer Counties in South Dakota and in Weston and Niobrara Counties in Wyoming. The mining will affect an area of approximately 101,000 acres of TVA owned land. The alternatives considered by TVA are: 1) siting, 2) mining techniques, and 3) reclamation. (EIS Order No. 90101.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

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FEDERAL HIGHWAY ADMINISTRATION

Final

Kentucky Turnike (I-65), Elizabethtown-Louisville, Jefferson, Bullitt, Hardin Counties, Ky., January 22: The proposed improvement encompasses the reconstruction and widening of the Kentucky Turnpike (I-65) from south of the western Kentucky Parkway at Elizabethtown, Kentucky to south of the Watterson Expressway at Louisville, Kentucky. The project extends approximately 40 miles in length and includes the addition of two lanes each way in Jefferson County and one lane each way in Bullitt and Hardin Counties. (FHWA-KY-EIS-77-01-F). Comments made by: DOT, DOI, HUD, HEW, EPA, USDA, State and local agencies, groups, and businesses. (EIS Order No. 90081.)

I-494, 24th Ave.—Mississippi River Bridge, Hennepin, Dakota, Counties, Minn., January 26: The proposed action provides for the construction of the only uncompleted section of the I-494/694 Beltway route that encircles the Twin Cities metropolitan area. This section would be approximately 11 miles long and would pass through the cities of Bloomington, Eagan, Mendota Heights, Inver Grove Heights, Sunfish Lake, and South St. Paul. The proposed section of I-494 will be a 6-lane divided freeway. It will begin near 24th Avenue in Bloomington and extend eastward to the Mississippi River Bridge in South St. Paul. (FHWA-MN-EIS-77-03-F.) Comments made by: USDA, HUD, DOC, DOI, USCG, FPC, EPA, State and local agencies, individuals and businesses. (EIS Order No. 90104.)

Final Supplement

The Appalachian Highway, GA-5, Gilmer County, Ga., January 25: This statement supplements a final EIS filed in April 1978, concerning construction of the Appalachian Highway in Georgia. The statement proposes new alignments for two sections on GA-5, of four-lane, class 1, rural free access highway in Gilmer County. The first section will be approximately 0.6 miles and will extend from 3 miles north of the Pickens/Gilmer County line to a point approximately 3.5 miles north of that line. The second section, a distance of 1.8 miles, extending from 4 miles north of the Ellijay city limits to a point approximately 6 miles south of the Gilmer/Fannin County line. (FHWA-GA-EIS-77-04-FS.) Comments made by: EPA, DOE, HEW, State and local agencies, groups and businesses. (EIS Order No. 90094.)

U.S. COAST GUARD

Final

Tampa South Crosstown Expressway—Extension to I-75, Hillsborough County, Fla., January 24: This plan proposes the express highway extension in Tampa, Hillsborough County, Fla. It will cover an 8.8-mile area and be a four lane, limited access, toll expressway. Federal permits will be required for several locations of the expressway and including bridges. The purpose of the extension is to improve traffic circulation, relieve traffic congestion, reduce travel time and increase safety. The major Federal action connected with the project is approval of bridges across four navigable waterways by the Coast Guard. Comments made by: DOT, USDA, HEW, AHP, DOC, EPA, DOI, State and local agencies. (EIS Order No. 90090.)

U.S. POSTAL SERVICE

Contact: Mr. Robert Coven, Director, Office of Program Planning, Real Estate and Building Department, U.S. Postal Service, Washington, D.C. 20260, (202) 245-4304.

Draft

San Jose Post Office Expansion Project, Santa Clara County, Calif., January 26: Proposed is the expansion of the San Jose main post office in Santa Clara County, Calif. The expansion would require relocation of the existing loading dock, parking area, landscaped space and the vehicle maintenance facility (VMF). The VMF would be relocated to a 7.3-acre site north of the present main post office site, and would be enlarged to 17,868 square feet. Six new service bays and additional office and storage space would be provided. The main post office building would be expanded to 274,932 square feet. (EIS Order No. 90102.)

[6560-01-C]

APPENDIX II

EXTENSION/WAIVER OF REVIEW PERIODS ON EIS'S FILED WITH EPA

FEDERAL AGENCY CONTACT	TITLE OF EIS	FILING STATUS ACCESSION NO.	DATE NOTICE OF AVAILABILITY PUBLISHED IN FR	WAIVER EXTENSION	DATE REVIEW TERMINATES
DEPARTMENT OF INTERIOR MR. BRUCE BLANCHARD, DIRECTOR ENVIRONMENTAL PROJECT RIVIEW ROOM 4256 INTERIOR BLDG. DEPARTMENT OF THE INTERIOR WASHINGTON, D.C. 20240 (202) 343-3891	SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (SMCRA)	FINAL 90109	02/12/79	WAIVER	02/15/79

APPENDIX III

EIS'S FILED WITH EPA WHICH HAVE BEEN OFFICIALLY WITHDRAWN BY THE ORIGINATING AGENCY

FEDERAL AGENCY CONTACT	TITLE OF EIS	FILING STATUS ACCESSION NO.	DATE NOTICE OF AVAILABILITY PUBLISHED IN FR	DATE OF WITHDRAWAL
NONE				

APPENDIX IV

NOTICE OF OFFICIAL RETRACTION

FEDERAL AGENCY CONTACT	TITLE OF EIS	STATUS NUMBER	DATE NOTICE PUBLISHED IN FR	REASON FOR RETRACTION
NONE				

APPENDIX V

AVAILABILITY OF REPORTS/ADDITIONAL INFORMATION RELATING TO EIS'S PREVIOUSLY FILED WITH EPA

FEDERAL AGENCY CONTACT	TITLE OF REPORT	DATE MADE AVAILABLE TO EPA	ACCESSION NO.
NONE			

APPENDIX VI

OFFICIAL CORRECTION

FEDERAL AGENCY CONTACT	TITLE OF EIS	FILING STATUS ACCESSION NO.	DATE NOTICE OF AVAILABILITY PUBLISHED IN FR	CORRECTION
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT MR. RICHARD H. BROUN, DIRECTOR OFFICE OF ENVIRONMENTAL QUALITY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 451 7TH STREET, S.W. WASHINGTON, D.C, 20410 (202) 755-6308	CHELSEA NAVAL HOSPITAL URBAN RENEWAL PROJECT, CHELSEA, MASSACHUSETTS	DRAFT 81388		THE AVAILABILITY OF THIS DEIS SHOULD HAVE BEEN ANNOUNCED IN THE FR DATED NOVEMBER 21, 1978. THE SCHEDULED REVIEW PERIOD WILL TERMINATE ON JANUARY 5, 1979.

ABSTRACT:

MASSACHUSETTS
COUNTY: SUFFOLK
PROPOSED IS THE REDEVELOPMENT AND RECONSTRUCTION OF THE CHELSEA NAVAL HOSPITAL SITE LOCATED IN THE CITY OF CHELSEA, SUFFOLK COUNTY, MASSACHUSETTS. THE PROGRAM INCLUDES: 1) A WATERSIDE PUBLIC PARK OF 26 ACRES; 2) CONSTRUCTION OF 1170 RESIDENTIAL UNITS INCLUDING 300 DUPLEX TOWNHOUSES, 570 MIDRISE APARTMENTS, 300 SUBSIDIZED ELDERLY APARTMENTS, AND PARKING FOR 700 CARS; 3) A MARINA FOR 250 BOATS AND A 350 SEAT RESTAURANT; AND 4) 200,000 SQUARE FEET OF INDUSTRIAL USE.
(EPA ORDER # 81388)

[FR Doc. 79-3906 Filed 2-2-79; 8:45 am]

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[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1051-4; OPP-66050]

PESTICIDE PROGRAMS

Intent To Cancel Registrations of Certain Pesticide Products

Pursuant to Section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136), firms listed below have requested that the Environmental Protection Agency (EPA) cancel the registrations of several pesticide products. Such cancellation shall be effective on or before March 7, 1979, unless the registrant or an interested person with the concurrence of the registrant, requests that the registration be continued in effect.

The Agency has determined that the distribution and sale of stocks of these products which were produced on or before the effective date of cancellation would not be inconsistent with the purposes of FIFRA and would not have an unreasonable adverse effect on the environment. Therefore, the distribution and sale of existing stocks of these products shall be permitted until the supply is exhausted or for one year after the effective date of cancellation, whichever occurs earlier: *Provided,* That these products shall be used only in a manner consistent with the label and labeling registered with EPA. Production of these products after the effective date of cancellation will be considered a violation of FIFRA.

Requests that the registration of these products be continued may be submitted in triplicate to the Process Coordination Branch, Registration division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. Any comments filed regarding this notice of intended cancellation will be available for public inspection in the office of the Process Coordination Branch from 8:30 a.m. to 4:00 p.m. Monday through Friday.

The registrants concerned and the products affected by this action are listed below.

Dated: January 26, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

EPA register No.	Product name	Registrant
168-24	Paint Over Duracide	Entrada Industries, Inc., Wasatch Chemical Div., P.O. Box 6219, Salt Lake City, UT 84108.
218-445	Arcadian Kilmag	Allied Chemical Corp., P.O. Box 1057-R, Morristown, NJ 07960.
218-661	Allied Chemical Sodium Arsenate	Do.
239-2259	Ortho Telone Soil Fumigant	Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804.
1990-318	Co-Op Telone II Soil Fumigant	Farmland Industries, Inc., P.O. Box 7305, Kansas City, MO 64116.
8294-18	COM-O-Brush LV 20-10	Comet Mfg. Corp., 1381 Dalon Dr., N.E., Atlanta, OA 30306.
6294-19	COM-O-Brush LV Bush Killer	Do.
11856-31	Telone Soil Fumigant	Western Farm Service, Inc., 1025 Connecticut Ave., Suite 200, Washington, DC 20036.
29778-1	Bacton-10	Ronald L. Voda, Inc., 9119 Katy Freeway, Houston, TX 77024.

[FR Doc. 79-3742 Filed 2-2-79; 8:45]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[No. AC-52]

FIRST SAVINGS & LOAN ASSOCIATION, NEW BRUNSWICK, N.J.

Approval of Conversion Application (Final action)

JANUARY 31, 1979.

Notice is hereby given that on January 18, 1979, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. — approved the application of First Savings and Loan Association, New Brunswick, New Jersey, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the office of the Secretary of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and the Office of the Supervisory agent of said Corporation at the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York 10048.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 79-3873 Filed 2-2-79; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 26, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB and FCC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before February 20, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

CIVIL AERONAUTICS BOARD

The CAB requests clearance of new Form 296B, Registration and Amendment under Part 296 of the Economic Regulations of the Civil Aeronautics Board. This form must be filed by every air freight forwarder and cooperative shippers association before the start of operations as an indirect air carrier, pursuant to Part 296 of the Board's Economic Regulations and Section 407 of the Federal Aviation Act of 1958, as amended. This form is a simplified application form for indirect cargo carriers (air freight forwarders, foreign air freight forwarders and cooperative shippers associations) and replaces the current detailed operating authorization application, Form 351. Respondents are estimated by CAB to number 400 and reporting burden is estimated to average 30 minutes per registration.

The CAB requests clearance of new Form 296R, Financial and Operating Report for U.S. and Foreign Indirect Air Carriers. This form will be filed by air freight forwarders, foreign air freight forwarders and cooperative shippers associations pursuant to Part 296 of the Board's Economic Regulations and is mandatory under Section 407 of the Federal Aviation Act of 1958, as amended. This form combines and simplifies the reporting requirements for this class of carrier and supersedes CAB Forms 244 and 244A. The CAB estimates respondents will number approximately 400 and that reporting burden will average 30 minutes per annual report.

FEDERAL COMMUNICATIONS COMMISSION

The FCC requests clearance of revisions to Form 730, Application for Registration of Equipment to be Connected to the Telephone Network. Form 730 is required by Part 68 of the FCC Rules and Regulations and is being revised to facilitate the processing of the requested information. The form is used by equipment manufacturers to provide data and information to obtain registration of telephone equipment. The form is used by the Commission to assist in making a determination that such equipment will not cause harm to telephone networks. FCC estimates there are approximately 900 respondents who complete the form annually and that respondent burden averages 24 hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 79-3856 Filed 2-2-79; 8:45 am]

[6820-24-M]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-480]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent in conjunction with the Administrator of General Services the interests of the executive agencies of the Federal Government in a service reduction proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Arkansas Public Service Commission involving the application of the Arkansas Power and Light Company for an increase in its rates for electric service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

JANUARY 24, 1979.

[FR Doc. 79-3779 Filed 2-2-79; 8:45 am]

[6820-24-M]

[Temporary Regulation E-55]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent in conjunction with the Administrator of General Services the interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Service Commissions of Alabama, Kentucky, Mississippi, and Tennessee involving the application of South Central Bell Telephone Company for obsolescence of Series 5000 TELPAK Service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

JANUARY 24, 1979.

[FR Doc. 79-3780 Filed 2-2-79; 8:45 am]

[4110-02-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COMMITTEE ON BLACK HIGHER EDUCATION AND BLACK COLLEGES AND UNIVERSITIES

Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the ninth meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1). This document is intended to notify the general public of their opportunity to attend.

DATE: March 5 and 6, 1979, 9:00 a.m. to 5:00 p.m.

ADDRESS: Dillard University, International Room, Dent Hall, 2601 Gentilly Boulevard, New Orleans, Louisiana 70122.

FOR FURTHER INFORMATION CONTACT:

Ms. Carol J. Smith, Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities, Room 4913, ROB-3, 400 Maryland Avenue, SW., Washington, D.C. 20202, AC 202-245-2825 or 245-2352.

The National Advisory Committee on Black Higher Education and Black Colleges and Universities is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 et seq.) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees.

The Committee is directed to advise the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, and the Commissioner of Education. The Committee shall examine all approaches to higher education of Black Americans as well as the

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needs of historically Black colleges and universities.

The meeting on March 5 and 6, 1979, will be open to the public beginning at 9:00 a.m. and ending 5:00 p.m. each day. The meeting will be held at Dillard University, International Room, Dent Hall, 2601 Gentilly Boulevard, New Orleans, Louisiana 70122.

The proposed agenda will include review of staff reports on (1) access of Black Americans to higher education and (2) institutional diversity; status of commissioned research; recommendations on reauthorization of higher education legislation, and discussion of Blacks in two-year institutions; and plan for the forthcoming 1978 Annual Report.

Interested individuals and/or organizations are invited to address the Committee regarding its mandate. Two hours have been set aside on the morning of Tuesday, March 6, 1979, for this purpose. Individuals/organizations desiring to be placed on the Agenda should notify the Program Delegate, Ms. Carol J. Smith, on or before COB February 19, 1979.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the National Advisory Committee on Black Higher Education and Black Colleges and Universities located 7th and D Streets, SW., Room 4913, ROB-3, Washington, D.C.

Signed at Washington, D.C. on January 31, 1979.

CAROL J. SMITH,
Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities.

[FR Doc. 79-3863 Filed 2-2-79; 8:45 am]

[4310-55-M]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Dr. Wilbur J. Gunier, 316 South Williams, Moberly, Missouri 65270.

The applicant requests a permit to capture gray bats (*Myotis grisescens*) for banding and release for scientific research.

Humane care and treatment has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO) Washington, D.C. 20240.

This application has been assigned file number PRT 2-3745. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 7, 1979. Please refer to the file number when submitting comments.

Dated: January 30, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

FR Doc. 79-3891 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: John S. Kessler, U.S. Army Corps of Engineers, Louisville District, Taylorsville, Kentucky 40071.

The applicant requests an amendment to his present permit for scientific research with Indiana bats (*Myotis sodalis*) to salvage and take for identification and release or vouchering the following species at locations or projects of interest to his agency: gray bat (*Myotis grisescens*), fat pocketbook pearly mussel (*Potamilus capax*), Higgenseye pearly mussel (*Lampsilis higginsi*), orange-footed pimpleback mussel (*Plethobasis cooperianus*), pink mucket pearly mussel (*Lampsilis o. orbiculata*), rough pig toe pearly mussel (*Pleurobema plenum*), Sampson's pearly mussel [*Epioblasma (=Dysnomia) sampsoni*], tuberculed-blossom pearly mussel [*Epioblasma (=Dysnomia) t. torulosa*], white cats paw pearly mussel [*Epioblasma (=Dysnomia) sulcata delicata*], and white warty-back pearl (*Plethobasis cicatricosus*).

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

This application has been assigned file number PRT 2-2249. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 31, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3892 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Earl and Olive Lippoldt, P.O. Box 2067, South Parde Island, Texas 78597.

The applicant requests a permit to take Atlantic ridley (*Lepidochelys kempi*) leatherback (*Dermochelys coriacea*) and hawksbill (*Eretmochelys imbricata*) sea turtles for the purpose of enhancement of survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Services, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3340. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 7, 1979. Please refer to the file number when submitting comments.

Dated: January 31, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3893 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED AND THREATENED SPECIES PERMIT

Receipt of Application

Applicant: North Carolina State Office of Marine Affairs, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611.

The applicant requests a permit to take sick or injured hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*) and Atlantic ridley (*Lepidochelys kempi*) sea turtles for the purpose of enchancement of survival through rehabilitation, and to take up to six green (*Chelonia mydas*) and eighteen loggerhead (*Caretta caretta*) sea turtles for zoological exhibition and educational purposes.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO) Washington, D.C. 20240.

This application has been assigned file number PRT 2-3605. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 30, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3887 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipts of Application

Applicant: Dr. Charles van Riper III P.O. Box 54, Hawaii Volcanoes National Park, Hawaii 96718.

The applicant requests a permit to capture Palila (*Psittirostra bailleui*) on Mauna Kea, Hawaii, with mist nets for banding, measurement, and release for scientific research.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N Glebe Road, Arlington, Virginia, or by writing to the Directory, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3726. Interested persons may comment on this application by submitting written date, views, or arguments to the Director at the above address on or before March 7, 1979. Please refer to the file number when submitting comments.

Dated: January 31, 1979.

LARRY LAROCHELLE,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3895 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112.

The applicant requests a permit to export one (1) male captive-bred Przewalski's horse, *Equus przewalskii*, from San Diego, California to the Leipzig Zoo, German Democratic Republic for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO) Washington, D.C. 20240.

This application has been assigned file number PRT 2-3594. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 7, 1979. Please refer to the file number when submitting comments.

Dated: January 23, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

FR Doc. 79-3894 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Utah Division of Wildlife Resources, 1596 West North Temple, Salt Lake City, Utah 84116.

The applicant requests an amendment to their endangered species permit PRT 2-458 to take (capture) bald eagles (*Haliaeetus leucocephalus*) within the state of Utah for banding and release for scientific research.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

This application has been assigned file number PRT 2-458. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 7, 1979. Please refer to the file number when submitting comments.

Dated: January 31, 1979.

LARRY LA ROCHELLE,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3898 Filed 2-2-79; 8:45 am]

[4310-55-M]

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive-Self Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR § 17.11 as T(C/P). Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, USFWS, WPO, Washington, D.C. 20240. Interested persons may comment on these applications on or before March 7, 1979, by submitting written data, views, or arguments to the Director at the above address.

Applicant: J. Richard Coffing, R.R. No. 1, Roann, Indiana; PRT 2-3689; Species: all pheasants.
Applicant: Lee Richardson Zoo, Box 499, Garden City, Kansas; PRT 2-3709; Species: all pheasants.
Applicant: James W. Nash, Box 1238, Bonners Ferry, Idaho; PRT 2-3710; Species: all pheasants.
Applicant: Hiram Adams, Jr., 24595 Middlebelt, New Boston, Michigan; PRT 2-3703; Species: all pheasants.
Applicant: Virgil M. House, 22135 W. Baseline, Beaverton, Oregon; PRT 2-3748; Species: all pheasants.
Applicant: Richard A. Wollison, 1621 64th St. CRT E., Bradenton, Florida; PRT 2-3759; Species: all pheasants.

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: January 30, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3889 Filed 2-2-79; 8:45 am]

[4310-55-M]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Charles and Cynthia McGehee, 539 Avacado Circle, Brandon, Florida 35116.

V 4 4 / 2 5 F E 5 7 9 UMI

The applicant wishes to apply for a Captive-Self Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of cats listed in 50 CFR § 17.11 as T(C/P). Human shipment and care in transit is assure.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3690. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 30, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3888 Filed 2-2-79; 8:45 am]

[4310-55-M]

RECEIPT OF APPLICATION FOR PERMIT

Notice is hereby given that an Applicant has applied in due form for a Permit to take polar bears as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant: a. Name Director; b. Address National Fish and Wildlife Laboratory, National Museum of Natural History, Washington, D.C. 20560.
2. Type of Permit: Scientific research.
3. Name and Number of Animals: Polar bear (*Ursus maritimus*), 200 annually.
4. Type of Activity: Capture and release.
5. Location of Activity: North and west coast of Alaska, Beaufort and Chukchi Seas and high seas adjacent to them.
6. Period of Activity: 3 years.

The purpose of this application is to capture by tranquilizing, marking by painting and tattoo, extraction of a premolar tooth for age determination, measure, mount radio transmitters on 55 adults, and release for the purpose of determining if discrete populations exist, identify critical denning areas and elucidate population dynamics.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-3724. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, on or before March 7, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia.

Dated: January 31, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 79-3890 Filed 2-2-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

[NM 35757]

NEW MEXICO

Application

JANUARY 26, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 13 W.,
Sec. 20, SE¼SE¼.

This pipeline will convey natural gas across 0.051 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-3875 Filed 2-2-79; 8:45 am]

[4310-84-M]

[NM 35835, 35836]

NEW MEXICO

Applications

JANUARY 26, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 No., R. 7 W.,
Sec. 1, SW¼ SE¼;
Sec. 12, NW¼NE¼;
Sec. 22, NW¼SE¼.

These pipelines will convey natural gas across 0.629 of a mile of public lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the Disrtrict Manager, Bureau of Land Management, P. O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-3867 Filed 2-2-79; 8:45 am]

[4310-10-M]

Office of the Secretary

OUTER CONTINENTAL SHELF ADVISORY BOARD POLICY COMMITTEE, SOUTH ATLANTIC REGION

Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act. Pub. L. No. 92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The South Atlantic Regional Policy Committee will meet on February 26, 1979, from 9:30 a.m. to 3:30 p.m. at the DeSoto Hilton in Savannah, Georgia.

The meeting will cover the following principal subjects:

(1) Proposed 5-Year Leasing Program for the South Atlantic Area.
(2) Revised OCS Advisory Board Charter.
(3) Review of Exploration Activities in Sale #43 Area.
(4) Regional Oil Spill Response Plan for the South Atlantic Area.
(5) Environmental Studies in the South Atlantic.

The meeting is open to the public. Interested persons may make oral or written presentations to the Board.

Such requests should be made by February 16 to the South Atlantic Chairman:

Lowell Evjen, Director, Office of Planning and Budget, 270 Washington Street, SW., Atlanta, Georgia 30334, 404-656-3861.

Minutes of the meeting will be available for public inspection and copying 6 weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th & C Streets, NW., Washington, D.C.

ALAN D. POWERS,
Director, Office of OCS Program Coordination.

JANUARY 29, 1979.

[FR Doc. 79-3868 Filed 2-2-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

[INT FES 79-5]

PROPOSED LIVESTOCK GRAZING MANAGEMENT IN THE SEVEN LAKES AREA, SOUTH CENTRAL WYOMING, RAWLINGS DISTRICT, WYO.

Availability of Final Environmental Statement

Pursuant to Section 102 (2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared a final environmental statement on proposed livestock grazing management in the Seven Lakes area of south-central Wyoming, and has made copies of the document available for public inspection.

The final statement analyzes environmental impacts that would result from the implementation of the grazing systems in three (3) proposed allotments providing for livestock grazing management and use of available forage on approximately 512,800 acres, including necessary range improvements. The statement further analyzes the environmental impacts that would result from the implementation of each of seven (7) alternatives to that proposal.

Copies of the final statement are available for inspection at the following locations:

Bureau of Land Management, Rawlins District Office, 1300 Third Street, Rawlins, WY 82301.
Bureau of Land Management, Rock Springs District Office, Highway 187 North, Rock Springs, WY 82901.
Bureau of Land Management, Casper District Office, 7 Union Boulevard, Casper, WY 82601.
Bureau of Land Management, Worland District Office, 1700 Robertson Avenue, Worland, WY 82401.
Bureau of Land Management, Lander Resource Area, Highway 287 South, Lander, WY 82520.
Bureau of Land Management, Wyoming State Office, Branch of Records & Data Management, 2515 Warren Avenue, Cheyenne, WY 82001.
Coe Library, University of Wyoming, University Station, Box 3334, Laramie, WY 82071.
Library, Western Wyoming Community College, 2500 College Drive, Rock Springs, WY 82901.
Rock Springs Public Library, 400 C Street, Rock Springs, WY 82901.
Fremont County Library, 451 North Second Street, Lander, WY 82520.
Carbon County Public Library, Court House, Rawlins, WY 82301.
Saratoga Public Library, 104 West Elm, Saratoga, WY 82331.
Encampment Branch Library, Encampment, WY 82325.
Albany County Public Library, 405 Grand Avenue, Laramie, WY 82070.
Casper College Library, 125 College Drive, Casper, WY 82601.
Laramie County Library, 2800 Central Avenue, Cheyenne, WY 82001.
Library of Natrona County, 307 East Second, Casper, WY 82601.
Library, Laramie County Community College, 1400 East College Drive, Cheyenne, WY 82001.
Wyoming State Library, Government Publications, Supreme Court & State Library Building, Cheyenne, WY 82002.

Single copies of the final statement can be obtained from the Team Leader, Bureau of Land Management, Seven Lakes Environmental Statement, P.O. Box 670, Rawlins, Wyoming 82301; or the State Director (952), Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: January 31, 1979.

ARNOLD E. PETTY,
Acting Associate Director.

[FR Doc. 79-3854 Filed 2-2-79; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-52]

CERTAIN APPARATUS FOR THE CONTINUOUS PRODUCTION OF COPPER ROD

Commission Determination Amending Complaint and Notice of Investigation

Background. On April 11, 1978, Southwire Company filed a complaint which led to the institution of this investigation on May 15, 1978 (43 FR 21951 (May 22, 1978)). On November 3, 1978, complainant Southwire Company moved, pursuant to Commission rule 210.20(d) (19 CFR 210.20(d)), to amend its complaint (Motion 52-68) to include a charge of infringement of U.S. Patent No. 4,129,170 (hereinafter the '170 patent). Complainant had been informed by the U.S. Patent and Trademark Office on October 17, 1978 that the patent application under consideration would issue on December 12, 1978. The patent in fact issued on December 12, 1978, and a copy was filed with the Commission on January 10, 1979. The investigation, as instituted by the Commission, is based on allegations of patent infringement and misuse of patents owned by complainant involving apparatus for the continuous production of copper rod. In addition, allegations have been made that complainant's know-how and trade secrets have been misappropriated by respondents.

On December 7, 1978, Administrative Law Judge Saxon recommended that the Commission grant complainant's motion and amend the notice of investigation accordingly.

Commission determination. Having considered the recommendation of the Administrative Law Judge and the submissions of the parties, the Commission DETERMINES that complainant here shows good cause for amendment to the complaint and that amendment would not prejudice the interests of the public and the rights of the parties (rule 210.20(d)). Thus, the complaint and the notice of investigation are amended in accordance with the proposed amended complaint attached to Motion 52-68, so as to add an allegation of violation of section 337 by reason of infringement of U.S. Letters Patent No. 4,129,170, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States.

Opinion. Complainant's motion was made under Commission rule 210.20(d), which states:

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(d) Amendment of complaint. The complaint may be amended at any time prior to the institution of the investigation, and, after institution, may be amended for good cause shown upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties to the investigation by a change in the scope of the investigation which results from such amendment.

The Administrative Law Judge recommended granting the motion and certified the motion to the Commission pursuant to Commission rule 210.22.

Respondents oppose the motion to amend on the grounds that (1) the Commission lacks authority to investigate infringement of this newly issued patent; (2) the complainant has failed to show "good cause" to allow the amendment of the complaint; and (3) this amendment will result in respondents' being prejudiced in the preparation of the defense of this investigation.

Imports occurring after the issue date of this patent could be in violation of section 337, and the Commission has the authority to investigate such possible violation. If the petitioners had alleged the infringement of their patent rights prior to issuance of their patent, the matter would have been premature since there is no provision whereby a complainant may request the Commission to act to restrain acts which would infringe a pending patent application. However, the patent has now been issued and the question of its infringement is properly before the Commission.

Complainant has fulfilled the "good cause" requirements of Commission rule 210.20(d) governing amendment of complaint. The amendment of the complaint and notice of investigation will allow all the issues related to the alleged unfair acts of respondents to be resolved in one investigation. To require the Commission to commence a separate investigation of the '170 patent would result in needless expenditure of time, funds, and energy by the parties and the Government. We therefore find there is good cause to amend the complaint and notice of investigation. Respondents claim that the addition of a new allegation of patent infringement at this stage of the investigation will leave them in a position of being unable to conduct full discovery and unable to fully prepare for hearings. We find respondents' claim of prejudice unconvincing since the '170 patent is closely related to the subject matter of this investigation. A second investigation of the same subject matter would cause unnecessary expense, delay, uncertainty, and duplication of effort. The parties here, as well as the Commission, have an interest in the speedy and economical resolution of this matter; this interest will be protected by allowing the investigation to cover this patent, which is so closely related to the patent presently involved in this investigation. Respondents' interest in and rights to full discovery are adequately protected, as pointed out by Judge Saxon:

Since the Commission designated this a more complicated investigation, there will be additional time available for discovery, and respondents will not be precluded from a fair hearing because of a need for extensive discovery.

Furthermore, Judge Saxon has ordered that full discovery on the '170 patent proceed during Commission consideration of the proposed amendment.

Since there is authority for the Commission to consider the alleged infringement of this new patent and since good cause exists to allow the amendment and since there will be no prejudice to other parties or the public, the Commission grants the motion to amend the complaint.

Issued: January 31, 1979.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-3910 Filed 2-2-79; 8:45 am]

[4410-09]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 78-20]

JAMES HANCOCK McCONKEY, N.D., SPRINGFIELD, OREG.

Hearing

Notice is hereby given that on September 19, 1978, the Drug Enforcement Administration, Department of Justice, issued to James Hancock McConkey, N.D., Springfield, Oregon, an Order to Show Cause as to why the Drug Enforcement Administration should not deny respondent's application for registration as a practitioner under the Controlled Substances Act.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, February 13, 1979, in Courtroom No. 2, Third Floor, Pioneer Courthouse, SW., 6th and Morrison Streets, Portland, Oregon.

Dated: January 30, 1979.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 79-3826 Filed 2-2-79; 8:45 am]

[4410-18-M]

Law Enforcement Assistance Administration

RESPONSE TO PUBLIC COMMENT AND NOTICE OF ISSUANCE

AGENCY: Law Enforcement Assistance Administration, Department of Justice.

ACTION: Response to public comment and notice of issuance.

SUMMARY: The Law Enforcement Assistance Administration (LEAA) published in the FEDERAL REGISTER on October 18, 1978 (43 FR 48086-7) the draft Change 4 to Guideline Manual M 4100.1F, State Planning Agency Grants. This notice sets forth the comments received, the changes made, and the issuance, distribution and availability of the final Change 4.

COMMENTS RECEIVED: No public comments were received within the 60 day period. as a result, only minor revisions were made to the draft to clarify that the plan submission dates apply to juvenile justice formula grant as well as block grant applications, and that all plan special requirements must be submitted by July 31, 1979. In addition, technical revisions were made to Appendix 5 "Explanation of General Grant Conditions and Assurances" to conform with the requirements of the 1977 Amendments to the Juvenile Justice and Delinquency Prevention Act.

ISSUANCE AND DISTRIBUTION: Guideline Manual M 4100.1F, State Planning Agency Grants, sets forth requirements for the application for, award, and administration of Part B planning grants and Parts C and E block grants under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and of formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The Guideline Manual is of primary concern to all State Planning Agencies, Regional Planning Units, and local criminal justice planning and coordinating bodies.

All holders of M 4100.1F, State Planning Agency Grants will, in accordance with normal LEAA procedures, receive notice of Change 4 along with replacement pages for insertion in the manual.

Other interested persons may obtain copies of M 4100.1F (including Change 4) by writing LEAA, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

EXPLANATION OF FINAL CHANGE: Change 4 to LEAA Guideline Manual M 4100.1F, State Planning Agency Grants, makes the following revisions:

1. Chapter 1, paragraph 7, is modified to require the submission of fiscal year 1980 planning grant applications by May 31, 1979, and fiscal year 1980 block and formula grant applications by July 31, 1979.

2. Chapter 3, paragraph 43, is modified to suggest the following timetable for phased submission of fiscal year 1980 comprehensive plan components where such submission is necessary:

COMPREHENSIVE PLAN COMPONENT AND SUBMISSION DATE
(1), Crime analysis; (2) resources, manpower, organizations, capabilities, and systems; and (3) problem analysis, March 30, 1979.
(1) Goals and objectives; (2) criminal justice standards; and (3) priorities, May 30, 1979.
(1) Comprehensive multiyear action plan; (2) annual action plan; (3) program descriptions; and (4) special requirements, July 31, 1979.

3. Chapter 3, paragraph 63 is modified to require the submission by the State Planning Agency of a report on plan implementation by no later than August 31, 1979. Paragraph 63 is further modified to delete subsection 63a(2)(b) in its entirety. Information about continuation support for programs and projects previously funded with block grant moneys is no longer required as part of the State report on plan implementation, since it will be obtained by other means.

4. Appendix 4, "General Grant Conditions and Assurances," paragraph 3, is modified to add at the end of the paragraph the following: "The State further agrees that any application for funds, technical assistance, or training involving purchase or use of electronic surveillance equipment to monitor wire or oral communications or other action touching on the subject of electronic surveillance of such communications, will be reviewed to assure that the State has enacted enabling legislation pursuant to 18 U.S.C. section 2516(2) or meets the requirements of the special justification in Appendix 5."

5. Appendix 5, "Explanation of General Grant Conditions and Assurances" is modified to reflect the 1977 amendments to the Juvenile Justice and Delinquency Prevention Act and to add the following paragraph 49:

Under 18 U.S.C. section 2512, transactions involving devices "primarily useful for the purpose of the surreptitious interception of wire or oral communication," advertisement thereof, and advertising which promotes the use of any devices for such purposes are prohibited unless, in the case of a State officer, his conduct with regard to such a device falls within "the normal course of activities of . . . (the) State . . . 18 U.S.C. section 2515(2)(b).

Normally, officers of a State which has no enabling statute under 18 U.S.C. section 2516(2) would have no occasion to use, possess, or otherwise deal with devices within the scope of 18 U.S.C. section 2512(1). Without such legislation only consensual use is permitted. No grants relating to such devices and their use will be authorized in States which do not have enabling legislation unless special justification, as explained below, is furnished. Accordingly, all applications that list the acquisition of equipment, with either Federal or matching funds, that may be utilized for electronic surveillance purposes, in a state that does not have any enabling legislation, must include as part of the budget narrative for such equipment the following information:

(1) A complete description of each item of equipment to be obtained.

(2) A statement of how each item of equipment will be used.

(3) The legal citations and justifications for the purchase and intended use of each item of equipment.

(4) A description of the controls to be established over access to, the use of and ultimate disposal of such equipment.

Each application must contain the following statement signed by the Project Director: "(Applicant) agrees not to purchase or use in the course of this project any electronic, mechanical, or other device for surveillance purposes in violation of 18 U.S.C. section 2511 and any applicable State statute related to wiretapping and surveillance."

The SPA will review all grant applications to assure compliance.

6. Chapter 2, paragraph 15 is modified to clarify that States may continue juvenile justice and delinquency prevention projects funded under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for a period beyond the maximum length of time allowed under the assumption of costs policy. The State planning agency may extend a project for one year with possible extension for one additional year, based upon the following criteria:

a. The project has been evaluated, and the evaluation indicates that the project is effective and is being operated efficiently;

b. Discontinuation would have a negative impact on State or local juvenile-related activities; and

c. The project has demonstrated a good faith effort to obtain funding elsewhere and intends to continue such efforts over the period of the extension.

FOR FURTHER INFORMATION CONTACT:

Lynn Dixon, Office of Planning and Management, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (202) 376-3762.

HENRY S. DOGIN,
Deputy Administrator for Policy Development.

[FR Doc. 79-3874 Filed 2-2-79; 8:45 am]

[6820-AC-M]

NATIONAL COMMISSION ON SOCIAL SECURITY

MEETING

The National Commission on Social Security will hold a public meeting at Washington, D.C. on February 16, 1979 in Room 410 of the National Archives Building at 7th Street and Pennsylvania Avenue, N.W. Entrance to the building is located on Pennsylvania Avenue. The purpose of the meeting is to discuss the social security disability program.

The meeting will begin at 9:00 AM and continue until Commission business is completed by not later than 5:00 PM. The meeting will be open to the public, in accordance with the Federal Advisory Committee Act.

Additional information about the meeting may be obtained from the Commission office: Room 131 A—Pension Building, 440 G Street, N.W., Washington, D.C. Phone: 376-2622.

Earlier notice of the meeting was not possible because of administrative problems associated with organizing the Commission staff.

FRANCIS J. CROWLEY,
Executive Director.

[FR Doc. 79-3934 Filed 2-2-79; 8:45 am]

[7536-01-M]

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Meeting

JANUARY 30, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C., on February 22-23, 1979.

The purpose of the meeting is to advise the Chairman of the National

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Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., 1st Floor Conference Room, Washington, D.C. The session of the proposed meeting on February 22, 1979, and the afternoon session on February 23, 1979, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The morning session on February 23, 1979, will convene at 8:30 a.m. and will be open to the public. The agenda for the morning session will be as follows:

MINUTES OF THE PREVIOUS MEETING

REPORTS

A. Chairman's Introductory Remarks and Introduction of New Staff Members.
B. Summary of Recent Business.
C. Chairman's Grants.
D. Application Report.
E. Gifts and Matching Report.
F. Evaluation.
G. Jefferson Lecture Arrangements.
H. FY 1980 Appropriations Request.
I. Commission on the Humanities.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 79-3778 Filed 2-2-79; 8:45 am]

[7555-01-M]

NATIONAL SCIENCE FOUNDATION

COMMITTEE MANAGEMENT ADVISORY COMMITTEE FOR MINORITY PROGRAMS IN SCIENCE EDUCATION

Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the Advisory Committee for Minority Programs in Science Education is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 14.(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory committee shall expire on January 31, 1981, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

RICHARD C. ATKINSON,
Director.

JANUARY 31, 1979.

[FR Doc. 79-3877 Filed 2-2-79; 8:45 am]

[7555-01-M]

COMMITTEE MANAGEMENT ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the Advisory Committee for Science Education is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 14.(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory committee shall expire on January 31, 1981, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

RICHARD C. ATKINSON,
Director.

JANUARY 31, 1979.

[FR Doc. 79-3876 Filed 2-2-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket No. PRM-2-6]

ECKERT, SEAMANS, CHERIN & MELLOTT

Filing of Petition for Rule Making

Notice is hereby given that Eckert, Seamans, Cherin & Mellott, 600 Grant Street, Pittsburg, Pennsylvania, by letter dated December 29, 1978, has filed with the Nuclear Regulatory Commission a petition for rule making to amend the Commission's regulations.

The petitioner requests the Commission to amend its regulation "Rules of Practice for Domestic Licensing Proceedings", 10 CFR Part 2 and any other pertinent regulations to prescribe time periods for completion of licensing review by the Commission's Regulatory Staff and Atomic Safety and Licensing Boards.

The petitioner states that:

The timely completion of Commission licensing proceedings is in large measure dependent on (1) the duration of application review by the Regulatory Staff under the immediate direction and control of the Director of Nuclear Reactor Regulation, and (2) the duration of the hearing process controlled by the Atomic Safety and Licensing Boards. The Commission's existing Rules of Practice are silent with regard to the responsibilities of the Regulatory Staff in this regard and only prescribe some time limits for the Atomic Safety and Licensing Boards. In recent years there has been an increasing tendency by the Regulatory Staff to miss, without apparent justification, scheduling commitments, and other evidence of Staff difficulty in properly managing its review function so as to bring it to a conclusion within a reasonable length of time. It is believed that such unnecessary delay on the part of the Regulatory Staff can be attributed in part to the lack of any regulations prescribing time periods for application review. It is therefore submitted that regulations of the type proposed which would prescribe time limitations for Regulatory Staff application review, limitations which could be modified for good cause shown, are needed to insure that the Staff pays more than mere lip service to the Commission's mandate for timely decision making.

The petitioner proposes that a Subpart J—Duration of Commission Review—be added to 10 CFR Part 2 in order to insure the making of both sound and timely licensing decisions by the Regulatory Staff. Two amendments to existing sections of Part 2 also are proposed by the petitioner with the view of insuring timely completion of the Atomic Safety and Licensing Board hearing process. The text of the proposed Subpart J and the amendments of §§ 2.751a(a)(4) and 2.760 is set out in the petition.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch, by April 6, 1979.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7086.

Dated at Washington, D.C. this 30th day of January 1979.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 79-3831 Filed 2-2-79; 8:45 am]

[7590-01-M]

[Docket No. 50-302]

FLORIDA POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the license for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment becomes effective on February 23, 1979.

The amendment modifies the license to include the current Commission-approved physical security plan.

The licensees' filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensees' filing dated February 1, 1978, revised May 17 and November 10, 1978, and the Commission's Security Plan Evaluation Report are proprietary information and are being withheld from public diclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provision of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 18 to License No. DPR-72 and (2) the Commission's related letter to the Florida Power Corporation dated January 24, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Crystal River Public Library, Crystal River, Florida. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of January 1979.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-3786 Filed 2-2-79; 8:45 am]

[7590-010M]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-63, issued to Niagara Mohawk Power Corporation (the licensee), which revised the Technical Specifications for operation of the Nine Mile Point Nuclear Station Unit No. 1 (the facility), located in Oswego County, New York. The amendment is effective as of the date of its issuance.

The amendment revised the Technical Specifications to incorporate requirements for establishing and maintaining the drywell to suppression chamber differential pressure and suppression chamber water level, to maintain the margins of safety established in the Commission staff's "Mark I Containment Short Term Program Safety Evaluation," NUREG-0408. Operation in accordance with the conditions specified in NUREG-0408 has been previously authorized in 43 FR 13110 on March 29, 1978.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) applications for amendment dated May 19 and 25, 1977, (2) Amendment No. 26 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Oswego County Library, 46 E. Bridge Street, Oswego, New York 13126. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of January 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-3787, Filed 2-2-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-445 and 50-446]

TEXAS UTILITIES GENERATING CO., ET AL. (COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2)

Availability of Applicant's Environmental Report, Consideration of Issuance of Facility Operating Licenses, and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) will consider the issuance of facility operating licenses to Texas Utilities Generating Company, Dallas Power & Light Company, Texas Electric Service Company, and Texas Power & Light Company (the applicants) which would authorize the applicants to possess, use, and operate the Comanche Peak Steam Electric Station, Units 1 and 2, in accordance with the provisions of the license and

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the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation on the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of the report on the applicants' application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Notice of Receipt of Application for Operating Licenses was published in the FEDERAL REGISTER on May 12, 1978 (43 FR 20583). Construction of the facilities, which are located in Somervell County, Texas, was authorized by Construction Permit Nos. CPPR-126 and CPPR-127, issued by the Commission on December 19, 1974. Construction of Unit 1 is anticipated to be completed by August 1, 1981, and Unit 2 by August 1, 1983.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulation of the Commission in 10 CFR Part 51, an Environmental Report which discusses environmental considerations related to the proposed operation of the facilities. The Environmental Report is being made available at the State Clearinghouse, Governor's Budget and Planning Office, Executive Office Building, 411 West 13th Street, Austin, Texas 78701, and the North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76011.

After the Environmental Report has been analyzed by the Commission's staff, a Draft Enviornmental Statement will be prepared. Upon preparation of the Draft Environmental Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER, a notice of availability of the Draft Statement requesting comments from interested persons on the Draft Statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The Draft Environmental Statement will focus only on any matters which differ from those previously discussed in the Federal Environmental Statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Prior to issuance of any operating licenses, the Commission will inspect the facilities to determine whether they have been constructed in accordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicants will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By March 5, 1979, the applicants may file a request for a hearing with respect to issuance of the facility licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without prior approval of the presiding officer at any time up to fifteen (15) days prior to the first prehearing conference scheduled in this proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by March 5, 1979. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission Washington, D.C., 20555, and to Nicholas S. Reynolds, Esq., Debevoise & Liberman, 1200 17th Street, N.W., Washington, D.C. 20036, attorney for the applicants. Any questions or requests for additional information regarding the content of this notice should be addressed to the chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearings will not be entertained absent a determination by the Commission, the presiding officer, or the atomic Safety and Licensing board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR § 2.714(a)(1)(i)–(v) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated February 27, 1978, and the applicants' Environmental Report dated January 1979, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Sommervell County Public Library, On the Square, P.O. Box 417, Glen Rose, Texas 76043. As they become available, the following documents may be inspected at the above locations: (1) the Safety Evaluation Report prepared by the Commission's staff; (2) the Draft Environmental Statement; (3) the Final Environmental Statement; (4) the Report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Project Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff Safety Evaluation Report and Final Environmental Statement, when available, may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 26th day of January 1979.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch No. 4, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 79-3785 Filed 2-2-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 26, 1979 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

This list includes:

The name of the agency sponsoring the proposed collection of information;

The title of each request received;

The agency form number(s), if applicable;

The frequency with which the information is proposed to be collected;

An indication of who will be the respondents to the proposed collection;

The estimated number of responses;

The estimated burden in reporting hours; and

The name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary
Questionnaire for Directory of Rural Primary Care
Delivery models
OS-2-79
Single-time
Rural primary care programs
2,000 responses; 1,000 hours
Richard Eisinger, 395-3214

DEPARTMENT OF LABOR

Labor Management and Service Administration
Survey of pension plan coverage and vesting
LMSA-91T/CPS-669
Single-time
Employed persons in one-half the May 1979 CPS
30,000 responses; 5,000 hours
Strasser, A., 395-5080

REVISIONS

VETERANS ADMINISTRATION

Application for Physicians and Dentists
VA 10-2850
On occasion
Physician and dentist applicants
7,000 responses; 5,833 hours
Caywood, D. P., 395-6140

Application for Employment—Professional Nurse
VA 10-2850A
On occasion
Nurse applicants
27,500 responses; 22,917 hours
Caywood, D. P., 395-6140

Application for Residents and Interns
VA 10-2850B
On occasion
Resident and intern applicants
11,000 responses; 9,166 hours
Caywood, D. P., 395-6140

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service
Certification of Transfer of Household Food Stamp Benefits
FNS-286
On occasion
Project areas
42,000 responses; 14,000 hours
Eliett, C. A., 395-5080

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service
Monthly report of participation and coupon issuance—food stamp program
FNS-256
Monthly
Food stamp project areas
36,420 responses; 18,210 hours
Eliett, C. A., 395-5080

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary
Basic Questionnaire Study of Family Economics Pretest
OS-3-79
Annually
Heads of Households in Michigan longitudinal study
6,300 responses; 3,650 hours
Off. of Federal Statistical Policy and Standard, 673-7974

EXTENSIONS

VETERANS ADMINISTRATION

Annual Status Report—Insured Loans
26-1872
Annually
Mortgage lenders
22 responses; 6 hours
Caywood, D. P., 395-6140

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration
NIDA State Appropriations Survey
ADM 540-1
Annually
Single State Agencies
56 responses; 2,240 hours
Richard Eisinger, 395-3214

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 79-3830 Filed 2-2-79; 8:45 am]

[3110-01-M]

AGENCY FORMS UNDER REVIEW

EDITOR'S NOTE: This class of document, "Agency Forms Under Review," was formerly titled "Clearance of Reports; List of Requests."

BACKGROUND

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

LIST OF FORMS UNDER REVIEW

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Any repetitive reporting requirement or form that requires one-half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised to OMB about this form; such forms are identified in the list by an asterisk (*).

COMMENTS AND QUESTIONS

Copies of the proposed forms may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

Department of Defense

Agency clearance officer—John V. Wenderoth—697-1195.

EXTENSIONS

*Departmental and other
Bidders mailing list application supplement
DD 558-1
On occasion
Prospective DOD contractors
5,000 responses; 2,500 hours
Caywood, D.P. 395-6140

Department of Energy

Agency clearance officer—Albert H. Linden—566-9021.

EXTENSIONS

*DOE traineeship reports
IR-734, A-C
On occasion
Directors of DOE traineeship program
240 responses; 60 hours
Hill, Jefferson B., 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer, Peter Gness, 245-7488.

NEW FORMS

Office of Education
Directory of Women Administrators in Vocational Education
OE-640
Single time
Women Vocational Education Administrators, 10,000 responses; 2,500 hours
Laverne V. Collins, 395-3241

Office of the Secretary
Low-Income Consumers Electronic Funds Transfer System (EFTS) Survey
OS-5-79
Single time
Low-Income Consumers in Boston, 130 responses; 65 hours
Office of Federal Statistical Policy and Standard, 673-7974

EXTENSIONS

Office of Education
Application for Grant Under Bilingual Education Programs
OE 4561
Annually
LEA's, SEA's, IHE's & Non-Profit Organizations, 1,200 responses; 48,000 hours
Budget Review Division, 395-4775

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer, John Kalagher, 755-5184.

NEW FORMS

Federal Insurance Administration
Supplement to Application for One-to-Four Family Homes Insured Improvement Loan (203R, 220H)
FHA-2004-C-1
On occasion
FHA-approved mortgages, 500 responses; 500 hours
Strasser, A., 395-5080

EXTENSIONS

Housing Management
*Recertification of Family Income and Composition, Section 235(J)
FHA 3161
On occasion
Homeowners receiving financial assistance, 2,750 responses; 1,375 hours
Strasser, A., 395-5080

Housing Production and Mortgage Credit
Mortgagee's Application for Property Appraisal and Commitment for Mortgage Insurance Under the NHA
FHA-2800
On occasion
FHA approved lending institutions, 600,000 responses; 150,000 hours
Strasser, A., 395-5080

Housing Production and Mortgage Credit
*Application for Project Mortgage Insurance
FHA-3201
On occasion
Project sponsors, 120 responses; 60 hours
Strasser, A., 395-5080

Housing Production and Mortgage Credit
Application for Assistnce Under Title IV of the Housing Act of 1950, as amended
HUD-4501
On occasion
Colleges and universities, 300 responses; 300 hours
Strasser, A., 395-5080

Housing Production and Mortgage Credit
*Title I Dealer/Contractor Application
FH-13
On occasion
Banks accept from dealers, contractors, suppliers, 10,000 responses; 5,000 hours
Strasser, A., 395-5080

DEPARTMENT OF LABOR

Agency Clearance Officer, Philip M. Oliver, 523-6341.

NEW FORMS

Departmental and Other
Questionnaire for Separated DOL Hispanic Employees
HEP-01
Single time
Former DOL Hispanic employ. Sep. between October 1977 and November 1978, 100 responses; 100 hours
Strasser, A., 395-5080

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer, Bruce H. Allen, 426-1887.

NEW FORMS

Departmental and Other
Automated Guideway Transit Survey
Single time
Atlanta SMSA residents, 600 responses; 21,000 hours
Geiger, Susan B., 395-5867

FEDERAL LABOR RELATIONS AUTHORITY

Agency Clearance Officer, John P. Weld, 632-7737.

NEW FORMS

*Request to Impasses Panel
FLRA-14
On occasion
Unions, 150 responses; 75 hours
Marsha Traynham, 395-6140

*Petition for Consultation on Government-Wide Rules, or Regulations
FLRA 26
On occasion
Unions, 50 responses; 25 hours
Marsha Traynham, 395-6140

REVISIONS

Application Form, Visual Arts, Graphic Designer, Illustrator, Photographer
OPM 1379
On occasion
Employment applicants, 7,500 responses; 15,000 hours
Marsha Traynham, 395-6140

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer, Eugene E. Mynatt, 615-755-2915.

NEW FORMS

Survey of Bass Clubs in Tennessee
TVA 20001 (FF&WD-1-79)
Annually
Bass Clubs, 128 responses; 256 hours
Ellett, C. A., 395-5080

EXTENSIONS

Salary Survey
TVA 5322
Annually
Employ. W/In the Vicinity Which Have Employ. doing Wk. Comp., 50 responses; 50 hours
Ellett, C.A., 395-5080

UNITED STATES INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer, Robert Cornell, 523-0301.

NEW FORMS

Bolts, Nuts, and Large Screws: Producers' Questionnaire and Importers' Questionnaire
Annually
Manufacturers and importers of bolts, and nuts, screws, 80 responses; 1,280 hours
Geiger, Susan B. 395-5867

STANLEY E. MORRIS,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-3969 Filed 2-2-79; 8:45 am]

[7715-01-M]

POSTAL RATE COMMISSION

[Docket No. MC79-1]

MINIMUM FOR CARRIER-ROUTE PRESORTED MAIL

Prehearing Conference

JANUARY 30, 1979.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Of Prehearing Conference", dated January 30, 1979, a prehearing conference is scheduled to be held, to discuss potential issues and tentative schedule of procedural steps in the above-designated proceeding, on February 13, 1979, at 1:30 p.m., Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D. C.

A copy of the Presiding Officer's "Notice Of Prehearing Conference" is available to all interested parties in the Commission's Docket Room at the above-listed address or by calling the Docket Room, at Area Code 202-254-3800.

DAVID F. HARRIS,
Secretary.

[FR Doc. 79-3819 Filed 2-2-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20901; 70-5838]

ARKANSAS-MISSOURI POWER CO.

Post-Effective Amendment Regarding Issuance and Sale of Short-Term Bank Notes

JANUARY 29, 1979.

Notice is hereby given that Arkansas-Missouri Power Company ("Arkansas-Missouri"), 405 West Park Street, Blytheville, Arkansas 72315, a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a third post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated May 4, 1976, April 19, 1977, and April 12, 1978 (HCAR Nos. 19511, 19993, and 20501), Arkansas-Missouri was authorized to issue and sell, from time to time until April 12, 1979, up to $5,500,000 of unsecured, short-term promissory notes to Worthen Bank & Trust Company, Little Rock, Arkansas, for the account of a group of participating banks. As of January 11, 1979, $3,000,000 of such notes were outstanding.

It is now proposed that Arkansas-Missouri issue and sell to Worthen Bank & Trust Company, for the account of a group of participating banks, from time to time during the period commencing on the effective date of the supplemental order herein and continuing for one year thereafter, up to $5,500,000 of unsecured, short-term promissory notes. The notes will be payable in not more than 270 days from the date of issuance and may be renewed from time to time, but will mature not later than one year from said effective date. As the notes mature, they will be renewed or repaid out of funds then available to the company. The notes will, at the option of the company, be prepayable in whole or in part, at any time without premium or penalty. The names of the participating banks and the estimated maximum amounts of their respective participations in the new borrowings to be made by Arkansas-Missouri are to be supplied by amendment.

It is stated that the notes will bear interest, payable quarterly and at maturity, on the unpaid principal amount thereof at the prime commercial loan rate of Chemical Bank, New York, New York, in effect from time to time on borrowings having a 90-day maturity by responsible and substantial corporate borrowers; provided, however, that such rate will not exceed the maximum rate of interest chargeable to corporate borrowers under applicable laws. On the basis of Chemical Bank's prime commercial loan rate of 11¾% per annum in effect on January 23, 1979, but giving effect to the current interest rate limitation of 10½% per annum chargeable by the bank on Arkansas-Missouri's proposed borrowings (which the company understands is 1% in excess of the Federal discount rate), Arkansas-Missouri's cost of money in respect of the proposed borrowings would be 10½% per annum. Arkansas-Missouri will not be required to maintain any compensating balances with, or pay any commitment fee to, any of the participating banks in connection with the proposed borrowings.

Arkansas-Missouri will apply the net proceeds received from the new borrowings to the payment at maturity of the then outstanding bank borrowings referred to above (estimated at that time to aggregate $4,000,000), and the

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balance of said proceeds to the company's construction program. It is stated that the proposed new borrowings will be in addition to other bank borrowings by the company from the First National Bank in Little Rock, Arkansas, which will total not in excess of $5,500,000 at any one time outstanding (File No. 70-6255).

It is represented that no special or separable expenses are anticipated in connection with the proposed notes and that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 20, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3813 Filed 2-2-79; 8:45 am]

[8010-01-M]

[Release No. 20900; 70-6255]

ARKANSAS-MISSOURI POWER CO.

Proposed Issuance and Sale of Short-Term Bank Notes

JANUARY 29, 1979.

Notice is hereby given that Arkansas-Missouri Power Company ("Arkansas-Missouri"), 405 West Park Street, Blytheville, Arkansas 72315, a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 thereof as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas-Missouri proposes to issue and sell short-term, unsecured notes to the First National Bank in Little Rock, Arkansas, for the account of a group of participating banks, for a period of one year commencing on the effective date of the order herein, in an aggregate principal amount not to exceed $5,500,000 at any one time outstanding. These borrowings will be in addition to other bank borrowings by the company from Worthen Bank & Trust Company, Little Rock, Arkansas, which also may not exceed $5,500,000 at any one time outstanding (File No. 70-5838).

The proposed notes will be issued and sold to the First National Bank in Little Rock for the account of the participating banks, and will be payable not more than 270 days from the date of issuance. The notes may be renewed from time to time but will mature not later than one year from the effective date. It is stated that said notes will bear interest, payable quarterly and at maturity, on the unpaid principal amount thereof at a rate per annum equal to the commercial loan rate of Chemical Bank, New York, New York, from time to time in effect on borrowings having a 90-day maturity by responsible and substantial corporate borrowers: *Provided, however,* That such rate will not exceed the maximum rate of interest chargeable to corporate borrowers under applicable laws. On the basis of Chemical Bank's commercial loan rate of 11¾% per annum in effect on January 23, 1979, but giving effect to the current interest rate limitation of 10½% per annum chargeable by the bank on Arkansas-Missouri's proposed borrowings (which the company understands is 1% in excess of the Federal discount rate), Arkansas-Missouri's cost of money in respect of the proposed borrowings would be 10½% per annum. The notes will, at the option of the company, be prepayable in whole or in part, at any time without premium or penalty. Arkansas-Missouri will not be required to maintain any compensating balances with, or pay any commitment fee to any of the participating banks in connection with the proposed borrowings. The names of the participating banks and the maximum amount of their respective participations in the borrowings to be made by Arkansas-Missouri are to be supplied by amendment.

It is stated that the net proceeds to be received from the issuance and sale of the proposed notes will be applied by Arkansas-Missouri in part to the payment at maturity of $3,190,000 in principal amount of its First Mortgage Bonds, 3½% Series D due March 1, 1979, and in part to its construction program. The company currently intends to repay the $5,500,000 of borrowings proposed herein from the proceeds of permanent financing or with funds that might otherwise become available.

The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $4,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 20, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS
Secretary

[FR Doc. 79-3815 Filed 2-2-79; 8:45 am]

[8010-01-M]

[Release No. 20902; 70-6256]

GEORGIA POWER CO.

Proposed Sale of Assets and/or Land of Nine Substations

JANUARY 29, 1979.

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, NW., Atlanta, Georgia 30303, an electric utility subsidiary company of the The Southern Company, a registered holding company, has filed a declaration and an amendment thereto with this Commission designating Section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes, pursuant to a certain letter agreement with North Georgia Electric Membership Corporation ("NGEMC"), an electric membership corporation organized, existing and operating under the laws of the state of Georgia, to sell to NGEMC eight substations ("Substations") including the land upon which such Substations are located, and certain assets located at a ninth substation, for an aggregate sales price of approximately $2,394,000. Such sales price represents Georgia's orginal book cost of the assets, including land, being transferred. Georgia's depreciated cost for such assets, including land, as of December 31, 1978, was $1,827,461.86. Georgia will obtain a release of such Substations, land and other assets from the lien of its First Mortgage Indenture.

Under the General Warranty Deed ("Deed") and Bill of Sale for eight of the Substations, Georgia will convey the Substations and the land on which they are situated, except assets which comprise or are reasonably necessary to the use or enjoyment of Georgia's high voltage electric transmission lines, certain telecommunication facilities and revenue metering equipment. The Deeds will also reserve to Georgia a perpetual easement in and over all of the property to be conveyed thereby for the purposes of installing, using and maintaining electric transmission or distribution lines, ground fields, ground wire protective systems and telecommunication systems.

NGEMC purchases its electricity requirements from the Tennessee Valley Authority ("TVA") and such electricity is transmitted through certain of Georgia's transmission facilities to the Substations, which, except for one substation, are used exclusively for distribution of electricity to NGEMC's customers. Georgia had previously operated, maintained and rented the Substations to TVA pursuant to an interchange agreement between Georgia and TVA which expired November 1, 1978. It is stated that in connection with negotiations for a new interchange agreement with TVA, it was determined that ownership of the Substations by NGEMC wold result in more efficient and economical operations among NGEMC, Georgia and TVA. Georgia will continue to have certain transmission, distribution and telecommunication facilities located on, or which pass through or over, the Substation property, which are necessary to service Georgia's customers in northern Georgia.

A statement of the fees, commission and expenses to be paid or incurred, directly or indirectly, in connection with the proposed transaction will be filed by amendement. It is stated that no state commission, and no federal commission, other than this Commission, has jurisidiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 21, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rule 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notice or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3814 Filed 2-2-79; 8:45 am]

[8010-01-M]

[Rel No. 20903; 70-5390]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Supplemental Order Authorizing Increase in Short-Term Borrowing

JANUARY 30, 1979.

Ohio Edison Company ("Ohio Edison"), Akron, Ohio, an electric utility and a registered holding company, and its electric utility subsidiary Pennsylania Power Company ("Penn Power") New Castle, Pennsylvania, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended in this matter pursuant to Sections 6, 7 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") concerning the following proposed transaction.

By order dated June 30, 1978 (HCAR No. 20609), Ohio Edison and Penn Power were authorized to make short-term borrowings and/or guarantees of short-term borrowings of Quarto Mining Company (or of the owner-trustee under lease arrangements with said mining company), a non-affiliated coal supplier, of up to $137,000,000 and $20,000,000, respectively, through June 30, 1979. Jurisdiction was reserved in said order with respect to possible increased amounts, pending a showing of need by them, up to maximum amounts of $218,500,000 and $40,700,000, respectively, which amounts were those initially sought by applicants-declarants.

By post-effective amendment it is stated that the aggregate amount of short-term borrowings and guarantees by Ohio Edison will be approximately $165,000,000 during the first week in February 1979, such increase largely attributable to the postponement of a contemplated sale by Ohio Edison of its common stock from December 1978 to the latter part of February 1979. Ohio Edison requests that its authorization for short-term borrowings and guarantees be increased to $165,000,000 through June 30, 1979, with said authorization to revert to $137,000,000 upon the completion of Ohio Edison's next issuance and sale of common stock, which sale is the subject of a separate application before this Commission (File No. 70-6252).

There are no additional fees or expenses to be incurred in connection with the proposed transaction. No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Upon the basis of the facts in the record, it is hereby found that the applicable standards of the Act and the rules therunder are satisfied and that

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no adverse findings are necessary; and that it is appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended by said post-effective amendment, be granted and permitted to become effective:

It is ordered, Pursuant to the applicable provisions of the Act and the rules therunder, that Ohio Edison be, and it hereby is, authorized effective forthwith to make short-term borrowings and/or guarantee short-term borrowings of Quarto Mining Company, through June 30, 1979, in the amount of $165,000,000, with said authorization to revert to $137,000,000 upon the completion of the issuance and sale of common stock planned in Commission File No. 70-6252, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act, exeept that certificates thereunder shall be filed quarterly.

It is further ordered, That jurisdiction be, and it hereby is, reserved with respect to any additional amounts of short-term borrowing authorization by either Ohio Edison or Penn Power pending a showing of further need.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3816 Filed 2-2-79; 8:45 am]

[8010-01-M]

[File No. 7-5068]

UNION GAS LTD. COMMON STOCK, NPV CLASS A&B

Application for Termination of Unlisted Trading Privileges

JANUARY 25, 1979.

The above named issuer, an Ontario corporation, has submitted an application with the Securities and Exchange Commission, pursuant to Section 12(f)(4) of the Securities Exchange Act of 1934, 15 U.S.C. 78(1)(f)(4) (the "Act") and Rule 12f-3 thereunder, to terminate the unlisted trading privileges for the specified security on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for terminating the unlisted trading privileges include the following:

The common stock of Union Gas Limited ("Union Gas") has been traded on the Amex pursuant to unlisted trading privileges since August 15, 1931. The stock is also traded on the Toronto Stock Exchange. The aggregate number of issued common shares is approximately 18,000,000. Of that number, approximately 380,000 shares are held by individuals having addresses in the United States. [1] In 1978, only 19,800 shares of Union Gas common stock were traded on the Amex. Union gas asserts that the increasing costs of maintaining unlised trading privileges on the Amex are not justified by the limited traded volume. The common stock of Union Gas will continue to be traded on the Toronto Stock Exchange.

Any interested person may, on or before February 25, 1979, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the Commission should issue an order granting the Union Gas application. In accordance with Section 12(f)(4) of the Act, the Commission will issue an order terminating the unlisted trading privileges in the common stock of Union Gas on the Amex if the Commission finds that such in necessary or appropriate in the public interest or for the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[*FR Doc. 79-3812 Filed 2-2-79; 8:45 am*]

[1] Union Gas has by mail notified each of its shareholder having addresses in the United States concerning its review of the need to maintain unlisted trading privileges on the Amex, and has invited comments thereon. Copies of responses received by Union Gas have been included in its application to the Commission.

[8010-01-M]

PRIVACY ACT OF 1974

Proposed Amendment to a Notice of System of Records

AGENCY: Securities and Exchange Commission

ACTION: Notification of amendment to a notice of system of records.

SUMMARY: The Securities and Exchange Commission proposes to modify an existing notice of system of records, which was previously identified in the notices published in the FEDERAL REGISTER, 41 FR 41583, on September 22, 1976, as amended in 42 FR 36333 on July 14, 1977 as SEC-40, Manpowet Reporting System. This proposed modification is being published for public comment.

DATES: This amendment will become effective April 6, 1979, unless comments are received on or before that date which would result in a contrary or changed determination.

ADDRESS: Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's public reference section, Room 6101, 1100 L Street NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Richard A. Kirby, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C., 20549, (202) 755-1182.

SUPPLEMENTARY INFORMATION: The proposed amendment to the notice of system of records changes the system name, shortens the work-activity classification collection period and alters the mode of collection. The routine uses of the system remain unchanged. The changes to the pre-existing system permit implementation of a zero-base budgeting process. A report of the changes to the existing system of records was filed with the Office of Management and Budget and Congress on January 19, 1979. The amended portions of the notice are italicized.

SEC-40

System name: *Staff Time and Activity Tracking System (STATS)—SEC.*

System location: Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Categories of individuals covered by the system: Past and current SEC employees.

Categories of records in the system: The records are computerized and contain information about Commission employees including the employee's name, employee identification number, hours worked during each *week*, compensation data, and work-activity classifications for each *week*.

Authority for maintenance of the system: Applicable sections in chapters 5 and 21 through 89 of Title 5 of the United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

1. As a data source for management information for production of summary descriptive statistics and analytical studies reflecting the Commission's allocations of cost and manhours by budget activity. Reports generated by this system are used by the Commission and the staff to substantitate requests to Congress and others for personnel allocation and utilization; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

2. For any court litigation or administrative action involving review of personnel action.

3. For responding to requests from Members of Congress or the Executive branch or other agencies for statistical information concerning manpower utilization and needs.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: The records are maintained in file folders *and on magnetic media.*

Retrievability: The records are indexed by the employee's identification number and name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: *File folders may be destroyed by the organizations compiling the information after three weeks. Magnetic media* are maintained on a permanent basis. Tape and disk files on which data is stored are available only through the librarian or chief of operations of the Office of Data Processing. Back up master files on *tape* are stored in the Federal Records Center in Suitland, Maryland.

System manager(s) and address: Executive Director, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street N.W., Washington, D.C., or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The data source are the *weekly staff activity* reporting forms submitted by the individual employees of the SEC. The Pay-Time-Leave System is accessed for the compensation information relating to the employee.

For the Commission, by the Office of General Counsel, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 25, 1979.

[FR Doc. 79-3776 Filed 2-2-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0227]

CROCKER VENTURES, INC.

Issuance of Small Business Investment Company License

On October 17, 1978, a Notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (Vol. 43, No. 201) stating that an application has been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)) for a license as a small business investment company by Crocker Ventures, Inc., One Montgomery Street, San Francisco, California 94104.

Interested parties were given until the close of business November 1, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that, puursant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA issued License No. 09/09-0227 to Crocker Ventures, Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: January 25, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-3901 Filed 2-2-79; 8:45 am]

[8025-01-M]

[Proposed License No. 02/02-0362]

PINES VENTURE CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)), under the name of Pines Venture Capital Corporation (Applicant), for a license to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended, (the Act) (15 U.S.C. 661 et seq.), and the rules and regulations promulgated thereunder.

The Applicant was incorporated under the laws of the State of Delaware and it will commence operations with a capitalization of $510,000 which amount is to be raised by the sale of 510 shares of the Applicant's issued and outstanding shares of Common Stock, No Par Value, to Robert H. Pines, President and Director of the Applicant.

The Applicant will have its principal place of business at 5 World Trade Center, New York, New York 10048, and it intends to conduct operations primarily in the State of New York.

The proposed officers, directors and stockholders are as follows:

Name and Title

Robert H. Pines, President, General Manager, and Director; 100% owner. 24 Central Park South, New York, New York 10019.

Pia Pines, Director, 24 Central Park South, New York, New York 10019.

Robert J. Lawton, Director, 142-04 Bayside Avenue, Flushing, New York 11354.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant, under their management, including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may not later than February 20, 1979, submit written comments on the Applicant to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of the Notice shall be published by the Applicant in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 29, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-3900 Filed 2-2-79; 8:45 am]

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[8025-01-M]

[License No. 05/05-0136]

SUPER MARKET INVESTORS, INC.

Issuance of a Small Business Investment Company License

On November 29, 1978, a notice was published in the FEDERAL REGISTER (43 FR 55830) stating that an application had been filed by Super Market Investors, Inc., 11300 Burleigh Street, Wauwatosa, Wisconsin 53222, with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)) for a license as a small business investment company.

Interested parties were given until close of business December 14, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0136 on January 25, 1979, to Super Market Investors, Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 30, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-3899 Filed 2-2-79; 8:45 am]

[8025-01-M]

[License No. 04/04-5157]

TENNESSEE EQUITY CAPITAL CORP.

Issuance of a License To Operate as a Small Business Investment Company

On November 13, 1978, a notice was published in the FEDERAL REGISTER (43 FR 52568) stating that Tennessee Equity Capital Corporation, located at 711 Union Street, Nashville, Tennessee 37219, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1978) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business November 28, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 04/04-5157 to Tennessee Equity Capital Corporation on January 19, 1979.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: January 25, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-3902 Filed 2-2-79; 8:45 am]

[8025-01-M]

[License No. 04/04-5092]

VANGUARD INVESTMENT CO., INC.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Vanguard Investment Company, (Vanguard) Room 309, Pepper Building, Fourth and Liberty Street, Winston-Salem, North Carolina 27101, a Federal Licensee under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to 13 CFR 107.1004 (1978) for approval of a conflict of interest transaction.

It is proposed that Vanguard loan $150,000 to H. C. Bowens, Professional Corporation, 605 Linwood Avenue, Durham, North Carolina 27701. The funds will be used to pay Federal income taxes resulting from a misinterpretation of the Internal Revenue Code. Vanguard will make a five year loan, principal to be paid in the equal installments on the 4th and 5th anniversary of the financing and interest paid quarterly. The interest rate would be 12 percent. The collateral for the loan would be real estate.

Dr. H. Curtis Bowens is the sole owner of the Professional Corporation and is Secretary, Director and 10 percent stockholder of Vanguard. Pursuant to § 107.03(e) of the regulations, Dr. Bowens is considered to be an associate of Vanguard.

Accordingly, the transaction falls within the purview of 13 CFR 107.1004 (1978) requiring prior written approval of the Small Business Administration (SBA).

Notice is further given that any interested person may, not later than February 20, 1979, submit to SBA, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by Vanguard in a newspaper of general circulation in Winston-Salem, North Carolina.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: January 30, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-3898 Filed 2-2-79; 8:45 am]

[8025-01-M]

REGION IV ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Birmingham, Alabama, will hold a public meeting at 9:00 a.m. on Friday, March 2, 1979, at the Birmingham Hilton Inn, 260 Goodwin Crest Drive, Birmingham, Alabama, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call James C. Barksdale, District Director, U.S. Small Business Administration, 908 South 20th Street, Birmingham, Alabama 35205, (205) 229-1341.

Dated: January 30, 1979.

K. DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-3878 Filed 2-2-79; 8:45 am]

SMALL BUSINESS CONFERENCE COMMISSION, WHITE HOUSE CONFERENCE ON SMALL BUSINESS

Cancellation of Meeting

Notice is hereby given that the Small Business Conference Commission has canceled its meeting scheduled for February 13, 1979, from 9:00 a.m. to 1:00 p.m., at the New Executive Office Building, Room 2010, 726 Jackson Place, N.W., Washington, D.C. A new date for this meeting will be announced shortly.

For further information, write Ms. Cynthia Howar, Commission Liaison, White House Conference on Small Business, 730 Jackson Place, N.W., Washington, D.C. 20506.

Dated: January 30, 1979.

K DREW,
Deputy Advocate for Advisory Councils, Small Business Administration.

[FR Doc. 79-3897 Filed 2-2-79; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CERTAIN CARBON STEEL PLATE FROM POLAND

Antidumping: Withholding of Appraisement Notice

AGENCY: United States Treasury Department.

ACTION: Withholding of Appraisement.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a tentative determination that certain carbon steel plate from Poland is being sold at less than fair value. Appraisement for the purpose of determining proper duties applicable to entries of this merchandise will be suspended for not more than six months. Interested parties are invited to comment on this action.

EFFECTIVE DATE: February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

David P. Mueller, Operations Officer, Office of Operations, Duty Assessment Division, Technical Branch, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On October 25, 1978, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER (43 FR 49875). This investigation was initiated by the Treasury Department in conjunction with its administration of the "Trigger Price Mechanism" (TPM), a program established in December 1977 to monitor prices at which certain steel mill products enter the United States. As stated in the FEDERAL REGISTER of December 30, 1977 (42 FR 65214), the TPM consists of four major parts: (1) the establishment of trigger prices for certain steel mill products imported into the United States; (2) the use of a Special Summary Steel Invoice ("SSSI") applicable to imports of all steel mill products; (3) the continuous collection and analysis of data concerning (a) the cost of production and prices of steel mill products exported to the United States, and (b) the condition of the domestic steel industry; and (4) where appropriate, the expedited initiation and disposition of proceedings under the Antidumping Act of 1921 with respect to imports entering the U.S. at prices below the Trigger Prices.

This case was initiated after information developed from SSSI's indicated that imports of carbon steel plate from Poland produced by Stahlexport Przedsieblorstwoa (Stahlexport) were being sold at prices less than the appropriate "trigger price" for that product and further investigation revealed the possibility that the subject carbon steel plates were being, or were likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (hereinafter referred to as "the Act"). Evidence also was developed regarding injury or the likelihood of injury to the U.S. domestic industry caused by Stahlexport's allegedly less than fair value exports to the U.S.

For purposes of this determination, the term "carbon steel plate" means hot rolled carbon steel plate, not coated or plated with metal and not clad, other than black plate, not alloyed, and other than in coils. This merchandise is classified under item 608.8415 of the Tariff Schedules of the United States, Annotated.

TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in this investigation and for the reasons noted below, I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of carbon steel plate from Poland produced by Stahlexport is less than the fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED

A. *Scope of the Investigation.* The only evidence of sales to the U.S. of carbon steel plate from Poland at prices below the applicable "trigger prices" was with respect to carbon steel plate manufactured by Stahlexport and this tentative determination only applies to carbon steel plate manufactured by Stahlexport. It was determined that 100 percent of the U.S. imports of this merchandise from Poland were manufactured by Stahlexport during the investigatory period.

B. *Basis of Comparison.* For the purpose of determining whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between the purchase price of Stahlexport's U.S. sales and the home market price of such or similar merchandise manufactured in Spain. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all shipments of carbon steel plate produced by Stahlexport and exported from Poland were sold to unrelated purchasers in the United States prior to the date of exportation. Home market prices of carbon steel plate manufactured in Spain were used, pursuant to § 153.7(a)(1), Customs Regulations (19 CFR 153.7(a)(1)). Poland is considered to be a state-controlled-economy country and therefore, pursuant to section 205(c) of the Act (19 U.S.C. 164(c)), Stahlexport's home market prices or prices of exports to third countries cannot be used in determining fair value.

Stahlexport has proposed the use of data regarding sales of this product in Finland as a surrogate for its home market prices. The Treasury Department has not established that Finland constitutes an economy at a level of economic development comparable to Poland, pursuant to § 153.7(a)(1), Customs Regulations (19 CFR 153.7(a)(1)), nor was the data submitted in a timely manner. Therefore, the use of home market prices from Spain, a country which has been considered to be at a stage of economic development comparable to Poland, was obtained, verified and utilized.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning Stahlexport's sales to the United States which were exported in the months of August-September 1978. Information concerning home market prices of carbon steel plate in Spain was obtained for the period in which the contracts covering Stahlexport's exports to the U.S. during August and September 1978, were concluded. A time period shorter than the normal 6-month period of investigations was chosen to enable the Department to conduct the necessary investigation and render this tentative determination on an expedited basis, as it has stated it would do for all investigations associated with trigger price violations.

C. *Purchase Price.* Purchase price has been calculated on the basis of f.o.b. prices on sales to the United States with a deduction for Polish inland freight. The f.o.b. prices used were the base prices, net of all charges for size and quality extras, for ASTM-A36 carbon steel plate. This is the only carbon steel plate exported during the period of investigation.

D. *Home Market Prices in a Non-State-Controlled Economy.* For purposes of this tentative determination, the ex-factory home market prices in Spain, net of charges for size and quality extras, were developed from information available to the U.S. Customs Service for the Spanish equivalent of the carbon steel plate exported by Stahlexport to the U.S. The merchandise being comparable, no adjustments for difference in merchandise under § 153.11, Customs Regulations (19 CFR 153.11), were made.

E. *Results of Fair Value Comparisons.* Using the above criteria, fair value comparisons were made on 100

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percent of Stahlexport's exports to the U.S. during the period of investigations. Margins were tentatively found on 82 percent of the exports, ranging from 0 to 44.2 percent. The weighted-average margin on all sales compared was 20.3 percent.

Accordingly, Customs officers are being directed to withhold appraisement of carbon steel plate from Poland produced by Stahlexport, in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office not later than February 12, 1979. Such requests must be accompanied by a statement outlining the issues to be discussed.

Any written views or arguments should likewise be addressed to the Commissoner of Customs in time to be received no later than February 26, 1979. All persons submitting written views or arguments should avoid repetitious and merely cumulative material. Counsel are requested to serve copies of all written submissions on counsel for all other known interested parties and to file their submissions with the Commissoner of Customs in ten copies.

This notice, which is published pursuant to § 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective February 5, 1979. It shall cease to be effective at the expiration of six months from the date of this publication, unless previously revoked.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 26, 1979.

[FR Doc. 79-3857 Filed 2-2-79; 8:45 am]

[4810-40-M]

[Dept. Circular, Public Debt Series—No. 2-79]

TREASURY NOTES OF FEBRUARY 15, 1987—SERIES B-1987

Auction

FEBRUARY 1, 1979.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,250,000,000 of United States securities, designated Treasury Notes of February 15, 1987, Series B-1987 (CUSIP No. 912827 JK 9). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated February 15, 1979, and will bear interest from that date, payable on a semiannual basis on August 15, 1979, and each subsequent 6 months on February 15 and August 15, until the principal becomes payable. They will mature February 15, 1987, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, February 6, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, February 5, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interet. The secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Thursday, February 15, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, February 12, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, February 9, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Dept, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

SUPPLEMENTARY STATEMENT: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

PAUL H. TAYLOR,
Fiscal Assistant Secretary.

[FR Doc. 79-3992 Filed 2-1-79; 3:48 pm]

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[4810-40-M]

(Dept. Circular, Public Debt Series—No. 3-79)

8¾% TREASURY BONDS OF 2003-2008

Auction

FEBRUARY 1, 1979.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,000,000,000 of United States securities, designated 8¾% Treasury Bonds of 2003-2008 (CUSIP No. 912810 CE 6). The securities will be sold at auction, with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks, as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities offered will be identical to the 8¾% Treasury Bonds of 2003-2008 (CUSIP No. 912810 CE 6) issued under Department of the Treasury Circular, Public Debt Series—No. 27-78, dated October 26, 1978, except that the interest will accrue from February 15, 1979, and payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from November 15, 1978. With this exception, the securities are as described in the following excerpt from the above circular:

"2.1. The securities will be dated November 15, 1978, and will bear interest[1] from that date, payable on a semi-annual basis on May 15, 1979, and each subsequent 6 months on November 15 and May 15, until the principal becomes payable. They will mature on November 15, 2008, but may be redeemed at the option of the United States on and after November 15, 2003, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call.

"2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

"2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

"2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

"2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date."

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, February 7, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 6, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 92.75 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Thursday, February 15, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from November 15, 1978, to February 15, 1979, in the amount of $22.23757 per $1,000 of securities allotted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, February 12, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, February 9, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

SUPPLEMENTARY STATEMENT: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

PAUL H. TAYLOR,
Fiscal Assistant Secretary.

[FR Doc. 79-3993 Filed 2-1-79; 3:48 am]

[1] On November 3, 1978, the Secretary of the Treasury announced that the interest rate on the bonds would be 8¾ percent per annum.

[4810-25-M]

PRIVACY ACT OF 1974

Reinstated Systems of Records

AGENCY: Office of the Secretary, Department of Treasury.

ACTION: System Notice.

SUMMARY: The Office of the Secretary consolidated its personnel records in the 1977 annual publication of Privacy Act Issuances, 42 FR 49099, September 26, 1977, in an effort to reduce the number of systems of records for ease of use. The consolidation failed to list all the uses and authorities of the incorporated systems, hence the consolidation was imperfect and misleading to the public. In the consolidation, the substance (contents and the uses) of the systems were not intended to be changed, only the systems descriptions. For this reason, the systems of records, as they appeared in the 1976 FEDERAL REGISTER annual notice, 41 FR 45164, October 14, 1976, and the full text of their descriptions, are reinstated to replace consolidated systems OS 001, Administrative Personnel System and OS 003, General Personnel System, which were last published in the Department's 1978 Annual Notice of Systems of Record; 43 FR 42509, September 20, 1978.

This is an administrative action which has been initiated for the benefit of the public to properly reflect the system descriptions in the FEDERAL REGISTER. It does not require submissions to the Congress and OMB nor does it require a public comment period as it is a reinstatement of previously approved systems of records.

A review of each system reinstated by this notice is presently being undertaken in order to determine whether updating, or other changes, may be necessary and appropriate.

DATE: These changes are effective immediately.

FOR FURTHER INFORMATION CONTACT:

Linda K. Zannetti, 566-5573, Chief, Disclosure Staff, Room 1322, Main Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Dated: January 25, 1979.

W. J. MCDONALD,
Acting Assistant Secretary (Administration).

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Treasury/OS 00.020

System name:

Energy Policy Office Administrative File—Treasury/OS

System location:

Room 4464, Treasury Building, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system:

Employee (presently in a position in this office). Applicant (one who will be hired).

Categories of records in the system:

Employee: regular personnel papers, which are duplicates and this file is not complee. Applicant: S.F. 171.

Authority for maintenance of the system:

Federal Personnel Manual. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Administrative Personnel File: for general reference. Applicant: used in interviews. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File Cabinet.

Retrievability:

Located in Room 4464.

Safeguards:

Filed by name. Usual Security.

Retention and disposal:

Disposed when no longer needed for reference.

System manager(s) and address:

Deputy Assistant Secretary for Investment and Energy Policy, Department of the Treasury, Room 3025, MT, Washington, D.C. 20220.

Notification procedure:

Same as the above.

Record access procedures:

Written request to: Director, Regulatory and Legislative Policy, Room 4460, MT, Washington, D.C. 20220.

Contesting record procedures:

See Access above.

Record source categories:

Administrative Personnel Folder: routine personnel actions. Applicant: SF 171.

Treasury/OS 00.036

System name:

Office of Debt, Home addresses and telephone number File—Treasury/OS.

System location:

Department of Treasury, 15th & Penn. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system:

Employees in Office of Debt, OASIA, U.S. Treasury.

Categories of records in the system:

Telephone numbers and home addresses.

Authority for maintenance of the system:

5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) Routine Use. To provide record of home telephone numbers and addresses; (b) Category of Users. Professionals of OASIA; (c) Purpose. To contact after normal duty hours for urgent situations. (d) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

3x5 card.

Retrievability:

Indexed by name.

Safeguards:

None required.

Retention and disposal:

Disposed when employee terminates employment in office.

System manager(s) and address:

Secretary to the Director, Office of Debt, OASIA, U.S. Treasury.

Notification procedure:

Director, Office of Debt, OASIA, Department of the Treasury, Washington, D.C. 20220.

Record access procedures:

Same address as above.

Contesting record procedures:

See above.

Record source categories:

Employees in Office of Debt.

Treasury/OS 00.037

System name:

OIDB Employee and Employee Candidate Files—Treasury/OS.

System location:

OIDB, 5th Floor, Department of Treasury, 15th & Penna. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system:

OIDB staff members and the candidates for OIDB, including prospective candidates for ED or Alt. ED positions at the IFIs.

Categories of records in the system:

Bio data and curriculum vitae.

Authority for maintenance of the system:

5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For use by OIDB Director in making recommendations for promotions and other job classification changes and in interviewing job candidates. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders in file cabinet.

Retrievability:

By name.

Safeguards:

Maintained in locked file cabinet. Disclosure limited to official personnel on need to know basis.

Retention and disposal:

Records on OIDB employees kept while employee is in office. Job candidates for one year.

System manager(s) and address:

Director, OIDB, OASIA, Department of the Treasury, Washington, D.C. 20220.

Notification procedure:

(a) Address. OASIA Personnel Office, Room 2050 Main Treasury, 15th & Penna. Ave., N.W., Washington, D.C. 20220. (b) Identifying Information. Full name and address, under which you had contact with OASIA. Specify dates as nearly as possible.

Record access procedures:

See Notification above.

Contesting record procedures:

See Notification above.

Record source categories:

Supplied by the persons themselves.

Treasury/OS 00.040

System name:

Confidential Statements of Employment and Financial Interests, Personnel Division, Office of the Secretary—Treasury/OS.

System location:

Room 1306, Main Treasury Building, Personnel Division, Security Branch, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system:

Statements are required from all Treasury employees under the categories listed under Section 0.735-70, Department of the Treasury Minimum Standards of Conduct as reprinted from the Federal Registers, December 16, 1970, and amendments dated April 9, 1971, and January 8, 1973.

Categories of records in the system:

Forms TD 3086 and 3087 (Confidential Statement of Employment (1)) and Form TD 3086 (Statement of Employment and Financial Interests)—For Special Government Employees) and Form TD 3087 (Confidential Statement of Employment and Financial Interests) prepared by the incumbent or potential incumbent as prescribed.

Authority for maintenance of the system:

In conformance with Sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965, OS:PD and Title 5, Chapter I, Part 735, of the Code of Federal Regulations as published in the Department of the Treasury Minimum Standards of Conduct reprinted from the Federal Registers dated December 16, 1970, and amendments dated April 9, 1971, and January 8, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Statements are prepared by employees or applicants and are submitted through the Personnel Office to the agency reviewing officer. If there are no indications that a conflict of interest condition exists, the reviewing official signs and dates the form and returns it to the Personnel Office for retention. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

To meet the requirements of confidentiality set forth in Subchapter 4-10, Part 735, Federal Personnel Manual, each Statement of Employment and Financial Interests is filed alphabetically in three-ring binders which in turn are filed in metal containers designed for the storage of classified information and secured by government-approved three-position, combination locks.

Retrievability:

Since these statements are filed alphabetically in three-ring binders, they are retrieved accordingly.

Safeguards:

In addition to being stored in a secure, metal container with government-approved, combination locks, the metal container is situated in a room which, during normal work hours, is under the supervision of authorized employees, and during nonwork hours is locked. The files are in the custody of security specialists for secure storage and access is made only to personnel and administrative officials in the performance of their official functions or to the incumbents who executed the statements.

Retention and disposal:

Statements of active employees are retained during incumbent employment tenure and subject to annual update as required by law. Records of personnel who depart are retired and maintained for two years, then destroyed as required by Item 26, Appendix B, General Records Schedule, Title 3.

System manager(s) and address:

Personnel Officer, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1330, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure:

Chief, Security Branch, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1306, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures:

Chief, Security Branch, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1306, 15th and Penn-

sylvania Avenue, N.W., Washington, D.C. 20220. Access on request of contributor.

Contesting record procedures:

See Access above.

Record source categories:

The information contained in these records is provided by the employee or applicant pursuant to the authority reflected above.

Treasury/OS 0.041

System name: Management Analysis Division (MAD) Personnel Working Files—TreasuryOMO.

System location: Office of Management and Organization, Management Analysis Division, Room 4418 MT, Washington, D.C. 20220.

Categories of individuals covered by the system: All prospective and current employees in MAD.

Categories of records in the system: Standard Forms: 52 (Personnel Action), 171 (Employment Application), 1012 (Travel Voucher), 1038 (Travel Advance). Office of the Secretary Forms: 3015 (Travel Authorization), 3016 (Training Authorization). Personal Data Summary Sheet, Summary of Employee Training, Letters of Appreciation, Position Descriptions.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by the Chief, MAD, for planning and managing staff development; by his secretary; and by individual employees, as reference files to obtain information stated under CATEGORY OF RECORD. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Alphabetical order by employee's last name.

Safeguards: All material is unclassified, kept in a secured file cabinet.

Retention and disposal: Records are maintained as long as person is employed in MAD. Upon resignation, records are given to employee or discarded. Prospective employee files are held for twelve months then discarded.

System manager(s) and address: Chief, Management Analysis Division, Department of the Treasury, Room 4418 MT, Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: Employees have free access to their individual files. Inquiries should be written addressed to the System Manager.

Contesting record procedures: See System Manager above.

Record source categories: Copies of official forms; data prepared by each individual employee; and material from any official who deems it appropriate to submit a letter of appreciation for services rendered by employee.

Treasury/OS 00.042

System name: OMO Management Consultants File—TreasuryOS.

System location: Management Analysis Division, Room 4418 MT, Washington, D.C. 20220.

Categories of individuals covered by the system: Individual Consultant's or Management Consultant firms' brochures identifying individual firm officials.

Categories of records in the system: Published brochures of Management Consultant firms and resumes prepared by individual Consultants.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: When the Department is considering letting a contract for a Management Consultant, the file is used as a reference for submission of Request For Proposal. For additional routine uses see Apendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: Alphabetical order by Management Consultant firm or individual Consultant name.

Safeguards: All material is unclassified. Kept in a file cabinet.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Chief, Management Analysis Division, Department of the Treasury, Room 4418 MT, Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: By request to System Manager.

Contesting record procedures: Same as Access above.

Record source categories: Information is submitted unsolicited by the individual Consultants or Management Consultant firms.

Treasury/OS 00.044

System name: Personnel and Payroll Data: Transaction Lists; Employee Service Record Report; Leave Without Pay Report; Employee Information List; Comprehensive Payroll Listing; and Alphabetical Locator List.—TreasuryOS.

System location: Room 1330, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Office of the Secretary employees.

Categories of records in the system: The types of information in the system are names, position titles, grades and salary.

Authority for maintenance of the system: IRS Computer system generates reports. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reports are used to answer inquires made by employees and to verify whether information submitted by this office has been updated by the IRS Data Center. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked room. File cabinets.

Retrievability: By name and social security number.

Safeguards: Locked cabinets.

Retention and disposal: Most reports are retained for at least 1 year after which they are destroyed.

System manager(s) and address: Personnel Officer, Room 1330, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Room 1330, Main Treasury Building. Employee should give name, office title and social security number.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: SF-50 and Time and Attendance cards.

Treasury/OS 00.048

System name: Scheduled Annual Leave Records—TreasuryOS.

System location: Treasury Department, Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All employees whose salary is paid from funds appropriated for the Office of the Secretary, the Exchange Stabilization Fund, the Working Capital Fund, and the Office of Revenue Sharing.

Categories of records in the system: Dates of scheduled annual leave for the calendar year TR-Form 4067 and Request for Restoration of Annual Leave TR-Form 4068.

Authority for maintenance of the system: Public Law 93-181.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used as a basis for determinations on granting requests for restoration or forfeited annual leave. For additional routine use, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original documents in a file cabinet.

Retrievability: By name of individual.

Safeguards: Non-sensitive material; handled routinely in file cabinet.

Retention and disposal: Maintained until file updated.

System manager(s) and address: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The individual scheduled for annual leave.

Treasury/OS 00.052

System name

Travel Records—Treasury/OS.

System location

Treas. Dept. Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Ave., NW, Washington, D.C. 20220.

Categories of individuals covered by the system

All individuals authorized to perform travel for the Office of the Secretary.

Categories of records in the system

Form OS-3015, Authorization to Perform Travel, with the SF 1012, Travel Voucher, which details travel performed and expenses incurred with necessary receipts to support the claim for reimbursement to the traveler. SF 1038. Request for Advance of Funds.

Authority for maintenance of the system

5 USC 5701-5709.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses

The supporting documentation for entering a charge against, and disbursing funds from, the appropriation for salaries and expenses, Office of the Secretary of the Treasury and for the Exchange Stabilization Fund. For additional uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage

Original document forms in file cabinet.

Retrievability

Filed by name on a fiscal year basis.

Safeguards

Non-sensitive material handled routinely in regular file cabinet.

Retention and disposal

Presently retained for ten years then burned or shredded.

System managers(s) and address

Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Notification procedure

Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Record access procedures

Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Contesting record procedures

See access above.

Record source categories

Facts and figures are presented by the individual related to authorized travel.

Treasury/OS 00.053

System name

Treasury Emergency Preparedness Information Program. The information system of this program contains the following information records which are subject to this inventory: (1) Emergency Executive Teams Lists, (2) Alert Notification Procedures, (3) Federal Emergency Assignee Identification—Treasury/OS.

System location

Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Categories of individuals covered by the system:

(1) Treasury Emergency Executive Team Members (Teams A, B, & C) (2) Key Treasury Personnel.

Categories of records in the system

(1) Emergency Executive Team Member Lists (By Office of the Secretary and by Treasury Bureau listing); Name, Position Title, Office/Agency. (2) Key Treasury Personnel Alert Notification Lists; Name, Telephone Numbers (Office and Home), Office/Agency. (3) Information by individual application for Federal Emergency Assignee Identification Card and E&FD Pass-Badge; Name, Date of Birth, Physical Identification Characteristics, Agency.

Authority for maintenance of the system

(1) Emergency Executive Teams: Treasury Emergency Planning Circular No. 2 (Rev.) March 14, 1973; OEP Circular 9100.2 April 12, 1972; Executive Order 11490. (2) Key Treasury Personnel Alert Notification: Treasury EPC No. 2. (3) Application for Identification Card-Badge: (a) SF-138 Pass: Title 32-National Defense, Part 231 (Federal Register page 11893, October 30, 1962) Civil Defense Identification for Federal Employees. (b) GSA form 9033: Office of Preparedness (OP)/GSA-APGS Order 604.1B dated November 15, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses

(1) Emergency Executive Teams Lists: Assigns key Treasury personnel (who are essential to the performance of essential emergency functions) to Teams A, B, & C. See EPC No. 2. Forms the basis for issuance of SF-138 Cards and E&FD Passes. Forms the basis for the personnel on the Alert Notification Lists who are to be notified during an emergency situation and when Civil Readiness Levels are established or changed. See EPC No. 1.

(2) Key Treasury Personnel Alert Notification Lists: Used by Treasury Telecommunications Center personnel and Emergency Planning officials in alerting key Treasury personnel and Emergency Executive Team Members during an emergency and the setting of Civil Readiness Levels.

(3) Federal Emergency Assignee Identification: (a) SF-138 Pass: Issued to all members of the three Emergency Executive Teams (A, B, & C) and to certain other key Treasury personnel. Identifies the person described on the card as having been assigned essential emergency duties for the Federal Government. It is imperative that the bearer be assisted in travel by the fastest possible means to his emergency assignment. Permits admission to emergency operating facilities to which Teams A & C members are assigned. (b) E&FD Pass: Permits admission to Federal Preparedness Agency (FPA)/GSA Special Facility, which is the emergency operating facility to which Team B members are assigned.

(4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage

All mentioned records are indexed by name.

Safeguards

Treasury Master Records are filed in official records in MPS office. Office is secured and locked when no office personnel are present.

Retention and disposal

Files are retained and disposed of in accordance with Treasury Department directives for record scheduling. (See Treasury Adm. Bulletin No. 74-68, September 10, 1974 and Treasury Department Order No. 227, October 24, 1973.) Passes are retrieved and destroyed by shredding when employee

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no longer has official need for the pass (e.g., no longer employed by Treasury as a Team member). Team List and Alert Notification Lists are maintained current. Obsolete lists are destroyed.

System Managers(s) and address

Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Notification procedure:

(a) Address: Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220. (b) Identifying Information: Name, Official Capacity as a Treasury employee or former employee.

Record access procedures

By written request to Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Contesting record procedures

See Access above.

Record source categories:

(a) Key Treasury officials in assigning key personnel to the Emergency, Executive Teams provide position title and name of person. (b) The key personnel and team members voluntarily provide information on themselves when applying for identification cards or passes and also provide telephone numbers for the Alert Notification Lists.

Treasury/OS 00.055

System name: EEO Counselor Complaint Files—Treasury/OS.

System location: U.S. Treasury Department, Office of the Secretary, 1500 Pennsylvania Avenue, N.W., Room 4313, 2438.

Categories of individuals covered by the system: Individuals alleging discrimination related to employment with the Office of the Secretary and who have been asssigned to a counselor for informal counseling.

Categories of records in the system: The files contain the names of the complainants and information relative to their complaints. This may include: efforts made to settle the complaint; the settlement agreement; notification of extension of the counseling period; notification of final counseling session; and the counselor's report, if required.

Authority for maintenance of the system: Treasury Personnel Manual Chapter 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the counselors to maintain a record of cases and to prepare the counselor's report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by name.

Safeguards: Files are under supervision of each counselor and not released to unauthorized personnel.

Retention and disposal: Indefinite.

System manager(s) and address: Equal Employment Opportunity Officer, Office of the Secretary, U.S. Treasury, Main Treasury, Room 4406, Washington, D.C. 20220.

Notification procedure: Same as above. Include name and approximate date of counseling.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is developed from counseling sessions with persons alleging discrimination.

Treasury/OS 00.060

System name: Correspondence files and records on employee complaints and/or dissatisfaction—Treasury/OS.

System location: Office of Personnel, Room 2425, Main Treasury Bldg., Washington, D.C. 20220.

Categories of individuals covered by the system: Former or current Department employees.

Categories of records in the system: Correspondence dealing with employee complaints.

Authority for maintenance of the system: Departmental discretion on maintenance of correspondence files. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference purposes; evaluation of personnel management; responding to inquiries from Congressmen, the White House, and other government officials. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, file cabinets.

Retrievability: By employee name.

Safeguards: Filed in filing cabinet and released only to individuals with a legitimate right to review.

Retention and disposal: Records are maintained and disposed of in accordance with Treasury Department's Records Retention and Disposal Schedule for Administrative correspondence.

System manager(s) and address: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel, Employee Relations and Services, Department of the Treasury, Room 2425, Main Treasury Building, Washington, D.C. 20220.

Record access procedures: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Current and former employees, and/or representatives, employees' relatives, Congressmen, the White House, management officials.

Treasury/OS 00.061

System name: Employee Grade Complaint file—Treasury/OS.

System location: Office of Personnel, 15th & Pennsylvania Avenue, N.W., Washington, D.C., Room 2426.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Category IV (memorandums and letters about individuals involved in any kind of case action).

Authority for maintenance of the system: Title V grants agencies authority to adjudicate classification and pay appeals. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in comparing similar case appeals in connection with the job; not specifically in reference to the employee. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By bureau and alphabetically by name of individuals.

Safeguards: File in file cabinets and released only to individuals with a legitimate right to review.

Retention and disposal: Policy is to destroy after 3 years of completion of appeal cases.

System manager(s) and address: Deputy Director of Personnel, Department of the Treasury, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Deputy Director of Personnel, Department of the Treasury, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Memos to and from appellant, including bureau, Treasury and Civil Service Commission memorandums and letters on the subject.

Treasury/OS 00.062

System name: Executive Inventory Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: All GS and GG-15, 16, 17, 18 employees of the Department of the Treasury.

Categories of records in the system: A brief description of identifying biographical data, work experience, education, professional activities, honors, special qualifications and references.

Authority for maintenance of the system: Executive Order 11315 which authorized the Executive Assignment System and subsequent Civil Service Commission procedures and regulations which established the Executive Inventory Files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used in making personnel decisions and in processing personnel actions on executives in the Department of the Treasury. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: The records are kept by organizational units and position grade level in alphabetical order.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: The records are kept as long as the employee is assigned to a GS or GG-15, 16, 17, or 18 position, except for employees who retire. The records on retirees are kept for approximately one year from their date of retirement. The records are burned when we dispose of them.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual needs to provide his name, present organizational assignment, position title and grade.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The SF-161 and SF-161-A are provided by the employees or their servicing personnel offices.

Treasury/OS 00.065

System name : Appointment at Above the Minimum Rate of the Grade Files—Treasury/OS.

System location : Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system : Persons proposed for employment by the Department of the Treasury at a salary rate above the minimum rate of the grade and for which approval is sought by Treasury from the U.S. Civil Service Commission.

Categories of records in the system : A collection of documents required for requesting approval by the U.S. Civil Service Commission of appointments at a salary rate above the minimum rate of the grade, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and in some instances, Request for Personnel Action (SF-52); Certification Form (SF-39); letters of justification; and general correspondence requesting approval of the action.

Authority for maintenance of the system : The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The information is used to satisfy the minimum data requirements needed for consideration and approval of appointments at above the minimum rate of the grade by the U.S. Civil Service Commission. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage : Records are stored in file cabinets in secured building.

Retrievability : System is indexed by name in a log and filed in chronological order as requests for approval are acted upon by the U.S. Civil Service Commission.

Safeguards : Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal : Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent appointment above the minimum rate of the grade requested by the Department of the Treasury.

Record access procedures : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : The documents which constitute this system, and which are listed under Category of Record, came from the individual applicant, his servicing personnel office, the U.S. Civil Service Commission, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.066

System name : Combined Applicant/Applicant Correspondence File—Treasury/OS.

System location : Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system : Persons who have sent applications, or have asked questions about employment in the Department of the Treasury, or whose applications or questions have been referred to the Department of the Treasury by others for reply.

Categories of records in the system : Standard Applications for Federal Employment (SF-171).

Resumes providing a reflection of such personal or job related experience as the writer elected to furnish.

Correspondence from applicants and responses thereto, ranging from general inquiries to specific complaints about alleged practices, treatment, or requirements.

Authority for maintenance of the system : Most material is not solicited, though on occasion applications are sought for specific postions.

The material, generally, is related to Treasury's personnel operations carried out under various provisions of Title 5, U.S. Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : Employment inquiries received from applicants are routed to specific bureau personnel offices (if requested) or to all bureau personnel offices (if not specified). Should bureaus have vacancies for which outside applications are being accepted, they will be included for referral. Applicants are advised that we have referred their applications. Occasionally, applications are solicited from the general public for hard-to-fill jobs. When solicited, applicants are advised to apply directly to the bureau having the vacancy if they

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desire consideration. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage : Records are stored in file cabinets in secured building.

Retrievability : Records are maintained in a manual filing system, indexed alphabetically and retrievable by name of applicant. In addition, a written log is maintained on all applications circulated to bureau personnel offices. The log gives name of applicant, date received, and date circulated.

Safeguards : Physical security is provided by storage in file cabinets. Only authorized personnel officials have access to the files maintained in Room 2412. These files are not available to the general public or to persons outside the personnel office who have no "need to know."

Retention and disposal : Files are maintained for a period of two years at the end of which time they are burned.

System manager(s) and address : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. Since the system is filed alphabetically, only the applicant's name is required.

Record access procedures : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : Applications (SF-171, resumes) from the general public, including correspondence initially addressed to the President, Congressmen, or Senators are transmitted to this office because they deal with Treasury matters, issues, or employment.

Treasury/OS 00.067

System name : Detailed Employee Files—Treasury/OS.

System location : Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system : Department of the Treasury employees whose detail to other organizations and/or positions requires approval at the Departmental level.

Categories of records in the system : Correspondence requesting approval of details and Request for Personnel Action (SF-52) which documents the detail and reflects approval of it. In some instances there may also be a Personal Qualifications Statement, (SF-171), and attachments, Position Description (OF-8), and Request for Approval of Non-Competitive Action (SF-59).

Authority for maintenance of the system : The authority which authorizes the solicitations of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The information is used to satisfy the minimum data requirements needed for consideration and approval of details of employees requiring approval at the Departmental level. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability : System is indexed by name in a log and filed in chronological order as details are approved.

Safeguards : Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal : Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Record access procedures : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : The documents which constitute this system, and which are listed under Category of Record, came from the employee's servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.068

System name : Whitten Amendment Exception Files—Treasury/OS.

System location : Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system : Persons employed by, or proposed for employment by, the Department of the Treasury and in whose behalf an exception to the Whitten Amendment is sought by Treasury.

Categories of records in the system : A collection of documents required for requesting approval by the U.S. Civil Service Commission of exceptions to the Whitten Amendment, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and, in some instances, Request for Personnel Action (SF-52); letters of justification; and general correspondence requesting approval of the exception.

Authority for maintenance of the system : The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The information is used to satisfy the minimum data requirements needed for consideration and approval of exceptions to the Whitten Amendment by the U.S. Civil Service Commission. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage : Records are stored in file cabinet in secured building.

Retrievability : System is indexed by name in a log and filed in chronological order as requests for exceptions are acted upon by the U.S. Civil Service Commission.

Safeguards : Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal : Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and approximate date of the Whitten Amendment exception requested by the Department of the Treasury.

Record access procedures : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : The documents which constitute this system, and which are listed under Category of Record, came from the individual employee or applicant, his servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.070

System name : Office of Computer Science, Work Assignment and Control Form—Treasury/OS.

System location : 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Categories of individuals covered by the system : All personnel in Office of Computer Science.

Categories of records in the system : List of projects and time spent on each project. List of projected project milestone dates and actual dates completed.

Authority for maintenance of the system : Implied authority of manager to maintain records of staff assignments and workload. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : (1) Assignment of work to individuals. (2) Record of manpower resources spent for each customer organization. (3) Performance evaluation. (4) Historical records used as examples for budget preparation. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system :

Storage : Paper, mag. tape files.

Retrievability : Indexed by name.

Safeguards : Under supervision of responsible manager during working hours. Room locked at other times.

Retention and disposal : Retained one year, then erased or discarded.

System manager(s) and address : Director, Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Notification procedure : Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220. Identifying information—name.

Record access procedures : Written request, to: Director, Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : Forms filled out by staff members.

Treasury/OS 00.081

System name : Centralized Automated System for Reporting Employment Statistics in the Department of the Treasury (REST)—Treasury/OS.

System location : Office of the Chief, Fiscal Division, Internal Revenue Service Data Center, Box 1100, Detroit, Michigan 48232. This is the location of data processing support for the REST System.

Categories of individuals covered by the system : Employment statistics on Treasury minority groups and female employees.

Categories of records in the system : The following information is contained in the system: (1) Submitting Office Number, (2) Bureau, (3) Region, (4) Office, (5) Social Security Number, (6) Minority Designation Code, (7) Geographical Location Code, (8) Series (Occupational), (9) Pay Plan Code, (10) Grade, (11) Sex, (12) Code for Full-time, Part-time, and Intermittent, (13) Code for Seasonal (WAE), (14) Citizenship Code, (15) Supervisory Code, (16) Birth Month, (17) Birth Year, (18) Nature of Action Code, (19) Effective Date of Action, (20) On-Off Roll Code, (21) Salary (for Employees Who Do Not Have a Grade, i.e. Wage Systems, Special Emphasis, etc.)

Authority for maintenance of the system : The Civil Service Commission in the Federal Personnel Manual (Chapter 713, Subchapter 3A), establishes the full control of an automated minority group identification system under the agency Director, Equal Employment Opportunity (EEO), or his designated EEO Official.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The centralized system for Reporting Employment Statistics in the Treasury is used to furnish statistics on employment distribution to Personnel Officers, EEO Officers and Department staff as needed. Also, a periodic report of employment statistics on distribution of minority groups and female employees is provided to all Personnel and EEO Offices. Data will be provided OMB, the White House and Congress upon request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system : The Centralized Automated System for Reporting Employment Statistics is kept on a mag-tape which is the master file for minority and female statistics. Information concerning the employee is retrievable through the use of the individual's social security number. The mag-tape is not kept more than a year and is reused normally for the same or similar data. Tape data is reduced to hard copy in the form of reports. The Director, Equal Opportunity Program (EOP), is the designated Treasury official responsible to insure that minority group identification of Department employees is maintained and used in such a manner that will guard against the invasion of privacy of employees as set forth in all regulations.

System manager(s) and address : Chief, Treasury Employee Data and Payroll Division, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure : Office, Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. An individual requesting information should state his or her name, social security number, bureau employed by, and geographical location of facility or duty station to which assigned.

Record access procedures : Written requests for information on the procedures for gaining access to and contesting information is to be made to: Director, Office, Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : The Processing Clerk enters each new employee's minority group designation code, cost code or organization designation code, sex code, citizenship code and supervisory position code on one copy of the SF-50 and sends it to the IRS Data Center.

Treasury/OS 00.082

System name : EEO Complaint Processing System—Treasury-OS.

System location : Office, Equal Opportunity Program, Department of the Treasury, Room 1000, 1612 K Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system : Applicants for employment and aggrieved employees who have filed formal Equal Employment Opportunity complaints against the Department and its Bureaus.

Categories of records in the system : Each EEO investigative file contains: (a) a copy of each affidavit of the complainant, the alleged discriminatory official, and other witnesses; (b) a copy of each agency record obtained; and (c) a copy of the other information acquired in the investigation. When information concerning the agency's

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policies or procedures is essential to an understanding of matters covered by the investigation, a copy of, or an excerpt from this material will be included in the file. Files may include, depending on complainants exercising appeal rights, Hearing Transcripts and Decisions by Civil Service Commission Complaints Examiners, and Decisions by the Appeals Review Board.

Authority for maintenance of the system : Part 713.203(k) of the Civil Service Commission's Rules and Regulations, require agencies to "provide for the prompt, fair and impartial consideration and disposition of complaints involving issues of discrimination on grounds of race, color, religion, sex or national origin." Federal Personnel Manual Letter No. 713-25, provides "an agency will process complaints of discrimination on account of age."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The EEO investigative record is used to resolve complaints of discrimination between aggrieved employees or applicants for employment, and agency management. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system : The records are maintained in EEO complaint case file folders. The files are maintained by the name of the complaint in an alphabetical order. The Director, Equal Opportunity Program, and his EEO staff, and the Civil Service Commission have access to these files. The Federal District Courts have access to the files in the event the complainant appeals to that level. Normally, the files are maintained in the Department of Treasury for a period of from two (2) to three (3) years before being forwarded to the Federal Records Center, Alexander, Virginia.

System manager(s) and address : Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. The individual requesting the information must identify the date he or she filed a formal complaint, the Bureau against whom the complaint was filed, and if known, the date the complaint was closed.

Notification procedure : See System Manager above.

Record access procedures : To obtain information on the procedure for gaining access to and contesting records write to: Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : The information came from Affidavits of the parties involved and witnesses. Information also comes from personnel records, as well as from other documents relating to personnel management.

Treasury/OS 00.083

System name : Spanish Speaking Informal Application File (S.F. 171)—Treasury/OS.

System location : Office, Equal Opportunity Program, Spanish Speaking Program, Department of the Treasury, 1612 K Street NW., Room 1000, Washington, D.C. 20220.

Categories of individuals covered by the system : Spanish Speaking citizens who are seeking employment and/or promotions with the Federal Government.

Categories of records in the system : CSC Standard Form 171 (Personal Qualifications Statement).

Authority for maintenance of the system : Civil Service Commission EPM Letter 713-18.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The Standard Forms 171 are referred to the Bureaus by the Spanish Speaking Program Coordinator to the Bureau Spanish Speaking Program Coordinators to assure that Spanish Speaking are fairly considered for job openings and/or promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system : The applications are kept in a file by name. Safeguards are taken to prevent unauthorized disclosures of records. The office is locked and physical security is maintained at the entrance of the building when closed. The Standard Forms 171 are kept at least one year and/or disposed of after individual has been employed or promoted. If no action is taken within one year, the application is returned to the individual concerned.

System manager(s) and address : Spanish Speaking Program Coordinator, U.S. Treasury Department, 1612 K Street, N.W., Room 1000, Washington, D.C. 20220.

Notification procedure : Same as above. No identifying information of an individual is required except his/her name.

Record access procedures : An individual can gain access to his/her records by requesting them by letter, or visit to the Office of Equal Opportunity Program's Director, Equal Employment Opportunity's Deputy Director, or the Spanish Speaking Program Coordinator at: Mailing Address: Office of the Secretary, Office of Equal Opportunity Program, U.S. Treasury Department, Washington, D.C. 20220. Office Location: Same as Systems Manager.

Contesting record procedures : See Access above.

Record source categories : All Standard Forms 171 (Federal Government applications) were submitted by the individuals and/or other Spanish Speaking Program Coordinators.

Treasury/OS 00.110

System name: Foreign Assets Control Administrative Records—Treasury/OS

System location: Office of Foreign Assets Control, 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Office of Foreign Assets Control employees. Treasury Department General Counsel employees assigned to FAC work. Former Office of Foreign Assets Control employees. Applicants for employment with Treasury Department, Office of Foreign Assets Control.

Categories of records in the system: Applications for employment with the Office of Foreign Assets Control, or with the Office of Chief Counsel, Foreign Assets Control; records of grade promotions of Foreign Assets Control employees; records of within grade salary step increases of Foreign Assets Controls employees; analysis of performance of legal professionals assigned to Foreign Assets Control Work; supervisory evaluation of Foreign Assets Control Employees; confidential financial statements.

Authority for maintenance of the system: 5 U.S.C. Sections 301 and 302, Treasury Department Order No. 128, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: As source of information in consideration of hiring of new Foreign Assets Control employees. To determine whether a grade promotion of an employee is indicated. To determine whether annual within grade salary step increase is warranted. To compile mailing list of employees for Foreign Assets Control uses and purposes. To determine what training of Foreign Assets Control employees is needed. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Foreign Assets Control administrative records are placed in folders which are kept in file cabinets, secured by approved detachable combination locks. FAC administrative records are retrieved from the administrative file by the name of the individual. Each FAC file cabinet containing administrative records is locked when not in use. Such files are located in an area which is manned during duty hours by FAC employees. No person other than the Director (Acting) is allowed access to such records, except as specifically designated

by the Acting Director. During off-duty hours the file area is safe-guarded by appropriate electronic protective devices. FAC administrative records (other than application for employment) are kept indefinitely for so long as they are useful to the Office of Foreign Assets Control.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether Foreign Assets Control Administrative Records contain information relating to him should be (a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220, (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in FAC Administrative Records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: All information contained in the FAC administrative records is usually obtained from the individual, or from Treasury Department Personnel Office.

Treasury/OS 00.123

System name: ORS Contractors File—Treasury/OS.

System location: 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Contractors offering services.

Categories of records in the system: File containing individual contracts maintained in alphabetical sequence. Contents include: contract request, justification, source recommended, sole source when applicable, experience, references, bid for services.

Authority for maintenance of the system: For Administrative Officer in providing necessary services and Budget Analysis for payment of accounts. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Manager in checking services required. For Administrative Officer in securing contract. For Budget Analysis in payment for services. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Director's office, Managers and persons assigned to project may review file along with Contract Officers from Administrative Services, Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 "E" Street, N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Record access procedures: Written request mailed to: Administrative Officer, 2401 "E" Street, N.W., Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from consultants giving services, contract officer for agreement, budget analysis for approval of funds and payment upon approved completion of the contract.

Treasury/OS 00.128

System name: ORS Personnel Records—Treasury/OS.

System location: 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees.

Categories of records in the system: A current employees file, in alphabetical sequence, is maintained which includes: application, certification and appointment, promotional appraisals, performance appraisals, corrective action, absence and leave, training and development programs, recognition for outstanding performance.

A former employee's file, in alphabetical sequence, is maintained for six months at which time all material is sent to official file in Office of the Secretary, Main Treasury.

A recruitment file, in alphabetical sequence, is maintained for one year. Applicants submit forms and resumes for consideration.

Authority for maintenance of the system: Personnel records kept to furnish Office of the Secretary Personnel, Main Treasury, status and development of employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Managers and individual employees use in checking personnel records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Records maintained in locked file cabinet. Managers may request the files of their employees for review and approval. Individual employees may request files for update or review. Any other requests for personnel information is handled by Office of the Secretary Personnel Division at Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 "E" Street, N.W.—Room 1564, Washington, D.C. 20226.

Notification procedure: Same as above.

Record access procedures: Written request mailed to: Administrative Officer: ORS, 2401 "E" Street, N.W.—Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from individual employees, supervisors, Personnel, Main Treasury.

Treasury/OS 00.129

System name: ORS Public Affairs Personnel file—Treasury/ORS.

System location: Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Personnel, Public Affairs Division.

Categories of records in the system: Miscellaneous information relating to history of employee's activity at ORS.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Public Affairs staff maintain these files for their convenience. No access is provided to others. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in drawers.

Retrievability: Indexed by name and file number.

Safeguards: No confidential information is kept in these files.

Retention and disposal: Records are maintained until employees discard them.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Notification procedure: Administrative Officer, 2401 E St., N.W., Washington, D.C. 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Memoranda from Treasury Personnel Office. Copies of form 171s and resumes prepared by Public Affairs personnel themselves. In-house memoranda, Miscellaneous correspondence.

Treasury/OS 00.140

System name: Annual Performance Rating and Annual Performance Analysis—Treasury/OS

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

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Categories of individuals covered by the system: Annual Performance Rating—Present and former employees of the Office of the General Counsel. Annual Performance Analysis—Present and former attorneys of the Legal Division.

Categories of records in the system: The information in this system takes the form of ratings and performance analyses prepared by the employee's supervisors.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules for promotion and Treasury Personnel Manual, Chapter 430, 8, D(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and review of employee's general work performance level. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By year, name of employee, and bureau.

Safeguards: The files are kept in cabinets with an extremely limited number of employees permitted access (such as the General Counsel, Deputy General Counsel, Assistant General Counsels, or Chief Counsels).

Retention and disposal: The records are maintained for five years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Head of the office to which the employee is assigned.

Treasury/OS 00.141

System name: Attorney Books—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present attorneys of the Legal Division of the Treasury Department.

Categories of records in the system: The information in this system takes the form of brief personal and professional information on attorneys in the Legal Division. Includes date of birth, educational and professional data, and pay grade.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for employment and promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by General Counsel, Deputy General Counsel, and Administrative Officer for reference. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Desk copies for three officials.

Retrievability: By name of individual and bureau or organization.

Safeguards: Copies kept in the office of the official to whom assigned.

Retention and disposal: The records are maintained only while the attorney is employed by the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.142

System name: Attorneys Past and Present—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of materials relating to the employee's application and employment with the Office of the General Counsel. It includes letters of recommendation, hiring recommendations, and other similar information concerning the employee.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and reviewing employee's general work performance level. With respect to former employees, information used for reference purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records contain information on all present attorney-employees of the General Counsel's Office and on former attorney-employees for the past two years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom record is maintained, employee's supervisors, and applicant's interviewer.

Treasury/OS 00.143

System name: Chief Counsel for Revenue Sharing personnel—Treasury/OS.

System location: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226.

Categories of individuals covered by the system: Personnel employed by the Chief Counsel for Revenue Sharing.

Categories of records in the system: The records are copies of the employee records kept for their convenience.

Authority for maintenance of the system: Employee copies of personnel records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are employee copies of official Treasury Department personnel actions. They are referred to by the employee for convenience concerning personnel matters affecting him or her. Personnel may take their own records with them when they terminate their employment with the Chief Counsel's Office. The file is maintained for the convenience of the employee who wishes to maintain official Treasury Department personnel actions in a convenient location. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name of individual.

Safeguards: The records may only be reviewed by the employees of the Chief Counsel's Office.

Retention and disposal: The records are maintained only while the individual is employed with the Chief Counsel's Office.

System manager(s) and address: Administrative Officer, 1500 Pennsylvania Ave., N.W., Main Treasury, Room 3006, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: Call or write the Chief Council for Revenue Sharing at the following address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226, Telephone—(202) 634-5182, 634-5183.

Contesting record procedures: See Access above.

Record source categories: Official Treasury Department Personnel Records—employee copies only.

Treasury/OS 00.146

System name: Employee Inventions—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, Opinion Section, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employee-Inventors.

Categories of records in the system: Information relating to inventions of employees.

Authority for maintenance of the system: 5 U.S.C., Section 301, 31 CFR Part 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in connection with Government and employee rights in employee inventions, disclosure to U.S. Patent Office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Legal file in file cabinet.

Retrievability: By name of inventor-employee.

Safeguards: File cabinet is in office of attorney, but unlocked.

Retention and disposal: Indefinite as precedent files.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Employees involved.

Treasury/OS 00.147

System name: Employee Promotion Information—Treasury/OS.

System location: Room 2314, Main Treasury Building.

Categories of individuals covered by the system: Past and present employees of the Office of the Assistant General Counsel for International Affairs.

Categories of records in the system: The information in this system of records takes the form of recommendations for promotion of various past and present employees in the office.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal memoranda and accompanying forms circulated to Treasury Department officials authorized to grant promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Typed memoranda and required personnel forms.

Retrievability: The file is labeled "Personnel" and contains separate memoranda designating the employee's name after the heading "subject".

Safeguards: The file is kept in a locked file cabinet. A limited number of employees retain the combination to the file.

Retention and disposal: The records date back to 1969, the time of the first promotion arising under the last Assistant General Counsel for International Affairs.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: These records take the form of memoranda drafted by the Assistant General Counsel for International Affairs, recommending various members of his staff for grade and/or step increases.

Treasury/OS 00.148

System name: Employment Applications—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for employment as attorneys within the Office of the General Counsel.

Categories of records in the system: Contains original or copy of Standard Form 171, resume, and any correspondence between the applicant and the General Counsel, Deputy General Counsel and Administrative Officer.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules relating to employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in making decisions on employment of attorneys by the Office of the General Counsel, responding to inquiries from members of Congress regarding constituents, and for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are maintained for a period of two years unless the applicant is subsequently employed by the Department. These latter records are transferred to the Treasury Department/OS; Attorneys Past and Present system.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom the record is maintained and other interested parties at the initiation of the individual concerned.

Treasury/OS 00.152

System name: General Counsel Personnel Files—Treasury/OS.

System location: Room 3000, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys and applicants for positions within the Office of the General Counsel.

Categories of records in the system: The information in this system consists of applications, letters of recommendation and other information concerning the qualifications of the individuals within the category.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with statutory and Department of the Treasury Office of the General Counsel rules for Presidential appointments, hiring and promotions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the General Counsel and other senior Department officials in connection with promotions and hiring of senior attorneys within the General Co[u]n-

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sel's office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Filed alphabetically.

Safeguards: The files are kept in locked cabinets with a limited number of employees permitted access.

Retention and disposal: The records include individuals who are or have been employed or sought employment with the General Counsel's Office since 1956.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual concerned, letters of recommendation, and other data submitted pursuant to the General Counsel's and the individual's request.

Treasury/OS 00.153

System name: Personnel: General Counsel, Deputy General Counsels and Assistant General Counsels—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and past General Counsels, Deputy General Counsels, and Assistant General Counsels.

Categories of records in the system: Contains information on the individual's tenure in office: date of appointment and resignation.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files in Office of the Administrative Officer, Office of the General Counsel.

Retrievability: By title of position and name of individual.

Safeguards: Administrative Officer controls access to the system.

Retention and disposal: Information retained on officials for indefinite periods.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.157

System name: Employee Records Cards—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former employees of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of dates of personnel actions, pay increases, promotions, reassignments, change of rolls, retirement, transfer and resignation.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 295 (Standard Form 7-B).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and for verification of employment. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are retained on all present and former employees of the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: See Access above.

Record source categories: Standard Form 171 and Standard Form 50.

Treasury/OS 00.182

System name: Special Personnel Working Files, Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Rooms 3112, 3122, 3108, 4217, 4045, 3064, 4222, 4028, 4004, 4040, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W. Washington, D.C. 20220, and Room 1036, 1425 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: Past, present, and prospective employees and consultants of the Office of the Assistant Secretary and of certain other tax-related governmental institutions.

Categories of records in the system: Correspondence with and about past and prospective employees; memoranda of conversations; time, leave, pay, promotion records, evaluation records; et cetera.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory and administrative personnel of the Office of the Assistant Secretary as supplementary and complementary to official Departmental personnel files to record personnel actions regarding employees of the Office and as a reference tool in preparation for or review of anticipated or past personnel actions and for advising others, both within and without the Government, as to the qualifications and performance of past, present, and prospective employees of the Office of the Assistant Secretary. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on paper in writing.

Retrievability: The records are indexed by the name of the person with respect to whom the record is maintained.

Safeguards: Various.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Secretary for Tax Policy, Deputy Assistant Secretary for Tax Policy (Tax Legislation), Deputy Assistant Secretary for Tax Policy (Tax Analysis), Tax Legislative Counsel, Deputy Tax Legislative Counsel, Associate Tax Legislative Counsel, International Tax Counsel, Deputy International Tax Counsel, Associate Director Office of Tax Analysis, Director Office of Industrial Economics.

Notification procedure: Freedom of Information Officer, Office of the Assistant Secretary for Tax Policy, Room 3064, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220, with sufficient identification as to individual's identity and information sufficient to determine within which office the records would most likely be located and the probable age of the record.

Record access procedures: By application to Freedom of Information Officer.

Contesting record procedures: By application to Freedom of Information Officer.

Record source categories: The records are developed from correspondence, memoranda, and official Treasury Department personnel forms.

Treasury/OS 00.190

System name: Automated Directory System—Treasury/OS.

System location: Main Computer—Bowne Timesharing, New York, New York. Terminal and Readout—Main Treasury Building, Washington, D.C.

Categories of individuals covered by the system: All Department of the Treasury employees located in the Washington, D.C., Metropolitan Area.

Categories of records in the system: Name of individual, office address, office telephone extension. (To be added in near future: home address, home telephone, emergency notification data.)

Authority for maintenance of the system: Department of the Treasury Telecommunications Circular No. 21, dated June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes as such uses: (1) To compile Departmental and Bureau Telephone Directories.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (2) To be used in the future at the Treasury Switchboard information Positions using on-line visual display units to assist callers in locating Treasury employees. For additional routine uses see Appendix AA. USERS: Subscribers to Treasury Telephone System and Telephone Information Operators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag. tape.

Retrievability: Indexed by name and block code numbers.

Safeguards: Computer access codes.

Retention and disposal: Maintained until notice of change or employment is terminated. Disposal of information on mag-tape is by erasure.

System manager(s) and address: Director, Office of Administrative Programs, Office of the Secretary, Washington, D.C. 20220.

Notification procedure: Director, Office of Administrative Programs, see above.

Record access procedures: Director, Office of Administrative Programs, see above.

Contesting record procedures: Director, Office of Administrative Programs, see above.

Record source categories: Each individual Treasury employee.

Treasury/OS 00.191

System name: Buildings Management Employee Folder—Treasury/OS.

System location: Office of Buildings Manager.

Categories of individuals covered by the system: All employees of Buildings Management—includes all shops as follows: Cabinet shop, Elevator shop, Electric shop, Engineer shop, Day and Night Maintenance, Paint shop, Locksmith.

Categories of records in the system: Each employee has individual folder containing items such as Letters of Counseling, suspensions, awards, step increases, evaluations as well as copies of official personnel actions such as SF-52's.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Normally a storage file for information purposes. Can be examined during periods of potential promotion, training needs, proposed advise actions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Normal 8 x 10 letter size paper.

Retrievability: By name.

Safeguards: Maintained in locked file cabinet utilizing Treasury "Open" "Closed" security program.

Retention and disposal: Maintained until employee leaves Treasury service—purged annually to remove adverse comments not followed through with formal actions.

System manager(s) and address: Buildings Manager, The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220, Attn: Buildings Manger. Only personal identification required to review his own personal record.

Record access procedures: Simple presentation of the individual at the Buildings Mangement Office during normal work hours is sufficient to review personal record. Office is located in Main Treasury, Washington, D.C. 20220.

Contesting record procedures: See System Manager above.

Record source categories: Information received from official records such as time cards and SF-52's. Information also received through interviews and private counselings with the individual employee.

Treasury/OS 00.193

System name: Employee Locator Record—Treasury/OS.

System location: Main Treasury Building, 1500 Penna. Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All Department of the Treasury employees located in the Washington, D.C., Metropolitan Area.

Categories of records in the system: Name of individual, office address, office telephone extension, home address, home telephone, emergency notification data.

Authority for maintenance of the system: Department of the Treasury Telecommunications Circular No. 21, dated June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used at the Treasury Switchboard Information Positions to assist callers in locating Treasury employees. For additional routine uses see Appendix AA. USERS—Telephone Information Operators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Form 2723 (Rev. 6-72), Department of the Treasury.

Retrievability: Indexed by name.

Safeguards: 24-hour switchboard operation with controlled access.

Retention and disposal: Maintained until notice of change or employment is terminated. Disposal of records is by burning.

System manager(s) and address: Director, Office of Administrative Programs, Office of the Secretary, Washington, D.C. 20220.

Notification procedure: Director, Office of Administrative Programs, see above.

Record access procedures: Director, Office of Administrative Programs, see above.

Contesting record procedures: See System Manager.

Record source categories: Each individual Treasury employee.

Treasury/OS 00.195

System name: Parking Permit Application—Treasury/OS.

System location: The system of records is maintained at: (1) The Great Plaza Parking Lot, 14th & D Streets, N.W., Washington, D.C., in the custody of the Manager, and (2) Office of the Assistant Director (Environmental Programs), OAP, OS, Room 701, Washington Building.

Categories of individuals covered by the system: Treasury employees who meet specified requirements for application, and are working in locations within the zone of consideration for parking at the Great Plaza Parking Lot.

Categories of records in the system: The card (GSA Form R3-1615) includes the following information: (1) Name of applicant; (2) Permit No.; (3) Organization; (4) Office Phone No.; (5) Appli-

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cant's signature; (6) Agency Parking Representative's signature. In addition, the applicant's car pool members are listed on the card, along with their organization and office phone numbers. The system is set up by Permit Number.

Authority for maintenance of the system: See 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used only on an individual basis, by the holder of the Form R3-1615, on a monthly basis, in addition to a fee for parking. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are maintained in a file cabinet and retained for six months, at which time GSA revises departmental quotas, eligibility requirements and card color, resulting in a new Treasury Department-wide survey and issuance of new parking permit applications.

System manager(s) and address: Assistant Director (Environmental Programs), Office of Administrative Programs, Room 701, Washington Building, c/o Main Treasury, Mailroom, Washington, D.C. 20220.

Notification procedures: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: The information in this system came from individuals who are included in the system.

Treasury/OS 00.240

System name: Contracts and Research Proposals—Treasury/OS.

System location: OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: (1) Contractors; and (2) Solicited and unsolicited research proposals by author.

Categories of records in the system: Contains information about technical and administrative aspects of external research contracts or proposals.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine administration of contract matters; (2) Evaluation of performance of contracts and utility of research proposals; and (3) If joint contract sponsored with another Federal agency, share information necessary to carry out contract. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Privacy Act Coordinator, OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Information submitted by researcher voluntarily or by request; (2) Office notations on the status of contracts; and (3) Evaluations by Treasury personnel of contract work.

Treasury/OS 00.243

System name: Personnel. Personnel; Recruitment. Personnel; Evaluations—Treasury/OS.

System location: Office of Statistical Reports, OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees, past employees, employee prospects.

Categories of records in the system: Files on personnel.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel recruitment and management. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notes in file folders.

Retrievability: Name.

Safeguards: Safe.

Retention and disposal: Until no longer useful.

System manager(s) and address: Director, Office of Statistical Reports, Deputy Director, Office of Statistical Reports. OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Individuals, personnel actions, etc. Evaluations.

Treasury/OS 00.244

System name: Personnel Files—Treasury/OS.

System location: OASIA Research Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: OASIA Research personnel and job applicants.

Categories of records in the system: Records on personnel and job applicants.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Evaluate job applicants; (2) Routine administrative use of records on OASIA Research personnel; and (3) At the request of the individual, to provide potential employees with information on past work experience. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Deputy Assistant Secretary for Research, OASIA Research, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Constitution

Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Employment applications; (2) Description of current work in office; (3) Personnel Office of OASIA; (4) Supervisor's observations; and (5) Information submitted by individuals for their own file.

Treasury/OS 00.300

System name: Personnel files—Treasury/OS.

System location: Department of the Treasury, Office of the Secretary, Office of the Special Assistant to the Secretary for Public Affairs, Room 2324, Washington, D.C. 20220.

Categories of individuals covered by the system: Employees in the Office of Public Affairs.

Categories of records in the system: SF 171s, Notification of within grade raises, Personnel action information, Letters of appreciation.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by timekeeper for leave purposes; by supervisor, when information is needed; by employees, when requesting information from their files. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: Duplicates of original documents in file folders in safe.

Retrievability: Filed alphabetically by employee's last name.

Safeguards: Only the two persons authorized to use the safe have access to personnel files; Deputy Special Assistant to the Secretary for Public Affairs and his secretary.

Retention and disposal: Records are kept until employee is separated and then destroyed.

System manager(s) and address: Deputy Special Assistant to the Secretary for Public Affairs, Office of the Secretary, Room 2324, Main Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to the Deputy Special Assistant to the Secretary for Public Affairs: Department of the Treasury, Room 2324, Washington, D.C. 20220 or if he is not available, his secretary, same address. The individual must be inquiring about his own records and clearly identify himself, if not known to the persons named above.

Record access procedures: To obtain information on procedures for gaining access to and contesting records, mail the request to the Systems Manager.

Contesting record procedures: See Access above.

Record source categories: Information for the personnel records are obtained from: 1. Office of the Secretary Personnel Division; 2. Information provided by employees themselves; and 3. Copies of letters from officials congratulating employees for special achievements.

Treasury/OS 00.400

System name: Merit System Complaints—Treasury-OS.

System location: Office of the Director, Office of Audit, Room 902, 1025 Vermont Ave. N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees who have a basis for believing that Civil Service personnel laws or rules are being violated, and the matter is not appropriate for the grievance or appeals procedure.

Categories of records in the system: Letters, personel documents, memorandums, investigation reports, and extracts from investigation files.

Authority for maintenance of the system: Memorandum from the Secretary of the Treasury, dated November 21, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish direction and suggestions to Treasury Personnel Office for follow-up action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: Locked combination safe.

Retrievability: By name.

Safeguards: Locked safe, access by Director of office only.

Retention and disposal: One year after matter resolved, material is then shredded.

System manager(s) and address: Office of Audit, Director, Room 902, 1025 Vermont Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See system Manager above.

Record access procedures: See system Manager above.

Contesting record procedures: See system Manager above.

Record source categories: Complainant, official personnel files, investigation files and grievance files.

Treasury/OS 00.502

System name: Reference Letters—Special Assignments Branch, Office of the Secretary of the Treasury.

System location: Room 1312, Main Treasury Building, Personnel Division, Special Assignments Branch, Office of the Secretary, Department of the Treasury. Room 1330, Diebold File, after candidate is on board.

Categories of individuals covered by the system: Secretarial candidates applying for positions within the Office of the Secretary.

Categories of records in the system: Evaluation for placement of applicants.

Authority for maintenance of the system: Federal Personnel Manual Chapter 335.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in conjunction with other records to determine the relative qualifications of applicants for employment. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: Completed letters are retained with SF-171 while an applicant.

Retrievability: After employment, letters are retrieved from SF—171 or OPF.

Safeguards: Letters are filed in an envelope marked "Confidential" in OPF.

Retention and disposal: Letters are retained in the OPF during tenure of employee and destroyed when incumbent terminates employment with the Department of the Treasury.

System manager(s) and address: Personnel Staffing Specialist, Personnel Division, Room 1312, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The information reflected on the reference form was obtained from previous supervisors and personal references candidate fills in on employment application forms.

Treasury/OS 00.503

System name: Roster of Office of the Secretary Employees—Treasury/OS.

System location: Room 1330, Main Treasury Building.

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Categories of individuals covered by the system: All Office of the Secretary employees.

Categories of records in the system: Position titles, grades and salary for Office of Secretary employees.

Authority for maintenance of the system: Assistant Secretary (Administration) request.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Position control, ceiling control and general information for a very limited number of high level officials. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: Locked file cabinet.

Retrievability: By name.

Safeguards: Strict control of distribution.

Retention and disposal: Rosters are maintained for at least 3 years and after that time are destroyed.

System manager(s) and address: Personnel Officer.

Notification procedure: Room 1330, Main Treasury Building. Employee must give his name and office.

Record access procedures: Personnel Officer.

Contesting record procedures: Personnel Officer.

Record source categories: Standard Form 50.

Treasury/OS 00.504

System name: Summer Employees Listing Treasury/OS.

System location: Office of the Secretary Personnel Division, Room 1330, Main Treasury Building.

Categories of individuals covered by the system: All Summer Employees within the Office of the Secretary, excluding OASIA.

Categories of records in the system: Summer Employees' names, college majors, academic level, grade, position title and office.

Authority for maintenance of the system: Chapter 410 of the Federal Personnel Manual, Subchapter 3, Section 3-1, paragraph (b), Section (5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to determine who is eligible for seminars offered by the Office of the Secretary and the Department. Used also in the preparation of the 113 D Statistical Report for the Office of the Secretary. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: Names listed on bond paper with respective information and stored in a file cabinet.

Retrievability: Alphabetical listing by name.

Safeguards: This list is used only by the Youth Employment Coordinator or others authorized by Personel Officer.

Retention and disposal: Records are kept for one year then are destroyed by burning.

System manager(s) and address: Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information taken from Official Personnel Folder and SF-171.

Treasury/OS 00.545

System name: Upward Mobility Program; Counseling Application—Treasury/OS.

System location: Room 1330, Main Treasury Building, Personnel Division, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Government employees occupying positions within the Office of the Secretary, occupying GS-7 and below or equivalent, and Wage Board employees below WP-9 and WG-7 positions.

Categories of records in the system: Application form reflecting identification of employees, type of position, degree of education and skill, etc.

Authority for maintenance of the system: Affirmative Action Plan.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Application will be used in conjunction with interviews on Upward Mobility Counseling, to give an idea of what type of training and/or experience the applicant has, and what career goals the applicant may have. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The alphabetized applications are presently kept with other Upward Mobility materials, but will be filed into the Official Personnel Files shortly.

Retrievability: The system is indexed by name.

Safeguards: The applications are kept in a locked file, and will ultimately be inserted into Official Personnel Files which are also kept in locked files.

Retention and disposal: Maintained on left hand side of personnel folder and are retained until employee leaves Treasury.

System manager(s) and address: Upward Mobility Counselor, Room 1325, Main Treasury Building, Office of the Secretary, Department of the Treasury, Washington, D.C.

Notification procedure: Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220. The employee should submit name and social security number.

Record access procedures: Request for gaining access can be made orally. See access and notification above.

Record source categories: The information reflected on these applications was obtained from personal data provided by each applicant.

[FR Doc. 79-3547 Filed 1-2-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

PROCEDURES FOR IMPLEMENTING EXECUTIVE ORDER 12044, "IMPROVING GOVERNMENT REGULATIONS"

Final Report

AGENCY: Veteran Administration.

ACTION: Final Report.

SUMMARY: The Veterans Administration issues these final procedures for developing, simplifying, and reviewing its regulations in accordance with Executive Order 12044, "Improving Government Regulations". The plan proposes procedures for developing both significant and nonsignificant new regulations, for drafting a regulatory analysis, and for reviewing and simplifying existing regulations.

EFFECTIVE DATE: January 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. William E. Stewart, VA Central Office, Management Services (61), 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-3770). Comments are requested by April 6, 1979.

SUPPLEMENTARY INFORMATION: On page 21983 of the FEDERAL REGISTER dated May 22, 1978, the Veterans Adminstration published a draft report to implement Executive Order 12044, (43 FR 12661, March 24, 1978). One comment was received from the Director, Task Force on Sex Discrimination, United States Department of Justice, July 12, 1978, at whose request we are including additional provisions for: (1) A review of all proposed regulations for a determination that no unnecessary gender-specific terminology or element of substantive sex discrimination is used; (2) A prohibition against classifying any proposed regulation as nonsignificant if it will have a disparate impact based on sex; and (3) A factor in the review of existing regulations for correcting unnecessary gender-specific terminology. However, it should be noted that we formalized a policy prohibiting sex-discriminatory terminology several years ago (VA Regulation 13, March 25, 1974, 38 CFR 1.13). Every new and revised regulation has since been screened carefully to eliminate gender-specific terminology resulting in thousands of such eliminations. This is an on-going procedure, and applies not only to regulations but to publications and to any communications within the agency or to veterans, dependents, beneficiaries, or members of the public.

Since the procedures contained herein have been expanded from our earlier draft report, and are to be incorporated in our "Policy Manual", comments are solicited on: (1) Whether this final plan is easy to read and understand, and (2) Whether the proposed procedures are an effective means of complying with Executive Order No. 12044. If appropriate, we will then incorporate these views into our manual.

Approved: January 30, 1979.

MAX CLELAND,
Administrator
Veterans' Affairs.

IMPROVING GOVERNMENT REGULATIONS

SECTION I. BACKGROUND

Executive Order 12044 of March 23, 1978, directed Federal Agencies to improve their regulatory procedures to provide for:

(1) The use of clear and simple English that will be easily understood;

(2) The achievement of legislative goals with a minimum of paperwork and red tape;

(3) Agency-head oversight of and responsibility for the processing of new or revised regulations;

(4) Agency-head signatures on and approvals of regulations;

(5) Early and meaningful opportunities for public participation in the development of regulations *i.e.*, 30-60-day comment periods;

(6) Criteria for defining "significant regulations";

(7) Appropriately scheduled reviews of existing regulations to insure that they are in accord with the provisions of the Executive Order.

(8) Regulatory analyses of those regulations with potentially "major" consequences for the general economy, the environment, individual industries, regions, or the public in general; and

(9) Publication in the FEDERAL REGISTER, at least simi-annually, of an agenda of "significant regulations" under development or review.

SECTION II. DEFINITION

A. VA regulations are basically rules of general applicability which implement federal legislation or Presidential Executive Orders administered by or pertaining to the VA. All matters of a regulatory nature issued in accordance with the authority vested in the Administrator which confer a right, privilege, authority, or immunity, impose an obligation, or prescribe a penalty or a course of conduct, and which are applicable to veterans, their dependents, beneficiaries, or third parties (such as educational institutions, home loan institutions, civilian hospital affiliations, state approving agencies for schools, etc.) are promulgated in permanent form as VA regulations and given legal effect by publication in the FEDERAL REGISTER. VA is benefits-oriented and is mainly called upon to implement legislative mandates.

B. In general, material pertaining to purely internal guidance and procedures is not included in regulations. Such matter is published in VA manuals, circulars, and other types of adminstrative media.

SECTION III. PROCESS FOR DEVELOPING REGULATIONS

A. *Initiation.* 1. Department or staff office heads initiating proposed new or revised regulations will immediately notify the Administrator, Deputy Administrator, the Generel Counsel, and the Inspector General of their intent. Insofar as practicable these notifications will be in writing. They will contain as much background information as possible, including at least the following:

(a) Justification;

(b) Authority or mandate;

(c) Names of other government agencies that may be affected;

(d) Possible overall impact;

(e) Involvement of other VA department or staff office heads;

(f) Alternative approaches to be explored;

(g) Whether the proposal is considered significant and why;

(h) A plan for public participation; and

(i) Tentative target dates for completion of steps in the development process.

2. The Administrator or Deputy Administrator, in consulation with the General Counsel, will review this notification, approve or disapprove the proposal, and determine whether it is needed and if so whether it is significant. In the event the Administrator or Deputy Administrator disapproves the proposal submitted by a department or staff office head, or when there is a disagreement as to whether a proposal is significant or not, the Administrator or Deputy Administrator will notify the affected officials in writing of the decision(s).

3. The Inspector General is required to review regulations concerning: (1) The impact on the economy and efficiency in the administration of the programs and operations; and (2) the prevention and detection of fraud and abuse in the programs and operations. The Inspector General will inform the originating department and staff office head of the results of this review by issuing a "Notice of Review."

B. *Significant Regulations.* 1. In determining whether regulations will be designated as significant, the VA will take into consideration at least the following factors:

(a) The type and number of individuals, businesses, organizations, and state and local governments affected;

(b) The compliance and reporting burdens imposed;

(c) The anticipated direct and indirect effect on the environment, public, businesses, institutions, etc.;

(d) The costs that may be involved for the public, businesses, institutions, etc.; to comply;

(e) The effect of the proposals on other programs and agencies; and

(f) Any other factors that appear relevant in each case.

2. When proposed or reviewed regulations are determined to be both needed and significant, the responsible department or staff office heads will proceed to develop them, in cordination with other affected departments or staff offices as appropriate. They will:

(a) Consider other approaches and select the least burdensome alternatives;

(b) Develop plans for subsequent evaluation;

(c) Insure public participation, and provide for a 60-day comment period or explain why it is not feasible;

(d) Consider direct and indirect effects;

(e) Consider anticipated impact on the environment and the economy;

(f) Estimate the reporting burdens or recordkeeping requirements necessary for compliance;

(g) Consider the impact on state or local governments; and

(h) Consider any other factors that appear relevant in each case.

3. When significant regulations have been drafted and concurred in by the affected department or staff office heads, the originators will obtain the concurrences of the General Counsel and the Assistant Administrator for Information Services. In addition they will obtain the "Notice of Review" required for the Inspector General. The proposed regulations will then be forwarded to the Director, Management Servicies, for final review and assem-

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bly. Management Services will forward the proposals to the Administrator of Deputy Administrator for final consideration and signature. Upon receipt of the proposed regulations, properly signed, Management Services will forward them to the Office of the Federal Register for publication and inform Information Services so that that office may forward notices or copies of proposed significant regulations simultaneously with FEDERAL REGISTER publication to other publications likely to be read by those affected. In addition, Management Services will send copies to the Senate and House Committees on Veterans' Affairs and to interested service-oriented individuals and organizations simultaneously with FEDERAL REGISTER publication.

4. Proposed significant regulations will normally provide for at least a 60-day public comment period. If this cannot be done, the preamble will include an explanation of the reasons and the name of the policy official responsible for this determination. The name, title, address and telephone number of the appropriate official who may be contacted for additional information will also be included.

5. Upon expiration of the public comment period, the responsible department or staff office heads will evaluate the comments, and revise the proposed regulations if appropriate. The final significant regulations will be routed for the concurrences of the General Counsel and the Assistant Administrator for Information Services, "Notice of Review" obtained from the Inspector General, and then forwarded to the Director, Management Services, for editing and final review. Management Services will prepare the documents necessary for publication in the FEDERAL REGISTER, obtain approvals and signatures of the Administrator or Deputy Administrator, and forward the completed documents to the Office of the FEDERAL REGISTER for final publication.

6. Copies of final notices will be transmitted simultaneously with FEDERAL REGISTER publication to:

(a) Publications likely to be read by those affected;

(b) The House and Senate Committees on Veterans' Affairs; and

(c) The interested service-oriented individuals and organizations.

C. *Nonsignificant Regulations.* 1. When proposed or reviewed regulations are determined not significant, the originating department or staff office heads will proceed to develop them, coordinate them with other departments and staff offices, as appropriate, obtain concurrences from the General Counsel and the Assistant Administrator for Information Services, obtain "Notice of Review" by the Inspector General, and forward the completed proposals to the Director, Mangement Services, for final review and assembly. Management Services will forward the proposals to the Administrator or Deputy Administrator for final consideration and signature. Upon receipt of the proposed regulations, properly signed, Management Services will forward them to the Office of the Federal Register for publication.

2. When proposed nonsignificant regulations are published in the FEDERAL REGISTER, the preambles will provide for at least a 30-day public comment period, unless an explanation is given for a shorter or no comment period (see SECTION VII C, "Public Participation," below). The preambles will also set forth the need for and probable effect of the proposed regulations, and an explanation why they do not meet the VA's established criteria for significant regulations.

SECTION IV. CRITERIA FOR PREPARING REGULATORY ANALYSES

A. For all proposed or existing significant regulations, the originating department or staff office heads, in collaboration with the Administrator, Deputy Administrator, and the General Counsel, will determine whether they are likely to have major economic consequences for the general economy, individuals, industries, geographical regions, levels of federal, state, or local governments and institutions. When it is determined that regulations will have a major economic impact, regulatory analyses will be prepared and used during the initial stages of development.

B. Regulations will be considered likely to have major economic consequences and impact when they will:

(1) Have an effect on the national economy of $100 million or more in any given year;

(2) Create major increases in costs or prices;

(3) Impose a major burden of some sort, for example in recordkeeping requirements necessary to show compliance by individuals, industries, institutions (such as schools, loan organizations, hospitals, businesses), or state or local governments;

(4) Cause major additional cost to recipients of federal financial assistance; or

(5) Have major economic impact for any other reason in the judgment of the Administrator of Deputy Administrator.

C. Where it is determined that a regulation will have a major economic impact, the regulatory analysis will be prepared and used during the initial stages of its development in order to facilitate the careful examination of alternative approaches early in the decisionmaking process. It will serve as a basis for initial as well as final decisions. When a proposed significant regulation, which has a major economic impact, is published in the FEDERAL REGISTER as a "Notice of Proposed Rulemaking," the Notice will announce the public availability of the "draft" regulatory analysis and how members of the public can obtain the supporting documentation. In addition, a summary portion of the draft regulatory analysis will be included in the Notice.

D. After the end of the public comment period, the draft regulatory analysis will be reviewed taking into consideration the comments received. If changes are appropriate, the analysis will be changed and coordinated with affected department or staff office heads.

E. When the final regulation is published in the FEDERAL REGISTER, the summary portion of the final regulatory analysis will be included. This final notice will again indicate how members of the public can obtain the supporting documentation.

F. If it is determined that the significant regulation does not have a major economic impact, the responsible department or staff office head will prepare a statement justifying this determination and describing the possible effects of the regulation. This statement will be published in the FEDERAL REGISTER along with the final notice.

G. Each regulatory analysis shall consist of a summary and

(1) A brief statement of the problem;

(2) The mandate for such action;

(3) A description of the major alternative ways of dealing with the problem (non-regulatory alternatives may be included);

(4) A brief analysis of the economic consequences of each alternative, direct as well as indirect effects; and

(5) An explanation of the reason(s) for choosing one alternative over the other(s).

H. The supporting documentation should include, but not be limited to the following:

(1) An analysis of each reasonable and feasible policy alternative (legislative authority, legal or other obstacles to implementation, enforceability, sunset provisions);

(3) A detailed explanation of the reasons for choosing one alternative over the other(s); and

(4) A detailed analysis of the economic consequences of each alternative, direct as well as indirect effects, such as:

(a) Specific burdens imposed by each alternative on state and local governments, individuals, industries, geographic regions and demographic groups;

(b) Compliance and reporting requirements or burdens for those who must comply; and

(c) Other relevant costs and burdens.

SECTION V. REVIEW OF EXISTING REGULATIONS

A. Administrator's Memorandum No. 00-78-6 dated June 9, 1978, "Review of Administrative Issues Bearing Approval of the Administrator or One of the Deputies", sets forth guidelines and responsibilities for the complete review of all issues, including VA Regulations. Regulations are to be reviewed to insure that they are:

(1) Current and accurate;

(2) Consistent with existing laws;

(3) Essential to efficient operation and administration of the VA;

(4) Written in plain and simple English;

(5) Void of gender-specific terminology or substantive sex discrimination; and

(6) In good taste.

B. Even though all regulations are being reviewed and a target date of August 31, 1979, has been set for completion, the following regulations will be given the first priority for review:

(1) Education regulations;

(2) Home Loan Guaranty regulations;

(3) Department of Medicine and Surgery regulations pertaining to Special Programs and Grants; and

(4) Regulations that have a major economic impact requiring a regulatory analysis.

C. The following criteria will be considered during the review in an effort to reduce the paperwork and regulatory burden on the public, veterans, and the VA:

(1) Whether the regulation continues to be necessary to achieve statutory or policy goals;

(2) Whether the regulation has been the subject of significant public controversy, complaints, or suggestions;

(3) Whether the regulation is particularly burdensome for some segment of the public, veterans, or VA;

(4) Whether the regulation is confusing, difficult to interpret, or unnecessarily complex;

(5) Whether the regulation is duplicative or inconsistent with other VA or other agency regulations treating the same or similar subjects;

(6) Whether the regulations is consistent with the most recent technological advances;

(7) Whether a revision of the regulation needs to be considered in light of changed economic or other conditions affecting its appropriateness;

(8) Whether the regulation has been or probably will be subject to change as a result of legislative action;

(9) Whether court decisions have altered the meaning or effectiveness of the regulation;

(10) Whether agency operating personnel consider the regulation inefficient, burdensome or a proper subject for revision;

(11) Whether the regulation is discriminatory if effect or formulation; and

(12) Whether requests have been received for exemption from a regulation and whether granted.

D. It is the intent of VA that regulations not achieving their intended purpose or imposing unnecessary paperwork or regulatory burden on the public, veterans, or VA be revoked or revised.

SECTION VI. SEMIANNUAL AGENDA OF REGULATIONS

A. To give the public adequate notice and opportunity for comment, the VA will publish in the FEDERAL REGISTER in December and June of each year a semiannual agenda of all significant regulations scheduled for development or review. In addition, nonsignificant regulations may be included in the agenda if the responsible department or staff office head feels it would be beneficial and of sufficient interest to the veteran population. Supplements to this agenda may be published at other times during the year, if warranted. B. The semiannual agenda of regulations must be concurred in the General Counsel and will be signed by the Administrator or Deputy Administrator.

C. The agenda will include:

(1) The regulations or significant regulations under development or being considered;

(2) Those regulations under review;

(3) The need and legal basis for such action;

(4) The status of regulations previously listed in other agendas;

(5) The name, title, address, and telephone number of a responsible official who may be contacted for additional information; and

(6) If possible, whether or not a regulatory analysis will be required.

D. The Director, Management Services, will forward copies of the agenda to the Senate and House Committees on Veterans' Affairs as well as other interested, service-oriented individuals and organizations. The Assistant Administrator for Information Services will also send notices of the agendas to publications likely to be read by those affected. Both services will send copies simultaneously with FEDERAL REGISTER publication.

SECTION VII. POLICIES

A. *Oversight by Agency Head.* VA Regulations appear in Title 38, Code of Federal Regulations, "Pensions, Bonuses, and Veterans' Relief." VA Procurement Regulations (excluded from the provisions of Executive Order 12044) appear in Title 41, Code of Federal Regulations, "Public Contracts and Property Management", Chapter 8. VA regulations are issued by or at the direction of the Administrator of Veterans Affairs to implement Federal legislation or to implement Presidential Executive Orders. Decisions pertaining to these regulations are made by the Administrator or the Deputy Administrator. All regulations, proposed or final, new or revised, whether considered "significant" or not, are personally reviewed, approved, and signed by the Administrator or the Deputy Administrator before publication.

B. *Clarity.* VA regulations will be written in plain and simple English. Every effort will be made to insure that they will be easily understood by the general public, especially those who must comply with them, and still meet legislative requirements with a minimum of paperwork and redtape. Drafts of all proposed or final regulations will be submitted to the Assistant Administrator for Information Services for editing and suggestions to improve readability and simplicity.

C. *Public Participation.* 1. In general it has been and will continue to be VA policy to afford the public an opportunity to comment on proposed new or revised regulations prior to formal promulgation. Exceptions will be fully justified, concurred in by the General Counsel, and approved by the Administrator or Deputy Administrator. Such exceptions will be limited primarily to matters of a nondiscretionary or internal VA administrative character. For those regulations which are considered "significant" the public will be afforded a 60-day comment period if at all possible. This will be accomplished by first announcing them by publication as notices in the daily FEDERAL REGISTER, inviting written public comment, and specifying how such comment may be made. When a 30- or 60- day comment period (or less) cannot be provided, the regulation will be accompanied by a brief statement explaining why, and will include the name of the policy official responsible for this determination. During the comment period interested persons will be invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. Notices will also include the name, title, address and telephone number of an appropirate official who may be contacted for additional information. All written comments received within the comment period will be

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considered. They will also be available for public inspection at the above address, room 132, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Holidays), during the stated comment period and for an additional 10 days thereafter. Persons visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit (271A) in room 132. Persons visiting or calling any VA field station will be informed that the records are available for inspection only in Central Office and upon request furnished the proper address, room number, name and phone number of the person to contact for additional information.

2. As in the past, VA will continue sending copies of proposed and final regulations to the Senate and House Committees on Veterans' Affairs and to other especially interested service-oriented individuals and organizations simultaneously with FEDERAL REGISTER publication. In addition, the Assistant Administrator for Information Services will send notices of proposed and final regulations to publications likely to be read by those affected.

3. If occasions should arise where open public hearings are necessary, advance notices will be published in the FEDERAL REGISTER setting forth the following:

(a) Reason for the hearing:

(b) Name, address, and telephone number to call for additional information or to make reservations to attend; and

(c) Place and time of hearing.

D. *Comments from the Public.* Upon receipt and evaluation of comments from interested parties and organizations the regulations will be revised and recoordinated, as appropriate, by the department or staff office originators. They will then be forwarded for the second time to the Office of Management Services for review and processing. The Office of Management Services will prepare the necessary documents for final approval by the Administrator or Deputy Administrator and resubmission to the Office of the Federal Register for republication as adopted. The preamble to these republications will summarize the steps previously taken to publish the proposed regulations as notices inviting written public comment, and what actions if any were taken as a result thereof.

E. *Words and Statements Denoting Gender.* 1. In determining the meaning of any Act of Congress, unless the context indicates otherwise, words importing the masculine gender include the feminine as well (1 U.S.C. 1). VA publications, regulations, and communications (within the agency or to beneficiaries or members of the public), should avoid words and statements denoting gender, which may appear to preclude benefits or services for female veterans, dependents, or beneficiaries. For example, terms such as "his or her," "veteran's," or "service-persons" will avoid giving grounds for the misconceptions which may arise from the use of such terms as "his" when in fact both sexes are eligible for the benefits under discussion. Similar care will be exercised in using other words and phrases denoting gender.

2. In reviewing existing regulations and in processing all new or revised regulations, the following rules will be observed:

(a) No unnecessary gender-specific terminology or element of sustantive sex discrimination will be used;

(b) Proposed regulations will not be classified as nonsignificant if they will have a disparate impact based on sex; and

(c) Unnecessary gender-specific terminology will be corrected during the review of existing regulations.

F. *Involvement of State and Local Governments.* National organizations representing general purpose state and local governments (National Conference of State Legislatures, Council of State Governments, National League of Cities, United States Conference of Mayors, National Association of Counties, International City Management Association) have been asked to systematically review VA's semiannual agenda of significant regulations, which will be published in the FEDERAL REGISTER in December and June of each year. If one of these organizations believes that a regulation in an agenda would have a major intergovernmental impact, it is requested to notify the Executive Assistant to the administrator (00A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-5151) of its concern. Upon such notification, the Executive Assistant to the Administrator, General Counsel and originating department of staff office head, will develop together a specific plan for consultation with state and local governments in the development of that regulation. Such consultation will include solicitation of comments from the above-named groups, other representative organizations, and individual state and local governments as appropriate. Even without such notification, a department or staff office head who originates a proposed regulation and believes it may have an impact on state or local governments will bring the matter to the attention of the Executive Assistant to the Administrator and the General Counsel in writing. In addition, the originating department or staff office head will arrange for the Director, Management Services, to send advance copies or notices of the proposed regulations to any concerned state of local government officials and request their comments. When proposed regulations identified as having major intergovernmental significance, are submitted to the Office of Management and Budget for review or are published in the FEDERAL REGISTER, they will be accompanied by a brief description of how state and local government officials were involved, the nature of their comments, if any, and how such comments were dealt with.

[FR Doc. 79-3828 Filed 2-2-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

ACCOUNTING AND REPORTING REQUIREMENTS FOR CARRIERS WHO REQUEST OPERATING AUTHORITY UNDER EX-PARTE NO. MC 118

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: This Notice explains the accounting and reporting requirements that applicants will be required to follow should they request operating authority in accordance with Ex Parte No. MC-118. With the issuance of this order, the Commission is now able to grant motor carrier operating authority to applicants who intend to use it as a supplement to the carriage of their own goods and non-transportation business. Ex Parte MC-118 appears at 43 FR, November 24, 1978, at p. 55051.

EFFECTIVE DATE: January 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Bryan Brown, Jr., Tel. (202) 275-6236.

SUPPLEMENTARY INFORMATION: With the issuance of Ex Parte No. (MC-118), the Commission is now able to grant motor carrier operating authority to an applicant who intends to use it as a supplement to the carriage of its own goods and non-transportation business. MC-118 provides that motor carrier operating authority can be granted to an applicant, provided (1) that the standard criteria for motor common carrier applications or motor contract carrier applications, as the case may be, are met, and (2) that the applicant is agreeable to the imposition of conditions requiring it to conduct its for-hire motor carrier activities and its other activities independently and to maintain separate records for each.

For accounting and reporting purposes, common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I—Carriers having annual carrier operating revenues of $3 million or more.

Class II—Carriers having annual carrier operating revenues of $500,000 but less than $3 million.

Class III—Carriers having annual carrier operating revenues of less than $500,000.

The class to which any carrier belongs is determined by annual carrier operating revenue. Any carrier which begins new operations is classified in accordance with a reasonable estimate of its annual carrier operating revenues.

If at the end of any calendar year, a carriers annual operating revenue exceeds the maximum revenue level for its class, the carrier will be required to comply with the accounting and reporting rules of the higher class. Class II carriers will adopt a Class I classification beginning January 1, of the following year. Class III carriers will adopt a Class II or Class I classification beginning January 1, of the second succeeding year.

Applicants for MC-118 operating authority have no basis for developing reasonable estimates of expected annual operating revenues for accounting and reporting classification purposes. Therefore, all applicants will be classified as Class III motor carriers for their first year of operations. Class III motor carriers are not required to maintain a uniform system of accountants. Class III carriers are required to prepare and file Annual Report Form M-3 in a timely manner.

Carriers with MC-118 operating authority will file Annual Report Form M-3 for the reporting year ending December 31, 1979. These carriers will be reclassified, if necessary, based upon the annual operating revenues reported in Form M-3 for the reporting year ending December 31, 1979. Those carriers reclassified to Class I or Class II motor carriers will not be required to comply with the accounting and reporting requirements of their new classification until January 1, 1981.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3879 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Notice No. 20]

ASSIGNMENT OF HEARINGS

JANUARY 31, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 127539 (Sub-70F), Parker Refrigerated Service. Inc., now assigned for hearing on March 26, 1979, (5 days), at San Francisco, California, and continued to April 2, 1979, (3 days), at Los Angeles, California in a hearing room to be later designated.

MC 550 (Sub-8F), Rudie Wilhelm Warehouse Company, A Corp., DBA Wilhelm Trucking Co., and MC 123661 (Sub-34F), Widing Transporation, Inc., now assigned for continued hearing March 1, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 43963 (Sub-12F), Chief Truck Lines, Inc., now being assigned March 26, 1979, (1 week), in the Riviera Hyatt House, 1630 Peachtree Street, N.W., Atlanta, Ga., No. 37063, Increased Rates on Coal, L&N RR, October 31, 1978, No. 37063 (Sub-1), Increased Rates on Coal, L&N RR, November 1978, No. 37063 (Sub-2), Increased Rates on Coal, L&N RR, December 1978 and No. 37063 (Sub-3) Increased Rates on Coal L & N RR, December 1978—January 1979, held for hearing on January 22, 1979, at Washington, D.C. and being continued to February 26, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C. and continued to March 26, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138469 (Sub-67F), Donco Carriers, Inc., now assigned February 6, 1979, at Dallas, Texas is cancelled transferred to Modified Procedure.

MC 142706 (Sub-2F), Early Bird Transfer, Inc., now assigned for continued hearing on March 7, 1979, (3 days), at Chicago, Illinois in a hearing room to be later designated.

MC 114274 (Sub-50F), Vitalis Truck Lines, Inc., now assigned for hearing on March 6, 1979, (1 day), at Chicago, Illinois in a hearing room to be later designated.

MC 56637 (Sub-14F), R.C.A. Truck Lines, Inc., now assigned for continued hearing on February 21, 1979, at the Offices of Interstate Commerce Commission, Washington, DC.

MC 81592 (Sub-7F), Wisconsin Northern Transporation Co., Inc., now assigned for hearing on February 21, 1979, at Eau Claire, Wisconsin and will be held in the Holiday Inn, 1202 West Clairmont Avenue. No. 37019, The Oil And Gas Well Supply Traffic Association v. National Association of Specialized Carriers, Inc., now assigned for prehearing conference, on February 26, 1979, at the Offices of Interstate Commerce Commission, Washington, DC.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3880 Filed 2-2-79; 8:45 am]

[7035-01-M]

[No. 36906]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO.

Petition for Declaratory Order—Amtrak Supplies

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of a declaratory order proceeding.

SUMMARY: A petition was filed by the Atchison, Topeka and Santa Fe Railway Company (the Santa Fe) for a declaratory order. The National Railroad Passenger Corporation (Amtrak) answered and Santa Fe replied.

The dispute concerns the amount of compensation Amtrak should pay the Santa Fe for transporting repair parts, materials, and supplies under a Basic Agreement formulated by the carriers pursuant to sections 401 and 402 of the Rail Passenger Service Act (the Amtrak Act), 45 U.S.C. 501 et seq. Santa Fe submits that at all times it transported Amtrak's shipments as a common carrier of freight under its lawfully published tariff rates. Amtrak submits that charges for the shipments are based on the agreement, and therefore the lawfully published rates were not applicable.

By order served concurrently with this publication, a proceeding is being instituted to resolve this controversy. The order directs participants to address in their statement such specific issues as jurisdiction and legality.

DATES: Interested parties are asked to submit a statement of intent to participate on or before February 26, 1979. Parties should indicate whether they intend to actively participate or whether they merely wish to receive copies of decisions and releases of the Commission.

Active participants must serve copies of their statements on all parties on the service list. An original and six copies of written statements must be filed with the Commission. An original and one copy of the statement of intent to participate must also be filed.

The filing and service of statements shall be as follows: (a) opening statements on or before March 19, 1979, (b) reply statements on or before April 9, 1979. A service list will be sent to all active participants to enable them to comply with the filing deadline.

ADDRESSES: Statements and replies should be sent to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, or Harvey

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Gobetz, Section of Rates, Office of Proceedings, Washington, D.C. 20423 (202-275-7693).

Copies of the decision being issued concurrently with this notice may be obtained by calling: 800-424-9312.

Issued in Washington, D.C., January 15, 1979.

By the Commission. Chairman O'Neal, Vice Chairman Christian, Commissioners Brown, Stafford, Gresham, and Clapp.

H. G. HOMME, Jr.,
Secretary.

FR Doc. 79-3882 Filed 2-2-79; 8:45 am]

[7035-01-M]

CORPORATE DISCLOSURE REPORTS

Request for Comments and Recommendations

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: The Commission's Bureau of Accounts is announcing by this Notice that it will consider changes for the Corporate Disclosure Report.

ADDRESSES: Submit written suggestions to Mr. Bryan Brown, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Bryan Brown, Jr., Telephone (202) 275-7331.

SUPPLEMENTAL INFORMATION: In Docket 36141, Corporate Disclosure Regulations, served June 17, 1977, the Commission required all carriers with annual gross operating revenues of $20 million or more to file an annual Corporate Disclosure Supplement beginning with the year 1977. Docket No. 36141 appears at 42 FR, July 12, 1977, at p. 35853.

The purpose of this reporting requirement was to furnish the Commission with timely and accurate information on carrier ownership and control to help identify possible conflicts of interest, misuse of insider information, exertion of undue influence facilitated by concentration of control, and other similar problems contrary to the public interest.

The Bureau of Accounts has established a policy of analyzing accounting and reporting requirements to (1) determine the adequacy of the reporting, (2) determine the sufficiency of the instructions and reporting format to obtain the required data and (3) evaluate the continuing need for the data.

It is the intent of this Notice to determine the following:

(1) Who uses the information in the corporate disclosure reports, and why?

(2) How is the information used?

(3) Does the report accomplish its purpose?

(4) What changes are recommended to improve the usefulness of the data?

(5) What part of the information, if any, should be published and why?

All interested parties are requested to furnish responses to the above inquiries, together with other pertinent comments, by February 16, 1979.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3883 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Notice No. 15]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 23, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 2392 (Sub-118TA), filed January 2, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, Omaha, NE 68127. Representative: Keith D. Wheeler (Same address as applicant). *Propane, in bulk and in tank vehicles,* from the Mid America Pipeline Terminal at or near Greenwood, NE to points in SD, for 180 days. Supporting Shipper(s): Charles D. Rosas, Farmland Industries, Inc., 3315 No. Oak Tfwy., Kansas City, MO 64116. Send protests to: Carroll Russell, DS, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 6031 (Sub-47TA), filed January 8, 1979. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 E. National Ave., Milwaukee, WI 53204. Representative: Wm. C. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Ferrous and nonferrous metal articles* (1) between the Milwaukee, WI, and Chicago, IL Commercial Zones, and (2) from the Chicago, IL Commercial Zone to points in WI for the account of Central Steel & Wire Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Central Steel & Wire Co., 3000 W. 51st St., Chicago, IL 60680. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 11592 (Sub-24TA), filed January 3, 1979. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: F. E. Myers (Same address as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk, in tank vehicles), from Omaha, NE to points in AZ and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Steve Haskins, Union Packing Company, 4501 So. 36th St., Omaha, NE 68107. Wayne V. Baumann, Dubuque Packing Company, 4003 Dahlman Ave., Omaha, NE 68107. Shirley A. Uhter, Omaha Porkers, Inc., 4410 South 36th St., Omaha, NE 68107. Send protests to: Carroll Russell, DS, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 11592 (Sub-25TA), filed January 3, 1979. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: F. E. Myers (Same address as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses as, described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk, in tank vehicles), from the plantsite of Western Iowa Pork Company, at Harlan, IA to Lodi, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Gary P. McFarland, Western Iowa Pork, East Highway 44, Harlan, IA. Send protests to: Carroll Russell, DS, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 26825 (Sub-20TA), filed January 4, 1979. Applicant: ANDREWS VAN LINES, INC., Seventh & Park Ave., Box 1609, Norfolk, NE 68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Ready-to-eat cereals* (except in bulk), from Omaha, NE to points in the U.S. (except AK and HI) for 180 days. Supporting Shipper(s): John M. McGowan, U. S. Mills, Inc., 4201 No. 29th Ave., Omaha, NE. Send protests to: Carroll Russell, DS, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 30844 (Sub-636TA), filed January 4, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50702. Representative: John P. Rhodes (Same as applicant). *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, (except in bulk, in tank vehicles), and filters.* From points in Warren County, MS to points in and east of ND, SD, NE, CO, OK, and TX; *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part I above, (except in bulk, in tank vehicles).* From points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV to points in Warren County, MS, for 180 days. Restricted in Parts I and II above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 44302 (Sub-9TA), filed January 2, 1979. Applicant: DeFAZIO EXPRESS, INC., 1028 Springbrook Ave., Moosic, PA 18507. Representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and feed business houses, from the facilities of Ralston Purina Company at or near Hampden Township, Cumberland County, PA, to points in NY on and south of I-84, and points in NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, Chekerboard Square, St. Louis, MO 63188. Send protests to: District Supervisor Paul J. Kenworthy, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503.

MC 57591 (Sub-21TA), filed January 3, 1979. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA 17901. Representative: Albert L. Evans, Jr. (same address as applicant). *Carpets, carpet padding, adhesives, solvents, chemicals;* and *materials and supplies* used in the manufacture of carpets and carpet padding, between the facilities of General Felt Industries at or near Camden and Trenton, NJ, and Eddystone and Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MD, ME, NJ, NY, PA, RI, VA and DC, for 180 days. Supporting shipper(s): General Felt Industries, Park 80 Plaza West-One, Saddle Brook, NJ 07662. Send protests to: District Supervisor Paul J. Kenworthy, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503.

MC 63417 (Sub-187TA), filed January 2, 1979. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds,* (except in bulk, in tank vehicles), *and filters* from points in Warren County, MS to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MI, MO, MS, NJ, NY, NC, OH, OK, PA, SC, TX, VA, WV, and DC; (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part (1) above,* (except in bulk, in tank vehicles) from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, SC, VA, and WV to points in Warren County, MS, restricted in Parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation in Warren County, MS, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., J. D. Campbell, General Traffic Manager, P.O. Box 989, Oil City, Pa. 16301. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 80428 (Sub-94TA), filed January 5, 1979. Applicant: McBRIDE TRANSPORTATION, INC., P.O. Box 430, Goshen, NY 10924. Representative: S. Michael Richards/Raymond A. Richards, P.O. Box 225, Webster, NY 14580. *Vinegar, in bulk, in tank vehicles,* from New York City, NY to Milton, PA, for 180 days. Supporting shipper(s): Rudy Polack, Mgr., Baker Brands, Inc., 431 East 91st St., New York, NY, 10028. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, P.O. Box 1167, Albany, NY 12201.

MC 97310 (Sub-29TA), filed January 3, 1979. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 5636, Meridian, MS 39301. Representative: David A. Watson, Jr., 3730 First Avenue South, Birmingham, AL 35222. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, and filters* (except commodities in bulk) from points in Warren County, MS to points in AL, GA, LA, MS, and TN; (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, and materials, supplies and equipment used in the manufacture, sale, and distribution of commodities named in Part (1)* (except commodities in bulk) from points in AL and GA to points in Warren County, MS, for 180 days. NOTE: Restricted to shipments originating at or destined to facilities of Quaker State Oil Refining Corp., in Warren County, MS. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Alan Tarrant, DS, ICC, room 212, 145 East Amite Building, Jackson, MS 39201.

MC 107002 (Sub-538TA), filed January 4, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). *Petroleum products, vehicle body sealers, sound deadening compounds, and accoustical control items,* in bulk, in tank vehicles, from the facilities of Quaker State Oil Refining Corp., in Warren County, MS to points in US (except AK and HI), for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Alan Tarrant, DS, ICC, room 212, 145 East Amite Building, Jackson, MS 39201.

MC 107002 (Sub-539TA), filed December 29, 1978. Applicant: MILLER TRANSPORT, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). *Rice hull ash,* in bulk, in tank vehicles, from Greenville, MS, to Highlands and Houston, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):

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Uncle Ben's Foods, P.O. Box 1752, Houston, TX 77001. Send protests to: Alan Tarrant, District Supervisor, room 212, 145 East Amite Building, Jackson MS 39201.

MC 107541 (Sub-55TA), filed January 8, 1979. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 12925 N.E. Rockwell Drive, Vancouver, WA 98665. Representative: Edward A. Francom (same address as applicant). *Volcanic Ash, in bags,* from Friant, CA to the facilities of Chevron Chemical Company at Yakima, WA. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operation authority. Supporting shipper(s): Chevron Chemical Co., 575 Market Street, San Francisco, CA 94105. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 108589 (Sub-14TA), filed January 5, 1979. Applicant: EAGLE EXPRESS COMPANY, P.O. Box 680, Somerset, Ky. 42501. Representative: Michael Spurlock, Beery & Spurlock Co., 275 E. State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier* over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Alternate route for operating convenience only: Between Cincinnati, OH (and its commercial zone) and Lexington, KY (and its commercial zone), serving no intermediate points, in connection with carrier's presently authorized regular route operations: From Cincinnati, OH over Interstate Highway 75 to Lexington, KY and return over the same route, for 180 days. SUPPORTING SHIPPER(S): There are approximately (7) statement of support attached to this application which may be examined at the ICC in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

MC 109818 (Sub-41TA), filed January 2, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Beverages,* from Omaha, NE, to Milan, IL and Chariton, Davenport, and Cedar Rapids, IA, for 180 days. SUPPORTING SHIPPER(S): Shasta Beverages, 4400 South 76th Street, Omaha, NE, 68127. SEND PROTESTS TO: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 109818 (Sub-42TA), filed January 2, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. (1) *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses,* and, (2) *materials, ingredients and supplies used in the manufacture, distribution and sale of the commodities in (1) above,* between Clinton and Davenport, IA, on the one hand, and on the other, points in IN, KY, MO, MI, OH, and WI, for 180 days. SUPPORTING SHIPPER(S): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. SEND PROTESTS TO: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 111045 (Sub-160TA), filed January 8, 1979. Applicant: REDWING CARRIERS, INC., 8515 Palm River Road, Tampa, FL 33601. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. *Sand,* in bulk, in tank vehicles, from Vassar, MI to Albertville, AL for 180 days. Supporting Shipper(s): Great Lakes Minerals Company, 2855 Coolidge Highway, Suite 202, Troy, MI 48084. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOp, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 111170 (Sub-252), filed January 11, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: Tom E. Moore (same as applicant). *Ethylene Dibromide,* in bulk, in tank vehicles, from facilities of Dow Chemical, U.S.A., in Columbia County, AR, to Oakland, CA for 180 days. An underlying ETA seeks 90 days Authority. Supporting Shipper(s): The Dow Chemical Company, P.O. Box 520, Magnolia, AR 71753. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 112304 (Sub-164TA), filed January 2, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Fred Schmits (same as applicant). *Precast concrete products, modular mausoleum crypt systems, and concrete forming systems,* from Oshkosh, WI, Laurel, MD, St. Louis, MO, Dade City, FL, and Denver, CO, to all points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Duwe Precast Concrete Products, Inc., Thomas H. Helfrich, Administrative Manager, P.O. Box 2068, Oshkosh, WI 54903. Send protests to: Paul J. Lowry, DS, ICC, 5514-B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 113406 (Sub-9TA), filed January 2, 1979. Applicant: DOT LINES, INC., 1000 Findlay Road, Lima, OH 45802. Representative: Michael Spurlock, Esq., 275 E. State St., Columbus, OH 43215. *Cleaning, scouring and washing compound,* (except in bulk) from the facilities of Procter & Gamble Manufacturing Co., in Bath, Township, Allen County, OH, to points in the lower peninsula of MI, for 180 days. An underlying ETA seeks 90 days authority. Common carrier-irregular routes. Supporting Shipper(s): Procter & Gamble Distributing Company, P.O. Box 1900, Lima, OH 45801. Send protests to: Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, OH 43604.

MC 113362 (Sub-341TA), filed January 8, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Part I: PETROLEUM, PETROLEUM PRODUCTS, VEHICLE BODY SEALER, and/or SOUND DEADENER COMPOUNDS, (except in bulk, in tank vehicles), and FILTERS. From points in Warren County, MS to all points in and east of MT, WY, CO, and NM. Part II: PETROLEUM, PETROLEUM PRODUCTS, VEHICLE BODY SEALER and/or SOUND DEADENER COMPOUNDS, FILTERS, MATERIALS, SUPPLIES, and EQUIPMENT as are used in the manufacture, sale, and distribution of the commodities named in Part I above, (except in bulk, in tank vehicles). From points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV to points in Warren County, MS, for 180 days. RESTRICTION: Restricted in Parts I and II above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS. Supporting Shippers(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114457 (Sub-469TA), filed January 10, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. (1) *Metal containers* from Wayne, NJ and Baltimore, MD and its CZ to Holland, St. Joseph, Benton Harbor, Shoreham and Detroit, MI, Columbus and Worthington, OH, and Indianapolis, IN; and (2) *Pallets, packing materials, and dunnage* from Holland, St. Joseph, Benton Harbor, Shoreham and Detroit, MI, Columbus and Worthington, OH and Indianapolis, IN to Wayne, NJ, Baltimore, MD and its CZ, and points in IL, IN, WI, MI and OH, restricted to traffic destined to the facilities of The Continental Group, Inc. at the named points, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Continental Group, Inc., 5401 W. 65th Street, Chicago, IL 60638. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, 414 Federal Building, U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 114632 (Sub-192TA), filed January 12, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same as applicant). (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, (except in bulk, in tank vehicles), and filters,* from points in Warren County, MS to points in AR, IL, IN, IA, KS, KY, MN, MO, NE, ND, OH, SD, and WI. (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale and distribution of the commodities named in (1) above, (except in bulk, in tank vehicles)* from points in IL, IN, KY, and OH to points in Warren County, MS. RESTRICTION: In (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301, J. D. Campbell, General Traffic Manager. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 116763 (Sub-463TA), filed January 3, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). Part I: *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds,* (except in bulk, in tank vehicles), *and filters,* from points in Warren County, MS to points in and east of MN, IA, MO, OK, and TX. Part II: *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part I above,* (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV to points in Warren County, MS. RESTRICTED in Parts I and II above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting Shipper(s): J. D. Campbell, General Traffic Manager, Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Paul J. Lowry, DS, ICC, 5514—B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 118159 (Sub-311TA), filed January 2, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. *Intravenous solutions with hospital accessories and drugs, NOI* from Rocky Mount, NC to Dedham, MA, King of Prussia, PA, and Jersey City, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Abbott Laboratories, 1400 Sheridan Road, North Chicago, IL 60064. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 118202 (Sub-101TA), filed January 10, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. *Electrical appliances and equipment, new furniture, store and office fixtures and parts therefor* from the facilities used by Winona Industries, Inc. and Artwood Corporation at or near Winona, MN to points in IL, IN, KY, LA, MD, MI, MS, NY, OH, OK, PA, TN, TX, WI and DC, for 180 days. Supporting Shipper(s): Winona Industries, Inc. and Artwood Corporation, 602 East Front Street, Winona, MN 55987. Send protests to: Delores A. Poe, Transportation Assistant, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 118959 (Sub-193TA), filed January 11, 1979. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the warehouse facilities of Brokers Bonded Warehouse, Inc., at Cape Girardeau, MO, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, LA, MS, OK, OH, TN, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Brokers Bonded Warehouse, Inc., Nash-Airport Rd., Cape Girardeau, MO 63701. Send protests to: P. E. Binder, D.S., Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 120981 (Sub-28TA), filed January 12, 1979. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *General commodities (except those of unusual value, Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* (1) Between Nashville, TN and Mobile, AL: From Nashville, TN over Interstate Hwy 65 to junction AL Hwy 47, then over AL Hwy 47 to junction AL Hwy 59, then over AL Hwy 59 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Mobile, AL and return over the same route, serving the intermediate point of Montgomery, AL and serving the junction of Interstate Hwy 65 and AL Hwy 47 for joinder only; (2) Between Mobile, AL and the junction of Interstate Hwy 65 and AL Hwy 47: From Mobile, AL over Interstate Hwy 65 to junction of Interstate Hwy 65 and AL Hwy 47 and return over the same route, serving the junction of Interstate Hwy 65 and AL Hwy 47 for joinder only; (3) Between Jackson, MS and Mobile, AL: From Jackson, MS over U.S. Hwy 49 to junction U.S. Hwy 98, then over U.S. Hwy 98 to Mobile, AL and return over the same route, serving no intermediate points, restricted against the handling of traffic orginating at, destined to, or interlined at Jackson, MS and points within its commercial zone; (4) Between Jackson, MS and Montgomery, AL: From Jackson, MS over U.S. Hwy 80 to Montgomery, AL and return over the same route, serving no intermediate points, restricted against the handling of traffic originating at, destined to, or interlined at, Jackson, MS and points within its commercial zone; (5) Authority is sought to serve the commercial zones of Nashville, TN and Montgomery and Mobile, AL. Applicant intends to tack the authority herein applied for to its existing authority and to interline with other carriers at Nashville, TN, Mobile and Montgomery, AL, Lexington, KY and Baton Rouge, LA, for 180 days. Supporting Shippers: There are 67 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda Kuss, T/A, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 124032 (Sub-13TA), filed January 5, 1979. Applicant: REED'S FUEL COMPANY, 4080 Commercial Avenue, Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, OR 97210. *Wood residuals,* from the facilities of Cone

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Lumber Co. at Goshen, OR to Longview, WA and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Cone Lumber Co., Goshen, OR 97401. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 124141 (Sub-9TA), filed January 8, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 75201. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Electric lamps, lighting fixtures, Christmas tree lamp outfits, electric cord sets, dry cell batteries and portable battery chargers, lamp ballasts,* and *materials, equipment and supplies* used in the manufacture of the foregoing commodities, from the facilities of General Electric Company, at or near Bellevue, Bucyrus, Circleville, Cleveland, Ravenna, Warren and Youngstown, OH; Lexington, KY; Matoon and Danville, IL; and St. Louis and Fenton, MO to points in AZ, CA, CO, ID, LA, MT, NM, NV, OK, OR, UT, TX, WA and WY, for 180 days. Supporting Shipper(s): General Electric Company, Noble Road, Nela Park, Cleveland, Ohio 44112. Send protests to: William H. Land, Jr., District Supervisor, 3128 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 124679 (Sub-97TA), filed January 9, 1979. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England (same address as applicant). *Meat and meat products* from the facilities of Casa Di Bertacchi Inc. At Vineland, NJ, to points in CT, FL, IN, MA, MI, NY, OH, PA, and RI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Casa Di Bertacchi Inc., 1910 Gallagher Ct., Vineland, NJ 08360. Send protests to: L. D. Helfer, DS, ICC, 5309 Federal Bldg., Salt Lake City, UT 84138.

MC 124711 (Sub-76TA), filed December 27, 1978. Applicant: BECKER CORPORATION, P.O. Box 1540, Edmonda, OK 73034. Representative: Norman A. Cooper, P.O. Box 1050, El Dorado, KS 67042. *Propane, in bulk,* from facilities of Mid American Pipeline Terminal, near Greenwood, NE, to points in SD, for 180 days. Supporting shipper(s): Farmland Industries, Inc., 3315 N. Oak Tfwy., Kansas City, MO 64116. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

MC 125473 (Sub-11TA), filed January 5, 1979. Applicant: YAZOO TRUCKING CO., INC., P.O. Box 625, Yazoo City, MS 39194. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials,* in packages and in bulk (in dump vehicles) from Yazoo City, MS to points in KY, for the account of Mississippi Chemical Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mississippi Chemical Corporation, P.O. Box 388, Yazoo City, MS 39194. Send protests to: Alan Tarrant, D/S, ICC, room 212, 145 East Amite Building, Jackson, MS 39201.

MC 125996 (Sub-67TA), filed January 10, 1979. Applicant: ROAD RUNNER TRUCKING, INC., 2250 South 400 West, Salt Lake City, UT 84115. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. *Frozen potato products* (except commodities in bulk) from Nampa, ID, Hermiston, and Connell and Moses Lake, WA, to Mason City, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fast Food Merchandisers, Inc., 1811 19th St., S.W., Mason City, IA 50402. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125996 (Sub-68TA), filed January 11, 1979. Applicant: ROAD RUNNER TRUCKING, INC., 2250 South 400 West, Salt Lake City, UT 84115. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk) from the facilities of Iowa Beef Processors, Inc., at or near Dakota City, NE., and Sioux City, IA, to points in CA and NV, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125996 (Sub-69TA), filed January 12, 1979. Applicant: ROAD RUNNER TRUCKING, INC., 2250 South 400 West, Salt Lake City, UT 84115. Representative: Mac R. Reber (same address as applicant). *Meats, meat products, meat by-products and articles distributed by meat packing houses,* except hides and commodities in bulk, as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sioux-Preme Packing Co., Inc., Highway 75S P.O. Box 177, Sioux Center, IA 51250. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 126118 (Sub-119TA), filed January 10, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same as applicant). *Clay and clay products,* from the plant site and shipping facilities of Waverly Mineral Products Company, at or near Meigs, GA, to DE, MD, NJ, NY, OH, PA, VA, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Waverly Mineral Products Company, Lucy Tessing, Traffic Manager, 3018 Market Street, Philadelphia, PA 19104. Send protests to: District Supervisor, Max H. Johnston, 285 Federal Building, Lincoln, NE 68508.

MC 126489 (Sub-35TA), filed Dec. 26, 1978. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, KS 67501. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. *Premixed mineral feed and feed ingredients,* from Vance County, NC, to points in AL, AR, FL, GA, IL, IN, KY, MI, MN, MS, NJ, OH, PA, SC, TN, TX, VA, WV, and WI; *Materials and Supplies used in the manufacturing and production of such products,* from points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY, to Vance County, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Eastern Mineral, Inc., P.O. Box 506, Bainbridge, GA 31717. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 128007 (Sub-132TA), filed Dec. 26, 1979. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. *Premixed mineral feed and feed ingredients,* from Vance County, NC, to points in AL, AR, FL, GA, IL, IN, KY, MI, MN, MS, NJ, OH, PA, SC, TN, TX, VA, WV, and WI; *Materials and supplies used in the manufacturing and production of such products,* from points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY, to Vance County, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Eastern Mineral, Inc., P.O. Box 506, Bainbridge, GA 31717. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 128246 (Sub-37TA), filed January 9, 1979. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box AD, Watsonville, CA 95076. Representative: William F. King, Suite 400 Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cheese Spreads,* from points in MN and WI, to the facilities of Safeway Stores, Inc., at or near Carthage, MO, under a continuing contract or contracts with Safeway Stores, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Safeway Stores, Inc., 5825 E. 14th St., Oakland, CA 94660. Send protests to: M. M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 128273 (Sub-327TA), filed January 5, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. 1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds (except in bulk in tank vehicles) and filters* from points in Warren County, MS, to all points in the U.S. (except AK & HI); 2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies and equipment as are used in the manufacture, sale and distribution of the commodities named in Part 1* (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA & WV, to points in Warren County, MS. RESTRICTED in Parts 1 and 2 to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O Box 989, Oil City, PA 16301. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 128383 (Sub-79TA), filed January 8, 1979. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Rd., Sharon Hill, PA 19079. Representative: Leonard C. Zucker, (same as applicant). *Business machines, calculators, adding machines, cash registers, computers and items used in the manufacture thereof;* between the facility of Victor Products Corp., El Paso, TX, on the one hand, and, on the other, airports in Houston and Dallas, TX; Cleveland, OH; New York, NY; Miami and Jacksonville, FL; Los Angeles and San Francisco, CA; Denver, CO; Seattle, WA; St. Paul, MN; Philadelphia, PA; Portland, OR. Shipments having a prior or subsequent movement by air and/or products manufactured, sold or distributed by Victor Products Corp, for 180 days. An underlying ETA seeks 90 days authority; Supporting shipper(s): Victor Business Products, Subsidiary of Walter Kidde, Inc., 3900 N. Rockwell St., Chicago, IL 60618. Send protests to: T. M. Esposito, Transportation Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 128527 (Sub-130TA), filed January 8, 1979. Applicant: MAY TRUCKING CO., P.O. Box 400, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Flour,* from Great Falls, MT to the facilities of URM Stores at or near Spokane, WA for 180 days. An underlying ETA seeks 90 days authority; Supporting shipper(s): URM Stores, Inc., North 7511 Freya Street, Spokane, WA 99210. Send protests to: Barney L. Hardin, District Supervisor, ICC, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

MC 12855 (Sub-26TA), filed January 5, 1979. Applicant: MEAT DISPATCH, INC., 2103 17th Street, East, Palmetto, FL 33561. Representative: Robert D. Gunderman, Esq., 710 Statler Bldg., Buffalo, NY 14202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *air conditioners, furnaces and space heaters,* and (2) *parts, materials, supplies* and *equipment* used in the manufacture, production, sale or distribution of the commodities named in Item 1, (1) from Granada, MS, Jonesville, MI, Evansville, IN, Somerset, KY, and Garland, TX to Orlando, FL and (2) from Orlando, FL to Philadelphia, PA and Kansas City, MO for 180 days. Supporting Shippers(s): Weatherking, Inc., 4501 E. Colonial Drive, Orlando, FL 32803. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOp, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 128940 (Sub-38TA), filed January 8, 1979. Applicant: Richard A. Crawford, dba R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 303, Gambrills, MD 21054. Representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting *laboratory reagents and culture media* from Cockeysville, MD and its commercial zone to points in CO, NE, IA, IL, WI, MN, UT, NM, WA, IN, NV, OR, AL, SC and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): BBI Micro Biological Systems, 250 Schilling Circle, Cockeysville, MD 21030. Send protests to: T. M. Esposito, Transportation, Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 129032 (Sub-69TA), filed January 2, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 So. 49th West Ave., Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). *Fresh meats and packinghouse products* from the facilities of Wilson Foods Corporation at or near Albert Lea, MN, Cedar Rapids & Des Moines, IA, and Marshall, MO to the state of CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Wilson Foods Corporation, 4545 Lincoln Boulvard, Oklahoma City, OK 73105. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240, Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 129219 (Sub-17TA), filed January 2, 1979. Applicant: CMD TRANSPORTATION, INC., 12340 S. E. Dumolt Road, Clackamas, OR 97015. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. *Contract carrier:* Irregular routes: *Scrap aluminum, glass, and paper,* for recycling or reuse in furtherance of recognized pollution control programs, in steamship containers on own chassis or carrier's trailers, from Nampa, ID to Portland, OR, for the account of Operation Squirrel, Inc., for 180 days. SUPPORTING SHIPPER: Operation Squirrel, Inc., 2701 Sunny Ridge Road, Nampa, ID 83651. SEND PROTESTS TO: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 133562 (Sub-33TA), filed December 28, 1978. Applicant: HOLIDAY EXPRESS CORPORATION, P. O. Box 115, Estherville, IA 51334. Representative: Edward A. O'Donnell, 1004-29th Street, Sioux City, IA 51104. *Meat, meat products, meat by-products and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates 61, M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles),* from Estherville, IA to Chicago, IL Commercial Zone, for 180 days. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 133655 (Sub-139TA), filed January 5, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. *Containers and container ends,* from Oil City, PA to Weatherford, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Power Service Products, Inc., P.O. Box 459, Weatherford, TX 76086. Send protests to: Haskell E.

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Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 133671 (Sub-7TA), filed January 10, 1979. Applicant: MILLER BROS. CO., INC., Box EA, Hyrum, UT 84319. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes transporting *cheese, cheese products, and synthetic cheese* from the facilities of L. D. Schreiber Cheese Company, Inc. at or near Logan, UT, to points in CA on and south of a line starting at the CA-NV boundary line, then along Interstate Hwy 80 to its intersection with CA Hwy 20, then along CA Hwy 20 to Fort Bragg, CA, under continuing contract with L. D. Schreiber Cheese Company, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): L. D. Schreiber Cheese Company, Inc., P.O. Box 610, Green Bay, WI 54305. Send protests to: L. D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 133689 (Sub-249TA), filed January 8, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street S.W., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such merchandise as is dealt in by wholesale and retail department stores (except foodstuffs and commodities in bulk)* from Dalton, GA to Minneapolis-St. Paul, MN restricted to the facilities of Northern Cargo Association and its members, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Northern Cargo Association, 501 N. 2nd Street, Minneapolis, MN 55401. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 134484 (Sub-22TA), filed January 3, 1979. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, Idaho 83401. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, Idaho 83701. *Frozen foods,* from the facilities used by Ore-Ida Foods, Inc. at or near Burley, ID and Ontario, OR to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ore-Ida Foods, Inc. P.O. Box 10, Boise, ID 83701. Send protests to: Barney L. Hardin, District Supervisor, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 135082 (Sub-82TA), filed January 2, 1979. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road, Albuquerque, NM 87125. Representative: Randall R. Sain (same as applicant). *Construction materials, except in bulk and those requiring special equipment,* between AZ, CA, CO, ID, KS, OK, NE, NM, MT, TX, WY, UT, NV, WA, OR, MO, AR, IL, and LA, restricted against traffic moving between AR, KS, LA, MO, NE, OK, and TX, and further restricted against traffic moving between ID, MT, UT, WY, WA, OR, and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Crest Architectural Products Co., P.O. Box 68, Colorado Springs, CO 80901. Send protests to: District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW, Albuquerque, NM 87101.

MC 135797 (Sub-172TA), filed January 10, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Representative: Paul R. Bergant (same as applicant). *Tripoli and hydrated alumina* from Rogers, AR and Seneca, MO to points in CA, CT, IL, LA, MI, NC, NJ, NY, OH, PA and TX, for 180 days. Supporting Shipper(s): Mid-Western Minerals, 700 S. 1st Street, Rogers, AR 72756. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3885 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Notice No. 155]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission, on or before March 7, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-77929, filed on November 13, 1978. Transferee: MEL MOTOR EXPRESS, INC., 111 East Canal Street, Picayune, MS 39466. Transferor: Action Motor Express, Inc., P.O. Box 29102, New Orleans, LA 70189. Representative: John L. Alden, Esquire, Stiverson and Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permits No. MC 140421 Subs 9, 14, and 17, issued January 27, 1978, April 14, 1978, and September 8, 1978, respectively, as follows: Sugar, in bags and packages, and condiments, in individual servings, from New Orleans, LA to points in AL, AR, and TN (except points in Davidson County); canned goods from Morehead, MS to points in AL, AR, FL, GA, LA, MD, MS, NC, SC, TN, TX and VA; containers, from specified points in TX, TN, LA, and MS to Morehead, MS and Oak Grove, LA; paper, paper products, containers and components (except metal containers and metal components, and except commodities in bulk), from points in AL, AR, GA, LA, MS, SC, TN, and TX to points in AL, AR, LA, MS, and TN; and materials and supplies used in the manufacture of paper, paper products, containers and components from points in AL, AR, LA, MS, and TN to points in AL, AR, GA, LA, MS, SC, TN, and TX. Transferee presently holds no authority from the Commission. Application for temporary authority under Section 210a(b) has not been filed.

MC-FC-77932, filed November 15, 1978. Transferee: CONRAD & SON TRUCKING, INC., Route No. 4, Van Wert, OH 45891. Transferor: Action Motor Express, Inc., P.O. Box 29102, New Orleans, LA 70189. Representative: John L. Alden, Esquire, Stiverson and Alden, 1396 West Fifth Avenue, P.O. Box.12241, Columbus, OH 43212. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permit No. MC 140421 Sub 15, issued March 16, 1978, as follows: Fibre drums from Van Wert, OH to points in IL, IN, KY, MI, MO, PA, WV, and WI; and fibre drums

and components, materials, and supplies used in the manufacture of fibre drums from Van Wert, OH to specified points in MI, NJ, CA, WV, CO, NY, PA, MO, TX, NC, and GA. Transferee presently holds no authority from this Commission. Application for temporary authority under Section 210a(b) has not been filed.

MC-FC-77933, filed November 20, 1978. Transferee: BEST MOVERS, INC., 304 Broadway, Staten Island, NY 10310. Transferor: DUN-RITE MOVERS, INC., 443 Morris Park Avenue, New York, NY 10460. Representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-119574, issued September 5, 1969, as follows: Household goods as defined by the Commission, between NY, NY on the one hand, and on the other, points in NY; and between NY, NY, on the one hand, and, on the other, points in CT, NJ, NY, and PA. Transferee presently holds no authority from this Commission; it does not seek section 210a(b) authority.

MC-FC-77943, filed December 4, 1978. Transferee: RICHARD R. LAW, 375 Prospect Street, Seekonk, MA 02771. Transferor: LORANGER CONSTRUCTION CORPORATION, 404 Nash Road, New Bedford, MA 02746. Representative: John F. O'Donnell, Esq., Barrett and Barrett, Attorney for Transferee, 60 Adams Street, Milton, MA 02187. Lawrence T. Sheils, Esq., Attorney for Transferor, 316 Summer Street, Boston, MA 02210. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate of Registration MC-121364 (Sub-1) issued January 27, 1964, as follows: General commodities within MA. Transferee presently holds no authority from this Commission. Application for temporary authority under Section 210a(b) has not been filed.

MC-FC-77961, filed December 15, 1978. Transferee: MADELINE C. McEWAN, doing business as, CHAMPION VAN AND STORAGE, 879 North Highway (PO Box 355), Buellton, CA 93427. Transferor: ROBERT C. HUDAK, doing business as, CHAMPION VAN & STORAGE, 100-A Industrial Way (PO Box 328), Buellton, CA 93427. Representative: Herbert L. Michel, Jr., Century Park Center, Suite 990, 9911 West Pico Blvd., Los Angeles, CA 90035. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate MC-135416 (Sub-1), issued February 7, 1972, as follows: Used household goods, between points in Santa Barbara, San Luis Obispo, and Ventura Counties, CA, with certain restrictions. Transferee presetly holds no authority from this Commission; it does not seek section 210a(b) authority.

MC-FC-77969, filed December 20, 1978. Transferee: BLAND TRUCKING, INCORPORATED, 1000 South Loop 12, Irving, TX 75060. Transferor: CARTON EXPRESS, INC., 14416 Slover, Fontana, CA 92335. Representative: Robert K. Frisch, 4555 First National Bank Bldg., Dallas, TX 75202. Authority sought for purchanse by transferee of the operating rights of transferor as set forth in certificate MC-140546 (Sub-2), issued February 25, 1976, as follows: Expanded plastic articles, from the facilities utilized by Dolco Packaging Corp., located at or near Dallas, TX to points in KS, MO, NE, CO, LA, AR, OK, and NM. Transferee presently holds no authority from this Commission; it does not seek section 210a(b) authority.

MC-FC-77984, filed December 28, 1978. Transferee: R & V BURSON TRUCKING, INC., 3800 West "U" Avenue, Schoolcraft, MI 49087. Transferor: Rodney L. Tyler, doing business as Rod Tyler Transport Company, 1289 Panama Street, Kalamazoo, MI 49002. Representative: L. W. Gray, 301 West Cedar Street, Kalamazoo, MI 49007. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC-24549, issued February 20, 1973, as follows: specified commodities, from, to, and between specified points in IL, MI, and IN. Transferee presently holds no authority from this Commission; it does not seek section 210a(b) authority.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3881 Filed 2-2-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[78-187]

MARINE SANITATION DEVICES

Certifications Granted

The purpose of this document is to notify interested persons that the Commandant, U.S. Coast Guard, has certified the design of certain marine sanitation devices in accordance with § 159.15 of the U.S. Coast Guard Marine Sanitation Device Regulations (33 CFR, Part 159) and has authorized the manufacturer to label the devices so certified in accordance with the provisions of 33 CFR 159.16.

When the Coast Guard determines that a device successfully satisfies the Design, Construction, and Testing requirements of Subpart C of 33 CFR, Part 159, the manufacturer is authorized by the Coast Guard to label each device that he manufactures that is in all material respects substantially the same as the test device. This label includes the certification number assigned to the device. The roman numeral at the end of the certification number identifies the type of device (I, II, or III) as defined in 33 CFR 159.3. The label serves as the purchaser's verification of the certification on such devices.

Listed below are the certifications issued as of 31 August 1978. Entries under the heading "Vessel Applicability" refer to the status of the devices relative to inspection requirements of Title 46, Subchapters F, J, and T of the Code of Federal Regulations. An entry of "Inspected" indicates that the device has been found to be in compliance with the applicable requirements of the U.S. Coast Guard Marine Engineering Regulations (46 CFR Parts 50 through 64) and U.S. Coast Guard Electrical Engineering Regulations (46

V 4 4 / 2 5 F E 5 7 9 UMI

CFR Parts 110 through 113). An entry of "Subchapter T" indicates that the device has been found to be in compliance with the applicable requirements of the U.S. Coast Guard Small Passenger Vessel Regulations (46 CFR Parts 175 through 187). An entry of "Uninspected" indicates that the design of the device either does not meet or was not reviewed for compliance with the above mentioned regulations.

Dated: January 10, 1979.

(Sec. 2, 86 Stat. 871 (33 U.S.C. 1322); 49 CFR 1.46(l) and (m))

HENRY H. BELL,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

MARINE SANITATION DEVICES CERTIFIED BY THE U.S. COAST GUARD AS OF AUGUST 31, 1978.—*Pursuant to the Provisions of 33 CFR 159.15*

Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
A/S Atlas, Baltorpvej 154, DK-2750 Ballerup, Copenhagen, Denmark.	AWWU Discharge	159.15/1026/1/II	Uninspected	9400 gal/day.	Physical/Chemical.
	AWWU Recruiting	159.15/1026/2/II	Uninspected	9400 gal/day.	
Baylor Company, P.O.Box 36323, Houston, TX 77036.	Lykes SMSD 14,900	159.15/1037/1/I	For use on vessels listed in certification letter.	15,000 gal/day.	Macerator/Chlorinator.
	Filteron MSD 3990	159.15/1037/2/I			Macerator/Chlorinator.
	Filteron MSD 2490	159.15/1037/4/I	Uninspected	500 gal/day	Macerator/Chlorinator.
			Uninspected	4,000 gal/day	
			Uninspected	2,500 gal/day	
Cadaqua, S.A., Mayor 23, Apartado 47, Las Arenas-Guecho Vizcaya, Spain.	Oxitotal—O	159.15/1047/1/II	Uninspected	2,500 gal-day.	Aerobic Digester.
Chrysler Corporation, Space Division, P.O. Box 29200, New Orleans, LA 70129.	Aqua-Sans	159.15/1005/1/III	Uninspected	140 Uses/day	Oil-Flush Recirculator.
	Aqua-Sans A/S	159.15/1005/2/III	Uninspected	140 Uses/day	Oil- Flush Recirculator.
	Aqua-Sans A/B-1	159.15/1005/3/III	Uninspected	245 Uses/day	Oil- Flush Recirculator.
	Aqua-Sans A/B-2	159.15/1005/4/III	Uninspected	420 Uses/day	Oil- Flush Recirculator.
	Aqua-Sans B	159.15/1005/5/III	Uninspected	1015 Uses/day.	Oil- Flush Recirculator.
Citex-Oastechnik Maschinenbau, 2 Hamburg 71, PostFach 710424, Federal Republic of Germany.	CEAK 35/50	159.15/1043/1/II	Uninspected	3100 gal/day.	Physical/Chemical.
Colt Industries 701 Lawton Ave., Beloit, WI 53511.	Envirovac	159.15/1016/1/III	Inspected	Sized to need	Custom Designed. vacuum system.
Demco, Inc. P.O. Box 94700 845 S.E. 29th ST. Oklahoma City, OK.	WT-325	159.15/1029/1/II	Uninspected	325 gal/day	Aerobic digester.
	WT-625	159.15/1029/2/II	Uninspected	625 gal/day	Aerobic digester.
	WT-1000	159.15/1029/3/II	Uninspected	1000 gal/day.	Aerobic digester.
	WT-1250	159.15/1029/4/II	Uninspected	1250 gal/day.	Aerobic digester.
	WT-1565	159.15/1029/5/II	Uninspected	1565 gal/day.	Aerobic digester.
	WT-1875	159.15/1029/6/II	Uninspected	1875 gal/day.	Aerobic digester.
	WT-2200	159.15/1029/7/II	Uninspected	2200 gal/day.	Aerobic digester.
	WT-2500	159.15/1029/8/II	Uninspected	2500 gal/day.	Aerobic digester.
	WT-2815	159.15/1029/9/II	Uninspected	2815 gal/day.	Aerobic digester.
	WT-3125	159.15/1029/10/II	Uninspected	3125 gal/day.	Aerobic digester.
	WT-3750	159.15/1029/11/II	Uninspected	3750 gal/day.	Aerobic digester.
	WT-5000	159.15/1029/12/II	Uninspected	5000 gal/day.	Aerobic digester.
	WT-5000/Glomar Pacific	159.15/1029/13/II	For use on drill ship GLOMAR PACIFIC only		
	WT-6000	159.15/1029/14/II	Uninspected	6000 gal/day.	Aerobic digester. WT-7000
		159.15/1029/15/II	Uninspected	7000 gal/day.	Aerobic digester.
		159.15/1029/16/II	Uninspected	8000 gal/day.	Aerobic digester.
		159.15/1029/17/II	Uninspected	9000 gal/day.	Aerobic digester.
		159.15/1029/18/II	Uninspected	10,000 gal/day.	Aerobic digester.
Clear Water, Inc. Div. of Lamere Ind. 227 N. Main St. Walworth, WI 53184.	Sanirator 57 P5E	159.15/1015/1/III	Uninspected	12 Persons	Gas-fired incinerator.
	Sanirator 57 P2E	159.15/1015/2/III	Uninspected	12 Persons	Gas-fired incinerator.
	Sanirator 57 P9E	159.15/1015/3/III	Uninspected	12 Persons	Gas-fired incinerator.
	Sanirator 57 P5E	159.15/1015/4/III	Inspected	12 Persons	Diesel-Fired Incinerator.
	Sani-Head #6	159.15/1015/5/III	Uninspected	22 Flushes	Conversion Kit for recirculating.
	Sani-System 600	159.15/1015/6/I	Uninspected	750 gal/day	Macerator/Chlorinator.
Dravo Corporation, Neville Island, Pittsburgh, PA 15225.	Stavo Stack Injection System.	159.15/1031/1/III	Uninspected	360 gal/day	Stack Injection incineration.
Effluent Technology Co., Inc., 4130 Bridgeport Way West, Tocoma, Washington 98466.	MARK 1 MSD	159.15/1063/1/I	Uninspected	240 gal/day	Physical/Chemcial.
Electrode Corporation, P.O. Box 229, Chardon, OH 44024.	Lectra-San 12 VDC	159.15/1001/1/I	Uninspected	4 persons	Electrolytic Macerator/Chlorinator.
	Lectra-San 32 VDC	159.15/1001/2/I	Uninspected	4 persons	Electrolytic Macerator/Chlorinator.
	Lectra-San 12 VDC W/ Mech. Timer.	159.15/1001/3/I	Uninspected	4 persons	Electrolytic Macerator/Chlorinator.
	Lectra-San 24 VDC W/ Mech. Timer.	159.15/1001/4/I	Uninspected	4 persons	Electrolytic Macerator/Chlorinator.
	Lectra-San 32 VDC W/ Mech. Timer.	159.15/1001/5/I	Uninspected	4 persons	Electrolytic Macerator/Chlorinator.

MARINE SANITATION DEVICES CERTIFIED BY THE U.S. COAST GUARD AS OF AUGUST 31, 1978.—*Pursuant to the Provisions of 33 CFR 159.15*—Continued

Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
Firestone Coated Fabrics, Box 869, Magnolia, Arkansas 71753.	Flex-n-Fit tank #15	159.15/1020/1/III	Subchapter "T"	15 gal	Flexible holding tank.
	Flex-n-Fit tank #30	159.15/1020/2/III	Subchapter "T"	30 gal	Flexible holding tank.
	Flex-n-Fit tank #40	159.15/1020/3/III	Subchapter "T"	40 gal	Flexible holding tank.
	Flex-n-Fit tank #100	159.15/1020/4/III	Subchapter "T"	100 gal	Flexible holding tank.
Format Chemie & Apparate, 2050 Hamburg 80, Ochsenwerder Landstrasse 155, Federal republic of Germany.	MSTP 1	159.15/1061/1/II	Uninspected	1370 gal/day.	
	MSTP 2	159.15/1061/2/II	Uninspected	2240 gal/day.	
	MSTP 3	159.15/1061/3/II	Uninspected	3560 gal/day.	
	MSTP 4	159.15/1061/4/II	Uninspected	4360 gal/day.	
	MSTP 5	159.15/1061/5/II	Uninspected	6070 gal/day.	
	MSTP 6	159.15/1061/6/II	Uninspected	9370 gal/day.	
	MSTP	159.15/1061/7/II	Uninspected	14,000 gal/day.	
	MSTP 7				
Fredriksstad Mek. Verksted, P.O. Box 96, 1601 Fredriksstad, Norway.	CP-40	159.15/1045/1/II	Uninspected	1500 gal/day.	Aerobic Digester.
	CP-65	159.15/1045/2/II	Uninspected	2433 gal/day.	Aerobic Digester.
	CP-80	159.15/1045/3/II	Uninspected	2995 gal/day.	Aerobic Digester.
Galley Maid Marine Products, P.O. Box 10417, Riviera Beach, FL 33404.	Delta Marine Head 12 VDC	159.15/1040/1/I	Subchapter "T"	2 persons	Macerator/Chlorinator.
	Delta Marine Head 24 VDC	159.15/1040/2/I	Subchapter "T"	2 persons	Macerator/Chlorinator.
	Delta Marine Head 32 VDC	159.15/1040/3/I	Subchapter "T"	2 persons	Macerator/Chlorinator.
	Central Waste Treatment System 12 VDC.	159.15/1040/4/I	Subchapter "T"	332 gal/day	
	Central Waste Treatment System 24 VDC.	15.15/1040/5/1	Subchapter "T"	332 gal/day	
	Central Waste Treatment System 32 VDC.	159.15/1040/6/I	Subchapter "T"	332 gal/day	
	Central Waste Treatment System 115 VAC.	159.15/1040/7/I	Subchapter "T"	332 gal/day	
	Delta Marine Head 115 VAC	159.15/1040/8/I	Subchapter "T"	2 Persons	Macerator/Chlorinator.
General American Research Division of GATX, 7449 Natchez Ave., Niles, Il 60648.	ETS-II	159.15/1012/1/III	Inspected	25 Persons	Low-volume-Flush, evaporator. Macerator/Sterilizer.
	MSS-I	159.15/1012/2/I	Uninspected	3840 gal/day.	
Goko Seisakusho Co., Ltd., No 27-3, 5 Chome Shimbashi, Minato-hu, Tokyo, Japan.	Clean Pet	159.15/1049/1/III	Uninspected	80 flushes	Unlimed Recirculator.
	TCP-5				
Hamann Wassertechnik Gmbh. u. Co., Postfach 131, 2105 Hamburg-Seevetal 2, Federal Republic of Germany.	HL-CONT 4	159.15/1060/1/II	Uninspected		Macerator/Chlorinator.
	HL-CONT 7	159.15/1060/2/II	Uninspected		Macerator/Chlorinator.
	HL-CONT 15	159.15/1060/3/II	Uninspected		Macerator/Chlorinator.
	HL-CONT 30	159.15/1060/4/II	Uninspected		Macerator/Chlorinator.
	HL-CONT 45	159.15/1060/5/II	Uninspected		Macerator/Chlorinator.
	HL-CONT Compact	159.15/1060/6/II	Uninspected		Macerator/Chlorinator.
	HL-CONT Compact/A	159.15/1060/7/II	Uninspected		Macerator/Chlorinator.
Hamworth Canada Ltd., 113-115 Gushman Rd., ST. Catharine, Ontario L2M 659, Canada.	ST-2	159.15/1059/1/II	Uninspected	360 gal/day	Aerobic Digester.
	ST-4	159.15/1059/2/II	Uninspected	720 gal/day	Aerobic Digester.
	ST-6	159.15/1059/3/II	Uninspected	1080 gal/day.	Aerobic Digester.
	ST-8	159.15/1059/4/II	Uninspected	1440 gal/day.	Aerobic Digester.
	ST-10	159.15/1059/5/II	Uninspected	1800 gal/day.	Aerobic Digester.
	ST-15	159.15/1059/6/II	Uninspected	2700 gal/day.	Aerobic Digester.
	ST-20	159.15/1059/7/II	Uninspected	3600 gal/day.	Aerobic Digester.
Hamworthy Engineering, Pump & Compressor Div., Fleets Corner, Poole Dorset BH177 LA, United Kingdom.	ST-2	159.15/1023/1/II	Uninspected	260 gal/day	Aerobic Disgester.
	ST-4	159.15/1023/2/II	Uninspected	720 gal/day	Aerobic Digesler.
	ST-6	159.15/1023/3/II	Uninspected	1080 gal/day.	Aerbolc Digester.
	ST-8	159.15/1023/4/II	Uninspected	1440 gal/day.	Aerbolc Digester.
	ST-10	159.15/1023/5/II	Uninspected	1800 gal/day.	Aerbolc Digester.
	ST-15	159.15/1023/6/II	Uninspected	2700 gal/day.	Aerbolc Digester.
	ST-20	159.15/1023/7/II	Uninspected	3600 gal/day.	Aerbolc Digester.
	T-10	159.15/1023/8/II	Uninspected	180 gal/day	Aerbolc Digester.
	T-20	159.15/1023/9/II	Uninspected	360 gal/day	Aerbolc Digester.
	T-30	159.15/1023/10/II	Uninspected	540 gal/day	Aerbolc Digester.
	T-40	159.15/1023/11/II	Uninspected	720 gal/day	Aerbolc Digester.
	T-50	159.15/1023/12/II	Uninspected	900 gal/day	Aerbolc Digester.
	T-60	159.15/1023/13/II	Uninspected	1080 gal/day.	Aerbolc Digester.
	T-75	159.15/1023/14/II	Uninspected	1350 gal/day.	Aerbolc Digester.
	T-100	159.15/1023/15/II	Uninspected	1800 gal/day.	Aerbolc Digester.
	RT-20	159.15/1023/16/II	Uninspected	360 gal/day	Aerbolc Digester.
	RT-40	159.15/1023/17/II	Uninspected	720 gal/day	Aerbolc Digester.
	RT-60	159.15/1023/18/II	Uninspected	1080 gal/day.	Aerbolc Digester.
	RT-80	159.15/1023/19/II	Uninspected	1440 gal/day.	Aerbolc Digester.
	ST-25	159.15/1023/20/II	Uninspected	4500 gal/day.	Aerbolc Digester.
	ST-30	159.15/1023/21/II	Uninspected	5400 gal/day.	Aerbolc Digester.
	ST-2R	159.15/1023/22/II	Uninspected	20 persons	Aerbolc Digester.
	ST-4R	159.15/1023/23/II	Uninspected	40 persons	Aerbolc Digester.
	ST-6R	159.15/1023/24/II	Uninspected	60 persons	Aerbolc Digester.
	ST-8R	159.15/1023/25/II	Uninspected	80 persons	Aerbolc Digester.
	ST-10R	159.15/1023/26/II	Uninspected	700 persons	Aerbolc Digester.
			For use on M/V "SUN PRINCESS" only		
Hamworthy USA, 365 French Road, Buffalo, NY 14227.	ST-2	159.15/1058/1/II	Inspected	360 gal/day	Aerobic Digester.
	ST-4	159.15/1058/2/II	Inspected	720 gal/day	Aerobic Disgesters.
	ST-6	159.15/1058/3/II	Inspected	1080 gal/day.	Aerobic Disgesters.
	ST-8	159.15/1058/4/II	Inspected	1440 gal/day.	Aerobic Disgesters.
	ST-10	159.15/1058/5/II	Inspected	1800 gal/day.	Aerobic Disgesters.
	ST-15	159.15/1058/6/II	Uninspected	2700 gal/day.	Aerobic Disgesters.
	ST-20	159.15/1058/7/II	Uninspected	3600 gal/day.	Aerobic Disgesters.

MARINE SANITATION DEVICES CERTIFIED BY THE U.S. COAST GUARD AS OF AUGUST 31, 1978.—*Pursuant to the Provisions of 33 CFR 159.15*—Continued

Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
Heishin Engineering & Equipment Co., Ltd. Misaki Honmachi 1-1-54 Hyogo-Ku Kobe 652, Japan.	Cleardam PS-40	159.15/1026/1/II	Uninspected	470 gal/day	Evaporator.
	Cleardam PS/CR-40	159.15/1026/2/III	Uninspected	470 gal/day	Recirculator w/Waste Evap.
	Cleardam PS/CR-80	159.15/1026/3/III	Uninspected	780 gal/day	Recirculator w/Waste Evap.
	Cleardam PS-80	159.15/1026/4/II	Uninspected	780 gal/day	Evaporator
	Cleardam PS-40N	159.15/1026/5/II	Uninspected	780 gal/day	Evaporator
	Cleardam PS-80N	159.15/1026/6/II	Uninspected	780 gal/day	Evaporator
Hyde Products Inc., 810 Sharon Dr., Weshake, OH 44145.	Hyde Shipboard Sewage Treatment System.	159.15/1019/1/II	Inspected	6000 gal/day.	Physical/Chemical
International Water Saving Systems, P.O. Box 605, Avon, MA 02322.	Nautromatic 350	159.15/1009/1/I	Uninspected	4 uses/hr	Macerator/Chlorinator
	IWSS SYSTEM 1000	159.15/1009/2/I	Subchapter "T"	4 Persons	Macerator/Chlorinator
	IWSS System 1000SA	159.15/1009/3/I	Subchapter "T"	4 Persons	Macerator/Chlorinator
	IWSS System 1000E	159.15/1009/4/I	Uninspected	4 Persons	Macerator/Chlorinator
	IWSS System 1000 R	159.15/1009/5/I	Uninspected	4 Persons	Macerator/Chlorinator
Jered Industries, Inc., 1300 S. Coolidge Hwy., Birmingham, MI 48008.	118-I	159.15/1011/1/III	Uninspected	400 gal	Vacuum Flush w/holding Tank
Koehler-Dayton P.O. Box 309 New Britain, CT 06050.	Konvert-a-Head 13-701595	159.15/1013/1/III	Uninspected	22 Flushes	Recirculator.
	Enviro—Mac 702145	159.15/1013/2/I	Inspected	1730 gal/day	Macerator/Chlorinator.
	Enviro—MacII	159.15/1013/3/I	Inspected	1730 gal/day	Macerator/Chlorinator.
Mansfield Sanitary, 150 First St., Perryville, OH 44864.	300 Series	159.15/1014/1/III	Uninspected	Sizes 12-42 gal.	Vacuum-Flush to Holding Tank.
	400 Series	159.15/1014/2/III	Uninspected	Sizes 12-42 gal.	Vacuum-Flush to Holding Tank.
	600 Series	159.15/1014/3/III	Uninspected	Sizes 12-42 gal.	Vacuum-Flush to Holding Tank.
	911-M28	159.15/1014/4/III	Uninspected	8¼ gal	Unitized Toilet and Holding Tank.
	912-M28	159.15/1014/5/III	Uninspected	8¼ gal	Vacuum-Flush to Holding Tank.
	800 Series	159.15/1014/6/III	Uninspected		Vacuum-Flush to Holding Tank.
TDX		159.15/1014/7/I	Subchapter "T"	480 gal/day	Physical/Chemical.
Marland Environmental Systems, Inc., 57 west Avenue, Wayne, PA 19087.	TDX (Modified)	159.15/1014/8/I	Subchapter "T"	480 gal/day	Physical/Chemical.
	MSS-PT	159.15/1008/1/I	Inspected	Sizes 2000-4000 gal/day.	Physical/Chemical.
Microphor, Inc., P.O. Box 490, Willits, CA 95490.	MTT-3	159.15/1008/2/I	Inspected		Physical/Chemical.
	MTT-4	159.15/1008/3/I	Uninspected		Physical/Chemical.
	MTT-3-1	159.15/1008/4/I	For NOAA vessel "ALBATROSS IV" only		
	MTT-3-2	159.15/1008/5/I	For Italia SPA Line vessels "ITALICA" and "AMERICANA" only		
	M-8	159.15/1025/1/II	Subchapter "T"	2 Persons	Biological Filter.
	M-10	159.15/1025/2/II	Subchapter "T"	3 Persons	Biological Filter.
	M-12	159.15/1025/3/II	Subchapter "T"	3 Persons	Biological Filter.
	M-14	159.15/1025/4/II	Subchapter "T"	4 Persons	Biological Filter.
	M-50	159.15/1025/5/II	Inspected	25 gal/day	Biological Filter.
	M-100	159.15/1025/6/II	Inspected	50 gal/day	Biological Filter.
	M-150	159.15/1025/7/II	Inspected	75 gal/day	Biological Filter.
	M-200	159.15/1025/8/II	Inspected	100 gal/day	Biological Filter.
	M-300	159.15/1025/9/II	Inspected	150 gal/day	Biological Filter.
	M-500	159.15/1025/10/II	Inspected	250 gal/day	Biological Filter.
	MC-50	159.15/1025/11/II	Inspected	125 gal/day	Biological Filter.
	MC-100	159.15/1025/12/II	Inspected	250 gal/day	Biological Filter.
	MC-150	159.15/1025/13/II	Inspected	375 gal/day	Biological Filter.
	MC-200	159.15/1025/14/II	Inspected	500 gal/day	Biological Filter.
	MC-300	159.15/1025/15/II	Inspected	750 gal/day	Biological Filter.
	MC-500	159.15/1025/16/II	Inspected	1250 gal/day	Biological Filter.
	M-600	159.15/1025/17/II	Inspected	300 gal/day	Biological Filter.
	MC-600	159.15/1025/18/II	Inspected	1500 gal/day	Biological Filter.
	M-800	159.15/1025/19/II	Inspected	400 gal/day	Biological Filter.
	MC-800	159.15/1025/20/II	Inspected	2000 gal/day	Biological Filter.
	M-1000	159.15/1025/21/II	Inspected	500 gal/day	Biological Filter.
	MC-1000	159.15/1025/22/II	Inspected	2500 gal/day	Biological Filter.
Misuzu Machinery & Engineering Ltd., 25,5 Chome, Ikuta-Ku, Kobe, Japan.	Wilson Elsan Mk IV Recirculating.	159.15/1033/1/III	Uninspected	1800 gal/day	Physical/Chemical w/ recirculator.
	Wilson Elsan Mk IV Flow Through.	159.15/1033/2/II	Uninspected	1800 gal/day	Physical/Chemical
Monogram Industries, 4030 Freeman Blvd., Redondo Beach, CA 90278.	Monotron 764	159.15/1002/1/I	Uninspected	For use with Monomatic and Handihead toilets only.	50 uses
	Handihead 158	159.15/1002/2/III	Uninspected		80 uses
	Monomatic 342	159.15/1002/3/III	Uninspected		30 uses
	Monomatic 641	159.15/1002/4/III	Uninspected		Recirculator
					Recirculator
					Recirculator
Nissin Refrigeration, 12-30 Mikunihonmachi, 1-Chome Yodogawa-ku, Osaka, Japan.	NST-30	159.15/1051/1/II	Uninspected	530 gal/day	Aerobic Digester
	NST-40	159.15/1051/2/II	Uninspected	705 gal/day	Aerobic Digester
	NST-50	159.15/1051/3/II	Uninspected	875 gal/day	Aerobic Digester
	NST-60	159.15/1051/4/II	Uninspected	1060 gal/day	Aerobic Digester
	NST-70	159.15/1051/5/II	Uninspected	1235 gal/day	Aerobic Digester.
	NST-80	159.15/1051/6/II	Uninspected	1422 gal/day	Aerobic Digester.
	NST-90	159.15/1051/7/II	Uninspected	1590 gal/day	Aerobic Digester
	NST-100	159.15/1051/8/II	Uninspected	1765 gal/day	Aerobic Digester

MARINE SANITATION DEVICES CERTIFIED BY THE U.S. COAST GUARD AS OF AUGUST 31, 1978.—*Pursuant to the Provisions of 33 CFR 159.15*—Continued

Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
	NST-125	159.15/1051/9/II	Uninspected	2200 gal/day	Aerobic Digester
	NST-150	159.15/1051/10/II	Uninspected	2652 gal/day	Aerobic Digester
Owens Manufacturing & Specialty Co., P.O. Box 2433, Lafayette, LA 70501.	Kleen Tank 1-13	159.15/1038/1/II	Inspected	625 gal/day	Aerobic Digester
	Kleen Tank 14-26	159.15/1038/2/II	Inspected	1100 gal/day	Aerobic Digester
	Kleen Tank 27-49	159.15/1038/3/II	Inspected	2000 gal/day	Aerobic Digester
	Kleen Tank 50-94	159.15/1038/4/II	Inspected	4000 gal/day	Aerobic Digester
Raritan Engineering, 1025 N. High St., Millville, NJ 08332.	CHTT	159.15/1017/1/III	Uninspected	5 gal	Holding Tank.
	RHT 15	159.15/1017/2/III	Uninspected	15 gal	Flexible Holding Tank.
	RHT 30	159.15/1017/3/III	Uninspected	30 gal	Flexible Holding Tank.
Red Fox Industries, P.O. Drawer 640, New Iberia, LA 70560.	RF-100-M	159.15/1006/1/II	Inspected	100 gal/day	Aerobic Digester.
	RF-200-M	159.15/1006/2/II	Inspected	200 gal/day	Aerobic Digester.
	RF-350-M	159.15/1006/3/II	Inspected	350 gal/day	Aerobic Digester.
	RP-500-M	159.15/1006/4/II	Inspected	500 gal/day	Aerobic Digester.
RF-750-M		159.15/1006/5/II	Inspected	750 gal/day	Aerobic Digester.
	RF-1000-M	159.15/1006/6/II	Inspected	1000 gal/day	Aerobic Digester.
	RF-1500-M	159.15/1006/7/II	Inspected	1500 gal/day	Aerobic Digester.
	RF-2000-M	159.15/1006/8/II	Inspected	2000 gal/day	Aerobic Digester.
	RP-2500-M	159.15/1006/9/II	Inspected	2500 gal/day	Aerobic Digester.
	RF-3000-M	159.15/1006/10/II	Inspected	3000 gal/day	Aerobic Digester.
	RP-3500-M	159.15/1006/11/II	Inspected	3500 gal/day	Aerobic Digester.
	RF-4000-M	159.15/1006/12/II	Inspected	4000 gal/day	Aerobic Digester.
	RF-4500-M	159.15/1006/13/II	Inspected	4500 gal/day	Aerobic Digester.
	RF-5000-M	159.15/1006/14/II	Inspected	5000 gal/day	Aerobic Digester.
	RP-5500-M	159.15/1006/15/II	Inspected	5500 gal/day	Aerobic Digester.
	RP-6000-M	159.15/1006/16/II	Inspected	6000 gal/day	Aerobic Digester.
	RF-6500-M	159.15/1006/17/II	Uninspected	6500 gal/day	Aerobic Digester.
	RF-7000-M	159.15/1006/18/II	Uninspected	7000 gal/day	Aerobic Digester.
	RP-7500-M	159.15/1006/19/II	Inspected	7500 gal/day	Aerobic Digester.
	RF-8000-M	159.15/1006/20/II	Uninspected	8000 gal/day	Aerobic Digester.
	RF-8500-M	159.15/1006/21/II	Uninspected	8500 gal/day	Aerobic Digester.
	RF-9000-M	159.15/1006/22/II	Inspected	9000 gal/day	Aerobic Digester.
	RF-100-M/MOD	159.15/1006/23/II	Uninspected	100 gal/day	Aerobic Digester.
	RP-200-M/MOD	159.15/1006/24/II	Uninspected	200 gal/day	Aerobic Digester.
	RP-350-M/MOD	159.15/1006/25/II	Uninspected	350 gal/day	Aerobic Digester.
	RP-500-M/MOD	159.15/1006/26/II	Uninspected	500 gal/day	Aerobic Digester.
	RP-750-M/MOD	159.15/1006/27/II	Uninspected	750 gal/day	Aerobic Digester.
	RF-1000-M/MOD	159.15/1006/28/II	Uninspected	1000 gal/day	Aerobic Digester.
	RF-1500-M/MOD	159.15/1006/29/II	Uninspected	1500 gal/day	Aerobic Digester.
	RF-2000-M/MOD	159.15/1006/30/II	Uninspected	2000 gal/day	Aerobic Digester.
	RP-2500-M/MOD	159.15/1006/31/II	Uninspected	2500 gal/day	Aerobic Digester.
	RF-3000-M/MOD	159.15/1006/32/II	Uninspected	3000 gal/day	Aerobic Digester.
	RF-350-M/S-MOD	159.15/1006/33/II	Uninspected	350 gal/day	Aerobic Digester.
	RP-500-M/S-MOD	159.15/1006/34/II	Uninspected	500 gal/day	Aerobic Digester.
	RF-750-M/S-MOD	159.15/1006/35/II	Uninspected	750 gal/day	Aerobic Digester.
	RF-1000-M/S-MOD	159.15/1006/36/II	Uninspected	1000 gal/day	Aerobic Digester.
	RP-1500-M/S-MOD	159.15/1006/37/II	Uninspected	1500 gal/day	Aerobic Digester.
	RF-2000-M/S-MOD	159.15/1006/38/II	Uninspected	2000 gal/day	Aerobic Digester.
	RP-2500-M/S-MOD	159.15/1006/39/II	Uninspected	2500 gal/day	Aerobic Digester.
	RF-3000-M/S-MOD	159.15/1006/40/II	Uninspected	3000 gal/day	Aerobic Digester.
Research Products/ Blankenship, 2639 Andjon St. Dallas, TX 75220.	Incinolet	159.15/1027/1/III	Uninspected	8 Persons	Unitized Toilet and Incinerator.
Salen-Vattenvard Aktiebolag, P.O. Box S-172 63, Sundbyberg, Sweden.	Neptumatic 90/90-30	159.15/1030/1/II	Uninspected	3740 gal/day.	Aerobic Digester.
	Neptumatic 90/90-50	159.15/1030/2/II	Uninspected	6240 gal/day.	
	Neptumatic 90/90-70	159.15/1030/3/II	Uninspected	8340 gal/day.	Aerobic Digester. Aerobic Digester.
	MOC-12	.15/1030/4/II	Uninspected	3740 gal/day.	Aerobic Digester.
	MOC-20	159.15/1030/5/II	Uninspected	6240 gal/day.	Aerobic Digester.
	MOC-25	159.15/1030/6/II	Uninspected	8340 gal/day.	Aerobic Digester.
Sanitation Equipment, Ltd., 1061 Alness St., Downsview M3J 2J1, Ontario, Canada.	Potpourri 707	159.15/1021/1/III	Uninspected	60 flushes	Recirculator.
	Potpourri 737	159.15/1021/III	Uninspected	80 flushes	Recirculator.
Sasakura engineering, 7-5 Mitejima 6-Chome Nishiyodogawa-Ku, Osaka, Japan.	ST-2	159.15/1035/1/II	Uninspected	360 gal/day	Aerobic Digester.
	ST-4	159.15/1035/2/II	Uninspected	720 gal/day	Aerobic Digester.
	ST-6	159.15/1035/8/II	Uninspected	1080 gal/day	Aerobic Digester.
	ST-8	159.15/1035/4/II	Uninspected	1440 gal/day	Aerobic Digester.
	ST-10	159.15/1035/5/II	Uninspected	1800 gal/day	Aerobic Digester.
	ST-15	159.15/1036/6/II	Uninspected	2700 gal/day	Aerobic Digester.
	ST-20	159.15/1035/7/II	Uninspected	3600 gal/day	Aerobic Digester.
	T-10	159.15/1035/8/II	Uninspected	180 gal/day	Aerobic Digester.
	T-20	159.15/1035/9/II	Uninspected	360 gal/day	Aerobic Digester.
	T-30	159.15/1035/10/II	Uninspected	540 gal/day	Aerobic Digester.
	T-40	159.15/1035/11/II	Uninspected	720 gal/day	Aerobic Digester.
	T-50	159.15/1035/12/II	Uninspected	900 gal/day	Aerobic Digester.
	T-60	159.15/1035/13/II	Uninspected	1080 gal/day	Aerobic Digester.
	T-75	159.15/1035/14/II	Uninspected	1350 gal/day	Aerobic Digester.
	T-100	159.15/1035/15/II	Uninspected	1800 gal/day	Aerobic Digester.
	RT-20	159.15/1035/16/II	Uninspected	360 gal/day	Aerobic Digester.
	RT-40	159.15/1035/17/II	Uninspected	720 gal/day	Aerobic Digester.
	RT-60	159.15/1035/18/II	Uninspected	1040 gal/day	Aerobic Digester.
	RT-80	159.15/1035/19/II	Uninspected	1440 gal/day	Aerobic Digester.
Schmidt Environmental Products, 4540 E. 60th Ave., Commerce City, Col. 80022.	MSD-40	159.15/1048/1/II	Uninspected	4000 gal/day	Physical/Chemical.
	MSD-80	159.15/1048/2/II	Uninspected	8000 gal/day	Physical/Chemical.

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Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
Sigma Treatment System, 603 Dean St, Brooklyn, NY 11236.	STS-1	159.15/1046/1/I			
	STS-1M(C/D)	159.15/1046/2/I			
	STS-1 "STATENDAM"				
	STS-1D "MONARCH STAR".				
		159.15/1046/4/I	FOR USE ON M/V "STATENDAM" ONLY		
		159.15/1046/5/I	FOR USE ON M/V "MONARCH STAR" ONLY		
	STS-II	159.15/1046/6/II	Uninspected	3600 gal/day.	Physical/Chemical.
					Uninspected
				3600 gal/day.	Physical/Chemical.
				3600 gal/day.	Physical/Chemical.
			Uninspected		
The Standard Products Co., Product Development Div., 2401 D. Gulley Road, Dearborn, MI 48124.	Pyrosan	159.15/1044/1/III	Uninspected	8 persons	Incinerator.
St. Louis Ship, Div. of Pott Industries, 611 E. Marceau St., St. Louis, MO 63111.	Past 15D	159.15/1003/1/II	Inspected	15 persons	Fixed Media Aerobic.
	Past 12D	159.15/1003/2/II	Inspected	15 persons	Fixed Media Aerobic.
	Past 18D	159.15/1003/3/II	Inspected	persons.	Fixed Media Aerobic.
	Past 25D	159.15/1003/4/II	Uninspected	33 persons	Fixed Media Aerobic.
	Past 40D	159.15/1003/5/II	Inspected	49 persons	Fixed Media Aerobic.
	Past 200D	159.15/1003/6/II	Uninspected	200 persons	Fixed Media Aerobic.
	Past 9M	159.15/1003/7/II	Uninspected	9 persons	Fixed Media Aerobic.
	Past 18M	159.15/1003/8/II	Uninspected	18 persons	Fixed Media Aerobic.
	Past 40DOS1	159.15/1003/9/II	Uninspected	108 persons	Fixed Media Aerobic.
	Past 40DS2	159.15/1003/10/II	Uninspected	108 persons	Fixed Media Aerobic.
	Past 40DS3	159.15/1003/11/II	Uninspected	108 persons	Fixed Media Aerobic.
	Past 50D	159.15/1003/12/II	Uninspected	62 persons	Fixed Media Aerobic.
	Past 50D4	159.15/1003/13/II	Uninspected	145 persons	Fixed Media Aerobic.
	Past 80NS	159.15/1003/14/II—III	Uninspected	80 persons	Flow Thru w/Recirculator.
	Past 6M	159.15/1003/15/II	Uninspected	6 persons	Fixed Media Aerobic.
	Past 13M	159.15/1003/16/II	Uninspected	14 persons	Fixed Media Aerobic.
	Past 1700DS	159.15/1003/17/II	Uninspected	1700 persons	Fixed Media Aerobic.
	Past 18D4	159.15/1003/18/II	Uninspected	18 persons	Fixed Media Aerobic.
	Past 40D4	159.15/1003/19/II	Uninspected	40 persons	Fixed Media Aerobic.
	Past 80D4	159.15/1003/20/II	Uninspected	80 persons	Fixed Media Aerobic.
Taiko Kikai Ind., 209-1 Shimo Tabuse, Tabuse Cho Kumage-Gun, Yamagushi Prefectare, Japan.	AP-2	159.15/1032/1/II	Uninspected	20 persons	Aerobic Digester.
	AP-3	159.15/1032/2/II	Uninspected	30 persons	Aerobic Digester.
	AP-4	159.15/1032/3/II	Uninspected	40 persons	Aerobic Digester.
	AP-5	159.15/1032/4/II	Uninspected	50 persons	Aerobic Digester.
	AP-6	159.15/1032/5/II	Uninspected	75 persons	Aerobic Digester.
CT-1000		159.15/1032/6/III	Uninspected	1000 gal.	Recirculator.
	CT-2000	159.15/1032/7/III	Uninspected	2000 gal.	Recirculator.
	CT-3000	159.15/1032/8/III	Uninspected	3000 gal.	Recirculator.
	CT-4000	159.15/1032/9/III	Uninspected	4000 gal.	Recirculator.
	CT-5000	150.15/1032/10/III	Uninspected	5000 gal.	Recirculator.
	CT-6000	150.15/1032/11/III	Uninspected	6000 gal.	Recirculator.
	CT-7000	150.15/1032/12/III	Uninspected	7000 gal.	Recirculator.
	CT-8000	150.15/1032/13/III	Uninspected	8000 gal.	Recirculator.
	CT-9000	150.15/1032/14/III	Uninspected	9000 gal.	Recirculator.
	CT-10000	150.15/1032/15/III	Uninspected	10000 gal.	Recirculator.
Takuma Company Ltd, 16 Dojima Naka 1-Chome Kita-KU Osaka, Japan.	Aqua-Sans A	159.15/1036/1/III	Uninspected	20 persons	Oil-Flush Recirculator.
	Aqua-Sans AB-1	159.15/1036/2/III	Uninspected	30 persons	Oil-Flush Recirculator.
	Aqua-Sans AB-2	159.15/1036/3/III			Oil-Flush Recirculator.
			Uninspected	60 persons	
	Aqua-Sans B	159.15/1036/4/III	Uninspected	145 persons	Oil-Flush Recirculator.
Thetford Corporation, 2300 Washtenaw Ave., Ann Arbor, 48106.	Sea Farer	159.15/1018/1/III	Subchapter "T"	50 flushes.	
	Porta Pottl	159.15/1018/2/III		Subchapter "T"	
	Penta Pottl	159.15/1018/3/III		Subchapter "T"	
				50 flushes.	
	Electra	159.15/1018/4/III	Subchapter "T"	50 flushes.	
Toko Seiki Co., Ltd. 6-9 13 Meguro-Honmachi Meguro-Ku, Tokyo, Japan.	AWWU Discharge	159.15/1042/1/II	Uninspected	9360 gal/day.	Physical/Chemical.
	AWWU NO Discharge	159.15/1042/2/II	Uninspected		
				9360 gal/day.	Physical/Chemical w/ holding tank.
Tridented Industria Ltda. Au Rio Branco 14-16° Rio de Janeiro, Brasil.	ST-2	159.15/1064/1/III61	Uninspected	360 gal/day	Aerobic Digester.
	ST-4	159.15/1064/2/II	Uninspected		720 gal/day
	ST-6	159.15/1084/3/II	Uninspected		
					Aerobic Digester.
					Aerobic Digeter.
				1040 gal/day.	
	ST-8	159.15/1064/4/II	Uninspected	1440 gal/day.	Aerobic Digester.
	ST-10	159.15/1064/5/II	Uninspected	1800 gal/day.	Aerobic Digester.
	ST-15	159.15/1064/6/II	Uninspected	2700 gal/day.	Aerobic Digester.
	ST-20	159.15/1064/7/II	Uninspected	3600 gal/day.	Aerobic Digester.
	RT-2	159.15/1064/8/II	Uninspected	360 gal/day	Aerobic Digester.
	RT-4	159.15/1064/9/II	Uninspected	720 gal/day	Aerobic Digester.
	RT-6	159.15/1064/10/II	Uninspected	1080 gal/day.	Aerobic Digester.
	RT-8	159.15/1064/11/II	Uninspected	1440 gal/day.	Aerobic Digester.

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Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
Weir Pumps Ltd., Cathcard Works, Glasgow 644 4EX, Scotland.	Biomac 1	159.15/1057/1/II	Uninspected	312 gal/day	Aerobic Digester.
	Biomac 2	159.15/1057/2/II	Uninspected	600/gal/day	Aerobic Digester.
	Biomac 3	159.15/1057/3/II	Uninspected	912 gal/day	Aerobic Digester.
	Thermobiomac 3T	159.15/1057/4/II	Uninspected	912 gal/day	Aerobic Digester w/heater.
	Biomac 4	159.15/1057/5/II	Uninspected	1200 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 4T	159.15/1057/6/II	Uninspected	1200 gal/day.	Aerobic Digester w/heater.
	Biomac 5	159.15/1057/7/II	Uninspected	1512 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 5T	159.15/1057/8/II	Uninspected	1512 gal/day.	Aerobic Digester w/heater.
	Biomac 6	159.15/1057/9/II	Uninspected	2256 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 6T	159.15/1057/10/II	Uninspected	2256 gal/day.	Aerobic Digester w/heater.
	Biomac 7	159.15/1057/11/II	Uninspected	3000 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 7T	159.15/1057/12/II	Uninspected	3000 gal/day.	Aerobic Digester w/heater.
	Biomac 8	159.15/1057/13/II	Uninspected	3744 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 8T	159.15/1057/14/II	Uninspected	3744 gal/day.	Aerobic Digester w/heater.
	Biomac 9	159.15/1057/15/II	Uninspected	4512 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 9T	159.15/1057/16/II	Uninspected	4512 gal/day.	Aerobic Digester w/heater.
	Biomac 10	159.15/1057/17/II	Uninspected	6000 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 10T	159.15/1057/18/II	Uninspected	6000 gal/day.	Aerobic Digester w/heater.
	Biomac 11	159.15/1057/19/II	Uninspected	7512 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 11T	159.15/1057/20/II	Uninspected	7512 gal/day.	Aerobic Digester w/heater.
	Biomac 12	159.15/1057/21/II	Uninspected	9000 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 12T	159.15/1057/22/II	Uninspected	9000 gal/day.	Aerobic Digester w/heater.
	Biomac 13	159.15/1057/23/II	Uninspected	12000 gal/	Aerobic Digester w/heater.
	Thermobiomac 13T	159.15/1057/24/II	Uninspected	day.	Aerobic Digester w/heater.
	Biomac 14	159.15/1057/25/II	Uninspected	12000 gal/	Aerobic Digester w/heater.
	Thermobiomac 14T	159.15/1057/26/II	Uninspected	day.	Aerobic Digester w/heater.
				15000 gal/ day.	
				15000 gal/ day.	
Wilcox-Crittenden Div., Gulf & Western Mfg. Co., P.O. Box 1111, Middletown, CT 06457.	6012	159.15/1004/1/III	Subchapter "T"	10 gallons	Holding tank.
	6013	159.15/1004/2/III	Subchapter "T"	17 gallons	Holding tank.
	6014	159.15/1004/3/III	Subchapter "T"	25 gallons	Holding tank.
Wilson-Elsan Int'l Ltd., Pembroke House, 44 Weikley Road, Crowden, Surrey CR 9 2BU, United Kingdom.	MK IV Flow-through	159.15/1039/1/II	Uninspected	1800 gal/day.	Physical/Chemical.
	MK IV Recirculating	159.15/1039/2/III	Uninspected	60 persons	Recirculator.
Wilson Walton Int'l Inc., 66 Hudson St., P.O. Box M-890, Hoboken, NJ 07030.	WE-60 Flow-through	159.15/1024/1/II	Inspected	1800 gal/day.	Physical/Chemical.
	WE-60 Recirculating	159.15/1024/2/III	Inspected	60 persons	Recirculator.
Wilson Walton Int'l S.A. Espanola, Parque de las Niciones, EdiLicio Germania, Guzman 01 Bueno 133 1°, Madrid 3 Spain.	0086 Flow through	159.15/1068/1/II	Uninspected	1800 gal/day.	Physical/Chemical.
	0086 Recirculator	159.15/1068/2/III	Uninspected	60 persons	Recirculator.
Wilson Water Purification Corp., 2371 Broadway, Buffalo, NY 14212.	MA-CL-50-600	159.15/1034/1/II	Uninspected	600 gal/day	Physical Filter.
	MA-CL-25-1000	159.15/1034/2/II	Uninspected	1000 gal/day.	Physical Filter.
	MA-CL-50-2000	159.15/1034/3/II	Uninspected	2000 gal/day.	Physical Filter.

*(Evaluation may not have been made for use on inspected vessels. For this use, evaluation for compliance with 46 CFR Subchapters P and J or T (as applicable) must be completed).

[FR Doc. 79-3486 Filed 2-2-79; 8:45 am]

[4910-13-M]

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA)

Special Committee 137—Airborne Area Navigation Systems (2D & 3D)

MEETING

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 137 on Airborne Area Navigational Systems (2D & 3D) to be held February 27, 28 and March 1, 1979, in Conference Room 9A-B-C, DOT/Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Second Meeting held August 15

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through 17, 1978; (3) Summary Reports from Working Groups on Accuracy Requirements and Operational Requirements; (4) Briefing on Area Navigation Activities in Canada; (5) Working Groups Meet in Separate Sessions; (6) Committee Plenary Session; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on January 26, 1979.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 79-3619, Filed 2-2-79; 8:45 am]

[4910-22-M]

Federal Highway Administration

[FHWA Docket No. 76-9]

BAYONNE BRIDGE, GOETHALS BRIDGE, GEORGE WASHINGTON BRIDGE, AND OUTERBRIDGE CROSSING TOLLS

Order of the Federal Highway Administrator

By Orders of August 9, 1977, the Administrator issued a decision and order in this proceeding which found that the toll increase instituted in May 1975 by the Port Authority of New York and New Jersey (Port Authority) on four New York area bridges to be reasonable and just under section 4 of the General Bridge Act of 1906, 33 U.S.C. 494 (1970 edition). The subject bridges are the Bayonne, Goethals, and George Washington Bridges and the Outerbridge Crossing.

The decision that the existing toll schedule on the subject bridges was reasonable and just required the Port Authority to submit a study concerning the economic feasibility, traffic management and environmental effects, and impact on mass transit of various alternative rate structures of commuter and carpool discounts and of peak-hour pricing. This study was required to be submitted to the Administrator within one year of the date of the final order (November 7, 1977). Upon petition of the Port Authority requesting an extension of time for filing this study, the Administrator by Order of October 19, 1978, extended the date for the submission of the study to January 30, 1979.

This study has now been submitted to the Administrator and was served on all parties by the Port Authority on January 11, 1979. Therefore, in accordance with the Order of August 9, 1977, the parties hereby have 90 days from the date of this Order to submit comments pertaining to this study.

Based upon this study and comments thereon, the Administrator will then dispose of this remaining issue as he deems appropriate in the circumstances.

Issued this 23rd of January 1979.

KARL S. BOWERS,
Federal Highway Administrator.

[FR Doc. 79-3781 Filed 2-2-79; 8:45 am]

[4910-06-M]

Federal Railroad Administration

[FRA Waiver Petition Docket RST-78-3]

ILLINOIS CENTRAL GULF RAILROAD

Petition Regarding Temporary Waiver of Compliance With Track Safety Standards

As required by 45 U.S.C. 431(c) and in accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Illinois Central Gulf Railroad (ICG) has submitted a waiver petition to the Federal Railroad Administration (FRA) seeking a temporary waiver of compliance with 49 CFR Part 213 (Track Safety Standards). That part requires that certain minimum physical conditions for track structure and rails be met in order to assure the safe operation of railroad trains.

The ICG seeks a temporary waiver of compliance with specific provisions of that regulation in order to continue operating trains over a segment of trackage in the State of Indiana. This trackage involves a line of railroad extending from Bloomington, Indiana to Bargersville, Indiana, a distance of approximately 40 miles.

The ICG states that no service is being rendered over this line and that it has embargoed future traffic. Additionally, the ICG states that it has applied to the Interstate Commerce Commission (ICC) for authority to abandon this line. This abandonment request is identified as ICC Docket AB-43 (Sub. No. 42).

The trackage on this line, according to ICG, does not comply with the provisions of § 213.53 (gage), § 213.55 (alignment) and § 213.109 (crossties). The estimated cost for bringing this line into compliance with the FRA's minimum requirements is in excess of one million dollars and ICG indicates that it does not have the financial resources available to it to permit the expenditure of such funds.

In view of the pending abandonment, ICG has not provided any plan for the rehabilitation of this line. However, ICG has indicated that it will make some effort to correct what it deems critical conditions and has in fact done some work on the track in the area of the Shuffle Creek Bridge. The petitioner notes that discussions have been conducted with the State of Indiana concerning financial assistance for the needed rehabilitation of this line.

The requested waiver would permit the ICG to provide service to the customers on the line for period of time needed to resolve this matter either through abandonment or rehabilitation done with state assistance. Consequently, the ICG seeks a temporary waiver for a period not to exceed June 1, 1979. The scope of the waiver requested by ICG involves the previously identified areas of noncompliance as well as responsibility for potential civil penalties based on prior operation over the line.

Interested persons are invited to participate in this waiver proceeding by submitting written data, views or comments. The FRA does not anticipate scheduling a public hearing in connection with this proceeding since the facts do not appear to warrant a hearing. However, a public hearing will be scheduled if requested in writing by an interested person before February 12, 1979.

All communications concerning this proceeding must identify the appropriate docket number (FRA Waiver Petition RST-78-3) and should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 2100 Second Street, S.W., Washington, D.C. 20590. Communications received before March 2, 1979 will be considered by the FRA before final action is taken. Comments received after that date will be considered to the extent practicable.

The information submitted by ICG concerning this petition and any comments that are received will be on file with the Docket Clerk. This material is available for examination during regular business hours in Room 4406, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. 20590.

(Sec. 202, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431); Sec. 1.49(n), Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).

Issued in Washington, D.C. on January 26, 1979.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 79-3855 Filed 2-2-79; 8:45 am]

[4910-59-M]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

ADVANCED AUTOMOTIVE TECHNOLOGY CONFERENCE

Change in Public Comment Procedure

On January 22, 1979 (44 FR 4547), the National Highway Traffic Safety Administration published a notice announcing that the Transportation Systems Center will hold a conference on basic research directions for advanced automotive technology at the Sheraton-Boston Hotel on February 13 and 14. The notice stated that there will be three panels to discuss specific topics: engines; fuels and powertrain systems; and vehicle structures and materials. Meetings of these panels will take place simultaneously in the morning and afternoon of February 13, and in the morning of February 14. The conference will convene at 9 a.m. on the first day.

The purpose of this notice is to announce a change of the public comment procedure for the conference and to publish the discussion paper which will serve as the starting point for the panel sessions and for the public comments. The January 22 notice stated that questions and oral comments would be entertained from the audience at certain points in the panel discussions. Public response to that notice has been so extensive, however, that it is believed that the short time available for such questions and comments would preclude the panels from hearing many of the persons who have already indicated their desire to comment during the panel sessions.

To provide an opportunity for all interested persons to make their views known, the Department has decided to change the procedure for public comment at the conference. The public, including persons unable to attend the conference, are invited to submit written statements of up to five pages in length to Ms. Susan Swain at Transportation Systems Center, Kendall Square, Cambridge, Massachusetts, by Monday, February 12, or at the conference before 9 a.m. on Tuesday, February 13. These comments will be summarized and read orally at the end of the day in the appropriate panel sessions. Attachments, regardless of length, to the five-page comments will be accepted. However, the major points must be made within the five-page limit. To ensure the accuracy of the summaries of the written statements, commenters are urged to submit an abstract of their statement of 200 words or less. All of the comments that are received will be made a part of the proceedings of the conference and will be available from the Transportation Systems Center.

The discussion paper for the conference is set forth below. It is requested that commenters restrict their comments to the subjects in that paper.

Questions about the conference may be directed to Ms. Susan Swain at the address given above or by calling 617-494-2392.

Issued on February 1, 1979.

LINDA HELLER KAMM,
General Counsel.

BASIC RESEARCH DIRECTIONS FOR ADVANCED AUTOMOTIVE TECHNOLOGY

DISCUSSION PAPER

Introduction

On December 5, 1978, Secretary of Transportation Brock Adams called for a major program to develop a new generation of automotive technology to meet the challenging conditions we will face in the 1990's and beyond. Noting that automobiles will continue to be the major mode of personal transportation for the foreseeable future, he called for a conference of government and industry leaders, members of the research community, and others to discuss what form this program should take, and how it can be implemented.

As one step toward the conference called for by the Secretary, the Department of Transportation has organized a technical meeting in Boston, Massachusetts on February 13 and 14 to discuss basic research directions for advanced automotive technology. The purpose of the conference is to obtain views from knowledgeable and interested people from various fields and institutions on the basic research objectives and priorities that would help to create a pool of technological options which automobile manufacturers can develop and commercialize in vehicles meeting the automotive transportation needs and conditions in the 1985 to 2000 time frame.

The fundamental aspects of automobile and light truck design and technology, and federal government automotive regulatory requirements, are essentially set through model year 1985. Although there will be major changes in them, the 1985 motor vehicles will not be particularly unfamiliar:

They will probably be powered by conventional gasoline or Diesel engines driving through multi-speed transmissions, and will use today's fuels;

Nearly all structural parts of the body and chassis will probably still be made of steel, although there will be increased use of aluminum and plastics for nonstructural components; and

Front-wheel drive vehicles will probably become more prevalent.

For the purposes of the Boston meeting, the 1985 downsized motor vehicle, with an electronically controlled internal combustion engine, perhaps turbocharged, will be taken to represent the baseline state of the art.

Looking beyond 1985, some obvious general areas where further improvement in the motor vehicle system may be needed include:

energy requirements,
safety to users and others,
environmental effects,
reliability and durability,
the cost of manufacture, ownership, and use.

By 1985, we will not have exhausted the potential for improvements in motor vehicle performance based on currently known technologies. However, further improvement beyond that date will be far more limited than it is today if we do not now take steps to: (1) expand our basic knowledge and understanding of the principles behind the technologies used in motor vehicles, and (2) generate new ideas for the technology of the next generation of motor vehicles.

The central question to be addressed at the Boston meeting is: What basic research is needed to provide a foundation for a successful national policy to reduce the country's dependence on imported petroleum, consistent with our national goals of improved highway safety, improved air quality, and continuing freedom of personal mobility at reasonable cost?

Beyond defining the vehicle performance characteristics that may be important in the 1990's, we must be sensitive to the practical constraints involved in automotive transportation. Automobiles and light trucks are popular consumer products, and as such must be low cost, durable units that can be serviced in the field. Large numbers of automobiles are built each year and they are used by people of all levels of skill and concern for them.

There are many systems in a motor vehicle and a number of technology choices for virtually all of them. The Boston meeting is designed to gather ideas on what basic research questions must be addressed in order to catalyze advances in existing technologies and the adoption of new technologies to improve the performance characteristics of motor vehicles beyond what is currently contemplated. In this process it will be important to recognize and assess the current, ongoing research and development programs of the federal government, the automobile industry, and independent research institutions and to identify other promising research directions.

When this has been done, more specific basic research programs can be defined. Priorities among these programs can then be established on the basis of their scope, their likelihood of success, the potential contribution of each program to the success of a technology that would enhance motor vehicle performance, and the value given such performance by society.

At the Boston meeting, we would like to have participants provide and discuss their ideas on basic research projects and priorities. Three panels have been formed for the meeting, and the remainder of this paper will discuss each of them.

PANEL A: ENGINES

Scope.

This panel will discuss basic research needs for heat engines. The scope of discussion will include any engine that utilizes combustible fuels to generate mechanical energy through a thermodynamic cycle, and that is suitable for use in an automobile or light truck. Research areas would include the nature of the thermodynamic cycle; combustion processes, emissions, and related factors; engine configurations; engine materials and associated manu-

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facturing processes; diagnostic and control systems; and any other areas of research that could have direct implications for the performance of heat engines.

Research Goals.

Heat engine technology affects a number of motor vehicle performance characteristics: fuel economy, emissions, driveability, cost of production and maintenance, and vehicle size and weight, to name some of the more important ones. The engine characteristics that affect these performance attributes include thermal efficiency, combustion completeness, susceptibility to after-treatment of emissions, internal friction and other parasitic losses, flexibility and transient responses, external size, and weight.

Research goals to be addressed by this panel are for the conception and development of practical technologies to improve these characteristics.

Current Research Directions

In the late 1960's continuous combustion engines such as the Rankine (steam), Stirling, and gas turbine engines were under active investigation because of their low exhaust emission potential. In the mid-1970's the goals were changed to emphasize fuel economy and multi-fuel capability. These programs were initiated to provide alternatives to the conventional spark ignition and Diesel engines that were then in production. In parallel with this activity, numerous development programs were undertaken on internal combustion engines that have resulted in substantial improvements in their fuel economy and exhaust emission characteristics.

The fuel economy potential of the Stirling and gas turbine engines is directly dependent upon the availability of materials that can withstand prolonged esxposure to high temperature gases. In the case of the Stirling engine, materials that can contain hydrogen gas while transfrring heat rapidly are needed. Material requirements for some key engine components are quite severe, and research is currently underway on high temperature super alloys and ceramics to advance continuous heat engine technology.

The attainable fuel economy and emission limits of vehicles powered by internal combustion engines are dependent on the states of knowledge and development in thermodynamics, engine configuration, gas heat transfer, liquid atomization, and chemical kinetics. Materials do not limit the efficiency of internal combustion engines because they are not subject to high heat loads. During the past ten years, advances in internal combustion engine technology, including catalytic converters, precision fuel metering, turbo-charging, electronic engine controls, alternative configurations (such as the rotary engine), and systems to vary the basic engine parameters (such as valve timing, compression, and even the number of cylinders that are in operation) have been based on a preexisting research base. Few resources have been expended on long term basic research. Current research and development on internal combustion engines is directed toward near term technological improvements to meet statutory performance requirements.

Illustrative Heat Engine Research

A number of studies have identified key reserarch needs for th advancement of automotive propulsion technology including the following:

Combustion Related Research. To provide a basic understanding and insight into the chemical and physical processes that control combustion and the formation of pullutants in heat engines.

Fluid Mechanics. To provide a basic understanding of heat, mass, and momentum transfer and their effect on thermodynamic processes within heat engines.

Materials Research. To provide a basic understanding and insight into metallurgy, ceramics, and chemistry to identify improved materials with high temperature and other characteristics needed for heat engines.

Tribology Research. To provide a basic understanding of friction mechanisms under various material, surface, and lubrication conditions so as to able to reduce engine/drivetrain friction losses.

References:

(1) "Research Plan for Achieving Reduced Automotive Energy Consumption," NSF Report RA 760008, October 1975.

(2) "Should We Have a New Engine?" JPL Report SP 43-17, Padadena, California, August 1975.

(3) "Diesel Engine Research and Development Status and Needs," Aerospace Report ATR-78(7753)-1, El Segundo, California, September 1978.

(4) "An Assessment of the Potential Impacts of Construction Research on Internal Combustion Engine Emission and Fuel Consumption," DOT-TSC-NHTSA Report No. 78-47, January 1979.

Panel B: Fuels and Powertrain Systems

Scope.

The panel on fuels and powertrain systems will discuss the basic research needs relating to the motor vehicle powertrain system and the tailoring of fuels for it. The most efficient and least environmentally degrading use of available energy resources is a function of the complex relationship between the energy source, the refined fuel, and the powertrain. Many research questions therefore arise regarding how the source and refining of fuels (or generation of electricity) help to determine the most desirable technology for the vehicle powertrain. Other research questions for this panel will be concerned with on-board energy storage (of fuel or electricity), mechanical and electrical energy conversion (transmissions and motors), regenerative systems, and other questions relating to powertrain technology.

Research Goals.

The choice of a fuel/powertrain system for a vehicle will obviously affect the fuel or energy economy of the vehicle. That choice can also have an important effect on the acquisition or developmental costs for the energy resources, and environmental costs, and can affect trade balances.

Thus, the specific research goals to be addressed by this panel include improving the matching of energy resource and powertrain technology for greater overall efficiency, better tailoring of fuels to engine characteristics, improving on-board energy storage systems such as batteries and hydrogen storage mechanisms, raising the efficiency of conversion of mechanical and electrical energy, and control and other systems for electric and hybrid vehicles.

Current Research Directions.

During the past several years major research and development efforts have been undertaken to tailor lead-free and low sulfur petroleum derived fuels for use in internal combustion engines equipped with catalytic converters for emission control. Additional research and development programs are under way on wide range and continuously variable transmissions, and electric and hybrid-electric vehicles. The latter work includes extensive research and development on batteries, electric motors, and electric motor controls. With the exception of the work on electric and hybrid vehicles and the continuously variable transmission, the great majority of these programs have been planned for relatively near term commercialization.

There have also been many studies of energy sources, refinement, and conversion for use in transportation.

Illustrative Fuel/Powertrain Related Research.

A number of studies have identified key research needs for the advancement and optimization of the fuel/powertrain system. These include:

Fuel Composition and Combustion Studies. To develop fundamental understanding and insight into the chemical and physical processes that control combustion behavior over a broad range of operating conditions to identify problems associated with combustion, fuel composition, and fuel quality.

Fuel Synthesis. To provide insight into the fundamental thermodynamic, kinetic, and processing aspects of the conversion paths in the extraction and refinement of transportation fuel from its source.

Electrochemical Studies. To develop a basic understanding of the energy loss mechanisms involved in charge/discharge cycles of appropriate electrochemical couples to identify the potential for optimization of high energy and power density batteries.

References:

(1) "Conference on Composition of Transportation Synfuels: R and D Needs, Strategies and Actions," Executive Summary, January 1979. Conference sponsored by U.S. Department of Energy, Division of Transportation Energy Conservation, held Oct. 11-13, 1978, San Antonio, Texas.

(2) Colucci, J.M. and Gallopoulos, N.E., "Future Automotive Fuels," Plenum Press, New York, 1977.

(3) Bidwell, J.B., "Automotive Fuels—Outlook for the Future," General Motors Research Laboratories, Warren, Michigan. Publication No. GMR-2733, June 15, 1978.

(4) "Highway Vehicle Alternative Fuels Utilization Program," U.S. Department of Energy Program Planning Document DOE/CS-0029, April 1978.

(5) "Research Plan for Achieving Reduced Automotive Energy Consumption," NSF Report No. NSF/RA760008.

(6) Longwell, J.P., "Alternative Fuels and Combustion Problems," Vol. 62 of *Progress in Astronautics and Aeronautics*, "Alternative Hydrocarbon Fuels: Combustion and Chemical Kinetics," Bowman, C.T. and Birkeland, J.; Eds.

Panel C: Vehicle Structures and Materials

Scope.

This panel will discuss basic research directions affecting all aspects of the motor vehicle technology other than powertrains. This will include the basic layout or configuration of a vehicle (the placement and relationship of its components), its structure and crash energy absorption mechanisms, chassis components (wheels, tires, brakes, steering, and so on), occupant crash protection systems, and the materials used to construct the vehicle.

The research areas for this panel will include new applications of known materials, composite materials and other combined material systems, designs for structural rigidity and for crash energy management, biomechanics and occupant restraints, friction and adhesion characteristics of materials corrosion and fatigue resistance, and the scrappage and recycling potential of vehicle components.

Reserach Goals.

The central research challenge in the areas of vehicle structures and materials is to facilitate further resizing and weight reduction without compromising vehicle function, convenience, comfort, durability or reliability, while improving occupant safety and reducing hazards to impacted pedestrians.

To achieve these objectives, the research goals are to find light weight materials or material systems that are derived from plentiful resources and that can be used for rigid and durable structures and for energy absorbing components in the vehicle. Research into fastening methods could enhance the applicability of certain materials to vehicle use.

Other types of basic research on material properties may also be able to help meet the objectives for vehicle systems. These could include materials for tire construction to improve strength, tranction, and rolling resistance without sacrificing treadlife. Research may also go into the reduction of parasitic loses such as from friction and aerodynamic drag.

Basic research in manufacturing technologies would also be useful because new materials frequently present new manufacturing challenges.

Current Research Directions

The current programs of vehicle downsizing to meet Federal fuel economy requirements have resulted in a substantial amount of materials development work in plastics and high strength low alloy steels. There is also some basic research into composite materials. Composite plastics such as fiberglass have been used in new prototype and production applications for such things as wheels, engine supports, and side door beams.

New concepts for energy absorption have also been developed for both low speed impact damage and high speed crash energy management. One of the most promising for both is foam filled structures where the material containing the foam is either a plastic or sheet metal.

There have been several interesting recent developments in tire technology. The beadless, geodesic tire is probably one of the most advanced tire concepts available today to achieve high levels of performance with low weight. Other concepts for run-flat performance and bead retention have been developed, and new materials for tire cord have been introduced into production in recent years.

Some other major research and development initiatives that are currently underway are in the area of vehicle design and test methods using computers, and manufacturing techniques for new materials.

Illustrative Vehicle Structures and Materials Research

A number of studies have identified various multidisciplinary research needs for advances in structures and materials including the following:

Structural Mechanics Research. To provide an understanding of the loads sustained by vehicles, components and occupants during the normal operation and collisions of them so that greater design efficiency and safety can be achieved.

Materials Science and Engineering. To provide an understanding of the relationship between composition, microstructure and engineering properties of materials that may be used in vehicles and how these properties vary under the conditions of processing and service. Also, to provide improved experimental techniques that would reduce uncertainties in material and system behavior in manufacture and service.

Biomechanics Research. To provide insight into the biomechanical stresses imposed on occupants of vehicles, particularly in crashes, to establish relationships between injury, test specification, vehicle design, and the crash environment.

References:

(1) *Materials and Man's Needs-Material Science and Engineering*, Summary report of the Committee on the Survey of Materials Science and Engineering; National Academy of Sciences, Washington, DC, 1974.

(2) *Problems and Prospects of Fundamental Research in Multi-Disciplinary Fields-Materials*, Organization for Economic Co-Operation and Development, Paris, 1972.

(3) *The Williamsburg Conference on Highway Safety Research*, Society of Automotive Engineers, Inc., Vehicle Research Institute, New York, 1972. Special Publication SP-377.)

(4) F.J. Hooven and F.E. Kennedy, Jr., *The Potential for Automobile Weight Reduction Outlook as of 1975-1976*, Report No. DOT-TSC-NHTSA-78-36, U.S. Department of Transportation, National Highway Traffic Safety Administration, Washington, DC 20590, August 1978.

[FR Doc. 79-4094 Filed 2-2-79; 9:24 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contoins notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

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[6335-01-M]

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COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: 10 a.m., to finish, Tuesday, February 6, 1979.

PLACE: Room 3306, Green Federal Building, Sixth and Arch Streets, Philadelphia, Pa.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Commission subcommittee meeting to receive materials for the February 20-21 hearing on police practices in Philadelphia.

Date and Time: Tuesday, February 20, 1979, 9 a.m.-5:30 p.m.; Wednesday, February 21, 1979, 8:30 a.m.-6 p.m.

Place: Auditorium, Federal Building, 300 Spring Garden Street, Philadelphia.

Status: Open to the public, except for limited portions which may be closed under certain statutory exemptions for the purpose of: (1) Taking testimony which may tend to defame, degrade, or incriminate any person; or (2) considering enforcement of hearing subpenas.

Matters To Be Considered: Public hearing on police practices in Philadelphia.

FOR FUTHER INFORMATION CONTACT:

Barbara Brooks, Public Affairs Unit, 202-254-6697.

[S-233-79 Filed 2-1-79; 11:13 am]

[6570-06-M]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, February 6, 1979.

PLACE: Commission conference room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

OPEN TO THE PUBLIC

1. Procedure for early litigation identification.
2. Instructions to field offices concerning the implementation of the amendment to title VII regarding pregnancy disability.
3. Proposed questions and answers on employee selection guidelines.
4. Reissuance of notice to field offices on cases dealing with bona fide seniority systems (*Teamsters* v. *U.S.*) and timely filing of charges and continuing violations (*United Airlines* v. *Evans*).
5. Proposed delegations of authority to perform certain functions transferred from the Civil Service Commission.
6. Office of interagency coordination priority list.
7. Proposed office of personnel management regulations for Federal recruitment program.
8. Report on Commission operations by the Executive Director.

CLOSED TO THE PUBLIC

Litigation authorization; General Counsel recommendations: Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, 202-634-6748.

This notice issued January 30, 1979.

[S-239-79 Filed 2-1-79; 3:51 pm]

[6570-06-M]

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-172-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, January 30, 1979.

CHANGE IN THE MEETING:

The following matter was added to the agenda for the closed portion of the meeting:

Freedom of Information Act Appeal No. 78-7-FOIA-171, concerning a request for information in a national charge investigative file.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change:
Eleanor Holmes Norton, Chair
Ethel Bent Walsh, Commissioner
J. Clay Smith, Jr., Commissioner
Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, 202-634-6748

[S-240-79 Filed 2-1-79; 3:51 pm]

[6712-01-M]

4

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Wednesday, January 31, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: The following items have been deleted:

AGENDA, ITEM NUMBER, AND SUBJECT

General—5—Amendment of part 81 of the rules to require applicants for public coast stations to meet certain financial qualifications.
General—9—Commission briefing on Freedom of Information Act request covering internal documents involving common carrier regulation from 1950-70.
Assignment and Transfer—1—Application to assign the license of FM station KFMR, Fremont, Calif., from Alameda Broadcasting, Inc., to Robert L. Williams, Inc., and James E. (BALH-2721) et al.

Additional information concerning these items may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: January 30, 1979.

[S-236-79 Filed 2-1-79; 3:03 pm]

[6712-01-M]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, February 6, 1979.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

AGENDA, ITEM NUMBER, AND SUBJECT

Common Carrier—1—Depreciation briefing.
Common Carrier—2—Provision of domestic facilities to International Record Carriers by A.T. & T. (CC Docket No. 21499).
Common Carrier—3—Application of French Telegraph Cable Co. seeking authority to establish facilities for the provision of its authorized international services from the gateways of San Francisco and Washington, D.C. in addition to its New York gateway.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: January 30, 1979.

[S-237-79 Filed 2-1-79; 3:03 pm]

[6715-01-M]

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: 10 a.m., Thursday, February 8, 1979.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory opinions: AO 1979-1, AO 1979-3.
Policy on release of information in computer tape format.
Master plan for 1980 elections.
Policy on treatment of transfers from unregistered committees.
First quarter fiscal year 1979 management report.
Budget execution report.
Appropriations and budget.
Pending legislation.
Pending litigation.
Liaison with other Federal agencies.
Classification actions.
Routine Administrative Matters.

PORTIONS CLOSED TO THE PUBLIC (FOLLOWING OPEN SESSION)

Audits and audit policy, Compliance, personnel, litigation, labor/management relations.

PERSONS TO CONTACT FOR INFORMATION

Mr. Fred S. Eiland, Public Information Officer, 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-238-79 Filed 2-1-79; 3:51 pm]

[6740-02-M]

7

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 2 p.m., January 26, 1979.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Matters relating to an investigation.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, 202-275-4166.

[S-231-79 Filed 2-1-79; 11:13 am]

[6740-02-M]

8

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 2:30 p.m., February 2, 1979.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Matters relating to an investigation.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, 202-275-4166.

[S-232-79 Filed 2-1-79; 11:13 am]

[7600-01-M]

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 9:30 a.m., February 14, 1979.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Patricia Bausell, 202-634-4015.

Dated: February 1, 1979.

[S-235-79 Filed 2-1-79; 11:13 am]

[8010-01-M]

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 5567, January 26, 1979.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: January 23, 1979.

CHANGES IN MEETING: Additional items.

The following additional items will be considered at a closed meeting scheduled for Thursday, February 1, 1979, immediately following the open meeting at 10 a.m.:

Amendment of formal order for investigation, access to investigative files by federal, state, or self-regulatory authorities and litigation matters.
Report of investigation.
Other litigation matter.
Consideration of amicus participation.

Chairman Williams and Commissioners Loomis, Evans, and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

JANUARY 31, 1979.

[S-234-79 Filed 2-1-79; 11:13 am]

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MONDAY, FEBRUARY 5, 1979
PART II



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

LIGHT TRANSPORT AIRPLANE

Airworthiness Review Discussion Forum

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[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 25, and 135]

[Docket No. 18600; Notice No. 78-17A]

LIGHT TRANSPORT AIRPLANE AIRWORTHINESS REVIEW DISCUSSION FORUM

Announcement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice announcing a Discussion Forum.

SUMMARY: This notice announces the location, times, and dates of the Light Transport Airplane Airworthiness Review Discussion Forum.

DATES: The Light Transport Airplane Airworthiness Review Discussion Forum will be held March 5-9, 1979. The dates for the Conference associated with this Review will be announced in a subsequent notice.

ADDRESSES: The Light Transport Airplane Airworthiness Review Discussion Forum will be held at the Sheraton Century Center Hotel, One North Broadway, Oklahoma City, Oklahoma 73102.

The compilation of FAA proposals, to be discussed at the Forum, may be requested at the following address: Federal Aviation Administration, Flight Standards Service, Airworthiness Review Branch (AFS-910), 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT

Thomas E. McSweeny, Airworthiness Review Branch (AFS-910), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-755-8714.

SUPPLEMENTARY INFORMATION:

Background

Information relating to the objectives of the Light Transport Airplane Airworthiness Review and additional information relating to this Discussion Forum are contained in Notice No. 78-17, "Light Transport Airplane Airworthiness Review," issued December 21, 1978 (43 FR 60846; December 28, 1978).

A compilation of FAA proposals has been distributed to known interested persons. Interested persons who have not received this compilation may request it at the aforementioned address.

At this Forum, only clarification of the FAA proposals will be entertained. There will be no decision-making or consideration of counter proposals at this time. Formal comments, proposals, and counter proposals will be discussed at the Review Conference to be held in May 1979. Conference details will be announced in a subsequent notice.

The FAA proposals have been divided as following: Subpart A—General, Subpart B—Flight, Subpart C—Structure, Subpart D—Design and Construction, Subpart E—Powerplant, Subpart F—Equipment, Subpart G—Operating Limitations and Information, Appendix C of FAR Part 23, Appendix A through F of FAR Part 25, Part 135 standards as applicable.

Forum Schedule

The schedule for the 5 day Forum is set forth below. Lunch breaks will be from noon until 1:30 p.m. each day.

Monday, March 5

Plenary Session

Morning

9:30—Call to order
9:45—Welcoming Address
11:05—Prologue; Forum Mission
11:30—Public response

Afternoon

1:30—Subparts A, B, and C

Tuesday, March 6

(8:30 to 5:00)

Subpart D

Wednesday, March 7

(8:30 to 5:00)

Subpart E

Thursday, March 8

(8:30 to 5:00)

Subparts F and G, Appendices, and Part 135

Friday, March 9

(8:30 to 5:00)

Carryover items and Plenary Session

Registration for this Forum will take place at the Sheraton Century Center Hotel during the Forum dates.

There is no admission fee or any other charge required to be paid in order to attend and participate in the Forum.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 30, 1979.

James M. Vines,
Acting Director,
Flight Standards Service.

[FR Doc. 79-3788 Filed 2-2-79; 8:45 am]

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MONDAY, FEBRUARY 5, 1979
PART III



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

federal register

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Review of the Status of Two Species of Crocodiles

V 4 / 25 FE 5 79 UMI

[4310-55-M]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Review of the Status of Two Species of Crocodiles

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Review of the status of the American crocodile populations outside of Florida and the estuarine crocodile.

SUMMARY: The Service will review the status of the American crocodile (*Crocodylus acutus*) populations outside of Florida and the estuarine crocodile (*Crocodylus porosus*) to determine if they should be proposed as Endangered or Threatened. This status review is being conducted because there is strong evidence indicating that these species have experienced population declines and loss of much available habitat within the last decade.

DATES: Information regarding the status of these species should be submitted on or before May 7, 1979.

ADDRESSES: Comments on this notice of review should be submitted to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, United States Department of the Interior, Washington, D.C. 20240, telephone: 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The American crocodile, *Crocodylus acutus*, ranges throughout the Caribbean Sea, and on the Pacific Coast of Central and South America from Mexico to Ecuador in coastal waters. Portions of the following countries are known to have or have had populations of this species: United States, Mexico, Colombia, Venezuela, Ecuador, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Trinidad and Tobago, Jamaica, Cuba, Haiti, the Dominican Republic, and Belize. The Florida population is currently listed as Endangered and its Critical Habitat has been designated. (See 50 CFR 17.11 and the FEDERAL REGISTERS of September 25, 1975 (40 FR 44149-44151) and September 24, 1976 (41 FR 41914-41916)).

On May 23, 1975, Professor Federico Medem of the Faculty of Science of the National University of Colombia petitioned the Secretary of the Interior to list, under protection of the Endangered Species Act of 1973, the American crocodile throughout its range. However, only the Florida population was actually proposed and eventually listed. *Crocodylus acutus* was proposed as Endangered under the Similarity of Appearance clause of the Act (FEDERAL REGISTER of April 6, 1977; 42 FR 18287-18291) in other portions of its range; no final action has been taken as of this date on that proposal.

Since 1968, *Crocodylus acutus* has been listed as Endangered in the Red Data Book of the International Union for the Conservation of Nature and Natural Resources. At the First Working Meeting of the IUCN Survival Service Commission's Crocodile Specialist Group, the status of *Crocodylus acutus* was reviewed in detail. It was the view of the Group that because of the expansive range of the species (Florida, Cuba, Jamaica, Hispaniola, Mexico south through Central America to Colombia, Peru, Ecuador and Venezuela) it was difficult to say—at that time—whether the species was in critical danger of extinction. Incomplete data indicated it was endangered in some localities. This is summarized in the minutes of the meeting (Section 12, page 22), and in papers 6 and 7 (pages 54-71 and 72-82, respectively) of IUCN Publications New Series, Suppl. Paper No. 32, 1971.

Following that first meeting of the Crocodile Specialist Group, the New York Zoological Society funded a survey of all South American crocodilians undertaken by Professor Federico Medem. That survey extended over the period 1972 through 1974, and took Dr. Medem to every country in South America. His survey revealed that *Crocodylus acutus* is probably endangered throughout its South American range. Data from this survey were supplied to Dr. Howard Campbell, then on the staff of the U.S. Office of Endangered Species and International Activities in Washington, and are in the Service files. In addition, some of the data were summarized in paper A.3.1 of the Second Working Meeting of the Crocodile Specialist Group in IUCN Publications New Series, Suppl. Paper No. 41, 1973. New data on the Central American and West Indian populations were also presented in paper A.21 of that same volume.

More information on the status of the American crocodile populations in Mexico has been gathered from the fieldwork of Dr. Campbell, Charles A. Ross, Division of Amphibians and Reptiles, U.S. National Museum of Natural History, Washington, D.C., and Dr. Miguel Alvarez del Toro, Director of the Parque Zoologico de Tuxtla Gutierrez, in Mexico. The status of the Mexican populations and the history of their exploitation by the hide industry was presented in the publication of Casas and Guzman (1970), *Mexico, Instituto Nacional de Investigaciones Biologico Pesqueras Boletin*, no. 3, pp. 1-52. In every instance the results of these Mexico-based studies show *Crocodylus acutus* is endangered, rare, or absent from parts of its former range and declining in numbers. It is protected by law in Mexico, but until recent years the law was not enforced.

As part of an effort to discover the ecological requirements of this species which will permit the development of a recovery plan for the species, Dr. Leslie Garrick of the New York Zoological Society staff attempted to find populations where the reptiles are still abundant enough to permit study. He was able to locate two moderate-sized populations, one in Jamaica and a second in the Panama Canal Zone. Even in these locations the future of the species is uncertain. Though nominally protected by Panamanian law, the species is hunted everywhere. The river habitat that shelters the majority of the Jamaican crocodiles is scheduled to be destroyed as a result of the development of a water impoundment and diversion project that will benefit rice production in that island nation. Even so, Dr. Garrick was successful in alerting the Jamaican government to the need to conserve this species.

In a letter to the Interior Department on June 5, 1975, Dr. F. Wayne King of the New York Zoological Society, and presently chairman of the IUCN Survival Service Commission, stated "In most populations hunting is either legal, or if illegal, the laws are not rigorously enforced. As a consequence the species is on the verge of extinction in most parts of its range and is declining rapidly in the others. It is clearly endangered." Finally, the Crocodile Specialist Group of the IUCN, at their meeting held February 6-10, 1978, in Madras, India, recommended placement of the entire species, *Crocodylus acutus*, on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

For those reasons, the Fish and Wildlife Service believes that a comprehensive review of the status of this species is warranted for all populations outside the United States.

The estuarine crocodile, *Crocodylus porosus*, ranges throughout southeast Asia and includes the countries of Australia, Papua-New Guinea, Indonesia, Philippines, Malaysia, Thailand, Burma, Bangladesh, India, Cambodia, Vietnam, and Sri Lanka. In a letter dated April 17, 1978, Dr. Faith Campbell of the National Resources Defense Council provided information on the status of this species in connection with the review of the appendices of the Convention on International Trade in endangered species of Wild Fauna and Flora. Dr. Campbell notes that certain populations are threatened with habitat destruction although trade may be the species' greatest threat. Dr. Campbell states:

> The Estuarine Crocodile is hunted virtually throughout its range for its hide, which is considered the most valuable of all the crocodiles. The result of this pressure has been a major depletion of the crocodiles. In Indonesia they had been "virtually exterminated" by hunting by 1972. In Papua-New Guinea they are so reduced that they are difficult to find in any water accessible by boat. There are very few animals left in the wild in Thailand. In India hunting pressure has restricted them to Orissa, West Bengal, and the Andaman Islands. On Timor there are only two small breeding colonies on the southern coast. in western Malaysia hunting pressure has so reduced the wild populations that it is feared that they have little chance of recovery. In Australia they have been reduced to levels at which commercial shooting is no longer profitable in most areas.
>
> Data on annual harvests and total skins traded are not available. Figures for skins imported and exported from Malaysia-Singapore for the years 1953-1965 and from Malaysia for 1960-1969 indicate that the volume of hides traded is kept fairly constant by importing them from ever more remote areas. Since 1960 exports from Malaysia have declined as imports into that country have dwindled to nearly zero.
>
> Reputable scientists consider that the Estuarine Crocodile is threatened with extinction by hide hunters. The Red Data Book of the International Union for Conservation of Nature and Natural Resources list *C. porosus* as vulnerable.

Dr. Campbell provided reference sources for her statements at the end of her letter.

The IUCN Crocodile Specialist Group's trip report for the February 6-10, 1978 meeting in Madras, India, states:

> The Group expressed continued concern over the endangered plight of the majority of the world's crocodile species. Particular attention was called to the critically endangered status of the estuarine crocodile (*Crocodylus porosus*) in Australlia, Bangladesh and India. Recent surveys suggest that only the wild populations of this species in Papua-New Guinea may be free from the threat of extinction. As a consequence, the Group recommends placement of the estuarine crocodile on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Therefore, the Service believes that a comprehensive review of status should also be undertaken for this species.

The Director of the Service is hereby seeking the views of all persons who have information on the status of these species, as well as the views of the governments where these species exist, to determine if sufficient biological data exist to warrant a proposal as either Endangered or Threatened under provisions of the Act. All interested persons are invited to submit any factual information, especially publications and written reports, which is germane to this status review.

This notice of review was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (703/235-1975).

Dated: January 29, 1979.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc. 79-3872 Filed 2-2-79; 8:45 am]

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MONDAY, FEBRUARY 5, 1979
PART IV



DEPARTMENT OF ENERGY

Economic Regulatory Administration

■

Exemption of Kerosene-Base Jet Fuel and Aviation Gasoline from the Mandatory Petroleum Allocation Regulations

V 4 4 / 2 5 FE 5 79 UMI

[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

[Docket No. ERA-R-78-5; Docket No. ERA-R-78-6]

PART 210—GENERAL ALLOCATION AND PRICE RULES

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Exemption of Kerosene-Base Jet Fuel and Aviation Gasoline from the Mandatory Petroleum Allocation Regulations

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending 10 CFR Parts 210 and 211 to exempt kerosene-base jet ("kerojet") fuel and aviation gasoline from its Mandatory Petroleum Allocation Regulations. This exemption amendment has been transmitted to the Congress as DOE Energy Action No. 3 under the procedures set forth in the Energy Policy and Conservation Act which provide for a fifteen-day review period. In connection with its exemption of kerojet fuel and aviation gasoline from the allocation regulations, the ERA is issuing concurrently with this rule a separate amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Price Regulations. Both exemptions will become effective on the first day following the expiration of the fifteen-day Congressional review period. We are also issuing two documents entitled *Findings and Views Concerning the Exemption of Kerojet Fuels from the Mandatory Petroleum Allocation and Price Regulations* and the *Findings and Views Concerning the Exemption of Aviation Gasoline from the Mandatory Petroleum Allocation and Price Regulations* ("Findings"). The Secretary of Energy (the "Secretary") is submitting both amendments and the Findings to the Congress for review.

EFFECTIVE DATE: The first day following the expiration of the fifteen-day Congressional review period.

FOR FURTHER INFORMATION CONTACT:

Bill Webb (Office of Public Information), 2000 M Street, NW., room B110, Washington, D.C. 20461, (202) 634-2170.

Gerald P. Emmer or William E. Caldwell, (Economic Regulatory Administration), 2000 M Street, NW., room 2304, Washington, D.C. 20461, (202) 254-8034.

Joel M. Yudson or Jack O. Kendall, (Office of General Counsel), 1200 Pennsylvania Avenue, NW., room 5134, Washington, D.C. 20461, (202) 633-8622.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Comments Received.
III. Findings and Views.
IV. Standby Authority.

I. Background

On February 12, 1978, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued advance notices of proposed rulemaking and public hearing on kerojet fuel deregulation (43 FR 6959, February 17, 1978) and aviation gasoline deregulation (43 FR 6962, February 17, 1978). We concurrently issued two documents entitled *Preliminary Findings and Views Concerning the Exemption of Kerojet Fuels from the Mandatory Petroleum Allocation and Price Regulations* and *Preliminary Findings and Views Concerning the Exemption of Aviation Gasoline from the Mandatory Petroleum Allocation and Price Regulations* ("Preliminary Findings"). The advance notices were issued to obtain public comment on the Preliminary Findings for the purpose of determining whether the ERA should initiate rulemaking proceedings proposing the exemption of kerojet fuel and aviation gasoline from the price and allocation regulations.

The comments submitted in response to the advance notices generally supported our Preliminary Findings. Therefore, on June 22, 1978 we concurrently issued notices of proposed rulemaking on kerojet fuel deregulation (43 FR 27974, June 27, 1978) and aviation gasoline deregulation (43 FR 27976, June 27, 1978).

The comments and statements in response to the advance notices enabled us to prepare the Findings in support of exempting kerojet fuel and aviation gasoline.

Section 402(c)(1) of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91) requires the FERC to consider any proposal by the Secretary to amend any regulation under section 4(a) of the Emergency Petroleum Allocation Act, as amended (EPAA, Pub. L. 93-159), when either section 8 or section 12 of the EPAA requires the President to transmit the proposal to each House of Congress for its review under section 551 of the Energy Policy and Conservation Act, as amended (EPCA, Pub. L. 94-163).

Under this statutory provision, the Secretary forwarded to the FERC by letter dated June 22, 1978, the proposed amendments to exempt kerojet fuel and aviation gasoline from both the Mandatory Petroleum Allocation Regulations and the Mandatory Petroleum Price Regulations.

The FERC published a notice of public hearing (43 FR 29298, July 7, 1978) and conducted its hearings concerning the proposed exemptions of aviation gasoline and kerojet fuel on August 1 and 3, 1978, respectively. In addition, the FERC accepted written comments through August 11, 1978. The FERC's hearings transcripts, the written comments, the transcripts of the ERA hearings of March 22, 1978 and March 23, 1978, the ERA's Findings, and the earlier comments submitted to the ERA were the basis of the FERC's subsequent deliberations on kerojet fuel and aviation gasoline deregulation.

By letter of September 6, 1978, the FERC responded to the Secretary, advising him of its preliminary conclusions and that unless by noon, September 8, 1978 the Secretary were to inform the FERC that he wished to consult on any matter addressed in the letter, the FERC would forward to the Secretary a further letter stating its concurrence in the proposals without formal recommendations. The Deputy Secretary responded on September 11, 1978, stating that in light of the fact that the FERC's concurrence in the amendments proposed by the Secretary would not be subject to any binding recommendations within the meaning of section 404(b) of the DOE Act, no further consultation beyond the exchange of letters would be necessary. The FERC, on September 12, 1978, concurred without recommendations in the Secretary's kerojet fuel and aviation gasoline deregulation proposals and on that date issued its *Analysis and Recommendations* in these matters.

Section 404(c) of the DOE Act provides that the Secretary, following the publication of the FERC's recommendations, (1) may issue a final rule in the form initially proposed if the FERC has concurred, (2) may issue a final rule in amended form so that the rule conforms in all respects with the FERC's recommended changes, or (3) may issue no rule. Inasmuch as the FERC concurred without recommendations, we are issuing the kerojet fuel and aviation gasoline deregulation amendments under section 404(c)(1) of the DOE Act.

Concurrently with the issuance of this amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Allocation Regulations, we are issuing a separate amendment to exempt kerojet fuel and aviation gasoline from the Mandatory Petroleum Price Regulations. The Secretary is concurrently submitting both amendments for Congressional review, as DOE Energy Actions Nos. 3 and 4, respectively, pursuant to section 551 of the EPCA, and in accordance with section 102 of the Energy Conservation and Production Act, as amended (ECPA, Pub. L. 94-385), which requires that the DOE submit separate energy actions to the Congress when proposing the exemption of any oil, refined petroleum product, or refined product category from both price and allocation regulations, but does not prohibit concurrent submissions of such separate energy actions. We are combining kerojet fuel and aviation gasoline into one refined product category, as permitted under the definition of that term in section 12(c)(3) of the EPAA. Thus, we are submitting for Congressional review a single energy action for the removal of allocation controls from both kerojet fuel and aviation gasoline and another energy action for the removal of price controls from both products.

II. Comments Received

A. Advance Notice on Kerojet Fuel Deregulation

The ERA invited written comments on the advance notice concerning kerojet fuel deregulation through March 27, 1978 and held a public hearing in Washington, D.C. on March 23, 1978. Over sixty parties submitted oral and written comments in response to the February 17 advance notice. Those offering comments included major integrated refining companies, large and small independent refining companies, retailers, trade associations, air carriers, consumer groups and governmental representatives.

All of those commenting in response to the advance notice on kerojet fuel recommended that the ERA propose the exemption of kerojet fuel from the allocation and price regulations. This recommendation was based generally upon agreement with our projections as to supply and demand, competition, and other findings and views set forth in the Preliminary Findings. In particular, there was widespread agreement that competition and market forces are adequate to protect consumers following the exemption of kerojet fuel from regulation. Many commenters expressed the opinion that deregulation would enhance competition in all sectors of the kerojet fuel market.

Retailers indicated that there may be kerojet fuel price increases in certain regions by fixed base operators to reflect increased non-product costs. Refiners generally agreed with our projections in the Preliminary Findings that while regional price increases may occur as both refiner and retailer non-product cost increases are fully passed through on the volume of product on which they are incurred, these regional increases should be offset in part by reductions in other regions.

The airline industry and, in particular, the Air Transport Association, generally recommended the establishment of a mechanism, similar to the proposed Special Rule No. 4 for motor gasoline (See 42 FR 40915, August 12, 1977), to assure airlines a source of kerojet fuel supply during the transition period following deregulation. The airline industry also favored the establishment of a price monitoring system, without a pre-set index or "trigger," coupled with a formal procedure which would require the ERA to take action on an air carrier's complaint of discriminatory treatment with regard to pricing or supply of kerojet fuel. Other commenters were nearly unanimously opposed to both recommendations.

B. Advance Notice on Aviation Gasoline Deregulation

The ERA invited written comments on the advance notice concerning aviation gasoline deregulation through March 27, 1978 and held a public hearing in Washington, D.C. on March 22, 1978. Forty-six parties submitted oral and written comments in response to the February 17 advance notice. Those offering comments included major integrated refining companies, large and small independent refining companies, retailers, trade associations representing consumers, and governmental representatives.

All of those commenting in response to the advance notice on aviation gasoline recommended that the ERA propose the exemption of aviation gasoline from the allocation and price regulations. This recommendation was based generally upon agreement with our projections as to supply and demand, competition, and other findings and views set forth in the Preliminary Findings. As in the hearing on kerojet fuel, there was agreement that competition and market forces are adequate to protect consumers following the exemption of aviation gasoline from regulation. Many commenters expressed the opinion that deregulation would enhance competition in the aviation gasoline market.

In general, retailers concurred with the Preliminary Findings that there will be only minor pressure to increase prices of aviation gasoline as a result of deregulation. Retailers indicated, however, that fixed base operators in certain regions may increase prices to reflect localized increased non-product costs. Refiners generally agreed with our projections in the Preliminary Findings that, while regional price increases may occur as both refiner and retailer non-product cost increases are fully passed through on the volume of product on which they are incurred, these regional increases should be offset in part by reductions in other regions.

C. FERC Comments Received on Kerojet Fuel and Aviation Gasoline Deregulation

The FERC invited written comments on the ERA's proposals to exempt kerojet fuel and aviation gasoline through August 11, 1978 and held a public hearing on aviation gasoline on August 1, 1978 and a public hearing on kerojet fuel on August 3, 1978. Four parties commented orally on the aviation gasoline proposal and seven parties so commented on the kerojet fuel proposal. The FERC also received fifty-one written comments. Those offering comments on the deregulation proposals included major integrated refining companies, large and small independent refining companies, retailers, trade associations, air carriers, and governmental representatives.

None of the oral or written comments to the FERC expressed opposition to the deregulation of either aviation gasoline or kerojet fuel. There were, however, some suggestions for modifications. A large majority of the written comments expressed support for the proposal without further elaboration. A few commenters provided additional factual material or added analysis to supplement the ERA's Findings.

In its September 6 letter to the Secretary the FERC indicated that, after reviewing the comments, it found two areas of particular concern. The first related to the possibility that spot shortages of aviation fuels may occur. This concern apparently stemmed from the July 26, 1978 letter from the Energy Planning Division of the Montana Department of Natural Resources and Conservation to the FERC which indicated that, although the supply of aviation products had appeared sufficient in the spring of 1978, new fixed base operators and small, established fixed base operators were currently experiencing difficulty in obtaining supplies. Adequacy of supplies for forest firefighting and other emergency situations was expressed as being of immediate concern. Comments from the organizations representing fixed base operators and other marketers did not express such concern over supply availability. The FERC requested the Secretary to consider the possibility of a transitional supply protection program, more limited in scope than proposed Special Rule No. 4 for motor gasoline, applicable to only certain regions of the country. In this connection, the comments submitted to the FERC by the commercial airlines repeated the recom-

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mendation made to the ERA that a mechanism be established to provide airlines adequate sources of supply of kerojet fuel during the transition period following deregulation. The airlines, despite their desire for a transitional supply protection program, supported the exemptions in any event.

The FERC's second concern related to price monitoring. The substance of the FERC's suggestion in this regard—that we set forth the means by which we intend to monitor aviation fuel prices after deregulation—is dealt with in the preamble to the amendment exempting kerojet fuel and aviation gasoline from the price regulations.

After carefully considering all the comments, we have concluded that the initial view that kerojet fuel and aviation gasoline should be exempted from regulations is correct. No information or data were presented which meaningfully alter the ERA's conclusions in its Findings.

Our analysis indicates that when free market forces emerge following kerojet fuel and aviation gasoline deregulation, supply problems will be minimized. We project adequate supplies of kerojet fuel and aviation gasoline at least through 1980. As we have done with respect to products previously deregulated, we will continue to collect supply data pursuant to our general statutory authority to receive such information. The supply data collected by the Energy Information Administration will enable us to detect any significant supply problems which may develop following deregulation.

Based on our projections concerning supplies of kerojet fuel and aviation gasoline and the demonstrated ability of airlines to cope with supply problems, we conclude that it is not necessary to establish a mechanism to assure airlines a source of kerojet fuel supply during the transition period following the effective date of the exemptions or to establish a formal procedure which would require the ERA to take action on an air carrier's complaint of discriminatory treatment. To the degree that possible local shortages of aviation gasoline or kerojet fuel might occur following deregulation, we could reimpose controls to the limited extent necessary to meet an emergency and redirect product or take other action as the situation would require. In addition, in some instances, problems may be resolved without resort to formal action, as ERA could suggest voluntary measures to relieve individual problems.

III. Findings and Views

In addition to this amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Allocation Regulations and the concurrent amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Price Regulations, we are issuing the Findings supporting these amendments, as required by section 12 of the EPAA. They are based upon our consideration of the comments of those persons who participated in the rulemaking proceedings and other available information.

Our general conclusions set forth in the Findings may be summarized, in part, as follows:

1. Kerojet fuel and aviation gasoline are not in short supply.

2. Exemption of kerojet fuel and aviation gasoline from the allocation and price regulations will not have an adverse impact on the supply of any other oil or refined petroleum product subject to the EPAA.

3. Following exemption of kerojet fuel and aviation gasoline from regulations, competition and market forces should be adequate to protect consumers.

4. Exemption of kerojet fuel and aviation gasoline from regulation will not result in inequitable prices for any class of user of kerojet fuel, aviation gasoline, or other products.

5. The exemption of kerojet fuel and aviation gasoline will not have adverse impacts on any governmental unit, state or region.

6. As long as supplies remain adequate, exemption of kerojet fuel and aviation gasoline will not have an adverse effect on the availability of consumer goods and services; the Gross National Product (GNP); competition; small business; supply and availability of energy resources as fuel or feedstock for industry; consumer prices; the Consumer Price Index, or the implicit price deflator for the GNP; or the rate of unemployment.

We also believe that as long as supplies continue to be adequate, the continuation of allocation and price controls on kerojet fuel and aviation gasoline is unnecessary to protect the public health, safety and welfare, and the national defense (section 4(b)(1)(A)); the maintenance of all public services (section 4(b)(1)(B)); the maintenance of agricultural operations (section 4(b)(1)(C)); or the maintenance of exploration for and production or extraction of fuels and minerals (section (4)(b)(G)). Adequate supply and the positive effects of increased competition should also ensure that exemption of kerojet fuel and aviation gasoline would be consistent with the preservation of an economically sound and competitive petroleum industry (section 4(b)(1)(D)); the equitable distribution of crude oil, residual fuel oil and refined petroleum products at equitable prices (section 4(b)(1)(F)); economic efficiency (section 4(b)(1)(H)); and minimization of economic distortion, inflexibility, and interference with market mechanisms (section 4(b)(1)(I)). The exemption of kerojet fuel and aviation gasoline should have no adverse effect on the allocation of suitable crude oil to domestic refineries (section 4(b)(1)(E)).

IV. Standby Authority

Section 12(f) of the EPAA provides that following the exemption of any refined product category from regulation, the DOE shall have the authority at any time to reimpose allocation regulations if necessary to attain the objectives of the EPAA. For this reason, we are adopting amendments which exempt kerojet fuel and aviation gasoline from the general allocation regulations but which do not delete those regulations from the Code of Federal Regulations. We have, in effect, converted them to standby status, so that, in the event of shortages or other occurrences which might require reimposition of controls, we may, with appropriate modifications, quickly put them back into effect. In this connection, we have recently adopted additional standby product allocation and price regulations (44 FR 3928, January 18, 1979) that may be ordered into effect as to kerojet fuel and aviation gasoline.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Energy Conservation and Production Act, Pub. L. 94-385, as amended, Pub. L. 95-70, Pub. L. 95-91; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Parts 210 and 211 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective on the first day following the expiration of the fifteen-day Congressional review period provided for by section 551 of the Energy Policy and Conservation Act.

Issued in Washington, D.C., January 31, 1979.

David J. Bardin,
Administrator, Economic Regulatory Administration.

1. Section 210.35 is amended by revising subparagraph (g)(1) and by adding subparagraph (h)(1) to read as follows:

§ 210.35 Exempted products.

• • • • •

(g)(1) Aviation turbine fuel (naphtha-base and kerosene-base) as defined

in § 211.142 of this chapter is exempt from the provisions of Part 211 of this chapter.

• • • • •

(h)(1) Aviation gasoline as defined in § 211.142 of this chapter is exempt from the provisions of Part 211 of this chapter.

• • • • •

2. Section 211.1 is amended in paragraph (b) by revising subparagraph (9) and adding new subparagraph (10) to read as follows:

§ 211.1 Scope.

• • • • •

(b) *Exclusions.* • • •

(9) Notwithstanding the other provisions of this part, including Subpart H of this part, aviation turbine fuel (naphtha-base and kerosene-base) is excluded from this part.

(10) Notwithstanding the other provisions of this part, including Subpart H of this part, aviation gasoline is excluded from this part.

[FR Doc. 79-3907 2-1-79; 8:45 am]

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MONDAY, FEBRUARY 5, 1979
PART V



DEPARTMENT OF ENERGY

Economic Regulatory Administration

■

Exemption of Kerosene-Base Jet Fuel and Aviation Gasoline from the Mandatory Petroleum Price Regulations

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[6450-01-M]

Title 10—Energy
CHAPTER II—DEPARTMENT OF ENERGY

[Docket No. ERA-R-78-5 Docket No. ERA-R-78-6]

PART 210—GENERAL ALLOCATION AND PRICE RULES

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Exemption of Kerosene-Base Jet Fuel and Aviation Gasoline From the Mandatory Petroleum Price Regulations.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending 10 CFR Parts 210 and 212 to exempt kerosene-base jet ("kerojet") fuel and aviation gasoline from its Mandatory Petroleum Price Regulations. The exemption has been transmitted to the Congress as DOE Energy Action No. 4 under the procedures set forth in the Energy Policy and Conservation Act which provide for a fifteen-day review period. In connection with its exemption of kerojet fuel and aviation gasoline from the price regulations, the ERA is issuing concurrently with this rule a separate amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Allocation Regulations. Both exemptions will become effective on the first day following the expiration of the fifteen-day Congressional review period. We are also issuing two documents entitled *Findings and Views Concerning the Exemption of Kerojet Fuels from the Mandatory Petroleum Allocation and Price Regulations* and the *Findings and Views Concerning the Exemption of Aviation Gasoline, from the Mandatory Petroleum Allocation and Price Regulations* ("Findings"). The Secretary of Energy (the "Secretary") is submitting both amendments and the Findings to the Congress for review.

EFFECTIVE DATE: The first day following the expiration of the fifteen-day Congressional review period.

FOR FURTHER INFORMATION CONTACT:

Bill Webb (Office of Public Information), 2000 M Street, NW., Room B110, Washington, D.C. 20461 (202) 634-2170.

Gerald P. Emmer or William E. Caldwell (Economic Regulatory Administration), 2000 M Street, NW., Room 2304, Washington, D.C. 20461 (202) 254-8034.

Joel M. Yudson or Jack O. Kendall (Office of General Counsel), 1200 Pennsylvania Avenue, NW., Room 5134, Washington, D.C. 20461 (202) 633-8622.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Comments Received.
III. Findings and Views.
IV. Standby Authority.

I. Background

On February 12, 1978, the Economic Regulatory Administration of the Department of Energy issued advance notices of proposed rulemaking and public hearing on Kerojet fuel deregulation (43 FR 6959, February 17, 1978) and aviation gasoline deregulation (43 FR 6962, February 17, 1978). We concurrently issued two documents entitled *Preliminary Findings and Views Concerning the Exemption of kerojet Fuels from the Mandatory Petroleum Allocation and Price Regulations* and *Preliminary Findings and Views Concerning the Exemption of Aviation Gasoline from the Mandatory Petroleum Allocation and Price Regulations* ("Preliminary Findings"). The advance notices were issued to obtain public comment on the Preliminary Findings for the purpose of determining whether the ERA should initiate rulemaking proceedings proposing the exemption of kerojet fuel and aviation gasoline from the price and allocation regulations.

The comments submitted in response to the advance notices generally supported our Preliminary Findings. Therefore, on June 22, 1978 we concurrently issued notices of proposed rulemaking on kerojet fuel deregulation (43 FR 27974, June 27, 1978) and aviation gasoline deregulation (43 FR 27976, June 27, 1978).

The comments and statements in response to the advance notices enabled us to prepare the Findings in support of exempting kerojet fuel and aviation gasoline.

Section 402(c)(1) of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91) requires the FERC to consider any proposal by the Secretary to amend any regulation under section 4(a) of the Emergency Petroleum Allocation Act, as amended (EPAA, Pub. L. 93-159), when either section 8 or section 12 of the EPAA requires the President to transmit the proposal to each House of Congress for its review under section 551 of the Energy Policy and Conservation Act, as amended (EPCA, Pub. L. 94-163).

Under this statutory provision, the Secretary forwarded to the FERC by letter dated June 22, 1978, the proposed amendments to exempt kerojet fuel and aviation gasoline from both the Mandatory Petroleum Allocation Regulations and the Mandatory Petroleum Price Regulations.

The FERC published a notice of public hearing (43 FR 29298, July 7, 1978) and conducted its hearings concerning the proposed exemptions of aviation gasoline and kerojet fuel on August 1 and 3, 1978, respectively. In addition, the FERC accepted written comments through August 11, 1978. The FERC's hearing transcript, the written comments, the transcripts of the ERA hearings of March 22, 1978 and March 23, 1978, the ERA's Findings, and the earlier comments submitted to the ERA were the basis of the FERC's subsequent deliberations on kerojet fuel and aviation gasoline deregulation.

By letter of September 6, 1978, the FERC responded to the Secretary, advising him of its preliminary conclusions and that unless by noon, September 8, 1978 the Secretary were to inform the FERC that he wished to consult on any matter addressed in the letter, the FERC would forward to the Secretary a further letter stating its concurrence in the proposals without formal recommendations. The Deputy Secretary responded on September 11, 1978, stating that in light of the fact that the FERC's concurrence in the amendments proposed by the Secretary would not be subject to any binding recommendations within the meaning of 404(b) of the DOE Act, no further consultation beyond the exchange of letters would be necessary. The FERC, on September 12, 1978, concurred without recommendations in the Secretary's kerojet fuel and aviation gasoline deregulation proposals and on that date issued its *Analysis and Recommendations* in these matters.

Section 404(c) of the DOE Act provides that the Secretary, following the publication of the FERC's recommendations, (1) may issue a final rule in the form initially proposed if the FERC has concurred, (2) may issue a final rule in amended form so that the rule conforms in all respects with the FERC's recommended changes, or (3) may issue no rule. Inasmuch as the FERC concurred without recommendations, we are issuing the kerojet fuel and aviation gasoline deregulation amendments under section 404(c)(1) of the DOE Act.

Concurrently with the issuance of this amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Price Regulations, we are issuing a separate amendment to exempt kerojet fuel and aviation gasoline from the Mandatory Petroleum Allocation Regulations. The Secretary is concurrently submitting both amendments for Congressional review, as DOE Energy Actions Nos. 4 and 3, respectively, pursuant to section 551 of the EPCA, and in accordance with section 102 of the Energy Conservation and Production Act, as amended (ECPA, Pub. L. 94-385), which requires that the DOE submit separate energy actions to the Congress when proposing the exemption of any oil, refined petroleum product, or refined product category from price and allocation regulations but does not prohibit concurrent submissions of such separate energy actions. We are combining kerojet fuel and aviation gasoline into one refined product category, as permitted under the definition of that term in section 12(c)(3) of the EPAA. Thus, we are submitting for Congressional review a single energy action for the removal of allocation controls from both kerojet fuel and aviation gasoline and another energy action for the removal of price controls from both products.

II. Comments Received

A. Advance Notice on Kerojet Fuel Deregulation

The ERA invited written comments on the advance notice concerning kerojet fuel deregulation through March 27, 1978 and held a public hearing in Washington, D.C. on March 23, 1978. Over sixty parties submitted oral and written comments in response to the February 17 advance notice. Those offering comments included major integrated refining companies, large and small independent refining companies, retailers, trade associations, air carriers, consumer groups and governmental representatives.

All of those commenting in response to the advance notice on kerojet fuel recommended that the ERA propose the exemption of kerojet fuel from the allocation and price regulations. This recommendation was based generally upon agreement with our projections as to supply and demand, completion, and other findings and views set forth in the Preliminary Findings. In particular, there was widespread agreement that competition and market forces are adequate to protect consumers following the exemption of kerojet fuel from regulation. Many commenters expressed the opinion that deregulation would enhance competition in all sectors of the kerojet fuel market.

Retailers indicated that there may be kerojet fuel price increases in certain regions by fixed base operators to reflect increased non-product costs. Refiners generally agreed with our projections in the Preliminary Findings that while regional price increases may occur as both refiner and retailer non-product cost increases are fully passed through on the volume of product on which they are incurred, these regional increases should be offset in part by reductions in other regions.

The airline industry and, in particular, the Air Transport Association, generally recommended the establishment of a mechanism, similar to the proposed Special Rule No. 4 for motor gasoline (See 42 FR 40915, August 12, 1977), to assure airlines a source of kerojet fuel supply during the transition period following deregulation. The airline industry also favored the establishment of a price monitoring system, without a pre-set index or "trigger," coupled with a formal procedure which would require the ERA to take action on an air carrier's complaint of discriminatory treatment with regard to pricing or supply of kerojet fuel. Other commenters were nearly unanimously opposed to both recommendations.

B. Advance Notice on Aviation Gasoline Deregulation

The ERA invited written comments on the advance notice concerning aviation gasoline deregulation through March 27, 1978 and held a public hearing in Washington, D.C. on March 22, 1978. Forty-six parties submitted oral and written comments in response to the February 17 advance notice. Those offering comments included major integrated refining companies, large and small independent refining companies, retailers, trade associations representing consumers, and governmental representatives.

All of those commenting in response to the advance notice on aviation gasoline recommended that the ERA propose the exemption of aviation gasoline from the allocation and price regulations without an accompanying price monitoring or supply protection program. This recommendation was based generally upon agreement with our projections as to supply and demand, competition, and other findings and views set forth in the Preliminary Findings. As was the case with regard to kerojet fuels, there was agreement that competition and market forces are adequate to protect consumers following the exemption of aviation gasoline from regulation. Many commenters expressed the opinion that deregulation would enhance competition in the aviation gasoline market.

In general, retailers concurred with the Preliminary Findings that there will be only minor pressure to increase prices of aviation gasoline as a result of deregulation. Retailers indicated, however, that fixed base operators in certain regions may increase prices to reflect localized increased non-product costs. Refiners generally agreed with our projections in the Preliminary Findings that, while regional price increases may occur as both refiner and retailer non-product cost increases are fully passed through on the volume of product on which they are incurred, these regional increases should be offset in part by reductions in other regions.

C. FERC Comments Received on Kerojet Fuel and Aviation Gasoline Deregulation

The FERC invited written comments on the ERA's proposals to exempt kerojet fuel and aviation gasoline through August 11, 1978 and held a public hearing on aviation gasoline on August 1, 1978 and a public hearing on kerojet fuel on August 3, 1978. Four parties commented orally on the aviation gasoline proposal and seven parties so commented on the kerojet fuel proposal. The FERC also received fifty-one written comments. Those offering comments on the deregulation proposals included major integrated refining companies, large and small independent refining companies, retailers, trade associations, air carriers, and governmental representatives.

None of the oral or written comments to the FERC expressed opposition to the deregulation of either aviation gasoline or kerojet fuel. There were, however, some suggestions for modifications. A large majority of the written comments expressed support for the proposal without further elaboration. A few comments provided additional factual material or added analysis to supplement the ERA's Findings.

In its September 6 letter to the Secretary the FERC indicated that, after reviewing the comments, it found two areas of particular concern. The first reflected its apprehension over the possibility of spot shortages. This concern arose partially in response to the July 26, 1978 letter from the Energy Planning Division of the Montana Department of Natural Resources and Conservation to the FERC indicating potential difficulties new fixed base operators and small, established fixed base operators could have in providing supplies of aviation products for forest fire fighting and other emergency situations. The FERC's concern also related to the commercial airlines' recommendation that a mechanism be established to provide airlines adequate sources of supply of kerojet fuel during the transition period following deregulation. This concern is addressed more fully in the preamble to the aviation gasoline and kerojet fuel allocation exemption.

FERC's other concern related to the price monitoring program recommended by the airlines. In its September 6 letter the FERC concluded that in view of our announced intent generally to monitor aviation fuel prices, a binding recommendation in this regard under Section 404 of the DOE Act was not necessary. The FERC did suggest, however, that the manner in which we intend to monitor prices be

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described at the time we announce the exemption and that such a program should not contain a "trigger."

After carefully considering all the comments, we have concluded that the initial view that kerojet fuel and aviation gasoline should be exempted from regulations is correct. No information or data were presented which meaningfully alter the ERA's conclusions in its Findings.

In response to the FERC's suggestion regarding the price monitoring system, we reemphasize that we intend to analyze kerojet fuel and aviation gasoline prices after deregulation. As we have done with respect to previously deregulated products, we will continue to collect supply and price data pursuant to our general statutory authority to receive such information so as to enable us to detect any significant changes in market conditions which may develop following deregulation of kerojet fuel and aviation gasoline.

As part of its role in monitoring market price trends, the Energy Information Administration (EIA) of the DOE collects pricing data on kerojet fuel and aviation gasoline from refiners, large reseller, retailers, and gas plant operators. The EIA uses the data reported on FEA Form P302-M-1 to calculate national weighted average wholesale and retail prices of kerojet fuel and aviation gasoline on a monthly basis. This information is made available to the public in two monthly publications prepared by the EIA, the "Monthly Energy Review" and the "Monthly Petroleum Product Price Report."

We also anticipate continued reliance in our monitoring activities on the Civil Aeronautics Board's monthly report "Fuel Cost and Consumption." This publication provides average prices per gallon for aviation fuels on a monthly basis. It also indicates the percentage price increase per gallon over the average price per gallon in the preceding month, the same month in the preceding year, and in July 1973. This data is provided separately for individual domestic and international trunk, local service, cargo, and supplemental carriers.

In view of the relatively small universe of suppliers and purchasers of kerojet fuel, we do not believe a price monitoring or survey system more detailed than that presently existing is necessary to detect significant changes in market conditions.

We have decided not to establish a formal procedure which would require the ERA to take action on an air carrier's complaint of discriminatory treatment with regard to pricing or supply of kerojet fuel. Our analysis indicates that when free market forces emerge following kerojet fuel and aviation gasoline deregulation, such problems will be minimized. We believe therefore that a formal complaint procedure is unnecessary, inasmuch as most airlines are capable of bringing to our attention instances of discriminatory treatment with respect to the pricing or supply of kerojet fuel. We encourage communication from any party which may experience difficulty in securing adequate supplies of either kerojet fuel or aviation gasoline following deregulation, inasmuch as such information will facilitate our analysis of the effects of deregulation on price trends and supply distribution.

While fixed base operators may increase prices for kerojet fuel and aviation gasoline in certain regions after deregulation to reflect increased nonproduct costs, these regional increases should be offset in part by reductions in other regions. We have concluded that during a period of adequate supplies which is expected at least through 1980, average prices for kerojet fuel and aviation gasoline will not rise to levels significantly higher than if regulations were continued.

III. Findings and Views

In addition to this amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Price Regulations and the concurrent amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Allocation Regulations, we are issuing the Findings supporting these amendments, as required by section 12 of the EPAA. They are based upon our consideration of the comments of those persons who participated in the rulemaking proceedings and other available information.

Our general conclusions set forth in the Findings may be summarized, in part, as follows:

1. Kerojet fuel and aviation gasoline are not in short supply.

2. Exemption of kerojet fuel and aviation gasoline from the allocation and price regulations will not have an adverse impact on the supply of any other oil or refined petroleum product subject to the EPAA.

3. Following exemption of kerojet fuel and aviation gasoline from regulations, competition and market forces should be adequate to protect consumers.

4. Exemption of kerojet fuel and aviation gasoline from regulation will not result in inequitable prices for any class of user of kerojet fuel, aviation gasoline, or other products.

5. The exemption of kerojet fuel and aviation gasoline will not have adverse impacts on any governmental unit, state or region.

6. As long as supplies remain adequate, exemption of kerojet fuel and aviation gasoline will not have an adverse effect on the availability of consumer goods and services; the Gross National Product (GNP); competition; small business; supply and availability of energy resources as fuel or feedstock for industry; consumer prices; the Consumer Price Index, or the implicit price deflator for the GNP; or the rate of unemployment.

We also believe that as long as supplies continue to be adequate, the continuation of allocation and price regulations on kerojet fuel and aviation gasoline is unnecessary to protect the public health, safety and welfare, and the national defense (section 4(b)(1)(A)); the maintenance of all public services (section 4(b)(1)(B)); the maintenance of agricultural operations (section 4(b)(1)(C)); or the maintenance of exploration for and production or extraction of fuels and minerals (section (4)(b)(1)(G)). Adequate supply and the positive effects of increased competition should also ensure that the exemption of kerojet fuel and aviation gasoline would be consistent with the preservation of an economically sound and competitive petroleum industry (section 4(b)(1)(D)); the equitable distribution of crude oil, residual fuel oil and refined petroleum products at equitable prices (section 4(b)(1)(F)); economic efficiency (section 4(b)(1)(H)); and minimization of economic distortion, inflexibility, and interference with market mechanisms (section 4(b)(1)(I)). The exemption should have no adverse effect on the allocation of suitable crude oil to domestic refineries (section 4(b)(1)(E)).

IV. Standby Authority

Section 12(f) of the EPAA provides that following the exemption of any refined product category from regulation, the DOE shall have the authority at any time to reimpose price regulations if necessary to attain the objectives of the EPAA. For this reason, we are adopting amendments which exempt kerojet fuel and aviation gasoline from the general price regulations but which do not delete those regulations from the Code of Federal Regulations. We have, in effect, converted them to standby status, so that, in the event of shortages or other occurrences which might require reimposition of regulations, we may, with appropriate modifications, quickly put them back into effect. In this connection, we have recently adopted additional standby production allocation and price regulations (44 FR 3928, January 18, 1979) that may be ordered into effect with respect to kerojet fuel and aviation gasoline.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Energy Conservation and Production Act, Pub. L. 94-385, as amended, Pub. L. 95-70, Pub. L. 95-91; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Parts 210 and 212 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective on the first day following the expiration of the fifteen-day Congressional review period provided for by section 551 of the Energy Policy and Conservation Act.

Issued in Washington, D.C., January 31, 1979.

David J. Bardin,
Administrator, Economic Regulatory Administration.

1. Section 210.35 is amended by revising subparagraph (g)(2) and by adding subparagraph (h)(2) to read as follows:

§ 210.35 Exempted products.

• • • • • •

(g) • • •

(2) Aviation jet fuel as defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

(h) • • •

(2) Aviation gasoline as defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

2. Section 212.31 is amended in the definition of "covered products" to read as follows:

§ 212.31 Definitions.

• • • • • •

"Covered products" means butane, crude oil, gasoline, natural gas liquids, natural gasoline, and propane. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend. A blend of one or more covered products with one or more non-petroleum-based products is a covered product if the covered product or products constitutes more than 50 percent by volume of the blend, and is that covered product which is the most predominant by volume in the blend.

• • • • • •

3. Section 212.56 is amended to read as follows:

§ 212.56 General refinery products.

(a) The following general refinery products are exempt from the provisions of this part: Aviation gasoline, benzene, gas oil, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, No. 1 heating oil, No. 1-D diesel fuel, residual fuel oil, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products.

(b) The following general refinery products are not exempt from the provisions of this part: Butane, natural gas liquids, natural gasoline, and propane.

4. Part 212 is amended by adding a new § 212.58 as follows:

§ 212.58 Aviation jet fuel.

The sales of aviation jet fuel are exempt from the provisions of this part.

[FR Doc. 79-3908 Filed 2-1-79; 8:45 am]

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MONDAY, FEBRUARY 5, 1979
PART VI



OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report ten proposals to rescind a total of $914.6 million in budget authority previously provided by the Congress. In addition, I am reporting six new deferrals of budget authority totalling $1,169.8 million and six revisions to previously transmitted deferrals increasing the amount deferred by $28.8 million.

The rescission proposals affect programs in the Departments of Energy, Health, Education and Welfare, Housing and Urban Development, the Interior, and several independent agencies.

The new deferrals and revisions to existing deferrals involve programs of the Departments of Agriculture, Commerce, Defense, Energy, the Interior, Justice, Labor, Transportation, the Treasury, and the Tennessee Valley Authority.

The details of each rescission proposal and deferral are contained in the attached reports.

THE WHITE HOUSE,
January 31, 1979.

JIMMY CARTER.

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

Defer-ral No.	Item	Budget Authority
	Department of Labor:	
	Employment and Training Administration	
D79-50	Employment and training assistance	122,133
	Department of Transportation:	
	Federal Aviation Administration:	
D79-20A	Facilities and equipment	311,435
D79-51	Urban Mass Transportation Administration	
	Urban mass transportation fund	968,616
	Department of the Treasury:	
	Office of the Secretary:	
D79-40A	Antirecession fiscal assistance fund	8 1/
	Tennessee Valley Authority:	
D79-52	Payment to the Tennessee Valley Authority fund	15,000
	Subtotal, deferrals	1,535,702
	Total, rescission proposals and deferrals	2,454,319

1/ Outlays only.

[3110-01-C]

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

Rescission No.	Item	Budget Authority
	Department of Energy:	
R79-2	Fossil energy construction	50,000
	Department of Health, Education and Welfare:	
	National Institutes of Health	
R79-3	Buildings and facilities	37,000
R79-4	Health Resources Administration	167,893
	Office of Education	
R79-5	Special projects and training	22,365
	Department of Housing and Urban Development:	
R79-6	Subsidized housing programs	600,000
R79-7	New Communities Development Corporation	
	New community assistance grants	8,167
	Department of the Interior:	
	Bureau of Mines	
R79-8	Helium fund	3,127
	National Aeronautics and Space Administration:	
R79-9	Research and program management	2,400
	Foreign Claims Settlement Commission:	
R79-10	Payment of Vietnam prisoner of war claims	9,000
	Small Business Administration:	
R79-11	Salaries and expenses	14,665
	Subtotal, rescission proposals	914,617
Defer-ral No.		
	Department of Agriculture:	
	Forest Service	
D79-3A	Expenses, brush disposal	37,501
	Department of Commerce:	
	National Oceanic and Atmospheric Administration	
D79-47	Operations, research and facilities	500
D79-7A	Fisheries loan fund	5,637
	Department of Defense - Civil:	
D79-9A	Wildlife conservation, military reservations	588
	Department of Energy:	
	Energy Programs	
D79-48	Uranium enrichment-operating expenses	63,000
	Department of the Interior:	
	Bureau of Land Management	
D79-46A	Oregon and California grant lands	14,712
	Department of Justice:	
	Community Relations Service	
D79-49	Salaries and expenses	572

SUMMARY OF SPECIAL MESSAGES
FOR FY 1979
(in thousands of dollars)

	Rescissions	Deferrals
Fifth special message:		
New items	914,617	1,169,821
Changes to amounts previously submitted	—	28,777
Effect of the fifth special message	914,617	1,198,598
Previous special messages	75	2,866,522
Total amount proposed in special messages	914,692	4,065,120 1/
	(in 11 rescission proposals)	(in 52 deferrals)

1/ This amount represents budget authority except for $3,974,000 in two Treasury Department deferrals of outlays only (D79-40A and D79-25A).

Rescission Proposal No: R79-4

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 95-465) $ 29,709,000
Bureau	Other budgetary resources 62,351,000
Appropriation title & symbol Fossil Energy Construction 89X0214	Total budgetary resources 162,060,000
	Amount proposed for rescission $ 50,000,000
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: These funds were appropriated in fiscal year 1979 and prior years for the construction of a low/medium BTU coal gasification demonstration plant. The rescission proposal results from the conclusion reached by the Administration that construction of a third coal gasification demonstration plant is not necessary given the limited market outlook for this fuel, the expected cost of the product gas, the limited technical and economic information which would be produced and the existence of adequate incentives in the private sector to construct such facilities where circumstances warrant. The two coal gasification demonstration plants which are currently supported with Federal funds are sufficient to demonstrate this technology.

Estimated Effects: If the rescission proposal is approved, the construction of a third coal gasification demonstration plant will not be undertaken in fiscal year 1979 or 1980. This will not adversely affect fossil energy research and development efforts which include an aggressive coal gasification program.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's FY 1980 Budget:	
1. Budget outlay estimate for FY 1979	$0.3
2. Outlay savings included in the budget outlay estimate	10.0
Current Outlay Estimates for FY 1979:	
3. Without rescission	90.3
4. With rescission	80.3
5. Current outlay savings (line 3 - line 4)	10.0
Outlay savings for FY 1980	20.0
Outlay savings for FY 1981	10.0
Outlay savings for FY 1982	10.0

R79-2

TITLE II - RELATED AGENCIES

Department of Energy

Fossil Energy Construction

Of the funds appropriated under this head in Public Law 95-465, $50,000,000 are rescinded.

Rescission Proposal No: R79-3

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 95-480) $ 67,950,000
Bureau National Institutes of Health	Other budgetary resources 26,998,655
Appropriation title & symbol Buildings and Facilities 75X0838	Total budgetary resources 94,948,655
	Amount proposed for rescission $ 37,000,000
OMB identification code: 75-0838-0-1-552	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979 (P.L. 95-480) appropriated $37 million to construct a four-story child health research building on the grounds of the National Institutes of Health (NIH) in Bethesda, Maryland. There is no evidence that a new intramural facility would materially improve the quality of research in this area. Research that would be done in this facility is presently being conducted at other NIH locations. Although these are located in various facilities across the NIH campus, there is no noticeable negative impact on the research effort being conducted. Therefore, these funds are proposed for rescission.

The Administration has proposed and Congress has enacted increases in funding for clinical health research grants and contracts in recognition of the priority placed on such research. Resource increases for child health can be utilized more effectively for research projects than facility construction.

Estimated effect:
If this proposal is approved, the new child health research facility will not be built. This will have no negative impact on the quality of the research conducted in this area.

Outlay effect: (estimated in millions of dollars)

Comparison with President's FY 1980 Budget:	
1. Budget outlay estimated for 1979	$65.8
2. Outlay savings included in the budget outlay estimate	4.0
Current Outlay Estimates for FY 1979:	
3. Without rescission	69.8
4. With rescission	65.8
5. Current outlay savings (line 3 - line 4)	4.0
Outlay savings for FY 1980	12.0
Outlay savings for FY 1981	19.0
Outlay savings for FY 1982	2.0

TITLE II - DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Buildings and Facilities

Of the funds appropriated under this head in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, $37,000,000 are rescinded.

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 95-480; 95-482; 95-355) $ 759,912,000
Bureau Health Resources Administration	Other budgetary resources 2,281,000
Appropriation title & symbol	Total budgetary resources $ 762,193,000
Health Resources 7590712	Amount proposed for rescission $ 167,893,00
756/90712	
OMB identification code: 75-0712-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program? 1/ ☐ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☒ Multiple-year September 30, 1979 (expiration date)	☐ Contract authority
☐ No-year	☐ Other

Justification: During the 1960's and 1970's, there was a major increase in the supply of health manpower, partly as a result of increased Federal institutional and student assistance to support expanded numbers of health professions students and training programs. It is estimated that the number of practitioners in the major health professions categories will increase by another 70% between 1975 and 1990. In every case, the supply increase will far exceed population growth, raising the practitioner-to-population ratios well above current levels.

The ratio of physicians to population is projected to rise from about 177 per 100,000 in 1975 to 241 per 100,000 in 1990, a 37% increase. Moreover, the number of active nurses has more than doubled since 1957 to over 1,000,000 in 1978. The outlook is also good for adequate growth in the supply of nurses during the coming decade. The current adequate supply and projected increases in the numbers of health professionals underscore the fact that special Federal subsidies are no longer required merely to increase the supply of particular categories of health professionals.

Federal support for health professions training is being redirected as part of a national health plan strategy to address the needs of the poor and underserved. The President's 1979 Budget emphasized support for service commitment scholarships rather than continued funding for institutional subsidies or non-service-related student assistance. Moreover, increased emphasis is being placed on the needs-based student assistance grant and loan programs of the Office of Education and undergraduate health professions training, e.g., nurse training.

1/ These funds support both grant and non-grant programs.

The $167,893,000 in health professions training funds proposed for rescission in 1979 includes funding for capitation grants, nursing student and institutional assistance, health professions non-service student loans, and emergency medical training grants. These funds have been identified as unnecessary to program needs for meeting the goal of providing health services to the medically underserved. This is in keeping with the strategy further articulated in the President's 1980 Budget to terminate capitation grants and initiate a phaseout of other institutional subsidies and student assistance programs that in the past have served to increase the supply of health professionals without regard to specialty or geographic shortages. There are more efficient and effective means for addressing health manpower needs in shortage areas than the programs supported by the training funds proposed for rescission. The Administration supports numerous approaches, including service commitment scholarships and family medicine and primary care residency training grants.

Estimated Effects: Federal support for health professions training will continue at a level of nearly $375 million in 1979, including $77 million for service commitment scholarships. These scholarships will support health professions training in return for service in medically underserved areas. The proposed rescission of $168 million in institutional subsidies and non-service-related student assistance would not affect the goal of providing services to the medically underserved.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's FY 1980 Budget:

1. Budget outlay estimate for FY 1979	$630.4
2. Outlay savings, included in the budget outlay estimate	30.0

Current outlay estimates for FY 1979:

3. Without rescission	660.4
4. With rescission	630.4
5. Current outlay savings	30.0
Outlay savings for FY 1980	109.1
Outlay savings for FY 1981	28.8

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

Of the funds provided for "Health resources" for fiscal year 1979 in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, and in P.L. 95-482, $167,893,000 are rescinded.

Rescission Proposal No: R79-5

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 95-480) $ 134,472,000
Bureau Office of Education	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 134,472,000
Special projects and training 7590270	Amount proposed for rescission $ 22,365,000
OMB identification code: 75-0270-0-1-503	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Public Law 93-207 authorized a new program of formula grants to States as an incentive for State and local education agencies to carry out comprehensive career education efforts using their own financial resources. In addition, discretionary grants were authorized to demonstrate the best career education procedures at the postsecondary level.

The Administration does not believe this career education incentive program is needed or is a Federal responsibility. There is no evidence that States need Federal intervention in order to implement career education programs using their own funds. Nine States already have laws requiring career education programs or have line items in their state budgets for career education. All of the States have career education plans. Demonstration of career education programs is a valid Federal activity and authority exists to conduct such demonstrations. The Administration is proposing to reprogram $10.1 million of the $32.5 million enacted for Career Education Incentives in 1979 to carry out career education demonstration projects under the Special Projects Act. The remaining $22.4 million is proposed for rescission. In addition, $10.1 million is being requested in FY 1980 to continue the demonstration projects under the Special Projects Act.

Estimated Effects: The effect of the reprogramming and rescission proposal will be to terminate the career education incentives program in FY 1979. However, career education programs would not suffer because the Administration is requesting funding under the Special Projects Act.

R79-5

Outlay Effect: (estimated in millions of dollars)

Comparison with President's FY 1980 Budget:	
1. Budget outlay estimate for FY 1979	$101.1
2. Outlay savings included in the budget outlay estimate	4.5
Current Outlay Estimates for FY 1979:	
3. Without rescission	105.6
4. With rescission	101.1
5. Current outlay savings (line 3 - line 4)	4.5
Outlay savings for FY 1980	7.1
Outlay savings for FY 1981	10.8

R79-5

TITLE II - DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

EDUCATION DIVISION

Office of Education

Special Projects and Training

Of the funds appropriated under this head in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, $22,365,000 are rescinded.

Rescission Proposal No: R79-6

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L.) $
Bureau	Other budgetary resources 600,000,000
Appropriation title & symbol	Total budgetary resources 600,000,000
Subsidized Housing Programs (State Housing Finance and Development Agencies) 86X0165	Amount proposed for rescission $ 600,000,000
OMB identification code: 86-0139-0-1-604	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Section 802 of the Housing and Community Development Act of 1974 (Public Law 93-383) authorized interest subsidy grants to and Federal guarantees of obligations issued by State housing finance and development agencies. The Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1976 (Public Law 94-116) provided $15,000,000 in contract authority over a 40-year period (totalling $600,000,000). These funds were made available to State housing agencies for interest subsidies on obligations issued to finance Section 8 lower-income housing assistance projects.

Since enactment of the legislation, State agencies have been able to obtain financing under more favorable terms because of market conditions. The agencies have shown little or no additional interest in this program. Of the eleven contracts that were written, all have been cancelled and no funds have been utilized. Therefore, rescission of this unneeded contract authority is proposed.

Estimated Effects: This rescission proposal will terminate this unused grant program.

Outlay Effect: There is no outlay effect from this proposal because the funds would not be used if made available.

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R79-6

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

State Housing Finance and Development Agencies

Appropriations and contract authority provided for in the Housing and Urban Development - Independent Agencies Appropriation Act, 1976, for interest grant payments pursuant to Section 802(c) (2) of the Housing and Community Development Act of 1974 (88 Stat. 722) are rescinded.

Rescission Proposal No.: R79-7

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L.) $ —
Bureau New Community Development Corporation	Other budgetary resources 8,167,000
Appropriation title & symbol	Total budgetary resources 8,167,000
New Community Assistance Grants 86X0149	Amount proposed for rescission $ 8,167,000
OMB identification code: 86-0149-0-1-451	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Section 718 of the Housing and Urban Development Act of 1970, as amended, authorizes grants for distribution to developers to supplement public facility projects in existing new communities. These supplemental grants are no longer necessary for the communities which remain in the program. The communities are eligible for assistance under the Community Development Block Grant program as authorized by Title I of the Housing and Community Development Act of 1974, as amended. This program is more flexible than the supplemental grants program. Consequently, very few communities have used the supplemental grants in the past few years. In fact, there has been no new net activity in this program since September 30, 1976.

Estimated Effects: This rescission will have no effect on either the budget program of the New Community Development Corporation or the communities themselves due to the adequate availability of necessary funds under the block grant program for which new community developers are eligible recipients.

Because there has been no new activity over the past few years, it is unlikely that there would be any use of the program if the funds continued to be available.

Outlay Effect: There is no outlay effect resulting from this rescission proposal.

R79-7

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Community Assistance Grants

Any amounts not administratively committed from appropriations provided for grants, as authorized by section 412 of the Housing and Urban Development Act of 1968, as amended (42 U.S.C. 3911) and sections 718 and 720 of the Housing and Urban Development Act of 1970 (42 U.S.C. 4519, 45 U.S.C. 4521), are rescinded.

Rescission Proposal No.: R79-8

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L.) $ —
Bureau Bureau of Mines	Other budgetary resources 20,369,000
Appropriation title & symbol Helium Fund 14X4053	Total budgetary resources 20,369,000
	Amount proposed for rescission $ 3,127,000
OMB identification code: 14-4053-0-3-306	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other (Borrowing Authority)

Justification: Since its discovery in 1893 until the early 1960's, helium was produced and sold only by the Federal Government. Demand for helium for traditional uses, such as welding and leak detection, grew over the years but was greatly expanded in the late 1950's with NASA and Defense efforts which used helium in rocket programs. Projection of such demand led to the belief that helium concentrated in producing natural gas wells should be extracted and stored for future Government needs. This led to amendments of the Helium Act (50 U.S.C. 167) which authorized the Department of the Interior to enter into helium purchase contracts with natural gas producers and to stockpile the acquired helium. To this end, the Department was provided with contract and borrowing authority for helium contract purchases.

Since 1971 significant changes in helium demand have occurred. NASA and DOD efforts have either been cut back or new methods not requiring helium have been adopted. Government purchases of helium were therefore terminated in the early 1970's and the available contract authority has either lapsed or been rescinded since that time. However, a residual amount of $3,127,000 of borrowing authority still remains available to the helium program

Since contracts by which the Government would purchase and store helium at public expense are not justifiable in view of past experience and the estimated future availability of and demand for helium, this excess amount of borrowing authority is proposed for rescission.

Estimated Effects: There are no programmatic or budgetary effects resulting from this proposal.

Outlay Effect: No effect on outlays results from this rescission proposal.

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DEPARTMENT OF THE INTERIOR

Bureau of Mines

Helium Fund

Of the borrowing authority provided in the Department of the Interior and related agencies Appropriation Act, 1962, $3,127,000 are rescinded.

Proposed Rescission No. R79-9

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency National Aeronautics and Space Administration	New budget authority (P.L. 95-392) $910,500,000
Bureau	Other budgetary resources 33,300,000
Appropriation title & symbol: Research and program management 8090103	Total budgetary resources 943,800,000
	Amount proposed for rescission $2,400,000
OMB identification code: 80-0103-0-1-999	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual; ☐ Multiple-year (expiration date); ☐ No-year	Type of budget authority: ☒ Appropriation; ☐ Contract authority; ☐ Other

Justification: The Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1979 (Public Law 95-392) provided funds for the National Aeronautics and Space Administration (NASA) to purchase an administrative aircraft for which existing aircraft may be exchanged in part payment. NASA estimates the cost to the appropriations in FY 1979 would be approximately $2,400,000. This rescission is proposed since procurement of a new administrative aircraft at this time is: (a) not essential to carry out the objectives of the Nation's aeronautics and space programs, and (b) is not consistent with the President's desire to reduce governmental operating and administrative travel costs. Existing agency administrative aircraft and commercial airlines can adequately meet the travel requirements of NASA management.

Estimated Effects: This proposal will not significantly impact the travel needs of the agency. Existing administrative aircraft and commercial airlines can adequately meet the travel requirements of NASA.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's FY 1980 Budget:	
1. Budget outlay estimate for FY 1979	936.5
2. Outlay savings, if any, included in the budget outlay estimate	2.4
Current Outlay Estimates for FY 1979:	
3. Without rescission	938.9
4. With rescission	936.5
5. Current outlay savings (line 3 - line 4)	2.4
Outlay savings for FY 1980	---

TITLE II - INDEPENDENT AGENCIES

National Aeronautics and Space Administration

Research and Program Management

Of the funds appropriated under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1979, $2,400,000 are rescinded.

Proposed Rescission No. R79-10

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Foreign Claims Settlement Commission	New budget authority (P.L.) $
Bureau	Other budgetary resources 10,044,000
Appropriation title & symbol: Payment of Vietnam Prisoner of War Claims 1/ 79X0104	Total budgetary resources 10,044,000
	Amount proposed for rescission 2/ $9,000,000
OMB identification code: 79-0104-0-1-152	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☐ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual; ☐ Multiple-year (expiration date); ☒ No-year	Type of budget authority: ☒ Appropriation; ☐ Contract authority; ☐ Other

Justification

Public Law 91-289, approved June 24, 1970, authorizes the Foreign Claims Settlement Commission to adjudicate and certify for payment the claims of American military and civilian prisoners of war held during the Vietnam conflict, or their survivors. Before claims can be certified for payment by the Commission, the appropriate military services must determine the individual's POW status and, in the case of claims by the survivors of missing persons where evidence of captivity exists, it must also determine the date of death. Most of these determinations have been completed.

Appropriations totalling $16,565,000 were provided in 1971, 1972, and 1973 to remain available until expended for the payment of Vietnam POW claims. Of the $11,059,000 remaining available in fiscal year 1979, $1,015,000 was transferred to the Commission's Salaries and expenses account pursuant to the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act of 1979 (Public Law 95-431), $150,000 was apportioned for the payment of any claims that may result from status determinations of the military services, and $9,000,000 is proposed for rescission. The remaining balance of $894,000 is considered adequate to pay any additional claims and cover any awards that may be made during the three years a claimant has to contest an adjudicated claim. That balance remains deferred.

1/ This account is the subject of a deferral (D79-29).
2/ This amount was included in a deferral (D79-29) transmitted to the Congress on October 2, 1978.

Estimated Effects:

There are no programmatic or budgetary effects resulting from this rescission proposal.

Outlay Effect:

There is no outlay effect of this rescission proposal because the funds could not be used if made available.

Chapter X
RELATED AGENCIES
Foreign Claims Settlement Commission
Payment of Vietnam and U.S.S. Pueblo Prisoner of War Claims

Of the funds appropriated under this head in Public Law 95-50, $9,000,000 are rescinded.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Small Business Administration Bureau:	New budget authority (P.L. 95-431): $200,000,000 Other budgetary resources: — Total budgetary resources: $200,000,000
Appropriation title & symbol: Salaries and Expenses 7390100	Amount proposed for rescission: $14,665,000
OMB identification code: 73-0100-0-1-376	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The Departments of State, Justice, Commerce, the Judiciary, and Related Agencies Appropriation Act 1979 (P.L. 95-431) provided $200,000,000 for salaries and operational expenses of the Small Business Administration (SBA). This amount was $34,900,000 in excess of the President's request of $165,100,000. This proposal is to rescind $14,665,000 of that additional funding in those areas where funds could not be spent in an efficient and effective manner.

Funds are proposed for rescission which would permit a significant expansion of the small business development center (SBDC) program beyond its current pilot stage. The SBA is now undertaking a comprehensive evaluation of its SBDC pilot program. Until results of that evaluation are available, it would be premature to provide additional funds for this program.

Funding for increased economic research and other special studies are also proposed for rescission. Before conducting more sophisticated economic policy studies, the SBA needs to concentrate on establishing a more accurate, credible data base on the performance of the small business sector in the U.S. economy. When more reliable economic and statistical data on small business is available, the SBA will be able to determine more exactly what research studies should be conducted and in what order of priority.

The rescission proposal also includes reductions in management assistance contracts and other procurement support activities. Both areas will receive significant funding increases in fiscal year 1979, and the amounts to be rescinded would, if retained, place severe strains on the agency's capability to spend funds effectively.

Finally, this proposal includes reductions in administrative expenses for non-essential travel and printing activities in support of the Administration's anti-inflation efforts to hold down Federal spending.

Estimated Effects

This rescission will reduce funding for certain activities in SBA's Salaries and Expenses budget account, but will not significantly impact the agency's essential programs.

Outlay Effect (estimated in millions of dollars)*

Comparison with the President's FY 1980 Budget:	
1. Budget outlay estimate for FY 1979	185.0
2. Outlay savings included in the Budget outlay estimate	14.7
Current outlay estimates for FY 1979:	
3. Without rescission	199.6
4. With rescission	185.0
5. Current outlay savings (line 3 - line 4)	14.7
Outlay savings for FY 1980	—

* Detail does not add to total due to rounding.

R79-11

TITLE V - RELATED AGENCIES

Small Business Administration

Salaries and Expenses

Of the funds appropriated under this head in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979, $14,665,000 are rescinded.

D79-3A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D79-3 transmitted to the Congress on October 2, 1978, and printed as House Document No. 95-392.

This revision to a deferral for the Department of Agriculture's Expenses, brush disposal account increases the amount previously reported as deferred from $32,224,790 to $37,501,072. This increase of $5,276,282 is attributable to an adjustment in unobligated balances brought forward on October 1, 1978. The adjustment was necessary because the actual amount of unobligated balances brought forward was $5,276,282 higher than had been originally estimated.

Deferral No: D79-3A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 16 (USC 490)) $ 36,902,000
Bureau Forest Service	Other budgetary resources 45,111,072*
Appropriation title & symbol: Expenses, Brush Disposal 1/ 12X5206	Total budgetary resources 82,013,072*
	Amount to be deferred: Part of year $ ____ Entire year 37,501,072*
CFDA identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: Purchasers of National Forest timber deposit the estimated cost to the Forest Service of the disposing of brush and other debris resulting from their cutting operations pursuant to 16 USC 490. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose. An apportionment of $44.5 million has been requested by the Forest Service for this program in the current fiscal year compared with $37.8 million in 1978 and $39.5 million in 1977. The current fiscal year reserve of $37.5 million was established pursuant to the Antideficiency Act (31 USC 665) as a reserve for contingencies compared with reserves of $34.5 million in 1978 and $22.3 million in 1977.

Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus, seasonal factors frequently require deferring the use of deposits until the following fiscal year.

Estimated Effect: There are no programmatic or budgetary effects that result from this deferral action. Rather, the reserve merely reflects the seasonal nature of program funding requirements.

Outlay Effect: There is no outlay effect of this deferral because the funds could not be used if made available.

1/ This account was the subject of a similar deferral in FY 1978.

* Revised from previous report.

Deferral No: D79-47

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 95-431) $ 660,650,000
Bureau National Oceanic and Atmospheric Administration (NOAA)	Other budgetary resources 88,946,563
Appropriation title & symbol: Operations, research and facilities 1/ 13x1450	Total budgetary resources 749,596,[illegible]
	Amount to be deferred: Part of year $ 500,000 Entire year ____
CFDA identification code: 13.1450-0-1-306	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: Funds were provided in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979, for the expansion of the National Weather Service's (NWS) community preparedness program. The additional funding and personnel are to be transferred to the new Federal Emergency Management Administration (FEMA) pursuant to Reorganization Plan No. 3 of 1978. FEMA is expected to begin operation in April, 1979. In order to allow FEMA to hire its own personnel and utilize the appropriated funds in concert with its overall mission, $500,000 is deferred for part of the year.

This action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral will have the effect of delaying for a few months the application of these funds to the functions of the Community Preparedness Program. It will also assure continued funding of this function with the advent of FEMA. Funds not utilized in FY 1979 will be applied to meeting the cost of the program in FY 1980.

Outlay Effect: This deferral will have the effect of shifting an estimated $400,000 in outlays from FY 1979 to FY 1980.

1/ This account was the subject of a deferral in FY 1978.

D79-7A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D79-7 transmitted to the Congress on October 2, 1978, and printed as House Document No. 95-392.

This revision to a deferral for the Commerce Department's Fisheries loan fund increases the amount previously reported as deferred from $5,428,795 to $5,637,189. This increase of $208,394 is attributable to an adjustment in unobligated balances brought forward on October 1, 1978. The adjustment was necessary because the actual amount of unobligated balances brought forward was $208,394 higher than had been originally estimated.

Deferral No: D79-7A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L.) $
Bureau: National Oceanic and Atmospheric Administration	Other budgetary resources 6,237,189*
Appropriation title & symbol: Fisheries Loan Fund 1/ 13X4317	Total budgetary resources 6,237,189*
	Amount to be deferred: Part of year $
	Entire year 5,637,189*
OMB identification code: 13-4317-0-3-376	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual	Type of budget authority: [ ] Appropriation
[X] Multiple-year September 30, 1980 (expiration date)	[ ] Contract authority
[ ] No-year	[X] Other 16 U.S.C. 742c

Justification: This fund was established pursuant to the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742c). Its purpose is to provide funds for loans to segments of the fishing industry unable to obtain commercial loans on reasonable terms for financing the cost of purchasing, constructing, equipping, maintaining, repairing and operating new or used fishing vessels or gear.

In 1965, the Act was amended to require the National Oceanic and Atmospheric Administration (NOAA) to pay interest to the Treasury on the difference between the available funds and the cash balance at the end of the year. The current program covers the 1979 interest liability of $580,000 and provides $20,000 for the care and preservation of collateral throughout the year. Of the total budgetary resources in the fund, only these amounts are presently planned for expenditure in 1979 to support the estimated program requirements.

On February 20, 1973, the Administrator of NOAA declared a moratorium on accepting further loan applications effective March 1, 1973, due to a level of loans outstanding and loan applications pending which exceeded the Fund's capital. Additionally, the General Accounting Office concluded in a report issued February 22, 1973, that loans made from the Fisheries Loan Fund (1) allowed the continued use of inefficient vessels rather than improving vessels and equipment for more efficient and profitable fishing, and (2) maintained or added vessels to segments of the fishing industry which were considered to have excess, but not necessarily efficient harvesting capacity. GAO recommended that

1/ This account was the subject of a similar deferral in FY 1978.

* Revised from previous report.

D79-7A

the Secretary of Commerce develop criteria for evaluating vessel efficiency and priorities for directing these program funds.

The Department has determined that legislative clarification of the Act is needed to establish criteria for directing the Fund. Draft legislation is being prepared. This reserve is in accordance with the Antideficiency Act (31 U.S.C. 665) The funds could not be used effectively until there is clarification of legislative intent.

Estimated Effects: Under the existing laws and regulations the proposed deferral has no effect on the Fisheries Loan Fund activities as planned for FY 1979.

Outlay Effect: No outlay effect results from this deferral action.

D79-9A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D79-9 transmitted to the Congress on October 2, 1978, and printed as House Document No. 95-392.

This revision to a deferral of Department of Defense wildlife conservation funds increases the amount previously reported as deferred from $457,975 to $587,790. This increase of $129,815 is attributable to an adjustment in unobligated balances brought forward on October 1, 1978. The adjustment was necessary because the actual amount of unobligated balances brought forward was $129,815 higher than had been originally estimated.

Deferral No: D79-9A

D79-9A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense-Civil	New budget authority (16 U.S.C. 670f (a)): $ 898,000
Bureau:	Other budgetary resources: 587,790*
Appropriation title & symbol: See coverage section below	Total budgetary resources: 1,485,790*
	Amount to be deferred: Part of year: $; Entire year: 587,790*
OMB identification code: See Coverage section below	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Coverage 1/*

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Wildlife conservation, Army	21X1500	21-1500-0-1-303	$442,248
Wildlife conservation, Navy	17X1501	17-1501-0-1-303	103,376
Wildlife conservation, Air Force	57X1502	57-1502-0-1-303	42,166
			$587,790

Justification: These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law--to carry out a program of natural resource conservation.

Since apportionments have been made for all known program requirements, prudent financial management requires the deferral of the balance of the funds, which could not be used effectively during the current year even if made available for obligation. These funds are being deferred under the provisions of the Antideficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because (1) installations may be accumulating funds over a period of time to fund a major project, and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned if program requirements are identified.

Estimated Effects: These deferrals have no programmatic or budgetary effect because the funds could not be obligated if made available.

Outlay Effect: There is no outlay effect of this deferral because the funds could not be used if made available.

1/ These accounts were the subject of a similar deferral during FY 1978.
* Revised from previous report.

Deferral No: D79-48

D79-46A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 95-482): $4,818,431,000
Bureau:	Other budgetary resources: 2,141,289,000
Appropriation title & symbol 1/: Uranium Enrichment-Operating Expenses 89X0226 (Energy Science and Defense Activities - Operating Expenses - 89X0210)	Total budgetary resources: 6,959,720,000
	Amount to be deferred: Part of year: $; Entire year: 63,000,000
OMB identification code: 89-0226-0-1-271	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: These funds were provided in FY 1979 and prior years to enable the Department of Energy to furnish uranium enrichment services to domestic and foreign utilities. The current anticipated demand for these services has shifted from 1979 to 1980 which would result in decreased production in 1979 with a corresponding production increase in 1980. The deferral would permit this shift to occur and would more correctly correlate production with demand, eliminating unnecessary additions to stockpile in FY 1979.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665), which authorizes the President to establish reserves to effect savings whenever savings are made possible through changes in requirements or greater efficiency of operations.

Estimated Effect: Presently, enriched uranium production is scheduled to be lower in 1980 than in 1979. Shifting of production into 1980 thus tends to equalize continuing production levels, which will actually decrease the cost of individual plant operation. In addition, present estimates for production in 1980 are so low that the Department of Energy would be subject to penalties in 1980 for not using power which has already been ordered to run the plants. This deferral would allow production to increase sufficiently to forestall any such penalties.

Outlay Effect: The net effect on outlays will be to shift $63 million in outlays from 1979 into 1980.

1/ These funds were appropriated to Energy Science and Defense Activities-Operating Expenses (89X0210). The President's Budget for 1980 displays the funds in Uranium Enrichment-Operating Expenses (89X0226).

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D79-46 transmitted to the Congress on December 12, 1978.

This revision to a deferral for the Interior Department's Oregon and California Grant Lands account increases the amount previously reported as deferred from $12,811,000 to $14,712,058. This increase of $1,901,058 is attributable to an unobligated balance brought forward on October 1, 1978, that was $3,221,058 higher than anticipated when the deferral was first reported. This increase is partially offset by an allocation of $1,320,000 to the Forest Service.

Deferral No: D79-46A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 95-465) $55,000,000 1/
Bureau Bureau of Land Management	Other budgetary resources 21,151,058*
Appropriation title & symbol: Oregon and California Grant Lands 2/ 14X5136	Total budgetary resources 76,151,058*
	Amount to be deferred: Part of year $ ___
	Entire year 14,712,058*
OMB identification code: 14-5136-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ___
Type of account or fund: ☐ Annual ☐ Multiple-year ___ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Appropriated Receipts

Justification: The Interior and Related Agencies Appropriation Act of 1979 includes an indefinite no-year appropriation equivalent to 25 percent of timber sale receipts from revested Oregon and California Railroad grant lands. The appropriated receipts provide for management, development, and protection of Federal Oregon and California grant lands including the construction and maintenance of roads. Because the appropriation is based on receipts collected in the same fiscal period and the receipts are based on the timber harvested, the total amount which will be available for obligation can only be estimated. Not only may actual receipts vary from estimates, but receipts for the last two months of the fiscal period are not known in time to make programmatic adjustments to offset a possible shortfall between estimated and actual amounts. Deferral is planned to cushion fluctuating receipt levels. This deferral is taken pursuant to the Antideficiency Act (31 U.S.C. 665).

Receipts for FY 1978 were $172,579,472 with an actual unobligated balance of $21,151,058 carried forward in FY 1979 of which $1,320,000 will be allocated to the Forest Service. New budget authority available in 1979 under terms of the appropriation is estimated to equal $55,000,000. Total resources for this program equal $76,151,058. The FY 1979 obligation program is $60,119,000 resulting in a deferral of $14,712,058.

1/ Estimated. The appropriation is for "an amount equivalent to 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands."
2/ This account was the subject of a similar deferral during FY 1978.
* Revised from previous report.

Estimated Effects: There will be no programmatic impact from this deferral in FY 1979.

Outlay Effect: There is no outlay effect resulting from this deferral.

Deferral No: D79-49

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Justice	New budget authority (P.L. 95-431) $ 5,353,000
Bureau Community Relations Service	Other budgetary resources ---
Appropriation title & symbol: Salaries and expenses 1590500	Total budgetary resources 5,353,000
	Amount to be deferred: Part of year $ 572,000
	Entire year ___
OMB identification code: 15-0500-0-1-752	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ___
Type of account or fund: [X] Annual ☐ Multiple-year ___ (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☐ Other ___

Justification

Funds totalling $572,000 of annual budget authority provided to the Community Relations Service (CRS) salaries and expenses account are being deferred pending Congressional approval and enactment of a transfer of these funds to the Drug Enforcement Administration in the Department of Justice.

These funds are proposed for transfer because of a reduction in CRS overhead and a reduction in the CRS staff due to implementation of a new management system that will, among other improvements, more efficiently target the Service toward cases that hold the largest potential for CRS impact.

Estimated Effect

Funds not used by the CRS because of overhead reduction and management improvements are proposed for transfer to the Drug Enforcement Administration to defray the costs of increased pay in FY 1979.

Outlay Effect

This deferral action will have the effect of reducing outlays in FY 1979 for CRS by $572 thousand, offset by an increase of the same amount in outlays for DEA.

Deferral No: D79-50

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. 95-482) $ 740,200,000
Bureau Employment and Training Administration	Other budgetary resources 120,600,000
Appropriation title & symbol: Employment and Training Assistance 1690174	Total budgetary resources 860,800,000
	Amount to be deferred: Part of year $ ___
	Entire year 122,133,000
OMB identification code: 16-0174-0-1-504	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program [X] Yes ☐ No	☐ Other ___
Type of account or fund: ☐ Annual [X] Multiple-year September 30, 1980 (expiration date) ☐ No-year	Type of budget authority: [X] Appropriation ☐ Contract authority ☐ Other ___

This deferral would delay until 1980 obligation of $122,133,000 which is available for the 1979 Summer Youth Program, established in Part C, Title IV of the Comprehensive Employment and Training Act (CETA), P.L. 95-482, the continuing resolution for 1979, provided funding for 1979 at the 1978 funding level of 1.165 million part-time summer jobs, and section 112(c) of P.L. 95-524 (CETA reauthorization) extends the availability of all 1979 CETA funds which are unobligated at the end of 1979 through fiscal year 1980.

The Administration has determined that the 1979 program should be funded at 1 million jobs, approximately the level of service actually provided in 1978. This judgment is based on the potential for efficient use of funds and on the benefits of the summer program relative to other youth training and employment programs. The excess summer funds will be carried over into 1980 and used to help support the 1980 summer youth program.

Estimated Effect: This deferral will maintain the 1979 program at the 1 million summer job level achieved in 1978.

Outlay Effect: This deferral will reduce outlays in 1979 by $112,362,000.

*While the current account is an annual account, unobligated balances have been reappropriated for availability in 1980.

D79-20A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D79-20 transmitted to the Congress on October 2, 1978, and printed as House Document No. 95-392.

This revision to a deferral for facilities and equipment (Airport and airway trust fund) in the Federal Aviation Administration increases the amount previously reported as deferred from $290,176,286 to $311,434,629. This increase of $21,258,343 is attributable to an adjustment in unobligated balances brought forward on October 1, 1978. The adjustment was necessary because the actual amount of unobligated balances brought forward was $21,258,343 higher than had been originally estimated.

Deferral No: D79-20A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 95-335): $282,297,000
Bureau: Federal Aviation Administration	Other budgetary resources: 335,755,679*
Appropriation title & symbol: Facilities and Equipment (Airport and Airway Trust Fund), FAA 1/ 69X8107 697/98107 698/08107 699/18107	Total budgetary resources: 618,052,679*
	Amount to be deferred: Part of year: $ ____ Entire year: 311,434,629*
CFDA identification code: 69-8107-0-7-402	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual 697/98107 Sept. 30, 1979 2/ 698/08107 Sept. 30, 1980 ☒ Multiple-year 699/18107 Sept. 30, 1981 (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Funds from this account are used to procure specific Congressionally approved facilities and equipment for the expansion and modernization of the national airway system. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts of 1979 and prior years. The estimated total cost for each project is included in the budget submission and appropriation for the year in which it is requested. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with the Congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665) which requires that funds be apportioned so as to achieve their most effective and economical use.

1/ This account was the subject of a similar deferral in FY 1978.
2/ None of these funds is deferred.
* Revised from previous report.

Estimated Effects:

This deferral action is consistant with normal operation for this program. The amount deferred could not be economically used if made available in FY 1979 because of the planned multi-year procurement, construction, and installation cycle.

Outlay Effect:

There is no outlay effect of this deferral because the funds could not be used if made available.

Deferral No: D79-51

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 95-335): $2,361,600,000
Bureau: Urban Mass Transportation Administration	Other budgetary resources: 2,129,516,204
Appropriation title & symbol: Urban Mass Transportation Fund (Interstate Transfers) 69X1119	Total budgetary resources: 4,491,116,204
	Amount to be deferred: Part of year: $ ____ Entire year: 968,616,204
CFDA identification code: 69-1119-0-1-401	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☒ Contract authority ☐ Other ____

Justification: The Interstate transfer grant program was authorized by the Federal Aid Highway Act of 1973, as amended. It provides Federal financing to allow States and localities to withdraw a planned interstate highway segment, and substitute locally planned and programmed public transportation needs. These funds are available through the Department of Transportation and Related Agencies Appropriations Acts of 1979 and prior years, and the Federal-Aid Highway Acts of 1973 and 1976.

A program level of $700 million is planned for Interstate transfer grants in FY 1979 which is consistent with the level proposed for this activity in the public transportation legislative proposal which the Administration submitted to the 95th Congress. This program level is in the general range approved by the Congress in appropriations acts in recent years for Interstate transfer grants.

This deferral is proposed to maintain budgetary control in the same way that obligation limitations in appropriations acts have been used in prior years. No limitation was provided in the 1979 appropriation act because the then pending surface transportation bill included a provision that prior year contract authority would no longer be available for obligation after September 30, 1978. As enacted, however, P.L. 95-599 continues the use of contract authority as well as appropriations. The amount deferred is not expected to be used in FY 1979. This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

D79-51

Estimated Effects: This deferral action will have no programmatic effects. A total of $700 million in obligations is expected in 1979 which is consistent with the budget plan.

Outlay Effect: There is no outlay effect of this deferral because the funds are not expected to be used if made available.

D79-40A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014 (c) of Public Law 93-344.

This report updates Deferral No. D79-40 transmitted to the Congress on December 7, 1978.

This revision of a deferral for the Antirecession financial assistance fund in the Office of the Secretary of the Treasury increases the amount previously reported as deferred from $5,000 to $8,234. This increase of $3,234 results from allocation adjustments of newly recognized governments.

Deferral No: D79-40A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. ____): $ ____
Bureau: Office of the Secretary	Other budgetary resources: 2,278,233
Appropriation title & symbol: Antirecession Financial Assistance Fund 208/90108 1/ 2/	Total budgetary resources: 2,278,233
	Amount to be deferred: Part of year 3/: $ 8,234*
	Entire year: ---
OMB identification code: 20-0108-0-1-852	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☒ Yes ☐ No	☒ Other P.L. 94-369 & P.L. 95-30
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1979 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

The Antirecession Financial Assistance Fund provides for federal economic assistance to State and local governments to help prevent those governments from taking budget relate actions which are injurious to national economic health. Scheduled payments are made on a quarterly basis. This deferral represents payments which have been withheld from various governments for reasons of noncompliance with the requirements of the Public Works Employment Act of 1976 (P.L. 94-369).

Estimated Effects

The release of these funds is contingent upon the various government's compliance with the law by submitting required forms and reports.

Outlay Effect

There is no outlay effect of this deferral. The funds will be made available this fiscal year.

1/ This account was the subject of a similar deferral during FY 1978.
2/ This account is the subject of another deferral, D79-23A.
3/ Outlays only.
* Revised from previous report.

Deferral No: D79-52

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Tennessee Valley Authority	New budget authority (P.L. 95-482): $ 154,531,000
Bureau:	Other budgetary resources: 89,823,000
Appropriation title & symbol: Payment to the Tennessee Valley Authority Fund 64x4110	Total budgetary resources: 244,354,000
	Amount to be deferred: Part of year: $ ____
	Entire year: 15,000,000
OMB identification code: 64-4110-0-3-999	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☒ Other P.L. 95-482; TVA Act of 1933
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:

Several endangered mussel species have been identified as inhabiting the Ouck River in the vicinity of the Columbia Dam. Several snail species which have been proposed for listing as threatened or endangered are also found in this area. Completion of the Columbia Reservoir as presently designed would impound a portion of the Ouck River that contains at least one endangered species of mussel, (the birdwing pearly mussel), and two of the species of snails which have been proposed for listing as threatened (Dutton's river and the geniculate river snails).

The Fish and Wildlife Service has issued a biological opinion that the completion of the Columbia Dam project as presently planned will jeopardize the continued existence of the three endangered mussel species--the birdwing pearly mussel and two others. Accordingly, in light of the U.S. Supreme Court's June 15, 1978, decision in the Tellico case, (Tennessee Valley Authority v. Hill, 46 U.S.L.W. 4673 (U.S. June 15, 1978)), it would be unlawful to complete the project as originally designed absent delisting of the affected species, a modification to the Fish and Wildlife Service's biological opinion, or an exemption under the 1978 Endangered Species Act amendments.

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In addition, completion of the project as planned is dependent upon issuance by the Corps of Engineers of a permit for placement of fill material under section 404 of the Clean Water Act. The section 404 permit cannot be issued without a certification issued by the State of Tennessee under section 401 of the Clean Water Act that discharges authorized by the permit will not cause violation of State water quality standards. The State's certification is being held up by an administrative appeal filed by environmental groups which oppose the project. In addition, EPA's regional staff has stated that EPA will disapprove, pursuant to section 404(b) of the Clean Water Act, the Corps' issuance of a section 404 permit on endangered species grounds should the Corps ultimately propose to do so.

As a result of these legal impediments to completion of the project, TVA must curtail certain construction activities at Columbia until a solution to the problem is found. TVA is studying alternative approaches to the project that are economical and in accordance with applicable law. The study will be completed in fiscal year 1979 and should indicate the future course of the project. Therefore, $15,000,000 is deferred pending completion of this study.

Estimated Effect:

The construction of various portions of the Columbia Dam will be delayed pending resolution of the legal and environmental problems discussed above. It is expected that this delay will result in a $15 million unobligated balance at the end of FY 1979 in the Tennessee Valley Authority Fund. This balance would then be available for obligation in subsequent fiscal years.

Outlay Effect:

There is no outlay effect from this deferral.

[FR Doc. 79-3973 Filed 2-1-79; 2:23 pm]

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Advance Orders are now Being Accepted for Delivery in About 6 Weeks

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Monday	Tuesday	Wednesday	Thursday	Friday
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CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
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Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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Title 3—
The President

Presidential Determination No. 79–2 of January 17, 1979

Designation Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as Amended ("the Act"), of Refugees Eligible for Assistance

Memorandum for the Secretary of State

In order to authorize grants in Fiscal Year 1979 to voluntary agencies to resettle in the United States refugees not covered by Federal resettlement programs for Cubans and Indochinese, I hereby determine that assistance to or on behalf of those refugees for this purpose will contribute to the foreign policy interests of the United States.

This class of refugees is composed predominantly, but not exclusively, of refugees from the Soviet Union, Eastern Europe and other communist-dominated countries. The Department of Health, Education and Welfare is authorized to provide grants to the voluntary agencies for the resettlement of these refugees.

The Secretary of State is requested to inform the appropriate committees of the Congress of this Determination. The Secretary of Health, Education and Welfare will inform the appropriate committees of the obligation of funds made under this authority.

This determination shall be published in the FEDERAL REGISTER.

Jimmy Carter

THE WHITE HOUSE,
Washington, January 17, 1979.

[FR Doc. 79–4174
Filed 2–2–79; 3:59 pm]

Billing code 3195–01–M

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Presidential Determination No. 79–3 of January 22, 1979

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended, (the "Act") Authorizing the Obligation of $4,750,000 of Funds Made Available Under the United States Emergency Refugee and Migration Assistance Fund

Memorandum for the Secretary of State

In order to meet emergency needs of persons who, having left Zaire in the past, are now voluntarily returning to Zaire for resettlement under the program of the United Nations High Commissioner for Refugees, I hereby determine, pursuant to Section 2(c)(1) of the Act, that it is important to the national interest that up to $4,750,000 in funds appropriated under the United States Emergency Refugee and Migration Assistance Fund be furnished for this purpose through the United Nations High Commissioner for Refugees.

The Secretary of State is requested to inform the appropriate committees of Congress of this Determination and the obligation of funds made under this authority.

This determination shall be published in the FEDERAL REGISTER.

Jimmy Carter

THE WHITE HOUSE,
Washington, January 22, 1979.

[FR Doc. 79–4175
Filed 2–2–79; 4:00 pm]

Billing code 3195–01–M

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-08-M]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 101]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

COUNTIES AND CROPS DESIGNATED FOR CROP INSURANCE FOR THE 1979 CROP YEAR

Final Rule; Corrections

AGENCY: Federal Crop Insurance Corporation.

ACTION: Corrections.

SUMMARY: This rule corrects the listing of counties and crops approved by the Board of Directors of the Federal Crop Insurance Corporation designated under 7 CFR Part 401 for crop insurance effective with the 1979 and succeeding crop years, as appearing in the FEDERAL REGISTER.

EFFECTIVE DATE: January 3, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: The following corrections should be made to the lis'ing of counties and crops designated for crop insurance effective for the 1979 and succeeding crop years as published in the FEDERAL REGISTER on Wednesday, January 3, 1979, at 44 FR 749 through 761.

1. Under the heading "Counties Designated for Dry Bean Insurance" in the center column of 44 FR 750, Sedgewick County, Colorado, should be spelled "Sedgwick".

2. Under the heading "Counties Designated for Corn Crop Insurance" in the left column of 44 F.R. 751, insert after Cherokee and before Grundy, the following counties:

Chickasaw	Des Moines
Clarke	Dickinson
Clay	Dubuque
Clayton	Emmet
Clinton	Fayette
Crawford	Floyd
Dallas	Franklin
Davis	Fremont
Decatur	Greene
Delaware	

and, in the center column of 44 FR 751, after Wapello and before Washington, insert the following county:

Warren

3. On 44 FR 752, in the center column under the subheading "Texas", delete "Gaines" and insert "Hale".

4. Under those Texas counties designated for Cotton Crop Insurance in the center column of 44 FR 753, "Willbarger" should be changed to read "Wilbarger".

5. Under those Minnesota counties designated for Flax Crop Insurance in the center column of 44 FR 753, "Yelow Medicine" should be changed to read "Yellow Medicine".

6. Under those Kansas counties designated for Grain Sorghum Crop Insurance in the right column of 44 FR 753, "Cherokee" should be moved up and inserted after "Chase" and before "Cheyenne".

7. Under those Nebraska counties designated for Grain Sorghum Crop Insurance in the left column of 44 FR 754, "Henderson" should be deleted, and "Jefferson" should be inserted after "Hitchcock" and before "Johnson".

8. Under those Oklahoma counties designated for Grain Sorghum Crop Insurance in the left column of 44 FR 754, "Mayers" should be changed to read "Mayes".

9. Under those Texas counties designated for Grain Sorghum Crop Insurance in the left column of 44 FR 754, "Hales" should be changed to read "Hale", "Neuces" should be changed to read "Nueces", and "Sherman" should be inserted after "San Patricio" and before "Starr".

10. Under those Iowa counties designated for Oat Crop Insurance in the center column of 44 FR 754, "Chichasaw" should be changed to read "Chickasaw".

11. Under those Minnesota counties designated for Oat Crop Insurance in the right column of 44 FR 754, "Ramsey" should be deleted and "Rock" inserted after "Rice" and before "Roseau".

12. Under those Texas counties designated for Peanut Crop Insurance in the center column of 44 FR 755, "Atacosa" should be changed to read "Atascosa".

13. Under those California counties designated for Rice Crop Insurance in the right column of 44 FR 755, "Solano" should be deleted.

14. Under those Indiana counties designated for Soybean Crop Insurance in the left column of 44 FR 756, "Hendricks" should be moved up and inserted after "Hancock" and before "Henry".

15. Under those Minnesota counties designated for Soybean Crop Insurance in the right column of 44 FR 756, "Ramsey", "Sherburne", and "Wadena" should be deleted.

16. Under those Nebraska counties designated for Soybean Crop Insurance in the left column of 44 FR 757, "Sarpy" should be moved up and inserted after "Richardson" and before "Saunders", and "Staton" should be changed to read "Stanton".

17. Under those South Carolina counties designated for Soybean Crop Insurance in the center column of 44 FR 757, "Dorche" should be changed to read "Dorchester".

18. Under those counties designated for Sugar Beet Crop Insurance in the center column of 44 FR 757, delete the words "Arizona", "Maricopa" and "Pinal".

19. Under those Kentucky counties designated for Tobacco Crop Insurance in the center column of 44 FR 758, "Brenkinridge" should be changed to read "Breckinridge".

20. Under those Virginia counties designated for Tobacco Crop Insurance in the left column of 44 FR 759,

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insert "Prince George" after "Prince Edward" and before "Russell".

21. Under those Wisconsin counties designated for Tobacco Crop Insurance in the left column of 44 FR 759, insert "Monroe" after "LaCrosse" and before "Richland".

22. Under those California counties designated for Wheat Crop Insurance in the center column of 44 FR 759, "Solano" should be moved up and inserted after "San Joaquin" and before "Stanislaus".

23. Under those Colorado counties designated for Wheat Crop Insurance in the center column of 44 FR 759, "Sedgewick" should be changed to read "Sedgwick".

24. Under those Illinois counties designated for Wheat Crop Insurance in the right column of 44 FR 759, "Iroquis" should be changed to read "Iroquois".

25. Under those Nebraska counties designated for Wheat Crop Insurance in the right column of 44 FR 760, "Dodge" should be moved up and inserted after "Dawes" and before "Dundy", and "Dueul" should be changed to read "Deuel".

26. Under those New Mexico counties designated for Wheat Crop Insurance in the right column of 44 FR 760, delete "Roosevelt".

27. Under those North Dakota counties designated for Wheat Crop Insurance in the right column of 44 FR 760, "Morgan" should be deleted, and "Morton" should be inserted after "Mercer" and before "Mountrail".

28. Under those Oklahoma counties designated for Wheat Crop Insurance in the left column of 44 FR 761, "Williams" should be deleted, and "Washington" should be inserted after "Tillman" and before "Washita".

29. Under those Texas counties designated for Wheat Crop Insurance in the center column of 44 FR 761, "Willbarger" should be changed to read "Wilbarger".

30. In the footnote dealing with the reporting requirements in the center column of 44 FR 761, the last line thereof should be changed to read "Circular No. A-40".

Dated: January 31, 1978.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

[FR Doc. 79-3938 Filed 2-5-79; 8:45 am]

[3410-05-M]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 & 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, & 55)

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

1979 NATIONAL MARKETING QUOTAS, DETERMINATIONS AND ANNOUNCEMENTS

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Final rule.

SUMMARY: This document proclaims national marketing quotas for fire-cured (types 21-24) tobacco and dark air-cured (types 35-36) tobacco. This document also announces national acreage allotments for the following kinds of tobacco: Fire-cured (type 21) 9,818.88 acres; fire-cured (types 22-24) 27,771.36 acres; dark air-cured (types 35 & 36) 13,344.69 acres; Virginia sun-cured 1,435.53 acres; cigar binder (types 51 & 52) 4,824.30 acres; cigar filler and binder (types 42-44; 53-55) 19,341.13 acres. The law requires that these announcements be made by February 1, 1979.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert L. Tarczy, (202) 447-7601, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: Sections 724.2, 724.3, and 724.4 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim national marketing quotas for fire-cured (type 21), fire-cured (types 22-24), and dark air-cured (types 35-36) tobacco, respectfully, for each of the three marketing years beginning October 1, 1979, October 1, 1980, and October 1, 1981. Sections 724.12 through 724.17 are issued pursuant to, and in accordance with, the Act to announce the reserve supply level and the total supply of fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco for the marketing year beginning October 1, 1978, and to announce for the 1979-80 marketing year the amounts of the national marketing quotas, national acreage allotments, national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for fire-cured (type 21), fire-cured (type 22-24), dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco. The material previously appearing in these sections under centerheads PROCLAMATION OF QUOTAS and DETERMINATIONS AND ANNOUNCEMENTS—1978-79 MARKETING YEAR remain in full force and effect as to the crop to which it was applicable.

The determinations contained in §§ 724.12 through 724.17 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from tobacco producers and others as provided in a notice (43 FR 59847) given in accordance with the provisions of 5 U.S.C. 553.

It is determined that acreage-poundage quotas will not be announced for the 1979-80 marketing year for any of these kinds of tobacco.

DISCUSSION OF COMMENTS

Twenty-three responses were received. A summary by kind of tobacco follows:

Fire-cured (type 21)—Four comments were received. Two comments requested no change in quota, while the other two requested reductions of between 15 and 20 percent.

Fire-cured (types 22-23)—Sixteen comments were received, all recommending a reduction in the quota. The majority recommended a reduction in the 10-20 percent range.

Dark-air cured (types 35 & 36)—Three comments were received. Two recommended no change in quota while the third recommended a five percent reduction in the quota.

Virginia sun-cured (type 37)—Two comments were received recommending no reduction in quota.

Cigar binder (types 51 & 52)—One comment was received recommending no reduction in quota.

Cigar filler & binder (types 42-44 & 53-55)—Two comments were received recommending a 10 percent increase in quota.

Section 312(b) of the Act provides, in part, that the amount of the national marketing quota is the total quantity of a kind of tobacco which may be marketed which will make available during such marketing year a supply of such tobacco equal to the reserve supply level. Since producers of these kinds of tobacco generally produce less than their respective national acreage allotment, it is determined that a larger quota would be necessary to make available production equal to the reserve supply level. The amount of the national marketing quota so announced may, no later than the following March 1, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

FIRE-CURED (TYPE 21) TOBACCO

The yearly average quantity of fire-cured (type 21) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 marketing years preceding the 1978-79 marketing year was about 2.1 million pounds. The average annual quantity of fire-cured (type 21) tobacco produced in the United States and exported from the United States during the ten marketing years preceding the 1978-79 marketing year was 4.1 million pounds (farm sales weight basis). Taking into account the irregular pattern of domestic use, the market demand for the various grades, and the fact that domestic use has increased steadily for the last four years, 2.9 million pounds have been used as a normal year's domestic consumption. Conversely, since exports have trended downward, 3.9 million pounds have been used as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 15.1 million pounds.

Manufacturers and dealers reported stocks of fire-cured (type 21) tobacco held on October 1, 1978, as 8.7 million pounds. The 1978 fire-cured (type 21) tobacco crop is estimated to be 6.8 million pounds. Therefore, the total supply of fire-cured (type 21) tobacco for the 1978-79 marketing year is 15.5 million pounds. During the 1978-79 marketing year, it is estimated that disappearance will total about 5.0 million pounds. By deducting this disappearance from the total supply, a carryover of 10.5 million pounds for the 1979-80 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1979 of 4.6 million pounds represents the quantity of fire-cured type 21 tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Because only about 53 percent of the announced national marketing quotas during the past 3 marketing years have been produced, it is hereby determined that a national market quota of 8.6 million pounds is necessary to make available production of 4.6 million pounds. Use of the authority of the Secretary in Section 312(b) of the Act to increase the national marketing quota of 8.6 million pounds by 20 percent to 10.3 million pounds is deemed justified in order to avoid undue restrictions of marketings.

In accordance with Section 313(g) of the Act, the 1979 national marketing quota, divided by the 1974-78, 5-year national average yield of 1,049 pounds per acre, results in a 1979 national acreage allotment of 9,818.88 acres.

Pursuant to the provisions of Section 313(g), a national acreage factor of .90 is determined by dividing the national acreage allotment, less a national reserve of 90.00 acres, by the total of the 1979 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in Section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

FIRE-CURED (TYPES 22-24) TOBACCO

The yearly average quantity of fire-cured (types 22-24) tobacco produced in the United States which is estimated to have been consumed in the United States during the ten years preceding the 1978-79 marketing year was about 14.7 million pounds. The average annual quantity of fire-cured (types 22-24) tobacco produced in the United States and exported during the ten marketing years preceding the 1978-79 marketing year was 21.3 million pounds (farm-sales weight basis). Domestic use and exports of fire-cured (type 22-24) tobacco are very irregular. Accordingly, a normal year's domestic consumption has been set at 17.4 and a normal year's exports at 25.5. Application of the formula prescribed by the Act results in a reserve supply level of 94.4 million pounds.

Manufacturers and dealers reported stocks of fire-cured (types 22-24) tobacco held on October 1, 1978, as 51.0 million pounds. The 1978 fire-cured (types 22-24) crop is estimated to be 50.8 million pounds. Therefore, the total supply of fire-cured (type 22-24) tobacco for the marketing year beginning October 1, 1978 is 101.8 million pounds. During the 1978-79 marketing year it is estimated that disappearance will total about 36.0 million pounds. By deducting this disappearance from the total supply, a carryover of 65.8 million pounds for the 1979-80 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1979 of 28.6 million pounds represents the quantity of fire-cured (types 22-24) tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Because only about 71 percent of the announced national marketing quotas over the past five years have been produced, it is hereby determined that a national marketing quota of 40.1 million pounds is necessary to make available production of 28.6 million pounds. Use of the authority of the Secretary in Section 312(b) of the Act to increase the quota by 20 percent to 48.1 million pounds is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 48.1 million pounds.

In accordance with Section 313(g) of the Act, the 1979 national marketing quota, divided by the 1974-78, 5-year national average yield of 1,732 pounds per acre, results in the 1979 national acreage allotment of 27,771.36 acres.

Pursuant to the provisions of Section 313(g), a national acreage factor of .85 is determined by dividing the national acreage allotment, less a national reserve of 100.00 acres, by the total of the 1979 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in Section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

DARK AIR-CURED TOBACCO

The yearly average quantity of dark air-cured tobacco produced in the United States which is estimated to have been consumed in the United States during the ten years preceding the 1978-79 marketing year was about 16.0 million pounds, and the average annual quantity produced domestically and exported during this period was 2.4 million pounds (farm-sales weight basis). Domestic use has trended downward slightly while there appears to be no distinct trend in exports.

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Therefore, in accordance with the Act, 15.3 million pounds has been used as a normal year's domestic consumption and the 10 year average of 2.4 million pounds as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 48.4 million pounds.

Manufacturers and dealers reported stocks of dark air-cured tobacco held on October 1, 1978, as 30.4 million pounds. the 1978 dark air-cured crop is estimated to be 21.2 million pounds. Therefore, the total supply for the marketing year beginning October 1, 1978, is 51.6 million pounds. During the 1978-79 marketing year, it is estimated that disappearance will total about 17.5 million pounds. By deducting this disappearance from the total supply, a carryover of 34.1 million pounds for the 1979-80 marketing year, is obtained. The difference between the reserve supply level and the estimated carryover on October 1, 1979, of 14.3 million pounds represents the quantity of dark air-cured tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Because only about 3 percent of the announced national marketing quotas over the past five years have been produced, it is hereby determined that a national marketing quota of 19.6 million pounds is necessary to make available production of 14.3 million pounds. Use of the authority of the Secretary in Section 312(b) of the Act to increase the quota by 20 percent to 23.5 million pounds is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 23.5 million pounds.

In accordance with Section 313(g) of the Act, the 1979 national marketing quota, divided by the 1974-78, 5-year national average yield of 1,761 pounds per acre, results in a 1979 national acreage allotment of 13,344.69 acres.

Pursuant to the provisions of Section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 100.00 acres, by the total of the 1979 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in Section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

VIRGINIA SUN-CURED TOBACCO

The yearly average quantity of Virginia sun-cured tobacco produced in the United States which is estimated to have been consumed in the United States during the ten marketing years preceding the 1978-79 marketing year was about 944 thousand pounds, and the average annual quantity produced in the United States and exported during the same period was about 227 thousand pounds (farm-sales weight basis). Both domestic use and exports have trended downward. Accordingly, 710 thousand pounds has been used as a normal year's domestic consumption and 213 has been used as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 2,418 thousand pounds.

Manufacturers and dealers reported stocks of Virginia sun-cured tobacco held on October 1, 1978, as 1,834 thousand pounds. The 1978 Virginia sun-cured tobacco crop is estimated to be 881 thousand pounds. Therefore, the total supply of Virginia sun-cured tobacco for the 1978-79 marketing year is 2,715 thousand pounds. During the 1978-79 marketing year, it is estimated that disappearance will total about 900 thousand pounds. By deducting this disappearance from the total supply, a carryover of 1,815 thousand pounds for the 1979-80 marketing year, is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1979, of 603 thousand pounds represents the quantity of Virginia sun-cured tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Because only about 45 percent of the announced national marketing quotas over the past five years have been produced, it is hereby determined that a national marketing quota of 1,327 thousand pounds is necessary to make available production of 603 thousand pounds. Use of the authority of the Secretary in Section 312(b) of the Act to increase the quota by 20 percent to 1,592 thousand pounds is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 1,592 thousand pounds.

In accordance with Section 313(g) of the Act, the 1978 national marketing quota, divided by the 1974-78, 5-year national average yield of 1,109 pounds per acre, results in a 1979 national acreage allotment of 1,435.53 acres.

Pursuant to the provisions of Section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 10 acres, by the total of the 1979 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in Section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

CIGAR-BINDER (TYPES 51 & 52) TOBACCO

The yearly average quantity of cigar-binder (types 51 & 52) tobacco produced in the United States which is estimated to have been consumed in the United States during the ten years preceding the 1978-79 marketing year was about 3.0 million pounds. The average annual quantity of cigar-binder tobacco produced in the United States and exported from the United States during the ten marketing years preceding the 1978-79 marketing year was 0.2 million pounds (farm-sales weight basis). Both domestic use and exports have trended downward. Accordingly, 2.4 million pounds has been used as a normal year's domestic consumption and 0.1 million pounds has been used as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 7.2 million pounds. Manufacturers and dealers reported stocks of cigar-binder tobacco held on October 1, 1978, as 4.9 million pounds. The 1978 cigar-binder crop is estimated to be 2.6 million pounds. Therefore, the total supply of cigar-binder tobacco for the 1978-79 marketing year is 7.5 million pounds. During the 1978-79 marketing year, it is estimated that disappearance will total about 2.4 million pounds. By deducting the estimated disappearance during the 1978-79 marketing year from the total supply, a carryover of 5.1 million pounds at the beginning of the 1979-80 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1979 of 2.1 million pounds represents the quantity of cigar binder tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Because only slightly over 31 percent of the announced national marketing quotas over the past four years have been produced it is hereby determined that a national marketing quota of 6.75 million pounds is necessary to make available production of 2.1 million pounds. Use of the authority of the Secretary in section 312(b) of the Act to increase the computed quota by 20 percent to 8.1 million pounds is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 8.1 million pounds.

In accordance with Section 313(g) of the Act, the 1979 national marketing quota of 8.1 million pounds, divided by the 1974-78, 5-year national average yield of 1,679 pounds per acre, results in a 1979 national acreage allotment of 4,824.30 acres.

Pursuant to the provisions of Section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 34 acres, by the total of the 1979 preliminary farm acreage allotments. These preliminary farm acreage allotments reflect the factors specified in Section 313(g) for apportioning the national allotment, less reserve, to old farms.

CIGAR-FILLER AND BINDER TOBACCO

The yearly average quantity of cigar-filler and binder tobacco produced in the United States which is estimated to have been consumed in the United States during the ten years preceding the 1978-79 marketing year was about 23.2 million pounds. The average annual quantity of cigar-filler and binder tobacco produced in the United States and exported from the United States during the ten marketing years preceding the 1978-79 marketing year was 0.1 million pounds (farm sales weight basis). Following the cyclical marketing trends, a normal year's domestic consumption has been set at 25.0 million pounds and a normal year's exports at .1 million pounds. Application of the formula prescribed by the Act results in a reserve supply level of 72.3 million pounds.

Manufacturers and dealers reported stocks of cigar-filler and binder tobacco held on October 1, 1978, as 52.1 million pounds. The 1978 cigar-filler and binder crop is estimated to be 25.0 million pounds. Therefore, the total supply of cigar-filler and binder tobacco for the 1978-79 marketing year is 77.1 million pounds. During the 1978-79 marketing year, it is estimated that disappearane will total about 25.1 million pounds. By deducting this disappearance from the total supply, a carryover of 52.0 million pounds at the beginning of the 1979-80 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1979, of 20.3 million pounds represents the quantity of cigar filler and binder tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Because only about two-thirds of the announced national marketing quotas over the past five years have been produced, it is hereby determined that a national marketing quota of 30.3 million pounds is necessary to make available production of 20.3 million pounds. Use of the authority of the Secretary in Section 312(b) of the Act to increase the computed quota by 20 percent to 36.4 million pounds, is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 36.4 million pounds.

In accordance with Section 313(g) of the Act, the 1979 national marketing quota of 36.4 million pounds, divided by the 1974-78, 5-year national average yield of 1,882 pounds per acre, results in the 1979 national acreage allotment of 19,341.13 acres. Pursuant to the provisions of Section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 118.0 acres, by the total of the 1979 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in Section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

Since the Act requires the holding of separate referendums of fire, dark air, sun-cured, cigar-binder, and cigar-filler and binder tobacco farmers within 30 days after issuance of the proclamation of national marketing quotas to determine whether such farmers favor marketing quotas, and since farmers must be notified, insofar as practicable, of their farm acreage allotments prior to the referenda and since notices of allotments cannot be mailed until the issuance of the proclamation, and since fire-cured, dark air-cured, and sun-cured tobacco farmers are now making their plans for producing tobacco in 1979 and need to know, at the earliest possible date, the applicable 1979 tobacco allotments for their farms, it is hereby found that compliance with the 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, this revision is issued without following such procedure.

FINAL RULE

Part 724 of Title 7 is amended by revising §§ 724.2, 724.3, and 724.4 and §§ 724.12 through 724.17 and the centerheads which precede them to read as follows:

PROCLAMATION OF QUOTAS

§ 724.2 Virginia fire-cured tobacco (type 21) 1979-80, 1980-81, and 1981-82 marketing years.

Since the 1978-79 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for fire-cured (type 21) tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning October 1, 1979, October 1, 1980, and October 1, 1981 is hereby proclaimed.

§ 724.3 Fire-cured tobacco (types 22-24) 1979-80, 1980-81, and 1981-82 marketing years.

Since the 1978-79 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for fire-cured (types 22-24) tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning October 1, 1979, October 1, 1980, and October 1, 1981 is hereby proclaimed.

§ 724.4 Dark air-cured tobacco (types 35-36) 1979-80, 1980-81, and 1981-82 marketing years.

Since the 1978-79 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for dark air-cured tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning October 1, 1979, October 1, 1980, and October 1, 1981 is hereby proclaimed.

DETERMINATIONS AND ANNOUNCEMENTS—1979-80 MARKETING YEAR

§ 724.12 Fire-cured (type 21) tobacco[1]

(a) *Reserve supply level.*[1] The reserve supply level for fire-cured (type 21) tobacco is 15.1 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 2.9 million pounds and a normal year's exports of 3.9 million pounds.

(b) *Total supply.*[1] The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1978, is 15.5 million pounds, calculated in accordance with the Act, from a carryover of 8.7 million pounds and estimated 1978 production 6.8 million pounds.

(c) *Carryover.*[1] The estimated carryover of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1979, is 10.5 million pounds, calculated in accordance with the Act, by subtracting the estimated disappearance for the marketing year beginning October 1, 1978, of 5.0 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1979, a supply equal to the reserve supply level of such tobacco is 4.6 million pounds. Because producers have been producing only about 53 percent of the announced national marketing quota during the past 3 marketing years, it is hereby determined that a national marketing quota of 8.6 million pounds is necessary to make available production of 4.6 million pounds, and a national marketing quota of such amount is hereby announced. It is determined however, that a national maketing quota in the amount of 8.6 million pounds would result in undue restriction of marketings during the 1979-80 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1979 is 10.3 million pounds.

[1]Rounded to the nearest tenth of a million.

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(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1979-80 marketing year by the 5-year 1974-78 national average yield of 1,049 pounds is 9,818.88

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments is .90. It was calculated in accordance with the Act by dividing the national acreage allotment, less the national reserve, by the total of the preliminary allotments for 1979 old farms.

(g) *National reserve.* The national acreage reserve is 90.00 acres, of which 20.00 acres are made available for 1979 new farms, and 70.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.13 Fire-cured (types 22-24) tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for fire-cured (types 22-24) tobacco is 94.4 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 17.4 million pounds and a normal year's exports of 25.5 million pounds.

(b) *Total supply.*[1] The total supply of fire-cured (types 22-24) tobacco for the marketing year beginning October 1, 1978, is 101.8 million pounds, calculated in accordance with the Act, from a carryover of 51.0 million pounds and estimated 1978 production of 50.8 million pounds.

(c) *Carryover.*[1] The estimated carryover of fire-cured tobacco (types 22-24) for the marketing year beginning October 1, 1979, is 65.8 million pounds, calculated in accordance with the Act, by subtracting the estimated disappearance for the marketing year beginning October 1, 1978, of 36.0 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of fire-cured (types 22-24) tobacco which will make available during the marketing year beginning October 1, 1979, a supply equal to the reserve supply level of such tobacco is 28.6 million pounds. Because producers have been producing only about 71 percent of the announced national acreage allotment over the past five years, it is hereby determined that a national marketing quota of 40.1 million pounds is necessary to make available production of 28.6 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 40.1 million pounds would result in undue restriction of marketings during the 1979-80 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22-24) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1979, is 48.1 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1979-80 marketing year by the 5-year 1974-78 national average yield of 1,732 pounds is 27,771.36.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1979-80 marketing year is .85. It was calculated in accordance with the Act by dividing the national acreage allotment, less the national reserve, by the total of the preliminary allotments for the 1978 old farms.

(g) *National reserve.* The national acreage reserve is 100.00 acres, of which 15.00 acres are made available for 1979 new farms and 85.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.14 Dark air-cured tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for dark air-cured tobacco is 48.4 million pounds, calculated, as provided in the act, from a normal year's domestic consumption of 15.3 million pounds and a normal year's exports of 2.4 million pounds.

(b) *Total supply.*[1] The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1978, is 51.6 million pounds calculated in accordance with the Act, from a carryover of 30.4 million pounds and estimated 1978 production of 21.2 million pounds.

(c) *Carrover.*[1] The estimated carryover of dark air-cured tobacco for the marketing year beginning October 1, 1979, is 34.1 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1978, of 17.5 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1979, a supply equal to the reserve supply level of such tobacco is 14.3 million pounds. Because producers have been producing about 73 percent of the announced national acreage allotment over the past five years, it is hereby determined that a national marketing quota of 19.6 million pounds is necessary to make available production of 14.3 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 19.6 million pounds would result in undue restriction of marketings during the 1979-80 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured (types 35-36) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1979, is 23.5 million pounds.

(e) *National acreage allotment.*[1] The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1979-80 marketing year by the 5-year, 1974-78, national average yield of 1,761 pounds, is 13,344.69 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1979-80 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the preliminary allotments for 1979 old farms.

(g) *National reserve.* The national acreage reserve is 100.00 acres, of which 15.00 acres are made available for 1979 new farms, and 85.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.15 Virginia sun-cured tobacco.

(a) *Reserve supply level.*[2] The reserve supply level for Virginia sun-cured tobacco is 2,418 thousand pounds, calculated, as provided in the Act,, from a normal year's domestic consumption of 710 thousand pounds and a normal year's exports of 213 thousand pounds.

(b) *Total supply.*[2] The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1978, calculated in accordance with the Act, is 2,715 thousand pounds, consisting of carryover of 1,834 thousand pounds and estimated 1978 production of 881 thousand pounds.

(c) *Carryover.*[2] The estimated carryover of Virginia sun-cured tobacco for the marketing year beginning October 1, 1979, is 1,815 thousand pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1978, of 900 thousand pounds from the total supply of such tobacco.

(d) *National marketing quota.*[2] The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1979, a supply equal to the reserve supply level of such tobacco is 603 thousand pounds. Because producers have been producing only about 45 percent of the announced national acreage allotment over the past five years, it is hereby determined that a national marketing quota of 1,327 thousand pounds is necessary to make available production of 603 thousand pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national quota in the amount of 1,327 thousand pounds would result in undue restriction of marketings during the 1979-80 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1979, is 1,592 thousand pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1979-80 marketing year by the 5-year, 1974-78, national average yield of 1,109 pounds, is 1,435.53.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1979-80 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the preliminary allotments for 1979 old farms.

(g) *National reserve.* The national acreage reserve is 10.00 acres, of which 4.00 acres are made available for 1978 new farms, and 6.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.16 Cigar-binder (types 51 & 52) tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for cigar-binder (types 51 & 52) tobacco is 7.2 million pounds calculated as provided by the Act, from a normal year's domestic consumption of 2.4 million pounds and a normal year's exports of .1 million pounds.

(b) *Total supply.*[1] The total supply of cigar-binder (types 51 & 52) tobacco for the marketing year beginning October 1, 1978, is 7.5 million pounds, calculated in accordance with the Act from a carryover of 4.9 million pounds and estimated 1978 production of 2.6 million pounds.

(c) *Carryover.*[1] The estimated carryover of cigar-binder (types 51 & 52) tobacco for the marketing year beginning October 1, 1979, is 5.1 million pounds, calculated in accordance with the Act, by subtracting the estimated disappearance for the marketing year beginning October 1, 1978 of 2.4 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of cigar-binder (types 51 & 52) tobacco which will make available during the marketing year beginning October 1, 1979, a supply equal to the reserve supply level of such tobacco is 2.1 million pounds. Because producers have been producing only slightly over 31 percent of the announced national acreage allotment over the past four years, it is hereby determined that a national marketing quota of 6.75 million pounds is necessary to make available production of 2.1 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 6.75 million pounds would result in undue restrictions of marketing during the 1979-80 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-binder (type 51 & 52) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1979, is 8.1 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1979-80 marketing year by the 5-year, 1974-78 national average yield of 1,679 pounds, is 4,824.30 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1979-80 marketing year is 1.0 It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the preliminary allotments for the 1979 old farms.

(g) *National reserve.* The national acreage reserve is 34.00 acres of which 10.00 are made available for new farms and 24.00 for making corrections and adjusting inequities in old farm allotments.

§ 724.17 Cigar-filler and binder (types 42-44, 53-55) tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for cigar-filler and binder (types 42-44, 53-55) tobacco is 72.3 millions pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 25.0 million pounds and a normal year's exports of 0.1 million pounds.

(b) *Total supply.*[1] The total supply of cigar-filler and binder (types 42-44, 53-55) tobacco for the marketing year beginning October 1, 1978 is 77.1 million pounds calculated in accordance with the Act, from a carryover of 52.1 million pounds and estimated 1978 production of 25.0 million pounds.

(c) *Carryover.*[1] The estimate carryover of cigar-filler and binder (types 42-44, 53-55) tobacco for the marketing year beginning October 1, 1979, is 52.0 million pounds, calculated in accordance with the Act, by subtracting the estimated disappearance for the marketing year beginning October 1, 1978, of 25.1 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of cigar-filler and binder (types 42-44, 53-55) tobacco which will make available during the marketing year beginning October 1, 1979, a supply equal to the reserve supply level of such tobacco is 20.3 million pounds. Because producers have been producing only about two-thirds of the announced national acreage allotment over the past five years, it is hereby determined that a national marketing quota of 30.3 million pounds is necessary to make available production of 20.3 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 30.3 million pounds would result in undue restriction of marketings during the 1979-80 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler and binder (types 42-44, 53-55) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1979, is 36.4 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1979-80 marketing year by the 5-year, 1974-78 national average yield of 1,882 pounds, is 19,341.13 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1979-80 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve by the total of the preliminary allotments for 1979 old farms.

(g) *National reserve.* The national acreage reserve is 118.00 acres of which 108.00 acres are made available for 1979 new farms, and 10.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

Sec. 301, 312, 375, 52 Stat. 38, as amended, 46, as amended, 66 as amended; (7 U.S.C. 1301, 1312, 1313, 1375.)

NOTE.—An Impact Analysis Statement is available from Thomas A. VonGarlem, Acting Director, Price Support and Loan Division, Room 3741—South Building, P.O. Box 2415, Washington, D.C. 20013.

NOTE.—Based on an assessment of the environmental impacts of the proposed action, it has been determined that an Environmental Impact Statement need not be prepared since the proposals will have no significant effect on the quality of the human environment.

NOTE.—This regulation has been determined not significant under the USDA criteria implementing Executive Order 12044.

[1] Rounded to the nearest thousand pounds.

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Signed at Washington, D.C., on February 1, 1979.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-4064 Filed 2-1-79; 5:06 pm]

[3410-05-M]

PART 726—BURLEY TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

1979 NATIONAL MARKETING QUOTA FOR BURLEY TOBACCO

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture has determined that the burley tobacco marketing quota shall be 615 million pounds for the 1979-80 marketing year. The law requires this announcement by February 1, 1979. This action is being taken to insure that adequate supplies of burley tobacco will be available for the 1979-80 marketing year.

EFFECTIVE DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert L. Tarczy, (202) 447-7601, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: 7 CFR 726.11 issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to announce for burley tobacco the amounts of the national marketing quota, the national reserve, and the national factor for the 1979-80 marketing year. The material previously appearing in these sections under centerheads PROCLAMATION OF QUOTAS and DETERMINATIONS AND ANNOUNCEMENTS—1978-79 MARKETING YEAR remains in full force and effect as to the crop to which it was applicable.

The determinations by the Secretary contained in § 726.11 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from burley tobacco producers and others pursuant to a notice given in accordance with the provisions of 5 U.S.C. 553.

DISCUSSION OF COMMENTS

During the burley quota comment period, 12 written responses were received. Included were comments from producers, members of the trade including trade associations, and farm groups. Ten favored no change in the quota citing that production levels must be maintained to support a growing export market. Two recommended a five percent reduction in the quota, noting that supplies are excessive.

One meeting was held in the producing area to give farmers and others the opportunity to express their views verbally. Of the 14 in attendance who expressed views, 13 favored the same quota, while one favored a 3.3 percent increase. The thrust of their reasoning centered around sustaining export markets.

In keeping with the Secretary's obligations to maintain an adequate supply of burley tobacco a marketing quota of 615 million pounds is hereby determined and announced for the 1979-80 marketing year. This is the same quota that was announced for the 1978-79 marketing year.

Section 319(c) of the Act provides that the national marketing quota determined under such section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be expected during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 percent of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of 1 percent of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms.

Section 319(e) of the Act provides, in part, that the 1979 farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for 1979: *Provided*, That such national factor shall not be less than 95 percent.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The reserve supply level is 1,643 million pounds, based on a normal year's domestic consumption of 500 million pounds and a normal years exports of 115 million pounds. The average domestic usage for the past 10 marketing years amounts to 513 million pounds. However, domestic usage has trended downward with 1977 being the lowest disappearance of the 10 year period. The 10 year average exports amounted to 78 million pounds. Exports have averaged 108 million pounds during the past three marketing years and are expected to continue their upward trends in the future as foreign manufacturers upgrade their blends. In view of these data and estimates, a reserve supply level of 1,643 million pounds appears reasonable.

The total supply for the 1978-79 marketing year, October 1 carryover stocks plus estimated production of the 1978 crop, is 1,826 million pounds. This is 183 million pounds above the reserve supply level.

Total disappearance for the 1979-80 marketing year is estimated at 615 million pounds. It has been determined that no downward adjustment of the quota is necessary for effecting an orderly reduction of supplies to the reserve supply level. Accordingly, the national marketing quota for burley tobacco for the marketing year beginning October 1, 1979, is determined to be 615 million pounds. The sum of the preliminary farm marketing quotas for the 1979-80 marketing year is 614,216,455 pounds. The quota of 615 million pounds, less a national reserve of 780,000 pounds would result in a national factor of 1.0.

Since farmers are now making their plans for 1979 production of burley tobacco and need to know the marketing quota for their farms for the 1979-80 marketing year, it is hereby found that compliance with the 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest.

FINAL RULE

Accordingly 7 CFR Part 726 is amended by revising § 726.11 and the preceding centerhead to read as set forth below, effective for the 1979 crop of burley tobacco.

DETERMINATIONS AND ANNOUNCEMENTS—1979-80 MARKETING YEAR

§ 726.11 Burley tobacco

(a) *National marketing quota.* A national marketing quota for burley tobacco on a poundage basis for the marketing year beginning October 1, 1979, is hereby determined and announced in the amount of 615 million pounds. This quota is based upon expected utilization and exports for the 1979-80 marketing year.

(b) *National factor.* The national factor determined under § 319(e) of the Act is 1.0.

(c) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm quotas and for establishing quotas for new farms is 780,000 pounds.

(Secs. 301, 319, 375, 52 Stat. 38, as amended, 85 Stat. 23, 52 Stat. 66, as amended, (7 U.S.C. 1301, 1314e, 1375))

NOTE: An Impact Analysis Statement is available from Thomas A. VonGarlem, Acting Director, Price Support and Loan Division, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

NOTE: Based on an assessment of the environmental impacts of the proposed action, it has been determined that an Environmental Impact Statement need not be prepared since the proposals will have no significant effect on the quality of human environment.

NOTE: This regulation has been determined not significant under the USDA criteria implementing Executive Order 12044.

Signed at Washington, D.C., on February 1, 1979.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-4063 Filed 2-1-79; 5:06 pm]

[3410-5-M]

SUBCHAPTER C—SPECIAL PROGRAMS

PART 781—DISCLOSURE OF FOREIGN INVESTMENT IN AGRICULTURAL LAND

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Final Rule

SUMMARY: The Agricultural Stabilization and Conservation Service adopts these final regulations pertaining to the reporting requirements of foreign persons with an interest in United States agricultural, forest or timber land. These regulations are formulated to effectively carry out the congressional mandate articulated in the Agricultural Foreign Investment Disclosure Act of 1978. The objective of the regulations is to establish a system for the collection of reportable information concerning the investment by foreign persons in agricultural, forest and timber land in the United States.

DATES: Effective date: February 2, 1979. Comments may be submitted on or before March 8, 1979.

ADDRESS: Send comments to: George M. Nelson, Jr., Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

George M. Nelson, Jr., (202) 447-4541

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking relating to the reporting of United States agricultural, forestry and timber land held, acquired, or transferred by foreign persons was published in the FEDERAL REGISTER on December 6, 1978 (43 FR 57607). A 30-day comment period ending January 5, 1979, was held and comments were received from farm organizations, agribusiness, realtors, law firms, State universities, State commissioners of agriculture, U.S. Chamber of Commerce, oil companies, Bankers Association, Cattlemen's Association, other departments and commissions of Government and the general public.

Rules issued today were written after considering both the written comments and the comments received at the December 14, 1978 public hearing on this subject. In drafting these rules, the Department considered suggestions from the public as well as the congressional intent of the Act.

The statutory mandate in Section 8 of the Act requires that the Department act to expeditiously issue these final regulations. In fact, that Section specifically states that such regulations shall be issued not later than 90 days after its October 14, 1978, date of enactment. In view of these constraints, it has therefore been determined by the Secretary that good cause exists for not postponing the effective date of these final rules and regulations until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553).

Notwithstanding the fact that these rules are published as final rules, the Department is interested in obtaining comments from interested persons on the content of such. Therefore, we will consider all written comments received on or before March 8, 1979. Such comments should be submitted to: George M. Nelson, Jr., Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013.

Such comments will be available for inspection at Room 3645—South Agriculture Building, Washington, D.C.

DISCUSSION OF MAJOR COMMENTS

Sixty-eight persons submitted written comments and six persons appeared and submitted comments at the public hearing. These comments pertained to various provisions of the proposed rules and regulations.

NATURE OF THE INTEREST

Fifteen persons commented upon the Nature of the Interest which must be held in order to activate the reporting obligation. Six persons recommended that leaseholds, future interests, mineral rights, and other interests other than fee interests be included in the definition of "any interest." Four persons recommended the exclusion of such from the definition. Three persons recommended that all interests in agricultural land be required to be reported. The Act calls for disclosure of "any interest" in United States agricultural land. After considering both the legislative history and the comments received, it was viewed as advisable to require holders of certain leaseholds and future interests to comply with the reporting obligations of the statute. The decision to include leaseholds of ten years or more and noncontingent future interests which will become possessory upon the termination of the present possessory estate, will serve to eliminate the likelihood that such would otherwise be utilized as methods of significant investment.

The information collected pursuant to the reporting provisions will constitute the basis for an analysis to be transmitted to Congress and the President. At present, it is anticipated that the only leaseholds which will receive substantial consideration will be those of long duration.

SECURITY INTEREST

Six persons commented on the nature of a "Security Interest." All of those commenting defined "Security Interest" as mortgages and other debt-securing devices.

Since the Act exempts reporting of ownership of a security interest by foreign persons and there were no conflicting opinions on this subject, for-

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eign persons who hold a mortgage or other debt-securing device in agricultural land will not be required to report such interest.

TRACING OWNERSHIP

Eight persons responded on the subject of the tracing actual ownership of the agricultural land. Three persons recommended that all levels of ownership by foreign persons should be identified and reported. Three others suggested that the Secretary not exercise his discretion to require second and third tier ownership to be reported. Two other commentators suggested that all interest in agricultural land should be traced to second or third tier ownership.

The search for foreign persons holding any interest in legal entities holding agricultural land has no definitive limit unless an arbitrary cut-off is established. Information obtained from the initial phase of reporting will provide information about the foreign individuals, governments, or legal entities holding an interest in United States legal entities which invest in agricultural land. Pursuant to the regulations, the Secretary at a later time also may require disclosure of the same information concerning individuals, governments, and legal entities not listed on the initial report filed by the United States legal entity. It was felt essential that the regulations grant the latitude to require such reports since it would have otherwise been possible for foreign entities to conceal their ownership of United States agriculture land by establishing several layers of ostensible owners. This could have been accomplished by the foreign entity investing in, for instance, corporation B, which itself holds no agricultural land, but does hold an interest in corporation A, which holds agricultural land. Since corporation A need not file a report listing indigenous entities, the identity of those holding interests in corporation B would not be revealed even though it has an interest in A.

AGRICULTURAL LAND

Fourteen persons submitted definitions of "agricultural land." They all agreed that agricultural land should be land which produced or was capable of producing products for commercial uses, but would not include residential lots where those products were raised for personal use. Four persons suggested that the definition of agricultural land should be taken from the State law in each State where the land is located. One person suggested that any agricultural land in excess of 10 acres be required to be reported if foreign-owned. Eight persons suggested that an acreage minimum be used, and some thought a combination of both should be used to establish the minimum figure. Three persons thought all acreage, regardless of size, should be reported.

Those who suggested that an acreage minimum be used submitted their suggestions as follows: Over 10 acres, three persons; 25 acres or more, one person; over 40 acres, one person; 50 acres or more, 1 person; 160 acres or more, four persons; and 200 acres or more, one person.

Three commentators suggested that the minimum size of agricultural land to be reported should be different in the different areas of the U.S.

A definition of "agricultural land" is indispendable to satisfactory implementation of the reporting obligation. Some of the suggested definitions, however, present problems. States and political subdivisions thereof have different laws and rules to define agricultural, forestry, or timber land. The value of agricultural, forestry, or timber products from a given acreage vary from area to area. Similarly, the preferred use of land by the owner or manager thereof may be different from the potential or most productive use.

The definition selected averts the problems generated by some of those suggested. It not only catergorizes small parcels used for commercial production as agricultural land, thereby covering highly profitable small acreage undertakings, but also provides a data base for analytical purposes which, following the initial collection, might well be appraised as too inclusive. The later judgment, quite possibly, could never be made in the absence of such inclusive initial collection. Moreover, the definition provides for the exclusion of land not exceeding one acre used for the production of items not distributed commercially since such has little if any affect upon family farms and rural communities.

SIGNIFICANT INTEREST OR SUBSTANTIAL CONTROL

Fourteen persons commented as to what should constitute a "significant interest or substantial control" of a United States legal entity with an interest in agricultural land. Nearly all of the suggestions presented were on a percentage of ownership basis. Those percentages were as follows: 3% or more, one person; in excess of 5%, one person; in excess of 10%, one person; 25% or more, one person; and 50% or more, two persons.

Concern was articulated by two commentators that reporting would become burdensome in trusts, estates, and corporations with many beneficiaries or stockholders who individually hold a small percentage of interest. One person recommended that a higher percentage of ownership be excluded until some experience is gained.

Pursuant to the regulations, if a foreign individual, government, or legal entity, or any combination thereof, holds five percent or more interest in any legal entity which holds any interest in United States agricultural land, then the legal entity in which the five percent interest is held, must report its holding. The specific five percent figure, was, in large part, based upon the provision in the Securities Exchange Act of 1934 which requires any person who is directly or indirectly the beneficial owner of more than five percent of a particular class of security to file certain reports within a specified time period, if such person acquires additional securities of such class. It is thought that the five percent figure represents some indication of the potential for influence within a legal entity. In addition, the figure was also selected in order to assure that as many legal entities as reasonably possible would be required to report their agricultural land holdings. Adoption of some of the suggestions recommending large levels of ownership would have operated to exempt numerous entities from the reporting requirements.

7 CFR, Chapter VII, Subchapter C—Special Programs is amended by adding a new Part 781, Disclosure of Foreign Investment in Agricultural Land, which reads as follows:

PART 781—DISCLOSURE OF FOREIGN INVESTMENT IN AGRICULTURAL LAND

Sec.
781.1 Applicability
781.2 Definitions
781.3 Reporting Requirements
781.4 Penalty Determinations

Authority: Sec. 1-10, 92 Stat. 1266 (7 U.S.C. 3501).

§ 781.1 Applicability.

The purpose of these rules and regulations is to set forth the requirements of ASCS designed to implement the Agricultural Foreign Investment Disclosure Act of 1978. The rules specify when a foreign person who acquires, disposes of, or holds an interest in United States agricultural land shall disclose such transactions and holdings to the Secretary of Agriculture. In particular, the rules establish a system for the collection of information by ASCS pertaining to foreign investment in United States agricultural land. The information collected will be utilized in the preparation of periodic reports to Congress and the President by ESCS concerning the effect of such holdings upon family farms and rural communities.

§ 781.2 Definitions.

In determining the meaning of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, and words used in the present tense include the future as well as the present.

The following terms shall have the following meanings:

(a) *AFIDA.* Agricultrual Foreign Investment Disclosure Act of 1978.

(b) *Agricultural land.* Land in the United States which is currently used for, or if idle and its last use within the past five years was for, agricultural, forestry, or timber production, except land not exceeding one acre in the aggregate from which the agricultural, forestry or timber products are less than $1,000 in annual gross sales value and such products are produced for the personal or household use of the person or persons holding an interest in such land.

(c) *Any interest.* All interests acquired, transferred or held in agricultural lands by a foreign person including leaseholds of ten years or more and any noncontingent future interest which will become possessory upon the termination of the present possessory estate.

(d) *County.* A political subdivision of a State indentified as a county or parish. In Alaska, an area so designed by the State ASC Committee.

(e) *Foreign government.* Any government other than the United States Government, the government of a State, or a political subdivision of a State.

(f) *Foreign legal entity.* (1) Any legal entity created under the laws of a foreign government shall be deemed to be a foreign legal entity regardless of the interest or control of such legal entity held by foreign persons.

(2) Any legal entity created under the laws of the United States, of any State thereof shall be deemed to be a foreign legal entity if a significant interest or substantial control of the stock or membership of such legal entity is held by foreign persons, foreign governments, or legal entities created under the laws of a foreign government.

(g) *Foreign person.* The term "foreign person" means:

(1) Any individual;

(i) Who is not a citizen or national of the United States;

(ii) Who is not a citizen of the Northern Mariana Islands or the Trust Territory of the Pacific Islands; or

(iii) Who is not lawfully admitted to the United States for permanent residence, or paroled into the United States under the Immigration and Nationality Act;

(2) Any person, other than an individual or a government, which is created or organized under the laws of a foreign government or which has its principal place of business located outside of all the States;

(3) Any person, other than an individual or a government;

(i) Which is created or organized under the laws of any State; and

(ii) In which, a significant interest or substantial control is directly or indirectly held;

(A) by any individual referred to in subparagraph (1);

(B) by any person referred to in subparagraph (2);

(C) by any combination of such individuals, persons or governments; and

(4) Any foreign government.

(h) *Person.* The term person includes any individual, corporation, company association, foreign partnership, society, joint stock company, trust, estate, or any other legal entity.

(i) *Secretary.* The term means the Secretary of Agriculture.

(j) *Security interest.* A mortgage or other debt securing instrument which shall be exempt from reporting.

(k) *State.* The term means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands or any other territory or possession of the United States.

(l) *Significant interest and substantial control.* A foreign person shall be deemed to hold substantial interest and significant control in a legal entity for the purposes of reporting if such foreign person holds five percent or more interest in any legal entity which holds, directly or indirectly any interest in United States agricultural land.

§ 781.3 Reporting Requirements.

(a) All reports required to be filed pursuant to this part shall be filed with the ASCS county office in the county where the land with respect to which such report must be filed is located or where the ASCS county office administering programs carried out on such land is located.

(b) Any foreign person holding any interest, other than security interest, in U.S. agriculatural land on the day before February 2, 1979, must submit, on or before August 6, 1979, a report Form ASCS-153 containing the following information:

(1) The legal name and the address of such foreign person;

(2) In any case in which such foreign person is an individual, the citizenship of such foreign person;

(3) In any case in which such foreign person is not an individual or a government, the nature of the legal entity holding the interest, the country in which such foreign person is created or organized, and the principal place of business of such foreign person;

(4) The type of interest in agricultural land which is held by such foreign person;

(5) The legal description and acreage of such agricultural land;

(6) The purchase price paid for, or any other consideration given for such interest;

(7) The agricultural purposes for which such foreign person:

(i) Is using such agricultural land on the date on which such report is submitted; and

(ii) Intends, as of such date, to use such agricultural land.

(8) When applicable, the name, address and relaionship of the representative of the foreign person who is completing the ASCS-153 form for the foreign person; and

(9) How the tract of land was acquired or transferred, the relationship of the foreign owner to the previous owner, producer, manager, tenant or sharecropper, and the rental agreement.

(c) Any foreign person acquiring or transferring any interest, other than a security interest in U.S. agricultural land on and after February 2, 1979, must submit, not later than 90 days after the date of such acquisition or transfer, a report Form ASCS-153 containing the following information:

(1) The legal name and the address of such foreign person;

(2) In any case in which such foreign person is an individual, the citizenship of such foreign person;

(3) In any case in which such foreign person is not an individual or a government, the nature of the legal entity holding the interest, the country in which such foreign person is created or organized, and the principal place of business of such foreign person;

(4) The type of interest held by a foreign person who acquired or transferred an interest in agricultural land;

(5) The legal description and acreage of such agricultural land;

(6) The purchase price paid for, or any other consideration given for, such interest;

(7) In any case in which such foreign person transfers such interest, the legal name and the address of the person to whom such interest is transferred; and

(i) In any case in which such transferee is an individual, the citizenship of such transferee; and

(ii) In any case in which such transferee in not an individual, or a government, the nature of the legal entity holding the interest, the country in which such transferee is created or or-

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ganized, and the principal place of business;

(8) The agricultural purposes for which such foreign person intends, on the date on which such report is submitted, to use such agricultural land;

(9) When applicable, the name, address and relationship of the representative of the foreign person who is completing the ASCS-153 form for the foreign person; and

(10) How the tract of land was acquired or transferred, the relationship of the foreign owner to the previous owner, producer, manager, tenant or sharecropper, and the rental agreement.

(d) Any foreign person, except a person required to submit a report under paragraph (b) of this section, who, on or after February 2, 1979 (the date of publication of these regulations) holds or acquires any interest, other than a security interest, in United States agricultural land at a time when such person is not a foreign person and who subsequently becomes a foreign person, must submit, not later than 90 days after the date on which such person becomes a foreign person, a report Form ASCS-153 containing the information required to be submitted under paragraph (b) of this section.

(e) Any foreign person, except a person required to submit a report under paragraph (b) of this section, who, on or after February 2, 1979, holds or acquires any interest, other than a security interest, in United States agricultural land at a time when such land is not agricultural land and such land subsequently becomes agricultural land must submit, not later than 90 days after the date on which such land becomes agricultural, a report Form ASCS-153 containing the information required to be submitted under paragraph (b) of this section.

(f)(1) Any foreign person, other than an individual or a government, required to submit a report under paragraphs (b), (c), (d), or (e) of this section, must submit a report containing the following information:

(i) The legal name and the address of each foreign individual or government holding any interest in such foreign person;

(ii) In any case in which the holder of such interest is an individual, the citizenship of such holder; and

(iii) In any case in which the holder of such interest is not an individual or a government, the nature of the foreign legal entity holding the interest, the country in which such holder is created or organized, and the principal place of business of such holder.

(2) In addition, any such foreign person required to submit the foregoing information may also be required, upon request, to submit a report containing:

(i) The legal name and the address of each individual or government whose legal name and address did not appear on the initial report, if such individual or government holds any interest in such foreign person;

(ii) In any case in which the holder of such interest is an individual, the citizenship of such holder; and

(iii) In any case in which the holder of such interest is not an individual or government, the nature of the legal entity holding the interest, the country in which such holder is created or organized, and the principal place of business of such holder.

(g) Any foreign person, other than an individual or a government, whose legal name is contained on any report submitted in satisfaction of subsection (f) or this subsection may also be required, upon request, to submit a report containing the following information:

(1) The legal name and the address of any person who holds any interest in the person submitting the report under this subsection;

(2) In any case in which the holder of such interest is an individual, the citizenship of such holder; and

(3) In any case in which the holder of such interest is not an individual or a government, the nature of the legal entity holding the interest, the country in which such holder is created or organized, and the principal place of business of such holder.

§ 781.4 Penalty determinations.

(a) Violation of the reporting obligation will consist of:

(1) Failure to submit any report required to be submitted pursuant to Section 781.3, or

(2) Knowing failure to

(i) Submit a report which does not contain all the information required to be in such report, or

(ii) Submit a report which contains misleading or false information.

(b) Determinations of violation of such reporting obligations will be made on the basis of evidence submitted to a Board periodically appointed by the Secretary to make such determinations. Upon a determination of violation the Board will also make a preliminary determination of the fair market value of the interest in the agricultural land with respect to which such violation has occurred. Following each such determination of a reporting violation, the Board will transmit to the Secretary a recommendation as to the amount of the civil fine for failure to comply with the reporting obligation. After consideration by the Secretary of the recommendation transmitted by the Board, the foreign person failing to comply with the reporting obligation shall be subject to a civil fine imposed by the Secretary, the amount of which shall not exceed 25 percent of the fair market value of the interest in the agricultural land with respect to which such violation has occurred, redetermined by the Board as of the date of the assessment of such penalty.

This regulation has been determined significant under the USDA criteria implementing Executive Order 12044. It is hereby certified that an approved Final Impact Statement has been prepared in accordance with Executive Order 12044 and is available by contacting the Office of the Director of Economics, Policy Analysis and Budget, Room 102, Administration Building, USDA, Washington, D.C. 20250.

Signed at Washington, D.C., on February 2, 1979.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc. 79-4136 Filed 2-2-79; 8:45 am]

[4810-33-M]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 15—CHANGE IN BANK CONTROL

AGENCY: Comptroller of the Currency.

ACTION: Final Rule.

SUMMARY: The Comptroller of the Currency is revising Part 15 to implement the Change in Bank Control Act of 1978, Pub. L. No. 95-630, § 602, 95 Stat. 3683, which will require persons proposing to acquire control of a national bank beginning March 10, 1979, to file advance notice with the Comptroller of the Currency and to comply with certain other procedures. This revision specifies transactions that come within the Act's coverage and establishes certain exemptions and procedures. It supplements a Statement of Policy on the same subject issued today by the Comptroller and published in the *Notices* section of this issue. While it is necessary to revise this part, effective March 10, 1979, the Comptroller has invited public comment on the revision, and intends to address those comments and adopt any needed amendments to Part 15 as soon as practicable.

DATES: Effective date: March 10, 1979. Comments may be submitted on or before April 6, 1979.

ADDRESS: Send comments to John E. Shockey, Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219.

FOR FURTHER IMFORMATION CONTACT:

Patrick Doyle, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

SUPPLEMENTARY INFORMATION: Effective March 10, 1979, the Change in Bank Control Act of 1978 amends section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j) to require advance notice to the Comptroller of the Currency by persons proposing to acquire control of a national bank on or after that date. The Comptroller of the Currency today issued a Statement of Policy describing the Act's requirements, procedures, and objectives, and clarifying certain aspects of the Act. To supplement that Statement of Policy the Comptroller has revised 12 CFR Part 15:

(a) To establish procedures for compliance with the Act's notice requirements;

(b) To define the Act's coverage to include generally transactions resulting in a person's ownership or control of ten per cent or more of any class of voting securities of a national bank (i) if the institution has issued any class of securities subject to registration under the Securities Exchance Act of 1934 or (ii) if the acquiring person will be the institution's largest shareholder;

(c) To relieve individual acquirers of the requirement that they supply personal financial statements for years earlier than the most recently completed calendar year when such statements would be unnecessary for an adequate evaluation of a proposed acquisition; and

(d) To exempt the following transactions from the Act's notice requirements:

(i) Acquisitions of additional shares in an institution by a person already lawfully controlling that institution;

(ii) Testate or interstate succession, gifts, and foreclosures, on the condition that certain information be given promptly to the Comptroller;

(iii) Transactions requiring approval under the Bank Merger Act or the Bank Holding Company Act;

(iv) Certain other transaction covered by the Bank Holding Company Act;

(v) Normal proxy solicitations and pro-rata stock dividends; and

(vi) Acquisition of shares in foreign banks which have Federally chartered branches in the United States.

Because the Act becomes effective on March 10, 1979, it is essential that persons subject to the Act know with reasonable certainty at the earliest possible time the scope of their rights and duties under the Act. The Comptroller, therefore for good cause determined, pursuant to 5 U.S.C. 553 that notice and public procedure requirements are unnecessary and would be contrary to the public interest. However, the Comptroller's Office will review the effectiveness of the revision as it gains experience operating under it. The Comptroller will also accept and consider written comments. Any comments should be submitted to John E. Shockey, Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219, to be received no later than April 6, 1979.

PART 15—CHANGE IN BANK CONTROL

Sec.
15.1 Authority.
15.2 Definitions.
15.3 Acquisitions of Control.
15.4 Notices.
15.5 Exempt Transactions.

AUTHORITY: 12 U.S.C. 1817(j)(13) and R.S. 324 et seq., as amended, 12 U.S.C. 1 et seq.

§ 15.1 Authority.

The provisions of this Part 15 are issued under 12 U.S.C. 1817(j)(13) and R.S. 324 *et seq.*, as amended, 12 U.S.C. 1 *et seq.*

§ 15.2 Definitions.

As used in this part, the terms "person," "acquiring person," "acquiring party," "insured bank," "notice," "control," "stock," and "voting securities," shall have the same meaning and content as given such terms in the Change in Bank Control Act of 1978, (the "Act"), Pub. L. No. 95-630, section 602, 95 Stat. 3683.

§ 15.3 Acquisitions of control.[1]

Under the Act, acquisitions by a person [2] or persons acting in concert of the power to vote 25 per cent or more of a class of voting securities of a national bank, unless exempted, require prior notice to the Comptroller of the Currency (the "Comptroller"). In addition, a purchase, assignment, transfer, pledge, or other disposition of voting stock through which any person will acquire ownership, control, or the power to vote ten per cent or more of a class of voting securities of a national bank will be deemed to be an acquisition by such person of the power to direct that institution's management or policies if:

(a) The institution has issued any class of securities subject to the registration requirements of section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781); or

(b) Immediately after the transaction no other person will own a greater proportion of that class of voting securities.

Other transactions resulting in a person's control of less than 25 per cent of a class of voting shares of a national bank would not result in control for purposes of the Act. An acquiring person may request an opportunity to contest the presumption established in the preceding sentence with respect to a proposed transaction. The Comptroller will afford the person an opportunity to present views in writing or, where appropriate, orally before his designated representatives either at informal conference discussions or at informal presentations of evidence.

§ 15.4 Notices.

Notice shall not be considered given unless information provided is responsive to every item specified in paragraph 6 of the Act (12 U.S.C. 1817(j)(6)), or every item prescribed in the appropriate notice form (CC7028-36). With respect to personal financial statements required by paragraph 6(B) of the Act, an individual acquirer may include statements for only the most recently completed calendar year, together with interim statements required by that paragraph, subject to the authority of the Comptroller to require additional information.

§ 15.5 Exempt transactions.

The following transactions are not subject to the prior notice requirements of the Act:

(a) The acquisition of additional shares of a national bank by a person who continuously since March 9, 1979, held power to vote 25 per cent or more of the voting shares of that institution, or by a person who has acquired and maintained control of that institution after complying with the Act's procedures;

(b) The acquisition of additional shares of a national bank by a person who under § 15.3 would be deemed to have controlled that institution continuously since March 9, 1979, if:

(1) The transaction will not result in that person's direct or indirect ownership or power to vote 25 per cent or more of any class of voting securities of the institution; or

(2) In other cases, the Comptroller determines that the person has controlled the institution since March 9, 1979;

(c) The acquisition of shares in satisfaction of a debt previously contracted in good faith or through testate or intestate succession or bona fide gift, provided the acquirer advises the Comptroller within thirty days after the acquisition and provides any information specified in paragraph 6 of the Act that the Comptroller requests;

[1] "Control" is defined in the Act as "the power, directly or indirectly, to direct the management or policies, or to vote 25 per cent or more of any class of voting securities, of an insured bank." 12 U.S.C. 1817(j)(8)(B).

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(d) A transaction subject to approval under section 3 of the Bank Holding Company Act or section 18 of the Federal Deposit Insurance Act.

(e) A transaction described in sections 2(c)(5) or 3(a)(A) or (B) of the Bank Holding Company Act by a person there described;

(f) A customary one-time, proxy solicitation and receipt of pro-rata stock dividends; and

(g) The acquisition of shares of foreign banks which have insured Federally chartered branches in the United States: *Provided, however,* This exemption does not extend to reports and information required under paragraphs 9, 10, and 12 of the Act. (12 U.S.C. 1817(j)(9)(10)(12).)

Dated: January 30, 1979.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 79-4085 Filed 2-5-79; 8:45 am]

[6210-01-M]

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0199]

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Change in Bank Control

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rules.

SUMMARY: The Change in Bank Control Act of 1978 will require persons proposing to acquire control of bank holding companies of State member banks beginning March 10, 1979, to file advance notice with the Board and to comply with certain other procedures. To implement the Act, the Board has issued final rules that specify transactions that come within the Act's coverage, and establish certain exemptions and procedures. These rules supplement a policy statement on the same subject issued today by the Board in a separate action and published in the *NOTICES* section of this issue. While it is necessary to issue final rules, effective March 10, 1979, the Board has invited public comment on the rules, and intends to address those comments and adopt any needed amendments to the rules as soon as practicable.

DATES: These rules are effective March 10, 1979. Comments must be received by April 6, 1979.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted must include the docket number R-0199.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Associate General Counsel (202-452-3274), or James McAfee, Senior Attorney (202-452-3707), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: (1) Effective March 10, 1979, the Change in Bank Control Act of 1978 amends section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) to require advance notice to the Board by persons proposing to acquire control of bank holding companies or State member banks on or after that date. The Board today issued a policy statement regarding that Act, describing the Act's requirements, procedures, and objectives, and clarifying certain aspects of the Act. That statement is published in the notice section of this issue of the FEDERAL REGISTER for the guidance of persons subject to the Act. To supplement that statement the Board has amended its Regulation Y:

(a) To establish procedures for compliance with the Act's notice requirements;

(b) To define the Act's coverage to include generally transactions resulting in a person's ownership or control of 10 percent or more of any class of voting securities of a bank holding company or State member bank (i) if the institution has issued securities subject to registration under the Securities Exchange Act of 1934 or (ii) if the acquiring person will be the institution's largest shareholder;

(c) To relieve individual acquirers of the requirement that they supply personal financial statements for years earlier than the most recently completed calendar year when such statements would be unnecessary for an adequate evaluation of a proposed acquisition; and

(d) To exempt the following transactions from the Act's prior notice requirements:

(i) acquisitions of additional shares in an institution by a person already lawfully controlling that institution;

(ii) Testate or intestate succession, gifts, and foreclosures, on the condition that certain information be given promptly to the appropriate Federal Reserve Bank;

(iii) Transactions requiring approval under the Bank Merger Act or the Bank Holding Company Act;

(iv) Certain other transactions covered by the Bank Holding Company Act;

(v) Normal proxy solicitations and pro-rata stock dividends; and

(vi) Changes in control of foreign bank holding companies.

No exemption has been provided in these regulations for changes in control of foreign-based bank holding companies that do not qualify as foreign bank holding companies under § 225.4(g) of Regulation Y, but the Board encourages comment by interested persons on the propriety and scope of such an exemption.

(2) It is necessary and in the public interest for the efficient administration of the Act that regulations be adopted by the Act's effective date, March 10, 1979, and that persons subject to the Act know with reasonable certainty at the earliest time the scope of their rights and duties under the Act. For those reasons the Board finds that the notice and public procedure requirements of 5 U.S.C. 553, as well as those of the Board's policy statement of January 15, 1979, regarding expanded rulemaking procedures, are impractical, and they have not been followed. The Board invites public comment on these rules, however, and intends to address them as soon as practicable after the close of the comment period, and may address them earlier if there is an evident and compelling need to do so. Interested persons are invited to submit relevant data, views, comments, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than April 6, 1979. All material should include the docket number R-0199. Such information will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

(3) In connection with the implementation of the Act, the Board has amended its Rules Regarding Delegation of Authority (12 CFR Part 265) to permit certain actions under the Act, including the issuance of notices of the Board's intention not to disapprove a proposed change in control, extensions of periods for consideration of notices, determinations of the informational sufficiency of notices, and determinations regarding the need for notices from persons who own or will own less than 25 per cent of the voting stock of an institution, to be taken by Federal Reserve Banks. These amendments do not constitute substantive rules subject to the procedural requirements of 5 U.S.C. 553, and they have been adopted without following those requirements.

(4) The rules amending Regulation Y are adopted, effective March 10, 1979, under the authority of section 7(j)(13) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(13)), as amended by the Change in Bank Control Act of 1978 (Pub. L. No. 95-630, Section 602, 92 Stat. 3683). Rules Regarding Delegation of Authority, described in paragraph (3) above, are adopted under section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)).

1. Effective March 10, 1979, the title to the Board's Regulation Y (12 CFR Part 225) is revised to read "PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL" and § 225.1 of that part (12 CFR 225.1) is revised to read as follows:

§ 225.1 Authority, scope, and definitions.

(a) *Authority and scope.* This part is issued by the Board of Governors of the Federal Reserve System under section 5(b) of the Bank Holding Company Act of 1956 ("the Act") (12 U.S.C. 1844(b)) and section 7(j)(13) of the Federal Deposit Insurance Act, as amended by the Change in Bank Control Act of 1978 ("the Control Act"), (12 U.S.C. 1817(j)(13)). Sections 225.2 through 225.6 implement the Act, and § 225.7 implements the Control Act.

(b) *Terms used in the Act.* As used in this part, the terms "bank holding company," "company," "bank," "subsidiary," and "Board" have the same meanings as those given such terms in the Act. As used in § 225.7, the term "person" has the meaning given it in the Control Act.

(c) *Federal Reserve Bank.* The term "Federal Reserve Bank" as used in this part with respect to action by, on behalf of, or directed to be taken by a bank holding company or other organization shall mean either the Federal Reserve Bank of the Federal Reserve district in which the operations of the bank holding company or other organization are principally conducted, as measured by total deposits held or controlled by it on the date on which it became, or is to become, a bank holding company, or such Reserve Bank as the Board may designate. With respect to notices filed and other actions taken under the Control Act, the term refers to the Federal Reserve Bank for institution to be acquired, as determined by the preceding sentence in the case of bank holding companies and by section 9 of the Federal Reserve Act in the case of State member banks.

2. Effective March 10, 1979, the Board's Regulation Y (12 CFR Part 225) is amended by adding a new section, § 225.7, as follows:

§225.7 Change in bank control.

(a) *Acquisitions of Control.*[1] Under the Control Act, acquisitions by a person or persons acting in concert of the power to vote 25 percent or more of a class of voting securities of a bank holding company or State member bank, unless exempted, require prior notice to the Board. In addition, a purchase, assignment, transfer, pledge, or other disposition of voting stock through which any person will acquire ownership, control, or the power to vote ten percent or more of a class of voting securities of a bank holding company or State member bank will be deemed to be an acquisition by such person of the power to direct that institution's management or policies if:

(1) The institution has issued any class of securities subject to registration under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*); or

(2) Immediately after the transaction no other person will own a greater proportion of that class of voting securities.

Other transactions resulting in a person's control of less than 25 percent of a class of voting shares of a bank holding company or State member bank would not result in control for purposes of the Act. An acquiring person may request an opportunity to contest the presumption established by this paragraph with respect to a proposed transaction. The Board will afford the person an opportunity to present views in writing or, where appropriate, orally before its designated representatives either at informal conference discussions or at informal presentations of evidence.

(b) *Notices.* Section 265.3 of the Board's rules of procedure governs the submission of notices required by the Control Act, except that notices should be sent to the Federal Reserve Bank of the district in which the affected bank or bank holding company is located. Notice shall not be considered given unless information provided is responsive to every item specified in paragraph 6 of the Control Act (12 U.S.C. 1817(j)(6)), or every item prescribed in the appropriate Board forms. With respect to personal financial statements required by paragraph 6(B) or the control Act, an individual acquirer may include a current statement of assets and liabilities, as of a date within 90 days of the notice, a brief income summary, and a statement of material changes since the date thereof, subject to the authority of the Federal Reserve Bank or the Board to require additional information.

(c) *Exempt transactions.* The following transactions are not subject to the prior notice requirements of the Control Act:

(1) The acquisition of additional shares of a bank holding company or State member bank by a person who continuously since March 9, 1979, held power to vote 25 percent or more of the voting shares of that institution, or by a person who has acquired and maintained control of that institution after complying with the Control Act's procedures;

(2) The acquisition of additional shares of a bank holding company or State member bank by a person who under paragraph (a) of this section would be deemed to have controlled that institution continuously since March 9, 1979, if:

(i) The transaction will not result in that person's direct or indirect ownership or power to vote 25 percent or more of any class of voting securities of the institution; or

(ii) In other cases, the Board determines that the person has controlled the institution continuously since March 9, 1979;

(3) The acquisition of shares in satisfaction of a debt previously contracted in good faith or through testate or intestate succession or bona fide gift, provided the acquirer advises the Federal Reserve Bank within thirty days after the acquisition and provides any information specified in paragraph 6 of the Control Act that the Reserve Bank requests;

(4) A transaction subject to approval under section 3 of the Bank Holding Company Act or section 18 of the Federal Deposit Insurance Act;

(5) A transaction described in sections 2(a)(5) or 3(a)(A) or (B) of the Bank Holding Company Act by a person there described;

(6) A customary one-time proxy solicitation and receipt of pro-rata stock dividends; and

(7) The acquisition of shares of a foreign bank holding company, as defined in § 225.4(g): *Provided,* This exemption does not extend to the reports and information required under paragraphs 9, 10, and 12 of the Control Act (12 U.S.C. 1817(j) (9), (10), and (12)).

§ 265.2 [Amended]

3. Effective March 10, 1979, § 265.2(f) of the Board's Rules Regarding Delegation of Authority (12 CFR § 265.2(f)) is amended by adding the following new subparagraph (38):

• • • • • •

(f) • • •

(38) Under the provisions of the Change in Bank Control Act of 1978

[1] Control is defined in the Control Act as the power, directly or indirectly, to direct the management or policies, or to vote 25 percent or more of any class of voting securities, of an institution. 12 U.S.C. 1817(j)(8)(B).

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(12 U.S.C. 1817(j)) and § 225.7 of this chapter (Regulation Y), with respect to a bank holding company or State member bank, to determine the informational sufficiency of notices and reports filed under the Act, to extend periods for consideration of notices, to determine whether a person who is or will be subject to a presumption described in § 225.7(a) of this chapter should file a notice regarding a proposed transaction, and, if all the following conditions are met, to issue a notice of intention not to disapprove a proposed change in control:

(i) No member of the Board has indicated an objection prior to the Reserve Bank's action.

(ii) All relevant departments of the Reserve Bank concur.

(iii) If the proposal involves shares of a State member bank or a bank holding company controlling a State member bank, the appropriate bank supervisory authorities have indicated that they have no objection to the proposal, or no objection has been received from the appropriate bank supervisory authorities within the time allowed by the Act.

(iv) No significant policy issue is raised by the proposal as to which the Board has not expressed its view.

Board of Governors of the Federal Reserve System, January 31, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4083 Filed 2-5-79; 8:45 am]

[6714-01-M]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, AND NOTICES OF ACQUISITION OF CONTROL

Change in Bank Control and Delegations of Authority

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Change in Bank Control Act of 1978 will require persons proposing to acquire control of insured nonmember banks beginning March 10, 1979, to file advance notice with the Corporation and to comply with certain other procedures. To implement the Act, the Board has issued final rules that specify transactions that come within the Act's coverage, and establish certain exemptions and procedures. These rules supplement a policy statement on the same subject issued today by the Corporation in a separate action and published in the notices section of this issue. While it is necessary to issue the final rules, effective March 10, 1979, the Corporation has invited public comment on the rules, and intends to address those comments and adopt any needed amendments to the rules as soon as possible.

DATES: Effective date: These amendments are effective on March 10, 1979.

Comments may be submitted on or before April 6, 1979.

ADDRESS: Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT:

Katharine H. Haygood, Staff Attorney, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202-389-4387.

SUPPLEMENTARY INFORMATION: (1) Effective March 10, 1979, the Change in Bank Control Act of 1978 amends Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) to require advance notice to the Corporation by persons proposing to acquire control of insured nonmember banks on or after that date. The Corporation today issued a policy statement regarding that Act, describing the Act's requirements, procedures, and objectives, and clarifying certain aspects of the Act. That statement is published in the notice section of this issue of the FEDERAL REGISTER for the guidance of persons subject to the Act. The Corporation amends Part 303 of its regulations:

(a) To establish procedures for compliance with the Act's notice requirements;

(b) To define the Act's coverage to include generally transactions resulting in a person's ownership or control of ten percent or more of any class of voting securities of an insured State nonmember bank (i) if the institution has issued any class of securities subject to registration under the Securities Exchange Act of 1934 or (ii) if the transaction results in the acquiring person becoming the institution's largest shareholder;

(c) To relieve individual acquirers of the requirement that they supply personal financial statements for years earlier than the most recently completed calendar year when such statements would be unnecessary for an adequate evaluation of a proposed acquisition; and

(d) To exempt the following transactions from the Act's prior notice requirements:

(i) Acquisitions of additional shares in an institution by a person already lawfully controlling that institution;

(ii) Testate or intestate succession, gifts, and foreclosures, on the condition that certain information be given promptly to the appropriate Regional Director;

(iii) Transactions requiring approval under the Bank Merger Act or the Bank Holding Company Act;

(iv) Certain other transactions covered by the Bank Holding Company Act;

(v) Normal proxy solicitations and pro-rata stock dividends; and

(vi) Acquisitions of shares in a foreign bank which has an insured branch or branches in the United States.

(2) It is necessary for the efficient administration of the Act that regulations be adopted by the Act's effective date, March 10, 1979, and that persons subject to the Act know with reasonable certainty at the earliest time the scope of their rights and duties under the Act. For those reasons the Corporation finds that the notice and public procedure requirements of 5 U.S.C. 553, regarding expanded rulemaking procedures, are impractical, and they have not been followed. The Corporation invites public comment on these rules, however, and intends to address them as soon as practicable after the close of the comment period, and may address them earlier if there is an evident and compelling need to do so. Interested persons are invited to submit relevant data, views, comments, or arguments. Any such material should be submitted in writing to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, to be received no later than April 6, 1979. Such information will be made available for inspection and copying upon request except as provided in § 309.5(f) of the Corporation's Rules (12 CFR 309.5(f)).

(3) In connection with the implementation of the Act, the Corporation will amend its rules (12 CFR Part 303) to permit certain actions under the Act to be taken at a delegated level. The Corporation specifically will delegate to the Corporation's Director of the Division of Bank Supervision, or, where confirmed in writing by the Director of the Division of Bank Supervision, to the Regional Director of the Region in which the bank in which stock is being acquired is located, the power to issue a written notice of the Corporation's intent not to disapprove an acquisition; the power to act in situations where information is submitted on acquisitions arising out of testate or intestate succession, bona fide gift, or foreclosure; the power to extend notice periods; and the power

to determine the informational adequacy of a notice.

(4) The rules amending Part 303 are adopted under the authority of Section 7(j)(13) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(13)), as amended by the Change in Bank Control Act of 1978 (Pub. L. No. 95-630, section 602, 92 Stat. 3683) and under section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

1. The title to the Corporation's Part 303 (12 CFR Part 303) is revised to read "PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, AND NOTICES OF ACQUISITION OF CONTROL."

2. Section 303.11 (12 CFR 303.11) is revised to read as follows:

§ 303.11 Delegation of authority to act on certain applications and on notices of acquisition of control.

(a) *General.* Except as provided in § 303.12, and subject to the provisions of paragraphs (b) and (c) of this section, the Board of Directors of the Federal Deposit Insurance Corporation has delegated to the Director of the Division of Bank Supervision, or, where confirmed in writing by the Director of the Division of Bank Supervision, to the Regional Director of the Region in which the applicant bank, an insured branch of a foreign bank, or the bank in which the stock is being acquired is located, the authority on behalf of the Board of Directors to act on the following applications and requests from any insured nonmember bank and on notices of acquisition of control of any insured State nonmember bank from any person who acquires or proposes to acquire such control:

* * * * *

(12) Notices of acquisition of control of insured State nonmember banks: *Provided, however,* That this authority shall extend to the power to issue a written notice of the Corporation's intent not to disapprove an acquisition of control, but not to the power to disapprove an acquisition of control; *And provided, further,* That this authority shall extend to the power to act in situations where information is submitted on acquisitions arising out of testate or intestate succession, bona fide gifts or foreclosure; to the power to extend notice periods; to the power to determine the informational adequacy of a notice and to the power to determine whether a notice should be filed under the Act by a person acquiring less than 25 per centum of any class of voting securities of an insured State nonmember bank.

(b) *Confirmation, limitations, and rescission.* The authority delegated in paragraph (a) of this section by the Board of Directors to the Regional Director of the Region in which the applicant bank, the insured branch of a foreign bank, or the bank in which stock is being acquired is subject, as to each Regional Director in each Region, to written confirmation, limitations, or subsequent rescission of any confirmation, by the Director of the Division of Bank Supervision. Such written confirmation, limitations, or rescission shall be filed with the Executive Secretary of the Corporation at its offices in Washington, D.C. and at the office of the Regional Director concerned, and shall be available for public inspection by interested parties.

(c) *Special cases.* In special cases the Director of the Division of Bank Supervision may, in writing, rescind the authority of a Regional Director to act on an application or request or notice of acquisition of control, and may himself or herself act on the same. In special cases a Regional Director may, in writing, recommend that the authority to act on an application or request or notice of acquisition of control not be exercised by him or her; in such cases the authority to act on such application or request or notice of acquisition of control may be exercised by the Director of the Division of Bank Supervision. In special cases the Director of the Division of Bank Supervision may, in writing, recommend that the authority to act on an application or request or notice of acquisition of control not be exercised by him or her; in such cases the Board of Directors will act on the application or request or notice of acquisition of control.

* * * * *

3. Part 303 (12 CFR Part 303) is amended by adding a new § 303.15, reading as follows:

§ 303.15 Change in Bank Control.

(a) *Acquisitions of Control.*[1] Under the Change in Bank Control Act of 1978, acquisitions by a person [2] or persons acting in concert of the power to vote 25 percent or more of a class of voting securities of an insured nonmember bank, unless exempted, require prior notice to the Corporation. In addition, a purchase, assignment, transfer, pledge, or other disposition of voting stock through which any person will acquire ownership, control, or the power to vote ten percent or more of a class of voting securities of an insured State nonmember bank will be deemed to be an acquisition by such person of the power to direct that institution's management or policies if:

(1) The institution has issued any class of securities subject to the registration requirements of section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*); or

(2) Immediately after the transaction no other person will own a greater proportion of that class of voting securities. Other transactions resulting in a person's control of less than 25 percent of a class of voting shares of an insured State nonmember bank would not result in control for purposes of the Act. An acquiring person may request an opportunity to contest any presumption established by this paragraph (a) of this section with respect to a proposed transaction. The Corporation will afford the person an opportunity to present views in writing, or, where appropriate, orally before its designated representatives either at informal conference discussions or at informal presentations of evidence.

(b) *Notices.* Notice of proposed acquisition of control should be filed with the regional Director of the Federal Deposit Insurance Corporation Region in which the bank in which stock is being acquired is located. The appropriate forms and instructions for completing the same may be obtained upon request from the Regional Director of the Region in which the bank in which stock is being acquired is located. Notice shall not be considered given unless information provided is responsive to every item specified in paragraph 6 of the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j)(6)), or every item prescribed in the appropriate Corporation forms. With respect to personal financial statements required by paragraph 6(b) of the Change in Bank Control Act of 1978, an individual acquirer may include a current statement of assets and liabilities, as of a date within ninety days of the notice of proposed acquisition, a brief income summary, and a statement of material changes since the date thereof, subject to the authority of the Regional Director, the Director of the Division of Bank Supervision, or the corporation to require additional information.

(c) *Exempt Transactions.* The following transactions are not subject to the prior notice requirements of the Change in Bank Control Act of 1978:

(1) The acquisition of additional shares of an insured State nonmember bank by a person who continuously since March 9, 1979, held power to vote 25 per cent or more of the voting

[1] Control is defined in Section 7(j)(8)(B) of the Federal Deposit Insurance Act as "the power, directly or indirectly, to direct the management or policies of an insured bank or to vote 25 per centum or more of any class of voting securities of an insured bank." 12-U.S.C. 1817(j)(8)(B).

[2] Person is defined in Section 7(j)(8)(A) of the Federal Deposit Insurance Act as "an individual or a corporation, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated organization, or any other form of entity not specifically listed herein." 12 U.S.C. 1817(j)(8)(A).

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shares of that institution, or by a person who has acquired and maintained control of that institution after complying with the Act's procedures;

(2) The acquisition of additional shares of an insured State nonmember bank by a person who under paragraph (a) of this section would be deemed to have controlled that institution continuously since March 9, 1979, if:

(i) The transaction will not result in that person's direct or indirect ownership or power to vote 25 per cent or more of any class of voting securities of the institution; or

(ii) In other cases, the Corporation determines that the person has controlled the institution since March 9, 1979.

(3) The acquisition of shares in satisfaction of a debt previously contracted in good faith or through testate or intestate succession or bona fide gift: *Provided*, The acquirer advises the Regional Director within thirty days after the acquisition and provides such of the information specified in paragraph 6 of the Control Act as the Regional Director requests;

(4) A transaction subject to approval under Section 3 of the Bank Holding Company Act or Section 18 of the Federal Deposit Insurance Act;

(5) A transaction described in Sections 2(a)(5) or 3(a)(A) or (B) of the Bank Holding Company Act by a person there described;

(6) A customary one-time proxy solicitation and receipt of pro-rata stock dividends; and

(7) The acquisition of shares in foreign banks which have an insured branch or branches in the United States: *Provided, however*, This exemption does not extend to the reports and information required under Sections 7(j)(9), (10) and (12) of the Federal Deposit Insurance Act.

Approved January 24, 1979.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc. 79-4082 Filed 2-5-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2950]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

New Jersey Pest Control Association, Inc.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a West Orange, N.J. trade association, representing a number of dealers and suppliers of pest control goods and services, to cease denying membership to bona fide dealers and suppliers; establishing or maintaining prices or conditions of sale for goods and services; interfering with advertising media; or attempting by any other means to fix prices and eliminate competition in relevant markets. The association would be further required to eliminate timely from its charter and by-laws any provision which is contrary to the terms of the order, and to maintain specified records for a three-year period.

DATES: Complaint and order issued Jan. 8, 1979.[1]

FOR FURTHER INFORMATION CONTACT:

Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007. (212) 264-1207.

SUPPLEMENTARY INFORMATION: On Friday, October 27, 1978, there was published in the FEDERAL REGISTER, 43 FR 50189, a proposed consent agreement with analysis In the Matter of New Jersey Pest Control Association, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart-Coercing and Intimidating: § 13.358 Distributors. Subpart-Combining or Conspiring: § 13.395 To control marketing practices and conditions; § 13.405 To discriminate unfairly or restrictively in general; § 13.410 To eliminate competition in conspirators' goods; § 13.430 To enhance, maintain or unify prices; § 13.470 To restrain or monopolize trade. Subpart-Controlling, Unfairly, Seller-Suppliers: § 13.530 Controlling, unfairly, sellers-suppliers. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-60 Release of general, specific, or contractual constrictions, requirements, or restraints. Subpart-Cutting Off Access To Customers Or Market: § 13.565 Interfering with advertising mediums; § 13.580 Organizing and controlling sellers-suppliers. Subpart-Cutting Off Supplies Or Service: § 13.613 Advertising contacts. Subpart-Maintaining Resale Prices: § 13.1165 Systems of espionage; 13.1165-80 Requiring information of price cutting.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-3928 Filed 2-5-79; 8:45 am]

[1] Copies of the Complaint and the Decision and Order filed with the original document.

[6351-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 150—LIMITS ON POSITIONS

Elimination of Daily Speculative Trading Limits

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission is amending its rules to remove daily limits on speculative trading for all commodities where such limits are now in effect. The Commission has considered public comment received on this issue and has concluded that under existing market conditions daily trading limits are (1) not necessary to diminish, eliminate or prevent excessive speculation, and (2) may at times impede market liquidity. The purpose of the amendment to Part 150 of the Commission's rules is to eliminate unnecessary restrictions and enhance market liquidity. These amendments do not effect the Commission's limits on the size of speculative positions which any one person may hold or control on a single contract market. The speculative position limits, which remain in effect, apply to the size of speculative positions throughout the day as well as positions at the close of the trading session. Further, the adoption of the amendments to Part 150 does not affect the limits which various contract markets may prescribe concerning maximum price fluctuations allowed on that market during the course of one trading session.

DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT:

Blake Imel, Deputy Chief Economist, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 (202-254-3203).

SUPPLEMENTARY INFORMATION: On September 22, the Commission published a proposal to eliminate all daily trading limits which are prescribed in Part 150 of its regulations and requested comment on the proposal to be received by the Commission on or before November 21, 1978. See 43 FR 4023 *et seq.* (September 22, 1978). The Commission has completed its analysis of the proposal and the comments received and has determined to adopt the proposal for the reasons set forth below.

BACKGROUND

Section 4a(1) of the Commodity Exchange Act, as amended (the "Act"), 7 U.S.C. 6a(1) (1976), expresses a congressional determination that "excessive speculation" in commodity futures traded on contract markets causing sudden or unreasonable price fluctuations or unwarranted price changes is an undue burden on interstate commerce. In order to prevent these adverse effects, section 4a(1) of the Act authorizes the Commission to "fix * * * limits on the amount of trading which may be done or positions which may be held by any person * * * as the Commission finds are necessary to diminish, eliminate or prevent such burden." [1] Pursuant to this section of the Act, Commission rules §§ 150.1(b), 150.2(b), 150.3(b), 150.4(b), 150.5(b), 150.10(b), 150.11(b), and 150.12(b) prescribe daily limits on speculative trading on a contract market in grains (defined to include oats, barley and flaxseed), cotton, rye, soybeans, eggs, potatoes, corn and wheat, respectively. Speculative position limits in these commodities were also adopted as subsection (a) of rules §§ 150.1, 150.2, 150.3, 150.4, 150.5, 150.10, 150.11 and 150.12, respectively, to establish the maximum net positions a person may hold or control on a contract market. These position limits remain in effect.

The authority to fix limits on speculative activities had its origins in the longstanding congressional concern that the grain futures markets were either frequently or severely disrupted by large scale speculation, which involved the accumulation and liquidation of inordinately large positions.[2] When the Commodity Exchange Act was enacted in 1936, Congress empowered the Commodity Exchange Commission to fix limits on the amount of speculative trading that might be done. That Commission construed section 4a(1) to permit it to limit the net long or short positions of traders, as well as the volume of their trading.[3] Accordingly, in 1938 the Commodity Exchange Commission, pursuant to section 4a(1) of the Act, established both trading and position limits for grain futures.[4]

On April 21, 1975, when the Commodity Futures Trading Commission was created, trading and position limits were in effect for grains (including wheat), cotton, rye, soybeans, eggs, potatoes, and corn. To date the Commission has maintained these trading and position limits, having amended only the levels specified for wheat.[5] Neither trading nor position limits have been established for any additional commodities.

The Commission reviewed the efficacy of both trading and position limits for some time before it proposed to eliminate daily trading limits. The Commission considered its own experience with potential and actual market disruptions. It also considered the report of its Advisory Committee on the Economic Role of Contract Markets[6] and report from its staff.[7]

The Advisory Committee and staff reports concluded that large position changes, rather than large individual trading volume, may unduly influence price. These reports also concluded that the current daily trading limits may be an impediment to market liquidity since they restrict the in-and-out trading volume of day traders. In this regard, the staff observed that the Commission's current daily trading limits (1) make no provision for large individual daily trading volume which does not result in large position changes, and (2) are twice as restrictive for spread traders as they are for one-sided traders—when considered on a transaction-by-transaction basis.

The staff reports also stated that any trading limits which were reasonable with respect to the scope of an individual's total trading volume over the period to which the limits apply would probably be ineffective in preventing possible market abuses. This is because the type of speculative trading which would be detrimental to the market will most likely be concentrated trading on one side of the market which is large relative to a market's activity and capacity at a particular time rather than buying or selling which is unusual with respect to the entire day. It does not appear that concentrated trading on one side of the market can be prevented by any trading limit which will not also significantly impede market liquidity. Instead, trading limits can be counterproductive by restricting the in-and-out trading of professional speculative day traders who generally aid in minimizing the price impact of large orders.

As the notice of proposed rulemaking indicates, the Commission also considered several means of deemphasizing daily trading limits but concluded that each of these alternatives was too complex, of limited usefulness and/or difficult to enforce effectively.

EVALUATION OF COMMENTS

Approximately 200 written comments were received in response to the notice of proposed rulemaking. Twelve persons supported the proposal and the remaining commentators expressed opposition.

[1] Section 4(a) does not require that both speculative trading and position limits be established in the event the Commission finds that one or the other is appropriate. Purchases and sales which fall within the definition of bona fide hedging contained in § 1.3(z) of the Commission's regulations, 17 CFR 1.3(z) (1978), are exempt from application of both the speculative trading and position limits.

[2] See H.R. Rep. No. 421, accompanying H.R. 6772, 47th Cong. 1st Sess. 1 (1935).

[3] Although the Commodity Exchange Commission construed its authority under section 4a(1) to allow it to set limits on the amount of speculative buying and selling that may be done and on the size of positions that may be held, section 4a(1) specifically referred to "limits on the amount of trading." In 1968, section 4a(1) of the Act was amended to clarify the authority to impose limits on "positions which may be held." Section 4a(1) was also amended to provide that trading done and positions held by two or more persons acting pursuant to an express or implied understanding shall be treated as if done or held by a single person. See S. Rep. No. 947, 90th Cong., 2d Sess. 5 (1968). See also, Hearings on H.R. 11930 and H.R. 12317 before the House Committee on Agriculture, 90th Cong., 2d Sess. 1967.

[4] 3 FR 3145 (December 24, 1938).

[5] Effective August 20, 1976, the trading and position limits for wheat were specified separately from those for grain and raised from two million bushels to three million bushels (41 FR 35060 (August 19, 1976)).

[6] Commodity Futures Trading Commission Report of the Chairman of the Advisory Committee on the Economic Role of Contract Markets, Gary L. Seevers, Chairman, (July 17, 1978).

[7] Commodity Futures Trading Commission, Speculative Limits, Office of the Chief Economist (May 11, 1977); Commodity Futures Trading Commission, Amendment of Speculative Limits on Daily Trading, Office of the Chief Economist (May 15, 1978).

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The twelve commentators who supported the proposal were a board of trade, three futures commission merchants, a commodity pool operator, two grain merchants, two trade associations representing grain merchants or purchasers, a law firm, a private individual and an agricultural producer organization (the American Farm Bureau Association). Ten of these commentators favored the removal of daily trading limits for one or more of the same (or nearly the same) reasons the Commission cited in the summary of the notice of proposed rulemaking, *i.e.*, that the limits are not necessary to diminish, eliminate or prevent excessive speculation (or market disruption), and that removal of the limits may enhance competition and/or market liquidity. The other two commentators did not comment specifically on the effects of trading limits but supported the removal of both speculative daily trading and position limits in part of the same reasons cited by the Commission's Advisory Committee on the Economic Role of Contracts, *i.e.*, that neither position or trading limits are particularly effective regulatory measures for preventing market disruptions.

The Commission recognizes that some of the comments favorable to its proposal came from persons or firms whose trading activities may currently be restricted by daily trading limits.[1] However, the Commission notes that comments supporting the proposal also were received from persons or organizations not directly affected by the limits, but whose interests would be served by any additional market liquidity or competition resulting by their removal, *i.e.*, two grain merchants, two trade associations representing grain merchants or purchasers and an agricultural producer organization.

Of the approximately 190 unfavorable comments, about 170 were from persons or organizations located in Oklahoma and Kansas. A number of the 190 letters appeared to be from agricultural producers. Agricultural producer groups who commented unfavorably on the proposal included the Alabama and Oklahoma state organizations of the American Agricultural Movement, Women Involved in Farm Economics and the Oklahoma Wheat Growers Association.

More than two-thirds (about 135) of the total unfavorable comments failed to state any reasons for opposing the elimination of daily trading limits. Of the approximately 55 letters which contained a reason for opposition to the proposal, about 30 contained comments which suggest that the proposal has been misunderstood. These commentators seemed to interpret the Commission's release as a proposal to eliminate the daily price fluctuation limits which are imposed by the exchanges.[2] However, the Commission's proposal does not and will not affect these daily price fluctuation limits. Nonetheless, the Commission appreciates that some of these commentators may have been expressing an opinion that the removal of daily speculative trading limits would lead to increased price volatility without stating their underlying reason.

About 20 of the other letters that stated opposition to the proposal contained objections to either all speculative trading or to speculative "short selling" in particular. The Commission believes that speculative selling as well as speculative buying is a necessary element of futures trading if the futures markets are to serve their basic economic functions of risk transference for hedgers and price discovery. The Commission did not find that any of these commentators presented substantive reasons in support of their contention that the elimination of daily trading limits would permit "excessive speculation" as described in Section 4a of the Act. Other persons commented generally that daily trading limits should be retained or that more rather than less regulation is desired.

The two remaining unfavorable comments indicated a clear understanding of the proposal but opposed it on the basis that the removal of Commission's daily speculative trading limits would lead to increased fluctuations in commodity prices. One of these commentators suggested that a study would show that past increases in the levels of daily speculative trading limits had resulted in increased price variability. The Commission was not persuaded by this comment because it failed to take into account the significant impact which basic economic factors such as cash market supply and demand may have upon price variability. The other commentator stated that "daily trading limits will lead to exaggerated price gyration and instability brought by the release of outdated and, therefore, erratic USDA crop prediction reports." This statement clearly indicates that objections of increased price variability were based upon the commentator's perceptions of inaccuracies in government crop forecasts rather than speculative trading itself.

Commission Findings

As indicated above, most of the commentators did not state any reason for their objection to the Commission's proposal. In addition, the Commission did not find that any of the commentators who opposed the proposed amendments provided sufficient reasons for not adopting the amendments. Based upon its analysis of the comments and its previous considerations of the effects of daily speculative trading limits, the Commission believes the benefits to be derived from eliminating these limits far outweigh any detrimental effects which could result from their removal. Specifically, the Commission believes that (1) speculative trading limits can damage market performance by restricting the activity of day traders whose trading generally tends to minimize the impact of large trades upon the market, and (2) the price impact of concentrated trading which could be detrimental to the market will not be prevented by any fixed trading limit which does not also significantly impede market liquidity. Accordingly, the Commission believes that these amendments are consistent with its responsibility under Section 4a(1) of the Act and offer the potential of improving the performance of those markets which are currently subject to the Commission's daily speculative trading limits. For these reasons, the Commission has determined to amend Part 150 of its regulations as initially proposed.

The Commission emphasizes that these amendments apply only to limits on the maximum amount a person may buy or sell on any one contract market during one business day as prescribed in Part 150 of the Commission's Regulations. The amendments do not affect the Commission's limits on the size of speculative positions which any person may hold or control on a single contract market. Further, the adoption of the amendments does not affect the limits which various contract markets may prescribe concerning maximum price fluctuations allowed on that market during the course of one trading session.

The Amendments

In order to eliminate daily limits on speculative trading, the Commission is amending its rules by deleting paragraph (b) from §§ 150.1, 150.2, 150.3, 150.4, 150.5, 150.10, 150.11 and 150.12, and by making necessary conforming amendments throughout Part 150. In addition, the Commission is making a number of technical changes in its rules. The Commission has altered the language in several sections to make it more concise. In § 150.10, the reference to Idaho as the point of origin for Russet Burbank potatoes has been deleted to conform to provisions of existing contract markets. None of these amendments is intended to alter the effect of the Commission's regulations or interpretations of its regulations concerning the positions limits as specified in Part 150. Finally, the Commission has also revised §§ 150.1(c) and 150.11(c) to reflect changes in these regulations which were adopted by the Commission's predecessor, the Commodity Exchange Authority, and published in the Federal Register, but which were inadvertently omitted from the Code of Federal Regulations. See 40 FR 13086 (April 4, 1975).

Because the amendments to the Commission's regulations set forth below relieve a restriction previously imposed, the Commission finds, in accordance with the Administrative Procedure Act as codified in 5 U.S.C. 553, that delay of their effective date is not required and that, as revised, 17 CFR Part 150 may become effective immediately upon publication in the Federal Register.

In consideration of the foregoing, the Commission, pursuant to the authority contained in sections 4a and 8a(5) of the Act, 7 U.S.C. 6a and 12a(5) (1976), hereby revised 17 CFR Part 150 to read as follows:

[1] Members of a board of trade who trade for speculative purposes are subject to restriction by the Commission's daily trading limits in those contract markets where they are in effect. The limits also potentially affect the daily trading of those accounts of futures commission merchants and commodity pool operators which the Commission may require to be aggregated for purposes of compliance with speculative limits.

[2] The Commission also received several telephone inquiries concerning the exact nature of the proposed rule and whether it concerned the daily price fluctuation limits. These calls revealed that some persons were construing the proposal to eliminate daily speculative trading limits as a proposal to eliminate daily price fluctuation limits. Daily price fluctuation limits are imposed by the exchanges and prescribe the maximum amount prices may fluctuate during one trading session.

PART 150—LIMITS ON POSITIONS

Sec.

150.1 Limits on position in grain for futrue delivery.
150.2 Limits on position in cotton for future delivery.
150.3 Limits on position in rye for future delivery.
150.4 Limits on position in soybeans for future delivery.
150.5 Limits on position in eggs for future delivery.
150.10 Limits on position in potatoes for future delivery.
150.11 Limits on position in corn for future delivery.
150.12 Limits on position in wheat for future delivery.

Authority: Secs. 4a and 8a(5), Commodity and Exchange Act, 7 U.S.C. 6a and 12a(5) (1976).

§ 150.1. Limits on position in grain for future delivery.

(a) *Position limits.* (1) The limit on the maximum net long or net short position which any one person may hold or control under contracts for future delivery for grains on or subject to the rules of any one contract market except as specifically authorized by paragraph (a)(2) of this section, is 2,000,000 bushels in any one future or in all futures combined.

(2) To the extent that the net position held or controlled by any person in all futures combined in any one grain on any one contract market is shown to represent spreading in the same grain between markets, the limit on net position in all futures combined set forth in paragraph (a)(1) of this section may be exceeded on such contract market, but in no case shall the excess result in a net position of more than 3,000,000 bushels in all futures combined nor more than 2,000,000 bushels in any one future.

(3) As used in this section, the word "grain" includes oats, barley, and flaxseed.

(b) *Bona fide hedging.* The foregoing limits upon position shall not be construed to apply to bona fide hedging transactions as defined in § 1.3(z) of this chapter.

(c) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Act to prevent manipulation and corners.

(d) *Application of limits.* The foregoing limits upon position shall be construed to apply to positions held by two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading of the positions were done by, a single individual.

§ 150.2. Limits on position in cotton for future delivery.

(a) *Position limit.* The limit on the maximum net long or net short position which any one person may hold or control under contracts for future delivery for cotton on or subject to the rules of any one contract market is 30,000 bales in any one future or in all futures combined.

(b) *Bona fide hedging; straddles.* The foregoing limits upon position shall not be construed to apply to bona fide hedging transactions as defined in § 1.3(z) of this chapter, nor, except during the delivery month, the net positions in any one future to the extent that they are shown to represent straddles between cotton futures or markets.

(c) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Act to prevent manipulation and corners.

(d) *Application of limits.* The foregoing limits upon position shall be construed to apply to positions held by two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading of the positions were done by, a single individual.

§ 150.3. Limits on position in rye for future delivery.

(a) *Position limit.* The limit on the maximum net long or net short position which any one person may hold or control under contracts for future delivery for rye on or subject to the rules of any one contract market is 500,000 bushels in any one future or in all futures combined.

(b) *Bona fide hedging.* The foregoing limits upon position shall not be construed to apply to bona fide hedging tranactions as defined in § 1.3(z) of this chapter.

(c) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Act to prevent manipulation and corners.

(d) *Application of limits.* The foregoing limits upon position shall be contrued to apply to positions held by two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading of the positions were done by, a single individual.

§ 150.4. Limits on position in soybeans for future delivery.

(a) *Position limit.* The limit on the maximum net long or net short positon which any one person may hold or control under contracts for future delivery for soybeans on or subject to the rules of any one contract market is 3,000,000 bushels in any one future or in all futures combined.

(b) *Bona fide hedging.* The foregoing limits upon position shall not be construed to apply to bona fide hedging transactions as defined in § 1.3(z) of this chapter.

(c) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Act to prevent manipulation and corners.

(d) *Application of limits.* The foregoing limits upon position shall be construed to apply to positions held by

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two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading of the positions were done by, a single individual.

§ 150.5. Limits on position in eggs for future delivery.

(a) *Position limit.* The limit on the maximum net long or net short position which any one person may hold or control under contracts for future delivery for eggs on or subject to the rules of any one contract market is 150 carlots in any one future or in all futures combined.

(b) *Bona fide hedging.* The foregoing limits upon position shall not be construed to apply to bona fide hedging transactions as defined in § 1.3(z) of this chapter.

(c) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the act to prevent manipulation and corners.

(d) *Application of limits.* The foregoing limits upon position shall be construed to apply to positions held by two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading of the positions were done by, a single individual.

§ 150.10. Limits on position in potatoes for future delivery.

(a) *Position limit.* The limit on the maximum net long or net short position which any one person may hold or control under contracts for future delivery for each separate type of potato, *i.e.*, Round White of Russet Burbank, on or subject to the rules of any one contract market is 300 carlots in any one future and 350 carlots in all futures combined.

(1) However, no person may hold or control a net long or net short position in any one type of potato contract in excess of (i) 150 carlots in the March potato future, (ii) 150 carlots in the April potato future, or (iii) 150 carlots in the May potato future.

(b) *Bona fide hedging.* The foregoing limits upon position shall not be construed to apply to bona fide hedging transactions as defined in § 1.3(z) of this chapter.

(c) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Act to prevent manipulation and corners.

(d) *Application of limits.* The foregoing limits upon position shall be construed to apply to positions held by two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading of the positions were done by, a single individual.

§ 150.11. Limits on position in corn for future delivery.

(a) *Position limit.* The limit on the maximum net long or net short position which any one person may hold or control under contracts for future delivery for corn on or subject to the rules of any one contract market is 3,000,000 bushels in any one future or in all futures combined.

(b) *Bona fide hedging.* The foregoing limits upon position shall not be construed to apply to bona fide hedging transactions as defined in § 1.3(z) of this chapter.

(c) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Act to prevent manipulation and corners.

(d) *Application of limits.* The foregoing limits upon position shall be construed to apply to positions held by two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading of the positions were done by, a single individual.

§ 150.12. Limits on position in wheat for future delivery.

(a) *Position limit.* The limit on the maximum net long or net short position which any one person may hold or control under contracts for future delivery for wheat on or subject to the rules of any one contract market is three million bushels in any one future or in all futures combined.

(b) *Bona fide hedging.* The foregoing limits upon position shall not be construed to apply to bona fide hedging transactions as defined in § 1.3(z) of this chapter.

(c) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Act to prevent manipulation and corners.

(d) *Application of limits.* The foregoing limits upon position shall be construed to apply to positions held by two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading of the positions were done by, a single individual.

Issued in Washington, D.C., on February 1, 1979, by the Commission.

GARY L. SEEVERS,
Acting Chairman, Commodity Futures Trading Commission.

[FR Doc. 79-3952 Filed 2-5-79; 8:45 am]

[4110-03-M]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 77C-0347]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Bismuth Citrate: Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of October 31, 1978, of a regulation which "permanently" lists bismuth citrate as a color additive for use in cosmetics that color the hair on the scalp and exempts that color additive from certification.

DATE: Effective date confirmed: October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: A regulation published in the FEDERAL REGISTER of September 29, 1978 (43 FR 44831) added § 73.2110 *Bismuth citrate* (21 CFR 73.2110) to Subpart C of

Part 73 (21 CFR Part 73) to provide for the safe use of bismuth citrate as a color additive for use in cosmetic hair dyes. The regulation also amended § 81.10 *Termination of provisional listing of color additives* (21 CFR 81.10), by deleting paragraph (1) *Bismuth citrate* and marking it "reserved."

Under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 as amended (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that no objections or requests for hearing were filed in response to the regulation of September 29, 1978. Accordingly, the amendments promulgated thereby became effective on October 31, 1978.

Dated: January 26, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-3835 Filed 2-5-79; 8:45 am]

[4110-03-M]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 75P-0361]

PART 136—BAKERY PRODUCTS

Amendment of Standards of Identity for Bakery Products; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of the amendment of the standards of identity for bread, rolls, and buns. The amendment removed the limit on the use of mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids, and other ingredients that perform a similar function.

EFFECTIVE DATE: November 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Prince G. Harrill, Bureau of Foods (HFF-411), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued a final regulation in the FEDERAL REGISTER of October 13, 1978 (43 FR 47177) to amend the standards of identity for bread, rolls, and buns as set forth in 21 CFR 136.110 by removing the limit on the use of mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids, and other ingredients that perform a similar function. The Commissioner determined that it was appropriate to remove the limit from the standards because information became available demonstrating that greater amounts are sometimes required and that technical considerations make it unlikely that excessive amounts would be used. No objections to the final regulation were received.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), notice is given that no objections were received. Compliance with the final regulation may have begun on November 14, 1978.

Dated: January 26, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-3833 Filed 2-5-70; 9:45 am]

[4110-03-M]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Dexamethasone Chewable Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The regulations are amended to reflect approval of a new animal drug application (NADA) filed by Beecham Laboratories providing for safe and effective use of dexamethasone chewable tablets for treatment of certain dermatosis and inflammatory conditions in dogs. This product is similar to Schering Corp.'s Azium tablets, one of several products of this type reviewed by the National Academy of Sciences—National Research Council, Drug Efficacy Study Implementation Group (NAS/NRC) and found to be effective as anti-inflammatory agents. Approval of similar products may require submission of bioequivalence or similar data in lieu of other effectiveness data. The regulations are also amended to reflect Schering Corp.'s previously approved Azium tablet and to specify those conditions of use that are NAS/NRC approved.

EFFECTIVE DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham, Inc., Fifth St., Bristol, TN 37620, filed an NADA (108-687V) providing for use of 0.25-milligram dexamethasone chewable tablets as supportive therapy in nonspecific dermatosis and inflammatory conditions in dogs. This product is similar to Schering Corp.'s 0.25-milligram dexamethasone tablets (Azium), one of several adrenocortical-steroid-type preparations that were the subject of an NAS/NRC evaluation published in the FEDERAL REGISTER of April 12, 1969 (34 FR 6447) and found to be effective as anti-inflammatory agents. An *in vivo* study conducted by Beecham Laboratories demonstrated the bioequivalence of the Beecham and Schering drugs.

The NAS/NRC report was published to inform holders of NADA's about the findings of the NAS/NRC and FDA to inform all interested persons that drugs to which the NAS/NRC evaluation applies may be marketed provided they are the subject of an approved NADA and otherwise comply with the requirements of the Federal Food, Drug, and Cosmetic Act. Applications submitted in response to the NAS/NRC review and those submitted subsequently reflect compliance with the review or provide adequate supporting documentation.

The existing regulation, § 520.540b *Dexamethasone tablets and boluses* (21 CFR 520.540b), reflects approval of International Multifoods Corp.'s application for a 0.25-milligram dexamethasone tablet. The application was submitted subsequent to and in compliance with the NAS/NRC review. For codification purposes, this final rule amends the regulation by adding Schering Corp. as an approved sponsor of a similar tablet. Schering Corp.'s application was originally approved on August 6, 1959. However, the approval was never published because it was granted prior to enactment of the Animal Drug Amendments of 1968 (Pub. L. 99-399). One of the requirements imposed by the Amendments was that approval of NADA's must be published in the FEDERAL REGISTER.

Additionally, this final rule adds to § 520.540b and includes in § 520.540c (21 CFR 520.540c) a footnote reference indicating that the conditions of use are NAS/NRC approved. These are

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the drug uses for which approval of an NADA does not require efficacy data as specified by § 514.1(b)(8)(ii) (21 CFR 514.1(b)(8)(ii)) or § 514.111 (a)(5)(vi) (21 CFR 514.111(a)(5)(vi)) of the animal drug regulations, but may require bioequiv- alency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC-reviewed generic drugs, on file in the office of the Hearing Clerk (HFA-305), Food and Drug Administration.

In accordance with the freedom of information regulations and § 514.11 (e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by revising paragraph (b) of § 520.540b and adding new § 520.540c, to read as follows:

§ 520.540b Dexamethasone tablets and boluses.

* * * * *

(b)(1) *Specifications.* Each tablet contains 0.25 milligram of dexamethasone.[1]

(2) *Sponsors.* See Nos. 000085 and 012518 in § 510.600(c) of this chapter.

(3) *Conditions of use*—(i) *Amount.* Dogs: Administer orally at 0.25 to 1.25 milligrams per day for up to 7 days. Cats: 0.125 to 0.5 milligram per day for up to 7 days.[1]

(ii) *Indications for use.* In treatment of dogs and cats as an anti-inflammatory agent.[1]

(iii) *Limitations.* (*a*) Clinical and experimental data have demonstrated that corticosteriods administered orally or by injection to animals may induce the first stage of parturition when administered during the last trimester of pregnancy; and they may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(*b*) Do not use in viral infections. Anti-inflammatory action of corticosteroids may mask signs of infections. Do not use in animals with tuberculosis, chronic nephritis, cushingoid syndrome, or peptic ulcers, except for emergency therapy.[1]

(c) Federal law restricts this drug to use by or on the order of a licensed veterinarian.[1]

§ 520.540c Dexamethasone chewable tablets.

(a) *Specifications.* Each half-scored tablet contains 0.25 milligram of dexamethasone.[1]

(b) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* 0.25 to 1.25 milligrams per day.[1]

(2) *Indications for use.* Supportive therapy in nonspecific dermatosis and inflammatory conditions in dogs.[1]

(3) *Limitations.* (i) Administer by free-choice feeding or crumble over food. Administer 0.25 to 1.25 milligrams daily in single or two divided doses until response is noted or 7 days have elapsed. When response is attained, dosage should be gradually reduced by 0.125 milligram per day until maintenance level is achieved.

(ii) Clinical and experimental data have demonstrated that corticosteriods administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy; and they may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(iii) Do not use in viral infections. Anti-inflammatory action of corticosteriods may mask signs of infection. Do not use in animals with tuberculosis, chronic nephritis, cushingoid syndrome, or peptic ulcers, except for emergency therapy.[1]

(iv) Federal law restricts this drug to use by or on the order of a licensed veterinarian.[1]

Effective date. February 6, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 30, 1979.

TERENCE HARVEY,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 79-3820 Filed 2-5-79; 8:45 am]

[4110-03-M]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Lincomycin Hydrochloride Sirup

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to codify a previously approved new animal drug application (NADA) held by the Upjohn Co., providing for safe and effective use of lincomycin hydrochloride sirup for treatment of certain infections in dogs and cats.

EFFECTIVE DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald A. Gable, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, is sponsor of an NADA (40-587V) providing for use of lincomycin hydrochloride sirup for treating infections in dogs and cats caused by gram-positive organisms that are sensitive to the drug's action, particularly streptococci and staphylococci.

The firm's application was originally approved June 3, 1969. However, the approval was not published in the FEDERAL REGISTER. The regulations are herewith amended to codify the NADA.

This action does not involve reevaluation of the original application and does not constitute reaffirmation of the drug's safety and effectiveness. Because this application was approved before July 1, 1975, a summary of safety and effectiveness data and information submitted in accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) to support approval of this application is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.1263a is amended by revising the section heading and paragraph (a) to read as follows:

§ 520.1263a Lincomycin hydrochloride monohydrate tablets and sirup.

(a) *Specifications.* The lincomycin hydrochloride monohydrate of the tablet meets the specifications prescribed by § 453.30(a)(1) of this chapter. The sirup meets the specifications prescribed by § 453.130b(a)(1) of this chapter.

* * * * *

Effective date. This regulation is effective February 6, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 30, 1979.

TERENCE HARVEY,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 79-3822 Filed 2-5-79; 8:45 am]

These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter.

[4110-03-M]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Flumethasone Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations to codify a previously approved new animal drug application (NADA) held by Syntex Laboratories, Inc., providing for safe and effective use of flumethasone tablets in dogs and cats as an anti-inflammatory agent.

EFFECTIVE DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald A. Gable, Bureau of Veterinary Medicine (HFV-100), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: Syntex Laboratories, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, holds an approved NADA (30-415V) providing for use of flumethasone tablets in treatment of certain musculoskeletal conditions and dermatoses in dogs and cats.

The application was originally approved March 10, 1966. However, the approval was never published because it was granted before enactment of the Animal Drug Amendments of 1968 (Pub. L. 90-399). The regulations are amended to codify the application.

Codification of a previously approved NADA does not constitute reaffirmation of the drug's safety and effectiveness. Since this application was approved prior to July 1, 1975, a summary of safety and effectiveness data and information submitted in accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) to support this application is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.960, to read as follows:

§ 520.960 Flumethasone tablets.

(a) *Specifications.* Each tablet contains 0.0625 milligram of flumethasone.

(b) *Sponsor.* See No. 000033 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* (i) Dogs: Administer orally from 0.0625 to 0.25 milligram daily in divided doses.

(ii) Cats: Administer orally from 0.03125 to 0.125 milligram daily in divided doses.

(2) *Indications for use.* (i) Dogs: It is used for musculoskeletal conditions due to inflammation of muscles or joints and accessory structures, where permanent structural changes do not exist, such as arthritis, the disc syndrome, and myositis.

(ii) Dogs and cats: It is used in certain acute and chronic dermatoses of varying etiology to help control the pruritus, irritation, and inflammation associated with these conditions.

(3) *Limitations.* Do not use in viral infections. Anti-inflammatory action of corticosteroids may mask signs of infection. Do not use in animals with tuberculosis, chronic nephritis, cushingoid syndrome, or where peptic ulcers occur, except for emergency thereapy. Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation is effective February 6, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 30, 1979.

TERENCE HARVEY,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 79-3825 Filed 2-5-79; 8:45 am]

[4110-01-M]

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

Chloramphenicol-Prednisolone Ophthalmic Ointment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Evsco Pharmaceutical Corp., providing for formulation changes of an antimicrobial/anti-inflammatory ophthalmic ointment used in dogs and cats.

EFFECTIVE DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Evsco Pharmaceutical Corp., P.O. Box 209, Harding Highway, Buena, NJ 08310, filed a supplemental NADA (65-259V) providing minor changes in formulation of chloramphenicol-prednisolone ophthalmic ointment used in dogs and cats for treatment of bacterial conjunctivitis and ocular inflammation caused by organisms susceptible to chloramphenicol.

The formulation changes involve replacing propylene glycol in the ointment base with Tween 61 (polyoxyethylene sorbitan monostearate) and replacing prednisolone alcohol with prednisolone acetate. Prior to these substitutions, there was separation of the product during the sterility procedure. By preventing the product separation problem, the substitutions facilitate compliance with the agency requirement that ophthalmic ointments be sterile. Avoidance of separation enhances physical stability of the product.

These changes in formulation do not alter the safety or efficacy of the product. Consequently, approval of the supplemental NADA did not involve reevaluation of the original application and does not constitute a reaffirmation of the drug's safety and efficacy.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 555 is amended in § 555.310f by revising the last sentence of paragraph (c)(1) to read as follows:

§ 555.310f Chloramphenicol-prednisolone ophthalmic ointment.

* * * * *

(c) * * *

(1) * * * Each gram of the product contains the following active ingredients: 10 milligrams of chloramphenicol and 2.5 milligrams of prednisolone acetate.

* * * * *

Effective date. This regulation is effective February 6, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

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Dated: January 30, 1979.

TERENCE HARVEY,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 79-3823 Filed 2-5-79; 8:45 am]

[4110-03-M]

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the regulations to reflect approval of a new animal drug application (NADA) filed for Peavey Co. providing for the use of 0.4 and 10 grams per pound tylosin premixes for making complete swine feeds, and to add Peavey Co. to the list of approved NADA sponsors.

EFFECTIVE DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT:

Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Peavey Co., 730 Second Ave., Minneapolis, MN 55402, is the sponsor of an NADA (110-044V) providing for the safe and effective use of premixes containing 0.4 and 10 grams of tylosin (as tylosin phosphate) per pound. The premixes are used for the manufacture of a complete swine feed that is used for increased rate of weight gain and improved feed efficiency.

Approval of this application relies upon safety and effectiveness data contained in Elanco Product Co.'s approved NADA 12-491V. This approval does not constitute reaffirmation of the referenced NADA or of the drug's safety and effectiveness.

In addition, Peavey Co. has not been included in the regulations under the list of approved sponsors. The regulations are amended to reflect this approval and to add Peavey Co. to the list of sponsors.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFA-305), Room 4-65, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 **Names, addresses, and code numbers of sponsors of approved applications.**

• • • • •

(c) • • •

(1) • • •

Firm name and address and *Drug listing No.*

• • • • •

Peavey Co., 730 Second Ave. South, Minneapolis, MN 55402. 028459

• • • • •

(2) • • •

Drug listing No. and *Firm name and address*

• • • • •

028459 Peavey Co., 730 Second Ave. South, Minneapolis, MN 55402.

• • • • •

2. In Part 558, § 558.625 is amended by adding a new paragraph (b)(57) to read as follows:

§ 558.625 Tylosin.

• • • • •

(b) • • •

(57) To 028459: 0.4 and 10 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

• • • • •

Effective date. This regulation is effective February 6, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 30, 1979.

TERENCE HARVEY,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 79-3821 Filed 2-5-79; 8:45 am]

[4110-03-M]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co., providing for use of a currently approved 20-gram-per-pound lincomycin premix for the manufacture of a complete broiler feed. The feed is used for increase in rate of weight gain, improved feed efficiency, and control of necrotic enteritis.

EFFECTIVE DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT:

Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed a supplemental NADA (97-505V) providing for the addition of broiler use of the 20-gram-per-pound lincomycin premix. The firm currently holds approval for use of the premix for swine feeds.

Approval of this supplement does not constitute reaffirmation of the safety of residues resulting from use of lincomycin.

In addition, paragraph (e)(1) *Special considerations* of § 558.325 (21 CFR 558.325(e)(1)) is amended to clarify that the existing waiver of the ministerial requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(m)) applies only to complete broiler feeds conforming to the requirements of § 558.325(f)(1) and manufactured directly from the 4-gram-per-pound premix, and that it does not apply to complete broiler or swine feeds manufactured directly from the 20-gram-per-pound premix. The criteria for waiver for the 20-gram-per-pound premix have not been satisfied.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support this approval is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFA-305), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.325 by revising paragraphs (b)(2) and (e)(1), to read as follows:

§ 558.325 Lincomycin.

• • • • •

(b) • • •

(2) Premix level of 20 grams per pound has been granted to No. 000009 in § 510.600(c) of this chapter for use as provided in paragraph (f) (1), (2), and (3) of this section.

• • • • •

(e) *Special considerations.* (1) Complete broiler feeds containing lincomycin as the sole drug, processed from the 4-gram-per-pound premix, and conforming to the requirements of paragraph (f)(1) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • •

Effective date. This regulation shall be effective February 6, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 30, 1979.

TERENCE HARVEY,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 79-3824 Filed 2-5-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-5128]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program (NFIP). The identification of such areas is to provide guidance to communities on the reduction of property losses, by the adoption of appropriate flood plain management, or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The date listed in the eighth column of the table or 30 days after the date of this FEDERAL REGISTER publication, whichever is later.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-5581 or toll-free Line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires the purchase of flood insurance as a condition of Federal financial assistance of insurable property if such assistance is:

(1) For acquisition and construction of buildings as defined in Part 1909 of Title 24 of the Code of Federal Regulations, and

(2) For buildings located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

For communities participating in the NFIP, (see the fifth column in the table for a community's program status), this requirement applies on the date listed in the eighth column. For communities not participating in the program, Section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area effective one year from the hazard identification date (the date in the eighth column of the table).

This 30 day period before the map action becomes effective does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 1915.3 **List of communities with special hazard areas (FHBMs in effect).**

State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
California, Tehame, City of Red Bluff, 0001B-0002B.	065053B	E-8, 11, 12	I	F	June 7, 1974, June 11, 1976.	Dec. 26, 1978	Mr. Harlan Warwick, Public Works Director, P.O. Box 400, Red Bluff, CA 96080 (916) 527-2605.
Louisiana, Livingston, Village of French Settlement, 0001B.	220117B	N-8, 11, 12	I	F	Oct. 25, 1974, Mar. 12, 1976.	Dec. 26, 1978	Honorable Norwood Matherne, Mayor, City Hall, French Settlement, LA 70733 (504) 293-6600, Ext. 216.
Alabama, Houston, Town of Kinsey, 0001B.	010106	E-8, 11, 12, 14	I	F	Sept. 13, 1974, Jan. 2, 1976.	Dec. 29, 1978	J. W. Rich, Mayor, Rt. 9, Box 151, Dothan, AL 36301, Phone: (205) 794-7259.

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State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
Alabama, Jefferson, Town of Morris, 01.	010264A	N-8, 11, 12, 14	I	F	Oct. 8, 1976	Dec. 29, 1978	Lamar Reid, Mayor, P.O. Box 163, Morris, AL 35116, Phone: (205) 251-5113.
Alabama, Talladega, City of Talladega, 0001B-0002B.	010200	E-11, 12, 14	I	F	June 7, 1974, July 16, 1976.	Dec. 29, 1978	Charles Osborne, Mayor, P.O. Box 498, Talladega, AL 35160, Phone: (205) 352-8186.
Florida, Levy, Town of Inglis, 0001A	120586	N-5	I	F	Dec. 29, 1978	Dec. 29, 1978	John Neeld, Mayor, P.O. Drawer 429, Inglis, FL 32649, Phone: (904) 447-2397.
North Carolina, Hertford, Town of Winton, 01.	370424A	N-5	I	F	Dec. 29, 1978	Dec. 29, 1978	Carter W. Jones, Mayor, P.O. Box 134, Winton, NC 27986, Phone: (919) 358-3041.
Tennessee, Pickett, Pickett County,[1] 0001A-0004A.	470384	N-5	I	F	Dec. 29, 1978	Dec. 29, 1978	James Mochaw, County Judge, Pickett County Courthouse, Byrdstown, TN 38599, Phone: None
Wisconsin, Price, Price County,[1] 0001A-0015A.	550343	E-10, 11, 12, 14	I	F	Jan. 17, 1975, Dec. 29, 1978.	Dec. 29, 1978	Gordon Dahlie, Chairman, County Courthouse, Philips, WI 54555, Phone: (715) 339-3272.
Idaho, Gooding, City of Gooding, 01B-02B.	160064B	E-8, 11	I	F	May 31, 1974, Jan. 2, 1976.	Jan. 2, 1979	Honorable Don Morrow, Mayor, 420 Idaho Street, Gooding, ID 83330 (208) 934-5669.
Montana, Unincorporated Area, Carbon County, 0001A-0010A, 0012A-0015A, 0018A-0023A, 0027A-0037A, 0039A-0067A.	300139A	E-5	I	F	Jan. 2, 1979	Jan. 2, 1979	Mr. Bob Rowland, County Chairman, Carbon County, Office of County Commissioner, Red Lodge, MT 59068 (406) 446-1220.
Illinois, Crawford, Crawford County,[1] 0001A-0006A.	170939	N-5	I	F	Jan. 5, 1979	Jan. 5, 1979	Don Holmes, Pres., Co. Bd., Courthouse, Robinson, IL 62454, Phone: (618) 546-1212.
Illinois, Vermilion, Village of Indianola, 01.	170957A	N-5	I	F	Jan. 5, 1979	Jan. 5, 1979	Dale Williams, Vill. Pres., Village Hall, Indianola, IN 61850, Phone: (217) 284-3384.
Indiana, Madison, Town of Markleville, 01.	180458A	N-5	I	F	Jan. 5, 1979	Jan. 5, 1979	Ted Mohr, Town Bd. Pres., P.O. Box 125, Markleville, IN 46056, Phone: (317) 533-2045.
Michigan, Marquette, Township of Chocolay, 0001A.	260448	E-11, 12, 14	C	F	Oct. 24, 1975	Jan. 5, 1979	Richard Rogers, Supervisor, 5010 U.S. 41 South, Marquette, MI 49855, Phone: (906) 249-1448.
Ohio, Perry, Village of Junction City, 01.	390834A	N-5	I	P	Jan. 5, 1979	Jan. 5, 1979	Thomas H. Hampton, Mayor, P.O. Box 276, Junction City, OH 43748, Phone: (614) 987-4981.
Ohio, Defiance, Village of Ney, 01	390850A	N-5	I	F	Jan. 5, 1979	Jan. 5, 1979	William R. Stauffer, Mayor, P.O. Box 163, Ney, OH 43549, Phone: (419) 658-2233 (home), (419) 658-2329 (work).
Tennessee, Cannon, Cannon County,[1] 0001A-0006A.	470368	N-5	I	F	Jan. 5, 1979	Jan. 5, 1979	Lehman Mitchell, County Judge, Courthouse, Woodbury, TN 37190, Phone: (615) 563-2320.
Wisconsin, Fond Du Lac, Village of Fairwater, 01.	550135C	E-11	I	F	Nov. 8, 1974, Oct. 10, 1975, Jan. 30, 1976.	Jan. 5, 1979	James Steilmacher, Vill. Pres., Village Hall, Fairwater, WI 53931, Phone: (414) 346-2672.
California, Unincorporated Area, Fresno County, 0003A-0010A, 0012A-0015A, 0018A-0023A, 0027A-0037A, 0039A-0067A.	065029A	E-5	I	F	Jan. 9, 1979	Jan. 9, 1979	Mr. Eldred Bliss, Fresno County, Natural Resources Coordinator, 4499 East Kings Canyon Road, Fresno, CA 93702 (209) 488-3838.
Idaho, Bannock, City of Downey, 0001A.	160165A	N-5	I	F	Jan. 9, 1979	Jan. 9, 1979	Honorable Vern C. Bloxham, Mayor, P.O. Box 204, Downey, ID 83234 (208) 897-5342.
Louisana, Rapides Parish, Village of McNary, 01B.	220299B	N-8, 11, 12	I	F	Apr. 23, 1976, Dec. 17, 1976.	Jan. 9, 1979	Honorable Q. A. Clark, Mayor, Village Hall, McNary, LA 71432 (318) 748-8264.
Missouri, Scott, Village of Miner, 0001A.	290687A	E-8, 11, 12	I	F	July 30, 1978	Jan. 9, 1979	Mr. L. F. Wheeler, Chairman, 103 H Road, Sikeston, MO 63801 (314) 471-8520.
Oklahoma, Tulsa and Osage, Town of Sperry, 01B-02B.	400213B	E-8, 11, 12	I	F	Dec. 7, 1973, June 25, 1976.	Jan. 9, 1979	Mr. Steve Carr, Town Planner, Town Hall, 116 S. Cincinnati St., P.O. Box 579, Sperry, OK 74073 (918) 581-5531.

State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
Illinois, Macon, Village of Argenta, 01.	170942A	N-5	I	F	Jan. 12, 1979	Jan. 12, 1979	Jerry E. Camfield, Sr., Pres., 298 East Elm, Argenta, IL 62501, Phone: (217) 795-4895.
Illinois, Jo Daviess, Village of Menominee, 0001A.	170961	N-5	I	F	Jan. 12, 1979	Jan. 12, 1979	Laverne Schonhoff, Village Pres., R.D. #1, E. Dubuque, IL 61025, Phone: (815) 742-6679.
Illinois, Sangamon, Village of Sherman, 0001A.	170969	N-5	I	F	Jan. 12, 1979	Jan. 12, 1979	John J. Jerome, Village President, 101 North First, Sherman, IL 62684, Phone: (217) 496-2020.
Indiana, Adams, Town of Geneva, 01	180002B	E-8, 11, 12, 14	I	F	Nov. 23, 1973, June 11, 1976.	Jan. 12, 1979	Marvin Hart, Town Bd. Pres., R.D. #1, Geneva, IN 46740, Phone: (219) 368-7534.
Mississippi, Leflore, Leflore County,[1] 0001A-0009A.	280101	E-5	I	F	Jan. 12, 1979	Jan. 12, 1979	Ray Tribble, Pres., Bd. of Sup., County Courthouse, Greenwood, MS 38930, Phone: (601) 453-3528.
Mississippi, Tippah, Town of Walnut, 0001A.	280328	N-5	I	F	Jan. 12, 1979	Jan. 12, 1979	W. F. May, Mayor, P.O. Box 146, Walnut, MS 38683, Phone: (601) 223-4256 (home).
North Carolina, Wilson, Town of Sims, 01.	370423A	N-5	I	F	Jan. 12, 1979	Jan. 12, 1979	Richard Sulghum, Mayor, P.O. Box 26, Sims, NC 27880, Phone: (919) 237-4226.
Ohio, Van Wert, Village of Middle Point, 0001A.	390841	E-5	I	F	Jan. 12, 1979	Jan. 12, 1979	Arthur Ebersole, Mayor, Box 132, Middle Point, OH 45863, Phone: (419) 238-1299.
Ohio, Clinton, Village of New Vienna, 0001A.	390849	N-5	I	F	Jan. 12, 1979	Jan. 12, 1979	Clyde Irwin, Mayor, Village Hall, New Vienna, OH 45159, Phone: (513) 987-2042.
Ohio, Wyandot, Village of Wharton, 0001A.	390865	N-5	I	F	Jan. 12, 1979	Jan. 12, 1979	Gerald S. Opper, Mayor, Box 1, Wharton, OH 43359, Phone: (419) 452-3304.
Tennessee, Crockett, Crockett County,[1] 0001A-0006A.	470383	N-5	I	F	Jan. 12, 1979	Jan. 12, 1979	Jeff Davis, Co. Chairman, Town Hall, Alamo, TN 38001, Phone: (901) 696-2445.
Iowa, Polk, City of Johnston; 0001B-0002B.	190745B	E-8, 11, 12	I	F	Apr. 1, 1977	Jan. 16, 1979	Mr. Alan E. Collet, City Manager, P.O. Box 156, Johnston, IA 50131, (515) 278-2344.
Montana, Unincorporated area, Dawson County, 0011B, 0015B.	300140B	N-12	I	F	Apr. 11, 1978	Jan. 16, 1979	Mr. Art C. Dietz, Chairman, Board of County Commissioners, County Courthouse, Glendive, MT 59330 (406) 365-3562.
Nebraska, Scotts Bluff, City of Scottsbluff, 0001B.	310206B	E-8, 11, 12	I	F	Apr. 5, 1974, July 23, 1976.	Jan. 16, 1979	Mr. Frank U. Koehler, City Manager, City Hall, Scottsbluff, NB 69361 (308) 632-4136.
Washington, Snohomish, City of Monroe, 0001A.	530169A	E-8, 11, 12	I	F	Nov. 5, 1976	Jam. 16, 1979	Honorable Grace Kirwan, Mayor, P.O. Box 130, Monroe, WA 98272 (206) 794-7400
Alabama, St. Clair, Town of Moody, 0001C.	010187	E-8, 11, 12, 14	I	F	May 31, 1974, June 25, 1976, Dec. 31, 1976.	Jan. 19, 1979	M. A. Lee, Mayor, Rt. No. 3, Box 348, Leeds, AL 35094, Phone: (205) 640-5121.
Alabama, Etowah, City of Rainbow City, 0001B-0003B.	010351	E-8, 11, 12, 14	I	F	Feb. 18, 1977	Jan. 19, 1979	W. R. Smith, Mayor, City Hall, Rainbow City, AL 35901, Phone: (205) 442-2511.
Alabama, Walker, Jefferson, Town of Sumiton, 0001A.	010400	N-5	I	F	Jan. 19, 1979	Jan. 19, 1979	C. F. Ballenger, Mayor, P.O. Drawer 10, Sumiton, AL 35148, Phone: (205) 648-3261 (home), (205) 648-3255 (work).
Mississippi, Clarke, Town of Enterprise, 0001A.	280314	N-5	I	F	Jan. 19, 1979	Jan. 19, 1979	Christine J. Buckley, Mayor, P.O. Box 266, Enterprise, MS 39330, Phone: (601) 659-7971.
Mississippi, Calhoun, Town of Vardaman, 0001A.	280327	N-5	I	F	Jan. 19, 1979	Jan. 19, 1979	Billy Paul Spencer, Mayor, P.O. Box 194, Vardaman, MS 38878, Phone: (601) 682-5231.
New York, Chenango, Village of Greene, 01.	360159B	E-11, 12, 14	I	F	Feb. 20, 1976, May 21,1976.	Jan. 19, 1979	Thomas J. Wynn, Mayor, P.O. Box 207, Greene, NY 13778, Phone: (607) 656-4500.

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State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
New York, Chenango, Village of Oxford, 01.	360163B	E-11, 12, 14	I	F	May 31, 1974, Aug. 20, 1976.	Jan. 19, 1979	Bruce B. Small, Mayor, P.O. Box 487, Oxford, NY 13830, Phone: (607) 843-2512.
North Carolina, Yadkin, Town of Arlington, 0001A.	370407	N-5	I	F	Jan. 19, 1979	Jan. 19, 1979	Roy Wagoner, Mayor, P.O. Box 401, Jonesville, NC 28642, Phone: (919) 835-4036.
North Carolina, Swain, Swain County,[1] 0001A-0011A.	370227	N-5	I	F	Jan. 19, 1979	Jan. 19, 1979	Glen McHan, Ch. Co. Bd., P.O. Drawer "A", Bryson, NC 28713, Phone: (704) 488-3121.
Ohio, Williams, Village of Stryker, 0001A.	390862	N-5	I	F	Jan. 19, 1979	Jan. 19, 1979	David A. Milliman, Mayor, Box 314, Stryker, OH 43557, Phone: (419) 682-6382.
Tennessee, Polk, Polk County,[1] 001A-0008A.	470261	N-5	I	F	Jan. 19, 1979	Jan. 19, 1979	Charles Campbell, Co. Judge, Courthouse, Box 126, Benton, TN 37307, Phone: (615) 338-2841.
Iowa, Clinton, City of Camanche, 0001A.	190086A	E-5	I	F	Jan. 23, 1979	Jan. 23, 1979	Honorable Jack Junck, Mayor, City Hall, Camanche, IA 52730 (319) 259-8446.
Louisiana, St. Martin Parish, City of St. Martinville, 0001B.	220191B	E-8, 11, 12	I	F	Oct. 5, 1973, Nov. 21, 1975.	Jan. 23, 1979	Honorable Earl H. Willis, Mayor, City Hall, St. Martinville, LA 70582 (318) 394-4215.
South Dakota, Yankton, City of Yankton, 0001B.	460093B	E-8, 11, 12	I	F	Mar. 22, 1974, Jan. 9, 1976.	Jan. 23, 1979	Honorable Laddie R. Kostel, Mayor, P.O. Box 176, Yankton, SD 57078 (605) 665-4501.
Illinois, Jackson, Village of Gorham, 0001A.	170954	N-5	I	F	Jan. 26, 1979	Jan. 26, 1979	Tony Van Pelt, Vil. Pres., P.O. Box 59, Gorham, IL 62940, Phone: (618) 565-2180.
Illinois, Sangamon, Village of Mechanicsburg, 01.	170960A	N-5	I	F	Jan. 26, 1979	Jan. 26, 1979	Ronald Boston, Vil. Pres., P.O. Box 94, Mechanicsburg, IL 62545, Phone: (217) 364-4891 home, (217) 364-4453 work.
Illinois, Sangamon, Village of Pawnee, 0001B.	170602	E-11	I	F	May 17, 1974, June 4, 1976.	Jan. 26, 1979	Ernest Langheim, Vil. Pres., 619 Douglas Street, Pawnee, IL 62558, Phone: (217) 625-7631 or (217) 625-5501.
Illinois, Iroquois, Village of Thawville, 01.	170913A	E-5	I	F	Jan. 26, 1979	Jan. 26, 1979	Franklin Fuoss, Vil. Pres., Village Hall, Thawville, IL 60966, Phone: (217) 837-2446.
Illinois, LaSalle, Village of Troy Grove, 01.	170972A	N-5	I	F	Jan. 26, 1979	Jan. 26, 1979	Russell Miller, Jr., Vil. Pres., P.O. Box 1, Troy Grove, IL 61372, Phone: (815) 538-3441 home, (815) 538-6086 work.
Indiana, Madison, Town of Woodlawn Heights, 01.	180471A	N-5	I	F	Jan. 26, 1979	Jan. 26, 1979	A. O. Barnes, Pres. Town Bd., P.O. Box 2037, Anderson, IN 46011, Phone: (317) 642-1700 home, (317) 643-5364 work.
Minnesota, Cass, City of Lake Shore, 0001B-0002B.	270062	E-11, 12, 14	I	F	Sept. 13, 1974, Dec. 19, 1975.	Jan. 26, 1979	Robert Bayerle, Mayor, P.O. Rt. 6, Brainerd, MN 56401, Phone: (218) 568-4185.
Ohio, Washington, Village of Beverly, 01.	390568B	E-8, 11, 12, 14	I	F	Apr. 5, 1974, Apr. 16, 1975.	Jan. 26, 1979	Carl Kane, Mayor, Fifth Street, Beverly, OH 45715, Phone: (614) 984-2894.
Ohio, Delaware, City of Delaware, 0001B.	390148	E-11, 12, 14	I	F	May 17, 1974, Apr. 4, 1975.	Jan. 26, 1979	Don Wuertz, Mayor, 1-13 South Sandusky Street, Delaware, OH 43015, Phone: (614) 363-1965.
Ohio, Henry, City of Napoleon, 0001B	390266	E-11	I	F	May 31, 1974, Oct. 3, 1975.	Jan. 26, 1979	Alan Tandy, City Mgr., 255 West Riverview Avenue, Napoleon, OH 43545, Phone: (419) 592-4010.
South Carolina, Union, Town of Lockhart, 01.	450241A	N-5	I	F	Jan. 26, 1979	Jan. 26, 1979	Walter L. Martin, Mayor, Box 234, Lockhart, SC 29364, Phone: (803) 545-2201.
Wisconsin, Portage, Portage County,[1] 0002B only.	550572	E-12, 14	I	F	Dec. 23, 1977	Jan. 26, 1979	Stephen Brazzale, Zoning Admin., County-City Bldg., 1516 Church Street, Stevens Point, WI 54481, Phone: (715) 346-2478.
Wisconsin, Columbia, Village of Wyocena, 01.	550066B	E-8, 11, 12, 14	I	F	Apr. 12, 1974, Oct. 10, 1975.	Jan. 26, 1979	Marvin Spear, Vil. Pres., Village Hall, Wyacena, WI 53969, Phone: (608) 429-2349.

State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
Arizona, Unincorporated Area, Navajo County, 0001A-0037A.	040066A	E-8, 11, 12	I	F	Aug. 23, 1974	Jan. 30, 1979	Mr. Eric L. Manola, Director, Navajo County Planning & Zoning Commission, County Courthouse, Holbrook, AZ 86025, (602) 524-6161.
Kansas, Coffey, City of LeRoy, 02B-03B.	200066B	N-11, 12	I	F	Dec. 28, 1973, Oct. 24, 1975.	Jan. 30, 1979	Honorable Glen Varvel, Mayor, City Hall, LeRoy, KS 66857, Phone: (316) 964-2245.
Utah, Unincorporated Area, Box Elder County, 0009B, 0018B, 0026B-0027B, 0035B-0036B, 0044B.	490005B	E-12	I	F	Feb. 28, 1978	Jan. 30, 1979	Mr. Don E. Chase, Chairman, Board of County Commissioners, County Courthouse, Brigham City, UT 84302 (801) 723-3277.

[1] Unincorporated areas.

FINAL LIST CODES

1. Conversion to Regular Program with FIRM (elevations determined).
2. Conversion to Regular Program with FIRM (no elevations determined).
3. Conversion to Regular Program with no Special Flood Hazard Areas—no FIRM.
4. Conversion to Regular Program with no Special Flood Hazard Areas—no FIRM; recission of FHBM effective on same date as conversion.
5. Initial FHBM.
6. Revision—Change of elevation; revised FIRM.
7. Revision—Change of zone designation; revised FIRM.
8. Revision—Corporate limit changes.
9. Revision—Drafting corrections; Printing errors.
10. Revision—Curvilinear.
11. Revision—Add Flood Hazard Area.
12. Revision—Reduce Flood Hazard Area.
13. Revision—Federal Register omission.
14. Revision—Refunds possible.
15. Attention! A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.

R—Regular program; E—Emergency program; N—Not in program.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); Effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January, 30, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3859 Filed 2-5-79; 8:45 am]

[4830-01-M]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7594]

PART 53—FOUNDATION EXCISE TAXES: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Minimum distribution amounts

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the minimum investment return of a private foundation. Changes in the applicable tax law were made by the Tax Reform Act of 1976. These regulations provide necessary guidance to the public for compliance with the law and affect private foundations.

DATE: The regulations are effective for taxable years beginning after December 31, 1975.

DATE: The regulations are effective for taxable years beginning after December 31, 1975.

FOR FURTHER INFORMATION CONTACT:

William J. Schlinkert of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3903) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Under prior law, each private foundation in order to avoid liability for additional excise taxes must distribute currently for charitable purposes the greater of all its adjusted net income or an annually determined variable percentage of its average noncharitable assets, reduced by taxes under subtitle A and section 4940. This variable percentage was determined annually by the Treasury Department, pursuant to statutory authorization, on the basis of changes in money rates and investment yields, taking into account a standard of six percent for 1976 and comparing money rates and investment yields for 1976 with those for the immediately preceding year. Section 1303(a) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1715) amends section 4942(e)(1) of the Code by making five percent the mandatory annual payout percentage applicable to private foundations, and eliminates

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the authority of the Treasury Department to change that rate from year to year.

Because this regulation merely implements the statute in a manner involving no discretion and does not change existing policy, it is found unnecessary to issue this Treasury Decision with notice and public procedure. For the same reasons, this regulation is not a significant regulation under paragraph 8 of Treasury Directive appearing in the FEDERAL REGISTER of November 8, 1978 (42 FR 52120).

DRAFTING INFORMATION

The principal author of this regulation was Geoffrey B. Lanning of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 53 is amended as follows:

Section 53.4942 (a)-2 is amended by revising §§ 53.4942 (a)-2(c)(5)(i) and (ii) to read as follows:

§ 53.4942 (a)-2 Computation of undistributed income.

• • • • • •

(c) *Minimum investment return.* • • •

(5) *Applicable percentage*—(i) *In general.* For purposes of paragraph (c)(1)(ii) of this section, except as provided in paragraph (c)(5)(ii) or (iii) of this section, the applicable percentage is:

(*a*) Six percent for a taxable year beginning in 1970 or 1971;

(*b*) Five and a half percent for a taxable year beginning in 1972;

(*c*) Five and one-quarter percent for a taxable year beginning in 1973;

(*d*) Six percent for a taxable year beginning in 1974 or 1975; and

(*e*) Five percent for taxable years beginning after Dec. 31, 1975.

(ii) • • •

(c) Beginning in 1973, apply with an applicable percentage of 4¾ percent, and

(*d*) Beginning in 1974, apply with an applicable percentage of 5½ percent.

• • • • • •

Because the amendments contained in this Treasury decision merely conform the regulations to section 1303(a) of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1715) and codify existing releases issued under authority contained in former section 4942(e)(3) of the Internal Revenue Code of 1954, it is found unnecessary to issue them with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitations of 5 U.S.C. 553(d).

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805)).)

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: January 29, 1979.

DONALD C. LUBICK,
Assistant Secretary of the Treasury.

[FR Doc. 79-4059 Filed 2-5-79; 8:45 am]

[4810-31-M]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF-55]

PART 240—WINE

PART 245—BEER

Home Production of Beer and Wine

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Final rule.

SUMMARY: These regulations implement amendments made to the Internal Revenue Code by Public Law 95-458. These amendments: (1) Permit any adult to produce beer and wine in limited quantities for personal or family use, without payment of tax, and not for sale; (2) delete the registration requirement for the "home" production of wine; and (3) revise the definition of a brewer to exempt "home" brewing. Some other changes are also made to update the related regulations, incorporate an ATF ruling, and delete restrictions.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Edward J. Sheehan, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION:

BACKGROUND INFORMATION

Pub. L. 95-458 was signed by the President on October 14, 1978, and it revises the Internal Revenue Code to permit any adult to produce beer and wine in limited quantities for personal or family use, without payment of tax, and not for sale. Other revisions made include deleting the registration requirement for the "home" production of wine and revising the definition of brewer to exempt "home" brewing.

Prior to the enactment of this law, only a duly registered head of a family was allowed to produce wine for family use and not for sale. A person was considered head of the family only if he exercised family control or responsibility over one or more individuals closely connected with him by blood relationship, relationship by marriage, or by adoption, and who were living with him in one household. The use of wine was limited to the family, and wine could not be removed from the premises where made without ATF approval, which was usually limited to removal for entry in competitions or exhibitions.

CHANGES

PART 240—WINE

Several changes were made to the regulations contained in Subpart Y of 27 CFR Part 240 to: (1) Implement Pub. L. 95-45b; (2) incorporate ATF Ruling 72-272; (3) delete restrictions no longer necessary; and (4) make editorial changes to update the language.

One change made permits any adult, as defined in the statute, to produce wine for personal or family use, without payment of tax, and not for sale, thus eliminating the requirement for the individual to be "head of the family" as in the prior statute. This means that any adult, regardless of sex or marital status, may produce wine for personal or family use. Section 240.540 has been revised to incorporate this and to specify the new statutory limitations on annual production. These limitations are 100 gallons per calendar year of wine if there is one adult residing in the household or 200 gallons per calendar year if there are two or more adults residing in the household.

A new § 240.541, removal of wine, is added to allow removal of wine from the premises where made for personal or family use and incorporate, in part, the provisions of ATF Ruling 72-272. This ruling holds, in part, that home winemakers may remove wine from the premises where made for exhibition or use at organized affairs or competitions, such as homemaker's contests, tastings or judging.

Section 240.542 which required home winemakers to file Form 1541 (Annual Registration for Production of Wine for Family Use) annually with ATF, is revoked. Home winemakers are no longer required to register with ATF as of the effective date of the statute.

Section 240.543 was revoked to eliminate the restriction on removal of wine. Section 240.543 prohibited the removal of wine made for family use from the premises where made without ATF approval. ATF believes this requirement is no longer necessary in light of the easing of other restrictions on the production of wine. Therefore, we are deleting the requirement. A new § 240.541 is added, as discussed earlier, allowing wine to be removed from for the premises, without ATF approval, for personal or family use, and not for sale.

The final changes made to Part 240 were conforming changes made in Subpart II—Other Tax-Free Removals. Section 240.730 has been revised to show that any adult who operates a bonded wine cellar as an individual or in partnership with others may remove wine for personal or family use without payment of tax, subject to gallonage limitations. (§§ 240.540, 240.541, 240.730 amended; §§ 240.542, 240.543 revoked)

PART 245—BEER

This law authorizes the production of beer for personal or family use. Since no regulations existed in 27 CFR Part 245, we decided to utilize a reserved portion of this part. The regulations are located in Subpart V and are titled Beer for Personal or Family Use.

The same privileges that now exist for home production of wine also extend to the home production of beer. Section 245.180 provides that any adult, as defined by the statute, may produce beer, without payment of tax, for personal or family use and not for sale. The amounts of annual production are the same as for wine, 100 gallons per calendar year if there is only one adult residing in the household or 200 gallons per calendar year if there are two or more adults residing in the household. Section 245.181 provides that home brewers may remove beer from the premises where made for personal or family use including exhibition or use at homemaker's contests, tastings or judging. Section 245.182 provides that any adult operating a commercial brewery as an individual or in partnership with others may remove beer for personal or family use without payment of tax, subject to gallonage limitations.
(Subpart V, §§ 245.180, 245.181, 245.182 added)

DRAFTING INFORMATION

The principal author of this document is Edward J. Sheehan, Specialist, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226. However, other officials from the Bureau and from the Treasury Department participated in developing this Treasury decision.

EFFECTIVE DATE

Because this Treasury decision is both liberalizing and clarifying in nature, operates to the benefit of the public, requires no public initiative, and because there is a need for immediate implementation of Pub. L. 95-458, it is found to be impracticable, unnecessary and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision becomes effective on February 1, 1979.

AUTHORITY AND ISSUANCE

These regulations are issued under authority of 26 U.S.C. 7805 (68A Stat. 917, as amended).

In view of the above, Title 27 of the Code of Federal Regulations is amended to read as follows:

PART 240—WINE

1. The table of sections to 27 CFR Part 240 is amended to read as follows:

• • • • • •

Subpart Y—Tax Free Production

WINE FOR PERSONAL OR FAMILY USE

Sec.
240.540 Production.
240.541 Removal of wine.
240.542 [Revoked]
240.543 [Revoked]

• • • • • •

Subpart H—Other Tax-Free Removals

240.730 Removal for personal or family use.

• • • • • •

2. A new center heading immediately preceding § 240.540 is added, and § 240.540 is revised to retitle this section, incorporate new criteria for who may produce wine for personal or family use, provide a definition of an adult, and provide limitations on the amount of annual production. As revised, § 240.540 reads as follows:

WINE FOR PERSONAL OR FAMILY USE

§ 240.540 Production.

(a) Any adult may produce wine, without payment of tax, for personal or family use and not for sale. An adult is any individual who is 18 years of age or older. However, if the locality in which the household is located requires a greater minimum age for the sale of wine to individuals, the adult shall be that age before commencing the production of wine. This exemption does not authorize the production of wine for use contrary to State of local law.

(b) The production of wine per household, without payment of tax, for personal or family use shall not exceed:

(1) 200 gallons per calendar year if there are two or more adults residing in the household, or

(2) 100 gallons per calendar year if there is only one adult residing in the household.

(c) Partnerships except as provided in § 240.730, corporations or associations shall not produce wine, without payment of tax, for personal or family use.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1331, as amended (26 U.S.C. 5042))

3. Section 240.541, Limitation of exemption, is deleted, and in its place § 240.541, Removal of wine, is added to incorporate, in part, ATF Ruling 72-272 and to allow removal of wine for personal or family use. As changed, § 240.541 reads as follows:

§ 240.541 Removal of wine.

Wine made under § 240.540 may be removed from the premises where made for personal or family use including use at organized affairs, exhibitions or competitions, such as homemaker's contests, tastings or judging. Wine used under this section shall not be sold or offered for sale.

(Sec. 201 Pub. L. 85-859, 72 Stat. 1331, as amended (26 U.S.C. 5042))

§ 240.542 [Revoked].

§ 240.543 [Revoked].

4. Sections 240.542, Registration Form 1541, and 240.543, Removal of wine, are revoked.

5. Amend the title of § 240.730 to reflect removal for personal or family use and amend the section to allow any adult operating a bonded wine cellar as an individual owner or in partnership with others to remove wine, without payment of tax, for personal or family use, subject to the gallonage limitations. As revised, § 240.730 reads as follows:

§ 240.730 Removal for personal or family use.

Any adult, as defined in § 240.540, who operates a bonded wine cellar as an individual owner or in partnership with others, may remove wine from the bonded wine cellar without payment of tax for personal or family use. The amount of wine removed for each household, without payment of tax, per calendar year may not exceed 100 gallons if there is only one adult residing in the household or 200 gallons if there are two or more adults residing in the household. Wine removed in excess of the above limitations shall

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be reported as a taxable removal. All quantities of wine removed shall be entered as a removal on the monthly report, Form 702.

(Sec. 201 Pub. L. 85-859, 72 Stat. 1331, as amended (26 U.S.C. 5042))

PART 245—BEER

6. Amend the table of contents to Part 245 to add a new Subpart V—Beer for Personal or Family Use, and the titles of the new sections in the subpart. As amended, the table of contents reads as follows:

• • • • •

Subpart V—Beer for Personal or Family Use

Sec.
245.180 Production.
245.181 Removal of beer.
245.182 Removal from brewery for personal or family use.

• • • • •

7. Amend § 245.5 by revising the definition of brewer to agree with the new statutory language. As amended, § 245.5 reads as follows:

§ 245.5 Meaning of terms.

• • • • •

Brewer. Any person who brews beer (except a person who produces only beer exempt from tax under 26 U.S.C. 5053 (e)) and any person who produces beer for sale.

(Sec. 2, Pub. L. 95-458, 92 Stat. 1256 (26 U.S.C. 5092))

• • • • •

8. Add a new Subpart V—Beer for Personal or Family Use and three sections, §§ 245.180, 245.181, and 245.182 in the subpart to implement the new statutory requirements. The new subpart reads as follows:

Subpart V—Beer for Personal or Family Use

§ 245.180 Production.

(a) Any adult may produce beer, without payment of tax, for personal or family use and not for sale. An adult is any individual who is 18 years of age or older. However, if the locality in which the household is located requires a greater minimum age for the sale of beer to individuals, the adult shall be that age before commencing the production of beer. This exemption does not authorize the production of beer for use contrary to State or local law.

(b) The production of beer per household, without payment of tax, for personal or family use shall not exceed:

(1) 200 gallons per calendar year if there are two or more adults residing in the household, or

(2) 100 gallons per calendar year if there is only one adult residing in the household.

(c) Partnerships except as provided in § 245.182, corporations or associations shall not produce beer, without payment of tax, for personal or family use.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1334, as amended (26 U.S.C. 5053))

§ 245.181 Removal of beer.

Beer made under § 245.180 may be removed from the premises where made for personal or family use including use at organized affairs, exhibitions or competitions, such as homemaker's contests, tastings or judging. Beer used under this section shall not be sold or offered for sale.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1334, as amended (26 U.S.C. 5053))

§ 245.182 Removal from brewery for personal or family use.

Any adult, as defined in § 245.180, who operates a brewery under this part as an individual owner or in partnership with others, may remove beer from the brewery without payment of tax for personal or family use. The amount of beer removed for each household, without payment of tax, per calendar year may not exceed 100 gallons if there is only one adult residing in the household or 200 gallons if there are two or more adults residing in the household. Beer removed in excess of the above limitations shall be reported as a taxable removal. All quantities of beer removed shall be entered as a removal on the monthly report, Form 103.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1334, as amended (26 U.S.C. 5053))

Signed: January 22, 1979.

JOHN G. KROGMAN,
Acting Director.

Approved: January 31, 1979.

RICHARD J. DAVIS,
Assistant Secretary,
(Enforcement and Operations).

[FR Doc. 79-3950 Filed 2-5-79; 8:45 am]

[4510-26-M]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

[Docket No. H-074]

Occupational Exposure to Chlorine

ADMINISTRATIVE STAY; REQUEST FOR COMMENTS AND INFORMATION

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Administrative Stay of Final Rule; Request for Comments and Information.

SUMMARY: This action stays the correction, from a time weighted average to a ceiling, of the permissible exposure level for chlorine which is contained in Table Z-1 of 29 CFR 1910.1000. Comments are requested on the appropriate permissible exposure level for occupational exposure to chlorine.

DATE: The information requested in this notice must be submitted on or before April 9, 1979.

ADDRESS: The comments and information requested in this notice should be submitted to the Docket Officer, Docket No. H-074, Room S6212, U.S. Department of Labor, OSHA, Third Street and Constitution Avenue NW., Washington, D.C. 20210, (202-523-7894).

FOR FURTHER INFORMATION CONTACT:

Ms. Flo H. Ryer, Office of Special Standards Programs, Room S-3663, Occupational Safety and Health Administration, Third Street and Constitution Avenue, NW., Washington, D.C. 20210 (202-523-7174).

SUPPLEMENTARY INFORMATION: On December 8, 1978, the Occupational Safety and Health Administration published in the FEDERAL REGISTER a final rule which corrected a number of errors and inadvertent omissions in the tables of exposure limits for airborne contaminants contained in 29 CFR 1910.1000, Tables Z-1, Z-2, and Z-3 (43 FR 57601). Included in the corrections was the insertion of a "C," designating a ceiling limit, in front of the listing for chlorine in Table Z-1 (correction No. 4, 43 FR 57603). This action corrected the permissible exposure limit for chlorine from 1 part of chlorine per million parts of air (1 ppm) as an eight hour time weighted average (TWA), which would have permitted exposures above 1 ppm as long as the 8-hour average did not exceed 1 ppm, to a ceiling for chlorine of 1 ppm.

Following publication of the correction document, a number of comments were received suggesting that a permissible exposure level for chlorine of 1 ppm as a TWA was sufficiently protective of workers' safety and health. There have also been claims of industry reliance on the 1 ppm level as a TWA. On the other hand, a criteria document on chlorine prepared by the National Institute for Occupational Safety and Health recommends that worker exposure to chlorine should be no greater than .5 ppm measured over any fifteen minute period. ("NIOSH Criteria for a Recommended Standard . . . Occupational Exposure to Chlorine," U.S. Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health, May 1976).

Interested persons are invited to submit written data, views, and arguments concerning the appropriate permissible exposure level for chlorine. Comments are also requested on the NIOSH recommendations, including the data relied upon in the criteria document. The NIOSH criteria document including the references relied upon therein are available for review and copying at the OSHA Docket Office, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Washington, D.C. 20210. All communications should be submitted in quadruplicate, by April 9, 1979 to the Docket Officer, Docket No. H-074, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Washington, D.C. 20210 (202-523-7894).

In view of the questions which have been raised and in conjunction with this request for comments and information, OSHA considers it appropriate to administratively stay the correction of the permissible exposure limit for chlorine from a time-weighted average to a ceiling, pending a review and evaluation of all comments received. Accordingly, the correction to a 1 ppm ceiling for chlorine is hereby stayed, and the 1 ppm time-weighted average for chlorine will remain in effect, pending this consideration.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593; (29 U.S.C. 655) 29 CFR Part 1911; Secretary of Labor Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 1st day of February 1979.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 79-4101 Filed 2-5-79; 8:45 am]

[4810-25-M]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF TREASURY

PART 1—DISCLOSURE OF RECORDS

AGENCY: Office of the Secretary, Treasury.

ACTION: Final Rule.

SUMMARY: The Office of the Inspector General of the Office of the Secretary of the Treasury Department exempts the system of records entitled "General Allegations and Investigative Records System" in accordance with sections (j) and (k) of the Privacy Act of 1974, 5 USC 552a. These exemptions are necessary in order to maintain confidentiality of data obtained from various sources that may become criminal or non-criminal investigative material for law enforcement use or for use in integrity ivestigations.

DATES: This rule is effective immediately.

ADDRESS: Office of the Inspector General, Main Treasury Building, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT:

Mrs. Carol Jolliff, Office of the Inspector General, Main Treasury Building, Washington, D.C. 20220, 202-566-6900.

SUPPLEMENTARY INFORMATION: On Friday, January 5, 1979, the proposed rule exempting the "General Allegations and Investigative Records System", from certain requirements of the Privacy Act was published in the FEDERAL REGISTER for comment in 44 FR 1414. The comment period expired on February 5, 1979; no comments were received. In addition, the Office of Management and Budget waived the 60 day advance notice requirement. Accordingly, the rule is effective immediately.

Dated: February 6, 1979.

W. J. MCDONALD,
Acting Assistant Secretary,
Administration.

Section 1.36 of Title 31 of the CFR is amended by adding the following material immediately preceding the heading "Director of Practice".

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 552a and this part.

• • • • •

OFFICE OF THE INSPECTOR GENERAL

Notice exempting a system of records from the disclosure requirements of the Privacy Act of 1974

(a) *In general.* The Office of the Inspector General, Department of the Treasury exempts the system of records entitled, "General Allegations and Investigative Records" from certain provisions of the Privacy Act of 1974. The purpose of the exemption is to maintain confidentiality of data obtained from various sources that may ultimately accomplish a statutory or executively ordered purpose.

(b) *Authority:* The authority to issue exemptions is vested in the Office of the Inspector General, as a constituent unit of the Treasury Department by 31 CFR 1.20.

(c) *Exemptions under 5 U.S.C. 552a(j)(2):* (1) Under 5 U.S.C. 552a(j)(2), the head of any agency may exempt any system of records within the agency from certain provisions of the Privacy Act of 1974, if the agency or component that maintains the system performs as its principal function any activities pertaining to the enforcement of criminal laws. The Office of the Inspector General is authorized under Treasury Department Order No. 256 to initiate, organize, direct, and control investigations of any allegations of illegal acts, violations, and any other misconduct, concerning any official or employee of any Treasury Office or Bureau.

(2) To the extent that the exemption under 5 U.S.C. 552a(j)(2) does not apply to the above named system of records, then the exemption under 5 U.S.C. 552a(k)(2) relating to investigatory material compiled for law enforcement purposes is claimed for this system.

(3) The provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(j)(2) are as follows:

5 U.S.C. 552a(c)(3) and (4)
5 U.S.C. 552a(d)(1), (2), (3), (4)
5 U.S.C. 552a(e)(1)(2) and (3)
5 U.S.C. 552a(e)(4)(G), (H), and (I)
5 U.S.C. 552a(e)(5) and (8)
5 U.S.C. 552a(f)
5 U.S.C. 552a(g)

(d) *Exemptions under 5 U.S.C. 552a(k)(2):* (1) Under 5 U.S.C. 552a(k)(2), the head of any agency may exempt any system of records within the agency from certain provisions of the Privacy Act of 1974 if the system is investigatory material compiled for law enforcement purposes.

(2) To the extent that information contained in the above named system has as its principal purpose the enforcement of criminal laws, the exemption for such information under 5 U.S.C. 552a(j)(2) is claimed.

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(3) Provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(k)(2) are as follows:

5 U.S.C. 552a(c)(3)
5 U.S.C. 552a(d)(1), (2), (3), and (4)
5 U.S.C. 552a(e)(1)
5 U.S.C. 552a(e)(4)(G), (H), and (I)
5 U.S.C. 552a(f)

(e) *Reasons for exemptions under 5 U.S.C. 552a(j)(2) and (k)(2):* (1) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request. These accountings must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation. Since release of such information to subjects of an investigation would provide the subjects with significant information concerning the nature of the investigation, it could result in the altering or destruction of documentary evidence, improper influencing of witnesses, and other activities that could impede or compromise the investigation.

(2) 5 U.S.C. 552a(c)(4), (d)(1), (2), (3), and (4), (e)(4)(G) and (H), (f) and (g) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; the agency procedures relating to access to records and the contest of information contained in such records; and the civil remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in record systems. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfere with investigative and enforcement proceedings; co-defendants of a right to a fair trial; constitute an unwarranted invasion of the personal privacy of others, disclose the identity of confidential sources and reveal confidential information supplied by these sources; and disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct investigations, and to identify, detect, and apprehend violators.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed:

(A) Because it is not possible to detect relevance or necessity of specific information in the early stages of a criminal or other investigation.

(B) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

(C) In any investigation the Inspector General may obtain information concerning the violations of laws other than those within the scope of his jurisdiction. In the interest of effective law enforcement, the Inspector General should retain this information as it may aid in establishing patterns of criminal activity, and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

(D) In interviewing persons, or obtaining other forms of evidence during an investigation, information may be supplied to the investigator which relate to matters incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

(5) 5 U.S.C. 552a(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privilege under Federal programs. The application of the provision would impair investigations of illegal acts, violations of the rules of conduct, merit system and any other misconduct for the following reasons:

(A) In certain instances the subject of an investigation cannot be required to supply information to investigators. In those instances, information relating to a subject's illegal acts, violations of rules of conduct, or any other misconduct, etc., must be obtained from other sources.

(B) Most information collected about an individual under investigation is obtained from third parties such as witnesses and informers. It is not feasible to rely upon the subject of the investigation as a source for information regarding his activities.

(C) The subject of an investigation will be alerted to the existence of an investigation if an attempt is made to obtain information from the subject. This would afford the individual the opportunity to conceal any criminal activities to avoid apprehension.

(D) In any investigation it is necessary to obtain evidence from a variety of sources other than the subject of the investigation in order to verify the evidence necessary for successful litigation.

(6) 5 U.S.C. 552a(e)(3) requires that an agency must inform the subject of an investigation who is asked to supply information of:

(A) the authority under which the information is sought and whether disclosure of the information is mandatory or voluntary.

(B) the purposes for which the information is intended to be used,

(C) the routine uses which may be made of the information, and

(D) the effects on the subject, if any of not providing the requested information. The reasons for exempting this system of records from the foregoing provision are as follows:

(i) The disclosure to the subject of the investigation as stated in (B) above would provide the subject with substantial information relating to the nature of the investigation and could impede or compromise the investigation.

(ii) If the subject were informed of the information required by this provision, it could seriously interfere with undercover activities by requiring disclosure of undercover agents identity and impairing their safety, as well as impairing the successful conclusion of the investigation.

(iii) Individuals may be contacted during preliminary information gathering in investigations authorized by Treasury Department Order No. 256 before any individual is identified as the subject of an investigation. Informing the individual of the matters required by this provision would hinder or adversely affect any present or subsequent investigations.

(7) 5 U.S.C. 552a(e)(5) requires that records be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about an individual. Since the law defines "maintain" to include the collection of information, complying with this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment of its collection. In gathering information during the course of an investigation it is not possible to determine this prior to collection of the information. Facts are first gathered and then placed into a logical order which objectively proves or disproves criminal behavior on the part of the suspect. Material which may seem unrelated, irrelevant, incomplete, untimely, etc., may take on added meaning as an investigation progresses. The restrictions in this provision could interfere with the preparation of a complete investigative report.

(8) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. The notice requirement of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

(f) *Exempt information included in another system.* Any information from a system of records for which an exemption is claimed under 5 U.S.C. 552a(j) or (k) which also is included in another system of records retains the same exempt status as in the system for which an exemption is claimed.

* * * * *

[FR Doc. 79-4115 Filed 2-5-79; 8:45 am]

[4310-03-M]

Title 36—Parks, Forests, and Public Property

CHAPTER 12—HERITAGE CONSERVATION AND RECREATION SERVICE, DEPARTMENT OF THE INTERIOR

PART 1227—RECREATION FEES

Consolidation of Regulations

AGENCY: Heritage Conservation and Recreation Service, DOI.

ACTION: Redesignation.

SUMMARY: Since the Heritage Conservation and Recreation Service was established on January 25, 1978, regulations currently published in Title 43, Subtitle A which pertain to the programs of the Service, must be transferred to Title 36, Chapter 12. So that the Service's regulations are consolidated under one Title, this document adopts the transfer of 43 CFR, Subtitle A, Part 18 with all contents remaining the same.

EFFECTIVE DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT:

John Tkach, DOI, HCRS, Federal Lands Planning, Pension Building, 440 G Street, N.W., Washington, D.C. 20243 (202-343-7665)

SUPPLEMENTARY INFORMATION: This document adds Title 36 regulations previously codified in 43 CFR, Subtitle A, Part 18. The regulations at 43 CFR, Subtitle A, Part 18 are transferred and redesignated as 36 CFR, Chapter 12, Part 1227.

Dated: January 31, 1979.

ROBERT L. HERBST
Assistant Secretary of the Interior.

[FR Doc. 79-3931 Filed 2-5-79; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 1037-7]

PART 35—STATE AND LOCAL ASSISTANCE

State Public Water System Supervision Program Grants

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: This amendment to the State Public Water System Supervision Program Grant Regulations changes the allocation formula for fiscal year 1980 and subsequent years to include non-community public water systems, and provides for the use in the allotment formula of the latest State population data published by the Bureau of Census in the Statistical Abstract of the United States.

EFFECTIVE DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT:

James F. Manwaring P.E., Chief, Drinking Water Branch, Office of Drinking Water (WH-550), 401 M Street, SW., Washington, D.C. 20460, (202) 472-4150.

SUPPLEMENTAL INFORMATION: On February 8, 1978 the Environmental Protection Agency (EPA) proposed an amendment to the State Public Water System Supervision Program Grant Regulations promulgated on January 20, 1976, under Sections 1443 and 1450 of the Public Health Service Act. Comments on the proposed amendment were invited by April 10, 1978.

The regulations promulgated on January 20, 1976, only included a fiscal year 1976 allotment formula due to limited inventory data. Although the Regulations were not revised, a similar formula was used for fiscal year 1977, fiscal year 1978 and fiscal year 1979. National Interim Primary Drinking Water Regulations (NIPDWR), 40 CFR Part 141, require the non-community water systems to complete initial sampling for nitrate, turbidity, and microbiological contaminants before June 24, 1979. The frequencies of repeat sampling in excess of those required by 40 CFR Part 141 will be established by the agency that has primary enforcement responsibility (primacy agency) in the State for public water system supervision program. Non-community water systems will report the results of such sampling to the primacy agency beginning in the last quarter of fiscal year 1979. The primacy agency is expected to expend resources to monitor compliance of non-community water systems with the record keeping, reporting and public notification requirements of the NIPDWR.

In January 1976 initial inventory data was not complete for community water systems and practically non-existent for non-community water systems. The monitoring requirements for community water systems started in June 1977, but the monitoring of non-community water systems is delayed until June 1979. EPA thus decided to utilize only community water systems in the original allocation formula.

The States have now collected enough information which EPA can use as a good inventory of community water systems. An inventory of non-community water systems is now underway. This makes it possible to include non-community water systems in the allocation formula for fiscal year 1980. States will have to provide surveillance for these systems starting in June 1979. The grant allocation formula will reflect the amount of work required by these systems.

Although no written comments were received on the proposed amendment, a number of States did informally comment that the use of the 1970 census is inappropriate because during the last few years there has been a significant intrastate increase and interstate shifting of population in some States. The States contend that the 1970 census population figures do not represent the current population and hence the real needs for manpower and other resources to implement the Public Water System Supervision Program. The need for such resources is approximately in direct proportion to the population in the State. The utilization of recent population figures would provide to States Federal grant funds that are in proportion to the recent State population and thus the needs for resources for implementing the Safe Drinking Water Act. In response to these comments, we shall use the most recent State population statistics published by the Bureau of

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Census in the grant allocation formula. This amendment makes a conforming change.

(Safe Drinking Water Act, as amended, 42 U.S.C., 300f *et seq.*)

Dated: January 31, 1979.

BARBARA BLUM,
Acting Administrator.

40 CFR Part 35 is amended as follows:

1. By revising § 35.605 to read as follows:

§ 35.605 Determination of Allotments.

Funds appropriated in each fiscal year beginning 1980 will be allotted as follows:

(a) The allotment will be established on the basis of the following weighted factors.

(1) The population of each State in proportion to the total population of all States (weight factor: 30%). Population statistics shall be drawn from the most recent census update by the Bureau of Census and published in the latest edition of the Statistical Abstract of the United States.

(2) The land area of each State in proportion to the total land area of all States (weight factor: 10%). Land area statistics will be drawn from the latest publication of the Statistical Abstract of the United States.

(3) The number of community water systems in each State in proportion to the number of such systems in all States (weight factor: 48 percent). Community water systems are those public water systems which serve at least 15 service connections used by year-round residents or regularly serve at least 25 year-round residents. Number of non-community water systems in each State in proportion to the number of such systems in all States (weight factor: 12 percent). Non-community water systems are those public water systems that are not community water systems. Water system statistics will be determined from inventory data submitted to EPA prior to January 1 of the previous fiscal year in accordance with 40 CFR 142.15(a).

* * * * *

[FR Doc. 79-4053 Filed 2-5-79; 8:45 am]

[4310-03-M]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 18—RECREATION FEES

Redesignation

AGENCY: Heritage Conservation and Recreation Service, DOI.

ACTION: Redesignation.

SUMMARY: Since the Heritage Conservation and Recreation Service was established on January 25, 1978, regulations currently published in Title 43, Subtitle A which pertain to the programs of the Service, must be transferred to Title 36, Chapter 12. So that the Service's regulations are consolidated under one Title, this document redesignates 43 CFR, Subtitle A, Part 18 to 36 CFR, Chapter 12, Part 1227 with all contents remaining the same.

EFFECTIVE DATE: February 6, 1979.

FOR FURTHER INFORMATION CONTACT:

John Tkach, DOI, HCRS, Federal Lands Planning, Pension Building, 440 G Street, N.W., Washington, D.C. 20243 (202-343-7665).

SUPPLEMENTARY INFORMATION: This document transfers and redesignates 43 CFR, Subtitle A, Part 18 to 36 CFR, Chapter 12, Part 1227, Therefore, Part 18 is deleted from Title 43.

Dated: January 31, 1979.

ROBERT L. HERBST,
Assistant Secretary of the Interior.

[FR Doc. 79-3932 Filed 2-5-79; 8:45 am]

[6730-01-M]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Orders 13 and 38; Docket No. 78-30]

PART 531—FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES IN THE DOMESTIC OFFSHORE TRADE, PUBLICATION AND POSTING

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Time Limit for Filing of Overcharge Claims

AGENCY: Federal Maritime Commission.

ACTION: Adoption of Proposed Rule in Part.

SUMMARY: This rule amends the Commission's tariff filing provisions by: (1) Requiring all ocean carriers to publish a notice in their tariffs advising shippers of their right to file with the Commission overcharge claims for reparations pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821) and (2) requiring all ocean carriers to respond to all overcharge claims within twenty days by notifying the shipper of the applicable provisions of the freight tariff and the Shipping Act. The purpose and need for such rule are to benefit the shipping public by adequately informing claimants of their rights under the Shipping Act and encouraging carriers to respond timely to overcharge claims.

DATES: Effective as to both new and existing tariffs March 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: This proceeding was instituted by Notice of Proposed Rulemaking published in the FEDERAL REGISTER on September 5, 1978 (43 FR 39399) to amend the Commission's tariff filing regulations by adding provisions which would: (a) Prohibit ocean carriers from limiting the time for filing overcharge claims with carriers to less than two years from the date of payment of freight charges; (b) require ocean carrier tariffs to include a notice to notify shippers of their right to file overcharge claims for reparations with the Federal Maritime Commission pursuant to section 22 of the Shipping Act, 1916 (the Act), and; (c) require ocean carriers to acknowledge within ten days all overcharge claims filed by notifying the claimant of the governing and pertinent provisions of the applicable freight tariff.[1]

[1]The actual text of the published rules reads as follows:
(a) No tariff shall contain any provision which limits to less than two years from the

Footnotes continued on next page

The stated purpose of this proposal was to clarify the statute of limitations and limit the number of adjudicatory proceedings resulting from restrictive overcharge claim rules contained or found in many carriers' tariffs.

Comments to the proposed rules were received from 52 different parties.[2] Shippers or persons representing shipper interests favored the proposed rules in their entirety while ocean carriers and carrier conferences either opposed the rules in their entirety or accepted paragraph (b) while objecting to paragraphs (a) and (c).

POSITIONS OF THE PARTIES[3]

Shippers generally alleged that the proposed rules would benefit the shipping public by providing notice that the statute of limitations governing shipper overcharge claims is the two-year period specified in section 22 of the Shipping Act. This group of commentators also stated its belief that the proposed rules would reduce the number of formal and informal complaints filed with the Commission. It was suggested that current tariff rules force shippers to resort to administrative adjudication because the time period for filing overcharge claims under many carrier tariffs is limited to six months, and some carriers use such tariff provisions as a device whereby legitimate claims are ignored for six months and then refused on the basis that the claim is time barred.

Shippers also suggested numerous modifications in the proposed rules. The most frequent suggestion was to broaden the scope of the proposed rules to include all overcharge claims and not just those resulting from errors in measurement, weight and description.

All parties opposed to the proposed rules criticized their probable effects, alleged that the Commission was without jurisdiction to promulgate such requirements, and defended current carrier tariff practices as legal and practical.

The basic criticisms addressed to proposed paragraph (a) included the following allegations: (1) Overcharge claims are a result of initial shipper misdescriptions and later attempted reclassifications; consequently a rule aimed at carriers' behavior is unfair; (2) a two-year period of claim consideration will only aggravate current problems; and, (3) the proposed rule would encourage such varied activities as unequal treatment of shippers, indirect rebating and ineffective self-policing.

Objections to proposed paragraphs (b) and (c) were of a more general nature. Both sections were considered burdensome to carriers and superfluous. Commentators pointed to the absence of support for allegations that carriers attempt to screen reparation rights under section 22 from shippers and that carriers respond slowly to claims. It was claimed that the tariff publishing requirements of sections 18(b) (1) and (2) and the availability of the booklet "Ocean Freight Rate Guidelines for Shippers" already give shippers adequate notice of tariff provisions and statutory rights with regard to overcharge claims.

Carrier interests also claimed that the Commission is without jurisdiction to promulgate the proposed rules absent a factual showing that existing carrier practices are in violation of the Shipping Act; further, they stated that no violation of section 14, Fourth was indicated, either in past Commission reparation decisions or in the evidence gathered in previous rulemaking proposals on this subject.

Commentators opposed to the rules claimed they were based on a misreading of the court's decision in *Kraft Foods v. Federal Maritime Commission*, 538 F.2d 445 (D.C. Cir. 1976). In their opinion, that decision merely struck down the Commission's finding that the carrier-custody rule prevented *Commission* consideration of claims filed after the goods had left the carriers' custody.

Finally, all parties opposed to the proposed rules defended existing carrier tariff practices on the basis that current limitations on claim rules require shippers to prove their claims while the carrier is in a position to independently verify the validity of the claim.

The carrier interests also suggested modifications to the proposed rules. Two particular suggestions are addressed below.

DISCUSSION

Several parties raised the issue of the Commission's jurisdiction to promulgate those rules. The argument advanced is that the Commission must find a violation of a substantive provision of the Act before it may promulgate the proposed rules. In support of this allegation, the parties quote from, and occasionally misconstrue, previous decisions in which the Commission refused to promulgate rules similar to those in the instant proceeding.[4]

However, rulemaking proceedings subsequent to these previous proceedings have firmly established that the Commission may promulgate rules absent a finding of a violation of the Act.[5] The broader interpretation of the Commission's powers has twice been upheld by the U.S. Court of Appeals.[6]

In a proceeding involving the Commission's rulemaking authority, *Pacif-*

Footnotes continued from last page
date of payment of freight charges the time within which a shipper must submit a claim to a carrier in order to recover overcharges based on error in weight, measurement, or description. No tariff shall contain any provision which limits the carrier's ability or obligation to consider claims submitted which are within the two-year period.
(b) Every tariff shall contain a rule which clearly advises shippers/consignees of their rights to file claims for reparations within two years with the Federal Maritime Commission pursuant to Shipping Act section 22.
(c) Within 10 days of the receipt of such a claim, the carrier shall forward a written notice to the claimant advising of the governing and pertinent provisions of the applicable freight tariff.

[2]Parties filing comments were: Sea-Land Service, Inc., Crowley Maritime Corp., Kraft, Inc., Military Sealift Command, E.I. Du Pont de Nemours and Co., Shippers National Freight Claim Council, Caterpillar Tractor Co., PPG Industries, Inc., U.S. Department of Agriculture, Traffic Service Bureau, Inc., Warner-Lambert International, Ingersoll-Rand International, American Importers Association, Allied Chemical, Uniroyal, Eli Lilly and Co., Singer Company, National Retail Merchants Association, Frank J. Hathaway and John Strauss. Comments were also received from members of and lines of the following steamship conferences and rate agreements: Far East Conference, Pacific Westbound Conference, Latin America/Pacific Coast European Conference, Pacific Coast European Conference, Pacific Coast River Plate Brazil Conference, North Europe Conferences, Associated Latin American Freight Conferences, American West African Freight Conference, "8900" Lines and the Marseilles North Atlantic U.S.A. Freight Conference, Med-Gulf Conference, U.S. Atlantic and Gulf/Australia-New Zealand Conference, U.S. North Atlantic Spain Rate Agreement, U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement, North Atlantic Mediterranean Freight Conference, Atlantic and Gulf-Indonesia Conference, Atlantic and Gulf-Singapore, Malaya and Thailand Conference, Japan/Korea-Atlantic and Gulf Freight Conference, Philippines North America Conference, Trans-Pacific Freight Conference of Japan/Korea and Agreement Nos. 10107 and 10108.

[3]All comments, whether or not specifically described or discussed herein have nevertheless been carefully reviewed and considered by the Commission.

[4]Docket No. 712, *Carrier-Imposed Time Limits on Presentation of Claims for Freight Adjustments*, 4 F.M.B. 29 (1952); Docket No. 65-5, *Proposed Rule Covering Time Limit on the Filing of Overcharge Claims*, 10 F.M.C. 1 (1968), 12 F.M.C. 298 (1969).

[5]*See* Docket No. 67-58, *Compensation and Freight Forwarder Certification*, 10 S.R.R. 201 (1968); Docket No. 73-66, *Austasia Container Express, Possible Violations of Section 18(b)(1) and General Order 13 (1977)*; Docket No. 73-55, *Uniform Rules and Regulations Governing Free Time on Import Containerized Cargo at the Port of New York*, (1978).

[6]*New York Foreign Freight Forwarders and Brokers Association, et al.*, v. *U.S., et al.* 337 F.2d 289 (D.C. Cir. 1964) *cert. den.* 380 U.S. 910 (1964); *New York Foreign Freight Forwarders and Brokers Association* v. *Federal Maritime Commission*, 384 F.2d 979 (2nd Cir. 1967).

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ic Coast European Conference v. *FMC*, 376 F.2d 785 (D.C. Cir. 1967), the court, after noting that section 43 of the Act "clothe[s] the Commission with a broad authority . . ., going well beyond what it has possessed before," further explained that:

> . . . the Commission in rulemaking is not confined to the redress of demonstrated evils as distinct from the prevention of potential ones. 376 F.2d at 790.

Under current rulemaking standards, agency regulations must be reasonably adapted to the accomplishment of the Congressional objectives embodied in the agency's enabling statutes.[7] The objectives of the Shipping Act include the proscription of carrier practices which result in unfair treatment of shippers. Prior to proscribing such practices and prescribing alternative rules the Commission need only find that the operation of carrier rules either treats shippers unfairly or can reasonably be expected to treat shippers unfairly if left uncorrected.

Carrier commentators argued that neither section cited by the Commission in its Notice of Proposed Rulemaking, *i.e.*, section 14 Fourth and section 22, supports the promulgation of paragraph (a). Upon consideration of these comments, the Commission has decided not to adopt paragraph (a). The adoption of paragraphs (b)[8] and (c),[9] however, with the modifications described below, should significantly alleviate the problem addressed by this rulemaking and encourage the prompt handling of shippers' claims.

As noted by several shippers filing comments, the rules, as published, were limited to overcharge claims based on errors in weight, measurement or description. At the present time, carrier tariffs generally limit the time for filing such claims to the period during which the goods are in the custody of the carrier. All other overcharge claims are usually limited to a six-month filing period. It was suggested that the proposed rules be broadened to include all overcharge claims, and the Commission has concluded that the purpose for which these rules were proposed would be better served if they were so modified.

Several carriers filing comments suggested that the proposed ten day time period providing for carrier responses to filed claims was "unrealistic," given the complexity of carrier operations. Consequently, the rules were modified to extend the time period for carrier response to filed claims to 20 days.

Finally, carriers requested clarification as to the effects of proposed paragraph (c) on future litigation between a shipper and a carrier. It is our intention that the carrier be bound in future litigation by the tariff provisions cited to the shipper pursuant to paragraph (c). To do otherwise would be inconsistent with the purpose of the proposed rules.

Therefore, it is ordered, That pursuant to section 4 of the Administrative Procedure Act (46 U.S.C. 553) and sections 14 Fourth, 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 813, 821, 841(a)), Parts 531 and 536 of 46 CFR are amended by adding new §§ 531.5(b)(8)(xvi), 531.5(b)(9), 536.5(d)(20), and 536.5(e) as follows:

§ 531.5 Contents of tariff publications.

* * * * * * *

(b) * * *

(8) * * *

(xvi) *Overcharge Claims.* Tariffs shall contain a rule which states that shippers or consignees may file claims for the refund of freight overcharges resulting from errors in weight, measurement, cargo description or tariff application. This rule shall clearly indicate where and by what method such claims are to be filed and shall contain at minimum the following provisions:

(A) Claims seeking the refund of freight overcharges may be filed in the form of a complaint with the Federal Maritime Commission, Washington, D.C. 20573, pursuant to section 22, Shipping Act, 1916 (46 U.S.C. 821). Such claims must be filed within two years of the date the vessel sails or the date the disputed charges are paid, whichever is later.

(B) Claims for freight rate adjustments shall be acknowledged by the carrier within 20 days of receipt by written notice to the claimant of all governing tariff provisions and claimant's rights under the Shipping Act.

(9) Additional rules which affect the application of the tariff shall follow immediately the rules specified above and shall be numbered consecutively, commencing with number 17.

* * * * * * *

§ 536.5 Statement of rates.

* * * * * * *

(d) * * *

(20) *Overcharge Claims.* Tariffs shall contain a rule which states that shippers or consignees may file claims for the refund of freight overcharges resulting from errors in weight, measurement, cargo description, or tariff application. This rule shall clearly indicate where and by what method such claims are to be filed and shall contain at minimum the following provisions:

(i) Claims seeking the refund of freight overcharges may be filed in the form of a complaint with the Federal Maritime Commission, Washington, D.C. 20573, pursuant to section 22, Shipping Act, 1916 (46 U.S.C. 821). Such claims must be filed within two years of the date the vessel sails or the date the disputed charges are paid, whichever is later.

(ii) Claims for freight rate adjustments will be acknowledged by the carrier within 20 days of receipt by written notice to the claimant of all governing tariff provisions and claimant's rights under the Shipping Act.

(e) Additional rules which affect the application of the tariff shall follow immediately the rules specified above and shall be numbered consecutively, commencing with number 21.

It is further ordered, That §§ 531.5(b)(8)(xvi) and 5(b)(9), and §§ 536.5(d)(20) and 5(e) shall take effect on March 1, 1979. Ocean carrier tariffs which do not contain a rule in conformity with these sections on that date shall be subject to cancellation or rejection.

By order of the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-3951 Filed 2-5-79; 8:45 am]

[4310-55-M]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE AND PLANTS

PART 20—MIGRATORY BIRD HUNTING

Annual Migratory Bird Hunting Schedules

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule changes the Service's procedure of having annual session, limit, and shooting hour schedules codified annually in the October 1 revision of Title 50, Code of Federal Regulations (50 CFR). These schedules are developed and published annually—effective from September through February—in the FEDERAL REGISTER, and are used primarily by States to issue migratory bird hunting regulations. Interested parties could possibly be misinformed or confused when reading the current 50 CFR publication, as it would contain the already expired and possibly incomplete schedules for the prior hunting seasons. Eliminating the publication of these temporary annual schedules in the annual updating of 50 CFR on October 1 eliminates any confusion resulting from such publication. The Service will continue to publish its proposed and final rulemaking in the FEDERAL REGISTER according to an established schedule announced at the beginning of each regulatory cycle.

EFFECTIVE DATE: March 8, 1979.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (202) 254-3207.

SUPPLEMENTARY INFORMATION: The development of annual migratory bird hunting schedules, which are effective from September to February for the current hunting seasons, of each year, involves data gathering programs to determine migratory bird population status and trends, evaluations of habitat conditions, harvest information, and other factors having a bearing on the anticipated size of the fall flights of these birds. During the course of development, the schedules are subject to public review and comment through several proposed rulemakings, published in the FEDERAL REGISTER beginning in early spring, as well as public hearings. Final rulemakings concerning the schedules are also published in the FEDERAL REGISTER.

The annual revision of 50 CFR, which includes rules and amendments prior to October 1 of each year, is not generally available to guide interested parties during the affected hunting seasons. The primary users of these schedules, State agencies, complete their work with the schedules generally in August to allow them to publish their respective hunting regulations. Additionally, the Service usually issues several in-season amendments after the October 1 revision date, as new data become available. The amendments are effective through the end of the hunting seasons and are never codified, thereby requiring reference to the List of CFR Sections Affected (LSA). As a result of the annual publication date of 50 CFR and the in-season amendments, the schedules in 50 CFR have no contemporary value and are incomplete historically. This rule eliminates unnecessary duplicate publication as well as any confusion that existed under the old system

This rule affects only the annual seasons, limits, and shooting hours schedules appearing at 50 CFR 20.101 through 20.107, and 20.109. Section 20.108, which prescribes zones where non-toxic shotshells are required, will continue to be codified since the zones are of a continuing, permanent nature. This rule does not change the section titles, and the text of 50 CFR will refer the reader to the LSA.

DISCUSSION OF COMMENTS RECEIVED

On December 18, 1978 the Service published for public comment in the FEDERAL REGISTER (43 FR 58845) a proposal to amend 50 CFR Part 20, with a comment period ending January 17, 1979. In that document, the Service proposed to change its procedure of having annual season, limit, and shooting hour schedules codified in Title 50, Code of Federal Regulations, by eliminating the publication of these temporary schedules in 50 CFR, in order to eliminate unnecessary duplicate publication as well as any confusion that might exist under the old system.

Four comments were received in response to the proposal. Two, from State conservation agencies, supported the proposal as did one from a national conservation organization. The lone dissenting comment was from a state sportsmen's organization. Evidently, this organization misunderstood the proposal, believing that the Service would no longer publish migratory bird hunting regulations in the FEDERAL REGISTER. The Service will continue to publish proposed and final rulemakings as in the past and as required by the Administrative Procedure Act, and will continue to make hunting regulations information available to the public by other means. The rule merely discontinues the practice of including these regulations in the annual publication of 50 CFR, Wildlife and Fisheries, for the reasons given in the proposal and stated above.

NOTE.—The Department has determined that this document is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044, and 43 CFR Part 14.

The primary author of this document is Henry M. Reeves, Office of Migratory Bird Management, U.S. Fish and Wildlife Service.

Accordingly, 50 CFR Part 20, Subpart K, is amended by adding a new § 20.100 and amending §§ 20.101 through 20.107, and § 20.109, as follows:

Subpart K—Annual Seasons, Limits, and Shooting Hours Schedules

§ 20.100 General provisions.

(a) The taking, possession, transportation, and other uses of migratory game birds by hunters is generally prohibited unless it is specifically provided for under regulations developed in accordance with the Migratory Bird Treaty Act. Consequently, hunting is prohibited unless regulatory schedules are established for seasons, daily bag and possession limits, and shooting (or hawking) hours. Migratory game bird population levels, including production and habitat conditions, vary annually. These conditions differ over North America, and within the United States, by flyways, States, and frequently areas within States. Thus, it is necessary to make annual adjustments in the schedules to limit the harvests of migratory game birds to permissible levels.

(b) The development of these schedules involves annual data gathering programs to determine migratory game bird population status and trends, evaluations of habitat conditions, harvest information, and other factors having a bearing on the anticipated size of the fall flights of these birds. The proposed hunting schedules are announced early in the spring, and following consideration of additional information as it becomes available, as well as public comment, they are modified and published as supplemental proposals. These are also open to public comment. Public hearings are held for the purpose of providing additional opportunity for public participation in the rulemaking process.

§ 20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.

This section provides for the annual hunting of certain doves, pigeons, ducks, coots, gallinules, and snipe in Puerto Rico; and for certain doves and pigeons in the Virgin Islands.

NOTE.—For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected.*

§ 20.102 Seasons, limits, and shooting hours for Alaska.

This section provides for the annual hunting of certain waterfowl (ducks, geese, and brant), snipe, and sandhill cranes in Alaska.

NOTE.—For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected.*

§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

This section provides for the annual hunting of certain doves and pigeons in the 48 contiguous United States. The mourning dove hunting regulations are arranged by the Eastern, Central, and Western Management Units.

NOTE.—For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected.*

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[7] *See Pacific Coast European Conference, supra.*

[8] Promulgated as sections 536.5(d)(20)(i) and 531.5(b)(8)(xvi)(A) in Ordering Paragraph.

[9] Promulgated as sections 536.5(d)(20)(ii) and 531.5(b)(8)(xii)(B) in Ordering Paragraph.

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§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common (Wilson's) snipe.

This section provides for the annual hunting of certain rails, woodcock, and snipe in the 48 contiguous United States.

NOTE.—For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected.*

§ 20.105 Seasons, limits and shooting hours for waterfowl, coots, and gallinules.

This section provides for the annual hunting of certain waterfowl (ducks, geese, brant), coots, and gallinules in the 48 contiguous United States. The regulations are arranged by the Atlantic, Mississippi, Central, and Pacific Flyways. These regulations often vary within flyways or States, and by time periods.

NOTE.—For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected.*

§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

This section provides for the annual hunting of sandhill cranes in designated portions of the Central Flyway.

NOTE.—For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected.*

§ 20.107 Seasons, limits, and shooting hours for whistling swans.

This section provides for the annual hunting of whistling swans in Utah and designated areas in Montana and Nevada.

NOTE.—For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected.*

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§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

This section provides annual regulations by which falconers may take permitted migratory game birds.

NOTE.—For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see *List of CFR Sections Affected.*

(16 U.S.C. 701-718h.)

Dated: January 31, 1979.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc. 79-3949 Filed 2-5-79; 8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[1505-01-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 172, 182 and 184]

[Docket No. 78N-0223]

ADIPIC ACID

Proposed Affirmation of GRAS Status as a Direct Human Food Ingredient

Correction

In FR Doc. 79-3030, appearing at page 5902 in the issue of Tuesday, January 30, 1979, the date in second line of the first complete paragraph in the third column of page 5905, should read, "April 2, 1979".

[4110-03-M]

[21 CFR Part 176]

[Docket No. 78N-0299]

SYNTHETIC ORGANIC COLORANTS IN PAPER AND PAPERBOARD

Withdrawal of Proposal and Termination of Rulemaking Proceeding

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposal.

SUMMARY: The Food and Drug Administration is withdrawing the proposal which would have provided for the safe use of synthetic organic colorants in food-packaging paper and paperboard. The proposed rule contains deficiencies which prevent it from being made final. The continued use of colorants in paper and paperboard intended to contact food must comply with the requirements of existing regulations.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Food (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs is withdrawing a proposal published in the FEDERAL REGISTER of August 4, 1967 (32 FR 11334) to establish a regulation under 21 CFR Part 176 (21 CFR Part 121 before recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) to provide for the safe use of synthetic organic colorants, and associated compounds, in food-packaging paper and paperboard.

The proposal was intended to establish one regulation which would list the various conditions, including an extraction test, under which colorants could be used in paper and paperboard intended for use in contact with food. The six comments received in response to the proposal revealed deficiencies and conflicts in the proposal. Upon further study, the analytical procedure intended to be used for determining the levels of the extractives has been shown to be less sensitive than required. A test with sufficient sensitivity has not been developed.

The proposed rule was based largely upon a petition submitted by the Synthetic Organic Chemical Manufacturers Association (SOCMA) for the use of a large number of colorants in paper and paperboard intended for food wrapping or packaging. On December 16, 1975, the Association withdrew its petition. SOCMA estimates that less than 5 percent of foods packaged in paper and paperboard contact a dyed surface.

Only those substances that are authorized by regulation in Part 176 may be safely used as colorants in the manufacture of, or as components of, paper and paperboard intended for use in contact with food. Any colorant to be used in paper or paperboard food packages but not authorized in Part 176 would require, before its use, amendment of the food additive regulations. Such an amendment would require the submission of a food additive petition in accordance with § 171.1 (21 CFR 171.1).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787 (21 U.S.C. 348(d))) and under authority delegated to the Commissioner (21 CFR 5.1), the Commissioner hereby withdraws the proposal published in the FEDERAL REGISTER of August 4, 1967 to establish a regulation under Part 176 and terminates the rulemaking proceedings begun by that proposal.

Dated: January 26, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-3834 Filed 2-5-79; 8:45 am]

[4110-03-M]

[21 CFR Part 1010]

[Docket No. 78N-0375]

PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

Variances from Performance Standards

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: This proposal would amend the administrative procedures for ruling on applications for variances from performance standards for electronic products. The procedures would no longer include publication of variance approvals in the FEDERAL REGISTER because experience has shown that such notices are not necessary for adequate protection of the public health.

DATE: Comments by April 9, 1979. The final rule based upon this proposal will be effective upon its publication in the FEDERAL REGISTER.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Melvyn R. Altman, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: In a final rule published in the FEDERAL REGISTER of April 18, 1974 (39 FR 13879), the Food and Drug Administration (FDA) established procedures for ruling on applications for variances from provisions of the performance standards for electronic products issued under 21 CFR Subchapter J. These procedures provide for publication in the FEDERAL REGISTER of variances approved by the Director, Bureau of Radiological Health. An ap-

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proved variance becomes effective no sooner than 30 days after the FEDERAL REGISTER notice of the approval, unless objections and supporting documentation are received within 30 days. If objections are received, the effective date of the variance is stayed until the Director rules on the objections.

In establishing these procedures, FDA intended to make information and actions on variances readily available to the public and assure interested and affected parties an opportunity to comment on approved variances. However, after more than 4 years' experience with the variance procedures, it is clear that the FEDERAL REGISTER notice has not served its intended purpose. Rather, the procedure needlessly expends agency resources and delays the effective date of approved variances, which often imposes an unjustified economic burden on manufacturers. The agency has published 16 variances and has received only 2 letters of objection, both of which resulted from misunderstandings. Thus, no variance approval has been altered by its publication in the FEDERAL REGISTER.

It is the opinion of the agency that suitable notification of approved variances can be given without publishing them in the FEDERAL REGISTER and that this publication is not required by the Administrative Procedure Act because a variance approval is not a substantive rule of general applicability (5 U.S.C. 552, 553). The Bureau of Radiological Health publishes a bulletin, widely distributed and available to any person on request, that includes a discussion of approved variances. In addition, State radiation control authorities are consulted concerning applications for variances as well as actions taken when those agencies either have special information on the application or would be substantially affected by it. The agency believes that interested parties will be adequately informed about approved variances by these means.

No environmental impact statement or environmental impact analysis report is required under § 25.1(b) (21 CFR 25.1(b)) because this procedural amendment would not significantly affect the quality of the environment.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C 263f)), and under authority delegated to him (21 CFR 5.1), FDA proposes to amend Part 1010 by revising § 1010.4(c) as follows:

§ 1010.4 Variances.

* * * * *

(c) *Ruling on applications.* (1) The Director, Bureau of Radiological Health, may approve or deny, in whole or in part, a requested variance or any amendment or extension thereof and the Director shall inform the applicant in writing of this action on a requested variance or amendment or extension. The written notice will state the manner in which the variance differs from the standard, the effective date and the termination date of the variance, a summary of the requirments and conditions attached to the variance, any other information that may be relevant to the application or variance, and, if appropriate, the number of units or other similar limitations for which the variance is approved. Each variance will be assigned an identifying number.

(2) The Director, Bureau of Radiological Health, shall amend or withdraw a variance whenever the Director determines that this action is necessary to protect the public health or otherwise is justified by this subchapter. Such action will become effective on the date specified in the written notice of the action sent to the applicant. Amendment or withdrawal of a variance will become effective immediately upon notification to the application when the Director determines that such action is necessary to prevent an imminent health hazard.

(3) All applications for variances and for amendments and extensions thereof and all correspondence on these applications will be available for public disclosure in the office of the Hearing Clerk, except for information regarded as confidential under section 360A(e) of the act.

* * * * *

Interested persons may, therefore, on or before April 9, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposed regulation. Four copies of all comments must be submitted, except that individuals may submit single copies of comments, and must be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the Regulatory Analysis Assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: January 23, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-3799 Filed 2-5-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-5086]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Calico Rock, Izard County, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Calico Rock, Izard County, Arkansas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Walnut Street, Calico Rock, Arkansas 72519. Send comments to: Mayor Washington, P.O. Box 195, or Mr. Ray Don Cantrell, City Recorder and secretary, Calico Rock, Arkansas 72519.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Calico Rock, Izard County, Arkansas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White River	Just downstream of corporate limits.	360
	Just downstream of State Highway 5 Bridge.	360
	Confluence of Calico Rock.	360

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3575 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5087]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Barstow, San Bernardino County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Barstow, San Bernardino County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Engineer's Office, City Hall, 200 East Mountain View Street, Barstow, California. Send comments to: Mr. Robert Beach, City Manager, City of Barstow, City Hall, 220 East Mountain View Street, Barstow, California 92311.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Barstow, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Depth, feet above ground
East Barstow Channel	Between Tenth Street and Muriel Drive on Eleventh Street.	2
	Intersection of Church Avenue and Eighth Street.	2
Lenwood Creek	Country Club Drive running into Gazana Street.	1
	Old Landmark Drive meeting Gerrymander Road.	1
	West Main Street running into Sweeten Lane.	2
	Sun Valley Drive running into Sweeten Lane.	2
Washes B, C, D	Area 2,000 feet south of Rimrock Road and 3,200 feet west of Barstow Road.	1

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mojave River	Interstate 15—110 feet*..	2,061
	First Street—30 feet*.....	2,096
	Atchison, Topeka and Santa Fe Railway—60 feet*.	2,106
Southwest Barstow Channel A.	Atchison, Topeka and Santa Fe Railroad—30 feet*.	2,154
	Main Street—60 feet**....	2,171
	Main Street—20 feet**....	2,180
	Sioux Street—50 feet**...	2,259

*Upstream from centerline
**Downstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3576 Filed 2-5-79; 8:45 am]

V 4 4 / 2 6 F E 6 7 9 UMI

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5088]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Dunsmuir, Siskiyou County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Dunsmuir, Siskiyou County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Manager's Office, City Hall, 5915 Dunsmuir Street, Dunsmuir, California. Send comments to: Mr. Bruce Crandall, City Manager, City of Dunsmuir, Drawer 377, Dunsmuir, California 96025.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Dunsmuir, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sacramento River.	Butterfly Avenue—10 feet upstream from centerline.	2275
	Interstate Highway 5—at centerline.	2328
	Cave Avenue—at centerline.	2400

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3577 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5089]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Pleasanton, Alameda County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Pleasanton, Alameda County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 200 Bernal Road, Pleasanton, California. Send comments to: Mr. Clayton E. Brown, City Manager, City of Pleasanton, City Hall, 200 Bernal Road, Pleasanton, California 94566.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Pleasanton, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Alamo Canal	Interstate Highway 580—at centerline.	328
Arroyo De La Laguna.	Intersection of Hansen Drive and Calle Reynoso.	321

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arroyo Del Valle...	Santa Rita Road—at centerline.	340
Arroyo Las Positas	At confluence with Arroyo Mocho.	348
Arroyo Mocho	Hopyard Road—75 feet*.	323
	Santa Rita Road—10 feet*.	336
Chabot Canal.....	At confluence with Arroyo Mocho.	323
Pleasanton Canal..	Hopyard Road—10 feet*.	322
Tassajara Creek	Southern Pacific Railroad—20 feet*.	337
Line B-2-1	At confluence with Arroyo De La Laguna.	304
Hewlett Canal.....	At confluence with Arroyo Mocho.	324
Line G-3	Fairlands Drive—at centerline.	345

Source of Flooding	Location	Depth in feet above ground
Shallow Flooding..	Intersection of Muirwood Drive and Tulipwood Circle.	2

*Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3578 File 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4364]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Canton, Hartford County, Conn.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 35495 of the FEDERAL REGISTER of August 10, 1978.

EFFECTIVE DATE: August 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

The following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rattlesnake Brook	Downstream of Maple Avenue.	318
Cherry Brook.....	Upstream of Barbourtown Road.	405

Should be corrected to read:

Rattlesnake Brook	Approximately 50 feet downstream of Maple Avenue.	318
Cherry Brook.....	Just downstream of Barbourtown Road.	405

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3579 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5090]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of South Windsor, Hartford County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of South Windsor, Hartford County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut. Send comments to: Honorable Nancy Caffyn, Mayor, Town of South Windsor, Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut 06070.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of South Windsor, Connecticut, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Captain John Bissel Memorial Bridge—at centerline.	31
Podunk River.....	Chapel Road Bridge—at centerline.	31
	Pleasant Valley Road Bridge—100 feet*.	44
	Vinton's Mill Road Dam—100 feet**.	48
	Vinton's Mill Road Dam—100 feet*.	66
	Strong Road Bridge—100 feet*.	71
	Nevers Road Bridge—100 feet*.	170
	Abby Road Bridge—100 feet*.	229
	Miller Road Bridge Dam—50 feet**.	255
	Miller Road Bridge Dam—100 feet*.	260
Plum Gully Brook	Clark Street Bridge—100 feet*.	63
	Deming Street Bridge—50 feet*.	85
	Oakland Road—50 feet*.	105
	Sand Hill Road—50 feet*.	146
Quarry Brook	Pleasant Valley Road—50 feet*.	81
Farm Brook.....	Confluence with Plum Gully Brook.	89
	Oakland Road—at centerline.	111
Bancroft Brook	Strong Road Bridge—100 feet*.	40
Dry Brook	Rye Street—100 feet**....	36
	Rye Street—50 feet*	48
	Griffin Road—50 feet* ...	94
Averys Brook	Benedict Drive Bridge (downstream crossing)—at centerline.	181
	Kelly Road Bridge—at centerline.	201
Scantic River	John Fitch Boulevard—at centerline.	32
Stoughtons Brook.	Main Street Bridge—at centerline.	32

* Upstream of centerline.
** Downstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3580 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5091]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Genesee, Latah County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Genesee, Latah County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Genesee, Idaho. Send comments to: Honorable Larry W. Sorensen, Mayor, City of Genesee, P.O. Box 38, Genesee, Idaho 83832.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Genesee, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cow Creek	Tamarac Street—50 feet*.	2655
	Laurel Street Bridge—70 feet*.	2658
	Burlington Northern Railroad Bridge—100 feet*.	2660
	Chestnut Street—80 feet*.	2661

* Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3581 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5092]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Moscow, Latah County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Moscow, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 122 4th Street, Moscow, Idaho. Send comments to: Mr. Bill Smith, City Engineer, City of Moscow, City Hall, 122 4th Street, Moscow, Idaho 83843.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Moscow, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Paradise Creek	Perimeter Drive—50 feet*.	2545
	White Avenue—50 feet*.	2579

effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 122 4th Street, Moscow, Idaho. Send comments to: Mr. Bill Smith, City Engineer, City of Moscow, City Hall, 122 4th Street, Moscow, Idaho 83843.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Moscow, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Eisenhower Street—25 feet*.	2606
South Fork Palouse River.	U.S. Highway 95—10 feet*.	2548

* Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3582 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5093]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Orofino, Clearwater County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Orofino, Clearwater County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Orofino, Idaho. Send comments to: Honorable Henry L. Clay, Mayor, City of Orofino, Box 312, Orofino, Idaho 83544.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Orofino, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clearwater River...	State Highway 7—100 feet*.	1013
Orofino Creek.....	Johnson Avenue—20 feet*.	1017
	Forest Street—100 feet*.	1084
	At Upstream Corporate Limits.	1174

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

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Issued: January 24, 1979.

GLORIA M. JIMINEZ,
Federal Insurance Administrator.

[FR Doc. 79-3583 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5094]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Bellwood, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Bellwood, Cook County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Bellwood, Illinois. Send comments to: Mr. Sigel C. Davis, Village President, Village of Bellwood, 3200 Washington Boulevard, Bellwood, Illinois 60104.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Bellwood, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations. together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Addision Creek	At Eisenhower Expressway downstream corporate limit.	627
	Just downstream of Jackson Street.	628
	Just downstream of the Chicago and Northwestern Railroad approximately 200 feet upstream of Madison Street.	630
	900 feet downstream of St. Charles Road.	630
	200 feet upstream of St. Charles Road.	632
	At upstream corporate limit.	633

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3584 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5095]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Coal Valley, Rock Island County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Coal Valley, Rock Island County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, P.O. Box 105, Coal Valley, Illinois. Send comments to: The Honorable Patrick A. Huyf, Mayor, Village of Coal Valley, Village Hall, P.O. Box 105, Coal Valley, Illinois 61240.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Coal Valley, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock River	1.4 miles downstream of confluence with Shaffer Creek.	572
	Confluence of Shaffer Creek.	573
Coal Creek	Downstream corporate limits.	624
	Upstream side of 1st Street.	627
	Upstream corporate limit.	631
Coal Creek Tributary.	168 feet downstream of U.S. Highway 150.	628
	325 feet upstream of U.S. Highway 150.	629
	1450 feet upstream of U.S. Highway 150.	636
Shaffer Creek	Upstream side of U.S. Highway 6.	573
	430 feet upstream of U.S. Highway 6.	574

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3585 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5096]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Indian Head Park, Cook County, Illinois

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Indian Head Park, Cook County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Indian Head Park, Illinois. Send comments to: Mr. Jerry Cihak, Village President, Village of Indian Head Park, Village Hall, 201 Acacia Drive, Indian Head Park, Illinois 60525.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Indian Head Park, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Flagg Creek	Southern corporate limits.	632
	About 200 feet upstream of 70th Place.	634
	About 200 feet upstream of Interstate 294.	637

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 25, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3586 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5097]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Mendota, La Salle County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Mendota, La Salle County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City

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Hall, 607 8th Street, Mendota, Illinois. Send comments to: The Honorable Louis Kooper Smith, Mayor, City of Mendota, City Hall, 607 8th Street, Mendota, Illinois 61342.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Mendota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mendota Creek	Downstream corporate limits.	727
	Just downstream of 1st Avenue.	731
	450 feet upstream from Burlington Northern Railroad.	734
	50 feet upstream from 3rd Street.	736
	500 feet upstream from 4th Street.	737
	125 feet upstream from 5th Street.	738
	400 feet upstream from Washington Street.	742
	150 feet upstream from Monroe Street.	744
	100 feet upstream from Chicago Street.	746
	100 feet downstream from Meridian Street.	749
	Just upstream of Route 51, 52 (13th Avenue).	757
	380 feet upstream from Lakewood Street.	758
	130 feet downstream from upstream corporate limits.	770
First Creek	Downstream corporate limits.	719
	75 feet upstream from 1st Avenue.	725
	Just upstream of 10th Street.	727
	250 feet upstream from 11th Street.	730
	50 feet upstream from U.S. Route 34 West.	733
	Just upstream of Burlington Northern Railroad.	737
	100 feet upstream from Strobie Avenue.	739
	Upstream end of Gulles Avenue culvert.	748
	300 feet upstream from 16th Street.	748
	2000 feet upstream from 16th Street.	758
	Upstream corporate limits.	765
First Creek Tributary 280 Feet Upstream From 10th Street on First Creek.	Confluence with First Creek.	728
	220 feet upstream from 11th Street East.	730
	Just upstream of U.S. Route 34 East.	732
	Just upstream of First Burlington Northern Railroad.	739
	Just upstream of 16th Street.	739
	100 feet upstream of Second Burlington Northern Railroad bridge.	741
	250 feet upstream from Lincoln Avenue.	747
	Upstream corporate limits.	750

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3587 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5098]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Milan, Rock Island County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Milan, Rock Island County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, 321 West Second Street, Milan, Illinois. Send comments to: Mr. Richard Work, Village President, Village of Milan, Village Hall, 321 West Second Street, Milan, Illinois 61264.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Milan, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock River	Northwestern corporate limits.	563
	Upstream side of Lock No. 30 at Carr Island.	567
	Northeastern corporate limits.	569
Mill Creek	Mouth at Rock River	565
	Upstream side of state Highway 92.	567
	Upstream side of Interstate 280.	570
	Upstream side of Knoxville Road.	579
	1,000 feet upstream of Knoxville Road.	581
	3,600 feet downstream of Sycamore Lane.	598
	Downstream side of Sycamore Lane.	601
Eckhart Creek	Western corporate limits.	563
	940 feet downstream of Chicago, Rock Island & Pacific Railroad.	565
	Downstream side of Andalusia Road.	575
	150 feet upstream of Andalusia Road.	577
North Channel Rock River.	1,700 feet downstream of U.S. Highway 67.	563
	300 feet upstream of U.S. Highway 67.	565
	10,400 feet upstream of U.S. Highway 67.	567
Kyte Creek	Upstream side of Chaney Lane.	572
	Upstream side of Andalusia Road.	574
	300 feet downstream of Ridgewood Road.	581
	Southwestern corporate limits.	587

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3588 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5099]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Coal Run, Pike County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Coal Run, Pike County, Kentucky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at State Police Barracks, North Mayo Trail, Pikeville, Kentucky 41501. Send comments to: Mr. Kelly Brown, President of the Board of Trustees, c/o First National Bank, 304 Main Street, or Mr. Homer Edmonds, Board of Trustees, c/o Larry Keene Used Cars, Main Street, Pikeville, Kentucky 41501.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Coal Run, Pike County, Kentucky, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Levisa Fork	Just upstream of Ratliff Street extended.	665
	280 feet downstream of Happy Valley Drive extended.	666

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3589 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5100]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Bernardston, Franklin County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Bernardston, Franklin County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is re-

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quired to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Church Street, Bernardston, Massachusetts. Send comments to: Mr. Burton Whitney, Chairman, Town of Bernardston, Board of Selectmen, Town of Bernardston, Town Hall, Church Street, Bernardston, Massachusetts 01337.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Bernardston, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fall River	Hoe Shop Road—200 feet*.	278
	Hoe Shop Road—125 feet**.	295
	Boston and Maine Railroad Bridge—125 feet*.	304
	Boston and Maine Railroad Bridge—100 feet**.	324
	Burke Flat Road—at centerline.	354
	Most Upstream Footbridge—at centerline.	439
Dry Brook	West Gill Road—75 feet**.	382
West Brook	U.S. Route 5—20 feet**...	468
	Upstream Corporate Limits.	483

*Downstream from centerline.
**Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17894, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3590 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5101]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Springfield, Hampden County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Springfield, Hampden County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the City Clerk, Springfield, Massachusetts. Send comments to: Honorable Theodore DiMauro, Mayor of Springfield, 36 Court Street, Springfield, Massachusetts 01103.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Springfield, Hampden County, Massachusetts in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Downstream Corporate Limits.	58
	South End Bridge (Upstream).	59
	Memorial Bridge (Upstream).	61
	North End Bridge (Upstream).	62
	Upstream Corporate Limits.	63
Chicopee River	Downstream Corporate Limits.	127
	Veterans Memorial Bridge (Upstream).	142
	Dam located 3,900' downstream of Pipe Line Bridge (Downstream).	150
	Dam located 3,900' downstream of Pipe Line Bridge (Upstream).	168
	Pipe Line Bridge (Upstream).	175
	Upstream Corporate Limits.	194
North Branch Mill River.	Wilbraham Road Bridge (Upstream).	161
	Beckwood Boulevard Bridge and Dam (Downstream).	164
	Beckwood Boulevard Bridge and Dam (Upstream).	174
	Sunrise Terrace Bridge (Upstream).	177
	Fox Road Bridge (Upstream).	188
	North Branch Parkway Bridge (Upstream).	207
	Parker Street Bridge (Upstream).	210
	Flint Street Bridge (Upstream).	212
	Parkerview Street Culvert.	219
	Upstream Corporate Limits.	223
South Branch Mill River.	Plumtree Road Bridge (Upstream).	167
	Bradley Road Bridge (Upstream).	170
	Parker Street Dam (Downstream).	196
	Parker Street Dam (Upstream).	209
	Parker Street Bridge (Upstream).	212
	Upstream Corporate Limits.	221
North Brook	North Branch Parkway Culvert (Upstream).	177
	North Branch Parkway Culvert (Upstream).	182
	Earth Fill Dam (Upstream).	190
	Lumae Street Culvert (Downstream).	195
	Lumae Street Culvert (Upstream).	213
	Timothy Circle Culvert (Upstream).	216
	Bolton Street Culvert (Upstream).	217
	Parker Street Culvert (Upstream).	224

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3591 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5102]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Williamsburg, Hampshire County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Williamsburg, Hampshire County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Clerk's Office, Williamsburg, Massachusetts. Send comments to: Mr. Robert L. Childs, Chairman of the Board of Selectmen, Williamsburg Town Office, Haydenville, Massachusetts 01039.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Williamsburg, Hampshire County, Massachusetts in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Joe Wright Brook.	Driveway Bridge 919 feet upstream from Route 9 Bridge (Upstream) Route 9 Bridge (Upstream).	482
East Branch Mill River.	Confluence of Bradford Brook.	711
	Wooden Footbridge 11,088 feet upstream from Bullard Road Bridge (Upstream).	706
	Timber Footbridge 9,768 feet upstream from Bullard Road Bridge (Upstream).	669
	Footbridge 9,240 feet upstream from Bullard Road Bridge (Upstream).	681
	Wooden Footbridge 8,989 feet upstream from Bullard Road Bridge (Upstream).	663
	Bullard Road Bridge (Upstream).	558
	Nash Hill Road Bridge (Upstream).	523
West Branch Mill River.	Graham Pond Dam (Upstream).	737
	Graham Pond Dam (Downstream).	724
	Stone Dam (Upstream)	718
	Route 9 Bridge (Upstream).	702
	Route 9 Bridge 1,637 feet downstream from Village Hill Road Bridge (Upstream).	685
	Route 9 Bridge 1,214 feet upstream from Chesterfield Road Bridge (Upstream).	605
	Chesterfield Road Bridge (Upstream).	580
	Route 9 Bridge 792 feet upstream from North Street Bridge (Upstream).	559

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	North Street Bridge (Upstream).	539
	Confluence with Mill River and East Branch Mill River.	514
Unquomonk Brook.	South Street Culvert.....	555
	Driveway Bridge 1,900 feet downstream from South Street Culvert (Upstream).	543
	Confluence of Mill River.	470
Bradford Brook.....	Ashfield Williamsburg Valley Road Culvert.	715
	Confluence of East Branch Mill River.	711
Beaver Brook.....	Mountain Street Culvert.	439
	Wooden Footbridge 1,795 feet downstream from Mountain Street Culvert (Upstream).	431
	Mountain Street Bridge (Upstream).	421
	Wooden Footbridge 4,645 feet downstream from Mountain Street Bridge (Upstream).	385
	Wooden Footbridge 5,860 feet downstream from Mountain Street Bridge (Upstream).	384
	Downstream Corporate Limits.	379
Mill River.....	Confluence of East and West Branches of Mill River.	514
	Route 9 Bridge (Upstream).	489
	Confluence of Unquomonk Brook.	470
	Driveway Bridge 3,590 feet downstream from Route 9 Bridge (Upstream).	458
	Downstream from Route 9 Bridge (Upstream).	458
	Stone Dam (Upstream)..	442
	Stone Dam (downstream).	434
	South Main Street Bridge (Upstream).	424
	High Street Bridge (Upstream).	416
	Breached Dam (Upstream).	403
	Downstream Corporate Limits.	389

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3592 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5103]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Hendrum, Norman County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Hendrum, Norman County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Hendrum, Minnesota. Send comments to: The Honorable John R. Storsved, Mayor, City of Hendrum, City Hall, Hendrum, Minnesota 56550.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Hendrum, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wild Rice River.....	200 feet downstream of County Highway 25.	870
	1.32 Miles upstream of County Highway 25.	870

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3593 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5104]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Glendive, Dawson County, Mont.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Glendive, Dawson County, Montana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, P.O. Box 780, Glendive, Montana. Send comments to: Mr. Wilbur Wallace, Director of Public Works, City of Glendive, City Hall, Glendive, Montana 59330.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Glendive, Montana, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yellowstone River	Interstate Highway 94 Bridges—50 feet*.	2,062
	Towne Street Bridge—100 feet*.	2,066
	Bell Street Bridge—100 feet.	2,068

*Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3594 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5105]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Cambridge, Furnas County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Cambridge, Furnas County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Cambridge, Nebraska. Send comments to: The Honorable Charles B. Mousel, Mayor, City of Cambridge, City Hall, Cambridge, Nebraska 69022.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Cambridge, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Republican River..	Approximately 1 mile downstream of State Highway 47.	2,254
	Just downstream of State Highway 47.	2,262
	Just upstream of State Highway 47.	2,264
	Approximately 1 mile upstream of State Highway 47.	2,267
	Approximately 1.37 miles upstream of State Highway 47.	2,270

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the

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Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3595 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4506]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Deering, Hillsborough County, N.H.

CORRECTION

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 42274 of the FEDERAL REGISTER of September 20, 1978.

EFFECTIVE DATE: September 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

The following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Piscataquog River.	0.24 mile upstream of Dam near Camp Road.	780
	0.5 mile upstream of Beaver Made Road.	800
	Just downstream of Deering Reservoir Dam.	921

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Piscataquog River.	0.23 mile upstream of Dam near Camp Road.	780
	0.47 mile upstream of Beaver Made Dam.	800
	Just downstream of Deering Reservoir Dam.	912
	Just upstream of Deering Reservoir Dam.	921

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3596 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5106]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Westfield, Union County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Westfield, Union County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Municipal Building, 425 East Broad Street, Westfield, New Jersey. Send comments to: Honorable Alexander S. Williams, Mayor, Town of Westfield, Municipal Building, 425 East Broad Street, Westfield, New Jersey 07090.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Westfield, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Robinsons Branch 15.	Lamberts Mill Road—at centerline.	51
	Park Bridge—50 feet*	78
	Willow Grove Road—50 feet*.	89
Robinsons Branch 15-1.	Confluence with Robinsons Branch 15.	52
Robinsons Branch 15-2.	Confluence with Robinsons Branch 15.	69
Tributary to Rahway River.	Downstream Corporate Limits.	88
	Gallows Hill Road—50 feet**.	95
	Gallows Hill Road—50 feet*.	100
Nomahegan Brook-Echo Lake.	Springfield Avenue—at centerline.	77

* Upstream from centerline.
** Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 25, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3597 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5107]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Forest River, Walsh County, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Forest River, Walsh County, North Dakota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Forest River, North Dakota. Send comments to: Honorable Lee Furguson, Mayor, City of Forest River, Forest River, North Dakota 58233.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Forest River, North Dakota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Forest River.....	At Downstream Corporate Limits.	859

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3598 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5108]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Madison, Lake County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Madison, Lake County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Administrator's Office, Madison, Ohio. Send comments to: The Honorable Adam Fabel, Mayor, Village of Madison, P.O. Box 7, Madison, Ohio 44057. Attention: Dan Kennedy, Village Administrator.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Madison, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rand Ditch	At downstream corporate limits.	674
	100 feet downstream from Middle Ridge Road.	681
	100 feet upstream from Middle Ridge Road.	684
	Approximately 3,500 feet upstream from Middle Ridge Road.	687
	Approximately 2,700 feet downstream from Edwards Street.	695
	Approximately 100 feet downstream from Edwards Street.	704
	Just downstream from Conrail.	707
	Just upstream from Union Street.	714
	Just downstream from Main Street.	718
	Approximately 200 feet upstream from Main Street.	726
	Approximately 200 feet upstream from Parkway Boulevard.	734
	Approximately 2,900 feet upstream from Parkway Boulevard.	749
Balch Ditch	Approximately 620 feet downstream from Dirt Road.	687
	At Dayton Drive	687
East Branch Rand Ditch.	Approximately 320 feet downstream from Norfolk and Western Railway Mouth at Rand Ditch.	707
	60 feet downstream from Lake Street.	712
	Just upstream of Field Road.	715
	80 feet upstream from Sanford Street.	716
	Just downstream from Main Street.	719
	Approximately 140 feet upstream from Main Street.	720
	Approximately 80 feet downstream from Hyder Road.	727
	Approximately 120 feet upstream from Hyder Road.	729
	Approximately 850 feet upstream from Hyder Road.	735
	Approximately 1,400 feet upstream from Hyder Road.	740
	Approximately 2,400 feet upstream from Hyder Road.	753
Branch Rand Ditch Tributary No. 1.	Approximately 640 feet downstream from Main Street.	716
	100 feet downstream from Main Street.	718
	100 feet upstream from Main Street.	721
	Approximately 1,050 feet upstream from Main Street.	730
	Approximately 1,800 feet upstream from Main Street.	737
Branch Rand Ditch Tributary No. 2.	At confluence with East Branch Rand Ditch.	723
	Approximately 950 feet upstream of confluence with East Branch Rand Ditch.	736
Rand Ditch Tributary No. 1.	At confluence with Rand Ditch.	729
	Approximately 1,470 feet upstream of confluence with Rand Ditch.	748
Rand Ditch Tributary No. 2.	At confluence with Rand Ditch.	726
	Approximately 2,320 feet upstream of confluence with Rand Ditch.	745
Miller's Ditch	Approximately 420 feet downstream from Middle Ridge Road.	682
	Approximately 500 feet upstream from Middle Ridge Road.	685
	Upstream corporate limits.	687

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3599 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5109]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Central Point, Jackson County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Central Point, Jackson County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 250 East Pine Street, Central Point, Oregon 97502. Send comments to: Mr. E. David Kucera, City Administrator, City of Central Point, City Hall, 250 East Pine Street, Central Point, Oregon 97502.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Central Point, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Griffin Creek	Southern Pacific Railroad Bridge—90 feet*.	1,252
	Southern Pacific Railroad Bridge—30 feet**.	1,254
	Pine Street (Bridge Culvert)—60 feet*.	1,271
	Pine Street (Bridge Culvert)—20 feet**.	1,276
	Beall Lane (Bridge Culvert)—20 feet*.	1,294

**Upstream from centerline.
*Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-3600 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5110]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Gold Hill, Jackson County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Gold Hill, Jackson County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Gold Hill, Oregon. Send comments to: Honorable Karen Kell, Mayor, City of Gold Hill, P.O. Box 315, Gold Hill, Oregon.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Gold Hill, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rogue River	Southern Pacific Railroad-100 feet upstream from centerline.	1066

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3601 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5111]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Oregon City, Clackamas County, Oregon

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Oregon City, Clackamas County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 7th and John Adams, Oregon City, Oregon. Send comments to: Mr. Alfred Simonson, City Manager, City of Oregon City, City Hall, 7th and John Adams, Oregon City, Oregon 97045.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Oregon City, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the Na-

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tional Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Willamette River ..	Interstate 205 Bridge—70 feet*.	45
	Oregon City-West Linn Bridge—70 feet*.	46
Clackamas River ...	McLoughlin Boulevard—50 feet*.	44
	Portland Traction Company Railroad—50 feet**.	44
Abernethy Creek ..	South Pacific Railroad Trestle—30 feet*.	45
	Washington Street—40 feet*.	45

* Upstream from centerline
** Downstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 25, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3602 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5112]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Birdsboro, Berks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Birdsboro, Berks County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Hall, 113 East Main Street, Birdsboro, Pennsylvania. Send comments to: Honorable Russell Mountz, Mayor of Birdsboro, 113 East Main Street, Birdsboro, Pennsylvania 19508.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Birdsboro, Berks County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Schuylkill River	Downstream Corporate Limits.	164
	State Route 82	167
	Conrail	168
	Upstream Corporate Limits.	170
Hay Creek	Confluence with Schuylkill River.	165
	First Street Bridge	167
	State Route 82	190
	Upstream Corporate Limits.	207

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3603 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5113]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Chapman, Clinton County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Chapman, Clinton County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, Renovo, Pennsylvania. Send comments to: Mr. Ralph Lupro, Sr., Chairman of the Board of Supervisors of Chapman, 826 Central Avenue, Renovo, Pennsylvania 17764.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Chapman, Clinton County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Downstream Corporate Limit.	630
	L. R. 120	636
	Upstream Corporate Limit.	656
Hyner Run	Conrail	642
	Legislative Route 120	644
	Private Bridge	702
	Hyner State Park Bridge.	781
	Private Bridge	910
Young Woman's Creek.	Conrail	651
	Township Route 551	653
	Confluence with left branch of Young Woman's Creek.	716
	Legislative Route 18020	743

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3604 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5114]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Clarks Summit, Lackawanna County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Clarks Summit, Lackawanna County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Hall, Clarks Summit, Pennsylvania. Send comments to: Mr. Elwood M. Lewis, Manager of Clarks Summit Borough, 304 State Street, Clarks Summit, Pennsylvania 18411.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Clarks Summit, Lackawanna County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary along Conrail.	Gravel Pond Road Culvert Inlet.	1,224
	Terrace Drive	1,226
	Greenwood Avenue	1,234
	Winola Road Culvert Inlet.	1,237

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Bedford Street Culvert Inlet.	1,242
	Marion Street Bridge	1,250
	Center Street Culvert Outlet.	1,261
	Center Street Culvert Inlet.	1,276
	Davison Street	1,305
	Electric Street	1,312
	Florence Street (Upstream).	1,324
Tributary along U.S. Routes 6 and 11.	Maple Street (Extended).	
	Weis Market Culvert Inlet.	
	1,152	
	Lansdowne Avenue Culvert Inlet.	1,162
	Fairview Avenue	1,177
	Walnut Street (Extended).	1,194
	Linden Street Culvert Outlet.	1,245
	Upstream Corporate Limits.	1,262
Tributary along Hemlock Drive.	Playground Culvert Inlet.	1,157
	Walnut Street (Extended).	1,163
	Poplar Street (Extended).	1,195
	Footbridge	1,217
	Ash Street (Extended)	1,230
	South Abington Road Culvert Outlet.	1,254

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3605 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5115]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Houston, Washington County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Houston, Washington County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, Houston, Pennsylvania. Send comments to: Honorable Robert Spiller, Mayor of Houston, McNutt Street, Houston, Pennsylvania 15342.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Houston, Washington County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chartiers Creek	Corporate Limits (Downstream).	952
	Conrail Crossing	952
	Main Street (Upstream).	953
	Corporate Limits (Upstream).	953
Chartiers Run	Corporate Limits (Downstream).	954
	Pike Street (Upstream)	954
	Abandoned Bridge (Upstream).	954
	Corporate Limits (Upstream).	954

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3606 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5116]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Jermyn, Lackawanna County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Jermyn, Lackawanna County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Jermyn Community House, Jermyn, Pennsylvania. Send comments to: Honorable Edward M. Callahan, Mayor of Jermyn, 25 Maple Street, Jermyn, Pennsylvania 18433.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Jermyn, Lackawanna County Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lackawanna River	Downstream Corporate Limits.	915
	Upstream Side Delaware Street Bridge.	937
	Upstream Corporate Limits.	948
Rush Brook	Confluence with Lackawanna River.	944
	Upstream Side Shields Street Bridge.	972
	Upstream Side Lincoln Street Bridge.	988

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ.
Federal Insurance Administrator.

[FR Doc. 79-3607 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5117]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Lancaster, Lancaster County, Penn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Lancaster, Lancaster County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, 1240 Maple Avenue, Lancaster, Pennsylvania. Send comments to: Mr. Robert L. Fish, Jr., Chairman of the Board of Supervisors of Lancaster, 1240 Maple Avenue, Lancaster, Pennsylvania 17604.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Lancaster, Lancaster County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Conestoga Creek	Corporate Limits	278
	Mill Driveway	286
	Schoolhouse Road	288
	West Columbia Avenue	289
	Marietta Drive	294
Conestoga River	South Prince Street	245
	South Queen Street	247
	Rockford Road	258
	River Road	262
	Lincoln Highway	268

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

V 4 / 2 6 FEB 6 79 UMI

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3608 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5118]

NATIONAL FLOOD INSURANCE PROGRAM

Revision of Proposed Flood Elevation Determination for the City of Lebanon, Lebanon County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lebanon, Lebanon County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Lebanon Daily News* on September 27, 1976, and in the *Lebanon Daily News* published on September 28, 1976, and hence supersedes those previously published rules.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Clerk's Windows, City Hall, 400 South 8th Street, Lebanon, Pennsylvania. Send comments to: Honorable George H. Heverling, Jr., Mayor of Lebanon, 400 South 8th Street, Lebanon, Pennsylvania 17042.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Lebanon, Lebanon County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a))

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Quittapahilla Creek.	Sixteenth Street	443
	Twelfth Street	451
	Willow Street	453
	Ninth Street	456
	Seventh Street	462
	Fourth Street	465
	Green Street	466
	Lincoln Avenue	467
	Cumberland Street	471
Hazel Dyke Creek.	Chestnut Street	451
	South 10th Street	456
	Liberty Street	463
	Broad Street	466
	South 3d Street (Upstream).	470
	Lincoln Avenue (Upstream).	476
	South 3d Avenue	477
Brandywine Creek	Cumberland Street	449
	Willow Street	453
	Lehman Street	455
	State Route 72	496
	North Eighth Street (Upstream).	504
	Baldwin Street	504

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3609 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5119]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Ross, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Ross, Allegheny County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Perry and Center Avenues, Pittsburgh, Pennsylvania. Send comments to: Mr. Frank Kohne, President of the Township of Ross, Municipal Building, Perry and Center Avenues, Pittsburgh, Pennsylvania 15237.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Ross, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Girtys Run	Downstream Corporate Limit.	839
	Brookville Lane	905
	Rochester Road	944
	Seventh Street	983
	Bernice Street	1,023
	Three Degree Road	1,055
	Upstream Corporate Limit.	1,092
Lowries Run	Downstream Corporate Limit.	856
	Reis Run Road	892
	Rochester-Lowries Run Road.	913
	Upstream Corporate Limit.	939
West Little Pine Creek.	Downstream Corporate Limit.	977
	Sutter Road	994
	Thompson Run Road	1,010
	Upstream Corporate Limit.	1,016
Rochester Run	Evergreen Heights Road	944
	Upstream Corporate Limit.	965

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3610 Filed 1-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5120]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Tunkhannock, Wyoming County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Tunkhannock, Wyoming County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Office, Tunkhannock, Pennsylvania. Send comments to: Honorable R. Ferguson, Mayor of Tunkhannock, P.O. Box B, Tunkhannock, Pennsylvania 18657.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Tunkhannock, Wyoming County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Western Corporate Limits.	611
	Eastern Corporate Limits.	610
Tunkhannock Creek.	At Mouth	610
	Eastern Corporate Limits.	610
Swale Brook	At Mouth	610
	McCord Street Bridge	613
	North Bridge Street	617
	Extension of Franklin Avenue.	643
	Western Corporate Limits.	665
Tributary No. 1 to Swale Brook.	At Mouth	622
	Reed Street	626
	Avery Street	672
	T-406 Culvert	697
	Northern Corporate Limits.	730

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3611 Filed 1-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5121]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Wrightsville, York County, Pa.

AGENCY: Federal Insurance Administration, HUD.

V 4 4 / 2 6 F E 6 7 9 UMI

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Wrightsville, York County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Hall, Wrightsville, Pennsylvania. Send comments to: Honorable Bradley Ream, Mayor of Wrightsville, 608 Hellam Street, Wrightsville, Pennsylvania 17368.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Wrightsville, York County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Confluence of Kreutz Creek.	241
	Route 462	242
	Upstream Corporate Limits.	243
Kreutz Creek	Susquehanna River	241
	State Route 624 Downstream.	245
	Upstream Corporate Limits.	255

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1963), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3612 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5122]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Auburn, King County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Auburn, King County, Washington. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 25 West Main Street, Auburn, Washington. Send comments to: Honorable Stanley P. Kersey, Mayor, City of Auburn, City Hall, 25 West Main Street, Auburn, Washington 98002.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Auburn, Washington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mill Creek	37th Street N.W.*	45
	15th Street N.W.—10 feet**.	55
	15th Street S.W.—50 feet**.	69
White River	Downstream Corporate Limits.	88
	R Street S.E.*	121
Green River	Upstream Corporate Limits.	91

*At centerline.
**Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIDA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3613 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5123]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Bonney Lake, Pierce County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Bonney Lake, Pierce County, Washington. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 19306 Bonney Lake Boulevard, Bonney Lake, Washington. Send comments to: Honorable Steven Flaherty, Mayor, Town of Bonney Lake, Town Hall, 19306 Bonney Lake Boulevard, Bonney Lake, Washington 98390.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Bonney Lake, Washington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fennel Creek	State Route 410—at centerline.	469
Debra Jane Creek	Lakeway Drive—90 feet**.	489
	Lakeway Drive—10 feet*	494
	Bonney Lake Boulevard—60 feet**.	556
	Bonney Lake Boulevard—10 feet*.	561
Bonney Lake Outflow.	Lakeway Drive—10 feet*	494
	190th Avenue East—30 feet*.	584
	190th Avenue East—10 feet*.	590
	185th Avenue East—10 feet*.	609
Bonney Lake	185th Avenue—10 feet*	609
Debra Jane Lake	193rd Avenue East—20 feet*.	566

*Upstream from centerline.
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3614 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5124]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Kelso, Cowlitz County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Kelso, Cowlitz County, Washington. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, P.O. Box 209, Kelso, Washington. Send comments to: Honorable Joe Wenaweser, Mayor, City of Kelso, P.O. Box 209, Kelso, Washington 98626.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Kelso, Washington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-

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448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coweman River	Talley Way*	17
	Interstate 5*	17
Cowlitz River	Washington Highway 4*	21

*At centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3615 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5125]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Lake Forest Pork, King County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lake Forest Park, King County, Washington. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 17711 Ballinger Way, N.E., Seattle, Washington. Send comments to: Honorable James W. Hunt, Mayor, City of Lake Forest Park, City Hall, 17711 Ballinger Way N.E., Seattle, Washington 98155.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Lake Forest Park, Washington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lyon Creek	Bothel Way—100 feet*	29
	40th Avenue NE—80 feet*.	80
	Ballinger Road—40 feet*	120
McAleer Creek	NE 170th Street—20 feet*.	29
	NE 178th Street—10 feet*.	80

* Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3616 Filed 2-5-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5126]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Long View, Cowlitz County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Long View, Cowlitz County, Washington. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Long View, Washington. Send comments to: Honorable R. J. McCullough, Mayor, City of Long View, P.O. Box 128, Long View Washington 98632.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Long View, Washington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Columbia River	Most Upstream Corporate Limits-at centerline.	17
Cowlitz River	Allen Street Bridge-50 feet*.	21
	Washington Highway 4-100 feet*.	21
	Most Upstream Corporate Limit-at centerline.	22

* Upstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3617 Filed 1-5-79; 8:45 am]

[4830-01-M]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-70-77]

INCOME TAX

Refundings of Industrial Development Bonds

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains a notice of proposed rulemaking which revises the notice of proposed rulemaking relating to refundings of industrial development bonds which was published on December 6, 1977, at 42 FR 61613. The amendment is intended to clarify the definition of a refunding issue. It affects purchasers and governmental issuers of industrial development bonds.

DATES: Written comments must be delivered or mailed by April 9, 1979. The amendment to the proposed regulations is effective as of the dates provided in paragraph (e)(8) of the proposed regulations published at 42 FR 61613, generally, November 4, 1977.

ADDRESS: Send comments to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-70-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

David Dolan of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 6, 1977, the FEDERAL REGISTER published a notice of proposed rulemaking (42 FR 61613) relating to refundings of industrial development bonds. Paragraph (e)(6)(i) of the proposed regulations defines a refunding issue, generally, to be an issue the proceeds of which are used to pay principal, interest, or call premium on another issue or reasonable incidental costs of the refunding.

The amendment to the proposed regulations provides that for purposes of defining a refunding issue, "interest" does not include interest which may be chargeable to a capital account. Thus, for example, an issue is not a refunding issue if all of the proceeds are used to pay interest which may be chargeable to a capital account. This amendment has particular significance with respect to issues the proceeds of which are used to pay certain construction period interest on a prior issue.

This amendment to the proposed regulations is not intended to create any inference concerning the extent to which investment proceeds (for example, interest derived from investing the proceeds of an issue) are to be taken into account in determining whether "substantially all" of the proceeds of the issue are used for an exempt purpose. The Treasury Department has this question under active consideration.

COMMENTS

Before adopting the proposed regulations as amended, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying.

DRAFTING INFORMATION

The principal author of this amendment is David Dolan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the amendment on matters of both substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as set forth in the notice of proposed rulemaking published at 42 FR 61613 subject to the following change:

Paragraph (e)(6)(i) of § 1.103-7, as set forth in the notice of proposed rulemaking, is amended to read as follows:

§ 1.103-7 Industrial development bonds.

* * * * * *

(e) *Refunding obligations; new rules.* * * *

(6) *Definitions.* (i) A refunding issue is an issue the proceeds of which are

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used to pay prinicipal, interest (other than interest which is chargeable to a capital account or would be so chargeable either with a proper election by a taxpayer or but for a proper election by a taxpayer to deduct such amounts), or call premium on another issue (the "prior issue") or reasonable incidental costs of the refunding (*e.g.*, legal and accounting fees, printing costs, and rating fees). An issue is not a refunding issue for purposes of this paragraph if the prior issue had a term of less than 3 years and was sold in anticipation of permanent financing. However, the aggregate term of all issues sold in anticipation of the permanent financing may not exceed 3 years.

* * * * *

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 79-4060 Filed 2-5-79; 8:45 am]

[7708-01-M]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2618]

RULES FOR ADMINISTRATIVE REVIEW OF AGENCY DECISIONS

Proposed Rulemaking

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed Rule.

SUMMARY: This proposed regulation sets forth the rules governing the issuance of most initial determinations by the Pension Benefit Guaranty Corporation (the "PBGC") and the procedures for requesting and obtaining administrative review by the PBGC of those determinations. Over the past four and one half years since the enactment of the Employee Retirement Income Security Act of 1974 ("ERISA"), the number of cases processed by the PBGC has increased substantially as it has placed into effect the program of pension plan termination insurance it administers under ERISA. One corollary of this increased activity by PBGC has been the increase in the number of requests by pension plan participants and employers who maintain pensions plans for administrative review by PBGC of its determinations. In order to facilitate the administrative review process, the PBGC proposes to publish rules governing the administrative review of its decisions. The intended effect of this proposed regulation is to insure that persons who are adversely affected by determinations of the PBGC are provided with an opportunity to present fully their positions to the PBGC before a final decision is made by the agency.

DATES: Comments must be received on or before March 23, 1979.

ADDRESSES: Comments should be sent to: Office of the General Counsel, Pension Benefit Guaranty Corporation, Room 7200, 2020 K Street, NW., Washington, D.C. 20006. Copies of written comments will be available for examination in: Office of Communications, Pension Benefit Guaranty Corporation, Suite 7100, 2020 K Street, NW., Washington, D.C., between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT:

Joan Segal, Staff Attorney, Office of the General Counsel, 2020 K Street, NW., Washington, D.C. 20006; 202-254-3010.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The purpose of this proposed regulation is to establish procedures whereby persons who deal with the Pension Benefit Guaranty Corporation ("PBGC") can obtain administrative review by the PBGC of its decisions that affect them. These rules are set forth in a proposed new Part 2618 of the PBGC's regulations. In drafting these procedures, the PBGC has tried to keep them as simple as is possible consistent with providing fair and effective administrative review, in order to keep to a minimum the time and cost entailed in obtaining PBGC review of its decisions. While these procedures are, in part, a formalization of existing PBGC practices for reconsidering its decisions, the proposed regulation does include a new procedure for administrative appeals of certain decisions to a senior level Appeals Board within the PBGC. The PBGC hopes and expects that the procedures for obtaining administrative review proposed herein will be helpful to those persons and businesses having matters before the PBGC and will also assist the PBGC in reaching the proper resolution of the matters before it.

OVERVIEW OF THE REGULATION

The proposed regulation contains four subparts. Subpart A sets forth those matters which are subject to administrative review under this part, and also contains general provisions applicable to both the reconsideration and appeals processes. Subpart B deals with the requirements for initial determinations by the PBGC on matters covered by this regulation. A person who has received an initial determination by the PBGC, has not exhausted his or her administrative remedies, and thus may not challenge the determination in court, until he or she has pursued administrative review of the determination under the proposed regulation.

Subpart C sets forth the procedures for obtaining reconsideration of initial determinations and, as noted above, is largely a codification of PBGC's existing practices. Under the proposed regulation, a reconsideration is performed by the same office that made the initial determination, but the review is by a higher level official within the office. An exception to the principle of higher level review is that when an Office Director, (including the General Counsel or the Executive Director of the PBGC) makes the initial determination, he or she (or his or her designee) is also responsible for its reconsideration.

Finally, Subpart D establishes an Appeals Board within PBGC and sets forth the procedures for appealing certain determinations to that body. The Appeals Board consists of senior level officials of the PBGC (or their designees), and a person who made a decision being appealed is disqualified from serving on the Board. Not all determinations covered by this part are subject to appeal; some may only be reviewed through the reconsideration process. But those determinations that tend to involve more complex issues can be appealed in accordance with Subpart D. These determinations may also be reviewed under Subpart C, either excusively or prior to an appeal, if the person affected so chooses.

SUBPART A—GENERAL PROVISIONS

Subpart A sets forth, in § 2618.1(b), those matters which are subject to the administrative review procedures of the proposed regulation. In brief, most determinations by the PBGC that have an actual impact on plan participants or on employers who maintain plans are covered by this part. Excluded from coverage are determinations that do not involve cases actually pending before the PBGC; determinations committed to PBGC discretion by Title IV of the Employee Retirement Income Security Act of 1974 ("ERISA" or the "Act"); and determinations that relate to the investigatory functions of the PBGC, such as decision to issue a subpoena or a determination of the existence of a "reportable event" under § 4043 of ERISA. However, where the PBGC determines that it would be appropriate to do so, it will informally review, upon request, determinations that are not subject to this regulation.

SUBPART B—INITIAL DETERMINATIONS

Proposed Subpart B sets forth certain requirements with respect to the form and content of initial determinations by the PBGC that will facilitate

the process of administrative review. In brief, initial determinations covered by this part must be in writing and state the reasons for the determination (proposed § 2618.12), and must contain notice of the right to seek reconsideration and/or to appeal the determination (proposed § 2618.13).

SUBPART C—RECONSIDERATION OF INITIAL DETERMINATIONS

Anyone aggrieved by an initial determination covered by the propose regulation may request reconsideration of the determination (proposed § 2618.32). The request for reconsideration must be in writing, state the grounds for the request and the relief sought, and be filed within 30 days after the date of the initial determination, unless an extension of time to file within the 30-day period is requested and granted (proposed § 2618.35). An extension of time may be requested when the person lacks information necessary to file a request for reconsideration or necessary to a decision whether to request reconsideration (proposed §§ 2618.5 and 2618.33). Requests for reconsideration will be handled by the office that made the initial determination. However, except for cases where the Office Director (including the Executive Director or the General Counsel) made the initial decision, the decision on reconsideration will be made by a higher ranking official within the office (proposed § 2618.36(a)). Where the Office Director made the first determination, it is proposed that he or she (or his or her delegate) will make the decision on reconsideration.

Decisions on requests for reconsideration shall be in writing, state whether the relief requested is granted or denied, state the reason(s) for the decision, state that the person has exhausted his or her administrative remedies, and, if applicable, state that the person may appeal (proposed § 2618.36(b)). If, within 90 days after the filing of a request for reconsideration, the person requesting reconsideration does not receive a decision and is not notified by PBGC that additional time is necessary, he or she shall be deemed to have exhausted his or her administrative remedies and may seek judicial review (proposed § 2618.36(c)). A request for reconsideration may be summarily denied if it is not timely filed, unless good cause is shown, or if it fails to state the grounds upon which it is based (proposed § 2618.36(d)).

SUBPART D—ADMINISTRATIVE APPEALS

Under this proposal, the administrative appeals procedure set forth in this subpart applies only to the following determinations by the PBGC: (1) Determinations that plans are not covered under section 4021 or section 4082(b) of the Act; (2) determinations under section 4022(a) with respect to benefit entitlement of participants and beneficiaries under covered plans; (3) determinations under section 4022(b) of the amount of guaranteed benefits of participants and beneficiaries under covered plans; (4) determinations of the amount of money subject to recapture pursuant to section 4045; (5) determinations of the amount of employer liability under section 4062; (6) determinations of the amount of contingent liability under section 4063; and (7) determinations of the amount of employer liability under section 4064 (proposed § 2618.51).

It is hoped that the appeals procedure proposed herein will help assure that all parties affected by any of these determinations will be given ample opportunity to present fully their position to the PBGC before a final decision is made by the agency. It should be kept in mind that under the proposal, these matters may be reviewed by reconsideration under Subpart C. The person aggrieved may choose whether he wishes to seek review under only Subpart C or Subpart D or under both.

It is recognized that appeals from certain of the determinations listed above may call into question the constituent parts of those determinations. For example, an appeal of the amount of employer liability assessed under section 4062 may challenge the underlying determinations by PBGC of the amount of plan asset insufficiency or of employer net worth, or both.

Any person adversely affected by an initial determination by the PBGC or by a decision on a request for reconsideration involving the matters listed above may file an appeal (proposed § 2618.52). Appeals must be filed within 45 days after the date of the determination or decision being appealed, unless the appellant requests an extension of time to file within the 45-day period and the request is granted. An extension of time may be requested when the person lacks information necessary to an appeal or to a decision whether to appeal (proposed §§ 2618.5, 2618.53).

An appeal must state the grounds on which it is based, i.e., the appellant must specify those findings in the initial determination with which he or she disagrees and state the reasons for his or her position. The appeal may also include additional information or data which the appellant believes is relevant and which was not previously presented to the PBGC. The appellant may request the opportunity to appear in person or through a representative before the Appeals Board and to call witnesses (proposed § 2618.55).

Under this proposal, an opportunity to appear before the Appeals Board and an opportunity to call witnesses will be permitted at the discretion of the Appeals Board. In general, an opportunity to appear will be permitted if the Appeals Board determines that there is a dispute as to a material fact; an opportunity to call witnesses will be permitted when the Appeals Board determines that witnesses will contribute to the resolution of a factual dispute (proposed § 2618.56(b)). Any appearance permitted under this subpart may, at the discretion of the Appeals Board, be held before a hearing officer designated by The Board rather than before the Board itself (proposed § 2618.56(a)).

The PBGC recognizes that several of the appealable determinations may affect numerous persons. For example, a determination with respect to a plan's requirements for entitlement to an early retirement benefit might affect all plan participants who had reached early retirement age but had not retired prior to plan termination, and thus many appeals of the determination may be filed. In such situations, in order to avoid a multiplicity of appeals involving the same issues, the proposed regulation provides that the Appeals Board may consolidate the appeals (proposed § 2618.57(a)). In order to simplify and expedite the processing of consolidated appeals, the Appeals Board will instruct the appellants to choose one (or more) of their number to represent all of them. The designated representative will be responsible for all dealings with the Appeals Board, including personal appearances (proposed § 2618.57(b)). The decision of the Appeals Board will be binding on all appellants whose appeals were consolidated in the appeal before the Board (proposed § 2618.57(c)).

It is also possible with respect to some of the determinations that a decision favorable to the appellant might adversely affect another person. For example, if an employer appeals an employer liability determination, claiming that the plan's guaranteed liabilities were overstated because they included non-guaranteeable type benefits, a decision in the employer's favor would adversely affect a participant who was entitled to that benefit under the plan. In that event, the participant might then appeal the decision of the Appeals Board. In order to expedite final resolution of the controversy, the proposed regulation provides for the participation of the potentially affected third party in the original appeal. As proposed, the Appeals Board will make a reasonable effort to notify the participant of the pendency

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of the appeal, allow the participant to submit comments on the appeal, and inform the participant that he or she may request the opportunity to appear before the Appeals Board and to call witnesses (proposed § 2618.58). If more than one third party might be adversely affected by the decision of the Appeals Board, all may participate in the appeal, but their participation may be consolidated in accordance with the provisions of § 2618.57. Whenever third parties participate in an appeal pursuant to § 2618.58, the decision of the Appeals Board is binding on them as well as on the appellant (proposed § 2618.60(d)).

Under the proposed regulation, the decision of the Appeals Board constitutes the final decision of the PBGC with respect to the determination appealed from. Decisions of the Appeals Board shall be in writing and state the bases therefor and the relief, if any, granted. If, within 120 days after the filing of the appeal, an appearance by the appellant or third party before the Board, or the submission of additional information requested by the Board, whichever is latest, the Appeals Board fails to act on an appeal and does not notify the appellant that additional time is necessary, the appellant shall be deemed to have exhausted his or her administrative remedies and may seek judicial review. The Appeals Board may summarily deny any appeal which is not timely filed, unless good cause is shown, or which fails to state the grounds upon which it is brought. These rules are set forth in proposed § 2618.60.

The PBGC has determined that this proposed rule is not a "significant regulation" according to the criteria prescribed by Executive Order 12044 and the PBGC's Statement of Policy and Procedures implementing the Order (43 F R 58237 (December 13, 1978)), because it deals generally with procedural matters that are not likely to engender substantial public interest or controversy, and it will not affect other Federal agencies, nor have a major economic impact.

In consideration of the foregoing, it is proposed to amend Chapter XXVI of Title 29, Code of Federal Regulaions, by adding a new Part 2618 to read as follows:

PART 2618—RULES FOR ADMINISTRATIVE REVIEW OF AGENCY DECISIONS

Subpart A—General Provisions

Sec.

2618.1 Purpose and scope.
2618.2 Definitions.
2618.3 Filing of documents.
2618.4 Computation of time.
2618.5 PBGC assistance in obtaining information; extension of time to file.
2618.6 Request for confidential treatment.
2618.7 Exhaustion of administrative remedies.

Subpart B—Initial Determinations

2618.11 Purpose and scope.
2618.12 Form of initial determinations.
2618.13 Notice of right to review.

Subpart C—Reconsideration of Initial Determinations

2618.31 Purpose and scope.
2618.32 Who may request reconsideration.
2618.33 When to request reconsideration
2618.34 Where to submit request for reconsideration.
2618.35 Form and contents of request for reconsideration.
2618.36 Final decision on request for reconsideration.

Subpart D—Administrative Appeals

2618.51 Purpose and scope.
2618.52 Who may appeal or participate in appeals.
2618.53 When to file.
2618.54 Where to file.
2618.55 Contents of appeal.
2618.56 Opportunity to appear and to call witnesses.
2618.57 Consolidation of appeals.
2618.58 Appeals affecting third parties.
2618.59 Powers of the Appeals Board.
2618.60 Decision by the Appeals Board.

AUTHORITY: Sec. 4002(b)(3), Pub. L. 93-406, 88 Stat. 1004 (29 U.S.C. 1302(b)(3), 1976)).

Subpart A—General Provisions

§ 2618.1 Purpose and scope.

(a) *Purpose.* This part sets forth the rules governing the issuance of all initial determination by the PBGC on cases pending before it involving the matters set forth in paragraph (b) of this section and the procedures for requesting and obtaining administrative review by the PBGC of those determinations. This part applies to the review of the initial determinations issued on or after the effective date of this part.

(b) *Scope.* This part applies to the following determinations made by the PBGC in cases pending before it:

(1) Determinations that a plan is covered under § 4021 or section 4082 (b) of the Act;

(2) Determinations with respect to premiums, interest and late payment penalties pursuant to section 4007 of the Act;

(3) Determinations with respect to voluntary terminations under section 4041, including whether the Notice of Intent to Terminate is valid and whether the plan is sufficient;

(4) Determinations with respect to allocation of assets under section 4044, including distribution of excess assets under section 4044(d);

(5) Determinations that a plan is not covered under section 4021 or section 4082(b) of the Act;

(6) Determinations under section 4022(a) with respect to benefit entitlement of participants and beneficiaries udner covered plans;

(7) Determinations under section 4022(b) of the amount of guaranteed benefits of participants and beneficiaries under covered plans;

(8) Determinations of the amount of money subject to recapture pursuant to section 4045;

(9) Determinations of the amount of employer liability under section 4062;

(10) Determinations of the amount of contingent liability under section 4063; and

(11) Determinations of the amount of employer liability under section 4064.

§ 2618.2 Definitions.

As used in this part:

"Act" means the Employee Retirement Income Security Act of 1974.

"Aggrieved" means and describes any employer who maintains a covered plan or any participant or beneficiary under a covered plan who is adversely affected by a determination of the PBGC, or any employer who maintains a plan or any participant or beneficiary under a plan that PBGC has determined is not covered by Title IV of the Act.

"Appeals Board" means a board consisting of the General Counsel, the Director of the Office of Financial Operations, and the Director of the Office of Program Operations of the PBGC, or the designees of any of those persons, but not a person who made a decision that is appealable under Subpart D of this part.

"Appellant" means any person filing an appeal under Subpart D of this part.

"Director" or "Office Director" means the Director of any office of the PBGC and includes the Executive Director and the General Counsel.

"PNGC" means the Pension Benefit Guaranty Corporation.

"Person" means any individual or business entity, whether or not incorporated.

§ 2618.3 Filing of documents.

Any document required or permitted to be filed under this part is considered filed on the date it is received by the PBGC. Documents received after regular business hours are considered filed on the next regular business day.

§ 2618.4 Computation of time.

In computing any period of time prescribed or allowed by this part, the day of the act, event, or default from which the designated period of time begins to run is not counted. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or Federal holiday, in which

event the period runs until the end of the next day which is not a Saturday, Sunday, or a Federal holiday.

§ 2618.5 PBGC assistance in obtaining information; extension of time to file.

(a) *Requests for assistance in obtaining information.* A person who lacks information or data necessary to file a request for review pursuant to Subparts C or D of this part, or necessary to a decision whether to seek review, may request the PBGC's assistance in obtaining the information. The request shall state or describe the missing information or data, the reason why the person needs the information or data, and the reason why the person needs the assistance of the PBGC in obtaining the information. The request may also include a request for an extension of time to file pursuant to paragraph (b) of this section.

(b) *Requests for extension of time.* When a person lacks information or data necessary to file a request for review under Subparts C or D of this part or necessary to a decision whether to seek review, he or she may, within the time permitted to request review (see §§ 2618.33 and 2618.53), request an extension of time to file. The request for an extension shall state or describe the missing information or data, the reason why the person needs the information or data, and the amount of additional time requested for filing. The request for an extension of time may also include a request for assistance in obtaining the specified information pursuant to paragraph (a) of this section. The filing of a request for an extension shall stop the running of the period of time during which a request for review must be filed (see §§2618.33 and 2618.53). When a request for an extension of time is granted, the PBGC shall notify the person requesting the extension, in writing, of the amount of additional time granted. When a request for an extension is denied, the period of time prescribed in § 2618.33 or § 2618.53, as applicable, shall resume running from the date of denial.

(c) *Where to file.* Requests filed pursuant to paragraphs (a) and (b) of this section in connection with requests for reconsideration shall be submitted to the Director of the office within the PBGC that issued the initial determination. Requests filed pursuant to paragraphs (a) and (b) of this section in connection with appeals shall be submitted to the Appeals Board, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

§ 2618. Request for confidential treatment.

If any person filing a document with the PBGC believes that some of all of the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, he or she shall specify the information with respect to which confidentiality is claimed and the grounds therefor.

§ 2618.7 Exhaustion of administrative remedies.

Except as provided in §§ 2618.36(c) and 2618.60(c), a person aggrieved by determination of the PBGC covered by this part has not exhausted his or her administrative remedies until he or she has filed a request for reconsideration under Subpart C of this part or an appeal under Subpart D of this part and a decision granting or denying the relief requested has been issued by the PBGC.

Subpart B—Initial Determinations

§ 2618.11 Purpose and scope.

This subpart sets forth rules governing the issuance of all initial determinations of the PBGC on matters covered by this part.

§ 2618.12 Form of initial determinations.

All determinations to which this subpart applies shall be in writing and shall state the reason for the determination.

§ 2618.13 Notice of right to review.

All initial determinations to which this subpart applies shall contain notice of the right to request review of the determination pursuant to Subpart C or Subpart D of this part, as applicable, and a brief description of the procedures for requesting review.

Subpart C—Reconsideration of Initial Determinations

§ 2618.31 Purpose and scope.

This subpart establishes procedures governing the reconsideration by the PBGC of all initial determinations covered by this part.

§ 2618.32 Who may request reconsideration.

Any person aggrieved by an initial determination of the PBGC to which this subpart applies may request reconsideration of the determination.

§ 2618.33 When to request reconsideration.

Except as provided in § 2618.5, a request for reconsideration must be filed within 30 days after the date of the initial determination of which reconsideration is sought.

§ 2618.34 Where to submit request for reconsideration.

A request for reconsideration shall be submitted to the Director of the office within the PBGC that issued the initial determination.

§ 2618.35 Form and contents of request for reconsideration.

A request for reconsideration shall—

(a) Be in writing;

(b) Be clearly designated as a request for reconsideration;

(c) Contain a statement of the grounds for reconsideration and the relief sought; and

(d) Reference all pertinent information already in the possession of the PBGC and include any additional information believed to be relevant.

§ 2618.36 Final decision on request for reconsideration.

(a) Final decisions on requests for reconsideration will be issued by the same office of the PBGC that issued the initial determination, and, except as provided in the following sentence, by an official whose level of authority in that office is higher than that of the person who issued the initial determination. When an initial determination is issued by an Office Director, the Office Director (or an official designated by the Office Director) will issue the final decision on request for reconsideration.

(b) The final decision on a request for reconsideration shall be in writing, state whether the relief requested is granted, denied, or granted in part and denied in part, state the reason(s) for the decision, state that the person has exhausted his or her administrative remedies, and, where applicable, state that the person may appeal the decision pursuant to Subpart D of this part and briefly describe the procedures for an appeal.

(c) If, within 90 days after the date the request for reconsideration was filed, the person requesting reconsideration does not receive a decision and is not notified that additional time is necessary, he or she shall be deemed to have exhausted his or her administrative remedies and may seek judicial review.

(d) A request for reconsideration may be summarily denied if:

(1) It is not filed in a timely manner, unless good cause is shown; or

(2) It is defective on its face for failure to state the grounds upon which it is based.

A summary denial shall be in writing and shall state the basis therefor.

Subpart D—Administrative Appeals

§ 2618.51 Purpose and scope.

This subpart establishes procedures governing administrative appeals from

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initial determinations or from decisions on reconsideration, relating to the matters set forth in § 2618.1(b)(5)(11). Any person who is aggrieved by an initial determination relating to a matter covered by this subpart may seek review of that determination either under Subpart C of this part, or under this subpart, or under first Subpart C and then this subpart.

§ 2618.52 Who may appeal or participate in appeals.

Any person aggrieved by an initial determination or a decision on reconsideration to which this subpart applies may file an appeal. Any person who may be aggrieved by a decision under this subpart granting the relief requested may participate in the appeal in the manner provided in § 2618.58.

§ 2618.53 When to file.

Except as provided in § 2618.5, an appeal under this subpart must be filed within 45 days after the date of the initial determination or decision on reconsideration being appealed.

§ 2618.54 Where to file.

An appeal or a request for extension of time to appeal shall be submitted to the Appeals Board, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

§ 2618.55 Contents of appeal.

(a) An appeal shall—
(1) Be in writing;
(2) Be clearly designated as an appeal;
(3) Contain a statement of the grounds upon which it is brought and the relief sought;
(4) Reference all pertinent information already in the possession of the PBGC and include any additional information believed to be relevant;
(5) State whether the appellant desires to appear in person or through a representative before the Appeals Board; and
(6) State whether the appellant desires to call witnesses to testify before the Appeals Board, and if so, state why the presence of witnesses will further the decision-making process.
(b) In any case where the appellant believes that another person may be aggrieved if the PBGC grants the relief sought, the appeal shall also include the name(s) and address(es) (if known) of such other person(s).

§ 2618.56 Opportunity to appear and to call witnesses.

(a) At the discretion of the Appeals Board, any appearance permitted under this subpart may be before a hearing officer designated by the Appeals Board.

(b) An opportunity to appear before the Appeals Board (or a hearing officer) and an opportunity to call witnesses will be permitted at the discretion of the Appeals Board. In general, an opportunity to appear will be permitted if the Appeal Board determines that there is a dispute as to a material fact; an opportunity to call witnesses will be permitted when the Appeals Board determines that witnesses will contribute to the resolution of a factual dispute.
(c) Appearances permitted under this section will take place at the main offices of the PBGC, 2020 K Street, N.W., Washington, D.C., unless the Appeals Board, in its discretion, designates a different location, either on its own initiative or at the request of the appellant.

§ 2618.57 Consolidation of appeals.

(a) *When consolidation may be required.* Whenever multiple appeals are filed that arise out of the same or similar facts and seek the same or similar relief, the Appeals Board may, in its discretion, order the consolidation of all or some of the appeals.
(b) *Representation of parties.* Whenever the Appeals Board orders the consolidation of appeals, it shall order the appellants to designate one (or more, if the Board so determines) of their number to represent all of them for all purposes relating to their appeals. If the appellants are unable to agree upon a representative, one shall be designated by the Board.
(c) *Decision by Appeals Board.* The decision of the Appeals Board in a consolidated appeal shall be binding on all appellants whose appeals were subject to the consolidation.

§ 2618.58 Appeals affecting third parties.

Whenever the Appeals Board determines that a third person may be aggrieved by a decision of the Board granting the relief requested in an appeal pending before it, the Appeals Board shall make a reasonable effort to notify such person in writing of the pendency of the appeal, of the grounds on which it is based, of the right to submit written comments on the appeal and to request an opportunity to appear in person or through a representative before the Appeals Board and to call witnesses. Written comments and a request to appear before the Appeals Board must be filed within 30 days after the date of the notice from the Appeals Board. If more than one third party is involved, the notification shall also advise the parties that their participation in the appeal may be consolidated pursuant to the provisions of § 2618.57.

§ 2618.59 Powers of the Appeals Board.

In addition to the powers specifically described in this part, the Appeals Board is authorized to require the submission of any information it considers necessary to resolve a matter before it and to enter any order it considers necessary for or appropriate to the disposition of any matter before it.

§ 2618.60 Decision by Appeals Board.

(a) In reaching its decision, the Appeals Board shall consider those portions of the file relating to the initial determination, all material submitted by the appellant and any third parties in connection with the appeal, any additional information submitted by PBGC staff, and, if applicable, the decision on reconsideration.
(b) The decision of the Appeals Board shall be in writing, state the bases for the decision, including a brief statement of the facts or legal conclusions supporting the decision, and specify the relief granted, if any.
(c) If, within 120 days after the filing of the appeal, a personal appearance by the appellant, a third party or the appellant's or third party's representative before the Board, or the submission of any additional information requested by the Appeals Board, whichever is latest, the Appeals Board fails to act on the appeal and does not notify the appellant that additional time is necessary, the appellant shall be deemed to have exhausted his or her administrative remedies and may seek judicial review.
(d) The decision of the Appeals Board constitutes the final agency action by the PBGC with respect to the determination or decision which was the subject of the appeal and is binding on all parties who participated in the appeal.
(e) The Appeals Board may, in its discretion, summarily deny in writing, stating the basis therefor, any appeal which:
(1) Is not filed in a timely manner, unless good cause is shown; or
(2) Is defective on its face for failure to state the grounds upon which it is brought.

Issued at Washington, D.C., on this 1st day of February 1979.

MATTHEW M. LIND,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 79-3989 Filed 2-5-79; 8:45 am]

[3710-08-M]

DEPARTMENT OF DEFENSE

Department of the Army

[32 CFR Part 552]

[AR 405-15]

REGULATIONS AFFECTING MILITARY RESERVATIONS

Real Estate Claims Founded Upon Contract

AGENCY: Department of the Army, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of the Army is revising its regulation concerning the policies and responsibilities on Real Estate Claims Founded Upon Contract. The regulation was rewritten to update the content and to make the text of the document easier to read and understand.

DATE: Comments must be received on or before March 7, 1979.

ADDRESS: Send comments to:

HQDA (DAEN-REM-C)
WASH DC 20314

FOR FURTHER INFORMATION CONTACT:

Mr. William P. Bannister (202) 693-6175.

NOTE.—The Corps of Engineers has determined that the document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 23, 1979.

THORWALD R. PETERSON,
Colonel, Corps of Engineers, Executive Director, Engineer Staff.

In consideration of the above, it is proposed to amend 32 CFR § 552.16 to read as set forth below:

§ 552.16 Real estate claims founded upon contract.

(a) *Purpose.* This regulation provides guidance in investigating and processing contractual claims involving real estate which are to be settled and adjusted by GAO according to the authority in paragraph (c) of this section.
(b) *Applicability.* This regulation applies to—
(1) The active Army, Army National Guard, and the U.S. Army Reserve.
(2) The contractual claims for—
(i) Rent and payments for janitor, custodial, utility, and other similar contractual services.
(ii) Permanent or recurring damages to real property situated in the United States or its territories, resulting in the Government taking of an interest in real estate for which compensation must be made according to the Fifth Amendment to the Constitution.
(c) *Statutory provision (except as otherwise provided by law).* All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office (GAO) (31 U.S. Code 71). The GAO discharges its settlement and adjusting responsibilities—
(1) Through the audit of transactions after payment.
(2) By adjudication before payment is made or denied.
(d) *Claims not payable.* The classes of claims that are not payable according to the authority in paragraph (c) of this section are—
(1) Damages to real property sounding in tort and not constituting a taking.
(2) Damages arising in foreign countries which could not be settled under Chapter 10, AR 27-20, if otherwise applicable, because they—
(i) Result from combat activities.
(ii) Are waived or assumed by a foreign government.
(iii) Are brought by a foreign national excluded in paragraph 10-8b(1), AR 27-20.
(3) Claims which must be settled by some other procedure according to statute, determination of GAO, or provision in the contract on which the claim is founded.
(e) *Claims payable under contract.* When claims are founded on express or legally implied provisions of an existing written contract, and if liability and the amount thereof are certain and agreed between the parties, they should be paid according to the contract or supplemental agreement thereto. Rental claims based on still-continuing Government use and occupancy not under lease may be avoided by negotiation of a lease effective from the date Government occupancy begins.
(f) *Claims cognizable under other regulations.*
(1) The procedure believed to be in the best interest of the Government should be followed if a claim under this regulation is also cognizable under—
(i) Chapter 3, AR 27-20 as a claim for damages incident to noncombat activities of the Army.
(ii) Chapter 10, AR 27-20 as a foreign claim.
(2) If a real estate claim under this regulation includes an incidental claim for damages to personal property not founded on contract, the entire claim may be—
(i) Processed under this regulation.
(ii) Processed separately under other regulations, believed to be in the best interest of the Government.
(g) *Claims to be submitted.* Section 5 of title 4, GAO Manual for Guidance of Federal Agencies (cited as 4 GAO 5.1) lists the following categories of claims of a contractual nature to be submitted for settlement (letters of transmittal will indicate the applicable category):
(1) Claims involving doubtful questions of law or fact. This will include any claims based upon a taking and contractual claims which could be settled administratively except for the doubt.
(2) Claims required by statute, regulation, or decision of the Comptroller General to be submitted.
(3) Reclaims of items for which payment under contract has been administratively denied, unless it is determined administratively that the action taken was clearly in error and properly can be corrected by the agency which denied the claim.
(4) Claims barred by statute of limitation. These claims may be forwarded without investigation, except when needed to establish time of accrual.
(h) *Time for filing claims.* Claims cognizable by GAO are barred if not received in that office within 6 years after the date of accrual. A claim which may be barred in the near future should be transmitted directly, preferably within 4 years of the date of accrual, to GAO for filing, with a request that it be returned for further processing.
(i) *Procedures.* (1) Claims for investigation and report will be forwarded to the office of the Division of District Engineer having real estate responsibility over the area in which the involved real property is located. In the absence of such an office, the claims will be forwarded to the command responsible for the lease or other contract on which the claim is founded.
(2) The responsible office—
(i) Will appoint a claims officer to conduct the investigation and prepare the report as outlined in AR 27-20.
(ii) When appropriate, may request a command more conveniently located to appoint the claims officer.
(iii) Will have a staff attorney or staff judge advocate review the completed report.
(iv) Will approve of disapprove the report.
(v) Will forward the report (in three copies) through channels to the Chief of Engineers (HQDA (DAEN-REM) WASH DC 20314).
(3) The report will include—
(i) The original signed claim, preferably but not necessarily on Standard Form 95 (Claim for Damage or

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Injury). It will be itemized when applicable, and for a sum certain.

(ii) Any supporting evidence the claimant desires to submit.

(iii) A certified voucher, stating the citation of funds to be charged if the responsible office submitting the claim recommends payment in whole or in part.

(4) The letter of transmittal will include—

(i) A brief statement of the essential facts giving rise to the claim.

(ii) The category in paragraph 7 under which the claim is forwarded for settlement by GAO under 31 U.S. Code 71.

(iii) A recommendation for allowance or disallowance with justification.

(iv) Fiscal information required by paragraph 11-51, AR 37-103, including a citation of funds to be charged if payment is made.

(v) A statement that the claim has not been and will not be paid except according to certification in the name of the Comptroller General.

[FR Doc. 79-3929 Filed 2-5-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[FRL 1050-8]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued By Minnesota Pollution Control Agency to Metropolitan Wastewater Treatment Plant

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Minnesota Pollution Control Agency to Metropolitan Wastewater Treatment Plant (Metro plant). The Order requires the company to bring air emissions from its Sludge Processing and Disposal Plant in St. Paul, Minnesota, into compliance with certain regulations contained in the federally approved Minnesota State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before March 8, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copies (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: Metro Plant operates a Sludge Processing and Disposal plant at St. Paul, Minnesota. The Order under consideration addresses emissions from filtration and incineration Buildings #1 and #2 (F & I Building #1 and F & I Building #2) at the facility, which are subject to APC-7(b)(1)(cc), APC-7(b)(2) and APC-11(b). The regulations limit the emission of particulate matter and visible emissions, and are part of the federally approved Minnesota State Implementation Plan. The Order requires compliance with the regulations by July 1, 1979 through installation of impingement type scrubbers, induced draft fans and all auxiliary appurtenances and equipment on F & I Building #1. The emissions from F & I Building #2 will be abated to achieve compliance with regulations by the effective date of the agreement.

Because this Order has been issued to a major source of particulate matter and visible emissions and permits a delay in compliance with the applicable regulation, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act, U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Minnesota SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: January 11, 1979.

JOHN MCGUIRE,
Regional Administrator, Region V.

STATE OF MINNESOTA, COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

Stipulation Agreement

In the Matter of the Metropolitan Wastewater Treatment Plant.

A. RECITALS

1. *Parties.* The parties to this Stipulation Agreement are the Minnesota Pollution Control Agency, hereinafter the "Agency," the Metropolitan Waste Control Commission, hereinafter the "Commission," and the Metropolitan Council, hereinafter, the "Council."

2. *Commission Authority.* The Commission, together with the Council, is charged with the power and duty to take over, acquire, construct, operate, and maintain all interceptors and treatment works necessary for the collection, treatment and disposal of sewage in the metropolitan area. This authority is specifically described in Minn. Stat. § 473.501 *et seq.* (1976).

3. *Council Authority.* The Council is charged with the responsibility for review and approval of the actions of the Commission with respect to its policy plan, capital funding and development programs. Without Council review and approval in each of the foregoing areas, the Commission may not proceed with any capital improvement.

4. *Metropolitan Wastewater Treatment Plant Operations.* One of the plants that the Commission operates and maintains is the Metropolitan Wastewater Treatment Plant (hereinafter Metro Plant) located near Pig's Eye Lake, St. Paul, Ramsey County, Minnesota. The Metro Plant uses the activated sludge process of wastewater treatment. Sludge processing and disposal are accomplished primarily by sludge thickening, sludge holding, vacuum filtration and incineration. Filtration and incineration occur in two buildings called F&I Building No. 1 (hereinafter F&I No. 1) and F&I Building No. 2 (hereinafter F&I No. 2). Emissions of particulate matter occur from both F&I No. 1 and F&I No. 2.

5. *Agency Authority.* The Agency is charged with overall power and duties to administer and enforce all laws, including, but not limited to, standards, regulations, and stipulation agreements relating to the prevention, control or abatement of air pollution in the State. This authority is specifically described in Minn. Stat. chs. 115 and 116 (1976);

6. *Regulations.* The Agency, after legal notice and hearing thereon, adopted and has filed in the Office of the Secretary of State air pollution control regulations that have the force and effect of law and general application throughout the State of Minnesota.

7. *Duty.* It is the duty of every person affected to comply with the provisions of the State air pollution control laws, as now in force or hereafter amended, and all regulations adopted by the Agency thereunder, and to do and perform all acts and things within such person's power required to effectuate, carry out, and accomplish the purposes of such laws and regulations.

8. *Violations.* The Agency finds that, in the operation of the Metro Plant in St. Paul, Minnesota, the Commission and the Council have violated and are violating the following air pollution control regulations:

a. Minn. Reg. APC 28(b)(1)(cc) (APC 7(b)(1)(cc) of the Minnesota Implementation Plan):

No owner or operator of an existing sewage sludge incinerator shall cause to be discharged into the atmosphere from the sewage sludge incinerator any gases which • • • [c]ontain particulate matter in excess of 0.1 gr/dsF corrected to 12 percent CO, if the incinerator has a burning capacity of greater than 2000 pounds per hour.

b. Minn. Reg. APC 28(b)(2) (APC 7(b)(2) and 11(b) of the Minnesota Implementation Plan):

No owner or operator of an existing sewage sludge incinerator shall cause to be discharged into the atmosphere from the incinerator any gases which exhibit greater than 20 percent opacity, except that a maximum of 40 percent opacity shall be permissible for four minutes in any 60 minute period.

9. *U.S. Environmental Protection Agency.* On December 7, 1977, the U.S. Environmental Protection Agency (U.S. EPA) issued a notice of violation to the Commission (attached hereto as Exhibit A) alleging violations of the Minnesota Implementation Plan. After a number of meetings, U.S. EPA has agreed that this matter can be settled by agreement between the Agency, Commission, and the Council subject to U.S. EPA approval as provided in 42 U.S.C. 7413(d).

B. AGREEMENT

NOW, THEREFORE, for the purposes of achieving compliance with applicable air pollution control laws and regulations at the Metro Plant and of settling the claims of the parties to this Stipulation Agreement regarding the violations alleged in section A.8., it is hereby agreed and stipulated as follows:

1. *Commission*

a. *Air Pollution Control Equipment: P&I Building No. 1.* The Commission shall abate the emissions from P&I No. 1 to achieve compliance with Minn. Reg. APC 28(b)(1)(cc) and (b)(2) and the Minnesota Implementation Plan no later than July 1, 1979. The Commission shall install impingement type scrubbers, induced draft fans and all auxiliary appurtenances and equipment and shall perform the following acts relative to the installation of this equipment on or before the dates specified:

(1) Commence installation of equipment: July 15, 1978.

(2) Complete installation of equipment: June 25, 1979.

(3) Conduct emission source compliance test after installation of equipment with Agency approved testing personnel and report thereon to the Agency: July 1, 1979.

b. *Air Pollution Control Equipment: P&I Building No. 2.* The Commission shall abate the emissions from P&I No. 2 achieve compliance with Minn. Reg. APC 28(b)(1)(cc) and (b)(2) and the Minnesota Implementation Plan by the effective date of this agreement. In addition, the Commission shall apply for an operating permit for the pollution abatement equipment.

c. *Interim Abatement Requirements.* The Commission shall comply with the following requirements which have been determined to be the best practicable interim system of emission reduction until P&I Building No. 1 has achieved compliance as provided elsewhere in this agreement:

The Commission shall maintain in good working order and operate as efficiently as possible the incinerators and existing air pollution abatement equipment for the purpose of reducing emissions to the maximum extent. This condition shall not be construed to require that the incinerators be operated as less than design capacity.

d. *Testing.* The Commission shall conduct continuous emission source monitoring of P&I Building No. 1 and Building No. 2. The Commission shall submit a plan to perform this monitoring which shall be subject to the approval of the Director and Region V, U.S. EPA.

e. *Reporting.* The Commission shall submit quarterly reports beginning October 1, 1978, to the Agency detailing progress made with respect to the installation of equipment required by paragraph (B)(1)(a).

2. *Council.* The Council shall perform all actions necessary to allow the Commission to proceed with the commitments contained in part B.1. of this agreement in a timely fashion. The Council represents that as of the date of this agreement it has performed all such actions.

3. *Commission and Council.*

a. *Other Duties.* The Commission and the Council shall perform such other acts as are necessary to carry out the terms of this Stipulation Agreement.

b. *Noncompliance Penalties.* The Commission and the Council agree that this Stipulation Agreement shall serve as notice to each of them that this Stipulation Agreement does not release them from the assessment of noncompliance penalties as they may be applicable, pursuant to Section 120 of the Clean Air Act, in the event they fail to comply with all applicable air pollution control laws and regulations by July 1, 1979.

c. *Liquidated Damages.* In settlement of the claims of the parties without any admissions of violation or liability, the Commission and the Council agree to pay into the Treasury of the State of Minnesota as liquidated damages the sum of five thousand dollars ($5,000). This amount shall be paid within 30 days of the effective date of this agreement. This payment shall not be construed to prohibit an action for civil penalties, expenses, or damages for any violation of this agreement.

4. *Agency.* a. In consideration of the performance of the terms, convenants and agreement contained herein by the Commission and the Council, the Agency agrees that for such period of time as the Commission and the Council are in compliance with the terms of this Stipulation Agreement, it shall stand in lieu of administrative, legal and equitable remedies available to the Agency regarding the alleged violations of Minn. Reg. APC 28(b)(1)(cc) and (b)(2) and the Minnesota Implementation Plan by the Commission and the Council at the Metro Plant which have occurred prior to the effective date of this Stipulation Agreement and which will occur from P&I No. 1 during the term of this Stipulation Agreement.

b. Upon compliance by the Commission and the Council with applicable laws, regulations and standard of the Agency, and upon proper applications by the Commission and the Council, the Agency shall issue appropriate installation and operating permits with respect to the air pollution control equipment and emission facilities at the Metro plant.

5. *General Conditions.*

a. *Commission and Council Funding.* The Commission and the Council may use any funding method available to them, including federal and state construction grants, to finance the installation of air pollution control equipment required by section B.1.a. of this Stipulation Agreement. However, nonavailability of federal and state construction grant funding shall not relieve the Commission or the Council from any requirement imposed by the terms of this Stipulation Agreement.

b. *Operation and Maintenance.* All equipment installed to achieve compliance with the terms of this agreement shall be maintained in good working order and operated as efficiently as possible.

c. *Remedies of the Parties.* It is intended that the terms of this Stipulation Agreement shall be legally enforceable by any of the parties in a court of competent jurisdiction and each of the parties retains the right to assert any legal, equitable, or administrative right of action or defense which may be available by law in order to implement or enforce the terms of this Stipulation Agreement.

d. *Liability and Obligation.* This Stipulation Agreement shall not release the Commission or the Council from any liability or obligation imposed by Minnesota Statutes, regulations or local ordinances now in effect or which may be hereinafter adopted except as specifically set forth in section B.4.a. above. In addition, this Stipulation Agreement shall not relieve the Commission or the Council from compliance with any requirements imposed by the Minnesota Implementation Plan, U.S. EPA, the Agency, or the courts pursuant to Minn. Stat. § 116.11 (1976) or 42 U.S.C. 7603 during any period of imminent and substantial danger to the health or welfare of persons.

e. *Agency Monitoring.* The Commission and the Council shall allow the Agency or any authorized member, employee, or agent thereof upon presentation of credentials, access at reasonable times to the property and facilities of the Commission and the Council to obtain such information and documentation as authorized by Minn. Stat. § 116.091 (1976) which is relevant to making a determination that the Commission and the Council are in compliance with the terms of this Stipulation Agreement.

f. *Effective Date.* This agreement shall not be effective until approved by U.S. EPA pursuant to 42 U.S.C. § 7413. Upon such approval this agreement shall become part of the Minnesota Implementation Plan.

g. *Successors.* This Stipulation Agreement shall be binding upon the Commission, its successors and assigns, upon the Council, its

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successors and assigns, and upon the Agency, its successors and assigns.

h. *Emergency Powers.* Nothing in this Stipulation Agreement shall prevent the Agency from exercising emergency power pursuant to Minn. Stat. § 1161.11 (1976) in the event conditions warranting such action should arise.

i. *Amendments.* This agreement may be amended in writing at any time by the agreement of the parties.

Dated: July 18, 1978.

BARBARA L. LUKERMANN,
Chairwoman, Metropolitan Waste Control Commission.

Dated: July 18, 1978.

JOHN BOLAND,
Chairman, Metropolitan Council.

Dated: October 12, 1978.

SANDRA S. GARDEBRING,
Executive Director, Minnesota Pollution Control Agency.

JOSEPH F. GRINNELL,
Chairman.

[FR Doc. 79-4054 Filed 2-5-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-309]

NETWORK REPRESENTATION OF TV STATIONS IN NATIONAL SPOT SALES

Order extending time for filing reply comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time for filing reply comments in rulemaking proceeding.

SUMMARY: This action, taken at the request of the petitioner whose petition led to the rulemaking proceeding, extends from January 31, 1979 to February 9, 1979, the time for reply comments in BC Docket 78-309, in which the FCC will consider changes in § 73.658(i) of its rules, which bars TV stations from using as their national sales representatives an organization owned by or associated with the network with which the station is affiliated.

DATES: Reply comments must be received on or before February 9, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John H. Bass, Jr., Office of Network Study (Broadcast Bureau), Area: 202 632-6339.

Adopted: January 29, 1979.

Released: January 30, 1979.

In the matter of amendment of § 73.658(i) of the Commission's rules, concerning Network Representation of TV stations in National Spot Sales, Request of Spanish International Network (SIN) for waiver of § 73.658(i) BC Docket No. 78-309. See also 43 FR 59404, December 20, 1978.

1. Reply comments in this proceeding are now due January 31, 1979. By letter request dated January 19, 1979, Spanish International Network (the original petitioner herein) asks that the time for replies be extended about 10 days, or to and including February 9, 1979.

2. In support of its request, petitioner states that initial comments were filed by numerous parties, several taking positions contrary to that of Spanish International. It is stated that while one extension of time for replies has already been granted, an additional brief period is needed to prepare a complete and meaningful response of maximum benefit to the Commission. Petitioner states that counsel for all commenting parties have been contacted and indicate that they will not oppose the requested extension to February 9.

3. It appears that good cause exists for additional time in which to file reply comments, and that the requested additional period will not significantly delay resolution of the proceeding. *Accordingly, it is ordered,* That the time for filing reply comments in this proceeding is extended to and including February 9, 1979.

This action is taken pursuant to delegated authority contained in § 0.281 of the Commission's rules.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 79-4024 Filed 2-5-79; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Order 99-191; Dockets 33223, 33462, 33548, 33948]

FEDERAL EXPRESS CORP., ET AL.

Applications Concerning Certificates of Public Convenience and Necessity; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of January, 1979.

Federal Express Corporation has filed an application for a certificate of public convenience and necessity to transport passengers, property and mail on a permissive basis between Chicago's Midway Airport and the following points: Cleveland, Detroit, Kansas City, Minneapolis/St. Paul, Pittsburgh and St. Louis. It has also submitted a petition for show cause order with extensive supporting exhibits.

On September 18, 1978, Wright Air Lines filed an application for a certificate amendment in which it seeks authority between Chicago (Midway) and Cleveland and Detroit. It also filed a petition for show-cause procedures, accompanied by the required supporting exhibits.

On September 25, 1978, Frontier Airlines filed an application for authority between Chicago (Midway) and the following cities: Cleveland, Detroit, Kansas City, Minneapolis/St. Paul, Pittsburgh and St. Louis. It also filed a motion to consolidate its application with the pending application of Federal Express. It provided no supporting exhibits. [1] [a]

Answers in support of the Federal Express application were filed by Delta Air Lines, [2] Frontier Airlines, [3] and the Illinois Department of Transportation. [4] Answers in opposition were filed by American Airlines [5] and Midway Airlines. [6] On November 6, 1978, Ozark Air Lines filed an application for certificate amendment and a motion to consolidate with this case. [6a]

An answer in support of Wright's application was filed by the Cleveland Parties. [7] Wright's application is opposed by American [8] Trans World Airlines and Midway Airlines. [9] On October 5, 1978, Wright filed a motion for leave to file an unauthorized document and its consolidated reply to the arguments raised by the carriers opposing its application. [10] Federal Express filed a similar motion and pleading. [11] [11a]

TWA challenges the applications on two grounds. First, it argues that our *Midway I* decision, to the extent that it is based on free entry and reliance on the marketplace, is inconsistent with the Federal Aviation Act. Second, TWA disputes our ability to use show-cause procedures to award authority to carriers that did not participate in extended formal hearings. Both American and Midway Airlines argue that the use of show-cause procedures now would be "fundamentally unfair" to the carriers that participated in the *Midway I* hearing. Midway Airlines challenges our ability to determine whether Federal Express is fit, willing and able by the use of show-cause procedures rather than the traditional formal evidentiary hearing process.

On the basis of the tentative findings below, we have tentatively concluded that it is consistent with the public convenience and necessity to authorize Federal Express, Wright, Ozark and any other fit, willing and able applicant whose fitness, willingness and ability can be established by officially noticeable data, to carry persons, property and mail in the *Midway I* markets they seek. [12] [13] [14]

Under the Airline Deregulation Act of 1978, we must approve an application for certificate authority unless we find, by a preponderance of the evidence, that approval would not be consistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). The new Act creates a presumption that the grant of all applications is consistent with the public convenience and necessity. It places on any opponents of these applications the burden of proving them inconsistent with the public convenience and necessity (Pub. L. No. 95-504, section

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[1] Docket 33548.

[a] On December 21, 1978, Frontier filed a motion to dismiss its application. We will grant the motion, and dismiss its pending motions to consolidate its application with this case.

[2] Delta supports Federal Express application for all markets involved in the *Chicago-Midway Low Fare Route Proceeding,* Docket 30277 (*Midway I*) except Midway-St. Louis. It objects to granting Federal Express authority there since it currently is the lone certified carrier providing service and states that the market is now well served.

[3] Frontier's support is conditioned on favorable consideration of its own application.

[4] The Illinois DOT suggests that any authority granted Federal Express be effective no earlier than October 1, 1979, so as to insure Midway Airlines of a *de facto* protective corridor in the Midway markets, thereby reducing Midway Airlines' early start-up risks.

[5] American suggests that consolidation of both the Federal Express and Wright applications with the *Chicago-Midway Expanded Service Proceeding* Docket 33019 (*Midway II*) is the proper method of considering these applications. Alternatively, it requests that it receive similar authority contemporaneously with that sought by those two applicants, should we view show-cause procedures as proper for this case.

[6] Midway requests that we either deny Federal Express' application outright or defer action until we decide the *Midway II* case. It argues that we should elect one of these courses of action in view of the potentially harmful effects on Midway's ability to obtain financing if another carrier is authorized for the *Midway I* markets.

[6a] Docket 33948. We will grant the motion. Federal Express objected to consolidation.

[7] The City of Cleveland and the Greater Cleveland Growth Association.

[8] American filed a consolidated answer to the applications of Federal Express and Wright.

[9] Midway's objections to Wright's application are the same as those for Federal Express', noted above.

[10] We will grant Wright's motion.

[11] We will grant Federal Express' motion.

[11a] On January 10, 1979, Federal Express filed an amendment to its petition for show-cause order which seeks to add the phrase "in excess of $500" after the statement on Page 29 of its petition, qualifying its claim of no FAA violations.

[12] Wright has requested authority only between Midway and Detroit and Cleveland.

[13] Officially noticeable data consist of that material filed under section 302.24(m) of our Procedural Regulations. Applicants whose fitness cannot be so established must make a showing of fitness, as well as dealing with any questions under sections 408 and 409 of the Act. Should such applications be filed, we will then consider how to deal with them procedurally.

On the basis of officially noticeable data, we find that Ozark and Wright are citizens of the United States and are fit, willing and able to perform the air services proposed and to conform to the provisions of the Act and our rules, regulations and requirements.

[14] On November 28, 1978, Federal Express filed an amendment to its original application in this case. This pleading requests that Federal Express be allowed to implement one-stop service between Midway Airport and any point applied for through any other point applied for. Due to the timing of the filing of this pleading, and without expressing any opinion on its merits, we will deal with this request in a later order.

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14). To give such opponents a reasonable opportunity to meet an admittedly heavy burden of proof, it is our view that applicants must indicate what type of service they would provide if, after receiving authority, they chose to serve the markets at issue. This does not mean that an applicant must show that it will provide service if it receives authority but rather what the nature of its service would be if it decided to serve. We will give all existing applicants, to the extent that they have not already done so, and all would-be applicants 15 days from the date of service of this order to supply data,[14] in order to give interested persons sufficient information on the nature of the applicant's proposal to assess consistency with the public convenience and necessity. Our tentative findings concerning all applicants that have not filed illustrative service proposals are contingent on such filings.

Initially, we reject the objections to our expanding policy of multiple awards and increasing reliance on the dynamics of the marketplace as the most effective means to determine which carriers should provide various types of service. Our tentative decision to apply this policy in this case comports with the letter and spirit of the Airline Deregulation Act of 1978, particularly the declaration of policy set forth in Section 102 which instructs us to rely, to the maximum extent possible, on competitive forces, including potential competition.[15] See our general conclusions about the benefits of multiple authority in *Improved Authority to Wichita Case, et. al.*, Order 78-12-106, December 14, 1978. Accordingly, we conclude that it is desirable to award the additional authority sought by the applicants, whether or not services are in fact operated: The existence of additional operating rights in markets now being served by incumbent carriers or authorized to be served will best effect the statute's policy objective of placing maximum reliance on the decisions of the marketplace. This will occur because newly authorized carriers may actually enter the market in order to exploit unmet demand, both in terms of price and service, or because incumbents will be encouraged by the realistic threat of entry to meet that demand. Because demand is dynamic in character and therefore constantly changing, the most effective means to assure that competitive forces will operate quickly and effectively is to award multiple operating authority to carriers that are fit, willing and able to provide service.

The decision to make multiple awards in *Midway I*, which was based upon a decision to rely on market forces to determine the required amount and type of service in the markets at issue, would lose much of its force if we did not do everything possible to ensure the continuance of true marketplace conditions. At a minimum, we should continue granting applications for authority in markets where we have previously decided that multiple authority best meets the public convenience and necessity test. Our determination of what is consistent with the public convenience and necessity is not dependent on whether or not an applicant participated in an initial oral evidentiary proceeding.

We also reject Midway Airlines' challenge to our ability to make fitness determinations for new entrants through show-cause, procedures. It raises no substantive issues concerning Federal Express' fitness to operate as an air carrier, but merely asserts that an oral evidentiary proceeding is necessary. Federal Express has submitted all the evidence we would require in an oral proceeding; there is no suggestion that cross-examination is needed on any of this information. Clearly, where no material issue of fact exists, show-cause procedures are proper, and, in these circumstances, a time-consuming oral evidentiary hearing would benefit no one, least of all the traveling public.

Notwithstanding the foregoing tentative conclusions in support of multiple authority in this proceeding, we wish to make clear that we in no way desire to deter objections that might be asserted under the 1978 Act by air carriers, civic interests or other interested persons. The new statute contains a completely revised declaration of policy in section 102, as well as numerous additional and modified substantive provisions. Some of these statutory changes relate to considerations not expressly covered in the preceding statute. For example, while diversion from existing carriers will not be given decisive weight in rejecting applications for new authority except upon an extraordinary showing of financial jeopardy on the part of one or more existing air carriers, with the consequent loss of air service which cannot be immediately replaced, other provisions suggest that the Congress desires us to take into account other factors. These include, but are not limited to, satellite airport questions and degree of concentration within the industry and safety. Any party in this proceeding may explain in full why the authority that we propose to grant should not issue. Such explanations should relate specifically to the applications in issue, and should be sufficiently detailed to overcome the statutory presumption of favorable treatment that the Act bestows on applications.

Public Convenience and Necessity

Turning to the merits of the proposals at issue here, we have no reason to reverse our previous determination that the public convenience and necessity require awards of authority to all qualified applicants in the six markets involved in *Midway I*.[16] We determined in that case that there is an amount of potential traffic at Chicago-Midway sufficient to support additional service, and we adopt that finding for purposes of this case as well.[17] In the long run, we believe that the multiple award approach will best ensure optimum service at Midway.

Midway Airlines argues here, as it did in *Midway I*, that competitive authority will hinder its financing arrangements and delay its inauguration of Midway service. We rejected the same argument in Order 78-7-40, on the basis that potential new service would be offered by one, if not more, of several carriers also awarded new authority.[18] The issue is not whether a particular new carrier should receive a *de facto* insurance policy against financing risks, but how best to induce new service at Midway Airport. In this case, however, Midway Airlines may choose to exercise what can effectively be a protected corridor for the greater part of this year. Federal Express has stated its intention not to begin service in the *Midway I* markets prior to September 15, 1979. Therefore, Midway Airlines could easily institute its service immediately and establish a solid foothold in these six markets. As a result, we see no need to provide further protection from the competitive pressures of the market to assure Midway financial success. Nevertheless, Midway Airlines could be the lone carrier at Midway until Federal Express' entry while providing much needed new service at the Midway Airport. Finally, Delta argues that we should not award Midway-St. Louis authority to Federal Express because Delta adequately serves the market. That argument in no way meets the objector's burden of proof to show why an award to Federal Express should not be made.

Fitness of Applicants

Determining whether an air carrier is technically competent to begin common carriage of passengers is the responsibility primarily of the Federal Aviation Administration (FAA).[19] Nevertheless, when we issue a certificate of public convenience and necessity, we must find that an applicant has or will have the necessary personnel, compliance disposition and financial capability to operate safely. When, as in this case, the certificate bestows only the right to compete and is not intended to ensure the applicant's economic success in the free market, we find, as we did in *Midway I*, that our inquiry should be limited to whether a new entrant's performance might adversely affect the general public. In order to receive a section 401 certificate, all applicants must establish the following facts: 1) that they will have the managerial skills and technical ability to operate safely; 2) if not internally financed, they have a plan for financing that will generate resources sufficient to commence operations without undue risk to consumers; 3) they have a proposed operation reasonably suited to meet a part of the need consistent with the public convenience and necessity; and 4) they will comply with the Act and regulations imposed by Federal and state regulatory agencies.[20]

Before turning to the specifics of the Federal Express application we feel compelled to respond to our dissenting colleague's implication that, on the basis of this case, we plan to rubberstamp the fitness of all new entrants. To the contrary, we share Member O'Melia's belief that the "fit, willing and able" clause of the Federal Aviation Act, before and after its amendment by the Airline Deregulation Act of 1978, requires application of the highest safety standards in the course of regulating new entry into the industry. We, too, are concerned that the public interest in safe air transportation be adequately safeguarded. We, however, do not interpret this mandate as one which requires us unthinkingly to docket for oral evidentiary hearing every application for authority filed by a new entrant. We choose to reserve this method of assessing an applicant's fitness for those cases in which oral testimony and cross-examination can help resolve open questions of material determinative fact. To require an applicant that has an established operating record and appears fully capable of performing the proposed service to submit to the full panoply of administrative inquiry would amount to a waste of time, effort and financial resources. Member O'Melia states that his basic aim is not that Federal Express' fitness be contested (indeed, he states that the carrier's history provides "a strong indication to believe that the carrier is fit") but that the public interest in safe air transportation be protected. Our basic aim is that the public interest in safe air transportation be protected *and* that, consistent with that aim, the method chosen to assess fitness be tailored to the circumstances of each case. The public is not served and the spirit of the new Act is violated if, through our assessment of fitness, barriers unnecessary to safeguarding the public's safety are placed on entry.

Our decision to deal with Federal Express' application by show-cause proceedings stands entirely on the specific facts of the case. Should we receive answers that raise serious questions concerning Federal Express' fitness which might best be resolved in oral hearing, we will not hesitate to schedule one.

Federal Express

On the basis of the pleadings in this case, we tentatively conclude that:

(1) Federal Express has capable and experienced management that will comply with the Act and the Board's regulations;

(2) It is in a position to raise capital;

(3) It has developed reasonable plans for securing equipment and efficiently phasing in its operations; and

(4) It will be able to operate safely.

1. Management and Experience

Federal Express was incorporated in June 1971, and initially conducted operations under the air taxi exemption in Part 298 of the Federal Aviation Act. It began its overnight small package operations to 25 cities using six 6,000-pound payload Falcon Jet aircraft in April 1973. Currently, operating under a section 418 all-cargo certificate, it provides overnight package service to 83 cities nationwide, and to 24 additional cities served by truck, using nearly 80 owned and leased aircraft. It now averages over 35,000 pieces nightly and gross daily revenues exceeded $750,000 at the end of May 1978.

During its first three years of operations, it experienced an aggregate net loss of $29.3 million. In its fifth year of operations (ending May 1978) it earned a net profit of $20 million on total revenues of $160.3 million. The experience and expertise of its management has been documented (FEC-14), and most of the company's senior management has been with it since its earliest developmental stages. No one questions its ability to transform itself into a successful passenger/cargo combination carrier.

2. Financing

We tentatively find that Federal Express' financing and capitalization should enable it to begin operations and establish itself even if there is substantial competition. As of May 31, 1978, it had working capital of $7.6 million, net flight and ground equipment valued at $71.8 million, stockholders equity of $52.7 million and long-term debt to financial institutions totalling $80.8 million excluding current maturities of $8 million. The company has recently concluded negotiations for a new $75 million line of credit, part of which will be used to retire $38 million of current senior indebtedness.

In June and August, 1978, it made refundable deposits of $100,000 each for two blocks of four B-737-200QC aircraft for delivery in fall 1979 and spring 1980. To purchase these aircraft, the company must enter into an agreement with Boeing by September 29, 1978 (fall 1979 block of aircraft), and by January 15, 1979 (spring 1980 block of aircraft). The estimated purchase price of each plane is approximately $10 million. Financing will be supplied by internally-generated funds and other sources of capital.

To some extent Federal Express in this case is in the same position as Midway (Southwest) was in the *Midway I* case as far as securing capital is concerned. It appears that, other than internally-generated funds, it has no firm commitment from any other source of capital. It is, however, a cash rich firm. If the company and its backers decide to implement its proposed service, there is no question that it has the requisite financial strength to initiate service. Therefore, we tentatively find that it can satisfy this portion of the fitness requirement.

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[14] They should submit an illustrative schedule of service in the markets at issue, which shows all points that they might choose to serve, the type and capacity of the equipment they would likely use and the elapsed trip time of flights in block hours over the segments. For the markets at issue only, they should also provide an environmental evaluation as required by Part 312 of our Regulations, and an estimate of the gallons of fuel to be consumed in the first year of operations in the markets if they instituted the proposed service, as well as a statement on the availability of the required fuel.

[15] Section 102(a) specifies as being in the public interest, among other things:

"The placement of maximum reliance on competitive market forces and on actual and potential competition (A) to provide the needed air transportation system, and (B) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital" and "The encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the variety, quality, and price of air transportation services."

[16] See *Chicago-Midway Low-fare Route Proceeding*, Order 78-7-40, July 14, 1978, at 2; 11-35; Order 78-8-203, August 31, 1978. We define a qualified applicant as one that is fit, willing and able to provide air transportation consistent with the Act and our rules and regulations, in addition to having submitted the evidence we require (see in. 14a above).

[17] *Chicago-Midway Low-Fare Route Proceeding*, Order 78-7-40, July 14, 1978, at 11-12; 16.

[18] *Chicago-Midway Low-Fare Route Proceeding*, at 39-40.

[19] See *Transatlantic Route and Supplemental Renewal Case*, Order 77-1-98, January 6, 1977, Appendix I at 35.

[20] *Midway I*, at 50.

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3. OPERATING PLAN

Federal Express' operating plan generally reflects its decision to operate two complementary self-sustaining services; a full nighttime all-cargo operation and a full daytime and evening passenger operation. It projects that each of these services would be independently profitable on a fully-allocated cost basis, using one fleet of aircraft and many overlapping station and overhead expenses and assets. We tentatively find the plan and its current high-volume package operations adequate for the purpose of establishing fitness.

To the extent compatible with the primary service-quality objective, Federal Express plans to maintain wholly independent structures of personnel, management, technical support and equipment for its Midway passenger services. It intends to conduct the Midway operations with nine B-737-200QC aircraft configured to carry 115 passengers, with a quick change capability for use in cargo operations. This aircraft is very efficient for Midway services as established by Midway (Southwest) in the *Midway I* case. Subject to variations in currently projected aircraft delivery schedules, it expects to take delivery of five B-737's before the end of 1979, and plans to institute Midway passenger service in October 1979,[20] with full service in all markets to be in place sometime in 1980.

It proposes a maximum of 686 flights weekly, with 78,890 available seats. It plans to offer a peak, off-peak fare structure discounted between 20 and 42 percent below existing coach levels. Further details of the proposed operations are extensively described in its exhibits.

4. COMPLIANCE DISPOSITION

As a result of legislation enacted on November 9, 1977, amending the Act, Federal Express was issued a certificate under section 418 of the Act to provide domestic all-cargo service. Under this certificate, the carrier may operate aircraft of any size. In addition to its small air-taxi size aircraft, Federal Express acquired B-727 equipment and obtained a Part 121 operating certificate from the FAA. This latter certificate will remian effective as long as it maintains the safety standards and the operational requirements of the Federal Air Regulations dealing with commercial large aircraft operations.

Federal Express' operating history includes some informal complaints from customers. However, there have been no formal Board enforcement complaint proceedings instituted. Although there have been some civil penalty settlements by Federal Express with the FAA over the past five years, we do not consider these to be of such a substantial nature as to prevent us from finding it fit, willing and able to provide passenger service. These settlements involved technical violations of Department of Transportation and Federal Air Regulations. We have been advised by the FAA that it does not consider the settlements involving Federal Express sufficient to preclude the issuance of a commercial operator's certificate. We therefore do not find any basis for denying Federal Express the authority it seeks here.[20a] Finally, the evidence is submitted indicates that its initial application of a 401 certificate presents no other issues affecting its ownership, affiliates, citizenship or interlocking relationships, which raise any material, determinative questions of fact, or require any specific approval under the Act.

We take this opportunity to remind all applicants for new authority that we expect all pleadings filed in a case to be accurate and made in good faith. Federal Express, in its petition for show cause order, as originally formulated, stated it ". . . is proud of the fact that its operating history is unblemished by the existence of even a single Board enforcement complaint, *or by any asserted violation warranting the imposition of a fine by the FAA.*" (Emphasis added). Petition of Federal Express, p. 29. In fact, however, as we indicated above, it has paid $4300 in civil penalties for primarily technical violations of both Department of Transportation and Federal Air Regulations. As we stated above, while we do not consider the substantive nature of these asserted violations serious enough to prevent a finding of fitness for Federal Express, we do note that the facts disprove its statement of having no FAA violations.

WRIGHT AIRLINES

Wright currently holds a 401 certificate and is an operating carrier. On the basis of officially noticeable data, we conclude that it is fit, willing and able to perform properly the air transportation it proposes in its application.

ENVIRONMENTAL AND ENERGY CONSIDERATIONS

In the *Midway I* case, the Bureau of Pricing and Domestic Aviation prepared a comprehensive Environmental Impact Statement (EIS) for Midway airport based on a pattern of 10 year service growth from 1980 to 1990.[21] A basic assumption of the study was that the number of operations at the facility would equal its capacity. Since the environmental analysis in *Midway I* presumed full utilization, it also covered the lesser action of multiple awards in the six markets at issue. We found that this was a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 and a major regulatory action under the Energy Policy and Conservation Act.[22] However, we also concluded that the economic necessity of the awards outweighted any detrimental environmental or energy effects.[23] Obviously, the amount of traffic determines total operations. While awards to Federal Express, Wright, Ozark and other carriers not applicants in *Midway I* were not specifically considered in the environmental aspects of that case, the practical effect of such awards (*i.e.*, the amount and type of service) was analyzed, since the estimates in *Midway I* included the effects of the maximum amount of service realistically foreseeable under multiple awards. Thus, our environmental, energy and economic conclusions in that case are applicable to the applications now before us. As a result, we will require no further environmental submissions from applicants for authority at issue in *Midway I*.

[20] Eight of the B-737 aircraft are to be acquired from the manufacturer under proposals for contracts entered in October 1978 and January 1979, and an additional aircraft is to be leased. The first new B-737 is scheduled for delivery in August, 1979, with four more during 1979, and the remainder later.

[20a] Some of the violations consisted of technically incorrect labelling and packaging (e.g., on August 31, 1977, a one gallon container of phenol methane chloride was shipped from Lancaster, Ohio, to Lodi, New Jersey. Regulations limit shipments of this material to quantities of one quart; on January 7, 1975, a package was labelled "flammable liquid"; regulations required it to have been labelled "flammable solid"). On March 22, 1976, Federal Express transported one passenger from Bedford, Mass. to Memphis, Tenn. where there was also hazardous material on board. As a result of carrying this passenger, the following technical violations were also cited: no conspicuously marked emergency exits, no flight attendants, no printed cards with emergency exit information, no "fasten seat belt/no smoking" signs and no locks on the door to the cockpit. These types of violations are frequently incurred by certificated carriers, but are not sufficient for the FAA to revoke a carrier's commercial operator's certificate.

[21] *Midway I*, at 61-64.

[22] In *Midway I*, we found that the new authority would result in the consumption of less than 40 million gallons of fuel in the first year. In this case, Federal Express forecasts the use of approximately 32.3 million gallons of fuel, and we estimate nearly 3.3 million gallons for Wright's proposal during the first year of operations. (Wright did not submit an estimated use of fuel. However, based on the type of equipment proposed and the number of block hours usage, we have estimated its fuel consumption to be approximately 360 gallons of fuel per hour for 3,822 block hours.)

[23] See *Midway I*, at 61-73, for a more detailed exposition of the various considerations involved in our energy and environmental conclusions.

We will give interested persons 30 days following the service date of this order to show cause why the tentative findings and conclusions set forth here should not be made final; replies to objections will be due ten days later. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. Any objector requesting an evidentiary hearing should state, in detail, why such a hearing is necessary and what relevant, material facts he would expect to establish through such a proceeding that he cannot establish in written pleadings. We will not entertain general, vague or unsupported objections. We note that, under the 1978 Act, the burden of proof is on an objecting party to demonstrate that the awards we propose here will not be consistent with the public convenience and necessity.

Accordingly,

1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated above and:

(A) awarding a certificate of public convenience and necessity to carry persons, property and mail to Federal Express so as to authorize the carrier to engage in nonstop operations between Chicago-Midway and the following cities: Cleveland, Detroit, Kansas City, Minneapolis/St. Paul, Pittsburgh and St. Louis;

(B) amending the certificate of public convenience and necessity of Wright Airlines for Route 169 so as to authorize the carrier to engage in nonstop operations between Chicago-Midway and Detroit and Cleveland;

(C) amending the certificate of public convenience and necessity of Ozark Air Lines for Route 107 so as to authorize the carrier to engage in nonstop operations between Chicago-Midway and Cleveland, Detroit, Kansas City, Minneapolis/St. Paul and Pittsburgh; and (D) amending, to grant any of the authority in issue, the certificates of any other fit, willing and able applicants the fitness of which can be established by officially noticeable material;

2. We direct any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions or certificate amendments set out here, to file such objections with us and serve them upon all persons listed in paragraph 10 no later than March 7, 1979; replies to objections will be due on March 19, 1979;

3. We will accord full consideration to the matters and issues raised in any timely and properly supported objections before we take further action [24];

4. In the event no one files objections, we will deem all further procedural steps to have been waived and we may proceed to enter an order consistent with the tentative findings and conclusions set out here;

5. We grant the motions of Federal Express and Wright Air Lines for leave to file otherwise unauthorized documents;

6. We grant Frontier Airlines' motion to dismiss its application in Docket 33548, and dismiss its motion to consolidate;

7. We grant the motion of Ozark Air Lines to consolidate Docket 33948 with Docket 33223;

8. We direct American Airlines, Ozark Air Lines, and any other applicants for authority in the *Midway I* markets to file the data indicated in footnote 14a above by February 20, 1979 [25];

9. We waive the requirements of Part 312 for those applicant carriers listed in 8 above; and

10. We will serve this order upon American Airlines, Wright Air Lines, Delta Air Lines, Frontier Airlines, Ozark Air Lines, Midway Airlines, Trans World Airlines, the Cleveland Parties, and the Illinois Department of Transportation.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board: [26]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4035 Filed 2-5-79; 8:45 am]

[24] Since we have provided for the filing of objections to this order, we will not entertain petitions for reconsideration.

[25] American should also file an application for the authority in issue here.

[26] All Members concurred except Member O'MELIA, whose dissenting statement was filed as part of the original document.

[6320-01-M]

[Order 79-1-192; Docket 32901]

TEXAS INTERNATIONAL, INC.

Intent To Suspend Service in New Mexico; Order

Adopted by the Civil Aeronautics Board in its office in Washington, D.C., on the 31st day of January 1979.

By Order 78-12-151, December 21, 1978, the Board granted Texas International Airlines (TXI) an exemption to suspend air service, through February 1, 1979, at three cities in New Mexico—Carlsbad, Clovis, and Hobbs—without awaiting the expiration of the 90 and 60 day notice periods required by sections 401(j) and 419 of the Act. On an interim basis, we found that essential air transportation at each of these points was at least 12 nonstop round trips per week or 24 one-stop round trips per week, between Albuquerque, on the one hand, and Carlsbad, Clovis and Hobbs, on the other, with aircraft having 15 seats or more. This service had to include no less than two round trips daily, Monday through Friday, and one round trip daily each weekend day. The number of round trips was doubled if service was provided with smaller equipment. Finally, we included a price element in our interim determination of essential air transportation to insure that the local passenger fares not exceed the DPFI (*Domestic Passenger-Fare Investigation*) fares which TXI could charge for travel between these three cities and Albuquerque.

The exemption was effective and contingent upon the inauguration and maintenance of replacement service at each of the three points at the above minimum level. We stressed that this was an experiment and that should the replacement service fall below the specified level at any of the points before or on February 1, 1979 (the end of the 90-day period), we would require TXI to resume its service to these points. We assumed that TXI, the replacement carrier(s) and the communities would work together to make the transition as smooth as possible. This did not happen at all three points. Since the suspension of TXI's service,[1] we have monitored developments at these New Mexico points. Based on the information before us (see Appendix A),[2] we find that essential air service is being provided at Clovis, but not at Carlsbad or Hobbs.

DISPOSITION

We reaffirm our former findings in Order 78-12-151 on the level of essential air service to be maintained on an interim basis. However, to insure that Carlsbad and Hobbs receive essential air transportation, as guaranteed by the Act, we will require TXI to resume its certificate obligations at Carlsbad and Hobbs immediately for an additional 30-day period through March 2, 1979. We will also require TXI to maintain such service by future Board orders for any subsequent 30-day periods if necessary. TXI may meet its obligation by one of two methods. It may resume the service pattern (two daily round trips to Albuquerque) which it provided before withdrawing service with its own aircraft, or it may work with the current replacement carrier at these communities, Crown Aviation, and rely on its service to fulfill the needs of the communities.

In both instances, we are required by the Act to subsidize TXI for any losses it might incur either for providing service directly with its own aircraft or

[1] TXI suspended service on the following dates: Clovis—December 27, Carlsbad—December 29, and Hobbs—January 3.

[2] Appendix A filed as part of the original document.

for making financial arrangements with Crown to provide service in its stead. To insure the provision of essential air transportation at Carlsbad and Hobbs, TXI must guarantee a 90 percent completion factor on all flights scheduled to meet the minimum service requirements. Flights cancelled due to weather conditions beyond the carrier's control will not be counted. Barring the latter, we will assess TXI a civil penalty of $1,000 for every flight not performed, if the completion factor falls below 90 percent. This fine will be assessed on a weekly basis and deducted from any subsidy payments due TXI. This fine will be assessed on TXI whether service is provided by TXI directly or by Crown. We believe performance will improve with this incentive.

We should point out, however, that the law requires airport operators to make their facilities available to all carriers attempting to provide essential air service in an even-handed and nondiscriminatory manner. Communities cannot expect the Board automatically to seek a replacement for a carrier when poor service has been in part the result of actions by the airport operators that unnecessarily hindered efficient operations.

We urge TXI to contact our staff to discuss its plans to meet its certificate obligations at Carlsbad and Hobbs and to specify any subsidy-need which may be required to support service, either by its own aircraft or by a replacement carrier.

APPLICATIONS TO PROVIDE ESSENTIAL AIR TRANSPORTATION

To insure the continued provision of essential air transportation, we invite all carriers—including Crown—interested in providing such service at Carlsbad and Hobbs to file applications by February 21, 1979. Applicants must indicate their willingness to provide essential air transportation with or without subsidy.[3]

Applications should include the following detailed information: (1) full service proposals—schedules, connecting opportunities, aircraft type and routings, and (2) fitness data—balance sheet, profit and loss statement, and proof of compliance with FAA rules and possession of necessary operating authority. Applicants willing to provide service *only* with compensation must also submit a detailed estimate of subsidy need based on representative costs and revenues.

[3] On January 9, 1979, Air Midwest amended its application in Docket 33073 for certificate authority to provide scheduled service to the following points: Albuquerque, Roswell, Carlsbad, Hobbs, and Clovis, New Mexico, Lubbock and Amarillo, Texas, and Garden City, Dodge City and Wichita, Kansas. It asks that the authority be granted on a subsidy-ineligible basis. Air Midwest need not refile.

ENFORCEMENT ISSUES

The Board's staff is currently investigating a third-party complaint filed by Carlsbad, Clovis and Hobbs [4] alleging unlawful reductions in service by TXI prior to the issuance of Board Order 78-12-151. This complaint as well as the post-order service to Carlsbad and Hobbs will be considered in a later order. Carriers, however, are on notice that the failure to provide essential air transportation or the failure to adhere to any other requirement concerning essential air transportation shall constitute a serious offense for which civil penalties will be assessed.

Accordingly,

1. We order Texas International to resume service immediately at Carlsbad and Hobbs and to continue to provide such service after February 1, 1979, for an additional 30 days: *Provided*, that should it resume service with its own aircraft, service must be at the level TXI provided before suspending service at the points; and *Provided further*, that TXI must guarantee a 90 percent completion factor (excluding cancellations due to weather) on all flights scheduled to meet the level of frequencies specified above or in paragraph 2 of Order 78-12-151 if service is provided by Crown. Should service fail to meet the 90 percent completion rate, we will assess TXI $1,000 per flight not performed below the 90 percent standard.

2. We request carriers interested in providing essential air transportation to Carlsbad and Hobbs to file applications by February 21, 1979, including the data detailed on page 3 of this order;

3. We will take no action to prevent TXI from suspending service at Clovis after February 1, 1979; and

4. We will serve a copy of this order on all persons served with Order 78-12-151 and all commuter air carriers registered with the Board from the following States: Arizona, Colorado, New Mexico, Oklahoma, Texas and Utah.

By the Civil Aeronautics Board [5]:

PHYLLIS T. KAYLOR,
Secretary.

(FR Doc. 79-4036 Filed 2-5-79; 8:45 am)

[4] The complaint was filed December 19, 1978 (Docket 34280).

[5] All Members concurred.

[3510-04-M]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the ageny which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324.

Patent application 922,601: Analog Tuning Voltage Circuit with Analog Signal Multiplexing; filed July 7, 1978.

Patent application 926,471: Baffle/Nozzle Array for Cylindrical Lasers; filed July 20, 1978.

Patent application 927,434: Circular Connector; filed July 24, 1978.

Patent application 936,159: An Intrusion Detection System; filed August 23, 1978.

Patent application 936,160: R F Area Intruder Detection and Tracking System; filed August 23, 1978.

Patent application 937,016: An Autopointing Laser System; filed August 25, 1978.

Patent application 937,017: Signal Processing Module; filed August 25, 1978.

Patent application 937,018: Elliptic Cylindrical Baffle Assembly; filed August 25, 1978.

Patent application 938,128: Means for Improving the Collector Efficiency of an Emitting Sole Crossed Field Amplifier; filed August 30, 1978.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 934,290: High-Performance, Lightweight Structural Particleboard; filed August 17, 1978.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street SW., Washington, D.C. 20590.

Patent application 946,127: Tire Bead Inspection; filed September 27, 1978.

U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20460.

Patent application 926,035: Use of 4-Carboxy - Phthalato — (1,2-Diaminocyclohexane)-Platinum (II) and Alkali Metal Salts Thereof in Alleviating L1210 Murine Leukemia; filed July 19, 1978.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets SW., Washington, D.C. 20240.

Patent application 936,465: Recovery of Organic and Aqueous Phases from Solvent Extraction Emulsions; filed August 24, 1978.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 888,083: Mosquito Larvae Control Using a Bacterial Larvicide; filed March 20, 1978.

Patent application 924,101: Reverse Velocity Rotor System for Rotorcraft; filed July 12, 1978.

Patent application 926,364: Process for Preparing Isolated Junctions in Thin-Film Semiconductors; filed July 20, 1978.

Patent application 926,781: Ring-Loaded Flexural Disc Spring; filed July 21, 1978.

Patent application 933,366: Bis-(3,3-Dinitrobutyl)-Polysiloxane; filed August 14, 1978.

Patent application 936,158: Ion-Beam-Excited Gas Laser; filed August 23, 1978.

Patent application 939,012: A Towable Pod Assembly for Protectively Disabling Incoming Torpedoes; filed September 1, 1978.

Patent application 939,163: Optimum Diversity Combining Circuit for a Plurality of Channels; filed September 1, 1978.

Patent application 940,550: Fiber Optic Hydrophone for Use as an Underwater Electroacoustic Standard; filed September 7, 1978.

Patent application 943,406: Terrain Contour Tracking System; filed September 18, 1978.

Patent application 943,600: Remote Position Plotter; filed September 18, 1978.

Patent application 943,601: Marksmanship Training System; filed September 18, 1978.

Patent application 947,280: Improved Integrated Circuit Temperature Gradient and Moisture Regulator; filed September 29, 1978.

Patent 4,074,567: Low Interaction Wind Tunnel Balance; filed May 6, 1977; patented February 21, 1978; not available NTIS.

Patent 4,086,608: Light Emitting Diode; filed November 28, 1975; patented April 25, 1978; not available NTIS.

Patent 4,090,169: Method and Apparatus for Determining Relative Phase and Sensitivity of Elements in an Acoustic Array; filed March 25, 1977; patented May 16, 1978; not available NTIS.

Patent 4,090,793: Photometric Method and Apparatus for Measuring Packing Fraction of Terminated Fiber Optic Cables; filed October 29, 1976; patented May 23, 1978; not available NTIS.

Patent 4,091,040: Procedure for Making Trimethyloimethane; filed July 21, 1977; patented May 23, 1978; not available NTIS.

Patent 4,091,280: Fiber Optic Position Sensing and Indicating Apparatus for Electrical Interference Sensitive Environments; filed September 13, 1976; patented May 23, 1978; not available NTIS.

Patent 4,092,532: Binary Apparatus for Motion Control; filed November 10, 1976; patented May 30, 1978; not available NTIS.

Patent 4,093,918: Means for Determining the Refractive Index Profile of the Atmosphere; filed August 16, 1976; patented June 6, 1978; not available NTIS.

Patent 4,093,928: Microstrip Hybrid Ring Coupler; filed December 20, 1976; patented June 6, 1978; not available NTIS.

Patent 4,093,950: Motion-Compensation Arrangements for MTI Radars; filed May 16, 1977; patented June 6, 1978; not available NTIS.

Patent 4,093,951: Compensation for Simultaneous Platform Motion and Antenna Scanning in MTI Radars; filed May 16, 1977; patented June 6, 1978; not available NTIS.

Patent 4,094,713: Sensitizing Liquid Explosives with High Gamma Gas; filed January 21, 1977; patented June 13, 1978; not available NTIS.

Patent 4,095,227: Asymmetrically Fed Magnetic Microstrip Dipole Antenna; filed November 10, 1976; patented June 13, 1978; not available NTIS.

Patent 4,097,680: Spinning Disk Electrical Isolator for a Flowing Seawater Stream; filed March 10, 1977; patented June 27, 1978; not available NTIS.

Patent 4,099,249: Doppler Processing Method and Apparatus; filed February 22, 1977; patented July 4, 1978; not available NTIS.

Patent 4,099,375: Exhaust Plume Reduction and Cooling System; filed February 3, 1977; patented July 11, 1978; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 932,108: Tow Bar for Aircraft; filed August 9, 1978.

Patent application 938,293: Support Assembly for Cryogenically Coolable Low-Noise Choked Waveguide; filed August 31, 1978.

Patent application 938,297: Stark Cell Optoacoustic Detection of Constituent Gases in Sample; filed August 31, 1978.

Patent application 938,300: A Quartz Ball Value; filed August 31, 1978.

Patent application 938,579: A Method and Means for Growing Ribbon Crystals Without Subjecting the Crystals to Thermal Shock-Induced Strains; filed August 31, 1978.

Patent application 938,580: A Process for Converting Amorphous to Crystalline Silicon with Attendant Purification; filed August 31, 1978.

Patent application 946,990: Process for the Leaching of AP from Propellant; filed September 29, 1978.

Patent application 946,992: Ozonation of Cooling Tower Waters; filed September 29, 1978.

Patent application 946,994: An Improved Solar Cell Module; filed September 29, 1978.

Patent application 947,000: Recovery of Aluminum and Binder from Composite Propellants; filed September 29, 1978.

Patent application 950,876: Free-Piston Regenerative Hot Gas Hydraulic Engine; filed October 12, 1978.

Patent application 951,423: Oceanic Wave Measurement System; filed October 16, 1978.

Patent application 951,828: An Improved System for Slicing Silicon Wafers; filed October 16, 1978.

Patent application 951,830: Silicone Containing Solid Propellant; filed October 16, 1978.

Patent 3,932,262: Portable Electrophoresis Apparatus Using Minimum Electrolyte; filed October 15, 1973; patented January 13, 1976; not available NTIS.

Patent 4,098,142: Rotatable Mass for a Flywheel; filed November 14, 1975; patented July 4, 1978; not available NTIS.

Patent 4,099,799: Cantilever Mounted Resilient Pad Gas Bearing; filed April 28, 1977; patented July 11, 1978; not available NTIS.

Patent 4,100,531: Bit Error Rate Measurement Above and Below Bit Rate Tracking Threshold; filed February 3, 1977; patented July 11, 1978; not available NTIS.

Patent 4,101,644: Process for the Preparation of Calcium Superoxide; filed July 11, 1977; patented July 18, 1978; not available NTIS.

Patent 4,101,961: Contour Detector and Data Acquisition System for the Left Ventricular Outline; filed February 16, 1977; patented July 18, 1978; not available NTIS.

Patent 4,117,669: Apparatus and Method for Reducing Thermal Stress in a Turbine Rotor; filed March 4, 1977; patented October 3, 1978; not available NTIS.

Patent 4,117,749: Wire Stripper; filed August 9, 1976; patented October 3, 1978; not available NTIS.

Patent 4,117,881: System for and Method of Freezing Biological Tissue; filed June 14, 1977; patented October 3, 1978; not available NTIS.

Patent 4,118,014: Vehicular Impact Absorption System; filed August 19, 1977, patented October 3, 1978; not available NTIS.

Patent 4,118,315: Water System Virus Detection; filed April 28, 1977, patented October 3, 1978; not available NTIS.

Patent 4,118,620: Computerized System for Translating a Torch Head; filed May 20, 1977; patented October 3, 1978; not available NTIS.

Patent 4,118,665: Time Domain Phase Measuring Apparatus; filed December 8, 1977; patented October 3, 1978; not available NTIS.

Patent 4,118,666: Automatic Communication Signal Monitoring System; filed March 4, 1977; patented October 3, 1978; not available NTIS.

Patent 4,118,671: Traveling Wave Tube Circuit; filed February 15, 1977; patented October 3, 1978; not available NTIS.

(FR Doc. 79-3924 Filed 2-5-79; 8:45 am)

[3910-01-M]

DEPARTMENT OF DEFENSE

Department of the Air Force

PROPOSED REDUCTION OF RICKENBACKER AFB, OH

Environmental Determination

FEBRUARY 1, 1979.

The following is the Environmental Determination, dated January 26, 1979

V 44/26 FEB 79 UMI

V 4 4 / 2 6 FE 6 7 9 UMI

for the Proposed Realignment of Strategic Air Command Forces at Rickenbacker AFB, OH.

A. *Description of Proposed Action:* The Air Force proposes to relocate Strategic Air Command (SAC) forces from Rickenbacker AFB, OH to other active SAC air refueling organizations. The objective of the proposed action is to improve the overall management of the air refueling resources. Rickenbacker AFB is the only Air Force base on which a small active unit with KC-135A tanker aircraft is co-located with Air Reserve Forces (ARF) units operating a much larger number of aircraft. This proposed action would relocate approximately 2,000 Air Force personnel and their dependents and 15 KC-135A aircraft. In addition, the Air Force has continued to study the proposed reduction of the forces at Loring AFB announced in 1976. One of the proposals would relocate nine KC-135A aircraft from Loring AFB to Grissom AFB. To insure the completeness of the environmental analysis, the cumulative effects of the two actions (from Rickenbacker and Loring) were examined.

The alternative to this proposal is to take no action.

B. *Biophysical Environmental Impact Analysis:* The analysis of potential biophysical environmental impacts is documented in a Formal Environmental Assessment (FEA). The following is a summary of the most important findings in the FEA:

1. AIR QUALITY

(a) Rickenbacker AFB: The relocation of 15 KC-135A aircraft, supporting personnel, and equipment from Rickenbacker AFB would produce a small improvement in the air quality of the Columbus, OH Air Quality Control Region.

(b) Receiving Bases: The ambient air emission loadings at each base would be slightly increased. For example, at Grissom AFB the cumulative effect of the proposed action plus the Loring proposal would increase pollutant levels by only 0.5% for sulfur oxides but as much as 10% for hydrocarbons. None of the increases would cause ambient air quality standards to be exceeded at any location.

2. WATER QUALITY

(a) Rickenbacker AFB: The reduced demand for potable water and generation of wastewater at Rickenbacker AFB, should the proposal be implemented, would have no significant impact.

(b) Receiving Bases: The additional potable water requirements and wastewater generations are well within the capacities of the existing systems to accomodate.

3. SOLID WASTE

(a) Rickenbacker AFB: The proposed action would reduce the generation of solid waste.

(b) Receiving Bases: The existing solid waste disposal systems have sufficient capacities to handle the slight increases.

4. NOISE

(a) Rickenbacker AFB: The proposed action would reduce by 31% or 7,600 acres the area between L_{dn} 65 and 75, and the area exposed to greater than L_{dn} 75 by 20% or 2,600 acres.

(b) Receiving Bases:

(1) The proposed action would move six aircraft to Grissom AFB. The impact was analyzed using the current number of assigned aircraft as a baseline. This would increase the area above the L_{dn} 75 noise contour by 250 acres and the number of people affected within that contour by 290. The area between the L_{dn} 65 and L_{dn} 75 noise contours would increase by 720 acres and the number of people by 1,030.

(2) The cumulative effect of the Rickenbacker and Loring actions would increase the area above the L_{dn} 75 contour by 880 acres and the number of people potentially exposed to the noise level by about 1,000. The area between the L_{dn} 65 and L_{dn} 75 noise contours would increae by 880 acres and the number of people would be increased by 1,370.

(3) Other receiving bases were assessed, and noise increases were determined to be insignificant. The majority of the additional aircraft are replacements (backfill) for aircraft previously assigned to these bases.

C. *Environmental Determination:* After careful review of the FEA, I have concluded that this project will not constitute a major Federal action having a significant adverse impact on the quality of the affected environments, nor is it likely to be highly controversial with regard to its biophysical environmental impacts.

Thus, the requirements of the National Environmental Policy Act, the Council on environmental Quality Guidelines, and Air Force Regulation 19-2 have been complied with and a Draft Environmental Impact Statement need not be filed with the US Environmental Protection Agency.

Any comments or questions should be directed to the Deputy for Environment and Safety, Office of the Secretary of the Air Force, Room 4C885, the Pentagon, Washington DC 20330, telephone: 202-697-9297.

FRANCIS J. SMITH,
Colonel, USAF, Chairman, HQ USAF Environmental Protection Committee.

CAROL M. ROSE,
Air Force Federal Register Liaison Officer.

[FR Doc. 79-3939 Filed 2-5-79; 8:45]

[3710-08-M]

Department of the Army

ARMY SCIENCE BOARD

Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

NAME OF THE COMMITTEE: Army Science Board.

DATE OF MEETING: March 7-8, 1979.

PLACE: Pentagon, Washington, D.C. (exact location can be determined by contracting LTC Sweeney at 202 697-9703).

TIME: 0800 to 1700 hours, March 7-8, 1979. (Closed)

PROPOSED AGENDA: The ASB Chemical Decontamination/Contamination Avoidance AHSG will hold classified discussions of briefings they have received on the threat and other issues and programs which relate to the defensive posture of the U.S. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

ROBERT F. SWEENEY,
Lieutenant Colonel, GS, Executive Secretary, Army Science Board.

[FR Doc. 79-3996 Filed 2-5-79; 8:45 am]

[3810-70-M]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at the Air Force weapons Laboratory, Kirtland Air Force Base Albuquerque, New Mexico on 21-22 March 1979.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Reseach and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in the laboratories. The laser area includes programs on developments and research related to low energy lasers for applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and date transmission. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Appendix 1, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically, Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

FEBRUARY 11, 1979.

[FR Doc. 79-3991 Filed 2-5-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

NATIONAL PETROLEUM COUNCIL, TASK GROUP OF THE COMMITTEE ON MATERIALS AND MANPOWER REQUIREMENTS

Meeting

Notice is hereby given that a task group of the Committee on Materials and Manpower Requirements will meet in February 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Materials and Manpower Requirements will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Task Group on Production Equipment. The time, location and agenda of the task group meeting follows:

The third meeting of the Production Equipment Task Group will be on Wednesday, February 28, 1979, starting at 9:00 a.m. in Room 1992 on the 19th Floor of the Exxon Building, 800 Bell Avenue, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Review of the progress of the Task Group on Production Equipment.
3. Discussion of the timetable of the Task Group on Production Equipment.
4. Discussion of any other matters pertinent to the overall assignment of the Task Group on Production Equipment.

The meeting is open to the public. The chairman of the task group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform James R. Hemphill, Office of Resource Applications, 202-633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 1, 1979.

GEORGE S. MCISAAC,
Assistant Secretary for Resource Applications.

FEBRUARY 1, 1979.

[FR Doc. 79-3995 Filed 2-5-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

[Docket No. RP79-20]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Accepting for Filing and Suspending Rate Increase Subject to Conditions and Establishing Procedures

JANUARY 31, 1979.

On December 20, 1978, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) filed revised tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1, which are designed to increase revenues from jurisdictional sales and services by $2,600,445 annually. The revised tariff sheets filed herein are set forth in Appendix A. Alabama-Tennessee proposes February 1, 1979 as the effective date for these revised tariff sheets. The test period is based upon actual costs for the twelve months ended September 30, 1978, as adjusted for known and measurable changes through June 30, 1979.

The proposed rate increase is based upon claimed costs associated with the construction and operation of facilities for which the Commission issued a certificate of public convenience and necessity in Docket No. CP78-352.[1] Also included in these proposed rates are the costs of processing and transporting the supplemental supplies of natural gas to be obtained with such facilities, and amounts charged by Tennessee Gas Pipeline Company for transporting the gas from Alabama-Tennessee's proposed facilities in Lamar and Forrest Counties, Mississippi to a point of connection with Alabama-Tennessee's existing facilities in Colbert County, Alabama.[2]

Alabama-Tennessee claims an overall rate of return of 13.96%, the effect of which is to yield 15.50% return on common equity, and an increase in the depreciation rate from 4.0% to 5.75%. There is an estimated increase in both the total volumes of natural gas available for sale during the test period as adjusted, and the amounts available therefrom for purposes of sale for resale.

Finally, Alabama-Tennessee's filing reflects the *Atlantic Seaboard* method of cost classification, cost allocation and rate design. Alabama-Tennessee is hereby placed on notice that it may be subject to undercollection of revenues to the extent that after hearing and decision, the cost classification, cost allocation, and rate design methodology determined to be just and reasonable requires the assignment of more storage and transmission fixed costs to the commodity component than does the *Atlantic Seaboard* methodology proposed herein.

Based upon a review of Alabama-Tennessee's filing, the Commission finds that the proposed general rate increase has not been shown to be just

[1] Order issued November 20, 1978.

[2] In its order of November 20, 1978, the Commission denied Alabama-Tennessee's request to charge Tennessee Gas Pipeline Company's transportation fee to its Account 801, stating that the cost of transportation may not be properly charged to a gas purchase account. Alabama-Tennessee's alternate request to include such charges in its Account 858 was denied without prejudice to the Company's addressing that issue in its rate proceeding at Docket No. RP78-49. The Commission stated that a rate processing is the appropriate forum for that discussion.

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and reasonable, and may be unjust, unreasonable and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Alabama-Tennessee's revised tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1 for filing, suspend their use for five months until July 1, 1979, subject to refund and the conditions set forth below, and set the matter for hearing.

Alabama-Tennessee's filing contains costs associated with facilities certificated in Docket No. CP78-352, which have not been placed in service. Therefore, in compliance with § 154.63(e)(2)(ii) of the Regulations, Alabama-Tennessee will be required to file revised tariff sheets as of July 1, 1979 reflecting the elimination of costs associated with facilities not in service on June 30, 1979, the end of the test period, as hereinafter conditioned.

On December 21, 1978 Alabame-Tennessee filed a motion for consolidation of rate proceedings in Docket Nos. RP78-49 and RP79-20, stating that the same issues are involved in both proceedings. A notice of Intent to Act on the Motion to consolidate was issued on January 22, 1979.

It is the determination of this Commission that the filing in this Docket No. RP79-20 raises issues not set forth in Docket No. RP78-49. The Commission further finds that consolidation of these dockets would only serve to delay the disposition of issues in Docket No. RP78-49. Accordingly, the motion to consolidate proceedings shall be denied.

Tennessee Valley Municipal Gas Association (Tennessee Valley) on January 3, 1979, filed a Petition to Intervene in these proceedings, in addition to a separate Motion for Conditional Rejection of Tariff Sheet Tender for persistent failure of Alabama-Tennessee to comply with the earlier ratemaking directive of the Commission.

Good cause exists to grant Tennessee Valley's Petition to Intervene in this docket, and that request is granted.

The separate motion filed by Tennessee Valley raises issues of Alabama-Tennessee's failure to comply with a Commission order in Docket No. RP77-110, issued November 15, 1977, in which Alabama-Tennessee was required to revise, within 30 days of the issuance of that order, revisions to Section 22.5 of the General Terms and Conditions of its gas tariff filed in that Docket.[3]

Section 22.5 of the Fourth Revised Sheet No. 36-F filed in this Docket No. RP79-20 sets forth language in purported compliance with the Commission's directive in Docket No. RP77-110. It is the determination of this Commission that the Fourth Revised Sheet No. 36-F to Alabama-Tennessee's FPC Gas Tariff, Third Revised Volume No. 1, filed in Docket No. RP 79-20 is in substantial compliance with the language ordered in Docket No. RP77-110, and shall be accepted, to become effective as of February 1, 1979, the proposed effective date of the filing in Docket No. RP79-20.

The Commission Orders:

(A) Pursuant to the authority of the National Gas Act, particularly sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Alabama-Tennessee.

(B) Pending hearing and decision, and subject to the conditions of Ordering Paragraph (C) below, Alabama-Tennessee's proposed Thirtieth Revised Sheet No. 3-A, Third Revised Sheet No. 5, Third Revised Sheet No. 6, Third Revised No. 11, Third Revised Sheet No. 14, and Second Revised Sheet No. 13-B, to its FPC Gas Tariff, Third Revised Volume No. 1 are accepted for filing and suspended for five months until July 1, 1979, when they may become effective subject to refund, in the manner prescribed by the Natural Gas Act.

(C) Alabama-Tennessee shall file substitute revised tariff sheets as of July 1, 1979 reflecting the elimination of costs associated with facilities which are not in service by June 30, 1979, pursuant to the requirement of 18 C.F.R. 154.63 (e)(2)(ii) and subject to condition that Alabama-Tennessee shall not be permitted to make offsetting adjustments to the suspended rates prior tohearing, except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders.

(D) Alabama-Tennessee's proposed Fourth Revised Sheet No. 36-F to its FPC Gas Tariff, Third Revised Volume No. 1 shall be accepted for filing, to become effective as of February 1, 1979.

(E) The Commission Staff shall prepare and serve top sheets on all parties on or before May 1, 1979.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

ALABAMA-TENNESSEE NATURAL GAS COMPANY

DOCKET NO. RP79-20

Revised Tariff Sheets to Third Revised Volume No. 1

(a) Thirtieth Revised Sheet No. 3-A—Superseding Substitute Twenty-Ninth Revised Sheet No. 3-A.
(b) Thifd Revised Sheet No. 5—Superseding Second Revised Sheet No. 5.
(c) Third Revised Sheet No. 6—Superseding Second Revised Sheet No. 6.
(d) Third Revised Sheet No. 11—Superseding Second Revised Sheet No. 11.
(e) Second Revised Sheet No. 13-B—Superseding First Revised Sheet No. 13-B.
(f) Third Revised Sheet No. 14—Superseding Second Revised Sheet No. 14.
(g) Fourth Revised Sheet No. 36-F—Superseding Third Revised Sheet No. 36-F.

[FR Doc. 79-4037 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket Nos. CP69-41 and CP77-337]

ALGONQUIN GAS TRANSMISSION CO.

Petition To Amend

JANUARY 31, 1979.

Take notice that on January 15, 1979,[1] Algonquin Gas Transmission Company (Petitioner, 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket Nos. CP69-41 and CP77-337 a petition pursuant to Section 7(c) of the Natural Gas Act to amend its certificates of public convenience and necessity in the above-captioned dockets so as to authorize the consolidation of existing service agreements, and to authorize Petitioner to render to The Connecticut Gas Company (Connecticut Gas) the service which it is presently authorized to render to the Hartford Electric Light Company (Hartford Electric), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

[1] The application was initially tendered for filing on January 15, 1979; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until January 16, 1978, thus filing was not completed until the latter date.

[3] Tennessee Valley states that the PGA language in dispute in Docket No. RP77-110 involved the question whether Alabama-Tennessee's customers are properly credited with demand charge credits received by Alabama-Tenessee from its gas supplier. A proposed revised PGA clause filed in that docket was apparently submitted for customer and Staff review, followed by a rejection of that proposed revised clause as inadequate to meet the problem in controversy.

It is stated that Connecticut Gas and Hartford Electric are affiliated companies within the Northeast Utilities System (Northeast), a registered holding company system providing both gas and electric utility service to portions of Connecticut and western Massachusetts. It is further stated that Northeast owns Connecticut Light and Power (CL&P) and Hartford Electric as wholly-owned subsidiaries, and such subsidiaries own and operate gas distribution systems within the State of Connecticut. Connecticut Gas, which does not own or operate gas distribution facilities, is a wholly-owned subsidiary of CL&P and is responsible for contracting with suppliers to provide the gas supply requirements of its parent, it is said.

Petitioner further states that Connecticut Gas and Hartford Electric are two of its original customers, and that presently both of these customers purchase service from it pursuant to Rate Schedules F-1, WS-1, SNG-1, and S-T of Petitioner's FERC Gas Tariff, First Revised Volume No. 1. Petitioner indicates that under its present service agreement, it renders service to Connecticut Gas for the gas requirements of CL&P, and to Hartford Electric directly for its own gas requirements. In this regard, the arrangement with Connecticut Gas involves the predominate portion of the gas, the quantity being sold directly to Hartford Electric constituting approximately one-fifteenth of that sold to Connecticut Gas, it is asserted.

Petitioner states that it has been advised that under realignment of corporate responsibilities within the Northeast system, all of the gas procurement and supply operations would now be concentrated in Connecticut Gas, which would redeliver gas at cost to Hartford Electric in the same manner that it now serves CL&P. Consequently, Petitioner proposes to consolidate the F-1, WS-1, and SNG-1 service agreements of Hartford Electric with those of Connecticut Gas, and to effectuate new superseding service agreements on a consolidated basis in the name of Connecticut Gas. As a result of this proposal, Connecticut Gas would be the gas supply procurement arm for Hartford Electric; however, the actual distribution facilities would continue to be owned and operated by Hartford Electric in the same manner as at present, it is stated.

Petitioner indicates that by this proposal, no material change in either gas flow or service from Petitioner is anticipated, and Petitioner's rates for service would not be affected. Petitioner further indicates that the revised service agreements and tariff sheet would continue the same total contract maximum daily quantities and the same delivery point obligations and terms as in the service agreements and tariff sheet being superseded.

The consolidation of service agreements, requested by such customers is expected to result in the simplification of corporate responsibilities and the improvement in operating flexibility and economies for such customers, particularly from the standpoint of unifying gas supply efforts and reducing overall peak shaving costs, it is asserted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 22, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4038 Filed 2-5-79; 8:45 am]

[6450-01-M]

[AR61-2. et al.]

ATLANTIC RICHFIELD CO. AND KERR-McGEE CORP.

Extension of Time

JANUARY 25, 1979.

In the matter of Area Rate Proceeding, *et al.* (Texas Gulf Coast Area), AR64-2, *et al.*; Area Rate Proceeding, *et al.* (Other Southwest Area), AR67-1, *et al.*; Area Rate Proceeding, *et al.* (Southern Louisiana Area), AR61-2, *et al.*, AR69-1, *et al.*; and Area Rate Proceeding, *et al.* (Permian Basin Area II), AR70-1, *et al.*

On January 5, 1979, Atlantic Richfield Company filed a motion for extension of time to comply with the requirement of Ordering Paragraph (A) of the Commission's November 28, 1978 Order Establishing Procedures For Claiming Recoupment of Excess Refund Payments. On January 17, 1979, Kerr-McGee Corporation filed a similar request. The Commission Staff has concurred in these requests and suggests a blanket extension for all parties be issued because of the Staff's workload.

Upon consideration, notice is hereby given that the date for complying with Ordering Paragraph (A) is extended for all parties to and including March 30, 1979. Pipelines shall file with the Commission in compliance with Ordering Paragraph (B) on or before May 29, 1979. Producers shall comply with Ordering Paragraph (C) on or before July 30, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3956 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket Nos. ER78-526 and ER77-331]

CENTRAL POWER & LIGHT CO.

Order Granting Motion To Withdraw Rate Application and Terminate Docket Nos. ER78-526 and ER77-331

JANUARY 30, 1979.

On July 31, 1978, in Docket No. ER78-526, Central Power & Light Company (CP&L) tendered for filing a proposed Interchange Agreement for service to its generating wholesale customers, South Texas Electric Cooperative, Inc., and Medina Electric Cooperative, Inc., hereinafter referred to as STEC/MEC. The proposed agreement tendered in Docket No. ER78-526 was accepted for filing and the rates thereunder suspended for four months by order issued August 30, 1978. The proposed agreement in Docket No. ER78-526 would supersede the rates and services contained in the prior interconnection agreement, accepted for filing in Docket No. ER77-331, by order issued May 9, 1978.

On September 27, 1978, in Docket Nos. ER78-526 and ER77-331, CP&L filed an Application for Rehearing of the aforementioned order of August 30, 1978. An Order Granting Rehearing was issued October 27, 1978.

On November 13, 1978, STEC/MEC filed an Application for Rehearing of the October 27, 1978 order granting CP&L's application for rehearing in Docket Nos. ER78-526 and ER77-331. On November 21, 1978, CP&L filed an Application to Stay Further Filing Requirements in Docket No. ER78-526. CP&L stated that its application in Docket No. ER78-526 was designed to provide susperseding firm power and energy service to STEC/MEC; that CP&L had been advised by STEC/MEC's counsel that STEC/MEC intended to execute a firm power purchase contract with the City of San Antonio, Texas on or about November 19, 1978, upon the execution of firm power purchase agreement, STEC/MEC would no longer rely on CP&L for its firm power energy requirements. Therefore CP&L's original rate filing of July 31, 1978, in Docket No.

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ER78-526, would be rendered moot. The Application to Stay indicated further than counsel for STEC/MEC did not object to the application for stay and that once the City of San Antonio executed a firm power purchase agreement with STEC/MEC, CP&L would file an application to withdraw its rate filing in Docket No. ER78-526 and request that the docket be terminated. On December 13, 1978, the Commission issued an order granting CP&L's motion for a stay and granting STEC/MEC's application for rehearing.

On December 28, 1978, CP&L filed a Motion to Withdraw Rate Application and Terminate Docket Nos. ER78-526 and ER77-331. On January 11, 1979, STEC/MEC filed an Answer to CP&L's motion which states that STEC/MEC has no objection to CP&L's withdrawal of its rate application in Docket No. ER78-526. STEC/MEC's answer states further that STEC/MEC has agreed to withdraw its pending Application for Rehearing in Docket No. ER77-331, and gives notice of such withdrawal. Finally, STEC/MEC's answer states that STEC/MEC does not oppose CP&L's request to terminate Docket No. ER77-331.

The Commission finds that good cause exists, pursuant to Section 1.11(d) of the Commission's Rules of Practice and Procedure, to permit the withdrawal of the pleadings in Docket Nos. ER78-526 and ER77-331 and to terminate the dockets.

The Commission orders:

(A) Central Power & Light Company is hereby permitted to withdraw its pleadings in Docket Nos. ER78-526 and ER77-331, pursuant to Section 1.11(d) of the Commission's Rules of Practice and Procedure.

(B) Docket Nos. ER78-526 and ER77-331 are hereby terminated.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4040 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-2]

CONSOLIDATED EDISON CO., NEW YORK, INC.

Petition for Declaratory Order

JANUARY 30, 1979.

Take notice that on January 24, 1979, Consolidated Edison Company of New York, Inc. (Petitioner), 4 Irving Place, New York, New York 10003, filed in Docket No. TC79-2 a petition for a declaratory order to the effect that natural gas purchased and used by Petitioner to generate electricity and steam, in lieu of imported oil as fuel for such purposes, will not be considered as supply or market in any future curtailment or market classification proceeding before the Commission, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner states that in accordance with statements, encouraging the use of surplus natural gas by utilities to reduce imports of oil, made by the Secretary of Energy on January 9, 1979, by the Administrator of the Economic Regulatory Administration (ERA) in letter of December 11, 1978, addressed to Petitioner and other utilities, by the ERA in a notice of proposed rulemaking under the Powerplant and Industrial Fuel Use Act of 1978 (44 FR 1694, January 5, 1979), and by the ERA in an order prescribing rules under the Emergency Petroleum Allocation Act of 1973 (44 FR 3928, January 19, 1979), Petitioner has entered into a contract with National Fuel Gas Distribution Corporation for the purchase of natural gas for the generation of electricity and steam. Petitioner contemplates purchasing approximately 30,000 to 75,000 dekatherms equivalent of natural gas per day for two years, as available, with an estimated first year purchase of 22,750,000 dekatherms equivalent of natural gas. The initial price is stated to be $2.00 per dekatherm equivalent and the estimated delivered cost is stated to be approximately $2.08 to $2.26 per dekatherm equivalent. The gas would be sold to Petitioner and used for direct electric or steam generation in Petitioner's gas turbines and steam boilers and would not be available for general distribution. The gas would be transported for Petitioner by Transcontinental Gas Pipe Line Corporation, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., or Texas Eastern Transmission Corporation.

Petitioner asserts that pipeline supplies of natural gas are improving and additional "intrastate" gas supplies are available and that the additional pipeline supplies may justify attachment of additional load. Petitioner asserts further that the available "intrastate" supplies clearly justify the use of gas to displace imported oil now used in Petitioner's gas turbines and steam boilers. Petitioner states that were it to undertake this step, its ability to obtain gas in the future from its pipeline suppliers may be prejudiced, as the result of this low priority use, to the detriment of its gas customers. Accordingly, Petitioner requests assurance that its market profile in any future curtailment proceeding will include neither supply nor market volumes of oil conservation gas used to generate steam or electric power.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4041 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket Nos. RP79-22 and RP78-52]

CONSOLIDATED GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Subject to Conditions, Rejecting Tariff Sheets, Consolidating Dockets, and Establishing Procedures

JANUARY 30, 1979.

On December 29, 1978, Consolidated Gas Supply Corporation (Consolidated) filed revised tariff sheets[1] containing rates designed to achieve an increase in jurisdictional revenues of $27.4 million under Tenth Revised Sheet No. 16 and an increase of $26.9 million under Alternate Tenth Revised Sheet No. 16. The increased rates are predicated on a test period based on actual costs for the twelve months ended September 30, 1978, as adjusted for known changes in costs which are expected to be incurred by the end of the test period, June 30, 1979. The proposed effective date is February 1, 1979.

Public notice of the filing in Docket No. RP79-22 was issued on January 11, 1979, providing for protests or petitions to intervene to be filed on or before January 24, 1979.

Based upon a review of Consolidated's filing in RP79-22, the Commission finds that the proposed higher rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Consolidated's proposed rate increase for filing, suspend its effectiveness for five months or until July 1, 1979, when it shall be eligible to become effective subject to refund and the conditions

[1] The tariff sheets are listed in Appendix A.

set forth below, and set the matter for hearing.

Consolidated states that the increased rates are required to permit it to recover increased costs incurred in operating and maintaining its pipeline system, including but not limited to, increases in depreciation expense, plant investment, and wage and salary increases. The filing also provides for the recovery of the cost of liquified natural gas (LNG) which Consolidated estimates it will be purchasing substantially at contract demand levels during the twelve month period beginning July 1979. The cost of LNG includes an increase in the import ceiling price which is pending Economic Regulatory Administration (ERA) approval based on a filing of August 29, 1978, in Docket No. CP71-68, *et al.* A reduction in the Federal income tax rate as well as increases in FICA taxes are reflected in the filing. Consolidated seeks an overall rate of return of 11.84 percent, with a return on common equity of 15 percent.

Consolidated has a prior rate increase application pending in Docket No. RP78-52. The Commission's review of the rate increase filing in this docket indicates that a number of issues are common to both proceedings and that the factual information needed to resolve the issues in both cases will likely be similar. The rate increase application in Docket No. RP78-52 was filed to recover the cost associated with the purchase of substantial volumes of LNG from Consolidated's affiliate. Staff has suggested procedures in Docket No. RP78-52 to deal with the problems associated with the introduction of LNG into the Consolidated system. The filing in this docket indicates that Consolidated expects to increase purchases of LNG and it is expected that the same procedures suggested for Docket No. RP78-52 will be required. In view of this and the fact that resolution of certain issues, i.e., capital structure, return on equity, will likely be the same for both proceedings, the Commission believes Docket Nos. RP78-52 and RP79-22 should be consolidated for purposes of hearing and decision. The consolidation of these dockets will not result in a delay in processing the Docket No. RP78-52 proceeding. Any petitions to intervene filed in Docket No. RP79-22 will be deemed to be filed in the consolidated proceeding, and are referred to the Presiding Judge for appropriate disposition.

Consolidated has computed the costs of its own "old produced gas" [2] on alternative bases. Tenth Revised Sheet No. 16 reflects costs attributable to production based on the applicable rate under Section 104 of the Natural Gas Policy Act (NGPA). Alternate Tenth Revised Sheet No. 16 reflects the cost of pipeline production on a cost of service basis. Consolidated states that while § 270.203 of the interim regulations appears to treat pipeline production on a different basis than producer production, and that while a cost of service basis appears to be required, it is filing for rehearing and reconsideration of the interim regulations in Docket No. RM79-3 on this subject.

The methodology for computing pipeline production reflected in Alternate Tenth Revised Sheet No. 16 is consistent with § 270.203 of the Interim Regulations and that tariff sheet is accepted for filing, as hereinafter conditioned. Tenth Revised Sheet No. 16 shall be rejected.

Consolidated's proposed rates in RP79-22 reflect costs attributable to various projects which have not been certificated and are not in service as of the date of this filing. The Commission shall grant waiver of Section 154.63(e)(2)(ii) of the Regulations to permit Consolidated to include such costs in its filing, conditioned upon the filing of revised tariff sheets reflecting the elimination of costs associated with facilities not in service on or before June 30, 1979.

Consolidated shall also adjust its rates to reflect the actual balances of advance payments in Account 166 as of June 30, 1979, and the effective GRI Funding Unit on the effective date of the increased rates and any resulting reductions in RD&D costs required by Opinion 30. However, inclusion of a higher advance payments balance in Consolidated rates shall not be permitted to increase the level of the original suspended rates. The revised tariff sheets shall also remove the increased costs associated with LNG purchases if Consolidated's LNG rate increase is not approved by ERA prior to July 1, 1979. Waiver of Section 154.63(e)(2)(ii) shall be granted upon condition that Consolidated shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders.

On January 24, 1979, the Public Service Commission of the State of New York (PSCNY) filed a Notice of Intervention and Motion for Summary Action. PSCNY requests, among other things, that the Commission summarily dispose "of the entire claimed increase in depreciation rates above those ordered by the Commission in Opinion Nos. 3 and 3-A and the claimed rate of return (and associated taxes) to the extent they are based upon a rate on equity in excess of 13.25%." In the alternative, PSCNY requests that the Commission sever the rate of return and depreciation issues from prior Consolidated rate filings and from the above-referenced docket, consolidate these issues, and authorize the Presiding Administrative Law Judge to "take all additional steps as . . . are appropriate . . . to permit Commission resolution of the two issues . . . within the suspension period in Docket No. RP79-22."

No action will be taken on this motion at this time because the time for answers to the motion prescribed by § 1.12(c) of the Commission Rules of Practice and Procedure (18 CFR 1.12(c)) has not yet expired.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Consolidated.

(B) Pending hearing and decision, and subject to the conditions and exceptions enumerated in the body of the order and the Ordering Paragraphs. Consolidated's proposed rate increase is accepted for filing and suspended until July 1, 1979, when it shall be permitted to become effective, subject to refund, upon motion filed pursuant to the Commission's Regulations.

(C) Waiver of Section 154.63(e)(2)(ii) is granted upon the condition that Consolidated file revised tariff sheets reflecting the elimination of costs associated with facilities not in service on or before July 1, 1979, and upon the further condition that Consolidated shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those adjustments required by other Commission orders.

(D) Docket Nos. RP78-52 and RP79-22 are consolidated for purposes of hearing and decision.

(E) Acceptance of the tariff sheets filed to effect this rate increase permitted in Ordering Paragraph (C) is further conditioned upon Consolidated's reflecting the effective GRI Funding Unit and the actual balance in Account 166 as of June 30, 1979. However, inclusion of a higher advance payments balance in Consolidated's rates shall not be permitted to increase the level of the original suspended rates.

(F) Consolidated shall not be permitted to reflect in rates increased costs associated with LNG purchases if its

[2] Old production is production from wells drilled prior to January 1, 1973, on leases acquired prior to October 8, 1969.

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LNG rate increase is not approved by ERA prior to July 1, 1979.

(G) Tenth Revised Sheet No. 16 is rejected.

(H) The Commission Staff shall prepare and serve top sheets on all parties on or before May 12, 1979.

(I) The Presiding Administrative Law Judge assigned to Docket No. RP78-52, or such other Presiding Judge as the Chief Administrative Law Judge may assign, shall convene a settlement conference in the consolidated proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

THIRD REVISED VOLUME NO. 1

First Revised Sheet Nos. 1, 13-15, 17, 22-30, 37-40, 50, 75-77, 111, 115, and 130
Second Revised Sheet No. 68
Third Revised Sheet No. 71
Tenth Revised Sheet No. 16
Alternate Tenth Revised Sheet No. 16

ORIGINAL VOLUME NO. 2

Original Sheet Nos. 260-B and 260-C
First Revised Sheet No. 260-A
Second Revised Sheet No. 272-B
Third Revised Sheet Nos. 260 and 265
Fourth Revised Sheet Nos. 266 and 268-270
Fifth Revised Sheet No. 267
Sixth Revised Sheet No. 272-A
Seventh Revised Sheet No. 271
Ninth Revised Sheet No. 272

[FR Doc. 79-4042 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Project No. 659]

CRISP COUNTY POWER COMMISSION

Application for New Major License for Constructed Project

JANUARY 25, 1979.

Take notice that on January 28, 1978, Crisp County Power Commission ("CCPC") filed an application under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r) (1976), for a new major license for its constructed Lake Blackshear Project (FERC Project No. 659). The project is located on the Flint River in Crisp, Dooly, Lee, Sumter, and Worth Counties, Georgia. The original license for the project expired on August 9, 1978, and the project has been operated under annual license since that time. Correspondence regarding the application should be sent to Mr. Frank L. Olson, Manager, Crisp County Power Commission, Box 489, Cordelle, Georgia 31015.

The Lake Blackshear Project is a run of the river project. It consists of: (1) a 669-foot-long and 49-foot-high concrete dam including a 150-foot-long reinforced concrete intake section and a 415-foot-long spillway section topped with 14 tainter gates, each 17 feet high by 25 feet wide; (2) a 3,410-foot-long earth dike located at the northwest end of the spillway; (3) a 680-foot-long earth dike with a concrete core located at the southeast end of the powerhouse; (4) a steel and brick powerhouse containing four hydroelectric generating units with a total installed capacity of 15,200 kW; (5) a 46 kV transmission line, 1,400 feet long, that connects the main bus to CCPC's steam plant switchyard; and (6) all other facilities and interests appurtenant to the operation of the project.

CCPC has developed two public recreation areas at the project: (1) Killebrew Recreation Area on 5 acres below Warwick Dam, consisting of a boat ramp, a parking area picnic units, an information exhibit, an observation area and overlook, and a primitive camping area; and (2) Smoak Bridge Public Boat Ramp on a 2-acre site on Lake Blackshear adjacent to U.S. Highway 257, consisting of a boat ramp and parking area.

In addition to CCPC's two developments, there are numerous other public and commercial recreational facilities on 1,334 acres of land adjacent to the project. The largest public recreation area (1,307 acres) is the Georgia Veterans Memorial State Park administered by the Georgia Department of Natural Resources.

CCPC plans only minor future site improvements at its two existing public recreation areas. CCPC is also preparing a Pier and Dock Permit Policy to directly control construction of shoreline recreational facilities at the project through issuance of 5-year permits based on established design standards.

No new construction other than that related to the improvement of existing facilities, nor any change in operation of the project, are proposed.

The Lake Blackshear Project is a part of CCPC's generating system supplying electric utility services in Crisp County and vicinity.

Anyone desiring to be heard or to make any protest about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirments of the Commission's Rules of Practice and Procedure ("Rules"), 18 CFR § 1.10 or § 1.8 (1978). In determining the appropriate action to take, the Comission will consider all protest filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before April 2, 1979. The Commission's address is: 825 N. Captiol Street, N.E., Washington, D.C. 20426

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3979 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. ID-1491]

ARTHUR R. EHRNSCHWENDER

Filing

JANUARY 31, 1979.

Take notice that on January 9, 1979, Arthur R. Ehrnschwender, (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, The Cincinnati Gas & Electric Company (Public Utility).
Vice President, Director, The Union Light, Heat and Power Company (Public Utility).
Director, Cincinnati Electric Equipment Company (Sales and Service).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4039 Filed 2-5-79; 8:45 am]

[6450-01-M]

EL PASO NATURAL GAS CO.

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 26, 1979.

On January 15, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: None.
Operator: Dallas McCasland.
Well Name: Arnott-Ramsay No. 1.
Field: Jalmat.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 6.3 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 21, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3965 Filed 2-5-79; 8:45 am]

[6450-01-M]

EL PASO NATURAL GAS CO.

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 26, 1979.

On January 10, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 108 of the Natural Gas Policy Act of 1978 applicable to:

API Well Number: 30-045-13211.
Operator: Flag-Redfern Oil Co.
Well Name: Witt No. 1.
Field: Fulcher Kutz PC.
County: San Juan.
Purchaser: El Paso Natural Gas Co.
Volume: 7.8 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 21, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3968 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. ER77-175]

FLORIDA POWER & LIGHT CO.

Extension of Time

JANUARY 25, 1979.

On January 18, 1979, Florida Power & Light Company filed a motion for extension of time to file briefs opposing exceptions to the initial decision issued in this proceeding on November 28, 1978. The motion states that additional time is necessary because of the length and variety of the arguments filed in the Florida Cities' brief on exceptions. The motion further states that Staff, Florida Cities and Florida Power Corporation do not object to the request.

Upon consideration, notice is hereby given that an extension of time is granted to and including January 26, 1979, for the filing of briefs opposing exceptions.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4043 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Project No. 2725]

GEORGIA POWER CO.

Application for Approval of Exhibit R

JANUARY 25, 1979.

Take notice that an application for approval of Exhibit R (recreation plan) for Project No. 2725 was filed on December 6, 1978, by Georgia Power Co. (Applicant) pursuant to Article 35 of the project license. Project No. 2725, known as the Rocky Mountain Project, is located on Heath Creek in Floyd County, Georgia. Correspondence concerning the application should be sent to: Mr. I. S. Mitchell, III, Vice President and Secretary, Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302.

The Applicant proposes to provide the following recreational facilities at the project: the Auxiliary Recreation Pool I area would include a visitors center, a beach complex with bathhouse and playground, a picnic and day use area, two tent/trailer campgrounds with walk-in sites, and a boat launch and rental area; the Auxiliary Recreation Pool II area would include one boat launch and a day use and picnic area; and a mountaintop complex area would include hiking trails, an energy interpretation exhibit, and a picnic area.

Anyone desiring to be heard or to make any protest about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (Rules), 18 CFR § 1.10 or § 1.8 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules. Any protest or petition to intervene must be filed on or before March 12, 1979. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3958 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-88]

GEORGIA POWER CO.

Order Accepting for Filing, Suspending Proposed Rate Increase and Establishing Procedures

JANUARY 30, 1979.

On December 1, 1978, Georgia Power Company (GPC) tendered for filing a proposed rate increase for service to its two full requirements and three partial requirements customers.[1] The tendered rates would result in increased revenues of $45,209 (4.0%) to the full requirements customers and $8,342,979 (3.7%) to the partial requirements customers over the rate presently in effect, subject to refund, in Docket No. ER78-166. The proposed rates are based on a test period consisting of the twelve months ending December 31, 1979.

Notice of the instant filing was issued on December 21, 1978, with responses due on or before December 29, 1978. On December 28, 1978, Oglethorpe Power Corporation (OPC), formerly Oglethorpe Electric Membership Corporation (OEMC) filed a protest and petition to intervene, delineating a number of cost of service and rate design allegations. In addition, the customer moves for summary dis-

[1] *See* Attachment.

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position of the Company's use of the superseded 48% Federal increase tax rate (rather than the currently effective 46% rate), requesting that GPC be required to file revised rates to reflect the 46% figure.

OPC also requests that the filing be rejected for the failure of its variable operation and maintenance (variable O&M) expense recovery provision to comply with Commission regulations. Should the Commission decline to reject the filing, OPC requests that the proposed rates be suspended for the full statutory period.

On December 29, 1978, Municipal Electric Authority of Georgia (MEAG) filed a protest and petition to intervene in which it specifies numerous objections to the Company's cost of service. In particular, MEAG contends that GPC's capital structure reflects improper treatment of Accumulated Deferred Investment Tax Credit (ADITC) in contravention of the Commission's decision in *Carolina Power and Light Company.*[2] MEAG requests that the Commission suspend the proposed rates for five months and set the case for hearing.

The City of Dalton (Dalton), on December 13, 1978, filed a petition to intervene, based on the direct and substantial interest as customer of GPC and a protest, requesting a five month suspension period.[3]

The December 1 filing proposed a February 1, 1979 effective date. However, on January 12, 1979, the Company submitted "Georgia Power Company's request That Certain Action Be Taken And Conditional Request For Revised Effective Date". In this submittal, GPC requests, subject to Commission action in Docket No. ER78-166 (GPC's last rate filing), that we grant OPC, MEAG and Dalton intervention, set the case for hearing and suspend the effectiveness of the rates until July 1, 1978.[4] GPC requests that the Commission issue an order in Docket No. ER78-166 approving the settlement agreement and issue an order in the related dockets, EL78-40, EL78-42, and ER79-22, terminating those proceedings.

We note that GPC's case-in-chief includes an allocation of a portion of Liquid Metal Fast Breeder Reactor (LMFBR) research contributions and Electric Power Research Institute (EPRI) contributions to the resale cost of service. Such allocations have been determined to be improper. These contributions are voluntary and are made on the basis of retail sales. Moreover, many wholesale customers make contributions to LMFBR and EPRI on the basis of their retail sales. Accordingly, we shall summarily dispose of the allocation to resale cost of service of contributions to LMFBR and EPRI.[5]

GPC's filing also includes a number of other items which may be disposed of summarily. The Company's use of the superseded 48% Federal income tax rate, rather than the 46% rate, is improper and is hereby disposed of summarily.[6] The Company's inclusion of ADITC in its capital structure is likewise contrary to established Commission policy and we shall grant summary disposition of this issue as well.[7]

GPC shall be required to file within 60 days revised rates and accompanying cost support which incorporates the current 46% tax rate and which excludes the cost of contributions to LMFBR and EPRI and removes ADITC from the capital structure. The cost of refiling shall be included in the Company's Account No. 426.5, in accordance with 18 CFR Part 101. This expense should not be borne by the ratepayers. The Company could and should have known prior to tender of its filing that the Federal income tax rate had been changed from 48% to 46% effective January 1, 1979 (prior to the Company's requested effective date), and the 46% figure should have been incorporated in the Company's filing in the first instance. Since reflecting our determinations on EPRI, LMFBR and ADITC in the revised filing will add little, if at all, to the cost of refiling to incorporate the proper FIT rate, the entire cost of refiling is to be included in Account No. 426.5.

Our review indicates that the rates filed by GPC have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will accept the submittal for filing and suspend the proposed rates for five months, to become effective July 1, 1979, subject to refund. In view of the fact that our analysis indicates that a five month suspension period is warranted in this case, it shall be unnecessary to respond to the Company's conditional request for a five month suspension of the effectiveness of its proposed rates and to its request for action in Docket Nos. ER78-166, EL78-40, EL78-42, and ER79-22.

The Commission orders:

(A) The rates proposed by Goeorgia Power Company are hereby accepted for filing, as conditioned herein, and are suspended for five months, to become effective as of July 1, 1979, subject to refund.

(B) The petitioners, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia and the City of Dalton are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation by such intervenors shall be limited to matters set forth in their petition to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Georgia Power Company shall file within 60 days revised rates and accompanying cost support (1) incorporating the 46% federal income tax rate; (2) excluding the cost of LMFBR research and EPRI contributions; and (3) removing ADITC from the capital structure. The cost of refiling shall be included in Accounts No. 426.5.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulation Commission by Section 402(a) of the DOE Act and by the Federal Power Act, particularly Sections 205, 206, 301, 307, 308 and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposesd by the Philadelphia Electric Company in this proceeding.

(E) Oglethorpe Power Company's motion for rejection of the filing is hereby denied.

(F) The Staff shall prepare and serve top sheets on all parties on or before 90 days after the date of issuance of this order.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT

Full Requirements Customers: City of Hampton, City of Acworth.
Partial Requirements Customers: Municipal Electric Authority of Georgia, Oglethorpe Power Corporation, and City of Dalton.

* * * * *

GEORGIA POWER COMPANY

Filed: December 1, 1978.

Effective: February 1, 1979, subject to refund, Docket No. ER79-88.

FPC ELECTRIC TARIFF

Original Volume No. 1, (Full Requirements Service)

Revised Sheets: 7th Revised Sheet No. 23, 8th Revised Sheet No. 24, 2nd Revised Sheet No. 24-A.
Superseded Sheets: 6th Revised Sheet No. 23, 6th Revised Sheet No. 24, 1st Revised Sheet No. 24-A.

FPC ELECTRIC TARIFF

Original Volume No. 2, (Partial Requirements Service)

Revised Sheets: 3rd Revised Sheet No. 4, 4th Revised Sheet No. 6, 3rd Revised Sheet No. 11.
Superseded Sheets: 2nd Revised Sheet No. 4, 3rd Revised Sheet No. 6, 2nd Revised Sheet No. 11.

[FR Doc. 79-4044 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Project No. 2725]

GEORGIA POWER CO.

Application for Approval of Exhibit R

JANUARY 25, 1979.

Take notice that an application for approval of Exhibit R (recreation plan) for Project No. 2725 was filed on December 6, 1978, by Georgia Power Co. (Applicant) pursuant to Article 35 of the project license. Project No. 2725, known as the Rocky Mountain Project, is located on Heath Creek in Floyd County, Georgia. Correspondence concerning the application should be sent to: Mr. I. S. Mitchell, III, Vice President and Secretary, Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302.

The Applicant proposes to provide the following recreational facilities at the project: the Auxiliary Recreation Pool I area would include a visitors center, a beach complex with bathhouse and playground, a picnic and day use area, two tent/trailer campgrounds with walk-in sites, and a boat launch and rental area; the Auxiliary Recreation Pool II area would include one boat launch and a day use and picnic area; and a mountaintop complex area would include hiking trails, an energy interpretation exhibit, and a picnic area.

Anyone desiring to be heard or to make any protest about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (Rules), 18 C.F.R. § 1.10 or § 1.8 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before March 12, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4045 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. IS79-2]

GULF CENTRAL PIPELINE CO.

Extension of Time

JANUARY 30, 1979.

On December 18, 1978, the Oil Pipeline Board issued an order instituting an investigation of and suspending a rate increase sought by Gulf Central Pipeline Company (Gulf Central). Gulf Central filed its FERC Tariff No. 86 on November 20, 1978, seeking an increase in rates for transportation of anhydrous ammonia.

On January 8, 1979, Gulf Central filed a petition for reconsideration and vacation of the Board's December 18 order. On January 22, 1979, protestant CF Industries, Inc. filed a request for extension of time for filing a reply to Gulf Central's petition for reconsideration until February 13, 1979.[1] In a telegram filed on January 23, 1979 protestant CF Industries states that Gulf Central does not object to the requested extension.

Accordingly, since the Commission has received no objections to the request for extension, and for good cause shown, the time within which parties must file a reply to Gulf Central's petition for reconsideration is extended to February 13, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4046 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. ID-1713]

W. W. HANCOCK, JR.

Filing

JANUARY 31, 1979.

Take notice that on January 2, 1979, W. W. Hancock, Jr., (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following position:

Director, Louisville Gas and Electric Company (Public Utility)

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4034 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-144]

KANSAS CITY POWER & LIGHT CO.

Filing of Proposed Service Schedule

JANUARY 25, 1979.

Take notice that on January 11, 1979, Kansas City Power & Light Company (KCPL) tendered for filing a proposed Service Schedule G-MPA for System Participation Power Service between KCPL and City of Garnett, Kansas. KCPL requests an effective date of June 1, 1978. The proposed Service Schedule G-MPA adds System Participation Power to the Municipal Participation Agreement (KCPL's Rate Schedule No. 78).

KCPL states that the proposed rates are KCPL's rates and charges for similar service under schedule previously filed by KCPL with the Federal Energy Regulatory Commission.

[2] Opinion No. 19, issued August 2, 1978.

[3] On December 27, 1978, the City of Hampton also filed a protest against the proposed rate increase.

[4] The rates proposed in Docket No. ER78-166, filed December 30, 1977, went into effect on July 1, 1978, subject to refund. Prior to the commencement of a hearing in that case, MEAG and OPC filed complaints with the Commission (Docket Nos. EL78-40, EL78-42) challenging GPC's method of billing and recovering variable O&M expenses. GPC responded to MEAG's complaint, filing a revised tariff sheet in alleged satisfaction of the complaint (Docket No. ER79-22). Subsequently, GPC, OPC, MEAG and Dalton filed a joint motion requesting that the Commission defer action in Docket No. ER79-22, indicating that the parties were engaged in serious settlement negotiations which they believed would be jeopardized by any Commission action. We granted the joint motion and, on January 5, 1979, a settlement agreement and motion for certification were filed with the Presiding Administrative Law Judge in Docket No. ER78-166. On January 9, 1978, the Judge certified the settlement agreement to the Commission.

[5] *See, e.g. Carolina Power and Light Company,* Opinion No. 19, August 2, 1978; *Connecticut Light and Power Company,* Docket No. ER77-517, Order issued August 31, 1978, Order On Rehearing issued November 22, 1978.

[6] *See, e.g. Metropolitan Edison Company,* Docket No. ER79-58, issued January 12, 1979.

[7] *See Carolina,* supra note 4.

[1] According to 49 CFR § 1100.200(b), replies to Gulf Central's petition for reconsideration would have been due on January 29, 1979, twenty days after filing.

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Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4047 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-144]

KANSAS CITY POWER & LIGHT CO.

Filing of Proposed Service Schedule

JANUARY 25, 1979.

Take notice that on January 11, 1979, Kansas City Power & Light Company (KCPL) tendered for filing a proposed Service Schedule G-MPA for System Participation Power Service between KCPL and City of Garnett, Kansas. KCPL requests an effective date of June 1, 1978. The proposed Service Schedule G-MPA adds System Participation Power to the Municipal Participation Agreement (KCPL's Rate Schedule No. 78).

KCPL states that the proposed rates are KCPL's rates and charges for similar service under schedule previously filed by KCPL with the Federal Energy Regulatory Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3959 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. OR79-3]

LAKEHEAD PIPE LINE CO.

Order Instituting Section 15(7) Investigation and Establishing Procedures

JANUARY 30, 1979.

Lakehead Pipe Line Company (Lakehead), is a wholly-owned United States subsidiary of Interprovincial Pipe Line Limited (IPL), a Canadian oil pipeline corporation. Lakehead owns and operates crude oil trunk pipelines in the States of Illinois, Indiana, Michigan, Minnesota, New York, North Dakota, and Wisconsin, which extend from a connection with IPL at the Canadian Boundary near Neche, North Dakota, via Superior, Wisconsin, Straits of Mackinac and Bay City, Michigan, to the Canadian Boundary on the St. Clair River between Port Huron, Michigan and Sarnia, Ontario. Lakehead's pipeline in the continental United States starts again at the Canadian Boundary near Niagara Falls, New York, and extends to the Mobil Oil Refinery at Buffalo, New York. Another pipeline starts at Superior, Wisconsin and extends southeasterly at Griffith, Indiana; thence northeasterly to St. Clair, Michigan, where it connects with IPL.

Lakehead currently has seven tariffs on file with the FERC and in effect for service in the United States.[1] Review and consideration of these tariffs indicates that the rates, fares, charges, classifications, regulations or practices contained therein may be unjust and unreasonable. Therefore, an investigation pursuant to Section 15(7) of the Interstate Commerce Act (49 U.S.C.) should be instituted for the purpose of determining their justness and reasonableness.

In order to aid in the determination of the reasonableness of the proposed rates, the Commission shall require Lakehead to submit a schedule setting forth net original cost investment, with details. Appropriate working capital may be included in rate base. Lakehead may propose an appropriate rate of return for this rate base.

The Commission orders:

(A) The Commission hereby institutes an investigation pursuant to Section 15(7) of the Interstate Commerce Act into the justness and reasonableness of Lakehead's F.E.R.C. Tariff Nos. 20-26.

[1] F.E.R.C. Tariff Nos. 20-26.

(B) Within 45 days of the date of issuance of this order, Lakehead shall file its direct case supporting the justness and reasonableness of the rates, charges and terms and conditions of service contained in its F.E.R.C. Tariff Nos. 20-26. In addition, Lakehead shall submit a schedule setting forth net original cost investment, with details. Appropriate working capital may be included in rate base. Lakehead may propose an appropriate rate of return for this rate base.

(C) Within 90 days of the date of service of Lakehead's direct case, Staff shall serve its top sheets on all parties to this proceeding.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose shall convene a settlement conference in this proceeding to be held within 15 days after the service of top sheets by Staff, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule on all motions as provided for in the rules of practice and procedure. (49 CFR Part 1100.66)

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4048 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket Nos. RP75-96 and RP76-100]

MICHIGAN WISCONSIN PIPE LINE CO.

Tariff Changes Pursuant To Order Approving Stipulation and Agreements

JANUARY 31, 1979.

On December 29, 1978, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing revised tariff sheets to its F.P.C. Gas Tariff, Second Revised Volume No. 1, to be effective November 1, 1976 as follows:

Thirteenth Revised Sheet No. 12
Interim Second Revised Sheet No. 27C
Original Sheet No. 27C(i)
Interim Second Revised Sheet No. 27D
Interim First Revised Sheet No. 27E(ii)

Michigan Wisconsin states that these tariff sheets are filed in accordance with Article V and Article VIII of the Stipulation and Agreement at Docket No. RP76-100. Michigan Wisconsin further states that copies of the filing have been mailed to its customers and all interested parties in Docket Nos. RP75-96 and RP76-100.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4049 Filed 2-5-79; 8:45 am]

[6450-01—M]

[Docket No. RP73-43 (PGA79-1 and TT79-2)]

MID LOUISIANA GAS CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheet, Subject To Conditions, and Establishing Hearing Procedures

JANUARY 30, 1979.

On December 14, 1978, Mid Louisiana Gas Company (Mid Louisiana) filed a revised tariff sheet [1] proposed to be effective February 1, 1979. The revised tariff sheet contains rates which will increase the cost of purchased gas under Rate Schedules G-1, SG-1 and I-1 by 44.58 cents per Mcf; [2] increase the cost of gas purchased from United Gas Pipe Line Company (United) under Rate Schedule E-1 by 13.29 cents per Mcf; [3] and decrease the surcharge under Rate Schedules G-1, SG-1 and I-1 by 20.5 cents per Mcf.

Public notice of the filing was issued January 24, 1979, providing for protests or petitions to intervene to be filed on or before January 29, 1979.

Mid Louisiana states that the purpose of this filing is to reflect increased purchased gas costs. Mid Louisiana's filing also reflects the net of increases and decreases in costs incurred by Mid Louisiana for transportation, storage, and compression of gas by others since settlement was agreed to in Docket No. RP77-58.

Based upon a review of Mid Louisiana's filing this Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust and unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept for filing Mid Louisiana's filing subject to conditions; grant waiver of the 30 day notice requirements and suspend its effectiveness such that it shall become effective, subject to refund, as of February 1, 1979.

Mid Louisiana's filing includes a 2.51¢ per Mcf transportation cost rate adjustment ($396,792) proposed to be effective February 1, 1979, replacing the present 1.86¢ per Mcf adjustment. [4] The transportation cost rate adjustment (2.51¢ per Mcf) was filed pursuant to Article V of Mid Louisiana's Stipulation and Agreement at Docket No. RP77-58 approved by Commission order issued October 12, 1978. Article V permits Mid Louisiana to file transportation cost rate adjustment semi-annually and concurrently with its PGA adjustments for the life of the settlement agreement.

Included within this tracking adjustment is a charge of 21.8¢ per Mcf ($262,531 per year) for the gathering, compression, and dehydration of gas by Sunbelt, a wholly owned subsidiary of Mid Louisiana. [5] The 21.8¢ per Mcf gathering, compression, and dehydration charge is for gas purchased from Louisiana Land and Exploration Company (LLE). [6] This 21.8¢ per Mcf charge for gathering, compression, and dehydration is in addition to Mid Louisiana's proposed filing request for a Section 103 price pursuant to the Natural Gas Policy Act of 1978 for the gas purchased from LLE. [7] Sunbelt entered into its gathering, compression, and dehydration contract with Mid Louisiana on July 1, 1978. To date Sunbelt, nor any other party, has sought certificate authority to perform such services.

The hearing on the lawfulness of Mid Louisiana's rates should include the following issues, among others: (1) Whether Sunbelt's operations constitute gathering operations or transportation operations; (2) Whether the Sunbelt charge is appropriately included in Mid Louisiana's transportation rate adjustment; (3) Whether Sunbelt requires certificate authorization; (4) Whether the Sunbelt charge exceeds the maximum lawful price under the Natural Gas Policy Act of 1978 and (5) Such other issues as are necessary to make a determination of the appropriate rates.

The 2.51¢ Mcf transportation cost rate adjustment also reflects proposed increased compression and dehydration costs from Grand Bay. By order issued December 28, 1978, in Docket No. RP79-15 the Commission rejected Grand Bay's proposed rate increase. Accordingly, Mid Louisiana's transportation cost rate adjustment is conditionally accepted subject to elimination of costs attributable to Grand Bay's rejected increase.

The 44.58¢ per Mcf increase in the current gas cost adjustment under Rate Schedules G-1, SG-1, and I-1 reflects producer gas costs increases pursuant to Sections 102, 103, 104, 108 and 109 of the Natural Gas Policy Act of 1978 (NGPA). In addition, Mid Louisiana has reflected costs from producer and pipeline suppliers in its current adjustment which are anticipated to become effective on or before February 1, 1979. Accordingly, we shall require Mid Lousiana to file a revised tariff sheet reflecting elimination of costs from producer and pipeline suppliers which those suppliers are not authorized to charge Mid Louisiana on or before February 1, 1979, pursuant to applicable Commission orders, the Natural Gas Act and the Regulations thereunder, and the Natural Gas Policy Act of 1978 and the Regulations thereunder.

Mid Louisiana's proposed rate increase includes an increase in the cost of gas purchased from United. United's rates have been accepted by the Commission subject to downward revisions. Accordingly, Mid Louisiana should file a revised tariff sheet reflecting the proper supplier rates of United.

The Commission orders:

(A) Subject to the conditions of Ordering Paragraphs (B), (C), (D), and (E) below, Mid Louisiana's proposed Thirty-Second Revised Sheet No. 3a to FERC Gas Tariff, First Revised Volume No. 1, is accepted for filing, suspended, and waiver of notice requirements is granted such that the filing shall become effective on February 1, 1979, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Mid Louisiana.

(C) Mid Louisiana shall file a revised tariff sheet to become effective subject to refund on February 1, 1979, reflecting elimination of costs from producer and pipeline suppliers which those suppliers are not authorized to

[1] Thirty-Second Revised Sheet No. 3a to FERC Gas Tariff, First Revised Volume No. 1.

[2] This represents approximately a 51% increase in purchased gas costs (approximately $5.575 million semi-annually). These costs are attributable mainly to increased producer prices pursuant to the Natural Gas Policy Act of 1978 and the attachment of new supplies.

[3] The cost of gas purchased from United is computed separately from other rate schedules as provided by the PGA clause.

[4] Both of these adjustments were from a base amount established in the settlement in Docket No. RP77-58.

[5] This amounts to an increase of $10,084 annually over the amount presently included in Mid Louisiana's rates.

[6] LLE was authorized in Docket No. CI78-200 to make this sale to Mid Louisiana.

[7] Presently, LLE has not made any filing with the Commission to collect this rate on an interim basis pending determination that such gas qualifies for this rate.

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charge Mid Louisiana on or before February 1, 1979, pursuant to applicable Commission orders, the Natural Gas Act and the Regulations thereunder, and the Natural Gas Policy Act of 1978 and the Regulations thereunder.

(D) Mid Louisiana shall file a revised tariff sheet to become effective subject to refund on February 1, 1979, reflecting the proper supplier rates of United and reflecting elimination of costs attributable to Grand Bay's rejected increase in compression and dehydration costs.

(E) Waiver of Section 154.63(e)(2)(i) is granted to the extent necessary to effectuate the conditions contained in Ordering Paragraphs (C) and (D) above.

(F) Mid Louisiana shall serve its case-in-chief on or before March 1, 1979.

(G) Staff shall serve its statement of position, on or before May 30, 1979.

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)) shall convene a settlement conference in this proceeding to be held within 10 days after the service of Staff's statement of position in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule on all motions (except motions to sever, consolidate, or dismiss) as provided for in the rules of practice and procedure.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4007 Filed 2-5-79; 8:45 am]

[6450-01-M]

MID LOUISIANA GAS CO.

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 26, 1979.

On January 24, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

STATE OF LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF CONSERVATION

API WELL NO. 1711121236
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 39
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 21.9 MMcf.

API WELL NO. 1711121310
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 53
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 18.2 MMcf.

API WELL NO. 1711121304
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 54
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 25.0 MMcf.

API WELL NO. 1711121552
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 62
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 40.0 MMcf.

API WELL NO. 17111211554
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 63
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 40.0 MMcf.

API WELL NO. 171121566
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 64
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 40.0 MMcf.

API WELL NO. 1711121572
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 65
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 40.0 MMcf.

API WELL NO. 1711121573
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 66
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 38.0 MMcf.

API WELL NO. 1711121571
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 67
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 36.5 MMcf.

API WELL NO. 1711121601
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 68
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 40.0 MMcf.

API WELL NO. 1711121610
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 70
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 40.0 MMcf.

API WELL NO. 1711121603
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 71
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 30.0 MMcf.

API WELL NO. 1711121604
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 72
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 40.0 MMcf.

API WELL NO. 1711121628
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Frost No. 73
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 32.8 MMcf.

API WELL NO. 1706721204
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: Miles F-113
Field: Monroe Gas Field
County: Morehouse-Louisiana
Purchaser: Mid Louisiana Gas Company
Volume: 18.3 MMcf.

API WELL NO. 1711121627
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: N/A
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 40.0 MMcf.

API WELL NO. 1711121555
Section of NGPA: 103
Operator: IMC Exploration Company
Well Name: N/A
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 38.0 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 21, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3966 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. RA79-10]

MILLTOWN SKELGAS, INC.

Extension of Time

JANUARY 26, 1979.

On January 12, 1979, Counsel for the Secretary of Energy filed a motion to dismiss the petition for review filed in this proceeding. The motion also contained a request that the time limitations for filing the record and responding to Milltown's petition be suspended pending the Commission's action on the motion to dismiss.

Upon consideration, notice is hereby given that an extension of time is granted to and including February 5, 1979, for the filing of the record in this proceeding, and for the filing of the response to Milltown's petition. The motion to dismiss will be ruled on by the Commission at a later date.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3963 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. RA79-10]

MILLTOWN SKELGAS, INC.

ORDER DESIGNATING PRESIDING OFFICER AND APPOINTING COMMISSION DESIGNEE

JANUARY 30, 1979.

On November 24, 1978 the Department of Energy (DOE) issued a final decision and order, denying in part, Milltown Skelgas, Inc.'s (Milltown) application for an exception from the Mandatory Petroleum Price Regulations.[1]

On December 28, 1978, Milltown filed a petition for review with this Commission. Section 1.40(d)(3) of the Commission's Rules of Practice and Procedure provides that upon receiving a petition for review, the Commission or its designee shall designate a presiding officer for the proceedings. The Commission, therefore, designates as a presiding officer in this proceeding, William J. Sweeney.

The Commission further appoints the Director or the Deputy Director of the Office of Opinions and Review as the Commission's designees for the purpose of designating, if necessary, another person to act temporarily as the presiding officer in this proceeding in Mr. Sweeney's absence.

[1] 10 CFR § 212.93 (1977).

By the Commission.

[FR Doc. 79-4308 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. RP71-125 (PGA-79-1)]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Purchased Gas Cost Adjustment to Rates and Charges

JANUARY 30, 1979.

Take notice that on January 19, 1979, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheet, to be effective March 1, 1979:

Thirty-seventh Revised Sheet No. 5.

The tariff sheet reflects Base Rates at the levels filed, to be effective January 1, 1979, subject to refund, under Natural's January 8, 1979, submittal in Docket No. RP78-78.

Natural states the purpose of this filing is to track producer and pipeline supplier price changes and to recover the accumulated deferred purchased gas cost as of November 30, 1978 and to recover the estimated deferred purchased gas cost resulting from NGPA increases for the period December 1, 1978 through February 28, 1979. The unit rate adjustments are computed pursuant to the provisions of Natural's Purchased Gas Cost Adjustment Clause and Commission's Order No. 18, issued December 1, 1978. The combined effect of these unit adjustments results in an increase in Natural's cumulative PGA adjustment of 23.09¢ per Mcf.

Copies of the filing have been mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4009 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-152]

NEVADA POWER CO.

Interconnection Agreement

JANUARY 31, 1979.

Take notice that on January 18, 1979, Nevada Power Company (NPC) tendered for filing an Interconnection Agreement between it and the Public Service Company of New Mexico (PNM) dated December 28, 1978. NPC states that the primary purpose of this Interconnection Agreement is to provide for pooling and the exchange of generating capacity and energy between the electric systems of the parties.

NPC further states that service may be provided under three Service Schedules:

1. Service Schedule A—Emergency Assistance.
2. Service Schedule B—Economy Energy Interchange.
3. Service Schedule C—Banked Energy.

NPC requests an effective date of December 28, 1978, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon NPC's jurisdictional customer, CP National, and upon the Public Service Commissions of the State of Nevada and the State of New Mexico, according to NPC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1979.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4010 Filed 2-5-79; 8:45 am]

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[6450-01-M]

[Docket Nos. ER79-92 and ER79-93]

NEW ENGLAND POWER CO.

Order Accepting for Filing and Suspending Proposed Rates, Providing for Hearing, Granting Summary Judgment, Granting Interventions and Consolidating Proceedings.

JANUARY 30, 1979.

On December 1, 1979, the New England Power Company (NEP) submitted for filing a proposed increase to its wholesale customers which results in increased revenues of $1,241,702 for the twelve month test period ending December 31, 1979.[1] The proposed increase for service under rate W-1 (full requirement service) consists of a $1,143,122 (0.21%) increase to three affiliates and seven non-affiliates under the primary rate. In addition, NEP proposes a $98,580 (.45%) increase to twenty-two customers under the CD rate (Contract Demand partial requirements service).[2] NEP requests an effective date of February 1, 1979 for both rates and a one day suspension.

This filing also includes (1) an amendment revising the tariff late payment provisions, (2) an update of the Narragansett Electric Company (Narragansett) service agreement to reflect present service conditions, and (3) an amendment to the Massachusetts Electric Co. (Masselec) service agreement providing for revised facility charges for transmission an switching facilities provided beyond the standard delivery point.

On December 1, 1978, NEP also tendered for filing an amendment to the Service Agreement between NEP and its affiliate, Narragansett.[3] NEP states that the amendment is the result of an annual review of its integrated facilities agreement under which Narragansett's generation and transmission facilities are made available to NEP and are paid for by means of monthly credits ("G" and "T" credits) on the purchased power bill which NEP renders Narragansett. The amendment, which was signed by representatives of both NEP and Narragansett, will reduce the credits allowed Narragansett by approximately $330,850 annually. Additionally, NEP has submitted a proposed billing revision which provides that operating costs pertaining to the Narragansett transmission facilities will be credited monthly on an estimated basis, subject to corrective adjustment when actual monthly costs become known. NEP requests that its revisions become effective February 1, 1979.

Notice of the filings in Docket Nos. ER79-92 and ER79-93 were issued on December 15, 1978 and December 12, 1978, respectively, with responses due on or before December 29, 1978.

ER79-92.

On December 29, 1978, the NEPCO Customer Rate Committee, NEP Municipal Customers,[4] Manchester Electric Company and New Hampshire Electric Cooperative (collectively referred to as "Customers") filed a Protest, Petition to Intervene and Motion for Summary Judgment in Docket No. ER79-92.

In their Petition, Customers seek intervention as purchasers of wholesale energy under the CD service tariff or the W-1 rate. In addition, customers request the Commission to suspend the proposed increase for the full five month period. In support of this request, Customers submit that if the Commission upholds the Initial Decisions in Docket No. ER76-304 ("R-10") and Docket No. ER77-97. ("R-11"), NEP's proposed increase cannot be justified. Customers also allege that the rate currently in effect ("R-12") is more than compensatory and is, in fact, allowing NEP an unjustifiably high rate of return. In addition, Customers raise several cost of service and cost allocation issues, including an allegation that the proposed increase is greater for the CD-class. According to Customers, this discrepancy stems from NEP's improper assumption that all CD customers are using their full entitlement each month. These issues should be decided on the basis of a record established at a full evidentiary hearing and will not be disposed of here. We note some issues may be ripe for summary judgment if the Commission issues an Opinion in R-10 before the commencement of the hearing in this proceeding.

Finally, Customers move for summary judgment of NEP's inclusion of its Electric Power Reserach Institute (EPRI) and Liquid Metal Fast Breeder Reactor (LMFBR) contributions in its cost of service to wholesale customers, citing the Commission's summary disposition of this issue in *Opinion No. 19*,[5] and *Arkansas-Missouri Power Company.*[6]

ER79-93

On December 29, 1978, Customers petitioned to intervene in Docket No. ER79-93. Customers claim that NEP's filing in this docket will have a direct effect on their purchased power costs given the fact that the claimed cost of service in the W-1 filing reflects credits paid by NEP to the Narragansett Electric Company. Customers also request the Commission to consolidate Docket Nos. ER79-92 and ER79-93, pointing to common issues of law and fact appearing in both dockets. Finally, Customers request the Commission to suspend the rate for the full five months. In support of this request, customers challenge Narragansett's requested rate of return on common equity and NEP's method of calculating income taxes as reflected in the Narragansett rate.

The Attorney General of the State of Rhode Island and Rhode Island Division of Public Utilities and Carriers filed a petition to intervene in Docket No. ER79-93 on December 29, 1978. Petitioners assert that the proposed increase will adversely affect Rhode Island consumers and that such consumers will not be adequately represented by any other party to these proceedings. Petitioners request the Commission to grant intervention and suspend the proposed rates for the full five months.

We find that participation by the petitioners in this proceeding may be in the public interest.

Treatment of EPRI & LMFBR Contributions

NEP responded to Customers' petitions on January 9, 1979. In their response, the company renews its request for a minimum suspension period. Responding to Customers' motion for summary judgment, NEP argues that because of its "unique circumstances," the policy considerations articulated in *Connecticut Light & Power*, Docket No. ER78-518 would not be served by excluding its EPRI and LMFBR contributions from its wholesale customers' cost of services.[7] With respect to EPRI,[8] NEP indicates

[1] Docket NO. ER79-92.
[2] See Appendix for Designations.
[3] Docket No. ER79-93.

[4] Electrical Departments and Plants of the Massachusetts Towns and Cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hudson, Hull, Ipswich, Lettleton, Mansfield, Marblehead, Merrimak, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shrewsbury, Sterling, Templeton, Wakefield, and West Boylston, together with Littleton, New Hampshire.

[5] *Carolina Power & Light Co.*, issued August 2, 1978.
[6] Docket No. ER78-489, issued October 12, 1978.

[7] According to NEP, its EPRI contribution is computed in the following way: EPRI requests contributions from the NEES companies based upon the total retail sales of the NEES system. The total contribution to EPRI is broken down into those portions which relate to generation and transmission related R & D projects and those portions which relate to distribution projects. Since NEP is the affiliate within the holding company system responsible for the generation and transmission function, that portion of EPRI contribution related to such projects (approximately $1.4 million) is allocated entirely to NEP. NEP, in turn, allocates that expense to its wholesale customers. The retail distribution affiliates (Massachusetts Electric Company, Granite State Electric Company, and Narragansett Electric Company) are allocated the remainder of the contribution (that associated with distribution projects).

[8] NEP's total EPRI & LMFBR contribution is $1.7 million ($1.4 million and $.3 mil-

Footnotes continued on next page

that 95% of its wholesale sales are to affiliated distribution companies. As the affiliated companies are all under the direction of common management, NEP asserts that these distribution companies support and therefore "voluntarily" join in NEP's contributions to EPRI. According to NEP, this fact completely distinguishes NEP's factual situation from that described in *Connecticut Light & Power.*

With respect to NEP's non-affiliated customers, the company argues for inclusion of the EPRI contribution on the following bases: (1) non-affiliated sales are only 5% of NEP's total wholesale sales; (2) NEP's EPRI contributions relate solely to generation and transmission R & D and (3) the ultimate retail customers should not bear a different share of NEP's R & D program depending simply upon whether they are customers of a NEES affiliate or non-affiliate.

With respect to NEP's non-affiliated wholesale customers, we perceive no factual distinction which supports different treatment of EPRI and LMFBR contributions in this case from the treatment given in *Connecticut Light & Power.*[9] These non-affiliates are free to make independent contributions to these research programs and, thus, the three policy objectives outlined in *Connecticut Light & Power* would be served by exclusion of this cost item from the non-affiliates' cost of service. Accordingly, we will order summary disposition of this issue with respect to NEP's non-affiliate wholesale customers. While we desire to encourage these kinds of contributions, this result is in accordance with Commission precedent and is consistent with sound ratemaking principles.

Accordingly, we will grant summary disposition and direct NEP to refile its rates to reflect the elimination of this cost item from the CD rate and develop a credit for the non-affiliates under the W-1 rate.

Our review of the filing indicates that the proposed rates filed by NEP have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. We shall therefore suspend the proposed rates for five months and establish hearing procedures. Because of the common issues of law and fact in the two proceedings, Docket No. ER79-92 should be consolidated with Docket No. ER79-93 for hearing and all other purposes.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act, and by the Federal Power Act, particularly Sections 205, 206, 301, 307, 308 and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by the New England Power Company.

(B) Pending such hearing and decision thereon, the NEP's filings in Docket Nos. ER79-92 and ER79-93 are hereby accepted for filing as conditioned herein and suspended for five months to become effective on July 1, 1979, subject to refund.

(C) Staff shall serve top sheets in this proceeding on or before April 27, 1979.

(D) Customers' motion for summary judgment in Docket No ER79-92 is hereby granted with respect to the treatment of EPRI and LMFBR expense for the non-affiliated customers.

(E) Docket Nos. ER79-92 and ER79-93 are hereby consolidated for the purposes of investigation, hearing and decision.

(F) Petitioners NEPCO Customer Rate Committee, NEP Municipal Customers, Manchester Electric Company and New Hampshire Electric Cooperative are hereby permitted to intervene subject to the Rules and Regulations of the Commission: *Provided, however,* that the participation of these intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* that the admission of these intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(G) Within sixty (60) days of the issuance of this order, NEP is ordered to refile its CD rate to reflect the exclusion of the EPRI and LMFBR cost item and to submit a statement of its credit calculations with respect to the exclusion of the same cost item for its non-affiliate customers under the W-1 rate.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

NEW ENGLAND POWER COMPANY

[Docket No. ER79-92]

Designation under FPC Electric Tariff Original Vol. No. 1.
Filed: December 1, 1978 (Tariff Rate W-1 superseding Rate R-12).

(A) *Schedule I:*
Third Revised Page No. 8 (Supersedes Second Revised Page No. 8).
Third Revised Page No. 9 (Supersedes Second Revised Page No. 9).

(B) *Schedule II-A:*
Tenth Revised Page No. 1 (Supersedes Ninth Revised Page No. 1).
Eleventh Revised Page No. 2 (Supersedes Tenth Revised Page No. 2).

(C) *Schedule II-CD:*
Fourth Revised Page No. 1 (Supersedes Third Revised Page No. 1).
Fifth Revised Page No. 2 (Supersedes Fifth Revised Page No. 2).

The above designations apply to the following customers:

Massachusetts Electric.
Narragansett Electric.
Granite State Electric.
Ashburnham.
Boylston.
Danvers.
Georgetown.
Groton.
Groveland.
Hingham.
Holden.
Hull.
Ipswich.
Littleton, Mass.
Littleton, N. H., USA—Ft. Devens, Wakefield, West Boylston.
Manchester Electric.
Mansfield.
Marblehead.
Merrimack.
Middleton.
N. H. Electric Co-op.
North Attleboro.
Paxton.
Peabody.
Princeton.
Shrewsbury.
Stamford—GMP.
Sterling.
Templeton.

Filed: December 1, 1978.

Designation	Description
New England Power Company:	
(A) Supplement to Service Agreement under FPC Electric Tariff, Orig. Vol. No. 1 (Schedule No. IV).	Described B) below
(B) First Revised Page No. 3 to Narragansett's Service Agreement under FPC Elec. Tariff, Orig. Vol. No. 1 (Schedule No. IV) (Supersedes Original Page No. 3).	Electric Utilities served by customers and Electricity purchased by customers.
Narragansett Electric Company:	
(C) Supplement No. 6 to Rate Schedule FPC No. 38 (Concurs in B) above).	Certificate of Concurrence

Footnotes continued from last page

lion for LMFBR). NEP has allocated $95,000 of its total EPRI and LMFBR expense to its non-affiliated customers.

[9] In *Connecticut*, we summarized the bases for summary disposition of this issue: The Initial Decision in *Carolina*, as affirmed in Opinion No. 19, then, disposed of the LMFBR contribution allocation on three grounds: (1) avoidance of "double contribution" by wholesale customers; (2) preservation of the *voluntary* nature of contributions; and (3) elimination of the deterrence to independent contributions by wholesale customers. Order On Rehearing, issued November 22, 1978, at 4.

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Designation	Description
New England Power Company:	
(D) Supplement to Service Agreement under FPC Electric Tariff, Orig. Vol. No. 1 (Schedule No. IV).	Describes E) below
(E) First Revised Page No. 3A to Massalec Service Agreement under FPC Electric Tariff Orig. Vol. No. 1 (Schedule No. IV) (Supersedes Original Page No. 3A).	Monthly Facilities Charges
Massachusetts Electric Company:	
(F) Rate Schedule FERC No. 52 (Concurs in E) above and Supersedes Rate Schedule FPC No. 38 as supplemented).	Certificate of Concurrence

Filed: December 1, 1978.

Designation	Description
New England Power Company:	
(A) Supplement to Service Agreement under FPC Electric Tariff, Vol. No. 1 (Schedule No. IV).	Describes B) below
(B) Fifth Revised Page No. 4 to Narraganselt Service Agreement under FPC Electric Tariff, Orig. Vol. No. 1 (Schedule No. IV) (Supersedes Fourth Revised Page No. 4).	Annual Revision of the Generation and Transmission credits
(C) Second Revised Page No. 3 Superseding First Revised Page No. 3 under FPC Electric Tariff, Orig. Vol. No. 1 (Schedule III-B).	Describes the method for determining the Generation and Transmission credits
Narragansett Electric Company:	
(D) Supplement No. 5 to Rate Schedule FPC No. 38 (Concurs in A, B, and C above and Supersedes No. 4 to Rate Schedule FPC No. 38).	Certificate of Concurrence

[FR Doc. 79-4011 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. EL78-32]

NEW YORK STATE ELECTRIC & GAS CORP.

Order Denying Petiton for Declaratory Order

JANUARY 31, 1979.

On July 20, 1978, New York State Electric & Gas Corporation (NYSE) filed a Petition for Declaratory Order. In the petition, NYSE stated that it has a certificate of public convenience and related construction plans to build a transmission line between its Barton Brook substation at Elizabethtown, New York, and a substation located at Moriah, New York, owned by Republic Steel Corporation (Republic Steel).

The Moriah substation now is operated solely to receive transmissions of energy by Niagara Mohawk Corporation (Niagara Mohawk) to Republic Steel for use in its industrial plant at Moriah. Niagara Mohawk's transmission facilities connected to the Moriah substation are interconnected with the interstate power grid.

Thus, NYSE's transmission line connection to Republic Steels's Moriah substation would interconnect NYSE with Niagara Mohawk. This line would be part of NYSE's transmission facility interconnected with the interstate power grid. The function of this interconnection would be to enable NYSE and Niagara Mohawk to exchange energy through the Moriah substation. According to petitioner, NYSE and Niagara Mohawk would have exclusive control over the operation of the transmission throughput function of the substation.

In its petition, NYSE seeks an order from the Commission declaring that Republic Steel will not become a public utility within the meaning of the Federal Power Act as a result of allowing NYSE and Niagara Mohawk to interconnect their facilities through the Moriah substation.

By letter of October 26, 1978, NYSE notified the Commission that it has postponed indefinitely its construction plans for this transmission line. However, instead of withdrawing the petition, NYSE renewed its request for the declaratory order, stating its opinion that future construction plans will be similar to those submitted. In the alternative, NYSE requested that its petition be dismissed without prejudice to a later submittal.

Although it is premature for us to issue a declaratory order at this stage, a discussion of the applicable principles may be informative to the petitioner. It appears to us that the planned interconnection at Moriah will make the substation a facility used in the transmission of power in interstate commerce and, thus, a "facility" within the meaning of subsections 201(b) & (e) of the Federal Power Act (Act). Being the owner of such a facility would make Republic Steel a "public utility" within the meaning of subsection 201(e) of the Act. Hence, Republic Steel's rates, charges, and conditions of service for transmission uses of the facility would be subject to the jurisdiction of the Commission. This conclusion is reached notwithstanding the exemption for facilities used in the local distribution of energy contained in subsection 201(e) of the Act, since the substation would no longer serve merely a local distribution function. In essence, the substation would serve as a "funnel" for energy flows at least partially generated and consumed out-of-state. *F.P.C.* v. *Florida Power & Light Co.*, 404 U.S. 452, 459 (1972)[1]

Hence, Republic Steel as owner of the Moriah substation, would be a "public utility" under Section 201 of the Act.

However, definitive consideration by the Commission by the applicability of the Federal Power Act to the interconnection envisioned in the petition should be deferred until the operational details associated with these plans become definite and all of these facts are made available to us in a new submittal. Accordingly, we shall deny the Petition For Declaratory Order, without prejudice, as untimely.

The Commission orders:

(1) NYSE's Petition For a Declaratory Order is denied, without prejudice.

(2) This docket is terminated.

(3) The Secretary shall publish promptly this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4012 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket Nos. E-7796; and E-7777 (Phase II)]

PACIFIC GAS & ELECTRIC CO.

Order Denying Stay

JANUARY 29, 1979.

On January 19, 1979, Southern California Edison Company (Edison) filed a Motion for a stay of ordering paragraphs 3, 5 and 6 of the "Order Affirming Presiding Judge on Certified Questions, Granting Motion for Consolidation, and Granting Motion to Compel Filing" issued December 28, 1978 in the above-captioned dockets.

The referenced paragraphs in the December 28 order require Edison, among others, to file certain specified and unspecified documents with the Commission within 30 days of the issuance of the order. Edison requests a stay of compliance pending resolution of Edison's application for rehearing which, Edison asserts, will be filed on or before January 26, 1979.

Edison claims that it will suffer irreparable harm for the following reasons:

"(a) Edison's application for rehearing may be thought to be moot since filings would already have been required and would have been made;

"(b) Edison will have been required to go to the substantial expense and incur the substantial expenditure of time involved in making such filing;

"(c) Edison will have been put to the risk of inadvertent noncompliance with a vague and uncertain filing requirement;

"(d) As contemplated in the said Order, such filings will result in needless and unproductive proceedings before the Presiding Administrative Law Judge on questions related to the unresolved significance of such filings and on questions of whether the substance of such filings are or are not properly the subject of hearing in these Dockets;

"(e) To the extent the subject of any such filings are or might be considered as being the subject of hearing in these Dockets, Edison, and others, will be required to devote substantial time and financial resources in preparing testimony, in discovery and in other hearing preparation in connection with these matters, most of which involve agreements now more than 10 years old. The time required to Edison in this connection will seriously prejudice Edison's preparation for hearings in these Dockets on issues which are to be heard, particularly in view of the fact that Edison was added as an active party in this Docket only about one year ago and that the issues which are the subject of this Docket are serious and substantial."

Edison also states that it believes its application for rehearing will be found to be meritorious because (a) its contract with the Los Angeles Department of Water & Power, which the Commission ordered to be filed in its December 28 order, is not subject to Section 205(c) of the Act; (b) the requirement of ordering paragraph 6, which directs the filing of "all classifications, practices, rules, regulations or contracts that in any manner affect or relate to the Pacific Intertie Agreement" greatly expands the scope of the proceeding "on the eve of hearing;" and (c) Edison and other parties were denied due process rights in being denied the opportunity to address the issue of whether certain documents affecting or relating to the Pacific Intertie Agreement are within the scope of the proceeding.

Finally, Edison asserts that no parties' interest will be adversely affected by a grant of a stay in this proceeding.

On January 25, 1979, the Commission Staff Counsel filed a Response in opposition to Edison's Motion for a stay. In essence Staff contends that Edison has not complied with the relevant legal standard in moving for a stay of the order, citing *Virginia Petroleum Jobbers Association* v. *F.P.C.*, 259 F.2d 921 (D.C. Cir. 1958) and *Washington Metropolitan Transit Commission* v. *Holiday Tours*, 559 F.2d 841 (D.C. Cir. 1977).

While the test cited in *Virginia Jobbers* 259 F.2d at 925 applies to judicial stays of Commission orders, we agree with Staff that Edison has not demonstrated that, on balance, the granting of the stay is merited.

The Commission finds that Edison has not demonstrated that it is likely to prevail on the merits. Mere contention that the December 28 order was erroneous in requiring Edison to file certain documents, without more, will not suffice as a demonstration. Moreover, Edison's claim that it had no opportunity to address the issue of whether certain documents should be filed in Docket No. E-7777 is unwarranted. Edison had the opportunity to address the issue of the relevance of the Pacific Intertie arrangements before the Presiding Judge in Docket Nos. E-7796 and E-7777 (Phase II). Also, Edison specifically responded to the comments on the Presiding Judge's certification filed by the Southern California Cities by challenging Cities' view that the "58 contracts referred to by Intervenors as the 'Pacific Intertie Arrangements'" were within the scope of Docket No. E-7777 (Phase II) proceeding.

Edison's assertion of irreparable injury is similarly unfounded. Denial of the stay does not render a rehearing moot; if the Commission reverses itself, Edison will be permitted to file a motion to withdraw it filings. Edison's contention of substantial expense is unquantified and speculative at best, and could not rightfully fit under the heading "irreparable." Edison's "risk of inadvertent noncompliance" is minimal at this stage since, as Staff notes:

> If the company fails to file an agreement which the Judge determines, after argument on the issue, falls within the wording of paragraph (6), the Companies can simply file the agreements at that time without risk of penalty or prejudice.

The fact that the inclusion of the required filings may cause Edison and others to devote additional time and effort to their preparation for hearing was considered by the Commission in reaching its conclusion in the December 28 order.

Staff claims that it will be harmed by the grant of a stay because it "would virtually halt the proceedings." We believe that the additional delay that would result from a stay would not be justified in a proceeding which has already been fraught with substantial delay.

Finally, the public interest favors the denial of the request for a stay. Given the age of this docket, the failure of Edison to make a substantial showing of success on the merits, the failure of Edison to demonstrate irreparable harm, and the possibility of harm to Staff and Intervenors through further delay, we do not believe that the public interest would be served in staying this proceeding at this time.

The Commission orders:

(A) The request of Southern California Edison Company for a Stay of ordering paragraphs 3, 5 and 6 of the December 28, 1978 order in this docket is hereby denied.

(b) The Secretry shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4013 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Project Nos. 935 and 2791]

PACIFIC POWER & LIGHT CO. AND CLARK-COWLITZ JOINT OPERATING AGENCY

Granting Petitions To Intervene

JANUARY 25, 1979.

Pacific Power and Light Company (PP&L) filed an application on May 5, 1976, for a new long-term license to continue operating the constructed Merwin Project, designated Project No. 935. Notice of the application was issued on August 20, 1976.

On February 18, 1977, Clark-Cowlitz Joint Operating Agency (CCJOA) filed a competing application for a new major license to operate the Merwin Project, designated Project No. 2791. Notice of the application was issued On May 11, 1978.

Additional petitions to intervene in Project No. 2791 have been filed by the Department of Ecology of the State of Washington on October 24, 1978, and the U.S. National Marine Fisheries Service on October 5, 1978. No objections have been received to the grant of these petitions.

Orders issued December 20, 1976, February 18, 1977, and October 18, 1978 granted interventions to parties and consolidated both applications for the purpose of future proceedings. Thus, PP&L and CCJOA are competing applicants and all intervenors are parties within the consolidated proceeding.

Pursuant to § 3.5(a) of the Commission's Rules of Practice and Procedure (Rules), 18 CFR § 3.5(a) (as amended) the above petitioners are permitted to intervene in this consolidated proceeding subject to the Commission's Rules. Participation of the intervenors shall be limited to matters affecting their asserted rights and interests specifically set forth in their respective peti-

[1] The Court in *Florida Power & Light, Id.* at p. 458, noted the ease of resolution of the jurisdictional question where an intermediate company in the interstate transmission of energy serves as "no more than a funnel." For this point the Court cited *Jersey Central Power & Light Co.* v. *F.P.C.* 319 U.S. 61 (1943), in which the underlying principle of federal jurisdiction was stated as the avoidance of the fixing of costs for interstate transmission and of wholesale sales in interstate commerce "prior to the incidence of federal regulation and federal rate control." *Id* at pp. 71-72. This principle applies equally well here, lest Republic Steel set rates for electricity transmitted in interstate commerce without prior scrutiny by us, as required under the Act.

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tions to intervene. Admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order entered in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3960 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket Nos. E-7796 and E-7777 (Phase II)]

PACIFIC GAS & ELECTRIC CO.

Extension of Time

JANUARY 29, 1979.

On January 19, 1979, motions were filed by Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (Edison) for extensions of time to comply with Ordering Paragraph (6) of the Commission's order of December 28, 1978 in these proceedings. Both motions state that making a determination of what documents to file in compliance with the Commission's order has been difficult and additional time is needed. Edison has also filed a motion for stay of Order in Paragraphs (3), (5) and (6). This motion has been denied by order issued January 29, 1979.

Upon consideration, notice is hereby given that an extension of time is granted to and including February 12, 1979, for all parties to comply with Ordering Paragraph (6) of the Commission's December 28, 1978 order.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4014 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-151]

PACIFIC POWER & LIGHT

Filing

JANUARY 31, 1979.

Take notice that Pacific Power & Light Company (Pacific) on January 15, 1979, tendered for filing, in accordance with Section 35.13 of the Commission's Regulations, its periodic revisions of Exhibits A and B to the Interconnections and Transmission Service Agreement between Pacific and the United States of America, Western Area Power Administration (WAPA), Contract No. 14-16-400-2437. Pacific states that these exhibits are to supersede Supplement No. 9 to Supplement No. 3 to Pacific Power & Light Company Rate Schedule FPC No. 45.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective January 1, 1979, which it claims is the date of commencement of service.

According to Pacific copies of this filing were supplied to WAPA.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4015 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. OR78-6]

POWDER RIVER PIPELINE CORP. AND THE CRUDE CO., COMPLAINANTS VERSUS AMOCO PIPELINE CO., DEFENDANT

Order Granting Severance of Issue on Damages

JANUARY 31, 1979.

The Complainants, Powder River Pipeline Corporation (Powder River) and the Crude Company (TCC), filed a motion for separate Hearing on Issue of Damages on October 12, 1978, in which the allegations of the complaint in this action were set forth in detail. They ask that the damages issue be severed and deferred until after the Commission determines the merits of their liability claim.[1] This action was filed pursuant to the provisions of the Interstate Commerce Act (the Act) at 49 U.S.C. § 1 *et seq.* On October 24, 1978, the Amoco Pipeline Company defendant herein, filed a motion in support of the Complainants' October 12, 1978 pleading.

It is alleged herein that the Amoco Pipeline Company, a common carrier pipeline, violated Sections 1(4) and 3(1) of the Act, 49 U.S.C. §§ 1(4), 3(1) (1970), by implementing a prorationing scheme at one pipeline terminal. This act allegedly resulted in defendant's failure "to provide and furnish transportation upon reasonable request therefor" and allegedly caused an "undue preference or advantage" to complainants' competitors while subjecting complainants to "undue (and) unreasonable prejudice or disadvantage."

Complainants argue that a large number of witnesses and a substantial number of documents, photographs and detailed testimony are required to be presented as evidence solely on the damage issue. Further, they state that some of this testimony is subject to protective orders entered by the United States District Court for the District of Colorado in a separate proceeding presently before that tribunal.

In light of the foregoing, and in consideration of the lack of identity of issues, it is the determination of this Commission that a severance would simplify the issues and expedite disposition of the proceedings. Accordingly we shall grant Complainant's request to sever the issue of damages as hereinafter ordered and conditioned.

The Commission orders:

The issue of damages in this proceeding is severed and deferred pending a resolution by the Commission by final order of the merits of the Complainants' liability claim.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4016 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Project No. 2149]

PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON

Application for Approval of Easement

JANUARY 25, 1979.

Take notice that on October 13, 1978, the Public Utility District No. 1 of Douglas County, Washington, filed with the Federal Energy Regulatory Commission an application for approval of an easement over the lands of the Wells Project, FERC No. 2149. The easement would be granted near the Okanogan River, in the vicinity of Monse, Okanogan County, Washington. Copies of correspondence on this proposal should be sent to: Jeffers and Danielson, P.S., Attorneys-at-Law, Box 1688, Wenatchee, Washington 98801.

The application seeks Commission approval of an easement that would allow the Washington Department of Natural Resources to construct a pumping plant to pump water (24 cfs) from the Wells Reservoir across project lands to adjacent state-owned lands for the irrigation of those lands. The pumping plant would occupy about one-eighth of an acre of project shoreline lands on the river's west bank about 1¾ miles upstream of Monse.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before March 12, 1979. The Commission's address is: 825 N. Capitol Street, NE., Washington, D.C. 20426.

The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3961 Filed 2-5-79; 8:45 am]

[1] On November 6, 1978 the Secretary deferred the procedural dates for the damages issue pending Commission action on Complainants' October 12, 1978 pleading. On November 11, the Complainants' case-in-chief on liability issues was filed. Amoco Pipeline Company filed its case-in-chief on issues of liability on December 29, 1978.

[6450-01-M]

[Docket No. RA79-5]

SABRE REFINING, INC.

Order Designating Presiding Officer and Appointing Commission Designee

JANUARY 30, 1979.

On November 3, 1978, the Department of Energy (DOE) issued a final decision and order, denying in part, Sabre Refining, Inc.'s (Sabre) application for an exception from the Mandatory Petroleum Allocation Regulations.[1]

On January 8, 1979, Sabre filed a petition for review with this Commission. Section 1.40(d)(3) of the Commission's Rules of Practice and Procedure provides that upon receiving a petition for review, the Commission or its designee shall designate a presiding officer for the proceedings. The Commission, therefore, designates as a presiding officer in this proceeding, Robert M. O'Mahoney.

The Commission further appoints the Director or the Deputy Director of the Office of Opinions and Review as the Commission's designees for the purpose of designating, if necessary, another person to act temporarily as the presiding officer in this proceeding in Mr. O'Mahoney's absence.

By the Commission:

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4017 Filed 2-5-79; 8:45 am]

[1] 10CFR 211.67 (1977).

[6450-01-M]

[Docket No. CP67-337 etc.]

SOUTH TEXAS NATURAL GAS GATHERING CO., ET AL.

Notice of Change of Date of Informal Conference

JANUARY 30, 1979.

South Texas Natural Gas Gathering Co., Docket No. CP67-337; South Texas Natural Gas Gathering Co., Docket No. CP77-18; Coastal States Gas Producing Co., Docket No. CI 77-278; Coastal States Gas Producing Co., Docket No. CI77-311.

By Notice issued on January 18, 1979, an informal conference was scheduled to be held on February 7, 1979, with respect to certain matters and problems that are the outgrowth of the applications and other related filings that have ben submitted by the parties to the above-styled proceedings.

Counsel for certain of the parties have advised that they would be unable to attend the conference scheduled for February 7, 1979, and have requested that an alternative date for the conference be set. All of the parties have been contacted on this matter and are agreeable to convening the conference on March 13, 1979.

Accordingly, the conference that was scheduled to be held on February 7, 1979, in the above-styled proceedings will be held on March 13, 1979, in Room No. 3401, at the Offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. (North Building), Washington, D.C. 20426 at 11:30 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4018 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-133]

SOUTHERN CAROLINA ELECTRIC & GAS CO.

Notice of Filing

JANUARY 30, 1979.

Take notice that South Carolina Electric & Gas Company (SCE&G) on January 9, 1979, tendered for filing a notice of cancellation of the contract between SCE&G and Georgia Power, dated October 31, 1963 and designated Rate Schedule FPC No. 13.

SCE&G indicates that a copy of this filing has been served upon Georgia Power.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4019 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. RP79-7]

SOUTHERN NATURAL GAS CO.

Notice Granting Intervention

JANUARY 31, 1979.

On October 31, 1978, Southern Natural Gas Company filed revised tariff sheets requesting a rate increase. Public notice of Southern's October 31, 1978, filing was issued on November 8, 1978, providing for protests or petitions to intervene to be filed on or before November 20, 1978.

Timely petitions to intervene have been filed by Vicksburg Water and Gas Administration, Atlantic Gas Light Company, Florida Gas Transmission Company, Alabama Gas Corporation, Chattanooga Gas Company, Carolina Pipeline Company, Gas Section of the Georgia Municipal Association, and the Board of Water, Light and Sinking Fund Commissions of the City of Dalton, Georgia. Late petitions to intervene were filed by Korf Industries, Inc., and Georgia Industrial Group. Mississippi Public Service Commission, Alabama Public Service Commission, and Georgia Public Service Commission filed notices in intervention. These petitioners have demonstrated an interest in this proceeding warranting their participation. Inasmuch as no delay will result, good cause exists to grant late-filed petitions.

The above-named petitioners[1] are hereby granted intervention in this proceeding subject to the Commission's Rules and Regulations; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and, *Provided, further* that the admission of said intervenors shall not be construed as recognition by the Commission that

[1] [By order in this docket issued November 30, 1978, the Commission granted intervention to Mississippi Valley Gas Company, Alabama Municipal Distributors Group, Gas Light Company of Columbus[0] and South Carolina Electric [&] Gas Company

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they might be aggrieved because of any order of the Commission entered in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4020 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. CI77-298]

TENNECO INC., AMOCO PRODUCTION CO. ET AL.

Order Suspending Proceeding

JANUARY 29, 1979.

By order issued March 8, 1977, the Commission[1] instituted an investigation into certain matters raised in the February 28, 1977, "Petition of Tenneco Inc. for Declaratory Order." In that petition, Tenneco Inc. (Tenneco) requested that the Commission issue a declaratory order resolving alleged uncertainties as to whether the necessary authority had been obtained under the Natural Gas Act by independent producers in connection with the release of natural gas from acreage or reservoirs under contract to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) in order to sell that gas to Channel Industries Gas Company (Channel). Channel is a subsidiary of Tenneco Inc.

On March 18, 1977, and July 1, 1977, Tenneco filed supplements to its petition in which it provided additional information on certain fields already discussed in its original petition and provided information concerning additional fields unmentioned in the initial filing. By orders issued April 4, 1977, and July 25, 1977, the Commission directed the additional, named affected producers to file responses to the matters raised in the petition as supplemented.

By Order Setting Investigation for Hearing and Granting Interventions, issued June 6, 1977, the Federal Power Commission made the twenty-one "affected producers" identified in the Tennessee filings respondents to the instant proceeding. By late orders, the Commission added additional respondents.

From May 16 to May 26, 1978, eight days of hearings were held. Settlement negotiations began early in July, and on December 19, 1978, the parties reported to the administrative law judge that some progress toward a settlement agreement had been made. The judge ordered the parties to report back again on their settlement negotiations on January 31, 1979.

In Docket No. IN79-3, concurrently with the issuance of this order, the Commission is issuing an Order Directing Private Investigation and Designating Officers to Conduct the Investigation, which institutes a private investigation into matters concerning possible violations of the Natural Gas Act and the rules and regulations promulgated thereunder, involving Tennessee and Channel, as well as the respondents in the instant proceeding. All matters under consideration in the instant investigation, including the issues relating to producer authority, are being included within the scope of the investigation in Docket No. IN79-3 since the same transactions are common to both investigations. The investigation docketed as Docket No. IN79-3 will be conducted under the Rules Relating to Investigations.

We do not believe it would be practical or appropriate to continue the instant investigation as an ongoing administrative proceeding while handling the related investigation in Docket No. IN79-3 under the Rules Relating to Investigations, and therefore the proceeding in Docket No. CI77-298 should be suspended pending further Commission order in Docket No. CI77-298. The investigation concerning Tennessee and Channel which is docketed as Docket No. IN79-3 must, of necessity, concern itself with the transactions involved in Docket No. CI77-298 since the natural gas ultimately purchased by Channel from the producers involved in this case was released by Tennessee. Thus, if both investigations were to be pursued simultaneously, we would immediately be faced with the problems of deciding which issues should be resolved in each proceeding and of avoiding the possibility of inconsistent results in these two proceedings concerning the same transactions. Since the subject matter of these investigations is so intimately intertwined, we do not believe it can properly be separated.

Moreover, maintaining dual investigations into the same transactions and related matters would result in a needless duplication of staff effort and would constitute an inefficient use of the Commission's resources. Rather than requiring separate investigations to be pursued under separate procedures, we believe it is more expeditious to focus staff efforts into one comprehensive investigation.

Such an investigation, to be conducted in Docket No. IN79-3 under our Rules Relating to Investigations, will enable the staff to develop a complete picture of the situation surrounding the transfers involved herein and will allow all further Commission decisions concerning these matters to be made on the basis of a unified record.

The Commission finds:

For the reasons set forth above, the instant proceeding should be suspended until further order of the Commission.

The Commission orders:

The proceeding in Docket No. CI77-298 is hereby suspended until further order of the Commission.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4021 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. RP79-21]

TENNESSEE NATURAL GAS LINES, INC.

Order Accepting for Filing and Suspending Proposed Rate Increase, Accepting Without Suspension Certain Changes to Tariff Provisions, Granting Waiver Subject to Conditions, And Establishing Hearing Procedures

JANUARY 30, 1979.

On December 28, 1978, Tennessee Natural Gas Lines, Inc. (TNGL) tendered for filing revised tariff sheets[1] proposed to be effective February 1, 1979, which would increase its annual jurisdictional revenues by $1,125,525 or about 2.97% above its presently effective base tariff rates. The tendered revised tariff sheets also modify the language in certain of TNGL's tariff provisions and provide for transportation service. .

Public notice of TNGL's filing was issued January 11, 1979, providing for protests or petitions to intervene to be filed on or before January 24, 1979.

TNGL proposes 13.747 percent overall rate of return and a 14.5 percent rate of return on a common equity ratio of 56.98 percent. TNGL states that this general rate increase is necessary to recover a deficiency in jurisdictional revenues as reflected by the cost of service for the period of twelve consecutive months of actual experience ending August 31, 1978, as adjusted for known and measurable changes through May 31, 1979; to attract capital and to maintain its credit and financial integrity.

TNGL requests waiver of § 154.63(e)(2)(ii) of the Commission's Regulations to permit the filing of Revised Sheet No. 8-I which reflects the changed unit transportation rate (unit cost of service less unit cost of purchased gas and less unit storage or LNG cost) resulting from the instant rate filing. The service provided for in the transportation Rate Schedule has not yet been certificated. In addition, TNGL proposes modifications to its tariff provisions for clarification and for the purpose of bringing the provisions into conformance with Commission Order Nos. 13 and 13-A; Commission Opinion No. 8, and the Gas Measurement Committee Report No. 3.

Based upon a review of TNGL's filing, the Commission finds that the proposed general rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept TNGL's revised tariff sheets[2] reflecting this increase for filing, suspend their use for five months until July 1, 1979, subject to refund and the conditions set forth below, and set the matter for hearing.

TNGL's First Revised Sheet No. 8-I reflects the changed unit transportation rate resulting from the instant rate filing. The service provided for by the transportation rate schedule has not yet been certificated although TNGL's application filed April 26, 1978 is pending in Docket No. CP78-309. The Commission shall grant waiver of § 154.63 (e)(2)(ii) of the Commission's Regulations, accept First Revised Sheet No. 8-I upon condition that on or before June 30, 1978, TNGL file revised tariff sheets cancelling the transportation rate schedule in the event permanent or temporary certification has not been granted for the service provided therein by June 30, 1979. The Commission shall suspend the use of this tariff sheet until July 1, 1979 subject to refund and subject to the condition set forth herein.

TNGL proposes modification of language in certain of its tariff provisions which does not reflect the proposed annual rate increase. Third Revised Sheet No. 8 revises the supplier refund section of TNGL's tariff to conform to TNGL's new PGA clause filed December 1, 1978 pursuant to Commission Order Nos. 13 and 13-A. This revised sheet shall be accepted and shall be permitted to become effective February 1, 1979.

First Revised Sheet No. 14 updates TNGL's measurement procedures by providing for the installation and operation of orifice meters in accordance with the specifications issued jointly by the Bureau of Standards, the American Gas Association and the A.S.M.E. The Commission shall accept this revised tariff sheet and allow it to become effective February 1, 1979.

First Revised Sheet No. 30-A provides for the cancellation of original Sheet Nos. 30-A through 30-E in relation to Commission Opinion No. 8, issued February 21, 1978 in *Tennessee Natural Gas Lines, Inc.*, Docket No. RP76-99. TNGL had inadvertently failed to cancel these sheets when it made the tariff filings required by the Commission's Opinion. The Commission shall accept this revised tariff sheet and allow it to become effective February 1, 1979.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by TNGL.

(B) Pending hearing and decision, and subject to the conditions of Ordering Paragraphs (C), (D), and (E) below, TNGL's proposed tariff sheets (Thirtieth Revised Sheet No. PGA-1; Fifth Revised Sheet Nos. 4-A and 4-B; and First Revised Sheet No. 8-I) are accepted for filing and suspended for five months until July 1, 1979, when they may become effective subject to refund, in the manner prescribed by the Natural Gas Act.

(C) TNGL shall file substitute revised tariff sheets to become effective July 1, 1979, subject to refund, cancelling First Revised Sheet No. 8-I in the event the service provided for therein has not been granted temporary or permanent certification by this Commission in Docket No. CP78-307 by June 30, 1979, pursuant to the requirements of 18 C.F.R. 154.63(e)(2)(ii).

(D) Waiver of Section 154.63(e)(2)(ii) is granted to the extent necessary to effectuate the conditions contained in Ordering Paragraph (C) above.

(E) Third Revised Sheet No. 8, First Revised Sheet Nos. 14 and 30-A are accepted for filing to become effective February 1, 1979.

(F) The Commission Staff shall prepare and file top sheets on all parties on or before May 1, 1979.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 C.F.R. 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4027 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket Nos. CP66-43, CP73-47, et al.]

TEXAS EASTERN TRANSMISSION, EASCOGAS LNG, INC. ET AL.

Informal Conference

JANUARY 30, 1979.

Take notice that at 10:00 a.m. on Tuesday, February 13, 1979, Staff will meet with representatives of the above-captioned companies for the purposes of discussing possible resolution of the issues in the above-referenced cases.

The conference will be held in Room 3200 of the Commission's office at 941 North Capitol Street, NW., and all parties may at their option attend.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4028 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-80]

TRAILBLAZER PIPELINE CO. ET AL.

Technicol Conference

JANUARY 30, 1979.

Trailblazer Pipeline Co., Overthrust Pipeline Co., Colorado Interstate Gas Co.

Take notice that on February 7, 1979, at 10:00 a.m. a technical conference of all interested persons will be convened to provide, pursuant to their request, Applicants in the proceeding an opportunity to discuss their November 21, 1978 application. The conference will be held at an office of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Any interested person may attend, but such attendance by itself does not constitute Commission authorization to intervene in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4029 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket Nos. RP76-136 and RP77-26]

TRANSCONTINENTAL GAS PIPE LINE CO.

Extension of Time

JANUARY 25, 1979.

On January 18, 1979, Commission Staff Counsel filed a motion for extension of time to file its brief on excep-

[1] This proceeding was commenced before the Federal Power Commission (FPC). By the joint regulation of October 1, 1977 (10 CFR 1000.1) it was transferred to the Federal Energy Regulatory Commission (FERC). The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[1] Thirtieth Revised Sheet No. PGA-1, Fifth Revised Sheet No. 4-A, Fifth Revised Sheet No. 4-B, Third Revised Sheet No. 8, First Revised Sheet No. 8-I, First Revised Sheet No. 14, and First Revised Sheet No. 30-A.

[2] Thirtieth Revised Sheet No. PGA-1 and Fifth Revised Sheet Nos. 4-A and 4-B.

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tions to the initial decision issued in this proceeding on December 19, 1978. The motion states that Staff Counsel in this case was, on December 20, 1978, assigned as Lead Staff Counsel on the Trans-Alaska Pipeline System case, Docket No. OR78-1, and has been unable to prepare the brief in this case because of the new assignment. Other parties have made timely filing of their briefs on exceptions and Staff's motion was not made within the "four-fifths rule's" prescribed deadline. (18 CFR 1.13(d)) Staff has, however, agreed to file an affidavit stating that he has not read the briefs of other parties in preparation of his brief on exceptions. If any party has not yet filed a brief on exceptions because of the pendency of Staff's motion, such brief will be accepted only if accompanied by the type of affidavit as described above.

Upon consideration, notice is hereby given that an extension of time is granted to and including January 29, 1979, for the filing of briefs on exceptions. Briefs opposing exceptions shall be filed on or before February 20, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4030 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket Nos. RP76-136 and RP77-26]

TRANSCONTINENTAL GAS PIPE LINE CO.

Extension of Time

JANUARY 25, 1979.

On January 18, 1979, Commission Staff Counsel filed a motion for extension of time to file its brief on exceptions to the initial decision issued in this proceeding on December 19, 1978. The motion states that Staff Counsel in this case was, on December 20, 1978, assigned as Lead Staff Counsel on the Trans-Alaska Pipeline System case, Docket No. OR78-1, and has been unable to prepare the brief in this case because of the new assignment. Other parties have made timely filing of their briefs on exceptions and Staff's motion was not made within the "Four-fifths rule's" prescribed deadline. (18 CFR 1.13(d)) Staff has, however, agreed to file an affidavit stating that he has not read the briefs of other parties in preparation of his brief on exceptions. If any party has not yet filed a brief on exceptions because of the pendency of Staff's motion, such brief will be accepted only if accompanied by the type of affidavit as described above.

Upon consideration, notice is hereby given that an extension of time is granted to and including January 29, 1979, for the filing of briefs on exceptions. Briefs opposing exceptions shall be filed on or before February 20, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3964 Filed 2-5-79; 8:45 am]

[6450-01-M]

TRANSWESTERN PIPELINE CO.

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

JANUARY 26, 1979.

On January 8, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104(a) and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

API WELL NO. 30-015-22563

Operator: Yates Petroleum Corporation
Well Name: Siegrest JS State Com No. 1
Field: Wildcat Morrow
County: Eddy
Purchaser: Transwestern Pipeline Co.
Volume: Not Available

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 21, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3967 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket Nos. CP75-17 and CP75-277]

TRANSWESTERN PIPELINE CO.

Petition To Amend Further

JANUARY 30, 1979.

Take notice that on January 8, 1979, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket Nos. CP75-17 and CP75-277 a petition to amend the orders of October 17, 1974, and November 15, 1976, in said dockets, respectively, as amended, November 23, 1977, and September 8, 1977, respectively, so as to authorize new annual quantity limitations in lieu of those previously established by the aforementioned orders, as amended, for facilities which are being used for the direct sale of natural gas to 69 right-of-way grantors, and authorizing conjunctive billing to those right-of-way grantors who have more than one farm tap with Petitioner, all as more fully set forth in the petition to amend further on file with the Commission and open to public inspection.

It is indicated that pursuant to the above mentioned order, as amended, Petitioner was authorized to construct and operate facilities for the direct sale of natural gas to 69 right-of-way grantors of Petitioner. It is further indicated that the natural gas delivered to the right-of-way grantors is used for agricultural purposes, mainly irrigation pump fuel and domestic use. Said orders, as amended, conditioned deliveries to each right-of-way grantors to annual quantity limitation, it is stated.

Petitioner states that the proposed new annual limitations are necessary because the estimates of gas requirements made by Petitioner's right-of-way grantors, which the Commission used as a basis in establishing the present annual quantity limitations, are erroneously low in that insufficient adjustments were allowed for changes in rainfall. In order to minimize further any potential hardship resulting from the enforcement of the annual quantity limitations, Petitioner proposes, commencing January 1, 1979, conjunctive billing to those right-of-way grantors who have more than one farm tap with Petitioner. This would give a right-of-way grantor the flexibility to take gas at any of his taps provided total deliveries to him do not exceed his total annual quantity limitation for all his taps, it is said.

Petitioner states that 25 percent would be added to the *pro forma* sales quantities in order to insure operating flexibility by Petitioner's 69 right-of-way grantors occurs during the crop irrigation season and it is Petitioners' historical experience that for each inch of rainfall below normal during the months of May through July annual sales quantities can be expected to be approximately 10 percent over annual sales quantities for a year with normal rainfall, it is said. Consequently, the 25 percent factor allows for 2.5 inches reduction in the rainfall from that experienced during the *pro forma* years, it is asserted.

Petitioner states that the proposed new annual quantity limitations would be determined by comparing the present effective annual quantity limitations for each right-of-way grantor with his *pro forma* year plus 25 percent quantity. The higher of the two numbers was selected as the proposed new annual quantity limitations unless such number was less than 1,000 dekatherms (dt.) equivalent in which case 1,000 dt. was used. Petitioner proposes to establish 1,000 dt. as the minimum annual quantity limitation for its right-of-way grantors in order to

insure further operating flexibility for Petitioners' smaller right-of-way grantors, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 22, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4031 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. RP79-27]

TRUNKLINE GAS CO.

Change in Rates

JANUARY 30, 1979

Take notice that Trunkline Gas Company (Trunkline) on December 29, 1978, tendered for filing Nineteenth Revised Sheet No. 37 and Ninth Revised Sheet No. 104 to its FERC Gas Tariff, Original Volume No. 2. Trunkline requests that these rate changes to its FERC Rate Schedules F-2 and F-5 become effective December 1, 1978.

Trunkline states that these rate changes reflect the prices to be paid under Rate Schedules F-2 and F-5 as prescribed by the Natural Gas Policy Act of 1978 and pursuant to Commission Order No. 15 issued November 17, 1978 in Docket No. RM79-4.

A copy of this filing has been furnished to Tennessee Gas Pipeline Line Company and Columbia Gas Transmission Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426. In accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure 18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4032 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Project No. 459]

UNION ELECTRIC CO.

Application for Change in Land Rights

JANUARY 25, 1979.

Take notice that on August 18, 1978, Union Electric Co. (Applicant) filed an application pursuant to the Federal Power Act, 16 U.S.C. §§ 791a-825r, for change in land rights at the Osago Project No. 459. The proposed change would occur in Camden County, Missouri. Correspondence concerning the application should be addressed to: Michael F. Barnes, Esq., Union Electric Co., P.O. Box 149, St. Louis, Missouri 63166; and Mr. R. H. Lahmeyer, District Engineer, Missouri State Highway Commission, 1511 Missouri Avenue, Jefferson City, Missouri 65101.

The Applicant requests Commission approval to grant an easement to the Missouri State Highway Department (Department) for the construction of a 39.5 foot wide highway bridge to be located 20 feet north of the existing U.S. Route 54 bridge. The bridge would span Grand Glaize Arm of the project reservoir. The Applicant also requests approval of permit to the City of Osage Beach and the Department to attach a sanitary sewage line to the new bridge. Additionally the Applicant proposes to relocate its single circuit 34-kV transmission line 100 feet to the north to allow the bridge construction, to place an additional 34-kV line on the located towers, and to construct the new line to allow it to be upgraded to 161-kV in the future.

Anyone desiring to be heard or to make any protest about the application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (Rules), 18 CFR § 1.10 or § 1.8 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before March 12, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-3962 Filed 2-5-79; 8:45 am]

[6450-01-M]

[Docket No. ER78-522]

VIRGINIA ELECTRIC AND POWER CO.

Proposed Settlement Agreement

JANUARY 30, 1979.

Take notice that on January 10, 1979, Virginia Electric and Power Company (VEPCO) tendered for filing a proposal for partial settlement of this proceeding between Vepco and Vepco's cooperative customers.[1] The proposal for partial settlement would leave for litigation or resolution several traditional rate-case issues as well as the price squeeze question. On January 23, 1979, Presiding Judge Isaac D. Benkin certified the proposal for partial settlement to the Commission.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before February 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available to public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4033 Filed 2-5-79; 8:45 am]

[6450-01-M]

DETERMINATION BY A JURISDICTIONAL AGENCY UNDER THE NATURAL GAS POLICY ACT OF 1978

JANUARY 30, 1979.

On January 24, 1979, the Federal Energy Regulatory Commission received notices from the Jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

[1] The cooperative customers are represented by North Carolina Electric Membership Corporation, Roanoke Electric Membership Corporation, Old Dominion Electric Cooperative and Northern Neck Electric Cooperative.

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STATE OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES

API Well No.: None
Section of NGPA: 102
Operator: Dart Oil & Gas Corporation
Well Name: Benchley 1-29 (31,186)
Field: Winterfield—29 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 30 MMcf.

API Well No.: None
Section of NGPA: 102
Operator: Dart Oil & Gas Corporation
Well Name: Benchley 2-29 (31,698)
Field: Winterfield—29 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 30 MMcf.

API Well No.: None
Section of NGPA: 102
Operator: Dart Oil & Gas Corporation
Well Name: Benchley 3-29 (32,227)
Field: Winterfield—29 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 30 MMcf.

API Well No.: None
Section of NGPA: 102
Operator: Dart Oil & Gas Corporation
Well Name: Blackledge 1-19 (32,334)
Field: Winterfield—29 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 30 MMcf.

API Well No.: None
Section of NGPA: 102
Operator: Dart Oil & Gas Corporation
Well Name: Blackledge 4-29 (32,296)
Field: Winterfield—29 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 30 MMcf.

API Well No.: None
Section of NGPA: 102
Operator: Dart Oil & Gas Corporation
Well Name: Blackledge 4-30 (32,372)
Field: Winterfield—29 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 30 MMcf.

API Well No.: None
Section of NGPA: 102
Operator: Dart Oil & Gas Corporation
Well Name: Johnson 3-30 (31,697)
Field: Winterfield—29 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 30 MMcf.

API Well No.: None
Section of NGPA: 102
Operator: Dart Oil & Gas Corporation
Well Name: June 5-29 (32,384)
Field: Winterfield—29 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 30 MMcf.

API Well No.: None
Section of NGPA: 102
Operator: Dart Oil & Gas Corporation
Well Name: Michigan Gas Storage 6-29 (32,396)
Field: Winterfield—29 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 30 MMcf.

API Well No.: None
Section of NGPA: 102
Operator: Dart Oil & Gas Corporation
Well Name: Mosher 1-30 (31,596)
Field: Winterfield—29 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 30 MMcf.

API Well No.: None
Section of NGPA: 102
Operator: Dart Oil & Gas Corporation
Well Name: Mosher 2-30 (32,297)
Field: Winterfield—29 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 30 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by February 21, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4061 Filed 2-5-79; 8:45 am]

[6450-01-M]

DETERMINATION BY A JURISDICTIONAL AGENCY UNDER THE NATURAL GAS POLICY ACT OF 1978

JANUARY 31, 1979.

On January 29, 1979, the Federal Energy Regulatory Commission received notices from the Jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

STATE OF NEW MEXICO ENERGY AND MINERALS DEPARTMENT, OIL CONSERVATION DIVISION

API Well No.: None
Section of NGPA: 108
Operator: Bradley H. Keys
Well Name: Scott #1
Field: Aztec Pictured Cliffs
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 8 MMCF.

API Well No.: None
Section of NGPA: 108
Operator: Shenandoah Oil Corp.
Well Name: Sun State #1
Field: N. Four Lakes-Atoka
County: Lea
Purchaser: Natural Gas Pipe Line Co. of America
Volume: 4 MMCF.

API Well No.: None
Section of NGPA: 108
Operator: Shenandoah Oil Corp.
Well Name: Christmas #1
Field: Eumont (Yates Seven Rivers-Queen)
County: Lea
Purchaser: Northern Natural Gas Co.
Volume: 7.5 MMCF.

API Well No.: 30-045-10815
Section of NGPA: 108
Operator: C. M. Paul
Well Name: Atkins #1
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas
Volume: 8.2 MMCF.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by February 21, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4062 Filed 2-5-79; 8:45 am]

[6450-01-M]

Office of Hearings and Appeals

ISSUANCE OF DECISIONS AND ORDERS

Week of November 13 through November 17, 1978

Notice is hereby given that during the week of November 13 through November 17, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEALS

Adams Oil Company, Inc., Dillwyn, Virginia, DRA-0163, refined petroleum products

Adams Oil Company, Inc. appealed from a Modified Remedial Order that the DOE Region III Office issued to it on March 7, 1978. In considering Adams' primary argument on appeal, that the Regional Office had failed to consider certain financial claims that the firm had made, the DOE found that although the Regional Office was not necessarily obligated to consider all of Adams' financial arguments, it apparently had taken the firm's financial position into consideration in establishing the repayment terms in the Modified Remedial Order. The DOE further found that it would not be inordinately burdensome for Adams to identify the purchasers of gasoline to whom refunds must be made under the Modified Remedial Order and to determine the amounts owed to each. The DOE did, however, modify the Order to permit Adams to offset against the refunds due to identifiable purchasers its delinquent accounts receivable with respect to these same purchasers. In the case of overcharges in sales of kerosene and No. 2 fuel oil, the DOE found that by requiring that refunds be made by means of prospective price reductions rather than by cash or credit refunds, the Regional Office had unjustifiably restricted Adams' ability to offset against the refunds owed to identifiable purchasers its accounts receivable from these same purchasers. Accordingly, the Remedial Order was modified to direct Adams to make cash or credit refunds to purchasers of kerosene and No. 2 fuel oil.

Advanced Sales Corporation, St. Petersburg, Florida, DFA-0224, freedom of information

Advanced Sales Corporation (ASC) appealed from a partial denial by the Director of the Division of Freedom of Information and Privacy Act Activities (the Director) of a request for information that the firm had submitted. In its Appeal, ASC requested the release of one document and portions of thirteen others that had been withheld pursuant to 5 U.S.C. 552(b)(4) (Exemption 4) and eleven documents that had been withheld pursuant to 5 U.S.C. 552(b)(5) (Exemption 5).

In considering the Appeal, the DOE determined that the Director had properly withheld commercial information about ASC's competitors under Exemption 4, because it found that disclosure of this material would likely cause substantial competitive harm to those firms. In view of this potential harm, it was also held that the release of this material would not be in the public interest. However, the DOE directed the release of one document containing proprietary information already available to ASC. The DOE further directed the release of four documents that had been withheld under Exemption 5. It was determined that two of these documents did not fall under that exemption because they did not contain predecisional deliberative materials. The other two documents were found to be exempt, but the DOE concluded that their release would not be contrary to the public interest. The remaining documents, the DOE found, were predecisional intra-agency memoranda containing analysis and recommendations, and were therefore properly withheld under Exemption 5. Moreover, it was determined that the factual material contained in those documents could not reasonably be segregated from the opinions and analysis contained in the text. The DOE also considered ASC's claim that the release of the documents withheld under Exemption 5 would be in the public interest because the information that they contained was necessary to assist the firm in litigation. In rejecting this contention, the DOE observed that the FOIA is not a substitute for discovery, and it concluded that the disclosure of this material would interfere with the future free flow of opinions and information within the agency.

Brown & Fox, Kansas City, Missouri, DFA-0237, freedom of information

Brown & Fox (Brown) appealed from a partial denial by the Director of the Division of Freedom of Information and Privacy Act Activities of a request for information that Brown had filed under the Freedom of Information Act. Brown had sought copies of Federal Energy Administration documents relating to an audit of the Lowe Oil Company, which Brown presently represents in an enforcement proceeding. The FOI Director identified several documents that were responsive to Brown's request, but he declined to release them on the ground that they were exempt from mandatory disclosure under Exemption 5 or Exemption 7(a) of the FOI Act. In considering the Brown Appeal, the DOE found that some of the documents withheld by the Director contained the advice and recommendations of agency personnel with respect to an audit of a regulated firm and consequently were protected by Exemption 5 from mandatory disclosure. The DOE also found that portions of one document withheld by the Director were investigatory in nature and protected from mandatory disclosure by Exemption 7(A). The DOE found, however, that two documents and portions of two others were factual in nature and should therefore have been released. Accordingly, the Brown Appeal was granted in part and denied in part.

Exxon Company, U.S.A., Houston, Texas, DFA-0233, freedom of information

Exxon Company, U.S.A. appealed from a partial denial by the Director of the Division of Freedom of Information and Privacy Act Activities of a request for information that the firm had submitted under the Freedom of Information Act. In its initial request, Exxon had sought copies of documents in the possession of the DOE relating to the implementation of the statutory provisions concerning stripper well crude oil and to the adoption and application of Ruling 1974-29. In response to that request, the Director released various documents to Exxon but withheld five documents on the ground that they were intra-agency memoranda and exempt from disclosure under the provisions of Exemption 5 of the Act. 5 U.S.C. 552(b)(5). In considering the Exxon Appeal, the DOE determined that four of the five documents were part of the deliberative process of the agency and were therefore properly withheld by the Director. However, the DOE determined that the remaining document was merely a cover memorandum and did not contain any advisory or recommendatory material. The DOE therefore held that this document was not protected from disclosure by Exemption 5 and ordered the Director to release it to Exxon. Also determined to be erroneous was the Director's finding that, with respect to one program office within the agency, Exxon's request was not one for reasonably described documents, as required by the Act. Accordingly, the DOE remanded the proceeding to the Director with instructions to make a single determination as to whether Exxon's request was one for reasonably described records and to resubmit those portions of the request that were reasonably described to the DOE office that did not respond to the Exxon request. The Exxon Appeal was thus granted in part.

Pierson Semmes Crolius and Finley, Washington, D.C., DFA-9234, freedom of information

The law firm of Pierson Semmes Crolius and Finley (Pierson) appealed from two orders that were issued to the firm by the Director of the Division of Freedom of Information and Privacy Act Activities of the Department of Energy. In a request for information filed under the FOI Act, Pierson had sought copies of all records concerning agency investigations of the Louisiana Power and Light Company; New Orleans Public Service, Inc.; System Fuels, Inc.; Gulf States Utilities Company; and the Varibus Corporation. In response to the request, the FOI Director released a number of records, but he refused to release 459 documents, also identified as being responsive to the request, on the grounds that they were exempt from disclosure under Exemptions 2, 4, and 5 of the Act. In considering the Pierson Appeal, the DOE found that most of the documents were properly withheld from the firm under Exemptions 4 and 5 of the Act, but that six documents or portions of documents should have been released to Pierson. The DOE also determined that certain attachments to documents that were withheld by the FOI Director were already in the public domain and should have been released. Furthermore, with respect to certain routing slips that the FOI Director, had withheld from Pierson under Exemption 2 of the Act, the DOE held that discretionary disclosure under Section 202.1 of the DOE regulations was appropriate. Accordingly, the Pierson Appeal was granted in part.

REQUESTS FOR EXCEPTION

C. L. Morris, Inc., Oil City, Louisiana, DEE-032,

C. L. Morris, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D that, if granted, would permit the firm to sell crude oil produced from the Fred K. Conn Lease in Catahoula Parish, Louisana at exempt prices. According to Morris, as a result of the application of the Mandatory Petroleum Price Regulations to the sale of the crude oil produced on the Lease, the firm had no economic incentive to make an investment that is necessary for the continued production of crude oil from the Lease. In considering the request, the DOE determined that if the firm continued to sell the crude oil at the ceiling prices specified in 10 CFR, Part 212, Subpart D, it would realize a return on the contemplated capital investment that exceeded 15 percent. As a result, the DOE determined that the firm had a sufficient economic incentive to undertake the contemplated investment in the absence of exception relief. In addition, the DOE determined that the firm could restore profitable operations at the property by making the contemplated investment, and it consequently rejected Morris's alternative request that it be permitted to sell additional quantities of crude oil at upper tier prices.

Giant Industries, Inc., Phoenix, Arizona, DEE-0060, crude oil

On October 12, 1977, Giant Industries, Inc. filed an Application for Exception from the provisions of the Crude Oil Buy/Sell Program, 10 CFR 211.65. If the request were granted, Giant would be permitted to continue to receive allocations of crude oil as a refiner-buyer. Effective October 1, 1977, the DOE amended the formula for determining the purchase opportunities for refiner-buyers under the Buy/Sell Program. Pursuant to those amendments, which provide for automatic adjustments to allocations based on demonstrated changes in supply, the DOE had eliminated Giant's allocation prior to these proceedings.

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In a Proposed Decision and Order issued to Giant on July 5, 1978, the DOE tentatively determined that exception relief should be denied. The DOE noted that Giant had declined to purchase on several occasions the crude oil it had been allocated and yet was able to operate at very near its capacity. Giant filed a Statement of Objections challenging the tentative denial of exception relief, alleging that there had been undue administrative delay in the issuance of the Proposed Decision and disputing the accuracy of certain facts set forth in the Proposed Decision. In rejecting these contentions the DOE noted that Giant had not submitted any evidence that its operations had been impaired as the result of the length of time involved in the proceeding or that the Proposed Decision contained any material factual inaccuracies. The DOE therefore concluded that the Proposed Decision issued on July 5, 1978 should be issued in final form.

Gulf Oil Corporation, Tulsa, Oklahoma, DXE-1167, crude oil

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception, if granted, would extend the exception relief previously granted to Gulf for its operation of the Northwest Graylin "D" Sand Unit, permitting the firm to continue to sell a portion of the crude oil produced from the property at upper tier ceiling prices. *Gulf Oil Corporation*, 2 DOE Par. 81,036 (1978). In considering the exception request, the DOE found that Gulf was continuing to incur increased operating expenses in connection with its production activities on the property and that in the absence of exception relief the working interest owners would lack an economic incentive to continue their crude oil production activities. Accordingly, on the basis of recent operating data submitted by the firm, the DOE determined that Gulf should be permitted to sell at upper tier ceiling prices 45.73 percent of the crude oil produced from the property for the benefit of the working interest owners during the period July 1, 1978 through December 31, 1978.

McGoldrick Oil Company, Shreveport, Louisiana, DEE-1654, crude oil

On March 1, 1978, the McGoldrick Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception, if granted, would permit the firm to sell the crude oil produced from the Chaparral Oil Units 18-4, 18-5, and 18-6, all located in Wayne County, Mississippi, at upper tier ceiling prices or at market price levels. In considering the exception request, the DOE found that the operating costs incurred by McGoldrick at Unit 18-5 had increased to the point that the firm no longer had an economic incentive to continue the production of crude oil at the property. The DOE also determined that if McGoldrick abandoned its operations at Unit 18-5, a substantial quantity of domestic crude oil would not be recovered. On the basis of the criteria applied in previous Decisions, the DOE determined that McGoldrick should be permitted for a six-month period to sell at market price levels 100 percent of the crude oil produced from Unit 18-5 for the benefit of the firm. The DOE determined, however, that exception relief should be denied with respect to Units 18-4 and 18-6.

McMinnville Gas Company, McMinnville, Oregon, DEO-0115, propane

McMinnville Gas Company filed a Notice of Objection to a Proposed Decision and Order issued to the firm by the Region X Office of the DOE on August 31, 1978. In that Proposed Decision, the Regional Office determined that an Application for Exception that McMinnville had filed from the provisions of 10 CFR 212.93 should be denied. In considering the McMinnville Notice of Objection to the Proposed Decision, the National Office of Hearings and Appeals determined that the submission failed to satisfy the notice requirements of § 205.56(e) of the DOE Procedural Regulations. After being notified of this deficiency, McMinnville failed to amend its filing. The DOE therefore determined that the Notice of Objection should be dismissed and that the Proposed Decision and Order should be issued in final form with an effective date of August 31, 1978.

Monsanto Company, Houston, Texas, DEE-1824, crude oil.

The Monsanto Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception, if granted, would permit the firm to sell the crude oil produced from the Navajo 138 Lease located in Apache County, Arizona, at upper tier ceiling prices. In considering the exception request, the DOE found that the operating costs incurred by Monsanto in connection with its production activities had increased to the point that the firm no longer had an economic incentive to continue the production of crude oil from the Lease. The DOE also determined that if Monsanto were to abandon its operations at the Navajo Lease, a substantial quantity of domestic crude oil would not be recovered. On the basis of the criteria applied in previous Decisions, the DOE determined that Monsanto should be permitted during the period October 24, 1978 through April 30, 1979 to sell at upper tier ceiling prices 88.07 percent of the crude oil produced from the Navajo 138 Lease for the benefit of the working interest owners.

Parente's Oil Service, Inc., Coventry, Rhode Island, DEE-1780, No. 2, heating oil.

Parente's Oil Service, Inc. filed an Application for Exception from the requirement that it complete Form EIA 9 ("No. 2 Heating Oil Supply/Price Monitoring Report"). In its evaluation of the exception request, the DOE observed that Parente's had failed to submit any evidence to support its claim that it would incur a serious hardship if it were required to file the form. Furthermore, the DOE examined Form EIA 9 and concluded that Parente should encounter little difficulty in obtaining the information that was elicited. Finally, the DOE determined that Parente had failed to demonstrate that the inconvenience it is experiencing in completing the form outweights the benefits that can be derived from the aggregate data obtained from the form by the DOE. On the basis of these considerations, the DOE denied the Parente request for exception relief.

REMEDIAL ORDER

Will I. Lewis Enterprises, Inc., Mount Vernon, Illinois, DRO-0051 remedial order

Will I. Lewis Enterprises, Inc. filed a Statement of Objections to a Proposed Remedial Order issued to it by DOE Region V. In the Proposed Remedial Order, the Regional Office alleged that Lewis had erroneously classified one of its crude oil producing properties as a stripper well property. In its Objection, Lewis challenged the validity of Rulings 1974-29 and 1975-12, which were referred to in the proposed order, on the ground that they were promulgated in violation of the Administrative Procedure Act. The DOE rejected this contention based its prior determinations affirming the validity of these Rulings and, in the case of Ruling 1974-29, the decision of the Temporary Emergency Court of Appeals in *Energy Reserves Group, Inc.* v. *Department of Energy, Dkt.* No. 10-15 (October 31, 1978). Lewis also objected to the length of the period that it had been given to make the ordered refunds. After reviewing evidence of the financial condition of the firm, however, the DOE rejected this contention. Accordingly, the Proposed Remedial Order was issued as a final Remedial Order.

REQUESTS FOR STAY

Bassett Oil and Equipment Co., Inc., Bassett, Virginia, DRS-0112, No. 2 fuel oil

Bassett Oil & Equipment Company, Inc. requested a stay of the provisons of § 205.108. The exception, if granted, would have resulted in an extension of the time within which Bassett could file an Appeal of a Remedial Order issued to it on September 19, 1978 until a pending judicial proceeding is resolved. Bassett contended that an appeal might be unnecessary in the event that it is successful in the pending court action, and it claimed that the costs of preparing an Appeal would cause the firm to experience an irreparable injury. In considering the stay request, the DOE found that since the arguments Bassett raised in the judicial proceeding had already been considered and rejected by the DOE in prior cases, Bassett had failed to demonstrate that there exists a substantial likelihood of success in the pending judicial proceeding. The DOE also found that the expenditure of resources required to prepare an administrative appeal did not constitute an irreparable injury within the meaning of the standard applied in previous cases. Therefore, the DOE concluded that Bassett had failed to satisfy the criteria for approval of a stay, and accordingly the Bassett Application was denied. Bassett was, however, granted an extension of time, until ten days from the date of issuance of the Decision, to file its Appeal.

Mid-America Refining Company, Inc., Chanute, Kansas, DES-1959, crude oil

Mid-America Refining Company, Inc. requested that its obligations under the Entitlements Program, 10 CFR 211.67, be stayed for the months of May through October 1978 pending a determination on the merits of an Application for Exception that it had filed. The DOE concluded, after considering the financial material submitted by Mid-America, that the firm was in such a precarious financial position it would be unable to continue its business operations if it were required to satisfy immediately its entitlement purchase obligations for the period concerned. Although the financial difficulties of Mid-America apparently arose from its own business practices, the DOE determined that the financial collapse of the firm would cause irreparable injury to the crude oil producers who relied on Mid-America to process their crude oil. In addition, the DOE found that requiring Mid-America to satisfy immediately its entitlement purchase obligations would seriously jeopardize the efforts of a management group to restore the firm to a profitable operating condition. The request for stay was therefore granted.

Northland Oil & Refining Company, Tulsa, Oklahoma, DES-0115, crude oil

Northland Oil & Refining Company requested that its obligations under the provisions of 10 CFR 211.67 (the Entitlements Program) be stayed for the month of November 1979 pending a determination on the merits of an Application for Exception that it had filed. In considering the Northland request, the DOE found that the firm had made a substantial *prima facie* showing it did not possess the financial resources that would enable it to purchase entitlements during November 1978. Accordingly, the DOE concluded that it was impossible for the firm to meet its entitlements purchase obligation for the current month. The DOE therefore granted the Northland request for stay pending a determination on its Application for Exception.

MOTIONS FOR EVIDENTIARY HEARING

Eagle Enterprises, Inc., Hillsboro, Oregon, DRH-0077, aviation jet fuels

Eagle Enterprises, Inc. filed a Motion for Evidentiary Hearing in connection with a Proposed Remedial Order issued to the firm by the DOE Region X Office of Enforcement on June 22, 1978. The DOE determined, however, that that Motion did not conform to the regulatory requirements of 10 CFR 205.196(a), because Eagle had failed to explain why the direct testimony of its proposed witness was necessary to establish the propositions proffered by Eagle in the proceeding. Eagle also failed to specify in its Motion the particular facts that were in dispute. Accordingly, the Eagle Motion for Evidentiary Hearing was denied.

Lakes Gas Company, Forest Lake, Minnesota, DRD-0005, DRH-0040, propane

Lakes Gas Company filed a Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order that the DOE Region V Office of Enforcement issued to it on April 12, 1978. After considering that Motion, the DOE concluded that an evidentiary hearing should be convened regarding the accounting practices used by Lakes in calculating its increased product costs during the audit period. The DOE found that a dispute existed between Lakes and the DOE Office of Enforcement as to the accounting methods that should properly have been used in auditing Lakes. The DOE further found that the resolution of this dispute was central to a determination whether a final remedial order should be issued to Lakes. The DOE also concluded that in the event the Office of Enforcement seeks to impose sanctions on Lakes for its alleged violations of the recordkeeping requirements of 6 CFR 150.363(c) and 10 CFR 210.92, Lakes should be permitted to introduce oral testimony regarding its compliance with those requirements.

Lakes also filed a Motion for Discovery requesting permission to depose the DOE auditor who made the computations upon which the Proposed Remedial Order was based. In considering that Motion, the DOE noted that the Office of Enforcement had previously been directed to respond to interrogatories submitted by Lakes and that Lakes was seeking further discovery on the ground that the responses of the Office of Enforcement to certain of those interrogatories were inadequate. The DOE concluded, however, that Lakes had failed to show any deficiency in those responses. The DOE further concluded that the deposition of the auditor would not advance the resolution of the proceeding to an extent that would justify the time and expense involved. Consequently, the Motion for Discovery was denied.

Mobil Oil Corporation, New York, New York, DRH-0105, DRD-0105, crude oil.

Mobil Oil Corporation filed Motions for Evidentiary Hearing and Discovery in connection with its Statement of Objections to a Proposed Remedial Order that the DOE Region VI issued to it on August 24, 1978. Mobil contended that the testimony of certain witnesses would assist the DOE in determining whether the operators of a Mobil retail sales outlet unlawfully occupied the Mobil station premises, and for the same reason it requested permission to depose the individuals involved in this factual dispute. In considering the Mobil Motions, the DOE concluded that the question of lawful possession of the station premises was not relevant to the issue whether Mobil had violated DOE regulations, and it therefore found no basis for granting either of the Motions. Accordingly, the Motions for Evidentiary Hearing and for Discovery were denied.

Monterrey Producing Company, San Antonio, Texas, DRH-0080, crude oil.

Monterrey Producing Company filed a Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order issued to it by DOE Region VI on June 13, 1978. In its Motion, Monterrey requested permission to present evidence that four of the properties discussed in the Proposed Remedial Order are located in the Blanconia 5100 Foot Sand Field and that the crude oil produced from that field differs in quality from that produced in the field geographically nearest it. In considering the request, the DOE noted that the Office of Enforcement did not dispute any of these factual contentions and that the sole disagreement between the parties appeared to involve the correct legal interpretations of 10 CFR 212.74, which concerns the determination of upper tier ceiling prices for crude oil produced from a new field. Accordingly, the Monterrey request for an evidentiary hearing was denied.

MOTIONS FOR DISCOVERY

Frank W. Michaux, Houston, Texas, DRD-0063, crude oil.

Frank W. Michaux filed a Motion for Discovery in connection with his Statement of Objections to a Proposed Remedial Order issued to him on May 23, 1978. In his Motion, Michaux requested access to a specifically identified DOE memorandum and to any other documents in the possession of the DOE concerning the utilization of such factors as severance or *ad valorem* taxes in determining the limits of a "property," as that term is used in § 212.72 of the Mandatory Petroleum Price Regulations. In considering the discovery request, the DOE found that its analysis of the Statement of Objections would be materially furthered by an examination of documents relating to the definition of property. However, in order to avoid undue delay, discovery was limited to the specifically identified memorandum and any other relevant documents readily identifiable by the Office of Enforcement.

Michaux also requested DOE documents concerning the use of Ruling 1975-15 as authority or precedent in compliance proceedings. Michaux contended that an examination of the manner in which the DOE has applied Ruling 1975-15 and of the extent of the impact of the Ruling upon the oil industry would lead to the conclusion that the Ruling is legislative rather than interpretative in nature and is therefore void under the Administrative Procedure Act, 5 U.S.C. Section 551 *et seq.* The DOE held, however, that the fact that a rule was issued as a ruling rather than as a regulation creates a presumption that it is interpretative, and that presumption can only be overcome if the ruling is found to bear no relationship to the statute or regulation that it purports to clarify. The substantive impact of a rule, the DOE further held, has no bearing on whether the rule is legislative or interpretative in nature. Accordingly, this portion of the Michaux request for discovery was denied. Finally, Michaux sought discovery of DOE documents concerning the retroactive application of Ruling 1975-15. The DOE concluded that the discovery of such documents would not help to resolve the fundamentally legal question to whether the Ruling effected a retroactive change in settled law. Accordingly, this portion of the Michaux Motion for Discovery was also denied.

Quincy Oil, Inc., Quincy, Massachusetts, DED-0447, fuel oil.

Quincy Oil, Inc. filed a Motion for Discovery in connection with its challenge to a Proposed Decision and Order issued to the firm in connection with an exception request. In its Motion, Quincy sought the production of several categories of documents in the possession of the DOE. The DOE noted that although under the DOE procedural regulations no provision is made for discovery in the course of exception proceedings, access to information is nevertheless generally provided to a firm when it is necessary to enable it to pursue effectively the relief that it seeks. However, the DOE also noted that discovery of DOE documents in proceedings, such as an exception proceeding, to which the agency is not a party is not warranted unless a strong showing is made that the documents requested will materially advance the resolution of substantial legal or factual disputes in the proceedings.

In considering the first Quincy information request, the DOE held that the validity of a remedial order issued to the firm in a prior enforcement proceeding could not be raised as an issue in the exception proceeding. Consequently, the DOE ruled that documents related to that remedial order would not advance the resolution of outstanding issues in the exception proceeding and denied the request. Similarly, the DOE denied a request to examine preliminary drafts of decisions issued to Quincy by the Office of Hearings and Appeals, because it

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found that those drafts were not relevant to the exception proceeding. The DOE further ruled that disclosure of such drafts would constitute an unwarranted intrusion into the decision-making processes of the agency. For that reason, the DOE also denied Quincy's request to examine background documents and drafts related to the preparation of FEA Ruling 1977-5, noting that it had held in a previous decision that the background of that Ruling could not be examined in this proceeding. However, the DOE granted a request to examine instructions given to DOE auditors regarding the date upon which a transaction is deemed to occur under the price regulations and to informal interpretations that were issued to parties outside the agency regarding this issue (insofar as these documents were issued prior to Ruling 1977-5). The DOE found that those documents were related directly to a substantial issue in the pending exception proceeding and would materially advance their resolution.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Capps LP-Gas Company, Broken Bow, Oklahoma, DEE-0003.
Bob A. Smith, Ventura, California, DEE-1944.

The following submission was dismissed on the grounds that the request for stay was premature:

Mid-Michigan Truck, Service, Kalamazoo, Michigan, DES-0118.

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Palo Pinto Oil & Gas Company, Dallas, Texas, DXE-1999.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

JANUARY 30, 1979.

[FR Doc. 79-3994 FDiled 2-5-79; 8:45 am]

[6450-01-M]

Economic Regulatory Administration

NORTHERN STATES POWER CO.

Findings on Location of Proposed Action in a Floodplain

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Findings Regarding Location of Proposed Action in a Floodplain.

SUMMARY: The Department of Energy (DOE) proposes to issue to Northern States Power Company (NSP) a Presidential Permit for the construction of an electrical facility at U.S.-Canadian International Boundary. The issuance of this permit will result in the construction of a 204 mile long 500kV transmission line from Forbes, Minnesota to the International Boundary near Warroad, Minnesota. A final environmental impact statement has been prepared and issued on this project. Notice of availability was published on January 18, 1979 (44 FR 3748). Because of the geographic characteristics of northern Minnesota, it is likely that some construction will take place within 100-year floodplains. After considering the best available information, the Secretary of DOE has determined that no practicable alternative exists to this course of action and notice is hereby given of such findings.

FURTHER INFORMATION CONTACT:

James M. Brown, Jr., Systems Reliability and Emergency Response Branch, Department of Energy, Room 538-Vanguard Building, 2000 M Street, N.W., Washington, D.C. 20461 (202) 634-5620.

Lise Courtney M. Howe, Office of General Counsel, Department of Energy, Room 5116-Federal Building, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461 (202) 633-8277 or (202) 633-9380.

Donald Silawsky, Office of Environment, Department of Energy, Room 6234, 20 Massachusetts Avenue, N.W., Washington, D.C. 20461 (202) 376-4293.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Reasons for Location of Proposed Action.
III. Alternatives Considered.
IV. Conformance to Applicable State or Local Floodplain Protection Standards.
V. Steps to be Taken to Minimize Potential Harm to or Within Floodplain.

I. BACKGROUND

This notice of findings regarding the location of a proposed action, construction of an international transmission line, within the 100-year floodplains, is issued pursuant to the requirements of the Executive Order No. 11988-Floodplain Management. The Secretary of Energy has determined that the only practicable alternative requires siting of certain facilities in a floodplain.

Northern States Power Company applied to the Federal Power Commission for a Presidential Permit, pursuant to Executive Order No. 10485, to construct an electrical interconnection facility at the U.S.-Canadian border. Pursuant to the Department of Energy Organization Act, authority to issue presidential permits was transferred from the Federal Power Commission to the Secretary of Energy who delegated it to the Administrator of the Economic Regulatory Administration (ERA) in Delegation Order No. 0204-4. An environmental impact statement has been prepared on this project.

II. REASONS FOR LOCATION OF PROPOSED ACTION IN FLOODPLAINS

The drainage systems in Northern Minnesota are unlike the normal riverine situation of well defined river valleys and floodplains. The area has minimal relief and floodplains can encompass areas miles from the river or stream itself. The Flood Hazard Boundary Maps prepared by the U.S. Department of Housing and Urban Development were used to locate the 100-year floodplains. These maps do not contain floodplain information for all rivers in this portion of northern Minnesota, since it is a remote area (low priority) and the streams and rivers are of relatively small size. After consulting with other Federal and Minnesota agencies, it was determined that these maps contained the best information available. Information from these maps indicates that possible 100-year floodplains could encompass as much as 7600 square miles of bogland through which the proposed right-of-way for the northern two-thirds of the transmission line would run. The Secretary determined it impractical to relocate this segment of the line.

Due to the nature of the terrain, the vast area to be crossed and the inability to determine actual floodplains locations, even with a site visit, it is expected that some structures will be placed in the floodplain. Therefore the Secretary has determined that the only practicable alternative is to authorize this action within the floodplain.

III. ALTERNATIVES CONSIDERED

The environmental impact statement for this project included an analysis of alternatives to construction of the line. The alternatives were: (1) No action; (2) construction of additional generating capacity within the area such as base load oil, coal and nuclear; (3) peaking units; (4) other technologies such as wind, solar, natural gas, geothermal, petroleum liquids, advanced nuclear sources, hydro-electric power and municipal solid wastes; (5) alternate voltages; (6) power purchased from a U.S. source; (7) the effect of conservation and rate schedule strategies on electrical demand; (8) Manitoba Hydro as a source of summer interchange; and (9) alternate routes for the line.

The staff concluded that a transmission intertie with Canada appeared to be the best alternative from an environmental viewpoint and that the particular route selected appeared to be the best alternative for the intertie.

IV. CONFORMANCE TO APPLICABLE STATE AND LOCAL FLOODPLAIN PROTECTION STANDARDS

NSP has applied to the Minnesota Department of Natural Resources for a permit for each water crossing, pursuant to that Department's requirements. Copies of those applications and the engineering drawing for each application are on file with the Systems Reliability and Emergency Response Branch of DOE and are available upon request.

No other state or local standards apply.

V. STEPS TAKEN TO MINIMIZE POTENTIAL HARM TO OR WITHIN THE FLOODPLAIN

Two transmission line construction activities may have potential impacts to the floodplains: the location of the facilities in the floodplain and clearing of vegetation in the floodplain.

The transmission facilities that will be used on this portion of the project are designed so that no soil will be removed during construction, thus eliminating the possibility of excavated material affecting water quality. In addition, the facilities will have an open base so that flood flow will not be restricted and a flooding situation will not be aggravated. The facilities themselves are designed to withstand a flood without being damaged.

To minimize the potential impacts of vegetation clearing within the floodplains, mitigating measures such as reduction of the width of cleared areas, selective cutting, clearing only when the ground is frozen, and replacement of trees and ground cover will be employed when circumstances warrant it. Finally, to minimize the visual impact of the line the applicant will leave a buffer of vegetation at stream crossings.

Issued in Washington, D.C., February 2, 1979.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

[FR Doc. 79-4264 Filed 2-5-79; 9:58 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1053-1]

GROUND WATER SYSTEM OF THE TWIN CITIES METROPOLITAN AREA, MINNESOTA

Request for EPA Determination Regarding Aquifers

Section 1424(e) of the Act states:

(e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the FEDERAL REGISTER. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

A petition has been submitted by:

Warren R. Lawson, M.D., Commissioner of Health, Minnesota Department of Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440

requesting the Administrator of EPA to make a determination that the ground water system of the Twin Cities metropolitan area is the sole or principal source of drinking water and if contaminated would create a significant health hazard. The petition as submitted to John McGuire, Regional Administrator, Region V is reprinted in full below:

The following documentation is submitted for your consideration and constitutes a petition to have the Twin Cities metropolitan area in Minnesota declared a "principal source aquifer" pursuant to Section 1424(e) of the Safe Drinking Water Act of 1974. The required information is presented in the format prescribed in the regulations which were proposed by the U.S. EPA at 42 FR 51622, September 29, 1977.

(a) This petition is submitted by:

Warren R. Lawson, M.D., Commissioner of Health, Minnesota Department of Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, Telephone No.: (612) 296-5460.

For additional information, please contact:

Gary L. Englund, P.E. Chief, Section of Water Supply and General Engineering, telephone No. (612) 296-5330, or Edwin H. Ross, Supervisor, Ground Water Quality, Control Unit, telephone No.: (612) 296-5338.

(b) *Petitioner's interest:* As Commissioner of Health for the State of Minnesota, I am responsible for assuring that the health of the citizens of this state is protected. In particular, I am responsible for assuring that drinking water which is made available to the public is healthful and safe. I hereby submit this petition in fulfillment of my duty to protect the public health and to take any measures which will help assure that the health of Minnesota residents is not endangered in the future.

(c) *Potential health risk:* Contamination of the aquifers in question would undoubtedly create a significant hazard to human health for the following reasons: slightly more than half of the population of the Twin City metropolitan area must use ground water as a source for drinking. More than 90% of this ground water comes from the aquifers sought to be protected. If these aquifers became contaminated, those persons who could not obtain an alternate source of water would be forced to drink contaminated water for which treatment might not be adequate or might be totally unavailable. Those persons who chose alternate sources might be subjecting themselves to other types of contaminants which could also have adverse effects on human health. We view the possible risk of endangering the health of approximately 1 million people who might have to drink contaminated water as being a significant health hazard.

The aquifers for which the designation is sought may already be contaminated with creosote and coal tar wastes which have seeped into the surface layers and around and into wells on an 80 acre site in the City of St. Louis Park which lies in the recharge zone. Information regarding the direction and rate of movement of creosote, both vertically and horizontally, is not sufficient to allow any decision regarding the desirability of allowing any kind of development in the area at this time. Studies are presently being conducted to determine the extent of contamination. It is hoped that containment and/or removal methods will be successful in reducing this contamination. Until these efforts are completed, it is our position that no development should be allowed in or adjacent to the area which is presently known to be contaminated.

(d) *Aquifer information:* In order of use and development, the major bedrock aquifers in the area under consideration are the Prairie-du-Chien—Jordan, Mount Simon-Hinckley, Ironton-Galesville, St. Peter and Platteville. Of the total ground water pumped in 1970, approximately 75% came from the Prairie-du-Chien—Jordan group and 18% from the Ironton-Galesville, Mount Simon-Hinckley group. The remainder was obtained from glacial drift, Platteville and St. Peter formations.

(1) Geographical area: The geographical area for which the aforementioned aquifers provide the principal source of drinking water is described as the seven-county metropolitan Twin Cities area, and includes all of Anoka, Hennepin, Ramsey, Washington, Carver, Scott, and Dakota counties. This area covers approximately 2330 square miles. The area is slightly larger but rough-

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ly overlies the subsurface extent of the Prairie-du-Chien-Jordan aquifer which covers approximately 2900 square miles of the area. The area is roughly based on the southern half of the approximate areal extent of the Hinckley sandstone formation.

(2) Population: the total population of the area in question is 1,977,355 (197 estimate).

(3) Alternative sources: There are no reasonably practical alternative sources of water available to the area of the aquifers in question were to become severely contaminated. Certain international agreements prohibiting the transporting of water across watersheds preclude the possibility of using water from Lake Superior as an alternative source. In 1970, existing surface sources were supplying about half of the area's population[1] (~41% of total water used) and these sources were being used at their maximum capacity. Since then a steady increase in suburban populations, most of which use only ground water, has resulted in an increase in the proportion of ground water being used. Decline of Mississippi River discharge during the 1976-1977 drought was a critical factor in the decision of the cities of Minneapolis and St. Paul to begin planning for wells to supplement surface water supplies. The City of St. Paul has recently developed several wells and is now obtaining 20% of its total supply from these wells. Increasing demands upon the Mississippi River for irrigation and power plant cooling towers are likely to increase the area's dependence upon ground water in the future.

(4) Stream flow and recharge: Stream flow direction is shown on map 1. Flow at three stream stations, Mississippi River at Elk River, St. Croix River near Rusk City, and Minnesota River near Jordan account for 87.9% of the total surface water discharge. The greatest amount of recharge to the major bedrock aquifers occurs in their subcrop areas as shown on maps 2 and 3. The subcrop extent of the Prairie-du-Chien aquifer in direct contact with the drift is approximately 1350 square miles. The subcrop of the Hinckley part of the Mount Simon-Hinckley aquifer has not been mapped in the Area in question. Because the thickness and composition of the drift are extremely variable overall, approximate rates of recharge to these aquifers have not been determined.

(5) Source of recharge. The aquifers are recharged by the following five sources:

Precipitation based on base flow in streams owing to basin storage, the amount of recharge averages 5.24 inches annually and amounts to about 375 mgd.

Recharge induced from the Mississippi River alluvium and underlying glacial valley fill supplies approximately 10% of the total water pumped from the Prairie-du-Chien—Jordan aquifer during the summer. The total amount of water available for recharge from area streams is approximately 350 mgd.

Leakage of water stored in overlying sediments: Because the aquifers are not exposed, most of the recharge to the aquifers must percolate through overlying sediments which consists largely of alluvial deposits, glacial drift and St. Peter sandstone. Total water in storage in sediments overlying the Prairie-du-Chien—Jordan aquifer is roughly 1.9 trillion gallons.

[1] Based upon a USGS study "Water Resources Outlook of 1973" prepared for the Twin Cities Metropolitan Council.

Artifical recharge: Some lakes are periodically refilled from precipitation and runoff and some of this water would seep through the lake bottom. A few experimental injection wells have been drilled to study recharge. Overall there has been no concerted effort to artificially recharge the aquifers in question.

Incidental recharge: Incidental recharge comes from water which passes through the existing water supply-dispersal system and percolates downward. It occurs generally as leakage from watermains, settling basins, sewer laterals, individual drain fields and open hole wells. The volume of water recharged in this manner is difficult to determine but has been estimated at 20 mgd.

(6) Projects which might contaminate the aquifer through the recharge zone:

Any kind of construction of structures which would require footings to be built into solid geologic formations, such as tall apartment or office buildings, hospitals, utility plants, etc;

Any construction on or adjacent to the creosote contaminated site referred to in (c) above;

Landfills and hazardous waste disposal sites;

Sewers, sewage disposal facilities and seepage pits;

Surface impoundments, storage tanks and pipelines;

Test borings and abandoned wells.

(7) The public water supplies utilizing water from the aquifers, the number of people served by each and the water treatment being provided by each are shown on the attached list. The number of persons utilizing ground water in the area under consideration can be easily calculated by subtracting from the total population, the number of persons served by surface sources:

total population of 7-county metro area	–	persons using surface sources	=	persons using ground sources
1,999,930		865,748		1,104,204

DATA ON MUNICIPALITIES SUPPLIED BY GROUND WATER IN 1978

Municipality	1978 Population Served	Treatment Being Provided
Anoka	15,110	Ao, Fps, I, Va
Apple Valley	18,440	Dc, Nc, Va
Bayport	2,970	Dc, Nc, Va
Belle Plaine	2,760	Dc, Va
Birchwood	1,080	Va
Blaine	30,100	Dc, Nc, Vat.
Bloomington	78,790	Cl, Frs, N, S, R, V
Brooklyn Center	33,700	Dc, Nc, Nc, Va
Brooklyn Park	39,010	Dc, Nc, Va
Burnsville	35,920	Dc, Vat.
Chanhassen	6,210	Dc, Va
Chaska	7,920	At, Frs, I, Va
Circle Pines	4,030	Dc, Va
Cologne	620	Dc, Va
Coon Rapids	36,310	Dc, Va
Cottage Grove	18,280	Dc, Va
Egan Township	12,950	Dc, Va
Eden Prairie	12,330	Clo, Dc, Frs, H, Kc, Vs
Edina	48,920	Am, Dc, Fps, I, Nc, Va
Elko	170	Dh, Va
Empire	1,350	Dc, Va
Excelsior	2,970	At, Dc, Frsz, H, I, Kp, Va
Farmington	4,520	Dc, Va
Forest Lake	4,540	Ao, Dc, Fpsz, I, Kp, Vu
Fridley	33,450	Am, Dc, Fts, I, Nc, Va
Friendly Hills (in Mendota Heights).	924	Va
Hamburg	398	Va
Hampton	330	Dc, Va
Hastings	13,740	Dc, Va
Hopkins	15,180	At, Dc, Frs, I, Va
Hugo	3,850	Dh, Va
Inver Grove Heights.	17,610	Dc, Va
Jordan	2,890	Am, Dc, Fps, Va
Lake Elmo	5,440	Va
Lakeville	13,700	Dch, Vat
Landfall	850	
Lexington	2,340	Dc, Nc, Va
Lino Lakes	4,570	Va
Long Lake	1,760	Va
Loretto	360	Va
Mahtomedi	4,230	Va
Maple Grove	15,470	Dc, Va
Maple Plain	1,460	At, Dh, Frs, I, Va
Mayer	410	At, Frs, I, Va
Medina	2,860	Dc, Va
Minnetonka	40,850	Dc, Va
Minnetonka Beach.	540	Ao, Dc, Fpsz, H, I, Va
Minnetrista	3,830	Dc, Va
Mound	9,290	Dc, Va
Mounds View	13,470	Am, Dc, Fps, I, Va
New Brighton	24,210	Va
New Germany	303	Va
New Market	270	Va
Newport	3,570	Dc, Va
New Prague	2,120	Am, Fps, I, Va
New Trier	140	Va
North St. Paul	12,520	Va
Norwood	1,170	At, Dc, Frs, I, Va
Oakdale	12,070	Dc, Va
Oak Park Heights	2,090	Dc, Va
Orono	7,290	Am, Dc, Fpsz, H, I, Va
Osseo	2,850	Va
Plymouth	28,500	A, Dc, Fp, Va
Prior Lake	6,480	Va
Richfield	42,250	Cal, Dc, Frs, H, Ms, Ng, R, Sv, Va
Robbinsdale	14,850	Ao, Dc, Fsp, I, K, N, V
Rockford	270	Dh, Kc, Va
Rogers	700	Dc, Kc, Va
Rosemount	5,210	Va
St. Anthony	9,070	At, Dc, Fps, I, Kc, Va
St. Bonifacius	810	
St. Francis	1,160	Va
St. Louis Park	44,540	Dc, Va
St. Paul Park	5,730	Va
Savage	4,140	Dc, Va
Scandia	2,360	
Shakopee	10,620	Dc, Va
Shoreview	15,650	Va
Small Lake Park Addition (in Shoreview).	192	Va
South St. Paul	22,200	Dc, Kc, Va
Spring Lake Park	7,340	Dc, Va
Spring Park	1,630	Dc, Ke, Va
Stillwater	13,200	Dc, Va
Tonka Bay	1,490	Cl, Dc, Fss, R, Vs
Waconia	2,830	At, Dc, Frs, I, Va
Watertown	1,900	At, Frs, I, Va
Wayzata	4,230	Am, Dc, Fps, I, Vs
White Bear Lake	23,720	Ca, Dc, Frs, H, Ms, Ng, R, Sv, Va
White Bear Township.	6,060	Dc, Va
Willernie	670	
Woodbury	9,580	Dc, Vt
Young America	1,310	Dc, Va
St. Paul (20% ground water in 1978).	54,138	Cal, Dc, Frs, H, M, Nc, R, S, Tc, Va
Estimated community water supply population on ground water.	1,047,335	

TREATMENT SYMBOLS USED

A. *Aeration*
- Am—patented aerator
- At—overflow trays, cascade or other spray aerator
- Ao—other type aerator

C. *Chemicals for Coagulation or Softening*
- Ca—with alum
- Cl—with lime

D. *Disinfection*
- Dc—chlorine gas
- Dh—hypochlorites

F. *Filter*
- Fa—anthrafilt
- Fp—pressure
- Fr—gravity (slow)
- Fs—sand
- Fz—zeolite

H. *Softening*

I. *Iron and Maganese Removal*

K. *Chemical Dosage for Corrosion Correction or Water Stabilization*
- Kc—by phosphate compounds
- Dp—by alkali feed for pH adjustment

M. *Mixing Device or Tank*
- Ms—patented sludge blanket

N. *Ammoniation*
- Nc—with ammonia compound
- Ng—with ammonia gas

R. *Recarbonation*

S. *Sedimentation*
- Sv—upward-flow cylindrical tanks

V. *Fluoridation*
- Va—with hydrofluosilicic acid
- Vs—with sodium silicofluoride
- Vt—with sodium fluoride

We appreciate being given the opportunity to petition the U.S. EPA for a determination that these aquifers are entitled to special protection and we look forward to cooperating with you in this matter. Should you have any questions or require additional information, please contact Mr. Gary L. Englund, P.E., Chief, Section of Water Supply and General Engineering at (612) 296-5330 or Edwin H. Ross, Supervisor, Ground Water Quality Control Unit (612) 296-5338. Very truly yours,

WARREN R. LAWSON, M.D.,
Commissioner of Health.

The Environmental Protection Agency intends to make a determination consistent with a complete review of data and information and a full opportunity for public participation. In this regard the agency solicits comments, data and references to add sources of information which will contribute to the factual record. In particular EPA seeks information relevant to:

(a) That portion of the hydrogeologic system underlying the Twin Cities metropolitan area which should be designated for protection as an aquifer which provides drinking water;

(b) The surface boundary of the recharge area for the aquifer, which is the area that would be subject to regulation under this provision;

(c) The boundary of the recharge zone, that is any area which drains into the recharge zone and contributes to the recharge of the aquifer;

(d) Any current or anticipated Federal financially assisted projects which may cause contamination of the aquifer;

(e) Any other information deemed relevant to the determination.

Comments, data and reference should be submitted in writing to:

John McGuire
Regional Administrator
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604
ATTN:
Twin Cities metropolitan area aquifer designation

on or before April 9, 1979. Information which is available to the agency concerning the ground water system of the Twin Cities metropolitan area will be available to the public for inspection or review at this address.

Dated: January 10, 1979.

JOHN MCGUIRE,
Regional Administrator.

[FR Doc. 79-4050 Filed 2-5-79; 8:45 am]

[6560-01-M]

[FRL 1053-3]

SCIENCE ADVISORY BOARD, ENVIRONMENTAL HEALTH ADVISORY COMMITTEE, STUDY GROUP ON PESTICIDE TOLERANCES

Open Meeting

Under Public Law 92-463, notice is hereby given that a meeting of the Study Group on Pesticide Tolerances of the Science Advisory Board's Environmental Health Advisory Committee will be held at 9:00 a.m. on February 26, 1979 in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The principal purpose of the meeting will be (1) to discuss and comment on a report titled, "Cancer-Causing Chemicals in Food" by the House Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce (Committee Print No. 95-67, December 1978); and (2) to work on the Study Group's report to the Environmental Health Advisory Committee. The Agenda will also include (3) brief follow-up presentations and items of current interest to the Study Group.

Pertinent background information follows. In response to an Agency request to the Science Advisory Board, the Board's Environmental Health Advisory Committee established a Study Group on Pesticide Tolerances and charged it with assisting the Committee in an evaluation of the scientific basis of the Agency's sytem for establishing tolerances for pesticide residues in agricultural crops. This is the sixth meeting of the Study Group. At a meeting on April 5, 1978, the Study Group was briefed on and discussed various aspects of the legislative authority and mandate directly or indirectly relating to the Agency's tolerance setting system. At a meeting on May 11 and 12, 1978, the Study Group was briefed on and discussed scientific issues relating to estimates of exposure. At a meeting on June 27-28, 1978, the Study Group was briefed on and discussed scientific issues relating to toxicology data and hazard evaluation. At a meeting on October 23 and 24, 1978, the Study Group heard statements from members of the public, identified and discussed issues to be addressed in the Study Group's report to the Environmental Health Advisory Committee, and began to develop positions with regard to these issues. At a subsequent meeting on December 4 and 5, 1978, the Study Group continued to identify and discuss issues to be addressed in the Study Group's report and to develop positions with regard to these issues. Further meetings of the Study Group will be scheduled as needed.

The meeting will be open to the public. Any member of the public wishing to attend or present or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. February 20, 1979. Please ask for Mrs. Ilene Stein. The telephone number is (703) 557-7720.

Dated: January 31, 1979.

BURTON LEVY,
Acting Staff Director,
Science Advisory Board.

[FR Doc. 79-4051 Filed 2-5-79; 8:45 am]

V 4 / 2 6 FEB 6 79 UMI

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

JANUARY 8, 1979.

CANADIAN LIST NO. 381

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
				940 kHz					
(NEW)	Richmond, British Columbia, N. 49°08'42", W. 123°03'09" (Reduced Q=6.87 mV/m)	2.5	DA-1	U	II				Jan. 8, 1980.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc. 79-3938 Filed 2-5-79; 8:45 am]

[6714-01-M]

FEDERAL DEPOSIT INSURANCE CORPORATION

CHANGES IN CONTROL IN INSURED NONMEMBER BANKS

Statement of Policy

INTRODUCTION

The Change in Bank Control Act of 1978, Title VI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, gives the Federal bank supervisory agencies the authority to disapprove changes in control of insured banks and bank holding companies.[1] The Federal Reserve Board is the Federal banking agency responsible for changes in control of bank holding companies and State member banks, and the Federal Deposit Insurance Corporation (the Corporation) and the Comptroller of the Currency are the Federal agencies responsible for changes in control of insured nonmember and national banks, respectively.

The Act requires any person (broadly defined) seeking to acquire control of any insured bank or bank holding company to provide 60 days' prior written notice to the appropriate Federal banking agency. This requirement applies to all covered transactions that will be consummated after March 9, 1979. The Act specifically exempts transactions that are subject to section 3 of the Bank Holding Company Act of 1956 or section 18 of the Federal Deposit Insurance Act, since these transactions are covered by existing regulatory approval procedures. Accordingly, changes in control due to acquisitions by bank holding companies and changes in control of insured banks resulting from mergers, consolidations, or other similar transactions are not covered by the Act.

The Act describes the factors that the Corporation and the other Federal banking agencies are to consider in determining whether a transaction covered by the Act should be disapproved. These factors include the financial condition, competence, experience, and integrity of the acquiring person (or persons acting in concert) and the effect of the transaction on competition. The Corporation's objectives in its administration of the Act are to enhance and maintain public confidence in the banking system by preventing identifiable serious adverse effects resulting from anticompetitive combinations of interests, inadequate financial support, and unsuitable management in these institutions. The Corporation will review each notice to acquire control of an insured State nonmember bank and will disapprove transactions that are likely to have serious harmful effects. It is the Corporation's intention to administer the Act in a manner that will minimize delays and government regulation of legitimate private sector transactions.

If the Corporation disapproves a change in control, the Corporation will notify the proposed acquiring party in writing within 3 days after its decision. The notice of disapproval will contain a statement of the basis for disapproval. The Act provides that the acquiring party may request a hearing by the Corporation in the event of a disapproval and provides a procedure for further review by the courts.

Forms for filing notices of proposed transactions covered by the Act will be available from the Regional Director of the Region in which the bank is located. When a substantially complete notice is received by the Regional Director, a letter of acknowledgement will be sent to the acquiring person indicating the date of receipt. The transaction may be completed 61 days or more after that date unless the acquiring person has been notified by the Corporation that the acquisition has been disapproved or that the 60-day period has been extended as provided for in the Act. To avoid undue interference with normal business transactions, the Corporation may issue a notice of its intention not to disapprove a proposal, after consulting the relevant State banking authorities as the Act requires.

[1] The Act retains with some modification existing reporting requirements relating to loans by banks secured by stock of other banks and management changes occurring after a change in control and extends these requirements to bank holding companies and loans secured by bank holding company stock.

INFORMATION TO BE CONTAINED IN NOTICES

Under the Act, the Corporation will require a "person" proposing to acquire control of an insured State nonmember bank to file a notice with the Corporation containing personal and biographical information, detailed financial information, details of the proposed acquisition, information on any structural or managerial changes contemplated for the institution, and other relevant information required by the Corporation. The elements of a notice, as prescribed by paragraph 6 of the Act, are set forth in the appendix to this statement, and prescribed forms for filing notice will be available from the appropriate Regional Director of the Corporation.

In order to be filed properly in accordance with the Act a notice must be substantially complete and responsive to every item specified in paragraph 6 of the Act. When the acquiring party is an individual, or a group of individuals acting in concert, the requirement for 5 years' personal financial data is deleted in favor of a current statement of assets and liabilities, a beief income summary, and a statement of any material changes since the date thereof, but the Corporation reserves the right to require up to 5 years of financial data from any acquiring person.

TRANSACTIONS REQUIRING SUBMISSION OF NOTICE

The Act defines "control" as the power—directly or indirectly—to vote 25 percent or more of any class of voting securities or to direct the management or policies of a bank holding company or an insured bank. Therefore, any transaction, unless exempted by the Act, that results in the acquiring party having voting control of 25 percent or more of any class of voting securities or results in the power to direct the management or policies of such an institution would trigger the notice requirement. However, any person who on March 9, 1979, controls an insured State nonmember bank shall not be required to file a notice to maintain or increase control positions in the same institution. In addition, the Corporation's regulations allow persons who on March 9, 1979, fall within a presumption described in the next paragraph to acquire additional shares of an institution without filing notice so long as they will not have voting control of 25 percent or more of the institution. In connection with transactions that would result in greater voting control, such persons may file the required notice or request that the Corporation make a determination that they already control the institution.

With respect to persons who have the power to vote less than 25 percent of an institution's shares, the Corporation's regulations establish the following rebuttable presumptions for purposes of the notice requirements of the Act:

(1) Where the institution to be acquired has issued any class of securities subject to the registration requirements of Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. § 78*l*), and a transaction would result in a person (or group of persons acting in concert) having voting control of 10 percent or more of any class of voting securities of that institution, the transaction results in control.

(2) Where a transaction involving any class of voting securities of an insured State nonmember bank would result in a person (or group of persons acting in concert) having voting control of 10 percent or more and after the transaction the acquiring person would be the largest shareholder of that institution, the transaction results in control.

Other transactions resulting in a person's control of less than 25 percent of a class of voting shares of an insured State nonmember bank would not result in control for purposes of the Act. In addition, customary one-time proxy solicitations and the receipt of pro rata stock dividends would not be subject to the Act's notice requirements.

In some cases corporations, partnerships, certain trusts, associations, and similar organizations that are not already bank holding companies may be uncertain whether to proceed under this Act or under the Bank Holding Company Act with respect to a particular acquisition. These organizations should comply with the notice requirements of this Act if they are not required to secure prior approval from the Board of Governors of the Federal Reserve System under the Bank Holding Company Act. However, some transactions, particularly foreclosures by institutional lenders, fiduciary acquisitions by banks, and increases of majority holdings by bank holding companies, described in Sections 2(a)(5)(D) and 3(a)(A) and (B) of the Bank Holding Company Act, do not require the *prior* approval of the Corporation or the Board of Governors of the Federal Reserve System, but they are considered subject to Section 3 of the Bank Holding Company Act and do not require notices under this Act.

Persons contemplating an acquisition that would result in a change in control of an insured State nonmember bank should request appropriate forms and instructions from the Regional Director of the Region in which the affected institution is located. If there is any doubt whether a proposed transaction requires a notice, the acquiring person should consult the Regional Director for guidance. The Act places the burden of providing notice on the prospective acquiring person and substantial civil penalties can be imposed for willful violations.

CERTAIN CONTROL TRANSACTIONS EXEMPT FROM PRIOR NOTICE REQUIREMENTS

The Corporation's regulations exempt the following transactions from the prior notice requirements of the Act:

(1) A foreclosure of a debt previously contracted in good faith,

(2) Testate or intestate succession, and

(3) A bona fide gift.

Under these regulations, a person acquiring control in the situations described above is required to furnish certain information to the Regional Director promptly after the transaction, and the affected institution must report promptly any changes or replacement of its chief executive officer or of any director in accordance with Section 7(j)(12) of the Act.

Under these regulations, acquisitions of shares in foreign banks which have an insured branch or branches in the United States are also exempt from the prior notice requirements of the Act, but this exemption does not extend to the reports and information required under Sections 7(j)(9), (10), and (12) of the Act.

DISAPPROVAL OF CHANGES IN CONTROL

The Act sets forth various factors to be considered in the evaluation of a proposal. The Corporation is required to review the competitive impact of the transaction, the financial condition of the acquiring person, and the competence, experience, and integrity of that person and the proposed management of the institution. In assessing the financial condition of the acquiring person, the Corporation will weigh any debt servicing requirements in light of the acquiring person's overall financial strength, the institution's earnings performance, asset condition, capital adequacy, future prospects, and the likelihood of an acquiring party making unreasonable demands on the resources of the institution.

V 4 / 2 6

By order of the Board of Directors, January 24, 1979.

FEDERAL DEPOSIT INSURANCE CORPORATION
ALAN R. MILLER,
Executive Secretary.

APPENDIX

CHANGE IN BANK CONTROL ACT OF 1978 INFORMATION REQUIREMENTS

Paragraph 6 of the Act reads as follows:

Except as otherwise provided by regulation* of the appropriate Federal banking agency, a notice filed pursuant to this subsection shall contain the following information:

(A) The identity, personal history, business background and experience of each person by whom or on whose behalf the acquisition is to be made, including his material business activities and affiliations during the past five years, and a description of any material pending legal or administrative proceedings in which he is a party and any criminal indictment or conviction of such person by a State or Federal court.

(B) A statement of the assets and liabilities of each person by whom or on whose behalf the acquisition is to be made, as of the end of the fiscal year for each of the five fiscal years immediately preceding the date of the notice, together with related statements of income and source and application of funds for each of the fiscal years then concluded, all prepared in accordance with generally accepted accounting principles consistently applied, and an interim statement of the assets and liabilities of each such person, together with related statements of income and source and application of funds, as of a date not more than ninety days prior to the date of the filing of the notice.

(C) The terms and conditions of the proposed acquisition and the manner in which the acquisition is to be made.

(D) The identity, source and amount of the funds or other consideration used or to be used in making the acquisition, and if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction, the names of parties, and any arrangements, agreements or understandings with such persons.

(E) Any plans or proposals which any acquiring party making the acquisition may have to liquidate the bank, to sell its assets or merge it with any company or to make any other major change in its business or corporate structure or management.

(F) The identification of any person, employed, retained, or to be compensated by the acquiring party, or by any person on his behalf, to make solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and a brief description of the terms of such employment, retainer, or arrangement for compensation.

(G) Copies of all invitations or tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.

(H) Any additional relevant information in such form as the appropriate Federal banking agency may require by regulation or by specific request in connection with any particular notice.

[FR Doc. 79-3955 Filed 2-5-79; 8:45 am]

* Requirements for financial data as to individuals have been amended by Section 303.15(b) of the Federal Deposit Insurance Corporation Rules and Regulations (12 C.F.R. § 303.15(b)). The Corporation has developed forms which, if properly executed, will meet the information requirements of a notice.

[6730-01-M]

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSES

Correction to Notice of Revocation

By Decision served July 24, 1978, in Docket No. 77-53, *Licensing of Independent Ocean Freight Forwarders*, (FEDERAL REGISTER, Vol. 43, No. 146, p. 32776, July 28, 1978), the Federal Maritime Commission amended its General Order 4 (46 CFR 510) to require all licensed independent ocean freight forwarders to file with the Commission a surety bond in the amount of $30,000. The amendment stated that if a licensee fails to file such bond on or before December 1, 1978, The license shall be revoked in accordance with Rule 510.9 of General Order 4.

The Commission published a Notice of Revocation in the FEDERAL REGISTER on January 3, 1979 (Vol. 44, No. 2, pp. 953-955) wherein notice was given of the independent ocean freight forwarders who had failed to file with the Commission a surety bond in the amount of $30,000 and whose licenses were revoked effective December 2, 1978. Erroneously, Mattoon & Co., Inc. and Mattoon & Co., Inc. of L.A., 244 Jackson Street, San Francisco, California 94111, the holders of Independent Ocean Freight Forwarder License No. 1693, were among the licensees named. Mattoon & Co., Inc. and Mattoon & Co., Inc. of L.A. complied with the bonding requirement before December 1, 1978, hence Notice is hereby given that FMC Independent Ocean Freight Forwarder License No. 1693 has not been revoked.

Dated: January 30, 1979.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-3947 Filed 2-5-79; 8:45 am]

[6730-01-M]

MEDITERRANEAN DISCUSSION AGREEMENT

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *20* days after the date of the FEDERAL REGISTER in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT NO.: 9972-6.

FILING PARTY: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

SUMMARY: Agreement No. 9972-6 modifies the basic agreement of the Mediterranean Discussion Agreement to extend the duration of the agreement through March 29, 1981.

AGREEMENT NO.: 10267-3.

FILING PARTY: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

SUMMARY: Agreement No. 10267-3 proposes to amend the Container Carriers Discussion Agreement, by extending the term thereof for a further period of approval of one year, from its present expiration date of March 31, 1979, through March 31, 1980.

AGREEMENT NO.: 10361.

FILING PARTY: Edward J. Sheppard, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Avenue, N.W., Washington, D.C. 20036.

SUMMARY: Agreement No. 10361, between Farrell Lines and Compagnie Maritime Zairoise (CMZ) appoints Farrell as the port and husbanding agent for CMZ vessels operating between the West Coast of Africa and the Atlantic Coast of the United States.

By Order of the Federal Maritime Commission.

Dated: January 31, 1979.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-3946 Filed 2-5-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

[Docket No. R-0199]

CHANGE IN BANK CONTROL ACT OF 1978

Policy Statement

Introduction. The Change in Bank Control Act of 1978, Title VI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, gives the Federal bank supervisory agencies the authority to disapprove changes in control of insured banks and bank holding companies.[1] The Federal Reserve Board is the responsible Federal banking agency for changes in control of bank holding companies and State member banks, and the Federal Deposit Insurance Corporation and the Comptroller of the Currency are responsible for insured State nonmember and national banks, respectively.

The Act requires any person (broadly defined) seeking to acquire control of any insured bank or bank holding company to provide 60 days' prior written notice to the appropriate Federal banking agency. This requirement applies to all covered transactions that will be consummated afer March 9, 1979. The Act specifically exempts transactions that are subject to section 3 of the Bank Holding Company Act of 1956 or section 18 of the Federal Deposit Insurace Act, since these transactions are covered by existing regulatory approval procedures. Accordingly, changes in control due to acquisitions by bank holding companies and changes in control of insured banks resulting from mergers, consolidations, or other similar transactions are not covered by the Act.

The Act describes the factors that the Federal Reserve and the other Federal banking agencies are to consider in determining whether a transaction covered by the Act should be disapproved. These factors include the financial condition, competence, experience, and integrity of the acquiring person (or persons acting in concert) and the effect of the transaction on competition. The Federal Reserve Board's objectives in its administration of the Act are to enhance and maintain public confidence in the banking system by preventing identifiable serious adverse effects resulting from anticompetitives combinations of interests, inadequate financial support, and unsuitable management in these institutions. The Board will review each notice to acquire control of a State member bank or bank holding company and will disapprove transactions that are likely to have serious harmful effects. It is the Board's intention to administer the Act in a manner that will minimize delays and government regulation of private sector transactions.

If the Board disapproves a change in control, the Board will notify the proposed acquiring party in writing within three days after its decision. The notice of disapproval will contain a statement of the basic for disapproval. The Act provides that the acquiring party may request a hearing by the Board in the event of a disapproval and provides a procedure for further review by the courts.

Forms for filing notices of proposed transactions covered by the Act will be available from the Federal Reserve Banks. When a substantially complete notice is received by the Federal Reserve Bank, a letter of acknowledgment will be sent to the acquiring person indicating the date of receipt. The transaction may be completed 61 days or more after that date unless the acquiring person has been notified by the Board that the acquisiion has been disapproved or that the 60-day period has been extended as provided for in the Act. To avoid undue interference with normal business transactions, the Board may issue a notice of its intention not to disapprove a proposal, after consulting the relevant State banking authorities as the Act requires.

Information to be contained in notices. The Act requires a "person" proposing to acquire control of a bank holding company or State member bank to file a notice with the Federal Reserve Board containing personal and biographical information, detailed financial information, details of the proposed acquisition, information on any structural or managerial changes contemplated for the institution, and other relevant information required by the Board. The elements of a notice, as prescribed by paragraph 6 of the Act, are set forth in the appendix to this statment, and prescribed forms for filing notice will be available from the Federal Reserve Banks.

In order to be filed properly in accordance with the Act, a notice must be substantially complete and responsive to every item specified in paragraph 6 of the Act. When the acquiring party is an individual, or a group of individuals acting in concert, the requirement for five years' personal financial data is deleted in favor of a current statement of assets and liabilities, a brief income summary, and a statement of any material changes since the date thereof, but the Board reserves the right to require up to five years of financial data from any acquiring person.

Transactions requiring submission of notice. The act defines "control" as the power—directly or indirectly—to vote 25 per cent or more of any class of voting securities, or to direct the management or policies, of a bank holding company or insured bank. Therefore, any transaction, unless exempted by the Act, that results in the acquiring party having voting control of 25 per cent or more of any class of voting securities, or results in the power to direct the management or policies, of such an institution would trigger the notice requirement. However, any person who on March 9, 1979, controls a bank holding company or State member bank shall not be required to file a notice to maintain or increase control positions in the same institution. In addition, the Board's regulations allow persons who on March 9, 1979, fall within a presumption described in the next paragraph to acquire additional shares of an institution without filing notice so long as they will not have voting control of 25 per cent or more of the institution. In connection with transactions that would result in greater voting control, such persons may file the required notice or request that the Board make a determination that they already control the institution.

With respect to persons who have the power to vote less than 25 per cent of an institution's shares, the Board has established the following rebuttable presumptions for purposes of the notice requirements under the Act:

(1) Where an institution has issued any class of securities subject to regis-

[1] The Act retains with some modification existing reporting requirements relating to loans by banks secured by stock of other banks and management changes occurring after a change in control and extends these requirements to bank holding companies and loans secured by bank holding company stock.

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tration under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*), and a transaction would result in a person (or group of persons acting in concert) having voting control of 10 per cent or more of any class of voting securities of that institution, the transaction results in control.

(2) Where a transaction involving any class of voting securities of a bank holding company or State member bank would result in a person (or group of persons acting in concert) having voting control of 10 per cent or more, and after the transaction the acquiring person would be the largest shareholder of that institution, the transaction results in control.

Other transactions resulting in a person's control of less than 25 per cent of a class of voting shares of a bank holding company or State member bank would not result in control for purposes of the Act. In addition, customary one-time proxy solicitations and the receipt of pro-rata stock dividends are not subject to the Act's notice requirements.

In some cases corporations, partnerships, certain trusts, associations, and similar organizations that are not already bank holding companies may be uncertain whether to proceed under this Act or under the Bank Holding Company Act with respect to a particular acquisition. These organizations should comply with the notice requirements of this Act if they are not required to secure prior Board approval under the Bank Holding Company Act. However, some transactions, particularly foreclosures by institutional lenders, fiduciary acquisitions by banks, and increases of majority holdings by bank holding companies, described in sections 2(a)(5)(D) and 3(a)(A) and (B) of the Bank Holding Company Act, do not require the Board's *prior* approval, but they are considered subject to section 3 of the Bank Holding Company Act and do not require notices under this Act.

Persons contemplating an acquisition that would result in a change in control of a bank holding company or State member bank should request appropriate forms and instructions from the Federal Reserve Bank in whose district the affected institution is located. If there is any doubt whether a proposed transaction requires a notice, the acquiring person should consult the Federal Reserve Bank for guidance. The Act places the burden of providing notice on the prospective acquiring person and substantial civil penalties can be imposed for willful violations.

Certain control transactions exempt from prior notice requirements. The Board's regulations exempt the following transactions from the prior notice requirements of the Act:

(1) A foreclosure of a debt previously contracted in good faith;

(2) Testate or intestate succession; and

(3) A bona fide gift.

Under these regulations, a person acquiring control in the situations described above is required to furnish certain information to the Federal Reserve Bank promptly after the transaction, and the affected institution must report promptly any changes or replacement of its chief executive officer or of any director, in accordance with paragraph 12 of the Act.

Under these regulations, acquisitions of control of foreign bank holding companies are also exempt from the prior notice requirements of the Act, but this exemption does not extend to the reports and information required under paragraphs 9, 10, and 12 of the Act.

Disapproval of changes in control. The Act sets forth various factors to be considered in the evaluation of a proposal. The Board is required to review the competitive impact of the transaction, the financial condition of the acquiring person, and the competence, experience, and integrity of that person and the proposed management of the institution. In assessing the financial condition of the acquiring person, the Board will weigh any debt servicing requirements in light of the acquiring person's overall financial strength, the institution's earnings performance, asset condition, capital adequacy, future prospects, and the likelihood of an acquiring party making unreasonable demands on the resources of the institution.

APPENDIX.—CHANGE IN BANK CONTROL ACT OF 1978 INFORMATION REQUIREMENTS

Paragraph 6 of the Act reads as follows:

Except as otherwise provided by regulation of the appropriate Federal banking agency, a notice filed pursuant to this subsection shall contain the following information:

(A) The identity, personal history, business background and experience of each person by whom or on whose behalf the acquisition is to be made, including his material business activities and affiliations during the past five years, and a description of any material pending legal or administrative proceedings in which he is a party and any criminal indictment or conviction of such person by a State or Federal court.

(B) A statement of the assets and liabilities of each person by whom or on whose behalf the acquisition is to be made, as of the end of the fiscal year for each of the five fiscal years immediately preceding the date of the notice, together with related statements of income and source and application of funds for each of the fiscal years then concluded, all prepared in accordance with generally accepted accounting principles consistently applied, and an interim statement of the assets and liabilities for each such person, together with related statements of income and source and application of funds, as of a date not more than ninety days prior to the date of the filing of the notice.

(C) The terms and conditions of the proposed acquisition and the manner in which the acquisition is to be made.

(D) The identity, source and amount of the funds or other consideration used or to be used in making the acquisition, and if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction, the names of parties, and any arrangements, agreements or understandings with such persons.

(E) Any plans or proposals which any acquiring party making the acquisition may have to liquidate the bank, to sell its assets or merge it with any compnay or to make any other major change in its business or corporate structure or management.

(F) The identification of any person, employed, retained, or to be compensated by the acquiring party, or by any person on his behalf, to make solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and a brief description of the terms of such employment, retainer, or arrangement for compensation.

(G) Copies of all invitations or tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.

(H) Any additional relevant information in such form as the appropriate Federal banking agency may require by regulation or by specific request in connection with any particular notice.

Board of Governors of the Federal Reserve System, January 31, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4084 Filed 2-5-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

CONSUMER ADVISORY COUNCIL

Meeting

Notice is hereby given that the Consumer Advisory Council will meet on Wednesday, February 21, and Thursday, February 22. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The February 21 session will begin at 1 p.m. until 5 p.m. The February 22 session will begin at 9 a.m. and conclude at 3 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities with regard to consumer credit legislation and regulation. It is anticipated that the February 21-22 meeting of the Council will include consideration of the following topics:

1. *EFT Regulation*

Proposed regulations to implement §§ 909 and 911 of the Electronic Fund Transfer Act. Those sections, which take effect in February 1979, concern consumer liability for unauthorized use of EFT cards and restrictions on unsolicited issuance of EFT cards.

Regulatory implementation of the remainder of the Act which takes effect in May 1980.

2. *Relationship Between the Truth in Lending and Electronic Fund Transfer Acts*

Recommendations for statutory amendments to integrate statutory provisions relating to issuance, consumer liability for unauthorized use and error resolution.

3. *Unfair Bank Practices*

Results of recent survey of certain bank practices; implementation of the Board's authority under the Federal Trade Commission Improvement Act to ban unfair or deceptive bank practices.

4. *Economic Briefing*

Presentation by the Board's staff on consumer credit, general economic outlook, and interest rates.

5. *Consumer Advisory Council Organizational Matters*

Discussion of the Council's operations for the coming year.

Other matters previously considered by the Council or initiated by Council members.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors, January 30, 1979.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 79-3982 Filed 2-5-79; 8:45 am]

[6210-01-M]

CALIFORNIA BANCORP, INC.

Formation of Bank Holding Company

California Bancorp, Inc., Anaheim, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of Anaheim National Bank, Anaheim, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 23, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 30, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3981 Filed 2-5-79; 8:45 am]

[6210-01-M]

MONTGOMERY BANCORPORATION, INC.

Formation of Bank Holding Company

Montgomery Bancorporation, Inc., Montgomery, Minnesota, has applied for the board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent of the voting shares of Citizens State Bank of Montgomery, Montgomery, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than March 1, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 29, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3985 Filed 2-5-79; 8:45 am]

[6210-01-M]

NORTHWEST BANCORPORATION

Acquisition of Bank

Northwest Bancorporation, Minneapolis, Minnesota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 95 per cent or more of the voting shares of First National Bank, Cedar Falls, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 30, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3983 Filed 2-5-79; 8:45 am]

[6210-01-M]

TAYLOR BANCOR, INC.

Formation of Bank Holding Company

Taylor Bancor, Inc., Emington, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Taylor State State Bank, Emington, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 26, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 30, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-3984 Filed 2-5-79; 8:45 am]

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[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0494]

PROTEIN HYDROLYSATES AND CERTAIN GLUTAMATES

Availability of Information; Request for Comments and Additional Information

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the public availability of new data and information concerning the safety of protein hydrolysates and certain glutamates, including monosodium L-glutamate. This information was compiled during the Food and Drug Administration's (FDA's) review of generally recognized as safe (GRAS) and prior-sanctioned human food ingredients. This document also invites public comment on this new data and solicits any additional new information that may be available on the safety of protein hydrolysates and glutamates.

DATE: Comments and additional data and information may be submitted until April 9, 1979.

ADDRESSES: Written submissions to the Hearing Creek (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857 (3 copies) and the Life Sciences Research Office, Federation of American Societies for Experimental Biology (FASEB), 9650 Rockville Pike, Bethesda, MD 20014 (10 copies).

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: This notice announces the public availability of additional data and information on the safety of certain glutamates (including monosodium L-glutamate) and protein hydrolysates, invites public comment on the data, and requests submission to FDA and the FASEB Select Committee on GRAS Substances (the Select Committee) of any new safety information not previously considered in the review of the GRAS status of glutamates and protein hydrolysates.

As part of FDA's comprehensive study of human food ingredients classified as GRAS or subject to a prior sanction, the agency has compiled a large quantity of scientific information on the safety of glutamates and protein hydrolysates as human food ingredients. Part of this information was described in the FEDERAL REGISTER of April 1, 1977 (42 FR 17526). Other information on the safety of glutamates and protein hydrolysates was presented to the Select Committee at public hearings held on July 25 and 26, 1977. These and other data formed the basis for the Select Committee's conclusions on the safety of glutamates and protein hydrolysates as food ingredients. These conclusions were contained in tentative and final reports submitted to FDA in November 1976 and July 1978, respectively.

However, a large quantity of additional new data and information, described below in this notice, was not reviewed by the Select Committee because it became available after the Select Committee had completed its review of the scientific literature and submitted its final reports to FDA. Because of the quantity of this new information and its possible importance in assessing the safety of these food ingredients, FDA has requested the Select Committee to review this additional information. Pending completion of this supplemental review, FDA is deferring further action on its review of the GRAS status of glutamates and protein hydrolysates. The new information to be covered in the supplemental review will include recent scientific publications, unpublished data, and comments by scientists and trade associations on the Select Committee reports. The information is described as follows:

RECENT SCIENTIFIC REPORTS SENT TO FDA CONCERNING THE SAFETY OF GLUTAMATES

	Date	Author and source	Subject
1.	1977	Y. O'Hara et al., *Journal of Toxicological Science*, 2:281.	Effect of administration routes of monosodium glutamate on plasma glutamate levels in infant, weanling, and adult mice.
2.	1978	Y. Takasaki, *Toxicology*, 9:293	Studies on brain lesions by administration of monosodium L-glutamate to mice. I. Brain lesions in infant mice caused by administration of monosodium L-glutamate.
3.	1978	Y. Takasaki, *Toxicology*, 9:293, p. 307.	Studies on brain lesions after administration of monosodium L-glutamate to mice. II. Absence of brain damage following administration of monosodium L-glutamate in the diet.
4.	(Not given)	R. W. James et al., (unpublished).	Uptake of glutamate in beagle dogs after oral gavage with MSG.
5.	1978	Gareth Owen, *Toxicology Letters*, 1:221.	The feeding of diets containing up to 4% monosodium glutamate to rats for 2 years.
6.	1978	R. W. James et al., *Toxicology Letters*, 1:195.	The oral administration of MSG at varying concentrations to male mice.
7.	1978	Gareth Owen et al., *Toxicology Letters*, 1:217.	The feeding of diets containing up to 10% monsodium glutamate to beagle dogs for 2 years.
8.	1977	R. Heywood et al., *Toxicology Letters*, 1:151.	The ad libitum feeding of monosodium glutamate to weanling mice.
9.	September 1972	W. A. Reynolds, Congress of Nutrition, Mexico City.	Neuroanatomic and metabolic responses of the mouse and monkey to MSG administration.
10.	May 29-31, 1978		Program and copies of presentations made at the International Symposium on Biochemistry and Physiology of Glutamic Acid, Milan, Italy.

COMMENTS ON SELECT COMMITTEE FINAL REPORTS ON GLUTAMATES AND PROTEIN HYDROLYSATES

1. Letter dated October 3, 1978 from Dr. A. Ebert, International Glutamate Technical Committee.

2. Letter dated September 15, 1978 from Dr. A. A. Worden, Huntingdon Research Center, Huntingdon, England.

3. Letter dated September 14, 1978 from Dr. W. A. Reynolds, University of Illinois Medical Center.

4. Letter of September 14, 1978 from Dr. R. J. Wurtman, Massachusetts Institute of Technology.

5. Letter of September 13, 1978 from Dr. S. Garattini, Instituto di Ricerche Farmacologiche "Mario Negri," Milan, Italy.

6. Letter dated September 22, 1978 from Dr. R. A. Kenney, George Washington University Medical Center.

7. Letter of September 22, 1978 from Drs. H. P. Wurzner and K. Anantharaman, Nestle Technical Assistance Company, Ltd., Lausanne, Switzerland.

8. Letters of October 10 and October 16, 1978 from Dr. L. D. Stegink, University of Iowa.

9. Report dated September 28, 1978 from International Glutamate Technical Committee.

10. Report dated October 13, 1978 from the Glutamate Association, United States.

11. Correspondence (July 11-October 2, 1978) between Dr. A. D. Colman, Professor of Psychiatry, University of California Medical Center in San Francisco, and Dr. George W. Irving, Jr., Chairman, Select Committee on GRAS Substances, Federation of American Societies for Experimental Biology.

12. Correspondence (September 7-October 8, 1978) between Dr. A. D. Colman, Professor of Psychiatry, University of California Medical Center in San Francisco, and FDA.

13. Report dated September 27, 1978 from the International Hydrolyzed Protein Council.

A single copy of all of the data and information listed above is available for review in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. Additional information relating to the GRAS review of glutamates (including monosodium L-glutamate) and protein hydrolysates will be placed on display at the office of the Hearing Clerk, at the above address, as it becomes available.

Interested persons may, on or before April 9, 1979 submit comments on the new information contained in the notice, or may submit additional information on the safety of glutamates (including monosodium L-glutamate) and protein hydrolysates. Submissions (10 copies) should be addressed to the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. Three copies of each submission, identified with the Hearing Clerk docket number found in brackets in the heading of this document, should also be sent to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857; all submissions will be placed on public display in that office.

Dated: January 23, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-3782 Filed 2-5-79; 8:45 am]

[4110-35-M]

Health Care Financing Administration

PHARMACEUTICAL REIMBURSEMENT BOARD

Intent to Set MAC Limits

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of intent to set MAC limits.

SUMMARY: The Pharmaceutical Reimbursement Board is considering setting maximum allowable cost (MAC) limits for the drug products specified in this notice.

FOR FURTHER INFORMATION CONTACT:

Peter J. Rodler, Executive Secretary, Pharmaceutical Reimbursement Board, 3076 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201, 202-472-3820.

SUPPLEMENTARY INFORMATION: Pursuant to 45 CFR 19.4, the Pharmaceutical Reimbursement Board has identified the following multiple source drugs as drugs for which significant amounts of Federal funds are expended and for which there are significantly different prices:

Diethylpropion HCl, 75 mg C.R. Tablets
Potassium Chloride, liquid
Methychlothiazide, 5 mg Tablets
Fluocinolone Acetonide, 0.025% and 0.01% cream and 0.01% solution
Bethanechol Chloride, 10 mg and 25 mg tablets
Niacin, 125 mg and 250 mg T.R. capsules
Hydrochlorothiazide/reserpine, 25 mg and 50 mg tablets
Isoxsuprine, 19 mg and 20 mg tablets
Phenytoin, 100 mg capsules
Reserpine / hydralazine / hydrochlorothiazide, tablets
Propozyphene/acetaminophen, 65 mg/650 mg tablets
Griseofulvin, microcrystaline 125, 250 and 500 mg tablets
Meprobamate/tridihexethyl chloride, 200 and 400 mg tablets
Sulfanilamide/aminacrine/allantoin, cream w/applicator and suppositories
Estrogens esterified, 0.625 and 1.25 mg tablets
Methenamine hippurate, 1Gm tablets
Methaqualone, 300 mg tablets
Dicloxacillin sodium, 250 mg capsules and 62.5 mg/5 cc oral solution
Quinidine Sulfate, 200 mg tablets Theophylline, 200 mg capsules and 250 mg T.R. capsules
Theophylline w/Guaifenesin, elixir
Prednisone, 5, 10 and 20 mg tablets
Carisiprodol, 350 mg tablets
Ethaverine, 100 mg tablets
Fluphenazine, 2.5 and 5 mg tablets

We have submitted these drugs to FDA for review. In publishing this Notice, the Board recognizes that some of the drugs listed do not appear as therapeutically equivalent in the FDA list of Approved Drug Products With Proposed Therapeutic Equivalence Evaluations, proposed in the FEDERAL REGISTER on January 12, 1979 (44 FR 2932). The Board recognizes that the FDA list is a proposal and that therapeutic designations may change. Therefore, the Board has requested that the FDA review the drugs and inform the Board when the FDA can assure equivalency.

We are publishing this notice of intent in order that all interested parties will be advised of the Board's intentions at the same time and will have ample opportunity to make their views known to the Board. Proposed MAC limits and the dates of any public hearing will be published at a later date.

Dated: January 31, 1979.

PETER J. RODLER,
Executive Secretary, Pharmaceutical Reimbursement Board.

[FR Doc. 79-3974 Filed 2-5-79; 8:45 am]

[4110-89-M]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Meeting

AGENCY: Department of Health, Education, and Welfare Office of Education.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the next public meeting of the Advisory Committee on Accreditation and Institutional Eligibility. It also describes the functions of the Committee. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of its opportunity to attend and to participate.

DATES: March 14, 1979, 9:00 a.m. to 4:45 p.m., local time; March 15, 9:00 a.m. to 5:00 p.m.; and March 16, 9:00 a.m. to 12:00 noon. Requests for oral presentations before the Committee must be received on or before February 28, 1979. All written material which a party wishes to file may be submitted at any time and will be considered by the Advisory Committee.

ADDRESS: Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue SW.,

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Washington, D.C. 20202 (202/245-9873).

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to Section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee advises the Commissioner of Education regarding his responsibilities to publish lists of nationally recognized accrediting agencies and associations; State agencies recognized for the approval of public postsecondary vocational education; and accrediting and State agencies recognized for the approval of nurse education. The Committee also advises the Commissioner regarding policy affecting accreditation and institutional eligibility for participation in Federal funding programs.

The meeting on March 14, 15 and 16 will be open to the public. This meeting will be held at the Sheraton National Motor Hotel, Arlington, Virginia. The Committee will review petitions and reports by accrediting and State approval agencies relative to initial or continued recognition by the U.S. Commissioner of Education. The Committee also will hear presentations by representatives of the petitioning agencies and interested third parties. Agencies having petitions and reports pending before the Committee are:

American Academy of Microbiology, Committee on Postdoctral Educational Programs (initial recognition)
American Library Association, Committee on Accreditation (interim report)
American Osteopathic Association (renewal of recognition)
Arkansas State Board for Vocational Education (interim report)
Cosmetology Accrediting Commission (renewal of recognition)
Council on Chiropractic Education, Commission on Accreditation (renewal of recognition)
Engineers' Council for Professional Development (renewal of recognition)
National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (interim report)
National Association of Schools of Music (interim report)
New Hampshire Board of Nursing Education and Nurse registration (renewal of recognition)
Northwest Association of Schools and Colleges, Commission on Colleges (interim report)
Oklahoma State Board of Vocational and Technical Education (interim report)
Society of American Foresters (interim report)
Southern Association of Colleges and Schools, Commission on Colleges (renewal of recognition)
Western Association of Schools and Colleges, Accrediting Commission for Schools (renewal of recognition)
West Virginia Board of Examiners for Registered Nurses (renewal of recognition)

Requests for oral presentations before the Committee should be submitted in writing to the Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202. Requests should include the names of all persons seeking an appearance, the party or parties which they represent (if applicable), and the purpose for which the presentation is requested. Requests must be received by the Division of Eligibility and Agency Evaluation on or before February 28, 1979. Time constraints may limit oral presentations. However, all additional written material that a party wishes to file will be considered by the Advisory Committee.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Divison of Eligibility and Agency Evaluation.

Signed at Washington, D.C. on January 29, 1979.

JOHN R. PROFFITT,
Director, Division of Eligibility and Agency Evaluation, Office of Education.

[FR Doc. 79-3925 Filed 2-5-79; 8:45 am]

[4110-02-M]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting Relocated

This notice is to amend a portion of the notice of January 17, 1979, of the meeting of the National Advisory Council on the Education of Disadvantaged Children scheduled to be held on February 23 and 24, 1979. The Council meeting which was scheduled to be held at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004, has been relocated to the Captain Piercy Meeting Room on the fifth floor of Old Town Holiday Inn, 480 King Street, Alexanderia, Virginia, 22314, area code 703/549-6080. The dates will remain the same.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

For any additional information regarding the above meeting, please contact Mrs. Lisa Haywood at 202/724-0114.

Signed at Washington, D.C. on February 1, 1979.

GLORIA B. STRICKLAND,
Acting Executive Director.

[FR Doc. 79-3954 Filed 2-5-79; 8:45 am]

[4110-08-M]

Public Health Service

NATIONAL INSTITUTES OF HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (40 FR 22859, May 27, 1975, as amended most recently at 43 FR 47285, October 13, 1978) is amended to reflect: (1) The abolishment of the Office of Collaborative Research (HNA2), and (2) the modification of the functions of the Office of Extramural Research and Training (HNA3) in the Office of the Director, National Institutes of Health. These changes will establish a focal point for extramural program review, and the formulation and communication of policies for grants, contracts, and cooperative agreements.

Sec. HN-B, Organization and Functions, is amended as follows:

(1) Under the heading *Office of Director (HNA),* delete the statement for the *Office of Collaborative Research (NHA2);*

(2) Delete the statement for the *Office of Extramural Research and Training (HNA3)* and insert the following statement:

Office of Extramural Research and Training (HNA3). (1) Advises the Director, NIH, and his staff, and provides guidance to the bureaus, institutes, and divisions on the development and management of extramural (grant, cooperative agreement, and contract) research and training programs; (20 established NIH extramural research and training program policy and reviews program quality and effectiveness.

Dated: January 29, 1979.

FREDERICK M. BOHEN,
Assistant Secretary for Management and Budget.

[FR Doc. 79-4025 Filed 2-5-79; 8:45 am]

[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

INDIAN TRIBAL ENTITIES [1] THAT HAVE A GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH THE UNITED STATES

Delegation of Authority

JANUARY 31, 1979.

This notice is published in exercise of authority delegated by the Assistant Secretary—Indian Affairs under 5 U.S.C. 2 and 9; and 230 DM 1 and 2.

Notice is hereby given in accordance with 25 CFR 54.6(b) by the Bureau of Indian Affairs of the tribal entities that have a government-to-government relationship with the United States. The United States recognizes its trust responsibility to these Indian entities and, therefore, acknowledges their eligibility for programs administered by the Bureau of Indian Affairs. The listed entities are not necessarily eligible for programs administered by other Federal Agencies. The list of eligible Alaskan entities will be published at a later date.

INDIAN TRIBAL ENTITIES [1] THAT HAVE A GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WITH THE UNITED STATES

Absentee-Shawnee Tribe of Oklahoma, Acoma Pueblo of New Mexico
Aqua-Caliente Band of Cabuilla Indians (Palm Springs), Aqua-Caliente Indian Reservation, California
Ak Chin Indian Community, Maricopa, Ak Chin Reservation, Arizona
Alabama-Quassarte Creek Tribal Town, Oklahoma
Alturas Rancheria of Pit River Indians, California
Apache Tribe of Oklahoma
Arapahoe Tribe of Wind River Reservation, Wyoming
Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana
Augustine Band of Cahuilla Mission Indians, Augustine Reservation, California
Bad River Band of Lake Superior Chippewa Indians, Bad River Reservation, Wisconsin
Barona Capitan Grande Band of Diegueno Mission Indians, Barona Reservation, California
Bay Mills Indian Community, Bay Mills Reservation, Michigan
Berry Creek Rancheria of Maidu Indians, California
Big Bend Rancheria of Pit River Indians, California
Big Lagoon Rancheria of Smith River Indians, California
Big Pine Band of Owens Valley Paiute Shoshone Indians, Big Pine Reservation, California
Blackfeet Tribe, Blackfeet Indian Reservation, Montana
Bridgeport Paiute Indian Colony, California
Burns Paiute Indian Colony, Oregon
Cabazon Band of Cahuilla Mission Indians, Cabazon Reservation, California
Cachil Delle Band of Wintun Indians of Colusa Rancheria, California
Caddo Tribe of Oklahoma
Cahuilla Band of Mission Indians, Cahuilla Reservation, California
Cahto Indian Tribe of the Laytonville Rancheria, California
Campo Band of Diegueno Mission Indians, Campo Reservation, California
Capitan Grande Band of Diegueno Mission Indians, Capitan Grande Reservation, California
Cayuga Nation of New York
Cedarville Rancheria of Northern Paiute Indians, California
Chemehuevi Tribe, Chemehuevi Reservation, Arizona
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
Cherokee Nation of Oklahoma
Cheyenne-Arapaho Tribes of Oklahoma
Cheyenne River Sioux Tribe, Cheyenne River Reservation, South Dakota
Chickasaw Nation of Oklahoma
Chippewa-Cree Tribe of the Rocky Boy Reservation, Montana
Chitimacha Tribe of Louisiana
Choctaw Nation of Oklahoma
Citizen Band of Potawatomi Indians of Oklahoma
Cochiti Pueblo of New Mexico
Cocopah Tribe of Arizona
Coeur D'Alene Tribe, Coeur D'Alene Reservation, Idaho
Cold Springs Rancheria of Mono Indians, California
Colorado River Tribes of the Colorado River Indian Reservation, Arizona
Comanche Tribe of Oklahoma
Confederated Tribes of the Chehalis Reservation, Washington
Confederated Tribes of the Colville Reservation, Washington
Confederated Tribes of the Goshute Reservation, Nevada & Utah
Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
Confederated Tribes of the Siletz Reservation, Oregon
Confederated Tribes of the Umatilla Reservation, Oregon
Confederated Tribes of the Warm Springs Reservation, Oregon
Cortina Rancheria of Wintum Indians, California
Coushatta Tribe of Louisiana
Covelo Indian Community of the Round Valley Reservation, California
Coyote Valley Band of Pomo Indians, California
Creek Nation of Oklahoma
Crow Tribe of Montana
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
Cuyapaipe Band of Diegueno Mission Indians, Cuyapaipe Reservation, California
Delaware Tribe of Western Oklahoma
Devils Lake Sioux Tribe, Devils Lake Sioux Reservation, North Dakota
Dry Creek Rancheria of Pomo Indians, California
Duckwater Shoshone Tribe, Duckwater Reservation, Nevada
Eastern Band of Cherokee Indians of North Carolina
Eastern Shawnee Tribe of Oklahoma
Elem Indian Colony of Pomo Indians of California
Ely Indian Colony, Nevada
Enterprise Rancheria of Maidu Indians, California
Flandreau Santee Sioux Tribe, South Dakota
Forest County Potawatomi Indian Community of Wisconsin
Fort Belknap Indian Community, Fort Belknap Reservation, Montana
Fort Bidwell Indian Community, Paiute Indians of the Port Bidwell Reservation, California
Fort Independence Indian Community, Paiute Indians of the Fort Independence Reservation, California
Fort McDermitt Paiute-Shoshone Tribes, Fort McDermitt Reservation, Nevada
Fort McDowell, Mohave-Apache Indian Community, Fort McDowell Indian Reservation, Arizona
Fort Mojave Tribe of Arizona
Fort Still Apache Tribe of Oklahoma
Gila River Indian Community, Gila River Reservation, Arizona
Grindstone Indian Rancheria of Wintun-Wailaki Indians, California
Hannahville Potawatomi Indian Community of Michigan
Havasupai Tribe, Havasupai Reservation, Arizona
Hoh Tribe, Hoh Indian Reservation, Washington
Hoopa Valley Tribe of the Hoopa Valley Reservation, California
Hopi Tribe of Arizona
Hopland Band of Pomo Indians, Hopland Rancheria, California
Hualapai Tribe, Hualapai Reservation, Arizona
Inaja & Cosmit Reservation (Diegueno Indians), California
Iowa Tribe of Kansas & Nebraska
Iowa Tribe of Oklahoma
Islete Pueblo of New Mexico
Jackson Rancheria of Me-Wuk Indians, California
Jemez Pueblo of New Mexico
Jicarilla Apache Tribe, Jicarilla Apache Indian Reservation, Arizona
Kaibab Band of Paiute Indians, Kaibab Indian Reservation, Arizona
Kalispel Indian Community, Kalispel Reservation, Washington
Karok Tribe of California
Kashia Band of Pomo Indians of Stewards Point Rancheria, California
Kaw Tribe of Oklahoma
Keweenaw Bay Chippewa Indian Community, L'Anse Reservation, Michigan
Kialegee Tribal Town of Creek Indians, Oklahoma
Kickapoo Tribe of Kansas
Kickapoo Tribe of Oklahoma
Kiowa Tribe of Oklahoma
Kootenai Tribe of Idaho
La Jolla Band of Luiseno Mission Indians, LaJolla Reservation, California
La Posta Band of Diegueno Mission Indians, La Posta Reservation, California
Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Reservation, Wisconsin
Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac du Flambeau Reservation, Wisconsin
Laguna Pueblo of New Mexico
Las Vegas Tribe of Paiute Indians, Las Vegas Colony, Nevada
Lookout Rancheria of Pit River Indians, California
Los Coyotes Band of Cahuilla Mission Indians, Los Coyotes Reservation, California
Lovelock Paiute Tribe, Lovelock Indian Colony, Nevada

[1] Includes within its meaning Indian tribes, bands, villages, groups and pueblos as well as Eskimos and Aleuts.

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Lower Brule Sioux Tribe, Lower Brule Reservation, South Dakota
Lower Elwha Tribal Community, Lower Elwha Reservation, Washington
Lower Sioux Indian Community, Lower Sioux, Reservation, Minnesota
Lummi Tribe, Lummi Reservation, Washington
Makah Tribe, Makah Reservation, Washington
Manchester Band of Pomo Indians, Manchester-Pt. Arena Rancheria, California
Manzanita Band of Diegueno Mission Indians, Manzanita Reservation, California
Menominee Tribe, Menominee Reservation, Wisconsin
Mesa Grande Band of Diegueno Mission Indians, Mesa Grande Reservation, California
Mescalero Apache Tribe, Mescalero Reservation, New Mexico
Miami Tribe of Oklahoma
Miccosukee Tribe of Florida
Middletown Rancheria of Pomo Indians, California
Minnesota Chippewa Tribe, Minnesota (Six component reservations: Boise Fort Band (Nett Lake), Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lac Band, White Earth Band)
Mississippi Band of Choctaw Indians, Mississippi
Moapa Band of Paiute Indians, Moapa River Reservation, Nevada
Modoc Tribe of Oklahoma
Montgomery Creek Rancheria of Pit River Indians, California
Morongo Band of Cahuilla Mission Indians, Morongo Reservation, California
Muckleshoot Tribe, Muckleshoot Reservation, Washington
Nambe Pueblo of New Mexico
Navajo Tribe of Arizona, New Mexico and Utah
Nez Perce Tribe of Idaho, Nez Perce Reservation, Idaho
Nisqually Indian Community, Nisqually Reservation, Washington
Nooksack Indian Tribe of Washington
Northern Cheyenne Tribe, Northern Cheyenne Reservation, Montana
Northwestern Band of Shoshone Indians of Utah (Washakie)
Ogiala Sioux Tribe of the Pine Ridge Reservation, South Dakota
Omaha Tribe of Nebraska
Oneida Nation of New York
Oneida Tribe of Wisconsin, Oneida Reservation, Wisconsin
Onondaga Nation of New York
Osage Tribe of Oklahoma
Ottawa Tribe of Oklahoma
Otoe-Missouria Tribe, Oklahoma
Paiute-Shoshone Indians of the Bishop Community, Bishop Colony, California
Paiute-Shoshone Indians of the Fallon Reservation, Nevada
Paiute-Shoshone Indians of the Lone Pine Community, Lone Pine Reservation, California
Pala Band of Luiseno Mission Indians, Pala Reservation, California
Papago Tribe of Arizona
Pascua Yaqui Tribe of Arizona
Passamaquoddy Tribe of Maine
Pauma Band of Luiseno Mission Indians, Pauma & Yuima Reservation, California
Pawnee Tribe of Oklahoma
Payson Tonto Apache Tribe of Arizona
Pechanga Band of Luiseno Mission Indians, Pechanga Reservation, California
Penobscot Tribe of Maine
Peoria Tribe of Oklahoma
Picuris Pueblo of New Mexico
Pit River Tribe, X-L Ranch Reservation, California
Pojoaque Pueblo of New Mexico
Ponca Tribe of Oklahoma
Port Gamble Indian Community, Port Gamble Reservation, Washington
Prairie Band of Potawatomi Indians of Kansas
Prairie Island Sioux Indian Community, Prairie Island Reservation, Minnesota
Puyallup Tribe, Puyallup Reservation, Washington
Pyramid Lake Paiute Tribe, Pyramid Lake Reservation, Nevada
Quapaw Tribe of Oklahoma
Quechan Tribe of the Fort Yuma Indian Reservation, California
Quileute Tribe, Quileute Reservation, Washington
Quinault Tribe, Quinault Reservation, Washington
Ramona Reservation, California
Red Cliff Band of Lake Superior Chippewa Indians, Red Cliff Reservation, Wisconsin
Red Lake Band of Chippewa Indians, Red Lake Reservation, Minnesota
Reno-Sparks Indian Colony, Nevada
Resighini Rancheria, Coast Indian Community of Yurok Indians, California
Rincon Band of Luiseno Mission Indians, Rincon Reservation, California
Roaring Creek Rancheria of Pit River Indians, California
Robinson Rancheria of Pomo Indians, California
Rosebud Sioux Tribe, Rosebud Indian Reservation, South Dakota
Rumsey Rancheria of Wintun Indians, California
Sac & Fox Tribe of the Mississippi in Iowa
Sac & Fox Tribe of the Missouri in Kansas
Sac & Fox Tribe of Oklahoma
Saginaw Chippewa Tribe of the Isabella Reservation, Michigan
Salt River Pima-Maricopa Indian Community, Salt River Reservation, Arizona
San Carlos Apache Tribe, San Carlos Reservation, Arizona
San Felipe Pueblo of New Mexico
San Ildefonso Pueblo of New Mexico
San Juan Pueblo of New Mexico
San Manual Band of Serrano Mission Indians, San Manual Reservation, California
San Pasqual Band of Diegueno Indians, San Pasqual Reservation, California
Sandia Pueblo of New Mexico
Santa Ana Pueblo of New Mexico
Santa Clara Pueblo of New Mexico
Santa Rosa Indian Community, Santa Rosa Rancheria of California
Santa Rosa Band of Cahuilla Mission Indians, Santa Rosa Reservation, California
Santa Ynez Band of Chumash Mission Indians, Santa Ynez Reservation, California
Santa Ysabel Band of Diegueno Mission Indians, Santa Ysabel Reservation, California
Santee Sioux Tribe, Santee Reservation, Nebraska
Santo Domingo Pueblo of New Mexico
Sauk-Suiattle Indian Tribe of Washington
Sault Ste. Marie Chippewa Tribe of Michigan
Seminole Nation of Oklahoma
Seminole Tribe of Florida
Seneca Nation of New York
Seneca-Cayuga Tribe of Oklahoma
Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake)
Sheep Ranch Rancheria of Me-Wuk Indians, California
Sherwood Valley Rancheria of Pomo Indians, California
Shingle Springs Rancheria (Verona Tract) of Miwok Indians, California
Shoalwater Bay Tribe, Shoalwater Bay Reservation, Washington
Shoshone Tribe of the Wind River Reservation, Wyoming
Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho
Shoshone-Paiute Tribe of the Duck Valley Reservaton, Nevada
Sisseton-Wahpeton Sioux Tribe, Lake Traverse Reservation, South Dakota
Skokomish Tribe, Skokomish Reservation, Washington
Skull Valley Band of Goshute Indians, Utah
Soboba Band of Luiseno Mission Indians, Soboba Reservation, California
Sokoagon Chippewa Community, Mole Lake Band, Wisconsin
Southern Ute Tribe, Southern Ute Reservation, Colorado
Spokane Tribe of the Spokane Reservation, Washington
Squaxin Island Tribe, Squaxin Island Reservation, Washington
St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation, Wisconsin
St. Regis Band of Mohawk Indians of New York
Standing Rock Sioux Tribe, Standing Rock Reservation, North & South Dakota
Stockbridge-Munsee Mohican Indian Community, Wisconsin
Stillaguamish Tribe of Washington
Summit Lake Paiute Tribe, Summit Lake Reservation, Nevada
Suguamish Tribe, Port Madison Reservation, Washington
Susanville Rancheria of Paiute, Maidu, Pit River & Washoe Indians of California
Swinomish Indian Tribal Community, Swinomish Reservation, Washington
Sycuan Band of Diegueno Mission Indians, Sycuan Reservation, California
Table Bluff Rancheria of California
Table Mountain Rancheria of Yokut Indians of California
Taos Pueblo of New Mexico
Te Moak Bands of Western Shoshone Indians, Nevada (Battle Mountain, Elko & South Fork)
Tesuque Pueblo of New Mexico
Thlopthlocco Creek Tribal Town of Oklahoma
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
Tonawanda Band of Seneca Indians of New York
Tonkawa Tribe of Oklahoma
Torres-Martinez Band of Cahuilla Mission Indians, Torres-Martinez Reservation, California
Tule River Tribe, Tule River Reservation, California
Tulalip Tribes of the Tulalip Reservation, Washington
Tuolumne Band of Me-Wuk Indians, Tuolumne Rancheria, California
Turtle Mountain Band of Chippewa Indians, Turtle Mountain Reservation, North Dakota
Tuscarora Nation of New York
Twenty-Nine Palms Band of Luiseno Mission Indians, 29 Palms Reservation, California
United Keetoowah Band of Cherokee Indians, Oklahoma
Upper Lake Band of Pomo Indians of Upper Lake Rancheria, California
Upper Sioux Indian Community, Upper Sioux Reservation, Minnesota
Upper Skagit Tribe of Washington
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
Ute Mountain Tribe, Ute Mountain Reservation, Colorado, New Mexico & Utah
Utu Utu Gwaiti Paiute Tribe of the Benton Paiute Reservation, California
Viejas Baron Long Captain Grande Band of Diegueno Mission Indians, Viejas Reservation, California
Walker River Paiute Tribe, Walker River Reservation, Nevada
Washoe Tribe of Nevada & California (Carson Colony, Dresslerville & Washoe Ranches)
White Mountain Apache Tribe, Fort Apache Reservation, Arizona
Wichita Tribe of Oklahoma
Winnebago Tribe of Nebraska, Winnebago Reservation, Nebraska
Winnebago Tribe of Wisconsin
Winnemucca Indian Colony, Nevada
Wyandotte Tribe of Oklahoma
Yakima Tribes of the Yakima Reservation, Washington
Yankton Sioux Tribe, South Dakota
Yavapai-Apache Indian Community, Camp Verde Reservation, Arizona
Yavapai-Prescott Tribe, Yavapai Reservation, Arizona
Yerington Paiute Tribe of Nevada (Campbell Ranch)
Yomba Shoshone Tribe of the Yomba Reservation, Nevada
Yurok Tribe of the Hoopa Valley Reservation, California
Zia Pueblo of New Mexico
Zuni Pueblo of New Mexico

For additional information contact Patricia Simmons, Division of Tribal Government Services, Branch of Tribal Relations, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, telephone number, 202-343-4045.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 79-3979 Filed 2-5-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

NORTHERN TIER PIPELINE CO.

Public Hearings and Extension of Comment Period for Draft Environmental Statement (INT DES 79-3) on the Crude Oil Transportation System

Notice is hereby given that public hearings will be held at:

Coeur d'Alene, Idaho: 1:30 p.m., March 6, 1979, Convention Center, North Shore Motor Hotel, South 115 2nd Street.
Billings, Montana: 1:30 p.m., March 6, 1979, Room 152, Liberal Art Building, Eastern Montana College.
Helena, Montana: 1:30 p.m. March 7, 1979, Highway Department Auditorium, 2701 Prospect Ave.
Glendive, Montana: 1:30 p.m., March 7, 1979, Holliday Lodge—Jordan Hotel, 223 North Merrill.
Missoula, Montana: 1:30 p.m., March 8, 1979, Lewis & Clark Room, Village Red Lion Motor Inn, 100 Madison.
Williston, North Dakota: 1:30 p.m., March 8, 1979, Farm Credit Community Room, 603 Main Street.
Ephrate, Washington: 1:30 p.m., March 12, 1979, Auditorium, Grant County Public Utility District, 30 C Street, S.W.
Crookston, Minnesota: 1:30 p.m., March 13, 1979, Agricultural Research Center, University of Minnesota, Crookston.
Olympia, Washington: 1:30 p.m., March 13, 1979, Auditorium, State Office Building No. 2, 12th and Jefferson.
Minot, North Dakota: 1:30 p.m., March 14, 1979, Frontier Theater, Student Union Building, Minot State College.
Seattle, Washington: 9:30 a.m., March 14, 1979, North Auditorium, 4th Floor, New Federal Building, 912 2nd Ave.
Bismarck, North Dakota: 1:30 p.m., March 15, 1979, Highway Department Auditorium, State Capitol.
Port Angeles, Washington: 1:30 p.m. & 7:30 p.m., March 15, 1979, Little Theater, Peninsula College, 1502 East Lauridsen Blvd.
Juneau, Alaska: 1:30 p.m., March 19, 1979 Gold Room, Baranof Hotel, North 127 Franklin St.
Skagway, Alaska 7:00 p.m., March 20, 1979 City Hall Council Chambers.

A Notice of Availability of the draft environmental statement (ES) for a crude oil transportation system for Port Angeles, Washington, to Clearbrook, Minnesota, was published in the FEDERAL REGISTER on January 16, 1979. The original comment period was scheduled to close March 20, 1979. This is to announce that the comment period has been extended for 13 days and is now scheduled to close April 2, 1979. Copies of the draft ES are available for inspection at the locations defined in the above referenced Notice of Availability.

The Public Utility Regulatory Policies Act of 1978 was enacted on November 16 1978. Title V of this Act (Crude Oil Transportation Systems) provides for the submission of competing applications for systems capable of transporting Alaskan and other crude oil to northern tier and inland States. It also provides a mechanism for the President to choose between such competing applications, as well as providing for the expeditious processing of all such applications.

Three competing applications have been filed under Title V by the Northern Tier Pipeline Company, Northwest Energy Company (Foothills), and Kitimat Pipeline Ltd. All three of these applications are discussed in the draft ES issued January 11, 1979.

The purpose of the public hearing is to give the public the opportunity to comment on the draft ES with regards to the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969.

The public hearings will be conducted by an Administrative Law Judge, U.S. Department of the Interior. Individuals wishing to testify may do so by appearing at a hearing location as indicated above. Testimony may be limited to 10 minutes if necessary to assure that everyone has an opportunity to speak. Written comments are also invited. Prior to giving testimony at the public hearings, individuals, or spokespersons are requested to complete a hearing registration form. Registration form may be obtained by contacting the Bureau of Land Management Oregon State Director, Northern Tier Project, Room 1250, Lloyd Building, 700 N.E. Multnomah, Portland, Oregon 97232. Written comments may be submitted at hearing locations or sent to the Oregon State Director's Office. Comments received by the close of the review period, April 2, 1979, will be considered prior to writing the final ES. The response to each comment received by April 2, 1979, will be noted in the final ES.

Dated: February 1, 1979.

ARNOLD E. PETTY,
Director,
Acting Associate.

[FR Doc. 79-3970 Filed 2-5-79; 8:45 am]

[1505-01-M]

[Oregon 016753; 2330 (943.4)]

OREGON

Opportunity for Public Hearing and Republication of Notice of Proposed Withdowal

Correction

In FR Doc. 79-1782, appearing at page 3788, in the issue for Thursday, January 18, 1979, on page 3788, in the third column, in the land description, under Willamette Meridian—Revested Oregon and California Railroad Grant Lands, between the tenth and eleventh lines a sentence was omitted which should inserted to read: "Sec. 21, S½NW¼SW¼NW¼ and SW¼SW¼NW¼;".

[4310-84-M]

SHORT-TERM COAL LEASING

Bidding Methods and Fair Market Value

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Request for public comments on bidding method to be used in short-term bypass coal lease sales.

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SUMMARY: The Bureau of Land Management has been offering Federal coal for competitive leases consistent with the amended court order of June 14, 1978, in *NRDC* v. *Hughes*, 454 F. Supp. 148. Coal producers that had existing operations on September 27, 1977, are allowed to apply for Federal coal tracts if they meet the criteria established in the court order. One of the criteria allows leasing in situations where Federal coal would be bypassed. The Department's interest in bypass leasing is to avoid the loss or waste of Federal coal on tracts that could not be mined as independent operations in the foreseeable future for environmental or economic reasons or both.

Prior to issuance of a competitive coal lease, the Bureau of Land Management is required to obtain fair market value for the coal sold in the proposed lease. The Department offers coal for competitive lease through a cash bonus-payment bidding system. At the present time, the Department administers this bidding system and obtains fair market value for competitive leases by setting the minimum bonus bid at $25 per acre and calculating a royalty rate based on the value of the coal which, when added to the $25 per acre bonus bid, would yield a fair market rate of return to the Federal Government. Bidders for short-term bypass leases are presently required to submit bids in this format.

The Bureau of Land Management proposes to alter the method by which it has been administering the cash bonus/payment bidding system to allow bidders for short-term bypass tracts the option of submitting bids in the present format or in an alternative format. The alternative format consists of setting the royalty rate at the minimum required by law and policy and calculating a higher per-acre bonus bid which, when added to the minimum royalty rate, would also yield a fair market rate of return to the Federal Government. The Bureau is requesting comments regarding this management proposal.

DATES: Comments should be received by February 22, 1979.

ADDRESS: Director, Bureau of Land Management (140), United States Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Marcia Rohn or Walter Rewinski, Bureau of Land Management, Office of Coal Management, Washington, D.C. 20240, (202) 343-6821.

SUPPLEMENTAL INFORMATION: In conducting the short-term leasing authorized by the amended court order, the Department has encountered situations in which the use of the present admistration of the cash bonus-payment bidding system would impose a significant economic hardship on the short-term lease applicant. For instance, some existing mining operations have established royalty agreements on leases for adjacent non-Federal land which are tied to royalties on related Federal leases. In this situation, a higher-than-minimum royalty on a short/term lease, should it issue to the applicant, would require the applicant to pay significantly higher royalties on coal taken from the non-Federal lands. Applicants might decline to bid if the procedures now being used to administer this bidding method are used exclusively since a Federal lease would significantly raise the royalties on the private lands.

As it is in the Federal interest to avoid the loss of Federal coal resources, the Department is examining whether it should alter its administration of the coal bonus-payment bidding system for short-term bypass applications. The Department invites public comments on the proposed policy change.

Comments should be addressed to the relative merits of the different administrative methods set out above (permitting bids using either the current administrative practice or the alternative practice but not both) in recovering fair market value and in otherwise serving the public interest in Federal leasing. Commenters should remember that the Federal Coal Leasing Amendments Act of 1976 (FCLAA) requires a minimum royalty of 12.5% for surface-mined coal, and Departmental policy requires a minimum royalty of 8% for underground-mined coal.

As the above-described situation pertains in bypass lease sales scheduled to be conducted on March 27, 1979 (applications by Rosebud Coal Sales Company and Ark Land Company), the Department proposes, beginning with these sales, to allow the bidder to submit a cash bonus-payment bid using either one, but not both, of the different administrative practices. For this reason, the Department requests that comments be submitted on these proposed administrative practices by February 22, 1979. Comments on fair market value will also be solicited and considered for each short-term sale by separate FEDERAL REGISTER announcement and local public sale notice at least 30 days before the sale.

FEBRUARY 2, 1979.

ARNOLD E. PETTY,
Acting Associate Director.

Approved: February 2, 1979.

GARY J. WICKS.
Deputy Assistant Secretary, Land and Water Resources.

[FR Doc. 79-4172 Filed 2-5-79; 8:45 am]

[4310-84-M]

STATE DIRECTOR, IDAHO

Redelegation of Authority

Under the authority of Secretarial Order No. 3003, dated April 26, 1977, subject to the limitation of section 4(b) of that order, the State Director, Idaho, is authorized to issue all initial grants, permits, and amendments thereto, across public and other appropriate Federal lands for the Stanfield, Oregon, to Burley, Idaho, gas pipeline project and associated ancillary facilities in the States of Oregon and Idaho. The State Director, Idaho, is also authorized to enforce the terms and conditions of all grants and permits, and amendments thereto, across public lands and to enter into cooperative agreements with other Federal agencies for the enforcement of terms and conditions of grants and permits, and amendments thereto, across other Federal lands for the Stanfield, Oregon, to Burley, Idaho, gas pipeline project and associated ancillary facilities in the States of Oregon and Idaho. These authorizations are made pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 185.

The Idaho State Director shall not redelegate this authority.

ARNOLD E. PETTY,
Acting Associate Director.

JANUARY 26, 1979.

[FR Doc. 79-3926 Filed 2-5-79; 8:45 am]

[4310-09-M]

Bureau of Reclamation

AUTHORIZED SALT-GILA AQUEDUCT, CENTRAL ARIZONA PROJECT, ARIZONA-NEW MEXICO

Public Hearings on Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental statement for the Salt-Gila Aqueduct, authorized as a part of the Central Arizona Project by Public Law 90-537, 82 Stat. 885, 43 U.S.C. 1501 et seq., on September 30, 1968. This statement INT DES 79-1 dated January 4, 1979, filed with the Environmental Protection Agency, is available to the public, as specified in the Notice of Availability.

The draft environmental statement supplements the general information for the Salt-Gila Aqueduct system as covered in the final environmental statement for the overall Central Arizona Project which was filed with the Council on Environmental Quality on September 26, 1972 (FES 72-35). The purpose of the aqueduct is to convey Colorado River water from the terminus of the Granite Reef Aqueduct in south-central Pinal County, Arizona. Construction of the feature is scheduled to begin in mid-1980, with project completion scheduled for 1985.

In addition to the public hearings to receive comments on the draft statement scheduled for Coolidge, Arizona, on February 21, 1979, and for Apache Junction, Arizona, on February 22, 1979, we are scheduling a third hearing to be held at Mesa, Arizona, on March 12, 1979, at 1 p.m. and 7 p.m. in the Mesa Room of the Centennial Building, 201 North Center Street.

Oral statements at the hearing will be limited to periods of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation, however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comments after all persons wishing to make comments have been heard. Speakers will be scheduled according to the time preference mentioned in their letters or telephone requests, whenever possible. Any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his or her name will be recalled at the end of the scheduled speakers. Requests for scheduled presentations at the Mesa, Arizona, hearings will be accepted up to 4 p.m. March 9, 1979. Any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentations.

Organizations or individuals desiring to present their statements at the hearing should contact the Office of the Project Manager, Bureau of Reclamation, Suite 2200, Valley Center, 201 North Central Avenue, Phoenix, Arizona 85003, telephone number 602-261-3106, and announce their intention to participate. Written comments, for the hearing record from those unable to attend and from those wishing to supplement their oral presentation should be sent to the Regional Director, Bureau of Reclamation, Lower Colorado Region, P.O. Box 427, Boulder City, Nevada 89005, attention: Code 150 on or before March 22, 1979, so that they can be included in the hearing record.

Dated: February 1, 1979.

R. KEITH HIGGINSON,
Commissioner.

[FR Doc. 79-3972 Filed 2-5-79; 8:45 am]

[4310-03-M]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before January 26, 1979. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, DC 20240. Written comments or a request for additional time to prepare comments should be submitted by February 16, 1979.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ALASKA

Aleutian Islands Division

Port Moller vicinity, *Port Moller Hot Springs Village Site.*

Barrow-North Slope Division

Wainwright vicinity, *Aluakpak Site.*
Wainwright vicinity, *Anaktuuk.*
Wainwright vicinity, *Atanik.*
Wainwright vicinity, *Avalitkuk.*
Wainwright vicinity, *Ivishaat Site.*
Wainwright vicinity, *Kanitch.*
Wainwright vicinity, *Napanik,* S of Wainwright.
Wainwright vicinity, *Uyagaagruk.*

Cordova-McCarthy Division

McCarthy, *McCarthy Power Plant.*

Valdez-Chitina-Whittier Division

Chitina vicinity, *Dakah De'nin's Village Site.*

ARIZONA

Pima County

Tucson, *Ronstadt House, 607 N. 6th Ave.*

Pinal County

Casa Grande, *Casa Grande Woman's Club Building,* 407 N. Sacaton St.

CALIFORNIA

Mariposa County

El Portal, *Bagby Stationhouse, Water tanks, and Turntable,* CA 140.

CONNECTICUT

Fairfield County

Monroe, *Hawley, Thomas, House,* 514 Purdy Hill Rd.

Hartford County

Manchester, *Pitkin Glassworks Ruin,* 11 Parker St.

Middlesex County

Middletown, *Town Farms Inn,* Spring St. and River Rd.

New Haven County

Guilford, *Pitkin, Elisha, House,* 173 High Woods Dr.
Waterbury, *Hibbard, Enoch, House and Graniss, George, House,* 41 Church St. and 33 Church St.

New London County

Stonington, *Whitehall Mansion,* off CT 27.

Windham County

Willimantic, *Willimantic Footbridge,* Railroad St.

FLORIDA

Monroe County

Overseas Highway and Railway Bridges, U.S. 1.

GEORGIA

Fulton County

Atlanta, *Grant Park Historic District,* roughly bounded by Glenwood and Atlanta Aves., Kelly and Elliose Sts.

IDAHO

Fremont County

Big Springs, *Sack, Johnny, Cabin,* Island Park.

ILLINOIS

Cook County

Chicago, *Theurer-Wrigley House,* 2466 N. Lake View Ave.

IOWA

Scott County

Le Claire, *Houses of Mississippi River Men Thematic Resources.*

MINNESOTA

Washington County

Stillwater vicinity, *Mower House and Arcola Mill Site,* N of Stillwater.

MISSISSIPPI

Adams County

Natchez, *Manse, The,* 307 S. Rankin St.

NEBRASKA

Douglas County

Omaha, *Old Market Historic District,* bounded by 13th, Farnam, 10th and Jackson Sts.

Merrick County

Central City, *Patterson Law Office,* 1517 18th St.

Saunders County

Ashland vicinity, *Stambaugh, Joseph, House,* N of Ashland on NE 63.

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OKLAHOMA

Canadian County

El Reno, *El Reno Hotel*, 300 S. Choctaw St.

Kay County

Newkirk vicinity, *Roman Arch Bridge*, 6 mi. NE of Newkirk.

Muskogee County

Fort Gibson vicinity, *Cherokee National Cemetery*, 1.5 mi. E of Fort Gibson.

OREGON

Douglas County

Oakland, *Oakland Historic District*, roughly bounded by Chestnut, 1st, Cedar and 8th Sts.

SOUTH DAKOTA

Minnehaha County

Sioux Falls, *Sioux Falls National Bank Building*, 100 N. Phillips Ave.

TEXAS

Galveston County

Galveston, *Texas Heroes' Monument*, Rosenberg Ave. and Broadway.

Smith County

Tyler, *Carnegie Public Library*, 125 S. College St.

Washington County

Independence, *Blanton Inn Site*, SR 390.

VERMONT

Windham County

Dummerston, *Naulakha*, off U.S. 5

WEST VIRGINIA

Clay County

Clay, *Old Clay County Courthouse*, Main St.

Jefferson County

Harpers Ferry, *Harpers Ferry Historic District*, at the confluence of Potomac and Shenadoah Rivers

Kanawha County

St. Albans, *Beeches, The*, 805 Kanawha Ter.

Marion County

Montana vicinity, *Prickett, Jacob, Jr., Log House*, S of Montana off SR 72

Mason County

Mason, *Shumaker-Lewis House*, Brown St.

Monongalia County

Morgantown, *Old Morgantown Post Office*, 107 High St.

Ohio County

Wheeling, *Wheeling Baltimore and Ohio Railroad Passenger Station*, College Sq.

Wyoming County

Pineville, *Wyoming County Courthouse and Jail*, Main St.

WISCONSIN

Ashland County

Ashland, *Union Depot*, 417 Chapple Ave.

St. Croix County

Hudson, *Opera Hall Block*, 516 2nd St.

[FR Doc. 79-3557 Filed 2-5-79; 8:45 am]

[4310-70-M]

National Park Service

[INT DES 79-7]

MASTER PLAN FOR BADLANDS NATIONAL PARK (FORMERLY BADLANDS NATIONAL MONUMENT), SOUTH DAKOTA

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the Badlands National Park master plan.

The conceptual master plan provides guidance for development, interpretation, and management of the park, with emphasis on the development of "South Unit" lands added to the park by Public Law 90-468, which are jointly administered by the Service and the Oglala Sioux Tribe. The plan provides for development of a system of roads and motor nature trails; construction of campgrounds, picnic areas, concession facilities, interpretive center and administrative facilities.

The environmental statement considers the social, economic, and ecological effects of the master plan recommendations for future management activity and visitor use of the park.

Comments on the draft environmental statement are invited and will be accepted for a period of forty-five (45) days after the date of this notice. Comments should be directed to the Superintendent, Badlands National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225.

Superintendent, Mount Rushmore National Memorial, Keystone, South Dakota 57751.

Superintendent, Badlands National Park, Post Office Box 72, Interior, South Dakota 57750.

Dated: January 31, 1979.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc. 79-3927 Filed 2-5-79; 8:45 am]

[4510-24-M]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL

Meeting

The regular winter meeting of the Business Research Advisory Council will be held at 9:30 a.m., February 21, 1979, at the New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C., Room N4437 (A,B,&C). The agenda for the meeting is as follows:

1. Chariman's Opening Remarks—J. Frank Gaston.
2. Acting Commissioner's Remarks—Janet L. Norwood.
3. The Relationship of the BLS to the Council on Wage and Price Stability.
4. Committee Reports:
   (a) Occupational Safety and Health.
   (b) Productivity and Technology.
   (c) Foreign Labor and Trade.
   (d) Price Indexes.
   (e) Manpower and Employment.
5. Other Business.
6. Chairman's Closing Remarks.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C., this 30th day of January 1979.

JANET L. NORWOOD,
Acting Commissioner, of Labor Statistics.

[FR Doc. 79-3920 Filed 2-5-79; 8:45 am]

[4510-30-M]

Employment and Training Administration

YOUTH COMMUNITY CONSERVATION AND IMPROVEMENT PROJECTS (YCCIP) REALLOCATION

Reallocation of the City of Shreveport and Jefferson Parish, Louisiana Allocations

In accordance with 29 CFR 97.607 and 29 CFR 98.11(d) and section 354(b) of the Comprehensive Employment and Training Act of 1973 (CETA), as amended, on December 5, 1978, the Employment and Training Administration, with the concurrence of the Governor of Louisiana reallocated $51,833 of the City of Shreveport's allocation and $126,361 of Jefferson Parish's allocation under the Youth Community Conservation and Improvment Projects (YCCIP).

This reallocation was made to the following CETA prime sponsors:

City of Baton Rouge	$25,000
City of New Orleans	27,774
Rapides Parish	28,000
Lafayette Parish	25,000
Quachita	22,420
Balance of State Louisiana	50,000

This reallocation was made because the FY 1979 YCCIP funds were declined by the city of Shreveport and Jefferson Parish, Louisiana.

Any questions or comments regarding this reallocation should be addressed to Mr. Robert Taggart, Administrator, Office of Youth Programs, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, 202-376-2646.

Dated: January 10, 1979.

ROBERT TAGGART,
Administrator, Office of Youth Programs.

[FR Doc. 79-4080 Filed 2-5-79; 8:45 am]

[4510-43-M]

Mine Safety and Health Administration

[Docket No. M-79-2-M]

HOMESTAKE MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

The Homestake Mining Company, P.O. Box 100, Creede, Colorado 81130, has filed a petition to modify the application of 30 CFR 57.12-82 (powerlines) to its Bulldog Mountain Operation in Creede, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. This petition concerns the insulation or separation of powerlines from waterlines, telephone lines and air lines.

2. Power in the petitioner's mine is distributed through two types of power cable as follows:

a. The 2.4 kilovolt distribution system uses submarine-type, galvanized, heavy steel, concentric wire-armored, high voltage cable. The armor is bonded together at all junction or splice boxes and also to all switchgear, transformers and related equipment. This armor protects the conductors within the cable from physical damage, acts as an electrical shield surrounding the power conductors and provides substation equipment bonding and grounding.

b. The 480 volt distribution system uses a special 600 volt cable (HMCo. 3 conductor cable) developed for the petitioner by the General Electric Company. It contains a concentric shield of round copper wires over the bundle of power conductors which is equal to or greater in circular mill area than the power conductor size. Over this is a heavy-duty, lead-cured oil and abrasion-resistant neoprene jacket. The concentric ground conductors are always bonded together at all junction or splice boxes and also to switch-gear, transformers and equipment grounds. The ground shield contains cable faults to the interior of the cable and triggers ground alarms used underground.

3. The petitioner contends that because of the high quality of these cables and the grounding provided by the bonding, there should be no reason that its cables be separated or additionally insulated from waterlines, telephone lines and air lines.

4. The petitioner concludes that its cables will achieve no less protection for miners than that provided by the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before March 8, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: January 29, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-3923 Filed 2-5-79; 8:45 am]

[4510-43-M]

[Docket No. M-78-48-M]

KENTUCKY-TENNESSEE CLAY CO.

Petition for Modification of Application of Mandatory Safety Standard

The Kentucky-Tennessee Clay Company, P.O. Box 449, Mayfield, Kentucky 42066 has filed a petition to modify the application of 30 CFR 57.9-88 (ROPS) to its Crenshaw Mine and Plant in Crenshaw, Mississippi. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The petition concerns the installation of Roll-Over-Protective-Structures (ROPS) on rubber tire loaders used in the petitioner's clay storage sheds.

2. The storage sheds consist of a storage area flanked by covered, concrete runways.

3. Roof supports, which run the length of the runways, do not allow sufficient clearance for loaders equipped with ROPS.

4. All loader traffic is on level or near level concrete pavement, making roll-overs very unlikely. Additionally, since all traffic is under a roof, danger from falling objects is minimal.

5. For these reasons, the petitioner requests relief from the application of the standard to its clay shed loaders.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before March 8, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: January 29, 1979.

ROBERT B. LAGATHER,
Assistant Secretary, for Mine Safety and Health.

[FR Doc, 79-3922 Filed 2-5-79; 8:45 am]

[4510-43-M]

[Docket No. M-78-60-C]

OLGA COAL CO.

Final Action Granting a Petition for Modification of Application of Mandatory Safety Standard

The Mine Safety and Health Administration (MSHA) has granted the petition (43 FR 18354) of Olga Coal Co. to modify the application of 30 CFR 75.305 to its Olga Mine located in McDowell County, W. Va., in accordance with Section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164. MSHA has determined that the application of the standard to the mine will result in a diminution of safety to the miners of the mine.

MSHA based its determination on the following findings:

At the time of an investigation of the mine by MSHA, the entries in question were being utilized as part of the bleeder system. The three entries left of the barrier block could not be investigated because of bad roof conditions encountered in the approaches to the entries. The entries right of the barrier block that could be traveled were examined to the caved area. The extent of the roof falls could not be determined. The roof overlying the coalbed was sandstone. Numerous areas of hooved bottom, heavy top, roof falls, and hazardous roof were encountered in the entries. Permanent roof support such as roof bolts were not installed and what roof support had been installed (wooden posts) had deteriorated. No dangerous accumulation of water was encountered in the area. Air samples were collected of the mine atmosphere, at the caved area (survey stations 2429 and 2600) and at the 3 south upcast shaft. The analysis

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of the air samples show no dangerous quantities of gases.

Because of these findings, the Administrator for Coal Mine Safety and Health, under authority delegated by the Secretary of Labor, ordered that the petition be granted, conditioned upon compliance with the following:

In addition to the other examinations required by 30 CFR Part 75, Subpart D "Ventilation," at the start of each production shift and at 4-hour intervals during each shift, determination of the air quality and volume shall be made by a certified person designated by the opertor in each split of air (left and right of the 3 South Section) where it enters the old return air courses. The air volumes shall be recorded in the on-shift examination book.

A copy of the decision is available for inspection by the public at the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: January 12, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-3921 Filed 2-5-79; 8:45 am]

[4510-29-M]

Pension and Welfare Benefit Programs

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Meeting

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (29 U.SC. 1142) a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:30 a.m. on Wednesday, February 21, 1979, in the Federal Ballroom South, Quality Inn-Capitol Hill, 415 New Jersey Avenue, N.W., Wahington, D.C.

The purpose of the meeting is to install new members, to discuss the items listed below and to invite public comment on any aspect of the administration of the pension reform law.

1. Administration Oath of Office to New Members
2. Department of Labor Progress Report
3. Reconstitution of Advisory Council Work Groups
4. Statements from the Public

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA, by submitting 30 copies on or before February 20, 1979 to the Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room S-4522, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

Persons desiring to atttend should notify Eward F. Lysczek, Executive Secretary of the Advisory Council, in care of the above address or by calling Area Code 202-523-8753.

Signed at Washington, D.C. This 1st day of February 1979.

IAN D. LANOFF,
Adminstrator of Pension and Welfare Benefit Programs.

[FR Doc. 79-4087 Filed 2-5-79; 8:45 am]

[4510-29-M]

[Application No. D-822]

PROPOSED CLASS EXEMPTION

Closed-End Investment Company In-House Plans Requested by the Association of Publicly Traded Investment Funds

AGENCIES: Department of Labor.

ACTION: Notice of proposed class exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed class exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed class exemption would exempt the acquisition and sale of shares of a registered closed-end investment company by an employee benefit plan which covers employees of either the company, its investment adviser, or an affiliate thereof.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before March 30, 1979.

EFFECTIVE DATE: It is proposed to make the exemption effective as of January 1, 1975.

ADDRESSES: All written comments and requests for a hearing (at least six copies) should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-822. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William J. Flanagan of the Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523-7931. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed class exemption from the restrictions of sections 406 and 407 of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) of the Code.

The proposed exemption was requested in an application filed by the Association of Publicly Traded Investment Funds (APTIF), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). This application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

SUMMARY OF FACTS AND REPRESENTATIONS

The application contains the following representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

Closed-end investment companies, like open-end investment companies, issue shares to the public and use the proceeds to acquire securities meeting the company's investment requirements. However, unlike open-end investment companies (mutual funds), closed-end companies do not continuously issue new shares to the public, nor do they generally offer to repurchase or redeem their shares from investors. Rather, shares of closed-end investment companies are traded through broker-dealers in established security markets. Some closed-end investment companies are externally managed; that is, they employ investment advisers to manage most of their operations, and have no employees other than officers required by state statute. Other close-end companies are internally managed, maintaining their own staffs of employees.

Many closed-end investment companies, whether externally managed or internally managed, maintain employee benefit plans which cover employees of the company or of its investment adviser, or employees of persons affiliated with the company or the investment adviser. Such "in-house" plans are administered either by the closed-end investment company itself, by the investment adviser, or by trustees or investment committees comprised of directors, officers, or employees of the closed-end investment company organization. In-house plans maintained by closed-end investment company organizations frequently invest in shares of the related closed-end investment company. A major reason for funding in-house plans in this manner is to prevent conflicts of interest and potential violations of the federal securities laws which could result if the closed-end investment company organization maintained separate investment portfolios for its in-house plan and its publicly-held investment company. Transactions by an in-house plan in shares of the related closed-end company are normally conducted through unaffiliated brokers on securities exchanges, but in certain instances such transactions might involve direct dealings between the plan and the closed-end company.[1] APTIF suggests that, in either case, such transactions might be construed as prohibited transactions under sections 406 and 407(a) of the Act and section 4975(c)(1) of the Code. APTIF requests that the Department grant a class exemption to permit such investments to continue under certain conditions.

APTIF argues that closed-end investment company organizations, their in-house plans, and the participants, beneficiaries and fiduciaries of the plans would suffer a variety of hardships if the requested class exemption is denied. It is argued that, if such plans are required to refrain from purchasing shares of the related closed-end company and to liquidate their existing investments in such shares, substantial expenses could result. In addition, APTIF argues that if closed-end investment company organizations are required to manage their in-house plans separately from their publicly held investment companies, conflicts of interest and possible violations of the federal securities laws could result. APTIF further contends that employee morale could be damaged if a plan covering employees of a firm engaging in investment management could not invest in the investment vehicle managed and advised by that firm.

Moreover, APTIF states that a class exemption similar to the on which it requests has been granted for open-end investment company organizations and their in-house plans,[2] and that the policy considerations in favor of that class exemption apply with at least equal force to the present application.

The class exemption being proposed herein would provide both retroactive and prospective relief.[3] It would allow a plan to acquire and sell shares of a closed-end investment company which is registered under the Investment Company Act of 1940[4] where the plan covers employees of only the closed-end investment company, its investment adviser, or any affiliated person of such investment adviser. For purposes of the proposed exemption, the term "affiliated person" has the same meaning as that set forth in section 2(a)(3) of the Investment Company Act of 1940.[5] These provisions, like the additional ones described below, are similar to conditions contained in Prohibited Transaction Exemption 77-3, relating to open-end investment companies.

The proposed class exemption contains several conditions designed to safeguard plans against potential abuses. It would prohibit payment by the plan of an investment management, investment advisory, or similar fee to the investment adviser of the closed-end investment company or its investment adviser. However, this would not preclude the closed-end company itself from paying such fees, or from reimbursing expenses, under the terms of an investment advisory agreement adopted in accordance with the Investment Company Act of 1940.

The proposed exemption also provides that the plan may not pay a sales commission in connection with the acquisition or sale of shares of the related closed-end investment company organization when such transaction is directly between the plan and the investment company.[6] Additionally, the proposed exemption requires that all other dealings between the plan and the investment company, the investment adviser, or affiliates of the investment adviser be on a basis not less favorable to the plan than such dealings are with other shareholders of the investment company.

It should be noted that, in one respect, the class exemption being proposed by the Department does not contain a provision requested by APTIF. APTIF requests that the class exemption permit a closed-end investment company's adviser, or an affiliate of the adviser or of the company, to render investment advisory or administrative services to the closed-end company or its shareholders (including an in-house plan), and to be paid fees or reimbursed for expenses in connection with such services. As indicated above, the proposed class exemption, like Prohibited Transaction Exemption 77-3, would permit the closed-end company itself to pay an investment advisory fee to its investment adviser. APTIF has not suggested why any additional relief to cover other

[1] For example, it is represented that some closed-end investment companies have established "automatic dividend investment plans" under which shareholders, through an appointed agent, purchase shares on the market with the cash received from dividends, other distributions from the company, or additional cash payments. If the company's shares are being traded at a price above their net asset value, such purchases may be made directly from the company at net asset value. Another example of such direct dealings could occur if the closed-end investment company repurchased its shares from shareholders. Such repurchases are, however, regulated by the Securities and Exchange Commission, and are subject to the anti-fraud provisions of the federal securities laws. The applicant represents that direct dealings between a closed-end investment company and an in-house plan in shares of the closed-in investment company occur only rarely.

[2] Prohibited Transaction Exemption 77-3, 42 FR 18734 (April 8, 1977) (PTE 77-3). It should be noted that APTIF sought to have PTE 77-3 extended to cover closed-end investment companies. The Department and the Internal Revenue Service determined that it would be inappropriate to extend the coverage of that proposed exemption of the basis of APTIF's letter of comment since the coverage of the exemption would be greatly expanded, and the public would have no opportunity to comment on the appropriateness of such an extension.

[3] APTIF represents that in-house plans have been purchasing, holding, and selling shares of related closed-end investment company organizations for a long period of time commencing before the enactment of the Act. APTIF further represents that such transactions have been of a continuing nature, and have been designed primarily to avoid conflicts of interest and possible violations of the federal securities laws.

[4] APTIF suggests also that the class exemption apply only where the closed-end company meets certain requirements of section 851 of the Code. However, it does not appear to the Department that such a limitation is necessary, and such a limitation is not included in the proposed class exemption.

In addition, the exemption, as requested by APTIF and as proposed by the Department, does not apply to closed-end investment companies which are defined as small business investment companies under the Small Business Investment Company Act of 1958.

[5] Section 2(a)(3) of the Investment Company Act of 1940 provides that the term "affiliated person" of another person means, in pertinent part:

(A) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, co-partner, or employee of such other person * * *.

[6] As noted earlier, APTIF represents that such direct transactions occur rarely, and then only pursuant to S.E.C. regulation.

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services is needed, and no such relief would be provided under the proposed class exemption.[7]

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before any exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

WRITTEN COMMENTS AND HEARING REQUESTS

All interested persons are invited to submit written comments or requests for a hearing on the proposed exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

[7]Depending on the circumstances, such payment might be permissible by reason of section 408(b)(2) of the Act and section 4975(d)(2) of the Code, together with regulations 29 CFR 2550.408b-2 and section 54.4975-6 of the Pension Excise Tax Regulations thereunder.

PROPOSED EXEMPTION

Based on the facts and representations set forth in the application, the Department is considering granting the following class exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1:

Effective for transactions occurring after December 31, 1974, the restrictions of sections 406 and 407(a) of the Act, and the taxes imposed by sections 4975(a) and (b) of the Code by reason of section 4975(c)(1) of the Code, shall not apply to the acquisition, ownership or sale of shares of a closed-end investment company which is registered under the Investment Company Act of 1940 and is not a small business investment company as defined by section 103 of the Small Business Investment Company Act of 1958, by an employee benefit plan covering only employees of such investment company, employees of the investment adviser of such investment company, or employees of any affiliated person (as defined in section 2(a)(3) of the Investment Company Act of 1940) of such investment company or investment adviser, provided that the following conditions are met (whether or not such investment company, investment adviser, or any affiliated person thereof is a fiduciary with respect to the plan):

(a) The plan does not pay any investment management, investment advisory, or similar fee to such investment adviser or affiliated person. This condition does not preclude the payment of investment advisory fees by the investment company under the terms of its investment advisory agreement adopted in accordance with section 15 of the Investment Company Act of 1940;

(b) The plan does not pay a sales commission in connection with such acquisition or sale to any such investment company, investment adviser, or affiliated person; and

(c) All other dealings between the plan and such investment company, the investment adviser, or affiliated person are on a basis no less favorable to the plan than such dealings are with other shareholders of the investment company.

Signed at Washington, D.C. this 29th day of January, 1979.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-3774 Filed 1-31-79; 8:45 am]

[4510-29-M]

PROPOSED CLASS EXEMPTION

Certain Transactions Authorized or Required by Judicial Order or Judicially Approved Settlement Decree

AGENCY: Department of Labor.

ACTION: Notice of proposed class exemption.

SUMMARY: This document sets forth notice that the Department of Labor (the "Department") is proposing on its own motion to grant a class exemption, to the extent described below, from certain provisions of the Employee Retirement Income Security Act of 1974 (the "Act") and the Internal Revenue Code of 1954, as amended (the "Code"). The proposed class exemption would permit certain otherwise prohibited and specially taxable transactions and activities involving employee benefit plans to take place provided, among other things, that before such transactions or activities take place they are specifically authorized or required by a judicial order or a judicially approved settlement decree. The proposed exemption could, if granted, affect employee benefit plans, participants in and beneficiaries of such plans, fiduciaries of such plans and other persons engaging in such transactions or activities, and any other parties to litigation resulting in a court order or court approved settlement authorizing or requiring such transactions or activities.

DATES: Written comments and requests for a public hearing must be delivered or mailed on or before March 30, 1979.

ADDRESS: Send at least six copies of comments and requests for a hearing to Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, Washington, D.C. 20216, Attention: Court-Ordered or Approved Transactions. All such comments and requests received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Stevan Durovic, Esq., Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20216, 202-523-9129. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department proposes, on its own motion, to grant a class exemption from the prohibitions of sections 406 and 407(a) of the Act, and from the taxes imposed by section 4975 (a) and (b) of the Code, to the extent necessary to permit employee benefit plans and the fiduciaries and disqualified persons thereof to engage under certain circumstances in transactions and activities which are within the scope of those sections, provided that, in a case to which either the Department or the Internal Revenue Service is a party, the transactions and activities have been specifically authorized or required in advance by an order made or approved by a Federal court. The exemption is proposed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 18, 1975).[1] The Department's reasons for proposing the class exemption, and the conditions to which the exemption would be subject, are discussed below.

A. BACKGROUND

Section 406(a) of the Act generally prohibits a fiduciary[2] with respect to an employee benefit plan from causing the plan to engage in certain types of transactions with a party in interest.[3] These prohibited transactions with parties in interest include, among others, leases, loans, and sales or exchanges of property, as well as the provision of services. Such transactions, in addition to being prohibited under section 406(a) of the Act, are subject to special taxation under section 4975 (a) and (b) of the Code.[4] Similarly, section 406(b) of the Act in effect prohibits fiduciaries from acting in conflict of interest situations or in such a way as to benefit themselves, and some such activities also result in special taxation under section 4975 (a) and (b) of the Code. Moreover, section 406(a)(2) of the Act, together with section 407(a), in part delimits the circumstances under which a plan may acquire or hold securities issued by an employer of persons covered by the plan, or may acquire or hold real property which is leased to such an employer. The various provisions described above are administered by the Department and, in some respects, by the Internal Revenue Service.[5]

Section 408(a) of the Act and section 4975(c)(2) of the Code in effect empower the Department[6] to grant exemptions from the prohibitions and special taxes described above where the Department finds that such exemptions are administratively feasible, are in the interests of plans and their participants and beneficiaries, and are protective of the rights of such participants and beneficiaries. The Department has promulgated a procedure whereby applications for exemptions may be made either with respect to particular persons or transactions or with respect to classes of persons or transactions.[7] That procedure provides, among other things, that an exemption will not be granted until notice of its pendency has been published in the FEDERAL REGISTER, and interested persons have been given an opportunity to comment upon the proposed exemption. The procedure also provides for an opportunity for a conference between the applicant and the Department where Department contemplates not granting the requested exemption.

A certain amount of delay is inherent in the exemption procedure described above. As a general matter, such delay is unavoidable because, if that procedure were not followed, the Department might not be in a position to consider all relevant factors before determining whether the statutory standards have been met and an exemption should be granted. However, in certain categories of cases, following the regular exemption procedure would seem to serve no useful purpose. Specifically, the Department takes note that there may be occasions, in litigation in Federal court, for entry of an order or court-approved settlement which specifically authorizes or requires a transaction or activity for which exemptions from the Act and the Code are necessary. If the Department or the Internal Revenue Service has been a party to the litigation, it may be assumed that the court has had the benefit of that agency's view as to the propriety of rendering a judgment of approving a settlement contemplating transactions or activities which might be prohibited under the Act and the Code before taking such action. Requiring that an exemption be sought pursuant to the Department's regular procedure in such a case might result in unnecessary delay in implementing the court order or court-approved settlement. In order to avoid any such unnecessary delay, the class exemption described below is being proposed.

B. PROVISIONS OF PROPOSED EXEMPTION

In effect, the class exemption being proposed herein would exempt all persons and transactions from the restrictions of sections 406 and 407(a) of the Act, and from the special taxes imposed by section 4975 (a) and (b) of the Code, to the extent necessary to permit any person to carry out one or more transactions or activities authorized or required by the order of a United States District Court, or by a settlement which is approved by such a court, provided that: (1) Either the Secretary of Labor or the Internal Revenue Service is a party to the litigation; and (2) the court has specifically authorized or required the transaction or activity before it takes place.[8] The Department's reasons for including these provisions in the proposed class exemption are discussed below.

1. PARTICIPATION OF THE AGENCIES

The proposed class exemption relates generally to matters of fiduciary responsibility, and specifically to the prohibited transaction provisions of the Act and the Code. The Department of Labor and the Internal Revenue Service are responsible for administering and enforcing these prohibited transaction provisions, and a court order or court-approved settlement entered after the court issuing the order or approving the settlement has had the benefit of full participation in the proceeding by at least one of those agencies can be presumed to reflect due consideration of the agency's views.[9]

It might be noted that the applicability of the proposed class exemption does not depend upon the views ex-

[1]The authority of the Secretary of Labor to issue exemptions under section 4975(c)(2) of the Code is set forth in section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978), effective December 31, 1978.

[2]Section 3(21)(A) of the Act provides in part that, in general, a person is a fiduciary with respect to a plan to the extent (i) he exercises any discretionary authority or discretionary control respecting management of such plan or exercises any authority or control respecting management or disposition of its assets, (ii) he renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so, or (iii) he has any discretionary authority or discretionary responsibility in the administration of such plan.

[3]The term "party in interest" is defined in section 3(14) of the Act to include fiduciaries as well as persons or organizations having relationships with the plan which are specified in the Act.

[4]Section 4975 (a) and (b), together with certain other provisions relating to employee benefit plans, were added to the Code in connection with passage of the Act in 1974.

[5]*See* Reorganization Plan No. 4 of 1978, note 1, *supra*.

[6]*See* note 1, *supra*.

[7]ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

[8]State Courts and other courts which are not United States District Courts would seldom or never have occasion to issue orders or approve settlements for which exemptions from the Act and the Code are necessary in view of the jurisdictional provisions of section 502(e) of the Act. Therefore, the class exemption being proposed is confined to matters which come before the United States District Courts.

[9]It should be pointed out that the proposed exemption's condition that the Department or the Internal Revenue Service be a party to the proceeding would not be satisfied by the agency's participation as *amicus curiae*.

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pressed by the Department or the Internal Revenue Service in the proceeding. Where a case to which one of these agencies is a party is fully litigated and the court reaches a final determination on the merits of the controvery, the Department anticipates that the court will have given thorough consideration to the question whether any exemption from sections 406 and 407(a) of the Act and section 4975 (a) and (b) of the Code which might be necessitated by its order would be in the interests of plan participants and would otherwise meet the statutory standards. Further consideration of these questions by the Department pursuant to its regular procedure would seem unnecessary regardless of the position the Department or the Internal Revenue Service might have taken in the litigation. The question of the applicability of this proposed class exemption where the Department or the Internal Revenue Service has advocated a different result would not arise in the event of a court-approved settlement, because a settlement of an action to which one of those agencies is party could not be made without the agency's agreement.

2. SPECIFIC COURT AUTHORIZATION OR REQUIREMENT

Another condition of the proposed class exemption is that it would apply only to transactions or activities which, before they take place, are specifically authorized or required by the court order or court-approved settlement. This condition is designed to limit the applicability of the class exemption to cases where it is clear that the court has considered the appropriateness of the particluar transaction or activity for which an exemption is necessary, and so has had the opportunity to determine that permitting the transaction or activity would be consistent with the relevant provisions of the Act and the Code. Thus, the proposed class exemption would not apply where, for example, a receiver or other fiduciary is appointed or approved by a court and is given general authority to carry out transactions or activities he deems to be in the interests of the plan, when the precise nature of such transactions or activities is not described in the court order or court-approved settlement. In a situations of that type, any prohibited transactions or activities could lawfully take place only if a specific exemption were granted pursuant to the Department's regular procedure.

Limiting the applicability of the proposed class exemption in this manner seems appropriate, because the proposed exemption is not intended to allow the judgment of plan fiduciaries, even those approved or appointed by a court, to substitute for the regulatory safeguards contemplated by the Act and the Code. Rather, the proposed exemption is intended only to facilitate the implementation of court orders or court-approved settlements.[10]

C. OTHER MATTERS

The attention of interested persons is directed to the following:

1. The fact that a transaction or Activity is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan which is affected by the exemption from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act. Section 404 of the Act requires, among other things, that a fuduciary discharge his duties respecting the plan solely in the interests of the plan's participants and beneficiaries and in a prudent fashion. Nor does it affect the provision of section 401(a) of the Code that, in order to qualify under that section, a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan or their beneficiaries.

2. An exemption may not be granted under section 408(a) of the Act and section 4975(c)(2) of the Code unless the Department finds that the exemption is administratively feasible, in the interests of the plan and its participants and beneficiaries, and protective of the rights of plan participants and beneficiaries.

3. The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction or activity is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

4. If granted, the pending class exemption will be applicable to a particular transaction or activity only if the transaction or activity satisfies the conditions specified in the class exemption.

5. All interested persons are invited to submit written comments or requests for a hearing on the pending class exemption to the address and within the time period set forth above. All comments and requests so submitted will be made part of the record and will be available for public inspection at the address set forth above. Comments and requests should state the reasons for the person's interest in the pending class exemption.

D. PENDING EXEMPTION

On the basis of the considerations set forth above, the Department hereby proposes to grant the following class exemption:

Sections 406 and 407(a) of the Act and section 4975 (a) and (b) of the Code shall not apply with respect to any transaction or activity which is authorized or required, prior to the occurrence of such transaction or activity, by an order of a United States District Court or by a settlement of litigation approved by such a court, provided that the nature of such transaction or activity is specifically described in such order or settlement, and provided further that the Secretary of Labor or the Internal Revenue Service is a party to the litigation at the time of such order or settlement.

Signed at Washington, D.C., this 29th day of January 1979.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, United States Department of Labor.

[FR Doc. 79-3775 Filed 1-31-79; 8:45 am]

[10] Similarly, it appears appropriate to limit the applicability of the proposed class exemption to situations where a court approves a transaction or activity before it takes place. In the unusual case where a retroactive exemption might be appropriate, requiring that the exemption be applied for pursuant to the Department's regular procedure would not seem likely to delay implementation of a court order or court-approved settlement.

[4510-28-M]

Office of the Secretary

[TA-W-4404]

ATLAS TACK CORP., FAIRHAVEN, MASSACHUSETTS

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4404: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1978 in response to a worker petition received on November 13, 1978 which was filed by the United Auto Workers on behalf of workers and former workers producing industrial eyelets. The investigation revealed that the plant primarily produces shoe eyelets.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56951). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Atlas Tack Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation indicated that imports of shoe eyelets like or directly competitive with shoe eyelets produced by Atlas Tack Corporation are negligible.

A Department of Labor survey of several customers of Atlas Tack Corporation revealed that none purchased imported shoe eyelets.

Imports of shoes which incorporate eyelets are not like or directly competitive with eyelets within the meaning of Section 222 of the Trade Act of 1974.

CONCLUSION

After careful review, I determine that all workers of Atlas Tack Corporation, Fairhaven, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4065 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-4057]

BELROSE KNITTING MILLS HOBOKEN, N.J.

Negative Determination Regarding Application for Reconsideration

By letter of January 2, 1979, the petitioner requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers of Belrose Knitting Mills, Hoboken, New Jersey. The determination was published in the FEDERAL REGISTER on December 29, 1978, (43 FR 61040).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Petitioner claims that the Department's negative determination relative to Belrose Knitting Mills is unwarranted. He states that his business decline cannot be directly attributed to imports but that one of his key accounts, a sweater manufacturer, substantially reduced orders in 1978.

The Department's review revealed that the "contributed importantly" test was not met by workers at the Belrose Knitting Mills. In the Department's survey of Belrose's customers (manufacturers), it was revealed that none of the manufacturers imported sweaters or utilized foreign contractors. One major manufacturer whose sweater sales increased in 1978 compared to 1977 provided 90 percent of Belrose's work in 1978. Because of the sluggish sweater market in 1978, this manufacturer switched production to another product—knitted velour shirts, a product that Belrose doesn't manufacture. This manufacturer used other domestic contractors to a greater extent in 1978. The other manufacturer whose contracts with Belrose declined in the first eight months of 1978, did not experience reduced sales in 1978.

CONCLUSION

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which woud justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 31st day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-4066 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-4499]

CAPPI ORIGINALS, LOS ANGELES, CALIF.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4499: Investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 12, 1978 in response to a worker petition received on December 8, 1978 which was filed by the International Ladies' Garment Worker's Union on behalf of workers and former workers producing ladies' coats for Cappi Originals in Los Angeles, California.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59180). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cappi Originals, its parent corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of production workers increased in 1977 compared to 1976 and remained the same in the first eleven months of 1978 compared with the like period in 1977. Average quarterly employment increased, or remained stable, in every quarter, when compared with the same quarter of the previous year, from the third quarter of 1977 through the third quarter of 1978. The average weekly hours worked per employee increased from 1976 to 1977 and also increased slightly from January through November 1978 when compared to January through November 1977. There is no immediate threat of separation of workers at this plant.

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CONCLUSION

After careful review, I determine that all workers of Cappi Originals, Los Angeles, California are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4067 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-4223]

ESSEX GROUP, INC., WIRE ASSEMBLY DIVISION, SAULT STE. MARIE, MICH.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4223: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 29, 1978 in response to a worker petition received on September 26, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing wire harnesses for the automobile industry at the Sault Ste. Marie, Michigan plant of the Wire Assembly Division of Essex Group, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on October 17, 1978 (43 FR 44795-44796). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Essex Group, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales of production.

The Department surveyed the customers of the Sault Ste. Marie plant of Essex Group, Incorporated. The customers who decreased purchases from Essex in model year (MY) 1978 and 1979 compared to the prior model year, purchased insignificant quantities of imported wire harnesses in relation to sales of wire harnesses by Essex. These customers increased their reliance on in house production and on purchases from other domestic sources in MY 1978 and MY 1979.

CONCLUSION

After careful review, I determine that all workers of the Sault Ste. Marie, Michigan plant of the Wire Assembly Division of Essex Group, Incorporated are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-4068 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-4393]

FASHION MAID KNITTING MILLS, INC., PHILADELPHIA, PA.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4393: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 16, 1978 in response to a worker petition received on November 13, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's and boys' sweaters at Fashion Maid Knitting Mills, Incorporated, Philadelphia, Pennsylvania. The investigation revealed that Fashion Maid also produces ladies' sweaters.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55011-12). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Fashion Maid Knitting Mills, Incorporated, its manufacturers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased from 20.4 million units in 1975 to 26.5 million units in 1976 and to 28.3 million units in 1977. Imports increased to 33.2 million units in the first three quarters of 1978 as compared to 22.6 million units in the first three quarters of 1977.

U.S. imports of women's, misses' and children's sweaters increased from 1975 to 1976. In 1977, imports of sweaters increased 9.0 percent over the average level of imports for the years 1973 through 1976. The ratio of imports of sweaters to domestic production in 1977 was higher than the average import-to-domestic production ratio for the period 1973 through 1976.

A Departmental survey of manufacturers of Fashion Maid Knitting Mills, Incorporated revealed that major manufacturers, faced with declining sales, decreased their contract work with Fashion Maid in the January through November period of 1978 compared to the same period in 1977. A secondary survey conducted with the manufacturers' retail customers revealed that major customers increased purchases of imported sweaters and decreased purchases from the manufacturers in the January through November period of 1978 compared to the same period in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's, boys' and ladies' sweaters produced at Fashion Maid Knitting Mills, Incorporated, Philadelphia, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Fashion Maid Knitting Mills, Incorporated, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after June 16, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington D.C., this 31st day of January 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4069 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-4469]

FRECHETTE FASHIONS, MONTVILLE, CONN.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4469: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 6, 1978 in response to a worker petition received on December 1, 1978 which was filed on behalf of workers and former workers producing women's dresses and pants suits at Frechette Fashions, Montville, Connecticut.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59165). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Frechette Fashions, its manufacturer, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The value of Frechette's production increased in 1977 compared to 1976. A Departmental survey of the manufacturers for whom Frechette performed contract work revealed that those manufacturers have not imported any women's dresses or pantsuits and have not used foreign contractors in 1976, 1977 or the first ten months of 1978. Sales by these manufacturers remained virtually unchanged in 1978 compared to 1977.

CONCLUSION

After careful review, I determine that all workers of Frechette Fashions, Montville, Connecticut are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-4070 Filed 2-5-79; 8:45 am]

[4510-28-M]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial suparations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 20, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 20, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of January 1979.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner Union/workers or former workers of.—	Location	Date received	Date of petition	Petition No.	Articles produced
APCO Manufacturing Company (ACTWU).	Brodhead, Wisconsin	Jan. 22, 1979	Jan. 18, 1979	TA-W-4,752	Sports clothes, T-shirts, golf shirts (knit pull<overs).
Brierwood Shoe Corp., Northern Shoe Div. (workers).	Pulaski, Wis.	Jan. 26, 1979	Jan. 19, 1979	TA-W-4,753	Children's shoes.
Brookvale Manufacturing Co., Inc. (workers).	Belle Vernon, Pa.	Jan. 24, 1979	Jan. 17, 1979	TA-W-4,754	Coats, sport coats and suits.
C & C Fashions, Inc. (workers)	Weehawken, New Jersey	Jan. 22, 1979	Jan. 20, 1979	TA-W-4,755	Ladies' coats and raincoats.
Levi Strauss and Co., Inc. (ACTWU)	Laredo, Texas	Jan. 22, 1979	Jan. 18, 1979	TA-W-4,756	Ladies' jeans.
Opelika Manufacturing Corp., Whitehouse Division (ACTWU).	Jackson, Michigan	Jan. 22, 1979	Jan. 18, 1979	TA-W-4,757	Hospital garments.
J & Z Coat Company (workers)	Jersey City, New Jersey	Jan. 22, 1979	Dec. 26, 1978	TA-W-4,758	Jackets and coats for ladies.
Practical Automation of New Hampshire, Inc. (workers).	Plymouth, New Hampshire.	Jan. 23, 1979	Jan. 5, 1979	TA-W-4,759	Parts and subassemblies for alpha numeric and numeric needle printers.
Sheller-Globe Corp., Superior Coach Div. (USWA).	Kosciusko, Miss.	Jan. 25, 1979	Jan. 23, 1979	TA-W-4,760	Truck bodies.
Skyland Virginia Corp. (workers)	Childowie, Virginia	Jan. 22, 1979	Jan. 17, 1979	TA-W-4,761	Children's clothing.
Skyland Virginia Corp. (workers)	Marion, Virginia	Jan. 22, 1979	Jan. 17, 1979	TA-W-4,762	Children's clothing.
Spencer Knitting Mills (workers)	Brooklyn, New York	Jan. 19, 1979	Jan. 12, 1979	TA-W-4,763	Sweaters.
Stanford Beef Co., Inc. (workers)	Scranton, Pa.	Jan. 26, 1979	Dec. 29, 1978	TA-W-4,764	Boned beef.

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APPENDIX

Petitioner Union/workers or former workers of.—	Location	Date received	Date of petition	Petition No.	Articles produced
Strickland Cotton Mills (company)	Caldosta, Georgia	Jan. 24, 1979	Jan. 22, 1979	TA-W-4,765	Cotton sheeting, cotton drill, cotton and poly<ester blend twill and single filled duck fabrics.
Vat and Churn (ILGWU)	Rockville Center, N.Y.	Jan. 19, 1979	Jan. 18, 1979	TA-W-4,766	Ladies' coats, winter and spring and leather coats and jackets.

[FR Doc. 79-4079 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-4448]

PINE VALLEY SPORTSWEAR, INC., PINE GROVE, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4448: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 29, 1978 in response to a worker petition received on November 21, 1978 which was filed on behalf of workers and former workers producing men's and boys' jackets at Pine Valley Sportswear, Incorporated, Pine Grove, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56953). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Pine Valley Sportswear, Incorporated, its manufacturer's customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' nontailored outer jackets increased both absolutely and relative to domestic production in 1977 from 1976 and increased absolutely in January-September 1978 compared to the same period in 1977.

A survey was conducted of some customers of the manufacturer for whom the subject firm produced. Several of the customers surveyed increased purchases of imported men's and boys' jackets during the first three quarters of 1978 relative to comparable periods in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the men's and boys' jackets produced at Pine Valley Sportswear, Incorporated, Pine Grove, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Pine Valley Sportswear, Incorporated, Pine Grove, Pennsylvania who became totally or partially separated from employment on or after November 20, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4071 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-4150]

POND LILY CO., NEW HAVEN, CONN.

Negative Determination Regarding Application for Reconsideration

By letters of December 18, 1978, and January 10, 1979, counsel for the former workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers of The Pond Lily Company, New Haven, Connecticut. The determination was published in the FEDERAL REGISTER on December 8, 1978 (43 FR 57688).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Counsel for the former workers alleges that increased imports of pre-finished fabric and pre-finished goods contributed importantly to the decline in sales and production and to the separation of workers dyeing and finishing fabric at The Pond Lily Company, New Haven, Connecticut. Counsel further alleges that the Department is inconsistent by certifying another commissioned finisher of fabric, i.e., Defiance Bleachery Corporation, TA-W-4266, and denying The Pond Lily Company, also a commissioned finisher of fabric.

The Department's review revealed that the "contributed importantly" test was not met by workers at The Pond Lily Company. In the Department's survey of Pond Lily's manufacturers, it was revealed that none imported finished fabric; however, some manufacturers imported the finished product, shoes, of which the pre-finished fabric produced by Pond Lily was a component. Imported shoes cannot be considered to be like or directly competitive with the finished fabric. One customer indicated it imported greige goods. Imports of greige goods and unfinished fabric cannot be considered like or directly competitive with finished fabric. Imports of finished fabric must be considered in determining import injury to workers producing finished fabric. Though increasing in absolute terms in the first half of 1968, U.S. aggregate imports of bleached and dyed cotton broadwoven fabrics have been relatively small (less than 5 percent) compared to domestic production in recent years.

The Department sees no inconsistency between the affirmative decisions rendered in another case involving commissioned finishers of fabric where a customer survey showed switches to imported fabric and the denial rendered in The Pond Lily case.

CONCLUSION

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 31st day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-4072 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-3698]

REVLON, INC., IRVINGTON, N.J.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3698: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 11, 1978 in response to a worker petition received on May 2, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless carbon steel tools and implements, including eyebrow tweezers, nail files, nail clippers, trimmers and shapers, at Revlon, Incorporated, Irvington, New Jersey. The investigation revealed that the plant primarily produces tweezers, nail clips, nail files, scissors, and nippers.

The Notice of Investigation was published in the FEDERAL REGISTER on May 30, 1978 (43 FR 23036). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Revlon, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Total sales and production of manicure implements at Revlon, Incorporated, Irvington, New Jersey, increased in value from 1975 to 1976, from 1976 to 1977 and in the first half of 1978 compared to the first half of 1977.

Sales and production of tweezers, nails files and nail clippers, the three major items produced at Revlon, Incorporated, Irvington, New Jersey, increased in quantity and value from 1975 to 1976, from 1976 to 1977 and in the first half of 1978 compared to the first half of 1977.

CONCLUSION

After careful review, I determine that all workers of Revlon, Incorporated, Irvington, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4073 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-4477]

SMART MODES, INC., MADISON-7, INC., LOS ANGELES, CALIF.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4477: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 6, 1978 in response to a worker petition received on November 27, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats and suits at Smart Modes, Incorporated, Los Angeles, California. The investigation revealed that the company only produces women's coats. The investigation also revealed that production workers are employed by Madison-7, Incorporated, a production affiliate of Smart Modes, while salaried workers are employed by Smart Modes.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59165-66). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Smart Modes, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of workers at Madison-7, Incorporated increased in the first eleven months of 1978 compared with the like period of 1977. Average quarterly employment increased in every quarter when compared with the same quarter of the previous year from the third quarter of 1977 through the third quarter of 1978. Salaried employment at Smart Modes, Incorporated increased from 1976 to 1977 and from 1977 to 1978.

Production workers are paid on a piece-work basis. Payroll data indicates that the adjusted average monthly wages have not decreased significantly when compared with the same quarter of the previous year from the third quarter of 1977 through the third quarter of 1978. There is no immediate threat of separation of workers at this plant.

CONCLUSION

After careful review, I determine that all workers of Smart Modes, Incorporated, and Madison-7, Incorporated, Los Angeles, California are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-4074 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-4478]

SPERRY REMINGTON CONSUMER PRODUCTS DIVISION BRIDGEPORT, CONN.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 6, 1978 in response to a worker petition received on December 1, 1978 which was filed on behalf of workers and former workers producing electric shavers at the Consumer Products Division of Sperry Remington, Bridgeport, Connecticut.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59165-66). No public hearing was requested and none was held.

The petitioners requested withdrawal of the petition in a letter. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C., this 30th day of January, 1979.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-4075 Filed 2-5-79; 8:45 am]

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[TA-W-4270, TA-W-4270A, TA-W-4270B]

TRIO CASUALS LTD., WILLOW RUN FASHIONS, LTD., AND PIKES PEAK SPORTSWEAR, LTD.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4270, TA-W-4270A and TA-W-4270B: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 17, 1978 in response to a worker petition received on October 11, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of former workers producing ladies' skirts, pants, playsuits and jumpers at Trio Casuals Limited, New York, New York. The investigation revealed that the plant produced only ladies' pants and skirts on a consistent basis. The investigation was expanded to include Willow Run Fashions, Limited and Pikes Peak Sportswear, Limited, the New York, New York sales offices of Trio Casuals.

The Notice of Investigation was published in the FEDERAL REGISTER on October 27, 1978 (43 FR 50271). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Trio Casuals Limited, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's slacks and shorts increased from 10,067 thousand dozen in 1975 to 11,040 thousand dozen in 1976 and to 11,622 thousand dozen in 1977. The ratio of imports to domestic production of slacks and shorts increased from 35.2 percent in 1975 to 36.8 percent in 1976 and to 38.0 percent in 1977.

A Departmental survey of Trio Casuals' major customers indicated that customers increased their purchases of imported ladies' pants and decreased their purchases of ladies' pants from Trio Casuals from 1975 to 1976 and in the January through November period of 1977 compared to the same period in 1976.

Trio Casuals, Willow Run Fashions, and Pikes Peak Sportswear closed in November 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' pants produced at Trio Casuals Limited, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm and of Willow Run Fashions, Limited and Pikes Peak Sportswear, Limited, both of New York, New York. In accordance with the provisions of the Act, I make the following certification:

"All workers of Trio Casuals Limited, Willow Run Fashions, Limited and Pikes Peak Sportswear, Limited, all of New York, New York who became totally or partially separated from employment on or after October 9, 1977 and before November 30, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 31st day of January 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4076 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-4036]

U.S. STEEL CORP., AMERICAN BRIDGE DIVISION, COMMERCE (LOS ANGELES), CALIF.

Affirmative Determination Regarding Application for Reconsideration

On December 20, 1978, the United Steelworkers of America, AFL-CIO, requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance. This determination was published in the FEDERAL REGISTER on November 28, 1978, (43 FR 55488).

The petitioning union alleges that there is an inconsistency in the Department's Notice of Negative Determinations in TA-W-4036 and TA-W-2171, and that imports of fabricated structural steel have adversely affected the Commerce, California, plant of the U.S. Steel Corporation. The union provided that the Department a list of relevant projects and bidders.

CONCLUSION

After review of the application, I conclude that these claims of the petitioning union are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 31st day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-4077 Filed 2-5-79; 8:45 am]

[4510-28-M]

[TA-W-4417]

WARNACO MEN'S SPORTSWEAR DIVISION WARNACO, INC., ALTOONA, PA.

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4417: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1978 in response to a worker petition received on November 13, 1978 which was filed on behalf of workers and former workers producing knit shirts, knit outerwear and knit sweaters for men at Warnaco Men's Sportswear Division of Warnaco, Incorporated, Altoona, Pennsylvania. The investigation revealed that the workers produce men's sportshirts and sweaters.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56951-56952). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Warnaco, Incorporated, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. With respect to workers producing men's sportshirts, it is concluded that all of the cirteria have been met.

Imports of men's and boys' knit sport and dress shirts increased from 74,000,000 in 1976 to 75,200,000 in 1977 and increased from 54,600,000 in the first 9 months of 1977 to 82,500,000 in the first 9 months of 1978.

Imports of men's and boys' woven sportshirts increased from 56,784,000 in the first 9 months of 1977 to 72,259,000 in the first 9 months of 1978.

Imports of men's shirts by Warnaco Men's Sportswear Division increased in 1978 compared to 1977. Division imports of men's shirts as a percentage of total division sales increased in 1978 compared to 1977.

With respect to workers producing men's sweaters, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production of men's sweaters at the Altoona plant increased in 1978 from 1977. Production increased in each quarter of 1978 compared to the same quarter of 1977.

Sales of men's sweaters by Warnaco Men's Sportswear Division increased in each of the last three quarters of 1978 compared to the same quarter of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's sportshirts produced at Warnaco Men's Sportswear Division of Warnaco, Incorporated, Altoona, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Warnaco Men's Sportswear Division of Warnaco, Incorporated, Altoona, Pennsylvania engaged in employment related to the production of men's sportshirts, including full fashion shirts, who became totally or partially separated from employment on or after September 20, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

I further determine that all workers of Warnaco Men's Sportswear Division of Warnaco, Incorporated, Altoona, Pennsylvania engaged in employment related solely to the production of men's sweaters are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4078 Filed 2-5-79; 8:45 am]

[6325-01-M]

MERIT SYSTEMS PROTECTION BOARD

PRIVACY ACT OF 1974

Request for Comments

AGENCY: Office of the Special Counsel, Merit Systems Protection Board.

ACTION: Request for comments on proposed new system of records.

SUMMARY: The purpose of this document is to give notice, pursuant to subsection (e)(4) of the Privacy Act, 5 U.S.C. § 552a, of the existence and character of a new system of records containing complaints of prohibited personnel practices and investigations of alleged prohibited political activity.

DATE: Written comments on the proposed new system of records may be submitted by any person. To be considered, comments must be received on or before March 8, 1979.

ADDRESS: Comments should be addressed to the Office of the Special Counsel, 1717 H Street, N.W., Washington, D.C. 20419. Comments received will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m., Monday through Friday, except for legal holidays.

FOR FURTHER INFORMATION CONTACT:

Shigeki J. Sugiyama or Lynn R. Collins, Office of the Special Counsel, 1717 H Street, N.W., Washington, D.C. 20419, phone: (202) 653-7107.

SUPPLEMENTARY INFORMATION: The Office of the Special Counsel was created by Reorganization Plan No. 2 of 1978 (43 FR 36037) and the Civil Service Reform Act of 1978, Pub. L. 95-454. By Section 204 of the Reorganization Plan and the statute codified at 5 U.S.C. 1205 *et seq.*, the Special Counsel is charged with the responsibility and authority to investigate any allegation or other indication of a prohibited personnel practice, to investigate any allegation of prohibited political activity, and to conduct certain other investigations. Documentation of the official activities of the Office of the Special Counsel will include certain records subject to the provisions of the Privacy Act: correspondence files retrieved by the name of a person filing an allegation of a prohibited personnel practice; investigative files retrieved by the name of a person implicated in an allegation of prohibited political activity; and litigation-related files retrieved by the name of a non-Government party to a lawsuit. All other files created during the performance of official duties will be indexed and retrieved by the appropriate subject matter and/or agency involved, including investigative files other than those involving an allegation of a prohibited political activity.

This notice, the text of which is set forth below, is effective immediately except for the routine uses and claimed exemptions. Routine uses will be effective March 8, 1979. Exemptions will be effective thirty days from the date of publication in the FEDERAL REGISTER of the proposed rules to exempt records from certain provisions of the Act. Any suggestions received during the comment period which require changes to this notice will be accommodated by revisions which will be published subsequently in the FEDERAL REGISTER.

A report on this new system of records has been provided to Congress and the Office of Management and Budget as required by subsection (o) of the Privacy Act.

H. PATRICK SWYGERT,
Special Counsel.

System name: OSC Complaint, Litigation and Political Activity Files

System location: Office of the Special Counsel, 1717 H Street, N.W., Washington, D.C. 20419

Categories of individuals covered by the system: Any person who files an allegation of prohibited personnel practices or who is alleged to have participated in prohibited political activity.

Categories of records in the system: Correspondence between a person filing an allegation of prohibited personnel practices and the Office of the Special Counsel or another agency; statements of alleged prohibited political activity and related reports of investigation, affidavits, correspondence, letters of charges, and administrative determinations; records created or compiled in connection with lawsuits involving directly or indirectly the Office of the Special Counsel.

Authority for maintenance of the system: 5 U.S.C. 1206-1208, 1504, 7321-7325.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses, may be as follows:

a. To disclose the fact that an allegation of violation of merit system principles or prohibited political activity has been filed;

b. To disclose information to the Office of Personnel Management, for the purposes of consulting with that Office when necessary in order to reach a decision on an allegation of violation of merit system principles;

c. To disclose information to the Equal Employment Opportunity Commission or any official thereof in connection with matters concerning affirmative employment programs or alleged violations of merit system principles having to do with complaints of discrimination based on age, sex, race, ethnic origin, religion, or handicap;

d. To disclose information to the Merit Systems Protection Board or the President upon a determination that disciplinary action should be taken against an employee;

e. To disclose information to the Merit Systems Protection Board in connection with a complaint of prohibited personnel practices by an agency

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or an employee or in connection with the Special Counsel's participation in a proceeding before the Board;

f. To disclose information to Congress in connection with the submission of an annual report on activities of the Special Counsel;

g. To disclose information to any agency or person regarding allegations of violation of merit system principles or prohibited political activity filed against an agency or any employee thereof, for the purposes of conducting an investigation; for requesting that the agency prepare a report or conduct an investigation related to the allegation; or to give notice of the status or outcome of the investigation.

h. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

i. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), where necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit;

j. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19;

k. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual;

l. To disclose infomation to another Federal agency or to a court when the Government is party to a judicial proceeding before the court;

m. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authorty of 44 U.S.C. 2904 and 2906;

n. By the Special Counsel in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related workforce studies; and

o. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevent to the subject matter involved in a pending judicial or administrative proceeding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, on lists, index cards, and forms.

Retrievability: These records are retrieved by name of the subject.

Safeguards: These records are located in lockable metal file cabinets or in secured rooms with access limited to those personnel whose official duties require access.

Retention and disposal: Records concerning prohibited personnel practices and prohibited political activity are maintained for seven years; litigation records are kept indefinitely. Disposition is by shredding or burning.

System manager: Special Counsel, 1717 H Street, NW., Washington, D.C. 20419

Notification procedure: Individuals who wish to inquire whether this system contains information about them should contact the system manager. To assist in the process of locating and identifyng records, individuals should furnish the following:

a. Name and address;
b. Date and place of birth;
c. Social security number;
d. A description of the circumstances under which records may have been included in this system.

Record access procedure: Same as notification procedure.

Contesting record procedure: Individuals who wish to contest records about them should contact the system manager, identify any information they believe should be corrected, and furnish a statement of the basis for the requested correction along with all available supporting documents and materials.

Record source categories: Information in this system of records is obtained from the subjects of the records, from agency officials, from agency documents, from witnesses, and from any other persons or organizations furnishing information pertinent to the discharge of functions for which the Office of the Special Counsel is responsible.

Systems exempted from certain provisions of the Act: The Office of the Special Counsel may claim exemptions from the provisions of the Privacy Act at subsections (c)(3) and (d) as permitted by subsection (k) for records subject to the Act that fall within the category of investigatory material described in paragraphs (2) and (5) and testing or examination material described in paragraph (6) of that subsection. The Office of the Special Counsel also reserves the right to assert exemptions for records obtained from another agency that could be properly claimed by that agency in responding to a request and may refuse access to information compiled in reasonable anticipation of a civil action or proceeding.

[FR Doc. 79-3986 Filed 2-5-79; 8:45 am]

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (79-14)]

NASA ADVISORY COUNCIL (NAC) AERONAUTICS ADVISORY COMMITTEE

Meeting

The Informal Ad Hoc Advisory Subcommittee on Operating sytems and safety of the NAC Aeronautics Advisory Committee will meet February 27-28, 1979, in the Committee Room of Building N200, NASA Ames Research Center, Moffett Field, California. The meeting will be open to the public up to the seating capacity of the room (approximately 46 persons including Subcommittee members and participants).

The Subcommittee was established to assist the NASA in identifying specific needs and objectives for improving the operational effectiveness and safety of transport aircraft which will depend on further research and technology in the several underlying technical disciplines, and to advise the NASA on the appropriateness and adequacy of its current and planned programs in this area. The Chairperson is Mr. J. D. Smith and there are 9 members of the Subcommittee.

For further information contact Mr. Kenneth E. Hodge, Executive Secretary of the Informal Ad Hoc Subcommittee on Operating Systems and Safety, Code RJT, NASA Headquarters, Washington, DC 20546 (202/755-3005).

AGENDA

February 27, 1979

8:30 a.m.—Introductory Remarks.
9:00 a.m.—NASA Aviation Safety Reserch Program Overview and Discussion.
10:00 a.m.—NASA Research Center Reviews of Pertinent Research and Technology Programs and Plans.
2:30 p.m.—NASA Review of Aviation Safety Reporting System Status.
4:00 p.m.—NASA Review of Avionics and Control Program Planning.

February 28, 1979

8:30 a.m.—Committee Members' Reports on Related Activities.
9:30 a.m.—NASA Overview of Terminal Configured Vehicle Program.
10:30 a.m.—NASA Overview of Cockpit Displayed Traffic Information Program.
2:30 p.m.—Committee Discussion and Formulation of Recommendations.
5:00 p.m.—Adjourn.

Dated: January 31, 1979.

ARNOLD W. FRUTKIN,
Associate Administrator for External Relations

[FR Doc. 79-3976 Filed 2-5-79; 8:45 am]

[7510-01-M]

[Notice 79-15]

SPACE AND TERRESTRIAL APPLICATIONS STEERING COMMITTEE, PROPOSAL EVALUATION ADVISORY SUBCOMMITTEE

Establishment

Pursuant to Section 9 (a) (2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the General Services Administration, the National Aeronautics and Space Administration has determined that establishment of the Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee is in the public interest and in connection with the performance of duties imposed upon NASA by law. The Space and Terrestrial Applications Steering Committee, under which the Subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of Government employees. The Subcommittee will comprise membership from both the public and private sectors.

The intent of this Advisory Subcommitteee is to obtain the advice of the scientific community in evaluating research and investigations proposals for inclusion in NASA's Space and Terrestrial Applications Programs.

Dated: January 31, 1979

ARNOLD W. FRUTKIN,
Associate Administrator for External Relations.

[FR Doc. 79-3977 Filed 2-5-79; 8:45 am]

[7600-01-M]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

ADMINISTRATIVE LAW CASES

Delegation of Authority to Executive Secretary

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Delegation of Authority—Amendment.

SUMMARY: The Occupational Safety and Health Review Commission has amended its delegation of authority to the Executive Secretary with respect to motions for extensions of time to file briefs.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Ray H. Darling, Jr., Executive Secretary, Occupational Safety and Health Review Commission, 1825 K Street, N.W., Washington, D.C. 20006, (202) 634-7950.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to § 12 of the Occupational Safety and Health Act, Pub. L. 91-596 (29 U.S.C. 661) the Commission has amended the Delegation of Authority and Direction for the Executive Secretary dated August 26, 1976, which was previously published at 41 FR 37173 (Sept. 2, 1976). This amendment grants to the Executive Secretary the authority to rule on unopposed motions by parties appearing before the Commission for extensions of time to file briefs to the full Review Commission when the total extension requested does not exceed 60 days in any given case. Prior to this amendment, the Delegation only granted the Executive Secretary authority to rule on motions for extension of time to file briefs for a period up to 30 days. The amendment to the Delegation, a copy of which is attached as an appendix to this notice, is effective immediately. Copies of the complete Delegation of Authority and Direction for the Executive Secretary, as hereby amended, may be obtained by addressing a request for such to Ray H. Darling, Jr., Executive Secretary, Occupational Safety and Health Review Commission, 1825 K Street, N.W., Washington, D.C. 20006.

Dated: February 1, 1979, at Washington, D.C.

For the Commission,

RAY H. DARLING, JR.,
Executive Secretary.

DELEGATION OF AUTHORITY AND DIRECTION FOR THE EXECUTIVE SECRETARY

Pursuant to Section 12 of the Occupational Safety and Health Act, Pub. L. 91-596 (29 U.S.C. 661), the Commission hereby amends the Delegation of Authority and Direction for the Executive Secretary dated August 26, 1976, published at 41 FR 37173 (Sept. 2, 1976), to permit the Executive Secretary to act for the members of the Commission, within limits, on motions for extensions of time for filing briefs in those cases which are not pending with an Administrative Law Judge. The phrase "or briefs" is deleted from numbered paragraph 2 of the Delegation of Authority and Direction for the Executive Secretary. The following two sentences are added to the end of numbered paragraph 2:

The Executive Secretary shall grant motions for extensions of time for filing briefs for a period of no more than 60 days, if such motions are timely filed and served, are consented to or unopposed by all parties to the proceedings, and in the opinion of the Executive Secretary the granting of the same would not prejudicially delay the work of the Commission. The Executive Secretary may grant more than one extension of time; however, the aggregate extensions of time for filing briefs granted by the Executive Secretary on any particular matter shall not exceed 60 days.

Except for the changes explicitly provided herein, the Delegation of Authority and Direction for the Executive Secretary dated August 26, 1976, remains in effect.

Dated: January 31, 1979.

TIMOTHY F. CLEARY,
Chairman.

Dated: January 31, 1979.

FRANK R. BARNAKO,
Commissioner.

Dated: February 1, 1979.

BERTRAM ROBERT COTTINE,
Commissioner.

[FR Doc. 79-3953 Filed 2-5-79; 8:45 am]

[3190-01-M]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SPECIALTY STEEL QUOTAS—JAPAN

Shift in Quota Allocation

Below is a letter to the Commissioner of Customs implementing a request by the Government of Japan to shift certain amounts in their quota allocations to other categories, as authorized by Presidential Proclamation 4445 of June 11, 1976.

RICHARD W. HEIMLICH,
Assistant Special Trade Representative for Industrial Trade Policy.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS,
Executive Office of the President,
Washington, January 31, 1979.

Honorable Robert E. Chasen
Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

DEAR COMMISSIONER CHASEN: The Government of Japan has requested that the restraint levels for the third restraint period (June 14, 1978-June 13, 1979) applicable to restraint categories I, IV and V of the U.S.-Japan Orderly Marketing Agreement on Certain Specialty Steel, corresponding to TSUS categories numbered 923.20, 923.23, and 923.26, be increased by the following amounts:

923.20—1,102 short tons
923.23—180 short tons
923.26—110 short tons

The overall quantity by which these categories are being increased is to be subtracted from Category II, corresponding to TSUS category 923.21. This shift in categories by the amount stated above is in accordance with the terms of the Orderly Marketing Agreement and Presidential Proclamation 4445 of June 11, 1976, which added a new headnote 2 to the TSUS.

Accordingly, pursuant to paragraph (f) of headnote 2 to Subpart A, part 2 of the Ap-

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pendix to the Tariff Schedules of the United States (19 U.S.C. 1202) you are hereby requested, for the current restraint period, to increase the quota quantities for Japan applicable to stainless steel sheet and strip (TSUS 923.20), stainless steel wire rod (TSUS 923.23) and alloy tool steel (TSUS 923.26) by the amounts stated above and to decrease the quota quantity for stainless steel plate (TSUS 923.21) by an amount equal to the total increase in those categories.

This letter will be published in the FEDERAL REGISTER and the action will become effective on the day of publication.

Sincerely,

ROBERT S. STRAUSS.

[FR Doc. 79-3936 Filed 2-5-79; 8:45 am]

[8010-011-M]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10568; 811-1531]

MEDITERRANEAN FUND, INC.

Filing of Application Pursuant to Section 8(f) of the Investment Company Act of 1940 for an Order Declaring That Company Has Ceased to be an Investment Company

JANUARY 26, 1979.

NOTICE IS HEREBY GIVEN that GPM Fund, Inc. (formerly, GPM Balanced Fund, Inc.), and open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 26, 1978, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Mediterranean Fund, Inc. ("Mediterranean"), One Winthrop Square, Boston, Massachusetts 02110, also registered under the Act as an open-end, diversified, management investment company, has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Mediterranean, a Massachusetts corporation, registered as an investment company under the Act on September 7, 1967; and that on October 5, 1967, it filed a registration statement (File No. 2-27445) under the Securities Act of 1933 covering 200,000 shares of its Common Stock, $1.00 Par Value, in connection with a proposed public offering of its shares. This registration statement was declared effective by the Commission on December 22, 1967, and Mediterranean commenced a public offering of shares of its Common Stock on that date.

The application also states that on May 19, 1978, at separate meetings of shareholders of Mediterranean and GPM Balanced Fund, Inc., holders of a majority of the issued an outstanding shares of capital stock of each respective corporation approved an Agreement and Plan of Merger which provided for the merger of Mediterranean with and into GPM Balance Fund, Inc. ("Merger"), and the conversion of the outstanding shares of Common Stock of Mediterranean into shares of Common Stock of GPM Balanced Fund, Inc.

The application further states that the Merger was consummated on May 19, 1978, and that pursuant to the terms thereof GPM Balanced Fund, Inc. changed its name to GPM Fund, Inc. ("GPM") and the outstanding shares of Mediterranean were converted into shares of GPM. The number of GPM shares issued to shareholders of Mediterranean was determined on the basis of the relative net asset value per share of each of the companies computed as of the close of the New York Stock Exchange on the effective date of the Merger.

The application finally states that properly executed Articles of Merger were filed with the Secretary of State of Massachusetts on May 19, 1978, and in accordance with the provisions of the Business Corporation Law of Massachusetts, Mediterranean's corporate existence ceased at 5:00 P.M. Boston Time on May 19, 1978 (the "Effective Date of the Merger"). On the Effective Date of the Merger, title to and possession of all the property, assets, franchises and rights of Mediterranean were transferred to GPM, which assumed all of the debts, liabilities and obligations of Mediterranean. Thus, Mediterranean currently has no assets, no securityholders and no outstanding liabilities. In addition, Mediterranean is not a party to any pending litigation or administrative proceedings.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

NOTICE IS FURTHER GIVEN that any interested person may, not later than February 19, 1979, at 5:30 P.M., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon GPM at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3941 Filed 2-5-79; 8:45 am]

[8010-01-M]

[Release No. 20905; 70-6080]

MONONGAHELA POWER CO. ET AL.

Supplemental Notice of Proposed Issuance and Sale of Short-Term Notes to Banks and to Commercial Paper Dealers and Request for Exception form Competitive Bidding

JANUARY 30, 1979

NOTICE IS HEREBY GIVEN that Monongahela Power Company ("Monongahela"), 1310 Fairmont Avenue, Fairmont, West Virginia 26554, the Potomac Edison Company ("Potomac"), Downsville Pike, Hagerstown, Maryland 21740, and West Penn Power Company ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601, each a wholly-owned electric utility subsidiary of Allegheny Power System, Inc. ("Allegheny"), a registered holding company, have filed a post-effective amendment to their application in this proceeding pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 50(a)(5) promulgated thereunder regarding the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated December 28, 1977 (HCAR No. 20343), the above subsidiaries of Allegheny wer authorized to borrow funds during the period ending June 30, 1979, through the issuance and sale of short-term notes to banks and commercial paper to dealers in commercial paper in an aggregate amount not to exceed $50,000,000 in the case of Monongahela, $48,000,000 in the case of Potomac, and $50,000,000 in the case of West Penn. Jurisdiction was reserved with respect to that portion of the borrowings requested by West Penn in excess of $50,000,000.

By supplemental order in this proceeding dated December 14, 1978 (HCAR No. 20830), Monongahela and Potomac were given authorization to issue up to $52,000,000 and $50,000,000, respectively, of short-term notes and commercial paper outstanding at any one time.

West Penn is now seeking authorization, pursuant to the jurisdiction reserved in the original filing, to issue up to $84,000,000 of short-term notes and commercial paper outstanding at any one time. It is stated that the proposed increase is necessitated by cash outlays greater than anticipated in the original filing due in part to increased coal costs and the need to purchase power from other utilities during the United Mine Workers' coal strike, the cost of which was not entirely recouped through surcharges, and due to unscheduled outages which occured after the strike. Unless otherwise authorized by this Commission, any short-term debt outstanding hereunder after June 30, 1979, will be retired by West Penn not later than October 1, 1979, from internal cash resources, or sale of permanent debt, preferred stock or common stock.

Exemption from the competitive bidding requirements of Rule 50 is requested for the proposed issuance and sale of commercial paper pursuant to paragraph (a) (5) thereof, since it is not practicable to invite competitive bids for commercial paper and current rates for commercial paper for prime borrowers such as West Penn are published daily in financial publications. Authorization is also requested to file certificates under Rule 24 with respect to the issuance and sale of commercial paper on a quarterly basis.

In all other respects the proposed transactions remain the same. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the transactions proposed by West Penn.

NOTICE IS FURTHER GIVEN that any interested person may, not later than February 14, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as now amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3942 Filed 2-5-79; 8:45 am]

[8010-01-M]

[Rel. No. 10567; 812-4415]

PENNSYLVANIA TAX-FREE INCOME TRUST and BUTCHER & SINGER, INC.

Filing of Application Pursuant to Section 6(c) of the Act for an Order Granting Exemption From the Provisions of Section 22(d) of the Act.

JANUARY 26, 1979.

NOTICE IS HEREBY GIVEN that Pennsylvaina Tax-Free Income Trust ("Trust"), c/o John C. Merritt, 1500 Walnut Street, Philadelphia, Pennsylvania 19102, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), and Butcher & Singer, Inc. ("Butcher") (hereinafter collectively referred to as "Applicants") filed an application on January 3, 1979, and an amendment thereto on January 25, 1979, pursuant to Section 6(c) of the Act for an order of the Commission exempting Applicants from the provisions of Section 22(d) of the Act to the extent specified therein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Trust is a common law trust organized under the laws of the Commonwealth of Pennsylvania. It filed with the Commission a registration statement on Form N-8B-1 pursuant to Section 8(b) of the Act and a registration statement on Form S-5 under the Securities Act of 1933, as amended, on November 10, 1976. The registration statement on Form S-5 has been declared effective, and the Trust is presently engaged in the offering of its shares.

The Trust's investment objective is providing its shareholders as high a level of current tax-exempt income as is consistent with preservation of capital. At least 80% of the Trust's assets are invested in tax-excmpt securities of the Commonwealth of Pennsylvania, counties, municipalities, school districts, state and local authorities organized in Pennsylvania, and securities of certain interstate agencies and certain territories of the United States, the interest of which is exempt from federal and Pennsylvania income taxes. All of the Trust's assets consist of (1) tax-exempt securities which have investment grade ratings as determined by Standard and Poor's Corporation (AAA, AA, A and BBB), or Moody's Investors Service (Aaa, Aa, A1, A, Baa1 and Baa); (2) unrated tax-exempt securities which, in the opinion of B & S Management Corporation, the Trust's investment adviser, are of at least comparable quality to bonds rated investment grade by such services, provided that the Trust may not invest more than 10% of its assets in such unrated securities; (3) certain temporary investments, the interest from which may or may not be taxable and (4) cash.

Butcher acts as general distributor in the continuous offering of the Trust's shares. The Trust offers its shares to the public at net asset value plus a sales charge of 4.50% of the public offering price for sales of less than $25,000, with lower sales charges for larger transactions, decreasing to .78% of the public offering price for sales of more than $1,000,000. The Trust reserves the right to amend its sales charges with the maximum sales load not to exceed 4¾%. Butcher retains all sales charges remaning after the concession allowed to selected dealers. The minimum initial investment is $2,000; subsequent investments must be in amounts of $50 or more.

B & S Asset Management Corp., a wholly-owned subsidiary of Butcher organized in October, 1976, acts as investment adviser to the Trust pursuant to an investment advisory agreement. B & S Asset Management Corp. has registered with the Commission as an investment adviser under the Investment Advisers Act of 1940.

The Trust distributes to its registered shareholders the interest income received by it, net of expenses, on a quarterly basis. Realized captial gains, if any, are distributed annually. Distributions to shareholders are reinvested automatically in additional shares at the net asset value without a sales charge, unless shareholders indicate otherwise. Shares of the Trust are issued with a lower sales charge to

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shareholders who are eligible for Accumulation Discounts or who execute Statements of Intention. Accumulation Discounts are available to shareholders whose additional purchases of Trust shares, when added to the current net asset value of their existing holdings, entitle them to the lower sales load for larger transactions; and the shareholder will be entitled to the reduced sales charge for the entire additional amount purchased. Shareholders who execute Statements of Intention indicating the total amount to be invested in the Trust over a thirteen-month period are issued shares at a sales load applicable to the total amount to be invested during that period, and will also be eligible for Accumulation Discounts if they have existing holdings in the Trust. Shares of the Trust may be issued at net asset value without a sales charge to Trustees and officers of the Trust and to officers, directors and fulitime employees of Butcher or B & S Asset Management Corp., or to any trust, pension, profit-sharing or nay other benefit plan for such persons. Such shares are sold for investment purposes and on the condition that they will not be resold except through redemption by the Trust.

Pursuant to an exemption from the provisions of Section 22(d) of the Act previously granted by the Commission to the Trust and Butcher, unitholders of the various series of the Pennsylvania Insured Municipal Bond Trust ("PIMBT"), a unit investment trust in which Butcher is a sponsor and underwriter, may reinvest dividend and/or capital gain distributions from PIMBT in shares of the Trust at net asset value without a sales charge, provided that such unitolders have first made the minimum initial investment in the Trust (including the sales charges applicable thereto).

Butcher also acts as sponsor and underwriter to Investors' Municipal Pennsylvania Unit Trust ("IMPUT"), a unit investment trust which is a registered investment company under the Act. Elkins, Stroud, Suplee & Co. and Loeb, Rhoades, Hornblower & Co. are also sponsors and underwriters of IMPUT. IMPUT's investment objectives are receipt of income exempt from federal income and Pennsylvania income and personal property taxes, and conservation of capital through investment in a portfolio of tax-exempt securities issued by municipalities and other governmental authorities within the Commonwealth of Pennsylvania and by the Commonwealth itself. The tax-exempt securities in the portfolio of each series of IMPUT will be fixed, except in the case of sales to meet redemptions, or exchanges of or substitutions for securities in certain refundings. Units of the First Series of IMPUT will be sold with a sales charge of 4½%. IMPUT will distribute interest income, and principal, if any, on a quarterly basis.

The Trust proposes to permit unitholders of IMPUT to purchase shares of the Trust at net asset value, without a sales charge, by reinvestment of distributions of interest and principal, if any, from IMPUT. To participate in the program, a unitholder of IMPUT will be required to make a minimum initial investment in the Trust of $2,000, to which a sales load would be applicable. All unitholders who make the minimum initial investment in the Trust of $2,000 or more will be eligible to participate in the reinvestment program; but unitholders who participate in the reinvestment program will be required to reinvest the entire amount of all quarterly distributions from any designated series. The proposed reinvestment program will be implemented as follows: A unitholder of an outstanding series of IMPUT will receive a current prospectus of the Trust, together with an authorization form which, if executed, entitles the unitholder to receive quarterly distributions in shares of the Trust. The authorization form will state that any election to receive distributions from any series of IMPUT designated by him in shares of the Trust will be effective until the unitholder revokes such election by written notice to United States Trust Company of New York, The Trustee of IMPUT. Appropriate disclosure of the foregoing will be made in the authorization form sent to unitholders. Disclosure regarding the reinvestment program will be made in the prospectuses of all future series of PIMBT. Unitholders of future series of PIMBT will receive a current prospectus of the Trust and an authorization form substantially similar to the form sent to Unitholders of outstanding series of PIMBT. For both outstanding and future series of PIMBT, an election to participate in the reinvestment program will be effective for all distributions from any series designated by the unitholder until revoked in writing, to the Trustee of PIMBT.

Expenses of offering the reinvestment program to unitholders of IMPUT will be borne by Butcher as general distributor of shares of the Trust. Once a unitholder has elected to participate in the reinvestment program, his account is handled, and the expenses thereof borne, in the same manner as the account of any other shareholder of the Trust.

The Trustees of the Trust have established a minimum total investment requirement of $100, and reserve the right to redeem the interest of any shareholder whose investment is less than such minimum upon written notice of not less than 30 days to such shareholder, during which time such shareholder could purchase sufficient shares of the Trust to meet the minimum investment requirement and thereby avoid automatic redemption. This minimum total investment requirement is applicable to unitholders of IMPUT who participate in the reinvestment program on the same basis as any other shareholder of the Trust, since the unitholders will have to make a minimum initial investment of $2,000 in shares of the Trust in order to participate in the reinvestment program. Disclosure of the foregoing will be made in the prospectuses of the Trust and of IMPUT.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it except to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwirter, no principal underwriter of such security and no dealer shall sell any such security to any person, except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus. Applicants request an order of exemption from the provisions of Section 22(d) of the Act to permit the sale of shares of the Trust at net asset value, without a sales load, to unitholders of IMPUT who reinvest distributions of any series of IMPUT in shares of the Trust in the manner described above.

In support of its request, Applicants state that the proposed reinvestment program will be beneficial to investors and to the Trust. They state that the largest portion of a sales charge on mutual fund shares is attributable to initial solicitation and ascertaining the financial requirements of investors, so that where the customer has already been solicited and his requirements determined, the sales costs are reduced and the consequent savings should be passed on to investors. Applicants state that since those perons desiring to reinvest distributions from IMPUT in shares of the Trust will have already made an investment in the Trust, and investment which also has some of the same attributes as their previous investment in IMPUT, such persons are really no different from existing shareholders of the Trust who are permitted to reinvest their distributions from the Trust at no sales charge. They also state that, at present, it is believed that there will be little or no additional sales cost allocable to the purchase of Trust shares through reinvestment of distributors of IMPUT unitholders. Accordingly, Applicants assert that such

investors, rather than the underwriters, should receive the benefit of lower sales costs through reinvestment at net asset value without a sales charge.

Applicants further assert that the Trust and its shareholders would benefit because the proposed reinvestment program would increase the Trust's asset base, and, since its operating expenses will not vary with asset size, the per share cost of operations borne by the Trust's shareholders would be reduced. Applicants also state that by providing a broad base of investors with ready cash to be invested, the proposed plan would help assure the Trust of a positive cash flow, thus permitting it to meet redemptions without disturbing investments, or decreasing the assets devoted to cash reseves, and permitting the gradual build-up of investment positions.

Section 6(c) of the Act provided, in pertinent part, that the Commission may, upon application, conditionally or unconditionally, exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than February 20, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing, upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3943 Filed 2-5-79; 8:45 am]

[8010-01-M]

[Rel. No. 20906; 70-6251]

SOUTHWESTERN ELECTRIC POWER CO.

Order Authorizing Acquisition of Cool Rail Cars

JANUARY 31, 1979.

Southwestern Electric Power Company ("SWEPCO"), an electric utility subsidary of Central and South West Corporation, a registered holding company, has filed with this Commission an application and an amendment thereto pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") concerning the following proposed transactions.

SWEPCO seeks authorization to acquire 605 one hundred ton, sixty foot, open-top coal hopper rail cars (the "Equipment") for use in unit train service between Gillette, Wyoming and SWEPCO's Welsh Unit No. 1, Welsh Unit No. 2 and Flint Creek power plants. SWEPCO has acquired 605 equivalent rail cars pursuant to the authorizations given in previous order of August 9, 1976 (HCAR No. 19643), and October 12, 1977 (HCAR No. 20207). Each unit train consists of 110 coal cars and SWEPCO maintains a 10% of 11 car reserve for maintenance and repairs. The proposed acquisition of 605 cars will provide one additional unit train for Welsh Unit No. 1, one additional unit train for Flint Creek and three unit trains for Welsh Unit No. 2, which is presently being constructed and is scheduled for commercial operation in 1980. The 605 cars comprising the Equipment will cost approximately $25,000,000, with the final cost dependent upon cost escalations under the contract with the manufacturer, delivery charges and the amounts of any sales or use taxes.

It is stated that additional unit trains for Welsh Unit No. 1 and Flint Creek are necessary because the turnaround times experienced by SWEPCO are in excess of the times originally estimated, such tardiness being attributed to congestion on the railroad's line from the mine site near Gillette, Wyoming to the Welsh plant in Cason, Texas and the Flint Creek plant in Siloam Springs, Arkansas, distances of about 1500 and 1100 miles, respectively. The estimated turnaround time to the Welsh plant was 155 hours; that actually experienced, 210 hours. The estimated turnaround time to the Flint Creek plant was 114 hours; that actually experienced, 183 hours. To compensate for the added times SWEPCO had been using two unit trains consisting of carrier-owned rail cars supplied by Burlington Northern, Inc., one of which is no longer available to SWEPCO. SWEPCO believes it advisable to acquire sufficient additional cars (242) so that it does not need to rely on carrier-owned cars for these two units trains.

It is further stated that 363 cars (three unit trains) are presently estimated to be sufficient to transport the coal requirements for Welsh Unit No. 2, the coal for which is to be provided under a contract between SWEPCO and Amax Coal Company covering coal requirements for Welsh Unit No. 1, Welsh Unit No. 2 and Flint Creek for the first 25 years of the operation of such facilities

SWEPCO intends that all of the Equipment will be used exclusively by it. Since the unit trains will operate continuously there will be no spare car capacity. In the event the turnaround time not experienced by SWEPCO is reduced, SWEPCO will either acquire fewer coal cars than the number presently anticipated to be required to service Welsh Unit No. 3 or will refrain from replacing cars which have become worn out or irreparably damaged in operation, or both.

Of the 605 rail cars, SWEPCO plans to acquire 242 between February and June 1979, pursuant to a proposed railroad equipment lease ("Lease") described further below. The financing arrangements for the remaining 363 rail cars, which are scheduled for delivery from October through December 1979, have not been completed and will be the subject of further amendment to this application.

The Lease SWEPCO proposes to enter into is with Cason Car Corporation ("Lessor") and is for 242 rail cars for an interim term beginning on the date of delivery of the rail cars and ending on August 1, 1979, followed by a primary term of 20 years ending on August 1, 1999. The rental for the interim term will be a payment on August 1, 1979, equal to the purchase price of the rail cars, as defined in the Lease, times the daily equivalent of 9¼% per annum for each day of the interim term. Rentals thereafter will be required simiannually, commencing February 1, 1980, in accordance with the following schedule:

Rental payment dates	Number of payments	Percent of purchase price
Feb. 1, 1980-Aug. 1, 1984	10	4.75%
Feb. 1, 1985-Feb. 1, 1999	29	6.16%
Aug. 1, 1999	1	16.16%

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The rental payments are calculated to be an amount sufficient to pay interest only at 9½% per annum on the purchase price for the first 5 years of the primary term, to amortize 90% of the purchase price at 9½% per annum during the 6th through 20th year of the primary term, with a final payment of the then-remaining unamortized portion of the purchase price.

The Lease is a net lease under which SWEPCO agrees to pay all taxes and charges on the rail cars or assessed against the Lessor (other than income taxes assessed against the Lessor on its fees) and covenants to keep the rail cars insured or self-insured, free of non-permitted liens and encumbrances, in good maintenance and repair and in compliance with laws and governmental regulations. In the event of a casualty occurrence (which would include a rail car's becoming worn out, lost, stolen, destroyed, condemned or otherwise permanently unfit for use), SWEPCO is required to either: (i) terminate the Lease with respect to such rail car and pay the Lessor a sum equal to the Casualty Value of such rail car; (ii) substitute replacement equipment having a value and a useful life at least equal to the Casualty Value and remaining useful life of the rail car being replaced; or (iii) provide sufficient funds to the Lessor to enable it to acquire replacement equipment meeting the requirements of clause (ii) above. The Casualty Value of a rail car represents the then unamortized portion of its purchase price as of a given rental payment date.

The rail cars are being manufactured by Thrall Car Manufacturing Company ("Thrall") and will be sold by it to the Lessor under a conditional sales agreement ("CSA"). Thrall will assign its right, title and interest in the CSA and the rail cars to Mercantile-Safe Deposit and Trust Company, as agent ("Agent") pursuant to an agreement and assignment ("Assignment"), which will hold security title to the rail cars on behalf of Greenwich Savings Bank and Pilot life Insurance Company (collectively, the "Investor") who will provide 100% of the purchase price of the rail cars. The Investors will be repaid in installments under the CSA equal to the rental payments required to be made by SWEPCO under the Lease. The Investors, the Agent and SWEPCO will enter into a finance agreement describing the proposed transaction, and the Lessor will assign to the Agent, as additional security, the rentals to be received under the Lease (SWEPCO will acknowledge notice of and consent to such assignment).

SWEPCO will have the right to terminate the Lease as of any rental payment date occurring on or after August 1, 1989, in the event it determines the rail cars are no longer economical for use in its operations by paying the Casualty Value of the rail cars at such date to the Lessor. Upon payment of the Casualty Value or upon payment of the the last rental installment SWEPCO will receive title to the rail cars and will have no further obligations under the Lease. SWEPCO will also have the right to terminate the Lease as of any rental payment date by depositing with the Agent an amount sufficient to prepay the unamortized principal amount of the CSA indebtedness plus a premium equal to 9¼% of such amount during the first year of the primary term and declining by equal annual amounts to no premium in the final year of the primary term, provided that no such redemption can be made prior to August 1, 1989, from the proceeds of borrowings by SWEPCO having a lesser interest cost or a shorter remaining weighted average life than the interest cost or remaining weighted average life of the CSA indebtedness. SWEPCO can also terminate the lease as of any rental payment date by entering into and delivering to the Agent an assumption agreement under which the Lessor would assign its interests as vendee under the CSA to SWEPCO and SWEPCO would directly assume liability for repayment of the CSA indebtedness.

It is stated that SWEPCO intends to include the full amount of the rental payments under the Lease in determining the fuel costs for use in the fuel adjustment clause of its rates, subject to approval by applicable regulatory authorities. The authorization contained in this order does not constitute approval by this Commission of such rate making treatment, which matter is left to other regulatory authorities.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $69,200, including a placement fee payable to Goldman, Sachs & Co. of $30,000 and attorneys' fees of $27,000. No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Due notice of the filing of said application has been given in the manner prescribed in Rule 23 promulgated under the Act (HCAR No. 20878), and no hearing has been requested of or ordered by the Commission. Upon the basis the facts in the record, it is hereby found that the applicable standards of the Act and the rules thereunder are satisfied and that no adverse findings are necessary; and that it is appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted in part:

IT IS ORDERED, pursuant to the applicable provisions of the Act and rules thereunder, that SWEPCO be, and it hereby is, authorized forthwith to enter into the transactions concerning its acquisition of the initial 242 rail cars, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

IT IS FURTHER ORDERED that jurisdiction be, and it hereby is, reserved with respect to the terms of SWEPCO's proposed acquisition of the remaining 363 rail cars.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3944 Filed 2-5-79; 8:45 am]

[8010-01-M]

[Release No. 34-15542; File No. SR-MSRB-78-11]

SELF-REGULATORY ORGANIZATIONS

Proposed Rule Change by Municipal Securities Rulemaking Board

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), notice is hereby given that on January 4, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission the proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Under rule A-13 of the Municipal Securities Rule-making Board (the "Board"), the Board collects certain information concerning new issues of municipal securities in connection with the payment of the assessment fee prescribed under the rule. The Board filed a proposed amendment to the proposed rule change relating to rule A-13, contained in File No. SR-MSRB-78-11 (the "proposed rule change"). The proposed rule change, as modified by the proposed amendment, appears below.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

Pursuant to rule A-13 as presently in effect, the Board collects information concerning new issues of municipal securities in connection with payment of the assessment fee prescribed by the rule. Rule A-13 does not presently require such information to be furnished to the Board in any specified manner.

On July 10, 1978, the Board filed with the Securities and Exchange Commission (the "Commission") proposed amendments to rule A-13 which (1) would prescribe a standardized form, Form A-13, on which such information would be furnished to the Board and (2) would require municipal securities brokers and municipal securities dealers who pay assessment fees to submit certain additional items of information concerning new issues of municipal securities.

The proposed amendment modifies the original filing by deleting all but one of the additional items of information which would have been required pursuant to the proposed rule change to be furnished on Form A-13 by municipal securities professionals. The Board would still require municipal securities professionals to provide information concerning the date of sale or commitment with respect to each issue for which an assessment fee is paid. In addition, the proposed amendment requires municipal securities professionals to note on Form A-13 the amount of the underwriting assessment fee paid by them. The conclusion of these items of information on Form A-13 will assist the Board in conducting internal accounting funtions with regard to the assessment fees.

In the original filing the Board indicated that it did not intend to process the information to be collected itself, but proposed to retain the services of an outside organization for this purpose so that the information could be furnished to interested persons in usable form. As a result of extensive disussions with such outside organizations, the Board concluded that to disseminate in usable form the information proposed to be collected would require a substantial outlay of money on a continuous basis. The Board has determined that such a commitment is not justified since the potential benefits to be realized from the dissemination of such information would not be commensurate with the cost of processing the information, the Board has therefore decided to modify the proposed rule change to eliminate the requirement to furnish additional items of information, except as noted above. Since it is not feasible to disseminate such information in usable form, the Board sees no reason for collecting it.

The proposed requirement to use Form A-13 remains unchanged. As indicated in the original filing, the Board believes that this requirement would serve several important purposes, including assisting municipal securities professionals in complying with the assessment requirements, assuring that the Board receives the required information for its accounting records, and reducing administrative costs both for municipal securities professionals and for the Board.

The Board intends to make available to interested persons on a regular basis the information submitted on Form A-13, excluding any information concerning underwriting participations. The Board believes that disseminating such information will facilitate research by interested persons by providing them with basic information regarding each issue which is sold. As noted in the original filing, the Board currently receives data concerning more new issues of municipal securities than is reported in any other place. The release of information collected on Form A-13 would also enable a person conducting research on the new issue municipal securities markets to obtain additional information through direct contact with issuers or the underwriters involved.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board has adopted the proposed amendment pursuant to section 15B(b)(2)(J) of the Securities Exchange Act of 1934, as amended (the "Act"), which authorizes and directs the Board to establish fees and charges to defray the expenses of the Board's operations. In adopting rule A-13 pursuant to this section, the Board contemplated that certain information basic to an identification of the issues with respect to which assessment fees are paid and to an identification of the municipal securities brokers and municipal securities dealers on whose behalf the fees are paid should be required. The proposed amendment, which would require municipal securities professionals to furnish two items of information in addition to that which they are currently required to provide, is consistent with this purpose.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

The Board neither solicited nor received comments on the proposed amendment. As indicated above, the proposed amendment is prompted by the Board's consideration of the anticipated cost of processing and disseminating the information which was proposed to be collected in the original filing.

BURDEN ON COMPETITION

The Board does not believe that the proposed amendment will impose any burden on competition in the municipal securities industry. The proposed amendment will be applicable to participants in the industry who buy long-term new issues for their own account or on behalf of others, and the information to be provided to the Board concerning these issues is readily available to all municipal securities professionals engaged in these activities. The Board does not believe that requiring the requested information to be stated on a standardized form will impose any hardship on municipal securities professionals. The Board is of the opinion that the requirement will facilitate the collection of the fee mandated by Rule A-13.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by February 27, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS
Secretary.

JANUARY 30, 1979.

TEXT OF AMENDED PROPOSED RULE CHANGE[1]

Rule A-13—Underwriting Assessment for Municipal Securities Brokers and Muncicpal Securities Dealers.

(a) No change.

(b) Payment of the fee specified in paragraph (a) hereof shall be accompanied by [a written statement which shall contain the following information:

(i) a description of the issue, including the aggregate face amount of the issue, the name of the issuer (including the state in which the issuer is located if not apparent from the name of the issuer), and the date of final stated maturity of the issue;

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[1] [Brackets] indicate deletions.

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(ii) the name of each municipal securities broker and municipal securities dealer on whose behalf the fee is paid, and in the case of a syndicate or similar account, the respective participations of each participant, and a designation of the managing underwriter or underwriters as such; and

(iii) the date of settlement with the issuer] two copies of Form A-13 prescribed by the Board.

(c) and (d) No change.

FORM A-13

Full Name of Issuer/Description of Issue[1] —

_____

Par Value of Issue _____
Date of Final Maturity _____
Date of Sale/Commitment _____
Date of Settlement _____
Managing Underwriter _____
Amount of Fee Paid _____

Please attach a list of all syndicate members and their respective participations.

[FR Doc. 79-3945 Filed 2-5-79; 8:45 am]

[4910-06-M]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

MINORITY BUSINESS RESOURCE CENTER ADVISORY COMMITTEE

Meeting

Pursuant to Section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92-263); (5 U.S.C. App. I), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held February 23, 1979, at 10:30 a.m. until 1:30 p.m. at the General Services Administration Building, 51 Southwest 1st Avenue, Miami, Florida 33130; Conference Room 208. The agenda for the meeting is as follows:

Expanding Market Opportunities. MBRC Program Planning. MBRC Year-end Assessment of Program Needs.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Mr. Harvey C. Jones, Advisory Committee Staff Assistant, Minority Business Resource Center, Federal Railroad Administration, 400 7th Street, Southwest, Washington, D.C. 20590, telephone: (202) 472-2449. Any member of the public may present a written statement to the Committee at any time.

[1]Include state in which issuer is located if not apparent from description.

Issued in Washington, D.C. on January 31, 1979.

KENNETH E. BOLTON,
Executive Director.

[FR Doc. 79-4022 Filed 2-5-79; 8:45 am]

[4910-06-M]

MINORITY BUSINESS RESOURCE CENTER ADVISORY COMMITTEE

Meeting

Pursuant to section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463); 5 U.S.C. App. I), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held March 2, 1979, at 10:30 a.m. until 1:30 p.m. at the National Business League, 2000 K Street NW., 8th Floor Conference Room, Washington, D.C. 20036. The agenda for the meeting is as follows:

Meeting with National Minority Trade Association Representatives.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Mr. Harvey C. Jones, Advisory Committee Staff Assistant, Minority Business Resource Center, Federal Railroad Administration, 400 Seventh Street, Southwest, Washington, DC 20590, telephone: (202) 426-2853. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on January 31, 1979.

KENNETH E. BOLTON,
Executive Director.

[FR Doc. 79-4023 Filed 2-5-79; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 79-35]

REIMBURSABLE SERVICES—EXCESS COST OF PRECLEARANCE OPERATIONS

FEBRUARY 1, 1979.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 11, 1979.

Installation	Biweekly excess cost
Montreal, Canada	$18,945.00
Toronto, Canada	24,987.00
Kindley Field, Bermuda	4,661.00
Freeport, Bahama Islands	9,377.00
Nassau, Bahama Islands	11,819.00
Vancouver, Canada	10,978.00
Calgary, Canada	8,432.00
Winnipeg, Canada	1,685.00

JACK T. LACY,
Assistant Commissioner of Customs, (Administration).

[FR Doc. 79-4081 Filed 2-5-79; 8:45 am]

[4810-33-M]

Comptroller of the Currency

STATEMENT OF POLICY

Change in Bank Control Act of 1978

Introduction. The Change in Bank Control Act of 1978 ("the Act"), Title VI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, gives the Federal bank supervisory agencies the authority to disapprove changes in control of insured banks and bank holding companies.[1] The Office of the Comptroller of the Currency ("the Comptroller") is the responsible Federal banking agency for changes in control of national banks. The Federal Reserve Board is responsible for bank holding companies and State member banks, and the Federal Deposit Insurance Corporation is responsible for insured State nonmember banks.

The Act requires any person (broadly defined) seeking to acquire control of any insured bank or bank holding company to provide 60 days' prior written notice to the appropriate Federal banking agency. This requirement applies to all covered transactions that will be consummated after March 9, 1979. The Act specifically exempts transactions that are subject to section 3 of the Bank Holding Company Act of 1956 or section 18 of the Federal Deposit Insurance Act, since these transactions are covered by existing regulatory approval procedures. Accordingly, changes in control due to acquisitions by bank holding companies and changes in control of insured banks resulting from mergers, consolidations, or other similar transactions are not covered by the Act.

The Act describes the factors that the Comptroller and the other Federal

[1]The Act retains with some modification existing reporting requirements relating to loans by banks secured by stock of other banks and management changes occurring after a change in control and extends these requirements to bank holding companies and loans secured by bank holding company stock.

banking agencies are to consider in determining whether a transaction covered by the Act should be disapproved. These factors include the financial condition, competence, experience, and integrity of the acquiring person (or persons acting in concert) and the effect of the transaction on competition. The Comptroller's objectives in his administration of the Act are to enhance and maintain public confidence in the banking system by preventing identifiable serious adverse effects resulting from anticompetitive combinations of interests, inadequate financial support, and unsuitable management in these institutions. The Comptroller will review each notice to acquire control of a national bank and will disapprove transactions that would have serious harmful effects. It is the Comptroller's intention to administer the Act in a manner that will minimize delays and government regulation of legitimate private sector transactions.

If the Comptroller disapproves a change in control, the Comptroller will notify the proposed acquiring party in writing within three days after his decision. The notice of disapproval will contain a statement of the basis for disapproval. The Act provides that the acquiring party may request a hearing by the Comptroller in the event of a disapproval and provides a procedure for further review by the courts.

Forms for filing notices of proposed transactions covered by the Act will be available from the Regional Administrator of National Banks. When a substantially complete notice is received by the Regional Administrator of National Banks, a letter of acknowledgement will be sent to the acquiring person indicating the date of receipt. The transaction may be completed 61 days or more after that date unless the acquiring person has been notified by the Comptroller that the acquisition has been disapproved or that the 60-day period has been extended as provided for in the Act. To avoid undue interference with normal business transactions, the Comptroller may issue a notice of his intention not to disapprove a proposed acquisition of control.

Information to be contained in notices. The Act requires a "person" proposing to acquire control of a national bank to file a notice with the Comptroller containing personal and biographical information, detailed financial information, details of the proposed acquisition, information on any structural or managerial changes contemplated for the institution, and other relevant information required by the Comptroller. The elements of a notice, as prescribed by paragraph 6 of the Act, are set forth in the appendix to this statement, and prescribed forms for filing notice are available from the appropriate Regional Administrator of National Banks.

In order to be filed properly in accordance with the Act, a notice must be substantially complete and responsive to every item specified in paragraph 6 of the Act. When the acquiring party is an individual, or a group of individuals acting in concert, the requirement for five years' personal financial data is deleted in favor of a current statement of assets and liabilities, a brief income summary, and a statement of any material changes since the date thereof, but the Comptroller specifically reserves the right to require up to five years of financial data from any acquiring person.

Transactions requiring submission of notice. The Act defines "control" as the power—directly or indirectly—to vote 25 per cent or more of any class of voting securities, or to direct the management or policies, of a bank holding company or insured bank. Therefore, any transaction, unless exempted by the Act, that results in the acquiring party having voting control of 25 per cent or more of any class of voting securities, or results in the power to direct the management or policies, of such an institution would trigger the notice requirement. However, any person who on March 9, 1979, controls a national bank shall not be required to file a notice to maintain or increase control positions in the same institution. In addition, the Comptroller's regulation allows persons who on March 9, 1979, fall within a presumption described in the next paragraph to acquire additional shares of an institution without filing notice so long as they will not have voting control of 25 per cent or more of the institution. In connection with transactions that would result in greater voting control, such person may file the required notice or request that the Comptroller make a determination that they already control the institution.

With respect to persons who have the power to vote less than 25 per cent of an institution's shares, the Comptroller has established the following rebuttable presumptions for purposes of the notice requirements under the Act:

(1) Where the institution to be acquired has issued any class of securities subject to the registration requirements of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*), and a transaction would result in a person (or group of persons acting in concert) having voting control of 10 per cent or more of any class of voting securities of that institution, the transaction results in control.

(2) Where a transaction involving any class of voting securities of a national bank would result in a person (or group of persons acting in concert) having voting control of 10 per cent or more, and after the transaction the acquiring person would be the largest shareholder of that institution, the transaction results in control.

Other transactions resulting in a person's control of less than 25 per cent of a class of voting shares of a national bank would not result in control for purposes of the Act. In addition, customary one-time proxy solicitations and the receipt of pro-rata stock dividends are not subject to the Act's notice requirements.

In some cases corporations, partnerships, certain trusts, associations, and similar organizations that are not already bank holding companies may be uncertain whether to proceed under this Act or under the Bank Holding Company Act with respect to a particular acquisition. These organizations should comply with the notice requirements of this Act if they are not required to secure prior Federal Reserve Board approval under the Bank Holding Company Act. However, some transactions, particularly foreclosures by institutional lenders, fiduciary acquisitions by banks, and increases of majority holdings by bank holding companies, described in sections 2(a)(5)(D) and 3(a)(A) and (B) of the Bank Holding Company Act, do not require the Federal Reserve Board's *prior* approval, but they are nevertheless considered subject to section 3 of the Bank Holding Company Act and do not require notices under this Act.

Persons contemplating an acquisition that would result in a change in control of a national bank should request appropriate forms and instructions from the Regional Administrator of National Banks in whose region the affected institution is located. If there is any doubt whether a proposed transaction requires a notice, the acquiring person should consult the Regional Administrator of National Banks for guidance. The Act places the burden of providing notice on the prospective acquiring person and substantial civil penalties can be imposed for willful violations.

Certain control transactions exempt from prior notice requirements. Under the Comptroller's regulation, the following transactions are exempt from the prior notice requirements of the Act:

(1) A foreclosure of a debt previously contracted in good faith;

(2) Testate or intestate succession; and

(3) A bona fide gift.

A person acquiring control in the situations described above is required to furnish certain information to the Comptroller promptly after the transaction, and the affected institution

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must report promptly any changes or replacement of its chief executive officer or of any director, in accordance with paragraph 12 of the Act.

Under this regulation, acquisitions of control of foreign banks with Federally chartered branches are also exempt from the prior notice requirements of the Act, but this exemption does not extend to the reports and information required under paragraphs 9, 10, and 12 of the Act.

Disapproval of changes in control. The Act sets forth various factors to be considered in the evaluation of a proposal. The Comptroller is required to review the competitive impact of the transaction, the financial condition of the acquiring person, and the competence, experience, and integrity of that person and the proposed management of the institution. In assessing the financial condition of the acquiring person, the Comptroller will weigh any debt servicing requirements in light of the acquiring person's overall financial strength, the institution's earnings performance, asset condition, capital adequacy, future prospects, and the likelihood of an acquiring party making unreasonable demands on the resources of the institution.

Dated: January 30, 1979.

JOHN G. HEIMANN,
Comptroller of the Currency.

APPENDIX—CHANGE IN BANK CONTROL ACT OF 1978

INFORMATION REQUIREMENTS

Paragraph 6 of the Act reads as follows:

Except as otherwise provided by regulation of the appropriate Federal banking agency, a notice filed pursuant to this subsection shall contain the following information:

(A) The identity, personal history, business background and experience of each person by whom or on whose behalf the acquisition is to be made, including his material business activities and affiliations during the past five years, and a description of any material pending legal or administrative proceedings in which he is a party and any criminal indictment or conviction of such person by a State or Federal court.

(B) A statement of the assets and liabilities of each person by whom or on whose behalf the acquisition is to be made, as of the end of the fiscal year for each of the five fiscal years immediately preceding the date of the notice, together with related statements of income and source and application of funds for each of the fiscal years then concluded, all prepared in accordance with generally accepted accounting principles consistently applied, and an interim statement of the assets and liabilities for each such person, together with related statements of income and source and application of funds, as of a date not more than ninety days prior to the date of the filing of the notice.

(C) The terms and conditions of the proposed acquisition and the manner in which the acquisition is to be made.

(D) The identity, source and amount of the funds or other consideration used or to be used in making the acquisition, and if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction, the names of parties, and any arrangements, agreements or understandings with such persons.

(E) Any plans or proposals which any acquiring party making the acquisition may have to liquidate the bank, to sell its assets or merge it with any company or to make any other major change in its business or corporate structure or management.

(F) The identification of any person, employed, retained, or to be compensated by the acquiring party, or by any person on his behalf, to make solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and a brief description of the terms of such employment, retainer, or arrangement for compensation.

(G) Copies of all invitations or tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.

(H) Any additional relevant information in such form as the appropriate Federal banking agency may require by regulation or by specific request in connection with any particular notice.

[FR Doc. 79-4086 Filed 2-5-79; 8:45 am]

[4810-22-M]

Office of the Secretary

INVESTIGATION OF THE EFFECT OF OIL IMPORTS ON THE NATIONAL SECURITY OF THE UNITED STATES

Invitation for Written Comments

The Treasury Department began on March 15, 1978, an investigation to determine the effects on the national security of imports of crude oil, crude oil derivatives and products, and related similar products derived from natural gas and coal tar into the United States. This investigation is being carried out pursuant to section 232(b) of the Trade Expansion Act of 1962. Section 232(b) requires the Secretary of the Treasury to advise the President whether the Secretary, after an appropriate investigation, finds that an article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. If the Secretary finds that such a threat exists and the President agrees, the President may take such action, and for such time as he deems necessary, to adjust the imports of such article and its derivatives so that such imports will not threaten to impair the national security.

The Treasury Department has sought information and advice as to the impact of these imports on our national security in terms of the national defense, economic welfare and foreign policy of the United States from the following Departments and agencies: Defense, Commerce, State, Energy, Interior, Labor, Transportation, the Council of Economic Advisors, the Central Intelligence Agency, and the Federal Reserve Board. The Department believes it is appropriate now to afford interested parties an opportunity to present written comments on the same issue. It would be particularly helpful if comments would address the specific issues described in the Annex to this Invitation.

In addition, the Secretary will be considering his recommendation to the President. The Department would also welcome written comments on the nature of such a recommendation.

Ten copies of written comments should be submitted by February 20, 1979 to:

General Counsel, Room 3000, U.S. Treasury Department, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.
Ref. Section 232 Investigation.

Written comments should be accompanied by a summary which does not exceed two pages in length.

All written comments filed under this notice (other than "business confidential" submissions described below) will be available for public inspection and copying at 10 cents per page in the library of the Main Treasury Building, Room 5010, 15th and Pennsylvania Avenue, Washington, D.C. Thus, a person submitting written comments generally should not include material considered to be confidential or inappropriate for disclosure to the public. If necessary, confidential information, marked clearly "business confidential" on each page, may be submitted separately. The Treasury Department will afford such information confidentially within the limits of the law.

Persons desiring further information may contact Dell V. Perry at (202) 376-0299 or at Office Special Studies, U.S. Treasury Department, Washington, D.C. 20220.

Dated: February 2, 1979.

ROBERT CARSWELL,
Acting Secretary of the Treasury.

ANNEX

ISSUES CONCERNING INVESTIGATION OF THE EFFECT OF OIL[1] IMPORTS ON THE NATIONAL SECURITY OF THE UNITED STATES

I. Effect of Oil Imports on the National Security
A. General aspects
1. Assessment of oil supply and demand balance through 1985
2. Effect of oil imports at present levels and under current circumstances on the development of alternative energy sources (including conservation)
B. Supply interruptions
1. Relationship between the source of oil imports and the national security
2. Adequacy of existing emergency preparedness measures to deal with interruptions in oil imports
3. Volume and duration of interruption in oil imports which would threaten to impair the national security
C. Economic and monetary aspects
1. General economic impact of U.S. oil imports upon the economy, financial markets and international trade
2. Relationship of the areas mentioned in item C 1 above to the national security
D. Regional and sectoral aspects
1. National security implications of the dependence of various regions on oil imports
2. National security implications of the effect of oil imports on the various sectors of the oil industry (for example, production, refining, transportation and marketing)
3. National security implications of the effect of oil imports on industries using oil (for example, the petrochemical industry and agriculture)
II. Remedies
A. General Considerations: Amount by which imports of oil would or should be reduced and action necessary to accomplish that reduction
B. Remedies permissible under Section 232(b) of the Trade Expansion Act
1. Should a quota, fee, or tariff be applied to all imported crude oil, crude oil derivatives, and produets and related similar products derived from natural gas and coal tar or only some of these?
2. Effect of these remedies on:
a. Oil prices and prices of competing forms of energy
b. The U.S. economy, including trade, employment and inflation
c. Availability of oil products in the United States (national and regional)
d. Specific sectors, particularly petrochemical, agriculture, automobile manufacturing, recreation and transportation
e. The operation of existing statutes such as the Emergency Petroleum Allocation Act, the Energy Policy and Conservation Act and the Energy Conservation and Production Act
3. Administration of these remedies
a. Managing any resulting shortage in the event a quota is used (for example, by allocation or rationing) and determining which sectors of the economy are to bear the shortage
b. Advantages and disadvantages of a government-sponsored quota action system
c. Estimated time for oil industry and others to adjust to decreased imports
d. Duration of measures necessary to remedy the existing situation
C. Alternatives to remedies permissible under Section 232(b)
1. Reductions in oil use through conservation, substitution of other fuels, increased domestic energy production, and changes in the relationship between gross national product and energy use
2. Extraordinary measures to increase exports and reduce inflation, thereby increasing confidence in the U.S. economy and the dollar
3. A comparison of the effectiveness of these alternative remedies with the effectiveness of those remedies permissible under Section 232(b)

[1]The term "oil" is used in this Annex as shorthand for crude oil, crude oil derivatives and products, and related similar products derived from natural gas and coal tar.

[FR Doc. 79-4225 Filed 2-5-79; 8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Proposed Revision to System of Records

AGENCY: Bureau of Engraving and Printing, Department of the Treasury.

ACTION: Proposed Revision to System of Records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), the Bureau of Engraving and Printing, Department of the Treasury, gives notice of the proposed revised system of records entitled, "Employees Production Records", (Treasury/BEP 00.014). The proposed revised system will reflect certain minor changes in the areas of routine use, storage, retrievability, and disposal.

The system notice will be published in its entirety, since, through administrative oversight the Annual Publication in 43 FR 42634 (September 20, 1978) did not reflect changes to the system which had been published in 43 FR 35572 (August 10, 1978).

DATES: Public comments must be received on or before March 8, 1979. Unless further notice is given prior to April 1, 1979 by this Department, the proposed system of records will be effective on April 2, 1979.

ADDRESS: Director, Bureau of Engraving and Printing, 14th & C Streets SW., Washington, D.C. 20228.

FOR FURTHER INFORMATION CONTACT:

Herbert T. Krisak, Superintendent, Management Service Division, Bureau of Engraving and Printing, 14th & C Streets SW., Washington, D.C. 20228, 202-447-0261.

W. J. MCDONALD,
Acting Assistant Secretary, Administration.

Treasury/BEP 00.014

System name

Employees Production Record—Treasury/BEP.

System location

Bureau of Engraving and Printing; 14th and C Streets SW., Washington, D.C. 20228.

Categories of individuals covered by the system

All incumbent Bureau of Engraving and Printing employees.

Categories of records in the system

Contains employee's name, dates, work hours, record of production, history of work assignments, training, work performance, and progress reports.

Authority for Maintenance of the system

5 U.S.C. 301, 4103, 4302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses

Used by Bureau management personnel for evaluation of employee's level of productivity, promotion evaluation, reference material for future assignments and collection of production cost data. For additional routine uses, see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage

Maintained in data entry diskettes, file folders, and production books.

Retrievability

Indexed by name, work code number, and cross-referenced by project number.

Safeguards

Maintained in locked cabinets or desks; access is limited to personnel having a need to know.

Retention and disposal

Retained six years; destroyed by shredding, defacing, or degaussing.

System managers and address

Chief, Office of Audit; Chief, Office of Administrative Services; Chief, Office of Financial Management; Chief of Industrial Relations; Chief, Office of Industrial Services; Chief, Office of Currency and Stamp Printing; Chief, Office of Engraving; Chief, Office of Security; Chief, Office of Securities Processing; Chief, Office of Engineering; Chief, Office of Research and Technical Services; Head, Production Scheduling Staff. Address: Bureau of Engraving and Printing; 14th & C Streets SW., Washington, D.C. 20228.

Notification procedures

Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Streets SW., Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures

See notification above.

Contesting record procedures

See notification above.

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Record source categories

Information furnished by employee, developed by supervisor, or by referral documents.

[FR Doc. 79-3987 Filed 2-5-79, 8:45 am]

[36-0344-M]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 7, 1979 at 10:00 A.M., the Los Angeles Regional Office Station Committee on Educational Allowances shall at 11000 Wilshire Boulevard, Los Angeles, California 90024, in Room 7106, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled at Southland/Arizona Colleges, 3160 West Sixth Street, Los Angeles 90020, should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: January 29, 1979.

JOHN G. MILLER,
Director.

[FR Doc. 79-3997 Filed 2-5-79, 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 21]

ASSIGNMENT OF HEARINGS

FEBRUARY 1, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation of postponements of hearings in which they are interested.

MC 144750 (Sub-1F), Moab Truck Center, Inc., now assigned for hearing on March 14, 1979 (2 days), at Salt Lake City, Utah in a hearing room to be later designated.

MC 124692 (Sub-241F), Sammons Trucking now assigned for hearing on March 14, 1979 (1 day) at Portland, Oregon in a hearing room to be later designated.

MC 111545 (Sub-255F), Home Transportation Company, Inc., now assigned for hearing on April 17, 1979 (4 days) at San Francisco, California and will be continued May 7, 1979 (1 week) at Atlanta, Ga., in a hearing room to be later designated.

FD 28838 State of California, Department of Transportation v. The Atchison, Topeka and Sante Fe Railway Company now assigned for hearing April 23, 1979 (1 week) at San Francisco, California in a hearing room to be later designated.

MC 57591 (Sub-19F), Evans Delivery Company, Inc., now assigned February 26, 1979, at Washington, D.C., is cancelled.

MC 144256 (Sub-1F), Arizona Express, Inc., now being assigned for hearing on March 19, 1979 (5 days), at Tucson, Arizona in a hearing room to be later designated.

MCF 13566, George W. Kugler, Inc.—Purchase (Portion)—Fischbach Trucking Co., and MC 125533 (Sub-23F), George W. Kugler, Inc., now assigned for hearing on March 1, 1979, at Columbus, Ohio and will be held in Federal Building, Room 235.

MC 124211 (Sub-325F), Hilt Truck Line, Inc., now assigned for hearing on February 28, 1979, at Columbus, Ohio and will be held in Room 235, Federal Building.

MC 144231 (Sub-2F), Leann, Inc., now assigned for hearing on February 27, 1979, at Columbus, Ohio and will be held in Room 235, Federal Building.

MC 134922 (Sub-255F), B. J. McAdams, Inc., now assigned for hearing on February 26, 1979, at Columbus, Ohio and will be held in Room 235, Federal Building.

MC 96324 (Sub-25F), General Delivery, Inc., now assigned for hearing on February 21, 1979, at Pittsburgh, PA. and will be held in Pittsburgh Hyatt House, Chatham Center.

MC 9325 (Sub-75F), K. Lines, Inc., now assigned for hearing on March 22, 1979, at San Francisco, California and will be held in Room 510, 211 Main Street, 5th Floor.

MC 89084 (Sub-6F), Interstate Heavy Hauling, Inc., now assigned for hearing on March 21, 1979, at Portland, Oregon and will be held in U.S. Courthouse, 5th Floor.

MC 78228 (Sub-88F), J. Miller Express, Inc., now assigned February 8, 1979, at Washington, D.C., is postponed to February 15, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 144122 (Sub-25F), Caretra Trucking, Inc., now assigned for hearing on April 23, 1979, (2 days), at New York, New York, in a hearing room to be later designated.

MC 117940 (Sub-284F), Nationwide Carriers, Inc., MC 114632 (Sub-169F), Apple Lines, Inc., MC 144622 (Sub-2F), Glenn Bros. Meat Co., Inc., now assigned for hearing on April 25, 1979, (3 days), at New York, New York in a hearing room to be later designated.

MC 89369 (Sub-20F), Joart Trucking Company, now assigned February 8, 1979, at New York, New York is cancelled and transferred to Modified Procedure.

MC 144420 (Sub-1F), Malibu Beach Boat Sales & Service, Co., Inc., now assigned February 7, 1979, at St. Louis, Missouri is cancelled transferred to Modified Procedure.

FD 28890, Knox Metals Corporation v. Louisville and Nashville Railroad Company now assigned for hearing on March 13, 1979 (4 days) at Knoxville, TN in a hearing room to be later designated.

MC 113651 (Sub-268F), Indiana Refrigerator Lines, Inc., now assigned for hearing on March 20, 1979 (1 day) at Louisville, Kentucky in a hearing room to be later designated.

MC 119777 (Sub-348F), Ligon Specialized Hauler, Inc., now assigned for hearing on March 19, 1979 (1 day) at Louisville, Kentucky in a hearing room to be later designated.

MC 107403 (Sub-1102F), Matlack, Inc., now assigned for hearing on March 21, 1979 (1 day) at Louisville, KY in a hearing room to be later designated.

MC 102616 (Sub-942F), Coastal Tank Lines, Inc., now assigned March 22, 1979 at Louisville, KY, in a hearing room to be later designated.

MC 58885 (Sub-33F), Atlanta Motor Lines, Inc., now assigned for hearing on April 3, 1979 at Atlanta, Georgia and will be held at the Atlanta American Hotel, 160 Spring St. NE.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4004 Filed 2-5-79, 8:45 am]

[7035-01-M]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 1, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before February 21, 1979.

FSA No. 43658, Interasia Lines, Ltd.'s No. 101, intermodal rates on general commodities in containers, from rail carriers' terminals at U.S. Atlantic and Gulf Coast ports, by way of U.S. Pacific Coast ports, to Singapore and ports in Malaysia, to be published in Interasia Lines, Ltd., Tariff No. 1-A, I.C.C. No. 2. Grounds for relief—water competition.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4000 Filed 2-5-79, 8:45 am]

[7035-01-M]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 1, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before February 21, 1979.

FSA No. 43659, Southwestern Freight Bureau, Agent's No. B-800, rates on sand, from Crystal City, Ludwig, and Pacific, Mo., to Hubbard, Ohio, in Supp. 38 to its Tariff SWFB 4319, ICC SWFB 4319, effective March 2, 1979. Grounds for relief—destination rate relationship.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4002 Filed 2-5-79, 8:45 am]

[7035-01-M]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 31, 1979.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 16, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC-83539 (Sub-E387), filed May 31, 1977. Applicant: C & H TRANSPORTATION, 9757 Military Parkway, P.O. Box 270535, Dallas, Texas 75227. Representative: H. N. Cunningham, III (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment and, related machinery parts, *material*, and *supplies* when moving in connection with such commodities, between points in FL in and west of Holmes, WA: and Bay Counties, on the one hand, and, on the other, points in MA. (Gateways eliminated: points within a 50-mile radius of Nashville, TN, points in KY and Philadelphia, PA).

MC-115554 (Sub-E20), filed June 4, 1974. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, IA 50306. Representative: James R. Madler, Attorney, 1255 North Sandburg Terrace, Chicago, IL 60610. *Refrigerators, refrigeration and electrical equipment, appliances, and parts, materials and supplies* used in the manufacture, repair, and distribution of such commodities, (1) between points in IL, on the one hand, and, on the other, points in AZ on, south and west of a line beginning at the AZ-NV state line and extending along AZ Hwy 68 to junction I Hwy 40, the east along I Hwy 40 to junction U.S. Hwy 89, the south along U.S. Hwy 89 to junction AZ Hwy 69, the east along AZ Hwy 69 to junction I Hwy 17, the south along I Hwy 17 to junction I Hwy 10, the south along on I Hwy 10 to junction I Hwy 8, then west along I Hwy 8 to the CA-AZ state line, (2) between points in IL on and north of a line beginning at the IL-MO stateline, and extending along IL Hwy then along IL Hwy 13 to the KY-IL state line, on the one hand, and, on the other, points in AZ (3) between points in IL, on and north of a line beginning at the IL-IN state line, and extending along U.S. Hwy 36 to junction IL Hwy 104, then along IL Hwy 104, to the Mississippi River on the one hand, and, on the other, points in NM (4) between points in IL on and north of a line beginning at the IN-IL state line and extending west along U.S. Hwy 50 to junction U.S. Hwy 45, then north along U.S. Hwy 45 to junction I Hwy 70, then west along I Hwy 70 to junction U.S. Hwy 51, then north along on U.S. Hwy 51 to junction IL Hwy 29, then west along IL Hwy 29 to junction IL Hwy 104, then west along IL Hwy 104 to junction U.S. Hwy 36, then west along on U.S. Hwy 36 to the IL-MO state line, on the one hand, and, on the other, points in CO (5) Between points in IL on the one hand, and, on the other points in CO on and west of a line beginning at the CO-NE state line and extending southwest along I Hwy 80 to junction I-Hwy 25, then along I Hwy 25 to junction U.S. Hwy 24, then west along U.S. Hwy 24 to junction U.S. Hwy 285, then south along U.S. Hwy 285 to junction CO Hwy 291, then east along CO Hwy 291 to junction U.S. Hwy 50, then west along U.S. Hwy 50 to the CO-UT state line. (Gateway eliminated: Amana, IA).

MC 115554 (Sub-E21), filed June 4, 1974. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, IA 50306. Representative: James R. Madler, Attorney, 1255 North Sandburg Terrace, Chicago, IL 60610. *Refrigerators, refrigeration and electric equipment, appliances, and parts, materials, and supplies*, used in the manufacture, repair, and distribution of such commodities, (1) between points in IA, on, south and east of a line beginning at the WI-IA state line, and extending along U.S. Hwy 20 to junction U.S. Hwy 69, then south along U.S. Hwy 69 to junction I Hwy 80, then east along I Hwy 80 to the IL-IA state line, on the one hand, and, on the other, points in ND on and south of U.S. Hwy 83, (2) between points in IA, on and east of a line beginning at the IA-MN state line, and extending south along U.S. Hwy 218 to junction IA Hwy 14, then south along IA Hwy 14 to junction I Hwy 80, then east along I Hwy 80 to the IL-IA state line, on the one hand, and, on the other, points in OK. (Gateway eliminated: Amana, IA).

MC 115826 (Sub-E60), filed December 15, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Termina, Denver, CO 80217. Representative: William N. Shawn, Suite 501, 1730 M St., N.W., Washington, DC 21036 and Kimball and Williams, Suite 350, Capital Life Center, 1600 Sherman St., Denver, CO 80203. *Frozen fruits, frozen vegetables, and frozen fish*, in packages, when moving in the same vehicle with frozen fruits and frozen vegetables, (1) from points in OR and WA, to points in CO on and east of a line beginning at the CO-NM state line, and extending along U.S. Hwy 285 to junction CO Hwy 15, then along CO Hwy 15 to junction U.S. Hwy 285, then along CO Hwy 285 to Fairplay, then along CO Hwy 9 to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 287, then along U.S. Hwy 287 to the CO-WY state line, including service to points in the commercial zones of all cities located

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on the above-described line, (2) from points in WA and OR and those points in CA on and north of and on and west of a line beginning at the CA-Mexico International Boundary line and extending along CA Hwy 111 to Indio, then along U.S. I Hwy 10 to junction U.S. Hwy 395, then along U.S. Hwy 395 to junction U.S. Hwy 66, then along U.S. Hwy 66 to Barstow, then along CA Hwy 58 to junction U.S. Hwy 395, then along U.S. Hwy 395 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the NV-CA state line, including service from all points in the commercial zones of cities located on the above-described line, to those points in CO on and east and north of a line beginning at the CO-WY boundary line, and extending along U.S. Hwy 287 to junction U.S. Hwy 34, then along U.S. Hwy 34 to the western boundary of Larimer County, CO, then along the western boundaries of Larimer and Boulder Counties, Co to the northern boundary of Gilpin County to junction CO Hwy 119, then along CO Hwy 119 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the western boundary of Jefferson County, then along the western and southern boundaries of Jefferson County and the southern boundary of Douglas County to intersection CO Hwy 67, then along CO Hwy 67 to Woodland Park, then along U.S. Hwy 24, to CO Springs, then along U.S. I Hwy 25 to Pueblo, then along U.S. Hwy 50 to the CO-KS state line, including service to all points in the commercial zones of cities located on the above-described line. (Gateway eliminated: point of Denver, CO).

MC 119968 (Sub-E24), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in IL, IN, Lower Peninsula of MI, and points in KY on and west of I Hwy 75, on the one hand, and, on the other, points in CT, MA, NJ, RI; points in NY on and east of I Hwy 81; points in MD on and north of a line beginning at the MD-WV state line extending along U.S. Hwy 48 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction I Hwy 70, then along I Hwy 70 to junction I Hwy 695, then along I Hwy 695 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the MD-DE state line; and points in DE on and north of a line beginning at the MD-DE state line extending along DE Hwy 300 to junction DE Hwy 44, then along DE Hwy 44 to junction DE Hwy 8, then along DE Hwy 8 to the Atlantic Ocean. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-25), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave. Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in Erie and Crawford Counties, PA, on the one hand, and, on the other, points in IL; KY; and points in IN on, west, and south of a line beginning at the IN-MI state line extending along IN Hwy 39 to Junction U.S. Hwy 35, then along U.S. Hwy 35 to junction U.S. Hwy 30, then along U.S. Hwy 30 to the OH-IN state line. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-26), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave. Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in PA (except Erie, Crawford, Mercer, Venango, Warren, Greene, and Washington Counties, and that part of PA south and east of a line beginning at the PA-WV state line extending along I Hwy 70 to junction U.S. Hwy 119, then along U.S. Hwy 119, to junction U.S. Hwy 22, then along U.S. Hwy 22 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction U.S. Hwy 11, then along U.S. Hwy 11 to junction I Hwy 80, then along I Hwy 80 to the PA-NJ state line, on the one hand, and, on the other, points in IL, IN, Ky, and the Lower Peninsula of MI. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-27), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave. Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in PA south of a line beginning at the PA-WV State line extending along I Hwy 70 to junction U.S. Hwy 119, then along U.S. Hwy 30 to junction PA Hwy 271, then along PA Hwy 271 to junction PA Hwy 56, then along PA Hwy 56 to junction U.S. Hwy 220, then along U.S. Hwy 220 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction U.S. Hwy 140, then along U.S. Hwy 140 to the PA-MD State line (except Washington and Greene Counties), on the one hand, and, on the other, points in IL, IN, Lower Peninsula of MI; and points in KY on and west of a line beginning at the OH-KY State line extending along U.S. Hwy 68 to junction I Hwy 75, then along I Hwy 75 to the KY-TN State line. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-28), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave. Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in Greene and Washington Counties, PA, on the one hand, and, on the other, points in IL; IN; Lower Peninsula of MI; points in KY on and west of I Hwy 75; and points in Clinton and Franklin Counties, NY. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-29), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave. Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in NY west of a line beginning at Buffalo extending along NY Hwy 16 to the NY-PA State line, on the one hand, and, on the other, points in IL; KY; and points in IN on and south of a line beginning at the MI-IN State line extending along I Hwy 39 to junction U.S. Hwy 35, then along U.S. Hwy 35 to junction U.S. Hwy 30, then along U.S. Hwy 30 to the OH-IN State line. (Gateway eliminated: Dover OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-30), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in NY on and north of a line beginning at Buffalo extending along NY Hwy 16 to junction NY Hwy 98, then along NY Hwy 98 to Carlton, on the one hand, and, on the other, points in IL; IN; KY; points in the Lower Peninsula of MI on, north, and west of a line beginning at Algonac extending along MI Hwy 29 to junction MI Hwy 59, then along MI Hwy 59 to Pontiac, then along MI Hwy 59 to junction I Hwy 96, then along I Hwy 96 to junction U.S. Hwy 127, then along U.S. Hwy 127 to Jackson, then along MI Hwy 60 to junction U.S. Hwy 27, then along U.S. Hwy 27 to the MI-State line. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-31), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in NY bounded on the west by a line beginning at Carlton, extending along NY Hwy 95 to junction NY Hwy 16, then along NY Hwy 16 to the NY-PA state line and bounded on the east of a line beginning at the US-CN International Border extending along I Hwy 81 to the NY-PA state line, on the one hand, and, on the other, points in IL, IN, KY, and the Lower peninsula of MI. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-32), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in MD on and south of a line beginning at the MD-WV State line extending along U.S. Hwy 48 to junction US Hwy 40, then along US Hwy 40 to junction I Hwy 70, then along I Hwy 70 to junction I Hwy 695, then along I Hwy 695 to junction US Hwy 40, then along US Hwy 40 to the MD-DE State line, and points in DE south of a line beginning at the DE-MD State line extending east along DE Hwy 300 to junction DE Hwy 44, then along DE Hwy 44 to junction DE Hwy 8, then along DE Hwy 8 to the Atlantic Ocean, on the one hand, and, on the other, points in IL; IN; Lower Peninsula of MI; and points in KY on and west of a line beginning at the KY-OH State line extending along KY Hwy 10 to junction KY Hwy 22, then along KY Hwy 22 to junction US Hwy 127, then along US Hwy 127 to junction US Hwy 62, then along US Hwy 62 to junction I Hwy 65, then along I Hwy 65 to the KY-TN State line. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-33), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in Warren, Venango, and Mercer Counties, PA, on the one hand, and, on the other, points in IL, IN, KY, and Lower peninsula of MI (except Monroe and Lenawee Counties). (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-34), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in NY on and east of I Hwy 81; and points in MA; CT; RI; and points in NJ on and north of a line extending along I Hwy 80 to junction I Hwy 95, then along I Hwy 95 to the NJ-NY State line, on the one hand, and, on the other, points in KY on and east of I Hwy 75. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-35), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in PA east of a line beginning at the PA-NJ State line extending along I Hwy 80 to junction US Hwy 11, then along US Hwy 11 to junction US Hwy 522, then along US Hwy 522 to junction US Hwy 22, then along US Hwy 22 to junction US Hwy 119, then along US Hwy 119 to junction US Hwy 30, then along US Hwy 30 to junction PA Hwy 271, then along PA Hwy 271 to junction PA Hwy 56, then along PA Hwy 56 to junction US Hwy 220, then along US Hwy 220 to junction US Hwy 30, then along US Hwy 30 to junction US Hwy 140, then along US Hwy 140 to the PA-MD State line, on the one hand, and, on the other, points in IL; IN; Lower Peninsula of MI; and points in KY on, west and north of a line beginning at the KY-TN State line extending along I Hwy 75 to junction I Hwy 64, then along I Hwy 64 to the KY-WV State line. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-36), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in NJ south of a line beginning at the PA-NJ State line extending along I Hwy 80 to junction I Hwy 95, then along I Hwy 95 to the NJ-NY State line; points in DE on and north of a line beginning at the DE-MD State line extending along DE Hwy 300 to junction DE Hwy 44, then along DE Hwy 44 to junction DE Hwy 8, then along DE Hwy 8 to the Atlantic Ocean; and points in MD on east, and north of a line beginning at the PA-MD State line extending along US Hwy 15 to junction I Hwy 70, then along I Hwy 70 to junction I Hwy 695, then along I Hwy 695 to junction US Hwy 40, then along US Hwy 40 to the MD-DE State line, on the one hand, and, on the other, points in KY east and north of a line beginning at the KY-WV State line extending along I Hwy 75 to junction I Hwy 64, then along I Hwy 64 to the KY-WV State

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line. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-37), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in IL, IN, Lower Peninsula of MI, and, points in KY on and west of I Hwy 75, on the one hand, and, on the other points in CT; MA; NJ; RI; points in NY on and east of I Hwy 81; points in MD on and north of a line beginning at the MD-WV extending along US Hwy 48 to junction US Hwy 40, then along US Hwy 40 to junction I Hwy 70, then aling I Hwy 70 to junction I Hwy 695, then along I Hwy 695 to junction US Hwy 40, then along US Hwy 40 to the MD-DE State line; and points in DE on and north of a line beginning at the MD-DE State line extending along DE Hwy 300 to junction DE Hwy 44, then along DE Hwy 44 to junction DE Hwy 8, then along DE Hwy 8 to the Atlantic Ocean. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-38), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in Erie and Crawford Counties, PA, on the one hand, and, on the other, points in IL, KY, and points in IN on, west and south of a line beginning at the IN-MI State line extending along IN Hwy 39 to junction US Hwy 35, then along US Hwy 35 to junction US Hwy 30, then along US Hwy 30 to the OH-IN State line. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-39), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants between points in PA (except Erie, Crawford, Mercer, Venango, Warren, Greene, Washington Counties and points south and east of a line beginning at the PA-WV State line extending along I Hwy 70 to junction US Hwy 119, then along US Hwy 119 to junction US Hwy 22, then along US Hwy 22 to junction US Hwy 522, then along US Hwy 522 to junction US Hwy 11, then along US Hwy 11 to junction I Hwy 80, then along I Hwy 80 to the PA-NJ State line, on the one hand, and, on the other, points in IL, IN, KY, and the Lower Peninsula of MI. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-40), filed December 15, 1978. Applicant: A.J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in PA south of a line beginning at the PA-WV State line extending along I Hwy 70 to junction US Hwy 119, then along US Hwy 119 to junction US Hwy 30, then along US Hwy 30 to junction PA Hwy 271, then along PA Hwy 271 to junction PA Hwy 56, then along PA Hwy 56 to junction US Hwy 220, then along US Hwy 220 to junction US Hwy 30, then along US Hwy 30 to junction US Hwy 140, then along US Hwy 140 to the PA-MD State line (except Washington and Greene Counties), on the one hand, and, on the other, points in IL, IN, Lower Peninsula of MI, points in KY on and west of a line beginning at the OH-KY State line extending along US Hwy 68 to junction I Hwy 75, then along I Hwy 75 to the KY-TN State line. (Gateway eliminated: Dover, OH.)

Note.—This authority expires October 31, 1981.

MC 119968 (Sub-E-41), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave. Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in Greene and Washington Counties, PA, on the one hand, and, on the other, points in IL, IN, Lower Peninsula of MI, points in KY on and west of I Hwy 75, and points in Clinton and Franklin Counties, NY. (Gateway eliminated: Dover, OH).

Note.—This authority expires October 31, 1981.

MC 119968 (Sub-E-42), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave. Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in NY West of NY Hwy 16, on the one hand, and, on the other points in IL, KY, and points in IN on and south of a line beginning at the MI-IN State line extending along IN Hwy 39 to junction U.S. Hwy 35, then along U.S. Hwy 35 to junction U.S. Hwy 30, then along U.S. Hwy 30 to the OH-IN State line. (Gateway eliminated: Dover, OH).

Note.—This authority expires October 31, 1981.

MC 119968 (Sub-E-43), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave. Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in that part of NY on and north of a line beginning at Buffalo extending along NY Hwy 16 to junction NY Hwy 98, then along NY Hwy 98 to Carlton, on the one hand, and, on the other, points in IL; IN; KY; Lower Peninsula of MI on, north and west of a line beginning at Algonac extending along MI Hwy 29 to junction MI Hwy 59, then along MI Hwy 59 to Pontiac, then along MI Hwy 59 to junction I Hwy 96, then along I Hwy 96 to junction U.S. Hwy 127, then along U.S. Hwy 127 to Jackson, then along MI Hwy 60 to junction U.S. Hwy 27, then along U.S. Hwy 27 to MI-IN State line. (Gateway eliminated: Dover, OH).

Note.—This authority expires October 31, 1981.

MC 119968 (Sub-E-44), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave. Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in NY bounded on the west by a line beginning at Carlton extending along NY Hwy 98 to junction NY Hwy 16, then along NY Hwy 16 to the NY-PA State line and bounded on the east by I Hwy 81, on the one hand, and, on the other, points in IL, IN, KY, and the Lower Peninsula of MI (except Monroe and Lenawee Counties). (Gateway eliminated: Dover, OH).

Note.—This authority expires October 31, 1981.

MC 119968 (Sub-E-45), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants between points in MD on and south of a line beginning at the US Hwy 48 to junction US Hwy 40, then along US Hwy 40 to junction I Hwy 70, then along I Hwy 70 to junction I Hwy 695, then along I Hwy 695 to junction US Hwy 40, then along US Hwy 40 to the MD-DE State line; points in DE south of a line beginning at the DE-MD State line extending along DE Hwy 300 to junction DE Hwy 44, then along DE Hwy 44 to junction DE Hwy 8, then along DE Hwy 8 to the Atlantic Ocean, on the one hand, and, on the other, points in IL, IN, Lower Peninsula of MI, and points in KY beginning at the KY-OH State line extending along KY Hwy 10 to junction KY Hwy 22, then along KY Hwy 22 to junction US Hwy 127, then along US Hwy 127 to junction US Hwy 62, then along US Hwy 62 to junction I Hwy 65, then along I Hwy 65 to the KY-TN State line. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-46), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants between points in Warren, Venango, and Mercer Counties, PA, on the one hand, and, on the other, points in IL, IN, KY, and the Lower Peninsula of MI (except Monroe and Lenawee Counties). (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-47), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in NY on and east of I Hwy 81, and points in MA, CT, RI, and points in NJ on and north of a line beginning at the PA-NJ State line extending along I Hwy 80 to junction I Hwy 95, then along I Hwy 95 to the NJ-NY State line, on the one hand, and, on the other, points in KY on and east of I Hwy 75. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-48), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in PA east of a line beginning at the PA-NJ State line extending along I Hwy 80 to junction US Hwy 11, then along US Hwy 11 to junction US Hwy 522, then along US Hwy 522 to junction US Hwy 22, then along US Hwy 22 to junction US Hwy 119, then along US Hwy 119 to junction US Hwy 30, then along US Hwy 30 to junction PA Hwy 271, then along PA Hwy 271 to junction PA Hwy 56, then along PA Hwy 56 to junction US Hwy 220, then along US Hwy 220 to junction US Hwy 30, then along US Hwy 30 to junction US Hwy 140, then along US Hwy 140 to the PA-MD State line, on the one hand, and, on the other, points in IL, IN, Lower Peninsula of MI, and points in KY on, west and north of a line beginning at the KY-TN State line extending along I Hwy 75 to junction I Hwy 64, then along I Hwy 64 to the KY-WV State line. (Gateway eliminated: Dover, OH).

NOTE.—This authority expires October 31, 1981.

MC 124174 (Sub-E-68), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, tannery products, tannery by-products, and supplies* (except commodities in bulk, in tank vehicles) from points in KS, to points in NE on and east of US Hwy 281; points in SD on and east of a line beginning at the SD-NE State line extending along US Hwy 281 to junction US Hwy 18, then along US Hwy 18 to junction SD Hwy 47, then along SD Hwy 47 to the SD-ND State line; points in OK on and east of US Hwy 77; points in TX on and east of a line beginning at the OK-TX State line extending along I Hwy 35 to junction US Hwy 81 and 83, then along US Hwy 81 and 83 to the US-MX International Boundary; New Orleans, LA; Buford, GA; Hazelwood, NC; Bolivar, TN; and points in VA, MD, WV, NJ, PA, NY, MA, VT, NH, ME, OH, MI, KY, IN, WI, IA, MA, and MO. (Gateway eliminated: Hastings, NE, and Oklahoma City, OK).

MC 124174 (Sub-E69), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, tannery products, tannery by-products, and supplies* (except commodities in bulk, in tank vehicles) (1) from points in ND, MT, WY, CO, OK, KS, SC, GA, AL, MS, and AR, to Cape Girardeau, MO; and (2) between points in SD, NE, MN, IA, TX, TN, VA, WV, KY, IL, IN, OH, WI, MI, MD, NJ, PA, NY, DE, MA, ME, NH, and VT, on the one hand, and, on the other, Cape Girardeau, MO. (Gateway eliminated: East Cape Girardeau, IL).

MC 124174 (Sub-E70), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, tannery products, tannery by-products, and supplies* (except commodities in bulk, in tank vehicles) from points in MT to points in NB on and southeast of a line beginning at Sioux City, extending along U.S. Hwy 20 to junction NB Hwy 14 to junction U.S. Hwy 30 to junction U.S. Hwy 281; points in TX on and east of a line beginning at the TX-OK state line extending along U.S. Hwy 83 to junction TX Hwy 70 then along TX Hwy 70 to junction Hwy 82, then along U.S. Hwy 82 to Lubbock then along U.S. Hwy 87 to junction U.S. Hwy 349, then along U.S. Hwy 349 to junction Hwy 176 then along TX Hwy 176 to U.S. Hwy 385, then along U.S. Hwy 385 to junction Hwy 67, then along U.S. Hwy 67 to junction TX Hwy 163, then along TX Hwy 173 to U.S. Hwy 90 then along Del Rio; to points in MN on and southeast of a line beginning at the SD-MN state line extending along I Hwy 90 to U.S. Hwy 59 then along U.S. Hwy 59 to junction U.S. Hwy 14, then along U.S. Hwy 15 to junction MN Hwy 15 then along MN Hwy 5, then along MN Hwy 5 to junction U.S. Hwy 212, then along U.S. Hwy 212 to MN, then along I Hwy 35 to MN-WI border; and points in New Orleans, LA; Buford, GA; Hazelwood, NC; TN, KY, VA, WV, MD, NJ, PA, NY, VT, MA, NH, ME, NY, OH, MI, IN, IL, WI, IA, and points in KS and MO within 60 miles of Auburn, NE. (Gateway eliminated: Hastings, NE; Sioux City, IA; and St. Paul, MN).

MC 124174 (Sub-E71), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products, and supplies* (except commodities in bulk, in tank vehicles) from points in CO on and east of a line beginning at the WY-CO state line extending along U.S. Hwy 287 to junction CO Hwy 119 to CO Hwy 36 to CO Hwy 93, then along CO Hwy 93 to junction CO Hwy 58, then along CO Hwy 58 to junction U.S. Hwy 258, then along U.S. Hwy 258 to junction CO Hwy 232, then along CO Hwy 121 to junction U.S. Hwy 85, then along to junction U.S. Hwy 50 to the KS-CO state line to points in TX, on and east of a line beginning at the OK-TX state line extending along U.S. Hwy 293 to junction U.S. Hwy 183, then along U.S. Hwy 183 to U.S. Hwy 281, then along U.S. Hwy 281 to U.S. Hwy 81, then

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along U.S. Hwy 81 to US-MX International boundary line. (Gateway eliminated: Oklahoma, OK).

MC 124174 (Sub-E72), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products, and supplies* (except commodities in bulk, in tank vehicles) from points in CO on and north of a line beginning at the UT-CO state line extending along U.S. Hwy 6, to junction CO Hwy 65, then along CO Hwy 65 to the Mesa-Delta County line, and points in CO in and north of Mesa, Pitkin, Lake, Park, Teller, El Paso, Lincoln and Cheyenne Counties, to points in TX on and east of a line beginning at the US-MX International boundary extending along U.S. Hwy 281 to junction TX Hwy 72, then along TX Hwy 72 to TX Hwy 123, to junction U.S. Hwy 81 then along to junction TX Hwy 317, then along to junction TX Hwy 6 to junction TX Hwy 144 to junction TX Hwy 51, then along junction TX Hwy 51 to U.S. Hwy 81, then along U.S. Hwy 81 to OK-TX state line. (Gateway eliminated: Salina, KS).

MC 124174 (Sub-E73), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products, and supplies* (except commodities in bulk, in tank vehicles) from points in CO on and north of U.S. Hwy 40 to points in Texas on and east of a line beginning at Laredo extending along U.S. Hwy 81 to junction TX Hwy 462, then along TX Hwy 462 to junction TX Hwy 470, then along TX Hwy 470 to junction TX Hwy 16, then along TX Hwy 16 to junction U.S. Hwy 281, then along junction U.S. Hwy 281, to the TX-OK state line. (Gateway eliminated: Salina, KS).

MC 124174 (Sub-E74), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products,* and *supplies* (except commodites in bulk, in tank vehicles), from points in MT on and east of a line beginning at the US Canadian International boundary at Sweetgrass extending along US Hwy 91 to junction US Hwy 89, then along US Hwy 89 to junction MT Hwy 200, then along MT Hwy 200 to Missoula, then along US Hwy 10 to Butte, then along US Hwy 91 to Helena, then along US Hwy 12 to junction US Hwy 89, then along US Hwy 89 to junction USH 87, then along US Hwy 87 to junction MT Hwy 230, then along MT Hwy 230 to junction MT Hwy 235, then along MT Hwy 235 to junction US Hwy 19, then along US Hwy 19 to junction US Hwy 119, then along junction US Hwy 119 to junction MT Hwy 200, then along MT Hwy 200 to junction US Hwy 10, then along US Hwy 10 to ND-MT state line, and points in TX on and east of a line beginning at the OK-TX state line extending along US Hwy 83 to junction TX Hwy 207, then along TX Hwy 207, to junction TX Hwy 136, then along TX Hwy 136 to junction US Hwy 87, then along US Hwy 87 to junction TX Hwy 349, then along TX Hwy 349 to junction US Hwy 90, then along US Hwy 90 to Del Rio, then along unnumbered hwy to the US-MX International boundary line. (Gateway eliminated: Hastings, NE).

MC 124174 (Sub-E75), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products, and supplies* (except commodites in bulk, in tank vehicles), from points in MT to points in MN on and east of a line beginning at the IA-MN state line, extending along MN Hwy 264 to junction MN Hwy 62, then along MN Hwy 62 to junction US Hwy 59, then along US Hwy 59 to junction MN Hwy 23, then along MN Hwy 23 to junction US Hwy 212, then along US Hwy 212 to junction MN Hwy 277, then along MN Hwy 277 to junction MN Hwy 40, then along junction MN Hwy 40 to junction MN Hwy 49, then along MN Hwy 49 to junction MN Hwy 27, then along MN Hwy 27 to junction MN Hwy 371, then along MN Hwy 371 to junction MN Hwy 210, then along MN Hwy 210 to Duluth. (Gateway eliminated: St. Paul, MN).

MC 124174 (Sub-E76), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products, and supplies* (except commodites in bulk, in tank vehicles), from points in MT on and east of a line beginning at the US Canadian International boundary line at port of Piegan, extending along unnumbered Hwy to junction US Hwy 2, then along junction US Hwy 2 to junction US Hwy 89, then along to junction US Hwy 89 to junction US Hwy 87, then along junction US Hwy 87 to junction MT Hwy 200, then along junction MT Hwy 200 to junction MT 200S, then along junction MT 200S to ND-MT state line to points in TX on and east of a line beginning at the US-MX I boundary near Presideo extending along US Hwy 67 to junction TX Hwy 18, then along TX Hwy 18 to TX junction US Hwy 80, then along junction US Hwy 80 to junction US Hwy 87, then along US Hwy 87 to junction US Hwy 60, then along US Hwy 60 to junction TX Hwy 70, then along junction TX Hwy 70 to junction US Hwy 87, then along junction US Hwy 83 to the TX-OK state line. (Gateway eliminated: Hastings, NB).

MC 124174 (Sub-E77), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products, and supplies* (except commodites in bulk, in tank vehicles), from points in MT on, east and north of a line beginning at the US-Canadian International boundary extending along MT Hwy 2 to junction US Hwy 89, then along US Hwy 89 to junction US Hwy 2, then along junction US Hwy 2 to junction MT Hwy 13, then along junction MT Hwy 13 to junction MT Hwy 200S, then along junction MT Hwy 200S to junction US Hwy 10, then along US Hwy 10 to the ND-MT state line to points in TX, Sec 76. (Gateway eliminated: Selina, KS).

MC 124174 (Sub-E78), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products, and supplies* (except commodites in bulk, in tank vehicles), from points in WY to points in TX on and east of a line beginning at Laredo, extending along US Hwy 83 to junction US Hwy 277, then along US Hwy 277 to junction TX Hwy 6, then along TX Hwy 6 to junction TX Hwy 283, then along junction TX Hwy 283 to the TX-OK state line. (Gateway eliminated: Selina, KS).

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4005 Filed 2-5-79; 8:45 am]

[7035-01-M]

[Notice No. 17]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 25, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an orginal and six (6) copies of protests to an application may be filed with the field officials named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 1783 (Sub-22TA), filed December 13, 1978. Applicant: BLUE LINE EXPRESS, INC., 260 D W. Highway, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800-South, 1800 M St. NW., Washington, D.C. 20036. *Such commodities* as are used and dealt in by retail department stores, from Nashua, NJ and Salem, MA., to the site of Rich's Department Stores in Rochester and Concord, NH, for 180 days. SUPPORTING SHIPPER(S): Rich's Self-Service Department Stores, 450 Highland Avenue, Salem, MA 01970 (Attn: Louis I. Silverman Comptroller) SEND PROTESTS TO: Ross J. Seymour DS, ICC, Room 3, 6 Loudon Road, Concord, NH 03301.

MC 40898 (Sub-24TA), filed December 14, 1978. Applicant: S & W MOTOR LINES, INC., P.O. Box 11439, Guilford Station, Greensboro, NC 27409. Representative: A. W. Flynn, Jr., 314 South Eugene Street, P.O. Box 180, Greensboro, NC 27402. *Salt in packages*, from Akron, OH, to points in NC, SC, and VA., for 180 days. SUPPORTING SHIPPER(S): Diamond Crystal Salt Co., 916 South Riverside Avenue, St. Clair, MI 48079. SEND PROTESTS TO: Archie W. Andrews DS, ICC, P.O. 26896, Raleigh, NC 27611.

MC 51146 (Sub-668TA), filed December 27, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses; and (2) *equipment, materials, and supplies* used in the manufacture, distribution, and sale of the products named in (1) above between the facilities of Ralston Purina Company at or near Clinton and Davenport, IA on the one hand, and, on the other, points in IL, IN, MI, and OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188 (L. N. Brown). SEND PROTESTS TO: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 E. Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 52709 (Sub-353TA), filed December 13, 1978. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec Street, P.O. Box 7240, Denver, CO 80207. Representative: Robert P. Tyler (same address as applicant). *Building materials*, from the facilities of Space Vinyl, Division Aluma-King Corporation, at West Salem, OH to points in AZ, AR, CA, CO, ID, IL, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI and WY., for 180 days. SUPPORTING SHIPPER(S): Space Vinyl, Division Aluma-King Corporation, P.O. Box 1811, Akron, OH 44309. SEND PROTESTS TO: Roger L. Buchanan DS, ICC, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 59367 (Sub-134TA), filed December 7, 1978. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, 3584 5th Avenue South, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Meats and meat products*, from New London, WI to points in CA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Hillshire Farm Company, P.O. Box 227, New London, WI 54961. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 59668 (Sub-10TA), filed December 6, 1978. Applicant: HAROLD G. CLINE, INC., Harding Highway, DuPont Road, Penns Grove, NJ 08069. Representative: M. Bruce Morgan, 104 Azar Building, Glen Burnie, MD 21061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, dyes, dye stuffs and colors, motor fuel anti-knock compound solidified carbon dioxide (dry-ice), eductors, eductor parts, mixing charts, drums cyclinders, carboys, barrels and other empty containers, and such materials, equipment and supplies* as are used or necessary in conjunction with the manufacture, sale or distribution of chemicals, dyes, motor fuel anti-knock compound, or materials sold by such manufacturers in the ordinary course of their business, between Hainesport, NJ and Edison, NJ, on the one hand, and, on the other, points in MD, DE, PA, CT, MA, NY, RI and VA., under a continuing contract or contracts, with E. I. du Pont de Nemours & Co., for 180 days. SUPPORTING SHIPPER(S): E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, DE 19898. SEND PROTESTS TO: John P. Lynn Transp. Specialist, ICC 428 East State Street, Room 204, Trenton, NJ 08608.

MC 65475 (Sub-20TA), filed December 12, 1978. Applicant: JETCO, INC., 4701 Eisenhower Avenue, Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Zinc, zinc alloy, and zinc products*, from the facilities of Jersey Miniere Zinc Co., in Montgomery County, TN, to points in and east of ND, SD, NE, CO, KS, OK, and TX, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): G & W Natural Resources Group, Jersey Miniere Zinc Co., a partnership, Steven W. Cardin, Manager, Transportation Pricing, 2200 First American Center, Nashville, TN 37238. SEND PROTESTS TO: T. M. Esposito Transp. Asst., Room 3238, 600 Arch Street, Philadelphia, PA 19106.

MC 75830 (Sub-15TA), filed December 13, 1978. Applicant: INTER-CITY TRANSPORT & MOTOR COMPANY, INC., Liggett Addition, P.O. Box 88, Buckhannon, WV. 26021. Representative: William A. Gray, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery goods, and materials* used in the manufacture and sale of bakery goods; (2) *Bakery goods, and materials* used in the manufacture and sale of bakery goods; From (1) Between Cincinnati, OH and (2) Between Philadelphia, PA., to (1) Points in VA, MD, NJ, DE, NY, CT, MA, RI, and DC; and (2) Points in IL, MI, MO, IA, MN, and WI. RESTRICTION: (1) & (2) The operations authorized herein are limited to

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a transportation service to be performed under a continuing contract, or contracts, with Keebler Company, Elmhurst, IL, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Keebler Company, John M. Sanderson, Jr., Dr., of Transp., One Hollow Tree Lane, Elmhurst, IL 60126. SEND PROTESTS TO: Ruth F. Stark, Secretary, Room 3108, 500 Quarrier Street, Charleston, WV 25301.

MC 96498 (Sub-36TA), filed December 13, 1978. Applicant: BONIFIELD BROS. TRUCK LINES, INC., Overnight Transportation Company. Representative: C. H. Swanson, P.O. Box 1216, Richmond, VA 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General* commodities, (except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk and those requiring special equipment), from Albion, IL., as off-route point in connection with carrier's regular route operations, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Champion Laboratories, Inc., J. Dean Best, Traffic Manager, Albion, IL. 62806. Send protests to: Paul D. Collins, DS, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 111401 (Sub-540TA), filed December 18, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, P.O. Box 632, Enid, OK 73701. *Soybean oil*, (in bulk, in tank vehicles), from Wichita, KS to Port of Catoosa, OK, for 180 days. An underlying ETA seeks up to 90 days authority. Supoorting shipper(s): Cargill, Inc., 715 East 13th Street, P.O. Box 2696, Wichita, KS 67214. Send protests to: Connie Stanley Transp. Asst., Room 240 Old Post Ofice & Court House Building, 215 N.W., 3rd, Oklahoma City, OK 73102.

MC 112713 (Sub-230TA), filed December 15, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, KS. Representative: John M. Records (Same address as applicant). *Foodstuffs*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Geo. A. Hormel & Co., at Oklahoma City, OK, to Meade, KS, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Geo. A. Hormel & Co., Austin, MN 55912. Send protests to: John V. Barry DS, Room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 113666 (Sub-145TA), filed December 15, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: Daniel R. Smetanick (Same address as applicant). *Animal feed ingredients*, between Willow Island, WV, and Azusa, CA, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540. Send protests to: John J. England DS, ICC, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA. 15222.

MC 113908 (Sub-458TA), filed December 15, 1978. Applicant: ERICKSON TRANSPORT CORP., Springfield, MO 65804. Representative: B. B. Whitehead (same address as applicant). *Soybean oil*, (in bulk), from Wichita, KS and the commercial zone thereof, to Tulsa Port Authority-Catoosa, OK, at or near Tulsa, OK, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Cargill, Inc., Wichita, KS. Send protests to: John V. Barry DS, room 60, 911 Walnut, Kansas City, MO 64106.

MC-114334 (Sub-42TA), filed December 15, 1978. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. *Snack foods such as potato chips, brownies, taco chips, popcorn, etc.*, from the plantsite of Wonder Snack Division, Memphis, TN, to points in the states of California, Oregon, Washington and UT, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Wonder Snack Division, 653 Corrine, Memphis, TN. SEND PROTESTS TO: Floyd A. Johnson DS, ICC, 100 North Main Building, Suite 2006. 100 North Main St., Memphis, TN 38103.

MC-114457 (Sub-464TA), filed December 14, 1978. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. *Fibreboard cans and metal ends*, from the facilities of Boise Cascade Corporation at Oil City, PA, to Kenton, Medina and Cincinnati, OH; Detroit, MI; Albion, NY; Bayonne and Edison, NJ, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Boise Cascade Corporation, P.O. Box 747, Boise, ID 83707 SEND PROTESTS TO: Delores A. Poe Transp. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC-116300 (Sub-41TA), filed December 14, 1978. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Salt and salt products*, from the facilities of Cargill, Inc., at or near Florence, AL, to points in AL, GA, MS, and TN, for 180 days. SUPPORTING SHIPPER(S): Cargill, Incorporated, Salt Division, P.O. Box 9300, Minneapolis, MN 55440. SEND PROTESTS TO: Alan C. Tarrant DS, ICC, Room 212, 145 East Amite Building, Jackson, MS 39201.

MC-119493 (Sub-251TA), filed December 15, 1978. Applicant: MONKEM COMPANY, INC., Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). *Canned and preserved foodstuffs*, from facilities of Heinz USA, Division of H. G. Heinz Co., at or near Iowa City, IA, to points in MO, and points in IL on and south of Interstate 70, and restricted to traffic originating at the named facilities and destined to the named states, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Heinz U.S.A., Division of H. J. Heinz Co., Pittsburgh, PA 15230. SEND PROTESTS TO: John V. Barry DS, Room 600, 911 Walnut, Kansas City, MO 64106.

MC-119493 (Sub-252TA), filed December 15, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). *Canned goods*, from Springdale, Arkansas, Lowell, AR, and Westville, OK, to AL, AR, GA, IA, IL, KS, LA, MO, MS, NE, ND, OK, SD, TN and TX, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Allen Canning Co., Siloam Springs, AR. SEND PROTEST TO: John V. Barry DS, Room 600, 911 Walnut, Kansas City, MO 64106.

MC 119741 (Sub-128TA), filed December 14, 1978. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). *Paper and paper products, and printed matters*, from the facilities of Scott Paper Company at (1) Philadelphia, PA, and Fort Edward, NY, to Columbus, OH; Indianapolis, IN; Chicago, IL; and St. Louis, MO; and (2) Columbus, OH, to Chicago, IL; Indianapolis, IN; and St. Louis, MO, for 180 days. SUPPORTING SHIPPER(S): Scott Paper Company, Scott Plaza, Philadelphia, PA 19113. SEND PROTESTS TO: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 119988 (Sub-82TA), filed December 19, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. *Feedstuffs*, (except in bulk), from Tulsa and Rogers Counties, OK, to points in TX, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Oklahoma-Kansas Grain Corp., P.O. Box N, Catoosa, OK 741015. SEND PROTESTS TO: John F. Mensing DS, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 119988 (Sub-178TA), filed December 14, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. *Vermiculite, vermiculite products and plant bed media*, from the facilities of Strong-Lite Products Corporation at Pine Bluff, AR, to points in AL, IL, IA, KY, MI, MN, MO, OH, PA, SD, TX, WI and WV, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Strong Lite Products Corp., P.O. Box 8029, Pine Bluff, AR 71611. SEND PROTESTS TO: John F. Mensing DS, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 124154 (Sub-71TA), filed December 14, 1978. Applicant: WINGATE TRUCKING COMPANY, P.O. Box 645. 1004 21th Avenue, Albany, GA 31702. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Agricultural insecticides*, in packages, from Calumet City, East St. Louis, IL; (National Stockyards), Lubbock and Waco, TX; Cincinnati, OH; Los Angeles and Fresno, CA; Cockeysville, MD; Milwaukee, OR, and Bayonne, NJ, to Baton Rouge and St. Gabriel, LA; Jackson, MS; Birmingham, Mobile, Montgomery and McIntosh, AL, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): CIBA-GEIGY Corporation, Saw Mill River Road, Ardsley, NY 10502. SEND PROTESTS TO: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124821 (Sub-40TA), filed December 11, 1978. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. *Insulating materials, all types, including supplies and accessories used in connection with the installation of insulating materials*, from the facilities of CertainTeed Corporation at Mountaintop, PA, to points in CT, IN, IL, ME, MA, MI, NH, OH, NJ, NY, RI, and VT, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482. SEND PROTESTS TO: Paul J. Kenworthy DS, ICC, 314 U.S. Post Office Building, Scranton, PA 18503.

MC 128383 (Sub-78 TA), filed December 11, 1978. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Representative: Leonard C. Zucker (Same address as applicant). *General commodities*, with the usual exceptions, having prior or subsequent movement by air in roller equipped trailers, between Atlanta, GA, New Orleans, LA; Houston, Dallas and El Paso, TX., for 180 days. SUPPORTING SHIPPER(S): (1) Behring International, Inc., P.O. Box 60278 AME, Houston, TX 77205. (2) Sabena Belgian World Airlines, 125 Community Drive, Great Neck, NY 11021. (3) Transoceanic Shipping Co., 3082 Jetero Blvd., Houston, TX 77205. SEND PROTESTS TO: T. M. Esposito Transp. Asst., 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 128462 (Sub-7 TA), filed December 15, 1978. Applicant: SCHULTZ & SON TRUCK LINE, INC., 15 Sixth Street, Southeast, Long Prairie, MN 56347. Representative: James T. Flescher, 1745 University Avenue, St. Paul, MN 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal blood*, (in bulk), from the facilities of Long Prairie Packing Company, Inc., at Long Prairie, MN., to points in IA, NE and SD., under a continuing contract or contracts, with Long Prairie Packing Co., Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Long Prairie Packing Company, Inc., P.O. Box 126,. Long Prairie, MN 56347. SEND PROTESTS TO: Delores A. Poe Transp. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 128473 (Sub-19 TA), filed December 14, 1978. Applicant: MONTANA EXPRESS, INC., P.O. Box 3346, Butte, MT 59701. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Frozen foodstuffs*, from the facilities of Idaho Frozen Foods located at American Falls, Burley, Nampa and Twin Falls, ID and Clearfield and Ogden, UT., to points in AZ, CA, NV, OR and WA., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Idaho Frozen Foods, P.O. Box 128, Twin Falls, ID 83301. SEND PROTESTS TO: Paul J. Labane DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138308 (Sub-15 TA), filed December 14, 1978. Applicant: KLM, INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. (1) *Meats, meat products, meat by-products and articles distributed by packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), and; (2) *Foodstuffs* when moving in mixed loads with articles listed in (1) above, from the facilities of Oscar Mayer & Co., Inc., at Goodlettsville, TN., to the facilities of Oscar Mayer & Co., Inc., at Los Angeles, CA., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. SEND PROTESTS TO: Alan C. Tarrant DS, ICC, Room 212, 145 East Amite Bldg., Jackson, MS 39201.

MC 138627 (Sub-46TA), filed December 8, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., Route 4, P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, 7101 Mercy Road, Suite 106, Omaha, NE 68106. *Scrap or used railroad tank cars*, between Fort Dodge, IA., on the one hand, and on the other, points in IL, IN, KS, MI, MN, MO, NE, ND, OH, OK, SD, TN, TX and WI., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Northland Sales & Engineering, Inc., 1005 Twenty-Second Street, West Des Moines, IA 50265. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 138627 (Sub-47TA), filed December 5, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Route 4, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, 7101 Mercy Road, Suite 106, Omaha, NE 68106. *Lumber and lumber mill products*, from points in AR, to points in KS, NE, MN, ND, SD, and points in IA on and west of U.S. Highway 69, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Continental Timber Co., Inc., P.O. Box 20, Halstead, KS 67056. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 138627 (Sub-48TA), filed December 15, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Route 4, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, 7101 Mercy Road, Suite 106, Omaha, NE 68106. *Iron and steel articles*, from Gerald, MO, to points in IA, MN, NE, ND, SD, and WI, for 180 days. An un-

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derlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Bull Moose Tube Company, P.O. Box 214, Gerald, MO 63037. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 140033 (Sub-77TA), filed December 13, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: D. Paul Stafford, Winkle and Wells, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. *Canned goods,* from CA, to the states of LA, CO, TX, AZ, KS, MN, MO, NV, NM, FL, VA, MD, MA, IL, GA, and OK, for 180 days. SUPPORTING SHIPPER(S): Kern Foods, Inc., 13000 E. Temple Avenue, Industry, CA 91749. SEND PROTESTS TO: Opal M. Jones Transp. Asst., ICC, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 141963 (Sub-1TA), filed December 14, 1978. Applicant: AIR CARGO TRANSIT, INC., 1311 S. 27th Street, Phoenix, AZ 85034. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *General commodities,* (except commodities in bulk, Classes A and B explosives, and commodities requiring special equipment), Between Phoenix, Tempe and Mesa, AZ, and points in their commercial zones, on the one hand, and, on the other, Los Angeles, CA, and points in its commercial zone, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): There are approximately (8) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Andrew V. Baylor DS, ICC, Room 2020, Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

MC 142269 (Sub-4TA), filed December 4, 1978. Applicant: EAGLE HAWK CORP., d/b/a, ALL IOWA LTL PERISHABLE SERVICE, P.O. Box 155, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Foodstuffs,* from the facilities of Kold Storage, Inc., Fort Dodge, IA, to Atlanta, GA, and Sanford, Fl, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Kold Storage, Inc., P.O. Box 1181, Fort Dodge, IA 50501. SEND PROTESTS TO: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 142407 (Sub-1TA), filed November 8, 1978. Applicant: ROLL-ON, INC., P. O. Box 1962, Clovis, NM 88101. Representative: Richard Hubbert, Sims, Kidd & Hubbert, 1313 Broadway, Suite 8, P. O. Box 10236, Lubbock, TX 79408. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products,* from the facilities of Accurate Envelope Co., New York, NY., to points in Texas, Arizona and CA., under a continuing contract, or contracts, with Accurate Envelope Company, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Accurate Envelope Company, 320 Lafayette Street, New York, NY 10012. SEND PROTESTS TO: DS, ICC, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 143059 (Sub-38TA), filed December 14, 1978. Applicant: MERCER TRANSPORTATION CO., P. O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Unfinished structural steel and steel articles,* from the facilities of Metra Steel, at or near Portland, OR., to points in CA, restricted to the transportation of traffic originating at the named facilities and destined to points in CA., for 180 days. SUPPORTING SHIPPER(S): Michael S. Pierce Fleet Manager, Metra Steel, 5851 N. Lagoon, Portland, OR 97208. SEND PROTESTS TO: Linda H. Sypher DS, ICC, 426 Post Office Building, Louisville, KY 40202.

MC 143268 (Sub-5TA), filed November 3, 1978, published in the FEDERAL REGISTER issue of December 22, 1978, and republished as corrected this issue. Applicant: TROCHU TRUCKING SERVICES, LTD., 915-48th Avenue S.E., Calgary, AB, Canada. Representative: Charles E. Johnson, P. O. Box 1982, Bismarck, ND 58501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Hog and poultry feeding and handling equipment and materials,* from Birmingham, AL; Bowling Green, KY; Holland, MI and Atlanta, GA., and their commercial zones, to ports of entry on the International Boundary line between Canada and the United States located in ND and MT., for furtherance to points in AB. RESTRICTION: Restricted to a transportation service to be performed under a continuing contract or contracts, with Walbern Agri Systems, Ltd., Linden, AB, Canada, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Lloyd Harder Marketing Service Manager, Walbern Agri Systems, Ltd., Box 250, Linden, AB, Canada TOM 1GO. SEND PROTESTS TO: Paul J. Labane DS, ICC, 2602 First Avenue North, Billings, MT 59101. The purpose of this republication is to add Atlanta, GA., in the territorial description which was omitted previously in the summary.

MC 143346 (Sub-3TA), filed December 11, 1978. Applicant: BILLY JACK HOLLINGSWORTH, d/b/a, HOLLINGSWORTH GRAIN & TRUCKING, P. O. Box 384, Sanger, TX 76266. Representative: Harry F. Horak, 5001 Brentwood Stair Road, Suite 115, Fort Worth, TX 76112. *Animal and pountry feeds and ingredients,* from points in AR, TN, MS, and LA., to points in TX, OK, and AR., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): (1) Sofico, P. O. Box 17526, Memphis, TN 38117. (2) Anderson Clayton Company, P. O. Box 19666, Dallas, TX. 75219. (3) Wilbur-Ellis Company, Plaza West Building, McKinley and Lee Streets, Little Rock, AR 72205. SEND PROTESTS TO: Martha A. Powell Transp. Asst., ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 143510 (Sub-1TA), filed December 15, 1978. Applicant: AARON SMITH TRUCKING COMPANY, INC., P.O. Box 153, Dudley, NC 28333. Representative: John N. Fountain, P.O. Box 2246, Raleigh, NC 27602. *Canned and bottled foodstuffs,* from the facilities of Bruce Foods Corporation at Wilson, NC, to all points in AZ, CA, OR, UT, and WA, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Bruce Foods Corporation, P.O. Drawer 1030, New Iberia, LA 70560. SEND PROTESTS TO: Archie W. Andrews DS, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 143995 (Sub-11TA), filed December 12, 1978. Applicant: SLOAN TRANSPORTATION, INC., 6522 W. River Drive, Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and feed business houses, between Clinton and Davenport, IA on the one hand, and, on the other, points in Indiana, Michigan and OH, under a continuing contract, or contracts, with Ralston Purina Company, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 143988 (Sub-5TA), filed December 14, 1978. Applicant: JAMES W. TATE, d.b.a. JAMAR TRUCKING, P.O. Box 18970, Memphis, TN 38118. Representative: Thomas A. Stroud,

2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Snack foods, such as potato chips, taco chips, cookies, brownies, popcorn, dips, and confectionaries,* from the facilities of ITT Continental Banking Co., Wonder Snack Foods Division, at or near Memphis, TN, to Denver, CO, and points in CA, OR, WA and UT, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): ITT Continental Baking Co., Wonder Snack Foods Division, 653 Corrine, Memphis, TN. SEND PROTESTS TO: Floyd A. Johnson DS, ICC, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 144337 (Sub-2TA), filed December 6, 1978. Applicant: KENNETH HENDERSON TRUCKING CO., INC., Route 66, Cullowhee, NC 28723. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *molded plastic articles* (1) from the facilities of Cashiers Plastic Corporation at or near Cashiers, NC to Evansville, IN and points in its commercial zone and (2) from Evansville, IN and points in its commercial zone to points in California under a continuing contract, or contracts, with Cashiers Plastic Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operation authority. SUPPORTING SHIPPER: Cashiers Plastic Corporation, P.O. Box 37, Cashiers, NC 28717. SEND PROTESTS TO: Terrell Price, District Supervisor, Interstate Commerce Commission, Room CC-516, 800 Briar Creek Road, Charlotte, NC 28205.

MC 144384 (Sub-2TA), filed December 14, 1978. Applicant: HAROLD W. ANDERSON, d.b.a. ANDERSON TRUCKING, 1122 Fourth Street, Dawson, MN 56232. Representative: John B. Van de North, Jr., c/o Briggs and Morgan, 2200 First National Bank Bldg., St. Paul, MN 55101. *Edible soy products,* (except in bulk), from the facilities of Dawson Mills located at Dawson, MN, to points in IL, IA, IN, TX, MO, OK, PA, CA, UT and WI, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Dawson Mills, Dawson, MN 56232. SEND PROTESTS TO: Delores A. Poe, Transp. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144622 (Sub-31TA), filed December 15, 1978. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip Glenn, P.O. Box 9343, Little Rock, AR 72219. *Frozen and fresh box meat,* from IA, NE and MO, to points in Northern California, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Les Galbreath Associates/Fancy Farm Foods, 6400 Bay Street, Emeryville, CA 94608. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144625 (Sub-3TA), filed December 15, 1978. Applicant: CLOVERLEAF TRANSPORTATION, INC., 14 Keri Lane, Spring Valley, NY 10977. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs and commodities and supplies used in the preparation and packaging thereof,* between Clifton, NJ, on the one hand, and, on the other, points in NY, CT, MA, PA, NH and VT, under a continuing contract, or contracts, with Globe Products Company, Inc., for 180 days. SUPPORTING SHIPPER(S): Globe Products Company, Inc., 55 Webro Road, P.O. Box 1927, Clifton, NJ 07015. SEND PROTESTS TO: Maria B. Kejss, Transp. Asst., ICC, 26 Federal Plaza, New York, NY 10007.

MC 144827 (Sub-17TA), filed December 15, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., 100 North Main Building, Suite 909, Memphis, TN 38103. *Automotive wreckers and towing equipment and parts,* from Newbern, TN, to all points in the United States, (except AK and HI), for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Dover Corporation, Holmes Division, 2505 East 43rd Street, Chattanooga, TN. SEND PROTESTS TO: Floyd A. Johnson DS, ICC, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 145252 (Sub-4TA), filed December 18, 1978. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street, N.W., Washington, DC 20005. *Chimney assemblies, gas vents and doors,* from Fredericksburg, VA, and points in its commercial zone to points in MA, NH, VT, MA, CT, RI, NY, NJ, PA and OH, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): General Products Company, Inc., P.O. Box 887, Fredericksburg, VA 22401. SENT PROTESTS TO: Paul D. Collins DS, ICC, Room 10-502 Federal Building, 400 North 8th Street, Richmond, VA 23240.

MC 145276 (Sub-2TA), filed December 15, 1978. Applicant: MINNESOTA EXPRESS, INC., 2400 Trott Avenue, Southwest, Box 427, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. *Meat, meat products, meat by-products and articles distributed by meat packinghouses,* from Minneapolis, MN, to Sioux Falls, SD, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Schweigert Meat Company, 2605 Emerson Avenue North, Minneapolis, MN 55411. SEND PROTESTS TO: Delores A. Poe, Transp. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 145441 (Sub-9TA), filed December 14, 1978. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey, I-40 and Protho Junction, North Little Rock, AR 72119. *Plastic materials and petroleum products,* (except in bulk), when loaded in mechanically refrigerated trailers, from Big Springs, TX, to points in the United States, (except Alaska and Hawaii), for 180 days. Supporting shipper(s): Cosden Chemical, Box 1311, Big Springs, TX 79720. Send protests to: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145607 (Sub-1TA), filed December 6, 1978. Applicant: DONALD R. SIMMONS AND JERRY G. HARRIS, d.b.a. S & H TRANSPORTATION, 3400 Mt. Pleasant Street, Burlington, IA 52601. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dry groceries* from West Chicago, IL, to points in IN and IL, under a continuing contract, or contracts, with ALDI, Inc., for 180 days. An underlying ETA seeking up to 90 days. Supporting shipper(s): ALDI, Inc., 3400 Mt. Pleasant Street, Burlington, IA 52601. Send protests to: Herbert W. Allen DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145643 (Sub-1TA), filed December 15, 1978. Applicant: BECKER'S TRUCKING, INC., 23 Railroad Street South, Turtle Lake, WI 54889. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Lumber, lumber products, slab wood, ties, poles, pallets, skids and construction materials and supplies,* between points in Polk, Burnett and Barron Counties, WI, on the one hand, and, on the other, points in MN and the Upper Peninsula of MI, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting

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shipper(s): There are approximately (4) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Delores A. Poe Transp. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 145672 (Sub-1TA), filed December 8, 1978. Applicant: CHARTER OAK TRUCKING CORPORATION, 45 Freight Street, Waterbury, CT 06702. Representative: Patricia Pietrini, 45 Freight Street, Waterbury, CT 06702. *Building materials*, between points in Westchester, Dutchess and Putnam Counties, NY, on the one hand, and on the other, points in CT, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Rings End, Inc., 181 West Avenue, Darien, CT 06820. Send protests to: J. D. Perry, Jr., DS, ICC, 135 High Street, Room 324, Hartford, CT 06103.

MC 145727 (Sub-1TA), filed December 13, 1978. Applicant: TRI-COUNTY TRUCK COMPANY, 262 Montgomery Avenue, Oxnard, CA 93030. Representative: Fred Moore, P.O. Box 281, Littlerock, CA 93543. *Cement clinkers*, (in dump trucks), from Long Beach Harbor, CA, to Monolith, CA, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Monolith Portland Cement Company, 1025 North Brand Bold, Suite 201, Box 4595, Glendale, CA 91202. Send protests to: Irene Carlos Transp., Asst., ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC-145840 (Sub-1TA), filed December 13, 1978. Applicant: L & R, INC., 208 East Main Street, White Sulphur Springs, WV 24986. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. *Wood chips*, (in bulk, in dump vehicles), from Rupert, WV, to Covington, VA, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Westvaco Corp., H. S. McIlvaine, Dist., Procurement Superintendent, Covington, VA 24426. SEND PROTESTS TO: Ruth F. Stark DS, ICC, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

MC-145857 (Sub-1TA), filed December 8, 1978. Applicant: K & R TRUCKING CO., P.O. Box 63, Dacus Road, Preston, GA 31824. Representative: Henry L. Crisp, P.O. Box J, Americus, GA 31709. (1) *Agricultural lime and gypsum*, (2) *Lumber and treated posts*, from Lee County, AL; Hamilton, Madison, Taylor, Jefferson, Jackson and Leon Counties, FL, to all points in Georgia South, of and inclusive of U.S. 80 and W. of and inclusive of I-75 over no fixed route (for part 1), from Webster and Sumter Counties, GA, to all points in GA, AL, TN, NC, and SC, over no fixed route (for part 2), for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): (1) Americus Wood Preserving, Route 2, Box 293, Americus, GA, (2) Sullivan Lumber, Inc., P.O. Box 31, Preston, GA 31824. SEND PROTESTS TO: G. H. Fauss, Jr. DS, ICC, Box 35008, 400 W. Bay Street, Jacksonville, FL 32202.

MC-145875, filed December 11, 1978. Applicant: SWAIN AND SONS TRANSPORTS, INC., 208 Poplar Avenue, Memphis, TN 38103. Representative: William B. Swain, 208 Poplar Avenue, Memphis, TN 38103. *Such commodities* as are dealt in and transported by wholesale and retail grocery houses, between Southern Warehouses, Inc., at Memphis, TN, on the one hand, and on the other, points in Tennessee, Alabama, Missouri, Illinois, Kentucky, Indiana, Georgia, Texas, Mississippi, Louisiana, Oklahoma, Arkansas and FL, for 180 days. SUPPORTING SHIPPER(S): Southern Warehouses, Inc., 4013 Premier Street, Memphis, TN 38118. SEND PROTESTS TO: Floyd A. Johnson DS, ICC, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC-145876 TA, filed December 7, 1978. Applicant: T.C.B. TRUCKING, INC., 6014 Colorado, Romulus, MI 48174. Representative: Mr. Lnng Coleman, 6014 Colorado, Romulus, MI 48174. *Auto parts and glass*, from the plant sites of Ford Motor Company at Milan, MI and Dearborn, MI to the states of Illinois, Indiana, Kentucky, Minnesota, Ohio, and PA, for 180 days. SUPPORTING SHIPPER(S): Ford Motor Company, One Parklane Blvd., Parklane Towers-E, Dearborn, MI 48126. SEND PROTESTS TO: Tim Quinn DS, ICC, 604 Federal Building and U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

MC-145877 TA, filed December 7, 1978. Applicant: DAVID L. HUSTED, d.b.a. COMMUNITY CAB COMPANY, 709½ N. Mead Street, Holland, MI 48879. Representative: David L. Husted (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bearings, bushings, and small automotive parts* for same day pickup and delivery, between the plant site of Federal Mogul Corp., St. Johns, MI, on the one hand, and on the other hand, points in Pennsylvania, Ohio, Indiana, Illinois, Iowa, and MI, limited to a transportation service to be performed, under a continuing contract or contracts, with Federal Mogul Corp., St. Johns, MI, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Federal Mogul Corp., Steel & Mead Streets, St. Johns, MI 48879. SEND PROTESTS TO: C. R. Flemming DS, ICC, 225 Federal Building, Lansing, MI 48933.

MC 145878TA, filed December 11, 1978. Applicant: JOHNNY KNOL TRUCKING COMPANY, INC., Route 1, Box 105-X, Oklahoma City, OK 73111. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *PVC Resin*, in bulk, in specially designed, shipper-owned trailers, From Oklahoma City, OK to Beeville, TX.; and (2) *PVC* Compound, in bulk, in specially designed, shipper-owned trailers, From Beeville, TX to Oklahoma City, OK. RESTRICTION: The Operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Modern Pipe, Inc., Oklahoma City, OK, for 180 days. SUPPORTING SHIPPER(S): Modern Pipe, Inc., 7000 S.E., 59th, Oklahoma City, OK 73115. SEND PROTESTS TO: Connie Stanley Transp. Asst., Room 240 Old Post Office & Court House Building, 215 N.W., 3rd, Oklahoma City, OK 73102.

MC 145890TA, filed December 13, 1978. Applicant: EUGENE W. BELL, d.b.a. BELL TRUCKING, 11804 Brockman, Adelanto, CA 90801. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel products, viz: steel in bars, billets, wire in coils, strip steel in coils, skidded steel and other steel articles*, from the facilities of Carpenter Technology Corporation, located at or near Bridgeport, CT., and Reading, PA; to Belmont, Fresno, and Mountain View, CA; Beaumont, Dallas and Houston, TX; Verdi, NV; and points in the counties of Los Angeles, Orange and Riverside, CA, under a continuing contract, or contracts, with Carpenter Technology Corporation, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Carpenter Technology Corporation, 101 W. Bern Street, Reading, PA 19603. SEND PROTESTS TO: Irene Carlos Transp. Asst., ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 145893TA, filed December 12, 1978. Applicant: P. PENDOLA TRUCKING, INC., P.O. Box 1121, Gardnerville, NV 89410. Representative: Rosemary C. or Patrick M. Pendola, 1563 Putter Lane, Gardnerville, NV 89410. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precut log buildings;* and (2) *materials and supplies* used in the construction, installation and erection of the commodities in (1) above, from the plant-site of Sierra Log Homes, Inc., in Lyon County, NV, to points in WA, GR, CA, MT, ID, UT, AZ, WY, CO, MN, ND, SD, NE, KS, OK, and TX, under a continuing contract, or contracts, with Sierra Log Homes, Inc., for 180 days. SUPPORTING SHIPPER(S): Sierra Log Homes, Inc., P.O. Box 2083, Carson City, NV 89701. SEND PROTESTS TO: W. J. Huetig DS, ICC, 203 Federal Building, 705 N. Plaza Street, Carson City, NV 89701.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4003 Filed 2-5-79; 8:45 am]

[7035-01-M]

[Notice No. 18]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 30, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 3854 (Sub-46TA), filed December 14, 1978. Applicant: BURTON LINES, INC., P. O. Box 11306 East Durham Station, 815 Ellis Road, Durham, NC 27703. Representative: G. E. Martin, Jr., 815 Ellis Road, Durham, NC 27703. *Hardboard, insulation board, plywood and/or particle board, parts, materials and accessory items necessary for the installation thereof*, from the plant and warehouse sites of The Abitibi Corporation in Wilkes County, NC., to points in Ohio, Illinois, Minnesota, Iowa, Wisconsin, and Indiana north of Highway U.S. 40, for 180 days. An underlying seeks 90 days authority. SUPPORTING SHIPPER(S): Abitibi Corporation, 3250 W. Big Beaver Road, Troy, MI 48084. SEND PROTESTS TO: Archie W. Andrews DS, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 13700 (Sub-7TA), filed December 15, 1978. Applicant: ROOKS TRANSFER LINES, INC., 650 East 16th Street, Holland, MI 49423. Representative: Delwyn J. Van Dyke (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), Between Montague, MI., and carrier's present authorized authority. From Muskegon, MI., over U.S. Highway 31 to Montague, MI., and return over the same route, serving all intermediate points. Applicant intends to tack and interline, for 180 days. An underlying ETA seek 90 days authority. SUPPORTING SHIPPER(S): Frances Nesbit Traffic Manager, E. I. du Pont de Nemours & Co., Montague, MI 49437. SEND PROTESTS TO: C. R. Flemming DS, ICC, 225 Federal Bldg., Lansing, MI 48933.

MC 14215 (Sub-20TA), filed December 18, 1978. Applicant: SMITH TRUCK SERVICE, INC., P. O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, Stiverson & Alden, 1296 W. 5th Avenue, Columbus, OH 43212. (1) *Steel coils*, from the facilities of Wheeling-Pittsburgh Steel Company at Follansbee, WV and Steubenville, OH., to Monaca, PA.; (2) *Steel tubing*, from Monaca and Aliquippa, PA., and Benwood, WV., to Jane Lew, WV., from Jane Lew, WV., to the States of AL, GA, IL, IN, MI, NC, NJ, NY, OH, PA and SC., for 180 days. SUPPORTING SHIPPER(S): Pittsburgh Tube Company, 2060 Pennsylvania Avenue, Monaca, PA 15060. SEND PROTESTS TO: J. A. Niggemyer DS, ICC, 416 Old Post Office Building, Wheeling, WV 26003.

MC 14252 (Sub-38TA), filed December 15, 1978. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Bloomingdale, IN., as an off-route point in connection with applicant's otherwise authorized regular operations. Tacking is requested, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Formflex Division, Futurex Industries, One North Main Street, Bloomingdale, IN 47832. SEND PROTESTS TO: Frank L. Calvary DS, ICC, 220 Federal Building & U. S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

MC 46054 (Sub-80TA), filed November 6, 1978, and published in the FEDERAL REGISTER issue of December 29, 1978, and republished, as corrected this issue. Applicant: BROWN EXPRESS, INC., 428 South Main Street, San Antonio, TX 78285. Representative: Phillip Robinson, 1806 Rio Grande, Austin, TX 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Dallas, TX, and Oklahoma City, OK: From Dallas over Interstate Highway 35 to Oklahoma City, serving no intermediate points; (2) Between Dallas, TX, and Tulsa, OK: From Dallas over U.S. Hwy 75 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction Indian Nation Turnpike, then over Indian Turnpike to junction U.S. Hwy 75, then over U.S. Hwy 75 to Tulsa, and return over the same route, serving no intermediate points; (3) Between Dallas, TX, and Indianapolis, IN: From Dallas over Interstate Hwy 30 to Little Rock, AR, then over Interstate Hwy 40 to Nashville, TN, then over Interstate Hwy 65 to Indianapolis, and return over the same route, serving the intermediate point of Louisville, KY, and serving no other intermediate points except the

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junction of Interstate Hwy 30 and U.S. Hwy 59 (near Texarkana, TX) and Memphis, TN, for purposes of joinder only; (4) Between Louisville, KY, and Detroit, MI: From Louisville, KY, over Interstate Hwy 71 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Detroit, and return over the same route, serving the intermediate points of Cincinnati and Toledo, OH; (5) Between Houston, TX, and junction of Interstate Hwy 30 and U.S. Hwy 59: From Houston over U.S. Hwy 59 to junction Interstate Hwy 30 and U.S. Hwy 59, serving no intermediate points and serving the junction of Interstate Hwy 30 and U.S. Hwy 59 for purposes of joinder only; and (6) Between Memphis, TN, and St. Louis, MO: From Memphis over Interstate Hwy 55 to St. Louis, serving no intermediate points and serving Memphis for purposes of joinder only and serving St. Louis for purposes of interchange only. Serving all points in the Commercial Zones of Oklahoma City and Tulsa, OK; Indianapolis, IN; Louisville, KY; Cincinnati and Toledo, OH; and Detroit, MI. RESTRICTION: Service shipments by carrier where carrier's origin and carrier's destination are both within IN, KY, MI or OH. Applicant proposes to tack at Dallas and Houston, TX; and interline at Oklahoma City and Tulsa, OK; Indianapolis, IN; Louisville, KY; Cincinnati and Toledo, OH; St Louis, MO; and Detroit, MI, for 180 days. SUPPORTING SHIPPER(S): There are approximately (429) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Richard H. Dawkins DS, ICC, Room B-400, Federal Building, 727 E. Durango, San Antonio, TX 78206. The purpose of this republication is to correct the three typographical errors in the territorial description which was previously omitted in the caption.

MC 61592 (Sub-42TA), filed November 15, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. No. 3, Jeffersonville, IN 47130. Representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, IL 61265. *Lumber and wood products,* (except commodities in bulk), from points in ID, MT, OR, and WA, to points in and east of MI, TN, KY, IL and WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately (16) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Beverly J. Williams, Transp. Asst., ICC, Federal Bldg., & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 98964 (Sub-14TA), filed December 20, 1978. Applicant: P.B.I. FREIGHT SERVICE, 960 North 1200 West, Orem, UT 84057. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* (except commodities in bulk, household goods and commodities requiring special equipment), between Ely, NV, and Tonopah, NV, serving all intermediate points and the off-route points of Duckwater and the Ibex-Keystone Mine site on Nye County, NV; from Ely over U.S. Highway 6 to Tonopah and return over the same route. NOTE: Applicant intends to tack the authority here applied for to authority held by it in MC 98964 Sub No. 13, and to interline with other carriers at Tonopah, NV, and Salt Lake City, UT, for 180 days. SUPPORTING SHIPPER(S): (1) Downs Department Store, P.O. Box 71, Tonopah, NV 89049 (Gary R. Downs, Owner and Manager) (2) Currant Creek General Store, Inc., Currant, NV (Jeffrey T. Micko, Partner) (3) Nevada Refining Co., Tonopah, NV (Raymond Potter, Refinery Manager) (4) Ibex-Keystone, Warm Springs, NV (Nicholas H. Carouso, Manager) SEND PROTESTS TO: L. D. Helfer DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 107515 (Sub-1198TA), filed December 19, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, SERBY & MITCHELL, P.C., 3390 Peachtree Road, 5th Floor, Atlanta, GA 30326. (I) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds* (except in bulk, in tank vehicles) and filters, from points in Warren County, MS to points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, NC, ND, OH, OK, SC, SD, TX and WI; and (II) *Petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale and distribution of the commodities named in (I) above, (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, OH, OK, and SC to points in Warren County, MS, for a period of 180 days. RESTRICTION: Restricted in I and II above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS. SUPPORTING SHIPPER: Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301.) SEND PROTESTS TO: Sara K. Davis, Transp. Asst., ICC, 1252 W. Peachtree St. NW., Room 300, Atlanta, GA 30309.

MC 110098 (Sub-173TA), filed December 19, 1978. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Representative: T. W. Cothren, 1400 Ackerman Road, San Antonio, TX 78220. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the Rath Packing Company at Indianapolis, IN, and Waterloo, IA, to points in Arizona and CA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): The Rath Packing Company, P.O. Box 330, Waterloo, IA 50704. SEND PROTESTS TO: Richard H. Dawkins DS, ICC, Room B-400 Federal Building, 727 E. Durango Street, San Antonio, TX 78206.

MC 116200 (Sub-16TA), filed November 8, 1978. Applicant: UNITED PARCEL SERVICE, INC., 643 West 43rd Street, New York, NY 10036. Representative: Everett Hutchinson, c/o Fulbright & Jaworski, Suite 400, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036. *General commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in CT, DE, the District of Columbia, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and WV. (Except New York, NY, Westchester, Putnam, Nassau, Suffolk, Rockland, and Orange Counties, NY; Fairfield County, CT; and Hudson, Essex, Union, Bergen, Passaic, Sussex, Morris, Somerset, Middlesex, and Ocean Counties, NJ. *Subject to the following restrictions:* No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. The following areas are also subject to the additional restrictions shown, as well, as to the restrictions set forth above: (1) Between points in NY, NJ, CT, RI, MA, points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery, Northampton, Philadelphia, Schuylkill, and York Counties, PA, points in that part of Vermont on and south of Vermont Highway 9, points in that part of New Hampshire on and south of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, NH, and thence along U.S. Highway 202 to the New Hampshire-Maine State line and points in that part of Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along Maine Turnpike to junction U. S. Highway 202, thence north along U.S. Highway 202 to Augusta, ME, and thence south along Maine Highway 27 to Boothbay Harbor, ME, including points on the highway boundary lines in NE, NH, and VT. RESTRICTIONS: No service shall be rendered in the transportation of moving picture and sound reproduction film, apparatus, mechanisms, installations, accessories, premiums, tickets, and complete film set-ups between motion picture distributors and motion picture theaters or television stations. No service shall be rendered in the transportation of magazines, newspapers, and newspaper cuts and mats, from magazine and newspaper distributor, newstand operators or printers. (2) Between points in that part of VT., lying north of Vermont Highway 9, those in that part of New Hampshire lying north of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, NH, and thence along U.S. Highway 202 to the New Hampshire-Maine State line, and points in that part of Maine lying north of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Boothbay Harbor, ME. Between points in that part of Vermont lying north of Vermont Highway 9, those in that part of New Hampshire lying north of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State line, and points in that part of Maine lying north of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along Maine Turnpike to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Boothbay Harbor, Maine, on the one hand, and on the other, points in Clinton, Essex, Warren, Washington, Saratoga, Schenectady, Rensselaer, Albany, Greene, and Columbia Counties, NY, points in Massachusetts, those in that part of Vermont lying on and south of Vermont Highway 9, points in that part of New Hampshire lying on and south of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State line, points in that part of Maine lying on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along Maine Turnpike to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Boothbay Harbor, ME, including points on the highway boundary lines in Maine, New Hampshire, and VT. RESTRICTION: No service shall be rendered between banks or any branches, facility, or offices thereof. Applicant and its affiliate United Parcel Service, Inc. (an Ohio corporation) will interline at points in PA, WV, and VA, within ten miles of the Pennsylvania-Ohio, the West Virginia-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee, and the Virginia-North Carolina State lines, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately (43) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Maria B. Kejss Transp. Asst., ICC, 26 Federal Plaza, New York, NY 10007.

MC 116628 (Sub-23 TA), filed December 18, 1978. Applicant: SUBURBAN TRANSFER SERVICE, INC., P.O. Box 168, Rutherford, NJ 07070. Representative: Thomas F. X. Foley, State Highway #34, Colts Neck, NJ 07722. *Such merchandise* as is dealt in by retail department stores, and materials and supplies used in the operation of such stores, between New York, NY, on the one hand, and, on the other, Baltimore, and Landover, MD and Springfield, VA, under a continuing contract or contracts, with Arnold Constable of New York, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Arnold Constable Corporation, 16 East 40th Street, New York, NY. SEND PROTESTS TO: Joel Morrows DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 116457 (Sub-40 TA), filed December 14, 1978. Applicant: GENERAL TRANSPORTATION INCORPORATED, 1804 S. 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Representative: D. Parker Crosby, 1710 S. 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. *Roofing, roofing materials, roofing insulation, roofing supplies and products, tools, equipment and supplies used in the installation thereof,* (except in bulk or tank vehicles), from Lubbock, San Antonio and El Paso, TX, to Arizona and New Mexico, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): (1) Specialty Forest Products, Inc., 4433 N. 19th Avenue, Phoenix, AZ 85024. SEND PROTESTS TO: Andrew V. Baylor DS, ICC, Room 2020 Federal Building, 230 N. First Avenue, Phoenix, AZ 85015. (2) Mandera Lumber Sales, Inc., P.O. Box 2551, Mesa, AZ 85025.

MC 117786 (Sub-47 TA), filed December 13, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *Charcoal, charcoal briquettes, fireplace logs, charcoal lighter fluid, in cans in cartons, hickory chips (not charred) for flavoring purposes, vermiculite,* (a) From parsons, WV, to Texas, Colorado, Missouri, Oregon, Washington, California, Nebraska, Indiana, Ohio, and MI; (b) from Belle, MO, to CO; (c) from Burnside, KY, to points in Illinois, Indiana, Montana, Ohio and WI; and (d) from Dothan, AL, to FL, for 180 days. SUPPORTING SHIPPER(S): The Kingsford Company, P.O. Box 1033, 1700 Commonwealth Building, Louisville, KY 40201. SEND PROTESTS TO: Andrew V. Baylor DS, ICC, Room 2020, Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

MC 117883 (Sub-230 TA), filed October 24, 1978, and published in the FR issue of December 15, 1978, and republished, as corrected this issue. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Edward J. Subler (same address as applicant). *Canned and preserved foodstuffs,* from the facilities of Heinz U.S.A., Division of H. H. Heinz Company, at or near Pittsburgh, PA, to points in Kansas, Minnesota, Missouri, Nebraska and WI, restricted to traffic originating at the facilities of Heinz U.S.A., Division of H. J. Heinz Company at or near Pittsburgh, PA, and destined to the named destinations, for 180 days. SUPPORTING SHIPPER(S): Heinz U.S.A., Div., of H. J. Heinz Co., Coordinator-Distri-

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bution Planning, P.O. Box 57, Pittsburgh, PA 15230. SEND PROTESTS TO: Paul J. Lowry DS, ICC, 5514-B Federal Bldg., 550 Main Street, Cincinnati, OH 45202. The purpose of this republication is to correct the Supporting Shipper(s) which is stated in the caption summary.

MC 117940 (Sub-305TA), filed December 19, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *Canned goods* from Arlington and Ortonville, MN and Bloomer, WI to points in KS and MO, for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Big Stone Inc., Box 86, Chaska, MN 55318. SEND PROTESTS TO: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 118263 (Sub-77TA), filed December 18, 1978. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130 Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. *Foodstuffs*, (except in bulk), moving in vehicles equipped with mechanical refrigeration, from the facilities of Pet Incorporated at Frankfort, Hart, and Benton Harbor, MI, to points in IN, KY, OH and TN, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPERS(S): Pet, Incorporated, Frozen Food Division, P.O. Box 392, St. Louis, MO 63166. SEND PROTESTS TO: Beverly J. Williams Transp. Asst., ICC, Federal Building & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 118263 (Sub-78TA), filed December 18, 1978. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. *Foodstuffs and dairy products*, (except in bulk), moving in vehicles equipped with mechanical refrigeration, from the facilities of Munford Refrigerated Warehouses at Atlanta, GA, to points in IN, KY, TN, VA, and WV, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPERS(S): Munford Refrigerated Warehouses, P.O. Box 43267, Atlanta, GA 30336. SEND PROTESTS TO: Beverly J. Williams Transp. Asst., ICC, Federal Building & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 119726 (Sub-156TA), filed December 15, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 E. Washington Street, Suite 1000, Indianapolis, IN 46204. *Ground clay and absorbants*, from the facilities of Waverly Mineral Products, located in Thomas County, GA, to points in the states of DE, IL, IN, MD, MN, NJ, NY, OH, PA, VA and WV, for 180 days. An underlying seeks 90 days authority. SUPPORTING SHIPPER(S): Waverly Mineral Products Company, 3018 Market Street, Philadelphia, PA 19104. SEND PROTEST TO: Beverly J. Williams, Transp. Asst., ICC, Federal Building & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 119741 (Sub-129TA), filed December 15, 1978. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (Same address as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the facilities of Farmland Foods, Inc., at or near Crete, Lincoln, and Omaha, NE, and Carroll, Denison, Des Moines, Fort Dodge, Iowa Falls, and Sioux City, IA, to points in CO, IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI, restricted to traffic originating at the above named origins and destined to the above named destinations, for 90 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 120427 (Sub-25TA), filed December 19,, 1978. Applicant: WILLIAMS TRANSFER, INC., 2128 East Highway 30, Grand Island, NE 68801. Representative: John K. Walker (same address as applicant). *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, from Schuyler and Fremont, NE, to points in CA, for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Spencer Foods, Inc., P.O. Box 544, Schuyler, NE 68881. SEND PROTEST TO: Max H. Johnston, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 120582 (Sub-6TA), filed December 18, 1978. Applicant: McMINNVILLE FREIGHT LINE, INC., P.O. Box 790, Morrison Road, McMinnville, TN 37110. Representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (with the usual exceptions), between McMinnville and also all points in Warren County, TN., as off-route points, on the one hand, and, on the other, Chattanooga, and that part of its commercial zone lying within the State of TN., for 180 days. SUPPORTING SHIPPER(S): There are approximately (22) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Glenda Kuss Transp. Asst., ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 123048 (Sub-422TA), filed December 15, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406. Representative: Carl S. Pope (Same address as applicant). *Aluminum and aluminum articles*, from the facilities of Kaiser Aluminum and Chemical Corp., at or near Ravenswood, WV., to the states of AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and the DC., for 180 days. SUPPORTING SHIPPER(S): Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. SEND PROTESTS TO: Gail Daugherty Transp. Asst., ICC, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 123294 (Sub-55TA), filed November 29, 1978, and published in the FR issue of December 7, 1978, and republished, as corrected this issue. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona, Warsaw, IN 46580. Representatives: H. E. Miller, Jr., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. *Starch*, from Chicago and Decatur, IL, Roby, IN, and Oak Creek, WI, to Troy and Urbana, OH, for 180 days. Applicant has also filed an underlying ETA seeking operating authority up to 90 days. SUPPORTING SHIPPER(S): Kimberly-Clark Corporation, 1414 W. Larsen Rd., Neenah, WI 45956. SEND PROTESTS TO: Lois Stahl Transp. Asst., ICC, Everett McKinley Dirksen Bldg., Room 1386, 219 S. Dearborn St., Chicago, IL. 60604. The purpose of this republication is to add the word "to" in front of Troy which was previously omitted in the territorial description.

MC 124211 (Sub-352TA), filed December 14, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 DTS, Omaha, NE 68101. Representative: Thomas L. Hilt (Same address as applicant). *Copper pipe, copper tubing, copper products, insulated tubing, and commodities* used in the manufacture and distribution of the above commodities, from Sauget, IL., to points in the United States in and west of Montana, Wyoming, Nebraska, Colorado and New Mexico, (except Alaska and Hawaii and El Paso, TX), for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Frank C. Beeht, General Traffic Manager, Cerro Copper Products Co., P.O. Box 681, E. St. Louis, IL 62202. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 124679 (Sub-96TA), filed December 11, 1978. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England, 975 West 2100 South, Salt Lake City, UT 84119. (1) *Foodstuffs*, (2) *foodstuffs*, (except yeast and bread making compounds and ingredients, and (3) *foodstuffs*, (1) From the facilities of Universal Foods Corporation at South San Francisco and Hayward, CA, to points in Idaho, Oregon, Washington and UT; and (2) from the facilities of Universal Foods Corporation at Oakland, CA, to points in Idaho, Oregon, Washington, and UT; (3) from the facilities of Universal Foods Corporation at South San Francisco, Hayward, and Oakland, CA, to Reno, NV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Universal Foods Corporation, 21082 Cabot Boulevard, Hayward, CA 94545. (Peter J. Chagaris, Distribution Manager-West). SEND PROTESTS TO: L. D. Helfer DS ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 124692 (Sub-256TA), filed December 20, 1978. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: James B. Hovland, P.O. Box 1680, Fargo, ND 58107. *Agricultural chemicals and trees and weed killing compounds*, (except in bulk), (1) from Omaka, NE and Sergeant Bluff, Des Moines, Mason City, Fort Dodge, Perry and Alton, IA., to points in MN, ND, SD, WI, MT, UT, ID, WA, OR and WY; and (2) from Omaka, NE., to points in Iowa; and (3) from Sergeant Bluff, Des Moines, Mason City, Fort Dodge, Perry and Alton, IA., to points in NE. RESTRICTION: Restricted in parts (1), (2), and (3) above, to the transportation of traffic destined to Farmers Union Central Exchange, Inc. (CENEX) Cooperative facilities, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Farmers Union Central Exchange, Inc., Box 43089, St. Paul, MN 55146. SEND PROTESTS TO: Paul J. Labane DS, ICC, 2602-1st Avenue North, Billings, MT 59101.

MC 125770 (Sub-No. 14TA), filed December 18, 1978. Applicant: SPIEGEL TRUCKING, INC., Cape May Street, Harrison, NJ 07029. Representative: Joel J. Nagel, 19 Back Drive, Edison, NJ 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts and materials* used on the manufacture of office, home and library furniture, from points and places in CT, GA, IL, MD, MA, NY, NC, OH, PA, SC, and VA to the facility of Art Metal USA, Inc., in Newark, NJ., under continuing contract, or contracts, with Art Metal USA, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Art Metal USA, Inc., 300 Passaic Street, Newark, NJ 07104. SEND PROTESTS TO: Robert E. Johnston DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 125996 (Sub-66TA), filed December 15, 1978. Applicant: ROAD RUNNER TRUCKING, INC., 2250 South 400 West, Salt Lake City, UT 84115. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. *Such commodities* as are distributed by manufacturers of explosives and materials and supplies used in the manufacture and distribution of explovives, oxidizers, and boosters, (except commodities in bulk), (a) between West Jordan and Lehi, UT; Bonne Terre, MO; Plymouth, IN; and Biwabik, MN; and (b) between West Jordan and Lehi, UT; and Plymouth, IN; on the one hand, and, on the other, points in the United States, (except AK and HI), for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Ireco Chemicals, Inc., Suite 700, Kennecott Building, Salt Lake City, UT 84133 (Ronald E. Bowes Traffic Manager) SEND PROTESTS TO: L. D. Helfer DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 126118 (Sub-111TA), filed December 19, 1978. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). *Malt beverages*, from New Orleans, LA, to points in GA, for 180 days. NOTE: Common control may be involved. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Dixie Brewing Company, 2537 Tulane Avenue, New Orleans, LA 70119; Bill Laite Distributing Company 1820 7th Street, Macon, GA 31206. SEND PROTESTS TO: Max H. Johnston, DS, 285 Federal Building & Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.

MC 126555 (Sub-61TA), filed December 8, 1978. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette, P.O. Box 3000, Rapid City, SD 57709. *Minerals*, from Pennington & Custer Counties, SD., to points in Montana, North Dakota, Utah and WY., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Pacer Corporation, P.O. Box 912, Custer, SD 57730. (Robert Cullum President & General Manager) SEND PROTESTS TO: J. L. Hammond DS, ICC, Room 455, Federal Building, Pierre, SD 57501.

MC 126844 (Sub-63TA), filed December 15, 1978. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. *Paper and paper products*, From Philadelphia, PA., Landisville; NJ, and the commercial zones thereof, to points in AL, AR, GA, IL, IN, LA, MI, MS, MO, NC, OH, SC, VA, WV, and WI., for 180 days. SUPPORTING SHIPPER(S): Scott Paper Co., Scott Plaza, Philadelphia, PA 19113. SEND PROTESTS TO: John P. Lynn Transp. Specialist, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 134257 (Sub-3TA), filed December 19, 1978. Applicant: CARROLL'S TRANSFER, INCORPORATED, P.O. Box 265, Dublin, NC 28332. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Counting, controlling and measuring devices and components and subassemblies thereof*, (1) between the facilities of Veeder-Root Company at Hollidaysburg, PA, Hartford, CT, Elizabethtown, NC and Wilcox County, AL, and (2) from the facilities of Veeder-Root Company at Hollidaysburg, PA., to Greensboro, NC., under a continuing contract, or contracts, with Veeder-Root Company, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Veeder-Root Company, 70 Sargeant Street, Hartford, CT 06102. SEND PROTESTS TO: Archie W. Andrews DS, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 134813 (Sub-4TA), filed December 14, 1978. Applicant: WESTERN CARTAGE, INC., 2921 Dawson Road, Tulsa, OK 74110. Representative: Michael R. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tissue and tissue paper, including toilet tissue, facial tissues, towels, napkins, diaper paper on rolls, and waste paper in bales or on skids, and wood pulp, and all equipment, materials and supplies* used in the manufacturing and distri-

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bution of the commodities named above, (except commodities in bulk and those that require the use of special equipment due to size or weight), Between the plantsite of Belco Tissue Mills, Tulsa, OK and Robel Tissue Mills, Pryor, OK, on the one hand, and, all points in the States of AR, CO, IL, IN, IA, KS, KY, LA, MS, MO, NE, NM, OH, OK, TN, & TN on the other, under a continuing contract, or contracts, with Belco Tissue Mills, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Belco Tissue Mills, Inc., 10002 East 52 Street, Tulsa, OK 74145. SEND PROTESTS TO: Connie Stanley Transp. Asst., Room 240 Old Post Office & Court House Building, 215 N.W., 3rd, Oklahoma City, OK 73102.

MC 135070 (Sub-24TA), filed December 19, 1978. Applicant: JAY LINES, INC., 720 N. Grand, Amarillo, TX 79120. Representative: Gailyn Larsen, 521 S. 14th Street, Lincoln, NE. *Citrus products,* from the facilities of Tropicana Products, Inc., in Manatee County, FL to points in TX and OK, for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Tropicana Products, Inc., P.O. Box 338, Bradenton, FL 33506. SEND PROTESTS TO: Haskell E. Ballard, DS, ICC, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 135410 (Sub-33TA), filed December 19, 1978. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Foundry Shot* (except in bulk), from the facilities of Cardinal Steel Co., at Wadsworth, OH, to Peoria, Quincy, Rock Island, and Moline, IL and Keokuk, Davenport, Bettendorf, Dubuque, Washington, and Waterloo, IA, for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Valley Foundry Supply Co., P.O. Box 83 Rock Island, IL 61201. SEND PROTESTS TO: Charles D. Little, DS, ICC, 414 Leland Office Bldg., 527 East Capitol Avenue, Springfield, IL 62701.

MC 139193 (Sub-90TA), filed November 9, 1978, and published in the FEDERAL REGISTER issue of December 29, 1978, and republished as corrected this issue. Applicant: ROBERTS & OAKE, INC., Blue Ridge Tower, Suite 820, 4240 Blue Ridge Blvd., Kansas City, MO 64135. Representative: Jacob P. Billig, 2033 K Street, N.W., Suite 300, Washington, DC 20006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except commodities in bulk, hides and skins), from Montgomery, AL, to all points in the United States (except Alaska, Alabama, and Hawaii), restricted to a transportation service, performed under a continuing contract or contracts, with John Morrell & Co., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): John Morrell & Co., Chicago, IL. SEND PROTESTS TO: John V. Barry DS, Room 600, 911 Walnut, Kansas City, MO 64106. The purpose of this republication is to add the commodities which were previously omitted in the caption.

MC 139822 (Sub-2TA), filed December 15, 1978. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward G. Villalon, 1032 Penn Bldg., Pa., Avenue and 13th Street, N.W., Washington, DC 20004. (1) *Feed and corn products,* (except in bulk, in tank vehicles), from the facilities of the Jim Dandy Company in Jefferson and Morgan Counties, AL and Robertson County, TN, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and VA; and (2) *Equipment, materials and supplies* used in manufacture, sale and distribution of the commodities named in (1) above from the destination states in Part (1) to the origins in Part (1), for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): The Jim Dandy Company, P.O. Box 10687, Birmingham, AL 35202. SEND PROTESTS TO: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 140549 (Sub-13TA), filed December 19, 1978. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Animal and poultry feed,* in bulk or in bags, also in bags when moving in mixed loads with bulk in or on auger equipped vehicles from Gluek, New Rickland and Minneapolis, MN to points in MT, for 180 days. SUPPORTING SHIPPER(S): Cargill, Inc., P.O. Box 9300, 15407 McGinty Road, Minneapolis, MN 55440. SEND PROTESTS TO: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 143436 (Sub-23TA), filed December 14, 1978. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Road, Indianapolis, IN 46227. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, IN 46224. *General commodities,* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, and those requiring special equipment), from Indianapolis, IN, to Chicago, IL, and its commercial zone (as defined by the Commission). RESTRICTION: Restricted to shipments having a prior or subsequent movement by rail, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): National Piggyback Services, Inc., 537 Turtle Creek South Drive, Indianapolis, IN 46227. SEND PROTESTS TO: Beverly J. Williams, Transp. Asst., ICC, Federal Building & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 144122 (Sub-35TA), filed December 19, 1978. Applicant: CARRETTA TRUCKING, INC., S. 160 Route 17 North, Paramus, NJ 07652. Representative: Joseph Carretta (same address as applicant). *Drugs, medicines, medical equipment, materials and supplies* (except in bulk) from the facilities of Darby Drug Group at Rockville Center, NY to Chicago, IL and Atlanta, GA, for 180 days. SUPPORTING SHIPPER(S): Darby Drug Group, 100 Banks Avenue, Rockville Center, NY 11570. SEND PROTESTS TO: Joel Morrows, DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 144636 (Sub-3 TA), filed December 15, 1978. Applicant: VICTOR & SON TRUCKING, INC., 223 N. Erie, Pomona, CA 91768. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *fruit juice concentrate or fruit juices,* frozen or chilled (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Sunkist Growers, Inc., Orange Products Division, located at Ontario, CA, to (1) Shrewsbury, MA, Baltimore, MD, Greensboro and New Bern, NC, and (2) Youngstown and Cincinnati, OH; Atlanta, GA, Montgomery, AL, Detroit, MI, New Orleans, LA, Dallas and Houston, TX, St. Louis, MO, St. Paul, MN, Davenport, IA, Richmond, VA and Moline, IL, restricted in (2) above to stop in transit shipments having a final destination to a point or points in (1) above, under a continuing contract, or contracts, with Green Spot Co., located at South Pasadena, CA, for 180 days. SUPPORTING SHIPPER(S): Green Spot Company, 520 Mission Street, South Pasadena, CA 91030. SEND PROTESTS TO: Irene Carlos Transp. Asst., ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

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MC 145737 (Sub-1TA), filed December 15, 1978. Applicant: HEUERTZ TRUCKING, INC., 425 1st Street, N.W., LeMars, IA 51031. Representative: D. Douglas Titus, Suite 510 Benson Bldg., Sioux City, IA 51101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766,* from LeMars, IA, to all points in Illinois, Minnesota, Nebraska, South Dakota, and WI, under a continuing contract, or contracts, with Dubuque Packing Company, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Richard Ernst Traffic Manager, Dubuque Packing Company, LeMars, IA 51031. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 145771TA, filed December 15, 1978. Applicant: KERWIN CARTAGE, INC., Box 1181, Seneca, SC 29678. Representative: Ronald N. Cobert, 1730 M. Street, N.W., Suite 501, Washington, D.C. 20036. *General commodities,* (except Class A & B explosives, household goods as defined by the Commission, commodities of unusual value and those requiring special equipment), between Oconee County, SC on the one hand, and, on the other, Greenville and Spartanburg Counties, SC restricted to interline operations only, for 180 days. SUPPORTING SHIPPER(S): There are approximately (6) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D. C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: E. E. Strotheid DS, ICC, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 145829TA, filed December 5, 1978. Applicant: ETI CORP., P.O. Box 549, Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain, grocery, department stores, and food business houses, (except glass containers and commodities in bulk), and in connection therewith, equipment, materials and supplies used in the conduct of such business (except glass containers and commodities in bulk), Between points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, VA, NC, SC, WV, GA, FL, AL, LA, MS, TN, and the District of Columbia, under a continuing contract, or contracts, with Jewel Companies, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Jewel Companies, Inc., Jewel Park, Barrington, IL 60010. SEND PROTESTS TO: Robert E. Johnston DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 145853 (Sub-1TA), filed Dee. Applicant: VECTOR TRANSPORTATION, INC., 157 Maple Street, Methuen, MA 01844. Representative: Samuel L. Watts, TDS, Inc., 1050 Waltham Street, Lexington, MA 02173. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Steel shelving and products* used or useful in the manufacture or marketing of steel shelving, (except in bulk), Between the facilities of Andrew Wilson Company, Lawrence, MA, on the one hand, and, on the other, points in the United States, (except Alaska, Connecticut, Hawaii, Massachusetts, Maine, New Hampshire, Rhode Island and VT), under a continuing contract, or contracts, with Andrew Wilson Company, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Andrew Wilson Company, 616 Essex Street, Lawrence, MA 01842. SEND PROTESTS TO: Max Gorenstein DS, ICC, Room 501, 150 Causeway Street, Boston, MA 02114.

MC 145881TA, filed December 18, 1978. Applicant: H & H TRANSPORTATION CO., P.O. Drawer "W", Belle, MO 65013. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Charcoal,* (in bulk), from the Cherokee Indian National charcoal facility at or near Talequah, OK., to the Kingsford Co., charcoal facility at or near Belle, MO., under a continuing contract, or contracts, with The Kingsford Company, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): The Kingsford Company, Louisville, KY 40202. SEND PROTESTS TO: John V. Barry DS, Room 600, 911 Walnut, Kansas City, MO. 64106.

MC 145895TA, filed December 13, 1978. Applicant: STATE TRANSPORTATION, INC., P.O. Box 1349, Portsmouth, NH 03801. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers,* from South Volney, NY., to Biddeford, Portland, Augusta and Brewer, ME, under a continuing contract, or contracts, with Haffenreffer Beverage Co., Inc., of Brewer, ME; Pine State Tobacco and Candy Co., of Augusta, ME; Nappi Distributors of Portland, ME, and New York Bottling Co., Inc., of Biddeford, ME., for 180 days. SUPPORTING SHIPPER(S): (1) York Bottling Co., Inc., One Lincoln St., Biddeford, ME. (2) Nappi Distributors, 235 Presumpscot St., Portland, ME. (3) Pine State Tobacco and Candy Co., 8 Ellis Avenue, Augusta, ME. (4) Haffenreffer Beverage Co., Inc., 2 Rudman Road, Brewer, ME. SEND PROTESTS TO: Ross J. Seymour DS, ICC, Room 3, 6 Loudon Road, Concord, NH 03301.

MC 145898TA, filed December 15, 1978. Applicant: WARREN MARR, an Individual, 2416 N. Marine Drive, Suite #217, Portland, OR 97217. Representative: Warren Marr (same address as applicant). (1) *Lumber and forest products,* from OR, to CA, and AZ., (2) *Building materials,* from Portland, OR, to points in OR, WA, CA, ID, MT, WV, WY, UT, NV, and from points in these states to Portland, OR; and (3) *Used vehicles,* from points in WA, ID, MT, WY, UT, CA, to Portland, OR, for 180 days. SUPPORTING SHIPPER(S): (1) Cowboy Truck Center, Inc., 930 S.E., 82nd Avenue, Portland, OR 97216. (2) M & C Lumber Products, Inc., 9020 N. Bradford, Portland, OR 97203 (3) C. A. Conners Construction Co., 6457 N.E., Columbia Blvd., Portland, OR 97213. SEND PROTESTS TO: R. V. Dubay DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 145914TA, filed December 19, 1978. Applicant: COASTAL TRUCK LINE, INC., How Lane, New Brunswick, NJ 08903. Representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, NY 10048. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Commodities* for use in and sale from wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk), and return of packaging and raw materials, between the facilities of Clorox Company at Jersey City, NJ, and points in the counties of Albany, Columbia, Dutchess, Greene, Montgomery, Orange, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Ulster, Warren & Westchester, NY., under a continuing contract, or contracts, with The Clorox Company, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): The Clorox Company, 1221 Broadway, Oakland, CA 94612. SEND PROTESTS TO: Robert E. Johnston DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 145959TA, filed December 18, 1978. Applicant: THOMAS O. CARTMEL, P.O. Box 364, Westfield, IN

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46074. Representative: Orville G. Lynch, P.O. Box 364, Westfield, IN 46074. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, on pallets, and materials and supplies* used in the manufacture and distribution of paper bags, between the facilities of Samson-Midamerica, Inc., at Indianapolis, IN, on the one hand, and on the other, points in KY, MD, MO, NY, NJ, NC, SC, TN, VA, WV, WI, and DC, under a continuing contract, or contracts, with Samson-Midamerica, Inc., for 180 days. SUPPORTING SHIPPER(S): Samson-Midamerica, Inc., 8111 Zionsville Road, Indianapolis, IN 46278. SEND PROTESTS TO: Beverly J. Williams Transp. Asst., ICC, Federal Bldg., & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4001 Filed 2-5-79; 8:45 am]

[7035-01-M]

[Permanent Authority Decisions Volume No. 6]

PERMANENT AUTHORITY APPLICATIONS

JANUARY 19, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930 (1978) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hall.

H. G. HOMME, Jr.,
Secretary.

MC 409 (Sub-71F), filed December 27, 1978. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, NE 68979. Representative: Steven K. Kuhlmann, P.O. 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of Gulf Central Pipeline, at or near Aurora, NE, to points in CO, KS, SD, and WY. (Hearing site: Lincoln or Omaha, NE.)

MC 2860 (Sub-172F), filed August 24, 1978, and previously noticed in the FEDERAL REGISTER issue of September 28, 1978. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: W. Randall Tye, 1400 Candler Building, Atlanta, GA 30303. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *preserved foodstuffs, and canned foodstuffs* from Canajoharie, NY, to points in IN, KY, OH, and WV, restricted to the transportation of traffic originating at the named origin. (Hearing site: Washington, DC.)

NOTE.—This republication adds "preserved foodstuffs" and the restriction.

MC 13087 (Sub-46F), filed October 30, 1978. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, IA 50401. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over

irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certification*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of The Rath Packing Co., at Waterloo, IA; to those points in the Upper Peninsula of MI. (Hearing site: Des Moines, IA, or Minneapolis, MN.)

MC 14702 (Sub-77F), filed November 24, 1978. Applicant: OHIO FAST FREIGHT, INC., 3893 Market Street NW., Warren, OH 44484. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asphalt roofing, roofing materials, composition shingles, rolled roofings*, and *accessories* for asphalt roofing, roofing materials, composition shingles, and rolled roofings, and *roofing paper*, and *roofing compound* (except liquid commodities, in bulk, in tank vehicles), from the facilities of Elk Corporation of Alabama, at Tuscaloosa, AL, to points in AR, FL, GA, KY, MS, TN, OH, PA, IN, and MO. (Hearing site: Columbus, OH.)

MC 1687 (Sub-19F), filed November 22, 1978. Applicant: WILLIAM MIRRER, d.b.a., MIRRER'S TRUCKING CO., 100 East 25th Street., Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic granules* (except commodities in bulk), (1) from the facilities of Mobil Chemical Co., and Rexene Polyefins Company, at Joliet and Chicago, IL, to Santa Ana, CA, and Houston and Beaumont, TX, (2) from the facilities of Mobil Chemical Co. and Rexene Polyefins Company, at Chicago, IL, to points in NY, PA, CT, RI, and MA, (3) from the facilities of Mobil Chemical Co. and Rexene Polyefins Company, at Houston and Beaumont, TX, to Chicago, IL, and points in NY, PA, CT, RI, and MA, (4) from the facilities of Mobile Chemical Co. and Rexene Polyefins Company, at Santa Ana, CA, to points in TX, IL, NJ, and MO, (5) from the facilities of Mobil Chemical Co. and Rexene Polyefins Company, at Holyoke, MA, to Santa Ana, CA, and points in TX, and (6) from the facilities of Mobil Chemical Co. and Rexene Polyefins Company, at points in NJ, to points in NY, PA, CT, RI, and MA, restricted to the transportation of traffic originating at the named origins. (Hearing Site: New York, NY, or Washington, DC.)

MC 16872 (Sub-20F), filed November 22, 1978. Applicant: WILLIAM MIRRER, d.b.a., MIRRER'S TRUCKING CO., 100 East 25th Street, Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *washing, cleaning, and scouring compounds* (except commodities in bulk), from the facilities of Witco Chemical Corp., at Paterson, NJ, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of washing, cleaning, and scouring compounds (except commodities in bulk), from those points in the United States in and east of ND, SD, NE, KS, OK, and TX, to the facilities of Witco Chemical Corp., at Paterson, NJ. (Hearing Site: New York, NY, or Washington, DC.)

MC 19311 (Sub-52F), filed November 15, 1978. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Representative: Elmer J. Maue (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Norwalk, OH, and Huntington, WV, (a) from Norwalk, OH over OH Hwy 61 to junction OH Hwy 3, then over OH Hwy 3 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction Interstate Hwy 64, then over Interstate Hwy 64 to Huntington, WV, and return over the same route, and (b) over U.S. Hwy 20 to junction OH Hwy 4, then over OH Hwy 4 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction Interstate Hwy 64, then over Interstate Hwy 64 to Huntington, WV, and return over the same route, (2) between Norwalk, OH and Charleston, WV, (a) from Norwalk, OH, over OH Hwy 13 to junction U.S. Hwy 33, then over U.S. Hwy 33 to junction WV Hwy 62, then over WV Hwy 62 to Charleston, WV, and return over the same route, and (b) from Norwalk, OH, over OH Hwy 13 to junction Interstate Hwy 71, then over Interstate Hwy 71 to junction U.S. Hwy 33, then over U.S. Hwy 33 to junction WV Hwy 62, then over WV Hwy 62 to Charleston, WV, and return over the same route, (3) between Cleveland, OH, and Charleston, WV, over Interstate Hwy 77, (4) between junction U.S. Hwy 23 and U.S. Hwy 35, and Charleston, WV, over U.S. Hwy 35, and (5) between junction Interstate Hwy 71 and Interstate Hwy 70, and Marietta, OH, from junction Interstate Hwy 71 and Interstate Hwy 70 over Interstate Hwy 70 to junction OH Hwy 60, then over OH Hwy 60 to Marietta, OH, and return over the same route, in (1) through (5) above, serving no intermediate points, and serving junction Interstate Hwy 70 and Interstate Hwy 71, and junction U.S. Hwy 23 and U.S. Hwy 35 for the purposes of joinder only, as alternate routes for operating convenience only. (Hearing site: Detroit, MI).

MC 29643 (Sub-13F), filed December 4, 1978. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, NY 13662. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Lewis and Jefferson Counties, NY, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, RI, DE, NH, VT, and PA, restricted against the transportation of traffic originating at or destined to points in Canada. (Hearing site: Syracuse, NY.)

MC 32882 (Sub-103F), filed November 13, 1978. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: Edward G. Rawle, 1229 North Blue Gum Avenue, Anaheim, CA 92806. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *highway marking strip, glass, spheres*, ballotini, crushed and beaded, and cullet (except in dump or tank vehicles), *materials, equipment*, and *supplies* used in the manufacture, distribution, and installation of highway marking strip, glass, spheres, ballotini, crushed and beaded, and cullet, from Cleveland, OH, Brownwood, TX, Anaheim, CA, and Canby, OR, to those points in the United States in and west of MI, OH, IN, IL, MO, AR, and TX (except AK and HI). (Hearing site: Los Angeles, CA, or Portland, OR.)

MC 34485 (Sub-3F), filed October 25, 1978, as previously published in FEDERAL REGISTER issue of December 19, 1978. Applicant: CLARK & REID, COMPANY, INC., Meadow Road, P.O. Box 426, Burlington, MA 01803. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods*, between points in the

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United States (except AK and HI). NOTE: This republication removes the restriction. (Hearing site: Boston, MA.)

MC 37896 (Sub-30F), filed November 6, 1978. Applicant: YOUNGBLOOD TRUCK LINES, INC., U.S. Highway 25, P.O. Box 778, Fletcher, NC 28732. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *stoves and stove parts*, from points in Mitchell County, NC, to points in the United States (except AK and HI). NOTE: Dual operations are involved in this proceeding. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 44735 (Sub-38F), filed December 15, 1978. Applicant: KISSICK TRUCK LINES, INC., a Kansas corporation, 7101 East 12th, Kansas City, MO 64126. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Fort Smith, AR, to points in IA, KS, MO, and OK. (Hearing site: Little Rock, AR.)

MC 44735 (Sub-39F), filed December 15, 1978. Applicant: KISSICK TRUCK LINES, INC., a Kansas corporation, 7101 East 12th, Kansas City, MO 64126. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Houston, TX, to points in AR, KS, MO, and OK. (Hearing site: Kansas City, MO.)

MC 44735 (Sub-40F), filed December 15, 1978. Applicant: KISSICK TRUCK LINES, INC., a Kansas corporation, 7101 East 12th, Kansas City, MO 64126. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, (2) *louvers*, and (3) *materials and supplies* for cooling towers, from points in OK, to points in KS, NE, MO, IA, IL, OK, IN, MI, ND, SD, WI, MN, and CO. (Hearing site: Oklahoma City, OK.)

MC 50069 (Sub-539F), filed December 22, 1978. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, a Delaware corporation, 445 Earlwood Avenue, Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals and petroleum products*, in bulk, in tank vehicles, from Robinson, IL, to points in LA. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 69116 (Sub-210F), filed November 6, 1978. Applicant: SPECTOR INDUSTRIES, INC., a Delaware Corporation, d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *stainless steel pipe and tubing*, from East Troy, WI, to points in AL, AR, CT, DE, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, NE, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, and DC. (Hearing site: Chicago, IL.)

MC 71074 (Sub-9F), filed July 7, 1978, and previously noticed in the FEDERAL REGISTER issue of December 19, 1978. Applicant: WAREHOUSE TRANSPORT, INC., 211 Plainfield Street, Springfield, MA 01107. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *such merchandise* as is dealt in by grocery and food business houses, and *materials, equipment, and supplies* used in the conduct of such business, (except commodities in bulk), (1) between points in CT, ME, MA, NH, RI, VT, Albany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Onondaga, Oneida, Orange, Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, and Washington Counties, NY, and Bradford, Carbon, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, and Wyoming Counties, PA, and (2) between the points indicated in part (1), on the one hand, and, on the other, the facilities of The Great Atlantic & Pacific Tea Company, Inc., at or near Baltimore and Landover, MD, Edison and Florence, NJ, and Fort Washington and Yeadon, PA, under a continuing contract(s) with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, NJ.

This republication shows the correct docket number for this proceeding as MC-71074 Sub 9F. (Hearing site: New York or Albany, NY.)

MC 74416 (Sub-18F), filed November 2, 1978. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fabricated sheet metal products, heating and air conditioning systems*, and (2) *equipment, materials, and supplies* used in the installation of the commodities named in (1) above, from Philadelphia, PA, to points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, RI, VT, WV, and DC. (Hearing site: Washington, DC.)

MC 76032 (Sub-343F), filed November 27, 1978. Applicant: NAVAJO FREIGHT LINES, INC. 1205 South Platte River Drive, Denver, CO 80223. Representative: Gary Bronson, 301 South 11th Street, Fort Smith, AR 72901. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AZ, CA, CO, CT, DE, IL, IN, IA, KY, MD, MA, MI, MO, NE, NV, NJ, NM, NY, OK, OH, PA, RI, TX, WI, and DC, restricted to the transportation of traffic originating at the named origin. (Hearing site: Denver, CO, or Kansas City, MO.)

MC 82063 (Sub-98F), filed December 4, 1978. Applicant: KLIPSCH HAULING CO., a corporation, 10795 Watson Road, Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *calcium bromide*, in bulk, in tank vehicles, from the facilities of Plastifax, Inc., at or near Gulfport, MO, to points in LA and TX. (Hearing site: Chicago, IL)

MC 82492 (Sub-209F), filed November 27, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: William C. Harris (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of The Pillsbury Company and Fox DeLuxe Pizza Company, at or near Joplin and Carthage, MO, to points in MN, IA, SD, NE, KS, IL, OH, IN, KY, TN, MI, and WI, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL, or Columbus, OH)

MC 95876 (Sub-257F), filed November 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Gerald, MO, to points in CA, CT, DE, IA, ID, IL, IN, MA, MD, ME, MI, MN, MT, ND, NE, NH, NJ, NV, NY, OH, OR, PA, RI, SD, UT, VT, WA, WI, WV, and WY. (Hearing site: St. Louis or Kansas City, MO)

MC 104149 (Sub-206F), filed December 19, 1978. Applicant: OSBORNE TRUCK LINE, INC., P.O. Box 10727, Birmingham, AL 35202. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *mental articles*, between the facilities of O'Neal Steel, Inc., at or near Birmingham and Mobile, AL, Little Rock, AR, Jacksonville and Tampa, FL, Atlanta, GA, LaFayette, Monroe, and Shreveport, LA, Jackson, MS, and Chattanooga and Knoxville, TN, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MD, MS, MO, NC, OK, SC, TN, TX, VA, and WV. (Hearing site: Birmingham, AL)

MC 105162 (Sub-2F), filed November 24, 1978. Applicant: McDONALD TRUCKING COMPANY, INC., 83-14 Cooper Avenue, Glendale, NY 11227. Representative: Martin Werner, 15th Floor, 888 Seventh Avenue, New York, NY 10019. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by chain retail stores, between New York, NY, on the one hand, and, on the other, points in Dutchess and Ulster Counties, NY, under contract with F. W. Woolworth Co., of New York, NY. (Hearing site: New York, NY.)

MC 107012 (Sub-298F), filed November 13, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such comodities* as are sold by wholesale and retail businesses, and *parts* for such commodities as are sold by wholesale and retail businesses, from the facilities of National Presto Industries, Inc., at or near Canton, MS, Alamogordo, NM, and Eau Claire, WI, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origins, and restricted against the transportation of household appliances from Eau Claire, WI, to points in the United States (except AK and HI), and restricted against the transportation of household appliances, from Canton, MS and Alamogordo, NM, to points in CT, DE, ME, MA, MD, NH, NJ, NY, PA, RI, VT, WV, and DC. (Hearing site: Madison, WI, or Washington, DC.)

MC 107012 (Sub-306F), filed November 15, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are sold by retail or wholesale businesses, from the facilities of Teledyne Water Pik, In Larimer County, CO, to points in CA, OR, TX, and WA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Denver, CO, or Washington, DC.)

MC 107012 (Sub-316F), filed November 17, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plumbing goods, vanities, and equipment, materials, and supplies* used in the manufacture of plumbing goods and vanities (except commodities in bulk), between the facilities of Universal Rundle Corporation, at or near Hondo and Corsicana, TX, Union Point and Monroe, GA, Ottumwa, IA, New Castle, PA, Salem, OH, Leominster, MA, Phoenix, AZ, Redlands, CA, Rensselaer and Crawfordsville, IN, on the one hand, and on the other, points in the United States (except AK and HI), restricted against the transportation of household, commercial, and institutional fixtures, between Rensselaer and Crawfordsville, IN, and Salem, OH, on the one hand, and, on the other, points in the United States (except Chicago, IL), and restricted against the transportation of household, commercial, and institutional fixtures, between Leominster, MA, and New Castle, PA, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, MN, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 107012 (Sub-317F), filed November 17, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *baby strollers, baby swings, portable baby beds, baby carriers, baby seats, and juvenile care products*, from the facilities of Gerico Inc., at or near Denver, CO, to points in the United States (except AK, HI, and CO), restricted to the transportation of traffic originating at the named origin. (Hearing Site: Denver, CO, or Washington, DC)

MC 107012 (Sub-320F), filed November 17, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are manufactured, marketed, and distributed by retail, wholesale, and catalogue sales businesses, between the facilities of Smith Enterprises, Inc., at or near Rock Hill, SC, on the one hand, and, on the other, points in the United States (except AK, HI, and SC), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing Site: Charlotte, NC, or Washington, DC)

MC 107012 (Sub-324F), filed November 17, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ice merchandisers and refrigeration units*, from the facilities of the Starrett Corp., at or near Tampa, FL, to points in the United States (except points in Greene and Craighead Counties, AR, and AK, FL, IL, IN, MI, MO, NE, OH, and WI). (Hearing Site: Tampa, FL, or Washington, DC)

MC 107295 (Sub-900F), filed December 18, 1978. Applicant: PRE—FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, trans-

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porting *plumbing goods and fixtures*, from Pacolma, CA, to points in TX, GA, NJ, OH, LA, MS, IN, KS, MO, OK, CO, WA, OR, ID, WY, PA, and IA. (Hearing site: Los Angeles or San Francisco, CA).

MC 107515 (Sub-1196F), filed December 19, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, 5th Floor, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds*, (except commodities in bulk, in tank vehicles), and *filters*, from points in Warren County, MS, to points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, NC, ND, OH, OK, SC, SD, TX, and WI, and (2)(a) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds, and filters*, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, OH, OK, and SC, to points in Warren County, MS, restricted in part (1) and (2) above, to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. NOTE: Dual operations may be involved. (Hearing site: Pittsburgh, PA.)

MC 108119 (Sub-113F), filed December 21, 1978. Applicant: E. L. MURPHY TRUCKING COMPANY, a Corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery*, from points in Los Angeles, Orange, and Ventura Counties, CA, to points in AZ, NV, and TX. (Hearing site: Los Angeles or San Francisco, CA.)

MC 108119 (Sub-114F), filed December 27, 1978. Applicant: E. L. MURPHY TRUCKING COMPANY, a Corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural irrigational equipment*, from Tifton and Atlanta, GA, Centerville, UT, and points in Denver, Arapahoe, Adams, Jefferson, and Douglas Counties, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 108119 (Sub-115F), filed December 27, 1978. Applicant: E. L. MURPHY TRUCKING COMPANY, a Corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cooling towers*, between points in Sonoma County, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: San Francisco or Los Angeles, CA.)

MC 109689 (Sub-342F), filed December 21, 1978. Applicant: W. S. HATCH CO., a Corporation, P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 W. Broadway #400, Salt Lake City, UT 84101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *borate rock*, in bulk, from Dunn, CA, to the facilities of Owens-Corning Fiberglas Corporation in GA, KS, NJ, SC, TN, and TX. (Hearing site: Salt Lake City, UT)

MC 109692 (Sub-76F), filed November 6, 1978. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a Corporation, Route 13, Kansas City, MO 64161. Representative: Warren H. Sapp, P.O. Box 16047, Kansas City, MO 64112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, perishable commodities, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), between the Kansas City, MO-KS Commercial Zone, on the one hand, and, on the other, points in Norton, Phillips, Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Rooks, Osborne, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Russell, Lincoln, Ottawa, Dickinson, Geary, Morris, Wabaunsee, Shawnee, Douglas, Johnson, Barton, Ellsworth, Saline, McPherson, Marion, Chase, Morris, Rice, Lyon, Osage, Coffey, Franklin, Miami, Anderson, Reno, Harvey, Sedgwick, Wyandotte, Butler, and Greenwood Counties, KS.

NOTE: The purpose of this filing is to eliminate the gateway of those points in NE which are within 15 miles of Lanham, NE, and which are also within 20 miles of Hollenberg, KS. (Hearing Site: Kansas City, MO)

MC 111485 (Sub-23F), filed November 17, 1978. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, KY 42071. Representative: Robert H. Kinker, 314 W. Main Street, P.O. Box 464, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the facilities of Hickman-Fulton County Riverport, at or near Hickman, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Murray, KY)

MC 111485 (Sub-24F), filed November 30, 1978. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, KY 42071. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of G.A.F. Corporation, at Calvert City, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Murray, KY)

MC 111812 (Sub-602F), filed November 27, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in packages, from Reno and Rouseville, PA, to points in FL. (Hearing site: Chicago, IL)

MC 111812 (Sub-603F), filed November 29, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *games, toys*, and *parts* for games and toys, from Taunton and Salem, MA, and Montville, CT, to Des Moines and Urbandale, IA. (Hearing site: Boston, MA)

MC 112016 (Sub-15F), filed November 2, 1978. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, NY 11215. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by discount department stores, and (2) *equipment, materials, and supplies* used in the conduct of the commodities in (1) above, (except foodstuffs and commodities in bulk), between New York, NY, and Secaucus, NJ, on the one hand, and, on the other, points in MN, under contract with Jubilee Shops Inc., of Secaucus, NJ. (Hearing site: New York, NY)

MC 114552 (Sub-186F), filed November 22, 1978. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asbestos cement pipe, couplings*, and *fittings*, and *accessories* used in the installation of asbestos cement pipe, couplings, and fittings) except commodities in bulk), from the facilities of CertainTeed Corporation, at Ambler, PA, to those points in the United States in the east of WI, IL, KY, TN, and MS and in and west of OH, WV, VA, MD, and DC. (Hearing site: Washington, DC)

MC 114552 (Sub-187F), filed November 22, 1978. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asbestos cement pipe, couplings*, and *fittings*, and *accessories* used in the installation of asbestos cement pipe, couplings, and fittings (except commodities in bulk), from the facilities of CertainTeed Corporation, at Hillsboro, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC)

MC 114552 (Sub-188F), filed November 24, 1978. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *clay and clay products* (except commodities in bulk), from Paris, TN, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture, processing, and distribution of clay and clay products (except commodities in bulk), from points in the United States (except AK and HI), to Paris, TN. (Hearing site: Columbia, SC, or Charlotte, NC)

MC 116982 (Sub-15F), filed November 29, 1978. Applicant: FUCHS, INC., R. R. 1, Box 576, Sauk City, WI 53583. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *junk, salvage, and surplus goods*, from Chicago, IL, to points in WI, under contract with Gerald Wagner, doing business as G. Wagner Surplus, of Oak Lawn, IL. (Hearing site: Chicago, IL, or Madison, WI)

MC 117119 (Sub-711F), filed December 27, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: M. M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *acids, chemicals, powdered metals, salt, and chemical compounds*, (except commodities in bulk), from Irvine, CA, to points in IL, MA, OR, TX, and WA. (Hearing site: Boston, MA, or Washington, DC.)

MC 117815 (Sub-305F), filed December 15, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. Twentieth Street, Des Moines, IA 50317. Representative: Michael L. Carter (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by business and office supply companies, from the facilities of United Stationers, at Forest Park, IL, to Des Moines, IA, restricted to the transportation of traffic originating at the named origin and destined to the named destination. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 118159 (Sub-308F), filed December 22, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., a Louisiana corporation, P.O. Box 51366 Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 East Commercial Boulevard, Ft. Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from Albion, NY, and Flemington, NJ, to points in AL, AR, CO, FL, GA, LA, MS, NM, NC, OK, SC, TN, and TX. (Hearing site: Atlanta, GA.)

MC 118159 (Sub-309F), filed December 28, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., a Louisiana corporation, P.O. Box 51366 Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 East Commercial Boulevard, Ft. Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning, scouring and washing compounds, sodium bicarbonate, and sodium carbonate*, (except commodities in bulk), from the facilities of Church & Dwight Company, Inc., at or near Syracuse, NY, to points in AR, CO, IL, IA, KS, MN, MO, NE, NM, ND, OK, SD, TN, TX, UT, WI, and WY. (Hearing site: Atlanta, GA.)

MC 118202 (Sub-97F), filed November 29, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flour* (except commodities in bulk), from Winona, MN to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing Site: Minneapolis, MN)

MC 118202 (Sub-98F), filed November 29, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winnoa, MN 55987. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *preserved foodstuffs*, from the facilities of Heinz U.S.A., Div. of H. J. Heinz Co., at or near Pittsburgh, PA, to points in KS, MN, MO, ND, SD, and WI, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing Site: Washington, DC.)

MC 119493 (Sub-247F), filed December 4, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flour, flour mixes, and flour meals*, (except commodities in bulk), from points in IL and IN to points in AL, AR, FL, GA, LA, MS, NC, SC, and TX. (Hearing site: Kansas City or St. Louis, MO.)

MC 119522 (Sub-40F), filed November 20, 1978. Applicant: McCAIN TRUCKING, INC., 2425 Walton Street, P.O. Box 2159, Anderson, IN 46011. Representative: John B. Leatherman, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *boxes, sheets, and paper*, (a) from Terre Haute and Ft. Wayne, IN, to Lexington, KY, and (b) from Lexington, KY, to points in IN, IL, and

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OH; and (2) *materials and supplies* used in the manufacture of boxes, sheets, and paper, from points in IN, Il, and OH to Lexington, KY. (Hearing Site: Indianapolis, IN, or Chicago, IL.)

NOTE. Dual operations are at issue in this proceeding.

MC 119789 (Sub-535F), filed December 21, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *transformers and parts* for transformers, (except commodities which because of size or weight require the use of special equipment), from Arcadia, FL, to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. Hearing site: Tampa, FL.)

MC 123255 (Sub-175F), filed August 23, 1978, as previously published in FEDERAL REGISTER issue of October 5, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of glass and glass products, (except commodities in bulk), between the facilities of or used by Anchor Hocking Corporation, at points in CA, FL, IL, IN, MD, MN, NJ, OH, PA, TX, and WV, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to Anchor Hocking Corporation, Gas Transport, Inc., Carr-Lowrey Glass Company, Plastics, Inc., Moldcraft Incorporated, Keenan Oil Co., The Phoenix Glass Company, Zanesville Mould Company, National Retailers Guild, Inc., and Amerock Corporation.

NOTE: This republication modifies the commodities description and adds the restriction. (Hearing site: Columbus, OH.)

MC 123255 (Sub-191F), filed December 27, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodidties in bulk), from Brocton and Westfield, NY, and North East, PA, to points in OH. (Hearing site: Columbus, OH)

MC 123255 (Sub-192F), filed December 27, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastics and plastic articles*, between the facilities of International Paper company, at or near Hudson, NC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

MC 124692 (Sub-252F), filed November 20, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asbestos cement pipe, couplings, and fittings*, and *accessories* used in the installation of asbestos cement pipe, couplings, and fittings (except commodities in bulk), from the facilities of Certain-Teed Corp., at Hillsboro, TX, to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 124692 (Sub-253F), filed November 21, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by farm supply cooperatives (except foodstuffs, commodities in bulk, household goods as defined by the Commission, feed, feed ingredients, commodities which, because of size and weight, require the use of special equipment, agricultural machinery and implements, other than hand, and agricultural tractors), (1) from points in MO, IA, and NE to points in MT, WY, ID, ND, SD, UT, WA, OR, NM, and WI, and (2) between points in IA and NE, restricted to the transportation of traffic originating at the named origins and destined to the facilities of Farmers Union Central Exchange, Inc. (Cenex), in the named destinations. (Hearing site: St. Paul, MN.)

MC 124692 (Sub-254F), filed November 21, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *insulated building and roofing panels*, and *equipment, materials, and supplies* used in the installation of insulated building and roofing panels (except commodities in bulk), from the facilities of Panel Era Corporation, at or near Chicago, IL, Washington, DC, Atlanta, GA, Dallas, TX, and Salt Lake City, UT, to points in the United States (including AK, excluding HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (including AK, excluding HI), to the facilities of Panel Era Corporation, at or near Chicago, IL, Washington, DC, Atlanta, GA, Dallas, TX, and Salt Lake City, UT, restricted in (1) and (2) to the transportation of traffic originating at and destined to the named facilities. (Hearing site: Salt Lake City UT.)

MC 124896 (Sub-76F), filed November 3, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3465, Wilson, NC 27893. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry spaghetti and macaroni products*, from Jersey City, NJ, to points in FL, GA, NC, SC, and VA. (Hearing site: Atlanta, GA.)

MC 125335 (Sub-41F), filed December 26, 1978. Applicant: GOOD-WAY, INC., a Maryland corporation, P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Dakota City, NE, to points in CT, DE, ME, MD, MA, NH, NY, NJ, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing Site: Omaha, NE, or Kansas City, MO.)

NOTE.—Dual operations may be involved.

MC 125335 (Sub-42F), filed December 27, 1978. Applicant: GOOD-WAY, INC., a Maryland corporation, P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery*, from the facilities of Wilbur Chocolate Company, Inc., at or near Lititz, PA, to points in IN, IL, WI, MN, IA, NE, KS, CO, OK, TX, and OH. (Hearing Site: Harrisburg, PA, or Lincoln, NE.)

NOTE.—Dual operations may be involved.

MC 125335 (Sub-43F), filed December 27, 1978. Applicant: GOOD-WAY, INC., a Maryland corporation, P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of Durkee Foods, Division of SCM Corporation, at or near Bethlehem, Shiremanstown, and Mechanicsburg, PA, to points in WI, MN, MI, OH, IL, FL, GA, TN, TX, IA, NE, KS, MO, and CO. (Hearing Site: Harrisburg or Philadelphia, PA.)

NOTE.—Dual operations may be involved.

MC 125952 (Sub-33F), filed November 20, 1978. Applicant: INTERSTATE DISTRIBUTOR CO., a Corporation, 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cakes, cookies, bakery supplies, bakery materials, and bakery ingredients*, between points in AZ, CA, ID, NV, NM, OR, TX, UT, and WA, under contract with Mother's Cake and Cookie Co., of Oakland, CA. (Hearing Site: Oakland, CA)

NOTE.—Dual operations are at issue in this proceeding.

MC 126679 (Sub-10F), filed December 26, 1978. Applicant: DENNIS TRUCK LINE, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith,. Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *newsprint paper*, from points in Laurens County, GA, to points in AL, FL, GA, MD, MS, NC, SC, TN, and VA, and (2) *materials, equipment, and supplies* used in the manufacture of newsprint paper, from points in AL, FL, GA, MD, MS, NC, PA, SC, TN, VA, and MD to points in Laurens County, GA. (Hearing site: Atlanta, GA)

MC 128539 (Sub-10F), filed December 26, 1978. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4508, Rocky Mount, NC 27801. Representative: Robert J. Corber, Suite 1050, 1747 Pennsylvania Ave. NW., Washington, DC 20006. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry terephthalic acid*, in bulk, in tote bins and hopper-type vehicles, from points in Berkeley County, SC, to those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN to the International Boundary line between the United States and Canada. (Hearing site: Washington, DC, or Raleigh, NC)

MC 129032 (Sub-66F), filed November 27, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 So. 49th West Ave., Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of the Pillsbury Co. and Fox DeLuxe Pizza Co., at or near Joplin and Carthage, MO, to points in CO, IL, IN, OK, KS, TX, AZ, UT, CA, and NM, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing Site: Minneapolis, MN, or Chicago, IL)

MC 133119 (Sub-154F), filed December 26, 1978. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of The Pillsbury Company and Fox DeLuxe Pizza Company, at or near Joplin and Carthage, MO, to points in AZ, CA, CO, ID, IL IN, IA, KS, MI, MN, MT, NE, NV, NM, ND, OH, OK, OR, SD, UT, WA, WI, and WY, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Minneapolis, MN, or Omaha, NE)

MC 133453 (Sub-18F), filed December 4, 1978. Applicant: TROJAN TRANSPORTATION, INC., 1616 Walnut Street, 24th Floor, Philadelphia, PA 19103. Representative: Richard M. Ochroch, 316 S. 16th Street, Philadelphia, PA 19103. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery stores, department stores, and food business houses, (except glass containers and commodities in bulk), between points in CT, DE, MD, MA, MN, NJ, NY, PA, RI, VA, NC, SC, WV, GA, FL, AL, LA, MS, TN, and DC, under contracts with (1) Food Fair, Inc., (2) Ideal Shoe Company, and (3) J. M. Fields, Inc., all of Philadelphia, PA. (Hearing site: Philadelphia, PA, or Washington, DC)

MC 133566 (Sub-126F), filed November 1, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, IN 46907. Representative: Thomas J. Beener, Suite 4959, One World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen foods*, and (2) *materials and supplies* used in the manufacture and distribution of frozen foods, (except commodities in bulk), between the facilities of Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and, on the other, points in CT, DE, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, VT, and DC, restricted to the transportation of traffic originating at or destined to the named origin facilities. (Hearing site: Minneapolis, MN, or New York, NY)

MC 133655 (Sub-127F), filed October 10, 1978. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soap, cleaning compounds, and toilet preparations*, from Kansas City, KS, to points in AR, LA, OK, and TX. (Hearing site: Chicago, IL)

MC 134035 (Sub-31F), filed December 18, 1978. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, Highway 75 South, P.O. Box 698, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plumbing supplies and fittings*, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between Pacoima, CA, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and NM. (Hearing site: Los Angeles, CA, or Dallas, TX)

MC 134035 (Sub-32F), filed December 18, 1978. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *floor coverings*, from Dalton and Rabun Gap, GA, Sanford, ME, Trenton, NJ, Fogelsville and Marcus Hook, PA, and Glasgow, VA, to points

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in AZ, CA, NV, NM, OR, TX, and WA. (Hearing site: Los Angeles, CA)

MC 134035 (Sub-33F), filed December 18, 1978. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *welders, welder parts, welder systems, and welding compounds*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between the facilities of Stoody Company and Stoody International Company, at or near City of Industry and Santa Fe Springs, CA, on the one hand, and, on the other, points in AZ, CO, NM, UT, and WY, and those in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA)

MC 134286 (Sub-71F), filed August 23, 1978, and previously noticed in the FR issue of November 14, 1978. Applicant: ILLINI EXPRESS, INC., a Nebraska corporation, P.O. Box 1564, Sioux City, IA 51102. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except commodities in bulk), and (2) *fibreboard boxes*, from the facilities of Ocean Spray Cranberries, Inc., at or near (a) Kenoshal, WI, and (b) North Chicago, IL, to points in KS, OK, and TX. NOTE: The person or persons who appear to be engaged in common control must either file an application under Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL, or Sioux City, IA)

NOTE.—This republication adds OK and a destination point in lieu of OR.

MC 134286 (Sub-86F), filed November 6, 1978. Applicant: ILLINI EXPRESS, INC., a Nebraska Corporation, P.O. Box 1564, Sioux City, IA 51102. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *boots, shoes, and ladies' handbags*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between points in MA, NH, NJ, and NY, on the one hand, and, on the other, points in AR, IL, MO, and TN. (Hearing site: St. Louis, MO, or Sioux City, IA)

NOTE.—The person or persons who appear to be engaged in common control between applicant and another regulated carrier must either file an application under U.S.C. § 11343 (a) (formerly Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 134592 (Sub-17F), filed November 24, 1978. Applicant: HERB MOORE & HAZEL MOORE, DOING BUSINESS AS H & H TRUCKING CO. 10360 N. Vancouver Way, Portland, OR 97211. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages, wine, and champagne*, from points in CA to Bellevue and Seattle, WA. (Hearing Site: Seattle, WA).

MC 134983 (Sub-5F), filed December 4, 1978. Applicant: MID CONTINENT TRUCKING COMPANY, a corporation, 204 Morningside Drive, Denison, IA 51442. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68504. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meat, meat products and meat byproducts*, and *articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at Denison, Carroll, and Iowa Falls, IA, to points in TN (except Memphis), and FL, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except hides, commodities in bulk, and commodities the transportation of which require the use of special equipment), in the reverse direction, under contract with Farmland Foods, Inc., of Denison, IA. (Hearing site: Lincoln, NE)

MC 136315 (Sub-47F), filed December 4, 1978. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposite Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hardboard, insulation board, plywood, particle board*, and (2) *parts, materials, and accessories* used in the installation of the commodities in (1) above, from the facilities of Abitibi Corporation, in (1) Calhoun County, FL, (2) Lucas County, OH, and (3) Wilkes County, NC, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Jackson, MS, or Washington, DC.)

NOTE: Dual operations may be invalued.

MC 136644 (Sub-7F), filed June 23, 1978, previously noticed in the FR issue of September 12, 1978. Applicant: WESTERN DRYWALL TRANSPORT, INC., 2001 Broadway, Vallejo, CA 94590. Representative: William D. Taylor 100 Pine Stree, Suite 2550, San Francisco, CA 94111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *compressed wood fiberboard*, from the facilities used by Kaiser Cement & Gypsum Corporation, at or near St. Helens, OR, to points in CA, under contract with Kaiser Cement & Gypsum Corporation, of Oakland, CA. This republication shows the correct docket number as MC 136644 Sub-7F (Hearing site: San Francisco, CA.)

MC 136786 (Sub-142F), filed November 3, 1978. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Ave., Des Moines, IA 50321. Representative: William L. Libby, 7525 Mitchell Rd., Eden Prairie, MN 55344. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AZ, CA, CT, DE, ID, KY, MA, MD, ME, MT, NH, NJ, NV, NY, OR, PA, RI, TN, UT, VA, VT, WA, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Wichita, KS.)

MC 138313 (Sub-46F), filed December 4, 1978. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *silica sand*, from the facilities of Wedron Silica Division, Pebble Beach Corporation, at or near Emmett, ID, to (1) points in ND, SD, MT, WA, OR, UT, and those in ID in and north of Idaho County, ID, and (2) points on the international boundary line between the United States and Canada in WA, ID, and MT. (Hearing site: Boise, ID, or Salt Lake City, UT.)

MC 138882 (Sub-178F), filed November 20, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery* and *accessories* for machinery, from the facilities of Summit Machine Tool Manufacturing Corp., at or near Oklahoma City, OK, to points in IN, IL, TX, FL, MI, OH, SC, MO, MA, PA, VA, NJ, IA, KS, LA, NC, TN, MN, WI, NY, MS, AL, GA, and MD. (Hearing site: Oklahoma City, OK, or Montgomery, AL)

MC 138882 (Sub-179F), filed November 20, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers* and *plastic containers, accessories* for glass containers and plastic containers, and *materials, equipment, and supplies* used in the manufacture and distribution of glass containers and plastic containers and accessories (except commodities in bulk), from points in Montgomery County, AL, to points in AL, GA, NC, SC, KY, TN, FL, LA, and MS. (Hearing site: Montgomery, AL, or Philadelphia, PA)

MC 139457 (Sub-10F), filed October 30, 1978. Applicant: G. L. SKIDMORE, d.b.a. JELLY SKIDMORE TRUCKING CO., P.O. Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs and canned and packaged animal food*, and (2) *ingredients and supplies* used in the manufacture of the commodities in (1) above, (a) from Napoleon, OH, and Milwaukee, WI, to the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX, and (b) from the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX, to the facilities of Campbell Soup Company, at or near Maxton, , NC, under continuing contract with Campbell Soup (Texas) Inc., of Paris, TX. (Hearing site: Dallas, TX, or Washington, DC)

MC 139482 (Sub-73F), filed November 30, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles* distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from New York, NY, Philadelphia, PA, Wilmington, DE, Boston, MA, Baltimore, MD, and New Haven, CT, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, PA, and WI. (Hearing site: Chicago, IL)

NOTE.—Dual operations are at issue in this proceeding.

MC 140729 (Sub-4F), filed December 21, 1978. Applicant: RUSS EDIGER TRUCKING, INC., 50001 West 40th Street, Sioux Falls, SD 57105. Representative: M. Mark Menard, P.O. Box 480, Sioux Falls, SD 57101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dairy products*, as described in Section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and (2) *supplies* used in the production and distribution of dairy products, between Sioux Falls, SD, on the one hand, and, on the other, points in ND, under contract with Terrace Park Dairy, of Sioux Falls, SD. (Hearing site: Sioux Falls, SD, or Sioux City, IA)

MC 140829 (Sub-160F), filed December 20, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Clothing*, and (2) *materials, equipment, and supplies* used in the sale of clothing, from Secaucus, NJ, and Philadelphia, PA, to points in AR, CA, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, OK, OH, TX, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC)

NOTE.—Dual operations may be at issue in the proceeding.

MC 140829 (Sub-161F), filed December 18, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods*, from the facilities of Oconomowoc Canning Co., at or near Poynette, WI, to points in AZ, CA, CO, CT, DE, IA, KS, ME, MD, MA, MO, NE, NV, NH, NJ, NM, NY, ND, OK, OR, PA, RI, SD, TX, VT, and WA. (Hearing site: Washington, DC)

NOTE.—Dual operations may be at issue in this proceeding.

MC 140829 (Sub-162F), filed December 26, 1978. Applicant: CARGO CONTRACT CARRIER CORP., A New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *prepared frozen foods*, from the facilities of Banquet Foods Corporation, at Carrollton, Marshall, Macon, and Moberly, MO, to points in CT, DE, MD, MA, NH, NJ, NY, OH, PA, RI, and VT. (Hearing site: St. Louis, Mo, or Omaha, NE)

NOTE.—Dual operations may be at issue in this proceeding.

MC 140829 (Sub-163F), filed December 26, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning, scouring and washing compounds*, from Des Plaines, IL, to points in CO, MN, MO, and TX. (Hearing site: Chicago, IL, or Omaha, NE)

NOTE.—Dual operations may be at issue in this proceeding.

MC 140829 (Sub-164F), filed December 26, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses, (except commodities in bulk in tank vehicles), from the facilities of Dry Storage Corporation, at or near Chicago, IL, to points in MA, MI, MO, NY, OH, PA, RN, TX, and WV. (Hearing site: Chicago, IL, or Omaha, NE)

NOTE.—Dual operations may be at issue in this proceeding.

MC 140829 (Sub-165F), filed December 26, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over

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irregular routes, transporting *tin plate tubes and perforated tin plate*, from Holbrook, MA, to the facilities of J. A. Baldwin Manufacturing Co., at or near Kearney, NE. (Hearing site: Omaha, NE, or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 140829 (Sub-166F), filed December 27, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *deodorants, disinfectants, breath freshness, cleaning compounds, and insecticides*, (except commodities in bulk), and (2) *materials, equipment and supplies* used by deodorant and cleaning compound manufacturers, (except commodities in bulk), between points in CA, FL, GA, IL, IN, MI, MN, MO, NE, NJ, NY, NC, OH, RI, TX, and WI, restricted to the transportation of traffic moving from, to or between the facilities of Airwick Industries, Inc. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 140829 (Sub-167F), filed December 27, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lawn mowers*, from the facilities of Outboard Marine Corporation, at or near Manawa, WI, to points in CO, CT, IA, KS, ME, MD, MA, MO, NE, NH, NJ, NY, OK, PA, RI, TX, VA, VT, and DC. (Hearing site: Chicago, IL, or Omaha, NE.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 140829 (Sub-168F), filed December 27, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals, pigments, food products, electronic pianos, and organs*, from the facilities of Distribution Centers of Chicago, Inc., at or near Bridgeview, IL, to points in CA, IA, KS, MN, MO, NE, TX, and WI. (Hearing site: Chicago, IL, or Omaha, NE.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 142559 (Sub-74F), filed December 11, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *soap, cleaning compounds, fuel oil conditioners, ice control compounds, chemicals, automotive cleaners, automotive waxes, fuel additives, oil additives, household deodorants, and household disinfectants*, (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between Barberton, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH, or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 142679 (Sub-2F), filed December 26, 1978. Applicant: S. H. MITCHELL, d.b.a. UNITED TRUCK LINES, P.O. Box 8596, Greensboro, NC 27410. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street, Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *manufactured tobacco and tobacco products*, and *related advertising and packaging materials*, from Winston-Salem, NC, to points in the United States (except AK and HI), under contract with R. J. Reynolds Tobacco Company, of Winston-Salem, NC. (Hearing site: Winston-Salem, NC.)

MC 142715 (Sub-22F), filed December 18, 1978. Applicant: LENERTZ, INC., 8425 Hudson Road, Lake Elmo, MN 55042. Representative: Andrew R. Clark, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Meat, meat byproducts, and meat packing house supplies*, from the facilities of Peck Packing Co., at Milwaukee, WI, to the facilities of Pabst Meat Co., at St. Paul, MN. (Hearing site: Minneapolis, MN.)

MC 143775 (Sub-45F), filed December 14, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal wire*, from Willimantic, CT, Siloam Springs, AR, and Enka, NC, to points in CA, OR, WA, AZ, NV, NM, TX, and AR. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved.

MC 143775 (Sub-46F), filed December 27, 1978. Applicant: PAUL YATES INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal wire and cable*, from Shrewsbury, MA, to points in CA, IL, IA, NV, OH, and TX. (Hearing site: Boston, MA, or Washington, DC.)

NOTE.—Dual operations may be involved.

MC 144117 (Sub-18F), filed November 2, 1978. Applicant: T.L.C. LINES, INC., 1666 Fabick Drive, Fenton, MD 63026. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *charcoal briquettes, vermiculite, charcoal lighter fluid, hickory chips, fireplace logs, and barbeque cooking utensils*, (except commodities in bulk), (1) from the facilities of The Kingsford Company, at Jacksonville, TX, to points in AX, CA, CO, NM, NV, and UT, and (2) from the facilities of The Kingsford Company, at Belle, MO, to points in CO, KS, MN, NE, ND, and SD, restricted in (1) and (2) above to the transportation of traffic originating at the named origin facilities. (Hearing site: Washington, DC.)

Mc 144222 (Sub-5F), filed November 27, 1978. Applicant: RONALD HACKENBERGER, d.b.a., RON'S TRUCKING SERVICE, Route 3, Norwalk, OH 44857. Representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, OH 43017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lime and limestone products*, in bulk, from Huron, OH, to points in IN, IL, KY, MI, WV, PA, and NY; and (2) *coal*, in bulk, from points in Carter, Perry, Morgan, and Clay Counties, KY, to those points in OH on and north of U.S. Hwy 30. (Hearing Site: Columbus, OH.)

MC 144372 (Sub-1F), filed November 20, 1978. Applicant: L.E. AND R.A. BARNES, d.b.a. BARNES TRUCKING, 720 8th Avenue, Box 386, Safford, AZ 85546. Representative: L.E. Barnes (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *beer*, in containers, from Safford and Glove, AZ, to Los Angeles, CA, under contract with Copper Basin Distributors, of Globe, AZ. (Hearing site: Safford or Phoenix, AZ.)

MC 144513 (Sub-6F), filed December 4, 1978. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *brick*, from the facilities of May Brik Co., at Los Angeles, CA, to points in the United States (except AK, HI, and CA). (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations may be involved.

MC 144622 (Sub-29F), filed November 29, 1978. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343. Little Rock, AR 72219. Representative: Phillip Glenn (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fire protection equipment*, from Charlottsville, VA, to points in CA, OR, and WA. (Hearing site: Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 144652 (Sub-2F), filed November 24, 1978. Applicant: SATELLITE TRANSPORT, INC., P.O. Box 207, Flora, IN 46929. Representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry feed and feed ingredients, animal health aids, and sanitation products*, between the facilities of Allied Mills, Inc., at or near Castleton and Ft. Wayne, IN, on the one hand, and, on the other, points in KY, IL, MI, and OH, under contract with Allied Mills, Inc., of Columbus, OH. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 144815 (Sub-1F), filed December 20, 1978. Applicant: CHARLES A. HURST, d.b.a. CHAR-LEE LEASING CO., 1416 South View Drive, Bluefield, WV 24701. Representative: Stephen P. Swisher, 339 12th St., Dunbar, WV 35064. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *mining machinery*, which because of size and weight require the use of special equipment, from the facilities of WVA Administration Corporation and West Virgina Armature Company, Inc., in Glen Lyn, VA, Bluefield, WV, Isom, KY, and Beckley, WV, to points in VA, WV, KY, OH, PA, TN, AL, CO, UT, IN, and IL, and (2) *materials, equipment, and supplies* used in the manufacture of mine machinery, in the reverse direction, under contract with WVA Administration Corporation, of Rich Creek, VA. (Hearing site: Charleston, WV, or Roanoke, VA.)

MC 144889 (Sub-1F), filed December 18, 1978. Applicant: RONWAL TRANSPORTATION, INC., 2600 Calumet Avenue, Hammond, IN 46320. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Union Rolls Corporation, at Valparaiso, IN, to facilities of Midwest Steel Division of National Steel Corp., at Portage, IN, and the facilities of LaSalle Steel Company, at Griffith and Hammond, IN, to thpse points in IL on and north of U.S. Hwy 36, and (2) *building materials and sound deadening materials*, from the facilities of Globe Industries, Inc., at Lowell and Whiting, IN, to those points in IL on and north of U.S. Hwy 36. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 145102 (Sub-1F), filed November 29, 1978. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by food business houses (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in AZ and CA, to the facilities of Supervalu Stores, Inc., at Bismarck and Fargo, ND, Champaign, IL, Greensburg, PA, Hopkins, MN, Fort Wayne, IN, Indianola, MS, Milwaukee and Green Bay, WI, Des Moines, IA, Xenia, OH, and Anniston, AL, and the facilities of Randall Supervalu, at Mitchell, SD. (Hearing Site: Minneapolis, MN.)

NOTE.—Dual operations are at issue in this proceeding.

MC 145152 (Sub-25F), filed November 29, 1978. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk, in tank vehicles), in insulated and mechanically refrigerated equipment, from the facilities of Kraft, Inc., at or near Lakeland, FL, to points in AL, GA, KY, LA, MS, NC, SC, TN, and VA. (Hearing Site: Atlanta, GA, or Tampa, FL.)

MC 145152 (Sub-26F), filed November 28, 1978. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *office furniture*, from Springdale, AR, to points in AL, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, ND, NE, NM, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, VT, WI, WV, WY, and DC; and (2) *parts, equipment, materials*, and *supplies* used in the manufacture of office furniture, from Morristown, TN, to Springdale, AR. (Hearing Site: Fayetteville; AR, or Tulsa, OK.)

MC 145502 (Sub-2F), filed November 20, 1978. Applicant: COYNE MOTOR SERVICE, INC., 9212 South Parkside, Oak Lawn, IL 60453. Representative: Robert J. Gill, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *printing ink*, from the facilities of Central Ink and Chemical Co., at West Chicago, IL, to points in MI, MN, MO, OH, OK, WV, and WI; and (2) *oils* used in the manufacture of printing ink, from Detroit, MI, to the facilities of Central Ink and Chemical Co., of West Chicago, IL, under contract with Central Ink and Chemical Co., of West Chicago, IL; and (3) *newsprint paper*, between the facilities of Norwood Papers, at Chicago, IL, on the one hand, and, on the other, points in IA, IN, MI, MN, and WI, under contract with Norwood Papers, of Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 145562 (Sub-1F), filed November 29, 1978. Applicant: THE BROWNIE CORP., P.O. Box 273, Port Huron, MI 48060. Representative: Rick A. Rude, 1730 Rhode Island Avenue, NW., Suite 801, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *beet pulp pellets*, in bulk, from points in the Lower Peninsula of MI, to Port Huron and Essexville, MI, restricted to the transportation of traffic having a subsequent movement by water. (Hearing site: Minneapolis, MN.)

MC 145577 (Sub-1F), filed October 31, 1978. Applicant: GULLETT-GOULD, LTD., a Kansas corporation, P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *compressors and evaporator coils*, from Syracuse and De Witt, NY, Tecumseh, MI, and

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Marion, Sidney, and West Union, OH, to the facilities of BDP Company, a division of Carrier Corp., at or near City of Industry, CA. (Hearing site: Columbus, OH, or Washington, DC.)

MC 145696F, filed November 6, 1978. Applicant: M & M LTD., 228 Louisville Air Park, Louisville, KY 40213. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, from Milwaukee, WI, Memphis, TN, Belleville, IL, Ft. Wayne, IN, and Cincinnati, OH, to Louisville, KY, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of malt beverages, (except commodities in bulk), in tank vehicles, in the reverse direction, under contract with Mo Moorman Distributors, Inc., of Louisville, KY. (Hearing site: Louisville, KY.)

MC 145775F, filed November 8, 1978. Applicant: JEROME CRAIG, JR. AND RALPH, CRAIG, a partnership d.b.a. JEROME CRAIG SONS, Box 90, Whitewater, CO 81527. Representative: Truman A. Stockton, Jr., the 1650 Grant Street Building, Denver, CO 80203 To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal* (1) between points in Jackson County, CO, (2) from points Jackson County, CO, to points in Albany County, WY, and (3) between points in Routt County, CO. (Hearing site: Denver, Co.)

MC 145792F, filed November 22, 1978. Applicant: REO MOVERS AND VAN LINES, INC., 7000 South Chicago Avenue, Chicago, IL 60637. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods*, as defined by the Commission, between points in Lake, McHenry, Boone, Winnegago, Stephenson, Jo Daviess, Cook, DuPage, Kane, DeKalb, Ogle, Lee, Carroll, Whiteside, Rock Island, Henry, Bureau, La Salle, Kendall, Grundy, Will, Kankakee, Putnam, Knox, Stark, Marshall, Livingston, Iroquis, Woodford, Peoria, Tazewell, McLean, Ford, DeWitt, Champaign, Vermilion, Piatt, Douglass, and Edgar Counties, IL, points in Jackson, Clinton, and Scott Counties, IA, points in Manitowoc, Sheboygan, Ozaukee, Milwaukee, Racine, Kenosha, Walworth, Rock, Green, Lafayette, Iowa, Sauk, Dane, Columbia, Dodge, Jefferson, Waukeska, Washington, and Fond Du Lac Counties, WI, points in Jasper, Wells, Lake, Porter, LaPorte, St. Joseph, Elkhart, Lagrange, Steuben, DeKalb, Allen, Newton, Benton, Warren, Fountain, Parke, Vermillion, Starke, Marshall, Kosciusko, Noble, Pulaski, Fulton, Whitley, White, Cass, Miami, Wabush, Huntingon, Carroll, Howard, Grant, Blackford Tippecanoe, Clinton, Tipton, Montgomery, Boone, Hamilton, Madison, Putnam, Hendricks, and Marion Counties, IN, and points in Berien, Cass, St. Joseph, Branch, Hillsdale, Van Buren, Kalamazoo, Calhoun, Allegan, Barry, Ottawa, Kent, Muskegon, Oceana, and Newaygo Counties in MI, on the one hand, and, on the other, points in AL, AR, CO, CT, IL, FL, GA, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, WI, and DC. (Hearing site: Chicago, IL.)

MC 145889 (Sub-1F), filed December 27, 1978. Applicant: CRICKET EXPRESS, INC., P.O. Box 187, Hastings, NE 68901. Representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501 To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hides, skins, and pieces* of hides and skins, from the facilities of Dubuque Packing Company, at or near Mankato, KS, to the facilities of Hastings Hide, Inc., in Clay County, Ne, under contract with Hastings Hide, Inc., of Hastings, NE. (Hearing site: Hastings or Lincoln, NE.)

MC 130537F, filed October 26, 1978. Applicant: CAREFREE MOTOCOACH TOURS, INC., Suite 238, Nashville House, One Vantage Way, Nashville, TN 37228. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. To engage in operations in interstate or foreign commerce, as *a broker*, at Nashville, TN, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in charter operations, between points in Cheatham, Davidson, Dickson, Maury, Montgomery, Robertson, Rutherford, Sumner, Williamson, and Wilson Counties, TN, on the one hand, and, on the other, points in the United States, including AK and HI. Note: Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc.*, Extension New York, NY, 54 M.C.C. 291 (1952). (Hearing site: Nashville, TN.)

[FR Doc. 79-3884 Filed 2-5-79; 8:45 am]

[7035-01-M]

[Notice No. 16]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 23, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 136168 (Sub-29TA), filed January 8, 1979. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from Auburndale and Tampa, FL to Frankfort, IN, restricted to a transportation service to be performed under a continuing contract with Del Monte Corporation, for 180 days. Supporting Shipper(s): Del Monte Corporation, P.O. Box 3575, San Francisco, CA 94119. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136212 (Sub-26TA), filed January 10, 1979. Applicant: JENSEN TRUCKING COMPANY, INC., 502 West 4th Street, Gothenburg, NE., 69138. Representative: Scott T. Robertson, P.O. Box 81849, Lincoln, NE, 68501. *Nutria binder*, from Lubbock, TX, to Decatur, AL; Van Buren and Little Rock, AR; Denver, Trinidad and Ault, CO; Atlanta and Flowery Branch, GA; Sioux City, Des Moines and Atlantic, IA; Dodge City, Wichita, and Kansas City, KS; Kansas City and Centralia, MO; Memphis and Knoxville, TN; and points in their respective commercial zones, and points in the states of NE and OK for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Joe Tarver, President, Progressive Grain Processors, Box 3520, Lubbock, TX, 79452. Send protests to: District Supervisor Max H. Johnston, 285 Federal Bldg., Lincoln, NE, 68508.

MC 136315 (Sub-50TA), filed December 29, 1978. Applicant: OLEN BURRAGE TRUCKING, INC., Rt. 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. *Building and roofing materials and materials, equipment and supplies* used in the installation thereof from the facilities of GAF Corp. at or near Mobile, AL to Harris County, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): GAF Corporation, P.O. Box 5607 Dallas, TX 75222. Send protests to: Alan Tarrant, District Supervisor, Rm. 212, 145 East Amite Bldg., Jackson, MS 39201.

MC 136315 (Sub-51TA), filed December 29, 1978. Applicant: OLEN BURRAGE TRUCKING, INC., Rt. 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. *Roofing materials* from the facilities of Masonite Corp. at or near Meridian, MS to points in IL and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Masonite Corporation, P.O. Box 5777 Meridian, MS 39301. Send protests to: Alan C. Tarrant, District Supervisor, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 136818 (Sub-49TA), filed January 4, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 West Elwood Road, Phoenix, Arizona 85030. Representative: Donald Fernaays, 4040 East McDowell Road, Phoenix, Arizona 85008. *Packing House Products (except commodities in bulk and hides)*, from the plant sites of Farmland Foods, Inc. at or near Carroll, Denison, and Iowa Falls, IA and Crete, NE, and storage facilities used by Farmland Foods, Inc. at or near Cherokee, Des Moines, Fort Dodge and Sioux City, IA and Lincoln and Omaha, NE, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442. Send protests to: T. E. Klobas, DS, ICC, 2020 Federal Building, 230 North First Avenue, Phoenix, Arizona 85025.

MC 138076 (Sub-9TA), filed January 4, 1979. Applicant: HEAVY HAULING, INC., 1100 West Grand, Salina, KS 67401. Representative: Clyde N. Christey, 1010 Tyler, Suite 110L, Topeka, KS 66612. *Salvage Electrical Substations, Salvage Distribution Transformers and Salvage Electrical Wire*, from points in AZ, AR, CO, IL, IN, IA, LA, MO, NE, NM, ND, OK, SD, TX and WY to points in Dickinson and Saline Counties, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Solomon Electric Supply, Inc., Box 245, Solomon, KS 67480. Send protests to: Thomas P. O'Hara, DS, ICC, 256 Federal Bldg., 444 S. E. Quincy, Topeka, KS 66683.

MC 138308 (Sub-60TA), filed January 3, 1979. Applicant: KLM, INC., P.O. Box 6098, Old Hwy. 49 S., Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. (1) *Meats, meat products, meat by-products and articles distributed by packinghouses* as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and (2) *Foodstuffs* when moving in mixed loads with articles listed in (1) above from the facilities of Oscar Mayer & Co., Inc., at Beardstown, IL to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: Alan Tarrant, DS, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 138313 (Sub-47TA), filed January 5, 1979. Applicant: BUILDERS TRANSPORT, INC., 409-14th Street S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Bentonite and mud treating compounds* from Big Horn County, WY to points on the International Boundary line between the U.S. and Canada in ID, MT and ND for 180 days, restricted to foreign commerce. Supporting Shipper(s): Wyo-Ben Products, Inc., P.O. Box 1979, Billings, MT 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602-1st Ave. North, Billings, MT 59101.

MC 139930 (Sub-2TA), filed January 11, 1979. Applicant: ALPHIE J. BOUSLEY, INC., Rt. 3, Box 61-A Armstrong Creek, WI 54103. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting *Pallets and pallet parts* from the twp. of Armstrong Creek, Forest Co., WI to points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): I. J. Millan Lbr. Corp., Rt. 3, Box 19, Armstong Creek, WI 54103. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 140315 (Sub-9TA), filed January 8, 1979. Applicant: DEES TRANSPORTATION, INC., P.O. Box 406, Worland, WY 82401. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. *Bentonite*, from points in Big Horn County, WY to points in CA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Polychem International, Inc., P.O. Box 554, Bakersfield, CA 93302. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm 105 Federal Bldg. & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 140484 (Sub-3TA), filed January 4, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 E. Edison Avenue, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, D.C. 20005. *Electric motors, electric gear motors, power transmission equipment*, and *machinery* and *controllers* or *controller parts* and *parts* and *accessories* therefore, *elevator* and *elevator parts* and *accessories*, *weighing machinery* and *parts* and *accessories* and *telecommunication equipment* and *parts* and *accessories* and *escalators* and *escalator parts* and *accessories*, except commodities which because of size or weight require the use of special equipment, between Madison and Mishawaka, IN, Cleveland, OH, Rogersville, TN, Greenville and Spartanburg, SC, Asheville, NC, Athens, Gainesville and Atlanta, GA, Lawrenceburg, KY and Chicago, IL for 180 days. Supporting Shipper(s): Reliance Electric Company, Hwy. 127 North, Lawrenceburg, KY 40342. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOP, Monterey

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Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 141084 (Sub-13TA), filed January 9, 1979. Applicant: NATIONAL FREIGHT LINES, INC., 13023 Arroyo Avenue, P.O. Box 1031, San Fernando, CA 91341. Representative: Bill D. Garner (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Cameras, photographic materials, supplies and advertising materials*, from Teterboro, NJ to points in CA, NV, TX and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): AGFA-GEVAERT, INC., 275 North Street, Teterboro, NJ 07608. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 141124 (Sub-35TA), filed January 8, 1979. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 15000, (5 Greater Wilmington Airport), Wilmington, DE 19850. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Paper and paper products*, from Groveton, NH and Old Town, ME to points in OH, IN, MI, PA, NY, AL, FL, GA, TN, NC, KY, NJ, VA and MO, for 180 days. Supporting Shipper(s): Diamond International, 733 Third Ave., New York, NY 10017. Send protests to: T. M. Esposito, Transportation Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 141921 (Sub-35TA), filed January 9, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykas, 143 Frontage Road, Manchester NH 03108. *Frozen meat* from, to, or between the following points or areas; From Freemont, NE, to Buffalo, NY. 180 days. Supporting Shipper(s): Gurrentz International Co., 2020 Ardmore Boulevard, Pittsburgh, PA. Send protests to: Ross J. Seymour, District Supervisor, ICC, Rm. 3, 6 Loudon Road, Concord, NH 03301.

MC 141932 (Sub-8TA), filed January 2, 1979. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). Part I—*Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, (except in bulk, in tank vehicles), and filters*, from points in Warren County, MS to points in and east of ND, SD, NE, KS, OK and TX. Part II—*Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part I above, (except in bulk, in tank vehicles)*, from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV to points in Warren County, MS, for 180 days. Restricted in Parts I and II above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS. Supporting Shipper(s): Quaker State Oil Refining Corporation, P.O. Box 989, Oil City, PA 16301. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission 150 Causeway Street, Boston, MA 02114.

MC 142059 (Sub-59TA), filed January 8, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same as applicant). *Iron and steel articles*, from the facilities of Maverick Tube Corporation, at or near Union, MO, to points in AL, AR, CO, IL, IN, KY, LA, MI, MN, MS, OH, OK, TN, TX, and WI, for 180 days. Supporting Shipper(s): Maverick Tube Corporation, P.O. Box 696, Union, MO 63084. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 142359 (Sub-4TA), filed January 5, 1979. Applicant: PORT EAST TRANSFER, INC., 1404 S. Clinton St., Baltimore, MD 21224. Representative: Ray Turchi (same as applicant). *Footware*, in containers or trailers, between Baltimore, MD and points in its commercial zone, on the one hand, and, on the other, Hanover, PA., restricted to traffic having an immediately prior or subsequent movement by rail or water, for 180 days. Supporting Shipper(s): William P. Barger, Traffic Manager, Brooks Shoe Manufacturing Co., Inc., 131 Factory St., Hanover, PA. 17331. Send protests to: William L. Hughes, District Supervisor, 1025 Federal Building, Baltimore, MD 21201.

MC 142897 (Sub-12TA), filed January 8, 1979. Applicant: KENNEDY FREIGHT LINES, INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, Esq., 275 E. State St., Columbus. OH 43215. *Oscillated and ribbon-wound steel and sheet*, from the plantsite of The Gibralter Group of Companies at or near Buffalo and Rochester, NY, to points in the US (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Gibralter Group of Companies, 2545 Walden Ave., Buffalo, NY 14225. Send protests to: Interstate Commerce Commission, Room 313, Federal Office Bldg., 234 Summit St., Toledo, OH 43604.

MC 142941 (Sub-22TA), filed January 8, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Avenue, Phoenix, AZ 85009. Representative: D. W. Sinclair (same as applicant). *Household appliances, household utensils, cookware, and air comfort devices*, from the facilities of West Bend Company at West Bend and Oak Creek, Wisconsin to Sparks, Nevada, for 180 days. Supporting Shipper(s): West Bend Company, West Bend, Wisconsin 53095. Send protests to: Thomas E. Klobas, Acting District Supervisor, Interstate Commerce Commission, 2020 Federal Building, 230 North First Avenue, Phoenix, Arizona 85025.

MC 142941 (Sub-23TA), filed January 9, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Avenue, Phoenix, AZ 85009. Representative: D. W. Sinclair (same as applicant). *Alcoholic beverages*, (1) From points in IL, IN, KY, MI, OH, PA, and TN, to points in NV, (2) From Detroit, MI, Lawrenceburg, IN, and Louisville, KY, to Salt Lake City, UT, and (3) From Plainfield, IL, to Flagstaff, Phoenix, Tucson and Yuma, AZ., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): All American Distributing Company, Inc., 490 E. Pina, Phoenix, AZ 85004. Send protests to: Thomas E. Klobas, Acting District Supervisor, Interstate Commerce Commission, 2020 Federal Building, 230 North First Avenue, Phoenix, Arizona 85025.

MC 142941 (Sub-24TA), filed January 8, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Avenue, Phoenix, AZ 85009. Representative: D. W. Sinclair (same as applicant). *Canned foods*, from California to the facilities of Owatonna Canning Company, Owatonna, Minnesota, for 180 days. Supporting Shipper(s): Owatonna Canning Company, P.O. Box 447, Owatonna, Minnesota 55060. Send protests to: Thomas E. Klobas, Acting District Supervisor, 2020 Federal Building, 230 North First Avenue, Phoenix, Arizona 85025.

MC 142999 (Sub-10TA), filed January 9, 1979. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, 1730 M Street, N.W., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Insecticides*, from Fresno, Los Angeles, CA, and Milwaukie, OR, to Baton Rouge, St. Gabriel, LA, Jackson, MS, Birmingham, Mobile, Montgomery and McIntosh, AL, for the account of CIBA-GEIGY Corporation, for 180 days. An underlying ETA seeks

90 days authority. Supporting Shipper(s): CIBA-GEIGY Corporation, Saw Mill River Road, Ardsley, NY 10502. Send protests to : District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 143127 (Sub-21TA), filed January 10, 1979. Applicant K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards/Raymond A. Richards, P.O. Box 225—44 North Avenue, Webster, NY 14580. *Malt Beverages* from St. Louis, MO to East Rochester, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Lake Beverage Corporation, 23 Linden Park, Rochester, NY 14625. Send protests to: ICC U.S. Courthouse & Federal Bldg., Rm 1259, 100 S. Clinton Street, Syracuse, NY 13260.

MC 143389 (Sub-4TA), filed January 9, 1979. Applicant: MERCHANTS DUTCH EXPRESS, INC., P.O. Box 2525, 700 Pine Street, Monroe, LA 71207. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., Fifth Floor—Lenox Towers South, Atlanta, GA 30326. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting *Pulpboard and paperboard, not corrugated* from the facilities of ConPac, Inc. at or near West Monroe, LA to Mullins, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): ConPac, Inc., P.O. Box 1148, West Monroe, LA 71291. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 143775 (Sub-53TA), filed January 8, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same as applicant). *Cabinet, security hardware and materials, supplies and equipment used in the manufacture, sale and installation thereof*, from Grandville, MI., to points in AR., CA., CO., IL., KS., LA., MO., NE., OK., and TX., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Belwith International, 4300 Gerald R. Ford Frwy., Grandville, MI. 49418. Send protests to: Thomas E. Klobas, Acting District Supervisor, Interstate Commerce Commission, 2020 Federal Building, 230 North First Avenue, Phoenix, Arizona 85025.

MC 143775 (Sub-54TA), filed January 9, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same as applicant). *Paper and paper products*, (1) From the facilities of Potlatch Corporation, at or near Fort Wayne, IN and Sikeston, MO, to Salt Lake City, UT; Emeryville, Fresno, Lemon Grove, Los Angeles, Modesto, Oakland, Ontario, Pomona, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, Santa Ana, Santa Clara, South Gate, and Watsonville, CA, and (2) Between Fort Wayne, IN, on the one hand, and, Sikeston, MO, on the other, restricted as in (1) above, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Potlatch Corporation, Lewiston, ID 83501. Send protests to: Thomas E. Klobas, Acting District Supervisor, Interstate Commerce Commission, 2020 Federal Building, 230 North First Avenue, Phoenix, Arizona 85025.

MC 143799 (Sub-3TA), filed January 9, 1979. Applicant: SPECIALTY TRANSPORT, INC., 15 Fifth Street, Norristown, PA 19403. Representative: Charles Halfpenny (same as applicant). *Iron and steel articles* from facilities of U.S. Steel Corp., Fairless, PA to points in DE, MA, NY, CT, RI, NJ and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): U.S. Steel Co., Fairless, PA. Send protests to: T. M. Esposito, Transportation Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 143891 (Sub-3TA), filed January 5, 1979. Applicant: FLYING L TRUCKING CO., P.O. Box 4942, Thousand Oaks, CA 91359. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Pet food* (except in bulk), from Perham, MN to points in AL, CO, FL, IL, LA, MA, MD, MO, NJ, NY, OH, OK, OR, TX, UT, WA, and WV; and from Muscatine, IA to points in OR, UT, and WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Star-Kist Foods, Inc., 582 Tuna Street, Terminal Island, CA 90731. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 144029 (Sub-2TA), filed January 12, 1979. Applicant: CUMBERLAND TRANSPORTATION CORP., 5950 Fisher Road, P.O. Box 487, East Syracuse, NY 13057. Representative: Michael R. Werner, Esq., P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting *Pulpboard and pulpboard products, and materials supplies and equipment used in the manufacture and distribution of pulpboard and pulpboard products, (except commodities in bulk)*, between Elmira Heights, NY on the one hand, and, on the other, points in St. Marys, Watsontown, Honesdale, Frackville and Montgomery, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): MacMillan Bloedel Containers, Division of MacMillan Bloedel, Inc., Box 2086, 3075 Oakwood Avenue, Elmira Heights, NY 14903. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 South Clinton Street-Rm. 1259, Syracuse, NY 13260.

MC 144117 (Sub-25TA), filed January 11, 1979. Applicant: TLC LINES, INC., 1666 Fabick Drive, P.O. Box 1090, Fenton, MO 63026. Representative: Warren W. Wallin, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Plumbing fixtures and fittings (a) from the facilities of Kohler Company, Inc., located in Sheboygen County, WI, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY. (b) From the facilities of Kohler Company, Inc., at Brown County, TX to Sheboygan County, WI, for 180 days. Supporting Shipper(s): Kohler Company, Inc., P.O. Box A, Kohler, WI 53044. Send protests to: P. E. Binder, D.S., Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 144108 (Sub-1TA), filed January 10, 1979. Applicant: PAUL J. HORENHLED, d.b.a. RELIABLE CARTAGE CO., 511 N. Redwood Road, Salt Lake City, UT 84116. Representative: D. Michael Jorgensen, P.O. Box 2465, Salt Lake City, UT 84110. *Liquid plastic resin* from Portland, MI, to Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Campbell Filters, 1900 So. 3480 West, Salt Lake City, UT. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 144454 (Sub-2TA), filed January 11, 1979. Applicant: FRANK STOLLER CONSTRUCTION, INC., 1516 Washington St., Algoma, WI 54201. Representative: Robert Spude, 605 N. 3rd St., Sturgeon Bay, WI 54235. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: *Material, equipment and supplies (except commodities in bulk) used or useful in the building, repair or outfitting of marine vessels*, from Algoma, WI to facilities of Bay Shipbuilding, Sturgeon Bay, WI, restricted to shipments having a prior movement by rail, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Bay Shipbuilding Corp., 605 N. Third St., Sturgeon Bay, WI 54235. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin

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Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 144533 (Sub-1TA), filed January 11, 1979. Applicant: FRANK PAGLIUGHI, d.b.a. GENERAL TRANSFER COMPANY, East Landis Avenue, Vineland, NJ 08360. Representative: William J. Hirsch, Esq., 43 Court Street, Suite 1125, Buffalo, NY 14202. *Frozen foodstuffs*, having prior movement by rail, from the plantsite of Safeway Freezers Storage, Inc., Vineland, NJ to Woodbridge, NJ, and returned shipments in the reverse direction, for 180 days. Supporting Shipper(s): Safeway Freezers Storage, Inc., 215 North Mill Road, Vineland, NJ 08360. Send protests to: District Supervisor, ICC 428 East State Street, Room 204, Trenton, NJ 08608.

MC 144622 (Sub-32), filed January 12, 1979. Applicant: GLENN BROS. TRUCKING INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phil Glenn (same as applicant). *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation at Albert Lea, MN; Cedar Rapids, Cherokee and Des Moines, IA; and Marshall, MO to points in CA, for 180 days. Restriction: From facilities of Wilson Foods Corporation and destined to the above named destinations. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Wilson Foods Corporation, 4545 Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building. 700 West Capitol Little Rock, AR 72201.

MC 144622 (Sub-33TA), filed January 9, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, Arkansas 72219. Representative: Phillip Glenn (same address as applicant). *Tile and commodities used in the distribution and installation of tile* (except commodities in bulk), from Chicago, IL to points in LA, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kentile Floors, Inc., 58 Second Ave., Brooklyn, NY 11215. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144667 (Sub-3TA), filed January 3, 1979. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. (1) *Non-alcoholic beverages*, from Scottsbluff, NE to points in SD, WY, CO, KS, and ID; and (2) *Equipment, materials and supplies used in the manufacture and distribution of non-alcoholic beverages*, in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): David Miller, National Drinks, Inc., 2022 East 17th St., Scottsbluff, NE 69361. Send protests to: Max H. Johnston, DS, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 144819 (Sub-8TA), filed January 9, 1979. Applicant: C & N TRANSPORT, INC., 727 S. Overhead Drive, P.O. Box 82609, Oklahoma City, OK 73108. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Meat, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Section "A" of Appendix "I" to the Report, in Descriptions in Motor Carrier Certificates, 71 M.C.C. 209 and 766 (except hides and commodities in bulk), from Huron, SD to pts. in AL, FL, GA, MS, NC, SC, & TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Armour Fresh Meat Company, 111 West Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 145102 (Sub-4TA), filed January 11, 1979. Applicant: FREYMILLER TRUCKING INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Mark C. Ellison, 1200 Gas Light Tower, 235 Peachtree St., NE, Atlanta, GA 30303. *Meats, meat products and gelatin*, from the facilities of Dubuque Packing Co. at Dubuque, IA to points in MA, RI, CT, MI, IN, OH, PA, WI, MN, IL, NJ, and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dubuque Packing Co. , 16th & Sycamore, Dubuque, IA 52001. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 145298 (Sub-1TA), filed January 2, 1979. Applicant: J. R. BUTLER, INC., 1031 Reeves St., Dunmore, PA 18512. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Contract carrier, irregular routes, (1) *Such commodities* as are dealt in by mail order houses and retail chain department stores (except commodities in bulk); and (2) *Equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), between points in DE, MD, NY, NJ and PA, under continuing contract with Hess's, Inc., Allentown, PA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER: Hess's Inc., Allentown, PA. SEND PROTESTS TO: Paul J. Kenworthy, DS, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503. Supporting Shipper(s): Hess's Inc., Hamilton Mall at Ninth St., Allentown, PA 181512. Sent protests to: D/S Paul J. Kenworthy, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503.

MC 145406 (Sub-6TA), filed January 2, 1979. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A, B, & C of Appendix I to the report in Descriptions in Motor Carrier Certificate 61, M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities utilized by John Morrell & Co., at Sioux Falls, South Dakota: Estherville and Sioux City, IA; and Worthington, MN to CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.*

MC 145406 (Sub-7TA), filed January 5, 1979. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Madison, WI 53705. *Meat and meat products*, from the facilities of Coors Cold Storage Co., at or near Davenport IA, and from the facilities of Foremost Packing Company, at or near East Moline, IL to Stockton, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Agmar, Inc., 240 Chester Street, St. Paul, MN 55107. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 145406 (Sub-8TA), filed January 5, 1979. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Fresh meat*, from the facilities of John Morrell & Co., at or near Estherville, IA to Kenosha, WI and Chicago, IL and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MO 145544 (Sub-1TA), filed January 9, 1979. Applicant: W. & M., INC., P. O. Box 2237, East Chicago, IN 46312. Representative: Samuel Ruff, 2109 Broadway, East Chicago, IN 46312. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting *Air pollution equipment, materials and supplies* used in the manufacture of air pollution equipment for the account of Flex-Kleen Corp., between Chicago and Libertyville, IL, on the one hand, and, on the other, points in the US, for 180 days. An underlying ETA was granted. Supporting Shipper(s): Flex-Kleen Corp., 222 S. Riverside Plaza, Chicago, IL 60606. Send protests to: Lois M. Stahl, Ta, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 145569 (Sub-2TA), filed January 11, 1979. Applicant: M & M EQUIPMENT CO., INC., 24400 E. Alameda Ave., Aurora, CO 80011. Representative: Marvin M. Edelman (same address as above). Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: *Meat, meat by-products and Articles* distributed by packinghouses from Denver, CO to points in the states of NY, NJ, PA, MD, CT, MA, RI, OH, MI, IL and KY under continuing contract with Peppertree Beef Company for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Peppertree Beef Co., P.O. Box 16331, Denver, CO 80216. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, Denver, CO 80202.

MC 145679 (Sub-5TA), filed January 3, 1979. Applicant: A & A TRANSPORT SERVICES, INC., Maple Tree Industrial Park, Boston Road; Box 12 Palmer, MA 01069. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, Nebraska 68106. *Meats and Packinghoue products* from Oakland, IA to points in CT, MA, NH, NY and RI for 180 days. An underlying ETA was granted for 90 days. Supporting Shipper(s): American Beef Packers, Inc., P.O. Box 518, Oakland, IA 51560. Send protests to: David M. Miller, District Supervisor, Interstate Commerce Commission, 436 Dwight Street, Springfield, MA 01103.

MC 145804 (Sub-1TA), filed January 8, 1979. Applicant: WILLIAM T. SMEESTER, d.b.a. Upper Peninsula Special Delivery Service, Box 207, Iron Mountain, MI 49801. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. (1) *Materials, equipment, parts and supplies* used or useful in the manufacture, sale or distribution of paper and paper products between the facilities of Niagara of Wisconsin Paper Corporation, at Niagara, WI, on the one hand, and, on the other, points in IL, IN, MI, MN, OH, and WI. (2) *Machinery parts and supplies* between the facilities of W. B. Thompson Company, at Iron Mountain, MI, on the one hand, and, on the other, points in IL, IN, MI, MN, OH and WI, for 180 days. RESTRICTION: Restricted in Parts (1) and (2) against the transportation of commodities in bulk and those commodities which, because of size or weight, require the use of special equipment. An underlying ETA seeks 90 days authority. Supporting Shipper(s): (1) Niagara of Wisconsin Paper Corporation, 1101 Mill St., Niagara, WI 54151. (2) W. B. Thompson Company, 1900 N. Stephenson Ave., Iron Mountain, MI 48901. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 145815 (Sub-1TA), filed January 9, 1979. Applicant: COBRA TRUCKING, INC., P.O. Box 2137, Clinton, MS 39205. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a contract carrier by motor vehicle over irregular routes, transporting *Agricultural insecticides and fungicides, organic phosphate compound mixtures, and weed killing compounds* (except in bulk, in tank vehicles) between Leland, MS and McIntosh, AL, on the one hand, and, on the other, points in the US (except HA and AK), for the account of Agricultural Products Dept., Olin Corp., Little Rock, AR, for 180 days. Supporting Shipper(s): Olin Corp., P.O. Box 991, Little Rock, AR 72203. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 145901 (Sub-1TA), filed January 11, 1979. Applicant: STEEL PRODUCTS FREIGHT LINES, INC., 150 Queen Parkway, West Columbia, SC 29169. Representative: David A. Sutherlund, 1150 Connecticut Avenue, NW, Suite 400, Washington, DC 20036. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting (1) *Nails*, from West Columbia, SC, to points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MO, MS, NC, OH, SC, TN, VA and WV; and (2) *Bright basic wire*, from West Columbia, SC, to points in GA, MD, NC, SC, TN, and VA, for the account of Queen Wire & Nail Incorporated, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Queen Wire & Nail Incorporated, 150 Queen Parkway, West Columbia, SC 29169. Send protests to: E. E. Strotheid, District Supervisor, RM. 302, 1400 Bldg., 1400 Pickens Street, Columbia, SC 29201.

MC 145936 (Sub-1TA), filed January 8, 1979. Applicant: G & M TRUCKING, INC., 15313 Goodrich Dr. N. W., Gig Harbor, WA 98335. Representative: Judith L. Gamrath, 1212 Pacific Bldg., Seattle, WA 98104. *Ice cream*, in vehicles equipped with mechanical refrigeration, from Union City, CA to Portland, OR and Seattle, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Pacific Northwest Distributors, 1213—4th Ave. S., Seattle, WA 98134. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 145946 (Sub-1TA), filed January 11, 1979. Applicant: JOHN F. YANCEY, d.b.a., YANCEY TRUCK SERVICE, 348 North 43rd St. Belleville, Illinois 62223. Representative: John F. Yancey (Same as above). Empty Cartridge casings and empty ammunition containers and van interior or component parts (KD) From the facilities of Kisco Company located at St. Louis, MO to Milan, TN., Warren and Lorain, OH, Warren, MI, Independence, MO and Chicago, IL and return to St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kisco Co., 6300 St. Louis Avenue, St. Louis, MO 63121. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701.

MC 145970 (Sub-1TA), filed January 4, 1979. Applicant: GAROLD L. SKILLETT, an individual, d/b/a SKILLETT & SONS TRUCKING, Rush Center, Kansas 67575. Representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, Kansas 66603. Paper: from Hutchinson, KS., Pryor, OK, and Denver, CO., to the facilities of Western Gypsum Co. Rosario, NM. Starch: From Dodge City, KS. and Plainview, TX. to the facilities of Western Gypsum Co. at Rosario, NM. Wallboard: from the facilities of Western Gypsum Co., at Rosario, NM. to points and places in CO, KS, NE, ND, OK, SD, TX & WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Western Gypsum Company, P.O. Box 2636, Santa Fe, NM 87501. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS. 67202.

MC 146035.TA, filed January 8, 1979. Applicant: SOUTHERN DRAYAGE, INC., S/W at factory, P.O. Box 1983, Jackson, MS 39205. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. (1) *Such commodities are as dealt in, sold and distributed by department stores; and equipment, materials and supplies* (except commodities in bulk) *used in the conduct of such business referred to above*, from N. Bergen, NJ to points in Hinds County, MS and Montgomery and Mobile Counties, AL; and (2) *Lawn*

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mowers, rotary snow plows, lawn and garden tractors and parts, equipment and accessories therefor from points in Lincoln County, MS to Westboro, MA; Larchmont, E. Syracuse, and Canandaigua, NY; and Lawrence and Phoenixville, PA, for 180 days. Supporting Shipper(s): McRae's, Inc., P.O. Box 20040, Jackson, MS39209; Mercantile Stores Co., Inc. (NY), 128 West 31st St., New York, NY 10001; and Jacobsen, Div. of Textron, Inc. P.O. Box 5688, Brookhaven, MS 39601. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 146036TA, filed January 2, 1979. Applicant: JOACHIM G. ROTHE, d/b/a J & M TRUCKING, Route 940, Pocono Summit, PA 18346. Representative: Keith W. Carchner, Box 130, Sybertsville, PA 18251. Contract, irregular routes, *Brass, bronze, copper and nickel products; brass and copper alloys; and copper billets,* from Reading and Ontelaunee, PA, to points in AZ, CA, WA and OR, under continuing contract with Reading Industries, Inc., Reading, PA, for 180 days. SUPPORTING SHIPPER: Reading Industries, Inc., Reading, PA. SEND PROTESTS TO: Paul J. Kenworthy, DS, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503. Supporting Shipper(s): Reading Industries, Inc., P.O. Box 126, Reading, PA 19603. Send protests to: DS Paul J. Kenworthy, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503.

PASSENGER AUTHORITY

MC 10514 (Sub-11TA), filed January 3, 1979. Applicant: MOODY TRANS., INC., d/b/a STAR VALLEY-JACKSON STAGES, Route 1, Sugar City, ID 83448. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. *Passengers and their baggage in special and charter operations,* between Idaho Falls, Rigby, Rexburg, Sugar City, Teton City, Tetonia and Driggs, ID, on the one hand, and on the other, Grand Targhee Ski Area, Alta, WY, Jackson Ski Area and Teton Village Ski Area, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Grand Targhee Ski Resort, via Driggs, ID, Alta, WY 83422; Ramada Inn, P.O. Box SKI, Jackson, WY 83001; Teton Village, WY 83025. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

By the Commission.

H. G. HOMME, JR.,
Secretary.

[FR Doc 79-3886 Filed 2-5-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

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[6320-01-M]

1

[M-193, Jan. 31, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 7, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 34189, exemption of U.S. and foreign air carriers from tariff observance requirements to permit resolution of consumer complaints (memo 8334-B, BCP).

3. Docket 29165, consumer protection for charter participants; petition for review of staff denial of reply comment extension. (memo 6399-E, OGC, OI, OEEO, BCAA, BLJ, BIA, BPDA, OEA, BCP).

4. Amendment of Part 302 to set uniform 30-day answer period (memo 8456, OGC).

5. Amendment of Part 302 to require the Alaskan field office to be provided with a copy of any document filed with the Board pertaining to any route proceeding that affects a point in Alaska (memo 8465, OGC).

6. Docket 32139, terms, conditions and limitations of certificates to engage in supplemental air transportation (memo 8460, OGC).

7. Amendment of antitrust exemption from section 408(a) granted to cargo carriers (memo 8091-D, OGC, OEEO, OI, BCAA, BLJ, BIA, BPDA, OEA, BCP).

8. Docket 29044, no-smoking rulemaking—motion of Cigar Association (memo 7323-I, OGC).

9. Docket 31570, Southeast Alaska Service Investigation, petition for intervention of the Air Line Pilots Association, International (ALPA) (memo 8329-A, OGC).

10. Docket 29445, Las Vegas-Dallas/Fort Worth Nonstop Service Investigation—draft order (memo 8333-B, OGC).

11. Docket 30182, Iowa/Illinois-Atlanta Route Proceeding—order finalizing tentative findings and conclusions (memo 6950-D, OGC).

12. Docket 33221, joint application of Frontier and Louisville for exemption authority in the Louisville-Kansas City Market (memo 8452, BPDA, OGC).

13. Dockets 33151 and 33884. Application of Braniff for an exemption to permit nonstop service between Hartford/Springfield and New York/Newark (memo 8217-A, BPDA, OGC, BLJ).

14. Dockets 33824 and 33514. TWA's application for pendente lite exemption to provide immediate air transportation in approximately 70 named city-pair markets; Air Florida's application for pendente lite exemption to operate in the New York-Miami/West Palm Beach market (memo 8435, 8435-A, BPDA, OGC).

15. Dockets 33580, 33629, 33672, 33821, 33863, 33878, and 33997; applications for certificate amendments nonstop Denver-Detroit authority in the following: Frontier, Braniff, Northwest, Allegheny, Continental, American, Ozark (BPDA, OGC).

16. Dockets 31260 and 33656. Applications of Allegheny and Air New England for nonstop Boston New York authority (memo 8326-A, BPDA).

17. Docket 33361, Air Wisconsin's application for authority to add Grand Island, Nebraska, as a terminal point, and Toledo, Ohio, as an intermediate point (memo 8262-B, BPDA).

18. Dockets 32587, 33396, 33561, and 33563; Allegheny's application for amendment of Route 97 to authorize Pittsburgh-Charlotte/Raleigh/Durham service and petition for an order to show cause; Piedmont's application for amendment of Route 87 to authorize Pittsburgh-Charlotte/Raleigh/Durham service and petition for an order to show cause; Northwest's application for amendment of Route 3 to authorize Pittsburg-Charlotte/Raleigh/Durham service; Southern's application for amendment of Route 98 to authorize Pittsburgh-Charlotte service (memo 8479, BPDA, OGC, BLJ).

19. Docket 32754, Southern's application for amendment of its certificate for Route 98 (memo 8281-A, BPDA, OGC).

20. Dockets 33502, 33611, 33736, 33916, 33993, and 34076; Braniff's application and motion for hearing on its certificate application for Dallas/Fort Worth-Cleveland/Pittsburgh nonstop authority; Northwest's Allegheny's, Continental's and Ozark's applications requesting similar authority and motion to consolidate; and Continental's request for Dallas/Fort Worth/Houston-Detroit/Cleveland/Pittsburgh authority (memo 8470, BPDA).

21. Dockets 33304 and 33367. Allegheny's application for Pittsburgh-Washington nonstop authority and Toledo-Washington one-stop authority, and Piedmont's application for Pittsburgh-Washington nonstop authority, and motion to consolidate with Allegheny's application (memo 8467, BPDA).

22. Dockets 33705, 33743, 33954, 33983, and 34114; American's motion for hearing on its application to amend its certificate for Las Vegas-Chicago/New York nonstop authority; Allegheny's, Braniff's, Ozark's and Continental's applications, respectively (BPDA).

23. Dockets 33236, 33437, 33460, 33530, 33591, 33598, 33599, 34080, 33690, 33677, 34011, 34144, and 34093; applications of Braniff, Southern, American, Northwest, Western, Continental, Allegheny and Ozark for Atlanta-Dallas/Fort Worth-Denver, Atlanta-Houston, and Dallas/Fort Worth-Denver/Seattle/Portland authority (memo 8463, BPDA, OGC).

24. Dockets 33125 and 33335. United's motion for hearing on Great Lakes-Florida authority and American's motion to consolidate (memo 8469, BPDA, OGC).

25. Dockets 34040 and 33635; redesignation of the hyphenated point Miami-Fort Lauderdale as coterminals on certificate of Southern and Western (memo 8271-A, BPDA).

26. Dockets 32154, 32189, 32226, 32827, 32915, and 32928; removal of intra-Florida operating restrictions from the certificates of Braniff, Continental, Delta, Eastern, National, Northwest, TWA and United (memo 8132-A, BPDA).

27. Dockets 28887, 33077, 32780, 32781, 32782, 32783; Ozark realignment (memo 611-D, BPDA).

28. Docket 31593, Wien's application for Anchorage/Fairbanks Alaska-Chicago, Illinois (Midway) (memo 8234-A, BPDA, OGC, BLJ).

29. Docket 34334, Southern's notice of intent to suspend all services at Columbus, Ga., in 90 days (memo 8462, BPDA, OCCR).

30. Docket 32862, Eastern Air Lines notice of suspension of service at Macon, Ga. (memo 8471, BPDA, OCCR).

31. Dockets 34561 and 34259. United's notice of intent to suspend service in 10 city-pairs under section 401(j)(2) and request for exemption to proceed on less than 60-days notice in two of these city pairs (memo 8477, BPDA, OCCR).

32. Docket 33160, application of UAL Inc. and United Air Lines, Inc. for approval under section 408 or disclaimer of jurisdiction over the acquisition of UAL Credit Corp. Since the activities of UAL Credit Corp. are not those of a person substantially engaged in the business of aeronautics (memo 8459, BPDA, OGC).

33. Docket 29237; motion of Alaska International Air, Inc. for disclaimer of jurisdiction and dismissal of its applications under section 408 concerning certain control relationships (memo 7690-L, BPDA, OGC).

34. Docket 19176, application of Trans International Airlines and Transamerica Corp. for modification of Board order approving Transamerica's acquisition of TIA (memo 8466, OGC, BPDA).

35. Pan American increased most fares in its United States-Caribbean markets 5 percent (memo 8478, BPDA, BIA).

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36. Docket 33724, final rule on free and reduced-rate transportation (memo 8232-A, BPDA, OGC, BIA).

37. Docket 33902, application of Air Haiti, S.A. for an amended foreign air carrier permit to carry passengers, as well as property and mail and to add a new route, Haiti-New York (memo 8461, BIA, OGC).

38. Docket 33949, application by Ontario Worldair Limited for an initial foreign air carrier charter permit (memo 8455, BIA, OGC).

39. Docket 32088, application of Travelair AG (Switzerland) for indirect foreign air carrier permit and petition for order to show cause (memo 8109-A, BIA, BCP, OGC).

40. Docket 34277, application of Millardair Ltd. to amend its foreign air carrier charter permit to authorize use of large aircraft (memo 8482, BIA, OGC).

41. Docket 28082, termination of a proposed rule to require reporting of available seat-miles based on CAB prescribed seating standards (memo 5419-A, BCAA, BPDA, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-250-79 Filed 2-2-79; 3:49 pm]

[6351-01-M]

2

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 6837, February 2, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., February 6, 1979.

CHANGES IN THE MEETING:

Delete from the agenda:
Update of long-term planning projections and priorities.
The transition to oversight: A three phased approach.

[S-242-79 Filed 2-2-79; 10:16 am]

[6351-01-M]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., February 9, 1979.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Internal operating procedures/personnel.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-243-79 Filed 2-2-79; 10:16 am]

[6570-06-M]

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-131-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, January 23, 1979.

CHANGE IN THE MEETING: The following matter is added to the agenda for the open portion of the meeting:

Proposed semi-annual regulatory agenda as required by Executive Order 12044, for publication in the FEDERAL REGISTER.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change:

Eleanor Holmes Norton, Chair
Daniel E. Lech, Vice Chair
Ethel Bent Walsh, Commissioner
Armando M. Rodriguez, Commissioner
J. Clay Smith, Jr., Commissioner

Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat 202-634-6748.

This notice issued January 19, 1979.

[S-246-79 Filed 2-2-79; 11:30 am]

[6740-02-M]

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published January 29, 1979, 44 F.R. 5495.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., January 31, 1979.

CHANGE IN THE MEETING: The following items have been added:

ITEM NUMBER AND DOCKET NUMBER AND COMPANY
CI-4. RI78-18, Natural Gas Pipeline Co. of America.
CP-6. RP76-90, Kansas-Nebraska Natural Gas Co., Inc.
M-2. RM79- , certain sales of natural gas by Interstate Pipelines.
M-3. Interim rules on 314 of NGPA, offers and right of first refusal.
M-4. RM79- , treatment of certain production related costs for gas to be transported through the Alaska Natural Gas Transportation System.
M-5. RM79-3, regulations implementing the Natural Gas Policy Act of 1978.

KENNETH F. PLUMB,
Secretary.

[S-245-79 Filed 2-2-79; 10:51 am]

[6735-01-M]

6

FEBRUARY 1, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., February 7, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: This meeting may be closed.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

Secretary of Labor V. Peter White Coal Mining Corp. HOPE 78-374 etc., 78-444 etc., 78-509, 78-535 etc.; Peabody Coal Co., VINC 78-386; United States Steel Corp., PITT 78-335; Monterey Coal Co., VINC 78-416; Rochester & Pittsburgh Coal Co., PITT 78-323; Helvetia Coal Co., PITT 78-322; Iselin Preparation Co., PITT 78-343, 78-344; and Energy Fuels Corp., DENV 78-410 (disposition on the merits).

Eastern Associated Coal Corp. v. Secretary of Labor, PITT 76-203; Florence Mining Co., Helen Mining Co., Oneida Mining Co., North American Coal Corp. v. Secretary of Labor, PITT 77-15, 77-16, 77-17, 77-18, 77-19, 77-23; Alabama By-Products Corp. v. Secretary of Labor, BARB 76-153; Inland Steel Coal Co. v. Secretary of Labor, VINC 77-164 (disposition on the merits).

It was determined by unanimous vote of the Commissioners that Commission business required that these matters be scheduled for Commission action as soon as possible and that no earlier announcement of this action was possible.

CONTACT PERSON FOR MORE INFORMATION:

Joanne Kelley, 202-653,5632.

[S-247-79 Filed 2-2-79; 11:58 am]

[6210-01-M]

7

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11:30 a.m., Friday, February 9, 1979.

PLACE: 20th and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 1, 1979.

[S-241-79 Filed 2-2-79; 10:16 am]

[7590-01-M]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 5, 1979.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Wednesday, February 7—1:30 p.m.

1. Discussion of ex parte and separation of functions regulations (approximately 1 hour, public meeting).

Thursday, February 8—9:30 a.m.

1. Briefing by OPM on senior executive service (approximately 1 hour, public meeting).

2. Briefing on NRC legislative proposals including siting and licensing and omnibus legislation (approximately 1½ hours, public meeting).

3. Affirmation Session (approximately 10 minutes, public session)

a. FOIA appeal by Cochran (78-A-6) (tentative).

2 p.m.—

1. Joint meeting with ACRS (approximately 1 hour, public meeting).

a. Recent (1978) annual report to Congress on NRC safety research program.

b. Use of probabilistic analysis in the licensing process.

c. Status report regarding ACRS review of licensee event reports.

2. Discussion of personnel matter (approximately 1½ hours, closed—Exemption 6).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: January 31, 1979.

WALTER MAGEE,
Office of the Secretary.

[S-248-79 Filed 2-2-79; 11:59 am]

[7710-12-M]

9

POSTAL SERVICE.

BOARD OF GOVERNORS MEETING

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9 a.m. on Tuesday, February 13, 1979, in the Conference Room of the Pittsburgh Sectional Center, U.S. Post Office & Courts Building, 7th & Grant Streets, Fourth Floor, Room 416P, Pittsburgh, Pennsylvania. The meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

AGENDA

1. Minutes of the previous meeting.

2. Remarks of the Postmaster General: In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the occurrence of a recent Congressional hearing, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.

3. Quarterly report on financial performance: Mr. Finch, Senior Assistant Postmaster General, Finance Group, will present the quarterly summary of financial performance.

4. Quarterly report on service performance: Mr. Conway, Deputy Postmaster General, will present the quarterly summary of service performance.

5. Report on administration group programs: Mr. Biglin, Senior Assistant Postmaster General, Administration Group, will provide a general report on the developments within the cognizance of the Administration Group.

6. Report of the regional Postmaster General: Mr. Cooper, Regional Postmaster General, will report on postal conditions in the Eastern Region.

7. Briefing on the Pittsburgh sectional center facility: Mr. Harkins, Sectional Center Manager/Postmaster, will brief the Board on performance in the Pittsburgh Sectional Center. Informational briefings of this kind are customary at Board meetings outside of Washington, D.C. They are included on the agenda for the instant meeting for the convenience of the Board.

8. Temporary classification change proposal for restructured parcel post: Under the Postal Reorganization Act (39 U.S.C. §3641(e)), if the Postal Rate Commission does not transmit a recommended decision on a change in the Mail Classification Schedule to the Governors of the Postal Service within ninety days after the Postal Service has submitted to the Commission a request for such a recommended decision, the Postal Service, upon ten days notice in the FEDERAL REGISTER, may place into effect temporary changes in the Mail Classification Schedule in accordance with proposed changes under consideration by the Commission. The Postal Service requested a recommended decision on September 8, 1978, to change the Domestic Mail Classification Schedule as it relates to parcel post. The Board will consider the question of whether the Postal Service should place the proposal into effect on a temporary basis.

9. Recommended decisions of the Postal Rate Commission on proposals for changes in the mail classification schedule:

a. Recommended decision of November 30, 1978, to prohibit minimum size mail (Docket No. MC77-2).

b. Recommended decision of December 7, 1978, to reject a proposal by Dow Jones & Co. to restructure second-class rates (Docket No. MC76-2).

The Governors will consider the foregoing recommended decisions.

LOUIS A. COX,
Secretary.

[S-249-79 Filed 2-2-79; 3:01 pm]

[7910-01-M]

10

RENEGOTIATION BOARD.

DATE AND TIME: 10 a.m., Thursday, February 8, 1979.

PLACE: Conference room, fourth floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Wallace-Murray Corp., fiscal year ended December 31, 1969.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 1, 1979.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-244-79 Filed 2-2-79; 10:16 am]

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BOOK 2:
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federal register

BOOK 2 OF 2 BOOKS

TUESDAY, FEBRUARY 6, 1979
PART II

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

■

NATIONAL REGISTER OF HISTORIC PLACES

Annual Listing of Historic Properties

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[4310-03-M]

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Annual Listing of Historic Properties

Pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915, 16 USC 470 et seq.), the Heritage Conservation and Recreation Service, Department of the Interior, has undertaken steps to implement the purposes of that act through: (1) Expansion of the National Register of Historic Places, (2) Initiating a program of grants-in-aid for historic preservation, and (3) Adoption of procedures and criteria for furthering the Nation's historic preservation program.

It is the purpose of this notice, through publication of the information included herein, to apprise the public, as well as governmental agencies, associations, and all other organizations and individuals interested in historic preservation of the properties added to the National Register before December 31, 1978, and the properties determined eligible for inclusion in the National Register through December 1978.

WILLIAM J. MURTAGH,
Keeper of the National Register.

The following properties are Multiple Resource Nominations that were entered into the National Register prior to December 31, 1978. They appear here due to scheduling limits that could not permit their inclusion in the regular computerized listing.

ARIZONA

Yavapai County

Prescott, PRESCOTT TERRITORIAL BUILDINGS MULTIPLE RESOURCE AREA. This resource are includes: *Bank of Arizona building*, 101, E. Gurley; *Blumberg House*, 143 N. Mt. Vernon; *Brinkmeyer House*, 605 W. Gurley; *Burmister/Timerhoff House*, 116 S. Mt. Vernon; *Clark House*, 109 N. Pleasant; *Curtis Hall*, 133 S. McCormick; *Day House*, 212 E. Gurley; *Delwier House*, 310 N. Alarcon; *Drake House*, 137 N. Mt. Vernon; *Electric Building*, E. Gurley; *Elks Building and Theater*, 117 E. Gurley, *First Congregational Church and Parsonage*, 216-220 E. Gurley, *Fisher/Goldwater House*, 240 S. Cortez; *Fredericks House*, 202 S. Pleasant; *Gage/Murphy House*, 105 S. Alarcon; *Goldwater Mercantile*, 127 S. Cortez; *Hawkins House*, 122 S. Mt. Vernon; *Hazeltine House*, 202 S. Mt. Vernon, *Head House*, 309 E. Gurley; *Hill House*, 144 S. Park; *Knights of Pythias Hall*, 105 S. Cortez; *Lawler-Hetherington Double House*, 223 E. Union; *Levy Building*, 112 S. Montezuma; *Marks House*, 203 E Union; *Martin/Ling House*, 125 N. Pleasant; *Masonic Temple*, 105—107 N. Cortez; *Morin House*, 134 N. Mt. Vernon; *Morrison House*, 300 S. Marina; *Mulventon House*, 233 S. Cortez; *Otis House*, 113 N. Pleasant; *Palace Hotel*, 120—126 S. Montezuma; *Peter House*, 211 E. Union; *Prescott National Bank*, 102 E. Gurley; *Roberts House*, 136 N. Pleasant; *A.W. Robinson House*, 115 N. Grove; *Sacred Heart Catholic Church and Rectory*, 208 N. Marina; *Sam Hill Hardware*, 154 S. Montezuma; *Sewall House*, 220 N. Mt. Vernon; *Shekels House*, 226 S. Cortez; *Sloan House*, 128 N. Mt. Vernon; *St. Michael Hotel*, 102-110 S. Montezuma; *Wells House*, 303 S. Cortez; *Wilder House*, 346 S. Montezuma. (12-14-78)

INDIANA

Parke County

PARKE COUNTY COVERED BRIDGES MULTIPLE RESOURCE AREA. This area includes: *Portland Mills Bridge*, over Little Raccoon Creek; *Mansfield Bridge* over Big Raccoon Creek; *Big Rocky Fork Bridge*, over Big Rocky Fork; *Conley's Ford Bridge*, over Big Raccoon Creek; *Bridgeton Bridge*, over Little Raccoon Creek; *Jeffries Ford Bridge*, over Little Raccoon Creek; *Neet Bridge*, over Little Raccoon Creek *McAllister Bridge*, over Little Raccoon Creek; *Crooks Bridge*, over Little Raccoon Creek; *Catlin Bridge*, on golf course of Rockville; *Nevins Bridge*, over Little Raccoon Creek; *Thorpe Ford Bridge*, over Big Raccoon Creek; *Roseville Bridge*, over Big Raccoon Creek; *Harry Evans Bridge*, over Rock Run Creek; *Zacke Cox Bridge*, over Rock Run Creek; *Phillips Bridge*, over Big Pond Creek; *Sim Smith Bridge*, over Leatherwood Creek; *Melcher Bridge*, over Leatherwood Creek; *West Union Bridge*, over Sugar Creek; *J.H. Russell Bridge; Jackson Bridge*, over Sugar Creek; *Marshall Bridge*, over Rush Creek; *Mill Creek Bridge*, over Mill Creek; *Bowsher Ford Bridge*, over Mill Creek; *Coal Creek Bridge*, over Coal Creek; *Wilkins Mill Bridge*, over Sugar Mill Creek; *Cox Ford Bridge*, over Sugar Creek; *Narrows Bridge*, over Sugar Creek; *Beeson Bridge*, over Roaring Creek; and *Billie Creek Bridge*, over Williams Creek. (12-22-78)

TEXAS

Bastrop County

Bastrop, BASTROP HISTORIC AND ARCHITECTURAL MULTIPLE RESOURCE AREA. This area includes: *Bastrop Commercial District*, roughly bounded by Church and Water, and Spring and Walnut Sts.; *Fowler-Jenkins House*, 1302 Pecan; *S.L. Brannon House*, 1301 Main; *White House*, 1307 Main; *Hubbard-Trigg House*, 1508 Pecan; *Powell C. Maynard House*, 1408 Pecan; *Mary Duval House*, 1502 Pecan; *Brooks-Wilbarger House*, 1403 Main (HABS); *L.W. Olive House*, 1507 Main; *J.H. Pearcy House*, 1602 Pecan; *Paul D. Page House*, 1792 Pecan; *August Elzner House*, 1701 Main; *J.T. Crysup House*, 1607 Main; *Kohler-McPhaul House*, 1901 Pecan; *Harriet and Charlie McNeil House*, 1805 Pecan; *August Baron House*, 1707 Pecan; *R.J. Brieger House*, 1508 Hill, *Erhard House*, 907 Cedar; *E.C. Erhard House*, 1507. Pecan, *W.E. Maynard House*, 1310 Hill, *Alf Griesenbeck House*, 1302 Hill; *Prince Elzner House*, 1303 Pecan; *Adolph A. Erhard House*, 1205 Pecan; *House at 1308 Fayette; House at 1301 Hill; Old Bastrop Co. Pavilion*, 1800 block of Hawthorne; *Kleinert House*, 1801, Hill; *Willis Miley House*, 1320 Farm; *House at 1316 Farm;* Casino Hall, NE corner of Farm and Fayette; *Iron Bridge*, over Piney Creek; *Hall-Sayers-Perkins House*, 1307 Church; *H.B. Combs*, 1208 Church; *Jacob C. Higgins House*, 1204 Church; *Rufus A. Green House*, 1408 Church (listed individually also); *H.P. Luckett House*, 1402 Church; *Governor Joseph Sayers House*, 1703 Wilson (HABS); *Marcellus McNeil House*, 1809 Wilson; *Jenkins House*, 1710 Main; *Elbert S. Orgain House*, 1704 Main; *Sarah Jane Orgain House*, 602 Cedar; *House at 604 Elm; Bartholomew Manlove House*, 502 Elm, Waugh House, 1801 Main; *Pheiffer House*, 1802 Main; *J.W. Pledger House*, 1704 Wilson; *Crocheron-McDowall House*, 1502 Wilson (HABS); *Fowler House*, 1404 Wilson; *Alf Jung House*, 508 Pecan; *Jung Storage Building*, 108 Government; *W.F. Schaeffer House*, 608 Pecan; *Bastrop County Courthouse and Jail*, Courthouse Sq. (listed individually also); *J.C. Buchanan House*, 1010 Pecan; *A.A. Erhard House*, 1106 Pecan; *T.A. Hasler House*, 1109 Pecan; *Oliver P. Jones House*, 1009 Pecan; *Joe Jung House*, 909 Pecan (HABS); *Erna Griesenbeck House*, 980 Pine; *Mrs. William R. Reding House*, 901 Pecan; *Wilke House*, 807 Pecan; *House at 806 Jefferson; Eugene Harlson House*, 803 Jefferson, *Jenkins House*, 801 Pecan; *Griesenbeck House*, 805 Pecan; *Rabensburg House*, 707 Pecan; *Judge R. Batts House*, 609 Pecan, House at 311 Pecan; *Jennie Brooks House*, 1009 Walnut; *House at 1002 Walnut; R.J. Griesenbeck House*, 1005 Chestnut; *Emelia Hasler House*, 1004 Pine; *House at 1002 Pine; House at 1108 Hill; House at 1105 Hill; Houses at 703 and 704 Austin; George W. Davis House*, 1010 Chestnut; *Ed Bastain-Haralson House*, 1006 Chestnut; *Dawson House*, 1002 Chestnut; *Minnie Wilkes House*, 1101 Hill, *Campbell Taylor-Greenlief Fisk House*, 1005 Hill; *MKT Depot*, NW Chestnut and Fayette; *Dr. C.A. Grimes House, 1201 Farm; Beverly and Lula Kerr House*, 1305 Pine; *Pleoger-Kerr-White House*, 806 Marion; *Kerr Community Center*, 1308 Walnut; *P.A. Fry House*, 1403 Government; *George Washington Jones House*, Fayette and Mill; *Farm House*, end of Pecan; *Richard Starcke House*, 710 Water; *Richard Starcke House*, 703 Main; *Elzner House*, 800 Main; *John Cornelsum House*, 702 Main. (12-22-78)

The following properties were listed on the National Register of Historic Places as of December 31, 1978. National Historic Landmarks are designated by NHL; properties recorded by Historic American Buildings Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER.

[FR Doc. 79-2110 Filed 2-5-79; 8:45 am]

AA

exemptions

LIBRARY OF CONGRESS, 1st St. and Independence Ave., SE., (1-2-74) NHL.
SUPREME COURT BUILDING, 1st and E. Capitol Sts., NE., (1-2-74)
UNITED STATES CAPITOL, Capitol Hill, (1-2-74) NHL; HABS.
WHITE HOUSE, 1600 Pennsylvania Ave., NW., (1-2-74)

ALABAMA

autauga county

Prattsville vicinity. *MONTGOMERY–WHITTAKER HOUSE (BUENA VISTA)*, S of Prattville off AL 14, (10-25-74) PH0141194 HABS.

baldwin county

Bridgehead vicinity. *BLAKELEY*, N of Bridgehead, (6-25-74) PH0000108
Fort Morgan vicinity. *SAND ISLAND LIGHT*, SW of Fort Morgan off Mobile Point, (11-12-75)
Fort Morgan vicinity. *U.S.S. TECUMSEH*, NW of Fort Morgan in Mobile Bay, (5-14-75)
Gasque vicinity. *FORT MORGAN*, Western terminus of AL 180, (10-15-66) PH0001066 NHL.
Montrose. *MONTROSE HISTORIC DISTRICT*, Main (AL 42) and 2nd Sts., (6-3-76)
Stockton vicinity. *BOTTLE CREEK INDIAN MOUNDS*, (12-2-74) PH0063924
Tensaw vicinity. *FORT MIMS SITE*, 3 mi. W of AL 59 near the Alabama River, (9-14-72) PH0000116

barbour county

Clayton. *MILLER-MARTIN TOWN HOUSE*, Louisville Ave., (12-16-74) PH0034258
Clayton. *PETTY-ROBERTS-BEATTY HOUSE (OCTAGON HOUSE)*, 103 N. Midway, (1-21-74) PH0020125
Clayton vicinity. *CLAYTON, HENRY D., HOUSE*, 1 mi. S of Clayton off AL 30, (12-8-76) NHL.
Eufaula. *BRAY-BARRON HOUSE*, N. Eufaula Ave., (5-27-71) PH0000141
Eufaula. *CATO HOUSE*, 823 W. Barbour St., (5-27-71) PH0000167
Eufaula. *DREWRY-MITCHELL-MOORER HOUSE*, 640 N. Eufaula Ave., (4-13-72) PH0020231
Eufaula. *FENDALL HALL*, Barbour St., (7-28-70) PH0020249 G.
Eufaula. *KENDALL MANOR*, 534 W. Broad St., (1-14-72) PH0020257
Eufaula. *LORE HISTORIC DISTRICT*, Bounded by Eufaula Ave., and Browder, Livingston, and Barbour Sts., (12-12-73) PH0010022 HABS.
Eufaula. *MCNAB BANK BUILDING*, Broad St., (6-24-71) PH0020290
Eufaula. *SHEPPARD COTTAGE*, E. Barbour St., (5-27-71) PH0020303
Eufaula. *SHORTER MANSION*, 340 N. Eufaula Ave., (1-14-72) PH0020320
Eufaula. *SPARKS, GOV. CHAUNCY, HOUSE*, 257 Broad St., (6-28-72) PH0020338
Eufaula. *TAVERN, THE (RIVER TAVERN)*, 105 Riverside Dr., (10-6-70) PH0010154 HABS.
Eufaula. *WELLBORN (WELBORN) HOUSE*, Livingston Ave., (7-14-71) PH0010162 HABS.

bibb county

Brierfield. *MONTEBRIER*, (4-2-73) PH0020281
Brierfield vicinity. *BRIERFIELD FURNACE*, W of Brierfield, (11-20-74) PH0054593
Centreville. *CENTREVILL, HISTORIC DISTRICT*, Walnut St., East and West Court Sq., (10-19-78)

blount county

Oneonta vicinity. *HORTON MILL COVERED BRIDGE*, 5 mi. (8 km) N of Oneonta on Rte. 3, (12-29-70) PH0010146 G.

bullock county

Union Springs. *BULLOCK COUNTY COURTHOUSE HISTORIC DISTRICT*, N. Prairie St., (10-8-76)

calhoun county

Anniston. *ANNISTON INN KITCHEN*, 130 W.-15th St., (5-8-73) PH0010138
Anniston. *CROWAN COTTAGE*, 1401 Woodstock Ave., (5-16-75)
Anniston. *NOBLE COTTAGE*, 900 Leighton Ave., (10-8-76)
Anniston. *ST. MICHAEL AND ALL ANGELS EPISCOPAL CHURCH*, W. 18th St., (2-14-78)
Anniston. *U.S. POST OFFICE*, 1129 Noble St., (11-13-76)
Coldwater. *COLDWATER CREEK COVERED BRIDGE*, Spans Coldwater Creek 0.5 mi. (0.8 km) from I 20, (4-11-73) (also in Talladega County)
Jacksonville. *FRANCIS, DR. J. C., OFFICE*, 100 Gayle St., (11-20-70) PH0010049 G.
Ohatchee vicinity. *JANNEY FURNACE*, 1 mi. NW of Ohatchee off AL 62, (9-28-76)

chambers county

LaFayette. *OLIVER, ERNEST MCCARTY, HOUSE*, LaFayette St., N. (U.S. 431), (1-21-74) PH0000159

cherokee county

Cedar Bluff vicinity. *CORNWALL FURNACE*, 2 mi. (3.2 km) N of Cedar Bluff, (9-27-72) PH0000183 G.

chilton county

Verbena. *VERBENA*, U.S. 31, (1-19-76)

clarke county

Gainestown vicinity. *WILSON-FINLAY HOUSE*, N of Gainestown on Suggsville Rd., (7-12-78)
Grove Hill. *DICKINSON HOUSE*, 101 Dickinson Ave., (9-13-78)
Grove Hill vicinity. *FORT SINQUEFIELD*, (12-31-74) PH0063878

clay county

Ashland. *BLACK, HUGO, HOUSE*, S. 2nd St., E. (AL 77), (10-9-73) PH0000175
Ashland. *CLAY COUNTY COURTHOUSE*, Courthouse Sq., (11-21-76)

cleburne county

Edwardsville vicinity. *SHOAL CREEK CHURCH*, 4 mi. (6.4 km) NW of Edwardsville, on Forest Service Rd. 533 in Talladega National Forest, (12-4-74) PH0034509
Heflin. *CLEBURNE COUNTY COURTHOUSE*, Vickory St., (6-22-76)

coffee county

Elba. *COFFEE COUNTY COURTHOUSE*, Courthouse Sq., (5-8-73) PH0000060
Enterprise. *BOLL WEEVIL MONUMENT*, Main and College Sts., (4-26-73) PH0000078
Enterprise. *SEABOARD COASTLINE DEPOT*, Corner of Railroad and W. College Sts., (8-7-74) PH0025640 G.

colbert county

Cherokee vicinity. *BARTON HALL*, 2.5 mi. (4 km) W of Cherokee on U.S. 72, (11-7-73) PH0140562 NHL; HABS.
Cherokee vicinity. *BUZZARD ROOST*, 3 mi. W of Cherokee on U.S. 72, (11-7-76)
Florence vicinity. *WILSON DAM*, Tennessee River on AL 133, (11-13-66) PH0140554 NHL. (also in Lauderdale County)
Leighton vicinity. *LA GRANGE ROCK SHELTER*, SW of Leighton, (6-13-74) PH0020095
Tuscumbia. *COLBERT COUNTY COURTHOUSE SQUARE HISTORIC DISTRICT*, (5-24-73) PH0020087 HABS.
Tuscumbia. *IVY GREEN (HELEN KELLER BIRTHPLACE)*, 300 W. North Common, (8-25-70) PH0020044
Tuscumbia vicinity. *OAKS, THE (ABRAHAM RICKS HOUSE)*, SE of Tuscumbia off AL 157 on Ricks Lane, (11-7-76) HABS.

conecuh county

Evergreen. *LOUISVILLE AND NASHVILLE DEPOT*, SW end of Front St., (4-3-75) G.

coosa county

Rockford. *COOSA COUNTY JAIL*, Off AL 22, (6-20-74) PH0020079 G.

covington county

Opp. *SHEPARD, WILLIAM T., HOUSE*, Poley Rd., (8-14-73) PH0010031

crenshaw county

Highland Home vicinity. *KIRKPATRICK HOUSE*, W of Highland Home on U.S. 331, (2-25-75)

cullman county

Cullman. *LOUISVILLE AND NASHVILLE RAILROAD DEPOT*, 309 1st Ave., NE., (6-17-76)
Cullman vicinity. *CLARKSON BRIDGE*, W of Cullman, (6-25-74) PH0010006

dale county

Newton. *OATES-REYNOLDS MEMORIAL BUILDING*, Oates St., (6-13-74) PH0010014
Ozark. *CLAYBANK LOG CHURCH*, E. Andrews Ave., (11-7-76)

dallas county

Selma. *DALLAS COUNTY COURTHOUSE*, 109 Union St., (6-20-75)
Selma. *MORGAN, JOHN TYLER, HOUSE*, 719 Tremont St., (9-27-72) PH0020214 HABS; G.
Selma. *OLD TOWN HISTORIC DISTRICT*, Roughly bounded by the Alabama River, Jefferson Davis Ave., Pettus, Broad, and Franklin Sts., (5-3-78)
Selma. *ST. PAUL'S EPISCOPAL CHURCH*, 210 Lauderdale St., (3-25-75)
Selma. *STURDIVANT HALL (WATTS-PARKMAN-GILLMAN HOUSE)*, 713 Mabry St., (1-18-73) PH0020192 HABS.
Selma. *U.S. POST OFFICE BUILDING*, 908 Alabama Ave., (3-26-76)
Selma. *WATER AVENUE HISTORIC DISTRICT*, Water Ave., (12-26-72) PH0020206 HABS.
Selma vicinity. *CAHABA*, 11 mi (17.6 km) SW of Selma at jct. of Cahaba and Alabama Rivers, (5-8-73) PH0020061 HABS.
Selma vicinity. *CARLOWVILLE*, 17 Mi. (27 km) S of Selma on AL 89, (1-18-78)

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Selma vicinity. *VALLEY CREEK PRESBYTERIAN CHURCH*, N of Selma on Valley Creek Rd., (5-28-76)

dekalb county

Fort Payne. *ALABAMA GREAT SOUTHERN RAILROAD PASSENGER DEPOT*, NE 5th St., (9-10-71) PH0020052

Fort Payne. *FORT PAYNE OPERA HOUSE*, 510 Gault Ave., N., (4-28-74) PH0000132

elmore county

Wetumpka. *ALABAMA STATE PENITENTIARY*, NE of Wetumpka on U.S. 231, (5-8-73) PH0000094

Wetumpka. *FIRST PRESBYTERIAN CHURCH OF WETUMPKA*, W. Bridge St., (10-8-76)

Wetumpka. *FIRST UNITED METHODIST CHURCH*, 308 Tuskeena St., (2-15-73) PH0000086 HABS.

Wetumpka. *WETUMPKA L & N DEPOT*, Coosa St., (7-1-75)

Wetumpka vicinity. *FORT TOULOUSE*, 4 mi (6.4 km) SW of Wetumpka at confluence of the Coosa and Tallapoosa rivers, (10-15-66) PH0022802 NHL; G.

etowah county

Gadsden. *ALABAMA CITY LIBRARY*, 1 Cabot Ave., (12-27-74) PH0034240

Gadsden. *U.S. POST OFFICE*, 600 Broad St., (6-3-76)

fayette county

Fayette. *FAYETTE COUNTY COURTHOUSE DISTRICT*, Roughly area between Peyton and Caine Sts., and Luxapalilla St. and railroad tracks., (4-30-76)

franklin county

Hodges vicinity. *OVERTON FARM*, 4 mi (6.4 km) NW of Hodges, (10-3-73) PH0001031

Russellville vicinity. *ALABAMA IRON WORKS*, S of Russellville off U.S. 43, (8-3-77)

greene county

Eutaw. *COLEMAN-BANKS HOUSE*, 430 Springfield Rd., (12-18-70) PH0010197 HABS; G.

Eutaw. *FIRST PRESBYTERIAN CHURCH*, Main St. and Wilson Ave., (12-16-74) PH0034231 HABS.

Eutaw. *GREENE COUNTY COURTHOUSE*, Courthouse Sq., (3-24-71) PH0010189 HABS.

Eutaw. *KIRKWOOD*, 111 Kirkwood Dr., (5-17-76) HABS.

Forkland. *ST. JOHN'S-IN-THE-PRAIRIE*, SR 4, (11-20-75) HABS.

Forkland vicinity. *ROSEMOUNT*, 1 mi. (1.6 km) NW of Forkland, (5-27-71) PH0010171 HABS.

hale county

Greensboro. *ERWIN, JOHN, HOUSE*, 705 Erwin Dr., (1-18-78) HABS.

Greensboro. *GREENSBORO HISTORIC DISTRICT*, Main St. between Hobson and 1st Sts. (includes both sides), (8-13-76) boundary increase (1-23-78) HABS.

Greensboro. *MAGNOLIA GROVE*, W end of Main St., (4-11-73) PH0020362 HABS.

Greensboro vicinity. *TANGLEWOOD (PAGE HARRIS HOUSE)*, About 11 mi. N of Greensboro off AL 23, (4-11-73) PH0020346

Moundville vicinity. *MOUNDVILLE*, 1 mi. (1.6 km) W of Moundville on SR 21, (10-15-66) PH0140538 NHL. (also in Tuscaloosa County)

Prairieville. *ST. ANDREW'S CHURCH*, U.S. 80, (11-7-73) PH0140520 NHL.

henry county

Abbeville. *KENNEDY HOUSE*, 300 Kirkland St., (1-5-78)

houston county

Dothan. *DOTHAN OPERA HOUSE*, 103 N. St. Andrews St., (12-16-77)

Dothan. *FEDERAL BUILDING AND U.S. COURTHOUSE*, 100 W. Troy St., (12-31-74) PH0063908

jackson county

Bridgeport vicinity. *RUSSELL CAVE NATIONAL MONUMENT*, 8 mi. (12.8 km) W of Bridgeport via U.S. 72, CR 91 and 75, (10-15-66) PH0262498

Stevenson. *FORT HARKER*, S of AL 117, (5-2-77)

Stevenson. *ROSECRANS, GEN. WILLIAM, HEADQUARTERS*, Myrtle Pl., (7-12-78)

Stevenson. *STEVENSON HISTORIC DISTRICT*, irregular pattern along RR. tracks, (9-13-78)

Stevenson. *STEVENSON RAILROAD DEPOT AND HOTEL*, Main St., (5-13-76)

jefferson county

Bessemer. *MCADORY, THOMAS, HOUSE*, 214 Eastern Valley Rd., (12-26-72) PH0000124 G.

Bessemer. *SOUTHERN RAILWAY TERMINAL STATION*, 1905 Alabama Ave., (2-28-73) PH0020010

Bessemer vicinity. *OWEN PLANTATION HOUSE*, S of Bessemer on Eastern Valley Rd., (10-22-76)

Birmingham. *ARLINGTON (MUDD-MUNGER HOUSE)*, 331 Cotton Ave., SW., (12-2-70) PH0020354 HABS.

Birmingham. *BROWN, DR. A. M., HOUSE*, 319 N. 4th Ter., (6-20-74) PH0141224

Birmingham. *ENSLEN HOUSE*, 2737 Highland Ave., (3-13-75)

Birmingham. *HIGHLAND AVENUE HISTORIC DISTRICT*, 2000 block thru 3200 block, 11th Court S., (11-17-77)

Birmingham. *LAKEVIEW SCHOOL*, 2800 Clairmont Ave., (11-17-77)

Birmingham. *MORRIS AVENUE HISTORIC DISTRICT*, 2000–2400 blocks of Morris Ave., (4-24-73) PH0000051

Birmingham. *OAK HILL CEMETERY*, 1120 N. 19th St., (7-13-77)

Birmingham. *POWELL SCHOOL*, 2331 6th Ave., North, (6-17-76)

Birmingham. *SLOSS BLAST FURNACE SITE*, 1st Ave. at 32nd St., (6-22-72) PH0020109

Birmingham. *STEINER BANK BUILDING*, 2101 N. 1st Ave., (6-25-74) PH0010090

Birmingham. *U.S. POST OFFICE*, 1800 5th Ave., N., (6-3-76)

Birmingham. *VULCAN*, Vulcan Park, U.S. 31, (7-6-76)

McCalla vicinity. *FIVE MILE CREEK BRIDGE*, 1 mi. NE of McCalla off U.S. 11, (2-28-73) PH0000019

McCalla vicinity. *SADLER HOUSE*, 3 mi. S of McCalla on Eastern Valley Rd., (4-23-75)

lamar county

Sulligent. *BANKHEAD, JAMES GREER, HOUSE (FORREST HOME)*, Wolf Rd., (2-13-75)

lauderdale county

WILSON DAM, Reference—see Colbert County (12-12-74)

Florence. *COURTVIEW (ROGERS HALL)*, Court St., (6-13-74) PH0000035 HABS.

Florence. *KARSNER-CARROLL HOUSE*, 303 N. Pine St., (3-31-70) PH0000027

Florence. *LARIMORE HOUSE*, Mars Hill Rd., (11-21-74) PH0044229

Florence. *PATTON, GOV. ROBERT, HOUSE*, Sweetwater and Florence Blvd., (6-17-76) HABS.

Florence. *ROSENBAUM HOUSE*, 117 Riverview Dr., (12-19-78)

Florence. *SANNONER HISTORIC DISTRICT*, Includes both sides of N. Pine and N. Court from Tuscaloosa Ave. to University of North Alabama, (1-1-76) HABS.

Florence. *WALNUT STREET HISTORIC DISTRICT*, N. Walnut between Hermitage and Tuscaloosa, (12-12-76)

Florence. *WESLEYAN HALL (WESLEYAN UNIVERSITY)*, Morrison Ave., (6-20-74) PH0000043

Florence. *WOOD AVENUE HISTORIC DISTRICT*, N Wood Ave. roughly bounded by Tuscaloosa and Hawthorne Sts., (10-10-78)

Florence vicinity. *OLD NATCHEZ TRACE (310-2A)*, 15 mi. NW of Florence on AL 20, (11-7-76)

lawrence county

Courtland vicinity. *WHEELER, JOSEPH, PLANTATION*, E of Courtland off AL 20, (4-13-77) HABS.

Town Creek vicinity. *GOODE-HALL HOUSE*, N of Town Creek of AL 101, (10-1-74) PH0008257 HABS.

lee county

Auburn. *AUBURN PLAYERS THEATER*, College Ave. at Thach St., (5-22-73) PH0020273

Auburn. *AUBURN UNIVERSITY HISTORIC DISTRICT*, Auburn University campus, (6-3-76)

Auburn. *EBENEZER MISSIONARY BAPTIST CHURCH*, Thach St. and Auburn Dr. S, (4-21-75)

Auburn. *OLD MAIN AND CHURCH STREET HISTORIC DISTRICT*, roughly bounded by E. Drake Ave., Western RR. of Alabama, N. Gay St., N. College St. and Bragg Ave. and Warrior Ct.,

Auburn. *SCOTT-YARBROUGH HOUSE*, 101 DeBardeleben St., (4-16-75)

Auburn vicinity. *NOBLE HALL (FRAZIER-BROWN HOUSE)*, 3 mi. N of Auburn on Shelton Mill Rd., (3-24-72) PH0020371 HABS.

Loachapoka. *LOACHAPOKA HISTORIC DISTRICT*, Both sides of AL 14 in Loachapoka, (5-11-73) PH0020389

Opelika. *LEE COUNTY COURTHOUSE*, S. 9th St. between Aves. A and B, (7-23-73) PH0020397

Opelika. *U.S. POST OFFICE*, 701 Ave. A, (11-18-76)

Opelika vicinity. *SPRING VILLA*, 6 mi. (9.6 km) SE of Opelika on Spring Villa Rd., (1-3-78) HABS.

limestone county

Athens. *DONNELL, ROBERT, HOUSE*, 601 S. Clinton St., (9-19-73) PH0010065 HABS.

Belle Mina vicinity. *BELLE MINA (BELLE MANOR)*, S of Belle Mina on the Mooresville-Elkton Rd., (10-31-72) PH0010057 HABS.

Elkmont vicinity. *SULPHUR TRESTLE FORT SITE*, 1 mi. S of Elkmont, (5-8-73) PH0020141

Mooresville. *MOORESVILLE*, Off U.S. 72 (AL 20), (4-13-72) PH0010201 HABS.

lowndes county

Calhoun. *CALHOUN SCHOOL PRINCIPAL'S HOUSE*, SR 33, (3-26-76)

Hayneville. *LOWNDES COUNTY COURTHOUSE*, Washington St., (6-24-71) PH0141208

Lowndesboro. *LOWNDESBORO*, N of U.S. 80, (12-12-73) PH0000612 HABS.

macon county

Shorter vicinity. *ATASI SITE*, N of Shorter, (4-18-77)

Tuskegee. *MACON COUNTY COURTHOUSE*, E. Northside and N. Main Sts., (11-17-78)

Tuskegee vicinity. *TUSKEGEE INSTITUTE NATIONAL HISTORIC SITE*, 1 mi. NW of Tuskegee on U.S. 80, (10-15-66) PH0011266

madison county

Huntsville. *CLEMENS HOUSE*, Clinton Ave. at Church St., (10-16-74) PH0007056

Huntsville. *DALLAS MILL*, 701 Dallas Ave., (9-18-78)

Huntsville. *EPISCOPAL CHURCH OF THE NATIVITY*, 212 Eustis St., (10-9-74) PH0141232

Huntsville. *FIRST NATIONAL BANK*, West Side Sq., (10-25-74) PH0008290 HABS.

Huntsville. *HUMPHREYS, DAVID C., HOUSE*, 510 Clinton Ave., West, (8-3-77)

Huntsville. *HUNDLEY HOUSE*, 401 Madison St., (5-22-78)

Huntsville. *LEECH-HAUER HOUSE*, 502 Governors Dr., (12-8-78)

Huntsville. *OLD TOWN HISTORIC DISTRICT*, Roughly bounded by Dement and Lincoln Sts., and Randolph and Walker Aves., (7-18-78)

Huntsville. *ROBINSON, JOHN, HOUSE*, 2709 Meridian St., N., (10-6-77) HABS.

Huntsville. *SATURN V SPACE VEHICLE*, Tranquility Base, (11-22-78)

Huntsville. *SOUTHERN RAILWAY SYSTEM DEPOT*, 330 Church St., (9-10-71) PH0001015 G.

Huntsville. *STEELE-FOWLER HOUSE*, 808 Maysville Rd., (6-20-74) PH0000621

Huntsville. *TWICKENHAM HISTORIC DISTRICT*, Area bounded roughly by Clinton and Hermitage Aves. and Madison and California Sts., (1-4-73) PH0000639 HABS.

Huntsville. *WITHERS-CHAPMAN HOUSE*, 2409 Gaboury Lane, NE, (12-8-78)

Huntsville vicinity. *REDSTONE TEST STAND*, SW of Huntsville on Dodd Rd. at Redstone Arsenal, (5-13-76)

Maysville vicinity. *McCARTNEY-BONE HOUSE*, 3 mi. NE of Maysville on Hurricane Rd., (12-16-77)

Normal. *DOMESTIC SCIENCE BUILDING*, Alabama Agricultural and Mechanical University campus, (4-11-73) PH0001023

marengo county

Dayton vicinity. *HALF-CHANCE BRIDGE*, SR 39 over the Chickasaw Bogue Creek, (9-14-72) PH0020931

Demopolis. *ASHE COTTAGE*, 307 N. Commissioners, (10-19-78)

Demopolis. *BLUFF HALL*, 405 N. Commissioners Ave., (7-28-70) PH0141216 HABS.

Demopolis. *CONFEDERATE PARK*, Bounded by Main, Capitol, Walnut, and Washington Sts., (10-29-75)

Demopolis. *CURTIS HOUSE*, 510 N. Main, (4-11-77)

Demopolis. *GAINESWOOD*, 805 S. Cedar St., (1-5-72) PH0022799 NHL; HABS; G.

Demopolis. *GLOVER MAUSOLEUM*, Riverside Cemetery, (1-21-74) PH0021318 HABS.

Demopolis. *LYON-LAMAR HOUSE*, 102 S. Main Ave., (1-21-74) HABS.

Demopolis. *WHITE BLUFF*, Arch St., (8-25-70) PH0010243

Demopolis vicinity. *FOSCUE-WHITFIELD HOUSE*, W of Demopolis on U.S. 80, (1-21-74) PH0020940

Jefferson. *JEFFERSON HISTORIC DISTRICT*, AL 28, (11-13-76)

Linden. *OLD COURTHOUSE (VETERANS' HALL)*, 300 W. Cahaba Ave., (1-18-74) PH0020923 HABS.

marion county

Hamilton vicinity. *PEARCE'S MILL*, E of Hamilton on SR 253, (10-8-76)

marshall county

Albertville. *ALBERTVILLE DEPOT (L & N RAILROAD DEPOT)*, E. Main St., (2-20-75)

mobile county

Bay Minette vicinity. *FORT LOUIS DE LA LOUISIANE*, 14 mi. NW of Bay Minette on Mobile River, (5-6-76)

Bucks vicinity. *ELLICOTT STONE*, 1 mi. S of Bucks off U.S. 43, (4-11-73) PH0010227

Dauphin Island. *INDIAN MOUND PARK*, (8-14-73) PH0021385

Mobile. *BARTON ACADEMY*, 504 Government St., (2-16-70) PH0010235 HABS.

Mobile. *BATTLE HOUSE ROYALE*, 26 N. Royal St., (8-19-75)

Mobile. *BATTLE HOUSE ROYALE*, 20 N. Royal St., (8-19-75)

Mobile. *BATTLE HOUSE ROYALE*, 26 N. Royal St., (8-19-75) PH0179370

Mobile. *BRAGG-MITCHELL HOUSE (JUDGE JOHN BRAGG HOUSE)*, 1906 Springhill Ave., (9-27-72) PH0010073 HABS.

Mobile. *BRISK & JACOBSON STORE*, 51 Dauphin St., (3-14-73) PH0020915 HABS.

Mobile. *CAROLINA HALL (DAWSON-PERDUE HOUSE)*, 70 S. McGregor St., (1-18-73) PH0020907 HABS.

Mobile. *CHURCH STREET EAST HISTORIC DISTRICT*, Along Government and Church Sts. between Bayou and Water Sts., (12-16-71) PH0020885 HABS; G.

Mobile. *DE TONTI SQUARE HISTORIC DISTRICT*, (2-7-72) PH0010081 HABS.

Mobile. *EMANUEL BUILDING (BANK OF MOBILE)*, 100 N. Royal St., (3-21-78)

Mobile. *FIRST NATIONAL BANK*, 68 St. Francis St., (11-17-78)

Mobile. *FORT CONDE-CHARLOTTE*, Church and Royal Sts., (5-21-69) PH0010219 G.

Mobile. *GATES-DAVIS HOUSE*, 1570–1572 Dauphin St., (6-20-74) PH0021351 HABS.

Mobile. *GEORGIA COTTAGE*, 2564 Springhill Ave., (9-14-72) PH0028835 HABS.

Mobile. *GULF, MOBILE, AND OHIO PASSENGER TERMINAL*, Beauregard and St. Joseph Sts., (8-15-75) HABS.

Mobile. *HORST, MARTIN, HOUSE*, 407 Conti St., (6-21-71) PH0020036 HABS.

Mobile. *KIRKBRIDE HOUSE (FORT CONDE-CHARLOTTE HOUSE)*, 104 Theater St., (12-12-73) PH0020028 HABS.

Mobile. *MOBILE CITY HALL*, 111 S. Royal St., (12-3-69) PH0020877 NHL; HABS.

Mobile. *MOBILE CITY HOSPITAL (OLD CITY HOSPITAL)*, 900-950 St. Anthony St., (2-26-70) PH0010995 HABS.

Mobile. *OAKLEIGH*, 350 Oakleigh St., (5-27-71) PH0020001 HABS.

Mobile. *OAKLEIGH GARDEN HISTORIC DISTRICT (WASHINGTON SQUARE)*, (4-13-72) PH0020150 HABS.

Mobile. *PINCUS BUILDING*, 1 S. Royal St., (12-12-76)

Mobile. *PORTIER, BISHOP, HOUSE*, 307 Conti St., (2-26-70) PH0141241 HABS.

Mobile. *PROTESTANT CHILDREN'S HOME*, 911 Dauphin St., (6-18-73) PH0010103 HABS.

Mobile. *SEMMES, RAPHAEL, HOUSE*, 804 Government St., (2-26-70) PH0010111 HABS.

Mobile. *SOUTH LAFAYETTE STREET CREOLE COTTAGES*, 20, 22, and 23 S. Lafayette St., (11-7-76)

Mobile. *SPRING HILL COLLEGE QUADRANGLE*, 4307 Old Shell Rd., (8-17-73) PH0000647 HABS.

Mobile. *ST. LOUIS STREET MISSIONARY BAPTIST CHURCH*, 108 N. Dearborn St., (10-8-76)

Mobile. *STATE STREET A.M.E. ZION CHURCH*, 502 State St., (9-6-78)

Mobile. *U.S. MARINE HOSPITAL*, 800 St. Anthony St., (6-27-74) PH0001007

Mobile Bay. *MIDDLE BAY LIGHT*, Middle of Mobile Bay, (12-30-74) PH0054461 HABS.

Mobile vicinity. *FORT GAINES*, S of Mobile on E end of Dauphin Island, (12-12-76)

Stockton vicinity. *NANNA HUBBA BLUFF (SEABOARD BLUFF)*, (10-1-74) PH0043869

monroe county

Monroeville. *OLD MONROE COUNTY COURTHOUSE*, Courthouse Sq., (4-26-73) PH0000990

montgomery county

Montgomery. *ALABAMA STATE CAPITOL (FIRST CONFEDERATE CAPITOL)*, Goat Hill, E end of Dexter Ave., (10-15-66) PH0141453 NHL; HABS.

Montgomery. *CASSIMUS HOUSE*, 110 N. Jackson St., (8-13-76)

Montgomery. *COTTAGE HILL HISTORIC DISTRICT*, Roughly bounded by Goldthwaite, Bell, Holt, and Clayton Sts., (11-7-76)

Montgomery. *DEXTER AVENUE BAPTIST CHURCH*, 454 Dexter Ave., (7-1-74) NHL.

Montgomery. *EDGEWOOD (THOMAS HOUSE)*, 3175 Thomas Ave., (4-24-73) PH0000655

Montgomery. *FIRST WHITE HOUSE OF THE CONFEDERACY*, 644 Washington Ave., (6-25-74) PH0020168 HABS; G.

Montgomery. *GOVERNOR'S MANSION*, 1142 S. Perry St., (7-3-72) PH0021334

Montgomery. *JONES, GOV. THOMAS G., HOUSE*, 323 Adams Ave., (12-8-78)

Montgomery. *MONTGOMERY UNION STATION AND TRAINSHED*, Water St., (7-24-73) PH0020184

Montgomery. *MURPHY HOUSE, THE*, 22 Bibb St., (3-24-72) PH0021326 HABS.

Montgomery. *OPP COTTAGE*, 33 W. Jefferson Davis Ave., (5-4-76)

Montgomery. *ORDEMAN-SHAW HISTORIC DISTRICT*, Bounded by McDonough, Decatur, Madison, and Randolph Sts., (5-13-71) PH0021229

Montgomery. *PERRY STREET HISTORIC DISTRICT*, Bounded roughly by McDonough St. on E, Sayre St. on W, Washington St. on N, and Donaldson St. on S, (12-16-71) PH0010952 HABS; G.

Montgomery. *POWDER MAGAZINE*, End of Eugene St., (4-13-73) PH0010120

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Montgomery. *SEMPLE HOUSE (RICE-SEMPLE-HAARDT HOUSE)*, 725 Monroe St., (9-27a72) PH0010961
Montgomery. *ST. JOHN'S EPISCOPAL CHURCH*, 113 Madison Ave., (2-24-75)
Montgomery. *THIGPEN, DR. C. A., HOUSE*, 1412 S. Perry St., (12-13-77)
Montgomery. *WINTER BUILDING*, 2 Dexter Ave., (1-14-72) PH0021211
Montgomery. *YANCEY, WILLIAM LOWNDES, LAW OFFICE*, Adams and Perry Sts., (11-7-73) PH0140546 NHL.
Montgomery vicinity. *MUKLASSA*, Late Woodland (c. 900 AD); (town) mid-17th–18th C., (8-28-73) PH0020176
Montgomery vicinity. *SHINE, JERE, SITE*, NE of Montgomery of U.S. 231, (12-8-78)

morgan county

Decatur. *STATE BANK BUILDING, DECATUR BRANCH*, 925 Bank St., NE, (3-24-72) PH0021237 HABS.
Somerville. *SOMERVILLE COURTHOUSE*, (3-24-72) PH0021245

perry county

Marion. *CHAPEL AND LOVELACE HALL, MARION MILITARY INSTITUTE*, AL 14, (9-13-78)
Marion. *MARION FEMALE SEMINARY (OLD PERRY COUNTY HIGH SCHOOL)*, 202 Monroe St., (10-4-73) HABS.
Uniontown vicinity. *WESTWOOD*, N of Uniontown off AL 61, (11-21-74) PH0034223 HABS.

pickens county

Gordo. *OLD JAIL*, NE corner of Church St. and 1st Ave., (12-17-74) PH0043982

pike county

Troy. *COLLEGE STREET HISTORIC DISTRICT*, W. College St. between Pine and Cherry Sts., (8-13-76)

randolph county

Rock Mills vicinity. *MCCOSH GRIST MILL*, SE of Rock Mills on McCosh Mill Rd., (11-21-76)

russell county

Fort Mitchell vicinity. *FORT MITCHELL SITE*, N of Fort Mitchell, (6-13-72) PH0141259
Holy Trinity vicinity. *APALACHICOLA FORT*, 1.5 mi. E of Holy Trinity on Chattahoochee River, (7-19-74) PH0011282 NHL.
Phenix vicinity. *FORT NO. 5 (CONFEDERATE BREASTWORK)*, W of Phenix on Opelika Hwy., (5-6-76)
Seale. *RUSSELL COUNTY COURTHOUSE AT SEALE*, Courthouse Sq., (5-23-74) PH0000680 G.
Seale vicinity. *BASS-PERRY HOUSE*, 4 mi. NE of Seale on U.S. 431, (1-19-76) HABS.

shelby county

Columbiana. *COLUMBIANA CITY HALL*, Main St., (10-29-74) PH0008265
Montevallo. *ALABAMA GIRLS' INDUSTRIAL SCHOOL*, Bounded by Middle Campus Dr., Oak, Bloch and Middle Sts., (12-11-78)
Montevallo. *KING HOUSE (MANSION HOUSE)*, University of Montevallo campus, (1-14-72) PH0010898 HABS.

st. clair county

Ashville. *INZER HOUSE*, Hartford Ave., (12-4-73) PH0000671
Ashville vicinity. *LOONEY HOUSE*, 5 mi. W of Ashville on Greenport Rd., (12-31-74) PH0080535
Ohatchee vicinity. *FORT STROTHER SITE*, On the Coosa River, 0.5 mi. SE of H. Neely Henry Dam, (7-24-72) PH0001040
St. Clair Springs. *ST. CLAIR SPRINGS*, AL 23, (4-26-76)

sumter county

Epes vicinity. *FORT TOMBECBEE*, 0.74 mi. NE of Epes on Tombigbee River, off U.S. 11, (10-2-73) PH0010910
Livingston. *SUMTER COUNTY COURTHOUSE*, (3-24-72) PH0010901

talladega county

COLDWATER CREEK COVERED BRIDGE, *Reference—see Calhoun County* (1-2-74) PH0020893
Childersburg vicinity. *KYMULGA MILL AND COVERED BRIDGE*, 4.5 mi. NE of Childersburg on SR 46, (10-29-76)
Talladega. *SWAYNE HALL*, Talladega College campus, (1-1-75)
Talladega. *TALLADEGA COURTHOUSE SQUARE HISTORIC DISTRICT*, Courthouse Sq., (10-18-72) PH0021261
Talladega vicinity. *CURRY, J.L.M., HOUSE*, 3 mi. NE of Talladega on AL 21, (10-15-66) PH0141267 NHL.
Talladega vicinity. *ELSTON HOUSE*, 10 mi. N of Talladega on Turner's Mill Rd., (10-8-76)

tallapoosa county

Dadeville vicinity. *HORSESHOE BEND NATIONAL MILITARY PARK*, Tallapoosa River, 12 mi. N of Dadeville on AL 49, (10-15-66)

tuscaloosa county

MOUNDVILLE, Reference—see Hale County
Abernant vicinity. *TANNEHILL FURNACE*, 3 mi. E of U.S. 11, (7-24-72) PH0022594
Northport. *SHIRLEY, JAMES, HOUSE*, 512 Main Ave., (3-24-72) PH0021270
Northport vicinity. *BYLER ROAD*, 11 mi. N of Northport, off U.S. 43, (11-19-74)
Tuscaloosa. *ALABAMA INSANE, HOSPITAL*, University Blvd., (4-18-77)
Tuscaloosa. *BATTLE-FRIEDMAN HOUSE (FRIEDMAN CIVIC AND CULTURAL CENTER)*, 1010 Greensboro Ave., (1-14-72) PH0000957 HABS.
Tuscaloosa. *COLLIER-OVERBY HOUSE*, SE corner of 9th St. and 21st Ave., (7-14-71) PH0000965 HABS.
Tuscaloosa. *DRUID CITY HISTORIC DISTRICT*, Roughly bounded by 16th Ave., 21st St., Queen City Park, and 15th St., (2-24-75) HABS.
Tuscaloosa. *GORGAS-MANLY (UNIVERSITY OF ALABAMA) HISTORIC DISTRICT*, On the University of Alabama campus, (7-14-71) PH0000973 HABS.
Tuscaloosa. *GUILD-VERNER HOUSE*, 1904 University Ave., (12-4-73) PH0000663 G.
Tuscaloosa. *JEMISON-VANDEGRAAFF HOUSE (FRIEDMAN LIBRARY)*, 1305 Greensboro Ave., (4-19-72) PH0021202 HABS.
Tuscaloosa. *PRESIDENT'S MANSION*, University of Alabama campus, (1-14-72) PH0021288 HABS.
Tuscaloosa. *SEARCY HOUSE*, 2606 8th St., (4-21-75)
University. *OLD OBSERVATORY*, N of University Blvd., on University of Alabama campus, (1-14-72) PH0021296

walker county

Cordova vicinity. *GILCHRIST HOUSE*, 12 mi. SW of Cordova on Pleasantfield-Evansbridge Rd., (3-24-72) PH0010936
Jasper. *BANKHEAD HOUSE*, 1400 7th Ave., (6-18-73) PH0010944
Oakman. *STEPHENSON HOUSE*, Cobb St., (9-18-78)
Townley vicinity. *BOSHELL'S MILL*, N of Townley on AL 124, (5-30-75)

washington county

McIntosh vicinity. *MCINTOSH LOG CHURCH*, S of McIntosh off U.S. 43, (11-20-74) PH0031631
St. Stephens vicinity. *OLD ST. STEPHENS SITE*, NE of St. Stephens, (12-29-70) PH0010928 G.

wilcox county

Camden. *WILCOX FEMALE INSTITUTE*, Church St., (4-3-75) HABS.
Camden vicinity. *LIDDELL ARCHEOLOGICAL SITE*, E of Camden, (11-17-78)

winston county

Houston. *HOUSTON JAIL*, Off U.S. 278 on SR 63, (6-5-75)

ALASKA

Sitka vicinity. OLD SITKA SITE, 6 mi. (9.6 km) of Sitka on Starrigavan Bay, (10-15-66) NHL

aleutian islands division

Ananiuliak Island. *ANANIULIAK ISLAND ARCHEOLOGICAL DISTRICT*, On Ananiuliak Island in the Aleutians, (3-24-72) PH0099490
Dutch Harbor, Unalaska Island. *CHURCH OF THE HOLY ASCENSION*, Unalaska, (4-15-70) PH0054771 NHL; G.
Nikolski vicinity. *ANANGULA ARCHEOLOGICAL DISTRICT*, (6-2-78) NHL.
Nikolski vicinity. *CHALUKA SITE*, Umnak Island, Aleutian Island, (10-15-66) PH0054976 NHL.
Pribilof Islands, St. Paul Island. *FUR SEAL ROOKERIES*, (10-15-66) PH0122351 NHL.
Unalaska vicinity. *SITKA SPRUCE PLANTATION*, N of Unalaska on Amaknak Island, (2-14-78) NHL.

anchorage division

Anchorage. *ANDERSON, OSCAR, HOUSE*, 4th Ave. extended, (6-13-78)
Anchorage. *FEDERAL BUILDING-U.S. COURTHOUSE*, 601 W. 4th Ave., (6-23-78)
Anchorage vicinity. *BULUGA POINT SITE ulaga Point Site, AK*, S of Anchorage, (3-30-78)
Eklutna. *OLD ST. NICHOLAS RUSSIAN ORTHODOX CHURCH*, Eklutna Village Rd., (3-24-72) PH0054828 G.
Girdwood vicinity. *CROW CREEK CONSOLIDATED GOLD MINING COMPANY*, NE of Girdwood, (9-13-78)

barrow division

Barrow vicinity. *BIRNIRK SITE*, 5 mi. NE of Barrow, (10-15-66) PH0054704 NHL.

bristol bay division

Kanatak vicinity. *ARCHEOLOGICAL SITE 49 AF 3*, N of Kanatak on Katmai National Monument, (2-17-78)
Kanatak vicinity. *ARCHEOLOGICAL SITE 49 MK 10*, N of Kanatak, Katmai National Monument, (6-23-78)
Kanatak vicinity. *KAGUYAK VILLAGE SITE*, Katmai National Monument, (6-23-78)
Kanatak vicinity. *KUKAK VILLAGE SITE*, N of Kanatak at Shelikof Straits, Katmai National Monument, (7-20-78)

Kanatak vicinity. *TAKLI ISLAND ARCHEOLOGICAL DISTRICT akli Island Archeological District, AK*, N of Kanatak in Katmai National Monument, (5-23-78)
Naknek vicinity. *BROOKS RIVER ARCHEOLOGICAL DISTRICT*, E of Naknek, (2-14-78)
Naknek vicinity. *OLD SAVONOSKI SITE*, Katmai National Monument, (6-23-78)
Naknek vicinity. *SAVONOSKI RIVER ARCHEOLOGICAL DISTRICT*, Katmai National Monument, (6-23-78)

cook inlet division

Hope vicinity. *HIRSHEY MINE*, SE of Hope, (9-13-78)

cordova-mccarthy division

Cordova. *CORDOVA POST OFFICE AND COURTHOUSE*, 2nd St., (8-2-77)
Katalla. *BERING EXPEDITION LANDING SITE*, S of Katalla on Kayak Island, (7-20-77)
Katalla vicinity. *CAPE ST. ELIAS LIGHTHOUSE*, S of Katalla on Kayak Island, (12-18-75)
Katalla vicinity. *CHILKAT OIL COMPANY REFINERY SITE*, Katally Rd., in Chugach National Forest, (9-6-74) PH0054763
Kennecott vicinity. *KENNECOTT MINES*, SE of Kinnecott Glacier on N bank of National Creek, (7-12-78)
McCarthy. *MCCARTHY GENERAL STORE*, Kennecott and Skolai Sts., (1-31-78)
Rip Rock vicinity, Hawkins Island. *PALUGVIK SITE*, (10-15-66) PH0122360 NHL.

fairbanks division

College. *RAINEY'S CABIN*, University of Alaska campus, (11-20-75)
Fairbanks. *FEDERAL BUILDING (U.S. POST OFFICE AND COURTHOUSE)*, Cushman St. and 3rd Ave., (8-2-78)
Fairbanks. *HARDING RAILROAD CAR*, Alaskaland, (4-6-78)
Fairbanks. *HINCKLEY-CREAMER DAIRY*, Between Farmer's Loop and College Rd., (7-13-77)
Fairbanks. *IMMACULATE CONCEPTION CHURCH*, 115 N. Cushman St., (4-3-76)
Fairbanks. *NENANA* (steamer), Alaskaland, (6-27-72) PH0054682 G.
Fairbanks. *THOMAS, GEORGE C., MEMORIAL LIBRARY*, 901 1st Ave., (2-23-72) PH0054691 G; NHL.

haines division

Haines vicinity. *ELDRED ROCK LIGHTHOUSE*, S of Haines off Sullivan Island, (12-30-75)
Haines vicinity. *FORT WILLIAM H. SEWARD*, S of Haines at Port Chilkoot, (4-11-72) PH0054895 NHL; G.
Haines vicinity. *PLEASANT CAMP*, NW of Haines at Mile 40, Haines Hwy., (7-5-73) PH0054909
Haines vicinity. *PORCUPINE DISTRICT*, W of Haines at Mile 35, Haines Hwy., (11-13-76)

juneau division

Juneau. *ALASKA GOVERNOR'S MANSION*, 716 Calhoun St., (11-7-76)
Juneau. *ALASKA HOTEL (AHRS JUN-125)*, 167 S. Franklin St., (10-25-78)
Juneau. *ALASKA STEAM LAUNDRY*, 174 S. Franklin St., (2-17-78)
Juneau. *BERGMANN HOTEL*, 434 3rd St., (7-28-77)
Juneau. *HOLY TRINITY CHURCH*, 325 Gold St., (10-19-78)
Juneau. *ST. NICHOLAS RUSSIAN ORTHODOX CHURCH*, 326 5th St., (9-19-73) PH0054925 G.
Juneau. *WICKERSHAM HOUSE*, 213 7th St., (11-21-76)
Taku Harbor vicinity. *FORT DURHAM SITE*, N of Taku Harbor, (5-5-78) NHL.

kenai-cook inlet division

Cooper Landing. *COOPER LANDING POST OFFICE*, Sterling Hwy., (5-23-78)
Homer vicinity. *CHUGACHIK ISLAND SITE*, Kachemak Bay, (8-19-76)
Kenai. *CHURCH OF THE ASSUMPTION OF THE VIRGIN MARY (RUSSIAN ORTHODOX MISSION CHURCH)*, E shore of Cook Inlet, (5-10-70) PH0122386 NHL.
Kenai vicinity. *HOLM, VICTOR, CABIN*, SW of Kenai on Cohoe Rd. at Kasilof River, (4-13-77)
Ninilchik. *HOLY TRANSFIGURATION OF OUR LORD CHAPEL*, Sterling Hwy., (5-22-78)
Port Graham vicinity. *COAL VILLAGE SITE*, N of Port Graham, (11-21-78)
Port Graham vicinity. *SELENIE LAGOON ARCHEOLOGICAL SITE*, NW of Port Graham, (10-16-74) PH0054836
Sterling vicinity. *MOOSE RIVER SITE*, E of Sterling, (12-20-78)
Yukon Island. *YUKON ISLAND MAIN SITE*, Kachemak Bay, Cook Inlet, (10-15-66) PH0122343 NHL.

ketchikan division

Ketchikan. *ALASKA TOTEMS*, (6-21-71) PH0055727 G.
Ketchikan vicinity. *TOTEM BIGHT STATE HISTORIC SITE (MUD BIGHT VILLAGE)*, W side of Revillagigedo Island, (10-27-70) PH0121134 G.

kobuk division

Kiana vicinity. *ONION PORTAGE ARCHEOLOGICAL DISTRICT*, E of Kiana on the Kobuk River, (6-20-72) PH0054747 NHL.
Kotzebue vicinity. *CAPE KRUSENSTERN ARCHEOLOGICAL DISTRICT*, NW of Kotzebue, (11-7-73) PH0054712 NHL.
Point Hope Peninsula. *IPIUTAK SITE*, Tip of Point Hope, (10-15-66) PH0121738 NHL.

kodiak division

Kodiak. *HOLY RESURRECTION CHURCH*, Mission Rd. and Kashevaroff St., (12-12-77)
Kodiak Island. *ERSKINE HOUSE*, Main St. and Mission Rd., Kodiak, (10-15-66) PH0054780 NHL; G.
Kodiak Island. *FORT ABERCROMBIE STATE HISTORIC SITE*, About 5 mi. from Kodiak, (10-27-70) PH0054798
Kodiak Island. *THREE SAINTS BAY SITE*, N of Cape Kasiak, (2-23-72) PH0055069 NHL.
Kodiak vicinity. *AHRS SITE KOD 207*, Long Island, (12-1-78)

kuskokwim division

Sleetmute vicinity. *KOLMAKOV REDOUBT SITE*, On E bank of the Kuskokwim River, (2-15-74) PH0054658

matanuska-susitna division

Palmer. *PALMER DEPOT*, AK 1, (1-9-78)
Palmer vicinity. *CUNNINGHAM-HALL PT-6,NC-692W*, S of Palmer at Mile 40, Glen Hwy., (12-29-78)
Palmer vicinity. *INDEPENDENCE MINES*, W of Palmer, (10-9-74) PH0055077
Palmer vicinity. *REBARCHEK, RAYMOND, COLONY FARM*, S of Palmer off Glenn Hwy., (10-3-78)
Wasilla. *TEELAND'S COUNTRY STORE*, Mile 42 George Parks Hwy. and Knik Rd., (11-14-78)
Wasilla. *WASILLA DEPOT*, Parks Highway and Knik Rd., (12-16-77)
Wasilla vicinity. *KNIK SITE*, About 15 mi. SW of Wasilla, Knik Rd., (7-24-73) PH0054810

nome division

Cape Denbigh Pininsula. *IYATAYET SITE*, Norton Sound, (10-15-66) PH0054721 NHL.
Nome. *BERGER, JACOB, HOUSE (SALLY CARRIGHAR HOUSE)*, 1st Ave., (8-3-77)
Nome. *DONALDSON*, Belmont Point, (4-11-77)
Nome. *MCLAIN, CARRIE, HOUSE*, Belmont Point, (12-19-78)
Nome vicinity. *ANVIL CREEK GOLD DISCOVERY SITE*, 4.25 mi. N of Nome on Seward Peninsula at Anvil Creek, (10-15-66) PH0121711 NHL.
Nome vicinity. *CAPE NOME MINING DISTRICT DISCOVERY SITES*, (6-2-78) NHL.
Nome vicinity. *CAPE NOME ROADHOUSE*, E of Nome at Mile 14 Nome-Council Hwy., (12-12-76)
Nome vicinity. *LINDBLOM, ERIK, PLACER CLAIM*, N of Nome, (11-21-76)
Nome vicinity. *SNOW CREEK PLACER CLAIM NO. 1*, N of Nome at Snow Gulch, (9-28-76)
St. Lawrence Island. *GAMBELL SITES*, Northwest Cape, (10-15-66) PH0121720 NHL.
St. Michael. *FORT ST. MICHAEL*, At St. Michael Bay, (11-10-77)
St. Michael. *ST. MICHAEL REDOUBT SITE*, At St. Michael Bay, (11-10-77)
Teller. *NORGE STORAGE SITE*, Grantley Harbor, (10-9-74) PH0054739
Teller vicinity. *PILGRIM HOT SPRINGS*, E of Teller on Kugarock Rd., (4-11-77)
Wales vicinity. *WALES SITES*, (10-15-66) NHL.

outer ketchikan division

Hyder. *STOREHOUSE NO. 4 (EAGLE POINT STOREHOUSE)*, International St., (8-13-76)
Ketchikan vicinity. *STOREHOUSE NO. 3*, NE of Ketchikan at Halibut Bay Estuary, (12-7-77)
Metlakatla. *DUNCAN, FATHER WILLIAM, HOUSE*, 5th Ave. and Atkinson St., (2-23-72) PH0054879

seward division

Hope. *HOPE HISTORIC DISTRICT (HOPE CITY)*, Mile 17, Hope Rd., (4-25-72) PH0054801
Lawing. *ALASKA NELLIE'S HOMESTEAD*, Mile 23, Seward Hwy., (4-3-75)
Seward. *BALLAINE HOUSE*, 437 3rd Ave., (7-12-78)
Seward. *DIVERSION TUNNEL*, At Lowell Creek, (11-23-77)
Seward. *SWETMAN HOUSE*, 325 5th Ave., (2-17-78)
Seward vicinity. *ALASKA CENTRAL RAILROAD: TUNNEL NO. 1*, N of Seward, (11-28-77)

sitka division

Sitka. *ALASKA NATIVE BROTHERHOOD HALL*, Katlean St., (2-23-72) PH0054950 NHL.
Sitka. *AMERICAN FLAG RAISING SITE*, Castle Hill, (10-15-66) PH0054852 NHL.
Sitka. *EMMONS HOUSE*, 601 Lincoln St., (12-16-77)
Sitka. *GOVERNMENT SCHOOL*, Katlian Way, (12-12-77)

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Sitka. *MILLS HOUSE*, 315 Seward St, (1-31-78)
Sitka. *MILLS, W. P., HOUSE*, 1 Maksoutoff St., (12-16-77)
Sitka. *RUSSIAN BISHOP'S HOUSE (RUSSIAN MISSION ORPHANAGE)*, Lincoln and Monastary Sts., (10-15-66)
Sitka. *SEE HOUSE (PETER TRIMBLE ROWE HOUSE)*, 611 Lincoln St., (3-30-78)
Sitka. *SHELDON JACKSON MUSEUM*, Lincoln St., (2-23-72) PH0054933
Sitka. *ST. MICHAEL'S CATHEDRAL*, Lincoln and Maksoutoff Sts., (10-15-66) PH0054917 NHL; HABS; G.
Sitka. *ST. PETER'S CHURCH*, 611 Lincoln St., (1-31-78)
Sitka, Baranof Island. *SITKA NATIONAL HISTORICAL PARK*, (10-15-66)

skagway-yakatat division

Skagway vicinity. *CHILKOOT TRAIL*, Mile 0 to U.S./Canada border, (4-14-75)

skagway-yakutat division

Skagway and vicinity. *SKAGWAY HISTORIC DISTRICT AND WHITE PASS*, Head of Taiya Inlet on Lynn Canal, (10-15-66) PH0054941 NHL.
Yakutat vicinity. *CAPE SPENCER LIGHTHOUSE*, S of Yakutat at entrance of Cross Sound, Glacier Bay National Monument, (12-4-75) HAER; NHL.
Yakutat vicinity. *NEW RUSSIA SITE*, SW of Yakutat on Phipps Peninsula, (2-23-72) PH0054887 NHL.

southeast fairbanks division

Big Delta. *RIKA'S LANDING ROADHOUSE*, Mile 252, Richardson Hwy., (9-1-76)

upper yukon division

Arctic Village. *MISSION CHURCH*, E fork of Chandalar River, (4-11-77)
Central. *CENTRAL HOUSE*, Mile 128, Steese Hwy., (7-31-78)
City of Eagle and vicinity. *EAGLE HISTORIC DISTRICT*, (10-27-70) PH0054640 NHL; G.
Fairbanks vicinity. *KINK, THE*, E of Fairbanks, part of N fork of Fortymile River, (11-20-75)
Flaxman Island. *LEFFINGWELL CAMP SITE*, 58 mi. W of Barter Island on Arctic coast, (6-21-71) PH0054666 NHL.
Sagwon vicinity. *GALLAGHER FLINT STATION ARCHEOLOGICAL SITE*, (6-2-78) NHL.

valdez-chitina-whittier division

Chitina vicinity. *COPPER RIVER AND NORTHWESTERN RAILWAY*, Beginning at Chitina and following the Copper River to Tasnuna River, (4-24-73) PH0055719
Gakona. *GAKONA ROADHOUSE*, Mile 205 Glenn Highway, (8-3-77)
Gakona vicinity. *SOURDOUGH LODGE*, AK 4 (Richardson Hwy.), (10-1-74) PH0054674 NHL; G.
Paxson vicinity. *TANGLE LAKES ARCHEOLOGICAL DISTRICT*, Denali Hwy., western boundary 40 mi. W of Paxson, (11-12-71) PH0054844 G.

wrangell-petersburg division

Wrangell. *CHIEF SHAKES HISTORIC SITE*, Shakes Island, (10-27-70)
Wrangell. *WRANGELL PUBLIC SCHOOL*, 2nd and Bevier Sts., (5-16-78)

yukon-koyukuk division

Fort Yukon. *OLD MISSION HOUSE*, (11-7-78)
Gold Creek vicinity. *SUSITNA RIVER BRIDGE*, N of Gold Creek, (9-15-77)
Healy vicinity. *MINE SAFETY CAR 5*, E of Healy at Usibelli-Suntrana Spur 99787, (9-15-77)
Lignite vicinity. *DRY CREEK ARCHEOLOGICAL SITE*, (9-6-74) PH0054631 NHL; G.
Nenana. *NENANA DEPOT*, A St., (8-10-77)
Tanana. *TANANA MISSION*, E of Tanana, (8-3-77)
Toklat vicinity. *TEKLANIKA ARCHEOLOGICAL DISTRICT*, NE of Toklat in Mount McKinley National Park, (1-31-76)

AMERICAN SAMOA

eastern district, tutuila island

Fagatogo. *COURTHOUSE OF AMERICAN SAMOA*, (2-12-74) PH0054992 G.
Fagatogo. *NAVY BUILDING 38*, (3-16-72) PH0055018
Fagatogo. *NAVY BUILDING 43 (POST OFFICE AND COMMISSARY)*, (3-16-72) PH0055026
Pago Pago. *GOVERNMENT HOUSE*, Togotogo Ridge, (3-16-72) PH0055000
Pago Pago Harbor. *BLUNTS POINT NAVAL GUN (MATAUTU RIDGE GUN SITE)*, Matautu Ridge, (4-26-73) PH0054984

western district, tutuila island

Aasu. *AASU (MASSACRE BAY)*, (4-13-73) PH0055034
Afao. *ATAULOMA GIRLS SCHOOL*, W edge of Afao, (3-16-72) PH0055042 G.
Leone vicinity. *FAGALELE BOYS SCHOOL*, S of Leone, (3-16-72) PH0055051

ARIZONA

apache county

Adamana vicinity. *FLATTOP SITE*, S of Adamana off U.S. 180 in Petrified Forest National Park, (7-12-76)
Adamana vicinity. *NEWSPAPER ROCK PETROGLYPHS ARCHEOLOGICAL DISTRICT*, SE of Adamana in Petrified Forest National Park, (7-12-76)
Adamana vicinity. *PUERCO RUIN AND PETROGLYPHS*, E of Adamana in Petrified Forest National Park, (7-12-76)
Adamana vicinity. *TWIN BUTTES ARCHEOLOGICAL DISTRICT*, S of Adamana in Petrified Forest National Park, (7-12-76)
Chambers vicinity. *KIN TIEL*, 18 mi. (28.8 km) N of Chambers, (5-22-78)
Chinle. *CANYON DE CHELLY NATIONAL MONUMENT*, E side of Chinle, (8-25-70) PH0041211
Ganado. *HUBBELL TRADING POST NATIONAL HISTORIC SITE*, W side of Ganado, (10-15-66) PH0145009
Holbrook vicinity. *THIRTY-FIFTH PARALLEL ROUTE*, 25 mi. E of Holbrook off I 40, (12-6-77)
Navajo vicinity. *PAINTED DESERT INN*, W of Navajo in Petrified Forest National Park, (10-10-75)
Springerville vicinity. *CASA MALPAIS SITE*, (10-15-66) PH0122432 NHL.
St. Johns. *BARTH HOTEL*, 187 E. Commercial St., (9-5-75)
Window Rock vicinity. *ST. MICHAEL'S MISSION*, N of Window Rock off AZ 264, (5-29-75)

carroll county

Berryville. *CARROLL COUNTY COURTHOUSE, EASTERN DISTRICT*, Public Sq., (8-27-76)

chautauqua county

Fredonia. *FREDONIA COMMONS HISTORIC DISTRICT*, Main, Temple, Church, Day, and Center Sts., (10-19-78)

cochise county

Bisbee. *PHELPS DODGE GENERAL OFFICE BUILDING*, Copper Queen Plaza, intersection of Main St. and Brewery Gulch, (6-3-71) PH0041254 G.
Bisbee vicinity. *CORONADO NATIONAL MEMORIAL*, 30 mi. SW of Bisbee, (10-15-66)
Bisbee vicinity. *LEHNER MAMMOTH-KILL SITE*, (5-28-67) PH0122441 NHL.
Bowie vicinity. *FORT BOWIE NATIONAL HISTORIC SITE*, 12 mi. S of Bowie, (7-29-72) PH0041238
Cochise. *COCHISE HOTEL*, Off U.S. 666, (10-22-76)
Douglas. *DOUGLAS MUNICIPAL AIRPORT*, E end of Douglas Ave., (12-30-75)
Douglas. *GADSDEN HOTEL*, 1046 G. Ave., (7-30-76)
Douglas. *GRAND THEATRE*, 1139–1149 G. Ave., (7-30-76)
Douglas vicinity. *DOUBLE ADOBE SITE*, (10-15-66) PH0121746 NHL.
Douglas vicinity. *SAN BERNARDINO RANCH*, 17 mi. E of Douglas on the international boundary, (10-15-66) PH0041289 NHL.
Fairbank vicinity. *QUIBURI*, (4-7-71) PH0041262 HABS.
Naco vicinity. *NACO MAMMOTH-KILL SITE*, NW of Naco, (7-21-75)
Pearce. *PEARCE GENERAL STORE*, Ghost Town and Pearce Rd., (11-16-78)
Sierra Vista. *GARDEN CANYON PETROGLYPHS*, Fort Huachuca, (7-30-74) PH0041246
Sierra Vista vicinity. *FORT HUACHUCA*, 3.6 mi. W of Sierra Vista, (11-20-74) PH0034487 NHL.
Sierra Vista vicinity. *GARDEN CANYON ARCHEOLOGICAL SITE*, S of Sierra Vista off AZ 92 on Fort Huachuca Military Reservation, (10-29-75)
Tombstone. *ST. PAUL'S EPISCOPAL CHURCH*, Safford and 3rd Sts., (9-22-71) PH0041271
Tombstone. *TOMBSTONE CITY HALL*, 315 E. Fremont St., (2-1-72) PH0041297 HABS.
Tombstone. *TOMBSTONE COURTHOUSE*, 219 E. Toughnut, (4-13-72) PH0041301 HABS.
Tombstone. *TOMBSTONE HISTORIC DISTRICT*, (10-15-66) PH0046621 NHL; HABS; G.
Wilcox vicinity. *STAFFORD CABIN*, 30 mi. SE of Wilcox in Chiricahua National Monument, (3-31-75)

coconino county

Ash Fork vicinity. *ASH FORK STEEL DAM*, E of Ash Fork off U.S. 66/89, (7-30-76)
Flagstaff. *BANK HOTEL*, Santa Fe and Leroux St., (12-7-77)
Flagstaff. *WEATHERFORD HOTEL*, 23 N. Leroux St., (3-30-78)
Flagstaff vicinity. *FERN MOUNTAIN RANCH*, N of Flagstaff, (3-29-78)
Flagstaff vicinity. *HOMESTEAD, THE*, 3 mi. N of Flagstaff on U.S. 180, (5-27-75)
Flagstaff vicinity. *LOWELL OBSERVATORY*, 1 mi. W of Flagstaff on Mars Hill, (10-15-66) PH0041351 NHL.
Flagstaff vicinity. *MERRIAM, C. HART, BASE CAMP SITE*, 20 mi. NW of Flagstaff in Coconino National Forest, (10-15-66) PH0041220 NHL.

Flagstaff vicinity. *OLD HEADQUARTERS*, 2 mi. E of Flagstaff in Walnut Canyon National Monument, (3-31-75)
Flagstaff vicinity. *WALNUT CANYON NATIONAL MONUMENT*, 8 mi. E of Flagstaff off U.S. 66, (10-15-66)
Flagstaff vicinity. *WUPATKI NATIONAL MONUMENT*, 30 mi. N of Flagstaff off U.S. 89, (10-15-66)
Grand Canyon. *EL TOVAR HOTEL*, Grand Canyon National Park, Rte. 8A, (9-6-74) PH0041319
Grand Canyon. *EL TOVAR STABLES*, Off Grand Canyon National Park Rte. 8A, (9-6-74) PH0041327
Grand Canyon. *GRAND CANYON RAILROAD STATION*, Grand Canyon National Park Rte. 8A, (9-6-74) PH0043796
Grand Canyon. *GRAND CANYON VILLAGE HISTORIC DISTRICT*, AZ 64, (11-20-75)
Grand Canyon. *GRANDVIEW MINE*, Grand Canyon National Park, (7-9-74) PH0041335
Grand Canyon. *HERMITS REST CONCESSION BUILDING*, Grand Canyon National Park, (8-7-74) PH0041343
Grand Canyon. *O'NEILL, BUCKEY, CABIN*, Off AZ 64 in Grand Canyon National Park, (10-29-75)
Grand Canyon. *RANGER'S DORMITORY*, Off AZ 64 in Grand Canyon National Park, (9-5-75)
Grand Canyon. *SUPERINTENDENT'S RESIDENCE*, Off Rte. 8A, in Grand Canyon National Park, (9-6-74) PH0041360
Grand Canyon. *WATER RECLAMATION PLANT*, S of Grand Canyon National Park, Rte. 8A, (9-6-74) PH0041378
Grand Canyon National Park. *TUSAYAN RUINS*, (7-10-74) PH0041394
Kayenta vicinity. *NAVAJO NATIONAL MONUMENT*, 30 mi. SW of Kayenta, (10-15-66) (also in Navajo County)
Page vicinity. *LEES FERRY*, SW of Page at Colorado River, (3-15-76) HABS.
Page vicinity. *LONELY DELL RANCH HISTORIC DISTRICT*, SW of Page in Glen Canyon National Recreation Area, (5-19-78)
Sedona vicinity. *MAYHEW'S LODGE (THOMAS HOUSE)*, 10.5 mi. N of Sedona on U.S. 89A, (2-13-75)
Winona vicinity. *WINONA*, Coconino National Forest, (10-15-66) PH0122459 NHL.
Winslow vicinity. *CHAVEZ PASS PUEBLO SITE*, (8-2-77)

gila county

Globe. *DOMINION HOTEL*, S. Broad St., (5-22-78)
Globe. *GILA COUNTY COURTHOUSE*, Oak and Broad Sts., (5-27-75)
Globe. *OLD DOMINION LIBRARY*, Murphy St., (5-22-78)
Globe. *ST. JOHN'S EPISCOPAL CHURCH*, 175 E. Oak St., (11-22-77)
Globe vicinity. *GILA PUEBLO*, S of Globe, (11-17-77)
Globe vicinity. *ROOSEVELT DAM*, Salt River, 31 mi. NW of Globe on AZ 88, in Tonto National Forest, (10-15-66) PH0041386 NHL. (also in maricopa county)
Globe vicinity. *TONTO NATIONAL MONUMENT*, 28 mi. NW of Globe on AZ 88, (10-15-66) PH0121215
Kohl's Ranch vicinity. *ZANE GREY LODGE*, N of Kohl's Ranch off AZ 260, (5-31-74) PH0041408
Whiteriver vicinity. *KINISHBA RUINS*, (10-15-66) PH0122467 NHL.

graham county

Bonita vicinity. *SIERRA BONITA RANCH*, SW of Bonita, (10-15-66) PH0041424 NHL.
Morenci vicinity. *POINT OF PINES*, San Carlos Indian Reservation, (10-15-66) PH0046604 NHL.
Safford vicinity. *KEARNY CAMPSITE AND TRAIL*, NE of Safford off U.S. 666, (10-9-74) PH0041416
Willcox vicinity. *POWER'S CABIN*, NW of Willcox in Coronado National Forest, (8-13-75)

greenlee county

Clifton vicinity. *POTTER, DELL, RANCH HOUSE*, N of Clifton, (8-3-77)

jefferson county

Fishers Landing vicinity. *ROCK ISLAND LIGHT STATION*, N of Fishers Landing on Rock Island, (11-14-78)

maricopa county

ROOSEVELT DAM, Reference—see Gila County (1-2-74)
Carefree. *BRAZALETES PUEBLO SITE*, NE of Carefree in Tonto National Forest, (1-17-75)
Cashion vicinity. *CASHION ARCHEOLOGICAL SITE*, S of Cashion, (12-19-78)
Gila Bend vicinity. *FORTALEZA*, Gila Bend Indian Reservation, (6-23-69) PH0041459
Gila Bend vicinity. *GATLIN SITE*, (10-15-66) NHL.
Glendale. *BEET SUGAR FACTORY*, 5243 W. Glendale Ave., (1-30-78)
Mesa. *MESA GRANDE*, 10th St., (11-21-78)
Mesa. *PARK OF THE CANALS*, Along Horne Rd. N from Utah Ditch S to Mesa-Consolidated Canal, (5-30-75)
Phoenix. *ARIZONA STATE CAPITOL BUILDING*, 1700 W. Washington St., (10-29-74) PH0041432
Phoenix. *EVANS HOUSE*, 1108 W. Washington St., (9-1-76) HABS.
Phoenix. *HOHOKAM-PIMA IRRIGATION SITES*, Park of the Four Waters, (10-15-66) PH0122483 NHL. (also in Pinal County)
Phoenix. *MONROE SCHOOL*, 215 N. 7th St., (8-26-77)
Phoenix. *PHOENIX CARNEGIE LIBRARY AND LIBRARY PARK*, 1101 W. Washington St., (11-19-74) PH0044164
Phoenix. *PHOENIX TOWNSITE*, bounded by 6th, 7th, Monroe, and Adams Sts., (11-7-78)
Phoenix. *PUEBLO GRANDE RUIN*, (10-15-66) PH0122491 NHL; G.
Phoenix. *ROSSON, DR. ROLAND LEE, HOUSE*, 139 N. 6th St., (6-3-71) PH0043206 HABS; G.
Phoenix. *ST. MARY'S CHURCH*, 231 N. 3rd St., (11-29-78)
Scottsdale vicinity. *TALIESIN WEST*, N of jct. of Shea Blvd. and 108th St., (2-12-74) PH0041467
Tempe. *FARMER-GOODWIN HOUSE (HIRAM B. FARMER HOUSE)*, 820 Farmer Ave., (12-26-72) PH0041441
Tempe. *HACKETT, ROY, HOUSE*, 401 and 405 Maple St., (12-4-74) PH0062804
Tempe. *OUR LADY OF MOUNT CARMEL CATHOLIC CHURCH*, College and University Ave., (1-30-78)
Tempe. *PETERSEN, NIELS, HOUSE*, Southern Ave. and Priest St., (1-5-78)
Theba vicinity. *PAINTED ROCKS*, W of Theba, (11-25-77)

mohave county

Colorado City vicinity. *ANTELOPE CAVE*, 17 mi. SW of Colorado City off AZ 389, (10-10-75)
Fredonia vicinity. *PIPE SPRING NATIONAL MONUMENT*, 15 mi. SW of Fredonia, (10-15-66)
Kingman. *BONELLI HOUSE*, Spring and 5th Sts., (4-24-75)
Kingman. *HUBBS HOUSE*, 4th and Golconda Sts., (6-15-78)
Kingman vicinity. *CAMP BEALE SPRINGS*, Ft. Beale Dr. and Wagon Trail Rd., (7-18-74) PH0041475

navajo county

NAVAJO NATIONAL MONUMENT, Reference—see Coconino County (1-2-74)
Cibecue vicinity. *GRASSHOPPER RUIN*, W of Cibecue, (2-17-78)
Holbrook. *NAVAJO COUNTY COURTHOUSE*, Courthouse Sq., (7-31-78)
Holbrook vicinity. *AGATE HOUSE PUEBLO*, E of Holbrook in Petrified Forest National Park, (10-6-75)
Holbrook vicinity. *PAINTED DESERT PETROGLYPHS AND RUINS ARCHEOLOGICAL DISTRICT*, NE of Holbrook off I 40, (6-24-76)
Keams Canyon vicinity. *AWATOVI RUINS*, Hopi Indian Reservation, (10-15-66) PH0122505 NHL.
Keams Canyon vicinity. *INSCRIPTION ROCK*, E of Keams Canyon off AZ 264, (4-6-78)
Oraibi vicinity. *OLD ORAIBI*, Hopi Indian Reservation, (10-15-66) PH0122513 NHL.
Snowflake. *FLAKE, JAMES M., HOUSE*, Stinson and Hunt Sts., (7-14-71) PH0041483
Snowflake. *SMITH, JESSE N., HOUSE (PIONEER MEMORIAL HOME)*, 203 W. Smith Ave., (7-14-71) PH0121207
Whiteriver vicinity. *FORT APACHE HISTORIC DISTRICT*, S of Whiteriver off AZ 73 on Fort Apache Indian Reservation, (10-14-76)
Winslow vicinity. *BRIGHAM CITY*, N of Winslow, (6-9-78)

ontario county

Phelps. *ST. JOHN'S EPISCOPAL CHURCH*, Church St., (11-7-78)

otsego county

Gilbertsville. *TIANDERAH*, off NY 51, (11-2-78)

pima county

Greaterville vicinity. *EMPIRE RANCH*, 6 mi. E of Greaterville, (5-30-75)
Lukeville vicinity. *BULL PASTURE*, E of Lukeville on Organ Pipe Cactus National Monument, (9-1-78)
Lukeville vicinity. *EL CAMINO DEL DIABLO*, NW of Lukeville (also in Yuma County), (12-1-78)
Lukeville vicinity. *GACHADO WELL AND LINE CAMP*, E of Lukeville in Organ Pipe Cactus National Monument, (11-2-78)
Lukeville vicinity. *GROWLER MINE AREA*, N of Lukeville, (11-14-78)
Lukeville vicinity. *MILTON MINE*, NW of Lukeville, (9-1-78)
Lukeville vicinity. *VICTORIA MINE (LA AMERICANA MINE)*, N of Lukeville, (9-1-78)
Santa Rosa vicinity. *VENTANA CAVE*, Papago Indian Reservation, (10-15-66) PH0122521 NHL.
Tucson. *ARMORY PARK HISTORIC RESIDENTIAL DISTRICT*, E. 12th St. to 19th St., Stone Ave. to 2nd Ave., (7-30-76)

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Tucson. *BARRIO LIBRE*, roughly bounded by 14th, 19th, Stone and Osborne Sts., (10-18-78)
Tucson. *CORDOVA HOUSE*, 173–177 N. Meyer Ave., (5-4-72) PH0041564 G.
Tucson. *EL PRESIDIO HISTORIC DISTRICT*, Roughly bounded by W. 6th, W. Alameda Sts., N. Stone and Granada Aves., (9-27-76) G.
Tucson. *EL TIRADITO (WISHING SHRINE)*, 221 S. Main St., (11-19-71) PH0041548 G.
Tucson. *FORT LOWELL MULTIPLE RESOURCE AREA*, This resource area includes: *Cavalry Corrals*, N. Craycroft Blvd.; *Fort Lowell Park*, N. Craycroft Blvd.; *Officers' Quarters*, N. Craycroft Blvd.; *Post Trader's Store and Riallito House*, 5425 E. Ft. Lowell Rd.; *Post Trader's Storehouse*, 5354 E. Ft. Lowell Rd.; *Quartermaster's Storehouse*, 5479 E. Ft. Lowell Rd.; and Lots *HD13-13; HD 12-4;HD12-8; HD5-26; HD7-0A; HD9-11/HD9-2; HD9-28; HD5-28/HD5-25; HD7-13; HD13-11; HD13-4; and HD4-8A*., (12-13-78)
Tucson. *FREMONT HOUSE*, 145–153 S. Main St., (6-3-71) PH0041530 G.
Tucson. *OLD ADOBE PATIO (CHARLES O. BROWN HOUSE)*, 40 W. Broadway, (6-3-71) PH0041572
Tucson. *OLD MAIN, UNIVERSITY OF ARIZONA*, University of Arizona campus, (4-13-72) PH0041521 HABS.
Tucson. *PIMA COUNTY COURTHOUSE*, 115N. Church St., (6-23-78)
Tucson. *VELASCO HOUSE*, 471–475–477 S. Stone Ave. and 522 S. Russell St., (3-5-74) PH0041505 G.
Tucson. *WARNER, SOLOMON, HOUSE AND MILL*, 350 S. Grand Ave., (6-3-76)
Tucson vicinity. *COCORAQUE BUTTE ARCHEOLOGICAL DISTRICT*, W of Tucson, (10-10-75)
Tucson vicinity. *DESERT LABORATORY*, W of Tucson off W. Anklam Rd. on Tumamoc Hill, (10-15-66) PH0041556 NHL.
Tucson vicinity. *MANNING CABIN*, 10 mi. E of Tucson in Saguaro National Monument, (3-31-75)
Tucson vicinity. *SAN XAVIER DEL BAC*, 9 mi. S of Tucson via Mission Rd., (10-15-66) PH0041491 NHL; HABS.
Tucson vicinity. *SANTA ANA DEL CHIQUIBURITAC MISSION SITE*, NW of Tucson, (9-18-75)

pinal county

HOHOKAM-PIMA IRRIGATION SITES, Reference—see Maricopa County (1-2-74)
HOHOKAM-PIMA NATIONAL MONUMENT, (7-19-64) NHL.
Casa Grande. *CASA GRANDE STONE CHURCH*, Florence Blvd. and N. Park Ave., (6-15-78)
Coolidge vicinity. *CASA GRANDE NATIONAL MONUMENT*, (10-15-66) PH0121185
Florence. *FIRST FLORENCE COURTHOUSE*, 5th and Main Sts., (7-30-74) PH0041599 G.
Florence. *PINAL COUNTY COURTHOUSE*, Pinal and 12th Sts., (8-2-78)
Florence vicinity. *ADAMSVILLE RUIN*, (8-25-70) PH0041581
Florence vicinity. *BUTTE-COCHRAN CHARCOAL OVENS*, 16 mi. E of Florence N of Gila River, (5-30-75)
Sacaton. *C. H. COOK MEMORIAL CHURCH*, Church St., (8-28-75)
Superior vicinity. *THOMPSON, BOYCE, SOUTHWESTERN ARBORETUM*, 2 mi. W of Superior on U.S. 60/70, (3-26-76)

queens county

Astoria. *PARAMOUNT STUDIOS COMPLEX*, 35th Ave., 35th, 36th, and 37th Sts., (11-14-78)

santa cruz county

Nogales. *SANTA CRUZ COUNTY COURTHOUSE*, Court and Morley Sts., (12-7-77)
Nogales vicinity. *CALABASAS*, (6-3-71) PH0041602 HABS.
Nogales vicinity. *GUEVAVI MISSION RUINS*, 6 mi. N of U.S.-Mexican border, (11-5-71) PH0041611
Nogales vicinity. *KITCHEN, PETE, RANCH*, 3.5 mi. N of Nogales off U.S. 89, (2-20-75) HABS.
Nogales vicinity. *TUMACACORI NATIONAL MONUMENT*, 18 mi. N of Nogales on I 19, (10-15-66) PH0121193
Patagonia vicinity. *FINLEY, JAMES, HOUSE*, 7.2 mi. SW of Patagonia in Coronado National Forest, (11-19-74) PH0043907
Ruby and vicinity. *RUBY*, N of U.S./Mexico border between Ruby and Montana peaks, (4-28-75)
Tubac. *OLD TUBAC SCHOOLHOUSE*, (11-10-70) PH0041629
Tubac. *TUBAC PRESIDIO*, Broadway and River Rd., (12-2-70) PH0041637 G.

yavapai county

Camp Verde. *FORT VERDE DISTRICT*, Bounded by Hance, Coppinger, and Woods Sts., (10-7-71) PH0041645 HABS; G.
Camp Verde vicinity. *CLEAR CREEK CHURCH*, 3.5 mi. SE of Camp Verde, (8-6-75)
Camp Verde vicinity. *CLEAR CREEK PUEBLO AND CAVES*, 4 mi. SE of Camp Verde in Coconino National Forest, (2-10-75)
Carefree vicinity. *VERDE RIVER SHEEP BRIDGE*, N of Carefree on Verde River, (11-21-78)
Clarkdale vicinity. *HATALACVA RUIN*, (7-24-74) PH0041653
Clarkdale vicinity. *TUZIGOOT NATIONAL MONUMENT*, 2 mi. E of Clarkdale, (10-15-66)
Flagstaff vicinity. *MONTEZUMA CASTLE NATIONAL MONUMENT*, 40 mi. S of Flagstaff on I 17, (10-15-66)
Humboldt vicinity. *WOOLSEY RANCHHOUSE RUINS*, N of Humboldt off AZ 69, (11-7-77)
Jerome. *JEROME HISTORIC DISTRICT*, (11-13-66) PH0041661 NHL; G.
Phoenix vicinity. *PERRY MESA ARCHEOLOGICAL DISTRICT*, N of Phoenix off I 17, (11-20-75)
Poland vicinity. *POLAND TUNNEL*, W of Poland off AZ 69, (3-29-78)
Prescott. *OLD GOVERNOR'S MANSION*, 400 block of W. Gurley, (9-10-71) PH0041670 HABS.
Prescott. *PRESCOTT PUBLIC LIBRARY*, 125 E. Gurley St., (5-28-75) G.
Prescott. *YAVAPAI COUNTY COURTHOUSE*, Courthouse Sq., (4-13-77)
Prescott vicinity. *LYNX CREEK DISTRICT*, E of Prescott, (8-31-78)
Prescott vicinity. *PALACE STATION DISTRICT*, 23 mi. S of Prescott in Prescott National Forest, (4-30-76)
Prescott vicinity. *WALKER CHARCOAL KILN*, SE of Prescott in Prescott National Forest, (10-8-76)
Rimrock vicinity. *SACRED MOUNTAIN (IDA RUIN AND WHITE HILL)*, E of Rimrock off I 17 in Coconino National Forest, (3-4-75)
Sedona vicinity. *LOY BUTTE PEUBLO*, 18 mi. NW of Sedona in Coconino National Forest, (2-10-75)
Wickenburg vicinity. *KAY-EL-BAR RANCH*, N of Wickenburg on Rincon Rd., (5-22-78)

yuma county

EL CAMINO DEL DIABLO, Reference—see Pima County
Ehrenberg vicinity. *OLD LA PAZ (LAGUNA DE LA PAZ)*, Colorado River Indian Tribes Reservation, (8-25-70) PH0041688 G.
Ehrenberg vicinity. *RIPLEY INTAGLIOS*, S of Ehrenberg near Colorado River, (11-20-75)
Parker. *PARKER JAIL arker Jail, AZ CF*, N side of Agency Rd. in Pop Harvey Park, (4-3-75)
Parker vicinity. *OLD PRESBYTERIAN CHURCH (MOJAVE INDIAN PRESBYTERIAN MISSION CHURCH)*, SW of Parker on 2nd Ave., (6-3-71) PH0041696
Wenden vicinity. *HARQUAHALA PEAK OBSERVATORY*, E of Wenden off U.S. 60, (10-3-75)
Yuma. *SOUTHERN PACIFIC RAILROAD DEPOT*, Gila St., (6-22-76)
Yuma. *YUMA CROSSING AND ASSOCIATED SITES*, (11-13-66) PH0069779 NHL; G. (also in Imperial County, CA)
Yuma vicinity. *SAN YSIDRO HACIENDA*, E of Yuma off U.S. 95, (10-10-75)

ARKANSAS

arkansas county

DeWitt. *HALLIBURTON HOUSE*, 300 W. Halliburton St., (11-5-74) PH0075728
Gillett vicinity. *ARKANSAS POST NATIONAL MEMORIAL*, 8 mi. SE of Gillett on AR 1 and 169, (10-15-66)
St. Charles. *ST. CHARLES BATTLE SITE*, Jct. of AR 1 and the White River, (12-2-74)
Tichnor vicinity. *ROLAND SITE*, 5 mi. E of Tichnor, (5-2-75)

ashley county

Hamburg. *WATSON HOUSE*, 300 N. Cherry, (12-28-77)
Hamburg. *WATSON-SAWYER HOUSE*, 502 E. Parker St., (12-6-75)

baxter county

Mountain Home. *CASEY HOUSE*, Fairgrounds off U.S. 62, (12-4-75)
Norfolk. *WOLF, JACOB, HOUSE*, On AR 5, W of fork of the White and North Fork Rivers, (4-13-73) PH0075744

benton county

Bentonville. *ELLIOTT HOUSE*, 303 SE. 3rd St., (1-20-78)
Bentonville. *MASSEY HOTEL*, U.S. 71, (12-1-78)
Monte Ne. *MONTE NE*, Off AR 94, (2-17-78)
Pea Ridge. *PEA RIDGE NATIONAL MILITARY PARK*, (10-15-66) PH0121169
Rogers. *MUTUAL AID UNION BUILDING*, 2nd and Poplar Sts., (10-14-76)
Rogers. *ST. LOUIS-SAN FRANCISCO PASSENGER DEPOT*, 1st and Cherry Sts., (8-15-77)
Siloam Springs. *SAGER, SIMON, CABIN*, John Brown University campus, (1-30-76)

boone county

Harrison. *BOONE COUNTY COURTHOUSE*, Courthouse Sq., (7-21-76)
Harrison. *BOONE COUNTY JAIL*, Central Ave. and Willow St., (12-12-76)

bradley county

Warren. *BAILEY HOUSE*, 302 Chestnut St., (8-28-75)
Warren. *BRADLEY COUNTY COURTHOUSE AND CLERK'S OFFICE*, Courthouse Sq., (12-12-76)
Warren. *WARREN AND OUACHITA VALLEY RAILWAY STATION*, 325 W. Cedar St., (8-3-77)

calhoun county

Hampton. *CALHOUN COUNTY COURTHOUSE*, Courthouse Sq., (12-12-76)
Hampton vicinity. *DUNN HOUSE*, W of Hampton on AR 4, (5-4-76)

carroll county

Berryville. *CARROLL COUNTY COURTHOUSE, EASTERN DISTRICT*, Public Sq., (8-27-76)
Eureka Springs. *EUREKA SPRINGS HISTORIC DISTRICT*, (12-18-70) PH0075752

chicot county

Shives vicinity. *LAKEPORT PLANTATION*, About 3 mi. SE of Shives, off AR 142, (11-20-74) PH0075761

clark county

Arkadelphia. *BARKMAN, JAMES E. M., HOUSE*, 406 N. 10th St., (7-30-74) PH0075779
Arkadelphia. *CLARK COUNTY COURTHOUSE*, 4th and Crittenden Sts., (12-1-78)
Arkadelphia. *CLARK COUNTY LIBRARY*, 609 Caddo St., (11-5-74) PH0075795
Arkadelphia. *FLANAGIN LAW OFFICE*, 320 Clay St., (12-22-77)
Arkadelphia. *MAGNOLIA MANOR*, 0.6 mi. SW of jct. of I 30 and AR 51, (9-27-72) PH0075809
Arkadelphia vicinity. *BAYOU SEL*, (9-10-74) PH0075787
Arkadelphia vicinity. *BOZEMAN HOUSE*, W of Arkadelphia on AR 26/51, (11-14-78)

clay county

Corning. *OLIVER HOUSE*, 203 W. Front St., (12-8-78)
Corning. *SHEEKS HOUSE*, 502 Market St., (8-22-75)
St. Francis vicinity. *CHALK BLUFF*, N of St. Francis, (10-29-74) PH0075949
Success. *BAYNHAM HOUSE*, Stephens St., (8-31-78)
Success. *WADDLE HOUSE*, S. Erwin, (3-28-77)

cleburne county

Heber Springs. *CLEBURNE COUNTY COURTHOUSE*, Courthouse Sq., (7-12-76)

cleveland county

Fordyce vicinity. *MARKS' MILLS BATTLEFIELD PARK*, Jct. of AR 8 and AR 97, (1-21-70) PH0075817
New Edinburg vicinity. *BARNETT-ATTWOOD HOUSE*, NE of New Edinburg, (7-29-77)
Rison. *CLEVELAND COUNTY CLERK'S BUILDING*, Fairgrounds, (1-31-76)
Rison. *CLEVELAND COUNTY COURTHOUSE*, Main and Magnolia, (4-11-77)
Rison. *MOUNT OLIVET METHODIST CHURCH*, Fairgrounds off AR 35, (12-1-75)

columbia county

Bussey vicinity. *FROG LEVEL*, (9-22-72) PH0075825
Magnolia. *COLUMBIA COUNTY COURTHOUSE*, Court Sq., (4-15-78)
Spotville vicinity. *ALLEN, W. H., HOUSE*, NW of Spotville off AR 98, (10-14-76)

conway county

Atkins vicinity. *TRINITY LUTHERAN CHURCH*, 7.2 mi. S of Atkins off AR 154, (12-13-76)
Morrilton. *AYCOCK HOUSE*, 410 W. Church St., (5-13-76)
Morrilton. *CONWAY COUNTY LIBRARY*, 101 W. Church St., (4-15-78)
Morrilton. *COX HOUSE (COL. H. W. BURROW HOUSE)*, Bridge St., (10-22-74) PH0075833
Morrilton. *MOOSE HOUSE*, 711 Green St., (10-22-74) PH0075841
Morrilton. *MORRILTON RAILROAD STATION*, Railroad Ave. between Division and Moose Sts., (9-13-77)
Plummerville. *SIMS HOTEL*, Center of Plummerville, (8-28-75)
Plummerville vicinity. *PLUMMER'S STATION*, S of Plummerville on Gap Creek, (8-11-75)

craighead county

Bay vicinity. *BAY MOUNDS*, N of Bay, (2-14-78)
Jonesboro. *BELL HOUSE*, 303 W. Cherry St., (11-7-76)
Jonesboro. *FRIERSON HOUSE*, 1112 S. Main St., (4-24-73) PH0075850

crawford county

Chester. *YOES, COL. JACOB, BUILDING*, Front St., (6-5-75)
Van Buren. *BROWN, DR. CHARLES FOX, HOUSE*, 420 Drennan St., (9-6-78)
Van Buren. *BRYAN HOUSE*, 105 Fayetteville St., (1-9-78)
Van Buren. *BURNS, BOB, HOUSE*, 821 Jefferson St., (4-30-76)
Van Buren. *DRENNEN-SCOTT HOUSE*, Drennen Reserve, N. 3rd St., (9-10-71) PH0075868
Van Buren. *DUNHAM, JOSEPH STARR, HOUSE*, 418 Broadway, (5-3-76)
Van Buren. *MILLS, HENRY CLAY, HOUSE*, 425 N. 15th St., (12-16-77)
Van Buren. *MOUNT OLIVE UNITED METHODIST CHURCH*, Lafayette and Knox Sts., (7-30-76)
Van Buren. *VAN BUREN HISTORIC DISTRICT*, Main St., bounded by Cane Hill St. and the Arkansas River, (4-30-76)
Van Buren. *WILHAUF HOUSE*, 109 N. 3rd St., (8-27-74) PH0075876

crittenden county

Marion. *CRITTENDEN COUNTY COURTHOUSE*, 85 Jackson St., (8-3-77)

cross county

Parkin vicinity. *PARKIN INDIAN MOUND*, N edge of Parkin, (10-15-66) PH0075884 NHL.

dallas county

Leola vicinity. *BIRD KILN*, 6 mi. SW of Leola off AR 9, (5-29-75)
Princeton vicinity. *CULBERTSON KILN*, E of Princeton on Stark Bland Rd., (5-29-75)
Tulip vicinity. *WELCH POTTERY WORKS*, S of Tulip, (5-12-75)
Wave vicinity. *WOMMACK KILN*, SE of Wave on Wave Rd., (6-10-75)

desha county

Arkansas City. *DESHA COUNTY COURTHOUSE*, Robert S. Moore Ave., (7-12-76)
Rohwer. *ROHWER RELOCATION CENTER SITE (NISEI CAMP)*, AR 1, (7-30-74) PH0075892

drew county

Monticello. *HOTCHKISS HOUSE*, 509 N. Boyd St., (12-12-76)
Selma. *SELMA METHODIST CHURCH*, N of AR 4 in town of Selma, (9-22-72) PH0075906

faulkner county

Conway. *FAULKNER COUNTY JAIL*, Courthouse Sq., (7-20-78)
Conway. *MAIN HALL, CENTRAL COLLEGE*, 1509 College Ave., (12-6-75)
Conway vicinity. *CADRON SETTLEMENT*, W of Conway on Arkansas River, (5-17-74) PH0075914
Little Rock. *TERMINAL HOTEL*, Victory and Markham Sts., (11-17-78)

franklin county

Altus vicinity. *OUR LADY OF PERPETUAL HELP CHURCH*, N of Altus, (5-3-76)
Altus vicinity. *WIEDERKEHR WINE CELLAR*, N of Altus at St. Mary's Mountain, (5-2-77)
Charleston. *FRANKLIN COUNTY COURTHOUSE, SOUTHERN DISTRICT*, AR 22, (10-18-76)
Ozark vicinity. *THE CABINS (DEANE SUMMER HOUSE)*, W of Ozark on AR 219, (4-13-77)

fulton county

Gepp vicinity. *COUNTY LINE SCHOOL AND LODGE*, NW of Gepp on E side of Baxter-Fulton county line, 2 mi. S of state line, (3-27-75)

garland county

Hot Springs. *BATHHOUSE ROW*, Central Ave. between Reserve and Fountain Sts., in Hot Springs National Park, (11-13-74) PH0075922
Hot Springs. *DOHERTY HOUSE*, 705 Malvern Ave., (11-14-78)
Hot Springs. *MEDICAL ARTS BUILDING*, 236 Central Ave., (11-30-78)
Hot Springs. *PASSMORE HOUSE*, 846 Park Ave., (10-8-76)
Hot Springs. *SHORT-DODSON HOUSE*, 755 Park Ave., (5-3-76)
Hot Springs. *STITT HOUSE*, 824 Park Ave., (5-3-76)
Hot Springs. *WILDWOOD*, 808 Park Ave., (10-8-76)
Hot Springs. *WILLIAMS-WOOTTON HOUSE*, 420 Quapaw Ave., (11-30-78)

grant county

Leola vicinity. *JENKINS' FERRY BATTLEGROUND (BATTLE OF JENKINS' FERRY STATE PARK)*, NE of Leola on AR 46, (1-21-70) PH0075931

greene county

Paragould. *GREENE COUNTY COURTHOUSE*, Courtsquare, (8-11-76)
Paragould vicinity. *OLD BETHEL METHODIST CHURCH*, W of Paragould off AR 141, (4-19-78)

hempstead county

Hope. *CARRIGAN HOUSE*, 704 W. Avenue B, (7-20-78)
Hope. *MCRAE, K. G., HOUSE*, 3rd and Edgewood Sts., (5-4-76)
Hope. *ST. MARK'S EPISCOPAL CHURCH*, 3rd and Elm Sts., (5-6-76)
Ozan vicinity. *GOODLETT GIN*, 3 mi. W of Ozan on AR 4, (1-17-75)

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Washington. *CONFEDERATE STATE CAPITOL (HEMPSTEAD COUNTY COURTHOUSE)*, Main St., (5-19-72) PH0075957 HABS.
Washington. *ROYSTON, GRANDISON D., HOUSE*, Alexander St., SW of Columbus St., (6-21-71) PH0075973 HABS; G.
Washington. *WASHINGTON HISTORIC DISTRICT*, Boundaries correspond to original 1824 plat of city, (6-20-72) PH0075981 G.

hot spring county

Malvern vicinity. *LAKE CATHERINE QUARRY*, NW of Malvern off U.S. 270, (9-11-75)
Saginaw vicinity. *MORRISON PLANTATION SMOKEHOUSE*, off I 30, (12-28-77)

hot springs county

Social Hill vicinity. *BLAKELY HOUSE*, W of Social Hill on AR 84, (5-3-76)

howard county

Center Point. *CLARDY-LEE HOUSE*, AR 26, (11-10-77)
Center Point vicinity. *BOYD, ADAM, HOUSE*, E of Center Point on AR 26, (5-13-76)
Center Point vicinity. *EBENEZER CAMPGROUND*, N of Center Point off AR 4, (3-26-76)
Center Point vicinity. *RUSSEY HOUSE*, S of Center Point on AR 4, (5-4-76)
Mineral Springs. *MEMPHIS, PARIS, AND GULF*, Depot, AR 27, (12-4-78)
Nashville. *FIRST PRESBYTERIAN CHURCH*, 2nd and Hempstead Sts., (5-4-76)
Nashville. *HOLT, FLAVIUS, HOUSE*, Kohler St., (12-1-78)
Nashville. *WOMACK-PARKER HOUSE*, Off AR 4/24, (12-1-78)

independence county

Batesville. *COOK-MORROW HOUSE*, 875 Main St., (7-29-77)
Batesville. *GARROTT HOUSE*, 561 E. Main St., (6-24-71) PH0075990
Batesville. *GLENN HOUSE*, 653 Water St., (5-2-75)
Batesville. *HANDFORD, CHARLES R., HOUSE*, 658 E. Boswell St., (5-2-75)
Batesville. *HANDFORD, JAMES S., HOUSE*, 659 E. Boswell St., (5-2-75)
Batesville. *MAXFIELD, URIAH, HOUSE*, 410 E. Harrison St., (5-2-75)
Batesville. *MORROW HALL*, 7th and Boswell Sts., (10-18-72) PH0076007
Batesville. *WYCOUGH-JONES HOUSE*, 683 Water St., (5-2-75)
Batesville vicinity. *SPRING MILL*, NW of Batesville on AR 69, (3-1-74) PH0076015
Newark. *DEARING HOUSE*, AR 102, (5-3-76)

izard county

Melbourne vicinity. *PHILADELPHIA METHODIST CHURCH*, N of Melbourne, (9-29-76)

jackson county

Jacksonport. *JACKSONPORT STATE PARK*, Between Dillard St. and the White River, (1-21-70) PH0076023
Jacksonport vicinity. *HICKORY GROVE CHURCH AND SCHOOL*, N of Jacksonport, (5-23-78)
Newport. *EMPIE-VAN DYKE HOUSE*, 403 Laurel, (12-28-77)
Newport. *JACKSON COUNTY COURTHOUSE*, U.S. 67, (11-18-76) G.

jefferson county

Altheimer vicinity. *ELMS, THE*, S of Altheimer, (7-7-78)
Altheimer vicinity. *LAKE DICK*, 4 mi. S of Altheimer off AR 88, (7-3-75)
Altheimer vicinity. *ROSELAWN*, SW of Altheimer off AR 88, (5-23-78)
Pine Bluff. *DILLEY HOUSE*, 656 Laurel St., (8-3-77)
Pine Bluff. *DUBOCAGE*, 1115 W. 4th St., (6-24-74) PH0076031
Pine Bluff. *FERGUSON HOUSE*, 902 E. 4th Ave., (1-18-78)
Pine Bluff. *HUDSON-GRACE-BORRESON HOUSE*, 716 W. Barraque, (6-24-71) PH0076040
Pine Bluff. *KNOX, R. M., HOUSE*, 1504 W. 6th St., (6-5-75)
Pine Bluff. *MACMILLAN-DILLEY HOUSE*, 407 Martin Ave., (12-12-76)
Pine Bluff. *MASONIC TEMPLE*, 4th and State St., (11-30-78)
Pine Bluff. *MERCHANTS AND PLANTERS BANK BUILDING*, 100 Main St., (8-1-78)
Pine Bluff. *ROTH-ROSENZWEIG HOUSE*, 717 W. 2nd Ave., (12-12-76)
Pine Bluff. *TRINITY EPISCOPAL CHURCH*, 3rd and Oak Sts., (7-30-74) PH0076058
Pine Bluff. *TRULOCK-GOULD-MILLIS HOUSE*, 704 W. Barraque St., (1-3-78)
Pine Bluff. *UNION STATION*, E. 4th Ave. and State St., (12-14-78)
Pine Bluff. *YAUCH-RAGAR HOUSE*, 625 State St., (1-20-78)
Pine Bluff vicinity. *PLUM BAYOU HOMESTEADS (WRIGHT PLANTATION)*, N of Pine Bluff, E of Arkansas River, includes town of Wright and environs, (6-5-75)
Redfield vicinity. *DOLLARWAY ROAD*, S of Redfield off U.S. 65, (5-17-74) PH0069809

johnson county

Clarksville. *MCKENNON, CAPT. ARCHIBALD S., HOUSE*, 215 N. Central, (1-2-76)

lafayette county

Bradley vicinity. *CONWAY CEMETERY*, W of Bradley, (11-23-77)
Lewisville. *KING-WHATLEY BUILDING*, 2nd and Maple Sts., (3-30-78)

lawrence county

Clover Bend vicinity. *FRENCH, ALICE, HOUSE*, AR 28, (1-11-76)
Portia. *PORTIA SCHOOL*, City Park, (12-13-78)
Powhatan. *POWHATAN COURTHOUSE*, (2-16-70) PH0076066 G.
Powhatan. *POWHATAN METHODIST CHURCH*, AR 25, (11-23-77)
Powhatan. *POWHATAN SCHOOLHOUSE*, AR 25, (7-31-78)

lee county

Blackton vicinity. *LOUISIANA PURCHASE SURVEY MARKER*, SE of Blackton at corner of Monroe and Phillips counties, (2-23-72) PH0076082 (also in Monroe and Phillips counties)
Marianna. *MCCLINTOCK HOUSE*, 82 W. Main St., (12-28-77)

lincoln county

Star City vicinity. *CROW HOUSE*, 7 mi. SE of Star City, (6-29-76)

little river county

Alleene. *REED, WILL, FARM HOUSE*, Main St., (7-14-78)
Ashdown. *LITTLE RIVER COUNTY COURTHOUSE*, Main and 2nd Sts., (9-29-76)

logan county

Blue Mountain. *CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD DEPOT*, Off AR 10, (2-14-78)
Booneville. *BANK OF BOONEVILLE BUILDING*, 1 W. Main St., (4-26-78)
New Blaine. *ELIZABETH HALL*, Off AR 22, (5-4-76)
Paris. *LOGAN COUNTY COURTHOUSE, EASTERN DISTRICT*, Courthouse Sq., (7-30-76)

lonoke county

Lonoke. *BOYD, THOMAS SLOAN, HOUSE*, 220 Park Ave., (1-1-76)
Scott vicinity. *ASHLEY-ALEXANDER HOUSE*, N of Scott, (6-18-76)
Scott vicinity. *MARLSGATE (WILLIAM P. DORTCH HOUSE)*, NW of Scott off AR 130 at Bearskin Lake, (12-6-75)
Scott vicinity. *TOLTEC MOUNDS (KNAPP MOUNDS)*, 5 mi. SE of Scott, off AR 30, (1-12-73) PH0076074 NHL; G.

madison county

Alabam vicinity. *ALABAM SCHOOL*, S of Alabam at jct. of AR 68 and AR 127, (7-14-76)

marion county

Yellville. *COWDREY HOUSE*, 1 Valley St., (7-20-78)
yellville. *LAYTON BUILDING*, 1110 Mill St., (4-26-78)

miller county

Texarkana. *DEAN HOUSE*, 1520 Beech St., (12-12-76)
Texarkana. *ORR SCHOOL*, 831 Laurel St., (7-30-76)
Texarkana. *TEXARKANA UNION STATION*, State Line and Front St., Union Plaza also in Bowie County, TX, 11-19-78)

mississippi county

Buckeye vicinity. *ZEBREE HOMESTEAD*, 2 mi. NE of Buckeye in Big Lake National Wildlife Refuge, (5-2-75)
Dyess. *DYESS COLONY CENTER*, AR 297, (1-1-76)
Osceola. *MISSISSIPPI COUNTY COURTHOUSE*, Hale and Poplar Aves., (12-13-78)
Wilson. *NODENA SITE*, S edge of Wilson, (10-15-66) PH0121151 NHL.

monroe county

LOUISIANA PURCHASE SURVEY MARKER, Reference—see Lee County (1-2-74)
Blackton vicinity. *PALMER HOUSE*, SE of Blackton off U.S. 49, (5-4-76)
Brinkley. *BLACK, WILLIAM, FAMILY HOUSE*, 311 W. Ash St., (12-12-76)
Clarendon. *CUMBERLAND PRESBYTERIAN CHURCH*, 120 Washington St., (7-30-76)
Clarendon. *ELLAS-MCKAY HOUSE*, 404 N Walls St., (12-8-78)
Clarendon. *MONROE COUNTY COURTHOUSE*, Courthouse Sq., (10-14-76)
Clarendon. *MONROE COUNTY JAIL*, 2nd and Kendall, (4-11-77)
Indian Bay vicinity. *BAYTOWN SITE*, Off AR 1/17, (5-13-76)

montgomery county

Mount Ida. *MONTGOMERY COUNTY COURTHOUSE*, Court Sq., (8-27-76)
Mt. Ida. *MONTGOMERY COUNTY COURTHOUSE*, Court Sq., (8-27-76)

nevada county

Prescott. *MISSOURI PACIFIC DEPOT*, 300 W. 1st St. North, (11-17-78)
Prescott vicinity. *PRAIRIE DE ANN BATTLEFIELD*, N and S of Hwy. 24 and SW of Prescott, (3-22-74) PH0076091

newton county

Boxley vicinity. *VILLINES MILL (WHITELEY MILL)*, N of Boxley on AR 43, (7-31-74) PH0076104

ouachita county

Camden. *ELLIOTT-MEEK HOUSE*, 761 Washington St., (3-1-74)
Camden. *GRAHAM-GAUGHAN-BETTS HOUSE*, 710 Washington St., (10-18-74) PH0076147
Camden. *LEAKE-INGHAM BUILDING*, 926 Washington St., NW., (5-2-75)
Camden. *MCCOLLUM-CHIDESTER HOUSE*, 926 Washington St., NW, (6-24-71) PH0076155
Camden. *OLD CAMDEN POST OFFICE*, 133 Washington St., SW., (5-2-77)
Camden. *POWELL, BENJAMIN T., HOUSE*, 305 California Ave., (1-21-74) PH0076171
Camden. *SMITH, ROWLAND B., HOUSE*, 234 Agee St., (1-21-74) PH0076180
Camden. *TATE'S BARN*, 902 Tate St., (11-9-72) PH0076198
Camden vicinity. *BRAGG HOUSE*, W of Camden on AR 4, (3-1-74) PH0076121
Camden vicinity. *RICHMOND-TUFTS HOUSE*, NW of Camden on AR 24, (12-2-77)
Chidester vicinity. *POISON SPRING STATE PARK*, (12-3-69) PH0076163 G.
Stephens vicinity. *LESTER AND HALTOM NO. 1 WELL SITE*, NE of Stephens on Old Wire Rd., (4-3-76)

perry county

Perryville. *PERRY COUNTY COURTHOUSE*, Main and Pine Sts., (7-6-76)

phillips county

LOUISIANA PURCHASE SURVEY MARKER, Reference—see Lee County (1-2-74)
Helena. *ALLIN HOUSE*, 515 Columbia St., (6-4-73) PH0046680
Helena. *ALMER STORE*, 824 Columbia St., (10-18-74) PH0046698
Helena. *BATTERY C SITE*, Clark and York Sts., (12-1-78)
Helena. *BATTERY D*, Military Rd., (9-17-74) PH0046701
Helena. *ESTEVAN HALL*, 653 S. Biscoe St., (10-22-74) PH0046710
Helena. *HELENA LIBRARY AND MUSEUM*, 623 Peach St., (12-6-75)
Helena. *HORNER, SIDNEY H., HOUSE*, 626 Porter St., (12-4-75)
Helena. *KITCHENS, RICHARD L., POST NO. 41*, 409 Porter St., (9-30-76)
Helena. *MOORE-HORNOR HOUSE*, 323 Beech St., (6-4-73) PH0046728
Helena. *NASH-BARLOW-COOLIDGE HOUSE*, 917 Ohio St., (8-19-75)
Helena. *PHILLIPS COUNTY COURTHOUSE*, 622 Cherry St., (7-15-77)
Helena. *PILLOW, JEROME BONAPARTE, HOUSE (PILLOW-THOMPSON HOUSE)*, 718 Perry St., (5-7-73) PH0046736
Helena. *READY, E. S., HOUSE*, 929 Beech St., (1-1-76)
Helena. *SHORT-BIERI HOUSE*, 409 Biscoe St., (10-18-74) PH0016713
Helena. *TAPPAN, JAMES C., HOUSE*, 717 Poplar St., (9-9-74) PH0046752
Helena. *TAPPAN, MAJ. JAMES ALEXANDER, HOUSE*, 727 Columbia St., (9-9-74) PH0046761

pike county

Daisy vicinity. *O'NEEL-BLACKBURN HOUSE*, W of Daisy off U.S. 70, (5-3-76)
Murfreesboro vicinity. *CRATER OF DIAMONDS STATE PARK*, (6-18-73)

poinsett county

Harrisburg. *MODERN NEWS* BUILDING, 216 N. Main St., (6-18-76)

polk county

Mena. *SCOGGIN HOUSE*, 1215 Port Arthur Ave., (7-20-78)
Mena vicinity. *STATE LINE MARKER*, 17 mi. NW of Mena on AR 88, (11-18-76)

pope county

Pottsville. *POTTS' INN*, Main and Center Sts., (6-22-70) PH0046787 G.
Russellville. *WHITE, W. J., HOUSE*, 1412 W. Main St., (12-13-78)
Russellville. *WILSON HOUSE*, 214 E. 5th St., (3-29-78)

prairie county

Des Arc. *BETHELL, BEDFORD BROWN, HOUSE*, 2nd and Curran Sts., (12-4-78)
Des Arc. *PRAIRIE COUNTY COURTHOUSE*, Main St., (4-18-77)

pulaski county

Cato vicinity. *FRENCHMAN'S MOUNTAIN METHODIST EPISCOPAL CHURCH AND CEMETERY*, W of Cato on Cato Rd., (10-22-76)
Hensley vicinity. *HARRIS HOUSE*, SE of Hensley off AR 365, (1-1-76)
Little Rock. *ARKANSAS STATE CAPITOL*, 5th and Woodlane Sts., (6-28-74) PH0046795
Little Rock. *BRUNER HOUSE*, 1415 Cantrell Rd., (4-11-77)
Little Rock. *CAPITAL HOTEL*, 117 W. Markham St., (7-30-74) PH0046809
Little Rock. *CHISUM HOUSE*, 1320 Cumberland, (12-4-75)
Little Rock. *CHOCTAW ROUTE STATION*, E. 3rd at Rock Island RR., (5-6-75)
Little Rock. *CURRAN HALL*, 615 E. Capitol St., (1-1-76)
Little Rock. *DEANE HOUSE*, 1701 Arch St., (9-5-75)
Little Rock. *FONES HOUSE*, 902 W. 2nd St., (8-19-75)
Little Rock. *FORDYCE HOUSE*, 2115 S. Broadway, (8-6-75)
Little Rock. *FOWLER, ABSALOM, HOUSE*, 502 E. 7th St., (6-4-73) PH0046817
Little Rock. *GARLAND, AUGUSTUS, HOUSE*, 1404 Scott St., (6-10-75)
Little Rock. *GEORGE, ALEXANDER, HOUSE*, 1007 E. 2nd St., (5-28-76)
Little Rock. *GOVERNOR'S MANSION HISTORIC DISTRICT*, bounded by the Mansion grounds, 13th, Center, Gaines, and 18th Sts., (9-13-78)
Little Rock. *HALLIBURTON TOWN HOUSES (WALKER-MURRELL HOUSES)*, 1601 and 1605 Center St., (12-12-76)
Little Rock. *HANGER, FREDERICK, HOUSE*, 1010 Scott St., (3-15-74) PH0046825
Little Rock. *HORNIBROOK HOUSE*, 2120 S. Louisiana St., (7-30-74) PH0046833
Little Rock. *HOTZE HOUSE*, 1619 Louisiana St., (8-11-75)
Little Rock. *ISH HOUSE*, 1600 Scott St., (1-3-78)
Little Rock. *JONES, ARTHUR J., HOUSE*, 814 Scott St., (1-1-76)
Little Rock. *LITTLE ROCK HIGH SCHOOL (CENTRAL HIGH SCHOOL)*, 14th and Park Sts., (8-19-77)
Little Rock. *LITTLE ROCK, THE*, On S bank of the Arkansas River at foot of Rock St., (10-6-70) PH0046841
Little Rock. *MACARTHUR PARK HISTORIC DISTRICT*, Roughly bounded by Ferry, McGowan, McAlmont, 16th, Bragg, 15th, Scott (includes both sides), 9th, Cumberland, and 5th Sts., (7-25-77)
Little Rock. *MAIN BUILDING, ARKANSAS BAPTIST COLLEGE*, 1600 High St., (4-30-76)
Little Rock. *MCDONALD-WAIT-NEWTON HOUSE*, 1406 Cantrell Rd., (7-14-78)
Little Rock. *MOPAC STATION*, Markham and Victory St., (6-17-77)
Little Rock. *MOUNT HOLLY CEMETERY*, 12th St. and Broadway, (3-5-70) PH0046850
Little Rock. *OLD POST OFFICE BUILDING AND CUSTOMHOUSE (THE GOVERNMENT BUILDING)*, 2nd and Spring Sts., (5-7-73) PH0046884 G.
Little Rock. *OLD STATEHOUSE*, 300 W. Markham St., (12-3-69) PH0046892 HABS.
Little Rock. *OLD STATEHOUSE SQUARE HISTORIC DISTRICT*, Roughly bounded by Arkansas River, Arch, Main, and 2nd Sts., (8-11-76)
Little Rock. *PEARSON-ROBINSON HOUSE*, 1900 Marshall St., (7-24-78)
Little Rock. *PETTEFER, HARRY, HOUSE*, 105 E. 24th St., (10-19-78)
Little Rock. *PIKE, ALBERT, HOTEL*, 7th and Scott Sts., (11-21-78)
Little Rock. *PIKE-FLETCHER-TERRY HOUSE (ALBERT PIKE HOUSE)*, 411 E. 7th St., (8-21-72) PH0046906 HABS.
Little Rock. *RAGLAND HOUSE*, 1617 Center St., (6-17-77)
Little Rock. *REICHARDT HOUSE*, 1201 Welch St., (5-2-75)
Little Rock. *ROBINSON, JOSEPH TAYLOR, HOUSE*, 2122 Broadway, (8-28-75)
Little Rock. *GAZETTE* BUILDING, 112 W. 3rd St., (10-22-76)
Little Rock. *TAVERN, THE (ARKANSAS TERRITORIAL RESTORATION)*, 214 E. 3rd St., (3-5-70) PH0046922 HABS.
Little Rock. *TERRY, WILLIAM L., HOUSE*, 1422 Scott St., (1-1-76)
Little Rock. *THOMPSON, ADA, MEMORIAL HOME*, 2021 S. Main, (8-3-77)
Little Rock. *TRAPNALL HALL (FREDERICK TRAPNALL HOUSE)*, 423 E. Capitol Ave., (4-13-73) PH0046931
Little Rock. *TRINITY EPISCOPAL CATHEDRAL*, 310 W. 17th St., (5-13-76)
Little Rock. *U.S. ARSENAL BUILDING*, MacArthur Park, 9th and Commerce Sts., (7-28-70) PH0046876 HABS.
Little Rock. *VILLA MARRE (ANGELO MARRE HOUSE)*, 1321 Scott St., (6-15-70) PH0046949
Little Rock. *VINSON HOUSE*, 2123 Broadway, (5-6-76)
Little Rock. *WARD-HAYS HOUSE*, 1008 W. 2nd St., (8-11-75)
Little Rock. *WARD, ZEB, BUILDING*, 1001–1003 W. Markham St., (4-19-78)
Little Rock vicinity. *WALNUT GROVE METHODIST CHURCH*, W of Little Rock on Walnut Grove Rd., (9-28-77)
Mabelvale vicinity. *TEN MILE HOUSE (STAGECOACH HOUSE)*, N of Mabelvale on AR 5, (6-22-70) PH0046914 HABS.

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North Little Rock. *BAKER HOUSE*, 109 5th St., (12e6-78)
North Little Rock. *FAUCETTE BUILDING*, 4th and Main Sts., (12-6-78)
North Little Rock. *FAUCETTE, JAMES PETER, HOUSE*, 316 W. 4th St., (1-4-78)
North Little Rock. *FORT LOGAN H. ROOTS MILITARY POST*, Scenic Hill Dr., (9-4-74) PH0046868
North Little Rock. *HOWELL-GARNER-MONFEE HOUSE*, 300 W. 4th St., (1-4-78)
North Little Rock. *MANEES, E. O., HOUSE*, 216 W. 4th St., (8-6-75)
North Little Rock. *NORTH LITTLE ROCK CITY HALL*, 3rd and Main Sts., (8-6-75)
North Little Rock. *OLD CENTRAL FIRE STATION*, 506 Main St., (12-22-77)
North Little Rock. *ST. JOSEPH'S HOME*, Camp Robinson Rd. off AR 176, (5-4-76)
Scott. *ALL SOULS CHURCH*, Off AR 130, (8-12-77)
Sweet Home. *HANGER COTTON GIN*, Harper Rd. and Gates Lane, (10-8-76)

quachita county

Camden vicinity. *OAKLAND FARM (TATE HOUSE)*, S of Camden at Tate and Oakland Sts., (3-24-78)

randolph county

Black Rock vicinity. *OLD DAVIDSONVILLE STATE HISTORIC MONUMENT*, NE of Black Rock on Black River, (1-18-74) PH0046957
Pocahontas. *OLD RANDOLPH COUNTY COURTHOUSE*, Broadway and Vance St., (4-24-73) PH0046965 G.

saline county

Benton. *GANN BUILDING*, 218 S. Market St., (10-21-75)
Benton. *GANN HOUSE*, S. Market St., (1-2-76)
Benton. *SALINE COUNTY COURTHOUSE*, Courthouse Sq., (11-22-76)
Benton. *SHOPPACH HOUSE*, 508 N. Main St., (10-10-75)
Benton. *WALTON, DR. JAMES WYATT, HOUSE*, 301 W. Sevier, (12-22-77)
Benton vicinity. *OLD RIVER BRIDGE*, SW of Benton at River Rd. and Saline River, (9-15-77)
Bryant vicinity. *HUNTER, ANDREW, HOUSE*, W of Bryant on AR 5, (12-12-76)

searcy county

Marshall. *SEARCY COUNTY COURTHOUSE*, Courthouse Sq., (10-21-76)
Silver Hill vicinity. *3SE33*, About 2 mi. NW of Silver Hill, (6-29-76)

sebastian county

Fort Smith. *BONNEVILLE HOUSE*, 318 N. 7th St., (9-22-71) PH0046973
Fort Smith. *CLAYTON, W.H.H., HOUSE*, 514 N. 6th St., (9-4-70) PH0046981 G.
Fort Smith. *COMMERCIAL HOTEL*, 123 N. 1st St., (5-7-73) PH0046990
Fort Smith. *FORT SMITH NATIONAL HISTORIC SITE*, (10-15-66) PH0228621
Fort Smith. *FORT SMITH'S BELLE GROVE HISTORIC DISTRICT*, (7-16-73) PH0047007
Fort Smith. *FOSTER, JOSIAH, BUILDING*, 222 Garrison Ave., (1-20-78)
Fort Smith. *KNOBLE, JOSEPH, BREWERY*, N. 3rd and E Sts., (3-24-72) PH0047015
Fort Smith. *MCLEOD, ANGUS, HOUSE*, 912 N. 13th St., (12-8-78)
Fort Smith. *SPARKS, JAMES, HOUSE*, 201 N. 14th St., (9-14-72) PH0047023

sharp county

Evening Shade. *HERRN HOUSE*, W. Main St., (9-29-76)

st. francis county

Forrest City. *STUART SPRINGS*, Stuart St., (8-3-77)

stone county

Mountain View. *STONE COUNTY COURTHOUSE*, Courthouse Sq., (9-29-76)

union county

El Dorado. *EL DORADO JUNIOR COLLEGE BUILDING*, 300 S. West Ave., (9-13-78)
El Dorado. *GARRETT HOUSE*, 210 Peach St., (11-21-74) PH0047031
El Dorado. *RAINEY, MATTHEW, HOUSE*, 510 N. Jackson St., (11-6-74) PH0047040

van buren county

Choctaw vicinity. *STOBAUGH HOUSE*, AR 9, 0.5 mi. SW of Choctaw, (7-6-76)
Fairfield Bay vicinity. *LYNN CREEK SHELTER*, (3-21-78)

washington county

Fayetteville. *GORDON, TROY, HOUSE*, 9 E. Township Rd., (12-1-78)
Fayetteville. *GREGG HOUSE*, 339 N. Gregg St., (9-17-74) PH0047058
Fayetteville. *HEADQUARTERS (TEBBETTS HOUSE)*, 118 E. Dickson St., (6-24-71) PH0047066
Fayetteville. *MAGNOLIA COMPANY FILLING STATION*, 492 W. Lafayette St., (11-15-78)
Fayetteville. *OLD MAIN, UNIVERSITY OF ARKANSAS*, Arkansas Ave., (6-15-70) PH0047082
Fayetteville. *OLD POST OFFICE*, City Sq., (8-27-74) PH0047091
Fayetteville. *RIDGE HOUSE*, 230 W. Center St., (11-2-72) PH0069817
Fayetteville. *STONE HOUSE*, 207 Center St., (9-4-70) PH0047112
Fayetteville. *WADE-HEERWAGEN HOUSE*, 338 Washington Ave. N., (6-15-78)
Fayetteville. *WALKER HOUSE*, Knerr Rd., (6-10-75)
Fayetteville. *WASHINGTON COUNTY COURTHOUSE*, College Ave. and E. Center St., (2-23-72) PH0047121
Fayetteville. *WASHINGTON COUNTY JAIL*, College and County Aves., (12-1-78)
Fayetteville vicinity. *COMBS, NATHAN, HOUSE*, SE of Fayetteville, (12-12-76)
Johnson vicinity. *JOHNSON HOUSE AND MILL*, W of Johnson on Johnson Rd., (12-12-76)
Prairie Grove. *PRAIRIE GROVE BATTLEFIELD PARK*, Within a triangle formed by North Rd. on the NW and U.S. 62 on the S, (9-4-70) PH0047104
Prairie Grove vicinity. *BORDEN HOUSE*, NE of Prairie Grove on U.S. 62, (3-17-77)
Prairie Grove vicinity. *LAKE-BELL HOUSE*, N of Prairie Grove, (11-8-74) PH0047074
Prairie Grove vicinity. *TILLEY, JOHN, HOUSE*, W of Prairie Dr. on Rhea's Mill Rd., (11-2-78)
Springdale. *SHILOH CHURCH*, Huntsville and Main Sts., (6-5-75)
Springdale. *SHILOH HISTORIC DISTRICT*, roughly bounded by Spring Creek, Shiloh, Johnson, Mill, and Spring Sts., (8-31-78)

white county

Bradford. *MORRIS HOUSE*, Rte. 1, (12-4-78)
Rosebud vicinity. *DARDEN-GIFFORD HOUSE*, N of Rosebud off AR 5, (1-1-76)
Searcy. *BLACK, BENJAMIN CLAYTON, HOUSE*, 300 E. Race St., (11-20-74) PH0047139
Searcy. *WHITE COUNTY COURTHOUSE*, Court Sq., (8-3-77)

woodruff county

Augusta. *FERGUSON HOUSE*, 416 N. 3rd St., (12-6-75)

yell county

Dardanelle. *STEAMBOAT HOUSE*, 601 N. Front St., (6-5-75)

CALIFORNIA

alameda county

Alameda. *ALAMEDA HIGH SCHOOL*, 2200 Central Ave., (5-12-77)
Alameda. *ST. JOSEPH'S BASILICA*, 1109 Chestnut St., (9-18-78)
Berkeley. *BERKELEY DAY NURSERY*, 2031 6th St., (9-15-77)
Berkeley. *BERKELEY WOMEN'S CITY CLUB*, 2315 Durant Ave., (10-28-77)
Berkeley. *BRYNE HOUSE*, 1301 Oxford St., (2-17-78)
Berkeley. *DRAWING BUILDING*, Hearst Ave., University of California campus, (11-18-76)
Berkeley. *FIRST CHURCH OF CHRIST, SCIENTIST*, 2619 Dwight Way, (12-22-77) NHL.
Berkeley. *GOLDEN SHEAF BAKERY*, 2069–2071 Addison St., (3-31-78)
Berkeley. *ROOM 307, GILMAN HALL, UNIVERSITY OF CALIFORNIA*, University of California campus, (10-15-66) PH0036528 NHL.
Berkeley. *SENIOR HALL*, University of California, Berkeley campus, (11-5-74) PH0036552
Berkeley. *ST. JOHN'S PRESBYTERIAN CHURCH*, 2640 College Ave., (8-7-74) PH0036561
Berkeley. *STUDIO BUILDING*, 2045 Shattuck Ave., (4-6-78)
Berkeley. *THORSEN, WILLIAM R., HOUSE*, 2307 Piedmont Ave., (11-20-78)
Berkeley. *TOVERII TUPPA*, 1819 10th St., (7-12-78)
Fremont. *CALIFORNIA NURSERY CO. GUEST HOUSE (JOSE DE JESUS VALLEJO ADOBE)*, California Nursery Co., Niles Blvd. at Nursery Ave., (5-6-71) PH0122980
Fremont (Mission San Jose District). *MISSION SAN JOSE*, Mission Blvd. at Washington Blvd., (7-14-71) PH0047210
Hayward. *MEEK MANSION AND CARRIAGE HOUSE*, 240 Hampton Rd., (6-4-73) PH0047201
Livermore. *BANK OF ITALY*, 2250 1st St., (11-16-78)
Livermore. *MURPHY, D. J., HOUSE*, 291 McLeod St., (4-6-78)
Oakland. *ABBEY, THE (JOAQUIN MILLER HOUSE)*, Joaquin Miller Rd. and Sanborn Dr., (10-15-66) PH0036510 NHL.
Oakland. *CAMERON-STANFORD HOUSE (OLD OAKLAND PUBLIC MUSEUM)*, 1426 Lakeside Dr., (6-13-72) PH0047171
Oakland. *CLAY BUILDING*, 1001–1007 Clay St., (11-20-78)
Oakland. *COHEN, ALFRED H., HOUSE*, 1440 29th Ave., (6-19-73) PH0047180
Oakland. *CREEK ORTHODOX CHURCH OF THE ASSUMPTION*, 920 Brush St., (5-22-78)
Oakland. *DUNNS BLOCK*, 725 Washington St., (11-15-78)

Oakland. *DUNSMUIR HOUSE*, Paralta Oaks Ct., (5s19-72) PH0047198
Oakland. *FIRST UNITARIAN CHURCH OF OAKLAND*, 685 14th St., (6-16-77)
Oakland. *LAKE MERRITT WILD DUCK REFUGE*, Lakeside Park, Grand Ave., (10-15-66) PH0036536 NHL.
Oakland. *MILLS HALL*, Mills College campus, (10-14-71) PH0047236
Oakland. *PACIFIC PRESS BUILDING*, 1117 Castro St., (4-14-75)
Oakland. *PARAMOUNT THEATRE*, 2025 Broadway, (8-14-73) PH0036544 NHL; HABS.
Oakland. *PARDEE HOUSE*, 672 11th St., (5-24-76) HABS.
Oakland. *PERALTA, ANTONIO MARIA, HOUSE*, 2465 34th Ave., (11-17-77)
Oakland. *TREADWELL MANSION AND CARRIAGE HOUSE*, 5212 Broadway, (7-15-77)
Piedmont. *WETMORE HOUSE*, 342 Bonita Ave., (4-14-78)
San Leandro. *PERALTA HOUSE*, 561 Lafayette Ave., (11-22-78)

amador county

Fiddletown. *FIDDLETOWN*, Off CA 49, (6-7-78)
Ione. *IONE CITY CENTENARY CHURCH*, 150 W. Marlette St., (5-26-77)
Ione. *SCULLY RANCH*, Marlette St., (11-21-78)
Ione vicinity. *PRESTON CASTLE*, N of Ione on Preston Ave., (7-30-75)
Jackson. *AMADOR COUNTY HOSPITAL BUILDING*, 810 Court St., (2-23-72) PH0047228
Sutter Creek. *KNIGHT'S FOUNDRY AND SHOPS*, 13 Eureka St., (7-1-75)
Sutter Creek. *SUTTER CREEK GRAMMAR SCHOOL*, Between Broad and Cole Sts., (12-12-76)
Volcano vicinity. *INDIAN GRINDING ROCK*, (5-6-71) PH0036579

butte county

Chico. *ALLEN–SOMMER–GAGE HOUSE*, 410 Normal St., (4-13-77)
Chico. *BIDWELL MANSION*, Sowillenno Ave., (3-24-72) PH0111848 G.
Chico. *STANSBURY HOUSE*, 307 W. 5th St., (6-5-75)
Chico vicinity. *MUD CREEK CANYON*, (8-14-73) PH0036587
Chico vicinity. *PATRICK RANCH HOUSE*, 3 mi. SE of Chico off U.S. 99E, (2-23-72) PH0047252
Chico vicinity. *PATRICK RANCHERIA*, (2-23-72) PH0036595
Oroville. *OROVILLE CHINESE TEMPLE*, 1500 Broderick St., (7-30-76)
Paradise vicinity. *CENTERVILLE SCHOOLHOUSE*, 2 mi. NE of Paradise on Humbug Rd., (3-24-72) PH0047244
Stirling City vicinity. *INSKIP HOTEL (INSKIP HOUSE)*, 6 mi. N of Stirling on Skyway (Old Humbug Rd.), (5-2-75)

calaveras county

Angels Camp. *ANGELS HOTEL*, Main St. at Birds Way, (3-24-72) PH0047261
Douglas Flat. *DOUGLAS FLAT SCHOOL*, (5-24-73) PH0047279
Murphys. *MURPHYS GRAMMAR SCHOOL*, Jones St., (6-8-73) PH0047287
Murphys. *MURPHYS HOTEL*, Main and Algiers Sts., (11-23-71) PH0036617
San Andreas. *CALAVERAS COUNTY COURTHOUSE*, Main St., (2-28-72) PH0036609
San Andreas. *THORN HOUSE*, 87 E. St. Charles St., (2-23-72) PH0036625

colusa county

Colusa. *COLUSA GRAMMAR SCHOOL*, 425 Webster St., (6-13-78)
Colusa. *COLUSA HIGH SCHOOL AND GROUNDS*, 745 10th St., (8-13-76)
Colusa vicinity. *GRAND ISLAND SHRINE*, 8 mi. S of Colusa on CA 45, (12-31-74) PH0036633
Grimes vicinity. *NOWI RANCHERIA*, (3-24-71) PH0036641

contra costa county

Berkeley vicinity. *HERSHELL-SPILLMAN MERRY-GO-ROUND*, E of Berkeley in Tilden Regional Park, (9-29-76)
Byron vicinity. *MARSH, JOHN, HOUSE*, 6 mi. W of Byron on Marsh Creek Rd., (10-7-71) PH0036676 HABS; G.
Danville vicinity. *O'NEILL, EUGENE, HOUSE (TAO HOUSE)*, 1.5 mi. W of Danville, (5-6-71) PH0036692 NHL; G.
Martinez. *JOHN MUIR NATIONAL HISTORIC SITE*, 4202 Alhambra Ave., (10-15-66) HABS.
Orinda. *MORAGA ADOBE*, 24 Adobe Lane, (3-16-72) PH0036684
Pinola. *FERNANDEZ, BERNARDO, HOUSE*, 100 Tennent Ave., (4-11-73) PH0036668
Richmond. *WINEHAVEN*, Point Molate, (10-2-78)
Richmond vicinity. *EAST BROTHER ISLAND LIGHT STATION*, On East Brother Island W of Point San Pablo, (2-12-71) PH0036650 HABS.

del norte county

Crescent City vicinity. *ENDERTS BEACH ARCHEOLOGICAL SITES*, S of Crescent City, (6-30-77)
Crescent City vicinity. *POINT ST. GEORGE SITE*, NW of Crescent City, (5-17-76)
Fort Dick vicinity. *YONTOCKET HISTORIC DISTRICT*, NW of Fort Dick off U.S. 101, (12-18-73) PH0036714
Klamath vicinity. *O'MEN VILLAGE SITE*, N of Klamath, (6-30-77)
Klamath vicinity. *RADAR STATION B-71*, W of Klamath, (4-19-78)
Redwood National Park. *OLD REQUA (REKWOI)*, (12-16-74) PH0036706

el dorado county

Homewood vicinity. *SUGAR PINE POINT STATE PARK (PHIPPS-HELLMAN-EHRMAN ESTATE)*, 3 mi. S of Homewood on CA 90, (3-30-73) PH0036749
Pilot Hill vicinity. *BALEY HOTEL*, N of Pilot Hill on CA 49, (12-18-78)
Placerville. *EPISCOPAL CHURCH OF OUR SAVIOUR*, 2979 Coloma St., (11-17-77)
Placerville. *LOMBARDO RANCH (FOSSATI'S WINERY)*, 1709 Carson Rd., (9-30-77)
Placerville vicinity. *COLOMA*, 7 mi. NW of Placerville on CA 49, (10-15-66) PH0036722 NHL; HABS.

fresno county

Cedar Grove vicinity. *KNAPP CABIN*, W of Cedar Grove in Kings Canyon National Park, (12-20-78)
Fresno. *EINSTEIN HOUSE*, 1600 M St., (1-31-78)
Fresno. *FORESTIERE UNDERGROUND GARDENS*, 5021 W. Shaw Ave., (10-28-77)
Fresno. *KEARNEY, M. THEO, PARK AND MANSION*, 7160 Kearney Blvd., (3-13-75)
Fresno. *MEUX HOUSE*, 1007 R St., (1-13-75)
Fresno. *OLD ADMINISTRATION BUILDING, FRESNO CITY COLLEGE*, 1101 University Ave., (5-1-74) PH0036765
Fresno. *OLD FRESNO WATER TOWER*, 2444 Fresno St., (10-14-71) PH0036773
Fresno. *PANTAGES, ALEXANDER, THEATER*, 1400 Fulton St., (2-23-78)
Fresno. *PHYSICIANS BUILDING*, 2607 Fresno St., (11-20-78)
Fresno. *SANTA FE PASSENGER DEPOT*, 2650 Tulare St., (11-7-76)
Fresno. *SOUTHERN PACIFIC PASSENGER DEPOT*, 1033 H St., (3-21-78)
Fresno. *WAREHOUSE ROW*, 722, 744, and 764 P St., (3-24-78)
Fresno. *Y.W.C.A. BUILDING*, 1660 M St., (9-21-78)
Orange Cove. *ORANGE COVE SANTA FE RAILWAY DEPOT*, 633 E. Railroad Ave., (8-29-78)
Pinehurst vicinity. *SHORTY LOVELACE HISTORIC DISTRICT*, E of Pinehurst on Kings Canyon National Park, (1-31-78) (also in Tulare County)
Wilsonia vicinity. *GAMLIN CABIN*, NW of Wilsonia, (3-8-77)

gualala county

Gualala. *MILANO HOTEL*, 38300 Highway One S., (6-23-78)

humboldt county

Arcata. *SCHORLIG HOUSE*, 1050 12th St., (11-20-78)
Carlotta. *CARLOTTA HOTEL*, Central Ave., (5-23-78)
Eureka. *FIRST AND F STREET BUILDING*, 112 F St., (7-12-74) PH0112968
Eureka. *JANSSEN, E., BUILDING*, 422 1st St., (7-16-73) PH0065161
Eureka. *MCFARLAN, GEORGE, HOUSE*, 1410 2nd St., (11-15-78)
Eureka. *ODD FELLOWS HALL (FRENCH EMPIRE MANSARD BUILDING)*, 12 F St., (5-3-78)
Eureka. *TSAHPEK*, (12-5-72) PH0065170
Eureka vicinity. *GUNTHER ISLAND SITE 67 (TOLOWOT)*, (10-15-66) PH0065153 NHL.
Petrolia vicinity. *PUNTA GORDA LIGHT STATION*, 10.5 mi. SW of Petrolia, (9-1-76)

imperial county

FAGES-DE ANZA TRAIL–SOUTHERN EMIGRANT ROAD (ANZA-BORREGO DESERT STATE PARK), *Reference—see San Diego County* (1-2-74)
YUMA CROSSING AND ASSOCIATED SITES, *Reference—see Yuma County, Arizona* (1-2-74)

inyo county

Bishop vicinity. *PAWONA WITU*, E of Bishop at jct. of Poleta and Airport Rds., (10-14-75)
China Lake vicinity. *BIG AND LITTLE PETROGLYPH CANYONS*, (10-15-66) PH0065188 NHL.
Death Valley. *LEADFIELD*, Death Valley National Monument on Titus Canyon Trail, (6-10-75)
Death Valley. *SKIDOO*, Death Valley National Monument, Wildrose District, (4-16-74) PH0065196
Furnace Creek. *EAGLE BORAX WORKS*, Death Valley National Monument, (12-31-74) PH0047147
Independence vicinity. *MANZANAR WAR RELOCATION CENTER*, 6 mi. S of Independence on CA 395, (7-30-76)
Keeler vicinity. *SALINE VALLEY SALT TRAM HISTORIC STRUCTURE*, N of

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Keeler between Gordo Peak and New York Butte, (12c31-74) PH0047163
Little Lake vicinity. *COSO HOT SPRINGS*, NE of Little Lake off U.S. 395, (1-3-78)
Olancha vicinity. *DEATH VALLEY SCOTTY HISTORIC DISTRICT*, NE of Olancha on CA 72 in Death Valley National Monument, (7-20-78)
Stovepipe Wells vicinity. *HARMONY BORAX WORKS*, Death Valley National Monument, (12-31-74) PH0047155

kern county

Bakersfield vicinity. *WALKER PASS*, 60 mi. NE of Bakersfield on CA 178, (10-15-66) PH0113042 NHL.
Inyokern vicinity. *BANDIT ROCK (ROBBERS ROOST)*, SW of Inyokern near jct. of CA 14 and 178, (10-31-75) (also in Shasta County)
Johannesburg vicinity. *LAST CHANCE CANYON*, (12-5-72) PH0065218
Lebec vicinity. *FORT TEJON*, 3 mi. NW of Lebec, (5-6-71)

king county

Hanford. *KINGS COUNTY COURTHOUSE*, 114 W. 8th St., (9-21-78)

kings county

Hanford. *TAOIST TEMPLE*, No. 12 China Alley, (6-13-72) PH0065226
Kettleman City vicinity. *WITT SITE*, (5-6-71) PH0065234

lake county

Clearlake Oaks vicinity. *PATWIN INDIAN SITE*, (2-23-72) PH0065251
Lakeport. *LAKE COUNTY COURTHOUSE*, 255 N. Main St., (10-28-70) PH0065242 G.
Lower Lake vicinity. *ANDERSON MARSH ARCHEOLOGICAL DISTRICT*, NW of Lower Lake, (8-24-78)

lassen county

Litchfield vicinity. *WILLOW CREEK RIM ARCHEOLOGICAL DISTRICT*, N of Litchfield, (12-21-78)
Shingletown vicinity. *NOBLES EMIGRANT TRAIL*, E of Shingletown in Lassen Volcanic National Park, (10-3-75)
Susanville. *ROOP'S FORT (ROOP'S TRADING POST)*, N. Weatherlow St., (5-2-74) PH0065269

los angeles county

Agua Dulce. *VASQUEZ ROCKS*, (6-22-72) PH0036943
Altadena. *KEYES BUNGALOW*, 1337 E. Boston St., (11-14-78)
Altadena. *PACIFIC ELECTRIC RAILWAY COMPANY SUBSTATION NO. 8*, 2245 N. Lake Ave., (11-9-77)
Bell. *BELL, JAMES GEORGE, HOUSE*, 6500 Lucille Ave., (4-18-77)
Beverly Hills. *DOHENY ESTATE/GREYSTONE*, 905 Loma Vista Dr., (4-23-76)
Beverly Hills. *ROBINSON, VIRGINIA, ESTATE*, 1008 Elden Way, (11-15-78)
Calabasas. *LEONIS ADOBE*, 23537 Calabasas Rd., (5-29-75)
Chatsworth vicinity. *OLD SANTA SUSANA STAGE ROAD*, WNW of Chatsworth off CA 18, (1-10-74) PH0036919
Claremont. *RUSSIAN VILLAGE DISTRICT*, 290–370 S. Mills Ave. and 480 Cucamonga Ave. (also in San Bernardino County), (12-28-78)
Compton. *DOMINGUEZ RANCH ADOBE*, 18127 S. Alameda St., (5-28-76)
Downey. *RIVES, JAMES C., HOUSE*, 10921 S. Paramount Blvd., (5-22-78)
Encino. *RANCHO EL ENCINO (LOS ENCINOS STATE HISTORIC PARK)*, 16756 Moorpark St., (2-24-71) PH0036846
Glendale. *DERBY, JAMES DANIEL, HOUSE*, 2535 E. Chevy Chase Dr., (12-14-78)
Glendale. *SAN RAFAEL RANCHO (VERDUGO ADOBE AND OAK OF PEACE)*, Bonita Dr., (12-12-76)
Glendora. *GLENDORA BOUGAINVILLEA*, Bennett and Minnesota Aves., (2-7-78)
Industry. *ROWLAND, JOHN A., HOUSE*, 16021 E. Gale Ave., (7-16-73) PH0036862
Industry. *TEMPLE MANSION*, 15415 E. Don Julian Rd., (12-2-74) PH0036935
Industry. *WORKMAN ADOBE*, 15415 Don Julian Rd., (11-20-74) PH0036960
Industry. *WORKMAN FAMILY CEMETERY*, 15415 E. Don Julian Rd., (11-20-74) PH0036978
La Mirada. *MCNALLY'S WINDEMERE RANCH HEADQUARTERS*, San Esteban and San Cristobal Dr., (7-20-78)
Long Beach. *LOS CERRITOS RANCHHOUSE*, 4600 Virginia Rd., (4-15-70) PH0065447 NHL.
Long Beach. *PUVUNGA INDIAN VILLAGE SITES*, E. Bixby Hill Rd. and E. 7th St., (1-21-74) PH0036838
Los Angeles. *BARNSDALL PARK*, 4800 Hollywood Blvd., (5-6-71) PH0065285 HABS.
Los Angeles. *BRADBURY BUILDING*, 304 S. Broadway, (7-14-71) PH0065315 NHL; HABS.
Los Angeles. *BULLOCK'S WILSHIRE BUILDING*, 3050 Wilshire Blvd., (5-25-78)
Los Angeles. *BUNCHE, RALPH J., HOUSE*, 1221 E. 40th Pl., (5-22-78)
Los Angeles. *CARROLL AVENUE, 1300 BLOCK*, Carroll Ave. between Edgeware and Douglas Sts., (4-22-76) HABS.
Los Angeles. *CATHOLIC-PROTESTANT CHAPELS, VETERANS ADMINISTRATION CENTER*, Eisenhower Ave., (2-11-72) PH0065323 HABS.
Los Angeles. *CENTINELA ADOBE*, 7634 Midfield Ave., (5-2-74) PH0065331 HABS.
Los Angeles. *ENNIS HOUSE*, 2607 Glendower Ave., (10-14-71) PH0065366
Los Angeles. *FREEMAN, SAMUEL, HOUSE*, 1962 Glencoe Way, (10-14-71) PH0065382 HABS.
Los Angeles. *HALE HOUSE*, Heritage Sq., 3800 N. Homer St., Highland Park, (9-22-72) PH0065412 G.
Los Angeles. *LOS ANGELES CENTRAL LIBRARY*, 630 W. 5th St., (12-18-70) PH0065439 HABS.
Los Angeles. *LOS ANGELES PLAZA HISTORIC DISTRICT (EL PUEBLO DE LOS ANGELES)*, (11-3-72) PH0112640
Los Angeles. *LOVELL HOUSE (HEALTH HOUSE)*, 4616 Dundee Dr., (10-14-71) PH0065463 HABS.
Los Angeles. *LUMMIS HOUSE*, 200 E. Ave. 43, (5-6-71) PH0065471
Los Angeles. *MILLION DOLLAR THEATER*, 307 S. Broadway, (7-20-78)
Los Angeles. *MOOERS, FREDERICK MITCHELL, HOUSE*, 818 S. Bonnie Brae St., (6-3-76)
Los Angeles. *MOUNT PLEASANT HOUSE*, Heritage Sq., 3800 Homer St., (12-12-76)
Los Angeles. *NATURAL HISTORY MUSEUM*, 900 Exposition Blvd., (3-4-75)
Los Angeles. *PAN-PACIFIC AUDITORIUM*, 7600 Beverly Blvd., (6-16-78)
Los Angeles. *PLAZA SUBSTATION*, 10 Olvera St., (9-13-78)
Los Angeles. *SCHINDLER HOUSE*, 833 N. Kings Rd., (7-14-71) PH0047295 HABS.
Los Angeles. *SOMERVILLE HOTEL (DUNBAR HOTEL)*, 4225 S. Central Ave., (1-17-76)
Los Angeles. *SOWDEN, JOHN, HOUSE*, 5121 Franklin Ave., (7-14-71) PH0036901 HABS.
Los Angeles. *STIMSON HOUSE*, 2421 S. Figueroa St., (3-30-78)
Los Angeles. *STORER HOUSE*, 8161 Hollywood Blvd., (9-28-71) PH0036927 HABS.
Los Angeles. *STREETCAR DEPOT (NEWS STAND)*, Pershing and Dewey Aves., (2-23-72) PH0112658 HABS.
Los Angeles. *WATTS STATION*, 1686 E. 103rd St., (3-15-74)
Los Angeles. *WATTS TOWERS OF SIMON RODIA*, 1765 E. 107th St., (4-13-77)
Los Angeles (Pacific Palisades). *ROGERS, WILL, HOUSE (WILL ROGERS STATE HISTORIC PARK)*, 14253 Sunset Blvd., (2-24-71) PH0036854
Lynwood. *LYNWOOD PACIFIC ELECTRIC RAILWAY DEPOT*, 11453 Long Beach Blvd., (9-25-74)
Malibu. *ADAMSON HOUSE*, 23200 W. Pacific Coast Highway, (10-28-77)
Malibu. *HUMALIWO*, 23200 Pacific Coast Hwy., (9-1-76)
Mission Hills. *PICO, ROMULO, ADOBE*, 10940 Sepulveda Blvd., (11-13-66) PH0036803
Monrovia. *AZTEC HOTEL*, 311 W. Foothill Blvd., (5-22-78)
Monrovia. *OAKS, THE*, 250 N. Primrose Ave., (4-6-78)
Monrovia. *SINCLAIR, UPTON, HOUSE*, 464 N. Myrtle Ave., (11-11-71) PH0036897 NHL.
Norwalk. *JOHNSTON, DARIUS DAVID, HOUSE*, 12426 Mapledale St., (11-2-78)
Norwalk. *PADDISON RANCH BUILDINGS*, 11951 Imperial Hwy., (6-23-78)
Pasadena. *BATCHELDER HOUSE*, 626 S. Arroyo Blvd., (12-14-78)
Pasadena. *BENTZ, LOUISE C., HOUSE*, 657 Prospect Blvd., (12-2-77)
Pasadena. *FRIENDSHIP BAPTIST CHURCH*, 80 W. Dayton St., (11-20-78)
Pasadena. *GAMBLE HOUSE (GREENE AND GREENE LIBRARY)*, 4 Westmoreland Pl., (9-3-71) PH0065391 HABS; NHL.
Pasadena. *MILLARD HOUSE*, 645 Prospect Crescent, (12-12-76)
Pasadena. *NICHOLSON, GRACE, BUILDING*, 46 N. Los Robles Ave., (7-21-77)
Pasadena. *PASADENA PLAYHOUSE*, 39 S. El Molino Ave., (11-11-75)
Pasadena (San Marino). *EL MOLINO VIEJO (OLD MILL)*, 1120 Old Mill Rd., (5-6-71) PH0065358
Pearland vicinity. *LITTLE ROCK CREEK DAM*, 4.5 mi. S of Pearland off CA 138, (4-15-77)
Pomona. *GREENWOOD, BARBARA, KINDERGARTEN*, Hacienda Pl. and McKinley Ave., (9-18-78)
Pomona. *LA CASA ALVARADO*, 1459 Old Settlers Lane, (4-19-78)
Pomona. *LA CASA PRIMERA DE RANCHO SAN JOSE*, 1569 N. Park Ave., (4-3-75)
Pomona. *PALOMARES, YGNACIO, ADOBE*, Corner of Arrow Hwy. and Orange Grove Ave., (3-24-71) PH0036781
Pomona. *PHILLIPS MANSION*, 2640 W. Pomona Blvd., (11-6-74) PH0036790
San Dimas. *SAN DIMAS HOTEL*, 121 San Dimas Ave., (3-16-72) PH0036871
San Fernando. *LOPEZ ADOBE*, 1100 Pico St., (5-6-71) PH0065455 HABS.
San Fernando vicinity. *WELL NO. 4, PICO CANYON OIL FIELD*, 9.5 mi. N of San Fernando, W of U.S. 99, (11-13-66) PH0036811 NHL.
San Gabriel. *SAN GABRIEL MISSION*, Junipero St. and W. Mission Dr., (5-6-71) PH0036889
San Marino. *HUBBLE, EDWIN, HOUSE*, 1340 Woodstock Rd., (12-8-76) NHL.
San Pedro. *BATTERY OSGOOD-FARLEY*, Fort MacArthur Upper Reservation, (10-16-74) PH0065293
San Pedro. *POINT FERMIN LIGHTHOUSE*, 805 Paseo Del Mar, (6-13-72) PH0111856
San Pedro. *S.S. CATALINA*, Berth 96, Los Angeles Harbor, (9-1-76)
Santa Monica. *HORATIO WEST COURT*, 140 Hollister Ave., (4-11-77) HABS.
Santa Monica. *PARKHURST BUILDING*, 185 Pier Ave., (11-17-78)
Sierra Madre. *EPISCOPAL CHURCH OF THE ASCENSION*, 25 E. Laurel Ave., (8-19-77)
South Pasadena. *ADOBE FLORES*, 1804 Foothill St., (6-18-73) PH0065374 HABS.
South Pasadena. *GARFIELD HOUSE*, 1001 Buena Vista St., (4-24-73) PH0065404
South Pasadena. *LONGLEY, HOWARD, HOUSE*, 1005 Buena Vista St., (4-16-74) PH0065421
South Pasadena. *MILTIMORE HOUSE*, 1301 S. Chelten Way, (3-24-72) PH0065498 HABS.
South Pasadena. *OAKLAWN BRIDGE AND WAITING STATION*, Between Oaklawn and Fair Oaks Aves., (7-16-73) PH0065501
South Pasadena. *RIALTO THEATRE*, 1019–1023 Fair Oaks Ave., (5-24-78)
South Pasadena. *WYNYATE*, 851 Lyndon St., (4-24-73) PH0036986
Tujunga. *BOLTON HALL*, 10116 Commerce Ave., (11-23-71) PH0065307 HABS.
Whittier. *BAILEY, JONATHAN, HOUSE*, 13421 E. Camilla St., (8-29-77)
Whittier. *PICO, PIO, CASA*, 6003 Pioneer Blvd., (6-19-73) PH0036820
Whittier. *SOUTHERN PACIFIC RAILROAD STATION*, 11825 Bailey St., (5-22-78)
Wilmington. *BANNING HOUSE*, 401 E. M St., (5-6-71) PH0065277 G.
Wilmington. *DRUM BARRACKS*, 1053 Carey St., (2-12-71) PH0065340

madera county

Madera. *MADERA COUNTY COURTHOUSE*, 210 W. Yosemite Ave., (9-3-71) PH0036994

marin county

Inverness. *SCHREIBER, BROCK, BOATHOUSE AND BEACH*, 12830 Sir Francis Drake Blvd., (7-7-78)
Larkspur. *DOLLIVER HOUSE*, 58 Madrone Ave., (5-22-78)
Larkspur. *GREEN BRAE BRICK YARD*, 125 E. Sir Francis Drake Blvd., (3-24-78)
Mill Valley. *OUTDOOR ART CLUB*, 1 W. Blithedale Ave., (11-16-78)
Novato vicinity. *RANCHO OLOMPALI (COAST MIWOK INDIAN VILLAGE)*, (1-12-73) PH0037061
Olema vicinity. *OLEMA LIME KILNS*, 4 mi. SE of Olema on CA 1, (10-8-76)
San Rafael. *BOYD HOUSE (IRA COOK HOUSE)*, 1125 B St., (12-17-74) PH0037010
San Rafael. *DIXIE SCHOOLHOUSE*, 2255 Las Gallinas Ave., (12-26-72) PH0037028
San Rafael. *DOLLAR, ROBERT, ESTATE (FALKIRK)*, 1408 Mission Ave., (12-11-72) PH0037036 G.
San Rafael. *MILLER CREEK SCHOOL INDIAN MOUND*, (10-14-71) PH0037044
Sausalito vicinity. *FORTS BAKER, BARRY, AND CRONKHITE*, S of Sausalito off U.S. 101, (12-12-73) PH0037052
Tiburon. *LYFORD'S STONE TOWER*, 2034 Paradise Dr., (12-2-76)
Tiburon vicinity. *ANGEL ISLAND*, SE of Tiburon in San Francisco Bay, (10-14-71) PH0037001
Tomales. *TOMALES PRESBYTERIAN CHURCH AND CEMETERY*, 11 Church St., (8-1-75)

mariposa county

Curry Village. *LE CONTE MEMORIAL LODGE*, Yosemite Valley, Yosemite National Park, (3-8-77)
El Portal. *HETCH HETCHY RAILROAD ENGINE NO. 6*, CA 140, (1-30-78)
El Portal. *TRACK BUS NO. 19*, CA 140, (5-22-78)
El Portal. *YOSEMITE VALLEY RAILROAD CABOOSE NO. 15*, CA 140, (5-22-78)
El Portal vicinity. *GLACIER POINT TRAILSIDE MUSEUM*, E of El Portal in Yosemite National Park, (4-4-78)
El Portal vicinity. *MCCAULEY AND MEYER BARNS*, N of El Portal in Yosemite National Park, (6-15-78)
El Portal vicinity. *MERCED GROVE RANGER*, Station, N of El Portal, (12-14-78)
El Portal vicinity. *YOSEMITE VILLAGE HISTORIC DISTRICT*, E of El Portal in Yosemite National Park, (3-30-78)
Groveland vicinity. *BIG GAP FLUME*, E of Groveland off CA 120 in Stanislaus National Forest, (5-12-75)
Mariposa. *MARIPOSA COUNTY COURTHOUSE*, 5088 Bullion St., (12-7-77)
Mariposa vicinity. *EL PORTAL ARCHEOLOGICAL DISTRICT*, N of Mariposa, (8-18-78)
Wawona. *ACTING SUPERINTENDENTS HEADQUARTERS*, Yosemite National Park, (6-9-78)
Wawona. *HODGDON HOMESTEAD CABIN*, Yosemite National Park, (6-9-78)
Wawona. *WAWONA HOTEL AND PAVILION*, On CA 41 in Yosemite National Park, (10-1-75)
Wawona vicinity. *MARIPOSA GROVE MUSEUM*, SE of Wawona in Yosemite National Park, (12-1-78)
Wawona vicinity. *YOSEMITE TRANSPORTATION COMPANY OFFICE*, N of Wawona in Yosemite National Park, (6-9-78)
Yosemite National Park. *AHWAHNEE HOTEL*, Yosemite Valley, (2-15-77)
Yosemite National Park. *YOSEMITE VALLEY CHAPEL*, Off CA 140, (12-12-73) PH0037079
Yosemite Village. *DEGNAN HOUSE AND BAKERY*, Southside Dr., Yosemite National Park, (9-5-75)
Yosemite Village and vicinity. *YOSEMITE VALLEY ARCHEOLOGICAL DISTRICT*, Yosemite National Park, (1-20-78)
Yosemite Village vicinity. *YOSEMITE VALLEY BRIDGES*, 8 bridges over Merced River, Yosemite National Park, (11-25-77)

mendocino county

Branscomb vicinity. *LOVEJOY HOMESTEAD*, N of Branscomb, (4-26-78)
Covelo. *TOWN CREEK ARCHEOLOGICAL SITE*, 1 mi. W of Covelo, (5-17-76)
Fort Bragg. *WELLER HOUSE*, 524 Stewart St., (7-19-76)
Mendocino. *MENDOCINO AND HEADLANDS HISTORIC DISTRICT*, Bounded roughly by the Pacific Ocean on the W and S, Little Lake St. on the N, and CA 1 on the E, (7-14-71) PH0037087 G.
Pine Grove vicinity. *POINT CABRILLO SITE*, (2-23-72) PH0037095

merced county

Los Banos vicinity. *SAN LUIS GONZAGA ARCHEOLOGICAL DISTRICT*, (5-7-73) PH0037109
Merced. *MERCED COUNTY COURTHOUSE*, W. 21st and N Sts., (10-29-75)

modoc county

Alturas. *NEVADA-CALIFORNIA-OREGON RAILWAY CO. GENERAL OFFICE BUILDING*, 619 N. Main St., (9-6-74) PH0037141
Canby vicinity. *ANKLIN VILLAGE ARCHEOLOGICAL SITE*, W of Canby, (6-3-76)
Canby vicinity. *BLACK COW SPRING*, W of Canby in Modoc National Forest, (7-9-74) PH0037117
Canby vicinity. *CORE SITE*, SE of Canby in the Modoc National Forest, (4-8-74) PH0037125
Canby vicinity. *CUPPY CAVE*, SW of Canby in Modoc National Forest, (7-12-74) PH0037133
Canby vicinity. *MILDRED ANN ARCHEOLOGICAL SITE*, W of Canby, (6-3-76)
Canby vicinity. *SKULL RIDGE*, NW of Canby, (7-9-74) PH0037168
Canby vicinity. *SKULL SPRING*, NW of Canby in Modoc National Forest, (7-9-74) PH0037176
Devil's Garden Ranger District. *SEVENMILE FLAT SITE*, (12-24-74) PH0063827
Tulelake vicinity. *FERN CAVE*, 9 mi. S of Tulelake in Lava Beds National Monument, (5-29-75)
Tulelake vicinity. *PETROGLYPH POINT*, 9 mi. SE of Tulelake in Lava Beds National Monument, (5-29-75)

mono county

Bridgeport. *MONO COUNTY COURTHOUSE*, Main St., (3-1-74) PH0037192 G.
Bridgeport vicinity. *BODIE HISTORIC DISTRICT*, 7 mi. S of Bridgeport on U.S. 395, then 12 mi. E on secondary rd., (10-15-66) PH0037184 NHL; HABS.

monterey county

Carmel. *CARMEL MISSION*, Rio Rd., (10-15-66) PH0037214 NHL; HABS.
Carmel. *JEFFERS, ROBINSON, HOUSE*, 26304 Ocean View Ave., (10-10-75)
Carmel Valley vicinity. *BERWICK MANOR AND ORCHARD*, NW of Carmel Valley, (11-17-77)
Greenfield vicinity. *SITE NUMBER 4 MNT 85*, SW of Greenfield, (10-29-76)
Jolon. *GIL, JOSE MARIO, ADOBE*, Hunter Liggett Military Reservation, (6-7-74) PH0037257
Jolon. *TIDBALL STORE*, Jolon Rd., (12-12-76)
Jolon vicinity. *DUTTON HOTEL, STAGECOACH STATION*, King City-Jolon Rd., (10-14-71) PH0037231
Jolon vicinity. *SAN ANTONIO DE PADUA MISSION*, NW of Jolon off Del Venturi Rd., (4-26-76) HABS.
King City vicinity. *CUEVA PINTADA (PAINTED CAVE)*, 10 mi. SW of King City in Hunter Liggett Military Reservation, (2-13-75)

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King City vicinity. *MILPITAS RANCHHOUSE*, S of King City, (12-2-77)
Lucia vicinity. *KIRK CREEK CAMPGROUND*, (12-31-74) PH0047490
Monterey. *EL CASTILLO*, (11-23-71) PH0037249
Monterey. *LARKIN HOUSE*, 464 Calle Principal, (10-15-66) PH0037265 HABS; NHL.
Monterey. *MERRITT, JOSIAH, ADOBE*, 386 Pacific St., (11-22-77) HABS.
Monterey. *MONTEREY OLD TOWN HISTORIC DISTRICT*, (4-15-70) PH0037281 NHL; HABS; G.
Monterey. *ROYAL PRESIDIO CHAPEL*, 550 Church St., (10-15-66) PH0037290 NHL; HABS.
Monterey. *STEVENSON HOUSE (GONZALEZ HOUSE)*, Houston St. between Pearl and Webster Sts., (1-7-72) PH0037303
Monterey. *U.S. CUSTOMHOUSE (OLD CUSTOMHOUSE)*, Calle Principal at Decatur St., (10-15-66) PH0037273 NHL.
Pacific Grove. *POINT PINOS LIGHTHOUSE*, Asilomar Blvd. and Lighthouse Ave., (7-14-77)
Pebble Beach. *OLVIDA PENAS*, 1061 Majella Rd., (4-3-78)
Salinas vicinity. *BORONDA, JOSE EUSEBIO, ADOBE*, Boronda Rd. and W. Laurel Dr., (3-20-73) PH0037206
Salinas vicinity. *RANCHO LAS PALMAS*, S of Salinas at 200 River Rd., (11-20-78)

napa county

Calistoga. *NAPA VALLEY RAILROAD DEPOT*, Lincoln Ave. and Fair Way, (4-18-77)
Napa. *BUFORD HOUSE*, 1930 Clay St., (11-11-77)
Napa. *CHURCHILL MANOR*, 485 Brown St., (4-18-77)
Napa. *FIRST PRESBYTERIAN CHURCH*, 1333 3rd St., (6-5-75)
Napa. *GOODMAN LIBRARY*, 1219 First St., (1-21-74) PH0085804
Napa. *HATT BUILDING*, 5th and Main Sts., (5-2-77)
Napa. *KEE, SAM, LAUNDRY BUILDING*, 1245 Main St., (10-1-74) PH0085812
Napa. *MANASSE MANSION*, 443 Brown St., (11-14-78)
Napa. *MIGLIAVACCA HOUSE*, Division St., (3-30-78)
Napa. *NAPA OPERA HOUSE*, 1018–1030 Main St. on E side, (10-25-73) PH0085839
Napa. *SEMORILE BUILDING*, 975 1st St., (11-21-74) PH0085863
Napa. *WINSHIP-SMERNES BUILDING*, 948 Main St., (7-29-77)
St. Helena. *GREYSTONE CELLARS*, 2555 Main St., (8-10-78)
St. Helena. *KRUG, CHARLES, WINERY*, St. Helena Hwy., (11-8-74) PH0085821
St. Helena. *POPE STREET BRIDGE*, Pope St., over the Napa River, (10-5-72) PH0085847
St. Helena. *RHINE HOUSE*, 2000 Main St., (2-23-72) PH0085855
St. Helena. *ST. HELENA CATHOLIC CHURCH*, Oak and Tainter Sts., (5-23-78)
St. Helena. *ST. HELENA HIGH SCHOOL*, 437 Main St., (5-22-78)
St. Helena vicinity. *BALE MILL*, 3 mi. NW of St. Helena off CA 128, (6-22-72) PH0085782
Yountville. *FRENCH LAUNDRY*, 6640 Washington St., (4-19-78)

nevada county

French Corral vicinity. *BRIDGEPORT COVERED BRIDGE*, SW of French Corral over South Yuba River, (7-14-71)
French Lake vicinity. *MEADOW LAKE PETROGLYPHS*, (5-6-71) PH0085910
Grass Valley. *MOUNT ST. MARY'S ACADEMY AND CONVENT*, Church and Chapel Sts., (5-3-74) PH0085928
Grass Valley vicinity. *EMPIRE MINE*, SE of Grass Valley at 338 E. Empire St., (12-9-77)
Nevada City. *MARSH, MARTIN LUTHER, HOUSE*, 254 Boulder St., (4-11-73) PH0085901
Nevada City. *NATIONAL EXCHANGE HOTEL (BICKNELL'S BLOCK)*, 211 Broad St., (10-25-73) PH0085936
Nevada City. *NEVADA CITY FIREHOUSE NO. 2*, 420 Broad St., (5-3-74) PH0085944
Nevada City. *NEVADA THEATRE (CEDAR THEATRE)*, Broad and Bridge Sts., (3-14-73) PH0085952 G.
Nevada City. *OTT'S ASSAY OFFICE/SOUTH YUBA CANAL OFFICE*, 130 Main St., (4-14-75)
North Bloomfield. *MALAKOFF DIGGINS-NORTH BLOOMFIELD HISTORIC DISTRICT*, Graniteville Star Route, (4-11-73) PH0085898 HABS.
Truckee vicinity. *DONNER CAMP*, 2.6 mi. W of Truckee on U.S. 40, (10-15-66) PH0085880 NHL.

orange county

Costa Mesa. *FAIRVIEW INDIAN SITE (BANNING-NORRIS SITE)*, (6-27-72) PH0085979
El Toro. *SERRANO, JOSE, ADOBE*, 21802 Serrano Rd., (5-24-76)
Fullerton. *CLARK, DR. GEORGE C., HOUSE*, California State University campus, (12-12-76)
Irvine vicinity. *FRANCES PACKING HOUSE*, NE of Irvine, (8-2-77)
Modjeska. *MODJESKA HOUSE (FOREST OF ARDEN)*, Modjeska Canyon Rd., (12-11-72) PH0086002
Newport Beach. *LOVELL BEACH HOUSE*, 1242 W. Ocean Front, (2-5-74) PH0085987 HABS.
Orange. *ORANGE UNION HIGH SCHOOL (CHAPMAN COLLEGE)*, 333 N. Glassell St., (4-14-75)
Orange. *PLAZA, THE*, Chapman Ave. and Glassell St., (12-20-78)
Placentia. *BRADFORD, A. S., HOUSE*, 136 Palm Circle, (10-3-78)
Placentia. *KEY, GEORGE, RANCH*, 625 Bastanchury Rd., (4-21-75)
San Juan Capistrano. *MISSION SAN JUAN CAPISTRANO*, Camino Capistrano and Ortega Hwy., (9-3-71) PH0085995
San Juan Capistrano. *MONTANEZ ADOBE*, 31745 Los Rios St., (4-21-75)
San Juan Capistrano. *PARRA, MIGUEL, ADOBE*, 27832 Ortega Hwy., (9-11-78)
Santa Ana. *HOWE-WAFFLE HOUSE AND CARRIAGE HOUSE*, Sycamore and Civic Center Dr., (4-13-77)
Santa Ana. *LIGHTER-THAN-AIR SHIP HANGARS*, Valencia and Redhill Aves., (4-3-75)
Santa Ana. *ORANGE COUNTY COURTHOUSE*, 211 W. Santa Ana Blvd., (8-29-77)
Santa Ana. *SMITH-TUTHILL FUNERAL PARLORS*, 518 N. Broadway, (5-19-78)
Yorba Linda. *NIXON, RICHARD, BIRTHPLACE*, 18061 Yorba Linda Blvd., (12-17-71) PH0086011 NHL.

placer county

Auburn. *OLD AUBURN HISTORIC DISTRICT*, (12-29-70) PH0086045
Dutch Flat. *DUTCH FLAT HISTORIC DISTRICT*, Main and Stockton Sts., (3-28-73) PH0086029
Penryn. *GRIFFITH HOUSE*, 7325 English Colony Way, (12-19-78)
Penryn. *GRIFFITH QUARRY*, Taylor Rd., (10-20-77)
Roseville. *HAMAN HOUSE*, 424 Oak St., (11-17-76)
Roseville vicinity. *STRAP RAVINE NISENAN MAIDU INDIAN SITE*, (1-8-73) PH0086053
Soda Springs vicinity. *SUMMIT SODA SPRINGS*, SE of Soda Springs, (12-15-78)
Tahoe City. *OUTLET GATES AND GATEKEEPER'S CABIN*, U.S. 89 at mouth of Truckee River, (12-13-72) PH0086037

plumas county

Blairsden vicinity. *PLUMAS-EUREKA MILL, JAMISON MINES DISTRICT*, W of Blairsden off Alt. U.S. 40 in Plumas-Eureka State Park, (7-16-73) PH0086070
Chester vicinity. *WARNER VALLEY RANGER STATION*, N of Chester in Lassen Volcanic National Park, (4-3-78)
Gold Lake vicinity. *LAKES BASIN PETROGLYPHS*, (5-6-71) PH0086061

riverside county

Banning. *GILMAN RANCH*, 1937 W. Gilman St., (11-17-77) G.
Blythe vicinity. *BLYTHE INTAGLIOS*, N of Blythe, (8-22-75)
Corona. *CARNEGIE, ANDREW, LIBRARY*, 8th and Main Sts., (6-29-77)
Lake Elsinore. *CRESCENT BATHHOUSE*, 201 W. Graham Ave., (7-30-75)
Palm Springs vicinity. *ANDREAS CANYON (RINCON VILLAGE)*, (1-8-73) PH0086088
Palm Springs vicinity. *TAHQUITZ CANYON*, (10-31-72) PH0086142 G.
Perris vicinity. *BUTTERCUP FARMS PICTOGRAPH/ROCK SHELTER AREA*, 1 mi. NW of Perris on U.S. 395, (5-3-76)
Riverside. *ALL SOULS UNIVERSALIST CHURCH*, 3657 Lemon St., (9-18-78)
Riverside. *FEDERAL POST OFFICE*, 3720 Orange St., (11-20-78)
Riverside. *HARADA HOUSE*, 3356 Lemon St., (9-15-77)
Riverside. *HERITAGE HOUSE (BETTNER HOUSE)*, 8193 Magnolia Ave., (2-28-73) PH0086100 G.
Riverside. *MISSION INN*, 3649 7th St., (5-14-71) PH0086126 NHL.
Riverside. *RIVERSIDE MUNICIPAL AUDITORIUM AND SOLDIER'S MEMORIAL BUILDING*, 3485 7th St., (3-31-78)
Riverside. *SAN PEDRO, LOS ANGELES, & SALT LAKE R.R. DEPOT*, 3751 Vine St., (4-18-77)
Temecula vicinity. *MURRIETA CREEK ARCHEOLOGICAL AREA*, (4-24-73) PH0086134
Torres-Martinez Indian Reservation. *MARTINEZ HISTORICAL DISTRICT (MARTINEZ INDIAN AGENCY)*, (5-17-73) PH0086118
Twentynine Palms vicinity. *BARKER DAM*, SW of Twentynine Palms in Joshua Tree National Monument, (10-29-75) HAER.
Twentynine Palms vicinity. *DESERT QUEEN MINE*, S of Twentynine Palms in Joshua Tree National Monument, (1-17-76)

Twentynine Palms vicinity. *RYAN HOUSE AND LOST HORSE WELL*, S of Twentynine Palms in Joshua Tree National Monument, (6-5-75)
Valerie vicinity. *COACHELLA VALLEY FISH TRAPS*, (6-13-72) PH0086096

sacramento county

Carmichael vicinity. *NISENAN VILLAGE SITE*, SE of Carmichael at Oak and California Sts., (3-21-78)
Folsom. *FOLSOM POWERHOUSE*, Off Folsom Blvd. in Folsom Lake State Recreation Area, (10-2-73) PH0086185
Galt. *BREWSTER HOUSE*, 206 5th St., (6-23-78)
Galt. *UTAH CONDENSED MILK COMPANY PLANT*, 621 3rd St., (8-3-78)
Locke. *LOCKE HISTORIC DISTRICT*, Bounded on the W by the Sacramento River, on the N by Locke Rd., on the E by Alley St., and on the S by Levee St., (5-6-71) PH0086258
Locke vicinity. *DELTA MEADOWS SITE*, (11-5-71) PH0086177
Orangevale. *INDIAN STONE CORRAL*, Roughly bounded by Cherry Ave., Granite and Mountain Sts., and county line, (4-16-75)
Sacramento. *CALIFORNIA GOVERNOR'S MANSION*, 16th and H Sts., (11-10-70) PH0086193 HABS.
Sacramento. *CALIFORNIA STATE CAPITOL*, Between 10th and 16th and L and N Sts., (4-3-73) PH0086151
Sacramento. *COOLOT COMPANY BUILDING*, 812 J St., (9-20-78)
Sacramento. *CROCKER, E. B., ART GALLERY*, 216 O St., (5-6-71) PH0086169
Sacramento. *HEILBRON HOUSE*, 704 O St., (12-12-76)
Sacramento. *HUBBARD-UPSON HOUSE*, 1010 F St., (12-2-77)
Sacramento. *JOE MOUND*, (10-14-71) PH0086207
Sacramento. *JOHNSON, J. NEELY, HOUSE*, 1029 F St., (9-13-76)
Sacramento. *OLD SACRAMENTO HISTORIC DISTRICT*, Jcts. of U.S. 40, 50, 99, and CA 16 and 24, (10-15-66) PH0086215 NHL; HABS; G.
Sacramento. *PONY EXPRESS TERMINAL (B. F. HASTINGS BUILDING)*, 1006 2nd St., (10-15-66) PH0086223 NHL.
Sacramento. *SACRAMENTO MEMORIAL AUDITORIUM*, 16th and J Sts., (3-29-78)
Sacramento. *SOUTHERN PACIFIC RAILROAD COMPANY'S SACRAMENTO DEPOT*, 5th and I Sts., (4-21-75)
Sacramento. *STANFORD-LATHROP HOUSE*, 800 N St., (12-9-71) PH0086231 HABS.
Sacramento. *SUTTER'S FORT*, 2701 L St., (10-15-66) PH0086240 NHL.
Sacramento. *TRAVELERS' HOTEL*, 428 J St., (10-19-78)
Sacramento. *VAN VOORHIES HOUSE*, 925 G St., (11-17-77)
Sacramento. *WOODLAKE SITE*, (5-6-71) PH0086266

san benito county

San Juan Bautista. *ANZA HOUSE (JUAN DE ANZA HOUSE)*, 3rd and Franklin Sts., (4-15-70) PH0065510 NHL; HABS.
San Juan Bautista. *CASTRO, JOSE, HOUSE*, S side of the Plaza, (4-15-70) PH0065528 NHL; HABS.
San Juan Bautista. *SAN JUAN BAUTISTA PLAZA HISTORIC DISTRICT*, Buildings surrounding plaza at Washington, Mariposa, and 2nd Sts., (12-8-69) PH0112241 NHL; HABS; G.
Soledad vicinity. *CHALONE CREEK ARCHEOLOGICAL SITES*, E of Soledad, (8-31-78)

san bernardino county

RUSSIAN VILLAGE DISTRICT, *Reference—see Los Angeles County*
Barstow. *HARVEY HOUSE RAILROAD DEPOT (CASA DEL DESIERTO)*, Santa Fe Depot, (4-3-75)
Big Bear City vicinity. *WASHINGTON, HENRY, SURVEY MARKER*, S of Big Bear City in San Bernadino National Forest, (5-12-75)
Chine vicinity. *YORBA-SLAUGHTER ADOBE*, 5.5 mi. S of Chine at 17127 Pomona Rincon Rd., (7-7-75)
Cucamonga. *RAINS, JOHN, HOUSE (RANCHO CUCAMONGA)*, 7869 Vineyard Ave., (4-24-73) PH0065552
Neddles vicinity. *TOPOCK MAZE ARCHEOLOGICAL SITE*, E of Needles, (10-5-78)
Needles vicinity. *PIUTE PASS ARCHEOLOGICAL DISTRICT*, NW of Needles, (8-14-73) PH0065544
Redlands. *A. K. SMILEY PUBLIC LIBRARY*, 125 W. Vine St., (12-12-76)
Redlands and vicinity. *MILL CREEK ZANJA*, Sylvan Blvd. E to Mill Creek Rd., (5-12-77)
San Bernardino vicinity. *CROWDER CANYON ARCHEOLOGICAL DISTRICT*, N of San Bernardino on CA 138, (6-16-76)
Twentynine Palms vicinity. *COW CAMP*, SW of Twentynine Palms in Joshua Tree National Monument, (10-29-75)
Twentynine Palms vicinity. *KEYS DESERT QUEEN RANCH (MCHANEY RANCH)*, SW of Twentynine Palms in Joshua Tree National Monument, (10-30-75) HAER.
Twentynine Palms vicinity. *WALL STREET MILL*, S of Twentynine Palms in Joshua Tree National Monument, (11-12-75)
Yermo vicinity. *CALICO MOUNTAINS ARCHEOLOGICAL DISTRICT*, (3-30-73) PH0065536

san diego county

FAGES-DE ANZA TRAIL–SOUTHERN EMIGRANT ROAD (ANZA-BORREGO DESERT STATE PARK), Anza-Borrego Desert State Park, (1-29-74) PH0065625 (also in Imperial County)
Camp Pendleton. *LAS FLORES ADOBE*, Stuart Mesa Rd., about 7 mi. N of jct. with Vandergrift Blvd., (11-24-68) PH0086339 NHL.
Camp Pendleton. *SANTA MARGARITA RANCHHOUSE*, Off Vandergrift Blvd., (5-6-71) PH0065765
Camp Pendleton vicinity. *LAS FLORES SITE*, SW of Camp Pendleton in Las Flores Creek Valley, (8-19-75)
Coronado. *HOTEL DEL CORONADO*, 1500 Orange Ave., (10-14-71) PH0065650 NHL; HABS.
Julian. *ROBINSON HOTEL*, 2032 Main St., (6-23-78)
La Jolla. *LA JOLLA WOMEN'S CLUB*, 715 Silverado St., (11-5-74) PH0065676 HABS.
La Jolla. *RED REST AND RED ROOST COTTAGES*, 1187 and 1179 Coast Blvd., (3-15-76)
La Jolla. *SCRIPPS, GEORGE H., MEMORIAL MARINE BIOLOGICAL LABORATORY*, 8602 La Jolla Shores Dr., (11-10-77)
National City. *BRICK ROW*, "A" Ave., between 9th and 10th Sts., (7-16-73) PH0065595 HABS.
National City. *GRANGER HALL*, 1700 E. 4th St., (3-18-75)
National City. *ST. MATTHEW'S EPISCOPAL CHURCH*, 521 E. 8th St., (10-25-73) PH0065749 HABS.
Oak Grove. *OAK GROVE BUTTERFIELD STAGE STATION*, 13 mi. NW of Warner Springs on CA 79, (10-15-66) PH0065714 NHL; HABS.
Oceanside. *LIBBY, CHARLES, HOUSE*, 636 Rockledge St., (7-12-78)
Oceanside vicinity. *SAN LUIS REY MISSION CHURCH*, 4 mi. E of Oceanside on CA 76, (4-15-70) PH0112046 NHL; HABS.
Pine Valley vicinity. *BEAR VALLEY ARCHEOLOGICAL SITE*, (7-30-74) PH0065579
Ramona vicinity. *CASTLE, THE*, W of Ramona, (3-30-78)
San Diego. *CALIFORNIA QUADRANGLE (PANAMA-CALIFORNIA INTERNATIONAL EXPOSITION)*, Balboa Park-El Prado Area, (5-17-74) PH0065587 NHL; G.
San Diego. *CHAPLAIN'S HOUSE*, 836 Washington St., (11-24-78)
San Diego. *DAVIS, WILLIAM HEATH, HOUSE*, 227 11th St., (2-15-74) PH0065609 HABS.
San Diego. *EL PRADO COMPLEX*, Balboa Park, (12-12-76)
San Diego. *ESTUDILLO HOUSE*, 4000 Mason St., (4-15-70) PH0065617 NHL.
San Diego. *FORD BUILDING*, Balboa Park, Palisades Area, (4-26-73) PH0065633
San Diego. *INDEPENDENT ORDER OF ODD FELLOWS BUILDING*, 526 Market St., (1-31-78) HABS.
San Diego. *INITIAL POINT OF BOUNDARY BETWEEN U.S. AND MEXICO*, S of Imperial Beach off Monument Rd., (9-6-74) PH0088749
San Diego. *KLAUBER, MELVILLE, HOUSE*, 3060 6th Ave., (11-13-74) PH0065668
San Diego. *LONG-WATERMAN HOUSE*, 2408 1st Ave., (6-14-76) HABS.
San Diego. *MARSTON, GEORGE W., HOUSE*, 3525 7th Ave., (12-16-74) PH0065684 HABS.
San diego. *MISSION BEACH ROLLER COASTER*, 3000 Mission Blvd., (12-27-78)
San Diego. *OLD MISSION DAM*, N side of Mission St.-Gorge Rd., (10-15-66) PH0065692 NHL.
San Diego. *OLD POINT LOMA LIGHTHOUSE*, Included in Cabrillo National Monument, (6-27-74) PH0065706 HABS.
San Diego. *OLD TOWN SAN DIEGO HISTORIC DISTRICT*, (9-3-71) PH0065722 G.
San Diego. *SAN DIEGO PRESIDIO*, Presidio Park, (10-15-66) PH0065731 NHL.
San Diego. *SANTA FE DEPOT (UNION STATION)*, 1050 Kettner St., (6-26-72) PH0065757 HABS.
San Diego. *SORRENTO VALLEY SITE*, Sorrento Valley Rd., (10-21-75)
San Diego. *SPRECKELS THEATRE BUILDING*, 123 W. Broadway, (5-28-75) HABS.
San Diego. *STAR OF INDIA*, San Diego Embarcadero, (11-13-66) PH0112054 NHL.
San Diego. *TEMPLE BETH ISRAEL*, 1502 2nd Ave., (5-22-78) HABS.
San Diego. *U.S. COURTHOUSE*, 325 W. F St., (1-29-75)
San Diego. *VILLA MONTEZUMA (JESSE SHEPARD HOUSE)*, 1925 K St., (5-6-71) PH0065781 HABS.
San Diego vicinity. *BALBOA PARK*, (12-22-77) NHL.
San Diego vicinity. *CABRILLO NATIONAL MONUMENT*, 10 mi. from San Diego off

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U.S. 10, near S tip of Point Loma, (10-15-66) PH0069825
San Diego vicinity. *MISSION SAN DIEGO DE ALCALA*, 5 mi. E of Old Town San Diego on Friars Rd., (4-15-70) PH0111881 NHL.
Spring Valley. *BANCROFT, HUBERT H., RANCHHOUSE*, Bancroft Dr. off CA 94, (10-15-66) PH0065561 NHL.
Vista vicinity. *GUAJOME RANCH HOUSE*, 2.5 mi. NE of Vista, (4-15-70) PH0065641 NHL.
Warner Springs vicinity. *WARNER'S RANCH*, 4 mi. S of Warner Springs, (10-15-66) PH0065790 NHL; HABS.

san francisco county

San Francisco. *ALCATRAZ*, Alcatraz Island, (6-23-76) HABS.
San Francisco. *BANK OF ITALY*, 552 Montgomery St., (6-2-78) NHL.
San Francisco. *BEIDEMAN PLACE, 33–35*, 33–35 Beideman Pl., (3-8-73) PH0065919
San Francisco. *BEIDEMAN PLACE, 45-57*, 45–57 Beideman Pl., (3-8-73) PH0065960
San Francisco. *CALVARY PRESBYTERIAN CHURCH*, 2501–2515 Fillmore St., (5-3-78)
San Francisco. *CITY OF PARIS BUILDING*, 181-199 Geary St., (1-23-75)
San Francisco. *EDDY STREET, 1840–1842*, 1840–1842 Eddy St., (3-8-73) PH0066028
San Francisco. *FERRY STATION POST OFFICE BUILDING*, Embarcadero at Mission St., (12-1-78)
San Francisco. *FEUSIER OCTAGON HOUSE*, 1067 Green St., (3-24-74) PH0065862 HABS.
San Francisco. *FITZHUGH BUILDING*, 384 Post St., (1-20-76)
San Francisco. *FLOOD, JAMES C., MANSION*, California and Mason Sts., (11-13-66) PH0065871 NHL; HABS.
San Francisco. *FORT MASON HISTORIC DISTRICT*, Portion of Fort Mason N and E of Franklin St. and McArthur Ave., (4-25-72) PH0065889
San Francisco. *FORT POINT NATIONAL HISTORIC SITE*, N tip of San Francisco Peninsula on U.S. 101 and I 480, (10-16-70)
San Francisco. *GEARY THEATRE*, 415 Geary St., (5-27-75)
San Francisco. *GOLDEN GATE PARK CONSERVATORY*, Mount Link, N of John F. Kennedy Dr. at E end of Golden Gate Park, (10-14-71) PH0065897 HABS; G.
San Francisco. *GOODMAN BUILDING*, 1117 Geary Blvd., (6-18-75)
San Francisco. *HAAS-LILIENTHAL HOUSE*, 2007 Franklin St., (7-2-73) PH0065901 HABS.
San Francisco. *HALLIDIE BUILDING*, 130 Sutter St., (11-19-71) PH0065927 HABS.
San Francisco. *HASLETT WAREHOUSE*, 680 Beach St., (3-28-75)
San Francisco. *INTERNATIONAL HOTEL*, 848 Kearny St., (6-15-77)
San Francisco. *JACKSON SQUARE HISTORIC DISTRICT*, Roughly bounded by Broadway on N, Sansome St. on E, Washington St. on S, and Columbus Ave. on W, (11-18-71) PH0065935 HABS.
San Francisco. *JESSIE STREET SUBSTATION*, 222–226 Jessie St., (9-6-74) PH0065943
San Francisco. *LOTTA CRABTREE FOUNTAIN*, Market, Geary, and Kearny Sts., (6-20-75)
San Francisco. *MCELROY OCTAGON HOUSE*, 2645 Gough St., (2-23-72) PH0065846 HABS.
San Francisco. *MILLS BUILDING AND TOWER*, 220 Montgomery St. and 220 Bush St., (4-13-77)
San Francisco. *MISSION DOLORES (MISSION SAN FRANCISCO DE ASIS)*, 320 Dolores St., (3-16-72) PH0065951 HABS.
San Francisco. *MYRTLE STREET FLATS*, 234–248 Myrtle St., (6-14-76)
San Francisco. *OLD U.S. MINT*, 5th and Mission Sts., (10-15-66) PH0065978 NHL; HABS.
San Francisco. *PHELPS, ABNER, HOUSE*, 329 Divisadero St., (5-6-71) PH0065803 HABS.
San Francisco. *POINT LOBOS ARCHEOLOGICAL SITE*, Off Point Lobos Ave., (11-7-76)
San Francisco. *PRESIDIO*, Northern tip of San Francisco Peninsula on U.S. 101 and I 480, (10-15-66) PH0066079 NHL; HABS.
San Francisco. *PUMPING STATION NO. 2, SAN FRANCISCO FIRE DEPARTMENT AUXILIARY WATER SUPPLY SYSTEM*, N end of Van Ness Ave., (5-13-76) HAER.
San Francisco. *ALMA* (scow schooner), 2905 Hyde St. (Hyde St. Pier), (10-10-75)
San Francisco. *SAN FRANCISCO CABLE CARS*, (10-15-66) PH0066061 NHL.
San Francisco. *SAN FRANCISCO CIVIC CENTER HISTORIC DISTRICT*, roughly bounded by Golden Gate Ave., 7th Franklin, Hayes and Markets Sts., (10-10-78)
San Francisco. *SAN FRANCISCO NATIONAL GUARD ARMORY AND ARSENAL*, 1800 Mission St., (11-14-78)
San Francisco. *BALCLUTHA*, Pier 41 East, (11-7-76)
San Francisco. *C. A. THAYER* (schooner), San Francisco Maritime State Historic Park, (11-13-66) PH0066001 NHL.
San Francisco. *SCHOENSTEIN AND COMPANY PIPE ORGAN FACTORY*, 3101 20th St., (11-14-78)
San Francisco. *SCOTT STREET, NO. 1239–1245*, 1239–1245 Scott St., (3-8-73) PH0065994
San Francisco. *SCOTT STREET, NO. 1249–1251*, 1249–1251 Scott St., (3-8-73) PH0066036
San Francisco. *SCOTT STREET, 1321*, 1321 Scott St., (3-8-73) PH0066010
San Francisco. *SCOTT STREET, 1331-1335*, 1331–1335 Scott St., (3-8-73) PH0065838
San Francisco. *EUREKA*, San Francisco Maritime State Historic Park, 2905 Hyde St., (4-24-73) PH0065854
San Francisco. *HERCULES* (tugboat), San Francisco Maritime State Historical Park, (1-17-75)
San Francisco. *STADTMULLER HOUSE*, 819 Eddy St., (7-19-76)
San Francisco. *SUTTER STREET, 1813-1813B*, 1813–1813B Sutter St., (3-8-73) PH0065986
San Francisco. *WAPAMA*, San Francisco Maritime State Historic Park, 2905 Hyde St., (4-24-73) PH0066095
San Francisco. *U.S. CUSTOMHOUSE*, 555 Battery St., (1-29-75)
San Francisco. *U.S. POST OFFICE AND COURTHOUSE*, NE corner of 7th and Mission Sts., (10-14-71) PH0066052
San Francisco. *UNION FEERY DEPOT*, Embarcadero at Market St., (12-1-78)
San Francisco. *WEBSTER STREET, 1735–1737*, 1735–1737 Webster St., (3-8-73) PH0066044
San Francisco. *WHITTIER MANSION*, 2090 Jackson St., (4-26-76)
San Francisco vicinity. *FARALLONE ISLANDS*, 28 mi. W of San Francisco, (3-8-77)

san joaquin county

Lockeford. *LOCKE HOUSE AND BARN*, 19960 W. Elliott Rd., (6-19-72) PH0076201
Stockton. *EL DORADO ELEMENTARY SCHOOL*, Harding Way and Pacific Ave., (8-15-77)
Stockton. *GEW, WONG K., MANSION*, 345 W. Clay St., (9-20-78)
Stockton. *NIPPON HOSPITAL*, 25 S. Commerce St., (9-18-78)
Stockton. *OLD WEBER SCHOOL*, 55 W. Flora St., (7-16-73) PH0076210
Stockton. *ROGERS, MOSES, HOUSE*, 921 S. San Joaquin St., (4-26-78)
Stockton. *STOCKTON SAVINGS AND LOAN SOCIETY BANK*, 301 E. Main St., (10-19-78)
Tracy. *WEST SIDE BANK*, 47 W. 6th St., (12-12-78)

san luis obispo county

Atascadero. *ADMINISTRATION BUILDING, ATASCADERO COLONY*, 6500 Palma Ave., (11-17-77)
Nipomo. *DANA ADOBE*, S end of Oak Glen Ave., (5-6-71) PH0076236 HABS.
San Luis Obispo vicinity. *CORRAL DE PIEDRA*, S of San Luis Obispo on Price Canyon Rd., (5-22-78)
San Luis Obispo vicinity. *PORT SAN LUIS SITE*, S of San Luis Obispo, (5-22-78)
San Luis Obispo vicinity. *RANCHO CANADA DE LOS OSOS Y PECHO Y ISLAY*, S of San Luis Obispo between Point San Luis and Diablo Canyon, (6-20-75)
San Miguel. *CALEDONIA ADOBE*, 0.5 mi. S of 10th St., (7-14-71) PH0076228
San Miguel. *MISSION SAN MIGUEL*, U.S. 101, (7-14-71) PH0076252 HABS.
San Simeon vicinity. *HEARST SAN SIMEON ESTATE*, 3 mi. NE of San Simeon, (6-22-72) PH0076244 NHL.

san mateo county

Altherton. *WATKINS-CARTAN HOUSE*, 25 Isabella Ave., (3-30-78) HABS.
Belmont. *RALSTON, WILLIAM C., HOUSE*, College of Notre Dame campus, (11-15-66) PH0111929 NHL; HABS.
Burlingame. *BURLINGAME RAILROAD STATION*, Burlingame Ave. and California Dr., (4-19-78) HABS.
Half Moon Bay vicinity. *JOHNSTON, JAMES, HOUSE*, Higgins-Purisima Rd., (5-9-73) PH0076279 G.
Hillsborough. *CAROLANDS, THE*, 565 Remillard Dr., (10-21-75)
Menlo Park. *MENLO PARK RAILROAD STATION*, 1100 Merrill St., (10-1-74) PH0076295
Millbrae. *SOUTHERN PACIFIC DEPOT*, 21 E. Millbrae Ave., (9-1-78)
Pacifica. *SANCHEZ ADOBE PARK*, Linda Mar Blvd., 1 mi. E of CA 1, (4-13-76)
Pescadero vicinity. *GREEN OAKS RANCH HOUSE*, 13 mi. S of Pescadero on CA 1, (11-21-76)
Portola Valley. *CASA DE TABLETA*, 3915 Alpine Rd., (8-14-73) PH0076261
Portola Valley. *OUR LADY OF THE WAYSIDE*, 930 Portola Rd., (11-22-77) HABS.
Portola Valley. *PORTOLA VALLEY SCHOOL*, 775 Portola Rd., (6-28-74) PH0076309
Princeton vicinity. *ARCHEOLOGICAL SITE*, SMA-151, W of Princeton, (2-23-78)

Redwood City. *LATHROP HOUSE*, 627 Hamilton St., (4-11-73) PH0076287
Redwood City. *REDWOOD CITY HISTORIC COMMERCIAL BUILDINGS*, Broadway and Main Sts., (11-7-77) HABS.
Redwood City. *SAN MATEO COUNTY COURTHOUSE*, Broadway, (12-13-77) HABS.
San Bruno vicinity. *SAN FRANCISCO BAY DISCOVERY SITE*, 4 mi. W of San Bruno via Skyline Dr. and Sneath Lane, (5-23-68) PH0076325 NHL.
San Gregorio. *SAN GREGORIO HOUSE*, Old Stage Rd., (5-6-77) HABS.
Woodside. *INDEPENDENCE HALL*, 129 Albion Ave., (8-3-78)
Woodside vicinity. *BOURN-ROTH ESTATE (FILOLI)*, 3.7 mi. NW of Woodside off Canada Rd., (8-28-75) HABS.

san mato county

Pescadero vicinity. *PIGEON POINT LIGHTHOUSE*, S of Pescadero at Pigeon Point off CA 1, (3-8-77) HABS.

santa barbara county

Lompoc. *MISSION DE LA PURISIMA CONCEPCION DE MARIA SANTISIMA SITE*, Bounded by Locust Ave., city limits, E and G Sts., (5-5-78)
Lompoc vicinity. *LA PURISIMA MISSION*, 4 mi. E of Lompoc, near jct. of CA 1 and 150, (4-15-70) PH0076341 NHL; HABS.
Los Alamos vicinity. *LOS ALAMOS RANCH HOUSE*, 3 mi. W of Los Alamos on old U.S. 101, (4-15-70) PH0111945 NHL.
New Cuyama vicinity. *EASTERN SIERRA MADRE RIDGE ARCHEOLOGICAL DISTRICT*, S of New Cuyama, (12-19-78)
Santa Barbara. *EL PASEO AND CASA DE LA GUERRA*, 808–818 State St., 813–819 Anacapa St., and 9–25 E. de la Guerra St., (2-2-77)
Santa Barbara. *GONZALEZ, RAFAEL, HOUSE (VHAY HOUSE)*, 835 Laguna St., (4-15-70) PH0076376 NHL; HABS.
Santa Barbara. *SANTA BARBARA MISSION*, 2201 Laguna St., (10-15-66) PH0076350 NHL; HABS.
Santa Barbara. *SANTA BARBARA PRESIDIO*, Roughly bounded by Carrillo, Garden, De la Guerra and Anacapa Sts., (11-26-73) PH0076368 HABS.
Santa Barbara vicinity. *HAMMOND'S ESTATE SITE*, E of Santa Barbara, (5-19-78)
Santa Barbara vicinity. *HOPE, THOMAS, HOUSE*, 399 Nogal Dr., (12-1-78)
Santa Barbara vicinity. *PAINTED CAVE*, (12-5-72) PH0076333

santa clara county

Alviso. *ALVISO HISTORIC DISTRICT, PORT OF, (SAN JOSE)*, 18th–19th C., (10-9-73) PH0076473
Cupertino. *LE PETIT TRIANON*, De Anza College campus, (11-15-72) PH0076431 G.
Cupertino vicinity. *WOODHILLS*, S of Cupertino on Prospect Rd., (12-20-78)
Gilroy. *OLD CITY HALL*, 7410 Monterey St., (4-16-75)
Gilroy Hot Springs vicinity. *COYOTE CREEK ARCHEOLOGICAL DISTRICT*, (10-14-71) PH0076392
Gilroy vicinity. *NORRIS, FRANK, CABIN*, 10 mi. W of Gilroy off CA 152, (10-15-66) PH0076414 NHL.
Los Altos vicinity. *GRIFFIN, WILLARD, HOUSE AND CARRIAGE HOUSE*, 12345 S. El Monte Ave., (4-13-77)
Los Gatos. *FORBES MILL ANNEX*, CA 17, (7-31-78)
Los Gatos. *MCCULLAGH-JONES HOUSE*, 18000 Overlook Rd., (10-29-74) PH0076457
Los Gatos vicinity. *KOTANI-EN GARDEN*, W of Los Gatos, (11-7-76)
Morgan Hill. *VILLA MIRA MONTE*, 17860 Monterey Rd., (5-25-78)
Morgan Hill vicinity. *POVERTY FLAT SITE*, (2-23-72) PH0076481
Mountain View. *RENGSTORFF, HENRY A., HOUSE*, 1737 Stierlin Rd., (6-13-78)
Palo Alto. *DOWNING, T. B., HOUSE*, 706 Cowper St., (10-30-73) PH0076406
Palo Alto. *HOSTESS HOUSE*, W of University Ave. underpass of El Camino Real, (7-30-76)
Palo Alto. *SQUIRE, JOHN ADAM, HOUSE*, 900 University Ave., (3-6-72) PH0076490
Palo Alto vicinity. *HANNA-HONEYCOMB HOUSE*, 737 Frenchman's Rd., (11-7-78)
San Jose. *ASHWORTH-REMILLARD HOUSE*, 755 Story Rd., (12-12-76)
San Jose. *CIVIC ART GALLERY (OLD POST OFFICE)*, 110 Market St., (1-29-73) PH0076384
San Jose. *FIRST UNITARIAN UNIVERSALIST CHURCH*, 160 N. 3rd St., (11-17-77)
San Jose. *HAYES MANSION*, 200 Edenvale Ave., (8-1-75)
San Jose. *PERALTA, LUIS MARIA, ADOBE*, 184 W. St. John St., (10-15-73) PH0076449
San Jose. *ROBERTO-SUNOL ADOBE*, 770 Lincoln Ave., (3-17-77)
San Jose. *ST. JOSEPH'S ROMAN CATHOLIC CHURCH*, Market and San Fernando Sts., (8-26-77)
San Jose. *WINCHESTER HOUSE*, 525 S. Winchester Blvd., (8-7-74) PH0076503
San Jose vicinity. *NEW ALMADEN*, 14 mi. S of San Jose on CR G8, (10-15-66) PH0076422 NHL; HABS.
San Jose vicinity. *WE AND OUR NEIGHBORS CLUBHOUSE*, S of San Jose at 15460 Union Ave., (12-20-78)
Santa Clara. *MORSE, CHARLES COPELAND, HOUSE*, 981 Fremont St., (4-13-77)
Saratoga. *VILLA MONTALVO*, 14800 Montalvo Rd., (5-1-78)
Saratoga vicinity. *WELCH-HURST*, 15800 Sanborn Rd., (9-18-78) HABS.
Stanford. *HOOVER, LOU HENRY, HOUSE*, 623 Mirada Rd., (1-30-78)

santa cruz county

Capitola. *HIHN BUILDING (SUPERINTENDENT'S OFFICE)*, 201 Monterey Ave., (3-20-73) PH0076520
Felton. *FELTON COVERED BRIDGE*, Covered Bridge Rd., (6-19-73)
Felton. *FELTON PRESBYTERIAN CHURCH*, 6299 Gushee St., (4-6-78)
Santa Cruz. *GOLDEN GATE VILLA*, 924 3rd St., (7-24-75)
Santa Cruz. *LIVE OAK RANCH*, 105 Mentel Ave., (7-10-75)
Santa Cruz. *MISSION HILL AREA HISTORIC DISTRICT*, Mission St., (5-17-76)
Santa Cruz. *NEARY-RODRIGUEZ ADOBE*, 130-134 School St., (2-24-75)
Santa Cruz. *OCTAGON BUILDING*, Corner of Front and Cooper Sts., (3-24-71) PH0076546
Scotts Valley. *SCOTT, HIRAM D., HOUSE*, 4603 Scotts Valley Dr., (4-13-77)
Watsonville vicinity. *CASTRO, JOSE JOAQUIN, ADOBE*, NW of Watsonville at 184 Old Adobe Rd., (12-12-76)
Watsonville vicinity. *WATSONVILLE-LEE ROAD SITE (CA-SCR-107)*, (5-28-76)

shasta county

LOOMIS VISITOR CENTER, BLDG. 43, Lassen Volcanic National Park, (2-25-75)
NOBLES EMIGRANT TRAIL, Reference—see Lassen County
Burney vicinity. *LAKE BRITTON ARCHEOLOGICAL DISTRICT*, 10 mi. N of Burney in Lassen National Forest, (4-14-75)
Chester vicinity. *HORSESHOE LAKE RANGER STATION*, N of Chester in Lassen Volcanic National Park, (5-5-78)
Cottonwood. *COTTONWOOD HISTORIC DISTRICT*, (7-16-73) PH0076562
Cottonwood vicinity. *READING ADOBE SITE*, Adobe Lane, 5 mi. E of the center of Cottonwood, (7-14-71) PH0076619
French Gulch. *FRENCH GULCH HISTORIC DISTRICT*, Along both sides of French Gulch Rd., (3-24-72) PH0076589
Lassen Volcanic National Park. *LOOMIS VISITOR CENTER, BUILDING 43*, Lassen Volcanic National Park, (2-25-75)
Millville vicinity. *COW CREEK PETROGLYPHS*, (11-5-71) PH0076571
Millville vicinity. *DERSCH-TAYLOR PETROGLYPHS*, (10-14-71) PH0111872
Mineral vicinity. *PROSPECT PEAK FIRE LOOKOUT*, NE of Mineral, (3-30-78)
Mineral vicinity. *SUMMIT LAKE RANGER STATION*, NE of Mineral in Lassen Volcanic National Park, (4-3-78)
Redding. *OLD CITY HALL BUILDING*, 1313 Market St., (11-14-78)
Redding. *PINE STREET SCHOOL*, 1135 Pine St., (3-21-78)
Redding vicinity. *BENTON TRACT SITE*, (11-12-71) PH0076554
Redding vicinity. *OLSEN PETROGLYPHS*, (3-24-71) PH0076601
Shasta. *SHASTA STATE HISTORIC PARK*, U.S. 299, (10-14-71) PH0076627
Whiskeytown. *TOWER HOUSE DISTRICT*, Whiskeytown National Recreation Area, (7-2-73) PH0076635

sierra county

Gold Lake vicinity. *HAWLEY LAKE PETROGLYPHS*, (5-6-71) PH0076643
Loyalton vicinity. *KYBURZ FLAT SITE*, (11-12-71) PH0076651
Truckee vicinity. *SARDINE VALLEY ARCHEOLOGICAL DISTRICT*, (5-6-71) PH0076660
Verdi vicinity. *STAMPEDE SITE*, (10-14-71) PH0076678

siskiyou county

Dorris vicinity. *LOWER KLAMATH NATIONAL WILDLIFE REFUGE*, Lower Klamath Lake, E of Dorris, (10-15-66) PH0076708 NHL. (also in Klamath County, OR)
Fort Jones. *FORT JONES HOUSE (LOUIS HELLER STUDIO)*, Main St., (4-22-76)
Sawyers Bar. *SAWYERS BAR CATHOLIC CHURCH*, Klamath National Forest, (7-7-78)
Sawyers Bar vicinity. *WHITE'S GULCH ARRASTRA*, E of Swayers Bar, (12-22-78)
Tulelake vicinity. *CAPTAIN JACK'S STRONGHOLD*, S of Tulelake, Lava Beds National Monument, (9-20-73) PH0076686
Tulelake vicinity. *HOSPITAL ROCK*, S of Tulelake, Lava Beds National Monument, (10-2-73) PH0076694
Tulelake vicinity. *THOMAS-WRIGHT BATTLE SITE*, S of Tulelake in Lava Beds National Monument, (11-15-78)
Yreka. *WEST MINER STREET-THIRD STREET HISTORIC DISTRICT*, 102–402

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W. Miner St. and 122–419 3rd St., (12-11-72) PH0076716

solano county

Benicia. *BENICIA ARSENAL*, Army Point and I-680, (11-7-76) HABS.
Benicia. *BENICIA CAPITOL-COURTHOUSE*, 1st and G Sts., (2-12-71) PH0076724
Benicia. *CROOKS MANSION*, 285 W. G St., (11-14-78) HABS.
Benicia. *OLD MASONIC HALL*, 106 W. J St., (3-16-72) PH0076741
Benicia vicinity. *SS JEREMIAH O'BRIEN*, E of Benicia at Suisun Bay, (7-7-78)
Collinsville vicinity. *HASTINGS ADOBE*, NE of Collinsville off CA 68, (6-13-72) PH0076732
Rio Vista vicinity. *DELTA KING*, 3 mi. (4.8 km) N of Rio Vista on CA 84, (3-31-78)
Suisun City. *SUISUN MASONIC LODGE NO. 55*, 623 Main St., (12-18-78)
Suisun vicinity. *MARTIN, SAMUEL, HOUSE*, 293 Suisun Valley Rd., (5-26-77)
Vacaville. *VACAVILLE TOWN HALL*, 620 E. Main St., (9-18-78)
Vacaville vicinity. *PENA ADOBE*, 2 mi. SW of Vacaville on I 80, (1-7-72) PH0076759
Vallejo. *MARE ISLAND NAVAL SHIPYARD*, (5-15-75) NHL.
Vallejo. *VALLEJO CITY HALL AND COUNTY BUILDING BRANCH*, 734 Marin St., (11-7-76)
Vallejo. *VALLEJO OLD CITY HISTORIC DISTRICT*, Sonoma Blvd., and Monterey, Carolina, and York Sts., (3-20-73) PH0076767

sonoma county

Bodega Bay vicinity. *BODEGA BAY*, (12-18-73) PH0086282
Bodega Bay vicinity. *RANCH SITE, THE*, (7-14-71) PH0086363
Bodega vicinity. *WATSON SCHOOL*, 15000 Bodega Hwy., (8-18-78)
Cloverdale. *CLOVERDALE RAILROAD STATION*, Railroad Ave., (12-12-76)
Fort Ross vicinity. *FORT ROSS*, N of Fort Ross on CA 1, (10-15-66) PH0086312 NHL; HABS; G.
Fort Ross vicinity. *FORT ROSS COMMANDER'S HOUSE*, N of Fort Ross on CA 1, Fort Ross State Historical Monument, (4-15-70) PH0112232 NHL; G.
Glen Ellen vicinity. *LONDON, JACK, RANCH*, 0.4 mi. W of Glen Ellen in Jack London Historical State Park, (10-15-66) PH0086321 NHL.
Healdsburg vicinity. *DRY CREEK-WARM SPRINGS VALLEYS ARCHEOLOGICAL DISTRICT*, NW of Healdsburg, (12-9-77)
Healdsburg vicinity. *WALTERS RANCH*, 6 mi. S of Healdsburg at 6050 Westside Rd., (10-7-77)
Jenner vicinity. *DUNCAN'S LANDING SITE*, (11-12-71) PH0086304
Petaluma. *OLD PETALUMA OPERA HOUSE*, 147–149 Kentucky St., (12-22-78)
Petaluma vicinity. *PETALUMA ADOBE*, 4 mi. E of Petaluma on Casa Grande Rd., (4-15-70) PH0086355 NHL; HABS.
Santa Rosa. *BURBANK, LUTHER, HOUSE AND GARDEN*, 200 Santa Rosa Ave., (10-15-66) PH0086291 NHL.
Santa Rosa. *HOTEL LA ROSE*, 5th and Wilson Sts., (8-3-78)
Santa Rosa. *MCDONALD MANSION*, 1015 McDonald Ave., (3-1-74) PH0086347
Sebastopol vicinity. *GOLD RIDGE FARM*, W of Sebastopol, (12-14-78)
Sebastopol vicinity. *LLANO ROAD ROADHOUSE*, 4353 Gravenstein Hwy. S., (5-22-78)
Sonoma. *SONOMA DEPOT*, 284 1st St. W., (4-3-75)
Sonoma. *SONOMA PLAZA*, Center of Sonoma, (4-3-75) PH0069833 NHL; HABS.
Sonoma. *VALLEJO ESTATE*, Corner of Spain and W. 3rd Sts., (6-29-72) PH0086380
Stewarts Point vicinity. *SALT POINT STATE PARK ARCHEOLOGICAL DISTRICT*, (3-24-71) PH0086371

stanislaus county

Knights Ferry and vicinity. *KNIGHTS FERRY*, On Stanislaus River 2 mi. from Stanislaus/Calaveras county line off CA 108/120, (4-23-75)
La Grange vicinity. *GOLD DREDGE*, S of La Grange, (12-16-71) PH0086398
Modesto. *MCHENRY MANSION*, 906 15th St., (4-4-78)

tehama county

Mineral. *PARK HEADQUARTERS, LASSEN VOLCANIC NATIONAL PARK*, off CA 36, (10-3-78)
Red Bluff. *ODD FELLOWS BUILDING*, 342 Oak St., (12-12-76)

trinity county

Weaverville. *WEAVERVILLE HISTORIC DISTRICT*, Both sides of Main St., (10-14-71) PH0086401 G.

tulare county

SHORTY LOVELACE HISTORIC DISTRICT, *Reference—see Fresno County*
Allensworth and vicinity. *ALLENSWORTH HISTORIC DISTRICT*, Town of Allensworth and its environs along CA 43, (2-23-72) PH0086410
Lone Pine vicinity. *SMITHSONIAN INSTITUTION SHELTER*, W of Lone Pine on Sequoia National Park, (3-8-77)
Mineral King vicinity. *BARTON-LACKEY CABIN*, N of Mineral King in Kings Canyon National Park, (3-30-78)
Mineral King vicinity. *GENERALS' HIGHWAY STONE BRIDGES*, N of Mineral King in Sequoia National Park, (9-13-78)
Mineral King vicinity. *PEAR LAKE SKI HUT*, N of Mineral King in Sequoia National Park, (5-5-78)
Mineral King vicinity. *QUINN RANGER STATION*, S of Mineral King on Sequoia National Park, (4-13-77)
Silver City vicinity. *HOCKETT MEADOW RANGER STATION*, S of Silver City in Sequoia National Park, (4-27-78)
Three Rivers vicinity. *ASH MOUNTAIN ENTRANCE SIGN*, N of Three Rivers in Sequoia National Park, (4-27-78)
Three Rivers vicinity. *CATTLE CABIN*, NE of Three Rivers on Sequoia National Park, (9-15-77)
Three Rivers vicinity. *GIANT FOREST LODGE HISTORIC DISTRICT*, NE of Three Rivers in Sequoia National Park, (5-5-78)
Three Rivers vicinity. *GIANT FOREST VILLAGE-CAMP KAWEAH HISTORIC DISTRICT*, N of Three Rivers in Sequoia National Park, (5-22-78)
Three Rivers vicinity. *GROENFELDT SITE*, Sequoia and Kings Canyon National Parks, (3-30-78)
Three Rivers vicinity. *HOSPITAL ROCK*, NE of Three Rivers, (8-29-77)
Three Rivers vicinity. *MORO ROCK STAIRWAY*, N of Three Rivers in Sequoia National Park, (12-29-78)
Three Rivers vicinity. *SQUATTER'S CABIN*, NE of Three Rivers, (3-8-77)
Three Rivers vicinity. *THARP'S LOG*, NE of Three Rivers, (3-8-77)
Visalia. *THE PIONEER*, 27000 S. Mooney Blvd., (5-5-77)
Wilsonia vicinity. *CABIN CREEK RANGER RESIDENCE AND DORMITORY*, SE of Wilsonia on Generals Hwy. in Sequoia National Park, (4-27-78)

tuolumne county

Jamestown. *EMPORIUM*, 735 Main St., (2-17-78)
Lee Vining vicinity. *GREAT SIERRA MINE HISTORIC SITE*, W of Lee Vining in Yosemite National Park, (5-24-78)
Lee Vining vicinity. *MCCAULEY CABIN*, W of Lee Vining at Tuolumne Meadows, (3-8-77)
Lee Vining vicinity. *TIOGA PASS ENTRANCE STATION*, SW of Lee Vining in Yosemite National Park, (12-14-78)
Lee Vining vicinity. *TUOLUMNE MEADOWS*, SW of Lee Vining in Yosemite National Park, (11-30-78)
Lee Vining vicinity. *TUOLUMNE MEADOWS RANGER STATIONS AND COMFORT STATIONS*, SW of Lee Vining in Yosemite National Park, (12-18-78)
Long Barn vicinity. *QUAIL SITE*, N of Long Barn in Stanislaus National Forest, (3-10-75)
Sonora. *TUOLUMNE COUNTY JAIL*, 156 W. Bradford St., (11-7-78)
Sonora vicinity. *COLUMBIA HISTORIC DISTRICT*, 4 mi. NW of Sonora on CA 49, (10-15-66) PH0086436 NHL; HABS.
Strawberry vicinity. *CHINAMAN MORTAR SITE*, W of Strawberry in Stanislaus National Forest, (6-20-75)
Tuolumne vicinity. *NIAGARA CAMP*, NE of Tuolumne in Stanislaus National Forest, (6-6-75)
Yosemite Village vicinity. *GREAT SIERRA WAGON ROAD*, N of Yosemite Village, (8-25-78)

ventura county

Newbury Park. *GRAND UNION HOTEL (STAGECOACH INN)*, 51 Ventu Park Rd., (12-30-75)
Oxnard. *OXNARD PUBLIC LIBRARY (OXNARD CHAMBER OF COMMERCE)*, 424 S. C St., (7-27-71) PH0086444
Oxnard vicinity. *CALLEGUAS CREEK SITE (CA-EN-110)*, SE of Oxnard, (5-19-76)
Port Hueneme. *BERYLWOOD*, Ventura Rd., (9-15-77)
San Buenaventura. *MISSION SAN BUENAVENTURA AND MISSION COMPOUND SITE*, Bounded by Poli St., Ventura and Santa Clara Aves., and Palm St., (4-10-75) HABS.
Santa Susana vicinity. *BURRO FLATS PAINTED CAVE*, S of Santa Susana, (5-5-76)
Simi. *COLONY HOUSE*, 137 Strathearn Pl., (9-18-78)
Simi vicinity. *SIMI ADOBE-STRATHEARN HOUSE*, 137 Strathearn Pl., (5-19-78)
Ventura. *BARD, ELIZABETH, MEMORIAL HOSPITAL*, 121 N. Fir St., (11-11-77)
Ventura. *DUDLEY HOUSE*, 4085 Telegraph Rd., (5-12-77)
Ventura. *SAN BUENAVENTURA MISSION AQUEDUCT*, 234 Canada Larga Rd., (3-7-75)
Ventura. *SAN MIGUEL CHAPEL SITE*, 292 E. Thompson Blvd., (7-20-78)
Ventura. *VENTURA COUNTY COURTHOUSE*, 501 Poli St., (8-19-71) PH0086452

yolo county

Broderick. *FIRST PACIFIC COAST SALMON CANNERY SITE*, On the Sacramento River, opposite the foot of K St., (4-6-74) PH0111937 NHL.
Brooks vicinity. *CANON SCHOOL*, 0.5 mi. N of Brooks, (6-13-72) PH0086461
Davis. *DRESBACH-HUNT-BOYER HOUSE*, 604 2nd St., (9-13-76)
Davis. *SOUTHERN PACIFIC RAILROAD STATION*, H and 2nd Sts., (11-7-76)
Rumsey. *RUMSEY TOWN HALL*, CA 16 at Manzanita St., (6-19-72) PH0086487
Woodland. *GIBSON, WILLIAM B., HOUSE*, 512 Gibson Rd., (11-7-76)
Woodland. *PORTER BUILDING*, 501–511 Main St., (11-30-78)
Woodland. *WOODLAND OPERA HOUSE*, 320 2nd St., (11-5-71) PH0086495 G.
Woodland vicinity. *MOORE, JAMES, HOUSE*, SW of Woodland, (11-16-78)
Woodland vicinity. *NELSON RANCH*, CA 18C between CA 113 and 102, (7-17-72) PH0086479

yuba county

Marysville. *BOK KAI TEMPLE*, Yuba River Levee at D St., (5-21-75)
Marysville. *DECKER-JEWETT BANK*, 212 D St., (12-22-76)
Marysville. *ELLIS BUILDING*, 100 D St., (12-22-76)
Marysville. *PACKARD LIBRARY*, 301 4th St., (12-18-78)
Marysville. *RAMIREZ, JOSE MANUEL, HOUSE*, 220 5th St., (1-17-76)
North San Juan vicinity. *OREGON CREEK COVERED BRIDGE*, 3 mi. NE of North San Juan over Oregon Creek, (5-30-75)
Woodleaf. *WOODLEAF HOTEL*, Marysville-La Porte Rd., (4-9-75)

COLORADO

arapahoe county

Strasburg vicinity. *COMANCHE CROSSING OF THE KANSAS PACIFIC RAILROAD*, On Union Pacific Railroad tracks E of the Strasburg depot, (8-10-70) PH0066109

archuleta county

Antonito vicinity. *CUMBRES AND TOLTEC SCENIC RAILROAD (DENVER AND RIO GRANDE WESTERN RAILROAD)*, Between Antonito and Chama, NM, (2-16-73) G. (also in Conejos County, CO, and Rio Arriba County, NM)
Chimney Rock vicinity. *CHIMNEY ROCK ARCHEOLOGICAL SITE*, San Juan National Forest, 2 mi. E of the Piedra River and 1.5 mi. N of CO 151, (8-25-70) PH0066117

baca county

Springfield. *SPRINGFIELD SCHOOLHOUSE*, 281 W. 7th Ave., (10-5-77)

bent county

Las Animas. *BENT COUNTY COURTHOUSE*, Bounded by Carson and Bent Aves., 7th and 8th Sts., (1-2-76)

boulder county

Boulder. *CHAUTAUQUA AUDITORIUM*, Chautauqua Park, (1-21-74) PH0066125
Boulder. *COLORADO CHAUTAUQUA*, Chautauqua Park, (3-21-78)
Boulder. *HIGHLAND SCHOOL*, 885 Arapahoe Ave., (12-18-78)
Boulder. *SQUIRES-TOURTELLOT quires-Tourtellot, co 0cf 0i09 1019 Spruce St.*, (8-10-78)
Longmont. *ST. STEPHEN'S EPISCOPAL CHURCH, 1881*, 470 Main St., (2-24-75)
Lyons. *FIRST CONGREGATIONAL CHURCH OF LYONS*, High and 4th Sts., (12-12-76)
Lyons. *LYONS RAILROAD DEPOT*, 400 block of Broadway, (12-2-74) PH0066133
Ward vicinity. *MODOC MILL*, N of Ward, (12-27-78)

chaffee county

Buena Vista. *GRACE EPISCOPAL CHURCH*, Main and Park Ave., (1-20-78)
Buena Vista vicinity. *VICKSBURG MINING CAMP*, 15 mi. NW of Buena Vista on SR 390, (3-8-77)
Granite vicinity. *LITTLEJOHN MINE COMPLEX*, SW of Granite, (12-27-78)
Poncha Springs vicinity. *HUTCHINSON RANCH*, 2 mi. E of Poncha Springs on U.S. 50, (5-11-73) PH0066168
Salida vicinity. *OHIO-COLORADO SMELTING AND REFINING COMPANY SMOKESTACK*, NE of Salida at jct. of SR 150 and 152, (1-11-76)

clear creek county

Georgetown. *ALPINE HOSE COMPANY NO. 2*, 507 5th St., (1-25-73) PH0066176
Georgetown. *GRACE EPISCOPAL CHURCH*, Taos St., between 4th and 5th Sts., (8-14-73) PH0066206
Georgetown. *HAMILL HOUSE*, Argentine and 3rd Sts., (5-31-72) PH0066214 G.
Georgetown. *HOTEL DE PARIS*, Alpine St., (4-28-70) PH0066222 G.
Georgetown. *MCCLELLAN HOUSE*, 919 Taos St., (12-5-72) PH0066257
Georgetown. *TOLL HOUSE (JULIUS G. POHLE HOUSE)*, S side of Georgetown adjacent to I 70, (12-18-70) PH0066281 G.
Georgetown-Silver Plume vicinity. *GEORGETOWN-SILVER PLUME HISTORIC DISTRICT*, (11-13-66) PH0066192 NHL; G.
Georgetown vicinity. *ORE PROCESSING MILL AND DAM*, 1 mi. SW of Georgetown off I 70, (5-6-71) PH0066265 G.
Idaho Springs. *ARGO TUNNEL AND MILL*, 2517 Riverside Dr., (1-31-78)
Silver Plume. *SILVER PLUME DEPOT*, Off I 70, (5-6-71) PH0066273
Silver Plume vicinity. *LEBANON AND EVERETT MINE TUNNELS*, NE of Silver Plume, adjacent to I 70 right-of-way, (10-7-71) PH0066231 G.

conejos county

CUMBRES AND TOLTEC SCENIC RAILROAD (DENVER AND RIO GRANDE WESTERN RAILROAD), *Reference—see Archuleta County PH0066290*
Antonito. *ENGINE NO. 463*, Off U.S. 285, (5-12-75)
Antonito. *WARSHAUER MANSION*, 515 River St., (8-30-74) PH0066303
La Jara. *LA JARA DEPOT*, Broadway and Main Sts., (5-12-75)
Sanford vicinity. *PIKE'S STOCKADE*, 4 mi. E of Sanford on CO 136, (10-15-66) PH0066150 NHL.

costilla county

Fort Garland. *FORT GARLAND*, On CO 159, 1 block S of U.S. 10/160, (2-26-70) PH0066311 G.
San Luis. *PLAZA DE SAN LUIS DE LA CULEBRA*, CO 159, (12-22-78)
San Luis. *SMITH-GALLEGO HOUSE*, Main St., (4-14-75)

custer county

Westcliffe. *HOPE LUTHERAN CHURCH*, 310 S. 3rd St., (1-31-78)

denver county

Denver. *ALL SAINTS EPISCOPAL CHURCH*, 2222 W. 32nd Ave., (6-23-78)
Denver. *AURARIA 9TH STREET HISTORIC DISTRICT*, (3-26-73) PH0066320 G.
Denver. *BAILEY HOUSE*, 1600 Ogden St., (9-18-78)
Denver. *BELCARO (PHIPPS HOUSE)*, 3400 Belcaro Dr., (2-10-75) HABS.
Denver. *BOSTON BUILDING*, 828 17th St., (9-18-78) HABS.
Denver. *BRINKER COLLEGIATE INSTITUTE*, 1725–1727 Tremont Pl., (10-28-77)
Denver. *BROWN, MOLLY, HOUSE*, 1340 Pennsylvania St., (2-1-72) PH0066346 G.
Denver. *BROWN PALACE HOTEL*, 17th St. and Tremont Pl., (4-28-70) PH0066354
Denver. *BYERS-EVANS HOUSE*, 1310 Bannock St., (8-25-70) PH0066362
Denver. *CATHEDRAL OF THE IMMACULATE CONCEPTION*, NE corner of Colfax Ave. and Logan St., (3-3-75)
Denver. *CENTRAL PRESBYTERIAN CHURCH*, 1660 Sherman St., (11-21-74) PH0066389 HABS.
Denver. *CHRIST METHODIST EPISCOPAL CHURCH*, 2201 Ogden St., (11-7-76)
Denver. *CIVIC CENTER*, Between Grant and Delaware Sts., S of 13th Ave., (2-27-74) PH0066397 HABS.
Denver. *COLORADO GOVERNOR'S MANSION*, 400 E. 8th Ave., (12-3-69) PH0066516
Denver. *CONSTITUTION HALL (FIRST NATIONAL BANK BUILDING)*, 1507 Blake St., (8-25-70) PH0066401
Denver. *CORNWALL APARTMENTS*, 1317 Ogden St., 912 E. 13th Ave., (10-8-76)
Denver. *CRESWELL MANSION*, 1244 Grant St., (11-25-77)
Denver. *CROKE-PATTERSON-CAMPBELL MANSION*, 428–430 E. 11th Ave., (9-19-73) PH0066419 HABS.
Denver. *CURRY-CHUCOVICH HOUSE*, 1439 Court Pl., (6-9-78)
Denver. *CURTIS-CHAMPA STREETS DISTRICT*, Roughly bounded by Arapahoe, 30th, California, and 24th Sts., (4-1-75)
Denver. *DANIELS AND FISHER TOWER*, 1101 16th St., (12-3-69) PH0066427
Denver. *DENVER DRY GOODS COMPANY BUILDING*, 16th and California Sts., (1-9-78)
Denver. *DENVER MINT*, W. Colfax Ave. and Delaware St., (2-1-72) PH0066435
Denver. *ELITCH THEATRE*, W. 38th Ave. and Tennyson St., (3-21-78)
Denver. *EMMANUEL SHEARITH ISRAEL CHAPEL (EMMANUEL EPISCOPAL CHAPEL)*, 1201 10th St., (12-1-69) PH0066443
Denver. *EQUITABLE BUILDING*, 730 17th St., (1-9-78)
Denver. *EVANS MEMORIAL CHAPEL*, University of Denver campus, (12-27-74) PH0066451
Denver. *FIELD, EUGENE, HOUSE*, 715 S. Franklin St., (11-1-74) PH0066460 HABS.
Denver. *FISHER, WILLIAM G., HOUSE*, 1600 Logan St., (11-20-74) PH0066478 HABS.
Denver. *FITZROY PLACE*, 2160 S. Cook St., (2-20-75)
Denver. *FORD, BARNEY L., BUILDING*, 1514 Blake St., (6-24-76)

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Denver. *FOSTER, A. C., BUILDING*, 912 16th St., (1-9-78)
Denver. *FOUR-MILE HOUSE*, 715 S. Forest St., (12-3-69) PH0066494 HABS.
Denver. *GHOST BUILDING*, 500–518 15th St., (1-9-78)
Denver. *GRANT-HUMPHREYS MANSION*, 770 Pennsylvania St., (9-30-70) PH0066508 HABS.
Denver. *HUMBOLDT STREET HISTORIC DISTRICT*, Humboldt St. between E. 10th and E. 12th Sts., (12-29-78)
Denver. *IDEAL BUILDING*, 821 17th St., (6-9-77)
Denver. *KITTREDGE BUILDING*, 511 16th St., (12-2-77)
Denver. *LARIMER SQUARE*, 1400 block of Larimer St., (5-7-73) PH0066524
Denver. *LEFEVRE, OWEN E., HOUSE*, 1311 York St., (8-13-76)
Denver. *LORETTO HEIGHTS ACADEMY*, 3001 S. Federal Blvd., (9-18-75)
Denver. *MARNE, THE*, 1572 Race St., (11-21-74) PH0066532
Denver. *MASONIC TEMPLE BUILDING*, 1614 Welton St., (11-22-77)
Denver. *MOFFAT STATION*, 2105 15th St., (10-22-76)
Denver. *MOORE, DORA, ELEMENTARY SCHOOL*, E. 9th Ave. and Corona St., (6-9-78)
Denver. *PEARCE-MCALLISTER COTTAGE*, 1880 Gaylord St., (6-20-72) PH0088765 G.
Denver. *PUBLIC SERVICE BUILDING*, 910 15th St., (7-20-78)
Denver. *RICHTHOFEN CASTLE*, 7020 E. 12th Ave., (4-21-75)
Denver. *SCHLEIER, GEORGE, MANSION*, 1665 Grant St., (11-17-77)
Denver. *SCHMIDT, GEORGE, HOUSE*, 2345 7th St., (10-29-76)
Denver. *SMITH'S IRRIGATION DITCH*, Washington Park, (10-8-76)
Denver. *ST. ANDREWS EPISCOPAL CHURCH*, 2015 Glenarm Pl., (3-18-75)
Denver. *ST. ELIZABETH'S CHURCH*, 1062 11th St., (12-1-69) PH0066541
Denver. *ST. ELIZABETH'S RETREAT CHAPEL (CATHOLIC)*, 2825 W. 32nd Ave., (5-24-76)
Denver. *ST. JOHN'S CATHEDRAL*, 14th and Washington Sts., (8-1-75)
Denver. *ST. MARK'S PARISH CHURCH*, 1160 Lincoln St., (9-18-75)
Denver. *SUGAR BUILDING*, 1530 16th St., (2-17-78)
Denver. *TEARS-MCFARLANE HOUSE*, 1200 Williams St., (1-11-76)
Denver. *TEMPLE EMANUEL*, 24 Curtis St., (10-10-78)
Denver. *THOMAS, H. H., HOUSE*, 2104 Glenarm Pl., (5-30-75)
Denver. *TIVOLI BREWERY COMPANY*, 1320–1348 10th St., (4-11-73) PH0066583 HAER.
Denver. *TRAMWAY BUILDING*, 1100 14th St., (1-5-78)
Denver. *TREAT HALL*, E. 18th Ave. and Pontiac St., (8-10-78)
Denver. *TRINITY UNITED METHODIST CHURCH*, E. 18th Ave. and Broadway, (7-28-70) PH0066559
Denver. *U.S. POST OFFICE AND FEDERAL BUILDING*, 18th and Stout Sts., (3-20-73) HABS.
Denver. *UNION STATION*, 17th St. at Wynkoop, (11-20-74) PH0066567
Denver. *VINE STREET HOUSES*, 1415, 1429, 1435, 1441, 1453 Vine St., (12-16-74) PH0066591
Denver. *WESTSIDE NEIGHBORHOOD*, 1311–1466 Lipan St., 1305–1370 Kalamath St., 931–1126 W. 14th Ave., 1312–1438 on E side of Maraposa St., and 1008–1118 on N side of W. 13th Ave., (4-17-75)
Denver. *WOOD-MORRIS-BONFILS HOUSE*, 707 Washington St., (12-4-74) PH0066605
Denver. *ZANG, ADOLPH, MANSION*, 709 Clarkson St., (11-23-77)

dolores county

Rico. *RICO CITY HALL*, NE corner of Commercial and Mantz Sts., (12-31-74) PH0066613

douglas county

Castle Rock. *CASTLE ROCK DEPOT*, 420 Elbert St., (10-11-74) PH0066621
Castle Rock. *DOUGLAS COUNTY COURTHOUSE*, 301 Wilcox St., (12-12-76)
Denver vicinity. *BEAR CANON AGRICULTURAL DISTRICT*, S of Denver on both sides of CO 105 from CO 67 S to Jarre Creek, (10-29-75)
Larkspur vicinity. *SPRING VALLEY SCHOOL*, E of Larkspur at Spring Valley and Lorraine Rds., (12-18-78)
Palmer Lake vicinity. *GLEN GROVE SCHOOL*, N of Palmer Lake off Perry Park Rd., (11-5-74) PH0066648
Palmer Lake vicinity. *QUICK, BEN, RANCH AND FORT*, 6695 W. Plum Creek Rd., (10-1-74) PH0066664
Sedalia vicinity. *CHURCH OF ST. PHILIP-IN-THE-FIELD AND BEAR CANON CEMETERY*, 5 mi. S of Sedalia on CO 105, (4-11-73) PH0066630
Sedalia vicinity. *INDIAN PARK SCHOOL*, 10 mi. (16 km) W of Sedalia on CO 67, (2-8-78)
Sedalia vicinity. *KINNER, JOHN, HOUSE*, 6694 Perry Park Rd., (10-11-74) PH0066656

eagle county

McCoy vicinity. *WATERWHEEL*, SE of McCoy at Colorado River, (4-11-77)
Wolcott. *WOLCOTT STAGE STATION*, N bank of Eagle River off CO 131, (8-22-75)

el paso county

Colorado Springs. *ALAMO HOTEL*, 128 S. Tejon St., (9-14-77)
Colorado Springs. *CLAREMONT*, 21 Broadmoor Ave., (4-13-77)
Colorado Springs. *EL PASO COUNTY COURTHOUSE*, 215 S. Tejon St., (9-29-72) PH0066681 G.
Colorado Springs. *GLEN EYRIE*, 3280 N. 30th St., (4-21-75) PH0111279
Colorado Springs. *McALLISTER HOUSE*, 423 N. Cascade Ave., (8-14-73) PH0066699
Colorado Springs vicinity. *PIKES PEAK*, 15 mi. W of Colorado Springs in Pike National Forest, (10-15-66) PH0066249 NHL.
Colorado Springs vicinity. *PIONEER CABIN*, 11 mi. N of Colorado Springs off I 25 on grounds of U.S. Air Force Academy, (1-27-75)
Manitou Springs. *BRIARHURST (WILLIAM A. BELL HOUSE)*, 404 Manitou Ave., (4-23-73) PH0066672
Manitou Springs. *MIRAMONT (FRANCOLON'S CASTLE)*, 9 Capitol Hill, (4-11-77)

garfield county

Glenwood Springs. *HOTEL COLORADO*, 526 Pine St., (5-26-77)

gilpin county

Central City. *CENTRAL CITY HISTORIC DISTRICT*, (10-15-66) PH0086975 NHL; HABS; G.
Central City. *CENTRAL CITY OPERA HOUSE*, Eureka St., (1-18-73) PH0086983
Central City. *TELLER HOUSE*, Eureka St., (1-18-73) PH0086991

grand county

Grand Lake. *KAUFFMAN HOUSE*, NW corner of Pitkin and Lake Ave., (11-21-74) PH0087009
Grand Lake vicinity. *GRAND RIVER DITCH*, N of Grand Lake, (9-29-76)
Grand Lake vicinity. *HOLZWARTH HISTORIC DISTRICT*, N of Grand Lake on Trail Ridge Rd., (12-2-77)
Grand Lake vicinity. *LULU CITY SITE*, N of Grand Lake on Trail Ridge Rd., (9-14-77)
Grand Lake vicinity. *NORTH INLET SHELTER CABIN*, 6 mi. E of Grand Lake in Rocky Mountain National Park, (10-22-76)
Grand Lake vicinity. *SHADOW MOUNTAIN LOOKOUT*, SE of Grand Lake in Rocky Mountain National Park, (8-2-78)

gunnison county

CRESTED BUTTE, Town of Crested Butte, (5-29-74) PH0087017

hinsdale county

Lake City. *LAKE CITY HISTORIC DISTRICT*, CO 149, (12-1-78)

huerfano county

Walsenburg. *HUERFANO COUNTY COURTHOUSE AND JAIL*, 400 Main St., (4-23-73) PH0087025 G.

jefferson county

Arvada. *ARVADA FLOUR MILL*, 5580 Wadsworth Blvd., (4-24-75) G.
Buffalo Creek. *BLUE JAY INN*, Hwy. 126, (10-1-74) PH0087041
Buffalo Creek. *LA HACIENDA (JOHN L. JEROME SUMMER ESTATE)*, On SR off U.S. 285, (7-20-73) PH0087092
Buffalo Creek vicinity. *GREEN MERCANTILE STORE*, NW of Buffalo Creek, (10-1-74)
Buffalo Creek vicinity. *GREEN MOUNTAIN RANCH*, S of Buffalo Creek on Hwy. 126, (10-1-74) PH0087068
Evergreen. *HIWAN HOMESTEAD*, Meadow Dr., (4-9-74) PH0087076
Evergreen. *HUMPHREY HOUSE*, 620 S. Soda Creek Rd., (12-31-74) PH0087084
Golden. *ASTOR HOUSE HOTEL (LAKE HOUSE, CASTLE ROCK HOUSE)*, 822 12th St., (3-1-73) PH0087033
Golden. *COLORADO NATIONAL GUARD ARMORY*, 1301 Arapahoe St., (12-18-78)
Golden vicinity. *MOUNT VERNON HOUSE (ROBERT W. STEELE HOUSE)*, About 1 mi. S of Golden city limits at jct. of I 70, CO 26 and Mount Vernon Canyon Rd., (11-20-70) PH0087114 HABS.
Golden vicinity. *ROONEY RANCH*, S of Golden, jct. of Rooney Rd. and Alameda Pkwy., (2-13-75)
Lakewood vicinity. *STONE HOUSE*, S of Lakewood off of S. Wadsworth Blvd., (5-1-75)
Littleton vicinity. *HILDEBRANDE RANCH*, 7 mi. SW of Littleton off Deer Creek Canyon Rd., (3-13-75)
Morrison. *MORRISON HISTORIC DISTRICT*, CO 8, (9-28-76)
Morrison. *MORRISON SCHOOLHOUSE*, 226 Spring St., (9-4-74) PH0087106

Pine and South Platte.. *NORTH FORK HISTORIC DISTRICT*, Both sides of South Platte River from Pine to South Platte, in Pike National Forest, (10-9-74) PH0087122
Wheat Ridge. *PIONEER SOD HOUSE*, 4610 Robb St., (3-14-73) PH0087149
Wheat Ridge. *RICHARDS MANSION*, 5349 W. 27th Ave., (9-15-77)

kit carson county

Burlington. *ELITCH GARDENS CAROUSEL (KIT CARSON COUNTY CAROUSEL)*, Kit Carson County Fairgrounds, (12-19-78)

la plata county

Durango. *DURANGO-SILVERTON NARROW-GAUGE RAILROAD*, Right-of-way between Durango and Silverton, (10-15-66) PH0087203 NHL. (also in San Juan County)
Durango vicinity. *UTE MOUNTAIN UTE MANCOS CANYON HISTORIC DISTRICT*, Ute Mountain Ute Indian Reservation, (5-2-72) PH0087211 (also in Montezuma County)

lake county

Leadville. *DEXTER CABIN*, 912 Harrison Ave., (8-25-70) PH0087157
Leadville. *HEALY HOUSE*, 912 Harrison Ave., (8-25-70) PH0087165 G.
Leadville. *LEADVILLE HISTORIC DISTRICT*, (10-15-66) PH0087173 NHL; G.
Twin Lakes. *TWIN LAKES DISTRICT*, Both sides of CO 82, (7-30-74) PH0087190
Twin Lakes vicinity. *INTERLAKEN RESORT DISTRICT*, E of Twin Lakes off CO 82, (8-7-74) PH0087181

larimer county

Estes Park. *ELKHORN LODGE*, 530 W. Elkhorn Ave., (12-27-78)
Estes Park. *STANLEY HOTEL*, 333 Wonder View Ave., (5-26-77)
Estes Park vicinity. *LEIFFER HOUSE*, S of Estes Park off CO 7, (8-2-78)
Estes Park vicinity. *MILLS, ENOS, HOMESTEAD CABIN*, S of Estes Park off CO 7, (5-11-73) PH0087238
Estes Park vicinity. *MORAINE LODGE*, W of Estes Park off U.S. 36 on Bear Lake Rd., (10-8-76)
Estes Park vicinity. *WHITE, WILLIAM ALLEN, CABINS*, W of Estes Park at Moraine Park Visitor Center in Rocky Mountain National Park, (10-25-73) PH0087254
Fort Collins. *AMMONS HALL*, Colorado State University campus, (6-15-78)
Fort Collins. *ANDREWS HOUSE*, 324 E. Oak St., (12-15-78)
Fort Collins. *AVERY HOUSE*, 328 W. Mountain Ave., (6-24-72) PH0087220 G.
Fort Collins. *BAKER HOUSE*, 304–304 1/2 E. Mulberry St., (7-20-78)
Fort Collins. *BOTANICAL AND HORTICULTURAL LABORATORY*, Colorado State University campus,
Fort Collins. *BOUTON, JAY H., HOUSE*, 113 N. Sherwood St., (12-18-78)
Fort Collins. *FORT COLLINS POST OFFICE*, 201 S. College Ave., (1-30-78)
Fort Collins. *FULLER, MONTEZUMA, HOUSE*, 226 W. Magnolia St., (12-15-78)
Fort Collins. *MCHUGH-ANDREWS HOUSE*, 202 Remington St., (12-27-78)
Fort Collins. *OLD TOWN FORT COLLINS*, Roughly bounded by College Ave., Mountain, Pine, Willow, and Walnut Sts., (8-2-78)
Fort Collins. *SPRUCE HALL*, Colorado State University campus, (1-9-77)
Fort Collins vicinity. *LINDENMEIER SITE*, 28 mi. N of Fort Collins, 1.75 mi. S of Wyoming state line, (10-15-66) PH0087246 NHL.
Loveland vicinity. *CHASTEEN'S GROVE*, W of Loveland off U.S. 34, (9-6-78)

las animas county

RATON PASS, Reference—see Colfax County, NM PH0091740
Trinidad. *BACA HOUSE AND OUTBUILDING*, 300 block of Main St., (2-26-70) PH0087262 G.
Trinidad. *BLOOM, FRANK G., HOUSE*, 300 block of Main St., (2-26-70) PH0087271 G.
Trinidad. *CORAZON DE TRINIDAD*, Roughly bounded by Purgatoire River on N and W, Walnut St. on E, and 3rd, W. 1st, and Animas Sts. on S., (2-28-73) PH0087289
Trinidad. *JAFFA OPERA HOUSE (HAUSMAN DRUG)*, 100–116 W. Main St., (2-7-72) PH0087297

mesa county

Molina vicinity. *CONVICTS' BREAD OVEN*, W of Molina on CO65, (12-31-74) PH0087301

mineral county

Creede vicinity. *WAGON WHEEL GAP RAILROAD STATION*, SE of Creede at Wagon Wheel Gap off CO 149, (9-27-76)

moffat county

WHITE-INDIAN CONTACT SITE, Brown's Park, (3-8-77)
Brown's Park. *OLD LADORE SCHOOL*, By Green River on SR 318, (2-24-75)
Craig. *MARCIA (pullman car)*, 341 E. Victory Way, (6-20-75)
Maybell vicinity. *TWO-BAR RANCH*, W of Maybell off CO 318, (2-17-78)

montezuma county

UTE MOUNTAIN UTE MANCOS CANYON HISTORIC DISTRICT, Reference—see La Plata County
Cortez vicinity. *HOVENWEEP NATIONAL MONUMENT*, NW of Cortez, (10-15-66) PH0049221 (also in San Juan County, UT)
Cortez vicinity. *MESA VERDE NATIONAL PARK*, 10 mi. E of Cortez on U.S. 160, (10-15-66) PH0087335
Cortez vicinity. *YUCCA HOUSE NATIONAL MONUMENT*, 12 mi. S of Cortez via U.S. 666, (10-15-66)
Dolores vicinity. *ESCALANTE RUIN*, W of Dolores, (11-20-75)
Pleasant View vicinity. *LOWRY RUIN*, 30 mi. NW of Cortez via U.S. 160, (10-15-66) PH0087327 NHL.

montrose county

Cimarron vicinity. *D&RG NARROW GAUGE TRESTLE*, NE of Cimarron, (6-18-76)
Montrose vicinity. *UTE MEMORIAL SITE*, 2 mi. S of Montrose on U.S. 550, (2-26-70) PH0087343

otero county

La Junta. *LINCOLN SCHOOL*, 300 block W. 3rd St., (9-13-78)
La Junta. *U.S. POST OFFICE*, 4th and Colorado Ave., (7-12-76)
La Junta vicinity. *BENT'S OLD FORT NATIONAL HISTORIC SITE*, 8 mi. W of Las Animas on CO 194, (10-15-66) PH0087351

ouray county

Ouray. *BEAUMONT HOTEL*, (10-30-73) PH0087360
Ouray. *OURAY CITY HALL AND WALSH LIBRARY*, 6th Ave. between 3rd and 4th Sts., (4-16-75) PH0049662

park county

Fairplay. *SOUTH PARK COMMUNITY CHURCH*, 6th and Hathaway Sts., (11-22-77)
Fairplay. *SOUTH PARK LAGER BEER BREWERY*, 3rd and Front Sts., (6-25-74) PH0087378
Fairplay. *SUMMER SALOON*, 3rd and Front Sts., (5-8-74) PH0087386

pitkin county

Aspen. *ARMORY HALL, FRATERNAL HALL*, 130 S. Galena St., (6-5-75) PH0150517
Aspen. *ASPEN COMMUNITY CHURCH*, 200 N. Aspen St., (5-12-75) PH0098353
Aspen. *PITKIN COUNTY COURTHOUSE*, 506 E. Main St., (5-12-75) PH0098396
Aspen. *STALLARD-WHEELER HOUSE*, 620 W. Bleeker St., (5-30-75)
Aspen. *WHEELER OPERA HOUSE*, 330 E. Hyman Ave., (8-21-72) PH0087416
Aspen vicinity. *ASHCROFT, COLORADO*, 12 mi. S of Aspen in White River National Forest, (5-12-75) PH0098388
Ghost Town. *INDEPENDENCE AND INDEPENDENCE MILL SITE*, On CO 82, in White River National Forest, (4-11-73) PH0087408
Redstone vicinity. *OSGOOD CASTLE (CLEVEHOLM)*, About 1 mi. S of Redstone on CO 133, (6-28-71) PH0087394

prowers county

Lamar. *DAVIES HOTEL*, 122 N. Main, (10-19-78)

pueblo county

Penrose vicinity. *INDIAN PETROGLYPHS AND PICTOGRAPHS*, E of Penrose, (5-3-76)
Pueblo. *BAXTER HOUSE*, 325 W. 15th St., (2-17-78)
Pueblo. *BOWEN MANSION*, 229 W. 12th St., (1-9-78)
Pueblo. *GLASS, J. S., CLOTHING STORE*, 308 S. Union Ave., (9-18-78)
Pueblo. *HAZELHURST*, 905 Berkley Ave., (12-15-78)
Pueblo. *ORMAN-ADAMS HOUSE*, 102 W. Orman Ave., (7-13-76)
Pueblo. *PITKIN PLACE HISTORIC DISTRICT*, S side of 300 block W. Pitkin Pl., (1-31-78)
Pueblo. *PUEBLO COUNTY COURTHOUSE*, 10th and Main Sts., (6-27-75) PH0143138
Pueblo. *PUEBLO FEDERAL BUILDING*, 421 N. Main St., (1-3-78)
Pueblo. *QUAKER FLOUR MILL*, 102 S. Oneida St., (9-30-76) G.
Pueblo. *ROSEMOUNT*, 419 W. 14th St., (7-30-74) PH0087432
Pueblo. *UNION DEPOT*, Victoria and B Sts., (4-1-75) PH0088811
Pueblo. *VAIL HOTEL*, 217 S. Grand Ave., (12-18-78)
Pueblo vicinity. *GOODNIGHT BARN*, W of Pueblo at CO 96 W and Siloam Rd., (7-30-74) PH0087424

rio blanco county

Meeker. *ST. JAMES EPISCOPAL CHURCH*, 368 4th St., (3-30-78)
Meeker vicinity. *BATTLE OF MILK RIVER SITE*, 17 mi. NE of Meeker on Thornburgh Rd., (8-22-75) PH0228702

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Meeker vicinity. *DUCK CREEK WICKIUP VILLAGE*, 36 mi. SW of Meeker, (11-20-75)
Rangely vicinity. *CANON PINTADO*, 12 mi. S of Rangely on CO 139, (10-6-75) PH0280097
Rangely vicinity. *CARROT MEN PICTOGRAPH SITE*, 17 mi. SW of Rangely off Rangely Dragon Rd., (8-22-75) PH0228699
Rangely vicinity. *FREMONT LOOKOUT FORTIFICATION SITE*, (11-20-74) PH0112020

routt county

Hahns Peak. *HAHNS PEAK SCHOOLHOUSE*, Main St., (2-15-74) PH0087441
Steamboat Springs. *STEAMBOAT SPRINGS DEPOT*, 39265 Routt County Rd., (12-20-78)

saguache county

La Garita vicinity. *CARNERO CREEK PICTOGRAPHS*, N of La Garita in Rio Grand National Forest, (6-5-75)
Saguache. *SAGUACHE SCHOOL AND JAIL BUILDINGS*, U.S. 285 and San Juan Ave., (5-2-75) PH0112011
Saguache vicinity. *SAGUACHE FLOUR MILL*, W of Saguache, (9-18-78)

san juan county

DURANGO-SILVERTON NARROW-GAUGE RAILROAD, Reference—see La Plata County
Silverton. *SILVERTON HISTORIC DISTRICT*, (10-15-66) PH0087459 NHL; G.

san miguel county

Telluride. *TELLURIDE HISTORIC DISTRICT*, (10-15-66) PH0087467 NHL; G.
Telluride vicinity. *SMUGGLER-UNION HYDROELECTRIC POWER PLANT*, SE of Telluride at Bridal Veil Falls, (12-27-79)

teller county

Cripple Creek. *CRIPPLE CREEK HISTORIC DISTRICT*, (10-15-66) PH0087475 NHL.

weld county

Greeley. *MEEKER MEMORIAL MUSEUM*, 1324 9th Ave., (2-26-70) PH0087491
Greeley. *WELD COUNTY COURTHOUSE*, 9th St. and 9th Ave., (1-9-78)
Platteville vicinity. *FORT VASQUEZ SITE*, On U.S. 85, (10-30-70) PH0087483 G.

yuma county

Wray vicinity. *BEECHER ISLAND BATTLEGROUND*, 16.5 mi. SE of Wray on Beecher Rd., (10-29-76)

CONNECTICUT

fairfield county

Bethel. *SEELYE, SETH, HOUSE*, 189 Greenwood Ave., (8-29-77)
Bridgeport. *BARNUM MUSEUM (BARNUM INSTITUTE OF SCIENCE AND HISTORY)*, 805 Main St., (11-7-72) PH0020842
Bridgeport. *BERKSHIRE NO. 7*, Bridgeport Harbor, (12-21-78)
Bridgeport. *BRIDGEPORT CITY HALL*, 202 State St., (9-19-77)
Bridgeport. *BROOKS, CAPT. JOHN, SR., HOUSE*, 199 Pembroke St., (10-15-70) PH0020869
Bridgeport. *ELMER S.DAILEY*, Bridgeport Harbor, (12-21-78)
Bridgeport. *HOTEL BEACH (HOTEL BARNUM)*, 140 Fairfield Ave., (12-14-78)
Bridgeport. *PALACE AND MAJESTIC THEATERS*, 1315–1357 Main St., (12-14-79)
Bridgeport. *PRISCILLA DAILEY*, Bridgeport Harbor, (12-21-78)
Bridgeport. *STERLING BLOCK-BISHOP ARCADE*, 993–1005 Main St., (12-20-78)
Danbury. *IVES, CHARLES, HOUSE*, 7 Mountainville Ave., (4-26-76)
Danbury. *OCTAGON HOUSE*, 21 Spring St., (5-7-73)
Danbury. *RIDER, JOHN, HOUSE*, 43 Main St., (11-23-77)
Darien. *MATHER, STEPHEN TYNG, HOUSE*, 19 Stephen Mather Rd., (10-15-66) NHL; HABS.
Darien. *POND-WEED HOUSE*, 2591 Post Rd., (10-11-78)
Fairfield. *BRONSON WINDMILL*, 3015 Bronson Rd., (12-29-71) PH0020851 HAER.
Fairfield. *FAIRFIELD HISTORIC DISTRICT*, Old Post Rd. from Post Rd. to Turney Rd., (3-24-71) PH0010618
Fairfield. *SOUTHPORT HISTORIC DISTRICT*, (3-24-71) PH0022811
Greenfield Hill. *GREENFIELD HILL HISTORIC DISTRICT*, (3-11-71) PH0012688 HAER.
Greenwich. *KNAPP TAVERN*, 243 E. Putnam Ave., (9-15-77)
Greenwich. *LYON, THOMAS, HOUSE*, W. Putnam Ave. and Byram Rd., (8-24-77)
Greenwich. *RIVERSIDE AVENUE BRIDGE*, Riverside Ave. and RR. tracks, (8-29-77) HAER.
Greenwich vicinity. *FRENCH FARM*, N of Greenwich at jct. of Lake Ave. and Round Hill Rd., (4-3-75)
Monroe. *MONROE CENTER HISTORIC DISTRICT*, CT 110 and CT 111, (8-19-77)
New Canaan. *ROGERS, JOHN, STUDIO*, 10 Cherry St., (10-15-66) PH0021377 NHL.
Norwalk. *LOCKWOOD-MATHEWS MANSION*, 295 West Ave., (12-30-70) PH0000744 NHL; HABS; G.
Norwalk. *SOUTH MAIN AND WASHINGTON STREETS HISTORIC DISTRICT*, 68–139 Washington St. and 2–24 S. Main St., (12-16-77)
Norwalk vicinity. *ROCK LEDGE*, S of Norwalk at 33, 40–42 Highland Ave., (8-2-77)
Redding. *PUTNAM MEMORIAL STATE PARK*, Jct. of Rtes. 58 (Black Rock Tpke.) and 107 (Park Rd.), (12-29-70) PH0022837
Ridgefield. *LOUNSBURY, PHINEAS CHAPMAN, HOUSE (GROVELAWN)*, 316 Main St., (10-3-75)
Ridgefield. *REMINGTON, FREDERIC, HOUSE*, (10-15-66) PH0112216 NHL.
Shelton. *PLUMB MEMORIAL LIBRARY*, 47 Wooster St., (11-7-78)
Stamford. *FORT STAMFORD SITE*, Westover Rd., (9-10-75)
Stamford. *HAIT, BENJAMIN, HOUSE*, 92 Hoyclo Rd., (11-30-78)
Stamford. *HOYT-BARNUM HOUSE*, 713 Bedford St., (6-11-69) PH0012696
Stamford. *OLD TOWN HALL*, Jct. of Altantic, Bank, and Main Sts., (6-2-72) PH0022845 G.
Stratford. *JUDSON, CAPT. DAVID, HOUSE*, 967 Academy Hill, (3-20-73) PH0012700
Stratford. *STERLING HOMESTEAD*, 2225 Main St., (1-1-76)
Trumbull vicinity. *KAATZ ICEHOUSE*, N of Trumbull at 255 Whitney Ave., (9-19-77)
Westport. *GODILLOT PLACE*, 60, 65 Jesup Rd., (8-29-77)

hartford

Farmington. *FIRST CHURCH OF CHRIST*, 75 Main St., (5-15-75) NHL.

hartford county

Avon. *AVON CONGREGATIONAL CHURCH*, Jct. of U.S. 202 and 44, (11-7-72) PH0010570
Berlin. *KELSEY, EZEKIEL, HOUSE*, 429 Beckley Rd., (9-16-77)
Bloomfield. *OLD FARM SCHOOLHOUSE (BRICK SCHOOL)*, Jct. of Park Ave. and School St., (10-18-72) PH0020761
Bristol. *FORESTVILLE PASSENGER STATION*, 171 Central St., (4-19-78)
Burlington. *BROWN TAVERN (ELTON HOUSE)*, George Washington Tpke., (5-5-72) PH0000574
Burlington vicinity. *HITCHCOCK-SCHWARZMANN MILL*, N of Burlington at Foote and Vineyard Rds., (9-13-77)
Collinsville. *COLLINSVILLE HISTORIC DISTRICT*, CT 179, (6-23-76)
East Granby. *OLD NEWGATE PRISON*, Newgate Rd., (10-15-70) PH0020770 NHL; G.
East Granby. *VIETS' TAVERN*, Newgate Rd., (2-23-72) PH0000558 G.
East Windsor Hill. *GRANT, EBENEZER, HOUSE*, 1653 Main St., (9-19-77)
Enfield. *ENFIELD TOWN MEETINGHOUSE (OLD TOWN HALL OF ENFIELD)*, Enfield St. at South Rd., (9-10-74) PH0112089
Farmington. *FARMINGTON HISTORIC DISTRICT*, (3-17-72) PH0020834 G.
Farmington. *STANLEY-WHITMAN HOUSE*, 37 High St., (10-15-66) PH0112259 NHL.
Glastonbury. *HOLLISTER, JOHN, HOUSE*, 14 Tryon St., (11-7-72) PH0020788
Glastonbury. *KIMBERLY MANSION (SMITH SISTERS HOUSE)*, 1625 Main St., (9-19-74) PH0112208 NHL.
Glastonbury. *WELLES, GIDEON, HOUSE*, 37 Hebron Ave., (10-6-70) PH0010561 HABS.
Granby. *ROWE AND WEED HOUSES*, 208 Salmon Brook St., (1-18-78)
Hartford. *ARMSMEAR (SAMUEL COLT HOUSE)*, 80 Wethersfield Ave., (11-13-66) PH0021393 NHL.
Hartford. *BARNARD, HENRY, HOUSE*, 118 Main St., (10-15-66) PH0011223 NHL.
Hartford. *BUCKINGHAM SQUARE DISTRICT*, Main and Buckingham St., Linden Pl., and Capitol Ave., (6-15-77) G.
Hartford. *BULL, AMOS, HOUSE*, 59 S. Prospect St., (11-8-68) PH0000582
Hartford. *BUSHNELL PARK*, Bounded by Elm, Jewell, and Trinity Sts., (10-22-70) PH0000591
Hartford. *BUTLER-MCCOOK HOMESTEAD*, 396 Main St., (3-11-71) PH0000604
Hartford. *CHARTER OAK BANK BUILDING*, 114–124 Asylum St., (10-11-78)
Hartford. *CHARTER OAK PLACE*, 7–40 Charter Oak Pl., (1-20-78)
Hartford. *CHENEY BUILDING (G. FOX BUILDING)*, 942 Main St., (10-6-70) PH0010596
Hartford. *CHURCH OF THE GOOD SHEPHERD AND PARISH HOUSE*, 155 Wyllys St., (2-20-75)
Hartford. *COLT INDUSTRIAL DISTRICT*, Roughly bounded by Wawarme, Wethersfield, Hendrickxsen, Van Dyke Aves., and Stonington, Masseek, and Sequassen Sts., (6-8-76)
Hartford. *COLT, JAMES B., HOUSE*, 154 Wethersfield Ave., (4-14-75)
Hartford. *CONGRESS STREET*, Both sides of Congress St. from Wyllys to Morris Sts., (10-6-75)
Hartford. *CONNECTICUT STATE CAPITOL*, Capitol Ave., (12-30-70) PH0001058 NHL.
Hartford. *CONNECTICUT STATEHOUSE (OLD STATEHOUSE)*, Main St. at Central Row, (10-15-66) PH0112071 NHL; HABS.

Hartford. *DAY, CALVIN, HOUSE*, 105 Spring St., (12-18-78)
Hartford. *DAY HOUSE*, 77 Forest St., (4-16-71) PH0020818
Hartford. *DAY-TAYLOR HOUSE*, 81 Wethersfield Ave., (4-14-75)
Hartford. *FIRST CHURCH OF CHRIST AND THE ANCIENT BURYING GROUND*, 60 Gold St., (12-5-72) PH0010553
Hartford. *GOODWIN BLOCK*, 219–257 Asylum St.; 5–17 Hayes St.; 210–228 Pearl St., (3-26-76)
Hartford. *HARTFORD UNION STATION*, Union Pl., (11-25-75) HAER.
Hartford. *HYDE-ST. JOHN HOUSE*, 25 Charter Oak Ave., (10-6-77)
Hartford. *KENEY TOWER*, Main and Ely Sts., (3-30-78)
Hartford. *LEWIS STREET BLOCK*, 1–33, 24–36 Lewis St.; 8–28 Trumbull St.; and 60 Gold St., (1-30-76)
Hartford. *LYMAN HOUSE*, 22 Woodland St., (10-31-75)
Hartford. *PERKINS-CLARK HOUSE*, 49 Woodland St., (12-14-78)
Hartford. *SECOND CHURCH OF CHRIST*, 307 Main St., (1-9-78)
Hartford. *SOUTH GREEN HISTORIC DISTRICT*, Wethersfield Ave., Alden, Dean, Main, Morris, Stonington, and Wyllys Sts., (11-17-77)
Hartford. *STACKPOLE, MOORE AND TRYON BUILDING*, 105-115 Asylum St., (10-19-78)
Hartford. *STOWE, HARRIET BEECHER, HOUSE*, 73 Forest St., (10-6-70) PH0000540
Hartford. *TEMPLE BETH ISRAEL*, 21 Charter Oak Ave., (12-1-78)
Hartford. *TWAIN, MARK, HOUSE*, 351 Farmington Ave., (10-15-66) PH0001074 NHL.
Hartford. *WADSWORTH ATHENEUM*, 25 Atheneum Square, N. (10-6-70) PH0000566 G.
Kensington. *HOOKER, HENRY, HOUSE*, 111 High Rd., (11-29-78)
Manchester. *CHENEY BROTHERS HISTORIC DISTRICT*, Bounded by Hartford Rd., Laurel, Spruce, and Lampfield Sts., (6-2-78) NHL.
Marlborough. *MARLBOROUGH TAVERN (COL. ELISHA BUELL HOUSE)*, Off CT 66, (12-6-78)
New Britain. *CITY HALL-MONUMENT DISTRICT*, 13–35 W. Main St. and Central Park, (2-28-73) PH0112062 G.
New Britain. *NEW BRITAIN OPERA HOUSE*, 466–468 Main St., (10-7-77)
New Britain. *WALNUT HILL DISTRICT*, Irregular pattern roughly bounded by Winthrup, Arch, and Lake Sts., and Walnut Hill Park, (9-2-75)
Plainville. *NORTON, CHARLES H., HOUSE*, 132 Redstone Hill, (5-11-76) NHL.
Plantsville. *SMITH, H. D., COMPANY BUILDING*, 24 West St., (9-19-77)
Rocky Hill. *ACADEMY HALL*, 785 Old Main St., (10-7-77)
Simsbury. *ENO, AMOS, HOUSE*, Off U.S. 202 on Hopmeadow Rd., (4-3-75)
Simsbury. *PHELPS, CAPT. ELISHA, HOUSE*, 800 Hopmeadow St., (9-22-72) PH0020800
Simsbury. *SIMSBURY RAILROAD DEPOT*, Railroad Ave. and Station St., (3-26-76)
South Glastonbury. *WELLES-SHIPMAN-WARD HOUSE*, 972 Main St., (9-19-77)
Southington vicinity. *LAKE COMPOUNCE CAROUSEL*, W of Southington on Lake Ave., (12-12-78)
Southington vicinity. *WEBSTER, HORACE, FARMHOUSE*, S of Southington at 577 South End Rd., (8-24-77)
Suffield. *HATHEWAY HOUSE*, 55 S. Main St., (8-6-75) HABS.
Suffield vicinity. *KING, ALEXANDER, HOUSE*, 232 S. Main St., (4-26-76) HABS.
West Hartford. *MORLEY, EDWARD W., HOUSE*, 26 Westland Ave., (5-15-75) NHL.
West Hartford. *WEBSTER, NOAH, BIRTHPLACE*, 227 S. Main St., (10-15-66) PH0001082 NHL.
Wethersfield. *BUTTOLPH-WILLIAMS HOUSE*, 249 Broad St., (11-24-68) PH0002691 NHL.
Wethersfield. *DEANE, SILAS, HOUSE*, 203 Main St., (10-6-70) PH0020826 NHL.
Wethersfield. *OLD WETHERSFIELD HISTORIC DISTRICT*, Bounded by Hartford, railroad tracks, I 91, and Rocky Hill, (12-29-70) PH0020796 HABS.
Wethersfield. *WEBB, JOSEPH, HOUSE*, 211 Main St., (10-15-66) PH0011231 NHL.
Windsor. *CHAFFEE, HEZEKIAH, HOUSE*, Meadow Lane, off Palisado Green, (7-31-72) PH0010588
Windsor. *ELLSWORTH, OLIVER, HOMESTEAD (ELMWOOD)*, 778 Palisado Ave., (10-6-70) PH0022853
Windsor. *FARMINGTON RIVER RAILROAD BRIDGE*, Spans Farmington River and Pleasant St. W of Palisado Ave., (8-25-72) PH0010545
Windsor. *MOORE, DEACON JOHN, HOUSE*, 37 Elm St., (7-29-77)
Windsor Locks. *PINNEY, DAVID, HOUSE AND BARN*, 58 West St., (7-25-77)
Windsor Locks. *WINDSOR LOCKS PASSENGER STATION*, Main St., (9-2-75)
Windsor Locks and vicinity. *ENFIELD CANAL*, Along Connecticut River from Windsor Locks N to Thompsonville, (4-22-76)

litchfield county

Canaan vicinity. *BECKLEY FURNACE*, SE of Canaan on Lower Rd., (2-14-78)
Colebrook. *COLEBROOK STORE*, CT 183, (4-26-76) HABS.
Cornwall. *CORNWALL BRIDGE RAILROAD STATION*, Jct. of Poppleswamp Brook Rd. and Kent Rd., (4-26-72) PH0000817
Gaylordsville vicinity. *MERWINSVILLE HOTEL*, E of Gaylordsville on Brown's Forge Rd., (8-29-77)
Kent. *BULL'S BRIDGE*, About 3 mi. SW of Kent on Bull's Bridge Rd, over Housatonic River, (4-26-72) PH0021032
Kent vicinity. *KENT IRON FURNACE*, N of Kent off U.S. 7, (10-5-77)
Litchfield. *LITCHFIELD HISTORIC DISTRICT*, CT 25 and CT 63, (11-29-78)
Litchfield. *LITCHFIELD HISTORIC DISTRICT*, Roughly both sides of North and South Sts. between Gallows Lane and Prospect St., (11-24-68) PH0002704 NHL; HABS.
Litchfield. *REEVE, TAPPING, HOUSE AND LAW SCHOOL*, South St., (10-15-66) PH0001121 NHL.
Litchfield. *WOLCOTT, OLIVER, HOUSE*, South St., (11-11-71) PH0000850 NHL.
Milton. *TRINITY CHURCH*, Milton Rd., (4-23-76)
New Hartford vicinity. *CHAPIN, PHILIP, HOUSE*, S of New Hartford, (8-29-77)
New Hartford vicinity. *SUN TERRACE*, SW of New Hartford on CT 219, (12-20-78)
New Milford vicinity. *BOARDMAN'S BRIDGE*, Boardman Rd. at Housatonic River, NW of New Milford, (5-13-76) HAER.
New Milford vicinity. *LOVER'S LEAP BRIDGE*, S of New Milford on Pumpkin Hill Rd., (5-13-76) HAER.
New Milford vicinity. *NOBLE, JOHN GLOVER, HOUSE*, S of New Milford, (8-29-77)
Norfolk vicinity. *TAMARACK LODGE BUNGALOW*, S of Norfolk off CT 272 at Dennis Hill Park, (9-16-77)
North Canaan. *UNION DEPOT*, U.S. 44, (4-26-72) PH0000841
North Colebrook. *PHELPS, ARAH, INN*, Jct. of Prock Hill Rd. and CT 183, (8-5-71) PH0010740
Thomaston. *THOMASTON OPERA HOUSE*, Main St., (4-26-72) PH0000833
Torrington vicinity. *GILLETTE'S GRIST MILL*, E of Torrington on Maple Hollow Rd., (8-29-77)
West Cornwall. *WEST CORNWALL BRIDGE*, CT 128 at Housatonic River, (12-30-75)
West Cornwall vicinity. *CREAM HILL AGRICULTURAL SCHOOL*, NE of West Cornwall off CT 128 on Cream Hill Rd., (3-26-76)
Winsted. *ROCKWELL, SOLOMON, HOUSE*, 226 Prospect St., (7-15-77) HABS.
Winsted. *WINSTED GREEN HISTORIC DISTRICT*, U.S. 44 and CT 8, (8-16-77)
Woodbury. *BACON, JABEZ, HOUSE*, Hollow Rd. near jct. with U.S. 6, (4-16-71) PH0021024
Woodbury. *GLEBE HOUSE*, Hollow Rd., (3-11-71) PH0002399
Woodbury. *WOODBURY HISTORIC DISTRICT NO. 1*, Both sides of Main St. (U.S. 6) for 2 mi., radiating rds., (3-11-71) PH0021199 G.
Woodbury. *WOODBURY HISTORIC DISTRICT NO. 2*, Both sides of Main St. from Woodbury-Southbury town line to Middle Quarter, (2-23-72) PH0000868

middlesex county

Chester. *OLD TOWN HALL (SECOND CONGREGATIONAL MEETINGHOUSE)*, On the green between Liberty St. and Goose Hill Rd., (2-23-72) PH0021016
Chester. *PRATT, DR. AMBROSE, HOUSE*, Pratt St., (11-9-72) PH0000809
Chester. *WARNER, JONATHAN, HOUSE*, 47 Kings Hwy., (12-19-78)
Deep River. *DEEP RIVER TOWN HALL*, CT 80 and CT 9A, (1-1-76) HABS.
Durham. *LYMAN, THOMAS, HOUSE*, Middlefield Rd., (11-20-75) HABS.
East Haddam. *GOODSPEED OPERA HOUSE*, Norwich Rd., (7-30-71) PH0000787
East Hampton vicinity. *COMSTOCK'S BRIDGE*, SE of East Hampton off CT 16, (1-1-76)
Middletown. *ALSOP HOUSE (DAVISON ART CENTER)*, 301 High St., (10-6-70) PH0020982 HABS.
Middletown. *COITE-HUBBARD HOUSE*, 269 High St., (12-20-78)
Middletown. *MIDDLETOWN SOUTH GREEN HISTORIC DISTRICT*, Union Park area, on S. Main, Crescent, Pleasant, and Church Sts., (8-12-75)
Middletown. *RUSSELL HOUSE*, Corner of Washington and High Sts., (10-6-70) PH0010723 HABS; G.
Middletown. *WETMORE, SETH, HOUSE (OAK HILL)*, CT 66 and Camp Rd., (9-10-70) PH0010731
Middletown. *WILLIAMS, CAPT. BENJAMIN, HOUSE*, 27 Washington St., (7-14-77)
Middletown vicinity. *PLUMB HOUSE*, W of Middletown at 872 Westfield St., (12-1-78)

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Moodus. *DAY, AMASA, HOUSE*, Plains Rd., (9-22-72) PH0020974
Old Saybrook. *BUSNELL, ELISHA, HOUSE*, 1445 Boston Post Rd., (11-29-78)
Old Saybrook. *ELIOT, SAMUEL, HOUSE*, 500 Main St., (11-9-72) PH0020966
Old Saybrook. *HART, GEN. WILLIAM, HOUSE*, 350 Main St., (11-9-72) PH0000795 HABS; G.
Old Saybrook. *OLD SAYBROOK SOUTH GREEN*, Old Boston Post Rd., Pennywise Lane, Main St., (9-3-76)
Old Saybrook. *PRATT, HUMPHREY, TAVERN*, 287 Main St., (11-7-72) PH0021008 HABS.
Old Saybrook vicinity. *BLACK HORSE TAVERN*, SE of Old Saybrook at 175 N. Cove Rd., (12-1-78)
Old Saybrook vicinity. *PARKER HOUSE*, 680 Middlesex Tpke., (11-29-78)
Portland. *WILLIAMS AND STANCLIFF OCTAGON HOUSES*, 26 and 28 Marlborough St., (4-22-76)
Westbrook vicinity. *LAY-PRITCHETT HOUSE*, N of Westbrook on CT 145, (10-11-78)

new haven county

Ansonia. *HUMPHREYS, GEN. DAVID, HOUSE*, 37 Elm St., (3-17-72) PH0010669 G.
Ansonia. *MANSFIELD, RICHARD, HOUSE*, 35 Jewett St., (3-11-71) PH0010677
Bethany vicinity. *WHEELER-BEECHER HOUSE*, 562 Amity Rd., (7-15-77) HABS.
Branford. *STICK STYLE HOUSE AT STONY CREEK*, 34 Prospect Hill, (12-27-72) PH0010693 G.
Branford. *SWAIN-HARRISON HOUSE*, 124 W. Main St., (10-10-75) HABS.
Cheshire. *FARMINGTON CANAL LOCK*, 487 N. Brooksvale Rd., (2-16-73) PH0012670 G.
Cheshire. *FIRST CONGREGATIONAL CHURCH OF CHESHIRE*, 111 Church Dr., (12-4-75) PH0246964
Derby. *STERLING OPERA HOUSE*, NW corner of 4th and Elizabeth Sts., (11-8-68) PH0010685
Guilford. *ACADIAN HOUSE*, Union St., (9-5-75) PH0228770 HABS.
Guilford. *GRISWOLD HOUSE*, Boston St., (10-10-75) PH0235156
Guilford. *GUILFORD HISTORIC TOWN CENTER*, Bounded by West River, I-95, East Creek and Long Island Sound, (7-6-76) HABS.
Guilford. *HYLAND-WILDMAN HOUSE*, Boston St., (3-26-76)
Guilford. *SABBATHDAY HOUSE*, 19 Union St., (10-10-75) PH0235164 HABS.
Guilford. *WHITFIELD, HENRY, HOUSE*, Old Whitfield St., (11-27-72) PH0010707
Guilford vicinity. *LEETE, PELATIAH, HOUSE*, SW of Guilford off CT 146, (10-1-74) PH0031798
Hamden. *WHITNEY, ELI, GUN FACTORY*, 913–940 Whitney Ave., (8-13-74) PH0025691 HAER.
Meriden. *ANDREWS, MOSES, HOUSE*, 424 W. Main St., (12-1-78)
Middlebury vicinity. *RICHARDSON, NATHANIEL, HOUSE*, NE of Middlebury on Kelly Rd., (9-19-77)
Milford. *BUCKINGHAM HOUSE*, 61 North St., (7-25-77)
Milford. *EELLS-STOW HOUSE*, 34 High St., (6-17-77)
New Haven. *BLACKMAN, ELISHA, BUILDING*, 176 York St., (12-20-78)
New Haven. *CHITTENDEN, RUSSELL HENRY, HOUSE*, 83 Trumbell St., (5-15-75) NHL.
New Haven. *CONNECTICUT AGRICULTURAL EXPERIMENT STATION*, 123 Huntington St., (10-15-66) PH0011240 NHL.
New Haven. *CONNECTICUT HALL, YALE UNIVERSITY*, Bounded by High, Chapel, Elm, and College Sts., (10-15-66) PH0112097 NHL; HABS.
New Haven. *DANA, JAMES DWIGHT, HOUSE*, 24 Hillhouse Ave., (10-15-66) PH0001902 NHL; HABS.
New Haven. *FORT NATHAN HALE*, S end of Woodward Ave., (10-28-70) PH0010651
New Haven. *MARSH, OTHNIEL C., HOUSE*, 360 Prospect St., (10-15-66) PH0001112 NHL.
New Haven. *MENDEL, LAFAYETTE B., HOUSE*, 18 Trumbull St., (1?-76) NHL.
New Haven. *MORRIS HOUSE*, 325 Lighthouse Rd., (12-4-72) PH0002755
New Haven. *NEW HAVEN CITY HALL*, 161 Church St., (9-9-75) HABS.
New Haven. *NEW HAVEN GREEN HISTORIC DISTRICT*, Bounded by Chapel, College, Elm, and Church Sts., (12-30-70) PH0000752 NHL; HABS; G.
New Haven. *NEW HAVEN RAILROAD STATION*, Union Ave., (9-3-75) PH0221414
New Haven. *WOOSTER SQUARE HISTORIC DISTRICT*, (8-5-71) PH0020991 G.
North Branford vicinity. *BALDWIN, GEORGE, HOUSE*, W of North Branford at 530 Foxon Rd., (9-15-77) HABS.
Northford. *WILLIAMS, WARHAM, HOUSE*, Old Post Rd. and CT 17 and 22, (3-11-71) PH0010715 HABS.
Southbury. *BULLET HILL SCHOOL*, Main St. and Seymour Rd., (2-23-72) PH0020958
Southbury. *SOUTHBURY HISTORIC DISTRICT NO. I*, Main St. from Woodbury Town Line to Old Waterbury Rd., (3-11-71) PH0000779 HABS.
Wallingford. *BARKER, JOHN, HOUSE*, 898 Clintonville Rd., (8-3-74) PH0005410
Waterbury. *WATERBURY BRASS MILL SITE*, Idlewood Ave. in Hamilton Park, (9-5-75) PH0228753
Waterbury. *WATERBURY MUNICIPAL CENTER COMPLEX*, 195, 235, 236 Grand St.; 7, 35, 43 Field St., (10-10-78)
Waterbury. *WATERBURY UNION STATION*, 389 Meadow St., (3-8-78)

new london county

Colchester. *CHAMPION, HENRY, HOUSE*, Weschester Rd., (10-10-72) PH0000710
Colchester. *HAYWARD HOUSE*, 9 Hayward Ave., (10-18-72) PH0028851 HABS.
East Lyme. *LEE, THOMAS, HOUSE*, CT 156 and Giant's Neck Rd., (10-6-70) PH0021105
Groton. *FORT GRISWOLD*, Bounded by Baker Ave., Smith St., Park Ave., Monument Ave., and the Thames River, (10-6-70) PH0028860
Groton vicinity. *YEOMANS, EDWARD, HOUSE*, E of Groton on Brook St., (12-22-78)
Lebanon. *TRUMBULL, JOHN, BIRTHPLACE (GOV. JONATHAN TRUMBULL HOUSE)*, The Common, (10-15-66) PH0002623 NHL; HABS.
Lebanon. *WAR OFFICE (CAPT. JOSEPH TRUMBLE STORE AND OFFICE)*, W. Town St., (10-6-70) PH0021121
Lebanon. *WILLIAMS, WILLIAM, HOUSE*, Jct. of CT 87 and 207, (11-11-71) PH0290122 NHL.
Lebanon vicinity. *CLARK HOMESTEAD*, S of Lebanon on Madley Rd., (12-1-78)
Ledyard. *LESTER, NATHAN, HOUSE*, Vinegar Hill Rd., (6-30-72) PH0010766
Ledyard. *MAIN SAWMILL*, Iron St., (4-26-72) PH0010782
Mystic. *CHARLES W. MORGAN (WHALER)*, Mystic Seaport, (11-13-66) PH0010804 NHL.
New London. *BARNS, ACORS, HOUSE*, 68 Federal St., (4-22-76)
New London. *DESHON-ALLYN HOUSE*, 613 Williams St., (10-28-70) PH0028878
New London. *FORT TRUMBULL*, Fort Neck, (9-22-72) PH0021130
New London. *HEMPSTEAD, JOSHUA, HOUSE*, 11 Hempstead St., (10-15-70) PH0028843
New London. *HEMPSTED, NATHANIEL, HOUSE (OLD HUGUENOT HOUSE)*, Corner of Jay, Hempstead, Coit, and Truman Sts., (12-2-70) PH0021041 HABS.
New London. *MONTE CRISTO COTTAGE (EUGENE O'NEILL HOUSE)*, 325 Pequot Ave., (7-17-71) PH0013595 NHL.
New London. *NEW LONDON COUNTY COURTHOUSE*, 70 Hunting St., (10-15-70) PH0010812 HABS.
New London. *NEW LONDON CUSTOM-HOUSE*, 150 Bank St., (10-15-70) PH0000876
New London. *NEW LONDON PUBLIC LIBRARY*, 63 Huntington St., (10-15-70) PH0000884
New London. *NEW LONDON RAILROAD STATION*, State St., (6-28-71) PH0000892 G.
New London. *SHAW MANSION*, 11 Blinman St., (12-29-70) PH0021113 HABS.
New London. *THAMES SHIPYARD*, Farnsworth St., (4-17-75) PH0139912
New London. *WHALE OIL ROW*, 105–119 Huntington St., (12-29-70) PH0021156
New London. *WILLIAMS MEMORIAL INSTITUTE*, 110 Broad St., (1-30-78)
North Stonington vicinity. *MINER, SAMUEL, HOUSE*, N of North Stonington off CT 2 on Hewitt Rd., (6-18-76)
North Stonington vicinity. *RANDALL, JOHN, HOUSE*, SE of North Stonington on CT 2, (12-1-78)
Norwich. *BACKUS, NATHANIEL, HOUSE*, 44 Rockwell St., (10-6-70) PH0010626
Norwich. *CONVERSE HOUSE AND BARN*, 185 Washington St., (10-6-70) PH0000736 HABS.
Norwich. *EAST DISTRICT SCHOOL*, 365 Washington St., (10-28-70) PH0028894
Norwich. *HUNTINGTON, COL. JOSHUA, HOUSE*, 11 Huntington Lane, (2-23-72) PH0021059
Norwich. *LITTLE PLAIN HISTORIC DISTRICT*, Both sides of Union, Broadway, and Huntington Pl. in irregular pattern, (10-15-70) PH0010774 HABS.
Norwich. *NORWICHTOWN HISTORIC DISTRICT*, (1-17-73) PH0000906 G.
Norwich. *YANTIC FALLS HISTORIC DISTRICT*, (6-28-72) PH0010839
Norwich vicinity. *LONG SOCIETY MEETINGHOUSE*, E of Norwich off CT 165 on Long Society Rd., (4-22-76)
Norwich vicinity. *TAFTVILLE*, N of Norwich at CT 93 and CT 97, (12-1-78)
Norwichtown. *BRADFORD-HUNTINGTON HOUSE*, 16 Huntington Lane, (10-6-70) PH0010634 HABS.
Norwichtown. *CARPENTER HOUSE (RED HOUSE)*, 55 E. Town St., (10-14-70) PH0010642 HABS.

Norwichtown. *CARPENTER, JOSEPH, SILVERSMITH SHOP*, 71 E. Town St., (10-6-70) PH0000701 HABS.
Norwichtown. *CHARLTON, CAPT. RICHARD, HOUSE*, 12 Mediterranean Lane, (10-15-70) PH0000728 HABS.
Norwichtown. *HUNTINGTON, GEN. JEDIDIAH, HOUSE*, 23 E. Town St., (10-6-70) PH0021067
Norwichtown. *HUNTINGTON, GOV. SAMUEL, HOUSE*, 34 E. Town St., (10-6-70) PH0021075
Norwichtown. *LATHROP, DR. DANIEL, SCHOOL*, 69 E. Town St., (12-29-70) PH0021083
Norwichtown. *LATHROP, DR. JOSHUA, HOUSE*, 377 Washington St., (12-29-70) PH0021091 HABS.
Norwichtown. *LEFFINGWELL INN*, 348 Washington St., (12-29-70) PH0010758 HABS.
Norwichtown. *TURNER, DR. PHILIP, HOUSE*, 29 W. Town St., (10-15-70) PH0021148
Old Lyme. *OLD LYME HISTORIC DISTRICT*, Lyme St. from Shore Rd. to Sill Lane, Old Boston Post Rd. from Sill Lane to Rose Lane, (10-14-71) PH0000914 G.
Scotland vicinity. *WALDO, EDWARD, HOUSE*, S of Scotland on Waldo Rd. (Also in Windham County), (11-21-78)
Stonington. *STONINGTON HARBOR LIGHTHOUSE*, 7 Water St., (1-1-76)
Stonington. *STONINGTON HIGH SCHOOL*, Church St., (8-17-78)

tolland county

Coventry. *HALE, NATHAN, HOMESTEAD (DEACON RICHARD HALE HOUSE)*, South St., (10-22-70) PH0010847
Mansfield. *MANSFIELD CENTER HISTORIC DISTRICT*, Storrs Rd., (2-23-72) PH0010855
Mansfield Center. *WILLIAMS, ELEAZER, HOUSE*, Storrs Rd. (Rte. 195), (3-11-71) PH0000931
Mansfield Center vicinity. *GURLEYVILLE HISTORIC DISTRICT*, N of Mansfield Center off CT 195 at jct. of Gurleyville and Chaffeeville Rds., (12-30-75)
Rockville. *FLORENCE MILL*, 121 W. Main St., (7-18-78)
Tolland. *TOLLAND COUNTY COURTHOUSE*, 53 Tolland Green, (9-15-77)

windham county

WALDO, EDWARD, HOUSE, Reference—see New London County
Abington. *ABINGTON CONGREGATIONAL CHURCH*, CT 97, (9-19-77)
Brooklyn. *TRINITY CHURCH*, Church Street, (10-15-70) PH0000922
Brooklyn. *UNITARIAN MEETINGHOUSE (SECOND CONGREGATIONAL CHURCH OF POMFRET)*, Jct. of CT 169 and 6, (11-9-72) PH0010871
Canterbury. *CLARK, CAPT. JOHN, HOUSE*, Rte. 169, S of Canterbury, (10-6-70) PH0010863
Canterbury. *CRANDALL, PRUDENCE, HOUSE (ELISHA PAYNE HOUSE)*, Jct. of CT 14 and 169, (10-22-70) PH0021181 HABS; G.
Chaplin. *CHAPLIN HISTORIC DISTRICT*, Chaplin St., (10-11-78)
Chaplin. *WITTER HOUSE*, Chaplin St., (10-6-70) PH0000949
Eastford. *BOSWORTH, BENJAMIN, HOUSE*, John Perry Rd., (2-17-78)
Killingly vicinity. *DANIEL'S VILLAGE ARCHEOLOGICAL SITE*, N of Killingly, (3-30-78)
Scotland. *HUNTINGTON, SAMUEL, BIRTHPLACE*, CT 14, 2 mi. W of CT 97, (11-11-71) PH0028886 NHL.
Willimantic. *JILLSON, WILLIAM, STONE HOUSE*, 561 Main St., (8-5-71) PH0021172
Windham Center. *HUNT, DR. CHESTER, OFFICE*, Windham Center Rd., (10-6-70) PH0021164
Woodstock. *BOWEN, HENRY C., HOUSE*, CT 169, (8-24-77)

DELAWARE

kent county

DELAWARE BOUNDARY MARKERS, State boundary lines between DE-MD/ DE-PA elaware Boundary Markers, DE (2-18-75) (also in New Castle and Sussex counties)
Camden. *CAMDEN FRIENDS MEETINGHOUSE*, Commerce St., (4-3-73) PH0011134 HABS.
Camden. *CAMDEN HISTORIC DISTRICT*, Both sides of Camden-Wyoming Ave. and Main St., (9-17-74) PH0015628
Camden vicinity. *BRECKNOCK*, 0.5 mi. N of Camden off U.S. 13, (12-24-74) PH0073725
Clayton vicinity. *JONES, ENOCH, HOUSE (BOXWOOD)*, SW of Clayton off DE 300, (6-19-73) PH0011088
Cowgill's Corner vicinity. *OCTAGONAL SCHOOLHOUSE*, E of Cowgill's Corner off DE 9, (3-24-71) PH0001210
Dover. *BRADFORD-LOOCKERMAN HOUSE*, 419 S. State St., (11-31-72) PH0011207 HABS.
Dover. *BULLEN, JOHN, HOUSE*, 214 S. State St., (4-14-75)
Dover. *CHRIST CHURCH*, S. State and Water Sts., (12-4-72) PH0001261 HABS.
Dover. *DELAWARE STATE MUSEUM BUILDINGS (OLD PRESBYTERIAN CHURCH COMPLEX)*, 316 S. Governors Ave., (2-1-72) PH0021440
Dover. *DOVER GREEN HISTORIC DISTRICT*, Bounded by Governors Ave., North, South, and East Sts., (5-5-77)
Dover. *EDEN HILL*, W end of Water St., (5-8-73) PH0011142
Dover. *GOVERNOR'S HOUSE (WOODBURN, CHARLES HILLYARD HOUSE)*, Kings Hwy., (12-5-72) PH0011169
Dover. *GREENWOLD (MANLOVE HAYES HOUSE)*, 625 S. State St., (3-20-73) PH0011185
Dover. *LOOCKERMAN HALL*, Delaware State College campus, (6-21-71) PH0011100 G.
Dover. *MACOMB FARM (THOMAS IRONS HOUSE)*, Long Point Rd. off DE 8, (12-2-74) PH0034584
Dover. *OLD STATEHOUSE*, The Green, (2-24-71) PH0001228 G.
Dover. *TOWN POINT (KINGSTON-UPON-HULL)*, Kitts Hummock Rd., (12-5-72) PH0011151
Dover vicinity. *CAREY FARM SITE*, SE of Dover off U.S. 113, (10-20-77)
Dover vicinity. *DICKINSON, JOHN, HOUSE*, 5 mi. SE of Dover and 3 mi. E of U.S. 13 on Kitts Hummock Rd., (10-15-66) PH0112119 NHL; HABS; G.
Dover vicinity. *GREAT GENEVA*, 3 mi. S of Dover on DE 356, (3-26-73) PH0017957 HABS.
Dover vicinity. *HUGHES-WILLIS SITE*, E of Dover, (11-21-78)
Dover vicinity. *TYN HEAD COURT (WETHERED COURT)*, E of Dover on S. Little Creek Rd., (3-1-73) PH0001139
Dutch Neck Crossroads vicinity. *ALLEE HOUSE*, Off DE 9 on Dutch Neck Rd., (3-24-71) PH0021466
Farmington vicinity. *THARP HOUSE*, E of Farmington on U.S. 13, (3-20-73) PH0011037
Frederica. *FREDERICA HISTORIC DISTRICT*, Market, Front, and David Sts., (11-9-77)
Frederica vicinity. *BARRATT HALL*, S of Frederica off DE 372, (4-13-73) PH0021491
Frederica vicinity. *BARRATT'S CHAPEL*, N of Frederica on U.S. 113, (10-10-72) PH0021482 HABS; G.
Frederica vicinity. *BONWELL HOUSE*, 4 mi. W of Frederica on DE 380, (3-20-73) PH0011193
Frederica vicinity. *MORDINGTON (DOUGLASS HOUSE)*, S of Frederica on Canterbury Rd., (4-13-73) PH0001201 HABS.
Kenton. *COOPER HOUSE (WILDS HOUSE)*, DE 300, (3-20-73) PH0028908
Kenton vicinity. *ASPENDALE*, 1 mi. W of Kenton on DE 300, (4-15-70) PH0112101 NHL.
Kenton vicinity. *CHEYNEY CLOW'S REBELLION (SCENE OF)*, W of Kenton on DE 300, (1-14-74) PH0001287
Kenton vicinity. *SOMERVILLE*, 1 mi. E of Kenton on DE 42, (12-31-74) PH0085103
Leipsic. *RUTH MANSION HOUSE*, Main St., (4-11-73) PH0011002 HABS.
Leipsic. *SNOWLAND*, DE 42, (3-20-73) PH0011011 HABS.
Leipsic vicinity. *WHEEL OF FORTUNE*, S of Leipsic off DE 9, (4-11-73) PH0001147 HABS.
Little Creek. *OLD STONE TAVERN*, Main St., (7-2-73) PH0001236 G.
Little Creek vicinity. *CHERBOURG ROUND BARN*, SW of Little Creek off DE 9, (12-22-78)
Little Heaven. *REED, JEHU, HOUSE*, U.S. 113 and DE 8, (6-4-73) PH0011126
Magnolia. *LINDALE, JOHN B., HOUSE*, 24 Walnut St., (5-8-73) PH0011096
Magnolia. *LOWBER, MATTHEW, HOUSE*, E of Main St. (U.S. 113A), (4-16-71) PH0001198
Magnolia vicinity. *TRUITT, GOV. GEORGE, HOUSE*, SW of Magnolia on Rte. 388, (12-12-78)
Masten's Corner vicinity. *VOGL HOUSE*, W of Masten's Corner on SR 78, (11-7-76) HABS.
Milford. *BANK HOUSE*, 119 N. Walnut St., (7-31-78)
Milford. *CHRIST CHURCH*, 3rd and Church Sts., (5-8-73) PH0001279
Milford. *THORNE, PARSON, MANSION (SILVER HILL)*, 501 N.W. Front St., (6-21-71) PH0001244 G.
Milford. *WILKERSON, J. H., & SON BRICKWORKS*, Off SR 409, (7-12-78) HAER.
Milford vicinity. *GOLDEN MINE*, W of Milford on DE 443, (8-24-78)
Sandtown vicinity. *COW MARSH OLD SCHOOL BAPTIST CHURCH*, NE of Sandtown on DE 10, (6-24-76)
Sandtown vicinity. *DILL FARM SITE*, E of Sandtown, (10-2-78)

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Smyrna vicinity. *BANNISTER HALL AND BAYNARD HOUSE (FOX HALL)*, S of Smyrna off DE 300, (4-11-73) PH0021474
Smyrna vicinity. *BELMONT HALL*, 1 mi. S of Smyrna on U.S. 13, (12-16-71) PH0028916 HABS.
Smyrna vicinity. *DUCK CREEK VILLAGE (SALISBURY)*, DE 65, between Duck Creek and Green's Branch, (2-1-72) PH0021458
Smyrna vicinity. *IVY DALE FARM (HOFFECKER FARM)*, S of Smyrna off DE 9, (4-24-73) PH0011070
South Bowers vicinity. *ISLAND FIELDS SITE*, 0.5 mi. SE of Bowers Beach, (2-1-72) PH0011061
Woodland Beach vicinity. *SUTTON, THOMAS, HOUSE (NEWBERRY)*, DE 79, with Woodland Beach Wildlife Area, (4-11-73) PH0011029

new castle county

DELAWARE BOUNDARY MARKERS, Reference—see Kent County
Ashland vicinity. *ASHLAND BRIDGE*, S of Ashland over Red Clay Creek, (3-20-73) PH0001163 HABS.
Blackbird Crossroads. *OLD UNION METHODIST CHURCH*, 0.2 mi. N of Blackbird Crossroads on U.S. 13, (1-18-73) PH0001465
Centerville. *CENTER MEETING AND SCHOOLHOUSE*, Center Meeting Rd., (12-16-71) PH0021431
Christiana. *CHRISTIANA HISTORIC DISTRICT*, Jct. of DE 7 and 273, (12-16-74) PH0073270
Claymont. *DARLEY HOUSE*, Darley Rd. and Philadelphia Pike (U.S. 13), (7-2-73) PH0021555
Claymont. *ROBINSON HOUSE (NAAMANS)*, Naaman's Corner, (6-21-71) PH0001180 G.
Delaware City. *EASTERN LOCK OF THE CHESAPEAKE AND DELAWARE CANAL*, Battery Park, (4-21-75)
Delaware City vicinity. *FORT DELAWARE ON PEA PATCH ISLAND*, Pea Patch Island in the Delaware River, (12-16-71) PH0001333
Glasgow. *LA GRANGE*, Near jct. of U.S. 40 and DE 896, (7-10-74) PH0021628
Greenville. *ST. JOSEPH'S ON THE BRANDYWINE*, 10 Barley Mill Rd., (11-7-76)
Hockessin. *HOCKESSIN FRIENDS MEETINGHOUSE*, DE 275 and 254 at Meetinghouse Rd., (3-20-73) PH0021601 HABS.
Hockessin. *PUBLIC SCHOOL NO. 29*, Valley Rd. and Old Lancaster Pike, (5-22-78)
Hockessin vicinity. *COFFEE RUN MISSION SITE*, SE of Hockessin off DE 48, (4-11-73) PH0021539
Kirkwood vicinity. *LUM'S MILL HOUSE (CLEMENT HOUSE)*, Lums Pond State Park on DE 71, (5-22-73) PH0011291
Kirkwood vicinity. *MCCOY HOUSE*, Kirkwood and McCoy Rds., (4-24-73) PH0021636
Marshallton. *GREENBANK HISTORIC AREA*, Greenbank Mill Rd., N of jct. of DE 41 and DE 2, (7-2-73) PH0001350 HABS.
Middletown. *GREENLAWN (OUTTEN DAVIS HOUSE; WILLIAM BRADY HOUSE)*, N. Broad St., (4-24-73) PH0001368
Middletown. *MIDDLETOWN ACADEMY*, 218 N. Broad St., (12-5-72) PH0021750
Middletown. *MIDDLETOWN HISTORIC DISTRICT*, roughly bounded by Redding, Scott, Lockwood, and Catherine Sts., (10-4-78)
Middletown. *READING, PHILIP, TANNERY*, 201 E. Main St., (4-26-78)
Middletown. *ST. JOSEPH'S CHURCH*, 15 W. Cochran St., (2-17-78)
Middletown vicinity. *COCHRAN GRANGE (JOHN P. COCHRAN HOUSE)*, W of Middletown on DE 4, (4-3-73) PH0011045
Middletown vicinity. *HEDGELAWN*, 1.2 mi. W of Middletown on DE 4, (4-3-73) PH0021580
Middletown vicinity. *MAPLES*, W of Middletown on Bunker Hill Rd., (2-17-78)
Middletown vicinity. *NAUDAIN, ARNOLD S., HOUSE*, S of Middletown on DE 71, (4-24-73) PH0021695
Middletown vicinity. *NOXONTOWN*, S of Middletown off DE 896, (7-2-73) PH0021717
Middletown vicinity. *OLD ST. ANNE'S CHURCH*, S of Middletown off DE 71, (3-7-73) PH0001457 HABS.
Middletown vicinity. *RUMSEY FARM*, W of Middletown on DE 4, (3-30-78)
Montchanin. *BROOM, JACOB, HOUSE*, 1 mi. NW of Wilmington, (12-2-74) PH0113069 NHL.
Montchanin. *MONTCHANIN HISTORIC DISTRICT*, DE 100, (6-9-78)
Montchanin vicinity. *STRAND MILLAS AND ROCK SPRING*, Between Rockland and Montchanin off DE 100, (7-16-73) PH0021733
New Castle. *AMSTEL HOUSE*, Delaware and 4th Sts., (5-12-77) HABS.
New Castle. *GLEBE HOUSE*, DE 9, (4-3-73) PH0001341 HABS.
New Castle. *HERMITAGE, THE*, On DE 273, (3-1-73) PH0021598 HABS.
New Castle. *LESLEY-TRAVERS MANSION*, 112 W. 6th St., (4-3-73) PH0001376
New Castle. *NEW CASTLE HISTORIC DISTRICT*, Bounded by Harmony St., The Strand, 3rd St., and Delaware St., (12-24-67) PH0112135 NHL; HABS; G.
New Castle. *OLD COURTHOUSE*, Delaware St., between 2nd and 3rd Sts., (11-28-72) PH0022098 NHL; HABS; G.
New Castle. *STONUM*, 9th and Washington Sts., (11-7-73) PH0112267 NHL; HABS.
New Castle vicinity. *SWANWYCK*, 65 Landers Lane, (3-17-77) HABS.
Newark. *ACADEMY OF NEWARK*, Main and Academy Sts., (5-24-76)
Newark. *DEAN, JOSEPH, & SON WOOLEN MILL*, Race and Deandale Sts., (5-22-78) HAER.
Newark. *ENGLAND HOUSE (RED MILL FARM)*, 81 Red Mill Rd., (2-23-72) PH0001481 HABS.
Newark. *FISHER, ANDREW, HOUSE*, 725 Art Lane, (5-8-73) PH0001325
Newark. *OLD COLLEGE HISTORIC DISTRICT*, Main and College Sts. on University of Delaware campus, (6-4-73) PH0021709
Newark. *ROTHERAM MILL HOUSE*, 318 Harmony Rd., (1-4-72) PH0021687
Newark. *WELSH TRACT BAPTIST CHURCH*, Welsh Tract Rd., (3-1-73) PH0011363 HABS.
Newark vicinity. *AIKEN'S TAVERN HISTORIC DISTRICT*, Jct. of U.S. 40 and DE 896, (12-6-77)
Newark vicinity. *COOCH'S BRIDGE HISTORIC DISTRICT*, N of Newark off DE 896, (4-11-73) PH0021547 HABS.
Newark vicinity. *EASTBURN-JEANES LIME KILNS HISTORIC DISTRICT*, N of Newark on Limestone Rd., (4-28-77) HAER.
Newark vicinity. *MERMAID TAVERN*, NE of Newark on DE 7, (12-18-73) PH0021661
Newark vicinity. *MILL CREEK FRIENDS MEETINGHOUSE*, 6 mi. N of Newark on Landenburg Rd., (4-3-73) PH0021679 HABS.
Newark vicinity. *WHITE CLAY CREEK PRESBYTERIAN CHURCH*, 2 mi. NE of Newark on DE 2, (3-20-73) PH0011371
Newport. *RED CLAY CREEK PRESBYTERIAN CHURCH (MCKENNAN'S CHURCH)*, Mill Creek and McKennan's Church Rds., (4-11-73) PH0001473
Odessa. *APPOQUINIMINK FRIENDS MEETINGHOUSE*, Main St., (12-4-72) PH0001155 HABS.
Odessa. *CORBIT-SHARP HOUSE*, SW corner of Main and 2nd Sts., (12-24-67) PH0011274 NHL; HABS.
Odessa. *ODESSA HISTORIC DISTRICT*, Bounded roughly by Appoquinimink Creek on SE, High St. on NE, 4th St. on NW, and Main St. on SW, (6-21-71) PH0021504
Odessa. *OLD DRAWYERS CHURCH*, U.S. 13, (2-6-73) PH0001431 HABS.
Odessa vicinity. *BEARD, DUNCAN, SITE*, (12-18-73) PH0001309
Odessa vicinity. *HELL ISLAND SITE*, S of Odessa, (4-13-77)
Odessa vicinity. *MACDONOUGH, COMDR. THOMAS, HOUSE*, N of Odessa on U.S. 13, (12-12-78)
Odessa vicinity. *SHALLCROSS, SERECK, HOUSE (OAKLAND)*, W of Odessa off U.S. 13, (4-3-73) PH0011347
Odessa vicinity. *WILLIAMS HOUSE*, 1.2 mi. NW of Odessa on Marl Pit Rd., (6-4-73) PH0001490
Port Penn. *PORT PENN HISTORIC DISTRICT*, DE 9, (11-20-78)
Port Penn vicinity. *ASHTON HISTORIC DISTRICT*, N of Port Penn on Thormton Rd., (11-15-78)
Port Penn vicinity. *AUGUSTINE BEACH HOTEL*, S of Port Penn on DE 9, (4-3-73) PH0001171
Port Penn vicinity. *DILWORTH HOUSE*, Off DE 9, (11-27-73) PH0021521
Port Penn vicinity. *HAZEL GLEN*, W of Port Penn on DE 420, (11-20-78)
Port Penn vicinity. *LISTON RANGER REAR LIGHT STATION*, W of Port Penn on DE 2, (11-15-78)
Port Penn vicinity. *NELSON, JOHN B., HOUSE*, W of Port Penn off U.S. 13, (12-8-78)
Porter vicinity. *NEW CASTLE AND FRENCHTOWN RAILROAD RIGHT-OF-WAY*, Off U.S. 40 between Porter, DE, and Frenchtown, MD, (5-8-73) PH0011312 (also in Cecil County, MD)
Rockland and vicinity. *ROCKLAND HISTORIC DISTRICT*, Town of Rockland and its environs along Rockland Rd. and Brandywine Creek, (2-1-72) PH0011321
Smyrna vicinity. *CLEARFIELD FARM*, N of Smyrna on DE 9, (3-20-73) PH0001252
Smyrna vicinity. *OLD BRICK STORE*, NE of Smyrna off U.S. 13, (8-14-73) PH0001422
St. George vicinity. *BIDDLE HOUSE*, S of St. Georges on U.S. 13, (12-8-78)
St. Georges. *SUTTON HOUSE*, Broad and Delaware Sts., (4-24-73) PH0021741
St. Georges vicinity. *BUENA VISTA*, N of St. Georges on U.S. 13, (4-16-71) PH0021423
Stanton vicinity. *CLYDE FARM SITE*, S of Stanton, (7-29-77)
Stanton vicinity. *HALE-BYRNES HOUSE*, Corner of DE 7 and 4, (6-2-72) PH0021563 HABS.
Stanton vicinity. *ST. JAMES CHURCH*, W of Stanton on St. James Church Rd., (5-8-73) PH0011339 HABS.

Taylors Bridge vicinity. *HART HOUSE*, E of Taylors Bridge on DE 453, (3-20-73) PH0021571
Taylors Bridge vicinity. *HUGUENOT HOUSE (HOMESTEAD FARM; NAUDAIN HOUSE)*, W of Taylors Bridge on DE 9, (3-20-73) PH0021610 HABS.
Taylors Bridge vicinity. *LISTON HOUSE*, E of Taylors Bridge on DE 453, (3-26-73) PH0001384
Wilmington. *BRANDYWINE PARK*, Roughly bounded by Augustine, 18th, and Market Sts. and Lovering Ave., (12-22-76)
Wilmington. *BRANDYWINE VILLAGE HISTORIC DISTRICT*, Roughly bounded by 16th, Tatnall, 22nd, Gordon Sts., Vandever Ave., Mabel St., and 14th St. bridge, (2-24-71) HABS; G.
Wilmington. *BRECK'S MILL AREA (HENRY CLAY VILLAGE)*, Breck's Lane and Creek Rd., (11-5-71) PH0021415
Wilmington. *CONTINENTAL ARMY ENCAMPMENT SITE*, Lovering Ave. near Broom St., (12-18-73) PH0011053
Wilmington. *DELAWARE AVENUE HISTORIC DISTRICT*, Delaware Ave. from N. Harrison to N. Broom Sts. (both sides), (9-13-76)
Wilmington. *DINGEE, JACOB, HOUSE*, 105 E. 7th St., (10-16-70) PH0021512 HABS.
Wilmington. *DINGEE, OBADIAH, HOUSE*, 107 E. 7th St., (10-21-70) PH0001295 HABS.
Wilmington. *FERRIS, ZACHARIAH, HOUSE*, 414 W. 2nd St., (10-19-70) PH0001317
Wilmington. *FORT CHRISTINA MONUMENT*, E. 7th St. and the Christina River, Fort Christina State Park, (10-15-66) PH0112127 NHL.
Wilmington. *FRIENDS MEETINGHOUSE*, 4th and West Sts., (11-7-76)
Wilmington. *HOLY TRINITY (OLD SWEDES) CHURCH*, 7th and Church Sts., (10-15-66) PH0112151 NHL; HABS; G.
Wilmington. *LAUREL*, 619 Shipley Rd., (12-4-74) PH0073261
Wilmington. *LOMBARDY HALL*, U.S. 202, (12-5-72) PH0001406 NHL.
Wilmington. *LOUVIERS (UPPER LOUVIERS AND BLACK GATES)*, 10 Black Gates Rd., (12-13-71) PH0021768 HABS.
Wilmington. *MASONIC HALL AND GRAND THEATER*, 818 N. Market St., (12-11-72) PH0011304 G.
Wilmington. *MCLANE, LOUIS, HOUSE*, 606 Market St., (4-24-73) PH0021644
Wilmington. *MENDENHALL, CAPT. THOMAS, HOUSE*, 205 E. Front St., (9-17-70) PH0021652 HABS.
Wilmington. *OLD ASBURY METHODIST CHURCH*, Walnut and 3rd Sts., (11-7-76)
Wilmington. *OLD CUSTOMSHOUSE*, 6th and King Sts., (11-21-74) PH0085090
Wilmington. *OLD FIRST PRESBYTERIAN CHURCH OF WILMINGTON*, West St. on Brandywine Park Dr., (4-13-72) PH0001449 G.
Wilmington. *OLD TOWN HALL*, 512 Market St., (12-31-74) PH0044202
Wilmington. *PYLE, HOWARD, STUDIOS*, 1305 and 1307 N. Franklin St., (3-8-78)
Wilmington. *ROCKFORD PARK*, roughly bounded by Red Oak and Rockford Rds., Church and Rising Sun Lanes, and the Brandywine River, (9-20-78)
Wilmington. *ROCKWOOD*, 610 Shipley Rd., (7-12-76)
Wilmington. *ST. MARY OF THE IMMACULATE CONCEPTION CHURCH*, 6th and Pine Sts., (12-12-76)
Wilmington. *STARR HOUSE*, 1310 King St., (3-24-71) PH0021725 HABS.
Wilmington. *WILMINGTON AMTRAK STATION*, Front and French Sts., (11-21-76) HAER.
Wilmington. *WOODSTOCK*, 102 Middleboro Rd., (9-7-73) PH0001511
Wilmington vicinity. *AUGUSTINE PAPER MILL*, N. Brandywine Park Dr., (8-3-78)
Wilmington vicinity. *BEAVER VALLEY ROCK SHELTER SITE*, N of Wilmington, (9-1-78)
Wilmington vicinity. *BRANDYWINE MANUFACTURERS SUNDAY SCHOOL*, N of Wilmington on Hagley Rd., (4-13-72) PH0021407
Wilmington vicinity. *BRINDLEY FARM*, W of Wilmington at Barley Mill Rd. and Kennett Pike, (9-28-76)
Wilmington vicinity. *ELEUTHERIAN MILLS*, N of Wilmington on DE 141 at Brandywine Creek Bridge, (11-13-66) PH0001899 NHL; G.
Wilmington vicinity. *LOBDELL ESTATE, MINQUADALE HOME*, U.S. 13, (6-4-73) PH0001392
Wilmington vicinity. *LOWER LOUVIERS AND CHICKEN ALLEY*, N of Wilmington on Black Gates Rd., (2-1-72) PH0001414
Wilmington vicinity. *VILLAGE OF ARDEN*, 6 mi. N of Wilmington between Marsh Rd., Naaman's Creek, and Ardentown, (2-6-73) PH0021776 G.
Wilmington vicinity. *WALKER'S MILL AND WALKER'S BANK*, N of Wilmington on E bank of Brandywine Creek at Rising Sun Lane Bridge, (2-1-72) PH0011355 HABS.
Wilmington vicinity. *WINTERTHUR MUSEUM AND GARDENS*, 6 mi. NW of Wilmington on DE 52, (2-24-71) PH0011380
Wooddale. *WOODDALE BRIDGE*, Over Red Clay Creek off DE 48, (4-11-73) PH0001503
Yorklyn. *GARRETT SNUFF MILL*, Jct. DE 82 and Yorklyn Rd., (5-22-78) HAER.

sussex county

DELAWARE BOUNDARY MARKERS, Reference—see Kent County
Atlanta vicinity. *MELSON HOUSE*, N of Atlanta on SR 30, (3-8-78)
Bethany Beach vicinity. *INDIAN RIVER LIFE SAVING SERVICE STATION*, N of Bethany Beach on DE 14, (9-29-76)
Bethany Beach vicinity. *WILGUS SITE*, NW of Bethany Beach, (3-30-78)
Bethel. *BETHEL HISTORIC DISTRICT*, 0.4 mi. W of Laurel, (2-10-75) HABS.
Bridgeville. *SUDLER HOUSE*, N. Main St., (12-31-74) PH0080462
Bridgeville vicinity. *TRINITY METHODIST EPISCOPAL CHURCH*, NW of Bridgeville on DE 31, (5-5-78)
Clarksville vicinity. *BLACKWATER PRESBYTERIAN CHURCH*, W of Clarksville on DE 54, (7-9-76)
Clarksville vicinity. *SPRING BANKE*, NE of Clarksville on DE 26 and Irons Lane, (4-30-76)
Concord. *PINE GROVE FURNACE INDUSTRIAL COMPLEX*, (1-26-78)
Cool Spring vicinity. *FISHER HOUSE*, SE of Cool Spring, Broadkill Hundred, (3-24-71) PH0011428 G.
Dagsboro vicinity. *PRINCE GEORGE'S CHAPEL*, E of Dagsboro on DE 26, (3-24-71) PH0021831 G.
Delmar. *HIGHBALL SIGNAL*, City park, near Penn-Central RR., (7-2-73) PH0021806
Georgetown. *FIRST BROILER HOUSE*, University of Delaware Experimental Station, (7-3-74) PH0011410
Georgetown. *OLD SUSSEX COUNTY COURTHOUSE*, S. Bedford St., (3-24-71) PH0001554
Georgetown. *SUSSEX COUNTY COURTHOUSE AND THE CIRCLE*, The Circle, (6-4-73) PH0001589
Laurel vicinity. *CHIPMAN'S MILL*, E of Laurel on SR 465, (5-22-78)
Laurel vicinity. *OLD CHRIST CHURCH*, SE of Laurel at jct. of SR 465 and 465A, (4-13-72) PH0021822 HABS.
Lewes. *COLEMAN HOUSE*, 422 Kings Hwy., (4-11-77)
Lewes. *FISHER'S PARADISE (PARADISE POINT)*, 624 Pilottown Rd., (12-4-72) PH0021784
Lewes. *HALL, COL. DAVID, HOUSE*, 107 King's Hwy., (4-26-76) HABS.
Lewes. *LEWES HISTORIC DISTRICT*, Shipcarpenter, Front, Savannah, 2nd, 3rd, and 4th Sts., (9-19-77)
Lewes. *LEWES PRESBYTERIAN CHURCH*, 100 Kings Highway, (10-5-77)
Lewes. *MAULL HOUSE*, 542 Pilottown Rd., (11-20-70) PH0021814 HABS.
Lewes. *PAGAN CREEK DIKE*, Pagan Creek near New Rd., (6-18-73) PH0001562 HAER.
Lewes. *RUSSELL, WILLIAM, HOUSE*, 410 Pilot Town Rd., (4-18-77)
Lewes. *TOWNSEND SITE*, 2.5 mi. SW of Lewes off DE 14, (9-1-78)
Lewes vicinity. *CAPE HENLOPEN ARCHEOLOGICAL DISTRICT*, E of Lewes, (11-21-78)
Lewes vicinity. *DE VRIES PALISADE*, Pilottown Rd. at De Vries Monument, (2-23-72) PH0011398
Lewes vicinity. *DELAWARE BREAKWATER AND LEWES HARBOR*, E of Lewes at Cape Henlopen, (12-12-76) HAER.
Lewes vicinity. *ST. GEORGE'S CHAPEL*, 9 mi. SW of Lewes on DE 5, (11-30-73) PH0021849
Lewes vicinity. *WOLFE'S NECK SITE*, S of Lewes, (11-21-78)
Middleford vicinity. *DEEP CREEK FURNACE SITE*, E of Middleford, (10-20-77)
Milford vicinity. *ABBOTT'S MILL*, SW of Milford, (8-25-72) PH0112143
Millsboro vicinity. *CAREY'S CAMP MEETING GROUND*, W of Millsboro off DE 24, (3-14-73) PH0001546
Millsboro vicinity. *INDIAN RIVER ARCHEOLOGICAL COMPLEX*, E of Millsboro, (12-15-78)
Millsboro vicinity. *WARREN'S MILL*, NW of Millsboro on DE 326, (9-13-78)
Milton. *DRAPER-ADKINS HOUSE*, 204 Federal St., (4-11-73) PH0011401
Milton. *HAZZARD HOUSE*, 327 Union St., (7-2-73) PH0021792 G.
Milton. *PONDER, GOV. JAMES, HOUSE*, 416 Federal St., (5-24-73) PH0001571
Rehoboth Beach vicinity. *AVERY'S REST SITE*, W of Rehoboth Beach, (12-15-78)
Rehoboth Beach vicinity. *MARSH, PETER, HOUSE*, 10 Dood's Lane, (11-23-77) HABS.
Rehoboth Beach vicinity. *THOMPSONS ISLAND SITE*, S of Rehoboth Beach, (11-15-78)
Rehoboth Beach vicinity. *THOMPSON'S LOSS AND GAIN SITE*, SW of Rehoboth Beach, (9-13-78)
Rehoboth Beach vicinity. *WARRINGTON SITE*, W of Rehoboth Beach, (10-20-77)
Seaford. *BURTON HARDWARE STORE*, High St. and Spring Alley, (4-20-78)

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Seaford. *SEAFORD STATION COMPLEX*, Nanticoke River at Delaware Railroad Bridge, (6-15-78) HAER.
Seaford. *ST. LUKE'S PROTESTANT EPISCOPAL CHURCH*, Front St., (10-28-77)
Seaford vicinity. *HEARN AND RAWLINS MILL*, N of Seaford on U.S. 13A, (5-22-78) HAER.
Seaford vicinity. *LAWRENCE*, N of Seaford on U.S. 13A, (5-22-78)
Seaford vicinity. *MASTON HOUSE*, 3 mi. N of Seaford on Seaford-Atlanta Rd., (3-31-75)
Seaford vicinity. *ROSS, GOV. WILLIAM H., HOUSE*, N of Seaford on Market St., (10-28-77)
Woodland. *CANNON'S (WOODLAND) FERRY*, Across the Nanticoke River, (7-2-73) PH0001538 HABS.

DISTRICT OF COLUMBIA

washington

ADAMS MEMORIAL, Webster St. and Rock Creek Church Rd., NW., (3-16-72) PH0001601
ADAS ISRAEL SYNAGOGUE, 3rd and G Sts., NW., (3-24-69) HABS.
ADMINISTRATION BUILDING, CARNEGIE INSTITUTION OF WASHINGTON, 1530 P St., NW., (1-1-75) NHL.
AMERICAN FEDERATION OF LABOR BUILDING, 901 Massachusetts Ave., NW., (9-13-74) NHL.
AMERICAN INSTITUTE OF PHARMACY BUILDING, 2215 Constitution Ave., NW., (8-18-77)
AMERICAN NATIONAL RED CROSS, 17th and D Sts., NW., (10-15-66) PH0113000 NHL.
AMERICAN PEACE SOCIETY, 734 Jackson Pl., NW., (9-13-74) NHL.
AMERICAN REVOLUTION STATUARY, Public buildings and various parks within DC, (7-14-78)
AMERICAN SECURITY AND TRUST COMPANY, 15th and Pennsylvania Ave., NW., (7-16-73) PH0001619
ANACOSTIA HISTORIC DISTRICT, roughly bounded by Good Hope Rd., 16th St., Mapleview Pl., and Martin Luther King, Jr. Ave., (10-11-78)
ANDERSON, LARZ, HOUSE, 2118 Massachusetts Ave., NW., (4-7-71) PH0001627
ARMY MEDICAL MUSEUM, Armed Forces Institute of Pathology Building, Walter Reed Army Medical Center, 13th St. and Fern Pl., NW., (10-15-66) PH0001635 NHL.
ARTS AND INDUSTRIES BUILDING, 900 Jefferson Dr., SW., (11-11-71) PH0001651 NHL.
ARTS CLUB OF WASHINGTON (CLEVELAND ABBE HOUSE), 2017 I St., NW., (3-24-69) PH0001643 NHL; HABS.
ASHBURTON HOUSE (ST. JOHN'S CHURCH PARISH HOUSE), 1525 H St., NW., (11-7-73) PH0112305 NHL.
AUDITOR'S BUILDING COMPLEX, 14th St. and Independence Ave., (4-27-78)
BACHELOR APARTMENT HOUSE, 1737 H St., NW., (12-8-78)
BANK OF COLUMBIA, 3210 M St., NW., (5-27-71) PH0021857
BATTLEGROUND NATIONAL CEMETERY, 6625 Georgia Ave., NW., (10-15-66)
BAYLY, MOUNTJOY, HOUSE (HIRAM JOHNSON HOUSE), 122 Maryland Ave., NE., (7-20-73) PH0021865 NHL.
BEALE, JOSEPH, HOUSE (RESIDENCE OF UNITED ARAB REPUBLIC INTERESTS), 2301 Massachusetts Ave., NW., (5-8-73) PH0001996
BELMONT, PERRY, HOUSE (INTERNATIONAL EASTERN STAR TEMPLE), 1618 New Hampshire Ave., NW., (5-8-73) PH0011649
BLAIR HOUSE, 1651 Pennsylvania Ave., NW., (10-26-73) PH0153494 NHL; HABS.
BROOKS MANSION, 901 Newton St., NE., (7-17-75)
BRUCE, BLANCHE K., HOUSE, 909 M. St., NW., (5-15-75) NHL.
CADY, LUCINDA, HOUSE, 7064 Eastern Ave., NW., (5-28-75)
CANADIAN EMBASSY (MOORE HOUSE), 1746 Massachusetts Ave., NW., (4-3-73) PH0021873
CAPITOL HILL HISTORIC DISTRICT, Roughly bounded by Virginia Ave., SE., S. Capitol St., F St. NE., and 14th Sts. SE. and NE., (8-27-76)
CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, 700 Jackson Pl., NW., (9-13-74) NHL.
CARY, MARY ANN SHADD, HOUSE, 1421 W. St., NW, (12-8-76) NHL.
CASTLE GATEHOUSE, WASHINGTON AQUEDUCT, Near jct. of Reservoir Rd. and MacArthur Blvd., NW., (3-13-75)
CENTRAL PUBLIC LIBRARY, Mount Vernon Sq., 8th and K Sts., NW., (12-3-69) PH0021881
CHAPEL HALL, GALLAUDET COLLEGE, Florida Ave. and 7th St., NE., (10-15-66) PH0112178 NHL.
CHASE'S THEATER AND RIGGS BUILDING, 1426 G St. NW. and 615–627 15th St. NW., (9-7-78)
CHRIST CHURCH, 3116 O St., NW., (3-16-72) PH0021890
CHRIST CHURCH, 620 G St., SE., (5-25-69) PH0011525 HABS.
CHURCH OF THE EPIPHANY, 1317 G St., NW., (9-10-71) PH0011436
CITY HALL (DISTRICT COURTHOUSE), 4th and E Sts., NW., (10-15-66) PH0012611 NHL; HABS; G.
CIVIL WAR FORT SITES, (7-15-74) PH0011461
CIVIL WAR MONUMENTS IN WASHINGTON, DC, various parks within the original boundaries of city, (9-20-78)
COMMANDANT'S OFFICE, WASHINGTON NAVY YARD, Montgomery Sq. and Dahlgren Ave., SE., (8-14-73) PH0011444
CONCORDIA GERMAN EVANGELICAL CHURCH AND RECTORY, 20th and G Sts., NW., (12-14-78)
CONDUIT ROAD SCHOOLHOUSE, 4954 MacArthur Blvd., NW., (11-30-73) PH0011479
CONGRESSIONAL CEMETERY (WASHINGTON CEMETERY), 1801 E St., SE., (6-23-69) PH0011452
CORCORAN GALLERY OF ART, 17th St. at New York Ave., NW., (5-6-71) PH0011487
COSMOS CLUB (TOWNSEND HOUSE), 2121 Massachusetts Ave., NW., (4-3-73) PH0011495
COUES, ELLIOTT, HOUSE, 1726 N St. NW, (5-15-75) HAER.
DECATUR HOUSE, 748 Jackson Pl., NW., (10-15-66) PH0013960 NHL; HABS; G.
DISTRICT BUILDING, SE corner of 14th and E Sts., NW., (3-16-72) PH0011541
DUMBARTON BRIDGE (Q STREET BRIDGE), Q St. over Rock Creek Park, NW., (7-16-73) PH0011550
DUNCANSON-CRANCH HOUSE, 468–470 N St., NW., (7-26-73) PH0011517 HABS.
DUPONT CIRCLE HISTORIC DISTRICT, Roughly bounded by Florida and Rhode Island Aves., T, 17th, 21st, and 22nd Sts., (7-21-78)
EAST AND WEST POTOMAC PARKS, Bounded by Constitution Ave., 17th St., Independence Ave., Washington Channel, Potomac River, and Rock Creek Park, (11-30-73) PH0021911
EAST CAPITOL STREET CARBARN, 1400 E. Capitol St., NE., (2-5-74) PH0021903
EASTERN MARKET, 7th and C Sts., SE., (5-27-71) PH0021920
EIGHT HUNDRED BLOCK OF F STREET, NW., 800–818 F St. and 527 9th St., NW., (4-2-74) PH0001732
EIGHTEEN BLOCK PARK ROAD, NW., 1801–1869 Park Rd., NW., (11-15-78)
EVERMAY, 1623 28th St., NW., (4-3-73) PH0021938
EXECUTIVE OFFICE BUILDING (STATE, WAR, AND NAVY BUILDING), Pennsylvania Ave. and 17th St., NW., (6-4-69) PH0021946 NHL; HABS.
FOLGER SHAKESPEARE LIBRARY, 201 E. Capitol St., SE., (6-23-69) PH0001660
FORD'S THEATRE NATIONAL HISTORIC SITE, 10th St., NW., between E and F Sts., (10-15-66) PH0321206
FORREST-MARBURY HOUSE, 3350 M St., NW., (7-2-73) PH0001678 HABS.
FRANKLIN SCHOOL, 13th and K Sts., NW., (4-11-73) PH0001694
FREDERICK DOUGLASS HOME, 1411 W St., SE., (10-15-66) PH0001708 HABS.
FREER GALLERY OF ART, 12th St. and Jefferson Dr., SW., (6-23-69) PH0001716
FRIENDSHIP HOUSE (THE MAPLES, MAPLE SQUARE), 619 D St., SE., or 630 South Carolina Ave., SE., (1-18-73) PH0001724 HABS.
GALLAUDET COLLEGE HISTORIC DISTRICT, Florida Ave. and 7th St., NE., (9-10-74) PH0025658
GENERAL POST OFFICE (TARIFF COMMISSION BUILDING), E and F Sts. between 7th and 8th Sts., NW., (11-11-71) PH0011819 NHL; HABS.
GEORGETOWN HISTORIC DISTRICT, (5-28-67) PH0012637 NHL; HABS.
GEORGETOWN MARKET, 3276 M St., NW., (5-6-71) PH0011568
GEORGETOWN UNIVERSITY ASTRONOMICAL OBSERVATORY, Georgetown University, (7-2-73) PH0011576
GODEY LIME KILNS, Rock Creek and Potomac Pkwy. at 27th and L Sts., NW., (11-2-73) PH0011584 HABS.
GOMPERS, SAMUEL, HOUSE, 2122 1st St., NW., (9-23-74) NHL.
GRACE PROTESTANT EPISCOPAL CHURCH, 1041 Wisconsin Ave., NW., (5-6-71) PH0011592
GRIMKE, CHAROLETTE FORTEN, HOUSE, 1608 R St., NW., (5-11-76) NHL.
HALCYON HOUSE, 3400 Prospect St., NW., (3-31-71) PH0011606 HABS.
HAW, JOHN STODDERT, HOUSE, 2808 N St., NW., (7-16-73) PH0011614 HABS.
HEALY BUILDING, GEORGETOWN UNIVERSITY, Georgetown University campus, (5-27-71) PH0011622
HEURICH, CHRISTIAN, MANSION (COLUMBIA HISTORICAL SOCIETY), 1307 New Hampshire Ave., NW., (6-23-69) PH0021954
HIGHLANDS, THE, 3825 Wisconsin Ave., NW., (3-16-72) PH0021962
HOLT HOUSE, Adams Mill Rd. in the National Zoological Park, (4-24-73) PH0021971 HABS.

HOWARD, GEN. OLIVER OTIS, HOUSE (HOWARD HALL), 607 Howard Pl., (2-12-74) NHL.
HOWARD THEATRE, 620 T St., NW., (2-15-74) PH0021997
HUGHES, CHARLES EVANS, HOUSE, 2223 R St., NW., (11-28-72) PH0022004 NHL.
INDONESIAN EMBASSY (WALSH-MCLEAN HOUSE), 2020 Massachusetts Ave., NW., (1-18-73) PH0011631
JAPANESE EMBASSY, 2520 Massachusetts Ave., NW., (2-20-73) PH0011657
JOHNSON, HIRAM W., HOUSE, 122 Maryland Ave., NE, (12-8-76) NHL.
KENILWORTH AQUATIC GARDENS, Kenilworth Ave. and Douglas St. NE., (8-25-78)
LAFAYETTE SQUARE HISTORIC DISTRICT, Roughly between 15th and 17th Sts. and H St. and State and Treasury Places, exclusive of the White House and its grounds, (8-29-70) PH0011665 NHL; HABS.
LANSBURGH, JULIUS, FURNITURE CO., INC., 909 F St., NW., (5-8-74) PH0011673
LAW, THOMAS, HOUSE, 1252 6th St., SW., (8-14-73) PH0011681 HABS.
LEDROIT PARK HISTORIC DISTRICT, Bounded roughly by Florida and Rhode Island Aves., 2nd and Elm Sts., Howard University Stadium, and Bohrer St., NW., (2-25-74) PH0001741
LENTHALL HOUSES, 612–614 19th St., NW., (3-16-72) PH0001759
LEWIS, EDWARD SIMON, HOUSE, 456 N St., NW., (7-23-73) PH0001767 HABS.
LINCOLN MEMORIAL, West Potomac Park, (10-15-66)
LINDENS, THE, 2401 Kalorama Rd., NW., (6-4-69) PH0001775 HABS.
LOCKKEEPER'S HOUSE, C & O CANAL EXTENSION, SW corner of 17th St. and Constitution Ave., NW., (11-30-73) PH0001783 HABS.
LOGAN CIRCLE HISTORIC DISTRICT, Jct. of Rhode Island and Vermont Aves., (6-30-72) PH0001791
LUTHER PLACE MEMORIAL CHURCH, 1226 Vermont Ave., NW. (Thomas Circle), (7-16-73) PH0022012
LYNDON BAINES JOHNSON MEMORIAL GROVE ON THE POTOMAC, Potomac Park, (12-28-73)
MAIN GATE, WASHINGTON NAVY YARD, 8th and M Sts., SE., (8-14-73) PH0024287 HABS.
MARINE CORPS COMMANDANT'S HOUSE, 801 G St., SE., (8-14-73) PH0001813 NHL.
MASSACHUSETTS AVENUE HISTORIC DISTRICT, Both sides of Massachusetts Ave. between 17th St. and Observatory Circle, NW., (10-22-74) PH0008222
MCCORMICK APARTMENTS (ANDREW MELLON APARTMENTS), 1785 Massachusetts Ave., NW., (4-3-73) PH0022021 NHL.
MEMORIAL CONTINENTAL HALL, 17th St., between C and D Sts., NW., (11-28-72) PH0011690 NHL.
MERIDIAN HILL PARK, Bounded by 16th, Euclid, 15th, and W Sts., NW., (10-25-74)
MERIDIAN HOUSE (WASHINGTON INTERNATIONAL CENTER), 1630 Crescent Pl., NW., (5-8-73) PH0011703
METROPOLITAN AFRICAN METHODIST EPISCOPAL CHURCH, 1518 M St., NW., (7-26-73) PH0011711
MOUNT ZION CEMETERY, 27th and Q Sts., NW., (8-6-75)
MOUNT ZION UNITED METHODIST CHURCH, 1334 29th St., NW., (7-24-75)
NATIONAL ACADEMY OF SCIENCES, 2101 Constitution Ave., NW., (3-15-74) PH0011720
NATIONAL ARCHIVES, Constitution Ave. between 7th and 9th Sts., NW., (5-27-71) PH0001805
NATIONAL BANK OF WASHINGTON, WASHINGTON BRANCH, 301 7th St., NW., (5-8-74) PH0011738
NATIONAL CATHEDRAL, THE (CATHEDRAL CHURCH OF ST. PETER AND ST. PAUL AND CLOSE), Wisconsin and Massachusetts Ave., NW., (5-3-74) PH0011746
NATIONAL MALL, Between Independence and Constitution Aves. from the U.S. Capitol to the Washington Monument, (10-15-66)
NATIONAL METROPOLITAN BANK BUILDING, 613 15th St., NW., (9-13-78)
NATIONAL PORTRAIT GALLERY (OLD PATENT OFFICE), F and G Sts. between 7th and 9th Sts., NW., (10-15-66) PH0112160 NHL; HABS.
NATIONAL SAVING AND TRUST COMPANY, New York Ave. and 15th St., NW., (3-16-72) PH0011754
NATIONAL WAR COLLEGE, P St., within Fort Leslie J. McNair, (8-1-73) PH0011762 NHL.
NATIONAL ZOOLOGICAL PARK, 3000 block of Connecticut Ave., NW., (4-11-73) PH0011771
OAK HILL CEMETERY CHAPEL, R St. at 29th St., NW., (3-16-72) PH0011789
OCTAGON, THE (OCTAGON HOUSE), 1799 New York Ave., NW., (10-15-66) PH0012602 NHL; HABS.
OLD ENGINE COMPANY NO. 6, 438 Massachusetts Ave., NW., (9-5-75) PH0228800
OLD NAVAL HOSPITAL, 921 Pennsylvania Ave., SE., (5-3-74) PH0011797
OLD NAVAL OBSERVATORY, 23rd and E Sts., NW., (10-15-66) PH0040894 NHL.
OLD POST OFFICE AND CLOCK TOWER, Pennsylvania Ave. at 12th St., NW., (4-11-73) PH0001821
OLD STONE HOUSE, 3051 M St., NW., (11-30-73) PH0001830 HABS.
OWENS, ISAAC, HOUSE, 2806 N St., NW., (6-19-73) PH0001848
PAGE, THOMAS NELSON, HOUSE, 1759 R St., NW., (9-5-75) PH0228796
PAN AMERICAN UNION, 17th St. between C St. and Constitution Ave., NW., (6-4-69) PH0011878
PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE, Pennsylvania Ave. from Capitol Hill to the White House, (10-15-66) HABS.
PENSION BUILDING, 4th and 5th Sts. between F and G Sts., NW., (3-24-69) PH0011894 HABS.
PHILLIPS, DUNCAN, HOUSE (THE PHILLIPS COLLECTION), 1600–1614 21st St., NW., (8-14-73)
PIERCE-KLINGLE MANSION (LINNAEAN HILL), 3545 Williamsburg Lane, NW., (10-10-73) PH0022110 HABS.
PIERCE MILL, Rock Creek Park, NW corner of Tilden St. and Beach Dr., NW., (3-24-69) PH0011916 HABS.
PIERCE SPRINGHOUSE AND BARN, 2400 block of Tilden St., NW., (10-25-73) PH0011924
PRESIDENT'S HOUSE, GALLAUDET COLLEGE, 7th St. and Florida Ave., NE., (2-15-74) PH0011932
PROSPECT HOUSE, 3508 Prospect St., NW., (3-16-72) PH0011941
QUALITY HILL, 3425 Prospect St., NW., (3-16-72) PH0001970
QUARTERS A, WASHINGTON NAVY YARD (TINGEY HOUSE), E of Main Gate and S of M St., SE., in the Navy Yard, (8-14-73) PH0001988 HABS.
QUARTERS B, WASHINGTON NAVY YARD, Charles Morris Ave., SE., (8-14-73) PH0112194 HABS.
RENWICK MUSEUM, NE corner, 17th St. and Pennsylvania Ave., NW., (3-24-69) PH0011991 NHL; HABS.
RHODES' TAVERN (HOTEL), 601–603 15th St. and 1431 F St., NW., (3-24-69) PH0002003
RICHARDS, ZALMON, HOUSE, 1301 Corcoran St., NW., (10-15-66) PH0012645 NHL.
RIGGS NATIONAL BANK, 1503–1505 Pennsylvania Ave., NW., (7-16-73) PH0013170
RIGGS NATIONAL BANK, WASHINGTON LOAN AND TRUST COMPANY BRANCH, SW corner of 9th and F Sts., NW., (5-6-71) PH0011959
RINGGOLD-CARROLL HOUSE, 1801 F St., NW., (7-26-73)
ROCK CREEK CHURCH YARD AND CEMETERY, Webster St. and Rock Creek Church Rd., NW., (8-12-77)
ROSEDALE, 3501 Newark St., NW., (5-8-73) PH0011975
SCOTT-THROPP HOUSE, 1701 20th St., NW., (8-19-75) PH0179353
SEWALL-BELMONT HOUSE NATIONAL HISTORIC SITE, 144 Constitution Ave., NE., (6-16-72) PH0022063 NHL.
SIXTEENTH STREET HISTORIC DISTRICT, 16th St. between Scott Cir. and Florida Ave. NW, (8-25-78)
SMITHSONIAN BUILDING, Jefferson Dr. at 10th St., SW., (10-15-66) PH0022071 NHL; HABS.
PHILADELPHIA (gundelo), 14th St. and Constitution Ave., NW., (10-15-66) NHL.
ST. ALOYSIUS CATHOLIC CHURCH, N. Capitol and I Sts., NW., (7-26-73) PH0001856
ST. JOHN'S CHURCH, 16th and H Sts., NW., (10-15-66) PH0001881 NHL; HABS.
ST. LUKE'S EPISCOPAL CHURCH, 15th and Church Sts., NW., (5-11-76) NHL.
ST. MARK'S CHURCH, 3rd and A Sts., SE., (5-8-73) PH0001864
ST. MARY'S EPISCOPAL CHURCH, 730 23rd St., NW., (4-2-73) PH0022039
ST. MATTHEW'S CATHEDRAL AND RECTORY, 1725–1739 Rhode Island Ave., NW., (1-24-74) PH0022047
ST. PAUL'S EPISCOPAL CHURCH, Rock Creek Church Rd. and Webster St., NW., (3-16-72) PH0022055
SULGRAVE CLUB (WADSWORTH HOUSE), 1801 Massachusetts Ave., NW., (12-5-72) PH0011801
TERRELL, MARY CHURCH, HOUSE, 326 T St., (5-15-75) NHL.
THEODORE ROOSEVELT ISLAND, S of Key Bridge in the Potomac River, (10-15-66)
THOMAS JEFFERSON MEMORIAL, S bank of the Tidal Basin, (10-15-66)
TUCKER HOUSE AND MYERS HOUSE, 2310–2320 S St., NW., (8-14-73) PH0011827
TUDOR PLACE, 1644 31st St., NW., (10-15-66) PH0012629 NHL; HABS.
U.S. CAPITOL GATEHOUSES AND GATEPOSTS, 7th, 15th, and 17th Sts., and Constitution Ave., NW., (11-30-73) PH0001872 HABS.

U.S. COURT OF MILITARY APPEALS, 450 E St., NW., (1-21-74)
U.S. CUSTOMHOUSE AND POST OFFICE, 1221 31st St., NW., (9-10-71) PH0011509 HABS.
U.S. DEPARTMENT OF AGRICULTURE ADMINISTRATION BUILDING, 12th St. and Jefferson Dr., SW., (1-24-74) PH0011533
U.S. DEPARTMENT OF THE TREASURY, 1500 Pennsylvania Ave., NW., (11-11-71) PH0001911 NHL.
U.S. MARINE BARRACKS BUILDING, 8th and I Sts., SE., (1-4-73) PH0001945
U.S. MARINE CORPS BARRACKS, 8th and I Sts., SE., (12-27-72) PH0001937 NHL.
U.S. NATIONAL ARBORETUM, 24th and R Sts., NE., (4-11-73) PH0001929
U.S. SOLDIERS' AND AIRMEN'S HOME, Rock Creek Church Rd., NW., (2-11-74) NHL.
UNDERWOOD, OSCAR W., HOUSE, 2000 G St., NW, (12-8-76) NHL.
UNION STATION, Intersection of Massachusetts and Louisiana Aves. and 1st St., NE., (3-24-69) PH0011835 HABS; HAER.
UNITED BRICK CORPORATION BRICK COMPLEX, 2801 New York Ave., NE., (10-3-78)
VIGILANT FIREHOUSE, 1066 Wisconsin Ave., NW., (5-6-71) PH0001961
VOLTA BUREAU, 1537 35th St., NW., (11-28-72) PH0022080 NHL.
WARDER-TOTTEN HOUSE, 2633 16th St., NW., (4-14-72) PH0022128
WASHINGTON AQUEDUCT, 5900 MacArthur Blvd., NW., (9-8-73) NHL; HAER. (also in Montgomery Co., MD)
WASHINGTON CLUB, 15 Dupont Circle, NW., (12-5-72) PH0011908
WASHINGTON MONUMENT, The Mall, between 14th and 17th Sts., NW., (10-15-66) HABS.
WASHINGTON NAVY YARD, 8th and M Sts., SE., (6-19-73) PH0012009 NHL.
WHEAT ROW, 1315, 1317, 1319, and 1321 4th St., SW., (7-23-73) PH0022136 HABS.
WHITE, DAVID, HOUSE, 1459 Girard St., NW., (1-7-76) NHL.
WHITTEMORE HOUSE (WOMAN'S NATIONAL DEMOCRATIC CLUB), 1526 New Hampshire Ave., NW., (7-16-73) PH0011843
WILLARD HOTEL, 1401–1409 Pennsylvania Ave., NW., (2-15-74) PH0011851
WILSON, WOODROW, HOUSE, 2340 S St., NW., (10-15-66) PH0013609 NHL; HABS; G.
WINDER BUILDING, 604 17th St., NW., (3-24-69)
WINDSOR LODGE (WILLIAM E. BORAH APARTMENT), 2139–2141 Wyoming Ave., NW, (12-8-76) NHL.
WOODSON, CARTER G., HOUSE, 1538 9th St., NW., (5-11-76) NHL.
WOODWARD, ROBERT SIMPSON, HOUSE, 1513 16th St., NW., (1-7-76) NHL.
2000 BLOCK OF EYE STREET, NW., South side of 2000 block of Eye St., NW., (8-9-77)

FLORIDA

leon county

Tallahassee. *RILEY, JO · GILMORE, HOUSE*, 419 E. Jefferson St., (8-1-78)

FLORIDA

alachua county

Alachua. *NEWNANSVILLE TOWN SITE*, Approximately 1.5 mi. NE of Alachua on FL 235, (12-4-74) PH0062855
Cross Creek. *RAWLINGS, MARJORIE KINNAN, HOUSE*, FL 325, S of Cross Creek, (9-29-70) PH0012106 HABS.
Gainesville. *BAILEY, MAJ. JAMES B., HOUSE (REST HAVEN)*, 1121 N.W. 6th St., (12-5-72) PH0012033 HABS.
Gainesville. *BUCKMAN HALL*, N.W. 17th St., (1-11-74) PH0012050
Gainesville. *EPWORTH HALL*, 419 NE 1st St., (7-25-73) PH0012068
Gainesville. *HOTEL THOMAS*, Bounded by N.E. 2nd and 5th Sts. and N.E. 6th and 7th Aves., (7-16-73) PH0012076 G.
Gainesville. *MATHESON HOUSE*, 528 S.E. 1st Ave., (6-4-73) PH0012084
Gainesville. *THOMAS HALL*, Fletcher Dr. on University of Florida campus, (10-1-74) PH0015636
Rochelle. *ROCHELLE SCHOOL*, Off FL 234, (4-2-73) PH0012025
Windsor. *NEILSON HOUSE*, FL 325, (6-4-73) PH0012092

baker county

Olustee vicinity. *OLUSTEE BATTLEFIELD*, 2 mi. E of Olustee on U.S. 90 in Osceola National Forest, (8-12-70) PH0002062
Sanderson vicinity. *BURNSED BLOCKHOUSE (CARL BROWN HOUSE)*, N of Sanderson off Jacksonville Rd., (5-7-73) PH0002054

bradford county

Starke. *OLD BRADFORD COUNTY COURTHOUSE*, 209 W. Call St., (12-27-74) PH0073300

brevard county

Merritt Island vicinity. *OLD HAULOVER CANAL*, N of Merritt Island, (12-19-78)
Titusville. *ST. GABRIEL'S EPISCOPAL CHURCH*, 414 Palm Ave., (12-5-72) PH0012017
Titusville vicinity. *LAUNCH COMPLEX 39*, Kennedy Space Center, (5-24-73) PH0002071

broward county

Fort Lauderdale. *NEW RIVER INN (CITY HALL ANNEX)*, 229 S.W. 2nd Ave., (6-19-72) PH0002011 G.
Fort Lauderdale. *STRANAHAN HOUSE*, 335 S.E. 6th Ave., (10-2-73) PH0022144
Fort Lauderdale. *U.S. CAR. NO. 1*, 3398 SW. 9th Ave., (8-24-77)
Plantation vicinity. *LOCK NO. 1, NORTH NEW RIVER CANAL*, S of Plantation on FL 84, (2-17-78)

calhoun county

Blountstown vicinity. *CAYSON MOUND AND VILLAGE SITE*, SE of Blountstown, (3-15-76)

citrus county

Crystal River vicinity. *CRYSTAL RIVER INDIAN MOUNDS*, 2 mi. NW of Crystal River on U.S. 19-98, (9-29-70) PH0022152 G.
Homosassa. *YULEE SUGAR MILL RUINS*, FL 490 W of U.S. 19, (8-12-70) PH0022161
Inverness vicinity. *FORT COOPER*, 3 mi. NE of Inverness of U.S. 41, on W bank of Fort Cooper Lake, (6-13-72) PH0022179 G.

clay county

Green Cove Springs. *CLAY COUNTY COURTHOUSE*, Brabantio Ave., (6-20-75) PH0143162
Green Cove Springs. *ST. MARY'S CHURCH*, St. Johns Ave., (2-17-78)
Hibernia, Fleming Island. *ST. MARGARET'S EPISCOPAL CHURCH*, Old Church Rd., (6-4-73) PH0002020

collier county

Chokoloskee Island. *SMALLWOOD, TED, STORE*, FL 29 in Everglades National Park, (7-24-74) PH0002038
Miles City vicinity. *PLATT ISLAND*, N of Miles City, (12-14-78)
Naples. *SEABOARD COAST LINE RAILROAD DEPOT*, 1051 5th Ave., South, (9-10-74) PH0016608 G.
Ochopee vicinity. *OSTL, C. J., SITE*, E of Ochopee, (12-15-79)
Ochopee vicinity. *SUGAR POT SITE*, SE of Ochopee, (12-15-78)
Ochopee vicinity. *TURNER RIVER SITE*, E of Ochopee, (12-14-78)

columbia county

Lake City. *HENDERSON, T. G., HOUSE*, 207 S. Marion St., (7-24-73) PH0002046

dade county

Cape Florida. *CAPE FLORIDA LIGHTHOUSE*, SE tip of Key Biscayne off U.S. 1, (9-29-70) PH0022195
Coconut Grove. *EL JARDIN*, 3747 Main Hwy., (8-30-74) PH0141186
Coconut Grove. *FIRST COCONUT GROVE SCHOOL*, 3429 Devon Rd., (1-21-75)
Coconut Grove. *PAN AMERICAN SEAPLANE BASE AND TERMINAL BUILDING*, 3500 Pan American Dr., (2-20-75)
Coconut Grove. *PLYMOUTH CONGREGATIONAL CHURCH*, 3429 Devon Rd., (7-23-74) PH0002127
Coconut Grove. *RANSOM SCHOOL "PAGODA"*, 3575 Main Hwy., (7-25-73) PH0002143
Coconut Grove. *WOMEN'S CLUB OF COCONUT GROVE*, 2985 S. Bayshore Dr., (3-26-75)
Coral Gables. *CORAL GABLES CITY HALL*, 405 Biltmore Way, (7-24-74) PH0022209
Coral Gables. *CORAL GABLES CONGREGATIONAL CHURCH*, 3010 DeSoto Blvd., (10-10-78)
Coral Gables. *DOUGLAS ENTRANCE (LA PUERTA DEL SOL)*, Jct. of Douglas Rd. and 8th St. SW., (9-22-72) PH0022225
Coral Gables. *MERRICK MANOR*, 907 Coral Way, (4-13-73) PH0002101 G.
Coral Gables. *MIAMI-BILTMORE HOTEL*, 1210 Anastasia Ave., (9-27-72) PH0069868 G.
Florida City. *FLORIDA PIONEER MUSEUM*, 0.5 mi. S of Lucy St. on FL 27 (Krome Ave.), (8-14-73) PH0002089
Goulds vicinity. *ANDERSON, WILLIAM, GENERAL MERCHANDISE STORE*, 15700 SW. 232nd St., SW., (10-18-77)
Miami. *GESU CHURCH*, 118 N.E. 2nd St., (7-18-74) PH0002097
Miami. *HALISSEE HALL*, 1700 N.W. 10th Ave., (10-1-74) PH0015644
Miami. *JACKSON, DR. JAMES M., OFFICE*, 190 S.E. 12th Ter., (2-24-75) PH0085430
Miami. *MIAMI WOMEN'S CLUB*, 1737 N. Bayshore Dr., (12-27-74) PH0073326
Miami. *MUNROE, RALPH M., HOUSE*, 3485 Main Hwy., (4-11-73) PH0002119 HABS.
Miami. *VIZCAYA (JAMES DEERING ESTATE)*, 3251 S. Miami Ave., (9-29-70) G.
North Miami Beach. *OLD SPANISH MONASTERY (MONASTERY OF ST. BERNARD OF CLAIRVAUX; CISTERCIAN MONASTERY OF SACRAMENIA, SEGOVIA, SPAIN*, 16711 W. Dixie Hwy., (11-9-72) PH0002135

South Miami. *ALLEN, HERVEY, STUDY, (GLADE ESTATES)*, 8251 S.W. 52nd Ave., (5-7-74) PH0022187

duval county

Jacksonville. *BETHEL BAPTIST INSTITUTIONAL CHURCH*, 1058 Hogan St., (4-6-78)
Jacksonville. *BREWSTER HOSPITAL (1901–1910)*, 915 W. Monroe St., (5-13-76) HABS.
Jacksonville. *BROWARD, NAPOLEON BONAPARTE, HOUSE*, 9953 Hecksher Dr., (12-27-72) PH0012114
Jacksonville. *CATHERINE STREET FIRE STATION*, 14 Catherine St., (6-13-72) PH0012122 G.
Jacksonville. *CENTENNIAL HALL–EDWARD WATERS COLLEGE*, 1658 Kings Rd., (5-4-76)
Jacksonville. *EPPING FOREST (ALFRED I. DUPONT ESTATE)*, Christopher Point, off San Jose Blvd., (5-9-73) PH0012131
Jacksonville. *JACKSONVILLE TERMINAL COMPLEX*, 1000 W. Bay St., (10-22-76)
Jacksonville. *KLUTHO, HENRY JOHN, HOUSE*, 28–30 W. 9th St., (12-19-78)
Jacksonville. *LA VILLA BOARDING HOUSES*, 830, 832, 836 Houston St., (6-21-76)
Jacksonville. *OLD ST. LUKE'S HOSPITAL*, 314 N. Palmetto St., (7-24-72) PH0024457
Jacksonville. *PORTER, THOMAS V., HOUSE*, 510 Julia St., (5-13-76)
Jacksonville. *RED BANKS PLANTATION*, 1230 Greenridge Rd., (10-18-72) PH0022233
Jacksonville. *RIVERSIDE BAPTIST CHURCH*, 2650 Park St., (9-22-72) PH0022241
Jacksonville. *ST. ANDREW'S EPISCOPAL CHURCH*, 317 Florida Ave., (5-4-76)
Jacksonville. *ST. JAMES BUILDING*, 117 W. Duval St., (5-3-76)
Jacksonville vicinity. *FORT CAROLINE NATIONAL MEMORIAL*, 10 mi. E of Jacksonville, (10-15-66)
Jacksonville vicinity. *GRAND SITE*, N of Jacksonville, (6-20-75)
Jacksonville vicinity. *KINGSLEY PLANTATION*, Northern tip of Fort George Island at Fort George Inlet, (9-29-70) PH0012149
Jacksonville vicinity. *YELLOW BLUFF FORT*, 1 mi. S of FL 105 on New Berlin Rd., (9-29-70) PH0022250
Mayport. *ST. JOHN'S LIGHTHOUSE*, U.S. Naval Station, (6-3-76)

escambia county

Pensacola. *AMERICAN NATIONAL BANK BUILDING*, 226 S. Palafox St., (11-17-78)
Pensacola. *DORR, CLARA BARKLEY, HOUSE*, 311 S. Adams St., (7-24-74) PH0022268 G.
Pensacola. *FORT GEORGE SITE*, La Rua at Palafox Sts., (7-8-74) PH0022292
Pensacola. *FORT SAN CARLOS DE BARRANCAS*, U.S. Naval Air Station, (10-15-66) PH0025003 NHL; HABS.
Pensacola. *JONES, CHARLES WILLIAM, HOUSE*, 302 N. Barcelona St., (12-20-77)
Pensacola. *L & N MARINE TERMINAL BUILDING*, Commendencia Street Wharf, (8-14-72) PH0022276 HABS.
Pensacola. *LAVALLE HOUSE*, 203 E. Church St., (3-11-71) PH0012157 HABS; G.
Pensacola. *OLD CHRIST CHURCH*, 405 S. Adams St., (5-3-74) PH0011177 HABS; G.
Pensacola. *PENSACOLA ATHLETIC CLUB (RAFFORD HALL)*, SW corner of Baylen and Belmont Sts., (4-16-75)
Pensacola. *PENSACOLA HISTORIC DISTRICT*, (9-29-70) PH0012165 NHL; HABS.
Pensacola. *PENSACOLA LIGHTHOUSE AND KEEPER'S QUARTERS*, Pensacola Naval Air Station, (7-15-74) PH0012190
Pensacola. *PENSACOLA NAVAL AIR STATION HISTORIC DISTRICT*, Pensacola Naval Air Station, (12-8-76) HABS; NHL.
Pensacola. *PLAZA FERDINAND VII*, Palafox St. between Government and Zaragossa Sts., (10-15-66) PH0025011 NHL.
Pensacola. *SAENGER THEATRE*, 118 S. Palafox St., (7-19-76)
Pensacola. *BUCCANEER (VIRGINIA)* Municipal Wharf, (11-2-72) PH0012181 G.
Pensacola. *ST. MICHAEL'S CREOLE BENEVOLENT ASSOCIATION HALL*, 416 E. Government St., (5-3-74) PH0022306 HABS.
Pensacola Beach vicinity. *FORT PICKENS*, FL 399, W of Pensacola Beach, (5-31-72) PH0022284

flagler county

Bunnell vicinity. *BULOW PLANTATION RUINS*, 9 mi. SE of Bunnell, (9-29-70) PH0012203

franklin county

Apalachicola. *RANEY, DAVID G., HOUSE*, SW corner of Market St. and Ave. F, (9-22-72) PH0022411 G.
Apalachicola. *TRINITY EPISCOPAL CHURCH*, Ave. D and 6th St. (Gorrie Sq.), (6-30-72) PH0022403 HABS; G.
Apalachicola vicinity. *PIERCE SITE*, About 1 mi. NW of Apalachicola, (1-11-74) PH0002216
Carrabelle vicinity. *CROOKED RIVER LIGHTHOUSE*, SW of Carrabelle off U.S. 319, (12-1-78)
Eastpoint vicinity. *PORTER'S BAR SITE*, 2 mi. NE of Eastpoint off U.S. 319, (1-23-75) PH0081469
Little St. George Island. *CAPE ST. GEORGE LIGHT*, S point of Little St. George Island, (9-10-74) PH0008231
St. Teresa vicinity. *YENT MOUND*, (5-24-73) PH0022390
Sumatra vicinity. *FORT GADSEN HISTORIC MEMORIAL (NEGRO FORT; BRITISH FORT)*, 6 mi. SW of Sumatra, (2-23-72) PH0002224 NHL.

gadsden county

Chattahoochee. *U.S. ARSENAL–OFFICERS QUARTERS*, Florida State Hospital, U.S. 90, (7-2-73) PH0022322
Chattahoochee vicinity. *MARTIN, MALACHI, HOUSE*, Off of U.S. 90, (8-11-76)
Chattahoochee vicinity. *MARTIN, MALACHI, HOUSE*, 5 mi. E of Chattahoochee off U.S. 90, (8-11-76)
Mt. Pleasant vicinity. *DAVIS, JOSHUA, HOUSE*, 2.5 mi. NW of Mt. Pleasant on U.S. 90, (5-21-75) PH0098418
Quincy. *LOVE, E. C., HOUSE*, 219 N. Jackson St., (12-30-74) PH0073296
Quincy. *MCFARLIN, JOHN LEE, HOUSE*, 305 E. King St., (12-27-74) PH0073342
Quincy. *QUINCY HISTORIC DISTRICT*, roughly bounded by Sharon, Clark, Stewart, and Corry Sts., (11-9-78)
Quincy. *QUINCY LIBRARY (QUINCY ACADEMY)*, 303 N. Adams St., (9-9-74) PH0026808
Quincy. *QUINCY WOMEN'S CLUB*, 300 N. Calhoun St., (3-10-75)
Quincy. *SHELFER, E. B., HOUSE*, 205 N. Madison St., (4-4-75) PH0038989
Quincy. *STOCKTON-CURRY HOUSE*, 121 N. Duval St., (12-31-74) PH0052621
Quincy. *WHITE, JUDGE P. W., HOUSE (METHODIST PARSONAGE)*, 212 N. Madison St., (12-5-72) PH0022314 HABS.
Quincy vicinity. *OLD PHILADELPHIA PRESBYTERIAN CHURCH*, 5 mi. N of Quincy off FL 65, (2-24-75) PH0085448

hamilton county

Jasper. *UNITED METHODIST CHURCH*, Central Ave. and 5th St., (9-29-78)

hardee county

Bowling Green vicinity. *PAYNE'S CREEK MASSACRE - FORT CHOKONIKLA SITE*, SE of Bowling Green, (11-21-78)

hillsborough county

Plant City. *PLANT CITY UNION DEPOT*, E. North Drane St., (4-14-75) PH0140201 G.
Ruskin. *MILLER, GEORGE MCA., HOUSE*, 508 Tamiami Trail, (7-23-74) PH0002194
Ruskin vicinity. *COCKROACH KEY*, W of Ruskin about 3 mi. S of the mouth of Little Manatee River, (12-4-73) PH0010979
Tampa. *CENTRO ASTURIANO*, 1913 Nebraska Ave., (7-24-74) PH0022331
Tampa. *CIRCULO CUBANO DE TAMPA (CUBAN CLUB)*, 10th Ave. and 14th St., (11-15-72) PH0012211
Tampa. *EL CENTRO ESPANOL OF WEST TAMPA*, 2306 N. Howard St., (7-30-74) PH0010987
Tampa. *EL PASAJE (CHEROKEE CLUB)*, 14th St. and Palm Ave., (11-15-72) PH0027341
Tampa. *FEDERAL BUILDING, U.S. COURTHOUSE, DOWNTOWN POSTAL STATION*, 601 Florida Ave., (6-7-74) PH0002160
Tampa. *HUTCHINSON HOUSE*, 304 Plant Ave., (11-1-77)
Tampa. *JOHNSON-WOLFF HOUSE*, 6823 S. DeSoto St., (7-24-74) PH0002178
Tampa. *LEIMAN HOUSE*, 716 S. Newport St., (9-9-74) PH0026794
Tampa. *LEVICK HOUSE*, 2202 N. Highland St., (7-30-74)
Tampa. *OLD SCHOOL HOUSE*, Lafayette St., University of Tampa campus, (12-4-74) PH0043991
Tampa. *STOVALL HOUSE*, 4621 Bayshore Blvd., (9-4-74) PH0015482
Tampa. *TALIAFERRO, T. C., HOUSE*, 305 S. Hyde Park, (10-1-74) PH0015687
Tampa. *TAMPA BAY HOTEL*, 401 W. Kennedy Blvd., (12-5-72) PH0022365 NHL; G.
Tampa. *TAMPA CITY HALL*, 315 John F. Kennedy Blvd., East, (10-1-74) PH0015661
Tampa. *TAMPA THEATER AND OFFICE BUILDING*, 711 Franklin St., (1-3-78)
Tampa. *UNION RAILROAD STATION*, 601 N. Nebraska St., (6-5-74) PH0002208
Tampa. *YBOR CITY HISTORIC DISTRICT*, (8-28-74) PH0015474
Tampa. *YBOR FACTORY BUILDING*, 7th Ave. between 13th and 14th Sts., (11-15-72) PH0022357
Tampa vicinity. *EGMONT KEY*, W of Tampa at entrance to Tampa Bay, (12-11-78)
Zephyrhills vicinity. *FORT FOSTER*, 9 mi. S of Zephyrhills, (6-13-72) PH0012220

indian river county

Sebastian vicinity. *PELICAN ISLAND NATIONAL WILDLIFE REFUGE*, E of Sebastian in the Indian River, (10-15-66) PH0141330 NHL.
Sebastian vicinity. *SPANISH FLEET SURVIVORS AND SALVORS CAMP SITE*, Between Sebastian and Sebastian Inlet, (8-12-70) PH0012041

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jackson county

Greenwood. *ERWIN HOUSE*, Fort Rd. E of FL 71, (6-5-74) PH0012246
Greenwood. *GREAT OAKS (BRYAN MANSION)*, S of jct. of FL 69 and 71, (12-5-72) PH0012254
Greenwood. *PENDER'S STORE*, Near jct. of FL 71 and FL 69, (5-3-74) PH0012262
Marianna. *ELY-CRIGLAR HOUSE*, 242 W. Lafayette St., (12-27-72) PH0012238 HABS.
Marianna. *WEST, THEOPHILUS, HOUSE*, 403 Putnam St., (12-26-72) PH0022373
Marianna vicinity. *WADDELLS MILL POND SITE*, 7 mi. NW of Marianna, (12-15-72) PH0022381

jefferson county

Capps. *MAY, ASA, HOUSE (ROSEWOOD PLANTATION)*, N of jct. off U.S. 19 and 27, (12-15-72) PH0054470 G.
Lamont vicinity. *SAN MIGUEL DE ASILE MISSION SITE*, (12-17-74) PH0051748
Lloyd. *LLOYD RAILROAD DEPOT*, Near jct. of FL 59 and Lester Lawrence Rd., (12-2-74)
Lloyd vicinity. *SAN JOSEPH DE OCUYA SITE (RIVER FIELD SITE)*, 17 mi. E of Tallahassee, (5-7-73) PH0002232
Monticello. *MONTICELLO HISTORIC DISTRICT*, Irregular pattern along Madison, Jefferson, Dogwood, and Washington Sts., (8-19-77)
Monticello. *PALMER HOUSE*, Palmer Mill Rd. and S. Jefferson St., (11-21-78)
Monticello. *PERKINS OPERA HOUSE*, Washington St. and Courthouse Sq., (9-14-72) PH0002275 G.
Monticello. *WIRICK-SIMMONS HOUSE*, Jefferson and Pearl Sts., (6-30-72) PH0040908 HABS.
monticello vicinity. *LYNDHURST PLANTATION*, 15 mi. NE of Monticello off Ashville Rd., (4-2-73) PH0002259
Tallahassee vicinity. *SAN JUAN DE ASPALAGA SITE*, 16 mi. E of Tallahassee, (5-7-73) PH0002241

lake county

Eustis. *CLIFFORD HOUSE*, 536 N. Bay St., (4-4-75) PH0038822
Fuitland Park. *HOLY TRINITY EPISCOPAL CHURCH*, Spring Lake Rd., (12-27-74) PH0073318
Leesburg. *MOTE-MORRIS HOUSE*, 1021 N. Main St., (12-27-74) PH0073334
Mount Dora. *DONNELLY HOUSE*, Donnelly Ave., (4-4-75) PH0038997

lee county

Estero. *KORESHAN UNITY SETTLEMENT HISTORIC DISTRICT*, U.S. 41 at Estero River, (5-4-76)
Fort Myers Beach vicinity. *MOUND KEY*, S of Fort Myers Beach in Koreshan State Park, on Estero Bay, (8-12-70) PH0012289
Pine Island vicinity. *DEMERE KEY*, Off W shore of Pine Island, in Pine Island Sound, (6-13-72) PH0012271
Pineland. *PINELAND SITE*, On Pine Island, (11-27-73) PH0022420
Pineland vicinity. *JOSSLYN ISLAND SITE*, S of Pineland, (12-14-78)
Sanibel. *SANIBEL LIGHTHOUSE AND KEEPER'S QUARTERS*, Point Ybel on Sanibel Island, (10-1-74) PH0031704

leon county

Tallahassee. *BROKAW-MCDOUGALL HOUSE*, 329 N. Meridian Rd., (7-24-72) PH0022471
Tallahassee. *CARNEGIE LIBRARY*, Florida Agricultural and Mechanical University campus, (11-17-78)
Tallahassee. *CASCADES PARK*, Bounded roughly by Apalachee Pkwy., Bloxham, Suwanee, Munroe, and Meridian Sts., and state property line, (5-12-71) PH0012301
Tallahassee. *COLUMNS, THE*, 100 N. Duval St., (5-21-75)
Tallahassee. *FIRST PRESBYTERIAN CHURCH*, 102 N. Adams St., (9-9-74) PH0015679
Tallahassee. *FLORIDA STATE CAPITOL*, S. Monroe St., (5-7-73) PH0012319
Tallahassee. *GOODWOOD (OLD CROOM MANSION)*, 1500 Miccosukee Rd., (6-30-72) PH0012335 HABS.
Tallahassee. *GROVE, THE (GOV. RICHARD KEITH CALL HOUSE)*, Adams St. and 1st Ave., (6-13-72) PH0022454
Tallahassee. *ST. JOHN'S EPISCOPAL CHURCH*, 211 N. Monroe St., (8-10-78)
Tallahassee. *TALLAHASSEE HISTORIC DISTRICT ZONES I AND II*, Calhoun St. between Georgia and Tennessee Sts. and E. Park Ave. between Gadsden and Calhoun Sts., (10-26-72) PH0012327 HABS; G.
Tallahassee. *UNION BANK*, Apalachee Pkwy. and Calhoun St., (2-24-71) PH0002321 HABS; G.
Tallahassee. *WALKER, DAVID S., LIBRARY*, 209 E. Park Ave., (6-22-76) G.
Tallahassee vicinity. *BELLEVUE*, SW of Tallahassee off FL 371, (3-11-71) PH0012297
Tallahassee vicinity. *ESCAMBE (SAN COSMO Y SAN DAMIAS DE ESCAMBE)*, 3 mi. NW of Tallahassee, (5-14-71) PH0022446 G.
Tallahassee vicinity. *LAKE JACKSON MOUNDS*, 4.5 mi. N of Tallahassee, (5-6-71) PH0022462 G.
Tallahassee vicinity. *PISGAH UNITED METHODIST CHURCH*, N of Tallahassee, SE of FL 151, (5-3-74) PH0002291
Tallahassee vicinity. *SAN LUIS DE APALACHE*, 2 mi. W of Tallahassee, (10-15-66) PH0002305 NHL.
Tallahassee vicinity. *SAN PEDRO Y SAN PABLO DE PATALE*, 6 mi. E of Tallahassee, (6-26-72) PH0002313
Woodville vicinity. *NATURAL BRIDGE BATTLEFIELD*, E of Woodville off U.S. 319, (9-29-70) PH0002283

liberty county

Bristol vicinity. *TORREYA STATE PARK*, 13 mi. NE of Bristol, (8-14-72) PH0002402
Bristol vicinity. *YON MOUND AND VILLAGE SITE*, W of Bristol, (12-15-78)

madison county

Madison. *DIAL-GOZA HOUSE*, 105 N.E. Marion St., (7-24-73) PH0022616
Madison. *FIRST BAPTIST CHURCH*, Pickney and Orange Sts., (11-14-78)
Madison. *WARDLAW-SMITH HOUSE*, 103 N. Washington St., (6-30-72) PH0002381 HABS.

manatee county

Bradenton. *MANATEE COUNTY COURTHOUSE (ORIGINAL)*, Manatee Ave. and 15th St., (6-29-76)
Bradenton vicinity. *DE SOTO NATIONAL MEMORIAL*, 5 mi. W of Bradenton, (10-15-66)
Ellenton. *GAMBLE, ROBERT, HOUSE (JUDAH P. BENJAMIN MEMORIAL)*, On U.S. 301, (8-12-70) PH0022608 HABS; G.
Terra Ceia Island. *MADIRA BICKEL MOUNDS*, U.S. 19, (8-12-70) PH0022586

martin county

Stuart vicinity. *HOUSE OF REFUGE AT GILBERT'S BAR*, Hutchinson Island between Negro and Bessie Caves, (5-3-74) PH0022578

monroe county

SAN JOSE SHIPWRECK SITE, *Reference—see Outer Continental Shelf*
SAN JOSE SHIPWRECK SITE, *Reference—see Outer Continental Shelf* (1-2-74)
Dry Tortugas Islands. *FORT JEFFERSON NATIONAL MONUMENT*, 68 mi. W of Key West, in Gulf of Mexico, (11-10-70) PH0190861 HABS.
Key Largo vicinity. *JOHN PENNEKAMP CORAL REEF STATE PARK AND RESERVE*, U.S. 1, (4-14-72) PH0022551
Key Largo vicinity. *ROCK MOUND ARCHEOLOGICAL SITE*, S of Key Largo, (7-1-75)
Key West. *ARMORY, THE*, 600 White St., (3-11-71) PH0002348 G.
Key West. *FORT ZACHARY TAYLOR*, U.S. Naval Station, (3-11-71) PH0002372 NHL.
Key West. *GATO, EDUARDO H., HOUSE*, 1209 Virginia St., (4-11-73) PH0002356 HABS.
Key West. *HEMINGWAY, ERNEST, HOUSE*, 907 Whitehead St., (11-24-68) PH0141356 NHL.
Key West. *KEY WEST HISTORIC DISTRICT*, Bounded approximately by White, Angela, Windsor, Passover, Thomas and Whitehead Sts., and the Gulf of Mexico, (3-11-71) PH0012424 HABS; G.
Key West. *LITTLE WHITE HOUSE (QUARTERS A)*, Naval Station, (2-12-74) PH0002364
Key West. *MARTELLO GALLERY-KEY WEST ART AND HISTORICAL MUSEUM*, S. Roosevelt Blvd., (6-19-72) PH0012441
Key West. *OLD POST OFFICE AND CUSTOMSHOUSE*, Front St., (9-20-73) PH0012459 HABS.
Key West. *PORTER, DR. JOSEPH Y., HOUSE*, 429 Caroline St., (6-4-73) PH0022527 HABS.
Key West. *U.S. COAST GUARD HEADQUARTERS, KEY WEST STATION*, NW corner Front St. and Whitehead St., (10-15-73) PH0022543 HABS.
Key West. *WEST MARTELLO TOWER*, Monroe County Beach between Reynolds and White Sts., (11-24-76)
Key West vicinity. *SAND KEY LIGHTHOUSE*, 7 mi. SW of Key West on Sand Key, (4-11-73) PH0022535 HABS.
Lower Matecumbe Key vicinity. *INDIAN KEY*, 1 mi. SE of Lower Matecumbe Key, 75 mi. S of Miami, (6-19-72) PH0012432

nassau county

Fernandina beach. *BAILEY HOUSE*, 7th and Ash Sts., (6-4-73) PH0012416
Fernandina beach. *FAIRBANKS HOUSE*, 227 S. 7th St., (6-4-73) PH0012408
Fernandina Beach. *FERNANDINA BEACH HISTORIC DISTRICT*, (7-20-73) PH0012394 G.
Fernandina Beach. *TABBY HOUSE (C. W. LEWIS HOUSE)*, 7th and Ash Sts., (6-4-73) PH0002330
Fernandina Beach vicinity. *FORT CLINCH*, 3 mi. N of Fernandina Beach on FL AIA, (2-23-72) PH0012386

okaloosa county

Fort Walton Beach. *FORT WALTON MOUND*, (10-15-66) PH0022489 NHL.

Valparaiso. *VALPARAISO INN*, 331 Bayshore Dr., (8p1-78)

okeechobee county

Okeechobee vicinity. *OKEECHOBEE BATTLEFIELD*, 4 mi. SE of Okeechobee on U.S. 441, (10-15-66) PH0141348 NHL.

orange county

Orlando. *OLD ORLANDO RAILROAD DEPOT*, Depot Pl. and W. Church St., (4-22-76)
Winter Park. *PARSONAGE, THE*, Fairbanks Ave. at Chase Ave., (10-2-73) PH0024465 HABS.

osceola county

Kissimmee. *OSCEOLA COUNTY COURTHOUSE*, Bounded by Emmett, Bryan, Rose, & Vernon Sts., (8-16-77)

palm beach county

Canal Point vicinity. *BIG MOUND CITY*, 10 mi. E of Canal Point, (5-24-73) PH0022497
Jupiter. *JUPITER INLET LIGHTHOUSE*, Jct. of Loxahatchee River and Jupiter Sound, (10-15-73) PH0012351
Palm Beach. *BINGHAM-BLOSSOM HOUSE (FIGULUS)*, 1250 S. Ocean Blvd., (12-5-72) PH0022501 HABS.
Palm Beach. *BREAKERS HOTEL COMPLEX*, S. County Rd., (8-14-73) PH0022560
Palm Beach. *BRELSFORD HOUSE (THE BANYANS)*, 1 Lake Trail, (5-3-74) PH0012343
Palm Beach. *FLAGLER, HENRY MORRISON, HOUSE (WHITEHALL)*, Whitehall Way, (12-5-72) PH0012378
Palm Beach. *PARAMOUNT THEATRE BUILDING*, 145 N. County Rd., (12-12-73) PH0022519
West Palm Beach. *SEABOARD COASTLINE RAILROAD PASSENGER STATION*, Tamarind Ave. at Datura St., (6-19-73) PH0012360

pinellas county

Dunedin. *ANDREWS MEMORIAL CHAPEL*, Buena Vista and San Mateo, (7-31-72) PH0002437
Safety Harbor vicinity. *SAFETY HARBOR SITE*, Philippe Park, 1 mi. NE of Safety Harbor, (10-15-66) PH0002411 HNL; G.
St. Petersburg. *U.S. POST OFFICE*, SW corner of 1st Ave. N. and 4th St. N., (4-4-75)
St. Petersburg. *VINOY PARK HOTEL*, 501 Beach Dr., (9-11-78)
St. Petersburg. *WEEDEN (WEEDON) ISLAND SITE*, On Weeden Island Rd., (6-13-72) PH0002445
St. Petersburg. *WILLIAMS, JOHN C., HOUSE (MANHATTAN HOTEL)*, 444 5th Ave. S., (4-24-75)
St. Petersburg Beach. *DON CE SAR HOTEL*, 3400 Gulf Blvd., (4-3-75) PH0038873
St. Petersburg vicinity. *FORT DESOTO BATTERIES*, 8 mi. S of St. Petersburg on Mullet Key, (12-2-77)
Tarpon Springs. *SAFFORD HOUSE*, Parken Pl., (10-16-74) PH0006661
Tarpon Springs. *TARPON SPRINGS SPONGE EXCHANGE*, Dodecanese St., (7-24-72) PH0002429

polk county

Bartow. *HOLLAND, BENJAMIN FRANKLIN, HOUSE (THE GABLES)*, 590 E. Stanford St., (4-3-75)
Bartow. *SOUTH FLORIDA MILITARY COLLEGE*, 1100 S. Broadway, (7-24-72) PH0002461
Fort Meade. *CHRIST CHURCH (EPISCOPAL)*, 526 N. Oak, (5-6-76)
Lake Wales vicinity. *BOK MOUNTAIN LAKE SANCTUARY AND SINGING TOWER*, 2 mi. N of Lake Wales, (8-21-72) PH0002453
Lake Wales vicinity. *CASA DE JOSEFINA*, 2 mi. SE of Lake Wales off U.S. 27, (6-10-75) PH0150525
Lakeland. *FLORIDA SOUTHERN COLLEGE ARCHITECTURAL DISTRICT*, McDonald and Johnson Aves., (6-11-75) HABS.

putnam county

Crescent City. *HUBBARD HOUSE*, 600 N. Park St. in Hubbard Park, (8-14-73) PH0022632
Melrose. *MELROSE WOMAN'S CLUB*, Pine St., (4-6-78)
Palatka. *BRONSON-MULHOLLAND HOUSE (JUDGE ISAAC BRONSON HOUSE)*, Madison between 1st and 2nd Sts., (12-27-72) PH0022624 G.
Palatka. *ST. MARKS EPISCOPAL CHURCH*, 2nd and Main Sts., (5-9-73) PH0022659
Welaka vicinity. *MOUNT ROYAL*, 3 mi. S of Welaka, (5-7-73) PH0022641

sarasota county

Osprey vicinity. *OSPREY ARCHEOLOGICAL AND HISTORIC SITE*, N of Osprey, (4-16-75)
Venice vicinity. *WARM MINERAL SPRINGS*, 12 mi. SE of Venice on U.S. 41, (11-28-77)

seminole county

Altamonte Springs. *BRADLEE-MCINTYRE HOUSE*, Massachusetts Park Pl. and FL 436, (6-13-72) PH0141178 G.
Sanford. *SANFORD COMMERCIAL DISTRICT*, Parts of 1st, 2nd, and Commercial Sts., between Palmetto and Oak Sts. (both sides), (6-15-76) G.

st. johns county

St. Augustine. *ALCAZAR HOTEL*, (2-24-71) PH0022667
St. Augustine. *AVERO HOUSE*, 39 St. George St., (6-13-72) PH0191787 HABS; G.
St. Augustine. *CASTILLO DE SAN MARCOS NATIONAL MONUMENT*, 1 Castillo Dr., (10-15-66) HABS.
St. Augustine. *CATHEDRAL OF ST. AUGUSTINE*, Cathedral St. between Charlotte and St. George Sts., (4-15-70) PH0141291 NHL; HABS.
St. Augustine. *GONZALEZ-ALVAREZ HOUSE*, 14 St. Francis St., (4-15-70) PH0141283 NHL.
St. Augustine. *HOTEL PONCE DE LEON*, Bounded by King, Valencia, Sevella, and Cordova Sts., (5-6-75) HABS.
St. Augustine. *LINDSLEY HOUSE*, 241 St. George St., (9-10-71) PH0022691 HABS.
St. Augustine. *LLAMBIAS HOUSE (FERNANDEZ-LLAMBIAS HOUSE)*, 31 St. Francis St., (4-15-70) PH0141275 NHL; HABS.
St. Augustine. *MARKLAND*, 102 King St., (12-6-78)
St. Augustine. *O'REILLY HOUSE*, 131 Aviles St., (10-15-74) PH0141160 HABS.
St. Augustine. *RODRIGUEZ-AVERO-SANCHEZ HOUSE*, 52 St. George St., (4-16-71) PH0022705 HABS.
St. Augustine. *SANCHEZ POWDER HOUSE SITE*, Marine St., (4-14-72) PH0022713
St. Augustine. *ST. AUGUSTINE HISTORIC DISTRICT*, (4-15-70) PH0012505 NHL; HABS; G.
St. Augustine. *XIMENEZ-FATIO HOUSE*, 20 Aviles St., (7-25-73) PH0012513 HABS.
St. Augustine Beach. *SPANISH COQUINA QUARRIES*, Florida AIA, Anastasia State Park, (2-23-72) PH0012491
St. Augustine vicinity. *FISH ISLAND SITE*, S of St. Augustine near Matanzas River, (6-13-72) PH0022683
St. Augustine vicinity. *FORT MATANZAS NATIONAL MONUMENT*, 15 mi. S of St. Augustine, (10-15-66) PH0228818

st. lucie county

Fort Pierce. *FORT PIERCE SITE*, South Indian River, (1-11-74) PH0002470

sumter county

Bushnell vicinity. *DADE BATTLEFIELD HISTORIC MEMORIAL*, 1 mi. W of Bushnell off U.S. 301, (4-14-72) PH0002488 NHL.

suwannee county

Live Oak vicinity. *HULL-HAWKINS HOUSE*, 10 mi. S of Live Oak on FL 49, (5-7-73) PH0002496

volusia county

Daytona Beach. *BETHUNE, MARY MCLEOD, HOME*, Bethune-Cookman College campus, (12-2-74) PH0141313 NHL.
DeBary. *DEBARY HALL (HEADQUARTERS, FLORIDA FEDERATION OF ART)*, DeBary Mansion State Park, (7-24-72) PH0002526
DeLand. *STETSON, JOHN B., HOUSE*, 1031 Camphor Lane, (11-21-78)
Enterprise. *ALL SAINT'S EPISCOPAL CHURCH*, Corner of DeBary Ave. NE. and Clark St., (5-3-74) PH0002500
New Smyrna Beach vicinity. *NEW SMYRNA SUGAR MILL RUINS*, 1 mi. W of New Smyrna Beach, (8-12-70) PH0012530
New Smyrna Beach vicinity. *TURTLE MOUND*, 9 mi. S of New Smyrna Beach, (9-29-70) PH0022730
Ormond Beach. *CASEMENTS, THE*, 15 E. Granada Ave., (6-30-72) PH0002518 G.
Ormond Beach vicinity. *NOCOROCO*, 2 mi. N of Ormond Beach, (5-7-73) PH0012548
Ponce de Leon Inlet vicinity. *PONCE DE LEON INLET LIGHTHOUSE (MOSQUITO INLET LIGHTHOUSE)*, U.S. Coast Guard Reservation, (9-22-72) PH0022721 G.
Port Orange vicinity. *DUNLAWTON PLANTATION–SUGAR MILL RUINS*, W of Port Orange off Nova Rd., (8-28-73) PH0012521

wakulla county

Crawfordville. *OLD WAKULLA COUNTY COURTHOUSE*, Church St., (5-3-76)
St. Marks. *FORT SAN MARCOS DE APALACHE*, 18 mi. S of Tallahassee, (11-13-66) PH0012653 NHL.
St. Marks National Wildlife Refuge. *ST. MARKS LIGHTHOUSE*, N side of Apalache Bay at terminus of FL 59, (7-31-72) PH0012475
Wakulla Beach vicinity. *BIRD HAMMOCK*, (12-15-72) PH0012467

walton county

DeFuniak Springs. *CHAUTAUQUA AUDITORIUM*, Circle Dr., (8-7-72) PH0012483 G.

GEORGIA

putnam county

Eatonton vicinity. *TOMPKINS INN*, N of Eatonton on U.S. 441, (10-5-78)

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Washington vicinity. GILMER, THOMAS M., HOUSE, 5 mi. (8 km) W of Washington on U.S. 78, (11-2-77)

atkinson county

Willacoochee vicinity. *MCCRANIE'S TURPENTINE STILL*, W of Willacoochee on U.S. 82, (6-28-76)

baldwin county

Milledgeville. *ATKINSON HALL, GEORGIA COLLEGE*, Georgia College campus, (1-20-72) PH0022748

Milledgeville. *CENTRAL BUILDING, STATE LUNATIC ASYLUM*, Broad St., (7-20-78)

Milledgeville. *FORMER GOVERNOR'S MANSION*, 120 S. Clark St., (5-13-70) PH0069892 NHL; HABS.

Milledgeville. *MILLEDGEVILLE HISTORIC DISTRICT*, Bounded by Irwin, Thomas, and Warren Sts. and Fishing Creek, (6-28-72) PH0022756 HABS.

Milledgeville. *OLD STATE CAPITOL (GEORGIA MILITARY COLLEGE)*, Greene St., (5-13-70) PH0022764 HABS.

Milledgeville vicinity. *BARROWVILLE*, E of Milledgeville on GA 22/24, (12-14-78)

Milledgeville vicinity. *BOYKIN, MAJ. FRANCIS, HOUSE*, 10 mi. (16 km) SE of Milledgeville off GA 24, (11-14-78) HABS.

Milledgeville vicinity. *ROCKWELL, SAMUEL, HOUSE*, 165 Allen Memorial Dr., (4-19-78) HABS.

Milledgeville vicinity. *RUTHERFORD, JOHN, HOUSE*, 550 Allen Memorial Dr., (3-21-78)

Milledgeville vicinity. *STOREHOUSE, STATE LUNATIC ASYLUM*, Broad St. and Lawrence Rd., (6-15-78)

Milledgeville vicinity. *THALIAN HALL*, Allen Memorial and Ivey Drs., (3-21-78)

banks county

Commerce vicinity. *NEW SALEM COVERED BRIDGE*, 6 mi. N of Commerce on SR S992 over Grove Creek, (6-10-75) PH0133639

Homer vicinity. *KESLER COVERED BRIDGE*, 10 mi. N of Homer on County Line Rd. over Middle Fork Broad River, (6-18-75) PH0143189 (also in Franklin County)

barrow county

Bethlehem vicinity. *KILGORE MILL COVERED BRIDGE AND MILL SITE*, 3.5 mi. SW of Bethlehem across Apalachee River/county line, (4-14-75) (also in Walton County)

bartow county

Cartersville. *ROSELAWN (SAM JONES HOUSE)*, 244 Cherokee Ave., (1-12-73) PH0012556 G.

Cartersville vicinity. *ETOWAH MOUNDS*, 3 mi. S of Cartersville on GA 61, (10-15-66) NHL; G.

Carterville vicinity. *ETOWAH VALLEY DISTRICT*, Along Etowah River and drainage areas, (6-30-75) (also in Floyd County)

Carterville vicinity. *VALLEY VIEW*, Euharlee Rd., SW of Cartersville, (5-8-74) PH0012564

berrien county

Nashville. *BERRIEN COUNTY COURTHOUSE*, Town Square, (12-9-77)

bibb county

Macon. *ANDERSON, CAPT. R. J., HOUSE*, 1730 West End Ave., (5-27-71) PH0002542

Macon. *ANDERSON, JUDGE CLIFFORD, HOUSE*, 642 Orange St., (7-14-71) PH0002534

Macon. *BABER, AMBROSE, HOUSE*, 577–587 Walnut St., (8-14-73) PH0002551 HABS.

Macon. *BURKE, THOMAS C., HOUSE*, 1085 Georgia Ave., (6-21-71) PH0002569

Macon. *CANNONBALL HOUSE (JUDGE ASA HOLT HOUSE)*, 856 Mulberry St., (5-27-71) PH0002577 HABS.

Macon. *CENTRAL CITY PARK BANDSTAND*, Central City Park, (3-16-72) PH0002585

Macon. *CHRIST EPISCOPAL CHURCH*, 538–566 Walnut St., (7-14-71) PH0002593

Macon. *COWLES HOUSE (STRATFORD ACADEMY)*, 988 Bond St., (6-21-71) PH0012599 HABS.

Macon. *COWLES, JERRY, COTTAGE*, 4569 Rivoli Dr., (6-21-71) PH0012581 HABS.

Macon. *DASHER-STEVENS HOUSE*, 904 Orange Ter., (10-18-72) PH0017965

Macon. *DAVIS-GUTTENBERGER-RANKIN HOUSE*, 134 Buford Pl., (11-30-73) PH0012718

Macon. *DOMINGOS HOUSE*, 1261 Jefferson Ter., (6-21-71) PH0022772

Macon. *EMERSON-HOLMES BUILDING*, 566 Mulberry St., (6-21-71) PH0022781 HABS.

Macon. *FINDLAY, ROBERT, HOUSE*, 785 2nd St., (1-20-72) PH0022870

Macon. *FIRST PRESBYTERIAN CHURCH*, 690 Mulberry St., (9-14-72) PH0029343

Macon. *FORT HAWKINS ARCHEOLOGICAL SITE*, Fort Hill St., (11-23-77)

Macon. *GOODALL HOUSE*, 618 Orange St., (5-27-71) PH0022888

Macon. *GRAND OPERA HOUSE*, 651 Mulberry St., (6-22-70) PH0112666

Macon. *GREEN-POE HOUSE*, 841–845 Poplar St., (7-14-71) PH0002747 HABS.

Macon. *HATCHER-GROOVER-SCHWARTZ HOUSE*, 1144–1146 Georgia Ave., (6-21-71) PH0022896

Macon. *HOLT-PEELER-SNOW HOUSE*, 1129 Georgia Ave., (6-21-71) PH0002607 HABS.

Macon. *JOHNSTON-HAY HOUSE*, 934 Georgia Ave., (5-27-71) PH0002615 NHL.

Macon. *LANIER, SIDNEY, COTTAGE*, 935 High St., (1-31-72) PH0022900 G.

Macon. *LASSITER HOUSE*, 315 College St., (4-11-72) PH0022918

Macon. *LEE, W. G., ALUMNI HOUSE (BARTLETT HOUSE)*, 1270 Ash (Coleman) St., (7-14-71) PH0022926

Macon. *MACON HISTORIC DISTRICT*, (12-31-74) PH0035092

Macon. *MCCRARY, DEWITT, HOUSE*, 320 Hydrolia St., (3-22-74) PH0002658

Macon. *MERCER UNIVERSITY ADMINISTRATION BUILDING*, Coleman Ave., (8-26-71) PH0022934

Macon. *MILITIA HEADQUARTERS BUILDING*, 552–564 Mulberry St., (4-11-72) PH0012572

Macon. *MONROE STREET APARTMENTS*, 641–661 Monroe St., (3-16-72) PH0002666

Macon. *MUNICIPAL AUDITORIUM*, 415–435 1st St., (6-21-71) PH0002674

Macon. *MUNROE-DUNLAP-SNOW HOUSE*, 920 High St., (7-14-71) PH0022942

Macon. *MUNROE-GOOLSBY HOUSE*, 159 Rogers Ave., (1-20-72) PH0002640

Macon. *NAPIER, LEROY, HOUSE*, 2215 Napier Ave., (5-27-71) PH0002682

Macon. *OCMULGEE NATIONAL MONUMENT*, (10-15-66)

Macon. *OLD MACON LIBRARY*, 652–662 Mulberry St., (11-26-73) PH0002721

Macon. *OLD U.S. POST OFFICE AND FEDERAL BUILDING*, 475 Mulberry St., (1-20-72) PH0002739

Macon. *RAINES-CARMICHAEL HOUSE*, 1183 Georgia Ave., (6-21-71) PH0022969 NHL; HABS.

Macon. *RANDOLPH-WHITTLE HOUSE*, 1231 Jefferson Ter., (2-1-72) PH0022951

Macon. *ROGERS, ROCK, HOUSE*, 337 College St., (1-20-72) PH0022977

Macon. *ROSE HILL CEMETERY*, Riverside Dr., (10-9-73) PH0022985

Macon. *SLATE HOUSE*, 931–945 Walnut St., (1-21-74) PH0023001

Macon. *SMALL HOUSE (NAPIER-SMALL HOUSE)*, 156 Rogers Ave., (5-27-71) PH0023019 HABS.

Macon. *SOLOMON-CURD HOUSE*, 770 Mulberry St., (5-27-71) PH0023027

Macon. *SOLOMON-SMITH-MARTIN HOUSE*, 2619 Vineville Ave., (7-14-71) PH0023035

Macon. *ST. JOSEPH'S CATHOLIC CHURCH*, 812 Poplar St., (7-14-71) PH0022993

Macon. *VILLA ALBICINI*, 150 Tucker Rd., (5-16-74) PH0023043

Macon. *WILLINGHAM-HILL-O'NEAL COTTAGE*, 535 College St., (7-14-71) PH0023051

brooks county

Quitman vicinity. *EUDORA PLANTATION*, 3.5 mi. S of Quitman off GA 33, (12-16-74) PH0062481

bryan county

Ellabelle vicinity. *GLEN ECHO*, 2 mi. (3.2 km) E of Ellabelle on GA 204, (1-9-78)

Richmond Hill vicinity. *FORT MCALLISTER*, 10 mi. E of Richmond Hill via GA 67, (5-13-70) PH0002763

Richmond Hill vicinity. *RICHMOND HILL PLANTATION*, E of Richmond Hill on Ford Neck Rd., (1-30-78)

Richmond Hill vicinity. *SEVEN MILE BEND (BRYAN'S NECK)*, (4-11-72) PH0002771

Savannah vicinity. *OLD FORT ARGYLE SITE*, 15 mi. W of Savannah off GA 204, (3-31-75) PH0088838

butts county

Indian Springs. *MCINTOSH INN*, GA 42, (5-7-73) PH0002780

Jackson. *CARMICHAEL, J. R., HOUSE*, 149 McConough Rd., (7-13-77)

camden county

St. Marys. *ORANGE HALL*, 311 Osborne St., (5-7-73) PH0002798 HABS.

St. Marys. *ST. MARYS HISTORIC DISTRICT*, Roughly bounded by Waterfront Rd., Norris, Alexander, and Oak Grove Cemetery, (5-13-76)

St. Marys vicinity. *HIGH POINT-HALF MOON BLUFF HISTORIC DISTRICT*, NE of St. Marys on Cumberland Island, (12-22-78)

carroll county

BURNS QUARRY, (8-29-77)

Carrollton. *BONNER-SHARP-GUNN HOUSE*, West Georgia College campus, (5-13-70) PH0112674 G.

catoosa county

Chattanooga, TN, vicinity. *CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK*, S of Chattanooga on U.S. 27, (10-15-66) PH0350001 (also in Hamilton Co., TN)

Ringgold. *RINGGOLD DEPOT*, U.S. 41, (11-30-78)

Ringgold. *WHITMAN-ANDERSON HOUSE*, 309 Tennessee St., (10-5-77)

chatham county

Nicholsonville. *NICHOLSONVILLE BAPTIST CHURCH*, White Bluff Rd., (5-22-78)

Port Wentworth vicinity. *MULBERRY GROVE SITE*, N of Port Wentworth, (7-17-75)

Savannah. *CENTRAL OF GEORGIA DEPOT AND TRAINSHED*, W. Broad and Liberty Sts., (12-8-76) HAER.

Savannah. *CENTRAL OF GEORGIA RAILROAD: SAVANNAH SHOPS AND TERMINAL FACILITIES*, W. Broad St. and Railroad Ave., (6-2-78) NHL.

Savannah. *CENTRAL OF GEORGIA RAILWAY COMPANY SHOP PROPERTY*, Between W. Jones St. and Louisville Rd., (3-5-70) PH0085464 HAER.

Savannah. *DAVENPORT, ISAIAH, HOUSE*, 324 E. State St., (9-22-72) PH0002801 HABS.

Savannah. *FEDERAL BUILDING AND U.S. COURTHOUSE*, Wright Sq., (6-7-74) PH0012726

Savannah. *FIRST BRYAN BAPTIST CHURCH*, 575 W. Bryan St., (5-22-78)

Savannah. *FORT JACKSON*, Islands Expwy., (2-18-70) PH0012734 G.

Savannah. *GREEN-MELDRIM HOUSE*, Macon and Bull Sts., (1-21-74) PH0012742 NHL; HABS.

Savannah. *HODGSON, W. B., HALL*, 501 Whitaker St., (3-25-77)

Savannah. *LAUREL GROVE-SOUTH CEMETERY*, 37th St., (9-6-78)

Savannah. *LOW, JULIETTE GORDON, BIRTHPLACE*, 10 Oglethorpe Ave., E., (10-15-66) PH0113018 NHL; HABS; G.

Savannah. *MASSIE COMMON SCHOOL HOUSE*, 207 E. Gordon St., (4-13-77)

Savannah. *OWENS-THOMAS HOUSE*, 124 Abercorn St., (5-11-76) NHL.

Savannah. *SAVANNAH HISTORIC DISTRICT*, Bounded by E. Broad, Gwinnett, and W. Broad Sts. and the Savannah River, (11-13-66) PH0023078 NHL; HABS.

Savannah. *SAVANNAH VICTORIAN HISTORIC DISTRICT*, (12-11-74) PH0035131

Savannah. *SCARBROUGH, WILLIAM, HOUSE*, 41 W. Broad St., (6-22-70) PH0023086 NHL; HABS; G.

Savannah. *STURGES, OLIVER, HOUSE*, 27 Abercorn St., (7-14-71) PH0023094 HABS.

Savannah. *TELFAIR ACADEMY*, 121 Bernard St., (5-11-76) NHL; HABS.

Savannah. *U.S. CUSTOMHOUSE*, 1–3 E. Bay St., (5-29-74) PH0023060

Savannah vicinity. *BETHESDA HOME FOR BOYS*, S of Savannah at Ferguson Ave. and Bethesda Rd., (9-12-73) PH0012769

Savannah vicinity. *FORT PULASKI NATIONAL MONUMENT*, 17 mi. W of Savannah, Cockspur Island, (10-15-66) PH0300420 HABS.

Savannah vicinity. *WILD HERON*, 15 mi. SW of Savannah off U.S. 17, (12-16-77) HABS.

Savannah vicinity. *WORMSLOE PLANTATION*, Isle of Hope and Long Island, (4-26-73) PH0023108

chattahoochee county

Fort Benning. *RIVERSIDE (QUARTERS NO.1)*, 100 Vibbert Ave., (5-27-71) PH0012777

clarke county

Athens. *BISHOP HOUSE*, Jackson St., University of Georgia campus, (3-16-72) PH0012785

Athens. *CAMAK HOUSE*, 279 Meigs St., (7-7-75)

Athens. *CARNEGIE LIBRARY BUILDING*, 1401 Prince Ave., (11-11-75) PH0280208

Athens. *CHASE, ALBON, HOUSE*, 185 N. Hull St., (8-19-74) PH0005428 HABS.

Athens. *CHURCH-WADDEL-BRUMBY HOUSE*, 280 E. Dougherty St., (2-20-75)

Athens. *COBB, T.R.R., HOUSE*, 194 Prince Ave., (6-30-75)

Athens. *COBBHAM HISTORIC DISTRICT*, roughly bounded by Prince Ave., Hill, Reese, and Pope Sts., (8-24-78)

Athens. *DEARING STREET HISTORIC DISTRICT*, Roughly bounded by Broad and Baxter Sts., Milledge Ave., and includes both sides of Finley St. and Henderson Ave., (9-5-75) PH0228834

Athens. *DOWNTOWN ATHENS HISTORIC DISTRICT*, Roughly bounded by Hancock Ave., Foundly, Mitchell, Broad, and Lumpkin Sts., (8-10-78)

Athens. *FRANKLIN HOUSE (OLD ATHENS HOTEL)*, 464–480 E. Broad St., (12-11-74) PH0035190 HABS.

Athens. *GARDEN CLUB OF GEORGIA MUSEM-HEADQUARTERS HOUSE (FOUNDER'S MEMORIAL GARDEN)*, Lumpkin St., University of Georgia campus, (4-26-72) PH0012793

Athens. *GRADY, HENRY W., HOUSE*, 634 Prince Ave., (5-11-76) NHL; HABS.

Athens. *LUCY COBB INSTITUTE CAMPUS*, 200 N. Milledge Ave., University of Georgia campus, (3-16-72) PH0002810 HABS.

Athens. *LUMPKIN, GOV. WILSON, HOUSE (ROCK HOUSE)*, Cedar St., University of Georgia campus, (3-16-72) PH0023116

Athens. *LUMPKIN, JOSEPH HENRY, HOUSE*, 248 Prince Ave., (6-27-75) PH0143219 HABS.

Athens. *OLD NORTH CAMPUS, UNIVERSITY OF GEORGIA*, Bounded by Broad, Lumpkin, and Jackson Sts., (3-16-72) PH0069884 HABS.

Athens. *PARROTT INSURANCE BUILDING*, 283 E. Broad St., (10-7-77)

Athens. *PRESIDENT'S HOUSE, UNIVERSITY OF GEORGIA (BENJAMIN HILL HOUSE)*, 570 Prince Ave., (3-16-72) PH0012807 HABS.

Athens. *SLEDGE, JAMES A., HOUSE*, 749 Cobb St., (2-12-74) PH0002828

Athens. *UPSON HOUSE*, 1022 Prince Ave., (11-15-73) PH0002836 HABS.

Athens. *WARE-LYNDON HOUSE*, 293 Hoyt St., (3-15-76)

Athens. *WILKINS HOUSE*, 387 S. Milledge Ave., (5-19-70) PH0002844

clay county

Fort Gaines. *DILL HOUSE*, 102 S. Washington St., (5-6-75)

Fort Gaines. *GEORGE, WALTER F., DAM MOUND*, SE of Walter F. George Lock and Dam, (1-21-75)

Fort Gaines vicinity. *FORT GAINES CEMETERY SITE*, (12-16-74) PH0113051

Fort Gaines vicinity. *TONEY-STANDLEY HOUSE*, NW of Fort Gaines off GA 39, (9-17-74) PH0015598

clayton county

Fayetteville vicinity. *ORKIN EARLY QUARTZ SITE*, (12-4-74) PH0063886

Jonesboro. *JONESBORO HISTORIC DISTRICT*, GA 54 and 3, (1-20-72) PH0002852

Jonesboro. *STATELY OAKS*, Jodeco Rd., (3-16-72)

cobb county

Austell. *CAUSEY, ISRAEL, HOUSE*, 5909 Maxbam Rd., (8-13-75)

Kennesaw. *GENERAL*, THE, Big Shanty Museum of Cherokee St., (6-19-73) PH0012815

Mableton vicinity. *JOHNSTON'S LINE*, SE of Mableton off U.S. 78 at Chattachooche River, (7-5-73) PH0012823

Marietta. *BRUMBY, ARNOLDUS, HOUSE*, 472 Powder Springs St., (8-29-77)

Marietta. *GLOVER–MCLEOD–GARRISON HOUSE*, 250 Garrison Rd., SE., (3-25-77)

Marietta. *NORTHWEST MARIETTA HISTORIC DISTRICT*, (6-11-75) PH0122939

Marietta vicinity. *GILGAL CHURCH BATTLE SITE (FEDERAL ENTRENCHMENTS)*, 9 mi. W of Marietta on Sandtown Rd., (1-23-75)

Marietta vicinity. *KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK*, 2 mi. W of Marietta, (10-15-66) PH0192678 G.

Marietta vicinity. *MCADOO, WILLIAM GIBBS, HOUSE*, SW of Marietta on GA 5, (11-17-78)

Marietta vicinity. *SOPE CREEK RUINS*, E of Marietta on Paper Mill Rd., (4-27-73) PH0012831

columbia county

Appling. *KIOKEE BAPTIST CHURCH*, Kiokee Rd., (12-8-78)

Augusta vicinity. *STALLINGS ISLAND*, 8 mi. NW of Augusta in the Savannah River, (10-15-66) NHL.

coweta county

Newnan vicinity. *GORDON-BANKS HOUSE*, S of Newnan on U.S. 29, (1-20-72) PH0023141 HABS.

crisp county

Cordele vicinity. *CANNON SITE*, W of Cordele off GA 230, (9-5-75)

dawson county

Dawsonville vicinity. *STEELE'S COVERED BRIDGE*, 7 mi. NW of Dawsonville on SR 2275, (3-19-75)

de kalb county

Decatur. *SWANTON HOUSE*, 720 Swanton Way, (8-30-78)

decatur county

Bainbridge. *CALLAHAN, J. W., HOUSE*, 200 Evans St., (12-12-76)

Bainbridge vicinity. *CURRY HILL PLANTATION*, 6 mi. E of Bainbridge on U.S. 84, (1-29-73) PH0012840

dekalb county

Atlanta. *CALLANWOLDE*, 980 Briarcliff Rd., NE., (4-23-73) PH0012858

Atlanta. *DEKALB AVENUE-CLIFTON ROAD ARCHEOLOGICAL SITE*, DeKalb Ave., (12-14-78)

Atlanta. *EMORY UNIVERSITY DISTRICT*, N. Decatur Rd., (11-20-75) PH0246905

Atlanta and vicinity. *DRUID HILLS PARKS AND PARKWAYS*, Both sides of Ponce de Leon Ave. between Briarcliff Rd. and the Seaboard Coast Line RR. tracks, (4-11-75) PH0058131

Atlanta vicinity. *SOAPSTONE RIDGE*, S of Atlanta off River Rd., (5-7-73) PH0112691

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Decatur. *GAY, MARY, HOUSE*, 524 Marshall St., (5-6-75) PH0098434
Decatur. *OLD DEKALB COUNTY COURTHOUSE (CIVIC CENTER)*, Court Sq., (8-26-71) PH0012866
Lithonia. *SEMINARY, THE*, 6886 Main St., (11-15-78)

dougherty county

Albany. *BRIDGE HOUSE*, 112 N. Front St., (11-19-74) PH0031569
Albany. *FARKAS, SAMUEL, HOUSE*, 328 W. Broad Ave., (11-9-77)
Albany. *MUNICIPAL AUDITORIUM*, 301 Pine Ave., (6-25-74) PH0012874
Albany. *OLD ST. TERESA'S CATHOLIC CHURCH*, 313 Residence Ave., (4-1-75) PH0056014
Albany. *SMITH, W. E., HOUSE*, 516 Flint Ave., (8-30-77)
Albany. *UNION DEPOT (TERMINAL STATION)*, Roosevelt Ave. and N. Front St., (2-13-75) PH0064963

douglas county

Atlanta vicinity. *SWEET WATER MANUFACTURING SITE*, W of Atlanta off I-20, (11-23-77)

early county

Blakely vicinity. *KOLOMOKI MOUNDS*, 8 mi. N of Blakely on U.S. 27, Kolomoki Mounds State Park, (10-15-66) NHL.
Hilton vicinity. *COHEELEE CREEK COVERED BRIDGE*, 2 mi. N of Hilton on Old River Rd., (5-13-76)
Hilton vicinity. *COHELEE CREEK COVERED BRIDGE*, 2 mi. N of Hilton on Old River Rd., (5-13-76)

effingham county

Springfield vicinity. *EBENEZER TOWNSITE AND JERUSALEM LUTHERAN CHURCH*, E of Springfield on GA 275 at Savannah River, (12-4-74) PH0062448

elbert county

Elberton. *ALLEN, WILLIAM, HOUSE (BEVERLY PLANTATION)*, 9 mi. E of Elberton on SR 6, (6-5-75)
Elberton vicinity. *BANKS, RALPH, PLACE*, N of Elberton off GA 77, (5-22-78)
Elberton vicinity. *GAINES, RALPH, HOUSE*, N of Elberton on GA 368, (10-5-77)
Ruckersville. *RUCKER HOUSE*, GA 985, (6-23-78)
Ruckersville vicinity. *ALEXANDER-CLEVELAND HOUSE*, 3.5 mi. NE of Ruckersville, (9-15-77)

fayette county

Fayetteville vicinity. *KING, TANDY, HOUSE*, S of Fayetteville on GA 92, (7-20-78)

floyd county

ETOWAH VALLEY DISTRICT, *Reference—see Bartow County*
Rome. *CHIEFTAINS*, 80 Chatillon Rd., (4-7-71) PH0023558 NHL; G.
Rome. *U.S. POST OFFICE AND COURTHOUSE*, W. 4th Ave. and E. 1st St., (5-6-75) PH0098451
Rome vicinity. *BERRY SCHOOLS*, N of Rome on U.S. 27, (7-21-78)

forsyth county

Cumming vicinity. *POOL'S MILL COVERED BRIDGE*, NW of Cummings off GA 369 on Pool's Mill Rd., (4-1-75)

franklin county

KESLER COVERED BRIDGE, *Reference—see Banks County*

Carnesville vicinity. *CROMER'S MILL COVERED BRIDGE*, 8 mi. S of Carnesville at Nails Creek, (8-17-76)

fulton county

Atlanta. *ATLANTA AND WEST POINT RAILROAD FREIGHT DEPOT*, 215 Decatur St., (3-26-76)
Atlanta. *ATLANTA UNIVERSITY CENTER DISTRICT*, Roughly bounded by transit right-of-way, Northside Dr., Walnut, Fair, Roach, W. End Dr., Euralee and Chestnut Sts., (7-12-76)
Atlanta. *ATLANTA WATERWORKS HEMPHILL AVENUE STATION*, 1210 Hemphill Ave., NW., (3-29-78)
Atlanta. *BALTIMORE BLOCK*, 5,7,9,11,13,15,17,19 Baltimore Pl., (6-3-76)
Atlanta. *CABBAGETOWN DISTRICT*, Bounded by Boulevard, Pearl St., Memorial Dr., and railroad tracks, (1-1-76)
Atlanta. *CANDLER BUILDING*, 127 Peachtree St., NE., (8-24-77)
Atlanta. *CAPITAL CITY CLUB*, 7 Harris St., NW., (9-15-77)
Atlanta. *CARNEGIE LIBRARY OF ATLANTA*, 126 Carnegie Way, NW., (10-22-76)
Atlanta. *CHURCH OF THE SACRED HEART OF JESUS*, 335 Ive St., NE., (5-13-76)
Atlanta. *CITIZEN'S AND SOUTHERN BANK BUILDING*, 35 Broad St., (8-18-77)
Atlanta. *CYCLORAMA OF THE BATTLE OF ATLANTA*, Cherokee Ave., Grant Park, (12-9-71) PH0012891 G.
Atlanta. *DEGIVE'S GRAND OPERA HOUSE*, 157 Peachtree St., NE., (6-17-77)
Atlanta. *DIXIE COCA-COLA BOTTLING COMPANY PLANT*, 125 Edgewood Ave., (7-20-77)
Atlanta. *ENGLISH-AMERICAN BUILDING*, 74 Peachtree St., (3-26-76)
Atlanta. *FOX THEATER*, 660 Peachtree St., NE., (5-17-74) PH0023159 NHL.
Atlanta. *GEORGIA INSTITUTE OF TECHNOLOGY HISTORIC DISTRICT*, 225 North Ave., (8-25-78)
Atlanta. *GEORGIA STATE CAPITOL*, Capitol Sq., (5-13-70) PH0002909 NHL.
Atlanta. *HABERSHAM MEMORIAL HALL*, 15th St., W of jct. with Piedmont Ave., (6-7-74) PH0012751
Atlanta. *HARRIS, JOEL CHANDLER, HOUSE (WREN'S NEST)*, 1050 Gordon St., SW., (10-15-66) PH0013790 NHL.
Atlanta. *HEALEY BUILDING*, 57 Forsyth St., (8-12-77)
Atlanta. *HILLYER TRUST BUILDING*, 140 Peachtree St., (7-25-77)
Atlanta. *HURT BUILDING*, 45 Edgewood Ave., NE., (4-13-77)
Atlanta. *INMAN PARK*, (7-23-73) PH0023167
Atlanta. *MARTIN LUTHER KING, JR., HISTORIC DISTRICT*, Bounded roughly by Irwin, Randolph, Edgewood, Jackson, and Auburn Aves., (5-2-74) PH0023183 NHL.
Atlanta. *NICOLSON, WILLIAM P., HOUSE*, 821 Piedmont Ave., (3-25-77)
Atlanta. *NORTH AVENUE PRESBYTERIAN CHURCH*, 607 Peachtree Ave., NE., (11-17-78)
Atlanta. *OAKLAND CEMETERY*, 248 Oakland Ave., SE., (4-28-76)
Atlanta. *ODD FELLOWS BUILDING AND AUDITORIUM*, 228–250 Auburn Ave., NE., (5-2-75)
Atlanta. *PEACHTREE SOUTHERN RAILWAY STATION*, 1688 Peachtree St., NW., (9-14-76)
Atlanta. *PETERS, EDWARD C., HOUSE*, 179 Ponce de Leon Ave., (1-20-72) PH0023175
Atlanta. *PIEDMONT PARK*, Bounded by 10th St., Southern Rwy. and Piedmont Rd., (5-13-76)
Atlanta. *RHODES MEMORIAL HALL*, 1516 Peachtree St., (3-1-74) PH0002879
Atlanta. *ROSE, RUFUS M., HOUSE*, 537 Peachtree St., (9-20-77)
Atlanta. *SHRINE OF THE IMMACULATE CONCEPTION*, 48 Hunter St., SW., (12-12-76)
Atlanta. *SMITH, TULLIE, HOUSE*, 3099 Andrews Dr., NW, (11-20-70) PH0002895 G.
Atlanta. *SOUTHERN BELL TELEPHONE COMPANY BUILDING*, 51 Ivy St., NE., (12-1-78)
Atlanta. *STAFF ROW AND OLD POST AREA–FORT MCPHERSON*, NE corner of Fort McPherson, (11-5-74) PH0034088
Atlanta. *TEXAS, THE*, Cyclorama Bldg., Grant Park, (6-19-73) PH0002917
Atlanta. *STONE HALL-ATLANTA UNIVERSITY*, Morris-Brown College campus, (12-2-74) PH0113077 NHL; G.
Atlanta. *SWAN HOUSE*, 3099 Andrews Dr., NW., (9-13-77)
Atlanta. *SWEET AUBURN HISTORIC DISTRICT*, Auburn Ave., (12-8-76) NHL.
Atlanta. *TECHWOOD HOMES HISTORIC DISTRICT*, Roughly bounded by North Ave., Parker, Williams, and Lovejoy Sts., (6-29-76)
Atlanta. *TOMPKINS, HENRY B., HOUSE*, 125 W. Wesley Rd., NW., (12-12-76)
Atlanta. *U.S. POST OFFICE AND COURTHOUSE*, 76 Forsyth St., (5-2-74) PH0112704
Atlanta. *WESTERN AND ATLANTIC RAILROAD ZERO MILEPOST*, Central Ave. between Wall St. and Railroad Ave., (9-19-77)
Atlanta. *WITHAM, STUART, HOUSE*, 2922 Andrews DR., NW, (12-22-78)
Fairburn. *CAMPBELL COUNTY COURTHOUSE*, E. Broad and Cole Sts., (3-26-76)
Fort McPherson. *FORSCOM COMMAND SERGEANT MAJOR'S QUARTERS*, Bldg. 532, (2-25-75)
Roswell. *BARRINGTON HALL*, 60 Marietta St., (12-9-71) PH0012882 HABS.
Roswell. *BULLOCH HALL*, Bulloch Ave., (5-27-71) PH0002933 HABS.
Roswell. *ROSWELL HISTORIC DISTRICT*, 1837–20th C., (5-2-74) PH0002887

glynn county

Brunswick vicinity. *BRUNSWICK OLD TOWN*, (12-2-74) PH0065111
Brunswick vicinity. *FORT FREDERICA NATIONAL MONUMENT*, 12 mi. N of Brunswick, (10-15-66)
Brunswick vicinity. *HOFWYL-BROADFIELD PLANTATION*, N of Brunswick on U.S. 17, (7-12-76)
Jekyll Island. *FAITH CHAPEL*, Old Plantation Rd., (7-14-71) PH0012904
Jekyll Island. *HORTON-DUBIGNON HOUSE, BREWERY RUINS, DUBIGNON CEMETERY*, Riverview Dr., (9-28-71) PH0002941
Jekyll Island. *JEKYLL ISLAND CLUB*, Between Riverview Dr. and Old Village Blvd., (1-20-72) PH0012912 NHL.
Jekyll Island. *ROCKEFELLER COTTAGE*, 331 Riverview Dr., (7-14-71) PH0012921
St. Simons Island. *ST. SIMONS LIGHTHOUSE KEEPERS BUILDING*, 600 Beachview Dr., (4-13-72) PH0012939

gordon county

Calhoun vicinity. *NEW ECHOTA*, NE of Calhoun on GA 225, (5-13-73) NHL.

Oakman vicinity. *FREEMAN-HURT HOUSE*, S of Oakman on U.S. 411, (1-1-76)

grady county

Beachton vicinity. *SUSINA PLANTATION (CEDAR GROVE)*, W of Beachton on Meridian Rd., (8-12-70) PH0023191

greene county

Greensboro vicinity. *PENFIELD HISTORIC DISTRICT*, 7 mi. N of Greensboro on GA 5925, (1-20-76)

gwinnett county

Lawrenceville. *OLD SEMINARY BUILDING (LAWRENCEVILLE FEMALE SEMINARY BUILDING)*, Perry St., (12-29-70) PH0003611
Lilburn vicinity. *WYNNE, THOMAS, HOUSE*, N of Lilburn on U.S. 29, (7-8-77)

habersham county

Clarkesville vicinity. *WOODLANDS AND BLYTHEWOOD*, About 3 mi. N of Clarkesville on U.S. 441, (12-30-75)

hall county

Buford. *BOWMAN-PIRKLE HOUSE*, NE of Buford off U.S. 23 on Friendship Rd., (8-14-73) PH0023205
Gainesville. *BRENAU COLLEGE DISTRICT*, Academy, Prior, Washington and Boulevard Sts., (8-24-78)
Gainesville. *FEDERAL BUILDING AND COURTHOUSE*, 126 Washington St., (1-24-74) PH0023213
Gainesville. *GREEN STREET DISTRICT*, Both sides of Green St. from Green Street Pl. to Glenwood Rd., (8-15-75) PH0179361

hancock county

Devereux vicinity. *ROE-HARPER HOUSE*, 2 mi. W of Devereux off SR 2133, (8-29-77)
Jewell vicinity. *CHEELY-COLEMAN HOUSE*, S of Jewell off GA 123 at Ogeechee River, (10-29-76)
Jewell vicinity. *SHIVERS-SIMPSON HOUSE (ROCK MILL)*, N of Jewell on Mayfield Rd., (6-22-70) PH0003603
Linton and vicinity. *LINTON HISTORIC DISTRICT*, Town of Linton and its environs, (6-18-75) PH0143171
Mayfield vicinity. *CAMILLA-ZACK COMMUNITY CENTER DISTRICT*, Rte. 1, (12-2-74) PH0062430
Sparta. *SPARTA HISTORIC DISTRICT*, (4-16-74) G.
Sparta vicinity. *GLEN MARY*, Linton Rd., S of Sparta, (5-8-74) PH0012947
Sparta vicinity. *ROCKBY*, NE of Sparta off GA 16, (7-12-78)

haralson county

Buchanan. *HARALSON COUNTY COURTHOUSE*, Courthouse Sq., (6-7-74) PH0002992

harris county

West Point. *WHITE HALL*, Off U.S. 29, (8-19-74) PH0112712 HABS; G.

jasper county

Monticello. *JORDAN-BELLEW HOUSE*, Madison Hwy., (1-20-78)
Monticello. *MONTICELLO HIGH SCHOOL*, College St., (12-14-78)

jefferson county

Louisville. *OLD MARKET (SLAVE MARKET)*, U.S. 1 and GA 24, (2-17-78) HABS.

jenkins county

Millen vicinity. *BIRDSVILLE PLANTATION*, NW of Millen, (4-7-71) PH0023299
Millen vicinity. *CAMP LAWTON*, N of Millen, (3-24-78)

johnson county

Wrightsville. *GRICE INN*, E. Elm St., (7-20-78)

jones county

Bradley vicinity. *CABANISS-HANBERRY HOUSE*, NE of Bradley on Transquilla Rd., (1-1-76)
Clinton. *OLD CLINTON HISTORIC DISTRICT*, (9-12-74) PH0006653 HABS.
East Juliette vicinity. *JARRELL PLANTATION*, 6 mi. E of East Juliette off Dames Ferry Rd., (5-9-73) PH0023281
Round Oak vicinity. *CABINESS-HUNT HOUSE*, SE of Round Oak off GA 11, (5-2-75)

laurens county

Dublin. *CARNEGIE LIBRARY*, Jct. of Bellevue, Academy, and Jackson Sts., (5-30-75) PH0099015
Dublin vicinity. *FISH TRAP CUT*, (10-1-74) PH0034606
Montrose vicinity. *SANDERS HILL*, S of Montrose off I .16/GA 404, (5-28-75) PH0099660

liberty county

Midway. *MIDWAY HISTORIC DISTRICT*, Jct. U.S. 17 and GA 38, (3-1-73)
Midway vicinity. *FORT MORRIS*, About 10 mi. E of Midway off GA 38, (5-13-70) PH0049832
Riceboro vicinity. *WOODMANSTON SITE (LECONTE PLANTATION)*, SW of Riceboro off Barrington Rd., (6-18-73) PH0023272
South Newport vicinity. *ST. CATHERINES ISLAND*, 10 mi. off GA coast between St. Catherines Sound and Sapelo Sound, (4-15-70) PH0002984 NHL.

lincoln county

Danburg vicinity. *CHENNAULT HOUSE*, NE of Danburg at jct. of GA 44 and GA 79, (10-14-76)
Danburg vicinity. *MATTHEWS HOUSE*, NE of Danburg on GA 79, (10-14-76)

lumpkin county

Dahlonega. *DAHLONEGA COURTHOUSE GOLD MUSEUM (OLD LUMPKIN COUNTY COURTHOUSE)*, U.S. 19, (5-13-70) PH0002950 HABS.
Dahlonega. *FIELDS PLACE-VICKERY HOUSE*, W. Main St. and Vickery Dr., (12-14-78)
Dahlonega. *PRICE MEMORIAL HALL*, College Ave., (1-20-72) PH0002968
Dahlonega vicinity. *CALHOUN MINE*, 3 mi. S of Dahlonega off GA 60, (2-11-74) NHL.

macon county

Andersonville vicinity. *ANDERSONVILLE NATIONAL HISTORIC SITE*, 1 mi. E of Andersonville on GA 49, (10-16-70) (also in Sumter County)

madison county

Danielsville. *LONG, CRAWFORD W., CHILDHOOD HOME*, Old Ila Rd., (12-6-77)

marion county

Buena Vista vicinity. *FORT PERRY*, N of Buena Vista off GA 41, (7-30-75)

mcduffie county

Thomson. *USRY HOUSE*, 211 Milledge St., (10-1-74) PH0031771
Thomson. *WATSON, THOMAS E., HOUSE*, 310 Lumpkin St., (5-11-76) NHL.
Thomson vicinity. *CARR, THOMAS, DISTRICT*, N of Thomson near jct. of GA 150 and I 20, (12-6-75)
Thomson vicinity. *OLD ROCK HOUSE*, NW of Thomson on Old Rock House Rd., (12-29-70) PH0023264

mcintosh county

Cox vicinity. *FORT BARRINGTON*, NW of Cox, (9-27-72) PH0023248
Crescent. *D'ANTIGNAC HOUSE*, (12-16-77)
Darien vicinity. *FORT KING GEORGE*, E of U.S. 17, (5-13-70) PH0023256

meriwether county

Alvaton vicinity. *WHITE OAK CREEK COVERED BRIDGE*, SE of Alvaton on Covered Bridge Rd., (6-19-73) PH0023230
Greenville. *MERIWETHER COUNTY COURTHOUSE*, Court Sq., (5-7-73) PH0013021
Greenville. *MERIWETHER COUNTY JAIL*, Gresham St. and GA 27 A, (5-7-73) PH0013030
Greenville vicinity. *CLARKLAND FARMS*, La Grange Rd., (7-12-74) PH0012998
Greenville vicinity. *HARMAN-WATSON-MATTHEWS HOUSE*, SW of Greenville on Odessadale/Durand Rd., (5-9-73) PH0013005
Greenville vicinity. *MARK HALL*, SW of Greenville off GA 18, (5-7-73) PH0013013
Warm Springs. *WARM SPRINGS HISTORIC DISTRICT*, S of GA 194 and W of GA 85W, (7-30-74) PH0023221
Woodbury. *RED OAK CREEK COVERED BRIDGE*, N of Woodbury on Huel Brown Rd., (5-7-73) PH0013048

monroe county

Bolingbroke vicinity. *GREAT HILL PLACE*, W of Bolingbroke off GA 41, (7-24-73) PH0012963
Macon vicinity. *MONTPELIER FEMALE INSTITUTE*, W of Macon, (10-10-75) PH0235172

morgan county

Madison. *BENNETT, NATHAN, HOUSE*, Dixie Ave., (11-13-74) PH0031577
Madison. *BONAR HALL*, Dixie Ave., (1-20-72) PH0012971
Madison. *MADISON HISTORIC DISTRICT*, Roughly bounded on both sides by U.S. 441/129/278 at GA 83, (10-29-74) PH0008427
Madison vicinity. *CEDAR LANE FARM*, N of Madison off GA 83, (2-24-71) PH0012980

murray county

Spring Place. *VANN HOUSE*, Jct. of U.S. 76 and GA 225, (10-28-69) PH0003000 HABS.

muscogee county

Columbus. *BULLARD-HART HOUSE*, 1408 3rd Ave., (7-28-77)
Columbus. *CEDARS, THE*, 2039 13th St., (11-23-71) PH0003018
Columbus. *COLUMBUS HISTORIC DISTRICT*, Roughly bounded by 9th and 4th sts., 4th Ave., and the Chattahoochee River, (7-29-69) PH0003026
Columbus. *COLUMBUS HISTORIC RIVERFRONT INDUSTRIAL DISTRICT*, Columbus River from 8th St. N. to 38th St., (6-2-78) NHL.
Columbus. *COLUMBUS IRONWORKS*, 910 Front Ave., (7-29-69) PH0003034
Columbus. *DINGLEWOOD*, 1429 Dinglewood St., (2-1-72) PH0003042

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Columbus. *FIRST NATIONAL BANK (BANK OF COLUMBUS)*, 1048 Broadway, (11-1-74) PH0034177
Columbus. *GOETCHIUS-WELLBORN HOUSE*, 405 Broadway, (7-29-69) PH0023396
Columbus. *GUNBOATS C.S.S. MUSCOGEE AND CHATTAHOOCHEE*, 4th St. W of U.S. 27, (5-13-70) PH0013056
Columbus. *HILTON*, 2505 Macon Rd., (1-20-72) PH0013064
Columbus. *ILLGES HOUSE*, 1428 2nd Ave., (6-19-73) PH0013200
Columbus. *JOSEPH HOUSE*, 828 Broadway, (7-29-69)
Columbus. *LION HOUSE (HOXEY-CARGILL HOUSE)*, 1316 3rd Ave., (1-20-72) PH0013099 HABS.
Columbus. *MCGEHEE-WOODALL HOUSE*, 1534 2nd Ave., (1-20-72) PH0023337 HABS.
Columbus. *MOTT HOUSE*, Front Ave., (12-3-74) PH0062588
Columbus. *OCTAGON HOUSE*, 527 1st Ave., (7-29-69) PH0013102 NHL.
Columbus. *PEABODY-WARNER HOUSE*, 1445 2nd Ave., (12-29-70) PH0013111
Columbus. *PEMBERTON HOUSE*, 11 7th St., (9-28-71) PH0023302
Columbus. *RANKIN HOUSE*, 1440 2nd Ave., (3-16-72) PH0023311 HABS.
Columbus. *RANKIN SQUARE*, Bounded by Broadway, 1st Ave., 10th and 11th Sts., (10-7-77)
Columbus. *SPENCER, WILLIAM HENRY, HOUSE*, 745 4th Ave., (5-23-78)
Columbus. *SPRINGER OPERA HOUSE*, 105 10th St., (12-29-70) PH0023353 NHL; G.
Columbus. *ST. ELMO*, 2810 St. Elmo Dr., (4-7-71) PH0023329 HABS.
Columbus. *SWIFT-KYLE HOUSE*, 303 12th St., (4-11-73) PH0023345 HABS.
Columbus. *WALKER-PETERS-LANGDON HOUSE*, 716 Broadway, (7-29-69) PH0023361
Columbus. *WELLS-BAGLEY HOUSE*, 22 6th St., (7-29-69) PH0023124
Columbus. *WYNN HOUSE*, 1240 Wynnton Rd., (2-1-72) PH0023370
Columbus. *WYNNTON ACADEMY*, 2303 Wynnton Rd., (4-11-72) PH0023388
Columbus. *WYNNWOOD (THE ELMS)*, 1846 Buena Vista Rd., (1-20-72) HABS.

newton county

Covington. *FLOYD STREET HISTORIC DISTRICT*, Floyd St. from Elm to W of Sockwell St., (12-4-74) PH0085111
Oxford. *ORNA VILLA (ALEXANDER MEANS HOUSE)*, 1008 N. Emory St., (1-29-73) PH0023400
Oxford. *OXFORD HISTORIC DISTRICT*, College and residential district centered around Wesley St., (6-5-75) HABS.

oconee county

Watkinsville. *EAGLE TAVERN*, U.S. 129, (5-13-70) PH0049841 HABS.

oglethorpe county

Crawford. *CRAWFORD DEPOT*, U.S. 78, (5-27-77)
Crawford vicinity. *AMIS-ELDER HOUSE*, W of Crawford on Elder Rd., (8-2-78)
Crawford vicinity. *LANGSTON-DANIEL HOUSE*, 5 mi. (8 km) W of Crawford on U.S. 78, (1-31-78) HABS.
Lexington. *LEXINGTON HISTORIC DISTRICT*, U.S. 78, (4-13-77)
Lexington vicinity. *BRIDGES, J. L., HOME PLACE*, N of Lexington on GA 22, (1-31-78)
Smithsonia vicinity. *HOWARD'S COVERED BRIDGE*, 3 mi. SE of Smithsonia on SR S2164 over Big Clouds Creek, (7-1-75) PH0143201

paulding county

Dallas vicinity. *PICKETT'S MILL BATTLEFIELD SITE*, NE of Dallas off GA 92, (4-26-73) PH0023418

pickens county

Tate vicinity. *TATE HOUSE (PINK PALACE)*, E of Tate on Hwy. 53, (5-17-74) PH0013129

pulaski county

Hawkinsville. *HAWKINSVILLE CITY HALL-AUDITORIUM (OLD OPERA HOUSE)*, Lumpkin and Broad Sts., (3-1-73) PH0013145
Hawkinsville. *TAYLOR HALL*, Kibbe St., (11-17-78)

putnam county

Eatonton. *EATONTON HISTORIC DISTRICT*, Most of town centered around courthouse and city hall, (6-13-75) PH0122921
Eatonton vicinity. *GATEWOOD HOUSE*, 6 mi. NE of Eatonton off GA 44, (6-20-75) PH0142760
Eatonton vicinity. *ROCK EAGLE SITE*, N of Eatonton off GA 300, (5-23-78)
Eatonton vicinity. *SINGLETON HOUSE*, SW of Eatonton off GA 16, (10-1-74) PH0031780

randolph county

Cuthbert. *CUTHBERT HISTORIC DISTRICT*, Centered around U.S. 82 and U.S. 27, (6-10-75)

richmond county

Augusta. *ACADEMY OF RICHMOND COUNTY*, 540 Telfair St., (4-11-73) PH0013137 HABS.
Augusta. *AUGUSTA CANAL INDUSTRIAL DISTRICT*, (5-27-71) PH0013153 NHL.
Augusta. *AUGUSTA COTTON EXCHANGE BUILDING*, Reynolds St., (7-20-78)
Augusta. *BENET, STEPHEN VINCENT, HOUSE (PRESIDENT'S HOME, AUGUSTA COLLEGE)*, 2500 Walton Way, (11-11-71) PH0003069 NHL; HABS.
Augusta. *BRAHE HOUSE*, 456 Telfair St., (4-11-73) PH0013161 HABS.
Augusta. *FIRST BAPTIST CHURCH OF AUGUSTA*, Greene and 8th Sts., (3-23-72) PH0003085
Augusta. *FITZSIMONS-HAMPTON HOUSE*, GA 28, (10-29-76)
Augusta. *GERTRUDE HERBERT ART INSTITUTE (NICHOLAS WARE HOUSE)*, 506 Telfair St., (3-20-73) PH0003093 HABS.
Augusta. *HARRIS-PEARSON-WALKER HOUSE*, 1822 Broad St., (10-28-69) PH0003107 HABS.
Augusta. *MEADOW GARDEN*, 1230 Nelson St., (7-19-76)
Augusta. *OLD MEDICAL COLLEGE BUILDING*, Telfair and 6th Sts., (3-16-72) PH0023426 HABS.
Augusta. *OLD RICHMOND COUNTY COURTHOUSE*, 432 Telfair St., (12-22-78) HABS.
Augusta. *SACRED HEART CATHOLIC CHURCH*, Greene and 13th Sts., (3-16-72) PH0023442
Augusta. *ST. PAUL'S EPISCOPAL CHURCH*, 6th and Reynolds Sts., (4-11-73) PH0023434
Augusta vicinity. *COLLEGE HILL (WALTON-HARPER HOUSE)*, 2216 Wrightsboro Rd., (11-11-71) PH0003077 NHL; HABS.

rockdale county

Conyers vicinity. *DIAL MILL*, NE of Conyers off GA 138, (4-6-78)

screven county

Sylvania vicinity. *GOODALL, SEABORN, HOUSE*, N of Sylvania at jct. of U.S. 301 and GA 24, (10-17-77)

spalding county

Griffin. *BAILEY-TEBAULT HOUSE*, 633 Meriwether St., (3-20-73) PH0013196 HABS.
Griffin. *HAWKES LIBRARY*, 210 S. 6th St., (3-20-73) PH0003115
Griffin. *HILL-KURTZ HOUSE*, 570 S. Hill St., (3-20-73) PH0003123
Griffin. *HUNT HOUSE (CHAPMAN-KINCAID-HUNT HOUSE)*, 232 S. 8th St., (3-26-73) PH0003158
Griffin. *MILLS HOUSE*, 406 N. Hill St., (10-18-72) PH0023451 HABS.
Griffin. *OLD MEDICAL COLLEGE HISTORICAL AREA (MIDDLE GEORGIA MEDICAL COLLEGE)*, 223–233 E. Broadway St., (12-15-72) PH0003131
Griffin. *PRITCHARD-MOORE-GOODRICH HOUSE*, 441 N. Hill St., (3-7-73) PH0013226
Griffin. *SAM BAILEY BUILDING*, E. Poplar and 4th Sts., (3-20-73) PH0013188
Griffin vicinity. *DOUBLE CABINS (MITCHELL-WALKER-HOLLBERG HOUSE)*, NE of Griffin on GA 16, (3-7-73) PH0013218
Williamson vicinity. *OLD GAISSERT HOMEPLACE*, NE of Williamson on GA 362, (6-4-73) PH0023477

stephens county

Toccoa. *SCHAEFER-MARKS HOUSE*, 316 E. Doyle St., (12-12-76)
Toccoa vicinity. *TRAVELER'S REST*, E of Toccoa on U.S. 123, (10-15-66) PH0003590 NHL; HABS.

stewart county

Lumpkin. *BEDINGFIELD INN*, Cotton St., (5-7-73) PH0003140
Lumpkin vicinity. *SINGER-MOYE ARCHEOLOGICAL SITE*, S of Lumpkin, (8-1-75)
Lumpkin vicinity. *WEST HILL*, S of Lumpkin on U.S. 27, (9-18-78)
Omaha vicinity. *ROODS LANDING SITE*, S of Omaha at confluence of Rood Creek and the Chattahoochee River, (8-19-75)

sumter county

Americus. *AMERICUS HISTORIC DISTRICT*, Irregular pattern along Lee St. with extensions to Dudley St., railroad tracks, Rees Park, and Glessner St., (1-1-76)

talbot county

Talbotton. *LEVERT HISTORIC DISTRICT*, Roughly bounded by Washington Ave., railroad tracks, Madison and Smith Sts., (1-11-76)
Talbotton. *TOWNS, GEORGE W. B., HOUSE*, GA 208, (5-7-73) PH0003166
Talbotton vicinity. *ZION EPISCOPAL CHURCH*, S of Talbotton on U.S. 80, (5-8-74) PH0003174 HABS.

taliaferro county

Crawfordville. *LIBERTY HALL*, Alexander H. Stephens Memorial State Park, (5-13-70) PH0003182 HABS.
Crawfordville vicinity. *COLONSAY PLANTATION*, ENE of Crawfordville off SR 908, (11-21-74) PH0044237

thomas county

Metcalf. *METCALFE HISTORIC DISTRICT*, roughly bounded by Magnolia, Hancock, Louis and Williams Sts., (9-20-78)
Thomasville. *BRANDON, DR. DAVID, HOUSE (HAYES HOUSE)*, 329 N. Broad St., (9-4-70) PH0023485
Thomasville. *BRYAN-DAVIS HOUSE (CATER HOUSE)*, 312 N. Broad St., (8-12-70)
Thomasville. *BRYAN, HARDY, HOUSE*, 312 N. Broad St., (8-12-70)
Thomasville. *BURCH-MITCHELL HOUSE*, 737 Remington Ave., (9-4-70) PH0023523
Thomasville. *EAST SIDE SCHOOL*, 120 N. Hansell St., (12-16-77)
Thomasville. *GREENWOOD PLANTATION*, GA 84, (5-13-76)
Thomasville. *HANSELL, AUGUSTINE, HOUSE*, 429 S. Hansell St., (6-22-70) PH0023493
Thomasville. *LAPHAM-PATTERSON HOUSE (SCARBOROUGH HOUSE)*, 626 N. Dawson St., (11-7-73) PH0023515 NHL; G.
Thomasville. *PARK FRONT (CHARLES HEBARD HOUSE)*, 711 S. Hansell St., (8-12-70) PH0023531
Thomasville. *PONDER, EPHRAIM, HOUSE*, 324 N. Dawson St., (8-12-70) PH0023540
Thomasville. *THOMAS COUNTY COURTHOUSE*, N. Broad St., (6-22-70) PH0013234
Thomasville. *THOMASVILLE HISTORIC DISTRICT*, Irregular pattern extending N to North Blvd., S to Loomis, E to Hansell, and W to Oak St., (10-10-75) PH0235181
Thomasville. *WRIGHT HOUSE*, 415 Fletcher St., (8-12-70) PH0013242
Thomasville vicinity. *MILLPOND PLANTATION*, S of Thomasville on Pine Tree Blvd., (12-12-76)

troup county

La Grange. *BELLEVUE (BENJAMIN HARVEY HILL HOUSE)*, 204 Ben Hill St., (11-7-72) PH0013251 NHL.
La Grange. *HEARD-DALLIS HOUSE*, 206 Broad St., (3-4-75)
La Grange. *STRICKLAND HOUSE*, NW of La Grange on Glenn Rd., (12-12-76)
La Grange vicinity. *LIBERTY HILL*, NW of La Grange on Liberty Hill Rd., (2-24-75)
La Grange vicinity. *NUTWOOD*, N of Big Springs Rd. near Newsom Cemetery, (5-8-74) PH0013277
La Grange vicinity. *REID-GLANTON HOUSE (HUTCHINSON HOUSE)*, E of La Grange at jct. of GA 109 and Pattillo Rd., (6-20-72) PH0013269
LaGrange. *MCFARLAND-RENDER HOUSE*, 612 Hines St., (11-29-78) HABS.
LaGrange vicinity. *RUTLEDGE HOUSE*, S of LaGrange on Bartley Rd., (8-24-77)
Mountville vicinity. *VAN BODDIE, NATHAN, HOUSE*, W. of Mountville on GA 109, (8-29-77) HABS.
West Point vicinity. *LONG CANE HISTORIC DISTRICT*, N of West Point on U.S. 29, (5-24-76)

twiggs county

Fitzpatrick vicinity. *MYRICK'S MILL*, NE of Fitzpatrick on SR 378, (12-6-75)

upson county

Thomaston vicinity. *AUCHUMPKEE CREEK COVERED BRIDGE*, 10 mi. SE of Thomaston off U.S. 19 on Allen Rd., (4-1-75) PH0056031

walker county

Chickamauga. *GORDON-LEE HOUSE*, 217 Cove Rd., (3-22-76)
Kensington vicinity. *LANE HOUSE*, (12-12-76)
Rossville. *ROSS, JOHN, HOUSE*, Lake Ave. and Spring St., (11-7-73) NHL.
Rossville vicinity. *ASHLAND FARM*, SW of Rossville off GA 193, (10-18-73) PH0023591

walton county

KILGORE MILL COVERED BRIDGE AND MILL SITE, Reference—see Barrow County
Good Hope vicinity. *CASULON PLANTATION*, E of Good Hope off GA 186, (10-10-75) HABS.
Monroe. *DAVIS-EDWARDS HOUSE*, 238 N. Broad St., (8-14-73) PH0023566 HABS.

ware county

Waycross. *WAYCROSS HISTORIC DISTRICT*, Roughly bounded by Plant Ave., Williams, Lee, Chandler, and Stephens Sts., (6-29-76)

washington county

Davisboro vicinity. *FRANCIS PLANTATION*, SE of Davisboro on SR 2189, (7-3-75) PH0143898

white county

Cleveland. *OLD WHITE COUNTY COURTHOUSE*, On GA 115, (10-28-70) PH0023574 G.

whitfield county

Dalton. *WESTERN AND ATLANTIC DEPOT*, Depot St., W end of King St., (4-6-78)
Dalton vicinity. *PRATER'S MILL*, N of Dalton on GA 2, (4-25-78)

wilkes county

Danburg. *ANDERSON HOUSE*, GA 44, (9-29-76)
Danburg vicinity. *WILLIS-SALE-STENNETT HOUSE*, N of Danburg off GA 79 on SR 1445, (10-14-76)
Tignall vicinity. *PHARR-CALLAWAY-SETHNESS HOUSE*, N of Tignall on GA 2193, (3-26-76)
Washington. *CAMPBELL-JORDAN HOUSE*, 208 Liberty St., (7-14-71) PH0013293
Washington. *CEDARS, THE*, 210 Sims St., (4-11-72) PH0013307
Washington. *EAST ROBERT TOOMBS HISTORIC DISTRICT*, East Robert Toombs Ave. between Alexander Ave. and Grove St., (4-11-72) PH0003191
Washington. *GILBERT-ALEXANDER HOUSE*, 116 Alexander Dr., (4-11-72) PH0003204
Washington. *HOLLY COURT (FICKLEN HOUSE)*, 301 S. Alexander St., (4-11-72) PH0003212
Washington. *MARY WILLIS LIBRARY*, E. Liberty and S. Jefferson Sts., (4-11-72) PH0003221
Washington. *NORTH WASHINGTON DISTRICT*, Bounded by Jefferson and Court Sts., Poplar Dr., and U.S. 78, (3-7-73) PH0023604
Washington. *OLD JAIL*, 103 Court St., (6-5-74) PH0013323
Washington. *PEACEWOOD*, 120 Tignall Rd., (4-11-72) PH0003247 HABS.
Washington. *POPLAR CORNER*, 210 W. Liberty St., (4-11-72) PH0013315
Washington. *TOOMBS, ROBERT, HOUSE*, 216 E. Robert Toombs Ave., (4-11-72) PH0013331 NHL; HABS; G.
Washington. *TUPPER-BARNETT HOUSE*, 101 W. Robert Toombs Ave., (4-11-72) PH0013340 NHL; HABS.
Washington. *WASHINGTON PRESBYTERIAN CHURCH*, 206 E. Robert Toombs Ave., (4-11-72) HABS.
Washington. *WASHINGTON-WILKES HISTORICAL MUSEUM (BARNETT-SLATON HOUSE)*, 308 E. Robert Toombs Ave., (5-13-70) PH0094668
Washington. *WEST ROBERT TOOMBS DISTRICT*, W. Robert Toombs Ave. between Allison St. and Rte. 44 and Lexington Ave., (3-1-73) PH0112755
Washington vicinity. *ARNOLD-CALLAWAY PLANTATION*, NW of Washington on U.S. 78, (4-11-72) PH0013285
Washington vicinity. *KETTLE CREEK BATTLEFIELD (WAR HILL)*, 9 mi. SW of Washington off Tyrone Rd., (6-26-75) PH0142751

GUAM

Agana. AGANA SPANISH BRIDGE, Aspinall St. and Rte. 1, (9-6-74) PH0056774
Agana. *FORT SANTA AGUEDA*, Rte. 7, (8-30-74) PH0056758
Agana. *GUAM INSTITUTE*, Off Rte 1, (10-6-77)
Agana. *PLAZA DE ESPANA*, Saylor St., (5-1-74) PH0056782
Agana vicinity. *SPANISH DIKES*, (11-19-74) PH0086851
Agat. *TAELAYAG SPANISH BRIDGE*, W of Rte. 2, (10-10-74) PH0056821
Agat. *TALEYFAC SPANISH BRIDGE*, Off Rte. 2, (9-10-74) PH0056839 G.
Agat vicinity. *AGAT INVASION BEACH*, Coastline NW of Agat from Toocha Beach S to Bangi, (3-4-75) PH0086860
Agat vicinity. *HILL 40*, 0.2 mi. SW of Agat off Rte. 2, (3-4-75) PH0086878
Agat vicinity. *OROTE FIELD*, 5 mi. N of Agat on Orote Peninsula, (6-18-75) PH0143235
Asan. *ASAN RIDGE BATTLE AREA*, Between Asan and Mimitz Hill, (7-18-75)
Asan. *MEMORIAL BEACH PARK*, Rte. 1, (8-7-74) PH0056847
Asan vicinity. *MATGUE RIVER VALLEY BATTLE AREA*, 0.6 mi. SW of Asan off Marine Dr., (4-3-75)
Dededo vicinity. *URUNO BEACH SITE*, (12-27-74) PH0056863
Dededo vicinity. *URUNO SITE*, (12-27-74) PH0056855
Finegayan. *SOUTH FINEGAYAN LATTE STONE PARK*, 74 Golden Shower Lane, (9-5-75)
Finegayan vicinity. *HAPUTO BEACH SITE*, (11-20-74) PH0056871
Inarajan. *INARAJAN VILLAGE*, Rte. 4, (11-7-77)
Inarajan. *NORTH INARAJAN SITE*, 2.3 mi. NW of Inarajan Village, (2-21-75)
Inarajan vicinity. *GADAO'S CAVE*, (11-19-74) PH0056898
Inarajan vicinity. *INARAJAN RIDGE*, (12-4-74) PH0056880
Inarajan vicinity. *NOMNA BAY SITE*, (12-27-74) PH0056901
Inarajan vicinity. *TALOFOFO RIVER VALLEY SITE*, (12-27-74) PH0056928
Inarajan vicinity. *WEST ATATE*, (12-4-74) PH0056936

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Mangilao vicinity. *MOCHOM (NISICHAN)*, (12-4i74) PH0056944
Merizo. *MERIZO BELL TOWER*, Off Insular Rte. 4, (5-29-75) PH0133167
Merizo. *MERIZO CONBENTO*, Rte. 4, (9-17-74) PH0056952
Merizo vicinity. *ASMAILE POINT*, 4 mi. (6.4 km) E of Merizo off GU 4, (11-7-78)
Piti. *PITI COASTAL DEFENSE GUNS*, E of jct. of Insular Rtes. 1 and 11, (6-18-75)
Talofofo. *SOUTH TALOFOFO SITE*, 1.3 mi. SW of Talofofo Village, (2-24-75)
Talofofo vicinity. *ASQUIROGA CAVE*, N of Talofofo off Insular Rte. 4, (5-6-76)
Tamuning. *DUNGCAS BEACH DEFENSE GUNS*, On Agana Bay off Rte. 1, (12-22-76)
Tamuning. *SAN VITORES MARTYRDOM SITE*, 0.7 mi. S of Bijia Point off Rte. 1, (10-31-75)
Tamuning vicinity. *FAFAI BEACH SITE*, (11-19-74) PH0056987
Umatac. *AGAGA*, 2.5 mi. N of Umatac, (6-11-75)
Umatac. *CETTI BAY*, (11-21-74) PH0056995
Umatac. *FORT SANTO ANGEL*, NW corner of Umatac Bay, (8-30-74) PH0057011
Umatac. *SAN DIONISIO CHURCH RUINS*, Rte. 2, (8-30-74) PH0057037
Umatac vicinity. *ACHUGAO BAY SITE*, 3 mi. N of Umatac, (8-19-75)
Umatac vicinity. *CRETO SITE (66-06-0140)*, 2 mi. (3.2 km) SE of Umatac, (11-7-78)
Umatac vicinity. *FORT NUESTRA SENORA DE LA SOLEDAD*, S of Umatac off Rte. 40, (10-18-74) PH0057002
Umatac vicinity. *FORT SAN JOSE*, NW of Umatac on Rte. 2, (5-1-74) PH0110329 G.
Umatac vicinity. *FOUHA BAY*, (11-21-74) PH0057029
Umatac vicinity. *MACHADGEN POINT (66-06-0130)*, SW of Umatac, (11-7-78)
Umatac vicinity. *SELLA BAY SITE (SIDYA)*, (11-8-74) PH0057045
Yigo vicinity. *HANUM SITE (66-07-0019)*, 2 mi. (3.2 km) E of Yigo, (11-7-78)
Yigo vicinity. *JINAPSAN SITE (INAPSAN)*, (12-27-74) PH0056766
Yigo vicinity. *MATAGUAC HILL COMMAND POST*, Off Insular Rte. 1, (6-10-75)
Yigo vicinity. *PAGAT SITE*, 3 mi. S of Yigo, (3-13-74) PH0057053 G.

HAWAII

Honolulu. HAWAII THEATRE, 1130 Bethel St., (11-14-78)

hawaii county

Captain Cook vicinity. *KEALAKEKUA BAY HISTORICAL DISTRICT*, SW of Captain Cook off HI 11, (12-12-73) PH0055841
Halawa. *TONG WO SOCIETY BUILDING*, HI 27, (6-9-78)
Hawaii Volcanoes National Park. *1790 FOOTPRINTS*, (8-7-74) PH0055140
Hawi vicinity. *HEIAU IN KUKUIPAHU*, SW of Hawi, (4-24-73) PH0055921
Hawi vicinity. *MOOKINI HEIAU*, Northern tip of Hawaii, 1 mi. W of Upolu Point Airport, (10-15-66) PH0097861 NHL.
Hilo. *LYMAN, REV. D. B., HOUSE*, 276 Haili St., (3-24-78)
Hilo. *SHIPMAN, W. H. HOUSE*, 141 Kalulani St., (6-23-78)
Hilo. *U.S. POST OFFICE AND OFFICE BUILDING*, Kinoole and Waianuenue Sts., (10-1-74) PH0055166
Hilo vicinity. *KILAUEA CRATER*, SW of Hilo in Hawaii Volcanoes National Park, (7-24-74) PH0055859
Hilo vicinity. *MAUNA KEA ADZ QUARRY*, 24 mi. NW of Hilo, (10-15-66) PH0055107 NHL.
Hilo vicinity. *OLD VOLCANO HOUSE NO. 42*, SW of Hilo on HI 11 in Hawaii Volcanoes National Park, (7-24-74) PH0055115
Hilo vicinity. *WHITNEY SEISMOGRAPH VAULT NO. 29*, SW of Hilo on HI 11 in Hawaii Volcanoes National Park, (7-24-74) PH0055174
Hilo vicinity. *WILKES CAMPSITE*, W of Hilo at Mauna Loa Volcano in Hawaii Volcanoes National Park, (7-24-74) PH0055182
Holualoa vicinity. *KAHALUU HISTORIC DISTRICT*, (12-27-74) PH0055948
Honokaa. *CHEE YING SOCIETY*, HI 24, (7-20-78)
Kailua. *MOKUAIKAUA CHURCH*, off HI 11, (10-3-78)
Kailua-Kona. *HULIHEE PALACE*, Alii Dr., (5-25-73) PH0055930 HABS.
Kailua-Kona. *KAMAKAHONU, RESIDENCE OF KING KAMEHAMEHA I*, On NW edge of Kailu Bay, N and W of Kailua Wharf, (10-15-66) PH0097845 NHL.
Kailua-Kona vicinity. *HONOKOHAU SETTLEMENT*, Honokohau Bay, N of Kailua-Kona, (10-15-66) PH0055263 NHL.
Kailua-kona vicinity. *KUAMO'O BURIALS*, W of HA 11, (8-13-74) PH0055867
Kailua-Kona vicinity, Island of Hawaii. *CITY OF REFUGE NATIONAL HISTORICAL PARK*, 20 mi. S of Kailua-Kona, (10-15-66) PH0055913
Kapaau vicinity. *BOND DISTRICT*, SE of Kapaau off HI 27, (3-30-78)
Kawaihae vicinity, Island of Hawaii. *PUUKOHOLA HEIAU NATIONAL HISTORIC SITE*, N end of Hawaii off HI 26, about 1 mi. SE of Kawaihae, (10-15-66) PH0055131
Keauhou. *KAMEHAMEHA III'S BIRTHPLACE*, Off Alii Dr., (7-24-78)
Keauhou. *KEAUHOU HOLUA SLIDE*, E of HI 18, (10-15-66) PH0097853 NHL.
Mahukona. *LAPAKAHI COMPLEX*, 0.5 mi. S of Mahukona, Hawaii Island, (7-2-73) PH0055875
Mauna Loa vicinity. *AINAPO TRAIL (MENZIES TRAIL)*, Hawaii Volcanoes National Park, (8-30-74) PH0055905
Milolii vicinity. *AHOLE HOLUA COMPLEX*, S of Milolii on Ahole Bay, (11-26-73) PH0055883
Naalehu vicinity. *SOUTH POINT COMPLEX*, South Cape, southern tip of Hawaii, Ka'u District, (10-15-66) PH0055158 NHL.
North Kona. *AHUA A UMI HEIAU*, Between Hualalai and Mauna Loa, (8-13-74) PH0055891
Pahala vicinity. *PUNA-KA'U HISTORIC DISTRICT*, Hawaii Volcanoes National Park, (7-1-74) PH0055123
Waimea. *IMIOLA CHURCH*, NE of Waimea on HI 19, (8-28-75)
Waiohinu vicinity. *MANUKA BAY PETROGLYPHS*, SW of Waiohinu at Manuka Bay, (9-19-73) PH0055093

honolulu

Honolulu. *LISHMAN BUILDING*, Makiki Park, Keeaumoku St., (9-13-78)

honolulu county

Aiea. *KEAIWA HEIAU*, Aeia Heights Dr., (11-9-72) PH0055352
Haleiwa vicinity. *KUPOPOLO HEIAU*, 3 mi. N of Haleiwa on Kamehameha Hwy. At Waimea Bay, (6-4-73) PH0055379
Haleiwa vicinity. *PUU O MAHUKA HEIAU*, 4 mi. NE of Haleiwa on HI 83, overlooking Waimea Bay, (10-15-66) PH0097837 NHL.
Honolulu. *ALIIOLANI HALE (JUDICIARY BUILDING)*, King St., (2-2-72) PH0055191 HABS; G.
Honolulu. *ALOHA TOWER*, Pier 9, Honolulu Harbor, (5-13-76)
Honolulu. *CHINATOWN HISTORIC DISTRICT*, Bounded roughly by Beretania St. on NE, Nuuanu Stream on N, Nuuanu Ave. on SE, and Honolulu Harbor, (1-17-73) PH0055221 G.
Honolulu. *FALLS OF CLYDE*, Pier 5, Honolulu Harbor, (7-2-73) PH0055239 G.
Honolulu. *HAWAII CAPITAL HISTORIC DISTRICT*, Beretania, Richards, King, Queen, Punchbowl, and Kawaiahao Sts., (12-1-78)
Honolulu. *HONOLULU ACADEMY OF ARTS*, 900 S. Beretania St., (3-25-72) PH0055271
Honolulu. *IOLANI PALACE*, 364 S. King St., (10-15-66) PH0097802 NHL; HABS; G.
Honolulu. *KAKAAKO PUMPING STATION*, 653 Ala Moana Blvd., (10-4-78)
Honolulu. *KAMEHAMEHA V POST OFFICE*, Corner of Merchant and Bethel Sts., (5-5-72) PH0055336 HABS.
Honolulu. *KAPUAIWA BUILDING*, 426 Queen St., (7-2-73) PH0055328
Honolulu. *KAWAIAHAO CHURCH AND MISSION HOUSES*, 957 Punchbowl St., 553 S. King St., (10-15-66) PH0097811 NHL; HABS; G.
Honolulu. *MERCHANT STREET HISTORIC DISTRICT*, (6-19-73) PH0055395
Honolulu. *MOANA HOTEL*, 2365 Kalakaua Ave., (8-7-72) PH0055409
Honolulu. *OUR LADY OF PEACE CATHEDRAL*, 1183 Fort St., (8-7-72) PH0055450 HABS.
Honolulu. *PALAMA FIRE STATION*, 879 N. King St., (4-21-76)
Honolulu. *PUNAHOU SCHOOL CAMPUS*, 1601 Punahou St., (8-7-72) PH0055484 HABS.
Honolulu. *QUEEN EMMA'S SUMMER HOME*, 2913 Pali Hwy., (8-7-72) PH0055492 HABS; G.
Honolulu. *ROYAL BREWERY*, 553 S. Queen St., (11-29-72) PH0055506
Honolulu. *ROYAL MAUSOLEUM*, 2261 Nuuana Ave., (8-7-72) PH0055514 HABS.
Honolulu. *ST. ANDREW'S CATHEDRAL*, Beretania St. (Queen Emma Sq.), (7-2-73) PH0055522
Honolulu. *THOMAS SQUARE*, Bounded by King, S. Beretania, and Victoria Sts. and Ward Ave., (4-25-72) PH0055549
Honolulu. *U.S. IMMIGRATION OFFICE*, 595 Ala Moana Blvd., (8-14-73) PH0055565
Honolulu. *U.S. POST OFFICE, CUSTOMHOUSE, AND COURTHOUSE*, 335 Merchant St., (1-27-75) PH0055581
Honolulu. *WALKER, H. ALEXANDER, RESIDENCE*, 2616 Pali Hwy., (4-24-73) PH0055620
Honolulu. *WASHINGTON PLACE*, Beretania and Miller Sts., (6-18-73) PH0055638 HABS.
Honolulu vicinity. *NUUANU PETROGLYPH COMPLEX*, S of Nuuanu Ave. and Pali Hwy. jct., (3-14-73) PH0055433
Kaaawa vicinity. *SMALL HEIAU*, 1 mi. S of Kaaawa off Kaaawa Valley Rd., (3-14-73) PH0055531
Kahaluu. *KAHALUU (KAHOUNA) FISHPOND*, NW of Laenani St. off Kamehameha Hwy., (3-14-73) PH0055301
Kahaluu. *KAHALUU TARO LO'I*, W of western end of Hui Kelu St., (3-14-73) PH0055280
Kahuku vicinity. *BURIAL PLATFORM*, NW of Kahuku off Kamehameha Hwy., (8-14-73) PH0055212

Kahuku vicinity. *KAHUKU HABITATION AREA*, 0.3 mi. NE of Kahuku Airport Rd., (9-11-72) PH0055298
Kailua. *ULA PO HEIAU*, Off Kailua Rd., (11-9-72) PH0055557
Kailua vicinity. *PAHUKINI HEIAU*, SW of Kapaa Quarry, (9-11-72) PH0055468
Kaneohe. *HEEIA FISHPOND*, Off Kamehameha Hwy. adjacent to Heeia Point, (1-17-73) PH0055247
Kaneohe. *KAWAEWAE HEIAU*, At the rear of 45-162 Namoku St., (8-21-72) PH0055344
Kaneohe. *LELEAHINA HEIAU*, S of Haiku Plantation Dr., (3-20-73) PH0055387
Kaneohe. *MOKAPU BURIAL AREA*, Off Moffet Rd. in the NE section of Kaneohe Marine Corps Air Station, (11-15-72) PH0055417
Kaneohe vicinity. *HUILUA FISHPOND*, On Kahana Bay, 13 mi. N of Kaneohe on HI 83 adjacent to Kahana Bay State Park, (10-15-66) PH0097829 NHL.
Kaneohe vicinity. *KUALOA AHUPUA'A HISTORICAL DISTRICT*, Kamehameha Hwy., (10-16-74) PH0055361
Kaneohe vicinity. *MOLII FISHPOND*, SE of Kamehameha Hwy. between Kualoa and Johnson Rds., (12-5-72) PH0055425
Kaneohe vicinity. *POHAKU KA LUAHINE*, Near the center of Moanalua Valley, (7-23-73) PH0055476
Kapapa Island. *KAPAPA ISLAND COMPLEX*, In Kaneohe Bay, (8-21-72) PH0055310
Lualualei. *WAIALUA AGRICULTURAL COMPANY ENGINE NO. 6*, Off HI 78, (8-19-74) PH0055590
Nanakuli vicinity. *OAHU RAILWAY AND LAND COMPANY RIGHT-OF-WAY*, Barbers Point, (12-1-75)
Pearl City vicinity, Island of Oahu. *U.S. NAVAL BASE, PEARL HARBOR*, 3 mi. S of Pearl City on HI 73, (10-15-66) PH0055573 NHL; HABS.
Pearl Harbor. *OKIOKILEPE POND*, 0.3 mi. NW of Iroquois Point at Pearl Harbor entrance, (3-14-73) PH0055441
Wahiawa. *DOLE, JAMES D., HOMESTEAD*, 148 Dole Rd., (6-23-78)
Wahiawa vicinity. *KUKANILOKO BIRTHSTONES*, NW of Wahiawa, off HI 80, (4-11-73) PH0055701
Waianae vicinity. *WAIANAE DISTRICT*, N of Waianae off Farrington Hwy., (1-21-74) PH0055603
Waikane vicinity. *WAIKANE TARO FLATS*, 1 mi. NW of Waikane in Upper Waikane Valley, (4-11-73) PH0055611
Waimanalo vicinity. *BELLOWS FIELD ARCHEOLOGICAL AREA*, SE of Waimanalo, (8-14-74) PH0055204
Waimanalo vicinity. *U.S. COAST GUARD MAKAPUU POINT LIGHT*, SE of Waimanalo off Kalanianaole Hwy., (12-7-77)

kalawao county

Kalaupapa. *KALAUPAPA LEPROSY SETTLEMENT*, Molokai Island, (1-7-76) NHL.

kauai county

Hanalei. *WAIOLI MISSION DISTRICT*, Off HI 56, (10-3-73) PH0055671 G.
Koloa. *OLD SUGAR MILL OF KOLOA*, (10-15-66) PH0097748 NHL.
Lihue. *GROVE FARM*, On HI 501, about 1 mi. SE of Lihue, (6-25-74) PH0055654 G.
Lihue vicinity. *LIHUE HONGWANJI MISSION*, N of Lihue at HI 56, (3-21-78)
Lihue vicinity. *MENEHUNE FISHPOND (ALEKOKO FISHPOND)*, S of Lihue on Huleia River, (3-14-73) PH0055662
Wailua vicinity. *WAILUA COMPLEX OF HEIAUS*, E coast of Kauai at mouth of Wailua River, Lihue District, (10-15-66) PH0097756 NHL.
Waimea. *BISHOP NATIONAL BANK OF HAWAII*, HI 50, (11-29-78)
Waimea. *COOK LANDING SITE*, 2 mi. SW of HI 50, (10-15-66) PH0055646 NHL.
Waimea. *GULICK-ROWELL HOUSE*, Missionary Row, (4-15-78)
Waimea vicinity. *RUSSIAN FORT*, On HI 50, 200 yds. SW of the bridge over the Waimea River, (10-15-66) PH0169951 NHL.

Kealakekua

GREENWELL STORE, HI 11, (5-22-78)

maui county

Hana vicinity. *PIILANIHALE HEIAU*, 4 mi. N of Hana, at the mouth of Honomaele Gulch near Kalahu Point, (10-15-66) PH0097799 NHL.
Kahului vicinity. *CRATER HISTORIC DISTRICT*, Haleakala National Park, (11-1-74)
Kahului vicinity. *CRATER HISTORIC DISTRICT*, Haleakala National Park, E of Kahului, (11-1-74)
Kaupo vicinity. *LOALOA HEIAU*, SE coast of Maui, on HI 31, about 0.25 mi. N of Kaupo, (10-15-66) PH0097781 NHL.
Lahaina. *LAHAINA HISTORIC DISTRICT*, W side of Maui on HI 30, (10-15-66) PH0097772 NHL; HABS.
Lahainaluna. *HALE PA'I*, Lahainaluna High School, (5-13-76) HABS.
Lanai City vicinity. *KAUNOLU VILLAGE SITE*, On Kaunolu Bay on the SW capc of the Island of Lanai, (10-15-66) PH0097764 NHL.
Ualapue vicinity. *HOKUKANO-UALAPUE COMPLEX*, On HI 45, (10-15-66) PH0055255 NHL.
Wailuku. *KAAHUMANU CHURCH*, S. High St., (5-12-75)
Wailuku. *MAUI JINSHA MISSION*, 472 Lipo St., (11-21-78)
Wailuku. *OLD BAILEY HOUSE (HALE HOIKEIKE)*, Iao Valley Rd., (3-20-73) PH0055697 G.

oahu county

Haleiwa vicinity. *KAWAILOA RYUSENJI TEMPLE*, N of Haleiwa at 179-A Kawailoa Dr., (11-21-78)

IDAHO

ada county

Boise. *ADA THEATER*, 700 Main St., (11-21-74) PH0037311 G.
Boise. *ALEXANDER HOUSE*, 304 State St., (8-7-72) PH0037320 G.
Boise. *ALEXANDERS*, 9th and Main Sts., (11-20-78)
Boise. *ASSAY OFFICE*, 210 Main St., (10-15-66) PH0037338 NHL.
Boise. *BOISE CAPITOL AREA DISTRICT*, Roughly bounded by 6th and Bannock, N. 8th, 8th, State, 5th and Jefferson Sts., (5-12-76)
Boise. *BOISE CITY NATIONAL BANK*, 8th and Idaho Sts., (11-28-78)
Boise. *BOISE HISTORIC DISTRICT*, 5th and 6th Sts., both sides of Idaho and Main Sts., (11-9-77)
Boise. *CARNEGIE PUBLIC LIBRARY*, 815 Washington St., (11-21-74) PH0037346
Boise. *CHRIST CHAPEL*, Broadway at Campus Dr., (7-17-74) PH0037354
Boise. *CHRISTIAN CHURCH*, 9th and Franklin Sts., (2-17-78)
Boise. *CONGREGATION BETH ISRAEL SYNAGOGUE*, 1102 State St., (11-3-72) PH0037362
Boise. *ELKS TEMPLE*, 310 Jefferson St., (2-17-78)
Boise. *FORT BOISE*, About 1.5 mi. NE of State Capitol, (11-9-72) PH0037371
Boise. *GAR HALL*, 714 W. State St., (1-21-74) PH0037389
Boise. *IDAHO BUILDING*, Bannock and 8th Sts., (12-8-78)
Boise. *IDANHA HOTEL*, 10th and Main Sts., (7-9-74) PH0037401 HABS.
Boise. *IMMANUEL EVANGELICAL LUTHERAN CHURCH*, 707 W. Fort St., (6-17-76)
Boise. *JACOBS, CYRUS, HOUSE*, 607 Grove St., (11-27-72) PH0037397
Boise. *LOGAN, THOMAS E., HOUSE*, 602 N. Julia Davis Dr., (9-22-71) PH0037419 G.
Boise. *MOORE-CUNNINGHAM HOUSE*, 1109 Warm Springs Ave., (4-29-77) HABS.
Boise. *OLD IDAHO STATE PENITENTIARY*, 2200 Warm Springs Ave., (7-17-74) PH0037427
Boise. *OVERLAND BUILDING*, 8th and Main Sts., (9-21-78)
Boise. *SOUTH EIGHTH STREET HISTORIC DISTRICT*, Roughly bounded by 8th, 9th, Miller, and Broad Sts., (12-12-77)
Boise. *ST. ALPHONSUS HOSPITAL*, 508 N. 5th St., (7-30-76)
Boise. *ST. JOHN'S CATHEDRAL*, 8th and Hays Sts., (5-24-78)
Boise. *STATE STREET HISTORIC DISTRICT*, Jefferson, 2nd and 3rd Sts., (12-15-78)
Boise. *UNION PACIFIC MAINLINE DEPOT*, 1701 Eastover Ter., (8-7-74) PH0037443
Boise. *WEST WARM SPRINGS HISTORIC DISTRICT*, Warm Springs Ave., Main, 1st, 2nd, and Idaho Sts., (12-12-77)
Boise vicinity. *BARBER DAM AND LUMBER MILL*, E of Boise, (11-21-78)
Boise vicinity. *DIVERSION DAM AND DEER FLAT EMBANKMENTS*, SE of Boise on Boise River (also in Canyon County), (3-15-76)
Boise vicinity. *OREGON TRAIL*, 2 mi. SE of Boise and continuing SE for 8 mi., (10-18-72) PH0037435
Grandview vicinity. *GUFFEY BUTTE-BLACK BUTTE ARCHEOLOGICAL DISTRICT*, NW of Grandview, (10-10-78)
Murphy vicinity. *SWAN FALLS DAM AND POWER PLANT*, E of Murphy at Snake River, (7-6-76) (also in Owyhee County)

adams county

Council. *POMONA HOTEL*, Main and Moser Sts., (5-22-78)
Cuprum vicinity. *HUNTLEY, A. O., BARN*, W of Cuprum, (11-14-78)
New Meadows. *HEIGHO, COL. E. M., HOUSE*, ID 55, (5-22-78)
New Meadows. *PACIFIC AND IDAHO NORTHERN RAILROAD DEPOT*, U.S. 95, (4-19-78)

bannock county

Fort Hall vicinity. *FORT HALL*, 11 mi. W of Fort Hall, Fort Hall Indian Reservation, (10-15-66) PH0037451 NHL.
Pocatello. *HOOD, JOHN, HOUSE*, 554 S. 7th Ave., (12-14-78)
Pocatello. *POCATELLO CARNEGIE LIBRARY*, 105 S. Garfield Ave., (7-2-73) PH0037460
Pocatello. *POCATELLO FEDERAL BUILDING*, Arthur Ave. and Lewis St., (10-5-77)
Pocatello. *ST. JOSEPH'S CATHOLIC CHURCH*, 455 N. Hayes, (8-29-78)

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Pocatello. *STANDROD HOUSE*, 648 N. Garfield Ave., (1-18-73) PH0037478
Pocatello. *SULLIVAN-KINNEY HOUSE*, 441 S. Garfield, (11-9-77)
Pocatello. *TRINITY EPISCOPAL CHURCH*, 248 N. Arthur St., (2-17-78)

bear lake county

Montpelier. *BAGLEY, JOHN A., HOUSE*, 155 N. 5th St., (1-20-78)
Montpelier. *MONTPELIER HISTORIC DISTRICT*, Washington Ave. and 6th St., (11-16-78)
Montpelier. *MONTPELIER ODD FELLOWS HALL*, 843 Washington St., (4-15-78)
Paris. *BEAR LAKE COUNTY COURTHOUSE*, U.S. 89, (10-7-77)
Paris. *BEAR LAKE STAKE TABERNACLE*, Main St., (12-8-72) PH0037486
Paris. *DANCE PAVILION*, Main and E. 1st South, (10-6-77)
Saint Charles. *NELSON, WILHELMINA, HOUSE AND CABINS*, U.S. 89, (5-3-76)

benewah county

Desmet. *COEUR D'ALENE MISSION OF THE SACRED HEART*, Off U.S. 95, (4-21-75)

bingham county

Blackfoot. *BLACKFOOT LDS TABERNACLE*, 120 S. Shilling St., (9-19-77)
Blackfoot. *BLACKFOOT RAILWAY DEPOT*, N.W. Main St., (11-20-74) PH0037494
Blackfoot. *NUART THEATER*, 195 N. Broadway, (10-19-78)
Fort Hall vicinity. *FORT HALL SITE*, 16 mi. N of Fort Hall, (11-21-74) PH0037508

blaine county

Bellevue vicinity. *MILLER, HENRY, HOUSE*, S of Bellevue off U.S. 93, (5-30-75) PH0099023
Hailey. *BLAINE COUNTY COURTHOUSE*, 1st and Croy Sts., (2-17-78)
Hailey. *EMMANUEL EPISCOPAL CHURCH*, 101 2nd Ave. S., (10-5-77)
Hailey. *HIAWATHA HOTEL (ALTURAS HOTEL)*, 1st Ave. and Croy St., (7-15-74) PH0037516
Hailey. *POUND, HOMER, HOUSE*, 314 2nd Ave. S., (12-28-78)
Sun Valley vicinity. *SAWTOOTH CITY*, NW of Sun Valley off U.S. 93 in Sawtooth National Forest, (4-4-75) PH0038831

boise county

Boise vicinity. *ARROWROCK DAM*, About 10 mi. E of Boise on U.S. Forest Service Roads, (11-9-72) PH0037524
Idaho City. *IDAHO CITY*, Bounded by city limits, (6-27-75) PH0143987 G.

bonner county

Sandpoint. *SANDPOINT BURLINGTON NORTHERN RAILWAY STATION (NORTHERN PACIFIC DEPOT)*, Cedar St. at Sand Creek, (7-5-73) PH0037532

bonneville county

Idaho Falls. *FIRST PRESBYTERIAN CHURCH*, 325 Elm St., (3-29-78)
Idaho Falls. *TRINITY METHODIST CHURCH*, 237 N. Water Ave., (12-16-77)
Idaho Falls vicinity. *EAGLE ROCK FERRY*, N of Idaho Falls on Snake River, (6-7-74) PH0037541
Idaho Falls vicinity. *WASDEN SITE (OWL CAVE)*, W of Idaho Falls off U.S. 20, (5-24-76)
Iona. *IONA MEETINGHOUSE (STANGER MEMORIAL GALLERY)*, (5-7-73) PH0037559

boundary county

Bonners Ferry vicinity. *HARVEY MOUNTAIN QUARRY*, N of Bonners Ferry, (6-23-78)

butte county

Arco vicinity. *EXPERIMENTAL BREEDER REACTOR NO. 1*, National Reactor Testing Station, (10-15-66) PH0037567 NHL.
Arco vicinity. *GOODALE'S CUTOFF*, S of Arco off U.S. 20, (5-1-74) PH0037575

canyon county

DIVERSION DAM AND DEER FLAT EMBARNMENTS, Reference—see Ada County
Caldwell. *ACADEMY BUILDING, COLLEGE OF IDAHO*, 1015 Albany St., (10-11-78)
Caldwell. *BLATCHLEY HALL*, College of Idaho campus, (3-8-78)
Caldwell. *STERRY HALL*, College of Idaho campus, (3-8-78)
Middleton. *MIDDLETON SUBSTATION*, (5-7-73) PH0037591
Nampa. *FIRST SECURITY BANK (NAMPA PUBLIC LIBRARY)*, 101 11th Ave. S., (5-13-76)
Nampa. *NAMPA DEPOT*, 12th Ave. and Front St., (11-3-72) PH0037605
Nampa vicinity. *HORSE BARN*, NE of Nampa at Idaho State School and Hospital, (10-11-78)
Parma vicinity. *FORT BOISE AND RIVERSIDE FERRY SITES*, NW of Parma on Snake River, (12-24-74) PH0037583

caribou county

Soda Springs. *LANDER ROAD*, NE of Soda Springs in Caribou National Forest S of ID 34, (4-24-75) PH0120863

cassia county

Albion. *SWANGER HALL*, Albion State Normal School campus, (9-20-78)
Almo vicinity. *CITY OF ROCKS*, City of Rocks State Park, (10-15-66) PH0037613 NHL.
Burley vicinity. *GRANITE PASS*, SW of Burley, less than 0.5 mi. N of UT boundary, (6-28-72) PH0037621

clark county

Blue Dome vicinity. *BIRCH CREEK ROCK SHELTERS*, (12-2-74) PH0087831

clearwater county

Lolo Hot Springs vicinity. *LOLO TRAIL*, Parallel to U.S. 12 on ridges of Bitterroot Mountains, from Lolo Pass to Weippe in Clearwater and Lolo National Forest, (10-15-66) PH0037648 NHL. (also in Idaho County and Missoula County, MT)
Pierce. *PIERCE COURTHOUSE*, (11-3-72) PH0037656
Spalding and vicinity. *NEZ PERCE NATIONAL HISTORICAL PARK*, Area 90 mi. S and 150 mi. E of Spalding, (10-15-66) PH0360015 (also in Idaho, Lewis, and Nez Perce counties)
Weippe vicinity. *WEIPPE PRAIRIE*, S of Weippe and ID 11, (10-15-66) PH0037630 NHL.

custer county

Challis vicinity. *BAYHORSE*, S of Challis off U.S. 93, (3-15-76)
Challis vicinity. *CHALLIS BISON JUMP SITE*, S of Challis off U.S. 93, (9-5-75)
Clayton vicinity. *EAST FORK LOOKOUT (10-CR-358)*, S of Clayton, (9-27-76)

elmore county

Atlanta. *ATLANTA HISTORIC DISTRICT*, Quartz Creek, Pine and Main Sts., (4-6-78)
Atlanta vicinity. *ATLANTA DAM AND POWER PLANT*, W of Atlanta on Boise River, (10-5-77)
Mountain Home. *ANCHUSTEGUI, PEDRO, PELOTA COURT*, W. 2nd North St., (1-30-78)
Mountain Home. *MOUNTAIN HOME CARNEGIE LIBRARY*, 180 S. 33rd St. E., (7-24-78)
Mountain Home. *ST. JAMES EPISCOPAL CHURCH*, 305 N. 3rd East, (10-5-77)
Rocky Bar and vicinity. *SOUTH BOISE HISTORIC MINING DISTRICT*, In Boise and Sawtooth National Forests, (12-30-75)
Rocky Bar vicinity. *SOUTH BOISE HISTORIC MINING DISTRICT*, In Boise and Sawtooth National Forests, (12-30-75)

franklin county

Franklin. *HATCH, L. H., HOUSE*, (5-7-73) PH0037664
Preston. *COWLEY, MATTHIAS, HOUSE*, 110 S. 1st St. E., (7-19-76)
Preston. *ONEIDA STAKE ACADEMY*, NW corner of 2nd South and 2nd East Sts., (5-21-75) PH0150037
Preston vicinity. *BEAR RIVER BATTLEGROUND*, NW of Preston off U.S. 91, (3-14-73) PH0037672
Weston vicinity. *WESTON CANYON ROCK SHELTER*, (7-25-74) PH0037681

gooding county

Hagerman. *ROBERTS, MORRIS, STORE*, Off U.S. 30, (7-17-78)
Hagerman vicinity. *PRIESTLY'S HYDRAULIC RAM*, 6 mi. S of Hagerman at Thousand Springs, (2-13-75) PH0037699

idaho county

LOLO TRAIL, Reference—see Clearwater County (1-2-74)
NEZ PERCE NATIONAL HISTORICAL PARK, Reference—see Clearwater County (1-2-74)
Dixie vicinity. *MOORE, JIM, PLACE*, Salmon River Canyon, (3-29-78)
Grangeville. *GRANGEVILLE SAVINGS AND TRUST*, State and Main Sts., (7-24-78)
Grangeville vicinity. *WYLIES PEAK LOOKOUT*, Nez Perce National Forest, (6-5-75)
Kamiah. *STATE BANK OF KAMIAH*, ID 64, (8-29-78)
Kamiah vicinity. *FIRST PRESBYTERIAN CHURCH*, SE of Kamiah on U.S. 12, (5-13-76)
Kamiah vicinity. *MCBETH, SUE, CABIN*, SE of Kamiah on U.S. 12, (6-3-76)
Kooskia. *STATE BANK OF KOOSKIA*, 1 S. Main St., (5-22-78)
Kooskia vicinity. *LOCHSA HISTORICAL RANGER STATION*, Clearwater National Forest, (6-9-78)
Kooskia vicinity. *O'HARA HOUSE*, E of Kooskia off U.S. 12, (10-2-78)
Warrens vicinity. *BURGDORF*, About 15 mi. W of Warrens, (4-14-72) PH0037702
White Bird vicinity. *WHITE BIRD BATTLEFIELD*, N of White Bird off U.S. 95, (7-18-74) PH0037729
White Bird vicinity. *WHITE BIRD GRADE*, NE of White Bird, (7-30-74) PH0037711

jefferson county

Roberts. *HOTEL PATRIE*, U.S. 91, (11-7-78)

jerome county

Hunt vicinity. *WILSON BUTTE CAVE*, (11-21-74) PH0037745
Jerome. *JEROME NATIONAL BANK*, 100 E. Main St., (1-9-78)

Murtaugh vicinity. *CALDRON LINN*, 2 mi. E of Murtaugh, (6-27-72) PH0037737

kootenai county

Cataldo. *CATALDO MISSION*, Off U.S. 10, (10-15-66) PH0037753 NHL; G.
Clarksville. *CLARK HOUSE*, on Hayden Lake, (12-12-78)
Coeur d'Alene. *COEUR D'ALENE FEDERAL BUILDING*, 4th and Lakeside, (12-16-77)
Coeur d'Alene. *COEUR D'ALENE MASONIC TEMPLE*, 525 Sherman Ave., (5-22-78)
Coeur d'Alene. *INLAND EMPIRE ELECTRIC RAILWAY SUBSTATION*, Mullan Rd. and Northwest Blvd., (6-27-75) PH0143260
Coeur d'Alene. *KOOTENAI COUNTY COURTHOUSE*, 501 Government Way, (12-23-77)
Coeur d'Alene. *ROOSEVELT SCHOOL*, 1st and Wallace Sts., (7-30-76)
Coeur d'Alene. *ST. THOMAS CATHOLIC CHURCH*, 919 Indiana Ave., (10-5-77)
Rathdrum. *RATHDRUM STATE BANK*, 1st and Mills Sts., (11-8-74) PH0037761
Rathdrum. *ST. STANISLAUS KOSTKA MISSION*, McCartney and 3rd Sts., (11-17-77)

kooteni county

Coeur d'Alene. *ROOSEVELT SCHOOL*, 1st and Wallace Sts., (7-30-76)

latah county

Moscow. *ADMINISTRATION BUILDING, UNIVERSITY OF IDAHO*, University of Idaho campus, (2-14-78)
Moscow. *CORNWALL, MASON, HOUSE*, 308 S. Hayes St., (12-2-77)
Moscow. *FIRST METHODIST CHURCH*, 322 E. 3rd St., (10-5-78)
Moscow. *HOTEL MOSCOW*, 4th and Main Sts., (11-30-78)
Moscow. *LIEUALLEN, ALMON ASBURY, HOUSE*, 101 S. Almon St., (1-3-78)
Moscow. *MCCONNELL-MCGUIRE BUILDING*, Main and 1st Sts., (2-7-78)
Moscow. *MCCONNELL, W. J., HOUSE*, 110 S. Adams St., (11-21-74) PH0037770
Moscow. *MEMORIAL GYMNASIUM*, University of Idaho campus, (10-5-77)
Moscow. *MOSCOW POST OFFICE AND COURTHOUSE*, Washington and 3rd Sts., (7-3-73) PH0037788 G.
Moscow. *RIDENBAUGH HALL*, University of Idaho campus, (9-14-77)
Moscow. *SKATTABOE BLOCK*, Main and 4th Sts., (5-22-78)

lemhi county

LEMHI PASS, Reference—see Beaverhead County, MT (1-2-74)
Cobalt vicinity. *SHOUP ROCK SHELTERS*, (11-8-74) PH0037826
Salmon. *LEMHI COUNTY COURTHOUSE*, 1st St. N. and Broadway, (2-7-78)
Salmon. *MYERS, SOCRATES A., HOUSE*, 300 Hall St., (12-2-77)
Salmon. *ODD FELLOWS HALL*, 516 Main St., (2-7-78)
Salmon. *SALMON ODD FELLOWS HALL*, 510–514 Main St., (8-25-78)
Salmon. *SHOUP BUILDING*, Center and Main Sts., (3-31-78)
Salmon vicinity. *CHARCOAL KILNS*, 6 mi. W of SR 28 in Targhee National Forest, (2-23-72) PH0037796
Salmon vicinity. *FORT LEMHI (SALMON RIVER MISSION)*, About 18 mi. SE of Salmon, (2-23-72) PH0037800
Salmon vicinity. *LEESBURG*, W of Salmon at Napias Creek in Salmon National Forest, (4-4-75)
Tendoy vicinity. *FIRST FLAG UNFURLING SITE, LEWIS AND CLARK TRAIL*, 5 mi. N of Tendoy in Bitterroot Mountains, (8-22-75) PH0221287
Tendoy vicinity. *LEMHI PASS*, 12 mi. E of Tendoy off ID 28, in Beaverhead and Salmon National Forests, (10-15-66) PH0037818 NHL.

lewis county

NEZ PERCE NATIONAL HISTORICAL PARK, Reference—see Clearwater County (1-2-74)
Culdesac vicinity. *ST. JOSEPH'S MISSION*, S of Culdesac off U.S. 95, (6-24-76)

lincoln county

Shoshone. *SHOSHONE HISTORIC DISTRICT*, Irregular pattern, includes N bank of Little Wood River and W. D St. from S. Cherry St. to S. Alta St., (6-27-75) PH0143995 G.

madison county

Rexburg. *REXBURG STAKE TABERNACLE*, 25 N. Center St., (5-3-74) PH0037834 G.

minidoka county

Minidoka vicinity. *MINIDOKA DAM AND POWER PLANT*, S of Minidoka, (10-29-74) PH0037842

nez perce county

NEZ PERCE NATIONAL HISTORICAL PARK, Reference—see Clearwater County (1-2-74)
Lenore vicinity. *LENORE SITE*, (11-21-74) PH0076864
Lewiston. *FIRST CHRISTIAN CHURCH*, 7th Ave. and 7th St., (8-31-78)
Lewiston. *KETTENBACH, HENRY C., HOUSE*, 1026 9th Ave., (2-7-78)
Lewiston. *LEWISTON DEPOT*, 13th and Main Sts., (5-7-73) PH0037851
Lewiston. *LEWISTON HISTORIC DISTRICT*, Irregular pattern between 1st and 5th Sts. and B St. and the Snake River, (6-5-75) PH0150819 G.
Lewiston. *NAVE APARTMENTS*, 600 block of 8th St., (8-3-78)
Lewiston. *ST. STANISLAUS CATHOLIC CHURCH*, 633 5th Ave., (2-7-78)
Lewiston vicinity. *HASOTINO*, S of Lewiston along E bank of Snake River, (4-2-76)
Lewiston vicinity. *NEZ PERCE SNAKE RIVER ARCHEOLOGICAL DISTRICT*, S of Lewiston, (12-22-78)
Lewiston vicinity. *TWENTY-ONE RANCHHOUSE*, S of Lewiston at 7570 Waha Rd., (12-18-78)

owyhee county

SWAN FALLS DAM AND POWER PLANT, Reference—see Ada County
Homedale vicinity. *POISON CREEK STAGE STATION*, S of Homedale off Jump Creek Rd., (5-22-78)
Murphy vicinity. *BERNARD'S FERRY*, N of Murphy off ID 78, (5-22-78)
Reynolds vicinity. *CAMP LYON SITE*, 1 mi. E of U.S. 95, (12-27-72) PH0037869
Silver City vicinity. *CAMP THREE FORKS (CAMP WINTHROP)*, S of Silver City, (12-15-72) PH0037877
Silver City vicinity. *DELAMAR HISTORIC DISTRICT*, 6 mi. W of Silver City, (5-13-76)
Silver City vicinity. *SILVER CITY HISTORIC DISTRICT*, Silver City and its environs, (5-19-72) PH0037885

payette county

Payette. *CHASE, DAVID C., HOUSE*, 307 9th St. N., (2-7-78)
Payette. *COUGHANOUR APARTMENT BLOCK*, 700–718 1st Ave. N., (5-23-78)
Payette. *METHODIST EPISCOPAL CHURCH OF PAYETTE*, 1st Ave. S. and 9th St., (10-5-77)
Payette. *MOSS, A. B., BUILDING*, 137 N. 8th St., (2-8-78)
Payette. *ST. JAMES EPISCOPAL CHURCH*, 1st Ave. N. and 10th St., (4-20-78)
Payette. *WHITNEY, GRANT, HOUSE*, 1015 7th Ave. N., (2-23-78)
Payette. *WOODWARD BUILDING*, 23 8th St., (4-26-78)

power county

American Falls. *AMERICAN FALLS EAST SHORE POWER PLANTS*, ID 39, (10-29-76)
American Falls vicinity. *OREGON TRAIL HISTORIC DISTRICT (REGISTER ROCK AREA)*, SW of American Falls along U.S. 30N, (3-20-73) PH0037893
American Falls vicinity. *REGISTER ROCK*, W of American Falls on U.S. 30, (7-24-78)

shoshone county

Avery. *AVERY RANGER STATION*, Near St. Joseph National Forest, (6-27-74) PH0037907
Murray. *MURRAY COURTHOUSE*, Main St., (11-14-78)
Wallace. *NORTHERN PACIFIC RAILWAY DEPOT*, Off U.S. 10, (4-2-76)

twin falls county

Buhl. *BUHL CITY HALL*, Broadway and Elm St., (2-8-78)
Buhl. *RAMONA THEATER*, 113 Broadway, (12-22-76)
Twin Falls. *IDAHO POWER SUBSTATION*, Van Buren St. and Filer Ave., (6-23-78)
Twin Falls. *SMITH, C. HARVEY, HOUSE*, 255 4th Ave. E., (4-3-78)
Twin Falls. *TWIN FALLS CITY PARK HISTORIC DISTRICT*, 2nd N., 2nd E., and Shoshone Sts., 4th and 6th Aves., (3-30-78)

valley county

McCall. *BROWN TIE AND LUMBER COMPANY MILL AND BURNER*, Off ID 55 at Payette Lake, (12-20-78)

washington county

Weiser. *BAPTIST CHURCH*, E. Main and 8th Sts., (10-7-77)
Weiser. *DRAKE, COL. C. F., HOUSE*, 516 E. Main St., (1-20-78)
Weiser. *GALLOWAY, THOMAS C., HOUSE*, 1120 E. 2nd St., (1-26-78)
Weiser. *HAAS, BERNARD, HOUSE*, 377 E. Main St., (5-22-78)
Weiser. *KNIGHTS OF PYTHIAS LODGE HALL*, 30 E. Idaho St., (5-13-76)
Weiser. *ST. AGNES CATHOLIC CHURCH*, 204 E. Liberty St., (7-24-78)
Weiser. *ST. LUKE'S EPISCOPAL CHURCH*, E. 1st and Liberty Sts., (7-24-78)

ILLINOIS

adams county

Clayton vicinity. *ROY, JOHN, SITE*, S of Clayton, (5-22-78)
Quincy. *MORGAN-WELLS HOUSE*, 421 Jersey St., (11-16-77)
Quincy. *U.S. POST OFFICE AND COURTHOUSE*, 200 N. 8th St., (12-2-77)
Quincy. *VILLA DE KATHRINE*, 532 S. 3rd, (12-8-78)

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Quincy. *WOOD, JOHN, MANSION*, 425 S. 12th St., (4-17-70) PH0097071

alexander county

Cairo. *MAGNOLIA MANOR*, 2700 Washington Ave., (12-17-69) PH0023647 HABS.
Cairo. *OLD CUSTOMHOUSE*, Washington and 15th St., (7-24-73) PH0023621 HABS.
Thebes. *THEBES COURTHOUSE*, Off IL 3, (12-26-72) PH0023639 HABS.
Willard vicinity. *DOGTOOTH BEND MOUNDS AND VILLAGE SITE*, S of Willard, (5-23-78)

bond county

Greenville. *OLD MAIN, ALMIRA COLLEGE*, 315 E. College St., (4-21-75) PH0097462

boone county

Belvidere. *PETTIT MEMORIAL CHAPEL*, 1100 N. Main St., (12-1-78)

bureau county (also in Henry and Whiteside Counties)

Hennepin vicinity. *HENNEPIN CANAL HISTORIC DISTRICT*, W to Miline then N to Rock Falls vicinity, (5-22-78)
Manlius. *FIRST STATE BANK OF MANLIUS*, N side of Maple St., (5-12-75) PH0330299
Princeton. *LOVEJOY, OWEN, HOMESTEAD*, Peru St. (U.S. 6), (5-24-73) PH0013382
Princeton vicinity. *RED COVERED BRIDGE*, 2 mi. N of Princeton off IL 26 on Old Dad Joe Trail, (4-23-75)
Sheffield. *OLD DANISH CHURCH*, SE corner of Cook and Washington Sts., (10-2-73) PH0013391

calhoun county

Kampsville vicinity. *KAMP MOUND SITE*, N of Kampsville, (8-24-78)

carroll county

Mt. Carroll. *CARROLL COUNTY COURTHOUSE*, Courthouse Sq., (11-26-73) PH0013358

cass county

Virginia vicinity. *CUNNINGHAM, ANDREW, FARM*, 2.5 mi. E of Virginia off Gridley Rd., (5-12-75) PH0097489 HABS.

champaign county

Champaign. *BURNHAM ATHENAEUM*, 306 W. Church St., (6-7-78)
Champaign. *CATTLE BANK*, 102 E. University Ave., (8-19-75) PH0179299 G.
Champaign. *U.S. POST OFFICE*, Randolph and Church Sts., (8-17-76)
Urbana. *ALTGELD HALL, UNIVERSITY OF ILLINOIS*, University of Illinois campus, corner of Wright and John Sts., (4-17-70) PH0023655
Urbana. *GREEK REVIVAL COTTAGE*, 300 W. University Ave., (10-20-77)
Urbana. *GRIGGS, CLARK R., HOUSE*, 505 W. Main St., (11-30-78)
Urbana. *MORROW PLOTS, UNIVERSITY OF ILLINOIS*, Gregory Dr. at Matthews Ave., (5-23-68) PH0097691 NHL.

clark county

Clark Center vicinity. *OLD STONE ARCH BRIDGE*, E of Clark Center off U.S. 40, (11-28-78)
Marshall. *ARCHER HOUSE HOTEL*, 717 Archer Ave., (3-16-76)
Marshall vicinity. *OLD STONE ARCH, NATIONAL ROAD*, Archer St., (2-20-75) PH0065064

clinton county

Carlyle vicinity. *GENERAL DEAN SUSPENSION BRIDGE*, E of Carlyle over the Kaskaskia River, (4-3-73) PH0100901 HABS.

coles county

Charleston. *COLES COUNTY COURTHOUSE*, Charleston Public Sq., (11-28-78)

cook county

Chicago. *ABBOTT, ROBERT S., HOUSE*, 4742 Martin Luther King Dr., (12-8-76) NHL.
Chicago. *ALTA VISTA TERRACE HISTORIC DISTRICT*, Block bounded by W. Byron, W. Grace, N. Kenmore, and N. Seminary Sts., (3-16-72) PH0013366 HABS.
Chicago. *AUDITORIUM BUILDING, ROOSEVELT UNIVERSITY*, 430 Michigan Ave. and Congress St., (4-17-70) PH0013579 NHL; HABS; G.
Chicago. *CARSON, PIRIE, SCOTT AND COMPANY*, 1 S. State St., (4-17-70) PH0023663 NHL; HABS.
Chicago. *CHARNLEY, JAMES, HOUSE*, 1365 N. Astor St., (4-17-70) PH0003255 HABS.
Chicago. *CHICAGO AVENUE WATER TOWER AND PUMPING STATION*, Both sides of N. Michigan Ave. between E. Chicago and E. Pearson Sts., (4-23-75) HABS.
Chicago. *CHICAGO BOARD OF TRADE BUILDING*, 141 W. Jackson Blvd., (6-2-78) NHL.
Chicago. *CHICAGO PUBLIC LIBRARY, CENTRAL BUILDING*, 78 E. Washington St., (7-31-72) PH0003263 HABS.
Chicago. *CHICAGO SAVINGS BANK BUILDING*, 7 W. Madison St., (9-5-75) PH0221317
Chicago. *CLARKE, HENRY B., HOUSE*, 4526 S. Wabash Ave., (5-6-71) PH0003271 HABS; G.
Chicago. *COMPTON, ARTHUR H., HOUSE*, 5637 Woodlawn Ave., (5-11-76) NHL; HAER.
Chicago. *DE PRIEST, OSCAR STANTON, HOUSE*, 4536–4538 S. Dr. Martin Luther King, Jr. Dr., (5-15-75)
Chicago. *DEARBORN STATION*, 47 W. Polk St., (3-26-76) HABS.
Chicago. *DELAWARE BUILDING (BRYANT BLOCK)*, 36 W. Randolph St., (7-18-74) PH0003298
Chicago. *DEWES, FRANCIS J., HOUSE*, 503 W. Wrightwood Ave., (8-14-73) PH0003301 HABS.
Chicago. *DOUGLAS TOMB STATE MEMORIAL*, 636 E. State St., (5-28-76)
Chicago. *DU SABLE, JEAN BAPTISTE POINT, HOMESITE*, 401 N. Michigan Ave., (5-11-76) NHL.
Chicago. *EW MASONIC BUILDING AND ORIENTAL THEATER*, 20 W. Randolph St., (9-26-78)
Chicago. *FIELD MUSEUM OF NATURAL HISTORY*, E. Roosevelt Rd. at S. Lake Shore Dr., (9-5-75) PH0221309
Chicago. *FIRST CONGREGATIONAL CHURCH OF AUSTIN*, 5701 W. Midway Pl., (11-17-77)
Chicago. *FIRST SELF-SUSTAINING NUCLEAR REACTION, SITE OF*, S. Ellis Ave. between E. 56th and 57th Sts., (10-15-66) PH0097870 NHL.
Chicago. *FISHER BUILDING*, 343 S. Dearborn St., (3-16-76) HABS.
Chicago. *FOURTH PRESBYTERIAN CHURCH OF CHICAGO*, 126 E. Chestnut St., (9-5-75) PH0221325
Chicago. *GAULER, JOHN, HOUSES*, 5917–5921 N. Magnolia Ave., (6-17-77)
Chicago. *GERMANIA CLUB*, 108 W. Germania Pl., (10-22-76) HABS.
Chicago. *GETTY TOMB*, Graceland Cemetery, N. Clark St. and W. Irving Park Rd., (2-15-74) PH0023701 HABS.
Chicago. *GLESSNER, JOHN J., HOUSE*, 1800 S. Prairie Ave., (4-17-70) PH0013374 NHL; HABS; G.
Chicago. *GOLD COAST HISTORIC DISTRICT*, Roughly bounded by North Ave., Lake Shore Dr., Clark and Oak Sts., (1-30-78)
Chicago. *HALSTED, ANN, HOUSE*, 440 Belden St., (8-17-73) PH0023710
Chicago. *HELLER, ISADORE H., HOUSE*, 5132 S. Woodland Ave., (3-16-72) PH0023736 HABS.
Chicago. *HITCHCOCK, CHARLES, HALL*, 1009 E. 57th St., (12-30-74) PH0073628
Chicago. *HOLY TRINITY RUSSIAN ORTHODOX CATHEDRAL AND RECTORY*, 1117–1127 N. Leavitt, (3-16-76) HABS.
Chicago. *HULL HOUSE*, 800 S. Halsted St., (10-15-66) PH0023957 NHL; HABS.
Chicago. *IMMACULATA HIGH SCHOOL*, 600 W. Irving Park Rd., (8-30-77)
Chicago. *JACKSON PARK HISTORIC LANDSCAPE DISTRICT AND MIDWAY PLAISANCE (SITE OF THE WORLD'S COLUMBIAN EXPOSITION OF 1893)*, Jackson and Washington parks and Midway Plaisance roadway, (12-15-72) PH0013412
Chicago. *JEWELERS' BUILDING*, 15-19 S. Wabash Ave., (8-7-74) PH0025682 HABS.
Chicago. *JEWISH PEOPLE'S INSTITUTE*, 3500 W. Douglas Blvd., (11-15-78)
Chicago. *KEHILATH ANSHE MA'ARIV SYNAGOGUE (PILGRIM BAPTIST CHURCH)*, 3301 S. Indiana Ave., (4-26-73) PH0023744
Chicago. *KENT, SYDNEY, HOUSE*, 2944 S. Michigan Ave., (11-17-77)
Chicago. *KIMBALL, WILLIAM W., HOUSE*, 1801 S. Prairie Ave., (12-9-71) HABS.
Chicago. *LAKESIDE PRESS BUILDING*, 731 S. Plymouth Ct., (6-23-76) HABS.
Chicago. *LAKEVIEW HISTORIC DISTRICT*, Roughly bounded by Wrightwood, Lakeview, Sheridan, Belmont, Halsted, Wellington, Racine, and George Sts., (9-15-77)
Chicago. *LATHROP, BRYAN, HOUSE*, 120 E. Bellevue Pl., (2-15-74) PH0023752 HABS.
Chicago. *LEITER II BUILDING*, NE corner of S. State and E. Congress Sts., (1-7-76) HABS; NHL.
Chicago. *LILLIE, FRANK R., HOUSE*, 5801 Kenwood Ave., (5-11-76) NHL; HAER.
Chicago. *MADLENER, ALBERT F., HOUSE*, 4 W. Burton St., (10-15-70) PH0023761 HABS.
Chicago. *MANHATTAN BUILDING*, 431 S. Dearborn St., (3-16-76) HABS.
Chicago. *MARQUETTE BUILDING*, 140 S. Dearborn St., (8-17-73) PH0013439 NHL; HABS; G.
Chicago. *MARSHALL FIELD COMPANY STORE*, 111 N. State St., (6-2-78) NHL.
Chicago. *MCCARTHY BUILDING*, Washington and Dearborn Sts., (6-16-76) HABS.
Chicago. *McCLURG BUILDING (AYER BUILDING)*, 218 S. Wabash Ave., (8-17-70) PH0003310 HABS.
Chicago. *MICHIGAN-WACKER HISTORIC DISTRICT*, Michigan Ave. and Wacker Dr. and environs, (11-15-78)
Chicago. *MILLIKAN, ROBERT A., HOUSE*, 5605 Woodlawn Ave., (5-11-76) NHL.

Chicago. *MONADNOCK BLOCK*, 53 W. Jackson Blvd., (11-20-70) PH0003328 HABS.
Chicago. *MONTGOMERY WARD COMPANY COMPLEX*, 619 W. Chicago Ave., (6-2-78) NHL.
Chicago. *NICKERSON, SAMUEL, HOUSE*, 40 E. Erie, (11-7-76) HABS.
Chicago. *OLD CHICAGO HISTORICAL SOCIETY BUILDING*, 632 N. Dearborn St., (11-28-78)
Chicago. *OLD COLONY BUILDINGS*, 407 S. Dearborn St., (1-2-76) HABS.
Chicago. *OLD STONEGATE OF CHICAGO UNION STOCKYARDS*, Exchange Ave., (12-27-72) PH0003336
Chicago. *ORCHESTRA HALL*, 220 S. Michigan Ave., (3-21-78)
Chicago. *PAGE BROTHERS BUILDING*, SE corner of Lake and State Sts., (6-5-75) PH0150568
Chicago. *PONTIAC BUILDING*, 542 S. Dearborn St., (3-16-76) HABS.
Chicago. *PRAIRIE AVENUE DISTRICT (FORT DEARBORN MASSACRE SITE)*, Prairie Ave. on either side of 18th St., about 1 block in either direction, (11-15-72) PH0003352 HABS.
Chicago. *PULLMAN HISTORIC DISTRICT*, Bounded on the N by 103rd St., on the E by C.S.S. and S.B. Railroad spur tracks, on the S by 115th St., and on the W by Cottage Grove Ave., (10-8-69) PH0003361 NHL; HABS.
Chicago. *REID MURDOCH BUILDING*, 325 N. LaSalle St., (8-28-75) PH0228877 HABS.
Chicago. *RELIANCE BUILDING*, 32 N. State St., (10-15-70) PH0013447 NHL.
Chicago. *RIDGE HISTORIC DISTRICT*, Irregular pattern bounded roughly by 87th, railroad tracks, Prospects, Homewood, 115th, Lothair, Hamilton, and Western Sts., (5-28-76)
Chicago. *ROBIE, FREDERICK C., HOUSE*, 5757 S. Woodlawn Ave., (10-15-66) PH0013552 NHL; HABS; G.
Chicago. *ROLOSON, ROBERT, HOUSES*, 3213–3219 Calumet Ave., (6-30-77)
Chicago. *ROOKERY BUILDING*, 209 S. LaSalle St., (4-17-70) PH0013561 HABS; NHL.
Chicago. *ROOM 405, GEORGE HERBERT JONES LABORATORY, UNIVERSITY OF CHICAGO*, S. Ellis Ave. between E. 57th and 58th Sts., (5-28-67) PH0023931 NHL.
Chicago. *ROSEHILL CEMETERY ADMINISTRATION BUILDING AND ENTRY GATE*, 5600 N. Ravenswood Ave., (4-24-75) PH0120707
Chicago. *SCHOENHOFEN BREWERY HISTORIC DISTRICT*, Roughly bounded by 16th, 18th, Canal, and Clinton Sts., (12-27-78)
Chicago. *SEARS, ROEBUCK AND COMPANY COMPLEX*, 925 S. Holman Ave., (6-2-78) NHL.
Chicago. *SECOND PRESBYTERIAN CHURCH*, 1936 S. Michigan Ave., (12-27-74) PH0062537
Chicago. *SHEDD PARK FIELDHOUSE*, 3660 W. 23rd St., (12-30-74) PH0073440
Chicago. *SHEFFIELD HISTORIC DISTRICT*, Bounded roughly by Fullerton, Lincoln, Larabee, Dickens, Burling, Wisconsin, Clybourn, Lakewood, Belden, and Southport, (1-11-76)
Chicago. *SOUTH DEARBORN STREET-PRINTING HOUSE ROW HISTORIC DISTRICT*, 343, 407, 431 S. Dearborn St. and 53 W. Jackson Blvd., (1-7-76) HABS; NHL.
Chicago. *SOUTH LOOP PRINTING HOUSE DISTRICT*, Roughly bounded by Taylor, Polk, Wells, Congress and State Sts., (3-2-78)
Chicago. *SOUTH SHORE BEACH APARTMENTS*, 7321 S. Shore Dr., (6-9-78)
Chicago. *SOUTH SHORE COUNTRY CLUB*, 71st St. and S. Shore Dr., (3-4-75) PH0086584
Chicago. *ST. IGNATIUS COLLEGE*, 1076 W. Roosevelt Rd., (11-17-77)
Chicago. *ST. PATRICK'S ROMAN CATHOLIC CHURCH*, 718 W. Adams St., (7-15-77)
Chicago. *ST. THOMAS CHURCH AND CONVENT*, 5472 S. Kimbark Ave., (12-18-78)
Chicago. *STUDEBAKER BUILDING*, 410–418 S. Michigan Ave., (8-11-75) PH0185892 HABS.
Chicago. *SWIFT HOUSE*, 4500 S. Michigan Ave., (6-9-78)
Chicago. *TAFT, LORADO, MIDWAY STUDIOS*, 6016 S. Ingleside Ave., (10-15-66) PH0097896 NHL.
Chicago. *TREE STUDIO BUILDING AND ANNEXES*, 4 E. Ohio St., (12-16-74) PH0062529
Chicago. *U.S.S. SILVERSIDES* (S.S. 236), Naval Armory at foot of Lake St., (10-18-72) PH0013587 G.
Chicago. *WELLS-BARNETT, IDA B., HOUSE*, 3624 S. Martin Luther King Dr., (5-30-74) PH0097900 NHL.
Chicago. *WEST JACKSON BOULEVARD DISTRICT*, Roughly bounded by Laflin, Ashland, Adams, and Van Buren Sts., (5-19-78)
Chicago. *WESTERN METHODIST BOOK CONCERN BUILDING*, 12 W. Washington St., (9-11-75) PH0228907 HABS.
Chicago. *WILLIAMS, DR. DANIEL HALE, HOUSE*, 445 E. 42nd St., (5-15-75) NHL.
Evanston. *CARTER, FREDERICK B. JR., HOUSE*, 1024 Judson Ave., (7-30-74) G.
Evanston. *DAWES, CHARLES GATES, HOUSE*, 225 Greenwood St., (12-8-76) NHL.
Evanston. *DRYDEN, GEORGE B., HOUSE*, 1314 Ridge Ave., (12-18-78)
Evanston. *GROSSE POINT LIGHTHOUSE*, 2535 Sheridan Rd., (9-8-76)
Evanston. *RIDGEWOOD*, 1703–1713 Ridge Ave., (10-4-78)
Evanston. *WILLARD, FRANCES, HOUSE*, 1730 Chicago Ave., (10-15-66) PH0097101 NHL; HABS.
Forest View. *CHICAGO PORTAGE NATIONAL HISTORIC SITE*, S. Harlem Ave. at Chicago Sanitary and Ship Canal, (10-15-66) G.
Glencoe. *SYLVAN ROAD BRIDGE*, Sylvan Rd., (6-23-78)
Glenview. *KENNICOTT'S GROVE*, Milwaukee and Lake Aves., (8-13-73) PH0023698 HNL; G.
LaGrange. *LYONS TOWNSHIP HALL*, 53 S. LaGrange Rd., (11-30-78)
Lemont. *LEMONT CENTRAL GRADE SCHOOL*, 410 McCarthy Rd., (3-7-75) PH0087840
Lyons. *HOFMANN TOWER*, 3910 Barry Point Rd., (12-22-78)
Maywood. *CLUEVER, RICHARD, HOUSE*, 641 1st Ave., (11-17-77)
Oak Park. *FRANK LLOYD WRIGHT-PRAIRIE SCHOOL OF ARCHITECTURE HISTORIC DISTRICT*, Bounded roughly by Harlem Ave., Division, Clyde, and Lake Sts., (12-4-73) PH0025208 G.
Oak Park. *GALE, MRS. THOMAS H., HOUSE*, 6 Elizabeth Ct., (3-5-70) PH0025721
Oak Park. *GALE, WALTER, HOUSE*, 1031 W. Chicago Ave., (8-17-73) PH0023680
Oak Park. *PLEASANT HOME (MILLS HOUSE, FARSON HOUSE)*, 217 Home Ave., (6-19-72) G.
Oak Park. *THOMAS, FRANK, HOUSE*, 210 Forest Ave., (9-14-72) PH0100919 G.
Oak Park. *UNITY TEMPLE*, 875 Lake St., (4-17-70) PH0097098 NHL; HABS; G.
Oak Park. *WRIGHT, FRANK LLOYD, HOUSE AND STUDIO*, 428 Forest Ave. (house), 951 Chicago Ave. (studio), (9-14-72) PH0025194 NHL; HABS; G.
Park Ridge. *PICKWICK THEATER BUILDING*, 5 S. Prospect Ave., (2-24-75) PH0036463
River Forest. *DRUMMOND, WILLIAM E., HOUSE*, 559 Edgewood Pl., (3-5-70) HABS.
River Forest. *RIVER FOREST HISTORIC DISTRICT*, Between Harlem Ave. and Des Plaines River with 2 extensions N of Chicago Ave. and 2 extensions S of Lake St., (8-26-77)
River Forest. *WINSLOW, WILLIAM H., HOUSE AND STABLE*, 515 Auvergne Pl., (4-17-70) PH0023779 HABS.
Riverside. *COONLEY, AVERY, HOUSE*, 290 and 300 Scottswood Rd., 281 Bloomingbank Rd., and 336 Coonley Rd., (12-30-70) NHL.
Riverside. *RIVERSIDE LANDSCAPE ARCHITECTURE DISTRICT*, (9-15-69) PH0086274 NHL.
Wilmette. *BAHAI TEMPLE*, 100 Linden Ave., (5-23-78)
Wilmette. *BAKER, FRANK J., HOUSE*, 507 Lake Ave., (11-8-74)
Wilmette. *CHICAGO AND NORTHWESTERN DEPOT*, 1135–1141 Wilmette Ave., (4-24-75)
Winnetka. *LLOYD, HENRY DEMAREST, HOUSE (THE WAYSIDE)*, 830 Sheridan Rd., (11-13-66) PH0097888 NHL.
Winnetka. *ORTH HOUSE*, 42 Abbotsford Rd., (10-8-76)

crawford county

Palestine vicinity. *RIVERTON SITE*, NE of Palestine, (12-18-78)
Palestine vicinity. *SWAN ISLAND SITE*, SE of Palestine, (12-18-78)
Robinson vicinity. *STONER SITE*, NE of Robinson, (12-18-78)

de kalb county

Sycamore. *SYCAMORE HISTORIC DISTRICT*, Irregular pattern along Main and Somonauk Sts., (5-2-78)

dekalb county

DeKalb. *EGYPTIAN THEATRE*, 135 N. 2nd St., (12-1-78)
Dekalb. *ELLWOOD MANSION*, 509 N. 1st St., (6-13-75)
DeKalb. *GLIDDEN, JOSEPH F., HOUSE*, 917 W. Lincoln Hwy., (10-25-73) PH0025216
Sycamore. *ELMWOOD CEMETERY GATES*, S. Cross and Charles Sts., (11-28-78)
Sycamore. *MARSH, WILLIAM W., HOUSE*, 740 W. State St., (12-22-78)

dekalbb county

Sycamore. *CHICAGO AND NORTHWESTERN DEPOT*, Sacramento and DeKalb Sts., (12-8-78)

du page county

Lombard. *FIRST CHURCH OF LOMBARD*, Maple and Main Sts., (8-10-78)

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dupage county

Clarendon Hills. *MIDDAUGH, HENRY C., HOUSE*, 66 Norfolk Ave., (9-21-78)
Elmhurst. *HAUPTGEBAUDE*, 190 Prospect St., (8-13-76)
Glen Ellyn. *STACY TAVERN*, Geneva Rd. and Main St., (10-29-74) PH0029050
Naperville. *NAPERVILLE HISTORIC DISTRICT*, Roughly bounded by Julian, Highland, Chicago, Jackson, Eagle and 5th Sts., (9-29-77)
Naperville. *PINE CRAIG*, Aurora Rd. (Rte. 65), (8-15-75) PH0179302
Oak Brook. *GRAUE MILL*, NW of jct. of Spring and York Rds., (5-12-75) HABS.
Wheaton. *DUPAGE COUNTY COURTHOUSE*, 200 Reber St., (6-7-78)
Wheaton. *TRINITY EPISCOPAL CHURCH*, 130 N. West St., (1-9-78)

fayette county

Vandalia. *LITTLE BRICK HOUSE*, 621 St. Clair St., (6-4-73) PH0023787
Vandalia. *VANDALIA STATEHOUSE*, 315 W. Gallatin St., (1-21-74) PH0023795

fulton county

Canton. *ORENDORFF, ULYSSES G., HOUSE*, 345 W. Elm St., (12-9-71) PH0023809
Canton vicinity. *ORENFORT SITE*, SE of Canton, (9-13-77)
Lewiston. *ST. JAMES EPISCOPAL CHURCH*, NE corner of MacArthur and Broadway, (12-31-74) PH0062570
Lewistown vicinity. *DICKSON MOUNDS*, (5-5-72) PH0097128
Lewistown vicinity. *LARSON SITE*, S of Lewistown, (11-21-78)
Lewistown vicinity. *OGDEN-FETTIE SITE*, (7-31-72) PH0097110
Lewistown vicinity. *SHEETS SITE*, W of Lewistown, (12-22-78)

gallatin county

Equality vicinity. *SALINE SPRINGS*, SE of Equality in Shawnee National Forest, (5-24-73) PH0097136
New Haven vicinity. *DUFFY SITE*, S of New Haven, (8-26-77)
Old Shawneetown. *MARSHALL, JOHN, HOUSE SITE*, Off IL 13, (1-21-75) PH0081400
Old Shawneetown. *STATE BANK (BANK OF ILLINOIS)*, Corner of Main St. and IL 13, (4-19-72) PH0023817 HABS; G.

greene county

Eldred vicinity. *KOSTER SITE*, (6-19-72) PH0097144 G.
Hillview vicinity. *MOUND HOUSE SITE*, N of Hillview, (9-1-78)

hamilton county

McLeansboro. *CLOUD, AARON G., HOUSE*, 164 S. Washington St., (4-15-78)
McLeansboro. *CLOUD STATE BANK*, 108 N. Washington St., (11-28-78)

hancock county

Carthage. *CARTHAGE JAIL*, Walnut and N. Fayette Sts., (3-20-73) PH0023825
Nauvoo. *NAUVOO HISTORIC DISTRICT*, (10-15-66) PH0097918 NHL; HABS.
Warsaw. *WARSAW HISTORIC DISTRICT*, Roughly bounded by the Mississippi River, Marion and 11th Sts., (12-16-77)

hardin county

Elizabethtown. *ROSE HOTEL (MCFARLAN'S TAVERN)*, S. Main St., (12-26-72) PH0023833
Rosiclare vicinity. *ILLINOIS IRON FURNACE*, Shawnee National Forest, (3-7-73) PH0099562
Rosiclare vicinity. *ORR-HERL MOUND AND VILLAGE SITE*, NE of Rosiclare, (11-21-78)

henderson county

Gladstone vicinity. *SOUTH HENDERSON CHURCH AND CEMETERY*, E of Gladstone, (10-14-76)
Oquawka vicinity. *OQUAWKA WAGON BRIDGE*, 2.5 mi. S of Oquawka over Henderson Creek, (2-24-75)

henry county

HENNEPIN CANAL HISTORIC DISTRICT, Reference—see Bureau County
Andover. *LIND, JENNY, CHAPEL*, SW corner 6th and Oak Sts., (4-1-75) PH0056057
Bishop Hill. *BISHOP HILL HISTORIC DISTRICT*, (4-17-70) PH0097152 G.
Kewanee vicinity. *FRANCIS, FREDERICK, WOODLAND PALACE*, 2.5 mi. NE of Kewanee on IL 34, (4-14-75) PH0100137
Kewanee vicinity. *RYAN ROUND BARN*, 6 mi. N of Kewanee, (12-31-74) PH0085138

iroquois county

Watseka. *OLD IROQUOIS COUNTY COURTHOUSE*, Cherry St. at 2nd St., (6-13-75) PH0133591

jackson county

Carbondale. *WEST WALNUT STREET HISTORIC DISTRICT*, Roughly bounded by W. Elm, S. Poplar, W. Main, and S. Forest Sts., (5-2-75)
Makanda vicinity. *AGNEW, DR. FRANK M., HOUSE*, SE of Makanda on SR 12, (9-13-78)
Rockwood vicinity. *CLEIMAN MOUND AND VILLAGE SITE*, E of Rockwood on IL 3, (10-18-77)

jefferson county

Mt. Vernon. *APPELLATE COURT, 5TH DISTRICT*, 14th and Main Sts., (7-2-73) PH0023841 HABS; G.

jersey county

Elsah. *ELSAH HISTORIC DISTRICT*, (7-27-73) PH0023850 HABS.

jo daviess county

Galena. *GALENA HISTORIC DISTRICT*, (10-18-69) PH0003379 HABS.
Galena. *GRANT, ULYSSES S., HOUSE*, 511 Bouthillier St., (10-15-66) PH0097926 NHL; G.
Galena. *OLD MARKET HOUSE*, Market Square-Commerce St., (7-16-73) PH0003387 HABS; G.
Galena. *WASHBURNE, ELIHU BENJAMIN, HOUSE*, 908 3rd St., (7-5-73) PH0003395 HABS; G.
Warren. *OLD STONE HOTEL*, 110 W. Main St., (4-16-75) PH0111228

kane county

Aurora. *CHICAGO, BURLINGTON, & QUINCY ROUNDHOUSE AND LOCOMOTIVE SHOP*, Broadway and Spring Sts., (2-16-78)
Aurora. *COPLEY, COL. IRA C., MANSION*, 434 W. Downer Pl., (3-29-78)
Aurora. *FOX RIVER HOUSE*, 166 W. Galena, (5-4-76)
Aurora. *TANNER, WILLIAM A., HOUSE*, 304 Oak Ave., (8-19-76)
Batavia. *BATAVIA INSTITUTE*, 333 S. Jefferson St., (8-13-76)
Carpentersville. *LIBRARY HALL*, 21 N. Washington St., (8-14-73) PH0003409
Dundee and vicinity. *DUNDEE TOWNSHIP HISTORIC DISTRICT*, Both sides of Fox River, including sections of E. Dundee, W. Dundee, and Carpentersville, (3-7-75)
Elgin. *ELGIN ACADEMY*, 350 Park St., (10-8-76)
St. Charles. *HOTEL BAKER*, 100 W. Main St., (12-8-78)
St. Charles vicinity. *DURANT HOUSE*, NW of St. Charles off Dean St., (6-18-76)
St. Charles vicinity. *GARFIELD FARM AND TAVERN*, W of St. Charles at IL 38 and Garfield Rd., (6-23-78)

kankakee county

Kankakee. *HICKOX, WARREN, HOUSE*, 687 S. Harrison Ave., (1-3-78)

kendall county

Newark vicinity. *EVELYN SITE*, E of Newark, (12-19-78)

knox county

Galesburg. *GALESBURG HISTORIC DISTRICT*, Roughly bounded by Berrien, Clark, Pearl, and Sanborn Sts., (11-21-76)
Galesburg. *MEETINGHOUSE OF THE CENTRAL CONGREGATIONAL CHURCH*, Central Sq., (9-30-76)
Galesburg. *OLD MAIN, KNOX COLLEGE*, Knox College campus, (10-15-66) PH0097161 NHL.
Yates City vicinity. *WOLF COVERED BRIDGE*, NW of Yates City, on CR 17 over Spoon River, (12-4-74) PH0054500

la salle county

Ottawa. *HOSSACK, JOHN, HOUSE*, 210 W. Prospect St., (3-16-72) PH0003417 HABS.
Ottawa. *WASHINGTON PARK HISTORIC DISTRICT*, Bounded by Jackson, LaSalle, Lafayette, and Columbus Sts., (4-11-73) PH0013625
Ottawa vicinity. *OLD KASKASKIA VILLAGE*, 4 mi. W of Ottawa on U.S. 6, (10-15-66) PH0097934 NHL.
Ottawa vicinity. *STARVED ROCK*, 6 mi. from Ottawa on IL 71, Starved Rock State Park, (10-15-66) PH0097942 NHL.

lake county

Fort Sheridan. *WATER TOWER, BUILDING 49*, Leonard Wood Ave., (12-4-74) PH0062561
Lake Forest. *LAKE FOREST HISTORIC DISTRICT*, Roughly bounded by Western, Westleigh, Lake Michigan, and N city limits, (1-26-78)
Lake Forest. *RAGDALE*, 1230 N. Green Bay Rd., (6-3-76)
Waukegan. *BOWEN, JOSEPH T., COUNTRY CLUB*, 1917 N. Sheridan Rd., (11-30-78)
Waukegan. *NEAR NORTH HISTORIC DISTRICT*, Roughly bounded by Ash St., RR. tracks, Glen Flora Ave. and City Hall, (5-3-78)
Zion. *SHILOH HOUSE*, 1300 Shiloh Blvd., (5-12-77)
Zion. *ZION HOSPICE*, 2561 Sheridan Rd., (6-18-76)

lasalle county

Streator. *WILLIAMS, SILAS, HOUSE*, 702 E. Broadway, (6-23-76)

livingston county

Pontiac. *JONES HOUSE*, 314 E. Madison St., (5-5-78)

logan county

Lincoln. *UNIVERSITY HALL*, 300 Keokuk St., (4v24-73) PH0013633
Mount Pulaski. *MOUNT PULASKI COURTHOUSE*, Public Sq., (8-3-78)

macon county

Decatur. *DECATUR HISTORIC DISTRICT*, (11-7-76)
Decatur. *MILLIKIN, JAMES, HOUSE*, 125 N. Pine St., (12-3-74) PH0062871

macoupin county

Carlinville. *CARLINVILLE HISTORIC DISTRICT*, Roughly bounded by Oak, Mulberry, Morgan, and E. city limits, (5-17-76)
Mount Olive. *UNION MINERS CEMETERY*, 0.5 mi. N of Mount Olive city park, (10-18-72) PH0013641

madison county

Alton. *ALTON MILITARY PRISON SITE*, Corners of William, 4th, and Mill Sts., (12-31-74) PH0073121
Alton. *CHRISTIAN HILL HISTORIC DISTRICT*, Roughly bounded by Broadway, Belle, 7th, Cliff, Bluff, and State Sts., (5-22-78)
Alton. *GUERTLER HOUSE*, 101 Blair St., (7-30-74) PH0013650
Alton. *HASKELL PLAYHOUSE*, Henry St. in Haskell Park, (7-30-74) PH0003425 G.
Alton. *MIDDLETOWN HISTORIC DISTRICT*, Roughly bounded by Broadway, Market, Alton, Franklin, Common, Liberty, Humboldt, and Plum Sts., (7-11-78)
Alton. *TRUMBULL, LYMAN, HOUSE*, 1105 Henry St., (5-15-75) NHL.
Alton. *UPPER ALTON HISTORIC DISTRICT*, Seminary St., College, Leverett, and Evergreen Aves., (5-2-78)
Mitchell. *MITCHELL ARCHEOLOGICAL SITE*, (2-7-78)

marion county

Centralia. *SENTINEL BUILDING*, 232 E. Broadway, (4-15-78)
Salem. *BRYAN, WILLIAM JENNINGS, BOYHOOD HOME*, 408 S. Broadway, (2-18-75) PH0084719

marshall county

Sparland. *WAUGH, ROBERT, HOUSE*, 202 School St., (10-4-78)

mason county

Manito vicinity. *CLEAR LAKE SITE*, W of Manito (also in Tazewell County), (11-28-78)

massac county

Brookport vicinity. *KINCAID SITE*, E of Brookport on the Ohio River, (10-15-66) PH0046612 NHL; G. (also in Pope County)
Metropolis. *CURTIS, ELIJAH P., HOUSE*, 405 Market St., (6-9-78)
Metropolis vicinity. *FORT MASSAC SITE*, SE of Metropolis on the Ohio River, (7-14-71) PH0097179

mcdonough county

Macomb. *MCDONOUGH COUNTY COURTHOUSE*, Public Sq., (10-30-72) PH0003433 G.

mchenry county

Woodstock. *OLD MCHENRY COUNTY COURTHOUSE*, City Sq., (11-1-74) PH0031747
Woodstock. *WOODSTOCK OPERA HOUSE*, 119 Van Buren St., (7-17-74) PH0003441 G.

mclean county

Bloomington. *BENJAMIN, RUBEN M., HOUSE*, 510 E. Grove St., (8-30-78)
Bloomington. *CLOVER LAWN (DAVID DAVIS MANSION)*, 1000 E. Monroe Dr., (10-18-72) PH0003450 NHL.
Bloomington. *FRANKLIN SQUARE*, 300 and 400 blocks of E. Chestnut and E. Walnut Sts., 900 block of N. Prairie and N. Mclean Sts., (1-11-76)
Bloomington. *HAMILTON, JOHN M., HOUSE*, 502 S. Clayton St., (9-6-78)
Bloomington. *MCLEAN COUNTY COURTHOUSE AND SQUARE*, Main, Washington, Center, and Jefferson Sts., (2-6-73) PH0003468
Bloomington. *MILLER, GEORGE H., HOUSE*, 405 W. Market St., (7-20-78)
Bloomington. *STEVENSON HOUSE*, 1316 E. Washington St., (5-24-74) PH0003476
Hudson. *GILDERSLEEVE HOUSE*, 108 Broadway, (7-28-77)
Normal. *FELL, JESSE, HOUSE*, 502 S. Fell St., (4-19-78) HABS.

menard county

Petersburg. *PETERSBURG HISTORIC DISTRICT*, IL 97/123, (6-17-76)
Petersburg vicinity. *LINCOLN'S NEW SALEM VILLAGE*, S of Petersburg in New Salem State Park, (6-19-72) PH0003484

monroe county

FRENCH COLONIAL HISTORIC DISTRICT, Reference—see Randolph County (1-2-74)
Columbia. *GUNDLACH-GROSSE HOUSE*, 625 N. Main St., (12-18-78)
Columbia vicinity. *LUNSFORD-PULCHER ARCHEOLOGICAL SITE*, (7-23-73) PH0013668 (also in St. Clair County)
Maeystown. *MAEYSTOWN HISTORIC DISTRICT*, SR 7, (6-23-78)
Valmeyer vicinity. *MILES, STEPHEN W., HOUSE*, NW of Valmeyer off IL 156, (11-28-78)
Waterloo. *PETERSTOWN HOUSE*, 275 N. Main St., (11-16-77)
Waterloo. *WATERLOO HISTORIC DISTRICT*, Roughly bounded by Moore, Magnolia, Market, and Park Sts., (12-1-78)
Waterloo vicinity. *FOUNTAIN CREEK BRIDGE*, Off IL 156, (12-22-78)

morgan county

Jacksonville. *BEECHER HALL, ILLINOIS COLLEGE*, Illinois College campus, (4-8-74) PH0013676 HABS.
Jacksonville. *DUNCAN, JOSEPH, HOUSE (ELM GROVE)*, 4 Duncan Pl., (11-5-71) PH0013684 HABS; G.
Jacksonville. *JACKSONVILLE HISTORIC DISTRICT*, Roughly bounded by Anna, Mound, Finley, Dayton, Lafayette and Church Sts., (6-9-78)
Jacksonville. *JACKSONVILLE STATE HOSPITAL MAIN BUILDING*, 1201 S. Main St., (4-24-75)

ogle county

Grand Detour. *DEERE, JOHN, HOUSE AND SHOP*, (10-15-66) PH0097951 NHL.
Oregon. *PINEHILL*, 400 Mix St., (7-24-78)
Polo. *BARBER, HENRY D., HOUSE*, 410 W. Mason St., (3-28-74) PH0013692
Rochelle. *FLAGG TOWNSHIP PUBLIC LIBRARY*, NE corner 7th St. at 4th Ave., (10-25-73) PH0013706
Rochelle. *HOLCOMB, WILLIAM H., HOUSE*, 526 N. 7th St., (10-25-73) PH0003492

peoria county

Kickapoo vicinity. *JUBILEE COLLEGE*, NW of Kickapoo on U.S. 150 and I 74, (1-4-72) PH0097187 HABS.
Peoria. *CENTRAL NATIONAL BANK BUILDING*, 103 SW. Adams St., (12-18-78)
Peoria. *FLANAGAN, JUDGE, RESIDENCE*, 942 NE. Glen Oak Ave., (9-5-75)
Peoria. *GRAND ARMY OF THE REPUBLIC MEMORIAL HALL*, 416 Hamilton Blvd., (7-13-76)
Peoria. *PEORIA CITY HALL*, 419 Fulton St., (2-6-73) PH0003506
Peoria. *PETTINGILL-MORRON HOUSE*, 1212 W. Moss Ave., (4-2-76)
Peoria. *ROCK ISLAND DEPOT AND FREIGHT HOUSE*, 32 Liberty St., (12-22-78)
Peoria. *WEST BLUFF HISTORIC DISTRICT*, Randolph, High and Moss Sts., E of Western St., (12-17-76)

pike county

Griggsville vicinity. *NAPLES MOUND 8*, E of Griggsville, (10-14-75)
Pittsfield. *PITTSFIELD EAST SCHOOL*, 400 E. Jefferson St., (2-12-71) PH0003514

pope county

KINCAID SITE, Reference—see Massac County (1-2-74)
Glendale vicinity. *MILLSTONE BLUFF*, In Shawnee National Forest, (10-15-73) PH0003522
Golconda. *GOLCONDA HISTORIC DISTRICT*, IL 146, (10-22-76)

putnam county

Hennepin. *PUTNAM COUNTY COURTHOUSE*, 4th St., (3-4-75) PH0086568

randolph county

Chester vicinity. *MARY'S RIVER COVERED BRIDGE*, About 4 mi. NE of Chester on IL 150, (12-31-74) PH0054402
Ellis Grove vicinity. *MENARD, PIERRE, HOUSE*, Fort Kaskaskia State Park, (4-15-70) PH0097209 NHL.
Modoc vicinity. *MODOC ROCK SHELTER*, 2 mi. N of Modoc, (10-15-66) PH0023949 NHL.
Prairie du Rocher. *CREOLE HOUSE*, Market St., (4-3-73) PH0003549 HABS.
Prairie du Rocher. *FRENCH COLONIAL HISTORIC DISTRICT*, From Fort Chartres State Park to Kaskasia Island, (4-3-74) PH0023868 (also in Monroe County)
Prairie du Rocher. *KOLMER SITE (MICHIGAMEA VILLAGE)*, N of Fort Chartres Island and W of Fort Chartres State Park, (5-1-74) PH0023876
Prairie du Rocher vicinity. *FORT DE CHARTRES*, Terminus of IL 155, W of Prairie du Rocher, Fort Chartres State Park, (10-15-66) PH0097195 NHL; HABS; G.
Schuline vicinity. *CHARTER OAK SCHOOLHOUSE*, W of Schuline, (10-11-78)

rock island county

Hampton. *BLACK'S STORE*, 1st Ave., (5-28-76)
Moline. *HUNTOON, JOSEPH, HOMESTEAD*, 821 16th St., (5-5-78)
Rock Island. *DENKMANN-HAUBERG HOUSE (HAUBERG CIVIC CENTER)*, 1300 24th St., (12-26-72) PH0025712 HABS; G.
Rock Island. *INDUSTRIAL HOME NO. 94*, 2100 3rd Ave., (11-28-78)

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Rock Island. *OLD MAIN, AUGUSTANA COLLEGE*, 7th Ave. between 35th and 38th Sts., (9-11-75) PH0228893
Rock Island. *ROCK ISLAND ARSENAL*, Rock Island in Mississippi River, (9-30-69) PH0023884 HABS.
Rock Island. *RODMAN, GEN. THOMAS, HOUSE*, 2532 8 1/2 Ave., (10-3-78)
Rock Island. *WEYERHAEUSER HOUSE*, 3052 10th Ave., (9-11-75) PH0228885

saline county

Carrier Mills vicinity. *CARRIER MILLS ARCHEOLOGICAL DISTRICT*, S of Carrier Mills, (8-25-78)

sangamon county

Chatham vicinity. *SUGAR CREEK COVERED BRIDGE*, SE of Chatham off I-55, (1-9-78)
Pleasant Plains vicinity. *CLAYVILLE TAVERN*, 0.5 mi. SE of Pleasant Plains on IL 125, (5-8-73) PH0003565 HABS.
Springfield. *BRINKERHOFF, GEORGE M., HOUSE*, 1500 N. 5th St., (12-18-78)
Springfield. *CENTRAL SPRINGFIELD HISTORIC DISTRICT*, roughly bounded by 14th, 7th, Jefferson, and Washington Sts. (both sides), (8-29-78)
Springfield. *DANA, SUSAN LAWRENCE, HOUSE*, 301 Lawrence Ave., (7-30-74) PH0003573 NHL.
Springfield. *EDWARDS PLACE*, 700 N. 4th St., (12-17-69) PH0003581 HABS; G.
Springfield. *EXECUTIVE MANSION*, 4th and Jackson Sts., (7-19-76)
Springfield. *ILES, ELIJAH, HOUSE*, 1825 S. 5th St., (2-23-78)
Springfield. *LINCOLN HOME NATIONAL HISTORIC SITE*, 8th and Jackson Sts., (8-18-71) PH0228915
Springfield. *LINCOLN TOMB*, Oak Ridge Cemetery, (10-15-66) PH0097705 NHL.
Springfield. *LINDSAY, VACHEL, HOUSE*, 603 S. 5th St., (11-11-71) PH0013714 NHL.
Springfield. *OLD STATE CAPITOL*, Bounded by 5th, 6th, Adams, and Washington Sts., (10-15-66) PH0097233 NHL; HABS.
Springfield. *UNION STATION*, Madison St., (11-27-78)

scott county

Naples. *NAPLES ARCHEOLOGICAL DISTRICT*, Central Illinois, (12-22-79)

shelby county

Cowden vicinity. *THOMPSON MILL COVERED BRIDGE*, 0.5 mi. NE of Cowden over Kaskaskia River, (3-13-75)
Shelbyville. *CHATAUQUA AUDITORIUM*, Forest Park and NE. 9th St., (1-30-78)
Shelbyville. *SHELBYVILLE HISTORIC DISTRICT*, Roughly bound by the railroad tracks, Will, N. 8th, and S. 6th Sts., (12-22-76)

st. clair county

EADS BRIDGE, Reference—see St. Louis, MO (1-2-74)
LUNSFORD-PULCHER ARCHEOLOGICAL SITE, Reference—see Monroe County (1-2-74)
Belleville. *BELLEVILLE HISTORIC DISTRICT*, Between E, S. Belt, Illinois, and Forest Sts., (11-7-76)
Cahokia. *CHURCH OF THE HOLY FAMILY*, E. 1st St., (4-15-70) PH0097217 NHL.
Cahokia. *JARROT, NICHOLAS, HOUSE*, 1st St., (11-19-74) PH0044245 HABS.
Cahokia. *OLD CAHOKIA COURTHOUSE (FRANCOIS SAUCIER HOUSE)*, Corner of W. 1st and Elm Sts., (11-9-72) PH0003557 HABS.
Collinsville vicinity. *CAHOKIA MOUNDS*, 7850 Collinsville Rd., Cahokia Mounds State Park, (10-15-66) PH0042633 NHL; G.
Lebanon. *LEBANON HISTORIC DISTRICT*, irregular pattern centered along St. Louis and Belleville Sts., (10-4-78)
Lebanon. *MERMAID HOUSE HOTEL*, 114 E. St. Louis St., (12-4-75)
Lebanon vicinity. *EMERALD MOUND AND VILLAGE SITE*, (10-26-71) PH0097225

stephenson county

Kent vicinity. *KELLOGG'S GROVE*, SE of Kent, (6-23-78)

tazewell county

CLEAR LAKE SITE, Reference—see Mason County
Mackinaw. *ILLINOIS TRACTION SYSTEM MACKINAW DEPOT*, N. Main St., (11-30-78)

union county

Anna. *STINSON MEMORIAL LIBRARY*, 409 S. Main St., (6-9-78)
Anna. *WILLARD HOUSE*, 608 S. Main St., (9-8-76)
Ware vicinity. *WARE MOUNDS AND VILLAGE SITE*, W of Ware, (10-18-77)

vermillion county

Danville. *DANVILLE PUBLIC LIBRARY*, 307 N. Vermillion St., (11-30-78)
Danville. *FITHIAN HOUSE*, 116 N. Gilbert St., (5-1-75)

washington county

Okawville. *ORIGINAL SPRINGS HOTEL AND BATHHOUSE*, 301 E. Walnut St., (12-22-78)

wayne county

Sims vicinity. *MAYBERRY MOUND AND VILLAGE SITE*, S of Sims, (11-21-78)

white county

Carmi. *RATCLIFF INN*, 214 E. Main St., (6-4-73) PH0013722
Carmi. *ROBINSON-STEWART HOUSE*, 110 S. Main Cross St., (8-17-73) PH0013731
Maunie vicinity. *HUBELE MOUNDS AND VILLAGE SITE*, S of Maunie, (8-25-78)
Maunie vicinity. *WILSON MOUNDS AND VILLAGE SITE*, S of Maunie, (11-16-77)
New Haven vicinity. *BIEKER-WILSON VILLAGE SITE*, NE of New Haven, (11-21-78)

whiteside county

HENNEPIN CANAL HISTORIC DISTRICT, Reference—see Bureau County
Albany vicinity. *ALBANY MOUNDS SITE*, (10-9-74) PH0034479

will county

Channahon vicinity. *BRISCOE MOUNDS*, E of Channahon, (12-22-78)
Joliet. *RUBENS RIALTO SQUARE THEATER*, 102 N. Chicago St., (7-24-78)
Joliet. *UNION STATION*, 50 E. Jefferson St., (8-1-78)
Joliet vicinity. *ILLINOIS AND MICHIGAN CANAL (LOCKS AND TOWPATH)*, 7 mi. SW of Joliet on U.S. 6, in Channahon State Park, (10-15-66) PH0013773 NHL.
Lockport. *LOCKPORT HISTORIC DISTRICT*, Area between 7th and 11th Sts. and Canal and Washington Sts., (5-12-75) PH0097527
Lockport. *WILL COUNTY HISTORICAL SOCIETY HEADQUARTERS (ILLINOIS AND MICHIGAN CANAL OFFICE BUILDING)*, 803 S. State St., (5-17-72) PH0013749 HABS; G.

winnebago county

Rockford. *SOLDIERS AND SAILORS MEMORIAL HALL*, 211–215 N. Main St., (1-31-76)
Rockford. *TINKER SWISS COTTAGE*, 411 Kent St., (12-27-72) PH0013757
Rockton. *ROCKTON HISTORIC DISTRICT*, Roughly bounded by River, Warren, Cherry, and West Sts., (5-2-78)
Rockton vicinity. *MACKTOWN HISTORIC DISTRICT*, W of Rockton on Pecatonica River, (1-5-78)

woodford county

Metamora. *METAMORA COURTHOUSE*, 113 E. Partridge St., (3-30-78)

INDIANA

adams county

Geneva. *PORTER, GENE STRATTON, CABIN (LIMBERLOST CABIN)*, 200 E. 6th St., (7-27-74) PH0003841

allen county

Fort Wayne. *ALLEN COUNTY COURTHOUSE*, 715 S. Calhoun St., (5-28-76)
Fort Wayne. *EDSALL, WILLIAM S., HOUSE*, 305 W. Main St., (10-8-76)
Fort Wayne. *EMBASSY THEATER AND INDIANA HOTEL*, 121 W. Jefferson St., (9-5-75) PH0228958 G.
Fort Wayne. *FORT WAYNE CITY HALL*, 308 E. Berry St., (6-4-73) PH0023892
Fort Wayne. *JOHNNY APPLESEED MEMORIAL PARK*, Swanson Blvd. at Parnell Ave. along Old Feeder Canal, (1-17-73) PH0023914
Fort Wayne. *LINDENWOOD CEMETERY*, 2324 W. Main St., (2-17-78)
Fort Wayne. *TRINITY EPISCOPAL CHURCH*, 611 W. Berry St., (9-13-78)

bartholomew county

Columbus. *MCEWEN-SAMUELS-MARR HOUSE*, 524 3rd St., (5-22-78)

brown county

Nashville vicinity. *STEELE, THEODORE CLEMENT, HOUSE AND STUDIO*, SW of Nashville off IN 46, (10-2-73) G.

carroll county

Lockport. *BURRIS HOUSE AND POTAWATOMI SPRING*, Towpath Rd., (9-15-77)

cass county

Logansport. *POLLARD-NELSON HOUSE*, 7th and Market Sts., (10-29-75)

clark county

Borden. *BORDEN INSTITUTE*, West St., (6-13-73) PH0023922
Clarksville vicinity. *OLD CLARKSVILLE SITE*, (12-16-74) PH0064831
Jeffersonville. *HOWARD HOME*, 1101 E. Market St., (7-5-73) PH0003620

clinton county

Frankfort. *CLINTON COUNTY COURTHOUSE*, Public Sq., (12-5-78)

daviess county

Washington vicinity. *PRAIRIE CREEK SITE*, 4 mi. N of Washington, (5-12-75)

dearborn county

Aurora. *HILLFOREST (FOREST HILL)*, 213 5th St., (8-5-71) PH0003638 HABS.
Aurora vicinity. *LAUGHERY CREEK BRIDGE*, S of Aurora W of IN 56, (9-29-76) HAER. (also in Ohio County)

Aurora vicinity. *VERAESTAU*, 1 mi. S of Aurora on IN 56, (4-11-73) PH0003646
Lawrenceburg vicinity. *JENNISON GUARD SITE*, 0.75 mi. NE of Lawrenceburg, (5-12-75)

decatur county

Greensburg. *DECATUR COUNTY COURTHOUSE*, Courthouse Sq., (4-27-73) PH0013765 HABS.
Greensburg. *KNIGHTS OF PYTHIAS BUILDING AND THEATRE*, 215 N. Broadway, (3-28-78)

dekalb county

Auburn. *AUBURN AUTOMOBILE COMPANY ADMINISTRATION BUILDING*, 1600 S. Wayne St., (9-21-78)
Auburn vicinity. *CORNELL, WILLIAM, HOMESTEAD*, SW of Auburn off IN 427, (8-14-73) PH0013838

delaware county

Eaton. *FELT'S FARM*, Race St., (8-28-75) PH0228931
Muncie. *MUNCIE PUBLIC LIBRARY*, 301 E. Jackson St., (6-17-76)

dubois county

Huntingburg. *HUNTINGBURG TOWN HALL AND FIRE ENGINE HOUSE*, 311 Geiger St., (5-12-75) PH0098868
Jasper. *GRAMELSPACHER-GUTZWEILER HOUSE*, 7th and Main Sts., (11-2-78)

elkhart county

Bristol vicinity. *BONNEYVILLE MILLS*, 2.5 mi. E of Bristol on SR 131, (10-22-76)
Elkhart. *BEARDSLEY, ALBERT R., HOUSE*, 302 E. Beardsley Ave., (11-28-78)
Elkhart. *BUCKLEN THEATRE*, S. Main and Harrison Sts., (10-8-76)

fayette county

Connersville. *CANAL HOUSE*, 111 E. 4th St., (7-16-73) PH0013846
Connersville vicinity. *ELMHURST*, S of Connersville on IN 121, (4-11-77) HABS.

floyd county

New Albany. *CULBERTSON MANSION*, 914 E. Main St., (6-28-74) PH0003654
New Albany. *SCRIBNER HOUSE*, 106 E. Main St., (11-9-77)
New Albany. *YENOWINE-NICHOLS-COLLINS HOUSE*, 5118 State Rd., (5-12-75)

franklin county

Brookville. *BROOKVILLE HISTORIC DISTRICT*, Bounded by E and W fork of Whitewater River and IN 101, (7-25-75)
Brookville. *FRANKLIN COUNTY SEMINARY*, 412 5th St., (3-28-74)
Metamora. *WHITEWATER CANAL HISTORIC DISTRICT*, From Laurel Feeder Dam to Brookville, (6-13-73) PH0003671 G.

fulton county

Rochester vicinity. *GERMANY BRIDGE*, NW of Rochester on SR 375W, (12-22-78)

gibson county

Oakland City. *COCKRUM, WILLIAM M., HOUSE*, 627 W. Oak St., (9-13-78)

grant county

Matthews. *CUMBERLAND COVERED BRIDGE*, SR 1000 over Mississinewa River, (5-22-78)

greene county

Bloomfield vicinity. *OSBORN SITE*, SW of Bloomfield, (5-12-75)

hamilton county

Carmel vicinity. *KINZER, JOHN, HOUSE*, E of Carmel on SR 234, (9-5-75) PH0228991
Noblesville. *HAMILTON COUNTY COURTHOUSE SQUARE*, Bounded by Logan, 8th, 9th, and Conner Sts., (5-10-78)
Noblesville. *STONE, JUDGE EARL S., HOUSE*, 107 S. 8th St., (12-8-78)

hancock county

Greenfield. *RILEY, JAMES WHITCOMB, HOUSE*, 250 W. Main St., (9-28-77)
Greenfield vicinity. *LILLY BIOLOGICAL LABORATORIES*, W of Greenfield off U.S. 40, (11-23-77)

harrison county

Corydon. *CORYDON HISTORIC DISTRICT*, (8-28-73) PH0003689 HABS.

henry county

Knightstown. *KNIGHTSTOWN ACADEMY*, Cary St., (9-29-76)
New Castle vicinity. *NEW CASTLE ARCHEOLOGICAL SITE*, N of New Castle, (4-26-76)

howard county

Kokomo. *SEIBERLING MANSION*, 1200 W. Sycamore St., (12-16-71) PH0003697

jasper county

Rensselaer vicinity. *ST. JOSEPH'S INDIAN NORMAL SCHOOL*, St. Joseph's College campus off U.S. 231, (6-19-73) PH0003701

jefferson county

Madison. *JEFFERSON COUNTY JAIL*, Courthouse Sq., (6-18-73) PH0098876 HABS.
Madison. *MADISON HISTORIC DISTRICT*, (5-25-73) PH0013781 HABS; G.

jennings county

North Vernon vicinity. *VERNON HISTORIC DISTRICT*, 1 mi. S of North Vernon on IN 3/7, (8-27-76)

johnson county

Franklin. *FRANKLIN COLLEGE LIBRARY (SHIRK HALL)*, 600 E. Monroe St., (10-29-75) PH0261611
Franklin. *FRANKLIN COLLEGE-OLD MAIN*, 600 E. Monroe St., (10-29-75)

knox county

Freelandville. *KIXMILLER'S STORE*, Carlise and Indianapolis Sts., (12-8-78)
Vincennes. *GEORGE ROGERS CLARK NATIONAL HISTORICAL PARK*, 2nd St., S of U.S. 50, (10-15-66) PH0290343
Vincennes. *HARRISON, WILLIAM HENRY, HOME (GROUSELAND)*, 3 W. Scott St., (10-15-66) NHL; HABS.
Vincennes. *OLD CATHEDRAL COMPLEX*, 205 Church St., (8-17-76)
Vincennes. *OLD STATE BANK*, N. 2nd St., (10-9-74) PH0008389
Vincennes. *TERRITORIAL CAPITOL OF FORMER INDIANA TERRITORY*, Bounded by Harrison, 1st, Scott, and Park Sts., (7-2-73) PH0013811
Vincennes. *VINCENNES HISTORIC DISTRICT*, (12-31-74) PH0080411
Vincennes vicinity. *PYRAMID MOUND*, S of Vincennes, (5-12-75)

kosciusko county

Warsaw. *KOSCIUSKO COUNTY JAIL*, Main and Indiana Sts., (12-8-78)

la grange county

Mongo. *OLDE STORE (JOHN O'FERRELL STORE)*, West and 2nd Sts., (10-29-75)

la porte county

Michigan City. *BARKER, JOHN H., MANSION*, 631 Washington St., (10-10-75)
Michigan City. *MICHIGAN CENTRAL RAILROAD ENGINE REPAIR SHOPS*, 104 N. Franklin St., (5-12-75)

lake county

Crown Point. *LAKE COUNTY COURTHOUSE*, Public Sq., (5-17-73) PH0085146
East Chicago. *MARKTOWN HISTORIC DISTRICT*, Bounded by Pine, Riley, Dickey, and 129th Sts., (2-20-75)
Gary. *MILLER TOWN HALL*, Jct. Miller Ave., Old Hobart Rd., and Grand Blvd., (7-7-78)
Gary. *STEWART, JOHN, SETTLEMENT HOUSE*, 1501 Massachusetts St., (6-7-78)
Lowell. *HALSTED, MELVIN A., HOUSE*, 201 E. Main St., (12-8-78)
Merrillville. *WOOD, JOHN, OLD MILL*, E of Merrillville on IN 330, (10-10-75)

laporte county

LaPorte. *PINEHURST HALL*, 3042 N. U.S. 35, (6-3-76)
Michigan City. *BARKER, JOHN H., MANSION*, 631 Washington St., (10-10-75) PH0280101
Michigan City. *MICHIGAN CENTRAL RAILROAD ENGINE REPAIR SHOPS*, 104 N. Franklin St., (5-12-75) PH0097578
Michigan City. *MICHIGAN CITY LIGHTHOUSE*, Washington Park, (11-5-74) PH0065102

lawrence county

Bedford. *NORTON, C. S., MANSION*, 1415 15th St., (6-22-76)

madison county

Anderson. *GRUENEWALD HOUSE*, 626 N. Main St., (10-8-76)
Anderson. *WEST EIGHTH STREET HISTORIC DISTRICT*, Roughly bounded by 7th, 9th, Jackson, and Henry Sts., (8-27-76)
Anderson vicinity. *MOUNDS STATE PARK*, 3 mi. E of Anderson on IN 32, (1-18-73) PH0097276
Elwood. *WILLKIE, WENDELL L., SCHOOL (CENTRAL SCHOOL)*, 1630 Main St., (5-12-75) PH0097586 G.

marion county

Indanapolis. *MT. PISGAH LUTHERAN CHURCH*, 701 N. Pennsylvania St., (11-28-78)
Indianapolis. *ALLISON MANSION*, 3200 Cold Spring Rd., (12-18-70) PH0097241 HABS.
Indianapolis. *ATHENAEUM (DAS DEUTSCHE HAUS)*, 401 E. Michigan St., (2-21-73) PH0003719 G.
Indianapolis. *AYRES, L. S., ANNEX WAREHOUSE (ELLIOTT'S BLOCK NOS. 14–22)*, Maryland St., (4-23-73) PH0023965 HABS.
Indianapolis. *BATES–HENDRICKS HOUSE*, 1526 S. New Jersey St., (4-11-77) HABS.
Indianapolis. *BENTON HOUSE*, 312 S. Downey Ave., (3-20-73) PH0003727 HABS.
Indianapolis. *CENTRAL LIBRARY (INDIANAPOLIS-MARION COUNTY PUBLIC LIBRARY)*, 40 E. St. Clair St., (8-28-75) PH0228923
Indianapolis. *CHRIST CHURCH CATHEDRAL*, 131 Monument Circle, (7-10-73) PH0003735 HABS.
Indianapolis. *CITY MARKET*, 222 E. Market St., (3-27-74) PH0003743 HABS; HAER.

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Indianapolis. *CROWN HILL CEMETERY*, Boulevard Pl., W 32nd St., and Northwestern Ave., (2-28-73) PH0003751 HABS.
Indianapolis. *HANNAH-OEHLER-ELDER HOUSE*, 3801 Madison Ave., (12-1-78)
Indianapolis. *HARRISON, BENJAMIN, HOUSE*, 1204 N. Delaware St., (10-15-66) PH0046574 NHL.
Indianapolis. *HOLLINGSWORTH HOUSE*, 6054 Hollingsworth Rd., (4-13-77)
Indianapolis. *INDIANA STATE CAPITOL*, W. Washington St., (8-28-75) PH0228940
Indianapolis. *INDIANA STATE MUSEUM*, 202 N. Alabama St., (10-29-74) PH0008397 G.
Indianapolis. *INDIANAPOLIS UNION RAILROAD STATION*, 39 Jackson Pl., (7-19-74) PH0003760 HABS.
Indianapolis. *LEVEY, LOUIS, MANSION*, 2902 N. Meridian St., (12-22-78)
Indianapolis. *LOCKERBIE SQUARE HISTORIC DISTRICT*, (2-23-73) PH0023973 HABS.
Indianapolis. *MICHIGAN ROAD TOLL-HOUSE*, 4702 Michigan Rd., NW., (8-7-74) PH0025666
Indianapolis. *MILITARY PARK*, Bounded by West, New York, and Blackford Sts. and the canal, (10-28-69) PH0097250
Indianapolis. *MORRIS-BUTLER HOUSE*, 1204 N. Park Ave., (2-20-73) PH0023990 HABS.
Indianapolis. *NORTHSIDE HISTORIC DISTRICT*, Roughly bounded by I-65, 16th Bellefontaine, and Pennsylvania Sts., (3-24-78)
Indianapolis. *OLD PATHOLOGY BUILDING*, 3000 W. Washington St. (Central State Hospital), (4-25-72) PH0024007
Indianapolis. *PIERSON-GRIFFITHS HOUSE*, 1028 N. Delaware St., (5-22-78)
Indianapolis. *PROPYLAEUM, THE (JOHN W. SCHMIDT HOUSE)*, 1410 N. Delaware St., (6-19-73) PH0003786
Indianapolis. *PROSSER HOUSE*, 1454 E. 10th St., (9-5-75) PH0228966 HABS.
Indianapolis. *RILEY, JAMES WHITCOMB, HOUSE*, 528 Lockerbie St., (10-15-66) PH0025038 NHL.
Indianapolis. *ST. MARY'S CATHOLIC CHURCH*, 317 N. New Jersey St., (11-9-77)
Indianapolis. *STATE SOLDIERS AND SAILORS MONUMENT*, Monument Circle, (2-23-73) PH0003794 HABS.
Indianapolis. *STEWART MANOR (CHARLES B. SOMMERS HOUSE)*, 3650 Cold Spring Rd., (10-8-76)
Indianapolis. *U.S. ARSENAL (ARSENAL TECHNICAL HIGH SCHOOL)*, 1500 E. Michigan St., (5-19-76) HABS.
Indianapolis. *U.S. COURTHOUSE AND POST OFFICE*, 46 E. Ohio St., (1-11-74) PH0003808
Indianapolis. *WOODRUFF PLACE*, Roughly bounded by 1700–2000 E. Michigan and E. 10th Sts., (7-31-72) PH0003816 HABS; G.
Speedway. *INDIANAPOLIS MOTOR SPEEDWAY*, 4790 W. 16th St., (3-7-75) PH0086592

marshall county

Bremen. *DIETRICH-BOWEN HOUSE*, 304 N. Center St., (11-21-78)
Plymouth. *MARSHALL COUNTY JAIL*, 601 N. Center St., (10-25-73) HABS.

monroe county

Bloomington. *MONROE CARNEGIE LIBRARY*, 200 E. 6th St., (3-8-78)
Bloomington. *MONROE COUNTY COURTHOUSE*, Courthouse Sq., (10-8-76)
Bloomington. *SEMINARY SQUARE PARK*, College Ave. and E. 2nd St., (9-19-77)
Bloomington. *WYLIE, ANDREW, HOUSE*, 307 E. 2nd St., (4-18-77)
Bloomington vicinity. *HONEY CREEK SCHOOL*, NE of Bloomington on Low Gap Rd., (9-20-78)
Bloomington vicinity. *STOUT, DANIEL, HOUSE*, NW of Bloomington off IN 46, on Maple Grove Rd., (11-30-73) PH0003832

montgomery county

Crawfordsville. *MONTGOMERY COUNTY JAIL AND SHERIFF'S RESIDENCE*, 225 N. Washington St., (5-1-75) HAER.
Crawfordsville. *SCHLEMMER, OTTO. BUILDING*, 129–131 N. Green St., (11-28-78)
Crawfordsville. *WALLACE, GEN. LEW, STUDY*, Pike St. and Wallace Ave., (5-11-76) NHL.

morgan county

Mooresville. *MOORESVILLE FRIENDS ACADEMY BUILDING*, 244 N. Monroe St., (5-12-75) HABS.

newton county

Brook vicinity. *ADE, GEORGE, HOUSE*, E of Brook off IN 16, (9-27-76)

noble county

Rome City vicinity. *PORTER, GENE STRATTON, CABIN (THE CABIN IN WILDFLOWER WOODS)*, SE of Rome City off IN 9, (6-27-74) PH0024015

ohio county

LAUGHERY CREEK BRIDGE, *Reference—see Dearborn County*

orange county

Paoli. *ORANGE COUNTY COURTHOUSE*, Public Sq., (2-24-75) PH0097268 HABS.
West Baden. *WEST BADEN SPRINGS HOTEL (NORTHWOOD INSTITUTE OF INDIANA)*, W of IN 56, (6-27-74) HAER; HABS.

owen county

Gosport. *NEW ALBANY AND SALEM RAILROAD STATION*, North St. at White River, (8-6-76)
Patricksburg vicinity. *MOFFETT-RALSTON HOUSE*, 1.5 mi. NE of Patricksburg on Bixler Rd., (5-12-75) PH0140163

parke county

Marshall. *LUSK HOME AND MILL SITE*, Off IN 47 in Turkey Run State Park, (10-29-74) PH0085472

perry county

Cannelton. *CANNELTON COTTON MILLS*, Bounded by Front, 4th, Washington, and Adams Sts., (8-22-75) PH0179281 HAER.

porter county

Porter vicinity. *BAILLY, JOSEPH, HOMESTEAD*, W of Porter on U.S. 20 in Indiana Dunes National Lakeshore, (10-15-66) NHL.
Valparaiso. *HERITAGE HALL*, Campus Mall, S. College Ave., (7-12-76)
Valparaiso. *PORTER COUNTY JAIL AND SHERIFF'S HOUSE*, 153 Franklin St., (6-23-76)

posey county

Mount Vernon vicinity. *MURPHY ARCHEOLOGICAL SITE*, SW of Mount Vernon, (5-12-75)
Mt. Vernon vicinity. *MANN SITE*, (10-1-74) PH0043877
New Harmony. *NEW HARMONY HISTORIC DISTRICT*, Main St. between Granary and Church Sts., (10-15-66) PH0025020 NHL; HABS.

putnam county

Greencastle. *EAST COLLEGE OF DEPAUW UNIVERSITY*, 300 Simpson St., (9-25-75) PH0290190
Greencastle. *MCKIM OBSERVATORY, DEPAUW UNIVERSITY*, DePauw and Highbridge Aves., (12-22-78)

rush county

Rushville. *MELODEON HALL*, 210 N. Morgan St., (11-15-73) PH0025461
Rushville. *RUSH COUNTY COURTHOUSE*, Courthouse Sq., (10-10-75) PH0253553

spencer county

Gentryville vicinity. *JONES, COL. WILLIAM, HOUSE*, W of Gentryville on Troy–Vincennes Rd., (5-12-75) HABS.
Lincoln City. *LINCOLN BOYHOOD NATIONAL MEMORIAL*, IN 162, (10-15-66)
Rockport. *BROWN-KERCHEVAL HOUSE*, 314 S. 2nd St., (9-20-73) PH0013854

st. joseph county

Mishawaka. *BEIGER HOUSE*, 317 Lincolnway E., (8-28-73) PH0097284 G.
Mishawaka. *DODGE HOUSE*, 415 Lincolnway E., (9-8-78)
Notre Dame. *UNIVERSITY OF NOTRE DAME: MAIN AND SOUTH QUADRANGLES*, Off I-80/90, (5-23-78)
South Bend. *OLD COURTHOUSE (SECOND ST. JOSEPH COUNTY COURTHOUSE)*, 112 S. Lafayette Blvd., (9-4-70) HABS.
South Bend. *OLIVER, JOSEPH D., HOUSE (COPSHAHOLM)*, 808 W. Washington Ave., (8-28-73) PH0013897
South Bend. *TIPPECANOE PLACE (STUDEBAKER HOUSE)*, 620 W. Washington Ave., (7-2-73) PH0013901 NHL; G.
South Bend. *WEST WASHINGTON HISTORIC DISTRICT*, Irregular pattern roughly bounded by Main St., Western Ave., W. LaSalle Ave., and McPherson St., (1-17-75)

steuben county

Angola. *STEUBEN COUNTY COURTHOUSE*, Public Sq., (5-12-75) PH0140171
Angola. *STEUBEN COUNTY JAIL*, 201 S. Wayne, (4-2-76)

sullivan county

Merom vicinity. *MEROM SITE AND FORT AZATLAN*, N of Merom, (5-12-75)

switzerland county

Patriot vicinity. *MERIT–TANDY FARMSTEAD*, NE of Patriot on IN 156, (4-29-77)
Vevay. *EGGLESTON, EDWARD AND GEORGE CARY, HOUSE*, 306 W. Main St., (10-15-73) PH0003859

tippecanoe county

Lafayette. *FOWLER, MOSES, HOUSE*, Corner of 10th and South Sts., (8-5-71) PH0003875 G.
Lafayette. *ST. JOHN'S EPISCOPAL CHURCH*, 315 N. 6th St., (9-20-78)
Lafayette. *TIPPECANOE COUNTY COURTHOUSE*, Public Sq., (10-31-72) PH0003891
Lafayette vicinity. *ELY HOMESTEAD*, NE of Lafayette at 4106 E. 200 North, (10-8-76)
Lafayette vicinity. *ELY HOMESTEAD*, 4106 E. 200 North, NE of Lafayette, (10-8-76)

Lafayette vicinity. *FORT OUIATENON*, (2-16-70) PH0003867 G.
Lafayette vicinity. *HERSHEY HOUSE*, E of Lafayette on East Rd.,
Lafayette vicinity. *INDIANA STATE SOLDIERS HOME HISTORIC DISTRICT*, N of Lafayette off IN 43, (1-2-74) PH0003883
Lafayette vicinity. *TIPPECANOE BATTLEFIELD*, 7 mi. NE of Lafayette on IN 225, (10-15-66) PH0097713 NHL.

vanderburgh county

Evansville. *BEDFORD, WILLIAM SR., HOUSE*, 838 Washington Ave., (11-28-78)
Evansville. *CARPENTER, WILLARD, HOUSE*, 405 Carpenter St., (2-10-78) HABS.
Evansville. *EVANSVILLE POST OFFICE*, 100 block N.W. 2nd St., (7-2-71) PH0024031 G.
Evansville. *FORMER VANDERBURGH COUNTY SHERIFF'S RESIDENCE*, 4th St. between Vine and Court Sts., (10-6-70) PH0097306
Evansville. *LIBERTY BAPTIST CHURCH*, 701 Oak St., (12-8-78)
Evansville. *OLD VANDERBURGH COUNTY COURTHOUSE*, Entire block bounded by Vine, 4th, Court, and 5th Sts., (9-4-70) PH0097292 G.
Evansville. *REITZ, JOHN AUGUSTUS, HOUSE*, 224 S.E. 1st St., (10-15-73) PH0024040 G.
Evansville. *RIVERSIDE HISTORIC DISTRICT*, roughly bounded by Southland Fr., Walnut, 3rd., and Parrett Sts., (11-14-78)
Evansville. *WILLARD LIBRARY*, 21 1st Ave., (9-28-72) PH0024058 G.
Evansville vicinity. *ANGEL MOUNDS*, 8 mi. SE of Evansville, Angel Mounds State Memorial, (10-15-66) PH0024023 NHL.
Evansville vicinity. *HOOKER–ENSLE–PIERCE HOUSE*, 6531 Oak Hill Rd., (4-28-77)

vigo county

Terre Haute. *ALLEN CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH*, 224 Crawford St., (9-5-75)
Terre Haute. *CONDIT HOUSE*, 629 Mulberry St. on Indiana State University campus, (4-2-73) PH0024074
Terre Haute. *DEBS, EUGENE V., HOUSE*, 451 N. 8th St., (11-13-66) PH0097977 NHL; G.
Terre Haute. *DRESSER, PAUL, BIRTHPLACE*, 1st and Farrington Sts., (1-22-73) PH0024082
Terre Haute. *SAGE-ROBINSON-NAGEL HOUSE*, 1411 S. 6th St., (4-11-73) PH0024091 G.
Terre Haute. *STATE BANK OF INDIANA, BRANCH OF (MEMORIAL HALL)*, 219 Ohio St., (10-25-73) PH0024104

warrick county

Newburgh. *OLD NEWBURGH PRESBYTERIAN CHURCH*, N. State and W. Main Sts., (5-23-78)
Newburgh vicinity. *ROBERTS-MORTON HOUSE*, 1.5 mi. E of Newburgh on IN 662, (12-16-74) PH0062928 HABS.

washington county

Salem. *HAY-MORRISON HOUSE*, 106 S. College Ave., (10-26-71) PH0024066

wayne county

Cambridge City. *CONKLIN-MONTGOMERY HOUSE*, 302 E. Main St., (2-24-75) PH0084727
Cambridge City. *LACKEY-OVERBECK HOUSE*, 520 E. Church St., (5-28-76)
Centerville. *CENTERVILLE HISTORIC DISTRICT*, Bounded by the corporation line, 3rd and South Sts., and Willow Grove Rd., (10-26-71) PH0013919 G.
Centerville. *MORTON, OLIVER P., HOUSE*, 319 W. Main St., (10-10-75) PH0253561
Fountain City. *COFFIN, LEVI, HOUSE*, 115 N. Main St., (10-15-66) PH0013935 NHL.
Hagerstown. *HAGERSTOWN I.O.O.F. HALL*, Main and Perry Sts., (1-3-78)
Milton vicinity. *BEECHWOOD (ISAAC KINSEY HOUSE)*, 2 mi. S of Milton on Sarver Rd., (2-21-75) HABS.
Mount Auburn. *HUDDLESTON HOUSE TAVERN, THE*, U.S. Hwy. 40 East, (6-15-75)
Richmond. *BETHEL A.M.E. CHURCH*, 200 S. 6th St., (9-5-75) PH0228982
Richmond. *EARLHAM COLLEGE OBSERVATORY*, National Rd., Earlham College campus, (10-21-75) PH0253570
Richmond. *GAAR, ABRAM, HOUSE AND FARM*, 2411 Pleasant View Rd., (2-20-75)
Richmond. *HICKSITE FRIENDS MEETINGHOUSE (WAYNE COUNTY MUSEUM)*, 1150 N. A St., (10-14-75) PH0253596
Richmond. *OLD RICHMOND HISTORIC DISTRICT*, Roughly bounded by C & O Railroad, S. 11th, South A, and alley S of South E St., (6-28-74) PH0013943
Richmond. *SCOTT, ANDREW F., HOUSE*, 126 N. 10th St., (10-10-75)
Richmond. *STARR HISTORIC DISTRICT*, Roughly bounded by N. 16th, E and A Sts., and alley W of N. 10th St., (6-28-74) PH0013951
Richmond. *WAYNE COUNTY COURTHOUSE*, Bounded by 3rd, 4th, Main and S. A Sts., (12-8-78)

white county

Wolcott. *WOLCOTT HOUSE*, 500 N. Range St., (10-10-75)

IOWA

adair county

Greenfield vicinity. *CATALPA*, SE of Greenfield, (11-13-74) PH0077003

allamakee county

Lansing. *LANSING STONE SCHOOL*, SW corner Center and 5th Sts., (12-18-73) PH0077020 G.
Marquette vicinity. *EFFIGY MOUNDS NATIONAL MONUMENT*, 3 mi. N of Marquette on IA 13, (10-15-66) (also in clayton county)
New Albin. *IRON POST*, N end of Main St., (9-29-76)
Waukon. *ALLAMAKEE COUNTY COURTHOUSE*, 107 Allamakee St., (4-11-77)

appanoose county

Centerville. *STRATTON HOUSE*, 303 E. Washington St., (9-9-75) PH0229016
Centerville. *U.S. POST OFFICE*, 100 W. Maple St., (11-7-78)
Centerville. *VERMILION ESTATE*, Valley Dr., (4-26-78)

audubon county

Exira. *AUDUBON COUNTY COURTHOUSE*, Washington and Kilworth Sts., (7-26-77)

benton county

Vinton. *BENTON COUNTY COURTHOUSE*, E. 4th St., (10-8-76)

black hawk county

Cedar Falls. *CEDAR FALLS ICE HOUSE*, Franklin Ave. and 1st St., (10-21-77)
Cedar Falls vicinity. *FIELDS BARN*, SW of Cedar Falls, (9-19-77)
Cedar Falls vicinity. *NEWELL, JAMES, BARN*, N of Cedar Falls off U.S. 218, (12-12-76)
Raymond. *WATERFIELD, WILLIAM, HOUSE*, 308 3rd St. South, (10-19-78)
Waterloo. *DUNSMORE HOUSE*, 902 Logan Ave., (11-17-77)
Waterloo. *RUSSELL, RENSSELAER, HOUSE*, 520 W. 3rd St., (7-5-73) PH0077038 G.
Waterloo. *SNOWDEN HOUSE*, 306 Washington St., (9-14-77)

blackhawk county

LaPorte City. *LAPORTE TOWN HALL AND FIRE STATION*, 413 Chestnut, (5-12-77)

boone county

Boone. *FINNEGAN FLATS*, 710–718 7th St., (9-20-77)
Boone vicinity. *BOONE VIADUCT*, W of Boone, (11-17-78)

bremer county

Waverly. *WARTBURG TEACHERS' SEMINARY*, Wartburg College campus, (1-20-78)
Waverly. *WAVERLY HOUSE*, 402 W. Bremer Ave., (12-12-76)

buchanan county

Independence. *MUNSON BUILDING*, 210 2nd St. NE., (11-21-76)
Independence. *WAPSIPINICON MILL*, 100 1st St. W., (4-21-75) PH0097624 G.

buena vista county

Albert City. *ALBERT CITY DEPOT*, Main and Railway Sts., (10-22-76)
Albert City. *ALBERT CITY STATION*, 212 N. 2nd St., (10-22-76)
Linn Grove. *CHAN-YA-TA SITE*, S of Linn Grove, (11-21-78)

carroll county

Carroll. *CARNEGIE LIBRARY BUILDING*, 125 E. 6th St., (11-13-76)

cass county

Lewis vicinity. *HITCHCOCK, GEORGE B., HOUSE*, W of Lewis, (11-9-77)

cedar county

Downey. *DOWNEY SAVINGS BANK*, Front St., (7-12-76)
Tipton vicinity. *FLORAL HALL*, W of Tipton on Cedar County Fair Grounds, (11-7-76)
West Branch. *HERBERT HOOVER NATIONAL HISTORIC SITE*, (10-15-66) PH0290327 HABS.

cerro gordo county

Mason City. *CITY NATIONAL BANK BUILDING*, 4 S. Federal Ave., (9-14-72) PH0077046
Mason City. *PARK INN HOTEL*, 15 W. State St., (9-14-72) PH0077054
Mason City. *WAGNER-MOZART MUSIC HALL*, 1st NE. and Delaware Ave., (11-16-78)

cherokee county

Cherokee vicinity. *BASTIAN SITE (13CK28)*, N of Cherokee off U.S. 59, (7-19-76)
Cherokee vicinity. *CHEROKEE SEWER SITE*, (12-24-74) PH0077062
Cherokee vicinity. *PHIPPS SITE*, 3 mi. N of Cherokee, (10-15-66) NHL.

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clarke county

Osceola. *WEBSTER, DICKINSON, HOUSE*, 609 W. Jefferson St., (7-20-77)

clayton county

EFFIGY MOUNDS NATIONAL MONUMENT, Reference—see Allamakee County (1-2-74)
Ceres. *ST. PETERS UNITED EVANGELICAL LUTHERAN CHURCH*, U.S. 52, (12-12-76)
Clayton. *CLAYTON SCHOOL*, 1st St., (7-30-74) PH0077071 G.
Elkader. *CARTER HOUSE*, 101 High St., SE., (11-7-76)
Elkader. *CLAYTON COUNTY COURTHOUSE*, 111 High St., (10-8-76)
Elkader. *DAVIS, TIMOTHY, HOUSE*, 405 1st St., NW., (6-22-76)
Elkader. *ELKADER KEYSTONE BRIDGE*, Bridge St., (11-7-76)
Elkader. *ELKADER OPERA HOUSE*, 207 N. Main, (10-8-76)
Elkader. *PRICE, RIALTO, HOUSE*, 206 Cedar St., NW., (11-21-76)
Elkader. *SCHMIDT HOUSE*, 101 Oak St., NW., (3-25-77)
Elkader. *ST. JOSEPH CHURCH AND PARISH HALL*, 330 1st St., NW., (11-21-76)
Elkader. *STEMMER, J. C., HOUSE*, 113 Oak, NW., (10-21-76)
Elkader vicinity. *MOTOR TOWNSITE*, E of Elkader, (8-2-77)
Garnavillo. *FIRST CONGREGATIONAL CHURCH*, Washington St., (3-25-77)
Garnavillo vicinity. *VALLEY MILLS*, E of Garnavillo, (12-12-76)
McGregor vicinity. *HARTWICK HOUSE*, W of McGregor on U.S. 18, (12-1-78)

clinton county

Clinton. *VAN ALLEN STORE*, 5th Ave. and S. 2nd St., (1-7-76) NHL.
Clinton. *YOUNG, W. J., COMPANY MACHINE WORKS*, N of jct. of 10th Ave. and 1st St., (6-17-76)

crawford county

Denison. *CHAMBERLIN, CLARENCE D., HOUSE*, 1434 2nd Ave. S., (4-28-77)
Denison. *MCHENRY, WILLIAM A., HOUSE*, 1428 1st Ave. N., (11-7-76)
Dow City. *DOW HOUSE*, Prince St. at S city limit, (6-14-72) PH0077089 G.

dallas county

Adel. *DALLAS COUNTY COURTHOUSE*, Town Sq., (11-26-73) PH0077097 G.
Dexter. *DEXTER COMMUNITY HOUSE*, 707 Dallas St., (3-3-75)
Perry. *PERRY VOLUNTEER FIRE DEPARTMENT ENGINE HOUSE*, 1208 1st St., (11-7-78)

davis county

Bloomfield. *BLOOMFIELD SQUARE*, Madison, Jefferson, Franklin and Washington Sts., (11-7-76)
Bloomfield. *DAVIS COUNTY COURTHOUSE*, Bloomfield Town Sq., (5-3-74) PH0077119 G.
Bloomfield. *FINDLEY, WILLIAM, HOUSE*, 302 E. Franklin St., (6-9-78)
Bloomfield. *WEAVER, JAMES B., HOUSE*, Weaver Park Rd. (U.S. 63), (5-15-75)
Bloomfield vicinity. *RUSSELL OCTAGON HOUSE*, SW of Bloomfield off U.S. 63, (10-8-76)
Centerville vicinity. *STRINGTOWN HOUSE*, E of Centerville on IA 2, (4-16-74) PH0077127
Troy. *TROY ACADEMY*, Off IA 2, (6-23-76)

decatur county

Davis City. *UNION CHURCH*, Clark at Sycamore St., (12-12-76)
Garden Grove. *STEARNS, C. S., HOUSE*, Main St., (11-28-78)

delaware county

Delhi vicinity. *BAY SETTLEMENT CHURCH AND MONUMENT*, SW of Delhi, (9-13-77)
Earlville. *SUCKOW, RUTH, HOUSE*, S. Radcliffe and 5th St., (12-23-77)
Hopkinton. *OLD LENOX COLLEGE*, College St., (12-19-74) PH0077143 G.
Manchester. *HOAG, J. J., HOUSE*, 120 E. Union St., (8-13-76) G.
Manchester vicinity. *COFFIN'S GROVE STAGECOACH HOUSE (HENRY BAKER HOUSE)*, 3 mi. W of Manchester, (2-20-75) PH0077135
Manchester vicinity. *SPRING BRANCH BUTTER FACTORY SITE*, SE of Manchester on National Fish Hatchery Rd., (6-28-74) PH0077151

des moines county

Burlington. *BURLINGTON AND MISSOURI RIVER RAILROAD PASSENGER STATION*, 237 S. 4th St., (10-22-76)
Burlington. *BURLINGTON PUBLIC LIBRARY*, 501 N. 4th St., (3-27-75) PH0088501
Burlington. *CRAPO PARK AND ARBORETUM HISTORIC DISTRICT*, Bounded by Parkway Dr., Koestner, Madison Rd., and the Mississippi River, (6-3-76)
Burlington. *FIRST CONGREGATIONAL CHURCH*, 313 N. 4th St., (11-21-76)
Burlington. *GERMAN METHODIST EPISCOPAL CHURCH*, 7th and Washington Sts., (9-22-77)
Burlington. *SNAKE ALLEY HISTORIC DISTRICT*, N. 6th St., between Washington and Columbia Sts., (5-21-75)
Sperry vicinity. *BAPTIST CHURCH*, W of Sperry off U.S. 61, (4-18-77)

dickinson county

Arnolds Park. *SPIRIT LAKE MASSACRE LOG CABIN (GARDNER LOG CABIN)*, Arnolds Park, W of Estherville on U.S. 71, (4-3-73) PH0077178
Milford vicinity. *CLARK, GEROME, HOUSE*, E of Milford, (11-9-77)
Orleans vicinity. *TEMPLAR PARK*, NE of Orleans on IA 276, (8-3-77)

dubuque county

Dubuque. *CARNEGIE-STOUT PUBLIC LIBRARY*, 11th and Bluff Sts., (8-1-75) PH0183091
Dubuque. *DIAMOND JO BOAT STORE AND OFFICE*, Jones and Water Sts., (11-23-77)
Dubuque. *DUBUQUE CITY HALL*, 50 W. 13th St.,
Dubuque. *DUBUQUE COUNTY COURTHOUSE*, 720 Central Ave., (6-23-71) PH0077186
Dubuque. *DUBUQUE COUNTY JAIL*, 36 E. 8th St., (6-27-72) PH0077208 G.
Dubuque. *FENELON PLACE ELEVATOR*, 512 Fenelon Pl., (8-3-78)
Dubuque. *GERMAN BANK*, 342 Main St., (3-28-78)
Dubuque. *HAM, MATHIAS, HOUSE*, 2241 Lincoln Ave., (7-19-76)
Dubuque. *HOLLENFELZ HOUSE*, 1651 White St., (9-13-77)
Dubuque. *KELLEY HOUSE*, 274 Southern Ave., (1-30-78)
Dubuque. *LANGWORTHY HOUSE (OCTAGON HOUSE)*, 1095 W. 3rd St., (10-14-75) PH0253618 HABS.
Dubuque. *MCMAHON HOUSE*, 800 English Lane, (11-21-76)
Dubuque. *ORPHEUM THEATRE AND SITE (MAJESTIC THEATRE)*, 405 Main St., (11-14-72) PH0100927 G.
Dubuque. *RATH, JOHANN CHRISTIAN FREDERICK, HOUSE*, 1204 Mt. Loretta Ave., (4-11-77)
Dubuque. *REDSTONE*, 504 Bluff St., (12-12-76)
Dubuque. *SHOT TOWER*, Commercial St. and River Front, (11-7-76)
Dubuque. *THEDINGA, J. H., HOUSE*, 340 W. 5th St., (11-7-76)
Dubuque. *WASHINGTON PARK*, Bounded by 6th, 7th, Bluff, and Locust Sts., (7-14-77)
Dubuque vicinity. *JOHNSON HOUSE AND BARN*, S of Dubuque, (11-5-74) PH0077216
Dyersville. *ALLEN HOUSE*, 515 1st Ave. W., (7-10-75) PH0139939
Epworth. *KIDDER, ZEPHANIAH, HOUSE*, Main St., (11-14-78)
Farley vicinity. *LINCOLN SCHOOL*, About 4 mi. N of Farley, (7-24-75) PH0159476
Holy Cross vicinity. *WESTERN HOTEL*, SE of Holy Cross on U.S. 52, (11-7-76)

fayette county

Clermont. *UNION SUNDAY SCHOOL*, McGregor and Larrabee Sts., (11-5-74) PH0077224 G.
Clermont vicinity. *MONTAUK (GOV. WILLIAM LARRABEE HOUSE)*, 1 mi. NE of Clermont on U.S. 18, (2-21-73) PH0097314
Fayette. *COLLEGE HALL*, 200 block of E. Clark, (11-7-76)
Fayette vicinity. *CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY DEPOT*, NE of Fayette off IA 150, (12-28-78)
Wadena. *HARDWARE BUILDING*, 223 Mill St., (7-15-77)

floyd county

Charles City. *CENTRAL PARK–NORTH MAIN STREET HISTORIC DISTRICT*, N. Main St. and N. Jackson St., (8-10-76)
Charles City. *DODD, A.B.C., HOUSE*, 310 3rd Ave., (5-22-78)
Charles City. *MILLER, ALVIN, HOUSE*, 1107 Court St., (11-16-78) HABS.

franklin county

Hampton. *FRANKLIN COUNTY COURTHOUSE*, Central Ave. and 1st St., NW., (8-13-75)

fremont county

Riverton. *CHAUTAUQUA PAVILION*, IA 42, (10-22-76)
Tabor. *TODD HOUSE*, Park St., (8-15-75) PH0179329

greene county

Jefferson. *GREENE COUNTY COURTHOUSE*, E. Lincoln Way and Chestnut Sts., (12-14-78)

guthrie county

Panora. *PANORA-LINDEN HIGH SCHOOL*, Bounded by Main, Vine, Market, and 2nd Sts., (7-23-74) PH0077232

hardin county

Iowa Falls. *METROPOLITAN OPERA HOUSE*, 515 Washington St., (2-20-75) PH0077241

henry county

Mount Pleasant. *HARLAN-LINCOLN HOUSE*, 101 W. Broad St., (5-25-73) PH0077267

Mount Pleasant. *OLD MAIN*, Iowa Wesleyan College campus, (3-26-73) PH0077259

howard county

Cresco. *KELLOW HOUSE*, 324 4th Ave. West, (11-22-77)
Lime Springs. *LIME SPRINGS MILL COMPLEX*, SR 157, (4-11-77)

humboldt county

Dakota City vicinity. *BROWN, CORYDON, HOUSE*, E of Dakota City off IA 3, (11-14-78)

ida county

Holstein. *TURNER HALL*, SE corner of Keil and 2nd Sts., (1-22-75) PH0077291
Ida Grove. *IDA COUNTY COURTHOUSE*, 401 Moorehead St., (3-15-74) PH0077275
Ida Grove. *MOOREHEAD STAGECOACH INN*, Off U.S. 59, (8-27-74) PH0077283

iowa county

Middle Amana vicinity. *AMANA VILLAGES*, NE Iowa County, (10-15-66) PH0077305 NHL; HABS; G.
Williamsburg vicinity. *PILOT GROVE*, SW of Williamsburg, (11-17-77)

jackson county

Andrew. *JACKSON COUNTY JAIL*, Emmet St., (12-12-78)
Bellevue vicinity. *PARADISE FARM*, W of Bellevue, (7-13-77)
Maquoketa vcinity. *WILSON, ANSON, HOUSE*, S of Marquoketa off U.S. 61, (11-17-77)
Maquoketa vicinity. *WILLIAMS, SENECA, MILL*, E of Maquoketa on IA 64, (9-1-76)

jasper county

Lynnville. *LYNNVILLE MILL AND DAM*, East St., (11-25-77)
Newton. *ST. STEPHEN'S EPISCOPAL CHURCH*, 223 E. 4th St. N., (9-22-77)

jefferson county

Fairfield. *BECK, JAMES A., HOUSE*, 401 E. Burlington Ave., (3-29-78)
Fairfield. *MCELHINNY HOUSE*, 300 N. Court St., (12-19-77)
Fairfield vicinity. *NEW SWEDEN CHAPEL*, E of Fairfield off U.S. 34, (3-25-77)

johnson county

Coralville. *CORALVILLE PUBLIC SCHOOL*, 402-404 5th St., (1-11-74) PH0077348 G.
Coralville. *CORALVILLE UNION ECCLESIASTICAL CHURCH*, 405 2nd Ave., (4-11-77)
Downey vicinity. *SECREST-RYAN OCTAGON BARN*, W of Downey, (11-5-74) PH0077399
Iowa City. *CAVANAUGH-ZETEK HOUSE*, 704 Reno St., (9-16-77)
Iowa City. *CLOSE HOUSE*, 538 S. Gilbert St., (5-31-74) PH0077313 G.
Iowa City. *COLLEGE BLOCK BUILDING*, 125 E. College St., (7-23-73) PH0077321 G.
Iowa City. *CONGREGATIONAL CHURCH OF IOWA CITY*, 30 N. Clinton St., (6-18-73) PH0077330
Iowa City. *CZECHO SLOVAKIAN ASSOCIATION HALL*, 524 N. Johnson St., (11-7-76)
Iowa City. *JOHNSON COUNTY COURTHOUSE*, S. Clinton St., (3-27-75)
Iowa City. *KIRKWOOD HOUSE*, 1101 Kirkwood, (9-17-74) PH0077364
Iowa City. *LINSAY HOUSE*, 935 E. College, (8-2-77)
Iowa City. *MCCOLLISTER, JAMES, FARMSTEAD*, SE of jct. of U.S. 6 and U.S. 218, (10-8-76)
Iowa City. *NICKING HOUSE*, 410 E. Market St., (4-21-75)
Iowa City. *NORTH PRESBYTERIAN CHURCH*, 26 E. Market St., (8-28-73) PH0077356 G.
Iowa City. *OAKES-WOOD HOUSE*, 1142 E. Court St., (4-14-78)
Iowa City. *OLD CAPITOL*, University of Iowa campus, (5-31-72) PH0077372 NHL; HABS; G.
Iowa City. *OPERA HOUSE BLOCK*, 210–212 S. Clinton St., (11-29-78)
Iowa City. *PARK HOUSE HOTEL*, 130 E. Jefferson St., (12-11-78)
Iowa City. *PENTACREST*, Bounded by Clinton, Madison, Jefferson, and Washington Sts., (3-29-78)
Iowa City. *PLUM GROVE (ROBERT LUCAS HOUSE)*, 1030 Carroll Ave., (5-7-73) PH0077381
Iowa City. *SOUTH SUMMIT STREET DISTRICT*, 301-818 S. Summit St., (10-9-73) PH0077402 G.
Iowa City. *ST. MARY'S HIGH SCHOOL*, 104 E. Jefferson St., (12-19-77)
Iowa City. *TRINITY EPISCOPAL CHURCH*, 320 E. College St., (12-31-74) PH0077411
Iowa City. *VOGT HOUSE*, 800 N. Van Buren St., (7-24-78)
Iowa City. *WENTZ, JACOB, HOUSE*, 219 N. Gilbert St., (8-27-74) PH0077429
Iowa City. *WINDREM HOUSE*, 604 Iowa Ave., (9-13-77)
Iowa City vicinity. *FIRST JOHNSON COUNTY ASYLUM*, W of Iowa City, (8-31-78)
Iowa City vicinity. *FIRST WELSH CONGREGATIONAL CHURCH*, 5 mi. SW of Iowa City off IA 1, (4-13-77)
Kalona vicinity. *ST. JOHN'S LUTHERAN CHURCH*, N of Kalona, (4-5-77)
Solon vicinity. *BURESH FARM*, W of Solon off IA 382, (4-29-77)

jones county

Anamosa vicinity. *GREEN, JOHN A., ESTATE*, W of Anamosa off U.S. 151, (8-31-78)

keokuk county

Delta vicinity. *DELTA COVERED BRIDGE*, S of Delta off IA 108 across North Skunk River, (11-8-74) PH0077437
What Cheer. *WHAT CHEER OPERA HOUSE*, 201 Barnes St., (6-4-73) PH0077445 G.

lee county

Denmark. *DENMARK CONGREGATIONAL CHURCH*, Academy Ave. and 4th St., (12-2-77)
Fort Madison. *ALBRIGHT HOUSE*, 716–718 Ave. F, (7-24-78)
Fort Madison. *LEE COUNTY COURTHOUSE*, 701 Avenue F, (9-30-76)
Fort Madison. *OLD FORT MADISON SITE*, 315–335 Ave. H, (5-7-73) PH0077461
Keokuk. *BELKNAP, GEN. WILLIAM WORTH, HOUSE*, 511 N. 3rd St., (10-10-75)
Keokuk. *BROWN, DR. FRANK, HOUSE*, 318 N. 5th St., (10-10-72) PH0077453
Keokuk. *KEOKUK LOCK AND DAM*, at Mississippi River, (10-19-78)
Keokuk. *MILLER, JUSTICE SAMUEL FREEMAN, HOUSE*, 318 N. 5th St., (10-10-72)
Keokuk. *U.S. POST OFFICE AND COURTHOUSE*, 25 N. 7th St., (1-24-74) PH0077470
Keokuk. *WEESS, FRANK J., HOUSE*, 224–226 Morgan St., (5-22-78)

linn county

Cedar Rapids. *AVERILL, A. T., HOUSE*, 1120 2nd Ave., SE., (11-28-78)
Cedar Rapids. *C.S.P.S. HALL*, 1105 3rd St., SE., (11-29-78)
Cedar Rapids. *CALDER HOUSES*, 1214 and 1216 2nd Ave., SE, (1-18-78)
Cedar Rapids. *FIRST UNIVERSALIST CHURCH OF CEDAR RAPIDS*, 600 3rd Ave., SE., (8-24-78)
Cedar Rapids. *HIGHWATER ROCK*, Cedar River near 1st Ave. and 1st St. NE, (11-17-77)
Cedar Rapids. *MAY'S ISLAND HISTORIC DISTRICT*, between 1st and 5th Aves. on May Island, (10-19-78)
Cedar Rapids. *MITTVATSKY HOUSE*, 1035 2nd St., SE., (9-5-75).
Cedar Rapids. *PARAMOUNT THEATER BUILDING*, 121–127 3rd Ave., SE; 305–307 2nd St., SE., (8-26-76)
Cedar Rapids. *PEOPLES SAVINGS BANK*, 101 3rd Ave., SE., (3-29-78)
Cedar Rapids. *SECURITY BUILDING*, 2nd Ave. and 2nd St., SE., (12-7-77)
Cedar Rapids. *SEMINOLE VALLEY FARMSTEAD*, W of Cedar Rapids, (10-8-76)
Cedar Rapids. *SINCLAIR, T. M., MANSION*, 2160 Linden Dr., SE., (12-12-76)
Marion. *GRANGER HOUSE*, 970 10th St., (8-13-76)
Mount Vernon. *KING MEMORIAL CHAPEL*, Cornell College campus, (11-7-76)
Walker. *BURLINGTON, CEDAR RAPIDS, AND MINNESOTA RAILROAD: WALKER STATION urlington, Cedar Rapids, and Minnesota Railroad: Walker Station*, Between Rowley and Washington Sts., (2-14-78)

louisa county

Columbus Junction. *COMMUNITY BUILDING*, 122 E. Maple St., (8-14-73) PH0077488
Oakville vicinity. *FLORENCE-COUNCIL ON THE IOWA SITE*, W of Oakville, (12-27-78)
Toolesboro vicinity. *TOOLESBORO MOUND GROUP*, N of Toolesboro, (10-15-66) PH0077496 NHL; G.

lyon county

Larchwood vicinity. *KRUGER MILL*, SW of Larchwood on Sioux River, (11-3-75)
Rock Rapids. *FIRST METHODIST CHURCH*, 302 S. Carroll St., (6-23-78)
Rock Rapids. *ROCK RAPIDS DEPOT, RAILROAD TRACK AND BRIDGE*, N. Story St., (11-7-76)
Rock Rapids vicinity. *MELAN BRIDGE*, E of Rock Rapids in Emma Sater Park, (10-18-74) PH0077500 G.
Sioux Falls vicinity. *BLOOD RUN SITE*, S of Sioux Falls at jct. of Blood Run Creek and Big Sioux River, (8-29-70) PH0077518 NHL. (also in Lincoln County, SD)

madison county

Cumming vicinity. *ST. PATRICK'S CHURCH*, NW of Cumming, (12-12-78)
St. Charles vicinity. *IMES COVERED BRIDGE*, 3.5 mi. SW of St. Charles, (8-28-76)
Winterset. *BEVINGTON, C. D., HOUSE AND STONE BARN*, 805 S. 2nd Ave., (12-12-76)
Winterset. *CUTLER-DONAHUE COVERED BRIDGE*, Winterset City Park, (10-8-76)
Winterset. *MADISON COUNTY COURTHOUSE*, City Sq., (8-13-76)
Winterset vicinity. *CEDAR COVERED BRIDGE*, 1.5 mi. E of Winterset, (8-28-76)

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Winterset vicinity. *HOGBACK COVERED BRIDGE*, 4 mi. N of Winterset, (8-28-76)
Winterset vicinity. *HOLLOWELL COVERED BRIDGE*, 4 mi. SE of Winterset, (8-28-76)
Winterset vicinity. *MCBRIDE COVERED BRIDGE cBride Covered Mission*,, About 2 mi. NE of Winterset, (9-8-76)
Winterset vicinity. *NORTH RIVER STONE SCHOOLHOUSE*, N of Winterset off U.S. 169, (4-11-77)
Winterset vicinity. *ROSEMAN COVERED BRIDGE*, W of Winterset off IA 94, (5-28-76)

mahaska county

Oskaloosa. *NELSON, DANIEL, HOUSE AND BARN*, SR 1, (11-20-74) PH0077526 G.
Oskaloosa. *SMITH-JOHNSON HOUSE*, 713 High Ave. E., (11-9-77)

marion county

Pella. *VAN LOON, DIRK, HOUSE*, 1401 University Ave., (11-17-77)

marshall county

Marshalltown. *MARSHALL COUNTY COURTHOUSE*, Courthouse Sq., (11-21-72) PH0077534
Marshalltown. *WILLARD, LEROY R., HOUSE*, 609 W. Main St., (10-22-76)

mills county

Glenwood vicinity. *PONY CREEK PARK*, (7-30-71) PH0077542

mitchell county

Carpenter vicinity. *SEVERSON, NELS, BARN*, N of Carpenter, (7-15-77)
Mitchell. *MITCHELL POWERHOUSE AND DAM*, Red Cedar River, (12-8-78)
Osage. *CEDAR VALLEY SEMINARY*, N. 6th and Mechanic Sts., (11-17-77)
Osage. *MITCHELL COUNTY COURTHOUSE*, 500 State St., (8-29-77)
St. Ansgar. *FIRST LUTHERAN CHURCH*, 212 N. Main St., (12-12-76)
Stacyville vicinity. *UNION PRESBYTERIAN CHURCH*, NW of Stacyville, (4-13-77)

montgomery county

Red Oak. *CHAUTAUQUA PARK*, Oak St., (5-19-72) PH0077551 G.

muscatine county

Muscatine. *BOWMAN LIVERY STABLE*, 219 E. Mississippi Dr., (6-28-74) PH0077569
Muscatine. *CLARK, ALEXANDER, HOUSE*, 203 W. 3rd St., (10-14-76)
Muscatine. *FIRST PRESBYTERIAN CHURCH*, 401 Iowa Ave., (9-14-77)
Muscatine. *MCKIBBEN, S. M., HOUSE*, Walnut St. between Front and 2nd, (8-27-74) PH0077577 G.
Muscatine. *OLD JAIL*, 411 E. 4th St., (7-24-74) PH0077585
Muscatine. *TRINITY EPISCOPAL CHURCH*, 411 E. 2nd St., (10-29-74) PH0077607
Muscatine vicinity. *SINNETT OCTAGON HOUSE*, N of Muscatine near IA 38, (7-18-74) PH0077593 G.
Nichols vicinity. *NICHOLS, SAMUEL, HOUSE*, E of Nichols off IA 22, (3-31-78)

o'brien county

Sheldon. *CARNEGIE LIBRARY*, 321 10th St., (4-11-77)
Sutherland vicinity. *INDIAN VILLAGE SITE (WITTROCK AREA)*, 3 mi. E of Sutherland, (10-15-66) NHL.

page county

Clarinda. *GOLDENROD SCHOOLHOUSE*, Block 48, Frazer Addition, (4-23-75) PH0059536
Clarinda. *HEPBURN, COL. WILLIAM PETERS, HOUSE*, 321 W. Lincoln St., (6-4-73) PH0077615 NHL.

palo alto county

Emmetsburg. *ORMSBY-KELLY HOUSE*, 2403 W. 7th St., (7-29-77)

plymouth county

Le Mars. *THOREN HALL*, Westmar College campus, 10th St., SE., (5-22-78)
LeMars. *ST. GEORGE'S EPISCOPAL CHURCH*, 400 1st Ave., SE., (11-21-76)

pocahontas county

Laurens. *LAURENS PUBLIC LIBRARY*, 263 N. 3rd St., (11-5-74) PH0077623 G.

polk county

Des Moines. *BANKERS TRUST BUILDING*, 605 Locust St., (4-22-76)
Des Moines. *BURNS UNITED METHODIST CHURCH*, 811 Crocker St., (6-15-77)
Des Moines. *DES MOINES RAPID TRANSIT COMPANY CARBARN*, 24th and Ingersoll Ave., (9-8-78)
Des Moines. *FLYNN FARM, MANSION, AND BARN*, 2600 111th St., (11-30-73)
Des Moines. *FORT DES MOINES PROVISIONAL ARMY OFFICER TRAINING SCHOOL*, (5-30-74) NHL.
Des Moines. *GABRIEL, REES, HOUSE*, 1701 Pennsylvania Ave., (12-1-78)
Des Moines. *HERNDON HALL*, 2000 Grand Ave., (7-27-77)
Des Moines. *IOWA STATE CAPITOL*, Grand Ave. and E. 12th St., (10-21-76)
Des Moines. *IOWA STATE HISTORICAL BUILDING*, E. 12th and Grand Ave., (11-14-78)
Des Moines. *LEXINGTON, THE*, 1721 Pleasant St., (12-12-76)
Des Moines. *MAISH HOUSE*, 1623 Center St., (4-11-77)
Des Moines. *MUNICIPAL BUILDING*, E 1st and Locust Sts., (11-10-77)
Des Moines. *NAYLOR HOUSE*, 944 W. 9th St., (7-10-74) PH0077658
Des Moines. *OLD MAIN, GRAND VIEW COLLEGE*, 1200 Grandview Ave., (5-23-78)
Des Moines. *OWL'S HEAD HISTORIC DISTRICT*, Ridge Rd., Forest Dr., 28th and 29th Sts., (10-11-78)
Des Moines. *PEAK, GEORGE B., HOUSE*, 1080 22nd St., (11-14-78)
Des Moines. *PUBLIC LIBRARY OF DES MOINES*, Locust St., (7-25-77)
Des Moines. *ROLLINS, RALPH, HOUSE*, 2810 Fleur Dr., (11-14-78)
Des Moines. *SALISBURY HOUSE*, 4025 Tonawanda Dr., (7-20-77)
Des Moines. *SHERMAN, HOYT, PLACE*, 1501 Woodland Ave., (9-19-77)
Des Moines. *SOUTHEAST WATER TROUGH*, S.E. 11th and Scott St., (10-8-76)
Des Moines. *STUDIO BUILDING*, 524 E. Grand Ave., (11-14-78)
Des Moines. *TERRACE HILL (HUBBELL MANSION)*, 2300 Grand Ave., (6-14-72) PH0077666 HABS; G.
Des Moines. *U.S. POST OFFICE*, 2nd and Walnut Sts., (11-19-74) PH0077674
West Des Moines. *JORDAN HOUSE*, 2251 Fuller Rd., (12-10-73) PH0077640 G.

pottawattamie county

Council Bluffs. *BERESHEIM, AUGUST, HOUSE*, 621 3rd St., (8-13-76)
Council Bluffs. *DODGE, GRENVILLE M., HOUSE*, 605 S. 3rd St., (10-15-66) PH0098001 NHL; G.
Council Bluffs. *OGDEN HOUSE*, 169 W. Broadway, (9-13-76)
Council Bluffs. *POTTAWATTAMIE COUNTY JAIL*, 226 Pearl St., (3-16-72) PH0077682 G.

poweshiek county

Grinnell. *MERCHANT'S NATIONAL BANK*, NW corner 4th Ave. and Broad St., (1-7-76) NHL.
Grinnell. *ROCK ISLAND LINES PASSENGER STATION*, Park and State Sts., (12-12-76)
Grinnell. *SPAULDING MANUFACTURING COMPANY*, 500–610 4th Ave., 827–829 Spring St., (12-21-78)
Grinnell. *STEWART LIBRARY*, 926 Broad St., (11-21-76)

scott county

Davenport. *AMBROSE HALL*, 518 W. Locust, (4-11-77)
Davenport. *BARROWS, EDWARD S., HOUSE*, 224 E. 6th St., (11-21-76)
Davenport. *BEIDERBECKE, LEON BISMARK (BIX), HOUSE*, 1934 Grande Ave., (7-13-77)
Davenport. *COLLINS HOUSE*, 1234 E. 29th St., (10-8-76)
Davenport. *FRICK'S TAVERN*, 1402–1404 W. 3rd St., (9-9-74) PH0077704
Davenport. *GILRUTH SCHOOLHOUSE*, 53rd and Marquette Sts., (9-16-77)
Davenport. *LECLAIRE, ANTOINE, HOUSE*, 630 E. 7th St., (3-22-74) PH0077712 G.
Davenport. *OUTING CLUB*, 2109 Brady St., (7-15-77)
Davenport. *SCHICK APARTMENTS*, 310–314 Gaines St., (7-24-74) PH0077721
Davenport. *SIEMER HOUSE*, 632 W. 3rd St., (11-16-77)
Davenport. *TRINITY EPISCOPAL CHURCH*, 121 W. 12th St., (12-24-74)
LeClaire vicinity. *STONE SCHOOL*, W of LeClaire, (12-27-77)
Long Grove. *BROWNLIE, ALEXANDER, HOUSE*, 206 Pine St., (12-22-76)
McCausland vicinity. *CODY HOMESTEAD*, S of McCausland, (1-24-74) PH0077691

shelby county

Harlan. *ST. PAUL'S EPISCOPAL CHURCH*, 712 Farnham St., (9-1-78)

sioux county

Orange. *ZWEMER HALL, NORTHWESTERN COLLEGE*, 101 7th St., SW., (5-28-75)
Orange City. *SIOUX COUNTY COURTHOUSE*, Off IA 10, (4-11-77)

story county

Ames. *ALUMNI HALL*, Iowa State University campus, (11-16-78)
Ames. *KNAPP-WILSON HOUSE (THE FARM HOUSE)*, Iowa State University campus, (10-15-66) PH0290335 NHL; G.
Ames vicinity. *SOPER'S MILL BRIDGE*, N of Ames off IA 35, (2-14-78)
Nevada. *EDWARDS-SWAYZE HOUSE*, 1110 9th St., (11-14-78)

tama county

Tama. *LINCOLN HIGHWAY BRIDGE*, E. 5th St., (3-30-78)

Traer. *BROOKS AND MOORE BANK BUILDING*, 423 2nd St., (12-3-74) PH0077739
Traer. *STAR-CLIPPER-CANFIELD BUILDING AND WINDING STAIRWAY*, 534 2nd St., (10-29-75) PH0246794

taylor county

Bedford. *BEDFORD HOUSE*, 306 Main St., (6-14-77)

union county

Creston. *CRESTON RAILROAD DEPOT*, 200 W. Adams St., (8-15-73) PH0077747 G.
Creston. *U. S. POST OFFICE*, Maple St., (12-8-78)

van buren county

Bonaparte. *AUNTY GREEN HOTEL*, 602 Washington St., (1-20-78)
Bonaparte and Keosauqua. *DES MOINES RIVER LOCKS NO. 5 AND NO. 7*, At Des Moines River, (12-7-77)
Farmington. *BURG WAGON WORKS BUILDING*, 131 S. 2nd St., (11-14-78–
Keosauqua. *HOTEL MANNING*, River and Van Buren Sts., (4-23-73) PH0066729 HABS; G.
Keosauqua. *PEARSON, FRANKLIN, HOUSE*, Dodge St., (5-22-78)
Keosauqua. *VAN BUREN COUNTY COURTHOUSE*, 904 4th St., (11-9-77)
Keosauqua vicinity. *BENTONSPORT*, E of Keosauqua on the Des Moines River, (4-25-72) PH0066711 G.

wapello county

Agency vicinity. *CHIEF WAPELLO'S MEMORIAL PARK*, SE of Agency off U.S. 34, (3-27-75) PH0088480
Eldon. *AMERICAN GOTHIC HOUSE (DIBBLE HOUSE)*, Burton and Gothic Sts., (10-1-74) PH0066737
Ottumwa. *U.S. POST OFFICE (OTTUMWA MUNICIPAL BUILDING)*, Court and 4th Sts., (8-13-76)
Ottumwa vicinity. *MARS HILL (MARS HILL CHURCH AND CEMETERY)*, SE of Ottumwa, (9-13-74) PH0066745

warren county

Scotch Ridge. *UNITED PRESBYTERIAN CHURCH, SUMMERSET*, U.S. 65/69, (11-7-76)

washington county

Washington. *BLAIR HOUSE (CITY HALL)*, E. Washington St. and S. 2nd Ave., (6-4-73) PH0066753
Washington. *CONGER, JONATHAN CLARK, HOUSE*, 903 E. Washington St., (6-28-74) PH0066761 G.
Washington. *KECK, JOSEPH, HOUSE*, 504 W. Washington St., (11-28-78)
Washington. *KURTZ HOUSE*, 305 S. Avenue C, (9-22-77)
Washington. *WASHINGTON COUNTY HOSPITAL*, S. 4th Ave. and Clara Barton, (12-22-77)
Washington. *YOUNG, ALEXANDER, CABIN*, W. Madison St., between G and H Aves., (8-14-73) PH0066770
Washington vicinity. *GRACEHILL MORAVIAN CHURCH AND CEMETERY*, SW of Washington on WA 314, (8-12-77)

wayne county

Lineville vicinity. *PLEASANT HILL SCHOOL*, 3 mi. N of Lineville on U.S. 65, (5-28-75) PH0099678 G.

webster county

Fort Dodge. *CORPUS CHRISTI CHURCH*, 416 N. 8th St., (10-8-76)
Fort Dodge. *OAK HILL HISTORIC DISTRICT*, 8th–12th Sts., 2nd and 3rd Aves., (5-5-77)
Fort Dodge. *VINCENT HOUSE*, 824 3rd Ave. S., (4-23-73) PH0066788 G.
Fort Dodge vicinity. *COFFIN, LORENZO S., BURIAL PLOT*, NW of Fort Dodge on IA 7, (11-17-77)

winnebago county

Forest City. *THOMPSON, CHARLES J., HOUSE*, 336 N. Clark St., (11-30-78)

winneshiek county

Decorah. *BROADWAY-PHELPS PARK HISTORIC DISTRICT*, West Broadway from Winnebago St. to Park Dr.; Upper Broadway; Park St.; and Phelps Park, (11-13-76)
Decorah. *DECORAH ICE CAVE*, Ice Cave Rd , (12-20-78)
Decorah. *ELLSWORTH-PORTER HOUSE*, 401 W. Broadway, (8-6-75) PH0183105
Decorah. *MILLER, NORRIS, HOUSE*, 118 N. Mill St., (6-8-76)
Decorah. *PAINTER-BERNATZ MILL*, 200 N. Mill St., (1-11-74) PH0066796
Decorah vicinity. *HORN HOUSE*, NW of Decorah, (3-25-77)
Decorah vicinity. *LOCUST SCHOOL*, N of Decorah, (5-22-78)
Frankville. *FRANKVILLE SCHOOL*, State St., (11-14-78)

woodbury county

Sioux City. *PEIRCE, JOHN, HOUSE*, 2901 Jackson St., (12-12-78)
Sioux City. *SERGEANT FLOYD MONUMENT*, Glenn Ave. and Lewis Rd., (10-15-66) NHL.
Sioux City. *SIOUX CITY CENTRAL HIGH SCHOOL*, 1212 Nebraska St., (7-23-74) PH0066800 G.
Sioux City. *WOODBURY COUNTY COURTHOUSE*, 7th and Douglas Sts., (12-18-73) PH0066818 G.

worth county

Fertile. *RHODES MILL*, Main St., (11-24-78)
Grafton. *CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD DEPOT*, IA 337, (6-23-76)

wright county

Eagle Grove. *EAGLE GROVE PUBLIC LIBRARY*, 401 W. Broadway, (11-22-77)

KANSAS

allen county

Iola. *ALLEN COUNTY JAIL*, 204 N. Jefferson St., (1-25-71) PH0066826
Iola vicinity. *FUNSTON HOME*, 4 mi. N of Iola on U.S. 69, (9-3-71) PH0066834

anderson county

Garnett. *ANDERSON COUNTY COURTHOUSE*, 4th and Oak Sts., (4-26-72) PH0066842
Harris vicinity. *TIPTON, SAMUEL J., HOUSE*, 4 mi. SW of Harris, (1-23-75) PH0066851

atchison county

Atchison. *ATCHISON COUNTY COURTHOUSE*, SW corner of 5th and Parallel Sts., (4-16-75) PH0049522
Atchison. *ATCHISON POST OFFICE*, 621 Kansas St., (3-16-72) PH0066869
Atchison. *BROWN, J. P., HOUSE*, 805 N. 4th St., (4-14-75) PH0100129
Atchison. *EARHART, AMELIA, BIRTHPLACE*, 223 N. Terrace, (4-16-71) PH0066877
Atchison. *HARWI, A. J., HOUSE*, 1103 Atchison St., (5-6-75) PH0098230
Atchison. *HETHERINGTON, W. W., HOUSE*, 805 N. 5th St., (7-12-74) PH0066885
Atchison. *HOWE, EDGAR W., HOUSE*, 1117 N. 3rd St., (3-16-72) PH0066893
Atchison. *MCINTEER VILLA*, 1301 Kansas St., (3-26-75)
Atchison. *MOUNT ST. SCHOLASTICA CONVENT*, 801 S. 8th St., (4-13-72) PH0066907
Atchison. *MUCHNIC, H. E., HOUSE*, 704 N. 4th St., (7-12-74) PH0066915
Atchison. *PRICE VILLA*, 801 S. 8th St., (3-16-72) PH0066923
Atchison. *WAGGENER, B. P., HOUSE*, 819 N. 4th St., (5-3-74) PH0066931

barber county

Medicine Lodge. *NATION, CARRY A., HOUSE*, 211 Fowler Ave., (3-24-71) PH0066958 NHL.
Medicine Lodge vicinity. *MEDICINE LODGE PEACE TREATY SITE*, SE of Medicine Lodge, (8-4-69) PH0066940 NHL.

barton county

Great Bend vicinity. *WALNUT CREEK CROSSING (ALLISON'S RANCH, FORT ZARAH)*, E of Great Bend, off U.S. 56, (4-26-72) PH0150096
Pawnee Rock vicinity. *PAWNEE ROCK*, 0.2 mi. N of Pawnee Rock off U.S. 56, (12-29-70) PH0066966

boubon county

Fort Scott. *MOODY BUILDING*, 15 E. 2nd St., (11-9-77)

bourbon county

Fort Scott. *FORT SCOTT HISTORIC SITE*, Old Fort Blvd., (10-15-66) PH0360023
Fort Scott. *UNION BLOCK*, 24 S. Main St., (4-26-72) PH0066974

brown county

Hiawatha vicinity. *DAVIS MEMORIAL*, 0.1 mi. E of Hiawatha, Mt. Hope Cemetery, (8-29-77)

butler county

Augusta. *JAMES, C. N., CABIN*, 305 State St., (4-13-73) PH0066982

chase county

Clements vicinity. *CLEMENTS STONE ARCH BRIDGE*, 0.5 mi. SE of Clements over the Cottonwood River, (12-12-76)
Cotton Falls. *CHASE COUNTY NATIONAL BANK*, 301 Broadway, (11-9-77)
Cottonwood Falls. *CARTTER BUILDING*, 303 Broadway, (11-23-77)
Cottonwood Falls. *CHASE COUNTY COURTHOUSE*, On the square at S end of Broadway, (2-24-71) PH0066991
Cottonwood Falls vicinity. *WOOD HOUSE*, E of Cottonwood Falls, (3-17-74) PH0067024
Elmdale vicinity. *CLOVER CLIFF RANCH HOUSE*, 4 mi. SW of Elmdale off U.S. 50, (11-9-77)
Matfield Green vicinity. *CROCKER RANCH*, 1.5 mi. N of Matfield Green on KS 177, (11-17-77)
Strong City vicinity. *LOWER FOX CREEK SCHOOL*, NW of Strong City on KS 13 and 57, (9-6-74) PH0067008

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Strong City vicinity. *SPRING HILL FARM AND STOCK RANCH HOUSE*, 3 mi. N of Strong City on KS 177, (4-16-71) PH0067016

cherokee county

Baxter Springs. *JOHNSTON LIBRARY*, 210 W. 10th St., (11-21-76)

clark county

Ashland. *STOCKGROWERS STATE BANK (FIRST NATIONAL BANK)*, (4-26-72) PH0067032

Ashland vicinity. *BEAR CREEK REDOUBT*, N of Ashland, (3-30-78)

Ashland vicinity. *CIMARRON REDOUBT*, S of Ashland, (5-23-78)

clay county

Clay Center. *CLAY COUNTY COURTHOUSE*, 5th and Court Sts., (1-29-73) PH0067041

cloud county

Concordia. *BANKERS LOAN AND TRUST COMPANY BUILDING*, 101 E. 6th and 517 Broadway, (11-9-77)

Concordia. *BROWN GRAND OPERA HOUSE*, 310 W. 6th St., (7-26-73) PH0067059 G.

Concordia. *NAZARETH CONVENT AND ACADEMY*, 13th and Washington Sts., (1-18-73) PH0067067

coffey county

Hartford vicinity. *WILLIAMSON ARCHEOLOGICAL SITE*, (11-19-74) PH0067075

cowley county

Arkansas City. *OLD ARKANSAS CITY HIGH SCHOOL*, 300 W. Central St., (11-21-74) PH0080446

Arkansas City vicinity. *ARKANSAS CITY COUNTRY CLUB SITE*, E of Arkansas City, (8-25-78)

Winfield. *HACKNEY, W. P., HOUSE*, 417 E. 10th St., (3-7-73) PH0067083

Winfield vicinity. *MAGNOLIA RANCH (CHESBRO RANCH)*, 10 mi. SE of Winfield on U.S. 77, (3-7-73) PH0067091

crawford county

Girard. *W*, 721 N. Summit, (11-21-76)

Pittsburg. *PITTSBURG PUBLIC LIBRARY*, 4th and Walnut Sts., (11-9-77)

dickinson county

Abilene. *EISENHOWER HOME*, 201 S.E. 4th St., (1-25-71) PH0067105 HABS.

Abilene. *LEBOLD, C. H., HOUSE*, 106 N. Vine St., (5-8-73) PH0067113

Solomon. *UNION PACIFIC RAILROAD DEPOT (SOLOMON DEPOT)*, 3rd St. between Walnut and Pine Sts., (4-26-72) PH0067121

doniphan county

Doniphan vicinity. *DONIPHAN ARCHEOLOGICAL SITE*, (3-1-74) PH0067130

Fanning vicinity. *FANNING ARCHEOLOGICAL SITE*, (6-20-72) PH0067156

Highland. *IRVIN HALL, HIGHLAND COMMUNITY JUNIOR COLLEGE*, Highland Community Junior College campus, (2-24-71) PH0067172 HABS.

Highland vicinity. *IOWA, SAC, AND FOX PRESBYTERIAN MISSION (HIGHLAND PRESBYTERIAN MISSION)*, 1.5 mi. E of Highland on U.S. 36 and 0.2 mi. N on KS 136, (12-2-70) PH0067164

Troy. *DONIPHAN COUNTY COURTHOUSE*, Courthouse Sq., bounded by Walnut and Liberty Sts., (7-15-74) PH0067148

Wathena. *HARDING, BENJAMIN, HOUSE*, 308 N. 5th, (8-29-77)

White Cloud. *DORLAND BUILDING*, Main St., (12-1-78)

White Cloud. *POULET HOUSE*, Poplar St. between 1st and 2nd Sts., (9-3-71) PH0067181

White Cloud. *WHITE CLOUD SCHOOL*, SW corner of 5th and Main Sts., (4-13-73) PH0067199

douglas county

Baldwin. *OLD CASTLE HALL, BAKER UNIVERSITY*, 513 5th St., (2-24-71) PH0067270

Baldwin City. *PARMENTER MEMORIAL HALL*, 8th and Dearborn Sts., (9-19-77)

Clinton vicinity. *STEELE, J. C., HOUSE*, E of Clinton, (8-7-74) PH0067342

Eudor. *PILLA, CHARLES, HOUSE*, 615 Elm St., (9-6-74) PH0067318

Lawrence. *BLOOD, COL. JAMES, HOUSE*, 1015 Tennessee St., (2-23-72) PH0067202

Lawrence. *DOUGLAS COUNTY COURTHOUSE*, SE corner of Massachusetts and 11th Sts., (4-14-75) PH0100145

Lawrence. *DYCHE HALL, UNIVERSITY OF KANSAS*, 14th St. and Oread Ave., University of Kansas campus, (7-14-74) PH0067229

Lawrence. *GREEN HALL, UNIVERSITY OF KANSAS*, Jayhawk Dr., (7-15-74) PH0067237

Lawrence. *HASKELL INSTITUTE*, (10-15-66) PH0067245 NHL.

Lawrence. *LUDINGTON HOUSE*, 1613 Tennessee St., (5-14-71) PH0067261

Lawrence. *OLD LAWRENCE CITY HALL (WATKINS NATIONAL BANK)*, 1047 Massachusetts St., (2-24-71) PH0067288

Lawrence. *OLD LAWRENCE CITY LIBRARY*, NW corner of 9th and Vermont Sts., (2-18-75) PH0067296

Lawrence. *OLD WEST LAWRENCE HISTORIC DISTRICT*, Bounded roughly by Tennessee, 8th, Indiana, and 6th Sts., (2-23-72) PH0067300

Lawrence. *RIGGS, SAMUEL A., HOUSE*, 1500 Pennsylvania, (8-29-77)

Lawrence. *ROBERTS, JOHN N., HOUSE*, 1307 Massachusetts St., (9-6-74) PH0067326

Lawrence. *SPOONER HALL, UNIVERSITY OF KANSAS*, 14th St. and Oread Ave. on the University of Kansas campus, (7-15-74) PH0067334

Lawrence. *USHER, JOHN PALMER, HOUSE*, 1425 Tennessee St., (3-7-75) PH0086908

Lawrence. *ZIMMERMAN, S. T., HOUSE*, 304 Indiana St., (9-6-74) PH0067351

Lecompton. *CONSTITUTION HALL*, Elmore St. between Woodson and 3rd Sts., (5-14-71) PH0067211 NHL.

Lecompton. *LANE UNIVERSITY*, (3-24-71) PH0067253

elk county

Elk City vicinity. *ELK RIVER ARCHEOLOGICAL DISTRICT*, W and S of Elk City, (9-13-78) (also in Montgomery County)

Moline vicinity. *DURBIN ARCHEOLOGICAL SITE*, SE of Moline, (5-2-75)

ellis county

Ellis. *CHRYSLER, WALTER P., HOUSE*, 104 W. 10th St., (2-23-72) PH0088013

Hays. *FIRST PRESBYTERIAN CHURCH*, 100 W. 7th St.,

Hays. *FORT HAYS*, Frontier Historical Park, (1-25-71) PH0098205 G.

Victoria. *ST. FIDELIS CATHOLIC CHURCH*, SE corner of St. Anthony and Delaware Sts., (5-14-71) PH0088030

Victoria vicinity. *GRANT, GEORGE, VILLA*, 5 mi. S and 2 mi. E of Victoria on secondary rds., (4-26-72) PH0088021

ellsworth county

Ellsworth. *HODGDEN, PERRY, HOUSE*, 104 W. Main St., (1-29-73) PH0090484

Ellsworth vicinity. *LARKIN, ARTHUR, HOUSE*, 0.25 mi. S of Ellsworth off KS 45, (2-24-75) PH0088056

Kanopolis. *FORT HARKER GUARDHOUSE*, NW corner of Wyoming and Ohio Sts., (2-23-72) PH0098183

Kanopolis. *FORT HARKER OFFICERS' QUARTERS*, Ohio St. between Kansas and Colorado Sts., (11-20-74) PH0080454

Marquette vicinity. *INDIAN HILL SITE*, (12-31-74) PH0098213

finney county

Garden City. *WINDSOR HOTEL*, 421 N. Main St., (4-26-72) PH0088064

ford county

Dodge City. *MUELLER-SCHMIDT HOUSE*, 112 E. Vine St., (2-23-72) PH0088072

Dodge City vicinity. *SANTE FE TRAIL REMAINS*, 9 mi. W of Dodge City on U.S. 50, (10-15-66) PH0088081 NHL.

franklin county

Ottawa. *DIETRICH CABIN*, Ottawa City Park, (2-23-72) PH0088099

Ottawa. *DOWNTOWN OTTAWA HISTORIC DISTRICT*, E side of S. Main St. from No. 135 to 3rd St., (6-29-72)

Ottawa. *FRANKLIN COUNTY COURTHOUSE*, Main St., (3-17-72) PH0088111

Ottawa. *OLD SANTA FE RAILROAD DEPOT (OLD DEPOT MUSEUM)*, 135 W. Tecumseh St., (3-1-73) PH0088137

Ottawa. *RANSOM, JAMES H., HOUSE*, 318 S. Locust St., (11-21-74) PH0086886

Ottawa vicinity. *JONES, TAUY, HOUSE*, 3 mi. NE of Ottawa on Tauy Creek, (6-19-72) PH0088129

Williamsburg vicinity. *SILKVILLE*, 2.5 mi. SW of Williamsburg on U.S. 50, (12-15-72) PH0088145

geary county

Junction City vicinity. *BOGAN ARCHEOLOGICAL SITE*, (5-17-73) PH0088153

Junction City vicinity. *ELLIOTT VILLAGE SITE*, E of Junction City, (12-8-78)

Junction City vicinity. *FIRST TERRITORIAL CAPITOL*, On KS 18 in Fort Riley Military Reservation, (12-2-70) PH0088161 HABS.

Junction City vicinity. *MAIN POST AREA, FORT RILEY*, NE of Junction City on KS 18, (5-1-74) PH0088170

Junction City vicinity. *WETZEL, CHRISTIAN, CABIN*, About 2 mi. E of Junction City at jct. of I-70 and KS 57, (10-15-73) PH0088188

graham county

Nicodemus. *NICODEMUS HISTORIC DISTRICT*, U.S. 24, (1-7-76) NHL.

grant county

Ulysses vicinity. *WAGON BED SPRINGS*, 12 mi. S of Ulysses on U.S. 270, (10-15-66) PH0088196 NHL.

greeley county

Tribune. *GREELEY COUNTY COURTHOUSE*, Harper and 3rd Sts., (7-12-76)

greenwood county

Madison. *LONE CONE SITE*, W of Madison, (5-17-76)

Madison vicinity. *CURRY ARCHEOLOGICAL SITE*, (11-20-74) PH0088200

Severy vicinity. *TWO DUCK SITE*, 5 mi. NE of Severy within limits of Fall River Reservoir, (3-26-75)

hamilton county

Syracuse vicinity. *FORT AUBREY SITE*, E of Syracuse, (8-31-78)

harper county

Anthony. *HAPER COUNTY COURTHOUSE*, 200 N. Jennings Ave., (11-22-78)

Harper. *OLD RUNNYMEDE CHURCH (ST. PATRICK'S EPISCOPAL CHURCH)*, 11th and Pine Sts., (2-6-73) PH0088218

harvey county

Halstead vicinity. *WARKENTIN, BERNHARD, HOMESTEAD*, N of Halstead, (2-15-74) PH0088226

Newton. *CARNEGIE LIBRARY*, 203 Main St., (5-31-74) PH0078239

Newton. *WARKENTIN HOUSE*, 211 E. 1st St., (1-12-70) PH0088251

Newton. *WARKENTIN MILL*, 3rd and Main Sts., (1-12-70) PH0088269

North Newton. *BETHEL COLLEGE ADMINISTRATION BUILDING*, Bethel College campus, (3-16-72) PH0088234

hodgeman county

Jetmore. *HAUN, T. S., HOUSE*, Main St., (1-18-73) PH0088277

jackson county

Holton. *STATE BANK OF HOLTON*, 4th and Pennsylvania Ave., (11-9-77)

Soldier vicinity. *HARRIS SITE*, S of Soldier, (6-23-78)

Whiting. *SHEDD AND MARSHALL STORE*, 3rd and Whiting Sts., (11-25-77)

jefferson county

Oskaloosa. *UNION BLOCK*, SW corner of Delaware and Jefferson Sts., (4-23-73) PH0088285

jewell county

Mankato. *FIRST NATIONAL BANK*, Commercial and Jefferson Sts., (6-16-76)

johnson county

HILLSDALE ARCHEOLOGICAL DISTRICT, *Reference—see Miami County* (1-2-74)

MAJORS, ALEXANDER, HOUSE, *Reference—see Jackson County, MO* (1-2-74)

Fairway. *SHAWNEE MISSION*, 53rd St. at Mission Rd., (10-15-66) PH0088293 NHL; HABS.

Olathe. *MAHAFFIE J. B., HOUSE* 1100 Kansas City Rd., (8-29-77) G.

kingman county

Kingman. *KINGMAN CITY BUILDING*, Main St. and C Ave., (4-13-72) PH0088307

kiowa county

Greensburg. *GREENSBURG WELL*, Sycamore St., (2-23-72) PH0088315

labette county

Dennis vicinity. *BIG HILL ARCHEOLOGICAL DISTRICT*, W of Dennis, (11-23-77)

Parsons. *CARNEGIE LIBRARY*, 17th and Broadway, (4-14-76)

lane county

Healy vicinity. *POTTORFF SITE*, N of Healy, (3-8-78)

leavenworth county

Eastern vicinity. *BIEHLER BARN*, 2.5 mi. N of Easton, (4-11-77)

Fort Leavenworth. *QUARRY CREEK ARCHEOLOGICAL SITE*, (4-23-73) PH0088382

Lansing vicinity. *LANSING MAN ARCHEOLOGICAL SITE*, SE of Lansing, (3-24-71) PH0088374

Leavenworth. *ANGELL, A. J., HOUSE*, 714 S. Broadway, (11-17-77)

Leavenworth. *BREWER, DAVID J., HOUSE*, 403 5th Ave., (2-23-72) PH0088323

Leavenworth. *ESPENSCHEID BUILDING*, 205 S. 5th St., (3-17-72) PH0088331

Leavenworth. *FORT LEAVENWORTH*, (10-15-66) PH0088340 NHL; HABS.

Leavenworth. *HARVEY, FRED, HOUSE*, 624 Olive St., (4-26-72) PH0088366

Leavenworth. *NORTH ESPLANADE HISTORIC DISTRICT*, 203–515 N. Esplanade, (12-12-77)

Leavenworth vicinity. *POWERS, DAVID W., HOUSE*, 2 mi. NW of Leavenworth off U.S. 73, (8-30-77)

Linwood vicinity. *HARRIS, SENATOR WILLIAM A., HOUSE*, NW of Linwood on KS 32, (11-5-74) PH0088358

lincoln county

Lincoln. *LINCOLN COUNTY COURTHOUSE*, 3rd and Lincoln Ave., (7-13-76)

linn county

Mound City. *LINN COUNTY COURTHOUSE*, (7-15-74) PH0088404

Mound City. *OLD LINN COUNTY JAIL*, 312 Main St., (11-30-78)

Pleasanton vicinity. *BATTLE OF MINE CREEK SITE*, 2.5 mi. SW of Pleasanton off U.S. 69, (12-12-73) PH0088391

Trading Post vicinity. *MARAIS DES CYGNES MASSACRE SITE*, 5 mi. NE of Trading Post, (6-21-71) PH0100935 NHL.

logan county

Russell Springs. *OLD LOGAN COUNTY COURTHOUSE*, Main St., (2-23-72) PH0088412

lyon county

Emporia. *SODEN, HALLIE B., HOUSE*, 802 S. Commercial St., (11-9-77)

Emporia. *WHITE, WILLIAM ALLEN, HOUSE*, 927 Exchange St., (5-14-71) PH0088439 NHL.

Hartford. *HARTFORD COLLEGIATE INSTITUTE*, SW corner of College and Plumb Aves., (2-23-72) PH0088421

marion county

Burns. *BURNS UNION SCHOOL*, SW corner Ohio and Main Sts., (3-26-75)

Florence. *HARVEY HOUSE*, 204 W. 3rd St., (8-14-73) PH0088447

Hillsboro. *PIONEER ADOBE HOUSE (PETER LOEWEN ADOBE HOUSE)*, U.S. 56 and S. Ash St., (3-30-73) PH0088463

Lost Springs vicinity. *LOST SPRINGS*, 2.5 mi. W of Lost Springs, (9-30-76)

Marion. *ELGIN HOTEL*, 3rd and Santa Fe Sts., (9-13-78)

Marion. *HILL GRADE SCHOOL*, 601 E. Main, (5-28-76)

Marion. *MARION COUNTY COURTHOUSE*, 3rd and Williams Sts., (5-28-76)

Marion vicinity. *MARION ARCHEOLOGICAL DISTRICT*, N and S of Marion, (4-21-76)

Peabody. *OLD PEABODY LIBRARY*, Division and Walnut Sts., (7-2-73) PH0088455

marshall county

Blue Rapids. *BLUE RAPIDS LIBRARY*, E side of public square, (3-17-72) PH0077771

Blue Rapids vicinity. *ALCOVE SPRINGS*, 4 mi. N of Blue Rapids, (2-23-72) PH0077755

Frankfort. *FRANKFORT SCHOOL*, 400 Locust St., (12-27-72) PH0077780

Frankfort vicinity. *BARRETT SCHOOLHOUSE*, 4 mi. SW of Frankfort on KS 99, (3-14-73) PH0077763

Marysville. *KOESTER, CHARLES, HOUSE*, 919 Broadway, (5-12-75)

Marysville. *MARSHALL COUNTY COURTHOUSE*, 1207 Broadway, (11-5-74) PH0077798

Marysville. *MARYSVILLE PONY EXPRESS BARN*, 108 S. 8th St., (4-2-73) PH0077801

Marysville vicinity. *HUTCHINSON, PERRY, HOUSE*, 1 mi. NW of Marysville on U.S. 77, (4-13-72) PH0077810

Oketo. *MOORE, Z. H., STORE*, State and Center Sts.,

Waterville. *POWELL, SAMUEL, HOUSE*, 108 W. Commercial St., (12-27-72) PH0077828

Waterville. *WEAVER HOTEL*, 126 S. Kansas St., (8-28-75)

mcpherson county

Lindsborg. *SMOKEY VALLEY ROLLER MILL*, Mill St., (2-23-72) PH0097331

Lindsborg. *SWEDISH PAVILION*, Mill St., (3-20-73) PH0077861

Lindsborg vicinity. *PAINT CREEK ARCHEOLOGICAL SITE*, (6-20-72) PH0077844

Lindsborg vicinity. *SHARPS CREEK (SWENSON) ARCHEOLOGICAL SITE*, (6-22-72) PH0077852

McPherson. *MCPHERSON COUNTY COURTHOUSE*, Maple and Kansas Aves., (11-21-76)

McPherson. *MCPHERSON OPERA HOUSE*, 221 S. Main St., (3-16-72) PH0077836

miami county

Osawatomie. *BROWN, JOHN, CABIN (SAMUEL ADAIR CABIN)*, John Brown Memorial Park, (3-24-71) PH0098914 HABS.

Paola. *MIAMI COUNTY COURTHOUSE*, E of jct. of Miami and Silver Sts., (3-1-73) PH0077879

Paola vicinity. *HILLSDALE ARCHEOLOGICAL DISTRICT*, NW of Paolo, (5-12-77) (also in Johnson County)

mitchell county

Beloit. *HART, F. H., HOUSE*, 304 E. Main St., (1-29-73) PH0077887

Beloit. *MITCHELL COUNTY COURTHOUSE*, Main St. and Hersey Ave., (11-23-77)

Beloit. *PERDUE, C. A., HOUSE*, 422 W. 8th St., (12-12-76)

Beloit. *ST. JOHN THE BAPTIST CATHOLIC CHURCH*, 701 E. Court St., (4-14-75)

Cawker City. *OLD CAWKER CITY LIBRARY*, 7th and Lake Sts., (3-7-73) PH0077895

Glen Elder. *E. W. NORRIS SERVICE STATION*, Market and Main Sts., (12-12-76)

montgomery county

ELK RIVER ARCHEOLOGICAL DISTRICT, *Reference—see Elk County*

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Coffeyville. *BROWN, W. P., MANSION*, S. Walnut and Eldridge Sts., (12-12-76)
Coffeyville. *CONDON NATIONAL BANK*, 811 Walnut St., (1-12-73) PH0077909
Independence vicinity. *INFINITY ARCHEOLOGICAL SITE*, (3-24-71) PH0077917

morris county

Council Grove. *COUNCIL GROVE HISTORIC DISTRICT*, (10-15-66) PH0077925 NHL; HABS.
Council Grove. *COUNCIL GROVE NATIONAL BANK*, 130 W. Main, (6-3-76)
Council Grove. *FARMERS AND DROVERS BANK*, 201 W. Main St., (6-21-71) PH0077933
Council Grove. *HAYS, SETH, HOUSE*, 203 Wood St., (9-25-75)
Council Grove. *LAST CHANCE STORE*, 500 W. Main St., (6-21-71) PH0077941
Council Grove. *OLD KAW MISSION*, 500 N. Mission St., (3-24-71) PH0077950
Council Grove vicinity. *YOUNG, WILLIAM, ARCHEOLOGICAL SITE*, N of Council Grove off KS 177, (2-24-71) PH0077968
Wilsey vicinity. *DIAMOND SPRING*, 6 mi. W of Wilsey, (9-30-76)

nemaha county

Sabetha vicinity. *OLD ALBANY SCHOOLHOUSE*, 2 mi. N of Sabetha, (4-13-72) PH0077976 HABS.

neosho county

Chanute vicinity. *AUSTIN BRIDGE*, SE of Chanute at Neosho River, (9-15-77)

ness county

Beeler vicinity. *CARVER, GEORGE WASHINGTON, HOMESTEAD SITE*, 1.5 mi. S of Beeler, (11-23-77)
Ness City. *NESS COUNTY BANK*, Main St. and Pennsylvania Ave., (2-23-72) PH0077984

osage county

Melvern vicinity. *COW-KILLER ARCHEOLOGICAL SITE*, W of Melvern, (6-24-75)

osborne county

Osborne vicinity. *GEODETIC CENTER OF THE U.S.*, 17 mi. SE of Osborne off U.S. 281 on Meade's Ranch, (10-9-73) PH0077992

ottawa county

Minneapolis vicinity. *MINNEAPOLIS ARCHEOLOGICAL SITE*, (6-2-72) PH0078000

pawnee county

Larned vicinity. *FORT LARNED NATIONAL HISTORIC SITE*, 6 mi. W of Larned on U.S. 156, (10-15-66)
Larned vicinity. *LEWIS SITE*, SW of Larned off U.S. 56, (5-3-76)

pottawatomie county

Belvue vicinity. *VERMILLION CREEK CROSSING, OREGON TRAIL*, NW of Belvue, (3-10-75)
Olsburg. *COFFEY SITE*, N of Olsburg, (4-11-77)
Onaga vicinity. *VERMILLION CREEK ARCHEOLOGICAL DISTRICT*, Vermillion River and drainage pattern from Onaga S to its confluence with the Kansas River, (3-10-75)
St. Mary's vicinity. *POTTAWATOMIE INDIAN PAY STATION*, E of city limits on Mission St., near St. Mary's College campus, (4-13-72) PH0078026
Wamego. *OLD DUTCH MILL (SCHONHOFF MILL)*, Wamego City Park, (1-8-73) PH0078018

pratt county

Pratt vicinity. *PRATT ARCHEOLOGICAL SITE*, W of Pratt, (4-13-72) PH0078042

republic county

Republic vicinity. *PAWNEE INDIAN VILLAGE SITE*, On KS 266 and the Republican River, (5-14-71) PH0078051

rice county

Geneseo vicinity. *TOBIAS-THOMPSON COMPLEX*, 4 mi. SE of Geneseo, (10-15-66) NHL.
Lyons vicinity. *MALONE ARCHEOLOGICAL SITE*, (6-26-72) PH0078077
Saxman vicinity. *SAXMAN SITE*, S of Saxman, (5-3-76)
Sterling. *COOPER HALL (COOPER MEMORIAL COLLEGE)*, N. Broadway Ave., (5-3-74) PH0078069

riley county

Manhattan. *GOODNOW HOUSE*, 2301 Claflin Rd., (2-24-71) PH0078085 G.
Manhattan. *ULRICH, ROBERT, HOUSE*, 121 N. 8th St., (9-20-78)

rush county

La Crosse. *RUSH COUNTY COURTHOUSE*, 715 Elm St., (4-13-72) PH0078093

russell county

Lucas. *GARDEN OF EDEN*, 2nd and Kansas Ave., (4-28-77)

saline county

Brookville. *BROOKVILLE HOTEL (CENTRAL HOTEL)*, Perry St., (1-7-72) PH0078115
Salina. *PRESCOTT, JOHN H., HOUSE*, 211 W. Prescott Ave., (5-17-76)
Salina. *SCHWARTZ, A. J., HOUSE*, 636 E. Iron St., (4-13-73) PH0078107

scott county

Scott City vicinity. *EL CUARTELEJO*, 12 mi. N of Scott City, Scott County State Park, (10-15-66) PH0097721 NHL.

sedgwick county

Whichita. *MCCORMICK SCHOOL*, 855 S. Martinson, (8-30-78)
Wichita. *ALLEN, HENRY J., HOUSE (ARTHUR W. KINCADE HOUSE)*, 255 N. Roosevelt St., (3-7-73) PH0078158
Wichita. *ARKANSAS VALLEY LODGE NO. 21, PRINCE HALL MASONS*, 615 N. Main St., (8-24-77)
Wichita. *CAMPBELL, B. H., HOUSE*, 1155 N. River Blvd., (4-13-73) PH0078131
Wichita. *CAREY HOUSE (EATON HOTEL)*, 525 E. Douglas Ave., (4-13-72) PH0078140
Wichita. *HILLSIDE COTTAGE*, 303 Circle Dr., (11-21-76)
Wichita. *LONG, CHESTER I., HOUSE*, 3401 E. 2nd St., (7-10-78)
Wichita. *OLD SEDGWICK COUNTY COURTHOUSE*, 504 N. Main St., (5-14-71) PH0078166
Wichita. *ROCK ISLAND DEPOT*, 729 E. Douglas St., (4-23-73) PH0078174
Wichita. *SCOTTISH RITE TEMPLE (YMCA BUILDING)*, NW corner of 1st St. at Topeka, (5-5-72) PH0078182
Wichita. *UNIVERSITY HALL, FRIENDS UNIVERSITY*, 2100 University Ave., (2-24-71) PH0078191 G.
Wichita. *WICHITA CITY HALL*, 204 S. Main St., (5-14-71) PH0078204 G.

shawnee county

Dover. *SAGE INN*, 57th St. and Douglas Rd., (10-8-76)
Topeka. *CENTRAL NATIONAL BANK*, 701–703 Kansas Ave., (7-19-76)
Topeka. *COLUMBIAN BUILDING*, 112–114 W. 6th St., (9-5-75)
Topeka. *CRAWFORD BUILDING*, 501 Jackson St., (8-22-75)
Topeka. *CURTIS, CHARLES, HOUSE*, 1101 Topeka Ave., (1-25-73) PH0078212
Topeka. *DAVIES BUILDING*, 725–727 Kansas Ave., (9-15-77)
Topeka. *HICKS BLOCK*, 600 W. 6th Ave., (11-9-77)
Topeka. *KANSAS STATE CAPITOL*, Bound by 8th and 10th Aves. and Jackson and Harrison Sts., (9-3-71) PH0078255
Topeka. *MEMORIAL BUILDING*, 120 W. 10th Ave., (7-17-75)
Topeka. *MENNINGER CLINIC BUILDING*, 3617 W. 6th Ave., (2-13-75)
Topeka. *POTTAWATOMIE BAPTIST MISSION BUILDING AND SITE*, Off W. 6th St., 0.5 mi. W of Wanamaker Rd., (2-28-73) G.
Topeka. *ST. JOSEPH'S CATHOLIC CHURCH*, 235 Van Buren St., (2-24-71) PH0078247
Topeka. *THACHER BUILDING*, 110 E. 8th St., (3-31-75)
Topeka. *WARD-MEADE HOUSE*, 124 N. Fillmore, (11-12-75)

smith county

Smith Center vicinity. *"HOME ON THE RANGE" CABIN*, 11 mi. NW of Smith Center off KS 8, (3-26-73) PH0055735

stafford county

Stafford vicinity. *COMANCHE ARCHEOLOGICAL SITE*, NE of Stafford, (9-18-78)

sumner county

Argonia. *SALFER HOUSE*, 220 W. Garfield St., (9-3-71) PH0055751
Caldwell vicinity. *BURESH ARCHEOLOGICAL SITE*, NW of Caldwell on SR 299, (5-14-71) PH0055743

thomas county

Colby. *THOMAS COUNTY COURTHOUSE*, 300 N. Court, (11-21-76)

wabaunsee county

Wabaunsee. *BEECHER BIBLE AND RIFLE CHURCH*, SE corner of Chapel and Elm Sts., (2-24-71) PH0055760 HABS.

wallace county

Wallace. *POND CREEK STATION*, E of Wallace on U.S. 40, (2-23-72) PH0055778
Weskan vicinity. *GOOSE CREEK TIPI RING SITE*, N of Waskan, (11-21-78)

washington county

Hanover vicinity. *HOLLENBERG PONY EXPRESS STATION (COTTONWOOD PONY EXPRESS STATION)*, 1.5 mi E of Hanover, (10-15-66) PH0055786 NHL.

wilson county

Neodesha. *NORMAN NO. 1 OIL WELL SITE*, E. Mill St., (8-28-74) PH0055794 NHL.

wyandotte county

Kansas. *WHITEFEATHER SPRING*, 3818 Ruby Ave., (8-27-75)

Kansas City. *HURON CEMETERY*, On Minnesota Ave., between 6th and 7th Sts., (9-3-71) PH0055816
Kansas City. *ROSEDALE WORLD WAR I MEMORIAL ARCH*, Mt. Marty Park, near Booth and Drexel Sts., (8-2-77)
Kansas City. *SAUER CASTLE*, 945 Shawnee Dr., (8-2-77)
Kansas City. *ST. AUGUSTINE HALL (MATHER HALL)*, 3301 Parallel Ave., (2-24-71) PH0055824
Kansas City. *TROWBRIDGE ARCHEOLOGICAL SITE*, Between 61st and 63rd St., N of May Lane and Leavenworth St., (2-24-71) PH0055832
Kansas City. *WESTHEIGHT MANOR DISTRICT*, Bounded roughly by 18th and 24th Sts., Oakland and State Aves., (3-26-75)
Muncie. *GRINTER PLACE*, 1420 S. 78th St., (1-25-71) PH0055808 G.

KENTUCKY

adair county

Columbia. *ADAIR COUNTY COURTHOUSE*, 500 Public Sq., (8-27-74) PH0005380
Columbia. *FIELD, JOHN, HOUSE*, 111 E. Fortune St., (2-8-78)
Columbia. *TRABUE, DANIEL, HOUSE*, 299 Jamestown St., (12-16-74) PH0044130
Columbia vicinity. *ARCHEOLOGICAL SITE 15 AD 33*, N of Columbia, (12-8-78)
Columbia vicinity. *ARCHEOLOGICAL SITE 15 AD 54*, N of Columbia, (11-16-78)
Columbia vicinity. *ZION MEETINGHOUSE AND SCHOOL*, SE of Columbia on KY 55, (5-13-76)
Glens Fork vicinity. *ARCHEOLOGICAL SITE 15 AD 36*, W of Glens Fork, (11-16-78)

anderson county

Lawrenceburg. *KAVANAUGH ACADEMY*, 241 E. Woodford St., (9-19-73) PH0024112
Lawrenceburg vicinity. *CROSSFIELD, R. H., HOUSE*, SW of Lawrenceburg off Anderson City Rd., (6-11-75) PH0133701
Lawrenceburg vicinity. *MCBRAYER-CLARK HOUSE*, N of Lawrenceburg on KY 326, (9-19-73) PH0024121
Lawrenceburg vicinity. *OLD WASH PLACE*, 9 mi. W of Lawrenceburg at jct. of U.S. 62 and KY 53, (6-11-75) PH0113352 G.

ballard county

Lovelaceville vicinity. *LOVELACE, ANDREW JR., HOUSE*, W of Lovelaceville off U.S. 62, (1-3-78)

barren county

Glasgow. *FORT WILLIAMS (FORT HOBSON)*, Between Glasgow Municipal Cemetery and U.S. 31E Bypass, (6-10-75) PH0122955 G.

bath county

Owingsville. *OWINGS, COL. THOMAS DEYE, HOUSE*, Main St. and Courthouse Sq., (1-9-78)
Owingsville. *OWINGSVILLE COMMERCIAL DISTRICT AND COURTHOUSE SQUARE*, Main and Court Sts., (11-20-78)
Owingsville vicinity. *BOURBON IRON WORKS (SLATE FURNACE)*; 2.6 mi. S of Owingsville on KY 36, (9-1-76)

bell county

Middlesboro vicinity. *CUMBERLAND GAP NATIONAL HISTORICAL PARK*, Along U.S. 58, (10-15-66) PH0290351 (also in Claiborne County, TN, and Lee County, VA)

boone county

Burlington. *CHAMBERS, ROBERT, HOUSE*, 301 E. Bend Rd., (10-10-75) PH0235199
Burlington vicinity. *PIATT'S LANDING*, S of Burlington of KY 338, (7-18-74) PH0024139
Francisville vicinity. *MOORE, JOHN, HOUSE*, 6 mi. (9.6 km) NW of Francisville, (3-29-78)
Union. *BIG BONE LICK STATE PARK*, Rte. 1, (3-11-71) PH0097349

bourbon county

Millersburg. *MCKEE-VIMONT ROW HOUSES*, Main St., (9-9-75)
Millersburg vicinity. *COLVILLE COVERED BRIDGE*, 4 mi. NW of Millersburg over Hinkston Creek, (12-30-74) PH0085073
Paris. *ALLEN-ALEXANDER HOUSE (ALBEMARLE)*, Off U.S. 68 near jct. with U.S. 460, (7-24-75) PH0159514
Paris. *BOURBON COUNTY COURTHOUSE*, Courthouse Sq., (12-31-74) PH0064912 G.
Paris. *DUNCAN TAVERN*, 323 High St., (4-11-73) PH0024147
Paris. *EADES TAVERN (ROBERT TRIMBLE HOUSE)*, 421 High St., (10-2-73) PH0003913
Paris. *PARIS CEMETERY GATEHOUSE*, U.S. 68, (11-24-78)
Paris. *PARIS RAILROAD DEPOT*, Between 10th St. and Winchester Pike, (4-11-73) PH0024155
Paris vicinity. *AIRY CASTLE (G. W. BOWEN HOUSE)*, 8 mi. NE of Paris on LaRue Rd., (11-7-76)
Paris vicinity. *ESCONDIDA*, S of Paris on SR 4, (2-8-78)
Paris vicinity. *GRANGE, THE*, 4 mi. N of Paris on U.S. 68, (4-11-73) PH0024163
Paris vicinity. *KISER STATION*, N of Paris on Peacock Rd., (12-12-77)
Paris vicinity. *LOUDOUN HALL*, S of Paris off KY 956, (8-2-78)
Paris vicinity. *WRIGHT, CAPT. JAMES, HOUSE AND CABIN*, 1 mi. SW of Paris on U.S. 27/68, (10-8-76)

boyd county

Ashland. *FIRST PRESBYTERIAN CHURCH*, 1600 Winchester Ave., (6-19-73) PH0003948
Ashland. *INDIAN MOUNDS IN CENTRAL PARK*, Central Park, Carter Ave., (1-21-74) PH0003956
Ashland. *PARAMOUNT THEATRE*, 1304 Winchester Ave., (6-30-75) PH0143871 G.
Catlettsburg. *CATLETT HOUSE (BEECHMOOR)*, 25th and Walnut Sts., (5-25-73) PH0003921
Catlettsburg. *CATLETTSBURG NATIONAL BANK*, 110 26th St., (5-25-73) PH0003930
Catlettsburg. *FIRST UNITED METHODIST CHURCH*, 2712 Louisa St., (11-19-74) PH0034100
Catlettsburg vicinity. *STONE SERPENT MOUND*, (1-21-74) PH0003964

boyle county

Danville. *BOYLE COUNTY COURTHOUSE*, Main and 4th Sts., (4-11-73) PH0003972
Danville. *CONSTITUTION SQUARE HISTORIC DISTRICT*, Bounded by Main and Walnut Sts., 1st and 2nd Sts., (4-2-76)
Danville. *JACOBS HALL, KENTUCKY SCHOOL FOR THE DEAF*, S. 3rd St., (10-15-66) PH0017868 NHL.
Danville. *MCCLURE-BARBEE HOUSE*, 304 S. 4th St., (3-7-73) PH0013978
Danville. *MCDOWELL, DR. EPHRAIM, HOUSE*, 125–127 S. 2nd St., (10-15-66) NHL; HABS.
Danville. *OLD CENTRE, CENTRE COLLEGE*, W. Walnut St., Centre College campus, (8-25-72) PH0013986
Danville. *TODD-MONTGOMERY HOUSES*, 229, 243, 251, and 305 N. 3rd St., (3-26-76)
Danville. *TRINITY EPISCOPAL CHURCH*, 320 W. Main St., (9-15-77)
Danville and vicinity. *THREE GOTHIC VILLAS*, NW of Danville off U.S. 127, 525 Maple Ave., and S of Danville off KY 35, (7-20-77)
Danville vicinity. *CAMBUS-KENNETH*, 3 mi. NW of Danville off U.S. 127, (11-17-77)
Danville vicinity. *HARLAN-BRUCE HOUSE*, 5 mi. (8 km) E of Danville off KY 52, (11-14-78)
Danville vicinity. *HARLAN'S STATION SITE*, 5 mi. W of Danville on Salt River Rd., (10-21-76)
Danville vicinity. *WAVELAND (WILLIS GREEN HOUSE)*, 0.5 mi. S of Danville, (5-6-76)
Perryville. *PERRYVILLE HISTORIC DISTRICT*, (10-25-73) PH0013994 G.
Perryville vicinity. *BOTTOM, H. P., HOUSE*, NW of Perryville on Old Mackville Rd., (1-1-76)
Perryville vicinity. *CRAWFORD HOUSE (BRAGG'S CONFEDERATE HEADQUARTERS)*, NE of Perryville off U.S. 68, (1-1-76)
Perryville vicinity. *PERRYVILLE BATTLEFIELD*, W of Perryville on U.S. 150, (10-15-66) PH0097365 NHL.

bracken county

Augusta. *WATER STREET (RIVER SIDE DRIVE) HISTORIC DISTRICT*, River Side Dr. from property E of Frankfort St. W to include property W of Ferry St., (9-24-75) PH0229091
Augusta vicinity. *WINE CELLAR*, S of Augusta on KY 1839, (12-30-74) PH0044016
Brooksville vicinity. *WALCOTT COVERED BRIDGE*, 3.5 mi. N of Brooksville on SR 1159 over Locust Creek, (6-10-75) PH0150584

breckinridge county

Addison vicinity. *HOLT, JOSEPH, HOUSE AND CHAPEL*, SW of Addison on KY 144, (7-12-76)
Falls of Rough. *FALLS OF ROUGH HISTORIC DISTRICT*, KY 110, (1-31-78)
Holt vicinity. *HOLT BOTTOMS ARCHEOLOGICAL DISTRICT*, S of Holt, (11-16-78)

bullitt county

Shepherdsville vicinity. *ASHWORTH ROCK SHELTERS SITE*, N of Shepherdsville off U.S. 65, (9-11-75)

caldwell county

Princeton. *ADSMORE*, 304 N. Jefferson St., (10-25-73) PH0024171
Princeton. *FLOURNOY-HENRY HOUSE*, 221 E. Main St., (7-19-76)

calloway county

Murray. *DIUGUID, EDWIN S., HOUSE*, 601 W. Main St., (5-17-76)
Murray. *MURRAY STATE UNIVERSITY HISTORIC BUILDINGS*, 15th, 16th, and Main Sts., (8-3-78)
Murray. *OLD NORMAL SCHOOL BUILDING (ADMINISTRATION BUILDING)*, Murray State University campus, (6-11-75)
Murray vicinity. *SECLUSAVAL (HAMLIN HOUSE)*, 8 mi. E of Murray on KY 614, (6-10-75)

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New Concord vicinity. *FORT HEIMAN SITE*, 1.6 mi. SE of New Concord off Fort Heiman Rd., (12-12-76)

campbell county

Bellevue. *SACRED HEART CHURCH*, 337 Taylor Ave., (8-13-74) PH0005371 G.
Newport. *BELLEVUE (GEN. JAMES TAYLOR HOUSE)*, 335 E. 3rd St., (4-22-76)
Newport. *JONES, THOMAS AND MARY, HOUSE (MOUNT ST. MARTIN)*, 15th and Monmouth Sts., (1-17-76)
Newport. *SOUTHGATE-PARKER-MADDUX HOUSE*, 24 E. 3rd St., (8-29-77)

carlisle county

Arlington. *NEVILLE-PATTERSON-LAMKIN HOUSE*, KY 80, (6-16-76)
Bardwell. *ILLINOIS CENTRAL RAILROAD STATION AND FREIGHT DEPOT*, Front St., (7-19-76)

carroll county

Carrollton. *BUTLER, GEN. WILLIAM O., HOUSE*, Highland Ave., (5-28-76)
Carrollton. *MASTERSON, RICHARD, HOUSE*, E of jct. of U.S. 227 and U.S. 42, (7-1-76)
Carrollton. *TURPIN HOUSE*, Butler State Park off 11th St., (12-2-77)
Carrollton vicinity. *HUNTER'S BOTTOM HISTORIC DISTRICT*, W of Carrollton, (8-11-76) (also in Trimble County)
Ghent vicinity. *GRASS HILLS (SANDERS FARM)*, 5 mi. SE of Ghent on KY 47 at I 71, (8-22-75)

carter county

Grayson vicinity. *KITCHEN, VAN, HOUSE*, S of Grayson off KY 7, (5-2-74) PH0024180 HABS.

casey county

Liberty. *CASEY COUNTY COURTHOUSE*, Courthouse Sq., (8-29-77)

christian county

Hopkinsville. *HOPKINSVILLE L & N RAILROAD DEPOT*, 425 E. 9th St., (8-1-75)
Hopkinsville vicinity. *CHURCH HILL GRANGE HALL*, 5.5 mi. SW of Hopkinsville on Cox Mill Rd. (KY 695), (8-28-75)
Oak Grove vicinity. *CEDAR GROVE*, E of Oak Grove off KY 115, (11-17-77)

clark county

Winchester. *BROWN-PROCTORIA HOTEL*, Main St. and Lexington Ave., (7-29-77)
Winchester. *CLARK COUNTY COURTHOUSE*, Main St., (8-7-74) PH0005398
Winchester. *CLARK, GOV. JAMES A., MANSION (HOLLY ROOD)*, Burns Ave. and Belmont St., (6-13-74) G.
Winchester vicinity. *MOUND HILL ARCHEOLOGICAL SITE*, NE of Winchester, (8-25-78)
Winchester vicinity. *PROVIDENCE BAPTIST CHURCH*, 6 mi. SW of Winchester off KY 627, (5-13-76)
Winchester vicinity. *SPRINGHILL*, N of Winchester on Colby Rd., (2-17-78)
Winchester vicinity. *VINEWOOD*, 4 mi. NE of Winchester on U.S. 60, (8-12-77)
Winchester vicnity. *PROVIDENCE BAPTIST CHURCH*, 6 mi. SW of Winchester off KY 627, (5-13-76)

daviess county

Maceo vicinity. *ARCHEOLOGICAL SITE*, 15 Da 39, W of Maceo, (12-22-78)
Owensboro. *GRIMES, FELIX, HOUSE*, 1301 Leitchfield Rd., (6-18-75)
Owensboro. *HAPHAZARD (MASON-TRIPLETT-BELL HOUSE)*, Pleasant Valley Rd., (8-22-75)
Owensboro. *SMITH, MAJ. HAMPDEN, HOUSE*, 909 Frederica St., (9-28-76)
Owensboro. *TRINITY EPISCOPAL CHURCH*, 403 W. 5th St., (4-10-72) PH0024201

edmonson county

Mammoth Cave. *HERCULES AND COACH NO. 2*, Off KY 70 in Mammoth Cave National Park, (10-10-75)
Park City vicinity. *MILL HOLE FARM*, W of Park City off U.S. 31W, (5-22-78)

estill county

Fitchburg. *RED RIVER IRON FURNACE*, KY 975, in Daniel Boone National Forest, (5-17-74) PH0024228
Irvine vicinity. *COTTAGE IRON FURNACE*, 7 mi. NE of Irvine in Daniel Boone National Forest, (9-20-73) PH0024210

fayette county

Lexington. *ASHLAND (HENRY CLAY HOUSE)*, 2 mi. SE of Lexington on Richmond Rd., (10-15-66) PH0042641 NHL.
Lexington. *BARTON, ABRAHAM, HOUSE*, 200 N. Upper St., (8-26-77)
Lexington. *BELL PLACE*, Sayre Ave., (2-17-78)
Lexington. *BOTHERUM (MADISON C. JOHNSON HOUSE)*, 341 Madison Pl., (3-7-73) PH0024244 HABS.
Lexington. *BRAND-BARROW HOUSE*, 203 E. 4th St., (8-11-76)
Lexington. *CHRIST CHURCH EPISCOPAL*, Church and Market Sts., (10-21-76)
Lexington. *CLAY, HENRY, LAW OFFICE*, 176 N. Mill St., (3-11-71) PH0003981
Lexington. *ELLEY VILLA (AYLESFORD)*, 320 Linden Walk, (1-9-78)
Lexington. *ELSMERE PARK HISTORIC DISTRICT*, Off N. Broadway, between W. 6th and 7th Sts., (4-26-76)
Lexington. *EPISCOPAL BURYING GROUND AND CHAPEL*, 251 E. 3rd St., (6-24-76)
Lexington. *FIRST PRESBYTERIAN CHURCH*, 174 N. Mill St., (12-30-74) PH0035122 G.
Lexington. *FLORAL HALL*, 847 S. Broadway, (8-29-77)
Lexington. *GRATZ PARK HISTORIC DISTRICT*, Bounded by 2nd and 3rd Sts., the Byway, and Bark Alley, (3-14-73) PH0003999 G.
Lexington. *HALL, AUGUSTUS, HOUSE*, 165 Barr St., (7-12-78)
Lexington. *HATHAWAY HOUSES*, 760-766 Pine St., (11-2-78)
Lexington. *HIGGINS BLOCK*, 145–151 W. Main St., (8-12-77)
Lexington. *HIGHLAND HALL*, 6208 Richmond Rd., (12-16-77)
Lexington. *JANUARY, THOMAS, HOUSE*, 437 W. 2nd St., (12-27-74) PH0073385
Lexington. *KENNEDY, MATTHEW, HOUSE*, 216 N. Limestone St., (6-19-73) PH0004006 G.
Lexington. *LEMON, JAMES, HOUSES*, 329–331 S. Mill St., (11-21-74) PH0034568
Lexington. *LEXINGTON CEMETERY AND HENRY CLAY MONUMENT*, 833 W. Main St., (7-12-76)
Lexington. *LINCOLN, MARY TODD, HOUSE*, 574 W. Main St., (8-12-71) PH0004014
Lexington. *LOUDOUN HOUSE*, Corner of Bryan Ave. and Castlewood Dr., (2-6-73) PH0004022 G.
Lexington. *MCADAMS AND MORFORD BUILDING*, 200–210 W. Main St., (10-25-73) PH0004031 G.
Lexington. *MCCONNELL SPRINGS*, Old Frankfort Pike, (1-17-76)
Lexington. *MCCRACKEN-WILGUS HOUSE*, 327 Wilgus St., (12-22-78)
Lexington. *MCGARVEY, DR. JOHN, HOUSE*, 362 S. Mill St., (5-15-74) PH0014001
Lexington. *MCPHEETERS, CHARLES, HOUSE*, 352 S. Mill St., (5-15-74) PH0014010
Lexington. *MONSIEUR GIRON'S CONFECTIONARY*, 125 N. Mill St., (12-27-74) PH0076848
Lexington. *MOORE-REDD-FRAZER HOUSE (MALVERN HILL)*, Georgetown Pike, (10-21-76)
Lexington. *MORTON, WILL, TAVERN STAND*, 137 S. Limestone St., (1-3-78)
Lexington. *MORTON, WILLIAM, HOUSE*, 518 Limestone St., (6-10-75)
Lexington. *OLD MORRISON, TRANSYLVANIA COLLEGE*, W. 3rd St. between Upper St. and Broadway, (10-15-66) PH0014028 NHL; HABS.
Lexington. *OPERA HOUSE AND YATES BOOKSHOP BUILDING*, 141 and 145 N. Broadway, (6-11-75)
Lexington. *POINDEXTER, WILLIAM, HOUSE*, 359 S. Mill St., (5-15-74) PH0014036
Lexington. *RIDGELY HOUSE*, 190 Market St., (5-7-73) PH0014044
Lexington. *ROSE HILL*, 461 N. Limestone St., (12-30-74) PH0073288 G.
Lexington. *SCOTT AND WILSON HOUSES DISTRICT*, 324, 328, 330, 336 S. Mill St., (12-31-74) PH0064904
Lexington. *SOUTH HILL HISTORIC DISTRICT*, Roughly bounded by S. Broadway, W. High, S. Limestone, and Pine Sts., (6-13-78)
Lexington. *SPRING HILL FARM*, 1401 Old Frankfort Pike, (2-17-78)
Lexington. *TROTTER'S WAREHOUSE*, 122–124 S. Mill St., (6-18-76)
Lexington. *VICTORIAN COMMERCIAL BLOCK*, Bounded by Broadway, Main, Short, and Spring Sts., (7-21-78)
Lexington. *WATT, HENRY, HOUSE*, 703 W. High St., (12-16-77)
Lexington. *WESTERN SUBURB HISTORIC DISTRICT*, Irregular pattern along W. Short St. from Saunter to KY 922, (6-18-76)
Lexington. *WOODSTOCK*, Todds Rd., (5-12-75) PH0097438
Lexington. *WORLEY, ALLEN, AND FOUSHEE HOUSES*, 355, 361, and 367 S. Broadway, (1-20-76)
Lexington vicinity. *CAVE SPRING*, SE of Lexington off US 25/421, (12-22-78)
Lexington vicinity. *DELTA*, S of Lexington at 2450 Armstrong Mill Rd., (8-10-78)
Lexington vicinity. *ELAM MOUND ARCHEOLOGICAL SITE*, N of Lexington, (10-10-75)
Lexington vicinity. *FAIRLAWN (GREENTREE)*, 6 mi. NE of Lexington on U.S. 68, (10-14-76)
Lexington vicinity. *HELM PLACE (CEDAR HALL)*, SW of Lexington on Bowman Mill Rd., (8-3-78)
Lexington vicinity. *HURRICANE HALL (QUARLES-THOMSON HOUSE)*, N of Lexington off U.S. 25, (4-22-76)
Lexington vicinity. *LEMON HILL*, E of Lexington off U.S. 60, (11-20-78)

Lexington vicinity. *LEWIS MANOR*, NW of Lexington on Viley Rd., (4-26-76)
Lexington vicinity. *MT. HOREB EARTHWORKS, UNIT A*, N of Lexington, (10-10-75)
Lexington vicinity. *SHADY SIDE*, 4 mi. E of Lexington on U.S. 68, (11-7-76)
Lexington vicinity. *SHELBY FAMILY HOUSES*, SE of Lexington on Richmond Rd., Shelby Lane, and Jacks Creek Pike, (11-17-78)
Lexington vicinity. *WALNUT HILL PRESBYTERIAN CHURCH*, E of Lexington off U.S. 25/421, (5-7-73) PH0014052
Lexington vicinity. *WAVELAND (JOSEPH BRYAN HOUSE)*, 5 mi. S of Lexington off U.S. 27, (8-12-71) PH0014061
Lexington vicinity. *WOODLAND (HARTFEATHERSTON HOUSE)*, 1 mi. E of Lexington on Squires Rd. off U.S. 421, (8-28-75) PH0221457

fleming county

Elizaville. *ELIZAVILLE PRESBYTERIAN CHURCH*, KY 32, (6-17-77)
Elizaville vicinity. *SOUSLEY, FRANKLIN R., BIRTHPLACE*, 4 mi. SW of Elizaville on KY 170, (12-31-74) PH0035157
Flemingsburg. *FIRST PRESBYTERIAN CHURCH*, W. Main and W. Water Sts., (8-12-77)
Flemingsburg vicinity. *RINGOS MILL COVERED BRIDGE*, 13.7 mi. S of Flemingsburg on KY 158, (3-26-76)
Goddard. *GODDARD BRIDGE*, Maddox Rd. at KY 32, (8-22-75)
Hillsboro vicinity. *HILLSBORO COVERED BRIDGE*, S of Hillsboro on KY 111, (3-26-76)
Sherburne. *SHERBURNE COVERED SUSPENSION BRIDGE*, KY 11 at Licking River, (3-26-76)

floyd county

Prestonsburg. *GARFIELD PLACE, THE*, 2nd Ave., (12-4-74) PH0043958

franklin county

Frankfort. *CORNER IN CELEBRITIES HISTORIC DISTRICT*, (3-11-71) PH0024261 HABS; G.
Frankfort. *FRANKFORT BARRACKS DISTRICT*, Bounded by New, Shelby, and Coke Sts., and Woodland Ave., (11-20-75) PH0280305
Frankfort. *FRANKFORT CEMETERY AND CHAPEL*, 215 E. Main St., (7-12-74) PH0004049
Frankfort. *GLEN WILLIS*, Leestown Pike, (6-13-72) PH0004057 G.
Frankfort. *JACKSON HALL, KENTUCKY STATE UNIVERSITY*, E. Main St., (4-11-73) PH0004065
Frankfort. *KENTUCKY GOVERNOR'S MANSION*, E lawn of the Capitol at end of Capital Ave., (2-1-72) PH0004073
Frankfort. *KENTUCKY STATE ARSENAL*, Main St. at Capital Ave., (4-11-73) PH0004081
Frankfort. *KENTUCKY STATE CAPITOL*, Capitol grounds at end of Capital Ave., (4-13-73) PH0004103
Frankfort. *LIBERTY HALL*, 218 Wilkinson St., (11-11-71) PH0004090 NHL; HABS.
Frankfort. *MOREHEAD, GOV. CHARLES S., HOUSE*, 217 Shelby St., (12-30-74) PH0062847
Frankfort. *OLD GOVERNOR'S MANSION*, 420 High St., (3-11-71) PH0004111
Frankfort. *OLD STATEHOUSE*, On Broadway, bounded by Madison, Clinton, and Lewis Sts., (3-11-71) PH0004120 NHL; HABS; G.
Frankfort. *OLD U.S. COURTHOUSE AND POST OFFICE*, 305 Wapping St., (7-3-74) PH0024236
Frankfort. *ZEIGLER, REV. JESSE R., HOUSE*, 509 Shelby St., (5-3-76) HABS.
Frankfort vicinity. *ARCHEOLOGICAL SITE*, 15 Fr 34, N of Frankfort, (2-17-78)
Frankfort vicinity. *BLANTON-CRUTCHER FARM*, 5 mi. SE of Frankfort off U.S. 60, (10-29-75) PH0280275
Frankfort vicinity. *DILLS SITE (SITE 15 FR 302 A)*, NW of Frankfort, (3-21-78)
Frankfort vicinity. *GILTNER-HOLT HOUSE*, 5 mi. (8 km) N of Frankfort, (5-5-78)
Frankfort vicinity. *RISK BROTHERS SITE (15 FR 49)*, E of Frankfort, (11-21-78)
Frankfort vicinity. *SCOTLAND (SCOTT-MASON-TAYLOR HOUSE)*, 5 mi. E of Frankfort on Versailles Rd., (12-12-76)
Frankfort vicinity. *STEWART HOME SCHOOL (KENTUCKY MILITARY INSTITUTE)*, 5.5 mi. S of Frankfort on U.S. 127, (6-3-76)
Frankfort vicinity. *TRUMBO, ANDREW, LOG HOUSE*, E of Frankfort on Glenns Creek Rd., (11-17-77)
Frankfort vicinity. *VALLEY FARM RUINS (MARSHALL-SMITH-SCOTT PLACE)*, E of Frankfort, (7-24-75) PH0159506
Harvieland vicinity. *ARCHEOLOGICAL SITE*, 15 Fr 52, NE of Harvieland, (2-14-78)
Harvieland vicinity. *ARCHEOLOGICAL SITE 16 FR 26*, E of Harvieland, (3-31-78)
Harvieland vicinity. *PENN-MARSHALL STONE HOUSE*, E of Harvieland on Stoney Creek Rd. at Kentucky River, (6-5-75) PH0113395
Jett vicinity. *HEARN, ANDREW, LOG HOUSE AND FARM*, 3 mi. SW of Jett on Hanley Lane, (8-11-76)
Polsgrove vicinity. *HUTCHERSON SITE (SITE 15 FR 7)*, S of Polsgrove, (3-21-78)
Switzer. *SWITZER COVERED BRIDGE*, Off Rocky Branch Rd., over North Elkhorn Creek, (9-6-74)

fulton county

Fulton vicinity. *WHITESELL, JESSE, HOUSE*, W of Fulton on KY 116, (8-29-77)
Hickman. *FULTON COUNTY COURTHOUSE*, Off KY 94, (4-22-76)

gallatin county

Warsaw. *MONTZ, DR. LUCY DUPUY, HOUSE*, 200 W. High St., (3-30-78)

garrard county

Lancaster. *BOYLE-ROBERTSON-LETCHER HOUSE*, 106 W. Maple St., (4-14-75)
Lancaster. *BRADLEY, GOV. WILLIAM O., HOUSE*, Lexington St., (11-5-74) PH0029068
Lancaster vicinity. *CAMP DICK ROBINSON HEADQUARTERS*, 7 mi. NW of Lancaster on U.S. 27, (12-12-76)
Lancaster vicinity. *FLOYD, JOHN, HOUSE*, NW of Lancaster on Burdett's Knob Rd. off U.S. 27, (8-28-75) PH0221449
Lancaster vicinity. *NATION, CARRY A., HOUSE*, W of Lancaster on Fisher Ford Rd., (12-16-77)
Lancaster vicinity. *OWSLEY, GOV. WILLIAM, HOUSE (PLEASANT RETREAT)*, 0.5 mi. S of Lancaster on U.S. 27, (5-6-75) PH0097446

graves county

Fulton vicinity. *MEACHAM MANOR*, 7 mi. E of Fulton off KY 116, (12-31-74) PH0099937

grayson county

Clarkson vicinity. *GRAYSON SPRINGS*, S of Clarkson, (12-6-78)
Leitchfield. *THOMAS, JACK, HOUSE*, 108 E. Main St., (4-21-76)
Leitchfield vicinity. *CEDARS, THE (BENJAMIN LONE ROGERS HOUSE)*, E of Leitchfield on KY 1214, (5-17-76)

green county

Greensburg. *GREENSBURG ACADEMY*, 101 2nd St., (12-12-76)
Greensburg. *OLD COURTHOUSE, THE*, Public Sq., (4-10-72) PH0024279 HABS.

greenup county

Greenup vicinity. *BENNETT'S MILL COVERED BRIDGE*, SR 2125 W of Greenup, (3-26-76)
Oldtown vicinity. *OLDTOWN COVERED BRIDGE*, S of Oldtown off KY 1, (3-26-76)
Wurtland vicinity. *MCCONNELL HOUSE, LAW OFFICE, AND SLAVE QUARTERS*, W of Wurtland on U.S. 23, (7-30-75) PH0200042

hancock county

Hawesville. *HANCOCK COUNTY COURTHOUSE*, Courthouse Sq., (6-18-75) PH0143308 G.
Hawesville. *IMMACULATE CONCEPTION CHURCH*, Water St., (6-18-75) PH0143316
Hawesville vicinity. *BEAUCHAMP, ROBERT C., HOUSE*, NW of Hawesville on U.S. 60, (7-6-76)
Lewisport vicinity. *PATE, SAMUEL, HOUSE*, E of Lewisport of KY 334, (12-21-78)

hardin county

Elizabethtown. *BROWN PUSEY HOUSE COMMUNITY CENTER*, 128 N. Maine St., (7-12-74) PH0024295
Elizabethtown. *FIRST BAPTIST CHURCH*, 112 W. Poplar St., (12-31-74) PH0080110
Elizabethtown vicinity. *HELM PLACE*, 1.5 mi. N of Elizabethtown on U.S. 31W, (11-9-76)
Elizabethtown vicinity. *LINCOLN HERITAGE HOUSE (HARDIN THOMAS HOUSE)*, N of Elizabethtown on Freeman Lake, (3-26-73) PH0024309
West Point. *YOUNG, JAMES, HOUSE AND INN*, 109 Elm St., (2-17-78)

harlan county

Bledsoe vicinity. *PINE MOUNTAIN SETTLEMENT SCHOOL*, E of Bledsoe on KY 510, (9-6-78)

harrison county

Berry vicinity. *STONEY CASTLE*, W of Berry on Lafferty Pike, (12-12-78)
Cynthiana. *CHURCH OF THE ADVENT, EPISCOPAL*, 122 N. Walnut St., (12-22-78)
Cynthiana. *HARRISON COUNTY COURTHOUSE*, 100 Main St., (12-6-74) PH0073351
Cynthiana. *MONTICELLO*, Monticello Heights, (12-31-74) PH0111333
Cynthiana vicinity. *POPLAR HILL*, E of Cynthiana on KY 32/36, (11-7-76)

henderson county

Henderson. *BARRET HOUSE*, 204 S. Elm St., (1-5-78)
Henderson. *ST. PAUL'S EPISCOPAL CHURCH*, 338 Center St., (10-19-78)

henry county

New Castle. *HENRY COUNTY COURTHOUSE, JAIL, AND WARDEN'S HOUSE*, Courthouse Sq., (4-11-77)
New Castle. *SMITH, THOMAS, HOUSE*, 524 Cross Main St., (2-8-78)

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New Castle vicinity. *RICKETTS, ROBERT, HOUSE*, N of New Castle off U.S. 421, (7-12-78)

hickman county

Clinton. *HICKMAN COUNTY COURTHOUSE*, Court Sq., (9-11-75) PH0229121
Clinton. *MARVIN COLLEGE BOYS DORMITORY (HOTEL JEWELL) AND PRESIDENT'S HOUSE*, 404 and 416 N. Washington St., (1-2-76)
Columbus. *COLUMBUS-BELMONT BATTLEFIELD STATE PARK*, On U.S. 80, (5-9-73) PH0024317

hopkins county

Dawson Springs. *HAMBY WELL BUILDING*, 120 S. Main St., (4-19-72) PH0024325
Madisonville. *LYON, CHITTENDEN P. JR., HOUSE*, 304 Union St., (10-18-76)

jefferson county

Anchorage. *CITIZENS NATIONAL LIFE INSURANCE BUILDING*, 100 Park Rd., (11-11-77)
Anchorage. *HITE-FOREE LOG HOUSE*, 12401 Lucas Lane, (7-30-76)
Eastwood. *LONG RUN BAPTIST CHURCH AND CEMETERY*, Long Run Rd., (8-6-75)
Harrods Creek vicinity. *WOLF PEN BRANCH MILL*, E of Harrods Creek on Wolf Pen Branch Rd., (1-5-78)
Louisville. *ADATH ISRAEL TEMPLE*, 834 S. 3rd St., (12-31-74) PH0052663
Louisville. *BAYLY-SCHROERING HOUSE*, 1012 S. 4th St., (11-14-78)
Louisville. *BROWN HOTEL BUILDING AND THEATER*, 675 River City Mall, (2-17-78)
Louisville. *BUTCHERTOWN HISTORIC DISTRICT*, Roughly bounded by Main, Hancock, Geiger, Quincy Sts., U.S. 42, S. Fort Beargrass Creek, and Baxter Ave., (8-11-76)
Louisville. *CALVARY EPISCOPAL CHURCH*, 821 S. 4th St., (1-18-78)
Louisville. *CATHEDRAL OF THE ASSUMPTION*, 443 S. 5th St., (9-21-77)
Louisville. *CENTRAL COLORED SCHOOL*, 542 W. Kentucky St., (9-13-76)
Louisville. *CHEROKEE TRIANGLE AREA RESIDENTIAL DISTRICT*, Roughly bounded by Bardstown Rd., Sherwood Rd., Broadway, E to jct. of Grinstead Dr. and Cherokee Pkwy., (6-30-76)
Louisville. *CHRIST CHURCH CATHEDRAL*, 421 S. 2nd St., (8-14-73) PH0014079
Louisville. *CHURCH OF THE MESSIAH (FIRST UNITARIAN CHURCH)*, 805 S. 4th St., (4-21-76)
Louisville. *CHURCHILL DOWNS*, 700 Central Ave., (11-15-78)
Louisville. *CLOVER HILL*, 2618 Dixie Hwy., (7-17-78)
Louisville. *COLLEGE STREET PRESBYTERIAN CHURCH*, 113 W. College St., (11-29-78)
Louisville. *CORNWALL AND BROWN HOUSES*, 957 S. 4th St., (7-19-78)
Louisville. *ECLIPSE WOOLEN MILL*, 1044 E. Chestnut St., (12-22-78)
Louisville. *FARMINGTON*, 3033 Bardstown Rd., (10-18-72) PH0014087 HABS; G.
Louisville. *FIFTH WARD SCHOOL*, 743 S. 5th St., (3-31-78)
Louisville. *HIKES FAMILY HOUSES*, 4118 Taylorsville Rd., 2806 Meadow Dr., 3026 Hikes Lane, (3-21-78)
Louisville. *HIKES-HUNSINGER HOUSE*, 2834 Hikes Lane, (10-10-75) PH0235237
Louisville. *HOWARD-GETTYS HOUSE*, 1226 Bates Court, (2-8-78)
Louisville. *JEFFERSON COUNTY COURTHOUSE*, 527 W. Jefferson St., (4-10-72) PH0014109
Louisville. *JEFFERSON COUNTY JAIL*, 514 W. Liberty St., (7-16-73) PH0014117
Louisville. *KAUFMAN-STRAUS BUILDING*, 427–437 S. 4th St., (2-14-78)
Louisville. *KNIGHTS OF PYTHIAS TEMPLE*, 928–932 W. Chestnut St., (11-29-78)
Louisville. *L & N STEAM LOCOMOTIVE NO. 152*, 1837 E. River Rd., (12-30-74) PH0085499 G.
Louisville. *LANDWARD HOUSE*, 1385-1387 S. 4th St., (9-20-73) PH0014125
Louisville. *LEVY BROTHERS BUILDING*, 235 W. Market St., (3-24-78)
Louisville. *LIMERICK HISTORIC DISTRICT*, roughly bounded by Breckinridge, Oak, 5th and 7th Sts., (9-13-78)
Louisville. *LITTLE LOOMHOUSES*, 328 Kenwood Hill Rd., (6-30-75) PH0143880
Louisville. *LOEW'S AND UNITED ARTISTS STATE THEATRE*, 625 S. 4th St., (3-28-78)
Louisville. *LOUISVILLE CITY HALL COMPLEX*, 601, 603, 617 W. Jefferson St., (9-1-76)
Louisville. *LOUISVILLE FREE PUBLIC LIBRARY, WESTERN COLORED BRANCH*, 604 S. 10th St., (12-6-75) PH0300152
Louisville. *LOUISVILLE TRUST BUILDING*, 208 S. 5th St., (4-18-77)
Louisville. *LOUISVILLE WAR MEMORIAL AUDITORIUM*, 970 S. 4th St., (12-27-77)
Louisville. *LOUISVILLE WATER COMPANY PUMPING STATION*, Zorn Ave., (11-11-71) PH0004146 NHL; HAER.
Louisville. *MUNICIPAL COLLEGE CAMPUS, SIMMONS UNIVERSITY*, 1018 S. 7th St., (11-21-76)
Louisville. *OLD LOUISVILLE RESIDENTIAL DISTRICT*, Irregular pattern roughly bounded by S. 7th St. on W, North-South Expwy. on E, Kentucky St. on N, and Avery St. on S, (2-7-75) PH0086606 G.
Louisville. *OLD PRESBYTERIAN THEOLOGICAL SEMINARY (JEFFERSON COMMUNITY COLLEGE)*, 109 E. Broadway, (3-24-78)
Louisville. *OLD U.S. CUSTOMSHOUSE AND POST OFFICE*, 300 W. Liberty St., (11-23-77)
Louisville. *OXMOOR*, 7500 Shelbyville Rd., (7-13-76)
Louisville. *PAGET HOUSE AND HEIGOLD HOUSE FACADE 0109 1562 Fulton St. and River Rd.*, (11-17-78)
Louisville. *PETERSON-DUMESNIL HOUSE*, 310 S. Peterson Ave., (10-31-75) PH0294560
Louisville. *PRESENTATION ACADEMY*, 861 S. 4th St., (12-22-78)
Louisville. *RIDGEWAY*, 4095 Massie Ave., (4-11-73) PH0004154
Louisville. *RONALD-BRENNAN HOUSE*, 631 S. 5th St., (8-11-75) PH0185949 HABS.
Louisville. *ROSSMORE APARTMENT HOUSE*, 664 River City Mall, (11-14-78)
Louisville. *BELLE OF LOUISVILLE*, Carrie Gaulbert Cox Park, 3700 Upper River Rd., (4-10-72) PH0004189
Louisville. *SEELBACH HOTEL*, 500 S. 4th St., (8-12-75) PH0185931
Louisville. *SELEMA HALL*, 2837 Riedling Dr., (9-6-78)
Louisville. *SNEAD MANUFACTURING BUILDING*, 817 W. Market St., (8-1-78)
Louisville. *SOUTHERN NATIONAL BANK (OLD BANK OF LOUISVILLE)*, 320 W. Main St., (8-12-71) PH0004171 NHL; HABS.
Louisville. *SPRING STATION*, 3241 Trinity Rd., (12-12-77)
Louisville. *ST. JAMES-BELGRAVIA HISTORIC DISTRICT (SOUTHERN EXPOSITION SITE)*, (12-5-72) PH0004162
Louisville. *ST. THERESE ROMAN CATHOLIC CHURCH, SCHOOL, AND RECTORY*, 1010 Schiller Ave., (7-28-75) PH0159492
Louisville. *STANDIFORD FIELD/KENTUCKY AIR NATIONAL GUARD ARCHEOLOGICAL SITE (DUCK CREEK BRANCH)*, N end of Grade Lane, (9-12-72) PH0097632
Louisville. *TAYLOR, ZACHARY, HOUSE (SPRINGFIELD)*, 5608 Apache Rd., (10-15-66) PH0097373 NHL; HABS; G.
Louisville. *TOMPKINS–BUCHANAN HOUSE*, 851 S. 4th St., (4-27-77)
Louisville. *TRADE MART BUILDING (LOUISVILLE AND NASHVILLE RAILROAD OFFICE)*, 131 W. Main St., (5-25-73) PH0004197
Louisville. *TYLER-MULDOON HOUSE*, 132 E. Gray St., (7-20-77)
Louisville. *U.S. MARINE HOSPITAL*, 2215 Portland Ave., (1-9-78)
Louisville. *UNION STATION*, 1000 W. Broadway, (8-11-75)
Louisville. *UNIVERSITY OF LOUISVILLE BELKNAP CAMPUS*, 2301 S. 3rd St., (6-25-76)
Louisville. *UNIVERSITY OF LOUISVILLE SCHOOL OF MEDICINE*, 101 W. Chestnut St., (7-30-75) HABS.
Louisville. *URSULINE ACADEMY AND CONVENT*, 800 E. Chestnut St., (6-13-78)
Louisville. *WALNUT STREET THEATER*, 416 W. Walnut St., (9-1-78)
Louisville. *WEISSINGER-GAULBERT APARTMENTS*, 709 S. 3rd St., (12-12-77)
Louisville. *WEST MAIN STREET HISTORIC DISTRICT*, W. Main St., (3-22-74) PH0024341 G.
Louisville. *WHITE MILLS DISTILLERY COMPANY: WAREHOUSE D*, 18th and Howard Sts., (12-8-78)
Louisville. *Y.M.C.A. BUILDING*, 227–229 W. Broadway, (12-16-77)
Louisville vicinity. *EIGHT-MILE HOUSE*, N of Louisville on Shelbyville Rd., (3-26-76)
Louisville vicinity. *HERR-RUDY FAMILY HOUSES*, 520 Ols Stone Lane, 4319 and 4417 Westport Rd, 612 Rudy Lane, 726 Waterford Rd. 1823 Ballard Mill Lane, and 1705 Lynn Way, (5-19-78)
Louisville vicinity. *LOCUST GROVE*, 561 Blankenbaker Lane, (3-11-71) PH0014133
Middletown. *CHENOWETH FORT-SPRINGHOUSE*, Avoca Rd., (7-1-75)
Middletown. *HEAD HOUSE*, Main St., (6-28-74) PH0014095

jessamine county

Nicholasville. *BROWN, GEORGE I., HOUSE*, 206 Linden Lane, (12-2-77)
Nicholasville vicinity. *CHAUMIERE DES PRAIRIES*, N of Nicholasville off U.S. 68, (9-25-75)
Nicholasville vicinity. *FORT BRAMLETTE*, 7 mi. S of Nicholasville off U.S. 27 at Kentucky River, (6-13-75) PH0150835
Nicholasville vicinity. *MCCLURE-SHELBY HOUSE*, 5 mi. (8 km) E of Nicholasville on KY 169, (11-20-78)

johnson county

Oil Springs vicinity. *BLANTON ARCHEOLOGICAL SITE*, N of Oil Springs, (7-30-75)

Oil Springs vicinity. *SPARKS SHELTER ARCHEOLOGICAL SITE*, NE of Oil Springs on W side of Paint Creek, (7-30-75)
Paintsville. *MAYO, JOHN C. C., MANSION AND OFFICE*, 3rd St., (5-3-74) PH0024350
Paintsville. *STAFFORD, FRANCIS M., HOUSE*, 102 Broadway, (10-29-75) PH0280283
Paintsville vicinity. *DAMERON SHELTER ARCHEOLOGICAL SITE*, W of Paintsville, (8-1-75)
Paintsville vicinity. *DAVIS, DANIEL, HOUSE*, NW of Paintsville on U.S. 460, (10-9-74) PH0029106

kenton county

Covington. *BEARD, DANIEL CARTER, BOYHOOD HOME*, 322 E. 3rd St., (10-15-66) PH0098035 NHL.
Covington. *CATHEDRAL BASILICA OF THE ASSUMPTION*, 1130 Madison Ave., (7-20-73) PH0024376
Covington. *COVINGTON AND CINCINNATI SUSPENSION BRIDGE*, Spans Ohio River between Covington, KY and Cincinnati, OH, (5-15-75) NHL. (also in Hamilton County, OH)
Covington. *HEARNE HOUSE*, 500 Garrard St., (6-24-74) PH0014141
Covington. *KENTON COUNTY LIBRARY (CARNEGIE LIBRARY AND AUDITORIUM BUILDING)*, 1028 Scott St., (10-31-72) PH0014150
Covington. *LICKING RIVERSIDE HISTORIC DISTRICT*, Roughly bounded by 4th, Scott, 8th Sts., and the Licking River, (7-30-75)
Covington. *MOTHER OF GOD ROMAN CATHOLIC CHURCH*, 119 W. 6th St., (7-24-73) PH0014168 G.
Covington. *RIVERSIDE DRIVE HISTORIC DISTRICT*, Bounded on the N by Riverside Dr., the S by 4th St., the E by Licking River, and the W by the alley between Greenup and Garrard Sts., (11-23-71) PH0014176 G.
Ludlow. *ELMWOOD HALL (THOMAS CARNEAL HOUSE)*, 244–246 Forrest Ave., (8-7-72) PH0024368

knox county

Barboursville. *OLD CLASSROOM BUILDING, UNION COLLEGE*, College St., (5-30-75) G.
Barbourville. *OWENS HOUSE*, 335 Knox St., (6-18-75)

larue county

Hodgenville. *HODGENVILLE CHRISTIAN CHURCH*, 100 W. Main St., (12-20-77)
Hodgenville vicinity. *ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE*, 3 mi. S of Hodgenville, (10-15-66) PH0290360

laurel county

London. *FEDERAL BUILDING-COURTHOUSE*, Main and 3rd Sts., (8-19-74) PH0097381

lawrence county

Fallsburg vicinity. *EAST FORK COVERED BRIDGE*, NW of Fallsburg over East Fork of Little Sandy River off KY 3, (3-26-76)
Fallsburg vicinity. *YATESVILLE COVERED BRIDGE*, S of Fallsburg over Blaine Creek off KY 3, (3-26-76)
Louisa. *VINSON, FRED M., BIRTHPLACE*, E. Madison and Vinson Blvd., (9-4-74) PH0015539
Louisa vicinity. *GARRED HOUSE, CHAPEL, AND BURIAL VAULT*, 9 mi. S of Louisa on U.S. 23, (10-29-75)

lee county

Beattyville. *ST. THOMAS EPISCOPAL CHURCH*, Hill St., (4-21-76)

leslie county

Chappell vicinity. *SHELL, JOHN, CABIN*, S of Chappell on SR 2005, (11-12-75)
Hyden vicinity. *WENDOVER (FRONTIER NURSING SERVICE)*, S of Hyden off KY 80, (10-21-75) PH0261408

letcher county

Whitesburg vicinity. *KINGDOM COME CREEK SCHOOL*, 5 mi. SW of Whitesburg off KY 588, (6-11-75)

lewis county

Tollesboro vicinity. *CABIN CREEK COVERED BRIDGE*, 4.5 mi. NW of Tollesboro on KY 984, (3-26-76)

lincoln county

Crab Orchard vicinity. *WILLIAM WHITLEY HOUSE STATE SHRINE (SPORTSMAN'S HILL)*, 2 mi. W of Crab Orchard off U.S. 150, (4-11-73) PH0024384
Shelby City vicinity. *ARCADIA (ISAAC SHELBY, JR., PLANTATION)*, S of Shelby City on U.S. 127, (5-4-76)
Shelby City vicinity. *TRAVELER'S REST (GOV. ISAAC SHELBY PLANTATION AND CEMETERY)*, S of Shelby City off KY 300, (5-3-76)
Stanford. *BAUGHMAN'S MILL AND STANFORD RAILROAD DEPOT*, Depot and Mill Sts., (3-29-78)
Stanford. *BRIGGS, SAMUEL AND MARY LOGAN, HOUSE*, 315 W. Main St., (8-28-75) PH0221422
Stanford. *LINCOLN COUNTY COURTHOUSE*, Main and Lancaster Sts., (4-22-76)
Stanford. *MONTGOMERY, DR. THOMAS, HOUSE (THE CEDARS)*, Somerset St., (11-17-78)
Stanford vicinity. *BAUGHMAN, JOHN, HOUSE*, S of Stanford on KY 1247, (12-22-78)
Stanford vicinity. *LOGAN, JOHN, HOUSE*, E of Stanford at jct. of U.S. 150 and Goshen Rd. (KY 642), (6-11-75) PH0113387
Stanford vicinity. *MCCORMACK CHURCH*, 4 mi. W of Stanford on SR 1194, (3-16-76)
Stanford vicinity. *PENCE, ADAM, HOUSE*, S of Stanford on KY 1247, (12-22-78)

livingston county

Grand Rivers. *LAWSON, THOMAS, HOUSE*, Wabash Ave., (7-12-78)
Smithland. *GOWER HOUSE*, Water St., (5-24-73) PH0024392

logan county

Adairville vicinity. *RED RIVER PRESBYTERIAN MEETINGHOUSE SITE AND CEMETERY*, NE of Adairville off KY 663, (6-18-76)
Adairville vicinity. *SAVAGE CAVE ARCHEOLOGICAL SITE*, 1 mi. E. of Adairville on KY 591, (4-3-70) PH0024414
Russellville. *FORST, WILLIAM, HOUSE*, 4th and Winter Sts., (7-19-73) PH0103659
Russellville. *LONG-BRIGGS HOUSE*, Cornelius Ave., (11-27-78)
Russellville. *RUSSELLVILLE HISTORIC DISTRICT*, Roughly bounded by 2nd, 9th, Caldwell, and Nashville Sts., (7-14-76)
Russellville vicinity. *MCGREADY, REV. JAMES, HOUSE*, W of Russellville off U.S. 68, (4-21-76)
South Union. *SOUTH UNION SHAKER CENTER HOUSE AND PRESERVATORY*, U.S. 68, (6-28-74) PH0031356 G.
South Union and vicinity. *SOUTH UNION SHAKERTOWN HISTORIC DISTRICT*, KY 73 at Louisville and Nashville RR. tracks, and jct. of U.S. 68 and SR 1466, (4-3-75) PH0090191

lyon county

Kuttawa vicinity. *KELLY'S SUWANEE FURNACE OFFICE*, 1.4 mi. W of Kuttawa, (8-26-71) PH0024422

madison county

Berea. *LINCOLN HALL*, Berea College campus, (12-2-74) PH0098884 NHL.
Berea. *LOUISVILLE AND NASHVILLE RAILROAD PASSENGER DEPOT*, Broadway at Adams St., (8-22-75) PH0221490
Big Hill vicinity. *JONES, MERRITT, TAVERN (GRANT HOUSE, WAYSIDE TAVERN)*, 1 mi. S of Big Hill on U.S. 421, (4-2-73) PH0024473
Bybee. *CORNELISON POTTERY*, KY 52, (7-24-78)
College Hill vicinity. *CANE SPRINGS PRIMITIVE BAPTIST CHURCH*, N of College Hill, (12-22-78)
Richmond. *BRECK, JUDGE DANIEL, HOUSE*, 312 Lancaster Ave., (11-7-76)
Richmond. *DOWNTOWN RICHMOND HISTORIC DISTRICT*, Main St. and Courthouse Sq., (9-30-76)
Richmond. *IRVINTON*, 319 Lancaster Ave., (5-6-75) PH0098248 G.
Richmond. *MADISON COUNTY COURTHOUSE*, Main St. between N. 1st and N. 2nd Sts., (5-12-75) PH0097683
Richmond. *OLD CENTRAL UNIVERSITY (UNIVERSITY BUILDING)*, University Dr. on Eastern Kentucky University campus, (6-19-73) PH0004201
Richmond vicinity. *BOGIE HOUSES AND MILL SITE*, 8 mi. W of Richmond on Silver Creek, (8-13-76)
Richmond vicinity. *WHITEHALL*, 7 mi. N of Richmond on Clay Lane off U.S. 25, (3-11-71) PH0004219

marion county

Lebanon vicinity. *LEBANON NATIONAL CEMETERY*, 1 mi. SW of Lebanon off KY 208, (6-5-75) PH0150878
Loretto vicinity. *BURKS' DISTILLERY (MAKER'S MARK DISTILLERY)*, E of Loretto off KY 49 and 52, (12-31-74) PH0054577

marshall county

Benton. *LEMON, JAMES R., HOUSE*, 1309 Main St., (8-28-75) PH0221431
Calvert City. *OAK HILL*, 26 Aspen St., (12-31-74) PH0099546

mason county

Dover vicinity. *LEE'S CREEK COVERED BRIDGE*, S of Dover on Tuckahoe Rd. off KY 8, (3-26-76)
Maysville. *COURTHOUSE SQUARE AND MECHANICS' ROW HISTORIC DISTRICT*, W. 3rd St. between Market and Sutton Sts., (5-12-75) PH0097454
Maysville. *COX-HORD HOUSE*, 128 E. 3rd St., (7-14-78)
Maysville. *LEE HOUSE*, Front and Sutton Sts., (12-20-77)
Maysville. *OLD LIBRARY BUILDING*, 221 Sutton St., (8-30-74) PH0005495
Maysville. *PHILLIPS' FOLLY*, 227 Sutton St., (8-10-78)

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Maysville. *WASHINGTON OPERA HOUSE*, 116 W. 2nd St., (6-11-75) PH0133671 G.
Maysville. *WEST FOURTH STREET DISTRICT*, 24, 29, 31, 32, 33 W. 4th St., (11-7-74) PH0030261
Maysville vicinity. *NEWDIGATE-REED HOUSE*, W of Maysville at jct. of old KY 68 and U.S. 62/68, (10-10-75) PH0261513
Maysville vicinity. *RUST HOUSE*, S of Maysville of KY 11, (2-23-78)
Maysville vicinity. *VALLEY PIKE COVERED BRIDGE*, W of Maysville off KY 8, (3-26-76)
Maysville vicinity. *WOODLAWN*, S of Maysville on KY 11, (11-24-78)
Washington. *WASHINGTON HISTORIC DISTRICT*, Roughly bounded by Hoppe St., Bartlett Lane, and city limits on E and W, (1-21-70) PH0004227 HABS; G.

mccracken county

Paducah. *ANGLES, THE (QUIGLEY-BARKLEY HOUSE)*, Alben W. Barkley Dr. near 40th St., (7-19-76)
Paducah. *GRACE EPISCOPAL CHURCH*, 820 Broadway, (3-16-76)
Paducah. *HOTEL IRVIN COBB*, Broadway and 6th St., (8-24-78)
Paducah. *PADUCAH MARKET HOUSE DISTRICT*, 2nd St. between Broadway and Kentucky Ave., (4-3-78)
Paducah. *YEISER, MAYOR DAVID A., HOUSE (ALBEN W. BARKLEY MUSEUM)*, 533 Madison St., (3-7-73) PH0004243

mclean county

Calhoun. *GRIFFITH-FRANKLIN HOUSE (CRITTENDEN HEADQUARTERS)*, 207 W. 2nd St., (7-7-75) PH0143839

meade county

Brandenburg vicinity. *DOE RUN CREEK HISTORIC DISTRICT*, SE of Brandenburg off KY 448, (12-19-78)
Rhodelia vicinity. *ST. THERESA ROMAN CATHOLIC CHURCH*, 3 mi. NW of Rhodelia on KY 144, (11-17-77)

menifee county

Frenchburg. *FRENCHBURG SCHOOL CAMPUS*, U.S. 460, (12-22-78)

mercer county

Harrodsburg. *CARDWELLTON*, 103 E. Broadway, (11-17-77)
Harrodsburg. *CLAY HILL (MAGOFFIN-THOMPSON HOUSE)*, 433 Beaumont Ave., (11-7-76)
Harrodsburg. *DORICHAM (STAGG-HAGGIN-STEPHENSON HOUSE)*, 409 N. College St., (10-22-76)
Harrodsburg. *MORGAN ROW*, 222, 230, 232 S. Chiles St., (2-16-73) PH0004251
Harrodsburg. *ST. PHILIPS EPISCOPAL CHURCH*, Short and Chiles Sts., (1-31-78)
Harrodsburg. *SUTFIELD-THOMPSON HOUSE (COURTVIEW)*, 362 N. Main, (9-13-77)
Harrodsburg vicinity. *DUTCH REFORMED CHURCH (OLD MUD MEETINGHOUSE)*, 3 mi. SW of Harrodsburg on Dry Branch Rd., (2-16-73) PH0004260 G.
Harrodsburg vicinity. *GREEK REVIVAL HOUSES OF MERCER COUNTY: LYNNWOOD, WALNUT HALL, GLENWORTH*, N and E of Harrodsburg off U.S. 127, (3-30-78)
Harrodsburg vicinity. *SHAWNEE SPRINGS (GEORGE C. THOMPSON HOUSE)*, 4 mi. NE of Harrodsburg on Curry Rd., (7-19-76)
Harrodsburg vicinity. *TAYLOR, CAPT. SAMUEL, HOUSE (BACHELOR'S BARTER)*, NE of Harrodsburg on Chatham Pike, (4-13-77)
Salvisa vicinity. *MILLWOOD (LAMBERT BREWER HOUSE)*, S of Salvisa off U.S. 127, (7-6-76)
Salvisa vicinity. *NEW PROVIDENCE PRESBYTERIAN CHURCH*, 3 mi. S of Salvisa on U.S. 127, (10-10-75) PH0246689
Shakertown and vicinity. *SHAKERTOWN AT PLEASANT HILL HISTORIC DISTRICT*, On U.S. 68, (11-11-71) PH0098043 NHL; HABS.

monroe county

Gamaliel vicinity. *MOUNT VERNON A.M.E. CHURCH*, N of Gamaliel on KY 100, (11-17-77)
Tompkinsville vicinity. *OLD MULKEY MEETINGHOUSE*, S of Tompkinsville on KY 1446, (5-7-73) PH0014184

montgomery county

Mt. Sterling vicinity. *GAITSKILL MOUND ARCHEOLOGICAL SITE*, N of Mt. Sterling, (10-21-75)

morgan county

Redbush. *FERGUSON, GAR, SITE*, NW of Redbush off KY 172, (7-24-75)
Redbush vicinity. *BURCHWELL, RAY, ARCHEOLOGICAL SITE*, NW of Redbush, (7-30-75)
Redbush vicinity. *HILL, RAY, ARCHEOLOGICAL SITE*, W of Redbush off KY 172, (7-30-75)
Redbush vicinity. *LONNIE HILL SITE*, NW of Redbush, (8-22-75)
Relief vicinity. *PATOKER ARCHEOLOGICAL SITE*, S of Relief, (7-30-75)
Relief vicinity. *SHERMAN ARCHEOLOGICAL SITE*, S of Relief, (7-30-75)
West Liberty. *MORGAN COUNTY COURTHOUSE*, Main St., (7-19-76)

muhlenberg county

Greenville. *MUHLENBERG COUNTY COURTHOUSE*, Courthouse Sq., (12-22-78)

nelson county

Bardstown. *BRUNTWOOD*, 714 N. 3rd St., (9-9-75)
Bardstown. *EDGEWOOD*, 310 S. 5th St., (7-30-75) PH0139980
Bardstown. *MY OLD KENTUCKY HOME (FEDERAL HILL)*, U.S. 150, Stephen Foster St., (3-11-71) PH0100943
Bardstown. *OLD TALBOTT TAVERN*, Court Sq., (10-30-73) PH0014214
Bardstown. *SPALDING HALL, ST. JOSEPH'S COLLEGE*, N. 5th St., (5-7-73) PH0014206
Bardstown. *ST. JOSEPH CATHEDRAL AND COLLEGE COMPLEX*, W. Stephen Foster Ave., (6-3-76)
Bardstown. *ST. JOSEPH PROTO CATHEDRAL*, W. Stephen Foster Ave., (1-9-74) PH0014192
Bardstown. *WICKLAND*, 0.5 mi. E of Bardstown on U.S. 62, (2-16-73) PH0014222
Bardstown vicinity. *ST. THOMAS ROMAN CATHOLIC CHURCH AND HOWARD-FLAGET HOUSE*, 3 mi. S of Bardstown off U.S. 31E, (7-12-76)

nicholas county

Carlisle vicinity. *FOREST RETREAT FARM AND TAVERN*, NW of Carlisle at jct. of U.S. 68 and KY 32, (10-2-73) PH0024481 G.
Ellisville. *ELLIS, JAMES, STONE TAVERN*, U.S. 68, (3-16-76)
Millersburg vicinity. *THOMPSON, HENRY, STONE HOUSE*, 2.5 mi. N of Millersburg on Arthur Pike, (6-23-75) PH0142786

ohio county

Hartford. *HARTFORD SEMINARY*, 224 E. Center St., (6-19-73) PH0024490
Hartford. *PENDLETON HOUSE*, 403 E. Union St., (5-17-73) PH0024503
Paradise vicinity. *INDIAN KNOLL*, 0.5 mi. upstream from Paradise ferry landing on the Green River, (10-15-66) PH0098051 NHL.

oldham county

Crestwood vicinity. *HARRODS CREEK BAPTIST CHURCH AND REV. WILLIAM KELLAR HOUSE*, NW of Crestwood on Old Brownsboro Rd., (9-8-76)
La Grange. *GRIFFITH, D. W., HOUSE*, 206 N. 4th St., (6-3-76)
Pewee Valley. *LOCUST, THE*, LaGrange Rd. off KY 146, (7-30-75) PH0200000

owen county

Owenton. *HIGHFIELD*, 303 N. Adams St., (11-17-77)
Owenton. *OWEN COUNTY COURTHOUSE AND JAIL*, N. Thomas and N. Madison Sts., (5-6-76)

pendleton county

Butler vicinity. *FRYER HOUSE*, NE of Butler on U.S. 27, (10-8-65)

perry county

Buckhorn. *BUCKHORN PRESBYTERIAN CHURCH AND THE GREER GYMNASIUM*, Off KY 28, (6-27-75) PH0143782 G.

pike county

Pikeville. *PIKEVILLE COLLEGE ACADEMY BUILDING (PIKEVILLE COLLEGIATE INSTITUTE BUILDING)*, College St., (2-16-73) PH0014231 G.
Pikeville and vicinity. *HATFIELD-MCCOY FEUD HISTORIC DISTRICT*, (8-5-76)

powell county

Clay City. *CLAY CITY NATIONAL BANK BUILDING*, 6th Ave., (7-13-76)
Slade vicinity. *SHEPHERD SITE*, W of Slade in Daniel Boone National Forest, (8-13-75)
Stanton vicinity. *ANDERSON SITE*, NE of Stanton in Daniel Boone National Forest, (8-14-75)
Stanton vicinity. *HAYSTACK ROCK SHELTER*, E of Stanton in Daniel Boone National Forest, (8-14-75)
Stanton vicinity. *MARTIN SITE*, NE of Stanton in Daniel Boone National Forest, (8-14-75)
Stanton vicinity. *SELDON SKIDMORE SITE*, E of Stanton in Daniel Boone National Forest, (8-14-75)

pulaski county

Somerset. *FOX, WILLIAM, HOUSE*, 206 W. Columbia St., (7-31-78)
Somerset. *PERKINS, DR. JOHN MILTON, HOUSE*, 109 N. Main St., (8-10-78)
Somerset. *SOMERSET CITY SCHOOL AND CARNEGIE LIBRARY*, 300 College St., (7-7-78)

robertson county

Mount Olivet. *ROBERTSON COUNTY COURTHOUSE*, Court St., (2-14-78)
Mt. Olivet vicinity. *JOHNSON CREEK COVERED BRIDGE*, NE of Mt. Olivet on SR 1029, (9-27-76)

scott county

Georgetown. *BRANHAM HOUSE*, 208 S. Broadway, (4-2-73) PH0004294

Georgetown. *CANTRILL HOUSE*, 324 E. Jackson St., (4-2-73) PH0024511
Georgetown. *GEORGETOWN EAST MAIN STREET RESIDENTIAL DISTRICT*, Irregular pattern along Main St. between Warrendale Ave. and Mulberry St., (6-7-78)
Georgetown. *GIDDINGS HALL, GEORGETOWN COLLEGE*, Giddings Dr. between Jackson and College Sts., (2-6-73) PH0024538
Georgetown. *HOLY TRINITY EPISCOPAL CHURCH*, S. Broadway and W. Clinton Sts., (10-30-73) PH0024546
Georgetown. *JOHNSTON-JACOBS HOUSE*, 205 N. Hamilton St., (10-2-73) PH0025488
Georgetown. *MAIN STREET COMMERCIAL DISTRICT*, Both sides of E. Main St. from Mulberry to Broadway, S side from Elley Alley to Broadway, (2-24-75)
Georgetown. *MCFARLAND HOUSE*, 510 Fountain Ave., (10-15-73) PH0025500
Georgetown. *PAYNE-DESHA HOUSE*, Kelly Ave., (12-2-74) PH0043923
Georgetown. *ROYAL SPRING PARK*, Between Clinton and Jefferson Sts. W of Water, Broadway, and Georgetown Sts., (4-2-73) PH0025526
Georgetown. *SCOTT COUNTY COURTHOUSE*, E. Main and Broadway, (9-28-72) PH0025551
Georgetown. *SHOWALTER HOUSE (MCHATTON HOUSE)*, 316 N. Hamilton St., (4-2-73) PH0025569
Georgetown. *SHROPSHIRE HOUSE*, 355 E. Main St., (4-2-73) PH0025577
Georgetown vicinity. *ALLENHURST (OAKLAND)*, Cane Run Pike W of Georgetown, (4-2-73) PH0014249
Georgetown vicinity. *AUDUBON*, SW of Georgetown off U.S. 62, on Moore's Mill Pike, (12-4-73) PH0014257
Georgetown vicinity. *BLACKBURN, JULIUS, HOUSE*, W of Georgetown off U.S. 460, (4-14-77)
Georgetown vicinity. *BRADFORD, FIELDING, HOUSE*, N of Georgetown off U.S. 25 on Long Lick Pike, (12-4-73) PH0004286
Georgetown vicinity. *BRADLEY, JOHN W., HOUSE*, SW of Georgetown off U.S. 62, (11-5-74) PH0031526
Georgetown vicinity. *BROOKING, VIVION UPSHAW, HOUSE*, W of Georgetown off Stamping Ground Pike (KY 227), (5-28-75)
Georgetown vicinity. *BUFORD-DUKE HOUSE*, SE of Georgetown off U.S. 75, (6-19-73) PH0004308
Georgetown vicinity. *CARDOME (GOV. J. F. ROBINSON HOUSE)*, 0.5 mi. N of Georgetown on U.S. 25, (3-13-75) PH0038083
Georgetown vicinity. *CHOCTAW INDIAN ACADEMY*, 4.5 mi. W of Georgetown off U.S. 227, (3-7-73) PH0024520
Georgetown vicinity. *ELKWOOD (OFFUTT HOUSE)*, NW of Georgetown, (1-20-78)
Georgetown vicinity. *ELMWOOD*, NE of Georgetown off U.S. 227 and 460, (11-19-74)
Georgetown vicinity. *FLOURNOY-NUTTER HOUSE*, E of Georgetown off KY 922, (7-28-77)
Georgetown vicinity. *GAINES, JAMES, HOUSE*, S of Georgetown on Yarnallton Pike, (11-7-76)
Georgetown vicinity. *GARTH, JOHN M., HOUSE*, SE of Georgetown off I 75, (11-20-74) PH0031500
Georgetown vicinity. *JOHNSON, GEORGE W., SLAVE QUARTERS AND SMOKEHOUSE*, SW of Georgetown off Ironworks Rd., (11-19-74) PH0034096
Georgetown vicinity. *JOHNSON, LEONIDAS, HOUSE (CLIFTON)*, 7 mi. NW of Georgetown on U.S. 227, (10-8-76)
Georgetown vicinity. *JOHNSON-PENCE HOUSE*, W of Georgetown off U.S. 460, (11-20-78)
Georgetown vicinity. *LEATHERER-LEMON HOUSE*, Lemon's Mill Pike, 0.5 mi. W of Newtown Pike, (7-20-77)
Georgetown vicinity. *LONGVIEW*, About 4 mi. W of Georgetown off U.S. 460, (10-25-73) PH0025496
Georgetown vicinity. *MILLER, JOHN ANDREW, HOUSE*, 3 mi. E of Georgetown off U.S. 460, (11-9-77)
Georgetown vicinity. *OSBURN HOUSE*, 4 mi. N of Georgetown on U.S. 25, (4-11-73)
Georgetown vicinity. *PAYNE, GEN. JOHN, HOUSE*, 1.5 mi. W of Georgetown on U.S. 460, (3-3-75) PH0084964
Georgetown vicinity. *PREWITT, LEVI, HOUSE*, S of Georgetown off I 64, (11-1-74) PH0031411
Georgetown vicinity. *SANDERS, ROBERT, HOUSE*, 2 mi. S of Georgetown on U.S. 25, (10-15-73) PH0025542
Georgetown vicinity. *SMITH, NELSON AND CLIFTON RODES, HOUSE*, NE of Georgetown off Leesburg Pike, (10-3-73) PH0025585
Georgetown vicinity. *ST. FRANCIS MISSION AT WHITE SULPHUR (CHURCH OF ST. PIUS; CHURCH OF ST. FRANCIS)*, 7 mi. W of Georgetown on U.S. 460, (4-11-73) PH0025534
Georgetown vicinity. *STONE-GRANT HOUSE*, E of Georgetown on E. Main St. extended, (1-11-74) PH0025593
Georgetown vicinity. *WARD HALL*, 1.5 mi. W of Georgetown on U.S. 460, (4-2-73) PH0025607
Great Crossing vicinity. *CRAIG-JOHNSON MILL DAM AND MILL SITES*, 2 mi. W of Great Crossing off U.S. 460, (6-10-75) PH0143324
Oxford. *MILLER'S RUN HISTORIC DISTRICT*, roughly bounded by Old Oxford Pike, KY 922, U.S. 460 and Miller's Run, (11-15-78)
Stamping Ground. *BRADFORD, ALEXANDER, HOUSE*, Main St. at Locust Fork Pike, (6-27-74) PH0004278

shelby county

Finchville. *SHELBY ACADEMY (SYLVAN SHADES)*, KY 55 and KY 148, (9-18-75)
Finchville vicinity. *GRASSLANDS (HORNSBY HOUSE)*, 4 mi. W of Finchville, (8-12-77)
Finchville vicinity. *KNIGHT-STOUT HOUSE*, 1 mi. N of Finchville on KY 55, (8-19-75) PH0179256
Shelbyville. *SCIENCE HILL SCHOOL*, Washington St., (9-18-75) PH0229075
Shelbyville. *SHELBY COUNTY COURTHOUSE AND MAIN STREET COMMERCIAL DISTRICT*, Roughly bounded by Washington, Clay, 4th and 6th Sts., (3-21-78)
Shelbyville. *SHELBYVILLE L & N RAILROAD DEPOT*, 220 N. 7th St., (6-20-75) PH0143278
Shelbyville vicinity. *TODD, CHARLES AND LETITIA SHELBY, HOUSE*, 5 mi. N of Shelbyville on KY 55, (6-5-75) PH0150860
Shelbyville vicinity. *WASHBURN, BENJAMIN, HOUSE*, Bellevue Pike, 8 mi. N of Shelbyville, (8-12-77)
Simpsonville vicinity. *OLD STONE INN*, E of Simpsonville on U.S. 60, (10-8-76)
Simpsonville vicinity. *YOUNG, WHITNEY M. JR., BIRTHPLACE*, SW of Simpsonville off U.S. 60, (10-18-72) PH0025798
Waddy. *WADDY BANK BUILDING*, KY 395, (2-14-78)

simpson county

Franklin. *GOODNIGHT HOUSE*, 201 S. Main St., (8-12-77)

spencer county

Taylorsville vicinity. *BOURNE-ANDERSON HOUSE*, 0.5 mi. N of Taylorsville on KY 55, (12-2-77)
Taylorville vicinity. *BEECHLAND (JACOB YODER HOUSE)*, 2.5 mi. N of Taylorville, (11-7-76)

taylor county

Campbellsville. *TAYLOR COUNTY CLERK'S OFFICE*, Courthouse Sq., (12-20-77)
Campbellsville vicinity. *CLAY HILL*, 5 mi. N of Campbellsville on KY 55, (10-10-75)
Campbellsville vicinity. *COWHERD, JONATHAN JR., HOUSE*, W of Campbellsville off KY 70, (4-11-77)

todd county

Elkton. *EDWARDS HALL*, S side of Goebel Ave., (1-11-74) PH0025780
Elkton. *MCREYNOLDS HOUSE*, S. Main St., (10-22-76)
Elkton. *TODD COUNTY COURTHOUSE*, Public Sq., (8-22-75) PH0221481
Fairview. *BETHEL BAPTIST CHURCH*, U.S. 68, (11-17-77)
Fairview. *DAVIS, JEFFERSON, MONUMENT*, On KY 115 near jct. with U.S. 68, (5-9-73) PH0025771

trigg county

Golden Pond vicinity. *CENTER FURNACE*, N of Golden Pond, (5-12-77)

trimble county

HUNTER'S BOTTOM HISTORIC DISTRICT, Reference—see Carroll County

union county

Morganfield. *UNION COUNTY COURTHOUSE*, Main St., (11-17-78)

warren county

Bowling Green. *MOORE, MARIA, HOUSE*, 801 State St., (6-20-72) PH0025755
Bowling Green. *RAUSCHER HOUSE*, 818 Adams St., (7-12-78)
Bowling Green. *RIVERVIEW (HOBSON HOUSE)*, Hobson Grove Park at end of Main St., (2-23-72) PH0025763
Bowling Green. *ST. JOSEPH ROMAN CATHOLIC CHURCH*, 430 Church St., (7-3-75) PH0143863
Bowling Green. *UNDERWOOD-JONES HOUSE*, 506 State St., (7-7-78)
Bowling Green. *WARREN COUNTY COURTHOUSE*, 429 E. 10th St., (8-2-77)
Bowling Green vicinity. *IRONWOOD*, Old Richardsville Rd., (7-2-73) PH0025747
Bowling Green vicinity. *LOST RIVER ARCHEOLOGICAL CAVE*, S of Bowling Green at jct. of Cave Mill Rd. and U.S. 31W, (6-18-75)
Bowling Green vicinity. *MURRELL, SAMUEL, HOUSE (SUSANNAH HENRY MADISON FARM)*, 8 mi. NE of Bowling Green on U.S. 31 W, (3-26-76)

washington county

Mooresville vicinity. *MOUNT ZION COVERED BRIDGE*, N of Mooresville on KY 458, (3-26-76)
Springfield. *ELMWOOD*, KY 55, (12-20-77)

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Springfield. *MCCHORD,WILLIAM C., HOUSE*, 202 Lincoln Park Rd., (12-11-78)
Springfield. *POPE, JOHN, HOUSE*, 207 Walnut St., (5-13-76)
Springfield. *WALTON MANOR COTTAGE (JOHN POPE LAW OFFICE)*, 2 mi. W of Springfield on KY 150, (8-24-77)
Springfield. *WASHINGTON COUNTY COURTHOUSE*, Public Sq., Main at Lincoln Park Rd., (7-25-77)
Springfield vicinity. *GRUNDY HOUSES*, N of Springfield off KY 55,
Springfield vicinity. *LINCOLN, MORDECAI, HOUSE*, 5.9 mi. N of Springfield on KY 528, (8-21-72) PH0025739 G.
Springfield vicinity. *ST. ROSE ROMAN CATHOLIC CHURCH COMPLEX*, W of Springfield off U.S. 150, (2-14-78)

wayne county

Mill Springs. *MILL SPRINGS MILL*, Off KY 90, (4-11-73) PH0025704
Mill Springs vicinity. *WEST-METCALFE HOUSE*, 1.75 mi. S of Mill Springs off KY 90, (11-17-77)
Mt. Pisgah. *ADKINS–HURT MILL*, Off KY 167, (5-6-77)

whitley county

Corbin. *LOUISVILLE AND NASHVILLE RAILROAD DEPOT*, Lynn Ave., (6-15-78)
Williamsburg. *GATLIFF, J. B., HOUSE*, 10th and Main Sts., (12-16-77)

wolfe county

Slade vicinity. *TRINITY ROCKHOUSES*, E of Slade in Daniel Boone National Forest, (8-14-75)

woodford county

COHEN MURAL HOUSES THEMATIC RESOURCES, Reference—see individual listing: Versailles vicinity, Airy Mount; Versailles vicinity, *Pleasant Lawn;* Versailles vicinity, *Wyndehurst.*
Midway. *MIDWAY HISTORIC DISTRICT*, U.S. 62, (11-17-78)
Midway. *PINKERTON HALL*, 650 East St., (11-20-74) PH0031496
Midway vicinity. *GRAHAM, JOHN, HOUSE*, SE of Midway on Weisenberger Mill Rd., (11-14-78)
Versailles. *BIG SPRING CHURCH*, 121 Rose Hill St., (5-6-75) PH0140155
Versailles. *CARTER HOUSE*, 110 Morgan St., (5-2-75) PH0120821
Versailles. *DOWNTOWN VERSAILLES HISTORIC DISTRICT*, Both sides of Main St. between Rose Hill Ave. and Green St., (9-2-75) PH0229113
Versailles vicinity. *AIRY MOUNT (COHEN MURAL HOUSES THEMATIC RESOURCE)*, SW of Versailles off U.S. 62, (11-15-78)
Versailles vicinity. *EDGEWOOD (DUPUY-JONES HOUSE)*, 1 mi. E of Versailles on U.S. 60, (5-28-76)
Versailles vicinity. *JOUETT, CAPT. JACK, HOUSE*, 5 mi. SW of Versailles off KY 1964, (6-13-72) PH0025623 G.
Versailles vicinity. *MUNDAY'S LANDING*, Munday's Landing Rd., S of Versailles on Kentucky River, (9-5-75)
Versailles vicinity. *OFFUTT-COLE TAVERN*, N of Versailles on U.S. 62, (11-23-77)
Versailles vicinity. *PLEASANT LAWN (COHEN MURAL HOUSES THEMATIC RESOURCE)*, N of Versailles off U.S. 62 at Bonita, (11-15-78)
Versailles vicinity. *WELCOME HALL (LONG-GRADDY HOUSE)*, 4 mi. W of Versailles off Clifton Rd., (10-10-75) PH0246590
Versailles vicinity. *WYNDEHURST (COHEN MURAL HOUSES THEMATIC RESOURCE)*, 5 mi. (8 km) SW of Versailles off SR 1964, (11-15-78)

LOUISIANA

ascension parish

Darrow vicinity. *HERMITAGE*, 1.75 mi. E of Darrow on LA 942, (4-13-73) PH0047651
Donaldsonville vicinity. *PALO ALTO PLANTATION*, W of Donaldsonville on LA 1, (4-13-77)

assumption parish

Napoleonville. *CHRIST EPISCOPAL CHURCH AND CEMETERY*, LA 1 between Courthouse St. and LA 1008, (5-2-77)
Napoleonville vicinity. *MADEWOOD*, E of Napoleonville on LA 308, (10-30-73) PH0047660

avoyelles parish

Mansura. *DES FOSSE, DR. JULES CHARLES, HOUSE*, L'Eglise St., (4-23-76)
Marksville vicinity. *MARKSVILLE PREHISTORIC INDIAN SITE*, Marksville Prehistoric Indian Park State Monument, (10-15-66) PH0047678 NHL.

bossier parish

Benton vicinity. *HUGHES HOUSE*, 13 mi. NE of Benton on LA 160, (5-24-76)

caddo parish

Shreveport. *LINDSAY, COL. ROBERT H., HOUSE (SYMPHONY HOUSE)*, 2803 Woodlawn Ave., (7-16-73) PH0047686
Shreveport. *OAKLAND CEMETERY*, Bounded by Milam, Christian, Sprague, and Baker Sts., (7-13-77)
Shreveport. *STRAND THEATRE*, 630 Crockett, (5-26-77)
Shreveport. *TALLY'S BANK*, 525 Spring St., (7-14-76)
Shreveport. *U.S. POST OFFICE AND COURTHOUSE*, Marshall and Texas Sts., (9-12-74) PH0047694

calcasieu parish

Lake Charles. *ARCADE THEATER*, 822 Ryan St., (7-7-78)

desoto parish

INTERNATIONAL BOUNDARY MARKER, Reference—See Panola County, TX
Gloster vicinity. *MYRTLE HILL PLANTATION HOUSE*, SE of Gloster off LA 5, (12-4-74) PH0047724
Mansfield vicinity. *MANSFIELD BATTLE PARK*, 4 mi. SE of Mansfield on LA 175, (4-13-73) PH0047716
Stonewall vicinity. *LAND'S END PLANTATION*, 7 mi. SE of Stonewall on Red Bluff Rd., (4-26-72) PH0047708

east baton rouge parish

Baton Rouge. *BATON ROUGE WATERWORKS COMPANY STANDPIPE*, 131 Lafayette St., (12-4-73) PH0047732
Baton Rouge. *LOUISIANA STATE CAPITOL BUILDING AND GARDENS*, Capitol Dr., (6-9-78)
Baton Rouge. *MAGNOLIA MOUND PLANTATION DEPENDENCY*, 2530 Vermont St.; to be moved to 2161 Nicholson Dr., (8-9-77)
Baton Rouge. *MAGNOLIA MOUND PLANTATION HOUSE*, 2161 Nicholson Dr., (9-7-72) PH0047741 G.
Baton Rouge. *OLD LOUISIANA GOVERNOR'S MANSION*, 502 North Blvd., (7-24-75)
Baton Rouge. *OLD LOUISIANA STATE CAPITOL*, N. Blvd. and St. Philip St., (1-12-73) PH0047759 NHL.
Baton Rouge. *PENTAGON BARRACKS*, North Riverside Mall, (7-26-73) PH0047767
Baton Rouge. *POTTS HOUSE*, 831 North St., (9-14-72) PH0047775
Baton Rouge. *POWDER MAGAZINE*, State Capitol Dr., (6-4-73) PH0047783
Baton Rouge. *SPANISH TOWN*, bounded by State Capitol Dr., 5th, 9th and North Sts., (8-31-78)
Baton Rouge. *ST. JAMES EPISCOPAL CHURCH*, 208 N. 4th St., (5-5-78)
Baton Rouge. *STEWART-DOUGHERTY HOUSE*, 741 North St., (3-28-73) PH0047791
Baton Rouge. *TESSIER BUILDINGS*, 342, 346, and 348 Lafayette St., (3-16-78)
Baton Rouge. *WARDEN'S HOUSE–OLD LOUISIANA STATE PENITENTIARY*, 701-705 Laurel St., (12-2-74) PH0047805

east feliciana parish

Clinton. *BRAME-BENNETT HOUSE*, 227 S. Baton Rouge St., (5-22-73) PH0047821 HABS; G.
Clinton. *COURTHOUSE AND LAWYERS' ROW*, St. Helena, Woodville, Liberty, and Bank Sts., (10-16-74) NHL; HABS.
Clinton. *MARSTON HOUSE*, Bank St., (6-29-72) PH0047848 G.
Jackson vicinity. *ASPHODEL PLANTATION AND CEMETERY*, S of Jackson on LA 74, (11-15-72) PH0047813 G.
Port Hudson and vicinity. *PORT HUDSON*, Port Hudson and environs along U.S. 61, (5-30-74) PH0098060 NHL.

iberia parish

Jeanerette vicinity. *ENTERPRISE PLANTATION*, 2 mi. W of Jeanerette in Patoutville community, (3-17-75)
Jefferson Island. *JEFFERSON, JOSEPH, HOUSE (BOB ACRES PLANTATION)*, (6-4-73) PH0047872
New Iberia. *EPISCOPAL CHURCH OF THE EPIPHANY*, 303 W. Main St., (4-29-77)
New Iberia. *SHADOWS-ON-THE-TECHE*, E. Main St., (10-5-72) PH0047881 NHL; HABS; G.
New Iberia vicinity. *DARBY PLANTATION*, N of Iberia on Darby Lane, (3-26-73) PH0047864 G.

iberville parish

Plaquemine. *BAYOU PLAQUEMINE LOCK*, U.S. Government Reservation at confluence of Bayou Plaquemine and the Mississippi River, (5-19-72) PH0047899
Plaquemine. *ST. LOUIS PLANTATION*, 1 mi. S of Plaquemine on LA 405, (12-3-75)
Rosedale. *LIVE OAKS PLANTATION*, LA 77 N, (11-20-74) PH0047902
St. Gabriel vicinity. *ST. GABRIEL ROMAN CATHOLIC CHURCH*, S of St. Gabriel off LA 75, (11-27-72) PH0047911

jefferson parish

Grand Isle vicinity. *FORT LIVINGSTON*, W tip of Grande Terre Island, (8-30-74) PH0038211
Metairie. *CAMP PARAPET POWDER MAGAZINE*, Arlington St., E of Causeway Blvd., (5-24-77)

lafayette parish

Lafayette. *MOUTON, ALEXANDRE, HOUSE*, 1122 Lafayette St., (6-18-75) PH0142794
Lafayette. *OLD LAFAYETTE CITY HALL*, 217 W. Main St., (6-10-75) PH0133469

lafourche parish

Thibodaux. *DANSEREAU HOUSE*, 506 St. Philip St., (11-21-78)
Thibodaux. *ST. JOHN'S EPISCOPAL CHURCH AND CEMETERY*, 702 Jackson St., (9-13-77)
Thibodaux vicinity. *LAUREL VALLEY SUGAR PLANTATION*, NE of Thibodaux off LA 308, (3-24-78)
Thibodaux vicinity. *WHITE, EDWARD DOUGLASS, HOUSE*, 5 mi. N of Thibodaux on LA 1, (12-8-76)

lincoln parish

Ruston. *FEDERAL BUILDING*, Vienna and Mississippi Sts., (10-9-74) PH0038229

morehouse parish

Oak Ridge vicinity. *CEDARS PLANTATION*, 3 mi. W of Oak Ridge on SR 5503, (5-19-76)

natchitoches parish

Cloutierville. *CLOUTIER, ALEXIS, HOUSE*, Main St., (12-31-74) PH0038245
Melrose. *MELROSE PLANTATION (YUCCA)*, LA 119 off LA 493, (6-13-72) PH0038261 NHL; HABS. *Multiple public/private:*
Natchitoches. *NATCHITOCHES HISTORIC DISTRICT*, (6-5-74) PH0038253 G.
Natchitoches vicinity. *CHEROKEE PLANTATION*, SE of Natchitoches on Cane River Rd., (8-14-73) PH0038237
Natchitoches vicinity. *NARCISSE PRUDHOMME PLANTATION*, SE of Natchitoches on Cane River Rd., (7-13-76)
Robeline vicinity. *LOS ADAES HISTORIC SITE*, NE of Robeline off LA 6, (6-7-78)

orleans parish

New Orleans. *ALGIERS POINT*, Bounded by Mississippi River, Slidel St., and Atlantic Ave., (8-1-78)
New Orleans. *BANK OF LOUISIANA*, 334 Royal St., (6-19-73) PH0038270
New Orleans. *BIG OAK-LITTLE OAK ISLANDS*, NE part of New Orleans, (7-14-71) PH0038385
New Orleans. *CABILDO, THE*, Jackson Sq., Chartres and St. Peter Sts., (10-15-66) PH0038288 NHL; HABS.
New Orleans. *CABLE, GEORGE WASHINGTON, HOUSE*, 1313 8th St., (10-15-66) PH0038512 NHL.
New Orleans. *CONFEDERATE MEMORIAL HALL*, 929 Camp St., (6-11-75)
New Orleans. *DILLARD, JAMES H., HOUSE*, 571 Audubon St., (12-2-74) PH0098892 NHL.
New Orleans. *FAUBOURG MARIGNY*, Roughly bounded by Mississippi River, Esplanade Ave., Marias St., and Montegut St., (12-31-74) PH0140422 G.
New Orleans. *FRENCH MARKET (OLD VEGETABLE MARKET)*, 1000 Decatur St., (3-29-72) PH0038300
New Orleans. *GALLIER HALL*, 545 St. Charles Ave., (3-20-74) NHL; HABS.
New Orleans. *GALLIER HOUSE*, 1132 Royal St., (2-15-74) PH0038318 NHL.
New Orleans. *GARDEN DISTRICT, THE*, Bounded by Carondelet, Josephine, and Magazine Sts., and Louisiana Ave., (6-21-71) PH0038326 NHL.
New Orleans. *GENERAL LAUNDRY BUILDING*, 2512 St. Peter St., (12-27-74) PH0038334
New Orleans. *GIROD, NICHOLAS, HOUSE*, 500 Chartres St., (4-15-70) PH0098094 NHL; HABS.
New Orleans. *GREENVILLE HALL*, 7214 St. Charles Ave., (8-29-77)
New Orleans. *HERMANN-GRIMA HOUSE*, 818–820 St. Louis St., (8-19-71) PH0038342 NHL; HABS; G.
New Orleans. *IRISH CHANNEL AREA ARCHITECTURAL DISTRICT*, Roughly bounded by Jackson Ave., Aline and Magazine Sts., and the Mississippi River, (9-29-76)
New Orleans. *ISAACS–WILLIAMS MANSION (MILTON H. LATTER MEMORIAL LIBRARY)*, 5120 St. Charles Ave., (10-21-76)
New Orleans. *JACKSON BARRACKS*, 6400 St. Claude Ave., (11-7-76)
New Orleans. *JACKSON SQUARE (PLACE D'ARMES)*, Bounded by Decatur, St. Peter, St. Ann, and Chartres Sts., (10-15-66) PH0098078 NHL; G.
New Orleans. *JULIA STREET ROW*, 602–646 Julia St., (3-28-77) G.
New Orleans. *LAFAYETTE CEMETERY NO. 1*, 1400 Washington Ave., (2-1-72) PH0038351 G.
New Orleans. *LAFITTE'S BLACKSMITH SHOP*, 941 Bourbon St., (4-15-70) PH0098086 NHL; HABS.
New Orleans. *LECARPENTIER-BEAUREGARD-KEYES HOUSE*, 1113 Chartres St., (11-20-75) PH0280615 HABS.
New Orleans. *LEEDS IRON FOUNDRY*, 923 Tchoupitoulas St., (1-11-76)
New Orleans. *LOWER GARDEN DISTRICT*, Roughly bounded by Mississippi Ave., Phillips St., St. Charles Ave., U.S. 90, Annunciation St. and Race St., (9-7-72) PH0038393 G.
New Orleans. *MADAM JOHN'S LEGACY*, 632 Dumaine St., (4-15-70) PH0038547 NHL; HABS.
New Orleans. *MERIEULT HOUSE*, 533 Royal St., (5-5-72) PH0038377
New Orleans. *NEW ORLEANS COTTON EXCHANGE BUILDING*, 231 Carondelet St., (12-22-77) NHL.
New Orleans. *OLD MEAT MARKET*, 800 Decatur St., (3-29-72) PH0038407
New Orleans. *OLD URSULINE CONVENT*, 1114 Chartres St., (10-15-66) PH0038539 NHL; HABS; G.
New Orleans. *PERSEVERANCE HALL*, 901 St. Claude Ave., (10-2-73) PH0038415
New Orleans. *PITOT HOUSE (DUCAYET HOUSE)*, 1440 Moss St., (9-28-71) PH0038423 G.
New Orleans. *PONTALBA BUILDINGS*, 500 St. Ann St. and 500 St. Peter St., (5-30-74) NHL.
New Orleans. *PRESBYTERE, THE*, 713 Chartres St., (4-15-70) PH0038521 NHL; HABS.
New Orleans. *RABASSA, JEAN LOUIS, HOUSE (MCDONOGH NO. 18 SCHOOL ANNEX)*, 1125 St. Ann St., (2-15-74) PH0038431
New Orleans. *RICE HOUSE*, 3643 Camp St., (8-24-78)
New Orleans. *SAENGER THEATRE*, 1111 Canal St., (11-25-77)
New Orleans. *SINCER, LOUIS, HOUSE*, 1061 Camp St., (7-12-78)
New Orleans. *ST. ALPHONSUS CHURCH*, 2029 Constance St., (5-22-73) PH0038440
New Orleans. *ST. CHARLES STREETCAR LINE (CARROLLTON LINE; NEW ORLEANS AND CARROLLTON RAILROAD COMPANY)*, St. Charles Ave. route from downtown to Carrollton, (5-23-73) PH0038458
New Orleans. *ST. LOUIS CEMETERY NO. 1*, Bounded by Basin, St. Louis, Conti, and Treme Sts., (7-30-75) PH0200051
New Orleans. *ST. LOUIS CEMETERY NO. 2*, Bounded by Claiborn, Robertson, St. Louis, and Iberville Sts., (7-30-75)
New Orleans. *ST. MARY'S ASSUMPTION CHURCH*, 2039 Constance St., (8-12-71) PH0038466 NHL; G.
New Orleans. *ST. PATRICK'S CHURCH*, 724 Camp St., (5-30-74) NHL.
New Orleans. *ST. VINCENT DE PAUL ROMAN CATHOLIC CHURCH*, 3051 Dauphine, (4-13-76)
New Orleans. *TEWELL HOUSE*, 1503 Valence St., (11-21-78)
New Orleans. *TULANE UNIVERSITY OF LOUISIANA*, St. Charles Ave., S. Claiborne, Broadway, and Calhoun Sts., (3-24-78)
New Orleans. *TURPIN-KOFLER-BUJA HOUSE (JOHN TURPIN HOUSE)*, 2319 Magazine St., (5-8-73) PH0038474
New Orleans. *U.S. COURT OF APPEALS–FIFTH CIRCUIT*, 600 Camp St., (2-15-74) PH0038491 G.
New Orleans. *U.S. CUSTOMHOUSE*, 423 Canal St., (7-17-74) PH0038482 NHL.
New Orleans. *U.S. MINT, NEW ORLEANS BRANCH*, 420 Esplanade Ave., (3-30-73) PH0038369 NHL; HABS.
New Orleans. *VIEUX CARRE HISTORIC DISTRICT*, Bounded by the Mississippi River, Rampart and Canal Sts., and Esplanada Ave., (10-15-66) PH0038504 NHL; HABS; G.
New Orleans vicinity. *FORT MACOMB*, E of New Orleans at Chef Menteur Pass on U.S. 90, (10-11-78)
New Orleans vicinity. *FORT PIKE*, N of New Orleans off U.S. 90 E, (8-14-72) PH0038296 G.

ouachita parish

Monroe. *GARRETT, ISAIAH, LAW OFFICE*, 520 S. Grand St., (7-12-76)
Monroe. *MULBERRY GROVE (LAYTON CASTLE)*, 1133 S. Grant St., (7-7-78)

plaquemines parish

Phoenix vicinity. *FORT DE LA BOULAYE SITE*, Near Phoenix on the Mississippi River, near LA 50, (10-15-66) PH0089095 NHL.
Triumph vicinity. *FORT JACKSON*, 2.5 mi. SE of Triumph on LA 23, W bank of Mississippi River, (10-15-66) NHL.
Triumph vicinity. *FORT ST. PHILIP*, 2.5 mi. SE of Triumph on LA 23 on the E bank of the Mississippi River, (10-15-66) NHL.

pointe coupee parish

Innis vicinity. *ST. STEPHEN'S EPISCOPAL CHURCH*, N of Innis off LA 418, (4-24-74) PH0089125 G.
Mix vicinity. *PARLANGE PLANTATION HOUSE*, Jct. of LA 1 and 78, (4-15-70) PH0089117 NHL; HABS.
Simmesport vicinity. *WHITE HALL PLANTATION HOUSE*, E of Simmesport on LA 418, (5-26-77)

rapides parish

Alexandria. *BAILEY'S DAM SITE*, Red River S of U.S. 71/165/167, (6-29-76)
Alexandria. *COMMERCIAL BUILDING*, 3rd and Johnston Sts., (11-29-78)

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Alexandria vicinity. *KENT PLANTATION HOUSE*, W of Alexandria on Bayou Rapides at Virginia Ave., (8-5-71) PH0089133
Alexandria vicinity. *ROSALIE PLANTATION SUGAR MILL*, S of Alexandria off U.S. 71/167, (1-2-76)
Cheneyville vicinity. *LOYD HALL PLANTATION*, NW of Cheneyville on Loyd Bridge Rd., (4-29-77)
Pineville vicinity. *OLD LSU SITE*, N of Pineville at 2500 Shreveport Hwy., (8-14-73) PH0089141

sabine parish

Many vicinity. *FORT JESUP*, 7 mi. NE of Many on LA 6, Fort Jesup State Monument, (10-15-66) PH0098108 NHL.
Many vicinity. *STOKER HOUSE*, NE of Many, (6-23-76)

st. bernard county

Shell Beach vicinity. *FORT PROCTOR*, N of Shell Beach on Lake Borgne, (9-20-78)

st. bernard parish

New Orleans vicinity. *CHALMETTE NATIONAL HISTORICAL PARK*, 6 mi. S of New Orleans, (10-15-66) PH0290378 HABS.
St. Bernard vicinity. *MAGNOLIA MOUND*, E of St. Bernard, (5-22-78)

st. charles parish

Destrehan. *DESTREHAN PLANTATION*, Rover Rd. (LA 48), (3-20-73) PH0089150 G.
Hahnville vicinity. *HOMEPLACE PLANTATION HOUSE*, LA 18, 0.5 mi. S of Hahnville, (4-15-70) PH0089168 NHL; HABS.

st. james parish

Vacherie vicinity. *OAK ALLEY PLANTATION*, 2.5 mi. N of Vacherie, (12-2-74) NHL.

st. john the baptist parish

LaPlace vicinity. *BAYOU JASMINE ARCHEOLOGICAL SITE*, N of LaPlace, (7-12-76)
Reserve vicinity. *SAN FRANCISCO PLANTATION HOUSE*, 3 mi. W of Reserve on LA 44, (5-30-74) NHL.

st. landry parish

Grand Coteau vicinity. *SACRED HEART ACADEMY*, NE of Grand Coteau, (2-18-75) HABS.
Opelousas. *PRUDHOMME, MICHEL, HOUSE*, 1152 Prudhomme Circle, (5-24-77)
Sunset vicinity. *CHRETIEN POINT PLANTATION*, 2 mi. SW of Sunset on Blue Spring Rd., (5-26-77) HABS.
Washington. *LALANNE, DOMINIQUE, HOUSE AND STORE*, SW corner of Bridge and Dejean Sts., (8-3-76) HABS.
Washington. *WASHINGTON HISTORIC DISTRICT*, LA 182, (11-15-78)
Washington vicinity. *MOUNDVILLE PLANTATION HOUSE (WARTELLE HOUSE)*, 2.5 mi. NW of Washington off LA 103, (12-12-76)

st. martin parish

St. Martinville. *ACADIAN HOUSE*, LA 31 within Longfellow Evangeline State Park, (3-30-73) PH0089184 NHL.
St. Martinville. *ST. MARTIN OF TOURS CATHOLIC CHURCH*, 133 S. Main St., (4-10-72) PH0089192 G.
St. Martinville. *U.S. POST OFFICE*, Main and Port Sts., (4-5-72) PH0089206

st. mary parish

Franklin vicinity. *OAKLAWN MANOR (OAK LAWN PLANTATION)*, 5 mi. NE of Franklin on Irish Bend Rd., (3-30-73) PH0089214

st. tammany parish

Abita Springs. *ABITA SPRINGS PAVILION*, NW end of Main St., (8-19-75) PH0179248

tangipahoa parish

Hammond. *GRACE MEMORIAL EPISCOPAL CHURCH*, 100 W. Church St., (2-23-73) PH0089222

tensas parish

Newellton vicinity. *WINTER QUARTERS*, 6 mi. (9.6 km) SE of Newellton on LA 608, (11-21-78)

terrebone parish

Houma vicinity. *SOUTHDOWN PLANTATION*, 1 mi. SW of Houma on LA 311, (1-18-74) PH0089231 G.

west carroll parish

Delhi vicinity. *POVERTY POINT*, 12 mi. N of Delhi on Bayou Macon, (10-15-66) PH0098116 NHL.

west feliciana parish

Laurel Hill vicinity. *HAZELWOOD PLANTATION*, SE of Laurel Hill on Hazelwood Rd., (7-31-78)
St. Francisville. *MYRTLES PLANTATION*, U.S. 61, (9-6-78)
St. Francisville. *PROPINQUITY*, Royal and Johnson Sts., (3-26-73) PH0089249
St. Francisville vicinity. *COTTAGE PLANTATION*, 6 mi. N of St. Francisville on U.S. 61, (3-17-75) PH0038008
St. Francisville vicinity. *OAKLEY PLANTATION HOUSE*, 4.5 mi. E of St. Francisville in Audubon Memorial State Park, (1-25-73) PH0089257
Tunica vicinity. *TRUDEU LANDING*, E of Tunica, (6-17-77)
Weyakoke vicinity. *LIVE OAK*, 1.3 mi. S of Weyakoke, (3-11-77) HABS.
Weyanoke vicinity. *ROSEBANK PLANTATION HOUSE*, SE of Weyanoke off LA 66, (4-13-73) PH0089265

LOUISIANA 106 pointe coupee parish

New Roads. LEJEUNE HOUSE, 507 Main St., (11-28-78)

MAINE

Greenville. KATAHDIN (LAKE BOAT), Moosehead Lake, (9-13-78)

androscoggin county

Auburn. *DAY, HOLMAN, HOUSE*, 2 Goff St., (1-20-78)
Auburn. *ENGINE HOUSE*, Court and Spring Sts., (5-22-78)
Auburn. *FOSS, HORATIO G., HOUSE*, 19 Elm St., (11-21-76)
Auburn. *HIGH STREET CONGREGATIONAL CHURCH*, High St., (6-5-75)
Auburn. *JORDAN, CHARLES A., HOUSE*, 63 Academy St., (7-15-74) PH0014273
Auburn. *LITTLE, EDWARD, HOUSE*, 217 Main St., (5-12-76)
Lewiston. *BRADFORD HOUSE*, 54–56 Pine St., (12-22-78)
Lewiston. *FRYE, SEN. WILLIAM P., HOUSE*, 453–461 Main St., (10-8-76)
Lewiston. *HATHORN HALL, BATES COLLEGE*, Bates College campus, (8-25-70) PH0014265
Lewiston. *HOLLAND-DREW HOUSE*, 377 Main St., (12-22-78)
Lewiston. *KORA TEMPLE*, 11 Sabattus St., (9-11-75)
Lewiston. *LEWISTON CITY HALL*, Pine and Park Sts., (10-21-76)
Lewiston. *LEWISTON PUBLIC LIBRARY*, Park and Pine Sts., (1-31-78)
Lewiston. *LORD, JAMES C., HOUSE*, 497 Main St., (7-21-78)
Lewiston. *OAK STREET SCHOOL*, Oak St., (10-8-76)
Lewiston. *SAVINGS BANK BLOCK*, 215 Lisbon St., (1-20-78)
Lewiston. *TRINITY EPISCOPAL CHURCH*, Bates and Spruce Sts., (3-30-78)
Lisbon Falls. *ST. CYRIL AND ST. METHODIUS CHURCH*, Main and High Sts., (5-26-77)
Lisbon Falls. *WORUMBO MILL*, On the bank of the Androscoggin River, (10-15-73) PH0014303
Lisbon Falls vicinity. *SHILOH TEMPLE*, S of Lisbon Falls on S bank of Androscoggin River, (5-12-75) PH0097641
Livermore. *NORLANDS, THE*, Norlands Rd., (12-30-69) PH0014281 G.
Livermore Falls vicinity. *LIVERMORE, DEACON ELIJAH, HOUSE*, 6 mi. S of Livermore Falls on Hillman's Ferry Rd., (2-24-75) PH0054615
Mechanic Falls vicinity. *ALL SOUL'S CHAPEL*, S of Mechanic Falls on ME 26 at Poland Spring, (11-17-77)
Poland. *MAINE STATE BUILDING*, Poland Spring, (7-18-74) PH0005444 G.
Sabbathday Lake and vicinity. *SHAKER VILLAGE*, Near ME 26, (9-13-74) PH0098124 NHL; HABS. (also in Cumberland County)

aroostook county

Eagle Lake vicinity. *BIG BLACK SITE*, SW of Eagle Lake, (9-9-75)
Fort Kent vicinity. *FORT KENT*, About 0.75 mi. SW of Fort Kent off ME 11, (12-1-69) PH0014290 NHL.
Grand Isle. *OUR LADY OF MOUNT CARMEL CATHOLIC CHURCH*, U.S. 1, (10-15-73) PH0014320
Houlton. *FIRST NATIONAL BANK OF HOULTON*, Market Sq., (9-20-73) PH0014311
Houlton. *PUTNAM, BLACKHAWK, TAVERN*, 22 North St., (1-30-76)
Littleton vicinity. *WATSON SETTLEMENT BRIDGE*, 2 mi. SE of Littleton over Meduxnekeag River, (2-16-70) PH0014354
Madawaska vicinity. *ACADIAN LANDING SITE*, E of Madawaska on the St. John River off U.S. 1, (9-20-73) PH0014338 G.
Madawaska vicinity. *ST. DAVID CATHOLIC CHURCH*, E of Madawaska on U.S. 1, (10-2-73)
New Sweden vicinity. *TIMMERHUSET*, W of New Sweden on ME 161, (8-23-73) PH0014346
Van Buren. *VIOLETTE HOUSE*, 464 Main St., (5-17-76)
Van Buren vicinity. *ACADIAN HISTORIC BUILDINGS*, N of Van Buren on U.S. 1, (12-13-77)

cumberland county

SHAKER VILLAGE, Reference—see Androscoggin County (1-2-74)
Bridgton. *PERRY, WILLIAM F., HOUSE*, 6 Main Hill, (9-25-75)
Brunswick. *BOODY, HENRY, HOUSE*, Maine St., (2-24-75) PH0054607
Brunswick. *FEDERAL STREET HISTORIC DISTRICT*, Roughly bounded by Mason,

Maine, College, and Federal Sts., (10-29-76)
Brunswick. *FIRST PARISH CHURCH*, 207 Maine St., (12-2-69) PH0014460 G.
Brunswick. *LINCOLN STREET HISTORIC DISTRICT*, Lincoln St. between Main and Union Sts., (12-12-76)
Brunswick. *MASSACHUSETTS HALL, BOWDOIN COLLEGE*, Bowdoin College campus, (7-27-71) PH0014559 HABS.
Brunswick. *RICHARDSON HOUSE (CAPT. GEORGE MCMANUS HOUSE)*, 11 Lincoln St., (5-16-74) PH0014729
Brunswick. *ST. PAUL'S EPISCOPAL CHURCH*, 27 Pleasant St., (1-31-78)
Brunswick. *STOWE, HARRIET BEECHER, HOUSE*, 63 Federal St., (10-15-66) PH0098141 NHL.
Brunswick vicinity. *HARPSWELL MEETINGHOUSE*, Harpswell Center on ME 123, 9 mi. S of Brunswick, (11-24-68) PH0017892 NHL; HABS.
Cape Elizabeth. *BECKETT'S CASTLE*, Off ME 77, (12-31-74) PH0052701
Cape Elizabeth. *BROWN, C. A., COTTAGE*, 9 Delano Park, (7-30-74) PH0014389
Cape Elizabeth. *PORTLAND HEADLIGHT*, Portland Head off Shore Rd., (4-24-73) PH0014699 HABS.
Cape Elizabeth. *SPURWINK CONGREGATIONAL CHURCH*, Spurwink Ave., (5-19-70) PH0014796
Cape Elizabeth. *TWO LIGHTS*, Off ME 77, (12-27-74) PH0085511
Cape Elizabeth vicinity. *RICHMOND'S ISLAND ARCHEOLOGICAL SITE*, (11-2-78)
Casco vicinity. *FRIENDS MEETINGHOUSE*, S of Casco off U.S. 302, (9-9-75) PH0229181
Falmouth. *SKELTON, THOMAS, HOUSE*, 124 U.S. 1, (5-7-73) PH0014826
Falmouth vicinity. *HALL'S TAVERN*, W of Falmouth at 377 Gray Rd., (3-30-78)
Freeport. *FREEPORT MAIN STREET HISTORIC DISTRICT*, Main St., (11-16-77)
Freeport. *HARRASEEKET HISTORIC DISTRICT*, Roughly both sides of the Harraseeket River, including South Freeport, Porters Landing, and Mast Landing, (6-28-74) PH0014508
Freeport. *PETTENGILL HOUSE AND FARM*, S of Bow St., (10-6-70) PH0014630 G.
Freeport. *POTE, CAPT. GREENFIELD, HOUSE (PETTENGILL HOUSE)*, Wolf Neck Rd., (10-6-70) PH0014648
Gorham. *ACADEMY BUILDING (GORHAM ACADEMY; GORHAM SEMINARY)*, Gorham campus of University of Maine at Portland-Gorham, (1-18-73) PH0014362
Gorham. *ART GALLERY (FREE MEETINGHOUSE, TOWN HOUSE)*, Gorham campus of University of Maine at Portland-Gorham, (12-27-72) PH0014371
Gorham. *GORHAM CAMPUS HISTORIC DISTRICT*, College Ave., (5-5-78)
Gorham. *MCLELLAN HOUSE*, School St., (12-5-72) PH0014834
Harpswell. *EAGLE ISLAND (HOME OF ADM. ROBERT E. PEARY)*, (11-23-71) PH0014435
Harpswell. *KELLOGG, ELIJAH, HOUSE*, N of North Harpswell on ME 123, (4-28-75)
Harpswell vicinity. *BAILEY ISLAND COBWORK BRIDGE*, On ME 24 connecting Bailey and Orrs Islands, (4-28-75)
Harrison vicinity. *BARROWS-SCRIBNER MILL*, SE of Harrison on Scribner's Mill Rd., (3-26-76)
Naples. *MANOR HOUSE*, U.S. 302, (7-12-78)
Naples vicinity. *SONGO LOCK*, S of Naples off ME 114, (2-16-70)
New Gloucester. *NEW GLOUCESTER HISTORIC DISTRICT*, Both sides of ME 33 and ME 231, (11-13-74) PH0031429
North Falmouth vicinity. *FALMOUTH HOUSE*, 340 Gray Rd., (9-1-76)
Otisfield vicinity. *NUTTING HOMESTEAD, THE*, S of Otisfield off ME 121, (12-3-74) PH0043893
Portland. *BROWN, J. B., MEMORIAL BLOCK*, Congress and Casco Sts., (5-23-78)
Portland. *BUTLER, A. B., HOUSE*, 4 Walker St., (5-8-74) PH0014397
Portland. *CHESTNUT STREET METHODIST CHURCH*, 11–19 Chestnut St., (10-20-77)
Portland. *CLAPP, CHARLES Q., BLOCK*, Congress Sq., (1-31-78)
Portland. *CLAPP, CHARLES Q., HOUSE*, 97 Spring St., (2-23-72) PH0014401 HABS; G.
Portland. *DOW, GEN. NEAL, HOUSE*, 714 Congress St., (4-11-73) PH0014427 NHL.
Portland. *EASTERN CEMETERY*, Congress St., corner Mountford St., (12-12-73) PH0014443
Portland. *FIFTH MAINE REGIMENT COMMUNITY CENTER*, Seashore Ave., Peaks Island, (1-5-78)
Portland. *FIRST BAPTIST CHURCH*, 353 Congress St., (1-31-78)
Portland. *FIRST PARISH CHURCH*, 425 Congress St., (1-12-73) PH0014451 HABS; G.
Portland. *GOTHIC HOUSE, THE*, 387 Spring Street, (12-31-74) PH0044041
Portland. *GREEN MEMORIAL A.M.E. ZION CHURCH (ABYSSINIAN CONGREGATIONAL CHURCH AND SOCIETY)*, 46 Sheridan St., (1-17-73) PH0014494
Portland. *GREENOUGH, BYRON, BLOCK*, Free and Middle Sts., (3-10-77)
Portland. *HOW, DANIEL, HOUSE*, 23 Danforth St., (4-24-73) PH0014516
Portland. *INGRAHAM, JOSEPH HOLT, HOUSE*, 51 State St., (7-16-73) PH0014524 HABS.
Portland. *MARINE HOSPITAL*, 331 Veranda St., (8-21-74) PH0015521
Portland. *MARINER'S CHURCH*, 368–374 Fore St., (4-23-73) PH0014532
Portland. *MCLELLAN-SWEAT MANSION*, 111 High St., (3-5-70) NHL; HABS; G.
Portland. *MECHANICS' HALL*, 519 Congress St., (10-3-73) PH0014583 HABS.
Portland. *MORSE-LIBBY MANSION*, 109 Danforth St., (5-19-70) PH0014605 NHL; HABS; G.
Portland. *PARK STREET ROW*, 88-114 Park St., (2-23-72) PH0014621 HABS.
Portland. *PORTLAND CITY HALL*, 389 Congress St., (5-7-73) PH0014672 HABS.
Portland. *PORTLAND CLUB (HUNNEWELL-SHEPLEY HOUSE)*, 156 State St., (1-25-73) PH0014681
Portland. *PORTLAND OBSERVATORY*, 138 Congress St., (4-24-73) PH0014664 HABS.
Portland. *PORTLAND STOVE FOUNDRY*, 57 Kennebec St., (11-18-74) PH0085502
Portland. *PORTLAND WATERFRONT*, Waterfront Area, (5-2-74) PH0014702
Portland. *RACKLEFF BUILDING*, 127, 129, 131, 133 Middle St., (5-9-73) PH0014842
Portland. *REED, THOMAS BRACKETT, HOUSE*, 30-32 Deering St., (5-7-73) PH0014711 NHL.
Portland. *SMITH, F.O.J., TOMB*, Stevens Ave. in Evergreen Cemetery, (12-31-74) PH0294527
Portland. *SPRING STREET HISTORIC DISTRICT*, (4-3-70) HABS.
Portland. *ST. PAUL'S CHURCH AND RECTORY*, 279 Congress St., (12-22-78)
Portland. *STEVENS, JOHN CALVIN, HOUSE*, 52 Bowdoin St., (7-16-73) PH0014818 HABS.
Portland. *STROUDWATER HISTORIC DISTRICT*, Residential area at confluence of Stroudwater and Fore Rivers, (2-16-73) PH0014800 HABS.
Portland. *THOMPSON BLOCK*, 117, 119, 121, 123, and 125 Middle St., (2-28-73) PH0014745
Portland. *U.S. COURTHOUSE*, 156 Federal St., (2-12-74) PH0014753
Portland. *U.S. CUSTOMHOUSE*, 312 Fore St., (5-17-73) PH0014761 HABS.
Portland. *WADSWORTH-LONGFELLOW HOUSE*, 487 Congress St., (10-15-66) PH0098132 NHL; HABS; G.
Portland. *WESTBROOK COLLEGE HISTORIC DISTRICT*, 716 Stevens Ave., (9-15-77)
Portland. *WOODMAN BUILDING*, 133-141 Middle St., (2-23-72) PH0014770 HABS.
Portland vicinity. *FORT GORGES*, E of Portland on Hog Island, Portland Harbor, (8-28-73) PH0014478 HABS.
Scarborough. *HOMER, WINSLOW, STUDIO*, Winslow Homer Rd., Prout's Neck, (10-15-66) PH0097403 NHL.
Scarborough vicinity. *HUNNIWELL, RICHARD, HOUSE*, W of Scarborough at Winnock's Neck and Old County Rds., (5-12-76)
South Casco. *HAWTHORNE, NATHANIEL, BOYHOOD HOME*, Hawthorne and Raymond Cape Rds., (12-2-69) PH0014613
South Portland. *PORTLAND BREAKWATER LIGHT*, NE end of Portland Breakwater in Portland Harbor, (6-19-73) PH0014656 HABS.
South Windham vicinity. *SMITH, PARSON, HOUSE*, SE of South Windham on River Rd., (7-16-73) PH0014788
Standish. *FIRST PARISH MEETINGHOUSE*, Oak Hill Rd., (3-27-75) PH0088510
Standish. *MARRETT, DANIEL, HOUSE*, On ME 25, (2-15-74) PH0014541
Standish, Windham, Gorham, and Westbrook. *CUMBERLAND AND OXFORD CANAL*, From Sabago Lake Basin to Conant St., (11-1-74) PH0085529
Steep Falls vicinity. *VALLEY LODGE*, NW of Steep Falls off ME 113, (9-19-77)
Stroudwater. *TATE HOUSE*, 1270 Westbrook St., (1-12-70) NHL; HABS.
Westbrook. *CUMBERLAND MILLS HISTORIC DISTRICT*, Both sides of Presumpscot River between railroad tracks and Warren Ave., (5-2-74) PH0014419
Westbrook. *WARREN BLOCK*, Main St., (11-5-74) PH0032204
Yarmouth. *MERRILL, CAPT. REUBEN, HOUSE*, 97 W. Main St., (7-12-74) PH0014591
Yarmouth. *MITCHELL HOUSE*, 40 Main St., (1-20-78)
Yarmouth. *NORTH YARMOUTH ACADEMY*, On ME 115, (3-4-75) PH0084981
Yarmouth. *NORTH YARMOUTH AND FREEPORT BAPTIST MEETINGHOUSE*, Hillside St., (11-20-78)

franklin county

Farmington. *ABBOTT, JACOB, HOUSE*, ME 27, (11-26-73) PH0024554
Farmington. *CUTLER MEMORIAL LIBRARY*, Academy and High Sts., (11-2-73) PH0024562
Farmington. *FIRST CONGREGATIONAL CHURCH, UNITED CHURCH OF CHRIST*, Main St., (7-25-74) PH0024571

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Farmington. *FREE WILL BAPTIST MEETINGHOUSE*, Main St., (8-28-73) PH0024589

Farmington. *GREENWOOD, CHESTER, HOUSE*, ME 27, (7-12-78)

Farmington. *RAMSDELL, HIRAM, HOUSE*, High and Perham Sts., (12-4-73) PH0024635

Farmington Falls. *OLD UNION MEETINGHOUSE (UNION BAPTIST CHURCH)*, U.S. 2, (10-30-73) PH0024627 G.

Farmington vicinity. *NORDICA HOMESTEAD*, N of Farmington on Holly Rd. off ME 27, (12-23-69) PH0024601

Kingfield. *WINTER, AMOS G., HOUSE*, Winter's Hill off ME 27, (5-3-76)

North Jay. *HOLMES-CRAFTS HOMESTEAD*, Old N. Jay Rd. on ME 4, (4-26-73) PH0024597

North Jay. *NORTH JAY GRANGE STORE*, ME 17, (10-23-74) PH0030295

Popham Beach vicinity to Coburn Gore. *ARNOLD TRAIL TO QUEBEC*, Along the Kennebec River, through Wayman and Flagstaff lakes, along the Dead River and Chain of Ponds to Quebec, Canada, (10-1-69) (also in Kennebec, Sagadahoc, and Somerset counties)

Rangely. *RANGELY PUBLIC LIBRARY*, Lake St., (7-12-78)

West Farmington vicinity. *LITTLE RED SCHOOLHOUSE*, S of West Farmington on Wilton Rd., (2-23-72) PH0024619

hancock county

Bar Harbor. *REDWOOD*, Barberry Lane, (4-3-78)

Bar Harbor. *TURRETS, THE*, Eden St., (12-24-74) PH0099589

Bar Harbor vicinity. *HIGHSEAS*, S of Bar Harbor on Schooner Head Rd., (11-30-78)

Blue Hill. *HINCKLEY, WARD, HOUSE*, (12-16-74) PH0062758

Blue Hill vicinity. *JONATHAN FISHER MEMORIAL*, SW of Blue Hill on ME 15 (Outer Main St.), (12-30-69) PH0024716

Brooksville. *TOPSIDE*, N bank of Walker Pond off ME 176, (8-13-75)

Bucksport. *BUCKSPORT RAILROAD STATION*, Main St., (4-28-75)

Bucksport. *EMERY, JAMES, HOUSE*, Main St., (8-13-74) PH0015491

Castine. *CASTINE HISTORIC DISTRICT*, (2-23-73) PH0024651

Castine. *CATE HOUSE*, Corner of Court and Pleasant Sts., (1-26-70) PH0024660

Castine. *FORT GEORGE*, Wadsworth St. off Battle Ave., (12-30-69) PH0024694

Castine. *PERKINS, JOHN, HOUSE*, Perkins St., (12-30-69) PH0024708

Deer Isle. *HASKELL, SQUIRE IGNATIUS, HOUSE*, ME 172A, (2-3-78)

East Sullivan vicinity. *WICKYUP (ADM. RICHARD E. BYRD ESTATE)*, 8 mi. NE of East Sullivan at the S end of Tunk Lake, (8-29-70) PH0024732 NHL.

Eastbrook. *EASTBROOK BAPTIST CHURCH AND EASTBROOK TOWN HOUSE*, ME 200, (12-18-78)

Ellsworth. *BLACK MANSION*, W. Main St. (ME 172), (12-23-69) PH0024643 G.

Ellsworth. *ELLSWORTH CONGREGATIONAL CHURCH*, State St., (4-23-73) PH0024678

Ellsworth. *JORDON, COL. MELTIAH, HOUSE (ELLSWORTH PUBLIC LIBRARY)*, State St., (8-13-74) PH0015504 HABS.

Ellsworth. *OLD HANCOCK COUNTY BUILDINGS*, Cross St., (11-23-77)

Ellsworth. *STANWOOD HOMESTEAD (BIRDSACRE SANCTUARY)*, 1 mi. S of Ellsworth on ME 3, (6-19-73) PH0024724

Mount Desert. *SOMESVILLE HISTORIC DISTRICT*, Somes Harbor and its environs, (1-8-75)

Northeast Harbor. *GILMAN, DANIEL COIT, SUMMER HOME (OVER EDGE)*, (10-15-66) PH0098159 NHL.

Sedgwick. *FIRST BAPTIST CHURCH*, Off ME 172, (4-24-73) PH0024686

Southwest Harbor. *CLAREMONT HOTEL*, Claremont Rd., (3-29-78)

Southwest Harbor vicinity. *FERNALD POINT PREHISTORIC SITE*, N of Southwest Harbor, (7-21-78)

Sullivan. *GRANITE STORE*, U.S. 1, (12-16-74) PH0044008

Sunset vicinity. *OLMSTED, FREDERICK LAW, SUMMER HOME*, SW of Sunset on Deer Isle, (11-7-76)

keenebec county

Oakland. *PRESSEY HOUSE*, 287 Summer St., (9-15-77)

Vassalboro. *RIVER MEETINGHOUSE*, U.S. 201, (9-19-77)

kennebec county

ARNOLD TRAIL TO QUEBEC, Reference—see Franklin County (1-2-74)

Augusta. *ALL SOULS CHURCH*, 70 State St., (1-31-78)

Augusta. *BLAINE, JAMES G., HOUSE*, Capitol and State sts., (10-15-66) PH0097730 NHL.

Augusta. *FORT WESTERN*, Bowman St., (12-2-69) PH0024775 NHL; HABS.

Augusta. *HILL, GOV. JOHN F., MANSION*, 136 State St., (11-21-77)

Augusta. *KENNEBEC ARSENAL*, Arsenal St., (8-25-70) PH0024783

Augusta. *KENNEBEC COUNTY COURTHOUSE*, 95 State St., (7-25-74) PH0024805

Augusta. *LITHGOW LIBRARY*, Winthrop St., (7-24-74) PH0024813

Augusta. *MAINE STATE HOUSE*, Capitol St., (4-24-73) PH0024821 HABS.

Augusta. *MORRILL, LOT, HOUSE*, 113 Winthrop St., (7-18-74) PH0024830

Augusta. *OLD POST OFFICE*, Water St., (7-18-74) PH0024856

China. *CHINA VILLAGE HISTORIC DISTRICT*, ME 9, (11-23-77)

Clinton. *BROWN MEMORIAL LIBRARY*, Downtown Clinton, (4-28-75) PH0120782

Farmingdale. *GRANT, PETER, HOUSE*, 10 Grant St., (5-17-76)

Gardiner. *CHRIST EPISCOPAL CHURCH*, 1 Dresden Ave., (7-24-73) PH0024741

Gardiner. *OAKLANDS*, S end of Dresden St., (7-27-73) PH0024848 HABS.

Gardiner. *ROBINSON, EDWARD ARLINGTON, HOUSE*, 67 Lincoln Ave., (11-11-71) PH0024864 NHL.

Hallowell. *ELM HILL FARM (MERRICK COTTAGE)*, Litchfield Rd., (8-25-70) PH0024767

Hallowell. *HALLOWELL HISTORIC DISTRICT*, (10-28-70) PH0024791

Hallowell. *ROW HOUSE (GAGE BLOCK)*, 106–114 2nd St., (7-1-70) PH0024872 G.

Hallowell. *VAUGHAN HOMESTEAD*, Middle St. off Litchfield Rd., (10-6-70) PH0024881

Manchester vicinity. *COBBOSSEECONTEE DAM SITE*, S of Manchester off Pond Rd., (6-3-76)

Monmouth. *CUMSTON HALL*, Main St., (8-14-73) PH0024759 HABS; G.

Mt. Vernon vicinity. *BECK, KLIR, HOUSE*, W of Mt. Vernon off ME 41, (11-23-77)

Oakland. *MEMORIAL HALL*, Church St., (11-23-77)

Pittston. *PITTSTON CONGREGATIONAL CHURCH*, Jct. ME 27 and ME 194, (1-31-78)

Togus. *GOVERNOR'S HOUSE*, (9-23-74) NHL.

Waterville. *FIRST BAPTIST CHURCH*, Park and Elm Sts., (11-7-76)

Waterville. *REDINGTON HOUSE*, 64 Silver St., (7-21-78)

Waterville. *UNIVERSALIST-UNITARIAN CHURCH*, Silver and Elm Sts., (2-17-78)

Waterville. *WATERVILLE OPERA HOUSE AND CITY HALL*, Castonguay Sq., (1-1-76)

Waterville. *WATERVILLE POST OFFICE*, Main and Elm St., (4-18-77)

Waterville-Winslow. *TWO CENT BRIDGE*, Spans the Kennebec River at Temple St., (9-20-73) PH0025470

Wayne. *WAYNE TOWN HOUSE*, ME 133, (1-1-76)

Winslow. *FORT HALIFAX*, On U.S. 201 at Winslow, (11-24-68) PH0024996 NHL; HABS.

Winslow. *SHURTLEFF, JONAS B., HOUSE*, Augusta Rd., (12-30-74) PH0052779

Winslow vicinity. *BRICK SCHOOL*, S of Winslow on Cushman Rd., (4-18-77)

knox county

Camden. *CONWAY HOUSE*, Conway Rd., (12-23-69) PH0024899

Camden. *CURTIS ISLAND LIGHT (NEGRO ISLAND LIGHT)*, 0.8 mi. from Camden Harbor in Penobscot Bay, (5-17-73) PH0024902

Camden. *NORUMBEGA*, High St., (7-12-74) PH0015512

North Haven vicinity. *TURNER FARM SITE*, NE of North Haven, (3-26-76)

Owls Head vicinity. *OWLS HEAD LIGHT STATION*, NE of Owls Head on W. Penobscot Bay, (1-18-78)

Rockland. *FARNSWORTH HOMESTEAD*, 21 Elm St., (5-25-73) PH0024911 HABS.

Rockland. *KNOX COUNTY COURTHOUSE*, 62 Union St., (4-18-77)

Rockland. *MAIN STREET HISTORIC DISTRICT*, Main St. from Limerock to Winter Sts., (6-7-78)

Rockland. *RANKIN BLOCK*, 600-610 Main St., (11-7-78)

Rockland. *ROCKLAND RAILROAD STATION*, Union St., (2-7-78)

Rockland. *SECURITY TRUST BUILDING*, Elm and Main Sts., (1-20-78)

Rockport. *ROCKPORT HISTORIC DISTRICT*, Irregular pattern along Pascal Ave. from Russell, Union, and Winter Sts. on N to School St. on S., (5-28-76)

Rockport. *ROCKPORT HISTORIC KILN AREA*, On W side of mouth of Goose River at confluence with Rockport Harbor, (1-26-70) PH0024937

Rockport. *SPITE HOUSE*, Deadman's Point, (8-13-74) PH0005487

Tenants Harbor. *SAIL LOFT*, Off ME 131, (10-28-77)

Thomaston. *THOMASTON HISTORIC DISTRICT*, Runs through Blue Star Memorial Hwy. between Wadsworth St. and ME 131, (5-2-74) PH0024929 HABS.

Union. *ALDEN, EBENEZER, HOUSE*, Off ME 131, (4-28-75)

Vinalhaven. *VINALHAVEN GALAMANDER, THE*, Bandstand Park, (7-1-70) PH0004332

Warren, Union, Appleton, and Searsmont vicinity. *GEORGES RIVER CANAL*, Upper Falls, Georges River in Warren to Union

town line, extending to Quantabacook Pond in Searsmont, (3-5-70) PH0004324 (also in Waldo County)

lincoln county

Alna. *ALNA SCHOOL*, Alna Center, (4-28-75) PH0120766 HABS.

Alna. *HEAD TIDE HISTORIC DISTRICT*, Both sides of Sheepscot River, (11-19-74) PH0031381

Alna Center. *ALNA MEETINGHOUSE*, ME 218, (5-19-70) PH0024945 HABS.

Boothbay Harbor. *BOOTHBAY HARBOR MEMORIAL LIBRARY*, ME 27, (4-18-77)

Boothbay Harbor vicinity. *BURNT ISLAND LIGHT STATION*, S of Boothbay Harbor on Burnt Island, (11-23-77)

Boothbay vicinity. *DAMARISCOVE ISLAND ARCHEOLOGICAL SITE*, S of Boothbay, (5-22-78)

Damariscotta. *CHAPMAN-HALL HOUSE*, Main and Vine Sts., (5-19-70) PH0024961

Damariscotta. *COTTRILL, MATTHEW, HOUSE*, Main St. (U.S. 1), (5-2-74) PH0024970 HABS.

Damariscotta vicinity. *DAMARISCOTTA OYSTER SHELL HEAPS*, Damariscotta River, N of Damariscotta, (12-30-69) PH0024988

Dresden. *BOWMAN-CARNEY HOUSE*, Off ME 197, (4-7-71) PH0024953 HABS.

Dresden. *POWNALBOROUGH COURTHOUSE*, Cedar Grove Rd., (1-12-70) PH0004511 HABS.

Dresden vicinity. *ST. JOHN'S ANGLICAN CHURCH AND PARSONAGE SITE*, S of Dresden, (11-21-78)

Edgecomb. *FORT EDGECOMB*, On Davis Island in the Sheepscot River, (10-1-69) PH0004316

New Castle. *GLIDDEN-AUSTIN BLOCK*, Jct. of U.S. 1 and ME 215, (4-28-75) PH0059480 HABS.

New Castle. *KAVANAUGH, GOV. EDWARD, HOUSE*, ME 213 (Damariscotta Mills), (5-3-74) PH0004367 HABS.

New Castle vicinity. *SHEEPSCOT HISTORIC DISTRICT*, W of New Castle, (6-23-78)

Newcastle. *ST. ANDREW'S CHURCH*, Glidden St., (10-8-76)

Newcastle. *ST. PATRICK'S CATHOLIC CHURCH*, Academy Rd., (4-23-73) PH0004421 HABS.

North Whitefield vicinity. *ST. DENIS CATHOLIC CHURCH*, W of North Whitefield on ME 218, (10-29-76)

Pemaquid Beach vicinity. *FORT WILLIAM HENRY*, NW of Pemaquid Beach, (12-1-69) PH0004341 G.

Pemaquid Beach vicinity. *PEMAQUID RESTORATION AND MUSEUM*, N of Pemaquid Beach at Pemaquid Point, (12-2-69) PH0004405 G.

Pemaquid vicinity. *HARRINGTON MEETINGHOUSE*, NW of Pemaquid on Old Harrington Rd., (5-19-70) PH0004359

South Bristol. *THOMPSON ICEHOUSE*, ME 129, (12-31-74) PH0054437

South Bristol vicinity. *SPROUL HOMESTEAD*, N of South Bristol on ME 129, (3-21-78)

Waldoboro. *U.S. CUSTOMHOUSE AND POST OFFICE (WALDOBORO PUBLIC LIBRARY)*, Main St., (1-18-74) PH0004430

Waldoboro. *WALDOBOROUGH TOWN POUND*, Washington Rd., (5-28-76)

Waldoboro vicinity. *GERMAN CHURCH AND CEMETERY*, 1 mi. S of Waldoboro Village on ME 32, (5-19-70) PH0004391 HABS.

Walpole vicinity. *WALPOLE MEETINGHOUSE*, N of Walpole on Meeting House Rd., (11-7-76) HABS.

Wiscasset. *NICKELS-SORTWELL HOUSE*, NE corner of Main and Federal Sts., (12-30-70) PH0005274 NHL; HABS; G.

Wiscasset. *RED BRICK SHCOOL (OLD ACADEMY BUILDING)*, Warren St., (10-6-70) PH0004413 HABS.

Wiscasset. *SCOTT, CAPT. GEORGE, HOUSE (OCTAGON HOUSE)*, Federal St., (2-23-72) HABS.

Wiscasset. *U.S. CUSTOMHOUSE (OLD CUSTOMHOUSE) AND POST OFFICE*, Water St., (8-25-70) PH0004383

Wiscasset. *WISCASSET HISTORIC DISTRICT*, (1-12-73) PH0004456 HABS.

Wiscasset. *WISCASSET JAIL AND MUSEUM*, ME 218, (1-26-70) PH0004448 HABS.

oxford county

Andover vicinity. *MERRILL-POOR HOUSE*, NE of Andover on ME 120, (5-17-76)

Bethel. *BROAD STREET HISTORIC DISTRICT*, Broad St. and the Common, (12-28-77)

Bethel. *GEHRING CLINIC*, Off ME 5, (8-2-76)

Bethel. *MASON, DR. MOSES, HOUSE (ADA DURRELL HOUSE)*, Broad St., (10-17-72) PH0004472

Fryeburg Center vicinity. *HEMLOCK BRIDGE*, NE of Fryeburg Center, over the Old Course Saco River, (2-16-70) PH0004481

Gilead vicinity. *PEABODY TAVERN*, E of Gilead on U.S. 2, (12-13-76)

Hebron. *STURTEVANT HALL*, ME 119, (9-19-77)

Hiram vicinity. *WADSWORTH HALL*, S of Hiram, (1-21-74) PH0004537

Hiram vicinity. *WATSON, JOHN, HOUSE*, 1 mi. NW of Hiram off ME 117, (12-31-74) PH0052710

Lovell. *KNIGHT'S COUNTRY STORE*, ME 5A, (4-14-78)

Newry vicinity. *LOWER SUNDAY RIVER SCHOOL*, SW of Newry on Sunday River Rd., (5-23-78)

Newry vicinity. *SUNDAY RIVER BRIDGE*, W of Newry, over Sunday River, (2-16-70) PH0005258

Paris Hill. *PARIS HILL HISTORIC DISTRICT*, (6-19-73) PH0004502

Porter vicinity. *PORTER OLD MEETINGHOUSE*, N of Porter off ME 25, (4-2-73) PH0004529 HABS.

Porter vicinity. *PORTER-PARSONFIELD BRIDGE*, 0.5 mi. S of Porter over the Ossipee River, (2-16-70) PH0005231 (also in York County)

Rumford. *STRATHGLASS PARK DISTRICT*, Bounded by Lincoln Ave., Hancock St., Maine Ave., and York St., (10-18-74) PH0007145

South Andover. *LOVEJOY BRIDGE*, Over Ellis River, (2-16-70) PH0004499

Wilsons Mills vicinity. *BENNETT BRIDGE*, 1.5 mi. S of Wilsons Mills off ME 16, over Magalloway River, (2-16-70) PH0004464

penobscot county

Bangor. *ADAMS-PICKERING BLOCK*, Corner of Main and Middle Sts., (5-2-74) PH0004545

Bangor. *BANGOR CHILDREN'S HOME*, 218 Ohio St., (9-9-75) PH0229199

Bangor. *BANGOR HOUSE*, 174 Main St., (2-23-72) PH0004553

Bangor. *BANGOR STANDPIPE*, Jackson St., (8-30-74) PH0008214

Bangor. *BANGOR THEOLOGICAL SEMINARY HISTORIC DISTRICT*, Union St., (8-2-77)

Bangor. *BLAKE HOUSE*, 107 Court St., (10-31-72) PH0004588

Bangor. *BROADWAY HISTORIC DISTRICT*, (5-7-73) PH0004561

Bangor. *FARRAR, SAMUEL, HOUSE*, 123 Court St., (5-23-74) PH0004596

Bangor. *GODFREY-KELLOGG HOUSE*, 212 Kenduskeag Ave., (6-18-73) PH0004600

Bangor. *GRAND ARMY MEMORIAL HOME*, 159 Union St., (10-31-72) PH0004618 G.

Bangor. *JONAS CUTTING-EDWARD KENT HOUSE*, 48–50 Penobscot St., (4-2-73) PH0004626

Bangor. *LOW, JOSEPH W., HOUSE*, 51 Highland St., (12-4-73) PH0004651

Bangor. *MORSE & CO. OFFICE BUILDING*, Harlow St., (4-2-73) PH0004642

Bangor. *MORSE BRIDGE*, Valley Ave., over Kenduskeag Stream, (2-16-70) PH0004634

Bangor. *MOUNT HOPE CEMETERY DISTRICT*, U.S. 2, (12-4-74) PH0073547

Bangor. *POND, CHARLES H., HOUSE*, 175 State St., (7-12-78)

Bangor. *SMITH, ZEBULON, HOUSE*, 55 Summer St., (1-21-74) PH0004723

Bangor. *ST. JOHN'S CATHOLIC CHURCH*, York St., (4-2-73) PH0004685

Bangor. *SYMPHONY HOUSE (ISAAC FARRAR HOUSE)*, 166 Union St., (10-26-72) PH0004731 G.

Bangor. *WHEELWRIGHT BLOCK*, 34 Hammond St., (7-18-74) PH0004766

Bangor. *WILLIAMS, GEN. JOHN, HOUSE*, 62 High St., (12-22-78)

Bangor-Brewer vicinity. *PENOBSCOT EXPEDITION SITE*, Between Bangor and Brewer at jct. of Penobscot and Kenduskeag Stream, (4-23-73) PH0004715

Corinna. *STEWART FREE LIBRARY*, ME 11/43, (7-30-74) PH0004693 G.

Dexter. *ABBOTT MEMORIAL LIBRARY*, ME 7, (11-20-78)

Dexter. *DEXTER GRIST MILL*, ME 7, (10-10-75) PH0246611

Dixmont. *BUSSEY, LOUIS I., SCHOOL*, U.S. 202, (11-7-76)

East Corinth vicinity. *CORINTH VILLAGE (SKINNER SETTLEMENT)*, 3.5 mi. W of East Corinth, (6-4-73) PH0004707

Garland. *GARLAND GRANGE HALL*, Off ME 94, (5-12-75) PH0097659

Hampden. *HAMPDEN ACADEMY*, Alt. U.S. 1, (9-11-75) PH0229172

Hudson vicinity. *YOUNG SITE*, E of Hudson, (3-26-76)

Medway. *CONGREGATIONAL CHURCH OF MEDWAY*, Off ME 11, (11-21-77)

Newburgh vicinity. *KNOWLTON, JABEZ, STORE*, W of Newburgh on ME 9, (1-18-78)

North Brewer vicinity. *PENOBSCOT SALMON CLUB AND POOL*, N. Main St., (9-15-76)

Old Town. *ST. ANNE'S CHURCH AND MISSION SITE*, On Indian Island off ME 43, (11-26-73) PH0004677

Old Town. *ST. JAMES EPISCOPAL CHURCH*, Centre St., (11-19-74) PH0043818

Old Town vicinity. *HIRUNDO SITE*, W of Old Town off ME 43, (9-11-75) G.

Orono. *COLBURN, WILLIAM, HOUSE*, 91 Bennoch Rd., (6-19-73) PH0004570

Orono. *ORONO MAIN STREET HISTORIC DISTRICT*, Main St. from Maplewood Ave. to Pine St., (12-7-77)

Orono. *TREAT, NATHANIEL, HOUSE*, 114 Main St., (9-20-73) PH0004740

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Orono. *UNIVERSITY OF MAINE AT ORONO HISTORIC DISTRICT*, Munson, Sebec, and Schoodic Rds., (7-12-78)
Orono. *WASHBURN, GOV. ISRAEL, HOUSE*, 120 Main St., (1-12-73) PH0004758
Robyville. *ROBYVILLE BRIDGE*, Over Kenduskeag Stream, (2-16-70) PH0004669
Springfield. *SPRINGFIELD CONGREGATIONAL CHURCH*, ME 6, (12-22-78)

piscataquis county

Brownville Junction vicinity. *KATAHDIN IRONWORKS*, NW of Brownville Junction at Silver Lake, (12-23-69) PH0004791
Chesuncook. *CHESUNCOOK VILLAGE*, NW shore, Chesuncook Lake, (4-11-73) PH0004782
Dover-Foxcroft. *WILEY, JAMES SULLIVAN, HOUSE*, Main St., (11-21-76)
Millinocket vicinity. *AMBAJEJUS BOOM HOUSE*, About 11 mi. NW of Millinocket and Ambajejus Lake, (4-2-73) PH0004774
Sangerville. *CARLETON, ROBERT, HOUSE*, N. Main St., (12-6-75)
Sangerville vicinity. *LOW'S BRIDGE*, Over Piscataquis River between Guilford and Sangerville, (2-16-70) PH0004804
Sebec. *BURGESS HOUSE*, Off ME 11, (5-3-78)

sagadahoc county

ARNOLD TRAIL TO QUEBEC, Reference—see Franklin County (1-2-74)
Bath. *BATH HISTORIC DISTRICT*, (5-17-73) PH0004812 HABS; G.
Bath. *HYDE MANSION*, 616 High St., (11-21-78)
Bath. *KING, GOV. WILLIAM, HOUSE*, Whiskeag Rd., (5-24-76)
Bath. *PERCY AND SMALL SHIPYARD*, 451 Washington St., (7-27-71) PH0004821 G.
Bath. *SEGUIN* (TUGBOAT), Bath Marine Museum, (12-2-69) PH0005266 G.
Bath. *U.S. CUSTOMHOUSE AND POST OFFICE*, 25 Front St., (10-6-70) PH0004871 HABS.
Bath. *WINTER STREET CHURCH*, Corner of Washington and Winter Sts., (7-27-71) PH0004880 HABS; G.
Bath vicinity. *CLARKE AND LAKE COMPANY ARCHEOLOGICAL SITE*, E of Bath, (11-21-78)
Bath vicinity. *DAYS FERRY HISTORIC DISTRICT*, N of Bath along ME 128, (2-20-75)
Bath vicinity. *WOOLWICH TOWN HOUSE*, NE of Bath at Old Stage and Dana Mills Rds., (2-17-78)
Georgetown vicinity. *SEGUIN ISLAND LIGHT STATION*, S of Georgetown, (3-8-77)
Georgetown vicinity. *STONE SCHOOLHOUSE*, S of Georgetown on Bay Point Rd., (8-12-77)
Phippsburg. *MCCOBB-HILL-MINOTT HOUSE*, Parker Head Rd., (11-23-77) HABS.
Popham Beach vicinity. *FORT POPHAM MEMORIAL*, N of Popham on Hunnewell Point, (10-1-69) PH0004839
Popham Beach vicinity. *POPHAM COLONY SITE*, NW of Popham Beach at the end of ME 209, (2-16-70) PH0004847
Richmond. *RICHMOND HISTORIC DISTRICT*, Roughly bounded by South, High, Kimbal Sts., and the Kennebec River, (11-12-73) PH0004855 HABS.
Richmond. *SOUTHARD BLOCK*, 25 Front St., (2-23-72) PH0004863
Topsham. *PEJEPSCOT PAPER COMPANY*, Off U.S. 201 at Androscoggin River, (9-17-74) PH0054623
Topsham. *TOPSHAM HISTORIC DISTRICT*, Elm, Maine, and Green Sts., (1-9-78)

somerset county

ARNOLD TRAIL TO QUEBEC, Reference—see Franklin County (1-2-74)
Bingham. *BINGHAM FREE MEETINGHOUSE*, S. Main St. (U.S. 201), (6-3-76)
Fairfield. *CONNOR-BOVIE HOUSE*, 22 Summit Street, (1-18-74) PH0004901
Fairfield. *LAWRENCE LIBRARY*, (12-31-74) PH0073156
Hinckley vicinity. *QUINCY BUILDING (L. C. BATES MUSEUM)*, S of Hinckley, (10-4-78)
Madison vicinity. *LAKEWOOD THEATER*, NE of Madison in town of Lakewood on bank of Lake Wesserunsett, (6-18-75) PH0143367
Madison vicinity. *OLD POINT AND SEBASTIAN RALE MONUMENT (NORRIDGEWOCK INDIAN VILLAGE SITE)*, S of Madison off Alt. US 201, (4-2-73) PH0097411 HABS.
Madison vicinity. *WESTON HOMESTEAD*, N of Madison on Weston Ave., (11-23-77)
Mercer. *INGALLS HOUSE*, Off U.S. 2, (6-5-75) PH0150592
New Portland vicinity. *NEW PORTLAND WIRE BRIDGE*, Wire Bridge Rd., over the Carrabassett River, (1-12-70)
Norridgewock. *DOUGLAS, C. F., HOUSE*, ME 8, (12-18-78)
Norridgewock. *MAY, SOPHIE, HOUSE*, Sophie May Lane, (10-8-76)
Norridgewock. *SPAULDING HOUSE*, Main St., (12-18-78)
Skowhegan. *COBURN, GOV. ABNER, HOUSE*, Main St., (7-30-74) PH0004898

waldo county

GEORGES RIVER CANAL, Reference—see Knox County (1-2-74)
Belfast. *BELFAST NATIONAL BANK*, Main and Beaver Sts., (4-23-73) PH0004928 HABS.
Belfast. *CHURCH STREET HISTORIC DISTRICT*, Irregular pattern along Church St. from High to Franklin Sts., (11-28-78)
Belfast. *FIRST CHURCH OF BELFAST*, Church St., (11-7-76) HABS.
Belfast. *HAYFORD BLOCK*, 47 Church St., (8-29-77)
Belfast. *MASONIC TEMPLE*, High St. (U.S. 1), (4-26-73) PH0004952 HABS.
Belfast. *PRIMROSE HILL HISTORIC DISTRICT*, High and Anderson Sts., (10-3-73) PH0004995 HABS.
Belfast. *WHITE, JAMES P., HOUSE*, 1 Church St., (4-24-73) PH0005002 HABS.
Frankfort vicinity. *MOUNT WALDO GRANITE WORKS*, U.S. 1A, (3-15-74) PH0004961
Liberty. *OLD POST OFFICE*, Main St. (ME 173), (6-19-73) PH0004979
Prospect vicinity. *FORT KNOX STATE PARK*, U.S. 1 near Prospect, (10-1-69) PH0004936 NHL.
Searsport. *PENOBSCOT MARINE MUSEUM*, Church St., (7-1-70) PH0004987
Stockton Springs. *PRIVATEER BRIGANTINE DEFENCE SHIPWRECK SITE*, Stockton Springs harbor, (3-18-75) PH0047317 G.
Stockton Springs. *PRIVATEER BRIGANTINE DEFENCE* SHIPWRECK SITE, Stockton Springs Harbor, (3-18-75) G.
Stockton Springs vicinity. *FORT POWNALL MEMORIAL*, SE of Stockton Springs on Fort Point, (10-28-69) PH0004944
Unity. *CHASE, HEZEKIAH, HOUSE*, U.S. 202, (1-31-78)
Winterport. *WINTERPORT CONGREGATIONAL CHURCH*, Alt. U.S. 1, (4-24-73) PH0005011
Winterport. *WINTERPORT HISTORIC DISTRICT*, Irregular pattern along Main, Elm, Cushing, Lebanon, Commercial, Dean, and Water Sts., (10-3-75)

washington county

Calais. *CALAIS HISTORIC DISTRICT*, Church, Main and North Sts., (12-20-78)
Calais. *FIRST CONGREGATIONAL CHURCH*, Calais Ave., (7-12-78)
Cherryfield. *CAMPBELL, GEN. ALEXANDER, HOUSE*, Campbell Hill, (4-13-77)
Cherryfield. *PATTERN BUILDING*, Main St., (12-22-78)
Columbia Falls. *BUCKNAM HOUSE*, Maine St., (4-28-75) PH0120901
columbia Falls. *BUCKNAM, SAMUEL, HOUSE*, U.S. 1, (10-19-78)
Columbia Falls. *RUGGLES HOUSE*, Main St., (1-26-70) PH0005088 HABS.
Dennysville. *LINCOLN HOUSE*, U.S. 1, (3-29-78)
East Machias. *EAST MACHIAS HISTORIC DISTRICT*, High, Water, and Bridge Sts., (4-11-73) PH0005037
East Machias vicinity. *"THE RIM" AND SITE OF FORT FOSTER*, S of East Machias off U.S. 1, (7-23-73) PH0005070
Eastport. *CENTRAL CONGREGATIONAL CHURCH*, Middle St., (6-23-76)
Eastport. *FORT SULLIVAN*, Moose Island; barracks, 74 Washington St., (1-26-70) PH0005053
Machias. *BURNHAM TAVERN*, Main St., (4-11-73) PH0005029 HABS.
Machias. *CENTRE STREET CONGREGATIONAL CHURCH*, Centre St., (5-12-75) PH0097667
Machias. *MACHIAS POST OFFICE AND CUSTOMHOUSE*, Main and Center Sts., (11-23-77)
Machias. *PORTER MEMORIAL LIBRARY*, Court St., (1-20-78)
Machias. *LION, THE* (locomotive), University of Maine at Machias, (12-15-76)
Machias. *WASHINGTON COUNTY COURTHOUSE*, Court St., (11-7-76)
Machias. *WASHINGTON COUNTY COURTHOUSE ashington County Courthouse, ME CF*, Court St., (11-7-76)
Machiasport. *GATES HOUSE*, ME 92, (4-28-75) PH0120928
Machiasport. *LIBERTY HALL*, ME 92, (11-23-77)
Machiasport vicinity. *FORT O'BRIEN (FORT MACHIAS)*, S of Machiasport on secondary rd., (10-1-69) PH0005045
Machiasport vicinity. *LIBBY ISLAND LIGHT STATION*, S of Machiasport on Libby Island, (6-18-76)
Robbinston vicinity. *MANSION HOUSE, THE (GEN. JOHN BREWER HOUSE)*, N of Robbinston on U.S. 1, (5-22-73) PH0005061
St. Croix Junction vicinity. *ST. CROIX ISLAND NATIONAL MONUMENT*, On the international boundary in the St. Croix River, (10-15-66) PH0311022

york county

PORTER-PARSONFIELD BRIDGE, Reference—see Oxford County (1-2-74)
Alfred. *HOLMES, SEN. JOHN, HOUSE*, U.S. 202, (4-24-75) HABS.
Biddeford. *BIDDEFORD CITY HALL*, 205 Main St., (4-24-73) PH0025046
Biddeford. *FIRST PARISH MEETINGHOUSE*, Old Pool Rd., (10-26-72) PH0025054

Biddeford. *U.S. POST OFFICE*, 35 Washington St., (5-7-73) PH0025224
Biddeford Pool. *FLETCHER'S NECK LIFESAVING STATION*, Ocean Ave., (11-1-74) PH0031330
Buxton. *BREWSTER, ROYAL, HOUSE*, Buxton Lower Corner, (6-5-75) PH0150614
Buxton Center. *BUXTON POWDER HOUSE*, ME 22, (1-2-76)
East Lebanon. *OLD GRIST MILL*, Little River Rd., (6-5-75) PH0150622
Eliot vicinity. *FROST GARRISON AND HOUSE*, Frost's Hill, (6-27-71) PH0025071
Kennebunk. *KENNEBUNK HISTORIC DISTRICT*, Both sides of ME 35 from Kennebunk River to U.S. 1, radiating streets at intersection, (6-5-74) PH0025127 HABS.
Kennebunk. *LORD MANSION (CLARK MANSION)*, 20 Summer St., (4-2-73) PH0025143
Kennebunkport. *KENNEBUNK RIVER CLUB*, Ocean Ave., (9-9-75) PH0229202 HABS.
Kennebunkport. *KENNEBUNKPORT HISTORIC DISTRICT*, Bounded roughly by South, Maine, North, and Lock Sts., and the Kennebunkport River, (5-6-76)
Kennebunkport. *LORD, CAPT. NATHANIEL, MANSION*, Pleasant and Green Sts., (9-20-73) PH0025135
Kennebunkport. *PERKINS TIDE MILL*, Mill Lane, (9-7-73) PH0025178 HABS.
Kennebunkport. *U.S. CUSTOMHOUSE (LOUIS T. GRAVES MEMORIAL PUBLIC LIBRARY)*, Main St., (1-18-74) PH0025186
Kittery. *DENNETT GARRISON*, 100 Dennett Rd., (12-22-78)
Kittery. *GERRISH WAREHOUSE*, Pepperrell Cove off ME 103, (5-26-77) HABS.
Kittery. *PORTSMOUTH NAVAL SHIPYARD*, Seavey Island, (11-17-77)
Kittery Point. *FIRST CONGREGATIONAL CHURCH AND PARSONAGE*, Pepperrell Rd., (12-18-78)
Kittery Point. *LADY PEPPERRELL HOUSE*, ME 103, (10-15-66) PH0036358 NHL; G.
Kittery Point. *PEPPERRELL, WILLIAM, HOUSE*, On ME 103, (8-14-73) PH0025160 HABS.
Kittery Point vicinity. *FORT MCCLARY*, Off ME 103 near Fort McClary State Park, (10-1-69) PH0025062
Kittery vicinity. *ISLES OF SHOALS*, 6.5 mi. SE of Kittery, (5-16-74) PH0025101
North Berwick vicinity. *MORRELL HOUSE*, N of N. Berwick on Bauneg Beg Pond Rd., (9-29-76)
Old Orchard Beach. *TEMPLE, THE*, Temple Ave. in Ocean Park, (4-28-75) PH0059471
Parsonsfield vicinity. *MORISON, CAPT. JAMES, HOUSE*, SE of Parsonsfield on South Rd., (7-12-78)
Saco. *SEAVEY, A. B., HOUSE*, 90 Temple St., (3-31-78)
Saco. *THACHER-GOODALE HOUSE*, 121 North St., (11-21-76)
Sanford. *GOODALL, THOMAS, HOUSE*, 232 Main St., (4-28-75) PH0120774
South Berwick. *BERWICK ACADEMY*, Academy St., (3-29-78)
South Berwick. *HAMILTON, JONATHAN, HOUSE*, Vaughan's Lane and Old South Rd., (12-30-70) PH0025089 NHL.
South Berwick. *JEWETT, SARAH ORNE, HOUSE*, ME 4 and 236, (6-4-73) PH0025097 HABS.
South Berwick. *PORTSMOUTH COMPANY COTTON MILLS: COUNTING HOUSE*, ME 4 at Salmon Falls River, (10-10-75) PH0246654
West Lebanon. *WEST LEBANON HISTORIC DISTRICT*, Irregular pattern along W. Lebanon, Rochester, Milton, Shapleigh and Meeting House Rds., (6-5-75)
Wollis Center vicinity. *WIGGIN, KATE DOUGLAS, HOUSE (QUILLCOTE)*, E of Hollis Center on Salmon Falls Rd., (9-16-77)
York. *HANCOCK, JOHN, WAREHOUSE*, Lindsay Rd., (12-2-69) PH0025119
York. *MOODY HOMESTEAD*, Ridge Rd., (4-28-75)
York. *OLD SCHOOLHOUSE*, York St. (on the Village Green), (4-2-73) PH0025151
York. *OLD YORK GAOL*, 4 Lindsay Rd., (11-24-68) PH0036251 NHL; HABS.
York. *ROSE, ROBERT, TAVERN*, Off Long Sands Rd., (10-10-75)
York. *YORK HISTORIC DISTRICT*, (7-16-73) PH0025232 G.
York Corner vicinity. *BARRELL HOMESTEAD*, W of York Corner on Beech Ridge Rd., (12-12-76)
York Corner vicinity. *SEDGLEY, JOHN, HOMESTEAD*, N of York Corner on Chases Pond Rd., (1-2-76)
York vicinity. *MCINTIRE GARRISON HOUSE*, On ME 91 about 5 mi. W of York, (11-24-68) PH0098175 NHL; HABS.

MARYLAND

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CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, (10-15-66) PH0350028 HABS. (also in Frederick, Montgomery, and Washington counties, MD; DC; and Morgan County, WV)
Cumberland. *BELL TOWER BUILDING (ALLEGANY COUNTY LEAGUE FOR CRIPPLED CHILDREN)*, Bedford and Liberty Sts., (2-20-73) PH0025241 G.
Cumberland. *BUTLER, WRIGHT, HOUSE*, 205 Columbia St., (1-31-78)
Cumberland. *CITY HALL*, N. Center St. between Frederick and Bedford Sts., (2-27-73) PH0025259
Cumberland. *PUBLIC SAFETY BUILDING (OLD POST OFFICE)*, Frederick and Liberty Sts., (4-13-73) PH0025291
Cumberland. *WASHINGTON STREET HISTORIC DISTRICT*, (2-6-73) PH0025313
Cumberland. *WESTERN MARYLAND RAILWAY STATION*, Canal St., (6-19-73) PH0025305
Cumberland. *16 ALTAMONT TERRACE*, NE corner of Altamont Ter. and Union St., (7-7-75) PH0143766
Cumberland. *200–208 DECATUR STREET*, 200, 202, 204, 206, 208 Decatur St., (7-7-75) PH0143928
Cumberland vicinity. *BARTON VILLAGE SITE*, SW of Cumberland, (5-12-75)
Cumberland vicinity. *INNS ON THE NATIONAL ROAD*, E and W of Cumberland on U.S. 40 from Flintstone to Grantsville (also in Garrett County), (12-22-76)
Cumberland vicinity. *PHOENIX MILL FARM*, NE of Cumberland off MD 220, (8-12-77)
La Vale. *LA VALE TOLLGATE HOUSE*, U.S. 40, (1-25-71) PH0025275 G.
Lonaconing. *LONACONING FURNACE*, E. Main St., (6-19-73) PH0025283
Oldtown. *CRESAP, MICHAEL, HOUSE*, Main St. at Green Spring Rd., (4-14-72) PH0025267 G.
Oldtown vicinity. *SHAWNEE OLD FIELDS VILLAGE SITE (KING OPESSA'S TOWN)*, SE of Oldtown, (5-12-75)

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Annapolis. *ARTISAN'S HOUSE*, 43 Pinckney St., (11-29-72) PH0025330 HABS.
Annapolis. *BRICE HOUSE*, 42 East St., (4-15-70) PH0121827 NHL; HABS.
Annapolis. *CALLAHAN, JOHN, HOUSE*, 164 Conduit St., (10-2-73) PH0025364 HABS; G.
Annapolis. *CHASE-LLOYD HOUSE*, 22 Maryland Ave., (4-15-70) PH0029718 NHL; HABS.
Annapolis. *COLONIAL ANNAPOLIS HISTORIC DISTRICT*, District boundaries approximate city boundaries surveyed in 1695, (10-15-66) PH0121771 NHL; HABS.
Annapolis. *CREAGH, PATRICK, HOUSE*, 160 Prince George St., (1-29-73) PH0025399 HABS.
Annapolis. *HAMMOND-HARWOOD HOUSE*, Maryland Ave. and King George St., (10-15-66) PH0017850 NHL; HABS; G.
Annapolis. *HOUSE BY THE "TOWN GATES"*, 63 West St., (6-19-73) PH0014885
Annapolis. *MARYLAND STATEHOUSE*, State Circle, (10-15-66) PH0121789 NHL; HABS.
Annapolis. *MT. MORIAH AFRICAN METHODIST EPISCOPAL CHURCH*, 84 Franklin St., (1-25-73) PH0014940
Annapolis. *OLD CITY HALL AND ENGINE HOUSE*, 211–213 Main St., (1-29-73) PH0014966
Annapolis. *PACA HOUSE AND GARDEN (CARVEL HALL HOTEL)*, 186 Prince George St., (11-11-71) PH0014974 NHL; G.
Annapolis. *PINKNEY-CALLAHAN HOUSE (ST. JOHN'S COLLEGE INFIRMARY)*, 5 St. John's St., (11-12-71) PH0121681 HABS.
Annapolis. *SCOTT, UPTON, HOUSE*, 4 Shipwright St., (6-5-75) HABS.
Annapolis. *PEGGY STEWART* HOUSE, 207 Hanover St., (11-7-73) PH0121924 NHL; HABS.
Annapolis. *THOMAS POINT SHOALS LIGHT STATION*, Kent Island, Chesapeake Bay, (2-20-75)
Annapolis. *U.S. NAVAL ACADEMY*, Maryland Ave. and Hanover St., (10-15-66) PH0017841 NHL.
Annapolis. *WHITEHALL*, Off St. Margaret's Rd., (10-15-66) PH0121878 NHL.
Annapolis vicinity. *MARTINS POND SITE*, W of Annapolis, (6-5-75)
Bristol vicinity. *ST. JAMES CHURCH (ST. JAMES, LOTHIAN)*, 3 mi. E of Bristol on MD 2, (5-7-72) PH0014991
Crownsville. *ST. PAUL'S CHAPEL*, MD 178, (3-20-73) PH0015008
Crownsville vicinity. *BELVOIR*, 0.5 mi. E of Crownsville on MD 178, (11-19-71) PH0025348 HABS.
Davidsonville. *MOUNT AIRY*, Mount Airy Rd. off MD 424, (4-13-73) PH0014931 HABS.
Davidsonville vicinity. *ALL HALLOWS' CHURCH*, Jct. of MD 2, All Hallows' Church Rd., and South River Club Rd., (5-15-69) PH0025321 HABS.
Davidsonville vicinity. *SUMMER HILL*, E of Davidsonville off MD 214, (7-25-74) PH0015041
Deale vicinity. *SUDLEY (CUMBERSTONE)*, N of Deale off MD 468 on Old Sudley Rd., (6-18-73) PH0015032
Elkridge vicinity. *ELKRIDGE SITE*, E of Elkridge, (5-22-78)
Friendship. *HOLLY HILL*, SE of Friendship off MD 631, (10-26-71) PH0014877
Galesville vicinity. *CEDAR PARK*, N of Galesville off Cumberstone Rd., (5-15-69) PH0025372 HABS.

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Galesville vicinity. *TULIP HILL*, About 2.5 mi. W of Galesville on Owensville Rd., (4-15-70) PH0121908 NHL; HABS.
Harwood vicinity. *LARKIN'S HILL FARM*, Off MD 2 on Mill Swamp Rd., (5-15-69) PH0014907
Harwood vicinity. *LARKIN'S HUNDRED*, NE of Harwood on Mill Swamp Rd., (5-15-69) PH0014915
Harwood vicinity. *MARY'S MOUNT*, NE of Harwood off Mill Swamp Rd., (5-15-69) PH0014923
Harwood vicinity. *OBLIGATION*, 1.8 mi. N of Harwood off MD 2, (5-15-69) PH0014958
Iglehart. *IGLEHART (THE VINEYARD)*, MD 178, (3-7-73) PH0014893
Lothian vicinity. *BURRAGES*, Nutwell Rd. off MD 2, (4-11-73) PH0025356
Owensville. *CHRIST CHURCH*, Owensville Rd. (MD 255), (6-18-73) PH0025381
Owensville vicinity. *EVERGREEN*, Sudley Rd., off MD 255, (5-15-69) PH0029505
Pasadena. *HANCOCK'S RESOLUTION*, E of Pasadena on Bayside Beach Rd., (10-10-75) HABS.
Rose Haven vicinity. *OLD COLONY COVE SITE*, W of Rose Haven, (11-21-78)
Sandy Point. *SANDY POINT FARMHOUSE*, Sandy Point State Park, (2-11-72) PH0015016
South River vicinity. *SOUTH RIVER CLUB*, W of South River on South River Club Rd., (5-15-69) PH0015024 HABS.
Woodland Beach vicinity. *LONDON TOWN PUBLIK HOUSE*, NE of Woodland Beach at the end of Londontown Rd., (4-15-70) PH0121797 NHL; HABS.

baltimore (independent city)

AMERICAN BREWERY (WIESSNER BREWERY), 1701 N. Gay St., (5-9-73) PH0015067 HAER.
BALTIMORE AND OHIO TRANSPORTATION MUSEUM AND MOUNT CLARE STATION, Pratt and Poppleton Sts., (10-15-66) PH0122530 NHL; HABS; HAER.
BALTIMORE CITY HALL, 100 N. Holliday St., (5-8-73) PH0015075
BALTIMORE EQUITABLE SOCIETY, 21 N. Eutaw St., (10-6-77)
BALTIMORE HEBREW CONGREGATION SYNAGOGUE, 1901 Madison Ave., (11-7-76)
BALTIMORE HEBREW CONGREGATION SYNAGOGUE, 1901 Madison Ave., (11-7-76)
BATTLE MONUMENT, Calvert St. between Fayette and Lexington Sts., (6-4-73) PH0015083 HABS.
BELVEDERE HOTEL, 1 E. Chase St., (8-29-77)
BOLTON HILL HISTORIC DISTRICT, Roughly bounded by North Ave., Eutaw Pl., and the Pennsylvania RR. tracks, (9-17-71) PH0015091 G.
CANTON HOUSE, 300 Water St., (12-13-78)
CARROLL MANSION, 800 E. Lombard St., HABS. PH0015105
CARROLLTON VIADUCT, Gwynn's Falls near Carroll Park, (11-11-71) NHL; HAER.
CHIZUK AMUNO SYNAGOGUE, 27-35 Lloyd St., (4-19-78)
CLIFTON PARK VALVE HOUSE, 2801 Harford Rd., (2-18-71) PH0015121 G.
CYLBURN HOUSE AND PARK DISTRICT, 4915 Green Spring Ave., (5-4-72) PH0015130
DAVIDGE HALL, UNIVERSITY OF MARYLAND, 522 W. Lombard St., (4-24-74) PH0015148
DICKEYVILLE HISTORIC DISTRICT, Both sides of Forest Park Ave. in Gwynn's Falls area, (7-12-72) PH0122602 G.
DRUID HILL PARK HISTORIC DISTRICT, Druid Hill Park, (5-22-73) PH0015156
EASTERN FEMALE HIGH SCHOOL, 249 Aisquith St., (9-10-71) PH0015377
EMERSON BROMO-SELTZER TOWER, 312–318 Lombard St., (6-4-73) PH0015164
ENGINE HOUSE NO. 6, 416 N. Gay St., (6-18-73) PH0015172
EVERGREEN ON THE FALLS (SNYDER-CARROLL HOUSE), 3300 Falls Rd., (7-30-75)
FEDERAL HILL HISTORIC DISTRICT, Bounded by Baltimore Harbor, Hughes, Hanover, and Cross Sts., (4-17-70) PH0015181 HABS.
FELLS POINT HISTORIC DISTRICT, Bounded on the N by Aliceanna St., on the E by Wolfe St., on the S by the harbor, and on the W by Dallas St., (3-28-69) PH0015199 G.
FIRST PRESBYTERIAN CHURCH AND MANSE, 200–210 W. Madison St., (6-18-73) PH0015202 HABS.
FIRST UNITARIAN CHURCH, 2–12 W. Franklin St., (2-11-72) PH0015211 NHL; HABS.
FLAG HOUSE, 844 E. Pratt St., (12-3-69) PH0121916 NHL.
FORT MCHENRY NATIONAL MONUMENT AND HISTORIC SHRINE, Locust Point, at E end of Fort Ave., (10-15-66) PH0121274 HABS.
FRANKLIN STREET PRESBYTERIAN CHURCH AND PARSONAGE, 100 W. Franklin St. (church), 504 Cathedral St. (parsonage), (11-5-71) PH0015229
HOMEWOOD, N. Charles and 34th Sts., (9-10-71) PH0015237 NHL; HABS; G.
HOWARD STREET TUNNEL, Beneath Howard St. from Mt. Royal Station to Camden Station, (7-2-73) PH0015245 HAER.
JOHNS HOPKINS HOSPITAL COMPLEX, 601 N. Broadway, (2-24-75)
LLOYD STREET SYNAGOGUE, 11 Lloyd St., (4-19-78)
LOMBARD STREET BRIDGE, Over Gwynns Falls off Wetheredsville Rd., (6-30-75)
LONDONTOWN MANUFACTURING COMPANY, INC. (MEADOW MILL), 3600 Clipper Mill Rd., (1-12-73) PH0015261
LOVELY LANE METHODIST CHURCH (FIRST METHODIST EPISCOPAL CHURCH), 2200 St. Paul St., (5-25-73) PH0015270
MCCOLLUM, ELMER V., HOUSE, 2301 Monticello Rd., (1-7-76) NHL.
MCKIM'S SCHOOL, 1120 E. Baltimore St., (3-30-73) PH0015296 HABS.
MOTHER SETON HOUSE, 600 N. Paca St., (6-13-72)
MOUNT CLARE, Carroll Park, (4-15-70) PH0121941 NHL; HABS.
MOUNT ROYAL STATION, 1400 Cathedral St., (6-18-73) PH0015288
MOUNT VERNON PLACE HISTORIC DISTRICT, Mount Vernon Pl. and Washington Pl., (11-11-71) PH0005151 NHL; HABS.
MOUNT VERNON PLACE UNITED METHODIST CHURCH AND ASBURY HOUSE, 2–10 E. Mount Vernon Place, (9-17-71) PH0015318
OLD GOUCHER COLLEGE BUILDINGS, (8-25-78)
OLD ROMAN CATHOLIC CATHEDRAL (MINOR BASILICA), 401 Cathedral St., (11-11-71) PH0015326 NHL; HABS.
OLD TOWN FRIENDS' MEETINGHOUSE (AISQUITH STREET MEETING; BALTIMORE MEETING), 1201 E. Fayette St., (3-30-73) PH0015334
ORCHARD STREET UNITED METHODIST CHURCH, 510 Orchard St., (11-12-75)
OTTERBEIN CHURCH, 112 W. Conway St., (10-28-69) PH0015342 HABS; G.
PASCAULT ROW, 651–665 W. Lexington St., (1-29-73) PH0015351 HABS.
PEALE'S BALTIMORE MUSEUM (MUNICIPAL MUSEUM OF THE CITY OF BALTIMORE), 225 N. Holliday St., (10-15-66) PH0121843 NHL; HABS.
PENNSYLVANIA STATION, 1525 N. Charles St., (9-12-75)
PHOENIX SHOT TOWER, SE corner of Fayette and Front Sts., (11-11-71) PH0005193 NHL.
POE, EDGAR ALLAN, HOUSE, 203 Amity St., (11-11-71) PH0121932 NHL.
POOLE AND HUNT COMPANY BUILDINGS, 3500 Clipper Rd., (7-2-73) PH0015369
ROLAND PARK HISTORIC DISTRICT, Irregular pattern between Belvedere Ave., Falls Rd., 39th St., and Stoney Run, (12-23-74) PH0062472
ROWLAND, HENRY AUGUST, HOUSE, 915 Cathedral, (5-15-75)
SETON HILL HISTORIC DISTRICT, Bounded by Pennsylvania Ave., Franklin, Eutaw, McCulloh, and Orchard Sts., (7-30-75)
ST. ALPHONSUS' CHURCH, RECTORY, CONVENT, AND HALLE, 112–116, 125–127 W. Saratoga St., (5-23-73) PH0015385
ST. JOHN'S PROTESTANT EPISCOPAL CHURCH, 3009 Greenmount Ave., (3-27-74) PH0015393
ST. LUKE'S CHURCH, 217 N. Carey St., (3-30-73) PH0015407
ST. MARY'S SEMINARY CHAPEL, 600 N. Paca St., (11-11-71) PH0015423 NHL; HABS.
ST. PAUL'S CHURCH RECTORY, 24 W. Saratoga St., (3-20-73) PH0015431
ST. PAUL'S PROTESTANT EPISCOPAL CHURCH (OLD ST. PAUL'S CHURCH), 233 N. Charles St., (3-30-73) PH0015555
ST. PETER THE APOSTLE CHURCH AND BUILDINGS, 11 and 13 S. Poppleton St. and 848 Hollings St., (10-14-76)
ST. VINCENT DE PAUL ROMAN CATHOLIC CHURCH, 120 N. Front St., (2-12-74) PH0015563 G.
STEAMSHIP NOBSKA, Inner harbor, (5-2-74)
TERMINAL WAREHOUSE (FLOUR WAREHOUSE), 211 E. Pleasant St., (11-14-78)
U.S. CUSTOMHOUSE, 40 S. Gay St., (2-15-74) PH0015571
U.S. POST OFFICE AND COURTHOUSE, 111 N. Calvert St., (3-25-77)
U.S.S. CONSTELLATION, Pier 1, Pratt St., (10-15-66) PH0121959 NHL; G.
WEISKITTEL-ROEHLE BURIAL VAULT, Section P, Loudon Park Cemetery, (5-19-76)
WELCH, WILLIAM H., HOUSE, 935 St. Paul St., (1-7-76) NHL.
WESTMINSTER PRESBYTERIAN CHURCH AND CEMETERY, 509 W. Fayette St., (9-17-74) PH0029181
WOMAN'S INDUSTRIAL EXCHANGE, 333 N. Charles St., (12-19-78)
Glyndon vicinity. *WORTHINGTON VALLEY HISTORIC DISTRICT*, Bounded by Falls and Shawan Rds., Tufton and Worthington

Aves., and the Baltimore Gas and Electric right-ofaway, (12-12-76)

baltimore county

OLD NATIONAL PIKE MILESTONES, *Reference—see Allegany county*
Brooklandville. *BROOKLANDWOOD (ST. PAUL'S SCHOOL FOR BOYS)*, Falls Rd., (2-11-72) PH0005100
Brooklandville. *ROCKLAND HISTORIC DISTRICT*, Both sides of Falls Rd. (MD 25) at jct. of Old Court Rd. (MD 133), (4-11-73) PH0005177
Brooklandville vicinity. *BROOKLANDVILLE HOUSE*, S of Brooklandville at Falls and Hillside Rds., (11-23-77)
Catonsville. *OLD SALEM CHURCH AND CEMETERY*, Ingleside Ave. and Calverton St., (12-13-77)
Cockeysville vicinity. *STONE HALL*, N of Cockeysville off MD 25 on Cuba Rd., (7-26-73) PH0005207
Essex vicinity. *BALLESTONE MANSION*, E of Essex on Back River Neck Rd. in Rocky Point Park, (6-18-75)
Fort Howard. *TODD FARMHOUSE*, 900 Old North Point Rd. (MD 20), (10-18-73) PH0005223
Glen Arm vicinity. *RAVENSHURST*, 12915 Dulaney Valley Rd., (8-14-78)
Glyndon. *WORTHINGTON VALLEY HISTORIC DISTRICT*, Bounded by Falls and Shawan Rds., Tufton and Worthington Aves., and the Baltimore Gas and Electric right-of-way, (12-12-76)
Glyndon and vicinity. *GLYNDON HISTORIC DISTRICT*, Town of Glyndon and its environs along MD 128, (9-20-73) PH0005134
Kingsville vicinity. *JERICHO COVERED BRIDGE*, E of Kingsville on Franklinville Rd., (9-13-78) (also in Harford County)
Lansdowne. *HULL MEMORIAL CHRISTIAN CHURCH*, 101 Clyde Ave., (9-15-77)
Long Green vicinity. *PROSPECT HILL*, NE of Long Green on Kanes Rd., (7-26-73) PH0005169 HABS.
Lutherville. *LUTHERVILLE HISTORIC DISTRICT*, Roughly bounded by I 695, York and Ridgely Rds., and Lutherville Dr., (11-9-72) PH0005142
Monkton and vicinity. *MY LADY'S MANOR*, MD 138, (4-15-78) (also in Hartford County)
Monkton vicinity. *ST. JAMES CHURCH*, SE of Monkton off Monkton Rd. (MD 138), (9-12-74) PH0007153
Oella. *MT. GILBOA CHAPEL (MT. GILBOA A.M.E. CHURCH)*, Oella and Westchester Aves., (10-21-76)
Oella. *OELLA HISTORIC DISTRICT*, Oella Ave., Glen Rd., Hollow Rd., (11-7-76) HABS.
Oella vicinity. *ELLICOTT'S MILLS HISTORIC DISTRICT*, Both sides of MD 144, S of Patapsco River Bridge, (11-19-76)
Owings Mills. *OWINGS UPPER MILL*, Bonita Ave. and Reisterstown Rd., (9-13-78)
Phoenix. *EAGLE'S NEST*, Jarrettsville Pike, (7-25-74) PH0005118
Pikesville. *METTAM MEMORIAL BAPTIST CHURCH*, Old Court Rd. between Sudbrook and Reisterstown Rds., (4-24-75)
Pikesville vicinity. *SUDBROOK PARK*, S of Pikesville off U.S. 40 on Greenwood Rd., (6-19-73) PH0005215
Relay. *THOMAS VIADUCT, BALTIMORE & OHIO RAILROAD*, Over the Patapsco River between Relay and Elkridge, (10-15-66) PH0046361 NHL; HAER. (also in Howard County)
Stevenson vicinity. *FORT GARRISON*, S of Stevenson at Garrison Farms Ct., (1-25-71) PH0005126 G.
Timonium. *BELLE FIELD (TIMONIUM)*, Timonium Rd., (10-29-75)
Towson. *AUBURN HOUSE*, Osler Dr. between Towsontown Blvd. and Stevenson Lane, (3-17-75) PH0038202 G.
Towson. *BALTIMORE COUNTY COURTHOUSE*, Washington Ave. between Pennsylvania and Chesapeake Aves., (10-27-72) PH0005096
Towson. *HAMPTON NATIONAL HISTORIC SITE*, Hampton Lane, N off I 495, (10-15-66) PH0121282
Towson. *SHEPPARD AND ENOCH PRATT HOSPITAL AND GATEHOUSE*, Charles St., (11-11-71) PH0005185 NHL.
Towson. *VILLA ANNESLIE*, 529 Dunkirk Rd., (12-13-77)

calvert county

Adeline vicinity. *TANEY PLACE*, S of Adelina on MD 508, (9-22-72) HABS.
Barstow vicinity. *CEDAR HILL (BIGGER)*, 2 mi. W of Barstow on Buena Vista Rd., (5-22-73) PH0005282
Barstow vicinity. *WILLOW GLENN*, NW of Barstow off MD 507, (7-2-73) PH0005363
Cove Point. *COVE POINT LIGHTHOUSE*, Off MD 497, (4-11-73) PH0005304
Johnstown vicinity. *PRESTON-ON-THE-PATUXENT*, N of Johnstown off Sollers Mill Rd., (10-9-74) PH0031372
Lower Marlboro. *GRAHAME HOUSE*, (4-26-72) PH0005321 G.
Lower Marlboro vicinity. *ALL SAINTS' CHURCH*, 3.4 mi. E of Lower Marlboro on MD 416, (3-14-73) PH0005240 HABS.
Lusby vicinity. *MIDDLEHAM CHAPEL*, 1 mi. SE of Lusby on U.S. 4, (2-20-75)
Lusby vicinity. *MORGAN HILL FARM*, Sollers Rd., W of Lusby, (4-3-76)
Mutual vicinity. *LA VEILLE*, W of Mutual on La Veille Rd. off MD 264, (9-20-73) PH0005347
Owings. *MAIDSTONE*, Chesapeake Beach Rd., (6-21-71) PH0005339
Parran. *CORNEHILL*, Parran Rd., (10-31-72) PH0005291
Port Republic vicinity. *CHRIST CHURCH*, SW of Port Republic on MD 264, (11-12-75)
Solomons Island. *DRUM POINT LIGHTHOUSE*, W shore of Black Creek, Calvert County Marine Museum, (4-11-73) PH0005312 G.

caroline county

Denton. *SCHOOLHOUSE*, 104 S. 2nd St., (4-19-78)
Federalsburg vicinity. *EXETER*, N of Federalsburg on MD 630, (1-3-78)
Goldsboro. *CASTLE HALL (GOLDEN BOTTOM)*, 8 mi. N of Goldsboro on MD 311, (12-4-75)
Greensboro vicinity. *WILLOW GROVE*, MD 475 off MD 213, (6-13-72) PH0005509
Hillsboro. *ST. PAUL'S EPISCOPAL CHURCH*, S of MD 404, (5-12-75) PH0098485
Hillsboro vicinity. *DAFFIN HOUSE*, 3 mi. S of Hillsboro on Deep Branch Rd., (10-21-75)
Ridgely vicinity. *OAK LAWN*, 2.8 mi. N of Ridgely on MD 312, (5-28-75)
West Denton. *NECK MEETINGHOUSE AND YARD*, MD 404, (10-22-76)

carroll county

OLD NATIONAL PIKE MILESTONES, *Reference—see Allegany County*
Keysville vicinity. *TERRA RUBRA*, 1 mi. (1.6 km) S of Keysville, (7-24-78)
Sykesville vicinity. *BRANTON MANOR*, 2819 Old Liberty Rd., (8-18-78)
Taneytown vicinity. *ANTRIM*, S of Taneytown on Uniontown Rd., (9-16-77)
Union Bridge. *PIPE CREEK FRIENDS MEETINGHOUSE*, Quaker Hill Rd., (11-7-76)
Union Bridge. *UNION BRIDGE STATION*, Main St., (11-7-76)
Union Bridge vicinity. *HARD LODGING*, 1 mi. (1.6 km) E of Union Bridge on Ladiesburg Rd., (6-9-78)
Uniontown. *UNIONTOWN ACADEMY*, Uniontown Rd., (8-14-73) PH0005525 G.
Uniontown. *WEAVER-FOX HOUSE*, 3411 Main St. (Uniontown Rd.), (11-20-75)
Uniontown vicinity. *TREVANION*, 3 mi. NW of Uniontown on Trevanion Rd., (9-15-77)
Westminster. *UNION MILLS HOMESTEAD HISTORIC DISTRICT*, Jct. of U.S. 140 and Deep Run Rd., (1-25-71) PH0005517 G.
Westminster. *WESTERN MARYLAND COLLEGE HISTORIC DISTRICT*, W. Main and College Sts., (3-26-76)
Westminster vicinity. *AVONDALE*, 2.5 mi. SW of Westminster on MD 31, (10-10-75) PH0261459
Westminster vicinity. *CARROLL COUNTY ALMSHOUSE AND FARM*, 500 S. Center St., (12-4-75)
Westminster vicinity. *FARM CONTENT*, 3 mi. SW of Westminster off MD 31, (6-20-75) PH0142808
Westminster vicinity. *FRIENDSHIP VALLEY FARM*, S of Westminster at 950 Gist Rd., (9-16-77)

cecil county

NEW CASTLE AND FRENCHTOWN RAILROAD RIGHT-OF-WAY, *Reference—see New Castle County, DE* (1-2-74)
Cecilton vicinity. *GREENFIELDS*, S of Cecilton on U.S. 213, (2-11-72) PH0005541
Charlestown. *CHARLESTOWN HISTORIC DISTRICT*, Bounded by Tasker and Ogle Sts., Louisa Lane, and the North East River, (4-14-75) G.
Charlestown. *INDIAN QUEEN TAVERN AND BLACK'S STORE*, Market St. between Bladen and Cecil Sts., (2-20-75) G.
Chesapeake City. *OLD LOCK PUMP HOUSE, CHESAPEAKE AND DELAWARE CANAL*, U.S. 213, (10-15-66) PH0121851 NHL.
Chesapeake City. *SOUTH CHESAPEAKE CITY HISTORIC DISTRICT*, E of U.S. 213, S of Chesapeake and Delaware Canal, (7-15-74) PH0005592
Colora vicinity. *COLORA MEETINGHOUSE*, N of Colora on Lipencott Rd., (8-22-77)
Crystal Beach vicinity. *GREAR PREHISTORIC VILLAGE SITE*, S of Crystal Beach, (7-30-75)
Earleville. *BOHEMIA FARM (MILLIGAN HALL)*, 1 mi. S of Bohemia River off U.S. 213, (4-11-73) PH0005533
Earleville vicinity. *MOUNT HARMON*, SW of Earleville, (6-5-74) PH0005550
Earleville vicinity. *ROSE HILL*, SW of Earleville, (11-5-74) PH0031470
Elkton. *HOLLY HALL*, 259 S. Bridge St., (10-8-76)
Elkton. *MITCHELL HOUSE*, 131 E. Main St., (5-13-76)
Perryville. *PERRY POINT MANSION HOUSE AND MILL*, Veterans Administration Hospital grounds, (7-2-75)
Perryville. *RODGERS TAVERN (STEVENSON'S TAVERN)*, W. Main St., (4-26-72) PH0005576 G.

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Perryville vicinity. *PRINCIPIO FURNACE*, NE of Perryville off Post Rd. (MD 7), (2-11-72) PH0005568 HABS.
Port Deposit. *PAW PAW BUILDING*, 68 N. Main St., (11-28-77)
Port Deposit. *PORT DEPOSIT*, E bank of Susquehanna River 10 mi. (16 km) S of Mason-Dixon Line, (5-23-78)
Rising Sun vicinity. *EAST NOTTINGHAM FRIENDS MEETING HOUSE*, E of Rising Sun at jct. of MD 272 and MD 273, (8-19-77)
Rising Sun vicinity. *WEST NOTTINGHAM MEETINGHOUSE*, SW of Rising Sun at jct. of Cox and Cowen Rds., (11-7-76)
Warwick vicinity. *ST. FRANCIS XAVIER CHURCH (OLD BOHEMIA)*, 2 mi. NW of Warwick off MD 299, (10-10-75) HABS.

charles county

Bel Alton vicinity. *RICH HILL*, NE of Bel Alton on Bel Alton-Newton Rd., (11-12-75)
Bryan's Road vicinity. *MARSHALL HALL*, 5 mi. N of MD 210 and MD 227, (5-12-76)
Faulkner vicinity. *MOUNT AIR*, W of Faulkner off U.S. 301, (12-22-78)
La Plata. *LA GRANGE*, MD 6, W of U.S. 301, (10-22-76)
La Plata vicinity. *LOCUST GROVE*, W of La Plata on MD 225, (7-21-78)
Mason's Springs. *ARABY*, SE of Mason's Springs off MD 225, (7-25-74) PH0005584
Morgantown vicinity. *WAVERLEY*, SE of Morgantown off Wayside–Morgantown Rd., (8-11-75)
Newport vicinity. *SARUM*, SE of Newport off MD 234, (8-13-74) PH0015466
Patuxent vicinity. *MAXWELL HALL*, E of Patuxent on Teagues Point Rd., (7-30-74) PH0005622
Pomfret vicinity. *GREEN'S INHERITANCE*, NE of Pomfret on MD 227, (12-16-77)
Port Tobacco. *HABRE-DE-VENTURE*, Rose Hill Rd., near jct. with MD 225 and 6, (11-11-71) PH0005606 NHL; HABS; G.
Port Tobacco. *ROSE HILL*, Rose Hill Rd., (3-30-73) PH0005631
Port Tobacco vicinity. *LINDEN*, N of Port Tobacco on Mitchell Rd., (11-23-77)
Port Tobacco vicinity. *MT. CARMEL MONASTERY*, N of Port Tobacco off MD 225 and Mitchell Rd., (12-4-73) PH0005614
Waldorf vicinity. *ST. CATHARINE (DR. SAMUEL A. MUDD HOUSE)*, E of Waldorf near jct. of MD 232 and 382, (10-1-74) PH0121304

dorchester county

Cambridge. *GLASGOW*, 1500 Hambrooks Blvd., (10-8-76)
Cambridge vicinity. *BRINSFIELD I SITE*, SE of Cambridge, (5-12-75)
Cambridge vicinity. *STANLEY INSTITUTE (ROCK SCHOOL)*, S of Cambridge on MD 16, (9-11-75)
Cambridge vicinity. *YARMOUTH*, SE of Cambridge, (3-29-78)
East New Market. *EAST NEW MARKET HISTORIC DISTRICT*, MD 14 and MD 16, (10-1-75)
East New Market. *FRIENDSHIP HALL*, Off MD 14, (10-18-73) PH0005649 HABS.
East New Market vicinity. *FLETCHER, K. B., MILL*, N of East New Market, (12-14-78)
El Dorado. *REHOBOTH (TURPIN PLACE, LEE MANSION)*, W side of Punkum Rd., (11-9-72) PH0005657 HABS.
Eldorado vicinity. *WILLIN VILLAGE ARCHEOLOGICAL SITE*, W of Eldorado, (5-12-75)
Taylor's Island vicinity. *RIDGETON FARM*, SW of Taylor Island on Bay Shore Rd., (10-5-77)

frederick county

OLD NATIONAL PIKE MILESTONES, *Reference—see Allegany County*
Burkittsville. *BURKITTSVILLE*, MD 17 and Jefferson–Boonsboro Rd., (11-20-75)
Catoctin Furnace. *CATOCTIN FURNACE HISTORIC DISTRICT*, E side of U.S. 15, (2-11-72) PH0017981
Creagerstown vicinity. *PENNTERRA*, SE of Creagerstown off MD 550, (1-30-76)
Creagerstown vicinity. *STRAWBERRY HILL*, SE of Creagerstown off MD 550, (1-30-76)
Dickerson vicinity. *MONOCACY SITE*, W of Dickerson, (7-30-75)
Emmitsburg. *ST. JOSEPH'S COLLEGE AND MOTHER SETON SHRINE*, MD 806, (1-1-76)
Emmitsburg vicinity. *FOURPOINTS BRIDGE*, SE of Emmitsburg, (11-29-78) HAER.
Emmitsburg vicinity. *SHOEMAKER III VILLAGE SITE*, E of Emmitsburg, (9-5-75)
Frederick. *FREDERICK HISTORIC DISTRICT*, 2 blocks E and 3 blocks W of Market St., from South St. to 7th St., (10-18-73) PH0005681 G.
Frederick. *HANSON-THOMAS HOUSES*, 108 and 110 W. Patrick St., (1-20-72) PH0005738
Frederick. *HESSIAN BARRACKS*, 242 S. Market St., (1-25-71) PH0005746 HABS; G.
Frederick. *LOATS FEMALE ORPHAN ASYLUM OF FREDERICK CITY (HISTORICAL SOCIETY OF FREDERICK COUNTY BUILDING)*, 24 E. Church St., (10-10-72) PH0005690
Frederick. *ROSE HILL MANOR*, 1611 N. Market St., (12-9-71) PH0005711 HABS.
Frederick. *SCHIEFFERSTADT*, W. 2nd and Rosemont Sts., (7-22-74) PH0005762 G.
Frederick vicinity. *ARCADIA*, 3.5 mi. (5.6 km) S of Frederick on MD 85, (8-3-78)
Frederick vicinity. *BIGGS FORD SITE*, N of Frederick, (6-10-75)
Frederick vicinity. *GUILFORD*, S of Frederick on MD 85, (10-14-75)
Frederick vicinity. *NALLIN FARM HOUSE*, Fort Detrick, (5-23-74) PH0005703
Frederick vicinity. *NALLIN FARM SPRINGHOUSE AND BANK BARN*, N of Frederick, (9-16-77)
Frederick vicinity. *ONE-MILLION-LITER TEST SPHERE*, N of Frederick on Fort Detrick, (11-23-77)
Frederick vicinity. *STANCIOFF HOUSE*, 8 mi. SE of Frederick off MD 80, (4-23-75)
Libertytown. *JONES, ABRAHAM, HOUSE*, Main St., (7-24-73) PH0005665
Middletown vicinity. *POFFENBERGER ROAD BRIDGE*, S of Middletown, (11-29-78) HAER.
New Market. *NEW MARKET HISTORIC DISTRICT*, Jct. of MD 144 and Old MD 75, (12-6-75)
Point of Rocks. *POINT OF ROCKS RAILROAD STATION (BALTIMORE & OHIO RAILROAD STATION)*, On U.S. 15, (4-11-73) PH0005720
Point of Rocks vicinity. *ST. PAUL'S EPISCOPAL CHURCH*, N of Point of Rocks off U.S. 15, (1-31-78)
Taneytown vicinity. *BULLFROG ROAD BRIDGE*, NW of Taneytown off MD 97, (11-21-78) HAER.
Thurmont vicinity. *COVERED BRIDGES IN FREDERICK COUNTY*, Multiple resources along Old Frederick, Utica, and Roddy Rds., (6-23-78)
Thurmont vicinity. *GRACEHAM MORAVIAN CHURCH AND PARSONAGE*, 2 mi. E of Thurmont on MD 77, (5-13-76)
Urbana vicinity. *AMELUNG HOUSE AND GLASSWORKS*, 4 mi. SW of Urbana off U.S. 240, (10-3-73) PH0005673 HABS.
Walkersville vicinity. *CRUM ROAD BRIDGE*, E of Walkersville at Crum Rd. and Israel's Creek, (12-28-78) HAER.
Woodsboro vicinity. *LEGORE BRIDGE*, N of Woodsboro over Monacacy River, (9-18-78)

garrett county

INNS ON THE NATIONAL ROAD, *Reference—see Allegany County*
Bloomington. *BLOOMINGTON VIADUCT*, Potomac River, S of MD 135, (11-21-76)
Bloomington. *BORDERSIDE (BRYDON HOUSE)*, Oakland–Westernport Rd., (10-22-75)
Deer Park. *PENNINGTON COTTAGE*, Deer Park Hotel Rd., (5-17-76)
Grantsville vicinity. *CASSELMAN'S BRIDGE, NATIONAL ROAD*, E of Grantsville on U.S. 40, (10-15-66) PH0029700 NHL; HABS; G.
Grantsville vicinity. *FULLER-BAKER LOG HOUSE*, 0.5 mi. W of Grantsville on U.S. 40, (2-12-71) PH0025411 G.
Grantsville vicinity. *TOMLINSON INN AND THE LITTLE MEADOWS*, 3 mi. E of Grantsville on U.S. 40, (9-20-73) PH0025429
Oakland. *BALTIMORE AND OHIO RAILROAD STATION, OAKLAND*, Liberty St., (2-5-74) HAER.
Oakland. *GARRETT COUNTY COURTHOUSE*, 3rd and Alder Sts., (11-12-75) PH0280321
Oakland vicinity. *HOYE SITE*, N of Oakland, (5-12-75)
Westernport. *MEYER SITE*, N Branch of the Potomac River, (6-19-73) PH0121355

harford county

JERICHO COVERED BRIDGE, *Reference—see Baltimore County*
Aberdeen. *POPLAR HILL*, 115 Poplar Hill Rd., (5-28-76)
Aberdeen Proving Ground. *GUNPOWDER MEETINGHOUSE*, Magnolia Rd., (6-5-74) PH0025437
Aberdeen Proving Ground. *PRESBURY MEETINGHOUSE*, Austin and Parrish Rds., (5-23-74) PH0025810
Aberdeen vicinity. *GRIFFITH HOUSE*, SW of Aberdeen at 1120 Old Philadelphia Rd., (11-14-78)
Aberdeen vicinity. *SOPHIA'S DAIRY*, SW of Aberdeen off U.S. 40, (9-20-73) PH0025852 HABS.
Bel Air. *HAYS-HEIGHE HOUSE*, 401 Thomas Run Rd., (2-11-72) PH0025445
Bel Air. *ODD FELLOW LODGE (OLD FIRST PRESBYTERIAN CHURCH)*, 21 Pennsylvania Ave., (8-22-75)
Bel Air vicinity. *D. H. SPRINGHOUSE*, About 6 mi. NE of Bel Air on Sandy Hook Rd., (5-8-73) PH0025861
Bel Air vicinity. *THOMAS RUN CHURCH*, NE of Bel Air off MD 136, (1-3-78)
Bel Air vicinity. *TUDOR HALL*, NE of Bel Air off MD 22, (3-14-73) PH0025879
Berkley vicinity. *RIGBIE HOUSE*, SE of Berkley off MD 623, (8-14-73) PH0025828
Churchville vicinity. *MEDICAL HALL HISTORIC DISTRICT*, W of Churchville off MD 154, (8-28-73) PH0025801
Darlington vicinity. *WILDFELL (SCOTT HOUSE)*, NW of Darlington on U.S. 1, (9-20-73) PH0025887
Emmorton. *ST. MARY'S CHURCH*, S of Emmorton on MD 24, (3-30-73) PH0025844

Fallston vicinity. *BON AIR*, S of Fallston, (11-10-77) HABS.
Forest Hill. *ST. IGNATIUS CHURCH*, 533 E. Jarrettsville Rd., (4-16-74) PH0025836
Havre de Grace. *HAVRE DE GRACE LIGHTHOUSE*, Concord and Lafayette Sts., (4-2-76)
Havre de Grace. *SOUTHERN TERMINAL, SUSQUEHANNA AND TIDEWATER CANAL*, N of Erie St. between Conesteo St. and the Susquehanna, (5-28-76)
Kalmia vicinity. *HUSBAND FLINT MILL SITE*, NE of Kalmia, (6-18-75) PH0142816
Perryman. *ST. GEORGE'S PARISH VESTRY HOUSE*, 1522 Perryman Rd., (3-26-76)
Taylor vicinity. *LADEW TOPIARY GARDENS AND HOUSE*, 0.5 mi. NE of Taylor on MD 146, (5-13-76)
Whiteford vicinity. *BROAD CREEK SOAPSTONE QUARRIES*, E of Whiteford, (5-12-75)

hartford county

MY LADY'S MANOR, *Reference—see Baltimore County*

howard county

OLD NATIONAL PIKE MILESTONES, *Reference—see Allegany County*
PATTERSON VIADUCT RUINS, *Reference—see Baltimore County*
THOMAS VIADUCT, BALTIMORE & OHIO RAILROAD, *Reference—see Baltimore County* (1-2-74)
Daniels. *DANIELS MILL*, Alberton Rd., (4-11-73) PH0025909
Elkridge. *TRINITY CHURCH*, 7474 Washington Blvd., (5-6-74) PH0025933
Ellicott City. *ELLICOTT CITY HISTORIC DISTRICT*, MD 144, (7-31-78)
Ellicott City. *ELLICOTT CITY STATION*, S of the Patapsco River Bridge, (11-24-68) PH0032077 NHL; HAER; G.
Ellicott City vicinity. *DOUGHOREGAN MANOR*, 8 mi. W of Ellicott City on Manor Lane, (11-11-71) PH0025917 NHL; HABS.
Ellicott City vicinity. *ELMONTE*, N of Ellicott City at Mt. Hebron Dr. and MD 99, (8-25-78)
Ellicott City vicinity. *TEMORA*, 4252 Columbia Rd., (4-30-76)
Ellicott City vicinity. *WHITE HALL*, W of Ellicott City at 4130 Chatham Rd., (8-12-77)
Glenwood vicinity. *UNION CHAPEL*, 1 mi. N of Glenwood on MD 97, (3-17-75)
Guilford vicinity. *CHRIST CHURCH GUILFORD*, N of Guilford at 6800 Oakland Mills Rd., (1-30-78)
Marriottsville vicinity. *WAVERLEY*, S of Marriottsville off U.S. 40, (10-18-74) PH0031551
Savage. *BOLLMAN SUSPENSION AND TRUSSED BRIDGE*, Gorman and Savage Rds., (10-18-72) PH0350061 HAER.
Savage. *SAVAGE MILL HISTORIC DISTRICT*, N of Little Patuxent River off U.S. 1, (2-20-75)
Savage vicinity. *BARNEY, COMMODORE JOSHUA, HOUSE*, N of Savage at 7912 Savage-Guilford Rd., (8-25-78)

kent county

Chestertown. *CHESTERTOWN HISTORIC DISTRICT*, (4-15-70) PH0121819 NHL; HABS; G.
Chestertown. *DENTON HOUSE*, 107 Water St., (3-11-71) PH0025950 G.
Chestertown. *GODLINGTON MANOR*, Wilkins Lane, (2-11-72) PH0025976
Chestertown. *WIDEHALL*, 101 Water St., (10-31-72) PH0025992 HABS.
Chestertown vicinity. *CARVILL HALL*, Great Oak Estates, 10 mi. W of Chestertown, (3-14-73) PH0025941
Chestertown vicinity. *REWARD-TILDEN'S FARM*, S of Chestertown, off MD 289 on Walnut Point Rd., (5-6-76)
Chestertown vicinity. *ROSE HILL*, 2 mi. N of Chestertown on MD 213, (12-12-76)
Fairlee vicinity. *FAIRLEE MANOR CAMP HOUSE*, 1.5 mi. W of Fairlee off MD 445, (4-11-73) PH0025968
Kennedyville vicinity. *KNOCKS FOLLY*, N of Kennedyville on MD 448, (6-17-76)
Pomona vicinity. *CLARK'S CONVENIENCY*, 2 mi. S of Pomona on Quaker Neck Rd., (9-9-75)
Rock Hall vicinity. *HINCHINGHAM*, N of Rock Hall off MD 445, (9-5-75)
Sassafras. *RICH HILL*, MD 229, (12-15-72) PH0025984
Still Pond vicinity. *SHEPHERD'S DELIGHT*, S of Still Pond on MD 292, (6-17-76)
Stillpond vicinity. *HEBRON*, SE of Stillpond off MD 292, (9-18-78)

montgomery county

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, *Reference—see Allegany County* (1-2-74)
WASHINGTON AQUEDUCT, *Reference—see District of Columbia* (1-2-74)
Bethesda. *BETHESDA MEETINGHOUSE*, 9400 Wisconsin Ave., (4-18-77)
Bethesda. *BETHESDA NAVAL HOSPITAL TOWER*, 8901 Wisconsin Ave., (3-8-77)
Bethesda. *MILTON (LOUGHBOROUGH HOUSE)*, 5312 Allendale Rd., (9-25-75)
Brookeville vicinity. *BROOKEVILLE WOOLEN MILL AND HOUSE*, 1901 Brighton Dam Rd., (9-6-78)
Clarksburg. *CLARKSBURG SCHOOL*, S of jct. of MD 121 and MD 355, (2-20-75)
Ednor. *CLIFTON*, 17107 New Hampshire Ave., (6-25-74) PH0026034
Forest Glen. *NATIONAL PARK SEMINARY HISTORIC DISTRICT*, Linden Lane near I 495, (9-14-72) PH0026042
Gaithersburg. *GAITHERSBURG B & O RAILROAD STATION AND FREIGHT SHED*, Summit and E. Diamond Aves., (10-5-78)
Garrett Park. *GARRETT PARK HISTORIC DISTRICT*, Roughly bounded by B & O Railroad tracks, Rock Creek Park, and Flanders Ave., (1-31-75)
Glen Echo. *CLARA BARTON NATIONAL HISTORIC SITE*, 5801 Oxford Rd., (10-15-66) PH0029670
Glen Echo vicinity. *CABIN JOHN AQUEDUCT*, MacArthur Blvd. over Cabin John Creek and Cabin John Pkwy., (2-28-73) PH0026018 NHL.
Laytonsville. *LAYTON HOUSE*, SW corner MD 108 and MD 420, (9-25-75) HABS.
Poolesville and vicinity. *POOLESVILLE HISTORIC DISTRICT*, Area around jcts. of MD 107, 109, and Willard Rd., (5-29-75) HABS.
Poolesville vicinity. *ANNINGTON (WHITE PLACE)*, W of Poolesville on White's Ferry Rd., (12-11-78)
Poolesville vicinity. *CHISWELL'S INHERITANCE*, NW of Poolesville off MD 109, (9-10-74) PH0121380 G.
Poolesville vicinity. *OLD CHISWELL PLACE*, E of Poolesville on Cattail Rd., (9-9-75)
Poolesville vicinity. *SENECA HISTORIC DISTRICT*, SE of Poolesville, (11-15-78) HABS.
Poolesville vicinity. *WALKER PREHISTORIC VILLAGE ARCHEOLOGICAL SITE*, S of Poolesville, (5-12-75)
Rockville. *BEALL-DAWSON HOUSE*, 103 W. Montgomery Ave., (3-30-73) PH0026000 G.
Rockville. *ROCKVILLE RAILROAD STATION*, Church St. and Baltimore Rd., (7-18-74) PH0026051
Rockville. *THIRD ADDITION TO ROCKVILLE AND OLD ST. MARY'S CHURCH AND CEMETERY*, Veirs Mill and Old Baltimore Rds., (11-20-78)
Rockville. *WEST MONTGOMERY AVENUE HISTORIC DISTRICT*, Residential area centered around W. Montgomery Ave., (5-29-75)
Sandy Spring. *SANDY SPRING FRIENDS MEETINGHOUSE*, Meetinghouse Lane and MD 108, (9-22-72) PH0026069 HABS.
Seneca. *SENECA QUARRY (POTOMAC RED SANDSTONE COMPANY)*, Tschiffeley Mill Rd., (4-24-73) PH0026077
Silver Spring. *MILIMAR (LAZENBY HOUSE; GIRL'S GIFT)*, 410 Randolph Rd., (4-13-73) PH0026026
Takoma Park. *TAKOMA PARK HISTORIC DISTRICT*, Roughly bounded by D.C., Silver Spring, and E to jct. of Woodland and Elm Aves., (7-16-76) (also in Prince Georges County)

prince georges county

TAKOMA PARK HISTORIC DISTRICT, *Reference—see Montgomery County*
Accokeek vicinity. *PISCATAWAY PARK*, (10-15-66)
Beltsville. *AMMENDALE NORMAL INSTITUTE*, Jct. of Ammendale Rd. and U.S. 1, (4-14-75)
Bladensburg. *BOSTWICK*, 3901 48th St., (8-19-75) HABS.
Bladensburg. *HILLEARY, WILIAM, HOUSE*, 4703 Annapolis Rd., (7-20-78) HABS.
Bladensburg. *WASHINGTON, GEORGE, HOUSE (INDIAN QUEEN TAVERN)*, Baltimore Ave. at Upshur St., (8-7-74) PH0015440 HABS.
Bowie. *BELAIR*, Tulip Grove and Belair Drives, (9-16-77) HABS.
Bowie. *BELAIR STABLES*, Belair Dr., (5-8-73) PH0026085 G.
Brandywine vicinity. *ST. PAUL'S PARISH CHURCH*, SE of Brandywine off MD 381, (9-15-77) HABS.
Cheverly. *MOUNT HOPE*, 1 Cheverly Circle, (11-29-78)
Clinton. *SURRATT HOUSE*, 9110 Brandywine Rd., (3-30-73) PH0026182
Clinton vicinity. *WOODYARD ARCHEOLOGICAL SITE*, (12-19-74) PH0052604
College Park vicinity. *COLLEGE PARK AIRPORT*, E of College Park off Kenilworth Ave., (9-23-77)
Croom vicinity. *BELLEFIELDS*, S of Croom on Dudley Station Rd., (9-10-71) PH0026093
Hyattsville. *ASH HILL*, 3308 Rosemary Lane, (9-16-77)
Laurel. *LAUREL RAILROAD STATION*, E. Main St., (3-30-73) PH0026115
Laurel vicinity. *MONTPELIER*, 2.1 mi. E of Laurel on MD 197, (4-17-70) PH0026123 NHL; HABS.
Laurel vicinity. *SNOW HILL*, S of Laurel off MD 197, (8-13-74) PH0025631 HABS.
Mitchellville. *PLEASANT PROSPECT*, 12806 Woodmore Rd., (4-30-76)
Oxon Hill. *OXON HILL MANOR*, 6701 Oxon Hill Rd., (6-9-78) HABS.
Oxon Hill. *ST. IGNATIUS CHURCH*, 2317 Brinkley Rd., (6-27-74) PH0026158
Oxon Hill. *ST. JOHN'S CHURCH*, 9801 Livingston Rd., (4-8-74) PH0026166 HABS.

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Riverdale. *RIVERSDALE (CLAVERT MANSION)*, Riverdale Rd. between 18th and Taylor Sts., (4-11-73) PH0026140 HABS.
Rosaryville vicinity. *HIS LORDSHIP'S KINDNESS*, 3.5 mi. W of Rosaryville, (4-15-70) PH0121762 NHL; G.
Seat Pleasant. *ST. MATTHEW'S CHURCH*, Addison Rd. and 62nd pl., (4-10-72) PH0026174
Upper Marlboro. *BOWIEVILLE*, 2300 Church Rd., (3-14-73) PH0026107
Upper Marlboro. *BUCK HOUSE*, Off MD 4, (4-20-78) HABS.
Upper Marlboro. *CONTENT*, 14518 Church St., (9-13-78) HABS.
Upper Marlboro. *KINGSTON*, 5415 Old Crain Hwy., (7-21-78) HABS.
Upper Marlboro. *MOUNT PLEASANT*, Mt. Pleasant Rd., (11-29-72) HABS.
Upper Marlboro vicinity. *MELWOOD PARK*, W of Upper Marlboro on MD 408, 0.5 mi. E of jct. with Melwood Rd., (10-8-76) HABS.
Upper Marlboro vicinity. *NOTTINGHAM SITE*, SE of Upper Marlboro, (5-12-75)
Washington, DC, vicinity. *FORT WASHINGTON PARK*, 5.5 mi. S of D.C. line on MD 210, W on Old Fort Rd., (10-15-66) PH0350079

queen annes county

Centreville vicinity. *READBOURNE*, 4.5 mi. NW of Centreville, (4-11-73) PH0026212 HABS.
Centreville vicinity. *REED'S CREEK FARM*, W of Centreville on Wright's Neck Rd. off MD 18, (7-7-75)
Church Hill. *ST. LUKE'S CHURCH*, Jct. of MD 213 and MD 19, (11-23-77)
Queenstown. *BLOOMINGDALE (MOUNT MILL)*, Bloomingdale Rd. and U.S. 50, (10-18-72) PH0026191
Queenstown. *BOWLINGLY*, Off MD 18, (8-21-72) PH0026204
Ruthsburg vicinity. *THOMAS HOUSE*, 1.8 mi. NE of Ruthsburg on MD 304, (5-13-76)
Wye Mills vicinity. *WILTON*, N of Wye Mills on MD 213, (12-12-77)

somerset county

Cokesbury vicinity. *CANON, BURTON, HOUSE*, 1 mi. N of Cokesbury on Dublin Rd., (4-3-75)
Crisfield vicinity. *MAKE PEACE*, 1.5 mi. SE of Crisfield on Johnson's Creek Rd., (11-20-75) HABS.
Kingston. *KINGSTON HALL*, W side of MD 667, 0.5 mi. from Kingston, (12-31-74) PH0073695 HABS.
Manokin vicinity. *SUDLER'S CONCLUSION*, NW of Manokin off MD 361, (8-28-73) PH0015709
Pocomoke City vicinity. *HAYWARD'S LOTT*, 1.75 mi. NW of Pocomoke City on Hayward Rd., (5-13-76)
Princess Anne. *BECKFORD*, Beckford Ave., (8-13-74) PH0015458
Princess Anne. *MANOKIN PRESBYTERIAN CHURCH*, N. Somerset Ave., (11-21-76)
Princess Anne. *TEACKLE MANSION (BECKFORD MANSION)*, Mansion St., (10-26-71) PH0015717
Princess Anne vicinity. *BEVERLY*, S of Princess Anne on U.S. 13, (3-30-73) PH0015695
Princess Anne vicinity. *HARRINGTON*, NW of Princess Anne off MD 362, (9-11-75)
Princess Anne vicinity. *MANOKIN HISTORIC DISTRICT*, SW of Princess Anne at Manokin River, (6-29-76) HABS.
Rehobeth. *REHOBETH PRESBYTERIAN CHURCH*, S of Rehobeth off MD 667, (11-5-74) PH0031488
Shelltown vicinity. *REWARD*, SE of Shelltown on Williams Point Rd., (8-13-74) PH0005436
Upper Fairmount vicinity. *TUDOR HALL (LOCKERMAN HOUSE)*, SE of Upper Fairmount off MD 36, (12-19-74) PH0043974
Westover vicinity. *LIBERTY HALL*, S of Westover off MD 361, (12-27-76)
Westover vicinity. *SALISBURY PLANTATION*, SW of Westover off MD 361, (6-20-75)

st. marys county

Beauvue vicinity. *MULBERRY FIELDS*, About 4.5 mi. SE of Beauvue off MD 244, (3-14-73) PH0026239 HABS.
Bushwood vicinity. *OCEAN HALL*, Bushwood Rd. off MD 239 at Bushwood Wharf, (10-25-73) PH0026247
Chaptico. *BACHELOR'S HOPE*, Off MD 238, (11-7-72) PH0026221
Chaptico vicinity. *DEEP FALLS*, 1 mi. SE of Chaptico on N side of MD 234, (5-12-75)
Colton vicinity. *ST. CLEMENT'S ISLAND HISTORIC DISTRICT*, S of Colton Point on the Potomac River, (4-10-72) PH0026271
Compton. *ST. FRANCIS XAVIER CHURCH AND NEWTOWN MANOR HOUSE*, S of Compton on MD 243, (11-9-72) PH0026280
Drayden. *PORTO BELLO*, MD 244 E of Drayden, (4-26-72) PH0026255
Drayden vicinity. *WEST ST. MARY'S MANOR*, About 1 mi. E of Drayden on the St. Mary's River, (4-15-70) PH0121886 NHL; HABS.
Great Mills vicinity. *CECIL'S MILL HISTORIC DISTRICT*, N of Great Mills on Indian Bridge Rd., (1-30-78)
Hollywood vicinity. *RESURRECTION MANOR*, 4 mi. E of Hollywood, (4-15-70) PH0029785 NHL; HABS.
Hollywood vicinity. *SOTTERLEY (BOWLES SEPARATION)*, E of jct. of MD 245 and Vista Rd., (11-9-72) PH0026301
Hughesville vicinity. *CHARLOTTE HALL HISTORIC DISTRICT*, S of Hughesville at jct. of MD 5 and 6, (5-2-75)
Leonardtown. *TUDOR HALL (AMERICA FELIX SECUNDUS)*, Tudor Hall Rd., (4-26-73) PH0026310
Leonardtown vicinity. *ST. ANDREW'S CHURCH*, 5 mi. E of Leonardtown on St. Andrew's Church Rd., (3-14-73) PH0026263
Oakley vicinity. *RIVER VIEW, THE*, SE of Oakley on Burch Rd., (5-4-76) HABS.
Oakville vicinity. *SANDGATES ON CAT CREEK*, E of Oakville on MD 472, (11-14-78) HABS.
Piney Point vicinity. *PINEY POINT COAST GUARD LIGHT STATION*, W of Piney Point on MD 498, (6-16-76)
Ridge vicinity. *BARD'S FIELD*, 1.2 mi. W of Ridge off Curleys Rd., (11-7-76)
St. Inigoes vicinity. *ST. IGNATIUS ROMAN CATHOLIC CHURCH*, W of St. Inigoes on Villa Rd., (11-3-75)
St. Marys City. *ST. MARYS CITY HISTORIC DISTRICT*, (8-4-69) PH0121894 NHL; HABS.
St. Marys City vicinity. *MARY W. SOMERS (CHESAPEAKE BAY SKIPJACK)*, SE of St. Marys City at St. Inigoe's Creek, (10-8-76)
Valley Lee vicinity. *ST. GEORGE'S PROTESTANT EPISCOPAL CHURCH (POPLAR HILL)*, W of Valley Lee, off MD 249 on MD 244, (10-3-73) PH0026298

talbot county

Bellevue vicinity. *OREM'S DELIGHT*, S of Bellevue off Ferry Neck Rd., (4-4-78)
Easton. *MYRTLE GROVE*, Goldsborough Neck Rd., (8-13-74) PH0016772
Easton vicinity. *ANCHORAGE, THE*, NW of Easton off MD 370, (7-30-74) PH0015725
Easton vicinity. *DONCASTER TOWN SITE*, NW of Easton, (9-5-75)
Easton vicinity. *ST. JOHN'S CHAPEL OF ST. MICHAEL'S PARISH*, 3 mi. W of Easton on MD 370, (3-30-73) PH0015768
Easton vicinity. *TROTH'S FORTUNE*, 3.25 mi. E of Easton on MD 331, (4-24-75) HABS.
Easton vicinity. *WYE HOUSE*, 7 mi. NW of Easton on Miles Neck River, (4-15-70) PH0121860 NHL.
St. Michaels. *CROOKED INTENTION*, W of MD 33, (7-24-74) PH0015741
St. Michaels vicinity. *SHERWOOD MANOR*, 4 mi. N of St. Michaels on MD 451, (4-5-77)
St. Michaels vicinity. *VICTORIAN CORN CRIBS*, 6.8 mi. E of St. Michaels off MD 33, (1-11-75)
Tilghman. *RELIANCE* (CHESAPEAKE BAY SKIPJACK), Knapps Narrows off MD 33, (7-30-76)
Trappe vicinity. *COMPTON*, W of Trappe on Howell Point Rd., (7-25-74) PH0015733
Trappe vicinity. *WILDERNESS, THE*, SW of Trappe on Island Neck Rd., (7-25-74) PH0015776

washington county

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, Reference—see Allegany County (1-2-74)
HARPERS FERRY NATIONAL HISTORICAL PARK, Reference—see Jefferson County, WV (1-2-74)
OLD NATIONAL PIKE MILESTONES, Reference—see Allegany County
Antietam vicinity. *ANTIETAM IRON FURNACE SITE AND ANTIETAM VILLAGE*, Confluence of Antietam Creek and Potomac River, (6-26-75)
Big Pool vicinity. *FORT FREDERICK STATE PARK*, SE of Big Pool near jct. of MD 56 and 44, (11-7-73) PH0122378 NHL.
Boonsboro. *BOWMAN HOUSE*, 323 N. Main St., (4-29-77)
Boonsboro vicinity. *KEEDY HOUSE*, NW of Boonsboro off U.S. 40A on Barnes Rd., (7-25-74) PH0015792
Boonsboro vicinity. *WASHINGTON MONUMENT*, Washington Monument State Park, (11-3-72) PH0015831
Cavetown vicinity. *WILLOWS, THE*, SW of Cavetown on MD 66, (2-23-73) PH0015849
Hagerstown. *COLONIAL THEATER*, 12–14 S. Potomac St., (8-2-78)
Hagerstown. *ELLIOT-BESTER HOUSE*, 205–207 S. Potomac St., (5-2-75)
Hagerstown. *HAGER HOUSE*, 19 Key St., (11-5-74) PH0031348 HABS.
Hagerstown. *HOUSES AT 16–22 EAST LEE STREET*, 16–22 E. Lee St., (11-25-77)
Hagerstown. *MARYLAND THEATRE*, 21–23 S. Potomac St., (11-13-76)
Hagerstown. *OLD WASHINGTON COUNTY LIBRARY*, 21 Summit Ave., (10-2-78)
Hagerstown. *PRICE-MILLER HOUSE*, 131–135 W. Washington St., (5-24-76)
Hagerstown. *WASHINGTON COUNTY COURTHOUSE*, W. Washington St. and Summit Ave., (12-24-74) PH0062596
Hagerstown. *WESTERN MARYLAND RAILWAY STATION*, Burhans Blvd., (4-22-76)

Hagerstown vicinity. *BRIGHTWOOD*, N of Hagerstown off MD 60, (7-30-74) PH0015784
Hagerstown vicinity. *DITTO KNOLLS*, E of Hagerstown on Landis Rd., (7-12-76)
Hagerstown vicinity. *DORSEY-PALMER HOUSE*, N of Hagerstown on MD 60, (4-15-78)
Hagerstown vicinity. *LONG MEADOWS*, N of Hagerstown on Marsh Pike, (9-1-78)
Hagerstown vicinity. *MCCAULEY, HENRY, FARM*, E of Hagerstown on Mt. Eatna Rd., (6-29-76)
Hagerstown vicinity. *PARADISE MANOR*, N of Hagerstown at 2550 Paradise Dr., (3-31-78)
Hagerstown vicinity. *ROCKLAND FARM*, 728 Antietam Dr., (7-21-78)
Hagerstown vicinity. *TROVINGER MILL*, 3 mi. E of Hagerstown on Trovinger Mill Rd. and Antietam Creek, (4-21-75) PH0111244
Hagerstown vicinity. *VALENTIA*, S of Hagerstown on Poffenberger Rd. off MD 65, (6-27-74) PH0015822
Harpers Ferry vicinity. *B&O RAILROAD POTOMAC RIVER CROSSING*, At confluence of the Shenandoah and Potomac Rivers, (2-14-78) (also in Jefferson County, WV)
Keedysville vicinity. *B & O BRIDGE*, NW of Keedysville over Antietam Creek, (11-23-77)
Keedysville vicinity. *BAKER FARM*, N of Keedysville, (10-19-78)
Keedysville vicinity. *DOUB FARM*, N of Keedysville, (11-15-78)
Keedysville vicinity. *GEETING FARM*, S of Keedysville at Geeting and Dog Rds., (11-25-77)
Knoxville vicinity. *MAGNOLIA PLANTATION (BOTELER-HOLDER FARM)*, NW of Knoxville off Sandy Hook Rd., (6-18-75)
Samples Manor. *JOHN BROWN'S HEADQUARTERS (KENNEDY FARM)*, Chestnut Grove Rd., (11-7-73) PH0121801 NHL; HABS; G.
Sharpsburg. *ANTIETAM NATIONAL BATTLEFIELD SITE*, N of Sharpsburg off MD 45, (10-15-66) PH0017833 HABS.
Sharpsburg. *CHAPLINE, WILLIAM, HOUSE*, 109 W. Main St., (10-8-76)
Smithsburg vicinity. *MAPLES, THE*, 2 mi. SW of Smithsburg on MD 66, (2-24-75) PH0084735
Williamsport. *SPRINGFIELD FARM*, S of U.S. 11, (7-30-74) PH0015814
Williamsport vicinity. *ROSE HILL*, 0.5 mi. S of Williamsport on MD 63, (4-11-73) PH0015806
Williamsport vicinity. *SPRECHERS MILL HOUSE*, NE of Williamsport on Hopewell Rd., (1-5-78)

wicomico county

Allen vicinity. *BENNETT'S ADVENTURE (BRYAN'S MANOR)*, 3 mi. W of Allen on Clifford Cooper Rd., (11-20-75) PH0300055
Allen vicinity. *BOUNDS LOTT*, 4 mi. (6.4 km) W of Allen, (11-14-78)
Hebron vicinity. *SPRING HILL CHURCH (ST. PAUL'S EPISCOPAL CHURCH)*, 1 mi. NE of Hebron at jct. of U.S. 50 and MD 347, (10-22-76)
Quantico. *ST. BARTHOLOMEW'S EPISCOPAL CHURCH*, Green Hill Church Rd., (6-5-75) PH0104507
Salisbury. *GILLIS-GRIER HOUSE*, 401 N. Division St., (10-31-72) PH0015865 G.
Salisbury. *JACKSON, SEN. WILLIAM P., HOUSE*, 514 Camden Ave., (9-28-76)
Salisbury. *PEMBERTON HALL*, Pemberton Rd., (2-18-71) PH0015857 G.
Salisbury. *PERRY-COOPER HOUSE*, 200 E. William St., (11-17-77)
Salisbury. *POPLAR HILL MANSION*, 117 Elizabeth St., (10-7-71) PH0015873 G.
Wetipquin vicinity. *LONG HILL*, Wetipquin Ferry Rd; 1 mi. SE of Wetipquin, (12-31-74) PH0062618
Whitehaven vicinity. *YELLOW BRICK HOUSE*, NW of Whitehaven off MD 349, (5-22-78)

worcester county

Berlin. *BURLEY MANOR*, 3 S. Main St., (7-7-74) PH0015881
Berlin vicinity. *BUCKINGHAM ARCHEOLOGICAL SITE*, 4 mi. S of Berlin, (2-24-75)
Berlin vicinity. *CALEB'S DISCOVERY*, 2 mi. W of Berlin on U.S. 50, (5-27-75)
Berlin vicinity. *GENESAR*, SE of Berlin on MD 611 off U.S. 50, (9-17-71) PH0015890 HABS; G.
Ocean City vicinity. *SANDY POINT SITE*, SW of Ocean City, (4-28-75)
Pocomoke. *COSTEN HOUSE*, 206 Market St., (12-6-75)
Pocomoke City vicinity. *BEVERLY*, 4.5 mi. SW of Pocomoke City off Cedarhall Rd., (10-29-75)
Showell vicinity. *ST. MARTINS CHURCH*, 1 mi. S of Showell at jct. of U.S. 113 and MD 589, (4-13-77)
Snow Hill vicinity. *NASSAWANGO IRON FURNACE SITE*, NW of Snow Hill off MD 12 on Old Furnace Rd., (10-31-75)

MASSACHUSETTS

barnstable county

Barnstable. *OLD JAIL*, Main St. and Old Jail Lane, (7-2-71) PH0005827 G.
Barnstable. *U.S. CUSTOMSHOUSE*, Cobbs Hill, MA 6A, (11-12-75) PH0280356
Brewster. *OLD HIGGINS FARM WINDMILL*, Off Lower Rd., (6-10-75) PH0150649
Brewster vicinity. *DILLINGHAM HOUSE*, W of Brewster off MA 6A, (4-30-76)
Chatham. *BRANDEIS, LOUIS, HOUSE*, Neck Lane, off Cedar St., 8 mi. SW of Stage Harbor Rd. intersection, (11-28-72) PH0005771 SCG Station, MA H0229326 NHL.
Chatham. *CHATHAM RAILROAD DEPOT*, 153 Depot Rd., (11-27-78)
Chatham. *CHATHAM WINDMILL*, Chase Park, Shattuck Pl., (11-30-78) HABS.
Chatham. *HALF WAY HOUSE*, Andrew Harding La., (7-21-78)
Chatham vicinity. *OLD HARBOR U.S. LIFE SAVING STATION (USCG STATION)*, NE of Chatham on Nauset Beach, (8-18-75)
Dennis. *DENNIS, JOSIAH, HOUSE*, Nobscusset Rd. at Whig St., (2-15-74) PH0005789
Dennis. *WEST SCHOOLHOUSE*, Nobscusset Rd. at Whig St., (4-24-75)
East Sandwich. *WING FORT HOUSE*, Spring Hill Rd., (6-3-76)
Eastham vicinity. *PENNIMAN, EDWARD, HOUSE AND BARN*, S of Eastham at Fort Hill and Governor Prence Rds., (5-28-76) HABS.
Harwich. *HARWICH HISTORIC DISTRICT*, Irregular pattern on both sides of Main St., W to Forest St. and E to jct. of Rte. 39 and Chatham Rd., (2-24-75)
Hyannis Port. *KENNEDY COMPOUND*, Irving and Marchant Aves., (11-28-72) PH0005819 NHL.
North Eastham vicinity. *FRENCH CABLE HUT*, E of N. Eastham at jct. of Cable Rd. and Ocean View Dr., (4-22-76)
Orleans. *FRENCH CABLE STATION*, SE corner of Cove Rd. and MA 28, (4-11-72) PH0005801
Provincetown. *CENTER METHODIST CHURCH*, 356 Commercial St., (10-31-75) G.
Provincetown. *FIRST UNIVERSALIST CHURCH*, 236 Commercial St., (2-23-72) PH0005797 G.
Provincetown. *HAWTHORNE CLASS STUDIO*, Off Miller Hill Rd., (7-21-78)
Provincetown. *PROVINCETOWN PUBLIC LIBRARY*, 330 Commercial St., (4-21-75)
Sandwich. *TOWN HALL SQUARE HISTORIC DISTRICT*, Irregular pattern centered around town square includes both sides of Main, Grove, and Water Sts., and Tupper Rd. from Beale Ave. to MA 6a., (10-31-75)
South Wellfleet. *MARCONI WIRELESS STATION SITE*, 1 mi. NE of Cape Cod National Seashore, (5-2-75)
Truro. *HIGHLAND HOUSE*, Off U.S. 6 on Cape Cod National Seashore, (6-5-75)
Wellfleet vicinity. *ATWOOD, THOMAS, HOUSE*, NW of Wellfleet on Boundbrook Island, (7-30-76)
Wellfleet vicinity. *SMITH, SAMUEL, TAVERN SITE*, SW of Wellfleet on Great Island, (11-11-77)

berkshire county

Adams. *QUAKER MEETINGHOUSE*, Maple Street Cemetery, (8-17-76) HABS.
Ashley Falls vicinity. *ASHLEY, COL. JOHN, HOUSE*, W of Ashley Falls on Cooper Hill Rd., (2-10-75) G.
Florida and Savoy vicinity. *MOHAWK TRAIL*, Along the bank of the Cold River, (4-3-73) PH0005908 (also in Franklin County)
Great Barrington. *DU BOIS, WILLIAM E. B., BOYHOOD HOMESITE*, MA 23, (5-11-76) NHL.
Great Barrington. *DU BOIS, WILLIAM E.B., BOYHOOD HOMESITE*,
Great Barrington. *DWIGHT-HENDERSON HOUSE*, Main St., (3-26-76) HABS.
Great Barrington vicinity. *RISING PAPER MILL*, N of Great Barrington on MA 183 at Risingdale, (8-11-75)
Hancock. *HANCOCK TOWN HALL*, MA 43, (9-26-75) G.
Interlaken. *CITIZENS HALL*, Off U.S. 90, (6-19-72) PH0005843 G.
Lanesborough. *ST. LUKE'S EPISCOPAL CHURCH*, U.S. 7, (2-23-72) PH0005941 G.
Lee. *HYDE HOUSE*, 144 W. Park St., (11-21-76)
Lee. *LEE LOWER MAIN STREET HISTORIC DISTRICT*, Main and Park Sts., (11-21-76)
Lenox. *LENOX LIBRARY*, 18 Main St., (4-3-73) PH0005878
Lenox vicinity. *MOUNT, THE (EDITH WHARTON ESTATE)*, S of Lenox on U.S. 7, (11-11-71) PH0005924 NHL; G.
North Adams. *BEAVER MILL*, Beaver St., (5-11-73) HAER.
North Adams. *FREIGHT YARD HISTORIC DISTRICT*, W of the Hadley Overpass and SW of the Hoosac River, (6-13-72) PH0005851
North Adams. *HOOSAC TUNNEL*, From North Adams on the W to the Deerfield River on the E, (11-2-73) PH0005886 HAER.
North Adams. *MONUMENT SQUARE–EAGLE STREET HISTORIC DISTRICT*, Monument Square and environs, at E end of Main St., (6-19-72) PH0005916

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North Adams. *WINDSOR PRINT WORKS*, 121 Union St., (5-17-73) PH0005967
Pittsfield. *MELVILLE, HERMAN, HOUSE (ARROWHEAD)*, Holmes Rd., (10-15-66) PH0122581 NHL; HABS; G.
Pittsfield. *OLD CENTRAL FIRE STATION*, 66 Allen St., (11-2-77)
Pittsfield. *OLD TOWN HALL*, 32 East St., corner of Allen St., (4-26-72) PH0005835
Pittsfield. *PARK SQUARE HISTORIC DISTRICT*, At jct. of North, South, East, and West Sts., (7-24-75)
Pittsfield vicinity. *HANCOCK SHAKER VILLAGE*, 5 mi. S of Pittsfield on U.S. 20, Hancock Tpke., (11-24-68) PH0046434 NHL; HABS; G.
Pittsfield vicinity. *SOUTH MOUNTAIN CONCERT HALL*, New South Mountain Rd., (8-14-73) PH0005959
Sheffield. *OLD COVERED BRIDGE*, Covered Bridge Lane, (11-24-78) HAER.
South Lee. *MERRELL TAVERN*, MA 102, (2-23-72) PH0005860 HABS.
Stockbridge. *MISSION HOUSE*, Main St., (11-24-68) PH0122190 NHL.
Stockbridge. *NAUMKEAG (JOSEPH HODGES CHOATE HOUSE)*, Prospect St., (11-3-75)
Stockbridge. *STOCKBRIDGE CASINO (BERKSHIRE PLAYHOUSE)*, E. Main St. at Yale Hill Rd., (8-27-76)
Stockbridge vicinity. *CHESTERWOOD (DANIEL CHESTER FRENCH HOUSE AND STUDIO)*, 2 mi. W of Stockbridge, (10-15-66) PH0046442 NHL; G.
Stockbridge vicinity. *OLD CURTISVILLE HISTORIC DISTRICT*, N of Stockbridge on MA 183, (10-29-76)

bristol county

Attleboro. *CAPRON HOUSE*, 42 North Ave., (7-21-78)
Attleboro. *ROBINSON, CAPT. JOEL, HOUSE*, 111 Rocklawn Ave., (11-20-78)
Dighton vicinity. *DIGHTON ROCK*, Across the Taunton River from Dighton in Dighton Rock State Park, (7-1-70) PH0005991
Easton. *BAY ROAD*, 416-535 Bay Rd. (Foundry St. to the Norton town line), (5-5-72) PH0005983
Easton. *NORTH EASTON HISTORIC DISTRICT*, Section of town N of and including both sides of Main/Lincoln St., (11-3-72) PH0006041 G.
Fairhaven. *FORT PHOENIX*, S of U.S. 6 in Fort Phoenix Park, (11-9-72) PH0006009
Fall River. *ACADEMY BUILDING*, S. Main St., (7-2-73) PH0005975
Fall River. *U.S.S. JOSEPH P. KENNEDY JR.*, Battleship Cove, (9-30-76)
Fall River. *U.S.S. LIONFISH*, Battleship Cove, (9-30-76)
Fall River. *U.S.S. MASSACHUSETTS*, Battleship Cove, (9-30-76)
New Bedford. *CARNEY, SGT. WILLIAM H., HOUSE*, 128 Mill St., (4-21-75)
New Bedford. *COUNTY STREET HISTORIC DISTRICT*, Roughly bounded by Acushnet, Page, Middle, and Bedford Sts. (both sides), (8-11-76)
New Bedford. *FIRE STATION NO. 4*, 79 S. 6th St., (7-24-75)
New Bedford. *FIRST BAPTIST CHURCH*, 149 William St., (4-21-75)
New Bedford. *FORT TABER DISTRICT (FORT AT CLARK'S POINT)*, Wharf Rd. within Fort Rodman Military Reservation, (2-8-73) PH0006017 G.
New Bedford. *MERRILL'S WHARF HISTORIC DISTRICT*, MacArthur Dr., (11-11-77)
New Bedford. *NEW BEDFORD HISTORIC DISTRICT*, Bounded by Front St. on E, Elm St. on N, Acushnet Ave. on W, and Commercial St. on S, (11-13-66) PH0006033 NHL; HABS; G.
New Bedford. *OLD THIRD DISTRICT COURTHOUSE*, 2nd and William Sts., (9-28-71) PH0006068 HABS.
New Bedford. *U.S. CUSTOMHOUSE*, SW corner of 2nd and Williams Sts., (12-30-70) PH0006076 NHL; HABS.
New Bedford. *UNION STREET RAILWAY CARBARN, REPAIR SHOP (CENTENNIAL BUILDING)*, 1959 Purchase St., (10-2-78)
North Attleborough vicinity. *ANGLE TREE STONE*, W of North Attleborough off High St., (1-1-76) (also in Norfolk County)
North Easton. *NORTH EASTON RAILROAD STATION*, Off Oliver St. on railroad right-of-way, (4-11-72) PH0119121 HABS; G.
North Swansea. *MARTIN HOUSE AND FARM*, 22 Stoney Hill Rd., (10-2-78)
Norton. *CLARKE, PITT, HOUSE*, 42 Mansfield Ave., (7-13-76) HABS.
Norton. *NORTON CENTER HISTORIC DISTRICT*, MA 123, (12-23-77)
Norton. *OLD BAY ROAD*, From Easton Town Line to Taunton Town Line, (11-8-74) PH0031712
Seekonk. *MARTIN HOUSE*, 940 Court St., (5-2-74) PH0006025 HABS.
Swansea vicinity. *LUTHER STORE*, W of Swansea at 160 Old Warren Rd., (5-22-78) HABS.
Taunton. *BRISTOL COUNTY COURTHOUSE COMPLEX*, 9, 11, 15 Court St., (3-28-78)
Taunton. *CHURCH GREEN*, U.S. 44 and MA 140, (12-16-77)
Westport. *CUFFE, PAUL, FARM*, 1504 Drift Rd., (5-30-74) PH0229903 NHL.

dukes county

Oak Bluffs. *MARTHA'S VINEYARD CAMPGROUND*, Roughly bounded by Cottage Park, Ocquechan, Clinton, Dukes County, Siloam, Lake, and Central Aves., (12-14-78)
Vineyard Haven. *RITTER HOUSE (JIREH LUCE HOUSE)*, Beach St., (12-6-77)

essex county

Amesbury. *ROCKY HILL MEETINGHOUSE AND PARSONAGE*, Portsmouth Rd. and Elm St., (4-11-72) PH0006360 HABS; G.
Amesbury. *WHITTIER, JOHN GREENLEAF, HOUSE*, 86 Friend St., (10-15-66) PH0183164 NHL.
Andover. *ABBOT, BENJAMIN, HOUSE*, 9 Andover St., (2-24-75) G.
Beverly. *BALCH, JOHN, HOUSE*, 448 Cabot St., (2-23-73) PH0006084
Beverly. *CABOT, CAPT. JOHN, HOUSE*, 117 Cabot St., (4-16-75) G.
Beverly. *FISH FLAKE HILL (FRONT STREET) HISTORIC DISTRICT*, N and S sides of Front St. from Cabot to Bartlett Sts., (10-26-71) PH0006173 G.
Beverly. *HALE, REVEREND JOHN, HOUSE*, 39 Hale St., (10-9-74) PH0008346
Beverly. *HOLMES, OLIVER WENDELL, HOUSE*, 868 Hale St. (Beverly Farms), (11-28-72) PH0006271 NHL.
Beverly. *ODD FELLOWS' HALL*, 188–194 Cabot St., (11-20-78)
Boxford. *BOXFORD VILLAGE HISTORIC DISTRICT*, Middleton and Topsfield Rds. and Main and Elm Sts., (4-11-73) PH0006092
Boxford. *HOLYOKE-FRENCH HOUSE*, Elm St. and Topsfield Rd., (4-26-72) PH0006289 G.
Boxford. *SPOFFORD-BARNES HOUSE*, Kelsey Rd., (9-6-74) PH0015610
Boxford vicinity. *HOWE VILLAGE HISTORIC DISTRICT*, NE of Boxford on MA 97, (4-3-73) PH0006301
Danvers. *DERBY SUMMERHOUSE*, Glen Magna Estate, Ingersoll St., (11-24-68) PH0122050 NHL; HABS.
Danvers. *PUTNAM, GEN. ISRAEL, HOUSE*, 431 Maple St., (4-30-76) HABS.
Danvers. *SALEM VILLAGE HISTORIC DISTRICT*, Irregular pattern along Centre, Hobart, Ingersoll, and Collins Sts., as far N as Brentwood Circle, and S to Mello Pkwy., (1-31-75) G.
Danversport. *FOWLER HOUSE*, 166 High St., (9-17-74) PH0015601
Gloucester. *FRONT STREET BLOCK (WEST END BUILDINGS)*, West End, 55-71 Main St., (5-8-74) PH0006190
Gloucester. *GLOUCESTER CITY HALL*, Dale Ave., (5-8-73) PH0006220 G.
Gloucester. *HAMMOND CASTLE*, 80 Hesperus Ave., (5-8-73) PH0006262
Gloucester. *LANE, FITZ HUGH, HOUSE*, Harbor side of Rogers St., (7-1-70) PH0006165
Gloucester. *OAK GROVE CEMETERY*, Bounded by Derby, Washington, and Grove Sts., and Maplewood Ave., (4-3-75) PH0090204
Gloucester. *PURITAN HOUSE*, 3 Washington St. and 2 Main St., (5-28-76)
Gloucester vicinity. *BEAUPORT*, Eastern Point Blvd., (4-26-76)
Hamilton. *HAMILTON HISTORIC DISTRICT*, 540–700 and 563–641 Bay Rd., (4-13-73) PH0006254
Haverhill. *BRADFORD COMMON HISTORIC DISTRICT*, S. Main St., (9-14-77)
Haverhill. *WASHINGTON STREET SHOE DISTRICT*, Washington, Wingate, Emerson Sts., Railroad and Washington Sqs., (10-14-76)
Haverhill vicinity. *ROCKS VILLAGE HISTORIC DISTRICT*, NE of Haverhill at Merrimack River, (12-12-76)
Haverhill vicinity. *WHITTIER, JOHN GREENLEAF, HOMESTEAD*, 4 mi. E of Haverhill at 105 Whittier Rd., (7-30-75) G.
Ipswich. *CHOATE BRIDGE*, MA 133/1A over the Ipswich River (S. Main St.), (8-21-72) PH0006114
Ipswich. *WHIPPLE, JOHN, HOUSE*, 53 S. Main St., (10-15-66) PH0046418 NHL; HABS; G.
Ipswich vicinity. *CASTLE HILL*, E of Ipswich on Argilla Rd., (12-2-77)
Lawrence. *ESSEX COUNTY MACHINE SHOP*, Union St., (11-9-72) PH0006149 HABS.
Lawrence. *GRACE EPISCOPAL CHURCH*, Common and Jackson Sts., (11-7-76)
Lawrence. *GREAT STONE DAM*, Merrimack River and MA 28, (4-13-77)
Lawrence. *HIGH SERVICE WATER TOWER AND RESEVOIR*, Off MA 110, (11-20-78) HAER.
Lawrence. *MECHANICS BLOCK HISTORIC DISTRICT*, Orchard, Union, and Gerden Sts., 6-38 Orchard St., (4-3-73) PH0006319 G.
Lawrence. *NORTH CANAL*, Parallel to Canal St., (7-29-75)
Lawrence. *OLD PUBLIC LIBRARY*, 190 Hampshire St., (11-28-78)
Lynn. *LOVEJOY, CHARLES, HOUSE*, 64 Broad St., (11-28-78)
Lynnfield. *MEETINGHOUSE COMMON DISTRICT*, Summer, S. Common, and Main Sts., (11-21-76)

Manchester vicinity. *NEW HAMPSHIRE*, THE, SE of Manchester off Graves Island, (10-29-76)
Marblehead. *ABBOT HALL*, Washington Sq., (9-6-74) PH0026832
Marblehead. *FORT SEWALL*, Fort Sewall promontory, (4-14-75)
Marblehead. *GERRY, ELBRIDGE, HOUSE*, 44 Washington St., (7-2-73)
Marblehead. *GLOVER, GEN. JOHN, HOUSE*, 11 Glover St., (11-28-72) PH0006238 NHL.
Marblehead. *HOOPER, ROBERT "KING", MANSION*, 8 Hooper St., (5-12-76) HABS; G.
Marblehead. *LEE, JEREMIAH, HOUSE*, Washington St., (10-15-66) PH0122181 NHL; HABS; G.
Marblehead. *OLD TOWN HOUSE*, Town House Sq., (8-13-76) HABS.
Marblehead. *ST. MICHAEL'S CHURCH*, 26 Pleasant St., (6-18-73) PH0006386 G.
Methuen. *FIRST CHURCH CONGREGATIONAL*, Pleasant and Stevens Sts., (12-1-78)
Methuen. *METHEUN MEMORIAL MUSIC HALL*, 192 Broadway, (12-14-78)
Nahant. *LODGE, HENRY CABOT, HOUSE*, 5 Cliff St., (12-8-76) NHL; HABS.
Newbury. *NEWBURY HISTORIC DISTRICT*, Irregular pattern along High Rd., Green and Hanover Sts., (5-24-76)
Newbury. *SPENCER-PIERCE-LITTLE HOUSE*, At the end of Little's Lane on the E side of U.S. 1A, (11-24-68) PH0122319 NHL; G.
Newburyport. *BROWN SQUARE HOUSE*, 11 Brown Sq., (3-7-75)
Newburyport. *CUSHING, CALEB, HOUSE*, 98 High St., (11-7-73) PH0122068 NHL; HABS.
Newburyport. *DATLTON HOUSE*, 95 State St., (3-29-78)
Newburyport. *FIRST RELIGIOUS SOCIETY CHURCH AND PARISH HALL*, 26 Pleasant St., (4-2-76) HABS.
Newburyport. *MARKET SQUARE HISTORIC DISTRICT*, Market Sq. and properties fronting on State, Merrimac, Liberty, and Water Sts., (2-25-71) PH0006327 G.
Newburyport. *SUPERIOR COURTHOUSE AND BARTLETT MALL*, Bounded by High, Pond, Auburn, and Greenleaf Sts., (4-30-76)
Newburyport. *U.S. CUSTOMHOUSE*, 25 Water St., (2-25-71) PH0006378
North Andover. *BARNARD, PARSON, HOUSE*, 179 Osgood St., (9-6-74) PH0026859 G.
North Andover. *KITTREDGE MANSION*, 56 Academy Rd., (12-12-76)
North Andover. *OSGOOD, SAMUEL, HOUSE*, 440 Osgood St., (12-30-74) PH0062791
North Andover vicinity. *KUNHARDT, GEORGE, ESTATE (CHAMPION HALL)*, 1518 Great Pond Rd., (4-22-76)
Peabody. *FOSTER, GEN. GIDEON, HOUSE*, 35 Washington St., (6-23-76)
Peabody. *PEABODY CITY HALL*, 24 Lowell St., (6-27-72) PH0006343 G.
Peabody. *PEABODY INSTITUTE LIBRARY*, Main St., (6-4-73) PH0006351
Rockport. *ROCKPORT DOWNTOWN MAIN STREET HISTORIC DISTRICT*, Portions of Main, Cleaves, Jewett, and School Sts., (5-28-76)
Rockport vicinity. *OLD CASTLE (WHEELER HOUSE)*, N of Rockport on MA 127, (9-1-78)
Salem. *BAKER'S ISLAND LIGHT STATION*, E of Salem on Baker's Island, (11-21-76)
Salem. *BOWDITCH, NATHANIEL, HOUSE*, North St., (10-15-66) PH0122084 NHL.
Salem. *CHARTER STREET HISTORIC DISTRICT*, Bounded by Liberty, Derby, Central, and Charter Sts., (3-10-75)
Salem. *CHESTNUT STREET DISTRICT*, Bounded roughly by Broad, Flint, Federal, and Summer Sts., (8-28-73) PH0006106 G.
Salem. *CITY HALL*, 93 Washington St., (4-3-73) PH0006122
Salem. *DERBY WATERFRONT DISTRICT*, Derby St. from Herbert St. to Block House Sq., waterfront Sts. between Kosciusko and Blaney Sts., (5-17-76) HABS.
Salem. *ESSEX COUNTY COURT BUILDINGS*, 32 Federal St., (5-17-76)
Salem. *ESSEX INSTITUTE HISTORIC DISTRICT*, (6-22-72) PH0006157 HABS; G.
Salem. *FORT PICKERING (FORT WILLIAM, FORT ANNE)*, Winter Island, (2-8-73) PH0006181
Salem. *GARDNER-PINGREE HOUSE*, 128 Essex St., (12-30-70) PH0006203 NHL; HABS.
Salem. *GEDNEY AND COX HOUSES*, 19 and 21 High St., (10-1-74) PH0026841
Salem. *HAMILTON HALL*, 9 Cambridge St., (12-30-70) PH0006246 NHL; HABS.
Salem. *HOUSE OF SEVEN GABLES HISTORIC DISTRICT*, Turner, Derby, and Hardy Sts., (5-8-73) PH0006297
Salem. *OLD TOWN HALL HISTORIC DISTRICT*, Derby Sq. and 215–231 Essex, 121–145 Washington, and 6–34 Front Sts., (12-4-72) PH0006335
Salem. *PEABODY MUSEUM OF SALEM*, 161 Essex St., (10-15-66) PH0122335 NHL; HABS.
Salem. *PEIRCE-NICHOLS HOUSE*, 80 Federal St., (11-24-68) PH0046426 NHL.
Salem. *SALEM COMMON HISTORIC DISTRICT*, Bounded roughly by St. Peter's, Bridge, and Derby Sts. and Collins Cove, (5-12-76)
Salem. *SALEM MARITIME NATIONAL HISTORIC SITE*, Derby St., (10-15-66) PH0185957 HABS.
Salem. *STORY, JOSEPH, HOUSE*, 26 Winter St., (11-7-73) PH0122301 NHL.
Salem. *WARD, JOHN, HOUSE*, 132 Essex St., (11-24-68) PH0122297 NHL.
Salem. *WARD, JOSHUA, HOUSE*, 148 Washington St., (2-8-78) HABS.
Salem. *WOODBRIDGE, THOMAS MARCH, HOUSE*, 48 Bridge St., (3-31-75) G.
Saugus. *BOARDMAN HOUSE*, Howard St., (10-15-66) PH0122092 NHL.
Saugus. *SAUGUS IRONWORKS NATIONAL HISTORIC SITE*, Off U.S. 1, (10-15-66) PH0169013
Swampscott. *THOMSON, ELIHU, HOUSE*, 33 Elmwood Ave., (1-7-76) NHL.
Thacher's Island. *TWIN LIGHTS HISTORIC DISTRICT*, 1 mi. off the coast, E of Rockport, (10-7-71) PH0006394
Topsfield. *CAPEN, PARSON, HOUSE*, Howlett St., (10-15-66) NHL.
Topsfield. *TOPSFIELD TOWN COMMON DISTRICT*, High and Main Sts., (6-7-76) NHL; HABS.
Wenham. *CLAFLIN-RICHARDS HOUSE*, 132 Main St., (4-3-73) PH0006131
Wenham. *WENHAM HISTORIC DISTRICT*, Both sides of Main St. between Beverly and Hamilton city lines, (4-13-73) PH0006408
West Newbury. *NEWELL FARM*, 243 Main St., (7-21-78)

franklin county

MOHAWK TRAIL, Reference—see Berkshire County (1-2-74)

Buckland. *GRISWOLD, MAJ. JOSEPH, HOUSE*, Upper St., (2-23-72) PH0015903 G.
Deerfield. *OLD DEERFIELD VILLAGE HISTORIC DISTRICT*, (10-15-66) PH0017817 NHL; HABS; G.
Greenfield vicinity. *RIVERSIDE ARCHEOLOGICAL DISTRICT*, NE of Greenfield on MA 2, (7-9-75)
New Salem. *NEW SALEM COMMON HISTORIC DISTRICT*, S. Main St., (4-12-78)
New Salem. *WHITAKER-CLARY HOUSE*, Elm St., (6-18-75)

hampden county

Agawam. *LEONARD, CAPT. CHARLES, HOUSE*, 663 Main St., (3-10-75)
Chicopee. *CITY HALL*, Market Sq., (7-30-74) PH0015938
Chicopee. *DWIGHT MANUFACTURING COMPANY HOUSING DISTRICT*, Front, Depot, Dwight, Exchange, Chestnut Sts., (6-3-77)
Chicopee Falls. *BELLAMY, EDWARD, HOUSE*, 91-93 Church St., (11-11-71) PH0015920 NHL; G.
East Longmeadow. *BURT, ELIJAH, HOUSE*, 201 Chestnut St., (4-26-76)
East Longmeadow. *FIRST CONGREGATIONAL CHURCH OF EAST LONGMEADOW*, 7 Somers Rd., (1-3-78)
Holyoke. *HADLEY FALLS COMPANY HOUSING DISTRICT*, Center, N. Canal, Grover, and Lyman Sts., (11-9-72) PH0015989 G.
Holyoke. *HOLYOKE CITY HALL*, 536 Dwight St., (12-6-75)
Holyoke. *WISTARIAHURST*, 238 Cabot St., (4-23-73) PH0016209
Springfield. *AMES HILL/CRESCENT HILL DISTRICT*, Bounded by section of Central, Maple, Mill, and Pine Sts., Crescent Hill, Ames Hill, and Maple Ct., (5-1-74) PH0015911
Springfield. *COURT SQUARE HISTORIC DISTRICT*, Bounded by Main, State, Broadway, Pynchon Sts. and City Hall Pl., (5-2-74) PH0015946 HABS; G.
Springfield. *FIRST CHURCH OF CHRIST, CONGREGATIONAL*, 50 Elm St., (2-1-72) PH0015954 G.
Springfield. *HAMPDEN COUNTY COURTHOUSE*, Elm St., (2-1-72) PH0015971
Springfield. *MAPLE-UNION CORNERS*, 77, 83, 76-78, 80-84 Maple St., (4-26-76)
Springfield. *MCKNIGHT DISTRICT*, Roughly bounded by Penn Central, State St., the Armory, and includes both sides of Campus Pl., and Dartmouth St., (4-26-76)
Springfield. *MEMORIAL SQUARE DISTRICT*, Main and Plainfield Sts., (8-29-77)
Springfield. *MILLS-STEBBINS VILLA*, 3 Crescent Hill, (10-15-73) PH0015997 HABS.
Springfield. *QUADRANGLE-MATTOON STREET HISTORIC DISTRICT*, Bounded by Chestnut St. to the W, State St. to the S, and includes properties on Mattoon, Salem, Edwards, and Elliot Sts., (5-8-74) PH0016004 G.
Springfield. *REPUBLICAN BLOCK*, 1365 Main St., (1-26-78)
Springfield. *SOUTH CONGREGATIONAL CHURCH*, 45 Maple St., (4-30-76)
Springfield. *SPRINGFIELD ARMORY NATIONAL HISTORIC SITE*, Armory Sq., (10-26-74) PH0121606
Springfield. *STATE ARMORY*, 29 Howard St., (5-3-76)

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Springfield. *UNION TRUST COMPANY BUILDING*, 1351 Main St., (1-9-78)
Springfield. *1767 MILESTONES*, Between Boston and Springfield along Old Post Rd., (4-7-71) (also in Middlesex, Norfolk, Suffolk, and Worcester counties)
West Springfield. *DAY, JOSIAH, HOUSE*, 70 Park St., (4-16-75) PH0058041 G.
Westfield. *WESTFIELD MUNICIPAL BUILDING*, 59 Court St., (3-8-78)

hampshire county

Amherst. *DICKINSON, EMILY, HOUSE*, 280 Main St., (10-15-66) PH0017914 NHL.
Amherst. *DICKINSON HISTORIC DISTRICT*, Kellogg Ave., Main, Gray, and Lessey Sts., (8-16-77)
Cummington vicinity. *BRYANT, WILLIAM CULLEN, HOMESTEAD*, 2 mi. from Cummington on side rd., (10-15-66) PH0122041 NHL.
Hadley. *HADLEY CENTER HISTORIC DISTRICT*, Middle and Russell Sts., (12-2-77)
Hadley. *PORTER-PHELPS-HUNTINGTON HOUSE*, 130 River Dr., (3-26-73) PH0016225
Haydenville. *HAYDENVILLE HISTORIC DISTRICT*, Main and High Sts., and Kingsley Ave., (3-26-76)
Northampton. *COOLIDGE, CALVIN, HOUSE*, 19–21 Massasoit St., (12-12-76)
Northampton. *MANSE, THE*, 54 Prospect St., (10-14-76)
Northampton. *NORTHAMPTON DOWNTOWN HISTORIC DISTRICT*, Roughly bounded by Hampton, Pearl, Strong, Bedford, Elm, MA 66, and railroad tracks, (5-17-76)
Northampton. *SMITH ALUMNAE GYMNASIUM*, Smith College campus Green St., (4-30-76)
Pelham. *PELHAM TOWN HALL HISTORIC DISTRICT*, Amherst Rd. at the corner of Daniel Shays Hwy., (11-23-71) PH0016217 G.

middlesex county

ISAAC DAVIS TRAIL (ACTON'S TRAIL), Running E-W between towns of Acton and Concord, (4-11-72) PH0016161
MIDDLESEX CANAL, Running SE between towns of Lowell and Woburn, (8-21-72) PH0016292 G.
1767 MILESTONES, Reference—see Hampden County (1-2-74)
Acton. *FAULKNER HOMESTEAD*, High St., (12-16-71) PH0016110 HABS; G.
Arlington. *ARLINGTON TOWN CENTER DISTRICT*, Bounded by Massachusetts Ave. and Academy, Pleasant, and Maple Sts., (7-18-74) PH0016012
Arlington. *BUTTERFIELD-WHITTEMORE HOUSE*, 54 Massachusetts Ave., (3-30-78)
Arlington. *CUTTER, EPHRAIM, HOUSE*, 4 Water St., (3-29-78)
Arlington. *FOWLE-REED-WYMAN HOUSE*, 64 Old Mystic St., (4-14-75) PH0100188 G.
Arlington. *LOCKE, CAPT. BENJAMIN, HOUSE*, 21 Appleton St., (7-21-78)
Arlington. *OLD SCHWAMB MILL*, 17 Mill Lane and 29 Lowell St., (10-7-71) PH0016322 G.
Arlington. *RUSSELL, JASON, HOUSE*, 7 Jason St., (10-9-74) PH0008354
Bedford. *BEDFORD CENTER HISTORIC DISTRICT*, Irregular pattern along Great Rd. from Bacon to Concord and North Rds., (11-17-77)
Bedford. *LANE, JOB, HOUSE*, 295 North St., (5-8-73) PH0016276 G.
Bedford. *PAGE, NATHANIEL, HOUSE*, 89 Page Rd., (3-29-78)
Bedford vicinity. *BACON–GLEASON–BLODGETT HOMESTEAD*, 118 Wilson Rd., (4-14-77)
Belmont. *RED TOP (WILLIAM DEAN HOWELLS HOUSE)*, 90 Somerset St., (11-11-71) PH0006459 NHL.
Billerica. *BILLERICA TOWN COMMON DISTRICT*, Bounded by Cummings St., Concord Rd., and Boston Rd., (8-14-73) PH0016047
Billerica. *SABBATH DAY HOUSE*, 20 Andover Rd., (8-14-73) PH0016357
Burlington. *WYMAN, FRANCIS, HOUSE*, Francis Wyman St., (3-13-75) HABS; G.
Cambridge. *AUSTIN HALL*, Harvard University campus, (4-19-72) PH0016021
Cambridge. *BALDWIN, MARIA, HOUSE*, 196 Prospect St., (5-11-76) NHL.
Cambridge. *BIRKHOFF, GEORGE D., HOUSE*, 22 Craigie, (5-15-75) NHL.
Cambridge. *BRATTLE, WILLIAM, HOUSE*, 42 Brattle St., (5-8-73) PH0016055 HABS; G.
Cambridge. *BRIDGMAN, PERCY, HOUSE*, 10 Buckingham Pl., (5-15-75) NHL.
Cambridge. *CAMBRIDGE COMMON HISTORIC DISTRICT*, Garden, Waterhouse, Cambridge, and Peabody Sts., and Massachusetts Ave., (4-13-73) PH0016071 HABS; G.
Cambridge. *CARPENTER CENTER FOR THE VISUAL ARTS*, 19 Prescott St., (4-20-78)
Cambridge. *CHARLES RIVER BASIN HISTORIC DISTRICT*, Both banks of Charles River from Eliot Bridge to Charles River Dam (also in Suffolk County), (12-22-78)
Cambridge. *CHRIST CHURCH*, Garden St., (10-15-66) PH0122017 NHL; HABS; G.
Cambridge. *COOPER-FROST-AUSTIN HOUSE*, 21 Linnaean St., (9-22-72) PH0016098
Cambridge. *DALY, REGINALD A., HOUSE*, 23 Hawthorn St., (1-7-76) NHL.
Cambridge. *DAVIS, WILLIAM MORRIS, HOUSE*, 17 Francis St., (1-7-76) NHL.
Cambridge. *ELMWOOD (JAMES RUSSELL LOWELL HOUSE)*, 33 Elmwood Ave., (10-15-66) PH0016179 NHL.
Cambridge. *FIRST BAPTIST CHURCH*, Magazine and River Sts., (4-14-75) HABS; G.
Cambridge. *FORT WASHINGTON*, 95 Waverly St., (4-3-73) PH0016128 HABS; G.
Cambridge. *FULLER, MARGARET, HOUSE*, 71 Cherry St., (7-2-71) PH0016136 NHL.
Cambridge. *GRAY, ASA, HOUSE*, 88 Garden St., (10-15-66) PH0122173 NHL.
Cambridge. *HARVARD LAMPOON BUILDING*, 44 Bow St., (3-30-78)
Cambridge. *HARVARD SQUARE SUBWAY KIOSK*, Massachusetts Ave. and Boylston St., (1-30-78)
Cambridge. *HASTINGS, OLIVER, HOUSE*, 101 Brattle St., (12-30-70) PH0016268 NHL.
Cambridge. *HASTY PUDDING CLUB*, 12 Holyoke St., (1-9-78)
Cambridge. *LITTLE, ARTHUR D., INC., BUILDING*, Memorial Dr., (12-8-76) NHL.
Cambridge. *LONGFELLOW NATIONAL HISTORIC SITE*, 105 Brattle St., (10-15-66) HABS.
Cambridge. *MASSACHUSETTS HALL, HARVARD UNIVERSITY*, Harvard University Yard, (10-15-66) PH0122114 NHL.
Cambridge. *MEMORIAL HALL, HARVARD UNIVERSITY*, Cambridge and Quincy Sts., Harvard University campus, (12-30-70) PH0016284 NHL.
Cambridge. *MOUNT AUBURN CEMETERY*, 580 Mount Auburn St., (4-21-75) G.
Cambridge. *OLD HARVARD YARD*, Massachusetts Ave. and Cambridge St., (2-6-73) PH0016314
Cambridge. *PRATT, DEXTER, HOUSE*, 54 Brattle St., (5-8-73) PH0016349
Cambridge. *RICHARDS, THEODORE W., HOUSE*, 15 Follen St., (1-7-76) NHL.
Cambridge. *SANDS, HIRAM, HOUSE*, 22 Putnam Ave., (4-30-76)
Cambridge. *SEVER HALL, HARVARD UNIVERSITY*, Harvard Yard, (12-30-70) PH0016365 NHL.
Cambridge. *UNIVERSITY HALL, HARVARD UNIVERSITY*, Harvard Yard, (12-30-70) PH0016381 NHL.
Chelmsford. *OLD CHELMSFORD GARRISON HOUSE COMPLEX*, 105 Garrison Rd., (5-8-73) G.
Chelmsford Center. *FISKE HOUSE*, 1 Billerica Rd., (12-9-77)
Concord. *ALCOTT, LOUISA MAY, HOUSE (ORCHARD HOUSE)*, Lexington Rd., (10-15-66) PH0122327 NHL; HABS.
Concord. *BARRETT, COL. JAMES, FARM*, 448 Barrett's Mill Rd., (11-15-73) PH0016039
Concord. *CONCORD MONUMENT SQUARE–LEXINGTON ROAD HISTORIC DISTRICT*, MA 2A, (9-13-77)
Concord. *EMERSON, RALPH WALDO, HOUSE*, Lexington Rd. and Cambridge Tpke., (10-15-66) PH0122009 NHL.
Concord. *OLD MANSE*, Monument St., (10-15-66) PH0122271 NHL; HABS.
Concord. *PEST HOUSE*, 153 Fairhaven Rd., (4-18-77)
Concord. *THOREAU-ALCOTT HOUSE*, 255 Main St., (7-12-76)
Concord. *WRIGHT'S TAVERN*, Lexington Rd. opposite the Burying Ground, (10-15-66) PH0122211 NHL; HABS; G.
Concord-Lexington vicinity. *MINUTE MAN NATIONAL HISTORICAL PARK*, From Concord to Lexington on MA 2A, (10-15-66) PH0166758 HABS.
Concord vicinity. *BROOKS, DANIEL, HOUSE*, Brooks Rd. E., (10-25-73) PH0016063 HABS.
Concord vicinity. *CUMING, DR. JOHN, HOUSE*, W of Concord at Barretts Mill Rd. and Reformatory Circle, (11-11-77)
Concord vicinity. *WALDEN POND*, 1.5 mi. S of Concord, (10-15-66) NHL.
Framingham. *FRAMINGHAM RAILROAD STATION*, 417 Waverly St., (1-17-75) PH0073709 G.
Groton. *GROTON INN*, Main St., (8-3-76)
Hudson. *GOODALE HOMESTEAD*, 100 Chestnut St., (1-21-75) PH0081442
Lexington. *BUCKMAN TAVERN*, Hancock St., on the E side of Lexington Green, (10-15-66) NHL; HABS.
Lexington. *CHANDLER, GEN. SAMUEL, HOUSE*, 8 Goodwin Rd., (4-13-77)
Lexington. *FOLLEN COMMUNITY CHURCH*, 755 Massachusetts Ave., (4-30-76) HABS.
Lexington. *HANCOCK-CLARKE HOUSE*, 35 Hancock St., (7-17-71) PH0016233 NHL; HABS; G.
Lexington. *HANCOCK SCHOOL*, 33 Forest St., (8-22-75) PH0179191
Lexington. *LEXINGTON GREEN*, Massachusetts and Hancock Sts., (10-15-66) PH0122165 NHL.
Lexington. *LEXINGTON GREEN HISTORIC DISTRICT*, Bounded by Massachusetts Ave., Bedford St., and Harrington Rd., (4-30-76) HABS; NHL.

Lexington. *SANDERSON HOUSE AND MUNROE TAVERN*, 1314 and 1332 Massachusetts Ave., (4-26-76) HABS.
Lexington. *SHERBURNE, WARREN E., HOUSE*, 11 Percy Rd., (12-2-77)
Lexington. *SIMONDS TAVERN*, 331 Bedford St., (10-14-76)
Lexington. *STONE BUILDING*, 735 Massachusetts Ave., (4-30-76)
Lincoln. *GRANGE, THE*, Codman Rd., (4-18-74) PH0016187 G.
Lincoln. *HOAR TAVERN*, NE of Lincoln on MA 2, (7-23-73) PH0016241
Lowell. *BOWERS, JONATHAN, HOUSE (ROUND HOUSE)*, 58 Wannalancit St., (6-18-76)
Lowell. *CHELMSFORD GLASS WORKS' LONG HOUSE*, 139–141 Baldwin St., (1-25-73) PH0016080 HABS.
Lowell. *CITY HALL HISTORIC DISTRICT*, Roughly area between Broadway and French Sts., Colburn St. and both sides of Kirk St., (4-21-75)
Lowell. *HOLY TRINITY GREEK ORTHODOX CHURCH*, Lewis St., (4-13-77)
Lowell. *LOWELL LOCKS AND CANALS HISTORIC DISTRICT*, Between Middlesex St. and the Merrimack River, (8-13-76) NHL.
Malden. *OLD CITY HALL*, Main St., (10-8-76)
Medford. *ALBREE-HALL-LAWRENCE HOUSE*, 353 Lawrence Rd., (4-30-76) HABS.
Medford. *ANGIER, JOHN B., HOUSE*, 129 High St., (4-23-75)
Medford. *BIGELOW BLOCK*, NE corner of Forest and Salem Sts., (2-24-75)
Medford. *BROOKS, CHARLES, HOUSE*, 309 High St., (6-18-75) G.
Medford. *BROOKS, JONATHAN, HOUSE*, 2 Woburn St., (6-26-75) HABS.
Medford. *BROOKS, SHEPHERD, ESTATE*, 275 Grove St., (4-21-75)
Medford. *CURTIS, PAUL, HOUSE*, 114 South St., (5-6-75)
Medford. *FERNALD, GEORGE P., HOUSE*, 12 Rock Hill St., (4-30-76)
Medford. *FLETCHER, JONATHAN, HOUSE*, 283 High St., (6-23-75)
Medford. *GRACE EPISCOPAL CHURCH*, 160 High St., (11-3-72) PH0016152 G.
Medford. *HALL, ISAAC, HOUSE*, 43 High St., (4-16-75) HABS.
Medford. *HILLSIDE AVENUE HISTORIC DISTRICT*, Property on both sides of Hillside and Grand View Aves., (4-21-75) PH0121584
Medford. *LAWRENCE LIGHT GUARD ARMORY*, 90 High St., (3-10-75)
Medford. *OLD SHIP STREET HISTORIC DISTRICT*, Both sides of Pleasant St. from Riverside Ave. to Park St., (4-14-75)
Medford. *PARK STREET RAILROAD STATION*, 20 Magoun Ave., (4-21-75)
Medford. *ROYALL, ISAAC, HOUSE*, 15 George St., (10-15-66) PH0122262 NHL; HABS.
Medford. *TUFTS, PETER, HOUSE*, 350 Riverside Ave., (11-24-68) PH0122254 NHL.
Medford. *UNITARIAN UNIVERSALIST CHURCH AND PARSONAGE*, 141 and 147 High St., (4-21-75) HABS.
Medford. *WADE, JOHN, HOUSE*, 253 High St., (6-18-75)
Medford. *WADE, JONATHAN, HOUSE*, 13 Bradlee Rd., (4-21-75)
Natick. *CLARK HOUSES*, 74 and 76 W. Central St., (2-17-78)
Natick. *NATICK CENTER HISTORIC DISTRICT*, North Ave., Main, Central, and Summer Sts., (12-16-77)
Natick. *PARSONAGE, THE (HORATIO ALGER HOUSE)*, 16 Pleasant St., (11-11-71) PH0016331 NHL.
Natick vicinity. *JENISON, ROBERT, HOUSE*, N of Natick off I 90, (9-6-78)
Newton. *ALLEN, NATHANIEL TOPLIFF, HOMESTEAD*, 25 Webster St., (1-9-78)
Newton. *BIGELOW, DR. HENRY JACOB, HOUSE*, 742 Dedham St., (1-1-76)
Newton. *DURANT, CAPT. EDWARD, HOUSE*, 286 Waverly Ave., (5-13-76) HABS.
Newton. *FESSENDEN, REGINALD A., HOUSE*, 45 Waban Hill Rd., (1-7-76) NHL.
Newton. *JACKSON HOMESTEAD*, 527 Washington St., (6-4-73) PH0016250
Newton. *WARE PAPER MILL*, 2276 Washington St., (5-22-78)
Newton. *WOODLAND, NEWTON HIGHLANDS, AND NEWTON CENTRE RAILROAD STATIONS, AND BAGGAGE AND EXPRESS BUILDING*, 1897 Washington St., 18 Station Ave., 80 and 50 Union St., (6-3-76)
Newton Centre. *COLBY HALL*, 141 Herrick Rd., (1-30-78)
Reading. *PARKER TAVERN*, 103 Washington St., (8-19-75) PH0179205
Shirley vicinity. *SHIRLEY SHAKER VILLAGE*, S of Shirley on Harvard Rd., (5-24-76) (also in Worcester County)
Somerville. *BOW STREET HISTORIC DISTRICT*, Bow St., (3-26-76)
Somerville. *POWDER HOUSE PARK*, Powder House Circle, (4-21-75)
Sudbury. *SUDBURY CENTER HISTORIC DISTRICT*, Concord and Old Sudbury Rds., (7-14-76)
Sudbury. *WAYSIDE INN HISTORIC DISTRICT*, Old Boston Post Rd., (4-23-73) PH0016373 HABS.
Tyngsboro vicinity. *TYNG, COL. JONATHAN, HOUSE*, 80 Tyng Rd., (8-19-77) HABS.
Waltham. *BOSTON MANUFACTURING COMPANY*, 144 Moody St., (12-22-77) NHL.
Waltham. *GORE PLACE*, 52 Gore St., (12-30-70) PH0016144 NHL; HABS; G.
Waltham. *PAINE, ROBERT TREAT JR., HOUSE*, 577 Beaver St., (10-7-75)
Waltham. *VALE, THE (THEODORE LYMAN ESTATE)*, Lyman and Beaver Sts., (12-30-70) PH0016390 NHL; HABS; G.
Watertown. *COMMANDING OFFICER'S QUARTERS, WATERTOWN ARSENAL*, 443 Arsenal St., (1-30-76)
Watertown. *FOWLE, EDMUND, HOUSE*, 26–28 Marshall St., (11-11-77)
Wayland. *WAYLAND CENTER HISTORIC DISTRICT*, Irregular pattern along both sides of U.S. 20 and MA 27, (9-6-74) PH0026867 G.
Wayland vicinity. *OLD TOWN BRIDGE*, N of Wayland on MA 27, (5-2-75)
Weston. *GOLDEN BALL TAVERN*, 662 Boston Post Rd., (9-28-72) PH0016195 G.
Weston. *HARRINGTON HOUSE*, 555 Wellesley St., (6-22-76)
Weston. *WOODWARD, REV. SAMUEL, HOUSE*, 19 Concord Rd., (10-8-76)
Weston vicinity. *ALLEN, ABEL, HOUSE*, S of Weston at 1 Chestnut St., (1-9-78)
Weston vicinity. *TRAIN, SAMUEL, HOUSE*, 342 Winter St., (12-12-76)
Wilmington. *HARNDEN TAVERN*, 430 Salem St., (4-8-75)
Woburn. *BALDWIN, LOAMMI, MANSION*, 2 Alfred St., (10-7-71) PH0034070 HABS; G.
Woburn. *RUMFORD, COUNT, BIRTHPLACE*, 90 Elm St., (5-15-75) NHL.
Woburn. *WOBURN PUBLIC LIBRARY*, Pleasant St., (11-13-76)
Woburn. *1790 HOUSE*, 827 Main St., (10-9-74) PH0030287

nantucket county

Nantucket. *COFFIN, JETHRO, HOUSE*, Sunset Hill, (11-24-68) PH0029807 NHL; G.
Nantucket. *NANTUCKET HISTORIC DISTRICT*, Nantucket Island, (11-13-66) PH0029815 NHL; HABS; G.

norfolk county

ANGLE TREE STONE, Reference—see Bristol County
Braintree. *THAYER, GEN. SYLVANUS, HOUSE*, 786 Washington St., (12-3-74) PH0051756
Braintree. *THAYER PUBLIC LIBRARY*, 2 John F. Kennedy Memorial Dr., (7-21-78)
Brookline. *COTTAGE FARM HISTORIC DISTRICT*, Roughly bounded by Amory, Dummer, Lenox, Brookline and Beacon Sts., (3-29-78)
Brookline. *DEVOTION, EDWARD, HOUSE*, 347 Harvard St., (2-14-78)
Brookline. *JOHN FITZGERALD KENNEDY NATIONAL HISTORIC SITE*, 83 Beals St., (5-26-67) PH0164941 HABS.
Brookline. *LONGWOOD HISTORIC DISTRICT*, roughly bounded by Chapel, St. Marys, Monmouth, and Kent Sts., (9-13-78)
Brookline. *MINOT, GEORGE R., HOUSE*, 71 Sears Rd., (1-7-76) NHL.
Brookline. *OLMSTED, FREDERICK LAW, HOUSE*, 99 Warren St., (10-15-66) PH0122220 NHL.
Brookline. *OLMSTED PARK SYSTEM*, Encompassing the Back Bay Fens, Muddy River, Olmsted (Leverett Park), Jamaica Park, Arborway, and Franklin Park, (12-8-71) PH0026361 G. (also in Suffolk County)
Brookline. *PILL HILL HISTORIC DISTRICT*, Roughly bounded by Boylston St., Pond Ave., Acron, Oakland and Highland Rds., (12-16-77)
Brookline. *ST. MARK'S METHODIST CHURCH*, 90 Park St., (12-17-76)
Cohasset. *LOTHROP, CALEB, HOUSE*, 14 Summer St., (5-3-76)
Dedham. *FAIRBANKS HOUSE*, Eastern Ave. and East St., (10-15-66) PH0029742 NHL; HABS; G.
Dedham. *NORFOLK COUNTY COURTHOUSE*, 650 High St., (11-28-72) PH0026972 NHL.
Franklin. *DEAN JUNIOR COLLEGE HISTORIC DISTRICT*, Dean Junior College campus, (4-23-75) PH0121631
Franklin. *RED BRICK SCHOOL*, 2 Lincoln St., (1-1-76) HABS.
Medfield. *FIRST PARISH UNITARIAN CHURCH*, North St., (4-18-74) PH0026336 G.
Medfield. *PEAK HOUSE*, 347 Main St., (9-5-75)
Millis. *PARTRIDGE, JOHN, HOUSE*, 315 Exchange St., (10-15-74) PH0007161
Milton. *FORBES, CAPT. ROBERT B., HOUSE*, 215 Adams St., (11-13-66) PH0122106 NHL.
Milton. *HOLBROOK, DR. AMOS, HOUSE*, 203 Adams St., (4-18-74) PH0026344 G.
Milton. *HUTCHINSON'S, GOV. THOMAS, HA-HA*, 100, 122 Randolph Ave., (2-13-75)
Milton. *PAUL'S BRIDGE*, Neponset Valley Pkwy., over the Neponset River, (12-11-72) PH0006424 (also in Suffolk County)

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Milton. *SUFFOLK RESOLVES HOUSE (DANIEL VOSE RESIDENCE)*, 1370 Canton Ave., (7-23-73) PH0026417 HABS.
Norfolk vicinity. *WARELANDS*, N of Norfolk at 103 Boardman St., (11-10-77)
Norwood. *DAY, FRED HOLLAND, HOUSE*, 93 Day St., (4-18-77)
Quincy. *ADAMS ACADEMY*, 8 Adams St., (9-6-74) PH0026883
Quincy. *ADAMS, JOHN, BIRTHPLACE*, 133 Franklin St., (10-15-66) PH0121991 NHL; HABS; G.
Quincy. *ADAMS, JOHN QUINCY, BIRTHPLACE*, 141 Franklin St., (10-15-66) PH0026981 NHL; HABS; G.
Quincy. *ADAMS NATIONAL HISTORIC SITE*, 135 Adams St., (10-15-66)
Quincy. *MOSWETUSET HUMMOCK*, Squantum St., near jct. with Morrissey Rd., (7-1-70)
Quincy. *QUINCY GRANITE RAILWAY*, Bunker Hill Lane, (10-15-73) PH0026379
Quincy. *QUINCY GRANITE RAILWAY INCLINE*, Mullin Ave., (6-19-73)
Quincy. *QUINCY HOMESTEAD*, 34 Butler St., (7-1-70) PH0026395 G.
Quincy. *QUINCY, JOSIAH, HOUSE*, 20 Muirhead St., (5-28-76) HABS.
Quincy. *THOMAS CRANE PUBLIC LIBRARY*, 40 Washington St., (10-18-72) PH0026425
Quincy. *UNITED FIRST PARISH CHURCH (UNITARIAN) OF QUINCY*, 1266 Hancock St., (12-30-70) PH0026433 NHL; HABS.
Quincy. *WINTHROP, JOHN, JR., IRON FURNACE SITE*, Crescent St., (9-20-77)
Randolph. *BELCHER, JONATHAN, HOUSE*, 360 N. Main St., (4-30-76)
Sharon. *COBB'S TAVERN*, 41 Bay Rd., (8-7-74) PH0005452
Sharon. *SHARON HISTORIC DISTRICT*, Both sides of N. Main St. from Post Office Sq. to School St., (8-22-75)
Stoughton. *STOUGHTON RAILROAD STATION*, 53 Wyman St., (1-21-74) PH0026409 G.
Walpole. *LEWIS, DEACON WILLARD, HOUSE*, 33 West St., (10-29-75)
Wellesley. *EATON-MOULTON MILL*, 37 Walnut St., (5-13-76)
Wellesley. *WELLESLEY TOWN HALL*, 525 Washington St., (4-30-76)

plymouth county

Brockton. *BIXBY BLOCK-HOME BANK BUILDING*, 106 Main St., (3-29-78)
Brockton. *BROCKTON CITY HALL*, 45 School St., (3-26-76)
Brockton. *CENTRAL FIRE STATION*, 40 Pleasant St., (7-25-77)
Brockton. *DEAN, DR. EDGAR EVERETT, HOUSE*, 81 Green St., (5-5-78)
Brockton. *KINGMAN, GARDNER J., HOUSE*, 309 Main St., (7-25-77)
Brockton. *OLD POST OFFICE BUILDING*, Crescent St., (3-8-78)
Brockton. *PACKARD, MOSES, HOUSE*, 647 Main St., (2-17-78)
Brockton. *SNOW FOUNTAIN AND CLOCK*, N. Main and E. Main Sts., (7-25-77)
Cohasset vicinity. *CUSHING HOMESTEAD*, W of Cohasset on MA 128, (6-4-73) PH0026450
Duxbury. *ALDEN, JOHN, HOUSE*, 105 Alden St., (12-14-78)
Duxbury. *KING CAESAR HOUSE*, King Caesar Rd., (3-29-78)
Duxbury vicinity. *BRADFORD, CAPT. GAMALIEL, HOUSE*, W of Duxbury at 942 Tremont St., (2-17-78)
Duxbury vicinity. *BRADFORD, CAPT. GERSHOM, HOUSE*, W of Duxbury at 931 Tremont St., (2-8-78)
Duxbury vicinity. *FIRST PARISH CHURCH*, SW of Duxbury at Tremont and Depot Sts., (7-21-78)
Duxbury vicinity. *PLYMOUTH LIGHT STATION*, SE of Duxbury at Gurnet Point, (3-8-77)
Duxbury vicinity. *STANDISH, ALEXANDER, HOUSE*, 341 Standish St., (7-12-78)
Hingham. *LINCOLN, GEN. BENJAMIN, HOUSE*, 181 North St., (11-28-72) PH0026468 NHL; HABS.
Hingham. *OLD SHIP MEETINGHOUSE*, Main St., (10-15-66) PH0122238 NHL; HABS; G.
Hull. *TELEGRAPH HILL*, (7-12-76)
Lakeville. *TOWN HALL*, Bedford St., (10-22-76)
Marshfield. *WEBSTER, DANIEL, LAW OFFICE AND LIBRARY*, Careswell and Webster Sts., (5-30-74) PH0290114 NHL.
Mattapoisett. *THIRD MEETINGHOUSE*, 1 Fairhaven Rd., (1-2-76)
Middleboro. *PEIRCE, PETER, STORE*, N. Main and Jackson Sts., (4-30-76)
Middleboro vicinity. *WAMPANOAG ROYAL CEMETERY*, S of Middleboro off MA 105, (11-11-75)
Middleboro vicinity. *WAPANUCKET SITE*, SW of Middleboro of MA 25, (6-4-73) PH0026492
North Abington. *NORTH ABINGTON DEPOT*, Railroad St., (5-13-76)
Norwell. *BRYANT-CUSHING HOUSE*, 768 Main St., (3-26-76)
Plymouth. *BARTLETT-RUSSELL-HEDGE HOUSE*, 32 Court St., (4-30-76)
Plymouth. *COLE'S HILL*, Carver St., (10-15-66) PH0121983 NHL.
Plymouth. *HARLOW OLD FORT HOUSE*, 119 Sandwich St., (12-27-74) PH0062782
Plymouth. *HILLSIDE*, 230 Summer St., (9-18-75)
Plymouth. *HOWLAND, JABEZ, HOUSE*, 33 Sandwich St., (10-9-74) PH0008371 G.
Plymouth. *NATIONAL MONUMENT TO THE FOREFATHERS*, Allerton St., (8-30-74) PH0005461
Plymouth. *OLD COUNTY COURTHOUSE*, Leyden and Market Sts., (2-23-72) PH0026476
Plymouth. *PILGRIM HALL*, 75 Court St., (4-11-72) PH0026484 G.
Plymouth. *PLYMOUTH ANTIQUARIAN HOUSE*, 126 Water St., (12-27-74) PH0062707
Plymouth. *PLYMOUTH ROCK*, Water St., (7-1-70) PH0026441
Plymouth. *SPARROW, RICHARD, HOUSE*, 42 Summer St., (10-9-74) PH0008362 G.
Scituate Center. *LAWSON TOWER*, Off First Parish Rd., (9-28-76)
Wareham. *TREMONT NAIL FACTORY DISTRICT*, 21 Elm St., (10-22-76) HAER.

suffolk county

CHARLES RIVER BASIN HISTORIC DISTRICT, Reference—see Middlesex County
OLMSTED PARK SYSTEM, Reference—see Norfolk County
PAUL'S BRIDGE, Reference—see Norfolk County (1-2-74)
1767 MILESTONES, Reference—see Hampden County (1-2-74)
Boston. *AFRICAN MEETINGHOUSE*, 8 Smith St., (10-7-71) NHL; HABS; G.
Boston. *AMES BUILDING*, 1 Court St., (4-26-74) PH0026514
Boston. *APPLETON, NATHAN, HOUSE*, 39-40 Beacon St., (12-22-78) NHL.
Boston. *ARLINGTON STREET CHURCH*, Arlington and Boylston Sts., (5-4-73) PH0026522 HABS; G.
Boston. *ARMORY OF THE FIRST CORPS OF CADETS*, 97–105 Arlington St. and 130 Columbus Ave., (5-22-73) PH0026531
Boston. *ARNOLD ARBORETUM*, 22 Divinity Ave., (10-15-66) PH0122203 NHL.
Boston. *BACK BAY HISTORIC DISTRICT*, (8-14-73) PH0026549 G.
Boston. *BEACON HILL HISTORIC DISTRICT*, Bounded roughly by Beacon St. on the S, the Charles River embankment on the W, Pinckney and Revere Sts. on the N, and Hancock St. on the E, (10-15-66) PH0026557 NHL; HABS; G.
Boston. *BLACKSTONE BLOCK HISTORIC DISTRICT*, Area bound by Union, Hanover, Blackstone, and North Sts., (5-26-73) PH0026565 HABS.
Boston. *BOSTON ATHENAEUM*, 10 1/2 Beacon St., (10-15-66) PH0122572 NHL; G.
Boston. *BOSTON COMMON AND PUBLIC GARDEN*, Beacon, Park, Tremont, Boylston, and Arlington Sts., (7-12-72) PH0026581
Boston. *BOSTON LIGHT*, Little Brewster Island, Boston Harbor, (10-15-66) PH0121975 NHL.
Boston. *BOSTON NATIONAL HISTORICAL PARK*, Inner harbor at mouth of Charles River, (10-26-74)
Boston. *BOSTON NAVAL SHIPYARD*, E of Chelsea St., Charlestown, (11-15-66) PH0121703 NHL.
Boston. *BOSTON PUBLIC LIBRARY*, Copley Sq., (5-6-73) PH0026590
Boston. *BUNKER HILL MONUMENT*, Breed's Hill, (10-15-66) PH0029688 NHL.
Boston. *COPP'S HILL BURIAL GROUND*, Charter, Snowhill, and Hull Sts., (4-18-74) PH0026611
Boston. *CROWNINSHIELD HOUSE*, 164 Marlborough St., (2-23-72) PH0026620
Boston. *CUSTOMHOUSE DISTRICT*, Between J.F.K. Expwy. and Kirby St. and S. Market and High Sts., (5-11-73) PH0026638 HABS; G.
Boston. *CYCLORAMA BUILDING*, 543–547 Tremont St., (4-13-73) PH0026646
Boston. *DORCHESTER HEIGHTS NATIONAL HISTORIC SITE*, South Boston, (10-15-66)
Boston. *ELIOT BURYING GROUND*, Eustis and Washington Sts., (6-25-74) PH0026697 G.
Boston. *ETHER DOME, MASSACHUSETTS GENERAL HOSPITAL*, Fruit St., (10-15-66) PH0029734 NHL.
Boston. *FANEUIL HALL*, Dock Sq., (10-15-66) PH0046388 NHL.
Boston. *FENWAY STUDIOS BUILDING*, 30 Ipswich St., (9-13-78)
Boston. *FIRST BAPTIST CHURCH*, Commonwealth Ave. and Clarendon St., (2-23-72) PH0026671
Boston. *FULTON-COMMERCIAL STREETS DISTRICT*, Fulton, Commercial, Mercantile, Lewis, and Richmond Sts., (3-21-73) PH0026719
Boston. *HARDING, CHESTER, HOUSE*, 16 Beacon St., (10-15-66) PH0032085 NHL.
Boston. *HEADQUARTERS HOUSE*, 55 Beacon St., (10-15-66) NHL.
Boston. *HOWE, SAMUEL GRIDLEY AND JULIA WARD, HOUSE*, 13 Chestnut St., (9-13-74) NHL.
Boston. *KING'S CHAPEL*, Tremont and School Sts., (5-2-74) PH0122131 NHL.

Boston. *KING'S CHAPEL BURYING GROUND*, Tremont St., (5-2-74) PH0026735
Boston. *LONG WHARF AND CUSTOMHOUSE BLOCK*, Foot of State St., (11-13-66) PH0026956 NHL.
Boston. *MASSACHUSETTS GENERAL HOSPITAL*, Fruit St., (12-30-70) PH0026760 NHL; HABS.
Boston. *MASSACHUSETTS HISTORICAL SOCIETY BUILDING*, 1154 Boylston St., (10-15-66) PH0026948 NHL.
Boston. *MASSACHUSETTS STATEHOUSE*, Beacon Hill, (10-15-66) PH0026930 NHL; HABS.
Boston. *NELL, WILLIAM C., HOUSE*, 3 Smith Ct., (5-11-76) NHL.
Boston. *OLD CITY HALL*, School and Providence Sts., (12-30-70) PH0026921 HABS; NHL.
Boston. *OLD CORNER BOOKSTORE*, NW corner of Washington and School Sts., (4-11-73) PH0026778
Boston. *OLD NORTH CHURCH, (CHRIST CHURCH EPISCOPAL)*, 193 Salem St., (10-15-66) PH0121673 NHL; HABS; G.
Boston. *OLD SOUTH CHURCH IN BOSTON*, 645 Boylston St., (12-30-70) PH0026913 NHL.
Boston. *OLD SOUTH MEETINGHOUSE*, Milk and Washington Sts., (10-15-66) PH0122556 NHL; HABS; G.
Boston. *OLD STATEHOUSE*, Washington and State Sts., (10-15-66) PH0046370 NHL.
Boston. *OLD WEST CHURCH*, 131 Cambridge St., (12-30-70) PH0026905 NHL; HABS.
Boston. *OTIS, (FIRST) HARRISON GRAY, HOUSE*, 141 Cambridge St., (12-30-70) PH0026689 NHL; HABS.
Boston. *OTIS, (SECOND) HARRISON GRAY, HOUSE*, 85 Mt. Vernon St., (7-27-73) PH0026786 HABS.
Boston. *PARK STREET DISTRICT*, Tremont, Park, and Beacon Sts., (5-1-74) PH0006416
Boston. *PARKMAN, FRANCIS, HOUSE*, 50 Chestnut St., (10-15-66) PH0121649 NHL.
Boston. *PIERCE-HICHBORN HOUSE*, 29 North Sq., (11-24-68) PH0121690 NHL; HABS.
Boston. *QUINCY MARKET*, S. Market St., (11-13-66) PH0006441 NHL.
Boston. *REVERE, PAUL, HOUSE*, 19 North Sq., (10-15-66) PH0122564 NHL.
Boston. *SEARS, DAVID, HOUSE*, 42 Beacon St., (12-30-70) PH0006483 NHL.
Boston. *SOUTH END DISTRICT*, South Bay area between Huntington and Harrison Aves., (5-8-73) PH0006505 G.
Boston. *SOUTH STATION HEADHOUSE*, Atlantic Ave. and Summer St., (2-13-75)
Boston. *ST. PAUL'S CHURCH*, 136 Tremont St., (12-30-70) PH0006475 NHL.
Boston. *ST. STEPHEN'S CHURCH*, Hanover St. between Clark and Harris Sts., (4-14-75)
Boston. *SUFFOLK COUNTY COURTHOUSE*, Pemberton Sq., (5-8-74) PH0006513
Boston. *SUMNER, CHARLES, HOUSE*, 20 Hancock St., (11-7-73) NHL.
Boston. *SYMPHONY AND HORTICULTURAL HALLS*, Massachusetts and Huntington Aves., (5-30-75) G.
Boston. *TREMONT STREET SUBWAY*, Beneath Tremont, Boylston, and Washington Sts., (10-15-66) PH0121657 NHL.
Boston. *TRINITY CHURCH*, Copley Sq., (7-1-74) PH0006696 NHL.
Boston. *TRINITY RECTORY*, Clarendon and Newbury Sts., (2-23-72) PH0006688
Boston. *U.S.S. CONSTITUTION (OLD IRONSIDES)*, Boston Naval Shipyard, (10-15-66) NHL.
Boston. *WINTHROP BUILDING*, 7 Water St., (4-18-74) PH0006700
Boston. *YOUTH'S COMPANION BUILDING (SAWYER BUILDING)*, 209 Columbus Ave., (5-2-74) PH0006718
Boston Harbor. *FORT WARREN*, Georges Island, (8-29-70) PH0026701 NHL.
Boston (Roxbury). *HALE, EDWARD EVERETT, HOUSE*, 12 Morley St., (5-8-73) PH0026727 HABS.
Boston vicinity. *FORT INDEPENDENCE (FORT WILLIAM)*, Castle Island, (10-15-70) G.
Charlestown. *PHIPPS STREET BURYING GROUND*, Phipps St., (5-15-74) PH0006726
Charlestown. *TOWN HILL DISTRICT*, Bounded roughly by Rutherford Ave. and Main and Warren Sts., (5-11-73) PH0006670 HABS.
Chelsea. *BELLINGHAM-CARY HOUSE*, 34 Parker St., (9-6-74)
Chelsea. *NAVAL HOSPITAL BOSTON HISTORIC DISTRICT*, 1 Broadway, (8-14-73)
Dorchester. *BLAKE, JAMES, HOUSE*, 735 Columbia Rd., (10-15-66) PH0026573 HABS; G.
Dorchester. *CLAPP HOUSES*, 199 and 195 Boston St., (5-2-74) PH0026603 HABS; G.
Dorchester. *DORCHESTER NORTH BURYING GROUND*, Stoughton St. and Columbia Rd., (4-18-74) PH0026654
Dorchester. *PIERCE HOUSE*, 24 Oakton Ave., (4-26-74) PH0006432 HABS.
Dorchester. *TROTTER, WILLIAM MONROE, HOUSE*, 97 Sawyer Ave., (5-11-76) NHL.
Jamaica Plain. *LORING-GREENOUGH HOUSE*, 12 South St., (4-26-72) PH0026751 G.
Revere. *SLADE SPICE MILL*, 770 Revere Beach Pkwy., (6-30-72) PH0006491
Roxbury. *GARRISON, WILLIAM LLOYD, HOUSE*, 125 Highland St., (10-15-66) PH0121665 NHL.
Roxbury. *JOHN ELIOT SQUARE DISTRICT*, John Eliot Sq., (4-23-73) HABS.
Roxbury. *KITTREDGE, ALVAH, HOUSE*, 12 Linwood St., (5-8-73) PH0026743
Roxbury. *ROXBURY HIGH FORT (HIGHLAND PARK)*, Beech Glen St. at Fort Ave., (4-23-73) PH0006467
Roxbury. *SHIRLEY-EUSTIS HOUSE*, 31-37 Shirley St., (10-15-66) PH0046400 NHL; HABS.
West Roxbury. *BROOK FARM*, 670 Baker St., (10-15-66) PH0029696 NHL.

worcester

Worcester. *WORCESTER FIVE CENTS SAVINGS BANK*, 316 Main St., (9-13-78)

worcester county

SHIRLEY SHAKER VILLAGE, Reference—see Middlesex County
1767 MILESTONES, Reference—see Hampden County
Athol. *PEQUOIG HOTEL*, Main St., (11-17-78)
Auburn vicinity. *GODDARD ROCKET LAUNCHING SITE*, Ninth fairway, Pakachoag Golf Course, Pakachoag Rd., (11-13-66) PH0046396 NHL.
Barre. *BARRE COMMON DISTRICT*, Bounded roughly by South, Exchange, Main, Pleasant, Broad, School and Grove Sts., (5-4-76)
Boylston. *GOUGH, JOHN B., HOUSE*, 215 Main St., (3-19-74) NHL.
Charlton. *NORTHSIDE VILLAGE HISTORIC DISTRICT*, Stafford St., Northside and Cemetery Rds., (10-5-77)
Charlton. *SPURR, JOHN, HOUSE*, Main St., (4-26-76)
Charlton vicinity. *RIDER TAVERN*, NE of Charlton on Stafford St., off U.S. 90, (5-19-76)
Clinton. *BIGELOW CARPET MILL*, Union and High Sts., (12-22-78)
Fitchburg. *FAY CLUB*, 658 Main St., (1-31-78)
Fitchburg. *MONUMENT PARK HISTORIC DISTRICT*, Monument Park and environs N of Main St., (5-16-78)
Harvard. *FRUITLANDS*, Prospect Hill, (3-19-74) NHL.
Holden. *HOLDEN CENTER HISTORIC DISTRICT*, Main, Maple, Highland, and Reservoir Sts., (12-22-77)
Lancaster. *CENTER VILLAGE DISTRICT*, Irregular pattern along Main St., (9-15-77)
Lancaster. *FIRST CHURCH OF CHRIST, LANCASTER*, Facing the Common, (12-30-70) PH0006769 NHL; HABS; G.
Lancaster. *NORTH VILLAGE HISTORIC DISTRICT*, (11-23-77)
Lancaster. *THAYER, NATHANIEL, ESTATE*, 438 S. Main St., (7-6-76)
Lancaster vicinity. *LANCASTER INDUSTRIAL SCHOOL FOR GIRLS*, SE of Lancaster on Old Common Rd., (10-8-76)
Lancaster vicinity. *LANE, ANTHONY, HOUSE*, NE of Lancaster on Seven Bridge Rd., (11-7-76)
Milford. *MILFORD TOWN HALL*, 52 Main St., (9-22-77)
Millbury. *WATERS, ASA, MANSION*, 123 Elm St., (2-14-78)
North Brookfield vicinity. *MATTHEWS FULLING MILL SITE*, NW of North Brookfield off Murphy Rd., (11-12-75)
North Uxbridge. *ROGERSON'S VILLAGE HISTORIC DISTRICT*, N and S sides of Hartford Ave., (11-23-71) PH0006831 G.
Northborough. *NORTHBOROUGH TOWN HALL*, NE corner of W. Main and Blake St., (2-23-72) PH0006807
Northbridge and vicinity. *BLACKSTONE CANAL*, E of MA 122 between Northbridge and Uxbridge, (2-6-73) PH0006734
Oxford. *BARTON, CLARA, HOMESTEAD*, 3 mi. W of Oxford on Clara Barton Rd., (9-22-77)
Oxford vicinity. *HUDSON HOUSE*, NE of Oxford on Hudson Rd., (2-8-78)
Petersham vicinity. *GAY FARM (NEGUS HILL)*, S of Petersham off Nichewaug Rd., (9-22-77)
Royalston. *ROYALSTON COMMON HISTORIC DISTRICT*, Main St., Frye Hill Rd., and Athul Rd., (12-12-76)
Rutland. *PUTNAM, GEN. RUFUS, HOUSE*, 344 Main St., (11-28-72) PH0006823 NHL; HABS.
Shrewsbury. *SHREWSBURY HISTORIC DISTRICT*, Church Rd., Main, Prospect, Boylston, and Grafton Sts., (10-8-76)
Shrewsbury. *WARD, GEN. ARTEMAS, HOMESTEAD*, Main St., opposite Dean Park, (5-4-76)
South Lancaster. *SOUTH LANCASTER ENGINE HOUSE*, 283 S. Main St., (10-22-76)
Sturbridge. *STURBRIDGE COMMON HISTORIC DISTRICT*, Main St. between Hall Rd. and I-86, (11-9-77)
Uxbridge vicinity. *FRIENDS MEETINGHOUSE*, S of Uxbridge on MA 146, (1-24-74) PH0006777
West Boylston. *OLD STONE CHURCH*, Off MA 140, (4-13-73) PH0006815

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West Brookfield vicinity. *WHITE HOMESTEAD*, NW of West Brookfield on Ware Rd. (MA 9), (4-14-75) PH0111074
Worcester. *AMERICAN ANTIQUARIAN SOCIETY*, 185 Salisbury St., (11-24-68) PH0121614 NHL.
Worcester. *DAY BUILDING*, 300–310 Main St., (9-13-78)
Worcester. *ELM PARK*, (7-1-70) PH0006751
Worcester. *G.A.R. HALL*, 55 Pearl St., (3-13-75) G.
Worcester. *GREENDALE VILLAGE IMPROVEMENT SOCIETY BUILDING*, 480 W. Boylston St., (11-7-76)
Worcester. *LIBERTY FARM*, 116 Mower St., (9-13-74) NHL.
Worcester. *MASSACHUSETTS AVENUE HISTORIC DISTRICT*, Between Salisbury St. and Drury Lane, (12-16-71) PH0006785
Worcester. *MECHANICS HALL*, 321 Main St., (11-9-72) PH0006793 G.
Worcester. *OXFORD-CROWN HISTORIC DISTRICT*, Roughly bounded by Chatham, Congress, Crown, Pleasant, Oxford Sts. and Oxford Pl., (5-6-76)
Worcester. *PAINE, TIMOTHY, HOUSE*, 140 Lincoln St., (4-30-76)
Worcester. *SALISBURY HOUSE*, 61 Harvard St., (6-10-75)
Worcester. *SALISBURY MANSION AND STORE*, 30, 40 Highland St., (5-30-75)
Worcester. *WHITCOMB HOUSE*, 51 Harvard St., (11-9-77)
Worcester. *WORCESTER CITY HALL AND COMMON*, 455 Main St., (3-29-78)

MICHIGAN

alger county

AuTrain vicinity. *PAULSON HOUSE*, S of AuTrain on USFS Rd. 2278 in Hiawatha National Forest, (11-9-72) PH0016411
Christmas vicinity. *BAY FURNACE*, NW of Christmas off MI 28 in Hiawatha National Forest, (9-31-71) PH0016403
Grand Marais vicinity. *AU SABLE LIGHT STATION*, W of Grand Marais, (5-23-78)
Munising. *LOBB HOUSE*, 203 W. Onota St., (10-8-76)
Munising vicinity. *SCHOOLCRAFT FURNACE SITE*, NE of Munising off MI 94, (12-28-77)

allegan county

HACKLANDER SITE, NW Allegan County, (7-27-73) PH0016420

antrim county

HOLTZ SITE, Central Antrim County, (6-19-73) PH0016438
Bellaire. *RICHARDI, HENRY, HOUSE*, 402 N. Bridge St., (1-18-78)
Elk Rapids. *ELK RAPIDS TOWNSHIP HALL*, River St., (9-22-77)
Elk Rapids. *HUGHES HOUSE*, 109 Elm St., (5-6-76)

baraga county

SAND POINT SITE, Northern Baraga County, (6-19-73) PH0016454
Assinins. *ASSININS*, U.S. 41, (5-19-72) PH0016446

barry county

Hastings. *STRIKER, DANIEL, HOUSE*, 321 S. Jefferson St., (1-13-72) PH0016462

bay county

FLETCHER SITE, Late Archaic, Early and Late Woodland, Hopewell, and Middle Historic, (4-16-71) PH0016471
Bay City. *CITY HALL*, 301 Washington St., (7-18-75)
Bay City. *TROMBLE HOUSE*, 114, 116, 118 Webster St., (1-25-73) PH0016489

benzie county

Benzonia. *MILLS COMMUNITY HOUSE (MILLS COTTAGE)*, 891 Michigan Ave., (8-21-72) PH0016497

berrien county

SANDBURG HOUSE, (4-14-72) PH0016543
Benton Harbor. *SHILOH HOUSE*, Britain Rd., (9-29-72) PH0016578
Berrien Springs. *BERRIEN SPRINGS COURTHOUSE*, Corner of Union and Cass Sts., (2-16-70) PH0016501 G.
Buchanan vicinity. *MOCCASIN BLUFF SITE*, (4-13-77)
Niles. *FORT ST. JOSEPH SITE*, Off S. Bond St., (5-24-73) PH0016527
Niles. *LARDNER, RING, HOUSE*, 519 Bond St., (5 16-72)
Niles. *PAINE BANK*, 1008 Oak St., (5-8-73) PH0016535 HABS.
Three Oaks. *UNION MEAT MARKET*, 14 S. Elm St., (9-22-72) PH0016551

branch county

Coldwater. *EAST CHICAGO STREET HISTORIC DISTRICT*, Chicago St. from Wright St. to Division St. including parks, (5-12-75)
Coldwater. *WING HOUSE*, 27 S. Jefferson St., (2-24-75)

calhoun county

Albion. *GARDNER HOUSE*, 509 S. Superior St., (5-6-71) PH0016624
Athens vicinity. *PINE CREEK POTAWATOMI RESERVATION (NOTTAWASIPPE RESERVATION)*, 1 mi. W of Athens, (3-30-73) PH0016667
Battle Creek. *BATTLE CREEK POST OFFICE*, 67 E. Michigan St., (8-21-72) PH0016560 G.
Battle Creek. *BATTLE CREEK SANITARIUM*, 197 N. Washington Ave., (10-4-78)
Battle Creek. *FEDERAL CENTER (BATTLE CREEK SANITARIUM)*, 74 N. Washington St., (7-30-74) PH0016616
Battle Creek. *PENN CENTRAL RAILWAY STATION (NEW YORK CENTRAL AND MICHIGAN CENTRAL RAILWAY STATION)*, W. Van Buren, (4-16-71) HABS.
Marshall. *BROOKS, HAROLD C., HOUSE (JABEZ S. FITCH HOUSE)*, 310 N. Kalamazoo Ave., (7-8-70) PH0027154 HABS.
Marshall. *CAPITOL HILL SCHOOL*, 603 Washington St., (3-16-72) PH0016594 G.
Marshall. *GOVERNOR'S MANSION*, 621 S. Marshall Ave., (1-8-75)
Marshall. *HONOLULU HOUSE (ABNER PRATT HOUSE)*, 107 N. Kalamazoo St., (7-8-70) PH0016632 HABS; G.
Marshall. *JOY HOUSE*, 224 N. Kalamazoo Ave., (4-19-72) PH0016659
Marshall. *NATIONAL HOUSE*, 102 S. Parkview, (1-3-78)
Marshall. *OAKHILL*, 410 N. Eagle St., (12-31-74) PH0016641
Marshall. *STONEHALL (ANDREW L. HAYES HOUSE)*, 303 N. Kalamazoo St., (6-28-72)
Marshall. *WAGNER'S BLOCK*, 143 W. Michigan Ave., (10-7-71) PH0016683 G.
Marshall. *WRIGHT-BROOKS HOUSE (DANIEL PRATT HOUSE)*, 122 N. High St., (3-16-72) PH0016691 HABS.

charlevoix county

O'NEILL SITE, (5-27-71) PH0016730 G.
PEWANGOING QUARRY, Western Charlevoix County, (6-20-72) PH0016748
PINE RIVER SITE, NW Charlevoix County, (11-15-72) PH0016781
PIWAN-GO-NING PREHISTORIC DISTRICT, NW Charlevoix County, (10-3-73) PH0016764
Charlevoix. *CHARLEVOIX CITY PARK SITE*, (3-16-72) PH0016705
Charlevoix vicinity. *GARDEN ISLAND INDIAN CEMETERY*, N of Charlevoix, (2-17-78)
Charlevoix vicinity. *GREENSKY HILL MISSION (PINE RIVER INDIAN MISSION)*, E of Charlevoix at jct. of U.S. 31 and CR 630, (3-16-72)
Charlevoix vicinity. *MT. MCSAUBA SITE*, (9-29-76)
Charlevoix vicinity. *WOOD SITE*, Northern Charlevoix County, (5-19-76)
St. James. *MORMON PRINT SHOP*, Main and Forest Sts., (1-25-71) PH0016721
St. James vicinity. *BEAVER ISLAND LIGHT STATION*, S of St. James on Beaver Island, (12-29-78)
St. James vicinity. *PROTAR, FEODAR, CABIN*, SW of St. James, on Beaver Island, (3-16-72)

cheboygan county

Campbell. *FARM SITE*, NW Cheboygan County, (1-31-78)
Mackinaw City vicinity. *MACKINAC POINT LIGHTHOUSE*, Michilimackinac State Park, (10-1-69) PH0016799 G.

chippewa county

NAOMIKONG POINT SITE, Middle Woodland (Laurel Focus), Chippewa (c. 1850), (4-16-71) PH0016837
Brimley vicinity. *POINT IROQUOIS LIGHT STATION*, 6 mi. NW of Brimley in the Hiawatha National Forest, (5-30-75) PH0150053
Drummond Island. *FORT DRUMMOND*, W end of Drummond Island, (10-1-69) PH0016811
Sault Ste. Marie. *ELMWOOD (SCHOOLCRAFT HOUSE/INDIAN AGENCY)*, 705 E. Portage Ave., (2-25-74) PH0016802
Sault Ste. Marie. *FEDERAL BUILDING*, 209 E. Portage Ave., (9-9-77)
Sault Ste. Marie. *JOHNSTON, JOHN, HOUSE*, 415 Park Pl., (7-8-70) G.
Sault Ste. Marie. *NEW FORT BRADY*, Lake Superior State College campus, (1-13-72) PH0016845
Sault Ste. Marie. *OLD FORT BRADY*, Bounded by the C.O.E. Service Plaza on the N, Portage St. on the S, Brady St. on the E, and Bingham St. on the W., (3-11-71) PH0016853
Sault Ste. Marie. *S.S. VALLEY CAMP (LOUIS W. HILL)*, Old Union Carbide Dock, (2-1-72) PH0016861
Sault Ste. Marie. *ST. MARY'S FALLS CANAL*, St. Mary's River, (11-13-66) PH0017922 NHL.
Shelldrake vicinity. *WHITEFISH POINT LIGHTHOUSE*, 5 mi. NE of Shelldrake on Whitefish Rd., (2-28-73) PH0016896

clinton county

Ovid. *MAIN STREET BUILDING, UNITED CHURCH OF OVID*, 222 Main St., (1-13-72) PH0016888 HABS.

delta county

SPIDER CAVE, Middle Woodland, (4-16-71) PH0018031
Escanaba. *CARNEGIE PUBLIC LIBRARY*, 201 S. 7th St., (7-25-77)

Escanaba vicinity. *PENINSULA POINT LIGHTHOUSE*, 6.5 mi. SE of Escanaba in Hiawatha National Forest, (4-28-75) PH0098515
Fayette. *FAYETTE*, On a peninsula in Big Bay de Noc, on MI 149 in Fayette State Park, (2-16-70) PH0018023 G.
Garden vicinity. *WINTER SITE*, SE Delta County, (5-19-76)
Summer Island. *SUMMER ISLAND SITE*, (9-3-71) PH0016870

dickinson county

Iron Mountain. *ARDIS FURNACE*, Aragon and Antoine Sts., (6-29-72) PH0016900

eaton county

Bellevue. *BELLEVUE MILL*, W bank of Battle Creek on Riverside St., (3-4-75) PH0086657
Charlotte. *EATON COUNTY COURTHOUSE*, W. Lawrence Ave. at Cochran and Bostwick Sts., (4:2-71) PH0016918 HABS.
Eaton Rapids. *REYNOLDS, ISAAC N., HOUSE*, 123 N. East St., (7-18-74) PH0016942
Olivet. *HANCE HOUSE*, 217 Yale St., (8-21-72) PH0016934
Vermontville. *FIRST CONGREGATIONAL CHURCH*, 341 S. Main St., (9-3-71) PH0016926 HABS.
Vermontville. *VERMONTVILLE CHAPEL AND ACADEMY*, N. Main St., (8-7-72) PH0016951 HABS.

emmet county

PONSHEWAING POINT SITE, Central Emmet County, (5-5-72)
WYCAMP CREEK SITE, (3-11-71) PH0006912
Harbor Springs. *BLACKBIRD, CHIEF ANDREW J., HOUSE (CHIEF BLACKBIRD OTTAWA INDIAN MUSEUM)*, 368 E. Main St., (4-14-72) PH0006874
Harbor Springs. *SHAY COMPLEX*, Main and Judd Sts., (11-7-72) PH0006904
Mackinaw City. *FORT MICHILIMACKINAC*, Near Mackinac Bridge at the terminus of U.S. 31, (10-15-66) PH0132284 NHL; G.
Petoskey. *CHESAPEAKE & OHIO RAILWAY STATION (CHICAGO & WEST MICHIGAN RAILWAY STATION, PERE MARQUETTE RAILWAY STATION)*, Pioneer Park, W. Lake St., (10-15-70) PH0006866 G.
Petoskey. *ST. FRANCIS SOLANUS MISSION*, W. Lake St., (3-16-72) PH0006891
Petoskey vicinity. *BAY VIEW*, NE of Petoskey on U.S. 131, (5-16-72) PH0006858
Walloon Lake. *HEMINGWAY, ERNEST, COTTAGE (WINDEMERE)*, Between N shore of Walloon Lake and Lake Grove Rd., (11-24-68) PH0046353 NHL.

genesee county

Flint. *DURANT-DORT CARRIAGE COMPANY OFFICE*, 315 W. Water St., (9-2-75)
Flint. *ELKS LODGE BUILDING*, 142 W. 2nd St., (10-4-78)
Flint. *SUPERINTENDENT'S COTTAGE*, Michigan School for the Deaf campus, (7-7-75)
Linden. *LINDEN MILL*, Tickner St., (8-21-72) PH0006921

gogebic county

Ironwood. *COOPER PEAK (CHIPPEWA HILL; OLD PEAK)*, N. Black River Valley Pkwy., (1-4-73) PH0006939

grand traverse county

SKEGEMOG POINT SITE, (3-24-72) PH0100978
Traverse City. *BOARDMAN NEIGHBORHOOD HISTORIC DISTRICT*, roughly bounded State and Webster Sts., and Railroad and Boardman Aves., (10-3-78)
Traverse City. *CITY OPERA HOUSE*, 106–112 Front St., (9-7-72) PH0006947
Traverse City. *HANNAH, PERRY, HOUSE*, 305 6th St., (3-16-72) PH0006955
Traverse City. *NORTHERN MICHIGAN ASYLUM*, bounded by C & O RR. tracks, Division and 11th Sts., Elmwood Ave., Orange and Red Drs., (10-3-78)

hillsdale county

Hudson. *TREADWELL, WILLIAM, HOUSE*, 446 N. Meridian Rd., (12-31-74) PH0035173
Jonesville. *GRACE EPISCOPAL CHURCH*, 360 E. Chicago St., (5-6-71) PH0006963
Jonesville. *GROSVENOR, E. O., HOUSE*, 211 Maumee St., (12-6-77)

houghton county

Calumet. *CALUMET AND HECLA INDUSTRIAL DISTRICT*, Roughly bounded by Hecla and Torch Lake RR. tracks, Calumet Ave., Mine and Depot Sts., (6-28-74) PH0006971
Calumet. *CALUMET DOWNTOWN HISTORIC DISTRICT*, 5th and 6th Sts. between Scott and Pine Sts., (6-25-74) PH0006980
Calumet. *CALUMET FIRE STATION*, 6th St., (11-5-74) PH0029041 G.
Calumet. *CALUMET THEATRE*, 340 6th St., (8-5-71) PH0006998
Hancock. *OLD MAIN, SUOMI COLLEGE*, Quincy St., Suomi College campus, (1-13-72) PH0007005 G.
Hancock vicinity. *QUINCY MINE NO. 2 SHAFT HOIST HOUSE*, Off U.S. 41, (2-16-70) PH0007013
Houghton. *HOUGHTON COUNTY COURTHOUSE*, 401 E. Houghton St., (5-12-75) PH0132047
Jacobsville vicinity. *JACOBSVILLE FINNISH LUTHERAN CHURCH*, W of Jacobsville, (10-8-76)
Lake Linden vicinity. *BIG TRAVERSE BAY HISTORIC DISTRICT*, E of Lake Linden at mouth of Traverse River, (11-20-75) PH0280372

huron county

Bad Axe. *SLEEPER, ALBERT E., HOUSE*, 302 W. Huron St. (MI 53), (2-1-72) PH0007072
Bay Port. *BAY PORT HISTORIC COMMERCIAL FISHING DISTRICT*, Off MI 25, (9-22-77)
Grindstone City. *GRINDSTONE CITY HISTORIC DISTRICT*, On U.S. 25, (9-3-71) PH0007021
Harbor Beach. *MURPHY, FRANK, BIRTHPLACE*, 142 S. Huron St., (9-22-71) PH0007048
Huron City vicinity. *POINTE AUX BARQUES LIGHTHOUSE*, E of Huron City on Light House Rd., (3-20-73) PH0007064
Port Hope. *STAFFORD HOUSE*, 4467 Main St., (1-25-73) PH0007081
Sebewaing. *INDIAN MISSION (LUCKHARD MUSEUM)*, 590 E. Bay St., (9-22-72) PH0007030

ingham county

East Lansing. *EUSTACE HALL (HORTICULTURAL LABORATORY BUILDING)*, Michigan State University campus, (9-3-71) PH0007102
East Lansing vicinity. *ST. KATHERINE'S CHAPEL*, 4650 Meridian Rd., E of East Lansing, (7-8-70) PH0007111 HABS.
Lansing. *DODGE MANSION*, 106 E. North St., (9-14-72) PH0007099
Lansing. *MICHIGAN STATE CAPITOL*, Capitol and Michigan Aves., (1-25-71) PH0007137
Lansing. *NORTH LANSING HISTORIC COMMERCIAL DISTRICT*, E. Grand River Ave. and Turner St., (4-30-75)
Lansing. *REO MOTOR CAR COMPANY PLANT*, 2100 S. Washington St., (6-2-78) NHL.
Mason. *INGHAM COUNTY COURTHOUSE*, Jefferson and Ash Sts., (12-13-71) PH0007129 G.

ionia county

Ionia. *BLANCHARD, JOHN C., HOUSE*, 253 E. Main St., (7-24-73) PH0026999 G.
Ionia. *HALL-FOWLER MEMORIAL LIBRARY (FREDERICK HALL HOUSE)*, 126 E. Main St., (5-6-71) PH0027006 HABS.
Ionia. *LOVELL-WEBBER HOUSE*, 111 E. Main St., (7-30-74) PH0027014

iosco county

Alabaster. *ALABASTER HISTORIC DISTRICT*, Bounded by Lake Huron, Gypsum, Keystone, and Rempert Rds., (12-16-77)

iron county

Crystal Falls. *IRON COUNTY COURTHOUSE*, W end of Superior Ave., (2-24-75) PH0085171

isabella county

Mt. Pleasant. *DOUGHTY HOUSE*, 301 Chippewa St., (10-29-74) PH0008419

jackson county

CLARK-STRINGHAM SITE, North Central Jackson County, (6-19-73) PH0027022
Concord. *MANN HOUSE*, 205 Hanover St., (10-15-70) PH0027031 G.
Jackson. *SHARP, ELLA, HOUSE*, 3225 4th St., (8-25-72) PH0100986
Jackson. *STONE POST OFFICE*, Rear of 125 N. Jackson St., (3-16-72) PH0027065
Waterloo Township. *SIEBOLD FARM/RUEHLE (REALY) FARM (WATERLOO FARM MUSEUM)*, 9998 Waterloo-Munith Rd., (3-30-73)

kalamazoo county

Kalamazoo. *EAST HALL*, Oakland Dr., (2-23-78)
Kalamazoo. *KALAMAZOO STATE HOSPITAL WATER TOWER*, Oakland Dr., (3-16-72) PH0027073
Kalamazoo. *LADIES LIBRARY ASSOCIATION BUILDING*, 333 S. Park St., (7-8-70) PH0027081
Kalamazoo. *MICHIGAN CENTRAL DEPOT*, 459 N. Burdick St., (6-11-75)
Kalamazoo. *STUART, CHARLES E., HOUSE*, 427 Stuart Ave., (3-16-72) PH0027090

kent county

Ada vicinity. *ADA COVERED BRIDGE*, Across the Thornapple River, (2-16-70) PH0027111
Grand Rapids. *HERITAGE HILL HISTORIC DISTRICT*, Bounded by Michigan Ave. on the N, Pleasant St. on the S, Union Ave. on the E, and Clarendon Place and Jefferson and Lafayette Aves. on the W, (3-11-71) PH0027138 HABS; G.
Grand Rapids. *LADIES' LITERARY CLUB*, 61 Sheldon St., SE., (10-26-71) PH0027146 G.
Grand Rapids. *PIKE, ABRAM W., HOUSE (GRAND RAPIDS ART MUSEUM)*, 230 Fulton St., E, (7-8-70) PH0027120 HABS.

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Grand Rapids. *SIXTH STREET BRIDGE*, Spans Grand River between Newberry and 6th St., (8-13-76)
Grand Rapids. *ST. CECILIA SOCIETY BUILDING*, 24–30 Ransom Ave. NE., (12-9-71) PH0027162 G.
Grand Rapids. *TURNER HOUSE*, 731 Front St., NW, (7-8-70) PH0027171 HABS.
Grand Rapids. *U.S. POST OFFICE*, Ionia and Pearl Sts., (7-10-74)
Grand Rapids vicinity. *NORTON MOUND GROUP*, (10-15-66) PH0036269 NHL; G.
Lowell. *GRAHAM HOUSE (LOWELL LIBRARY)*, 323–325 Main St., (1-13-72)
Lowell vicinity. *FALLASBURG COVERED BRIDGE*, N of Lowell over the Flat River, (3-16-72)

keweenaw county

Central. *CENTRAL MINE HISTORIC DISTRICT*, U.S. 41, (6-28-74) PH0027197
Central. *CENTRAL MINE METHODIST CHURCH*, About 1 mi. N of U.S. 41, (10-15-70) PH0027201
Copper Harbor. *FORT WILKINS*, Fort Wilkins State Park, (7-8-70) PH0027227 G.
Eagle Harbor. *EAGLE HARBOR SCHOOLHOUSE*, Block 10, (9-22-72) PH0027219
Eagle Harbor. *HOLY REDEEMER CHURCH*, Off U.S. 41, (3-16-72) PH0027235
Isle Royale National Park. *EDISEN FISHERY*, Rock Harbor, (3-8-77)
Isle Royale National Park. *MINONG MINE HISTORIC DISTRICT*, W of McCargoe Cove, (11-11-77)
Isle Royale National Park. *ROCK HARBOR LIGHTHOUSE*, Rock Harbor, (3-8-77)

lake county

Marlborough and vicinity. *MARLBOROUGH HISTORIC DISTRICT*, James Rd., (9-7-72) PH0027243

lapeer county

YOUNGE SITE, NE Lapeer County, (10-29-76)
Almont. *CURRIER HOUSE*, 231 E. St. Clair St., (6-10-75)
Lapeer. *LAPEER COUNTY COURTHOUSE*, Courthouse Sq., Nepessing St., (9-3-71) PH0027251

leelanau county

Leland. *LELAND HISTORIC DISTRICT (FISHTOWN)*, Roughly bounded by the park, Main St., Ave. A, and the harbor, (11-20-75)
Leland vicinity. *HUTZLER'S BARN*, W of Leland on South Manitou Island, (1-3-78)
Omena. *GROVE HILL NEW MISSION CHURCH (OMENA PRESBYTERIAN CHURCH)*, On MI 22, (6-29-72) PH0027260

lenawee county

Adrian. *ADRIAN PUBLIC LIBRARY*, 110 E. Church St., (12-6-77)
Adrian. *CIVIL WAR MEMORIAL*, Monument Park, (6-29-72) PH0027286
Adrian. *CROSWELL, GOV. CHARLES, HOUSE*, 228 N. Broad St., (3-16-72) PH0027294
Blissfield. *FIRST PRESBYTERIAN CHURCH OF BLISSFIELD*, 306 Franklin St., (9-3-71) PH0027316
Cambridge Junction. *WALKER TAVERN (CAMBRIDGE STATE HISTORICAL PARK)*, On U.S. 12, (1-25-71) PH0027324
Hudson. *HALL, DR. LEONARD, HOUSE*, 334 W. Main St., (10-2-78)
Hudson. *HUDSON DOWNTOWN HISTORIC DISTRICT*, W. Main St. between Howard and Market Sts., and Church St. between Seward and Railroad Sts., (12-24-74) PH0034380
Hudson. *THOMPSON, GAMALIEL, HOUSE*, 101 Summit St., (4-3-75)
Macon. *PENNINGTON-FORD HOUSE*, 8281 Clinton Macon Rd., (8-31-74) PH0073687
Onsted vicinity. *WHEELER, NATHANIEL S., HOUSE*, N of Onsted at 7075 MI 50, (2-24-75)
Tecumseh. *EVANS, MUSGROVE, HOUSE*, 409–411 E. Logan St., (3-16-72) PH0027308

livingston county

Brighton. *BINGHAM HOUSE*, 13270 Silver Lake Rd., (10-18-72) PH0027359
Howell. *ANN ARBOR RAILWAY STATION*, 126 Wetmore St., (5-6-71) PH0027332
Howell. *LIVINGSTON COUNTY COURTHOUSE*, Grand River Ave., (8-13-76)
Rushton vicinity. *OLDS, ALONZO W., HOUSE*, 10084 Rushton Rd., (5-5-72) PH0027367 HABS.

mackinac county

Gould City vicinity. *SCOTT POINT SITE*, Southwestern Mackinac County, (7-30-76)
Gros Cap vicinity. *GROS CAP CEMETERY*, SE of Gros Cap on U.S. 2, (4-16-71) PH0027391
Mackinac Island. *FORT MACKINAC*, Huron Rd., (7-8-70) PH0027375 HABS.
Mackinac Island. *GEARY, MATHEW, HOUSE*, Market St., (5-6-71) PH0027383
Mackinac Island. *GRAND HOTEL*, Grand Hotel Ave., (5-5-72) PH0131679
Mackinac Island. *INDIAN DORMITORY*, Huron St., (11-5-71) PH0027405
Mackinac Island. *MACKINAC ISLAND*, NE across the Straits of Mackinac from Mackinaw City, (10-15-66) PH0036307 NHL; HABS.
Mackinac Island. *MISSION CHURCH*, Huron St., (1-25-71) PH0027413 HABS.
Mackinac Island. *MISSION HOUSE*, Huron St., (4-16-71) PH0027421
Mackinac Island. *STUART, ROBERT, HOUSE (AGENCY HOUSE OF THE AMERICAN FUR COMPANY)*, Market St., (4-16-71) PH0027430 HABS; G.
Mackinac Island vicinity. *ROUND ISLAND LIGHTHOUSE*, S of Mackinac Island in Hiawatha National Forest, (8-21-74) PH0005479
Pointe Aux Pins vicinity. *JUNTUNEN SITE*, Bois Blanc Island, (3-21-78)
St. Ignace. *LASENEN SITE*, 690 S. State St., (5-6-71) PH0101001
St. Ignace. *ST. IGNACE MISSION*, State and Marquette Sts., Marquette Park, (10-15-66) PH0036277 NHL; G.

macomb county

HOLCOMBE SITE, (4-16-71) PH0027448
Richmond. *FIRST CONGREGATIONAL CHURCH*, 69619 Parker, (12-6-75)
Romeo. *ROMEO HISTORIC DISTRICT*, (7-8-70) PH0027456
Utica vicinity. *CLINTON-KALAMAZOO CANAL*, Between towns of Utica and Yates, (3-24-72) PH0007331 (also in Oakland County)
Washington. *WASHINGTON OCTAGON HOUSE*, 57000 Van Dyke St., (9-3-71) PH0027464

manistee county

Manistee. *FIRST CONGREGATIONAL CHURCH*, 412 S. 4th St., (6-25-74) PH0027472 G.
Manistee. *OUR SAVIOUR'S EVANGELICAL LUTHERAN CHURCH (DANISH LUTHERAN CHURCH)*, 300 Walnut St., (8-21-72)
Manistee. *RAMSDELL THEATRE*, 101 Maple St., (1-13-72) PH0027499 G.

marquette county

Big Bay vicinity. *HURON ISLANDS LIGHTHOUSE*, NW of Big Bay in Lake Superior, (9-2-75) PH0229342
Ishpeming. *MATHER INN*, 107 Canda St., (12-20-78)
Lake Superior. *STANNARD ROCK LIGHTHOUSE*, Off Keweenaw Peninsula, (3-30-73) PH0027529
Marquette. *CALL HOUSE*, 450 E. Ridge St., (1-13-72) PH0027511
Marquette. *MARQUETTE CITY HALL*, 204 Washington St., (4-11-75)
Marquette. *MARQUETTE COUNTY COURTHOUSE*, 400 S. 3rd St., (3-29-78)
Marquette. *SAVINGS BANK BUILDING*, 125 W. Washington St., (9-13-78)
Marquette. *STATE HOUSE OF CORRECTION AND BRANCH PRISON*, Off U.S. 41 and MI 28, (11-23-77)
Negaunee vicinity. *JACKSON IRON COMPANY SITE*, N of Negaunee limits off SR 492, (5-30-75)
Negaunee vicinity. *JACKSON MINE*, W of Negaunee, (9-3-71) PH0027502

mason county

NOT-A-PE-KA-GON SITE (THE QUICK SITE), SE Mason County, (7-27-73) PH0027537

menominee county

Menominee. *FIRST STREET HISTORIC DISTRICT*, Roughly bounded by N side of 10th Ave., 4th Ave., 2nd St., and Green Bay Shoreline, (12-31-74) PH0073644 G.
Menominee. *MENOMINEE COUNTY COURTHOUSE*, 10th Ave. between 8th and 10th Sts., (3-7-75) PH0086649
Menominee vicinity. *RIVERSIDE SITE*, Southern Menominee County, (3-24-78)
Menominee vicinity. *ALVIN CLARK* (schooner), Mystery Ship Seaport, Lake Michigan, (5-16-74) PH0007170

midland county

OXBOW ARCHEOLOGICAL DISTRICT, Eastern Midland County, (6-19-73) PH0007196
Midland. *BRADLEY HOUSE*, Corner of Cook Rd. and Main St., (7-31-72) PH0007188
Midland. *DOW, HERBERT H., HOUSE*, 1038 W. Main St., (5-11-76) NHL.

missaukee county

AETNA EARTHWORKS, Central Missaukee County, (3-30-73) PH0007200
BOVEN EARTHWORK, SW Missaukee County, (8-14-73) PH0007218

monroe county

Monroe. *FIX HOUSE*, Sterling State Park, (3-16-72) PH0007226
Monroe. *MCCLELLAND, GOV. ROBERT, HOUSE*, 47 E. Elm St., (9-3-71) PH0007251 HABS.
Monroe. *NIMS, RUDOLPH, HOUSE*, 206 W. Noble Ave., (10-18-72) PH0007234 HABS.
Monroe. *SAWYER HOUSE*, 320 E. Front St., (11-23-77)

Monroe vicinity. *NAVARRE-ANDERSON TRADING POST*, W of Monroe at N. Custer (MI 130) and Rainsville Rds., (7-31-72) PH0007242 G.

muskegon county

SPRING CREEK SITE, Central Muskegon County, (6-20-72) PH0007293
Muskegon. *HACKLEY, CHARLES H., HOUSE*, 484 W. Webster Ave., (7-8-70) PH0100994 G.
Muskegon. *HUME HOUSE*, 472 W. Webster Ave., (1-13-72) PH0007277
Muskegon. *MUSKEGON HISTORIC DISTRICT*, Bounded roughly by Clay, Muskegon, 2nd, and 6th Sts., (9-27-72) PH0007285

newaygo county

TOFT LAKE VILLAGE SITE, Manistee National Forest, (6-20-72) PH0007307

oakland county

CLINTON-KALAMAZOO CANAL, *Reference—see Macomb County* (1-2-74)
Birmingham. *HUNTER, JOHN W., HOUSE*, 556 W. Maple Rd., (1-13-72) PH0007358
Bloomfield Hills. *CRANBROOK*, Lone Pine Rd., (3-7-73) PH0007340
Farmington. *FARMINGTON HISTORIC DISTRICT*, Grand River Ave. and Shiawassee Ave. from Warner St. to jct., (6-18-76)
Franklin. *FRANKLIN HISTORIC DISTRICT*, (2-10-69) G.
Milford vicinity. *ROWE HOUSE*, 2360 Lone Tree Rd., NW of Milford, (12-6-75)
Northville. *YERKES, ROBERT, HOUSE*, 535 E. Base Line Rd., (11-30-73) PH0007412
Ortonville. *ORTONVILLE MILL*, 366 Mill St., (4-16-71) PH0007374
Pontiac. *MYRICK-PALMER HOUSE*, 223 W. Huron St., (7-8-70) PH0007366
Pontiac. *WISNER HOUSE (PINE GROVE)*, 405 Oakland Ave., (7-8-70) PH0007404 G.
Rochester vicinity. *STONY CREEK VILLAGE HISTORIC DISTRICT*, NE of Rochester on Washington Rd., (6-26-72) PH0007382
Troy. *BROOKS FARM*, 3521 Big Beaver Rd., (3-16-72) PH0007315
Troy. *CASWELL HOUSE*, 60 W. Wattles Rd., (1-13-72) PH0007323

oceana county

DUMAW CREEK SITE, NW Oceana County, (11-15-72) PH0007421
GREEN QUARRY SITE, NW Oceana County, (11-9-72) PH0007439

ontonagon county

Ontonagon. *ONTONAGON LIGHTHOUSE*, Off MI 64, (10-7-75)

oscoda county

Mio. *OSCODA COUNTY COURTHOUSE*, Morence St., (8-25-72) PH0007447

ottawa county

SPOONVILLE SITE, NW Ottawa County, (3-30-73) PH0007471
Coopersville. *GRAND RADIDS, GRAND HAVEN AND MUSKEGON RAILWAY DEPOT*, 363 W. Main St., (2-6-71) PH0007463
Holland. *THIRD REFORMED CHURCH*, 110 W. 12th St., (4-16-71) PH0007480
Holland vicinity. *HOLLAND HARBOR LIGHTHOUSE*, South Pier, Holland Harbor, (7-20-78)
NW Ottawa County. *BATTLE POINT SITE*, (8-14-73) PH0007455

presque isle county

Presque Isle. *OLD PRESQUE ISLE LIGHTHOUSE*, Off SR 405, (4-11-73) PH0016969

saginaw county

SCHULTZ SITE, Northeastern Signaw County, (12-8-78)
Bridgeport. *SCHMIDT SITE*, Central Saginaw County, (7-27-73) PH0016985
Saginaw. *CASTLE STATION (SAGINAW POST OFFICE)*, S Jefferson at Federal St., (1-13-72) PH0101010
Saginaw. *PASSOLT HOUSE*, 1105 S. Jefferson Ave., (10-18-72)

sanilac county

SANILAC PETROGLYPHS, (1-25-71) PH0017078
Lexington. *FEAD, JOHN L., HOUSE*, 5349 Washington St., (10-5-78)
Port Sanilac. *LOOP, JOSEPH M., HOUSE*, 228 S. Ridge, (11-9-72) PH0017060

schoolcraft county

EKDAHL-GOUDREAU SITE, Southeastern Schoolcraft County, (11-16-78)

shiawassee county

Durand. *GRAND TRUNK RAILWAY STATION*, 200 Railroad St., (5-6-71) PH0017094
Owosso. *CURWOOD CASTLE*, 224 John St., (9-3-71) PH0017086
Perry. *CALKINS, CHARLES H., HOUSE*, 127 E. 1st St., (3-29-78)

st. clair county

Marine City. *WARD-HOLLAND HOUSE*, 433 N. Main St., (1-13-72) PH0017019
Port Huron. *DAVIDSON, WILBUR F., HOUSE*, 1707 Military St., (10-5-72) PH0016993 G.
Port Huron. *FEDERAL BUILDING (U.S. POST OFFICE AND CUSTOMHOUSE)*, 526 Water St., (8-7-74)
Port Huron. *FORT GRATIOT LIGHTHOUSE*, Omar and Garfield Sts., (7-30-76)
Port Huron. *GRAND TRUNK WESTERN RAILROAD DEPOT*, 520 State St., (4-13-77)
Port Huron. *HURON* (lightship), Pine Grove Park on St. Clair River, (7-12-76)
Port Huron. *ST. CLAIR RIVER TUNNEL*, St. Clair River between Port Huron, Michigan, and Sarnia, Ontario, (10-15-70) PH0017001

st. joseph county

Colon. *FARRAND HALL*, 451 Farrand Rd., (8-25-72) PH0017035
Constantine. *BARRY, GOV. JOHN S., HOUSE*, 280 N. Washington St., (3-16-72) PH0017027 G.
Mendon. *MARANTETTE HOUSE*, Simpson Rd., (4-11-73) PH0017043
Nottawa vicinity. *NOTTAWA STONE SCHOOL*, E of Nottawa at jct. of Sturgis and Filmore Rds., (1-13-72) PH0017051

tuscola county

Caro. *TRINITY EPISCOPAL CHURCH*, 106 Joy St., (5-12-75)
Mayville. *RANDALL HOUSE*, 5927 Treasurer Rd., (11-7-76)
Vassar. *BURTIS, R. C., HOUSE*, 2163 S. Ringle Rd., (6-26-75)
Vassar. *MCKINLEY SCHOOL*, 510 Butler St., (3-24-72) PH0017108
Vassar. *NORTH, TOWNSEND, HOUSE*, 325 N. Main, (4-13-77)
Vassar. *SMITH HOUSE*, 113–115 Prospect St., (3-16-72) PH0017116
Watrousville. *WATROUS GENERAL STORE*, 4607 W. Caro Rd., (10-1-74) PH0006629

van buren county

Paw Paw. *PAW PAW CITY HALL (VAN BUREN COUNTY COURTHOUSE)*, E. Michigan Ave., (8-21-72) PH0017124

washtenaw county

Ann Arbor. *ANN ARBOR CENTRAL FIRE STATION*, Corner of 5th Ave. and Huron St., (1-13-72) PH0017680 G.
Ann Arbor. *BENNETT, HENRY, HOUSE (REUBEN KEMPF HOUSE)*, 312 S. Division St., (3-1-73)
Ann Arbor. *DETROIT OBSERVATORY*, Observatory and Ann Sts., (9-20-73) PH0017159
Ann Arbor. *FRIEZE, HENRY S., HOUSE*, 1547 Washtenaw Ave., (11-15-72) PH0017175
Ann Arbor. *MAIN STREET POST OFFICE*, 220 N. Main St., (5-22-78)
Ann Arbor. *MICHIGAN CENTRAL RAILROAD DEPOT*, 401 Depot St., (3-10-75)
Ann Arbor. *NEWBERRY HALL (FRANCIS W. KELSEY MUSEUM OF ARCHAEOLOGY)*, 434 S. State St., (3-24-72) PH0017191
Ann Arbor. *OLD WEST SIDE HISTORIC DISTRICT*, Bounded roughly by 7th, Main, and Huron Sts., Pauline Blvd., and Crest Ave., (4-14-72) PH0017205
Ann Arbor. *PRESIDENT'S HOUSE, UNIVERSITY OF MICHIGAN*, 815 S. University, University of Michigan campus, (10-15-70) PH0017213
Ann Arbor. *TICKNOR, DR. BENAJAH, HOUSE*, 2781 Packard Rd., (11-21-72) PH0017230 HABS; G.
Ann Arbor. *UNITARIAN UNIVERSALIST CHURCH*, 100 N. State St., (10-4-78)
Ann Arbor. *UNIVERSITY OF MICHIGAN CENTRAL CAMPUS HISTORIC DISTRICT*, University of Michigan campus, (6-15-78)
Ann Arbor. *WHITE, ORRIN, HOUSE*, 2940 Fuller Rd., (4-16-71) PH0017256
Ann Arbor. *WILSON, JUDGE ROBERT S., HOUSE*, 126 N. Division St., (3-16-72) PH0017221 HABS.
Dexter. *GORDON HALL (SAMUEL W. DEXTER HOUSE)*, 8347 Island Lake Rd., (11-9-72) PH0017183 HABS.
Dixboro. *DIXBORO UNITED METHODIST CHURCH*, 5221 Church St., (3-16-72) PH0017167 HABS.
Saline. *DAVENPORT, WILLIAM H., HOUSE*, 300 E. Michigan Ave., (3-3-75)
Ypsilanti. *LADIES' LITERARY CLUB BUILDING (WILLIAM M. DAVIS HOUSE)*, 218 N. Washington St., (3-16-72) PH0017141
Ypsilanti. *STARKWEATHER RELIGIOUS CENTER*, 901 W. Forest, (4-13-77)
Ypsilanti. *YPSILANTI HISTORIC DISTRICT*, Irregular pattern along Huron River with boundaries extending to Forest Ave., Grove, Buffalo, and Hamilton Sts., (4-11-78)

wayne county

Dearborn. *COMMANDANT'S QUARTERS*, 21950 Michigan Ave., (10-15-70) PH0017299 HABS.
Dearborn. *FAIR LANE (HENRY FORD ESTATE)*, 4901 Evergreen Rd., (11-13-66) PH0017931 NHL.
Dearborn. *FORD RIVER ROUGE COMPLEX*, 3001 Miller Rd., (6-2-78) NHL.
Dearborn. *GREENFIELD VILLAGE AND HENRY FORD MUSEUM*, Bounded by Michigan Ave. on the N, Village Rd. on the

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S, Southfield Expwy. on the E, and Oakland Blvd. on the W, (10-20-69) PH0017311
Detroit. *BAGLEY MEMORIAL FOUNTAIN*, Woodward and Monroe Aves., (11-5-71) PH0017264
Detroit. *BELLE ISLE*, Detroit River, (2-25-74) PH0017272
Detroit. *BOSTON-EDISON HISTORIC DISTRICT*, Roughly bounded by Edison St., Woodward and Linwood Aves. and Glynn Ct., (9-5-75)
Detroit. *CHRIST CHURCH, DETROIT*, 960 E. Jefferson Ave., (3-11-71) PH0017281 HABS.
Detroit. *CORKTOWN HISTORIC DISTRICT*, Roughly bounded by Lodge Freeway, Porter, Trumbull, Bagley, Rosa Parks Blvd. and Michigan Ave., (7-31-78)
Detroit. *DETROIT CORNICE SLATE COMPANY BUILDING*, 733 St. Antoine St. at E. Lafayette St., (12-16-74) PH0054445
Detroit. *EASTERN MARKET HISTORIC DISTRICT*, Bounded by Gratiot Ave., Riopelle, Rivard, and Division Sts., (11-29-78)
Detroit. *EIGHTH PRECINCT POLICE STATION*, 4150 Grand River, (12-31-74) PH0073636
Detroit. *ENGINE HOUSE NO. 11*, 2737 Gratiot Ave., (1-9-78)
Detroit. *FARWELL BUILDING*, 1249 Griswold St., (4-30-76)
Detroit. *FORT STREET PRESBYTERIAN CHURCH*, 631 W. Fort St., (9-3-71) PH0017337 HABS.
Detroit. *FORT WAYNE*, 6053 W. Jefferson Ave., (5-6-71) PH0017329 HABS; G.
Detroit. *FREER, CHARLES LANG, HOUSE (MERRILL-PALMER INSTITUTE OF HUMAN DEVELOPMENT AND FAMILY LIFE)*, 71 E. Ferry Ave., (4-16-71) PH0017345
Detroit. *GENERAL MOTORS BUILDING*, 3044 W. Grand Blvd., (6-2-78) NHL.
Detroit. *HARPER HOSPITAL*, John R St., (9-30-76)
Detroit. *HECKER, COL. FRANK J., HOUSE*, 5510 Woodward Ave., (9-3-71) PH0017485
Detroit. *HUDSON-EVANS HOUSE*, 79 Alfred St., (3-5-75)
Detroit. *HUNTER HOUSE*, 3985 Trumbull Ave., (12-31-74) PH0073652
Detroit. *HURLBUT MEMORIAL GATE*, E. Jefferson at Cadillac Blvd., (3-27-75)
Detroit. *INDIAN VILLAGE HISTORIC DISTRICT*, Bounded by Mack, Burns, Jefferson, and Seminole Aves., (3-24-72) PH0017370
Detroit. *KAHN, ALBERT, HOUSE*, 208 Mack Ave., (10-18-72) PH0017396 G.
Detroit. *LINCOLN MOTOR COMPANY PLANT*, 6200 W. Warren Ave., (6-2-78) NHL.
Detroit. *MARINERS' CHURCH*, 170 E. Jefferson Ave., (3-11-71)
Detroit. *MONROE AVENUE COMMERCIAL BUILDINGS*, 16–118 Monroe Ave., (2-13-75)
Detroit. *MOROSS HOUSE*, 1460 E. Jefferson Ave., (1-13-72) PH0017388 HABS.
Detroit. *ORCHESTRA HALL*, 3711 Woodward Ave., (4-16-71) PH0017426 G.
Detroit. *PARKE-DAVIS RESEARCH LABORATORY*, Joseph Campau St. at Detroit River, (5-11-76) NHL.
Detroit. *PENN CENTRAL STATION*, 2405 W. Vernor St., (4-16-75)
Detroit. *PEWABIC POTTERY*, 10125 E. Jefferson Ave., (9-3-71) PH0017434
Detroit. *SAINTS PETER AND PAUL CHURCH*, 629 E. Jefferson Ave., (9-3-71) PH0017469 HABS.
Detroit. *SECOND BAPTIST CHURCH OF DETROIT*, 441 Monroe St., (3-19-75)
Detroit. *SIBLEY HOUSE*, 976 Jefferson Ave., (4-16-71) PH0017477 HABS.
Detroit. *ST. ALBERTUS ROMAN CATHOLIC CHURCH*, 4231 St. Aubin St., (1-18-78)
Detroit. *ST. JOSEPH'S ROMAN CATHOLIC CHURCH*, 1828 Jay St., (12-8-72) PH0017451
Detroit. *STE. ANNE ROMAN CATHOLIC CHURCH COMPLEX*, Howard and Ste. Anne Sts., (6-3-76)
Detroit. *SWEETEST HEART OF MARY ROMAN CATHOLIC CHURCH*, 4440 Russell St., (1-31-78)
Detroit. *TAYLOR, ELISHA, HOUSE*, 59 Alfred St., (3-5-75) PH0086681
Detroit. *THOMPSON HOME*, 4756 Cass Ave., (6-3-76)
Detroit. *TROWBRIDGE, CHARLES, HOUSE*, 1380 E. Jefferson Ave., (5-28-76)
Detroit. *WAYNE COUNTY COURTHOUSE*, 600 Randolph St., (2-24-75)
Detroit. *WAYNE STATE UNIVERSITY BUILDINGS*, 4735–4841 Cass Ave., (6-23-78)
Detroit. *WEST CANFIELD HISTORIC DISTRICT*, Canfield Ave. between 2nd and 3rd Sts., (5-27-71) PH0017493
Detroit. *WHITNEY, DAVID, HOUSE*, 4421 Woodward Ave., (8-21-72) PH0017515
Detroit. *WILSON THEATRE*, 350 Madison Ave., (8-9-77)
Detroit. *WOODWARD EAST HISTORIC DISTRICT*, Bounded by Alfred, Edmund, Watson, and Brush and John R Sts., (1-21-75)
Grosse Ile. *EAST RIVER ROAD HISTORIC DISTRICT*, E. River Rd., (8-13-74) PH0131687
Grosse Ile. *ST. JAMES EPISCOPAL CHURCH*, 25150 E. River Rd., (11-19-71) PH0017442
Highland Park. *HIGHLAND PARK PLANT, FORD MOTOR COMPANY*, 15050 Woodward Ave., (2-6-73) PH0017361 NHL.
Livonia. *GREENMEAD FARMS*, 38125 Base Line Rd., (3-24-72) PH0017353
Livonia. *WILSON BARN*, NE corner of Middlebelt and W. Chicago Rds., (12-12-73) PH0017507
Northville. *NORTHVILLE HISTORIC DISTRICT*, Bounded roughly by Cady, Rogers, and Randolph Sts., (7-31-72) PH0017418
Wyandotte. *MARX HOUSE*, 2630 Biddle Ave., (8-13-76)

MINNESOTA

aitkin county

Malmo vicinity. *MALMO MOUNDS AND VILLAGE SITE*, NW of Malmo on Mille Lacs Lake, (4-3-75)
McGregor vicinity. *SAVANNA PORTAGE*, Savanna Portage State Park, (4-23-73) PH0078263

anoka county

Anoka. *JACKSON HOTEL*, 214 Jackson St., (12-8-78)
Fridley. *LOCKE, CASSIUS M., HOUSE*, 6666 E. River Rd., (12-12-76)

becker county

Detroit Lakes. *DETROIT LAKES LIBRARY*, 1000 Washington Ave., (3-16-76)

beltrami county

Blackduck vicinity. *RABIDEAU CCC CAMP*, 6 mi. S of Blackduck in Chippewa National Forest, (6-16-76)

benton county

Royalton vicinity. *POSCH SITE*, S of Royalton, (10-2-73) PH0078271

blue earth county

Mankato. *HUBBARD, R. D., HOUSE*, 606 S. Broad St., (5-12-76)
Mankato. *OLD FIRST NATIONAL BANK OF MANKATO*, 229 S. Front St., (7-30-74) PH0078280
Mankato vicinity. *SEPPMAN MILL*, W of Mankato off MN 68 in Minneopa State Park, (8-26-71) PH0078298
St. Clair vicinity. *WINNEBAGO AGENCY HOUSE*, 1 mi. S of St. Clair on CR 138, (2-20-75)

brown county

Hanska vicinity. *SYNSTEBY SITE*, SW of Hanska, (5-12-75)
New Ulm. *FEDERAL POST OFFICE BUILDING*, Center St. and Broadway, (4-28-70) PH0078310
New Ulm. *HERMANN MONUMENT*, Hermann Heights Park, (10-2-73) PH0078328
New Ulm. *KIESLING HOUSE*, 220 N. Minnesota St., (2-23-72) PH0078336
New Ulm. *LIND, GOV. JOHN, HOUSE*, 622 Center St., (12-31-74) PH0078344
New Ulm. *MELGES BAKERY*, 213 S. Minnesota St., (6-28-74) PH0078352
New Ulm. *SCHELL, AUGUST, BREWING COMPANY*, 20th St. South, (12-27-74) PH0078361

carlton county

Duluth vicinity. *GRAND PORTAGE OF THE ST. LOUIS RIVER*, W of Duluth in Jay Cooke State Park off MN 210, (5-24-73) PH0078379

carver county

St. Bonifacius vicinity. *GRIMM, WENDELIN, HOMESTEAD*, SE of St. Bonifacius on Carver Park Reserve, (12-30-74) PH0078387
Waconia. *CONEY ISLAND OF THE WEST*, Lake Waconia off MN 5, (8-11-76)

cass county

Backus vicinity. *OLD BACKUS*, (12-24-74) PH0078409
Barrows vicinity. *CROW WING STATE PARK*, 2 mi. SE of Barrows on U.S. 371, (7-28-70) PH0090000 (also in Crow Wing and Morrison counties)
Cass Lake. *SUPERVISOR'S OFFICE, CHIPPEWA NATIONAL FOREST*, S of U.S. 2, (1-31-76)
Pillager vicinity. *CHIPPEWA AGENCY HISTORIC DISTRICT*, (5-22-73) PH0132934
Pillager vicinity. *GULL LAKE MOUNDS SITE*, (5-7-73) PH0078395
Pillager vicinity. *HOLE-IN-THE-DAY II CABIN SITE*, N of Pillager on the NE corner of Hole-in-the-Day Lake, (6-19-73) PH0132951
Pillager vicinity. *RICE LAKE HUT RINGS*, N of Pillager on SW corner of Rice Lake, (8-14-73)

chippewa county

Granite Falls vicinity. *SWENSSON FARM*, N of Granite Falls, (12-30-74) PH0078425 G.
Montevideo. *BUDD, CHARLES H., HOUSE*, 219 N. 3rd St., (9-19-77)
Montevideo. *CHIPPEWA COUNTY BANK*, N. 1st St. and Lincoln Ave., (9-19-77)
Montevideo vicinity. *LAC QUI PARLE MISSION SITE*, About 10 mi. NW of Montevideo at end of Lac qui Parle Lake, (3-14-73) (also in Lac qui Parle County)

chisago county

Franconia. *MUNCH, PAUL, HOUSE*, Block 21, lots 1 and 2, (5-4-76)
Taylors Falls. *ANGEL'S HILL HISTORIC DISTRICT*, (4-11-72) PH0078433 HABS; G.
Taylors Falls. *MUNCH-ROOS HOUSE*, 360 Bench St., (11-20-70) PH0078450
Taylors Falls. *TAYLORS FALLS PUBLIC LIBRARY*, 417 Bench St., (10-15-70) PH0078441 HABS.

clay county

Moorhead. *COMSTOCK, SOLOMON GILMAN, HOUSE*, 5th Ave. and 8th St. South, (12-30-74) PH0078468

clearwater county

ITASCA BISON SITE, (12-29-70) PH0078476
Alida vicinity. *UPPER RICE LAKE SITE*, W of Alida, (12-19-78)
Park Rapids vicinity. *ITASCA STATE PARK*, 21 mi. N of Park Rapids off U.S. 71, (5-7-73) PH0089958
Zerkel vicinity. *LOWER RICE LAKE SITE*, NW of Zerkel, (12-18-78)

cook county

Grand Marais. *LIGHTKEEPER'S HOUSE*, Off U.S. 61, (11-28-78)
Grand Marais vicinity. *GRAND PORTAGE NATIONAL MONUMENT*, 38 mi. N of Grand Marais, (10-15-66)
Grand Marais vicinity. *HEIGHT OF LAND*, NW of Grand Marais in Superior National Forest, (10-18-74) PH0089966
Hovland vicinity. *FOWL LAKE SITE*, N of Hovland in Superior National Forest, (12-30-74) PH0076856

cottonwood county

Jeffers vicinity. *JEFFERS PETROGLYPH SITE*, (10-15-70) PH0089974
Mountain Lake vicinity. *MOUNTAIN LAKE SITE*, (6-4-73) PH0089982
Windom. *COTTONWOOD COUNTY COURTHOUSE*, 10th St., (4-18-77)

crow wing county

CROW WING STATE PARK, Reference—see Cass County (1-2-74)
Brainerd. *BRAINERD WATER TOWER*, Washington at 6th St., (7-17-74) PH0089991
Merrifield vicinity. *GORDON-SCHAUST PREHISTORIC EMBANKMENTS DISTRICT*, (12-23-74) PH0090026
Pillager vicinity. *ST. COLUMBA MISSION SITE*, NE of Pillager on E shore of Gull Lake, (12-18-73) PH0090042
Pine River vicinity. *HAY LAKE MOUND DISTRICT*, SE of Pine River off U.S. 371, (1-21-74) PH0090034
Trommald vicinity. *FORT FLATMOUTH MOUND GROUP*, SE of Cass Lake, (8-14-73) PH0090018

dakato county

Hastings. *DAKOTA COUNTY COURTHOUSE*, Vermillion St. between 3rd and 4th Sts., (7-21-78)
Hastings. *EAST SECOND STREET COMMERCIAL HISTORIC DISTRICT*, E. 2nd St. between Ramsey and Vermillion Sts.; Sibley St. S to 3rd St., (7-31-78)
Hastings. *ECKERT, IGNATIUS, HOUSE*, 724 Ashland St., (7-21-78)
Hastings. *WEST SECOND STREET RESIDENTIAL HISTORIC DISTRICT*, W. 2nd St. between Forest and Spring Sts., (7-31-78)

dakota county

Hastings. *HOWES, BYRON, HOUSE*, 718 Vermillion St., (6-15-78)
Hastings. *LATTO, RUDOLPH, HOUSE*, 620 Ramsey St., (5-23-78)
Hastings. *LE DUC HOUSE*, 1629 Vermillion St., (6-22-70) PH0090051
Hastings. *METHODIST EPISCOPAL CHURCH*, 8th and Vermillion Sts., (6-7-78)
Hastings. *THOMPSON-FASBENDER HOUSE*, 649 W. 3d St., (5-22-78)
Hastings. *VANDYKE-LIBBY HOUSE*, 612 Vermillion St., (10-2-78)
Mendota. *FORT SNELLING-MENDOTA BRIDGE*, MN 55 (also in Hennepin County), (12-1-78)
Mendota. *MENDOTA HISTORIC DISTRICT*, Roughly bounded by government lot 2, I 55, Sibley Hwy., D St., and Minnesota River, (6-22-70) PH0090069 G.
Mendota. *SIBLEY HOUSE*, (1-20-72) PH0090077
St. Paul vicinity. *FORT SNELLING*, (10-15-66) NHL; G. (also in Hennepin County)

dodge county

Kasson. *KASSON WATER TOWER*, 4th Ave. NW., (6-3-76)
Mantorville. *MANTORVILLE HISTORIC DISTRICT*, Both sides of MN 57 and 5th St., (6-28-74) PH0090085
Wasioja. *WASIOJA HISTORIC DISTRICT*, N side of Zumbro River on both sides of SR 16, (3-13-75)

douglas county

Alexandria. *NELSON, KNUTE, HOUSE*, 420 12th Ave., SE., (4-13-77)
Osakis. *JOHNSON, J. B., HOUSE*, U.S. 52, (12-9-77)

faribault county

Blue Earch. *FARIBAULT COUNTY COURTHOUSE*, N. Main and 2nd Sts., (4-11-77)
Winnebago vicinity. *CENTER CREEK ARCHEOLOGICAL DISTRICT*, S of Winnebago, (9-15-76)

fillmore county

Harmony vicinity. *RAVINE HOUSE*, NW of Harmony, (12-6-77)
Preston vicinity. *FORESTVILLE TOWNSITE*, About 9 mi. SW of Preston in Forestville State Park, (4-13-73) PH0090093
Racine vicinity. *TUNNEL MILL (J. A. STOUT MILL)*, E of Racine on Bear Creek, (5-12-75)
Spring Valley. *SPRING VALLEY METHODIST CHURCH*, 221 W. Courtland St., (5-12-75)

goodhue county

Kenyon. *GRONVOLD, DR. JUST CHRISTIAN, ESTATE*, CR 8, (4-23-73) PH0090123
Kenyon. *GUNDERSON, MARTIN T., HOUSE*, 107 2nd St., (6-10-75)
Old Frontenac. *OLD FRONTENAC HISTORIC DISTRICT*, (6-4-73) PH0090140
Red Wing. *CARLSON, G. A., LIME KILN*, E. 5th St., (9-27-76)
Red Wing. *HOYT, E. S., HOUSE*, 300 Hill St., (6-5-75)
Red wing. *MINNESOTA STATE TRAINING SCHOOL*, E. 7th St., (6-4-73) PH0090131
Red Wing. *OCTAGON HOUSE*, 927 W. 3rd St., (5-21-75)
Red Wing. *SHELDON, T. B., MEMORIAL AUDITORIUM*, 443 W. 3rd St., (6-3-76)
Red Wing. *SHELDON, THEODORE B., HOUSE*, 805 W. 4th St., (6-7-76)
Red Wing. *ST. JAMES HOTEL*, Bush and Main Sts., (9-15-77)
Red Wing vicinity. *BARTRON SITE*, (10-15-70) PH0090107
Red Wing vicinity. *TOWER VIEW*, W of Red Wing in U.S. 61, (4-13-77)
Red Wing vicinity. *VASA*, SW of Red Wing in Minnesota Memorial Hardwood State Forest, (5-30-75)
Stanton vicinity. *MILLER, HARRISON, FARMHOUSE*, E of Stanton on MN 19, (5-22-78)
Welch vicinity. *FORT SWENEY SITE*, (8-5-70) PH0090115
Zumbrota. *ZUMBROTA COVERED BRIDGE*, Zumbrota Covered Bridge Park off MN 58, (2-20-75) HABS.

grant county

Ashby vicinity. *FORT POMME DE TERRE SITE*, SW of Ashby and W of Pelican Island, (5-23-74) PH0048097

hennepin county

FORT SNELLING, Reference—see Dakota County PH0047988
FORT SNELLING-MENDOTA BRIDGE, Reference—see Dakota County
Bloomington. *POND, GIDEON H., HOUSE*, 401 E. 104th St., (7-16-70) HABS; G.
Edina. *CAHILL SCHOOL*, Eden Ave. and MN 100, (10-9-70) PH0047953 G.
Edina. *GRANGE HALL*, Eden Ave. at MN 100, (10-9-70) PH0048003 G.
Edina. *GRIMES, JONATHAN TAYLOR, HOUSE*, 4200 W. 44th St., (3-16-76)
Excelsior. *GIDEON, PETER, HOMESTEAD*, 24590 Glen Rd., (9-17-74) PH0047996
Excelsior. *WYER–PEARCE HOUSE*, 201 Mill St., (4-18-77)
Minneapolis. *ADVANCE THRESHER/EMERSON-NEWTON COMPANY BUILDINGS*, 700–704 S. 3rd St., (9-20-77)
Minneapolis. *AMERICAN SWEDISH INSTITUTE (SWAN J. TURNBLAD RESIDENCE)*, 2600 Park Ave., (8-26-71) PH0047929
Minneapolis. *BASILICA OF ST. MARY*, Hennepin Ave. at 16th St., (3-26-75)
Minneapolis. *BENNETT-MCBRIDE HOUSE*, 3116 3rd Ave. S., (9-19-77)
Minneapolis. *BREMER, FREDRIKA, INTERMEDIATE SCHOOL*, 1214 Lowry Ave. N., (1-31-78)
Minneapolis. *BUTLER BROTHERS BUILDING*, 1st Ave. N. at 6th St., (3-11-71) PH0047945
Minneapolis. *CAPPELEN MEMORIAL BRIDGE*, Franklin Ave. and Mississippi River, (11-28-78)
Minneapolis. *CARPENTER, ELBERT L., HOUSE*, 314 Clifton Ave., (9-13-77)
Minneapolis. *COMO-HARRIET STREETCAR LINE AND TROLLEY*, 42nd St. W. and Queen Ave. S., (10-17-77)
Minneapolis. *CUPOLA HOUSE*, 2402 4th Ave., S., (12-12-76)
Minneapolis. *CUTTER, B. O., HOUSE*, 400 10th Ave., SE., (1-30-76)
Minneapolis. *DANIA HALL*, Corner of 5th St. and Cedar Ave., (12-27-74) PH0047961 G.
Minneapolis. *FLOUR EXCHANGE BUILDING*, 310 4th Ave. S., (8-29-77)
Minneapolis. *FORUM CAFETERIA*, 36–40 S. 7th St., (3-16-76)
Minneapolis. *FOSHAY TOWER*, 821 Marquette Ave., (9-20-78)
Minneapolis. *GRAIN EXCHANGE BUILDING*, 4th Ave. S., and 4th St., (11-23-77)

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Minneapolis. *HAYER, F. C., COMPANY BUILDING*, 256 N. 3rd St., (2-20-75)
Minneapolis. *HEWITT, EDWIN H., HOUSE*, 126 E. Franklin Ave., (4-6-78)
Minneapolis. *JONES, HARRY W., HOUSE (ELMWOOD)*, 5101 Nicollet Ave., (6-7-76)
Minneapolis. *LEGG, HARRY F., HOUSE*, 1601 Park Ave., S., (6-3-76)
Minneapolis. *LITTLE SISTERS OF THE POOR HOME FOR THE AGED*, 215 Broadway Ave. NE, (9-21-78)
Minneapolis. *LOHMAR, JOHN, HOUSE*, 1514 Dupont Ave., N., (4-18-77)
Minneapolis. *MARTIN, CHARLES J., HOUSE*, 1300 Mount Curve Ave., (4-26-78)
Minneapolis. *MASONIC TEMPLE/MERCHANDISE BUILDING*, 528 Hennepin Ave., (9-5-75)
Minneapolis. *MILWAUKEE AVENUE HISTORIC DISTRICT*, Milwaukee Ave. from Franklin Ave. to 24th St., (5-2-74) PH0048020
Minneapolis. *MILWAUKEE ROAD DEPOT AND FREIGHT HOUSE*, 201 3rd Ave. South, (11-28-78)
Minneapolis. *MINNEAPOLIS CITY HALL/HENNEPIN COUNTY COURTHOUSE*, Between 3rd and 4th Aves. S. and 4th and 5th Sts., (12-4-74) PH0048038
Minneapolis. *MINNEAPOLIS PUBLIC LIBRARY: NORTH BRANCH*, 1834 Everson Ave. N., (12-7-77)
Minneapolis. *MINNEHAHA STATE PARK*, S of Minnehaha Pkwy. between Hiawatha Ave. and the Mississippi River, (11-25-69) PH0048046 HABS.
Minneapolis. *NEWELL, GEORGE R., HOUSE*, 1818 LaSalle Ave., (9-15-77)
Minneapolis. *OLSON, FLOYD B., HOUSE*, 1914 W. 49th St., (12-31-74) PH0048054
Minneapolis. *PILLSBURY A MILL*, Main St. and 3rd Ave., SE, (11-13-66) PH0132781 NHL; HABS.
Minneapolis. *PITTSBURGH PLATE GLASS COMPANY BUILDING*, 616 S. 3rd St., (9-13-77)
Minneapolis. *PRESCOTT HOUSE*, 4458–4460 Snelling Ave. S., (5-21-75)
Minneapolis. *PURCELL, WILLIAM GRAY, HOUSE*, 2328 Lake Pl., (10-29-74) PH0048062
Minneapolis. *SCOTTISH RITE TEMPLE/FOWLER METHODIST EPISCOPAL CHURCH*, 2011 Dupont Ave. S., (1-30-76)
Minneapolis. *SMITH, H. ALDEN, HOUSE*, 1405 Harmon Pl., (3-16-76)
Minneapolis. *ST. ANTHONY FALLS HISTORIC DISTRICT*, (3-11-71) PH0048071 HABS.
Minneapolis. *STEWART MEMORIAL CHURCH*, 116 E. 32nd St., (11-28-78)
Minneapolis. *VAN CLEVE, HORATIO P., HOUSE*, 603 5th St., SE., (3-16-76)
Minneapolis. *WASHBURN-FAIR OAKS MANSION DISTRICT*, 1st and 2nd Aves., 22 St., and Stevens Ave., (2-17-78)
Minnetonka. *BURWELL HOUSE*, McGinty Rd. and Minnetonka Blvd., (5-2-74) PH0047937
Richfield. *BARTHOLOMEW, RILEY LUCAS, HOUSE*, 6901 Lyndale Ave. South, (11-28-78)
Robbinsdale. *HENNEPIN COUNTY LIBRARY*, 4915 N. 42nd Ave., (10-2-78)
St. Louis Park. *PEAVEY-HAGLIN EXPERIMENTAL CONCRETE GRAIN ELEVATOR*, Jct. MN 7 and MN 100, (12-19-78)
St. Louis Park. *ST. LOUIS PARK DEPOT*, W. 37th St. and Brunswick Ave., (11-25-69) PH0048089

houston county

Brownsville. *EMMANUEL EVANGELICAL LUTHERAN CHURCH*, Main St., (6-2-70) PH0048101 G.
Caledonia vicinity. *SCHECH'S MILL*, NW of Caledonia in Beaver Creek Valley State Park, (1-31-78)

hubbard county

Park Rapids vicinity. *SHELL RIVER PREHISTORIC VILLAGE AND MOUND DISTRICT*, Confluence of Shell and Crow Wing Rivers, 15 mi. SE of Park Rapids, (6-19-73)

itasca county

Grand Rapids. *CENTRAL SCHOOL*, N. Pokegama and 4th St., (8-16-77)
Grand Rapids vicinity. *WHITE OAK POINT SITE*, (10-18-72) PH0048143
Inger vicinity. *OLD CUT FOOT SIOUX RANGER STATION*, S of Inger off MN 46 in Chippewa National Forest, (8-7-74) PH0048127
Inger vicinity. *TURTLE ORACLE MOUND*, Chippewa National Forest, (8-27-74) PH0048135

jackson county

Jackson. *JACKSON COUNTY COURTHOUSE*, Bounded by Sherman, W. Ashley, 4th and 5th Sts., (4-13-77)

kanabec county

Mora. *KANABEC COUNTY COURTHOUSE*, Maple and Vine Sts., (4-11-77)
Mora vicinity. *KNIFE LAKE HISTORIC DISTRICT*, N of Mora off MN 65, (1-21-74) PH0089273

kittson county

Lake Bronson vicinity. *LAKE BRONSON ARCHEOLOGICAL SITE*, SE of Lake Bronson, (5-22-78)

koochiching county

Big Fork River vicinity. *LAUREL MOUNDS*, (1-20-72) PH0089281
International Falls. *KOOCHICHING COUNTY COURTHOUSE*, 4th St. and 8th Ave., (9-15-77)
Island View vicinity. *GOLD MINE SITES*, NE of Island View, (5-6-77)
Island View vicinity. *LITTLE AMERICAN MINE*, N of Island View on Little American Island, (4-16-75)
Nett Lake vicinity. *NETT LAKE PETROGLYPH SITE*, Nett Lake Indian Reservation, (12-30-74) PH0089290
Pelland vicinity. *MCKINSTRY MOUNDS AND VILLAGE SITE*, W of Pelland, (12-18-78)

lac qui parle county

LAC QUI PARLE MISSION SITE, Reference—see Chippewa County (1-2-74)
Lac qui Parle vicinity. *THORESON, ANDREUS, HOUSE*, NW of Lac qui Parle, (11-5-74) PH0089320
Montevideo vicinity. *CAMP RELEASE STATE MONUMENT*, About 2 mi. SW of Montevideo off U.S. 212, (3-14-73) PH0089303

lake county

Two Harbors vicinity. *EDNA G.* (tugboat), Home port at S end of Poplar St. in Agate Bay, (6-5-75)
Two Harbors vicinity. *SPLIT ROCK LIGHTHOUSE*, About 20 mi. NE of Two Harbors on U.S. 61, (6-23-69) PH0089338

lake of the woods county

Angle Inlet vicinity. *NORTHWEST POINT (NORTHWEST ANGLE)*, (2-23-73) PH0132942

le sueur county

Cleveland vicinity. *GELDNER SAWMILL*, S of Cleveland on German Lake, (6-11-75)
Le Sueur. *MAYO, DR. WILLIAM W., HOUSE*, 118 N. Main St., (11-25-69) PH0089346 G.
Le Sueur. *TAYLOR, GEORGE W., HOUSE*, 103 S. 2nd St., (9-5-75)

lesueur county

St. Peter vicinity. *ANDREWS HOUSE*, SE of St. Peter, (10-10-78)

lincoln county

Lake Benton. *LAKE BENTON OPRA HOUSE*, Benton St. between Fremont and Center Sts., (3-25-77)
Tyler. *DANEBOD*, Danebod Ct., (6-30-75)

marshall county

Newfolden vicinity. *OLD MILL*, 9 mi. W of Newfolden on the Middle River in Old Mill State Park, (6-4-73) PH0089354 HAER.

martin county

Fairmont. *MARTIN COUNTY COURTHOUSE*, Lake Ave. and 2nd St., (9-22-77)
Fairmont. *WOHLHETER, GEORGE, MANSION*, 320 Woodland Ave., (6-20-75)

mcleod county

Hutchinson. *HUTCHINSON FREE PUBLIC LIBRARY*, Public Sq., (12-12-77).
Hutchinson. *MAPLEWOOD ACADEMY aplewood Academy, MN*, 700 N. Main St., (3-31-78)

meeker county

Litchfield. *GRAND ARMY OF THE REPUBLIC HALL*, 370 N. Marshall St., (5-21-75)
Litchfield. *OCTAGON COTTAGE*, Off MN 22, (5-22-78)
Litchfield. *TRINITY EPISCOPAL CHURCH*, 400 N. Sibley Ave., (6-20-75)

mille lacs county

Milaca. *MILLE LACS COUNTY COURTHOUSE*, 5th Ave., SE. and 2nd St., SE., (3-25-77)
Princeton. *GREAT NORTHERN RAILROAD DEPOT*, 1st St. and MN 95 W., (11-23-77)
Vineland. *KATHIO SITE*, U.S. 169, Mille Lacs-Kathio State Park, (10-15-66) PH0089371 NHL.
Vineland vicinity. *COOPER SITE*, On S bank of Ogechie Lake within Mille Lacs-Kathio State Park, (9-22-70) PH0089362
Vineland vicinity. *PETAGA POINT*, Mille Lacs-Kathio State Park, (9-22-70) PH0089389
Vineland vicinity. *SAW MILL SITE*, Mille Lacs-Kathio State Park, (9-22-70) PH0089397
Vineland vicinity. *VINELAND BAY SITE (KATHIO SCHOOL SITE)*, Mille Lacs-Kathio State Park, (9-22-70) PH0089401

morrison county

CROW WING STATE PARK, Reference—see Cass County (1-2-74)
Belle Prairie. *AYER MISSION SITE*, 0.5 mi. N of Belle Prairie off U.S. 371, (6-18-73) PH0089419

Camp Ripley. *OLD FORT RIPLEY*, (9-10-71) PH0089508
Little Falls. *MORRISON COUNTY COURTHOUSE*, Broadway and 2nd Sts., (12-5-78)
Little Falls vicinity. *BELLE PRAIRIE VILLAGE SITE*, N of Little Falls, (8-14-73) PH0089427
Little Falls vicinity. *LINDBERG, CHARLES A., HOUSE AND PARK*, SW of Little Falls on SR 52, (11-20-70) PH0089435 NHL.
Little Falls vicinity. *PELKEY LAKE SITE*, E of Little Falls, (10-2-73) PH0089451
Little Falls vicinity. *RICE LAKE PENINSULA PREHISTORIC DISTRICT*, SE of Little Falls, (10-2-73) PH0089460
Little Falls vicinity. *SWAN RIVER INDIAN VILLAGE SITE*, S of Little Falls, (10-2-73) PH0089478
Royalton vicinity. *OLD MCDOUGALL FARM*, NW of Royalton on CR 23, (12-7-74) PH0089486

mower county

Grand Meadow. *EXCHANGE STATE BANK*, NW corner of Main and 1st Sts., (6-10-75)

murray county

Currie. *CURRIE RAILROAD TURNTABLE*, SR 38, (12-12-77)
Slayton. *MURRAY COUNTY COURTHOUSE*, Main and 7th Sts., (4-13-77)

nicollet county

Fairfax. *FORT RIDGELY*, (12-2-70)
New Ulm vicinity. *HARKIN, ALEXANDER, STORE*, 10 mi. W of New Ulm on CR 21, (6-4-73) PH0089516 G.
St. Peter. *COX, E. ST. JULIEN, HOUSE*, 500 N. Washington Ave., (11-20-70) PH0089494 G.
St. Peter. *NICOLLET HOUSE HOTEL*, Minnesota Ave. at Park Row, (5-12-75)
St. Peter. *OLD MAIN–GUSTAVUS ADOLPHUS COLLEGE*, Gustavus Adolphus College campus, (5-12-76)
St. Peter vicinity. *TRAVERSE DES SIOUX STATE PARK*, 2 mi. N of St. Peter off U.S. 169, (3-20-73) PH0089524

nobles county

Adrian. *SLADE HOTEL*, 2nd and Main Sts., (6-30-75)
Worthington. *KILBRIDGE, DR. E. A., CLINIC*, 701 11th St., (11-23-77)

norman county

Twin Valley vicinity. *FAITH MILLING COMPANY*, E of Twin Valley at Wild Rice River, (1-31-78)

olmsted county

Rochester. *MAYO CLINIC BUILDINGS*, 110 and 115 2nd Ave., (8-4-69) PH0089532 NHL.
Rochester. *MAYO, DR. WILLIAM J., HOUSE*, 701 SW. 4th St., (3-26-75)
Rochester. *QUARRY HILL*, 1091 Plummer Lane, (5-21-75)
Rochester. *TOOGOOD BARNS*, 16th St. SW of U.S. 63, (6-26-75)
Rochester vicinity. *DODGE FARM*, S of Rochester, (5-12-75)
Stewartville vicinity. *MAYOWOOD*, NW of Stewartville on CR D, (9-22-70) PH0089541

otter tail county

Battle Lake vicinity. *MORRISON MOUNDS*, (6-4-73) PH0089559
Fergus Falls. *PAGE, HENRY G., HOUSE*, 219 N. Whitford St., (3-3-75)
Fergus Falls. *WRIGHT, C. J., HOUSE*, 831 Mount Faith Ave. E., (11-30-78) DKY 1/6/79
Fergus Falls vicinity. *ORWELL SITE*, (12-4-74) PH0089567
Pelican Rapids vicinity. *MAPLEWOOD SITE*, E of Pelican Rapids, (12-18-78)

ottertail county

Phelps. *PHELPS MILL (MAINE ROLLER MILL)*, N side of confluence of Lion Lake with Otter Tail River, (2-24-75)

pine county

Finlayson. *OLDENBURG, JOHN A., HOUSE*, MN 18, (12-13-78)
Hinckley. *HINCKLEY DEPOT (NORTHERN PACIFIC DEPOT)*, Old U.S. 61 and 1st St. SE., (5-7-73) PH0089605
Pine City vicinity. *CONNOR'S FUR POST*, On the Snake River, W of Pine City, (8-7-72) PH0089591
Pine City vicinity. *STUMNE MOUNDS*, (6-20-72) PH0089613

pipestone county

Pipestone. *CALUMET HOTEL*, 104 S. Hiawatha, (3-16-76)
Pipestone. *PIPESTONE ARCHITECTURAL DISTRICT*, Main St., (5-2-77)
Pipestone vicinity. *PIPESTONE NATIONAL MONUMENT*, 1 mi. N of Pipestone, (10-15-66) PH0089621

ramsey county

St. Paul. *ASSUMPTION SCHOOL*, 68 Exchange St., (3-26-75) HABS.
St. Paul. *BEEBE, DR. WARD, HOUSE*, 2022 Summit Ave., (8-29-77)
St. Paul. *BLAIR FLATS (ALBION HOTEL)*, 165 Western Ave., (7-18-75)
St. Paul. *BRUNSON, BENJAMIN, HOUSE*, 485 Kenny St., (5-12-75)
St. Paul. *BURBANK-LIVINGSTON-GRIGGS HOUSE*, 432 Summit Ave., (10-15-70) PH0089630 G.
St. Paul. *C.S.P.S. HALL*, 381–383 Michigan St., (2-17-77)
St. Paul. *CHURCH OF THE ASSUMPTION*, 51 W. 9th St., (2-10-75)
St. Paul. *COMO PARK CONSERVATORY*, Como Park, (11-19-74) PH0089656
St. Paul. *DAHL, WILLIAM, HOUSE*, 136 13th St., (8-29-78)
St. Paul. *FITZGERALD, F. SCOTT, HOUSE (SUMMIT TERRACE)*, 599 Summit Ter., (11-11-71) PH0089788 NHL.
St. Paul. *GERMANIA BANK BUILDING*, 6 W. 5th St., (12-6-77)
St. Paul. *GIBBS FARM*, 2097 Larpentuer Ave., (4-23-75)
St. Paul. *HILL, JAMES J., HOUSE*, 240 Summit Ave., (10-15-66) PH0132187 NHL; HABS.
St. Paul. *HINKEL-SULLIVAN HOUSE*, 531 Brainerd Ave., (1-3-78)
St. Paul. *HISTORIC HILL DISTRICT*, Irregular pattern extending from Pleasant and Grand Aves. to Holly and Marshall Aves.; from Lexington Pkwy. to 4th and Pleasant., (8-18-76)
St. Paul. *IRVINE, HORACE HILLS, HOUSE*, 1006 Summit Ave., (12-16-74) PH0089664
St. Paul. *IRVINE PARK HISTORIC DISTRICT*, (11-27-73) PH0089672 G.
St. Paul. *KELLOGG, FRANK B., HOUSE*, 633 Fairmount Ave., (11-6-74) PH0089681 NHL; G.
St. Paul. *LAUER FLATS*, 226 Western Ave., (6-5-75)
St. Paul. *LUCKERT, DAVID, HOUSE*, 480 Inglehart St., (5-12-75)
St. Paul. *MCCOLL BUILDING*, 366-368 Jackson St., (12-19-74) PH0089699
St. Paul. *MCGILL, ANDREW R., HOUSE*, 2203 Scudder Ave., (12-31-74) PH0089702
St. Paul. *MINNESOTA HISTORICAL SOCIETY BUILDING*, 690 Cedar St., (3-20-73) PH0089711
St. Paul. *MINNESOTA STATE CAPITOL*, Aurora Between Cedar and Park Sts., (2-23-72) PH0089729
St. Paul. *MUENCH, ADOLF, HOUSE*, 653 E. 5th St., (5-12-75)
St. Paul. *MUSKEGO CHURCH*, 2375 Como Ave., (5-12-75) HABS.
St. Paul. *OLD FEDERAL COURTS BUILDING*, 109 W. 5th St., (3-24-69) PH0089737 G.
St. Paul. *OLD MAIN, MACALESTER COLLEGE*, 1600 Grand Ave., (8-16-77)
St. Paul. *PIONEER AND ENDICOTT BUILDINGS*, 4th and Robert Sts., (7-10-74) PH0089745
St. Paul. *RAMSEY, ALEXANDER, HOUSE*, 265 S. Exchange St., (11-25-69) PH0089753 G.
St. Paul. *RAMSEY COUNTY POOR FARM BARN*, 2020 White Bear Ave., (9-22-77)
St. Paul. *RAMSEY, JUSTUS, STONE HOUSE*, 252 W. 7th St., (5-6-75)
St. Paul. *RAUSTRONG HOUSE*, 2 George St., (6-18-75)
St. Paul. *SPANGENBERG, FREDERICK, HOUSE*, 375 Mt. Curve Blvd., (6-22-76)
St. Paul. *SPRANGENBERG, FREDERICK, HOUSE*, 375 Mt. Curve Blvd., (6-22-76)
St. Paul. *ST. JOSEPH'S ACADEMY*, 355 Marshall Ave., (6-5-75)
St. Paul. *ST. PAUL CATHEDRAL*, W side of Summit Ave., between Dayton and Shelby Aves., (6-28-74) PH0089761
St. Paul. *ST. PAUL PUBLIC/HILL REFERENCE LIBRARY*, 4th and Market Sts., (9-11-75)
St. Paul. *ST. PAUL UNION DEPOT*, 214 E. 4th St., (12-18-74) PH0089770
St. Paul. *UNIVERSITY HALL, HAMLINE UNIVERSITY*, 1536 Hewitt Ave., (9-22-77)
St. Paul. *WOODLAND PARK DISTRICT*, Roughly bounded by Marshall and Selby Aves., Arundel and Dale Sts., (5-12-78)
White Bear Lake. *NOYES, C. P., COTTAGE*, 303 Lake Ave., (12-12-76)

redwood county

Belview. *ODEON THEATER*, Off MN 273, (8-30-74) PH0089800
Redwood Falls vicinity. *LOWER SIOUX AGENCY*, 9 mi. E of Redwood Falls off CR N2, (9-22-70) PH0089796 G.

renville county

Morton vicinity. *BIRCH COULEE*, Birch Coulee State Park off U.S. 71, (6-4-73) PH0089818

rice county

Dundas. *ARCHIBALD, E. T., HOUSE*, Off MN 218, (6-17-76)
Dundas. *ARCHIBALD/DUNDAS MILL SITE*, Off MN 218, (10-8-76)
Faribault. *CHAPEL OF THE GOOD SHEPERD*, At Shattuck School, (4-4-75) PH0090298
Faribault. *CHAPEL OF THE GOOD SHEPHERD*, At Shattuck School, (4-4-75)
Faribault. *CONGREGATIONAL CHURCH OF FARIBAULT*, 227 NW. 3rd St., (5-12-77)
Faribault. *FARIBAULT, ALEXANDER, HOUSE*, 12 NE. 1st Ave., (9-22-70) PH0089826

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Faribault. *NOYES HALL*, Minnesota School for the Deaf campus, (5-12-75)
Faribault. *OLD PHELPS LIBRARY*, At Shattuck School, (4-4-75)
Faribault. *SEABURY DIVINITY SCHOOL (JOHNSTON HALL)*, On grounds of District No. 1 Hospital, (3-21-75)
Faribault. *SHUMWAY HALL AND MORGAN REFECTORY*, At Shattuck School, (4-4-75)
Nerstrand vicinity. *VEBLEN FARMSTEAD*, NE of Nerstrand off MN 246, (6-30-75)
Northfield. *BAKER, LAURA, SCHOOL*, 211 Oak St., (3-29-78)
Northfield. *GOODSELL OBSERVATORY*, Carleton College campus, (5-12-75)
Northfield. *NUTTING HOUSE*, 217 Union St., (10-15-70) PH0089834
Northfield. *OLD MAIN, ST. OLAF COLLEGE*, St. Olaf College campus, (6-3-76)
Northfield. *ROLVAAG, O. E., HOUSE*, 311 Manitou St., (8-4-69) PH0089842 NHL.
Northfield. *SCIVLR BLOCK BUILDING*, Bridge Sq. and Division St., (5-5-78)
Northfield. *WILLIS HALL (NEW HALL)*, Carleton College campus, (6-13-75) PH0141631

rock county

Jasper. *JASPER STONE COMPANY AND QUARRY*, Off MN 23, (1-5-78)
Luverne. *HINKLY, R. B., HOUSE*, 217 N. Freeman Ave., (6-10-75)
Luverne. *ROCK COUNTY COURTHOUSE AND JAIL*, Cedar St. N. and Luverne St. E., (4-18-77)

san juan county

Fruitland vicinity. *SITE NO. OCA-CGP-605*, SE of Fruitland, (2-17-78)

scott county

Shakopee. *SHAKOPEE HISTORIC DISTRICT*, Memorial Park, (4-11-72) PH0089915

sherburne county

Elk River vicinity. *KELLEY, OLIVER H., HOMESTEAD*, 2 mi. SE of Elk River on U.S. 10, (10-15-66) PH0089923 NHL.

st. louis county

Chisholm vicinity. *BRUCE MINE HEADFRAME*, S of Chisholm, (11-28-78)
Duluth. *AERIAL LIFT BRIDGE*, Lake Ave., (5-22-73) PH0089851
Duluth. *BERGETTA MOE BAKERY*, 716 E. Superior St., (6-3-76)
Duluth. *DULUTH CENTRAL HIGH SCHOOL*, Lake Ave. and 2nd St., (11-9-72) PH0089869
Duluth. *DULUTH PUBLIC LIBRARY*, 101 W. 2nd St., (5-5-78)
Duluth. *DULUTH UNION DEPOT*, 5th Ave. W and Michigan St., (12-9-71) PH0131709
Duluth. *ENDION PASSENGER DEPOT*, 1504 South St., (4-16-75) PH0100510
Duluth. *FIRE DEPARTMENT NUMBER ONE*, NW corner of 1st Ave. E. and 3rd St., (5-12-75) PH0098523
Duluth. *KITCHI GAMMI CLUB*, 831 E. Superior St., (4-16-75) PH0100528
Duluth. *LIMNOLOGICAL RESEARCH STATION*, 6008 London Rd., (11-28-78)
Duluth. *MINNESOTA POINT LIGHTHOUSE*, On Minnesota Point, (12-27-74) PH0089885 HABS.
Duluth. *MUNGER TERRACE*, 405 Mesabi Ave., (12-12-76)
Duluth. *TRAPHAGEN, OLIVER G., HOUSE (REDSTONE)*, 1509–1511 E. Superior St., (4-4-75)
Ely. *PIONEER MINE BUILDINGS AND HEADFRAME*, At Shagawa Lake, (11-28-78)
Hibbing vicinity. *HULL-RUST-MAHONING OPEN PIT IRON MINE*, 3rd Ave. E., (11-13-66) PH0089877 NHL.
Kabetogama vicinity. *KETTLE FALLS HISTORIC DISTRICT*, NE of Kabetogama, (7-17-78)
Mesaba vicinity. *LONGYEAR, E. J., FIRST DIAMOND DRILL SITE*, E of Mesaba, (7-20-77)
Mountain Iron vicinity. *MOUNTAIN IRON MINE*, N of Mountain Iron, (11-24-68) PH0089893 NHL.
Proctor. *NORTHLAND (RAILROAD CAR)*, Off U.S. 2, (7-31-78)
Ray vicinity. *KETTLE FALLS HOTEL*, E of Ray at Nanakan Lake, (1-11-76)
Tower vicinity. *SOUDAN IRON MINE*, Tower-Soudan State Park, (11-13-66) PH0089907 NHL.
Virginia. *LINCOLN SCHOOL BUILDING*, 3rd Ave., (11-28-78)

stearns county

Fairhaven. *FAIRHAVEN FLOUR MILL*, *Reference—see Wright County*
Sauk Centre. *LEWIS, SINCLAIR, BOYHOOD HOME*, 812 Sinclair Lewis Ave., (5-23-68) PH0132195 NHL.
St. Cloud. *FOLEY-BROWLR-BOHMER HOUSE*, 385 3rd Ave. S., (5-5-78)
St. Cloud. *MAJERUS, MICHAEL, HOUSE*, 404 9th Ave. S., (5-5-78)
St. Cloud. *ST. CLOUD POST OFFICE/CITY HALL*, 314 St. Germain St., (6-7-76)

steele county

Medford vicinity. *PIPER, DANIEL S., HOUSE*, S of Medford off MN 3, (2-24-75)
Owatonna. *ABBOTT, EZRA, HOUSE*, 345 E. Broadway, (6-10-75)
Owatonna. *ADMINISTRATION BUILDING-MINNESOTA STATE PUBLIC SCHOOL FOR DEPENDENT AND NEGLECTED CHILDREN*, West Hills, (5-12-75) G.
Owatonna. *ADMINISTRATION BUILDING—MINNESOTA STATE PUBLIC SCHOOL FOR DEPENDENT AND NEGLECTED CHILDREN*, West Hills, (5-12-75) PH0132071
Owatonna. *NATIONAL FARMERS BANK*, N. Cedar St. and E. Broadway, (8-26-71) PH0089940 NHL.
Owatonna. *OWATONNA FREE PUBLIC LIBRARY*, 105 N. Elm St., (6-7-76)
Owatonna. *STEELE COUNTY COURTHOUSE*, 111 E. Main St., (6-3-76)
Owatonna. *STEELE COUNTY COURTHOUSE*, 139 E. Main St., (11-14-78)

swift county

Appleton. *APPLETON CITY HALL*, 23 S. Miles St., (6-17-77)
Benson. *SWIFT COUNTY COURTHOUSE*, Idaho Ave. and 14th St., (9-19-77)

wabasha county

Lake City vicinity. *RAHILLY, PATRICK HENRY, HOUSE*, 3 mi. W of Lake City on SR 15, (2-13-75)
Wabasha. *HURD HOUSE*, 333 W. Main St., (9-18-78)
Weaver. *WEAVER MERCANTILE BUILDING*, U.S. 61 and MN 74, (9-21-78)

wadena county

Menahga vicinity. *BLUEBERRY LAKE VILLAGE SITE*, NE of Menahga, (10-2-73) PH0056227
Staples vicinity. *OLD WADENA SITE*, N of Staples, (10-9-73) PH0056235
Wadena vicinity. *REAUME'S TRADING POST*, (12-24-74) PH0056243

washington county

Cottage Grove. *GREY CLOUD LIME KILN*, 10398 Grey Cloud Island Trail, (12-18-78)
Cottage Grove vicinity. *SCHILLING ARCHEOLOGICAL DISTRICT*, S of Cottage Grove, (12-22-78)
Cottage Grove vicinity. *SEVERANCE, CORDENIO, HOUSE*, NE of Cottage Grove, (6-3-76)
Lakeland. *GROUT HOUSE*, Minnesota St. between Green and Prairie Sts., (9-10-71) PH0056251
Lakeland. *OLIVER, CAPT. JOHN, HOUSE*, 1544 Rivererest Rd., (12-16-77)
Marine on St. Croix. *MARINE MILL SITE*, Mill Reservation, Block 47, (1-26-70) PH0056278
Marine on St. Croix. *MARINE ON ST. CROIX HISTORIC DISTRICT*, Roughly bounded by the St. Croix River, RR. tracks, and Kennedy and Spruce Sts., (6-28-74) PH0056286 C.
Scandia. *HAY LAKE SCHOOL*, On WI 3, (7-1-70) PH0056260
Scandia vicinity. *ERICKSON, JOHANNES, LOG HOUSE*, S of Scandia on SR 3, (6-17-76)
Stillwater. *CHICAGO, MILWAUKEE AND ST. PAUL FREIGHT HOUSE AND DEPOT*, 233–335 Water St., (7-13-77)
Stillwater. *OLD WARDEN'S HOUSE*, 602 N. Main St., (12-17-74) PH0056294
Stillwater. *WASHINGTON COUNTY COURTHOUSE*, W. Pine St. at S. 3rd St., (8-26-71) PH0056324 G.
Stillwater vicinity. *ST. CROIX BOOM SITE*, 3 mi. N of Stillwater on St. Croix River, (11-13-66) PH0056308 NHL.
Stillwater vicinity. *STONE BRIDGE*, NW of Stillwater over Brown's Creek, (2-24-75) HABS.
Woodbury vicinity. *SPANGENBERG, CHARLES, FARMSTEAD*, SE of Woodbury at 9431 Dale Rd., (12-5-78)

winona county

Elba vicinity. *MARNACH, NICHOLAS, HOUSE*, N of Elba, (1-30-78)
Homer. *BUNNELL HOUSE*, U.S. 14, (4-23-73) PH0056332
Stockton. *STOCKTON ROLLER MILL*, Off U.S. 14, (5-12-75)
Winona. *ANGER'S BLOCK*, 116–120 Walnut St., (1-31-78)
Winona. *CHOATE BUILDING*, 51 E. 3rd St., (6-3-76)
Winona. *GRAIN AND LUMBER EXCHANGE BUILDING*, 51 E. 4th St., (12-2-77)
Winona. *HUFF-LAMBERTON HOUSE*, 207 Huff St., (12-12-76)
Winona. *KIRCH/LATCH BUILDING*, 114–122 E. 2nd St., (5-21-75)
Winona. *MERCHANTS NATIONAL BANK*, 102 E. 3rd St., (10-16-74) PH0056341
Winona. *JAMES P. PEARSON* (steamboat), Levee Park, foot of Main St., (6-11-75)
Winona. *SUGAR LOAF BREWERY*, Jct. U.S. 14/61 and MN 43, (3-31-78)
Winona. *WINONA COUNTY COURTHOUSE*, Washington St. between 3rd and 4th Sts., (12-2-70) PH0056367 G.

Winona. *WINONA FREE PUBLIC LIBRARY*, 151 W. 5th St., (7-29-77)
Winona. *WINONA SAVINGS BANK BUILDING*, 204 Main St., (9-15-77)
Winona vicinity. *PICKWICK MILL*, SE of Winona in Pickwick, off U.S. 14, (9-22-70) PH0056359

wright county

Annandale. *ANNANDALE HOTEL*, 60 Elm St. W., (8-24-78)
Cokato. *AKERLUND, AUGUST, PHOTOGRAPHIC STUDIO*, 390 Broadway Ave., (4-11-77)
Cokato vicinity. *COKATO TEMPERANCE HALL*, 3 mi. N of Cokato at jct. of SR 3 and SR 100, (12-12-76)
Fairhaven. *FAIRHAVEN FLOUR MILL*, Off MN 55 on Clearwater River, (4-14-78) (also in Stearns County)
Monticello. *MEALEY, TOBIAS G., HOUSE*, Territorial Rd., (12-12-76)

yellow medicine county

Canby. *LUND, JOHN G., HOUSE*, 101 W. 4th St., (10-2-78)
Granite Falls. *VOLSTEAD, ANDREW JOHN, HOUSE*, 163 9th Ave., (12-30-74) PH0056383 NHL; G.
Granite Falls vicinity. *UPPER SIOUX AGENCY*, (10-15-70) PH0056375

MISSISSIPPI

adams county

Natchez. *ARLINGTON*, Main St., (12-12-73) NHL; HABS.
Natchez. *AUBURN*, Duncan Park, (5-30-74) NHL; HABS.
Natchez. *BAYNTON, JOHN, HOUSE*, 821 Main St., (10-16-74)
Natchez. *COMMERCIAL BANK AND BANKER'S HOUSE*, 206 Main St. and 107 Canal St., (10-16-74) NHL.
Natchez. *D'EVEREUX*, D'Evereux Dr., (1-13-72) HABS.
Natchez. *DUBS, DR. CHARLES H., TOWNHOUSE*, 311 N. Pearl St., (5-5-78)
Natchez. *DUNLEITH*, 84 Homochitto St., (9-14-72) NHL; HABS.
Natchez. *ELM, THE*, 215 S. Pine St., (11-7-76)
Natchez. *ELMS COURT*, 42 John R. Junkin Dr., (12-2-77) HABS.
Natchez. *FIRST PRESBYTERIAN CHURCH OF NATCHEZ*, 117 S. Pearl St., (12-22-78)
Natchez. *GLENBURNIE*, 551 John R. Junkin Dr., (12-19-78)
Natchez. *HENDERSON-BRITTON HOUSE*, 215 S. Pearl St., (6-9-78)
Natchez. *HOPE FARM*, 147 Homochitto St., (8-22-75) HABS.
Natchez. *HOUSE ON ELLICOTT'S HILL*, N. Canal and Jefferson Sts., (5-30-74) NHL; HABS.
Natchez. *JOHNSON, WILLIAM, HOUSE*, 210 State St., (6-16-76)
Natchez. *KING'S TAVERN*, 611 Jefferson St., (5-6-71) HABS.
Natchez. *LINDEN*, 1 Linden Pl., (9-1-78)
Natchez. *MELROSE*, Melrose Ave., (10-16-74) NHL; HABS.
Natchez. *MONMOUTH*, E. Franklin St. and Melrose Ave., (4-26-73) HABS; G.
Natchez. *MONTEIGNE*, Liberty Rd., (12-11-74)
Natchez. *MYRTLE BANK*, 408 N. Pearl St., (12-22-78)
Natchez. *NATCHEZ BLUFFS AND UNDER-THE-HILL HISTORIC DISTRICT*, Bounded by S. Canal St., Broadway, and Mississippi River, (4-11-72)
Natchez. *OAKLAND*, 9 Oakhurst Dr., (10-21-76)
Natchez. *RICHMOND*, S. Canal St., (11-16-78)
Natchez. *ROSALIE*, 100 Orleans St., (8-16-77) HABS.
Natchez. *ROUTHLAND*, 92 Winchester Rd., (8-22-77)
Natchez. *SMITH-BUNTURA-EVANS HOUSE*, 107 Broadway St., (3-29-78) HABS.
Natchez. *STANTON HALL*, High St. between Pearl and Commerce Sts., (10-16-74) NHL; HABS.
Natchez. *U.S. MARINE HOSPITAL*, 801 Maple St., (11-29-78)
Natchez vicinity. *BEDFORD PLANTATION*, NE of Natchez off U.S. 61, (11-16-78)
Natchez vicinity. *BRIARS*, SW of Natchez, (8-24-77) HABS.
Natchez vicinity. *ELIZABETH FEMALE ACADEMY SITE*, E of Natchez on U.S. 84/98, (5-6-77)
Natchez vicinity. *FAIR OAKS*, S of Natchez on U.S. 61, (11-13-76)
Natchez vicinity. *GLOUCESTER*, S of Natchez on Lower Woodville Rd., (11-7-76) HABS.
Natchez vicinity. *GRAND VILLAGE OF THE NATCHEZ INDIANS (FATHERLAND PLANTATION SITE)*, 3 mi. SE of Natchez, (10-15-66) NHL; G.
Natchez vicinity. *LANSDOWNE*, N of Natchez on Pine Ridge Rd., (7-24-78)
Natchez vicinity. *LONGWOOD (NUTT'S FOLLY)*, 1.5 mi. SE of Natchez, (12-16-69) PH0029769 NHL; HABS.
Natchez vicinity. *MISTLETOE*, NE of Natchez on MS 554, (10-10-73)
Washington. *0*, Assembly and Main Sts., (4-19-78)
Washington. *JEFFERSON COLLEGE*, North St., (8-25-70) HABS.
Washington vicinity. *FORT DEARBORN SITE*, N of Washington off U.S. 61, (9-17-74)

alcorn county

Corinth. *BATTERY WILLIAMS*, Fulton Dr. at Southern Railroad, (4-11-77)
Corinth. *BATTLE OF CORINTH, CONFEDERATE ASSAULT POSITION*, Shiloh Rd., (4-30-76)
Corinth. *FORT ROBINETTE*, Fort Robinette St., (4-11-72)
Corinth. *VERANDA HOUSE*, 711 Jackson St., (8-22-75)
Corinth vicinity. *FEDERAL SIEGE TRENCH*, N of Corinth off U.S. 45, (11-13-76)
Rienzi. *JACINTO COURTHOUSE*, Rte. 1, (11-25-69)
Rienzi vicinity. *MOORES CREEK SITE*, E of Rienzi, (7-7-75)

amite county

Centreville vicinity. *BETHANY INSTITUTE*, E of Centreville on MS 48, (8-3-78)
Liberty. *AMITE COUNTY COURTHOUSE*, Main St., (4-9-74)
Liberty vicinity. *BATCHELOR, THOMAS, HOUSE*, 5 mi. E of Liberty of Olio Rd., (3-27-75)
Rosetta vicinity. *STURDIVANT FISHWEIR*, E of Rosetta, (4-14-78)

attala county

Kosciusko. *BROWN, DAVID L., HOUSE*, 200 E. Washington St., (12-2-77)
Kosciusko vicinity. *OLD NATCHEZ TRACE (212-3K 213-3K)*, NE of Kosciusko, (11-7-76)

benton county

Michigan City. *DAVIS' MILLS BATTLE SITE*, Off MS 7, (10-2-73)

bolivar county

Alligator vicinity. *ALLIGATOR MOUNDS*, W of Alligator, (7-24-74)
Benoit vicinity. *HOLLYWOOD*, S of Benoit on MS 448, (4-1-75) HABS; G.
Duncan vicinity. *DONELSON HOUSE*, 2.5 mi. SW of Duncan, (8-13-76)
Mount Bayou. *MONTGOMERY, I. T., HOUSE*, W. Main St., (5-11-76) NHL.

carroll county

Avalon vicinity. *TEOC CREEK SITE*, (5-6-71)
Carollton. *CARROLLTON HISTORIC DISTRICT*, MS 35, (11-27-78)
Carrollton. *GEORGE, JAMES Z., LAW OFFICE*, Washington St. between Lexington and Green Sts., (1-13-72)
Carrollton. *MERRILL'S STORE*, Jackson and Lexington Sts., (1-13-72)
Carrollton vicinity. *MALMAISON SITE*, NE of Carrollton, (8-25-70) HABS.
Greenwood vicinity. *ROYLAND SITE*, S of Greenwood, (6-23-78)
North Carrollton vicinity. *COTESWORTH*, N of North Carrollton on Old Grenada Rd., (6-9-78) HABS.

chickasaw county

Houston. *HOUSTON CARNEGIE LIBRARY*, Madison and Huddleston Sts., (12-22-78)
Old Houlka vicinity. *OWL CREEK SITE*, E of Old Houlka, (8-1-75)

choctaw county

Mathiston vicinity. *OLD NATCHEZ TRACE (230-3H)*, S of Mathiston, (11-7-76)

claiborne county

Alcorn. *OAKLAND CHAPEL*, Alcorn State University campus, (12-27-74) NHL; HABS.
Alcorn vicinity. *BETHEL PRESBYTERIAN CHURCH*, N of Alcorn on MS 552, (11-28-78)
Alcorn vicinity. *CATLEDGE ARCHEOLOGICAL SITE*, NW of Alcorn, (7 15-74)
Bruinsburg vicinity. *SMITHFIELD SITE*, S of Bruinsburg, (6-9-78)
Port Gibson. *VAN DORN HOUSE*, Van Dorn Dr., (6-21-71) G.
Port Gibson vicinity. *BAYOU PIERRE SITE*, W of Port Gibson, (6-23-78)
Port Gibson vicinity. *BUENA VISTA COTTON GIN*, NE of Port Gibson, (12-27-74) PH0085570
Port Gibson vicinity. *GRAND GULF MILITARY STATE PARK*, 6 mi. W of Port Gibson, (4-11-72)
Port Gibson vicinity. *OLD NATCHEZ TRACE (132-3T)*, NE of Port Gibson, (11-7-76)
Port Gibson vicinity. *PORT GIBSON BATTLEFIELD*, 4 mi. W of Port Gibson, (11-3-72)
Port Gibson vicinity. *WINDSOR RUINS*, 12 mi. SW of Port Gibson on MS 552, (11-23-71) HABS; G.
Russum vicinity. *CENTERS CREEK MOUND*, N of Russum, (8-14-73)
Willows vicinity. *NELSON, JOHN, SITE*, SW of Willows, (6-13-74)

clay county

West Point vicinity. *COLBERT AND BARTON TOWNSITES*, 15 mi. E of West Point off MS 50, (6-20-77)
West Point vicinity. *WAVERLEY*, 10 mi. E of West Point, (9-20-73) NHL; HABS.

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coahoma county

Clarksdale vicinity. *DAVIS, RUFUS, SITE*, W of Clarksdale, (6-15-78)
Clarksdale vicinity. *OLIVER SITE*, (12-30-74)
Coahoma vicinity. *PARCHMAN PLACE SITE*, SW of Coahoma, (5-17-73)
Farrel vicinity. *HUMBER SITE*, 2.5 mi. W of Farrel, (5-12-75)
Lula vicinity. *WILSFORD (WILFORD) SITE*, (12-30-74)
Moon Lake vicinity. *YAZOO PASS LEVEE*, Near Moon Lake on MS 1, (6-19-73)

copiah county

Wesson. *WESSON HOTEL (RICHARDSON HOUSE)*, Railroad Ave. and Spring St., (10-10-72)

desoto county

Hernando. *LABAUVE, FELIX, HOUSE*, 235 Magnolia Dr., (3-29-78)

forrest county

Hattiesburg. *U.S. DISTRICT COURTHOUSE*, S corner of Pine and Forrest Sts., (9-18-73)

grenada county

Grenada. *GRENADA BANK*, 223 1st St., (11-28-78)
Grenada vicinity. *CONFEDERATE EARTHWORKS*, W of Grenada off MS 8, (7-2-73)
Grenada vicinity. *EVERGREEN PLANTATION*, 4 mi. N of Grenada on Hardy Rd., (10-18-77) G.

hancock county

Pearlington vicinity. *JACKSON LANDING SITE*, 3 mi. SE of Pearlington, (7-27-73)

harrison county

Biloxi. *BEAUVOIR*, 200 W. Beach Blvd., (9-3-71) NHL; HABS.
Biloxi. *BILOXI GARDEN CENTER (OLD BRICK HOUSE)*, 410 E. Bayview Ave., (1-18-73)
Biloxi. *BILOXI LIGHTHOUSE*, On U.S. 90 at Porter Ave., (10-3-73) PH0027855
Biloxi. *GILLIS HOUSE*, 513 E. Beach Blvd., (7-7-78) HABS.
Biloxi. *MAGNOLIA HOTEL*, 137 Magnolia St., (3-14-73)
Biloxi. *MARGARET EMILIE*, 1036 Fred Haise Blvd., (4-13-73)
Biloxi. *TOLEDANO-PHILBRICK-TULLIS HOUSE*, 947 E. Beach Blvd., (11-5-76) HABS.
Biloxi. *U.S. POST OFFICE, COURTHOUSE, AND CUSTOMHOUSE*, 216 Lameuse St., (1-30-78)
Gulfport. *MILNER HOUSE (GRASS LAWN)*, 720 E. Beach Blvd., (7-31-72) G.
Gulfport vicinity. *FORT MASSACHUSETTS*, S of Gulfport on Ship Island, in Gulf Islands National Seahore, (6-21-71)

hinds county

Bolton vicinity. *CHAMPION HILL BATTLEFIELD*, 4 mi. SW of Bolton, (10-7-71) NHL.
Bovina vicinity. *FLOYD MOUND*, (11-25-69)
Clinton. *CEDARS, THE*, 405 E. College St., (1-4-77)
Edwards vicinity. *DUPREE MOUND AND VILLAGE ARCHEOLOGICAL SITE*, (11-25-69)
Jackson. *AYER HALL*, 1400 Lynch St. on Jackson State University campus, (7-14-77)
Jackson. *BAILEY HILL CIVIL WAR EARTHWORKS*, Off U.S. 51/55, (5-6-75)
Jackson. *CAPITOL GREEN*, Bounded on the N by Amite St., on the S by Pearl St., on the W by State St., and on the E by the Gulf, Mobile & Ohio RR., (11-25-69)
Jackson. *CENTRAL FIRE STATION*, S. President St., (10-30-75)
Jackson. *CITY HALL*, 203 S. President St., (11-25-69) HABS.
Jackson. *EDWARDS HOTEL*, Capitol and Mill Sts., (11-7-76)
Jackson. *MANSHIP HOUSE*, 412 E. Fortification St., (10-18-72) HABS; G.
Jackson. *MILLSAPS-BUIE HOUSE*, 628 N. State St., (6-19-73)
Jackson. *MISSISSIPPI GOVERNOR'S MANSION*, 316 E. Capitol St., (11-25-69) HABS.
Jackson. *MISSISSIPPI STATE CAPITOL*, Fronting Mississippi St., between N. President and N. West Sts., (11-25-69)
Jackson. *OAKS, THE (BOYD HOUSE)*, 823 N. Jefferson St., (5-25-73) HABS.
Jackson. *OLD STATE CAPITOL*, 100 N. State St., (11-25-69)
Jackson. *ROBERTSON, SMITH, ELEMENTARY SCHOOL*, 528 Bloom St., (12-13-78)
Jackson. *SMITH PARK ARCHITECTURAL DISTRICT*, Irregular pattern along N. West and N. Congress Sts. between Capitol St. and State Capitol, (4-23-76)
Jackson. *SPENGLER'S CORNER*, 101 N. State St., (10-20-77)
Jackson. *WATKINS, WILL, HOUSE*, 1423 N. State St., (9-13-78)
Pocahontas. *POCAHONTAS MOUND B*, (4-11-72)
Pocahontas vicinity. *SUB ROSA*, S of Pocahontas on U.S. 49, (4-28-75)
Raymond vicinity. *PEYTON HOUSE (WAVERLY)*, N of Raymond on Clinton Rd., (10-3-73) HABS.
Raymond vicinity. *RAYMOND BATTLEFIELD*, 2.5 mi. SW of Raymond on MS 18, (1-13-72)
Smith's Station vicinity. *BIG BLACK RIVER BATTLEFIELD*, On both banks of the Big Black River between Smith's Station and Bovina, (11-23-71)
Terry vicinity. *BERRY MOUND AND VILLAGE ARCHEOLOGICAL SITE*, (11-25-69)

holmes county

Richland. *EUREKA MASONIC COLLEGE (ROB MORRIS LITTLE RED SCHOOLHOUSE)*, On MS 17, (11-10-70)

humphreys county

Belzoni vicinity. *JAKETOWN SITE*, About 3 mi. N of Belzoni, (6-19-73)

itawamba county

Kirkville vicinity. *PHARR MOUNDS*, 4 mi. (6.4 km) E of Kirkville, (2-23-78) (also in Prentiss County)

jackson county

Kansas City. *BUNKER BUILDING*, 820 Baltimore Ave., (9-5-75)
Pascagoula. *LOUISVILLE AND NASHVILLE RAILROAD DEPOT*, Railroad Ave., (8-27-74)
Pascagoula. *OLD SPANISH FORT (OLD FRENCH FORT)*, 200 Fort St., (9-3-71) HABS.
Pascagoula. *PASCAGOULA CENTRAL FIRE STATION NO. 1*, 623 Delmas Ave., (12-8-78)
Pascagoula. *U.S.S. CAIRO*, Ingalls Shipyard, (9-3-71) PH0028096

jefferson county

Alcorn vicinity. *RODNEY PRESBYTERIAN CHURCH*, W of Alcorn in village of Rodney, (2-6-73) HABS.
Alcorn vicinity. *SACRED HEART ROMAN CATHOLIC CHURCH*, W of Alcorn in village of Rodney, (3-20-73) HABS.
Church Hill. *CHRIST CHURCH*, MS 553, (5-6-77) HABS.
Church Hill vicinity. *WOODLAND PLANTATION*, S of Church Hill on MS 553, (11-27-78)
Fayette vicinity. *SPRINGFIELD PLANTATION*, 8 mi. W of Fayette off MS 553, (11-23-71) HABS.
Lorman vicinity. *ROSSWOOD (HAMER HOUSE)*, E of Lorman on MS 552, (12-8-78)
Rodney vicinity. *LAUREL HILL PLANTATION HOUSE*, 2 mi. SE of Rodney, (1-29-73)

lafayette county

Oxford. *AMMADELLE*, 637 N. Lamar St., (5-30-74) NHL; HABS.
Oxford. *BARNARD OBSERVATORY*, University of Mississippi campus, (12-8-78)
Oxford. *FAULKNER, WILLIAM, HOUSE (ROWAN OAK)*, Old Taylor Rd., (5-23-68) NHL.
Oxford. *LAFAYETTE COUNTY COURTHOUSE*, Courthouse Sq., (9-23-77)
Oxford. *LAMAR, LUCIUS QUINTUS CINCINNATUS, HOUSE*, 616 N. 14th St., (5-15-75)
Oxford. *ST. PETER'S EPISCOPAL CHURCH*, 113 S. 9th St., (7-24-75) HABS.

lauderdale county

Lizelia vicinity. *COOSHA*, SE of Lizelia, (11-21-78)
Meridian. *GRAND OPERA HOUSE*, 2208 5th St., (12-27-72)
Meridian. *MERREHOPE*, 905 31st Ave., (12-9-71)

lawrence county

Monticello. *LONGINO HOUSE*, Caswell St., (8-21-72)
Monticello vicinity. *MILL CREEK SITE*, S of Monticello, (6-9-78)

leake county

Kosciusko vicinity. *ROBINSON ROAD (190-191-3M)*, SW of Kosciusko, (11-7-76)

lee county

Baldwyn vicinity. *BRICES CROSS ROADS NATIONAL BATTLEFIELD SITE*, 6 mi. W of Baldwyn on MS 370, (10-15-66)
Tupelo. *PEOPLES BANK AND TRUST COMPANY*, 211 Main St., (8-24-78)
Tupelo. *TUPELO NATIONAL BATTLEFIELD*, On MS 6 about 1 mi. W of its jct. with U.S. 45, (10-15-66)
Tupelo vicinity. *MULT-THOMASON SITE*, N of Tupelo, (8-31-78)

leflore county

Greenwood vicinity. *BLACK SITE*, S of Greenwood, (11-21-78)
Greenwood vicinity. *FORT PEMBERTON SITE*, W of Greenwood off US 49E, (6-19-73)
Greenwood vicinity. *STAR OF THE WEST (C.S.S. ST. PHILIP)*, W of Greenwood on Tallahatchie River, (5-21-75)
Money vicinity. *LANE'S CHAPEL SITE*, NW of Money on the Tallahatchie River, (5-4-76)
Wakeland vicinity. *SWEETHOME MOUND*, W of Wakeland, (6-9-78)
Whaley vicinity. *NEILL ARCHEOLOGICAL SITE*, W of Whaley, (4-26-76)
Whaley vicinity. *WHALEY ARCHEOLOGICAL SITE*, NW of Whaley, (3-15-76)

lowndes county

Columbus. *BROWNRIGG-HARRIS-KENNEBREW HOUSE*, 515 9th St. N., (5-22-78) HABS.
Columbus. *GATCHELL, KENNETH, HOUSE*, 1411 College St., (3-21-78)
Columbus. *HARRIS-BANKS HOUSE*, 122 7th Ave. S., (11-16-78) HABS.
Columbus. *HICKORY STICKS (WEIR-HADEN HOUSE)*, 1206 N. 7th St., (4-29-77)
Columbus. *LEE, S. D., HOUSE (BLEWETT-HARRISON-LEE HOUSE)*, 314 N. 7th St., (5-6-71) HABS.
Columbus. *MCLARAN, CHARLES, HOUSE (RIVERVIEW)*, 514 2nd St., S., (12-12-76) HABS.
Columbus. *SNOWDOUN*, 906 3rd Ave. N., (10-19-78) HABS.
Columbus. *WEAVER PLACE (ERROLTON)*, 216 3rd Ave. S., (11-16-78) HABS.
Columbus vicinity. *BUTLER MOUND AND VILLAGE SITE*, S of Columbus, (12-8-78)
Columbus vicinity. *JAMES CREEK NO. 1 SITE*, S of Columbus, (5-23-78)
Columbus vicinity. *MACKAY MOUND*, SE of Columbus, (8-25-78)

madison county

Canton vicinity. *DOAK'S STAND TREATY SITE*, NE of Canton, (1-30-78)
Mannsdale. *CHAPEL OF THE CROSS*, 6 mi. NW of jct. of MS 463 and I 55, (6-13-72) HABS.
Ridgeland vicinity. *OLD NATCHEZ TRACE (170-3O)*, E of Ridgeland, (11-7-76)

marion county

Sandy Hook vicinity. *FORD HOUSE*, S of Sandy Hook on Old Columbia-Covington Rd., (6-21-71) HABS.

marshall county

Abbeville vicinity. *CIVIL WAR EARTHWORKS AT TALLAHATCHIE CROSSING*, Off MS 7, (8-14-73)
Holly Springs vicinity. *CONFEDERATE ARMORY SITE (JONES-MCELWAIN COMPANY IRON FOUNDRY)*, N of Holly Springs, (4-11-72)

monroe county

Aberdeen. *DAVIS, REUBEN, HOUSE*, 803 W. Commerce St., (11-16-78)
Aberdeen. *MONROE COUNTY COURTHOUSE*, Courthouse Sq., (12-22-78)
Aberdeen. *U.S. COURTHOUSE AND POST OFFICE*, 201 W. Commerce St., (9-29-76)
Amory vicinity. *COTTON GIN PORT SITE*, 3 mi. W of Amory off U.S. 278, (11-18-72)
Amory vicinity. *HESTER-STANDIFER CREEK SITE*, 2 mi. N of Amory, (6-5-75)
Amory vicinity. *INZER SITE*, 3 mi. W of Amory, off U.S. 278, (7-5-73)
Amory vicinity. *LAWSON SITE*, N of Amory, (7-7-75)
Amory vicinity. *MOUND CEMETERY SITE*, W of Amory, (10-14-75)
Athens. *MONROE COUNTY JAIL*, Off MS 8, (7-14-78)

neshoba county

Philadelphia vicinity. *NANIH WAIYA CAVE MOUND*, (5-7-73)

newton county

Enterprise vicinity. *LAVELLE SITE*, NW of Enterprise, (6-9-78)

noxubee county

Macon vicinity. *DANCING RABBIT CREEK TREATY SITE*, 13 mi. SW of Macon, (4-3-73)

oktibbeha county

Starkville. *STONE, JOHN M., COTTON MILL*, Gillespie St., (4-29-75)
Starkville vicinity. *LYON'S BLUFF SITE*, N of Starkville, (4-22-76)
Starkville vicinity. *MONTGOMERY HALL*, Mississippi State University campus, (3-26-75)
Starkville vicinity. *TEXTILE BUILDING*, S of Starkville on Mississippi State University campus, (5-12-75)

ponola county

Como vicinity. *FREDONIA CHURCH*, 6 mi. (9.6 km) E of Como on Old Union Rd., (3-30-78)
Sledge vicinity. *HOLLY GROVE SITE*, E of Sledge, (10-21-76)

pontotoc county

Pontotoc vicinity. *TREATY OF PONTOTOC SITE*, 7 mi. SE of Pontotoc, (7-27-73)

prentiss county

PHARR MOUNDS, Reference—see Itawamba County

quitman county

Lambert vicinity. *NORMAN SITE*, SW of Lambert near Cassidy Bayou, (5-2-75)

rankin county

Brandon. *STEVENS-BUCHANAN HOUSE*, 505 College St., (5-5-78)
Brandon vicinity. *HEBRON ACADEMY*, S of Brandon on MS 18, (5-5-78)

sharkey county

Rolling Fork vicinity. *ROLLING FORK MOUNDS*, (10-18-74)

tallahatchie county

Crowder vicinity. *SPIVEY SITE*, S of Crowder, (12-6-78)
Philipp vicinity. *JACKS SITE*, SE of Philipp, (3-24-78)

tishomingo county

Iuka. *OLD TISHOMINGO COUNTY COURTHOUSE*, NE corner of Quitman and Liberty Sts., (4-11-73)

tunica county

Evansville vicinity. *BEAVERDAM SITE*, S of Evansville, (8-31-78)
Tunica vicinity. *HOLLYWOOD SITE (BOWDRE MOUNDS; DE BE VOISE MOUNDS)*, About 5 mi. SW of Robinsonville, (5-19-72)

union county

Ingomar vicinity. *INGOMAR MOUND*, S. of Ingomar, (6-9-78)

warren county

BIG BLACK RIVER BATTLEFIELD, Reference—see Hinds County (1-2-74)
Redwood. *SNYDER'S BLUFF (FORT ST. PETER; FORT SNYDER)*, MS 3, (2-6-73)
Vicksburg. *BALFOUR HOUSE*, 1002 Crawford St., (10-26-71) HABS.
Vicksburg. *BIEDENHARN CANDY COMPANY BUILDING*, 1107–1109 Washington St., (12-2-77)
Vicksburg. *BONHAM, ISAAC, HOUSE*, 601 Klein St., (5-26-77)
Vicksburg. *CEDAR GROVE*, 2200 Oak St., (7-19-76)
Vicksburg. *CHURCH OF THE HOLY TRINITY*, South and Monroe Sts., (5-22-78)
Vicksburg. *FLOWERREE, COL. CHARLES C., HOUSE*, 2309 Pearl St., (5-29-75) HABS.
Vicksburg. *MCNUTT HOUSE*, NW corner of Monroe and E. 1st Sts., (5-29-75)
Vicksburg. *OLD COURTHOUSE, WARREN COUNTY*, Court Sq., (5-23-68) NHL; HABS.
Vicksburg. *PEMBERTON'S HEADQUARTERS (WILLIS-COWAN HOUSE)*, 1018 Crawford St., (7-23-70) NHL.
Vicksburg. *PLANTERS HALL*, 822 Main St., (6-21-71) HABS.
Vicksburg. *SPRAGUE*, Vicksburg Harbor, (4-15-77)
Vicksburg. *ST. FRANCIS XAVIER CONVENT*, 1021 Crawford St., (4-18-77)
Vicksburg. *VICKSBURG SIEGE CAVE*, Near Vicksburg City Cemetery, (3-14-73)
Vicksburg and vicinity. *VICKSBURG NATIONAL MILITARY PARK*, (10-15-66)
Vicksburg vicinity. *CHICKASAW BAYOU BATTLEFIELD*, N of Vicksburg on U.S. 61, (4-24-73)
Youngton vicinity. *FEDERAL FORTIFICATIONS ALONG BEAR CREEK*, SW of Youngton, (8-30-74)

washington county

Erwin. *WARD, JUNIUS R., HOUSE*, Old Hwy. 1, (4-28-75)
Foote vicinity. *MOUNT HOLLY*, NW of Foote off MS 1, (8-14-73) HABS.
Greenville. *FIRST NATIONAL BANK OF GREENVILLE*, Main and Walnut Sts., (1-30-76)
Greenville. *WETHERBEE HOUSE*, 509 Washington Ave., (10-28-77)
Greenville vicinity. *WINTERVILLE SITE*, N of Greenville, (8-17-73)
Wayside. *BELMONT*, Jct. of MS 1 and 438, (4-11-72) HABS.

wilkinson county

Fort Adams vicinity. *FORT ADAMS SITE*, S of Fort Adams, (1-11-74)
Fort Adams vicinity. *SMITH CREEK SITE*, N of Fort Adams, (6-13-78)
Woodville. *BRANCH BANKING HOUSE*, Bank St., (3-30-78)
Woodville. *OFFICE AND BANKING HOUSE OF WEST FELICIANA RAILROAD COMPANY*, Depot St., (10-28-77)
Woodville vicinity. *ROSEMONT (POPLAR GROVE)*, E of Woodville on MS 24, (12-30-74)

winston county

Fearns Springs vicinity. *NANIH WAIYA MOUND AND VILLAGE*, (3-28-73)
Louisville vicinity. *OLD ROBINSON ROAD*, 16.6 mi. NE of Louisville in Noxubee National Wildlife Refuge, (4-3-75)

yazoo county

Holly Bluff. *HOLLY BLUFF SITE*, About 2 mi. from Holly Bluff, (10-15-66) NHL.
Vaughan vicinity. *CASEY JONES WRECK SITE*, 1 mi. N of Vaughan, (4-3-73)
Yazoo City. *RICKS MEMORIAL LIBRARY*, 310 N. Main St., (9-18-75)

MISSOURI

adair county

Adair. *ST. MARY'S CHURCH*, On MO 11, (12-16-74) PH0067377 G.
Kirksville. *ADAIR COUNTY COURTHOUSE*, Washington St., (8-11-78)
Kirksville. *HARRIS, CAPT. THOMAS C., HOUSE*, 1308 N. Franklin St., (10-15-73) PH0067369 G.

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Kirksville vicinity. *THOUSAND HILLS STATE PARK PETROGLYPHS ARCHEOLOGICAL SITE*, 2.5 mi. W of Kirksville, (1-23-70) PH0067385

atchison county

Tarkio. *MULE BARN THEATRE (DAVID RANKIN MULE BARN)*, 10th and Park Sts., (10-15-70) PH0067497
Watson vicinity. *GIBBS SITE*, (2-23-72) PH0067393

audrain county

Mexico. *ROSS HOUSE*, 501 S Muldrow St., (7-26-78)

barry county

Cassville vicinity. *NATURAL BRIDGE ARCHEOLOGICAL SITE*, Within Mark Twain National Forest, (5-5-72) PH0067423
Monett vicinity. *OLD COURDIN HOUSE (DAVID COURDIN HOMESTEAD)*, 2.4 mi. SE of Monett, (11-5-71) PH0067415

barton county

Lamar. *TRUMAN, HARRY, BIRTHPLACE MEMORIAL*, N corner, 11th St. and Truman Ave., (6-23-69) PH0067431

benton county

Fristoe vicinity. *RODGERS SHELTER ARCHEOLOGICAL SITE*, 5 mi. W of Fristoe, (6-23-69) PH0067440

boone county

Columbia. *CONLEY, SANFORD F., HOUSE*, 602 Sanford Pl., (12-18-73) PH0067750
Columbia. *FRANCIS QUADRANGLE HISTORIC DISTRICT (RED CAMPUS)*, Bounded by Conley Ave. and Elm, 6th, and 9th Sts., (12-18-73) PH0067458
Columbia. *GORDON TRACT ARCHEOLOGICAL SITE (HINKSON SITE)*, (3-16-72) PH0067466
Columbia. *SANBORN FIELD AND SOIL EROSION PLOTS*, University of Missouri campus, (10-15-66) PH0067474 NHL.
Columbia. *SENIOR HALL*, Stephens College campus, (8-2-77)
Rocheport. *ROCHEPORT*, MO 240, (10-8-76)

buchanan county

St. Joseph. *BUCHANAN COUNTY COURTHOUSE*, Courthouse Sq., (8-21-72) PH0067482
St. Joseph. *GERMAN-AMERICAN BANK BUILDING*, 624 Felix St., (11-24-78)
St. Joseph. *KING'S HILL ARCHEOLOGICAL SITE, S.* 1st St., (4-16-69) PH0067491
St. Joseph. *MAPLE GROVE (JOSEPH DAVIS HOUSE)*, 2100 N. 11th St., (10-16-74) PH0067504
St. Joseph. *MISSOURI VALLEY TRUST COMPANY HISTORIC DISTRICT*, Felix and 4th Sts., (3-4-75)
St. Joseph. *PATEE, JOHN, HOUSE*, 12th and Penn Sts., (10-15-66) PH0067539 NHL; G.
St. Joseph. *PONY EXPRESS STABLES*, 914 Penn St., (4-3-70) PH0067547
St. Joseph. *ROBIDOUX ROW*, 219-225 E. Poulin St., (3-7-73) PH0067555 G.
St. Joseph. *WHOLESALE ROW*, Bounded by Jules, 3rd, 4th, and Francis Sts., (9-19-77)

butler county

Naylor vicinity. *KOEHLER FORTIFIED ARCHEOLOGICAL SITE*, 1 mi. N of Naylor, (12-18-70) PH0067563
Naylor vicinity. *LITTLE BLACK RIVER ARCHEOLOGICAL DISTRICT*, (4-21-75) (also see ripley county)
Neelyville vicinity. *WILBORN-STEINBERG SITE*, 2 mi. W of Neelyville, (11-9-72) PH0067571

caldwell county

Kingston. *CALDWELL COUNTY COURTHOUSE*, Main St., (1-13-72) PH0067580
Kingston vicinity. *FAR WEST*, 5.5 mi. W of Kingston via CR D and H, (9-22-70) PH0067598

callaway county

Fulton. *WESTMINSTER COLLEGE GYMNASIUM*, Westminster College campus, (5-23-68) PH0067628 NHL.
Fulton. *WINSTON CHURCHILL MEMORIAL CHURCH OF ST. MARY THE VIRGIN, ALDERMANBURY)*, 7th St. and Westminster Ave., (3-16-72) PH0067636
Mokane vicinity. *MEALY MOUNDS ARCHEOLOGICAL SITE*, 2 mi. NE of Mokane, (1-25-71) PH0067610
Portland vicinity. *RESEARCH CAVE*, (10-15-66) PH0132799 NHL.
Tebetts vicinity. *COTE SANS DESSEIN ARCHEOLOGICAL SITE*, 3 mi. SW of Tebbetts, (5-27-71) PH0067601

cape girardeau county

Burfordville. *BURFORDVILLE MILL (BOLLINGER MILL)*, Off MO 34, (5-27-71) PH0067652 G.
Burfordville vicinity. *BURFORDVILLE COVERED BRIDGE*, E edge of Burfordville on CR HH, (5-19-70) PH0067644
Oriole vicinity. *TRAIL OF TEARS STATE PARK ARCHEOLOGICAL SITE*, NE of Oriole on the Mississippi River, (12-2-70) PH0067661

carroll county

Carrollton. *U.S. POST OFFICE*, 101 N. Folger St., (5-12-77)
Miami Station vicinity. *WRIGHT II ARCHEOLOGICAL SITE*, 1 mi. S of Miami Station, (5-27-71) PH0067679

cass county

Harrisonville vicinity. *BROWN, ROBERT A., HOUSE*, N of Harrisonville off Alt. U.S. 71, (6-15-70) PH0067687

cedar county

Stockton vicinity. *MONTGOMERY ARCHEOLOGICAL SITE*, NE of Stockton, (9-21-78)

chariton county

Keytesville. *FIRST PRESBYTERIAN CHURCH*, Hill and East Sts., (11-23-77)
Keytesville. *REDDING-HILL HOUSE*, 100 W. North St., (7-29-69) PH0067695

clark county

Canton vicinity. *BOULWARE MOUND GROUP ARCHEOLOGICAL SITE*, 10 mi. N of Canton and adjacent to W side of U.S. 61, (1-21-70) PH0067709

clay county

Excelsior vicinity. *WATKINS MILL*, 6 mi. NW of Excelsior, (11-13-66) PH0067741 NHL; G.
Kansas City. *WOODNEATH (ELBRIDGE ARNOLD HOMESTEAD)*, 8900 NE Flintlock Rd., (2-17-78)
Kearney vicinity. *JAMES BROTHERS' HOUSE*, 2.25 mi. NE of Kearney, (3-16-72) PH0067725
Liberty. *CLINTON HOUSE*, 404 S. Leonard St., (11-22-78)
Liberty. *JEWELL HALL*, Jewell St. between Kansas and Mississippi Sts., (9-6-78)
Liberty vicinity. *NEBO HILL ARCHEOLOGICAL SITE*, 3 mi. SE of Liberty, (3-4-71) PH0067733
Smithville vicinity. *AKER CEMETERY*, NE of Smithville off MO W, (11-13-74) PH0067717

cole county

Jefferson. *MISSOURI STATE CAPITOL HISTORIC DISTRICT*, Bounded roughly by Adams, McCarthy, Mulberry Sts. and the Missouri River, (6-18-76)
Jefferson City. *COLE COUNTY COURTHOUSE AND JAIL-SHERIFF'S HOUSE*, Monroe and E. High Sts., (4-3-73) PH0038555
Jefferson City. *COLE COUNTY HISTORICAL SOCIETY BUILDING*, 109 Madison St., (5-21-69) PH0038563
Jefferson City. *LOHMAN'S LANDING BUILDING*, W corner of Jefferson and Water Sts., (2-25-69) PH0038598 HABS.
Jefferson City. *MISSOURI GOVERNOR'S MANSION*, 100 Madison St., (5-21-69) PH0038580
Jefferson City. *MISSOURI STATE CAPITOL BUILDING AND GROUNDS*, High St. between Broadway and Jefferson Sts., (6-23-69) PH0038601
Osage City vicinity. *GAY ARCHEOLOGICAL SITE*, 0.5 mi NE of Osage City, (1-25-71) PH0038571

cooper county

Blackwater vicinity. *IMHOFF ARCHEOLOGICAL SITE*, (8-7-72) PH0038628
Boonville. *BOLLER HOUSE*, 223 E. Spring St., (8-2-77)
Boonville. *HARLEY PARK ARCHEOLOGICAL SITE*, (10-15-70) PH0038610
Boonville. *LYRIC THEATER*, NE corner of Main and Vine Sts., (5-21-69) PH0038636
Bunceton vicinity. *RAVENSWOOD*, NW of Bunceton on MO 5, (2-24-75)
Lamine vicinity. *MELLOR VILLAGE AND MOUNDS ARCHEOLOGICAL DISTRICT*, 2 mi. N of Lamine, (5-21-69) PH0038644
Pilot Grove vicinity. *PLEASANT GREEN*, 8 mi. SW of Pilot Grove on U.S. 135, (7-29-77)
Wooldridge vicinity. *WOOLDRIDGE ARCHEOLOGICAL SITE*, 0.5 mi. NW of Wooldridge, (12-2-70) PH0038661

crawford county

Leasburg vicinity. *SCOTIA IRON FURNACE STACK*, 6.3 mi. SE of Leasburg on CR H, (5-21-69) PH0038679
Steelville vicinity. *BIG BEND RURAL SCHOOL*, MO 19, (12-12-78)

dade county

South Greenfield vicinity. *DILDAY MILL*, SE of South Greenfield on Turnback Creek, (8-26-77)

dent county

Salem. *DENT COUNTY COURTHOUSE*, Main and 4th Sts., (2-23-72) PH0038687

dunklin county

Harnersville vicinity. *LANGDON SITE*, N of Hornersville, (1-11-74) PH0038695
Kennett vicinity. *KENNETT ARCHEOLOGICAL SITE*, W of Kennett, (2-17-78)

franklin county

Moselle vicinity. *MOSELLE IRON FURNACE STACK*, 1 mi. SE of Moselle, (5-21-69) PH0038709

New Haven vicinity. *PELSTER, WILHELM, HOUSE-BARN*, S of New Haven, (12-5-78) HABS.
St. Albans vicinity. *TAVERN CAVE*, 2 mi. NE of St. Albans, (6-15-70) PH0038717
Washington. *SCHWARZER, FRANZ, HOUSE*, 2 Walnut St., (7-17-78)

gasconade county

Bem vicinity. *PEENIE ARCHEOLOGICAL PETROGLYPH SITE*, 3 mi. E of Bem, (7-29-69) PH0038741
Hermann. *HERMANN HISTORIC DISTRICT*, (2-1-72) PH0038725 G.
Hermann. *OLD STONE HILL HISTORIC DISTRICT*, Bounded roughly by W. 12th, Goethe and Jefferson Sts., and Iron Rd., (5-21-69) PH0038733 G.

greene county

Ash Grove vicinity. *BOONE, NATHAN, HOUSE*, 1.75 mi. N of Ash Grove on Hwy. V, (10-1-69) PH0038750
Springfield. *DAY HOUSE*, 614 South St., (11-7-76)
Springfield. *LANDERS THEATER*, 311 E. Walnut, (8-12-77)
Springfield vicinity. *PEARSON CREEK ARCHEOLOGICAL DISTRICT*, SE of Springfield, (10-11-78)
Springfield vicinity. *WILSON'S CREEK NATIONAL BATTLEFIELD*, SW of Springfield on MO 174, (10-15-66)

holt county

Mound City. *CHICAGO, BURLINGTON AND QUINCY DEPOT*, S. State St., (12-12-78)

howard county

Boonsboro vicinity. *BOONSLICK STATE PARK*, 1 mi. N of Boonsboro on MO 87, 2 mi. SW on MO 187, (12-30-69) PH0038768
Fayette vicinity. *MORRISON, ALFRED W., HOUSE (LILAC HILL)*, 1 mi. SW of Fayette on MO 5, (4-16-69) PH0038784
Glasgow. *GLASGOW PUBLIC LIBRARY*, NW corner Market and 4th Sts., (5-21-69) PH0038776
New Franklin. *RIVERCENE*, R.F.D. 1, (2-16-73) PH0038792
Roanoke vicinity. *FINKS-HARVEY PLANTATION*, W of Roanoke, (12-11-78)

iron county

Ironton. *ST. PAUL'S EPISCOPAL CHURCH*, NW corner of Knob and Reynolds Sts., (5-21-69) PH0038814
Pilot Knob vicinity. *FORT DAVIDSON*, On MO 21, S of jct. with Rte. V in Clark National Forest, (2-26-70) PH0038806

jackson county

Grandview. *YOUNG, SOLOMON, FARM (TRUMAN FARM)*, 12121 and 12301 Blue Ridge Extension, (5-5-78)
Independence. *JACKSON COUNTY COURTHOUSE*, Bounded by Lexington and Maple Aves. and Liberty and Main Sts., (10-18-72) PH0056448
Independence. *JACKSON COUNTY JAIL AND MARSHAL'S HOUSE*, 217 N. Main St., (6-15-70) PH0056456 G.
Independence. *OVERFELT-CAMPBELL-JOHNSTON HOUSE*, 305 S. Pleasant St., (9-5-75)
Independence. *TEMPLE SITE*, Lexington Ave. and River Blvd., (9-22-70) PH0056537
Independence. *TRUMAN, HARRY S., HISTORIC DISTRICT*, N. Delaware St. area, (2-23-72) PH0056545 NHL.
Independence. *VAILE, HARVEY M., MANSION*, 1500 N. Liberty St., (10-1-69) PH0056561
Kansas City. *BIXBY, WALTER E., HOUSE*, 6505 State Line Rd., (11-21-78)
Kansas City. *BOLEY BUILDING (KATZ BUILDING)*, 1130 Walnut St., (3-9-71) PH0056464
Kansas City. *BUNKER BUILDING*, 820 Baltimore Ave., (9-5-75)
Kansas City. *CAVE SPRING*, 7100 Blue Ridge Extension, (8-10-78)
Kansas City. *COATES HOUSE HOTEL*, 1005 Broadway, (2-23-72) PH0056391
Kansas City. *CORRIGAN, BERNARD, HOUSE*, 1200 W. 55th St., (1-18-78)
Kansas City. *CURTISS, LOUIS, STUDIO BUILDING*, 1116–1120 McGee St., (6-19-72) PH0056405
Kansas City. *DISNEY, WALT, HOUSE, AND GARAGE*, 3028 Bellefontaine Ave., (5-22-78)
Kansas City. *HARRIS, COL. JOHN, HOUSE*, 4000 Baltimore Ave., (10-18-72) PH0056430 HABS.
Kansas City. *JANSSEN PLACE HISTORIC DISTRICT*, Janssen Pl., (11-7-76)
Kansas City. *KANSAS CITY PUBLIC LIBRARY*, 500 E. 9th St., (5-23-77)
Kansas City. *KELLY'S WESTPORT INN (ALBERT G. BOONE STORE)*, Westport Rd. and Pennsylvania Ave., (9-7-72) PH0056472
Kansas City. *LOEW'S MIDLAND THEATER-MIDLAND BUILDING*, 1232–1234 Main St. and 1221–1233 Baltimore Ave., (9-28-77)
Kansas City. *MAJORS, ALEXANDER, HOUSE*, 8145 State Line Rd., (4-3-70) PH0056481 (also in Johnson County, KS)
Kansas City. *MCCONAHAY BUILDING*, 1121–1131 E. 31st St., (5-22-78)
Kansas City. *MINERAL HALL (ROLAND E. BRUNER HOUSE)*, 4340 Oak St., (7-12-76)
Kansas City. *NEW YORK LIFE BUILDING*, 20 W. 9th St., (7-8-70) PH0056570
Kansas City. *OLD NEW ENGLAND BUILDING*, 112 W. 9th St., (10-25-73) PH0056499
Kansas City. *OLD TOWN HISTORIC DISTRICT*, Roughly bounded by Independence Ave., 2nd, Delaware and Walnut Sts., (6-7-78)
Kansas City. *QUALITY HILL*, Roughly bounded by Broadway, 10th, 14th, and Jefferson Sts., (7-7-78)
Kansas City. *ROCKHILL NEIGHBORHOOD*, Both sides of 47th St. from Locust St. (S. Pierce St.) to both sides of Harrison St. (N. to Brush Creek Blvd.), (7-21-75)
Kansas City. *ROW HOUSE BUILDING*, 1–7 E. 34th St. and 3401 Main St., (5-22-78)
Kansas City. *SACRED HEART CHURCH, SCHOOL AND RECTORY*, 2540–2544 Madison Ave. and 910 W. 26th St., (11-14-78)
Kansas City. *SAVOY HOTEL AND GRILL*, 219 W. 9th St. and 9th and Central Sts., (12-30-74) PH0056502
Kansas City. *SCARRITT BUILDING AND ARCADE*, Corner of 19th and Grand Sts. and 819 Walnut St., (3-9-71) PH0056511
Kansas City. *SCARRITT, EDWARD LUCKY, HOUSE*, 3500 Gladstone Blvd., (5-23-77)
Kansas City. *SCARRITT, REV. NATHAN, HOUSE*, 4038 Central St., (5-8-78)
Kansas City. *SCARRITT, WILLIAM CHICK, HOUSE carritt, William Chick, House, MO*, 3240 Norledge Ave., (3-21-78)
Kansas City. *SHELLEY, WILLIAM FRANCIS, HOUSE*, 3601 Baltimore Ave., (3-17-78)
Kansas City. *ST. MARY'S EPISCOPAL CHURCH*, 1307 Holmes St., (11-7-78)
Kansas City. *STANDARD THEATRE*, 300 W. 12th St., (6-5-74) PH0056529 G.
Kansas City. *UNION STATION*, Pershing Rd. and Main St., (2-1-72) PH0056553
Kansas City. *WALDO WATER TOWER*, 75th St. and Holmes Rd., Tower Park, (4-18-77)
Kansas City. *WARD, SETH E., HOMESTEAD*, 1032 W. 55th St., (2-17-78)
Kansas City. *WARNER, MAJ. WILLIAM, HOUSE*, 1021 Pennsylvania Ave., (5-23-77)
Kansas City. *WEST 9th STREET-BALTIMORE AVENUE HISTORIC DISTRICT*, Roughly bounded by Main, 8th, 10th and Central Sts., (11-7-76)
Kansas City. *WORNALL HOUSE*, 146 W. 61st St., (5-21-69) HABS; G.
Sibley. *FORT OSAGE*, N edge of Sibley on the Missouri River, (10-15-66) PH0056421 NHL.
Sibley. *FORT OSAGE ARCHEOLOGICAL DISTRICT*, Fort Osage Park, (3-17-72) PH0056413 NHL.

jasper county

Carthage. *JASPER COUNTY COURTHOUSE*, Courthouse Sq., (2-8-73) PH0056600
Joplin. *JOPLIN CONNOR HOTEL*, 324 Main St., (2-28-73) PH0056596
Joplin. *JOPLIN UNION DEPOT*, Broadway and Main St., (3-14-73) PH0056618

jefferson county

Byrnes Mill vicinity. *BOEMLER ARCHEOLOGICAL DISTRICT*, (10-1-74) PH0056626
Hillsboro. *FLETCHER, THOMAS C., HOUSE*, Elm between 1st and 2nd Sts., (11-19-74) PH0056642
Hillsboro vicinity. *SANDY CREEK COVERED BRIDGE*, 5 mi. N of Hillsboro off U.S. 21, (7-8-70) PH0056677
House Springs vicinity. *MODER ARCHEOLOGICAL DISTRICT*, (10-16-74) PH0056669
Pevely vicinity. *GREYSTONE*, NE of Pevely off U.S. 61/67, (12-31-74) PH0056651 HABS.
Times Beach vicinity. *BEAUMONT-TYSON QUARRY DISTRICT*, (10-10-74) (also in St. Louis County)
Times Beach vicinity. *BOLAND ARCHEOLOGICAL DISTRICT*, (10-1-74) PH0056634

johnson county

Warrensburg. *JOHNSON COUNTY COURTHOUSE (OLD JOHNSON COUNTY COURTHOUSE)*, Old Public Sq., (6-15-70) PH0056685 G.

lafayette county

Lexington. *ANDERSON HOUSE AND LEXINGTON BATTLEFIELD*, (6-4-69) PH0056693 HABS; G.
Lexington. *CUMBERLAND PRESBYTERIAN CHURCH*, 112 S. 13th St., (11-14-78) HABS.
Lexington. *LAFAYETTE COUNTY COURTHOUSE*, Public Sq., (9-22-70) PH0056707
Lexington vicinity. *LINWOOD LAWN*, SE of Lexington off U.S. 24, (4-23-73) PH0056715

lawrence county

Mount Vernon vicinity. *OLD SPANISH FORT ARCHEOLOGICAL SITE*, 3 mi. S of Mount Vernon, (1-25-71) PH0056731

lewis county

Canton. *HENDERSON HALL*, College Hill, (10-2-78)

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lincoln county

Moscow Mills. *OLD ROCK HOUSE (SHAPLEY ROSS HOUSE)*, 2nd and Mill Sts., (10-18-72) PH0056740

linn county

Laclede. *PERSHING, GEN. JOHN J., BOYHOOD HOME*, State and Worlow Sts., (5-21-69) PH0090654 NHL.

Laclede vicinity. *LOCUST CREEK COVERED BRIDGE*, 3 mi. W of Laclede off U.S. 36, (5-19-70) PH0090646

macon county

La Plata. *GILBREATH-MCLORN HOUSE*, 225 N. Owenby, (11-16-78)

Macon. *MACON COUNTY COURTHOUSE AND ANNEX*, Courthouse Sq., (12-8-78)

marion county

Hannibal. *MARK TWAIN HISTORIC DISTRICT*, Bird, Main, and Hill Sts., (1-4-78)

Hannibal. *OSTERHOUT MOUND PARK*, (4-11-73) PH0090620

Hannibal. *TWAIN, MARK, BOYHOOD HOME*, 206–208 Hill St., (10-15-66) PH0090611 NHL.

Hannibal vicinity. *SHARKEY MOUND GROUP*, Woodland, (12-18-73) PH0090638

Palmyra. *GARDNER HOUSE*, 421 Hamilton and Main Sts., (3-4-71) PH0090603 G.

mississippi county

Charleston. *MISSOURI PACIFIC DEPOT*, E of intersecting branches of Missouri Pacific RR., (11-30-72) PH0090531

Charleston vicinity. *HEARNES SITE*, (11-26-73) PH0090506

Charleston vicinity. *SWANK, JACOB, HOUSE*, 0.2 mi. W of Charleston on U.S. 60 and 62, (4-13-73) PH0090565

Crosno vicinity. *CROSNO FORTIFIED VILLAGE ARCHEOLOGICAL SITE*, 1 mi. S of Crosno, (5-21-69) PH0090492

East Prairie vicinity. *HESS ARCHEOLOGICAL SITE*, SE of East Prairie, (7-12-74) PH0090514

East Prairie vicinity. *HOECAKE VILLAGE ARCHEOLOGICAL SITE*, (1-13-72) PH0090522

East Prairie vicinity. *MUELLER ARCHEOLOGICAL SITE*, (8-13-74) PH0090549

Wolf Island vicinity. *BECKWITH'S FORT ARCHEOLOGICAL SITE (TOWOSAHGY STATE PARK)*, SW of Wolf Island, (7-29-69) PH0090573 G.

Wyatt vicinity. *O'BRYAN RIDGE ARCHEOLOGICAL DISTRICT (WEEMS AND BURKETT SITES)*, (11-9-72) PH0090557

moniteau county

California. *MONITEAU COUNTY COURTHOUSE SQUARE*, Public Sq., (10-15-70) PH0090590 G.

Sandy Hook vicinity. *GEIGER ARCHEOLOGICAL SITE*, 3 mi. E of Jamestown, (7-29-69) PH0090581

monroe county

Florida vicinity. *CRIGLER MOUND GROUP ARCHEOLOGICAL SITE*, 1 mi. N of Florida, (5-21-69) PH0090662

Florida vicinity. *TWAIN, MARK, BIRTHPLACE CABIN*, Mark Twain State Park, 2.5 mi. S of Florida on MO 107, (5-21-69) PH0090689

Holliday vicinity. *HOLLIDAY PETROGLYPHS*, NE of Holliday, (1-11-74) PH0090671

Paris vicinity. *UNION COVERED BRIDGE*, 6 mi. W of Paris on Elk Fork of the Salt River, (6-15-70) PH0090697

montgomery county

Big Spring vicinity. *PINNACLE LAKE ROCK SHELTER*, 3 mi. NE of Big Spring, (7-29-69) PH0090719

Mineola vicinity. *GRAHAM CAVE*, 0.5 mi. N of Mineola, (10-15-66) PH0090701 NHL.

morgan county

Versailles. *MARTIN HOTEL*, 118 N. Monroe St., (9-6-78)

new madrid county

Bayouville vicinity. *ST. JOHNS-LAPLANT IV ARCHEOLOGICAL DISTRICT*, 2 mi. W of Bayouville, (8-28-75)

Catron vicinity. *HURRICANE RIDGE SITE*, (11-9-72) PH0090735

Howardville vicinity. *KING II ARCHEOLOGICAL SITE*, S of Howardville, (6-26-75)

La Forge vicinity. *LA PLANT ARCHEOLOGICAL SITE*, (7-25-74) PH0090743

Lilbourn vicinity. *LILBOURN FORTIFIED VILLAGE ARCHEOLOGICAL SITE (MOUND CEMETERY)*, (7-29-69) PH0090751

Portageville vicinity. *DOUBLE BRIDGES ARCHEOLOGICAL SITE*, (7-25-74) PH0090727

Portageville vicinity. *PORTWOOD VILLAGE AND MOUND*, SE of Portageville, (11-25-77)

Sikeston vicinity. *SIKESTON FORTIFIED VILLAGE ARCHEOLOGICAL SITE*, 2 mi. SE of Sikeston, (2-12-71) PH0090760

newton county

RITCHEY, MATHEW H., HOUSE, Mill St., (12-5-78)

Diamond vicinity. *GEORGE WASHINGTON CARVER NATIONAL MONUMENT*, 3 mi. S of Monument,, (10-15-66)

nodaway county

Graham. *SIMPSON'S COLLEGE*, 515 E. Jackson St., (1-30-78)

oregon county

Riverton vicinity. *PIGMAN MOUND ARCHEOLOGICAL SITE*, (3-4-71) PH0090778

osage county

Westphalia. *ST. JOSEPH CHURCH*, Main St., (4-11-72) PH0090786

pemiscot county

Caruthersville vicinity. *MURPHY MOUND ARCHEOLOGICAL SITE*, (5-21-69)

Cooter vicinity. *CAMPBELL (COOTER) ARCHEOLOGICAL SITE*, (7-24-74) PH0090794

Denton vicinity. *DENTON MOUND AND ARCHEOLOGICAL SITE*, 1 mi. NE of Denton, (7-29-69) PH0090816

Portageville vicinity. *DELTA CENTER MOUND*, (7-24-74) PH0090808

Wardell vicinity. *WALLACE, J. M., ARCHEOLOGICAL SITE (WARDELL MOUNDS)*, 1 mi. SW of Wardell, (12-2-70) PH0090832

perry county

Altenburg. *CONCORDIA LOG CABIN COLLEGE*, Main St., (11-21-78)

Perryville. *SHELBY-NICHOLSON-SCHINDLER HOUSE*, 701 W. St. Joseph St., (7-24-74) PH0090841

Wittenburg vicinity. *TOWER ROCK*, 1 mi. S of Wittenburg in Mississippi River, (2-26-70) PH0090859

phelps county

Newburg vicinity. *GOURD CREEK CAVE ARCHEOLOGICAL SITE*, 8 mi. SE of Newburg, (7-29-69) PH0078484

Newburg vicinity. *OZARK IRON FURNACE STACK*, 2 mi. W of Newburg, (6-15-70) PH0078506

St. James vicinity. *MARAMEC IRON WORKS DISTRICT*, 7 mi. S of St. James on MO 8, (4-16-69) PH0078492

St. James vicinity. *VERKAMP SHELTER*, (7-30-74) PH0078514

pike county

Bowling Green. *CLARK, JAMES BEAUCHAMP, HOUSE*, 204 E. Champ Clark Dr., (12-8-76) NHL.

Eolia vicinity. *ST. JOHN'S EPISCOPAL CHURCH*, 0.25 mi. N of Eolia on CR D, 0.25 mi. E on CR H, (7-8-70) PH0078522

platte county

ST. JOSEPH'S ROMAN CATHOLIC CHURCH, 1220 N. 11th St., (5-19-78)

Kansas City vicinity. *DEISTER ARCHEOLOGICAL SITE*, Within city limits, Line Creek City Park, (1-21-70) PH0078573

Platte City. *KRAUSE, FREDERICK, MANSION*, 3rd and Harrel Ferrel Dr., (5-22-78)

Riverside vicinity. *RENNER VILLAGE ARCHEOLOGICAL SITE*, 0.25 mi. SW of Riverside, (4-16-69) PH0078557

St. Louis. *CHATILLON-DE-MENIL HOUSE*, 3352 DeMenil Pl., (6-9-78) HABS.

Waldron vicinity. *BABCOCK SITE*, (11-15-73) PH0078531

Weston. *WESTON HISTORIC DISTRICT*, (8-21-72) PH0078581

Weston vicinity. *MCCORMICK DISTILLERY*, MO JJ, (4-16-74) PH0078549

Weston vicinity. *SUGAR CREEK SITE*, (12-12-73) PH0078565

pulaski county

Buckhorn vicinity. *DECKER CAVE ARCHEOLOGICAL SITE*, 4 mi. SW of Buckhorn, (2-12-71) PH0078590

ralls county

Hannibal vicinity. *GARTH, JOHN, HOUSE*, S of Hannibal off U.S. 61, (7-11-77)

New London. *RALLS COUNTY COURTHOUSE AND JAIL-SHERIFF'S HOUSE*, Courthouse Sq., (9-14-72) PH0078603

randolph county

Cairo vicinity. *MITCHELL PETROGLYPH ARCHEOLOGICAL SITE*, 6 mi. E of Cairo, (6-23-69) PH0078611

ripley county

LITTLE BLACK RIVER ARCHEOLOGICAL DISTRICT, Reference—see Butler County

Currentview vicinity. *PRICE SITE*, W of Currentview, (4-3-78)

Doniphan. *BARRETT, RANDOLPH COLUMBUS, HOUSE*, 209 Plum St., (11-7-76)

Doniphan. *RIPLEY COUNTY COURTHOUSE*, Courthouse Circle, (11-7-76)

Fairdealing vicinity. *MULE CAMP SITE*, 9 mi. NW of Fairdealing off U.S. 160, (11-11-75) HAER.

Grandin vicinity. *B-9 STRUCTURE ARCHEOLOGICAL SITE*, 9 mi. SE of Grandin, (10-7-75)

saline county

Arrow Rock. *ARROW ROCK*, Arrow Rock State Park, (10-15-66) PH0132811 NHL.

Arrow Rock. *ARROW ROCK TAVERN*, Main St., (2-23,72) PH0078620 G.

Arrow Rock. *BINGHAM, GEORGE CALEB, HOUSE*, 1st and High Sts. in Arrow Rock State Park, (10-15-66) PH0132829 NHL; HABS.

Arrow Rock vicinity. *SAPPINGTON, WILLIAM B., HOUSE*, 3 mi. SW of Arrow Rock on CR TT, (1-21-70) PH0078689 HABS; G.

Grand Pass vicinity. *GUMBO POINT ARCHEOLOGICAL SITE*, 3 mi. NW of Malta Bend, (8-25-69) PH0078654

Malta Bend vicinity. *BLOSSER, HENRY, HOUSE*, E of Malta Bend off U.S. 65, (12-29-78)

Malta Bend vicinity. *PLATTNER ARCHEOLOGICAL SITE*, 1 mi. N of Malta Bend, (3-4-71) PH0078671

Marshall. *FIRST PRESBYTERIAN CHURCH*, 212 E. North St., (9-20-77)

Marshall. *SALINE COUNTY COURTHOUSE*, Courthouse Sq., (8-24-77)

Marshall vicinity. *UTZ SITE*, 12 mi. N of Marshall, adjoining Van Meter State Park, (10-15-66) PH0078697 NHL.

Miami vicinity. *FISHER-GABBERT ARCHEOLOGICAL SITE*, (3-16-72) PH0078638

Miami vicinity. *GUTHREY ARCHEOLOGICAL SITE*, 1.75 mi. ENE of Miami, (12-2-70) PH0078646

Miami vicinity. *OLD FORT*, Van Meter State Park, (1-13-72) PH0078662

Napton vicinity. *NEFF TAVERN SMOKEHOUSE*, NE of Napton off MO 41, (11-30-78)

schuyler county

Lancaster. *HALL, WILLIAM P., HOUSE*, U.S. 136, W of Schuyler County Courthouse, (4-1-75)

scott county

Diehlstadt vicinity. *BROWN, E. L., VILLAGE AND MOUND ARCHEOLOGICAL SITE*, 2 mi. NE of Diehlstadt, (2-12-71) PH0067822

Diehlstadt vicinity. *SANDY WOODS SETTLEMENT ARCHEOLOGICAL SITE*, 2 mi. NW of Diehlstadt, (3-4-71) PH0067831

shelby county

Bethel. *BETHEL HISTORIC DISTRICT*, (11-10-70) PH0067857 G.

Bethel vicinity. *ELIM (DR. WILLIAM KEIL HOUSE)*, 1.5 mi. E of Bethel, (5-27-71) PH0067865

Bethel vicinity. *HEBRON*, 0.8 mi. (1.3 km) NW of Bethel, (1-31-78)

Shelbina. *BENJAMIN HOUSE (VESPER PLACE)*, 322 S. Shelby St., (6-27-72) PH0067849 G.

st. charles county

Defiance. *BOONE, DANIEL, HOUSE (NATHAN BOONE HOUSE)*, Hwy. F, (4-11-73) PH0078701

Defiance vicinity. *HAYS, DANIEL BOONE, HOUSE (HAYS FARM)*, SW of Defiance off Hwy. F, (4-23-73) PH0078727 HABS.

St. Charles. *FIRST MISSOURI STATE CAPITOL BUILDINGS*, 208–216 S. Main St., (4-16-69) PH0078719 HABS; G.

St. Charles. *LINDENWOOD HALL (SIBLEY HALL)*, Lindenwood Colleges campus, (11-29-78)

St. Charles. *NEWBILL-MCELHINEY HOUSE*, 625 S. Main St., (4-11-72) PH0078735

St. Charles. *ST. CHARLES HISTORIC DISTRICT*, Roughly bounded by the Missouri River and Madison, Chauncey, and 2nd Sts., (9-22-70) PH0078743

St. Charles. *STONE ROW*, 314-330 S. Main St., (7-29-69) PH0078751

St. Charles. *STUMBERG, DR. JOHN H., HOUSE*, 100 S. 3rd St., (7-12-78)

st. francois county

Bonne Terre. *BONNE TERRE MINE*, MO 47, (9-9-74) PH0078760

st. louis (independent city)

ANHEUSER-BUSCH BREWERY, 721 Pestalozzi St., (11-13-66) PH0048151 NHL.

BISSELL STREET WATER TOWER, Jct. of Bissell St. and Blair Ave., (6-5-70) PH0048160 G.

CAMPBELL, ROBERT G., HOUSE, 1508 Locust St., (4-21-77) HABS.

COMPTON HILL WATER TOWER, Reservoir Park, Grant and Russell Blvds. and Lafayette Ave., (9-29-72) PH0048186

CUPPLES, SAMUEL, HOUSE, 3673 W. Pine Blvd., (10-21-76)

EADS BRIDGE, Spanning the Mississippi River at Washington St., (10-15-66) PH0048658 NHL.

ERLANGER, JOSEPH, HOUSE, 5127 Waterman Blvd., (12-8-76) NHL.

FIELD, EUGENE, HOUSE, 634 S. Broadway, (8-19-75) HABS.

FOX THEATER, 527 N. Grand Blvd., (10-8-76)

GRAND AVENUE WATER TOWER, Jct. of E. Grand Ave. and 20th St., (6-15-70) PH0048194

HOLY CORNERS HISTORIC DISTRICT, Both sides of Kingshighway between and including Westminster Pl. and Washington Ave., (12-29-75)

JEFFERSON NATIONAL EXPANSION MEMORIAL NATIONAL HISTORIC SITE, Mississippi River between Washington and Poplar Sts., (10-15-66) HABS.

JOPLIN, SCOTT, HOUSE, 1658-A Morgan St., (12-8-76) NHL.

LACLEDE'S LANDING, Roughly bounded by Washington, N. 3rd, Dr. Martin Luther King Dr., and the Mississippi River, (8-25-76)

LAFAYETTE SQUARE, Area surrounding Lafayette Park, (6-28-72) PH0048208

MIDTOWN HISTORIC DISTRICT, Lendell and Grand Blvds., (7-7-78)

MISSOURI BOTANICAL GARDEN (SHAW'S GARDEN), 2345 Tower Grove Ave., (11-19-71) PH0048259 NHL; HABS; G.

PORTLAND AND WESTMORELAND PLACES, NE corner of Forest Park, (2-12-74) PH0048224

QUINN CHAPEL A.M.E. CHURCH, 227 Bowen St., (10-16-74) PH0048232

SECOND PRESBYTERIAN CHURCH, 4501 Westminster Pl., (9-11-75)

GOLDENROD, 400 N. Wharf St., (12-24-67) PH0048399 NHL.

SOULARD NEIGHBORHOOD HISTORIC DISTRICT, Roughly bounded by 7th Blvd., Soulard, Lynch and 12th Sts., (12-26-72) PH0048291

ST. FRANCIS DE SALES CHURCH, 2653 Ohio St., (11-2-78)

ST. JOHN NEPOMUCK PARISH HISTORIC DISTRICT, 11th and 12th Sts. between Carroll St. and Lafayette Ave., (6-19-72) PH0048283

ST. LOUIS AIR FORCE STATION, 2nd and Arsenal Sts., (1-17-75)

ST. LOUIS UNION STATION, 18th and Market Sts., (6-15-70) PH0048275 NHL, HABS.

TOWER GROVE PARK, Bounded by Magnolia Ave. on N, Grand Blvd. on E, Arsenal St. on S, and Kings Highway Blvd. on W, (3-17-72) PH0048305 G.

U.S. CUSTOMHOUSE AND POST OFFICE (OLD POST OFFICE), 8th and Olive Sts., (11-22-68) PH0048216 NHL; HABS.

WAINWRIGHT BUILDING, 709 Chestnut St., (5-23-68) PH0048381 NHL; HABS.

WAINWRIGHT TOMB, Bellefontaine Cemetery, 4947 W. Florissant Ave., (6-15-70) PH0048321

st. louis county

Affton. *BENOIST, LOUIS AUGUSTE, HOUSE*, 7802 Genesta St., (6-23-69) PH0048348 HABS; G.

Bellefontaine Neighbors. *BISSELL, GEN. DANIEL, HOUSE*, 10225 Bellefontaine Rd., (11-28-78)

Chesterfield. *OLD STONE CHURCH (OLD BONHOMME CHURCH)*, Conway and White Rds., (4-13-73) PH0067784

Chesterfield. *THORNHILL*, Olive Street Rd. in Faust County Park, (7-18-74) PH0067814 HABS.

Chesterfield vicinity. *BONHOMME CREEK ARCHEOLOGICAL DISTRICT*, (11-21-74) PH0048178

Clayton. *HANLEY, MARTIN FRANKLIN, HOUSE*, 7600 Westmoreland Ave., (5-27-71) PH0048364 HABS.

Crescent vicinity. *CRESCENT QUARRY ARCHEOLOGICAL SITE*, 1 mi. E of Crescent, (2-12-71) PH0048356

Crestwood. *LONG, WILLIAM, LOG HOUSE*, 9385 Pardee Rd., (12-5-78)

Crestwood. *SAPPINGTON, THOMAS J., HOUSE*, 1015 S. Sappington Rd., (6-28-74) PH0048241 HABS.

Florissant. *ARCHAMBAULT HOUSE*, 603 Rue St. Denis, (5-13-76)

Florissant. *AUBUCHON, BAPTISTE G., HOUSE*, 450 rue St. Jacques, (5-6-76)

Florissant. *CASA ALVAREZ*, 289 Rue St. Denis, (6-18-76)

Florissant. *MYERS, JOHN B., HOUSE*, 180 Dunn Rd., (12-13-74) PH0067776 HABS.

Florissant. *ST. STANISLAUS SEMINARY*, 700 Howdershell Rd., (9-22-72) PH0067792

Florissant vicinity. *SIOUX PASSAGE PARK ARCHEOLOGICAL SITE*, (7-24-74) PH0067806

Frontenac. *DES PERES PRESBYTERIAN CHURCH*, Geyer Rd., (4-14-78)

Hazelwood. *UTZ-TESSON HOUSE*, 615 Utz Lane, (1-22-73) PH0048313

Kirksville. *BARRETTS TUNNELS*, 3015 Barrett Station Rd., (12-8-78)

St. Louis vicinity. *JEFFERSON BARRACKS HISTORIC DISTRICT*, 10 mi. S of St. Louis on the Missouri River, (2-1-72) PH0067768

St. Louis vicinity. *WILLIAMS CREEK ARCHEOLOGICAL DISTRICT*, W of St. Louis, (11-23-77)

University City. *UNIVERSITY CITY PLAZA (CITY HALL PLAZA)*, Bounded roughly by Delmar Blvd., Trinity, Harvard, and Kingsland Aves. and S. residential property line, (3-7-75) G.

Webster Groves. *HAWKEN HOUSE*, 1155 S. Rock Hill Rd., (2-16-70) PH0048372

ste. genevieve county

Ste. Genevieve. *BOLDUC, LOUIS, HOUSE*, 123 S. Main St., (4-16-69) PH0078778 NHL; HABS.

Ste. Genevieve. *GUIBOURD, JACQUES DUBREUIL, HOUSE*, NW corner of 4th and Merchant Sts., (5-21-69) PH0078794 HABS.

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Ste. Genevieve. *KREILICH ARCHEOLOGICAL SITE*, 3 mi. NW of St. Mary, (5-21-69) PH0078808
Ste. Genevieve. *STE. GENEVIEVE HISTORIC DISTRICT*, (10-15-66) PH0132802 NHL; HABS.
Ste. Genevieve vicinity. *COMMON FIELD ARCHEOLOGICAL SITE*, S of Genevieve, (7-29-69) PH0078786

stoddard county

Bernie vicinity. *RICH WOODS ARCHEOLOGICAL SITE*, N of Bernie, (1-25-71) PH0067873
Puxico vicinity. *MINGO NATIONAL WILDLIFE REFUGE ARCHEOLOGY DISTRICT*, W of Puxico, (5-12-75)

taney county

Hollister. *DOWNING STREET HISTORIC DISTRICT*, Downing St. between 3rd and 4th Sts., (12-29-78)

texas county

Buckyrus vicinity. *WHITE ROCK BLUFFS ARCHEOLOGICAL PICTOGRAPH SITE*, 2 mi. S of Buckyrus, (5-21-69) PH0067881

vernon county

Arthur vicinity. *COAL PIT ARCHEOLOGICAL SITE*, NW of Arthur, (2-12-71) PH0067903
Fair Haven vicinity. *BROWN ARCHEOLOGICAL SITE*, W of Fair Haven, (2-12-71) PH0067890
Nevada. *VERNON COUNTY JAIL, SHERIFF'S HOUSE AND OFFICE*, 229 N. Main St., (8 16-77)
Nevada vicinity. *CARRINGTON OSAGE VILLAGE SITE*, N of Nevada, on W edge of Green Valley Prairie, (10-15-66) NHL.
Shell City vicinity. *HALLEYS BLUFF SITE*, (7-24-74) PH0067911

warren county

Marthasville vicinity. *BORGMANN MILL*, 5 mi. E of Marthasville on CR D, (11-10-70) PH0067920
Marthasville vicinity. *CALLAWAY, FLANDERS, HOUSE*, 1 mi. S of Marthasville off MO 94, (7-29-69) PH0067938
Warrenton. *WARREN COUNTY COURTHOUSE AND CIRCUIT COURT BUILDING*, Main St., (3-17-72) PH0067946

washington county

Caledonia vicinity. *LAND ARCHEOLOGICAL SITE*, 3 mi. NE of Caledonia on secondary rds., (5-5-72) PH0067962
Caledonia vicinity. *LOST CREEK PICTOGRAPH ARCHEOLOGICAL SITE*, 2 mi. NE of Caledonia, (1-25-71) PH0067971
Fertile vicinity. *CRESSWELL PETROGLYPH ARCHEOLOGICAL SITE*, 2 mi. E of Fertile, (2-12-71) PH0067954
Fertile vicinity. *WASHINGTON STATE PARK PETROGLYPH ARCHEOLOGICAL SITE*, 1 mi. NE of Fertile, (4-3-70) PH0067989

wright county

Mansfield vicinity. *WILDER, LAURA INGALLS, HOUSE*, 1 mi. E of Mansfield on U.S. Business 60, (5-19-70)

MONTANA

beaverhead county

LEMHI PASS, Reference—see Lemhi County, Idaho (1-2-74)
Dillion. *DILLION CITY LIBRARY*, 121 S. Idaho St., (11-14-78)
Dillon vicinity. *BANNACK HISTORIC DISTRICT*, 22 mi. from Dillon off MT 278, (10-15-66) PH0122408 NHL; HABS; G.
Dillon vicinity. *LAMARCHE GAME TRAP*, (9-28-76)
Wisdom vicinity. *BIG HOLE NATIONAL BATTLEFIELD*, 12 mi. W of Wisdom, (10-15-66)

big horn county

Fort Smith. *BIGHORN DITCH HEADGATE*, W of Fort Smith at mouth of Bighorn Canyon, (12-12-76)
Fort Smith vicinity. *FORT C. F. SMITH HISTORICAL DISTRICT*, E of Fort Smith in Bighorn Canyon National Recreation Area, (10-10-75)
Hardin vicinity. *CUSTER BATTLEFIELD NATIONAL MONUMENT*, 15 mi. S of Hardin, (10-15-66)
Kirby vicinity. *BATTLE OF THE ROSEBUD SITE*, 6 mi. S of Kirby, (8-21-72) PH0090867
Pryor vicinity. *CHIEF PLENTY COUPS MEMORIAL*, 1 mi. W of Pryor off MT 416, (10-6-70) PH0090875

blaine county

Chinook vicinity. *CHIEF JOSEPH BATTLEGROUND OF THE BEAR'S PAW (BEARPAW MOUNTAIN FIGHT)*, About 15 mi. S of Chinook, (10-6-70) PH0090883

broadwater county

Avalanche Gulch. *RANKIN RANCH*, (5-11-76)

carbon county

Bridger vicinity. *DEMIJOHN FLAT ARCHEOLOGICAL DISTRICT*, (11-20-74) PH0090891
Dryhead vicinity. *EWING-SNELL RANCH*, S of Dryhead, (5-12-77)
Hardin vicinity. *PRETTY CREEK ARCHEOLOGICAL SITE*, 70 mi. S of Hardin in Big Horn Canyon National Recreation Area, (1-17-75)
Hillsboro and vicinity. *CEDARVALE*, Present town of Hillsboro and its environs in Bighorn Canyon National Recreation Area, (8-19-75)
Warren vicinity. *BAD PASS TRAIL (SIOUX TRAIL)*, E of Warren along Big Horn River in Bighorn Canyon National Recreation Area, (10-29-75)
Warren vicinity. *PETROGLYPH CANYON*, 6 mi. SE of Warren, (11-20-75)

cascade county

Great Falls. *GREAT FALLS CENTRAL HIGH SCHOOL*, 1400 1st Ave. N., (9-1-76)
Great Falls. *RUSSELL, CHARLES M., HOUSE AND STUDIO*, 1217–1219 4th Ave., N, (10-15-66) PH0090913 NHL.
Great Falls vicinity. *GREAT FALLS PORTAGE*, SE of Great Falls at jct. of U.S. 87, 89, and 91, (10-15-66) PH0122424 NHL.
Great Falls vicinity. *MULLAN ROAD*, N of Great Falls in Benton Lake National Wildlife Refuge, (3-13-75)
Ulm vicinity. *ULM PISKUN (ULM BUFFALO JUMP)*, (12-17-74) PH0090921

chouteau county

Big Sandy vicinity. *LEWIS AND CLARK CAMP AT SLAUGHTER RIVER*, 40 mi. S of Big Sandy River on Missouri River, (12-16-74) PH0090956
Fort Benton. *FORT BENTON*, (10-15-66) PH0350117 NHL.
Fort Benton. *FORT BENTON HISTORIC DISTRICT*, (9-14-72) PH0090948 G.
Fort Benton. *GRAND UNION HOTEL*, 14th and Front Sts., (1-2-76)
Fort Benton vicinity. *CITADEL ROCK (CATHEDRAL ROCK)*, E of Fort Benton, (11-13-74) PH0090930
Winifred vicinity. *JUDITH LANDING HISTORIC DISTRICT*, SR 236, NW of Winifred at Missouri River, (12-6-75) (also in Fergus County)

custer county

Miles City vicinity. *FORT KEOGH*, 2.5 mi. (4 km) SW of Miles City, (3-8-78)

dawson county

Glendive. *KRUG, CHARLES, HOUSE*, 103 N. Douglas St., (6-3-76)
Glendive vicinity. *HAGEN SITE*, 5 mi. SE of Glendive, (10-15-66) PH0090964 NHL.

deer lodge county

Anaconda. *DEER LODGE COUNTY COURTHOUSE*, U.S. 10, (12-29-78)
Anaconda. *HEARST FREE LIBRARY*, Main and 4th Sts., (6-4-73) PH0090981 G.
Anaconda. *MARCUS DALY HOTEL*, Park Ave. and S. Main St., (4-26-73) PH0090972 HABS.
Anaconda. *ST. MARK'S EPISCOPAL CHURCH*, 601 Main St., (12-29-78)

fergus county

JUDITH LANDING HISTORIC DISTRICT, Reference—see Chouteau County
Landusky vicinity. *ROCKY POINT*, 30 mi. S of Landusky in Charles M. Russell National Wildlife Range, (5-21-75)
Lewistown. *ST. JAMES EPISCOPAL CHURCH AND PARISH HOUSE*, 502 W. Montana St., (11-16-78)
Lewistown. *ST. JOSEPH'S HOSPITAL*, U.S. 87, (9-13-78)

flathead county

Kalispell. *CONRAD, CHARLES E., MANSION*, 313 6th Ave. East, (2-20-75) G.
West Glacier. *BELTON CHALETS*, U.S. 2, (11-15-78)
West Glacier vicinity. *LEWIS GLACIER HOTEL*, N of West Glacier, (5-22-78)
West Glacier vicinity. *SPERRY CHALETS*, E of West Glacier, (8-2-77)

gallatin county

Bozeman. *SOUTH WILLSON HISTORIC DISTRICT*, Willson Ave. between Curtiss and Arthur Sts., (12-18-78)
Logan vicinity. *MADISON BUFFALO JUMP STATE MONUMENT*, 7 mi. S. of Logan, (4-28-70) PH0091006
Three Forks vicinity. *THREE FORKS OF THE MISSOURI*, NE of Three Forks on the Missouri River, Missouri Headwaters State Monument, (10-15-66) PH0091014 NHL.

glacier county

Babb vicinity. *MANY GLACIER HOTEL HISTORIC DISTRICT*, W of Babb, (9-29-76)
Browning vicinity. *CAMP DISAPPOINTMENT*, 12 mi. NE of Browning, (10-15-66) PH0091022 NHL.

granite county

Philipsburg vicinity. *MINERS UNION HALL*, E of Philipsburg in Deerlodge National Forest, (12-19-74) PH0091031 HABS.
Philipsburg vicinity. *SUPERINTENDENT'S HOUSE*, E of Philipsburg in Deerlodge National Forest, (12-17-74) PH0091049 HABS.

hill county

Havre vicinity. *TOO CLOSE FOR COMFORT SITE (WAHKPA CHU'GN BUFFALO JUMP AND ARCHEOLOGICAL SITE)*, (12-30-74) PH0055964

jefferson county

East Helena vicinity. *CHILD, W. C., RANCH*, S of East Helena on SR 518, (11-23-77)
Elkhorn. *FRATERNITY HALL*, Lot 14, Main St., (4-3-75) HABS.

lake county

St. Ignatius. *ST. IGNATIUS MISSION*, About 0.1 mi. SE of MT 93 in St. Ignatius, (6-19-73) PH0091057

lewis and clark county

Helena. *FORMER MONTANA EXECUTIVE MANSION*, 6th Ave. and Ewing St., (4-28-70) PH0091065 HABS.
Helena. *HELENA HISTORIC DISTRICT*, Irregular pattern from Hauser Blvd. to Acropolis and between Garfield and Rodney Sts., (6-2-72) PH0091073 HABS; G.
Helena. *KLUGE HOUSE*, 540 W. Main St., (4-28-70) PH0091081 HABS.
Helena vicinity. *WASSWEILER HOTEL AND BATH HOUSES*, W of Helena on U.S. 12, (8-1-78)

madison county

Alder vicinity. *ROBBERS ROOST (DALY'S PLACE)*, 5 mi. N of Alder at MT 387A, (1-1-76)
Dillon vicinity. *BEAVERHEAD ROCK-LEWIS AND CLARK EXPEDITION*, About 14 mi. NE of Dillon, (2-11-70) PH0091090 G.
Virginia City. *VIRGINIA CITY HISTORIC DISTRICT*, Wallace St., (10-15-66) PH0122394 NHL; HABS.

meagher county

White Sulphur Springs. *SHERMAN, BYRON R., HOUSE*, 310 2nd Ave., NE., (9-15-77)
White Sulphur Springs vicinity. *FORT LOGAN AND BLOCKHOUSE*, 17 mi. NW of White Sulphur Springs, (10-6-70) PH0091103 HABS.

missoula county

LOLO TRAIL, Reference—see Clearwater and Idaho Counties, ID (1-2-74)
Lolo vicinity. *FORT FIZZLE SITE*, 5 mi. W of Lolo, (7-21-77)
Lolo vicinity. *TRAVELER'S REST*, 1 mi. S of Lolo near U.S. 93, (10-15-66) PH0091111 NHL.
Missoula. *MISSOULA COUNTY COURTHOUSE*, 220 W. Broadway, (9-1-76)

pondera county

Browning vicinity. *TWO MEDICINE FIGHT SITE*, About 25 mi. SE of Browning, (10-6-70) PH0091120

powell county

Deer Lodge. *GRANT-KOHRS RANCH NATIONAL HISTORIC SITE*, Edge of Deer Lodge, (8-25-72)
Deer Lodge. *MONTANA TERRITORIAL AND STATE PRISON*, 925 Main St., (9-3-76)

prairie county

Terry. *GRANDEY ELEMENTARY SCHOOL*, off U.S. 10, (11-16-78)

ravalli county

Conner vicinity. *ALTA RANGER STATION*, S of Conner in Bitterroot National Forest, (12-19-74) PH0091138
Hamilton. *DALY, MARCUS, MEMORIAL HOSPITAL*, 211 S. 4th St., (12-15-78)
Hamilton vicinity. *CANYON CREEK LABORATORY OF THE U.S. PUBLIC HEALTH SERVICE*, W of Hamilton city limits, (10-15-70) PH0091146
Stevensville. *BASS MANSION*, 216 N. College St., (11-14-78)
Stevensville. *ST. MARY'S CHURCH AND PHARMACY*, North Ave., (10-6-70) PH0091162 HABS.
Stevensville vicinity. *BIG CREEK LAKE SITE*, W of Stevensville, (5-17-76)
Stevensville vicinity. *FORT OWEN*, About 0.5 mi. NW of Stevensville, (10-6-70) PH0091154 HABS.

roosevelt county

FORT UNION TRADING POST NATIONAL HISTORICAL SITE, Reference—see Williams County, ND (1-2-74)
Poplar. *FORT PECK AGENCY*, (5-19-70) PH0091171

sheridan county

Medicine Lake vicinity. *TIPI HILLS*, SE of Medicine Lake in Medicine Lake National Wildlife Refuge, (8-1-75)

silver bow county

Butte. *BUTTE HISTORIC DISTRICT*, (10-15-66) PH0091189 NHL.
Butte. *CLARK, CHARLES W., MANSION*, 108 N. Washington St., (10-22-76)
Butte. *CLARK, W. A., MANSION*, 219 W. Granite, (10-6-70) PH0091197
Butte. *WHEELER, BURTON K., HOUSE*, 1232 E. 2nd St., (12-8-76) NHL.

sweetgrass county

Springdale vicinity. *YELLOWSTONE CROSSING, BOZEMAN TRAIL*, NE of Springdale on U.S. 10, (12-1-78)

wibaux county

Wibaux. *WIBAUX, PIERRE, HOUSE*, Orgain Ave., (9-10-71) PH0091201 G.

yellowstone county

Billings. *BILLINGS CHAMBER OF COMMERCE BUILDING*, 303 N. 27th St., (1-20-72) PH0091219 HABS.
Billings. *NORTH, AUSTIN, HOUSE*, 622 N. 29th St., (11-23-77)
Billings. *O'DONNELL, I. D., HOUSE*, 105 Clark Ave., (11-23-77)
Billings. *PARMLY BILLINGS MEMORIAL LIBRARY*, 2822 Montana Ave., (10-26-72) PH0091235 HABS.
Billings vicinity. *HOSKINS BASIN ARCHEOLOGICAL DISTRICT*, (11-20-74) PH0091227
Billings vicinity. *PICTOGRAPH CAVE*, 7 mi. SE of Billings in Indian Caves Park, (10-15-66) PH0091243 NHL.
Pompey's Pillar vicinity. *POMPEY'S PILLAR*, W of Pompey's Pillar on U.S. 10, (10-15-66) PH0122416 NHL.

NEBRASKA

adams county

Hasting. *CHAUTAUQUA PAVILION*, Chautauqua Park, (10-19-78)
Hastings. *BURLINGTON STATION*, 1st St. and St. Joseph Ave., (3-29-78)
Hastings. *MCCORMICK HALL*, Hastings College campus, (5-12-75) PH0140431
Hastings. *RINGLAND HALL*, Hastings College campus, (5-12-75) PH0140449
Hastings vicinity. *THIRTY-TWO MILE STATION SITE*, 6 mi. SW of Hastings, (2-20-75)

antelope county

Neligh. *NELIGH MILL*, 111 W. 2nd St., (10-15-69) PH0091251 G.

box butte county

Marsland vicinity. *RUNNING WATER STAGE STATION SITE (HUGHES RANCHE)*, 3 mi. SW of Marsland on Niobrara River, (2-20-75)

boyd county

Lynch vicinity. *LYNCH ARCHEOLOGICAL SITE*, (12-2-74) PH0091278

buffalo county

Kearney. *FRANK, GEORGE W., HOUSE*, Kearney State College, (2-23-73) PH0091286 G.

burt county

Oakland vicinity. *LOGAN CREEK SITE*, (1-26-70) PH0091294

butler county

Abie vicinity. *BARCAL SITE (SKULL CREEK SITE)*, About 2 mi. N of Abie, (3-24-72) PH0091308
Bellwood vicinity. *BELLWOOD ARCHEOLOGICAL SITE*, (8-13-74) PH0091316
Linwood vicinity. *LINWOOD SITE*, SW of Linwood on NE 115, (3-16-72) PH0091324

cass county

Ashland vicinity. *ASHLAND ARCHEOLOGICAL SITE*, 1 mi. SE of Ashland, (2-10-75)
Elmwood. *THE ELMS (BESS STREETER ALDRICH HOUSE)*, Off NE 1, (3-24-77)
Murray vicinity. *GILMORE, WALKER, SITE (STERNS CREEK SITE)*, 5 mi. SE of Murray, (10-15-66) PH0091367 NHL.
Murray vicinity. *NAOMI INSTITUTE*, 3 mi. E of Murray, (3-24-77)
Nehawka vicinity. *NEHAWKA FLINT QUARRIES*, (1-26-70) PH0091359
Weeping Water. *WEEPING WATER HISTORIC DISTRICT*, (12-8-72) PH0091375
Weeping Water vicinity. *DAVIS, THEODORE, SITE*, 1.5 mi. E of Weeping Water on SR Spur 350, (5-19-72) PH0091341

cedar county

St. Helena vicinity. *SCHULTE ARCHEOLOGICAL SITE*, N of St. Helena, (7-30-74) PH0091383
Wynot vicinity. *BOW VALLEY MILLS*, N of Wynot (11-17-78),
Wynot vicinity. *WISEMAN ARCHEOLOGICAL SITE*, (12-2-74) PH0091391

chase county

Wauneta vicinity. *LOVETT SITE*, 12 mi. N of Wauneta on U.S. 6, (5-5-72) PH0091405

cheyenne county

Potter vicinity. *STEVENS, WES, SITE*, E of Potter, (8-28-73) PH0091421
Sidney. *FORT SIDNEY HISTORIC DISTRICT*, (3-28-73) PH0091413 G.

colfax county

Schuyler vicinity. *SCHUYLER SITE*, (8-14-73) PH0091430
Schuyler vicinity. *WOLFE ARCHEOLOGICAL SITE*, NW of Schuyler, (7-30-74) PH0091448

cuming county

Bancroft. *NEIHARDT, JOHN G., STUDY*, NW corner of Washington and Grove Sts., (7-28-70) PH0091456

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custer county

Comstock. *WESCOTT, GIBBONS & BRAGG STORE*, Off NE 106, (1-31-78)

dakota county

Dakota City. *EMMANUEL LUTHERAN CHURCH*, 1500 Hickory St., (10-15-69) PH0091464 HABS.

Homer vicinity. *HOMER SITE*, (8-14-73) PH0091472

Homer vicinity. *O'CONNOR, CORNELIUS, HOUSE*, E of Homer, (11-23-77)

dawes county

Chadron vicinity. *BORDEAUX TRADING POST*, 3 mi. E of Chadron on U.S. 20, (3-16-72) PH0091481

Crawford vicinity. *FORT ROBINSON AND RED CLOUD AGENCY*, 2 mi. W of Crawford, (10-15-66) PH0091499 NHL, G. (also in Sioux County)

dawson county

Gothenburg vicinity. *MIDWAY STAGE STATION*, S of Gothenburg, (10-15-66) PH0091502

deuel county

Big Springs. *PHELPS HOTEL*, NE corner of 2nd and Pine Sts., (10-15-70) PH0091511

dixon county

Ponca. *COOK BLACKSMITH SHOP*, 204 3rd St., (12-27-74) PH0091529 G.

dodge county

Fremont. *LOVE-LARSON OPERA HOUSE*, 543 N. Broad St., (9-10-74) PH0091537

Fremont. *NYE HOUSE*, 1643 N. Nye Ave., (11-23-77)

Fremont. *OSTERMAN AND TREMAINE BUILDING*, 455 N. Broad St., (5-23-78)

douglas county

Omaha, 1722 St. Mary's Ave., (9-21-78)

Omaha. *AQUILA COURT BUILDING*, 1615 Howard St., (10-2-73)

Omaha. *ASTRO THEATER*, 2001 Farnam St., (8-13-74)

Omaha. *BANK OF FLORENCE*, 8502 N. 30th St., (10-15-69)

Omaha. *BARTON, GUY C., RESIDENCE*, 3522 Farnam St., (8-14-73)

Omaha. *BURLINGTON HEADQUARTERS BUILDING*, 1004 Farnam St., (12-4-74)

Omaha. *BURLINGTON STATION*, 925 S. 10th St., (8-7-74) PH0140457

Omaha. *CITY NATIONAL BANK BUILDING AND CREIGHTON ORPHEUM THEATER*, 16th and Harney Sts., (3-26-73)

Omaha. *CORNISH, JOEL N., HOUSE*, 1404 S. 10th St., (8-13-74)

Omaha. *CROOK, GEN. GEORGE, HOUSE*, Quarters No. 1, Fort Omaha, (4-16-69)

Omaha. *FORT OMAHA HISTORIC DISTRICT*, 30th St. between Fort St. and Laurel Ave., (3-27-74)

Omaha. *JOSLYN, GEORGE A., MANSION*, 3902 Davenport St., (8-25-72)

Omaha. *MERCER, DR. SAMUEL D., HOUSE*, 3920 Cuming St., (6-17-76)

Omaha. *OMAHA NATIONAL BANK BUILDING (NEW YORK LIFE INSURANCE BUILDING)*, 17th and Farnam Sts., (10-18-72)

Omaha. *OMAHA PUBLIC LIBRARY*, 1823 Harney St., (5-22-78)

Omaha. *SPECHT, CHRISTIAN, BUILDING*, 1110 Douglas St., (9-19-77)

Omaha. *STORZ, GOTTLIEB, HOUSE*, 3708 Farnam St., (8-7-74)

Omaha. *TRINITY CATHEDRAL*, 113 N. 18th St., (8-7-74)

Omaha. *UNION PASSENGER TERMINAL*, 10th and March Sts., (11-12-71) G.

Omaha. *WEBSTER TELEPHONE EXCHANGE BUILDING*, 2213 Lake St., (12-5-77)

Omaha. *ZABRISKIE, EDGAR, HOUSE*, 3524 Hawthorne Ave., (11-28-78)

Omaha vicinity. *CABANNE ARCHEOLOGICAL SITE*, About 2 mi. N of Omaha, (5-5-72)

Omaha vicinity. *CHAMPE-FREMONT I ARCHEOLOGICAL SITE*, W of Omaha, (10-21-75) (also in Sarpy County)

fillmore county

Geneva. *FILLMORE COUNTY COURTHOUSE*, 9th and G Sts., (12-12-78)

frontier county

Cambridge vicinity. *MOWRY BLUFF ARCHEOLOGICAL SITE*, NW of Cambridge, (7-12-74)

Stockville vicinity. *RED SMOKE ARCHEOLOGICAL SITE*, (10-1-74)

gage county

Barneston. *BARNESTON SITE*, (1-21-74)

Beatrice. *BEATRICE CITY LIBRARY*, 220 N. 5th St., (7-12-76)

Beatrice. *BURLINGTON NORTHERN DEPOT*, 118 Court St., (5-2-75)

Beatrice. *PADDOCK, ALGERNON S., HOUSE*, 1401 N. 10th St., (3-14-73)

Beatrice vicinity. *HOMESTEAD NATIONAL MONUMENT OF AMERICA*, 4 mi. NW of Beatrice on NE 4, (10-15-o6)

Blue Springs vicinity. *BLUE SPRINGS SITE*, (8-14-73)

DeWitt vicinity. *DEWITT FLOUR MILLS AND KING IRON BRIDGE*, E of DeWitt on Big Blue River, (12-27-78)

Filley vicinity. *FILLEY, ELIJAH, STONE BARN*, S of Filley off U.S. 136, (4-11-77)

garden county

Lewellen vicinity. *ASH HOLLOW CAVE*, 2 mi. SE of Lewellen, (10-15-66) NHL.

Lewellen vicinity. *ASH HOLLOW HISTORIC DISTRICT*, SW of Lewellen along U.S. 26, (8-6-75)

grant county

Hyannis. *HOTEL DEFAIR*, NE 2 and Main St., (10-29-76)

hall county

Grand Island. *GRAND ISLAND CARNEGIE LIBRARY*, 321 W. 2nd St., (5-2-75)

Grand Island. *HALL COUNTY COURTHOUSE*, 1st and Locust, (9-15-77)

Grand Island. *HARGIS, ANDREW M., HOUSE*, 1109 W. 2nd St., (6-9-78)

Grand Island. *LIEDERKRANZ*, 401 W. 1st St., (11-30-78)

Grand Island. *STOLLEY HOMESTEAD SITE/SITE OF FORT INDEPENDENCE*, Stolley Park, (3-16-72)

Grand Island vicinity. *GRAND ISLAND FCC MONITORING STATION*, 5 mi. W of Grand Island near NE Spur 430, (1-16-73)

hitchcock county

Trenton vicinity. *MASSACRE CANYON BATTLEFIELD*, NE of Trenton, (7-25-74)

holt county

O'Neill. *OLD NEBRASKA STATE BANK BUILDING*, Douglas and 4th Sts., (10-1-74) G.

O'Neill vicinity. *EAGLE CREEK ARCHEOLOGICAL SITE*, (10-1-74)

Redbird vicinity. *REDBIRD I SITE*, (11-21-74)

hooker county

Mullen vicinity. *HUMPHREY ARCHEOLOGICAL SITE*, (1-21-74) PH0039098

Mullen vicinity. *KELSO SITE*, Plains Woodland (c. 800), (1-21-74) PH0039101

howard county

Cotesfield vicinity. *COUFAL SITE*, 6 mi. NW of Cotesfield on Davis Creek, (10-15-66) PH0039136 NHL.

Palmer vicinity. *PALMER SITE*, (10-15-66) PH0103675 NHL.

jefferson county

Fairbury. *JEFFERSON COUNTY COURTHOUSE*, Courthouse Sq., (11-27-72) PH0039110

Fairbury vicinity. *SMITH, WORAL C., LIME KILN AND LIMESTONE HOUSE*, 2 mi. NW of Fairbury, (12-3-74) PH0039144 G.

Powell vicinity. *DISTRICT NO. 10 SCHOOL*, W of Powell, (12-15-78)

Steele City. *STEELE CITY HISTORIC DISTRICT*, (3-16-72) PH0039152

johnson county

Tecumseh. *TECUMSEH HISTORIC DISTRICT*, Irregular pattern roughly bounded by Atchison & Nebraska RR. tracks, 9th and Washington Sts., and U.S. 136, (6-20-75) G.

kearney county

Kearney vicinity. *DOBYTOWN*, SE of Kearney, (12-16-74)

Newark vicinity. *FORT KEARNEY*, 2 mi. W of Newark on NE 10, (7-2-71) PH0039292

keith county

Brule vicinity. *BEAUVAIS RANCH SITE (STAR RANCHE)*, 4 mi. SW of Brule, (2-20-75)

Brule vicinity. *CALIFORNIA HILL*, W of Brule, (7-15-74) PH0039314

Brule vicinity. *DIAMOND SPRINGS STAGE STATION SITE*, 1 mi. W of Brule exit on I 80, (10-15-70) PH0039322

Ogallala. *BRANDHOEFER, LEONIDAS A., MANSION*, 10th and Spruce Sts., (10-3-73) PH0039306

knox county

Santee. *CONGREGATIONAL CHURCH AND MANSE*, Santee Indian Reservation, (3-16-72) PH0039331

Santee. *EPISCOPAL CHURCH (CHURCH OF OUR MOST MERCIFUL SAVIOR)*, On the Missouri River in the Santee Indian Reservation, (3-16-72) PH0039349 G.

Verdel vicinity. *PONCA FORT SITE*, (4-3-73) PH0039357

lancaster county

SCHRADER ARCHEOLOGICAL SITE, (1-21-74) PH0039420

Lincoln. *CITY HALL*, 920 O St., (10-15-69) PH0039365

Lincoln. *FAIRVIEW (WILLIAM JENNINGS BRYAN HOUSE)*, 4900 Summer St., (10-15-69) PH0103942 NHL.

Lincoln. *FERGUSON, WILLIAM H., HOUSE*, 700 S. 16th St., (11-29-72) PH0039373 G.

Lincoln. *KENNARD, THOMAS P., HOUSE (NEBRASKA STATEHOOD MEMORIAL)*, 1627 H St., (4-16-69) PH0039403

Lincoln. *LEWIS-SYFORD HOUSE*, 700 N. 16th St., (2-18-71) PH0039381 G.

Lincoln. *NEBRASKA STATE CAPITOL*, 1445 K St., (10-16-70) PH0039390 NHL.

Lincoln. *NEBRASKA TELEPHONE COMPANY BUILDING*, 128–130 S. 13th St., (11-16-78)

Lincoln. *OLD MAIN, NEBRASKA WESLEYAN UNIVERSITY*, 50th and St. Paul Sts., (5-21-75)

Lincoln. *OLD UNIVERSITY LIBRARY*, 11th and R Sts., (8-6-75)

Lincoln. *ROCK ISLAND DEPOT*, 1944 O St., (9-3-71) PH0039411

Lincoln. *TYLER, WILLIAM H. HOUSE*, 808 D St., (4-6-78)

Lincoln. *ZIEMER, ARTHUR C., HOUSE*, 2030 Euclid St., (11-23-77)

lincoln county

North Platte vicinity. *SCOUT'S REST RANCH*, NW of North Platte off U.S. 30, (1-30-78)

Sutherland vicinity. *O'FALLONS BLUFF*, SE of Sutherland, (7-12-74) PH0039438

madison county

Norfolk. *U.S. POST OFFICE AND COURTHOUSE*, 125 S. 4th St., (10-9-74) PH0039446

morrill county

Bayard vicinity. *CHIMNEY ROCK NATIONAL HISTORIC SITE*, 3 mi. SW of Bayard, (10-15-66) PH0330396

Bridgeport vicinity. *CAMP CLARKE BRIDGE SITE*, W of Bridgeport, (11-8-74) PH0039454

Bridgeport vicinity. *COURTHOUSE AND JAIL HOUSE ROCKS*, 5 mi. S of Bridgeport, (4-24-73) PH0039462

Dalton vicinity. *MUD SPRINGS PONY EXPRESS STATION SITE*, About 8 mi. NW of Dalton, (4-24-73) PH0039471

nance county

Belgrade vicinity. *COTTONWOOD CREEK ARCHEOLOGICAL SITE*, (10-18-74) PH0068012

Fullerton vicinity. *CUNNINGHAM ARCHEOLOGICAL SITE*, 3 mi. SE of Fullerton, (2-13-75)

Fullerton vicinity. *FULLERTON ARCHEOLOGICAL SITE*, (11-1-74) PH0068039

Fullerton vicinity. *HORSE CREEK PAWNEE VILLAGE*, SW of Fullerton, (7-12-74) PH0068055

Genoa vicinity. *BURKETT ARCHEOLOGICAL SITE*, SW of Genoa, (7-12-74) PH0068004

Genoa vicinity. *GENOA SITE*, 1 mi. S of Genoa on NE 39, (10-15-70) PH0068047

Genoa vicinity. *PAWNEE MISSION AND BURNT VILLAGE ARCHEOLOGICAL SITE*, (8-7-74) PH0068063

Genoa vicinity. *U.S. INDIAN INDUSTRIAL SCHOOL*, NE 22, (5-22-78)

Genoa vicinity. *WRIGHT SITE*, (8-14-73) PH0068071

nemaha county

Brownville. *BROWNVILLE HISTORIC DISTRICT*, Bounded by Allen, Richard, Nemaha, Nebraska, 7th, and 2nd Sts. and the Missouri River, (5-19-70) PH0068080 HABS; G.

Brownville vicinity. *CAPTAIN MERIWETHER LEWIS DREDGE*, SE of Brownville, (10-28-77)

Peru vicinity. *MAJORS, THOMAS J., FARMSTEAD*, W of Peru at 800 Mulberry St., (6-15-78)

otoe county

Nebraska City. *MORTON-JAMES PUBLIC LIBRARY*, 11th St. and 1st Corso, (5-28-76)

Nebraska City. *NEBRASKA CITY HISTORIC DISTRICT*, Roughly bounded by 5th Ave., 3rd, 19th, and 1st Corso Sts., (10-29-76)

Nebraska City. *OTOE COUNTY COURTHOUSE*, 10th St. and Central Ave., (6-18-76) HABS.

Nebraska City. *SOUTH NEBRASKA CITY HISTORIC DISTRICT*, Roughly bounded by 4th, 11th, 1st Corso, and 4th Corso Sts., (10-22-76)

Nebraska City. *SOUTH 13TH STREET HISTORIC DISTRICT*, Roughly bounded by 12th, 14th, 1st Corso, and 6th Corso Sts., (10-29-76)

Nebraska City. *U.S. POST OFFICE*, 202 S. 8th St., (9-3-71) PH0068101

Nebraska City vicinity. *ARBOR LODGE (J. STERLING MORTON HOUSE)*, Arbor Lodge State Park, W of Nebraska City, (4-16-69) PH0068098 NHL; G.

Nebraska City vicinity. *BOSCOBEL*, N of Nebraska City on Steamwagon Rd., (6-17-76)

Nebraska City vicinity. *LEE, GEORGE F., OCTAGON HOUSES*, S of Nebraska City off U.S. 73/75, (11-23-77)

Nebraska City vicinity. *WARE, JASPER A., HOUSE (WILDWOOD FARM)*, S of Nebraska City on Steinhart Park Rd., (7-16-73) PH0068110

pawnee county

Table Rock vicinity. *TABLE ROCK ARCHEOLOGICAL SITE*, E of Table Rock, (7-12-74) PH0068136

platte county

Columbus. *GLUR'S TAVERN*, 2301 11th St., (7-30-75)

Creston vicinity. *FEYE ARCHEOLOGICAL SITE*, (1-21-74) PH0068144

Creston vicinity. *WURDEMAN-LAWSON ARCHEOLOGICAL SITE*, SE of Creston, (7-12-74) PH0068161

Monroe vicinity. *LARSON, HANNA, ARCHEOLOGICAL SITE (LOOKING GLASS SITE)*, 4.5 mi. W of Monroe, (2-20-75)

polk county

Osceola. *MICKEY, GOV. JOHN HOPWOOD, HOUSE*, State St., (5-12-77)

Osceola vicinity. *CLARKS SITE*, (8-14-73) PH0068179

Stromsburg vicinity. *MORRILL, CHARLES H., HOMESTEAD*, 0.5 mi. SE of Stromsburg on U.S. 81, (6-4-73) PH0068187

red willow county

McCook. *NORRIS, SENATOR GEORGE WILLIAM, HOUSE*, 706 Norris Ave., (5-28-67) PH0103691 NHL.

McCook. *STUTTON, H. P., HOUSE*, 602 Norris Ave., (5-22-78)

McCook vicinity. *DOYLE ARCHEOLOGICAL SITE*, (12-4-74) PH0068195

richardson county

Humboldt. *HOLMAN, JOHN, HOUSE*, 947 Nemaha St., (4-25-72) PH0068209

Rulo vicinity. *LEARY SITE*, 4 mi. SE of Rulo on NE 7, (10-15-66) PH0068217 NHL.

saline county

Crete. *DOANE COLLEGE HISTORIC DISTRICT*, Doane College campus, (8-16-77)

Crete. *JOHNSTON-MUFF HOUSE*, 1422 Boswell Ave., (9-19-77)

Crete vicinity. *BICKLE, JESSE C., HOUSE*, W of Crete off NE 33, (11-23-77)

Wilber. *HOTEL WILBER*, 2nd and Wilson Sts., (9-20-78)

Wilber. *MANN-ZWONECEK HOUSE*, 524 W. 1st St., (12-29-78)

sarpy county

CHAMPE-FREMONT I ARCHEOLOGICAL SITE, Reference—see Douglas County

Bellevue. *BURLINGTON DEPOT (OMAHA & SOUTHERN RAILROAD STATION)*, Haworth Park, (10-16-70) PH0068225

Bellevue. *FONTANELLE BANK*, 2212 Main St., (4-16-69) PH0068233

Bellevue. *FONTENELLE FOREST HISTORIC DISTRICT*, 1111 Bellevue Rd., (1-21-74) PH0068241

Bellevue. *HAMILTON, WILLIAM, HOUSE*, 2003 Bluff St., (10-15-69) PH0068250

Bellevue. *OLD LOG CABIN*, 1805 Hancock St., (10-16-70) PH0068284

Bellevue. *PRESBYTERIAN CHURCH*, 2002 Franklin St., (10-15-70) PH0068292 HABS.

Bellevue vicinity. *BLACKSMITH SHOP*, S of Bellevue on Offutt Air Force Base, (5-12-78)

Bellevue vicinity. *FORT CROOK HISTORIC DISTRICT*, SW of Bellevue on Offutt Air Force Base, (12-12-76)

Bellevue vicinity. *MCCARTY-LILLEY HOUSE*, W of Bellevue on Quail Dr., (12-22-78)

Bellevue vicinity. *SARPY, PETER A., TRADING POST SITE*, NE of Bellevue on W bank of Missouri River, (6-10-75)

La Platte vicinity. *MOSES MERRILL MISSION AND OTO INDIAN VILLAGE*, 4 mi. W of La Platte, (3-16-72) PH0068276

Papillion vicinity. *KURZ OMAHA VILLAGE*, (8-14-73) PH0068268

saunders county

Ashland vicinity. *BEETISON, ISRAEL, HOUSE*, SE of Ashland, (4-18-77)

Cedar Bluffs vicinity. *PAHUK*, (8-14-73) PH0068322

Inglewood vicinity. *MCCLEAN (MCCLAINE) SITE*, 2 mi. S of Inglewood on U.S. 77, (3-16-72) PH0068314

Inglewood vicinity. *WOODCLIFF BURIALS*, 2.5 mi. S of Inglewood off U.S. 77, (3-7-73) PH0068331

Leshara vicinity. *LESHARA SITE*, NW of Leshara, (3-16-72) PH0068306

Yutan vicinity. *YUTAN SITE*, SE of Yutan, off U.S. 92, (6-26-72) PH0068349

scotts bluff county

Gering vicinity. *ROBIDOUX PASS*, 9 mi. W of Gering, (10-15-66) PH0068357 NHL.

Gering vicinity. *SCOTTS BLUFF NATIONAL MONUMENT*, 3 mi. W of Gering on NE 92, (10-15-66)

Gering vicinity. *SIGNAL BUTTE*, 13 mi. SW of Gering, (10-15-66) PH0103667 NHL.

Scottsbluff vicinity. *FORT MITCHELL SITE*, W of Scottsbluff on NE 29, (6-7-78)

seward county

Seward. *CATTLE, JOHN JR., HOUSE*, W. Hillcrest St., (9-13-78)

sheridan county

Hay Springs vicinity. *CAMP SHERIDAN AND SPOTTED TAIL INDIAN AGENCY*, 11 mi. N of Hay Springs, (11-19-74) PH0068365

sherman county

Sweetwater vicinity. *SWEETWATER ARCHEOLOGICAL SITE*, NW of Sweetwater, (7-29-74) PH0068373

sioux county

FORT ROBINSON AND RED CLOUD AGENCY, Reference—see Dawes County (1-2-74)

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Agate vicinity. *COOK, HAROLD J., HOMESTEAD CABIN*, 3 mi. E of Agate off NE 29 on Agate Fossil Beds National Monument, (8-24-77)
Crawford vicinity. *HUDSON-MENG BISON KILL SITE*, In Nebraska National Forest, (8-28-73) PH0068381

thayer county

Alexandria. *DILL, RICHARD E., HOUSE*, (1-29-73) PH0068390

thomas county

Halsey vicinity. *BESSEY NURSERY*, W of Halsey off NE 2, (5-24-78)

valley county

Elyria vicinity. *FORT HARTSUFF*, N of Elyria, (3-24-78)
North Loup vicinity. *SCHULTZ SITE*, 3 mi. NW of North Loup, (10-15-66) PH0068403 NHL.

washington county

Blair vicinity. *BERTRAND* SITE, DeSoto National Wildlife Refuge, (3 24-69) PH0068411
Fort Calhoun vicinity. *FORT ATKINSON*, 1 mi. E of Fort Calhoun, (10-15-66) PH0068420 NHL; G.

wayne county

Wayne. *WIGHTMAN, DR. W. C., HOUSE*, 702 Lincoln St., (6-13-78)

webster county

Guide Rock vicinity. *PIKE-PAWNEE VILLAGE SITE (HILL SITE)*, 4 mi. SW of Guide Rock, (10-15-66) PH0068446 NHL.
Red Cloud. *CATHER HOUSE*, SW corner of 3rd and Cedar Sts., (4-16-69) PH0068438 NHL.
Red Cloud vicinity. *STARKE ROUND BARN*, 4.5 mi. E of Red Cloud on U.S. 163, (3-16-72) PH0068454

york county

York. *YORK COUNTY COURTHOUSE*, 5th St. and Lincoln Ave., (12-6-75)

NEVADA

carson city (independent city)

CARSON BREWING COMPANY, 102 S. Division St., (8-18-78)
GOVERNOR'S MANSION, 606 Mountain St., (10-22-76)
GOVERNOR'S MANSION, 606 Mountain St., (10-22-76)
LAKEVIEW HOUSE, U.S. 395 S of E. Lake Blvd., (1-5-78)
NEVADA STATE CAPITOL, 101 N. Carson St., (6-10-75) HABS.
NEVADA STATE PRINTING OFFICE, 101 S. Fall St., (3-29-78) HABS.
NYE, GOV. JAMES W., MANSION, 108 N. Minnesota St., (4-16-75) HABS.
RAYCRAFT RANCH, N of Carson City, on U.S. 395, (5-4-76)
RINCKEL HOUSE, 102 N. Curry St., (11-20-75) HABS.
ROBERTS, JAMES D., HOUSE, 1217 N. Carson St., (1-3-78) HABS.
SECOND RAILROAD CAR NO. 21, 2180 S. Carson St., (12-1-78)
ST. PETER'S EPISCOPAL CHURCH, 312 N. Division St., (1-3-78) HABS.
U.S. MINT, 600 N. Carson St., (9-5-75) HABS.
VIRGINIA AND TRUCKEE RR. ENGINES NO. 18, THE DAYTON; AND NO. 22, THE *INYO*, NE corner of Colorado and Carson Sts., (12-18-73) PH0068462 G.
Meder. *LEW M., HOUSE*, 308 N. Nevada St., (8-2-78) HABS.

corson city county

Carson City. *VIRGINIA AND TRUCKEE RAILROAD SHOPS*, Between Stewart and Plaza St., (12-2-77) HABS.

churchill county

Austin vicinity. *COLD SPRINGS STATION SITE*, 51 mi. W of Austin on U.S. 50, (2-23-72) PH0068471
Fallon vicinity. *GRIMES POINT*, (2-23-72) PH0068489
Fallon vicinity. *STILLWATER MARSH*, 15 mi. NE of Fallon in Stillwater Wildlife Management Area, (3-19-75)
Frenchman vicinity. *COLD SPRINGS PONY EXPRESS STATION RUINS*, 25 mi. (40 km) NE of Frenchman off U.S. 50, (5-16-78)
Lovelock vicinity. *HOMBOLDT CAVE*, S of Lovelock off U.S. 40/95, (3-15-76)

clark county

Indian Springs vicinity. *TIM SPRINGS PETROGLYPHS*, (12-16-74) PH0078867
Las Vegas. *LAS VEGAS MORMON FORT*, 900 Las Vegas Blvd. N., (2-1-72) PH0078824
Las Vegas. *LAS VEGAS SPRINGS*, 3700 W. Charleston Blvd., (12-14-78)
Las Vegas vicinity. *CORN CREEK CAMPSITE*, 26 mi. N of Las Vegas in Desert National Wildlife Range, (3-4-75)
Las Vegas vicinity. *HIDDEN FOREST CABIN*, About 20 mi. N of Las Vegas on Hidden Forest Rd., (2-20-75) PH0078816
Las Vegas vicinity. *MORMON WELL SPRING*, N of Las Vegas on Mormon Spring, (12-24-74) PH0078832
Las Vegas vicinity. *POTOSI*, S of Las Vegas off I 15 near Potosi Pass, (11-13-74) PH0078841
Las Vegas vicinity. *SANDSTONE RANCH*, 20 mi. SW of Las Vegas, (4-2-76)
Las Vegas vicinity. *SHEEP MOUNTAIN RANGE ARCHEOLOGICAL DISTRICT*, (12-31-74) PH0078859 (also in Lincoln County)
Las Vegas vicinity. *SLOAN PETROGLYPH SITE*, S of Las Vegas off I-15, (12-19-78)
North Las Vegas. *KYLE RANCH*, Losee St. and Carey Ave., (10-6-75)

douglas county

Minden. *MINDEN FLOUR MILLING COMPANY*, 6th St. and U.S. 395, (11-14-78)
Minden vicinity. *GENOA HISTORIC DISTRICT*, 7 mi. NW of Minden on NV 57, (4-16-75)
Minden vicinity. *GENOA STATION*, 7 mi. NW of Minden on NV 57, (4-16-75) PH0049549

elko county

Elko. *RUBY VALLEY PONY EXPRESS STATION*, 1515 Idaho St., (3-10-75)

eureka county

Eureka. *EUREKA HISTORIC DISTRICT*, Along U S. 50, (4-13-73) PH0078875 G.

humboldt county

Denio vicinity. *LAST SUPPER CAVE*, W of Denio, (12-6-75)
Paradise Valley. *MICCA HOUSE*, Bridge St., (6-11-75)
Paradise Valley vicinity. *SILVER STATE FLOUR MILL*, 7 mi. E of Paradise Valley off NV 8B, (5-13-76)
Sulphur vicinity. *APPLEGATE-LASSEN TRAIL*, Trail extends from Rye Patch NW to state line (also in Pershing and Washoe Counties), (12-18-78)

lander county

Austin. *AUSTIN HISTORIC DISTRICT*, In Pony Canyon at jct. of U.S. 50 and NV 8A, (11-23-71) PH0078883

lincoln county

SHEEP MOUNTAIN RANGE ARCHEOLOGICAL DISTRICT, *Reference—see Clark County* (1-2-74)
Alamo vicinity. *BLACK CANYON PETROGLYPHS*, 8 mi. S of Alamo in Pahranaget National Wildlife Refuge, (5-27-75)
Caliente. *CALIENTE RAILROAD DEPOT*, 100 Depot Ave., (5-5-74) PH0078905
Hiko vicinity. *WHITE RIVER NARROWS ARCHEOLOGICAL DISTRICT*, N of Hiko, (8-1-78)
Pioche. *LINCOLN COUNTY COURTHOUSE*, Lacour St., (2-23-78)
Pioche vicinity. *BRISTOL WELLS TOWN SITE*, 23 mi. N of Pioche off U.S. 93, (3-24-72) PH0078891

lyon county

Weeks vicinity. *FORT CHURCHILL*, U.S 95A, 8 mi. S of U.S. 50, (10-15-66) PH0078913 NHL; G.

mineral county

Hawthorne vicinity. *AURORA*, SW of Hawthorne, (7-30-74) PH0078930

nye county

Berlin. *BERLIN HISTORIC DISTRICT*, Off NV 23, (11-5-71) PH0078956 G.
Fish Springs vicinity. *JAMES WILD HORSE TRAP*, About 5 mi. E of Fish Springs, (11-19-74)
Tonopah. *MIZPAH HOTEL*, 100 Main St., (7-7-78)
Tonopah vicinity. *BELMONT*, 46 mi. NE of Tonopah off NV 82, (6-13-72) PH0078948
Tonopah vicinity. *TYBO CHARCOAL KILNS*, About 55 mi. NE of Tonopah off U.S. 6, (11-19-74) PH0078972

pershing county

APPLEGATE-LASSEN TRAIL, *Reference—see Humboldt County*
Lovelock vicinity. *LEONARD ROCK SHELTER*, 12 mi. S of Lovelock off NV 59, (10-15-66) PH0078921 NHL.
Lovelock vicinity. *RYE PATCH ARCHEOLOGICAL SITES*, N of Lovelock, (8-2-78)

storey county (also in Washoe County)

Sparks vicinity. *DERBY DIVERSION DAM*, 19 mi. (30.4 km) E of Sparks on I-80, (4-26-78)
Virginia City. *VIRGINIA CITY HISTORIC DISTRICT*, (10-15-66) PH0078981 NHL; HABS.
Virginia City vicinity. *LAGOMARSINO PETROGLYPH SITE*, N of Virginia City, (3-24-78)

washoe county

APPLEGATE-LASSEN TRAIL, *Reference—see Humboldt County*
DERBY DIVERSION DAM, *Reference—see Storey County* 11/6/78
Carson City vicinity. *OLD WINTERS RANCH/WINTERS MANSION*, N of Carson City, (7-30-74) PH0079049
Reno. *BILLINGHURST, BENSON DILLON, HOUSE*, 729 Evans Ave., (11-8-74) PH0078999

Reno. *GLENDALE SCHOOL*, S. Virginia St. and Lietzke Lane, (1-30-78)
Reno. *LAKE MANSION*, Adjacent to the Centennial Coliseum on U.S. 395, (6-29-72) PH0079014 G.
Reno. *MORRILL HALL, UNIVERSITY OF NEVADA/RENO*, University of Nevada campus, (5-1-74) PH0079006 G.
Reno. *MOUNT ROSE ELEMENTARY SCHOOL*, 915 Lander St., (11-25-77)
Reno. *NEWLANDS, SENATOR FRANCIS G., HOUSE*, 17 Elm Ct., (10-15-66) PH0079022 NHL.
Reno. *ODD FELLOWS BUILDING*, 133 N. Sierra St., (11-27-78)
Reno vicinity. *BOWERS MANSION*, 19 mi. S of Reno off U.S. 395, (1-31-76)

white pine county

Baker vicinity. *LEHMAN ORCHARD AND AQUEDUCT (NO. 22)*, Lehman Caves National Monument, (2-25-75)
Baker vicinity. *RHODES CABIN (NO. 19)*, Lehman Caves National Monument, (2-25-75)
Ely vicinity. *FORT SCHELLBOURNE*, 43 mi. N of Ely off U.S. 93 on NV 2, (2-23-72) PH0079057
Ely vicinity. *SUNSHINE LOCALITY*, NW of Ely, (1-30-78)
Ely vicinity. *WARD CHARCOAL OVENS*, S of Ely off U.S. 6/93, (9-28-71) PH0079081 G.
Hobson vicinity. *FORT RUBY*, Near Hobson on W side of Ruby Lake, (10-15-66) PH0079031 NHL.

NEW HAMPSHIRE

belknap county

East Alton. *FIRST FREEWILL BAPTIST CHURCH*, N of Lovelock, (8-2-78)
Laconia. *BELKNAP-SULLOWAY MILL*, Mill St., (1-25-71) PH0007765
Laconia. *BUSIEL-SEEBURG MILL*, Mill St., (1-25-71) PH0101036

carroll county

Silver Lake. *JOY FARM (e e cummings HOUSE)*, Salter Hill Rd., (11-11-71) PH0007773 NHL.

cheshire county

East Swanzey vicinity. *CARLETON BRIDGE*, On Carleton Rd. over South Branch Ashuelot River, (6-10-75)
Fitzwilliam. *THIRD FITZWILLIAM MEETING HOUSE*, Village Green, (8-26-77)
Harrisville and vicinity. *HARRISVILLE HISTORIC DISTRICT*, Town of Harrisville and its environs, (9-17-71) PH0007790 HABS; G; NHL.
Jaffrey vicinity. *JAFFREY CENTER HISTORIC DISTRICT*, NW of Jaffrey on NH 124, (6-11-75)
Keene. *CHESHIRE COUNTY COURTHOUSE*, 12 Court St., (12-13-78)
Keene. *DINSMOOR-HALE HOUSE*, Main and Winchester Sts., (4-26-76)
Keene. *ELLIOT HOUSE*, 305 Main St., (4-30-76)
Keene. *FISKE, CATHERINE, SEMINARY FOR YOUNG LADIES*, 251 Main St., (5-3-76)
Keene. *WYMAN TAVERN*, 339 Main St., (4-3-72) PH0007803
Keene vicinity. *COOKE, NOAH, HOUSE*, W of Keene on Daniels Hill Rd., (4-23-73) PH0007781
Nelson. *NELSON SCHOOLHOUSE*, Old Sullivan Rd., (6-7-76)
Swanzey vicinity. *SAWYERS CROSSING COVERED BRIDGE*, N of Swanzey off NH 32, (11-14-78)
Walpole. *WALPOLE ACADEMY*, Main St., (5-21-75) HABS.
Westport. *SLATE COVERED BRIDGE*, off NH 10, (11-14-78)
Winchester vicinity. *COOMBS COVERED BRIDGE*, N of Winchester off NH 10, (11-21-76)

coos county

Bretton Woods vicinity. *MOUNT WASHINGTON HOTEL*, off U.S. 302, (9-27-78)
Columbia. *COLUMBIA COVERED BRIDGE*, Across Connecticut River between U.S. 3 and VT 102, (12-12-76)
Lancaster. *WILDER-HOLTON HOUSE*, 226 Main St., (6-11-75)
Lancaster vicinity. *MOUNT ORNE COVERED BRIDGE*, SW of Lancaster off NH 135, (12-12-76)

grafton county

Ashland. *WHIPPLE HOUSE*, 4 Pleasant St., (12-13-78)
Bath. *BATH COVERED BRIDGE*, Off U.S. 302/NH10, (9-1-76) HAER.
Bath vicinity. *SWIFTWATER COVERED BRIDGE*, S of Bath on Valley Rd., (11-21-76)
Bethlehem vicinity. *FELSENGARTEN*, SW of Bethlehem on Lewis Hill Rd., (6-18-73) PH0007838
Canaan. *CANAAN MEETINGHOUSE (CANAAN TOWN HALL)*, Canaan St., (5-7-73) PH0007811 G.
Canaan. *CANAAN STREET HISTORIC DISTRICT*, Canaan St., (5-7-73) PH0007820
Franconia vicinity. *FROST PLACE*, S of Franconia off NH 116 on Ridge Rd., (11-30-76)
Haverhill vicinity. *BEDELL BRIDGE*, Between Haverhill and Newhury, VT, over Connecticut River, (5-28-75) G. (also in Orange County, VT)
Littleton. *LITTLETON TOWN BUILDING (LITTLETON OPERA HOUSE)*, 1 Union St., (5-7-73) PH0007846
Orford. *ORFORD STREET HISTORIC DISTRICT*, Orford St. (NH 10) from Rt. 25A to Archertown Rd., E to include cemetery, (8-26-77) HABS.
WOODSVILLE. *HAVERHILL-BATH COVERED BRIDGE*, NH 135, (4-18-77)

hillsborough county

Goffstown. *GOFFSTOWN RAILROAD BRIDGE*, NH 114 (Main St.) over Piscataquog River, (6-18-75)
Hillsborough. *CONTOOCOOK MILLS INDUSTRIAL DISTRICT*, Between Mill St. and Contoocook River, (6-10-75)
Hillsborough. *HILLSBOROUGH RAILROAD BRIDGE*, Spans Contoocook River SW of NH 149, (6-10-75) HAER.
Hillsborough vicinity. *PIERCE, FRANKLIN, HOMESTEAD*, 3 mi. W of Hillsborough on NH 31, (10-15-66) PH0131768 NHL.
Manchester. *ASH STREET SCHOOL*, Bounded by Ash, Bridge, Maple, and Pearl Sts., (5-30-75)
Manchester. *ATHENS BUILDING (PALACE THEATER)*, 76–96 Hanover St., (5-30-75)
Manchester. *MANCHESTER CITY HALL*, 908 Elm St., (6-13-75)
Manchester. *SMYTH TOWER*, 718 Smyth Rd., (7-24-78)
Manchester. *STARK, GEN. JOHN, HOUSE*, 2000 Elm St., (6-29-73) PH0007889
Manchester. *WESTON OBSERVATORY*, Oak Hill, Derryfield Park, (5-28-75)
Merrimack vicinity. *SIGNER'S HOUSE AND MATTHEW THORNTON CEMETERY*, S of Merrimack on U.S. 3, (12-22-78)
Nashua. *HUNT MEMORIAL LIBRARY*, 6 Main St., (6-28-71) PH0007854
Peterborough. *MACDOWELL COLONY*, W of U.S. 202, (10-15-66) PH0007862 NHL.
Peterborough. *PETERBOROUGH UNITARIAN CHURCH*, Main and Summer Sts., (4-23-73) PH0007871
Temple vicinity. *NEW ENGLAND GLASSWORKS SITE*, SW of Temple off Nashua Rd., (6-10-75) G.

merrimack county

Bradford. *BEMENT COVERED BRIDGE*, Center Rd., (11-21-76)
Canterbury vicinity. *CANTERBURY SHAKER VILLAGE*, 4 mi. E of Canterbury on Shaker Rd., (6-17-75)
Concord. *CONCORD HISTORIC DISTRICT*, Bounded by N. State St., Horse Shoe Pond, Boston and Maine RR. tracks, Sen. Styles Bridges Hwy. and Church St., (6-11-75) HABS.
Concord. *EAGLE HOTEL*, 110 N. Main St., (9-20-78)
Concord. *OLD POST OFFICE*, N. State St., between Capitol and Park St., (8-13-73) PH0007897
Franklin. *SULPHITE RAILROAD BRIDGE*, Off U.S. 3 over Winnipesaukee River, (6-11-75)
Hopkinton. *LONG, WILLIAM H., MEMORIAL*, Main St., (7-15-77)
Northfield. *HALL MEMORIAL LIBRARY*, Park St., (10-4-78)
Salisbury. *SALISBURY ACADEMY BUILDING*, Jct. of NH 127 and U.S. 4, (5-30-75)
Warner. *DALTON COVERED BRIDGE*, Joppa Rd., (11-21-76) HAER.
Waterloo. *WATERLOO COVERED BRIDGE*, Newmarket Rd., (11-21-76) HAER.
West Franklin. *WEBSTER, DANIEL, FAMILY HOME (THE ELMS)*, S. Main St., (5-30-74) PH0290106 NHL.
West Hopkinton. *ROWELL'S COVERED BRIDGE*, Clement Hill Rd., (11-21-76)

rockingham county

Derry vicinity. *FROST, ROBERT, HOMESTEAD*, 2 mi. SE of Derry, (5-23-68) PH0042625 NHL; HABS.
Derry Village. *THORNTON, MATTHEW, HOUSE*, 2 Thornton St., (11-11-71) PH0008125 NHL.
Exeter. *DUDLEY HOUSE (PERRY-DUDLEY HOUSE)*, 14 Front St., (6-21-71) PH0007943
Exeter. *FIRST CHURCH (CONGREGATIONAL CHURCH)*, 21 Front St., (9-10-71) PH0007935
Exeter. *FRONT STREET HISTORIC DISTRICT*, Front St. to the jct. of Spring and Water Sts., (7-5-73) PH0007960
Exeter. *GILMAN GARRISON HOUSE*, 12 Water St., (9-27-76) HABS.
Exeter. *LADD-GILMAN HOUSE*, Governors Lane and Water St., (12-2-74) NHL.
Greenland. *WEEKS HOUSE*, Weeks Ave. off NH 101, (6-20-75)
Hampton Falls. *WEARE, GOV. MESHECH, HOUSE*, Exeter Rd. (NH 88), (6-29-73) PH0008133
Kingston. *BARTLETT, JOSIAH, HOUSE*, Main St., (11-11-71) PH0007901 NHL.
New Castle. *FORT CONSTITUTION (FORT WILLIAM AND MARY SITE)*, Walbach St. off NH Bl, (7-9-73) PH0007951
Newmarket. *STONE SCHOOL*, Granite St., (7-12-78)
Portsmouth. *0*, 105 Chapel St., (1-31-78)

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Portsmouth. *BECK, SAMUEL, HOUSE*, The Hill, (4-3-73) PH0007919
Portsmouth. *BENEDICT HOUSE (THOMAS W. PENHALLOW HOUSE)*, 30 Middle St., (5-11-73) PH0007927
Portsmouth. *HART, JEREMIAH, HOUSE*, The Hill, (11-14-72) PH0007978
Portsmouth. *HART, JOHN, HOUSE*, The Hill, (11-14-72) PH0007986
Portsmouth. *HART, PHOEBE, HOUSE*, The Hill, (4-2-73) PH0008001
Portsmouth. *HART-RICE HOUSE*, The Hill, (8-7-72) PH0007994
Portsmouth. *JACKSON, RICHARD, HOUSE*, Northwest St., (11-24-68) PH0132292 NHL.
Portsmouth. *JONES, JOHN PAUL, HOUSE*, Middle and State Sts., (11-28-72) PH0008010 NHL.
Portsmouth. *LANGDON, GOV. JOHN, MANSION*, 143 Pleasant St., (12-2-74) NHL.
Portsmouth. *MACPHEADRIS-WARNER HOUSE*, Chapel and Daniel Sts., (10-15-66) PH0131776 NHL.
Portsmouth. *MOFFATT-LADD HOUSE*, 154 Market St., (11-24-68) PH0008028 NHL.
Portsmouth. *NEAL, JAMES, HOUSE*, 74 Deer St., (8-7-72) PH0008036
Portsmouth. *NUTTER-RYMES HOUSE*, 48 School St., (11-3-72) PH0008052
Portsmouth. *OLD NORTH CEMETERY*, Maplewood Ave., (3-8-78)
Portsmouth. *PINKHAM, DANIEL, HOUSE*, The Hill, (11-3-72)
Portsmouth. *PORTSMOUTH ATHENAEUM*, 9 Market Sq., (5-24-73)
Portsmouth. *PORTSMOUTH PUBLIC LIBRARY (PORTSMOUTH ACADEMY)*, 8 Islington St., (3-20-73) PH0008087
Portsmouth. *ROGERS, GEORGE, HOUSE*, 76 Northwest St., (6-7-76)
Portsmouth. *RUNDLET-MAY HOUSE*, 364 Middle St., (6-7-76)
Portsmouth. *SHAPLEY TOWN HOUSE*, 454–456 Court St., (2-28-73) PH0008095 HABS.
Portsmouth. *SHERBURNE, HENRY, HOUSE (RICHARD SHORTRIDGE HOUSE)*, The Hill, (8-7-72) PH0008109
Portsmouth. *SMITH, SIMEON P., HOUSE*, The Hill, (11-14-72) PH0008117
Portsmouth. *STRAWBERRY BANKE HISTORIC DISTRICT*, Bounded by Court and Marcy Sts. and both sides of Hancock and Washington Sts., (6-20-75) HABS.
Portsmouth. *WENTWORTH-GARDNER HOUSE*, 140 Mechanic St., (11-24-68) PH0046582 NHL.
Portsmouth. *WENTWORTH, GOV. JOHN, HOUSE*, 346 Pleasant St., (6-29-73) PH0008141
Portsmouth. *WHIDDEN-WARD HOUSE*, The Hill, (11-5-71) PH0008150 HABS.
Portsmouth vicinity. *WENTWORTH-COOLIDGE MANSION*, 2 mi. S of Portsmouth, off U.S. 1A, (11-24-68) PH0132306 NHL.
Sandown. *SANDOWN OLD MEETINGHOUSE*, Fremont R., (8-9-78)

strafford county

Dover vicinity. *COUNTY FARM BRIDGE*, NW of Dover on County Farm Rd., (5-21-75)
Durham. *SULLIVAN, GEN. JOHN, HOUSE*, 23 New Market Rd., (11-28-72) PH0008168 NHL; HABS.

sullivan county

Acworth. *ACWORTH CONGREGATIONAL CHURCH*, N end of town common, (6-13-75) HABS; G.
Claremont. *CLAREMONT CITY HALL (CLAREMONT OPERA HOUSE)*, Tremont Sq., (4-26-73) PH0008176
Claremont. *DOWNTOWN CLAREMONT AND LOWER VILLAGE (PARTIAL INVENTORY)*, Irregular pattern along Main and Broad Sts., (2-21-78)
Claremont vicinity. *HUNTER ARCHEOLOGICAL SITE*, NW of claremont, (6-7-76)
Claremont vicinity. *HUNTER ARCHEOLOGICAL SITE*, NW of Claremont, (6-7-76)
Claremont vicinity. *WRIGHT'S BRIDGE*, E of Claremont on Chandler Rd. over Sugar River, (6-10-75)
Cornish. *ST. GAUDENS, LOUIS, HOUSE AND STUDIO*, Dingleton Hill and Whitten Rds., (11-15-72) PH0132918
Cornish City. *KENYON BRIDGE*, Off NH 12A at Mill Brook and Town House Rd., (5-22-78)
Cornish City vicinity. *CORNISH-WINDSOR COVERED BRIDGE*, W of Cornish City, (11-21-76) HAER. (also in Windsor County, VT)
Cornish Flat. *CHASE, SALMON P., BIRTHPLACE*, 8 mi. N of Claremont, (5-15-75) NHL.
Cornish Flat. *FIRST BAPTIST CHURCH OF CORNISH*, Meriden Stage Rd. and NH 120, (2-14-78)
Cornish Mills. *DINGLETON HILL COVERED BRIDGE*, off NH 12A, (11-8-78)
Cornish Mills vicinity. *TRINITY CHURCH*, W of Cornish Mills on NH 12-A, (7-31-78)
Langdon vicinity. *COLD RIVER BRIDGE (MCDERMOTT BRIDGE)*, E of Langdon on McDermott Rd., (5-17-73) PH0008184
Langdon vicinity. *PRENTISS BRIDGE (DREWSVILLE BRIDGE)*, S of Langdon off Old Cheshire Tpke., (5-24-73) PH0008192
Newport. *NETTLETON HOUSE*, 26–30 Central St., (11-16-77)
Newport. *REED, ISAAC, HOUSE*, 30–34 Main St., (7-19-78)
Newport. *SULLIVAN COUNTY COURTHOUSE*, Court Sq., (6-25-73) PH0008206 G.
Newport vicinity. *CORBIN COVERED BRIDGE*, NW of Newport off NH 10, (12-12-76)
Newport vicinity. *PIER BRIDGE*, 3 mi. W of Newport on Chandler Rd. over Sugar River, (6-10-75)
Plainfield vicinity. *BLOW-ME-DOWN COVERED BRIDGE*, S of Plainfield off NH 12A, (5-19-78)
Plainfield vicinity. *SAINT-GAUDENS NATIONAL HISTORIC SITE*, South of Plainfield off NH 12-A, (10-15-66) PH0360040 HABS.

NEW HAMPSHIRE

belknap county

Laconia vicinity. *WEIRS, THE (NH26-1) (AQUADOCTAN ARCHEOLOGICAL SITE)*, N of Laconia on U.S. 3, (5-12-75)

NEW JERSEY

atlantic county

Atlantic City. *ABSECON LIGHTHOUSE*, Rhode Island and Pacific Aves., (1-25-71) PH0028169 HABS.
Atlantic City. *BLENHEIM HOTEL*, Boardwalk and Ohio Aves., (8-23-77)
Atlantic City. *HOLMHURST HOTEL*, 121 S. Pennsylvania Ave., (1-18-78)
Atlantic City. *MORTON HOTEL*, 150 S. Virginia Ave., (7-15-77)
Atlantic City. *SHELBURNE HOTEL*, Michigan Ave. and the Boardwalk, (5-19-78)
Brigantine City vicinity. *U.S. COAST GUARD STATION*, About 3 mi. NNE of Brigantine City, (6-23-76)
Margate City. *LUCY, THE MARGATE ELEPHANT*, Decatur and Atlantic Aves., (8-12-71) PH0132217 NHL; HABS; G.
Smithville. *SMITHVILLE APOTHECARY*, Off Moss Mill Rd., (6-9-78)
Somers Point. *SOMERS MANSION*, Shore Rd. and Somers Point Circle, (12-18-70) PH0028177 HABS.

bergen county

PALISADES INTERSTATE PARK, W bank of the Hudson River, (10-15-66) PH0028207 NHL. (also in Orange and Rockland Counties, NY)
Bergenfield. *SOUTH SCHRAALENBURGH CHURCH*, Prospect Ave. and W. Church St., (12-6-75)
Edgewater. *ALCOA EDGEWATER WORKS*, 700 River Rd., (8-10-78)
Englewood. *WESTERVELT, PETER, HOUSE AND BARN*, 290 Grand Ave., (3-19-75) HABS.
Fair Lawn. *GARRETSON, PETER, HOUSE*, 4-02 River Rd., (11-19-74) PH0043761
Fair Lawn. *RADBURN*, Irregular pattern between Radburn Rd. and Erie RR. tracks N to Owen Ave. and S to Berdan Ave., (4-16-75)
Fort Lee. *CHURCH OF THE MADONNA*, Hoefley's Lane, (4-8-76) HABS.
Hackensack. *U.S.S. LING*, Hackensack River at 150 River St., (10-19-78)
Hoboken. *HERMITAGE, THE (WALDWIC COTTAGE)*, 335 N. Franklin Tpke., (8-29-70) PH0028185 NHL; HABS; G.
Leonia. *CIVIL WAR DRILL HALL AND ARMORY*, 130 Grand Ave., (10-19-78)
Leonia. *VREELAND HOUSE*, 125 Lakeview Ave., (11-17-78) HABS.
Lyndhurst. *RIVER ROAD SCHOOL*, 400 Riverside Ave., (11-11-77)
Mahwah. *HOPPER-VAN HORN HOUSE*, 398 Ramapo Valley Rd., (4-11-73) PH0028193 HABS.
Midland Park. *LOZIER HOUSE AND VAN RIPER MILL*, 34 Goffle Rd. and 11 Paterson Ave., (10-10-75) HABS.
New Milford. *DESMAREST, JACOBUS, HOUSE*, 618 River Rd., (2-17-78) HABS.
Norwood vicinity. *ROCKLEIGH HISTORIC DISTRICT*, E of Norwood on Willow Ave., Rockleigh and Piermont Rds., (6-29-77)
Oakland. *VAN ALLEN HOUSE*, Corner of U.S. 202 and Franklin Ave., (7-24-73) PH0028258 G.
Paramus. *MIDLAND SCHOOL*, 239 W. Midland Ave., (4-7-78)
Paramus. *TERHUNE-GARDNER-LINDENMEYR HOUSE*, 218 Paramus Rd., (2-7-72) PH0028231
Park Ridge. *WORTENDYKE BARN*, 13 Paseack Rd., (5-7-73) PH0028266 HABS.
Ramsey. *WESTERVELT-ACKERSON HOUSE*, 538 Island Rd., (7-20-77)
Ridgewood *PARAMUS REFORMED CHURCH HISTORIC DISTRICT*, Bounded by Franklin Tpke., NJ 17, Saddle River, S side of cemetery, and Glen Ave., (2-25-75)
Ridgewood vicinity. *ZABRISKIE, ALBERT J., FARMHOUSE*, E of Ridgewood at E. 37 Ridgewood Ave., (11-7-77) HABS.
River Edge. *STEUBEN HOUSE (ACKERMAN-ZABRISKIE-STEUBEN HOUSE)*, Old New Bridge Rd., at the Hackensack River, (12-18-70) PH0028223 HABS; G.
Rutherford. *WILLIAMS, WILLIAM CARLOS, HOUSE*, 9 Ridge Rd., (6-4-73)
Teaneck. *ZABRISKIE-KIPP-CADMUS HOUSE*, 664 River Rd., (12-13-78)
Tenafly. *STANTON, ELIZABETH CADY, HOUSE*, 135 Highwood Ave., (5-15-75)
Waldwick. *WALDWICK RAILROAD STATION*, Hewson Ave. and Prospect St., (2-23-78)
Westwood (Washington Township). *SEVEN CHIMNEYS (ZABRISKIE-VANEMBURGH HOUSE)*, 25 Chimney Ridge Ct., (8-12-71) PH0028215

burlington county

Arney's Mount. *ARNEY'S MOUNT FRIENDS MEETINGHOUSE AND BURIAL GROUND*, Jct. of Mount Holly-Juliustown and Pemberton-Arney's Mount Rds., (1-18-73) PH0028274
Atsion. *ATSION VILLAGE*, U.S. 206, (10-22-74) PH0084760
Batsto. *BATSTO VILLAGE*, 10 mi. E of Hammonton on CR 542, (9-10-71) PH0028282 HABS.
Bordentown. *HOPKINSON, FRANCIS, HOUSE*, 101 Farnsworth Ave. at Park Ave., (7-17-71) PH0028304 NHL; HABS.
Bordentown. *POINT BREEZE*, U.S. 206 and Park St., (8-10-77)
Bridgeboro vicinity. *SCHOOLHOUSE*, 2 mi. E of Bridgeboro on Salem Rd., (4-21-75)
Brown's Mills vicinity. *HANOVER FURNACE*, E of Browns Mills, (3-1-74) PH0028291
Burlington. *BURLINGTON HISTORIC DISTRICT*, Roughly L-shaped, bounded by Delaware River and High, W. Broad, Albot, and Reed Sts., (3-13-75) HABS.
Burlington. *PEARSON-HOW, COOPER, AND LAWRENCE HOUSES*, 453–459 High St., (4-26-78)
Burlington. *QUAKER SCHOOL*, York and Penn Sts., (12-31-74) PH0063843 G.
Burlington. *ST. MARY'S EPISCOPAL CHURCH (ST. MARY'S COMPLEX)*, N side of Broad St. between Talbot and Wood Sts., (5-31-72) PH0028347 HABS.
Burlington vicinity. *IRICK, JOHN, HOUSE*, E of Burlington off NJ Turnpike, (9-16-77)
Chesterfield. *RECKLESSTOWN (VILLAGE OF CHESTERFIELD)*, Present town of Chesterfield along Chesterfield–Georgetown Rd. and NJ 528, (8-19-75)
Columbus vicinity. *NEWBOLD, BARZILLAI, HOUSE*, E of Columbus on Columbus-Georgetown Rd., (1-26-78)
Crosswicks. *CROSSWICKS*, Roughly bounded by Bordentown-Crosswicks and Ellisdale Rds. and Buttonwood, Front, and Main Sts., and Ward Ave., (5-3-76)
Jacobstown vicinity. *ARNEYTOWN HISTORIC DISTRICT*, N of Jacobstown, (12-12-77) (also in Monmouth County)
Medford vicinity. *HAINES, JONATHAN, HOUSE*, NE of Medford on Fostertown Rd., (6-16-76)
Medford vicinity (Medford Township). *KIRBY'S MILL (HAINES MILL)*, NE of Medford at Church and Fostertown Rds., (8-12-71) PH0028312
Moorestown. *BREIDENHART*, 255 E. Main St., (12-22-77)
Moorestown. *FRENCH, THOMAS JR., HOUSE*, 512 Camden Ave., (1-9-78)
Moorestown. *PERKINS HOUSE*, Camden Ave. and King's Highway, (9-15-77)
Moorestown. *SMITH MANSION*, 12 High St., (10-22-76)
Moorestown. *TOWN HALL*, 40 E. Main St., (8-10-77)
Moorestown vicinity. *COOPER, BENJAMIN, FARM*, S of Moorestown, (12-12-78)
Moorestown vicinity. *IVINS–CONOVER HOUSE*, N of Moorestown off U.S. 130 on Cox Rd., (4-29-77)
Mount Holly. *MOUNT HOLLY HISTORIC DISTRICT*, (2-20-73) PH0028321 HABS.
Mount Holly vicinity (Westampton Township). *PEACHFIELD*, N of Mount Holly on Burr Rd., (6-19-73) PH0028339
Pemberton. *MORRIS MANSION AND MILL*, Hanover St., (9-13-77)
Pemberton. *NORTH PEMBERTON RAILROAD STATION*, Hanover St., (5-23-78)
Rancocas. *RANCOCAS HISTORIC VILLAGE*, Irregular pattern bounded N and W by Willingsboro line, E to Springside Rd. and S to 3rd St., (6-5-75) HABS.
Riverside. *PHILADELPHIA WATCH CASE COMPANY BUILDING*, Pavilion and Lafayette Aves., (1-31-78)
Roebling. *ROEBLING HISTORIC DISTRICT*, Roughly bounded by Roebling Park, South St., 2nd and 8th Aves., Roland St., Alden, Norman Railroad, and Amboy Aves., (5-22-78)
Smithville. *SMITHVILLE HISTORIC DISTRICT*, Off NJ 38, (5-12-77)
Willingboro vicinity. *COOPERTOWN MEETINGHOUSE*, NW of Willingboro on Cooper St., (5-22-78)
Wrightstown vicinity. *OAKWOOD (NEWBOLD-HUTCHINSON HOUSE)*, W of Wrightstown on Springfield Meeting Rd., (1-30-78)

camden county

Blenheim. *CHEW-POWELL HOUSE*, 500–502 Good Intent Rd., (3-27-75)
Camden. *COOPER, JOSEPH, HOUSE*, Head of 7th St. in Pine Point Park, (3-14-73) PH0028444 HABS; G.
Camden. *FAIRVIEW DISTRICT*, Roughly bounded by Newton Creek, Crescent Blvd., Mt. Ephraim Ave., Olympia and Hull Rds., (11-19-74) PH0043770
Camden. *NEWTON FRIENDS' MEETINGHOUSE*, 722 Cooper St., (8-12-71) PH0028398
Camden. *POMONA HALL (COOPER HOUSE)*, Park Blvd. and Euclid Ave., (8-12-71) PH0028380 HABS; G.
Camden. *TAYLOR, DR. HENRY GENET, HOUSE AND OFFICE*, 305 Cooper St., (8-12-71) PH0028371
Camden. *WHITMAN, WALT, HOUSE*, 330 Mickle St., (10-15-66) NHL; HABS.
Camden. *WHITMAN, WALT, NEIGHBORHOOD*, 326–332 Mickle St., (1-20-78)
Cherry Hill. *COLES, SAMUEL, HOUSE*, 1743 Old Cuthbert Rd., (6-18-73) PH0028452
Cherry Hill. *GATEHOUSE AT COLESTOWN CEMETERY*, Kings Hwy. and Church Rd., (5-21-75)
Chesilhurst. *GRANT A.M.E. CHURCH*, 4th and Washington Sts., (10-5-77)
Cinnaminson vicinity. *MORGAN, GRIFFITH, HOUSE*, 2 mi. W of Cinnaminson at confluence of Delaware River and Pennsauken Creek, (1-25-73) PH0028428
Glendora. *HILLMAN HOSPITAL HOUSE*, 500 3rd Ave., (7-14-77) HABS.
Haddonfield. *GREENFIELD HALL*, 343 Kings Hwy. E, (6-5-74) PH0028436 HABS.
Haddonfield. *HADDON FORTNIGHTLY CLUB HOUSE (THIRD METHODIST CHURCH)*, 301 King's Hwy., (10-26-72) PH0028410
Haddonfield. *INDIAN KING TAVERN (CREIGHTON TAVERN)*, 233 Kings Hwy. E, (12-18-70) PH0028401 HABS.
Haddonfield. *MICKLE, SAMUEL, HOUSE*, 345 Kings Hwy., E., (5-21-75) HABS.
Haddonfield vicinity. *BARCLAY FARM HOUSE*, NE of Haddonfield near jct. of I-295 and NJ 70, (1-26-78)
Pennsauken. *BURROUGH-DOVER HOUSE*, Off the Haddonfield Rd., (10-25-73) PH0028355 HABS.

cape may county

Cape May. *CAPE MAY HISTORIC DISTRICT*, (12-29-70) PH0028479 NHL; HABS; G.
Cape May vicinity. *CAPE MAY LIGHTHOUSE*, On Cape May Point W of Cape May off Sunset Blvd., (11-12-73)
North Wildwood. *HEREFORD LIGHTHOUSE*, Central Ave., (9-20-77)

cumberland county

Bridgeton. *BUCK, JEREMIAH, HOUSE (JONATHAN ELMER HOUSE)*, 297 E. Commerce St., (12-30-75)
Bridgeton. *DEERFIELD PIKE TOLLGATE HOUSE*, 89 Old Deerfield Pike, (5-21-75)
Bridgeton. *GILES, GEN. JAMES, HOUSE*, 143 W. Broad St., (3-8-78) HABS.
Bridgeton. *OLD BROAD STREET PRESBYTERIAN CHURCH AND CEMETERY*, Broad and Lawrence Sts., (12-2-74) PH0034576 HABS; G.
Bridgeton. *POTTER'S TAVERN*, 49–51 Broad St., (9-10-71) PH0008672
Bridgeton. *SEELEY, SAMUEL W., HOUSE*, 274 E. Commerce St., (5-13-76) HABS.
Carmel. *BETH HILLEL SYNAGOGUE*, Irving Ave., (11-7-78)
Cedarville vicinity. *OLD STONE CHURCH*, N of Cedarville on NJ 553, (5-12-77) HABS.
Greenwich. *GREENWICH HISTORIC DISTRICT*, Main St. from Cohansey River N to Othello, (1-20-72) PH0008699 HABS.
Greenwich vicinity. *MASKEL, THOMAS, HOUSE*, 2 mi. W of Greenwich on Bacon's Neck Rd., (6-10-75) HABS.

essex county

MORRIS CANAL, Irregular line beginning at Phillipsburg and ending at Jersey City, (10-1-74) PH0043800 (also in Hudson, Morris, Passaic, Sussex, and Warren counties)
Belleville. *REFORMED DUTCH CHURCH OF SECOND RIVER*, 171 Main St., (12-21-78)
Bloomfield. *BLOOMFIELD GREEN HISTORIC DISTRICT*, Bounded by Belleville Ave., Montgomery, Spruce, State, Liberty, and Franklin Sts., (4-20-78)
Caldwell. *CALDWELL PRESBYTERIAN CHURCH MANSE*, 207 Bloomfield Ave., (11-16-77) HABS.
Cedar Grove. *JACOBUS HOUSE*, 178 Grove Ave., (4-1-75) HABS.
Fairfield. *FAIRFIELD DUTCH REFORMED CHURCH*, Fairfield Rd., (10-7-75)
Fairfield vicinity. *VAN NESS HOUSE*, 236 Little Falls Rd., (7-29-77) HABS.
Montclair. *CRANE, ISRAEL, HOUSE*, 110 Orange Rd., (3-14-73) PH0008656 HABS.
Montclair. *MONTCLAIR RAILROAD STATION*, Lackawanna Plaza, (1-8-73) PH0132969
Newark. *BALLANTINE, JOHN, HOUSE*, 43 Washington St., (10-2-73) PH0008681
Newark. *CATEDRAL EVANGELICA REFORMADA (FIRST REFORMED CHURCH)*, 27 Lincoln Park and Halsey St., (10-26-72) PH0008664

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Newark. *CATHEDRAL OF THE SACRED HEART*, 89 Ridge St., (12-22-76)
Newark. *CLARK, WILLIAM, HOUSE*, 346 Mount Prospect Ave., (11-10-77)
Newark. *ESSEX COUNTY COURTHOUSE*, 470 High St., (6-26-75)
Newark. *ESSEX COUNTY PARK COMMISSION ADMINISTRATION BUILDING*, 115 Clifton Ave., (11-11-77)
Newark. *FEIGENSPAN MANSION*, 710 High St., (10-5-77) HABS.
Newark. *FIRST BAPTIST PEDDIE MEMORIAL CHURCH*, Broad and Fulton Sts., (10-30-72) PH0008648 HABS.
Newark. *FIRST NATIONAL STATE BANK BUILDING*, 810 Broad St., (8-10-77)
Newark. *FIRST UNITED METHODIST CHURCH (CENTRAL METHODIST EPISCOPAL CHURCH)*, 227 Market St., (10-26-72)
Newark. *GRACE CHURCH*, Broad and Walnut Sts., (11-2-72) PH0008621
Newark. *HOUSE OF PRAYER EPISCOPAL CHURCH AND RECTORY (PLUME HOUSE)*, Broad and State Sts., (10-30-72) PH0008613
Newark. *JAMES STREET COMMONS HISTORIC DISTRICT*, Roughly bounded by Halsey, Warren, Boyden, Bleeker, Orange, and Broad Sts., (1-9-78)
Newark. *KRUEGER MANSION*, 601 High St., (11-9-72) PH0008605
Newark. *NEW POINT BAPTIST CHURCH (SOUTH BAPTIST CHURCH)*, 17 E. Kinney St., (11-2-72) PH0008451
Newark. *NEWARK CITY HALL*, 920 Broad St., (2-17-78)
Newark. *NEWARK ORPHAN ASYLUM*, High and Bleeker Sts., Newark College of Engineering, (6-19-73) PH0008443
Newark. *NORTH REFORMED CHURCH*, 510 Broad St., (10-5-72) PH0008478
Newark. *OLD FIRST PRESBYTERIAN CHURCH*, 820 Broad St., (11-2-72) PH0008486 HABS.
Newark. *PAN AMERICAN C.M.A. CHURCH (CHRIST CHURCH)*, 76 Prospect St., (7-31-72) PH0132926
Newark. *PENNSYLVANIA STATION*, Raymond Plaza West, (12-20-78)
Newark. *QUEEN OF ANGELS CHURCH (ST. PETER'S CHURCH)*, Belmont Ave. at Morton St., (10-26-72) PH0008460
Newark. *SALAAM TEMPLE (NEWARK SYMPHONY HALL)*, 1020 Broad St., (10-5-77)
Newark. *SOUTH PARK CALVARY UNITED PRESBYTERIAN CHURCH*, 1035 Broad St., (12-5-72) PH0008508
Newark. *ST. BARNABAS' EPISCOPAL CHURCH*, W. Market St. and Sussex and Roseville Aves., (10-18-72) PH0008583
Newark. *ST. COLUMBA'S CHURCH*, Pennsylvania Ave. and Brunswick St., (10-30-72)
Newark. *ST. JAMES' A. M. E. CHURCH (HIGH STREET PRESBYTERIAN CHURCH)*, High and Court Sts., (10-18-72) PH0008559
Newark. *ST. JAMES' CHURCH*, Lafayette and Jefferson Sts., (11-2-72) PH0008575
Newark. *ST. JOHN'S CHURCH*, 22–26 Mulberry St., (10-30-72) PH0008541
Newark. *ST. MARY'S ABBEY CHURCH*, High and William Sts., (11-3-72) PH0008532
Newark. *ST. PATRICK'S PRO CATHEDRAL*, Washington St. and Central Ave., (11-3-72) PH0008524
Newark. *ST. STEPHAN'S CHURCH (UNITED CHURCH OF CHRIST)*, Ferry St. and Wilson Ave., (10-5-72) PH0008516
Newark. *SYDENHAM HOUSE*, Old Road to Bloomfield, at Heller Pkwy., (7-29-70) PH0008494 HABS.
Newark. *TRINITY CATHEDRAL*, Broad and Rector Sts., (11-3-72) PH0008591 HABS.
Newark. *WICKCLIFFE PRESBYTERIAN CHURCH*, 111 13th Ave., (5-22-78)
Nutley. *ENCLOSURE HISTORIC DISTRICT*, Enclosure and Calico Lane, (12-31-74) PH0073113
Nutley. *KINGSLAND MANOR*, 3 Kingsland St., (3-24-78) HABS.
South Orange. *KELLY, EUGENE V., CARRIAGE HOUSE*, S. Orange Ave., Seton Hall University campus, (11-10-75)
South Orange. *SOUTH ORANGE VILLAGE HALL*, S. Orange Ave. and Scotland Rd., (5-28-76)
West Orange. *EDISON NATIONAL HISTORIC SITE*, Main St. between Alden and Lakeside Sts., (10-15-66) PH0168891 HABS.
West Orange. *ST. MARK'S EPISCOPAL CHURCH*, 13 Main St., (9-22-77)

gloucester county

Barnsboro. *BARNSBORO HOTEL*, Jct. of Pitman and Sewell Rds., (1-25-73) PH0008842
Clarksboro. *ST. PETER'S EPISCOPAL CHURCH*, King's Hwy., (8-10-77)
Colonial Manor (West Deptford Township). *LADD'S CASTLE (CANDOR HALL)*, 1337 Lafayette Ave., (10-31-72) PH0008800
Gibbstown. *NOTHNAGLE, C. A., LOG HOUSE*, Swedesboro-Paulsboro Rd., (4-23-76) HABS.
Glassboro. *ST. THOMAS EPISCOPAL CHURCH*, SE corner Main and Focer Sts., (3-3-75) HABS.
Glassboro. *WHITNEY MANSION (HOLLY BUSH)*, Whitney Ave., (12-5-72) PH0008745
Mickleton. *OTTO, BODO, HOUSE*, SR 551 and Quaker Rd., (12-12-76)
National Park. *RED BANK BATTLEFIELD*, E bank of Delaware River and W end of Hessian Ave., (10-31-72) PH0008788 NHL; HABS.
National Park. *WHITALL, JAMES JR., HOUSE*, 100 Grove Ave., (2-6-73) PH0008753 HABS.
Oliphant's Mill (Medford Township). *MORAVIAN CHURCH*, Swedesboro-Sharptown Rd., (4-3-73) PH0008796 HABS.
Pitman. *PITMAN GROVE*, Bounded by Holly, East, Laurel, and West Aves. (both sides), (8-19-77)
Sewell (Mantua Township). *CHEW, JESSE, HOUSE*, 611 Mantua Blvd., (10-18-72) PH0008834
Swedesboro. *TRINITY CHURCH (OLD SWEDES CHURCH)*, NW corner of Church St. and King's Hwy., (1-29-73) PH0008770 HABS.
Swedesboro vicinity. *BUTLER FARM*, E of Swedesboro, (12-1-78)
Wenonah. *CLARK, BENJAMIN, HOUSE*, Glassboro Rd., (1-25-73) PH0008826
Woodbury. *HUNTER-LAWRENCE HOUSE*, 58 N. Broad St., (10-18-72) PH0008818
Woodbury. *WOODBURY FRIENDS' MEETINGHOUSE*, 120 N. Broad St., (2-6-73) PH0008737 HABS.
Woolwich Township. *STRATTON, GOV. CHARLES C., HOUSE*, 0.5 mi. E of Swedesboro on King's Hwy., (1-29-73) PH0008761 HABS.

hudson county

MORRIS CANAL, Reference—see Essex County (1-2-74)
STATUE OF LIBERTY NATIONAL MONUMENT, Reference—see New York County, NY (1-2-74)
Bayonne. *BAYONNE TRUCK (HOOK AND LADDER) HOUSE NO. 1*, 12 W. 47th St., (1-2-76)
East Newark. *CLARK THREAD COMPANY HISTORIC DISTRICT*, 900 Passaic Ave., (6-2-78) NHL.
Hoboken. *CHURCH OF THE HOLY INNOCENTS*, Willow Ave. and 6th St., (5-24-77)
Hoboken. *ERIE-LACKAWANNA RAILROAD TERMINAL AT HOBOKEN*, On the Hudson River at the foot of Hudson Pl., (7-24-73) PH0008729
Hoboken. *HOBOKEN CITY HALL*, 86-98 Washington St., (1-1-76)
Hoboken. *SEAMEN'S MISSION*, 60–64 Hudson St., (7-25-78)
Jersey City. *BARROW, DR. WILLIAM, MANSION*, 83 Wayne St., (5-2-77)
Jersey City. *GREAT ATLANTIC AND PACIFIC TEA COMPANY WAREHOUSE*, Provost St. between 1st and Bay Sts., (6-2-78) NHL.
Jersey City. *HUDSON COUNTY COURTHOUSE*, Newark and Baldwin Aves., (8-25-70) PH0008711 HABS; G.
Jersey City. *JERSEY CITY CENTRAL RAILROAD TERMINAL*, U.S. 78 N of Ellis Island, (9-12-75)
Jersey City. *OLD BERGEN CHURCH*, Bergen and Highland Aves., (8-14-73) PH0008702 HABS.
West End York. *KESTREL* (steam yacht), S end of River Rd., (8-12-77)

hunterdon county

Allerton vicinity. *FINK-TYPE TRUSS BRIDGE*, W of Allerton off NJ 31 over South Branch of Raritan River, (12-24-74) PH0047562 HAER.
Annandale (Clinton Township). *BRAY-HOFFMAN HOUSE*, On Bray's Hill Rd., (1-25-73) PH0008885
Califon. *CALIFON HISTORIC DISTRICT*, Main and Academy Sts., (10-14-76)
Clinton. *MCKINNEY, DAVID, MILL*, 56 Main St., (1-8-74) PH0008869
Clinton. *OLD GRANDIN LIBRARY*, 12 E. Main St., (11-1-74) PH0029122
Clinton vicinity. *PERRYVILLE TAVERN*, W of Clinton at I-78 and NJ 42, (7-15-77)
Clinton vicinity. *TURNER-CHEW-CARHART FARM*, NW of Clinton on Syckles Corner Rd., (8-11-77)
Flemington vicinity. *READING, JOHN, FARMSTEAD*, NE of Flemington at 523 River Rd., (11-21-78)
Glen Gardner. *GLEN GARDNER PONY PRATT TRUSS BRIDGE*, Mill St. at Spruce Run, (9-22-77)
Hampton vicinity. *NEW HAMPTON PONY PRATT TRUSS BRIDGE*, N of Hampton over Musconetcong River, (7-26-77) (also in Warren County)
Lambertville. *LAMBERTVILLE HOUSE*, 32 Bridge St., (9-6-78)
Lambertville. *MARSHALL, JAMES W., HOUSE*, 60 bridge St., (12-18-70) PH0008851
Lambertville vicinity. *DELAWARE AND RARITAN CANAL*, Follows the Delaware River to Trenton, then E to New Brunswick, (5-11-73) PH0008893 G. (also in Mercer, Middlesex, and Somerset counties)
Pittstown vicinity. *MECHLINS CORNER TAVERN*, NW of Pittstown, (11-1-74) PH0029149

Pittstown vicinity. *ST. THOMAS EPISCOPAL CHURCH*, SW of Pittstown on Sky Manor Rd., (7-21-77)
Stockton vicinity. *GREEN SERGEANTS COVERED BRIDGE*, N of Stockton off Rosemont-Sergeantsville Rd., (11-19-74) PH0084751
Stockton vicinity. *LOCKTOWN BAPTIST CHURCH*, W of Stockton on Locktown-Stugeonville Rds., (2-15-74) PH0008877

mercer county

DELAWARE AND RARITAN CANAL, Reference—see Hunterdon County (1-2-74)
TRENTON CITY/CALHOUN STREET BRIDGE, Reference—see Bucks County, PA
WASHINGTON CROSSING STATE PARK, Reference—see Bucks County, PA (1-2-74)
Ewing. *GREEN, WILLIAM, HOUSE*, Off NJ 69 on Green Lane, (12-4-73) PH0028681 G.
Harbourton (Hopewell Township). *HARBOURTON HISTORIC DISTRICT*, Jct. of Harbourton/Rocktown Rd. and Harbourton/Mt. Airy Rd., (12-31-74) PH0047571
Hightstown. *SLOAN, SAMUEL, HOUSE*, 238 S. Main St., (3-28-74) PH0028533
Hopewell. *LEIGH, ICABOD, HOUSE*, Pennington-Rocky Hill Rd., (3-4-75)
Hopewell vicinity. *STOUT, JOSEPH, HOUSE*, Province Line Rd., (10-29-74) PH0008281 HABS.
Hopewell vicinity. *VANDYKE, JEREMIAH HOUSE*, Featherbed Lane, (3-29-78)
Lawrence (Lawrence Township). *ANDERSON-CAPNER HOUSE*, 700 Trumbull Ave., (4-3-73) PH0028711
Lawrenceville (Lawrence Township). *LAWRENCE TOWNSHIP HISTORIC DISTRICT*, Lawrenceville and vicinity N, including both sides of U.S. 206, (9-14-72) PH0028631 HABS; G.
Lawrenceville vicinity (Lawrence Township). *WHITE, JOHN, HOUSE*, 1 mi. N of Lawrenceville on Cold Soil Rd., (1-29-73) PH0028509
Pennington (Hopewell Township). *HART, JOHN D., HOUSE*, Curlis Ave., (10-18-72) PH0028673 HABS.
Pennington (Hopewell Township). *PENNINGTON RAILROAD STATION*, Corner of Franklin and Green Ave., (12-31-74) PH0080519
Pennington (Hopewell Township). *WELLING, JOHN, HOUSE*, Curlis Ave. at Birch St., (3-14-73) PH0028517 HABS.
Pennington vicinity. *WOOLSEY, JEREMIAH, HOUSE*, SW of Pennington on Washington Crossing Rd., (1-27-75) HABS.
Pennington vicinity (Hopewell Township). *HART-HOCH HOUSE*, SW of Pennington on NJ 546 and Scotch Rd., (3-14-73) PH0028665
Princeton. *CLEVELAND, GROVER, HOME (WESTLAND)*, 15 Hodge Rd., (10-15-66) PH0036731 NHL.
Princeton. *DRUMTHWACKET*, 344 Stockton Rd., (6-10-75)
Princeton. *HENRY, JOSEPH, HOUSE*, Princeton University campus, (10-15-66) PH0028649 NHL; HABS.
Princeton. *MAYBURY HILL (JOSEPH HEWES BIRTHPLACE AND BOYHOOD HOME)*, 346 Snowden Lane, (11-11-71) PH0028614 NHL.
Princeton. *MORVEN*, 55 Stockton St, (1-25-71) PH0028592 NHL; HABS.
Princeton. *NASSAU HALL, PRINCETON UNIVERSITY*, Princeton University campus, (10-15-66) PH0028584 NHL.
Princeton. *PRESIDENT'S HOUSE (MACLEAN HOUSE)*, Nassau St., (7-17-71) PH0028541 NHL; HABS.
Princeton. *PRINCETON BATTLEFIELD*, Princeton Battlefield State Park, (10-15-66) PH0101044 NHL; G.
Princeton. *PRINCETON HISTORIC DISTRICT*, Irregular pattern between Lytle St. and Haslet Ave. from Lovers Lane to Olden St., (6-27-75) HABS.
Princeton vicinity. *ROGERS, JOHN, HOUSE*, S of Princeton on S. Post Rd., (1-31-78)
Princeton vicinity. *TUSCULUM*, N of Princeton on Cherry Hill Rd., (1-5-78) HABS.
Titusville vicinity. *PHILLIPS, JOSEPH, FARM*, N of Titusville on Hunter Rd., (5-2-77)
Titusville vicinity. *SOMERSET ROLLER MILLS*, NJ 29, (11-19-74) PH0084786
Trenton. *ABBOTT, JOHN II, HOUSE*, 2200 Kuser Rd., (6-18-76)
Trenton. *BOW HILL (BARNT DE KLYN HOUSE)*, Jeremiah Ave. off Lalor St., (1-25-73) PH0028703 HABS.
Trenton. *DICKINSON, GEN. PHILEMON, HOUSE (THE HERMITAGE)*, 46 Colonial Ave., (5-17-74)
Trenton. *DOUGLASS HOUSE*, Corner of Front and Montgomery Sts., (12-18-70) PH0028690 HABS; G.
Trenton. *MANSION HOUSE (MCCALL HOUSE, ELLARSLIE)*, Cadwalader Park, (2-6-73) PH0028622 G.
Trenton. *MERCER STREET FRIENDS CENTER (CHESTERFIELD FRIENDS MEETINGHOUSE)*, 151 Mercer St., (8-12-71) PH0028606
Trenton. *MILL HILL HISTORIC DISTRICT*, Roughly bounded by Clay, Jackson, Front, Market, Broad, and Greenwood Sts., (12-12-77)
Trenton. *OLD BARRACKS*, S. Willow St., (1-25-71) PH0028576 NHL; HABS.
Trenton. *OLD EAGLE TAVERN*, 431, 433 S. Broad St., (11-3-72) PH0028568 G.
Trenton. *STATE HOUSE DISTRICT*, Roughly bounded by Capitol Plaza, Willow, State and Lafayette Sts., (8-27-76)
Trenton. *TRENT, WILLIAM, HOUSE*, 539 S. Warren St., (4-15-70) PH0028495 NHL; HABS; G.
Trenton. *TRENTON BATTLE MONUMENT*, Warren and Broad Sts., (5-6-77)
Trenton. *TRENTON CITY HALL*, 309 E. State St., (1-30-78)
Trenton. *WATSON, ISAAC, HOUSE*, 151 Westcott St., (1-21-74) PH0028525
Trenton (Ewing Township). *OLD RYAN FARM*, Federal City Rd., (9-10-71) PH0028550
Trenton vicinity. *ABBOTT-DECOU HOUSE*, 58 Soloff Dr., (7-1-76)
Trenton vicinity. *ABBOTT FARM ARCHEOLOGICAL SITE*, S of Trenton, (12-8-76) NHL.

middlesex county

DELAWARE AND RARITAN CANAL, Reference—see Hunterdon County
Cranbury. *OLD CRANBURY SCHOOL*, 23 N. Main St., (6-21-71) G.
East Brunswick. *OLD BRIDGE HISTORIC DISTRICT*, NJ 18, (6-29-77)
New Brunswick. *BISHOP, JAMES, HOUSE*, College Ave. near Bishop St., (7-12-76) HABS.
New Brunswick. *BUCCLEUCH MANSION*, 200 College Ave., Buccleuch Park, (4-13-77) HABS.
New Brunswick. *DEMAREST HOUSE*, 542 George St., (8-10-77) HABS.
New Brunswick. *GUEST, HENRY, HOUSE*, 58 Livingston Ave., (5-24-76) HABS.
New Brunswick. *NEW JERSEY HALL*, 73 Hamilton St., (2-24-75)
New Brunswick. *OLD QUEEN'S*, Rutgers University, (5-11-76)
New Brunswick. *QUEEN'S CAMPUS, RUTGERS UNIVERSITY*, Bounded by College Ave. and George, Hamilton, and Somerset Sts., (7-2-73) PH0028789 HABS.
New Brunswick. *RUTGERS PREPARATORY SCHOOL*, 101 Somerset St., (7-18-75)
New Brunswick. *WOOD LAWN*, Clifton Ave. and George St., (3-8-78)
Old Bridge vicinity. *CEDAR GROVE SCHOOL*, E of Old Bridge on NJ 516, (10-24-76)
Perth Amboy. *KEARNY, LAWRENCE, HOUSE*, 63 Catalpa St., (5-28-76) HABS.
Perth Amboy. *PERTH AMBOY FERRY SLIP*, Smith St., (11-28-78)
Perth Amboy. *PROPRIETORY HOUSE (THE WESTMINISTER)*, 139–151 Kearny Ave., (2-24-71) PH0028771 HABS.
Perth Amboy. *ST. PETER'S EPISCOPAL CHURCH*, Rector and Gordon Sts., (5-12-77)
Piscataway. *FITZ-RANDOLPH, EPHRAIM, HOUSE*, 430 S. Randolphville Rd., (3-14-73) PH0028738 HABS.
Piscataway. *IVY HALL (CORNELIUS LOWE HOUSE)*, 1225 River Rd., (5-27-71) PH0028720 HABS.
Piscataway. *METLAR HOUSE (KNAPP HOUSE, BODINE HOUSE)*, 1281 River Rd., (3-7-73) PH0028746
Piscataway. *ONDERDONK, ISAAC, HOUSE*, 685 River Rd., (10-30-73) PH0028762
Piscataway. *SMOCK, MATTHIAS, HOUSE*, Off River Rd. (NJ 18), (12-4-73) PH0028797 HABS.
Woodbridge. *BARRON LIBRARY*, 582 Rahway Ave., (11-11-77)

monmouth county

ARNEYTOWN HISTORIC DISTRICT, Reference—see Burlington County (1-2-74)
Allentown. *ALLENTOWN MILL*, 42 S. Main St., (2-14-78)
Allentown vicinity. *WALNFORD*, S of Allentown off SR 539, (6-29-76)
Allentown vicinity. *WALNFORD*, S of Allentown off CR 539, (6-29-76)
Atlantic Highlands. *ALEXANDER HAMILTON* (Steamship), Off NJ 36, (3-25-77)
Eatontown. *ST. JAMES MEMORIAL CHURCH OF EATONTOWN*, 69 Broad St., (2-17-78)
Englishtown. *VILLAGE INN (DAVIS TAVERN)*, Water and Main Sts., (11-13-72) PH0029025 HABS.
Fair Haven. *FISK CHAPEL*, Cedar Ave., (10-29-75)
Farmingdale. *ALLAIRE VILLAGE (HOWELL WORKS, MONMOUTH FURNACE)*, 3 mi. SE of Farmingdale on NJ 524, (1-11-74) PH0028819 HABS.
Freehold. *HANKINSON-MOREAU-COVENHOVEN HOUSE (CLINTON'S HEADQUARTERS)*, 150 W. Main St., (5-1-74) PH0028959 NHL; HABS; G.
Freehold (Manalapan Township). *MONMOUTH BATTLEFIELD*, NW of Freehold on NJ 522, W of Rte. 9, (10-15-66) PH0028983 NHL.
Highlands. *TWIN LIGHTS (NAVESINK LIGHTHOUSE)*, S of NJ 36 on a promontory between the Navesink River and Sandy Hook Bay, (12-2-70) PH0029017
Holmdel vicinity. *HOLMES-HENDRICKSON HOUSE*, N of Holmdel, (4-26-78)

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Holmdel vicinity. *KOVENHOVEN (KOUVENHOVEN)*, N of Holmdel off NJ 34, (4-26-74) PH0028967 HABS.
Holmdel vicinity. *OLD KENTUCK*, NW of Holmdel off NJ 34 on Pleasant Valley Rd., (11-6-73) PH0028991
Imlaystown vicinity. *UPPER FREEHOLD BAPTIST MEETING*, E of Imlaystown on Red Valley Rd., (4-21-75) G.
Long Branch. *CHURCH OF THE PRESIDENTS*, 1260 Ocean Ave., (11-7-76) HABS.
Long Branch. *ELBERON RAILROAD STATION*, Lincoln Ave., (6-9-78)
Long Branch. *GUGGENHEIM, MURRY, HOUSE*, Cedar and Norwood Aves., (3-28-78)
Matawan. *BURROWES, MAJ. JOHN, MANSION (ENCHANTED CASTLE)*, 94 Main St., (9-29-72) PH0028932 HABS; G.
Middleton. *KINGS HIGHWAY DISTRICT*, Irregular pattern—both sides of Kings Highway, S and W of NJ 35, (5-3-74) PH0028975
Middletown. *CHRIST CHURCH*, 92 Kings Hwy., (11-12-71) PH0028941 HABS.
Middletown. *SEABROOK WILSON HOUSE*, 119 Port Monmouth Rd., (10-29-74) PH0008273
Navesink. *ALL SAINTS' MEMORIAL CHURCH COMPLEX*, Navesink Ave. and Locust Rd., (2-15-74) PH0028801
Navesink. *NAVESINK HISTORIC DISTRICT*, Roughly triangular area including both sides of Monmouth Ave. and Locus Ave. to jct. with Hillside and Grand Aves., (9-5-75)
Ocean Grove. *OCEAN GROVE CAMP MEETING ASSOCIATION DISTRICT*, Bounded by Fletcher Lake, NJ 71, Lake Wesley, and the ocean, (4-12-76)
Red Bank. *FORTUNE, T. THOMAS, HOUSE*, 94 W. Bergen Pl., (12-8-76) NHL.
Red Bank. *RED BANK PASSENGER STATION*, Ridge and Monmouth Sts., (5-28-76)
Red Bank vicinity. *UNION SCHOOLHOUSE*, W of Red Bank on Middletown-Lincroft Rd., (6-23-76)
Sandy Hook. *SANDY HOOK LIGHT*, (10-15-66) PH0029793 NHL.
Shrewsbury. *ALLEN HOUSE*, Broad St. and Sycamore Ave., (5-8-74) PH0028827 HABS.
Shrewsbury. *SHREWSBURY HISTORIC DISTRICT*, Broad and Sycamore Sts., (7-17-78)
Shrewsbury. *WARDELL HOUSE*, 419 Sycamore Ave., (7-24-74) PH0029033
Tinton Falls. *OLD MILL AT TINTON FALLS*, 1205 Sycamore Ave., (4-24-73) PH0029009
Tinton Falls. *TINTON FALLS HISTORIC DISTRICT*, Irregular pattern along Tinton and Sycamore Aves., (11-10-77)
West Long Branch. *SHADOW LAWN*, Cedar and Norwood Aves., (3-28-78)

morris county

MORRIS CANAL, Reference—see Essex County (1-2-74)
Boonton. *BOONTON PUBLIC LIBRARY (JAMES HOLMES LIBRARY)*, 619 Main St., (11-13-72) PH0029351
Boonton. *DELAWARE, LACKAWANNA AND WESTERN RAILROAD STATION*, Myrtle Ave., Main, and Division Sts., (7-13-77)
Boonton. *MILLER-KINGSLAND HOUSE*, Vreeland Ave., 9000 W of Montville Township boundary, (7-24-73) PH0029262 HABS.
Boonton vicinity. *DIXON, JAMES, FARM*, NW of Boonton on Rockaway Valley Rd., (8-29-77)
Boonton, vicinity. *ROCKAWAY VALLEY METHODIST CHURCH*, NW of Boonton, (11-11-77)
Boonton vicinity. *SPLIT ROCK FURNACE*, NW of Boonton, (11-6-74) PH0084778 HABS.
Chester. *CHESTER HOUSE INN*, Main St. and Hillside Rd., (7-18-74) PH0029441 HABS.
Chester. *FIRST CONGREGATIONAL CHURCH*, Hillside Rd., (8-10-77)
Chester vicinity. *COOPER, NATHAN, GRISTMILL*, W of Chester at Hacklebarney Rd. and NJ 24, (11-21-76)
Dover vicinity. *FORD-FAESCH HOUSE*, N of Dover at Mt. Hope Rd. and Mt. Hope Ave., (2-12-74) PH0029297
Dover vicinity (Randolph Township). *FRIENDS MEETINGHOUSE*, S of Dover at Quaker Ave. and Quaker Church Rd., off NJ 18, (6-4-73) PH0029289 HABS.
East Hanover. *COOK, ELLIS, HOUSE (HALFWAY HOUSE)*, 174 Mount Pleasant Ave., (5-12-75) HABS.
Flandera vicinity. *CAREY, LEWIS, FARMHOUSE*, 208 Emmans Rd., (7-20-77)
Florham Park. *FORD, SAMUEL JR.'S, HAMMOCK FARM*, 310 Columbia Tpke., (12-30-74) PH0073164
Florham Park. *LITTLE RED SCHOOLHOUSE*, Ridgedale Ave. at Columbia Tpke., (7-24-73) PH0029271
Ledgewood. *RIGGS, SILAS, HOUSE*, 217 Main St., (11-11-77)
Lincoln Park. *DOD, JOHN, HOUSE AND TAVERN*, 11 Highland St. and 8 Chapel Hill Rd., (8-12-77) HABS.
Livingston vicinity. *FIRST PRESBYTERIAN CHURCH OF HANOVER*, W of Livingston at Mount Pleasant and Hanover Aves., (11-10-77)
Madison. *GIBBONS MANSION*, 36 Madison Ave., (8-10-77)
Mendham. *THOMPSON, DAVID, HOUSE*, 56 W. Main St., (7-24-73) PH0029220 HABS.
Mendham vicinity. *COOPER, GEN. NATHAN, MANSION*, W of Mendham on NJ 24, (12-29-78)
Mendham vicinity. *RALSTON HISTORIC DISTRICT*, 1 mi. W of Mendham at NJ 24 and Roxiticus Rd., (2-20-75) HABS.
Millington. *BOYLE/HUDSPETH-BENSON HOUSE*, 100 Basking Ridge Rd., (2-10-75)
Morristown. *ACORN HALL*, 68 Morris Ave., (4-3-73) PH0029378
Morristown. *CONDICT, DR. LEWIS, HOUSE*, 51 South St., (4-3-73) PH0029335
Morristown. *CUTLER HOMESTEAD*, 21 Cutler St., (3-10-75)
Morristown. *MILLS, TIMOTHY, HOUSE*, 27 Mills St., (2-24-75) HABS.
Morristown. *MORRIS COUNTY COURTHOUSE*, Washington St. between Court St. and Western Ave., (8-19-77)
Morristown. *MORRISTOWN DISTRICT*, (10-30-73) PH0029254 HABS.
Morristown. *MORRISTOWN NATIONAL HISTORICAL PARK*, At jct. of U.S. 202 and NJ 24, (10-15-66) HABS. (also in Somerset County)
Morristown. *NAST, THOMAS, HOME (VILLA FONTANA)*, MacCulloch Ave. and Miller Rd., (10-15-66) PH0029211 NHL; HABS.
Morristown. *SMITH, JOHN, HOUSE*, Washington Valley Rd., (1-1-76)
Morristown. *SPEEDWELL VILLAGE*, 333 Speedwell Ave., (11-20-70) PH0029238 G.
Morristown. *SPEEDWELL VILLAGE-THE FACTORY*, 333 Speedwell Ave., (9-13-74) NHL.
Morristown vicinity. *BOISAUBIN MANOR*, SE of Morristown on Treadwell Ave., (10-22-76)
Morristown vicinity. *FORDVILLE*, E of Morristown at 30 Ford Hill Rd., (11-2-78)
Morristown vicinity. *REVERE, JOSEPH W., HOUSE*, NW of Morristown on Mendham Ave., (9-20-73) PH0029246
Morristown vicinity. *THORNE AND EDDY ESTATES*, E of Morristown on Columbia Rd., (12-14-78)
Morristown vicinity. *WHIPPANY FARM*, 53 E. Hanover Ave., (9-22-77)
Mountain Lakes. *GRIMES HOMESTEAD*, 45 Bloomfield Ave., (4-1-77)
Oak Ridge vicinity. *RINGLING, ALFRED T., MANOR*, S of Oak Ridge on Berkshire Valley Rd., (6-3-76)
Parsippany. *BOWERS-LIVINGSTON-OSBORN HOUSE*, 25 Parsippany Rd., (6-19-73) PH0029360 HABS.
Parsippany vicinity. *BOWLSBY-DEGELLEKE HOUSE*, NW of Parsippany at 320 Baldwin Rd., (12-15-78)
Parsippany vicinity. *CONDIT, STEPHEN, HOUSE*, NE of Parsippany on Beverwyck Rd. off U.S. 46, (2-15-74) PH0029327
Pompton Plains. *BERRY, MARTIN, HOUSE*, 581 NJ 23 at Jackson Ave., (6-19-73) PH0029301 HABS.
Riverdale. *SLATER'S MILL*, 96 Paterson-Hamburg Tpke., (6-18-75)
Rockaway Borough. *JACKSON, JOSEPH, HOUSE*, 82 E. Main St., (3-4-75) HABS.
Towaco. *DOREMUS HOUSE*, 490 Main Rd., (10-31-72) PH0029319 HABS.
Washington Valley. *WASHINGTON VALLEY SCHOOLHOUSE*, Washington Valley Rd. and Schoolhouse Lane, (10-15-73)
Whippany. *OUR LADY OF MERCY CHAPEL*, 100 Whippany Rd., (9-18-78)
Whippany. *TUTTLE HOUSE*, 341 NY 10, (10-5-77) HABS.

morris county vicinity

HOWELL, BENJAMIN, HOMESTEAD, 709 S. Beverwyck Rd., (10-19-78)

ocean county

Barnegat Light. *BARNEGAT LIGHT PUBLIC SCHOOL*, 501 Central Ave., (6-7-76)
Barnegat Light. *BARNEGAT LIGHTHOUSE*, N end of Long Beach Island, off Broadway Ave., (1-25-71) PH0029823 HABS.
Beachwood vicinity. *DOUBLE TROUBLE HISTORIC DISTRICT*, S of Beachwood off Garden State Pkwy., (2-23-78)
Lakewood. *GEORGIAN COURT (GEORGE JAY GOULD ESTATE)*, Lakewood Ave., (12-20-78)
Laurelton. *ORIENT BAPTIST CHURCH (BURRSVILLE CHURCH)*, NJ 88, (8-10-77)
Manahawkin (Stafford Township). *MANAHAWKIN BAPTIST CHURCH*, N. Main St. (US 9) and Lehigh Ave., (4-3-73) PH0029386
Manchester Township. *HANGAR NO. 1, LAKEHURST NAVAL AIR STATION*, N of Lakehurst on CR 547, (5-23-68) PH0029751 NHL.
Seaside Park vicinity. *U.S. LIFESAVING STATION NO. 14*, S of Seaside Park on Island Beach State Park, (1-30-78)

passaic county

MORRIS CANAL, Reference—see Essex County (1-2-74)
Haledon. *BOTTO, PIETRO, HOUSE*, 83 Norwood St., (7-30-74)

Newfoundland vicinity. *CLINTON FURNACE*, Off NJ 23 at Clinton Reservoir, (6-18-76)
Paterson. *BELLE VISTA (LAMBERT CASTLE)*, Valley Rd. in Garret Mountain Reservation, (6-3-76)
Paterson. *CATHEDRAL OF ST. JOHN THE BAPTIST*, Main and Grand Sts., (12-16-77)
Paterson. *GREAT FALLS OF PATERSON/S.U.M. HISTORIC DISTRICT*, At Passaic River on the N, (4-17-70) PH0052752 NHL; HAER; G.
Paterson. *PUBLIC SCHOOL NUMBER TWO*, Mill and Passaic Sts., (3-8-78)
Paterson. *ST. MICHAEL'S ROMAN CATHOLIC CHURCH*, 74 Cianci St., (12-15-78)
Paterson. *WESTSIDE PARK (VAN HOUTEN HOUSE)*, 114 Totowa Ave., (3-7-73) PH0029394 HABS.
Ringwood Borough. *RINGWOOD MANOR*, 3 mi. E of Hewitt, Ringwood Manor State Park, (11-13-66) NHL; HABS.
Wayne. *AILSA FARMS (HALEDON HALL)*, 300 Pompton Rd., (4-30-76)
Wayne. *DEY MANSION*, 199 Totowa Rd., (12-18-70) PH0029467 HABS.
Wayne. *SCHUYLER-COLFAX HOUSE*, 2343 Paterson-Hamburg Tpke., (4-3-73) PH0029424 HABS.
Wayne vicinity. *VAN RIPER-HOPPER HOUSE (WAYNE MUSEUM)*, 533 Berdan Ave., (8-21-72) PH0029408
West Milford vicinity. *LONG POND IRONWORKS*, NE of West Milford on NJ 511, (1-11-74) PH0029459

salem county

Alloway vicinity. *DICKINSON HOUSE*, NE of Alloway on Brickyard Rd., (2-20-75) HABS.
Daretown. *PITTSGROVE PRESBYTERIAN CHURCH*, Main St., (9-19-77) HABS.
Elmer. *SMITH, DAVID V., HOUSE*, 104 S. Main St., (5-17-76)
Lower Alloways Creek Township. *HANCOCK HOUSE*, Rte. 49 and Front St., (12-18-70) PH0029475 HABS.
Salem. *MARKET STREET HISTORIC DISTRICT*, Irregular pattern on both sides of Market St. from Broadway to Fenwick Creek, (4-10-75) HABS; G.
Salem vicinity. *BRICK, RICHARD, HOUSE*, NE of Salem off NJ 45 on Compromise Rd., (5-13-76)
Salem vicinity. *FINN'S POINT REAR RANGE LIGHT*, NW of Salem at Fort Mott and Lighthouse Rds., (8-30-78)
Salem vicinity. *FORT MOTT AND FINNS POINT NATIONAL CEMETERY DISTRICT*, NW of Salem on Fort Mott Rd., (8-31-78)
Salem vicinity. *HOLMES, BENJAMIN, HOUSE (HOLMELAND)*, W of Salem on Fort Elfsborg-Hancock's Bridge Rd., (8-31-78)
Salem vicinity. *NICHOLSON, SARAH AND SAMUEL, HOUSE*, 2 mi. S of Salem on Amwellbury Rd., (2-24-75) HABS.
Woodstown vicinity. *DUNN, ZACCHEUS, HOUSE*, S of Woodstown on East Lake Rd., (8-10-77) HABS.
Woodstown vicinity. *SEVEN STARS TAVERN*, N of Woodstown at jct. of Sharptown-Swedensboro and Woodstown-Auburn Rds., (5-1-76) HABS.

somerset county

DELAWARE AND RARITAN CANAL, Reference—see Hunterdon County (1-2-74)
MORRISTOWN NATIONAL HISTORICAL PARK, Reference—see Morris County (1-2-74)
Basking Ridge. *BASKING RIDGE CLASSICAL SCHOOL*, 15 W. Oak St., (7-21-76)
Basking Ridge. *COFFEE HOUSE*, 214 N. Maple Ave., (11-7-77)
Basking Ridge. *PRESBYTERIAN CHURCH IN BASKING RIDGE*, 6 E. Oak St., (12-31-74) PH0052647 HABS.
Basking Ridge vicinity. *STIRLING, LORD, MANOR SITE*, SE of Basking Ridge at 96 Lord Stirling Rd., (5-22-78)
Bernardsville. *PARKER, JOHN, TAVERN*, 2 Morristown Rd., (12-14-78)
Bernardsville vicinity. *FRANKLIN CORNERS HISTORIC DISTRICT*, N of Bernardsville on Hardscrabble and Child Rds. and U.S. 202, (5-12-75) HABS.
Bound Brook. *MIDDLEBROOK ENCAMPMENT SITE*, Mountain Ave., (7-3-75)
Flagtown vicinity. *HUFF HOUSE AND FARMSTEAD*, River Rd. at S branch of Raritan River, (11-7-76)
Franklin. *MEADOWS, THE*, 1289 Easton Ave., (12-4-73) PH0029491 HABS.
Franklin Township. *ROCKINGHAM (OLD BERRIEN HOUSE)*, E of Kingston on Old Rocky Hill Rd. (518), (12-18-70) PH0029521 HABS.
Martinsville vicinity. *MOUNT BETHEL BAPTIST MEETINGHOUSE*, About 2 mi. N of Martinsville off U.S. 78, (6-3-76)
Millstone. *MILLSTONE HISTORIC DISTRICT*, Amwell and River Rds., (9-13-76)
Millstone vicinity. *MILLSTONE VALLEY AGRICULTURE DISTRICT*, S of Millstone on River Rd., (8-10-77)
Neshanic. *NESHANIC MILLS*, Main Rd. and Mill Lane, (1-9-78)
Plainfield vicinity. *SMALLEY-WORMSER HOUSE*, W of Plainfield at 84 Mountain Ave., (10-19-78)
Raritan. *FRELINGHUYSEN, GEN. JOHN, HOUSE*, Somerset St. and Wyckoff Ave., (3-4-71) PH0029483 HABS.
Raritan vicinity. *SOUTH BRANCH HISTORIC DISTRICT*, SW of Raritan, (12-13-77)
Rocky Hill vicinity. *BRIDGEPOINT HISTORIC DISTRICT*, N of Rocky Hill off U.S. 206, (6-10-75)
Somerville. *OLD DUTCH PARSONAGE*, 65 Washington Pl., (1-25-71) PH0029513 HABS.
Somerville. *WALLACE HOUSE*, 38 Washington Pl., (12-2-70) PH0029530 HABS; G.

sussex county

MORRIS CANAL, Reference—see Essex County (1-2-74)
Andover vicinity. *WATERLOO*, 1 mi. S of Andover at Musconetcong River and SR 604, (9-13-77)
Branchville vicinity. *LOG CABIN AND FARM*, N of Branchville on Mattison Ave., (8-24-77)
Monroe. *OLD MONROE SCHOOL HOUSE*, NJ 94, (8-12-77)
Newton. *MERKIAM, HENRY W., HOUSE*, 131 Main St., (12-18-70) PH0029548
Stanhope. *PLASTER MILL*, Off Main St. and Kelly Pl., (8-3-77)
Stillwater vicinity. *HARMONY HILL UNITED METHODIST CHURCH*, N of Stillwater on Fairview Lake Rd., (9-19-77)
Stockholm. *STOCKHOLM UNITED METHODIST CHURCH*, SR 515, (3-26-76)
Sussex vicinity. *VAN BUNSCHOOTEN, ELIAS, HOUSE*, NW of Sussex on NJ 23, (11-1-74) PH0029131

union county

Cranford. *DROESCHERS MILL (RAHWAY RIVER MILL)*, 347 Lincoln Ave. E., (1-8-74) PH0029581
Elizabeth. *BELCHER-OGDEN HOUSE*, 1046, E. Jersey St., (11-2-78)
Elizabeth. *BOXWOOD HALL (BOUDINOT MANSION)*, 1073 E. Jersey St., (12-18-70) PH0029556 NHL; HABS.
Elizabeth. *FIRST PRESBYTERIAN CHURCH OF ELIZABETH*, 14–44 Broad St., (5-6-77) HABS.
Elizabeth. *LIBERTY HALL (GOV. WILLIAM LIVINGSTON HOUSE)*, Morris and North Aves., (11-28-72) PH0029602 NHL; HABS.
Hillside. *WOODRUFF HOUSE*, 111–113 Conant St., (12-11-78)
Mountainside vicinity. *BADGLEY HOUSE AND SITE*, N of Mountainside off New Providence Rd., Watchung Reservation, (9-27-76)
Plainfield. *DRAKE, NATHANIEL, HOUSE*, 602 W. Front St., (6-19-73) PH0029572
Rahway. *MERCHANTS' AND DROVERS' TAVERN*, 1632 St. Georges Ave., (11-21-78) HABS.
Rahway vicinity (Clark Township). *SEVENTEENTH CENTURY CLARK HOUSE*, 593 Madison Hill Rd., (11-19-74) PH0031658 G.
Scotch Plains. *DE CAMP, JOHN, HOUSE*, 2101 Raritan Rd., (12-4-73) PH0029564
Scotch Plains. *OLD BAPTIST PARSONAGE*, 547 Park Ave., (1-18-73) PH0029629
Scotch Plains. *SCOTCH PLAINS SCHOOL*, Park Ave., (12-12-78)
Springfield vicinity. *HUTCHINGS HOMESTEAD*, 126 Morris Ave., (9-16-77) HABS.
Union. *FIRST PRESBYTERIAN CONGREGATION OF CONNECTICUT FARMS*, Stuyvesant Ave. at Chestnut St., (4-3-70) PH0029599 HABS.
Westfield. *MILLER-CORY HOUSE*, 614 Mountain Ave., (11-3-72) PH0029611

warren county

MORRIS CANAL, Reference—see Essex County (1-2-74)
Columbia vicinity. *FAIRVIEW SCHOOLHOUSE*, E of Columbia on Dean Rd., (8-12-77) HABS.
Columbia vicinity. *WARRINGTON STONE BRIDGE*, NE of Columbia off NJ 94, (12-16-77)
Finesville vicinity. *SEIGLE HOMESTEAD*, N of Finesville, (11-7-77)
Hampden vicinity. *NEW HAMPDEN PONY PRATT TRUSS BRIDGE, Reference—see Hunterdon County*
Hope. *HOPE DISTRICT*, (7-20-73) PH0029645 HABS.
Oxford. *OXFORD FURNACE*, Belvidere and Washington Aves., (7-6-77)
Phillipsburg. *ROSEBERRY, JOHN, HOMESTEAD*, 540 Warren St., (4-3-73) PH0029637

NEW MEXICO

bernalillo county

Albuquerque. *ARMIJO, SALVADOR, HOUSE*, 618 Rio Grande Blvd., NW., (10-8-76)
Albuquerque. *FIRST METHODIST EPISCOPAL CHURCH*, 3rd St. and Lead Ave., (11-7-76)
Albuquerque. *HODGIN HALL*, University of New Mexico campus, (1-30-78)
Albuquerque. *HUNING HIGHLANDS HISTORIC DISTRICT*, Bounded by Grand Ave., I-25 Hazeldine and AT&SF RR, (11-17-78)
Albuquerque. *KIMO THEATER*, 421 Central Ave., (5-2-77)

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Albuquerque. *OCCIDENTAL LIFE BUILDING*, 119 3rd Ave., SW., (1-30-78)
Albuquerque. *RANCHO DE CARNUE SITE*, Off U.S. 66, (5-4-77)
Albuquerque. *ROSENWALD BUILDING*, 320 Central Ave., SW., (6-29-78)
Albuquerque. *SAN FELIPE DE NERI CHURCH*, Old Town Plaza, NW., (10-1-69)
Albuquerque. *SOUTHWESTERN BREWERY AND ICE COMPANY*, 601 Commercial St., NE., (3-30-78)
Albuquerque. *SPITZ, BERTHOLD, HOUSE*, 323 N. 10th St., (12-22-77)
Albuquerque. *SUPERINTENDENT'S HOUSE, ATLANTIC & PACIFIC RAILROAD*, 1023 S. 2nd St., (1-20-78)
Albuquerque. *VIGIL, ANTONIO, HOUSE*, 413 Romero St., (5-5-78)
Isleta. *ISLETA PUEBLO (TUEI)*, U.S. 85, (9-5-75)
Tijeras. *HOLY CHILD CHURCH*, Off I-40/U.S. 66, (3-8-78)

catron county

Datil vicinity. *AKE SITE*, SE of Datil, (4-2-76)
Horse Springs vicinity. *BAT CAVE*, S of Horse Springs, (4-23-76)
Red Hill vicinity. *MOGOLLON PUEBLO*, N of Red Hill, (5-5-78)
Silver City vicinity. *GILA CLIFF DWELLINGS NATIONAL MONUMENT*, 47 mi. N of Silver City on NM 25 and 527, (10-15-66) PH0091693

chaves county

Roswell. *WHITE, JAMES PHELPS, HOUSE*, 200 N. Lea Ave., (7-24-78)

colfax county

Abbott vicinity. *DORSEY MANSION*, About 12 mi. NE of Abbott off U.S. 56., (9-4-70) PH0091715 G.
Cimmaron. *CIMMARON HISTORIC DISTRICT*, S edge of city along NM 21, (4-3-73) PH0091707
Folsom vicinity. *FOLSOM SITE*, 8 mi. W of Folsom, (10-15-66) PH0091723 NHL.
Raton. *RATON DOWNTOWN HISTORIC DISTRICT*, Roughly bounded by Rio Grande, Clark, 1st and 3rd Sts., (10-21-77)
Raton vicinity. *CATSKILL CHARCOAL OVENS*, 35 mi. (56 km) W of Raton, (1-30-78)
Raton vicinity. *RATON PASS*, U.S. 85-87, CO/NM border, (10-15-66) NHL. (also in Las Animas County, CO)
Raton vicinity. *ST. JOHN'S METHODIST EPISCOPAL CHURCH*, 17 mi. (27 km) E of Raton on NM 72, (1-18-78)
Springer. *MILLS HOUSE*, 509 1st St., (10-6-70) PH0091731

de baca county

Fort Sumner vicinity. *FORT SUMNER RUINS*, SE of Fort Sumner off NM 212, (8-13-74) PH0091758

dona ana county

El Paso vicinity. *INTERNATIONAL BOUNDARY MARKER NO. 1, U.S. AND MEXICO*, W of El Paso off I 10, (9-10-74) PH0092606
Las Cruces. *ARMIJO, NESTOR, HOUSE*, Lohman Ave. and Church St., (12-12-76)
Las Cruces vicinity. *FORT FILLMORE*, SE of Las Cruces, (7-30-74) PH0091766
Las Cruces vicinity. *FORT SELDEN*, 18 mi. N of Las Cruces, (7-9-70) PH0091774 G.
Las Cruces vicinity. *MESILLA PLAZA*, 2 mi. S of Las Cruces on NM 28, (10-15-66) PH0091782 NHL.
Mesilla. *BARELA-REYNOLDS HOUSE*, Off NM 292, (1-20-78)

eddy county

Carlsbad. *FIRST NATIONAL BANK OF EDDY*, 303 W. Fox St., (12-12-76)
Carlsbad vicinity. *CARLSBAD RECLAMATION PROJECT*, N of Carlsbad, (10-15-66) PH0091791 NHL.
Carlsbad vicinity. *PAINTED GROTTO*, SW of Carlsbad off U.S. 62/180 in Carlsbad Caverns National Park, (3-8-77)

grant county

Cliff vicinity. *WOODROW RUIN*, 5 mi. NE of Cliff, (7-9-70) PH0091812 G.
Gila. *L.C. RANCH HEADQUARTERS*, Off U.S. 260, (12-6-78)
Silver City. *AILMAN, H. B., HOUSE*, 314 W. Broadway, (5-12-75)
Silver City. *SILVER CITY HISTORIC DISTRICT*, Roughly bounded by Black, College, Hudson, and Spring Sts., (5-23-78)
Tyrone vicinity. *BURRO SPRINGS SITE no. 2*, In Gila National Forest, (12-31-74) PH0091804

hidalgo county

Lordsburg vicinity. *SHAKESPEARE GHOST TOWN*, SW of Lordsburg, off NM 494, (7-16-73) PH0091821 G.

lincoln county

Capitan vicinity. *FORT STANTON*, 7 mi. SE of Capitan near U.S. 380, (4-13-73) PH0091847
Lincoln. *LINCOLN HISTORIC DISTRICT*, U.S. 380, (10-15-66) PH0091855 NHL.
Lincoln vicinity. *FEATHER CAVE*, (11-20-74) PH0091839
White Oaks. *WHITE OAKS HISTORIC DISTRICT*, 12 mi. NE of Carrizozo on NM 349, (9-4-70) PH0091863 G.

los alamos county

Los Alamos. *LOS ALAMOS SCIENTIFIC LABORATORY*, Central Ave., (10-15-66) PH0091871 NHL; G.

luna county

Columbus. *VILLAGE OF COLUMBUS AND CAMP FURLONG*, (5-15-75) NHL.
Deming. *LUNA COUNTY COURTHOUSE AND PARK*, 700 S. Silver Ave., (10-5-77)

mckinley county

Fort Wingate. *FORT WINGATE HISTORIC DISTRICT*, NM 400, (5-26-78)
Gallup vicinity. *HALONA PUEBLO (ZUNI PUEBLO)*, 36 mi. S of Gallup on NM2 and NM3, 2-10-75)
Manuelito vicinity. *MANUELITO COMPLEX*, S of Manuelito, (10-15-66) PH0091898 NHL.
Thoreau vicinity. *CHACO CANYON NATIONAL MONUMENT*, 64 mi. N of Thoreau on NM 56, (10-15-66) PH0091880

mora county

Cleveland vicinity. *CASSIDY MILL*, SE of Cleveland off NM 3, (12-6-78)
Mora. *ST. VRAIN'S MILL*, On NM 38, (8-28-73) PH0091936
Mora vicinity. *LA CUEVA HISTORIC DISTRICT*, 6 mi. SE of Mora at jct. of NM 3 and 21, (5-25-73) PH0091928
Wagon Mound vicinity. *WAGON MOUND*, E of Wagon Mound on U.S. 85, (10-15-66) PH0091944 NHL.
Watrous. *WATROUS (LA JUNTA)*, U.S. 85, (10-15-66) PH0091952 NHL.
Watrous vicinity. *FORT UNION NATIONAL MONUMENT*, 9 mi. N of Watrous on NM 477, (10-15-66) PH0091910

quay county

Montoya. *RICHARDSON STORE*, off I 40, (11-16-78)

rio arriba county

CUMBRES AND TOLTEC SCENIC RAILROAD (DENVER AND RIO GRANDE WESTERN RAILROAD), *Reference—see Archuleta County, CO* (1-2-74)
Abiquiu vicinity. *SANTA ROSA DE LIMA DE ABIQUIU*, E of Abiquiu on U.S. 84, (4-14-78)
Blanco vicinity. *FRANCES CANYON RUIN*, 17 mi. NE of Blanco, (9-4-70) PH0091987
Canones vicinity. *TSIPING*, 7 mi. W of Abiquiu in Santa Fe National Forest, (9-4-70) PH0092037
Cordova. *SAN ANTONIO DE PADUA DEL QUEMADO CHAPEL*, off NM 76, (11-2-78)
Espanola vicinity. *PUYE RUINS*, 14 mi. W of Espanola, (10-15-66) PH0092002 NHL.
Espanola vicinity. *SAN GABRIEL DE YUNGUE-OUINGE*, 4 mi. N of Espanola, (10-15-66) PH0092011 NHL.
Espanola vicinity. *SANTA CLARA PUEBLO (KAPO' ONWI)*, S of Espanola off NM 30, (11-5-74) PH0092029
Farmington vicinity. *CROW CANYON ARCHEOLOGICAL SITE*, E of Farmington, (7-15-74) (also San Juan County)
Sante Fe vicinity. *SAN JUAN PUEBLO (OKE'ONWI)*, N of Sante Fe, (7-30-74) PH0091995

roosevelt county

Clovis vicinity. *ANDERSON BASIN (BLACKWATER DRAW)*, 12 mi. S of Clovis, (10-15-66) NHL.

san juan county

CROW CANYON ARCHEOLOGICAL SITE, *Reference—see also Rio Arriba County* (1-2-74) PH0092151
Aztec vicinity. *AZTEC RUINS NATIONAL MONUMENT*, 1 mi. N of Aztec, (10-15-66) PH0092142
Farmington vicinity. *GALLEGOS WASH ARCHEOLOGICAL DISTRICT*, SE of Farmington, (11-20-75)
Farmington vicinity. *SALMON RUIN*, 9 mi. E of Farmington off NM 17, (9-4-70) PH0092169 G.
Fruitland vicinity. *ARCHEOLOGICAL SITE OCA-CGP-56*, SW of Fruitland, (2-23-78)
Fruitland vicinity. *SITE NO. OCA-CGP-54-1*, SW of Fruitland, (4-19-78)

san miguel county

Bell Ranch vicinity. *BELL RANCH HEADQUARTERS*, N and E of the Conchas Reservoir, (10-6-70) PH0092177
Las Vegas. *BRIDGE STREET HISTORIC DISTRICT*, 100 block of Bridge St., (7-26-78)
Las Vegas. *LAS VEGAS PLAZA*, Bounded by Valencia and Moreno Sts. and rear property line of building on Gonzales St. and Hot Springs Blvd., (12-16-74) PH0092193
Las Vegas. *OUR LADY OF SORROWS CHURCH*, W. National Ave., (9-8-76)
Las Vegas. *PRESBYTERIAN MISSION CHURCH*, 1413 Chavez St., (11-17-78)
Las Vegas. *ST. PAUL'S MEMORIAL EPISCOPAL CHURCH AND GUILD HALL*, 714–716 National Ave., (11-7-76)

Las Vegas vicinity. *MONTEZUMA HOTEL COMPLEX*, 6 mi. NW of Las Vegas in Gallinas Canyon, (5-3-74) PH0092207
Pecos. *SAN ANTONIO DE PADUA CHURCH*, NM 63, (9-13-78)
Pecos vicinity. *PECOS NATIONAL MONUMENT*, S of Pecos on NM 63, (10-15-66) PH0290394
San Jose vicinity. *SAN MIGUEL DEL VADO HISTORIC DISTRICT*, SE of San Jose on NM 3, off U.S. 84/85, (7-17-72) PH0092215 G.
Santa Fe vicinity. *GLORIETA PASS BATTLEFIELD*, 10 mi. SE of Santa Fe on U.S. 84–85, (10-15-66) PH0092185 NHL. (also in Santa Fe County)

sandoval county

Albuquerque vicinity. *PUEBLO OF SANTO DOMINGO (KIUA)*, 35 mi. NE of Albuquerque, off I 25, (12-12-73) PH0092096
Bernalillo. *OUR LADY OF SORROWS CHURCH*, U.S. 85, (4-29-77)
Bernalillo vicinity *JEMEZ PUEBLO*, 28 mi. N of Bernalillo on NM 4, (5-2-77)
Bernalillo vicinity. *KUAUA RUIN*, N of Bernalillo off NM 44, (1-1-76)
Bernalillo vicinity. *SANDIA CAVE*, 11 mi. E of Bernalillo in Cibola National Forest, (10-15-66) PH0092100 NHL.
Bernalillo vicinity. *TAMAYA (SANTA ANA PUEBLO)*, N of Bernalillo, (11-1-74) PH0092126
Bernalillo vicinity. *ZIA PUEBLO*, 18 mi. W of Bernalillo on NM 44, (4-3-73) PH0092134
Casa Salazar vicinity. *BIG BEAD MESA*, W of Casa Salazar in Cibola National Forest, (10-15-64) PH0092061 NHL.
Jemez Spring vicinity. *SAN JUAN MESA RUIN*, 4 mi. E of Jemez Springs in Santa Fe National Forest, (7-9-70) PH0092118
Jemez Springs. *JEMEZ STATE MONUMENT (SAN JOSE DE LOS JEMEZ MISSION AND GIUSEWA PUEBLO)*, NM 4, (3-14-73) PH0092070
Los Alamos vicinity. *BANDELIER NATIONAL MONUMENT*, 12 mi. S of Los Alamos on NM 4, (10-15-66) PH0092053 HABS.
Santa Fe vicinity. *COCHITI PUEBLO*, 27 mi. SW of Santa Fe on the Rio Grande, (11-20-74) PH0092088

santa fe county

GLORIETA PASS BATTLEFIELD, *Reference—see San Miguel County* (1-2-74)
Chimayo vicinity. *PLAZA DEL CERRO (PLAZA DEL SAN BUENAVENTURA)*, SW of jct. of Rtes. 76 and 4, (7-17-72) PH0048437
Espanola vicinity. *SAN ILDEFONSO PUEBLO*, SW of Espanola off NM 4, (6-20-74) PH0048470
Madrid. *MADRID HISTORIC DISTRICT*, 25 mi. SW of Santa Fe on NM 14, (11-9-77)
Santa Cruz. *LA IGLESIA DE SANTA CRUZ AND SITE OF THE PLAZA OF SANTA CRUZ DE LA CANADA*, (8-17-73) PH0048411
Santa Fe. *BARRIO DE ANALCO HISTORIC DISTRICT*, Roughly bounded by E. De Vargas and College Sts. and the Santa Fe River, (11-24-68) PH0092223 NHL.
Santa Fe. *BERGERE, ALFRED M., HOUSE*, 135 Grant Ave., (10-1-75)
Santa Fe. *CRESPIN, GREGORIO, HOUSE*, 132 E. De Vargas St., (5-29-75)
Santa Fe. *DAVEY, RANDALL, HOUSE*, Upper Canyon Rd., (7-9-70) PH0092231
Santa Fe. *DEGNEO-VALDES HOUSE*, 1231 Paseo de Peralta, (11-21-78)
Santa Fe. *FEDERAL BUILDING*, Cathedral Pl. at Palace St., (8-15-74) PH0048402
Santa Fe. *FORT MARCY OFFICER'S RESIDENCE*, 116 Lincoln Ave., (6-20-75)
Santa Fe. *FORT MARCY RUINS*, Off NM 475, (4-14-75)
Santa Fe. *HAYT-WIENTGE HOUSE*, 620 Paseo de la Cuma, (5-6-77)
Santa Fe. *NATIONAL PARK SERVICE SOUTHWEST REGIONAL OFFICE*, Old Santa Fe Trail, (10-6-70) PH0048518
Santa Fe. *PALACE OF THE GOVERNORS*, The Plaza, (10-15-66) PH0048429 NHL; HABS; G.
Santa Fe. *REREDOS OF OUR LADY OF LIGHT*, Christo Rey Church, Canyon Rd. and Cristo Rey St., (9-4-70) PH0048461
Santa Fe. *SANTA FE HISTORIC DISTRICT*, (7-23-73) PH0048496 HABS; G.
Santa Fe. *SANTA FE PLAZA*, (10-15-66) PH0048500 NHL; HABS.
Santa Fe. *SECOND WARD SCHOOL*, 312 Sandoval St., (3-30-78)
Santa Fe. *SHONNARD, EUGENIE, HOUSE*, 226 Hickox St., (9-5-75)
Santa Fe. *SPIEGELBERG HOUSE (SPITZ HOUSE)*, 237 E. Palace St., (5-25-73) PH0048526
Santa Fe. *TULLY, PINCKNEY R., HOUSE*, 136 Grant Ave., (11-5-74) PH0048534 G.
Santa Fe. *U.S. COURTHOUSE*, Federal Pl., (5-25-73) PH0048542
Santa Fe. *VIGIL, DONACIANO, HOUSE*, 518 Alto St., (6-28-72) PH0048551
Santa Fe vicinity. *OTOWI HISTORIC DISTRICT*, 25 mi. N of Santa Fe, on NM 4 in Rio Grande Valley, (12-4-75)
Santa Fe vicinity. *PUEBLO OF NAMBE*, About 16 mi. off NM 4, (1-21-74) PH0048445
Santa Fe vicinity. *PUEBLO OF TESUQUE (TATUNGE)*, About 8 mi. N of Santa Fe on W bank of Tesuque River, (7-16-73) PH0048453 G.
Santa Fe vicinity. *SAN LAZARO*, 25 mi. S of Santa Fe, (10-15-66) PH0048488 NHL.
Santa Fe vicinity. *SETON VILLAGE*, 6 mi. S of Santa Fe off U.S. 84/85, (10-15-66) NHL.
Truchas vicinity. *EL SANTUARIO DE CHIMAYO*, S of Truchas in Chimayo, (4-15-70) PH0092240 NHL.

socorro county

Bingham vicinity. *TRINITY SITE*, 25 mi. S of U.S. 380 on White Sands Missile Range, (10-15-66) PH0098931 NHL.
Gran Quivira vicinity. *GRAN QUIVIRA NATIONAL MONUMENT*, 1 mi. E of Gran Quivira on NM 10, (10-15-66) PH0048607 (also in Torrance County)
Magdalena. *ATCHISON, TOPEKA AND SANTA FE RAILWAY DEPOT*, Off U.S. 60, (12-29-78)
Magdalena vicinity. *GALLINAS SPRINGS RUIN*, 25 mi. S of Santa Fe in Cibola National Forest, (9-4-70) PH0048585
Socorro. *BURSUM HOUSE*, 326 Church St., (6-18-75)
Socorro. *GARCIA OPERA HOUSE*, Terry Ave. and California St., (8-13-74) PH0048593
Socorro. *ILLINOIS BREWERY*, Neal Ave. and 6th St., (9-2-75)
Socorro. *VAL VERDE HOTEL*, 203 Manzanares St., (9-13-77)
Socorro vicinity. *FORT CRAIG*, 37 mi. S of Socorro, (10-15-70) PH0048577

taos county

Las Trampas. *LAS TRAMPAS HISTORIC DISTRICT*, On NM 76, (5-28-67) PH0048763 NHL; HABS.
Las Trampas. *SAN JOSE DE GRACIA CHURCH*, N side of the Plaza, (4-15-70) PH0048721 NHL.
Ojo Caliente. *CHAPEL OF SANTA CRUZ*, S side of Plaza off U.S. 285, (4-14-75)
Ranchos de Taos. *RANCHOS DE TAOS PLAZA*, off U.S. 64, (10-2-78)
Ranchos de Taos. *SAN FRANCISCO DE ASISI MISSION CHURCH*, The Plaza, (4-15-70) PH0048739 NHL; HABS.
Taos. *BENT, GOV. CHARLES, HOUSE*, Bent St., (11-16-78)
Taos. *BLUMENSCHEIN, ERNEST L., HOUSE*, Ledoux St., (10-15-66) PH0098922 NHL.
Taos. *CARSON, KIT, HOUSE*, Kit Carson Ave., NHL; HABS. PH0098949
Taos. *HARWOOD FOUNDATION (SMITH H. SIMPSON HOUSE)*, LeDoux St., (12-22-76)
Taos. *LUHAN, MABEL DODGE, HOUSE*, Luhan Lane, (11-15-78)
Taos. *MARTINEZ, SEVERINO, HOUSE*, 2 mi. from Taos Plaza, on the Lower Ranchitos Rd., (4-23-73) PH0048623 G.
Taos vicinity. *LA MORADA DE NUESTRA SENORA DE GUADALUPE*, E of Taos off U.S. 64, (6-29-76)
Taos vicinity. *PICURIS PUEBLO*, S of Taos, (8-13-74) PH0048631
Taos vicinity. *TAOS PUEBLO*, 3 mi. N of Taos, (10-15-66) PH0098965 NHL; HABS.
Taos vicinity. *TURLEY MILL AND DISTILLERY SITE*, 11 mi. (17.6 km) N of Taos, (11-16-78)
Vadito. *LAUREANO CORDOVA MILL*, Off NM 75, (11-5-74)

torrance county

GRAN QUIVIRA NATIONAL MONUMENT, *Reference—see Socorro County* (1-2-74)
Abo vicinity. *ABO*, 3 mi. W of Abo on U.S. 60, (10-15-66) PH0048640 NHL; G.
Mountainair vicinity. *RANCHO BONITO*, S of Mountainair on Gran Quivera Rd., (11-29-78)
Punta de Agua vicinity. *QUARAI*, 1 mi. S of Punta de Agua, (10-15-66) PH0048666 NHL; G.

union county

Clayton vicinity. *RABBIT EARS (CLAYTON COMPLEX)*, NW of Clayton, (10-15-66) PH0048755 NHL.

valencia county

Acoma. *SAN ESTEVAN DEL REY MISSION CHURCH*, On NM 23, (4-15-70) PH0048747 NHL; HABS.
Adelino. *BACA, MIGUEL E., HOUSE*, NM 47, (12-11-78)
Albuquerque vicinity. *LAGUNA PUEBLO*, 45 mi. W of Albuquerque off U.S. 66, (6-19-73) PH0048691
Casa Blanca vicinity. *ACOMA*, 13 mi. S of Casa Blanca on NM 23, (10-15-66) PH0048674 NHL; HABS; G.
El Morro vicinity. *EL MORRO NATIONAL MONUMENT*, 2 mi. W of El Morro via NM 53, (10-15-66) PH0048682
Granta vicinity. *DITTERT SITE*, S of Grants, (8-22-77)
Laguna Pueblo. *SAN JOSE DE LA LAGUNA MISSION AND CONVENTO*, (1-29-73) PH0048704
Los Lunas vicinity. *LUNA, TRANQUILINO, HOUSE*, SW of Los Lunas at jct. of U.S. 85 and NM 6, (4-16-75) G.
Tome. *TOME JAIL*, Tome Plaza, (10-5-77)
Zuni vicinity. *HAWIKUH*, 12 mi. SW of Zuni, Zuni Indian Reservation, (10-15-66) PH0098973 NHL.

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NEW YORK

albany county

Albany. *ALBANY ACADEMY (JOSEPH HENRY MEMORIAL)*, Academy Park, (2-18-71) PH0009024

Albany. *ALBANY CITY HALL*, Eagle St. at Maiden Lane, (9-4-72) PH0008907

Albany. *ALBANY INSTITUTE OF HISTORY AND ART*, 135 Washington Ave., (7-12-76)

Albany. *ALBANY UNION STATION*, E side of Broadway between Columbia and Steuben Sts., (2-18-71) PH0008915

Albany. *CATHEDRAL OF ALL SAINTS*, S. Swan St., (7-25-74) PH0008940

Albany. *CATHEDRAL OF THE IMMACULATE CONCEPTION*, 125 Eagle St., (6-8-76)

Albany. *CHERRY HILL*, S. Pearl St. between 1st and McCarthy Aves., (2-18-71) PH0008958

Albany. *CHURCH OF THE HOLY INNOCENTS*, 275 N. Pearl St., (1-31-78)

Albany. *DELAWARE AND HUDSON RAILROAD COMPANY BUILDING*, The Plaza on State St., (3-16-72) PH0008982

Albany. *FIRST REFORMED CHURCH*, 56 Orange St., (1-21-74) PH0008991

Albany. *FIRST TRUST COMPANY BUILDING*, 35 State St., (1-18-73) PH0009008

Albany. *HALL, JAMES, OFFICE*, Lincoln Park, (12-8-76) NHL.

Albany. *LAFAYETTE PARK HISTORIC*, roughly bounded by State, Swan, Elk, Spruce, Chapel and Eagle Sts., (11-15-78)

Albany. *NEW YORK EXECUTIVE MANSION*, 138 Eagle St., (2-18-71) PH0009067

Albany. *NEW YORK STATE CAPITOL*, Capitol Park, (2-18-71) PH0009075

Albany. *NEW YORK STATE COURT OF APPEALS BUILDING (STATE HALL)*, Eagle St. between Pine and Columbia Sts., (2-18-71) PH0009083 HABS.

Albany. *NEW YORK STATE DEPARTMENT OF EDUCATION BUILDING*, Washington Ave. between Hawk and Swan Sts., (3-18-71) PH0009091

Albany. *NUT GROVE*, McCarty Ave., (7-30-74) PH0009105

Albany. *OLD POST OFFICE*, NE corner of Broadway and State St., (1-20-72) PH0009113

Albany. *PASTURES HISTORIC DISTRICT*, Bounded on N by Madison Ave., on E by Green St., on S by South Ferry St., on W by S. Pearl St., (3-16-72) PH0009148

Albany. *QUACKENBUSH HOUSE*, 683 Broadway, (6-19-72) PH0009164

Albany. *SCHUYLER, PHILIP, MANSION*, Clinton and Schuyler Sts., (12-24-67) PH0046566 NHL; HABS.

Albany. *ST. MARY'S CHURCH*, 10 Lodge St., (7-14-77)

Albany. *ST. PETER'S CHURCH*, 108 State St., (3-16-72) PH0009172

Albany. *TEN BROECK MANSION*, 9 Ten Broeck Pl., (8-12-71) PH0009199 G.

Albany. *UNITED TRACTION COMPANY BUILDING*, 598 Broadway, (5-24-76)

Albany. *WASHINGTON PARK HISTORIC DISTRICT*, Washington Park and surrounding properties, (6-19-72) PH0009211

Albany. *WHIPPLE CAST AND WROUGHT IRON BOWSTRING TRUSS BRIDGE*, 1000 Delaware Ave., (3-18-71) PH0040754 HAER.

Albany. *YOUNG MEN'S CHRISTIAN ASSOCIATION BUILDING*, 60-64 N. Pearl St., (11-2-78)

Albany vicinity. *ONESQUETHAW VALLEY HISTORIC DISTRICT*, About 10 mi. SW of Albany off NY 43, (1-17-74) PH0009130 HABS.

Altamont. *DELAWARE AND HUDSON RAILROAD PASSENGER STATION (ALTAMONT VILLAGE HALL)*, Main St. and the Delaware and Hudson RR., (8-12-71)

Altamont. *HAYES HOUSE*, 104 Fairview Ave., (1-17-73) PH0009016 G.

Bethlehem vicinity. *BETHLEHEM HOUSE (RENSSELAER NICOLL HOUSE)*, E of Bethlehem off NY 144, (4-11-73) PH0008931 HABS; G.

Coeymans. *COEYMANS, ARIAANJE, HOUSE*, Stone House Rd., (10-18-72) PH0008966 HABS.

Coeymans. *COEYMANS SCHOOL (ACTON CIVILL POLYTECHNIC INSTITUTE)*, SW corner of Westerlo St. and Civill Ave., (12-29-70) PH0008974

Cohoes. *HARMONY MILL HISTORIC DISTRICT*, Between Mohawk River and RR tracks, (1-12-78)

Cohoes. *HARMONY MILL NO. 3 (MASTODON MILL)*, 100 N. Mohawk St., (2-18-71) PH0040746 HAER.

Cohoes. *LOCK 18 OF ENLARGED ERIE CANAL (DOUBLE LOCK)*, W of 252 N. Mohawk St., E of Reservoir St. near Manor Ave., (2-18-71) PH0009032 HAER.

Cohoes. *MUSIC HALL*, NW corner of Remsen and Oneida Sts., (2-18-71) PH0009041

Cohoes. *OLMSTEAD STREET HISTORIC DISTRICT*, (6-19-73) PH0009121

Cohoes. *VAN SCHAICK HOUSE*, Van Schaick Ave. and the Delaware & Hudson RR. track, (3-18-71) PH0009202 HABS.

Colonie. *WATERVLIET SHAKER HISTORIC DISTRICT*, Watervliet Shaker Rd., (2-20-73) PH0009229

Green Island. *RENSSELAER AND SARATOGA RAILROAD: GREEN ISLAND SHOPS*, James and Tibbits Sts. and the Delaware and Hudson RR. tracks, (5-24-73) PH0009156 HAER.

Green Island. *ST. MARK'S EPISCOPAL CHURCH*, 69-75 Hudson Ave., (11-7-78)

Newtonville. *NEWTONVILLE POST OFFICE (FIRST BAPTIST CHURCH)*, 534 Loudonville Rd. (NY 9), (3-14-73) PH0009059

Watervliet. *SCHUYLER FLATTS*, W side of Hudson River, on NY 2, (1-21-74) PH0009181 G.

Watervliet. *WATERVLIET ARSENAL*, S. Broadway, (11-13-66) PH0046558 NHL.

Watervliet. *WATERVLIET SIDE CUT LOCKS (DOUBLE LOCK)*, 23rd St. at the Hudson River, (8-12-71) PH0009237

allegany county

Alfred. *ALLEN STEINHEIM MUSEUM*, Alfred University Campus, (6-4-73) PH0029866 G.

Alfred. *TERRA COTTA*, Main St., (3-16-72) PH0029874 G.

Angelica. *ANGELICA PARK CIRCLE HISTORIC DISTRICT*, Main and White Sts. and Allegany County Fairgrounds, (1-31-78)

Angelica. *OLD ALLEGANY COUNTY COURTHOUSE (ANGELICA TOWN HALL)*, Park Circle, (8-21-72) PH0029831 G.

Belmont vicinity. *BELVIDERE*, 3 mi. N of Belmont on SR 408, (3-16-72) PH0029840 HABS.

Belvidere vicinity. *CHRIST EPISCOPAL CHURCH*, Gibson Hill Rd., SW of Rtes. 19 and 408, (5-17-74) PH0029858

Friendship. *WELLMAN HOUSE*, Main St., (6-20-74) PH0029882

bronx county

HIGH BRIDGE AQUEDUCT AND WATER TOWER (AQUEDUCT BRIDGE AND WATER TOWER), *Reference—see New York County* (1-2-74)

Bronx. *DODGE, WILLIAM E., HOUSE*, 690 W. 247th St., (8-28-77)

Bronx. *FORT SCHUYLER*, Throgs Neck at East River and Long Island Sound, (6-29-76)

Bronx. *LORILLARD SNUFF MILL*, Off U.S. 1, (12-22-77) NHL.

Bronx. *NEW YORK BOTANICAL GARDENS*, Southern and Bedford Park Blvds., (5-28-67) PH0029904 NHL; G.

Bronx. *VALENTINE VARIAN HOUSE*, 3266 Bainbridge Ave., (3-21-78)

Bronx. *VAN CORTLANDT, FREDERICK, HOUSE*, Van Cortlandt Park at 242nd St., (12-24-67) PH0032158 NHL.

New York. *BARTOW-PELL MANSION AND CARRIAGE HOUSE*, Pelham Bay Park, Shore Rd., (12-30-74) PH0044113 NHL; HABS; G.

New York. *RAINEY MEMORIAL GATES*, New York Zoological Park, (3-16-72) PH0029912

broome county

Binghamton. *BINGHAMTON CITY HALL*, Collier St. between Court and Academy Sts., (3-18-71) PH0029921 HABS; G.

Binghamton. *BROOME COUNTY COURTHOUSE*, Court St., (5-22-73) PH0029939

Binghamton. *CHRIST CHURCH*, Corner of Washington and Henry Sts., (12-2-74) PH0073571

Binghamton. *PHELPS MANSION (MONDAY AFTERNOON CLUB)*, 191 Court St., (6-4-73) PH0029947

Binghamton. *SOUTH WASHINGTON STREET PARABOLIC BRIDGE*, S. Washington St., (1-30-78)

cattaraugus county

ZAWATSKI SITE, (11-14-73) PH0029971

Ellicottville. *ELLICOTTVILLE TOWN HALL*, Village Sq., NW corner of Washington and Jefferson Sts., (4-3-73) PH0029955

Napoli. *GLADDEN WINDMILL*, Pigeon Valley Rd., (7-16-73) PH0029963

cayuga county

Auburn. *FLATIRON BUILDING*, 1-3 Genesee St., (3-5-70) PH0029980

Auburn. *HARRIET TUBMAN HOME FOR THE AGED*, 180–182 South St., (5-30-74) PH0290459 NHL.

Auburn. *SEWARD, WILLIAM H., HOUSE*, 33 South St., (10-15-66) PH0032131 NHL.

Auburn vicinity. *SAND BEACH CHURCH*, S of Auburn on NY 38, (6-10-75)

Aurora. *AURORA STEAM GRIST MILL*, Main St., (7-30-76)

Poplar Ridge. *WOOD, JETHRO, HOUSE*, NY 34B, (10-15-66) PH0032140 NHL.

chautauqua county

Ashville. *BLY, SMITH, HOUSE*, 4 N. Maple St., (10-1-74) PH0040720 HABS.

Busti. *BUSTI MILL*, Lawson Rd., (7-23-76)

Chautauqua. *CHAUTAUQUA INSTITUTION HISTORIC DISTRICT*, Bounded by Chautauqua Lake, North and Lowell Aves., and NY 17-J, (6-19-73) PH0030007

Chautauqua. *MILLER, LEWIS, COTTAGE, CHAUTAUQUA INSTITUTION*, NY 17J, (10-15-66) PH0032123 NHL.

Jamestown. *FENTON, GOV. REUBEN, MANSION (WALNUT GROVE)*, 68 S. Main St., (10-18-72) PH0030015

Westfield. *BARCELONA LIGHTHOUSE AND KEEPER'S COTTAGE*, East Lake Rd., (4-13-72) PH0029998

chemung county

Elmira. *CHEMUNG CANAL BANK BUILDING*, 415 E. Water St., (6-23-78)

Elmira. *CHEMUNG COUNTY COURTHOUSE COMPLEX*, 210-228 Lake St., between Market and E. Church Sts., (8-13-71) PH0030023

Elmira. *NEWTOWN BATTLEFIELD*, 6 mi. SE of Elmira on NY 17, (11-28-72) PH0030031 NHL.

Elmira. *PARK CHURCH*, 208 W. Gray St., (5-25-77)

Elmira. *QUARRY FARM*, Crane Rd., (3-13-75)

chenango county

Earlville. *EARLVILLE OPERA HOUSE (DOUGLASS OPERA HOUSE)*, 12-20 E. Main St., (1-22-73) PH0030040 G.

New Berlin. *MOSS, HORACE O., HOUSE (PREFERRED MANOR)*, 45 S. Main St., (5-17-74) PH0030058

Norwich. *CHENANGO COUNTY COURTHOUSE DISTRICT*, Irregular pattern between Hayes and Mechanic Sts. and Maple Ave. and City Hall, (6-10-75)

Norwich. *NORTH BROAD STREET HISTORIC DISTRICT*, Broad St., (11-21-78)

clinton county

ADIRONDACK FOREST PRESERVE, NE New York State, (10-15-66) PH0009539 NHL. (also in Essex, Franklin, Fulton, Hamilton, Herkimer, St. Lawrence, and Warren counties)

Plattsburgh. *CITY HALL*, City Hall Pl., (12-12-73) PH0030066 G.

Plattsburgh. *FORT BROWN SITE*, NW of jct. of Elizabeth St. and NY 9, (12-15-78)

Plattsburgh. *KENT-DELORD HOUSE*, 17 Cumberland Ave., (2-18-71) PH0030074

Plattsburgh. *OLD STONE BARRACKS*, Rhode Island Ave., Plattsburgh Air Force Base, (2-18-71) PH0030082

Plattsburgh vicinity. *PLATTSBURGH BAY*, Cumberland Bay, E of Plattsburgh, (10-15-66) PH0032115 NHL.

Plattsburgh vicinity. *VALCOUR BAY*, 7 mi. S of Plattsburgh on the W shore of Lake Champlain, (10-15-66) PH0131792 NHL.

Rouses Point. *FORT MONTGOMERY*, N of Rouses Point, (8-22-77)

columbia county

Ancram. *SIMONS GENERAL STORE*, Ancram Sq., (4-23-73) PH0030155

Austerlitz vicinity. *STEEPLETOP (EDNA ST. VINCENT MILLAY HOUSE)*, NE of Austerlitz on E. Hill Rd., (11-11-71) PH0030180 NHL.

Chatham. *SPENGLER BRIDGE*, Spengler Rd. over Kinderhook Creek, (2-23-73) PH0030163 G.

Chatham vicinity. *UNION STATION*, NY 66 at intersection with NY 295, (5-1-74) PH0030198

Church Hill. *OLANA (FREDERIC E. CHURCH HOUSE)*, Church Hill, E end of Rip Van Winkle Bridge, (10-15-66) PH0132314 NHL; G.

Germantown. *CLERMONT*, Clermont State Park, (2-18-71) PH0030112 NHL; HABS.

Germantown. *GERMAN REFORMED SANCTITY CHURCH PARSONAGE*, Maple Ave., (1-30-76)

Germantown vicinity. *STONE JUG*, S of Germantown at NY 9G and Jug Rd., (4-20-78)

Hudson. *EVANS, CORNELIUS H., HOUSE*, 414–416 Warren St., (11-1-74)

Hudson. *FRONT STREET-PARADE HILL-LOWER WARREN STREET HISTORIC DISTRICT*, (3-5-70) PH0030121

Hudson vicinity. *BRONSON, DR. OLIVER, HOUSE AND STABLES*, S of Hudson off U.S. 9, (2-20-73) PH0030091

Kinderhook. *KINDERHOOK VILLAGE DISTRICT*, Both sides of U.S. 9, (7-24-74) PH0030147 G.

Kinderhook vicinity. *MARTIN VAN BUREN NATIONAL HISTORIC SITE (LINDENWALD)*, E of Kinderhook on NY 9H, (10-15-66) PH0132322 NHL; HABS.

Kinderhook vicinity. *VAN ALEN, LUYCAS, HOUSE*, E of Kinderhook on NY 9H off U.S. 9, (12-24-67) PH0131831 NHL; HABS.

Livingston. *LIVINGSTON, HENRY W., HOUSE (THE HILL)*, N of Bell's Pond at Jct. of U.S. 9 and NY 82, (2-18-71) PH0030139

New Lebanon. *MOUNT LEBANON SHAKER SOCIETY*, U.S. 20, (10-15-66) NHL; HABS; G.

Spencertown. *SPENCERTOWN ACADEMY*, NY 203, E of jct. with CR 7, (4-3-73) PH0030171 G.

Stockport. *CHURCH OF ST. JOHN THE EVANGELIST*, Chittenden Rd., (4-13-72) PH0030104

Stuyvesant. *VAN ALEN, JOHANNIS L., FARM*, School House Rd., (4-26-73) PH0030201

Stuyvesant Falls. *STUYVESANT FALLS MILL DISTRICT*, New St. and SR 22, (9-15-76)

cortland county

Cortland. *CORTLAND COUNTY COURTHOUSE*, Courthouse Park, (10-9-74) PH0008435

Cortland. *CORTLAND FIRE HEADQUARTERS*, 21 Court St., (7-12-74) PH0030210 G.

Cortland. *TOMPKINS STREET HISTORIC DISTRICT*, Tompkins and intersecting streets from Main St. to Cortland Rural Cemetery, (3-18-75)

Homer. *OLD HOMER VILLAGE HISTORIC DISTRICT*, (10-2-73) PH0030228

Homer. *WATER, WALL, AND PINE STREETS LENTICULAR TRUSS BRIDGES*, Wall, Water and Pine Sts., (10-5-77)

Solon. *HATHEWAY HOMESTEAD*, NY 41, (1-20-78)

delaware county

Delhi. *DELAWARE COUNTY COURTHOUSE SQUARE DISTRICT*, (7-16-73) PH0030236

Delhi vicinity. *FRISBEE, JUDGE GIDEON, HOUSE*, NE of Delhi on NY 10, (12-12-76)

East Meredith. *HANFORD MILL*, On CR 12, (3-26-73) PH0030244

Meredith. *MACDONALD FARM*, Elk Creek and Monroe Rds., (4-3-73) PH0030252

Roxbury vicinity. *BURROUGHS, JOHN, HOME (WOODCHUCK LODGE)*, 2 mi. from Roxbury, (10-15-66) PH0131784 NHL.

dutchess county

Amenia vicinity. *WINEGAR, HENDRIK, HOUSE*, SE of Amenia on SR 2 off NY 343, (4-15-75)

Barrytown. *ROKEBY*, S of Barrytown between Hudson River and River Rd., (3-26-75) HABS.

Beacon. *BRETT, MADAM CATHARYNA, HOMESTEAD*, 50 Van Nydeck Ave., (12-12-76)

Beacon. *HOWLAND LIBRARY*, 477 Main St., (5-7-73) PH0009300

Beacon. *TIORONDA BRIDGE*, South Ave., (10-8-76)

Fishkill. *FISHKILL VILLAGE DISTRICT*, Roughly along NY 52 from Cary St. to Hopewell St., (3-20-73) PH0009288

Fishkill vicinity. *FISHKILL SUPPLY DEPOT SITE*, (1-21-74) PH0009270

Fishkill vicinity. *VAN WYCK-WHARTON HOUSE*, S of Fishkill on U.S. 9, (4-13-72) PH0009415 HABS.

Hyde Park. *BERGH-STOUTENBURGH HOUSE*, U.S. 9, (9-27-72) PH0009245

Hyde Park. *HOME OF FRANKLIN D ROOSEVELT NATIONAL HISTORIC SITE*, 2 mi. S of Hyde Park on U.S. 9, (10-15-66) PH0201651 HABS.

Hyde Park. *STOUTENBURGH, WILLIAM, HOUSE*, U.S. 9G, East Park, (9-27-72) PH0009393

Hyde Park. *VANDERBILT MANSION NATIONAL HISTORIC SITE*, N edge of Hyde Park, U.S. 9, (10-15-66) PH0201677 HABS.

Pawling. *OBLONG FRIENDS MEETINGHOUSE*, Meetinghouse Rd. on Quaker Hill, (1-12-73) PH0009351

Poughkeepsie. *CHURCH OF THE HOLY COMFORTER (EPISCOPAL)*, 13 Davies St., (4-13-72) PH0009253

Poughkeepsie. *COLLINGSWOOD OPERA HOUSE AND OFFICE BUILDING*, 31–37 Market St., (10-20-77)

Poughkeepsie. *GARFIELD PLACE HISTORIC DISTRICT*, Both sides of Garfield Pl., (11-29-72) PH0009296

Poughkeepsie. *ITALIAN CENTER*, 225-227 Mill St., (4-19-72) PH0009318

Poughkeepsie. *LOCUST GROVE (SAMUEL F. B. MORSE HOUSE)*, 370 South St., (10-15-66) PH0132331 NHL.

Poughkeepsie. *MAIN BUILDING, VASSAR COLLEGE*, Vassar College campus, (9-19-73) PH0009326

Poughkeepsie. *MILL STREET-NORTH CLOVER STREET HISTORIC DISTRICT*, (2-7-72) PH0009342

Poughkeepsie. *POUGHKEEPSIE ALMSHOUSE AND CITY INFIRMARY*, 20 Maple St., (12-4-78)

Poughkeepsie. *POUGHKEEPSIE CITY HALL*, 228 Main St., (1-20-72) PH0009369

Poughkeepsie. *POUGHKEEPSIE RAILROAD STATION*, Main St., (11-21-76)

Poughkeepsie. *SECOND BAPTIST CHURCH*, 36 Vassar St., (1-20-72) PH0009377

Poughkeepsie. *UNION STREET HISTORIC DISTRICT*, About 8 blocks in downtown Poughkeepsie centered around Union St., (12-9-71) PH0009407

Poughkeepsie. *VASSAR HOME FOR AGED MEN*, 1 Vassar St., (4-13-72) PH0009423 G.

Poughkeepsie. *VASSAR INSTITUTE*, 12 Vassar St., (1-20-72) PH0009440 G.

Poughkeepsie. *VASSAR, MATTHEW, ESTATE (SPRINGSIDE)*, Academy and Livingston Sts., (8-11-69) PH0009431 NHL; HABS.

Red Hook. *ELMENDORPH INN*, 43–45 N. Broadway, (9-20-78)

Red Hook. *MAIZEFIELD*, 75 W. Market St., (11-26-73) PH0009334

Rhinebeck. *DELAMATER, HENRY, HOUSE*, 44 Montgomery St., (5-7-73) PH0009261

Rhinebeck vicinity. *EVANGELICAL LUTHERAN CHURCH OF ST. PETER*, 2.25 mi. N of Rhinebeck on U.S. 9, (4-24-75)

Rhinebeck vicinity. *SANDS, ROBERT, ESTATE*, 1.5 mi. E of Rhinebeck at NY 308 and NY 9, (2-24-75)

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Sylvan Lake vicinity. *SYLVAN LAKE ROCK SHELTER*, (7-12-74) PH0009385
Tivoli vicinity. *MONTGOMERY PLACE (CHATEAU DE MONTGOMERY)*, S of Tivoli, (5-2-75)

erie county

Buffalo. *ALBRIGHT-KNOX ART GALLERY*, 1285 Elmwood Ave., in Delaware Park, (5-27-71) PH0009458
Buffalo. *BUFFALO GAS LIGHT COMPANY WORKS*, 249 W. Genesee St., (9-1-76)
Buffalo. *BUFFALO STATE HOSPITAL*, 400 Forest Ave., (1-12-73) PH0009466 HABS.
Buffalo. *COUNTY AND CITY HALL*, 95 Franklin St., (5-24-76)
Buffalo. *DELAWARE AVENUE HISTORIC DISTRICT*, W side of Delaware Ave. between North and Bryant Sts., (1-17-74) PH0009474
Buffalo. *GUARANTY BUILDING (PRUDENTIAL BUILDING)*, Church and Pearl Sts., (3-20-73) PH0009491 NHL; HABS.
Buffalo. *MACEDONIA BAPTIST CHURCH*, 511 Michigan Ave., (2-12-74) PH0009482
Buffalo. *MARTIN, D. D., HOUSE COMPLEX*, 123 Jewett Pkwy., (12-30-75) HABS.
Buffalo. *PIERCE ARROW FACTORY COMPLEX*, Elmwood and Great Arrow Aves., (10-1-74) PH0031721
Buffalo. *SHEA'S BUFFALO THEATER*, 646 Main St., (5-6-75)
Buffalo. *ST. PAUL'S EPISCOPAL CATHEDRAL*, 125 Pearl St., (3-1-73) PH0009504 HABS.
Buffalo. *THEODORE ROOSEVELT INAUGURAL NATIONAL HISTORIC SITE*, Delaware Ave., (11-2-66) PH0201111
Buffalo. *U.S. POST OFFICE*, 121 Ellicott St., (3-16-72) PH0009521 HABS.
Cheektowaga. *CHAPEL OF OUR LADY HELP OF CHRISTIANS*, 4125 Union Rd., (12-14-78)
East Aurora. *FILLMORE, MILLARD, HOUSE*, 24 Shearer Ave., (5-30-74) PH0290467 NHL.
East Aurora. *ROYCROFT CAMPUS*, Main and W. Grove Sts., (11-8-74) PH0030279
Irving. *THOMAS INDIAN SCHOOL*, NY 438 on Cattaraugus Reservation, (1-25-73) PH0009512

essex county

ADIRONDACK FOREST PRESERVE, Reference—see Clinton County
Crown Point. *FORT ST. FREDERIC*, Jct. of NY 8 and 9N, (10-15-66) PH0131989 NHL.
Crown Point vicinity. *FORT CROWN POINT*, Crown Point Reservation, SW of Lake Champlain Bridge and NY 8, (11-24-68) NHL.
Essex and vicinity. *ESSEX VILLAGE HISTORIC DISTRICT*, Town of Essex and surroundings on W bank of Lake Champlain, (5-28-75)
Essex vicinity. *CHURCH OF THE NAZARENE*, W of Essex on NY 22, (6-19-73) PH0009547 G.
Essex vicinity. *OCTAGONAL SCHOOLHOUSE*, On Rte. 22 in Bouquet, (1-17-73) PH0009571
Ironville. *IRONVILLE HISTORIC DISTRICT*, (12-27-74) PH0084808
Lake Placid (North Elba). *BROWN, JOHN, FARM*, John Brown Rd., (6-19-72) PH0009563
Port Kent. *WATSON, ELKANAH, HOUSE*, 3 mi. E of U.S. 9, (10-15-66) PH0131873 NHL.
Tahawus vicinity. *ADIRONDACK IRON AND STEEL COMPANY: UPPER WORKS*, N of Tahawus at Henderson Lake, (10-5-77)
Ticonderoga vicinity. *FORT TICONDEROGA*, 2.5 mi. S of Ticonderoga on NY 22, (10-15-66) PH0132357 NHL.

franklin county

ADIRONDACK FOREST PRESERVE, Reference—see Clinton County (1-2-74)
Malone. *HORTON GRISTMILL*, Mill St., (4-21-75)
Malone. *LINCOLN, ANSELM, HOUSE*, 49 Duane St., (4-21-75)
Malone. *MALONE FREIGHT DEPOT*, 99 Railroad St., (12-12-76)
Malone. *PADDOCK BUILDING*, 34 W. Main St., (11-7-76)

fulton county

ADIRONDACK FOREST PRESERVE, Reference—see Clinton County
Dolgeville. *DOLGE COMPANY FACTORY COMPLEX*, S. Main St., (9-17-74) (also in Herkimer County)
Gloversville. *GLOVERSVILLE FREE LIBRARY*, 58 E. Fulton St., (5-24-76)
Gloversville. *KINGSBORO HISTORIC DISTRICT*, Area surrounding Kingsboro Ave. Park to N side of cemetery and S to include both sides of Gregory St., (2-24-75)
Johnstown. *FULTON COUNTY COURTHOUSE (TRYON COUNTY COURTHOUSE)*, N. William St., (7-24-72) PH0009580 HABS.
Johnstown. *JOHNSON HALL*, Hall St., (10-15-66) PH0131806 NHL; HABS.

genesee county

Alexander. *ALEXANDER CLASSICAL SCHOOL*, Buffalo St., (10-25-73) PH0009598
Batavia. *BATAVIA CLUB (BANK OF GENESEE)*, Main and Bank Sts., (6-19-73) PH0009601
Batavia. *GENESEE COUNTY COURTHOUSE*, Main and Ellicott Sts., (6-18-73) PH0009610
Batavia. *HOLLAND LAND OFFICE*, W. Main St., (10-15-66) PH0046540 NHL.
Batavia. *RICHMOND MEMORIAL LIBRARY*, 19 Ross St., (7-24-74) PH0009636
Morganville. *MORGANVILLE POTTERY FACTORY SITE*, Morganville Rd. off NY 237, (2-15-74) PH0009628
Stafford. *STAFFORD VILLAGE FOUR CORNERS HISTORIC DISTRICT*, Jct. U.S. 5 and U.S. 237, (10-8-76)

greene county

Athens vicinity. *WEST ATHENS HILL SITE*, W of Athens, (3-20-73) PH0009661
Catskill. *COLE, THOMAS, HOUSE*, 218 Spring St., (10-15-66) PH0131814 NHL.
Catskill. *SUSQUEHANNAH TURNPIKE*, Beginning at Catskill, follows the Mohican Trail (NY 145) and CR 20 and 22 NW to the Schoharie County line, (1-2-74) PH0009652
Coxsackie vicinity. *BRONCK, PIETER, HOUSE*, 2 mi. W of Coxsackie on W side of U.S. 9W, (12-24-67) PH0132756 NHL.
Coxsackie vicinity. *FLINT MINE HILL ARCHEOLOGICAL DISTRICT*, Eastern Greene County, (11-29-78)
Earlton vicinity. *FORESTVILLE COMMONWEALTH*, NW of Earlton off NY 81, (11-20-74) PH0031534
Greenville vicinity. *PREVOST MANOR HOUSE (HUSH-HUSH FARM)*, W of Greenville off NY 81, (11-15-72) PH0009644

hamilton county

ADIRONDACK FOREST PRESERVE, Reference—see Clinton County
Blue Mountain. *BLUE MOUNTAIN HOUSE ANNEX*, NY 30, (12-7-77)
Blue Mountain Lake vicinity. *CHURCH OF THE TRANSFIGURATION*, N of Blue Mountain Lake on NY 30, (7-26-77)
Racquette Lake vicinity. *SAGAMORE*, Off NY 28 at W end of Sagamore Lake, (1-11-76)

herkimer county

ADIRONDACK FOREST PRESERVE, Reference—see Clinton County (1-2-74)
DOLGE COMPANY FACTORY COMPLEX, Reference—see Fulton County (1-2-74) PH0084794
Cold Brook. *COLD BROOK FEED MILL*, NY 8, (10-9-74) PH0031691
Danube. *HERKIMER HOUSE*, Near NY 5 S., (2-12-71) PH0009725
East Herkimer vicinity. *FORT HERKIMER CHURCH (REFORMED PROTESTANT DUTCH CHURCH OF GERMAN FLATTS)*, NY 5S, (7-24-72) PH0009679 HABS; G.
Herkimer. *HERKIMER COUNTY COURTHOUSE*, 320 N. Main St., (1-14-72) PH0009733 G.
Herkimer. *HERKIMER COUNTY HISTORICAL SOCIETY (DR. A. WALTER SUITER HOUSE)*, 400 N. Main St., (4-13-72) PH0009695
Herkimer. *HERKIMER COUNTY JAIL*, 327 N. Main St., (1-14-72) PH0009709 HABS; G.
Herkimer. *REFORMED CHURCH, THE*, 405 N. Main St., (3-16-72) PH0009741 G.
Ilion. *REMINGTON STABLES*, 1 Remington Ave., (10-29-76)
Indian Castle vicinity. *INDIAN CASTLE CHURCH*, NY 5S, (2-18-71)
Little Falls. *HERKIMER COUNTY TRUST COMPANY BUILDING*, Corner of Ann and Albany Sts., (3-5-70) PH0009717
Salisbury Center. *SALISBURY CENTER COVERED BRIDGE*, Fairview Rd. over Spruce Creek, (6-19-72) PH0009750

jefferson county

Adams vicinity. *TALCOTT FALLS SITE*, U.S. 11 at jct. with Old Rome State Rd., (6-5-74) PH0009792
Alexandria Bay. *CORNWALL BROTHERS' STORE*, 2 Howell Pl., (5-2-75)
Alexandria Bay vicinity. *BOLDT, GEORGE C., YACHT HOUSE*, NW of Alexandria Bay on Wellesley Island, (4-26-78)
Black River vicinity. *LERAY MANSION*, NE of Black River on Camp Drum Military Reservation, (7-11-74) PH0044032
Cape Vincent. *LERAY, VINCENT, HOUSE (STONE HOUSE)*, Broadway (NY 12E), (11-15-73) PH0009784
Cape Vincent vicinity. *FORT HALDIMAND SITE*, NE of Cape Vincent, (12-15-78)
Mannsville vicinity. *PIERREPONT MANOR COMPLEX*, N of Mannsville on Ellisburg St., (9-15-77)
Sackets Harbor. *CAMP, ELISHA, HOUSE (BRICK CAMP MANOR)*, 310 General Smith Dr., (4-23-73) PH0009768
Sackets Harbor. *MADISON BARRACKS*, Military Rd., (11-21-74) PH0132977
Sackets Harbor. *SACKETS HARBOR BATTLEFIELD*, Coastline and area from Sackets Harbor SW to and including Horse Island, (12-31-74) PH0132985
Sackets Harbor. *UNION HOTEL*, Main and Ray Sts., (6-19-72) PH0009806 G.

Stone Mills. *STONE MILLS UNION CHURCH*, NY 180 near jct. with Carter St., (12-12176)
Watertown. *JEFFERSON COUNTY COURTHOUSE COMPLEX*, SE corner of Arsenal and Sherman Sts., (6-7-74) PH0009776
Watertown. *PADDOCK ARCADE*, Washington St. between Arsenal and Store Sts., (6-15-76)

kings county

Brooklyn. *BOATHOUSE ON THE LULL-WATER OF THE LAKE IN PROSPECT PARK*, Prospect Park, (1-7-72) PH0009814
Brooklyn. *BROOKLYN BRIDGE*, Across the East River from Brooklyn to Manhattan, (10-15-66) PH0132551 NHL; HAER. (also in New York County)
Brooklyn. *BROOKLYN HEIGHTS HISTORIC DISTRICT*, Borough of Brooklyn, bounded by Atlantic Ave., Court and Fulton Sts. and the East River, (10-15-66) PH0036293 NHL; HABS.
Brooklyn. *BROOKLYN MUSEUM*, Eastern Parkway and Washington Ave., (8-22-77)
Brooklyn. *CASEMATE FORT, WHITING QUADRANGLE*, Fort Hamilton, off NY 27, (8-7-74) PH0009822
Brooklyn. *COBBLE HILL HISTORIC DISTRICT*, Roughly bounded by Atlantic Ave., Court, Degraw and Hicks Sts., (6-11-76)
Brooklyn. *EMMANUEL BAPTIST CHURCH*, 279 LaFayette Ave., (12-16-77)
Brooklyn. *ERASMUS HALL ACADEMY*, Between Flatbush, Bedford, Church, and Snyder Aves., (11-11-75) HABS.
Brooklyn. *FEDERAL BUILDING AND POST OFFICE*, 271 Cadman Plaza, E., (10-9-74) PH0008338
Brooklyn. *FLATBUSH TOWN HALL*, 35 Snyder Ave., (7-24-72) PH0009831 G.
Brooklyn. *FULTON FERRY DISTRICT*, Roughly bounded by the East River and Washington, Water, Front, and Doughty Sts., (6-28-74) PH0009849
Brooklyn. *GRECIAN SHELTER (CROQUET SHELTER)*, Prospect Park near Parkside Ave., (1-20-72) PH0009857
Brooklyn. *HOUSES ON HUNTERFLY ROAD DISTRICT*, 1698, 1700, 1702, 1704, 1706, 1708 Bergen St., (12-5-72) PH0009865
Brooklyn. *LITCHFIELD VILLA*, Prospect Park W. and 5th St., (9-14-77)
Brooklyn. *OLD BROOKLYN FIRE HEADQUARTERS*, 365–367 Jay St., (1-20-72) PH0009873
Brooklyn. *PERRY, MATTHEW C., HOUSE*, Quarters A, U.S. Naval Facility, (5-30-74) PH0290475 NHL.
Brooklyn. *PLYMOUTH CHURCH OF THE PILGRIMS*, 75 Hicks St., (10-15-66) PH0131881 NHL; HABS.
Brooklyn. *RANKIN, JOHN, HOUSE*, 440 Clinton St., (11-16-78)
Brooklyn. *ROBINSON, JOHN ROOSEVELT "JACKIE," HOUSE*, 5224 Tilden St., (5-11-76)
Brooklyn. *STUYVESANT HEIGHTS HISTORIC DISTRICT*, Roughly bounded by Macon, Tompkins, Decatur, Lewis, Chauncey, and Stuyvesant Aves., (12-4-75)
Brooklyn. *WYCKOFF-BENNETT HOMESTEAD*, 1669 E. 22nd St., (12-24-74) PH0034444 NHL.
Brooklyn. *WYCKOFF, PIETER, HOUSE*, 5902 Canarsie Lane, (12-24-67) PH0046531 NHL; HABS.

lewis county

Constableville. *CONSTABLE HALL*, Off NY 26, (3-7-73) PH0009881
Lowville. *HOUGH, FRANKLIN B., HOUSE*, Collins St., (10-15-66) PH0131849 NHL.
Lyons Falls. *GOULD MANSION COMPLEX*, Main St., (4-19-78)
Port Leyden vicinity. *WILSON, EDMUND, HOUSE*, S of Port Leyden off NY 12 on Talcottville Rd., (11-26-73) PH0009890

livingston county

Dansville. *DANSVILLE LIBRARY*, 200 Main St., (9-14-77)
Dansville vicinity. *PIONEER FARM (MCCURDY HOUSE)*, S of Dansville on NY 36, (12-18-70) PH0009903
Geneseo. *HOMESTEAD, THE*, NY 39 and U.S. 20A, (8-30-74) PH0132233
Geneseo. *MAIN STREET HISTORIC DISTRICT*, Main St. from the courthouse at Court and North Sts. to South St., (7-9-77)
Geneseo vicinity. *WADSWORTH FORT SITE*, S. Geneseo, (6-11-75)
Groveland vicinity. *CLAUD NO. 1 ARCHEOLOGICAL SITE*, NW of Groveland, (8-19-75)
Lima. *GENESEE WESLEYAN SEMINARY AND GENESEE COLLEGE HALL*, College St., (7-19-76)
Livonia. *LIVONIA BAPTIST CHURCH*, 9 High St., (3-25-77)
Mount Morris. *MILLS, GEN. WILLIAM A., HOUSE*, 14 Main St., (12-19-78)
Piffard. *WESTERLY*, Chandler Rd., (12-19-74) PH0051675
West Sparta vicinity. *KEMP, R. P. NO. 1 SITE*, W of West Sparta, (8-22-77)

madison county

Cazenovia. *ALBANY STREET HISTORIC DISTRICT*, irregular pattern along Albany St., (10-10-78)
Cazenovia. *LORENZO*, Ledyard St. (U.S. 20), (2-18-71) PH0009911 HABS.
Hamilton. *OLD BIOLOGY HALL*, Colgate University, (9-20-73) PH0009920
Hamilton. *SMITH, ADON, HOUSE*, 3 Broad St., (5-2-74) PH0009938
Morrisville. *OLD MADISON COUNTY COURTHOUSE*, E. Main St., (6-15-78)
Oneida. *ONEIDA COMMUNITY MANSION HOUSE*, Sherrill Rd., (10-15-66) PH0132373 NHL.

monroe county

Honeoye Falls. *LOWER MILL*, N. Main St., (5-17-73) PH0009954
Honeoye Falls vicinity. *TOTIAKTON SITE*, N of Honeoye Falls, (9-21-78)
Penfield. *MUD HOUSE*, 1000 Whalen Rd., (10-11-78)
Pittsford. *PHOENIX BUILDING*, S. Main and State Sts., (8-7-74) PH0132268
pittsford. *SPRING HOUSE*, 3001 Monroe Ave., (11-20-75)
Pittsford. *SPRING HOUSE*, 3001 Monroe Ave., (11-20-75) PH0280437
Rochester. *ANTHONY, SUSAN B., HOUSE*, 17 Madison St., (10-15-66) PH0132365 NHL.
Rochester. *BEVIER MEMORIAL BUILDING*, Washington St., (10-25-73) PH0040029
Rochester. *CAMPBELL-WHITTLESEY HOUSE*, 123 S. Fitzhugh St., (2-18-71) PH0040037 HABS.
Rochester. *CHILD, JONATHAN, HOUSE AND BREWSTER-BURKE HOUSE HISTORIC DISTRICT*, 37 S. Washington St. and 130 Spring St., (2-18-71) PH0040045 G.
Rochester. *CITY HALL HISTORIC DISTRICT*, S. Fitzhugh St. between Broad and W. Main Sts., (9-17-74) HABS.
Rochester. *DAISY FLOUR MILL, INC.*, 1880 Blossom Rd., (6-26-72) PH0040053
Rochester. *EASTMAN, GEORGE, HOUSE*, 900 East Ave., (11-13-66) PH0132381 NHL.
Rochester. *ELY, HERVEY, HOUSE*, 138 Troup St., (8-12-71) PH0040061
Rochester. *ERIE CANAL: SECOND GENESEE AQUEDUCT*, Broad St., (9-29-76)
Rochester. *FEDERAL BUILDING (OLD POST OFFICE)*, N. Fitzhugh and Church Sts., (4-13-72) PH0040070 HABS; G.
Rochester. *FIRST PRESBYTERIAN CHURCH*, 101 S. Plymouth Ave., (10-25-73) PH0040096
Rochester. *FIRST UNIVERSALIST CHURCH*, SE corner of S. Clinton Ave. and Court St., (5-27-71) HABS.
Rochester. *GENESEE LIGHTHOUSE*, 70 Lighthouse St., (8-13-74) PH0132250
Rochester. *LEOPOLD STREET SHULE*, 30 Leopold St., (6-7-74) PH0009946 G.
Rochester. *MT. HOPE-HIGHLAND HISTORIC DISTRICT*, Bounded roughly by the Clarissa St. Bridge, Genesee River, Grove and Mt. Hope Aves., plus the entire Highland Park properties, (1-21-74) PH0009962
Rochester. *OLD STONE WAREHOUSE*, 1 Mt. Hope Ave., (10-15-73) HABS.
Rochester. *POWERS BUILDING*, W. Main and State Sts., (4-3-73) PH0009989 HABS.
Rochester. *ROCHESTER SAVINGS BANK*, 40 Franklin St., (3-16-72) PH0009997
Rochester. *ST. JOSEPH ROMAN CATHOLIC CHURCH AND RECTORY*, 108 Franklin St., (5-29-75)
Rochester. *THIRD WARD HISTORIC DISTRICT*, Roughly bounded by Adams, and Peach Sts., I 490, and both sides of Troup and Fitzhugh Sts., (7-12-74) PH0040011
Scottsville. *ROCHESTER STREET HISTORIC DISTRICT*, (10-25-73) PH0040002
West Chili vicinity. *CHILI MILLS CONSERVATION AREA*, 1 mi. SW of West Chili off Stuart Rd. along Black Creek, (3-12-75)

montgomery county

Amsterdam. *GUY PARK*, W. Main St., (2-6-73) PH0030350 HABS.
Amsterdam vicinity. *ERIE CANAL*, 6 mi. W of Amsterdam on NY 5S, (10-15-66) PH0032174 NHL; HAER.
Fonda vicinity. *BUTLER, WALTER, HOMESTEAD*, NE of Fonda on Old Trail Rd., (6-23-76)
Fonda vicinity. *CAUGHNAWAGA INDIAN VILLAGE SITE*, (8-28-73) PH0030368
Fort Johnson. *FORT JOHNSON*, Jct. of NY 5 and 67, (11-28-72) PH0030325 NHL; HABS; G.
Nelliston vicinity. *REFORMED DUTCH CHURCH OF STONE ARABIA*, E of Nelliston on NY 10, (9-14-77)
Palatine. *PALATINE CHURCH No. 75*, Mohawk Tpke., (1-25-73) PH0030317 HABS.
Palatine Bridge. *WAGNER, WEBSTER, HOUSE*, E. Grand St., (3-7-73) PH0030376
Palatine Bridge vicinity. *PALATINE BRIDGE FREIGHT HOUSE*, E of Palatine Bridge on NY 5, (3-7-73) PH0030309
St. Johnsville. *FORT KLOCK*, 2 mi. E of St. Johnsville on NY 5, (11-28-72) PH0030341 NHL; HABS.

nassau county

LONG ISLAND WIND AND TIDE MILLS THEMATIC RESOURCES, Reference—see individual listing for North Hempstead, Saddle Rock Grist Mill. *Also see Suffolk County.*

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Garden City. *OLD NASSAU COUNTY COURTHOUSE*, 1550 Franklin Ave., (2-17-78)
Garden City. *STEWART, A. T., ERA BUILDINGS*, 4th, 5th, and 6th Sts., Cathedral and Cherry Valley Aves., (11-14-78)
Great Neck Plaza. *GRACE AND THOMASTON BUILDINGS*, 11 Middle Neck Rd. and 8 Bond St., (12-14-78)
Greenvale. *TOLL GATE HOUSE*, Northern Blvd., (8-16-77)
Hempstead. *ST. GEORGE'S CHURCH*, 319 Front St., (3-7-73) PH0030414 HABS.
Hicksville. *HEITZ PLACE COURTHOUSE*, Heitz Pl., (7-30-74) PH0030392
Lawrence. *ROCK HALL*, 199 Broadway, (11-21-76) HABS.
Locust Valley. *MATINECOCK FRIENDS MEETINGHOUSE*, Piping Rock and Duck Pond Rds., (7-19-76)
Manhasset vicinity. *VALLEY ROAD HISTORIC DISTRICT*, S of Manhasset on Community Dr., (4-8-77)
North Hempstead. *SADDLE ROCK GRIST MILL*, (Long Island Wind and Tide Mills Thematic Resource) At Grist Mill Lane and Little Neck Bay, (12-27-78) (also see suffolk county)
Oyster Bay. *BEEKMAN, JAMES WILLIAM, HOUSE (THE CLIFFS)*, West Shore Rd., (12-12-73)
Oyster Bay. *ELMWOOD*, E side of Cove Rd., (4-3-75)
Oyster Bay. *FIRST PRESBYTERIAN CHURCH OF OYSTER BAY*, E. Main St., (12-12-76)
Oyster Bay. *RAYNHAM HALL*, 20 W. Main St., (6-5-74) PH0030422
Oyster Bay. *SEAWANHAKA CORINTHIAN YACHT CLUB*, Centre Island Rd., (1-8-74) PH0030431
Oyster Bay. *SWAN, EDWARD H., HOUSE*, Cove Neck Rd., (5-24-76)
Oyster Bay, Long Island. *SAGAMORE HILL NATIONAL HISTORIC SITE*, Part of Cove Neck Rd., (10-15-66) PH0203513 HABS.
Port Washington. *SOUSA, JOHN PHILIP, HOUSE (WILDBANK)*, 14 Hicks Lane, Sands Point, (10-15-66) PH0132772 NHL.
Roslyn. *MAIN STREET HISTORIC DISTRICT*, Main St. from N. Hempstead Tpke. to E. Broadway, including Tower St. and portions of Glen Ave. and Paper Mill Rd., (1-21-74) PH0030406
Westbury vicinity. *OLD WESTBURY GARDENS (PHIPPS ESTATE)*, 71 Old Westbury Rd., (11-8-76)

new york county

BROOKLYN BRIDGE, Reference—see Kings County (1-2-74)
New York. *ADMIRAL'S HOUSE (COMMANDING GENERAL'S QUARTERS)*, Governors Island, (7-24-72) PH0030449
New York. *AMERICAN MUSEUM OF NATURAL HISTORY*, Central Park West and 77th St., (6-24-76)
New York. *AMERICAN STOCK EXCHANGE*, 86 Trinity Pl., (6-2-78) NHL.
New York. *ARTHUR, CHESTER A., HOUSE*, 123 Lexington Ave., (10-15-66) PH0132616 NHL.
New York. *ASSOCIATION RESIDENCE NURSING HOME*, 891 Amsterdam Ave., (2-20-75)
New York. *BAYARD-CONDICT BUILDING*, 65-69 Bleecker St., (12-8-76) NHL; HABS.
New York. *BELL TELEPHONE LABORATORIES*, 463 West St., (5-15-75) NHL.
New York. *BIALYSTOKER SYNAGOGUE*, 7-13 Willett St., (4-26-72) PH0030457
New York. *BLACKWELL HOUSE*, Welfare Island, (2-25-72) PH0030465
New York. *BLOCK HOUSE, THE*, Governors Island, (7-24-72) PH0030473
New York. *CARNEGIE, ANDREW, MANSION*, 2 E. 91st St., (11-13-66) PH0132608 NHL.
New York. *CARNEGIE HALL*, 7th Ave., 56th to 57th Sts., (10-15-66) PH0132390 NHL.
New York. *CASTLE CLINTON NATIONAL MONUMENT*, South Ferry, (10-15-66)
New York. *CASTLE WILLIAMS (THE TOWER)*, Governors Island, (7-31-72) PH0030431
New York. *CENTRAL PARK*, Bounded by Central Park S., 5th Ave., Central Park W., 110th St., (10-15-66) PH0046477 NHL.
New York. *CENTRAL SYNAGOGUE (CONGREGATION AHAWATH CHESED-SHAAR HASHOMAYIM)*, 646-652 Lexington Ave., (10-9-70) PH0094382 NHL.
New York. *CHAMBER OF COMMERCE BUILDING*, 65 Liberty St., (2-6-73) PH0030490 NHL.
New York. *CHAPEL OF THE GOOD SHEPHERD*, Welfare Island, (3-16-72) PH0030503
New York. *CHARLES STREET HOUSE AT NO. 131*, 131 Charles St., (11-3-72) PH0030511
New York. *CHARLTON-KING-VANDAM HISTORIC DISTRICT*, (7-20-73) PH0030520
New York. *CHELSEA HISTORIC DISTRICT*, Roughly bounded by 19th and 22nd Sts., 9th (including part of Block E of Ave.) and 10th Aves., (12-6-77)
New York. *CHRYSLER BUILDING, NY*, 405 Lexington Ave., (12-8-76) NHL.
New York. *CHURCH OF THE HOLY APOSTLES*, 300 9th Ave., (4-26-72) PH0030538
New York. *CHURCH OF THE TRANSFIGURATION AND RECTORY*, 1 E. 29th St., (6-4-73) PH0030546
New York. *CITY HALL*, Broadway and Chambers St., (10-15-66) PH0131822 NHL.
New York. *CITY HOSPITAL*, Welfare Island, (3-16-72) PH0030554
New York. *CITY PIER A*, S end of Battery Pl. at Hudson River, (6-27-75) HAER.
New York. *COOK, WILL MARION, HOUSE*, 221 W. 138th St., (5-11-76)
New York. *COOPER UNION*, Cooper Square, 7th St., and 4th Ave., (10-15-66) PH0132632 NHL; HAER.
New York. *DAKOTA APARTMENTS*, 1 W. 72nd St., (4-26-72) PH0030562 NHL; HABS.
New York. *DEVINNE PRESS BUILDING*, 393–399 Lafayette St., (9-14-77)
New York. *DUKE, JAMES B., MANSION*, 1 E. 78th St., (11-10-77)
New York. *DYCKMAN, WILLIAM, HOUSE*, 4881 Broadway, (12-24-67) PH0132586 NHL; HABS.
New York. *ELLINGTON, EDWARD KENNEDY "DUKE," HOUSE*, 935 St. Nicholas Ave., Apt. 4A, (5-11-76)
New York. *EQUITABLE BUILDING*, 120 Broadway, (6-2-78) NHL.
New York. *FEDERAL HALL NATIONAL MEMORIAL*, Wall and Nassau Sts., (10-15-66) PH0131890
New York. *FEDERAL OFFICE BUILDING (U.S. APPRAISERS' WAREHOUSE)*, 641 Washington St., (8-30-74) PH0030571
New York. *FIREHOUSE, ENGINE COMPANY 31*, 87 Lafayette St., (1-20-72) PH0030597
New York. *FIREHOUSE, ENGINE COMPANY 33*, 44 Great Jones St., (3-16-72) PH0030589
New York. *FIRST NATIONAL CITY BANK (MERCHANT'S EXCHANGE)*, 55 Wall St., (8-18-72) PH0030601
New York. *FISH, HAMILTON, HOUSE*, 21 Stuyvesant St., (5-15-75) NHL.
New York. *FORT JAY*, Governor's Island, (3-27-74) PH0030619
New York. *FORT TRYON PARK AND THE CLOISTERS*, Broadway and Dyckman St., (12-19-78)
New York. *FORT WASHINGTON SITE*, Manhattan, (12-6-78)
New York. *FOUNDER'S HALL, THE ROCKEFELLER UNIVERSITY*, 66th St. and York Ave., (9-13-74) NHL.
New York. *FRAUNCES TAVERN BLOCK*, Bounded by Pearl, Water, Broad Sts. and Coenties Slip, (4-28-77)
New York. *GENERAL GRANT NATIONAL MEMORIAL*, Riverside Dr. and W. 122nd St., (10-15-66) PH0202878 HABS.
New York. *GILSEY HOTEL*, 1200 Broadway, (12-14-78)
New York. *GOVERNOR'S HOUSE*, Governors Island, (4-26-73) PH0094391
New York. *GRACE CHURCH AND DEPENDENCIES*, Broadway, 10th St., and 4th Ave., (6-28-74) PH0030627 G.
New York. *GRACIE, ARCHIBALD, MANSION*, East End Ave. at 88th St., (5-12-75)
New York. *GRAND CENTRAL TERMINAL*, 71–105 E. 42nd St., (1-17-75) NHL.
New York. *HAMILTON GRANGE NATIONAL MEMORIAL*, 287 Convent Ave., (10-15-66) PH0209441
New York. *HARLEM FIRE WATCHTOWER*, Garvey Park at E. 122nd St., (6-21-76) HAER.
New York. *HALGHWOUT, E. V., BUILDING*, 488-492 Broadway, (8-28-73) PH0030635
New York. *HENDERSON PLACE TERRACE*, Henderson Pl., (6-20-74) PH0030643
New York. *HENSON, MATTHEW, RESIDENCE*, 246 W. 150th St., Apt. 3F, (5-15-75) NHL.
New York. *HIGH BRIDGE AQUEDUCT AND WATER TOWER (AQUEDUCT BRIDGE AND WATER TOWER)*, Harlem River at W. 170th St. and High Bridge Park, (12-4-74) HAER. (also in Bronx County)
New York. *HOTEL CHELSEA*, 222 W. 23rd St., (12-27-77)
New York. *HOUSE AT 51 MARKET ST.*, 51 Market St., (7-29-77)
New York. *INDIA HOUSE*, 1 Hanover Sq., (1-7-72) PH0030651 NHL.
New York. *J. P. MORGAN & CO. BUILDING*, 23 Wall St., (6-19-72) PH0030732
New York. *JEFFERSON MARKET COURTHOUSE*, 425 Avenue of the Americas, (11-9-72) PH0030660 NHL.
New York. *JOHN STREET BUILDING NO. 170–176*, 170-176 John St., (5-13-71) PH0030783
New York. *JOHN STREET METHODIST CHURCH*, 44 John St., (6-4-73) PH0030678
New York. *JOHNSON, JAMES WELDON, HOUSE*, 187 W. 135th St., (5-11-76)
New York. *JUDSON MEMORIAL CHURCH, CAMPANILE, AND JUDSON HALL*, Washington Sq. at Thompson St., (10-16-74) PH0132276 G.
New York. *JUMEL TERRACE HISTORIC DISTRICT*, W. 160th and 162nd Sts. between St. Nicholas and Edgecombe Aves., (4-3-73) PH0030686

New York. *LAGRANGE TERRACE*, 428–434 Lafayette St., (12-12-76)
New York. *LIGHTHOUSE*, Welfare Island, (3-16-72) PH0030694
New York. *MACY, R. H., AND COMPANY STORE*, 151 W. 34th St., (6-2-78) NHL.
New York. *MADISON AVENUE FACADE OF THE SQUADRON A ARMORY*, Madison Ave. between 94th and 95th Sts., (3-24-72) PH0030708
New York. *METROPOLITAN LIFE INSURANCE COMPANY*, 1 Madison Ave., (6-2-78) NHL.
New York. *METROPOLITAN SAVINGS BANK (FIRST UKRAINIAN ASSEMBLY OF GOD)*, 9 E. 7th St., (12-12-76)
New York. *MILLS, FLORENCE, HOUSE*, 220 W. 135th St., (12-8-76) NHL.
New York. *MOONEY, EDWARD, HOUSE*, 18 Bowery, (12-12-76)
New York. *MOORE, WILLIAM H., HOUSE*, 4 E. 54th St., (3-16-72) PH0030716
New York. *MORGAN, PIERPONT, LIBRARY*, 33 E. 36th St., (11-13-66) PH0131903 NHL; G.
New York. *MORRIS-JUMEL MANSION*, 160th St. and Edgecombe Ave., (10-15-66) PH0132713 NHL; HABS.
New York. *MORRIS, LEWIS G., HOUSE*, 100 E. 85th St., (2-12-77)
New York. *MOUNT MORRIS PARK HISTORIC DISTRICT*, Bounded roughly by Lenox Ave., Mount Morris Park West, and W. 124th and W. 119th Sts., (2-6-73) PH0030724
New York. *MUNICIPAL BUILDING*, Chambers at Centre St., (10-18-72)
New York. *MUNICIPAL FERRY PIER*, 11 South St., (12-12-76) HAER.
New York. *NATIONAL CITY BANK*, 55 Wall St., (6-2-78) NHL.
New York. *NEW YORK AMSTERDAM NEWS BUILDING*, 2293 7th Ave., (5-11-76)
New York. *NEW YORK CANCER HOSPITAL*, 2 W. 106th St., (4-29-77)
New York. *NEW YORK COTTON EXCHANGE*, 1 Hanover Sq., (12-22-77) NHL.
New York. *NEW YORK LIFE BUILDING*, 51 Madison Ave., (6-2-78) NHL.
New York. *NEW YORK PUBLIC LIBRARY*, 5th Ave. and 42nd St., (10-15-66) PH0132675 NHL.
New York. *NEW YORK SHAKESPEARE FESTIVAL PUBLIC THEATER (ASTOR THEATER)*, 425 Lafayette St., (12-2-70) PH0030767 G.
New York. *NEW YORK STOCK EXCHANGE*, 11 Wall St., (6-2-78) NHL.
New York. *OCTAGON, THE*, Welfare Island, (3-16-72) PH0030791
New York. *OLD MERCHANT'S HOUSE (SEABURY TREDWELL HOUSE)*, 29 E. 4th St., (10-15-66) PH0132683 NHL; HABS; G.
New York. *OLD NEW YORK EVENING POST BUILDING*, 20 Vessy St., (8-16-77)
New York. *OLD ST. PATRICK'S CATHEDRAL COMPLEX*, Mott and Prince Sts., (8-29-77)
New York. *PLAYERS, THE*, 16 Gramercy Park, (10-15-66) PH0131911 NHL.
New York. *PLAZA HOTEL AND GRAND ARMY HOTEL*, 5th Ave. and 59th St., (11-29-78)
New York. *QUEENSBORO BRIDGE*, 59th St. (also in Queens County), (12-20-78)
New York. *RADIO CITY MUSIC HALL*, 1260 Avenue of the Americas, (5-8-78)
New York. *ROBESON, PAUL, HOME*, 555 Edgecombe Ave., (12-8-76) NHL.
New York. *SALMAGUNDI CLUB*, 47 5th Ave., (7-25-74) PH0030821
New York. *SCHERMERHORN ROW BLOCK (NEW YORK STATE MARITIME MUSEUM BLOCK)*, Block bounded by Front, Fulton, and South Sts., and Burling Slip, (2-18-71)
New York. *SCHOMBURG CENTER FOR RESEARCH IN BLACK CULTURE*, 103 W. 135th St., (9-21-78)
New York. *SCOTT, GEN. WINFIELD, HOUSE*, 24 W. 12th St., (11-7-73) PH0132411 NHL.
New York. *SEVENTH REGIMENT ARMORY*, 643 Park Ave., (4-14-75)
New York. *SINCLAIR, HARRY F., HOUSE*, 2 E. 79th St., (6-2-78) NHL.
New York. *SMALLPOX HOSPITAL*, Welfare Island, (3-16-72) PH0030830
New York. *SMITH, ABIGAIL ADAMS, HOUSE (STABLE)*, 421 E. 61st St., (1-12-73) PH0030848 G.
New York. *SMITH, ALFRED E., HOUSE*, 25 Oliver St., (11-28-72) PH0030856 NHL.
New York. *SNIFFEN COURT HISTORIC DISTRICT*, E. 36th St., between Lexington and 3rd Aves., (11-28-73) PH0030864
New York. *SOHO HISTORIC DISTRICT*, Roughly bounded by W. Broadway, Houston, Crosby, and Canal Sts., (6-29-78) NHL.
New York. *SOUTH STREET SEAPORT*, Bounded by Burling (John St.) and Peck Slips, and Water and South Sts., (10-18-72) PH0030872
New York. *SOUTH STREET SEAPORT HISTORIC DISTRICT (EXPANSION)*, Roughly bounded by East River, Brooklyn Bridge, Fletcher Alley, Pearl, and South Sts., (12-12-78)
New York. *ST. GEORGE'S EPISCOPAL CHURCH*, 3rd Ave. and E 16th St., (12-8-76) NHL.
New York. *ST. JAMES CHURCH*, 32 James St., (7-24-72) PH0030805
New York. *ST. MARK'S HISTORIC DISTRICT*, Roughly bounded by 2nd and 3rd Aves. and E. 9th and 11th Sts., (11-13-74) PH0031763
New York. *ST.-MARKS-IN-THE-BOWERY*, E. 10th St. and 2nd Ave., (6-19-72) PH0030813 HABS; G.
New York. *ST. NICHOLAS HISTORIC DISTRICT*, W. 138th and W. 139th Sts. (both sides) between 7th and 8th Aves., (10-29-75)
New York. *ST. PATRICK'S CATHEDRAL*, Bounded by 5th and Madison Aves., E 50th and E 51st Sts., (12-8-76) NHL.
New York. *ST. PAUL'S CHAPEL*, Broadway between Fulton and Vesey Sts., (10-15-66) PH0131920 NHL; HABS.
New York. *STATUE OF LIBERTY NATIONAL MONUMENT*, Liberty Island, New York Harbor, (10-15-66) (also in Hudson County, NJ)
New York. *STEWART, A. T., COMPANY STORE*, 280 Broadway, (6-2-78) NHL.
New York. *STRECKER MEMORIAL LABORATORY*, Welfare Island, (3-16-72) PH0030881
New York. *STUYVESANT-FISH HOUSE*, 21 Stuyvesant St., (7-31-72) PH0030899
New York. *SURROGATE'S COURT (HALL OF RECORDS)*, 31 Chambers St., (1-29-72) PH0030902 NHL.
New York. *THEODORE ROOSEVELT BIRTHPLACE NATIONAL HISTORIC SITE*, 28 E. 20th St., (10-15-66)
New York. *THIRD JUDICIAL DISTRICT COURTHOUSE*, 6th Ave. and 10th St., (12-22-77) NHL.
New York. *TIFFANY AND COMPANY BUILDING*, 401 5th Ave., (6-2-78) NHL.
New York. *TILDEN, SAMUEL J., HOUSE*, 14–15 Gramercy Park South, (5-11-76)
New York. *TRINITY CHURCH AND GRAVEYARD*, Broadway and Wall St., (12-8-76) NHL.
New York. *TWEED COURTHOUSE (OLD NEW YORK COUNTY COURTHOUSE)*, 52 Chambers St., (9-25-74) PH0030911 NHL.
New York. *U.S. CUSTOMHOUSE*, Bowling Green, (1-31-72) PH0030929 NHL.
New York. *U.S. GENERAL POST OFFICE*, 8th Ave. between 31st and 33rd Sts., (1-29-72) PH0030937
New York. *VILLARD HOUSES*, 29 1/2 E. 50th St., 24–26 E. 51st St., and 451, 453, 455, and 457 Madison Ave., (9-2-75)
New York. *WATSON, JAMES, HOUSE (MISSION OF OUR LADY OF THE ROSARY)*, 7 State St., (7-24-72) PH0030945
New York. *WAVERTREE, PIER 17*, Foot of Fulton St., (6-13-78)
New York. *WOOLWORTH BUILDING*, 233 Broadway, (11-13-66) PH0132578 NHL.
New York. *YMCA BUILDING (CLAUDE MCKAY APARTMENT)*, 180 W 135th St., (12-8-76) NHL.
New York. *75 MURRAY STREET BUILDING NO. 75*, 75 Murray St., (4-3-73) PH0030759
New York City. *APTHORP APARTMENTS*, 2201–2219 Broadway, (1-30-78)
New York City. *HENRY STREET SETTLEMENT AND NEIGHBORHOOD PLAYHOUSE*, 263–267 Henry St. and 466 Grand St., (9-13-74) NHL.

niagara county

Lewiston. *FRONTIER HOUSE*, 460 Center St., (7-8-74) PH0040118
Lewiston. *LEWISTON MOUND*, Lewiston State Park, (1-21-74) PH0040126
Lewiston vicinity. *LEWISTON PORTAGE LANDING SITE*, (7-18-74) PH0040134
Lockport. *LOCKPORT INDUSTRIAL DISTRICT*, Bounded roughly by Erie Canal, Gooding, Clinton, and Water Sts., (11-11-75)
Lockport. *LOWERTOWN HISTORIC DISTRICT*, Roughly bounded by Erie Canal and New York Central RR., (6-4-73) PH0040142 HABS; G.
Lockport. *MOORE, BENJAMIN C., MILL (LOCKPORT CITY HALL; HOLLY WATER WORKS)*, Pine St. on the Erie Canal, (6-19-73) PH0040151 G.
Lockport. *UNION STATION*, 95 Union Ave., (12-2-77)
Niagara Falls. *ADAMS POWER PLANT TRANSFORMER HOUSE*, Buffalo Ave. near Portage Rd., (6-11-75)
Niagara Falls. *DEVEAUX SCHOOL COMPLEX*, 2900 Lewiston Rd., (6-5-74) PH0040100
Niagara Falls. *NIAGARA FALLS PUBLIC LIBRARY*, 1022 Main St., (6-5-74) PH0040169
Niagara Falls. *NIAGARA RESERVATION*, (10-15-66) PH0132420 NHL.
Niagara Falls. *U.S. CUSTOMHOUSE*, 2245 Whirlpool St., (7-16-73) PH0040177 HABS.
Niagara Falls. *WHITNEY MANSION*, 335 Buffalo Ave., (1-17-74) PH0040185
Youngstown vicinity. *OLD FORT NIAGARA*, N of Youngstown on NY 18, (10-15-66) PH0132438 NHL.

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Boonville. *ERWIN LIBRARY AND PRATT HOUSE*, 104 and 106 Schuyler St., (8-14-73) PH0040207 G.
Boonville. *FIVE LOCK COMBINE AND LOCKS 37 AND 38, BLACK RIVER CANAL (BOONVILLE GORGE PARK)*, NY 46, (3-20-73) PH0040215 HAER.
Clinton. *HAMILTON COLLEGE CHAPEL*, Hamilton College campus, (11-3-72) PH0040240
Clinton. *ROOT, ELIHU, HOUSE*, 101 College Hill Rd., (11-28-72) PH0040258 NHL.
New York Mills. *MIDDLE MILL HISTORIC DISTRICT*, NY 5A, (5-28-76)
Rome. *ARSENAL HOUSE*, 514 W. Dominick St., (7-18-74) PH0040193 HABS.
Rome. *FORT STANWIX NATIONAL MONUMENT*, Bounded by Dominick, Spring, Liberty, and James Sts., (10-15-66) PH0046523
Rome. *GANSEVOORT-BELLAMY HISTORIC DISTRICT*, Roughly bounded by Liberty, Stuben, and Huntington Sts. to Bissel, (11-12-75)
Rome vicinity. *ORISKANY BATTLEFIELD*, 5 mi. E of Rome on NY 69, (10-15-66) PH0046515 NHL.
Utica. *CONKLING, ROSCOE, HOUSE*, 3 Rutger St., (5-15-75) NHL.
Utica. *FOUNTAIN ELMS*, 318 Genesee St., (11-3-72) PH0040231
Utica. *RUTGER-STEUBEN PARK HISTORIC DISTRICT*, (9-19-73) PH0040266
Utica. *ST. JOSEPH'S CHURCH*, 704–708 Columbia St., (8-22-77)
Utica. *STANLEY THEATER*, 259 Genesee St., (8-13-76)
Utica. *UNION STATION*, Main St. between John and 1st Sts., (4-28-75)
Utica. *UTICA STATE HOSPITAL*, 1213 Court St., (10-26-71) PH0040274
Waterville. *TOWER HOMESTEAD AND MASONIC TEMPLE*, 210 Tower St. and Sanger St., (10-5-77)
Waterville. *WATERVILLE TRIANGLE HISTORIC DISTRICT*, Stafford Ave., Main and White Sts., (4-4-78)
Westernville. *FLOYD, GEN. WILLIAM, HOUSE*, W side of Main St., (7-17-71) PH0040223 NHL.
Whitesboro. *WHITESTOWN TOWN HALL (COURTHOUSE)*, 8 Park Ave., (11-26-73) PH0040282 HABS.

onondaga county

Baldwinsville. *WHIG HILL AND DEPENDENCIES*, Jct. of W. Genesee and Gates Rds., (5-12-75)
Camillus vicinity. *NINE MILE CREEK AQUEDUCT*, NE of Camillus on Thompson Rd., (5-17-76) HAER.
Manlius. *MANLIUS VILLAGE HISTORIC DISTRICT*, Pleasant, Franklin, North, Clinton, and E. Seneca Sts., (11-6-73) PH0040363 G.
Marcellus. *BRADLEY, DAN, HOUSE*, 59 South St., (12-12-78)
Onondaga. *HUTCHINSON, GEN. ORRIN, HOUSE*, 4311 W. Seneca Tpke., (4-13-73) PH0040355 HABS.
Syracuse. *AMOS BLOCK*, 210–216 W. Water St., (11-16-78)
Syracuse. *CENTRAL NEW YORK TELEPHONE AND TELEGRAPH BUILDING*, 311 Montgomery St., (4-3-73) PH0040291
Syracuse. *CROUSE COLLEGE, SYRACUSE UNIVERSITY*, Syracuse University campus, (7-30-74) PH0040312
Syracuse. *GERE BANK BUILDING*, 121 E. Water St., (3-16-72) PH0040321
Syracuse. *GRACE EPISCOPAL CHURCH*, 819 Madison St., (3-20-73) PH0040339 HABS.
Syracuse. *GRIDLEY, JOHN, HOUSE*, 205 E. Seneca Tnpk., (8-16-77) HABS.
Syracuse. *HALL OF LANGUAGES, SYRACUSE UNIVERSITY*, Syracuse University campus, (9-20-73) PH0040347 HABS; G.
Syracuse. *HANOVER SQUARE HISTORIC DISTRICT*, 101–203 E. Water, 120–200 E. Genesee, 113 Salina, 109–114 S. Warren Sts., (6-22-76)
Syracuse. *LOEW'S STATE THEATER*, 362–374 S. Salina St., (5-2-77)
Syracuse. *ONONDAGA COUNTY SAVINGS BANK BUILDING*, 101 S. Salina St., (2-24-71) PH0040371 HABS.
Syracuse. *ST. PAUL'S CATHEDRAL AND PARISH HOUSE*, 310 Montgomery St., (12-1-78)
Syracuse. *SYRACUSE CITY HALL*, 233 E. Washington St., (8-27-76)
Syracuse. *SYRACUSE SAVINGS BANK*, 102 N. Salina St., (2-18-71) PH0040380
Syracuse. *TEALL, OLIVER, HOUSE*, 105 S. Beech St., (3-16-72) PH0040398
Syracuse. *THIRD NATIONAL BANK (COMMUNITY CHEST BUILDING)*, 107 James St., (9-22-72) PH0040304
Syracuse. *WEIGHLOCK BUILDING*, SE corner of Erie Blvd. E. and Montgomery St., (2-18-71) PH0040401 G.
Syracuse. *WHITE, HAMILTON, HOUSE*, 307 S. Townsend St., (7-20-73) PH0040410 HABS; G.
Syracuse. *WHITE MEMORIAL BUILDING*, 106 E. Washington St., (2-6-73) PH0040428 HABS.
Syracuse vicinity. *ALVORD HOUSE*, N of Syracuse on Berwick Rd., (8-27-76)

ontario county

Canandaigua. *NORTH MAIN STREET HISTORIC DISTRICT*, Between railroad tracks and Buffalo-Chapel St., (7-20-73) PH0040444 HABS.
Canandaigua. *SONNENBERG GARDENS*, 151 Charlotte St., (9-28-73) PH0040479 G.
Geneva. *ASHCROFT*, 112 Jay St., (11-20-75)
Geneva. *GENEVA HALL AND TRINITY HALL, HOBART & WILLIAM SMITH COLLEGE*, S. Main St., (7-16-73) PH0040436
Geneva. *PARROTT HALL (DENTON HOUSE)*, W. North St. between Castle St. and Preemption Rd., (8-12-71) PH0040452
Geneva. *SOUTH MAIN STREET HISTORIC DISTRICT*, Irregular pattern along S. Main St., (12-31-74) PH0062910 HABS.
Stanley vicinity. *SENECA PRESBYTERIAN (NUMBER NINE) CHURCH*, E of Stanley off NY 245 on Number Nine Rd., (5-25-73) PH0040461
Victor vicinity. *BOUGHTON HILL*, (10-15-66) PH0046507 NHL.

orange county

DELAWARE AND HUDSON CANAL, (11-24-68) (12-31-75) HAER; NHL. (also in Sullivan and Ulster counties, NY and Pike and Wayne counties, PA)
PALISADES INTERSTATE PARK, Reference—see Bergen County, NJ (1-2-74)
Campbell Hall. *BULL STONE HOUSE*, Hamptonburgh Rd., (7-18-74) PH0030961
Campbell Hall vicinity. *BULL-JACKSON HOUSE (HILLHOLD)*, NY 416, NW of Campbell Hall, (5-17-74) PH0030953 HABS.
Fort Montgomery vicinity. *FORT MONTGOMERY SITE*, S of Fort Montgomery, just N of Popolopen Creek, (11-28-72) PH0031020 NHL.
Goshen. *HISTORIC TRACK*, Main St., (10-15-66) PH0131946 NHL.
Goshen. *1841 GOSHEN COURTHOUSE*, 101 Main St., (3-4-75)
Goshen vicinity. *DUTCHESS QUARRY CAVE SITE*, Paleo-Indian; Archaic–Late Woodland, (1-18-74)
Harriman. *ARDEN (E. H. HARRIMAN ESTATE)*, NY 17, (11-13-66) PH0131938 NHL.
Highland Mills. *SMITH CLOVE MEETINGHOUSE*, Quaker Rd., (1-11-74) PH0031089
Monroe vicinity. *SOUTHFIELD FURNACE RUIN*, S of Monroe off NY 17, (11-2-73) PH0031097
Montgomery vicinity. *HILL, NATHANIEL, BRICK HOUSE*, E of Montgomery on NY 17 K, (1-5-78)
New Windsor. *NEW WINDSOR CANTONMENT*, Temple Hill Rd., (7-31-72) PH0031071
New Windsor vicinity. *HASKELL HOUSE*, W of New Windsor off NY 32, (6-4-73) PH0031038
Newburgh. *CRAWFORD, DAVID, HOUSE*, 189 Montgomery St., (9-27-72) PH0030970 HABS.
Newburgh. *DUTCH REFORMED CHURCH*, NE corner of Grand and 3rd Sts., (12-18-70) PH0030988 HABS.
Newburgh. *MILL HOUSE (GOMEZ THE JEW HOUSE)*, Mill House Rd., (1-29-73) PH0031054
Newburgh. *MONTGOMERY-GRAND-LIBERTY STREETS HISTORIC DISTRICT*, 19th–20th C., (7-16-73) PH0031062 G.
Newburgh. *WASHINGTON'S HEADQUARTERS (HASBROUCK HOUSE)*, Liberty and Washington Sts., (11-28-72) PH0131857 NHL; HABS.
Port Jervis. *FORT DECKER*, 127 W. Main St., (6-13-74) PH0031003
Slate Hill. *PRIMITIVE BAPTIST CHURCH OF BROOKFIELD*, NY 6, (11-13-76)
Vails Gate. *KNOX HEADQUARTERS (JOHN ELLISON HOUSE)*, Quassaick Ave. and Forge Hill Rd., (11-9-72) PH0031046 NHL.
West Point. *U.S. MILITARY ACADEMY (WEST POINT)*, NY 218, (10-15-66) PH0032093 NHL.

orleans county

Albion. *MT. ALBION CEMETERY*, NY 31, (9-27-76)

oswego county

Brewerton. *FORT BREWERTON*, State and Lansing Sts., (3-7-73) PH0031101
Oswego. *FORT ONTARIO*, E. 7th St. and Lake Ontario, (12-18-70) PH0031119
Oswego. *MARKET HOUSE*, Water St., (6-20-74) PH0031127
Oswego. *OSWEGO CITY HALL*, W. Oneida St., (2-20-73) PH0031135
Oswego. *OSWEGO CITY LIBRARY*, 120 E. 2nd St., (9-22-71) PH0031143 HABS.
Oswego. *RICHARDSON-BATES HOUSE*, 135 E. 3rd St., (9-5-75)
Oswego. *U.S. CUSTOMHOUSE*, W. Oneida St. between 1st and 2nd Sts., (11-21-76)
Oswego. *WALTON AND WILLETT STONE STORE*, 1 Seneca St., (5-24-76)

otsego county

Cooperstown. *OTSEGO COUNTY COURTHOUSE*, 193 Main St., (6-20-72) PH0031194 G.

Gilbertsville. *GILBERTSVILLE HISTORIC DISTRICT*, Bounded roughly by Marion Ave., Cliff and Green Sts., Grover and Sylvan Sts., (5-17-74)
Gilbertsville. *MAJOR'S INN AND GILBERT BLOCK*, Both sides of Commercial St. near NY 51, (4-11-73) PH0031178
Oneonta. *FAIRCHILD MANSION (MASONIC TEMPLE)*, 318 Main St., (2-12-74) PH0031151
Oneonta. *OLD POST OFFICE*, Main St., (11-17-78)
Springfield. *HYDE HALL*, Glimmerglass State Park, E of CR 31, (10-7-71) PH0031186 HABS.
Worcester. *WORCESTER HISTORIC DISTRICT*, Both sides of Main St. (NY 7) between Decatur and Cook Sts., (6-10-75)

putnam county

Brewster. *BREWSTER, WALTER, HOUSE*, Oak St., (10-4-78)
Brewster vicinity. *OLD SOUTHEAST CHURCH*, N of Brewster on NY 22 off Putnam Lake Rd., (7-24-72) PH0031208
Carmel. *PUTNAM COUNTY COURTHOUSE*, At jct. of NY 52 and NY 301, (8-11-76)
Cold Spring. *WEST POINT FOUNDRY*, Foundry Cove between NY 90 and NY Central RR. tracks, (4-11-73) PH0031216
Garrison. *CASTLE ROCK*, NY 9D, (12-12-77)
Garrison vicinity. *BOSCOBEL*, N of Garrison on NY 9D, (11-7-77)

queens county

QUEENSBORO BRIDGE, Reference—see New York County
College Point. *POPPENHUSEN INSTITUTE*, 114–04 14th Rd., (8-18-77) HABS.
Corona. *ARMSTRONG, LOUIS, HOUSE*, 3456 107th St., (5-11-76) NHL.
Flushing. *BOWNE, JOHN, HOUSE*, 37-01 Bowne St., (9-13-77)
Flushing. *FLUSHING TOWN HALL*, 137–35 Northern Blvd., (3-16-72) PH0031224
Flushing. *KING MANOR*, 150th St. and Jamaica Ave., (12-2-74) NHL.
Flushing. *KINGSLAND HOMESTEAD*, 37th St. and Parsons Blvd., (5-31-72) PH0031241
Flushing. *OLD QUAKER MEETINGHOUSE*, S side of Northern Blvd., (12-24-67) PH0132560 NHL; HABS; G.
Kew Gardens. *BUNCHE, RALPH, HOUSE*, 115–125 Grosvenor Rd., (5-11-76) NHL.
New York. *HUNTERS POINT HISTORIC DISTRICT*, Along 45th Ave., between 21st and 23rd Sts., (9-19-73) PH0031232
Ridgewood. *VANDER ENDE–ONDERDONK HOUSE*, 1820 Flushing Ave., (1-31-77)

rensselaer county

Castleton-on-Hudson vicinity. *STAATS, JOACHIM, HOUSE AND GERRIT STAATS RUIN*, N of Castleton-on-Hudson, (12-15-78)
Hoosick vicinity. *TIBBITS HOUSE*, S of Hoosick at jct. of NY 22 and NY 7, (5-22-78)
Nassau. *CHATHAM STREET ROW*, Chatham St., (12-1-78)
Nassau. *CHURCH STREET HISTORIC DISTRICT*, Church St., (11-21-78)
Nassau and vicinity. *ALBANY AVENUE HISTORIC DISTRICT*, Albany Ave., (11-21-78)
Nassau vicinity. *SMITH, HENRY TUNIS, FARM*, S of Nassau on NY 203, (9-18-75)
Rensselaer. *AIKEN HOUSE*, NE corner of Riverside and Aiken Aves., (12-31-74) PH0073458
Rensselaer. *FORT CRAILO*, S of Columbia St. on Riverside Ave., (10-15-66) PH0132730 NHL; HABS.
Schaghticoke. *KNICKERBOCKER MANSION*, Knickerbocker Rd., (12-11-72) PH0040509 G.
Schodack. *MUITZES KILL HISTORIC DISTRICT*, An irregular pattern on both sides of Schodack Landing Rd., (7-24-74) PH0040525
Schodack Landing. *SCHODACK LANDING HISTORIC DISTRICT*, NY 9J, (9-15-77)
Troy. *BURDEN IRON WORKS SITE*, E of Burden Ave., (11-10-77)
Troy. *BURDEN IRONWORKS OFFICE BUILDING*, Polk St., (3-16-72) PH0031259 HAER; G.
Troy. *BUSSEY, ESEK, FIREHOUSE*, 302 10th St., (7-16-73) PH0031283
Troy. *CANNON BUILDING*, 1 Broadway, (3-5-70) PH0031267
Troy. *CHURCH OF THE HOLY CROSS*, 136 8th St., (6-4-73) PH0031275 HABS; G.
Troy. *FIFTH AVENUE–FULTON STREET HISTORIC DISTRICT*, Bounded by Grand, William, and Union Sts., and Broadway, (3-5-70) PH0031291
Troy. *GLENWOOD (TITUS EDDY MANSION)*, Eddy's Lane, (5-25-73) PH0031313
Troy. *GRAND STREET HISTORIC DISTRICT*, Grand St. between 5th and 6th Aves., (2-27-73) PH0031321
Troy. *HART-CLUETT MANSION*, 59 2nd St., (4-11-73) PH0040487 HABS.
Troy. *ILIUM BUILDING*, NE corner of Fulton and 4th Sts., (12-18-70) PH0040495
Troy. *LANSINGBURGH ACADEMY*, 4th and 114th Sts., (10-14-76)
Troy. *MCCARTHY BUILDING*, 255-257 River St., (3-5-70) PH0040517
Troy. *NATIONAL STATE BANK BUILDING*, 297 River St., (12-29-70) PH0040533
Troy. *OLD TROY HOSPITAL*, 8th St., (10-25-73) PH0040541
Troy. *POESTEN KILL GORGE HISTORIC DISTRICT*, Between Spring Ave. and NY 2, (3-8-78)
Troy. *POWERS HOME*, 819 3rd Ave., (4-16-74)
Troy. *RIVER STREET HISTORIC DISTRICT*, Both sides of River St. from Congress St. to jct. with 1st St., (6-3-76)
Troy. *SECOND STREET HISTORIC DISTRICT*, Both sides of 2nd St., (8-7-74) PH0043214
Troy. *TROY GAS LIGHT COMPANY: GASHOLDER HOUSE*, NW corner of Jefferson St. and 5th Ave., (2-18-71) PH0031305 HAER.
Troy. *TROY PUBLIC LIBRARY (HART MEMORIAL LIBRARY)*, 100 2nd St., (1-17-73) PH0040550 G.
Troy. *W. & L. E. GURLEY BUILDING*, 514 Fulton St., (3-5-70) PH0040576 HAER; G.
Troy. *WASHINGTON PARK HISTORIC DISTRICT*, Washington Park and adjacent properties on 2nd, 3rd, and Washington Sts. and Washington Pl., (5-25-73) PH0040568
Troy vicinity. *DEFREEST HOMESTEAD*, S of Troy at U.S. 4 and Jordan Rd., (8-2-77)
Walloomsac vicinity. *BENNINGTON BATTLEFIELD*, NY 67, on VT state line, (10-15-66) PH0131954 NHL.

richmond county

New York. *NEW DORP LIGHT*, Altamont Ave., Staten Island, (8-28-73) PH0040622
Rosebank. *AUSTEN, ELIZABETH ALICE, HOUSE*, 2 Hylan Blvd., (7-28-70) PH0040584 HABS.
Staten Island. *BATTERY WEED (FORT RICHMOND)*, Fort Wadsworth Reservation, (1-20-72) PH0040606
Staten Island. *BILLOU-STILLWELL-PERINE HOUSE*, 1476 Richmond Rd., (1-1-76)
Staten Island. *FORT TOMPKINS QUADRANGLE*, Building 37, Fort Wadsworth, (7-30-74) PH0040592
Staten Island. *KREUZER-PELTON HOUSE*, 1262 Richmond Ter., (1-29-73) PH0040614
Staten Island. *NEVILLE HOUSE*, 806 Richmond Terrace, (7-28-77)
Staten Island. *NEW BRIGHTON VILLAGE HALL*, 66 Lafayette Ave., (12-15-78)
Staten Island. *SAILORS' SNUG HARBOR NATIONAL REGISTER DISTRICT*, Richmond Ter., (3-16-72) PH0040631 NHL.
Staten Island. *VOORLEZER'S HOUSE*, Arthur Kill Rd., opposite Center St., (10-15-66) PH0132691 NHL.
Tottenville, Staten Island. *CONFERENCE HOUSE*, Hylan Blvd., (10-15-66) PH0132624 NHL; HABS.

rockland county

PALISADES INTERSTATE PARK, Reference—see Bergen County, NJ (1-2-74)
New City. *ENGLISH CHURCH AND SCHOOLHOUSE*, 484 New Hempstead Rd., (11-23-77)
Sloatsburg. *SLOAT HOUSE*, 19 Orange Tpke., (11-5-74) PH0029084
Stony Point vicinity. *STONY POINT BATTLEFIELD*, N of Stony Point on U.S. 2 and 202, (10-15-66) PH0046493 NHL.
Tappan. *DE WINT HOUSE*, Livingston Ave. and Oak Tree Rd., (10-15-66) PH0132705 NHL.
West Haverstraw. *FRASER-HOYER HOUSE*, Treason Hill off U.S. 9W, (4-22-76)
West Haverstraw. *GARNER, HENRY, MANSION*, 18 Railroad Ave., (8-14-73) PH0040649
West Nyack. *TERNEUR-HUTTON HOUSE*, 160 Sickelton Rd., (4-23-73) PH0040665

saratoga county

Albany vicinity. *SARATOGA NATIONAL HISTORICAL PARK*, 30 mi. N of Albany via U.S. 4 and NY 32, (10-15-66) PH0300314
Ballston Spa. *BROOKSIDE*, Charlton St., (5-21-75)
Charlton. *CHARLTON HISTORIC DISTRICT*, Main St. (SR 51), (1-1-76)
Clifton Park vicinity. *VISCHER FERRY HISTORIC DISTRICT*, SW of Clifton Park at jcts. of River View, Vischer Ferry, and Cresent Rds., (10-15-75)
Gansevoort. *GANSEVOORT MANSION*, Off NY 32, (6-23-76)
Hadley. *HADLEY PARABOLIC BRIDGE*, Corinth Rd., (3-25-77)
Mechanicville. *ELLSWORTH, COL. ELMER E., MONUMENT AND GRAVE*, Hudson View Cemetery, (11-13-76)
Mount McGregor. *GRANT COTTAGE*, CR 101 N of Rte. 9, (2-18-71)
Round Lake and vicinity. *ROUND LAKE HISTORIC DISTRICT*, U.S. 9, (4-24-75)
Saratoga. *CASINO-CONGRESS PARK-CIRCULAR STREET HISTORIC DISTRICT*, Bounded by Broadway, Spring, and Circular Sts., (6-19-72) PH0040690
Saratoga Springs. *DRINKHALL, THE*, 297 Broadway, (11-20-74) PH0031399
Saratoga Springs. *FRANKLIN SQUARE HISTORIC DISTRICT*, In an irregular pattern from Beekman St. along both sides of Grand Ave., Franklin, and Clinton Sts. to Van Dam, (10-9-73) PH0040762

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Saratoga Springs. *PURE OIL GAS STATION*, 65 Spring St., (10-18-78)
Saratoga Springs. *TODD, HIRAM CHARLES, HOUSE (MARVIN-SACKETT-TODD HOUSE)*, 4 Franklin Sq., (5-31-72) PH0040797
Saratoga Springs. *UNION AVENUE HISTORIC DISTRICT*, Union Ave., (4-4-78)
Troy vicinity. *CHAMPLAIN CANAL*, Extends N from Troy to Whitehall (also in Washington County), (9-1-76) (also in Washington County)
Waterford. *NORTHSIDE HISTORIC DISTRICT*, Both sides of Saratoga Ave. (NY 32) from Maple Ave. to Roosevelt Bridge (includes Old Champlain Canal), (12-4-75)
Waterford. *PEEBLES (PEOBLES) ISLAND*, At jct. of Mohawk and Hudson rivers, (10-2-73) PH0040789
Waterford. *WATERFORD VILLAGE HISTORIC DISTRICT*, Roughly bounded by the Hudson River, Erie Canal, and State St., (7-14-77)

schenectady county

Delanson vicinity. *CHRISTMAN BIRD AND WILDLIFE SANCTUARY*, Schoharie Tpke., (8-25-70) PH0040801
Rotterdam Junction vicinity. *MABEE HOUSE*, S of Rotterdam Junction on NY 5S, (5-22-78) HABS.
Schenectady. *GENERAL ELECTRIC RESEARCH LABORATORY*, (5-15-75)
Schenectady. *LANGMUIR, IRVING, HOUSE*, 1176 Stratford Rd., (1-7-76) NHL.
Schenectady. *NOTT MEMORIAL HALL, UNION COLLEGE*, Union College campus, (5-5-72) PH0040827
Schenectady. *SCHENECTADY CITY HALL AND POST OFFICE*, Jay St., (10-11-78)
Schenectady. *STOCKADE HISTORIC DISTRICT*, Roughly bounded by Mohawk River, railroad tracks, and Union St., (4-3-73) PH0040835
Schenectady vicinity. *DELLEMONT-WEMPLE FARM*, W of Schenectady on Wemple Rd., (10-25-73) PH0040819
Schenectady vicinity. *SEELEY FARMHOUSE*, 2 Freeman's Bridge Rd., (5-23-78)

schoharie county

Blenheim. *NORTH BLENHEIM HISTORIC DISTRICT*, Both sides of NY 30, beside Schoharie Creek, (12-31-74) PH0073661
Blenheim vicinity. *LANSING MANOR HOUSE*, 2 mi. S of North Blenheim on NY 30, (5-25-73) PH0040843
Breakabeen. *BREAKABEEN HISTORIC DISTRICT*, (12-31-74) PH0073563
Cobleskill. *COBLESKILL, HISTORIC DISTRICT*, irregular pattern along Washington Ave., Main, Grand, and Elm Sts., (9-18-78)
Cobleskill vicinity. *BRAMANVILLE MILL*, E of Cobleskill on Caverns Rd., (8-27-76)
North Blenheim. *OLD BLENHEIM BRIDGE*, NY 30 over Schoharie Creek, (10-15-66) PH0046591 NHL; G.
Schoharie. *OLD LUTHERAN PARSONAGE*, Adjacent to Spring St. in Lutheran Cemetery, (6-19-72) PH0040851 G.
Schoharie. *SCHOHARIE VALLEY RAILROAD COMPLEX*, Depot Lane, (4-26-72) PH0042803 G.
Sharon Springs. *AMERICAN HOTEL*, Main St., (9-9-75)

schuyler county

Montour Falls. *MONTOUR FALLS HISTORIC DISTRICT*, Main and Genesee Sts., (8-31-78)
Tyrone. vicinity. *LAMOKA*, (10-15-66) PH0132446 NHL.
Watkins Glen. *SCHUYLER COUNTY COURTHOUSE COMPLEX*, Franklin St., (6-5-74) PH0040860

seneca county

Fayette vicinity. *ROSE HILL*, W of Fayette on NY 96A, (2-6-73) PH0040878 HABS.
Ovid. *SENECA COUNTY COURTHOUSE COMPLEX AT OVID*, NY 414, (12-12-76)
Seneca Falls. *FALL STREET-TRINITY LANE HISTORIC DISTRICT*, Off NY 414 at Van Cleef Lake, (2-11-74) PH0043222
Seneca Falls. *STANTON, ELIZABETH CADY, HOUSE*, 32 Washington St., (10-15-66) PH0046485 NHL.
Willard. *WILLARD ASYLUM FOR THE CHRONIC INSANE*, Willard State Psychiatric Center, (3-7-75)

st. lawrence county

ADIRONDACK FOREST PRESERVE, Reference—see Clinton County (1-2-74)
Canton. *HERRING-COLE HALL, ST. LAWRENCE UNIVERSITY*, St. Lawrence University campus, (5-1-74) PH0040673
Canton. *RICHARDSON HALL, ST. LAWRENCE UNIVERSITY*, St. Lawrence University campus, (5-1-74) PH0040681
Canton. *VILLAGE PARK HISTORIC DISTRICT*, Both sides of Main and Park Sts., and Park Pl., (5-6-75)
Chase Mills. *CHASE MILLS INN*, Mein and Townline Rds., (11-29-78)
Massena vicinity. *ROBINSON BAY ARCHEOLOGICAL DISTRICT*, N of Massena at Robinson Bay, (9-13-77)
Ogdensburg. *NEW YORK STATE ARMORY (THE ARSENAL)*, 100 Lafayette St., (12-12-76)
Ogdensburg. *U.S. CUSTOMSHOUSE*, 127 N. Water St., (10-9-74) PH0031674
Ogdensburg. *U.S. POST OFFICE*, 431 State St., (8-16-77)

steuben county

Corning. *JENNING'S TAVERN (PATTERSON INN)*, 59 W. Pulteney St., (9-20-73) PH0040886
Corning. *MARKET STREET HISTORIC DISTRICT*, Market St. from Chestnut St. to Wall St., (3-1-74) PH0043231
Hornell. *HORNELL PUBLIC LIBRARY*, 64 Genesee St., (2-24-75)

suffolk county

LONG ISLAND WIND AND TIDE MILLS THEMATIC RESOURCES, Reference—see individual listings for: East Hampton, Gardiners Island Windmill, Hayground Windmill, Hook Windmill, Wainscott Windmill; *Huntington*, Van Wyck-Lefferts Tide Mill; *Shelter Island*, Shelter Island Windmill; *and Southampton*, Beebe Windmill, *and* Windmill at Water Mill. *Also see Nassau County.*
Cutchogue. *OLD HOUSE, THE*, NY 25, (10-15-66) PH0132721 NHL; HABS.
Cutchogue vicinity. *FORT CORCHAUG SITE*, (1-18-74) PH0031852
East Hampton. *EAST HAMPTON VILLAGE DISTRICT*, Bounded by Main St. and James and Woods Lanes, (5-2-74) PH0031836
East Hampton. *GARDINERS ISLAND WINDMILL*, (Long Island Wind and Tide Mills Thematic Resources) On Gardiners Island, (12-27-78) (also see nassau county)
East Hampton. *HAYGROUND WINDMILL*, (Long Island Wind and Tide Mills Thematic Resources) At Windmill Lane, (12-27-78) (also see nassau county)
East Hampton. *HOOK WINDMILL*, (Long Island Wind and Tide Mills Thematic Resources), (12-27-78) (also see nassau county)
East Hampton. *WAINSCOTT WINDMILL*, (Long Island Wind and Tide Mills Thematic Resources) On Georgica Association grounds, (12-27-78) (also see nassau county)
East Hampton, Long Island. *MORAN, THOMAS, HOUSE*, Main St., (10-15-66) PH0132659 NHL.
East Hampton vicinity. *MONTAUK POINT LIGHTHOUSE*, Montauk Point, (7-7-69) PH0031887
Great River vicinity. *CUTTING, BAYARD, ESTATE (WESTBROOK)*, N of Great River on NY 27, (10-2-73) PH0031810
Great River vicinity. *SOUTHSIDE SPORTSMENS CLUB DISTRICT*, NE of Great River, off NY 27, (7-23-73) PH0031917
Huntington. *EATONS NECK LIGHT*, Eatons Neck Point at Huntington Bay and Long Island Sound off NY 25A, (4-3-73) PH0031828
Huntington. *VAN WYCK-LEFFERTS TIDE MILL*, (Long Island Wind and Tide Mills Thematic Resources) 2 mi. NE of Mill and Southdown Rds., (12-27-78) (also see nassau county)
Huntington vicinity. *LLOYD, JOSEPH, HOUSE*, NW of Huntington on Lloyd Harbor Rd., (11-7-76)
Mastic. *FLOYD, WILLIAM, HOUSE*, 20 Washington Ave., (4-21-71)
Mattituck. *GILDERSLEEVE, ANDREW, OCTAGONAL BUILDING*, Main Rd. and Love Lane, (8-19-76)
Miller Place. *MILLER PLACE HISTORIC DISTRICT*, N. Country Rd., (6-17-76)
Montauk vicinity. *MONTAUK ASSOCIATION HISTORIC DISTRICT*, E of Montauk off NY 27 on DeForest Rd., (10-22-76)
Orient. *ORIENT HISTORIC DISTRICT*, NY 25, (5-21-76)
Sag Harbor. *SAG HARBOR VILLAGE DISTRICT*, (7-20-73) PH0031895
Saint James. *SAINT JAMES DISTRICT*, On NY 25A, (7-20-73) PH0031909
Shelter Island. *SHELTER ISLAND WINDMILL*, (Long Island Wind and Tide Mills Thematic Resources) N of Manwaring Rd., (12-27-78) (also see nassau county)
Smithtown. *FIRST PRESBYTERIAN CHURCH*, 175 E. Main St., (12-23-77)
Smithtown. *HALLIOCK INN*, 263 E. Main St., (8-7-74) PH0031861
Southampton. *BEEBE WINDMILL*, (Long Island Wind and Tide Mills Thematic Resources) SE corner of Ocean Rd. and Hildreth Ave., (12-27-78) (also see nassau county)
Southampton. *WINDMILL AT WATER MILL*, (Long Island Wind and Tide Mills Thematic Resources) NY 27 and Halsey Lane, (12-27-78) (also see nassau county)
St. James vicinity. *BOX HILL ESTATE*, NW of St. James on Moriches Rd., (12-4-73) PH0031801 G.
St. James vicinity. *MILLS POND DISTRICT*, W of St. James on NY 25A, (8-1-73) PH0031879
Stony Brook. *MOUNT, WILLIAM SYDNEY, HOUSE*, Gould Rd. and NY 25, (10-15-66) PH0132667 NHL.
West Bay Shore. *SAGTIKOS MANOR*, Montauk Hwy. (NY 27A), (11-21-76)
Westhampton. *JAGGER HOUSE*, Old Montauk Hwy., (12-12-78)

sullivan county

DELAWARE AND HUDSON CANAL, Reference—see Orange County (1-2-74)

Kenoza Lake vicinity. *STONE ARCH BRIDGE*, N of Kenoza Lake on NY 52, (12-12-76)
Liberty. *LIBERTY VILLAGE HISTORIC DISTRICT*, N. Main, Academy, and Law Sts., (4-11-78)

tioga county

Nichols. *PLATT-CADY MANSION*, 18 River St., (8-13-76)
Owego. *TIOGA COUNTY COURTHOUSE*, Village Park, (12-26-72) PH0031925

tompkins county

Ithaca. *BOARDMAN HOUSE*, 120 E. Buffalo St., (5-6-71) PH0031933
Ithaca. *CLINTON HOUSE*, 116 N. Cayuga St., (8-12-71) PH0031968 G.
Ithaca. *DE WITT PARK HISTORIC DISTRICT*, A square bounded roughly by properties fronting on E. Buffalo, E. Court, N. Cayuga, and N. Tioga Sts., (10-26-71)
Ithaca. *LEHIGH VALLEY RAILROAD STATION*, W. Buffalo St. and Taughannock Blvd., (12-31-74) PH0073580
Ithaca. *MORRILL HALL, CORNELL UNIVERSITY*, Cornell University campus, (10-15-66) NHL.
Ithaca. *SECOND TOMPKINS COUNTY COURTHOUSE*, 121 E. Court St., (3-18-71) PH0031976 HABS.
Ithaca. *WHITE, ANDREW DICKSON, HOUSE*, 27 East Ave., (12-4-73) PH0031984
Trumansburg. *CAMP, HERMON, HOUSE*, Camp St., (12-4-73) PH0031941

ulster county

DELAWARE AND HUDSON CANAL, Reference—see Orange County (1-2-74)
Gardiner vicinity. *DECKER, JOHANNES, FARM*, SW of Gardiner on Red Mill Rd. and Shawangunk Kill, (3-5-74) PH0032000 HABS.
Gardiner vicinity. *LOCUST LAWN ESTATE*, NY 32, SE of Gardiner, (5-17-74) PH0032034 HABS.
Hurley. *HURLEY HISTORIC DISTRICT*, Hurley St., Hurley Mountain Rd., and Schoonmaker Lane, (10-15-66) PH0132748 NHL; HABS.
Kingston. *KINGSTON CITY HALL*, 408 Broadway, (12-9-71)
Kingston. *KINGSTON STOCKADE DISTRICT*, Area bounded by both sides of Clinton Ave., Main, Green, and Front Sts. (incorporates former Clinton Avenue Historic District), (6-19-75) HABS.
Kingston. *KINGSTON STOCKADE DISTRICT*, Area bounded by both sides of Clinton Ave., Main, Green, and Front Sts. (incorporates former *Clinton Avenue Historic District*), (2-5-70) and (6-19-75) PH0300306
Kingston. *SENATE HOUSE*, NW side of Clinton Ave. near jct. with N. Front St., (8-12-71) PH0032051 HABS.
Kingston. *WEST STRAND HISTORIC DISTRICT*, West Strand and Broadway, (6-28-74)
New Paltz. *HASBROUCK, JEAN, HOUSE*, Huguenot and N. Front Sts., (12-24-67) PH0132489 NHL; HABS.
New Paltz. *HUGUENOT STREET HISTORIC DISTRICT*, Huguenot St., (10-15-66) PH0036331 NHL; HABS.
New Paltz. *LAKE MOHONK MOUNTAIN HOUSE COMPLEX*, NW of New Paltz, between Wallkill Valley on E and Roundout Valley on W, (7-16-73) PH0032026
Rosendale vicinity. *PERRINE'S BRIDGE*, Off U.S. 87 over Wallkill River, (4-13-73) PH0032042 HABS.
West Park. *BURROUGHS, JOHN, RIVERBY STUDY*, Between NY 9W and the Hudson River, (11-24-68) PH0132471 NHL.
West Park vicinity. *BURROUGHS, JOHN, CABIN (SLABSIDES)*, W of West Park, (11-24-68) PH0132462 NHL.

warren county

ADIRONDACK FOREST PRESERVE, Reference—see Clinton County (1-2-74)
Chestertown. *CHESTERTOWN HISTORIC DISTRICT*, Canada Dr. (U.S. 9), (8-22-77)
Glens Falls. *SHERMAN HOUSE*, 380 Glen St., (11-7-77)
Lake George. *OLD WARREN COUNTY COURTHOUSE COMPLEX*, Canada and Amherst Sts., (6-19-73) PH0040916
Lake George, Joshua's Rock. *OWL'S NEST (EDWARD EGGLESTON ESTATE)*, NY 9L, (11-11-71) PH0040924 NHL.
North Creek. *NORTH CREEK RAILROAD STATION COMPLEX*, Railroad Pl., (8-27-76)
Warrensburg. *WARRENSBURG MILLS HISTORIC DISTRICT*, Roughly bounded by the Osborne and Woolen Mill bridges, Schroon River, and the railroad right-of-way, (9-18-75)

washington county

CHAMPLAIN CANAL, Reference—see Saratoga County
COVERED BRIDGES OF WASHINGTON COUNTY, (3-8-78)
Cambridge. *CAMBRIDGE HISTORIC DISTRICT*, irregular pattern along Main and S. Union Sts., (11-15-78)
Fair Haven vicinity. *MILLER, WILLIAM, CHAPEL AND ASCENSION ROCK*, W of Fair Haven on SR 11, (7-17-75)
Fort Edward. *ROGERS ISLAND*, In Hudson River, W of Fort Edward, (7-24-73) PH0040959
Salem. *SALEM HISTORIC DISTRICT*, Both sides of Broadway and Main Sts. from railroad tracks on N and W to include White Creek on S and E, (5-28-75)
Schuylerville vicinity. *DERIDDER HOMESTEAD*, E of Schuylerville off NY 29, (3-22-74) PH0040932
South Granville. *HAYNES, LEMUEL, HOUSE*, Rte. 149, (5-15-75) NHL.
Whitehall. *MAIN STREET HISTORIC DISTRICT*, Both sides of Williams St. and both sides of Main St. Bridge to below Saunders St. Bridge., (4-24-75)
Whitehall. *POTTER, JUDGE JOSEPH, HOUSE*, Mountain Ter., (5-2-74) PH0040941

wayne county

Lyons. *BROAD STREET-WATER STREET HISTORIC DISTRICT*, (8-14-73) PH0040975
Ontario. *BRICK CHURCH CORNERS*, Jct. of Brick Church and Ontario Center Rds., (6-5-74) PH0040967
Palmyra. *EAST MAIN STREET COMMERCIAL HISTORIC DISTRICT*, Between Clinton and William-Cuyler Sts., (11-21-74) PH0073474
Palmyra. *MARKET STREET HISTORIC DISTRICT*, Both sides of Market St. between Canal and Main Sts., (12-8-72)
Sodus Point. *SODUS POINT LIGHTHOUSE*, Off NY 14 at Lake Ontario, (10-8-76)

westchester county

Ardsley-on-Hudson. *NUITS*, Hudson Rd. and Clifton Pl., (4-13-77)
Bedford. *BEDFORD VILLAGE HISTORIC DISTRICT*, (10-2-73) PH0043257
Chappaqua. *OLD CHAPPAQUA HISTORIC DISTRICT*, Quaker Rd., (7-15-74) PH0041076
Croton-on-Hudson. *VAN CORTLANDT MANOR*, U.S. 9 N of jct. with U.S. 9A, (10-15-66) PH0132501 NHL.
Dobbs Ferry. *HYATT-LIVINGSTON HOUSE*, 152 Broadway, (10-5-72) PH0041041 HABS.
Goldens Bridge vicinity. *BRIDGE L-158*, W of Goldens Bridge at Croton River, (11-29-78)
Greenburgh. *ODELL HOUSE (ROCHAMBEAU HEADQUARTERS)*, 425 Ridge Rd., (3-28-73) PH0041068
Hastings-on-Hudson. *CROPSEY, JASPER F., HOUSE AND STUDIO*, 49 Washington Ave., (5-17-73) PH0041025
Hastings-on-the-Hudson. *DRAPER, JOHN W., HOUSE*, 407 Broadway, (5-15-75)
Irvington. *ARMOUR-STINER HOUSE*, 45 W. Clinton Ave., (12-18-75) HABS.
Irvington. *VILLA LEWARO*, N. Broadway, (5-11-76)
Katonah. *JAY, JOHN, HOMESTEAD (BEDFORD HOUSE)*, Jay St., (7-24-72) PH0041050 G.
Mount Vernon. *ST. PAUL'S CHURCH NATIONAL HISTORIC SITE*, Eastchester, (10-15-66) PH0202266 HABS.
Mount Vernon. *STEVENS, JOHN, HOUSE*, 29 W. 4th St., (4-26-72) PH0041149
Mt. Pleasant. *ROCKEFELLER, JOHN D., ESTATE*, Pocantico Hills, (5-11-76)
New Rochelle. *LELAND CASTLE*, 29 Castle Pl., (8-27-76)
New Rochelle. *PAINE, THOMAS, COTTAGE*, 20 Sicard Ave., (11-28-72) PH0041092 NHL; HABS.
North Tarrytown. *DUTCH REFORMED (SLEEPY HOLLOW) CHURCH*, N edge of Tarrytown on U.S. 9, (10-15-66) PH0041009 NHL; HABS.
North White Plains. *MILLER HOUSE*, Virginia Rd., (9-29-76)
Ossining. *FIRST BAPTIST CHURCH OF OSSINING*, S. Highland Ave. and Main St., (1-12-73) PH0041017
Ossining. *JUG TAVERN*, Revolutionary Rd. and Rockledge Ave., (6-7-76)
Ossining. *ROHR, GEORGE, SALOON AND BOARDINGHOUSE*, 1–3 Highland Ave., (12-1-78)
Ossining. *ST. PAUL'S EPISCOPAL CHURCH AND RECTORY (CALVARY BAPTIST CHURCH AND ANNEX)*, St. Paul's Pl., (12-6-78)
Ossining vicinity. *OLD CROTON DAM, SITE OF; NEW CROTON DAM*, N of Ossining on NY 129, (6-19-73) PH0041122
Pelham Manor. *BOLTON PRIORY*, 7 Priory Lane, (6-28-74) PH0040991
Purchase. *REID HALL, MANHATTANVILLE COLLEGE (OPHIR HALL)*, Manhattanville College, Purchase St., (3-22-74) PH0041114
Purdys. *PURDY, JOSEPH, HOMESTEAD*, Jct. of NY 22 and 116, (1-25-73) PH0041106
Rye. *WARD, WILLIAM E., HOUSE*, Comly Ave., (11-7-76)
Rye. *WIDOW HAVILAND'S TAVERN*, Purchase St., (4-16-74) PH0041181
Scarsdale. *HYATT, CALEB, HOUSE (CUDNER-HYATT HOUSE)*, 937 White Plains Post Rd., (1-22-73) PH0041033
Somers vicinity. *SOMERS TOWN HOUSE (ELEPHANT HOTEL)*, Jct. of U.S. 202 and NY 100, (8-7-74) PH0041131 HABS.

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Tarrytown. *LYNDHURST (JAY GOULD ESTATE)*, 635 S. Broadway, (11-13-66) PH0132641 NHL; G.
Tarrytown vicinity. *SUNNYSIDE (WASHINGTON IRVING HOUSE)*, Sunnyside Lane, (10-15-66) PH0041157 NHL.
Upper Mills. *PHILIPSBURG MANOR*, 381 Bellwood Ave., (10-15-66) PH0132497 NHL.
Valhalla vicinity. *HARTFORD, JOHN A., HOUSE*, SW of Valhalla on NY 100, (12-22-77) NHL.
Van Cortlandtville. *OLD ST. PETER'S CHURCH*, Oregon Rd. and Locust Ave., (3-7-73) PH0041084 HABS.
White Plains. *MAPLETON*, 52 N. Broadway, (9-28-76)
Yonkers. *ARMSTRONG, EDWIN H., HOUSE*, 1032 Warburton Ave., (1-7-76)
Yonkers. *PHILIPSE MANOR HALL*, Warburton Ave. and Dock St., (10-15-66) PH0131971 NHL.
Yonkers. *TREVOR, JOHN BOND, HOUSE (GLENVIEW)*, 511 Warburton Ave., (6-19-72) PH0041165
Yonkers. *UNTERMYER PARK*, Warburton Ave. and N. Broadway S of jct. with Odell Ave., (5-31-74) PH0041173
Yonkers and vicinity. *OLD CROTON AQUEDUCT*, Runs N from Yonkers to New Croton Dam, (12-2-74) PH0087858 HAER.

wyoming county

Wyoming. *MIDDLEBURY ACADEMY*, 22 S. Academy St., (1-17-73) PH0041190
Wyoming. *WYOMING VILLAGE HISTORIC DISTRICT*, NY 19, (12-27-74) PH0051667

NORTH CAROLINA

U.S.S. MONITOR, Reference—see Outer Continental Shelf (1-2-74)

alamance county

Alamance vicinity. *ALAMANCE BATTLEGROUND STATE HISTORIC SITE*, SW of Burlington on Rte. 1, off NC 62, near jct. with Rte. 1129, (2-26-70) PH0041700
Alamance vicinity. *HOLT, L. BANKS, HOUSE*, S of Alamance on NC 62, (4-18-77)
Burlington vicinity. *ALLEN HOUSE*, SW of Burlington on Rte. 1, off SC 62, (2-26-70) PH0041718
Mebane vicinity. *HAWFIELDS PRESBYTERIAN CHURCH*, SW of Mebane on NC 119, (12-15-78)

alleghany county

New Haven vicinity. *GAMBILL, J. C., SITE*, N. of New Haven, (4-3-78)
Piney Creek vicinity. *WEAVER, WILLIAM, HOUSE*, SW of Piney Creek on SR 1302, (11-7-76)
Whitehead vicinity. *BRINEGAR CABIN*, At mi. 238.5, Blue Ridge Pkwy., (1-20-72) PH0041726 HABS.

allegheny county

Amelia vicinity. *HASH, BAYS, SITE*, N of Amelia, (4-19-78)

anson county

Wadesboro. *BOGGAN-HAMMOND HOUSE AND ALEXANDER LITTLE WING*, 210 Wade St., (9-14-72) PH0041734

ashe county

Crumpler vicinity. *ALEXANDER, SHUBAL V., ARCHEOLOGICAL SITES*, E of Crumpler, (9-1-78)
Crumpler vicinity. *BRINEGAR SITE*, N of Crumpler, (3-21-78)
Crumpler vicinity. *PIERCE, JOHN M., HOUSE*, N of Crumpler on SR 1559, (11-7-76)
Crumpler vicinity. *THOMPSON'S BROMINE AND ARSENIC SPRINGS*, W of Crumpler on SR 1542, (10-22-76)
Grassy Creek. *GRASSY CREEK HISTORIC DISTRICT*, SR 1535 and SR 1573, (12-12-76)
Grassy Creek vicinity. *WADDELL, WILLIAM, HOUSE*, W of Grassy Creek off NC 16 on SR 1532, (11-7-76)
Helton vicinity. *BAPTIST CHAPEL CHURCH AND CEMETERY*, E of Helton on SR 1527, (11-13-76)
Jefferson vicinity. *POE FISH WEIR*, E of Jefferson, (5-22-78)
Scottville vicinity. *BOWER-COX HOUSE*, SW of Scottville on SR 1595, (11-7-76)
Scottville vicinity. *COX, SAMUEL, HOUSE*, SW of Scottville off U.S. 221 on SR 1636, (11-7-76)

beaufort county

Bath. *BATH HISTORIC DISTRICT*, Bounded by Bath Creek, NC 92, and King St., (2-26-70) PH0041742 HABS; G.
Bath. *BONNER HOUSE*, Front St., (2-26-70) PH0094439 G.
Bath. *PALMER-MARSH HOUSE*, Main St., S of NC 92, (2-26-70) PH0046469 NHL; HABS; G.
Bath. *ST. THOMAS EPISCOPAL CHURCH*, Craven St., (11-20-70) PH0041751 HABS.
Latham vicinity. *BELFONT PLANTATION HOUSE*, N of Latham on SR 1411, (12-12-76)
Washington. *BANK OF WASHINGTON, WEST END BRANCH*, 216 W. Main St., (2-18-71) PH0041769
Washington. *BEAUFORT COUNTY COURTHOUSE*, Corner of W. 2nd and Market Sts., (3-31-71) PH0041777

bertie county

Roxobel vicinity. *WOODBOURNE*, W of Roxobel on SR 1139, (8-26-71) PH0041815
Windsor vicinity. *HOPE PLANTATION*, 4 mi. NW of Windsor, off NC 308, (4-17-70) PH0041785 G.
Windsor vicinity. *JORDAN HOUSE*, S of Windsor on SR 1522, (8-26-71) PH0041793
Windsor vicinity. *KING HOUSE*, NW of Windsor on SR 1116, (8-26-71) PH0041807

bladen county

Carvers vicinity. *OAKLAND PLANTATION*, Off SR 1730, (4-25-72) PH0041831
Clarkton vicinity. *BROWN MARSH PRESBYTERIAN CHURCH*, N of Clarkton on SR 1700 off SR 1762, (9-2-75) PH0221376
Tar Heel vicinity. *PURDIE HOUSE AND PURDIE METHODIST CHURCH*, 2.8 mi. E of Tar Heel, (4-13-77)
Tar Heel vicinity. *WALNUT GROVE (ROBESON PLANTATION)*, E of Tar Heel on NC 87, (5-29-75)
White Oak vicinity. *HARMONY HALL*, W of White Oak on SR 1351, (3-24-72) PH0041823

brunswick county

Kure Beach vicinity *CAPE FEAR LIGHTHOUSE COMPLEX*, S of Kure Beach, (8-29-78)
orton vicinity. *ST. PHILIP'S CHURCH RUINS*, S of Orton off NC 1533, (2-26-70) PH0041866 HABS; G.
Smithville Township. *ORTON PLANTATION*, On Cape Fear River at jct. of NC 1530 and 1529, (4-11-73) PH0041858
Southport. *FORT JOHNSTON*, Moore St., (6-7-74) PH0041840
Southport vicinity. *BALD HEAD ISLAND LIGHTHOUSE*, S of Southport on Smith Island at Bald Head, (4-28-75) PH0120847
Southport vicinity. *BRUNSWICK TOWN HISTORIC SITE*, N of Southport off SR 133, (9-6-78)

buncombe county

Asheville. *ARCADE BUILDING (GROVE ARCADE)*, Battery Park, Battle Sq., (5-19-76)
Asheville. *ASHEVILLE CITY HALL*, City County Plaza, (11-7-76)
Asheville. *BATTERY PARK HOTEL*, Battle Sq., (7-14-77)
Asheville. *BILTMORE ESTATE*, (10-15-66) PH0103071 NHL.
Asheville. *CHURCH OF ST. LAWRENCE*, 97 Haywood St., (3-24-78)
Asheville. *FIRST BAPTIST CHURCH*, Oak and Woodfin Sts., (7-13-76)
Asheville. *GROVE PARK INN*, Macon Ave., (4-3-73) PH0041874
Asheville. *MANOR AND COTTAGES*, 265 Charlotte St., (1-26-78)
Asheville. *MONTFORD AREA HISTORIC DISTRICT*, Irregular pattern along Montford Ave., (11-25-77)
Asheville. *RAVENSCROFT SCHOOL*, 29 Ravenscroft Dr., (12-12-78)
Asheville. *RICHMOND HILL HOUSE*, 45 Richmond Hill Rd., (8-16-77)
Asheville. *S AND W CAFETERIA*, Patton Ave., (3-28-77)
Asheville. *SMITH-MCDOWELL HOUSE*, 283 Victoria Rd., (8-1-75)
Asheville. *WOLFE, THOMAS, HOUSE*, 48 Spruce St., (11-11-71) PH0041882 NHL; G.
Asheville. *YOUNG MEN'S INSTITUTE BUILDING*, Market and Eagle Sts., (7-14-77)
Asheville. *ZEALANDIA*, 40 Vance Gap Rd., (3-14-77)
Fairview vicinity. *SHERRILL'S INN*, 2.5 mi. S of Fairview off U.S. 74, (4-16-75) PH0058157 HABS.

burke county

Morganton. *BURKE COUNTY COURTHOUSE*, Courthouse Sq., (4-17-70) PH0041904 G.
Morganton. *GAITHER HOUSE*, 102 N. Anderson St., (4-23-76)
Morganton. *NORTH CAROLINA SCHOOL FOR THE DEAF: MAIN BUILDING*, U.S. 64 and Fleming Dr., (12-12-76)
Morganton. *TATE HOUSE*, 100 S. King St., (5-25-73) PH0041963
Morganton. *WESTERN NORTH CAROLINA INSANE ASYLUM*, Off NC 18, (10-5-77)
Morganton vicinity. *BELLEVUE*, On SR 1419, N of Morganton off NC 18, (12-4-73) PH0041891
Morganton vicinity. *CREEKSIDE*, W of Morganton at jct. of U.S. 70 and 70A, (2-1-72) PH0041912
Morganton vicinity. *FORNEY, JACOB JR., HOUSE*, NW of Morganton on SR 1440, (10-14-76)
Morganton vicinity. *MAGNOLIA PLACE*, S of Morganton on U.S. 64, (6-4-73) PH0041921
Morganton vicinity. *PLEASANT VALLEY*, Jct. of SR 1423, 1439, and 1438, (1-20-72)
Morganton vicinity. *QUAKER MEADOWS*, W of Morganton off NC 181, (10-3-73) PH0041947
Morganton vicinity. *SWAN PONDS*, About 4 mi. W of Morganton off NC 126, (4-24-73) PH0041955

cabarrus county

Concord. *CABARRUS COUNTY COURTHOUSE*, Union St., S., (6-5-74) PH0041971
Concord vicinity. *McCURDY HOME PLACE*, S of Concord off U.S. 601, (1-21-74) PH0041980
Concord vicinity. *REED GOLD MINE*, 11 mi. SE of Concord, (10-15-66) PH0103047 NHL; G.
Kannapolis vicinity. *MILL HILL*, W of Kannapolis on SR 1616, (9-10-74) PH0041998

caldwell county

Lenoir. *FORT DEFIANCE*, N of Lenoir on NC 268, (9-15-70) PH0042013 G.
Patterson vicinity. *CLOVER HILL*, E of Patterson off NC 268 on SR 1514, (5-25-73) PH0042005

camden county

Camden. *CAMDEN COUNTY COURTHOUSE*, NC 343, (2-1-72) PH0042021
Camden vicinity. *MILFORD*, On SR 1205, 0.5 mi. S of jct. with NC 343, (3-16-72) PH0042030
South Mills vicinity. *ABBOTT, WILLIAM RILEY, HOUSE*, SE of South Mills on SR 1224, (8-11-78) HABS.

carteret county

Atlantic Beach vicinity. *FORT MACON*, Bogue Point, on Fort Macon Rd., 4 mi. E of Atlantic Beach, (2-26-70) PH0042064 HABS.
Beaufort. *BEAUFORT HISTORIC DISTRICT*, (5-6-74) PH0042048 HABS.
Beaufort. *GIBBS HOUSE*, 903 Front St., (3-14-73) PH0042072
Beaufort. *HENRY, JACOB, HOUSE*, 229 Front St., (5-7-73) PH0042081 HABS.
Beaufort. *OLD BURYING GROUND*, Bounded by Ann, Craven, and Broad Sts., (4-8-74) PH0042099
Core Banks. *CAPE LOOKOUT LIGHT STATION*, On Core Banks, (10-18-72) PH0042056
Portsmouth. *PORTSMOUTH VILLAGE*, N end of Portsmouth Island, (11-29-78)

caswell county

Leasburg vicinity. *GARLAND-BUFORD HOUSE*, N of Leasburg on SR 1561, (1-24-74) PH0042137
Locust Hill. *ROSE HILL*, On U.S. 158 at jct. with NC 150, (10-25-73) PH0042170
Locust Hill vicinity. *MOORE HOUSE (STAMP'S QUARTER)*, E of Locust Hill off U.S. 158, (8-28-73) PH0042161 HABS.
Milton. *O*, Main (Broad) St., (4-13-73) PH0042153
Milton. *MILTON HISTORIC DISTRICT*, (10-25-73) PH0042145 HABS.
Milton. *UNION TAVERN*, Main St., (5-15-75) NHL.
Milton vicinity. *LONGWOOD*, SW of Milton on NC 62, (9-15-76)
Prospect Hill. *WARREN HOUSE AND WARREN'S STORE*, On NC 86, (6-19-73) PH0042188
Yanceyville. *CASWELL COUNTY COURTHOUSE*, Courthouse Sq., (6-4-73) PH0042129 HABS.
Yanceyville. *YANCEYVILLE HISTORIC DISTRICT*, W. Main St., Courthouse Sq., and North Ave. to Church St., (10-15-73) PH0042196 HABS.
Yanceyville vicinity. *BROWN-GRAVES HOUSE AND BROWN'S STORE*, SW of Yanceyville on NC 150, (7-15-74) PH0042111
Yanceyville vicinity. *GRAVES HOUSE*, U.S. 158 at NC 86, (11-20-74) PH0031542
Yanceyville vicinity. *YANCEY, BARTLETT, HOUSE*, (12-4-73) PH0042102

catawba county

Catawba vicinity. *PERKINS HOUSE*, N of Catawba off I 40, (10-1-74) PH0042234
Catawba vicinity. *POWELL-TROLLINGER LIME KILNS*, S of Catawba, (11-8-74) PH0043745
Claremont vicinity. *BUNKER HILL COVERED BRIDGE*, 2 mi. E of Claremont on U.S. 70, (2-26-70) PH0042200
Denver vicinity. *MUNDAY HOUSE*, N of Denver, (8-22-75)
Hickory. *PROPST HOUSE*, Shuford Memorial Garden, (4-24-73) PH0042218
Hickory. *SHUFORD HOUSE (MAPLE GROVE)*, 542 2nd St. NE., (4-24-73) PH0042251
Hickory vicinity. *WEIDNER ROCK HOUSE*, S of Hickory on SR 1142, (12-4-73) PH0042269
Newton vicinity. *RUDISILL-WILSON HOUSE*, SW of Newton off NC 10, (8-14-73) PH0042226
Newton vicinity. *ST. PAUL'S CHURCH AND CEMETERY (LUTHERAN)*, Jct. of SR 1149 and SR 1164, (12-9-71) PH0042242

chatham county

Durham vicinity. *MASON, JOHN A., HOUSE*, SW of Durham off NC 751, (10-23-74) PH0042277
Pittsboro. *PITTSBORO MASONIC LODGE*, East and Masonic Sts., (1-31-78)
Pittsboro. *PITTSBORO PRESBYTERIAN CHURCH*, N. East St., (1-30-78)
Pittsboro vicinity. *ALSTON-DEGRAFFENRIED HOUSE*, W of Pittsboro off U.S. 64, (11-18-74) PH0031585
Pittsboro vicinity. *EBENEZER LOG CHURCH*, E of Pittsboro, (11-19-74) PH0034428

cherokee county

Andrews vicinity. *WALKER'S INN*, S of Andrews on SR 1505 off SR 1393 and NC 19/129, (8-19-75) PH0179183

chowan county

Edenton. *ALBANIA*, U.S. 17 W of jct. with NC 32, (5-13-76)
Edenton. *BARKER HOUSE*, S terminus of Broad St., (3-24-72) PH0042293
Edenton. *CHOWAN COUNTY COURTHOUSE*, E. King St., (4-15-70) PH0103136 NHL.
Edenton. *CUPOLA HOUSE*, 408 S. Broad St., (5-5-70) NHL; HABS; G.
Edenton. *EDENTON HISTORIC DISTRICT*, (7-16-73) PH0042307 NHL; HABS; G.
Edenton. *IREDELL, JAMES, HOUSE*, 107 E. Church St., (2-26-70) PH0094447 G.
Edenton. *PEMBROKE HALL*, W. King St., (11-7-76) HABS.
Edenton. *ST. PAUL'S EPISCOPAL CHURCH AND CHURCHYARD*, W. Church and Churton Sts., (5-29-75) HABS.
Edenton. *ST. PAUL'S EPISCOPAL CHURCH AND COURTYARD*, W. Church and Churton Sts., (5-29-75) PH0099759 HABS.
Edenton. *WESSINGTON HOUSE*, 120 W. King St., (3-20-73) PH0042323 HABS.
Edenton vicinity. *HAYES PLANTATION*, E. Water St. Extension, (2-26-74) NHL; HABS.
Edenton vicinity. *MULBERRY HILL*, SE of Edenton on SR 1114, (5-13-76) HABS.
Edenton vicinity. *SHELTON PLANTATION HOUSE*, Off NC 32, (10-29-74) PH0029190
Somer vicinity. *GREENFIELD PLANTATION*, E of Edenton on SR 1109, (5-6-76)

clay county

Hayesville. *CLAY COUNTY COURTHOUSE*, Main St., (10-29-75)

cleveland county

Shelby. *BANKER'S HOUSE*, 319 N. Lafayette St., (5-6-75)

columbus county

Fair Bluff. *POWELL HOUSE*, Main and Orange Sts., (1-31-78)

craven county

Jasper vicinity. *CLEAR SPRINGS PLANTATION*, N of Jasper, (3-14-73) PH0042421
New Bern. *ATTMORE-OLIVER HOUSE (CHAPMAN-TAYLOR HOUSE)*, 513 Broad St., (1-20-72) PH0042331
New Bern. *BAXTER CLOCK*, 323 Pollock St., (7-2-73) PH0042340
New Bern. *BLADES HOUSE*, 602 Middle St., (1-14-72) PH0042366
New Bern. *BRYAN HOUSE AND OFFICE*, 603-605 Pollock St., (3-24-72) PH0042374
New Bern. *CEDAR GROVE CEMETERY*, Bounded by Queen, George, Cypress, Howard, and Metcalf Sts., (12-5-72) PH0042382
New Bern. *CENTENARY METHODIST CHURCH*, 209 New St., (9-11-72) PH0042391
New Bern. *CENTRAL ELEMENTARY SCHOOL*, 311–313 New St. and 517 Hancock St., (1-20-72) PH0042404 HABS; G.
New Bern. *CHRIST EPISCOPAL CHURCH AND PARISH*, 320 Pollock St., (4-13-73) PH0042412
New Bern. *COOR-BISHOP HOUSE*, 501 E. Front St., (11-9-72) PH0042439
New Bern. *COOR-GASTON HOUSE*, 421 Craven St., (2-1-72) PH0042447 HABS; G.
New Bern. *FIRST BAPTIST CHURCH*, Middle St. and Church Alley, (3-24-72) PH0042455
New Bern. *FIRST CHURCH OF CHRIST, SCIENTIST*, 406 and 408 Middle St., (10-2-73) PH0042463
New Bern. *FIRST PRESBYTERIAN CHURCH AND CHURCHYARD*, New St. between Middle and Hancock Sts., (2-1-72) PH0042471 HABS.
New Bern. *GULL HARBOR*, 514 E. Front St., (8-14-73) PH0042480
New Bern. *HARVEY MANSION*, 219 Tryon Palace Dr., (11-12-71) PH0042498
New Bern. *HAWKS HOUSE*, 306 Hancock St., (3-16-72) PH0042501
New Bern. *HOLLISTER, WILLIAM, HOUSE*, 613 Broad St., (6-30-72)
New Bern. *JERKINS, THOMAS, HOUSE*, 305 Johnson St., (10-18-72) PH0042528
New Bern. *JONES-JARVIS HOUSE*, 528 E. Front St., (4-11-73) PH0042536 HABS.
New Bern. *MACE, ULYSSES S., HOUSE*, 518 Broad St., (6-4-73) PH0042544
New Bern. *MASONIC TEMPLE AND THEATER*, 516 Hancock St., (3-16-72) PH0042552 HABS.
New Bern. *NEW BERN HISTORIC DISTRICT*, Roughly bounded by Neuse and Trent Rivers and Queen St., (6-19-73) PH0042579 HABS.
New Bern. *NEW BERN MUNICIPAL BUILDING (U.S. POST OFFICE)*, Pollock and Craven Sts., (6-4-73) PH0042587
New Bern. *RHEM-WALDROP HOUSE*, 701 Broad St., (10-18-72) PH0042595

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New Bern. *SLOVER-BRADHAM HOUSE (BURNSIDE'S HEADQUARTERS)*, 201 Johnson St., (4-11-73) PH0032221 HABS.
New Bern. *SMALLWOOD, ELI, HOUSE*, 524 E. Front St., (12-5-72) PH0032239 HABS.
New Bern. *SMITH, BENJAMIN, HOUSE*, 210 Hancock St., (4-13-72) PH0032247
New Bern. *SMITH-WHITFORD HOUSE*, 506 Craven St., (4-13-72) PH0032255
New Bern. *ST. PAUL'S ROMAN CATHOLIC CHURCH*, 510 Middle St., (3-24-72) PH0042609
New Bern. *STANLY, EDWARD R., HOUSE*, 502 Pollock St., (3-24-72) PH0032263
New Bern. *STANLY, JOHN WRIGHT, HOUSE*, 307 George St., (2-26-70) PH0032271 HABS.
New Bern. *STEVENSON HOUSE*, 609-611 Pollock St., (8-26-71)
New Bern. *TAYLOR, ISAAC, HOUSE*, 228 Craven St., (12-27-72) PH0032298 HABS.
New Bern. *TISDALE-JONES HOUSE*, 520 New St., (4-25-72)
New Bern. *YORK-GORDON HOUSE*, 213 Hancock St., (1-18-73) PH0032301
New Bern vicinity. *BELLAIR*, W of New Bern off SR 1401, (8-25-72) PH0042358

cumberland county

Erwin vicinity. *OAK GROVE*, S of Erwin near jct. of NC 82 and SR 1875, (2-6-73) PH0032409
Fayetteville. *BELDON-HORNE HOUSE*, 233 Green St., (3-16-72) PH0032310
Fayetteville. *COOL SPRING PLACE (COOL SPRING TAVERN)*, 119 N. Cool Spring St., (10-10-72) PH0032328
Fayetteville. *FAYETTEVILLE WOMEN'S CLUB AND OVAL BALLROOM*, 224 Dick St., (2-6-73) PH0032344
Fayetteville. *FIRST PRESBYTERIAN CHURCH*, Ann and Bow Sts., (4-30-76) HABS.
Fayetteville. *KYLE HOUSE*, 234 Green St., (6-19-72)
Fayetteville. *LIBERTY ROW*, N Side of the first block of Person St., bounded by Market Sq. and Liberty Point, (8-14-73) PH0032361
Fayetteville *MANSARD ROOF HOUSE*, 214 Mason St., (3-20-73) PH0032379
Fayetteville. *MARKET HOUSE*, Market Sq., (9-15-70) PH0032387 NHL; HABS.
Fayetteville. *NIMOCKS' HOUSE*, 225 Dick St., (1-20-72) PH0032395
Fayetteville. *SEDBERRY-HOLMES HOUSE*, 232 Person St., (9-2-75)
Fayetteville. *ST. JOHN'S EPISCOPAL CHURCH*, Green St., (9-6-74) PH0032425
Linden vicinity. *ELLERSLIE*, W of Linden on SR 1607 at jct. with SR 1606, (8-7-74) PH0032336
Wade vicinity. *OLD BLUFF PRESBYTERIAN CHURCH*, N of Wade on SR 1709, (8-7-74) PH0032417

currituck county

Corolla. *CURRITUCK BEACH LIGHTHOUSE*, Northern NC Outer Banks, (10-15-73) PH0032433
Shawboro. *TWIN HOUSES*, On NC 168 at jct. of SR 1203 and 1147, (4-13-72) PH0032441

dare county

Buxton vicinity. *CAPE HATTERAS LIGHT STATION*, SE of Buxton off NC 12, (3-29-78)
Duck vicinity. *CAFFEYS INLET LIFESAVING STATION*, N of Duck on SR 1200, (1-30-78)
Hatteras. *HATTERAS WEATHER BUREAU STATION*, Off NC 12, (2-17-78)
Kitty Hawk. *WRIGHT BROTHERS NATIONAL MEMORIAL*, U.S. 158, (10-15-66) PH0350290
Manteo vicinity. Roanoke Island. *FORT RALEIGH NATIONAL HISTORIC SITE*, 4 mi. N of Manteo on U.S. 158, (10-15-66) PH0350281
Nags Head. *NAGS HEAD BEACH COTTAGES HISTORIC DISTRICT*, U.S. 158, (8-19-77)
Rodanthe. *CHICAMACOMICO LIFE SAVING STATION*, NC 12 and SR 1247, (12-12-76)
Rodanthe vicinity. *OREGON INLET STATION*, 12 mi. N of Rodanthe on Pea Island, (12-23-75)

davidson county

Lexington. *OLD DAVIDSON COUNTY COURTHOUSE*, Main and Center Sts., (6-24-71) PH0032450

davie county

Mocksville. *COOLEEMEE*, Terminus of SR 1812, (3-20-73) HABS; NHL.
Mocksville. *DAVIE COUNTY JAIL*, 20 S. Main St., (4-24-73) PH0032476
Mocksville. *HELPER, HINTON ROWAN, HOUSE*, U.S. 64 off I 40, (11-7-73) PH0103063 NHL.

duplin county

Albertson vicinity. *WATERLOO (GRADY HOUSE)*, 2 mi. S of Albertson on NC 111, (1-8-75)
Faison vicinity. *HILL, BUCKNER, HOUSE*, SE of Faison on SR 1354, (12-6-75)
Kenansville. *KENANSVILLE HISTORIC DISTRICT*, Downtown area centered around Main St. and Limestone Rd. as far N as Hill St., (3-13-75)

durham county

Bahama vicinity. *HARDSCRABBLE*, SW of Bahama on SR 1003 near jct. with SR 1461, (1-20-72) PH0032492
Chapel Hill vicinity. *LEIGH FARM*, E of Chapel Hill off NC 54, (9-5-75)
Durham. *BENNETT PLACE STATE HISTORIC SITE*, Jct. of SR 1313 and 1314, (2-26-70) PH0094404
Durham. *BULL DURHAM TOBACCO FACTORY (W. T. BLACKWELL AND CO.)*, 201 W. Pettigrew St., (9-10-74) PH0032484 NHL.
Durham. *DOWNTOWN DURHAM HISTORIC DISTRICT*, Roughly bounded by Peabody, Morgan, Seminary, Cleveland, Parrish, and Queen Sts., (11-1-77)
Durham. *DURHAM HOSIERY MILL*, Angier Ave., (11-14-78) HAER
Durham. *HILL, JOHN SPRUNT, HOUSE*, 900 S. Duke St., (1-30-78)
Durham. *NORTH CAROLINA MUTUAL LIFE INSURANCE COMPANY BUILDING*, 114-116 W. Parrish St., (5-15-75) NHL.
Durham *ST. JOSEPH'S AFRICAN METHODIST EPISCOPAL CHURCH*, Fayetteville St. and Durham Expwy., (8-11-76) G.
Durham vicinity. *DUKE HOMESTEAD AND TOBACCO FACTORY*, 0.5 mi. N of Durham on Guess Rd., E of SR 1025, (11-13-66) PH0103055 NHL.
Durham vicinity. *FAIRNTOSH PLANTATION*, Near jct. of SR 1004 and 1632, (4-3-73) PH0032506
Durham vicinity. *HORTON GROVE COMPLEX*, N of Durham on SR 1626, (3-17-78)
Durham vicinity. *STAGVILLE*, Near jct. of SR 1004 and 1632, (5-25-73) PH0032514 G.

edgecombe county

Battleboro. *ST. JOHN'S EPISCOPAL CHURCH*, E. Main St., (2-18-71)
Battleboro vicinity. *OLD TOWN PLANTATION*, U.S. 97 off U.S. 301, (1-20-72) PH0032590
Leggett vicinity. *MOUNT PROSPECT (EXUM LEWIS, JR. HOUSE)*, Jct. of SR 1409 and SR 1428, (11-20-74) PH0031615
Tarboro. *BARRACKS, THE*, 1100 Albemarle St., (2-18-71) PH0032522
Tarboro. *BRACEBRIDGE HALL*, Macklesfield vicinity, (2-18-71) PH0032549
Tarboro. *CALVARY EPISCOPAL CHURCH AND CHURCHYARD*, 411 E. Church St., (2-18-71) PH0032557
Tarboro. *COATS HOUSE*, 1503 St. Andrews St., (4-3-73) PH0032565
Tarboro. *COTTON PRESS*, Town Common, (2-18-71) PH0032581 HABS.
Tarboro. *GROVE, THE (BLOUNT HOUSE)*, 130 Bridgers St., (2-18-71) PH0032531
Tarboro. *REDMOND-SHACKELFORD HOUSE*, 300 Main St., (12-12-76)
Tarboro. *TARBORO TOWN COMMON*, Bounded by Wilson St., Albemarle Ave., Park Ave. and St. Patrick St., (9-30-70) PH0032620
Tarboro. *WALSTON-BULLUCK HOUSE (PENDER MUSEUM)*, 1018 St. Andrews St., (2-18-71) PH0032638
Tarboro vicinity. *COOLMORE PLANTATION*, Rte. 3 (W of Tarboro on U.S. 64), (2-18-71) PH0032573 HABS; NHL.
Tarboro vicinity. *PINEY PROSPECT (SUGG HOUSE)*, 5.7 mi. S of Tarboro off SR 1601, (2-18-71) PH0032603
Tarboro vicinity. *WILKINSON-DOZIER HOUSE*, SE of Tarboro off SR 1524, (10-23-74) PH0032646

forsyth county

Bethania vicinity. *JONES, DR. BEVERLY, HOUSE*, SR 1611, (1-20-78)
Kernersville. *KORNER'S FOLLY*, Main St., (3-20-73) PH0032662
Winston-Salem. *ARISTA COTTON MILL COMPLEX*, 200 Brookstown Ave., (8-18-77) HAER.
Winston-Salem. *BETHABARA MORAVIAN CHURCH*, 2147 Bethabara Rd., (9-28-71) PH0032654 HABS.
Winston-Salem. *GRAYLYN*, Reynolda Rd., (8-3-78)
Winston-Salem. *OLD SALEM HISTORIC DISTRICT*, Salem College campus and area near Salem Sq., (11-13-66) PH0103101 NHL; HABS.
Winston-Salem. *POINDEXTER, H. D., HOUSES*, 124 and 130 West End Blvd., (7-31-78)
Winston-Salem. *SALEM TAVERN*, 800 S. Main St., (10-15-66) PH0103110 NHL.
Winston-Salem. *SHAMROCK MILLS*, 3rd and Marshall Sts., (5-23-78) HAER.
Winston-Salem. *SHELL SERVICE STATION*, Sprague and Peachtree Sts., NW., (5-13-76) HAER.
Winston-Salem. *SINGLE BROTHERS' HOUSE*, S. Main and Academy Sts., (4-15-70) PH0103098 NHL; HABS.
Winston-Salem. *SMITH, W. F., AND SONS LEAF HOUSE AND BROWN BROTHERS COMPANY BUILDING*, 4th St. between Patterson and Linden, (2-23-78)
Winston-Salem. *SOUTH TRADE STREET HOUSES*, 434, 440, and 448 S. Trade St., (12-11-78)
Winston-Salem. *ZEVELY HOUSE*, 734 Oak St., (4-24-73) PH0032671

Winston-Salem vicinity. *BETHABARA HISTORIC DISTRICT*, N of Winston-Salem on NC 67, (11-15-78)
Winston-Salem vicinity. *BETHANIA HISTORIC DISTRICT*, N of Winston-Salem on NC 65, SR 1611, 1628, and 1688, (5-3-76)

franklin county

Centerville vicinity. *VINE HILL*, S of Centerville, (5-28-75)
Franklinton. *HARRIS, DR. J. H., HOUSE*, 312 E. Mason St., (8-1-75)
Franklinton vicinity. *KEARNEY, SHEMUEL, HOUSE*, 1 mi. S of Franklinton on U.S. 1, (6-5-75)
Gupton vicinity. *LAUREL MILL AND COLONEL JORDAN JONES'S HOUSE*, SW of Gupton at jct. of SR 1432 and 1436, (5-30-75)
Gupton vicinity. *PERRY, DR. SAMUEL, HOUSE*, E of Gupton on SR 1436, (6-5-75)
Ingleside vicinity. *MONREATH*, S of Ingleside on NC 39, (8-6-75)
Louisburg. *FULLER HOUSE*, 307 N. Main St., (11-17-78)
Louisburg. *MAIN BUILDING, LOUISBURG COLLEGE*, Louisburg College campus, (12-8-78)
Louisburg. *PERSON PLACE*, 603 N. Main St., (6-19-72) PH0032697
Louisburg. *WILLIAMSON HOUSE*, 401 Cedar St., (6-20-75)
Louisburg vicinity. *CASCINE*, S of Louisburg on SR 1702, (4-26-73) PH0032689 HABS.
Louisburg vicinity. *COOKE HOUSE*, SW of Louisburg near jct. of SR 1114 and SR 1109, (10-14-75)
Louisburg vicinity. *DAVIS, ARCHIBALD H., PLANTATION (CYPRESS HALL)*, SE of Louisburg off NC 581, (7-24-75)
Louisburg vicinity. *DEAN FARM*, 6 mi. E of Louisburg on NC 56, (5-2-75)
Louisburg vicinity. *HILL, GREEN, HOUSE*, S of Louis urg near jct. of SR 1760 and 1761, (6-10-75) HABS.
Louisburg vicinity. *LOCUST GROVE*, N of Louisburg on U.S. 401, (11-20-75)
Louisburg vicinity. *MASSENBURG PLANTATION (WOODLEAF PLANTATION)*, E of Louisburg, (7-30-75)
Louisburg vicinity. *TAYLOR, PATTY PERSON, HOUSE*, NW of Louisburg, (2-13-75)
Wood vicinity. *TAYLOR, ARCHIBALD, HOUSE*, N of Wood, (5-12-75)
Youngsville vicinity. *JEFFREYS, WILLIAM A., HOUSE*, SE of Youngsville on SR 1101, (6-23-76)

gaston county

Belmont. *BELMONT ABBEY CATHEDRAL*, On SR 2093, (4-11-73) PH0032701
Dallas. *DALLAS HISTORIC DISTRICT*, Bounded by Holland, Main, Gaston and Trade Sts., (7-26-73) PH0032719
Gastonia. *JENKINS, DAVID, HOUSE*, 1017 Church St., (2-17-78)
Gastonia vicinity. *WILSON, WILLIAM J., HOUSE*, S of Gastonia off SR 1109, (10-14-76)

gates county

Gatesville. *GATES COUNTY COURTHOUSE*, Court St., (10-22-76)
Gatesville vicinity. *ELMWOOD PLANTATION*, E of Gatesville near jct. of SR 1400 and NC 37, (2-1-72) PH0042650

granville county

Stovall vicinity. *HILL AIRY*, S of Stovall, (10-29-74) PH0042668

guilford county

Gibsonville vicinity. *LOW HOUSE*, S of Gibsonville, (3-8-78)
Greensboro. *BLANDWOOD*, 411 W. Washington St., (4-17-70) PH0042676
Greensboro. *BUMPAS-TROY HOUSE*, 114 S. Mendenhall St., (12-6-77)
Greensboro. *JEFFERSON STANDARD BUILDING*, Elm and Market Sts., (5-28-76)
Greensboro. *SHERWOOD, MICHAEL, HOUSE*, 426 W. Friendly Ave., (1-31-78)
Greensboro vicinity. *GUILFORD COURTHOUSE NATIONAL MILITARY PARK*, 5 mi. NW of Greensboro near U.S. 220, (10-15-66)
High Point. *HALEY, JOHN, HOUSE*, 1805 E. Lexington Ave., (8-26-71) PH0042692
High Point. *PENN, WILLIAM, HIGH SCHOOL*, Washington Dr., (11-16-78)
Jamestown. *JAMESTOWN HISTORIC DISTRICT*, Both sides of U.S. 29A/70A through Jamestown, (1-22-73) PH0042706 HABS.
Jamestown. *MENDENHALL, RICHARD, PLANTATION BUILDINGS*, U.S. 29/70A, off Lakeside Dr., (11-3-72) PH0042722 HABS.
Jamestown. *OAKDALE COTTON MILL VILLAGE*, SR 1352 and SR 1144, (3-16-76) HAER.
Jamestown vicinity. *GARDNER HOUSE*, E of Jamestown on SR 1383, (10-15-74) PH0042714

halifax county

Airlie. *OAKLAND*, At Airlie, NE corner of NC 4 and SR 1310, (7-2-73) PH0042765
Enfield vicinity. *BELLAMY'S MILL*, SW of Enfield, (11-5-74) (also in Nash County)
Enfield vicinity. *SHELL CASTLE*, W of Enfield on NC 481, (4-11-73) PH0042781
Halifax. *DAVIE, WILLIAM R., HOUSE*, Norman St., (6-19-73) PH0042731
Halifax. *EAGLE TAVERN*, Main St., (4-24-73) PH0042749 G.
Halifax. *HALIFAX HISTORIC DISTRICT*, (1-21-70) PH0042757 HABS; G.
Halifax. *SALLY-BILLY HOUSE*, St. Andrews St. extended, (2-8-73) and (10-2-75) PH0042773 HABS; G
Hollister vicinity. *MATHEWS PLACE (IVEY HILL)*, SE of Hollister, (11-11-74) PH0029092
Roanoke Rapids and vicinity. *ROANOKE CANAL*, Roanoke Rapids Lake SE to Weldon, (10-8-76)
Tillery vicinity. *HERMITAGE, THE*, 1 mi. W of Tillery off NC 481, (5-29-75)

harnett county

Buies Creek. *CAMPBELL, JAMES ARCHIBALD, HOUSE*, U.S. 421, (11-17-77)
Dunn vicinity. *LEBANON*, 4.5 mi. SW of Dunn on NC 82, (1-29-73) PH0042790

henderson county

Flat Rock. *FLAT ROCK HISTORIC DISTRICT*, (10-15-73) PH0042811 HABS.
Flat Rock vicinity. *CARL SANDBURG HOME NATIONAL HISTORIC SITE (CONNEMARA)*, W of Flat Rock, (10-17-68)

hertford county

Ahoskie vicinity. *MITCHELL, WILLIAM, HOUSE*, 3 mi. E of Ahoskie on NC 350, (12-4-72) PH0042862
Como vicinity. *HARE PLANTATION HOUSE*, 1.6 mi. W of jct. of SR 1317 and U.S. 258, (2-18-71) PH0042846
Como vicinity. *RIDDICK HOUSE*, 1 mi. S of jct. of SR 1319 and 1322, (2-18-71) PH0042901
Murfreesboro. *COLUMNS, THE*, Jones Dr., (2-18-71) PH0042820 HABS.
Murfreesboro. *FREEMAN HOUSE (HERTFORD ACADEMY)*, 200 E. Broad St., (2-18-71) PH0042838 HABS.
Murfreesboro. *MELROSE*, 100 E. Broad St., (3-31-71) PH0042854
Murfreesboro. *MURFREESBORO HISTORIC DISTRICT*, Roughly bounded by Broad, 4th, Vance, and Winder Sts., (8-26-71) PH0042871 HABS.
Murfreesboro. *MYRICK HOUSE*, 402 Broad St., (3-31-71) PH0042889
Murfreesboro. *REA, WILLIAM, STORE*, E. Williams St., (9-15-70) PH0042897
Murfreesboro. *ROBERTS-VAUGHAN HOUSE*, 130 E. Main St., (2-18-71) PH0042919
Murfreesboro. *WHEELER, JOHN, HOUSE*, 403 E. Broad St., (3-31-71) PH0042927 G.

hoke county

Fayetteville vicinity. *LONG STREET CHURCH*, W of Fayetteville on SR 1300, (1-21-74) PH0042935
Rockfish vicinity. *PUPPY CREEK PLANTATION*, NW of Rockfish on SR 1409, (12-12-76)

hyde county

Engelhard vicinity. *WYNNE'S FOLLY*, W of Engelhard on U.S. 264, (12-6-77)
Lake Landing vicinity. *INKWELL*, E of Lake Landing on U.S. 264, (9-1-78)
Ocracoke. *OCRACOKE LIGHT STATION*, SR 1326, (11-25-77)

iredell county

Elmwood vicinity. *FARMVILLE PLANTATION*, SE of Elmwood off U.S. 70 on SR 2362, (6-19-73) PH0042943
Mooresville vicinity. *JOHNSON-NEEL HOUSE*, 4 mi. W of Mooresville off NC 150, (6-20-75)
Mount Mourne. *MOUNT MOURNE*, Off NC 115, (10-29-74) PH0042978 HABS.
Statesville. *MAIN BUILDING, MITCHELL COLLEGE*, Broad St., (1-25-73) PH0042960
Statesville. *U.S. POST OFFICE AND COUNTY COURTHOUSE (STATESVILLE CITY HALL)*, 227 S. Center St., (1-24-74) PH0042986
Statesville vicinity. *FORT DOBBS*, Fort Dobbs Rd., (9-15-70) PH0042951 G.

jackson county

Cullowhee. *JOYNER BUILDING*, Western Carolina University campus, (12-8-78)

johnston county

Clayton vicinity. *SANDERS-HAIRR HOUSE*, S of Clayton on SR 1525, (5-6-71) PH0043001
Harper. *HARPER HOUSE*, Near jct. of SR 1008 and 1188, (2-26-70) PH0042994
Princeton vicinity. *BENTONVILLE BATTLEGROUND STATE HISTORIC SITE*, S of Princeton, off U.S. 701 and SR 1008, (2-26-70) PH0094412 G.
Smithfield vicinity. *ATKINSON-SMITH HOUSE*, 10 mi. E of Smithfield off SR 1007, (6-5-75)

jones county

Pink Hill vicinity. *EAGLE NEST*, SE of Pink Hill off NC 41, (11-13-74) PH0031593
Pollocksville vicinity. *FOSCUE PLANTATION HOUSE*, Off U.S. 17 near jct. with SR 1002, (11-19-71) PH0043010

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Pollocksville vicinity. *SANDERSON HOUSE*, SW of Pollocksville on SR 1115, (12-16-71) PH0043036
Trenton. *GRACE EPISCOPAL CHURCH*, Lake View Dr. and Weber St., (1-20-72) PH0043028
Trenton. *TRENTON HISTORIC DISTRICT*, 19th C., (7-3-74) PH0043044

lee county

Cumnock vicinity. *ENDOR IRON FURNACE*, SE of Cumnock, (8-13-74) PH0043052
Sanford. *RAILROAD HOUSE*, Carthage St. at Hawkins Ave., (1-29-73) PH0043061

lenoir county

Falling Creek vicinity. *CEDAR DELL*, SE of Falling Creek on SR 1338, (8-26-71) PH0043079
Falling Creek vicinity. *WOOD, DEMPSEY, HOUSE*, SW of Falling Creek on SR 1324, (8-26-71) PH0043117
Kinston. *PEEBLES HOUSE (HARMONY HALL)*, 109 E. King St., (8-26-71) PH0043109
Kinston vicinity. *JACKSON, JESSE, HOUSE*, SE of Kinston on U.S. 11, (6-24-71) PH0043095
La Grange vicinity. *HERRING HOUSE*, NW of LaGrange off SR 1503, (10-25-73) PH0043087

lincoln county

Catawba Springs vicinity. *VESUVIUS FURNACE*, On SR 1382, N of NC 73, (8-13-74) PH0043184
Denver vicinity. *GRAHAM, WILLIAM A. JR., FARM*, S of Denver on SR 1360, (5-6-77)
Iron Station vicinity. *INGLESIDE*, S of jct. of NC 73 and SR 1383, (4-13-72) PH0043125 HABS.
Iron Station vicinity. *MAGNOLIA GROVE*, Jct. of SR 1309 and 1313, (3-16-72) PH0043141
Lincolnton. *PLEASANT RETREAT ACADEMY*, 129 E. Pine St., (5-29-75)
Lincolnton. *SHADOW LAWN*, 301 W. Main St., (3-24-72) PH0043168
Lincolnton vicinity. *LORETZ HOUSE*, NW of Lincolnton off SR 1204, (3-16-72) PH0043133
Lincolnton vicinity. *ROCK SPRINGS CAMP MEETING GROUND*, SR 1373 off NC 16, (9-22-72) PH0043150
Lincolnton vicinity. *WOODSIDE (JAMES PINCKNEY HENDERSON HOUSE)*, W of jct. of U.S. 182 and 27, (3-7-73) PH0043192
Machpelah vicinity. *TUCKER'S GROVE CAMP MEETING GROUND*, N of Machpelah off SR 1360, (10-18-72) PH0043176
Reepsville vicinity. *SEAGLE, ANDREW, FARM*, N of Reepsville off SR 1205, (2-24-75)

macon county

COWEE MOUND AND VILLAGE SITE, (1-18-73) PH0032727

madison county

Marshall vicinity. *WHITE, JEFF, HOUSE*, NE of Marshall on NC 213, (6-5-75)

martin county

Hamilton. *DARDEN HOTEL*, Main St., (12-30-75)
Hamilton vicinity. *FORT BRANCH SITE*, SE of Hamilton on SR 1416, (6-18-73) PH0032735
Jamesville. *BURRAS HOUSE*, On U.S. 64, (3-30-78)

mcdowell county

Marion vicinity. *CARSON HOUSE*, W of Marion on U.S. 70, (9-15-70) PH0032743 HABS.

mecklenburg county

Charlotte. *ALEXANDER, HEZEKIAH, HOUSE*, 3420 Shamrock Dr., (4-17-70) PH0032751 G.
Charlotte. *BIDDLE MEMORIAL HALL, JOHNSON C. SMITH UNIVERSITY*, Beatties Ford Rd. and W. Trade St., (10-14-75)
Charlotte. *DUKE, JAMES BUCHANAN, HOUSE*, 400 Hermitage Rd., (1-20-78)
Charlotte. *INDEPENDENCE BUILDING*, 100–102 W. Trade St., (9-18-78)
Charlotte *JONAS, CHARLES R., FEDERAL BUILDING*, 401 W. Trade St., (6-7-78)
Charlotte. *LATTA ARCADE*, 320 S. Tryon St., (10-29-75)
Charlotte. *LIDDELL-MCNINCH HOUSE*, 511 N. Church St., (12-12-76)
Charlotte. *ROSEDALE (FREW'S FOLLY)*, 3427 N. Tryon St., (9-11-72) PH0032824
Charlotte. *VICTORIA*, 1600 The Plaza, (4-11-73) PH0032832
Charlotte vicinity. *WHITE OAK PLANTATION*, E of Charlotte on SR 2826, (2-7-78)
Davidson. *LUMENEAN HALL, DAVIDSON COLLEGE*, Davidson College campus, (4-13-72) PH0032786 HABS.
Davidson. *PHILANTHROPIC HALL, DAVIDSON COLLEGE*, Davidson College campus, (4-13-72) PH0032816
Huntersville vicinity. *CEDAR GROVE*, 3 mi. W of Huntersville off U.S. 21, (2-1-72) PH0032760 G.
Huntersville vicinity. *DAVIDSON, BENJAMIN W., HOUSE*, W of Huntersville on SR 2138, (4-26-76)
Huntersville vicinity. *HOLLY BEND*, W of Huntersville on SR 2720, (3-24-72) PH0032794
Huntersville vicinity. *LATTA HOUSE*, 6 mi. S of Huntersville on SR 2125, (3-16-72) PH0032808
Pinville. *DINKINS HOUSE*, NW side of SR 1126, 1.2 mi. from SR 1136 (Nation's Ford Rd.), (12-4-73) PH0032778

montgomery county

Mount Gilead vicinity. *TOWN CREEK INDIAN MOUND*, 4.5 mi. SE of Mount Gilead on NC 73, (10-15-66) PH0036366 NHL.

moore county

Eastwood vicinity. *BLACK-COLE HOUSE*, NW of Eastwood, (9-18-78)
Glendon vicinity. *ALSTON HOUSE*, SE of Glendon on SR 1624, (2-26-70) PH0032841 G.
Pinehurst. *PINEHURST HISTORIC DISTRICT*, (8-14-73) PH0032859
Southern Pines. *BOYD, JAMES, HOUSE*, Ridge Rd. and Connecticut Ave., (5-12-77)

nash county

BELLAMY'S MILL, Reference—see Halifax County (1-2-74) PH0043737
Battleboro vicinity. *MEADOWS, THE*, NW of Battleboro on SR 1510, (5-16-74) PH0032891
Dortches. *DORTCH HOUSE*, SR 1527 off NC 43, (12-26-72) PH0032883 HABS.
Hilliardston vicinity. *ARRINGTON, GEN. JOSEPH, HOUSE*, SE of Hilliardston on SR 1500, (7-15-74) PH0032867 HABS.
Red Oak vicinity. *BLACK JACK*, N of Red Oak, (7-31-74) PH0032875
Rocky Mount vicinity. *STONEWALL*, Falls Rd. extension, (6-2-70) PH0032905 HABS.

new hanover county

Fort Fisher vicinity. *U.S.S. PETERHOFF* (Civil War Blockader), 1 mi. offshore from Fort Fisher, (8-6-75)
Wilmington. *CITY HALL/THALIAN HALL*, 100 N. 3rd. St., (4-3-70) PH0032913 G.
Wilmington. *FEDERAL BUILDING AND COURTHOUSE*, N. Water between Market and Princess St., (5-2-74) PH0032921
Wilmington. *MARKET STREET MANSION DISTRICT*, 1704, 1705, 1710, 1713 Market St., (4-21-75)
Wilmington. *WILMINGTON HISTORIC DISTRICT*, (5-6-74) PH0032948 HABS.
Wilmington vicinity. *FORT FISHER*, 18 mi. S of Wilmington on U.S. 421, (10-15-66) PH0036340 NHL.

northampton county

Jackson. *NORTHAMPTON COUNTY COURTHOUSE SQUARE*, Jefferson St. between Atherton and Brown Sts., (4-11-77)
Jackson vicinity. *MOWFIELD*, 2 mi. W of Jackson on U.S. 158, (2-13-75)
Jackson vicinity. *VERONA*, W. of Jackson, (5-29-75) HABS.

orange county

Carrboro. *ALBERTA MILL COMPLEX*, NE corner Weaver and N. Greensboro Sts., (1-19-76)
Chapel Hill. *CHAPEL HILL HISTORIC DISTRICT*, Battle Park, E. Franklin and E. Rosemary Sts. residences, and central campus of University of North Carolina, (12-16-71) PH0032972
Chapel Hill. *CHAPEL OF THE CROSS*, 304 E. Franklin St., (2-1-72) PH0032981 HABS.
Chapel Hill. *OLD EAST, UNIVERSITY OF NORTH CAROLINA*, University of North Carolina campus, (10-15-66) PH0103080 NHL.
Chapel Hill. *PLAYMAKERS THEATRE (SMITH HALL)*, Cameron Ave., University of North Carolina campus, (6-24-71) PH0033081 NHL.
Hillsborough. *AYR MOUNT*, St. Mary's Rd., (8-26-71) (1-2-76)
Hillsborough. *BURWELL SCHOOL*, N. Churton St., (9-15-70) PH0032964 G.
Hillsborough. *COMMANDANT'S HOUSE (SUPERINTENDENT'S HOUSE, HILLSBOROUGH MILITARY ACADEMY)*, Barracks Rd., (11-9-72) PH0032999
Hillsborough. *EAGLE LODGE*, 142 W. King St., (4-16-71) PH0033006 HABS.
Hillsborough. *HAZEL-NASH HOUSE*, 116 W. Queen St., (3-31-71) PH0033014 HABS.
Hillsborough. *HEARTSEASE*, 113 E. Queen St., (4-11-73) PH0033022 HABS.
Hillsborough. *HILLSBOROUGH HISTORIC DISTRICT*, (10-15-73) PH0033031 HABS.
Hillsborough. *NASH-HOOPER HOUSE*, 118 W. Tryon St., (11-11-71) PH0033057 NHL; HABS.
Hillsborough. *NASH LAW OFFICE*, 143 W. Margaret Lane, (9-28-71) PH0033065
Hillsborough. *OLD ORANGE COUNTY COURTHOUSE*, 106 E. King St., (6-24-71) PH0033073 HABS.
Hillsborough. *RUFFIN-ROULHAC HOUSE*, Churton and Orange Sts., (8-5-71) PH0033090
Hillsborough. *SANS SOUCI*, E. Corbin St., (8-26-71) PH0033111 HABS.
Hillsborough. *ST. MATTHEW'S EPISCOPAL CHURCH AND CHURCHYARD*, St. Mary's Rd., (6-24-71) PH0033103 HABS.

Hillsborough vicinity. *MOOREFIELDS*, N of jct. of SR 1134 and 1135, (4-25-72) PH0033049
Hillsborough vicinity. *ST. MARY'S CHAPEL*, NE of Hillsborough, (7-12-78)
Oaks. *RINGHAM SCHOOL*, NC 54 and SR 1007, (1-18-78)

pamlico county

Oriental vicinity. *CHINA GROVE*, 3 mi. SW of Oriental on SR 1302, (2-6-73) PH0033120

pasquotank county

Elizabeth City. *ELIZABETH CITY HISTORIC DISTRICT*, Irregular pattern along Main St., (10-18-77)
Elizabeth City. *OLD BRICK HOUSE*, 182 Brick House Lane, (3-16-72) PH0033146
South Mills. *MORGAN HOUSE*, S of South Mills off U.S. 17/158, (2-1-72) PH0033138

pender county

Burgaw vicinity. *BANNERMAN HOUSE*, NE of Burgaw off NC 53 on SR 1520, (5-31-74) PH0033154
Vista vicinity. *SLOOP POINT*, NE of Vista off SR 1561, (1-20-72) PH0033162
Wilmington vicinity. *MOORES CREEK NATIONAL MILITARY PARK*, 25 mi. NW of Wilmington on NC 210, (10-15-66)

perquimans county

Belvidere. *BELVIDERE*, NC 37, W of Perquimans River, (8-2-77) HABS.
Bethel vicinity. *MYERS-WHITE HOUSE (SYCAMORE GROVE)*, NE of Bethel on SR 1347, (1-20-72) PH0033197
Hertford vicinity. *COVE GROVE*, E of Hertford near SR 1301 and 1302, (8-7-74) PH0033171 HABS.
Hertford vicinity. *LAND'S END (LEIGH HOUSE)*, SE of Hertford near jct. of SR 1300 and 1324, (9-30-73) PH0033189
Hertford vicinity. *NEWBOLD-WHITE HOUSE*, SE of Hertford off SR 1336, (6-24-71) PH0033201 HABS; G.
Hertford vicinity. *NIXON, SAMUEL, HOUSE*, NW of Hertford on SR 1121, (10-15-73) PH0033219
Hertford vicinity. *SUTTON-NEWBY HOUSE*, E of Hertford, (9-10-74) PH0033235 HABS.
Woodville vicinity. *STOCKTON*, S of Woodville, (6-7-74) PH0033227

person county

Cunningham vicinity. *WAVERLY PLANTATION*, S of U.S. 58, (10-9-74) PH0008320

pitt county

Grimesland vicinity. *GRIMESLAND PLANTATION*, E of Grimesland on SR 1569, (3-31-71) PH0033243

polk county

Columbus. *POLK COUNTY COURTHOUSE*, Courthouse St., (11-8-74) PH0029114 HABS.
Columbus vicinity. *GREEN RIVER PLANTATION*, E of Columbus off SR 1005, (3-28-74) PH0033260
Tryon vicinity. *BLACKBERRY HILL*, E of Tryon on SR 1516, (11-21-74) PH0062511 HABS.
Tryon vicinity. *BLOCKHOUSE SITE*, E of U.S. 176, (10-15-70) PH0033251
Tryon vicinity. *SEVEN HEARTHS*, N of Tryon at jct. of U.S. 176 and Harmon Field Rd., (3-26-76)

randolph county

Coleridge. *COLERIDGE HISTORIC DISTRICT*, NC 22, (11-13-76)
Flint Hill vicinity. *SKEEN'S MILL COVERED BRIDGE*, 1.7 mi. W of Flint Hill on SR 1406 off SR 1408, (1-20-72) PH0033286
Pisgah vicinity. *PISGAH COMMUNITY COVERED BRIDGE*, SE of Pisgah on SR 1109 off SR 1112, (1-20-72) PH0033278
Ramseur. *DEEP RIVER-COLUMBIA MANUFACTURING COMPANY*, Main St., (11-15-78) HAER.

richmond county

Hamlet. *SEABOARD COAST LINE PASSENGER DEPOT*, Main St., (11-19-71) PH0033308

robeson county

Lumberton. *CALDWELL, LUTHER HENRY, HOUSE*, 209 Caldwell St., (9-18-78)
Lumberton vicinity. *HUMPHREY-WILLIAMS HOUSE*, W of Lumberton on NC 211, (7-24-73) PH0033316
Pembroke. *OLD MAIN, PEMBROKE STATE UNIVERSITY*, W of jct. of NC 711 and SR 1340, (5-13-76)
Philadelphus. *PHILADELPHUS PRESBYTERIAN CHURCH*, SR 1318 SW of jct. with NC 72, (10-3-75)
Red Springs. *MACDONALD, FLORA, COLLEGE*, College St. and 2nd Ave., (4-3-76)

rockingham county

Eden vicinity. *CASCADE PLANTATION*, NE of Eden off NC 770, (10-14-75)
Monroeton vicinity. *TROUBLESOME CREEK IRONWORKS (SPEEDWELL FURNACE)*, 1.5 mi. N of Monroeton on SR 2422, (9-29-72) PH0033341
Reidsville. *REID, GOV. DAVID S., HOUSE*, 219 S.E. Market St., (4-26-74) PH0033332
Reidsville vicinity. *HIGH ROCK FARM*, SE of Reidsville on SR 2619, (4-26-74) PH0033324
Wentworth. *WRIGHT TAVERN (REID HOUSE)*, NC 65, (9-15-70) PH0033359 HABS; G.

rowan county

Granite Quarry vicinity. *BRAUN, MICHAEL, HOUSE*, NW of Granite Quarry on SR 2308 off U.S. 52, (9-28-71)
Mill Bridge vicinity. *KERR MILL*, W of Mill Bridge on Sloan Rd., S of NC 1768, (5-11-76)
Rockwell vicinity. *GRACE EVANGELICAL AND REFORMED CHURCH*, S of Rockwell on SR 1221, (1-20-72) PH0033391
Rockwell vicinity. *ZION LUTHERAN CHURCH (ORGAN CHURCH)*, SW of Rockwell on SR 1006 off SR 1221, (1-20-72)
Salisbury. *CHAMBERS, MAXWELL, HOUSE*, 116 S. Jackson St., (1-20-72) PH0033375
Salisbury. *COMMUNITY BUILDING (ROWAN COUNTY COURTHOUSE)*, 200 N. Main St.; (3-5-70) PH0033383 HABS.
Salisbury. *HENDERSON, ARCHIBALD, LAW OFFICE*, Church and Fisher Sts., (1-20-72) PH0033405 HABS.
Salisbury. *MCNEELY-STRACHAN HOUSE (SALISBURY ACADEMY)*, 226 S. Jackson St., (2-1-72) PH0033421
Salisbury. *SALISBURY HISTORIC DISTRICT*, Roughly bounded by Jackson, Innis, Caldwell, Marsh, Church, E. Bank, Lee, and Liberty Sts., (11-12-75) HABS.
Salisbury. *SALISBURY SOUTHERN RAILROAD PASSENGER DEPOT*, E side of Depot St. between Kerr and Council Sts., (7-30-75)
Spencer. *SOUTHERN RAILWAY SPENCER SHOPS*, Salisbury Ave. between 3rd and 8th Sts., (3-17-78)
Spencer vicinity. *LONG, ALEXANDER, HOUSE*, N of Spencer on Sowers Ferry Rd., (2-1-72) PH0033413

rutherford county

Rutherfordton. *TRINITY LUTHERAN CHURCH (ST. JOHN'S EPISCOPAL CHURCH)*, 702 N. Main St., (3-24-72) PH0033456
Rutherfordton vicinity. *FOX HAVEN PLANTATION*, SW of Rutherfordton off SR 1157, (9-14-72) PH0033448

scotland county

Laurinburg vicinity. *BLUE, JOHN, HOUSE*, W of Laurinburg on SR 1108,
Laurinburg vicinity. *STEWART-HAWLEY-MALLOY HOUSE*, SE of Laurinburg at jct. of SR 1610 and 1609, (8-1-75)
Wagram vicinity. *RICHMOND TEMPERANCE AND LITERARY SOCIETY HALL*, 1 mi. SW of Wagram on SR 1405, (4-11-73) PH0033464

stokes county

Danbury vicinity. *MOORE, MATTHEW, HOUSE*, W of Danbury, (10-29-74)
Danbury vicinity. *MORATOCK IRON FURNACE (MOODY'S TUNNEL IRON WORKS, MORATOCK MINING AND MANUFACTURING COMPANY)*, E of Danbury off NC 8/89, (7-30-74) PH0033481
King vicinity. *ROCK HOUSE*, N of King on SR 1186, (10-1-75)

surry county

Dobson vicinity. *FRANKLIN, BERNARD, HOUSE*, NW of Dobson on SR 1442, (4-24-73) PH0033499 G.
Rockford. *ROCKFORD HISTORIC DISTRICT*, SR 2221, (8-27-76)

swain county

GOVERNOR'S ISLAND (KITUHWA), (6-4-73) PH0033502
Cherokee vicinity. *OCONALUFTEE (SMOKEMONT) BAPTIST CHURCH*, 6 mi. N of Cherokee on U.S. 441 in Great Smoky Mountain National Park, (1-1-76)
Fontana vicinity. *HALL CABIN*, 15 mi. NE of Fontana in Great Smoky Mountains National Park, (1-30-76)

transylvania county

Brevard vicinity. *BILTMORE FOREST SCHOOL*, NW of Brevard off U.S. 226 in Pisgah National Forest, (11-19-74)

union county

Monroe. *MONROE CITY HALL*, 102 W. Jefferson St., (7-27-71) PH0033511
Monroe. *UNION COUNTY COURTHOUSE*, Courthouse Sq., (6-24-71) PH0033537
Waxhaw vicinity. *PLEASANT GROVE CAMP MEETING GROUND*, NE of Waxhaw on SR 1327, (4-3-73) PH0033529

vance county

Henderson. *HENDERSON FIRE STATION AND MUNICIPAL BUILDING*, Garnett and Young Sts., (8-10-78)
Henderson. *MISTLETOE VILLA*, Young Ave., (8-10-78)
Henderson. *ZOLLICOFFER'S LAW OFFICE*, 215 N. Garnett St., (6-13-78)
Henderson vicinity. *ASHLAND*, N of Henderson on Satterwhite Point Rd., (3-14-73) PH0033545

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Kittrell. *ST. JAMES EPISCOPAL CHURCH AND RECTORY*, Jct. of SR 1551 and SR 1555, (12-14-78)
Kittrell vicinity. *ASHBURN HALL*, W of Kittrell on SR 1101, (8-16-77)
Kittrell vicinity. *CAPEHART, THOMAS, HOUSE*, W of Kittrell on SR 1105, (5-6-77)
Williamsboro. *ST. JOHN'S EPISCOPAL CHURCH*, SR 1329, (4-16-71) PH0033553 HABS.
Williamsboro vicinity. *BURNSIDE PLANTATION HOUSE*, On SR 1335, (4-16-71) PH0033561 HABS.
Williamsboro vicinity. *POOL ROCK PLANTATION*, NE of Williamsboro on SR 1380, (11-29-78)

wake county

Cary vicinity. *LANE-BENNETT HOUSE*, S of Cary, (8-22-77)
Creedmoor vicinity. *WAKEFIELDS (HOME ACRES)*, SE of Creedmoor off U.S. 15A, (10-16-74) PH0033839
Durham vicinity. *MANGUM, JAMES, HOUSE*, SW of Durham off NC 751, (11-18-74)
Raleigh. *AGRICULTURE BUILDING*, E. Edenton St., (6-16-76)
Raleigh. *ANDREWS-DUNCAN HOUSE*, 407 N. Blount St., (1-20-72) PH0033570
Raleigh. *BRIGGS HARDWARD BUILDING*, 220 Fayetteville St., (10-25-73) PH0033588 HABS.
Raleigh. *CAPEHART HOUSE*, 403 N. Wilmington St., (1-17-75)
Raleigh. *CAPITOL AREA HISTORIC DISTRICT*, State Capitol building and environs, (4-15-78)
Raleigh. *CHRIST EPISCOPAL CHURCH*, 120 E. Edenton St., (7-28-70) PH0033596 HABS.
Raleigh. *DANIELS, JOSEPHUS, HOUSE*, 1520 Caswell St., (12-8-76) NHL.
Raleigh. *DODD-HINSDALE HOUSE*, 330 Hillsborough St., (11-12-71) PH0033600
Raleigh. *ELMWOOD*, 16 N. Boylan Ave., (10-29-75)
Raleigh. *ESTEY HALL*, E. South St. on Shaw University campus, (5-25-73) PH0033626 G.
Raleigh. *FEDERAL BUILDING (RALEIGH POST OFFICE AND COURTROOM)*, 300 Fayetteville St., (5-6-71) PH0033642
Raleigh. *HAWKINS-HARTNESS HOUSE*, 310 N. Blount St., (2-1-72)
Raleigh. *HAYWOOD HALL*, 211 New Bern Ave., (7-28-70) PH0033677
Raleigh. *HAYWOOD, RICHARD B., HOUSE*, 127 E. Edenton St., (7-28-70)
Raleigh. *HECK-ANDREWS HOUSE*, 309 N. Blount St., (1-20-72) PH0033685
Raleigh. *HECK-LEE, HECK-WYNNE, AND HECK-POOL HOUSES (HECK HOUSES)*, 503 and 511 E. Jones St. and 218 N. East St., (4-13-73) PH0033693
Raleigh. *J. S. DORTON ARENA*, North Carolina State Fairgrounds, W. Hillsborough St., (4-11-73) PH0033618
Raleigh. *LANE, JOEL, HOUSE*, 728 W. Hargett St., (7-28-70) PH0033715 HABS; G.
Raleigh. *LEWIS-SMITH HOUSE*, 515 N. Wilmington St., (12-11-72)
Raleigh. *MERRIMON HOUSE*, 526 N. Wilmington St., (9-5-75)
Raleigh. *MONTFORD HALL*, 308 Boylan Ave., (3-8-78)
Raleigh. *MORDECAI HOUSE*, Mimosa St., (7-1-70) PH0033731
Raleigh. *NORTH CAROLINA EXECUTIVE MANSION*, 210 N. Blount St., (2-26-70) PH0033634
Raleigh. *NORTH CAROLINA SCHOOL FOR THE BLIND AND DEAF DORMITORY*, 216 W. Jones St., (8-11-76)
Raleigh. *NORTH CAROLINA STATE CAPITOL*, Capitol Sq., (2-26-70) PH0033812 NHL; HABS.
Raleigh. *OAKWOOD HISTORIC DISTRICT*, Roughly bounded by N. Boundary, Person, Jones, and Linden Sts., and Oakwood Cemetery, (6-25-74) PH0033740
Raleigh. *PEACE COLLEGE MAIN BUILDING*, Peace St. and N end of Wilmington St., (6-19-73) PH0033758
Raleigh. *POLK, LEONIDAS L., HOUSE*, 612 N. Blount St., (4-13-77)
Raleigh. *PULLEN PARK CAROUSEL*, Pullen Park, Western Blvd., (9-8-76)
Raleigh. *RALEIGH, SIR WALTER, HOTEL*, 400–412 Fayetteville St., (8-11-78)
Raleigh. *RALEIGH WATER TOWER*, 115 W. Morgan St., (12-16-71) PH0033774
Raleigh. *SEABOARD COAST LINE RAILROAD COMPANY OFFICE BUILDING*, 325 Halifax St., (5-6-71) PH0033791
Raleigh. *ST. MARY'S CHAPEL*, 900 Hillsborough St., (11-20-70) PH0033782
Raleigh. *ST. MARY'S COLLEGE*, St. Marys and Hillsborough Sts., (12-19-78)
Raleigh. *STATE BANK OF NORTH CAROLINA (CHRIST CHURCH RECTORY)*, 11 New Bern Ave., (7-1-70) PH0033804 HABS.
Raleigh. *TUCKER CARRIAGE HOUSE*, 100 block of St. Mary's St., (2-13-75)
Raleigh. *WHITE-HOLMAN HOUSE*, 209 E. Morgan St., (4-16-71) PH0033821
Raleigh. *YATES MILL*, Lake Wheeler Rd., (2-16-70) PH0094421
Raleigh vicinity. *JONES, ALPHEUS, HOUSE*, NE of Raleigh on U.S. 401, (7-7-75)
Raleigh vicinity. *JONES, CRABTREE, HOUSE*, N of Raleigh off Old Wake Forest Rd., (6-4-73) PH0033707
Raleigh vicinity. *MIDWAY PLANTATION*, E of Raleigh on U.S. 64, (9-15-70) PH0033723 HABS.
Wake Forest. *LEA LABORATORY*, Southeastern Baptist Theological Seminary campus, (5-29-75)
Wake Forest vicinity. *POWELL HOUSE*, SW of Wake Forest off U.S. 1, (10-15-74) PH0008311
Zebulon. *WAKELON SCHOOL (ZEBULON ELEMENTARY SCHOOL)*, Arendell St., (5-13-76)

warren county

Arcola vicinity. *DALKEITH*, SW of Arcola off NC 43, (12-16-74) PH0034436
Littleton. *PERSON'S ORDINARY*, SR 1001, (4-24-73) PH0043311
Littleton vicinity. *LITTLE MANOR (MOSBY HALL)*, (4-24-73) PH0043303 HABS.
Manson vicinity. *DUKE, GREEN, HOUSE*, SE of Manson off SR 1100, (8-7-74) PH0043281
Norlina vicinity. *HAWKINS, WILLIAM J., HOUSE*, W of Norlina on SR 1103, (5-22-78)
Ridgeway vicinity. *CHAPEL OF THE GOOD SHEPHERD*, E of Ridgeway, (9-16-77)
Vaughan vicinity. *BUCK SPRING PLANTATION (NATHANIEL MACON HOUSE)*, N of Vaughan on SR 1348, (10-15-70) PH0043265 HABS; G.
Warrenton. *COLEMAN-WHITE HOUSE*, Halifax and Hall Sts., (10-25-73) PH0043273
Warrenton. *WARRENTON HISTORIC DISTRICT*, U.S. 401, (8-11-76)
Warrenton vicinity. *CHERRY HILL*, SE of Warrenton on NC 58, (11-5-74) PH0029157
Warrenton vicinity. *ELGIN*, SE of Warrenton on SR 1509, (2-6-73) PH0043290 HABS.
Warrenton vicinity. *REEDY RILL*, S of Warrenton off SR 1600, (12-3-74) PH0103543
Warrenton vicinity. *SHADY OAKS*, SE of Warrenton on SR 1600, (3-16-76)
Warrenton vicinity. *THORNTON, MANSFIELD, HOUSE*, SE of Warrenton, (12-2-77)
Warrenton vicinity. *TUSCULUM*, SE of Warrenton off SR 1635, (10-23-74) PH0043320

washington county

Creswell vicinity. *BELGRADE AND ST. DAVID'S CHURCH*, E of Creswell, (1-26-78)
Creswell vicinity. *SOMERSET PLACE STATE HISTORIC SITE*, In Pettigrew State Park, (2-26-70) PH004333S HABS; G.
Plymouth. *LATHAM HOUSE*, 311 E. Main St., (12-12-76)
Skinnersville vicinity. *REHOBOTH METHODIST CHURCH*, E of Skinnersville on U.S. 64, (5-13-76)

watauga county

Blowing Rock vicinity. *GRAGG HOUSE*, On U.S. 221, (10-25-73) PH0043346
Valle Crucis vicinity. *MAST FARM*, E of Valle Crucis off SR 1112, (1-20-72) PH0043354
Valle Crucis vicinity. *MAST GENERAL STORE*, S of Valle Crucis on SR 1112, (4-3-73) PH0043362

wayne county

Fremont. *AYCOCK, CHARLES B., BIRTHPLACE*, 6 mi. from jct. of SR 1542 and U.S. 117, (2-26-70) PH0043371
Goldsboro. *GOLDSBORO UNION STATION*, 101 North Carolina St., (4-13-77)
Goldsboro. *OLD FELLOWS LODGE*, 111–115 N. John St., (8-3-78)
Goldsboro. *WEIL, SOLOMON AND HENRY, HOUSES*, 204 and 200 W. Chestnut St., (12-22-76)
Mt. Olive vicinity. *VERNON*, NW of Mt. Olive off NC 55, (10-9-74) PH0029165

wilkes county

Purlear vicinity. *CLEVELAND, ROBERT, LOG HOUSE*, E of Purlear near jct. of SR 1300 and 1317, (2-1-72) PH0043389
TRAPHILL vicinity. *HOLBROOK FARM*, W of Traphill on SR 1743, (11-29-78)
Wilkesboro. *OLD WILKES COUNTY JAIL*, N. Bridge St., (2-18-71) PH0043397

wilson county

Wilson. *BRANCH BANKING & TRUST COMPANY BUILDING*, 124 W. Nash St., (8-11-78)

yadkin county

East Bend vicinity. *DONNAHA SITE*, E of East Bend, (12-6-78)
Richmond Hill vicinity. *RICHMOND HILL LAW SCHOOL*, N of Richmond Hill on SR 1530, (10-15-70) PH0043401 G.

NORTH DAKOTA

benson county

Fort Totten vicinity. *FORT TOTTEN*, S of Fort Totten off ND 57, (12-9-71) PH0039489 G.
Minnewaukan. *BENSON COUNTY COURTHOUSE*, B Ave., (11-2-78)

billings county

KNIFE RIVER INDIAN VILLAGES NATIONAL HISTORIC SITE, (10-26-74)
Medora. *BILLINGS COUNTY COURTHOUSE*, 4th St. and 4th Ave., (12-16-77)
Medora. *ST. MARY'S CATHOLIC CHURCH*, 4th St. and 3rd Ave., (12-2-77)
Medora. *THEODORE ROOSEVELT NATIONAL MEMORIAL PARK*, (10-15-66) (also in McKenzie County)
Medora. *VON HOFFMAN HOUSE*, Broadway and 5th St., (11-21-77)
Medora vicinity. *CHATEAU DE MORES*, SW of Medora on W bank of Little Missouri River, (4-16-75) PH0140473
Medora vicinity. *DE MORES PACKING PLANT RUINS*, NW of Medora boundary, (2-18-75) PH0039497
Medora vicinity. *INITIAL ROCK*, SE of Medora in Custer National Forest,

burke county

Flaxton. *FLAXTON HOTEL*, Davis St., (9-16-77)

burleigh county

Bismarck. *BISMARCK CIVIC AUDITORIUM*, 201 N. 6th St., (6-7-76)
Bismarck. *BISMARCK PUBLIC LIBRARY*, 519 E. Thayer Ave., (12-7-77)
Bismarck. *CAMP HANCOCK SITE*, 101 Main Ave.; (2-23-72) PH0039501
Bismarck. *FIRE HALL*, 517 E. Thayer Ave., (2-14-78)
Bismarck. *FOLEY, JAMES W., HOUSE*, 522 6th St., (9-13-77)
Bismarck. *FORMER NORTH DAKOTA EXECUTIVE MANSION*, 320 Ave. B, E., (4-16-75) PH0140210
Bismarck. *NORTHERN PACIFIC RAILWAY DEPOT*, 410 E. Main Ave., (9-19-77)
Bismarck. *PATTERSON HOTEL*, 422 E. Main Ave., (12-8-76)
Bismarck. *TOWNE-WILLIAMS HOUSE*, 722 7th St. N., (4-14-75) PH0100650
Bismarck. *U.S. POST OFFICE AND COURTHOUSE*, 304 E. Broadway, (6-23-76)
Bismarck. *WARD EARTH LODGE VILLAGE SITE*, Eastern edge Pioneer Park, (11-21-78)
Bismarck. *YEGEN HOUSE AND PIONEER GROCERY*, 808–810 E. Main Ave., (10-5-77)
Menoken vicinity. *MENOKEN INDIAN VILLAGE SITE*, N of Menoken in Verendrye State Park, (10-15-66) PH0100447 NHL.

cass county

Amenia. *BURLINGTON NORTHERN DEPOT*, Woodard Ave., (8-29-77)
Fargo. *FARGO AND SOUTHERN DEPOT*, 1101 2nd Ave. N., (4-14-75) PH0100587
Fargo. *NORTHERN PACIFIC RAILWAY DEPOT*, 701 Main Ave., (2-13-75) PH0039519

grand forks county

Grand Forks. *OXFORD HOUSE*, University of North Dakota campus, (5-2-73) PH0039527
Grand Forks. *U.S. POST OFFICE AND COURTHOUSE*, 102 N. 4th St., (6-3-76)

griggs county

Cooperstown. *GRIGGS COUNTY COURTHOUSE*, Rollin Ave., (7-21-77)

mchenry county

Granville. *GRANVILLE STATE BANK*, Main and 2nd Sts., (9-13-77)

mckenzie county

THEODORE ROOSEVELT NATIONAL MEMORIAL PARK, *Reference—see Billings County* (1-2-74)

mclean county

Wilton. *SOO LINE DEPOT*, 1st St. and McLean Ave., (3-29-78)

mercer county

Hazen. *HAZEN HIGH SCHOOL*, 400 Central Ave., (8-12-77)
Riverdale vicinity. *HIGH BUTTE EFFIGY AND VILLAGE SITE*, S of Riverdale, (5-22-78)
Stanton vicinity. *BIG HIDATSA VILLAGE SITE*, N bank of Knife River, 1 mi. N of Stanton, (10-15-66) PH0039748 NHL.

mountrail county

Stanley. *MOUNTRAIL COUNTY COURTHOUSE*, N. Main St., (12-22-78)

pembina county

Walhalla vicinity. *GINGRAS HOUSE AND TRADING POST*, NE of Walhalla off ND 32, (5-21-75) PH0098736 G.

ramsey county

Devils Lake. *RAMSEY COUNTY SHERIFF'S HOUSE*, 420 6th St., (1-31-78)
Devils Lake. *U.S. POST OFFICE AND COURTHOUSE*, 502 4th St., (6-22-78)

renville county

Tolley vicinity. *MCKINNEY CEMETERY*, N of Tolley, (12-28-78)

richland county

Christine. *NELSON'S GROCERY*, Main and 3rd Sts., (10-5-77)
Christine. *POST OFFICE*, Main and 3rd Sts., (10-5-77)

slope county

Marmarth. *MYSTIC THEATRE*, Main St., (9-13-77)

steele county

Hope. *BALDWIN'S ARCADE*, Steele Ave. and 3rd St., (2-18-75) PH0039535 G.

stutsman county

Jamestown. *STUTSMAN COUNTY COURTHOUSE AND SHERIFF'S RESIDENCE/JAIL*, 504 3rd Ave., SE., (9-8-76)
Jamestown. *VOORHEES CHAPEL*, Jamestown College campus, (7-22-77)

traill county

Buxton. *FIRST STATE BANK OF BUXTON*, 423 Broadway St., (2-14-78)
Hatton. *EIELSON, CARL BEN, HOUSE*, 405 8th St., (4-11-77)
Hatton. *NESS, ANDRES O., HOUSE*, Oak Ave. and 6th St., (7-15-77)
Mayville. *GREAT NORTHERN RAILWAY DEPOT (GOOSE RIVER HERITAGE CENTER)*, Front St., (10-5-77)
Mayville. *MAYVILLE PUBLIC LIBRARY*, Center Ave. N., (4-11-77)
Mayville. *ROBINSON, COL. WILLIAM H., HOUSE*, 127 4th Ave., NE., (4-11-77)

ward county

Minot. *EASTWOOD PARK BRIDGE*, Central Ave. and 6th St., SE., (4-21-75) PH0140465 G.
Minot. *SOO LINE PASSENGER DEPOT*, 11 N. Main St., (1-20-78)

wells county

Fessenden. *BEISEKER MANSION*, 2nd St. and Roberts Ave., (4-13-77)
Fessenden. *WELLS COUNTY COURTHOUSE*, Railway St. N., (9-15-77)
Hurdsfield vicinity. *HURD ROUND HOUSE*, 7 mi. SE of Hurdsfield, (4-11-77)

williams county

Buford vicinity. *FORT UNION TRADING POST NATIONAL HISTORIC SITE*, W of Buford, (10-15-66) (also in Roosevelt County, MT)
Ray. *RAY OPERA HOUSE*, 111 Main St., (11-2-78)
Williston vicinity. *FORT BUFORD STATE HISTORIC SITE*, SW of Williston at confluence of Yellowstone and Missouri Rivers, (4-1-75)

OHIO

adams county

Harshaville. *HARSHAVILLE COVERED BRIDGE*, SR 1, (3-16-76)
Locust Grove vicinity. *SERPENT MOUND*, 5 mi. NW of Locust Grove on OH 73, (10-15-66) PH0017949 NHL.
Manchester vicinity. *BUCKEYE STATION*, E of Manchester off U.S. 52, (5-1-74) PH0043419
Sandy Springs vicinity. *ADAMS COUNTY PALEO-INDIAN DISTRICT*, (10-18-74) PH0031739
Seaman vicinity. *WILSON, JOHN T., HOMESTEAD*, NE of Seaman on OH 32, (4-11-77)
Stout vicinity. *WAMSLEY VILLAGE SITE*, W of Stout, (7-30-74) PH0043435
West Union. *COCKERILL HOUSE*, 115 E. Main St., (11-21-78)
West Union. *WEST UNION PRESBYTERIAN CHURCH*, 108 S. 2nd St., (11-18-76)
West Union vicinity. *KIRKER COVERED BRIDGE*, SW of West Union off SR 136, (10-29-75) HAER.
West Union vicinity. *KIRKER, GOV. THOMAS, HOMESTEAD*, SW of West Union on SR 136, (11-3-75)
West Union vicinity. *TREBER INN*, 5 mi. NE of West Union on OH 41, (5-17-76)
Wrightsville vicinity. *DAYTON POWER AND LIGHT COMPANY MOUND*, E of Wrightsville, (7-30-74) PH0043427

allen county

Lima. *ALLEN COUNTY COURTHOUSE*, Courthouse Sq., (7-24-74) PH0043443
Lima. *MACDONELL HOUSE (BANTA-VAN DYKE HOUSE)*, 632 W. Market St., (9-20-78)
Lima. *NEELY-SIEBER HOUSE*, 620 W. Spring St., (12-12-76)
Spencerville vicinity. *MIAMI AND ERIE CANAL, DEEP CUT*, 2 mi. S of Spencerville on OH 66, (10-15-66) PH0046345 NHL.

arren county

Oregonia vicinity. *TAYLOR MOUND AND VILLAGE SITE*, N of Oregonia, (3-31-78)

ashland county

Ashland. *ASHLAND COUNTY JAIL*, W. 2nd and Cottage Sts., (12-12-76)
Ashland. *CENTER STREET HISTORIC DISTRICT*, Center St. from Vernon to 414 Center St., (6-18-76)
Ashland vicinity. *ANDERSON SCHOOLHOUSE*, SW of Ashland on U.S. 42, (3-25-77)
Ashland vicinity. *SPROTT'S HILL MOUNDS SITE*, NW of Ashland, (1-31-76)

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Hayesville. *HAYESVILLE OPERA HOUSE*, 1 E. Main St., (5-6-76)
Hayesville. *VERMILION INSTITUTE*, Main and College Sts., (3-29-78)

ashtabula county

Ashtabula. *ASHTABULA HARBOUR COMMERCIAL DISTRICT*, Both sides of W. 5th St. from 1200 block to Ashtabula River, (9-5-75)
Ashtabula. *HARMON, FRANCIS E., HOUSE*, 1641 E. Prospect Rd., (2-24-75)
Ashtabula. *HUBBARD, COL. WILLIAM, HOUSE*, Corner of Lake Ave. and Walnut Blvd., (3-20-73) PH0043494
Austinburg. *AUSTIN, ELIPHALET, HOUSE*, 1879 OH 45, (2-24-75)
Austinburg. *CONGREGATIONAL CHURCH OF AUSTINBURG*, OH 307, (12-22-78)
Coneaut. *HARWOOD BLOCK*, 246, 250, 256 Main St., (3-21-78)
Conneaut. *CONNEAUT WORKS*, Off Mill Rd., (7-30-74) PH0043460
Conneaut. *CUMMINS, DAVID, OCTAGON HOUSE*, 301 Liberty St., (9-9-74) PH0043486
Conneaut. *KILPI HALL*, 1025 Buffalo St., (12-12-76)
Conneaut. *LAKE SHORE AND MICHIGAN SOUTHERN PASSENGER DEPOT*, 342 Depot St., (3-27-75)
Eagleville vicinity. *PECK, L. W., HOUSE*, 2646 Eagleville Rd., (1-1-76)
Geneva vicinity. *SHANDY HALL*, 6333 S. Ridge Rd., (6-28-74) PH0043508 HABS.
Harpersfield. *HARPERSFIELD COVERED BRIDGE*, SR 154 over the Grand River, (11-3-75) HAER.
Jefferson. *ASHTABULA COUNTY COURTHOUSE GROUP*, NW corner of Jefferson and Chestnut Sts., (6-30-75)
Jefferson. *GIDDINGS, JOSHUA REED, LAW OFFICE*, 112 N. Chestnut St., (5-30-74) PH0229971 NHL.
Rays Corner. *HOUSE, COL. ERASTUS, HOUSE*, OH 46 and Richmond-Footville Rd., (7-30-74) PH0043478
South New Lyme vicinity. *NEW LYME INSTITUTE*, 929 Brownville Rd., (1-1-76)
South New Lyme vicinity. *NEW LYME TOWN HALL*, N of South New Lyme at 6000 NC 46, (8-6-75)
Wayne vicinity. *BOICE FORT AND VILLAGE SITE*, SE of Wayne, (7-24-74) PH0043451
West Andover. *HENDERSON, JOHN, HOUSE*, 5248 Stanhope-Kelloggsville Rd., (11-7-76)
Windsor. *WINDSOR CORNERS DISTRICT*, U.S. 322 and OH 534, (9-5-75)
Windsor Mills. *WINDSOR MILLS CHRIST CHURCH EPISCOPAL*, Wisell Rd. and U.S. 322, (3-29-75)
Windsor Mills vicinity. *WISWELL ROAD COVERED BRIDGE (WARNER HOLLOW BRIDGE; WINDSOR MILLS BRIDGE)*, Wiswell Rd. over Phelps Creek, (4-11-73) PH0043516 G.
Windsor vicinity. *WINDSOR MILLS FORT AND VILLAGE SITE*, W of Windsor, (10-21-75)

athens county

Athens. *MANASSEH CUTLER HALL, OHIO UNIVERSITY*, Ohio University campus, (10-15-66) PH0046663 NHL.
Athens vicinity. *ATHENS STATE HOSPITAL COW BARN*, SW of Athens off U.S. 33/50, (4-25-78)
Athens vicinity. *BLACKWOOD COVERED BRIDGE*, S of Athens on SR 46, (6-23-78)
Athens vicinity. *WOLF PLAINS*, NW of Atens on U.S. 33, (5-31-74)
East Millfield vicinity. *SUNDAY CREEK COAL COMPANY MINE NO. 6*, E of East Millfield, (5-23-78)
Glouster vicinity. *PALOS COVERED BRIDGE*, 1 mi. N of Gloucester off OH 13, (11-11-77)
Nelsonville. *DEW HOUSE*, Public Sq., (10-2-78)
Nelsonville. *STUART'S OPERA HOUSE*, Public Sq. and Washington St., (12-29-78)
Stewart. *FEDERALTON*, 51 State St., (8-13-76)
Truetown vicinity. *KIDWELL COVERED BRIDGE*, 1 mi. N of Truetown, (4-11-77)

auglaize county

New Bremen. *LUELLEMAN, WILLIAM, HOUSE*, 122 N. Main St., (5-21-75)
New Bremen vicinity. *BOESEL, JULIUS, HOUSE*, N of New Bremen on Quellhorst Rd., (3-30-78)
Uniopolis vicinity. *RINEHART, HUGH T., HOUSE*, E of Uniopolis on OH 67, (11-27-78)
Wapakoneta. *AUGLAIZE COUNTY COURTHOUSE*, Courthouse Sq., (5-7-73) PH0043541
Wapakoneta vicinity. *FORT AMANDA SITE*, 9 mi NW of Wapakoneta on OH 198, (11-10-70) PH0094455

belmont county

Barnesville vicinity. *BARNESVILLE PETROGLYPH*, SW of Barnesville, (7-15-74) PH0043559
Bellaire. *B & O RAILROAD VIADUCT (BELLAIRE VIADUCT)*, 31st St., (6-22-76) HAER.
St. Clairsville vicinity. *BROKAW SITE*, W of St. Clairsville off U.S. 40, (6-17-76)
St. Clairsville vicinity. *OPATRNY VILLAGE SITE*, W of St. Clairsville off I 70, (5-21-75)

brown county

Aberdeen vicinity. *ABERDEEN MOUND*, NW of Aberdeen, (7-15-74) PH0043567
Decatur vicinity. *EAGLE CREEK COVERED BRIDGE (BOWMAN COVERED BRIDGE)*, 3 mi. S of Decatur on OH 763, (12-6-75) HAER.
Decatur vicinity. *SUTTON HOUSE*, 0.3 mi. E of Decatur on OH 125, (3-25-77)
Fayetteville vicinity. *URSULINE CENTER*, NE of Fayetteville off OH 251, (6-29-76)
Fincastle vicinity. *EAGLE TOWNSHIP WORKS I MOUND*, (9-10-71) PH0043575
Georgetown. *BAILEY-THOMPSON HOUSE*, 112 N. Water St., (11-7-76) HABS.
Georgetown. *BUCKNER, DR. PHILIP, HOUSE AND BARN*, 610 S. Main St., (3-30-78)
Georgetown. *GEORGETOWN HISTORIC DISTRICT*, Roughly bounded by Water Alley, Pleasant, Short, and State Sts., (5-23-78)
Georgetown. *GRANT, ULYSSES S., BOYHOOD HOME*, 219 E. Grant Ave., (10-8-76)
Georgetown vicinity. *THOMPSON-BULLOCK HOUSE*, W of Georgetown on OH 221, (2-23-78)
Georgetown vicinity. *THOMPSON FARM*, W of Georgetown off OH 221, (1-1-76) HABS.
Mount Orab. *MOUNT ORAB STATION*, N. High and Front Sts., (10-14-75)
Ripley vicinity. *BURGETT HOUSE AND BARN*, W of Ripley on White Rd., (11-14-78)
Ripley vicinity. *MARTIN, HENRY, FARM*, 2 mi. N of Ripley on U.S. 68, (8-15-75)
Ripley vicinity. *RANKIN, JOHN, HOUSE*, E of Ripley, Liberty Hill, (11-10-70) PH0094463 HABS.
Ripley vicinity. *STONEHURST*, 2 mi. N of Ripley off U.S. 68, (10-10-75)
St. Martin vicinity. *THUMANN LOG HOUSE*, 1 mi. S of St. Martin at jct. of OH 251 and U.S. 50, (3-27-75)

butler county

Auburn vicinity. *ROBERTS MOUND*, NW of Auburn, (3-27-75)
College Corner. *HOWE TAVERN*, U.S. 27, (1-30-76)
Excello. *HARDING-JONES PAPER COMPANY DISTRICT*, Both sides of S. Main St. at jct. with railroad tracks, (5-29-75)
Hamilton. *ANDERSON-SHAFFER HOUSE*, 404 Ross Ave., (1-18-74) PH0043699
Hamilton. *BENNINGHOFEN HOUSE*, 327 N. 2nd St., (5-17-73) PH0043583
Hamilton. *EDGETON (JACOB SHAFFER HOUSE)*, 575 Harrison Ave., (4-3-75)
Hamilton. *LANE-HOOVAN HOUSE*, 319 N. 3rd St., (10-25-73) PH0043664
Hamilton. *ROSSVILLE HISTORIC DISTRICT*, Roughly bounded by B, E, Main and Amberly Dr., (10-6-75)
Hamilton vicinity. *BECKETT-MANROD HOUSE*, 2019 Stillwell-Beckett Rd., (11-11-77)
Hamilton vicinity. *FAIRFIELD TOWNSHIP WORKS I*, (11-5-71) PH0043621
Hamilton vicinity. *FITZ RANDOLPH-ROGERS HOUSE*, 5467 Liberty-Fairfield Rd., (2-8-78)
Hamilton vicinity. *FORTIFIED HILL WORKS*, W of Hamilton, (7-12-74) PH0043648
Hamilton vicinity. *HUESTON, MATTHEW, HOUSE*, 1320 Four Mile Creek Rd., (9-16-77)
Hamilton vicinity. *HUGHES SCHOOL*, 5994 Princeton Rd., (1-2-76)
Huntsville. *ROSE, D. S., MOUND*, N of Huntsville, (5-28-75)
Jacksonburg vicinity. *MANN MOUND (LESLIE MOUND)*, (10-7-71) PH0043672
Maud vicinity. *WILLIAMSON MOUND ARCHEOLOGICAL DISTRICT*, N of Maud, (5-29-75)
Middleton vicinity. *GREAT MOUND*, (10-7-71) PH0043656
Middletown. *SOUTH MAIN STREET DISTRICT*, S. Main St., (3-21-78)
Middletown. *TYTUS, JOHN B., HOUSE*, 300 S. Main St., (5-27-75) NHL.
Millville vicinity. *COCHRAN FARM*, 2900 OH 129, (7-16-73) PH0043591
Oxford. *ELLIOTT AND STODDARD HALLS, MIAMI UNIVERSITY*, Miami University campus, (4-3-73) PH0043613
Oxford. *FISHER HALL (OXFORD FEMALE COLLEGE)*, Miami University campus, (5-6-71) PH0043630 HABS.
Oxford. *LANGSTROTH COTTAGE*, 303 Patterson Ave., (6-22-76)
Oxford. *MCGUFFEY, WILLIAM H., HOUSE*, 401 E. Spring St., (10-15-66) PH0046639 NHL.
Oxford. *OXFORD FEMALE INSTITUTE*, High St. and College Ave., (4-26-76)
Oxford vicinity. *DEWITT, ZACHARIAH PRICE, CABIN*, E of Oxford on U.S. 73, (4-13-73) PH0043605 G.
Oxford vicinity. *PUGH'S MILL COVERED BRIDGE*, 1 mi. N of Oxford off SR 732, (6-5-75)
Oxford vicinity. *UNZICKER-COOK HOUSE*, 2975 Oxford-Middletown Rd., (7-24-74) PH0043729

Pisgah vicinity. *UNION TOWNSHIP WORKS II*, (10-7-71) PH0043711
Ross vicinity. *DEMORET MOUND*, W of Ross, (10-21-75)
Ross vicinity. *HOGAN-BORGER MOUND ARCHEOLOGICAL DISTRICT*, N of Ross, (10-21-75)
Ross vicinity. *ROSS TRAILS ADENA CIRCLE*, NW of Ross, (10-10-75)
Ross vicinity. *SHAW FARM*, 3357 Cincinnati-Brookville Rd., (7-24-74) PH0043702
Shandon. *THOMAS SELECT SCHOOL*, 3637 Millville-Shandon Rd., (4-11-77)
Shandon vicinity. *VAUGHAN, JOHN, HOUSE*, 3756 Hamilton-New London Rd., (5-29-75)
West Chester vicinity. *MIAMI-ERIE CANAL SITE HISTORIC DISTRICT*, 5141–5251 Rialto Rd., (12-18-78)

carroll county

Carrollton. *CARROLL COUNTY COURTHOUSE*, Courthouse Sq., (10-22-74) PH0050199
Carrollton. *MCCOOK, DANIEL, HOUSE*, Public Sq., (11-10-70) PH0094471
Carrollton vicinity. *PETERSBURG MILL*, 4.3 mi. S of Carrollton on OH 332, (11-20-70) PH0050172
Minerva. *MINERVA GRADE SCHOOL*, SE corner W. Line St. at Grant Blvd., (10-15-73)
Waynesburg vicinity. *ST. MARY'S OF MORGES*, 8012 Bachelor Rd., NW., (4-11-77)

champaign county

Mechanicsburg vicinity. *POTTER, CARL, MOUND (HODGE MOUND II)*, (8-13-74) PH0034321
Saint Paris. *MONITOR HOUSE*, 375 W. Main St., (5-2-74) PH0050164
Urbana. *WARD, JOHN Q. A., HOUSE*, 335 College St., (7-30-74) PH0050156
Urbana vicinity. *NUTWOOD PLACE*, 1428 Nutwood Pl., (12-12-76)

clark county

Enon. *ENON MOUND (KNOB PRAIRIE MOUND)*, (2-23-72)
South Charleston. *SOUTH CHARLESTON HISTORIC DISTRICT*, OH 70, (7-17-78)
Springfield. *ARCADE HOTEL*, Fountain Ave. and High St., (10-16-74) PH0050008
Springfield. *EAST HIGH STREET DISTRICT*, Roughly bounded by E. High, S. Sycamore, and Walnut Sts., (10-9-74) PH0050024
Springfield. *LAGONDA CLUB BUILDING*, NW corner of High and Spring Sts., (5-28-75)
Springfield. *MUNICIPAL BUILDING (CITY HALL)*, S. Fountain Ave. between High and Washington Sts., (5-25-73) PH0050041
Springfield. *MYERS HALL*, Wittenberg Ave. and Ward St., (6-30-75)
Springfield. *PENNSYLVANIA HOUSE*, 1311 W. Main St., (4-11-73) PH0050067
Springfield. *ST. RAPHAEL CHURCH*, 225 E. High St., (6-22-76)
Springfield. *WARDER PUBLIC LIBRARY*, E. High and Spring Sts., (2-17-78)
Springfield. *WESTCOTT HOUSE*, 1340 High St., (7-24-74) PH0050075
Springfield vicinity. *BREWER LOG HOUSE*, 2665 Old Springfield Rd., (8-13-74) PH0050016
Springfield vicinity. *CRABILL, DAVID, HOUSE*, 5 mi. E of Springfield off OH 4, (10-10-75)
Springfield vicinity. *HETZLER, DANIEL, HOUSE*, W of Springfield off OH 4, (2-7-78)
Springfield vicinity. *NEWLOVE WORKS*, (6-4-73) PH0050059

clemont county

Milford vicinity. *PFARR LOG HOUSE*, SE of Milford on Shayler Run Rd., (9-16-77)

clermont county

Bantam vicinity. *BETHEL METHODIST CHURCH*, 1 mi. N of Bantam on Elk Lick Rd., (8-11-78)
Bantam vicinity. *ELK LICK ROAD MOUND*, N of Bantam, (2-20-75)
Bantam vicinity. *PINKHAM FARM*, NW of Bantam off OH 125, (7-23-73) PH0050148
Batavia vicinity. *EAST FORK SITE*, S of Batavia, (3-30-78)
Bethel vicinity. *SALT HOUSE*, SW of Bethel on OH 222, (6-22-76)
Felicity vicinity. *BULLSKIN CREEK SITE*, S of Felicity, (3-30-78)
goshen vicinity. *DEVANNEY SITE*, W of Goshen, (3-30-78)
Milford vicinity. *GATCH SITE*, (10-15-74) PH0294659
Mt. Olive vicinity. *WINTER, WILLIAM, STONE HOUSE*, N of Mt. Olive on OH 133, (3-25-77)
Neville vicinity. *EDGINGTON MOUND*, E of Neville, (7-15-74) PH0050105
Neville vicinity. *FERRIS SITE*, (10-29-74) PH0034312
Neville vicinity. *SCHAFER HOUSE*, E of Neville off U.S. 52, (5-13-74) PH0050121
Neville vicinity. *SNEAD MOUND*, Off U.S. 52, (7-30-74) PH0050130
Perintown vicinity. *STONELICK COVERED BRIDGE*, E of Perintown, (9-10-74) PH0054569
Point Pleasant vicinity. *CLARKE FARM SITE*, (11-19-74) PH0043826
Withamsville vicinity. *GASKINS-MALANY HOUSE*, 726 Bradbury Rd., (10-29-75)

clinton county

LYNCHBURG COVERED BRIDGE, *Reference—see Highland County*
Clarksville vicinity. *HARVEY, ELI, HOUSE*, 1133 Lebanon Rd., (2-14-78)
Clarksville vicinity. *PANSY METHODIST CHURCH AND SCHOOL HISTORIC DISTRICT*, S of Clarksville on OH 730, (3-20-73) PH0050113
Lumberton vicinity. *HURLEY MOUND*, W of Lumberton, (5-5-78)
Martinsville vicinity. *MARTINSVILLE ROAD COVERED BRIDGE*, W of Martinsville, (9-10-74) PH0054551
Oakland vicinity. *HILLSIDE HAVEN MOUND*, SW of Oakland, (11-21-78)
Wilmington. *COLLEGE HALL, WILMINGTON COLLEGE*, E of College St. between Douglas St. and Fife Ave. on Wilmington College campus, (4-23-73) PH0050083
Wilmington vicinity. *COWAN CREEK CIRCULAR ENCLOSURE*, SW of Wilmington, (7-15-74) PH0050091
Wilmington vicinity. *KEITER MOUND*, N of Wilmington, (10-21-75)

columbiana county

Clarkson vicinity. *GASTON'S MILL-LOCK NO. 36, SANDY AND BEAVER CANAL DISTRICT*, About 1 mi. S of Clarkson in Beaver Creek State Forest, (5-23-74) PH0050229
Columbiana. *JONES-BOWMAN HOUSE*, 540 Pittsburgh St., (12-12-76)
East Liverpool. *BEGINNING POINT OF THE U.S. PUBLIC LAND SURVEY*, On the OH/PA boundary, (10-15-66) PH0050202 NHL. (also in Beaver County, PA)
East Liverpool. *EAST LIVERPOOL POST OFFICE*, 5th and Broadway Sts., (11-21-76)
East Liverpool. *EAST LIVERPOOL POTTERY*, SE corner of 2nd and Market Sts., (10-7-71) PH0050211 G.
East Liverpool. *THOMPSON, CASSIUS CLARK, HOUSE*, 305 Walnut St., (9-28-71) PH0060011
Hanoverton. *HANOVERTON CANAL TOWN DISTRICT*, U.S. 30, (8-3-77)
Lisbon vicinity. *CHURCH HILL ROAD COVERED BRIDGE*, 3 mi. E of Lisbon off SR 867, (6-11-75)
Salem. *STREET, JOHN, HOUSE*, 631 N. Ellsworth Ave., (10-10-73) PH0060003
West Point vicinity. *MORGAN, JOHN H., SURRENDER SITE*, 3.1 mi. W of West Point on OH 518, (4-23-73) PH0050237

coschocton county

Blissfield. *HELMICK COVERED BRIDGE*, E of Blissfield on Twnshp. Rd., (6-18-75)

coshocton county

Coshocton. *COSHOCTON COUNTY COURTHOUSE*, Courthouse Sq., (5-22-73) PH0060020
Coshocton. *JOHNSON-HUMRICKHOUSE HOUSE*, 302 S. 3rd St., (10-9-74) PH0060038
Coshocton. *ROSCOE VILLAGE*, (4-3-73) PH0060046
Coshocton vicinity. *RODRICK BRIDGE*, 8.5 mi. (13.6 km) SE of Coshocton, (11-29-78)
West Lafayette vicinity. *FERGUSON, ANDREW, HOUSE*, E of West Lafayette on OH 751, (11-30-78)

crawford county

Bucyrus. *MCGRAW HOUSE*, 116 S. Walnut St., (7-18-75)
Bucyrus. *PICKING, D., AND COMPANY*, 119 S. Walnut St., (7-11-74) PH0060062
Bucyrus. *SCROGGS HOUSE*, 202 S. Walnut St., (10-9-74) PH0060071
Crestline. *CALVARY REFORMED CHURCH*, Thoman and John Sts., (11-29-78)
Crestline. *CRESTLINE CITY HALL*, 121 W. Bucyrus St., (5-8-74) PH0060054
Crestline. *HOFFMAN HOUSE (CRESTLINE SHUNK MUSEUM)*, 211 Thoman St., (11-29-78)
Crestline. *METHODIST EPISCOPAL CHURCH*, Thoman and Union Sts., (10-27-78)
Crestline vicinity. *HECKLER FARMHOUSE*, N of Crestline off OH 61 on Oldfield Rd., (5-3-76)
Galion. *BIG FOUR DEPOT*, SE corner of Church and Washington Sts., (7-7-75)
Galion. *CENTRAL HOTEL, HACKEDORN AND ZIMMERMAN BUILDINGS*, SW corner of Harding Way E. and Market Sts., (11-13-76)
Galion. *HOWARD, ADAM, HOUSE*, 230 S. Boston St., (3-30-78)
Galion vicinity. *HOSFORD HOUSE*, 6288 Hosford Rd., (4-30-76)

cuyahoga county

Bay Village. *ALDRICH, AARON, HOUSE*, 30663 Lake Rd., (12-4-78)
Bay Village. *BAY VIEW HOSPITAL*, 23200 Lake Rd., (8-27-74) PH0060097
Bedford. *CLEVELAND AND PITTSBURGH RAILROAD BRIDGE*, Tinker's Creek, (7-24-75)
Bedford. *DUNHAM, HEZEKIAH, HOUSE*, 729 Broadway, (6-18-75)
Bedford. *GATES, HOLSEY, HOUSE*, 762 Broadway, (6-30-75)

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Berea. *BEREA DISTRICT 7 SCHOOL*, 323 E. Bagley Rd., (4-3-75)
Berea. *BUEHL HOUSE*, 118 E. Bridge St., (4-30-76)
Berea. *LYCEUM VILLAGE SQUARE AND GERMAN WALLACE COLLEGE*, Seminary St., (10-29-75)
Berea. *WHEELER, JOHN, HOUSE*, 445 S. Rocky River Dr., (12-1-78)
Berea. *WHITNEY, GEORGE W., HOUSE*, 330 S. Rocky River Dr., (10-22-74) PH0034657
Bratenahl. *GWINN ESTATE (WILLIAM G. MATHER HOUSE)*, 12407 Lake Shore Blvd., (10-1-74) PH0031682
Bratenahl. *HANNA, HOWARD M. JR., HOUSE*, 11505 Lake Shore Blvd., (7-24-74) PH0070084
Brecksville. *BRECKSVILLE TOWN HALL*, Public Sq , (7-2-73) PH0060119
Brecksville. *KNOWLTON, DR. WILLIAM A., HOUSE*, 8937 Highland Dr., (12-4-78)
Broadview Heights. *CLARK, JARED, HOUSE*, 6241 Wallings Rd., (8-1-75)
Chagrin Falls. *CHAGRIN FALLS TOWNSHIP HALL*, 83 N. Main St., (10-1-74) PH0060143 G.
Chagrin Falls. *CHAGRIN FALLS TRIANGLE PARK COMMERCIAL DISTRICT*, Main, Franklin, and Washington Sts., (12-29-78)
Chagrin Falls. *CHAGRIN FALLS WEST SIDE DISTRICT*, Bounded by W. Washington, Church, Maple, and Franklin Sts., (10-9-74) PH0060151
Chagrin Falls. *MARCH, GEORGE, HOUSE*, 126 E. Washington St., (4-20-78)
Chagrin Falls. *STONEMAN, JOSEPH, HOUSE*, 18 E. Orange St., (5-29-75)
Cleveland. *ADELBERT HALL, CASE WESTERN RESERVE UNIVERSITY*, Case Western Reserve University campus, (10-30-73) PH0060089 G.
Cleveland. *BINGHAM COMPANY WAREHOUSE*, 1278 W. 9th St., (11-2-73) PH0060101
Cleveland. *BOHEMIAN NATIONAL HALL*, 4939 Broadway St., (5-28-75)
Cleveland. *CAXTON BUILDING*, 812 Huron Rd., SE., (10-30-73) PH0060135
Cleveland. *CLEVELAND ARCADE*, 401 Euclid Ave., (3-20-73) PH0060160 NHL; HABS.
Cleveland. *CLEVELAND GRAYS ARMORY*, 1234 Bolivar Rd., (3-28-73) PH0060178
Cleveland. *CLEVELAND HARBOR STATION, U.S. COAST GUARD*, New West Pier, (1-1-76)
Cleveland. *CLEVELAND MALL*, Roughly T-shaped mall area between E. 9th and W. 3rd Sts. and Superior Ave. and RR. tracks, (6-10-75) HABS.
Cleveland. *CLEVELAND PUBLIC SQUARE*, Superior Ave. and Ontario St., (12-18-75)
Cleveland. *CLEVELAND TRUST COMPANY*, 900 Euclid Ave. at E. 9th St., (11-26-73) PH0060186
Cleveland. *COZAD, JUSTUS L., HOUSE*, 1508 Mayfield Rd., (1-18-74) PH0060208
Cleveland. *CRAWFORD-TILDEN APARTMENTS*, 1831–1843 Crawford Rd. and 1878–1888 E. 84th St., (3-21-78)
Cleveland. *CUYAHOGA BUILDING*, 216 Superior Ave. NE., (12-31-74) PH0073679
Cleveland. *DETROIT-SUPERIOR HIGH LEVEL BRIDGE*, Over Cuyahoga River Valley, between Detroit Ave. and Superior Ave., (1-18-74) PH0070017
Cleveland. *DIVISION AVENUE PUMPING STATION*, Division Ave., at the foot of W. 45th St., (1-18-74) PH0070025
Cleveland. *DUNHAM TAVERN*, 6709 Euclid Ave., (7-25-74) PH0070033
Cleveland. *FEDERAL RESERVE BANK OF CLEVELAND*, E. 6th St. and Superior Ave., (10-8-76)
Cleveland. *FORD MOTOR COMPANY CLEVELAND PLANT*, 11610 Euclid Ave., (3-17-76)
Cleveland. *FOREST CITY BREWERY*, 6920–6922 Union Ave., (5-3-76)
Cleveland. *GARFIELD MEMORIAL*, 12316 Euclid Ave. in Lakeview Cemetery, (4-11-73)
Cleveland. *GOLDSMITH, JACOB, HOUSE*, 2200 E. 40th St., (3-8-78)
Cleveland. *HAY-MCKINNEY AND BINGHAM-HANNA HOUSE*, 10825 E. Blvd., (6-18-76)
Cleveland. *HAY-MCKINNEY AND BINGHAM-HANNA HOUSES*, 10825 E. Boulevard, (6-18-76)
Cleveland. *HESSLER COURT WOODEN PAVEMENT*, 11330 E between Bellflower and Hessler Rds., (3-3-75)
Cleveland. *HOLY NAME HIGH SCHOOL-GALLAGHER BUILDING*, 8318 Broadway SE., (3-27-75)
Cleveland. *HOLY ROSARY CHURCH*, 12021 Mayfield Rd., (6-16-76)
Cleveland. *HOYT BLOCK*, 608 W. St. Clair St., (1-18-74) PH0070092
Cleveland. *LINDNER BUILDING*, 1331 Euclid Ave., (9-13-78)
Cleveland. *LORAIN–CARNEGIE BRIDGE*, Spans Cuyahoga River between Lorain and Carnegie Aves., (10-8-74)
Cleveland. *MATHER, FLORA STONE, COLLEGE DISTRICT*, Bellflower Rd. at Ford Dr., (2-15-74) PH0070041
Cleveland. *MAY COMPANY*, 158 Euclid Ave. at Public Sq., (1-18-74) PH0070114
Cleveland. *MERWIN, GEORGE, HOUSE (ROWFANT CLUB BUILDING)*, 3028 Prospect Ave., (6-4-73) PH0070122
Cleveland. *MILES PARK HISTORIC DISTRICT (NEWBURGH PUBLIC SQUARE)*, Miles Park Ave. around Miles Park, (5-17-74) PH0070131
Cleveland. *NEWBURGH TOWN HALL*, 9213 Miles Rd., (10-30-73) PH0070149
Cleveland. *NORTH PRESBYTERIAN CHURCH*, 4001 Superior Ave., (10-29-74)
Cleveland. *NORTH UNION SHAKER SITE*, Between N. Park and S. Park Blvds., (8-13-74) PH0070173
Cleveland. *OHIO CITY PRESERVATION DISTRICT*, Bounded by W. 26th, Clinton, W. 38th, and Carroll Sts., (10-9-74) PH0033847
Cleveland. *OLD FEDERAL BUILDING AND POST OFFICE*, 201 Superior Ave., NE., (5-3-74) PH0033871 HABS.
Cleveland. *OLD STONE CHURCH*, 91 Public Sq., (2-23-73) PH0033880
Cleveland. *PEERLESS MOTOR COMPANY PLANT NO. 1*, 9400 Quincy Ave., (5-29-75) HABS.
Cleveland. *PERRY-PAYNE BUILDING*, 740 Superior Ave., (7-16-73) PH0033901
Cleveland. *PILGRIM CONGREGATIONAL CHURCH (UNITED CHURCH OF CHRIST)*, 2592 W. 14th St., (3-17-76)
Cleveland. *PLAYHOUSE SQUARE GROUP*, 2067 E. 14th St.; 1422, 1501, 1515, 1621 Euclid Ave., (10-5-78)
Cleveland. *PROSPECT AVENUE ROW HOUSE GROUP*, 3645, 3649, 3651, 3657 Prospect Ave., (3-27-74) PH0033910
Cleveland. *ROCKEFELLER BUILDING*, 614 Superior Ave., (6-4-73) PH0033928 HABS.
Cleveland. *ROCKEFELLER PARK BRIDGES*, Rockefeller Park, (9-27-77)
Cleveland. *SCHWEINFURTH, CHARLES, HOUSE*, 1915 E. 75th St., (5-22-73) PH0033979
Cleveland. *SHAKER SQUARE*, Shaker and Moreland Blvds., (7-1-76)
Cleveland. *SOCIETY FOR SAVINGS BUILDING*, Public Sq., (11-7-76) HABS.
Cleveland. *ST. ELIZABETH'S MAGYAR ROMAN CATHOLIC CHURCH*, 9016 Buckeye Rd., (1-30-76)
Cleveland. *ST. IGNATIUS HIGH SCHOOL*, 1911 W. 30th St. at Carroll Ave., (1-21-74) PH0033936
Cleveland. *ST. JOHN'S EPISCOPAL CHURCH*, 2600 Church St., (2-23-73) PH0033944
Cleveland. *ST. JOSEPH'S CHURCH AND FRIARY*, 2543 E. 23rd St. at Woodland, (6-17-76)
Cleveland. *ST. MICHAEL THE ARCHANGEL CATHOLIC CHURCH*, 3114 Scranton Rd., (1-18-74) PH0033952 HABS.
Cleveland. *ST. STANISLAUS CHURCH*, Forman and E. 65th Sts., (6-22-76)
Cleveland. *ST. STEPHEN CHURCH*, 1930 W. 54th St., (11-25-77)
Cleveland. *ST. THEODOSIUS RUSSIAN ORTHODOX CATHEDRAL*, 733 Starkweather Ave., (1-18-74) PH0033961
Cleveland. *STAGER-BECKWITH HOUSE*, 3813 Euclid Ave., (4-20-78)
Cleveland. *STERLING SCHOOL*, 2104 E. 30th St., (2-25-74) PH0033987
Cleveland. *SUPERIOR AVENUE VIADUCT*, Superior Ave., (6-9-78) HAER.
Cleveland. *TEMPLE, THE (TIFERETH ISRAEL SOCIETY)*, University Circle at Silver Park, (8-30-74) PH0034029
Cleveland. *TRINITY CATHEDRAL*, Euclid Ave. at E. 22nd St., (6-4-73) PH0034002
Cleveland. *UNION CLUB*, 1211 Euclid Ave., (2-15-74) PH0034037
Cleveland. *UNION TERMINAL GROUP*, Public Sq., (3-17-76)
Cleveland. *UNIVERSITY HALL, CLEVELAND STATE UNIVERSITY (SAMUEL MATHER MANSION)*, 2605 Euclid Ave., (2-6-73) PH0034045
Cleveland. *UPSON-WALTON COMPANY BUILDING*, 1310 Old River Rd. (W. 11th St.), (1-21-74) PH0034665
Cleveland. *WADE MEMORIAL CHAPEL*, 12316 Euclid Ave., inside Lakeview Cemetery, (6-18-73) PH0034053
Cleveland. *WEST SIDE MARKET*, W. 24th St. and Lorain Ave., (12-18-73) PH0034631 G.
Cleveland. *WESTERN RESERVE BUILDING*, 1468 W. 9th St., (10-30-73) PH0034622
Cleveland. *WHITE, HENRY P., HOUSE*, NW corner of Euclid Ave. and E. 90th St., (7-16-73) PH0034649
Cleveland Heights. *BROWN, JOHN HARTNESS, HOUSE*, 2380 Overlook Rd., (11-7-76)
Cleveland Heights. *BURDICK, HAROLD B., HOUSE*, 2424 Stratford Rd., (9-17-74) PH0060127
Cleveland Heights. *FAIRMOUNT BOULEVARD DISTRICT*, 2485–3121 Fairmount Blvd., (12-12-76)
Cleveland Heights. *OVERLOOK ROAD CARRIAGE HOUSE DISTRICT*, Herrick Mews, behind Overlook Dr., (5-6-74) PH0033895
Cleveland Heights. *TREMAINE-GALLAGHER RESIDENCE*, 3001 Fairmount Blvd., (10-30-73) PH0033995 HABS.
Cleveland vicinity. *LORAIN-CARNEGIE BRIDGE*, Spans Cuyahoga River between Lorain and Carnegie Aves., (7-16-76)
East Cleveland. *FIRST CHURCH OF CHRIST IN EUCLID*, 16200 Euclid Ave., (11-28-78)

East Cleveland. *NELA PARK*, Entrance at 1901 Noble Rd., (5-22-75)
Gates Mills. *GATES MILLS METHODIST EPISCOPAL CHURCH*, Old Mill Rd. off U.S. 322, (7-18-75)
Independence. *INDEPENDENCE PRESBYTERIAN CHURCH*, U.S. 21, (4-13-77)
Independence vicinity. *KUENZER, JOSEPH II, HOUSE*, 2345 Rockside Rd., (8-13-74) PH0070106
Independence vicinity. *SOUTH PARK SITE*, E of Independence, (6-22-76)
Independence vicinity. *TERRA VISTA ARCHEOLOGICAL DISTRICT*, N of Independence, (5-23-78)
Lakewood. *CLIFTON PARK LAKEFRONT DISTRICT*, Roughly bounded by Clifton Blvd., Rocky River, Lake Erie, and Webb Rd., (11-20-74) PH0041203
Lakewood. *HONAM, JOHN, HOUSE*, 14710 Lake Ave., (4-13-77) HABS.
Mayfield Heights. *THORP, W. A., HOUSE*, 6183–6185 Mayfield Rd., (12-4-78)
Mayfield Village. *OLD CENTER SCHOOL*, 784 S.O.M. Center Rd., (4-3-73) PH0033855
Middleburg Heights. *OLD DISTRICT 10 SCHOOLHOUSE*, Corner of Sheldon and Fry Rds., (10-15-73) PH0033863
North Olmsted vicinity. *FORT HILL*, E of North Olmsted off OH 252, (7-25-74) PH0070050
Oakwood. *DRAKE, ALONZO, HOUSE*, 24262 Broadway, (11-28-78)
Olmsted Falls. *ADAMS, JOHN AND MARIA, HOUSE*, 7315 Columbia Rd., (10-10-75)
Olmsted Falls. *GRAND PACIFIC HOTEL*, 8112 Columbia Rd., (10-10-75)
Olmsted Falls. *NORTHROP, JULIA CARTER, HOUSE*, 7872 Columbia Rd., (10-14-75)
Parma Heights. *HENRY, ROBERT W., HOUSE*, 6607 Pearl Rd., (12-8-78)
Rocky River–Lakewood. *DETROIT AVENUE BRIDGE (ROCKY RIVER BRIDGE)*, Detroit Ave. at Rocky River, (2-23-73) PH0070009
Seven Hills. *FROELICH, JOHN, HOUSE*, 7095 Broadview Rd., (7-30-74) PH0070068
Seven Hills. *GABEL, DANIEL, HOUSE*, 1102 E. Ridgewood Dr., (5-23-78)
Shaker Heights. *WARREN, MOSES, HOUSE*, 3535 Ingleside Rd., (10-22-74) PH0034061
South Euclid. *TELLING, WILLIAM E., HOUSE*, 4645 Mayfield Rd., (10-16-74) PH0034011
Strongsville. *POMEROY, ALANSON, HOUSE*, Pearl Rd. at Westwood Dr., (6-20-75)
Strongsville. *STONE, VALERIUS C., HOUSE*, 21706 Lunn Rd., (12-22-78)
Valley View. *FRAZEE, STEPHEN, HOUSE*, 7733 Canal Rd., (5-4-76)
Valley View. *GLEASON, EDMUND, HOUSE (EDWIN CAREY HOUSE)*, 7243 Canal Rd., (12-18-78)
Valley View Village. *OHIO AND ERIE CANAL*, OH 631, (11-13-66) PH0036323 NHL.
Westlake. *CLAGUE HOUSE*, 1371 Clague Rd., (1-11-76)

darke county

Fort Jefferson. *FORT JEFFERSON SITE*, (11-10-70) PH0034673
Greenville. *BEIR, ANNA, HOUSE*, 214 E. 4th St., (4-11-77)
Greenville. *COPPESS, BENJAMIN FRANKLIN HOUSE*, 209 Washington St., (3-10-78)
Greenville. *DARKE COUNTY COURTHOUSE, SHERIFF'S HOUSE, AND JAIL*, 4th and Broadway, (12-12-76)
Greenville. *GARST HOUSE*, 205 N. Broadway, (11-16-77)
Greenville. *GREENVILLE MAUSOLEUM*, West St., Greenville Cemetery, (10-21-76)
Greenville. *LEFTWICH HOUSE*, 203 S. Washington St., (10-21-75)
Greenville. *ROBESON, DR. DONOVAN, HOUSE*, 330 W. 4th St., (12-12-76)
Greenville. *WARING HOUSE*, 304 W. 3rd St., (9-16-77)
Greenville vicinity. *BEAR'S MILL*, 5 mi. W of Greenville off U.S. 36 on Bear's Mill Rd., (6-10-75)
Greenville vicinity. *STUDEBAKER-SCOTT HOUSE AND BEEHIVE SCHOOL*, S of Greenville on OH, (6-15-78)

defiance county

Defiance. *EAST SIDE FIRE STATION*, Douglas and Hopkins Sts., (12-12-76)
Defiance. *RIVERSIDE CHAPEL*, S. Clinton St. in Riverside Cemetery, (4-11-77)
Defiance. *SAUER-WATSON HOUSE*, 530 Washington St., (12-4-78)
Defiance vicinity. *BROOKE SITE*, S of Defiance, (1-1-76)
Hicksville. *ST. PAUL'S EPISCOPAL CHURCH*, High St., (6-7-76)

delaware county

Delaware. *DELAWARE COUNTY COURTHOUSE*, N. Sandusky St. and Central Ave., (5-22-73) PH0034681
Delaware. *ELLIOTT HALL, STURGES LIBRARY, AND MERRICK HALL*, Ohio Wesleyan University campus, (4-23-73) PH0094480
Delaware. *MONNETT HALL*, Ohio Wesleyan University campus at Elizabeth and Winter Sts., (6-23-75)
Delaware vicinity. *LIMESTONE VALE*, 3490 Olentangy River Rd., (10-2-78)
Delaware vicinity. *UFFERMAN SITE*, N of Delaware, (7-24-74) PH0034711
Galena vicinity. *CURTISS, MARCUS, INN*, E of Galena at 3860 Sunbury Rd., (12-12-76)
Galena vicinity. *SPRUCE RUN EARTHWORKS*, About 3 mi. S of Galena, (7-16-73) PH0034703
Harlem vicinity. *COOK, JOHN, FARM*, E of Harlem at Miller Paul Rd. and Gorsuch Rd., (4-11-77)
Olive Green vicinity. *CHAMBERS ROAD COVERED BRIDGE*, 1.5 mi. NE of Olive Green, (11-21-74) PH0085049
Powell vicinity. *HIGHBANKS METROPOLITAN PARK MOUNDS I AND II*, E of Powell on U.S. 23, (3-19-75)
Sunbury. *SUNBURY TAVERN (HOPKINS HOUSE)*, NW corner OH 37 and Galena Rd., (2-24-75)
Sunbury. *SUNBURY TOWNSHIP HALL*, Town Sq., (2-20-75)
Worthington vicinity. *HIGHBANK PARK WORKS*, E bank of Olentangy River, (2-15-74) PH0112895

erie county

Birmingham. *BUTLER, CYRUS, HOUSE*, Edison Hwy., (3-17-76)
Birmingham. *STARR-TRUSCOTT HOUSE*, OH 133, (4-20-78)
Florence. *FLORENCE CORNERS SCHOOL (TOWN HALL)*, OH 113 at Davidson St., (3-19-75)
Huron. *CHRIST EPISCOPAL CHURCH*, Park and Ohio Sts., (3-4-75)
Kelleys Island. *INSCRIPTION ROCK*, (6-18-73) PH0034738
Kelley's Island. *KELLEY'S ISLAND SOUTH SHORE DISTRICT*, Water St., S side of Kelley's Island, (3-27-75)
Milan. *ANDREWS, EBENEZER, HOUSE*, 200 S. Main St., (7-25-74) PH0034720
Milan. *EDISON, THOMAS ALVA, BIRTHPLACE*, (10-15-66) PH0036315 NHL; HABS.
Milan. *JENKINS-PERRY HOUSE*, 37 W. Front St., (10-29-74) PH0034746
Milan. *LOCKWOOD, J. C., HOUSE*, 30 Edison Dr., (12-4-74) PH0034533
Milan. *MILAN HISTORIC DISTRICT*, Main and Church Sts., both sides of Front St., and Edison Dr., (3-13-75)
Milan. *MITCHELL HISTORIC DISTRICT*, 115–137 and 118–136 Center St., (3-13-75)
Milan vicinity. *ABBOTT-PAGE HOUSE*, 2.5 mi. NE of Milan on Mason Rd., (5-27-75) HABS.
Sabdusky. *BALTIMORE AND OHIO RAILROAD COMPANY DEPOT*, Washington and Warren Sts., (9-13-78)
Sandusky. *ADAMS STREET DOUBLE HOUSE*, 106–108 E. Adams St., (10-10-75)
Sandusky. *CARNEGIE LIBRARY*, Adams and Columbus Ave., (11-12-75)
Sandusky. *ENGELS AND KRUDWIG WINE COMPANY BUILDINGS*, 220 E. Water St., (7-30-76)
Sandusky. *ENGINE HOUSE NO. 3*, Meigs St. and Sycamore Line, (4-1-75)
Sandusky. *ERIE COUNTY OFFICE BUILDING*, 1202 Sycamore Line, (11-20-74) PH0034151
Sandusky. *EXCHANGE HOTEL*, 202–204 E. Water St., (7-30-75)
Sandusky. *FOLLETT-MOSS-MOSS RESIDENCES*, 404, 414, 428 Wayne St., (12-31-74) PH0085278
Sandusky. *LAKE SHORE AND MICHIGAN SOUTHERN RAILROAD DEPOT*, N. Depot at Carr St., (7-17-75)
Sandusky. *MAD RIVER BLOCK*, 1002-1018 W. Adams St., (10-16-74) PH0034754
Sandusky. *SLOANE, RUSH R., HOUSE*, 403 E. Adams St., (2-24-75)
Sandusky. *ST. MARY'S CATHOLIC CHURCH*, 429 Central Ave., (10-10-75)
Sandusky. *SYCAMORE SCHOOL*, 3rd and Sycamore Sts., (11-19-74) PH0043788
Sandusky. *WATER STREET COMMERCIAL BUILDINGS*, 101–165 E. Water St. and 101–231 W. Water St., (3-18-75)
Sandusky. *WHITE, SAMUEL M., HOUSE*, 304 E. Adams St., (6-16-76)
Sandusky vicinity. *ERIE COUNTY INFIRMARY*, S of Sandusky on Columbus Rd., (9-5-75)
Sandusky vicinity. *OHIO SOLDIERS' AND SAILORS' HOME*, NE of Sandusky between U.S. 250 and S. Columbus Ave., (9-13-76)
Vermilion. *VERMILION TOWN HALL*, 736 Main St., (11-20-74) PH0034592

fairfield county

Amanda vicinity. *ALLEN, LYMAN, HOUSE AND BARN*, NW of Amanda on OH 188, (11-18-76)
Baltimore vicinity. *BRIGHT, JOHN, COVERED BRIDGE*, 2.5 mi. SW of Baltimore over Poplar Creek, (5-28-75)
Baltimore vicinity. *MILLER FARM*, S of Baltimore on Pleasantville Rd., (5-22-78)
Baltimore vicinity. *MUSSER, HENRY, HOUSE*, SE of Baltimore at 7079 Millersport Rd., (5-5-78)
Canal Winchester. *LOUCKS COVERED BRIDGE*, SE of Canal Winchester on SR 207 (Diley Rd.), (10-8-76)

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Canal Winchester vicinity. *SCHAER, THEODORE B., MOUND*, SE of Canal Winchester, (6-20-75)
Carroll vicinity. *COON HUNTERS MOUND*, (5-2-74) PH0034797
Carroll vicinity. *ETY ENCLOSURE*, NE of Carroll, (7-12-74) PH0034801
Carroll vicinity. *ETY HABITATION SITE*, NE of Carroll, (7-12-74) PH0034819
Carroll vicinity. *JOHN BRIGHT NO. 1 IRON BRIDGE*, 2 mi. (3.2 km) NE of Carroll on Havensport Rd., (9-20-78)
Lancaster. *BUSH, SAMUEL, HOUSE*, 1934 Cold Spring Dr., (10-1-74) PH0034762
Lancaster. *MEDILL, WILLIAM, HOUSE*, 319 N. High St., (3-30-78)
Lancaster. *SHERMAN, JOHN, BIRTHPLACE*, 137 E. Main St., (10-15-66) PH0034835 NHL.
Lancaster. *SQUARE 13 HISTORIC DISTRICT*, Roughly area along Broad and High Sts. between Mulberry and Chestnut Sts., (7-24-72) PH0034851 HABS; G.
Lancaster. *TALLMADGE-MITHOFF HOUSE*, 720 Lincoln Ave., (5-6-76)
Lancaster vicinity. *CHESTNUT RIDGE FARM*, 3375 Cincinnati-Zanesville Rd., SW., (7-24-72) PH0034771
Lancaster vicinity. *CONCORD HALL*, 1445 Cincinnati-Zanesville Rd., SW. (U.S. 22), (10-25-72) PH0034789
Lancaster vicinity. *REBER, VALENTINE, HOUSE*, W of Lancaster at 8325 Lancaster-Circleville Rd. (OH 188), (7-30-75)
Lancaster vicinity. *WILLOW LANE FARM (NATHANIEL WILSON HOUSE)*, SW of Lancaster on U.S. 22, (10-26-72) PH0034878
Lithopolis vicinity. *OLD MAID'S ORCHARD MOUND*, E of Lithopolis, (7-15-74) PH0034843
Lockville. *LOCKVILLE CANAL LOCKS*, Off Pickerington-Lockville Rd., (9-10-74) PH0085006
Pickerington vicinity. *HIZEY COVERED BRIDGE*, E of Pickerington on SR 235, (10-8-76)
Pinkerington vicinity. *FORTNER MOUNDS I, II*, NE of Pinkerington, (7-12-74) PH0034827
Rock Mill. *ROCK MILL COVERED BRIDGE*, SR 41, (4-26-76)
Royalton. *ROYALTON HOUSE*, Amanda Northern Rd., (7-30-75)
Rushville vicinity. *WINEGARDNER VILLAGE*, (7-30-74) PH0034886
Tarlton vicinity. *TARLTON CROSS MOUND*, N of Tarlton, (11-10-70) PH0034860

fayette county

Pancoastburg vicinity. *JACKSON MOUND*, N of Pancoastburg, (10-21-75)
Washington Court House. *SHARP, MORRIS, HOUSE*, 517 Columbus St., (1-21-74) PH0034908
Washington Courthouse. *FAYETTE COUNTY COURTHOUSE*, Main and Columbus Sts., (7-2-73) PH0034894

franklin county

Canal Winchester vicinity. *BERGSTRESSER COVERED BRIDGE*, W of OH 674 over Walnut Creek, (5-3-74) PH0070181
Central College vicinity. *SQUIRE'S GLEN FARM*, 6770 Sunbury Rd., (8-13-74) PH0070432
Columbus. *AMERICAN INSURANCE UNION CITADEL*, 50 W. Broad St., (3-21-75)
Columbus. *CAMP CHASE SITE*, 2900 Sullivant Ave., (4-11-73) PH0112909
Columbus. *CAMPBELL MOUND*, (11-10-70) PH0094498
Columbus. *COE MOUND*, W of High St., (7-18-74) PH0070203
Columbus. *COLUMBUS COUNTRY CLUB MOUND*, 4831 E. Broad St., (2-15-74) PH0070211
Columbus. *COLUMBUS NEAR EAST SIDE DISTRICT*, Roughly bounded by Parsons Ave., Broad and Main Sts., and the railroad tracks, (5-19-78)
Columbus. *COLUMBUS SAVINGS AND TRUST BUILDING (ATLAT BUILDING)*, 8 E. Long St., (9-15-77)
Columbus. *DRAKE, ELAM, HOUSE*, 2738 Ole Country Lane, (4-6-78)
Columbus. *EAST TOWN STREET HISTORIC DISTRICT*, Roughly bounded by Grant, and Franklin Aves., Lester Dr., and E. Rich St., (7-30-76)
Columbus. *FORT HAYES*, Cleveland Ave. and I 71, (1-26-70) PH0070238
Columbus. *FRANKLIN PARK CONSERVATORY*, 1547 E. Broad St., (1-18-74) PH0070246
Columbus. *FRANKLINTON POST OFFICE (DAVID DEARDURF HOUSE)*, 72 S. Gift St., (3-20-73) PH0070254
Columbus. *GERMAN VILLAGE*, Roughly bounded by Livingston Ave., Pear Alley, Nursery Lane, Blackberry Alley, and Lathrop St., (12-30-74) PH0044148
Columbus. *HARRISON, GEN. WILLIAM HENRY, HEADQUARTERS (JACOB OBERDIER HOUSE)*, 570 W. Broad St., (12-15-72) PH0070271
Columbus. *HAYES AND ORTON HALLS, OHIO STATE UNIVERSITY*, The Oval, (7-16-70)
Columbus. *JONES, W. H., MANSION*, 731 E. Broad St., (10-2-78)
Columbus. *OHIO ASYLUM FOR THE BLIND*, 240 Parsons Ave., (7-26-73) PH0070351
Columbus. *OHIO STADIUM*, 404 W. 17th Ave., (3-22-74) PH0070360
Columbus. *OHIO STATE ARSENAL*, 139 W. Main St., (7-18-74) PH0070378
Columbus. *OHIO STATEHOUSE*, SE corner of High and Broad Sts., (7-31-72) PH0070386 G. OGERS, ISAIAH SAIAH ROGERS. *State:*
Columbus. *OHIO THEATRE*, 39 E. State St., (4-11-73) PH0070394 NHL; G.
Columbus. *OLD GOVERNOR'S MANSION (OHIO ARCHIVES BUILDING, CHARLES H. LINDENBERG HOUSE)*, 1234 E. Broad St., (6-5-72) PH0070408
Columbus. *RICKENBACKER, CAPT. EDWARD V., HOUSE*, 1334 E. Livingston Ave., (5-11-76) NHL.
Columbus. *SESSIONS VILLAGE*, Both sides of Sessions Dr., (2-20-75)
Columbus. *SMITH, BENJAMIN, HOUSE*, 181 E. Broad St., (6-4-73) PH0070424
Columbus. *SULLIVANT, LUCAS, BUILDING*, 714 W. Gay St., (3-20-73) PH0070441
Columbus. *TOLEDO AND OHIO CENTRAL RAILROAD STATION*, 379 W. Broad St., (6-18-73) PH0070475 HAER; G.
Columbus. *TRINITY EPISCOPAL CHURCH*, 125 E. Broad St., (11-13-76)
Columbus. *U.S. POST OFFICE AND COURTHOUSE (OLD, OLD POST OFFICE)*, 121 E. State St., (4-11-73)
Columbus. *WYANDOTTE BUILDING*, 21 W. Broad St., (2-23-72) PH0070491 HABS.
Columbus vicinity. *AGLER-LA FOLLETTE HOUSE*, 2621 Sunbury Rd., (12-14-78)
Columbus vicinity. *DAVIS, SAMUEL, HOUSE*, 4264 Dublin Rd., (2-15-74) PH0070220
Columbus vicinity. *HARTLEY MOUND*, N of Columbus, (7-15-74) PH0070297
Columbus vicinity. *HARTMAN STOCK FARM HISTORIC DISTRICT*, S of Columbus on U.S. 23, (10-9-74) PH0084999
Columbus vicinity. *JACKSON FORT*, (12-16-74) PH0085251
Columbus vicinity. *MCDANNALD HOMESTEAD*, NE of Columbus at 5847 Sunbury Rd., (2-17-78)
Columbus vicinity. *NOBLE, JONATHAN, HOUSE*, 5030 Westerville Rd. (SR 3), (12-3-75)
Dublin vicinity. *DAVIS, ANSON, HOUSE*, 4900 Hayden Run Rd., (7-7-75)
Dublin vicinity. *HOLDER-WRIGHT WORKS*, (2-15-74) PH0070319
Dublin vicinity. *SELLS, BENJAMIN, HOUSE*, S of Dublin at 4586 Hayden Run Rd., (7-30-75)
Galloway vicinity. *GALBREATH, JOHN, MOUND*, W of Galloway, (7-15-74) PH0070262
Georgesville vicinity. *CANNON, TOM, MOUND*, (5-2-74) PH0070190
Groveport. *GROVEPORT LOG HOUSES*, Wirt Rd., (5-6-76)
Groveport. *GROVEPORT TOWN HALL HISTORIC GROUP*, 628, 632 Main and Main and Front Sts., (7-31-78)
Riverlea. *RUSSELL, MARK, HOUSE*, 5805 N. High St., (12-12-76)
Westerville. *ALKIRE HOUSE*, 259 N. State St., (3-30-78)
Westerville. *HANBY, BENJAMIN, HOUSE*, 160 W. Main St., (11-10-70) PH0094501
Westerville. *HART, GIDEON, HOUSE*, 7328 Hempstead Rd., (8-14-73) PH0070289
Westerville. *TOWERS HALL, OTTERBEIN COLLEGE*, Main and Grove Sts., Otterbein College campus, (3-4-71) PH0070459
Westerville. *WESTERVILLE HIGH SCHOOL-VINE STREET SCHOOL*, 44 N. Vine St., (5-29-75)
Westerville vicinity. *EVERAL, JOHN W., FARM BUILDINGS*, 7610 Cleveland Ave., (9-18-75)
Westerville vicinity. *OSBORN, CHARLES S.*, 5785 Cooper Rd., (3-28-77)
Worthington. *JOHNSON, ORANGE, HOUSE*, 956 High St., (4-3-73) PH0070335
Worthington. *NEW ENGLAND LODGE*, 634 N. High St., (3-20-73) PH0070343
Worthington. *SNOW, JOHN, HOUSE*, 41 W. New England Ave., (7-26-73) PH0071251
Worthington. *WORTHINGTON MANUFACTURING COMPANY BOARDINGHOUSE*, 25 Fox Lane, (6-19-73) PH0112917
Worthington vicinity. *JEFFERS, H. P., MOUND*, (5-2-74) PH0070327

fulton county

Delta vicinity. *WINAMEG MOUNDS (COUNCIL OAK)*, (12-31-74) PH0064921
Wauseon. *FULTON COUNTY COURTHOUSE*, S. Fulton and Chestnut Sts., (5-7-73) PH0060216

gallia county

Gallipolis. *OHIO HOSPITAL FOR EPILEPTICS STONE WATER TOWERS*, Mill Creek Rd., (9-13-78)
Gallipolis. *OUR HOUSE*, 434 1st Ave., (11-10-70) PH0094510

geauga county

Auburn Corners. *FREE WILL BAPTIST CHURCH OF AUBURN*, 11742 E. Washington St., (5-28-76)
Burton. *BURTON VILLAGE HISTORIC DISTRICT*, Surrounding Public Sq., (11-20-74) PH0034134

Burton. *GOODWIN, DR. ERASTUS, HOUSE*, 14485 Main St., (8-1-75)
Chardon. *CHARDON COURTHOUSE SQUARE DISTRICT*, Public Green, roughly bounded by Main and Center Sts., (10-18-74) PH0031453
Claridon. *CLARIDON CONGREGATIONAL CHURCH*, U.S. 322, (8-13-74) PH0060224 HABS.
East Claridon. *HATHAWAY, LOT, HOUSE*, 12236 Old State Rd., (10-16-74) PH0060232
Mayfield Heights vicinity. *WHITE, WALTER C., ESTATE*, E of Mayfield Heights at U.S. 322 and County Line Rd., (10-8-76)

greene county

Bellbrook vicinity. *BERRYHILL-MORRIS HOUSE*, S of Bellbrook at 3113 Ferry Rd., (11-12-75)
Cedarville vicinity. *POLLOCK WORKS (CEDARVILLE EARTHWORKS)*, (2-23-72) PH0060283
Cedarville vicinity. *REID, WHITELAW, HOUSE*, SW of Cedarville at 2587 Conley Rd., (5-7-73) PH0060291
Cedarville vicinity. *WILLIAMSON MOUND STATE MEMORIAL*, (12-13-71) PH0060321
Clifton vicinity. *WHITEMAN, BENJAMIN, HOUSE*, E of Clifton, (4-3-73) PH0060313
Fairborn vicinity. *HUFFMAN FIELD*, Wright-Patterson Air Force Base, 1 mi. SW of Fairborn, (5-6-71) PH0060267
Fairborn vicinity. *WRIGHT BROTHERS MEMORIAL MOUND GROUP*, Skyline Dr., (2-12-74) PH0060305
Fairborn vicinity. *WRIGHT-PATTERSON AIR FORCE BASE MOUND*, (2-23-72) PH0060330
Jamestown vicinity. *BALLARD ROAD COVERED BRIDGE*, NW of Jamestown on Ballard Rd. over Caesars Creek, (5-29-75)
Jamestown vicinity. *DEAN FAMILY FARM*, 5 mi. NW of Jamestown off U.S. 35 on Ballard Rd., (5-29-75)
Wilberforce. *YOUNG, COL. CHARLES, HOUSE*, Columbus Pike between Clifton and Stevenson Rds., (3-30-74) PH0185965 NHL.
Xenia. *BANK OF XENIA*, NE corner of Detroit and E. 2nd Sts., (5-7-73) PH0060241
Xenia. *EAST SECOND STREET DISTRICT*, 235 and 209-213-215 E. 2nd St., (3-20-73) PH0060259
Xenia. *MILLEN-SCHMIDT HOUSE*, 184 N. King St., (11-7-76)
Xenia. *PATTERSON, SAMUEL N., HOUSE*, 364 N. King St., (6-3-76)
Xenia vicinity. *OLD CHILLICOTHE SITE*, N of Xenia, (4-21-75)
Yellow Springs. *ANTIOCH HALL, NORTH AND SOUTH HALLS*, Hyde Rd., Antioch College campus, (6-30-75) HABS.
Yellow Springs vicinity. *ORATORS MOUND*, E of Yellow Springs, (7-15-74) PH0060275

guernsey county

Cambridge. *BARNETT-CRISS HOUSE*, SW of Cambridge off U.S. 22/40, (12-8-78)
Cambridge. *GUERNSEY COUNTY COURTHOUSE*, Courthouse Sq., (7-16-73) PH0060348
Cambridge. *MCCRACKEN-SCOTT HOUSE*, 819 Steubenvilla Ave., (12-20-78)
North Salem vicinity. *KENNEDY STONE HOUSE*, SE of North Salem off OH 271, (10-3-75)
Old Washington. *OLD WASHINGTON HISTORIC DISTRICT*, Both sides of Main St., (5-29-75)
Old Washington vicinity. *S BRIDGE, NATIONAL ROAD*, 4 mi. E of Old Washington on U.S. 40, (10-15-66) PH0071501 NHL.
Pleasant City vicinity. *BETHEL METHODIST EPISCOPAL CHURCH*, W of Pleasant City on OH 146, (11-24-78)

hamilton county

Cincinnati. *ALBEE THEATRE*, 12 E. 5th St., (7-24-72)
Cincinnati. *ALLEN TEMPLE*, 538 Broadway, (7-7-75)
Cincinnati. *APOSTOLIC BETHLEHEM TEMPLE CHURCH*, 1205 Elm St., (4-11-73) PH0060364
Cincinnati. *BENHAM MOUND*, Grand Vista Ave., (7-30-74) PH0060399
Cincinnati. *BEPLER, AUGUST, HOUSE (HOLLY RIDGE)*, 805 Tusculum Ave., (4-13-77)
Cincinnati. *CINCINNATI CITY HALL*, 801 Plum St., (12-11-72) PH0060437 G.
Cincinnati. *CINCINNATI MUSIC HALL*, 1243 Elm St., (1-26-70) PH0060445 NHL.
Cincinnati. *CINCINNATI STREET GAS LAMPS*, (12-22-78)
Cincinnati. *CINCINNATI UNION TERMINAL*, 1301 Western Ave., (10-31-72) PH0060453 NHL.
Cincinnati. *CINCINNATI ZOO DISTRICT*, Cincinnati Zoological Gardens, (1-27-75) HABS.
Cincinnati. *CLIFTON AVENUE HISTORIC DISTRICT*, Irregular pattern along Clifton Ave., (12-8-78)
Cincinnati. *CLOVERNOOK (CARY COTTAGE)*, 7000 Hamilton Ave., (6-18-73) PH0060429 G.
Cincinnati. *COLLEGE HILL TOWN HALL*, Belmont Ave. and Larch St., (3-17-78)
Cincinnati. *COURT STREET FIREHOUSE*, 311 W. Court St., (7-18-74) PH0060402
Cincinnati. *COVENANT FIRST PRESBYTERIAN CHURCH*, 8th and Elm Sts., (1-29-73) PH0060461
Cincinnati. *COVINGTON AND CINCINNATI SUSPENSION BRIDGE*, *Reference—see Kenton County, KY*
Cincinnati. *COX, GEORGE B., HOUSE (PARKVIEW)*, Brookline and Jefferson Aves., (11-6-73) PH0060411
Cincinnati. *COX, JACOB D., HOUSE*, 241–243 Gilman Ave., (4-14-75)
Cincinnati. *CUVIER PRESS CLUB (MARCUS FECHHEIMER HOUSE)*, 22 Garfield Pl., (10-26-72) PH0060470 G.
Cincinnati. *DAYTON STREET HISTORIC DISTRICT*, (1-25-73) PH0060488 G.
Cincinnati. *EDGECLIFF AREA HISTORIC GROUP*, 2220 Victory Parkway, (11-11-77)
Cincinnati. *EPISCOPAL CHURCH OF THE RESURRECTION*, 7346–48 Kirkwood La., (4-13-77)
Cincinnati. *FENWICK CLUB ANNEX*, 426 E. 5th St., (3-7-73) PH0060500
Cincinnati. *FERRIS, JOSEPH, HOUSE*, 5729 Dragon Way, (6-30-75) HABS.
Cincinnati. *FINDLAY MARKET BUILDING*, Esplanade at Elder St., between Elm and Race Sts., (6-5-72) PH0060518
Cincinnati. *FIRST CONGREGATIONAL-UNITARIAN CHURCH*, 2901 Reading Rd., (5-28-76)
Cincinnati. *GAS STREET LAMPS OF CINCINNATI MULTIPLE RESOURCE*, 1109 street lamps at various locations throughout Cincinnati, (12-22-78)
Cincinnati. *GOSHORN, SIR ALFRED T., HOUSE*, 3540 Clifton Ave., (4-3-73) PH0050253
Cincinnati. *HAMILTON COUNTY MEMORIAL BUILDING*, Elm and Grant Sts., (12-4-78)
Cincinnati. *HOFFNER HISTORIC DISTRICT*, bounded by Bluerock, Moline Court, Langland, and Hamilton Aves., (10-3-78)
Cincinnati. *HOLY CROSS MONASTERY AND CHAPEL*, 1055 St. Paul Pl., (9-13-78)
Cincinnati. *IMMACULATE CONCEPTION CHURCH, SCHOOL, AND RECTORY*, Pavilion and Guido Sts., (12-29-78)
Cincinnati. *INGALLS BUILDING*, 6 E. 4th St., (3-7-75)
Cincinnati. *LANGDON HOUSE*, 3626 Eastern Ave., (4-16-69) PH0094528
Cincinnati. *LLOYD, JOHN URI, HOUSE*, 3901 Clifton Ave., (3-7-73) PH0050288
Cincinnati. *LYTLE PARK HISTORIC DISTRICT*, Roughly bounded by 3rd, 5th, Sycamore, Commercial Sq., and Butler Sts., (3-26-76)
Cincinnati. *MADISON-STEWART HISTORIC DISTRICT*, Jct. of Madison and Stewart Sts., (5-29-75)
Cincinnati. *MECKLENBURG'S GARDEN*, 302 E. University Ave., (11-7-76)
Cincinnati. *MILLS' ROW*, 2201–2209 Park Ave., (4-29-77)
Cincinnati. *MOORMANN, BERNARD H., HOUSE*, 1514 E. McMillan St., (3-20-73) PH0050300
Cincinnati. *MORRISON HOUSE*, 750 Ludlow Ave., (4-3-73) PH0050326
Cincinnati. *MOUNT AUBURN HISTORIC DISTRICT*, Both sides of Auburn Ave. from Ringgold St. to Howard Taft Rd., (3-28-73) PH0050318
Cincinnati. *OBSERVATORY HISTORIC DISTRICT*, Observatory Pl. and Ave., (9-20-78)
Cincinnati. *OLD COLLEGE HILL POST OFFICE*, 1624 Pasadena Ave., (6-16-76)
Cincinnati. *OLD GOTHIC BARNS*, 6058 Colerain Ave., (7-20-76)
Cincinnati. *OLD ST. MARY'S CHURCH, SCHOOL AND RECTORY*, 123 E. 13th St., (3-13-76)
Cincinnati. *PENDLETON, GEORGE HUNT, HOUSE*, 559 E. Liberty St., (10-15-66) PH0050351 NHL.
Cincinnati. *PITMAN, BENN, HOUSE*, 1852 Columbia Pkwy., (7-7-69) PH0050369
Cincinnati. *PLUM STREET TEMPLE*, 8th and Plum Sts., (12-27-72) PH0050377 NHL.
Cincinnati. *PROBASCO, HENRY, HOUSE*, 430 W. Cliff Lane, (11-9-72) PH0050385
Cincinnati. *RAWSON HOUSE*, 3767 Clifton Ave., (7-24-73) PH0050393
Cincinnati. *RESOR, WILLIAM, HOUSE*, 254 Greendale Ave., (3-7-73) PH0050407
Cincinnati. *ROOKWOOD POTTERY*, Celestial and Rookwood Pl., (12-5-72) PH0050415
Cincinnati. *SACRED HEART ACADEMY (NEFF CASTLE)*, 525 Lafayette St., (4-11-73) PH0050423
Cincinnati. *SCARLET OAKS*, 440 Lafayette Ave., (3-7-73) PH0050474
Cincinnati. *DELTA QUEEN* (STEAMBOAT), Public Landing, (6-15-70) PH0060496
Cincinnati. *SPRING GROVE CEMETERY*, 4521 Spring Grove Ave., (5-13-76)
Cincinnati. *ST. FRANCIS DE SALES CHURCH HISTORIC DISTRICT*, Woodburn Ave. and Madison Rd., (3-1-74) PH0050431
Cincinnati. *ST. PATRICK'S CATHOLIC CHURCH*, 1662 Blue Rock, (12-4-78)
Cincinnati. *ST. PAUL CHURCH HISTORIC DISTRICT*, Spring and 12th Sts. and Dodt Alley, (1-18-74) PH0050440

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Cincinnati. *ST. PETER IN-CHAINS CATHEDRAL*, 325 W. 8th St., (1-18-73) PH0050458 HABS.
Cincinnati. *STOWE, HARRIET BEECHER, HOUSE*, 2950 Gilbert Ave., (11-10-70) PH0094536
Cincinnati. *TAFT MUSEUM (MARTIN BAUM HOUSE)*, 316 Pike St., (1-29-73) PH0060372 HABS; NHL; G.
Cincinnati. *WALDSCHMIDT-CAMP DENNISON DISTRICT*, 7509 and 7567 Glendale-Milford Rd., (3-7-73) PH0050491
Cincinnati. *WALLACE, CHARLTON, HOUSE*, 2563 Hackberry St., (1-30-76)
Cincinnati. *WEST FOURTH STREET HISTORIC DISTRICT*, Bounded by Central Ave., W. 5th, Plum, and McFarland Sts., (8-13-76)
Cincinnati. *WESTWOOD TOWN CENTER HISTORIC DISTRICT*, Epworth and Harrison Aves., (12-2-74) PH0062766
Cincinnati. *WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE*, 2038 Auburn Ave., (10-15-66)
Cincinnati. *WILSON-GIBSON HOUSE*, 425 Oak St., (3-17-76)
Cincinnati. *WORTH, GORHAM A., HOUSE*, 2316 Auburncrest Ave., (4-11-73) PH0050521
Cincinnati vicinity. *CLOUGH CREEK AND SAND RIDGE ARCHEOLOGICAL DISTRICT*, (10-1-74) PH0034371
Cincinnati vicinity. *HILL, JEDIAH, COVERED BRIDGE*, 7 mi. N of Cincinnati off U.S. 127 on Covered Bridge Rd., (3-28-73) PH0050270
Cincinnati vicinity. *MILLER-LEUSER LOG HOUSE*, Clough Pike and Newton Rd., (8-30-74) PH0050296
Cincinnati vicinity. *TURPIN SITE*, (12-27-74) PH0037991
Cincinnati vicinity. *UNITED BRETHREN IN CHRIST*, S of Cincinnati off I-275, (6-13-78)
Cincinnati vicinity. *WILLIAMS, W. L., HOUSE*, 280 Anderson Ferry Rd., (3-25-77)
Cleves vicinity. *CONRAD MOUND ARCHEOLOGICAL SITE*, E of Cleves, (6-20-75)
Cleves vicinity. *DRAVO GRAVEL SITE*, N of Cleves, (12-22-78)
Cleves vicinity. *SHAWNEE LOOKOUT ARCHEOLOGICAL DISTRICT*, (12-2-74) G.
Dunlap. *COLERAIN WORKS ARCHEOLOGICAL DISTRICT*, W of Dunlap, (6-18-76)
Dunlap vicinity. *DUNLAP ARCHEOLOGICAL DISTRICT*, W of Dunlap, (10-21-75)
Elizabethtown vicinity. *BUTLER, WESLEY, ARCHEOLOGICAL DISTRICT*, S of Elizabethtown, (7-24-76)
Elizabethtown vicinity. *RENNERT MOUND ARCHEOLOGICAL DISTRICT*, W of Elizabethtown, (3-4-75)
Elizabethtown vicinity. *STATE LINE ARCHEOLOGICAL DISTRICT*, W of Elizabethtown, (7-24-75)
Evendale. *MATHEW MOUND*, Off Oak Rd., (5-29-75)
Glendale. *GLENDALE HISTORIC DISTRICT*, OH 747, (7-20-76)
Glendale. *GLENDALE POLICE STATION*, 305 E. Sharon Ave., (3-27-75)
Greenhills. *WHALLON, JAMES, HOUSE*, 11000 Winton Rd., (5-17-73) PH0050504
Harrison. *LOOKER, OTHNIEL, HOUSE*, 10580 Marvin Rd., (6-5-75)
Harrison vicinity. *BENNETT, GEORGE, HOUSE*, 10281 Harrison Pike, (5-29-75) HABS.
Harrison vicinity. *CAMPBELL, HUGH, HOUSE*, 332 Weathervane Rd., (11-7-76)
Harrison vicinity. *EIGHTEEN MILE HOUSE*, 2 mi. SE of Harrison at Harrison Pike and Patriot Dr., (10-10-75) HABS.
Harrison vicinity. *JOHN, JEHU, HOUSE*, E of Harrison on Stone Dr., (10-31-75) HABS.
Harrison vicinity. *ROUDEBUSH FARM*, 8643 Kilby Rd., (6-17-76)
Indian Hill. *JEFFERSON SCHOOLHOUSE*, Indian Hill and Drake Rds., (3-17-76)
Indian Hill. *WASHINGTON HEIGHTS SCHOOL*, 8100 Given Rd., (7-30-75)
Mariemont. *FERRIS, ELIPHALET, HOUSE*, 3915 Plainville Rd., (5-29-75)
Mariemont. *MARIEMONT EMBANKMENT AND VILLAGE SITE*, (10-16-74) PH0034207
Mariemont vicinity. *UNITED METHODIST CHURCH (ARMSTRONG CHAPEL)*, 5125 Drake Rd., NE of Mariemont (12-4-75)
Montgomery. *UNIVERSALIST CHURCH HISTORIC DISTRICT*, Montgomery Rd. from 9433 N to Remington Ave., (12-2-70) PH0050482
New Haven vicinity. *WHITEWATER SHAKER SETTLEMENT*, 11813, 11347, 11081 Oxford Rd., (1-21-74) PH0050512
Newtown. *ODD FELLOWS' CEMETERY MOUND*, (6-18-73) PH0050342
Newtown and vicinity. *FERIN VILLAGE SITE*, Off OH 32, (3-25-77)
Newtown vicinity. *BROADWELL, CYRUS, HOUSE*, NE of Newton at 3882 Mount Carmel Rd., (5-29-75) HABS.
Newtown vicinity. *HAHN FIELD ARCHEOLOGICAL DISTRICT*, (10-29-74) PH0034339
Newtown vicinity. *HARRISON-LANDERS HOUSE*, 3881 Newtown Rd., (5-29-75) HABS.
North Bend. *HARRISON, WILLIAM HENRY, TOMB STATE MEMORIAL*, Mount Nebo on OH 128, (11-10-70) PH0050261
North Bend vicinity. *MT. NEBO ARCHEOLOGICAL DISTRICT*, Mt. Nebo and Brower Rd., (3-3-75)
North Bend vicinity. *WARDER, JOHN ASTON, HOUSE*, E of North Bend off Shady Lane, (5-19-78)
Norwood. *NORWOOD MOUND*, (5-2-74) PH0050334
Remington. *ELLIOTT HOUSE*, 9352 Given Rd., (10-29-76)
Sayler Park. *SHORT WOODS PARK MOUND*, (10-1-74) PH0034614
Sayler Park. *STORY MOUND*, Gracely Dr., (6-11-75)
Sharonville. *TWELVE MILE HOUSE*, 11006 Reading Rd., (9-1-76)
Springdale vicinity. *BECKER HOUSE*, 179 Crescentville Rd., (7-18-74) PH0060381
Woodland vicinity. *BURCHENAL MOUND*, N of Woodland, (5-29-75)
Wyoming. *TWIN OAKS*, 629 Liddle Lane, (5-29-75)

hancock county

Findlay. *FIRST HANCOCK COUNTY COURTHOUSE*, 819 Park St., (3-13-76)
Findlay. *HANCOCK COUNTY COURTHOUSE*, Courthouse Sq., (5-7-73) PH0050539
Findlay. *HULL, JASPER G., HOUSE*, 422 W. Sandusky St., (5-7-73) PH0050547
Fostoria. *FOSTORIA MAUSOLEUM*, 702 Van Buren St., (8-25-78)

hardin county

Roundhead vicinity. *ZIMMERMAN KAME*, (7-30-74) PH0050555

harrison county

Cadiz. *HARRISON COUNTY COURTHOUSE*, Courthouse Sq., (7-18-74) PH0050563
Freeport. *REAVES, JOHN, HOUSE*, Public Sq., (7-15-77)

henry county

Napoleon. *HENRY COUNTY COURTHOUSE*, N. Perry and E. Washington Sts., (2-28-73) PH0050571

highland county

Buford vicinity. *HIRONS-BROWN HOUSE*, SW of Buford on Guernsey Rd., (12-12-76)
Greenfield. *SMITH, SAMUEL, HOUSE AND TANNERY*, 103 Jefferson St., (7-5-78)
Hillsboro. *HIGHLAND COUNTY COURTHOUSE*, Main and High Sts., (8-24-78)
Lynchburg. *LYNCHBURG COVERED BRIDGE*, East Fork of Little Miami River, (3-16-76)
Marshall vicinity. *ROCKY FORK PARK GROUP*, (6-18-73) PH0050598
Rainsboro vicinity. *BARKETTS MILLS*, CR 1A and Rocky Fork Creek, (12-26-72) PH0050580
Rainsboro vicinity. *ROCKY FORK PARK SITE*, (6-18-73) PH0050601
Salem Township. *WORKMAN WORKS*, (10-26-71) PH0050610
Sinking Springs vicinity. *FORT HILL STATE PARK*, (11-10-70) PH0094544

hocking county

Haydenville. *HAYDENVILLE HISTORIC TOWN*, (3-20-73) PH0070637
Laurelville vicinity. *DAVIS WORKS*, SE of Laurelville, (7-15-74) PH0070505
Laurelville vicinity. *DEFFENBAUGH, GEORGE, MOUND*, NE of Laurelville, (7-15-74) PH0070513
Laurelville vicinity. *EDITH ROSS MOUND*, (6-18-73) PH0070530
Laurelville vicinity. *KARSHNER MOUND*, SE of Laurelville, (7-15-74) PH0070521

holmes county

Fredericksburg vicinity. *ARMSTRONG, JOSEPH, FARM*, SE of Fredericksburg, (11-27-78)
Millersburg. *BRIGHTMAN HOUSE*, Wooster Rd. and Walnut St., (10-29-74) PH0070548
Millersburg. *HOLMES COUNTY COURTHOUSE AND JAIL*, Courthouse Sq., (7-25-74) PH0070556

huron county

Bellevue vicinity. *WRIGHT, JOHN, MANSION*, OH 113, W of OH 4, (2-27-74)
Greenwich vicinity. *MEAD-ZIMMERMAN HOUSE*, E of Greenwich on OH 13, (3-30-78)
Monroeville. *BROWN, SETH, HOUSE*, 29 Brown St., (5-3-74) PH0070572 HABS.
Monroeville. *HOSFORD, JOHN, HOUSE*, 64 Sandusky St., (5-3-74) PH0070581
Monroeville. *ZION EPISCOPAL CHURCH*, Ridge St. at Monroe St., (5-3-74) PH0070629
Norwalk. *BENEDICT, DR. DAVID DE FOREST, HOUSE*, 80 Seminary St., (1-23-75)
Norwalk. *HURON COUNTY COURTHOUSE AND JAIL*, E. Main St. and Benedict Ave., (7-12-74) PH0070599
Norwalk. *WEST MAIN STREET DISTRICT*, In an irregular pattern, both sides of W. Main St. for 6 blocks from W edge of business district, (2-27-74) PH0070602 HABS; G.

Peru. *MACKSVILLE TAVERN*, Peru Hollow Rd., (5k3-76)
Steuben vicinity. *PHOENIX MILLS*, E of Steuben on Mill Rd., (5-28-75)

jackson county

Byer. *BYER COVERED BRIDGE*, SR 31, (10-21-75)
Coalton. *MINER'S SUPPLY STORE (WOOD, ENOCH AND SONS, HARDWARE STORE)*, Main and 2nd Sts., (11-1-77)
Coalton vicinity. *LEO PETROGLYPH*, NW of Coalton, (11-10-70)
Coalton vicinity. *LEO PETROGLYPH STATE MEMORIAL*, 4 mi. (6.4 km) NW of Coalton off U.S. 35, (11-10-70)
Jackson vicinity. *BUCKEYE FURNACE*, 10 mi. E of Jackson, (11-10-70) PH0071587
Oak Hill. *OAK HILL WELSH CONGREGATIONAL CHURCH*, 412 E. Main St., (5-23-78)
Wellston vicinity. *BUCKEYE FURNACE COVERED BRIDGE*, 3 mi. SE of Wellston on SR 165, (2-24-75)

jefferson county

Mount Pleasant. *FRIENDS MEETINGHOUSE*, Near OH 150, (11-10-70) PH0070611
Mount Pleasant. *VILLAGE OF MOUNT PLEASANT HISTORIC DISTRICT*, Roughly bounded by 3rd, North, High, and South Sts., (6-28-74) PH0070653 G.
Mt. Pleasant. *LUNDY, BENJAMIN, HOUSE*, Union and 3rd Sts., (5-30-74) PH0229989 NHL.
Rayland. *STRINGER STONE HOUSE*, 224 Warren St., (7-10-74) PH0070661
Steubenville. *FEDERAL LAND OFFICE*, U.S. 22 and OH 7, (4-3-73) PH0070645
Tiltonsville. *HODGEN'S CEMETERY MOUND*, Off OH 7, (9-25-75)
Warrenton. *SPEEDWAY MOUND*, Off OH 7, (9-5-75)

knox county

Fredericktown. *TUTTLE HOUSE*, 33 E. College St., (7-12-76)
Fredericktown vicinity. *BRADDOCK MOUND AND WORKS*, (6-18-73) PH0070670
Fredericktown vicinity. *RALEIGH MOUND*, S of Fredericktown, (10-14-75)
Gambier. *KENYON COLLEGE*, OH 229 and OH 308, (12-6-75)
Gambier vicinity. *CHRIST CHURCH AT THE QUARRY*, E of Gambier at jct. of SR 235 and 233, (9-25-75)
Mount Liberty. *MOUNT LIBERTY TAVERN*, U.S. 36, (5-3-74) PH0070700
Mount Vernon. *EAST GAMBIER STREET DISTRICT*, 100–519 E. Gambier St., (11-18-76)
Mount Vernon. *KNOX COUNTY COURTHOUSE*, High St., (6-4-73) PH0070688
Mount Vernon. *PENNSYLVANIA DEPOT (COLUMBUS, AKRON, AND CLEVELAND DEPOT)*, S. Main St., (11-3-72) PH0070718
Mount Vernon. *ROUND HILL*, E. Pleasant and N. McKenzie Sts., (12-12-76)
Mount Vernon. *WOODWARD OPERA HOUSE*, Main and Vine Sts., (10-10-75)
Mount Vernon vicinity. *MCLAUGHLIN MOUND*, (12-11-72) PH0070696

lake county

Fairport Harbor. *FAIRPORT MARINE MUSEUM*, 129 2nd St., (11-5-71) PH0070751 G.
Kirtland. *KIRTLAND TEMPLE*, 9020 Chillicothe Rd., (6-4-69) PH0070785 NHL; HABS.
Kirtland. *OLD SOUTH CHURCH*, 9802 Chillicothe Rd., (9-20-73) PH0070823
Madison. *KIMBALL, ADDISON, HOUSE*, 390 W. Main St., (3-27-75)
Madison. *KIMBALL, LEMUEL (II), HOUSE*, 467 W. Main St., (10-15-74) PH0070777
Madison. *PAIGE, DAVID R., HOUSE*, 21–29 W. Main St., (12-23-75)
Madison. *PAIGE, JUDGE DAVID, HOUSE*, 21–29 W. Main St., (12-23-75) PH0280828
Madison. *WINANS, DR. J. C., HOUSE*, 143 River St., (4-26-76)
Madison vicinity. *LADD'S TAVERN*, 5466 S. Ridge Rd., (5-22-78)
Madison vicinity. *MADISON FORT*, SE of Madison, (7-30-74) PH0070807
Mentor. *CORNING-WHITE HOUSE*, 8353 Mentor Ave., (11-7-72) PH0070742
Mentor. *GARFIELD, JAMES A., HOME (LAWNFIELD)*, 1059 Mentor Ave., (10-15-66) PH0112569 NHL; G.
Mentor. *GRAY-COULTON HOUSE*, 8607-8617 Mentor Ave., (12-3-75)
Mentor. *LAKE SHORE & MICHIGAN SOUTHERN RAILROAD DEPOT AND FREIGHT HOUSE*, 8445 Station St., (1-31-78)
Mentor. *MASON, JAMES, HOUSE*, 8125 Mentor Ave., (9-18-75)
Mentor vicinity. *SAWYER-WAYSIDE HOUSE*, 9470 Mentor Ave., (10-29-74) PH0070831
Painesville. *ADMINISTRATION BUILDING, LAKE ERIE COLLEGE (COLLEGE HALL)*, 391 W. Washington St., (3-20-73) PH0070726
Painesville. *CASEMENT HOUSE*, 436 Casement Ave., (7-30-75)
Painesville. *LUTZ'S TAVERN (RIDER TAVERN)*, 179 Mentor Ave., (4-23-73) PH0070793 HABS.
Painesville. *MATHEWS HOUSE*, 309 W. Washington St., (4-23-73) PH0070815
Painesville. *MENTOR AVENUE DISTRICT*, Wood St. and Mentor Ave. from Liberty to Washington St., (8-3-78)
Painesville. *MORLEY, LEWIS, HOUSE*, 231 N. State St., (3-30-78)
Painesville. *PAINESVILLE CITY HALL (OLD LAKE COUNTY COURTHOUSE)*, 7 Richmond St., (7-24-72) PH0071234
Painesville. *SEELEY, URI, HOUSE*, 969 Riverside Dr., (8-14-73) PH0070840
Painesville. *SESSIONS HOUSE (TUSCAN HOUSE)*, 157 Mentor Ave., (8-14-73) PH0070858
Painesville. *SMEAD HOUSE*, 187 Mentor Ave., (11-21-74) PH0044199
Painesville. *ST. JAMES EPISCOPAL CHURCH*, 141 N. State St., (7-7-75)
Painesville vicinity. *INDIAN POINT FORT*, E of Painesville, (7-30-74) PH0070769
Perry. *GREEN, LUCIUS, HOUSE*, 4160 Main St., (7-12-76)
Unionville. *CONNECTICUT LAND COMPANY OFFICE*, 7071 E. Main St., (8-14-73) PH0070734
Unionville. *UNIONVILLE DISTRICT SCHOOL*, 3480 West St., (12-29-78)
Unionville. *UNIONVILLE TAVERN*, On OH 84, (7-26-73) PH0070866 HABS.

lawrence county

Burlington. *JOHNSTON, WILLIAM C., HOUSE AND GENERAL STORE*, Washington and Davidson Sts., (9-7-76)
Burlington. *OLD LAWRENCE COUNTY JAIL*, Court St., (12-22-78)
Burlington vicinity. *MACEDONIA CHURCH*, N of Burlington, (2-7-78)
Chesapeake vicinity. *MAPLEWOOD*, W of Chesapeake on Maplewood La., (4-13-77)
Ironton. *FIFTH AND LAWRENCE STREETS RESIDENTIAL DISTRICT*, 5th and Lawrence Sts., (8-2-78)
Ironton. *NORFOLK AND WESTERN RAILROAD DEPOT*, 1st St. and Park Ave., (9-13-78)
Scottown vicinity. *SCOTTOWN COVERED BRIDGE*, E of Scottown on SR 67, (11-12-75) HAER.

licking county

Brownsville vicinity. *FLINT RIDGE*, (11-10-70) PH0070904
Croton vicinity. *BELLE HALL COVERED BRIDGE*, E of Croton on Dutch Cross Rd., (10-22-76)
Granville. *BUXTON INN*, 313 E. Broadway, (12-26-72) PH0070874
Granville. *ST. LUKE'S EPISCOPAL CHURCH*, 111 E. Broadway St., (4-26-76)
Granville vicinity. *ALLIGATOR EFFIGY MOUND*, (11-5-71) PH0070891
Granville vicinity. *STANBERY, EDWIN, OFFICE*, 1 mi. (1.6 km) E of Granville, (11-30-78)
Heath. *OHIO CANAL GROUNDBREAKING SITE*, OH 79, (5-24-73) PH0070963
Homer. *DIXON MOUND (WILLIAMS MOUND)*, (6-4-73) PH0070882
Newark. *CHAPEL HILL CEMETERY BUILDINGS*, Cedar St., Chapel Hill Cemetery, (4-13-77)
Newark. *HOME BUILDING ASSOCIATION BANK*, 6 W. Main St., (7-2-73) PH0070912
Newark. *LICKING COUNTY COURTHOUSE*, Courthouse Sq., (3-20-73) PH0070921
Newark. *NEWARK EARTHWORKS*, Mound Builders State Memorial, (10-15-66) PH0070955 NHL.
Newark. *SHERWOOD-DAVIDSON AND BUCKINGHAM HOUSES*, W. Main and 6th Sts., (11-10-77)
Newark. *SHIELD'S BLOCK*, 23–29 S. Park Pl., (11-29-78)
Newark vicinity. *UPLAND FARM*, N of Newark off OH 657, (12-1-78)
Reynoldsburg vicinity. *ETNA TOWNSHIP MOUNDS I AND II*, E of Reynoldsburg off I 70, (9-5-75)
Utica vicinity. *MCDANIEL MOUND*, (5-2-74) PH0070939
Utica vicinity. *MELICK MOUND*, S of North Fork of Licking River, (3-27-74) PH0070947

logan county

Bellefontaine. *FIRST CONCRETE STREET IN U.S.*, E. Court Ave., (2-25-74) PH0060534
Bellefontaine. *LOGAN COUNTY COURTHOUSE*, Public Sq., (6-4-73) PH0060542
Bloom Center vicinity. *MCCOLLY COVERED BRIDGE*, 2 2 mi. SE of Bloom Center, (5-28-75)
Huntsville vicinity. *DUNNS POND MOUND*, (7-30-74) PH0060526
Russells Point vicinity. *LAKE RIDGE ISLAND MOUNDS*, (10-16-74) PH0034215

lorain county

Amherst. *AMHERST TOWN HALL*, 206 S. Main St., (5-29-75)
Amherst. *OLD AMHERST FREIGHT DEPOT*, Franklin St., (11-21-78)
Avon. *CAHOON, WILBUR, HOUSE*, 2940 Stoney Ridge Rd., (4-6-78)

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Avon. *HURST, WILLIAM E., HOUSE*, 33065 Detroit Ave., (9-11-74) PH0060569
Avon. *WILLIAMS, HENRY HARRISON, HOUSE*, 37392 Detroit Rd., (7-12-78)
Avon Lake. *MILLER, PETER, HOUSE*, 33740 Lake Rd., (8-25-78)
Columbia Center. *COLUMBIA BAPTIST CHURCH*, 25514 Royalton Rd., (6-12-76)
Columbia Center. *COLUMBIA TOWN HALL*, 25496 Royalton Rd., (3-17-76)
Elyria. *FIRST CHURCH OF CHRIST, SCIENTIST*, 309 East Ave., (6-18-75)
Elyria. *GARFORD, ARTHUR L., HOUSE*, 509 Washington Ave., (12-30-74) PH0062774
Elyria. *LAUNDON, THOMAS W., HOUSE*, 307 West Ave., (10-21-75)
Elyria. *LORAIN COUNTY COURTHOUSE*, 308 2nd St., (6-18-75)
Elyria. *MONTEITH HALL*, 218 East Ave., (10-9-74) PH0060577
Grafton. *IMMACULATE CONCEPTION CHURCH*, 708 Erie St., (3-16-76)
Grafton vicinity. *BRECKENRIDGE, JUSTIN, HOUSE*, 37174 SE. Main St., (11-29-78)
Lorain. *LORAIN LIGHTHOUSE*, Lorain Harbor, (12-29-78)
Lorain. *PALACE THEATRE BUILDING*, Broadway and 6th St., (3-30-78)
Lorain. *ROOT, WILLIAM H., HOUSE*, 3535 E. Erie Ave., (9-20-78)
Lorain. *SEHER, WILLIAM, HOUSE*, 329 W. 9th St., (6-17-76)
Lorain vicinity. *BURRELL FORT*, N of Lorain, (4-4-78)
Lorain vicinity. *BURRELL, JABEZ AND ROBBINS, HOUSE AND CHEESE FACTORY*, N of Lorain off OH 301, (1-1-76)
Lorain vicinity. *EIDEN PREHISTORIC DISTRICT*, N of Lorain, (11-21-78)
North Ridgeville. *CAHOON, SAMUEL C., HOUSE*, 38369 Center Ridge Rd., (9-20-78)
North Ridgeville. *NORTH RIDGEVILLE CITY HALL*, U.S. 20, (12-30-74) PH0043966
Oberlin. *CHRIST EPISCOPAL CHURCH*, 156 S. Main St., (11-30-78)
Oberlin. *CONGREGATIONAL CHURCH OF CHRIST*, W. Lorain and N. Main Sts., (8-13-74) PH0060551
Oberlin. *LANGSTON, JOHN MERCER, HOUSE*, 207 E. College St., (5-15-75) NHL.
Oberlin. *OBERLIN COLLEGE*, Tappan Sq., (10-15-66) PH0060585 NHL.
Oberlin. *WESTERVELT HALL*, 39 S. Main St., (5-3-74) PH0060593
Sheffield. *GARFIELD, HALSEY, HOUSE*, 4789 Detroit Rd., (5-22-78)
Sheffield. *GARFIELD, MILTON, HOUSE*, 4921 Detroit Rd., (9-21-78)
Sheffield. *SHEFFIELD VILLAGE HALL*, Detroit Rd., (10-5-78)
Sheffield Lake. *103RD OHIO VOLUNTEER INFANTRY ASSOCIATION BARRACKS*, 5501 E. Lake Rd., (7-14-78)
Sheffield Lake vicinity. *BURRELL ORCHARD SITE*, S of Sheffield Lake, (9-15-77)
South Amherst vicinity. *DEAN ROAD BRIDGE*, W of South Amherst at Dean Rd. and Vermilion River, (11-28-78)
Vermillion vicinity. *MILL HOLLOW HOUSE, THE*, SE of Vermillion on N. Ridge Rd., (6-29-76)
Vermillion vicinity. *MORRIS-FRANKS SITE*, SE of Vermillion, (9-5-75)
Wellington. *WELLINGTON CENTER HISTORIC DISTRICT*, Main St. and Herrick Ave., (11-21-74) PH0043915

lucas county

Maumee. *ECKENRODE AND BREISACH HOUSES*, 202 and 204 E. Dudley St., (4-6-78)
Maumee. *FIRST PRESBYTERIAN CHURCH OF MAUMEE CHAPEL*, 200 E. Broadway, (8-13-73) PH0060623
Maumee. *FORT MIAMIS SITE*, Between Michigan, Water, and Corey Sts., and the Maumee River, (6-18-75)
Maumee. *GOVERNOR'S INN*, 301 River Rd., (10-18-74) PH0031364
Maumee. *GRISWOLD, PECK, HOUSE*, 228 E. Broadway, (5-22-78)
Maumee. *HANSON HOUSE*, 405 E. Broadway, (5-22-78)
Maumee. *HOUSE OF FOUR PILLARS*, 322 E. Broadway, (7-16-73) PH0060640
Maumee. *HULL, ISAAC, STORE*, 114 E. Harrison St., (3-30-78)
Maumee. *HULL-WOLCOTT HOUSE*, 1031 River Rd., (1-26-70) PH0060798
Maumee. *MAUMEE HISTORIC DISTRICT*, Bounded roughly by Allen, W. Harrison, Rosamond, W. Broadway, Cass, and W. Dudley Sts., (1-18-74) PH0060682
Maumee. *MAUMEE SIDECUT*, N of Maumee River, SW of Ewing Island, (4-11-73) PH0060691
Maumee. *REED, HENRY JR., HOUSE*, 511–513 White St., (4-20-78)
Maumee vicinity. *FALLEN TIMBERS BATTLEFIELD*, 2 mi. W of Maumee on U.S. 24, (10-15-66) PH0060615 NHL.
Providence. *LUDWIG, ISAAC R., HISTORICAL MILL*, Mill Rd. in Providence Park, (6-28-74) PH0060674 G.
Providence. *PROVIDENCE HISTORIC DISTRICT*, Court and Main Sts., Ludwig and Providence-Neopolis Rds., (8-13-75)
Toledo. *BERDAN BUILDING*, 601 Washington St., (5-29-75)
Toledo. *BRAND, R., AND COMPANY (WESTERN SHOE COMPANY)*, 120–124 St. Clair St., (5-27-75)
Toledo. *BURT'S THEATER*, 719–723 Jefferson St., (11-1-77)
Toledo. *EAST SIDE COMMERCIAL BLOCK*, 107–117 Main St., (5-3-76)
Toledo. *FIRST CHURCH OF CHRIST, SCIENTIST*, 2704 Monroe St., (11-29-78)
Toledo. *FORT INDUSTRY SQUARE*, (7-23-73) PH0060631
Toledo. *LUCAS COUNTY COURTHOUSE AND JAIL*, (5-11-73) PH0060666
Toledo. *MANHATTAN BUILDING*, 518 Jefferson Ave., (6-10-75)
Toledo. *MONROE STREET COMMERCIAL BUILDINGS*, 513–623 Monroe St., (12-12-76)
Toledo. *NEUKOM, ALBERT, HOUSE*, 301 Broadway, (3-4-71) PH0060704
Toledo. *OLD CENTRAL POST OFFICE*, 13th St. between Madison and Jefferson Aves., (2-23-72) PH0060712
Toledo. *OLD WEST END DISTRICT*, (3-14-73) PH0060721
Toledo. *PHILIPPS, HENRY, HOUSE*, 220 Columbia St., (2-23-72) PH0060739
Toledo. *PYTHIAN CASTLE (BLECKNER MUSIC COMPANY)*, 801 Jefferson Ave., (2-23-72) PH0060747
Toledo. *SECOR HOTEL*, 413–423 Jefferson Ave., (4-30-76)
Toledo. *ST. CLAIR STREET HISTORIC DISTRICT*, Both sides of St. Clair St. from Perry St. to S side of Lafayette St., (5-29-75)
Toledo. *ST. PATRICK'S CATHOLIC CHURCH*, 13th St. and Avondale Ave., (2-23-72) PH0060755
Toledo. *ST. PAUL'S UNITED METHODIST CHURCH*, Madison and 13th Sts., (11-2-78)
Toledo. *STANDART-SIMMONS HARDWARE COMPANY*, 36 S. Erie St., (5-29-75)
Toledo. *SUCCESSFUL SALES COMPANY (OLIVER HOUSE)*, 27 Broadway, (5-6-71) PH0060763 G.
Toledo. *TOLEDO CITY MARKET*, 237 S. Erie St., (2-23-72) PH0060771
Toledo. *TOLEDO CLUB*, 14th St. and Madison Ave., (12-1-78)
Toledo. *TOLEDO NEWS-BEE* **BUILDING**, 604 Jackson St., (2-23-72) PH0060780
Toledo. *TOLEDO YACHT CLUB*, Bay View Park, (12-12-76)
Toledo. *VISTULA HISTORIC DISTRICT*, Roughly bounded by Champlain, Summit, Walnut and Magnolia Sts., (12-6-78)
Toledo. *WHEELER BLOCK*, 402 Monroe St., (5-29-75)
Toledo. *WRIGHT, DR. JOHN A., HOUSE*, Detroit Rd., (10-5-78)
Waterville. *COLUMBIAN HOUSE*, River and Farnsworth Rds., (12-17-69) PH0060607 HABS.
Waterville. *GILLETT-SHOEMAKER-WELSH HOUSE*, 133 N. 4th St., (7-18-75)
Waterville. *MOREHOUSE-DOWNES HOUSE*, 4 S. River Rd., (5-29-75)
Waterville. *WATERVILLE COMMERCIAL DISTRICT*, 3rd St., (12-12-76)
Waterville vicinity. *HASKINS, LIBERTY WHITCOMB, HOUSE*, N of Waterville at 625 Canal Rd., (7-1-75)
Waterville vicinity. *INTERURBAN BRIDGE (OHIO ELECTRIC RAILROAD BRIDGE, ROCHE DE BOEUF)*, 1 mi. S of Waterville over Maumee River, (6-19-72) PH0060658 (also in Wood County)
Waterville vicinity. *PRAY-STARKWEATHER HOUSE*, 144 N. River Rd., (5-29-75)

madison county

Lafayette. *RED BRICK TAVERN*, 1700 Cumberland Rd., (9-5-75)
London. *MADISON COUNTY COURTHOUSE*, Public Sq., (3-14-73) PH0094552
Mount Sterling. *MOUNT STERLING HISTORIC DISTRICT*, Both sides of London St., (10-1-74) PH0060801
Plain City vicinity. *CARY VILLAGE SITE*, SE of Plain City, (5-13-75)
Somerford vicinity. *WILSON, VALENTINE, HOUSE*, About 1 mi. N of Somerford off I 70, (5-22-73) PH0060828
West Jefferson vicinity. *SKUNK HILL MOUNDS*, (7-30-74) PH0060810

mahoning county

Alliance vicinity. *ALLIANCE CLAY PRODUCT COMPANY*, 1500 S. Mahoning Ave., (12-8-78)
Austintown vicinity. *ANDERSON, JUDGE WILLIAM SHAW, HOUSE*, 7171 Mahoning Ave., (3-17-76)
Canfield. *NEWTON, JUDGE EBEN, HOUSE*, 105 N. Broad St., (7-18-74) PH0060909
Canfield. *OLD MAHONING COUNTY COURTHOUSE*, 7 Court St., (10-7-74) PH0060917
Canfield. *RUGGLES, CHARLES, HOUSE*, 17 Court St., (8-1-75)
Canfield vicinity. *NEFF, CONRAD, HOUSE*, 3967 Canfield-Boardman Rd., (10-9-74) PH0060895
Coitsville Township. *MCGUFFEY, WILLIAM H., BOYHOOD HOME SITE*, McGuffey Rd., near OH 616, (10-15-66) PH0060887 NHL.
Lowellville. *LOWELLVILLE RAILROAD STATION*, Penn Central RR., (7-30-76)

Poland. *KIRTLAND, JARED P., HOUSE*, Audobon Rd. and Michigan Ave., (5-13-76)
Poland. *SOUTH MAIN STREET DISTRICT*, Both sides of S. Main St., (10-1-74)
Struthers vicinity. *HOPEWELL FURNACE SITE*, At Lake Hamilton off Hopewell Dr., (11-10-75) HAER.
Youngstown. *ARLINGTON AVENUE DISTRICT*, 304-373 Arlington Ave., (8-13-74) PH0060836
Youngstown. *BUTLER INSTITUTE OF AMERICAN ART*, 524 Wick Ave., (10-29-74) PH0060852
Youngstown. *IDORA PARK MERRY-GO-ROUND*, Idora Park on Canfield Rd., (2-6-75)
Youngstown. *LANTERMAN MILL*, Canfield Rd. (U.S. 62) in Mill Creek Park, (7-10-74) PH0060861
Youngstown. *MAHONING COUNTY COURTHOUSE*, 120 Market St., (8-13-74) PH0060879
Youngstown. *MILL CREEK PARK SUSPENSION BRIDGE*, Mill Creek Park, (10-29-76)
Youngstown. *RAYEN SCHOOL*, 222 Wick Ave., (10-22-74) PH0060925
Youngstown. *RENNER, GEORGE J., JR., HOUSE*, 277 Park Ave., (10-8-76)
Youngstown. *TOD HOMESTEAD CEMETERY GATE*, Belmont Ave., (10-22-76)
Youngstown. *WICK AVENUE HISTORIC DISTRICT*, Bounded by Wick, Bryson, Expwy., Spring, and Wick Oval, (11-20-74) PH0034126
Youngstown vicinity. *AUSTINTOWN LOG HOUSE*, W of Youngstown on Raccoon Rd., (7-30-74) PH0060844 G.

marion county

Caledonia vicinity. *CALEDONIA BOWSTRING BRIDGE*, N of Caledonia, (5-23-78)
Marion. *HARDING TOMB*, Marion Cemetery, (6-16-76)
Marion. *HARDING, WARREN G., HOUSE*, 380 Mount Vernon Ave., (10-15-66) PH0060941 NHL.
Marion. *MARION COUNTY COURTHOUSE*, Courthouse Sq., (7-25-74) PH0060950
Marion. *PALACE THEATER*, 272 W. Center St., (3-26-76)
Waldo vicinity. *WYATT'S TAVERN-FORT MORROW SITE*, S of Waldo, (12-22-78)

medina county

Lester. *COOK, ZIMRI, HOUSE*, 6994 Spieth Rd., (6-22-76)
Lodi vicinity. *BLACK RIVER VIADUCT, BALTIMORE AND OHIO RAILROAD*, 1 mi. W of Lodi off OH 421, (5-6-76)
Lodi vicinity. *BURR, GEORGE, HOUSE*, 740 Wooster Rd., (5-3-76)
Mallet Creek. *YORK UNITED METHODIST CHURCH*, Norwalk Rd., (2-17-78)
Medina. *MEDINA COUNTY COURTHOUSE*, Liberty St. and Broadway, Public Sq., (7-16-70) PH0060968 G.
Medina. *MEDINA PUBLIC SQUARE HISTORIC DISTRICT*, Public Sq. and surrounding properties, (6-11-75)
Medina. *ROOT, A. I. AND E. R., HOMESTEAD*, 662 W. Liberty St., (6-10-75)
Medina vicinity. *BLAKSLEE, BURRITT, HOUSE*, 3756 Fenn Rd., (12-4-74) PH0034541
Sharon Center vicinity. *CHANDLER, MATTHEW, HOUSE*, S of Sharon Center at 6908 Ridge Rd., (3-30-78)
Valley City vicinity. *FRANK, CHARLES, HOUSE AND STORE*, W of Valley City at jct. of OH 303 and SR 23, (9-5-75)
Valley City vicinity. *ST. MARTIN'S CATHOLIC CHURCH*, SW of Valley City on Station Rd. (CR 23), (11-12-75)
Wadsworth. *ST. MARK'S EPISCOPAL CHURCH (WADSWORTH CONGREGATIONAL CHURCH; OLD MENNONITE CHURCH)*, 146 College St., (2-6-73) PH0060976
Westfield Center. *UNIVERSALIST CHURCH OF WESTFIELD CENTER*, LeRoy and Greenwich Rds., (11-29-78)

meigs county

Pomeroy, 2nd and Main Sts., (11-14-78)
Alfred vicinity. *REEVES MOUND*, N of Alfred, (7-15-74) PH0060992
Chester. *OLD MEIGS COUNTY COURTHOUSE AND CHESTER ACADEMY*, OH 248, (6-30-75) HABS.
Chester vicinity. *MOUND CEMETERY MOUND*, (5-2-74) PH0060984
Middleport. *GRANT, WILLIAM H., HOUSE*, 453 Grant St., (3-30-78)
Pomeroy vicinity. *BUFFINGTON ISLAND*, 20 mi. SE of Pomeroy on OH 124, (11-10-70) PH0094561

mercer county

Celina. *RILEY, CALVIN E., HOUSE*, 130 E. Market St., (11-30-78)
Fort Recovery. *FORT RECOVERY SITE*, OH 49, (11-10-70) PH0061000
Fort Recovery vicinity. *WALLISCHECK HOMESTEAD*, N of Fort Recovery, (11-27-78)
Maria Stein. *GAST, MATTHIAS, HOUSE AND GENERAL STORE*, OH 119, (12-29-78)
Maria Stein vicinity. *MARIA STEIN CONVENT*, St. John's and Rolfes Rds., (5-6-76)
Mendon. *MENDON TOWN HALL*, S. Main St., (12-29-78)

miami county

Casstown vicinity. *SAUNDERS, ELIZABETH SHEETS, FARM*, 4525 McCandless Rd., (11-21-76)
Lockington and vicinity. *LOCKINGTON LOCKS HISTORICAL AREA*, (12-17-69) (also in Shelby County)
New Carlisle vicinity. *BAUMGARDNER, WILLIAM, HOUSE AND FARM BUILDINGS*, 8390 National Rd., (2-17-78)
Piqua. *FORT PIQUA HOTEL (THE FAVORITE HOTEL, PLAZA HOTEL)*, 114 W. Main St., (2-15-74) PH0061026
Piqua vicinity. *PIQUA HISTORICAL AREA STATE MEMORIAL (JOHN JOHNSTON FARM AND INDIAN AGENCY)*, OH 66, 1 mi. N of Piqua, (4-7-71) G.
Troy. *CULBERTSON, ROBERT, HOUSE*, 304 E. Franklin St., (10-10-75)
Troy. *DUNLAP, WILLIAM K., HOUSE*, 16 E. Franklin St., (12-12-76)
Troy. *FIRST PRESBYTERIAN CHURCH*, Franklin and Walnut Sts., (12-12-76)
Troy. *HAYNER, MARY JANE, HOUSE*, 301 W. Main St., (1-30-76)
Troy. *MIAMI COUNTY COURTHOUSE AND POWER STATION*, Bounded by Main, Short, Plum, and Water Sts., (5-30-75) G.
Troy. *OVERFIELD TAVERN*, 201 E. Water St., (1-30-76)
Troy. *TROY PUBLIC SQUARE*, Property surrounding jct. of Main and Market Sts., (6-30-75)
Troy. *WILLIAMS, JUDGE HENRY, HOUSE*, 16 S. Cherry St., (1-1-76)
Troy vicinity. *ELDEAN COVERED BRIDGE*, N of Troy across Miami River on CR 33, (2-20-75)
Troy vicinity. *IDDINGS, BENJAMIN, LOG HOUSE*, 6.5 mi. W of Troy, (11-21-76)
Troy vicinity. *TWIN ARCH STONE CULVERT*, N of Troy at SR 25A, (7-17-78)

monroe county

Graysville vicinity. *FOREAKER BRIDGE*, 3 mi. E of Graysville on SR 40, (6-5-75)
Graysville vicinity. *WEDDEL BRIDGE*, 3 mi. E of Graysville on SR 40, (6-5-75) PH0141461

montgomery county

Brookville. *SPITLER, SAMUEL, HOUSE*, 14 Market St., (9-28-73) PH0112933
Centerville. *CENTERVILLE HISTORIC DISTRICT*, Irregular pattern at Franklin and Main Sts., (12-17-74) PH0080055
Centerville vicinity. *KELLOG, ETHOL, HOUSE*, W of Centerville off SR 755 on Yankee St., (6-18-76)
Centerville vicinity. *WATKINS HOUSE*, 9950 Lebanon Pike, (12-24-74) PH0044181
Clayton vicinity. *FLORY, JOSEPH, HOUSE*, NW of Clayton on Diamond Mill Rd., (3-29-78)
Dayton. *BROOKS, JAMES, HOUSE*, 41 E. 1st St., (5-29-75)
Dayton. *BROWN, SAMUEL N., HOUSE*, 1633 Wayne Ave., (4-11-77)
Dayton. *CLASSIC THEATER*, 815 W. 5th St., (2-10-75) G.
Dayton. *CONOVER BUILDING*, 4 S. Main St., (10-14-75)
Dayton. *DAYTON ARCADE*, From Ludlow to Main St. between 3rd and 4th Sts., (6-18-75)
Dayton. *DAYTON ART INSTITUTE*, Forest and Riverview Aves., (11-19-74) PH0070980
Dayton. *DAYTON DAILY NEWS BUILDING*, 4th and Ludlow Sts., (11-30-78)
Dayton. *DAYTON WOMAN'S CLUB (STEELE-DARST HOUSE)*, 225 N. Ludlow St., (2-24-75)
Dayton. *DUNBAR, PAUL LAURENCE, HOUSE*, 219 N. Summit St., (10-15-66) PH0071005 NHL.
Dayton. *GOTTSCHALL, OSCAR M., HOUSE*, 20 Livingston Ave., (4-11-77)
Dayton. *GUMMER HOUSE*, 1428 Huffman Ave., (2-17-78)
Dayton. *INCINERATOR SITE*, Along West River Rd., E of B & O RR. tracks, (4-1-75)
Dayton. *KELLY FAMILY HOME*, 657 S. Main St., (6-30-75)
Dayton. *KEMP, LEWIS, HOUSE*, 400 Burkhardt Ave., (1-23-75)
Dayton. *KUHNS, BENJAMIN F., BUILDING*, 43 S. Main St., (4-24-78)
Dayton. *MCELHENNY-AUSENBAUGH HOUSE*, 7373 Taylorsville Rd., (7-18-75)
Dayton. *MILLER, DANIEL, HOUSE*, 3525 Dandridge Ave., (5-29-75)
Dayton. *MONTGOMERY COUNTY COURTHOUSE (OLD COURTHOUSE*, NW corner 3rd and Main sts., (1-26-70) PH0094579 G.
Dayton. *OHMER, NICHOLAS, HOUSE*, 1350 Creighton St., (10-16-74) PH0071056
Dayton. *OLD POST OFFICE AND FEDERAL BUILDING*, SE corner of W. 3rd and Wilkinson Sts., (3-10-75)
Dayton. *OREGON HISTORIC DISTRICT*, Between Patterson Blvd. and Wayne Ave. N to Gates St. and S to U.S. 35, (3-27-75)
Dayton. *POLLACK, ISAAC, HOUSE*, 319 W. 3rd St., (12-16-74) PH0044172

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Dayton. *REYNOLDS, JOHN R., HOUSE*, 24 Klee St., (11-21-76)
Dayton. *RUBICON FARM*, 1815 Brown St., (9-29-76)
Dayton. *SMITH, EDWIN, HOUSE (DAYTON BICYCLE CLUB)*, 131 W. 3rd St., (8-13-74) PH0071072
Dayton. *ST. MARY'S HALL, UNIVERSITY OF DAYTON*, 300 College Park, (5-25-73) PH0071064
Dayton. *VICTORY THEATER BUILDING*, 138 N. Main St., (6-22-72) PH0071081
Dayton. *WALTERS, DR. JEFFERSON A., HOUSE*, 35 E. 1st St., (11-20-74) PH0034142
Dayton. *WOMEN'S CHRISTIAN ASSOCIATION*, 800 W. 5th St., (5-13-76)
Dayton. *WOODLAND CEMETERY GATEWAY, CHAPEL AND OFFICE*, 118 Woodland Ave., (11-30-78)
Dayton. *WRIGHT, ORVILLE, LABORATORY*, 15 N. Broadway, (4-13-73) PH0071111
Dayton vicinity. *ARNOLD HOMESTEAD*, N of Dayton on OH 201, (11-7-77)
Dayton vicinity. *DEERWOOD FARM*, N of Dayton at 7200 Peters Pike, (11-12-75)
Dayton vicinity. *LICHLITER MOUND AND VILLAGE SITE*, (6-4-73) PH0071030
Dayton vicinity. *TAYLORSVILLE CANAL INN*, 4240 Taylorsville Rd., (11-16-77)
Englewood vicinity. *MARTINDALE, SAMUEL, HOUSE*, NE of Englewood off U.S. 40, (5-22-78)
Germantown. *GERMANTOWN COVERED BRIDGE*, Center St., over Little Twin Creek, (9-3-71) PH0071013
Germantown. *GUNCKEL'S TOWN PLAN HISTORIC DISTRICT*, Roughly bounded by Mulberry and Walnut Sts., and Warren and Market Sts. (includes properties on both sides of streets), (5-13-76)
Germantown. *ROHR, DAVID, MANSION AND CARRIAGE HOUSE*, Astoria Rd. and OH 725, (5-22-78)
Germantown. *SHUEY'S MILL*, Main St., (9-5-75)
Germantown vicinity. *CARLISLE FORT*, S of Germantown on Eby Rd., (2-15-74) PH0070971
Germantown vicinity. *KOEHNE-POAST FARM*, W of Germantown off OH 725, (4-11-77)
Germantown vicinity. *STUMP, JOHN, HOUSE AND MILL*, SW of Germantown at jct. of Sigal and Oxford Rds., (7-7-75)
Kettering. *DEEDS BARN*, Prugh Barn, (9-3-71)
Kettering. *KETTERING, CHARLES F., HOUSE*, 3965 Southern Blvd., (12-22-77) NHL.
Miamisburg. *MARKET SQUARE*, Both sides of Main St. including jcts. at Central and Linden Aves., (11-10-75)
Miamisburg vicinity. *MIAMISBURG MOUND*, (11-10-70) PH0071048
Oakwood. *HAWTHORN HILL*, Harman and Park Aves., (10-18-74) PH0071021
Trotwood vicinity. *WOLF CREEK MOUND*, (6-4-73) PH0071102
Vandalia vicinity. *BEARD, JOHN, FARM*, S of Vandalia on Mulberry Lane, (5-5-78)

morgan county

Stockport vicinity. *BIG BOTTOM MASSACRE SITE*, 1 mi. SE of Stockport on OH 266, (11-10-70) PH0071129

morrow county

Mount Gilead. *FLORAL HALL*, Morrow County Fairgrounds, (12-12-76)
Mount Gilead. *MORROW COUNTY COURTHOUSE AND JAIL*, Courthouse Sq., (7-25-74) PH0071137

muskingum county

Chandlersville vicinity. *MOUNT ZION PRESBYTERIAN CHURCH*, E of Chandlersville off OH 146, (12-19-78)
Dresden. *DRESDEN SUSPENSION BRIDGE*, OH 208 and OH 666, (12-1-78)
Nashport vicinity. *NASHPORT MOUND*, (5-24-73) PH0071153
New Concord. *HARPER, WILLIAM RAINEY, LOG HOUSE*, E. Main St., (4-6-78)
New Concord. *PAUL HALL, MUSKINGUM COLLEGE*, Layton Dr., Muskingum College campus, (4-23-73) PH0071161 G.
New Concord vicinity. "S" *BRIDGE II*, U.S. 40 W of New Concord, (4-23-73) PH0071170
Norwich vicinity. *SALT CREEK COVERED BRIDGE*, 3 mi. NW of Norwich, (9-10-74) PH0085057
Norwich vicinity. *WEST UNION SCHOOL*, S of Norwich on SR 200, (3-30-78)
Philo vicinity. *PHILO II ARCHEOLOGICAL DISTRICT*, S of Philo, (11-29-78)
Roseville. *ROSEVILLE HIGH SCHOOL*, Stokeley and Perry Sts., (3-30-78)
Zanesville. *ACHAUER-LINSER HOUSE AND BREWERY COMPLEX*, 976–988 E. Main St., (8-3-78)
Zanesville. *CHRISTMAN, NICHOLAS, HOUSE*, 532 Wayne Ave., (5-22-78)
Zanesville. *EMERY, ABRAM, HOUSE*, 413 Pershing Rd., (12-6-78)
Zanesville. *HARRIS, WILLIAM B., HOUSE*, 1320 Newman Dr., (5-22-78)
Zanesville. *LAFAYETTE LODGE NO. 79*, 333 Market St., (9-13-78)
Zanesville. *LASH, WILLIAM D., HOUSE*, 2261 Dresden Rd., (2-17-78)
Zanesville. *MUSKINGUM COUNTY COURTHOUSE AND JAIL*, 4th and Main Sts., (7-16-73) PH0071145
Zanesville. *MUSKINGUM RIVER LOCK NO. 10 AND CANAL*, N bank of Muskingum River, N of RR bridge S to lock terminus, (12-19-78)
Zanesville. *PUTNAM HISTORIC DISTRICT*, Bounded by Penn Central RR. tracks, Van Buren St., and the Muskingum River., (6-30-75)
Zanesville. *PUTNAM HISTORIC DISTRICT*, Bounded by Penn Central RR. tracks, Van Buren St., and the Muskingum River, (6-30-75) PH0193267
Zanesville. *SEBORN, FREDERICK AUGUSTUS, HOUSE*, 1115–1119 Maysville Pike, (4-4-78)
Zanesville. *ST. JAMES EPISCOPAL CHURCH*, 155 N. 6th St., (10-2-78)
Zanesville. *ST. NICHOLAS'S CATHOLIC CHURCH*, 925 Main St., (9-25-75)
Zanesville. *Y BRIDGE*, At foot of Main St., over the Licking and Muskingum rivers, (11-2-73) PH0071188
Zanesville. *ZANESVILLE YWCA*, 49 N. 6th St., (7-17-78)
Zanesville vicinity. *FIVE MILE HOUSE*, S of Zanesville off U.S. 22, (4-11-77)
Zanesville vicinity. *HEADLEY INN., SMITH HOUSE AND FARM*, 5255 West Pike, (4-26-78)

noble county

Middleburg vicinity. *HUFFMAN COVERED BRIDGE*, 1.5 mi. S of Middleburg off SR 564, (3-4-75)

ottawa county

Danbury. *JOHNSON ISLAND CIVIL WAR PRISON AND FORT SITE*, E shore area of Johnson Island, (3-27-75)
Genoa. *GENOA TOWN HALL*, Main and 6th Sts., (6-7-76)
Genoa. *OLD SCHOOL PRIVY*, 310 Main St., (7-31-75)
Gibraltar Island. *COOKE, JAY, HOUSE*, Put-in-Bay, Lake Erie, (11-13-66) PH0071196 NHL.
Marblehead. *MARBLEHEAD LIGHTHOUSE*, OH 163, (12-17-69) PH0071200
Mineyahta-on-the-Bay. *WAR OF 1812 BATTLE SITE*, East Bay Shore Rd., 1 mi. W of jct. with T-142, (2-23-72) PH0071226
Port Clinton. *OTTAWA COUNTY COURTHOUSE*, W. 4th and Madison Sts., (5-3-74) PH0071218
Port Clinton vicinity. *MO-JOHN, BETSY, CABIN*, About 4 mi. E of Port Clinton off OH 53, (5-6-76)
Put-in-Bay, South Bass Island. *PERRY'S VICTORY AND INTERNATIONAL PEACE MEMORIAL*, (10-15-66) PH0350311
Put-in-Bay vicinity. *INSELRUHE*, NE of Put-in-Bay at jct. of Bayview Ave. and Chapman Rd. on South Bass Island, (12-12-76)

paulding county

Paulding. *PAULDING COUNTY COURTHOUSE*, Courthouse Sq., (5-3-74) PH0071269

perry county

Glenford vicinity. *GLENFORD FORT (COOPERIDER FORT)*, (10-26-71) PH0071277
New Reading. *MITCHELL, RANDOLPH, HOUSE*, Rush Creek Rd., (12-8-78)
New Reading vicinity. *BOWMAN MILL COVERED BRIDGE*, S of New Reading on Sr 86, (2-8-78)
Shawnee. *SHAWNEE HISTORIC DISTRICT*, Both sides of Main St., 2nd St. to Walnut St., (3-17-76)
Somerset. *SOMERSET HISTORIC DISTRICT*, Roughly both sides of Main St. from High St. to properties facing Market Sq.; both sides of Columbus St. from jct. with Sheridan and Gay Sts., (9-5-75)
Somerset vicinity. *PARKS COVERED BRIDGE*, N of Somerset on CR 33, (9-10-74) PH0031445

pickaway county

Circleville. *CIRCLEVILLE HISTORIC DISTRICT*, Main and Court Sts., (5-16-78)
Circleville vicinity. *ARLEDGE MOUNDS I AND II*, (7-30-74) PH0071285
Circleville vicinity. *LUTHOR LIST MOUND*, (10-16-74) PH0034291
Circleville vicinity. *MOUNT OVAL (TOLBERT HOUSE)*, Off U.S. 23, (7-25-74) PH0071293
Fox vicinity. *CLEMMONS, W.C., MOUND*, (5-2-74) PH0071315
Kingston vicinity. *BELLEVUE*, N of Kingston on OH 159, (3-17-76)
Marcy vicinity. *FRIDLEY-OMAN FARM*, W of Marcy in Slate Run Metropolitan Park, (12-6-75)
Tarlton vicinity. *HORN MOUND*, (8-7-74) PH0034304
Williamsport vicinity. *BAZORE MILL*, S of Williamsport on OH 138 at Deer Creek, (12-19-78)
Williamsport vicinity. *SHACK, THE*, NW of Williamsport, (5-23-74) PH0071307
Williamsport vicinity. *TICK RIDGE MOUND DISTRICT*, NW of Williamsport, (6-11-75)

pike county

Jasper. *JONES-CUTLER HOUSE*, Bridge St., (4-26-76)
Morgantown vicinity. *EAGER INN*, N of Morgantown off OH 772, (11-8-74) PH0071323
Piketon. *FRIENDLY GROVE*, OH 220, E of Piketon, (1-26-70) PH0071331
Piketon. *PIKETON HISTORIC DISTRICT*, Bounded by West and 3rd Sts., U.S. 23, and the Scioto River, (2-28-74) PH0071340
Piketon vicinity. *PIKETON MOUNDS*, (5-2-74) PH0071358
Piketon vicinity. • *VANMETER STONE HOUSE AND OUTBUILDINGS*, S of Piketon at jct. of U.S. 23 and OH 124, (3-31-75)
Wakefield vicinity. *SCIOTO TOWNSHIP WORKS I*, (10-9-74) PH0034355

portage county

Atwater. *ATWATER CONGREGATIONAL CHURCH*, 1237 OH 183, (2-23-73) PH0071366 HABS.
Aurora. *AURORA CENTER HISTORIC DISTRICT*, Roughly both sides of OH 306 from and including Pioneer Trail to Rte. 82, also Maple Lane, (6-20-74) PH0071374 HABS.
Aurora. *HOWARD, C. R., HOUSE*, 411 E. Garfield St., (8-13-74) PH0071404 HABS.
Aurora vicinity. *KENT, ZENO, HOUSE*, 2.5 mi. SW of Aurora on Aurora-Hudson Rd., (4-23-73) PH0071412 G.
Edinburg vicinity. *WADSWORTH, FREDERICK, HOUSE*, 4889 OH 14, (5-29-75)
Freedom. *FREEDOM CONGREGATIONAL CHURCH*, Public Green on OH 88, (7-7-75)
Garrettsville vicinity. *CASCADE HOUSE*, NE of Garrettsville on OH 282 in Nelson Ledge State Park, (7-1-75)
Garrettsville vicinity. *ELLENWOOD HOUSE*, NW of Garretsville on OH 82, (6-20-75)
Hiram. *GARFIELD, JAMES A., HOUSE*, 6825 Hinsdale St., (1-30-76)
Hiram. *YOUNG, THOMAS F., HOUSE*, Wakefield and Garfield Sts., (10-22-76)
Hiram vicinity. *JOHNSON, JOHN, FARM*, 6203 Pioneer Trail, (12-12-76)
Kent. *DAVEY, JOHN, HOUSE*, 338 Woodard St., (5-29-75)
Kent. *FRANKLIN TOWNSHIP HALL*, 218 Gougler Ave., (10-10-75) HABS.
Kent. *KENT, CHARLES HOUSE*, 125 N. Pearl St., (2-23-78)
Kent. *KENT INDUSTRIAL DISTRICT*, Roughly bounded by Main, River, and S. Franklin Sts. and S property line of Portage Co., (12-30-74) PH0085260
Kent. *KENT JAIL*, 124 W. Day St., (8-10-78)
Kent. *MASONIC TEMPLE (MARVIN KENT HOUSE; "THE HOMESTEAD")*, 409 W. Main St., (7-18-74) PH0071439
Kent. *OHIO STATE NORMAL COLLEGE AT KENT*, Hilltop Dr. on Kent State University campus, (5-30-75)
Kent. *WEST MAIN STREET DISTRICT*, 409–625 W. Main St., (6-17-77)
Kent vicinity. *FERREY, AARON, HOUSE (WINAN SNYDER HOUSE)*, 5058 Sunny Brook Rd., (8-13-74) PH0071391
Mantua. *HINE, HORACE L., HOUSE*, 4624 W. Prospect St., (12-12-76)
Mantua. *MANTUA STATION BRICK COMMERCIAL DISTRICT*, Main and Prospect Sts., (12-24-74) PH0044211
Mantua Center. *MANTUA CENTER DISTRICT*, Roughly bounded by OH 82 and Mantua Center Rd., (10-9-74) PH0071421
Palmyra. *PALMYRA CENTER HOTEL*, OH 225 and SR 18, (4-30-76)
Ravenna. *RIDDLE BLOCK*, Public Sq., Chestnut, and Main Sts., (3-17-76)

preble county

College Corner vicinity. *HUESTON WOODS PARK MOUND*, (11-5-71) PH0071447
Eaton. *ST. CLAIR STREET BRIDGE*, over seven Mile Creek, (9-21-78)
Eaton vicinity. *CHRISTMAN COVERED BRIDGE*, 1.5 mi. NW of Eaton on SR 12, (10-22-76)
Eaton vicinity. *FORT ST. CLAIR SITE*, 1 mi. W of Eaton, (11-10-70) PH0094625
Eaton vicinity. *ROBERTS COVERED BRIDGE*, 3 mi. S of Eaton over Seven Mile Creek, (9-3-71) PH0071455
Fairhaven vicinity. *HARSHMAN COVERED BRIDGE*, 4 mi. N of Fairhaven on Concord-Fairhaven Rd. spanning Four Mile Creek, (9-29-76)
Gratis vicinity. *BRUBAKER COVERED BRIDGE*, W of Gratis on Aukerman Creek Rd., (6-11-75)
Lewisburg vicinity. *GEETING COVERED BRIDGE*, 2 mi. W of Lewisburg on Price Rd., (8-19-75)
Lewisburg vicinity. *WARNKE COVERED BRIDGE*, NE of Lewisburg on Swamp Creek Rd., (10-8-76)
West Alexandria. *UNGER, GEORGE B., HOUSE*, 29 E. Dayton St., (11-15-78)

putnam county

Glandorf. *ST. JOHN THE BAPTIST ROMAN CATHOLIC CHURCH*, OH 694 and Main St., (6-17-77)
Leipsic. *EDWARDS, JOHN, HOUSE*, 305 W. Main St., (11-27-78)
Ottawa. *OTTAWA WATERWORKS BUILDING*, 1035 E. 3rd St., (9-13-76)
Ottawa. *PUTNAM COUNTY COURTHOUSE*, Courthouse Sq., (5-3-74) PH0071463

richland county

Bellville. *ALL SOULS UNITARIAN-UNIVERSALIST CHURCH*, 125 Church St., (1-1-76)
Bellville. *BELLVILLE BANDSTAND*, North Bellville Municipal Park, (11-26-73) PH0071471
Bellville. *BELLVILLE VILLAGE HALL*, Park Pl. and Church St., (3-17-76)
Bellville. *GURNEY-KOCHHEISER HOUSE*, 174 Main St., (4-30-76)
Lucas vicinity. *MALABAR FARM*, SE of Lucas on Pleasant Valley Rd., (4-11-73) PH0071498
Mansfield. *BUSHNELL, MARTIN, HOUSE*, 34 Sturges Ave., (4-26-74) PH0071480
Mansfield. *KINGWOOD CENTER*, 900 Park Ave., W., (11-7-76)
Mansfield. *OAK HILL COTTAGE*, 310 Springmill St., (6-11-69) PH0094587
Mansfield. *RENNER AND WEBER BREWERY*, 79 E. 4th St., (9-16-77)
Mansfield. *RITTER, WILLIAM, HOUSE*, 181 S. Main St., (12-29-78)
Shelby. *MOST PURE HEART OF MARY CHURCH*, West St. and Raymond Ave., (11-30-78)

ross county

Bainbridge. *HARRIS, DR. JOHN, DENTAL SCHOOL*, Main St., (7-23-73) PH0044326
Bainbridge vicinity. *CAMPBELL, T. C., MOUND*, SW of Bainbridge, (7-15-74) PH0044288
Bainbridge vicinity. *SEIP EARTHWORKS AND DILL MOUNDS DISTRICT*, U.S. 50, Paxton Twp., N of Point Creek, (8-13-74) (1-2-76)
Bainbridge vicinity. *SEIP EARTHWORKS AND DILL MOUNDS DISTRICT*, U.S. 50 3 mi. E of Bainbridge, (8-13-74)
Bourneville vicinity. *SPRUCE HILL WORKS*, (2-23-72) PH0044415
Chillicothe. *ADENA MOUND*, 947–999 Orange St., (6-5-75) G.
Chillicothe. *CANAL WAREHOUSE*, Main and Mulberry Sts., (4-24-73) PH0044270
Chillicothe. *CHILLICOTHE'S OLD RESIDENTIAL DISTRICT*, (11-28-73) PH0044300
Chillicothe. *GRANDVIEW CEMETERY*, 240 S. Walnut St., (12-19-78)
Chillicothe. *KENDRICK-BARRETT HOUSE*, 475 Western Ave., (3-14-73) PH0044351
Chillicothe. *MACOMB, MARY WORTHINGTON, HOUSE*, 490 S. Paint St., (4-26-76)
Chillicothe. *MOUNTAIN HOUSE*, Highland Ave., (12-29-78)
Chillicothe. *OAK HILL*, Dun Rd., (4-3-73) PH0044385
Chillicothe. *RENICK HOUSE, PAINT HILL*, 17 Mead Dr., (5-9-73) PH0044393
Chillicothe. *STORY MOUND STATE MEMORIAL*, (3-7-73) PH0044431
Chillicothe vicinity. *ADENA*, W. Allen Ave. extended, (11-10-70) PH0044253 HABS.
Chillicothe vicinity. *ANDERSON, LEVI, HOUSE*, W of Chillicothe on Anderson Station Rd., (12-12-76)
Chillicothe vicinity. *BROWN, AUSTIN, MOUND*, NW of Chillicothe, (2-15-74) PH0044261
Chillicothe vicinity. *CEDAR-BANK WORKS*, (2-15-74) PH0044296
Chillicothe vicinity. *GREAT SEAL PARK ARCHEOLOGICAL DISTRICT*, (12-2-74) PH0052639
Chillicothe vicinity. *HIGH BANKS WORKS*, (7-16-73) PH0044334
Chillicothe vicinity. *HOPEWELL MOUND GROUP*, (2-12-74) PH0044342
Chillicothe vicinity. *METZGER, CHARLES, MOUND*, (6-18-73) PH0044377
Chillicothe vicinity. *MOUND CITY GROUP NATIONAL MONUMENT*, N of Chillicothe, (10-15-66)
Chillicothe vicinity. *STITT, DAVID, MOUND*, (11-9-72) PH0044423
Frankfort. *FRANKFORT WORKS MOUND*, (5-17-73) PH0044318
Hopetown vicinity. *HOPETON EARTHWORKS*, (10-15-66) PH0112577 NHL.
South Salem vicinity. *KINZER MOUND*, (1-17-74) PH0044369
South Salem vicinity. *SOUTH SALEM COVERED BRIDGE*, W of South Salem on Lower Twin Rd. across Buckskin Creek, (3-4-75)
Waverly. *WAVERLY CANAL DISTRICT*, U.S. 23, (12-20-78)

sandusky county

Burgoon vicinity. *MULL COVERED BRIDGE*, E of Burgoon between OH 12 and 53, (10-15-74) PH0085031
Clyde. *MCPHERSON, MAJ. GEN. JAMES B., HOUSE*, 300 E. McPherson Hwy., (10-18-74) PH0044440
Fremont. *BUCKLAND, RALPH P., HOUSE*, 300 S. Park Ave., (12-17-74) PH0034517
Fremont. *FREMONT CITY HALL*, 401 Croghan St., (8-30-78)
Fremont. *HAYES, RUTHERFORD B., HOUSE (SPIEGEL GROVE)*, Hayes and Buckland Aves., (10-15-66) PH0046647 NHL; G.
Fremont. *ST. PAUL'S EPISCOPAL CHURCH*, 200 N. Park Ave., (6-9-77)

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Woodville. *CRONENWETT, GEORG, HOUSE*, 606 W. Main St., (12-1-78)

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Minford vicinity. *BENNETT SCHOOLHOUSE ROAD COVERED BRIDGE*, SE of Minford, (10-11-78)
Otway. *OTWAY COVERED BRIDGE*, Off OH 348, (5-3-74) PH0044482
Portsmouth. *FIRST PRESBYTERIAN CHURCH*, 221 Court St., (11-28-73) PH0044458 G.
Portsmouth. *HORSESHOE MOUND*, Within Mound Park, (5-2-74) PH0044466
Portsmouth. *KINNEY, AARON, HOUSE*, Waller St., (7-2-73) PH0044474
Portsmouth. *LYRIC THEATER*, 820 Gallia St., (5-15-74)
Portsmouth vicinity. *FEURT MOUNDS AND VILLAGE SITE*, (6-18-73) PH0044792
West Portsmouth vicinity. *MOORE, PHILIP, STONE HOUSE*, S of West Portsmouth on OH 239, (10-21-75)
West Portsmouth vicinity. *TREMPER MOUND AND WORKS*, (12-8-72) PH0044491

seneca county

Tiffin. *DOWNTOWN TIFFIN HISTORIC DISTRICT*, Roughly bounded by Riverside Dr., Jefferson, Monroe, Sycamore and Coe Sts., (5-2-78)
Tiffin. *FOUNDERS HALL, HEIDELBERG COLLEGE*, Perry St. (OH 18), (3-20-73) PH0044504

shelby county

Anna. *ANNA TOWN HALL*, Main St., (9-20-78)
Botkins. *SHELBY HOUSE*, 403 W. State St., (12-8-78)
Lockington vicinity. *LOCKINGTON COVERED BRIDGE*, 1 mi. E of Lockington on SR 132, (6-10-75)
New Bern vicinity. *TURTLE CREEK CULVERT AND EMBANKMENT*, W of New Bern, (8-10-78)
Sidney. *PEOPLE'S FEDERAL SAVINGS AND LOAN ASSOCIATION*, 101 E. Court St., (6-5-72) PH0044521 NHL.
Sidney. *SIDNEY WATERWORKS AND ELECTRIC LIGHT BUILDING*, 121 N. Brooklyn Ave., (12-29-78)
Sidney. *WHITBY MANSION*, 429 N. Ohio Ave., (12-12-76)

stark county

Alliance. *GLAMORGAN*, 1025 S. Union Ave., (10-5-72) PH0044539
Alliance. *HAINES HOUSE*, 186 W. Market St., (7-30-74) PH0044555
Alliance. *MOUNT UNION COLLEGE DISTRICT*, (10-5-72) PH0044563
Canton. *BORDNER HOUSE*, 4522 7th St., SW., (2-17-78)
Canton. *MCKINLEY, WILLIAM, TOMB*, 7th St., NW., (11-10-70) PH0094633 NHL.
Canton. *ST. JOHN'S CATHOLIC CHURCH*, 6th St. and McKinley Ave., NW., (5-27-75)
Canton. *STARK COUNTY COURTHOUSE AND ANNEX*, Market and Tuscarawas Sts., (4-3-75)
Canton. *THIRD STREET BRIDGE*, 3rd St., SE., (5-5-78)
Canton. *TIMKEN, HENRY H., ESTATE BARN*, 13th St., NW and I-77, (12-29-78)
Canton vicinity. *BAIR, JACOB H., HOUSE*, N of Canton at 7225 N. Market Ave., (12-29-78)
Magnolia vicinity. *SEVEN RANGES TERMINUS*, W of Magnolia at jct. of Stark, Tuscarawas, and Carroll counties, (12-12-76)
Massillon. *FIVE OAKS*, 210 4th St., NE., (4-11-73) PH0044547
Massillon. *SPRING HILL*, Wales Rd., NE., (4-14-72) PH0044571 G.
New Baltimore. *NEW BALTIMORE INN*, 14722 Ravenna Ave., (12-18-75)
Uniontown vicinity. *LAKE TOWNSHIP SCHOOL*, E of Uniontown at 1101 Lake Center St., (6-22-76)
Wilmot. *WILMOT UNITED BRETHREN CHURCH*, Massillon St. (U.S. 62), (6-22-76)

summit county

Akron. *FORT ISLAND WORKS*, (12-2-70) PH0044652
Akron. *GOODYEAR AIRDOCK*, S side of Akron Municipal Airport, (4-11-73) PH0044661
Akron. *HOWER MANSION*, 60 Fir Hill, (4-11-73) PH0044695 G.
Akron. *HYWET, STAN, HALL AND GARDENS*, 714 N. Portage Path, (1-17-75)
Akron. *JACKSON, ANDREW, HOUSE (ODD FELLOWS TEMPLE)*, 277 E. Mill St., (2-13-75)
Akron. *LOEW'S THEATRE*, 182 S. Main St., (7-16-73) PH0044709
Akron. *MILLER, LEWIS, HOUSE*, 142 King Dr., (1-30-76)
Akron. *OLD AKRON POST OFFICE*, 70 E. Market St., (6-19-72) PH0044725
Akron. *PERKINS, COL. SIMON, MANSION*, 550 Copley Rd., (8-13-74) PH0044750
Akron. *QUAKER OATS CEREAL FACTORY*, 120 E. Mill St., (12-8-78)
Akron. *ST. PAUL'S SUNDAY SCHOOL AND PARISH HOUSE*, E. Market and Forge Sts., (11-7-76)
Akron. *SUMMIT COUNTY COURTHOUSE AND ANNEX*, 209 S. High St., (10-15-74) PH0044768
Akron. *WERNER COMPANY BUILDING*, 109 N. Union, (12-12-76)
Akron vicinity. *BARKER VILLAGE SITE*, N of Akron, (4-19-78)
Barberton. *ANNA-DEAN FARM*, OH 619, (7-14-77)
Barberton. *BARBER, O. C., BARN NO. 1*, 115 3rd St., (2-28-73)
Barberton. *BARBER, O. C., COLT BARN*, Austin Dr , (10-9-74)
Barberton. *BARBER, O. C., CREAMERY*, 365 Portsmouth Ave., (5-22-73)
Barberton. *BARBER, O. C., MACHINE BARN*, Austin Dr., (10-9-74)
Barberton. *BARBER, O. C., PIGGERY (PORK PALACE)*, 248 Robinson Ave., (5-22-73)
Bath. *HALE, JONATHAN, HOMESTEAD*, 2686 Oak Hill Rd., (4-23-73) PH0044679 HABS; G.
Cuyahoga Falls. *CHUCKERY RACE*, (12-15-72) PH0044636
Cuyahoga Falls. *FIRST CONGREGATIONAL CHURCH*, 130 Broad Blvd., (11-3-75)
Everett vicinity. *EVERETT KNOLL COMPLEX*, S of Everett, (5-25-77)
Hudson. *HUDSON HISTORIC DISTRICT*, (11-28-73) PH0044717
Hudson. *WESTERN RESERVE ACADEMY*, Roughly bounded by Aurora St. and both sides of Oviatt, High, and N. Main Sts., (6-30-75)
Hudson vicinity. *BROWN, JOHN, FARMHOUSE*, 1842 Hines Hill Rd., (9-22-77)
Munroe Falls. *THORNTON-GUISE KITCHEN AND HOUSE*, 147 S. Main St., (5-6-76)
Northfield Center. *PALMER HOUSE*, 9370 Olde Eight Rd., (8-13-74)
Peninsula. *PENINSULA VILLAGE HISTORIC DISTRICT*, Both sides of OH 303, (8-23-74) PH0044741
Peninsula vicinity. *EVERETT ROAD COVERED BRIDGE*, SW of Peninsula on Everett Rd. over Furnace Creek, (5-23-74) PH0044644
Peninsula vicinity. *OHIO AND ERIE CANAL DEEP LOCK*, S of Peninsula on Riverview Rd., (9-9-74) PH0088561
Sagamore Hills. *MCKISSON, ROBERT, HOUSE*, 7878 N. Gannett Rd., (12-4-74) PH0073717
Tallmadge. *TALLMADGE TOWN SQUARE HISTORIC DISTRICT*, Public Sq., (5-6-71) PH0044776 HABS; G.
Twinsburg. *TWINSBURG CONGREGATIONAL CHURCH*, Twinsburg Public Sq., (5-3-74) PH0044784 HABS.
Twinsburg. *TWINSBURG INSTITUTE*, 8996 Darrow Rd., (1-1-76)
Twinsburg vicinity. *HERRICK, JONATHAN, HOUSE*, 8327 Darrow Rd., (7-18-74) PH0044687 HABS.
West Richfield vicinity. *KIRBY, JAMES, MILL*, W of West Richfield off OH 303, (12-14-78)

trumbull county

Braceville vicinity. *ELWELL, AUGUSTUS, HOUSE*, NW of Braceville on OH 82, (11-3-75)
Braceville vicinity. *MASON, JOHN WESLEY, GOTHIC COTTAGE*, NW of Braceville on OH 534, (11-12-75)
Gustavus and vicinity. *GUSTAVUS CENTER HISTORIC DISTRICT*, Town of Gustavus situated at jct. of OH 193 and OH 87, (8-6-75)
Howland Corners vicinity. *SEELY, DR. JOHN W., HOUSE*, 2245 Niles-Cortland Rd., (4-14-72) PH0050687
Kenilworth. *RAYMOND, LIBERTY G., TAVERN AND BARN*, OH 87 and Dennison-Ashtabula Rd., (6-20-75)
Kinsman. *CON*, Near OH 5 and 7, (9-3-71) PH0050679 HABS.
Kinsman. *DARROW, CLARENCE, OCTAGON HOUSE*, OH 5 and 7, (9-10-71) PH0050644 G.
Kinsman vicinity. *ALLEN, DR. PETER, HOUSE*, W. Williamsfield State Rd., N of intersection of OH 87, (9-3-71) PH0050628 HABS.
Mesopotamia. *MESOPOTAMIA VILLAGE DISTRICT*, OH 534 and 87, (12-24-74) PH0034410
Newton Falls. *NEWTON FALLS COVERED BRIDGE*, Off OH 534, (10-16-74) PH0031755
Niles. *MCKINLEY MEMORIAL*, 40 N. Main St., (10-31-75)
North Bloomfield. *BROWN, CHARLES, GOTHIC COTTAGE*, OH 45 S., (5-28-75)
North Bloomfield. *BROWN-WING HOUSE*, Park West Rd., (6-20-75)
North Bloomfield. *BROWNWOOD*, OH 45, (9-3-71) PH0050636 HABS.
North Bloomfield vicinity. *GREENE TOWNSHIP CENTER*, E of North Bloomfield on OH 87, (3-8-78)
Warren. *EDWARDS, JOHN STARK, HOUSE*, 309 South St., SE., (7-17-78) HABS.
Warren. *MAHONING AVENUE HISTORIC DISTRICT*, 241-391 Mahoning Ave., NW., (10-26-71) PH0050652 HABS.
Warren. *MCLAIN-GILLMER HOUSE*, 720 Mahoning Ave., NW., (6-15-78)

Warren. *TRUMBULL COUNTY COURTHOUSE*, 160 High St., NW., (12-31-74) PH0063801
Warren. *WARREN PUBLIC LIBRARY (CARNEGIE-SUTLIFF PUBLIC LIBRARY)*, 120 High St., NW., (3-20-73) PH0050695

tuscarawas county

Bolivar vicinity. *FORT LAURENS SITE*, Near OH 212, 0.5 mi. S of Bolivar, (11-10-70) PH0094595 G.
Dennison. *PENNSYLVANIA RAILROAD DEPOT AND BAGGAGE ROOM*, Center St., (9-8-76)
Gnadenhutten vicinity. *GNADENHUTTEN MASSACRE SITE*, S of Gnadenhutten on county rte., (11-10-70) PH0094609
New Philadelphia. *SCHOENBRUNN SITE*, U.S. 250, (11-10-70)
New Philadelphia. *TUSCARAWAS COUNTY COURTHOUSE*, Courthouse Sq., (7-16-73) PH0050709
Zoar. *ZOAR HISTORIC DISTRICT*, Bounded by 5th, Foltz, and 1st Sts. and by rear property lines of properties fronting West St. on the W, (6-23-69) PH0050717 HABS; G.

union county

Marysville. *MARYSVILLE HISTORIC DISTRICT*, Roughly bounded by Maple, Plum, 4th, and 7th Sts., (2-1-78)
Marysville vicinity. *ELLIS MOUNDS*, (7-30-74) PH0050725
Marysville vicinity. *GILCRIST HOUSE*, 3.5 mi. SE of Marysville off SR 33, (8-13-76)
Marysville vicinity. *REED COVERED BRIDGE*, 3.5 mi. S of Marysville off SR 38, (3-4-75)

van wert county

Van Wert. *VAN WERT COUNTY COURTHOUSE*, 121 E. Main St., (7-30-74) PH0050733

vinton county

Allensville vicinity. *MT. OLIVE ROAD COVERED BRIDGE*, 1 mi. NE of Allensville on Mt. Olive Rd., (10-8-76)
Arbaugh. *EAKIN MILL COVERED BRIDGE*, Mound Hill Rd., (3-16-76)
Londonderry vicinity. *RATCLIFFE MOUND*, E of Londonderry, (8-28-75)
McArthur. *TRINITY EPISCOPAL CHURCH*, Sugar and High Sts., (3-16-76)
Wilkesville vicinity. *PONN HUMPBACK COVERED BRIDGE*, 4 mi. SW of Wilkesville over Raccoon Creek, (4-11-73) PH0050768
Zaleski. *MARKHAM MOUND*, (5-3-74) PH0050750
Zaleski. *RANGER STATION MOUND*, Off OH 278, (7-15-74) PH0050776
Zaleski. *ZALESKI METHODIST CHURCH MOUND*, 22 N. Broadway, (7-15-74) PH0050784
Zaleski vicinity. *HOPE FURNACE*, 5 mi. NE of Zaleski on OH 278, (5-25-73) PH0050741

warren county

Foster vicinity. *LANDEN MOUNDS I AND II*, W of Foster, (5-27-75)
Franklin. *OLD LOG POST OFFICE*, 5th and River Sts., (3-17-76)
Franklin vicinity. *CRANE, JONATHAN, FARM*, S of Franklin on OH 741, (2-17-78)
Franklin vicinity. *HILL-KINDER MOUND*, (11-5-71) PH0050822
Harveysburg. *HARVEY, ELIZABETH, FREE NEGRO SCHOOL*, North St., (11-17-77)
Harveysburg vicinity. *HATTON FARM*, E of Harveysburg on OH 73, (3-29-78)
Lebanon. *GLENDOWER*, U.S. 42 (Cincinnati Ave.), (11-10-70) PH0094641
Lebanon. *GOLDEN LAMB*, 27–31 S. Broadway, (1-12-78) HABS.
Lebanon vicinity. *CROSSED KEYS TAVERN*, E of Lebanon on OH 350, (10-21-76)
Lebanon vicinity. *FORT ANCIENT*, Hopewell and Fort Ancient cultures, (10-15-66) PH0050814 NHL.
Morrow vicinity. *MOAR MOUND AND VILLAGE*, W of Morrow, (1-1-76)
Morrow vicinity. *STUBBS EARTHWORKS*, W of Morrow, (4-4-78)
Oregonia vicinity. *BONE MOUND II*, NW of Oregonia, (7-15-74) PH0050792
Oregonia vicinity. *BONE STONE GRAVES*, NW of Oregonia, (7-15-74) PH0050806
Otterbein vicinity. *ARMCO PARK MOUND I*, NW of Otterbein, (5-29-75)
Otterbein vicinity. *ARMCO PARK MOUND II*, NW of Otterbein, (5-29-75)
Waynesville vicinity. *MCKAY, MOSES, HOUSE*, E. of Waynesville, on New Burlington Rd., (2-17-78)

washington county

Bartlett vicinity. *SHINN COVERED BRIDGE*, NE of Bartlett off OH 555, (10-8-76)
Belpre. *AMES, CHARLES RICE, HOUSE*, 2212 Miller Ave., (2-14-78)
Belpre. *STONE, CAPT., JONATHAN, HOUSE*, 612 Blennerhassett Ave., (2-7-78)
Dart vicinity. *HUNE COVERED BRIDGE*, 2.5 mi. N of Dart on SR 34, (10-8-76)
Decaturville vicinity. *ROOT COVERED BRIDGE*, 0.5 mi. N of Decaturville on SR 6, (3-27-75)
Marietta. *ERWIN HALL, MARIETTA COLLEGE*, 5th St. on Marietta College campus, (4-23-73) PH0050849
Marietta. *FIRST UNITARIAN CHURCH OF MARIETTA*, 232 3rd St., (10-3-73) PH0050857
Marietta. *HARMAR HISTORIC DISTRICT*, Roughly bounded by the Ohio and Muskingum Rivers and the rear property lines of Lancaster, George, and Franklin Sts., (12-19-74) PH0034274
Marietta. *MARIETTA HISTORIC DISTRICT*, Roughly bounded by the Muskingum and Ohio Rivers and Warren, 3rd, 5th, and 6th Sts., (12-19-74) PH0034266 G.
Marietta. *MOUND CEMETERY MOUND (CONUS MOUND)*, 5th and Scammel Sts., (2-23-73) PH0050865
Marietta. *OHIO COMPANY LAND OFFICE*, Washington and 2nd Sts., Campus Martius Museum, (11-10-70) PH0094617
Marietta. *PUTNAM, RUFUS, HOUSE*, Campus Martius Museum, corner of 2nd and Washington Sts., (11-10-70) PH0050873
Marietta. *W. P. SNYDER, JR.* (STEAMBOAT), On Muskingum River at Sacra Via, (11-10-70) PH0094650
Marietta. *WILCOX-MILLS HOUSE (PRESIDENT'S HOUSE, MARIETTA COLLEGE)*, 301 5th St., (4-13-73) PH0050881
Marietta vicinity. *BAKER, COL. JOSEPH, HOUSE*, N of Marietta on Masonic Park Rd., (6-23-78)
Marietta vicinity. *HILDRETH COVERED BRIDGE*, 5 mi. (8 km) E of Marietta off OH 26, (2-8-78)
Marietta vicinity. *RINARD COVERED BRIDGE*, NE of Marietta on SR 406, (10-8-76)
Watertown vicinity. *HARRA COVERED BRIDGE*, 2 mi. NW of Watertown on SR 172, (10-8-76)

wayne county

Marshallville vicinity. *ZIMMERMAN, EZEKIEL B., OCTAGON HOUSE*, NW of Marshallville on OH 57, (5-28-75)
Millbrook. *KISTER MILL*, Jct. of Twnshp. Rds. 34 and 228, (7-10-74) PH0050903
Mount Eaton vicinity. *AKEY, JAMES, FARM*, SE of Mount Eaton, (12-22-78)
Orrville vicinity. *BARNET-HOOVER LOG HOUSE*, NW of Orrville, (8-13-74) PH0050890
Wooster. *BEALL, GEN. REASIN, HOUSE*, 46 E. Bowman St., (6-7-76)
Wooster. *McSWEENEY, JOHN, HOUSE*, 531 N. Market St., (7-30-74) PH0050911
Wooster. *WAYNE COUNTY COURTHOUSE DISTRICT*, (7-26-73) PH0050920
Wooster. *WOOSTER PUBLIC SQUARE HISTORIC DISTRICT*, Market and Liberty Sts., (11-30-78)

williams county

Bryan. *WILLIAMS COUNTY COURTHOUSE*, Main and High Sts., (5-7-73) PH0050946
Kunkle vicinity. *KUNKLE LOG HOUSE*, 1 mi. E of jct. CR 17 and 0, (8-5-76)
Nettle Lake vicinity. *NETTLE LAKE MOUND GROUP*, (3-27-74) PH0050938

wood county

INTERURBAN BRIDGE (OHIO ELECTRIC RAILROAD BRIDGE, ROCHE DE BOEUF), Reference—see Lucas County (1-2-74)
Bowling Green. *WOOD COUNTY COURTHOUSE AND JAIL*, 200 E. Court St., (6-25-74) PH0050989
Bowling Green vicinity. *DODGE SITE*, N of Bowling Green, (3-29-78)
Grand Rapids. *HEETER-RUSSO HOUSE*, 24570 2nd St., (5-29-75)
Grand Rapids. *THURSTON BUILDING*, Front St., (5-29-75)
Grand Rapids. *TOWN HALL*, Front St., (5-27-75)
Perrysburg. *HOOD-SIMMONS HOUSE*, 202 W. 5th St., (12-30-74) PH0034282
Perrysburg. *OLD WOOD COUNTY JAIL*, 240 W. Indiana Ave., (12-17-69) PH0050962 HABS; G.
Perrysburg. *PERRYSBURG HISTORIC DISTRICT*, Front St. (between E. Boundary St. and W. Boundary Lane), 2nd St. (between Pine and Hickory Sts.) and 3rd St. (at Louisiana Ave.), (4-14-75)
Perrysburg and vicinity. *EAST RIVER ROAD HISTORIC DISTRICT II*, 577 E. Front St. to 28589 E. River Rd., (11-21-76)
Perrysburg vicinity. *MACNICHOL SITE*, SW of Perrysburg, (11-24-78)
Perrysburg vicinity. *SPAFFORD HOUSE*, 27338 W. River Rd., (7-15-74) PH0050971
Perrysville vicinity. *FORT MEIGS*, 1.3 mi. SW of Perrysville, (8-4-69) PH0050954 NHL.
Rossford vicinity. *EAST RIVER ROAD HISTORIC DISTRICT I*, 29455–30465 E. River Rd. (N side only), (11-21-76)
Stony Ridge. *EMPIRE HOUSE*, 5535 U.S. 20, (11-28-78)

wyandot county

Upper Sandusky. *WYANDOT COUNTY COURTHOUSE AND JAIL*, Courthouse Sq., (7-2-73) PH0051004
Upper Sandusky vicinity. *INDIAN MILL*, 3.5 mi. NE of Upper Sandusky on Crane Twnshp. Rd., (11-10-70) PH0050997
Upper Sandusky vicinity. *PARKER COVERED BRIDGE*, 5 mi. NE of Upper Sandusky on SR 40A, (3-31-75)

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Upper Sandusky vicinity. *WYANDOT MISSION CHURCH*, N of Upper Sandusky off Church St., (1-20-76)
Wyandot vicinity. *SWARTZ COVERED BRIDGE*, NW of Wyandot on SR 130A, (10-8-76)

OKLAHOMA

adair county

Stilwell vicinity. *GOLDA'S MILL*, 12 mi. NW of Stilwell, (11-9-72) PH0140040

alfalfa county

Cleo Springs vicinity. *SOD HOUSE*, About 4 mi. N of Cleo Springs, (9-29-70) PH0140767

atoka county

Atoka vicinity. *BOGGY DEPOT SITE*, 14 mi. SW of Atoka, (4-19-72) PH0140775
Atoka vicinity. *MIDDLE BOGGY BATTLEFIELD SITE AND CONFEDERATE CEMETERY*, 1 mi. N of Atoka, (4-19-72)
Limestone Gap vicinity. *LEFLORE, CAPT. CHARLES, HOUSE*, 0.5 mi. N of Limestone Gap on U.S. 69, (6-13-72) PH0140783
Wapanucka vicinity. *FIRST OIL WELL IN OKLAHOMA (OLD FAUCETT WELL)*, 4 mi. NE of Wapanucka, (4-13-72) PH0140805
Wapanucka vicinity. *MCALISTER, BO, SITE*, E of Wapanucka, (4-21-78)
Wesley vicinity. *WADDELL'S STATION SITE*, About 3 mi. SW of Wesley, (4-13-72) PH0140813

beaver county

Beaver City. *LANE CABIN*, Main St. and Ave. C, (6-5-74) PH0140830
Beaver City. *PRESBYTERIAN CHURCH*, 3rd St. and Ave. E, (5-16-74) PH0140821
Gate vicinity. *LONKER ARCHEOLOGICAL SITE*, N of Gate, (11-27-78)
Mocane vicinity. *ROSE, BILLY, ARCHEOLOGICAL SITE*, S of Mocane, (9-1-78)
Turpin vicinity. *SHARPS CREEK CROSSING SITE*, 5 mi. SE of Turpin, (4-4-75)

beckham county

Carter vicinity. *EDWARDS ARCHEOLOGICAL SITE*, (9-19-73) PH0140848
Elk City. *WHITED GRIST MILL*, 306 E. 7th St., (1-1-76)

blaine county

Canton vicinity. *CANTONMENT*, (4-28-70)
Geary vicinity. *CHISHOLM, JESSE, GRAVE SITE*, NW of Geary on SR, (12-16-71) PH0140864
Okeene. *OKEENE FLOUR MILL*, Off OK 51, (11-7-76)
Watonga. *FERGUSON, THOMPSON BENTON, HOUSE*, 521 N. Weigel St., (5-17-73) PH0140872

bryan county

Achille vicinity. *BLOOMFIELD ACADEMY SITE*, S of Achille off OK 78, (11-15-72) PH0140899
Bokchito vicinity. *ARMSTRONG ACADEMY SITE*, 3 mi. NE of Bokchito, (4-13-72) PH0140881
Colbert vicinity. *COLBERT'S FERRY SITE*, 3 mi. SE of Colbert, (6-29-72) PH0140911
Durant. *OKLAHOMA PRESBYTERIAN COLLEGE*, 601 N. 16th St., (12-12-76)
Durant vicinity. *CARRIAGE POINT (FISHER'S STATION)*, 4 mi. W of Durant, (6-29-72) PH0140902
Kenefic vicinity. *FORT MCCULLOCH*, 2 mi. SW of Kenefic, (6-21-71) PH0140929 G.
Keneflick vicinity. *NAIL'S STATION (NAIL'S CROSSING ON THE BLUE RIVER)*, 2 mi. SW of Kenefick, (6-29-72) PH0140937
Nida vicinity. *FORT WASHITA*, SW of Nida on OK 199, (10-15-66) PH0140651 NHL; G.

caddo county

Apache. *APACHE STATE BANK (AMERICAN NATIONAL BANK, INMAN BUILDING)*, Evans and Coblake Sts., (7-17-72)
Fort Cobb vicinity. *FORT COBB SITE*, 1 mi. E of Fort Cobb, (3-1-73) PH0039560
Hinton vicinity. *ROCK MARY*, 4 mi. W of Hinton, (6-22-70) PH0039578

canadian county

El Reno. *RED CROSS CANTEEN*, Rock Island Depot, (9-5-75)
El Reno. *SOUTHERN HOTEL*, 319 S. Grand St., (8-2-78)
El Reno vicinity. *DARLINGTON AGENCY SITE*, About 6 mi. NW of El Reno, (8-14-73) PH0039586
El Reno vicinity. *FORT RENO*, 3 mi. W and 2 mi. N of El Reno, (6-22-70) PH0039594

carter county

Ardmore vicinity. *BRADY CABIN*, 38 mi. NW of Ardmore, (12-5-77)

cherokee county

Park Hill. *MURRELL HOME (HUNTER'S HOME)*, (6-22-70) PH0039675 NHL.
Tahlequah. *CHEROKEE FEMALE SEMINARY*, Northeastern State College campus, (4-5-73) PH0039624
Tahlequah. *CHEROKEE NATIONAL CAPITOL*, (10-15-66) NHL.
Tahlequah. *CHEROKEE NATIONAL JAIL*, Choctaw St. and Water Ave., (6-28-74) PH0039641
Tahlequah. *CHEROKEE SUPREME COURT BUILDING*, Keetoowah St. and Water Ave., (6-28-74) PH0039659
Tahlequah. *INDIAN UNIVERSITY OF TAHLEQUAH*, 320 Academy, (7-6-76)
Tahlequah. *LOESER, DR. IRWIN D., LOG CABIN*, 121 E. Smith St., (11-17-78) HABS.
Tahlequah vicinity. *FIRST CHEROKEE FEMALE SEMINARY SITE*, SE of Tahlequah, (4-30-74) PH0039667

choctaw county

Fort Towson vicinity. *DOAKSVILLE SITE*, N of Fort Towson, (5-29-75)
Fort Towson vicinity. *FORT TOWSON*, 1 mi. NE of Fort Towson, (9-29-70) PH0039691 G.
Fort Towson vicinity. *SPENCER ACADEMY*, 10 mi. N of Fort Towson, (5-21-75)
Swink vicinity. *CHIEF'S HOUSE*, 1.5 mi. NE of Swink, (6-21-71) PH0039683

cimarron county

Felt vicinity. *CEDAR BREAKS ARCHEOLOGICAL DISTRICT*, W of Felt, (10-10-78)
Kenton vicinity. *BAT CAVE ARCHEOLOGICAL SITE*, S of Kenton, (9-1-78)
Kenton vicinity. *RED GHOST CAVE ARCHEOLOGICAL DISTRICT*, S of Kenton, (11-15-78)
Kenton vicinity. *THREE ENTRANCE CAVE ARCHEOLOGICAL DISTRICT*, NE of Kenton, (11-29-78)
Wheeless vicinity. *CAMP NICHOLS*, 3 mi. NE of Wheeless on Ranch Rd., (10-15-66) PH0039705 NHL.

cleveland county

Norman. *NORMAN HISTORIC DISTRICT*, 105 W. Main and 100–232 E. Main St., (10-10-78)
Norman. *PRESIDENT'S HOUSE, UNIVERSITY OF OKLAHOMA*, 401 W. Boyd St., (7-6-76)
Norman. *SOONER THEATER BUILDING*, 101 E. Main St., (8-31-78)

comanche county

Cache vicinity. *PARKER, QUANAH, STAR HOUSE*, Eagle Park, (9-29-70) PH0039772
Elgin vicinity. *PENATEKA*, 3.5 mi. W of Elgin on U.S. 277, (11-7-76)
Fort Sill. *BLOCKHOUSE ON SIGNAL MOUNTAIN*, Off Mackenzie Hill Rd., (11-29-78)
Fort Sill. *CAMP COMANCHE SITE*, Off U.S. 277, (5-12-77)
Fort Sill. *CHIEFS KNOLL*, Macomb and Burrill Rds., (5-16-78)
Fort Sill. *GENERAL OFFICERS QUARTERS (PATRICK HURLEY, HOUSE)*, 1310 Shanklin Circle, (4-14-75)
Fort Sill. *MEDICINE BLUFFS*, Medicine Bluff Creek, (12-31-74) PH0039756
Lawton. *BEAL, MATTIE, HOUSE*, 5th St. and Summit Ave., (8-19-75)
Lawton. *CARNEGIE LIBRARY*, B Ave. and 5th St., (8-19-76)
Lawton. *MEERS MINING CAMP*, 20 mi. (32 km) NW of Lawton, (1-20-78)
Lawton vicinity. *BUILDING 309, FORT SILL INDIAN SCHOOL*, E edge of Lawton, off U.S. 62, (10-15-73) PH0039713
Lawton vicinity. *FORT SILL*, N of Lawton, (10-15-66) PH0039730 NHL.
Lawton vicinity. *OLD TOWER TWO*, NW of Lawton at jct. of Signal Mountain and Tower Two Rds., (12-31-74) PH0039764
Lawton vicinity. *POST, HENRY, AIR FIELD*, N of Lawton on Fort Sill, (1-30-78)

commanche county

Fort Sill. *INDIAN CEMETERIES*, Fort Sill Military Reservation, (8-10-77)

custer county

Hammon vicinity. *HODGE SITE*, NE of Hammon, (12-15-78)
Weatherford vicinity. *LITTLE DEER SITE*, NE of Weatherford, (11-27-78)

delaware county

Grove vicinity. *SPLITLOG CHURCH (CAYUGA MISSION CHURCH)*, About 9 mi. NE of Grove, (10-26-72) PH0039799
Jay vicinity. *POLSON CEMETERY*, NE of Jay, (11-21-77)
Rose vicinity. *SALINE COURTHOUSE*, 1 mi. SE of Rose off OK 33, (1-1-76)
Siloam Springs vicinity. *HILDEBRAND MILL (BECK MILL)*, 10 mi. W of Siloam Springs, (10-18-72)

ellis county

Arnett. *DAVISON SILO*, 20 mi. (32 km) SE of Arnett, (11-14-78)
Arnett vicinity. *EGGLESTON SPRINGS*, NE of Weatherford, (11-27-78)
Arnett vicinity. *GRAND TOWN SITE*, 14 mi. S of Arnett, (6-5-72) PH0039802

garvin county

Davis vicinity. *INITIAL POINT*, About 7.5 mi. W of Davis on Garvin/Murray county line, (10-6-70) PH0039829 (also in murray county)
Erin Springs. *ERIN SPRINGS MANSION (FRANK MURRAY HOME)*, S of Washita River, (6-22-70) PH0039811 G.

Hoover. *FORT ARBUCKLE SITE*, About 0.5 mi. N of Hoover on SR, (6-13-72) PH0049689

harper county

Laverne. *FOX HOTEL*, Broadway and NE. 1st St., (1-30-78)

haskell county

Keota vicinity. *OTTER CREEK ARCHEOLOGICAL SITE*, (12-31-74) PH0039845
Kinta vicinity. *MCCURTAIN, GREEN, HOUSE*, (6-21-71) PH0039837
Stigler vicinity. *MULE CREEK SITE*, SE of Stigler, (9-13-78)

hughes county

Wetumka vicinity. *LEVERING MISSION*, NE of Wetumka, (5-16-74) PH0039853

jackson county

Olustee vicinity. *FULLERTON DAM*, 7 mi. NW of Olustee, (11-7-76) HAER.

johnston county

Bromide vicinity. *WAPANUCKA ACADEMY SITE*, 2 mi. SE of Bromide, (6-13-72) PH0039608
Emet vicinity. *WHITE HOUSE OF THE CHICKASAWS*, NW of Emet, (8-5-71) PH0039616 G.
Tishomingo. *CHICKASAW NATIONAL CAPITOLS*, Capitol Ave. between 8th and 9th Sts., (11-5-71) PH0039861
Tishomingo. *TISHOMINGO CITY HALL*, W. Main St., (5-21-75)

kay county

Blackwell. *ELECTRIC PARK PAVILION*, 300 S. Main, (9-29-76)
Newkirk vicinity. *DEER CREEK SITE*, 6 mi. NE of Newkirk, (10-15-66) PH0039870 NHL; G.
Newkirk vicinity. *JENKINS, GOV. WILLIAM W., HOMESTEAD SITE*, 3 mi. SE of Newkirk, (10-14-76)
Ponca City. *MARLAND, E. W., MANSION (THE VILLA)*, Monument Rd., (4-11-73) PH0039896 NHL; G.
Ponca City. *MARLAND-PARIS HOUSE*, 1000 E. Grand, (9-28-76)
Ponca City. *PIONEER WOMAN STATUE*, Monument Cir., (8-31-78)
Ponca City vicinity. *101 RANCH*, 12 mi. SW of Ponca City on OK 156, (4-11-73) PH0039918 NHL.
Tonkawa vicinity. *NEZ PERCE RESERVATION*, (2-15-74) PH0039900
Washunga. *KAW INDIAN AGENCY*, N of the Arkansas River, (4-11-73) PH0039888

kingfisher county

Kingfisher. *KINGFISHER POST OFFICE*, Main and Robberts Sts., (1-20-78)
Kingfisher. *SEAY MANSION*, 11th St. and Zellers Ave., (3-24-71) PH0039926
Kingfisher vicinity. *KINGFISHER COLLEGE SITE*, 1 mi. E of Kingfisher, (10-22-76)

kiowa county

Hobart. *HOBART CITY HALL*, Main and 3rd Sts., (5-22-78)
Lugert vicinity. *DEVIL'S CANYON*, About 3 mi. SE of Lake Altus Dam, (6-20-72) PH0039942
Mountain Park. *CAMP RADZIMINSKI*, About 4 mi. NW of Mountain Park, (4-13-72) PH0039934

latimer county

Higgins vicinity. *PUSLEY'S STATION*, 2 mi. SW of Higgins, (4-13-72) PH0039985
Red Oak vicinity. *EDWARDS STORE*, 8 mi. NE of Red Oak, (4-13-72) PH0039951
Red Oak vicinity. *HOLLOWAY'S STATION*, About 5 mi. NE of Red Oak, (4-13-72) PH0039969
Wilburton vicinity. *MCLAUGHLIN SITE*, (6-28-72) PH0039977 G.
Wilburton vicinity. *RIDDLE'S STATION SITE*, About 3 mi. E of Wilburton, (6-13-72) PH0039993
Wister vicinity. *LAKE WISTER LOCALITY*, (8-19-75) (also in LeFlore County)

le flore county

Cameron vicinity. *JENSON TUNNEL*, NE of Cameron off OK 112, (5-13-76) HAER.
Cameron vicinity. *REYNOLDS, JAMES E., HOUSE*, E of Cameron off OK 112, (4-13-77)
Hodgens vicinity. *CONSER, PETER, HOUSE*, 3.5 mi. W of Hodgens, (6-21-71) PH0100005
Shadypoint. *TRAHERN'S STATION (COUNCIL HOUSE)*, 9 mi. W of Shadypoint, (4-25-72) PH0100021
Spiro vicinity. *CHOCTAW AGENCY/WALKER STATION (OLD SKULLYVILLE)*, 1 mi. E of Skullyville on SR, (5-5-72) PH0049697
Spiro vicinity. *SPIRO MOUND GROUP*, (9-30-69) PH0100013
Wister vicinity. *LAKE WISTER LOCALITY*, *Reference—see Latimer County*

leflore county

Cameron vicinity. *JENSON TUNNEL*, NE of Cameron off OK 112, (5-13-76)
Talihina vicinity. *OLD MILITARY ROAD*, 7 mi. NE of Talihina in Ouachita National Forest, (10-22-76)

lincoln county

Chandler vicinity. *TILGHMAN, MARSHAL WILLIAM M., HOMESTEAD*, 2 mi. NW of Chandler off U.S. 66, (1-11-76)
Stroud vicinity. *KEOKUK, MOSES, HOUSE*, 6 mi. S of Stroud, (6-19-73) PH0281778

logan county

Guthrie. *CARNEGIE LIBRARY*, Oklahoma Ave. and Ash St., (6-21-71) PH0100048
Guthrie. *CO-OPERATIVE PUBLISHING COMPANY BUILDING (STATE CAPITAL BUILDING)*, Harrison Ave. and 2nd St., (3-7-73) PH0100056
Guthrie. *GUTHRIE HISTORIC DISTRICT*, Roughly bounded by 14th St., College Ave., Pine St., and Lincoln Ave.; includes fairgrounds, (6-13-74) PH0100064 HABS.

love county

Marietta vicinity. *WASHINGTON, BILL, RANCHHOUSE*, About 4 mi. SW of Marietta, (7-27-71) PH0049727

mayes county

Mazie vicinity. *UNION MISSION SITE*, About 5 mi. NE of Mazie, (9-10-71) PH0100072
Pensacola vicinity. *CABIN CREEK BATTLEFIELD*, 3 mi. N of Pensacola, (7-27-71) PH0049701

mccurtain county

Bethel vicinity. *PINE CREEK MOUND GROUP*, (1-21-74) PH0100081
Eagletown vicinity. *GARDNER, JEFFERSON, HOUSE*, 3 mi. W of Eagletown off U.S. 70, (4-4-75)
Haworth vicinity. *HARRIS HOUSE*, 6 mi. (9.6 km) S of Haworth, (9-1-78)
Idabel. *BARNES-STEVERSON HOUSE*, 3 SE Adams St., (11-17-78)
Idabel. *SPAULDING-OLIVE HOUSE*, 601 S.E. Adams, (9-28-76)
Idabel vicinity. *HARKEY SITE*, S of Idabel, (12-19-78)
Millerton vicinity. *WHEELOCK ACADEMY*, E of Millerton on U.S. 70, (11-9-72) PH0100099 NHL.
Millerton vicinity. *WHEELOCK CHURCH*, 2 mi. NE of Millerton, (11-9-72) PH0140686

mcintosh county

Rentiesville vicinity. *HONEY SPRINGS BATTLEFIELD*, N of Rentiesville, (9-29-70) PH0079090 (also in Muskogee County)
Texanna vicinity. *SLIPPERY MOSS SHELTER*, N of Texanna, (12-15-78)
Warner. *JOHNSON LAKE SHELTERS*, W of Warner, (12-15-78)

murray county

INITIAL POINT, *Reference—see Garvin County*
Sulphur vicinity. *LOWRANCE SPRINGS SITE*, 3 mi. SE of Sulphur off OK 18, (3-10-75)

muskogee county

HONEY SPRINGS BATTLEFIELD, *Reference—see McIntosh County*
Fort Gibson. *FORT GIBSON*, (10-15-66) PH0140660 NHL; HABS.
Fort Gibson. *SEAWELL-ROSS-ISOM HOUSE*, Beauregard and Elm Sts., (1-30-78)
Muskogee. *FOREMAN, GRANT, HOUSE*, 1419 W. Okmulgee St., (9-19-73) PH0079103
Muskogee. *UNION AGENCY*, Agency Hill in Honor Heights Park, (10-6-70) PH0079120
Muskogee vicinity. *FORT DAVIS*, 2.5 mi. NE of Muskogee, (11-23-71) PH0079111
Oktaha. *OKTAHA SCHOOL*, off U.S. 69, (8-24-78)
Warner vicinity. *SHELTERED SHELTER DISTRICT*, W of Warner, (12-15-78)

okfuskee county

Boley. *BOLEY HISTORIC DISTRICT*, (5-15-75)
Okemah. *GUTHRIE, WOODY, HOUSE*, 301 S. 1st St., (12-4-75)

oklahoma county

Arcadia. *ARCADIA ROUND BARN*, U.S. 66, (12-23-77)
Edmond. *OLD NORTH TOWER, CENTRAL STATE COLLEGE*, 400 E. Hurd St., Central State College campus, (6-21-71) PH0079146
Jones vicinity. *"RINGING THE WILD HORSE" SITE*, (1-25-71) PH0079171
Oklahoma City. *CALVARY BAPTIST CHURCH*, 2nd and Walnut Sts., (12-19-78)
Oklahoma City. *CAPITOL-LINCOLN TERRACE HISTORIC DISTRICT*, Irregular pattern roughly bounded by 13th, 23rd, Lincoln Blvd., and Kelley Ave., (9-30-76) G.
Oklahoma City. *CENTRAL HIGH SCHOOL*, 700 block of N. Robinson, (11-7-76)
Oklahoma City. *COLCORD BUILDING*, Robinson and Sheridan, (11-7-76)
Oklahoma City. *FAIRCHILD WINERY*, 1600 N.E. 81st St., (3-13-75)
Oklahoma City. *HALES, W. T., HOUSE*, 1521 N. Hudson Ave., (3-29-78)
Oklahoma City. *HARN HOUSE*, NE 17th and Stiles Sts., (4-13-73) PH0079138 G.
Oklahoma City. *KAISER'S ICE CREAM PARLOUR*, 1039 N. Walker Ave., (11-28-78)
Oklahoma City. *OKLAHOMA CITY DISCOVERY WELL*, SE 57th St. and ITIO Blvd., (12-9-77)

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Oklahoma City. *OKLAHOMA CITY UNIVERSITY*, 2501 N. Blackwelder Ave., (12-19-78)
Oklahoma City. *OKLAHOMA COUNTY HOME FOR GIRLS*, 6300 N. Western Ave., (3-21-78)
Oklahoma City. *OKLAHOMA PUBLISHING COMPANY BUILDING*, 500 N. Broadway, (9-18-78)
Oklahoma City. *OKLAHOMA STATE CAPITOL*, 22nd St. and Lincoln Blvd., (10-8-76)
Oklahoma City. *OVERHOLSER HOUSE*, 405 N.W. 15th St., (6-22-70) PH0079162
Oklahoma City. *POST OFFICE, COURTHOUSE, AND FEDERAL OFFICE BUILDING*, Robinson at 3rd St., (8-30-74) PH0079154
Oklahoma City. *SINOPOULO, JOHN, HOUSE*, 4000 N. Kelley, (11-28-78)
Oklahoma City. *SPENCER NO. 2 SITE*, E of Oklahoma City, (11-27-78)
Oklahoma City. *ST. JOSEPH'S CATHEDRAL*, 225 NW. 4th St., (1-30-78)
Oklahoma City. *ST. PAUL'S CATHEDRAL*, 127 NW. 7th St., (4-11-77)
Oklahoma City. *UNION DEPOT*, 300 SW. 7th St., (5-16-78)
Oklahoma City. *WEATHER SERVICE BUILDING*, 1923 Classen Blvd., (7-12-78)
Oklahoma city vicinity. *POINT & SITE*, SE of Oklahoma City, (9-6-78)

okmulgee county

Beggs vicinity. *ISPARHECHER HOUSE AND GRAVE*, About 4 mi. W of Beggs off OK 16, (7-12-76)
Okmulgee. *CREEK NATIONAL CAPITOL*, (10-15-66) NHL.
Okmulgee vicinity. *NUYAKA MISSION*, 9 mi. W of Okmulgee, (4-13-72) PH0079189

osage county

Pawhuska. *CITY HALL (OSAGE COUNCIL HOUSE)*, Main and Grandview Ave., (1-1-76)
Pawhuska. *OSAGE AGENCY*, Agency Hill, (5-17-74) PH0079197

pawnee county

Pawnee. *ARKANSAS VALLEY NATIONAL BANK*, 547 6th St., (11-17-78)
Pawnee. *PAWNEE INDIAN AGENCY*, E edge of Pawnee, (4-11-73) PH0079201
Pawnee vicinity. *BLUE HAWK PEAK RANCH*, W of Pawnee on U.S. 64, (10-10-75)

payne county

Ingalls vicinity. *IRVINGS CASTLE*, 2.5 mi. (4 km) S of Ingalls, (2-17-78)
Stillwater. *OLD CENTRAL, OKLAHOMA STATE UNIVERSITY*, Oklahoma State University campus, (7-27-71) PH0049719 G.
Yale. *THORPE, JIM, HOUSE*, 704 E. Boston St., (3-24-71)

pittsburg county

McAlester vicinity. *PERRYVILLE*, SW of McAlester on U.S. 69, (5-5-72) PH0079235
Pittsburg vicinity. *BLACKBURN'S STATION SITE*, 9 mi. SE of Pittsburg, (3-7-73) PH0079227

pottawatomie county

Shawnee. *SANTA FE DEPOT*, Main St. and Minnesota Ave., (6-5-74) PH0079243
Shawnee. *ST. GREGORY'S ABBEY AND COLLEGE*, 1900 W. MacArthur Dr., (8-15-75)
Shawnee vicinity. *SHAWNEE FRIENDS MISSION*, 2 mi. S of Shawnee, (3-7-73) PH0079251

pushmataha county

Tuskahoma vicinity. *TUSKAHOMA (CHOCTAW COUNCIL HOUSE)*, 2 mi. N of Tuskahoma, (7-28-70) PH0079260

roger mills county

Berlin vicinity. *GOODWIN-BAKER ARCHEOLOGICAL SITE*, NE of Berlin, (7-7-78)
Cheyenne vicinity. *WASHITA BATTLEFIELD*, NW of Cheyenne on U.S. 283, (10-15-66) PH0140694 NHL.
Durham vicinity. *ANTELOPE HILLS*, N of Durham, (12-14-78)
Hammon vicinity. *ALLEE SITE*, W of Hammon, (11-8-78)
Hammon vicinity. *LAMB-MILLER SITE*, NW of Hammon, (10-2-78)

rogers county

Oologah vicinity. *ROGERS, WILL, BIRTHPLACE*, About 4 mi. NE of Oologah, (9-29-70) PH0079278

seminole county

Sasakwa vicinity. *ROULSTON-ROGERS SITE*, NW of Sasakwa, (11-27-78)
Seminole. *GRISSO, W. E., MANSION*, 612 Hwy. 9E, (1-27-75)
Seminole vicinity. *MEKASUKEY ACADEMY*, SW of Seminole, (3-28-74) PH0079294

sequoyah county

Akins vicinity. *SEQUOYAH'S CABIN*, OK 101, in Sequoyah's Cabin State Park, (10-15-66) PH0140678 NHL.
Marble City vicinity. *DWIGHT MISSION*, 3 mi. SW of Marble City, (3-20-73) PH0079308
Sallisaw vicinity. *PARRIS MOUND*, (1-31-76) G.

texas county

Eva vicinity. *SHORES ARCHEOLOGICAL SITE*, E of Eva, (11-27-78)
Guymon vicinity. *EASTERWOOD ARCHEOLOGICAL SITE*, NW of Guymon, (11-16-78)
Guymon vicinity. *NASH II-CLAWSON ARCHEOLOGICAL SITE*, E of Guymon, (10-2-78)
Guymon vicinity. *TWO SISTERS ARCHEOLOGICAL SITE*, N of Guymond, (10-2-78)
Hardesty vicinity. *OLD HARDESTY*, NE of Hardesty, (6-20-74) PH0079316
Optima vicinity. *STAMPER SITE*, 2.5 mi. S of Optima on the S bank of the North Canadian River, (10-15-66) PH0079324 NHL.
Texhoma vicinity. *JOHNSON-CLINE ARCHEOLOGICAL SITE*, NW of Texhoma, (11-16-78)

tulsa county

Broken Arrow. *HASKELL STATE SCHOOL OF AGRICULTURE*, 808 E. College St., (12-19-78)
Sabd Springs vicinity. *FORT ARBUCKLE SITE*, W of Sand Springs, (12-22-78)
Tulsa. *BOSTON AVENUE METHODIST CHURCH*, Boston Ave. and 13th St., (8-31-78)
Tulsa. *CREEK COUNCIL TREE SITE*, 18th and Cheyenne Sts., (9-29-76)
Tulsa. *HARWELDEN*, 2210 S. Main St., (2-8-78)
Tulsa. *HOOPER BROTHERS COFFEE COMPANY BUILDING*, 731–733 E. Admiral Blvd., (12-19-78)
Tulsa. *MCBIRNEY, JAMES H., HOUSE*, 1414 S. Galveston, (11-13-76)
Tulsa. *MINCKS-ADAMS HOTEL*, 403 S. Cheyenne St., (11-7-78)
Tulsa. *PHILLIPS, WAITE, MANSION*, 2727 S. Rockford Rd., (12-1-78)
Tulsa. *SKELLY, WILLIAM G., HOUSE*, 2101 S. Madison, (11-28-78)
Tulsa. *TULSA MUNICIPAL BUILDING*, 124 E. 4th St., (7-18-75)
Tulsa. *WESTHOPE*, 3704 S. Birmingham St., (4-10-75)

wagoner county

Cowetah vicinity. *KOWETA MISSION SITE*, 1 mi. S of Cowetah off OK 58B, (6-19-73) PH0079332
Porter vicinity. *VAN TUYL HOMEPLACE*, N of Porter, (2-7-78)
Tullahassee. *TULLAHASSEE MISSION SITE*, NE of Tullahassee, (9-10-71) PH0079341

washington county

Bartlesville. *NELLIE JOHNSTONE NO. 1*, Johnstone Park, (4-11-72) PH0079359
Bartlesville. *PHILLIPS, FRANK, HOUSE*, 1107 Cherokee Ave., (3-13-75) G.
Bartlesville. *PRICE TOWER*, 6th St. and Dewey Ave., (9-13-74) PH0079367
Dewey. *DEWEY HOTEL*, Delaware and Don Tyler Ave., (4-4-75)

washita county

Carnegie vicinity. *CEDAR CREEK DISTRICT*, N of Carnegie off OK 58, (5-29-75)
Colony vicinity. *MCLEMORE SITE*, 4 mi. SE of Colony on OK 69, (10-15-66) PH0079375 NHL.

woods county

Waynoka. *SANTE FE DEPOT AND READING ROOM*, Sante Fe Tracks, (6-20-74) PH0079383

woodward county

Fort Supply. *FORT SUPPLY HISTORIC DISTRICT*, Western State Hospital grounds, (6-21-71)

OREGON

baker county

Baker. *BAKER HISTORIC DISTRICT*, Irregular pattern along Main St. from Madison to Estes Sts., (12-14-78)
Baker. *BAKER MUNICIPAL NATATORIUM*, 12470 Grove St., (10-17-77)
Sumpter. *SUMPTER VALLEY GOLD DREDGE*, SW of Sumpter near Cracker Creek, (10-26-71) PH0079405

benton county

Corvallis. *BENTON COUNTY COURTHOUSE*, NW. 4th St. between Jackson and Monroe Sts., (1-30-78)
Corvallis. *CORVALLIS ARTS CENTER (EPISCOPAL CHURCH OF THE GOOD SAMARITAN)*, 700 S.W. Madison Ave., (9-10-71) PH0079413
Kings Valley vicinity. *FORT HOSKINS SITE*, SW of Kings Valley, (5-1-74) PH0079421 G.
Philomath. *PHILOMATH COLLEGE*, Main St., (12-11-72) PH0079430
Philomath vicinity. *KING, ISAAC, HOUSE AND BARN*, N of Philomath off OR 223, (10-29-75)

clackamas county

Brightwood vicinity. *ROCK CORRAL ON THE BARLOW ROAD*, W of Brightwood off U.S. 26 near Sandy River, (12-19-74) PH0079502

Camby vicinity. *BARLOW, WILLIAM, HOUSE*, SW of Canby, 24670 U.S. 99E, (2-15-77)
Carver vicinity. *BAKER, HORACE, LOG CABIN*, S of Carver off OR 224, (12-12-76)
Government Camp vicinity. *TIMBERLINE LODGE*, 6 mi. (9.6 km) N of Government Camp in Mount Hood National Forest, (11-12-73) PH0079529 NHL.
Lake Oswego. *OREGON IRON COMPANY FURNACE*, George Rogers Park, (2-12-74) PH0079481
Molalla. *DIBBLE, HORACE L., HOUSE*, 616 S. Molalla Ave., (12-19-74) PH0079464 HABS.
Molalla. *VONDER AHE (FRED) HOUSE AND SUMMER KITCHEN*, 625 Metzler Ave., (3-26-76)
Molalla. *VONDER AHE, FRED, HOUSE AND SUMMER KITCHEN*, 625 Metzler Ave., (3-26-76)
Molalla vicinity. *ROCK CREEK METHODIST CHURCH*, W of Molalla off OR 211, (10-29-75)
Oregon City. *BARCLAY, DR. FORBES, HOUSE*, 719 Center St., (11-5-74) PH0079456
Oregon City. *CANEMAH HISTORIC DISTRICT*, roughly bounded by Williamette River, 5th Ave., Marshall and Paquet Sts., (10-11-78)
Oregon City. *ERMATINGER, FRANCIS, HOUSE*, 1018 Center St., (9-27-77)
Oregon City. *McCARVER, MORTON MATTHEW, HOUSE*, 554 Warner-Parrot Rd., (1-21-74) PH0079472 HABS.
Oregon City. *MCLOUGHLIN HOUSE NATIONAL HISTORIC SITE*, McLoughlin Park, between 7th and 8th Sts., (10-15-66) HABS.
Oregon City. *ROSE FARM*, 534 Holmes Lane, (12-2-74) PH0079511 HABS.
Oregon City vicinity. *AINSWORTH, CAPT. JOHN C., HOUSE*, 19195 S. Leland Rd., (3-26-73) PH0079448
Park Place. *STRAIGHT, HIRAM A., HOUSE*, 16000 S. Depot La., (2-17-78)
Wemme vicinity. *OREGON TRAIL, BARLOW ROAD SEGMENT*, NW of Wemme, (11-20-74) PH0079499
West Linn. *WILLAMETTE FALLS LOCKS*, W bank of Willamette River, (2-5-74) PH0079537

clatsop county

Astoria. *ASTORIA COLUMN*, Coxcomb Hill, (5-2-74) PH0079545 G.
Astoria. *ELMORE, SAMUEL, CANNERY*, On the waterfront at the foot of Flavel St., (11-13-66) PH0079561 NHL.
Astoria. *FORT ASTORIA*, 15th and Exchange Sts., (10-15-66) PH0079553 NHL.
Astoria. *HOBSON, JOHN, HOUSE*, 469 Bond St., (2-17-78)
Astoria. *LIGHTSHIP COLUMBIA*, 17th St., (2-17-78)
Astoria vicinity. *FORT CLATSOP NATIONAL MEMORIAL*, 4.5 mi. S of Astoria, (10-15-66) PH0079570
Hammond. *FORT STEVENS*, Fort Stevens State Park, (9-22-71) PH0079588

columbia county

Rainier. *MOECK, GEORGE F., HOUSE*, 713 B St., W., (4-14-78)

coos county

Bandon. *COQUILLE RIVER LIGHT*, Bullard's Beach State Park, (3-22-74) PH0056723
Coos Bay. *MARSHFIELD SUN PRINTING PLANT*, 1049 N. Front St., (3-21-73) PH0056791 G.

curry county

Agness vicinity. *ROGUE RIVER RANCH*, E of Agness near confluence of Mule Creek and Rogue River, (12-29-75)

deschutes county

Bend. *SHELVIN-HIXON MILL BUILDINGS*, Riverside Blvd., (11-16-78)
Bend vicinity. *BEND SKYLINERS LODGE*, 11 mi. (17.6 km) W of Bend in Deschutes National Forest, (6-13-78)

douglas county

Drain. *DRAIN, CHARLES D., JR., HOUSE*, 100 E. Main St., (12-12-78)
Glide vicinity. *SUSAN CREEK INDIAN MOUNDS SITE*, (11-20-74) PH0056961
Roseburg. *FLOED, CREED, HOUSE (JOSEPH LANE HOUSE)*, 544 S.E. Douglas St., (12-31-74) PH0056812
Roseburg. *WILLIS, JUDGE WILLIAM R., HOUSE*, 744 SE. Rose St., (6-5-75)
Winchester Bay vicinity. *UMPAQUA RIVER LIGHT HOUSE*, SW of Winchester Bay off U.S. 101, (10-21-77)
Yoncalla vicinity. *APPLEGATE, CHARLES, HOUSE*, NE of Yoncalla on Halo Trail, (3-17-75) HABS.

grant county

Canyon City. *ST. THOMAS' EPISCOPAL CHURCH*, 135 Washington St., (11-21-74) PH0057070 G.
John Day. *KAM WAH CHUNG COMPANY BUILDING*, Canton St., John Day City Park, (3-20-73) PH0057061 G.

harney county

Burns vicinity. *FRENCH ROUND BARN*, Diamond Station, (9-10-71) PH0057088

hood river county

Cascade Locks. *CASCADE LOCKS MARINE PARK*, On the Columbia River, (5-15-74) PH0057096 G.
Mt. Hood. *CLOUD CAP INN*, NE flank of Mt. Hood in Mt. Hood National Forest, (10-18-74) PH0057100

jackson county

Ashland. *CARTER, H. B., HOUSE*, 91 Gresham St., (11-2-77)
Ashland. *IOOF BUILDING*, 49–57 N. Main St., (2-17-78)
Ashland. *MARK ANTONY MOTOR HOTEL*, 212 E. Main St., (3-14-78)
Ashland. *TAVERNER, GEORGE, HOUSE*, 912 Siskiyou Blvd., (11-7-78)
Ashland. *WALKER, JOHN P., HOUSE*, 1521 E. Main St., (3-14-78)
Ashland vicinity. *DUNN, PATRICK, RANCH*, SE of Ashland on OR 66, (3-8-78)
Eagle Point. *SNOWY BUTTE FLOUR MILL*, Off OR 62, (9-1-76)
Jacksonville. *JACKSONVILLE HISTORIC DISTRICT*, (4-11-72) PH0057118 NHL.
Jacksonville. *ORTH, JOHN, HOUSE*, Main and 3rd Sts., (4-11-72) PH0057134 G.
Medford. *LIBERTY BUILDING*, 201 W. Main St., (3-14-78)
Medford vicinity. *BYBEE, WILLIAM, HOUSE*, 883 Old Stage Rd., (2-15-77) HABS.
Phoenix. *MCMANUS, PATRICK F., HOUSE (COLVER HOUSE)*, 117 W. 1st St., (3-8-78) HABS.
Rock Point. *WHITE JOHN B., HOUSE*, 86 N. River Rd., (11-2-78)
Rogue River vicinity. *BIRDSEYE, DAVID N., HOUSE*, U.S.99, S of Rogue River, (5-1-74) PH0057126 HABS.

josephine county

Grants Pass. *NEWMAN UNITED METHODIST CHURCH*, 128 NE B St., (12-23-77)
Wolf Creek. *WOLF CREEK TAVERN*, About 22 mi. N of Grants Pass, (9-22-72) PH0057142 HABS; G.
Wolf Creek vicinity. *WHISKY CREEK CABIN*, 10 mi. W of Wolf Creek at Rogue River, (9-5-75)

klamath county

LOWER KLAMATH NATIONAL WILDLIFE REFUGE, Reference—see Siskiyou County, CA (1-2-74)
Fort Klamath vicinity. *FORT KLAMATH SITE*, (10-7-71) PH0210820
Klamath Falls. *BALDWIN HOTEL*, 31 Main St., (10-2-73) PH0057151

lake county

ABERT LAKE PETROGLYPH SITE, (11-20-74) PH0057177
GREASER PETROGLYPH SITE, (11-20-74) PH0057193
Fort Rock vicinity. *FORT ROCK CAVE*, (10-15-66) PH0057185 NHL.
Lakeview. *POST AND KING SALOON*, N. 2nd and E Sts., (3-17-77)
Plush vicinity. *STONE BRIDGE AND THE OREGON CENTRAL MILITARY WAGON ROAD*, The Narrows S of Flush, (11-8-74) PH0057207
Silver Lake vicinity. *PICTURE ROCK PASS PETROGLYPHS SITE*, SE of Silver Lake, (8-28-75)
Valley Falls vicinity. *EAST LAKE ABERT ARCHEOLOGICAL DISTRICT*, N of Valley Falls on U.S. 395, (11-29-78)

lane county

Cottage Grove. *FIRST PRESBYTERIAN CHURCH*, 216 S. 3rd St., (12-31-74) PH0057223
Eugene. *DEADY HALL*, University of Oregon campus, (4-11-72) PH0057215 NHL; HABS.
Eugene. *PALACE HOTEL*, 488 Willamette St., (12-23-77)
Eugene. *SMEEDE HOTEL*, 767 Willamette St., (1-17-74) PH0057231
Eugene. *VILLARD HALL*, University of Oregon, (4-11-72) PH0057240 NHL; HABS.
Eugene vicinity. *FLANAGAN SITE*, W of Eugene, (7-20-77)
Eugene vicinity. *SPORES, JACOB C., HOUSE*, N of Eugene at 90311 Coburg Rd., (11-2-77)
Florence vicinity. *HECETA HEAD LIGHTHOUSE AND KEEPERS QUARTERS*, N of Florence on U.S. 101, (11-28-78)
Junction City. *LEE, DR. NORMAN L., HOUSE*, 655 Holly St., (11-2-77)

lincoln county

Newport. *OLD YAQUINA BAY LIGHTHOUSE*, Yaquina Bay State Park, (5-1-74) PH0057258
Siletz. *SILETZ AGENCY SITE (GOVERNMENT HILL)*, Siletz-Logsden Rd., (1-1-76)

linn county

Albany. *MONTEITH, THOMAS AND WALTER, HOUSE*, 518 W. 2nd Ave., (5-21-75)
Albany. *ST. MARY'S ROMAN CATHOLIC CHURCH*, 822 S. Ellsworth St., (6-5-75)

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Albany vicinity. *BABER, GRANVILLE H., HOUSE*, NE of Albany off U.S. 99, (10-29-75) HABS.
Brownsville. *MOYER, JOHN M., HOUSE*, 204 Main St., (1-21-74) PH0057274
Brownsville vicinity. *BROWN, JOHN AND AMELIA, FARMHOUSE*, SE of Brownsville on OR 228.
Stayton vicinity. *MT. PLEASANT PRESBYTERIAN CHURCH (CHRISTIAN CHURCH AT MOUNT PLEASANT)*, S of Stayton on Stayton-Jordan Rd., (1-24-74) PH0057266

malheur county

Arock vicinity. *SHEEP RANCH FORTIFIED HOUSE*, W of Arock, (11-1-74) PH0057312
Danner vicinity. *CHARBONNEAU, JEAN BAPTISTE, MEMORIAL AND INSKIP STATION RUINS*, (3-14-73) PH0057282
Jordan Valley. *PELOTA FRONTON*, Bassett St. (U.S. 95), (5-19-72) PH0057304
Vale. *OLD STONE HOUSE (STONE HOUSE HOTEL)*, 283 S. Main St., (5-19-72) PH0057291 G.
Vale vicinity. *OREGON TRAIL HISTORIC DISTRICT (LYTLE PASS AREA)*, 5 mi. SE of Vale at Lytle Blvd., (10-29-75)

marion county

Aurora. *AURORA COLONY HISTORIC DISTRICT*, (4-16-74) PH0057321
Champoeg vicinity. *CASE, WILLIAM, FARM*, SE of Champoeg off Arbor Grove Rd., (3-21-73) PH0057363 G.
Gervais vicinity. *BROWN, SAM, HOUSE*, E of Gervais, (11-5-74) PH0057347 HABS.
Hubbard vicinity. *STAUFFER, JOHN, HOUSE AND BARN*, NE of Hubbard, (5-1-74) PH0057452
Jefferson. *CONSER, JACOB, HOUSE*, 114 Main St., (1-21-74) PH0057371 HABS.
Mount Angel. *ST. MARY'S ROMAN CATHOLIC CHURCH*, Off OR 214, (10-22-76)
Salem. *ADOLPH, SAMUEL, HOUSE*, 2493 State St., (10-2-78)
Salem. *BOON BRICK STORE*, 888 Liberty St., NE., (11-20-75)
Salem. *BOON, JOHN D., HOUSE*, 260 12th St., NE., (1-17-75)
Salem. *BOON, JOHN D., HOUSE*, 260 12th St. NE, (1-17-75) PH0057339
Salem. *BUSH, ASAHEL, HOUSE*, 600 Mission St., SE., (1-21-74) PH0057355 G.
Salem. *BUSH-BREYMAN BLOCK*, 141–147 N. Commercial St., (2-17-78)
Salem. *KAY, THOMAS, WOOLEN MILL*, 260 12th St. SE., (5-8-73) PH0057380 G.
Salem. *LEE, JASON, HOUSE*, 260 12th St. SE., (4-23-73) PH0057398
Salem. *LEE MISSION CEMETERY*, D St., (12-29-78)
Salem. *MCCULLY, DAVID, HOUSE*, 1365 John St. S., (2-14-78)
Salem. *METHODIST MISSION PARSONAGE*, 260 12th St. NE., (12-31-74) PH0057410
Salem. *PORT, DR. LUKE A., HOUSE (DEEPWOOD)*, 1116 Mission St., SE. (10-2-73) PH0057436 G.
Salem. *PORT-MANNING HOUSE*, 4922 S. Halls Ferry Rd., (10-2-78)
Salem. *REED OPERA HOUSE AND MCCORNACK BLOCK ADDITION*, 189 and 177 Liberty St., NE., (3-8-78)
Salem. *WADE, WILLIAM LINCOLN, HOUSE*, 1305 John St., S., (2-17-78)
Salem. *WALLER HALL, WILLAMETTE UNIVERSITY*, 900 State St., (11-20-75)
Silverton vicinity. *MCCORKLE, GEORGE F., HOUSE*, W of Silverton, (12-24-74) PH0057401 HABS.
Silverton vicinity. *MILLER CEMETERY CHURCH*, 2 mi. (3.2 km) NE of Silverton on Cascade Hwy., (8-10-78)
West Stayton vicinity. *PLEASANT GROVE PRESBYTERIAN CHURCH*, NW of West Stayton, (8-7-74) PH0057428
Woodburn. *SETTLEMIER, JESSE H., HOUSE*, 355 N. Settlemier Ave., (12-19-74) PH0057444

morrow county

Boardman vicinity. *OREGON TRAIL, WELLS SPRINGS SEGMENT*, S of Boardman, (9-13-78)

multnomah county

Crown Point. *VISTA HOUSE*, Columbia River Scenic Hwy., (12-5-74) PH0057592
Portland. *BANK OF CALIFORNIA BUILDING*, 330 SW. 6th Ave., (3-14-78)
Portland. *BARBER BLOCK*, 532–538 SE Grand Ave., (2-15-77) G.
Portland. *BAY E. WEST ANKENY CARBARNS*, 2706 NE. Couch St., (10-10-78)
Portland. *BETH ISRAEL SCHOOL*, 1230 SW. Main St., (8-10-78)
Portland. *BISHOP'S HOUSE*, 219–223 S.W. Stark St., (10-18-74) PH0057461 G.
Portland. *BOWLES, JOSEPH R., HOUSE*, 1934 SW. Vista Ave., (3-8-78)
Portland. *COMMONWEALTH BUILDING*, 421 SW. 6th Ave., (3-30-76)
Portland. *CONCORD BUILDING*, 208 SW. Stark St., (10-21-77)
Portland. *DAY BUILDING*, 2068 NW. Flanders St., (10-2-78)
Portland. *DOERNBECHER, FRANK SILAS, HOUSE*, 2323 NE. Tillamook St., (3-14-78)
Portland. *DOSCH, HENRY E., HOUSE*, 5298 SW. Dosch Rd., (10-2-78)
Portland. *ELKS TEMPLE*, 614 SW. 11th Ave., (2-17-78)
Portland. *FIRST CHURCH OF CHRIST, SCIENTIST*, 1813 NW. Everett St., (10-2-78)
Portland. *FIRST CONGREGATIONAL CHURCH*, 1126 SW. Park St., (5-2-75)
Portland. *FIRST NATIONAL BANK (OREGON PIONEER SAVINGS LANDMARK BUILDING)*, 401 S.W. 5th Ave., (10-15-74) PH0057517
Portland. *FIRST UNITARIAN CHURCH OF PORTLAND*, 1011 SW. 12th Ave., (11-22-78)
Portland. *FORBES AND BREEDEN BUILDING*, 309 SW. 3rd Ave., (10-20-77)
Portland. *GRAND CENTRAL STATION*, NW. 6th Ave., (8-6-75)
Portland. *HAMILTON BUILDING*, 529 SW. 3rd Ave., (3-17-77)
Portland. *HEUSNER, GEORGE F., HOUSE*, 333 NW. 20th Ave., (10-19-78)
Portland. *HOLT-SAYLOR-LIBERTO HOUSE*, 3625 SW. Condor, (11-22-78)
Portland. *KAMM, JACOB, HOUSE*, 1425 S.W. 20th Ave., (11-5-74) PH0057495
Portland. *LOEB, NATHAN, HOUSE*, 726 NW. 22nd Ave., (1-20-78)
Portland. *MACKENZIE, W. R., HOUSE*, 1131 SW. King Ave., (11-28-78)
Portland. *MARKS, MORRIS, HOUSE*, 1501 S.W. Harrison St., (12-30-75)
Portland. *OLD CHURCH (CALVARY PRESBYTERIAN CHURCH)*, 1422 S.W. 11th Ave., (3-29-72) PH0057509 G.
Portland. *PALMER, JOHN, HOUSE*, 4314 N. Mississippi Ave., (3-8-78)
Portland. *PARAMOUNT THEATRE*, 1037 SW. Broadway, (5-22-76)
Portland. *PIONEER COURTHOUSE (U.S. COURTHOUSE AND CUSTOMHOUSE)*, 520 S.W. Morrison St., (3-20-73) PH0057525 NHL.
Portland. *PITTOCK MANSION*, 3229 N.W. Pittock Dr., (11-21-74) PH0057533
Portland. *PORTLAND ART MUSEUM*, 1219 S.W. Park Ave., (12-31-74) PH0057550
Portland. *PORTLAND CITY HALL*, 1220 S.W. 5th Ave., (11-21-74) PH0057541
Portland. *PORTLAND SKIDMORE/OLD TOWN HISTORIC DISTRICT*, Roughly bounded by Harbor Dr., Everett, 3rd, and Oak Sts., (12-6-75)
Portland. *PORTLAND YAMHILL HISTORIC DISTRICT*, Roughly bounded by Taylor, Morrison, both sides of 2nd Ave. and Willamette River, (7-30-76)
Portland. *POSTAL BUILDING*, 510 SW. 3rd Ave., (3-14-78)
Portland. *POULSEN, JOHAN, HOUSE*, 3040 SE McLoughlin Blvd., (3-14-77)
Portland. *ST. JAMES LUTHERAN CHURCH*, 1315 SW. Park Ave., (5-21-75)
Portland. *ST. JOHN'S EPISCOPAL CHURCH*, Foot of S.E. Spokane St., (12-27-74) PH0057568
Portland. *ST. PATRICK'S ROMAN CATHOLIC CHURCH AND RECTORY*, 1635 N.W. 19th Ave., (5-1-74) PH0057576
Portland. *STRATTON-CORNELIUS HOUSE*, 2182 SW. Yamhill St., (3-8-78)
Portland. *TRENKMANN HOUSES*, 525 NW. 17th Ave., 526 NW. 18th Ave., 1704, 1710, 1716, 1720, 1728, 1734 NW. Hoyt St., (1-30-78)
Portland. *U.S. CUSTOMHOUSE*, 220 N.W. 8th Ave., (5-2-74) PH0057584
Portland. *WATZEK, AUBREY R., HOUSE*, 1061 S.W. Skyline Blvd., (11-1-74) PH0057606
Portland. *WEST HALL*, 5000 N. Willamette Blvd., (9-22-77)
Sauvie Island. *BYBEE-HOWELL HOUSE*, Off Sauvie Island Rd., (11-5-74) PH0057479 HABS.

polk county

Salem. *BRUNK, HARRISON, HOUSE*, Brunk Corner and OR 22, (5-6-75)
Salem vicinity. *PHILLIPS, JOHN, HOUSE*, NW of Salem on Spring Valley Rd., (3-15-76)
Willamina vicinity. *FORT YAMHILL SITE*, (7-27-71) PH0057614 G.
Zena. *SPRING VALLEY PRESBYTERIAN CHURCH*, SE of McCoy, (5-15-74) PH0057622

sherman county

Grass Valley vicinity. *MACK CANYON ARCHEOLOGICAL SITE*, 5 mi. NW of Grass Valley, (8-22-75)

tillamook county

Manzanita vicinity. *WENTZ, HARRY F., STUDIO/BUNGALOW*, N of Manzanita off U.S. 101, (4-22-76)

umatilla county

Weston. *SALING, ISHAM, HOUSE*, Off OR 204, (1-1-76)

union county

Cove. *ASCENSION EPISCOPAL CHURCH AND RECTORY*, Church St., (12-3-74) PH0057631
Union. *EATON, ABEL E., HOUSE*, 464 N. Main St., (11-2-77)

wallowa county

Joseph. *FIRST BANK OF JOSEPH*, 2nd and Main Sts., (2-23-78)

wasco county

The Dallas. *DALLES CARNEGIE LIBRARY*, E. 4th and Washington Sts., (12-8-78)
The Dalles. *DALLES CIVIC AUDITORIUM*, E. 4th and Federal Sts., (12-12-78)
The Dalles. *FIRST WASCO COUNTY COURTHOUSE*, 404 2nd St., (11-16-77)
The Dalles. *FORT DALLES SURGEON'S QUARTERS*, 15th and Garrison Sts., (9-10-71) PH0057657 G.
The Dalles. *ST. PETER'S ROMAN CATHOLIC CHURCH*, 3rd and Lincoln Sts., (6-20-74) PH0057665
The Dalles vicinity. *FIVEMILE RAPIDS SITE*, (12-19-74) PH0057649

washington county

Beaverton vicinity. *JENKINS, BELLE AINSWORTH, ESTATE*, 20950 SW. Farmington Rd., (11-28-78)
Forest Grove. *SMITH, ALVIN T., HOUSE*, S. Elm St., (11-8-74) PH0057681 HABS.
Forest Grove. *TUALATIN ACADEMY (OLD COLLEGE HALL)*, Pacific University campus, (2-12-74) PH0057703 HABS; G.
Hillsboro. *OLD SCOTCH CHURCH*, Scotch Church Rd., (11-5-74) PH0057673
Hillsboro vicinity. *IMBRIE FARM*, NE of Hillsboro off U.S. 26, (2-15-77)
Tualatin. *SWEEK, JOHN, HOUSE*, 18815 S.W. Boones Ferry Rd., (11-8-74) PH0057690 G.
West Union. *WEST UNION BAPTIST CHURCH*, W. Union Rd., (7-10-74) PH0057711 HABS.

wheeler county

Fossil. *HOOVER, THOMAS BENTON, HOUSE*, 1st St. between Adams and Washington Sts., (4-14-78)

wosco county

The Dalles. *INDIAN SHAKER CHURCH AND GULICK HOMESTEAD*, Jct. U.S. 80-N and U.S. 197, (4-4-78)

yamhill county

Dayton. *HIBBERT, WILLIAM, HOUSE*, 426 5th St., (11-30-78)
Dayton. *SMITH, ANDREW, HOUSE*, 306 5th St., (6-23-76)
Dayton vicinity. *COOK, AMOS, HOUSE*, NW of Dayton on OR 233, (12-31-74) PH0057720 HABS.
Dayton vicinity. *FLETCHER, FRANCIS, HOUSE*, W of Dayton off OR 18, (10-29-75) HABS.
Dundee. *HAGEY, LEVI, HOUSE*, Off U.S. 99, (12-19-74) PH0057738 HABS.
Lafayette vicinity. *MATTEY, JOSEPH, HOUSE*, W of Lafayette at jct. of Mattey Lane and Rutherford Rd., (2-15-77)
McMinnville. *PIONEER HALL, LINFIELD COLLEGE*, Linfield College campus, (2-23-78)
Newberg. *MINTHORN, DR. HENRY J., HOUSE (HERBERT HOOVER HOUSE)*, 115 S. River St., (10-29-75)

OUTER CONTINENTAL SHELF

Charleston vicinity. H. L. HUNLEY (SUBMARINE), E of Charleston, (12-29-78)

PENNSYLVANIA

wayne county

Waymart. *DELAWARE & HUDSON CANAL COMPANY GRAVITY RAILROAD DEPOT*, South St., (9-13-78)

PENNSYLVANIA

adams county

Fairfield. *FAIRFIELD INN*, Main St., (4-2-73) PH0061051 HABS.
Gettysburg. *ADAMS COUNTY COURTHOUSE*, Baltimore and W. Middle Sts., (10-1-74) PH0061034
Gettysburg. *DOBBIN HOUSE*, 89 Steinwehr Ave., (3-26-73) PH0061042
Gettysburg. *GETTYSBURG NATIONAL MILITARY PARK*, (10-15-66) PH0061069 HABS.
Gettysburg. *LUTHERAN THEOLOGICAL SEMINARY-OLD DORM*, Seminary Ridge, Lutheran Theological Seminary campus, (5-3-74) PH0061077 HABS.
Gettysburg. *PENNSYLVANIA HALL, GETTYSBURG COLLEGE*, Gettysburg College campus, (3-16-72) PH0061085 HABS.
Gettysburg. *SHEADS HOUSE*, 331 Buford Ave., (12-8-76)
Gettysburg and vicinity. *GETTYSBURG BATTLEFIELD HISTORIC DISTRICT*, Town of Gettysburg and its environs, (3-19-75)
Gettysburg vicinity. *BLACK HORSE TAVERN*, W of Gettysburg on PA 116, (3-30-78) HABS.
Gettysburg vicinity. *EISENHOWER NATIONAL HISTORIC SITE*, SW edge of Gettysburg National Military Park, (11-27-67)
Hanover vicinity. *CONEWAGO CHAPEL*, 3 mi. NW of Hanover, (1-29-75)
Hunterstown. *GREAT CONEWAGO PRESBYTERIAN CHURCH*, Church Rd., (12-27-74) PH0051730
McSherrystown vicinity. *CONEWAGO MASS HOUSE*, N of McSherrystown on SR 476, (10-19-78)
New Oxford. *JOHN'S BURNT MILL BRIDGE*, SW of New Oxford, over South Branch of Conewago Creek, (12-16-74) PH0140104

allegheny county

Bethel vicinity. *MILLER, JAMES, HOUSE*, E of Bethel on Manse Dr., (1-17-75)
Braddock. *CARNEGIE FREE LIBRARY OF BRADDOCK*, 419 Library St., (6-19-73) PH0061140
Bruceton vicinity. *EXPERIMENTAL MINE*, S of Bruceton off Cochran Mill Rd., (10-18-77)
Bruceton vicinity. *EXPERIMENTAL MINE, U.S. BUREAU OF MINES*, S of Bruceton off Cochran Mill Rd., (10-18-74) (1-2-76)
Churchill. *BEULAH PRESBYTERIAN CHURCH*, Beulah and McCready Rds., (11-3-75)
East Pittsburgh. *WESTINGHOUSE, GEORGE, MEMORIAL BRIDGE*, U.S. 30 at Turtle Creek, (3-28-77)
Edgeworth. *SHIELDS, DAVID, HOUSE (NEWINGTON)*, Shields Lane, (10-29-75)
Glenshaw. *LIGHTNER, ISAAC, HOUSE*, 2407 Mt. Royal Blvd., (4-20-78)
Heidelberg vicinity. *NEVILLE HOUSE*, S of Heidelberg on PA 50, (2-5-74) PH0061204 G.
Natrona Heights vicinity. *BURTNER STONE HOUSE*, NW of Natrona Heights on Burtner Rd., (1-13-72) PH0061115
Oakdale vicinity. *WALKER-EWING LOG HOUSE*, NE of oakdale on Noblestown Rd., (1-30-76)
Pittsburgh. *ALLEGHENY COUNTY COURTHOUSE AND JAIL*, 436 Grant St., (3-7-73) PH0061093 NHL; HABS.
Pittsburgh. *ALLEGHENY POST OFFICE (OLD NORTH POST OFFICE)*, Allegheny Center, (7-27-71) PH0061107 HABS; G.
Pittsburgh. *ALLEGHENY WEST HISTORIC DISTRICT*, roughly bounded by Brighton Rd., Jabok Way, Ridge and Allegheny Aves., (11-2-78)
Pittsburgh. *BURKE BUILDING*, 209–211 4th Ave., (9-18-78)
Pittsburgh. *BUTLER STREET GATEHOUSE*, 4734 Butler St., (7-30-74) PH0061123
Pittsburgh. *BYERS-LYONS HOUSE*, 901 Ridge Ave., (11-19-74) PH0062821
Pittsburgh. *CARNEGIE FREE LIBRARY OF ALLEGHENY*, Allegheny Center, (11-1-74) PH0061131
Pittsburgh. *CATHEDRAL OF LEARNING*, Forbes Ave. and Bigelow Blvd., (11-3-75)
Pittsburgh. *DOLLAR SAVINGS BANK*, 4th Ave. and Smithfield St., (7-14-76)
Pittsburgh. *DUQUESNE INCLINE*, 1220 Grandview Ave., (3-4-75)
Pittsburgh. *EAST LIBERTY MARKET*, Centre Ave. and Baum Blvd., (12-12-77)
Pittsburgh. *EMMANUEL EPISCOPAL CHURCH*, North and Allegheny Aves., (5-3-74) PH0061158
Pittsburgh. *EVERGREEN HAMLET*, Evergreen Hamlet Rd., (9-17-74) PH0061166
Pittsburgh. *FORKS OF THE OHIO*, Point Park, (10-15-66) PH0112453 NHL.
Pittsburgh. *FRICK BUILDING AND ANNEX*, 437 Grant St., (5-22-78)
Pittsburgh. *GARDNER-BAILEY HOUSE*, 124 W. Swissvale Ave., (10-1-74) PH0061182
Pittsburgh. *HEATHSIDE COTTAGE*, 416 Catoma St., (12-30-74) PH0064955
Pittsburgh. *HIGHLAND TOWERS APARTMENTS*, 340 S. Highland Ave., (9-28-76)
Pittsburgh. *MAIN BUILDING, U.S. BUREAU OF MINES*, 4800 Forbes Ave., (5-24-74) PH0061191
Pittsburgh. *MANCHESTER HISTORIC DISTRICT*, Irregular pattern contained with Faulsey, Chateau, Franklin, and Bidwell Sts., (9-18-75)
Pittsburgh. *MEXICAN WAR STREETS HISTORIC DISTRICT*,, Irregular pattern between Brighton and Arch Sts. and between O'Hern and West Park, (5-28-75)
Pittsburgh. *MORELAND-HOFFSTOT HOUSE*, 5057 5th Ave., (2-23-78)
Pittsburgh. *OLD HEIDELBERG APARTMENTS*, Braddock Ave. at Waverly St., (5-4-76)
Pittsburgh. *PENNSYLVANIA RAILROAD STATION*, 1101 Liberty Ave., (4-22-76)
Pittsburgh. *PHIPPS CONSERVATORY*, Schenley Park, (11-13-76)
Pittsburgh. *PITTSBURGH & LAKE ERIE RAILROAD STATION*, Smithfield St. at Carson St., (1-11-74) PH0061212 HABS.
Pittsburgh. *PITTSBURGH ATHLETIC ASSOCIATION BUILDING*, 4215 5th Ave., (12-15-78)
Pittsburgh. *ROTUNDA OF THE PENNSYLVANIA RAILROAD STATION*, 1100 Liberty Ave. at Grant St., (4-11-73) PH0061221 HABS.
Pittsburgh. *SHADYSIDE PRESBYTERIAN CHURCH*, Amberson Ave. and Westminster Pl., (4-3-75)
Pittsburgh. *SINGER, JOHN F., HOUSE*, 1318 Singer Pl., (11-13-74) PH0061255
Pittsburgh. *SMITHFIELD STREET BRIDGE*, Smithfield St. at the Monongahela River, (3-21-74) PH0061263 NHL.
Pittsburgh. *SNYDER, WILLIAM PENN, HOUSE*, 852 Ridge Ave., (5-3-76)
Pittsburgh. *SOLDIERS AND SAILORS MEMORIAL HALL*, 5th Ave. at Bigelow Blvd., (12-30-74) PH0035068
Pittsburgh. *SOUTH SIDE MARKET BUILDING*, 12th and Bingham Sts., (10-14-76)

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Pittsburgh. *ST. JOHN BAPTIST'S UKRANIAN CATHOLIC CHURCH*, 109 S. Carson St., (10-29-74) PH0061239
Pittsburgh. *ST. STANISLAUS KOSTKA ROMAN CATHOLIC CHURCH*, 21st and Smallman Sts., (9-14-72) PH0061247
Pittsburgh. *UNION TRUST BUILDING*, 435 Grant St., (1-21-74) PH0061271
Pittsburgh. *WAY, NICHOLAS, HOUSE*, 108 Beaver Rd., (9-13-78)
Pittsburgh (Mount Washington). *MONONGAHELA INCLINE*, Grandview Ave. at Wyoming Ave., (6-25-74) PH0088668
Pittsburgh vicinity. *FULTON LOG HOUSE*, NW of Pittsburgh on Clifton-Bridgeville Rd. off PA 65, (12-6-75)
Springdale. *CARSON, RACHEL, HOUSE*, 613 Marion Ave., (10-22-76)

armstrong county

Cowansville vicinity. *ST. PATRICK'S ROMAN CATHOLIC CHURCH*, W of Cowansville off PA 268, (3-21-78)
Dayton. *MARSHALL, THOMAS, HOUSE*, State St., (4-22-76)

beaver county

BEGINNING POINT OF THE U.S. PUBLIC LAND SURVEY, Reference—see Columbiana County, OH (1-2-74)
Aliquippa. *JONES, B. F., MEMORIAL LIBRARY*, 663 Franklin Ave., (12-15-78)
Ambridge vicinity. *OLD ECONOMY*, NE of Pittsburgh on PA 65, (10-15-66) PH0112461 NHL.
Beaver. *FORT MCINTOSH SITE*, River Rd., (4-24-75)
Beaver. *QUAY, MATTHEW S., HOUSE*, 205 College Ave., (5-15-75) NHL.
Darlington. *GREERSBURG ACADEMY*, Market St., (2-24-75)
Freedom. *VICARY, CAPT. WILLIAM, HOUSE*, 1251 4th St., (11-8-74) PH0061280
Harmony. *LEGIONVILLE*, Between Duss Ave. and PA 65, (3-27-75)

bedford county

Bedford. *BARCLAY HOUSE*, 230 Juliana St., (9-18-78)
Bedford. *ESPY HOUSE*, 123 Pitt St., (11-19-74) PH0073491

berks county

Albany vicinity. *BERK, DANIEL, LOG HOUSE*, S of Albany on Maiden Creek, (12-16-77)
Bally vicinity. *CHRISTMAN, PHILIP, HOUSE*, 1 mi. SE of Bally at the Berks/Montgomery County line, (3-7-73) PH0061328
Birdsboro vicinity. *BOONE, DANIEL. HOMESTEAD SITE AND BERTOLET CABIN*, 2 mi. N of Birdsboro, (3-24-72) PH0061310
Centerport vicinity. *BELLMAN'S UNION CHURCH*, SW of Centerport off Rte. 726, (12-4-73) PH0061301
Douglassville. *OLD SWEDE'S HOUSE*, Old Philadelphia Pike, (1-21-74) PH0061361 HABS.
Douglassville. *ST. GABRIEL'S EPISCOPAL CHURCH*, U.S. 422, (3-8-78)
Douglasville. *WHITE HORSE TAVERN*, 509 Old Philadelphia Pike, (4-21-75)
Kutztown vicinity. *HOTTENSTEIN MANSION*, 2 mi. E of Kutztown on U.S. 222, (6-22-72) PH0061336
Kutztown vicinity. *KEMP'S HOTEL*, E of Kutztown on US 222, (12-19-78)
Leesport. *LEESPORT LOCK HOUSE*, Wall St., (6-9-77)
Lenhartsville. *LENHART FARM*, jct. of U.S. 22 and PA 143, (9-18-78)
Lobachsville vicinity. *KEIM HOMESTEAD*, W of Lobachsville, (5-1-74) PH0061344 HABS.
Morgantown vicinity. *HOPEWELL VILLAGE NATIONAL HISTORIC SITE*, 10 mi. NE of Morgantown off Pennsylvania Tpke., (10-15-66) PH0130737 HABS.
Reading. *ASKEW BRIDGE*, N. 6th St. near Woodward St., (3-1-73) PH0061298 HABS.
Reading. *ASTOR THEATER*, 730–742 Penn St., (1-5-78)
Reading. *PAGODA*, Mount Penn, at jct. of Duryea Dr. and Skyline Blvd., (11-7-72) PH0061352 G.
Reading. *TRINITY LUTHERAN CHURCH*, 6th and Washington Sts., (6-7-76)
Reading vicinity. *GRUBER WAGON WORKS*, W of Reading off PA 183 in Tulpehocken Creek Park, (6-2-72) PH0112763 HAER; NHL.
Reading vicinity. *WERTZ'S COVERED BRIDGE*, NW of Reading spanning Tulpehocken Creek, (11-17-78)
St. Lawrence. *LEVAN FARM*, PA 562, (12-19-78)
Stonersville vicinity. *MILL TRACT FARM*, NE of Stonersville on Mill Rd., (9-22-77) HABS.
Topton vicinity. *SALLY ANN FURNACE COMPLEX*, SW of Topton, (8-17-76)
Wernersville vicinity. *OLD DRY ROAD (STAUDT FARM)*, 3 mi. (4.8 km) NW of Wernersville on Highland Rd., (1-23-78)
Womelsdorf vicinity. *WEISER, CONRAD, HOUSE*, 2 mi. E of Womelsdorf, (10-15-66) PH0061379 NHL.
Yellow House vicinity. *FISHER, HENRY, HOUSE*, About 1.25 mi. N of Yellow House on PA 662, (6-4-73) PH0061395

blair county

Altoona. *BAKER MANSION*, 3500 Baker Blvd., (6-5-75)
Altoona. *DUDLEY, CHARLES B., HOUSE*, 802 Lexington Ave., (5-11-76) NHL.
Altoona. *MISHLER THEATRE*, 1208 12th Ave., (4-11-73) PH0061417
Altoona vicinity. *HORSESHOE CURVE*, 5 mi. W of Altoona on PA 193, (11-13-66) PH0112445 NHL.
Culp vicinity. *FORT ROBERDEAU*, W of Culp off U.S. 220, (5-29-74) PH0061409
Culp vicinity. *ST. JOHN'S EVANGELICAL LUTHERAN CHURCH*, NE of Culp, (9-18-78)
Hollidaysburg. *BLAIR COUNTY COURTHOUSE*, 423 Allegheny St., (6-17-76)
Hollidaysburg. *HIGHLAND HALL*, 517 Walnut St., (9-13-78)
Johnstown vicinity. *ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE*, U.S. 22, (10-15-66) (also in Cambria County)
Williamsburg vicinity. *ETNA FURNACE*, N of Williamsburg, (4-11-73) PH0061387
Williamsburg vicinity. *ROYER, DANIEL, HOUSE*, 5 mi. SW of Williamsburg on PA 866, (11-3-75)

bradford county

Troy. *VAN DYNE CIVIC BUILDING*, Main and Elmira Sts., (1-21-74) PH0061425

bucks county

Carversville. *CARVERSVILLE HISTORIC DISTRICT*, Off PA 32 (12-13-78),
Cornwells Heights. *ST. ELIZABETH'S CONVENT*, 1663 Bristol Pike, (3-21-78)
Cornwells Heights. *TREVOSE MANOR (JOSEPH GROWDEN HOUSE)*, 5408 Old Trevose Rd., (5-24-76)
Doylestown. *FONTHILL*, E. Court St. at intersection of PA 313, (6-1-72) PH0071536
Doylestown. *FOUNTAIN HOUSE*, State and Main Sts., (3-16-72) PH0071544
Doylestown. *JAMES-LORAH HOUSE (JUDGE CHAPMAN HOUSE)*, 132 N. Main St., (10-17-72) PH0071609 HABS.
Doylestown. *MERCER MUSEUM*, Pine and Ashland Sts., (3-16-72) PH0112771
Doylestown. *MORAVIAN POTTERY AND TILE WORKS*, Court St. and PA 313, (6-1-72) PH0071633
Dublin vicinity. *GREEN HILLS FARM*, SW of Dublin on Dublin Rd., (2-27-74) PH0071552
Durham. *DURHAM MILL AND FURNACE*, Durham Rd., (11-21-76)
Easton to Bristol. *DELAWARE DIVISION OF THE PENNSYLVANIA CANAL*, Parallels W bank of the Delaware River from Easton to Bristol, (10-29-74) PH0034193 NHL. (also in Northampton County)
Fairless Hills. *SOTCHER FARMHOUSE*, 335 Trenton Rd., (12-27-77)
Fallsington. *FALLSINGTON HISTORIC DISTRICT*, S of U.S. 1, E of New Tyburn Rd., (6-19-72) PH0071528
Langhorne vicinity. *EDGEMONT (JENKS HOMESTEAD)*, N of Langhorne on Bridgetown Rd., (12-16-77)
Levittown. *PEMBERTON, PHINEAS, HOUSE (BOLTON MANSION)*, Holly Dr., (9-28-71) PH0071641 G.
Morrisville. *SUMMERSEAT (THOMAS BARCLAY HOUSE)*, Clymer St. and Morris Ave., (7-17-71) PH0071668 NHL.
Morrisville. *TRENTON CITY/CALHOUN STREET BRIDGE*, Spans Delaware River between Morrisville, PA and Trenton, NJ, (11-22-75) (also in Mercer County, NJ)
Morrisville vicinity. *PENNSBURY MANOR*, On the Delaware River S of Bordentown Rd., (10-28-69) PH0071650
New Britain vicinity. *JAMES, MORGAN, HOMESTEAD*, NW of New Britain on Ferry Rd., (12-27-77)
New Hope vicinity. *CHAPMAN, JOHN, HOUSE*, S of New Hope off PA 232 on Eagle Rd., (1-24-74) PH0071510
New Hope vicinity. *EAGLE TAVERN*, S of New Hope, (4-20-78)
New Hope vicinity. *HONEY HOLLOW WATERSHED*, 2.5 mi. S of the Delaware River on PA 263, (8-4-69) PH0071595 NHL.
New Hope vicinity. *SMITH FAMILY FARMSTEAD*, S of New Hope on River Rd., (1-30-78)
Newtown. *HALF-MOON INN*, 101 and 105 Court St., (12-6-77)
Newtown. *NEWTOWN FRIENDS MEETINGHOUSE AND CEMETERY*, Court St., (7-21-77)
Newtown vicinity. *LEEDOM, DAVID, FARM*, SW of Newtown off Richboro Rd., (1-1-76)
Newtown vicinity. *MAKEFIELD MEETING (MAKEFIELD MONTHLY MEETING)*, NE of Newtown at Mt. Eyre Rd. and Dolington Rd., (1-18-74) PH0071625
Newtown vicinity. *TAYLOR, BENJAMIN, HOMESTEAD*, NE of Newtown off SR 532, (12-6-75)
Ottsville. *RED HILL CHURCH AND SCHOOL*, Durham Rd., (5-22-78)
Philadelphia vicinity. *ANDALUSIA (NICHOLAS BIDDLE ESTATE)*, 1.4 mi. N of Philadelphia on PA 32, (11-13-66) PH0075116 NHL.

Pineville vicinity. *KEITH HOUSE–WASHINGTON'S HEADQUARTERS*, E of Pineville on Pineville Rd., (11-14-78)
Pipersville vicinity. *STOVER-MYERS MILL*, N of Pipersville on Dark Hollow Rd., (9-13-78)
Quakertown. *LIBERTY HALL*, 1237 W. Broad St., (1-26-78)
Richboro. *HAMPTON HILL (BENNETSEARCH HOUSE)*, 1269 Second Street Pike, (4-2-73) PH0071561
Richboro. *TWIN TREES FARM*, 905 2nd St. Pike, (6-5-75)
Richboro vicinity. *THOMPSON, JOHN, HOUSE*, 1925 2nd St. Pike, (7-16-73) PH0071676
Rushland vicinity. *VANSANT FARMHOUSE*, N of Rushland on Ceder Lane, (8-2-77)
Southampton. *SOUTHAMPTON BAPTIST CHURCH AND CEMETERY*, 2nd St. Pike and Maple Ave., (9-18-78)
Wrightstown. *SMITH, WILLIAM, HOUSE*, Mud and Penns Park Rd., (4-13-77)
Wrightstown. *WRIGHTSTOWN FRIENDS MEETING COMPLEX*, PA 413, (10-29-75)
Wrightstown vicinity. *HAYHURST FARM*, NE of Wrightstown on Eagle Rd., (2-12-74) PH0071579
Yardley vicinity. *WASHINGTON CROSSING STATE PARK*, Between Yardley and New Hope, on the Delaware River, (10-15-66) PH0071684 NHL; G. (also in Mercer County, NJ)

butler county

Butler. *BUTLER COUNTY COURTHOUSE*, S. Main and Diamond Sts., (9-15-77)
Harmony. *HARMONY HISTORIC DISTRICT*, PA 68, (9-13-74) PH0071692 NHL.
Saxonburg. *ROEBLING, JOHN, HOUSE*, Rebecca and Main Sts., (11-13-76)
Zelienople. *PASSAVANT HOUSE*, 243 S. Main St., (4-11-77)

cambria county

Johnstown. *CAMBRIA PUBLIC LIBRARY BUILDING (CARNEGIE LIBRARY BUILDING)*, 304 Washington St., (6-19-72) PH0071706 G.
Johnstown. *JOHNSTOWN INCLINED RAILWAY*, Johns St. and Edgehill Dr., (6-18-73) PH0071714
Johnstown vicinity. *JOHNSTOWN FLOOD NATIONAL MEMORIAL*, Jct. of U.S. 219 and PA 869, (10-15-66)

carbon county

Jim Thorpe. *CARBON COUNTY JAIL*, 128 Broadway St., (11-8-74) PH0035106
Jim Thorpe. *CENTRAL RAILROAD OF NEW JERSEY STATION*, Susquehanna St., (1-1-76)
Jim Thorpe. *OLD MAUCH CHUNK HISTORIC DISTRICT*, Broadway, Susquehanna, Race, and High Sts., (11-10-77)
Jim Thorpe. *PACKER, ASA, MANSION*, Packer Rd., (12-30-74) PH0035084
Jim Thorpe. *PACKER, HARRY, MANSION*, Packer Rd., (11-20-74) PH0071722
Jim Thorpe. *ST. MARK'S EPISCOPAL CHURCH*, Race and Susquehanna Sts., (7-26-77)
Jim Thorpe, Summit Hill and vicinity. *MAUCH CHUNK AND SUMMIT HILL SWITCHBACK RAILROAD*, Between Ludlow St. in Summit Hill and F.A.P. 209 in Jim Thorpe, (6-3-76) HAER.

centre county

Bellefonte. *BELLEFONTE ACADEMY*, 225 E. Bishop St., (11-7-76)
Bellefonte. *BELLEFONTE HISTORIC DISTRICT*, Roughly bounded by Stony Batter, Ardell Alley, Thomas, Armor Penn, Ridge, and Logan Sts., (8-12-77)
Bellefonte. *BROCKERHOFF HOTEL*, High and Allegheny Sts., (4-11-77)
Bellefonte. *CENTRE COUNTY COURTHOUSE*, High St., (11-7-76)
Bellefonte. *GAMBLE MILL*, Dunlap and Lamb Sts., (8-1-75)
Bellefonte. *MILES-HUMES HOUSE*, 203 N. Allegheny St., (10-21-76)
Bellefonte. *SOUTH WARD SCHOOL*, Bishop St., (2-23-78)
Bellefonte. *THOMAS, WILLIAM, HOUSE*, 266 N. Thomas St., (11-13-76)
Bellefonte vicinity. *LOGAN FURNACE MANSION*, 3 mi. S of Bellefonte on PA 144, (4-11-77)
Boalsburg. *BOAL MANSION*, U.S. 322 and PA 45, (12-4-78)
Boalsburg. *BOALSBURG HISTORIC DISTRICT*, U.S. 322, (12-12-77)
Boalsburg. *HILL HOUSE (COL. JAMES JOHNSTON HOUSE)*, Tennis St., (3-28-77)
Centre Hall vicinity. *BECK, JAMES, ROUND BARN*, 3.2 mi. (5.1 km) E of Centre Hall on PA 192, (2-17-78)
Centre Hall vicinity. *GREGG, ANDREW, HOMESTEAD*, 2 mi. E of Centre Hall off PA 192, (7-28-77)
Centre Hall vicinity. *NEFF, MAJ. JOHN, HOMESTEAD*, SW of Centre Hall, (4-11-77)
Centre Hall vicinity. *PENN'S CAVE AND HOTEL*, 5 mi. (8 km) E of Centre Hall off PA 192, (4-14-78)
Centre Hall vicinity. *POTTER-ALLISON FARM*, SE of Centre Hall on PA 144, (12-6-77)
Curtin. *CURTIN VILLAGE (EAGLE IRONWORKS)*, Off U.S. 220, (3-11-71) PH0112780
Madisonburg. *PICKLE, SIMON, STONE HOUSE*, Jct. of PA 192 and PA 445, (4-18-77)
Milesburg. *IDDINGS-BALDRIDGE HOUSE*, Railroad St., (7-29-77)
Philipsburg. *PHILIPS, HARDMAN, HOUSE*, Presquisle and 4th Sts., (9-18-78)
Philipsburg. *UNION CHURCH AND BURIAL GROUND*, E. Presqueisle St., (5-23-78) HABS.
Port Matilda vicinity. *GRAY, JOHN, HOUSE*, E of Port Matilda off PA 550, S of U.S. 220, (4-3-75)
Rebersburg vicinity. *CENTRE MILLS*, SW of Rebersburg off PA 445, (12-12-76)
Spring Mills vicinity. *ALLISON, WILLIAM, HOUSE*, 1 mi. W of Spring Mills on PA 45, (4-18-77)
Spring Mills vicinity. *FISHER, MAJ. JARED B., HOUSE*, NE of Spring Mills on PA 45, (9-14-77)
State College. *THOMPSON, GEN. JOHN, HOUSE*, E. Branch Rd., (3-29-78)
Stormstown. *ELDER, ABRAHAM, STONE HOUSE/TAVERN*, PA 550, (4-13-77)
Woodward. *WOODWARD INN*, PA 45, (12-18-78)

chester county

Birchrunville. *BIRCHRUNVILLE GENERAL STORE*, Hollow and Flowing Springs Rds., (3-21-78)
Birmingham. *BIRMINGHAM FRIENDS MEETINGHOUSE AND SCHOOL*, 1245 Birmingham Rd., (7-27-71) PH0071749 HABS.
Birmingham vicinity. *DAVIS, DANIEL, HOUSE AND BARN*, Birmingham and Street Rd. (PA 926), (4-11-73) PH0071820
Birmingham vicinity. *EDGEWOOD (CHARLES SHARPLESS HOUSE)*, SE of Birmingham at jct. of L.R. 15087 and 15221, (3-7-73) PH0071871
Bucktown vicinity. *MICHENER, NATHAN, HOUSE*, W of Bucktown on Ridge Rd., (4-3-76)
Chadds Ford. *OAKDALE*, Hillendale Rd., (1-13-72) PH0072001
Chadds Ford vicinity. *BRINTON, EDWARD, HOUSE*, NW of Chadds Ford on PA 100, (6-19-73) PH0071765
Chadds Ford vicinity. *BRINTON'S MILL*, N of Chadds Ford on U.S. 100, (5-27-71) PH0071773
Chadds Ford vicinity. *HARVEY, WILLIAM, HOUSE*, NW of Chadds Ford on Brinton's Bridge Rd. off U.S.1, (5-27-71) PH0071927 HABS.
Chadds Ford vicinity. *PENNSBURY INN*, On U.S. 1 at jct. with Hickory Hill Rd., (3-16-72) PH0072044
Chatham vicinity. *PRIMITIVE HALL*, 2 mi. NW of Chatham on PA 841, (3-19-75) HABS.
Chester Springs vicinity. *GOOD NEWS BUILDING (YELLOW SPRINGS SPA)*, N of Chester Springs on Art School Rd., (5-27-71) PH0071897 HABS.
Chester Springs vicinity. *HALL'S BRIDGE*, About 3 mi. N of Chester Springs at Sheeder Rd. and Birch Run, (4-23-73) PH0071901
Coatesville. *HIGH BRIDGE*, Spans west branch of the Brandywine, (3-26-76)
Coatesville. *HUSTON, ABRAM, HOUSE AND CARRIAGE HOUSE*, 53 S. 1st Ave., (9-15-77)
Coatesville. *LUKENS MAIN OFFICE BUILDING*, 50 S. 1st Ave., (5-24-76)
Coatesville. *NATIONAL BANK OF COATESVILLE BUILDING*, 235 E. Lincoln Highway, (9-14-77)
Coatesville. *TERRACINA*, 76 S. 1st Ave., (12-13-78)
Coventryville. *COVENTRY HALL*, Off PA 23, (12-16-74) PH0051721
Devault vicinity. *SPRING MILL COMPLEX*, SW of Devault at jct. of Moores Rd. and PA 401, (12-14-78)
Dilworthtown. *DILWORTHTOWN HISTORIC DISTRICT*, Jct. of CR 15199 and 15087, (1-18-73) PH0071846
Downingtown vicinity. *ROOKE, ROBERT, HOUSE*, N of Downingtown on Horseshoe Trail at Fellowship Rd., (9-19-73) PH0072109
Downingtown vicinity. *WHEELEN HOUSE*, NE of Downingtown on Fellowship Rd., (6-20-74) PH0072206
Easttown. *WAYNESBOROUGH*, 2049 Waynesborough Rd., (3-7-73) PH0072176 NHL; HABS.
Elverson vicinity. *WARWICK MILLS*, E of Elverton off PA 23 on James Mills Rd., (12-30-74) PH0085022
Ercildoun vicinity. *PIERCE, LUKENS, HOUSE (FALLOWFIELD OCTAGONAL HOUSE)*, NW of Ercildoun on Wilmington Rd., (3-14-73) PH0072061 HABS.
Exton. *ZOOK HOUSE*, Off U.S. 30, (1-1-76)
Hamorton vicinity. *BARNS-BRINTON HOUSE*, E of Hamorton on U.S. 1, (5-27-71) PH0071731 HABS; G.
Hamorton vicinity. *LONGWOOD GARDENS DISTRICT*, On U.S. 1, (10-18-72) PH0071978

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Kennett Square vicinity. *CEDARCROFT (BAYARD TAYLOR HOUSE)*, N of Kennett Sq., (11e11-71) PH0071781 NHL.

Kennett Square vicinity. *HARVEY, PETER, HOUSE AND BARN*, E of Kennett Sq. on Hillendale Rd., (4-20-78)

Kimberton. *KIMBERTON VILLAGE HISTORIC DISTRICT*, Both sides of Hares Hill Rd. between Kimberton and Cold Stream Rds., (5-6-76)

Kimberton vicinity. *KENNEDY BRIDGE*, N of Kimberton off PA 23 on Seven Stars Rd. over French Creek, (1-21-74) PH0071935

Kimberton vicinity. *STRICKLAND-ROBERTS HOMESTEAD*, 3 mi. (4.8 km) S of Kimberton on St. Matthews Rd., (1-30-78)

Knauertown vicinity. *WARRENPOINT (WILLIAM BRANSON HOUSE)*, W of Knauertown off PA 23, (11-11-75) HABS.

Knauertown vicinity. *WARWICK FURNACE/FARMS*, S of Knauertown off PA 23 on Warwick Furnace Rd., (9-13-76)

Lenape vicinity. *EAST BRADFORD BOARDING SCHOOL FOR BOYS*, 1 mi. E of Lenape at West Chester and Sconnelltown Rds., (3-7-73) PH0071854

Lionville. *UWCHLAN MEETINGHOUSE*, N. Village Ave. (Rte. 113), (9-20-73) PH0072141 G.

Malvern vicinity. *WHITE HORSE TAVERN*, NW of Malvern at 480 Swedesford Rd., (12-29-78)

Marshallton. *BRADFORD FRIENDS MEETINGHOUSE*, E side of Northbrook Rd., (7-27-71) PH0071757

Marshallton. *MARSHALL, HUMPHRY, HOUSE*, Strasburg Rd. (PA 62) at jct. of Northbrook Rd., (5-27-71) PH0071986 HABS.

Marshallton. *MARSHALLTON INN*, W. Strasburg Rd., (7-29-77)

Marshallton vicinity. *CARTER-WORTH HOUSE AND FARM*, 450 Lucky Hill Rd., (9-15-77)

Mendenhall. *PETERS, WILLIAM, HOUSE*, Hillendale Rd., (5-27-71) PH0073415

Mendenhall vicinity. *SPRINGDALE FARM (ELWOOD MENDENHALL FARM)*, NW of Mendenhall on Hillendale Rd., (3-7-73) PH0072095

Mont Clare vicinity. *RAPPS BRIDGE*, W of Mont Clare off PA 724 on Mowere Rd., (6-18-73) PH0072079

Norristown vicinity. *VALLEY FORGE*, Valley Forge State Park, (10-15-66) PH0072150 NHL; HABS. (also in montgomery county)

Northbrook. *DERBYDOWN HOMESTEAD*, At jct. of CR 15077 and 15080, (4-2-73) PH0071838

Parkersville vicinity. *PARKERSVILLE FRIENDS MEETINGHOUSE*, S of Parkersville off PA 926, (3-20-73) PH0072036

Phoenixville vicinity. *CHARLESTOWN VILLAGE HISTORIC DISTRICT*, SW of Phoenixville on Charlestown Rd., (5-16-78)

Phoenixville vicinity. *DEERY FAMILY HOMESTEAD*, W of Phoenixville, (12-23-77)

Phoenixville vicinity. *FAGLEY HOUSE*, W of Phoenixville on Art School Rd., (5-3-76)

Phoenixville vicinity. *HARE'S HILL ROAD BRIDGE*, W of Phoenixville on Hare's Hill Rd., (3-28-78)

Phoenixville vicinity. *HARTMAN, GEORGE, HOUSE*, W of Phoenixville on Church Rd., (3-26-76)

Phoenixville vicinity. *MARTIN-LITTLE HOUSE*, S of Phoenixville off PA 113 on Church Rd., (7-2-73) PH0071960

Phoenixville vicinity. *MOORE HALL*, E of Phoenixville on Valley Forge Rd., (11-19-74) PH0073466 HABS.

Phoenixville vicinity. *PENNYPACKER, MATTHIAS, FARM*, S of Phoenixville on White Horse Rd., (12-27-77)

Phoenixville vicinity. *PRIZER'S MILL COMPLEX*, W of Phoenixville on Seven Stars Rd., (9-6-78)

Phoenixville vicinity. *ST. PETER'S CHURCH IN THE GREAT VALLEY*, S of Phoenixville off PA 423, (11-21-77)

Phoenixville vicinity. *STONOROV, OSKAR G., HOUSE*, SW of Phoenixville on Pickering Rd., (12-6-75)

Phoenixville vicinity. *WILLIAMS, JOHN, FARM*, S of Phoenixville on Union Hill Rd., (12-15-78)

Pottstown vicinity. *COVENTRYVILLE HISTORIC DISTRICT*, S of Pottstown on PA 23, (1-31-78)

Pughtown vicinity. *MEREDITH, SIMON, HOUSE*, 0.5 mi. W of Pughtown on Pughtown Rd., (12-16-74) PH0051713

Pughtown vicinity. *TOWNSEND HOUSE*, SW of Pughtown off PA 100, (12-16-74) PH0062731

Romansville vicinity. *TEMPLE-WEBSTER-STONER HOUSE*, E of Romansville off PA 162, (3-7-73) PH0072133 HABS.

Tredyffrin. *WETHERBY-HAMPTON-SNYDER-WILSON-ERDMAN LOG HOUSE*, 251 Irish Rd., (4-2-73) PH0072184

Valley Forge State Park. *STEUBEN, GEN. FREDERICK VON, HEADQUARTERS*, PA 23, (11-28-72) PH0072168 NHL.

Valley Forge vicinity. *CRESSBROOK FARM (JOHN HAVARD HOUSE)*, S of Valley Forge, off U.S. 76, (10-26-72) PH0071811

Valley Forge vicinity. *EAST, NICHOLAS, HOUSE*, W of Valley Forge on Kimberton Rd., (4-2-73) PH0071862

Valley Forge vicinity. *ESHERICK, WHARTON, STUDIO*, SW of Valley Forge off Country Club Rd., (4-26-73) PH0072192

Valley Forge vicinity. *HARVARD, DAVID, HOUSE*, S of Valley Forge off U.S. 76, (10-26-72) PH0071919

Valley Forge vicinity. *LAFAYETTE'S QUARTERS*, SE of Valley Forge on Wilson Rd., (6-20-74) PH0071943

Valley Forge vicinity. *LIGHTFOOT MILL*, W of Valley Forge off PA 401, (4-13-73) PH0071951

Valley Forge vicinity. *STIRLING, MAJ. GEN. LORD, QUARTERS*, S of Valley Forge on Yellow Springs Rd., (2-15-74) PH0072117

Wagontown vicinity. *HIBERNIA HOUSE*, N of Wagontown off PA 340, (11-20-75)

Warwick Township. *ROGERS, PHILIP, HOUSE (PENN WICK)*, Ridge Rd., (5-25-73) PH0072087 HABS.

West Chester. *CHESTER COUNTY COURTHOUSE*, 10 N. High St., (6-5-72) PH0071790 HABS.

West Chester. *COLLINS MANSION*, 633 Goshen Rd., (11-9-72) PH0071803 HABS.

West Chester. *FIRST PRESBYTERIAN CHURCH OF WEST CHESTER*, 130 W. Miner St., (11-27-72) PH0071889

West Chester. *NATIONAL BANK OF CHESTER COUNTY*, 17 N. High St., (6-5-72) PH0071994

West Chester. *STRODE'S MILL (ETTER'S MILL)*, Jct. of PA 100/52 and CR 15087, (5-27-71) PH0072125 HABS.

West Chester vicinity. *OLD KENNETT MEETINGHOUSE*, S of West Chester on U.S. 1, E of jct. of PA 52, (7-15-74) PH0072010

West Chester vicinity. *ORTHODOX MEETINGHOUSE (BIRMINGHAM ORTHODOX MEETINGHOUSE)*, SW of West Chester on Birmingham Rd., (4-26-72) PH0072028

clearfield county

Cooper Settlement vicinity. *ST. SEVERIN'S OLD LOG CHURCH*, W of Cooper Settlement off PA 53, (6-5-75)

DuBois. *DUBOIS MANSION*, College Pl., (4-16-75)

clinton county

Lock Haven. *HEISEY HOUSE*, 362 E. Water St., (3-16-72) PH0034932 G.

Lock Haven. *WATER STREET DISTRICT*, (7-10-73) PH0034916

columbia county

Catawissa. *CATAWISSA FRIENDS MEETINGHOUSE*, South and 3rd Sts., (6-9-78) HABS.

crawford county

Cambridge Springs. *RIVERSIDE HOTEL*, 1 Fountain St., (12-13-78)

Meadville. *BALDWIN-REYNOLDS HOUSE*, Terrace St., (12-30-74) PH0062545

Meadville. *BENTLY HALL*, Allegheny College campus, (5-6-77) HABS.

Meadville. *INDEPENDENT CONGREGATIONAL CHURCH*, 346 Chestnut St., (3-8-78)

Meadville. *MOSIER, DR. J. R., OFFICE*, Terrace St., (3-28-77)

Meadville. *RUTER HALL*, N. Main St. on Allegheny College campus, (9-18-78)

New Richmond. *BROWN, JOHN, TANNERY SITE*, Off PA 77, (12-14-78)

Prairie du Chien. *DOUSMAN HOTEL*, Water St., (10-15-66) NHL.

Titusville. *TITUSVILLE CITY HALL*, 107 N. Franklin St., (3-31-75)

cumberland county

Camp Hill. *PEACE CHURCH*, NW corner of Trindle and St. John's Rds., (3-24-72) PH0034967

Carlisle. *CARLISLE INDIAN SCHOOL*, E edge of Carlisle on U.S. 11, (10-15-66) PH0112437 NHL.

Carlisle. *HESSIAN POWDER MAGAZINE*, Guardhouse and Garrison Lanes, (5-17-74) PH0034959

Carlisle. *OLD WEST, DICKINSON COLLEGE*, Dickinson College campus, (10-15-66) PH0112402 NHL.

Dickinson vicinity. *PINE GROVE FURNACE*, S of Dickinson on PA 233, (4-13-77)

Mechanicsburg. *CUMBERLAND VALLEY RAILROAD STATION AND STATION MASTER'S HOUSE*, 2 W. Strawberry Alley and 4 W. Strawberry Alley, (11-17-78)

Mechanicsburg vicinity. *EBERLY, JOHANNES, HOUSE (OLD BRICKER HOUSE)*, NE of Mechanicsburg on U.S. 11, (4-2-73) PH0034941

New Cumberland. *BLACK, WILLIAM, HOMESTEAD*, Drexel Hill Park Rd., (7-20-77)

Newville vicinity. *MCCULLOUGH, JOHN, HOUSE*, SE of Newville on PA 233, (12-20-78)

Shippensburg. *SHIPPEN HOUSE*, 52 W. King St., (11-25-75)

Shippensburg. *WIDOW PIPER'S TAVERN (OLD COURTHOUSE)*, SW corner of King and Queen Sts., (1-17-74) PH0034975

Shippensburg vicinity. *BLYTHE, BENJAMIN, HOMESTEAD*, 217 Means Hollow Rd., (9-15-77)

Williams Grove vicinity. *WILLIAMS, JOHN, HOUSE*, 0.5 mi. S of Williams Grove, (7-28-77)

Wormleysburg. *WORMLEY, JOHN, HOUSE*, 126 N. Front St., (11-21-76)

dauphin county

Elizabethville vicinity. *HENNIGER FARM COVERED BRIDGE*, NE of Elizabethville, (12-18-78)

Harrisburg. *BROAD STREET MARKET*, Verbeke St. between 3rd and 6th Sts., (12-27-74) PH0062740

Harrisburg. *GERMAN EVANGELICAL ZION LUTHERAN CHURCH (TABERNACLE BAPTIST CHURCH)*, Capital and Herr Sts., (11-12-75)

Harrisburg. *GRIFFITH, WILLIAM R., HOUSE (CATHEDRAL HOUSE)*, 215 N. Front St., (10-21-76) HABS.

Harrisburg. *HARRIS, JOHN, MANSION (SIMON CAMERON HOUSE)*, 219 S. Front St., (9-20-73) NHL.

Harrisburg. *HARRISBURG CENTRAL RAILROAD STATION AND TRAINSHED*, Aberdeen St., (6-11-75) NHL.

Harrisburg. *HARRISBURG HISTORIC DISTRICT*, Bounded roughly by Forster, 3rd, Hanna Sts. and the Susquehanna River, (1-19-76)

Harrisburg. *MCALLISTER, ARCHIBALD, HOUSE*, 5300 N. Front St., (6-7-76)

Harrisburg. *SALEM UNITED CHURCH OF CHRIST*, 231 Chestnut St., (4-23-75)

Harrisburg. *STATE CAPITOL BUILDING*, 3rd and State Sts., (9-14-77)

Harrisburg. *TELEGRAPH BUILDING*, 214–216 Locust St., (3-3-78)

Harrisburg. *WALNUT STREET BRIDGE*, Walnut St. over Susquehanna River, (6-5-72) PH0035009

Hershey. *HIGH POINT (MILTON S. HERSHEY MANSION)*, Mansion Rd., (2-7-78)

Marysville vicinity. *ROCKVILLE BRIDGE*, 0.5 mi. S of Marysville over Susquehanna River, (8-15-75) (also in Perry County)

Middletown. *CAMERON, SIMON, HOUSE AND BANK*, 28 and 30 E. Main St., (11-21-76)

Middletown. *ST. PETER'S KIERCH*, 31 W. High St., (6-18-73) PH0034991

Middletown. *SWATARA FERRY HOUSE*, 400 Swatara St., (9-27-76)

delaware county

Ardmore. *PONT READING*, 2713 Haverford Rd., (10-26-72) PH0063525 HABS.

Boothwyn. *CHICHESTER FRIENDS MEETINGHOUSE*, 611 Meetinghouse Rd., (3-14-73) PH0063355

Broomall. *MASSEY, THOMAS, HOUSE*, Lawrence and Springhouse Rds., (11-16-70) PH0063444

Bryn Mawr. *GLENAYS*, 926 Coopertown Rd., (12-27-77)

Chadds Ford. *BRANDYWINE BATTLEFIELD*, Brandywine Battlefield Park, (10-15-66) PH0035700 NHL.

Chadds Ford. *CHAD HOUSE*, PA 100, (3-11-71) PH0063312 HABS.

Chadds Ford. *CHADDS FORD HISTORIC DISTRICT*, Jct. of U.S. 1 and PA 100, (11-23-71) PH0063321

Chadds Ford. *GILPIN HOMESTEAD*, Harvey Rd., (5-27-71) PH0063401

Chadds Ford vicinity. *PAINTER, WILLIAM, FARM*, 2 mi. NE of Chadds Ford on U.S. 1, (7-27-71) PH0063509

Chadds Ford vicinity. *TWADDELL'S MILL AND HOUSE*, Rock Hill Rd. S of Chadds Ford, (3-7-73) PH0063550

Chester. *OLD MAIN AND CHEMISTRY BUILDING*, 14th St. between Melrose Ave. and Walnut St., (5-22-78)

Chester. *PENN, WILLIAM, LANDING SITE*, Penn and Front Sts., (3-11-71) PH0063517

Chester. *1724 CHESTER COURTHOUSE*, Market St. below 5th St., (5-27-71) PH0063339

Cheyney. *CHEYNEY, JOHN, LOG TENANT HOUSE AND FARM*, Station Rd., (11-21-78)

Concord Township. *IVY MILLS HISTORIC DISTRICT*, Corner of Ivy Mills and Pole Cat Rds., (8-21-72) PH0063410

Concordville. *CONCORD FRIENDS MEETINGHOUSE*, Old Concord Rd., (6-17-77)

Concordville. *CONCORDVILLE HISTORIC DISTRICT*, Concord Rd. and Baltimore Pike, (4-3-73) PH0063363

Concordville. *HANDWROUGHT*, Concord and Station Rd., (1-18-78)

Concordville. *NEWLIN, NICHOLAS, HOUSE*, Concord Rd., (4-26-72) PH0063461

Darby. *DARBY MEETING*, 1017 Main St., (9-13-78)

Dilworthtown vicinity. *1704 HOUSE*, Oakland Rd., near jct. of U.S. 202 and CR 15199, (12-24-67) PH0112631 NHL; HABS.

Essington. *LAZARETTO, THE*, Wanamaker Ave. and 2nd St., (3-16-72) PH0063428 HABS.

Essington. *PRINTZHOF, THE*, Taylor Ave. and 2nd St., (10-15-66) PH0063533 NHL.

Haverford. *FEDERAL SCHOOL*, Haverford-Darby Rd., (11-5-71) PH0063380

Haverford. *GRANGE, THE*, Grove Pl., (1-11-76)

Haverford. *NITRE HALL*, Karakung Dr., (12-18-70) PH0063479 G.

Ithan. *RADNOR FRIENDS MEETINGHOUSE*, Sproul and Conestoga Rds., (8-31-78)

Media vicinity. *CHAMBERLAIN-PENNELL HOUSE*, W of Media off U.S. 1 at Valley Brook Rd., (12-27-77)

Media vicinity. *OLD ROSE TREE TAVERN*, N of Media at jct. of Rose Tree and Providence Rds., (6-21-71) PH0063495

Media vicinity. *RIDLEY CREEK STATE PARK*, NW of Media between PA 3 and PA 352, (10-8-76)

Media vicinity. *ST. DAVID'S CHURCH AND GRAVEYARD*, 7 mi. (11 km) N of Media, (9-20-78)

Prospect Park. *MORTON HOMESTEAD*, 100 Lincoln Ave., (12-2-70) PH0063452

Swarthmore. *WEST, BENJAMIN, BIRTHPLACE*, Swarthmore College campus, (10-15-66) PH0112411 NHL.

Thornbury. *CHESTER CREEK HISTORIC DISTRICT*, N, E, and S of Glen Mills along the W branch of Chester Creek, (3-24-72) PH0063347

Upland. *CROZER, GEORGE K., MANSION (NETHERLEIGH)*, 6th St., (8-14-73) PH0063371

Upland. *OLD MAIN (CROZER THEOLOGICAL SEMINARY, CROZER NORMAL SCHOOL)*, 21st St. and Upland Ave., (6-18-73) PH0063487

Upland. *PUSEY, CALEB, HOUSE*, 15 Race St., (3-11-71) PH0063541 HABS.

Upland. *PUSEY-CROZIER MILL HISTORIC DISTRICT*, Race St., (9-27-76)

Wallingford. *LEIPER, THOMAS, ESTATE*, Avondale Rd., (12-29-70) PH0063436 HABS.

Wawa. *FORGE HILL*, Off U.S. 1, (3-7-73) PH0063398

Wayne. *SATURDAY CLUB*, 117 W. Wayne Ave., (3-14-78)

Westchester vicinity. *THOMPSON COTTAGE*, SE of Westchester on Thornton Rd., (4-13-77)

elk county

Ridway vicinity. *BONIFELS*, W of Ridgway off Laurel Mill Rd., (12-14-78)

erie county

Erie. *CASHIER'S HOUSE*, 413 State St., (1-13-72) PH0063568 HABS.

Erie. *ERIE LAND LIGHTHOUSE*, Dunn Blvd., Lighthouse Park, (3-30-78) HABS.

Erie. *OLD CUSTOMHOUSE*, 409 State St., (1-13-72) PH0063584 HABS.

Erie. *U.S.S. NIAGARA*, State St. at Lake Erie, (4-11-73) PH0063576

Waterford. *EAGLE HOTEL*, 32 High St., (10-28-77) HABS.

fayette county

Brier Hill. *BRIER HILL*, On U.S. 40, (7-2-73) PH0063592

Brier Hill. *COLLEY, PETER, TAVERN AND BARN*, On U.S. 40, (7-24-73) PH0063649

Brownsville. *BOWMAN'S CASTLE*, Front St., (3-3-75)

Brownsville. *DUNLAP'S CREEK BRIDGE*, Spans Dunlap's Creek, (7-31-78)

Farmington. *RUSH HOUSE*, U.S. 40 and PA 381, (3-8-78)

Mill Run vicinity. *FALLINGWATER*, W of PA 381, (7-23-74) PH0063606 NHL.

Mount Braddock vicinity. *MEASON, ISAAC, HOUSE (DR. CHRISTOPHER GIST PLANTATION)*, U.S. 119 North, (1-25-71) PH0063631

Perryopolis. *SEARIGHT'S FULLING MILL*, Cemetery Rd., (6-19-73) PH0063657

Point Marion vicinity. *GALLATIN, ALBERT, HOUSE (FRIENDSHIP HILL)*, 3 mi. N of Point Marion on PA 166, (10-15-66) PH0063614 NHL.

Uniontown vicinity. *FORT NECESSITY NATIONAL BATTLEFIELD*, 11 mi. E of Uniontown on U.S. 40, (10-15-66) PH0350141

Uniontown vicinity. *GADDIS, THOMAS, HOMESTEAD*, S of Uniontown off U.S. 119, (4-26-74) PH0063622

Uniontown vicinity. *SEARIGHTS TOLLHOUSE, NATIONAL ROAD*, W of Uniontown off U.S. 40, (10-15-66) NHL.

franklin county

Blue Ridge Summit. *MONTEREY HISTORIC DISTRICT*, Off PA 16, (4-22-76)

Chambersburg. *BROWN, JOHN, HOUSE*, 225 E. King St., (3-5-70) PH0063665 G.

Chambersburg. *FRANKLIN COUNTY COURTHOUSE*, 1 N. Main St., on Memorial Sq., (1-18-74) PH0063673

Chambersburg. *FRANKLIN COUNTY JAIL*, NW corner of King and 2nd Sts., (1-21-70) PH0049735

Chambersburg. *MASONIC TEMPLE*, 74 S. 2nd St., (6-18-76)

Chambersburg. *MEMORIAL FOUNTAIN AND STATUE*, Memorial Sq., (5-19-78)

Chambersburg. *TOWNHOUSE ROW*, 57–85 N. Main St., (12-18-78)

Chambersburg vicinity. *FINLEY, JAMES, HOUSE*, Building No. 505, Letterkenny Army Depot, (11-19-74) PH0080012

Chambersburg vicinity. *GASS HOUSE*, E of Chambersburg off U.S. 30, (4-11-77)

Fort Loudon vicinity. *SMALL HOUSE*, About 4 mi. N of Fort Loudon on PA 75, (12-31-74) PH0035076

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Greencastle vicinity. *MARTIN'S MILL COVERED BRIDGE*, SW of Greencastle over Conococheague Creek, (2-15-74) PH0063690
Kauffman. *OLD BROWN'S MILL SCHOOL*, Off U.S. 11, (3-7-73) PH0063703
Mercersburg. *LANE HOUSE*, 14 N. Main St., (1-13-72) PH0063681
Mercersburg. *MERCERSBURG HISTORIC DISTRICT*, Main and Seminary Sts., (12-13-78)
Mercersburg vicinity. *HAYS BRIDGE HISTORIC DISTRICT*, E of Mercersburg on SR 331 and SR 328, (7-31-78)
St. Thomas vicinity. *CHAMBERSBURG AND BEDFORD TURNPIKE ROAD COMPANY TOLL HOUSE*, W of St. Thomas on U. S. 30, (1-3-78)
St. Thomas vicinity. *WOODLAND*, SW of St. Thomas on PA 416, (9-20-73) PH0063711
Waynesboro. *ROYER-NICODEMUS HOUSE AND FARM*, 1010 E. Main St., (8-28-76)
Waynesboro vicinity. *SPRINGDALE MILLS (SHANK'S MILL)*, SE of Waynesboro off PA 16 on Amsterdam Rd., (9-18-75)

fulton county

McConnellsburg. *FULTON HOUSE*, 112–116 Lincoln Way East, (7-20-77)
McConnellsburg. *MCCONNELL HOUSE*, 114 Lincoln Way, (11-21-76)

greene county

Carmichaels. *GREENE ACADEMY*, 314 N. Market St., (12-12-76)
Jefferson. *HUGHES HOUSE*, Hatfield St., (12-27-72) PH0063738
Waynesburg. *MILLER HALL*, 51 W. College St., (4-14-78)
Waynesburg vicinity. *GREENE HILLS FARM*, 3.5 mi. E of Waynesburg on PA 21, (4-23-73) PH0063720 G.

huntingdon county

Rockhill Furnace. *EAST BROAD TOP RAILROAD*, 1 mi. W of Orbisonia on U.S. 522, (10-15-66) PH0063754 NHL.

huntington county

Allenport vicinity. *SMALLEY, LEWIS, HOMESTEAD*, E of Allenport on PA 103, (11-14-78)

indiana county

Georgeville vicinity. *MCCORMICK, JOHN B., HOUSE*, W of Georgeville off PA 210, (5-3-74) PH0063762
Indiana. *CLARK, SILAS M., HOUSE*, 6th St. and Wayne Ave., (6-15-78)
Indiana. *MITCHELL, JAMES, HOUSE*, 57 S. 6th St., (12-4-78)
Indiana. *OLD INDIANA COUNTY COURTHOUSE*, 601 Philadelphia St., (10-29-74) PH0063771
Indiana. *SUTTON, JOHN, HALL*, Indiana University of Pennsylvania campus, (9-17-75)

jefferson county

Brookville. *HALL, JOSEPH E., HOUSE*, 419 W. Main, (12-13-78)

juniata county

Mifflintown vicinity. *TUSCARORA ACADEMY*, 8 mi. S of Mifflintown at jct. of SR 34005 and 34028, (6-30-72) PH0063789

lackawanna county

Carbondale. *DELAWARE AND HUDSON CANAL GRAVITY RAILROAD SHOPS*, 91 N. Main St., (11-30-78)
Dalton. *DALTON HOUSE*, E. Main St., (5-22-78)
Scranton. *ALBRIGHT MEMORIAL BUILDING*, N. Washington Ave. and Vine St., (5-22-78)
Scranton. *DELAWARE, LACKAWANNA AND WESTERN RAILROAD STATION*, Lackawanna and Jefferson Aves., (12-6-77)
Scranton. *DIME BANK BUILDING*, Wyoming Ave. and Spruce St., (7-14-78)
Scranton. *FINCH BUILDING*, 424 Wyoming Ave., (6-14-76)
Scranton. *POWDERLY, TERENCE V., HOUSE*, 614 N. Main St., (10-15-66) PH0063746 NHL.
Scranton. *SILKMAN HOUSE*, 2006 N. Main Ave., (12-18-78)
Scranton. *ST. PETER'S CATHEDRAL COMPLEX*, 315 Wyoming Ave., (7-19-76)
Scranton. *TRIPP FAMILY HOMESTEAD*, 1101 N. Main Ave., (6-19-72) PH0063797

lancaster county

Bainbridge vicinity. *LOCUST GROVE*, S of Bainbridge off PA 441, (8-3-77)
Brickerville. *STIEGEL-COLEMAN HOUSE*, PA 501 and U.S. 322, (11-13-66) PH0051110 NHL.
Ephrata. *EPHRATA CLOISTER*, (12-24-67) NHL; HABS.
Gap vicinity. *WHITE CHIMNEYS*, 1 mi. NW of Gap on U.S. 30, (4-1-75)
Lancaster. *ABBEVILLE*, 1140 Columbia Ave., (12-14-78)
Lancaster. *BUCHANAN, JAMES, HOUSE. (WHEATLAND)*, 1120 Marietta Ave., (10-15-66) PH0051136 NHL.
Lancaster. *CENTRAL MARKET*, William Henry Pl., (7-12-72) PH0051021 HABS.
Lancaster. *ELLICOTT, ANDREW, HOUSE (SEHNER-ELLICOTT HOUSE)*, 123 N. Prince St., (1-13-72) PH0051047 HABS; G.
Lancaster. *FULTON OPERA HOUSE*, 12-14 N. Prince St., (8-11-69) PH0051071 NHL.
Lancaster. *HAND, GEN. EDWARD, HOUSE (ROCK FORD)*, 881 Rock Ford Rd., (11-21-76)
Lancaster. *LANCASTER COUNTY COURTHOUSE*, 43 E. King St., (11-7-78)
Lancaster. *OLD CITY HALL*, Penn Sq., (6-30-72) PH0051098
Lancaster. *OLD MAIN, GOETHEAN HALL, AND DIAGNOTHIAN HALL*, Franklin and Marshall College campus, (7-30-75)
Lancaster. *SOLDIERS AND SAILORS MONUMENT*, Penn Sq., (4-2-73) PH0051101
Lancaster vicinity. *HERR, HANS, HOUSE*, 1851 Hans Herr Dr., (5-3-71) PH0051080 HABS; G.
Lancaster vicinity. *WITMER'S TAVERN*, 2014 Old Philadelphia Pike, (12-1-78)
Letort vicinity. *CONESTOGA TOWN*, (6-18-73) PH0051039
Lititz. *STURGIS, JULIUS, PRETZEL HOUSE*, 219-221 E. Main St., (12-16-74) PH0062723
Marietta. *MARIETTA HISTORIC DISTRICT*, Roughly bounded by Market, Front, Biddle, and Waterford Sts., (7-18-78)
Mount Joy. *CENTRAL HOTEL (A. BUBE'S BREWERY)*, 102 N. Market St., (6-4-73) PH0051012
Mount Joy vicinity. *CAMERON ESTATE*, 2 mi. W of Mount Joy on Donegal Springs Rd., (11-3-75)
Mount Joy vicinity. *DONEGAL MILLS PLANTATION*, SW on Mount Joy on Trout Run Rd., (1-20-78)
New Castle. *LAWRENCE COUNTY COURTHOUSE*, Court St., (12-15-78)
Nottingham vicinity. *KIRKS MILLS HISTORIC DISTRICT*, W of Nottingham off PA 272, (7-17-78)
Quarryville vicinity. *FULTON, ROBERT, BIRTHPLACE*, 8 mi. S of Quarryville on U.S. 222, (10-15-66) PH0112381 NHL.
Safe Harbor vicinity. *BIG AND LITTLE INDIAN ROCK PETROGLYPHS*, S of Safe Harbor, (4-3-78)
Terre Hill vicinity. *WEAVER, HENRY, FARMSTEAD*, S of Terre Hill off U.S. 322, (12-15-78)
Washington vicinity. *STRICKLER SITE*, (6-18-73) PH0051128

lebanon county

Annville. *BIEVER HOUSE*, 49 S. White Oak St., (2-14-78)
Cornwall. *CORNWALL IRON FURNACE*, (11-13-66) PH0051152 NHL.
Lebanon. *CHESTNUT STREET LOG HOUSE*, 1110 Chestnut St., (11-20-78)
Lebanon. *CORNWALL & LEBANON RAILROAD STATION*, 161 N. 8th St., (12-4-74) PH0084824 HABS.
Lebanon. *READING RAILROAD STATION*, N. 8th St., (7-17-75)
Lebanon. *ST. LUKES EPISCOPAL CHURCH*, 6th and Chestnut Sts., (9-4-74) PH0051179
Lebanon vicinity. *UNION CANAL TUNNEL*, W of Lebanon off PA 72, (10-1-74) PH0076881
Myerstown. *MEIER, ISAAC, HOMESTEAD*, 520 S. College St., (4-2-73) PH0051187
Myerstown vicinity. *TULPEHOCKEN MANOR PLANTATION*, 2 mi. W of Myerstown on U.S. 422, (5-12-75)
Newmanstown vicinity. *BOMBERGER'S DISTILLERY*, 7 mi. SW of Newmanstown off PA 501, (6-26-75)
Newmanstown vicinity. *HOUSE OF MILLER AT MILLBACH*, SW of Newmanstown off Rte. 1, (4-23-73) PH0051161
Newmanstown vicinity. *ZELLER, HEINRICH, HOUSE*, W of Newmanstown off SR 419, (5-12-75)
Palmyra vicinity. *BINDNAGLES EVANGELICAL LUTHERAN CHURCH*, N of Palmyra at jct. of SR 38003 and SR T330, (7-7-75)
Schaefferstown. *BRENDLE FARMS*, Jct. of PA 501 and 897, (7-24-72) PH0051144

lehigh county

Allentown. *TROUT HALL*, 414 Walnut St., (11-14-78)
Allentown vicinity. *DORNEYVILLE CROSSROAD SETTLEMENT*, S of Allentown at jct. of U.S. 222 and PA 29, (12-7-77)
Bethlehem. *BETHLEHEM HISTORIC DISTRICT I, SUBDISTRICT A*, Bounded by Main, Nevada, and E. Broad Sts., and the river, (5-5-72) HABS; G. (also in Northampton County)
Catasauqua. *TAYLOR, GEORGE, HOUSE*, Front St., (7-17-71) PH0051209 NHL.
Emmaus. *KEMMERER HOUSE*, 3 Iroquois St., (9-14-77)
Emmaus. *SHELTER HOUSE*, S. 4th St., (2-17-78)
Fullerton vicinity. *HELFRICH'S SPRINGS GRIST MILL*, W of Fullerton on Mickley Rd., (10-14-77)

luzerne county

Eckley. *ECKLEY HISTORC DISTRICT*, Both sides of Main St. through town of Eckley, (10-26-71) PH0051233
Forty Fort. *DENISON HOUSE*, 35 Denison St., (12-2-70) PH0051225 HABS; G.
Hazelton. *KELLER HOUSE*, 217 W. Broad St., (11-13-76)

Wilkes-Barre. *CATLIN HALL, WILKES COLLEGE*, 92 S. River St., (3-16-72) PH0051217
Wilkes-Barre. *CENTRAL RAILROAD OF NEW JERSEY STATION*, 31–35 S. Baltimore St., (5-12-75)
Wilkes-Barre. *MCCLINTOCK HALL*, 44 S. River St., (3-16-72) PH0051241
Wilkes-Barre. *WEISS HALL (JUDGE EDMUND TAYLOR HOUSE)*, 98 S. River St., (11-27-72) PH0051250
Wyoming. *SWETLAND HOMESTEAD*, 855 Wyoming Ave., (12-13-78)

lycoming county

English Center. *ENGLISH CENTER SUSPENSION BRIDGE*, Over Pine Creek, (12-14-78)
Jersey Shore. *JERSEY SHORE HISTORIC DISTRICT*, Irregular shape roughly bounded by Lawshe Run, W. Branch Susquehanna River, S borough boundaries, and Tomb Ave., (3-31-75)
Williamsport. *U.S. POST OFFICE*, W. 4th St. between Government Pl. and West St., (3-16-72) PH0051268 HABS.
Williamsport. *WILLIAMSPORT CITY HALL*, Pine St., (11-7-76)
Willimasport. *HERDIC, PETER, HOUSE*, 407 4th St., (11-21-78)

mckean county

Bradford. *BRADFORD OLD CITY HALL*, Kennedy and Boylston Sts., (5-17-76)
Bradford vicinity. *CROOK FARM*, NE of Bradford on Seaward Ave. extended, (3-26-76)
Kane. *KANE, THOMAS L., MEMORIAL CHAPEL*, 30 Chestnut St., (3-29-78)
Mt. Jewett. *KINZUA VIADUCT*, 4.2 mi. NE of Mt. Jewett, (8-29-77)

mercer county

Greenville vicinity. *KIDD'S MILLS COVERED BRIDGE HISTORIC DISTRICT*, 5 mi. S of Greenville off PA 58, (12-2-74) PH0047635
Greenville vicinity. *NEW HAMBURG HISTORICAL AREA*, (12-2-74) PH0076791
Jamestown. *GIBSON HOUSE*, 210 Liberty St., (12-1-78)
Mercer vicinity. *BIG BEND HISTORICAL AREA (SHENANGO RIVER LAKE)*, 6 mi. NW of Mercer on Shenango River, (4-21-75)
Mercer vicinity. *JOHNSTON'S TAVERN*, 6 mi. S of Mercer on U.S. 19, (3-24-72) PH0051276 HABS.
Sharon. *BUHL, FRANK H., MANSION*, 422 E. State St., (12-2-77)

mifflin county

Lewistown. *MCCOY HOUSE*, 17 N. Main St., (3-14-73) PH0051284
Lewistown. *MIFFLIN COUNTY COURTHOUSE*, 1 W. Market St., (5-28-76)
Lewistown vicinity. *OLD HOOPES SCHOOL*, NE of Lewistown, (12-20-78)

monroe county

East Stroudsburg vicinity. *ZION LUTHERAN CHURCH*, Off River Rd., (11-9-72) PH0051306 HABS.
Saylorsburg vicinity. *ROSS COMMON MANOR*, S of Saylorsburg on PA 115, (11-22-78)
Sciota vicinity. *FENNER-SNYDER MILL*, U.S. 29, N of Sciota, (5-13-76)
Shawnee-on-the-Delaware. *WORTHINGTON HALL*, Worthington Ave., (4-14-78)
Stroudsburg vicinity. *QUIET VALLEY FARM*, SW of Stroudsburg off U.S. 209, (4-23-73) PH0051292 G.
Swiftwater. *SWIFTWATER INN*, PA 611, (6-4-76)

montgomery county

VALLEY FORGE, Reference—see Chester County (1-2-74)
Audubon. *MILL GROVE*, Pawling Rd., (3-16-72) PH0051462
Bryn Athyn. *GLENCAIRN*, 1001 Papermill Rd., (8-31-78)
Bryn Mawr. *BRYN MAWR (HARRITON)*, 500 Harriton Rd., (7-2-73) PH0051349
Collegeville vicinity. *KUSTER MILL*, On Skippack Creek at Mill Rd. and Water St. Rd., (3-24-71) PH0051314
Conshohocken. *MOUNT JOY (PETER LEGAUX MANSION*, North Lane and Hector St., (3-11-71) PH0051489
Conshohocken. *WASHINGTON HOSE AND STEAM FIRE ENGINE COMPANY, NO. 1*, 15 W. Hector St., (11-20-75)
Delphi. *KNURR LOG HOUSE*, Meng Rd., (11-5-74) PH0051438
Erdenheim. *SPRINGFIELD MILL*, On Northwestern Ave. between Germantown Ave. and Bethlehem Pike, (5-13-76)
Evansburg. *EVANSBURG HISTORIC DISTRICT (PROVIDENCE SQUARE)*, On U.S. 422, bounded by Cross Key Rd., Grange Ave., Mill Rd., and Ridge Pike, (6-19-72) PH0112798
Evansburg vicinity. *SKIPPACK BRIDGE*, E of Evansburg on PA 422, (12-2-70) PH0051535
Fort Washington. *FARMAR MILL (MATHER MILL)*, N of Flourtown at jct. of U.S. 309 and PA 73, (5-19-72) PH0112801
Fort Washington. *HOPE LODGE*, 553 Bethlehem Pike, (4-26-72) PH0051390
Fort Washington. *QUAKER MANOR HOUSE*, 1165 Pinetown Rd., (11-21-76)
Fort Washington vicinity. *HIGHLANDS, THE*, W of Fort Washington at Skippack Pike and Sheaff Lane, (12-12-76)
Harleysville. *KLEIN MEETINGHOUSE*, Maple Ave., (4-13-73) PH0051411 G.
Harleysville vicinity. *BERGY BRIDGE HISTORIC DISTRICT*, NW of Harleysville off PA 63, (10-10-73) PH0051331
Hatboro. *LOLLER ACADEMY*, 424 S. York Rd., (8-24-78)
Horsham vicinity. *GRAEME PARK*, Keith Valley Rd., (10-15-66) PH0112950 NHL; HABS.
King of Prussia. *KING OF PRUSSIA INN*, Jct. of U.S. 202 and PA 363, (12-23-75)
King of Prussia. *POPLAR LANE*, 1000 Boxwood Court, (5-22-78)
Kulpsville vicinity. *MORGAN, EDWARD, LOG HOUSE*, Off PA 363 on Weikel Rd., (5-17-73) PH0051471 G.
Lansdale. *JENKINS HOMESTEAD*, 137 Jenkins Ave., (9-15-77)
Lederach vicinity. *KOLB, DIELMAN, HOMESTEAD*, S of Lederach on Kinsey Rd., (8-17-73) PH0051420
Merion. *GENERAL WAYNE INN*, 625 Montgomery Ave., (1-1-76)
Montgomeryville vicinity. *KNAPP FARM*, S of Montgomeryville off PA 309, (10-22-76)
Pennsburg vicinity. *RIETH, ANDREAS, HOMESTEAD*, SE of Pennsburg on Geryville Pike, (9-19-73) PH0051527
Plymouth Meeting. *CORSON, ALAN W., HOMESTEAD*, 5130 Butler Pike, (6-19-73) PH0051365
Plymouth Meeting. *HOVENDEN HOUSE, BARN AND ABOLITION HALL*, 1 E. Germantown Pike, (2-18-71) PH0051403
Plymouth Meeting. *PLYMOUTH FRIENDS MEETINGHOUSE*, Corner of Germantown and Butler Pikes, (2-18-71) PH0051497
Plymouth Meeting. *PLYMOUTH MEETING HISTORIC DISTRICT*, (2-18-71) PH0051501
Pottstown. *POTTSTOWN ROLLER MILL*, South and Hanover Sts., (10-10-74) PH0087866
Pottstown vicinity. *ANTES, HENRY, HOUSE*, NE of Pottstown on Colonial Rd., (5-12-75)
Pottstown vicinity. *POTTSGROVE MANSION*, W of Pottstown on Benjamin Franklin Hwy. (High St.), (1-18-74) PH0051519
Schwenksville vicinity. *ENGLEHARDT, JOHN, HOMESTEAD*, W of Schwenksville off PA 73 on Keyser Rd., (6-4-73) PH0051373
Schwenksville vicinity. *GRUBB, CONRAD, HOMESTEAD*, NW of Schwenksville off PA 73 on Perkiomenville Rd., (6-19-73) PH0051381
Schwenksville vicinity. *LONG MEADOW FARM (PLANK HOUSE AND BARN)*, NW of Schwenksville on PA 73, (6-19-73) PH0051454
Schwenksville vicinity. *PENNYPACKER MANSION*, 5 Haldeman Rd., (11-7-76)
Schwenksville vicinity. *SUNRISE MILL*, 3 mi. W of Schwenksville on Neiffer Rd., (4-11-77)
Skippack. *COLE, WARREN Z., HOUSE (KIDDER-DEHAVEN HOUSE)*, Skippack Pike and Evansburg Rd., (3-7-73) PH0051357
Trappe. *AUGUSTUS LUTHERAN CHURCH*, 7th Ave. E and Main St., (12-24-67) PH0051322 NHL.
Tylersport vicinity. *LANDIS HOMESTEAD*, SW of Tylersport off PA 563 on Morwood Rd., (10-10-73) PH0051446
Valley Forge State Park. *WASHINGTON'S HEADQUARTERS*, Valley Creek Rd. near jct. of PA 252 and 23, (2-11-73) PH0051543 NHL; HABS; G.
Worcester. *WENTZ, PETER, HOMESTEAD*, Schultz Rd., (5-8-73) PH0051551

newport county

Portsmouth. *OAK GLEN*, 745 Union St., (3-29-78)

northampton county

BETHLEHEM HISTORIC DISTRICT I, SUBDISTRICT A, Reference—see Lehigh County (1-2-74) PH0051560
DELAWARE DIVISION OF THE PENNSYLVANIA CANAL, Reference—see Bucks County (1-2-74)
Bethlehem. *GEMEINHAUS-LEWIS DAVID DE SCHWEINITZ RESIDENCE*, W. Church St., (5-15-75) HABS; NHL.
Bethlehem. *GRISTMILLER'S HOUSE*, 459 Old York Rd., (6-18-73) PH0051586
Bethlehem. *MORAVIAN SUN INN*, 564 Main St., (10-2-73) PH0051594 HABS; G.
Bethlehem. *OLD WATERWORKS*, Within Historic Subdistrict A near Monocacy Creek, (6-19-72) PH0051608 HABS.
Bethlehem. *TANNERY, THE*, Within Bethlehem Historic Subdistrict A near Monocacy Creek, (6-19-72)
Easton. *LEHIGH CANAL: EASTERN SECTION GLENDON AND ABBOTT STREET INDUSTRIAL SITES*, Lehigh River from Hopeville to confluence of Lehigh and Delaware Rivers, (10-2-78)
Easton. *NICHOLAS, JACOB, HOUSE*, 458 Ferry St., (11-21-76)
Easton. *SEIPSVILLE HOTEL*, 2912 Old Nazareth Rd., (5-6-77)

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Easton vicinity. *CHAIN BRIDGE*, SW of Glendon on Hugh Moore Pkwy. across the Lehigh River, (2-12-74) PH0051578

Easton vicinity. *COFFEETOWN GRIST MILL*, 7 mi. S of Easton at Coffeetown and Kressman Rds., (11-16-77)

Nazareth vicinity. *JACOBSBURG HISTORIC DISTRICT*, 3 mi. NE of Nazareth off PA 115, (10-17-77)

Walnutport. *LEHIGH CANAL: LEHIGH GAP-WALNUTPORT SECTION*, Lehigh Gap to S Walnutport boundary, (10-2-78)

northumberland county

McEwensville vicinity. *WARRIOR RUN PRESBYTERIAN CHURCH*, N of McEwensville on PA 147, (4-2-73) PH0051641

Milton. *MILTON FREIGHT STATION*, 90 Broadway, (4-13-77)

Milton. *PENNSYLVANIA CANAL AND LIMESTONE RUN AQUEDUCT: WEST BRANCH DIVISION*, Bounded by Broadway, Filbert St., Limestone Run and Bound Ave., (12-19-78)

Montandon vicinity. *SODOM SCHOOLHOUSE*, E of Montandon on PA 45, (2-12-74) PH0051632

Northumberland. *PRIESTLEY, JOSEPH, HOUSE*, Priestley Ave., (10-15-66) PH0051624 NHL.

Sunbury. *BECK HOUSE*, 62 N. Front St., (1-11-76)

Sunbury. *NORTHUMBERLAND COUNTY COURTHOUSE*, 207 Market St., (12-30-74) PH0062839

Sunbury vicinity. *SNYDER, CASPAR, HOUSE (BLUE BALL TAVERN)*, S of Sunbury on PA 147,

payette county

Belle Vernon vicinity. *COOK, COL. EDWARD, HOUSE*, E of Belle Vernon, (3-29-78)

perry county

ROCKVILLE BRIDGE, Reference—see Dauphin County

Marysville vicinity. *ROCKVILLE BRIDGE, Reference—see Dauphin County*

New Bloomfield. *PERRY COUNTY COURTHOUSE*, Center Sq., (2-24-75)

Newport vicinity. *LITTLE BUFFALO HISTORIC DISTRICT*, SW of Newport off PA 34, (4-3-78)

philadelphia

Philadelphia. *UNIVERSITY OF PENNSYLVANIA CAMPUS HISTORIC DISTRICT*, Roughly bounded by Hamilton Walk, South, 32nd, Walnut, 36th, Spruce, and 39th Sts., (12-28-78)

philadelphia county

Philadelphia. *ACADEMY OF MUSIC*, Broad and Locust Sts., (10-15-66) PH0061433 NHL; HABS.

Philadelphia. *ADELPHI SCHOOL*, 1223–1225 Spring St., (9-18-78)

Philadelphia. *AMERICAN PHILOSOPHICAL SOCIETY HALL*, Independence Sq., (10-15-66) PH0061441 NHL.

Philadelphia. *ARCH STREET MEETINGHOUSE*, 302-338 Arch St., (5-27-71) PH0061450

Philadelphia. *ARCH STREET OPERA HOUSE*, 1003–1005 Arch St., (6-13-78) HABS.

Philadelphia. *ARCH STREET PRESBYTERIAN CHURCH*, 1726-1732 Arch St., (5-27-71) PH0061468

Philadelphia. *ATHENAEUM OF PHILADELPHIA*, 219 S. 6th St., (2-1-72) PH0061476 NHL; HABS.

Philadelphia. *BARTRAM, JOHN, HOUSE*, 54th St. and Eastwick Ave., (10-15-66) PH0061484 NHL; HABS; G.

Philadelphia. *BEGGARSTOWN SCHOOL*, 6669 Germantown Ave., (11-23-71) PH0061492

Philadelphia. *BELLEVUE STRATFORD HOTEL*, 200 S. Broad St., (3-24-77) HABS.

Philadelphia. *BERGDOLL MANSION*, 2201–2205 Green St., (11-7-76)

Philadelphia. *BILLMEYER, DANIEL, HOUSE*, 6504 Germantown Ave., (12-13-71) PH0061506

Philadelphia. *BILLMEYER, MICHAEL, HOUSE*, 6505–6507 Germantown Ave., (1-13-72) PH0061514

Philadelphia. *CARPENTERS' HALL*, 310 Chestnut St., (4-15-70) PH0112470 NHL; HABS.

Philadelphia. *CATHEDRAL OF SAINTS PETER AND PAUL*, 18th St. and the Pkwy., (6-24-71) PH0061522

Philadelphia. *CENTENNIAL NATIONAL BANK*, 3200 Market St., (3-11-71) PH0061531 HABS.

Philadelphia. *CHAMOUNIX*, West Fairmount Park on Chamounix Dr., (4-26-72) PH0061549

Philadelphia. *CHATEAU CRILLON APARTMENT HOUSE*, 222 S. 19th St., (4-25-78)

Philadelphia. *CHRIST CHURCH*, 22-26 N. 2nd St., (4-15-70) PH0061565 NHL; HABS; G.

Philadelphia. *CHRIST CHURCH BURIAL GROUND*, 5th and Arch Sts., (6-24-71) PH0061573

Philadelphia. *CHURCH OF ST. JAMES THE LESS*, Hunting Park Ave. and Clearfield St., (11-20-74) PH0061581

Philadelphia. *CHURCH OF THE HOLY TRINITY*, 19th and Walnut Sts. facing Rittenhouse Sq., (2-6-73) PH0061590 HABS.

Philadelphia. *CLARKSON-WATSON HOUSE*, 5275–5277 Germantown Ave., (4-2-73) PH0061603

Philadelphia. *CLIFFS, THE*, East Fairmount Park near 33rd St., (3-16-72) PH0061611 HABS.

Philadelphia. *CLINTON STREET HISTORIC DISTRICT*, Bounded by 9th, 11th, Pine, and Cypress Sts., (4-25-72) PH0061620

Philadelphia. *CLIVEDEN (BENJAMIN CHEW HOUSE)*, 6401 Germantown Ave., (10-15-66) PH0061557 NHL; HABS; G.

Philadelphia. *COLLEGE HALL, UNIVERSITY OF PENNSYLVANIA*, Bounded by Walnut, Spruce, 34th, and 36th Sts., (2-14-78)

Philadelphia. *COLONIAL GERMANTOWN HISTORIC DISTRICT*, Germantown Ave. between Windrim Ave. and Upsal St., (10-15-66) PH0112488 NHL; HABS; G.

Philadelphia. *COMMANDANT'S QUARTERS*, U.S. Naval Base, (6-3-76)

Philadelphia. *COMPTON AND BLOOMFIELD (MORRIS ARBORETUM)*, 9414 Meadowbrook Ave., (12-22-78)

Philadelphia. *CONYNGHAM-HACKER HOUSE*, 5214 Germantown Ave., (1-13-72) PH0061638 HABS.

Philadelphia. *COPE, EDWARD DRINKER, HOUSE*, 2102 Pine St., (5-15-75) NHL.

Philadelphia. *DESHLER-MORRIS HOUSE*, 5442 Germantown Ave., (1-13-72) PH0061646

Philadelphia. *DRAKE HOTEL*, 1512–1514 Spruce St., (9-18-78)

Philadelphia. *DRINKER'S COURT*, 236-238 Delancey St., (5-27-71) PH0061654

Philadelphia. *DROPSIE UNIVERSITY COMPLEX*, Broad and York Sts., (1-17-75)

Philadelphia. *EAKINS, THOMAS, HOUSE*, 1729 Mount Vernon Pl., (10-15-66) PH0061662 NHL; HABS.

Philadelphia. *EASTERN STATE PENITENTIARY*, 21st St. and Fairmount Ave., (10-15-66) PH0061671 NHL; HABS.

Philadelphia. *ELFRETH'S ALLEY HISTORIC DISTRICT*, Between 2nd and Front Sts., (10-15-66) PH0061689 NHL; HABS; G.

Philadelphia. *EYRE, WILSON, HOUSE*, 1003 Spruce St., (4-13-77)

Philadelphia. *FAIRMOUNT PARK*, Both banks of Schuylkill River and Wissahickon Creek, from Spring Garden St. to Northwestern Ave., (2-7-72) PH0213535 HABS; NHL; G.

Philadelphia. *FAIRMOUNT WATER WORKS*, E banks of Schuylkill River, (5-11-76) NHL.

Philadelphia. *FIDELITY MUTUAL LIFE INSURANCE COMPANY BUILDING*, Fairmount and Pennsylvania Aves., (7-2-73) PH0061701

Philadelphia. *FIDELITY-PHILADELPHIA TRUST COMPANY BUILDING*, 123–151 S. Broad St., (11-27-78)

Philadelphia. *FIRST UNITARIAN CHURCH*, 2121 Chestnut St., (5-27-71) PH0061719 HABS.

Philadelphia. *FORREST, EDWIN, HOUSE*, 1326 N. Broad St., (1-13-72) PH0061727

Philadelphia. *FORT MIFFLIN*, Marina and Penrose Ferry Rds., (8-29-70) NHL; HABS.

Philadelphia. *FORT MIFFLIN HOSPITAL*, Marina and Penrose Ferry Rds., (9-29-69) PH0072281 HABS.

Philadelphia. *FOUNDER'S HALL, GIRARD COLLEGE*, Corinthian and Girard Aves., (8-4-69) PH0061743 NHL.

Philadelphia. *FRANKFORD ARSENAL*, Tacony and Bridge Sts., (3-16-72) PH0112810

Philadelphia. *FREE QUAKER MEETINGHOUSE*, SW corner of 5th and Arch Sts., (9-22-71) PH0061751 HABS.

Philadelphia. *FURNESS LIBRARY*, 34th St. below Walnut on University of Pennsylvania campus, (5-19-72) PH0061778

Philadelphia. *GIRARD COLLEGE COMPLEX*, Bounded by Poplar St., Girard, W. College, S. College, and Ridge Aves., (10-29-74) PH0061794

Philadelphia. *GLORIA DEI (OLD SWEDES') CHURCH NATIONAL HISTORIC SITE*, Swanson St., between Christian and Water Sts., (10-15-66) HABS; G.

Philadelphia. *GRAHAM AND LAIRD, SCHOBER AND MITCHELL FACTORIES*, 19th St. between Hamilton and Buttonwood Sts., (7-7-78)

Philadelphia. *GRAVER'S LANE STATION*, Gravers Lane and Reading Railroad Line, (11-7-77)

Philadelphia. *GRUMBLETHORPE TENANT HOUSE*, 5269 Germantown Ave., (6-19-72) PH0061808

Philadelphia. *GRUMBLETHORPE (WISTER'S BIG HOUSE)*, 5267 Germantown Ave., (3-16-72) PH0072494

Philadelphia. *HARPER, FRANCES ELLEN WATKINS, HOUSE*, 10006 Bainbridge St., (12-8-76) NHL.

Philadelphia. *HATFIELD HOUSE*, Fairmount Park, 33rd St. near Girard Ave., (3-16-72) PH0061816 HABS.

Philadelphia. *HEAD HOUSE SQUARE*, Both sides of the 400 block of S. 2nd St., (6-19-72) PH0061824 HABS.

Philadelphia. *HILL-PHYSICK HOUSE*, 321 S. 4th St., (5-27-71) PH0061832 NHL; HABS.

Philadelphia. *HOWELL HOUSE*, 5218 Germantown Ave., (1-13-72) PH0061841

Philadelphia. *INDEPENDENCE NATIONAL HISTORICAL PARK*, Bounded by Walnut, 6th, Chestnut, and 2nd Sts., (10-15-66) PH0061859 HABS.

Philadelphia. *INSTITUTE OF THE PENNSYLVANIA HOSPITAL*, 111 N. 49th St., (10-15-66) PH0061867 NHL.

Philadelphia. *INSURANCE COMPANY OF NORTH AMERICA BUILDING*, 1600 Arch St., (6-2-78) NHL.

Philadelphia. *IRISH, NATHANIEL, HOUSE*, 704 S. Front St., (3-16-72) PH0072231

Philadelphia. *IVY LODGE*, 29 E. Penn St., (2-1-72) PH0061875

Philadelphia. *JOHNSON, JOHN, HOUSE*, 6306 Germantown Ave., (1-13-72) PH0061883 HABS.

Philadelphia. *KNOWLTON (RHAWN HOUSE)*, 8001 Verree Rd., (10-1-74) PH0061891

Philadelphia. *LAND TITLE BUILDING*, 1400 Chestnut St., (12-15-78) HABS.

Philadelphia. *LAUREL HILL CEMETERY*, 3822 Ridge Ave., (10-28-77) HABS.

Philadelphia. *MARINE BARRACKS*, Bldg. 100, Naval Base, Broad St., (7-13-76)

Philadelphia. *MARINE CORPS SUPPLY ACTIVITY*, 1100 S. Broad St., (8-6-75)

Philadelphia. *MASONIC TEMPLE*, 1 N. Broad St., (5-27-71) PH0061921 HABS.

Philadelphia. *MAXWELL, EBENEZER, HOUSE*, 200 W. Tulpehocken St., (2-24-71) PH0061930 HABS; G.

Philadelphia. *MEMORIAL HALL*, West Fairmount Park, (12-8-76) NHL.

Philadelphia. *MENNONITE MEETINGHOUSE*, 6119 Germantown Ave., (7-23-73) PH0061948 HABS.

Philadelphia. *METROPOLITAN OPERA HOUSE*, 858 N. Broad St., (2-1-72) PH0061956

Philadelphia. *MIKVEH ISRAEL CEMETERY*, NW corner of Spruce and Darien Sts., (6-24-71)

Philadelphia. *MONASTERY, THE*, Fairmount Park, Kitchen's Lane at Wissahickon Creek, (3-16-72) PH0061972

Philadelphia. *MOORE, CAPT. THOMAS, HOUSE*, 702 S. Front St., (3-16-72) PH0061760 HABS.

Philadelphia. *MOORE, CLARENCE B., HOUSE*, 1321 Locust St., (5-8-73) PH0061981

Philadelphia. *MOTHER BETHEL A.M.E. CHURCH*, 419 6th St., (3-16-72) PH0072214 NHL; G.

Philadelphia. *MOUNT PLEASANT*, Fairmount Park, (10-15-66) PH0112526 NHL; HABS.

Philadelphia. *MT. AIRY STATION*, E. Gowen Ave., (9-22-77)

Philadelphia. *MUSICAL FUND HALL*, 808 Locust St., (3-11-71) PH0072222 NHL.

Philadelphia. *NEW MARKET*, S. 2nd St., between Pine and Lombard Sts., (11-13-66) PH0072249 NHL; HABS.

Philadelphia. *NORTHERN SAVING FUND AND SAFE DEPOSIT COMPANY*, 600 Spring Garden St., (9-28-77) HABS.

Philadelphia. *OAKLEY, VIOLET, STUDIO*, 627 St. George's Rd., (9-13-77)

Philadelphia. *OLD CITY HISTORIC DISTRICT*, Old city area including parts of Washington Square East Development Area and Franklin Square East Development Area, (5-5-72) PH0072265 HABS.

Philadelphia. *OLD DREXEL BUILDING*, 34 S. 3rd St., (9-5-75)

Philadelphia. *OLD GERMANTOWN ACADEMY AND HEADMASTERS' HOUSES*, Schoolhouse Lane and Greene St., (1-13-72) PH0072290

Philadelphia. *PEALE, CHARLES WILLSON, HOUSE (BELFIELD)*, 2100 Clarkson Ave., (10-15-66) PH0072257 NHL.

Philadelphia. *PENNSYLVANIA ACADEMY OF THE FINE ARTS*, SW corner of Broad and Cherry Sts., (5-27-71) PH0072311 NHL; G.

Philadelphia. *PENNSYLVANIA HOSPITAL*, 8th and Spruce Sts., (10-15-66) PH0072303 NHL; HABS; G.

Philadelphia. *PENNSYLVANIA INSTITUTE FOR THE DEAF*, Broad and Pine Sts., (12-15-78) HABS.

Philadelphia. *PHILADELPHIA CITY HALL*, Penn Sq., Broad and Market Sts., (12-8-76) NHL.

Philadelphia. *PHILADELPHIA COLLEGE OF ART (ASYLUM FOR THE DEAF AND DUMB)*, NW corner of Broad and Pine Sts., (5-27-71) PH0072320 G.

Philadelphia. *PHILADELPHIA CONTRIBUTIONSHIP*, 212 S. 4th St., (5-27-71) PH0072338 HABS; NHL.

Philadelphia. *PHILADELPHIA SAVINGS FUND SOCIETY BUILDING*, 12 S. 19th St., (12-8-76) NHL.

Philadelphia. *PLAYS AND PLAYERS (THE PLAYHOUSE)*, 1714 Delancey St., (3-14-73) PH0072346

Philadelphia. *POE, EDGAR ALLAN, HOUSE*, (10-15-66) PH0072354 NHL; HABS; G.

Philadelphia. *PORTICO ROW*, 900–930 Spruce St., (12-16-77) HABS.

Philadelphia. *POWELTON, THE*, 3500–3520 Powelton Ave., 214–218 35th St., and 215–221 36th St., (12-13-78)

Philadelphia. *RANDOLPH HOUSE*, East Fairmount Park, (3-24-72) PH0072362 HABS.

Philadelphia. *READING TERMINAL AND TRAINSHED*, 115–1141 Market St., (6-30-72) PH0072401 NHL.

Philadelphia. *REYNOLDS-MORRIS HOUSE*, 225 S. 8th St., (12-24-67) PH0112534 NHL; HABS.

Philadelphia. *RINGGOLD PLACE*, 1900 block Waverly St., (8-29-78)

Philadelphia. *ROBERTS-QUAY HOUSE*, 1035–1037 Spruce St; 277 S. 11th St., (11-13-76)

Philadelphia. *RYERSS MANSION*, Central and Cottman Aves., (11-21-76)

Philadelphia. *SANSOM ROW*, 3402–3436 Sansom St., (12-27-77)

Philadelphia. *SIMS, JOSEPH, HOUSE*, 228 S. 9th St., (11-14-77) HABS.

Philadelphia. *SOCIETY HILL HISTORIC DISTRICT*, Bounded on the N by Walnut St., on the S by Lombard St., on the E by pier line of Delaware River, and on the W by 8th St., (6-23-71) PH0072397 HABS.

Philadelphia. *SOLOMON HOUSE*, 130–132 S. 17th St., (8-24-78)

Philadelphia. *SOUTH FRONT STREET HISTORIC DISTRICT (SOUTHWARK)*, 700–712 S. Front St., W side Bainbridge St. to Kenilworth St., (4-25-72) PH0072419

Philadelphia. *SOUTHWARK DISTRICT*, Bounded by Delaware, Washington Aves., 5th, Lombard, Front, and Catherine Sts., (5-19-72) PH0072427 HABS.

Philadelphia. *SPRING GARDEN DISTRICT*, Roughly bounded by Fairmount Ave., 15th, 24th, Mt. Vernon and Spring Garden Sts., (12-21-78)

Philadelphia. *ST. AUGUSTINE'S CATHOLIC CHURCH*, 4th and New Sts., (6-15-76)

Philadelphia. *ST. CLEMENT'S PROTESTANT EPISCOPAL CHURCH*, SW corner of 20th and Cherry Sts., (11-20-70) PH0072371

Philadelphia. *ST. GEORGE'S METHODIST CHURCH*, 324 New St., (5-27-71) PH0072389

Philadelphia. *ST. JAMES HOTEL*, 1226–1232 Walnut St., (11-13-76)

Philadelphia. *STENTON (JAMES LOGAN HOME)*, 18th and Courtland Sts., (10-15-66) PH0061913 NHL; HABS.

Philadelphia. *STRICKLAND, WILLIAM, ROW*, 215–227 S. 9th St., (9-14-77)

Philadelphia. *SULLY, THOMAS, RESIDENCE*, 530 Spruce St., (10-15-66) PH0112976 NHL; HABS.

Philadelphia. *TANNER, HENRY O., HOUSE*, 2908 W. Diamond St., (5-11-76) NHL.

Philadelphia. *THADDEUS KOSCIUSZKO NATIONAL MEMORIAL*, 301 Pine St., (12-18-70) PH0061905

Philadelphia. *THIRTIETH STREET STATION*, W. River Dr., Market, 30th, and Arch Sts., (6-7-78)

Philadelphia. *U.S. NAVAL HOME (NAVAL ASYLUM)*, Gray's Ferry Ave. at 24th St., (8-21-72) PH0072435 NHL; HABS.

Philadelphia. *U.S.S. OLYMPIA*, Pier 40, at foot of Chestnut St., (10-15-66) PH0072443 NHL.

Philadelphia. *UPSALA*, 6430 Germantown Ave., (1-13-72) PH0072451 HABS; G.

Philadelphia. *USS BECUNA, PENN'S LANDING*, Delaware Ave. and Spruce St., (8-29-78)

Philadelphia. *WALNUT STREET THEATRE*, 9th and Walnut Sts., (10-15-66) PH0072460 NHL; HABS.

Philadelphia. *WANAMAKER, JOHN, STORE*, Juniper and Market Sts., (6-2-78) NHL.

Philadelphia. *WARWICK, THE*, 1701 Locust St., (8-10-78)

Philadelphia. *WESLEY AFRICAN METHODIST EPISCOPAL ZION CHURCH*, 1500 Lombard St., (12-1-78)

Philadelphia. *WIDOW MALOBY'S TAVERN*, 700 S. Front St., (3-16-72) PH0072486 HABS.

Philadelphia. *WITHERSPOON BUILDING*, 1319–1323 Walnut St., (9-18-78)

Philadelphia. *WOODFORD*, East Fairmount Park, (12-24-67) PH0072508 NHL; HABS.

Philadelphia. *WOODLAND TERRACE*, 501–519, 500–520 Woodland Ter., (3-16-72) PH0072516

Philadelphia. *WOODLANDS, THE (WILLIAM HAMILTON HOUSE)*, 40th St. and Woodland Ave., W., (12-24-67) PH0112518 NHL; HABS.

Philadelphia. *WYCK HOUSE*, 6026 Germantown Ave., (10-26-71) PH0072524 HABS; G.

pike county

DELAWARE AND HUDSON CANAL, Reference—see Orange County, NY (1-2-74)

Bushkill. *TURN STORE AND THE TINSMITH'S SHOP*, U.S. 209, (9-18-78)

Milford. *PINCHOT, GIFFORD, HOUSE (GREY TOWERS)*, W edge of Milford, (10-15-66) PH0072532 NHL.

potter county

Coudersport. *COUDERSPORT AND PORT ALLEGANY RAILROAD STATION*, 201 S. West St., (11-21-76)

Coudersport. *COUDERSPORT AND PORT ALLEGENY RAILROAD STATION*, 201 S. West St., (11-21-76)

Coudersport. *POTTER COUNTY COURTHOUSE*, E. 2nd St., (2-24-75)

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providence county

North Scituate. *SMITHVILLE SEMINARY*, Institute Lane, (3-29-78)

schuylkill county

New Ringgold. *NEW RINGGOLD GRIST-MILL*, SR 53062, (12-18-78)
Pottsville. *CLOUD HOME*, 351 S. 2nd St., (5-22-78)
Pottsville. *O'HARA, JOHN, HOUSE*, 606 Mahantongo St., (5-22-78)
Rock vicinity. *SCHUYLKILL COUNTY BRIDGE no. 113*, E of Rock off PA 895, (1-3-78)
Rock vicinity. *SCHUYLKILL COUNTY BRIDGE no. 114*, W of Rock off PA 895, (1-3-78)
Tamaqua. *ANTHRACITE BANK BUILDING*, 133 W. Broad St., (9-13-78)
Tamaqua. *ORMROD, GEORGE, HOUSE*, 218 W. Broad St., (6-14-77)

snyder county

Beavertown vicinity. *GROSS BRIDGE*, 3 mi. W of Beavertown on SR 574, (8-29-77)
Selinsgrove. *SNYDER, GOV. SIMON, MANSION*, 119–121 N. Market St., (8-25-78)

somerset county

Meyersdale vicinity. *BOLLMAN, W., AND COMPANY BRIDGE*, 1.5 mi. (2.4 km) N of Myersdale on U.S. 219, (11-8-78)

sullivan county

Hillsgrove vicinity. *HILLSGROVE COVERED BRIDGE*, 3 mi. E of Hillsgrove off PA 87 over Loyalsock Creek, (7-2-73) PH0072541
Laporte. *SULLIVAN COUNTY COURTHOUSE*, Main and Muncy Sts., (12-15-78)

susquehanna county

Lanesboro. *STARRUCCA VIADUCT*, SR 57058 over Starrucca Creek, (10-29-75) HAER.
Montrose. *MULFORD, SYLVANUS, HOUSE*, 65 Church St., (5-22-78)
Montrose. *SILVER LAKE BANK*, 75 Church St., (3-7-75)
Susquehanna. *ERIE RAILROAD STATION (STARRUCCA HOUSE)*, S bank of Susquehanna River, (6-19-72) PH0072559 HAER.

tioga county

Lawrenceville. *FORD, JAMES, HOUSE*, Cowanesque St., (12-6-75)
Lawrenceville. *RYON, JUDGE JOHN, HOUSE*, Main St., (12-16-77)
Wellsboro. *ROBINSON HOUSE*, 120 Main St., (8-3-77)

union county

Allenwood vicinity. *GRIFFEY, BENJAMIN, HOUSE*, W of Allenwood on PA 44, (9-13-78)
Lewisburg. *PACKWOOD HOUSE-AMERICAN HOTEL*, 10 Market St., (9-20-78)
Lewisburg vicinity. *BUFFALO PRESBYTERIAN CHURCH*, W of Lewisburg on PA 192, (1-30-76)
Lewisburg vicinity. *SLIFER HOUSE*, NE of Lewisburg off U.S. 15 on SR 59024, (6-18-75)
Lewisburg vicinity. *SLIFER HOUSE*, N of Lewisburg off U.S. 15 on SR 59024, (6-18-75)
New Berlin. *NEW BERLIN PRESBYTERIAN CHURCH (NEW BERLIN COMMUNITY CENTER)*, Vine and High Sts., (10-26-72) PH0072567
New Berlin. *OLD UNION COUNTY COURTHOUSE*, Market and Vine Sts., (11-9-72) PH0072575

venango county

Franklin. *DALE, SAMUEL F., HOUSE*, 1409 Elk St., (12-4-75)
Franklin. *PLUMER BLOCK*, 1205 Liberty St., (4-20-78)
Oil City. *NATIONAL TRANSIT BUILDING*, 206 Seneca St., (9-13-78)
Oil City. *U.S. POST OFFICE*, 270 Seneca St., (9-15-77)
Pleasantville. *ALLEGHENY BAPTIST CHURCH (FREE METHODIST CHURCH)*, PA 27 and Main St., (12-15-78)
Titusville vicinity. *DRAKE OIL WELL*, 3 mi. SE of Titusville on PA 36, in Drake Well Memorial Park, (11-13-66) NHL.
Titusville vicinity. *PITHOLE CITY, SITE OF*, (3-20-73) PH0072583

warren county

Irvine. *IRVINE UNITED PRESBYTERIAN CHURCH*, Off U.S. 6, (8-27-76)
Russell vicinity. *IRVINE, GUY C., HOUSE*, 1.5 mi. S of Russell on U.S. 62, (9-13-78)
Warren. *HAZELTINE, A. J., HOUSE*, 710 Pennsylvania Ave., W., (11-21-76)
Warren. *PENNSYLVANIA RAILROAD PASSENGER STATION*, 316 Chestnut St., (11-19-74) PH0085294
Warren. *STRUTHERS LIBRARY BUILDING*, 3rd Ave. and Liberty St., (10-10-75)
Warren. *WARREN COUNTY COURTHOUSE*, Market St. and 4th Ave., (4-18-77)
Warren. *WETMORE HOUSE*, 210 4th Ave., (4-28-75)

washington county

Avella vicinity. *MANCHESTER, ISAAC, HOUSE (PLANTATION PLENTY)*, 2 mi. S of Avella on PA 231, (6-21-75)
Avella vicinity. *MEADOWCROFT ROCKSHELTER*, W of Avella, (11-21-78)
Blainsburg vicinity. *MALDEN INN*, W of Blainsburg on U.S. 40, (1-24-74) PH0073393
California. *OLD MAIN, CALIFORNIA STATE COLLEGE*, California State College campus, (5-2-74) PH0072621
Canonsburg. *ADMINISTRATION BUILDING, WASHINGTON AND JEFFERSON COLLEGE*, Washington and Jefferson College campus, (8-16-77)
Canonsburg. *ROBERTS HOUSE*, 225 N. Central Ave., (4-10-75)
Centerville. *HARRISON HOUSE*, Old Rte. 40, (12-30-74) PH0073199
Claysville. *DERROW, MARGARET, HOUSE*, W. Main St., (11-5-74) PH0072605
Claysville. *MONTGOMERY HOUSE*, W. Main St., (10-25-74) PH0099350
Eighty-Four vicinity. *BROWNLEE, SAMUEL, HOUSE*, N of Eighty-Four on PA 519, (11-7-76)
Fredericktown vicinity. *REGESTER LOG HOUSE*, N of Fredericktown off PA 88, (10-16-74) PH0072630
Gastonville vicinity. *DUSMAL HOUSE*, E of Gastonville off Gilmore Rd., (2-24-75)
Marianna vicinity. *ULERY MILL*, SE of Marianna, (4-20-78)
Monongahela. *ACHESON, EDWARD G., HOUSE*, 908 Main St., (5-11-76)
Scenery Hill. *HILL'S TAVERN (CENTURY INN)*, U.S. 40, (11-19-74) PH0073504
Washington. *BRADFORD, DAVID, HOUSE*, 175 S. Main St., (7-16-73) PH0072591 HABS.
Washington. *LEMOYNE, DR. JULIUS, HOUSE*, 49 E. Maiden St., (10-25-73) PH0072613
Washington. *SACKVILLE HOUSE*, 309 E. Wheeling St., (11-21-76)
Washington. *WASHINGTON COUNTY COURTHOUSE*, S. Main St., (7-30-74) PH0072648
Washington. *WASHINGTON COUNTY JAIL*, Cherry St., (7-30-74) PH0072656
Washington vicinity. *"S" BRIDGE*, 6 mi. W of Washington on U.S. 40, (4-4-75)
Washington vicinity. *TRINITY HALL*, 1 mi. S of Washington on PA 18, (9-27-76)
West Brownsville. *DORSEY, JOSEPH, HOUSE*, 113 Cherry Ave., (11-19-74) PH0073482

wayne county

DELAWARE AND HUDSON CANAL, Reference—see Orange County, NY (1-2-74)
Bethany. *WILMOT HOUSE*, Wayne St., (2-15-74) PH0072664 HABS.
Bethany. *WILMOT MANSION*, Wayne and Sugar Sts., (1-26-78)
Equinunk vicinity. *HILL'S SAWMILL*, S of Equinunk off PA 191, (11-8-74) PH0087874
South Canaan vicinity. *OCTAGON STONE SCHOOLHOUSE*, 1 mi. SW of South Canaan, (5-6-77)
Starrucca. *STONE ARCH BRIDGE, STARRUCCA CREEK*, SR 57054, (10-21-77)
White Mills. *DORFLINGER, EUGENE, ESTATE*, U.S. 6 and Charles St., (9-18-78)

westmoreland county

Delmont. *SALEM CROSSROADS HISTORIC DISTRICT*, Pittsburgh and Greenburg Sts., (9-18-78)
Greenburg. *WESTMORELAND COUNTY COURTHOUSE*, N. Main St., (3-30-78)
Greensburg. *GREENSBURG RAILROAD STATION*, Harrison Ave., (11-7-77)
Greensburg vicinity. *OLD HANNASTOWN, SITE OF*, (1-26-72) PH0112828
Harrison City vicinity. *BUSHY RUN BATTLEFIELD*, 2 mi. E of Harrison City on PA 993, (10-15-66) PH0112984 NHL.
Irwin. *BRUSH HILL*, 651 Brush Hill Rd., (10-14-75)
Latrobe vicinity. *ST. VINCENT ARCHABBEY GRISTMILL*, SW of Latrobe off U.S. 30, (1-18-78)
Ligonier. *FORT LIGONIER SITE*, S. Market St., (1-21-75)
New Florence vicinity. *LAUREL HILL FURNACE*, SE of New Florence on Baldwin Run, (4-28-75)
Torrance vicinity. *WESTERN DIVISION-PENNSYLVANIA CANAL (CONEMAUGH RIVER LAKE)*, N of Torrance, (9-17-74) PH0088650

wyoming county

Meshoppen. *OLD WHITE MILL*, Off Welles St., (9-11-75) G.
Nicholson vicinity. *TUNKHANNOCK VIADUCT*, 0.5 mi. E of Nicholson at Tunkhannock Creek, (4-11-77)

york county

Felton vicinity. *WALLACE-CROSS MILL*, S of Felton, (12-22-77)
Hanover. *NACE (NEAS), GEORGE, HOUSE*, 113–115 W. Chestnut St., (4-26-72) PH0072699
Laurel vicinity. *GUINSTON UNITED PRESBYTERIAN CHURCH*, E of Laurel off PA 74, (1-11-76)

Lweisberry vicinity. *HAMMERSLY-STROMINGER HOUSE*, NE of Lewisberry on PA 177, (1220-78)
Wellsville. *WARRINGTON MEETINGHOUSE*, PA 74, (2-20-75)
Wellsville. *WELLSVILLE HISTORIC DISTRICT*, PA 74, (12-6-77)
Wrightsville vicinity. *DRITT MANSION*, 3.5 mi. S of Wrightsville on PA 624, (8-16-77)
York. *BILLMEYER HOUSE*, E. Market St., (11-10-70) PH0072672
York. *BOBB, BARNETT, HOUSE (OLD LOG HOUSE)*, Rear of 157 West Market St., (10-29-75)
York. *COOKES HOUSE (PAINE, THOMAS, HOUSE)*, 438–440 Cordorus St., (10-5-72) PH0072681
York. *FARMERS MARKET*, 380 W. Market St., (11-25-77)
York. *FORRY HOUSE*, 149 N. Newberry St., (12-27-77)
York. *GATES, GEN. HORATIO, HOUSE, AND GOLDEN PLOUGH TAVERN*, 157–159 W. Market St., (12-6-71) PH0073407
York. *LAUREL-REX FIRE COMPANY HOUSE*, S. Duke St., (10-8-76)
York. *YORK CENTRAL MARKET*, Philadelphia and Beaver Sts., (6-9-78)
York. *YORK DISPATCH NEWSPAPER OFFICES*, 15 and 17 E. Philadelphia St., (3-8-78)
York. *YORK MEETINGHOUSE*, 134 West Philadelphia St., (5-6-75)
York vicinity. *STONER, SAMUEL, HOMESTEAD*, S of York off PA 182, (1-30-76)

polk county

shelby county

Harlan. *SHELBY COUNTY COURTHOUSE*, 7th and Court Sts., (11-14-78)

PUERTO RICO

Arecibo vicinity. FARO DE ARECIBO, NE of Arecibo off Route 686, (11-23-77)
Esperanza vicinity. *HACIENDA CASA DEL FRANCES*, NW of Esperanza, (11-18-77)
Guanica vicinity. *FARO DE GUANICA*, S of Guanica, (3-28-77)
Guayama. *IGLESIA PARROQUIAL DE SAN ANTONIO DE PADUA DE GUAYAMA*, 5 Ashford St., (7-30-76)
Guayama. *INGENIO AZUCARERO VIVES*, Avenida Central, Barrio Machete, (9-1-76)
Guaynabo. *IGLESIA PARROQUIAL DE SAN PEDRO MARTIR DE GUAYNABO*, Plaza De Recreo, (9-8-76)
Hormigueros. *SANTUARIO DE LA MONSERRATE DE HORMIGUEROS AND CASA DE PEREGRINOS*, Calle Peregrinos No. 1 on Insular Rte. 344, (4-17-75) PH0100617 G.
Humacao. *CASA ROIG*, Antonio Lopez 66, (11-17-77)
Isabel II. *FARO DE VIEQUES*, Off PR 38, (11-17-77)
Isabel II. *FUERTE DE VIEQUES*, Calle del Fuerte, (11-18-77)
Loiza Aldea. *PARROQUIA DEL ESPIRITU SANTO Y SAN PATRICIO*, Plaza De Loiza, (9-8-76)
Mayaguez. *EDIFICIO JOSE DE DIEGO*, University of Puerto Rico campus, (11-18-77)
Ponce vicinity. *CENTRO CEREMONIAL INDIGENA*, N of Ponce off SR 503, (4-14-78)
San German. *CONVENTO DE PORTA COELI*, Plaza Porta Coeli, (9-8-76)
San Juan. *ANTIGUO CASINO DE PUERTO RICO*, Avenida Ponce de Leon 1, (9-22-77)
San Juan. *CARCEL DE PUERTA DE TIERRA*, Avenida Ponce de Leon, Parada 8, Puerto de Tierra, (8-11-76)
San Juan. *EL CAPITOLIO DE PUERTO RICO*, Avenida Ponce de Leon and Avenida Munez Rivera, (11-18-77)
San Juan. *LA FORTALEZA*, On San Juan Bay at W end of Calle Fortaleza, (10-15-66) PH0132861 NHL; HABS.
San Juan. *SAN JUAN NATIONAL HISTORIC SITE*, (10-15-66) PH0342076 HABS.
San Juan. *ZONA HISTORICA DE SAN JUAN (CASCO DE SAN JUAN)*, NW triangle of the islet of San Juan, (10-10-72) PH0074594 HABS; G.
Toa Baja. *IGLESIA PARROQUIAL DE SAN PEDRO APOSTOL DE TOA BAJA*, Las Flores St. No. 47, (4-17-75) PH0049557

manati island

Manati vicinity. *HACIENDA AZUCARERA LA ESPERANZA*, NW of Manati on PR 616, (8-11-76) HAER.

RHODE ISLAND

bristol county

Barrington. *BARRINGTON CIVIC CENTER*, County Rd. (RI 103/114), (12-12-76)
Barrington. *BELTON COURT*, Middle Hwy., (6-30-76)
Bristol. *BRISTOL COUNTY COURTHOUSE*, High St., (4-28-70) PH0049751 G.
Bristol. *BRISTOL COUNTY JAIL*, 48 Court St., (4-24-73) PH0072702 G.
Bristol. *BRISTOL CUSTOMSHOUSE AND POST OFFICE*, 420-448 Hope St., (5-31-72) PH0049743 G.
Bristol. *BRISTOL WATERFRONT HISTORIC DISTRICT*, Bristol Harbor to E side of Wood St. as far N as Washington St. and S to Walker Cove, (3-18-75) G.
Bristol. *CHURCH, BENJAMIN, HOUSE*, 1014 Hope St., (9-22-71) PH0072711 G.
Bristol. *LONGFIELD (GIBSON, CHARLES DANA, HOUSE)*, 1200 Hope St., (7-17-72) PH0049760
Bristol. *MOUNT HOPE BRIDGE*, RI 114 over Narragansett Bay, (1-31-76) HAER. (also in Newport County)
Bristol. *MOUNT HOPE FARM (GOV. WILLIAM BRADFORD HOUSE)*, Metacom Ave., (5-2-77) HABS.
Bristol. *REYNOLDS, JOSEPH, HOUSE*, 956 Hope St., (5-31-72) PH0049778
Warren. *WARREN UNITED METHODIST CHURCH AND PARSONAGE*, 27 Church St., (8-12-71) PH0072729 G.
Warren. *WARREN WATERFRONT HISTORIC DISTRICT*, Bounded roughly by the Warren River, Belcher Cove, and the old town line (includes Main St. to Campbell St.), (2-28-74) PH0072737 G.

kent county

Coventry. *INTERLAKEN MILL BRIDGE*, Spans Pawtuxet River at Arkwright, (12-22-78)
Coventry. *PAINE HOUSE (FRANCIS BRAYTON HOUSE)*, Station St., (5-1-74) PH0072842 HABS.
Coventry. *WATERMAN TAVERN*, Maple Valley Rd., (7-24-74) PH0072893
Coventry (Anthony). *GREENE, GEN. NATHANAEL, HOMESTEAD*, 20 Taft St., (10-7-71) PH0072796 NHL; HABS; G.
Crompton. *ST. MARY'S CHURCH AND CEMETERY*, Church St., (11-21-78)
East Greenwich. *ARMORY OF THE KENTISH GUARDS*, Armory and Peirce Sts., (4-28-70) PH0072745 G.
East Greenwich. *KENT COUNTY COURTHOUSE*, 127 Main St., (4-28-70) PH0072826 G.
East Greenwich. *VARNUM, GEN. JAMES MITCHELL, HOUSE*, 57 Peirce St., (8-12-71) PH0072885 G.
East Greenwich. *WHITMARSH, COL. MICAH, HOUSE*, 294 Main St., (2-18-71) PH0072907 G.
East Greenwich. *WINDMILL COTTAGE*, 144 Division St., (5-22-73) PH0072915 HABS; G.
East Greenwich and Warwick. *EAST GREENWICH HISTORIC DISTRICT*, (6-13-74) PH0072770 HABS.
Nooseneck vicinity. *ALLEN, STEPHEN, HOUSE*, NW of Nooseneck on Sharp St., (9-20-78)
Warwick. *ARNOLD, JOHN WATERMAN, HOUSE*, 11 Roger Williams Ave., (9-10-71) PH0072753 G.
Warwick. *FORGE FARM*, 40 Forge Rd., (1-11-74) PH0072788 HABS.
Warwick. *GASPEE POINT (NAMQUID POINT)*, Off Namquid Dr., (6-8-72) PH0049786
Warwick. *GREENE-BOWEN HOUSE*, 698 Buttonwoods Ave., (5-2-74) PH0072800 HABS; G.
Warwick. *GREENE, CALEB, HOUSE*, 15 Centerville Rd., (11-28-78)
Warwick. *PAWTUXET VILLAGE HISTORIC DISTRICT*, Bounded roughly by Bayside, S. Atlantic, and Ocean Aves.; Pawtuxet and Providence rivers; and Post Rd., (4-24-73) (also in Providence County)
Warwick. *PONTIAC MILLS*, Knight St., (6-5-72) PH0072869
Warwick. *RHODES, CHRISTOPHER, HOUSE*, 25 Post Rd., (3-31-71) PH0072877
West Greenwich Center. *WEST GREENWICH BAPTIST CHURCH AND CEMETERY*, Plain Meeting House and Liberty Hill Rds., (11-28-78)
West Warwick. *CLAPP, SILAS, HOUSE*, E. Greenwich Ave., (5-7-73) PH0072761
West Warwick. *CROMPTON FREE LIBRARY*, Main St., (11-20-78)
West Warwick. *LIPPITT MILL*, 825 Main St., (1-11-74) PH0072834 HABS.
West Warwick. *PHENIX BAPTIST CHURCH*, 10 Fairview Ave., (6-30-76)
West Warwick vicinity. *ARKWRIGHT BRIDGE*, NW of West Warwick (also in Providence County), (12-12-78)

newport county

MOUNT HOPE BRIDGE, Reference—see Bristol County
Jamestown. *ARTILLERY PARK*, North Rd. and Narragansett Ave., (3-7-73) PH0072925
Jamestown. *CONANICUT BATTERY*, W of Beaver Tail Rd., (7-2-73) PH0073032 G.
Jamestown. *FORT DUMPLING SITE*, (3-16-72) PH0113085
Jamestown. *FRIENDS MEETINGHOUSE*, North Rd. and Weeden Lane, (3-7-73) PH0061999 HABS; G.
Jamestown. *JAMESTOWN WINDMILL*, North Rd., N of Weeden Lane, (3-14-73) PH0062049 HABS.
Jamestown vicinity. *BEAVERTAIL LIGHT*, S of Jamestown on Beavertail Rd., (12-12-77)
Jamestown vicinity. *WINDMILL HILL HISTORIC DISTRICT*, N of Jamestown at Eldred Ave. and N. Main Rd., (10-2-78)
Little Compton. *LITTLE COMPTON COMMON HISTORIC DISTRICT*, (5-3-74) PH0062073 HABS.

Middletown. *JOSEPH, LYMAN C., HOUSE*, 438 Walcott Ave., (5-2-75)
Middletown. *WHITEHALL*, Berkeley Ave., (4-28-70) PH0112836 HABS; G.
Newport. *BALDWIN, CHARLES H., HOUSE*, Bellevue Ave., opposite Perry St., (5-6-71) PH0072931 HABS.
Newport. *BELL, ISAAC, HOUSE (EDNA VILLA)*, 70 Perry St., (1-13-72) PH0072940 HABS; G.
Newport. *BELLEVUE AVENUE HISTORIC DISTRICT*, 170–230 Bellevue Ave., (12-8-72) PH0072958 NHL; HABS.
Newport. *BREAKERS, THE*, Ochre Point Ave., (9-10-71) PH0072966
Newport. *BRICK MARKET*, Thames St. and Washington Sq., (10-15-66) PH0072974 NHL; HABS.
Newport. *CHATEAU-SUR-MER*, Bellevue Ave., (11-8-68) HABS.
Newport. *CLARK, SHERMAN, HOUSE*, 279 Thames St., (1-13-72) PH0072991
Newport. *CLARKE STREET MEETINGHOUSE*, Clarke St., (1-25-71) PH0073008 G.
Newport. *COMMANDANT'S RESIDENCE, QUARTERS NUMBER ONE, FORT ADAMS*, Harrison Ave., Fort Adams, (5-8-74) PH0073016
Newport. *COMMON BURYING GROUND AND ISLAND CEMETERY*, Farewell and Warner Sts., (5-1-74) PH0073024 G.
Newport. *COTTON, DR. CHARLES, HOUSE*, 5 Cotton's Court, (1-13-72) PH0073059
Newport. *COVELL, WILLIAM KING III, HOUSE*, 72 Washington St., (5-31-72) PH0073067 G.
Newport. *ELMS, THE*, Bellevue Ave., (9-10-71) PH0073083
Newport. *GALE, LEVI H., HOUSE*, 89 Touro St., (5-6-71) PH0062006 HABS; G.
Newport. *GRISWOLD, JOHN, HOUSE*, 76 Bellevue Ave., (11-5-71) PH0062014 HABS.
Newport. *HUNTER HOUSE*, 54 Washington St., (11-24-68) PH0062031 NHL; HABS.
Newport. *KAY-CATHERINE STREET–OLD BEACH ROAD HISTORIC DISTRICT*, (5-22-73) PH0062057 NHL; HABS; G.
Newport. *KING, EDWARD, HOUSE*, Aquidneck Park, Spring St., (10-15-70) PH0073075 NHL.
Newport. *KINGSCOTE*, Bellevue Ave. and Bowery St., (5-17-73) PH0062065
Newport. *LUCAS-JOHNSTON HOUSE*, 40 Division St., (5-6-71) PH0062081 HABS.
Newport. *LUCE HALL (NAVAL WAR COLLEGE AND TORPEDO SCHOOL)*, U.S. Naval War College, Coasters Harbor Island, (9-22-72) PH0360457 NHL.
Newport. *MALBONE*, Malbone Rd., (10-22-76) HABS.
Newport. *MALBONE, FRANCIS, HOUSE*, 392 Thames St., (4-28-75) HABS.
Newport. *MARBLE HOUSE*, Bellevue Ave., (9-10-71) PH0062090
Newport. *MAWDSLEY, CAPT. JOHN, HOUSE*, 228 Spring St., (7-2-73) PH0062103
Newport. *MIANTONOMI MEMORIAL PARK*, Between Hillside and Girard Aves., (6-23-69)
Newport. *NEWPORT ARTILLERY COMPANY ARMORY*, 23 Clarke St., (6-30-72) PH0062138 G.
Newport. *NEWPORT CASINO*, 194 Bellevue Ave., (12-2-70) PH0062146 HABS; G.
Newport. *NEWPORT HISTORIC DISTRICT*, Bounded roughly by Van Zandt Ave., Farewell, Sherman, High, Thomas, Golden Hill, Thames, Marsh, and Washington Sts., (11-24-68) PH0063151 NHL; G.
Newport. *NEWPORT STEAM FACTORY*, 449 Thames St., (1-20-72) PH0062162 HABS.
Newport. *OCEAN DRIVE HISTORIC DISTRICT*, Ocean Dr., (5-11-76) NHL.
Newport. *OCHRE POINT-CLIFFS HISTORIC DISTRICT*, Roughly bounded by Bellevue Ave. and coastline as far N as Memorial Blvd. and S to Sheep Point Cove, (3-18-75) HABS.
Newport. *OLD COLONY HOUSE (OLD STATEHOUSE)*, Washington Sq., (10-15-66) PH0062171 NHL; HABS; G.
Newport. *PERRY MILL*, 337 Thames St., (1-13-72) PH0062189
Newport. *REDWOOD LIBRARY*, 50 Bellevue Ave., (10-15-66) PH0062197 NHL; HABS.
Newport. *ROGERS, JOSEPH, HOUSE*, 37 Touro St., (2-23-72) PH0062201
Newport. *ROSECLIFF (HERMANN OELRICHS HOUSE; J. EDGAR MONROE HOUSE)*, Bellevue Ave., (2-6-73) PH0062219
Newport. *SHERMAN, WILLIAM WATTS, HOUSE*, 2 Shepard Ave., (12-30-70) PH0062227 NHL; HABS.
Newport. *SHILOH CHURCH (TRINITY SCHOOLHOUSE)*, 25 School St., (8-12-71) PH0062235
Newport. *STILES, EZRA, HOUSE*, 14 Clarke St., (3-16-72) PH0062022
Newport. *TILLINGHAST, JOHN, HOUSE*, 142 Mill St., (4-11-73) PH0062243 HABS.
Newport. *TOURO SYNAGOGUE NATIONAL HISTORIC SITE*, 85 Touro St., (10-15-66) PH0177229 HABS.
Newport. *TRINITY CHURCH*, Spring and Church Sts., (11-24-68) PH0062260 NHL; HABS.
Newport. *U.S. NAVAL WAR COLLEGE*, Coaster's Harbor Island, (10-15-66) PH0062294 NHL.
Newport. *UNITED CONGREGATIONAL CHURCH*, Spring and Pelham Sts., (11-19-71) PH0062286 HABS.
Newport. *VERNON HOUSE*, 46 Clarke St., (11-24-68) PH0062308 NHL; HABS.
Newport. *WANTON-LYMAN-HAZARD HOUSE*, 17 Broadway, (10-15-66) PH0062316 NHL; HABS.
Newport. *WHITE HORSE TAVERN*, 26 Marlborough St., (2-23-72) PH0062332 HABS.
Newport. *WHITEHORNE, SAMUEL, HOUSE*, 414 Thames St., (5-6-71) PH0062324 HABS.
Newport vicinity. *FORT ADAMS*, W of Newport at Fort Adams Rd. and Harrison Ave., (7-28-70) NHL; HABS.
Newport vicinity. *PARADISE SCHOOL*, E of Newport at Paradise and Prospect Aves., (5-5-78)
Portsmouth. *BATTLE OF RHODE ISLAND SITE*, Lehigh Hill and both sides of RI 21 between Medley and Dexter Sts., (5-30-74) PH0290068 NHL.
Portsmouth. *PORTSMOUTH FRIENDS MEETINGHOUSE PARSONAGE AND CEMETERY*, 11 Middle Rd. and 2232 E. Main Rd., (11-28-78)
Portsmouth. *UNION CHURCH*, Union St. and E. Main Rd., (6-13-74) PH0062278 G.
Portsmouth vicinity. *WRECK SITES OF H.M.S. CERBERUS* AND H.M.S. *LARK*, Waters of Narragansett Bay adjacent to Aquidneck Island, (4-26-73) PH0062341
South Portsmouth vicinity. *LAWTON-ALMY-HALL FARM*, 559 Union St., (10-11-78)
Tiverton. *FORT BARTON SITE*, (3-7-73)
Tiverton. *TIVERTON FOUR CORNERS HISTORIC DISTRICT*, (6-20-74) PH0062251

providence county

ARKWRIGHT BRIDGE, Reference—see Kent County
PAWTUXET VILLAGE HISTORIC DISTRICT, Reference—see Kent County (1-2-74)
Central Falls. *CENTRAL FALLS CONGREGATIONAL CHURCH*, 376 High St., (7-12-76)
Central Falls. *HOLY TRINITY CHURCH COMPLEX*, 134 Fuller Ave., (1-3-78)
Central Falls. *JENKS PARK AND COGSWELL TOWER*, Adjoining 580 Broad St. to the N, (9-22-72) PH0074136 G.
Central Falls. *VALLEY FALLS MILL*, 1363 Broad St., (4-26-78)
Chepachet. *CHEPACHET VILLAGE HISTORIC DISTRICT*, (3-31-71) PH0073890 G.
Cranston. *JOY HOMESTEAD*, 156 Scituate Ave., (2-18-71) PH0051802
Cranston. *KNIGHTSVILLE MEETINGHOUSE*, 67 Phenix Ave., (3-8-78)
Cranston. *OAK LAWN VILLAGE HISTORIC DISTRICT*, Wilbur Ave. from Natick Rd. to Oaklawn Ave., includes Searle, Exchange, and Wheelock Sts., (11-25-77)
Cranston. *RHODES-ON-THE PAWTUXET BALLROOM AND GAZEBO*, Rhodes Pl., (12-12-78)
Cranston. *SPRAGUE, GOV. WILLIAM, MANSION*, 1351 Cranston St., (2-18-71) PH0051977
Cranston vicinity. *POTTER-REMINGTON HOUSE*, W of Cranston on Natick Rd., (12-28-78)
Cumberland. *BURLINGAME-NOON HOUSE*, 3261 Mendon Rd., (2-15-74) PH0073865
Cumberland (Berkeley). *BERKELEY MILL VILLAGE*, Bounded roughly by Martin St., Mendon Rd., railroad, and cemetery, (2-23-72) PH0073792
Cumberland Hill vicinity. *ARNOLD MILLS HISTORIC DISTRICT*, E of Cumberland Hill at Sneech Pond, Attleboro, and Abbott Run Valley Rds., (12-28-78)
East Providence. *CRESCENT PARK CAROUSEL*, Bullock's Point Ave., (4-21-76)
East Providence. *WALKER, PHILIP, HOUSE*, 432 W. Massasoit Ave., (6-24-72) PH0052043 G.
Esmond. *ALLENVILLE MILL*, 5 Esmond St., (1-20-72) PH0062375 HABS.
Forestdale. *FORESTDALE MILL VILLAGE HISTORIC DISTRICT*, E and W along Main St. and N on Maple Ave., (6-5-72) PH0074012
Foster. *DORRANCE, CAPT. GEORGE, HOUSE*, Jencks Rd., (3-16-72) PH0073962
Foster. *FOSTER CENTER HISTORIC DISTRICT*, (5-11-74) PH0074021 G.
Foster vicinity. *MOUNT VERNON TAVERN*, Plainfield Pike (RI 14), (5-8-74) PH0051845
Georgiaville vicinity. *SMITH-APPLEBY HOUSE*, Stillwater Rd., SE of jct. with Capron Rd., (5-1-74) PH0051969 HABS.
Glocester. *GLOCESTER TOWN POUND*, Pound Rd. and Chopmist Hill Rd., (9-22-70) PH0074047
Greenville vicinity. *WINSOR, STEPHEN, HOUSE*, 93 Austin Ave., (10-6-75) G.
Johnston. *ANGELL, DANIEL, HOUSE*, 15 Dean Ave., (4-21-75) G.
Johnston. *BROWN AVENUE HISTORIC DISTRICT*, Brown Ave., (4-24-73) PH0073849 G.
Johnston. *CLEMENCE-IRONS HOUSE*, 38 George Waterman Rd., (7-2-73) PH0073881 HABS.

Johnston. *FARNUM, EDWIN H., HOUSE (ANGELL HOUSE)*, U.S. 44 at jct. with Collins St., (5-17-74) PH0073989
Johnston vicinity. *OCHEE SPRING QUARRY*, E of Johnston, (5-5-78)
Lincoln. *ARNOLD, ELEAZER, HOUSE*, Great Rd. (RI 123) near jct. with RI 126, (11-24-68) PH0062391 NHL; HABS; G.
Lincoln. *ARNOLD, ISRAEL, HOUSE*, Great Rd., (12-18-70) PH0062405 HABS; G.
Lincoln. *BLACKSTONE CANAL*, From Steeple and Promenade Sts. to the Ashton Dam, (5-6-71)
Lincoln. *HEARTHSIDE (STEPHEN HOPKINS SMITH HOUSE)*, Great Rd., (4-24-73) PH0074071 HABS.
Lincoln. *LIMEROCK VILLAGE HISTORIC DISTRICT*, In irregular pattern along Smith, Wilbur, and Great Rds., and Old Louisquisset Pike, (5-23-74) PH0051811 HABS; G.
Manville vicinity. *COLE, JOHN, FARM*, E of Manville on Reservoir Rd., (8-16-77)
North Providence. *ALLENDALE MILL*, 494 Woonasquatucket Ave., (5-7-73) PH0062367 HABS.
North Providence. *SMITH, JOSEPH, HOUSE*, 109 Smithfield Rd., (11-28-78)
North Scituate. *OLD CONGREGATIONAL CHURCH*, Off U.S. 6 on Greenville Rd. (RI 116), (1-11-74) PH0051853
Pawtucker. *PAWTUCKET CONGREGATIONAL CHURCH*, 40 and 56 Walcott St., (9-18-78)
Pawtucket. *ART'S AUTO*, 5–7 Lonsdale Ave., (12-15-78)
Pawtucket. *CRANDALL, LORENZO, HOUSE*, 221 High St., (11-17-78)
Pawtucket. *MODERN DINER*, 13 Dexter St., (10-19-78)
Pawtucket. *OLD SLATER MILL*, Roosevelt Ave., (11-13-66) PH0051861 NHL.
Pawtucket. *PAWTUCKET POST OFFICE*, 56 High St., (4-30-76)
Pawtucket. *PITCHER-GOFF HOUSE*, 56 Walcott St., (6-24-76) G.
Pawtucket. *SAYLES, DEBORAH COOK, PUBLIC LIBRARY*, 13 Summer St., (12-6-75)
Pawtucket. *SLATER PARK*, Armistice Blvd., (6-30-76)
Pawtucket. *SPAULDING, JOSEPH, HOUSE*, 30 Fruit St., (10-22-76)
Pawtucket. *TRINITY CHURCH*, 50 Main St., (1-13-72) PH0052001
Providence. *ALDRICH, NELSON W., HOUSE*, 110 Benevolent St., (12-8-76) HABS; NHL.
Providence. *ALLEN, CANDACE, HOUSE*, 12 Benevolent St., (4-11-73) PH0062359 HABS.
Providence. *ARCADE, THE*, 130 Westminster St. and 65 Weybosset St., (5-6-71) PH0062383 NHL; HABS.
Providence. *ARNOLD-PALMER HOUSE*, 33 Chestnut St., (1-20-72) PH0062413
Providence. *BAILEY, WILLIAM L., HOUSE (HILLWOOD, DOMINIC HALL)*, Eaton St., Providence College campus, (3-7-73) PH0073768
Providence. *BELL STREET CHAPEL*, 5 Bell St., (3-14-73) PH0073776
Providence. *BENEFICENT CONGREGATIONAL CHURCH*, 300 Weybosset St., (1-13-72) PH0073784 HABS.
Providence. *BRACKETT, CHARLES, HOUSE (GEORGE CORLISS HOUSE)*, 45 Prospect St., (4-3-70) PH0073806
Providence. *BRADLEY, GEORGE M., HOUSE (MARTIN HALL)*, Eaton St., Providence College campus, (1-13-72) PH0073814 G.
Providence. *BRICK SCHOOLHOUSE (MEETING STREET SCHOOL)*, 24 Meeting St., (12-5-72) PH0073822 HABS.
Providence. *BROADWAY-ARMORY HISTORIC DISTRICT*, (5-1-74) PH0073831 HABS.
Providence. *BROWN, JOHN, HOUSE*, 52 Power St., (11-24-68) PH0073857 NHL; HABS; G.
Providence. *BUTLER HOSPITAL*, 333 Grotto Ave., (10-8-76)
Providence. *CARR, DR. GEORGE W., HOUSE*, 29 Waterman St., (3-7-73) PH0073873 HABS.
Providence. *CATHEDRAL OF SAINTS PETER AND PAUL*, Cathedral Sq., (2-10-75) HABS.
Providence. *CHRIST EPISCOPAL CHURCH*, 909 Eddy St., (6-30-76)
Providence. *COLLEGE HILL HISTORIC DISTRICT*, Roughly bounded by the Providence and Seekouk Rivers, Olney, Hope, and Governor Sts., Carrington and Whittier Aves., (11-10-70) PH0073903 NHL; G.
Providence. *CONGDON STREET BAPTIST CHURCH*, 17 Congdon St., (6-21-71) PH0073911 G.
Providence. *CORLISS-CARRINGTON HOUSE*, 66 Williams St., (12-30-70) PH0073920 NHL; HABS.
Providence. *CORLISS, JOHN, HOUSE*, 201 S. Main St., (5-1-74) PH0073946 HABS.
Providence. *COVELL STREET SCHOOL*, 231 Amherst St., (9-30-76)
Providence. *CUSTOMHOUSE HISTORIC DISTRICT*, Bounded by Westminster, Exchange, Dyer, Pine, and Peck Sts., (2-20-75)
Providence. *DEXTER, EDWARD, HOUSE*, 72 Waterman St., (6-21-71) PH0073938 HABS.
Providence. *DEXTER, JEREMIAH, HOUSE*, 957 N. Main St., (10-8-76) HABS.
Providence. *ELIZABETH BUILDING*, 100 N. Main St., (11-5-71) PH0073971
Providence. *FEDERAL BUILDING*, Kennedy Plaza, (4-13-72) PH0073997
Providence. *FIRST BAPTIST MEETINGHOUSE*, N. Main St., between Thomas and Waterman Sts., (10-15-66) PH0074004 NHL; HABS.
Providence. *FIRST UNIVERSALIST CHURCH*, 250 Washington St., (8-16-77)
Providence. *GRACE CHURCH*, 175 Mathewson St., (6-19-72) PH0074055 HABS.
Providence. *HAILE, JOSEPH, HOUSE (GARDNER HOUSE)*, 106 George St., (5-19-72) PH0074039 HABS.
Providence. *HOPE BLOCK AND CHEAPSIDE*, 22–26 and 40 N. Main St., (5-21-75)
Providence. *HOPE-POWER-COOKE STREETS HISTORIC DISTRICT*, Roughly bounded by Angell, Governor, Williams, and Brook Sts., (1-12-73) PH0074080
Providence. *HOPKINS, ESEK, HOUSE*, 97 Admiral St., (5-22-73) PH0074098 HABS.
Providence. *HOPKINS, GOV. STEPHEN, HOUSE*, 15 Hopkins St., (4-3-70) PH0074101 NHL; HABS; G.
Providence. *HOPPIN, THOMAS F., HOUSE*, 383 Benefit St., (2-6-73) PH0074110 HABS.
Providence. *IVES, THOMAS P., HOUSE*, 66 Power St., (12-30-70) PH0074128 NHL; HABS.
Providence. *LIPPITT, GOV. HENRY, HOUSE*, 199 Hope St., (11-27-72) PH0051829 NHL; HABS.
Providence. *LOEW'S STATE THEATRE*, 220 Weybosset St., (8-19-77)
Providence. *LYNCH, MATTHEW, HOUSE*, 120 Robinson St., (3-8-78)
Providence. *MARKET HOUSE*, Market Sq., (4-13-72) PH0051837 HABS.
Providence. *MASON, ISRAEL B., HOUSE*, 571 Broad St., (8-16-77)
Providence. *MERCHANTS BANK BUILDING*, 32 Westminster St., (11-21-77)
Providence. *MOSHASSUCK SQUARE*, Roughly bounded by Charles, Randall, N. Main, and Smith Sts., (9-8-70) PH0112852 HAER; G.
Providence. *NORTH BURIAL GROUND*, Between Branch Ave. and N. Main St., (9-13-77)
Providence. *NORTH FREIGHT STATION (PROVIDENCE AND WORCESTER RAILROAD DEPOT: MERCHANDISE HOUSES)*, Canal St., (5-7-73) PH0112879 HABS; HAER.
Providence. *OLNEY, CAPT. STEPHEN, HOUSE*, 138 Smithfield Rd., (5-1-74) PH0051870 HABS.
Providence. *PEARCE, NATHANIEL, HOUSE*, 305 Brook St., (5-19-72) PH0051888 HABS.
Providence. *PINE STREET HISTORIC DISTRICT*, irregular pattern along Pine St. from Myrtle to Seekell Sts., (9-13-78)
Providence. *PROVIDENCE-BILTMORE HOTEL*, 11 Dorrance St., (5-27-77)
Providence. *PROVIDENCE CITY HALL*, Dorrance and Washington Sts., (1-23-75) HABS.
Providence. *RHODE ISLAND HOSPITAL TRUST BUILDING*, 15 Westminster St., (10-22-76)
Providence. *RHODE ISLAND STATEHOUSE*, 90 Smith St., (4-28-70) PH0051900 G.
Providence. *ROGER WILLIAMS NATIONAL MEMORIAL*, Bounded by N. Main, Canal, Smith, and Haymarket Sts., (10-15-66)
Providence. *ROGER WILLIAMS PARK HISTORIC DISTRICT*, Roger Williams Park, (10-15-66) PH0052051
Providence. *RUSSELL, JOSEPH AND WILLIAM, HOUSE*, 118 N. Main St., (8-12-71) PH0051918
Providence. *SHEPARD COMPANY BUILDING*, 259 Westminster Mall, 72–92 Washington St., (8-11-76)
Providence. *SIXTH DISTRICT COURTHOUSE*, 150 Benefit St., (4-28-70) PH0051942
Providence. *SPRAGUE, DAVID, HOUSE*, 263 Public St., (5-23-78)
Providence. *ST. JOSEPH'S ROMAN CATHOLIC CHURCH*, 86 Hope St., (7-15-74) PH0051934
Providence. *ST. MICHAEL'S ROMAN CATHOLIC CHURCH, CONVENT, RECTORY, AND SCHOOL*, 251 Oxford St., (3-25-77)
Providence. *ST. STEPHEN'S CHURCH*, 114 George St., (2-6-73) PH0051926 HABS.
Providence. *STATE ARSENAL*, 176 Benefit St., (4-28-70) PH0051985 HABS.
Providence. *STIMSON AVENUE HISTORIC DISTRICT*, Both sides of Stimson Ave. and Diman Pl. between Angell St. on S, Hope St. on W, and a stone wall on N., (4-24-73) PH0051993 HABS.
Providence. *SWAN POINT CEMETERY*, 585 Blackstone Blvd., (10-5-77)
Providence. *TRINITY SQUARE REPERTORY THEATRE (MAJESTIC THEATER)*, 201 Washington St., (6-5-72) PH0052019
Providence. *U.S. CUSTOMSHOUSE*, 24 Weybosset St., (4-13-72) PH0073954 HABS.
Providence. *UNION STATION*, Exchange Ter., (2-20-75)
Providence. *UNION TRUST COMPANY BUILDING*, 62 Dorrance St., (3-1-73) PH0052035

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Providence. *UNIVERSITY HALL, BROWN UNIVERSITY*, Brown University campus, (10-15-66) PH0052027 NHL; HABS.
Providence. *WINSOR-SWAN-WHITMAN FARM*, 416 Eaton St., (5-1-74) PH0052060
Providence. *WITHERBY, CONSTANCE, PARK*, 210 Pitman St., (11-25-75)
Providence. *WOODS-GERRY HOUSE*, 62 Prospect St., (2-12-71) PH0052078 HABS; G.
Providence vicinity. *MT. HYGEIA (SOLOMON DROWN HOUSE)*, W of Providence on RI 94, (8-12-77) HABS.
Saylesville. *SAYLESVILLE MEETINGHOUSE*, Smithfield Ave., (11-28-78) HABS.
Saylesville vicinity. *GREAT ROAD HISTORIC DISTRICT*, W of Saylesville at Breakneck Hill and Grant Rds., (7-22-74) PH0074063 NHL; HABS.
Slatersville. *SLATERSVILLE HISTORIC DISTRICT*, Main, Green, Church, and School Sts. and Ridge Rd., (4-24-73) PH0051951
Union Village. *ARNOLD, PELEG, TAVERN*, Woonsocket Hill Rd., (7-30-74) PH0062421
Woonsocket. *CATO HILL HISTORIC DISTRICT*, RI 44, (8-10-76)
Woonsocket. *HARRIS WAREHOUSE*, 61 Railroad St., (7-1-76)
Woonsocket. *STADIUM BUILDING*, 329 Main St., (6-30-76)
Woonsocket. *WOONSOCKET CITY HALL (HARRIS INSTITUTE)*, 169 Main St., (5-1-74) PH0052086 G.
Woonsocket. *WOONSOCKET COMPANY MILL COMPLEX*, 100–115 Front St., (5-7-73) PH0052094 HABS.
Woonsocket vicinity. *UNION VILLAGE HISTORIC DISTRICT*, W of Woonsocket on RI 146A,

washington county

Allenton vicinity. *DOUGLAS, GEORGE, HOUSE*, S of Allenton at Tower Hill and Gilbert Stuart Rds., (10-10-75)
Arcadia vicinity. *BAPTIST CHURCH IN EXETER (CHESTNUT HILL BAPTIST CHURCH)*, N of Arcadia on RI 165, (11-21-78)
Carolina. *CAROLINA VILLAGE HISTORIC DISTRICT*, (5-2-74) PH0080225
Carolina vicinity. *HOXSIE, JOHN, HOUSE*, N of Carolina, (5-5-78)
Carolina vicinity. *JEFFREY, JOSEPH, HOUSE*, S of Carolina on Town House Rd., (3-8-78)
Charlestown. *FORT NINIGRET*, Fort Neck Rd., (4-28-70) PH0080250
Charlestown. *HISTORIC VILLAGE OF THE NARRAGANSETTS IN CHARLESTOWN*, Bound by RI 2/112 on E, U.S. 1 on S, Kings Factory Rd. on W, and RI 91 on N, (5-7-73) PH0080268
Charlestown vicinity. *INDIAN BURIAL GROUND*, (4-28-70) PH0080284
Exeter. *LILLIBRIDGE, SIMON, FARM*, Summit Rd., (11-28-78)
Exeter vicinity. *AUSTIN FARM ROAD AGRICULTURAL AREA*, 6 mi. W of Exeter off I-95, (8-16-77)
Hopkinton. *HOPKINTON CITY HISTORIC DISTRICT*, (5-1-74) PH0080276
Hopkinton vicinity. *TOMAQUAG, ROCK SHELTERS*, S of Hopkinton, (8-12-77)
Kingston. *KINGSTON VILLAGE HISTORIC DISTRICT*, (5-1-74) PH0080292 HABS; G.
Lafayette. *LAFAYETTE VILLAGE*, RI 102, (11-14-78)
Narragansett. *GREENE INN*, 175 Ocean Rd., (6-24-76)
Narragansett. *NARRAGANSETT PIER LIFE SAVING STATION*, 40 Ocean Rd., (6-30-76)
Narragansett. *TOWERS, THE*, Ocean Rd., (11-25-69)
Narragansett vicinity. *NARRAGANSETT BAPTIST CHURCH*, N of Narragansett on S. Ferry Rd., (11-25-77)
New Shoreham. *BLOCK ISLAND NORTH LIGHT*, Sandy Point (off N end of Corn Neck Rd.), (5-23-74) PH0080217
New Shoreham. *OLD HARBOR HISTORIC DISTRICT*, (5-8-74) PH0080306
North Kingstown. *CAMP ENDICOTT*, Between 7th and 10th Sts., (10-19-78)
North Kingstown. *OLD NARRAGANSETT CHURCH (ST. PAUL'S EPISCOPAL CHURCH)*, 60 Church Lane, Wickford, (7-2-73) PH0080314 HABS; G.
North Kingstown. *SIX PRINCIPLE BAPTIST CHURCH*, 85 Old Baptist Rd., (11-21-78)
North Kingstown. *WICKFORD HISTORIC DISTRICT*, Roughly bounded by Tower Hill and Post Rds. as far N as Mill Cove and S to Lindley Ave., (12-31-74) PH0084832
North Kingstown (Wickford). *PALMER-NORTHRUP HOUSE*, 7919 Post Rd., (4-11-73) PH0080322 HABS.
North Kingstown (Wickford). *SHAW, DR. WILLIAM G., HOUSE*, 41 Brown St., (1-13-72) PH0080349
North Kingstown (Wickford). *ST. PAUL'S CHURCH*, 76 Main St., (6-30-72) PH0080331
North Kingstown (Wickford) vicinity. *SMITH'S CASTLE*, N of Wickford on the Post Rd., (2-23-72) PH0080357
Quonochontaug. *BABCOCK HOUSE*, Main St., (1-1-76) G.
Quonochontaug. *SHEFFIELD HOUSE*, Beach Rd., (1-1-76)
Saunderstown. *STUART, GILBERT, BIRTHPLACE*, Gilbert Stuart Rd., (10-15-66) PH0080365 NHL; HABS.
Saunderstown vicinity. *CASEY, SILAS, FARM*, N of Saunderstown on RI 138, (8-14-73) PH0080233 HABS.
West Kingston. *KINGSTON RAILROAD STATION*, Kingston Rd., (4-26-78)
Westerly. *BABCOCK-SMITH HOUSE*, 124 Granite St., (7-24-72) PH0080209 HABS.
Westerly. *FORMER IMMACULATE CONCEPTION CHURCH*, 119 High St., (4-24-73) PH0080241 G.
Westerly. *MAIN STREET HISTORIC DISTRICT*, 113–132 Main St., 8, 7–13 School St., 3–14 Maple St., (1-9-78)
Westerly. *U.S. POST OFFICE*, High and Broad Sts., (8-12-71)
Westerly. *WILCOX PARK HISTORIC DISTRICT*, Roughly bounded by Broad, Granite, High Sts. and Grove Ave. and running along Elm St., (5-7-73) PH0080390
Wyoming. *WYOMING VILLAGE HISTORIC DISTRICT*, (5-2-74) PH0080403

SOUTH CAROLINA 106 abbeville county

Abbeville vicinity. CALHOUN, PATRICK, FAMILY CEMETERY, 9.5 mi. SW of Abbeville on SC 823, (8-28-75)

abbeville county

Abbeville. *ABBEVILLE OPERA HOUSE*, Court Sq., (7-1-70) PH0062936
Abbeville. *BURT, ARMISTEAD, HOUSE (STARK HOUSE)*, 306 N. Main St., (4-3-70) PH0103853 G.
Abbeville. *TRINITY EPISCOPAL CHURCH AND CEMETERY*, Church St., (5-6-71) PH0062952 G.
Abbeville and vicinity. *ABBEVILLE HISTORIC DISTRICT*, Town of Abbeville, (9-14-72) PH0062944 G.
Due West. *YOUNG PLACE*, SC 185, (10-9-74) PH0062961

aiken county

Aiken. *CARROLL, CHANCELLOR JAMES P., HOUSE*, 112 Gregg Ave., (11-23-77)
Aiken. *COKER SPRING*, Coker Spring Rd., (1-18-78)
Aiken. *LEGARE-MORGAN HOUSE*, 241 Lauren St., SW., (9-22-77)
Aiken. *PHELPS HOUSE*, Barnwell Ave., (6-10-74) PH0034550
Aiken vicinity. *DAWSON-VANDERHORST HOUSE*, NE of Aiken at jct. of Wire and New Bridge Rds., (6-29-76)
Beech Island vicinity. *FORT MOORE-SAVANO TOWN SITE*, (8-14-73) PH0062979
Beech Island vicinity. *REDCLIFFE*, 1.5 mi. NE of Beech Island on SC 125, (5-8-73) PH0062995
Graniteville. *GRANITEVILLE HISTORIC DISTRICT*, SC 19 and Gregg St., (6-2-78) NHL.
Jackson vicinity. *SILVER BLUFF*, 5 mi. W of Jackson on Savannah River, (11-1-77)
North Augusta. *HAMMOND, CHARLES, HOUSE*, 908 Martintown Road W., (10-2-73) PH0062987
North Augusta. *ROSEMARY HALL (JACKSON HOUSE)*, 804 Carolina Ave., (4-28-75)

allendale county

Allendale vicinity. *ANTIOCH CHRISTIAN CHURCH*, SW of Allendale on SC 3, (12-12-77)
Allendale vicinity. *ERWIN HOUSE*, SW of Allendale off U.S. 301, (5-7-76)
Allendale vicinity. *GRAVEL HILL PLANTATION*, SW of Allendale off U.S. 301, (5-28-76)
Allendale vicinity. *RED BLUFF FLINT QUARRIES (RICE CHERT QUARRY)*, (6-22-72) PH0063011
Allendale vicinity. *ROSELAWN*, 3 mi. SW of Allendale on SC 47, (5-28-76)
Allendale vicinity. *ROSELAWN*, 3 m. SW of Allendale on SC 47, (5-28-76)
Allendale vicinity. *SMYRNA BAPTIST CHURCH*, S of Allendale on SC 22, (5-28-76)
Johnson's Landing vicinity. *LAWTON MOUNDS*, (6-19-72) PH0063002
Peeples vicinity. *FENNELL HILL*, (11-19-74) PH0064939

anderson county

Anderson. *ANDERSON HISTORIC DISTRICT*, Bounded by Hampton, Main, Franklin, McDuffie, Benson, and Fant Sts., (12-13-71) PH0063029
Anderson. *CALDWELL-JOHNSON-MORRIS COTTAGE*, 220 E. Morris St., (10-7-71) PH0103918
Anderson. *ORR, DR. SAMUEL MARSHALL, HOUSE*, 809 W. Market St., (4-13-73) PH0063045 G.
Pendleton. *PENDLETON HISTORIC DISTRICT*, (8-25-70) PH0063053 (also in Pickens County)
Pendleton vicinity. *ASHTABULA*, 1.25 mi. NE of Pendleton off SC 88, (3-23-72) PH0063037
Pendleton vicinity. *WOODBURN*, End of Woodburn Rd., W of Pendleton, (5-6-71) PH0063061 HABS.

bamberg county

Bamberg. *BAMBERG, GEN. FRANCIS MARION, HOUSE*, N. Railroad Ave. and N. Carlisle St., (6-29-76)
Bamberg vicinity. *WOODLANDS (WILLIAM GILMORE SIMMS ESTATE)*, 3 mi. S of Bamberg on SC 78, (11-11-71) PH0063088 NHL.
Ehrhardt vicinity. *RIVERS BRIDGE STATE PARK*, 6 mi. SW of Ehrhardt, (2-23-72) PH0063070

barnwell county

Barnwell. *BANKSIA HALL*, 108 Reynolds Rd., (5-31-74)
Barnwell. *CHURCH OF THE HOLY APOSTLES (EPISCOPAL)*, 1706 Hagood Ave., (4-13-72) PH0063100
Barnwell. *CHURCH OF THE HOLY APOSTLES RECTORY*, 1700 Hagood Ave., (4-13-72) PH0062456
Barnwell. *OLD PRESBYTERIAN CHURCH*, 1905 Academy St., (4-13-72) PH0063118

beaufort county

Barris Island. *PARRIS ISLAND DRYDOCK AND COMMANDING GENERALS HOUSE*, Mexico and Tripoli Sts., (11-21-78)
Beaufort. *ANCHORAGE, THE (WILLIAM ELLIOTT HOUSE)*, 1103 Bay St., (11-23-71) PH0063126
Beaufort. *BARNWELL-GOUGH HOUSE*, 705 Washington St., (11-15-72) PH0063134
Beaufort. *BARNWELL, WILLIAM, HOUSE*, 800 Prince St., (3-24-71) PH0063142
Beaufort. *BEAUFORT HISTORIC DISTRICT*, Bounded by the Beaufort River, Bladen, Hamar, and Boundary Sts., (12-17-69) NHL; HABS.
Beaufort. *CUTHBERT, JOHN A., HOUSE*, 1203 Bay St., (6-13-72) PH0063185
Beaufort. *MARSHLANDS*, 501 Pinckney St., (11-7-73) PH0102938 NHL.
Beaufort. *SMALLS, ROBERT, HOUSE*, 511 Pinckney St., (5-30-74) PH0290076 NHL.
Beaufort. *TABBY MANSE (THOMAS FULLER HOUSE)*, 1211 Bay St., (5-14-71) PH0063291 HABS.
Beaufort. *VERDIER, JOHN MARK, HOUSE*, 801 Bay St., (8-19-71) PH0063304 HABS; G.
Beaufort vicinity. *CHARLES FORTE*, S of Beaufort on Parris Island, (8-7-74) PH0063169
Beaufort vicinity. *HUNTING ISLAND STATE PARK LIGHTHOUSE*, 17 mi. SSW of Beaufort on U.S. 21, (6-5-70) PH0063223
Bluffton. *CHURCH OF THE CROSS*, Calhoun St., (5-29-75)
Frogmore vicinity. *COFFIN POINT PLANTATION*, 3 mi. E of Frogmore at NE end of Seaside Rd. on St. Helena Island, (8-28-75)
Frogmore vicinity. *PENN CENTER HISTORIC DISTRICT (PENN SCHOOL)*, S of Frogmore on SC 37, (9-9-74) PH0063258 NHL.
Frogmore vicinity. *TOMBEE PLANTATION*, S of Frogmore on St. Helena's Island, (9-18-75)
Gardens Corner vicinity. *SHELDON CHURCH RUINS*, NW of Gardens Corner on U.S. 21, (10-22-70) PH0063274
Hilton Head Island. *SEA PINES*, S of Opossum Point, (10-15-70) PH0063266
Hilton Head Island vicinity. *GREEN'S SHELL ENCLOSURE*, NW of Hilton Head Island off U.S. 278, (8-7-74) PH0063282
Hiltonhead vicinity. *SKULL CREEK (HILTON HEAD)*, N of Hiltonhead off Hickory Bluff-Mount Calvary Church Rd., (11-10-70)
Laurel Bay vicinity. *CHESTER FIELD*, S of Laurel Bay on Port Royal Island, (10-15-70) PH0063177
Port Royal vicinity. *FORT FREDERICK*, N of Port Royal off U.S. 281 at U.S. Naval Hospital, (12-31-74) PH0073245
Port Royal vicinity. *HASELL POINT SITE*, (8-14-73) PH0063207
Port Royal vicinity. *LITTLE BARNWELL ISLAND*, (8-14-73) PH0063240
St. Helena Island. *INDIAN HILL SITE*, On St. Helena Island, E of Frogmore, (3-22-74) PH0063231
Yemassee vicinity. *OLD BRASS (AULDBRASS)*, E of Yemassee on River Rd., (6-3-76)

berkeley county

Cainhoy vicinity. *CALAIS MILESTONES*, On CR 98 and 44, (3-14-73) PH0052116
Cainhoy vicinity. *WHITE CHURCH (ST. THOMAS EPISCOPAL CHURCH)*, 2 mi. N of Cainhoy on CR 98, (3-23-72) PH0052213
Cordesville vicinity. *TAVEAU CHURCH*, S of Cordesville on SR 44, (2-14-78)
Cross vicinity. *LAWSON'S POND PLANTATION*, 5 mi. N of Cross off SC 6, (12-13-77)
Cross vicinity. *LOCH DHU*, N of Cross off SC 6, (9-22-77)
Goose Creek vicinity. *ST. JAMES' CHURCH, GOOSE CREEK*, S of Goose Creek, (4-15-70) PH0052183 NHL; HABS.
Hanahan vicinity. *OTRANTO PLANTATION*, 18 Basilica Ave., (21-17-78)
Huger. *POMPION HILL CHAPEL*, 0.5 mi. SW of jct. of SC 41 and 402, (4-15-70) PH0052167 NHL; HABS; G.
Huger vicinity. *MIDDLEBURG PLANTATION*, 2 mi. SW of Huger on the E branch of the Cooper River, (4-15-70) PH0052141 NHL; HABS.
Moncks Corner. *MULBERRY*, Off U.S. 52 on Cooper River, (10-15-66) PH0052159 NHL.
Moncks Corner vicinity. *BIGGIN CHURCH RUINS*, 2 mi. NE of Moncks Corner on SC 402, (12-13-77)
Moncks Corner vicinity. *LEWISFIELD PLANTATION*, About 2.5 mi. S of Moncks Corner on U.S. 52, (5-9-73) PH0052124
Moncks Corner vicinity. *STRAWBERRY CHAPEL AND CHILDSBURY TOWN SITE*, SE of Moncks Corner on CR 44, N of the Tee of the Cooper River, (4-26-72) PH0052205
Mount Holly vicinity. *MEDWAY*, E of Mount Holly off U.S. 52, (7-16-70) PH0052132
St. Stephens. *ST. STEPHEN'S EPISCOPAL CHURCH*, On SC 45, (4-15-70) PH0052191 NHL.

calhoun county

Cameron. *ULMER-SUMMERS HOUSE*, Old Orangeburg Rd. (SC 31), (10-25-73) PH0052264
Fort Motte vicinity. *FORT MOTTE BATTLE SITE*, 2.3 mi. NE of Fort Motte on SR 13, (11-9-72) PH0052230
Fort Motte vicinity. *MIDWAY PLANTATION*, S of Fort Motte off U.S. 601, (5-28-76)
Fort Motte vicinity. *OAKLAND PLANTATION*, S of Fort Motte off SC 26 on SR 1, (5-30-75)
Fort Motte vicinity. *ZANTE PLANTATION*, SE of Fort Motte off SC 601, (6-29-76)
Gaston vicinity. *BAKER, WILLIAM, HOUSE*, E of Gaston off U.S. 21/176, (3-8-78)
St. Matthews. *CALHOUN COUNTY LIBRARY*, Railroad Ave., (5-29-75)
St. Matthews. *DANTZLER, COL. OLIN M., HOUSE*, 412 E. Bridge St., (3-30-73) PH0052221
St. Matthews vicinity. *CHEROKEE PATH, STERLING LAND GRANT*, 5 mi. SE of St. Matthews on NC 6, (5-13-76)
St. Matthews vicinity. *PREHISTORIC INDIAN VILLAGE*, S of St. Matthews, (7-30-74) PH0052248
St. Matthews vicinity. *PURITAN FARM*, W of St. Matthews, (7-25-74) PH0052256

charleston county

Adams Run vicinity. *GROVE PLANTATION*, SW of Adams Run off SC 174, (8-25-78)
Adams Run vicinity. *WILLTOWN BLUFF*, SW of Adams Run at end of CR 55 on banks of S. Edisto River, (1-8-74) PH0080900
Awendaw vicinity. *SEWEE MOUND (THE OLD FORT)*, 2.8 mi. S of Awendaw in Francis Marion National Forest, (10 15-70) PH0080764
Charleston. *AIKEN, GOV. WILLIAM, HOUSE*, 48 Elizabeth St., (11-21-77) HABS.
Charleston. *AIKEN, WILLIAM, HOUSE AND ASSOCIATED RAILROAD STRUCTURES*, 456 King St., (10-15-66) PH0102920 NHL; HAER.
Charleston. *BENNETT, GOV. THOMAS, HOUSE*, 69 Barre St., (1-31-78)
Charleston. *BETHEL METHODIST CHURCH*, 57 Pitt St., (11-20-74) PH0044024
Charleston. *BLACKLOCK, WILLIAM, HOUSE*, 18 Bull St., (11-7-73) PH0229865 NHL.
Charleston. *BLAKE TENEMENTS*, 2–4 Courthouse Sq., (8-25-70) PH0052311
Charleston. *BRANFORD-HORRY HOUSE*, 59 Meeting St., (10-15-70) PH0052337
Charleston. *BREWTON, MILES, HOUSE*, 27 King St., (10-15-66) PH0052345 NHL; HABS.
Charleston. *BREWTON, ROBERT, HOUSE*, 71 Church St., (10-15-66) PH0052353 NHL; HABS.
Charleston. *CASTLE PINCKNEY*, On Shute's Folly Island, (7-16-70) PH0052388 HABS.
Charleston. *CENTRAL BAPTIST CHURCH*, 26 Radcliffe St., (8-16-77)
Charleston. *CHARLESTON HISTORIC DISTRICT*, Incorporates most of area S of Bee, Morris, and Mary Sts. to Waterfront, (7-16-78) (boundary revision) PH0035017 NHL; HABS; G.
Charleston. *CHARLESTON'S FRENCH QUARTER DISTRICT (LODGE ALLEY)*, Bounded by Lodge Alley and Cumberland, E. Bay, and State Sts., (9-19-73) PH0052396
Charleston. *CIRCULAR CONGREGATIONAL CHURCH AND PARISH HOUSE*, 150 Meeting St., (11-7-73) PH0102857 NHL.
Charleston. *CITIZENS AND SOUTHERN NATIONAL BANK OF SOUTH CAROLINA*, 50 Broad St., (5-6-71) PH0052418 HABS.
Charleston. *COLLEGE OF CHARLESTON*, Glebe, George, St. Philip, and Green Sts., (11-11-71) PH0052426 NHL; HABS.
Charleston. *DOCK STREET THEATRE (PLANTERS' HOTEL)*, 135 Church St., (6-19-73) PH0052434
Charleston. *EXCHANGE AND PROVOST*, E. Bay and Broad Sts., (12-17-69) PH0052469 NHL; HABS.
Charleston. *FARMERS' AND EXCHANGE BANK*, 14 E. Bay St., (11-7-73) PH0229938 NHL.
Charleston. *FIREPROOF BUILDING*, 100 Meeting St., (7-29-69) PH0052507 NHL; HABS; G.
Charleston. *FORT SUMTER NATIONAL MONUMENT*, Charleston Harbor, (10-15-66) HABS.

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Charleston. *GIBBES, WILLIAM, HOUSE*, 64 S. Battery, (4-15-70) PH0052523 NHL.
Charleston. *HEYWARD, DUBOSE, HOUSE*, 76 Church St., (11-11-71) PH0052540 NHL.
Charleston. *HEYWARD-WASHINGTON HOUSE*, 87 Church St., (4-15-70) PH0052558 NHL; HABS.
Charleston. *HIBERNIAN HALL*, 105 Meeting St., (11-7-73) PH0102911 NHL.
Charleston. *HUGUENOT CHURCH*, 136 Church St., (11-7-73) PH0102890 NHL.
Charleston. *KAHAL KADOSH BETH ELOHIM SYNAGOGUE*, 90 Hasell St., (4-4-78) HABS.
Charleston. *LOWNDES GROVE*, 260 St. Margaret St., (8-30-78)
Charleston. *LUCAS, JONATHAN, HOUSE*, 286 Calhoun St., (2-23-78)
Charleston. *MANIGAULT, JOSEPH, HOUSE*, 350 Meeting St., (11-7-73) PH0102881 NHL.
Charleston. *MARKET HALL AND SHEDS*, 188 Meeting St., (6-4-73) PH0080578 NHL.
Charleston. *MCCRADY'S TAVERN AND LONG ROOM*, 153 E. Bay St., (9-14-72) PH0080594
Charleston. *MCLEOD PLANTATION*, 325 Country Club Dr., (8-13-74) PH0080608
Charleston. *MILLS, CLARK, STUDIO*, 51 Broad St., (10-15-66) PH0102873 NHL.
Charleston. *NICHOLSON, JAMES, HOUSE (ASHLEY HALL SCHOOL)*, 172 Rutledge Ave., (8-30-74) PH0034363
Charleston. *OLD BETHEL UNITED METHODIST CHURCH*, 222 Calhoun St., (4-21-75)
Charleston. *OLD MARINE HOSPITAL*, 20 Franklin St., (11-7-73) PH0102865 NHL.
Charleston. *OLD SLAVE MART*, 6 Chalmers St., (5-2-75)
Charleston. *POWDER MAGAZINE*, 79 Cumberland St., (1-5-72) PH0080691
Charleston. *PRESQUI'LE*, 2 Amherst St., (12-8-78) HABS.
Charleston. *RHETT, ROBERT BARNWELL, HOUSE*, 6 Thomas St., (11-7-73) PH0102849 NHL.
Charleston. *ROPER, ROBERT WILLIAM, HOUSE*, 9 E. Battery St., (11-7-73) PH0102831 NHL.
Charleston. *ROSE, THOMAS, HOUSE*, 57–59 Church St., (10-15-70) PH0080713
Charleston. *RUSSELL, NATHANIEL, HOUSE*, 51 Meeting St., (8-19-71) PH0080721 NHL; HABS.
Charleston. *RUTLEDGE, EDWARD, HOUSE*, 117 Broad St., (11-11-71) PH0080730 NHL.
Charleston. *RUTLEDGE, GOV. JOHN, HOUSE*, 116 Broad St., (11-7-71) PH0290025 NHL.
Charleston. *SIMMONS-EDWARDS HOUSE*, 12–14 Legare St., (1-25-71) PH0080772 NHL; HABS.
Charleston. *SOUTH CAROLINA NATIONAL BANK OF CHARLESTON*, 16 Broad St., (6-4-73) PH0080799
Charleston. *SOUTH CAROLINA STATE ARSENAL (OLD CITADEL)*, 2 Tobacco St. (Marion Sq.), (7-16-70) PH0080659 HABS.
Charleston. *ST. MARY'S ROMAN CATHOLIC CHURCH*, 93 Hasell St., (11-7-76)
Charleston. *ST. MICHAEL'S EPISCOPAL CHURCH*, 80 Meeting St., (10-15-66) PH0080641 NHL; HABS.
Charleston. *ST. PHILIP'S EPISCOPAL CHURCH*, 146 Church St., (11-7-73) PH0102989 NHL.
Charleston. *STILES-HINSON HOUSE*, 940 Paul Revere Dr., (10-9-74) PH0080811
Charleston. *STUART, COL. JOHN, HOUSE*, 104–106 Tradd St., (10-22-70) PH0080829 NHL; HABS.
Charleston. *SWORD GATE HOUSES*, 32 Legare St. and 111 Tradd St., (12-18-70) PH0080837 HABS.
Charleston. *U.S. CUSTOMHOUSE*, 200 E. Bay St., (10-9-74) PH0080870
Charleston. *U.S. POST OFFICE AND COURTHOUSE*, 83 Broad St., (8-13-74) PH0080861
Charleston. *UNITARIAN CHURCH*, 6 Archdale St., (11-7-73) PH0102971 NHL.
Charleston. *VESEY, DENMARK, HOUSE*, 56 Bull St., (5-11-76) NHL.
Charleston vicinity. *ASHLEY HALL PLANTATION*, SW of Charleston off SC 61, (6-5-75)
Charleston vicinity. *DRAYTON, JOHN, HOUSE (DRAYTON HALL)*, 12 mi. W of Charleston on SC 61, (10-15-66) PH0052442 NHL.
Charleston vicinity. *FENWICK HALL*, S of Charleston on John's Island, U.S. 17, (2-23-72) PH0052485
Charleston vicinity. *FORT JOHNSON/POWDER MAGAZINE*, About 3 mi. SE of Charleston on James Island, (9-14-72) PH0052515
Charleston vicinity. *FORT PEMBERTON SITE*, Aubrey Dr., James Island, (11-21-78)
Charleston vicinity. *JOHN'S ISLAND PRESBYTERIAN CHURCH*, 10 mi. W of Charleston on SR 20, (11-3-75)
Charleston vicinity. *MAGNOLIA CEMETERY*, N of Charleston off U.S. 52, (3-24-78)
Charleston vicinity. *MAGNOLIA PLANTATION AND GARDENS*, 10 mi. NW of Charleston on SC 61, (12-11-72) PH0052582
Charleston vicinity. *SITE OF OLD CHARLES TOWNE*, (12-17-69) PH0103900
Charleston vicinity. *ST. ANDREWS EPISCOPAL CHURCH*, 5 mi. NW of Charleston on SC 61, (10-15-73) PH0080748
Charleston vicinity. *VANDER HORST, ARNOLDUS, HOUSE*, 25 mi. SW of Charleston on Kiawah Island, (10-25-73) PH0080888
Edisto Island. *WINDSOR PLANTATION*, E of SC 174 near Little Edisto, (7-23-74) PH0080918
Edisto Island vicinity. *BLEAK HALL PLANTATION OUTBUILDINGS*, 4 mi. SE of Edisto Island off SC 174, (3-7-73) PH0052329
Edisto Island vicinity. *BRICK HOUSE RUIN*, S of Edisto Island, (4-15-70) PH0052361 NHL; HABS.
Edisto Island vicinity. *EDISTO ISLAND PRESBYTERIAN CHURCH*, 1.9 mi. N of Edisto Island on SC 174, (6-24-71) PH0052451 HABS.
Edisto Island vicinity. *MIDDLETON'S PLANTATION*, 3.5 mi. N of Edisto Island off SC 174, (5-6-71) PH0080616
Edisto Island vicinity. *OLD HOUSE PLANTATION*, NE of Edisto Island via SC 174, (5-14-71) PH0080675
Edisto Island vicinity. *PETER'S POINT PLANTATION*, SW of Edisto Island off SC 174 on CR 764, (6-19-73) PH0080683
Edisto Island vicinity. *PRESBYTERIAN MANSE*, NW of Edisto Island off SC 174, (5-14-71) PH0080705
Edisto Island vicinity. *SEABROOK, WILLIAM, HOUSE*, N of Edisto Island off SC 174, (5-6-71) PH0080756
Edisto Island vicinity. *SPANISH MOUNT POINT (THE MOUND)*, (8-30-74) PH0080802
Edisto Island vicinity. *TRINITY EPISCOPAL CHURCH*, About 1.2 mi. N of Edisto Island on SC 174, (5-14-71) PH0080845
Georgetown vicinity. *ST. JAMES EPISCOPAL CHURCH, SANTEE*, 17 mi. S of Georgetown on the Santee River, (4-15-70) PH0102954 NHL; HABS; G.
James Island. *MARSHLANDS PLANTATION HOUSE*, N side of Fort Sumter Dr., (3-30-73) PH0080586
McClellanville vicinity. *FAIRFIELD PLANTATION*, N of McClellanville, (7-25-74) PH0052477
McClellanville vicinity. *HAMPTON PLANTATION HOUSE*, 8 mi. N of McClellanville, (4-15-70) PH0102903 NHL; HABS; G.
McClellanville vicinity. *HARRIETTA PLANTATION*, 5 mi. E of McClellanville off U.S. 17/701, (9-18-75)
Mount Pleasant. *MOUNT PLEASANT HISTORIC DISTRICT*, Bounded by Charleston Harbor, Shem Creek, Royal Ave., and McConts Dr., (3-30-73) PH0080624
Mount Pleasant. *OLD COURTHOUSE*, 331 King St., (5-6-71) PH0080667
Mount Pleasant vicinity. *AULD MOUND*, NE of Mount Pleasant, SE of US 17, (10-15-70) PH0052272
Mount Pleasant vicinity. *BUZZARD'S ISLAND SITE*, NE of Mount Pleasant, 1.3 mi. SE of US 17, (10-15-70) PH0052370
Mount Pleasant vicinity. *CHRIST CHURCH (EPISCOPAL)*, 4.6 mi. NE of Mount Pleasant on U.S. 17, (11-27-72) PH0052400
Mount Pleasant vicinity. *OAKLAND PLANTATION HOUSE*, 7 mi. N of Charleston Harbor on U.S. 17, (7-13-77)
Mt. Pleasant vicinity. *PRITCHARD, PAUL, SHIPYARD*, N of Mt. Pleasant, (9-17-74) PH0080632
Mt. Pleasant vicinity. *SNEE FARM*, 6 mi. W of Mt. Pleasant off U.S. 17, (4-13-73) PH0080781 NHL.
Rantowles vicinity. *STONO RIVER SLAVE REBELLION SITE*, Off U.S. 17 on W bank of Wallace River, (5-30-74) PH0290092 NHL.
Rockville and vicinity. *ROCKVILLE HISTORIC DISTRICT*, Town of Rockville on N bank of Bohicket Creek, (6-13-72) PH0080896
Rockville vicinity. *FIG ISLAND SITE*, 2 mi. SW of Rockville, (10-15-70) PH0052493
Rockville vicinity. *HANCKEL MOUND*, NW of Rockville on Wadmalaw Island, (10-15-70) PH0052531
Rockville vicinity. *HORSE ISLAND*, 1 mi. S of Rockville on Seabrook Island, (11-10-70) PH0052566
Rockville vicinity. *SEABROOK, JOHN, PLANTATION BRIDGE*, NW of Rockville off SC 700, (10-9-74) PH0087882
Sullivan's Island. *BATTERY GADSDEN*, 2017 Ion Ave., (6-25-74) PH0052281
Sullivan's Island. *BATTERY THOMSON*, 2013 Ion Ave., (6-25-74) PH0052299
Sullivans Island. *U.S. COAST GUARD HISTORIC DISTRICT (SULLIVANS ISLAND STATION)*, Ion Ave. between Station 18 and Station 18 1/2 Sts., (6-19-73) PH0080853

cherokee county

KINGS MOUNTAIN NATIONAL MILITARY PARK, Reference—see York County (1-2-74)
Chesnee vicinity. *COWPENS NATIONAL BATTLEFIELD*, 2 mi. E of Chesnee at jct. of SC 11 and 110, (10-15-66)
Gaffney. *DAVIS, WINNIE, HALL*, 1115 College Dr., (4-29-77)

Gaffney vicinity. *CHEROKEE FORD IRON WORKS SITE*, 6 mi. E of Gaffney at Broad River, (11,13-76)

chester county

Chester. *CHESTER CITY HALL AND OPERA HOUSE*, Corner of West End and Columbia Sts., (3-30-73) PH0080926 G.
Chester. *CHESTER HISTORIC DISTRICT*, Commercial area centered around jct. of U.S. 321 and SC 72, (6-13-72) PH0081132 G.
Chester vicinity. *CATHOLIC PRESBYTERIAN CHURCH*, 14 mi. S of Chester on SC 97 and CR 355, (5-6-71) PH0080934
Chester vicinity. *FISHDAM FORD*, SW of Chester off SC 72, (8-14-73) PH0080951 (also in Union County)
Chester vicinity. *LEWIS INN*, NE of Chester off SC 72, (5-6-71) PH0080977
Chester vicinity. *MCCOLLUM MOUND (TURKEY CREEK MOUND AND VILLAGE)*, (3-23-72)
Lockhart vicinity. *MCCOLLUM FISH WEIR*, (8-28-74) PH0080985
Richburg vicinity. *ELLIOTT HOUSE*, N of Richburg off SC 901 on CR 136, (5-6-71) PH0080942
Rowell. *LANDSFORD CANAL*, Off US 21, (12-3-69) PH0080969 G.

chesterfield county

Cheraw. *CHERAW HISTORIC DISTRICT*, Bounded by Front, Kershaw, 3rd, McIver, Cedar, Greene, Christian, and Church Sts., (11-20-74) PH0043834
Cheraw. *ST. DAVID'S EPISCOPAL CHURCH AND CEMETERY*, Church St., (9-22-71) PH0081001 G.

clarendon county

Summerton vicinity. *SANTEE INDIAN MOUND*, S of Summerton, off U.S. 301, (7-29-69) PH0081019 G.

colleton county

Jacksonboro vicinity. *PON PON CHAPEL*, NW of Jacksonboro on Parker's Ferry Rd., (1-5-72) PH0074161 G.
Walterboro. *COLLETON COUNTY COURTHOUSE*, Corner of Hampton and Jeffries Sts., (5-14-71) PH0074144
Walterboro. *OLD COLLETON COUNTY JAIL*, Jeffries Blvd., (5-14-71) PH0074152 G.
Walterboro. *WALTERBORO LIBRARY SOCIETY BUILDING*, 801 Wichman St., (10-14-71) PH0074179 HABS; G.
Williams vicinity. *WILLIAMS, TOM, HOUSE*, 0.25 mi. W of Williams on SC 362, (4-26-73) PH0074187

darlington county

Bennettsville vicinity. *WELSH NECK-LONG BLUFF-SOCIETY HILL HISTORIC DISTRICT*, SW of Bennettsville along U.S. 15/401, (12-16-74) PH0073253
Hartsville. *HARTSVILLE PASSENGER STATION*, 114 S. 4th St., (6-29-76)
Hartsville vicinity. *COKER EXPERIMENTAL FARMS*, W of Hartsville on SC 151, (10-15-66) PH0102946 NHL.
Hartsville vicinity. *KELLEY, JACOB, HOUSE*, W of Hartsville on SC S-16-12, (5-6-71) PH0074195 G.

dillon county

Bingham vicinity. *SELKIRK FARM*, E of Bingham on Old Cashua Ferry Rd., (7-24-74) PH0074233
Dillon. *DILLON, JAMES W., HOUSE*, 1302 W. Main St., (5-6-71) PH0074225
Hamer vicinity. *HAMER HALL*, N of Hamer on U.S. 301, (5-30-75)
Latta vicinity. *ALLEN, JOEL, HOUSE*, NW of Latta, (8-13-74) PH0074209
Latta vicinity. *CATFISH CREEK BAPTIST CHURCH*, 5 mi. NW of Latta at jct. of CR 1741 and 1763, (1-17-75)
Latta vicinity. *EARLY COTTON PRESS*, Near jct. of SC 917 and 38, (11-15-72) PH0074217 HABS.
Little Rock. *ST. PAUL'S METHODIST CHURCH*, Off SC 9, (7-26-77)

dorchester county

Ridgeville vicinity. *CYPRESS METHODIST CAMP GROUND*, E of Ridgeville on SC 182, (4-26-78)
St. George vicinity. *APPLEBY'S METHODIST CHURCH*, SW of St. George at jct. of SR 19 and SR 71, (2-14-78)
St. George vicinity. *CARROLL PLACE*, Jct. of Quaker and Wire Rds., (7-25-74) PH0074241
St. George vicinity. *INDIAN FIELDS METHODIST CAMPGROUND*, About 4 mi. NE of St. George on SC 73, (3-30-73) PH0074250
Stallsville vicinity. *NEWINGTON PLANTATION*, W of Stallsville, (9-17-74) PH0074276
Summerville. *SUMMERVILLE HISTORIC DISTRICT*, Roughly bounded by S. Railroad Ave., Magnolia, Main Sts. and town boundary, (5-19-76)
Summerville vicinity. *MIDDLETON PLACE*, SE of Summerville on SC 61, (5-6-71) PH0074268 NHL; HABS.
Summerville vicinity. *OLD DORCHESTER*, 6 mi. S of Summerville on SC 642, (12-3-69) PH0074284 G.

edgefield county

Edgefield. *EDGEFIELD HISTORIC DISTRICT*, Both sides of U.S. 25 through town of Edgefield, (3-23-72) PH0074349 G.
Edgefield vicinity. *BLOCKER HOUSE*, About 6 mi. NW of Edgefield on U.S. 25, (5-14-71) PH0074306
Edgefield vicinity. *CEDAR GROVE*, 5 mi. NW of Edgefield on U.S. 25, (10-14-71) PH0074314
Edgefield vicinity. *DARBY PLANTATION*, SE of Edgefield off U.S. 25, (8-13-74) PH0074322
Edgefield vicinity. *HORN CREEK BAPTIST CHURCH*, S of Edgefield, (5-6-71) PH0074331
Edgefield vicinity. *POTTERSVILLE*, 1 mi. N of Edgefield on SC 430, (1-17-75)
North Augusta vicinity. *BIG STEVENS CREEK BAPTIST CHURCH*, About 8 mi. NW of North Augusta on SC 230, (5-6-71) PH0074292

fairfield county

Jenkinsville. *KINCAID-ANDERSON HOUSE (FAIRFIELD)*, NE of Jenkinsville of SC 213, (7-30-74) PH0074411
Jenkinsville vicinity. *EBENEZER ASSOCIATE REFORMED PRESBYTERIAN CHURCH (OLD BRICK CHURCH)*, 4.3 mi. N of Jenkinsville on SC 213, (8-19-71) PH0074390
Jenkinsville vicinity. *LITTLE RIVER BAPTIST CHURCH*, 3.8 mi. N of Jenkinsville on SC 213, (4-13-72) PH0074420
Monticello vicinity. *DAVIS PLANTATION*, S of Monticello on SC 215, (5-6-71) PH0074381
Ridgeway. *CENTURY HOUSE (BRICK HOUSE)*, SC 34, (8-19-71) PH0074373
Ridgeway vicinity. *BLINK BONNIE (ROBERTSON PLACE)*, About 10 mi. NE of Ridgeway, (4-13-72) PH0074365
Ridgeway vicinity. *ST. STEPHEN'S EPISCOPAL CHURCH*, NE of Ridgeway on CR 106, (5-6-71) PH0074454
Ridgeway vicinity. *VALENCIA*, NW of Ridgeway on CR 106, (5-6-71) PH0074462
Winnsboro. *KETCHIN BUILDING*, 231 S. Congress St., (12-18-70) PH0074403 G.
Winnsboro. *RURAL POINT (ROBERTSON HOUSE)*, Old Camden Rd., (2-23-72) PH0074446
Winnsboro. *WINNSBORO HISTORIC DISTRICT*, Roughly bounded by Gooding, Buchanan, Garden, and Fairfield Sts., (10-14-71) PH0074471 G.
Winnsboro vicinity. *BLAIR MOUND*, NW of Winnsboro, (8-23-74) PH0074357
Winnsboro vicinity. *MCMEEKIN ROCK SHELTER*, (8-23-74) PH0074438

florence county

Florence. *BONNIE SHADE*, 1439 Cherokee Rd., (11-14-78)
Florence. *GREGG, DR. BENJAMIN, HOUSE*, 315 S. Coit St., (12-8-78)
Florence. *U.S. POST OFFICE*, Irby and W. Evan Sts., (12-21-77)
Florence vicinity. *CHRIST EPISCOPAL CHURCH*, NE of Florence on SC 327, (11-14-78)
Florence vicinity. *RANKIN-HARWELL HOUSE*, 6 mi. NE of Florence off SC 305, (10-9-74) PH0074489
Johnsonville vicinity. *SNOW'S ISLAND*, E of Johnsonville at confluence of the Great Pee Dee River and Lynch's Creek, (3-14-73) PH0074501 NHL.
Mars Bluff. *SLAVE HOUSES, GREGG PLANTATION*, Francis Marion College campus, (7-22-74) PH0074497

georgetown county

Georgetown. *GEORGETOWN HISTORIC DISTRICT*, Along N side of Sampit River, (10-14-71) PH0074535 HABS; G.
Georgetown. *OLD MARKET BUILDING (GEORGETOWN COUNTY RICE MUSEUM)*, Front and Screven Sts., (12-3-69) PH0074551
Georgetown. *PRINCE GEORGE WINYAH CHURCH (EPISCOPAL) AND CEMETERY*, Corner of Broad and Highmarket Sts., (5-6-71) PH0074586
Georgetown vicinity. *ANNANDALE PLANTATION*, About 14 mi. S of Georgetown between SC 30 and SC 18, (10-25-73) PH0074519
Georgetown vicinity. *ARCADIA PLANTATION*, 5 mi. (8 km) E of Georgetown off U.S. 17, (1-3-78)
Georgetown vicinity. *BROOKGREEN GARDENS*, 18 mi. (28.8 km) NE of Georgetown on U.S. 17, (4-15-78)
Georgetown vicinity. *CHICORA WOOD PLANTATION (MANTANZAS)*, 12 mi. NE of Georgetown on CR 52, (4-11-73) PH0074527
Georgetown vicinity. *GEORGETOWN LIGHTHOUSE*, On North Island, about 12 mi. SE of Georgetown, (12-30-74) PH0084859
Georgetown vicinity. *HOPSEWEE (THOMAS LYNCH HOUSE)*, 12 mi. S of Georgetown on U.S. 17, (1-25-71) PH0074543 NHL.
Georgetown vicinity. *MANSFIELD PLANTATION*, 5 mi. N of Georgetown off U.S. 701, (12-6-77)
Georgetown vicinity. *WICKLOW HALL PLANTATION*, S of Georgetown on SC 30, (8-29-78)

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Georgetown vicitniy. *BATTERY WHITE*, S of Georgetown on Belle Isle Rd., (11-16-77)
Pawleys Island. *PAWLEYS ISLAND HISTORIC DISTRICT*, W side of Pawleys Island, (11-15-72) PH0074560
Plantersville vicinity. *PRINCE FREDERICK'S CHAPEL RUINS*, SE of Plantersville on Rte. 52, (8-28-74) PH0074578

greenville county

Conestee. *MCBEE METHODIST CHURCH*, Main St., (3-23-72) PH0081060
Fountain Inn vicinity. *FAIRVIEW PRESBYTERIAN CHURCH*, W of Fountain Inn off SC 418, (8-16-77)
Greenville. *BEATTIE, FOUNTAIN FOX, HOUSE*, 1 Beattie Pl., (10-9-74) PH0081027
Greenville. *BROAD MARGIN*, 9 W. Avondale Dr., (12-8-78)
Greenville. *CHERRYDALE*, 1500 Poinsett Hwy., (6-17-76)
Greenville. *CHRIST CHURCH (EPISCOPAL) AND CHURCHYARD*, 10 N. Church St., (5-6-71) PH0081035
Greenville. *DOWNTOWN BAPTIST CHURCH*, 101 W. McBee Ave., (8-16-77)
Greenville. *EARLE TOWN HOUSE*, 107 James St., (8-5-69) PH0081043
Greenville. *HAMPTON-PINCKNEY HISTORIC DISTRICT*, Hampton Ave. and Pinckney St. between Butler Ave. and Lloyd St., (12-12-77)
Greenville. *KILGORE, JOSIAH, HOUSE*, N. Church and Academy Sts., (4-28-75)
Greenville. *REEDY RIVER FALLS HISTORIC PARK AND GREENWAY (VARDRY PARK)*, Both banks of Reedy River from the falls to Church St., (4-23-73) PH0081086
Greenville. *WESLEY, JOHN, METHODIST EPISCOPAL CHURCH*, 101 E. Court St., (1-20-78)
Greenville. *WHITEHALL*, 310 W. Earle St., (8-5-69) PH0081094
Greenville vicinity. *BATES, WILLIAM, HOUSE*, E of Greenville on SC 14, (12-4-78)
Greer vicinity. *GILREATH'S MILL*, 4 mi. NW of Greer on SC 101, (5-28-76)
Piedmont. *PIEDMONT MANUFACTURING COMPANY*, S end of Main St., (6-2-78) NHL.
Tigerville vicinity. *POINSETT BRIDGE*, About 4 mi. N of Tigerville on CR 42, (10-22-70) PH0081078

greenwood county

Cokesbury and vicinity. *OLD COKESBURY HISTORIC DISTRICT*, (8-25-70) PH0081116 G.
Greenwood. *SUNNYSIDE*, 105 Dargan Ave., (11-14-78)
Greenwood vicinity. *BROOKS, J. WESLEY, HOUSE*, 2 mi. S of Greenwood on U.S. 25, (3-30-73) PH0081108
Greenwood vicinity. *STONY POINT*, N of Greenwood at jct. of SC 246 and SR 39, (6-20-75)
Ninety Six vicinity. *OLD NINETY SIX AND STAR FORT*, 2 mi. S of Ninety Six between SC 248 and 27, (12-3-69) PH0081124 NHL; G.

hampton county

Brunson vicinity. *OAK GROVE*, SW of Brunson, (7-12-76)
Hampton. *HAMPTON COUNTY COURTHOUSE*, U.S. 278, (12-12-78)

horry county

Conway. *OLD HORRY COUNTY COURTHOUSE*, Main St., (4-7-71) PH0081141
Conway vicinity. *HEBRON CHURCH*, 10 mi. S of Conway off U.S. 701, (5-16-77)

jasper county

Gillisonville. *GILLISONVILLE BAPTIST CHURCH*, U.S. 278, (5-14-71)
Robertville. *ROBERTVILLE BAPTIST CHURCH*, Jct. of U.S. 321 and CR 26, (2-23-72) PH0081167

kershaw county

Boykin vicinity. *MIDFIELD PLANTATION*, NE of Boykin on SR 23, (4-20-78)
Camden. *CITY OF CAMDEN HISTORIC DISTRICT*, Bounded on S by city limits, on E and W by Southern RR. right-of-way, and on N by Dicey Creek Rd., (5-6-71) PH0102814
Camden. *HISTORIC CAMDEN REVOLUTIONARY WAR RESTORATION*, Southern area of the city, DeKalb Township, (7-29-69) PH0081191
Camden vicinity. *ADAMSON MOUNDS SITE*, About 2 mi. W of Camden, along left bank of Mound Creek, (7-16-70) PH0081175
Camden vicinity. *CAMDEN BATTLEFIELD*, 5 mi. N of Camden on U.S. 521 and 601, (10-15-66) PH0081183 NHL.
Camden vicinity. *McDOWELL SITE (CHESTNUT MOUNDS)*, 2.5 mi. S of Camden, surrounding the mouth of Big Pine Tree Creek on the Wateree River, (7-16-70) PH0081205
Liberty Hill. *LIBERTY HILL HISTORIC DISTRICT*, SC 97, (11-14-78)

lancaster county

Heath Springs vicinity. *BATTLE OF HANGING ROCK HISTORIC SITE*, About 3.5 mi. S of Heath Springs off U.S. 521, (12-31-74) PH0062715
Lancaster. *LANCASTER COUNTY COURTHOUSE*, 104 N. Main St., (2-24-71) PH0081213 NHL.
Lancaster. *LANCASTER COUNTY JAIL*, 208 W. Gay St., (8-9-71) PH0081221 NHL.
Lancaster. *LANCASTER PRESBYTERIAN CHURCH*, W. Gay St., (12-16-77)
Lancaster vicinity. *WAXHAW PRESBYTERIAN CHURCH CEMETERY*, 8 mi. N of Lancaster off U.S. 521, (9-11-75)

laurens county

Clinton vicinity. *DUNCAN'S CREEK PRESBYTERIAN CHURCH*, 5 mi. NE of Clinton, off SC 72, (11-15-73) PH0081230
Laurens. *DUNKLIN, JAMES, HOUSE*, 544 W. Main St., (10-1-74) PH0081248
Laurens. *LAURENS COUNTY COURTHOUSE*, Laurens Courthouse Sq., (6-19-72) PH0081256
Laurens. *OCTAGON HOUSE*, 619 E. Main St., (3-20-73) PH0081264 G.
Laurens. *OWINGS, JOHN CALVIN, HOUSE*, 787 W. Main St., (2-23-78)
Laurens. *SIMPSON, WILLIAM DUNLAP, HOUSE*, 726 W. Main St., (7-24-74) PH0081272
Laurens vicinity. *NICKELS-MILAM HOUSE*, S of Laurens off U.S. 221, (5-28-76)
Laurens vicinity. *SULLIVAN HOUSE (TUMBLING SHOALS)*, 10 mi. W of Laurens on U.S. 76, (5-22-73) PH0081281
Madens vicinity. *LINDLEY'S FORT SITE*, W of Madens off SC 36, (11-7-78)

lee county

Lynchburg vicinity. *TANGLEWOOD PLANTATION*, SE of Lynchburg on SC 341, (9-22-77)
Woodrow vicinity. *REMBERT CHURCH*, 1 mi. E of Woodrow on SC 37, (2-25-75)

lexington county

Cayce. *CAYCE, WILLIAM J., HOUSE*, 517 Holland Ave., (4-16-75)
Cayce vicinity. *"CONGAREES" SITE*, About 2 mi. S of Cayce on Congaree River, (12-31-74) PH0073431
Cayce vicinity. *MANNING ARCHEOLOGICAL SITE*, S of Cayce, (12-14-78)
Cayce vicinity. *SAM SITE*, S of Cayce, (12-6-78)
Cayce vicinity. *TAYLOR SITE*, (11-21-74) PH0064947
Lexington. *BERLY, WILLIAM, HOUSE*, 121 Berly St., (11-23-77)
Lexington. *BOOZER, LEMUEL, HOUSE*, 320 W. Main St., (8-16-77)
Lexington. *FOX HOUSE*, 232 Fox St., (7-1-10) PH0081299 G.
Lexington. *HAZELIUS, ERNEST L., HOUSE*, Fox St., (5-11-73) PH0081302
West Columbia. *NEW BROOKLAND HISTORIC DISTRICT*, roughly bounded by Alexander Rd., Augusta, State, Spring, and Meeting Sts., (10-10-78)
West Columbia. *SALUDA FACTORY HISTORIC DISTRICT*, Along Saluda River SE of jct. of I 126 and I 26, (5-25-73) (also in Richland County)

marion county

Latta vicinity. *OLD EBENEZER CHURCH*, 5 mi. S of Latta on SC 38, (3-30-73) PH0081329
Marion. *MARION HISTORIC DISTRICT*, (10-4-73) PH0081311 G.

marlboro county

Bennettsville. *BENNETTSVILLE HISTORIC DISTRICT*, Irregular pattern along Main St. from Everett to Lindsey and from Parsonage to Murchison, (4-20-78)
Bennettsville. *JENNINGS-BROWN HOUSE*, 121 S. Marlboro St., (2-23-72) PH0081337 G.
Bennettsville. *MAGNOLIA (CHANCELLOR WILLIAM JOHNSON HOUSE)*, 508 E. Main St., (3-14-73) PH0081345
Clio vicinity. *MCLAURIN HOUSE*, E of Clio on SR 40, (3-24-78)
Wallace vicinity. *PEGUES PLACE*, N of Wallace, off U.S. 1, (1-25-71) PH0081353

mccormick county

Bradley vicinity. *SYLVANIA*, S of Bradley off SC 10/221, (11-28-77)
McCormick. *DORN'S FLOUR AND GRIST MILL*, SC 28, (7-12-76)
Parksville. *PRICE'S GRISTMILL*, E of Parksville on SC 138 at Steven's Creek, (11-22-72) PH0081370
Troy vicinity. *BRADLEY'S COVERED BRIDGE*, 3 mi. W of Troy on SC 36, (12-22-77)
Willington vicinity. *GUILLEBEAU HOUSE*, About 2.5 mi. SE of Willington off SC 81, (3-7-73) PH0081361

newberry county

Newberry. *COATESWOOD*, 1700 Boundary St., (4-28-75)
Newberry. *NEWBERRY COLLEGE HISTORIC DISTRICT*, 2100 College St., (6-23-76)
Newberry. *NEWBERRY HISTORIC DISTRICT*, Bounded roughly by Friend, College, McKibben, and Harrington Sts., (12-31-74) PH0141488
Newberry. *NEWBERRY OPERA HOUSE*, Boyce and Nance Sts., (12-3-69) PH0081396 G.
Newberry. *OLD COURTHOUSE*, 1207 Caldwell St., (8-19-71) PH0081388
Pomaria vicinity. *ST. JOHN'S LUTHERAN CHURCH*, SE of Pomaria, (12-8-78)

oconee county

Seneca. *SENECA HISTORIC DISTRICT*, (12-31-74) PH0062863
Seneca vicinity. *ALEXANDER-HILL HOUSE*, About 10 mi. N of Seneca off SC 183, (7-24-72) PH0044814 G.
Walhalla vicinity. *ELLICOTT ROCK*, N of Walhalla off SC 107, (7-24-73) PH0044806
Walhalla vicinity. *OCONEE STATION AND RICHARDS HOUSE*, 11 mi. N of Walhalla via SC 11 and CR 95, (2-24-71) PH0044822 G.
Walhalla vicinity. *STUMPHOUSE TUNNEL COMPLEX*, 5 mi. N of Walhalla via SC 28 and Rte. 226, (4-7-71) PH0102792
Westminster. *SOUTHERN RAILWAY PASSENGER STATION*, 129 Main St., (11-7-76)

orangeburg county

Branchville. *SOUTHERN RAILWAY PASSENGER DEPOT*, 110 N. Main St., (4-23-73) PH0044873
Eutawville. *EUTAW SPRINGS BATTLEGROUND PARK*, 2 mi. E of Eutawville on SC 6 and 45, (6-5-70) PH0044849
Eutawville vicinity. *ROCKS PLANTATION*, 7 mi. E of Eutawville off SC 6, (7-13-76)
Orangeburg. *ORANGEBURG COUNTY JAIL*, 44 Saint John St., (10-2-73) PH0102784
Orangeburg vicinity. *BRUCE, DONALD, HOUSE*, SE of Orangeburg on U.S. 301, (12-1-78)
Orangeburg vicinity. *WHITE HOUSE UNITED METHODIST CHURCH*, N of Orangeburg on U.S. 301, (5-13-74) PH0044881

pickens county

PENDLETON HISTORIC DISTRICT, Reference—see Anderson County (1-2-74)
Clemson. *FORT HILL (JOHN C. CALHOUN HOUSE)*, Clemson University campus, (10-15-66) PH0102962 NHL.
Clemson. *ST. JULIEN-RAVENEL HOUSE (HANOVER HOUSE)*, Clemson University campus, (6-5-70) PH0044903
Pendleton vicinity. *OLD STONE CHURCH AND CEMETERY*, 1.5 mi. N of Pendleton off U.S. 76, (11-5-71) PH0044831
Pickens vicinity. *HAGOOD MILL*, 3.5 mi. NW of Pickens on U.S. 178, (12-11-72) PH0044890

richland county

SALUDA FACTORY HISTORIC DISTRICT, Reference—see Lexington County (1-2-74) PH0045110
Columbia. *ALLEN UNIVERSITY*, 1530 Harden St., (4-14-75)
Columbia. *ARSENAL HILL (PALMETTO IRON WORKS AND ARMORY)*, 1800 Lincoln St., (11-23-71) PH0044911
Columbia. *CALDWELL-HAMPTON-BOYLSTON HOUSE*, 829 Richland St., (5-6-71) PH0044920
Columbia. *CHAPELLE ADMINISTRATION BUILDING*, 1530 Harden St., (12-8-76) NHL.
Columbia. *CHESNUT COTTAGE*, 1718 Hampton St., (5-6-71) PH0044938
Columbia. *COLUMBIA CITY HALL*, Main at Laurel Sts., (6-19-73) PH0044946
Columbia. *COLUMBIA HISTORIC DISTRICT I (ARSENAL HILL)*, (5-6-71) PH0044954
Columbia. *COLUMBIA HISTORIC DISTRICT II*, (5-6-71) PH0044962
Columbia. *DEBRUHL-MARSHALL HOUSE*, 1401 Laurel St., (3-23-72) PH0044971 HABS.
Columbia. *FIRST BAPTIST CHURCH*, 1306 Hampton St., (1-25-71) PH0044989 NHL.
Columbia. *FIRST PRESBYTERIAN CHURCH*, 1324 Marion St., (1-25-71) PH0044997
Columbia. *HALL, AINSLEY, HOUSE*, 1616 Blanding St., (7-16-70) PH0045012 NHL.
Columbia. *HAMPTON-PRESTON HOUSE*, 1615 Blanding St., (7-29-69) PH0045021
Columbia. *HORRY-GUIGNARD HOUSE*, 1527 Senate St., (5-6-71) PH0045039
Columbia. *LACE HOUSE*, 803 Richland St., (12-17-69) PH0045055
Columbia. *LORICK-BAKER HOUSE*, 1727 Hampton St., (2-23-72) PH0045063
Columbia. *MANN-SIMONS COTTAGE*, 1403 Richland St., (4-23-73) PH0045128 G.
Columbia. *OLD CAMPUS DISTRICT, UNIVERSITY OF SOUTH CAROLINA*, Bounded by Pendleton, Sumter, Pickens, and Green Sts., (6-5-70) PH0045098 NHL; G.
Columbia. *PICRICCORN HOUSE (HALE-ELMORE-SEIBELS HOUSE)*, 1601 Richland St., (5-6-71) PH0045101
Columbia. *SOUTH CAROLINA GOVERNOR'S MANSION*, 800 Richland St., (6-5-70) PH0045004
Columbia. *SOUTH CAROLINA STATE HOSPITAL, MILLS BUILDING*, 2100 Butt St., (11-7-73) PH0045071
Columbia. *SOUTH CAROLINA STATE HOUSE*, Main St., (6-5-70) PH0045136 NHL.
Columbia. *SUPREME COURT OF SOUTH CAROLINA BUILDING (OLD U.S. POST OFFICE)*, NW corner of Gervais and Sumter Sts., (10-18-72) PH0045144
Columbia. *SYLVAN BUILDING (CENTRAL NATIONAL BANK)*, 1500 Main St., (3-23-72) PH0045152 HABS.
Columbia. *TOWN THEATRE*, 1012 Sumter St., (10-9-74) PH0045748
Columbia. *TRINITY EPISCOPAL CHURCH*, 1100 Sumter St., (2-24-71) PH0045161
Columbia. *UNION STATION (ATLANTIC COAST AND SOUTHERN RAILWAY STATION)*, 401 S. Main St., (6-19-73) PH0045179
Columbia. *WASHINGTON STREET UNITED METHODIST CHURCH*, 1401 Washington St., (12-18-70) PH0045187
Columbia. *WILSON, THOMAS WOODROW, BOYHOOD HOME*, 1705 Hampton St., (2-23-72) PH0045195
Columbia vicinity. *MILLWOOD*, E of Columbia on Garner's Ferry Rd., (3-18-71) PH0045080
Eastover vicinity. *KENSINGTON PLANTATION HOUSE*, E of Eastover off Rte. 764, (1-25-71) PH0045047

saluda county

Saluda. *BUTLER FAMILY CEMETERY*, NE of Saluda off SC 194, (12-31-74) PH0062669
Saluda vicinity. *BONHAM HOUSE*, SE of Saluda off U.S. 178, (12-30-74) PH0051764
Saluda vicinity. *SALUDA OLD TOWN SITE*, (6-28-72) PH0045209

spartanburg county

Campobello vicinity. *INGLESIDE*, 1 mi. N of Campobello on U.S. 176, (10-15-73) PH0081531
Glenn Springs vicinity. *CAMP HILL (SMITH HOUSE)*, S of Glenn Springs on SC 215, (7-6-70) PH0081485
Lyman vicinity. *MCMAKIN'S TAVERN*, NW of Lyman off SC 358, (10-9-74) PH0081540
Moore vicinity. *FREDONIA*, E of Moore off U.S. 221, (10-9-74) PH0081566
Moore vicinity. *PRICE HOUSE (PRICE'S POST OFFICE)*, SE of Moore at jct. of CR 86, 199, 200, (10-28-69)
Roebuck vicinity. *SMITH'S TAVERN*, E of SC 49, (7-23-74) PH0081582
Spartanburg. *BON HAVEN*, 728 N. Church St., (6-29-76)
Spartanburg. *CLEVELAND LAW RANGE*, 171 Magnolia St., (4-13-73) PH0081493 G.
Spartanburg. *CONVERSE COLLEGE HISTORIC DISTRICT*, 580 E. Main St., (11-12-75) G.
Spartanburg. *DUNCAN, BISHOP WILLIAM WALLACE, HOUSE*, 249 N. Church St., (7-12-76)
Spartanburg. *EVINS-BIVINGS HOUSE*, 563 N. Church St., (7-16-70) PH0081507
Spartanburg. *FOSTER'S TAVERN*, 191 Cedar Spring Rd., (12-18-70) PH0081515
Spartanburg. *SEAY, JAMMIE, HOUSE*, Darby Rd. off Crescent Ave., (10-7-71) PH0081574 G.
Spartanburg. *WOFFORD COLLEGE HISTORIC DISTRICT*, Wofford College, (12-27-74) PH0073237
Spartanburg vicinity. *ANDERSON'S MILL*, W of Spartanburg off SC 296, (11-14-78)
Spartanburg vicinity. *NICHOLLS-CROOK HOUSE*, 15 mi. SW of Spartanburg off U.S. 221, (3-20-73) PH0081558
Spartanburg vicinity. *WALKER HALL*, SE of Spartanburg on SC 56, (12-6-77)
Spartanburg vicinity. *WALNUT GROVE PLANTATION*, 8 mi. SE of Spartanburg, about 1 mi. E of jct. of U.S. 921 and I 26, (7-1-70) PH0081591

sumter county

Pinewood. *MILFORD PLANTATION*, W of Pinewood on SC 261, (11-19-71) PH0081612 NHL.
Pinewood vicinity. *ST. MARK'S CHURCH*, W of Pinewood on SR 51, (1-20-78)
Rembert vicinity. *ELLERBE'S MILL*, About 3 mi. S of Rembert off U.S. 521 on Rafting Creek, (11-20-74) PH0084841
Stateburg. *BOROUGH HOUSE PLANTATION*, SC 261, (3-23-72) PH0081604
Stateburg. *HOLY CROSS EPISCOPAL CHURCH*, SC 261, (11-7-73) PH0229873 NHL.
Sumter. *SUMTER HISTORIC DISTRICT*, Commercial area centered around Main and Liberty Sts., (4-21-75)
Sumter. *SUMTER TOWN HALL/OPERA HOUSE*, N. Main St., (5-24-73) PH0081639 G.
Sumter. *WHITE, ELIZABETH, HOUSE*, 421 N. Main St., (3-21-78)
Sumter vicinity. *RIP RAPS PLANTATION*, E of Sumter on SC 378, (12-12-78)
Sumter vicinity. *STATEBURG HISTORIC DISTRICT*, (2-24-71) PH0081621
Wedgefield vicinity. *SINGLETON'S GRAVEYARD*, 6 mi. S of Wedgefield off SC 261, (5-13-76)

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sumter county

Sumter vicinity. *SALEM BLACK RIVER PRESBYTERIAN CHURCH*, E of Sumter on SC 521, (11-14-78)

union county

FISHDAM FORD, Reference—see Chester County (1-2-74)

Carlisle vicinity. *HILLSIDE*, NW of Carlisle on SC 215, (2-17-78)

Cross Anchor vicinity. *MUSGROVE'S MILL HISTORIC BATTLE SITE*, 2.5 mi. S of Cross Anchor on SC 56, (3-4-75)

Cross Keys vicinity. *PADGETT'S CREEK BAPTIST CHURCH*, E of Cross Keys on SC 18, (5-6-71) PH0081710

Jonesville vicinity. *MEANS HOUSE, THE*, 2 mi. SW of Jonesville on SC 12, (4-13-73) PH0081698

Union. *CULP HOUSE*, 300 N. Mountain St., (4-9-75)

Union. *DAWKINS, JUDGE THOMAS, HOUSE (THE SHRUBS)*, Dawkins Court, N of E. Main St., (4-23-73) PH0081663

Union. *EPISCOPAL CHURCH OF THE NATIVITY*, Church and Pinckney Sts., (8-30-74) PH0081671

Union. *HERNDON TERRACE*, N. Pinckney St. and Catherine St., (8-25-70) PH0081680

Union. *JETER, GOV. THOMAS B., HOUSE*, 203 Thompson Blvd., (12-2-74) PH0073229

Union. *MENG HOUSE*, 117 Academy St., (7-12-76)

Union. *MERRIDUN*, 100 Merridun Pl., (6-20-74) PH0081701

Union. *UNION COUNTY JAIL*, Main St., (8-30-74) PH0081744

Union vicinity. *BATTLE OF BLACKSTOCK'S HISTORIC SITE*, W of Union off SC 49, (12-16-74) PH0062642

Union vicinity. *CEDAR BLUFF*, SC 49, (7-20-74) PH0081647

Union vicinity. *CROSS KEYS HOUSE*, SW of Union on SC 49, (6-24-71) PH0081655

Union vicinity. *PINCKNEYVILLE*, 13 mi. NE of Union on SC 13, (12-3-69) PH0081728

Union vicinity. *ROSE HILL*, 9 mi. SSW of Union on CR 16, (6-5-70) PH0081736

Unlon. *CENTRAL GRADED SCHOOL*, 309 Academy St., (3-30-78)

williamsburg county

Kingstree. *THORNTREE (WITHERSPOON HOUSE)*, SC 527, in Fluitt-Nelson Memorial Park, (10-28-70) PH0081752

Nesmith vicinity. *GAMBLE HOUSE*, W of Nesmith off SC 502, (12-8-78)

york county

Bethany vicinity. *KINGS MOUNTAIN NATIONAL MILITARY PARK*, NW of Bethany on SC 161, (10-15-66) (also in Cherokee County)

McConnells vicinity. *BETHESDA PRESBYTERIAN CHURCH*, 3.5 mi. NE of McConnellson SC 322, (8-16-77)

McConnellsville vicinity. *BRATTONSVILLE HISTORIC DISTRICT*, E of McConnellsville on CR 165 off SC 13, (8-19-71) PH0081761 G.

Rock Hill. *EBENEZER ACADEMY*, 2132 Ebenezer Rd., (8-16-77)

Rock Hill. *TILLMAN HALL*, Oakland Ave., Winthrop College campus, (12-2-77)

Rock Hill. *WHITE HOUSE*, 258 E. White St., (12-3-69) PH0081779

York. *HART HOUSE*, 220 E. Liberty St., (12-2-77)

York. *WILSON HOUSE (YORKVILLE JAIL)*, 3 S. Congress St., (11-20-74)

York. *WITHERSPOON-HUNTER HOUSE*, 15 W. Liberty St., (2-7-78)

SOUTH DAKOTA

beadle county

Huron. *CAMPBELL PARK HISTORIC DISTRICT OF HURON*, Roughly bounded by 5th, 7th, 9th, Wisconsin, California, Kansas, and Dakota Sts., (11-5-74) PH0092258

Huron. *PYLE HOUSE*, 376 Idaho Ave., SE., (12-30-74) PH0080438

brookings county

Brookings. *BROOKINGS COUNTY COURTHOUSE*, 4th St. and 6th Ave., (12-12-76)

Brookings. *CHICAGO AND NORTHWESTERN RAILROAD DEPOT*, U.S. 77, (10-8-76)

Brookings. *FISHBACK HOUSE*, 501 8th St., (10-8-76)

Brookings. *SDSU EXTENTION BUILDING*, Rotunda Lane, (3-21-78)

Brookings. *STOCK JUDGING PAVILION*, 11th St. and Medary Ave., (10-19-78)

Bruce. *WALTERS, SOLOMON, HOUSE*, Off U.S. 77, (4-26-78)

Volga. *HENRY-MARTINSON HOUSE*, 405 Kasan Ave., (12-20-77)

brown county

Aberdeen. *ABERDEEN HIGHLANDS HISTORIC DISTRICT*, Both sides of N. Main from 12th to 15th Ave., NE., (6-5-75)

Aberdeen. *ABERDEEN HISTORIC DISTRICT*, Both sides of 3rd–6th Avcs. and Jay, Kline and Arch Sts., (6-5-75)

Aberdeen. *BROWN COUNTY COURTHOUSE*, 1st Ave., (6-3-76)

Aberdeen. *CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD DEPOT*, Main St. and Railroad Ave., (9-20-77)

Aberdeen. *EASTON'S CASTLE*, 1210 2nd Ave. NW., (3-1-73) PH0092266

Aberdeen. *FIRST UNITED METHODIST CHURCH*, S. Lincoln St. and SE. 5th Ave., (5-28-76)

Aberdeen. *MINNEAPOLIS AND ST. LOUIS RAILROAD DEPOT*, 1100 S. Main St., (9-28-76)

Aberdeen. *WESTERN UNION BUILDING*, 21–23 S. Main St., (12-12-76)

Aberdeen vicinity. *WYLIE PARK PAVILION*, N of Aberdeen off U.S. 281, (1-26-78)

buffalo county

Chamberlain vicinity. *CROW CREEK SITE*, 15 mi. N of Chamberlain on the E side of the Missouri River near SD 47, (10-15-66) PH0103748 NHL.

Fort Thompson vicinity. *FORT THOMPSON MOUNDS*, Near Fort Thompson on SD 50, Crow Creek Indian Reservation, (10-15-66) PH0103721 NHL.

butte county

Belle Fourche. *SCOTNEY, JOHN AARON, HOUSE*, 830 9th St., (1-3-78)

Belle Fourche. *WIDE AWAKE GROCERY BUILDING*, 520 State St., (3-30-78)

Belle Fourche vicinity. *BELLE FOURCHE DAM (ORMAN DAM)*, E of Belle Fourche off U.S. 212, (11-23-77)

Newell vicinity. *BELLE FOURCHE EXPERIMENT FARM*, NW of Newell off SD 79, (12-22-76)

charles mix county

Geddes. *GEDDES HISTORIC DISTRICT*, Off SD 50, (5-8-73) PH0092274 G.

Greenwood vicinity. *HOLY FELLOWSHIP EPISCOPAL CHURCH*, SE of Greenwood, (6-5-75)

Greenwood vicinity. *RISING HAIL COLONY*, 5 mi. NW of Greenwood along Seven Mile Creek, (4-28-75)

clay county

Hub City vicinity. *ANDERSON HOMESTEAD*, E of Hub City, (3-30-78)

Vermillion. *AUSTIN-WHITTEMORE HOUSE*, 15 Austin Ave., (10-18-72) PH0092291 G.

Vermillion. *INMAN HOUSE*, 415 E. Main St., (5-24-76) G.

Vermillion. *OLD MAIN (UNIVERSITY HALL)*, Clark St., University of South Dakota campus, (3-24-73) PH0092282

Vermillion. *VERMILLION HISTORIC DISTRICT*, Bounded by N. Yale, E. Clark, Willow and E. Main Sts., (2-24-75)

Vermillion vicinity. *RICE FARM*, W of Vermillion, (1-20-78)

Vermillion vicinity. *SPIRIT MOUND (PAKA WAKAN)*, (11-19-74) PH0092304

codington county

Florence vicinity. *HALSE HALFWAY HOUSE*, 6 mi. N of Florence, (6-5-75)

Watertown. *CARNEGIE FREE PUBLIC LIBRARY*, 25 1st Ave. SE., (6-18-76)

Watertown. *CODINGTON COUNTY COURTHOUSE*, 1st Ave. SE., (7-24-78)

Watertown. *MELLETTE HOUSE*, 421 5th Ave., NW., (8-13-76)

Watertown. *WATERTOWN POST OFFICE*, 26 S. Broadway, (12-12-76)

Watertown vicinity. *EMMINGER, CORSON, ROUND BARN*, S of Watertown on U.S. 81, (3-30-78)

Watertown vicinity. *OLIVE PLACE*, N of Watertown off U.S. 81, (5-23-78)

corson county

McIntosh. *FORT MANUEL*, SD 12, (12-2-77)

custer county

Custer. *CUSTER COUNTY COURTHOUSE*, 411 Mt. Rushmore Rd., (11-27-72) PH0092347 G.

Custer. *WAY PARK MUSEUM (LOG CABIN MUSEUM)*, 4th St. and Rushmore Rd., (3-7-73) PH0092355

Custer vicinity. *BADGER HOLE (BADGER CLARK HOUSE)*, 1 mi. E of Legion Lake on U.S. 16A, (3-7-73) PH0092321

Custer vicinity. *COLD SPRINGS SCHOOLHOUSE*, SE of Custer off SR 336 in Black Hills National Forest, (3-7-73) PH0092339

Custer vicinity. *NORBECK, PETER, SUMMER HOUSE*, W of Custer at Custer State Park, (9-13-77)

davison county

Mitchell. *DAKOTA WESLEYAN UNIVERSITY*, Bounded by E. and W. University Aves. and McCabe St., (12-22-76)

Mitchell. *HOLY FAMILY CHURCH, SCHOOL, AND RECTORY*, Kimball and Davison Sts., E. 2nd and E. 3rd Aves., (12-12-76)

Mitchell. *MITCHELL HISTORIC COMMERCIAL DISTRICT*, 210 S.–604 N. Main, 119–201 W. 3rd St., 117–219 E. 4th St., and 112–220 W. 5th St., (6-27-75) G.

Mitchell. *MITCHELL SITE*, Municipal golf course, (10-15-66) PH0092363 NHL; G.

deuel county

Clear Lake. *DEUEL COUNTY COURTHOUSE AND JAIL*, SD 22, (6-16-76)

Gary. *FIRST NATIONAL BANK*, Off SD 22, (12-2-77)

Gary. *ODD FELLOWS BUILDING*, Main St., (6-3-76)

Gary. *OLD FELLOW'S BUILDING*, Main St., (6-3-76)

dewey county

Mobridge vicinity. *MOLSTAD VILLAGE*, 18 mi. S of Mobridge, overlooking the Oahe Reservoir, (10-15-66) PH0092568 NHL.

douglas county

Armour. *ARMOUR HISTORIC DISTRICT*, Main St. between 3rd and 7th Sts., (1-30-78)

Armour. *DOUGLAS COUNTY COURTHOUSE AND AUDITOR'S OFFICE*, U.S. 281, (3-21-78)

edmunds county

Ipswich. *BEEBE, MARCUS, HOUSE*, 4th St. and 5th Ave., (12-12-76)

Ipswich. *BEEBE, MARCUS P., LIBRARY*, Main St. and 2nd Ave., (11-16-77)

Ipswich. *IPSWICH BAPTIST CHURCH*, Main St. and 3rd Ave., (1-30-78)

Ipswich. *IPSWICH STATE BANK*, 1st Ave. and Main St., (5-22-78)

fall river county

Edgemont vicinity. *FLINT HILL ABORIGINAL QUARTZITE QUARRY*, E of Edgemont, (7-14-78)

Hot Springs. *HOT SPRINGS HISTORIC DISTRICT*, Roughly both sides of River St. in an irregular pattern from Summit Rd. S to Baltimore St., including part of Minnekahta Ave., (6-25-74) PH0092371 G.

faulk county

Faulkton. *PICKLER, MAJ. JOHN A., HOMESTEAD*, S edge of Faulkton city limits, (4-11-73) PH0092380 G.

grant county

Milbank. *FIRST CONGREGATIONAL CHURCH OF MILBANK*, E. 3rd Ave., (4-19-78)

Milbank. *FIRST NATIONAL BANK OF MILBANK*, 225 S. Main St., (4-19-78)

Milbank. *MILBANK CARNEGIE LIBRARY*, S. 3rd Ave., (11-21-78)

Strandburg. *SWEDISH LUTHERAN CHURCH OF STRANDBURG*, Main St., (2-17-78)

Summit vicinity. *LEBANON LUTHERAN CHURCH*, 8 mi. SW of Summit, (9-15-77)

gregory county

Dallas. *DALLAS CARNEGIE LIBRARY*, (5-28-76)

Dixon vicinity. *POCAHONTAS SCHOOLHOUSE*, 4.5 mi. NE of Dixon, (4-26-73) PH0092398 G.

Pickstown vicinity. *FORT RANDALL*, 3 mi. SW of Pickstown, (4-22-76)

hanson county

Bloom vicinity. *BLOOM SITE*, E of Bloom on the James River, (10-15-66) PH0103730 NHL.

hughes county

Blunt. *GRAHAM, MENTOR, HOUSE*, U.S. 14, (12-13-76)

Pierre. *BRINK-WAGNER HOUSE*, 110 E. 4th St., (4-26-78)

Pierre. *CRAWFORD-PETTYJOHN HOUSE*, 129 S. Washington St., (9-22-77)

Pierre. *KARCHER-SAHR HOUSE*, 222 E. Prospect St., (9-22-77)

Pierre. *MEADE, JUDGE C. D., HOUSE*, 106 W. Prospect St., (10-7-77)

Pierre. *SOUTH DAKOTA STATE CAPITOL AND GOVERNOR'S HOUSE*, Bounded by Broadway, Washington, and Capitol Aves., (9-1-76)

Pierre. *STEPHENS-LUCAS HOUSE*, 123 N. Nicollette, (5-26-77)

Pierre vicinity. *ARZBERGER SITE*, 7.5 mi. E of Pierre on the Missouri River, (10-15-66) PH0092401 NHL.

hyde county

Highmore. *HYDE COUNTY COURTHOUSE*, 412 Commercial St., SE., (3-30-78)

Highmore. *OLD HYDE COUNTY COURTHOUSE*, 110 Commercial St., SE., (4-19-78)

jackson county

Interior vicinity. *PRAIRIE HOMESTEAD*, N of Interior on U.S. 16A/SD 40, (1-11-74) PH0092410

jerauld county

Wessington Springs. *VESSEY, ROBERT S., HOUSE*, 118 College Ave., (4-26-78)

Wessington Springs. *WESSINGTON SPRINGS OPERA HOUSE*, 111 Dakota Ave. N., (7-21-76)

kingsbury county

De Smet. *INGALLS HOUSE*, 210 3rd St. W., (4-21-75)

De Smet. *RAILROAD CAMP SHANTY (SURVEYOR'S SHANTY)*, 1st and Olivet Sts., (3-20-73) PH0092428

DeSmet. *CHICAGO NORTHWESTERN DEPOT*, SD 25, (12-12-76)

DeSmet. *KINGSBURY COUNTY COURTHOUSE*, SD 25, (9-22-77)

lake county

Madison. *LUCE, HERMAN, CABIN*, Lake Herman State Park, (1-30-78)

Madison. *MACKAY, WILLIAM A., HOUSE*, 304 N.E. 4th St., (6-3-76)

Madison. *MADISON HISTORIC DISTRICT*, Bounded roughly by Egan Ave. (both sides), Washington, 4th and 7th Sts., (5-11-76)

Madison vicinity. *CHAPEL EMMANUEL RAILROAD CAR*, W of Madison on U.S. 81 in Prairie Village, (9-8-76)

lawrence county

Spearfish vicinity, S of Spearfish off U.S. 14, (5-19-78)

Deadwood. *DEADWOOD HISTORIC DISTRICT*, (10-15-66) PH0103705 NHL.

Lead. *LEAD HISTORIC DISTRICT*, (12-31-74) PH0088676

Spearfish. *EPISCOPAL CHURCH OF ALL ANGELS*, 129 W. Michigan, (4-22-76)

Spearfish. *HALLORAN-MATTHEWS-BRADY HOUSE*, 214 E. Jackson St., (12-12-76)

Spearfish. *LOWN, WILLIAM ERNEST, HOUSE*, 745 5th St., (5-28-76)

Spearfish. *SPEARFISH HISTORIC COMMERCIAL DISTRICT*, 544, 545, 603–645 Main St., 114–136 W. Illinois St., and 701–703 5th St., (6-5-75)

Spearfish vicinity. *FRAWLEY HISTORIC RANCH*, 6 mi. E of Spearfish on U.S. 14/85, (12-31-74) PH0092436 NHL.

lincoln county

BLOOD RUN SITE, Reference—see Lyon County, IA (1-2-74)

lyman county

Lower Brule vicinity. *LANGDEAU SITE*, N of Lower Brule on SD 47W, (10-15-66) PH0103713 NHL.

Presho. *VERNON, EDGAR, HOUSE*, Off U.S. 16, (3-30-78)

marshall county

Britton vicinity. *FORT SISSETON (FORT WADSWORTH)*, SE of Britton, (5-10-73) PH0092444 G.

meade county

Sturgis. *STURGIS COMMERCIAL BLOCK*, 1000–1028 Main St., (6-20-75)

Sturgis. *TALLENT, ANNIE, HOUSE*, 1603 Main St., (5-28-76)

Sturgis. *TUBBS, POKER ALICE, HOUSE*, N. Junction St., (6-5-75)

Sturgis. *WENKE, JOHN G., HOUSE*, 1340 Junction Ave., (5-28-76)

Sturgis vicinity. *BEAR BUTTE*, NE of Sturgis, (6-19-73) PH0092452

Sturgis vicinity. *FORT MEADE DISTRICT*, E of Sturgis on SD 34, (5-22-73) PH0092461

minnehaha county

Dell Rapids. *DELL RAPIDS HISTORIC DISTRICT*, 335–536 E. 4th St., (2-23-78)

Sioux Falls. *ALL SAINTS SCHOOL MAIN BUILDING*, 101 W. 17th St., (3-14-73) PH0092479

Sioux Falls. *AUGUSTANA COLLEGE HISTORIC BUILDINGS*, 29th and S. Summit Sts., (3-25-77)

Sioux Falls. *BOWEN, MARION E., HOUSE*, 840 W. 9th St., (5-28-76)

Sioux Falls. *COUGHRAN, EDWARD, HOUSE*, 1203 S. 1st Ave., (5-28-76)

Sioux Falls. *FEDERAL BUILDING AND U.S. COURTHOUSE*, 400 S. Phillips Ave., (5-2-74) PH0092487

Sioux Falls. *GRAND LODGE AND LIBRARY OF THE ANCIENT FREE AND ACCEPTED MASONS*, 415 S. Main Ave., (5-28-76)

Sioux Falls. *OLD MINNEHAHA COUNTY COURTHOUSE*, Main Ave. at 6th St., (5-10-73) PH0092495 G.

Sioux Falls. *PHILLIPS BLOCK*, 333–335 N. Main Ave., (1-18-78)

Sioux Falls. *ROCK ISLAND DEPOT*, 210 E. 10th St., (2-15-74) PH0092509

Sioux Falls. *SIOUX FALLS HISTORIC DISTRICT*, Bounded by W. 4th and 10th Sts., Spring, Prairie, and Summit Aves., (6-5-74) PH0092525 G.

Sioux Falls. *SIOUX FALLS PUBLIC LIBRARY (CARNEGIE FREE PUBLIC LIBRARY)*, 235 W. 10th St., (3-14-73) PH0092517

Sioux Falls. *SOUTH DAKOTA STATE PENITENTIARY HISTORIC BUILDING*, 1600 North Dr., (4-20-78)

pennington county

Hill City. *HARNEY PEAK TIN MINING COMPANY BUILDINGS*, U.S. 16/85, (7-21-77)

Hill City. *HARNEY PEAKE HOTEL*, U.S. 16, (4-11-77)

Hill City. *VON WOEHRMANN BUILDING*, U.S. 16, (4-13-77)

Keystone vicinity. *MOUNT RUSHMORE NATIONAL MEMORIAL*, 3 mi. W of Keystone off U.S. 16A, (10-15-66)

Rapid City. *CHURCH OF THE IMMACULATE CONCEPTION*, 918 5th St., (6-5-75) PH0150959

Rapid City. *EMMANUEL EPISCOPAL CHURCH*, 717 Quincy St., (5-29-75)

Rapid City. *PENNINGTON COUNTY COURTHOUSE*, 301 St. Joseph St., (5-28-76)

Rapid City. *RAPID CITY HISTORIC COMMERCIAL DISTRICT*, Bounded by both sides of Main, St. Joseph, 7th, and 6th Sts., (10-1-74) PH0092533

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Rapid City. *RAPID CITY WEST BOULEVARD HISTORIC DISTRICT*, Bordered by Kansas City, Fairview, 11th, 7th, and 8th Sts., (12-31-74) PH0103756

perkins county

Bison. *CARR, ANNA, HOMESTEAD*, Off SD 20, (1-20-78)
Lemmon. *GOLDEN RULE DEPARTMENT STORE*, 201–203 Main St., (12-12-76)
Lemmon. *HARRIMAN, L. F., HOUSE*, 111 2nd Ave., W., (12-12-76)
Lemmon. *LEMMON, G. E., HOUSE*, 507 3rd Ave., W., (12-12-76)
Lemmon. *LEMMON PETRIFIED PARK*, Off U.S. 12, (11-21-77)

roberts county

Sisseton. *ROBERTS COUNTY COURTHOUSE*, SD 10, (12-12-76)

shannon county

Batesland vicinity. *WOUNDED KNEE BATTLEFIELD*, 1.1 mi. W of Batesland, Pine Ridge Indian Reservation, (10-15-66) PH0092541 NHL.

spink county

Ashton vicinity. *NORWOOD, JAMES, ROUND BARN*, SE of Ashton on Snake Creek, (1-3-78)
Redfield. *REDFIELD CARNEGIE LIBRARY*, 5 E. 5th Ave., (2-17-78)
Redfield. *REDFIELD LIGHT PLANT AND FIRE STATION*, 614 1st St. E., (3-21-78)

stanley county

Fort Pierre. *LA VERENDRYE SITE*, Off U.S. 83, (8-7-74) PH0092550
Fort Pierre. *OLD FORT PIERRE SCHOOL*, 2nd Ave. and 2nd St., (11-25-77)
Fort Pierre. *STOCKGROWERS BANK BUILDING*, Deadwood and Main Sts., (11-11-77)
Fort Pierre. *SUMNER, GAYLORD, HOUSE*, 2nd and Wandel Sts., (12-21-77)
Fort Pierre. *UNITED CHURCH OF CHRIST, CONGREGATIONAL*, 2nd and Main St., (12-21-77)
Fort Pierre vicinity. *FORT PIERRE CHOUTEAU SITE*, N of Fort Pierre, (4-3-76)

todd county

St. Francis. *ST. FRANCIS MISSION*, Rosebud Indian Reservation, (6-20-75)

turner county

Hurley. *BROUGH-MARTINSON HOUSE*, Off SD 19, (3-30-78)
Hurley. *FARRAR HOUSE*, Off SD 19, (3-21-78)
Hurley. *GRAVES, DR. HARRY S., HOUSE*, Center Ave. and Monroe St., (3-21-78)

walworth county

Mobridge. *BROWN, A. H., PUBLIC LIBRARY*, N. Main St., (12-22-78)
Mobridge. *MOBRIDGE MASONIC TEMPLE*, 6th and Main Sts., (3-25-77)

washabaugh county

Wanblee vicinity. *LIP'S CAMP*, SE of Wanblee on E bank of Pass Creek, (6-11-75)

yankton county

Yankton. *BISHOP MARTY RECTORY*, 1101 W. 5th St., (12-27-74) PH0092576
Yankton. *EXCELSIOR FLOUR MILL*, 2nd and Capital, (11-7-76)
Yankton. *OHLMAN-SHANNON HOUSE*, 205 Green St., (5-28-76)
Yankton. *YANKTON COLLEGE CONSERVATORY*, Yankton College campus, (2-24-75) PH0092584
Yankton. *YANKTON COUNTY COURTHOUSE*, 3rd St. and Broadway, (9-3-76)
Yankton. *YANKTON HISTORIC DISTRICT*, Bounded by Marne Creek and 4th St., and includes both sides of Cedar and Mulberry Sts., (2-13-75) PH0092592

TENNESSEE

anderson county

Lake City vicinity. *EDWARDS-FOWLER HOUSE*, 3.5 mi. S of Lake City on Dutch Valley Rd., (5-29-75)
Norris. *ARNWINE CABIN*, TN 61, (3-16-76)
Norris. *NORRIS DISTRICT*, Town of Norris on U.S. 441/TN 71, (7-10-75)
Oak Ridge. *X-10 REACTOR, OAK RIDGE NATIONAL LABORATORY*, (10-15-66) PH0112585 NHL.

bedford county

Bell Buckle. *BELL BUCKLE HISTORIC DISTRICT*, Irregular pattern bounded roughly by Webb Rd., Abernathy, Maple, Cumberland, and Church Sts., (1-20-76)
Bell Buckle. *WEBB SCHOOL, JUNIOR ROOM*, Off TN 82, (4-11-73) PH0063959 G.
Shelbyville. *BEDFORD COUNTY JAIL*, N. Spring and Jackson Sts., (4-1-75)
Shelbyville. *COOPER, GOV. PRENTICE, HOUSE*, 413 E. Lane St., (6-5-75)
Shelbyville. *GILLILAND, JAMES, HOUSE*, 803 Lipscomb St., (5-12-75)
Shelbyville vicinity. *GRASSLAND FARM (ALEXANDER GREER HOUSE)*, 8 mi. SW of Shelbyville on Snell Rd., (3-4-75)
Wartrace vicinity. *MARTIN HOUSE*, 7 mi. NE of Wartrace off TN 64, (4-14-72) PH0063941

benton county

Big Sandy vicinity. *MOUNT ZION CHURCH*, 5.5 mi. SE of Big Sandy, (10-2-73) PH0063967
Camden vicinity. *THOMPSON, WILLIAM, HOUSE*, S of Camden, off TN 69, (5-6-76)

blount county

Binfield vicinity. *HENRY HOUSE*, SE of Binfield on Henry Lane, (11-1-74) PH0063975
Louisville. *LOUISVILLE HISTORIC DISTRICT*, Between railroad tracks and Tennessee River, (12-23-74) PH0062634
Maryville. *ANDERSON AND MEMORIAL HALLS*, Maryville College campus, (2-20-75)
Maryville. *THOMPSON-BROWN HOUSE*, 1005 Tuckleechee Pike, (11-2-78)
Maryville vicinity. *SAM HOUSTON SCHOOLHOUSE*, NE of Maryville on TN 8, (6-13-72) PH0063983
Townsend. *CADES COVE HISTORIC DISTRICT*, 10 mi. SW of Townsend in Great Smoky Mountains National Park, (7-13-77)
Townsend. *LITTLE RIVER LUMBER COMPANY OFFICE*, TN 73, (11-8-74) PH0063991

bradley county

Charleston. *HENEGAR HOUSE*, Market St., (7-6-76)
Cleveland. *CRAIGMILES, P. M., HOUSE (CLEVELAND PUBLIC LIBRARY)*, 833 Ocoee St., NW., (11-20-75)
Cleveland. *WILSON, C. J., STORE*, 3202 Ocoee St., (6-10-75) HABS.
Cleveland vicinity. *CONRAD, HAIR, CABIN*, W of Cleveland on Blythewood Rd., (9-13-76)
Cleveland vicinity. *RATTLESNAKE SPRINGS*, NE of Cleveland off Dry Valley Rd., (9-5-75)
Cleveland vicinity. *RED CLAY COUNCIL GROUND*, 13 mi. S of Cleveland on Blue Springs Rd., (9-14-72) PH0064009

campbell county

Fincastle. *KINCAID-HOWARD HOUSE*, TN 63, (3-16-76)
La Follette. *LA FOLLETTE HOUSE*, Indiana Ave., (5-29-75)
Speedwell vicinity. *SMITH-LITTLE-MARS HOUSE*, W of Speedwell on TN 63, (11-7-76)
Speedwell vicinity. *SMITH–LITTLE–MARS HOUSE*, W of Speedwell on TN 63, (11-7-76)

cannon county

Readyville. *READYVILLE MILL*, On U.S. 70S, (7-2-73) PH0282693 G.

carter county

Elizabethton. *CARTER, JOHN AND LANDON, HOUSE*, E. Broad St., (4-14-72) PH0112941 G.
Elizabethton. *ELIZABETHTON HISTORIC DISTRICT*, Bounded roughly by 2nd, 4th, East, and Sycamore Sts., (3-14-73) PH0064025 HAER.
Elizabethton. *SABINE HILL*, Off TN 67, (4-11-73) PH0064033
Elizabethton vicinity. *SYCAMORE SHOALS*, 2 mi. W of Elizabethton on the Watauga River, (10-15-66) PH0112593 NHL.

cheatham county

Ashland City. *CHEATHAM COUNTY COURTHOUSE*, Court Sq., (12-12-76)
Ashland City vicinity. *INDIAN TOWN BLUFF*, (8-30-74) PH0064041
Kingston Springs vicinity. *MOUND BOTTOM*, (9-3-71) PH0064050
Kingston Springs vicinity. *NARROWS OF THE HARPETH*, Rte. 2, (4-16-71) PH0064068

claiborne county

CUMBERLAND GAP NATIONAL HISTORICAL PARK, Reference—see Bell County, KY (1-2-74)
Harrogate. *GRANT-LEE HALL*, Lincoln Memorial University campus, (12-8-78)
Speedwell vicinity. *KINCAID-AUSMUS HOUSE*, NE of Speedwell off TN 63, (6-18-75)
Speedwell vicinity. *MCCLAIN-ELLISON HOUSE*, W of Speedwell on Rte. 2 off TN 63, (6-10-75)
Springdale. *BIG SPRING UNION CHURCH*, Off TN 32, (5-29-75)
Tazewell. *GRAHAM-KIVETTE HOUSE*, Main St. and Old Knoxville Rd., (5-29-75)
Tazewell. *PARKEY HOUSE*, Main St., (2-1-72) PH0083623

clay county

Celina. *CLAY COUNTY COURTHOUSE*, TN 52, (9-22-77)

cocke county

Newport. *ELM HILL*, 206 W. Riverview St., (5-29-75)
Newport vicinity. *BEECHWOOD HALL*, N of Newport on Rankin Rd., (5-29-75)
Newport vicinity. *GREENLAWN*, NW of Newport on Old Rankin Rd., (5-29-75)
Newport vicinity. *O'DELL HOUSE*, NE of Newport on Greeneville Hwy., (4-1-75)
Newport vicinity. *VINSON HOUSE*, 4.5 mi. S of Newport off Hartford Rd., (5-29-75)
Parrottsville. *YETT-ELLISON HOUSE*, Main St. (Greeneville Hwy.), (4-16-75)

Parrottsville vicinity. *SWAGGERTY BLOCKHOUSE*, E of Parrottsville on U.S. 411, (6-18-73) PH0064076

coffee county

Manchester. *COFFEE COUNTY COURTHOUSE*, Public Sq., (2-12-74) PH0064084
Manchester. *OLD STONE FORT*, (2-20-73) PH0064092

cumberland county

Pleasant Hill. *PIONEER HALL*, Main St., (11-21-78)

davidson county

OLD NATCHEZ TRACE, From AL/TN border to U.S. 100 in Davidson Co., (5-30-75) (also in Hickman, Lawrence, Lewis, Maury, Wayne and Williamson counties)
Antioch. *HAYS-KISER HOUSE*, 834 Reeves Rd., (9-10-74) PH0064211
Antioch vicinity. *CANE RIDGE CUMBERLAND PRESBYTERIAN CHURCH*, SE of Antioch on Old Hickory Blvd., (12-12-76)
Bellevue. *BELLE VUE*, Old Harding Rd., off U.S. 70S, (10-25-73) PH0064122
Donelson. *CLOVER BOTTOM MANSION*, 2930 Lebanon Rd., (4-3-75)
Hermitage. *TULIP GROVE*, Lebanon Rd., (2-26-70) PH0064408
Nashville. *BELAIR*, 2250 Lebanon Rd., (5-6-71) HABS.
Nashville. *BELMONT*, Belmont Blvd., (5-6-71) PH0064131 HABS; G.
Nashville. *CHRIST CHURCH*, 900 Broadway, (11-14-78)
Nashville. *CHURCH OF THE ASSUMPTION*, 1227 7th Ave. N., (8-22-77)
Nashville. *COLE HOUSE*, 2001 Lebanon Rd., (12-27-74) PH0062600
Nashville. *EDGEFIELD HISTORIC DISTRICT*, Roughly bounded by Woodland, S. 10th and S. 5th Sts., and Shelby Ave., (7-13-77)
Nashville. *EIGHTH AVENUE SOUTH RESERVOIR*, 8th Ave. S., (3-30-78)
Nashville. *FEDERAL OFFICE BUILDING (CUSTOMSHOUSE)*, Broadway, (12-26-72) PH0064173
Nashville. *FIRST PRESBYTERIAN CHURCH (DOWNTOWN PRESBYTERIAN CHURCH)*, 154 5th Ave., N., (7-8-70)
Nashville. *FISK UNIVERSITY HISTORIC DISTRICT isk University Historic District, TN*, Roughly bounded by 16th and 18th Aves., Hermosa, Herman and Jefferson Sts., (2-9-78)
Nashville. *FORT NEGLEY*, Ridley Blvd. and Chestnut St., (4-21-75)
Nashville. *GEDDES, JAMES, ENGINE COMPANY NO. 6*, 629 2nd Ave. S., (1-9-78)
Nashville. *GYMNASIUM, VANDERBILT UNIVERSITY*, West End and 23rd Aves., (2-23-72) PH0064203 HABS.
Nashville. *HERMITAGE HOTEL*, 231 6th Ave. N., (7-24-75)
Nashville. *HOLY TRINITY CHURCH*, 615 6th Ave., S., (4-14-72) PH0064238 HABS; G.
Nashville. *HUBBARD HOUSE*, 1109 1st Ave., S., (8-14-73) PH0064246
Nashville. *HUME-FOGG HIGH SCHOOL*, 700 Broad St., (10-16-74) PH0064254
Nashville. *JUBILEE HALL, FISK UNIVERSITY*, 17th Ave., N., (12-9-71) PH0064262 NHL; HABS.
Nashville. *LITTERER LABORATORY*, 631 2nd Ave. S., (1-9-78)
Nashville. *MECHANICAL ENGINEERING HALL, VANDERBILT UNIVERSITY*, Grand Ave. and 21st Ave., S., (12-13-78)
Nashville. *NASHVILLE ARCADE*, Between 4th and 5th Aves., (5-22-73) PH0064271
Nashville. *NASHVILLE CHILDREN'S MUSEUM (LINDSLEY HALL, UNIVERSITY OF NASHVILLE*, 724 2nd Ave., S., (5-6-71) PH0064289 G.
Nashville. *NASHVILLE CITY CEMETERY*, 1001 S. 4th Ave., (10-18-72) PH0064297
Nashville. *NASHVILLE UNION STATION AND TRAINSHED*, Broadway and 10th Ave., (12-30-69) PH0064301 NHL; HABS.
Nashville. *PARTHENON, THE*, Centennial Park, (2-23-72)
Nashville. *PEABODY COLLEGE FOR TEACHERS*, 21st Ave. S. and Edgehill Ave., (10-15-66) PH0064190 NHL.
Nashville. *RIVERWOOD*, 1833 Welcome Lane, (7-20-77)
Nashville. *ROBINCROFT*, 746 Benton Ave., (7-10-78)
Nashville. *RYMAN AUDITORIUM (GRAND OLD OPRY HOUSE)*, 116 Opry Pl., (5-6-71) PH0064335
Nashville. *SECOND AVENUE COMMERCIAL DISTRICT*, 2nd Ave. between Brandon St. and Broadway, (2-23-72) PH0064351 HABS.
Nashville. *ST. CECILIA ACADEMY*, 8th Ave. and Clay St., (12-12-76)
Nashville. *ST. MARY'S CATHOLIC CHURCH*, 330 5th Ave., N., (7-8-70) PH0064343
Nashville. *STUMP, FREDERICK, HOUSE*, 4949 Buena Vista Pike, (4-2-73) PH0064360
Nashville. *SUNNYSIDE*, 3000 Granny White Pike, (10-1-74) PH0064378
Nashville. *TENNESSEE STATE CAPITOL*, Capitol Hill, (11-11-71) PH0064386 NHL; HABS.
Nashville. *TRAVELLERS' REST*, Franklin Rd., (12-30-69) PH0064394 G.
Nashville. *TWO RIVERS (DAVID H. MCGAVOCK HOUSE)*, 3130 McGavock Pike, (2-23-72) PH0064416 HABS.
Nashville. *WEST MEADE*, Old Harding Pike, (3-4-75)
Nashville. *WOODLAWN*, 127 Woodmont Blvd., (11-21-78)
Nashville vicinity. *BELLE MEADE*, Harding Rd. at Leake Ave., (12-30-69) PH0064114 G.
Nashville vicinity. *BRICK CHURCH MOUND AND VILLAGE SITE*, (5-7-73) PH0064149
Nashville vicinity. *DEVON FARM*, S of Nashville on TN 100, (8-28-74) PH0064165
Nashville vicinity. *HERMITAGE, THE*, 12 mi. E of Nashville on U.S. 70N, (10-15-66) PH0064220 NHL; G.
Nashville vicinity. *NEWSOM'S MILL*, W of Nashville at Big Harpeth River, (9-13-76)
Old Hickory. *CLEVELAND HALL*, 4041 Old Hickory Blvd., (4-16-71) PH0064157 HABS.

decatur county

Decaturville vicinity. *BROWNSPORT FURNACE*, SE of Decaturville at Furnace Hollow, (8-26-77)
Parsons. *RAINS, JOHN P., HOTEL (COLWICK HOTEL)*, 106–108 Tennessee Ave. South, (11-21-78)

dickson county

Charlotte. *CHARLOTTE COURTHOUSE SQUARE HISTORIC DISTRICT*, Public Square and environs, (11-25-77)
Cumberland Furnace. *DROUILLARD HOUSE*, Off TN 48, (12-27-77)
Cumberland Furnace. *ST. JAMES EPISCOPAL CHURCH*, Off TN 48, (8-22-77)
Dickson vicinity. *RUSKIN COLONY GROUNDS*, NW of Dickson on Yellow Creek Rd., (10-29-74) PH0052787

dyer county

Dyersburg. *LATTA HOUSE*, 917 Troy Ave., (11-14-78)

fayette county

Brownsville vicinity. *LUCERNE*, 20 mi. S of Brownsville on TN 76, (12-23-77)
Elba vicinity. *MILLER HOUSE*, Raleigh-La Grange Rd., (12-8-78)
La Grange. *IMMANUEL CHURCH (EPISCOPAL)*, 2nd and Chestnut Sts., (4-14-72) PH0052795
La Grange and vicinity. *LA GRANGE HISTORIC DISTRICT*, Bounded by La Grange town boundaries and including both sides of TN 57 E to jct. with TN 18, (4-4-75) G.
Williston. *CRAWFORD GENERAL STORE*, Macon Rd., (7-8-75)

fentress county

Pall Mall. *SERGEANT YORK HISTORIC AREA*, Off Alvin York Hwy., (4-11-73) PH0052809
Pall Mall vicinity. *YORK, ALVIN CULLOM, FARM*, U.S. 127, (5-11-76) NHL.

franklin county

Belvidere vicinity. *CIRCULAR BARN AT CLOVERDALE FARM*, S of Belvidere off U.S. 64, (12-12-76)
Belvidere vicinity. *ZAUGG BANK BARN*, SE of Belvidere off U.S. 64, (12-18-73) PH0052833
Cowan. *COWAN DEPOT*, Front St., (11-24-78)
Cowan vicinity. *CUMBERLAND MOUNTAIN TUNNEL*, SE of Cowan, (8-22-77)
Decherd vicinity. *LEWIS, COL. JAMES, HOUSE*, E of Decherd on Greenhaw Rd., (11-21-76)
Huntland vicinity. *FALLS MILL*, 1 mi. off U.S. 64, (2-23-72) PH0052817
Old Salem vicinity. *MANN, R. N., HOUSE*, N of Old Salem off U.S. 64, (9-22-77)
Winchester. *BANK OF WINCHESTER BUILDING*, 1st Ave., (5-23-78)
Winchester. *HUNDRED OAKS*, Oak St. at U.S. 64, (5-28-75) HABS.
Winchester. *KNIES BLACKSMITH SHOP*, 118 N. Jefferson St., (4-11-73) PH0052825
Winchester vicinity. *GRAY, ISAAC, HOUSE*, SW of Winchester off U.S. 64, (11-21-76)
Winchester vicinity. *SIMMONS, PETER, HOUSE*, 11 mi. SW of Winchester on U.S. 64, (8-16-77)

gibson county

Milan vicinity. *BROWNING HOUSE*, E of Milan on Milan Army Ammunition Plant, (6-28-74) PH0052841
Trenton. *GIBSON COUNTY COURTHOUSE*, Court Sq., (11-7-76)

giles county

Dellrose vicinity. *WILSON-YOUNG HOUSE*, SW of Dellrose off I 65, (4-13-73) PH0052868
Wales. *CLIFTON PLACE*, Campbellsville Rd., (4-11-73) PH0052850

grainger county

Bean Station vicinity. *TATE SPRINGS SPRINGHOUSE*, E of Bean Station on U.S. 11W, (4-13-73) PH0052884
Blaine. *SHIELDS' STATION*, U.S. 11W, (4-24-73) PH0052876 G.

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Rutledge vicinity. *LEA SPRINGS*, 11 mi. SW of Rutledge off U.S. 11, W on Lea Lake Rd., (5e29-75)

greene county

Afton vicinity. *RIPLEY STONE HOUSE*, E of Afton off U.S. 11, (9-18-78)
Chuckey vicinity. *MAURIS-EARNEST FORT HOUSE*, S of Chuckey on Nolichucky River, (1-30-78)
Greeneville. *ANDREW JOHNSON NATIONAL HISTORIC SITE*, Depot and College Sts., (10-15-66)
Greeneville. *GREENEVILLE HISTORIC DISTRICT*, (5-3-74) PH0079669 HABS.
Greeneville vicinity. *DOAK, SAMUEL, HOUSE*, 2.5 mi. E of Greeneville on U.S. 11/411, (2-18-75)
Grenneville vicinity. *NEW BETHEL CUMBERLAND PRESBYTERIAN CHURCH*, NW of Greeneville on TN 70, (10-5-78)

grundy county

Altamont. *GRUNDY COUNTY JAIL*, Off TN 56, (6-18-75)
Pelham vicinity. *ELKHEAD STONE ARCH BRIDGE*, N of Pelham, (4-19-78)

hamblen county

Morristown. *HAMBLEN COUNTY COURTHOUSE*, 511 W. 2nd North St., (4-13-73) PH0052914
Morristown. *ROSE SCHOOL*, Jackson and W. 2nd North Sts., (10-18-76) G.
Morristown vicinity. *BARTON SPRINGS*, 3 mi. (4.8 km) E of Morristown, (5-22-78)
Morristown vicinity. *RURAL MOUNT*, 8 mi. SE of Morristown off TN 160, (7-30-75) HABS.
Russellville vicinity. *BETHESDA PRESBYTERIAN CHURCH*, About 2 mi. SW of Russellville of U.S. 11E, (4-11-73) PH0052906

hamilton county

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK, Reference—see Catoosa County, GA (1-2-74)
Chattanooga. *BRABSON HOUSE*, 407 E. 5th St., (4-11-73) PH0052922
Chattanooga. *BROWN'S FERRY TAVERN*, Brown's Ferry Rd., (3-24-71) PH0052931
Chattanooga. *CHATTANOOGA, HARRISON, GEORGETOWN & CHARLESTON RAILROAD TUNNEL*, below N. Crest Rd., (8-24-78)
Chattanooga. *HAMILTON COUNTY COURTHOUSE*, W. 6th St. and Georgia Ave., (11-21-78)
Chattanooga. *HUTCHESON HOUSE*, 360 S. Crest Rd., (11-21-78)
Chattanooga. *LOOKOUT MOUNTAIN INCLINE RAILWAY*, Off U.S. 11/41/64/72, (4-26-73) PH0052965
Chattanooga. *NEWTON CHEVROLET BUILDING*, 329 Market St., (4-2-73) PH0052973
Chattanooga. *OCHS BUILDING (TIMES BUILDING)*, Georgia Ave., (11-17-78)
Chattanooga. *OLD LIBRARY BUILDING*, 200 E. 8th St., (3-14-73) PH0052981
Chattanooga. *OLD POST OFFICE*, E. 11th and Lindsay Sts., (4-13-73) PH0052990
Chattanooga. *READ HOUSE*, Broad and 9th Sts., (12-23-76)
Chattanooga. *ROSS'S LANDING*, 101 Market St., (6-27-74) PH0053007
Chattanooga. *ST. PAUL'S EPISCOPAL CHURCH*, 7th and Pine Sts., (9-1-78)
Chattanooga. *TERMINAL STATION*, 1434 Market St., (2-20-73) PH0053015 HAER.
Chattanooga. *TIVOLI THEATER*, 709 Broad St., (4-11-73) PH0053031
Chattanooga vicinity. *CIVIL WAR FORTIFICATION*, Bonny Oaks Dr., (1-31-76)
Chattanooga vicinity. *WILLIAMS ISLAND (BROWN'S ISLAND)*, (4-11-73) PH0053058
Georgetown vicinity. *MATTHEWS, PLEASANT L., HOUSE*, SW of Georgetown on Ooltewah-Georgetown Rd., (12-12-76)
Ooltewah. *JAMES COUNTY COURTHOUSE*, Mulberry St., (11-7-76)
Ooltewah vicinity. *BROWN HOUSE, THE*, About 10 mi. NE of Ooltewah on Georgetown Pike, (4-11-73) PH0052949
Ooltewah vicinity. *DOUGLAS, HIRAM, HOUSE*, About 5 mi. N of Ooltewah on Snow Hill Rd., (4-24-73) PH0052957
Signal Mountain vicinity. *CONNOR TOLL HOUSE*, 4212 Anderson Pike, (8-22-77)
Signal Mountain vicinity. *TOPSIDE*, N of Signal Mountain off TN 8 on Wilson Ave., (4-11-73) PH0053040

hancock county

Sneedville. *OLD JAIL*, Jail St., (4-11-73) PH0053066

hardeman county

Bolivar. *CAMPBELL HOUSE*, 607 W. Market St., (8-6-75)

hardin county

Savannah. *CHERRY MANSION*, 101 Main St., (8-16-77) HABS.
Shiloh. *SHILOH NATIONAL MILITARY PARK*, Off TN 22, (10-15-66)

hawkins county

Kingsport. *BOATYARD HISTORIC DISTRICT*, (12-12-73) PH0053074 (also in Sullivan County)
Rogersville. *ROGERSVILLE HISTORIC DISTRICT*, Bounded by N. Boyd, Kyle, Clinch, and N. Bend Sts., McKinney Ave., and S. Rogen Rd., (2-23-73) PH0053091
Rogersville vicinity. *AMIS HOUSE*, E of Rogersville on Burem Pike, (6-19-73) PH0053023
Surgoinsville vicinity. *FUDGE FARM*, NE of Surgoinsville on U.S. 11W, (12-12-76)
Surgoinsville vicinity. *LONG MEADOW*, N of Surgoinsville off U.S. 11W (Rte. 1), (1-11-74) PH0053082
Surgoinsville vicinity. *NEW PROVIDENCE PRESBYTERIAN CHURCH, ACADEMY, AND CEMETERY*, NE of Surgoinsville off U.S. 11, (12-1-78)
Surgoinsville vicinity. *STONY POINT*, NE of Surgoinsville on U.S. 11W, (4-26-73) PH0053104

haywood county

Brownsville. *ZION CHURCH*, College and Washington Sts., (11-21-78)

henry county

Elkhorn vicinity. *MT. ZION CHURCH AND CEMETERY*, NE of Elkhorn on Tennessee River, (12-23-74) PH0053121
Paris. *PORTER HOUSE*, 407 S. Dunlap St., (4-11-73) PH0053112 HABS.
Paris vicinity. *OBION MOUNDS (WORK FARM SITE)*, (5-7-73) PH0053139

hickman county

OLD NATCHEZ TRACE, Reference—see Davidson County
Williamsport vicinity. *GORDON, JOHN, HOUSE*, NW of Williamsport off TN 50, (4-18-74) (also in Maury County)

humphreys county

Hurricane Mills vicinity. *LINK FARM SITE (DUCK RIVER TEMPLE MOUNDS)*, (4-11-73) PH0053155

jackson county

Gainesboro vicinity. *FORT BLOUNT-WILLIAMSBURG SITE*, On Cumberland River S of Gainesboro, (7-17-74) PH0053163

jefferson county

Dandridge. *DANDRIDGE HISTORIC DISTRICT*, Town center around Main, Meeting, and Gay Sts., (1-22-73) PH0053180
Dandridge. *SWANN, JUDGE JAMES PRESTON, HOUSE*, Cherokee Dr., (7-16-73) PH0053228
Jefferson City. *GLENMORE*, Off U.S. 11E, (4-13-73) PH0053210
Jefferson City vicinity. *BRANNER-HICKS HOUSE*, E of Jefferson City on Chucky Rd., (7-9-74) PH0053171
White Pine vicinity. *FAIRFAX*, SE of White Pine off U.S. 25E, (4-13-73) PH0053198
White Pine vicinity. *FRANKLIN, LAWSON D., HOUSE*, SE of white Pine off U.S. 25E, (4-13-73) PH0053201

johnson county

Laurel Bloomery. *MORRISON FARM AND STORE*, TN 91, (4-11-73) PH0081795
Mountain City. *BUTLER HOUSE*, 309 N. Church St., (4-11-73) PH0081787
Shouns. *RHEA HOUSE*, U.S. 421, (4-11-73) PH0081809

knox county

Concord. *RUSSELL, AVERY, HOUSE*, 11409 Kingston Pike, (6-5-75)
Knoxville. *BLOUNT, WILLIAM, MANSION (CAPITOL OF U.S. TERRITORY SOUTH OF THE OHIO RIVER)*, 200 W. Hill Ave., (10-15-66) PH0081817 NHL; HABS.
Knoxville. *CAMP HOUSE*, 1306 Broadway NE., (4-24-73) PH0081825
Knoxville. *COMMERCE AVENUE FIRE HALL*, 201–205 Commerce Ave., (8-16-77) HABS.
Knoxville. *CRAIGHEAD-JACKSON HOUSE*, 1000 State St., (3-20-73) PH0081833
Knoxville. *DULIN, H. L., HOUSE*, 3100 Kingston Pike, (10-15-74) PH0081841
Knoxville. *FIRE STATION NO. 5*, 419 Arthur St., NW, (11-2-78)
Knoxville. *JACKSON AVENUE WAREHOUSE DISTRICT*, Jackson Ave., (4-11-73) PH0081850 HABS.
Knoxville. *KNOLLWOOD*, 6411 Kingston Pike, (5-12-75)
Knoxville. *KNOX COUNTY COURTHOUSE*, Main Ave. and Gay St., (4-24-73) PH0081868
Knoxville. *KNOXVILLE CITY HALL (TENNESSEE SCHOOL FOR THE DEAF)*, City Hall Park on Western Ave., (5-31-72) PH0081876
Knoxville. *LAMAR HOUSE HOTEL (BIJOU THEATER)*, 803 Gay St., SW., (12-4-75) G.
Knoxville. *LEBANON-IN-THE-FORK PRESBYTERIAN CHURCH*, Asbury Rd., (5-27-75)
Knoxville. *MIDDLEBROOK*, 4001 Middlebrook Pike, (6-18-74) PH0081892
Knoxville. *OLD POST OFFICE BUILDING*, Clinch and Market Sts., (3-20-73) PH0081906
Knoxville. *PARK, JAMES, HOUSE*, 422 W. Cumberland Ave., (10-18-72) PH0081914
Knoxville. *U. T. AGRICULTURE FARM MOUND*, Neyland Dr., (3-30-78)
Knoxville. *ZEIGLER, ISAAC, HOUSE*, 712 N. 4th Ave., (5-2-75) HABS.

Knoxville vicinity. *BUFFAT, ALFRED, HOMESTEAD*, 1 mi N of Knoxville on Love Creek Rd., (4-1-75) PH0089028
Knoxville vicinity. *BUFFAT HOMESTEAD*, 1 mi. N of Knoxville on Love Creek Rd., (4-1-75)
Knoxville vicinity. *MARBLE SPRINGS*, S of Knoxville on Neubert Springs Rd., (5-6-71) PH0081884 G.
Knoxville vicinity. *RAMSEY HOUSE*, SE of Knoxville on Thorngrove Pike, (12-23-69) PH0081922 G.
Knoxville vicinity. *STATESVIEW*, About .10 mi. SW of Knoxville off U.S. 70, (4-24-73) PH0081931
Mascot vicinity. *CHESTERFIELD*, N of Mascot off Old Rutledge Pike, (11-16-77)

lauderdale county

Fort Pillow. *FORT PILLOW*, TN 87, (4-11-73) PH0081949 NHL.
Henning. *PALMER, W. E., HOUSE (ALEX HALEY HOUSE)*, Off U.S. 51, (12-14-78)

lawrence county

OLD NATCHEZ TRACE, Reference—see Davidson County
Lawrenceburg. *LAWRENCE COUNTY JAIL*, Waterloo St., (3-16-76)

lewis county

OLD NATCHEZ TRACE, Reference—see Davidson County

lincoln county

Fayetteville vicinity. *CONGER, ISAAC, HOUSE*, NE of Fayetteville off Hamestring Rd., (7-16-73) PH0081957
Howell vicinity. *HARRIS-HOLDEN HOUSE*, E of Howell on Daves Hollow Rd., (3-19-75)

loudon county

Greenback. *NATIONAL CAMPGROUND (UNION CAMPGROUND)*, SR 1, (1-7-72) PH0082007
Greenback vicinity. *MCCOLLUM FARM*, SW of Greenback on Morganton Rd., (4-15-78)
Lenoir. *LENOIR COTTON MILL*, Depot St., (6-18-75) HABS.
Lenoir City vicinity. *BUSSELL ISLAND SITE*, S of Lenoir City, (3-29-78)
Loudon. *BLAIR'S FERRY STOREHOUSE*, 800 Main St., (7-14-77) HABS.
Loudon. *LENOIR, ALBERT, HOUSE*, W of Loudon on River Rd. (TN 72), (4-11-73) PH0081990
Loudon. *LOUDON COUNTY COURTHOUSE*, Grove and Mulberry Sts., (5-28-75) PH0099848
Loudon vicinity. *BOWMAN HOUSE*, E of Loudon on Little River Rd., (7-8-70) PH0081965
Loudon vicinity. *CANNON-CALLOWAY HOUSE*, W of Loudon off U.S. 11, (7-8-70) PH0081973
Loudon vicinity. *CARMICHAEL INN*, Off U.S. 11, (7-8-70) PH0081981

madison county

Jackson. *CASEY JONES HOME AND RAILROAD MUSEUM*, 211 W. Chester St., (9-7-72) PH0082015
Jackson. *JACKSON FREE LIBRARY*, College and Church Sts., (6-26-75) PH0143090
Pinson vicinity. *PINSON MOUNDS*, 3 mi. E of Pinson on secondary rd., (10-15-66) PH0082023 NHL; G.

marion county

Jasper. *MCKENDREE METHODIST EPISCOPAL CHURCH*, Betsy Pack Dr., (11-21-78)
South Pittsburg. *CHRIST EPISCOPAL CHURCH AND PARISH HOUSE*, Corner of 3rd and Holly Sts., (8-22-77) HABS.
Victoria vicinity. *KETNER'S MILL AND BRIDGE*, E of Victoria on Ketner Mill Rd. and at Sequatchie River, (11-23-77)

marshall county

Belfast. *TATE, J. C., GENERAL MERCHANDISE STORE*, Old Belfast Rd., (7-12-78)
Chapel Hill vicinity. *FORREST, NATHAN BEDFORD, BOYHOOD HOME*, W of Chapel Hill, (7-13-77)

maury county

GORDON, JOHN, HOUSE, Reference—see Hickman County (1-2-74)
OLD NATCHEZ TRACE, Reference—see Davidson County
Columbia. *ATHENAEUM, THE*, 808 Athenaeum St., (4-24-73) PH0082031
Columbia. *BLYTHEWOOD*, Trotwood and Hatcher Lane, (4-11-73) PH0082058
Columbia. *CHURCH HOUSE*, 312 W. 7th St., (10-19-78)
Columbia. *COLUMBIA ARSENAL (COLUMBIA MILITARY ACADEMY)*, W. 7th St., (9-19-77)
Columbia. *FRIERSON, LUCIUS, HOUSE*, W. 7th St., (9-1-78)
Columbia. *MAYES-HUTTON HOUSE*, 306 W. 6th St., (7-8-70) PH0082104
Columbia. *POLK, JAMES K., HOUSE*, W. 7th and S. High Sts., (10-15-66) PH0103993 NHL; G.
Columbia. *POLK SISTERS' HOUSE*, 305 W. 7th St., (5-21-75)
Columbia. *STATE BANK OF TENNESSEE*, 201 W. 7th St., (11-2-78)
Columbia. *WEST SIXTH STREET AND MAYES PLACE HISTORIC DISTRICT*, W. 6th St. and Mayes Pl., (2-25-78)
Columbia vicinity. *BEECHLAWN*, S of Columbia on U.S. 31, (5-14-71) PH0082040
Columbia vicinity. *CHERRY GLEN*, SW of Columbia off U.S. 43, (7-2-73) PH0082066
Columbia vicinity. *CLIFTON PLACE*, SW of Columbia on Mt. Pleasant Hwy., (7-8-70) PH0082074 HABS.
Columbia vicinity. *HAMILTON PLACE*, Mt. Pleasant Pike, W of Columbia off U.S. 43, (7-16-73) PH0082091
Columbia vicinity. *PILLOW-BETHEL HOUSE*, SW of Columbia off U.S. 43, (12-12-76)
Columbia vicinity. *PILLOW-BETHEL HOUSE*, SW of Columbia off U.S. 43, (12-12-76)
Columbia vicinity. *PLEASANT MOUNT PRESBYTERIAN CHURCH*, SE of Columbia off TN 50, (8-16-77)
Columbia vicinity. *RATTLE AND SNAP*, Andrew Jackson Hwy. (TN 43), (11-11-71) PH0082121 NHL; HABS.
Columbia vicinity. *SKIPWITH HALL*, W of Columbia on TN 50, (11-23-77)
Columbia vicinity. *ST. JOHN'S EPISCOPAL CHURCH*, W of Columbia on U.S. 43, (7-8-70) PH0082139
Columbia vicinity. *ZION PRESBYTERIAN CHURCH*, 6.3 mi. W of Columbia off TN 99, (6-13-72) PH0082147 HABS.
Spring Hill. *CHEAIRS, MARTIN, HOUSE*, U.S. 31, (12-12-76)
Spring Hill. *EWELL FARM*, Depot Lane, (5-24-76)
Spring Hill. *GRACE EPISCOPAL CHURCH*, U.S. 31, (5-17-76)
Spring Hill. *RITTER-MORTON HOUSE*, McLemore Ave., (12-12-76)

mcminn county

Athens vicinity. *CLEAGE, SAMUEL, HOUSE*, N of Athens on Lee Hwy., (5-12-75) HABS.
Delano vicinity. *TREW GENERAL MERCHANDISE STORE*, W of Delano at TN 163 and Bowater Rd., (12-22-76)
Etowah. *ETOWAH DEPOT*, U.S. 411, (10-17-77) G.
Niota. *NIOTA DEPOT*, Main St., (4-1-75) PH0089036 G.

meigs county

Decatur. *MEIGS COUNTY COURTHOUSE*, Court Sq., (8-3-78)

monroe county

Madisonville. *COOKEFAUVER HOUSE*, Kefauver Lane, (10-6-74) PH0082163
Madisonville. *STICKLEY HOUSE*, W of jct. of U.S. 411 and TN 68, (9-10-74) PH0082198
Tellico Plains. *JOHNSON, ELISHA, MANSION*, Ballplay Rd., (12-24-74) PH0062626
Vonore vicinity. *CHOTA AND TANASI CHEROKEE VILLAGE SITES*, SE of Vonore, (8-30-73) PH0082155
Vonore vicinity. *CITICO SITE*, E of Vonore at Little Tennessee River, (11-2-78)
Vonore vicinity. *FORT LOUDOUN*, U.S. 411, (10-15-66) PH0082171 NHL.
Vonore vicinity. *ICEHOUSE BOTTOM SITE (40MR23)*, E of Vonore, (10-19-78)
Vonore vicinity. *MCGHEE MANSION*, E of Vonore on Fort Loudoun Rd., (8-28-74) PH0082180
Vonore vicinity. *MIALOQUO SITE (40MR3)*, N of Vonore, (10-19-78)
Vonore vicinity. *TELLICO BLOCKHOUSE SITE*, 2 mi. E of Vonore off TN 72, (8-11-75) PH0185973
Vonore vicinity. *TOMOTLEY SITE (40MR5)*, SE of Vonore, (10-19-78)
Vonore vicinity. *TOQUA SITE*, SE of Venore at Little Tennessee River, (11-16-78)

montgomery county

Clarksville. *CLARKSVILLE ARCHITECTURAL DISTRICT*, Public Sq., Legion, 3rd, Franklin, and Commerce Sts., (5-13-76)
Clarksville. *CLARKSVILLE FEDERAL BUILDING*, Commerce and S. 2nd Sts., (6-13-72) PH0082201
Clarksville. *CLARKSVILLE INDUSTRIAL DISTRICT*, Bounded by Washington St., Crossland Ave., the ICG RR., and the Cumberland River, (4-30-76)
Clarksville. *EMERALD HILL (EAGLE'S NEST)*, N. 2nd St., (7-14-71) PH0082210
Clarksville. *FIRST PRESBYTERIAN CHURCH*, 213 Main St., (4-30-76)
Clarksville. *HOME INFIRMARY*, Riverside Dr. and Current St., (8-24-78)
Clarksville. *MADISON STREET METHODIST CHURCH*, 319 Madison St., (5-13-76)
Clarksville. *POSTON BLOCK*, Main and Telegraph Sts., (6-13-72) PH0082406 HABS.
Clarksville. *REXINGER, SAMUEL, HOUSE*, 703 E. College St., (4-13-77)
Clarksville. *SEVIER STATION*, Walker St., S of B St., (5-6-71) PH0082228
Clarksville. *SMITH-HOFFMAN HOUSE*, Beech and A Sts., (8-22-77)
Clarksville vicinity. *ALLEN HOUSE*, N of Clarksville on Allen-Griffey Rd., (10-3-78)
Clarksville vicinity. *OLD POST HOUSE*, N of Clarksville on U.S. 41 A, (3-8-78)
Clarksville vicinity. *WHITEHALL*, NW of Clarksville off TN 12 on Mill Rd., (1-31-78)
Fredonia. *WILSON, SANFORD, HOUSE*, Old Ashland City Hwy., (9-13-78)

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moore county

Lynchburg. *JACK DANIEL DISTILLERY*, TN 55, (9k14-72) PH0082236

morgan county

Rugby vicinity. *RUGBY COLONY*, TN 52, (4-26-72) PH0082244 (also in Scott County)

obion county

Rives. *DICKEY'S OCTAGONAL BARBERSHOP*, SW corner High and N. Church Sts., (4-29-75)

Trimble vicinity. *PARKS COVERED BRIDGE*, N of Trimble off U.S. 51, (11-27-78)

Union City. *CONFEDERATE MONUMENT*, Summer and Edwards Sts., (7-28-77)

overton county

Livingston. *ROBERTS, GOV. ALBERT H., LAW OFFICE*, 114 E. Main St., (2-20-75) PH0085715 HABS.

perry county

Linden vicinity. *CEDAR CREEK FURNACE*, 9 mi. SW of Linden on Furnace Branch, (6-19-73) PH0082252

pickett county

Byrdstown vicinity. *HULL, CORDELL, BIRTHPLACE*, About 2 mi. W of Byrdstown, (5-5-72) PH0082261

polk county

Benton vicinity. *WARD, NANCY, TOMB*, S of Benton on U.S. 411, (4-11-73) PH0082279

rhea county

Dayton. *RHEA COUNTY COURTHOUSE*, Market St. between 2nd and 3rd Aves., (11-7-72) PH0082287 NHL.

Dayton vicinity. *HIWASSEE GARRISON SITE (SITE 40RH35)*, S of Dayton, (11-14-78)

roane county

Harriman. *HARRIMAN CITY HALL*, Roane and Walden Sts., (4-16-71) PH0082295

Kingston. *ROANE COUNTY COURTHOUSE*, Kentucky Ave., (7-14-71) PH0082309 G.

Kingston. *SOUTHWEST POINT*, 1 mi. SW of Kingston, (7-31-72) PH0082317 G.

Oliver Springs. *COLONIAL HALL*, Spring and Main Sts., (9-11-75)

robertson county

Cedar Hill. *ST. MICHAEL'S CATHOLIC CHURCH*, 3.5 mi. W of TN 49, (7-5-73) PH0035238

Cedar Hill vicinity. *GLEN RAVEN*, SW of Cedar Hill on Washington Rd., (10-2-73) PH0035262

Cedar Hill vicinity. *WESSYNGTON*, S of Cedar Hill, (5-6-71) PH0035301

Cross Plains. *RANDOLPH, WILLIAM, HOUSE*, On TN 25, (10-30-73) PH0035289

Cross Plains vicinity. *CORNSILK (THOMAS STRINGER HOUSE)*, N of Cross Plains on Highland Rd., (1-11-74) PH0035254

Cross Plains vicinity. *ROCK JOLLY*, NE of Cross Plains off TN 52, (10-30-73) PH0035297

Springfield. *MANSFIELD CHEATHAM HOUSE*, 7th Ave. W., (1-30-78)

Springfield. *ROBERTSON COUNTY COURTHOUSE*, Public Sq., (5-22-78)

Springfield vicinity. *PITT, ARTHUR, HOUSE AND DISTILLERY*, NE of Springfield off TN 49, (12-18-73) PH0035271

Springfield vicinity. *WOODARD HALL*, NE of Springfield on Owens Chapel Rd., (10-10-75) PH0246450

Youngville vicinity. *SUDLEY PLACE*, N of Youngfield on State Line Rd., (1-11-74)

rutherford county

Eagleville vicinity. *SCALES, ABSALOM, HOUSE*, N of Eagleville off TN 16, on Rocky Glade Rd., (10-30-73) PH0035424

Lascassas vicinity. *BROWN'S MILL*, SE of Lascassas on Brown's Mill Rd., (12-29-78)

Murfreesboro. *COLLIER-CRICHLOW HOUSE*, 511 E. Main St., (7-16-73) PH0035319

Murfreesboro. *COLLIER-LANE-CRICHLOW HOUSE*, 500 N. Spring St., (8-23-78)

Murfreesboro. *OAKLANDS*, N. Maney Ave., (2-26-70) PH0035378

Murfreesboro. *PALMER, GEN. JOSEPH B., HOUSE*, 434 E. Main St., (9-20-73) PH0035386

Murfreesboro. *RUTHERFORD COUNTY COURTHOUSE*, Public Square, (7-16-73) PH0035416

Murfreesboro vicinity. *ELMWOOD*, NW of Murfreesboro, off U.S. 70S/41, (10-15-73) PH0035327

Murfreesboro vicinity. *FORTRESS ROSECRANS SITE*, W of Murfreesboro at Stones River, (6-7-74) PH0035343 G.

Murfreesboro vicinity. *MARYMONT*, SW of Murfreesboro, off TN 99 on Rucker Lane, (10-30-73) PH0035360

Murfreesboro vicinity. *STONES RIVER NATIONAL BATTLEFIELD*, 3 mi. NW of Murfreesboro on U.S. 41, (10-15-66)

Readyville. *READY, CHARLES, HOUSE (THE CORNERS)*, On U.S. 70S, (7-2-73) PH0035394

Readyville vicinity. *MACON, UNCLE DAVE, HOUSE*, W of Readyville on U.S. 70S, (11-15-73) PH0035351

Smyrna vicinity. *DAVIS, SAM, HOUSE*, NE of Smyrna off TN 102, (12-23-69) PH0035335 G.

Smyrna vicinity. *RIDLEY'S LANDING*, N of Smyrna on Jones Mill Rd., at Stoves River, (7-16-73) PH0035408

scott county

RUGBY COLONY, Reference—see Morgan County (1-2-74)

Huntsville. *OLD SCOTT COUNTY JAIL*, Courthouse Sq., (4-18-74) PH0035432

Huntsville vicinity. *PAINT ROCK CREEK COVERED BRIDGE*, SE of Huntsville on Jacksboro Rd., (4-18-77)

Oneida vicinity. *BRYANT, LOUIS E., HOUSE*, 2 mi. E of Oneida on Bear Creek Rd., (5-29-75) PH0099431

sevier county

Gatlinburg vicinity. *COLE, ALEX, CABIN*, 5 mi. S of Gatlinburg off U.S. 441 in Great Smoky Mountains National Park, (1-2-76)

Gatlinburg vicinity. *KING-WALKER PLACE*, W of Gatlinburg off TN 73, Great Smoky Mountains National Park, (3-16-76)

Gatlinburg vicinity. *LITTLE GREENBRIER SCHOOL/CHURCH*, About 9 mi. W of Gatlinburg off TN 73 in Great Smoky Mountains National Park, (1-11-76)

Gatlinburg vicinity. *MCCARTER, TYSON, PLACE*, 10 mi. E of Gatlinburg on TN 73, Great Smoky Mountains National Park, (3-16-76)

Gatlinburg vicinity. *MESSER BARN*, SE of Gatlinburg near Greenbrier Cove in Great Smoky Mountains National Park, (1-1-76)

Gatlinburg vicinity. *OGLE, BUD, FARM*, 3 mi. SE of Gatlinburg, (11-23-77)

Gatlinburg vicinity. *OWNBY, JOHN, CABIN*, 3 mi. S of Gatlinburg off TN 73 in Great Smoky Mountains National Park, (1-1-76)

Gatlinburg vicinity. *ROARING FORK HISTORIC DISTRICT*, 5 mi. SE of Gatlinburg off TN 73, Great Smoky Mountains National Park, (3-16-76) HABS.

Harrisburg vicinity. *HARRISBURG COVERED BRIDGE*, S of Harrisburg off U.S. 411 over East Fork of Little Pigeon River, (6-10-75) PH0104477

Pigeon Forge. *PIGEON FORGE MILL*, Off U.S. 441, (6-10-75) PH0104485

Sevierville. *SEVIER COUNTY COURTHOUSE*, Court Ave., (3-24-71) PH0035459

Sevierville. *WATERS HOUSE*, 217 Cedar St., (6-18-75) PH0143588

Sevierville vicinity. *BRABSON'S FERRY PLANTATION*, NW of Sevierville off Sevierville Pike in Boyd's Creek area, (6-25-75)

Sevierville vicinity. *BUCKINGHAM HOUSE*, W of Sevierville on Sevierville Pike, (3-18-71) PH0035441 HABS.

Sevierville vicinity. *ROSE GLEN*, 4 mi. E of Sevierville on Newport Hwy., (7-18-75) PH0156736

Sevierville vicinity. *TROTTER-MCMAHAN HOUSE*, S of Sevierville on Middle Creek Rd., (10-10-75) PH0246441

Sevierville vicinity. *WHEATLANDS*, NW of Sevierville on Old Knoxville Hwy., (7-7-75) PH0144916

shelby county

Germantown. *GERMANTOWN BAPTIST CHURCH*, 2216 Germantown Rd., (4-1-75) PH0089044

Memphis. *ANNESDALE PARK HISTORIC DISTRICT*, Roughly bounded by Peabody and Goodbar Aves., Cleveland St. and Rosenstein Pl., (12-22-78)

Memphis. *BEALE STREET HISTORIC DISTRICT*, Beale St. from Main to 4th Sts., (10-15-66) PH0112542 NHL.

Memphis. *CHUCALISSA INDIAN VILLAGE (PREHISTORIC INDIAN TOWN)*, (5-7-73) PH0035467

Memphis. *COLUMBIAN MUTUAL TOWER*, 60 N. Main St., (7-24-78)

Memphis. *DAVIES MANOR*, 9336 Davies Plantation Rd., (3-19-75) PH0047449 HABS.

Memphis. *ELMWOOD CEMETERY OFFICE AND ENTRANCE BRIDGE*, 824 S. Dudley St., (5-22-78)

Memphis. *FIRST BAPTIST CHURCH*, 379 Beale Ave., (2-11-71) PH0035483

Memphis. *FIRST METHODIST CHURCH*, 204 N. 2nd St., (3-19-76)

Memphis. *FOWLKES-BOYLE HOUSE*, 208 Adams Ave., (8-7-74) PH0035491

Memphis. *HUNT-PHELAN HOUSE*, 533 Beale Ave., (2-11-71) PH0035505 HABS.

Memphis. *LEE AND FONTAINE HOUSES OF THE JAMES LEE MEMORIAL*, 680–690 Adams Ave., (2-11-71) PH0035513 G.

Memphis. *LEE, JAMES, HOUSE*, 239 Adams Ave., (10-2-78)

Memphis. *LINDEN STATION AND REICHMAN-CROSBY WAREHOUSE*, 245, 281, 291 Wagner Pl., (9-8-78)

Memphis. *MAGEVNEY HOUSE*, 198 Adams Ave., (11-6-73) PH0035521

Memphis. *ORPHEUM THEATRE*, 197 S. Main St., (8-15-77)

Memphis. *PEABODY HOTEL*, 149 Union Ave., (9-14-77)

Memphis. *PORTER, DR. D. T., BUILDING*, 10 N. Main St., (4-18-77)

Memphis. *RAYNER, ELI, HOUSE*, 1020 Rayner St., (5-9-77)

Memphis. *SOUTHWESTERN AT MEMPHIS HISTORIC DISTRICT*, 2000 N. Parkway, (7-20-78)

Memphis. *ST. MARY'S CATHOLIC CHURCH*, 155 Market St., (8-7-74) PH0035548

Memphis. *STERICK BUILDING*, 8 N. 3rd St., (10-2-78)

Memphis. *TRI-STATE BANK*, 386 Beale St., (2-11-71) PH0035556

Memphis. *VICTORIAN VILLAGE DISTRICT*, Adams and Jefferson Sts., (12-11-72) PH0035564 G.

smith county

Dixon Springs. *DIXON SPRINGS DISTRICT*, 1.75 mi. NE of Cumberland River, (2-10-75) PH0036439

Dixon Springs vicinity. *BRADLEY, JAMES, HOUSE*, SE of Dixon Springs off TN 25, (9-18-78)

Dixon Springs vicinity. *DIXONA*, NW of Dixon Springs on TN 25, (7-5-73) PH0035572

stewart county

Dover vicinity. *DOVER FLINT QUARRIES*, (5-7-73) PH0035581

Dover vicinity. *FORT DONELSON NATIONAL MILITARY PARK*, 1 mi. W of Dover on U.S. 79, (10-15-66) PH0342050

Dover vicinity. *FORT HENRY SITE*, NW of Dover off U.S. 79 on Fort Henry Rd., (10-10-75) PH0246344

Dover vicinity. *GREAT WESTERN FURNACE*, NW of Dover on TN 49, (10-6-75) PH0280151

sullivan county

BOATYARD HISTORIC DISTRICT, Reference—see Hawkins County (1-2-74)

Arcadia vicinity. *FAIN PLANTATION*, E of Bloomingdale off U.S. 11W, (4-11-73) PH0045276

Blountville. *BLOUNTVILLE HISTORIC DISTRICT*, Center of Blountville along both sides of TN 126, (2-23-73) PH0045233 G.

Blountville. *FAIN, SQUIRE JOHN, BARN*, Lone Oak Estates, TN 126, (4-11-73)

Blountville. *OLD DEERY INN (OLD TAVERN, MANSION HOUSE AND STORE)*, Main St., (5-7-73) PH0045322

Blountville vicinity. *ERWIN FARM (WALNUT SHADE)*, W of Blountville off TN 75, (4-11-73) PH0045268

Blountville vicinity. *ROLLER-PETTYJOHN MILL*, W of Blountville on Creek Rd., (12-7-77)

Bluff City vicinity. *ALISON, JESSE, HOUSE*, SW of Bluff City off U.S. 11E, (4-2-73) PH0045225

Bristol vicinity. *PEMBERTON MANSION AND OAK*, 9 mi. NE of Bristol on TN 34, (3-14-73) PH0045357

Bristol vicinity. *STEEL-SENEKER HOUSES*, 4 mi. W of Bristol on TN 126, (8-22-77)

Kingsport. *CHURCH CIRCLE DISTRICT*, Center of Kingsport, along Sullivan St., (4-11-73) PH0045241

Kingsport. *CLINCHFIELD RAILROAD STATION*, 101 E. Main St., (4-24-73) PH0045250

Kingsport. *JOHNSON, J. FRED, HOUSE*, 1322 Watauga Ave., (4-11-73) PH0045292

Kingsport. *MOUNT IDA*, 1010–1012 Sevier Terrace Dr., (4-2-73) PH0045306

Kingsport. *NETHERLAND INN AND COMPLEX*, 2144 Netherland Inn Rd., (12-23-69) PH0045314 G.

Kingsport. *OLD KINGSPORT PRESBYTERIAN CHURCH*, Stone Dr. (Hwy. 11W) and Afton, (10-2-73) PH0045331

Kingsport. *PRESTON FARM (EXCHANGE PLACE)*, 4812 Orebank Rd., (9-3-71) PH0045365 G.

Kingsport vicinity. *LONG ISLAND OF THE HOLSTON*, S fork of the Holston River, (10-15-66) PH0112615 NHL.

Kingsport vicinity. *LOONEY, MOSES, FORT HOUSE*, 5436 Old Island Rd., (1-18-78)

Kingsport vicinity. *PEARSON BRICK HOUSE*, E of Kingsport on Shipley Ferry Rd., (4-11-73) PH0045349

Kingsport vicinity. *ROCK LEDGE*, 117 Stuffle Pl., (5-24-78)

Kingsport vicinity. *ROSELAND*, S of Kingsport on Shipp St., (4-2-73) PH0045381

Kingsport vicinity. *SPRING PLACE*, NW of Kingsport on W. Carter's Valley Rd., off U.S. 23, (4-11-73) PH0045390

Kingsport vicinity. *WILLS-DICKEY STONE HOUSE*, NW of Kingsport off U.S. 23 on W. Carter's Valley Rd., (3-30-73) PH0045403

Kingsport vicinity. *YANCEY'S TAVERN*, E of Kingsport on TN 126, (4-11-73) PH0045411

Piney Flats vicinity. *ALISON, FINLAY, HOUSE*, W of Piney Flats off U.S. 11/19, (4-11-73) PH0045217

Piney Flats vicinity. *ROCKY MOUNT*, SW of Piney Flats off U.S. 11E, (2-26-70) PH0045373

summer county

Gallatin. *ROSEMONT*, 810 S. Water St., (4-26-78)

sumner county

Castalian Springs. *CASTALIAN SPRINGS (WYNNEWOOD)*, Gallatin-Hartsville Pike, TN 25, (7-14-71) PH0045420 NHL; HABS; G.

Cottontown vicinity. *KING HOMESTEAD*, W of Cottontown off TN 25, (1-30-78)

Gallatin. *TROUSDALE PLACE*, 183 W. Main St., (6-5-75) PH0133531

Gallatin vicinity. *CRAGFONT*, E of Gallatin off TN 25, (2-26-70) PH0045438 G.

Gallatin vicinity. *FAIRVUE*, 4 mi. S of Gallatin on U.S. 31E, (6-10-75)

Gallatin vicinity. *FAIRVUE (ISSAC FRANKLIN PLANTATION)*, 4 mi. (6.4 km) S of Gallatin on U.S. 31E, (6-10-75) PH0151009 HABS; NHL.

Gallatin vicinity. *WALNUT GROVE*, W of Gallatin on Red River Rd., (12-29-78)

Goodlettsville vicinity. *BOWEN-CAMPBELL HOUSE*, E of Goodlettsville on Jackson Rd., (7-25-77) G.

Hendersonville vicinity. *ROCK CASTLE*, SE of Hendersonville on Indian Lake Rd., (7-8-70) PH0045446 HABS; G.

Hendersonville vicinity. *SHACKLE ISLAND HISTORIC DISTRICT*, N of Hendersonville at Shackle Island Rd. and Long Hollow Pike, (1-30-78)

Hendersonville vicinity. *TALLEY-BEALS HOUSE*, N of Hendersonville off Saunderville Rd., (8-22-77)

Westmoreland. *WESTMORELAND TUNNEL*, Off TN 52, (1-20-78)

tipton county

Covington. *ST. MATHEW'S EPISCOPAL CHURCH*, Munford St., (8-16-77)

unicoi county

Erwin vicinity. *CLARKSVILLE IRON FURNACE*, SW of Erwin off TN 107 in Cherokee National Forest, (6-4-73) PH0045454

union county

Tazewell vicinity. *OUSLEY, BAITE, HOUSE*, 15 mi. SW of Tazewell, N of Morris Lake on Big Valley Rd., (3-4-75) PH0086843

van buren county

Bone Cave vicinity. *BIG BONE CAVE*, (4-11-73) PH0045462

warren county

McMinnville vicinity. *MYERS MOUND*, S of McMinnville, (12-14-78)

McMinnville vicinity. *NORTHCUTT PLANTATION*, 7 mi. SW of McMinnville off TN 108 on Wheeler Lane, (5-12-75) PH0103357 HABS.

Union vicinity. *CARDWELL MOUNTAIN*, E of Union, (12-14-78)

washington county

Johnson City. *ROBIN'S ROOST*, S. Roane St., (1-20-76)

Johnson City vicinity. *DEVAULT, VALENTINE, HOUSE*, 5 mi. N of Johnson City off U.S. 11E on DeVault Lane, (7-29-77)

Johnson City vicinity. *DUNGAN'S MILL AND STONE HOUSE*, NE of Johnson City on Watauga Rd., (7-2-73) PH0045489

Johnson City vicinity. *HAMMER, ISAAC, HOUSE*, N of Johnson City off U.S. 11, (3-19-76)

Johnson City vicinity. *TIPTON-HAYNES HOUSE*, SE of Johnson City on U.S. 19W, (2-26-70) PH0045519

Jonesboro. *JONESBORO HISTORIC DISTRICT*, (12-23-69) PH0045497

Jonesboro. *TAYLOR, CHRISTOPHER, HOUSE*, Main St., (12-9-71) PH0045501

Jonesboro vicinity. *DEVAULT TAVERN*, W of Jonesboro on Leesburg Rd., (6-4-73) PH0045471

Jonesboro vicinity. *SULPHUR SPRINGS METHODIST CAMPGROUND*, N of Jonesboro off TN 81 in Sulphur Springs Community, (5-12-75) PH0140147 HABS.

Limestone. *GILLESPIE, COL. GEORGE, HOUSE*, Off U.S. 411, (8-22-77)

Telford vicinity. *EMBREE HOUSE*, SW of Telfrod on Walker's Mill Rd., (2-14-78)

wayne county

OLD NATCHEZ TRACE, Reference—see Davidson County

white county

Key vicinity. *CHERRY CREEK MOUND*, S of Key, (12-15-78)

Onward vicinity. *INDIAN CAVE PETROGLYPHS*, S of Onward, (12-14-78)

Sparta vicinity. *SPARTA ROCK HOUSE*, 3 mi. E of Sparta on U.S. 70, (8-14-73) PH0045535

williamson county

OLD NATCHEZ TRACE, Reference—see Davidson County

Brentwood. *MOORELAND*, Off U.S. 31, (7-24-75)

Brentwood vicinity. *JOHNSTON, JAMES, HOUSE*, S of Brentwood on U.S. 31, (3-26-76)

Franklin. *CAMPBELL, WILLIAM S., HOUSE (MAGNOLIA HALL)*, TN 96, (10-29-75) PH0246255

Franklin. *CARNTON*, Confederate Cemetery Lane, (1-18-73) PH0045543

Franklin. *FORT GRANGER*, Off Liberty Pike, (1-8-73) PH0045551 G.

Franklin. *FRANKLIN HISTORIC DISTRICT*, Centered around Main St. (TN 96) and 3rd Ave. (U.S. 31), (10-5-72) PH0045560

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Franklin. *HIRAM MASONIC LODGE NO. 7*, S. 2nd Ave., (11-7-73) PH0113026 NHL.
Franklin. *LOTZ HOUSE*, 1111 Columbia Ave., (12-12-76)
Franklin. *RAINEY-LAWRENCE HOUSE*, 244 1st Ave., (7-8-70) PH0045586
Franklin. *ST. PAUL'S EPISCOPAL CHURCH*, 510 Main St., (2-23-72) PH0045578
Franklin vicinity. *FRANKLIN BATTLEFIELD*, S of Franklin on U.S. 31, (10-15-66) PH0112623 NHL.
Franklin vicinity. *GLEN ECHO*, N of Franklin off U.S. 31 on Spencer Creek Rd., (11-7-76)
Franklin vicinity. *HARRISON HOUSE*, S of Franklin on Columbia Pike, (6-18-75) PH0143553
Franklin vicinity. *WINSTEAD HILL*, 2 mi. S of Franklin on U.S. 31, (11-29-74) PH0076112
Thompson Station vicinity. *HOMESTEAD MANOR*, N of Thompson Station on U.S. 31, (4-29-77)

wilson county

Lebanon. *MEMORIAL HALL, CUMBERLAND UNIVERSITY*, Cumberland University campus, (4-29-77)
Lebanon. *PICKETT CHAPEL METHODIST CHURCH*, E. Market St., (4-18-77)
Lebanon vicinity. *SELLARS INDIAN MOUND*, (12-11-72) PH0045594
Mount Juliet vicinity. *CLOYD, JOHN, HOUSE*, NW of Mount Juliet on U.S. 70, (10-1-74) PH0035475

TEXAS

andrews county

Andrews vicinity. *ANDREWS LAKE SITES*, SE of Andrews, (11-22-78)

aransas county

Fulton. *FULTON, GEORGE W., MANSION*, Fulton Beach Rd., (4-24-75) PH0059331 HABS.
Port Aransas vicinity. *ARANSAS PASS LIGHT STATION*, N of Port Aransas on Harbor Island, (8-3-77)
Rockport. *MATHIS, T. H., HOUSE*, 612 Church St., (6-21-71) PH0092614 HABS.

archer county

Archer City. *ARCHER COUNTY COURTHOUSE AND JAIL*, Public Sq. and Sycamore and Pecan Sts., (12-23-77)

armstrong county

Palo Duro vicinity. *J A RANCH*, Palo Duro Canyon, (10-15-66) PH0103764 NHL.

austin county

Wallis vicinity. *ALLENS CREEK OSSUARY SITE*, 4 mi. NW of Wallis off TX 36, (3-21-75)

bastrop county

Bastrop, 1502 Wilson St., (4-20-78) HABS.
Bastrop. *ALLEN-BELL HOUSE*, 1408 Church St., (1-25-71) PH0092622
Bastrop. *BASTROP COUNTY COURTHOUSE AND JAIL COMPLEX*, Bounded by Pine, Walnut, Pecan, and Water Sts., (11-20-75)
Hills Prairie vicinity. *HILL, ABRAHAM WILEY, HOUSE*, 5 mi. SW of Hills Prairie, (3-11-71) PH0092631 HABS.

bell county

Belton. *BELL COUNTY COURTHOUSE*, Public Sq., (12-12-76)
Belton. *OLD ST. LUKE'S EPISCOPAL CHURCH*, 401 N. Wall St., (1-17-74) PH0092649
Salado. *ROSE, MAJ. A. J., HOUSE*, Wm. Rose Way and Royal St., (5-22-78)
Temple. *FERGUSON HOUSE*, 518 N. 7th St., (12-8-78)

bexar county

Fort Sam Houston. *POST CHAPEL, FORT SAM HOUSTON*, Bldg. 2200, Wilson St., (5-17-74) PH0092771
Live Oak vicinity. *LIVE OAK PARK SITE*, SE of Live Oak on Salitrillo Creek, (12-15-78)
San Antonio. *ALAMO PLAZA HISTORIC DISTRICT*, Roughly bounded by S. Broadway, Commerce, Bonham and Travis Sts., (7-13-77) G.
San Antonio. *ALAMO PORTLAND AND ROMAN CEMENT WORKS*, Brackenridge Park, (12-12-76)
San Antonio. *ALAMO, THE*, Alamo Plaza, (10-15-66) PH0092657 NHL; HABS.
San Antonio. *BEXAR COUNTY COURTHOUSE*, Main Plaza, (8-29-77) HABS.
San Antonio. *BONHAM, JAMES BUTLER, ELEMENTARY SCHOOL*, 925 S. St. Mary's St., (11-17-78)
San Antonio. *CHURCH OF NUESTRA SENORA DE LA CANDELARIA Y GUADALUPE*, 115 Main Ave., (2-25-75) PH0092673 HABS; G.
San Antonio. *ESPADA AQUEDUCT*, Espada Rd., E of U.S. 281S, (10-15-66) PH0092665 NHL; HAER.
San Antonio. *FIRST NATIONAL BANK OF SAN ANTONIO*, 213 W. Commerce St., (3-16-72) PH0092681 HABS; G.
San Antonio. *FORT SAM HOUSTON*, N edge of San Antonio, (5-15-75) NHL.
San Antonio. *FOURTH WARD SCHOOL*, 141 Lavaca St., (11-17-78)
San Antonio. *HANGAR 9*, Brooks Air Force Base Inner Circle Rd., (5-21-70) PH0092835 NHL.
San Antonio. *INTERNATIONAL & GREAT NORTHERN RAILROAD PASSENGER STATION*, Medina and Houston Sts., (9-9-75) PH0229695
San Antonio. *KING WILLIAM HISTORIC DISTRICT*, Roughly bounded by Durango, Alamo, Guenther Sts. and the San Antonio River, (1-20-72) PH0092690 HABS; G.
San Antonio. *LA VILLITA HISTORIC DISTRICT*, Bounded by Durango, Navarro, Alamo Sts. and San Antonio River, (1-20-72) PH0092703 HABS; G.
San Antonio. *MAJESTIC THEATRE*, 214 E. Houston St., (10-1-75) PH0168815
San Antonio. *MENGER SOAP WORKS*, 400 block of N. Laredo St., (12-12-73) PH0092711 G.
San Antonio. *MISSION CONCEPCION*, 807 Mission Rd., (4-15-70) PH0092720 NHL; HABS; G.
San Antonio. *MISSION PARKWAY*, Along San Antonio River, (10-6-75) HABS.
San Antonio. *MISSION SAN FRANCISCO DE LA ESPADA*, Espada Rd., (2-23-72) PH0092738 HABS; G.
San Antonio. *MISSION SAN JUAN CAPISTRANO*, Mission Rd., (2-23-72) PH0092746 G.
San Antonio. *NAVARRO, JOSE ANTONIO, ELEMENTARY SCHOOL*, 623 S. Pecos St., (11-29-78)
San Antonio. *NAVARRO, JOSE ANTONIO, HOUSE COMPLEX*, 228–232 S. Loredo St., (3-24-72) PH0092754
San Antonio. *OLD LONE STAR BREWERY*, 110–116 Jones Ave., (10-26-72) PH0092762
San Antonio. *PERSHING HOUSE (QUARTERS NO. 6, STAFF POST)*, Staff Post Rd., Fort Sam Houston, (7-30-74) PH0092797
San Antonio. *QUADRANGLE, THE*, Grayson St., Fort Sam Houston, (7-30-74) PH0092789
San Antonio. *SALADO BATTLEFIELD AND ARCHEOLOGICAL SITE*, 1006 Holbrook Rd., (11-21-78)
San Antonio. *SAN ANTONIO LOAN AND TRUST BUILDING*, 235 E. Commerce St., (7-12-76) HABS.
San Antonio. *SAN JOSE MISSION NATIONAL HISTORIC SITE*, 6519 San Jose Dr., (10-15-66) PH0180874 HABS; G.
San Antonio. *SCHROEDER-YTURRI HOUSE*, 1040 E. Commerce St., (4-14-75) PH0140350 HABS.
San Antonio. *SOURCE OF THE RIVER DISTRICT*, 4515 Broadway, (7-31-78)
San Antonio. *SOUTHERN PACIFIC RAILROAD PASSENGER STATION*, 1174 E. Commerce St., (5-29-75) PH0099872
San Antonio. *SPANISH GOVERNOR'S PALACE*, 105 Military Plaza, (4-15-70) PH0092801 NHL.
San Antonio. *SULLIVAN, DANIEL J., STABLE AND CARRIAGE HOUSE*, 314 4th St., (2-23-78)
San Antonio. *U.S. SAN ANTONIO ARSENAL*, (12-18-69) PH0092819 HABS; G.
San Antonio. *URSULINE ACADEMY*, 300 Augusta St., (11-25-69) PH0092827 HABS; G.
San Antonio. *VOGEL BELT COMPLEX*, 111–121 Military Plaza, (4-10-75) PH0038911 G.
San Antonio. *WALKER RANCH*, N of San Antonio between West Ave. and Blanco Rd., (2-25-75)

blanco county

Blanco. *CONN, ADRIAN EDWARDS, HOUSE*, Jct. of U.S. 281 and SW boundary of courthouse square, (11-19-71) PH0092851
Johnson City. *LYNDON B. JOHNSON NATIONAL HISTORIC SITE*, (12-2-69) PH0229709 (also in gillespie county)
Round Mountain. *ROUND MOUNTAIN STAGE-COACH INN AND STABLE*, Sr 962 off U.S. 281, (3-31-78)

bosque county

Meridian. *BOSQUE COUNTY COURTHOUSE*, Public Sq., (4-13-77)
Mosheim vicinity. *HOG CREEK ARCHEOLOGICAL DISTRICT*, 4 km NW of Mosheim and 13.5 km SW of Clifton, off FM 182, (7-20-77) (also in Coryell County)

bowie county

TEXARKANA UNION STATION, *Reference—see Miller County, Arkansas*
Boston. *BOWIE COUNTY COURTHOUSE AND JAIL*, Public Square, (11-16-77)
Texarkana. *DRAUGHN-MOORE HOUSE*, 420 Pine St., (6-29-76)
Texarkana. *OFFENHAUSER INSURANCE BUILDING*, State Line Ave. and 3rd St., (2-25-71) PH0079596 G.
Texarkana. *SAENGER THEATHER*, 219 Main St., (7-12-78)
Texarkana vicinity. *ROSEBOROUGH LAKE SITE (41BW5)*, NW of Texarkana, (7-6-76)
Texarkana vicinity. *TEXARKANA PHASE ARCHEOLOGICAL DISTRICT*, NW of Texarkana, (8-14-73) PH0079600

brazoria county

Brazoria vicinity. *ELLERSLIE PLANTATION*, SE of Brazoria off TX 36, (12-21-78)
Cedar Lake. *McCROSKEY, JOHN, CABIN*, 2 mi. NE of Cedar Lake on Stringfellow Ranch, (8-28-75)
East Columbia. *UNDERWOOD, AMMON, HOUSE*, Main St., (6-24-76)

brazos county

Bryan. *BRYAN CARNEGIE LIBRARY*, 111 S. Main St., (10-27-76)
Bryan. *CAVITT HOUSE*, 713 E. 30th St., (10-27-76)

brewster county

Alpine. *BREWSTER COUNTY COURTHOUSE AND JAIL*, Courthouse Sq., (7-17-78)
Big Bend National Park. *CASTOLON HISTORIC DISTRICT*, Along Rio Grande at jct. of Park Rtes. 5, 9, and 35, (9-6-74) PH0079626
Big Bend National Park. *HOT SPRINGS*, W of Rio Grande Village, (9-17-74) PH0079634
Big Bend National Park. *LUNA JACAL*, At base of Pena Mountain in Big Bend National Park, (11-8-74) PH0079618
Big Bend National Park. *MARISCAL MINE*, River Rd., (9-13-74) PH0079642
Big Bend National Park. *RANCHO ESTELLE*, On the Rio Grande River, (9-3-74) PH0079651
Santa Elena Junction vicinity. *WILSON, HOMER, RANCH*, 8 mi. S of Santa Elena Junction on Park Rte. 5, Big Bend National Park, (4-14-75) PH0140333

briscoe county

Quitaque vicinity. *LAKE THEO FOLSOM SITE COMPLEX*, 3 mi. N of Quitaque, (4-28-75)
Silverton vicinity. *MAYFIELD DUGOUT*, 7 mi. NW of Silverton, (6-18-73)

brown county

Brownwood. *SANTA FE RAILROAD STATION*, Washington Ave. between E. Depot and E. Adams Sts., (1-2-76)

burnet county

Marble Falls vicinity. *PAGE, LOUIS, ARCHEOLOGICAL SITE*, E of Marble Falls, (3-30-78)
Spicewood vicinity. *KRAUSE SPRING SITE*, E of Spicewood, (11-15-78)

caldwell county

Lockhart. *CALDWELL COUNTY COURTHOUSE HISTORIC DISTRICT*, Courthouse Sq. and environs, (1-3-78)
Lockhart. *EMMANUEL EPISCOPAL CHURCH*, SE corner of N. Church and Walnut Sts., (6-5-74) PH0079677
Lockhart vicinity. *WITHERS, M. A., HOUSE*, W of Lockhart on Borchert Loop Rd., (8-27-76) G.

cameron county

Brownsville. *BROWNE-WAGNER HOUSE*, 245 E. St. Charles St., (8-29-77)
Brownsville. *FORT BROWN*, (10-15-66) PH0079693 NHL.
Brownsville. *RESACA DE LA PALMA BATTLEFIELD*, N edge of Brownsville on Parades Line Rd., (10-15-66) PH0079723 NHL.
Brownsville. *SOUTHERN PACIFIC RAILROAD PASSENGER DEPOT*, 601 E. Madison St., (11-17-78) HABS.
Brownsville vicinity. *OLD BRULAY PLANTATION*, E of Brownsville off TX 4, (10-10-75) PH0280160
Brownsville vicinity. *PALO ALTO BATTLEFIELD*, 6.3 mi. N of Brownsville at jct. of FR 1847 and 511, (10-15-66) PH0079715 NHL.
Port Isabel. *POINT ISABEL LIGHTHOUSE*, Off TX 100, (4-30-76) HABS.
Port Isabel vicinity. *BRAZOS SANTIAGO DEPOT*, Off Port Isabel at N end of Brazos Island, (7-14-71) PH0079685
Port Isabel vicinity. *GARCIA PASTURE SITE*, Loma del Mesquite, (2-23-72) PH0079707

carson county

Panhandle. *CARSON COUNTY SQUARE HOUSE MUSEUM*, 5th and Elsie Sts., (3-7-73) PH0079731

cass county

Queen City. *MATHEWS-POWELL HOUSE*, Miller St., (9-22-77)

chambers county

Cove vicinity. *SITE 41 CH 110*, (7-14-71) PH0079758
Wallisville vicinity. *ORCOQUISAC ARCHEOLOGICAL DISTRICT*, (7-14-71) PH0079740

cherokee county

Alto vicinity. *DAVIS, GEORGE C., SITE*, 6 mi. SW of Alto on TX 21, (10-15-70) PH0079766 G.

clay county

Henrietta. *CLAY COUNTY COURTHOUSE AND JAIL (COURTHOUSE)*, 100 N. Bridge St.? (jail) Ikard St., (10-3-78)

coke county

Bronte vicinity. *FORT CHADBOURNE*, (4-2-73) PH0079774

collin county

Farmersville vicinity. *SISTER GROVE CREEK SITE*, 4 mi. W of Farmersville off U.S. 380, (8-22-77)
McKinney. *MCKINNEY, COLLIN, CABIN*, Finch Park, (9-18-78)
Plano. *WILSON, AMMIE, HOUSE*, 1900 W. 15th St., (12-28-78)

colorado county

Columbus. *COLORADO COUNTY COURTHOUSE*, Bounded by Milam, Spring, Travis and Walnut Sts., (7-12-76) G.
Columbus. *COLORADO COUNTY COURTHOUSE HISTORIC DISTRICT*, Roughly bounded by Preston, Walnut, Milam, Front, Washington, and Live Oak Sts., (6-23-78)
Columbus. *STAFFORD BANK AND OPERA HOUSE*, Milam and Spring Sts., (5-8-73) PH0079782 G.
Columbus vicinity. *STAFFORD, JOHN, HOUSE*, S of Columbus on U.S. 71, (5-3-76)

comal county

Gruene. *GRUENE HISTORIC DISTRICT*, Both sides of Sequin, New Braunfels, and Austin Sts., (4-21-75) G.
New Braunfels. *COMAL COUNTY COURTHOUSE*, N. Sequin Ave., (12-12-76)
New Braunfels. *FIRST PROTESTANT CHURCH (UNITED CHURCH OF CHRIST)*, 296 S. Sequin St., (7-14-71) PH0079791
New Braunfels. *GUADALUPE HOTEL/SCHMITZ HOTEL*, 471 Main Plaza, (3-13-75) G.
New Braunfels. *KLEIN, STEPHEN, HOUSE*, 131 S. Seguin St., (8-25-70) PH0079804
New Braunfels. *LINDHEIMER HOUSE*, 489 Comal Ave., (8-25-70) PH0079812 HABS.

concho county

Paint Rock. *CONCHO COUNTY COURTHOUSE*, Public Sq., (11-7-77)
Paint Rock vicinity. *PAINT ROCK INDIAN PICTOGRAPH SITE*, 1 mi. NW of Paint Rock off U.S. 83, (6-21-71) PH0079821
Salt Gap vicinity. *BISHOP SITE*, W of Salt Gap, (6-17-77)

coryell county

Gatesville. *CORYELL COUNTY COURTHOUSE*, Pub. Sq., (8-18-77)

crockett county

Iraan vicinity. *ARCHEOLOGICAL SITE 41-CX-110*, E of Iraan, (5-5-78)
Iraan vicinity. *CAMP MELVIN SITE*, NW of Iraan, (11-15-78)
Ozona. *CROCKETT COUNTY COURTHOUSE*, 907 Ave. D, (12-27-74) PH0079839
Ozona vicinity. *TURKEY ROOST PETROGLYPH SITE*, NW of Ozona, (10-19-78)
Sheffield vicinity. *FORT LANCASTER*, 10 mi. E of Sheffield on U.S. 290, (3-11-71) PH0079847 G.
Sheffield vicinity. *LIVE OAK CREEK ARCHEOLOGICAL DISTRICT*, About 10 mi. E of Sheffield, (4-2-76) (also in Pecos and Terrell Counties)

culberson county

Gaudalupe Mountain National Park. *PINERY STATION*, Off U.S. 62/180, (10-9-74) PH0079855
Guadalupe Mountain National Park. *PRATT, WALLACE, LODGE*, At jct. of N and S branch of McKittrick Canyon, (3-26-75) PH0089052
Salt Flat vicinity. *GUADALUPE RANCH*, NE of Salt Flat in Guadalupe Mountains National Park, (11-21-78)
Toyah vicinity. *GRANADO CAVE*, 36.6 mi. W of Toyah, (3-25-77)
Van Horn. *FIRST PRESBYTERIAN CHURCH*, Fannin and 3rd Sts., (12-1-78)

dallas county

Dallas. *BELO, ALFRED HORATIO, HOUSE*, 2115 Ross Ave., (10-29-75) PH0246182 G.
Dallas. *DALLAS COUNTY COURTHOUSE*, Houston and Commerce Sts., (12-12-76)
Dallas. *DALLAS HALL*, Southern Methodist University campus, (11-17-78)
Dallas. *DALLAS UNION TERMINAL*, 400 S. Houston St., (5-29-75) PH0099881
Dallas. *DEGOLYER ESTATE*, 8525 Garland Rd., (12-28-78)
Dallas. *MAGNOLIA BUILDING*, 108 S. Akard St., (1-30-78)
Dallas. *MAJESTIC THEATRE*, 1925 Elm St., (11-14-77)
Dallas. *MUNGER PLACE HISTORIC DISTRICT*, roughly bounded by Henderson, Junius, Prairie, and Reiger Sts., (9-13-78)
Dallas. *SANGER BROTHERS COMPLEX*, Block 32, bounded by Elm, Lamar, Main and Austin Sts., (4-1-75)
Dallas. *SWISS AVENUE HISTORIC DISTRICT*, Swiss Ave. between Fitzhugh and LaVista, (3-28-74) PH0079863 G.
Dallas. *TRINITY METHODIST EPISCOPAL CHURCH*, 2120 McKinney Ave., (4-24-75) PH0140317 G.
Dallas. *WAPLES-PLATTER COFFEE ROASTER BUILDING*, 2211 N. Lamar St., (3-24-78)

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Dallas. *WESTEND HISTORIC DISTRICT*, bounded by Lamar, Griffin, Wood, Market, and Commerce Sts. and the MO, KS and TX RR tracks, (11-14-78)
Dallas. *WILSON BLOCK*, 2902, 2906, 2910 and 2922 Swiss Ave.; 2901 and 2907 Floyd St., (12-15-78)
Lancaster. *RANDLETT HOUSE*, 401 S. Centre St., (8-11-78)
Lancaster. *RAWLINS, CAPT. R. A., HOUSE*, 2219 Dowling St., (11-15-78)
Lancaster. *STRAIN, W. A., HOUSE*, 400 E. Pecan St., (11-29-78)

de witt county

CUERO I ARCHEOLOGICAL DISTRICT, (10-9-74) PH0068748 (also in Gonzales County)
Cuero. *DE WITT COUNTY COURTHOUSE*, Bounded by N. Gonzales, E. Live Oak, N. Clinton, and E. Courthouse Sts., (5-6-71) PH0079871 G.
Yorktown. *ECKHARDT STORES*, Eckhardt and Main St., (6-29-76)

deaf smith county

Hereford. *BLACK, E. B., HOUSE*, 508 W. 3rd St., (7-17-78)

denton county

Denton. *DENTON COUNTY COURTHOUSE*, Public Sq., (12-20-77)

dewitt county

Cuero vicinity. *CUERO HYDROELECTRIC PLANT*, 2 mi. N of Cuero on Guadalupe Plant, (9-19-77)

donley county

Clarendon. *DONLEY COUNTY COURTHOUSE AND JAIL*, Public Sq., (2-17-78)

el paso county

El Paso. *CASTNER RANGE ARCHEOLOGICAL DISTRICT*, U.S. 54, (4-22-76)
El Paso. *CHAMIZAL NATIONAL MEMORIAL*, (2-4-74)
El Paso. *EL PASO UNION PASSENGER STATION*, SW corner of Coldwell at San Francisco St., (4-3-75) PH0038849
El Paso. *FIRST MORTAGE COMPANY BUILDING*, 109 N. Oregon St., (6-13-78)
El Paso. *MAGOFFIN HOMESTEAD*, 1120 Magoffin Ave., (3-31-71) PH0068501 G.
El Paso. *OLD FORT BLISS*, 1800 block of Doniphan St., (2-23-72) PH0068519
El Paso. *TROST, HENRY C., HOUSE*, 1013 W. Yandell Dr., (7-12-76)
El Paso. *1800's MEXICAN CONSULATE*, 612 E. San Antonio St., (5-23-75)
El Paso vicinity. *DOYLE, SGT., SITE*, 4 mi. NE of El Paso, (4-11-77)
El Paso vicinity. *FUSSELMAN CANYON ROCK ART DISTRICT*, W of El Paso on SR 375, (6-3-76) G.
El Paso vicinity. *HOT WELL ARCHEOLOGICAL SITE*, 1 mi. S of Hot Well, (4-30-76)
El Paso vicinity. *HUECO TANKS*, (7-14-71) PH0068497
El Paso vicinity. *NORTHGATE SITE*, N of El Paso on Fort Bliss Military Reservation, (3-16-72)
San Elizario. *PRESIDIO CHAPEL OF SAN ELIZARIO*, S side of plaza, (9-14-72) PH0068527 HABS.
Socorro. *SOCORRO MISSION*, Moon Rd. and TX 258, (3-16-72) PH0068535
Ysleta. *YSLETA MISSION (MISSION DE CORPUS CHRISTI DE LA YSLETA)*, U.S. 80 near jct. with Zaragosa Rd., (7-31-72) PH0068543 HABS.

ellis county

Waxachchie. *WILLIAMS-ERWIN HOUSE*, 412 W. Marvin St., (7-7-78)
Waxahachie. *ELLIS COUNTY COURTHOUSE HISTORIC DISTRICT*, Roughly bounded by both sides of Waxahachie Creek N to Union Pacific RR. tracks and between both sides of Elm and Flat Sts., (4-23-75) PH0059323
Waxahachie. *WAXAHACHIE CHAUTAUQUA BUILDING*, Getzendaner Park, (5-3-74) PH0079880 G.

erath county

Bluff Dale. *BLUFF DALE SUSPENSION BRIDGE*, Berry's Creek Rd., (12-20-77)
Stephenville. *ERATH COUNTY COURTHOUSE*, Public Sq., (8-18-77)

fannin county

Bonham. *RAYBURN, SAMUEL T., HOUSE*, 1.5 mi. W of Bonham on U.S. 82, (6-5-72) PH0068551 NHL; G.

fayette county

Dubina vicinity. *PYTLOVANY, SIMON, HOUSE*, 1.5 mi. S of Dubina on FR 1383, (4-14-75)
Flatonia. *BUCKNER'S CREEK BRIDGE*, 10 mi. N of Flatonia over Buckner's Creek, (5-29-76)
La Grange. *FAYETTE COUNTY COURTHOUSE AND JAIL*, Courthouse Sq. and 104 Main St., (1-23-75) G.
La Grange. *KREISCHE, HENRY L., BREWERY AND HOUSE*, S of LaGrange off U.S. 77 on Monument Hill, (4-16-75)
La Grange. *ST. JAMES EPISCOPAL CHURCH*, Monroe and Colorado Sts., (6-18-76)
LaGrange vicinity. *MOUNT ELIZA*, 3 mi. (4.8 km) S of LaGrange on U.S. 77, (7-17-78)
Round Top. *BETHLEHEM LUTHERAN CHURCH*, White St., (8-10-78)
Round Top vicinity. *CUMMINS CREEK BRIDGE*, 2 mi. NW of Round Top over Cummins Creek, (4-21-75)
Schulenburg vicinity. *MULBERRY CREEK BRIDGE*, 2.5 mi. SW of Schulenburg on old Praha Rd., (4-21-75) PH0059285
Warrenton. *NEESE, WILLIAM, SR., HOMESTEAD*, TX 237, (2-18-75) HABS.
Winedale. *WINEDALE INN COMPLEX*, Off FM 1457, (6-22-70) PH0068586

fisher county

Noodle vicinity. *STEADMAN, FOY, SITE*, 8.5 mi. NW of Noodle, (3-11-71) PH0068594

floyd county

Quitaque vicinity. *QUITAQUE RAILWAY TUNNEL*, 10 mi. SW of Quitaque, (9-13-77)

galveston county

Galveston. *ASHBEL SMITH BUILDING (OLD RED)*, 914–916 Ave. B, (10-28-69) PH0068667 HABS.
Galveston. *ASHTON VILLA*, 2328 Broadway, (10-28-69) PH0068608
Galveston. *BEISSNER, HENRY, HOUSE*, 2818 Ball Ave., (4-3-78)
Galveston. *BISHOP'S PALACE (GRESHAM HOUSE)*, 1402 Ave. J (Broadway), (8-25-70) PH0068616 HABS.
Galveston. *EAST END HISTORIC DISTRICT*, Irregular pattern including both sides of Broadway and Market Sts. between 11th and 19th Sts., (7-3-75) PH0144941 NHL.
Galveston. *ELISSA*, Seawolf Park, (3-21-78)
Galveston. *GALVESTON CAUSEWAY*, Spans Galveston Bay from Virginia Point to Galveston Island, (12-12-76)
Galveston. *GALVESTON SEAWALL*, Seawall Blvd., (8-18-77)
Galveston. *GARTEN VEREIN PAVILION*, 27th St. and Avenue O (Kempner Park), (7-20-77)
Galveston. *GRACE EPISCOPAL CHURCH*, 1115 36th St., (4-3-75) PH0038920
Galveston. *GRAND OPERA HOUSE*, 2012–2020 Ave. E, (1-2-74) PH0068624 HABS.
Galveston. *MCKINNEY-MCDONALD HOUSE*, 926 Winnie St., (5-4-76)
Galveston. *MENARD, MICHEL B., HOUSE*, 1605 33rd St., (12-12-76) HABS.
Galveston. *MOSQUITO FLEET BERTH, PIER 19*, N end of 20th St., Pier 19, (4-21-75)
Galveston. *OLD GALVESTON CUSTOMHOUSE*, SE corner 20th and Post Office (Ave. E) Sts., (8-25-70) PH0068632 HABS.
Galveston. *POWHATAN HOUSE*, 3427 Avenue O, (10-6-75) PH0290271 HABS.
Galveston. *SEALY, GEORGE, HOUSE*, 2424 Broadway, (10-28-69) PH0068659 HABS.
Galveston. *ST. JOSEPH'S CHURCH*, 2202 Ave. K, (12-12-76)
Galveston. *ST. MARY'S CATHEDRAL*, 2011 Church Ave., (6-4-73) HABS; G.
Galveston. *STRAND HISTORIC DISTRICT, THE*, Roughly bounded by Ave. A, 20th St., alley between Aves. C and D, and railroad depot, (1-26-70) PH0094374 NHL; G.
Galveston. *SWEENEY-ROYLTON HOUSE*, 2402 L Ave., (9-1-78)
Galveston. *SWEENEY-ROYSTON HOUSE*, 2402 L Ave., (9-1-78)
Galveston. *TRUEHEART-ADRIANCE BUILDING*, 212 22nd St., (7-14-71) PH0068675 HABS; G.
Galveston. *WILLIAMS, SAMUEL MAY, HOUSE*, 361 Avenue P, (7-14-71) PH0068683 HABS; G.
Port Bolivar. *POINT BOLIVAR LIGHTHOUSE*, TX 87, (8-18-77)
Texas City. *DAVISON, FRANK B., HOUSE*, 109 3rd Ave., (6-29-76)

garza county

Post. *OLD ALGERITA HOTEL*, S corner of Main and Ave. I, (4-23-75) G.
Post. *OLD POST SANITARIUM*, 117 North Ave. N., (5-21-75) G.
Post vicinity. *COOPER'S CANYON SITE*, S of Post off TX 669, (11-7-78)
Post vicinity. *O.S. RANCH PETROGLYPHS*, 12 mi. (19 km) E of Post, (1-31-78)
Post vicinity. *POST-MONTGOMERY SITE*, W of Post off U.S. 380, (11-7-78)
Post vicinity. *POST WEST DUGOUT*, W of Post, (5-22-78)

gillespie county

LYNDON B. JOHNSON NATIONAL HISTORIC SITE, Reference—see Blanco County (1-2-74)
Fredericksburg. *FREDERICKSBURG HISTORIC DISTRICT*, (10-14-70) PH0068691 G.
Fredericksburg. *FREDERICKSBURG MEMORIAL LIBRARY (MCDERMOTT BUILDING, GILLESPIE COUNTY COURTHOUSE)*, Courthouse Sq., (3-11-71) PH0068705 G.

goliad county

Goliad. *GOLIAD COUNTY COURTHOUSE HISTORIC DISTRICT*, Roughly bounded by E. Franklin, S. Washington, E. Fannin, and S. Chilton Sts., (6-29-76) G.

Goliad. *OLD MARKET HOUSE MUSEUM*, S. Market and Franklin Sts., (10-18-72) PH0068713
Goliad vicinity. *NUESTRA SENORA DEL ESPIRITU SANTO DE ZUNIGA SITE*, 0.5 mi. S of Goliad on U.S. 183, (8-22-77)
Goliad vicinity. *PRESIDIO NUESTRA SENORA DE LORETO DE LA BAHIA*, 1 mi. S of Goliad State Park on U.S. 183, (12-24-67) PH0103772 NHL; HABS.
Goliad vicinity. *RUINS OF MISSION NUESTRA SENORA DEL ROSARIO DE LOS CUJANES*, (9-22-72) PH0068721

gonzales county

CUERO I ARCHEOLOGICAL DISTRICT, Reference—see De Witt County (1-2-74)
Gonzales. *GONZALES - COUNTY COURTHOUSE*, Bounded by St. Louis, St. Paul. St. Lawrence, and St. Joseph Sts., (6-19-72) PH0068756 G.
Gonzales. *GONZALES COUNTY JAIL*, Courthouse Sq. on St. Lawrence St., (5-21-75) G.
Gonzales. *KENNARD HOUSE*, 621 St. Louis St., (1-25-71) PH0068764
Gonzales vicinity. *BRACHES HOUSE*, 12 mi. SE of Gonzales off U.S. 90 A, (3-31-71) PH0068730
Leesville vicinity. *LEESVILLE SCHOOLHOUSE*, E. of Leesville off TX 80, (5-25-78)

grayson county

Denison. *BRAUN, GEORGE, HOUSE*, 421 N. Austin Ave., (11-20-75) PH0247065
Denison. *KOHL, ERNST MARTIN, BUILDING*, 300 E. Main St., (7-12-76)

gregg county

Longview. *NORTHCUTT HOUSE*, 313 S. Fredonia St., (5-22-78)

grimes county

Anderson. *ANDERSON HISTORIC DISTRICT*, (3-15-74) PH0068772 G.
Navasota. *P. A. SMITH HOTEL*, Railroad St., (4-16-76)
Navasota. *STEELE HOUSE*, 217 Brewer St., (6-13-78)

guadalupe county

Seguin. *ERSKINE HOUSE NO. 1 (HOLLAMON HOUSE)*, 902 N. Austin St., (8-25-70) PH0048771 HABS.
Seguin. *JOHNSON, JOSEPH F., HOUSE*, 761 Johnson Ave., (6-23-78) HABS.
Seguin. *LOS NOGALES*, S. River and E. Live Oak Sts., (3-24-72) PH0048780
Seguin. *SEBASTOPOL (ZORN HOUSE)*, NE corner of W. Court and N. Erkel Sts., (8-25-70) PH0048798 G.
Seguin vicinity. *WILSON UTILITY POTTERY KILNS ARCHEOLOGICAL DISTRICT*, 9 mi. E of Seguin on TX 466, (4-16-75)

hale county

Plainview. *PLAINVIEW SITE*, 0.5 mi. W of jct. of U.S. 70 and 87, (10-15-66) PH0048801 NHL.

harris county

Houston. *ANNUNCIATION CHURCH (ROMAN CATHOLIC)*, 1618 Texas Ave., (11-3-75) PH0246735
Houston. *ANTIOCH MISSIONARY BAPTIST CHURCH*, 313 Robin St., (12-22-76)
Houston. *COVINGTON, DR. B. J., HOUSE*, 2219 Dowling St., (11-15-78)
Houston. *FOLEY, W. L., BUILDING*, 214–218 Travis St., (10-11-78)
Houston. *HOGG BUILDING*, 401 Louisiana St., (7-14-78)
Houston. *HOUSTON TURN-VEREIN ouston Turn-Verein, TX*, 5202 Almeda Rd., (3-21-78)
Houston. *IDESON, JULIA, BUILDING*, 500 McKinney St., (11-23-77)
Houston. *KELLUM-NOBLE HOUSE*, 212 Dallas St., (4-3-75) PH0038938 HABS.
Houston. *MANSFIELD STREET ARCHEOLOGICAL SITE*, Mansfield St., (5-22-78)
Houston. *OLD HOUSTON NATIONAL BANK*, 202 Main St., (7-17-75) PH0156761
Houston. *OLD SIXTH WARD HISTORIC DISTRICT*, Bounded by Washington, Union, Houston, Capitol and Glenwood Cemetery, (1-23-78)
Houston. *PILLOT BUILDING*, 106 Congress St., (6-13-74) PH0048844
Houston. *RICE HOTEL*, Main St. and Texas Ave., (6-23-78)
Houston. *SEWALL, CLEVELAND HARDING, HOUSE*, 3452 Inwood St., (4-14-75) PH0100471
Houston. *SOUTH TEXAS NATIONAL BANK*, 215 Main St., (12-8-78)
Houston. *SWEENEY, COOMBS & FREDERICKS BUILDING*, 301 Main St., (6-20-74) PH0048836 G.
Houston. *U.S. CUSTOMHOUSE*, San Jacinto at Rusk St., (8-28-74) PH0048852
Houston. *U.S.S. TEXAS*, 22 mi. E of Houston on TX 134 at San Jacinto Battleground State Park, (12-8-76) NHL.
Houston. *UNION STATION*, 501 Crawford St., (11-10-77)
Houston. *1879 HOUSTON WATERWORKS*, 27 Artesian St., (5-6-76)
Houston. *1884 HOUSTON COTTON EXCHANGE BUILDING*, 202 Travis St., (5-6-71) PH0048810 G.
Houston vicinity. *SAN JACINTO BATTLEFIELD*, 22 mi. E of Houston on TX 134, (10-15-66) PH0048828 NHL.
Seabrook vicinity. *ARMAND BAYOU ARCHEOLOGICAL DISTRICT*, NW of Seabrook, (12-12-78)

harrison county

Leigh vicinity. *MIMOSA HALL*, S of Leigh off SR 134, (11-2-78)
Marshall. *FRY-BARRY HOUSE*, 314 W. Austin, (11-21-78)
Marshall. *GINOCCHIO HISTORIC DISTRICT*, Bounded by Grand Ave., and N. Franklin, Willow, and Lake Sts., (12-31-74) PH0080501 G.
Marshall. *HAGERTY HOUSE*, 505 E. Rusk St., (9-13-78)
Marshall. *HARRISON COUNTY COURTHOUSE*, Public Square, (8-16-77)
Marshall. *OLD PIERCE HOUSE (MAGNOLIA HALL)*, 303 N. Columbus St., (4-13-73) PH0048861
Marshall vicinity. *EDGEMONT*, W of Marshall, (9-22-77)
Marshall vicinity. *MARSHALL ARSENAL, CSA*, N of Marshall on both sides of FM 1997, (7-1-76)

hays county

San Marcos. *COCK HOUSE*, 402 E. Hopkins St., (4-23-73) PH0048879 G.
San Marcos. *FIRST UNITED METHODIST CHURCH*, 129 W. Hutchison St., (11-8-74) PH0048887
San Marcos vicinity. *FREEMAN, HARRY, SITE*, NW of San Marcos off TX 12, (11-7-78)
San Marcos vicinity. *NORMAN, RUSKIN C., SITE*, NW of San Marcos, (11-21-78)

hidalgo county

Mission vicinity. *LA LOMITA HISTORIC DISTRICT*, 5 mi. S of Mission on FM 1016, (5-28-76)

hill county

BUZZARD CAVE, NW of Lake Whitney, (7-18-74) PH0048895
Blum vicinity. *SHEEP CAVE*, SW of Blum, (7-9-74) PH0048933
Hillsboro. *HILL COUNTY COURTHOUSE*, Courthouse Sq., (6-21-71) PH0048909 HABS.
Hillsboro vicinity. *MCKENZIE SITE*, SW of Hillsboro, (11-25-77)
Huron vicinity. *BEAR CREEK SHELTER SITE*, SW of Huron, (10-19-78)
Itasca vicinity. *TURNER, JOE E., HOUSE*, 3 mi. E of Itasca on SR 934, (4-13-77) HABS.
Lake Whitney Estates vicinity. *KYLE SHELTER*, NW of Lake Whitney Estates, (7-9-74) PH0048917
Lake Whitney vicinity. *PICTOGRAPH CAVE*, 3.5 mi. NW of Lake Whitney Estates, (3-13-74) PH0048925

hood county

Granbury. *HOOD COUNTY COURTHOUSE HISTORIC DISTRICT*, Courthouse Sq., bounded by Bridge, Pearl, and Houston Sts., (6-5-74) PH0048941
Granbury. *WRIGHT-HENDERSON-DUNCAN HOUSE*, 703 Spring St., (12-19-78)

hopkins county

Sulphur Springs. *HOPKINS COUNTY COURTHOUSE*, Church and Jefferson Sts., (4-11-77)

houston county

Crockett. *DOWNES-ALDRICH HOUSE*, 206 N. 7th St., (4-19-78)
Crockett. *MONROE-CROOK HOUSE*, 707 E. Houston St., (3-31-71) PH0048950 G.
Kennard vicinity. *WESTERMAN MOUND*, 5.8 mi. SE of Kennard, (6-20-71) PH0048968

howard county

Big Spring. *POTTON-HAYDEN HOUSE*, SW corner Gregg and 2nd Sts., (4-14-75) G.

hudspeth county

Allamore vicinity. *RED ROCK ARCHEOLOGICAL COMPLEX*, 4.8 mi. NE of Allamore, (5-2-77)
Sierra Blanca. *HUDSPETH COUNTY COURTHOUSE*, Millican St., (5-21-75) G.

hunt county

Greenville. *POST OFFICE BUILDING*, Lee at King St., (8-7-74) PH0048976

hutchinson county

Fritch vicinity. *ANTELOPE CREEK ARCHEOLOGICAL DISTRICT*, (9-22-72) PH0048984
Stinnet vicinity. *ADOBE WALLS*, E of Stinnet, (5-22-78)

irion county

Sherwood. *IRION COUNTY COURTHOUSE*, Public Sq., (8-29-77)

jack county

Jacksboro vicinity. *FORT RICHARDSON*, S of Jacksboro on U.S. 281, (10-15-66) PH0048992 NHL; G.

jasper county

Jasper. *BLAKE-BEATY-ORTON HOUSE*, 206 S. Main St., (4-16-75) PH0100498
Jasper vicinity. *DOOM, COL. RANDOLPH C., HOUSE*, 7.5 mi. W of Jasper on FM 1747, (12-30-75) NHL.

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jeff davis county

Fort Davis. *FORT DAVIS NATIONAL HISTORIC SITE*, Jct. of TX 17 and 118, (10-15-66) PH0229717 HABS.

jefferson county

Beaumont. *BEAUMONT COMMERCIAL DISTRICT*, Roughly bounded by Orleans, Bowie, Neches, Crockett, Laurel, Willow, Broadway, Pearl, Main, and Gilbert Sts., (4-14-78)

Beaumont. *FRENCH HOME TRADING POST*, 2995 French Rd., (10-15-70) PH0049000

Beaumont. *HINCHEE HOUSE*, 1814 Park St., (11-21-78)

Beaumont. *IDLE HOURS*, 1608 Orange St., (5-22-78)

Beaumont. *JEFFERSON THEATER*, 345 Fannin St., (1-30-78)

Beaumont. *MCFADDIN HOUSE COMPLEX*, 1906 McFaddin St., (1-25-71) PH0049018

Beaumont. *MILDRED BUILDINGS*, 1400 block of Calder Ave., (12-1-78)

Beaumont. *SANDERS HOUSE*, 479 Pine, (12-13-78)

Beaumont vicinity. *LUCAS GUSHER, SPINDLETOP OIL FIELD*, 3 mi. S of Beaumont on Spindletop Ave., (11-13-66) PH0103781 NHL.

Port Arthur. *POMPEIIAN VILLA*, 1953 Lakeshore Dr., (5-23-73) PH0049026 G.

jim wells county

Alice vicinity. *HINOJOSA SITE*, N of Alice, (3-30-78)

johnson county

Cleburne. *CLEBURNE CARNEGIE LIBRARY*, 201 N. Caddo St., (12-12-76)

Rio Vista vicinity. *HAM CREEK SITE*, SW of Rio Vista on TX 916, (2-15-74) PH0049034

Rio Vista vicinity. *HART, MEREDITH, HOUSE*, E of Rio Vista on SR 916, (4-13-77)

jones county

Abilene vicinity. *FORT PHANTOM HILL*, N of Abilene on Ranch Rd. 600, (9-14-72) PH0049042 G.

karnes county

Panna Maria and vicinity. *PANNA MARIA HISTORIC DISTRICT*, TX 123, (5-13-76)

kaufman county

Terrell vicinity. *PORTER, WALTER C., FARM*, 2 mi. N of Terrell on FR 986, (10-15-66) PH0103799 NHL.

kendall county

Boerne. *KENDALL INN*, Off U.S. 87, (6-29-76)

Comfort. *BRINKMANN, OTTO, HOUSE*, 701 High St., (12-12-77)

Comfort. *TREUE DER UNION MONUMENT*, High St., (11-29-78)

Sisterdale. *SISTERDALE VALLEY DISTRICT*, SR 1376, (1-8-75)

kenedy county

Kingsville and vicinity. *KING RANCH*, Kingsville and its environs, (10-15-66) PH0103802 NHL. (also in Kleberg, Nueces, and Willacy counties)

Port Isabel vicinity. *MANSFIELD CUT UNDERWATER ARCHEOLOGICAL DISTRICT*, (1-21-74) G. (also in Willacy County)

kerr county

Camp Verde. *OLD CAMP VERDE*, (5-25-73) PH0049069

Kerrville. *SCHREINER, CAPT. CHARLES, MANSION*, 216 Earl Garrett St., (4-14-75)

kleberg county

KING RANCH, Reference—see Kenedy County (1-2-74)

Corpus Christi vicinity. *DUNN RANCH, NOVILLO LINE CAMP*, S of Corpus Christi in Padre Island National Seashore, (10-1-74) PH0049077

lamar county

Faulkner vicinity. *MACKIN, A. C., ARCHEOLOGICAL SITE*, 1 mi. SW of Faulkner, (5-16-74)

Paris. *MAXEY, SAMUEL BELL, HOUSE*, 812 E. Church St., (3-18-71) PH0049085

Pin Hook vicinity. *ELLIS II SITE*, N of Pin Hook, (3-30-78)

Pin Hook vicinity. *EMERSON SITE*, N of Pin Hook, (12-1-78)

Pin Hook vicinity. *LOMA ALTO SITE*, N of Pin Hook, (3-29-78)

Pin Hook vicinity. *SWINDLE SITE*, W of Pin Hook, (3-29-78)

lampasas county

Lampasas. *LAMPASAS COUNTY COURTHOUSE*, Bounded by S. Live Oak, E. 4th, S. Pecan, and E. 3rd Sts., (6-21-71) PH0049107 G.

lavaca county

Hallettsville. *LAVACA COUNTY COURTHOUSE*, Bounded by LaGrange, 2nd, 3rd, and Main Sts., (3-11-71) PH0092860 G.

Hallettsville. *LAY-BOZKA HOUSE*, 205 Fairwinds, (1-25-71) PH0092878

lee county

Giddings. *LEE COUNTY COURTHOUSE*, Bounded by Hempstead, Grimes, E. Richmond, and Main Sts., (5-30-75)

Giddings. *SCHUBERT HOUSE*, 183 Hempstead St., (8-25-70) PH0092886

leon county

Centerville. *LEON COUNTY COURTHOUSE AND JAILS*, Public Sq., (12-12-77)

liberty county

Dayton vicinity. *SITE 41 LB 4*, (7-14-71) PH0181412

limestone county

Mexia vicinity. *BOOKER T. WASHINGTON EMANCIPATION PROCLAMATION PARK*, W side of Lake Mexia, 9 mi. W of Mexia, (5-24-76)

Mexia vicinity. *BOOKER T. WASHINGTON EMANICIPATION PROCLAMATION PARK*, 9 mi. W of Mexia, (5-24-76)

Mexia vicinity. *JOHNSTON, JOSEPH E., CONFEDERATE REUNION GROUNDS*, 4 mi. W of Mexia on SR 1633, (4-2-76)

Tehuacana. *TEXAS HALL, OLD TRINITY UNIVERSITY*, College and Westminister Sts., (7-12-78)

live oak county

Calliham vicinity. *PAGAN SITE*, E of Calliham off TX 72, (8-10-78)

llano county

Llano. *LLANO COUNTY COURTHOUSE AND JAIL*, Public Sq., Oatman and Haynie Sts., (12-2-77)

lubbock county

Lubbock. *CANYON LAKES ARCHEOLOGICAL DISTRICT*, Yellowhouse Canyon off U.S. 84, (3-26-76)

Lubbock vicinity. *LUBBOCK LAKE SITE*, N of Lubbock off U.S. 84, (6-21-71) NHL; G.

marion county

Jefferson. *ALLEY-CARLSON HOUSE*, 501 Walker St., (10-28-69) PH0092959 HABS.

Jefferson. *BEARD HOUSE*, 212 N. Vale St., (8-25-70) PH0092967 HABS.

Jefferson. *EPPERSON-MCNUTT HOUSE*, 409 S. Alley St., (10-28-69) PH0092975 HABS.

Jefferson. *EXCELSIOR HOTEL*, Austin St., between Market and Vale Sts., (10-28-69) PH0092991 HABS.

Jefferson. *JEFFERSON HISTORIC DISTRICT*, (3-31-71) PH0093009 HABS.

Jefferson. *JEFFERSON PLAYHOUSE*, NW corner of Market and Henderson Sts., (3-31-71) PH0093050 HABS.

Jefferson. *MAGNOLIAS, THE*, 209 E. Broadway, (3-31-71) PH0093025 HABS.

Jefferson. *OLD U.S. POST OFFICE AND COURTS BUILDING*, 223 Austin St., (10-28-69) PH0093084 HABS.

Jefferson. *PERRY, CAPT. WILLIAM, HOUSE*, NW corner of Walnut and Clarksville Sts., (8-25-70) PH0093033

Jefferson. *PLANTERS BANK BUILDING*, 224 E. Austin St., (3-11-71) PH0093041

Jefferson. *PRESBYTERIAN MANSE*, NE corner of Alley and Delta Sts., (10-28-69) HABS.

Jefferson. *SEDBERRY HOUSE*, 211 N. Market St., (8-25-70) PH0093068

Jefferson. *SINGLETON, CAPT. WILLIAM E., HOUSE*, 204 N. Soda St., (8-25-70) PH0093076 HABS.

Jefferson. *WOODS, PERRY M., HOUSE (OLD LIGON PLACE)*, 502 Walker St., (3-31-71) PH0093092 HABS.

Jefferson vicinity. *FREEMAN PLANTATION HOUSE*, 0.8 mi. W of Jefferson on TX 49, (11-25-69) HABS.

mason county

Mason. *MASON HISTORIC DISTRICT*, Irregular pattern along both sides of U.S. 87 and TX 29, (9-17-74) PH0093106 G.

Mason. *REYNOLDS-SEAQUIST HOUSE*, 400 Broad St., (11-20-74) PH0093114

maverick county

Eagle Pass. *FORT DUNCAN*, Bounded by Monroe and Garrison Sts,. city limits on the S, and the Rio Grande on the W, (12-9-71) PH0093122

mcculloch county

Brady. *MCCULLOCH COUNTY COURTHOUSE*, Public Sq., (12-16-77)

Brady. *OLD MCCULLOCH COUNTY JAIL*, 117 N. High St., (4-3-75) PH0038946 G.

mclennan county

Waco. *EARLE-NAPIER-KINNARD HOUSE*, 814 S. 4th St., (3-11-71) PH0092908

Waco. *FORT HOUSE*, 503 E. 4th St., (10-15-70) PH0092916

Waco. *MANN, JOHN WESLEY, HOUSE*, 100 Mill St., (4-19-72) PH0092932

Waco. *MCCULLOCH HOUSE*, 406 Columbus Ave., (9-14-72) PH0092924

Waco. *MCLENNAN COUNTY COURTHOUSE*, Public Sq., (12-14-78)

Waco. *WACO SUSPENSION BRIDGE*, At Bridge St., over the Brazos River, (6-22-70) PH0092941

Waco vicinity. *TORREY'S TRADING HOUSE NO. 2 SITE*, E of Waco off TX 6, (6-5-75) PH0104493

mcmullen county

Calliham vicinity. *MUSTANG BRANCH SITE*, NW of Calliham off TX 72, (8-10-78)

medina county

Castroville. *CASTROVILLE HISTORIC DISTRICT*, (4-3-70) PH0093131 HABS; G.

Castroville. *LANDMARK INN COMPLEX (VANCE HOTEL)*, Florella and Florence Sts., (1-7-72) PH0093149 HABS.

Castroville vicinity. *MEDINA DAM*, N of Castroville on the Medina River, (3-15-76)

Devine. *DEVINE OPERA HOUSE*, Transportation Blvd., (4-24-75) PH0059340

D'Hanis. *D'HANIS HISTORIC DISTRICT*, 7 mi. W of Hondo, (6-24-76) G.

menard county

Fort McKavett. *FORT MCKAVETT HISTORIC DISTRICT*, S bank of the San Saba River, (7-14-71) PH0093157 G.

Menard vicinity. *SITE OF PRESIDIO SAN LUIS DE LAS AMARILLAS*, 1 mi. NW of Menard on TX 29, (8-25-72) PH0093165

milam county

Cameron. *MILAM COUNTY COURTHOUSE AND JAIL*, Public Sq. and S. Fannin and E. 1st Sts., (12-20-77)

Rockdale vicinity. *SAN XAVIER MISSION COMPLEX ARCHEOLOGICAL DISTRICT*, 13 mi. W of Rockdale, (7-27-73) PH0093173

mills county

Regency vicinity. *REGENCY SUSPENSION BRIDGE*, 0.75 mi. S of Regency at Colorado River, (12-12-76)

montague county

Spanish Fort vicinity. *SPANISH FORT SITE*, NW of Spanish Fort off F.M. 103, (4-14-75)

montgomery county

Montgomery vicinity. *KIRBEE KILN SITE*, S of Montgomery, (8-28-73) PH0093190

nacogdoches county

Nacogdoches. *OLD NACOGDOCHES UNIVERSITY BUILDING*, Washington Sq., (6-21-71) PH0093203 HABS.

Nacogdoches. *STERNE, ADOLPHUS, HOUSE*, 211 S. Lanana St., (11-13-76)

Woden vicinity. *OIL SPRINGS OIL FIELD DISCOVERY WELL*, 4 mi. SE of Woden, (11-23-77)

navarro county

Corsicana. *CORSICANA OIL FIELD DISCOVERY WELL*, 400 block S. 12th St., (8-22-77)

nueces county

KING RANCH, Reference—see Kenedy County (1-2-74)

Corpus Christi. *BRITTON-EVANS HOUSE*, 411 N. Broadway, (12-12-76)

Corpus Christi. *NUECES COUNTY COURTHOUSE*, Mesquite and Belden Sts., (6-24-76) G.

oldham county

Adrian vicinity. *ROCKY DELL*, (2-23-72) PH0093220

Vega vicinity. *LANDERGIN MESA*, E side of E Alamosa Creek, Mansfield Ranch, (10-15-66) PH0093211 NHL.

orange county

Orange. *STARK, W. H., HOUSE*, 611 W. Green Ave., (12-12-76)

panola county

Carthage. *PANOLA COUNTY JAIL*, 110 N. Shelby St., (6-29-76)

Deadwood vicinity. *INTERNATIONAL BOUNDARY MARKER*, SE of Deadwood off SR 31 at LA State line, (4-13-77)

parker county

Tin Top vicinity. *TIN TOP SUSPENSION BRIDGE*, 2 mi. S of Tin Top on SR 1884, (3-25-77)

Weatherford. *PARKER COUNTY COURTHOUSE*, Courthouse Sq., (6-21-71) PH0093238

pecos county

LIVE OAK CREEK ARCHEOLOGICAL DISTRICT, Reference—see Crockett County

Fort Stockton. *FORT STOCKTON HISTORIC DISTRICT*, E edge of town, (4-3-73) PH0093246

Sheffield vicinity. *CANON RANCH RAILROAD ECLIPSE WINDMILL*, W of Sheffield on Canon Ranch, (9-22-77)

potter county

Amarillo. *BIVINS HOUSE*, 1000 Polk St., (12-31-74) PH0080527 G.

Amarillo. *LANDERGIN-HARRINGTON HOUSE*, 1600 Polk St., (12-16-77)

Amarillo vicinity. *MCBRIDE RANCHHOUSE*, N of Amarillo in Lake Meredith Recreation Area, (4-23-75) PH0059307

Fritch vicinity. *ALIBATES FLINT QUARRIES AND TEXAS PANHANDLE PUEBLO CULTURE NATIONAL MONUMENT*, SW of Fritch on the Canadian River, (10-15-66)

presidio county

Marfa. *EL PAISANO HOTEL*, N. Highland and W. Texas Sts., (8-1-78)

Marfa. *PRESIDIO COUNTY COURTHOUSE*, Public Sq., (12-20-77)

Presidio. *FORT LEATON*, 4 mi. E of Presidio on FM 170, (6-18-73) PH0093254 HABS.

Presidio vicinity. *LA JUNTA DE LOS RIOS ARCHEOLOGICAL DISTRICT*, Rio Grande and U.S. 67, (2-14-78)

Presidio vicinity. *SHAFTER HISTORIC MINING DISTRICT*, 20 mi. N of Presidio on U.S. 67, (5-17-76)

Redford vicinity. *TAPALCOMES*, S of Redford, (3-25-77)

Shafter vicinity. *FORTIN DE LA CRENEGA*, 15 mi. NE of Shafter on Crenega Creek, (10-8-76)

rains county

Emory vicinity. *GILBERT SITE*, 3 mi. N of Emory, (4-13-77)

Emory vicinity. *KOONS SITE*, 3 mi. N of Emory, (4-13-77)

Emory vicinity. *YANDELL SITE*, N of Emory, (4-13-77)

randall county

Canyon. *LESTER, L. T., HOUSE*, 310 8th St., (9-13-78)

reagan county

Stiles. *OLD REAGAN COUNTY COURTHOUSE*, Off TX 137, (5-5-78)

real county

Camp Wood. *MISSION SAN LORENZO DE LA SANTA CRUZ*, On TX 55 at N edge of city, (7-14-71) PH0093262

red river county

MCCARTY SITE, NE of Pin Hook, (12-1-78)

Blakeney vicinity. *KAUFMAN, SAM, SITE*, 1 mi. N of Blakeney, (8-14-73) PH0093271

Clarksville. *RED RIVER COUNTY COURTHOUSE*, Public Sq., (8-31-78)

Clarksville. *SMATHERS-DEMORSE HOUSE*, E. Comanche St., (5-17-76)

Kiomatia vicinity. *KIOMATIA MOUNDS ARCHEOLOGICAL DISTRICT*, (1-11-74) PH0093289

robertson county

Calvert. *CALVERT HISTORIC DISTRICT*, Roughly bounded by Main, Garritt, Pin Oak, Maple, and Barton Sts., (4-3-78)

Calvert. *HAMMOND HOUSE*, Bounded by Burnet, China, Elm, and Hanna Sts., (10-28-70) PH0093297 G.

Franklin. *ROBERTSON COUNTY COURTHOUSE AND JAIL*, Public Sq., (12-22-77)

runnels county

Ballinger. *BALLINGER CARNEGIE LIBRARY*, 204 N. 8th St., (6-18-75) PH0143618 G.

Miles. *THIELE, J., BUILDING*, Robinson and 2nd Sts., (6-29-76)

rusk county

Tatum vicinity. *HARMONY HLLL SITE*, SW of Tatum off TX 43, (5-13-76)

Tatum vicinity. *MUSGANO SITE*, SW of Tatum, (6-24-76)

sabine county

Milam vicinity. *OLIPHANT HOUSE*, 7 mi. E of Milam off TX 21, (8-18-77)

san augustine county

San Augustine. *CARTWRIGHT, MATTHEW, HOUSE*, 912 E. Main St., (1-25-71) PH0093319 HABS.

San Augustine. *CULLEN, EZEKIEL, HOUSE*, 207 S. Congress St., (6-21-71) PH0093327 HABS.

San Augustine. *HORN-POLK HOUSE*, 717 W. Columbia St., (11-7-76) HABS.

San Augustine vicinity. *BLOUNT, CAPT. THOMAS WILLIAM, HOUSE*, 2.5 mi. W of San Augustine on TX 21, (3-7-73) HABS.

San Augustine vicinity. *GARRETT, WILLIAM, PLANTATION HOUSE*, 1 mi. W of San Augustine on TX 21, (3-25-77) HABS.

San Augustine vicinity. *MISSION NUESTRA SENORA DE LOS DELORES DE LOS AIS SITE*, 0.5 mi. SE of San Augustine, (12-16-77)

san patricio county

San Patricio vicinity. *MCGLOIN, JAMES, HOMESTEAD*, 1 mi. NW of San Patricio on FM 666, (7-14-71) PH0093335

shackelford county

Albany. *SHACKELFORD COUNTY COURTHOUSE HISTORIC DISTRICT*, Roughly bounded by S. 1st, S. 4th, S. Jacobs, and S. Pecan Sts., (7-30-76) G.

Albany vicinity. *FORT GRIFFIN*, 15 mi. N of Albany on U.S. 283, (3-11-71) PH0093343 G.

smith county

Teaselville vicinity. *DEWBERRY, COL. JOHN, HOUSE*, 1 mi. N of Teaselville on FM 346, (5-6-71) PH0093360 HABS.

Tyler. *GOODMAN-LEGRAND HOUSE*, 624 N. Broadway, (11-7-76)

starr county

Roma. *ROMA HISTORIC DISTRICT (ROMALOS SAENZ)*, Properties along Estrella and Hidalgo Sts. between Garfield St. and Bravo Alley, (7-31-72) PH0093378 HABS; G.

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sutton county

Sonora. *OLD MERCANTILE BUILDING*, 222 Main St., (1-30-78)
Sonora. *SUTTON COUNTY COURTHOUSE*, Public Square, (7-15-77)

tarrant county

Arlington. *MARROW BONE SPRING ARCHEOLOGICAL SITE*, E. Arkansas Lane, (11-21-78)
Fort Worth. *ANDERSON, NEIL P., BUILDING*, 411 W. 7th St., (3-8-78)
Fort Worth. *BENTON, M. A., HOUSE*, 1730 6th Ave., (5-22-78)
Fort Worth. *FLATIRON BUILDING*, 1000 Houston St., (3-31-71) PH0093386
Fort Worth. *FORT WORTH STOCKYARDS HISTORIC DISTRICT*, Roughly bounded by 23rd, Houston, and 28th Sts., and railroad tracks, (6-29-76)
Fort Worth. *GULF, COLORADO AND SANTE FE RAILROAD PASSENGER STATION*, 1601 Jones St., (10-15-70) PH0093394
Fort Worth. *KNIGHTS OF PYTHIAS BUILDING*, 315 Main St., (4-28-78) PH0093408
Fort Worth. *PADDOCK VIADUCT*, Main St., (3-15-76)
Fort Worth. *POLLOCK-CAPPS HOUSE*, 1120 Penn St., (6-19-72) PH0093416
Fort Worth. *TARRANT COUNTY COURTHOUSE*, Bounded by Houston, Belknap, Weatherford, and Commerce Sts., (10-15-70) PH0093424
Fort Worth. *TEXAS & PACIFIC STEAM LOCOMOTIVE no. 610*, Felix and Hemphill Sts., (3-25-77)
Fort Worth. *TEXAS AND PACIFIC TERMINAL COMPLEX*, Lancaster and Throckmorton Sts., (5-26-78)
Fort Worth. *WHARTON-SCOTT HOUSE*, 1509 Pennsylvania Ave., (4-14-75) PH0049565 G.

taylor county

Abilene. *SAYLES, HENRY, HOUSE*, 642 Sayles Blvd., (6-24-76) G.
Buffalo Gap. *OLD TAYLOR COUNTY COURTHOUSE AND JAIL*, William St. between North and Elm Sts., (6-9-78)

terrell county

LIVE OAK CREEK ARCHEOLOGICAL DISTRICT, Reference—see Crockett County
Dryden vicinity. *BULLIS' CAMP SITE*, NE of Dryden, (8-2-78)
Dryden vicinity. *GEDDIS CANYON ROCK ART SITE*, NE of Dryden, (5-22-78)
Dryden vicinity. *MEYERS SPRINGS PICTOGRAPH SITE*, (9-14-72) PH0093432

throckmorton county

Throckmorton. *THROCKMORTON COUNTY COURTHOUSE AND JAIL*, Public Sq. and Chestnut St., (8-10-78)

tom green county

San Angelo. *FORT CONCHO*, S edge of San Angelo, (10-15-66) PH0103811 NHL; G.
San Angelo. *SAN ANGELO NATIONAL BANK, JOHNSON AND TAYLOR, AND SCHWARTZ AND RAAS BUILDINGS*, 20–22, 24, 26 E. Concho Ave., (4-7-78)

travis county

Austin. *BARKER HISTORY CENTER (OLD LIBRARY), UNIVERSITY OF TEXAS*, South Mall, University of Texas campus, (8-25-70) PH0093441
Austin. *BREMOND BLOCK HISTORIC DISTRICT*, (4-3-70) PH0093459
Austin. *BRIZENDINE HOUSE*, 507 W. 11th St., (7-22-74) PH0093467
Austin. *CARRINGTON-COVERT HOUSE*, 1511 Colorado St., (8-25-70) PH0093475 G.
Austin. *CASWELL, DANIEL H. AND WILLIAM T., HOUSES*, 1404 and 1502 West Ave., (4-21-75)
Austin. *CLARKSVILLE HISTORIC DISTRICT*, Bounded by W. Lynn, Waterson, W. 10th and MO-PAC Expwy., (7-16-76)
Austin. *CONGRESS AVENUE HISTORIC DISTRICT*, Congress Ave. from 1st to 11th Sts., (8-11-78)
Austin. *DOYLE HOUSE*, 310 E. 14th St., (4-13-73)
Austin. *DRISKILL HOTEL*, 117 E. 7th St., (11-25-69) PH0093491
Austin. *ELISABET NEY STUDIO AND MUSEUM (FORMOSA)*, 304 E. 44th St., (11-29-72) PH0093505
Austin. *FRENCH LEGATION*, 802 San Marcos St., (11-25-69) PH0093513 HABS.
Austin. *GETHSEMANE LUTHERAN CHURCH*, 1510 Congress Ave., (8-25-70) PH0093521 HABS; G.
Austin. *GOODMAN BUILDING*, 202 W. 13th St., (4-13-73) PH0093530
Austin. *GOVERNOR'S MANSION*, 1010 Colorado St., (8-25-70) PH0093688 NHL.
Austin. *HANCOCK, JOHN, HOUSE*, 1306 Colorado St., (4-13-73) PH0093548
Austin. *HARDEMAN HOUSE*, 401 E. 16th St., (2-23-72)
Austin. *HIRSHFELD, HENRY, HOUSE AND COTTAGE*, 303 and 305 W. 9th St., (4-13-73) PH0093564
Austin. *LAGUNA GLORIA*, 3809 W. 35th St., (12-6-75) PH0294811
Austin. *LITTLE CAMPUS (ASYLUM FOR THE BLIND)*, Bounded by 18th, Oldham, 19th, and Red River Sts., (8-13-74) PH0093599
Austin. *LITTLEFIELD HOUSE*, 24th St. and Whitis Ave., (8-25-70) PH0093581
Austin. *MATHER-KIRKLAND HOUSE*, 402 Academy, (12-8-78)
Austin. *MILLETT OPERA HOUSE*, 110 E. 9th St., (3-21-78)
Austin. *MOONLIGHT TOWERS*, (7-12-76)
Austin. *NEILL-COCHRAN HOUSE*, 2310 San Gabriel St., (8-25-70) PH0093611
Austin. *OLD BAKERY*, 1006 Congress Ave., (12-17-69) PH0105562
Austin. *OLD LAND OFFICE BUILDING*, 108 E. 11th St., (8-25-70) PH0103861
Austin. *PAGGI, MICHAEL, HOUSE (GOODRICH HOMESTEAD)*, 200 Lee Barton Dr., (4-16-75) PH0049611
Austin. *PARAMOUNT THEATRE*, 713 Congress Ave., (6-23-76)
Austin. *PORTER, WILLIAM SIDNEY, HOUSE (O. HENRY HOUSE)*, 409 E. 5th S., (6-18-73) PH0093629
Austin. *RAYMOND-MORLEY HOUSE*, 510 Baylor St., (11-20-74) PH0093637 G.
Austin. *SHEEKS-ROBERTSON HOUSE*, 610 W. Lynn St., (6-24-76)
Austin. *SIXTH STREET HISTORIC DISTRICT*, Roughly bounded by 5th, 7th, Lavaca Sts. and I 35, (9-30-75)
Austin. *SMITH, B. J., HOUSE*, 700 W. 6th St., (4-19-78)
Austin. *SOUTHWESTERN TELEGRAPH AND TELEPHONE BUILDING*, 410 Congress Ave., (2-14-78)
Austin. *ST. DAVID'S EPISCOPAL CHURCH*, 304 E. 7th St., (8-2-78)
Austin. *ST. EDWARD'S UNIVERSITY MAIN BUILDING AND HOLY CROSS DORMITORY*, 3001 S. Congress St., (3-7-73) PH0093661 G.
Austin. *ST. MARY'S CATHEDRAL*, 201–207 10th St., (4-2-73) PH0093670
Austin. *TEXAS STATE CAPITOL*, Congress and 11th Sts., (6-22-70) PH0093696
Austin. *U.S. POST OFFICE AND FEDERAL BUILDING (O. HENRY HALL)*, 126 W. 6th St., (8-25-70) PH0093700
Austin. *WAHRENBERGER HOUSE*, 208 W. 14th St., (2-23-78)
Austin. *WOODLAWN (PEASE MANSION)*, 6 Niles Rd., (8-25-70) PH0093718 HABS.
Austin. *WOOTEN, GOODALL, HOUSE*, 700 W. 19th St., (4-3-75) PH0038890
Austin vicinity. *COX, ANDREW M., RANCH SITE*, 5 mi. SW of Austin on Barton Creek, (12-6-75) PH0294829
Austin vicinity. *LEVI ROCK SHELTER*, (6-21-71) PH0093572
Austin vicinity. *MCKINNEY HOMESTEAD*, SW of Austin between TX 71 and U.S. 183, (10-16-74) PH0093602
Austin vicinity. *ROGERS, EDWARD H., HOMESTEAD*, N of Austin off TX 1325, (12-27-74) PH0093645
Austin vicinity. *SMITH ROCK SHELTER*, (10-1-74) PH0093653

uvalde county

Uvalde. *GARNER, JOHN NANCE, HOUSE*, 333 N. Park St., (12-8-76) NHL.
Uvalde. *GRAND OPERA HOUSE*, E. North and N. Getty Sts., (5-22-78)
Uvalde vicinity. *LEONA RIVER ARCHEOLOGICAL SITE*, N of Uvalde, (5-6-76)
Uvalde vicinity. *TAYLOR SLOUGH ARCHEOLOGICAL SITE*, 4 mi. NE of Uvalde off U.S. 83, (5-4-76)
Uvalde vicinity. *UVALDE FLINT QUARRY*, 4 mi. NW of Uvalde off TX 55, (6-3-76)
Uvalde vicinity. *WILLINGHAM SITE*, N of Uvalde, (4-26-76)

val verde county

Comstock vicinity. *LOWER PECOS CANYON ARCHEOLOGICAL DISTRICT*, 12 mi. W of Comstock on U.S. 90, (3-31-71)
Comstock vicinity. *SEMINOLE CANYON ARCHEOLOGICAL DISTRICT*, 7 mi. W of Comstock, S of U.S. 90, (1-25-71) PH0068802 G.
Comstock vicinity. *WEST OF PECOS RAILROAD CAMPS DISTRICT*, 15 mi. W of Comstock off U.S. 90, (4-3-73) PH0068811
Del Rio. *SAN FELIPE CREEK ARCHEOLOGICAL DISTRICT*, (10-16-74) PH0068799
Del Rio. *VAL VERDE COUNTY COURTHOUSE AND JAIL*, 400 Pecan St., (8-18-77)
Langtry vicinity. *MILE CANYON (EAGLE NEST CANYON)*, NE of Langtry off U.S. 90, (10-15-70) PH0093734
Langtry vicinity. *RATTLESNAKE CANYON SITE (41 VV 180)*, SW of Langtry, (9-28-71) PH0068781

victoria county

Inez vicinity. *FORT ST. LOUIS SITE*, 13 mi. S of Inez on Garcitas Creek, (3-31-71) PH0068829
Victoria. *OLD VICTORIA COUNTY COURTHOUSE*, 101 N. Bridge St., (8-18-77)
Victoria. *VICTORIA GRIST WINDMILL*, Memorial Park in Victoria, (4-30-76)
Victoria vicinity. *WILLEKE SITE*, W of Victoria, (11-20-78)

walker county

Huntsville. *HOUSTON, SAM, HOUSE (WOODLAND)*, Avenue L, Sam Houston State University, (5-30-74) PH0290131 NHL.

waller county

Hempstead vicinity. *LIENDO*, 2 mi. NE of Hempstead off FM 1488, (6-21-71) PH0068837 HABS.

washington county

Brenham. *GIDDINGS-STONE MANSION*, 204 E. Stone St., (6-24-76) HABS.
Brenham. *GIDDINGS-WILKIN HOUSE*, 805 Crocket St., (12-12-76)
Brenham. *MAIN BUILDING, BLINN COLLEGE*, 804 College Ave., (12-6-78)
Brenham. *PAMPELL-DAY HOUSE*, 409 W. Alamo St., (10-15-70) PH0068870
Brenham vicinity. *HATFIELD PLANTATION*, NW of Brenham off FM 912, (1-25-71) PH0068853
Chappell Hill. *STAGE COACH INN (HALLER HOUSE)*, Main and Chestnut Sts., (12-12-76)
Chappell Hill vicinity. *BROWNING, W. W., HOUSE*, S of Chappell Hill near jct. of U.S. 290 and FM 1155, (1-20-72) PH0068845 HABS.
Gay Hill vicinity. *RED HOUSE*, NE of Gay Hill via TX 36 and FM 390, (1-25-71) PH0068888
Independence. *HOUSTON, MRS. SAM, HOUSE*, FM 390, 1 block E of jct. with FM 50, (10-22-70) PH0068861
Independence vicinity. *HOXEY, ASA, HOUSE*, W of Independence, (6-29-76)
Washington vicinity. *BROWN, JOHN M., HOUSE*, S of Washington on FM 912, (4-16-75)

webb county

Laredo. *FORT MCINTOSH*, Laredo Junior College campus, (6-25-75) PH0144967
Laredo. *SAN AUGUSTIN DE LAREDO HISTORIC DISTRICT*, (9-19-73) PH0068896
Laredo vicinity. *SAN JOSE DE PALAFOX HISTORIC/ARCHEOLOGICAL DISTRICT*, About 30 mi. NE of Laredo, (7-24-73) PH0068900
Mirando City vicinity. *LOS OJUELOS*, 2.5 mi. S of Mirando City on SR 649, (12-22-76)

wichita county

Wichita Falls. *KELL, FRANK, HOUSE*, 900 Bluff St.,
Wichita Falls. *WICHITA FALLS ROUTE BUILDING*, 503 8th St., (11-29-78)

willacy county

KING RANCH, Reference—see Kenedy County (1-2-74)
MANSFIELD CUT UNDERWATER ARCHEOLOGICAL DISTRICT, Reference—see Kenedy County

williamson county

Georgetown. *SOUTHWESTERN UNIVERSITY ADMINISTRATION BUILDING AND MOOD HALL*, University Ave., Southwestern University campus, (4-23-75) PH0140511
Georgetown. *TINNEN HOUSE*, 1220 Austin St., (8-25-70) PH0068942
Georgetown. *WILLIAMSON COUNTY COURTHOUSE HISTORICAL DISTRICT*, Rock and 9th Sts., Main and 7th Sts. (includes both sides), (7-26-77)
Liberty Hill vicinity. *BRYSON STAGE COACH STOP*, NW of Liberty Hill on TX 29, (12-1-78)
Old Round Rock. *INN AT BRUSHY CREEK (COLE HOUSE)*, Taylor Exit off U.S. 79, off I 35, (10-15-70) PH0068926
Round Rock vicinity. *MERRELL, CAPT. NELSON, HOUSE*, NE of Round Rock on U.S. 79, (10-15-70) PH0068934 HABS.

wilson county

Floresville. *WILSON COUNTY COURTHOUSE AND JAIL*, Public Sq., (5-5-78)
Floresville vicinity. *RANCHO DE LAS CABRAS*, 3 mi. W of Floresville on TX 97, (3-20-73) PH0068951 G.

wise county

Decatur. *ADMINISTRATION BUILDING, DECATUR BAPTIST COLLEGE*, 1602 S. Trinity St., (3-11-71) PH0068969 G.
Decatur. *WAGGONER MANSION*, 1003 E. Main, (5-1-74) PH0068977
Decatur. *WISE COUNTY COURTHOUSE*, Public Sq., (12-12-76)

wood county

Alba vicinity. *SADLER SITE*, N of Alba, (4-13-77)
Quitman vicinity. *HOWLE SITE*, W of Quitman, (4-13-77)
Quitman vicinity. *OSBORN SITE*, 5.6 mi. W of Quitman on TX 182, (12-15-76)

young county

Newcastle vicinity. *FORT BELKNAP*, 1 mi. S of jct. of TX 24 and 251, (10-15-66) PH0068985 NHL.
South Bend. *HARELL SITE*, 1 mi. N of South Bend on the Brazos River, (10-15-66) PH0068993 NHL.

zapata county

Laredo vicinity. *DOLORES NUEVO*, S of Laredo off U.S. 83, (11-27-73) PH0069001
San Ygnacio. *SAN YGNACIO HISTORIC DISTRICT*, (7-16-73) PH0069027 HABS.
San Ygnacio vicinity. *CORRALITOS RANCH*, 2 mi. N of San Ygnacio off U.S. 83, (8-2-77)
San Ygnacio vicinity. *DOLORES VIEJO*, N of San Ygnacio, (8-17-73) PH0069019
San Ygnacio vicinity. *SAN FRANCISCO RANCH*, 1 mi. N of San Ygnacio, (3-25-77)

TRUST TERRITORY OF THE PACIFIC ISLANDS

mariana island district

Saipan. *WAHERAK MAIHAR*, Public Works Headquarters Compound, (1-31-78)

mariana islands district

Garapan Village, Saipan. *JAPANESE HOSPITAL*, Rte. 3, (12-19-74) PH0069043
Navy Hill, Saipan. *JAPANESE LIGHTHOUSE*, Navy Hill at Garapan, (12-19-74) PH0038148
Rota Island. *ROTA LATTE STONE QUARRY*, (12-23-74) PH0069051
Saipan. *BANZAI CLIFF*, Banadero, Magpi area, (8-27-76)
Saipan. *SUICIDE CLIFF*, Banadero, (9-30-76)
Tinian Island. *HOUSE OF TAGA*, (12-19-74) PH0069035

marshall islands district

Likiep Atoll. *DEBRUM HOUSE*, Likiep Island, (9-30-76)
Majuro Atoll. *MARSHALL ISLANDS WAR MEMORIAL PARK*, Kalap Island, (9-30-76)

palau district

Babelthuap Island. *BAI RA IRRAI*, Airai, (9-20-76) G.
Babelthuap Island. *KED RA NGCHEMIANGEL*, Aimeliik, (9-30-76)
Babelthuap Island. *METEU 'L KLECHEM*, Melekeok, (9-30-76)
Babelthuap Island. *ODALMELECH*, Melekeok, (9-30-76)
Babelthuap Island. *ONGELULUUL*, Melekeok, (9-30-76)

ponape district

Eastern Caroline Islands. *CHIEF AGRICULTURIST HOUSE*, Kolonia, (9-30-76)
Eastern Caroline Islands. *GERMAN CEMETERY*, Kolonia, (9-30-76)
Eastern Caroline Islands. *JAPANESE ARTILLERY ROAD AND POHNDOLAP AREA*, Sokehs, (9-30-76)
Eastern Caroline Islands. *JAPANESE ELEMENTARY SCHOOL FOR PONAPEAN CHILDREN*, Kolonia, (9-30-76)
Eastern Caroline Islands. *JAPANESE HYDROELECTRIC POWER PLANT (GERMAN EXPERIMENTAL FORESTRY STATION SITE)*, Kolonia–Ponape, (9-30-76)
Eastern Caroline Islands. *JAPANESE HYDROELECTRIC POWER PLANT*, Kolonia, (9-30-76)
Eastern Caroline Islands. *JAPANESE SHRINE*, Kolonia, (9-30-76)
Eastern Caroline Islands. *SOKEHS MASS GRAVE SITE*, Kolonia, (9-30-76)
Kolonia. *SPANISH WALL*, Litkin Kel, (12-19-74) PH0069060
Tamuen Island. *NAN MADOL*, E side of Tamuen Island, (12-19-74) PH0103349

truk district

Dublon Island. *JAPANESE ARMY HEADQUARTERS*, Roro, (9-30-76)
Moen Island. *ST. XAVIER ACADEMY*, Winipis, (9-30-76)
Moen Island. *TONNACHAU MOUNTAIN*, Iras, (9-30-76)
Moen Island. *TONOTAN GUNS AND CAVES*, Nantaku, (9-30-76)
Moen Island. *TRUK LAGOON UNDERWATER FLEET*, (9-30-76)
Moen Island. *WIICHEN MEN'S MEETINGHOUSE SITE*, Peniesene, (9-30-76)
Moen Island vicinity. *TRUK LAGOON UNDERWATER FLEET*, (9-30-76)
Tol Island. *FAUBA ARCHEOLOGICAL SITE*, Truk Lagoon, (3-21-78)

yap district

Balebat. *RULL MEN'S MEETINGHOUSE*, Rull, (9-30-76)
Colonia. *SPANISH FORT*, (9-30-76)
Colonia vicinity. *O'KEEFE'S ISLAND*, (9-30-76)

UTAH

beaver county

Beaver. *BEAVER COUNTY COURTHOUSE*, 90 E. Center St., (10-6-70) PH0100196 HABS; G.
Beaver. *FRAZER, THOMAS, HOUSE*, 590 N. 300 West, (11-16-78)
Beaver vicinity. *FORT CAMERON*, E of Beaver on UT 153, (9-9-74) PH0100200
Milford vicinity. *WILDHORSE CANYON OBSIDIAN QUARRY*, 10 mi. E of Milford, (5-13-76)

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box elder county

Brigham City. *BOX ELDER STAKE TABERNACLE*, Main St. between 2nd and 3rd South St., (5-14-71) PH0100544 HABS.
Collinston vicinity. *HAMPTON'S FORD STAGE STOP AND BARN*, NW of Collinston on UT 154 at Bear River, (8-12-71) PH0100234 HABS.
Corinne. *CORINNE METHODIST EPISCOPAL CHURCH*, Corner of Colorado and S. 600 St., (5-14-71) PH0100218 HABS.
Ogden vicinity. *SOUTHERN PACIFIC RAILROAD: OGDEN-LUCIN CUT-OFF TRESTLE*, 30 mi. W of Ogden at N arm of Great Salt Lake, (4-14-72) PH0100242 HAER.
Promontory. *GOLDEN SPIKE NATIONAL HISTORIC SITE*, NE of Great Salt Lake, (10-15-66) PH0100226
Willard. *WILLARD HISTORIC DISTRICT*, Roughly bounded by 200 W., 200 N., 100 E., and 200 S. Sts., (6-25-74) PH0100251

cache county

Logan. *ECCLES, DAVID, HOUSE*, 250 W. Center St., (7-30-76)
Logan. *LOGAN TABERNACLE*, Bounded by Center, 1st North, Main, and 1st East Sts., (10-10-75) PH0246336
Logan. *LOGAN TEMPLE*, Between 2nd and 3rd East and 1st and 2nd North, (11-20-75)
Logan. *OLD MAIN, UTAH STATE UNIVERSITY*, Utah State University campus, (2-23-72) PH0100277 G.
Newton vicinity. *NEWTON RESERVOIR*, 3 mi. N of Newton, (11-30-73) PH0100269

carbon county

Price. *HELLENIC ORTHODOX CHURCH OF THE ASSUMPTION*, 61 S. 2nd East St., (4-11-73) PH0100285
Price. *NOTRE DAME DE LOURDES CATHOLIC CHURCH*, 200 N. Carbon Ave., (1-9-78)
Price. *PRICE MUNICIPAL BUILDING*, 200 East and Main St., (2-17-78)
Price. *PRICE TAVERN*, E. 100 South and Carbon Ave., (8-11-78)
Price vicinity. *FLAT CANYON ARCHEOLOGICAL DISTRICT*, E of Price, (12-12-78)

daggett county

Bridgeport vicinity. *PARSON, DR. JOHN, CABIN COMPLEX*, SW of Bridgeport, (11-21-76)
Manila vicinity. *MANILA PETROGLYPHS*, S of Manila, (10-6-75)

davis county

Bountiful. *BOUNTIFUL TABERNACLE*, Main and Centre Sts., (1-1-76)
Farmington. *RICHARDS HOUSE*, 386 N. 100 East, (12-23-77)
Layton. *ADAMS, JOSEPH, HOUSE*, 300 N. Adamswood Rd., (2-17-78)
Layton. *FARMER'S UNION BUILDING*, State and W. Gentile Sts., (11-30-78)

emery county

DESOLATION CANYON, Reference—see Carbon County (1-2-74)
Castle Dale. *CASTLE DALE SCHOOL*, 100 North and 100 East, (9-6-78)
Emery vicinity. *ROCHESTER-MUDDY CREEK PETROGLYPH SITE*, 2.5 mi. SE of Emery, (6-26-75)
Ferron. *FERRON PRESBYTERIAN CHURCH AND COTTAGE*, Mill Rd. and 3rd West, (9-6-78)
Hanksville vicinity. *TEMPLE MOUNTAIN WASH PICTOGRAPHS (42Em65)*, N of Hanksville, (3-15-76)

garfield county

Boulder. *COOMBS VILLAGE SITE (42Ga34)*, UT 117, (1-1-76)
Escalante vicinity. *FRIENDSHIP COVE PICTOGRAPH*, E of Escalante on UT 12, (12-21-78)
Hanksville vicinity. *STARR RANCH*, 46 mi. S of Hanksville, (4-23-76)
Panguitch vicinity. *BRYCE CANYON AIRPORT*, SE of Panguitch off UT 12, (10-19-78)

grand county

DESOLATION CANYON, Reference—see Carbon County (1-2-74)
Moab. *WARNER, ORLANDO W., HOUSE*, Mill Creek Rd., (9-20-77)
Moab vicinity. *COURTHOUSE WASH PICTOGRAPHS*, 1 mi. NW of Moab in Arches National Park on UT 163, (4-1-76)
Moab vicinity. *ELK MOUNTAIN MISSION FORT SITE*, NW of Moab off U.S. 160, (6-15-78)
Moab vicinity. *WOLFE RANCH*, N of Moab in Arches National Monument, (11-20-75)

iron county

Cedar City. *WOOD, GEORGE H., HOUSE*, 432 N. Main St., (11-14-78)
Cedar City vicinity. *OLD IRONTOWN*, About 22 mi. W of Ceder City, 3 mi. S of UT 56, (5-14-71) PH0100293
Modena vicinity. *GOLD SPRING*, 9.25 mi. NW of Modena, (7-21-77)
Parowan. *PAROWAN MEETINGHOUSE*, Center block of Main St., between Center and 100 South St., (5-6-76)
Parowan. *SMITH, JESSE N., HOUSE*, 45 West 100 South, (6-20-75) PH0143111
Parowan vicinity. *PAROWAN GAP PETROGLYPHS*, 10 mi. NW of Parowan off UT 130, (10-10-75)

juab county

Nephi. *WHITMORE, GEORGE CARTER, MANSION*, 106 S. Main, (12-12-78)
Nephi vicinity. *NEPHI MOUNDS*, N of Nephi, (9-9-75)

kane county

Escalante. *HOLE-IN-THE-ROCK*, SE of Escalante in Glen Canyon National Recreation Area, (11-3-75)
Glen Canyon vicinity. *DAVIS GULCH PICTOGRAPH PANEL*, Glen Canyon National Recreation Area, (6-5-75)
Kanab. *BOWMAN-CHAMBERLAIN HOUSE*, 14 East 100 South, (7-8-75) PH0156809

millard county

Cove Fort vicinity. *COVE FORT*, 2 mi. E of I 15 on UT 4, (10-6-70) PH0100552 HABS.
Delta vicinity. *TOPAZ WAR RELOCATION CENTER SITE*, 16 mi. NW of Delta, (1-2-74) PH0100315
Deseret vicinity. *FORT DESERET*, 2 mi. S of Deseret on UT 257, (10-9-70) PH0100307
Fillmore. *UTAH TERRITORIAL CAPITOL*, Center St. between Main and 100 West St., (9-22-70) PH0100323 HABS.
Hinckley vicinity. *GUNNISON MASSACRE SITE*, 6 mi. SW of Hinckley on the Sevier River, (4-30-76)
Scipio vicinity. *PHARO VILLAGE*, S of Scipio, (10-10-75)

morgan county

Morgan. *HEINER, DANIEL, HOUSE*, 543 N. 700 East, (12-20-78)

piute county

Junction. *PIUTE COUNTY COURTHOUSE*, Main St. at Center St., (4-16-71) PH0100331 G.

salt lake county

Holladay. *BRINTON, DAVID B., HOUSE*, 1981 E. 4800 South, (5-22-78)
Salt Lake. *UTAH COMMERCIAL AND SAVINGS BANK BUILDING*, 22 East 100 South, (6-18-75) HABS.
Salt Lake City. *AMUSSEN'S JEWELRY*, 60–62 S. Main St., (6-3-76)
Salt Lake City. *BAMBERGER, SIMON, HOUSE*, 623 East 100 South, (5-30-75) PH0133159
Salt Lake City. *BEEHIVE HOUSE*, 67 E. South Temple St., (2-26-70) PH0100340
Salt Lake City. *BEER, WILLIAM F., ESTATE*, 181 B St. and 222 4th Ave., (12-6-77)
Salt Lake City. *BERTOLINI BLOCK*, 143 1/2–147 W. 200 South, (9-29-76)
Salt Lake City. *B'NAI ISRAEL TEMPLE*, 249 S. 400 East, (11-16-78)
Salt Lake City. *CAPITOL BUILDING*, Capitol Hill, (10-11-78)
Salt Lake City. *CATHEDRAL OF THE MADELEINE*, 331 E. South Temple St., (3-11-71) PH0100366 G.
Salt Lake City. *CHASE, ISAAC, MILL*, Liberty Park, 600 St. E, (6-15-70) PH0100374 HABS; G.
Salt lake City. *CONVERSE HALL*, 1840 S. 13th East, (4-20-78)
Salt Lake City. *COUNCIL HALL (OLD CITY HALL)*, Capitol Hill at head of State St., (5-14-71) PH0100382 NHL.
Salt Lake City. *CULMER, WILLIAM, HOUSE*, 33 C St., (4-18-74) PH0100391
Salt Lake City. *DAFT BLOCK*, 128 S. Main St., (5-28-76)
Salt Lake City. *DENVER AND RIO GRANDE RAILROAD STATION*, 3rd South and Rio Grande, (9-25-75)
Salt Lake City. *DEVEREAUX HOUSE (STAINES-JENNINGS MANSION)*, 334 W. South Temple St., (3-11-71) PH0100561 HABS.
Salt Lake City. *DINWOODY, HENRY, HOUSE*, 411 E. 100 South St., (7-24-74) PH0100404
Salt Lake City. *EMIGRATION CANYON*, E edge of Salt Lake City on UT 65, (10-15-66) PH0132896 NHL.
Salt Lake City. *EMMANUEL BAPTIST CHURCH*, 401 E. 200 South, (12-12-78)
Salt Lake City. *EXCHANGE PLACE HISTORIC DISTRICT*, Exchange Pl. and S. Main St., (8-10-78)
Salt Lake City. *FIFTH WARD MEETINGHOUSE*, 740 S. 300 West, (12-8-78)
Salt Lake City. *FIRST CHURCH OF CHRIST SCIENTIST*, 352 E. 3rd South, (7-30-76) G.
Salt Lake City. *FIRST NATIONAL BANK*, 163 S. Main St., (5-24-76)
Salt Lake City. *FORT DOUGLAS*, Fort Douglas Military Reservation, (6-15-70) PH0100412 NHL.
Salt Lake City. *FRITSCH, J. A., BLOCK*, 158 E. 200 South, (7-30-76)
Salt Lake City. *GRANITE PAPER MILL*, 6900 Big Cottonwood Canyon Rd., (4-16-71) PH0100421 HABS.
Salt Lake City. *HAWK, WILLIAM, CABIN*, 458 N. 3rd West, (12-29-78)
Salt Lake City. *HENDERSON BLOCK*, 375 West 200 South, (1-30-78)
Salt Lake City. *HERALD BUILDING*, 165–169 S. Main St., (7-30-76) G.

Salt Lake City. *HILLS, LEWIS S., HOUSE*, 126 S. 200 West, (8-18-77)
Salt Lake City. *HOLY TRINITY GREEK ORTHODOX CHURCH*, 279 South 200 West, (7-8-75) PH0156795 G.
Salt Lake City. *HOTEL UTAH*, S. Temple and Main St., (1-3-78)
Salt Lake City. *INDEPENDENT ORDER OF ODD FELLOWS HALL*, 41 Post Office Pl., (11-7-77)
Salt Lake City. *IRVING JUNIOR HIGH SCHOOL*, 1179 E. 2100 South, (12-22-78)
Salt Lake City. *KAHN, SAMUEL, HOUSE*, 678 E. South Temple, (7-21-77)
Salt Lake City. *KARRICK BLOCK*, 236 S. Main St., (6-16-76)
Salt Lake City. *KEITH-BROWN MANSION AND CARRIAGE HOUSE*, 529 E. South Temple St., (5-14-71) PH0100439 G.
Salt Lake City. *KEITH-O'BRIEN BUILDING*, 242–256 S. Main St., (8-16-77)
Salt Lake City. *LADIES LITERARY CLUB CLUBHOUSE*, 850 E. South Temple, (10-11-78)
Salt Lake City. *LOLLIN BLOCK*, 238 S. Main St., (8-18-77)
Salt Lake City. *MCCORMICK BUILDING*, 10 W. 100 South, (8-24-77)
Salt Lake City. *MCCUNE, ALFRED W., MANSION*, 200 N. Main St., (6-13-74) PH0049123 G.
Salt Lake City. *MCDONALD, J. G., CHOCOLATE COMPANY BUILDING*, 155–159 W. 300 South, (3-29-78)
Salt Lake City. *MCINTYRE BUILDING*, 68–72 S. Main St., (7-15-77)
Salt Lake City. *MCINTYRE HOUSE*, 259 7th Ave., (7-17-78)
Salt Lake City. *NELDEN, WILLIAM A., HOUSE*, 1172 E. 100 South, (10-19-78)
Salt Lake City. *OLD PIONEER FORT SITE*, 400 South and 200 West Sts., (10-15-74) PH0049131
Salt Lake City. *OREGON SHORTLINE RAILROAD COMPANY BUILDING*, 126–140 Pierpont Ave., (6-23-76) G.
Salt Lake City. *ORPHEUM THEATRE (CAPITOL THEATRE)*, 46 W. 2nd South, (9-30-76)
Salt Lake City. *OTTINGER HALL*, 233 Canyon Rd., (4-16-71) PH0049140 G.
Salt Lake City. *PEERY HOTEL*, 270–280 S. West Temple, 102–120 W. 300 South, (2-17-78)
Salt Lake City. *PLATTS, JOHN, HOUSE*, 364 Quince St., (8-25-72) PH0049158 HABS; G.
Salt Lake City. *PUGH, EDWARD, HOUSE*, 1299 E. 4500 South, (8-31-78)
Salt Lake City. *SALT LAKE CITY AND COUNTY BUILDING*, 451 Washington Sq., (6-15-70) PH0049166 HABS; G.
Salt Lake City. *SALT LAKE STOCK AND MINING EXCHANGE BUILDING*, 39 Exchange Pl., (7-30-76)
Salt Lake City. *SALT LAKE UNION PACIFIC RAILROAD STATION*, S. Temple at 400 West, (7-9-75) HABS.
Salt Lake City. *ST. MARK'S EPISCOPAL CATHEDRAL*, 231 E. 100 South St., (9-22-70) PH0049174 HABS; G.
Salt Lake City. *TEMPLE SQUARE*, (10-15-66) PH0049671 NHL; HABS; HAER.
Salt Lake City. *TENTH WARD SQUARE*, 400 South and 800 East, (11-11-77)
Salt Lake City. *TRACY LOAN AND TRUST COMPANY BUILDING*, 151 S. Main St., (10-10-78)
Salt Lake City. *TRINITY A.M.E. CHURCH*, 239 E. 600 South, (7-30-76) G.
Salt Lake City. *UNIVERSITY OF UTAH CIRCLE*, University of Utah campus, (4-20-78).
Salt Lake City. *UTAH COMMERCIAL AND SAVINGS BANK BUILDING*, 22 E. 100 South, (6-18-75)
Salt Lake City. *UTAH SAVINGS & TRUST COMPANY BUILDING*, 235 S. Main St., (5-22-78)
Salt Lake City. *UTAH STATE HISTORICAL SOCIETY MANSION AND CARRIAGE HOUSE*, 603 E. South Temple St., (2-26-70) PH0049182 G.
Salt Lake City. *WHEELER, HENRY J., FARM*, 6343 S. 900 East, (5-4-76) G.
Salt Lake City. *WHITAKER, JOHN M., HOUSE*, 975 Garfield Ave., (3-30-78)
Salt Lake City. *YOUNG, BRIGHAM, FOREST FARMHOUSE*, 732 Ashton Ave., (5-14-71) PH0100358
Salt Lake City. *YOUNG, BRIGHAM, HOUSE (LION HOUSE)*, 63 S. Temple St., (10-15-66) PH0132870 NHL.
Salt Lake City. *Z.C.M.I. CAST IRON FRONT (ZIONS COOPERATIVE MERCANTILE INSTITUTE)*, 15 S. Main St., (9-22-70) PH0049191
Salt Lake City. *19TH WARD MEETINGHOUSE AND RELIEF SOCIETY HALL*, 168 W. 500 North, (5-28-76)
Salt Lake City vicinity. *BINGHAM CANYON OPEN PIT COPPER MINE*, 16 mi. SW of Salt Lake City on UT 48, (11-13-66) PH0132888 NHL.
Salt Lake City vicinity. *LITTLE DELL STATION*, W of Salt Lake City in Mountain Dell Canyon, near jct. of UT 239 and 65, (8-12-71) PH0049115

san juan county

HOVENWEEP NATIONAL MONUMENT, Reference—see Montezuma County, CO
Blanding vicinity. *DEFIANCE HOUSE*, W of Blanding in Glen Canyon National Recreation Area, (12-20-78)
Blanding vicinity. *EDGE OF CEDARS INDIAN RUIN*, (8-12-71) PH0049212 G.
Mexican Hat vicinity. *PONCHO HOUSE*, SE of Mexican Hat near Monument Valley, (10-10-75)
Mexican Hat vicinity. *PONCHO HOUSE*, SE of Mexican Hat near Monument valley, (10-10-75) PH0246361
Monticello vicinity. *ALKALI RIDGE*, 25 mi. SE of Monticello on secondary rd., 10 mi. E of Recapture Creek on UT 47, (10-15-66) PH0049204 NHL.
Monticello vicinity. *INDIAN CREEK STATE PARK*, 14 mi. N of Monticello, (3-15-76)
Monticello vicinity. *SALT CREEK ARCHEOLOGICAL DISTRICT*, 30 mi. W of Monticello in E section of Canyonlands National Park, (3-31-75)

sanpete county

Ephraim. *ANDERSON, NIELS OLE, HOUSE*, 306 S. 100 East, (10-5-78)
Ephraim. *EPHRAIM UNITED ORDER COOPERATIVE BUILDING*, Main and 1st North Sts., (3-20-73) PH0049239 G.
Ephraim. *LARSEN-NOYES HOUSE*, 96 E. Center St., (12-1-78)
Ephraim. *PETERSON, CANUTE, HOUSE*, 10 N. Main St., (7-17-78)
Fountain Green. *OLSEN, HANS PETER, HOUSE*, UT 11, (4-22-76)
Manti. *MANTI TEMPLE*, N edge of Manti, on U.S. 89, (8-12-71) PH0049247 HABS.
Manti. *PATTEN, JOHN, HOUSE*, 95 W. 400 North, (8-22-77) G.
Manti. *TUTTLE-FOLSOM HOUSE*, 195 West 300 North, (7-21-77) G.
Moroni. *FAUX, JABEZ, HOUSE AND BARN*, UT 132, (11-7-76)
Mount Pleasant. *RASMUSSEN, MORTEN, HOUSE*, 417 W. Main St., (8-18-77)
Mt. Pleasant. *WASATCH ACADEMY*, off U.S. 89, (10-2-78)
Spring City. *SPRING CITY SCHOOL*, off UT 117, (11-14-78)

sevier county

Elsinore. *ELSINORE WHITE ROCK SCHOOLHOUSE*, 25 South 100 East, (1-18-78)
Joseph vicinity. *PARKER, JOSEPH WILLIAM, FARM*, 2.5 mi. NE of Joseph, (3-25-77)
Redmond. *REDMOND TOWN HALL*, 18 W. Main St., (9-13-76) G.
Richfield. *RAMSAY, RALPH, HOUSE*, 57 E. 2nd North, (7-8-75)
Richfield vicinity. *JENSON, JENS LARSON LIME KILN*, 2 mi. N of Richfield, (12-22-78)

summit county

Coalville. *SUMMIT COUNTY COURTHOUSE*, Main St., (12-15-78)
Oakley vicinity. *HOWE FLUME HISTORIC DISTRICT*, NE of Oakley on Wasatch National Forest, (12-12-78)
Park City. *LDS PARK CITY MEETINGHOUSE*, 424 Park Ave., (5-22-78)
Park City. *PARK CITY MINER'S HOSPITAL*, Off UT 97, (12-8-78)
Park City. *SILVER KING ORE LOADING STATION*, Park Ave., (10-4-78)
Park City. *WASHINGTON SCHOOL*, 541 Park Ave., (12-8-78)
Park City vicinity. *KIMBALL STAGE STOP*, (4-16-71) PH0049255

tooele county

Dugway Proving Ground. *LINCOLN HIGHWAY BRIDGE*, In Dog Area on 2nd St. over Government Creek, (5-21-75)
Iosepa. *IOSEPA SETTLEMENT CEMETERY*, Skull Valley, (8-12-71) PH0049280
Mills Junction vicinity. *BENSON MILL*, SW of Mills Junction on UT 138, (4-14-72) PH0049263
Wendover vicinity. *BONNEVILLE SALT FLATS RACE TRACK*, 3 mi. E of Wendover off U.S. 40/80, (12-18-75)
Wendover vicinity. *DANGER CAVE*, 1 mi. E of Wendover on U.S. 40, (10-15-66) PH0049271 NHL.
Wendover vicinity. *WENDOVER AIR FORCE BASE*, S of Wendover off U.S. 40/180, (7-1-75)

uintah county

DESOLATION CANYON, Reference—see Carbon County
Vernal vicinity. *LITTLE BRUSH CREEK PETROGLYPHS (42Un416)*, N of Vernal, (3-15-76)
Vernal vicinity. *MCCONKIE RANCH PETROGLYPHS*, NW of Vernal, (9-25-75)
Whiterocks vicinity. *WHITEROCKS VILLAGE SITE*, 1.5 mi. SE of Whiterocks, (1-1-76)

utah county

Fairfield. *STAGECOACH INN*, (5-14-71) PH0049310
Fairfield vicinity. *CAMP FLOYD SITE*, 0.5 mi. S of Fairfield, (11-11-74) PH0049298
Goshen vicinity. *TINTIC STANDARD REDUCTION MILL*, E of Goshen off U.S. 6, (9-13-78) HAER.
Payson. *DIXON, CHRISTOPHER F. (JACK) JR., HOUSE*, 248 N. Main St., (11-7-77)

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Payson. *DIXON, JOHN, HOUSE*, 218 N. Main St., (2-17-78)
Pleasant Grove. *DRIGGS, BENJAMIN W., HOUSE*, 119 E. Battlecreek Rd., (4-14-72) PH0049301
Pleasant Grove. *OLPIN, JOSEPH, HOUSE*, 510 Locust Ave., (11-7-77)
Provo. *CLARK-TAYLOR HOUSE*, 306 N. 500 West, (10-7-75)
Provo. *EGGERTSEN, SIMON P. SR., HOUSE*, 390 S. 500 West, (9-13-77)
Provo. *HINES MANSION*, 125 S. 4th West, (7-12-78)
Provo. *KNIGHT BLOCK*, 1–13 E. Center St., 20–24 N. University Ave., (12-2-77)
Provo. *PROVO TABERNACLE*, 50 S. University Ave., (9-9-75)
Provo. *SMOOT, REED, HOUSE*, 183 E. 100 South, (10-14-75) NHL.
Provo. *WENTZ, PETER, HOUSE*, 575 N. University Ave., (4-26-78)
Provo. *YOUNG, BRIGHAM, ACADEMY*, 5th and 6th N. Sts. and University Ave. and 1st E. St., (1-1-76)
Provo vicinity. *OLMSTED STATION POWERHOUSE*, 5 mi. N of Provo on U.S. 189, (6-26-72) PH0049328 HAER.
Salem. *GARNER, IRA W., HOUSE*, 10 N. Main St., (7-28-77)
Springville. *HOUTZ, JACOB, HOUSE*, 980 N. Main St., (8-25-78)

wasatch county

Heber City. *CROOK, JOHN, HOUSE*, 188 W. 3rd North, (11-16-78)
Heber City. *HATCH, ABRAM, HOUSE*, 81 E. Center St., (10-10-75) HABS.
Heber City. *HEBER SECOND WARD MEETINGHOUSE*, 1st West and Center Sts., (12-12-78)
Heber City. *WASATCH STAKE TABERNACLE AND HEBER AMUSEMENT HALL*, Main St. at 100 North St. and 100 West St. corners, (12-2-70) PH0049336 HABS; G.
Midway. *MIDWAY SCHOOL*, 1st North and 1st West, (3-29-78)
Midway. *WATKINS-COLEMAN HOUSE*, 5 E. Main St., (5-14-71) PH0049344 HABS.

washington county

Enterprise vicinity. *MOUNTAIN MEADOWS HISTORIC SITE*, 7 mi. S of Enterprise on UT 18, (8-28-75)
Hurricane vicinity. *HURRICANE CANAL*, E of Hurricane, (8-29-77) HAER.
Pine Valley. *PINE VALLEY CHAPEL AND TITHING OFFICE*, Main and Grass Valley Sts., (4-16-71) PH0049387
Rockville. *DESERET TELEGRAPH AND POST OFFICE*, On UT 15, (2-23-72) PH0049352 HABS.
Santa Clara. *HAMBLIN, JACOB, HOUSE*, (3-11-71) PH0049361 G.
Silver Reef. *WELLS FARGO AND COMPANY EXPRESS BUILDING*, Main St., (3-11-71) PH0049417
Springdale vicinity. *CABLE MOUNTAIN DRAW WORKS*, N of Springdale in Zion National Park, (5-24-78)
St. George. *JUDD, THOMAS, HOUSE*, 269 S. 200 East, (1-31-78)
St. George. *OLD WASHINGTON COUNTY COURTHOUSE*, 85 E. 100 North St., (9-22-70) PH0049379 G.
St. George. *ST. GEORGE TABERNACLE*, Jct. of Tabernacle and Main Sts., (5-14-71) PH0049395 HABS.
St. George. *ST. GEORGE TEMPLE*, Bounded by 200 East, 300 East, 400 South, and 500 South, (11-7-77)
St. George. *YOUNG, BRIGHAM, WINTER HOME AND OFFICE*, Corner of 200 North and 100 West Sts., (2-22-71) PH0049425
St. George vicinity. *BLAKE, WALLACE, HOUSE*, S of St. George, (11-14-78)
Washington. *COVINGTON, ROBERT D., HOUSE*, 200 N. 200 East, (4-20-78)
Washington. *WASHINGTON COTTON FACTORY*, On U.S. 91 (Frontage Rd. West), (4-16-71) PH0049409
Washington vicinity. *FORT PEARCE*, 12 mi. SE of Washington off I 15, (11-20-75)

wayne county

Bicknell vicinity. *NIELSON, HANS PETER, GRISTMILL*, 3 mi. SE of Bicknell, (6-18-75)
Fruita. *FRUITA SCHOOLHOUSE*, Capitol Reef National Park on UT 24, (2-23-72) PH0049433 HABS.
Green River vicinity. *HARVEST SCENE PICTOGRAPH*, 60 mi. S of Green River in Canyonlands National Park, (4-1-75)
Green River vicinity. *HORSESHOE (BARRIER) CANYON PICTOGRAPH PANELS*, (2-23-72) PH0049441

weber county

North Ogden. *STEVENS, SIDNEY, HOUSE*, 2593 N. 400 East, (12-2-77)
Ogden. *BECKER, GUSTAV, HOUSE*, 2408 Van Buren Ave., (7-21-77)
Ogden. *BERTHA ECCLES COMMUNITY ART CENTER*, 2580 Jefferson Ave., (5-14-71) PH0049450 G.
Ogden. *BROWNING, JOHN MOSES, HOUSE*, 505 27th St., (4-24-73) PH0049468 G.
Ogden. *ECCLES AVENUE HISTORIC DISTRICT*, Bounded by 25th and 26th Sts., Van Buren and Jackson Aves. (includes both sides), (12-12-76) G.
Ogden. *EPISCOPAL CHURCH OF THE GOOD SHEPHERD*, 2374 Grant Ave., (4-3-73) PH0049476 G.
Ogden. *FARR, VALASCO, HOUSE*, 700 Canyon Rd., (6-13-78)
Ogden. *GOODYEAR, MILES, CABIN*, Tabernacle Sq., (2-24-71) PH0049484 HABS.
Ogden. *LOWER TWENTY-FIFTH STREET HISTORIC DISTRICT*, 25th St. between Wall and Grant Aves., (1-31-78)
Ogden. *OGDEN UNION DEPOT*, 25th St. at Wall Ave., (4-11-71) PH0049492 G.
Ogden. *PEERY'S EGYPTIAN THEATRE*, 2439 Washington Blvd., (12-12-78)
Ogden. *SCOWCROFT WAREHOUSE*, 23rd St., (11-30-78)
Ogden. *SHUPE-WILLIAMS CANDY COMPANY FACTORY*, 2605 Wall Ave., (3-30-78)
Ogden. *WARNER, ANDREW J., HOUSE*, 726 25th St., (12-13-77) G.

VERMONT

addison county

Addison. *ADDISON BAPTIST CHURCH*, jct. of VT 22A and VT 17, (11-2-78)
Addison. *CHIMNEY POINT TAVERN*, VT 125, (3-31-71) PH0053244 G.
Cornwall vicinity. *OLD STONE BLACKSMITH SHOP*, N of Cornwall on VT 30, (4-21-75)
Ferrisburg. *UNION MEETINGHOUSE*, U.S. 7, (2-23-78)
Ferrisburg vicinity. *HAWLEY'S FERRY HOUSE*, NW of Ferrisburg on Kingsland Bay, (11-2-78)
Ferrisburg vicinity. *ROKEBY*, N of Ferrisburg off U.S. 7, (6-20-74) PH0053317 G.
Middlebury. *MIDDLEBURY VILLAGE HISTORIC DISTRICT*, U.S. 7, (11-13-76) G.
Middlebury. *STONE MILL (MIDDLEBURY MANUFACTURING COMPANY MILL)*, Mill St., (4-11-73) PH0103926
Middlebury. *WILLARD, EMMA, HOUSE*, Middlebury College campus, (10-15-66) PH0053261 NHL.
Middlebury vicinity. *HALPIN COVERED BRIDGE*, NE of Middlebury, (9-10-74) PH0103845
Middlebury vicinity. *PULP MILL COVERED BRIDGE*, NW of Middlebury off VT 23, (9-10-74) PH0053295 G.
Monkton vicinity. *MONKTON TOWN HALL*, N of Monkton on Monkton Ridge Rd., (1-3-78)
New Haven. *NEW HAVEN JUNCTION DEPOT*, jct. U.S. 7 and VT 17, (10-19-78)
Orwell vicinity. *MOUNT INDEPENDENCE*, On Lake Champlain opposite Fort Ticonderoga, NW of Orwell, (9-3-71) PH0053279 NHL; G.
Orwell vicinity. *ORWELL SITE*, (4-11-77)
Orwell vicinity. *WILCOX-CUTTS HOUSE*, 2 mi. S of Orwell on VT 22A, (12-2-74) PH0035050 HABS.
Ripton. *RIPTON COMMUNITY HOUSE*, On VT 125, (7-3-73) PH0053309 G.
Ripton vicinity. *FROST, ROBERT, FARM (HOMER NOBLE FARM)*, 1 mi. N of VT 125, 3 mi. E of Ripton, (5-23-68) PH0103209 NHL.
Shoreham. *EAST SHOREHAM COVERED RAILROAD BRIDGE*, SE of Shoreham over Lemon Fair River, (6-13-74) PH0053252
Shoreham vicinity. *DISTRICT SIX SCHOOLHOUSE*, N of Shoreham on Worcester Rd., (8-18-77)
Vergennes. *STRONG, GEN. SAMUEL, HOUSE*, 64 W. Main St., (4-11-73) PH0103934 HABS; G.
Vergennes. *VERGENNES HISTORIC DISTRICT*, U.S. 7, (9-3-76) G.
West Salisbury vicinity. *CEDAR SWAMP COVERED BRIDGE*, W of West Salisbury over Otter Creek, (9-10-74) PH0088731
Weybridge. *UNIVERSITY OF VERMONT MORGAN HORSE FARM*, Morgan Horse Farm Rd. off U.S. 7, (4-11-73) PH0053325

bennington county

Arlington vicinity. *ARLINGTON GREEN COVERED BRIDGE*, Off VT 313, W of Arlington, (8-28-73) PH0053333
Bennington. *BENNINGTON BATTLE MONUMENT*, Monument Circle, (3-31-71) PH0053341
Bennington. *BENNINGTON POST OFFICE*, 118 South St., (12-12-76)
Bennington. *FIRST CONGREGATIONAL CHURCH OF BENNINGTON*, Monument Ave., (4-24-73) PH0053376 HABS.
Bennington vicinity. *BENNINGTON FALLS COVERED BRIDGE*, NW of Bennington off VT 67A, (8-28-73) PH0053350
Bennington vicinity. *HENRY COVERED BRIDGE*, NW of Bennington off VT 67A, (8-28-73) PH0053392
Bennington vicinity. *SILK COVERED BRIDGE*, NW of Bennington off VT 67A, (8-28-73) PH0053431
Manchester. *EQUINOX HOUSE*, Main St., (11-21-72) PH0053368
Manchester vicinity. *HILDENE*, S of Manchester off U.S. 7, (10-28-77)
North Bennington. *NORTH BENNINGTON DEPOT*, Main St. at the Vermont Ry. tracks, (4-11-73) PH0053422

North Bennington. *PARK-MCCULLOUGH HOUSE*, SW corner of West and Park Sts., (10-26-72) PH0053406 G.
Shaftsbury Center vicinity. *MUNRO (MUNROE)-HAWKINS HOUSE*, 0.5 mi. S of Shaftsbury Center on U.S. 7, (5-17-73) PH0053414 HABS.
South Shaftsbury. *FROST, ROBERT, FARM (THE GULLY)*, 0.25 mi. W of U.S. 7 on Buck Hill Rd., (5-23-68) PH0053384 NHL.

caledonia county

Danville vicinity. *GREENBANKS HOLLOW COVERED BRIDGE*, S of Danville over Joes Brook, (6-13-74) PH0076899
East Burke. *BURKLYN HALL*, Bemis Hill Rd., (5-7-73) PH0053449
Lyndon. *CHAMBERLIN MILL COVERED BRIDGE*, W of VT 114 over South Wheelock Branch of Passumpsic River, (7-30-74) PH0076902
Lyndon. *OLD SCHOOLHOUSE BRIDGE*, S. Wheelock Rd. over Cold Hill Brook, (3-31-71) PH0053457
Lyndon vicinity. *BRADLEY COVERED BRIDGE*, N of Lyndon on VT 122 over Miller Run, (6-13-74) PH0088684
Lyndon vicinity. *BURRINGTON COVERED BRIDGE*, NE of Lyndon off VT 114 over East Branch of the Passumpsic River, (6-13-74) PH0076911
Lyndon vicinity. *CENTRE COVERED BRIDGE*, NE of Lyndon off U.S. 5, over Passumpsic River, (6-20-74) PH0038156
McIndoe Falls. *MCINDOES ACADEMY*, Main St., (5-6-75)
Peacham. *ELKINS TAVERN*, Bailey-Hazen Rd., (12-18-78)
Ryegate vicinity. *WHITEHILL HOUSE*, N of Ryegate on Groton-Peacham Rd., (5-30-75) G.
St. Johnsbury. *RAILROAD STREET HISTORIC DISTRICT*, Roughly bounded N and S by Railroad St. and Canadian Pacific RR. tracks, (6-25-74) PH0053465 G.
St. Johnsbury. *ST. JOHNSBURY MAIN STREET HISTORIC DISTRICT*, Area along Main St. including intersecting streets, (5-28-75) G.
Stannard. *METHODIST-EPISCOPAL CHURCH*, Off VT 16, (1-5-78)
Stannard. *STANNARD SCHOOLHOUSE*, Off VT 16, (12-12-77) G.

chittenden county

Burlington. *BATTERY STREET HISTORIC DISTRICT*, Roughly bounded by Lake Champlain, Main, Maple, and St. Pauls Sts. (both sides), (11-2-77)
Burlington. *CARNEGIE BUILDING OF THE FLETCHER FREE LIBRARY*, College St. and S. Winooski Ave., (8-18-76)
Burlington. *CHITTENDEN COUNTY COURTHOUSE*, 180 Church St., (4-11-73) PH0049794
Burlington. *ETHAN ALLEN ENGINE COMPANY NO. 4*, Church St., (4-16-71) PH0053473
Burlington. *FIRST METHODIST CHURCH OF BURLINGTON*, S. Winooski Ave., (10-5-78)
Burlington. *FOLLETT HOUSE*, 63 College St., (10-30-72) PH0053481
Burlington. *GRASSEMOUNT (THADDEUS TUTTLE HOUSE)*, 411 Main St., (4-11-73) PH0053490 G.
Burlington. *HEAD OF CHURCH STREET HISTORIC DISTRICT*, Pearl and Church Sts., (7-15-74) PH0053503 HABS; G.
Burlington. *OLD OHAVI ZEDEX SYNAGOGUE*, Archibald and Hyde Sts., (1-31-78)
Burlington. *U.S. POST OFFICE AND CUSTOMHOUSE (SMITH-GOLDBERG U.S. ARMY RESERVE CENTER)*, SE corner of Main and Church Sts., (11-21-72) PH0053546
Burlington. *UNIVERSITY GREEN HISTORIC DISTRICT*, University of Vermont campus, (4-14-75)
Burlington. *WINTERBOTHAM ESTATE*, 163 S. Willard St., (5-12-75) G.
Charlotte vicinity. *HOLMES CREEK COVERED BRIDGE*, NW of Charlotte over Holmes Creek, (9-6-74) PH0088722
East Charlotte vicinity. *QUINLAN'S COVERED BRIDGE*, S of East Charlotte over Lewis Creek, (9-10-74) PH0088714
East Charlotte vicinity. *SEQUIN COVERED BRIDGE*, SE of East Charlotte over Lewis Creek, (9-6-74) PH0088706
Jericho. *OLD RED MILL AND MILL HOUSE*, VT 15, (7-31-72) PH0110132 G.
Jericho vicinity. *CHITTENDEN, MARTIN, HOUSE*, W of Jericho on VT 117, (1-9-78)
Jericho vicinity. *GALUSHA HOUSE*, S of Jericho, (10-10-78)
Richmond. *ROUND CHURCH*, Bridge St. and Cochran Rd., (6-20-74) PH0053520 G.
Shelburne. *TICONDEROGA* (STEAMBOAT), Shelburne Museum, (10-15-66) PH0053538 NHL.
Williston. *WILLISTON CONGREGATIONAL CHURCH*, Center of Williston Village on VT 2, (5-17-73) PH0053554 G.
Winooski. *OLD STONE HOUSE (BROWNELL'S TAVERN)*, 73 E. Allen St., (5-8-73) PH0053511 G.
Winooski. *WINOOSKI BLOCK*, E. Allen and Main Sts., (11-20-74) PH0053562 G.
Winooski vicinity. *WINOOSKI ARCHEOLOGICAL SITE*, W of Winooski, (1-5-78)

franklin county

East Fairfield. *EAST FAIRFIELD COVERED BRIDGE*, Off VT 108, over Black Creek, (11-19-74) PH0043931
Enosburg. *HOPKINS COVERED BRIDGE*, Town Rd. over Trout River, (11-20-74) PH0087556
Enosburg Falls. *ENOSBURG OPERA HOUSE*, 31 Depot St., (9-20-78)
Fairfax. *FAIRFAX COVERED BRIDGE*, Off VT 104 over Mill Brook, (11-5-74) PH0084867
Highgate Falls. *ST. JOHN'S EPISCOPAL CHURCH*, Highgate Falls Village Green, (9-3-76)
Highgate Falls vicinity. *DOUGLAS & JARVIS PATENT PARABOLIC TRUSS IRON BRIDGE*, Rte. 2 over Missisquoi River, (3-21-74)
Montgomery. *COMSTOCK COVERED BRIDGE*, Off VT 118 over Trout River, (11-19-74) PH0087572
Montgomery. *FULLER COVERED BRIDGE*, Town Rd. over Black Falls Brook at Montgomery Village, (12-23-74) PH0087742
Montgomery Center vicinity. *HECTORVILLE COVERED BRIDGE*, 1.8 mi. S of Montgomery Center over South Branch of Trout River, (11-20-74) PH0087564
Montgomery Center vicinity. *HUTCHINS COVERED BRIDGE*, S of Montgomery Center over South Branch of Trout River, (12-30-74) PH0087530
Montgomery vicinity. *LONGLEY COVERED BRIDGE*, NW of Montgomery over Trout River, (12-30-74) PH0087548
Montgomery vicinity. *WEST HILL COVERED BRIDGE*, 3.2 mi. S of Montgomery over West Hill Brook, (12-31-74) PH0087751
St. Albans. *CENTRAL VERMONT RAILROAD HEADQUARTERS*, Bounded roughly by Federal, Catherine, Allen, Lower Welden, Houghton, and Pine Sts., (1-21-74) PH0053571 G.
St. Albans. *HOUGHTON HOUSE*, 86 S. Main St., (9-4-72) PH0053597
Swanton vicinity. *SWANTON COVERED RAILROAD BRIDGE*, S of Swanton over Missisquoi River, (6-18-73) PH0103586

grand isle county

Grand Isle. *HYDE LOG CABIN*, U.S. 2, (3-11-71) PH0053601
South Hero. *SOUTH HERO INN*, South St. and U.S. 2, (4-16-75)

lamoille county

Belvidere. *MILL COVERED BRIDGE*, Off VT 109 over North Branch of Lamoille River, (11-19-74) PH0087581
Belvidere. *MORGAN COVERED BRIDGE*, Off VT 109, over North Branch of Lamoille River, (11-19-74) PH0087602
Cambridge. *GATES FARM COVERED BRIDGE*, Off VT 15, over Seymour River, (11-19-74) PH0087521
Cambridge. *GRIST MILL COVERED BRIDGE*, E of Cambridge over Brewster River, (6-13-74) PH0087661
Cambridge Junction. *POLAND COVERED BRIDGE*, Off VT 15, over Lamoille River, (10-9-74) PH0076996
Johnson. *NYE BLOCK*, Main and Railroad Sts., (8-19-77)
Johnson. *POWER HOUSE COVERED BRIDGE*, Off VT 100, over Gihon River, (10-9-74) PH0087513
Johnson vicinity. *SCRIBNER COVERED BRIDGE*, E of Johnson over Gihon River, (10-1-74) PH0076872
Johnson vicinity. *WATERMAN COVERED BRIDGE*, S of Johnson over Waterman Brook, (6-13-74) PH0087718
Morristown vicinity. *RED COVERED BRIDGE*, SW of Morristown, over Sterling Brook, (10-16-74)
Stowe. *STOWE VILLAGE HISTORIC DISTRICT*, VT 100 and VT 108, (11-15-78)
Stowe vicinity. *GOLD BROOK COVERED BRIDGE*, S of Stowe, (10-1-74) PH0087611
Waterville. *VILLAGE COVERED BRIDGE*, Over North Branch of Lamoille River, (12-16-74) PH0076970
Waterville vicinity. *JAYNES COVERED BRIDGE*, NE of Waterville, over North Branch of Lamoille River, (10-1-74) PH0088692
Waterville vicinity. *MONTGOMERY COVERED BRIDGE*, NE of Waterville, over North Branch of Lamoille River, (10-18-74) PH0087645
Wolcott vicinity. *FISHER COVERED RAILROAD BRIDGE*, SE of Wolcott, over Lamoille River, (10-1-74) PH0087807

orange county

BEDELL BRIDGE, Reference—see Grafton County, NH
Bradford and vicinity. *BRADFORD VILLAGE HISTORIC DISTRICT*, Residential area along Main, Depot, Pleasant, High, and Mill Sts., Wrights Ave., Goshen Rd., and U.S. 5, (5-28-75)
Bradford vicinity. *GOSHEN CHURCH*, N of Bradford on Goshen Rd., (9-3-76)
Brookfield. *BROOKFIELD VILLAGE HISTORIC DISTRICT*, (3-28-74) PH0074624
Chelsea. *CONGREGATIONAL CHURCH OF CHELSEA*, Chelsea Green, (9-3-76)

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Chelsea vicinity. *MOXLEY COVERED BRIDGE*, S of Chelsea over First Branch of White River, (9-10-74) PH0076783
East Randolph vicinity. *GIFFORD COVERED BRIDGE*, S of East Randolph off VT 14 over Second Branch of White River, (7-30-74) PH0076821
East Randolph vicinity. *KINGSBURY COVERED BRIDGE*, S of East Randolph off VT 14 over Second Branch of White River, (7-30-74) PH0087599
East Topsham. *CHASE, ELWIN, HOUSE*, Off VT 25, (11-2-77)
Newbury vicinity. *WILDWOOD HALL*, SW of Newbury off U.S. 5, (10-2-78)
North Tunbridge. *LARKIN COVERED BRIDGE*, NE of North Tunbridge off VT 110 over First Branch of White River, (7-30-74) PH0087815
Randolph. *CHANDLER MUSIC HALL AND BETHANY PARISH HOUSE*, 71 Main St., (7-16-73)
Randolph. *DEPOT SQUARE HISTORIC DISTRICT*, Both sides of Main, Pleasant, and Salisbury Sts., and both sides of Central Vermont Rwy. tracks, (5-29-75) G.
Randolph. *RANDOLPH CENTER HISTORIC DISTRICT*, West and Main Sts., (11/21/74) HABS; G.
Randolph vicinity. *BRALEY COVERED BRIDGE*, E of Randolph off VT 14, over Second Branch of White River, (6-13-74) PH0076961
Strafford. *MORRILL, JUSTIN SMITH, HOMESTEAD*, S of the Common, (10-15-66) PH0074641 NHL; HABS; G.
Strafford. *STRAFFORD VILLAGE HISTORIC DISTRICT*, Roughly both sides of Morrill Hwy. and Sharon Brook Rd., (6-20-74) PH0074659 HABS; G.
Thetford. *THETFORD CENTER COVERED BRIDGE*, Over Ompompanoosuc River, (9-17-74) PH0087670
Tunbridge. *MILL COVERED BRIDGE*, W of VT 110, over First Branch of White River, (7-30-74) PH0087637
Tunbridge vicinity. *CILLEY COVERED BRIDGE*, SW of Tunbridge, over First Branch of White River, (9-10-74) PH0087653
Tunbridge vicinity. *FLINT COVERED BRIDGE*, NE of Tunbridge off VT 110, over First Branch of White River, (9-10-74) PH0087823
Tunbridge vicinity. *HOWE COVERED BRIDGE*, S of Tunbridge off VT 110, over First Branch of White River, (9-10-74) PH0087629
Union Village. *UNION VILLAGE COVERED BRIDGE*, Over Ompompanoosuc River, (9-17-74) PH0087505
Wells River. *WELLS RIVER GRADED SCHOOL*, Main St., (9-3-76)

orleans county

Albany vicinity. *HAYDEN, WILLIAM, HOUSE*, S of Albany on VT 14, (1-31-78)
Brownington. *BROWNINGTON VILLAGE HISTORIC DISTRICT*, Hinman and Brownington Center Rds., (5-9-73) PH0074667 G.
Coventry vicinity. *ORNE COVERED BRIDGE*, SW of Coventry off VT 14, over Black River, (11-20-74) PH0076775
Derby Line. *HASKELL FREE LIBRARY AND OPERA HOUSE*, Caswell Ave., (9-8-76) G.
Greensboro Bend. *GREENSBORO DEPOT*, W side of Main St. at RR. tract jct., (4-21-75)
Newport. *U.S. COURTHOUSE, POST OFFICE AND CUSTOMS HOUSE*, Main St. at 2nd St., (12-12-76)
North Troy vicinity. *RIVER ROAD COVERED BRIDGE*, S of North Troy off VT 101, over Missisquoi River, (11-19-74) PH0087688

rutland county

Benson. *BENSON VILLAGE*, Stage and Benson Landing Sts., (11-17-78)
Brandon. *BRANDON VILLAGE HISTORIC DISTRICT*, U.S. 7, (12-22-76) G.
Brandon. *FORESTDALE IRON FURNACE*, VT 73 and Furnace Rd., (6-13-74) PH0074713
Brandon vicinity. *DEAN COVERED BRIDGE*, S of Brandon, over Otter Creek, (9-10-74)
Brandon vicinity. *SANDERSON COVERED BRIDGE*, W of Brandon over Otter Creek, (6-13-74) PH0087696
Castleton. *CASTLETON MEDICAL COLLEGE BUILDING*, South St., (3-11-71)
Castleton vicinity. *HYDEVILLE SCHOOL*, W of Castleton on VT 4A, (11-21-78)
Clarendon Springs. *CLARENDON HOUSE*, Off VT 133, (5-17-76) G.
East Clarendon vicinity. *KINGSLEY COVERED BRIDGE*, SW of East Clarendon across the Mill River, (2-12-74) PH0074748
East Poultney. *EAST POULTNEY HISTORIC DISTRICT*, Village Green and environs, (1-31-78)
Hubbardton. *HUBBARDTON BATTLEFIELD*, Jct. of Castleton-Hubbardton Rd. and Old Military Rd. to Independence, (3-11-71) PH0103837 G.
North Clarendon vicinity. *BROWN COVERED BRIDGE*, 2.9 mi. E of North Clarendon across the Cold River, (1-21-74) PH0074675
Pittsford vicinity. *COOLEY COVERED BRIDGE*, 1.2 mi. S of Pittsford across Furnace Brook, (1-24-74) PH0074691
Pittsford vicinity. *DEPOT COVERED BRIDGE*, 0.8 mi. W of Pittsford across Otter Creek, (1-21-74) PH0074705
Pittsford vicinity. *HAMMOND COVERED BRIDGE*, NW of Pittsford across Otter Creek, (1-21-74) PH0074730
Pittsford vicinity. *PALMER, THOMAS H., HOUSE*, SE of Pittsford on U.S. 7, (12-29-78)
Poultney. *POULTNEY CENTRAL SCHOOL*, Main St., (3-25-77)
Proctor vicinity. *GORHAM COVERED BRIDGE*, N of Proctor across Otter Creek off VT 3, (2-12-74) PH0074721
Rutland. *BAXTER, H. H., MEMORIAL LIBRARY (RUTLAND JEWISH CENTER)*, 96 Grove St., (8-24-78)
Rutland. *LONGFELLOW SCHOOL*, 6 Church St., (12-12-76)
Rutland. *RUTLAND COURTHOUSE HISTORIC DISTRICT*, U.S. 7, (9-8-76) G.
Sudbury. *SUDBURY CONGREGATIONAL CHURCH*, VT 30, (10-28-77)
Sudbury. *SUDBURY SCHOOL NO. 3*, jct. of VT 30 and VT 73, (11-2-78)

washington county

Barre. *BARRE CITY HALL AND OPERA HOUSE*, 12 N. Main St., (1-18-73) PH0074764 G.
Barre. *ITALIAN BAPTIST CHURCH*, 10 N. Brook St., (4-23-75)
Barre. *TWING, JOSHUA, GRISTMILL*, 450 N. Main St., (12-29-78)
Barre City. *WHEELOCK LAW OFFICE*, 135 N. Main St., (6-18-75)
Calais. *KENT'S CORNER HISTORIC DISTRICT*, Kent's Corner, (5-8-73) PH0074772 G.
Calais. *OLD WEST CHURCH*, 0.8 mi. S of Kent's Corner, (5-8-73) PH0074799 G.
East Barre vicinity. *NICHOLS HOUSE*, SW of East Barre off VT 110, (1-31-78)
East Montpelier vicinity. *COBURN COVERED BRIDGE*, NE of East Montpelier between VT 14 and U.S. 2, over Winooski River, (10-9-74) PH0076953
Montpelier. *ATHENWOOD AND THOMAS W. WOOD STUDIO*, 41 and 39 Northfield St., (6-13-74) PH0074756
Montpelier. *COLLEGE HALL*, Vermont College campus, Ridge St., (4-23-75) G.
Montpelier. *MONTPELIER HISTORIC DISTRICT*, U.S. 2 and VT 12, (11-3-78)
Montpelier. *VERMONT STATEHOUSE*, State St., (12-30-70) PH0074781 NHL; G.
Northfield. *CENTRAL VERMONT RAILWAY DEPOT*, W end of Depot Sq., (4-1-75)
Northfield. *SLAUGHTERHOUSE COVERED BRIDGE*, N of Northfield off VT 12 over Dog River, (6-13-74) PH0087785
Northfield Falls. *LOWER COX BROOK COVERED BRIDGE*, Off VT 12, (10-15-74) PH0087793
Northfield vicinity. *NORTHFIELD FALLS COVERED BRIDGE*, N of Northfield off VT 12, over Dog River, (8-13-74) PH0087726
Northfield vicinity. *STONY BROOK COVERED BRIDGE*, SW of Northfield off VT 12A, over Stony Brook, (11-20-74) PH0087734
Northfield vicinity. *UPPER COX BROOK COVERED BRIDGE*, N of Northfield off VT 12 over Cox Brook, (10-1-74) PH0087769
Plainfield vicinity. *MARTIN COVERED BRIDGE*, NE of Plainfield, over Winooski River, (10-9-74) PH0087777
South Northfield. *OLD RED MILL*, VT 12, (10-20-77)
Waitsfield. *GREAT EDDY COVERED BRIDGE*, E of VT 100 over Mad River, (9-6-74) PH0087700 G.
Waitsfield vicinity. *PINE BROOK COVERED BRIDGE*, NE of Waitsfield over Pine Brook, (6-13-74) PH0076945 G.
Warren. *WARREN COVERED BRIDGE*, Off VT 100, over Mad River, (8-7-74) PH0076937
Waterbury. *WATERBURY VILLAGE HISTORIC DISTRICT*, U.S. 2, (8-24-78)
Waterbury Center. *GREEN MOUNTAIN SEMINARY*, Off VT 100, (1-30-78)
Waterbury Center. *WATERBURY CENTER METHODIST CHURCH*, VT 100, (1-9-78)

windham county

Bartonsville. *BARTONSVILLE COVERED BRIDGE*, Across Williams River at S end of Bartonsville, (7-2-73) PH0074802
Bellows Falls vicinity. *HALL COVERED BRIDGE*, W of Bellows Falls across Saxtons River, off VT 121, (8-28-73) PH0074837
Brattleboro. *CANAL STREET SCHOOLHOUSE*, Canal St., (8-19-77) G.
Brattleboro. *HARRIS, WILLIAM, HOUSE*, 140 Western Ave., (12-18-78)
Brattleboro. *UNION STATION*, Jct. of Bridge St. and Boston and Maine RR. tracks, (6-7-74) PH0074861 G.
Brattleboro vicinity. *CREAMERY COVERED BRIDGE*, W of Brattleboro off VT 9, (8-28-73) PH0074811
Brookline vicinity. *ROUND SCHOOLHOUSE*, S of Brookline, (11-23-77)

Dummerston. *WEST DUMMERSTON COVERED BRIDGE*, Dummerston Center Rd. and VT 30, over West River, (5-8-73) PH0103551
East Putney. *EAST PUTNEY BROOK STONE ARCH BRIDGE*, Spans East Putney Brook off River Rd., (12-12-76)
Grafton vicinity. *KIDDER COVERED BRIDGE*, SE of Grafton, (7-2-73) PH0074845
Green River. *GREEN RIVER COVERED BRIDGE*, Across the Green River, (8-28-73) PH0074829
Newfane vicinity. *WILLIAMSVILLE COVERED BRIDGE*, SW of Newfane at Williamsville, (8-14-73) PH0074870 G.
Putney. *SACKETTS BROOK STONE ARCH BRIDGE*, Off U.S. 5 on Mill Rd., (12-12-76)
Rockingham vicinity. *WORRALL COVERED BRIDGE*, N of Rockingham across the Williams River, (7-16-73) PH0074888
Townshend vicinity. *FOLLETT STONE ARCH BRIDGE HISTORIC DISTRICT*, W of Townshend off VT 30, (12-12-76)
Townshend vicinity. *SCOTT COVERED BRIDGE*, W of Townshend off VT 30, (8-28-73) PH0074853
Townshend vicinity. *SIMPSONVILLE STONE ARCH BRIDGE*, N of Townshend on VT 35, (4-11-77)
West Townshend. *WEST TOWNSHEND STONE ARCH BRIDGE*, Spans Tannery Brook, (4-18-77)

windsor county

CORNISH-WINDSOR COVERED BRIDGE, *Reference—see Sullivan County, New Hampshire*
Bethel. *BETHEL VILLAGE HISTORIC DISTRICT*, Both sides of S. Main, Main, N. Main, and Church Sts., (9-3-76) G.
Bethel vicinity. *MCKENSTRY MANOR*, N of Bethel on VT 12, (12-1-78)
Bridgewater. *BRIDGEWATER WOOLEN MILL*, U.S. 4, (7-6-76) G.
Cavendish. *CAVENDISH UNIVERSALIST CHURCH*, VT 131, (4-24-73) PH0074926
Cavendish. *GLIMMERSTONE*, VT 131, (11-14-78)
Chester. *JEFFREY HOUSE*, North St., (6-13-74) PH0074951
Chester. *STONE VILLAGE HISTORIC DISTRICT*, Both sides of VT 103, (5-17-74) PH0075001
Gaysville. *GAY, DANIEL, HOUSE*, VT 107, (1-9-78)
Goulds Mill. *EUREKA SCHOOLHOUSE*, Charleston Rd., (3-11-71) PH0074934
Hartford. *STRONG, JEDEDIAH II, HOUSE*, Clubhouse and Dewey's Mills Rds., (8-13-74) PH0075019
Hartland vicinity. *MARTIN'S MILL COVERED BRIDGE*, S of Hartland off U.S. 5, (8-28-73) PH0074977
Hartland vicinity. *WILLARD COVERED BRIDGE*, NE of Hartland off U.S. 5, (8-28-73) PH0075043
Ludlow. *BLACK RIVER ACADEMY*, High St., (11-15-72) PH0074900 G.
North Springfield vicinity. *STELLAFANE OBSERVATORY*, S of North Springfield off Breezy Hill Rd., (11-7-77)
Perkinsville vicinity. *UPPER FALLS COVERED BRIDGE*, N of Perkinsville off VT 131, (8-28-73) PH0075035 G.
Plymouth. *PLYMOUTH HISTORIC DISTRICT*, (12-2-70) PH0074993 G.
Plymouth Notch. *COOLIDGE, CALVIN, HOMESTEAD DISTRICT*, Off VT 100A, (10-15-66) PH0103217 NHL.
Reading. *INDIAN STONES*, VT 106, (11-20-74) PH0085332
Royalton vicinity. *SOUTH ROYALTON HISTORIC DISTRICT*, E of Royalton on VT 14, (9-3-76)
Springfield. *HARTNESS HOUSE*, 30 Orchard St., (12-20-78)
Weathersfield. *HISTORIC CROWN POINT ROAD*, Off VT 131, (12-2-74) PH0035041
Windsor. *OLD CONSTITUTION HOUSE*, 16 N. Main St., (3-11-71) PH0074985
Windsor. *ROBBINS AND LAWRENCE ARMORY AND MACHINE SHOP*, S. Main St., (11-13-66) PH0102997 NHL; G.
Windsor. *WINDSOR HOUSE*, N. Main St., N of jct. of Main and State Sts., (12-29-71)
Windsor. *WINDSOR VILLAGE HISTORIC DISTRICT*, Area centered around Main, Depot Ave., State St., and Court Sq., (4-23-75) G.
Windsor vicinity. *BEST'S COVERED BRIDGE*, About 8 mi. W of Windsor off VT 44, (7-2-73) PH0074896
Windsor vicinity. *BOWERS COVERED BRIDGE*, W of Windsor, (8-28-73) PH0074918
Woodstock. *MARSH, GEORGE PERKINS, BOYHOOD HOME*, 54 Elm St., (6-11-67) PH0074942 NHL.
Woodstock. *WOODSTOCK VILLAGE HISTORIC DISTRICT*, Along the Ottauquechee River, (1-22-73) PH0075060
Woodstock vicinity. *LINCOLN COVERED BRIDGE*, SW of Woodstock off U.S. 4, (8-28-73) PH0074969
Woodstock vicinity. *TAFTSVILLE COVERED BRIDGE*, E of Woodstock off U.S. 4, (8-28-73) PH0075027

VIRGIN ISLAND

st. john island

Cruz Bay vicinity. *CONGO CAY ARCHEOLOGICAL DISTRICT*, N of Cruz Bay off St. John Island, (12-1-78)

VIRGIN ISLANDS

st. croix island

CHRISTIANSTED HISTORIC DISTRICT, Christiansted, (7-30-76)
Christiansted. *CHRISTIANSTED NATIONAL HISTORIC SITE*, Bounded by King, Queen, and Queens Cross Sts. and Christiansted Harbor, (10-15-66) PH0220485 HABS.
Christiansted. *DANISH WEST INDIA AND GUINEA COMPANY WAREHOUSE*, Church and Company Sts., (10-9-74) PH0074608
Christiansted vicinity. *COAKLEY BAY ESTATE*, E of Christiansted, (7-23-76)
Christiansted vicinity. *DIAMOND SCHOOL*, W of Christiansted on Centerline Rd., (7-1-76) HABS.
Christiansted vicinity. *ESTATE JUDITH'S FANCY*, 4 mi. (3.2 km) NW of Christiansted, (7-17-78)
Christiansted vicinity. *ESTATE ST. JOHN*, 3 mi. (4.8 km) NS of Christiansted, (6-9-78)
Christiansted vicinity. *FAIR PLAIN ARCHEOLOGICAL DISTRICT*, SW of Christiansted, (9-29-76)
Christiansted vicinity. *FRIEDENSFELD MIDLANDS MORAVIAN CHURCH AND MANSE*, W of Christiansted, (7-1-76)
Christiansted vicinity. *FRIEDENSTHAL MISSION*, SW of Christiansted, (8-25-78)
Christiansted vicinity. *GREAT POND ARCHEOLOGICAL SITE*, E of Christiansted, (7-12-76)
Christiansted vicinity. *GREEN KAY*, E of Christiansted, (7-19-76)
Christiansted vicinity. *LA GRANDE PRINCESSE SCHOOL*, NE of Christiansted, (7-12-76) HABS.
Christiansted vicinity. *LOWER GRANADA ARCHEOLOGICAL DISTRICT*, S of Christiansted, (7-1-76)
Christiansted vicinity. *LOWER GRANARD ARCHEOLOGICAL DISTRICT*, S of Christiansted, (7-1-76) G.
Christiansted vicinity. *RICHMOND PRISON DETENTION AND WORKHOUSE*, W. of Christiansted, (2-14-78)
Christiansted vicinity. *SION HILL*, W of Christiansted, (7-19-76) HABS.
Christiansted vicinity. *UPPER SALT RIVER ARCHEOLOGICAL DISTRICT*, W of Christiansted, (9-1-76) G.
Fredericksted vicinity. *ESTATE GROVE PLACE*, 4 mi. (6.4 km) E of Frederiksted off Centerline Rd., (7-17-78)
Frederiksted. *FREDERIKSTED HISTORIC DISTRICT*, Roughly bounded by Fisher St., the cemetery, Fort Frederick, and the shoreline, (8-9-76)
Frederiksted vicinity. *AKLIS ARCHEOLOGICAL SITE*, S of Frederiksted, (7-1-76)
Frederiksted vicinity. *ESTATE BUTLER'S BAY*, N of Frederiksted, (8-25-78)
Frederiksted vicinity. *ESTATE HOGANSBORG*, E. of Frederiksted off Centerline Rd., (2-17-78)
Frederiksted vicinity. *ESTATE MOUNT VICTORY*, NE of Frederiksted, (2-17-78)
Frederiksted vicinity. *ESTATE PROSPERITY*, N. of Frederiksted, (2-17-78)
Frederiksted vicinity. *LITTLE LA GRANGE*, NE of Frederiksted, (10-22-76) HABS.
Frederiksted vicinity. *PROSPERITY ARCHEOLOGICAL SITE*, N of Frederiksted, (7-12-76) G.
Frederiksted vicinity. *RIVER ARCHEOLOGICAL SITE*, NE of Frederiksted, (7-1-76)
Frederiksted vicinity. *ST. GEORGES ARCHEOLOGICAL SITE*, E of Frederiksted, (9-29-76) G.
Frederiksted vicinity. *WHIM*, 1.7 mi. SE of Frederiksted on Centerline Rd., (7-30-76)
Salt River Bay. *COLUMBUS LANDING SITE*, (10-15-66) PH0074616 NHL.

st. john county

Cruz Bay vicinity. *ESTATE BEVERHOUDT*, 1.5 mi. E of Cruz Bay off Center Line Rd., (8-29-78)

st. john island

Coral Bay. *EMMAUS MORAVIAN CHURCH AND MANSE*, (11-7-77)
Coral Bay vicinity. *ESTATE CAROLINA SUGAR PLANTATION*, W of Coral Bay on King Hill Rd., (7-19-76)
Coral Bay vicinity. *FORTSBERG*, SE of Coral Bay, (9-1-76) HABS.
Coral Bay vicinity. *HMS SANTA MONICA*, At Hansen Bay, (2-17-78)
Cruz Bay. *ENIGHED*, Cruz Bay Quarter, (7-1-76)
Cruz Bay. *KEATING'S INN*, (7-6-76)
Cruz Bay vicinity. *CATHRINEBERG-JOCKUMSDAHL-HERMAN FARM*, E of Cruz Bay, (3-30-78)
Cruz Bay vicinity. *CINNAMON BAY PLANTATION*, NE of Cruz Bay on Cinnamon Bay, (7-11-78) HAER.
Cruz Bay vicinity. *LAMESHUR PLANTATION*, E of Cruz Bay on Little Lameshur Bay, (6-23-78)
Cruz Bay vicinity. *MARY POINT ESTATE*, NE of Cruz Bay, (5-22-78)

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st. thomas county

Charlotte Amalie vicinity. *BORDEAUX*, W of Charlotte Amalie, (11-15-78)
Charlotte Amalie vicinity. *ESTATE NISKY*, 1.5 mi. W of Charlotte Amalie off Harwood Hwy., (8-29-78)
Charlotte Amalie vicinity. *HASSEL ISLAND HISTORIC DISTRICT*, S of Charlotte Amalie, (8-29-78) HAER.

st. thomas island

ST. THOMAS NATIONAL HISTORIC SITE, Charlotte Amalie, (10-15-66)
Charlot Amalie. *FORT CHRISTIAN*, At St. Thomas Harbor, (5-5-77) NHL.
Charlotte Amalie. *CHARLOTTE AMALIE HISTORIC DISTRICT*, (7-19-76) HABS.
Charlotte Amalie. *HAMBURG-AMERICA SHIPPING LINE ADMINISTRATIVE OFFICES*, 48B Tolbod Gade, (10-10-78)
Charlotte Amalie vicinity. *BOTANY BAY ARCHEOLOGICAL DISTRICT*, W of Charlotte Amalie, (7-1-76)
Charlotte Amalie vicinity. *ESTATE BOTANY BAY*, W of Charlotte Amalie, (7-30-76)
Charlotte Amalie vicinity. *ESTATE BREWERS BAY*, 2 mi. (3.2 km) W of Charlotte Amalie at Brewers Bay, (7-31-78)
Charlotte Amalie vicinity. *ESTATE HAFENSIGHT*, S of Charlotte Amalie, (2-17-78)
Charlotte Amalie vicinity. *ESTATE NELTJEBERG*, NW of Charlotte Amalie, (2-17-78)
Charlotte Amalie vicinity. *ESTATE PERSEVERANCE*, W of Charlotte Amalie, (2-17-78)
Charlotte Amalie vicinity. *HASSEL ISLAND*, S of Charlotte Amalie in St. Thomas Harbor, (7-19-76) G.
Charlotte Amalie vicinity. *HULL BAY ARCHEOLOGICAL DISTRICT*, NNW of Charlotte Amalie on Hull Bay, (9-1-76)
Charlotte Amalie vicinity. *KRUM BAY ARCHEOLOGICAL DISTRICT*, W of Charlotte Amalie, (8-28-76) G.
Charlotte Amalie vicinity. *MAFOLIE GREAT HOUSE*, N of Charlotte Amalie, (2-17-78)
Charlotte Amalie vicinity. *MAGENS BAY ARCHEOLOGICAL DISTRICT*, N of Charlotte Amalie, (7-30-76) G.
Charlotte Amalie vicinity. *NEW HERRNHUT MORAVIAN CHURCH*, E of Charlotte Amalie, (10-8-76)
Charlotte Amalie vicinity. *TUTU PLANTATION HOUSE*, 3 mi. NE of Charlotte Amalie, (7-12-76)
Charlotte Amalie vicinity. *VENUS HILL*, N of Charlotte Amalie, (2-17-78)

VIRGINIA

Winchester independent city. KURTZ, ADAM, HOUSE WASHINGTONS HEADQUARTERS,

accomack county

Accomac. *BANK BUILDING*, No. 1 Court House Ave., (7-23-74) PH0082333 G.
Accomac. *DEBTOR'S PRISON*, VA 764, (11-7-76) HABS.
Accomac. *ST. JAMES CHURCH*, Daugherty Rd. between Back St. and Ocean Hwy., (6-11-69) PH0082392 G.
Chincoteague vicinity. *ASSATEAGUE LIGHTHOUSE*, S of Chincoteague at S end of Assateague Island, (6-4-73) PH0082325
Guilford vicinity. *MASON HOUSE*, N of Guilford off VA 658, (11-21-74) PH0082660 HABS.
Hallwood vicinity. *WESSELLS ROOT CELLAR*, NE of jct. of Rtes. 701 and 692, (2-26-70) PH0082414
Horntown vicinity. *CORBIN HALL*, E of Horntown on VA 679, (11-9-72) PH0082350 HABS.
Mappsville vicinity. *WHARTON PLACE*, 0.7 mi. NE of jct. of VA 762 and 679, (11-3-72) PH0082422 HABS.
Metomkin Island vicinity. *BOWMAN'S FOLLY*, SE of jct. of Rtes. 652 and 13, (11-12-69) PH0082341
New Church vicinity. *PITTS NECK*, 6 mi. W of New Church on VA 709, (10-21-76) HABS.
Onancock. *HOPKINS AND BROTHER STORE*, Market St., (11-12-69) PH0082368
Onancock. *KERR PLACE*, NE corner of Crockett Ave. and Market St., (2-26-70) PH0082376 HABS; G.
Pungoteague. *ST. GEORGE'S CHURCH*, VA 178, NE of jct. with VA 180, (9-15-70) PH0082384 HABS.

albemarle county

Charlottesville vicinity. *ASH LAWN*, SE of Charlottesville off VA 53, (8-14-73) PH0082431 HABS.
Charlottesville vicinity. *BLENHEIM*, S of Charlottesville on VA 727, (5-17-76) HABS.
Charlottesville vicinity. *FARMINGTON*, W of jct. of U.S. 250 and U.S. 29/250 bypass, (9-15-70) PH0082473 HABS.
Charlottesville vicinity. *MONTICELLO*, 2 mi. S of Charlottesville on VA 53, (10-15-66) PH0082481 NHL; HABS.
Charlottesville vicinity. *SHACK MOUNTAIN*, 2 mi. NNW of Charlottesville near jct. of VA 657 and 743, (9-1-76)
Cismont vicinity. *CASTLE HILL*, NE of Cismont near jct. of VA 231 and 640, (2-23-72) PH0082449 HABS.
Cismont vicinity. *GRACE CHURCH*, NE of Cismont on VA 231, (10-21-76)
Cobham vicinity. *COBHAM PARK*, S of VA 22, (7-18-74) PH0082465
Covesville vicinity. *REDLANDS*, Jct. of Rtes. 708 and 627, (11-12-69) PH0082511
Covesville vicinity. *SUNNY BANK*, NE of Covesville, W of jct. of VA 712 and VA 631, (12-12-76)
Keene vicinity. *CHRIST CHURCH GLENDOWER*, On VA 713, 0.4 mi. SW of jct. with VA 712, (7-2-71) PH0082457
Powell Corner vicinity. *ESTOUTEVILLE*, SE of Powell Corner off VA 712, (1-30-78)
Scottsville. *SCOTTSVILLE HISTORIC DISTRICT*, VA 6 (also in Fluvanna County), (7-30-76) HABS.
Simeon vicinity. *MORVEN*, W of Simeon off VA 20, (4-24-73) PH0082503
Yancey Mills vicinity. *MILLER SCHOOL OF ALBEMARLE*, SE of Yancey Mills off VA 635, (2-15-74) G.

alexandria (independent city)

ALEXANDRIA HISTORIC DISTRICT, (11-13-66) PH0082520 NHL; HABS; G.
BANK OF ALEXANDRIA, 133 N. Fairfax St., (6-4-73) PH0082538 HABS.
CARLYLE HOUSE, 121 N. Fairfax St., (11-12-69) PH0082546 HABS.
CHRIST CHURCH, SE corner of Cameron and Columbus Sts., (4-15-69) PH0141305 NHL; HABS.
FRANKLIN AND ARMFIELD OFFICE, 1315 Duke St., (6-2-78) NHL.
GADSBY'S TAVERN, 128 N. Royal St., (10-15-66) NHL.
LLOYD HOUSE, 220 N. Washington St., (7-12-76) HABS.
LLOYD HOUSE, 220 N. Washington St., (7-12-76) HABS.
LYCEUM, THE, 201 S. Washington St., (5-27-69) PH0082554 HABS; G.

alleghany county

Clifton Forge vicinity. *CLIFTON FURNACE*, SE of Clifton Forge off U.S. 220, (8-16-77)
Covington vicinity. *HUMPBACK BRIDGE*, Over Dunlop Creek, SW of jct. of U.S. 60 and CR 651, (10-1-69) PH0110167
Earlhurst vicinity. *SWEET CHALYBEATE SPRINGS*, S of Earlhurst on VA 311, (1-21-74) PH0082562

amelia county

Amelia vicinity. *HAW BRANCH*, N of Amelia off VA 667, (4-2-73) PH0082571
Chula vicinity. *ST. JOHN'S CHURCH*, 3.8 mi (6 km) W of Chula on VA 609, (11-16-78)
Chula vicinity. *WIGWAM*, 8 mi. NW of Chula, (11-25-69) PH0082589
Deatonville vicinity. *FARMER HOUSE*, 3 mi. (4.8 km) SE of Deatonville on VA 647, (11-17-78)

amherst county

Clifford. *WINTON*, W of VA 151, (5-2-74) PH0082597
Sweet Briar. *SWEET BRIAR HOUSE*, SW of jct. of U.S. 29 and VA 624, (9-15-70) PH0082601

appomattox county

Appomattox vicinity. *APPOMATTOX COURT HOUSE NATIONAL HISTORICAL PARK*, 3 mi. NE of Appomattox on VA 24, (10-15-66) PH0188131 HABS.

arlington county

Arlington. *ARLINGTON HOUSE, THE ROBERT E. LEE MEMORIAL*, Arlington National Cemetery, (10-15-66) PH0189898 HABS. USTIS-LEE MANSION. *See* Arlington House. 107Arlington. *BALLSELLERS HOUSE*, 5620 S. 3rd St., (7-17-75)
Arlington. *BENJAMIN BANNEKER. SW-9 INTERMEDIATE BOUNDARY STONE*, 18th and Van Buren Sts., N., (5-11-76) NHL.
Arlington. *DREW, CHARLES RICHARD, HOUSE*, 2505 1st St., S., (5-11-76) NHL.
Arlington. *FORT MYER HISTORIC DISTRICT*, Arlington Blvd. (U.S. 50), (11-28-72) PH0082619 NHL.
Arlington. *GLEBE, THE*, 4527 N 17th St., (2-23-72) PH0082627
Arlington. *QUARTERS 1, FORT MYER*, Grant Ave., (11-28-72) NHL.

augusta county

Crimora vicinity. *COINER HOUSE*, NW of Crimora off VA 865, (3-30-78)
Fishersville vicinity. *TINKLING SPRING PRESBYTERIAN CHURCH*, VA 608, 1 mi. S of jct. with VA 636 and VA 631, (4-11-73) PH0082678
Fort Defiance. *AUGUSTA STONE CHURCH*, U.S. 11, (5-9-73) PH0082635 HABS.
Jolivue vicinity. *VALLEY RAILROAD STONE BRIDGE*, S of Jolivue off VA 654, (11-19-74) PH0076929 HAER.
Mint Spring vicinity. *CHAPEL HILL*, E of Mont Spring on VA 654, (11-16-78) HABS.
Spottswood vicinity. *OLD PROVIDENCE STONE CHURCH*, Jct. of VA 613 and VA 620, (12-5-72)
Staunton vicinity *FOLLY*, S of Staunton on U.S. 11, (10-25-73) PH0082643 HABS.
Waynesboro vicinity. *MT. TORRY FURNACE*, SW of Waynesboro on VA 664 in the George Washington National Forest, (2-25-74) PH0082651
Waynesboro vicinity. *SWANNANOA*, S of jct. of VA 610 and U.S. 250, (10-1-69) PH0082686 (also in Nelson County)

bath county

Bacova vicinity. *HIDDEN VALLEY (WARWICKTON)*, N of Bacova near jct. of Rtes. 621 and 39 in George Washington National Forest, (2-26-70) PH0082694
Warm Springs vicinity. *WARM SPRINGS BATHHOUSES*, NE of Warm Springs off Rt. 220, (10-8-69) PH0082708

bedford (independent city)

BEDFORD HISTORIC MEETINGHOUSE, 153 W. Main St., (1-31-78)

bedford county

Bedford vicinity. *FANCY FARM*, On VA 43, N of jct. with VA 682, (1-7-72) PH0082724
Bedford vicinity. *THREE OTTERS*, W of jct. of Rte. 838 and VA 43, (9-15-70) PH0082767
Forest vicinity. *ELK HILL*, NW of Forest on VA 663, (4-2-73) PH0082716
Forest vicinity. *NEW LONDON ACADEMY*, Near jct. of VA 297 and VA 211, (4-13-72) PH0082732
Forest vicinity. *WOODBOURNE*, NE of Forest off VA 609, (7-2-73) PH0082775
Lynchburg vicinity. *HOPE DAWN*, NW of Lynchburg off VA 761, (10-9-74) PH0082741
Lynchburg vicinity. *POPLAR FOREST*, S of jct. of Rtes. 661 and 460, (11-12-69) PH0082759 NHL; HABS.
Perrowville vicinity. *OLD RECTORY*, S of Perrowville on VA 663, (7-24-73) PH0110175

botetourt county

Buchanan. *WILSON WAREHOUSE*, Lower and Washington Sts., (1-26-78)
Buchanan vicinity. *LOONEY MILL CREEK SITE*, W of Buchanan, (8-3-78)
Eagle Rock vicinity. *PHOENIX BRIDGE*, NW of Eagle Rock off VA 615 over Craig Creek, (6-10-75)
Fincastle. *FINCASTLE HISTORIC DISTRICT*, (11-12-69) PH0082805 HABS; G.
Fincastle vicinity. *SANTILLANE*, W of U.S. 220, (7-24-74) PH0082813
Glen Wilton vicinity. *CALLIE FURNACE*, 1.5 mi. N of Glen Wilton in the George Washington National Forest, (1-21-74) PH0082791
Springwood. *SPRINGWOOD TRUSS BRIDGE*, VA 630 over James River, (4-15-78)

brunswick county

Lawrenceville. *BRUNSWICK COUNTY COURTHOUSE SQUARE*, U.S. 58, (12-31-74)
Lawrenceville vicinity. *BENTFIELD (MELROSE)*, SW of Lawrenceville off U.S. 58 and VA 656, (1-24-74) PH0082821
Lawrenceville vicinity. *GHOLSON BRIDGE*, S of Lawrenceville on VA 715 at Meherrin River, (5-5-78)

buckingham county

Buckingham. *BUCKINGHAM COURTHOUSE HISTORIC DISTRICT*, Both sides of U.S. 60, (11-12-69) PH0082830
Dillwyn vicinity. *FRANCISCO, PETER, HOUSE (LOCUST GROVE)*, SE of Dillwyn, 0.9 mi. S of SR 626, (3-16-72) PH0141151 G.

buena vista (independent city)

SOUTHERN SEMINARY MAIN BUILDING (BUENA VISTA HOTEL), Jct. of Ivy and Park Aves., (4-13-72) PH0082848

campbell county

Kelly vicinity. *MOUNT ATHOS*, NE of Kelly, (7-24-75)
Long Island vicinity. *GREEN HILL*, SW of Long Island near jct. of Rtes. 633 and 728, (11-12-69) PH0082856 HABS.
Mansion vicinity. *MANSION TRUSS BRIDGE*, VA 640 over Staunton River, (4-15-78)

caroline county

Bowling Green. *CAROLINE COUNTY COURTHOUSE*, Main St. and Court House Lane, (5-25-73) PH0082872 HABS.
Bowling Green vicinity. *OLD MANSION*, S of jct. of U.S. 301 and VA 207, (11-12-69) PH0082902 HABS; G.
Fredericksburg vicinity. *PROSPECT HILL*, SE of Fredericksburg off U.S. 17, (12-12-76)
Oak Corner vicinity. *SPRING GROVE*, S of Oak Corner, (12-12-76)
Port Royal. *PORT ROYAL HISTORIC DISTRICT*, (2-16-70) PH0082911 HABS.
Port Royal vicinity. *CAMDEN*, N of jct. of Rte. 686 and U.S. 17, (11-12-69) PH0082864 NHL; HABS.
Port Royal vicinity. *GAY MONT*, Off U.S. 17 near jct. with U.S. 301, (5-19-72) PH0082881 HABS.
Port Royal vicinity. *HAZELWOOD*, NW of Port Royal off U.S. 17, (1-11-74) PH0082899

carroll county

Fancy Gap vicinity. *ALLEN, SIDNA, HOUSE*, N of Fancy Gap on U.S. 52, (7-15-74) PH0082929

charles city county

Charles City. *CHARLES CITY COUNTY COURTHOUSE*, VA 5, (11-12-69) PH0082953 HABS.
Charles City vicinity. *BELLE AIR*, N of VA 5, (7-18-74) PH0082937
Charles City vicinity. *BERKELEY (BENJAMIN HARRISON V BIRTHPLACE)*, 8 mi. W of Charles City, (11-11-71) PH0082945 NHL; HABS.
Charles City vicinity. *GREENWAY*, On VA 5, (11-12-69) PH0082970 HABS.
Charles City vicinity. *TYLER, JOHN, HOUSE (SHERWOOD FOREST)*, 4 mi. E of Charles City on VA 5, (10-15-66) PH0082996 NHL; HABS; G.
Charles City vicinity. *WESTOVER*, 7 mi. W of Charles City on VA 5, (10-15-66) PH0083020 NHL; HABS.
Charles City vicinity. *WESTOVER CHURCH*, 5 mi. W of Charles City off VA 5, (12-5-72)
Charles City vicinity. *WOODBURN*, NW of Charles City on VA 618, (12-12-78)
Hopewell vicinity. *EPPES ISLAND*, At confluence of the James and Appomattox rivers, (11-12-69) PH0082961
Hopewell vicinity. *SHIRLEY*, 5 mi. N of Hopewell off VA 608, (10-1-69) PH0083003 NHL; HABS.
Ruthville vicinity. *WESTOVER PARISH GLEBE*, SW of Ruthville off VA 615, (6-5-75)
Tettington vicinity. *MARGOTS*, NE of Tettington off VA 621, (8-17-73) PH0082988

charlotte county

Brookneal vicinity. *RED HILL*, SE of Brookneal on SR 677, (2-14-78)
Brookneal vicinity. *STAUNTON HILL*, SW of jct. of Rtes. 619 and 693, (10-1-69) PH0083062
Charlotte Court House vicinity. *GREENFIELD*, E of Charlotte Court House on VA 656, (4-2-73) PH0083038
Randolph vicinity. *MULBERRY HILL*, N of Randolph on VA 641, (3-20-73) PH0083046 HABS.
Saxe vicinity. *ROANOKE PLANTATION*, W of Saxe off VA 746, (4-11-73) PH0083054 HABS.

charlottesville (independent city)

ALBEMARLE COUNTY COURTHOUSE HISTORIC DISTRICT, Courthouse Sq. and surrounding properties, (6-30-72) PH0035599 G.
OAK LAWN, Cherry Ave. and 9th St., (5-25-73) PH0035602
ROTUNDA, UNIVERSITY OF VIRGINIA, University of Virginia, (12-21-65) PH0035696 NHL; HABS.
UNIVERSITY OF VIRGINIA HISTORIC DISTRICT, Bounded by University and Jefferson Park Aves., and Hospital and McCormick Rds., (11-20-70) PH0035611 NHL; HABS.

chesapeake (independent city)

GREAT BRIDGE BATTLE SITE, Both sides of the Albemarle and Chesapeake Canal between Oak Grove and Great Bridge, (3-28-73) PH0035629

chesterfield county

Chester. *CHESTER PRESBYTERIAN CHURCH*, Jct. of Osborne Rd. and VA 10, (11-21-76)
Chesterfield. *CASTLEWOOD (POINDEXTER HOUSE)*, VA 10, (11-21-76)
Colonial Heights vicinity. *SWIFT CREEK MILL*, N of Colonial Heights on U.S. 1, (1-11-74) PH0035653
Matoaca vicinity. *OLIVE HILL*, 0.5 mi. W of Matoaca off VA 36, (4-3-75)
Midlothian vicinity. *BELLONA ARSENAL*, Off VA 673, NW of jct. with Rte. 147, (5-6-71) PH0035637 HABS.
Midlothian vicinity. *PLEASANT VIEW*, 1.5 mi. E of Midlothian on VA 677, (6-10-75)
Richmond vicinity. *BELLWOOD*, S of Richmond, (12-12-78)
Richmond vicinity. *KINGSLAND (RICHMOND VIEW)*, 1608 Willis Rd., (9-18-75)
Winterpock vicinity. *EPPINGTON*, S of jct. of VA 621 and 602, (11-12-69) PH0035645

clarke county

Berryville vicinity. *ANNEFIELD*, E of jct. of Rtes. 633 and 652, (11-12-69) PH0035661 HABS.
Berryville vicinity. *FAIRFIELD*, E of jct. of Rtes. 340 and 610, (2-26-70) PH0035688
Berryville vicinity. *LONG BRANCH*, W of jct. of CR 626 and 624, (10-1-69) PH0035734
Boyce vicinity. *SARATOGA*, SE of jct. of Rtes. 723 and 617, (2-26-70) PH0035769 NHL; HABS.
Millwood. *MILLWOOD MILL (BURWELL-MORGAN MILL)*, At jct. of Rtes. 723 and 255, (11-12-69) PH0035742 HABS; G.
Millwood vicinity. *CARTER HALL*, NE of Millwood off VA 255, (7-24-73) PH0035670 HABS.
Millwood vicinity. *OLD CHAPEL*, 3 mi. N of Millwood off U.S. 340, (4-2-73) PH0035751 HABS.
White Post vicinity. *GREENWAY COURT*, 1 mi. S of White Post on VA 277, (10-15-66) PH0035718 NHL; HABS.
White Post vicinity. *TULEYRIES, THE*, 1.5 mi. E of White Post off VA 628, (8-7-72) PH0035777 HABS.

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colonial heights (independent city)

ELLERSLIE, Ellerslie Rd., (12-4-73) PH0035785

OAK HILL, 151 Carroll Ave., (7-30-74) PH0035793 HABS.

VIOLET BANK, Royal Oak Ave., (7-30-74) PH0035807 HABS.

craig county

New Castle. *NEW CASTLE HISTORIC DISTRICT*, Main and Court Sts., (10-25-73) PH0035815 HABS.

culpeper county

Brandy Station vicinity. *FARLEY*, N of Brandy Station on VA 679, S of Hazel River, (5-6-76) G.

Culpeper. *HILL, A. P., BOYHOOD HOME*, 102 N. Main St., (10-2-73) PH0035823 G.

Stevensburg vicinity. *SALUBRIA*, E of jct. of Rtes. 3 and 663, (2-16-70) PH0035840

Warrenton vicinity. *LITTLE FORK CHURCH*, Jct. of Rtes. 624 and 726, (11-12-69) PH0035831 HABS; G.

cumberland county

Cartersville vicinity. *AMPTHILL*, W side of VA 602, 3 mi. N of jct. with VA 45, (4-13-72) PH0035858

Cartersville vicinity. *CARTERSVILLE BRIDGE*, VA 45 over James River, (9-14-72) PH0141143 HAER. (also in Goochland County)

Cartersville vicinity. *MUDDY CREEK MILL*, S of Cartersville off VA 684, (10-9-74) PH0087904

Hamilton vicinity. *CLIFTON*, N of Hamilton off VA 690, (6-19-73) PH0036501

danville (independent city)

DANVILLE HISTORIC DISTRICT, (4-11-73) PH0035874

DANVILLE PUBLIC LIBRARY, 975 Main St., (11-12-69) PH0035866 G.

dinwiddie county

Dinwiddie. *DINWIDDIE COUNTY COURTHOUSE*, Jct. of U.S. 1 and VA 619, (3-21-73) PH0035891

Dinwiddie vicinity. *BURNT QUARTER*, SW of jct. of Rtes. 627, 613, and 645, (11-25-69) PH0035882 HABS.

McKenny vicinity. *SAPPONY CHURCH*, S of Sappony Creek off VA 692, (4-30-76) HABS.

Petersburg vicinity. *BURLINGTON*, W of Petersburg off VA 600, (4-30-76) HABS.

Petersburg vicinity. *FIVE FORKS BATTLEFIELD*, 12 mi. W of Petersburg on CR 627 at Church Rd., (10-15-66) PH0035904 NHL.

Petersburg vicinity. *MANSFIELD*, W of Petersburg on VA 601, (5-28-76) HABS.

Petersburg vicinity. *MAYFIELD COTTAGE*, Central State Hospital Grounds, (11-12-69) PH0035912 G.

Petersburg vicinity. *PETERSBURG NATIONAL BATTLEFIELD*, SE, S, and SW of Petersburg, (10-15-66) (also in Prince George County)

Petersburg vicinity. *WALES*, W of Petersburg off VA 632, (12-23-74) PH0051772 HABS.

Rowanta vicinity. *WILLIAMSON SITE*, NE of jct. of Rtes. 693 and 703, (12-3-69) PH0035921

emporia (independent city)

KLUGEL, H. T., ARCHITECTURAL SHEET METAL WORK BUILDING, 135 Atlantic St., (4-2-73) PH0035939

essex county

Caret vicinity. *BLANDFIELD*, E of jct. of Rtes. 624 and U.S. 17, (11-12-69) PH0035947

Champlain vicinity. *GLEBE HOUSE OF SAINT ANNE'S PARISH*, 2.5 mi. NE of Champlain on N bank of Farmers Hall Creek, (3-3-75) HABS.

Loretto vicinity. *BROOKE'S BANK*, 1 mi. E of Loretto, 1.4 mi. N of VA 17, (9-28-71) PH0035955 HABS.

Loretto vicinity. *ELMWOOD*, SW of jct. of Rtes. 640 and U.S. 17, (9-15-70) PH0035963 HABS.

Loretto vicinity. *VAUTER'S CHURCH*, 1 mi. NW of Loretto on U.S. 17, (12-5-72) PH0035980 HABS.

Tappahannock. *TAPPAHANNOCK HISTORIC DISTRICT*, (4-2-73) PH0035971 HABS; G.

fairfax (independent city)

EARP'S ORDINARY (RATCLIFF-LOGAN-ALLISON HOUSE), 200 E. Main St., (2-16-73) PH0036099

FAIRFAX COUNTY COURTHOUSE, 4000 Chain Bridge Rd., (5-3-74) PH0036102

fairfax county

Accotink vicinity. *POPE-LEIGHEY HOUSE*, E of Accotink off U.S. 1, (12-18-70) PH0036056 HABS; G.

Accotink vicinity. *WOODLAWN PLANTATION*, W of jct. of U.S. 1 and Rte. 235, (2-26-70) PH0036081 HABS; G.

Alexandria vicinity. *GUNSTON HALL*, 15 mi. S of Alexandria on VA 242, (10-15-66) PH0036013 NHL; HABS.

Alexandria vicinity. *HUNTLEY*, 6918 Harrison Lane, (11-3-72) PH0036021

Alexandria vicinity. *MOUNT VERNON*, 7 mi. S of Alexandria on George Washington Memorial Pkwy., (10-15-66) PH0036030 NHL; HABS.

Chantilly vicinity. *SULLY*, N of jct. of Rtes. 28 and U.S. 50, (12-18-70) PH0036072 HABS.

Dranesville vicinity. *DRANESVILLE TAVERN*, 11919 Leesburg Pike, (11-9-72) PH0036005

Fairfax Station. *ST. MARY'S CHURCH*, 5605 Vogue Rd., (7-1-76)

Falrfax vicinity. *HOPE PARK MILL AND MILLER'S HOUSE*, 12124 Pope's Head Rd., (8-15-77)

Fort Belvoir. *BELVOIR MANSION RUINS AND FAIRFAX GRAVE SITE*, SE of jct. of 23rd St. and Belvoir Rd., (6-4-73) PH0035998

Great Falls vicinity. *COLVIN RUN MILL*, S of Great Falls at 10017 Colvin Run Rd., (8-16-77)

Great Falls vicinity. *CORNWELL FARM*, SE of Great Falls, 9414 Georgetown Pike, (4-13-77)

Lorton. *POHICK CHURCH*, 9201 Richmond Hwy., (10-16-69) PH0036048 HABS.

McLean. *SALONA*, 1214 Buchanan St., (7-24-73) PH0036064

Vienna. *MOOREFIELD*, Moorefield Hill Pl., (4-19-78)

falls church (independent city)

BIRCH HOUSE, 312 E. Broad St., (10-26-77)

CHERRY HILL, 312 Park Ave., (7-26-73) PH0036111 HABS.

FALLS CHURCH, 115 E. Fairfax St., (2-26-70) PH0036129 HABS.

fauquier county

Delaplane vicinity. *ASHLEIGH*, S of Delaplane, off U.S. 17, (8-14-73) PH0036137

Delaplane vicinity. *OAK HILL*, 2.2 mi. S of Delaplane, (6-18-73) PH0036145

Upperville. *UPPERVILLE HISTORIC DISTRICT*, On VA 50, (10-18-72) PH0036153 HABS.

Warrenton. *OLD FAUQUIER COUNTY JAIL*, Fauquier County Courthouse Sq., (1-20-78)

Warrenton. *SPILMAN-MOSBY HOUSE (BRENTMOOR)*, 173 Main St., (1-20-78)

floyd county

Floyd. *FLOYD PRESBYTERIAN CHURCH*, U.S. 221, (5-17-76)

fluvanna county

SCOTTSVILLE HISTORIC DISTRICT, *Reference—see Albemarle County*

Bremo Bluff vicinity. *BREMO*, N of the jct. of Rtes. 15 and 656, (11-12-69) PH0036161 HABS.

Bremo Bluff vicinity. *BREMO PLANTATION*, W of Bremo Bluff off U.S. 15, (11-12-69) NHL; HABS.

Bremo Bluff vicinity. *GLEN ARVON*, E of Bremo Bluff near jct. of VA 655 and VA 656, (5-28-76)

Columbia. *POINT OF FORK ARSENAL*, SE of jct. of Rtes. 624 and 656, (10-1-69) PH0036188

Columbia vicinity. *POINT OF FORK PLANTATION*, W of Columbia off VA 624, (8-13-74) PH0036196

Palmyra. *FLUVANNA COUNTY COURTHOUSE HISTORIC DISTRICT*, Roughly bounded by VA 601, VA 15, and the Rivanna River, (9-22-71) PH0036170 G.

franklin county

Rocky Mount. *WASHINGTON IRON FURNACE*, 108 Old Furnace Rd., (3-20-73) PH0036200

Rocky Mount vicinity. *BOOKER T. WASHINGTON NATIONAL MONUMENT*, 16 mi. E of Rocky Mount on VA 122, (10-15-66) PH0350192

frederick county

Gore vicinity. *CATHER, WILLA, BIRTHPLACE*, NW of Gore on U.S. 50, (11-16-78)

Middletown. *ST. THOMAS CHAPEL*, Jct. of SR 1102 and 1105, (4-11-73) PH0036226

Middletown vicinity. *CEDAR CREEK BATTLEFIELD AND BELLE GROVE*, On I 81 between Middletown and Strasburg, (8-11-69) PH0036218 NHL; HABS. (also in Warren County)

fredericksburg (independent city)

CHIMNEYS, THE, 623 Caroline St., (4-3-75) HABS.

FEDERAL HILL, S side of Hanover St. between Jackson and Prince Edward Sts., (3-26-75)

FREDERICKSBURG GUN MANUFACTORY SITE, off U.S. 17, (11-14-78)

FREDERICKSBURG HISTORIC DISTRICT, (9-22-71) PH0045616 HABS; G.

KENMORE, 1201 Washington Ave., (6-4-69) PH0045608 NHL; HABS.

MONROE LAW OFFICE, 908 Charles St., (11-13-66) PH0045632 NHL.

RISING SUN TAVERN, 1306 Caroline St., (10-15-66) PH0045624 NHL; HABS.

WASHINGTON, MARY, HOUSE, 1200 Charles St., (6-5-75) HABS.

gloucester county

Gloucester. *GLOUCESTER COUNTY COURTHOUSE SQUARE HISTORIC DISTRICT*, (10-3-73) PH0045675 HABS.

Gloucester. *GLOUCESTER WOMEN'S CLUB (LONG BRIDGE ORDINARY)*, On U.S. 17, (1u24-74) PH0045683 HABS.

Gloucester vicinity. *ABINGDON GLEBE HOUSE*, S of jct. of U.S. 17 and VA 615, (9-15-70) PH0045659 HABS.

Gloucester vicinity. *BURGH WESTRA*, E of Gloucester off VA 3/14, (10-8-76)

Gloucester vicinity. *LITTLE ENGLAND*, E of Gloucester on VA 672, (12-18-70) PH0045705 HABS.

Gloucester vicinity. *REED, WALTER, BIRTHPLACE*, SW of Gloucester at jct. of VA 614 and 616, (9-20-73) PH0045721 HABS.

Gloucester vicinity. *ROARING SPRING*, 0.3 mi. E of VA 616, (9-22-72) PH0045730

Gloucester vicinity. *ROSEWELL*, W of Carter Creek, SE of VA 644, (10-1-69) PH0045756 HABS.

Gloucester vicinity. *TODDSBURY*, E of jct. of Rtes. 662 and 14, (11-12-69) PH0045764 HABS.

Gloucester vicinity. *WARE PARISH CHURCH*, NE of Gloucester on VA 14, (3-20-73) PH0045772 HABS.

Naxera vicinity. *LANDS END*, SE of Naxera on VA 614, (11-6-74) PH0045691

Shacklefords vicinity. *KEMPSVILLE*, E of Shacklefords on VA 33, (12-21-78)

Ware Neck vicinity. *LOWLAND COTTAGE*, SW of Ware Neck, 0.5 mi. S of VA 623, (9-22-72) PH0045713

White Marsh vicinity. *ABINGDON CHURCH*, U.S. 17, S of jct. with VA 614, (9-15-70) PH0045641 HABS.

White Marsh vicinity. *FAIRFIELD SITE*, W of White Marsh near jct. of VA 633 and 614, (7-16-73) PH0045667

goochland county

CARTERSVILLE BRIDGE, *Reference—see Cumberland County* (1-2-74)

Cedar Point. *LOCK-KEEPER'S HOUSE*, Off VA 6 at James River, (11-21-74) PH0073369

Goochland. *GOOCHLAND COUNTY COURT SQUARE*, On VA 6, (9-15-70) PH0045799 HABS.

Goochland vicinity. *BOLLING HALL*, W of Goochland off VA 600, (12-27-72) PH0045781

Manakin vicinity. *POWELL'S TAVERN*, On VA 650, (4-2-73) PH0045811 HABS.

Manakin vicinity. *TUCKAHOE*, SE of Manakin near jct. of Rtes. 650 and 647, (11-22-68) PH0045837 NHL.

Oilville vicinity. *WOODLAWN*, SE of Oilville at jct. of VA 250 and VA 612, (12-16-71) PH0045845

Pemberton vicinity. *HOWARD'S NECK PLANTATION*, 1 mi. NW of Pemberton, (2-23-72) PH0045802

Rock Castle vicinity. *ROCK CASTLE*, SR 600, (9-15-70) PH0045829

grayson county

Independence. *GRAYSON COUNTY COURTHOUSE*, Main St., (1-26-78)

Trout Dale vicinity. *RIPSHIN*, Near jct. of VA 603 and 732, (9-22-71) PH0045853 NHL.

greene county

Stanardsville. *GREENE COUNTY COURTHOUSE*, S of jct. of U.S. 33 and VA 649, (2-26-70) PH0045861

Stanardsville vicinity. *OCTONIA STONE*, N of Stanardsville, off VA 637, (9-15-70) PH0045870

halifax county

Ingram vicinity. *CARTER'S TAVERN*, SE of Ingram, (10-11-74) PH0045896

Oak Level vicinity. *REDFIELD*, 3 mi. SE of Oak Level on VA 683, (9-20-78)

South Boston vicinity. *BERRY HILL*, S of jct. of Rtes. 659 and 682, (11-25-69) PH0045888 NHL; HABS.

South Boston vicinity. *TAROVER*, W of South Boston on VA 659, (9-20-78)

hampton (independent city)

CHESTERVILLE PLANTATION SITE, On Langley NASA Research Center, (8-14-73) PH0045900

FORT MONROE, Old Point Comfort, (10-15-66) PH0140601 NHL.

FORT WOOL, Island between Willoughby Spit and Old Point Comfort, (11-25-69) PH0045918

HAMPTON INSTITUTE, NW of jct. of U.S. 60 and the Hampton Roads Bridge Tunnel, (11-12-69) PH0045926 NHL; G.

HERBERT HOUSE, E end of Marina Rd. on Hampton Creek, (2-23-72) PH0045934

OLD POINT COMFORT LIGHTHOUSE, Fenwick Rd., SW of E gate of Fort Monroe, (3-1-73) PH0045942

ST. JOHN'S CHURCH, NW corner of W. Queen and Court Sts., (2-26-70) PH0045951 G.

hanover county

Ashland vicinity. *FORK CHURCH*, At jct. of Rtes. 738 and 685, (2-26-70) PH0045969 HABS.

Ashland vicinity. *HICKORY HILL*, E of Ashland off VA 646, (11-21-74) PH0062693

Ashland vicinity. *SCOTCHTOWN (PATRICK HENRY HOUSE)*, 10 mi. NW of Ashland on VA 685, (10-15-66) PH0046086 NHL; HABS.

Ashland vicinity. *SLASH CHURCH*, VA 656, N of jct. with VA 657, (9-22-72) PH0046027

Hanover. *HANOVER COUNTY COURTHOUSE HISTORIC DISTRICT*, (10-1-69) PH0045985 HABS.

Hanover Court House. *HANOVER COUNTY COURTHOUSE*, Jct. of Rte. 1006 and U.S. 301, (10-1-69) PH0045977 NHL; HABS.

Mechanicsville vicinity. *HANOVER TOWN*, NE of Mechanicsville off VA 605, (9-17-74) PH0045993

Mechanicsville vicinity. *RURAL PLAINS*, 6 mi. N of Mechanicsville off VA 606, (6-5-75) HABS.

Montpelier. *SYCAMORE TAVERN*, W of U.S. 33, (7-24-74) PH0046035

Montpelier vicinity. *OAKLAND*, N of Montpelier, (7-30-74) PH0046001 HABS.

Richmond vicinity. *RICHMOND NATIONAL BATTLEFIELD PARK*, E of Richmond, (10-15-66) PH0311316 HABS. (also in Henrico County and Richmond)

Richmond vicinity. *RUFFIN, EDMUND, PLANTATION (MARLBOURNE)*, 11 mi. NE of Richmond on U.S. 360, (10-15-66) PH0046019 NHL.

Studley vicinity. *TOTOMOI*, W of Studley on VA 643, (12-12-76) HABS.

harrisonburg (independent city)

HARRISON, THOMAS, HOUSE, 30 W. Bruce St., (7-26-73) PH0046043

MORRISON HOUSE, W. Market and N. Liberty Sts., (9-22-71) PH0046051

henrico county

RICHMOND NATIONAL BATTLEFIELD PARK, *Reference—see Hanover County* (1-2-74)

Dutch Gap vicinity. *HENRICO*, Farrar Island, (4-13-72) PH0046060

Glen Allen. *RANDOLPH, VIRGINIA E., COTTAGE*, 2200 Mountain Rd., (12-2-74) PH0141321 NHL.

Glen Allen vicinity. *MEADOW FARM*, Mountain and Courtney Rds., (8-13-74) PH0046116 G.

Richmond vicinity. *FLOOD MARKER OF 1771*, 0.8 mi. SE of jct. of VA 5 and VA 156, (9-22-71) PH0046094

Richmond vicinity. *JAMES RIVER AND KANAWHA CANAL HISTORIC DISTRICT*, Extends from Ship Locks to Bosher's Dam, (8-26-71) PH0054194 HAER. (also in Richmond city)

Richmond vicinity. *MALVERN HILL*, SE of jct. of Rtes. 5 and 156, (11-12-69) PH0046108 HABS.

Richmond vicinity. *TREE HILL*, VA 5, (10-17-74) PH0046124

Tuckahoe vicinity. *WOODSIDE*, SW of Tuckahoe off VA 157, (7-24-73) PH0046132

Varina vicinity. *VARINA PLANTATION*, SE of Varina off VA 5, (4-29-77)

henry county

Martinsville vicinity. *MARTINSVILLE FISH DAM*, Off U.S. 220, S of Martinsville in Smith River, (1-21-74) PH0046159

Ridgway vicinity. *BELLEVIEW*, S of VA 641, (6-10-74) PH0046141

highland county

Monterey. *MONTEREY HOTEL*, Main St. (U.S. 250), (1-18-74) PH0046167

hopewell (independent city)

APPOMATTOX MANOR, Cedar Lane, at confluence of James and Appomattox rivers, (10-1-69) PH0188786 HABS.

WESTON MANOR, Off VA 10 on S bank of Appomattox River, (4-13-72) PH0046183 G.

isle of wight county

Isle of Wight. *BOYKIN'S TAVERN*, W of U.S. 258, (6-19-74) PH0046191

Smithfield. *OLD ISLE OF WIGHT COURTHOUSE*, NE corner of Main and Mason Sts., (9-15-70) PH0046205 HABS.

Smithfield. *SMITHFIELD HISTORIC DISTRICT*, (7-2-73) PH0046213 HABS.

Smithfield vicinity. *ST. LUKE'S CHURCH*, 4 mi. S of Smithfield on VA 10, (10-15-66) PH0046078 NHL; HABS.

Smithfield vicinity. *WOLFTRAP FARM*, NW of Smithfield off VA 627, (10-15-74) PH0046221

james city county

Five Forks vicinity. *POWHATAN*, N of jct. of Rtes. 615 and 5, (9-15-70) PH0046281 HABS.

Jamestown. *JAMESTOWN NATIONAL HISTORIC SITE*, Jamestown Island, (10-15-66) HABS.

Jamestown and vicinity. *COLONIAL NATIONAL HISTORICAL PARK*, VA 359, (10-15-66) PH0311324 (also in York County)

Lightfoot vicinity. *PINEWOODS (WARBURTON HOUSE)*, 1.4 mi. SW of jct. of VA 613 and 614, (11-12-71) PH0046272 HABS.

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Toano vicinity. *HICKORY NECK CHURCH*, N of Toano on U.S. 60, (7-2-73) PH0046256 HABS.
Toano vicinity. *STONE HOUSE SITE*, NE of Toano, off VA 600, (8-14-73) PH0046299
Williamsburg vicinity. *CARTER'S GROVE*, SE of jct. of Rte. 667 and U.S. 60, (11-12-69) PH0046230 NHL; HABS.
Williamsburg vicinity. *GOVERNOR'S LAND ARCHEOLOGICAL DISTRICT*, W of Williamsburg, (9-21-73) PH0046248
Williamsburg vicinity. *GREEN SPRING*, W of Williamsburg on VA 5, part of Colonial National Historical Park, (12-29-78)
Williamsburg vicinity. *KINGSMILL PLANTATION*, 5 mi. S of Williamsburg, (4-26-72) PH0046264 HABS; G.

king and queen county

Aylett vicinity. *HOLLY HILL*, NE of Aylett off U.S. 360, (7-24-73) PH0046311
Cumnor vicinity. *MATTAPONI CHURCH*, 0.5 mi. S of Cumnor off VA 14, (3-20-73) PH0046329
Shanghai vicinity. *UPPER CHURCH, STRATTON MAJOR PARISH*, SE of Shanghai on VA 14, (4-2-73) PH0046337
St. Stephens Church vicinity. *BEWDLEY*, S of St. Stephens Church on Mattaponi River, (11-16-78)
Walkerton vicinity. *HILLSBOROUGH*, 2 mi. SE of Walkerton off SR 633, (9-22-71) PH0046302 HABS.

king george county

Comorn vicinity. *MARMION*, NE of jct. of SR 649 and 609, (2-26-70) PH0064441 HABS.
King George Court House vicinity. *NANZATICO*, S of jct. of SR 650 and 625, (11-12-69) PH0064459 HABS.
Owens vicinity. *ST. PAUL'S CHURCH*, W of Owens off VA 206, (5-25-73) PH0064467 HABS.
Port Conway. *BELLE GROVE*, On U.S. 301, (4-11-73) PH0064424 HABS.
Sealston vicinity. *LAMB'S CREEK CHURCH*, On VA 607, (9-22-72) PH0064432 HABS.

king william county

Aylett vicinity. *BURLINGTON*, NW of Aylett, (1-30-78)
King William. *KING WILLIAM COUNTY COURTHOUSE*, Rte. 619, off VA 30, (10-1-69) PH0064483 HABS.
King William vicinity. *SWEET HALL*, S of King William, (11-7-77) HABS.
Mangohick. *MANGOHICK CHURCH*, VA 638, S of VA 30, (12-5-72) PH0064491 HABS; G.
Sweet Hall vicinity. *ST. JOHN'S CHURCH*, N of Sweet Hall on VA 30, (4-24-73) PH0064505 HABS.
Sweet Hall vicinity. *WINDSOR SHADES*, SW of Sweet Hall off VA 30, (5-22-78) HABS.
Tunstall vicinity. *ELSING GREEN*, SW of jct. of SR 632 and 623, (11-12-69) PH0064475 NHL; HABS.
West Point vicinity. *CHELSEA*, N of jct. of Chelsea Rd. and Rte. 30, (11-12-69) PH0110183 HABS.

lancaster county

Kilmarnock vicinity. *CHRIST CHURCH*, 3 mi. S of Kilmarnock on VA 3, (10-15-66) PH0064521 NHL; HABS.
Lancaster vicinity. *BELLE ISLE*, SW side of W end of VA 683, (2-6-73) PH0064513 HABS.
Lively vicinity. *FOX HILL PLANTATION*, SW of Lively off VA 201, (11-17-78)
Lively vicinity. *ST. MARY'S WHITECHAPEL*, NW of jct. of Rtes. 354 and 201, (11-12-69) PH0064548 HABS.
Weems vicinity. *COROTOMAN*, Jct. of Rtes. 222 and 631, (9-15-70) PH0064530 G.

lee county

CUMBERLAND GAP NATIONAL HISTORICAL PARK, Reference—see Bell County, KY (1-2-74)
Jonesville vicinity. *JONESVILLE METHODIST CAMPGROUND*, W of Jonesville at jct. of VA 652 and U.S. 58, (5-16-74) PH0064556

lexington (independent city)

ALEXANDER-WITHROW HOUSE, Main and Washington Sts., (7-2-71) PH0064564
BARRACKS, VIRGINIA MILITARY INSTITUTE, N edge of Lexington on U.S. 11, (10-15-66) PH0064572 NHL.
JACKSON, STONEWALL, HOUSE, 8 E. Washington St., (4-24-73) PH0064581 G.
LEE CHAPEL, WASHINGTON AND LEE UNIVERSITY, Washington and Lee University campus, (10-15-66) PH0064599 NHL; HABS.
LEXINGTON HISTORIC DISTRICT, (7-26-72) PH0064602 HABS; G.
STONO, At U.S. 11 and U.S. 11A, (4-1-75)
VIRGINIA MILITARY INSTITUTE HISTORIC DISTRICT, VMI campus, (5-30-74) NHL.
WASHINGTON AND LEE UNIVERSITY HISTORIC DISTRICT, W and L University campus, (11-11-71) NHL.

loudoun county

Aldie. *ALDIE HISTORIC DISTRICT*, Both sides of U.S. 50 from E of Rte. 612 to W of Rte. 732, (9-15-70) PH0064629
Atoka vicinity. *GOOSE CREEK STONE BRIDGE*, NW of Atoka off U.S. 50, (10-9-74)
Leesburg. *LEESBURG HISTORIC DISTRICT*, Area of the original town centered at jct. of U.S. 15 and VA 9, (2-26-70) PH0064670 HABS; G.
Leesburg vicinity. *EXETER*, E of Leesburg on Edwards Ferry Rd., (8-14-73) PH0064645
Leesburg vicinity. *MORVEN PARK*, 1 mi. NW of Leesburg off U.S. 15, (2-18-75) HABS.
Leesburg vicinity. *OAK HILL (JAMES MONROE HOUSE)*, 8 mi. S of Leesburg on U.S. 15, (10-15-66) PH0064688 NHL.
Leesburg vicinity. *OATLANDS*, S of jct. of Rtes. 15 and 651, (11-12-69) PH0064696 NHL; G.
Leesburg vicinity. *OATLANDS HISTORIC DISTRICT*, S of Leesburg off U.S. 15, (11-11-71) PH0064700 HABS.
Leesburg vicinity. *ROKEBY*, 2.4 mi. SW of Leesburg off VA 650, (5-30-76)
Leesburg vicinity. *WOODBURN*, 3 mi. SW of Leesburg off VA 704, (12-12-76)
Leesburg vicinity. *WOODBURN*, 3 mi. SW Leesburg off VA 704, (12-12-76)
Lincoln. *GOOSE CREEK MEETINGHOUSE COMPLEX*, S of VA 7, (7-24-74) PH0087912
Lincoln vicinity. *SHELBURNE PARISH GLEBE*, 3.5 mi. S of Lincoln off VA 728, (4-1-75)
Middleburg vicinity. *FARMER'S DELIGHT*, About 3 mi. N of Middleburg off Rte. 745, (6-2-73) PH0064653
Middleburg vicinity. *MITCHELL, GEN. WILLIAM, HOUSE*, 0.5 mi. S of Middleburg on VA 626, (12-8-76) NHL.
Middleburg vicinity. *WELBOURNE*, NW of jct. of VA 743 and 6111, (2-23-72) PH0064726
Sterling vicinity. *BROAD RUN BRIDGE AND TOLLHOUSE*, Jct. of Rtes. 7 and 28 with Broad Run, (4-17-70) PH0064637
Taylorstown. *TAYLORSTOWN HISTORIC DISTRICT*, Catoctin Creek and VA 663, (1-30-78)
Waterford. *WATERFORD HISTORIC DISTRICT*, NW of Leesburg on Rte. 665, (6-3-69) PH0064718 NHL; HABS.
Waterford vicinity. *CATOCTIN CREEK BRIDGE*, Rte. 673, N of Waterford, (6-25-74) PH0141135

louisa county

Gordonsville vicinity. *BOSWELL'S TAVERN*, Jct. of VA 22 and U.S. 15, (11-25-69) PH0064734 HABS.
Gordonsville vicinity. *HAWKWOOD*, S of Gordonsville off U.S. 15, (9-17-70) HABS.
Gum Spring vicinity. *PROVIDENCE PRESBYTERIAN CHURCH*, NW of Gum Spring off U.S. 250, (4-13-73) PH0064793
Holly Grove vicinity. *ANDERSON-FOSTER HOUSE*, N of Holly Grove, (11-17-78)
Trevelians vicinity. *IONIA (CLOVER PLAINS)*, 0.1 mi. E of VA 640 and 0.8 mi. N of jct. with VA 613, (6-30-72)
Trevilians vicinity. *GRASSDALE*, W of Trevilians off U.S. 15, (7-2-73)
Trevilians vicinity. *GREEN SPRINGS*, 0.2 mi. S of VA 617 and 1.5 mi. SW of jct. with VA 640, (6-30-72)
Trevilians vicinity. *WESTEND*, S of jct. of Rtes. 22 and 638, (9-17-70) PH0064807 HABS.
Zion Crossroads vicinity. *GREEN SPRINGS HISTORIC DISTRICT*, NE of Zion Crossroads on U.S. 15, (3-7-73) NHL.

lunenburg county

Lunenburg and vicinity. *LUNENBURG COURTHOUSE HISTORIC DISTRICT*, Town of Lunenburg and environs on VA 40/49, (2-23-72)

lynchburg (independent city)

ACADEMY OF MUSIC, 522–526 Main St., (6-11-69) PH0083089 G.
GARLAND HILL HISTORIC DISTRICT, Bounded roughly by 5th St., Federal Ave., and Norfolk Western Ry. tracks, (9-7-72) PH0084930
GLASS, CARTER, HOUSE, 605 Clay St., (12-8-76) HABS; NHL.
GLASS, CARTER, HOUSE, 605 Clay St., (12-8-76) NHL.
LYNCHBURG COURTHOUSE, 9th St., between Court and Church Sts., (5-19-72) PH0083097 G.
MILLER-CLAYTOR HOUSE, Treasure Island Rd. at Miller-Claytor Lane, (5-6-76)
OLD CITY CEMETERY, 4th, Monroe, 1st Sts. and Southern RR. tracks, (4-2-73) PH0083101
POINT OF HONOR, 112 Cabell St., (2-26-70) PH0083119 HABS; G.
SOUTH RIVER FRIENDS MEETING HOUSE, 5810 Fort Ave., (8-28-75)
SPENCER, ANNE, HOUSE, 1313 Pierce St., (12-6-76)
WESTERN HOTEL, 5th and Madison Sts., (7-22-74) PH0083127 HABS.

madison county

Madison. *MADISON COUNTY COURTHOUSE*, U.S. 29, (11-12-69) PH0083143 HABS.
Madison vicinity. *HEBRON LUTHERAN CHURCH*, 1 mi. NE of Madison off U.S. 29, (7-2-71) PH0083135 HABS.

mathews county

Cobbs Creek vicinity. *HESSE*, E of Cobbs Creek off VA 631, (2-12-74) PH0083160
Hudgins vicinity. *CRICKET HILL (FORT CRICKET HILL)*, NE of Hudgins, E of jct. of Rtes. 669 and 223, (6-15-70) PH0083151
Mathews. *MATHEWS COUNTY COURTHOUSE SQUARE*, VA 611, (8-18-77)
Mathews vicinity. *METHODIST TABERNACLE*, SE of Mathews on VA 611 at jct. with VA 644, (5-21-75)
New Point vicinity. *NEW POINT COMFORT LIGHTHOUSE*, Jct. of Chesapeake Bay and Mobjack Bay, (3-1-73) PH0083178 G.
Williams vicinity. *POPLAR GROVE MILL AND HOUSE*, SW of jct. of Rtes. 14 and 613, (11-12-69) PH0083186

mecklenburg county

Boydton. *BOYD'S TAVERN*, Washington St., (9-29-76)
Boydton. *MECKLENBURG COUNTY COURTHOUSE*, SW corner of jct. of U.S. 58 and VA 92, (7-17-75)
Clarksville vicinity. *PRESTWOULD*, N of Clarksville, (10-1-69) PH0083194 HABS; G.

middlesex county

Hartfield vicinity. *LOWER CHURCH*, W of Hartfield on VA 33, (4-24-73) PH0083232
Saluda. *MIDDLESEX COUNTY COURTHOUSE*, jct. of U.S. 17;VA 33 and VA 618, (11-21-78) HABS.
Saluda vicinity. *CHRIST CHURCH*, Off VA 638, N of jct. with VA 33, (11-3-72) PH0083208 HABS.
Saluda vicinity. *DEER CHASE*, SE of Saluda off VA 629, (8-14-73) PH0083216
Urbanna. *LANSDOWNE*, Virginia St. at Upton Lane, (11-8-74) PH0233307
Urbanna. *MIDDLESEX COUNTY COURTHOUSE*, Off VA 602, (11-21-76)
Urbanna. *MILLS, JAMES, STOREHOUSE (OLD TOBACCO WAREHOUSE)*, S side of Rte. T-1002, (11-7-72) PH0083241 HABS.
Urbanna vicinity. *HEWICK*, NW of Urbanna, (11-17-78) HABS.
Urbanna vicinity. *ROSEGILL*, E of Urbanna off VA 227, (11-27-73) PH0083259

montgomery county

Blacksburg vicinity. *SMITHFIELD*, W of Blacksburg, (11-12-69) PH0083275
Christiansburg. *CHRISTIANSBURG PRESBYTERIAN CHURCH*, 107 W. Main St., (1-30-78)
Elliston vicinity. *FOTHERINGAY*, S of jct. of Rtes. 11 and 631, (11-12-69) PH0083267 HABS.
Radford vicinity. *INGLES BOTTOM ARCHEOLOGICAL SITES*, S of Radford, (12-5-78)

nelson county

SWANNANOA, Reference—see Augusta County (1-2-74)
Lovingston. *NELSON COUNTY COURTHOUSE*, Off U.S. 29, (5-17-73) PH0083313 HABS.
Midway Mills. *MIDWAY MILL*, On the James River at end of VA 743, (4-11-73) PH0083305 G.
Shipman vicinity. *OAK RIDGE RAILROAD OVERPASS*, SW of Shipman on VA 653, (4-15-78)

new kent county

New Kent. *ST. PETER'S CHURCH*, CR 642, (10-1-69) PH0083356 HABS.
New Kent vicinity. *CRISS CROSS*, SW of New Kent off VA 608, (5-11-73) PH0083321 HABS.
Providence Forge vicinity. *OLIVET PRESBYTERIAN CHURCH*, 2.7 mi. (4.3 km) NW of Providence Forge on VA 618, (1-26-78)
Toano vicinity. *MOYSONEC*, W of Toano on Chickahominy River, (6-20-75)
Tunstall vicinity. *FOSTER'S CASTLE*, NE of Tunstall off VA 608, (4-11-73) PH0083330 HABS.
Tunstall vicinity. *HAMPSTEAD*, 1 mi. NW of jct. of Rtes. 606 and 607, (12-18-70) PH0083348

newport news (independent city)

DENBIGH PLANTATION SITE (MATHEWS MANOR HOUSE), SW of the southern end of Lukas Creek Rd., (2-16-70) PH0110191
FORT CRAFFORD, Fort Eustis Military Reservation on Mulberry Island Point, (5-17-74)
HILTON VILLAGE, Bounded by the James River, Post St., Chesapeake and Ohio RR. tracks, and Hopkins St., (6-23-69) PH0083372
JONES, MATTHEW, HOUSE, MacAuliffe Ave. and James River Rd., (6-11-69) PH0083381 HABS.
LEE HALL, Near jct. of U.S. 60 and VA 238, (12-5-72) PH0083399
RICHNECK PLANTATION SITE, off VA 168, (7-8-77)

norfolk (independent city)

ALLMAND-ARCHER HOUSE, 327 Duke St., (9-22-71) PH0083402
BOUSH-TAZEWELL HOUSE, 6225 Powhaten Ave., (7-18-74) PH0083411 G.
FORT NORFOLK, 803 Front St., (10-29-76)
FREEMASON STREET BAPTIST CHURCH, NE corner of Freemason and Bank Sts., (9-22-71) PH0083437
JAMESTOWN EXPOSITION SITE BUILDINGS, Bounded by Bacon, Powhatan, Farragut, Gilbert, Bainbridge, and the harbor, (10-20-75)
MONTICELLO ARCADE, In 200 block E. City Hall Ave.; between City Hall Ave. and Plume St., (5-21-75)
MYERS, MOSES, HOUSE, SW corner of E. Freemason and N. Bank Sts., (2-16-70) PH0083445
NORFOLK ACADEMY, 420 Bank St., (11-12-69) PH0083453
NORFOLK CITY HALL (GEN. DOUGLAS MACARTHUR MEMORIAL), 421 E. City Hall Ave., (3-16-72) PH0083461
ST. PAUL'S CHURCH, 201 St. Paul's Blvd., (7-2-71) PH0083470
U.S. CUSTOMSHOUSE, 101 E. Main St., (4-17-70) PH0083429
WEST FREEMASON STREET AREA HISTORIC DISTRICT, Both sides of Bute and Freemason Sts. between Elizabeth River, and York and Duke Sts., (11-7-72) PH0083488 HABS; G.
WHITTLE HOUSE (TAYLOR-WHITTLE HOUSE), 225 W. Freemason St., (9-22-71) PH0083496 HABS; G.
WILLOUGHBY-BAYLOR HOUSE, 601 Freemason St., (9-22-71) PH0083500

northampton county

Bridgetown. *HUNGARS CHURCH*, E of jct. of Rtes. 619 and 622, (10-15-70) PH0083551
Bridgetown vicinity. *VAUCLUSE*, S of jct. of Rtes. 619 and 657, (9-15-70) PH0083593 HABS.
Bridgetown vicinity. *WESTERHOUSE HOUSE*, W of Bridgetown off VA 619, (11-19-74) PH0083607
Bridgetown vicinity. *WINONA*, NE of jct. of Rtes. 619 and 622, (10-1-69) PH0083615 HABS.
Cheapside vicinity. *CUSTIS TOMBS*, NW of jct. of Rtes. 644 and 645, (4-17-70) PH0110205 G.
Cheriton vicinity. *EYRE HALL*, N of jct. of Rte. 680 and U.S. 13, (11-12-69) PH0083534 HABS.
Eastville. *NORTHAMPTON COUNTY COURTHOUSE HISTORIC DISTRICT*, (4-13-72) PH0083569 HABS.
Eastville vicinity. *CASERTA*, NW of jct. of Rtes. 630 and US 13, (2-26-70) HABS.
Eastville vicinity. *PEAR VALLEY*, S of jct. of Rtes. 689 and 628, (11-12-69) PH0083577
Franktown vicinity. *GLEBE OF HUNGAR'S PARISH*, NW of jct. of Rtes. 622 and 619, (2-26-70) PH0083542 G.
Jamesville vicinity. *SOMERS HOUSE*, SE of jct. of Rtes. 183 and 691, (2-26-70) PH0083585 HABS.
Nassawadox vicinity. *BROWNSVILLE*, SW of jct. of Rtes. 608 and 600, (2-26-70) PH0083518 HABS.

nottoway county

Blackstone. *SCHWARTZ TAVERN*, 111 Tavern St., (6-28-74) PH0053627 G.
Blackstone vicinity. *OAKRIDGE*, W of Blackstone off VA 626, (1-30-78)
Burkeville vicinity. *BURKE'S TAVERN*, 1.5 mi. W of Burkeville at jct. of VA 621 and VA 607, (7-17-75)
Nottoway. *NOTTOWAY COUNTY COURTHOUSE*, Off U.S. 460 on VA 625, (8-13-73) PH0053619 HABS.

orange county

Barboursville vicinity. *BARBOURSVILLE*, S of jct. of Rtes. 777 and 678, (11-12-69) PH0053236
Culpepper vicinity. *GERMANNA SITE*, SE of Culpepper, (8-24-78)
Gordonsville. *EXCHANGE HOTEL*, S. Main St., (8-14-73) PH0053635 G.
Orange. *ST. THOMAS CHURCH*, 119 Caroline St., (12-6-76)
Orange vicinity. *MAYHURST*, SW of jct. of Rte. 647 and U.S. 15, (11-12-69) PH0053643 HABS.
Orange vicinity. *MONTPELIER (JAMES MADISON HOUSE)*, 4 mi. W of Orange on VA 20, (10-15-66) PH0053651 NHL.
Rapidan vicinity. *WADDELL MEMORIAL PRESBYTERIAN CHURCH*, SE of Rapidan on VA 615, (8-28-75)

page county

Hamburg. *MAUCK'S MEETINGHOUSE*, Off U.S. 211, (6-18-76) HABS.
Luray. *AVENTINE HALL*, 143 S. Court St., (2-26-70) PH0053660
Luray. *PAGE COUNTY COURTHOUSE*, 116 S. Court St., (6-25-73) PH0053694 G.
Luray vicinity. *HEISTON-STRICKLER HOUSE*, NW of Luray off VA 75, (11-16-78) HABS.
Luray vicinity. *MASSANUTTON HEIGHTS*, W of Luray on U.S. 211, (7-30-76)
Newport vicinity. *CATHERINE FURNACE*, 2 mi. W of Newport in George Washington National Forest, (1-21-74) PH0053678
Shenandoah. *SHENANDOAH LAND AND IMPROVEMENT COMPANY OFFICE (STEVENS COTTAGE)*, 201 Maryland Ave., (7-14-78)

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Stanley vicinity. *FORT PHILIP LONG*, Off VA 616 on Shenandoah River, (4-11-73) PH0053686

patrick county

Critz vicinity. *REYNOLDS HOMESTEAD*, N of Critz on VA 798, (9-22-71) PH0054364 NHL.

Stuart. *PATRICK COUNTY COURTHOUSE*, SE corner of Main and Blue Ridge Sts., (12-27-74) PH0051799

Woolwine vicinity. *BOB WHITE COVERED BRIDGE*, About 2.5 mi. S of Woolwine off VA 618, over Smith River, (5-22-73) PH0053716

Woolwine vicinity. *JACK'S CREEK COVERED BRIDGE*, About 2 mi. S of Woolwine off VA 8, over Jack's Creek, (5-22-73) PH0053708 G.

petersburg (independent city)

APPOMATTOX IRON WORKS, 20–28 Old St., (8-11-76) HAER.

APPOMATTOX IRON WORKS, 20–28 Old St., (8-11-76) HAER; G.

BATTERSEA, 793 Appomattox St., (11-12-69) PH0053724 HABS.

BLANDFORD CHURCH, 319 S. Crater Rd., (5-31-72) PH0053732

CENTRE HILL, N of Franklin St. at end of Centre Hill Lane, (12-27-72) PH0053741 HABS; G.

CITY MARKET, Rock and W. Old Sts., (6-11-69) PH0053759 HABS.

EXCHANGE BUILDING, 15–19 W. Bank St., (6-11-69) PH0053767 NHL; HABS; G.

FARMERS' BANK, NW corner of Bollingbrook St. and Cockade Alley, (4-13-72) PH0053775

FRIEND, NATHANIEL, HOUSE, 27–29 Bollingbrook St., (8-11-76) HABS.

MCILWAINE HOUSE, Market Square at corner of Pellam and Cockade alleys, (7-16-73) PH0053783

PETERSBURG CITY HALL, 129–141 N. Union St., (11-16-78) HABS.

PETERSBURG COURTHOUSE, Court House Sq., (5-14-73) PH0053791

STRAWBERRY HILL, 231-235-237 Hinton St., (12-23-74) PH0062651

WALLACE, THOMAS, HOUSE, SW corner of Brown and S. Market Sts., (5-2-75) HABS.

pittsylvania county

Chatham vicinity. *LITTLE CHERRYSTONE*, N of jct. of Rtes. 703 and 832, (11-12-69) PH0084956

Gretna vicinity. *YATES TAVERN*, S of Gretna on U.S. 29, (12-19-74) PH0062677 HABS; G.

portsmouth (independent city)

CRADOCK HISTORIC DISTRICT, Bounded by Paradise Creek, Victory Blvd., and George Washington Hwy., (6-20-74) PH0053805

DRYDOCK NO. 1, Norfolk Naval Shipyard, (11-11-71) PH0053813 NHL.

PORTSMOUTH COURTHOUSE (NORFOLK COUNTY COURTHOUSE), NE corner of Court and High Sts., (4-29-70) PH0053821 G.

PORTSMOUTH HISTORIC DISTRICT, Bounded by Crawford Pkwy., London St., the Elizabeth River, and extending 0.1 mi. W of Washington St., (9-8-70) PH0053830

PORTSMOUTH NAVAL HOSPITAL, On Hospital Point at Washington and Crawford Sts., (4-13-72) PH0053848

QUARTERS A, B, AND C, NORFOLK NAVAL SHIPYARD, (12-19-74) PH0062685

TRINITY EPISCOPAL CHURCH, High and Court Sts., (5-14-73) PH0053856

powhatan county

Powhatan. *POWHATAN COURTHOUSE HISTORIC DISTRICT*, Jct. of Rtes. 13 and 300, (2-16-70) PH0053872

Powhatan vicinity. *BELMEAD*, NW of jct. of Rtes. 663 and 600, (11-12-69) PH0053864

Powhatan vicinity. *KESWICK*, NE of Powhatan off VA 711, (12-19-74) PH0051781 HABS.

prince edward county

Briery vicinity. *BRIERY CHURCH*, N of jct. of Rtes. 747 and 671, (11-12-69) PH0053881

Hampden-Sydney. *HAMPDEN-SYDNEY COLLEGE HISTORIC DISTRICT*, Bounded approximately by the Hampden-Sydney College campus, (2-26-70) PH0053902

Worsham. *DEBTOR'S PRISON*, On U.S. 15, (9-22-72) PH0053899

prince george county

PETERSBURG NATIONAL BATTLEFIELD, *Reference—see Dinwiddie County* (1-2-74)

Brandon vicinity. *BRANDON*, W bank of the James River at the end of Rte. 611, (11-12-69) PH0110159 HABS.

Garysville vicinity. *FLOWERDEW HUNDRED PLANTATION*, NE of Garysville on VA 639, (8-1-75) HABS.

Hopewell vicinity. *MERCHANT'S HOPE CHURCH*, W of jct. of Rte. 641 and VA 10, (10-8-69) PH0053911 HABS; G.

prince william county

Brentsville vicinity. *MOOR GREEN*, 1.3 mi. N of Brentsville off 692, (11-17-78)

Dumfries. *OLD HOTEL*, U.S. 1, (11-12-69) PH0053945 HABS.

Dumfries. *WEEMS-BOTTS HOUSE*, SW corner of Duke and Cameron Sts., (5-12-75)

Haymarket. *ST. PAUL'S EPISCOPAL CHURCH*, Off VA 55, (1-20-75)

Manassas vicinity. *MANASSAS NATIONAL BATTLEFIELD PARK*, NW of Manassas off VA 215, (10-15-66) HABS.

Minnieville vicinity. *BEL AIR*, W of Rte. 640, (2-26-70) PH0053929 HABS.

Nokesville vicinity. *NOKESVILLE TRUSS BRIDGE*, NE of Nokesville on VA 646, (4-15-78)

Occoquan. *ROCKLEDGE*, Telegraph Rd., (6-25-73) PH0053961 HABS.

Plains vicinity. *BEVERLEY MILL (CHAPMAN MILL)*, Jct. of VA 600 and 55, (2-23-72) PH0053937

Woodbridge vicinity. *RIPPON LODGE*, 0.8 mi. N of jct. of U.S. 1 and VA 642, (7-2-71) PH0053953 HABS.

pulaski county

Dublin vicinity. *BACK CREEK FARM*, NW of Dublin off VA 100, (5-21-75) HABS.

Radford vicinity. *INGLES FERRY*, N of jct. of Rtes. 611 and 624, (11-25-69) PH0053970

radford (independent city)

HARVEY HOUSE, 706 Harvey St., (7-30-76)

HARVEY HOUSE, 706 Harvey St., (7-30-76)

rappahannock county

Sperryville vicinity. *MONTPELIER*, S of Sperryville on VA 231, (4-11-73) PH0053988

Washington and vicinity. *WASHINGTON HISTORIC DISTRICT*, Residential area N of U.S. 211/522, (5-28-75)

richmond (independent city)

AGECROFT, 4305 Sulgrave Rd., (12-13-78)

BARRET HOUSE, 15 S. 5th St., (2-23-72) PH0053996 HABS.

BEERS, WILLIAM, HOUSE, 1228 E. Broad St., (4-16-69) PH0054003

BELL TOWER, Capitol Sq., (6-11-69) PH0054020 HABS.

BLUES ARMORY, 6th and Marshall Sts., (5-17-76)

BRANCH BUILDING, 1015 E. Main St., (4-17-70) HABS.

BROAD STREET STATION, Broad and Robinson Sts., (2-23-72) PH0054046 G.

CABELL, HENRY COALTER, HOUSE, 116 S. 3rd St.,

CITY HALL, Bounded by 10th, Broad, 11th, and Capitol Sts., (10-1-69) PH0054062 NHL.

CONFEDERATE MEMORIAL CHAPEL, 2900 Grove Ave., (2-23-72) PH0054071

CROZET HOUSE (CURTIS CARTER HOUSE), 100 E. Main St., (2-23-72) PH0054089 HABS.

DONNAN-ASHER IRON-FRONT BUILDING, 1207–1211 E. Main St., (2-26-70) PH0054097 HABS.

EGYPTIAN BUILDING, SW corner of E. Marshall and College Sts., (4-16-69) PH0054101 NHL.

FIRST AFRICAN BAPTIST CHURCH, NE corner of College and E. Broad Sts., (4-16-69) PH0054119

FIRST BAPTIST CHURCH, NW corner of 12th and E. Broad Sts., (4-16-69) PH0054127

GLASGOW, ELLEN, HOUSE, 1 W. Main St., (11-11-71) PH0054135 NHL; HABS.

HANCOCK-WIRT-CASKIE HOUSE, 2 N. 5th St., (4-17-70) PH0054160 HABS.

HAXALL, BOLLING, HOUSE, 211 E. Franklin St., (3-16-72) PH0054178

HOLLYWOOD CEMETERY, 412 S. Cherry St., (11-12-69) PH0054186 HABS.

JACKSON WARD HISTORIC DISTRICT, Roughly bounded by 5th, Marshall, and Gilmer Sts., and the Richmond-Petersburg Tpke., (7-30-76) HABS; NHL.

JAMES RIVER AND KANAWHA CANAL HISTORIC DISTRICT, *Reference—see Henrico County* (1-2-74)

JEFFERSON HOTEL, 104 W. Main St., (6-4-69) PH0054208 HABS.

KENT-VALENTINE HOUSE, 12 E. Franklin St., (12-18-70) PH0054216 HABS.

LEIGH, BENJAMIN WATKINS, HOUSE, 1000 E. Clay St., (4-16-69) PH0054224

LEIGH STREET BAPTIST CHURCH, 517 N. 25th St., (3-16-72) PH0054232 HABS.

LINDEN ROW, 100–114 E. Franklin St., (11-23-71) PH0054241 HABS; G.

MAIN STREET STATION AND TRAINSHED, 1020 E. Main St., (10-15-70) PH0054259 NHL; HAER.

MARSHALL, JOHN, HOUSE, 9th and Marshall Sts., (10-15-66) PH0054267 NHL; HABS.

MASON'S HALL, 1807 E. Franklin St., (7-2-73) PH0054275 HABS.

MAUPIN-MAURY HOUSE, 1105 E. Clay St., (4-16-69) PH0054283

MAYMONT, Hampton St. (Spottswood Rd.), (12-16-71) PH0054291 G.

MAYO MEMORIAL CHURCH HOUSE, 110 W. Franklin St., (4-2-73) HABS.

MONROE, JAMES, TOMB, Hollywood Cemetery, 412 S. Cherry St., (11-11-71) PH0054321 NHL; HABS.

MONUMENT AVENUE HISTORIC DISTRICT, Bounded by Grace and Birch Sts., Park Ave., and Roseneath Rd., (2-16-70) PH0054330 G.

MONUMENTAL CHURCH, 1224 E. Broad St., (4u16-69) PH0054348 NHL; G.

MORSON'S ROW, 219–223 Governor St., (6-11-69) HABS; G.

OLD STONE HOUSE, 1914 E. Main St., (11-14-73) PH0075078 HABS.

PACE-KING HOUSE, 205 N. 19th St., (7-30-76) G.

PUTNEY HOUSES, 1010–1012 E. Marshall St., (6-11-69) PH0075086

RICHMOND NATIONAL BATTLEFIELD PARK, *Reference—see Hanover County* (1-2-74)

SCOTT-CLARKE HOUSE, 9 S. 5th St., (4-13-72) PH0075141 HABS.

SECOND PRESBYTERIAN CHURCH, 9 N. 5th St., (3-29-72) PH0075159 HABS.

SHELTERING ARMS HOSPITAL (WILLIAM H. GRANT HOUSE), 1008 E. Clay St., (4-16-69) PH0075167

SHOCKOE SLIP HISTORIC DISTRICT, Roughly along E. Carey St. between S. 14th and S. 12th Sts., (3-29-72) PH0075175 HABS.

ST. JOHN'S CHURCH HISTORIC DISTRICT, Bounded roughly by 22nd, Marshall, 32nd, Main, and Franklin Sts. and Williamsburg Ave., (9-15-70) PH0075094 HABS.

ST. JOHN'S EPISCOPAL CHURCH, E. Broad St. between 24th and 25th Sts., (10-15-66) PH0075108 NHL; HABS.

ST. PAUL'S CHURCH, 815 E. Grace St., (6-4-69) PH0076317

ST. PETER'S CHURCH, 800 E. Grace St., (6-23-69) PH0075132

STEARNS IRON-FRONT BUILDING, 1007–1013 E. Main St., (2-26-70) PH0075183 HABS.

STEWART-LEE HOUSE, 707 E. Franklin St., (5-5-72) HABS.

THIRD STREET BETHEL A.M.E. CHURCH, 616 N. 3rd St., (6-5-75)

TREDEGAR IRONWORKS, Roughly bounded by the James River, Kanawha Canal, and VA 1/U.S. 301, (7-2-71) PH0075205 HAER; NHL.

TWO HUNDRED BLOCK WEST FRANKLIN STREET HISTORIC DISTRICT, (11-17-77)

U.S. POST OFFICE AND CUSTOMHOUSE, 1000 E. Main St., (6-4-69) PH0075213

VALENTINE MUSEUM (WICKHAM-VALENTINE HOUSE), 1005–1015 E. Clay St., (6-11-69) PH0075221 NHL; HABS.

VIRGINIA GOVERNOR'S MANSION, Capitol Sq., (6-4-69)

VIRGINIA MUTUAL BUILDING (VIRGINIA TRUST COMPANY), 821 E. Main St., (11-7-77)

VIRGINIA STATE CAPITOL (CONFEDERATE CAPITOL), Capitol Sq., (10-15-66) PH0054054 NHL.

WALKER, MAGGIE LENA, HOUSE, 110A E. Leigh St., (5-12-75) NHL.

WEST FRANKLIN STREET HISTORIC DISTRICT, W. Franklin St. between Laurel and Ryland Sts., (9-14-72) PH0075230

WHITE HOUSE OF THE CONFEDERACY (BROCKENBROUGH MANSION), Clay and 12th Sts., (10-15-66) PH0075124 NHL; HABS; G.

WILLIAM J. CLARK LIBRARY AND BARCO-STEVENS HALL, VIRGINIA UNION UNIVERSITY (BELGIAN BUILDING), Lombardy St. and Brook Rd., (2-26-70)

WILTON, S of Richmond, on N bank of James River, (4-30-76) HABS.

WOODWARD HOUSE, 3017 Williamsburg Ave., (6-19-74) PH0075248 G.

2900 BLOCK GROVE AVENUE HISTORIC DISTRICT, 2901, 2905, 2911, and 2915 Grove Ave., (2-20-73) PH0054151

richmond county

Ethel vicinity. *MENOKIN*, NW of jct. of Rtes. 690 and 621, (10-1-69) NHL; HABS.

Farnham. *FARNHAM CHURCH*, VA 3, (8-14-73) PH0075256 HABS.

Farnham vicinity. *LINDEN FARM*, N of Farnham on VA 3, (4-13-77)

Tappahannock vicinity. *SABINE HALL*, S of jct. of Rtes. 624 and 360, (11-12-69) PH0075281 NHL; HABS.

Warsaw. *RICHMOND COUNTY COURTHOUSE*, Jct. of U.S. 360 with VA 3, (12-5-72) PH0075272 HABS.

Warsaw vicinity. *MOUNT AIRY*, W of Warsaw on U.S. 360, (10-15-66) PH0075264 NHL; HABS.

roanoke (independent city)

BUENA VISTA, Penmar Ave. and 9th St., (7-30-74) PH0075299

FIRE STATION NO. 1, 13 E. Church Ave., (5-7-73) PH0075302

ST. ANDREW'S ROMAN CATHOLIC CHURCH, 631 N. Jefferson St., (5-7-73) PH0075311

roanoke county

Hollins. *HOLLINS COLLEGE QUADRANGLE*, Hollins College campus, (11-5-74) PH0311332

Roanoke vicinity. *DEYERLE, BENJAMIN, PLACE*, 3402 Grandin Road Extension SW., (4-11-73) HABS.

Roanoke vicinity. *MONTEREY*, Tinker Creek Lane, NE, (7-30-74)

rockbridge county

Brownsburg. *BROWNSBURG HISTORIC DISTRICT*, On VA 252, (7-2-73) PH0075396

Goshen vicinity. *GOSHEN LAND COMPANY BRIDGE*, E of Goshen on VA 746, (5-15-78)

Lexington vicinity. *LIBERTY HALL SITE*, N of Lexington, (8-16-77)

Lexington vicinity. *THORN HILL*, SW of Lexington off VA 251, (6-18-75)

Lexington vicinity. *TIMBER RIDGE PRESBYTERIAN CHURCH*, SW of jct. of Rtes. 11 and 716, (11-12-69) PH0075400

Staunton vicinity. *MCCORMICK, CYRUS, FARM AND WORKSHOP*, S of Staunton on U.S. 11 and CR 606 at Walnut Grove, (10-15-66) PH0140619 NHL.

rockingham county

Broadway vicinity. *LINCOLN HOMESTEAD AND CEMETERY (JACOB LINCOLN HOUSE)*, S of jct. of VA 684 and 42, (12-5-72) PH0075442 HABS.

Broadway vicinity. *LINVILLE CREEK BRIDGE*, S of Broadway on SR 1421, (4-15-78)

Broadway vicinity. *TUNKER HOUSE (YOUNT-ZIGLER HOUSE)*, S of Broadway at jct. of VA 786 and 42, (7-2-71) PH0075451

Dayton vicinity. *FORT HARRISON*, NE of Dayton on VA 42, (7-24-73) PH0075434

Harrisonburg vicinity. *BAXTER HOUSE*, N of Harrisonburg on VA 42, (10-3-73) PH0075418

Harrisonburg vicinity. *BEERY, JOHN K., FARM*, N of Harrisonburg off VA 42, (9-19-73) PH0075426

Singers Glen. *FUNK, JOSEPH, HOUSE*, VA 613, (2-24-75)

Singers Glen. *SINGERS GLEN HISTORIC DISTRICT*, Jct. of VA 613 and VA 712, (1-20-78)

russell county

Dickersonville vicinity. *OLD RUSSELL COUNTY COURTHOUSE (DICKENSON-FUGATE HOUSE)*, W of Dickersonville on U.S. 58A, (7-16-73) PH0075469

Lebanon vicinity. *DAUGHERTY'S CAVE AND BREEDING SITES*, N of Lebanon, (6-23-78)

salem (independent city)

EVANS HOUSE, 312 Broad St., (5-19-72) PH0075353 HABS.

MAIN CAMPUS COMPLEX, ROANOKE COLLEGE, Roanoke College, (3-7-73) PH0075388 HABS.

SALEM PRESBYTERIAN CHURCH, E. Main and Market Sts., (10-15-74) PH0075361 HABS.

WILLIAMS-BROWN HOUSE AND STORE, 523 E. Main St., (11-23-71) PH0075370 HABS.

scott county

Maces Spring vicinity. *CARTER, A. P., HOMEPLACE*, SE of Maces Spring near jct. of VA 614 and VA 691, (7-30-76)

Nickelsville vicinity. *KILLGORE FORT HOUSE*, SW of Nickelsville off VA 71, (5-19-72) PH0075477

shenandoah county

Middletown vicinity. *FORT BOWMAN*, NE of jct. of Rtes. 660 and U.S. 11, (11-25-69) PH0075485 HABS.

Mt. Jackson vicinity. *MEEMS BOTTOM COVERED BRIDGE*, S of Mt. Jackson on VA 720 over North Fork of Shenandoah River, (6-10-75)

New Market. *NEW MARKET HISTORIC DISTRICT*, Jct. of U.S. 11 and 211, (9-22-72) PH0075507 HABS.

New Market vicinity. *NEW MARKET BATTLEFIELD PARK*, N of jct. of U.S. 11 and U.S. 211, (9-15-70) PH0075493

Orkney Springs. *ORKNEY SPRINGS HOTEL*, VA 263, W of jct. with VA 610, (4-22-76)

Woodstock. *SHENANDOAH COUNTY COURTHOUSE*, W. Court and S. Main Sts., (6-19-73) PH0075515

smyth county

Marion vicinity. *FOX FARM SITE*, W of Marion, (6-23-78)

Marion vicinity. *PRESTON HOUSE (HERNDON)*, S of jct. of Rtes. 645 and U.S. 11, (11-25-69) PH0075523

Saltville. *PRESTON HOUSE*, VA 107, (7-30-76)

south boston (independent city)

REEDY CREEK SITE, (4-26-78)

southampton county

Capron vicinity. *BELMONT*, NE of Capron off VA 652, (10-3-73)

spotsylvania county

Fredericksburg vicinity. *FALL HILL*, NW of Fredericksburg off VA 639, (6-18-73) PH0075540 G.

Fredericksburg vicinity. *FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK*, Fredericksburg and W and SW areas in Spotsylvania County, (10-15-66)

Fredericksburg vicinity. *RAPIDAN DAM CANAL OF THE RAPPAHANNOCK*

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NAVIGATION, NW of Fredericksburg, (7-26-73)
Fredericksburg vicinity. *ST. JULIEN*, S of Fredericksburg between VA 609 and VA 2, (6-5-75)
Glenora vicinity. *ANDREWS TAVERN*, 2.6 mi. NE of Glenora on VA 601, (7-30-76)

stafford county

Brooke vicinity. *POTOMAC CREEK SITE*, 1.8 mi. SE of jct. of Rt. 621 and Rt. 608, (12-3-69) PH0110221
Falmouth. *BELMONT (GARI MELCHERS HOUSE)*, Off U.S. 1, (10-15-66) PH0075612 NHL.
Falmouth. *CARLTON*, 501 Melchers Dr., (10-3-73) PH0075574 G.
Falmouth. *CLEARVIEW*, Off Telegraph Rd. near VA 664 and U.S. 1, (2-24-75)
Falmouth. *FALMOUTH HISTORIC DISTRICT*, Jct. of U.S. 1 and U.S. 17, (2-26-70) PH0075582 HABS.
Falmouth vicinity. *HUNTER'S IRONWORKS*, W of Falmouth off U.S. 17, (1-18-74) PH0075604
Fredericksburg vicinity. *FERRY FARM SITE (GEORGE WASHINGTON'S BOYHOOD HOME SITE)*, E of Fredericksburg at 712 Kings Hwy., (5-5-72) PH0075591 HABS.
Garrisonville vicinity. *AQUIA CHURCH*, N of jct. of U.S. 1 and Va. 610, (11-12-69) PH0075566 HABS.

staunton (independent city)

MARY BALDWIN COLLEGE, MAIN BUILDING, Mary Baldwin College campus, (7-26-73) PH0075639
SEARS HOUSE, Sears Hill Rd. in Woodrow Wilson City Park, (2-23-72) PH0075647 G.
STUART HALL (MAIN BUILDING), 235 W. Frederick St., (8-13-74)
STUART HOUSE, 120 Church St., (5-5-72) PH0075663 HABS.
TRINITY EPISCOPAL CHURCH, Beverley and Lewis Sts., (5-5-72) PH0075671
VIRGINIA SCHOOL FOR THE DEAF AND BLIND, E. Beverly St. and Pleasant Ter., (11-12-69)
WESTERN STATE HOSPITAL COMPLEX, Jct. of U.S. 11 and U.S. 250, (11-25-69) PH0075698
WHARF AREA HISTORIC DISTRICT, Middlebrook Ave. between S. New and S. Lewis Sts., including S. Augusta St. to Johnson St., (11-9-72)
WILSON, WOODROW, BIRTHPLACE, N. Coalter St. between Beverly and Frederick Sts., (10-15-66) PH0075621 NHL; HABS; G.

suffolk (independent city)

RIDDICK HOUSE, 510 Main St., (5-2-74) PH0075710
Chesapeake City vicinity. *GLEBE CHURCH (BENNETT'S CREEK CHURCH)*, W of Chesapeake City on VA 337, (5-25-73) PH0083283
Chuckatuck vicinity. *ST. JOHN'S CHURCH (CHUCKATUCK CHURCH)*, E of Chuckatuck on VA 125, (4-11-73) PH0083291

surry county

Bacon's Castle. *BACON'S CASTLE*, Off VA 10, (10-15-66) PH0084905 NHL; HABS; G.
Jamestown vicinity. *CHIPPOKES PLANTATION*, S bank of the James River opposite Jamestown Island, (10-1-69) PH0083631
Scotland vicinity. *PLEASANT POINT*, 1 mi. S of Scotland on VA 637, (7-16-76) HABS.
Scotland vicinity. *SWANN'S POINT PLANTATION SITE*, 2 mi. NW of Scotland off VA 610, (4-1-75)
Spring Grove vicinity. *GLEBE HOUSE OF SOUTHWARK PARISH*, E of Spring Grove on VA 10, (5-17-76)
Surry vicinity. *ENOS HOUSE*, SW of Surry, (12-7-77)
Surry vicinity. *FOUR-MILE TREE*, NE of the jct. of VA 618 and VA 610, (12-18-70) PH0083640 HABS.
Surry vicinity. *SMITH'S FORT*, NE of jct. of Rts. 31 and 620, (6-15-70) PH0083658
Surry vicinity. *WARREN HOUSE*, NE of Surry off VA 31, (11-14-73) PH0083666 HABS.

sussex county

Grizzard vicinity. *FORTSVILLE*, SE of the jct. of Rtes. 612 and 611, (9-15-70) PH0083682
Homeville vicinity. *CHESTER*, N of jct. of Rtes. 625 and 35, (12-18-70) PH0083674 HABS; G.
Littleton vicinity. *LITTLE TOWN*, W of Littleton on VA 622, (11-18-76)
Sussex. *SUSSEX COUNTY COURTHOUSE HISTORIC DISTRICT*, (7-24-73) PH0083691

tazewell county

Maiden Spring vicinity. *INDIAN PAINTINGS*, 2.7 mi. S of jct. of Rts. 610 and 19 (460), (12-3-69) PH0110230
Pocahontas and vicinity. *POCAHONTAS HISTORIC DISTRICT*, Corporate boundaries of Pocahontas including N cemetery, (11-3-72) PH0083704

virginia beach (independent city)

CAPE HENRY LIGHTHOUSE, Atlantic Ave. at U.S. 60, (10-15-66) PH0084913 NHL.
KEELING HOUSE, 3157 Adam Keeling Rd., (6-19-73) PH0083712 HABS.
LAND, FRANCIS, HOUSE, 3133 Virginia Beach Blvd., (5-12-75)
OLD DONATION CHURCH, 4449 N. Witch Duck Rd., (4-13-72) PH0083721
PEMBROKE MANOR, E of jct. of Rtes. 627, 647, and U.S. 58, (2-26-70) PH0110248
PLEASANT HALL, 5184 Princess Anne Rd., (1-25-73) PH0083739 HABS.
THOROUGHGOOD HOUSE, E of Norfolk on Lynnhaven River, (10-15-66) PH0084921 NHL; HABS.
UPPER WOLFSNARE, E of jct. of Rtes. 635 and 632, (3-26-75) G.
WEBLIN HOUSE, 5588 Moore's Pond Rd., (11-8-74) PH0083747
WISHART-BOUSH HOUSE, E of jct. of VA 649 and Absalom Rd., (11-12-69) PH0110256 HABS; G.

warren county

CEDAR CREEK BATTLEFIELD AND BELLE GROVE, *Reference—see Frederick County* (1-2-74)
Front Royal vicinity. *FLINT RUN ARCHEOLOGICAL DISTRICT*, SW of Front Royal on U.S. 340, (12-22-76)
Limeton vicinity. *THUNDERBIRD ARCHEOLOGICAL DISTRICT*, VA 623, (5-5-77) NHL.
Milldale. *MOUNT ZION*, NE of jct. of Rtes. 624 and 639, (2-26-70) PH0083755 HABS.

washington county

Abingdon. *ABINGDON BANK*, 225 E. Main St., (11-12-69) PH0083763
Abingdon. *ABINGDON HISTORIC DISTRICT*, Both sides of Main St., (2-26-70) PH0083771
Abingdon. *MONT CALM*, W of VA 75, (7-18-74) PH0083780 HABS.
Abingdon vicinity. *WHITE'S MILL*, NW of Abingdon on White Mill Rd., (9-10-74) PH0087921
Blackwell vicinity. *CRABTREE-BLACKWELL FARM*, 1 mi. S of Blackwell on SR 686, (4-1-75)

Waynesboro (independent city)

COINER-QUESENBERY HOUSE, 332 W. Main St., (11-7-76)

westmoreland county

Fredericksburg vicinity. *GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT*, E of Fredericksburg off U.S. 301 and VA 3, (10-15-66) PH0187925
Hague vicinity. *JONES, MORGAN, 1677 POTTERY KILN*, NW of Hague, (10-16-74) PH0087891
Lerty vicinity. *STRATFORD HALL*, N of Lerty on VA 214, (10-15-66) PH0140589 NHL; HABS.
Montross vicinity. *CHANTILLY*, NE of jct. of VA 609 and 622, (12-16-71) PH0083798
Tucker Hill vicinity. *YEOCOMICO CHURCH*, SW of Tucker Hill on Rte. 606, (11-12-69) PH0083810 NHL; HABS.
Wakefield Corner vicinity. *BLENHEIM*, N of Wakefield Corner off VA 204, (6-5-75)
Westmoreland. *SPENCE'S POINT (JOHN R. DOS PASSOS FARM)*, On Sandy Point Neck, on VA 749, (11-11-71) PH0083801 NHL.

williamsburg (independent city)

BRUTON PARISH CHURCH, Duke of Gloucester St., (5-10-70) PH0083828 NHL; HABS.
COLLEGE LAND, Off VA 31, (7-12-78)
RANDOLPH, PEYTON, HOUSE, Corner of Nicholson and N. England Sts., (4-15-70) PH0083836 NHL; HABS.
SEMPLE, JAMES, HOUSE, S side of Frances St. between Blair and Walker Sts., (4-15-70) PH0083844 NHL; HABS.
WILLIAMSBURG HISTORIC DISTRICT, Bounded by Francis, Waller, Nicholson, N. England, Lafayette, and Nassau Sts., (10-15-66) PH0083852 NHL; HABS.
WREN BUILDING, COLLEGE OF WILLIAM AND MARY, College of William and Mary campus, (10-15-66) PH0083861 NHL; HABS.
WYTHE HOUSE, W side of the Palace Green, (4-15-70) PH0083879 NHL.

winchester (independent city)

ABRAM'S DELIGHT, Parkview St. and Rouss Spring Rd., (4-11-73) PH0083887 HABS.
HANDLEY LIBRARY, NW corner of Braddock and Piccadilly Sts., (11-12-69)
JACKSON, THOMAS J., HEADQUARTERS, 415 N. Braddock St., (5-28-67) PH0083909 NHL.
KURTZ, ADAM, HOUSE, NE corner Braddock and Cork Sts., (5-17-76) HABS.
OLD STONE CHURCH, 304 E. Piccadilly St., (8-18-77) HABS.

wise county

Big Stone Gap. *FOX, JOHN JR., HOUSE*, 117 Shawnee Ave., (6-7-74) PH0083917
Big Stone Gap. *"JUNE TOLLIVER" HOUSE*, On VA 613, (8-28-73) PH0083925
Big Stone Gap. *U.S. POST OFFICE AND COURTHOUSE*, U.S. 58, (12-23-75)

wythe county

Fort Chiswell vicinity. *FORT CHISWELL SITE*, E of Fort Chiswell at jct. of I 81 and I 77, (8-29-78)
Fosters Falls vicinity, *MARTIN SITE*, (8-13-74) PH0043885
Max Meadows vicinity. *FORT CHISWELL MANSION*, I 81 near jct. of U.S. 52 and VA 121, (5-6-71) PH0083933

Max Meadows vicinity. *SHOT TOWER*, W of jct. of Rte. 608 and U.S. 52, (10-1-69) PH0083950
Wytheville. *HALLER-GIBBONEY ROCK HOUSE*, Monroe and Tazewell Sts., (11-9-72) PH0083941 HABS; G.
Wytheville vicinity. *ST. JOHN'S LUTHERAN CHURCH AND CEMETERY*, NW of Wytheville at jct of U.S. 21/52 and I 81, (1-26-78)

york county

COLONIAL NATIONAL HISTORICAL PARK, *Reference—see James City County* (1-2-74)
Lackay vicinity. *LEE HOUSE (KISKIACK)*, NE of jct. of VA 238 and 168, (11-12-69) PH0083984 HABS.
Williamsburg vicinity. *BRYAN SITE*, E of Williamsburg, (11-14-78)
Williamsburg vicinity. *PORTO BELLO*, On Queens Creek, in Camp Peary Military Reservation, (4-13-73) PH0083992
Yorktown. *GRACE CHURCH*, Rte. 1003 and Main St., (9-15-70) PH0083976
Yorktown vicinity. *GOOCH, WILLIAM, TOMB AND YORK VILLAGE ARCHEOLOGICAL SITE*, E of Yorktown on U. S. Coast Guard Reserve Training Center, (1-18-74) PH0083968
Yorktown vicinity. *YORKTOWN WRECKS*, 4 mi. of York River between Gloucester and York County shores at Yorktown, (10-9-73) PH0084000

WASHINGTON

adams county

Hooper vicinity. *STRAP IRON CORRAL*, 5 mi. N of Hooper on Harder Ranch, (8-1-75)
Ritzville. *BURROUGHS, DR. FRANK R., HOUSE*, 408 Main St., (11-20-75)

asotin county

Asotin. *FULL GOSPEL CHURCH (GRACE PRESBYTERIAN CHURCH)*, 1st and Monroe Sts., (1-19-72) PH0079898
Asotin vicinity. *SNAKE RIVER ARCHEOLOGICAL DISTRICT*, Includes both banks of Snake River from Asotin to OR border, (5-13-76)
Clarkston. *VAN ARSDOL, C. C., HOUSE*, 15th and Chestnut Sts., (5-6-75)

benton county

Paterson vicinity. *TELEGRAPH ISLAND PETROGLYPHS*, 2 mi. SW of Paterson on Telegraph Island, (3-10-75)
Prosser. *BENTON COUNTY COURTHOUSE*, Dudley Ave. and Market St., (12-12-76)
Prosser vicinity. *GLADE CREEK SITE*, SE of Prosser, (10-21-77)
Richland vicinity. *HANFORD ISLAND ARCHEOLOGICAL SITE*, 18 mi. N of Richland, (8-28-76)
Richland vicinity. *HANFORD NORTH ARCHEOLOGICAL DISTRICT*, 22 mi. N of Richland, (8-28-76)
Richland vicinity. *LOCKE ISLAND ARCHEOLOGICAL DISTRICT*, About 25 mi. N of Richland, (8-28-76)
Richland vicinity. *RATTLESNAKE SPRINGS SITES*, 25 mi. NW of Richland, (5-4-76)
Richland vicinity. *RYEGRASS ARCHEOLOGICAL DISTRICT*, In Hanford Works Reservation, along Columbia River, (1-31-76)
Richland vicinity. *SNIVELY CANYON ARCHEOLOGICAL DISTRICT*, About 25 mi. NW of Richland, (8-28-76)
Richland vicinity. *WOODED ISLAND ARCHEOLOGICAL DISTRICT*, 7 mi. N of Richland, (7-19-76)

chelan county

ROCK ISLAND RAILROAD BRIDGE, *Reference—see Douglas County*
STEVENS PASS HISTORIC DISTRICT, *Reference—see King County.*
Cashmere. *BURBANK HOMESTEAD WATERWHEEL*, Cottage Ave., (9-6-74) PH0079910 G.
Cashmere vicinity. *BLEWETT ARRASTRA*, S of Cashmere on U.S. 97, (9-17-74) PH0087963
Chelan vicinity. *LUCAS HOMESTEAD*, SW of Chelan, (12-14-78)
Rock Island vicinity. *ROCK ISLAND RAILROAD BRIDGE*, SW of Rock Island over the Columbia River, (7-30-75) (also in Douglas County)
Stehekin. *BUCKNER CABIN*, Lake Chelan National Recreation Area, (5-17-74) PH0079901
Stehekin. *COURTNEY CABIN*, Lake Chelan National Recreation Area, (5-31-74) PH0079928
Stehekin. *STEHEKIN SCHOOL*, Lake Chelan National Recreation Area, (5-31-74) PH0079936
Stehekin vicinity. *BLACK WARRIOR MINE*, N of Stehekin in North Cascades National Park, (10-15-74) PH0087947
Wenatchee. *CENTENNIAL FLOUR MILL*, Skagit and Wenatchee Ave., (12-12-76)
Wenatchee. *U.S. POST OFFICE AND ANNEX*, Mission and Yakima Sts., (5-27-77)
Wenatchee. *WELLS HOUSE*, 1300 5th St., (6-4-73) PH0079944
Wenatchee vicinity. *WENATCHEE FLAT SITE*, (8-14-73) PH0079952

clallam county

Forks vicinity. *WEDDING ROCK PETROGLYPHS*, NW of Forks in Olympia National Park, (4-3-76)
La Push vicinity. *OZETTE INDIAN VILLAGE ARCHEOLOGICAL SITE*, N of La Push on Cape Alava, (1-11-74) PH0079961
Olympic Peninsula. *TATOOSH ISLAND*, NW of Cape Flattery, (3-16-72) PH0079979
Port Angeles vicinity. *HUMES RANCH CABIN*, S of Port Angeles on Elwha River, (9-14-77)
Pysht vicinity. *HOKO RIVER ARCHEOLOGICAL SITE*, W of Pysht, (3-21-78)
Sequim vicinity. *MANIS MASTODON SITE*, S of Sequim, (3-21-78)
Sequim vicinity. *MCALMOND HOUSE*, N of Sequim on Dungeness Bay, (8-9-76)

clark county

Camas vicinity. *PARKERSVILLE SITE*, S of Camas, (8-11-76)
Ridgefield vicinity. *LANCASTER, JUDGE COLUMBIA, HOUSE*, N of Ridgefield on Lancaster Rd., (2-20-75) G.
Vancouver. *COVINGTON HOUSE*, 4208 Main St., (5-5-72) PH0079987 HABS.
Vancouver. *FORT VANCOUVER NATIONAL HISTORIC SITE*, NE of Vancouver, (10-15-66) PH0360295 HABS.
Vancouver. *HIDDEN HOUSES*, 100 and 110 W. 13th St., (11-29-78)
Vancouver. *HOUSE OF PROVIDENCE*, 400 E. Evergreen Blvd., (12-1-78)
Vancouver. *OFFICERS ROW, FORT VANCOUVER BARRACKS*, 611-1616 E. Evergreen Blvd., (11-11-74) PH0110019
Vancouver. *SLOCUM HOUSE*, 605 Esther St., (1-18-73) PH0110027 HABS.
Woodland vicinity. *CEDAR CREEK GRIST MILL*, 9 mi. E of Woodland on Cedar Creek, (3-26-75)

columbia county

Dayton. *COLUMBIA COUNTY COURTHOUSE*, 341 E. Main, (2-10-75)
Dayton. *DAYTON DEPOT*, 2nd and Commercial Sts., (11-19-74) PH0110043 G.
Starbuck. *BANK OF STARBUCK*, Main and McNeil Sts., (2-8-78)

cowlitz county

Kelso. *SMITH, NAT, HOUSE*, 110 W. Grant St., (3-3-75)
Woodland. *KLAGER, HULDA, LILAC GARDENS*, 115 S. Pekin Rd., (7-17-75)

douglas county

ROCK ISLAND RAILROAD BRIDGE, *Reference—see Chelan County*
East Wenatchee vicinity. *PANGBORN-HERNDON MEMORIAL SITE*, 3 mi. NE of East Wenatchee, (3-16-72) PH0110060
Mansfield vicinity. *GALLAHER HOUSE*, 11.5 mi. NW of Mansfield on Dyer Rd., (8-1-75)
Waterville. *DOUGLAS COUNTY COURTHOUSE*, Off U.S. 2, (9-5-75)

ferry county

Kettle Falls vicinity. *KETTLE FALLS DISTRICT*, (11-20-74) PH0087955 (also in Stevens County)

franklin county

Lyons Ferry vicinity. *MARMES ROCKSHELTER*, 1 mi. N of Lyons Ferry on W side of Palouse River, (10-15-66) PH0110078 NHL.
Pasco. *FRANKLIN COUNTY COURTHOUSE*, 1016 N. 4th St., (2-8-78)
Pasco vicinity. *ALLEN ROCKSHELTER*, NE of Pasco, (11-16-78)
Richland vicinity. *SAVAGE ISLAND ARCHEOLOGICAL DISTRICT*, 15 mi. N of Richland, (8-28-76)
Walker vicinity. *BURR CAVE*, N of Walker, (12-15-78)

garfield county

Pomeroy. *GARFIELD COUNTY COURTHOUSE*, 8th and Main Sts., (7-24-74) PH0110086
Pomeroy vicinity. *LEWIS AND CLARK TRAIL-TRAVOIS ROAD*, 5 mi. E of Pomeroy, U.S. 12, (1-11-74) PH0110094

grant county

Ephrata. *GRANT COUNTY COURTHOUSE*, C St., NW., (9-5-75)
Richland. *PARIS ARCHEOLOGICAL SITE*, NW of Richland, (9-20-78)
Soap Lake vicinity. *MESA 36*, E of Soap Lake, (12-8-78)
Warden vicinity. *LIND COULEE ARCHAEOLOGICAL SITE*, (1-21-74) PH0110108
Wilson Creek. *WILSON CREEK STATE BANK*, Off WA 7, (9-25-75)

grays harbor county

Aberdeen. *SIERRA (MOTOR SHIP)*, 1401 Sargent Blvd., (3-29-78)
Hoquiam. *HOQUIAM'S CASTLE (ROBERT LYTLE MANSION)*, 515 Chenault Ave., (4-11-73)
Westport vicinity. *GRAYS HARBOR LIGHT STATION*, W of Westport, (11-2-77)

island county

Oak Harbor. *LOERS, BENJAMIN, HOUSE*, 2046 Swantown Rd., (8-29-77)
Oak Harbor vicinity. *CENTRAL WHIDBEY ISLAND HISTORIC DISTRICT*, S of Oak Harbor, roughly 6 mi. either side of Coupeville, (12-12-73) PH0110124 HABS; G.

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Port Townsend vicinity. *SMITH ISLAND LIGHT STATION*, N of Port Townsend, (4-6-78)

jefferson county

Chimacum vicinity. *KUHN SPIT ARCHEOLOGICAL SITE*, N of Chimacum, (12-22-78)
Port Townsend. *BARTLETT, FRANK, HOUSE*, 314 Polk St., (4-24-73) PH0093742
Port Townsend. *CITY HALL*, Water and Madison Sts., (5-14-71)
Port Townsend. *FORT WORDEN*, Cherry and W Sts., (3-15-74) PH0093751 NHL; G.
Port Townsend. *FOWLER, CAPT. ENOCH S., HOUSE*, Corner of Polk and Washington Sts., (9-29-70) PH0093769
Port Townsend. *JAMES, FRANCIS WILCOX, HOUSE*, Corner of Washington and Harrison Sts., (9-29-70) PH0093866
Port Townsend. *JEFFERSON COUNTY COURTHOUSE*, Jefferson and Case Sts., (4-24-73) PH0093777
Port Townsend. *LEADER BUILDING (FOWLER BUILDING)*, 226 Adams St., (9-29-70) PH0093785
Port Townsend. *MANRESA HALL (EISENBEIS CASTLE)*, Sheridan St., (9-29-70) PH0093807
Port Townsend. *OLD GERMAN CONSULATE*, 313 Walker St., (2-24-71) PH0093793
Port Townsend. *POINT WILSON LIGHTHOUSE*, On a point of land between Juan de Fuca Strait and Admiralty Inlet, (3-24-71) PH0093815
Port Townsend. *PORT TOWNSEND HISTORIC DISTRICT*, Roughly bounded by Scott, Blaine, Walker, and Taft Sts., and the waterfront, (5-17-76) NHL; G.
Port Townsend. *ROTHSCHILD HOUSE*, Taylor and Franklin Sts., (9-29-70) PH0093823 G.
Port Townsend. *SAUNDERS, JAMES C., HOUSE*, Sims Way, (10-18-77)
Port Townsend. *ST. PAUL'S EPISCOPAL CHURCH*, Corner of Jefferson and Tyler Sts., (9-29-70) PH0093831
Port Townsend. *STARRETT HOUSE*, 744 Clay St., (9-29-70) PH0093858
Port Townsend. *TUCKER, HORACE, HOUSE*, 706 Franklin St., (1-18-73) PH0093840 HABS.
Port Townsend vicinity. *FORT FLAGLER*, SE of Port Townsend on Marrowstone Island, (5-3-76)
Quilcene vicinity. *QUILCENE-QUINAULT BATTLEGROUND SITE*, S of Quilcene, (12-29-78)

king county

Auburn vicinity. *NEELY, AARON SR., MANSION*, E of Auburn off WA 18, (10-15-74) PH0094048
Berne vicinity. *STEVENS PASS HISTORIC DISTRICT*, W of Berne on U.S. 2, (10-22-76) (also in Chelan County)
Fort Lawton vicinity. *WEST POINT LIGHT STATION*, W of Fort Lawton, (8-16-77)
Kirkland. *KIRK, PETER, BUILDING*, 620 Market St., (8-14-73) PH0094005 G.
Kirkland. *RELIEF* (lightship), Central Waterfront at Moss Bay, (4-23-75)
Redmond. *CLISE, JAMES W., HOUSE*, 6046 Lake Sammamish Pkwy. NE., (6-19-73) PH0093939
Redmond *YELLOWSTONE ROAD, THE*, 196th St between the Fall City Hwy. and 80th NE., (12-2-74) PH0094200
Redmond vicinity. *MARYMOOR PREHISTORIC INDIAN SITE*, 6046 W. Lake Sammamish Pkwy., NE, (11-20-70) PH0094021
Seattle. *ALASKA TRADE BUILDING (UNION RECORD BUILDING)*, 1915–1919 1st Ave., (5-6-71) PH0093874 G.
Seattle. *ARCTIC BUILDING*, 306 Cherry St., (11-28-78)
Seattle. *ASSAY OFFICE (GERMAN CLUB)*, 613 9th Ave., (3-16-72) PH0093882
Seattle. *BALLARD AVENUE HISTORIC DISTRICT*, Ballard Ave. from NW Market to NW Dock Sts., (7-1-76) G.
Seattle. *BALLINGER, RICHARD A., HOUSE*, 1733 39th Ave., (5-28-76)
Seattle. *BARNES BUILDING*, 2320–2322 1st Ave., (2-24-75)
Seattle. *BELL APARTMENTS*, 2326 1st Ave., (7-12-74) PH0093904
Seattle. *BUILDING NO. 105, BOEING AIRPLANE COMPANY (E. W. HEATH SHIPYARD)*, 200 S.W. Michigan St., (8-26-71)
Seattle. *BUTTERWORTH BUILDING*, 1921 1st Ave., (5-14-71) PH0093921 G.
Seattle. *CHELSEA FAMILY HOTEL*, 620 W. Olympic Pl., (12-14-78)
Seattle. *CHITTENDEN LOCKS AND LAKE WASHINGTON SHIP CANAL HISTORIC DISTRICT*, Salmon Bay, (12-14-78)
Seattle. *COLISEUM THEATER*, 5th Ave. and Pike St., (7-7-75)
Seattle. *COLMAN BUILDING*, 811 1st Ave., (3-16-72) PH0093947
Seattle. *CORNISH SCHOOL*, 710 E. Roy St., (8-29-77)
Seattle. *DUWAMISH NUMBER 1 SITE*, S of Elliott Bay, (10-18-77)
Seattle. *FIRE STATION NO. 18 (BALLARD FIRE STATION)*, 5427 Russell Ave. NW., (6-19-73) PH0093955
Seattle. *FIRE STATION NO. 23*, 18th Ave. and Columbia St., (9-10-71) PH0093963
Seattle. *FIRE STATION NO. 25*, 1400 Harvard Ave., (4-14-72) PH0093971
Seattle. *FORT LAWTON*, (8-15-78)
Seattle. *HILL, SAMUEL, HOUSE*, 814 E. Highland Dr., (5-3-76)
Seattle. *HOLYOKE BUILDING*, 1018–1022 1st Ave., (6-3-76)
Seattle. *HOME OF THE GOOD SHEPHERD*, Sunnyside N. and 50th St., (5-23-78)
Seattle. *IRON PERGOLA*, 1st Ave. and Yesler Way, (8-26-71) PH0093980
Seattle. *KING STREET STATION*, 3rd St. S. and S. King St., (4-13-73) PH0093998
Seattle. *LEARY, ELIZA FERRY, HOUSE*, 1551 10th Ave. E., (4-14-72) PH0094013
Seattle. *MERRILL, R. D., HOUSE*, 919 Harvard Ave., E., (8-22-77)
Seattle. *MOORE THEATRE AND HOTEL*, 1932 2nd Ave., (8-30-74) PH0094030
Seattle. *NAVAL MILITARY HANGAR–UNIVERSITY SHELL HOUSE*, University of Washington campus, (7-1-75)
Seattle. *NIPPON KAN*, 622 S. Washington St., (5-22-78)
Seattle. *NORTHERN LIFE TOWER (SEATTLE TOWER)*, 1212 3rd Ave., (5-30-75)
Seattle. *OLD PUBLIC SAFETY BUILDING*, 4th Ave. and Terrace St. and 5th Ave. and Yesler Way, (6-19-73) PH0094056 G.
Seattle. *PARAMOUNT THEATRE*, 901 Pine St., (10-9-74) PH0094064
Seattle. *PARK DEPARTMENT, DIVISION OF PLAYGROUNDS*, 301 Terry Ave., (3-16-72) PH0094072
Seattle. *PIKE PLACE PUBLIC MARKET HISTORIC DISTRICT*, Roughly bounded by 1st and Western Aves. and Virginia and Pike Sts., (3-13-70) PH0094081 G.
Seattle. *PIONEER BUILDING, PERGOLA, AND TOTEM POLE*, 5th Ave. and Yesler Way, (5-5-77) NHL.
Seattle. *PIONEER HALL*, 1642 43rd Ave. East, (6-5-70) PH0094102
Seattle. *PIONEER SQUARE–SKID ROAD DISTRICT*, (6-22-70) G.
Seattle. *QUEEN ANNE PUBLIC SCHOOL*, 515 W. Galer St., (7-30-75)
Seattle. *RAINIER CLUB*, 810 4th Ave., (4-22-76)
Seattle. *RONALD, JUDGE JAMES T., HOUSE*, 421 30th St., (2-20-75)
Seattle. *SEATTLE ELECTRIC COMPANY GEORGETOWN STEAM PLANT*, Off WA 99 at King County Airport, (8-1-78)
Seattle. *SKINNER BUILDING (FIFTH AVENUE THEATRE)*, 1300–1334 5th Ave., (11-28-78)
Seattle. *STIMSON-GREEN HOUSE*, 1204 Minor Ave., (5-4-76)
Seattle. *STOREY, ELLSWORTH, COTTAGES HISTORIC DISTRICT*, 1706–1816 S. Lake Washington Blvd. and 1725–1729 S. 36th Ave., (7-6-76)
Seattle. *STOREY, ELLSWORTH, RESIDENCES*, 260, 270 E. Dorffel Dr., (4-14-72) PH0094129
Seattle. *VIRGINIA V*, 4250 21st Ave. W., (4-24-73) PH0094137 G.
Seattle. *W. T. PRESTON*, Lake Washington Ship Canal, Hiram Chittenden Locks, (3-16-72) PH0110272
Seattle. *WAWONA*, Seattle Police Harbor Patrol Dock, foot of Densmore St., (7-1-70) G.
Seattle. *TRIANGLE HOTEL AND BAR*, 551 1st Ave. S., (5-3-76)
Seattle. *TURNER-KOEPF HOUSE (JEFFERSON PARK LADIES IMPROVEMENT CLUB)*, 2336 15th Ave. S., (4-22-76)
Seattle. *UNION STATION*, 4th South and S. Jackson Sts., (8-30-74) PH0094170
Seattle. *VOLUNTEER PARK*, Between E. Prospect and E. Galer Sts., and Federal and E. 15th Aves., (5-3-76)
Seattle. *WARD HOUSE*, 1427 Boren Ave., (3-16-72) PH0094145
Seattle. *WASHINGTON STREET PUBLIC BOAT LANDING FACILITY*, S. Washington St. W of Alaskan Way, (6-10-74) PH0094188
Seattle. *WILKE FARMHOUSE*, 1920 2nd North St., (11-1-74) PH0094196
Snoqualmie. *SNOQUALMIE DEPOT*, 109 King St., (7-24-74) PH0094161 G.
Snoqualmie vicinity. *SNOQUALMIE FALLS CAVITY GENERATING STATION*, N of Snoqualmie on Snoqualmie River, (4-23-76)
Woodinville vicinity. *HOLLYWOOD FARM*, SE of Woodinville at 14111 NE. 145th St., (12-15-78)

kitsap county

Bainbridge Island. *S.S. SAN MATEO*, Eagle Harbor, (4-7-71) G.
Bremerton. *U.S.S. MISSOURI*, Puget Sound Naval Shipyard, (5-14-71) PH0094251
Hansville vicinity. *POINT NO POINT LIGHT STATION*, E of Hansville, (8-10-78)
Olalla. *NELSON, CHARLES F., HOUSE*, Corner of Nelson and Crescent Valley Rds., (8-28-73) PH0094218
Port Gamble. *PORT GAMBLE HISTORIC DISTRICT*, (11-13-66) PH0094226 NHL; G.

Port Orchard. *HOTEL SIDNEY (NAVY VIEW APARTMENTS)*, 700 Prospect St., (3-1-73) PH0094242 G.
Winslow vicinity. *FORT WARD HISTORIC DISTRICT*, S of Winslow, (1-12-78)

kittitas county

Cle Elum vicinity. *SALMON LA SAC GUARD STATION*, N of Cle Elum in Wenatchee National Forest, (7-15-74) PH0094293
Ellensburg. *ELLENSBURG HISTORIC DISTRICT*, Roughly bounded by 3rd and 6th Aves., and Main and Ruby Sts., (7-1-77) G.
Ellensburg. *WASHINGTON STATE NORMAL SCHOOL BUILDING*, 8th Ave., (12-12-76)
Ellensburg vicinity. *OLMSTEAD PLACE STATE PARK*, 4 mi. E of Ellensburg near the Kittitas Hwy., (3-31-71) PH0094285 G.
Ellensburg vicinity. *SPRINGFIELD FARM*, 9 mi. N of Ellensburg, (4-13-77)
Liberty. *LIBERTY HISTORIC DISTRICT*, Both sides of Williams Creek Wagon Rd., (10-15-74) PH0094269
Roslyn. *NORTHWESTERN IMPROVEMENT COMPANY STORE*, 1st St. and Pennsylvania Ave., (4-13-73) PH0094277 G.
Roslyn. *ROSLYN HISTORIC DISTRICT*, WA 2E, (2-14-78)
Thorp. *THORP MILL*, Thorp Highway off U.S. 10/97, (11-23-77)
Wenatchee vicinity. *TEKISON CAVE*, S of Wenatchee, (11-24-78)

klickitat county

Glenwood vicinity. *WHITCOMB CABIN*, 8 mi. S of Glenwood on SR 163, (6-10-75)
Goldendale. *NEWELL, CHARLES, HOUSE*, 114 Sentinel St., (8-18-77)
Goldendale vicinity. *MARYHILL*, SW of Goldendale on U.S. 197, (12-31-74) PH0080497 G.
Husum vicinity. *RATTLESNAKE CREEK SITE*, NE of Husum, (5-22-78)
The Dalles vicinity. *WISHRAM INDIAN VILLAGE SITE*, Horsethief Lake State Park, (3-16-72) PH0094307

lewis county

Centralia. *BORST, JOSEPH, HOUSE*, 302 Bryden Ave., (12-27-77)
Chehalis. *BURLINGTON NORTHERN DEPOT*, Off U.S. 99/WA 1, (11-6-74) PH0094315
Chehalis. *MCFADDEN, O. B., HOUSE*, 1639 Chehalis Ave., (4-1-75) HABS.
Chehalis vicinity. *JACKSON, JOHN R., HOUSE*, At Mary's Corner, 11 mi. S of Chehalis on Jackson Hwy. (U.S. 12), (1-11-74) PH0094331
Claquato. *CLAQUATO CHURCH*, Off WA 12, (4-24-73) PH0094323
Curtis vicinity. *WOLFENBARGER SITE*, S of Curtis, (5-2-77)
Mineral. *MINERAL LOG LODGE*, E side of Mineral Lake on Hill Rd., (3-26-75)
Vader. *OLSEN, BEN, HOUSE*, S end of D St., (11-7-76)

lincoln county

Wilbur vicinity. *GOOSE CREEK ROCKSHELTER*, E of Wilbur, (5-22-78)

okanogan county

Bridgeport vicinity. *FORT OKANOGAN, SITE OF*, (6-4-73) PH0094358
Conconully vicinity. *OKANOGAN PROJECT: CONCONULLY RESERVOIR DAM*, S of Conconully, (9-6-74) PH0087939
Nespelem. *CHIEF JOSEPH MEMORIAL (NEZ PERCE CEMETERY)*, Near jct. of WA 10A and Cache Creek Rd., (5-15-74) PH0094340
Oroville vicinity. *ENLOE DAM AND POWERPLANT*, 4 mi. (6.4 km) W of Oroville, (10-18-78)
Oroville vicinity. *SMITH, HIRAM F. (OKANOGAN), ORCHARD*, 2 mi. N of Oroville on Osoyoos Lake, (11-12-75)
Winthrop vicinity. *PARSON SMITH TREE*, 40 mi. N of Winthrop on the Canadian border in Okanogan National Forest, (3-16-72) PH0360325

pacific county

Chinook vicinity. *CHINOOK POINT*, 5 mi. SE of Fort Columbia Historical State Park on U.S. 101, (10-15-66) PH0094366 NHL.
Ilwaco. *COLBERT HOUSE*, Quaker and Lake Sts., (10-18-77)
Ilwaco vicinity. *CAPE DISAPPOINTMENT HISTORIC DISTRICT*, From 0.5 mi. S of Ilwaco to WA/OR boundary, (8-15-75)
Oysterville. *OYSTERVILLE HISTORIC DISTRICT*, WA 103, (4-21-76) G.
Seaview. *SHELBURNE HOTEL*, WA 103 and K St., (12-15-78)
South Bend. *PACIFIC COUNTY COURTHOUSE*, Cowlitz and Vine Sts., (7-20-77)
South Bend. *RUSSELL HOUSE*, 902 E. Water St., (11-25-77)
Tokeland. *TOKELAND HOTEL*, Kindred Ave. and Hotel Rd., (4-11-78)

pierce county

Dupont vicinity. *FORT NISQUALLY SITE*, NW of Dupont off I 5, (10-16-74) PH0057789
Elbe. *ELBE EVANGELICAL LUTHERAN CHURCH*, WA 5, (10-8-76)
Gig Harbor vicinity. *GLENCOVE HOTEL*, W of Gig Harbor off WA 302, (5-22-78)
Puyallup. *MEEKER, EZRA, MANSION*, 321 Pioneer Ave. E., (8-26-71) PH0057797 G.
Steilacoom. *DAVIDSON HOUSE (PHILLIP KEACH HOUSE)*, 1802 Commercial St., (7-27-73) PH0140741 HABS.
Steilacoom. *ORR, NATHANIEL, HOUSE AND ORCHARD (ORRMOUNT)*, 1807 Rainier St., (11-21-72) PH0057819 G.
Steilacoom. *STEILACOOM CATHOLIC CHURCH (CHURCH OF THE IMMACULATE CONCEPTION)*, 1810 Nisqually St., (7-30-74) PH0057843 HABS.
Steilacoom. *STEILACOOM HISTORIC DISTRICT*, Between Nisqually St. and Puget Sound, (11-24-75) G.
Steilacoom vicinity. *FORT STEILACOOM*, NE of Steilacoom, (11-25-77)
Sumner. *RYAN HOUSE*, 1228 Main St., (6-30-76)
Tacoma. *CAMP SIX (WESTERN WASHINGTON FOREST INDUSTRIES MUSEUM)*, Point Defiance Park, (3-7-73) PH0057746
Tacoma. *DRUM, HENRY, HOUSE*, 9 St. Helens St., (7-20-77)
Tacoma. *ENGINE HOUSE NO. 9*, 611 N. Pine St., (7-30-75)
Tacoma. *FORT NISQUALLY GRANARY AND FACTOR'S HOUSE*, Point Defiance Park, (4-15-70) PH0057771 NHL; HABS.
Tacoma. *NORTHERN PACIFIC OFFICE BUILDING*, NE corner of 7th St. and Pacific Ave., (5-4-76)
Tacoma. *OLD CITY HALL*, 7th Ave. between Commerce and Pacific Ave., (5-17-74)
Tacoma. *OLD CITY HALL HISTORIC DISTRICT*, Roughly bounded by St. Helens Ave., Court C, freeway spur, 7th and 9th Sts., (12-23-77)
Tacoma. *PACIFIC BREWING AND MALTING COMPANY*, S. 25th St. Between C St. and Jefferson Ave., (7-31-78)
Tacoma. *PANTAGES THEATRE/JONES BUILDING*, 901 and 909 Broadway, (11-7-76)
Tacoma. *RHODES MEDICAL ARTS BUILDING*, 740 St. Helens Ave., (11-21-78)
Tacoma. *SAMSON HOTEL*, 1156 S. Fawcett St., (2-18-75) G.
Tacoma. *SLAVONIAN HALL*, 2306 N. 30th St., (11-7-76) G.
Tacoma. *ST. PETER'S EPISCOPAL CHURCH*, Starr between 29th and 30th Sts., (11-5-74) PH0057835
Tacoma. *STADIUM-SEMINARY HISTORIC DISTRICT*, Roughly bounded by 1st, I, 10th Sts., and shoreline, (5-26-77) G.
Tacoma. *UNION PASSENGER STATION*, 1713 Pacific Ave., (3-15-74) PH0057851
Tacoma. *WRIGHT PARK AND SEYMOUR CONSERVATORY*, Division Ave. to 6th Ave., between South G and I Sts., (10-8-76)
Tacoma vicinity. *CABIN NO. 97 (WALTER CROOKS CABIN)*, NW of Tacoma on Salmon Beach, (12-13-77)
Wilkeson. *WILKESON SCHOOL*, Off WA 165, (10-8-76)
Wilkeson vicinity. *COKE OVENS*, SE of Wilkeson at RR. tracks, (6-10-74) PH0057754
Wilkeson vicinity. *WALKER CUT STONE COMPANY*, E of Wilkeson, (6-7-78)

san juan county

East Sound vicinity. *PATOS ISLAND LIGHT STATION*, N of East Sound on Patos Island, (10-21-77)
Friday Harbor vicinity. *SAN JUAN ISLAND, LIME KILN LIGHT STATION*, (12-15-78)
Friday Harbor vicinity, San Juan Island. *SAN JUAN ISLAND NATIONAL HISTORICAL PARK*, Between Haro Strait and San Juan Channel, (10-15-66) PH0229784
Oreas Island. *ROSARIO*, S of East Sound on Orcas Island, (11-2-78)
San Juan Island. *ROCHE HARBOR*, Northern San Juan Island, (8-29-77)
Shaw Island. *LITTLE RED SCHOOLHOUSE*, Corner of Hoffman Cove and Neck Point Cove Rd., (6-19-73) PH0057860

skagit county

Anacortes. *ANACORTES PUBLIC LIBRARY*, 1305 8th St., (10-21-77)
Concrete vicinity. *BAKER RIVER BRIDGE*, On WA 20, over Skagit River, (5-4-76)
LaConner. *LACONNER HISTORIC DISTRICT*, (4-24-74) PH0057886
Mount Vernon vicinity. *SKAGIT CITY SCHOOL*, 3.5 mi. S of Mount Vernon on Moore Rd., (7-15-77)

snohomish county

Edmonds. *CARNEGIE, ANDREW, LIBRARY*, 118 5th Ave. N., (4-24-73) PH0057894
Everett. *EVERETT CARNEGIE LIBRARY*, 3001 Oakes Ave., (12-6-75)
Everett. *MCCABE BUILDING*, 3120 Hewitt Ave., (10-21-77)
Everett. *MONTE CRISTO HOTEL*, 1507 Wall St., (6-3-76)
Everett. *RUCKER HOUSE*, 412 Laurel Dr., (12-4-75)
Everett. *EQUATOR*, 14th St. Yacht Basin, (4-14-72) PH0057932 G.
Everett. *SNOHOMISH COUNTY COURTHOUSE*, Wetmore Ave. between Wall St. and Pacific Ave., (12-6-75)
Everett. *SWALWELL BLOCK AND ADJOINING COMMERCIAL BUILDINGS*, 2901–2909 and 2915 Hewitt Ave., (5-17-76)
Everett. *SWALWELL COTTAGE*, 2712 Pine St., (11-28-78)

Everett. *U.S. POST OFFICE AND CUSTOMSHOUSE*, 3006 Colby Ave., (6-22-76)
Everett vicinity. *"JACK KNIFE" BRIDGE*, Spans the Ebey Slough at Home Acres Rd. E of Everett, (11-2-73) PH0057908
Index. *RED MEN HALL (REDMEN WIGWAM)*, Index Ave. at 6th St., (4-13-73) PH0057924
Marysville vicinity. *INDIAN SHAKER CHURCH*, W of Marysville, Tulalip Reservation, N. Meridan Ave., (5-4-76)
Marysville vicinity. *ST. ANNE'S ROMAN CATHOLIC CHURCH*, W of Marysville on Mission Beach Rd., (6-18-76)
Marysville vicinity. *TULALIP INDIAN AGENCY OFFICE*, 3901 Mission Beach Rd., Tulalip Reservation, (5-3-76)
Mukilteo. *MUKILTEO LIGHT STATION*, WA 525, (10-21-77)
Snohomish. *SNOHOMISH HISTORIC DISTRICT*, Roughly bounded by Ave. E, 5th St., Union Ave., Northern Pacific RR., and Snohomish River, (10-22-74) PH0057941
Stanwood. *PEARSON, D. O., HOUSE (HERITAGE HOUSE)*, Pearson and Market Sts., (5-25-73) PH0057916

spokane county

Cheney vicinity. *DYBDALL GRISTMILL*, 10 mi. S of Cheney at Chapman Lake, (1-11-76)
Cheney vicinity. *ITALIAN ROCK OVENS*, S of Cheney, (9-29-76)
Cheney vicinity. *SUTTON BARN*, 0.5 mi. SW of Cheney off U.S. 395, (11-20-75)
Cheney vicinity. *TURNBULL PINES ROCK SHELTER*, S of Cheney in Turnbull National Wildlife Refuge, (5-6-75)
Latah. *HAM-MCEACHERN HOUSE*, Pine and 5th Sts., (2-8-78)
Medical Lake. *HALLETT HOUSE*, E. 623 Lake SE., (6-17-76)
Spokane. *BROWNE'S ADDITION HISTORIC DISTRICT*, Roughly bounded by Sunset Blvd., Maple, Latah Creek, and Spokane River., (7-30-76) G.
Spokane. *CAMPBELL HOUSE*, W. 2316 1st Ave., (5-31-74) PH0057959
Spokane. *CLARK MANSION*, W. 2208 2nd Ave., (10-31-75)
Spokane. *COWLEY PARK*, S. Division St. between 6th and 7th Aves., (2-6-73) PH0057967
Spokane. *DAVENPORT HOTEL*, 807 W. Sprague, (9-5-75)
Spokane. *EMPIRE STATE BUILDING*, W. 901 Riverside St., (8-18-77)
Spokane. *FINCH HOUSE*, W. 2340 1st Ave. S. 104 Poplar, (7-12-76)
Spokane. *FIRST CONGREGATIONAL CHURCH OF SPOKANE*, W. 311–329 4th Ave., (4-26-78)
Spokane. *GLOVER HOUSE*, W. 321 8th Ave., (8-14-73) PH0057975 G.
Spokane. *HYDE BUILDING AND ANNEX*, W. 611 1/2 Riverside Ave., (2-8-78)
Spokane. *HYDE BUILDING AND ANNEX*, 611 1/2 Riverside Ave., (2-8-78)
Spokane. *MONROE STREET BRIDGE*, Monroe St. between Ide Ave. and Riverfalls Blvd., (5-13-76)
Spokane. *NATATORIUM CAROUSEL*, Spokane Falls Blvd., (9-19-77)
Spokane. *REVIEW BUILDING*, SE corner, Riverside Ave. and Monroe St., (2-24-75)
Spokane. *RIVERSIDE AVENUE HISTORIC DISTRICT*, Riverside Ave., (7-30-76)
Spokane. *SPOKANE COUNTY COURTHOUSE*, W. 1116 Broadway, (1-21-74) PH0057991
Spokane. *SPOKANE FLOUR MILL*, W. 621 Mallon Ave., (2-8-78)
Spokane vicinity. *FORT GEORGE WRIGHT HISTORIC DISTRICT*, W. 4000 Randolph Rd., (5-17-76)
Spokane vicinity. *HUTTON SETTLEMENT*, 9907 Wellesley, (1-1-76)

stevens county

Chewelah. *OLD INDIAN AGENCY*, 3rd St., (5-17-74) PH0058173 HABS.
Ford vicinity. *LONG LAKE PICTOGRAPHS*, 5.5 mi. SE of Ford, (5-24-76)

thurston county

Bucoda. *SEATCO PRISON SITE*, Off WA 507, (5-2-75)
Olympia. *CLOVERFIELDS*, 1100 Carlyon Ave., SE., (5-22-78)
Olympia. *MCCLEARY, HENRY, HOUSE*, 111 W. 21st Ave., (10-2-78)
Olympia. *OLD CAPITOL BUILDING*, 600 Block Washington St., (5-30-75)
Olympia. *PATNUDE, CHARLES, HOUSE*, 1239 8th Ave., (5-22-78)
Tenino. *TENINO DEPOT*, Off WA 507, (12-27-74) PH0058181 G.
Tumwater. *TUMWATER HISTORIC DISTRICT*, Roughly bounded by I-5, Capitol Way and Capitol Lake, (5-22-78)

wahkiakum county

Altoona. *COLUMBIA RIVER GILLNET BOAT*, Altoona Cannery, (2-14-78)
Cathlamet. *PIONEER CHURCH (CONGREGATIONAL CHURCH)*, Alley St., (4-11-73) PH0058190 G.
Deep River vicinity. *DEEP RIVER PIONEER LUTHERAN CHURCH*, N of Deep River, (8-7-74)
Grays River vicinity. *GRAYS RIVER COVERED BRIDGE*, WA 4, 1.5 mi. E of Grays River, (11-23-71) PH0058211 G.
Skamokawa. *SKAMOKAWA HISTORIC DISTRICT*, WA 4, (4-21-76) G.

walla walla county

Waitsburg. *BRUCE, WILLIAM PERRY, HOUSE*, 4th and Main Sts., (11-20-75)
Waitsburg. *WAITSBURG HISTORIC DISTRICT*, Main St., (3-31-78)
Walla Walla. *DACRES HOTEL*, 4th and Main Sts., (11-5-74) PH0058220
Walla Walla. *FORT WALLA WALLA HISTORIC DISTRICT*, 77 Wainwright Dr., (4-16-74) PH0058238 G.
Walla Walla. *KIRKMAN HOUSE*, 214 N. Colville St., (12-27-74) PH0058246
Walla Walla. *MEMORIAL BUILDING, WHITMAN COLLEGE*, 345 Boyer Ave., (12-3-74) PH0058254 G.
Walla Walla. *WALLA WALLA PUBLIC LIBRARY*, 109 S. Palouse St., (11-20-74) PH0058262 G.
Walla Walla vicinity. *WHITMAN MISSION NATIONAL HISTORIC SITE*, 6 mi. W of Walla Walla off U.S. 410, (10-15-66) PH0360350

whatcom county

Bellingham. *AFTERMATH CLUBHOUSE*, 1300 Broadway, (12-14-78)
Bellingham. *BACON, GEORGE, H., HOUSE*, 2001 Eldridge Ave., (11-21-74) PH0058271
Bellingham. *FAIRHAVEN HISTORIC DISTRICT*, Roughly bounded by 10th and 13th Sts., Columbia and Larrabee Aves., (8-19-77)
Bellingham. *GAMWELL HOUSE*, 1001 16th St., (3-16-72) PH0058297
Bellingham. *GREAT NORTHERN PASSENGER STATION*, S end of D St., (5-30-75)
Bellingham. *LARRABEE HOUSE*, 405 Fieldstone Rd., (5-30-75)
Bellingham. *MORSE, ROBERT I., HOUSE*, 1014 N. Garden St., (11-7-77)
Bellingham. *MOUNT BAKER THEATRE*, 106 N. Commercial St., (12-14-78)
Bellingham. *OLD MAIN, WESTERN WASHINGTON STATE COLLEGE*, 516 High St., (11-7-77)
Bellingham. *PICKETT HOUSE*, 910 Bancroft St., (12-13-71) PH0058301 HABS.
Bellingham. *ROEDER, VICTOR A., HOUSE*, 2600 Sunset Dr., (11-7-77)
Bellingham. *ROTH, LOTTIE, BLOCK*, 1106 W. Holly St., (12-12-78)
Bellingham. *WHATCOM MUSEUM OF HISTORY AND ART (OLD CITY HALL)*, 121 Prospect St., (4-3-70) PH0058319 G.
Bellingham. *YOUNG WOMEN'S CHRISTIAN ASSOCIATION*, 1026 N. Forest St., (4-21-77)
Ferndale. *HOVANDER HOMESTEAD*, 5299 Neilson Rd., (10-16-74) PH0111066
Newhalem vicinity. *DEVIL'S CORNER CLIFF WALK*, N of Newhalem in Ross Lake National Recreation Area, (6-7-74) PH0058289
Point Roberts. *BOUNDARY MARKER NO. 1*, Marine Dr. at U.S./Canada border, (5-30-75)

whitman county

Colfax. *PERKINS, JAMES A., HOUSE*, N. 623 Perkins St., (12-11-72) PH0058343 G.
Elberton. *ELBERTON HISTORIC DISTRICT*, Off WA 272 at Palouse River, (5-26-77)
Garfield. *MCCROSKEY, R. C., HOUSE*, 4th and Manring Sts., (11-21-74) PH0058335
Hay vicinity. *HENLEY SITE*, W of Hay, (9-19-77)
Oakesdale. *BARRON, J. C., FLOUR MILL*, 1st and Jackson Sts., (2-8-78)
Pullman. *THOMPSON, ALBERT W., HALL (OLD ADMINISTRATION BUILDING)*, Administration Rd. on Washington State University campus, (3-1-73) PH0110281
Rosalia vicinity. *STEPTOE BATTLEFIELD SITE*, SE of Rosalia, (5-6-76)
Uniontown vicinity. *COLLINS HOUSE AND GRANARY*, SE of Uniontown off U.S. 195, (7-30-74) PH0058327 HABS.

yakima county

Sawyer. *SAWYER, W. P., HOUSE AND ORCHARD*, U.S. 12, (11-23-77)
Sawyer vicinity. *MATTOON CABIN*, S of Sawyer on U.S. 12, (10-28-77)
Tampico vicinity. *ST. JOSEPH'S MISSION*, E of Tampico on Tampico Rd., (12-22-76)
Toppenish vicinity. *GRAVE OF THE LEGENDARY GIANTESS*, 9 mi. (14.4 km) S of Toppenish on U.S. 97, (12-14-78)
Union Gap vicinity. *KAMIAKIN'S GARDENS*, W of Union Gap on Lower Ahtanum Rd., (12-22-76)
Yakima. *CAPITOL THEATRE (MERCY THEATRE, LOWE STATE THEATRE)*, 19 S. 3rd St., (4-11-73) PH0058351
Yakima. *CARBONNEAU MANSION*, 620 S. 48th Ave., (12-12-76)
Yakima. *DONALD HOUSE*, 304 N. 2nd St., (12-12-76)
Yakima vicinity. *FORT SIMCOE STATE PARK*, SW of Yakima on WA 220, (6-27-74)

WEST VIRGINIA

barbour county

Philippi. *PHILIPPI COVERED BRIDGE*, Main St., over Tygart Valley River, (9-14-72) PH0103187

berkeley county

Arden vicinity. *AR-QUA SPRINGS (THOMAS THORNBROUGH HOUSE)*, SW of Arden on SR 37, (12-12-76)
Hedgesville vicinity. *CUNNINGHAM, SAMUEL, HOUSE*, SE of Hedgesville off WV 9, (12-12-76)
Hedgesville vicinity. *HEDGES, SAMUEL, HOUSE*, S of Hedgesville on SR 9/10, (12-12-76)
Hedgesville vicinity. *SNODGRASS TAVERN*, W of Hedgesville on WV 3, (4-24-73) PH0084328
Martinsburg. *BOYDVILLE*, 601 S. Queen St., (10-15-70) PH0084301
Martinsburg. *FEDERAL AVIATION ADMINISTRATION RECORDS CENTER (OLD COURT HOUSE)*, 300 W. King St., (9-10-74) PH0084310
Martinsburg. *STEPHEN, ADAM, HOUSE*, 309 E. John St., (10-15-70) PH0084336 G.
Martinsburg vicinity. *SWAN POND*, E of Martinsburg on WV 5/3, (7-29-77)
Martinsburg vicinity. *VAN METRE FORD STONE BRIDGE*, E of Martinsburg across Opequon Creek on SR 36, (8-22-77)

brooke county

Bethany. *OLD BETHANY CHURCH*, Main and Church Sts., (12-12-76)
Bethany. *OLD MAIN, BETHANY COLLEGE*, Bethany College campus, (8-25-70) PH0084352 G.
Bethany. *PENDLETON HEIGHTS*, Bethany College campus, (6-26-75)
Bethany vicinity. *CAMPBELL, ALEXANDER, MANSION*, E of Bethany on WV 67, (10-15-70) PH0084344
Wellsburg. *MILLER'S TAVERN*, 6th and Main Sts., (12-14-78)

cabell county

Green Bottom vicinity. *JENKINS, GEN. ALBERT GALLATIN, HOUSE*, E of Green Bottom, (5-22-78)
Huntington. *BALTIMORE AND OHIO RAILROAD DEPOT*, 1100 block of 2nd Ave., (10-30-73) PH0084361
Huntington. *CARROLL, THOMAS, HOUSE*, 234 Guyan St., (6-1-73) PH0084379
Huntington. *HARVEY HOUSE*, 1305 3rd Ave., (8-21-72) PH0084387
Huntington. *OLD MAIN, MARSHALL UNIVERSITY*, 16th St., Marshall University campus, (7-16-73) PH0084395
Milton. *MUD RIVER COVERED BRIDGE*, Off U.S. 60 on SR 25 over Mud River, (6-10-75)

fayette county

Ansted. *CONTENTMENT*, Along U.S. 60, (12-30-74) PH0051659
Ansted. *HALFWAY HOUSE (TYREE TAVERN)*, Off U.S. 60, (12-18-78)
Clifftop vicinity. *TYREE STONE TAVERN (OLD STONE HOUSE)*, E of Clifftop off U.S. 19 on SR 10, (6-20-75)
Fayetteville. *FAYETTE COUNTY COURTHOUSE*, Court St. between Wiseman and Maple Aves., (9-6-78)

grant county

Lahmansville vicinity. *SNYDER, NOAH, FARM*, 1.5 mi. S of Lahmansville on Rte. 5, (6-10-75)
Petersburg vicinity. *MANOR, THE*, N of Petersburg off WV 42, (12-18-75)
William vicinity. *FAIRFAX STONE SITE*, N of William at corner of Grant, Preston, and Tucker counties, (1-26-70) PH0103179 (also in Preston and Tucker counties)

greenbrier county

Alderson. *MILLER, ALEXANDER MCVEIGHT, HOUSE (MILLER, MITTIE CLARK, HOUSE)*, Hemlock Ave., (12-15-78)
Caldwell. *ELMHURST*, U.S. 60, (6-5-75)
Lewisburg. *GREENBRIER COUNTY COURTHOUSE AND LEWIS SPRING*, Corner of Court and Randolph Sts., (8-17-73) PH0084417
Lewisburg. *JOHN WESLEY METHODIST CHURCH*, E. Foster St., (6-5-74) PH0084468
Lewisburg. *LEWISBURG HISTORIC DISTRICT*, Irregular pattern along U.S. 60 and U.S. 219, (7-7-78)
Lewisburg. *MT. TABOR BAPTIST CHURCH*, Court and Foster Sts., (12-12-76)
Lewisburg. *NORTH, JOHN A., HOUSE (STAR TAVERN)*, 100 Church St., (10-9-74) PH0084433
Lewisburg. *OLD STONE CHURCH (PRESBYTERIAN)*, Church and Foster Sts., (2-23-72) PH0084441
Lewisburg. *PRICE, GOV. SAMUEL, HOUSE*, 224 N. Court St., (6-20-75)
Lewisburg. *SUPREME COURT LIBRARY BUILDING (GREENBRIER COUNTY LIBRARY AND MUSEUM)*, U.S. 60W and Courtney Dr., (2-23-72) PH0084425
Lewisburg. *WITHROW, JAMES, HOUSE*, 200 N. Jefferson St., (12-31-74) PH0062499
Lewisburg vicinity. *ARBUCKLE, ALEXANDER W., I, HOUSE (MICHAEL BAKER HOUSE)*, 2 mi. N of Lewisburg on Arbuckle Lane, (5-3-76)
Lewisburg vicinity. *CREIGH, DAVID S., HOUSE (MONTESCENA)*, SW of Lewisburg off the Davis-Stuart Rd., (11-12-75)
Lewisburg vicinity. *HARTLAND (ROGERS FARM)*, 2 mi. W of Lewisburg on Houfnagle Rd., (6-10-75)
Lewisburg vicinity. *MORLUNDA (COL. SAMUEL MCCLUNG PLACE)*, NW of Lewisburg on SR 40, (3-25-77)
Lewisburg vicinity. *STUART MANOR*, SW of Lewisburg off U.S. 219, (7-27-73) PH0084450
Lewisburg vicinity. *TUCKWILLER TAVERN*, 2 mi. NW of Lewisburg on U.S. 60, (3-4-75)
White Sulphur Springs. *GREENBRIER, THE*, Off U.S. 60, (10-9-74) PH0084409

hampshire county

Junction vicinity. *SLOAN-PARKER HOUSE (STONE HOUSE)*, E of Junction on U.S. 50, (6-5-75)
Romney. *WILSON-WODROW-MYTINGER HOUSE*, 51 W. Gravel Lane, (8-22-77)

hancock county

New Manchester. *OLD COURTHOUSE*, High and Elm Sts., (7-2-73) PH0084476 G.
Weirton vicinity. *TARR, PETER, FURNACE SITE*, N of Weirton off WV 2, (1-1-76)

hardy county

Mathias. *MATHIAS, JOHN, HOUSE*, WV 259, (11-24-78)
Mathias vicinity. *LEE, LIGHTHORSE HARRY, CABIN*, W of Mathias in Lost River State Park, (7-30-74) PH0084506
Moorefield. *OLD HARDY COUNTY COURTHOUSE*, Winchester Ave. and Elm St., (10-9-74) PH0084484
Moorefield vicinity. *FORT PLEASANT*, N of Moorefield, (7-16-73) PH0084492
Moorefield vicinity. *MILL ISLAND*, S of Moorefield, (7-2-73) PH0084514
Moorefield vicinity. *WILLOWS, THE*, S of Moorefield, (7-2-73) PH0036242
Old Fields vicinity. *WILLOW WALL*, S of Old Fields, (7-2-73)

harrison county

Clarksburg. *GOFF, NATHAN JR., HOUSE*, 463 W. Main St., (12-12-76)
Clarksburg. *WALDOMORE*, W. Pike and N. 4th Sts., (10-4-78)
Good Hope vicinity. *INDIAN CAVE PETROGLYPHS*, W of Good Hope, (3-16-76)
Lost Creek vicinity. *SMITH, WATTERS, FARM ON DUCK CREEK*, W of Lost Creek off U.S. 19 in Watters Smith Memorial State Park, (5-16-74) PH0084531
Shinnston. *SHINN, LEVI, HOUSE*, Clarksburg Rd. (U.S. 19), (7-16-73) PH0084522

jefferson county

B &O RAILROAD POTOMAC RIVER CROSSING, Reference—see Washington County, MD
Charles Town. *CEDAR LAWN*, 3.5 mi. W of Charles Town off VA 51, (12-4-74) PH0051705 HABS.
Charles Town. *JEFFERSON COUNTY COURTHOUSE*, N. George and E. Washington Sts., (7-10-73) PH0084590 HABS.
Charles Town. *NEW OPERA HOUSE*, 200–204 N. George St., (11-24-78)
Charles Town. *RICHWOOD HALL*, About 4 mi. W of Charles Town off WV 51, (6-19-73) PH0084603
Charles Town vicinity. *CLAYMONT COURT*, SW of Charles Town off U.S. 340, (7-25-73) PH0084557 HABS.
Charles Town vicinity. *HAREWOOD*, W of Charles Town off WV 51, (3-14-73) PH0084581
Charles Town vicinity. *WASHINGTON, CHARLES, HOUSE (HAPPY RETREAT)*, S of Charles Town off WV 9, (7-2-73) PH0084671 HABS.
Charles Town vicinity. *WORTHINGTON, ROBERT, HOUSE (PIEDMONT)*, 2 mi. W of Charles Town off WV 51, (7-2-73) PH0084697 HABS.
Halltown vicinity. *BEALL-AIR*, W of Halltown off U.S. 340, (8-17-73) PH0084549
Harpers Ferry. *HARPERS FERRY NATIONAL HISTORICAL PARK*, At confluence of Shenandoah and Potomac rivers, (10-15-66) HABS. (also in Washington County, MD)
Harpers Ferry. *ST. PETER'S ROMAN CATHOLIC CHURCH*, Church St. and Jefferson Rock Trail, (3-30-73) PH0084611
Kearneysville. *TRAVELLER'S REST*, 3.3 mi. NW of Leetown on WV 48, (11-15-72) PH0084662 NHL; HABS.
Leetown. *PRATO RIO*, WV 48, (4-11-73) PH0084620 HABS.
Leetown vicinity. *WOODBURY*, NE of Leetown, (10-9-74) PH0084689
Shenandoah Junction vicinity. *HAZELFIELD*, NW of Shenandoah Junction off Warm Springs Rd., (12-12-76)
Shepherdstown. *RUMSEY HALL (ENTLER HOTEL)*, German and Princess Sts., (3-30-73) PH0084638
Shepherdstown. *SHEPHERD'S MILL*, High St., (5-6-71)

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Shepherdstown. *SHEPHERDSTOWN HISTORIC DISTRICT*, Bounded roughly by Mill, Rocky, Duke, and Washington Sts., (8-17-73) PH0084654
Shepherdstown vicinity. *COLD SPRING*, S of Shepherdstown on CR 17, (8-14-73) PH0084565 HABS.
Shepherdstown vicinity. *ELMWOOD*, S of Shepherdstown on CR 17, (8-17-73) PH0084573 HABS.

kanawha county

Belle. *SHREWSBURY, SAMUEL SR., HOUSE*, 310 Stubb Dr., (11-2-78)
Cedar Grove. *CEDAR GROVE (WILLIAM TOMPKINS HOUSE)*, SE of jct. of U.S. 60 and Kanawha and James River Tpke., (3-10-75) G.
Cedar Grove. *LITTLE BRICK CHURCH (VIRGINIA'S CHAPEL)*, 0.75 mi. E of Kelley's Creek on U.S. 60, (12-16-74) PH0080047
Charleston. *CRAIK-PATTON HOUSE (ELM GROVE)*, U.S. 60 in Daniel Boone Roadside Park, (4-16-75) PH0111112 G.
Charleston. *EAST END HISTORIC DISTRICT*, Roughly bounded by the Kanawha River, Bradford, Quarrier, and Greenbrier Sts., (4-20-78)
Charleston. *FORT SCAMMON*, Fort Circle Dr., (3-26-76)
Charleston. *HOLLY GROVE MANSION*, 1710 E. Kanawha Blvd., (8-28-74) PH0084891
Charleston. *KANAWHA COUNTY COURTHOUSE*, Virginia and Court Sts., (9-6-78)
Charleston. *LAIDLEY-SUMMERS-QUARRIER HOUSE*, 800 Orchard St., (12-13-78)
Charleston. *SUNRISE (MACCORKLE MANSION)*, 746 Myrtle Rd., (7-24-74) PH0084051
Charleston. *WEST VIRGINIA CAPITOL COMPLEX*, Along Kanawha Blvd., E., (12-31-74) PH0099902
Dunbar. *DUTCH HOLLOW WINE CELLARS*, Dutch Hollow Rd., (12-18-70) PH0084026 G.
East Bank. *HARRIMAN, JOHN, HOUSE*, 2233 3rd Ave., (12-15-78)
Malden. *AFRICAN ZION BAPTIST CHURCH*, 4104 Malden Dr., (12-27-74) PH0052175
Marmet. *EBENEZER CHAPEL*, Ohio Ave., S at Hillview Dr., (12-16-74) PH0073610
South Charleston. *SOUTH CHARLESTON MOUND (CRIEL MOUND)*, (10-15-70) PH0084034
St. Albans. *CHITTON HOUSE*, Off U.S. 60, (4-29-77)
St. Albans. *ST. ALBANS SITE*, Between U. S. 60 and the Kanawha River, (5-3-74) PH0084042
St. Albans. *ST. MARK'S EPISCOPAL CHURCH*, 405–407 B St., (11-7-77)

lewis county

Jackson Mill vicinity. *JACKSON'S MILL*, E of Jackson Mill on Rte. 1, (2-23-72) PH0084069
Weston. *BENNETT, JONATHAN M., HOUSE*, Court Ave., (6-9-78)
Weston. *WESTON STATE HOSPITAL*, River St., (4-19-78)

marion county

Barrackville. *BARRACKVILLE COVERED BRIDGE*, WV 21, over Buffalo Creek, (3-30-73) PH0084077
Fairmont vicinity. *PRICKETT'S FORT*, E of Fairmont, off WV 73, (2-13-74) PH0084085

marshall county

Moundsville vicinity. *GRAVE CREEK MOUND*, (10-15-66) PH0103195 NHL.

mason county

Point Pleasant. *POINT PLEASANT BATTLEGROUND*, SW corner of Main and 1st Sts., (1-26-70) PH0110302

mercer county

Athens vicinity. *FRENCH, COL. WILLIAM HENDERSON, HOUSE*, S of Athens off WV 20, (3-12-76)
Princeton. *HALE, DR. JAMES W., HOUSE*, 1034 Mercer St., (3-12-76)

mineral county

Fort Ashby. *FORT ASHBY*, South St., (12-18-70) PH0084093

monongalia county

Cheat Neck vicinity. *HENRY CLAY FURNACE*, SE of Cheat Neck in Cooper's Rock State Forest, (1-26-70) PH0084123
Morgantown. *OLD STONE HOUSE*, Chestnut St., (12-27-72) PH0084131
Morgantown. *WADE, ALEXANDER, HOUSE*, 256 Prairie St., (10-15-66) PH0084107 NHL.
Morgantown. *WOODBURN CIRCLE*, University Ave., West Virginia University, (12-4-74) PH0080128
Morgantown vicinity. *EASTON ROLLER MILL*, E of Morgantown on SR 119/17, (12-19-78)
Pentress vicinity. *MASON AND DIXON SURVEY TERMINAL POINT (BROWN'S HILL)*, 2.25 mi. NE of Pentress on WV 39, (6-25-73) PH0084115
Ringgold vicinity. *HAMILTON FARM PETROGLYPHS*, (8-7-74) PH0034461

monroe county

Salt Sulphur Springs vicinity. *INDIAN CREEK COVERED BRIDGE*, 1.5 mi. S of Salt Sulphur Springs on U.S. 219, (4-1-75)
Sweet Springs. *OLD SWEET SPRINGS*, WV 3, (1-26-70) PH0084140
Union vicinity. *ELMWOOD (HUGH CAPERTON HOUSE)*, N of Union off U.S. 219, (5-13-76)
Union vicinity. *REHOBOTH CHURCH*, 2 mi. E of Union off WV 3, (12-31-74) PH0062502
Union vicinity. *SPRING VALLEY FARM*, NE of Union on U.S. 219, (12-30-74) PH0080136
Union vicinity. *WALNUT GROVE*, N of Union on U.S. 219, (8-22-77)

morgan county

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, *Reference—see Allegany County, MD* (1-2-74)
Berkeley Springs. *BERKELEY SPRINGS STATE PARK*, S. Washington and Fairfax Sts., (5-24-76)

nicholas county

Kesslers Cross Lanes vicinity. *CARNIFEX FERRY STATE PARK*, S of Kesslers Cross Lanes off WV 129, (7-24-74) PH0084158

ohio county

Wheeling. *CENTER WHEELING MARKET*, Market St. between 22nd and 23rd Sts., (2-20-75) HAER.
Wheeling. *INDEPENDENCE HALL*, 1524 Market St., (1-26-70) PH0084166 HABS; G.
Wheeling. *LIST, HENRY K., HOUSE*, (10-4-78) HABS.
Wheeling. *MOUNT DE CHANTAL VISITATION ACADEMY*, Washington Ave., (11-27-78)
Wheeling. *SHEPHERD HALL (MONUMENT PLACE)*, Monument Place and Kruger St., (12-18-70) PH0084174 HABS.
Wheeling. *WHEELING SUSPENSION BRIDGE*, Over Ohio River from 10th St., Wheeling, to Virginia St., Wheeling Island, (1-26-70) PH0103161 NHL; HAER.

pendleton county

Petersburg vicinity. *OLD JUDY CHURCH*, 10 mi. S of Petersburg on U.S. 220, (5-13-76)

pocahontas county

Cass. *CASS SCENIC RAILROAD*, Along railroad tracks from Cass to Bald Knob, (7-12-74) PH0084191
Green Bank vicinity. *REBER RADIO TELESCOPE*, National Radio Astronomy Observatory, NE of Green Bank on WV 28, (11-9-72) PH0103152
Hillsboro vicinity. *BUCK, PEARL, HOUSE*, NE of Hillsboro on U.S. 219, (6-15-70) PH0084182 G.
Huntersville. *HUNTERSVILLE PRESBYTERIAN CHURCH*, off WV 39, (10-4-78)
Marlinton. *HUNTER, FRANK AND ANNA, HOUSE*, U.S. 219, (5-13-76)
Marlinton. *POCAHONTAS TIMES PRINT SHOP*, 810 2nd Ave., (9-22-77)
Marlinton vicinity. *DROOP MOUNTAIN BATTLEFIELD*, About 14 mi. S of Marlinton on U.S. 219, (1-26-70) PH0110299

preston county

FAIRFAX STONE, Reference—see Grant County (1-2-74)
Aurora vicinity. *RED HORSE TAVERN (OLD STONE HOUSE)*, 1 mi. E of Aurora on U.S. 50, (7-2-73) PH0084204

putnam county

Buffalo vicinity. *BUFFALO INDIAN VILLAGE SITE*, (1-25-71) PH0084212

raleigh county

Beckley. *WILDWOOD (GENERAL ALFRED BECKLEY HOME)*, 117 Laurel Ter., (8-25-70) PH0084221 G.

randolph county

Beverly. *BLACKMAN-BOSWORTH STORE*, Main and Court Sts., (4-14-75)
Elkins. *GRACELAND (HENRY GASSAWAY DAVIS HOME)*, Davis and Elkins College campus, (9-17-70) PH0084239
Helvetia. *HELVETIA*, SR 45 and SR 46, (11-29-78)
Huttonsville. *HUTTON, E. E., HOUSE*, Jct. of U.S. 219/250 and Union St., (6-11-75)

ritchie county

Pennsburo. *OLD STONE HOUSE*, 310 W. Myles Ave., (7-21-78)

summers county

Lowell vicinity. *GRAHAM, COL. JAMES, HOUSE*, SW of Lowell on WV 3, (3-16-76)

taylor county

Grafton. *ANDREWS METHODIST CHURCH (MOTHER'S DAY SHRINE)*, E. Main St. between St. John and Luzader Sts., (12-18-70) PH0084247

tucker county

FAIRFAX STONE SITE, Reference—see Grant County (1-2-74)

tyler county

Sistersville. *DURHAM, E. A., HOUSE*, 110 Chelsea St., (6-19-73) PH0103144
Sistersville. *SISTERSVILLE CITY HALL*, City Sq., Main and Diamond Sts., (10-5-72) PH0084255 G.
Sistersville. *SISTERSVILLE HISTORIC DISTRICT*, From Chelsea to the Ohio River between Catherine and both sides of Virginia Sts., (8-13-75)
Sistersville. *WELLS INN (WELLS HOTEL)*, 316 Charles St., (10-5-72) PH0084263

upshur county

French Creek. *FRENCH CREEK PRESBYTERIAN CHURCH*, Rte. 2, (12-24-74) PH0073539

wirt county

Burning Springs. *BURNING SPRINGS COMPLEX*, Along the N bank of the Kanawha River from the confluence of Burning Springs Run, (5-6-71) PH0084280
Elizabeth. *BEAUCHAMP-NEWMAN HOUSE*, Court St., (7-24-74) PH0084271

wood county

Parkersburg. *COOK HOUSE*, 1301 Murdoch Ave., (6-7-78)
Parkersburg. *JULIA-ANN SQUARE HISTORIC DISTRICT*, Both sides of Juliana and Ann Sts. from cemetery to 9th St., (5-24-77)
Parkersburg. *ST. FRANCIS XAVIER CHURCH*, 532 Market St., (12-22-78)
Parkersburg vicinity. *BLENNERHASSETT ISLAND HISTORIC DISTRICT*, On the Ohio River, 1.7 mi. S of Parkersburg, (9-7-72) PH0062812 G.
Williamstown. *TOMLINSON MANSION*, 901 W. 3rd St., (7-24-74) PH0084298

WISCONSIN

ashland county

Ashland. *OLD ASHLAND POST OFFICE*, NW corner of 2nd St. and 6th Ave. W., (1-21-74) PH0010367
Ashland. *SECURITY SAVINGS BANK*, 212-214 W. 2nd St., (12-27-74) PH0034398
Ashland. *WHEELER HALL, NORTHLAND COLLEGE*, 1411 Ellis Ave., (9-13-77)
Bayfield vicinity. *APOSTLE ISLANDS LIGHTHOUSES*, N and E of Bayfield on Michigan, Raspberry, Outer, Sand, and Devils Islands, (3-8-77) (also in Bayfield County)
La Pointe vicinity. *BASSWOOD ISLAND BROWNSTONE QUARRY*, N of La Pointe on Basswood Island, (3-29-78)
La Pointe vicinity. *HADLAND FISHING CAMP*, N of La Pointe on Rocky Island, (8-18-77)
La Pointe vicinity. *MARINA SITE (FATHER BARAGA MISSION GROUND)*, S of La Pointe, (12-22-78)
LaPointe. *LAPOINTE INDIAN CEMETERY*, S. Old Main St., (8-3-77)

barron county

Rice Lake vicinity. *BARRON COUNTY PIPESTONE QUARRY*, E of Rice Lake, (12-22-78)

bayfield county

Bayfield. *BOOTH COOPERAGE*, Washington Ave. and Front St., (8-13-76)
Bayfield. *BOUTIN, FRANK JR., HOUSE*, 7 Rice St., (12-27-74) PH0034401
Bayfield. *CHRIST EPISCOPAL CHURCH*, N. 3rd St. between Washington and Rice Aves., (12-27-74) PH0044083
Bayfield. *OLD BAYFIELD COUNTY COURTHOUSE*, Washington St. between 4th and 5th Sts., (12-27-74) PH0062898 G.
Bayfield vicinity. *HOKENSON FISHING DOCK*, N of Bayfield at Little Sand Bay, (6-18-76)
Bayfield vicinity. *SEVONA CABIN*, N of Bayfield on Sand Island, (9-29-76)
Bayfield vicinity. *SHAW FARM*, Sand Island, (6-18-76)
Port Wing. *SOUTH SHORE PUBLIC SCHOOL*, Grand Ave. and WI 13, (11-15-78)
Washburn. *BAYFIELD COUNTY COURTHOUSE*, 117 E. 5th St., (1-17-75)

brown county

Green Bay. *BAIRD LAW OFFICE*, 2630 S. Webster Ave., (10-15-70) PH0010405
Green Bay. *BROWN COUNTY COURTHOUSE*, 100 S. Jefferson St., (1-1-76)
Green Bay. *COTTON HOUSE*, 2632 S. Webster Ave., (4-28-70) PH0010413
Green Bay. *EAST MORAVIAN CHURCH*, 512 Moravian St., (2-1-72) PH0020575 HABS.
Green Bay. *FISK, JOEL S., HOUSE*, 123 N. Oakland Ave., (8-11-78)
Green Bay. *FORT HOWARD HOSPITAL*, NE corner of Kellog St. and N. Chestnut Ave., (7-30-71) PH0020699 HABS.
Green Bay. *FORT HOWARD OFFICERS' QUARTERS*, 402 N. Chestnut Ave., (4-11-72) PH0020711
Green BAy. *FORT HOWARD WARD BUILDING*, 402 N. Chestnut Ave., (8-14-72) PH0000515
Green Bay. *HAZELWOOD*, 1008 S. Monroe Ave., (4-28-70) PH0000507 G.
Green Bay. *TANK COTTAGE*, 10th Ave. and 5th St., (4-28-70) PH0000493
Wrightstown. *MUELLER-WRIGHT HOUSE*, Washington and Mueller Sts., (3-29-78)

burnett county

Webster vicinity. *NORTHWEST AND XY COMPANIES TRADING POST SITES*, N of Webster on Yellow River, (2-15-74) PH0010359 G.

calumet county

Chilton vicinity. *RIDGE GROUP*, W of Clifton, (12-8-78)

chippewa county

Chippewa Falls. *COOK-RUTLEDGE HOUSE*, 509 W. Grand Ave., (8-7-74) PH0006530

clark county

Neillsville. *CLARK COUNTY JAIL*, 215 E. 5th St., (12-8-78)

columbia county

Columbus. *FARMERS AND MERCHANTS UNION BANK*, 159 W. James St., (10-18-72) PH0000299 NHL.
Columbus vicinity. *LEOPOLD, ALDO, SHACK*, Central Wisconsin, (7-14-78)
Merrimac. *MERRIMAC FERRY*, WI 113 at the Wisconsin River, (12-31-74) PH0062901 (also in Sauk County)
Merrimac vicinity. *DURWARD'S GLEN*, NE of Merrimac off WI 78, (11-7-78)
Portage. *FOX-WISCONSIN PORTAGE SITE*, Wauona Trail, (3-14-73) PH0010430
Portage. *OLD INDIAN AGENCY HOUSE*, NE end of Old Agency House Rd. (Rte. 1) near NE city limits, (2-1-72) PH0020559 HABS.
Portage. *PORTAGE CANAL*, Between Fox and Wisconsin Rivers, (8-26-77)
Portage vicinity. *FORT WINNEBAGO SURGEON'S QUARTERS*, 0.1 mi. E of corporate city limits on WI 33, (10-28-70) PH0020567
Wisconsin Dells. *BENNETT, H. H., STUDIO*, 215 Broadway, (10-8-76)
Wisconsin Dells. *KILBOURN PUBLIC LIBRARY*, 429 Broadway, (12-27-74) PH0044067 G.
Wisconsin Dells. *WEBER, JACOB, HOUSE*, 825 Oak St., (1-20-78)

crawford county

Lynxville vicinity. *FOLEY MOUND GROUP*, (7-15-74) PH0010391
Lynxville vicinity. *WALL-SMETHURST MOUND GROUP*, (6-13-74) PH0000302
Prairie de Chien vicinity. *PEDRETTI III*, N of Prairie de Chien, (12-18-78)
Prairie du Chien. *ASTOR FUR WAREHOUSE*, Water St., St. Feriole Island, (10-15-66) PH0103284 NHL; G.
Prairie du Chien. *BRISBOIS, MICHAEL, HOUSE*, Water St., St. Feriole Island, (10-15-66) PH0103276 NHL; HABS.
Prairie du Chien. *ROLETTE HOUSE*, NE corner of N. Water and Fisher Sts., (2-1-72) PH0000311
Prairie du Chien. *SECOND FORT CRAWFORD*, Bank of the Mississippi River, (10-15-66) PH0103292 NHL.
Prairie du Chien. *VILLA LOUIS*, St. Feriole Island, (10-15-66) PH0103268 NHL.
Seneca. *OLSON MOUND GROUP*, Lynxville vicinity, (2-12-74) PH0020541

dane county

Madison, 1123 E. Doty St., (9-21-78)
Daleyville vicinity. *HAUGE LOG CHURCH*, 1 mi. N of Daleyville on CR Z, (12-31-74) PH0062553
Madison. *BASCOM HILL HISTORIC DISTRICT*, Bounded by Observatory Dr., University Ave., and N. Park, Langdon, and State Sts., (9-12-74) PH0026816
Madison. *BASHFORD, ROBERT M., HOUSE (H. K. LAWRENCE HOUSE)*, 423 N. Pinckney St., (3-14-73) PH0020532
Madison. *BRADLEY, HAROLD C., HOUSE*, 106 N. Prospect Ave., (2-23-72) PH0020524 NHL.
Madison. *CAMP RANDALL*, Camp Randall Memorial Park, (6-7-71) PH0000248
Madison. *CITY MARKET*, 101 N. Blount St., (11-28-78)
Madison. *COLLINS, WILLIAM, HOUSE*, 704 E. Gorham St., (12-3-74) PH0063860
Madison. *CUTTER, JUDSON C., HOUSE*, 1030 Jenifer St., (7-12-78)
Madison. *ELLIOTT, EDWARD C., HOUSE*, 137 N. Prospect Ave., (8-11-78)
Madison. *ELY, RICHARD T., HOUSE*, 205 N. Prospect Ave., (12-16-74) PH0055085
Madison. *GILMORE, EUGENE A., HOUSE*, 120 Ely Pl., (3-14-73) PH0010324 G.
Madison. *GRACE EPISCOPAL CHURCH*, 6 N. Carroll St., (1-1-76)
Madison. *HIRSIG, LOUIS, HOUSE*, 1010 Sherman Ave., (12-2-74) PH0080420
Madison. *JACOBS, HERBERT A., HOUSE*, 441 Toepfer Ave., (7-24-74) PH0006602
Madison. *LAMP, ROBERT M., HOUSE*, 22 N. Butler St., (1-3-78)
Madison. *LEITCH, WILLIAM T., HOUSE*, 752 E. Gorham St., (7-18-75)
Madison. *LOUGEE, GEORGE A., HOUSE*, 620 S. Ingersoll St., (6-7-78)
Madison. *NORTH HALL, UNIVERSITY OF WISCONSIN*, University of Wisconsin campus, (10-15-66) PH0103241 NHL.
Madison. *OLD EXECUTIVE MANSION (JULIUS T. WHITE HOUSE)*, 130 E. Gilman St., (4-11-73) PH0020478 G.

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Madison. *OLD SPRING TAVERN*, 3706 Nakoma Rd., (1-21-74) PH0010481
Madison. *OLD SYNAGOGUE (SHAARE SHOMAIM SYNAGOGUE)*, E. Gorham St. at N. Butler St., (12-29-70) PH0000221
Madison. *ORTON PARK*, 1100 Spaight St., (12-18-78)
Madison. *PIERCE, CARRIE, HOUSE (A. A. MCDONNELL HOUSE)*, 424 N. Pinckney St., (10-18-72) PH0010316
Madison. *STATE HISTORICAL SOCIETY OF WISCONSIN*, 816 State St., (2-23-72) PH0010308
Madison. *WISCONSIN STATE CAPITOL*, Capitol Sq., (10-15-70) PH0000191
Madison vicinity. *BURROWS PARK EFFIGY MOUND AND CAMPSITE*, (12-31-74) PH0076830
Madison vicinity. *FARWELL'S POINT MOUND GROUP*, (12-27-74) PH0085391
Madison vicinity. *FOREST HILL CEMETERY MOUND GROUP*, (12-27-74) PH0085405
Madison vicinity. *LAKE FARMS ARCHEOLOGICAL DISTRICT*, S of Madison, (12-22-78)
Madison vicinity. *MENDOTA STATE HOSPITAL MOUND GROUP*, (12-27-74) PH0085359
Madison vicinity. *VILAS CIRCLE BEAR EFFIGY MOUND AND THE CURTIS MOUNDS*, (12-30-74) PH0076813
Maple Bluff. *LAFOLLETTE, ROBERT M., HOUSE*, 733 Lakewood Blvd., (10-15-66) PH0103683 NHL.
Middleton. *JACOBS, HERBERT, SECOND HOUSE*, 7033 Old Sauk Rd., (12-31-74) PH0076805
Prairie du Sac vicinity. *KEHL WINERY*, E of Prairie du Sac on WI 188, (1-2-76)
Shorewood Hills. *FIRST UNITARIAN SOCIETY MEETINGHOUSE*, 900 University Bay Dr., (4-11-73) PH0000230 G.
Springfield Corners vicinity. *KOHLMANN, FRIEDERICH, HOUSE*, W of Springfield Corners off WI 19, (12-27-74) PH0073512
Waunakee. *WAUNAKEE RAILROAD DEPOT*, South and Main Sts., (2-14-78)

dodge county

Beaver Dam. *WILLIAMS FREE LIBRARY*, 105 Park Ave., (8-7-74) PH0006548
Fox Lake. *FOX LAKE RAILROAD DEPOT*, Cordelia St. and S. College Ave., (5-22-78)
Lowell vicinity. *SOCK ROAD BRIDGE*, NW of Lowell over the Beaver River, (9-6-78)
Mayville. *WHITE LIMESTONE SCHOOL*, N. Main St. between Dayton and Buchanan Sts., (10-22-76)
Waupun. *DAHL, MARTIN K., HOUSE*, 314 Beaver Dam St., (9-11-75)

door county

Baileys Harbor vicinity. *CANA ISLAND LIGHTHOUSE*, NE of Baileys Harbor on E side of Cana Island, (11-21-76)
Ellison Bay. *CLEARING, THE*, Off WI 42, (12-31-74) PH0044156
Fish Creek vicinity. *CHAMBERS ISLAND LIGHTHOUSE*, 7 mi. NW of Fish Creek at NW tip of Chambers Island, (8-19-75)
Fish Creek vicinity. *EAGLE BLUFF LIGHTHOUSE*, 3.5 mi. N of Fish Creek on Shore Rd., in Peninsula State Park, (10-15-70) PH0020516
Northport vicinity. *PORTE DES MORTS SITE*, S of Northport on Porte des Morts Straight, (3-16-76)
Washington vicinity. *ROCK ISLAND HISTORIC DISTRICT*, Rock Island, off NE tip of Washington Island, (5-19-72) PH0020508

douglas county

Solon Springs vicinity. *BRULE-ST. CROIX PORTAGE*, 3 mi. NE of Solon Springs in Brule River State Park, (10-15-70) PH0020494
Superior. *METEOR* (WHALEBACK CARRIER), NW tip of Barkers Island, (9-9-74) PH0031666

dunn county

Menomonie. *TAINTER, LOUIS SMITH, HOUSE*, Broadway at Crescent, (7-18-74) PH0006599 G.
Menomonie. *TAINTER, MABEL, MEMORIAL BUILDING*, 205 Main St., (7-18-74) PH0020702 G.

eau claire county

Augusta vicinity. *DELLS MILL*, About 3 mi. NNW of Augusta off WI 27, (12-24-74) PH0087971 G.
Eau Claire. *COBBLESTONE HOUSE*, 1011 State St., (11-19-74) PH0031607
Eau Claire. *COMMUNITY HOUSE, FIRST CONGREGATIONAL CHURCH*, 310 Broadway, (7-18-74) PH0006581
Eau Claire. *DRUMMOND, DAVID, HOUSE*, 1310 State St., (7-30-74) PH0006521
Eau Claire. *WINSLOW, GEORGE F., HOUSE*, 210 Oakwood Pl., (12-8-78)

fond du lac county

Fond du Lac. *AETNA STATION NO. 5*, 193 N. Main St., (12-12-76)
Fond du Lac. *GALLOWAY, EDWIN H., HOUSE*, 336 E. Pioneer Rd., (5-28-76)
Fond du Lac. *OCTAGON HOUSE*, 276 Linden St., (11-3-72) PH0010383 G.
Fond du Lac vicinity. *PIPE SITE*, NE of Fond du Lac, (12-22-78)
Ripon. *CERESCO SITE*, Bounded by North, Church, Union, and both sides of Warren Sts., (9-5-75)
Ripon. *LITTLE WHITE SCHOOLHOUSE*, SE corner of Blackburn and Blossom Sts., (8-14-73) PH0020486 NHL; HABS.
Ripon. *PEDRICKS, MARCELLUS, HOUSE*, 515 Ransom Ave., (9-29-76)
Ripon. *ST. PETER'S EPISCOPAL CHURCH*, 217 Houston St., (12-31-74) PH0080543
Ripon. *WOODRUFF, JACOB, HOUSE*, 610 Liberty St., (12-30-74) PH0062880
Waupun. *RECORDING ANGEL, THE*, Forest Mound Cemetery, N. Madison St., (7-15-74) PH0010332

grant county

Bloomington. *BALLANTINE, JAMES, HOUSE*, 4th St., (6-7-76)
Cassville. *DENNISTON HOUSE*, 117 E. Front St., (2-20-75)
Cassville vicinity. *STONEFIELD*, 2.5 mi. W of Cassville, on CR VV, (5-19-70) PH0010472
Lancaster. *GRANT COUNTY COURTHOUSE*, 126 W. Maple St., (10-19-78)
Platteville. *MITCHELL-ROUNTREE HOUSE*, Jewett and Lancaster Sts., (2-23-72) PH0010421 HABS.
Platteville. *ROUNTREE HALL*, Elm and Main Sts., (12-17-74) PH0085367

green county

Monroe. *BINGHAM, JUDGE JOHN A., HOUSE*, 621 14th Ave., (1-2-76)
Monroe. *CHENOWETH, FRANK L., HOUSE*, 2004 10th St., (10-8-76)
Monroe. *FIRST METHODIST CHURCH*, 11th St. and 14th Ave., (2-25-75) G.
Monroe. *GREEN COUNTY COURTHOUSE*, Courthouse Sq., (3-21-78)
Monroe. *JENNINGS, JANET, HOUSE*, 612 22nd Ave., (1-2-76)
Monroe. *WEST, GEN. FRANCIS H., HOUSE*, 1410 17th Ave., (1-1-75)

green lake county

Berlin vicinity. *HAMILTON-BROOKS SITE*, S of Berlin, (12-19-78)

iowa county

Dodgeville. *IOWA COUNTY COURTHOUSE*, NW corner of Iowa and Chapel Sts., (2-1-72) PH0000434 HABS.
Dodgeville. *OLD ROCK SCHOOL*, 914 Bequette St., (12-18-78)
Linden. *LINDEN METHODIST CHURCH*, Main and Church Sts., (10-19-78)
Mineral Point. *MINERAL POINT HILL*, (10-26-72) PH0000442 G.
Mineral Point. *MINERAL POINT HISTORIC DISTRICT*, (7-30-71) PH0000469 HABS.
Mineral Point. *PENDARVIS*, 114 Shake Rag St., (1-25-71) PH0000477 HABS; G.
Rodgeville vicinity. *MAYLAND CAVE*, N of Dodgeville off WI 23, (12-22-78)
Spring Green vicinity. *SHOT TOWER*, SE of Spring Green in Tower Hill State Park, (4-3-73) PH0000256
Spring Green vicinity. *TALIESIN*, 2 mi. S of Spring Green on WI 23, (4-14-73) PH0000213 NHL; G.
Spring Green vicinity. *UNITY CHAPEL*, S of Spring Green off WI 23, (7-18-74) PH0103608

iron county

Hurley. *IRON COUNTY COURTHOUSE*, 303 Iron St., (7-26-77)

jackson county

Alma Center vicinity. *SILVER MOUND ARCHEOLOGICAL DISTRICT*, Between Hixton and Alma Center on WI 95, (1-17-75)
Black River Falls. *UNION HIGH SCHOOL*, N. 3rd St., (1-20-78)
Black River Falls vicinity. *GULLICKSON'S GLEN*, SW of Black River Falls, (12-21-78)

jefferson county

Aztalan. *PIONEER AZTALAN SITE*, SE corner at jct. of SR B and SR Q, (2-25-75)
Edgerton vicinity. *CRAB APPLE POINT SITE*, NE of Edgerton, (12-22-78)
Fort Atkinson. *JONES DAIRY FARM*, Jones Ave., (12-27-78)
Fort Atkinson. *MAY, ELI, HOUSE (SITE OF FORT KOSHKONONG)*, 407 E. Milwaukee Ave., (9-14-72) PH0020451
Fort Atkinson. *PANTHER INTAGLIO EFFIGY MOUND*, On WI 106 at the W corporate city limits, (10-15-70) PH0020435
Fort Atkinson vicinity. *HIGHSMITH SITE*, NE of Fort Atkinson, (12-1-78)
Fort Atkinson vicinity. *HOARD'S DAIRYMAN FARM*, N of Fort Atkinson, (8-29-78)
Lake Mills vicinity. *AZTALAN*, Near Lake Mills on WI 89, Aztalan State Park, (10-15-66) PH0103250 NHL.
Palmyra. *ENTERPRISE BUILDING*, 125 W. Main St., (6-5-75) HABS.
Waterloo vicinity. *ST. WENCESLAUS ROMAN CATHOLIC CHURCH*, SE of Waterloo at jct. of Blue Point and Island Rds., (5-12-75)
Watertown. *FIRST KINDERGARTEN*, 919 Charles St., (2-23-72) PH0020460
Watertown. *OCTAGON HOUSE*, 919 Charles St., (11-23-71) PH0020443 HABS.

juneau county

Mauston. *BOORMAN, BENJAMIN, HOUSE*, 211 N. Union St., (5-4-76)
New Lisbon vicinity. *GEE'S SLOUGH MOUND GROUP*, SE of New Lisbon, (3-8-78)

kenosha county

Kenosha. *KEMPER HALL*, 6501 3rd Ave., (6-7-76) G.
Kenosha. *MCCAFFARY, JOHN, HOUSE*, 5732 13th Court, (1-31-78)
Kenosha. *SIMMONS, GILBERT M., MEMORIAL LIBRARY*, 711 59th Pl., (12-17-74) PH0035220
Kenosha. *WEED, JUSTIN, HOUSE*, 3509 Washington Rd., (12-3-74) PH0063916
Kenosha vicinity. *BARNES CREEK SITE*, S of Kenosha, (7-20-77)
Kenosha vicinity. *CHESROW SITE*, S of Kenosha on WI 32, (11-30-78)

la crosse county

Holmen vicinity. *MIDWAY VILLAGE SITE*, W of Holmen, (12-18-78)
La Crosse. *ANDERSON, MONS, HOUSE*, 410 Cass St., (5-6-75)
La Crosse. *HIXON, GIDEON C., HOUSE*, 429 N. 7th St., (12-30-74) PH0044059 G.
La Crosse. *LAVERTY-MARTINDALE HOUSE*, 237 S. 10th St., (11-23-77)
La Crosse vicinity. *OVERHEAD SITE*, S of La Crosse, (12-18-78)
Medary vicinity. *VALLEY VIEW SITE*, N of Medary, (12-15-78)
West Salem. *GARLAND, HAMLIN, HOUSE*, 357 W. Garland St., (11-11-71) PH0010511 NHL.

lafayette county

Belmont vicinity. *FIRST CAPITOL (WISCONSIN TERRITORIAL CAPITOL)*, (4-28-70) PH0010537
Darlington. *LAFAYETTE COUNTY COURTHOUSE*, 626 Main St., (12-22-78)
New Diggings. *ST. AUGUSTINE CHURCH*, Off CR W, (2-23-72) PH0010529 HABS.

langlade county

Antigo. *ANTIGO PUBLIC LIBRARY AND DELEGLISE*, 404 Superior St., (12-18-78)
Antigo. *LANGLADE COUNTY COURTHOUSE*, 800 Clermont St., (7-25-77)

lincoln county

Merrill. *LINCOLN COUNTY COURTHOUSE*, 1110 E. Main St., (4-19-78)
Merrill. *MERRILL CITY HALL*, 717 E. 2nd St., (7-12-78)
Merrill. *SCOTT, T. B., FREE LIBRARY*, E. 1st St., (1-21-74) PH0010251

manitowoc county

Manitowoc. *VILAS, JOSEPH JR., HOUSE*, 610–616 N. 8th St., (4-29-77)

marathon county

Wausau. *JONES, GRANVILLE D., HOUSE*, 915 Grant St., (12-7-77)
Wausau. *STEWART, HIRAM C., HOUSE*, 521 Grant St., (8-30-74) PH0006556 G.
Wausau. *YAWKEY, CYRUS C., HOUSE*, 403 McIndoe St., (12-31-74) PH0080551 G.

marinette county

Peshtigo. *PESHTIGO FIRE CEMETERY*, Oconto Ave. between Peck and Ellis Aves., (10-15-70) PH0000264

milwaukee county

Franklin. *PAINESVILLE CHAPEL*, 2740 W. Ryan Rd., (11-7-77) HABS.
Greendale. *CURTIN, JEREMIAH, HOUSE*, 8685 W. Grange Ave., (11-7-72) PH0000272 HABS; G.
Milwaukee. *ALL SAINTS' EPISCOPAL CATHEDRAL COMPLEX*, 804-828 E. Juneau Ave., (12-27-74) PH0044105 HABS.
Milwaukee. *ALLIS, CHARLES, HOUSE*, 1630 E. Royall Pl., (1-17-75) G.
Milwaukee. *BOGK, FREDERICK C., HOUSE*, 2420 N. Terrace Ave., (10-18-72) PH0000281 HABS.
Milwaukee. *CENTRAL LIBRARY*, 814 W. Wisconsin Ave., (12-30-74) PH0044075 HABS.
Milwaukee. *CHURCH, BENJAMIN, HOUSE*, Parkway Dr., Estabrook Park, (2-23-72) PH0000485 HABS.
Milwaukee. *FEDERAL BUILDING*, 515–519 E. Wisconsin Ave., (3-14-73) PH0020401
Milwaukee. *FIRST UNITARIAN CHURCH*, 1009 E. Ogden Ave., (12-30–74) PH0044091 HABS; G.
Milwaukee. *GERMAN–ENGLISH ACADEMY*, 1020 N. Broadway, (4-11-77)
Milwaukee. *HOLY TRINITY ROMAN CATHOLIC CHURCH (HOLY TRINITY-OUR LADY OF GUADALUPE ROMAN CATHOLIC CHURCH)*, 605 S. 4th St., (11-7-72) PH0020605 HABS; G.
Milwaukee. *HOME OFFICE, NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY (NORTH BROADWAY BUILDING NO. 611)*, 605–623 N. Broadway, (3-20-73) PH0010341
Milwaukee. *IMMANUEL PRESBYTERIAN CHURCH*, 1100 N. Astor St., (12-27-74) PH0035203 HABS.
Milwaukee. *IRON BLOCK*, 205 E. Wisconsin Ave., (12-27-74) PH0087980 HABS.
Milwaukee. *KALVELAGE, JOSEPH B., HOUSE*, 2432 W. Kilbourn Ave., (5-23-78)
Milwaukee. *MACIEK, ROBERT, HOUSE*, 1305 N. 19th St., (10-28-77) HABS; G.
Milwaukee. *MACKIE BUILDING (CHAMBER OF COMMERCE)*, 225 E. Michigan St., (4-3-73) PH0020583 HABS.
Milwaukee. *MILWAUKEE CITY HALL*, 200 E. Wells St., (3-14-73) PH0000329
Milwaukee. *MILWAUKEE COUNTY HISTORICAL CENTER (SECOND WARD SAVINGS BANK)*, 910 N. 3rd St., (3-14-73) PH0000337 HABS.
Milwaukee. *MILWAUKEE-DOWNER "QUAD"*, NW corner of Hartford and Downer Aves., (1-17-74) PH0000345
Milwaukee. *MITCHELL BUILDING*, 207 E. Michigan St., (4-3-73) PH0000205 HABS.
Milwaukee. *NORTH POINT WATER TOWER*, E. North Ave. between N. Lake Dr. and N. Terrace Ave., (2-23-73) PH0010375 HABS; G.
Milwaukee. *OLD ST. MARY'S CHURCH*, 844 N. Broadway, (3-7-73) PH0010294 HABS.
Milwaukee. *PABST, FREDERICK, HOUSE*, 2000 W. Wisconsin Ave., (4-21-75) G.
Milwaukee. *PABST THEATER*, 144 E. Wells St., (4-11-72) PH0103829 HABS.
Milwaukee. *PLANKINTON HOUSE (KNIGHTS OF COLUMBUS BUILDING)*, 1492 W. Wisconsin Ave., (1-1-76)
Milwaukee. *SCHLITZ, JOSEPH, BREWING COMPANY SALOON*, 2414 S. St. Clair St., (4-11-77)
Milwaukee. *SMITH, LLOYD R., HOUSE*, 2220 N. Terrace Ave., (12-30-74) PH0035149 HABS.
Milwaukee. *ST. JOHN'S ROMAN CATHOLIC CATHEDRAL*, 812 N. Jackson St., (12-31-74) PH0099520
Milwaukee. *ST. JOSAPHAT BASILICA*, 601 W. Lincoln Ave., (3-7-73) PH0020591 HABS.
Milwaukee. *ST. PATRICK'S ROMAN CATHOLIC CATHEDRAL*, 1105 S. 7th St., (12-16-74) PH0085014
Milwaukee. *ST. PAUL'S EPISCOPAL CHURCH*, 904 E. Knapp St., (12-27-74) PH0063932 HABS.
Milwaukee. *TURNER HALL*, 1034 N. 4th St., (11-7-77)
Milwaukee. *WALKER'S POINT HISTORIC DISTRICT*, Roughly bounded by the freeway, Menomonee Canal, Scott, 2nd, and W. VA. Sts., (12-19-78)
South Milwaukee. *SOUTH MILWAUKEE PASSENGER STATION*, Milwaukee Ave., (8-3-78)
St. Francis. *HENNI HALL*, 3257 S. Lake Dr., (7-24-74) PH0006572
St. Francis. *OLD ST. PETER'S CHURCH*, 3257 S. Lake Dr., (7-25-74) PH0103233 HABS.
Wauwatosa. *ANNUNCIATION GREEK ORTHODOX CHURCH*, 9400 W. Congress St., (12-19-74) PH0103594
Wauwatosa. *DAMON, LOWELL, HOUSE*, 2107 N. Wauwatosa Ave., (2-23-72) PH0020419 HABS.

monroe county

Tomah. *TOMAH PUBLIC LIBRARY*, 716 Superior Ave., (5-28-76)

oconto county

Lakewood vicinity. *HOLT AND BALCOM LOGGING CAMP NO. 1*, E of Lakewood, (12-22-78)
Oconto. *FIRST CHURCH OF CHRIST, SCIENTIST*, Chicago and Main Sts., (11-19-74) PH0031623
Oconto. *HOLT-BALCOM LUMBER COMPANY OFFICE*, 106 Superior Ave., (11-13-76)
Oconto. *JONES, HUFF, HOUSE*, 1345 Main St., (12-22-78)
Oconto. *OCONTO SITE*, Copper Culture State Park, (10-15-66) PH0103322 NHL.
Oconto. *SCOFIELD, GOV. EDWARD, HOUSE*, 610 Main St., (4-11-73) PH0000361

oneida county

Rhinelander. *FIRST NATIONAL BANK*, 8 W. Davenport St., (8-14-73)

outagamie county

Appleton. *HEARTHSTONE*, 625 W. Prospect Ave., (12-2-74) PH0052671 G.
Appleton. *MAIN HALL, LAWRENCE UNIVERSITY*, 400–500 E. College Ave., (1-18-74) PH0010464
Appleton. *TEMPLE ZION AND SCHOOL*, 320 N. Durkee St. and 309 E. Harris St., (9-18-78)
Appleton. *VOLKSFREUND BUILDING*, 200 E. College Ave., (12-27-74) PH0052698
Appleton. *WHORTON, JOHN HART, HOUSE*, 315 W. Prospect Ave., (11-19-74) PH0031640
Kaukauna. *GRIGNON, CHARLES A., HOUSE*, Augustine St., (10-18-72) PH0010456 HABS.

ozaukee county

Cedarburg. *CEDARBURG MILL*, 215 E. Columbia Ave., (5-8-74) PH0000400 HABS; G.
Cedarburg. *HAMILTON HISTORIC DISTRICT*, Hamilton and Green Bay Rds., (7-1-76)

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Cedarburg. *HILGEN AND WITTENBERG WOOLEN MILL*, Bridge Rd., (12-22-78)
Cedarburg vicinity. *CONCORDIA MILL*, 252 Green Bay Rd., (4-26-74) PH0000418 HABS.
Cedarburg vicinity. *COVERED BRIDGE*, 1 mi. N of Five Corners over Cedar Creek, (3-14-73) PH0000426 HABS.
Port Washington. *DODGE, EDWARD, HOUSE (PEBBLE HOUSE)*, 146 S. Wisconsin St., (7-24-75)
Port Washington. *OLD OZAUKEE COUNTY COURTHOUSE*, 109 W. Main St., (12-12-76)
Port Washington. *ST. MARY'S ROMAN CATHOLIC CHURCH*, 430 N. Johnson St., (12-12-77)
Waubeka vicinity. *STONY HILL SCHOOL*, NE of Waubeka on SR 1, (10-8-76)

pierce county

Diamond Bluff vicinity. *DIAMOND BLUFF SITE/MERO MOUND GROUP*, SE of Diamond Bluff, (8-1-75)
River Falls. *SOUTH HALL, RIVER FALLS STATE NORMAL SCHOOL*, 320 E. Cascade Ave., (11-7-76)

polk county

Lewis vicinity. *SEVEN PINES LODGE*, SE of Lewis off WI 35, (12-8-78)

portage county

Plover. *MORGAN, J. H., HOUSE*, Madison Ave. and Green Dr., (10-1-74) PH0006611
Stevens Point. *KUHL, CHRISTINA, HOUSE*, 1416 Main St., (1-9-78)
Stevens Point. *MCMILLAN, DAVID, HOUSE*, 1924 Pine St., (12-16-74) PH0080021
Stevens Point. *STEVENS POINT STATE NORMAL SCHOOL*, 2100 Main St., (12-12-76)

price county

Brantwood vicinity. *JOHNSON, MATT, LOG HOUSE*, S of Brantwood off U.S. 8, (12-8-78)
Fifield. *FIFIELD TOWN HALL*, Pine St. and Flambeau Ave., (2-17-78)
Ogema vicinity. *JOHNSON, ALBIN, LOG HOUSE*, E of Ogema, (1-20-78)

racine county

Burlington vicinity. *HAZELO, FRANKLYN, HOUSE*, 34108 Oak Knoll Rd., (12-30-74) PH0073211
Caledonia. *COLLINS, JOHN, HOUSE*, 6409 Nicholson Rd., (11-20-74) PH0035114
Racine. *COOLEY, ELI R., HOUSE (WILLIAM F. KEUHNEMAN HOUSE)*, 1135 S. Main St., (4-11-73) PH0000396 HABS.
Racine. *FIRST PRESBYTERIAN CHURCH*, 716 College Ave., (3-20-73) PH0000388 HABS.
Racine. *HALL, CHAUNCEY, HOUSE (KNIGHT HOUSE)*, 1235 S. Main St., (1-2-76)
Racine. *HARDY, THOMAS P., HOUSE*, 1319 S. Main St., (12-3-74) PH0080489
Racine. *JOHNSON, HERBERT F., HOUSE (WINGSPREAD)*, 33 E. Four Mile Rd., (1-8-75)
Racine. *JOHNSON WAX ADMINISTRATION BUILDING AND RESEARCH TOWER*, 1525 Howe St., (12-27-74) PH0052591 NHL.
Racine. *MCCLURG BUILDING*, 245 Main St., (7-13-77)
Racine. *RACINE COLLEGE*, 600 21st St., (12-12-76)
Racine. *RACINE HARBOR LIGHTHOUSE AND LIFE SAVING STATION*, Racine Harbor North Pier, (9-9-75)
Racine. *SHOOP BUILDING (DR. SHOOP FAMILY MEDICINE BUILDING)*, 215 State St., (4-26-78)
Racine. *SOUTHSIDE HISTORIC DISTRICT*, Roughly bounded by Lake Michigan, DeKoven Ave., Villa, and 8th Sts., (10-18-77)

richland county

Richland Center. *A. D. GERMAN WAREHOUSE*, 316 S. Church St., (12-31-74) PH0080560

rock county

Beloit. *FIRST CONGREGATIONAL CHURCH*, 801 Bushnell St., (1-23-75)
Beloit. *HANCHETT–BARTLETT FARMSTEAD*, 2149 St. Lawrence Ave., (4-11-77)
Beloit. *LATHROP-MUNN COBBLESTONE HOUSE*, 524 Bluff St., (8-22-77)
Beloit. *RASEY HOUSE*, 517 Prospect St., (12-27-74) PH0063851
Beloit. *ST. PAUL'S EPISCOPAL CHURCH*, 212 W. Grand Ave., (4-4-78)
Beloit vicinity. *HOW-BECKMAN MILL*, W of Beloit, (9-7-77)
Beloit vicinity. *TURTLEVILLE IRON BRIDGE*, N of Beloit on Lathers Rd., (9-15-77)
Clinton. *RICHARDSON-BRINKMAN COBBLESTONE HOUSE*, 607 W. Milwaukee Rd., (7-28-77) HABS.
Clinton vicinity. *JONES, SAMUEL S., COBBLESTONE HOUSE*, E of Clinton on Milwaukee Rd., (2-23-78)
Clinton vicinity. *WYMAN-RYE FARMSTEAD*, N of Clinton on Wyman-Rye Dr., (11-7-77)
Cooksville. *COOKSVILLE HISTORIC DISTRICT*, Both sides of streets bordering the Public Sq. and Rock St., (10-25-73) PH0020737 G.
Edgerton. *CULTON, CHARLES L., HOUSE*, 708 Washington St., (8-22-77)
Edgerton vicinity. *KINNEY FARMSTEAD/TAY-EHE-DAH SITE*, E of Edgerton at 3889 Hotel Dr., (2-17-78)
Evansville. *EAGER FREE PUBLIC LIBRARY*, 39 W. Main St., (8-16-77)
Evansville. *EVANSVILLE HISTORIC DISTRICT*, roughly bounded by Allens Creek, Liberty, 4th and Garfield Sts., (11-16-78)
Fulton. *FULTON CONGREGATION CHURCH*, Fulton St., (6-7-76)
Fulton vicinity. *MOUTH OF THE YAHARA ARCHEOLOGICAL DISTRICT*, SE of Fulton at confluence of Yahara and Rock Rivers, (4-28-75)
Janesville. *ARMORY, THE*, 10 S. High St., (11-21-78)
Janesville. *COURT STREET METHODIST CHURCH*, 36 S. Main St., (11-17-77)
Janesville. *LAPPIN-HAYES BLOCK*, 20 E. Milwaukee St., (11-7-76)
Janesville. *RICHARDSON, HAMILTON, HOUSE*, 429 Prospect Ave., (7-17-78)
Janesville. *TALLMAN HOUSE*, 440 N. Jackson St., (10-15-70) PH0020621
Janesville. *WILLARD, FRANCES, SCHOOLHOUSE*, Craig Ave., (10-5-77)
Janesville vicinity. *DEAN, ERASTUS, FARMSTEAD*, E of Janesville on U.S. 14, (12-4-78)
Janesville vicinity. *LAPRAIRIE GRANGE HALL NO. 79*, SE of Janesville on Town Hall Rd., (4-11-77)
Milton. *GOODRICH HOUSE AND LOG CABIN (MILTON HOUSE)*, 18 S. Janesville St., (2-1-72) PH0020613 HABS.
Milton. *GROUT BUILDINGS IN MILTON*, Janesville, High and 3rd Sts., Madison Ave., and SR M, (9-13-78)
Shopiere. *SHOPIERE CONGREGATIONAL CHURCH*, Buss Rd., near Shopiere Rd., (8-13-76)

sauk county

LEOPOLD, ALDO, SHACK, Reference—see Columbia County
MERRIMAC FERRY, Reference—see Columbia County (1-2-74)
Baraboo. *RINGLING, AL, THEATRE*, 136 4th Ave., (5-17-76)
Baraboo. *RINGLING, ALBRECHT C., HOUSE*, 623 Broadway, (5-17-76)
Baraboo. *RINGLING BROTHERS CIRCUS HEADQUARTERS (RINGLINGVILLE)*, Bounded roughly by Water, Brian, Lynn, and East Sts., (8-4-69) PH0021369 NHL.
Baraboo. *SEVEN GABLES*, 215 6th St., (12-4-78)
Baraboo vicinity. *MAN MOUND*, E of Baraboo off WI 33, (11-30-78)
Leland vicinity. *DURST-BLOEDAU SITE*, N of Leland, (12-19-78)
Leland vicinity. *RADDATZ ROCKSHELTER*, N of Leland, (12-18-78)

sheboygan county

Greenbush. *WADE, SYLVANUS, HOUSE*, At jct. of WI 23 and Kettle Moraine Dr. in Old Wade House State Park, (10-26-71) PH0020672 HABS.
Kohler. *AMERICAN CLUB*, High St., (5-22-78)
Sheboygan. *FRIENDSHIP HOUSE*, 721 Ontario Ave., (7-10-74) PH0010499
Sheboygan. *JUNG CARRIAGE FACTORY*, 829-835 Pennsylvania Ave., (7-10-74) PH0020745
Sheboygan. *TAYLOR, DAVID, HOUSE*, 3110 Erie Ave., (1-2-76)
Sheboygan. *THOMAS, I. C., DRUG STORE*, 632 N. 8th St., (7-10-74) PH0020729

st. croix county

Hudson. *MOFFAT, JOHN S., HOUSE*, 1004 3rd St., (7-18-74) PH0103225
Somerset vicinity. *SOO LINE HIGH BRIDGE*, W of Somerset, (8-22-77)

taylor county

Jump River. *JUMP RIVER TOWN HALL*, S of WI 73, (3-28-74) PH0010448

trempealeau county

Trempealeau vicinity. *SCHWERT MOUND GROUP*, (11-1-74) PH0085758

trempealeaux county

Galesville vicinity. *ARNOLD, CAPT. ALEXANDER A., FARM*, N of Galesville off U.S. 53, (3-21-78)

vernon county

Ontario vicinity. *HAY VALLEY ARCHEOLOGICAL DISTRICT*, (12-31-74) PH0140406
Ontario vicinity. *ROCKTON ARCHEOLOGICAL DISTRICT*, (12-31-74) PH0085375
Rockton vicinity. *B. LAWRENCE SITE I*, S of Rockton, (6-30-75)
Rockton vicinity. *MARKER SITE, VE-195*, NE of Rockton, (8-22-75)
Viola vicinity. *HANSON PETROGLYPHS*, (12-31-74) PH0085383

vilas county

Lac du Flambeau vicinity. *STRAWBERRY ISLAND SITE*, W of Lac du Flambeau, (3-8-78)

walworth county

Burlington vicinity. *STRANG, JAMES JESSE, HOUSE (MORMON HOUSE)*, W of Burlington on WI 11, (1-24-74) PH0020648 HABS.
Delavan. *STOWELL, ISRAEL, TEMPERANCE HOUSE*, 61–65 E. Walworth Ave., (8-11-78)
Delavan Lake vicinity. *JONES, FRED B., ESTATE (PENWERN)*, 3335 S. Shore Dr., (12-27-74) PH0088005
Delavan vicinity. *MILE LONG SITE*, S of Delavan, (6-23-77)
East Troy. *BUENA VISTA HOUSE*, 2090 Church St., (1-18-78)
East Troy vicinity. *AMES, HOWARD, HOUSE*, 2.4 mi. S of East Troy, (12-3-74) PH0051691
Elkhorn. *ELDERKIN, EDWARD, HOUSE (ROUND HOUSE)*, 127 S. Lincoln St., (5-3-74) PH0020630 HABS.
Elkhorn. *WEBSTER, JOSEPH P., HOUSE*, 9 E. Rockwell St., (2-23-72) PH0020656
Lake Geneva. *LAKE GENEVA DEPOT*, Broad St., (7-31-78)
Whitewater vicinity. *HEART PRAIRIE LUTHERAN CHURCH*, S of Whitewater on Town Line Rd., (12-27-74) PH0085341 G.

washington county

Eagle vicinity. *TURCK, CHRISTIAN, HOUSE*, Off WI 59 in Old World Wisconsin, (10-25-73) PH0011215 HABS; G.
West Bend. *GADOW'S MILL*, Barton Ave. at Commerce St., (12-24-74) PH0087998
West Bend vicinity. *LIZARD MOUND STATE PARK*, NE of West Bend, (10-15-70) PH0020664

waukesha county

Big Bend vicinity. *BIG BEND MOUND GROUP NO. 2*, S of Big Bend, (12-19-78)
Big Bend vicinity. *DEWEY MOUND GROUP*, S of Big Bend, (12-19-78)
Delafield. *HAWKS INN*, 428 Wells St., (2-23-72) PH0010278 HABS.
Delafield. *ST. JOHN CHRYSOSTOM CHURCH*, 1111 Genesee St., (2-23-72) PH0000523
Delafield. *ST. JOHN'S MILITARY ACADEMY*, Genessee St., (10-28-77)
Eagle vicinity. *HINKLEY, AHIRA R., HOUSE*, NE of Eagle off WI 59, (1-21-74) PH0010260
Eagle vicinity. *KOEPSEL HOUSE*, Old World Wisconsin, off WI 59, (10-25-73) PH0010502 HABS; G.
Hartland vicinity. *BEAUMONT HOP HOUSE*, N of Hartland, (11-23-77)
Menomonee Falls. *MILLER-DAVIDSON HOUSE*, On County Line Rd., E of U.S. 41, (4-24-73) PH0000353 HABS; G.
Nashotah vicinity. *CHAPEL OF ST. MARY THE VIRGIN*, 2 mi. SW of Nashotah on Nashotah House Rd., (2-23-72) PH0020753 HABS.
Okauchee. *OKAUCHEE HOUSE*, 34880 Lake Dr., (8-11-78)
Pewaukee. *WEST, DEACON, OCTAGON HOUSE*, 370 High St., (5-12-75)
Sayesville vicinity. *BOOTH, J. C. HOUSE (JOHN RANKIN HOUSE)*, About 1 mi. SW of Saylesville on Saylesville Rd., (1-25-73) PH0020681 HABS.
Waukesha. *CHANDLER, WALTER S., HOUSE*, 151 W. College Ave., (12-27-74) PH0080039
Waukesha. *LAIN-ESTBURG HOUSE*, 229 Wisconsin Ave., (12-27-74) PH0063835 HABS.
Waukesha. *OLD WAUKESHA COUNTY COURTHOUSE*, 101 W. Main St., (3-27-75)

waupaca county

Bear Creek vicinity. *KASPER, PHILIP H., CHEESE FACTORY*, W of Bear Creek on WI 22, (8-27-76)
Waupaca. *CRESCENT ROLLER MILLS*, 213 Oborn St., (12-20-78)

winnebago county

Butte des Morts. *GRIGNON, AUGUSTIN, HOTEL*, SE corner of Main and Washington Sts., (4-14-75) G.
Eureka vicinity. *EUREKA LOCK AND LOCK TENDER'S HOUSE*, S of Eureka on Fox River, (9-29-76)
Neenah. *BABCOCK, HAVILAH, HOUSE*, 537 E. Wisconsin Ave., (8-7-74) PH0006564 G.
Neenah. *GRAND LOGGERY*, Doty Park (Lincoln St.), (3-22-74) PH0000531 HABS.
Neenah. *SHATTUCK, FRANKLYN C., HOUSE*, 547 E. Wisconsin Ave., (12-4-78)
Omro vicinity. *COLE WATCH TOWER*, W of Omro on WI 21, (6-9-78)
Oshkosh. *ALGOMA BOULEVARD METHODIST CHURCH*, 1174 Algoma Blvd., (12-3-74) PH0080471
Oshkosh. *FIRST PRESBYTERIAN CHURCH*, 110 Church Ave., (12-27-74) PH0035211
Oshkosh. *HOOPER, JESSIE JACK, HOUSE*, 1149 Algoma Blvd., (12-18-78)
Oshkosh. *OSHKOSH GRAND OPERA HOUSE*, 100 High Ave., (1-21-74) PH0000370
Oshkosh. *PAINE ART CENTER AND ARBORETUM*, 1410 Algoma Blvd., (12-1-78)
Oshkosh. *TRINITY EPISCOPAL CHURCH*, 203 Algoma Blvd., (12-30-74) PH0052761
Oshkosh vicinity. *OVERTON ARCHEOLOGICAL DISTRICT*, 6 mi. W of Oshkosh off WI 110, (5-2-75)
Winneconne vicinity. *KAMRATH SITE*, S of Winneconne off WI 116, (5-6-75)

wood county

Marshfield. *UPHAM, GOV. WILLIAM H., HOUSE*, 212 W. 3rd St., (12-12-76)
Nekoosa. *WAKELEY'S TAVERN*, W end of Wakeley Rd., (12-27-74) PH0073202

WYOMING

albany county

Centennial vicinity. *LIBBY LODGE*, NW of Centennial on WY 130, (9-30-76)
Laramie. *IVINSON MANSION AND GROUNDS*, Lots 1–8, block 178, (2-23-72) PH0069094 G.
Laramie. *UNION PACIFIC ATHLETIC CLUB*, off U.S. 30, (9-13-78)
Laramie. *WYOMING TERRITORIAL PENITENTIARY*, Off WY 130/230, (3-29-78)
Rock River–Medicine Bow vicinity. *COMO BLUFF*, On U.S. 30, along Como Ridge, (1-18-73) PH0069086 (also in Carbon County)
Sherman vicinity. *AMES MONUMENT*, 3 mi. NW of Sherman, (7-24-72) PH0069078 G.
Woods Landing vicinity. *BOSWELL, N. K., RANCH*, S of Woods Landing off WY 230, (7-21-77)
Woods Landing vicinity. *JELM-FRANK SMITH RANCH HISTORIC DISTRICT*, S of Woods Landing, (8-31-78)

big horn county

Basin. *BASIN REPUBLICAN-RUSTLER PRINTING BUILDING*, 409 W. C St., (7-19-76) G.
Cody vicinity. *BRIDGER IMMIGRANT ROAD-DRY CREEK CROSSING*, 26 mi. E of Cody on U.S. 14/16/20, (1-17-75)
Hyattville vicinity. *MEDICINE LODGE CREEK SITE*, NE of Hyattville, (7-5-73) PH0069116 G.
Kane vicinity. *MEDICINE WHEEL*, 15 mi. E of Kane in Bighorn National Forest, (4-16-69) PH0069124 NHL.
Shell vicinity. *HANSON SITE*, N of Shell, (12-15-78)

carbon county

COMO BLUFF, Reference—see Albany County (1-2-74)
Elk Mountain vicinity. *ALLEN, GARRETT, PREHISTORIC SITE*, (8-7-74) PH0069132
Elk Mountain vicinity. *FORT HALLECK*, (4-28-70) PH0069159
Encampment vicinity. *GRAND ENCAMPMENT MINING REGION: BOSTON-WYOMING SMELTER SITE*, E of Encampment on Encampment River, (7-2-73) PH0069175
Encampment vicinity. *GRAND ENCAMPMENT MINING REGION: FERRIS-HAGGARTY MINE SITE*, W of Encampment, (7-2-73) PH0069183
Fort Fred Steele vicinity. *FORT STEELE*, On North Platte River at point of Union Pacific RR. crossing, (4-16-69) PH0069167
Independence Rock vicinity. *SUN, TOM, RANCH*, 6 mi. W of Independence Rock on WY 220, (10-15-66) PH0141101 NHL.
Medicine Bow. *VIRGINIAN HOTEL*, U.S. 30/287, (5-22-78)
Rawlins vicinity. *BRIDGER'S PASS*, (4-28-70) PH0069141
Rawlins vicinity. *MIDWAY STATION SITE*, SE of Rawlins off WY 130, (12-6-78)
Rawlins vicinity. *PINE GROVE STATION SITE*, S of Rawlins, (11-21-78)
Rawlins vicinity. *SAGE CREEK STATION SITE*, SE of Rawlins, (12-6-78)
Rawlins vicinity. *WASHAKIE STATION SITE*, E of Rawlins, (12-12-78)
Saratoga. *HOTEL WOLF*, 101 E. Bridge St., (11-21-74) PH0069191
Saratoga. *SARATOGA MASONIC HALL*, 1st and Main Sts., (3-29-78)
Saratoga vicinity. *PLATTE RIVER CROSSING (BENNETT'S CROSSING)*, 17 mi. W of Saratoga, (8-12-71) PH0069205
Saratoga vicinity. *RYAN RANCH*, S of Saratoga off WY 130, (3-29-78)
Wamsutter vicinity. *DUCK LAKE STATION SITE*, SE of Wamsutter, (12-6-78)

converse county

Glenrock vicinity. *GLENROCK BUFFALO JUMP*, 2 mi. W of Glenrock Interchange on I 25, (4-16-69) PH0069221
Orpha vicinity. *FORT FETTERMAN*, 7 mi. N of I 25 on Orpha Rd., (4-16-69) PH0069213 G.

crook county

Sundance vicinity. *INYAN KARA MOUNTAIN*, About 15 mi. S of Sundance in Black Hills National Forest, (4-24-73) PH0069248
Sundance vicinity. *VORE BUFFALO JUMP*, (4-11-73) PH0069256

fremont county

UNION PASS, On the Continental Divide in Teton National Forest, (4-16-69) PH0069311 (also in Sublette County)
Ethete. *ST. MICHAEL'S MISSION*, (6-21-71) PH0069281 G.
Fort Washakie vicinity. *FORT WASHAKIE*, Wind River Indian Reservation on U.S. 287, (4-16-69) PH0069272

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Fort Washakie vicinity. *SHOSHONE-EPISCOPAL MISSION*, 3 mi. SW of Fort Washakie on Moccasin Lake Rd., (4-11-73) PH0069299 G.
Moneta vicinity. *CASTLE GARDENS PETROGLYPH SITE*, About 28 mi. S of Moneta on U.S. 20/26, (4-16-69) PH0069264
Riverton. *RIVERTON RAILROAD DEPOT*, 1st and Main Sts., (5-22-78)
Riverton vicinity. *DELFELDER SCHOOLHOUSE (DELFELDER HALL)*, N of Riverton off U.S. 26, (3-29-78)
South Pass City. *SOUTH PASS CITY*, (2-26-70) PH0069302 G.
South Pass City vicinity. *SOUTH PASS*, About 10 mi. SW of South Pass City on WY 28, (10-15-66) NHL.

goshen county

Fort Laramie vicinity. *FORT LARAMIE NATIONAL HISTORIC SITE*, 3 mi. SW of Fort Laramie, (10-15-66) PH0069329
Fort Laramie vicinity. *FORT LARAMIE THREE-MILE HOG RANCH*, 5.5 mi. W of Fort Laramie along Laramie River, (4-23-75)
Lusk vicinity. *CHEYENNE-BLACK HILLS STAGE ROUTE AND RAWHIDE BUTTES AND RUNNING WATER STAGE STATIONS*, 1 mi. W to about 15 mi. SW of Lusk, (4-16-69) PH0069515 (also in Niobrara County)
Torrington. *SOUTH TORRINGTON UNION PACIFIC DEPOT*, U.S. 85, (12-31-74) PH0069337 G.

hot springs county

BATES BATTLEFIELD, (11-20-74) PH0069345
Grass Creek vicinity. *LEGEND ROCK—PETROGLYPH SITE*, S of Grass Creek, (7-5-73) PH0069353 G.
Thermopolis vicinity. *WOODRUFF CABIN SITE*, 26 mi. NW of Thermopolis, (2-26-70) PH0141127

johnson county

Buffalo. *CARNEGIE PUBLIC LIBRARY*, 90 N. Main, (11-7-76)
Buffalo. *JOHNSON COUNTY COURTHOUSE*, 76 N. Main, (11-7-76)
Buffalo. *METHODIST EPISCOPAL CHURCH*, Fort and N. Adams Sts., (9-13-76)
Buffalo. *ST. LUKE'S EPISCOPAL CHURCH*, 178 S. Main, (11-7-76) G.
Buffalo vicinity. *FORT MCKINNEY*, About 2 mi. W of Buffalo on U.S. 16, (7-30-76)
Story vicinity. *FORT PHIL KEARNY AND ASSOCIATED SITES*, On SR W off U.S. 87, (10-15-66) PH0141089 NHL; G. (also in Sheridan County)
Sussex vicinity. *CANTONMENT RENO*, 5 mi. N of Sussex at Powder River, (7-29-77)
Sussex vicinity. *FORT RENO*, (4-28-70) PH0069361

laramie county

Cheyenne. *ATLAS THEATRE (ATLAS BUILDING)*, 213 W. 16th St., (4-3-73) PH0069370 G.
Cheyenne. *CITY AND COUNTY BUILDING*, 19th St. and Carey Ave., (11-30-78)
Cheyenne. *FIRST UNITED METHODIST CHURCH*, NE corner of 18th St. and Central Ave., (2-25-75) PH0069396 G.
Cheyenne. *FORT DAVID A. RUSSELL*, (5-15-75) NHL; HABS.
Cheyenne. *FREWEN, MORETON, HOUSE*, 506 E. 23rd St., (4-14-75) PH0111317 G.
Cheyenne. *GOVERNOR'S MANSION*, 300 E. 21st St., (9-20-69) PH0069400
Cheyenne. *NAGLE-WARREN MANSION*, 222 E. 17th St., (7-12-76)
Cheyenne. *ST. MARK'S EPISCOPAL CHURCH*, 1908 Central Ave., (2-26-70) PH0069418 G.
Cheyenne. *ST. MARY'S CATHOLIC CATHEDRAL*, 2107 Capitol Ave., (11-20-74) PH0069426 G.
Cheyenne. *UNION PACIFIC DEPOT*, 121 W. 15th St., (1-29-73) PH0069434
Cheyenne. *VAN TASSELL CARRIAGE BARN*, 1010 E. 16th St., (9-13-78)
Cheyenne. *WYOMING STATE CAPITOL AND GROUNDS*, 24th St. and Capitol Ave., (1-29-73) PH0069442
Cheyenne vicinity. *FRANCIS E. WARREN AIR FORCE BASE*, W of Cheyenne, (10-1-69)

lincoln county

Kemmerer. *PENNEY, J. C., HISTORIC DISTRICT*, J. C. Penney Ave. and S. Main St., (6-2-78) NHL.
Kemmerer. *PENNEY, J. C., HOUSE*, Railroad Park, (6-18-76)
Kemmerer vicinity. *EMIGRANT SPRINGS*, NE of Kemmerer off U.S. 189, (1-11-76)
Kemmerer vicinity. *JOHNSTON SCOUT ROCKS*, NE of Kemmerer, (11-7-76)
La Barge vicinity. *NAMES HILL*, On the Green River, 5 mi. S of LaBarge and W of U.S. 189, (4-16-69) PH0069451

natrona county

SUN, TOM, RANCH, Reference—see Carbon County (1-2-74)
Arminto. *BIG HORN HOTEL*, Main St., (12-18-78)
Casper. *FORT CASPAR*, 14 Fort Caspar Rd., (8-12-71) PH0069485 G.
Casper vicinity. *BRIDGER IMMIGRANT ROAD—WALTMAN CROSSING*, 49 mi. W of Casper on U.S. 20/26, (1-17-75) PH0069469
Casper vicinity. *CASPER BUFFALO TRAP*, (6-25-74) PH0069477
Casper vicinity. *INDEPENDENCE ROCK*, 60 mi. SW of Casper on WY 220, (10-15-66) PH0141399 NHL; G.
Casper vicinity. *MARTIN'S COVE*, W of Casper, (3-8-77)
Casper vicinity. *PATHFINDER DAM*, 45 mi. SW of Casper, (8-12-71)
Midwest vicinity. *TEAPOT ROCK*, (12-30-74) PH0086967
Muddy Gap vicinity. *SPLIT ROCK, TWIN PEAKS*, NW of Muddy Gap, (12-22-76)

niobrara county

CHEYENNE-BLACK HILLS STAGE ROUTE AND RAWHIDE BUTTES AND RUNNING WATER STAGE STATIONS, Reference—see Goshen County (1-2-74)
Mule Creek vicinity. *AGATE BASIN SITE*, E of Mule Creek, (2-15-74) PH0069507
Van Tassell. *SITE OF FERDINAND BRANSTETTER POST NO. 1, AMERICAN LEGION*, (9-30-69) PH0069787

park county

Cody. *BUFFALO BILL BOYHOOD HOME*, 720 Sheridan Ave., (6-5-75) PH0141542
Cody. *BUFFALO BILL STATUE*, 720 Sheridan Ave., (8-12-71) PH0069523
Cody. *IRMA HOTEL*, 1192 Sheridan Ave., (4-3-73) PH0069558
Cody. *STOCK CENTER*, 836 Sheridan Ave., (1-1-76)
Cody vicinity. *BUFFALO BILL DAM (SHOSHONE DAM)*, 7 mi. W of Cody, (8-12-71) PH0069795
Cody vicinity. *COLTER'S HELL*, W of Cody on U.S. 14/16/20, (8-14-73) PH0069531
Cody vicinity. *DEAD INDIAN CAMPSITE*, N of Cody in Shoshone National Forest, (5-3-74) PH0069540
Cody vicinity. *HORNER SITE*, 4 mi. NE of Cody on U.S. 20, (10-15-66) PH0069761 NHL.
Cody vicinity. *PAHASKA TEPEE*, 2 mi. E of E entrance to Yellowstone National Park on U.S. 14/16/20, (3-20-73) PH0069566
Cody vicinity. *T E RANCH HEADQUARTERS*, 30 mi. SW of Cody on South Fork Rd., (4-3-73) PH0069574
Wapiti vicinity. *WAPITI RANGER STATION*, Shoshone National Forest, (10-15-66) PH0141071 NHL.

platte county

Chugwater. *SWAN LAND AND CATTLE COMPANY HEADQUARTERS*, E side of Chugwater, (10-15-66) PH0141372 NHL.
Guernsey vicinity. *OREGON TRAIL RUTS*, S side of the North Platte River, 0.5 mi. S of Guernsey, (10-15-66) PH0069582 NHL; G.
Guernsey vicinity. *REGISTER CLIFF*, (4-3-70) PH0069591 G.

sheridan county

FORT PHIL KEARNY AND ASSOCIATED SITES, Reference—see Johnson County (1-2-74)
Big Horn vicinity. *QUARTER CIRCLE A RANCH*, 2 mi. SW of Big Horn, (8-10-76)
Ranchester. *CONNOR BATTLEFIELD (TONGUE RIVER BATTLEFIELD)*, City park on the Tongue River, (8-12-71) PH0069604
Sheridan. *SHERIDAN INN*, Broadway and 5th St., (10-15-66) PH0141381 NHL; HABS; G.
Sheridan. *TRAIL END (JOHN B. KENDRICK MANSION)*, 400 Clerendon Ave., (2-26-70) PH0069612 G.
Sheridan vicinity. *BIG GOOSE CREEK BUFFALO JUMP*, SW of Sheridan, (2-12-74) PH0069230

sublette county

UNION PASS, Reference—see Fremont County (1-2-74)
Big Piney vicinity. *WARDELL BUFFALO TRAP*, 6 mi. E and 2 mi. N of Big Piney, (8-12-71) PH0069647
Daniel vicinity. *FATHER DESMET'S PRAIRIE MASS SITE*, (4-28-70) PH0069621
Daniel vicinity. *UPPER GREEN RIVER RENDEZVOUS SITE*, On Green River above and below Daniel, (10-15-66) PH0141062 NHL.
Pinedale vicinity. *FORT BONNEVILLE*, (4-28-70) PH0069639

sweetwater county

Farson vicinity. *PARTING OF THE WAYS (OREGON TRAIL SITE)*, 15 mi. NE of Farson, (1-11-76)
Granger. *GRANGER STATION*, (2-26-70) PH0069663 G.
Green River. *EXPEDITION ISLAND*, S of Union Pacific RR. Bridge, near E bank of the Green River, NHL. PH0069655
Rawlins vicinity. *RED ROCK*, SW of Rawlins, (11-21-78)
Rock Springs vicinity. *DUG SPRINGS STATION SITE*, E of Rock Springs, (9-22-77)
Rock Springs vicinity. *LACLEDE STATION RUIN*, E of Rock Springs, (12-6-78)

Rock Springs vicinity. *POINT OF ROCKS STAGE STATION*, (4-3-70) PH0149616 G.

teton county

Jackson. *ST. JOHN'S EPISCOPAL CHURCH AND RECTORY*, 132 N. Glenwood, (12-1-78)
Jackson vicinity. *MILLER CABIN*, 1 mi. NE of Jackson, (4-16-69) PH0069701 G.
Moose. *MENOR'S FERRY*, Across Snake River just above park headquarters, Grand Teton National Park, (4-16-69) PH0069698
Moose vicinity. *CUNNINGHAM CABIN*, NE of Moose off U.S. 26/89/187 in Grand Teton National Park, (10-2-73) PH0069680
Moran vicinity. *LEEK'S LODGE*, 10 mi. NW of Moran in Grand Teton National Park off U.S. 89/287, (9-5-75)
West Thumb vicinity. *OLD FAITHFUL INN*, W of West Thumb at Old Faithful on Grand Loop Rd., (7-23-73) PH0069710

uinta county

Evanston. *UINTA COUNTY COURTHOUSE*, Courthouse Sq., (7-14-77)
Evanston vicinity. *BRIDGER ANTELOPE TRAP*, E of Evanston off U.S. 189, (1-21-71) PH0069728
Fort Bridger vicinity. *FORT BRIDGER*, On Black's Fork of Green River, near the town of Fort Bridger, (4-16-69) PH0069736 G.
Hilliard vicinity. *PIEDMONT CHARCOAL KILNS*, 14 mi. NE of Hilliard, (6-3-71) PH0069744 G.

weston county

Newcastle vicinity. *JENNEY STOCKADE SITE*, (9-30-69) PH0069752

OUTER CONTINENTAL SHELF

Cape Hatteras vicinity. U.S.S. MONITOR, S of Cape Hatteras, (1-2-74)
Fort Fisher vicinity. *U.S.S. PETERHOFF* (CIVIL WAR BLOCKADER), *Reference—see New Hanover County, NC*
Galveston vicinity. *U.S.S. HATTERAS*, S of Galveston, (1-28-77)
Plantation Key vicinity. *SAN JOSE SHIPWRECK SITE*, 4 mi. SE of Plantation Key, Monroe County, FL, (1-2-74)
Plantation Key vicinity. *SAN JOSE* SHIPWRECK SITE San Jose Shipwreck Site, OCS, 4 mi. SE of Plantation Key, Monroe County, FL, (3-18-75)

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, Heritage Conservation and Recreation Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

autauga county

Jones Bluff vicinity. *IVY CREEK ARCHEOLOGICAL DISTRICT*, Jones Bluff park (63.3),

colbert county

Maude vicinity. *ROCK CREEK DISTRICT*,

franklin county

CEDAR CREEK ARCHEOLOGICAL DISTRICT, (63.3),
JOHNSON, BEN, HOUSE, Jay Center Rd. (63.3),
LANGLEY, CATHERINE MASSEY, HOUSE, Jay Center Rd. (63.3),
MCKINNEY, NELSON, HOME, Jay Center Rd. (63.3),
MCKINNEY, SAMPSON, HOUSE, Jay Center Rd. (63.3),
MCMURRAY, JIM, HOUSE, Jay Center Rd. (63.3),
Bonds. *A. T., HOME*, 1 mi. past Bond Cemetery (63.3),
green county (also in Pickens Co., AL and Tishomingo, Prentiss, Tawamba, Monroe, Clay, Lowndes, Noxubee Cos., MS)
TOMBIGBEE RIVER MULTI-RESOURCE DISTRICT,
Gainesville vicinity. *ARCHEOLOGICAL SITES IN GAINESVILLE PROJECT*, Tombigbee Waterway, (also in Pickens and Sumter counties)

jefferson county

Pleasant Hill vicinity. *SITE 1JE36*, Project I-459-4(4),

limestone county

Athens. *FOUNDERS' HALL*, Athens College campus (63.3),

lowndes county

JONES BLUFF PARK SITE (1 AU 139), Jones Bluff Lake Project,

mobile county

Creola vicinity. *DEAD LAKE SITE (1 MB 95)*, (63.3),

monroe county

ARCHEOLOGICAL SITE 6–1MN57,

montgomery county

HUNTER HILL PARK SITE (1 MT 134), Jones Bluff Lake Project,

pickens county

Gainesville Lake vicinity. *TOMBIGBEE RIVER MULTIPLE RESOURCE AREA (SUMMERVILLE MOUND SITE 1PI85)*, Lubbub Creek Cutoff (63.3),

washington county

Sunflower vicinity. *DR. WILLIAMS HOME*, Project RF-98(7),

ALASKA

aleutian islands division

Unalaska vicinity. *AMAKNAK BRIDGE SITE (UNL-050)*, (63-3),

fairbanks division

Faith Creek vicinity. *DAVIDSON DITCH*, Steese Hwy.,

kodiak division

Karluk vicinity. *ARCHEOLOGICAL SITE KAR-037 (63.3)*,

nome division

Cape Nome vicinity. *NUK SITE*, Nome-Council Rd.,
Little Diomede Island. *JOHN IYAPANC HOUSE*,

sitka division

Crab Bay. *CRAB BAY PETROGLYPH*,
Sitka vicinity. *HIDDEN FALLS SITE*, 21 mi. NE of Sitka (63.3),

ARIZONA

apache county

Chinle. *HEADQUARTERS AREA*, Canyon de Chelly National Monument,
Grand Canyon National Park. *OLD POST OFFICE*,
Lupton vicinity. *PAINTED CLIFFS ARCHEOLOGICAL DISTRICT (ARIZONA K11213, K12187, K121238, K121239)*, Lupton Interchange off I-40,

coconino county

GRANT CANYON NATIONAL PARK, LITTLE JUG SITE, (66.3),
Fredonia vicinity. *PARIA PLATEAU ARCHEOLOGICAL DISTRICT*,
Gray Mountain vicinity. *GRAY MOUNTAIN SITE (AR-02-020-946)*,
Jacob's Lake vicinity. *HOUSE ROCK SPRINGS*, Upper Houserock Valley

graham county

Stafford vicinity. *FOOTE WASH–NO NAME WASH ARCHEOLOGICAL DISTRICT*,

maricopa county

ARCHEOLOGICAL SITE AZ T:6:3, (63.3),
ARCHEOLOGICAL SITE AZ T:6:4, (63.3),
Carefree vicinity. *SITE T1416*,
Carefree vicinity. *SITE U:1:30 (A.S.U.)*,
Carefree vicinity. *SITE U:1:31 (A.S.U.)*,
Glendale vicinity. *CAVE CREEK ARCHEOLOGICAL DISTRICT*,
Glendale vicinity. *CAVE CREEK DAM*,
Phoenix. *BETH ISRAEL SYNAGOGUE*, 120 E. Culver,
Phoenix. *BROOKS, M. B., HOUSE*, 334B 75th Ave.,
Phoenix. *ELLIS-SHACKLEFORD HOUSE*, 1242 N. Central,
Phoenix. *EVANS BARN*, 67th Ave., between Van Buren and McDowell,
Phoenix. *FENNEMORE HOUSE*, 501 E Moreland,
Phoenix. *HIDDEN-PORCHER HOUSE*, 763 E. Moreland,
Phoenix. *IVY HOUSE*, 111 W. Monroe St.,
Phoenix. *KENILWORTH ELEMENTARY SCHOOL*, 1210 N. 5th Ave.,
Phoenix. *LA CIUDAD ARCHEOLOGICAL SITE*,
Phoenix. *LAS COLINAS (ARIZONA T112810)*, 1200 block of N. 27th Ave.,
Phoenix. *PIERI-ELLIOTT HOUSE*, 767 E. Moreland,
Phoenix. *STEWARD HOUSE*, 1115 N. Central,
Phoenix. *WILCOX PROPERTY*, 2222 W. Washington St.,
Phoenix vicinity. *NEW RIVER DAMS ARCHEOLOGICAL DISTRICT*,
Phoenix vicinity. *SKUNK CREEK ARCHEOLOGICAL DISTRICT*,

mohave county

Colorado City vicinity. *SHORT CREEK RESERVOIR STATES, NA 13,257 and NA 13,258*,
Mt. Trumbull vicinity. *TEMPLE TRAIL*, Old wagon trail from Mt. Trumbull, AZ, to St. George, MT.,

navajo county

Fort Apache Indian Reservation vicinity. *AMOS RANCH AT BIG SPRING*, Near Faught Ridge Rd. and AZ 73 (63.3),
Fort Apache Indian Reservation vicinity. *ARCHEOLOGICAL SITES AZ P:16:3, 12,*

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13 (ASU) and AZ Q:13:1, 4, 5, 9, 12, 16 (ASU), Near Faught Ridge Rd. and AZ 73 (63.3),
Fort Apache Indian Reservation vicinity. *ARCHEOLOGICAL SITES AZ P:16:5, 8, 9, 10, 11, 16 (ASU)*, Near Indian Rte. 65 and U.S. 60 (63.3),
Holbrook vicinity. *CHOLLA-SAGUERO-TRANSISSION LINE, ARCHEOLOGICAL SITES APS-CS-2; APS-CS-3; CS-221; APS-CS-61; CS-218; CS-219; CS-224; CS-220; APS-CS-222*,
Polacca vicinity. *WALPI HOPI VILLAGE*, Adjacent to Polacca,

pima county

Tucson. *CONVENTO SITE*,

pinal county

ARCHEOLOGICAL SITES AR-03-12-20-149 AND 150, Tonto National Forest,
BLACKWATER ARCHEOLOGICAL DISTRICT, Gila River Indian Reservation (63.3),
Kohatk vicinity. *VEKOL HILLS ARCHEOLOGICAL SITES*, Vekol Hills Cooper Mining Project,
Sacaton. *UPPER SANTAN VILLAGE (GILA RIVER INDIAN RESERVATION)*, Jct. Gila River Rt. 7 and AZ 87 (63.3),

yavapai county

Prescott National Forest. *COPPER BASIN ARCHEOLOGICAL DISTRICT*,

yuma county

EAGLE TRAIL MOUNTAINS ARCHEOLOGICAL SITE,
GRANITE REEF AQUEDUCT SITES AZ S:5:1, AZ S:6:1, AZ S:6:2, AZ S:6:3, AZ S:6:4, AZ S:6:6, (63.3),
Bouse vicinity. *ARCHEOLOGICAL SITES AZ 1:1, 2, 3, 4, 5, 6(ASU) AND AZ S:2:2(ASU)*, Central Arizona Project (63.3),

ARKANSAS

boone county

Harrison. *U.S. POST OFFICE-COURTHOUSE*, Rush Ave. and Vine St. (63.3),

clay county

ARCHEOLOGICAL SITES, Black River Watershed, (also in Missouri)
Clark National Forest. *SITE 3CY34*, Little Black River Watershed,

craighead county

MANGRUM SITE (STATE SITE NUMBER 3CG636),
Jonesboro. *U.S. POST OFFICE*, Church and Jackson Sts.,

faulkner county

SITE 3VB49-3VB51, N. Fork Cadron Creek Watershed,
SITE, 3WH145, E. Fork of Cadron Creek Watershed, (also in White County)

hempstead county

Ozan vicinity. *ARCHEOLOGICAL SITES IN OZAN CREEKS WATERSHED*,

lonoke county

Scott vicinity. *WILLIAM S. PEMBERTON HOUSE*,

pointsett county

RIVERVALE SITE (STATE SITE NUMBER 3P0395),

sebastian county

Boonville. *SLIDING SLAB SHELTER SITE (3SB29)*,

CALIFORNIA

alameda

Berkeley. *DAVID/HARMS HOUSE*,
Berkeley. *HEYWOOD (ESTRADA HOUSE)*, 1808 5th St.,
Berkeley. *HOUSE AT 1809–1811 4TH STREET*,
Berkeley. *HOUSE AT 1812 6TH STREET*,
Berkeley. *HOUSE AT 1824 5TH STREET*,

alameda county

Berkeley. *ALPHONSO HOUSE*, 1731 5th St.,
Berkeley. *BORCHARD HOUSE*, 1610 6th St.,
Berkeley. *BROWN HOUSE*, 1614 6th St.,
Oakland. *GINN, FREDERICK B., HOUSE*, 660 13th St. (63.3),
Oakland. *GREENE, CHARLES S., LIBRARY BUILDING*, 659 14th St. (63.3),
Oakland. *HOOVER, HERBERT, HOUSE*, 1079–1081 12th St. (63.3),
Oakland. *MAHONEY, THOMAS, HOUSE*, 669 8th St. (63.3),
Oakland. *OAKLAND HOTEL*, 260 13th St.,
Oakland. *PRESERVATION PARK HISTORIC DISTRICT*, Bounded by 10th, 14th, Castro, and Grove Sts. (63.3),
Oakland. *QUINN, WILLIAM H., HOUSE*, 1425 Castro St. (63.3),
Oakland. *RECTORY, CHURCH OF THE IMMACULATE CONCEPTION*, 662 7th St. (63.3),
Oakland. *REMILLARD, PIERRE, HOUSE*, 654 13th St. (63.3),
Oakland. *ST. MARY'S CHURCH*, Jefferson and 8th Sts. (63.3),
Oakland. *ST. MARY'S CHURCH RECTORY*, 707 Jefferson St. (63.3),
Oakland. *WHITE, JAMES, HOUSE*, 702 11th St (63.3),
Oakland. *1226–1228 WEST STREET*, (63.3),
Oakland. *1416 CASTRO STREET*, (63.3),
Oakland. *1811–1813 BRUSH STREET*, (63.3),
Oakland. *576 SIXTH STREET*, (63.3),
Oakland. *669 NINTH STREET*, (63.3),
Oakland. *716 CASTRO STREET*, (63.3),
Oakland. *782–784 TWELFTH STREET*, (63.3),
Oakland. *905 GROVE STREET*, (63.3),

alpine county

Woodsford vicinity. *ARCHEOLOGICAL SITE 4-ALP-105*,

amador county

AMADOR CITY, 35 mi. (58 km) SE of Sacramento,

benito county

Soledad vicinity. *CHALONE CREEK ARCHEOLOGICAL SITES*, Pinnacles National Monument,

calaveras county

NEW MELONES HISTORICAL DISTRICT, New Melones Lake Project area, Stanislaus River, (also in Tuolumne County)

colusa county

SACRAMENTO RIVER BRIDGE, spans Sacramento River (63.3),
Princeton. *PRINCETON FERRY SITE*, Rte. 45 (63.3),
Stoneyford vicinity. *UPPER AND LOWER LETTS VALLEY HISTORICAL DISTRICT*, 12 mi. (19.2 km) SW of Stoneyford,

contra costa county

Richmond. *POINT RICHMOND*,
Richmond. *WINEHAVEN*, Point Molate, Fuel Depot, NSCO,

del norte county

Six Rivers National Forest. *CHIMNEY ROCK*,
Six Rivers National Forest. *DOCTOR ROCK*,
Six Rivers National Forest. *PEAK NO. 8*,

el dorado county

Columa vicinity. *SITE ELD-58*,
Placerville. *GIEBENHAHN HOUSE AND MOUNTAIN BREWERY COMPLEX*,

fresno county

ARCHEOLOGICAL SITES: FRE-625 AND FRE-635, near Kerckhoff Lake (63.3),
Sierra National Forest. *HELMS PUMPED STORAGE ARCHEOLOGICAL SITES*,

glenn county

Mendocino National Forest. *BLACK SADDLE SITE, 05-08-53-89*,
Willows vicinity. *WHITE HAWK TOP SITE*, Twin Rocks Ridge Road Reconstruction Project,

humboldt county

HUMBOLDT BAY LIFE-SAVING STATION, On Humboldt Bay,
MOODY BRIDGE, Over S fork of Eel River,
Eureka. *EUREKA HISTORIC DISTRICT*,
Redwood Creek vicinity. *NOLEDIN VILLAGE SITE*, Redwood National Park,

humbolt county

Orleans vicinity. *KAROK PANAMENIL WORLD*, Renewal Ceremony District,

imperial county

Glamis vicinity. *CHOCOLATE MOUNTAIN ARCHEOLOGICAL DISTRICT*,
Holtville vicinity. *ARCHEOLOGICAL SITES: 4-IMP-2936, 2937, 2939*, (63.3),
Holtville vicinity. *ARCHEOLOGICAL SITES 4-IMP-318, 322, 324, 1747, 1748, 1749, 1750*,
Lake Cahuilla. *LOT 1*,
Lake Cahuilla. *LOT 5*,

inyo county

THE TWENTY MULE TEAM BORAX WAGON ROAD, Crosses Mojave and Death Valley deserts, (also in Kern and San Bernadino counties)

kern county

SITE CA-KER-322,

lake county

ARCHEOLOGICAL SITE 4-LAK-702, Lake/Colusa boundary (63.3),

lassen county

ARCHEOLOGICAL SITE HJ-1 AND HJ-5, (also in Sierra County)
Susanville vicinity. *ARCHEOLOGICAL SITE PS-05-06-58-25*, Pikes Point Marina Development Project,

los angeles

South Pasadena. *WEST DEL MAR DISTRICT*, 320–380 W. Del Mar Blvd.; 280, 310 S. Orange Grove Blvd.,

los angeles county

VAN NORMAN RESERVOIR, SITE CA-LAN 646, CA-LAN 643, SITE CA-LAN 490, AND A CLUSTER MADE UP OF SITES CA-LAN, 475, 491, 492, AND 493,
Long Beach. *POINT VICENTE LIGHT*,
Los Angeles. *FIRE STATION NO. 26*, 2475 W. Washington Blvd.,
Los Angeles. *VENICE SHORT LINE TRACT*, Venice Blvd. from Lincoln Blvd. to Pacific Ave.,
Los Angeles vicinity. *LOS ANGELES HARBOR LIGHT STATION*, Cabrillo Beach,
Pasadena. *SHEA HOUSE*, 524 N. Marengo Ave. (63.3),
Pico Rivera. *NATIONAL BANK OF PICO*, 9235 Whittier Blvd.,
San Fernando vicinity. *BIG TUJUNGA PREHISTORIC ARCHEOLOGICAL SITE*, I 210 Project,

South Pasadena. *BUENA VISTA DISTRICT*, 917–1005 Buena Vista St.,
South Pasadena. *OAKLAND DISTRICT*, Oakland Ave.,
South Pasadena. *RHODES HOUSE*, 365 W. Bellevue Dr.,
South Pasadena. *WEST BELLEVUE DRIVE DISTRICT*, Portions of Naverley Dr., Bellevue Dr., Palmetto Dr., and Pasadena Ave.,

los angeles county

Los Angeles. *BALDWIN PARK CITY HALL (CENTRAL SCHOOL), BALDWIN PARK PASADENA, VISTA DEL ARROYA COMPLEX*, Bounded by Arroyo Blvd, and Defender's Pkwy, and Grand Ave. (63.3),

madera county

ARCHEOLOGICAL SITES, Buchanan Dam at Chowchilla River,
ARCHEOLOGICAL SITES: MAD-289 AND MAD-293, near Kerckhoff Lake (63.3),
Hensley Dam vicinity. *CA-MAD 176–185*,
Hensley Dam vicinity. *LOWER CHINA CROSSING*,
Hensley Dam vicinity. *NEW SITE*,
Sierra National Forest. *BASS LAKE ARCHEOLOGICAL SITES*,

marin county

Point Reyes. *P. E. BOOTH COMPANY PIER*, Point Reyes National Seashore,
Point Reyes. *POINT REYES LIGHT STATION*,

mariposa county

OLD COULTERVILLE ROAD AND TRAIL, Yosemite National Park,
WAWONA ARCHEOLOGICAL DISTRICT, Yosemite National Park,

mendocino county

Mendocino National Forest. *STICK LAKE PREHISTORIC SITE, CASE NO. 05-08-67*,
Mendocino National Forest. *UPPER LEACH LAKE PREHISTORIC SITE, CASE NO. 05-08-67*,

modoc county

Alturas vicinity. *RAIL SPRING*, About 30 mi. (48 km) N. of Alturas in Modoc National Forest,
Fender Flat vicinity. *JOHNSON SLOUGH SITE (SITE 1)*,
Tulelake vicinity. *LAVA BED NATIONAL MONUMENT ARCHEOLOGICAL DISTRICT*, S. of Tulelake,

mono county

Inyo National Forest. *ARCHEOLOGICAL SITE CA-MNO-584*,

monterey county

Big Sur. *POINT SUR LIGHT STATION*,
Salinas. *BUNN, THOMAS M., HOUSE*, 425 Blanco Rd.,
Salinas. *SURBECK, MARGARET HART, HOUSE*, 322 Blanco Rd. (63.3),
Salinas. *275 BLANCO ROAD HOUSE*, (63.3),

napa county

ARCHEOLOGICAL SITES 4-NAP-14, 4-NAP-261, Napa River Flood Control Project,

orange county

Cooks Corners vicinity. *ARCHEOLOGICAL DISTRICT*, (63.3),

plumas county

Mineral. *HAY BARN AND COOK'S CABIN, DRAKESBAD (SIFFORD FAMILY) GUEST HOUSE*, Lassen Volcanic National Park,
Mineral. *SUMMIT LAKE RANGER STATION*, Lassen Volcanic National Park,
Plumas National Forest. *ARCHEOLOGICAL SITES 05-11-55-11, 28, 33, 43, 44*,

riverside county

Blythe vicinity. *SUNDESERT, ARCHEOLOGICAL DISTRICT A*, (63.3),
Blythe vicinity. *SUNDESERT, ARCHEOLOGICAL DISTRICT E*, (63.3),
Blythe vicinity. *SUNDESERT, ARCHEOLOGICAL DISTRICT F*, (63.3),
La Quinta vicinity. *ARCHEOLOGICAL DISTRICT LA QUINTA EVACUATION CHANNEL*, Covers a 240 ft. easement from La Quinta to the white water at Indio,
Twentynine Palms. *COTTONWOOD OASIS (COTTONWOOD SPRINGS)*, Joshua Tree National Monument,
Twentynine Palms. *LOST HORSE MINE*, Joshua Tree National Monument,

sacramento county

SACRAMENTO RIVER BANK PROTECTION PROJECT, SITE 1, Sacramento River,
Sacramento. *SACRAMENTO WEIR*,
Sacramento. *TOWER BRIDGE*, M St. over Sacramento River, (also in Yolo County)

san barbara county

Santa Barbara vicinity. *POINT CONCEPTION LIGHT STATION*,

san bernadino county

Highland. *HIGHLAND HISTORIC DISTRICT*, Bounded by AT & SF RR. line, Pacific St., Church Ave., rear lots of Main St. and Cole Ave. (63.3),
Steam Well vicinity. *STEAM WELL PETROGLYPH ARCHEOLOGICAL DISTRICT*,

san bernardino county

Johannesburg. *TRONA PINNACLES RAILROAD CAMP*,
Ontario. *EUCLID AVENUE RAILROAD GRADE SEPARATION-PROPERTIES*,
Redlands vicinity. *MARSHALL HOUSE*, 27297 Barton Rd.,
Redlands vicinity. *WHITE HOUSE*, 26849 Barton Rd.,
San Bernardino. *SQUAW SPRING WELL ARCHEOLOGICAL DISTRICT*,
Twentynine Palms. *TWENTYNINE PALMS OASIS*, Joshua Tree National Monument,

san diego county

Campo. *CAMPO RAILROAD STATION*,
Escondido vicinity. *CALTRANS PROJECT (ARCHEOLOGICAL SITE 4-SDI-4558)*,
North Island. *CAMP HOWARD, U.S. MARINE CORPS*, Naval Air Station,
North Island. *ROCKWELL FIELD*, Naval Air Station,
San Diego. *MARINE CORPS RECRUIT DEPOT*, Barnett Ave.,
San Diego vicinity. *ARCHEOLOGICAL SITES SDI 4807, 4808, 4806, 4556*,

san francisco county

San Francisco. *ARONSON HISTORIC DISTRICT*, 87 3rd St., 693 and 710 Mission St.,
San Francisco. *FIRE BOAT HOUSE*, The Embarcadero (63.3),
San Francisco. *FLEISHHACKER POOL*, SE corner of Sloat Blvd. and the Great Hwy. (63.3),
San Francisco. *FOREST HILL STATION*,
San Francisco. *JESSIE HOTEL*, 179–181 Jessie St.,
San Francisco. *MERCANTILE BUILDING*, 710 Mission St.,
San Francisco. *NORTH POINT PARK; MARINA (EAGLE CAFE AND PIER FACADES)*, San Francisco northern waterfront,
San Francisco. *PIER 16 AND SHED*, The Embarcadero (63.3),
San Francisco. *SALVATION ARMY BUILDING*, 360 4th St.,
San Francisco. *SAN FRANCISDO SEAWALL*, The Embarcadero (63.3),
San Francisco. *ST. PATRICK CHURCH*, 748 Mission St.,
San Francisco. *THE FEDERAL BUILDING*, 100 McAllister St.,
San Francisco. *TWIN PEAKS TUNNEL*,

san luis obispo county

New Cuyana vicinity. *CALIENTE MOUNTAIN AIRCRAFT LOOKOUT TOWER*, 13 mi. (20.8 km) NW of New Cuyana off Rte. 166,
San Luis Obispo. *SAN LUIS OBISPO LIGHT STATION*,

san mateo county

Hillsborough. *POINT MONTANA LIGHT STATION*,

santa barbara county

ARCHEOLOGICAL SITES: CA-SBA-534; CA-SBA-551; CA-SBA-654; CA-SBA-678; CA-SBA-680; CA-SBA-682; CA-SBA-932; CA-SBA-1109; CA-SBA-1128; CA-SBA-1129, CA-SBA-1145; FS 05-14-59-45A; FS 05-14-59-45B, (63.3),
CA-SBA-539, (63.3),
CA-SBA-670, (63.3),
CA-SBA-931, (63.3),
SITE SBA-189, Near Veronica Springs Rd. (63.3),
U.S. COAST GUARD RESCUE STATION AND LOOKOUT TOWER, Venderberg Air Force Base (63.3),
Santa Barbara. *0*, Santa Monica Creek,
Santa Barbara. *S. P. RAILROAD DEPOT*, W of State St. (63.3),
Santa Barbara. *SANTA BARBARA TURN OF THE CENTURY ARCHITECTURAL DISTRICT*, Roughly bounded by Canon Perdido, Hwy. 101 and Cota and Bath Sts. (63.3),
Santa Barbara. *111 GUTIERREZ ST.*, (63.3),
Santa Barbara. *17 W. HALEY ST.*, (63.3),
Santa Barbara. *208 PALM ST.*, (63.3),
Santa Barbara. *212 PALM ST.*, (63.3),
Santa Barbara. *217 STATE ST.*, (63.3),
Santa Barbara. *23 W. HALEY ST.*, (63.3),
Santa Barbara. *315 CASTILLO ST.*, (63.3),
Santa Barbara. *315 STATE ST.*, (63.3),
Santa Barbara. *317 CHAPALA ST.*, (63.3),
Santa Barbara. *324–330 STATE ST.*, (63.3),
Santa Barbara. *333 ANACAPA ST.*, (63.3),
Santa Barbara. *409 STATE ST.*, (63.3),
Santa Barbara. *412 W. MONTECILO ST.*, (63.3),
Santa Barbara. *435 CHAPALA ST.*, (63.3),
Santa Barbara. *501 CHAPALA ST.*, (63.3),
Santa Barbara yicinity. *ARCHEOLOGICAL SITE CA-SBA-1437*, Los Padres National Forest (63.3),
Santa Barbara vicinity. *ARCHEOLOGICAL SITE CA-SBA-1444*, Los Padres National Forest (63.3),
Santa Barbara vicinity. *ARCHEOLOGICAL SITE CA-SBA-822*, Los Padres National Forest (63.3),
Santa Barbara vicinity. *SITE CA-SBA-1325*,

santa clara county

Coyote. *THE JOHNSON HOUSE COMPLEX*, Monterey Rd. (63.3),
Coyote vicinity. *THE DIARY*, (63.3),

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Coyote vicinity. *THE FISHER RANCH*, 0.25 mi. (0.3 km) E. of Monterey Rd. (63.3),
Coyote vicinity. *THE STEVENS RANCH*, (63.3),
San Jose. *MASONIC TEMPLE*, 262–272 1st St. (63.3),
San Jose vicinity. *ARCHEOLOGICAL SITE CA-SCL-70*, (63.3),
San Jose vicinity. *ARCHEOLOGICAL SITES 4-SCL-163 236, 237, 178, 241, 242, 54*, (63.3),

shasta county

ARCHEOLOGICAL SITES: FS 05-14-56-37, FS 05-14-56-191, Shasta-Trinity National Forest,
Mineral. *PARK ENTRANCE STATION AND RESIDENCE*, Lassen Volcanic National Park,
Mineral. *PARK NATURALIST'S RESIDENCE*, Lassen Volcanic National Park,
Mineral. *WARNER VALLEY RANGER STATION*, Lassen Volcanic National Park,
Redding vicinity. *SQUAW CREEK ARCHEOLOGICAL SITE*, NE of Redding,

siskiyou county

Forks of Salmon. *FONG WAH CEMETERY (CA-SIS-414)*,
Lava Beds National Monument. *THOMAS-WRIGHT BATTLE SITE*,

solano county

Suisun. *SUISUN-FAIRFIELD DEPOT*, Main St.,

sonoma county

Petaluma. *FERRELL HOME*, 500 E. Washington St.,
Petaluma vicinity. *DRY CREEK-WARM SPRINGS VALLEY ARCHEOLOGICAL DISTRICT*,
Santa Rosa. *SANTA ROSA POST OFFICE*,

tehama county

Los Molinos vicinity. *ISHI SITE (YAHI CAMP)*, E. of Los Molinos in Deer Creek Canyon,

trinity county

ARCHEOLOGICAL SITES FS 05-14-51-60 AND 05-14-51-61, (63.3),
IRONSIDE MOUNTAIN, Shasta-Trinity National Forest (63.3),

tulare county

Sequoia National Park. *ATWELL'S MILL*,
Sequoia National Park. *CATTLE CABINS*,
Sequoia National Park. *QUINN RANGER STATION*,
Sequoia National Park. *THARP'S LOG*,

tuolumne county

TUOLUMNE MEADOWS ARCHEOLOGICAL DISTRICT, Yosemite National Park,

ventura county

ARCHEOLOGICAL SITE 4 VEN 247, Los Padres National Forest (63.3),
ARCHEOLOGICAL SITE 4 VEN 280 (CA-VEN-280), Los Padres National Forest,
Los Padres National Forest. *ARCHEOLOGICAL SITES 4 VEN-367 AND 4-VEN-368*, (63.3),
Port Hueneme. *ANACAPA LIGHTHOUSE*, Anacapa Island,
Simi Valley. *ARCHEOLOGICAL SITE VEN-341*,

COLORADO

boulder county

Longmont. *HOVER MANSION DISTRICT*, 1309 Hover Rd.,

denver county

Denver. *31ST STREET OVERFLOW STRUCTURE*, 31st St. and Atkins Ct. (63.3),

douglas county

KEYSTONE RAILROAD BRIDGE, Pike National Forest,
South Platte Canyon. *DEANSBURRY BRIDGE*, Foothills Project 7.7 mi. (12.3 km) W from gate at Kassler Treatment Plant along access road, (also in Jefferson County)

garfield county

HAVEMEYER-WILCOX CANAL SYSTEM,

jefferson county

South Platte vicinity. *DENVER AND RIO GRANDE ROCKWORK AND RAILROADS*, Foothills Project,

larimer county

Buckeye vicinity. *SITES 5-LR-257 AND 5-LR-263*, Boxelder Watershed Project,
Estes Park. *BEAVER MEADOWS MAINTENANCE AREA*, Rocky Mountain National Park Utility Area,

montezuma county

MESA VERDE NATIONAL PARK ADMINISTRATIVE DISTRICT, Mesa Verde National Park,
Dolores vicinity. *ANASAZI ARCHEOLOGICAL DISTRICT*,

pitkin county

Emma. *EMMA HISTORIC DISTRICT*,

pueblo county

Pueblo. *PUEBLO FEDERAL BUILDING (U.S. POST OFFICE)*, 5th and Main Sts.,

CONNECTICUT

fairfield county

FAIRFIELD ATLANTIC STREET BLOCK, 322 Main and 1-129 Atlantic Sts. including buildings on that side of the street between those addresses,
Bridgeport. *NO. 3-3 1/2 ARMSTRONG PLACE, ARMSTRONG MILL HISTORIC DISTRICT PROPOSED*, (63.3),
Bridgeport. *PEQUONNOCK RIVER BRIDGE*, Crosses Pequonnock River (63.3),
Bridgeport. *PIXLEE TAVERN*, 590 Boston Ave. (63.3),
Bridgeport Harbor. *BRIDGEPORT CANAL BARGES*, (63.3),
Cos Cob. *COS COB BRIDGE*, Over Mianus River (63.3),
Devon. *DEVON BRIDGE*, Over Housetonic River between Stratford and Devon (63.3),
Fairfield. *BLACK ROCK TURNPIKE BRIDGE*, Spans the New York, New Haven and Hartford RR. tracks,
Fairfield. *FERGUSON LIBRARY*, 96 Broad St. and Bedford (63.3),
Fairfield. *MILL HILL ROAD BRIDGE*, Spans the New York, New Haven and Hartford RR. tracks,
Greenwich. *MERRITT PARKWAY*, Transportation corridor also through towns of Stanford, New Canaan, Norwalk, Fairfield, Trunball and Stratford,
Norwalk. *WASHINGTON STREET–S. MAIN STREET AREA*, (Also in S. Main and Washington Streets Historic District),
South Norwalk. *NORWALK RIVER BRIDGE*, (63.3),
Stamford. *CITIZENS SAVINGS BANK*, Bank and Atlantic Sts.,
Stamford. *DRESS BARN BUILDING*, 128–134 Broad St.,
Stamford. *MUNICIPAL OFFICE BUILDING*, 429 Atlantic St.,
Stamford. *ST. JOHN'S PORTESTANT EPISCOPAL CHURCH, PARISH HOUSE, AND RECTORY*, Main and Grove Sts. (63.3),
Stamford. *ST. JOHN'S-ROMAN CATHOLIC CHURCH, RECTORY, AND PARISH HOUSE*, Atlantic St.,
Stamford. *STAMFORD ADVOCATE BUILDING*, 258 Atlantic St.,
Stamford. *STAMFORD SAVINGS BANK*, 160 Atlantic St.,
Stamford. *STAMFORD THEATER*, 307 Atlantic St.,
Stamford. *U.S. POST OFFICE*, 421 Atlantic St.,
Stamford. *WHITE TOWER CORPORATION OFFICES*, 382 Main St.,
Stamford. *309 ATLANTIC STREET*, 309 Atlantic St.,
Westport. *SAUGATUCK RIVER BRIDGE*, Over Saugatuck River (63.3),

hartford county

Farmington. *GRIDLEY-PARSONS-STAPLES HOMESTEAD*, Rt. 4, Farmington Ave.,
Granby. *GRANBY CENTER*,
Hartford. *CHRIST CHURCH CATHEDRAL AND CATHEDRAL HOUSE*, 955 Main St. and 45 Church St.,
Hartford. *ELIZABETH PARK (WESTERN PORTION)*, (63.3),
Hartford. *FLAT IRON BUILDING (MOTTO BUILDING)*, (also in Congress Street Historic District)
Hartford. *FROG HOLLOW HISTORIC DISTRICT*, 35 square blocks S of Capitol Ave. between Oak St. and Park Ter. (63.3),
Hartford. *HARTFORD MAIN POST OFFICE*, 135–149 High St.,
Hartford. *HOUSES OF WETHESFIELD AVE.*, Between Morris and Wyllys Sts., particularly Nos. 97–81, 65, (also in NR South Green Historic District)
Manchester. *BATSON FARM HOUSE*, Burnham St.,
Manchester. *PORTIONS OF CHENEY SILK MILLS INDUSTRIAL COMPLEX*, Cheney Homes Area,
Simsbury. *HEUBLEIN TOWER*, Talcott Mountain State Park (63.3),
Simsbury vicinity. *FARMINGTON CANAL*, Granby Sewer facility (Simsbury portion),
South Windsor. *GREEK REVIVAL HOUSE*, 87 Long Hill Rd.,
South Windsor. *LATE FEDERAL HOUSE*, 78 Long Hill Rd.,
Southington. *LEWIS, SALLEY, HOUSE*, 500 N. Main St.,
West Hartford. *HOOKER, SARAH WHITMAN, HOUSE*, 1237 New Britain Ave. (63.3),
Windsor. *MILLS, ELIJAH, HOUSE*, Deerfield Rd.,

middlesex county

East Hampton. *RAPALLO VIADUCT*, Smith St. vicinity,
Middletown. *COOKSON, FULLER, AND SOUTHMAYD HOUSES*, (also in Metro South Historic District)
Middletown. *MAIN STREET FIREHOUSE*, 533 Main St.,
Middletown. *MANSION BLOCK*, (also in Main Street South Historic District)
Middletown. *MATHER-DOUGLAS-SANTANGELO HOUSE*, 11 S. Main St., (also in NR South Green Historic District)
Middletown. *METRO SOUTH HISTORIC DISTRICT*,

Middletown. *MIDDLETOWN HIGH SCHOOL*, Court and Pearl Sts.,
Middletown. *MIDDLETOWN MAIN POST OFFICE*,
Old Saybrook. *CONNECTICUT RIVER BRIDGE*, Connecticut River between Old Saybrook and Old Lyme,

new haven county

East Haven. *OLD STONE CHURCH*, NE corner of Main and High Sts.,
Meriden. *GOFFE, SOLOMON, HOUSE*, 677 N. Colony St. (63.3),
New Haven. *ANSONIA OPERA HOUSE*, 100 Main St.,
New Haven. *GRAND AVENUE DRAWBRIDGE*, Over Quinnipiac River,
New Haven. *ORANGE STREET STRUCTURES*, Orange St.,
New Haven. *POST OFFICE AND COURTHOUSE*, Church and Court Sts.,
Southington vicinity. *THE FARMINGTON CANAL*, Section of Canal about 1100 ft. S. of Ten Mile River Culvert,
Waterbury. *PECK, H. H., CARRIAGE HOUSE*, Harrison Ave.,

new london county

Colchester. *LYMAN VIADUCT*, Bull Hill Rd. vicinity,
Colchester. *WARREN TRUSS BRIDGE*, Bull Hill Rd. vicinity,
Colchester. *1887 STONE RAILROAD VIADUCT OVER RIVER ROAD*, (63.3),
East Lyme. *NIANTIC RIVER BRIDGE*, Crosses Niantic River (63.3),
Groton. *GROTON BRIDGE*, Over Thames River between Groton and New London,
Mystic. *MYSTIC RIVER RAILROAD BRIDGE*, Mystic River between Mystic and Groton (63.3),
New London. *BANK STREET HISTORIC DISTRICT 11/12/78*,
New London. *OLD TOWN MILL*, Jct. of Mill and State Pier Sts. (63.3),
New London. *SHAW'S COVE BRIDGE*, Over Shaw's Cove (63.3),
New London. *STARR STEET AREA*, Starr St.,
New London. *WILLIAMS MEMORIAL INSTITUTE BUILDING*, 110 Broad St.,
Norwich. *BUCKINGHAM MEMORIAL BUILDING*, 307 Main St.,
Norwich. *WASHINGTON STREET HISTORIC DISTRICT*, Project 103–159,

windham county

Brooklyn. *QUEBEC HISTORIC DISTRICT (QUEBEC VILLAGE)*,
Willimantic. *U.S. POST OFFICE*, Main St. (63.3),

DELAWARE

new castle county

Newark. *FERGUSON, ROBERT HOUSE*, 636 Chestnut Hill Rd. (63.3),
Newark. *WALNUT LANE*, 4133 Ogletown Rd. (63.3),

DISTRICT OF COLUMBIA

washington

AUDITORS' BUILDING, 201 14th St. SW. (included within AUDITORS' BUILDING COMPLEX),
BRICK SENTRY TOWER AND WALL, Along M St. (also in NR Wash. Navy Yard Historic Precinct),
CENTRAL HEATING PLANT, 13th and C Sts. SW. SE between 4th and 6th Sts. SE.,
ENVOY TOWERS, 2400 16th St., NW.,
FORT MCNAIR, 4th and P Sts., NW,
UNITED BRICK CORPORATION COMPLEX, Bladensburg and New York Ave.,
WASHINGTON NAVY YARD ANNEX, Buildings 74, 137, 158, 159, 159E, 160, 167, 173, 187, 197, 202,..
1700 BLOCK Q STREET NW., 1700-1744, 1746, 1748 Q St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.,

FLORIDA

broward county

Hillsboro Inlet. *COAST GUARD LIGHT STATION*,

collier county

Marco Island. *ARCHEOLOGICAL SITES ON MARCO ISLAND*,

dade county

Hialeah. *HIALEAH RACECOURSE*, Bounded by East Coast RR., E. 4th and Palm Aves. and E. 32nd St. (63.3),
Miami. *DADE COUNTY COURTHOUSE*, 73 W. Flagler St. (63.3),
Miami. *FLORIDA EAST COAST RAILWAY FREIGHT HOUSE*, 400 SW. 1st Ave. (63.3),

duval county

Jacksonville. *FAIRFIELD SCHOOL NO. 3*, 525 Florida Ave.,

hillsborough county

Tampa vicinity. *EGMONT KEY (FORT DADE SITE)*,

monroe county

KNIGHTS—KEY MOSER CHANNEL–PACKET CHANNEL BRIDGE (SEVEN MILE BRIDGE),
LONG KEY BRIDGE, Between Long Key and Conch Key,
OLD BAHIA HONDA BRIDGE,

pinellas county

Bay Pines. *VA CENTER*, Sections 2, 3, and 11 TWP 31-S, R-15E,

polk county

Tampa vicinity. *ARCHEOLOGICAL SITE PO 90*, (63.3),
Tampa vicinity. *ARCHEOLOGICAL SITE PO89*, (63.3),

santa rosa county

NAVAL LIVE OAKS HISTORIC DISTRICT,

st. johns county

St. Augustine. *ST. AUGUSTINE NATIONAL CEMETERY*,

GEORGIA

camden county. DUNGENESS, PLUM ORCHARD, STAFFORD PLANTATION, Stafford Plantation/Grand Avenue, Cumberland Island National Seashore (district),
greene county. *WALLACE RESERVOIR ARCHEOLOGICAL DISTRICT*, (also in Hancock, Morgan, and Putnam counties)

bartow county

Cartersville. *OLD BARTOW COUNTY COURTHOUSE*, 4 E. Church St. (63.3),

bibb county

Macon. *VINEVILLE AVENUE AREA*, Both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.,

camden county

Kings Bay. *KING PLANTATION OUTBUILDING SITE*,
Kings Bay. *MILL CREEK SHELL MIDDEN A*,

carroll county

Carroll. *JORDAN-HAMPTON HOUSE*, Route 1,

chatham county

Savannah. *516 OTTO STREET*,
Savannah. *908 WHEATON STREET*,
Savannah. *914 WHEATON STREET*,
Savannah. *920 WHEATON STREET*,
Savannah. *928 WHEATON STREET*,
Savannah. *930 WHEATON STREET*,
Skidaway Island. *ARCHEOLOGICAL SITE*,
Skidaway Island. *PRIEST'S LANDING MOUNDS*,

clay county

ARCHEOLOGICAL SITE WGC-73, Downstream from Walter F. George Dam,

cobb county

Marietta. *BOSTWICH, CHARLES C., HOUSE*, 325 Atlanta St.,
Marietta. *CLAY, ALEXANDER STEPHENS, HOUSE*, 353 Atlanta St.,
Marietta. *MARIETTA NATIONAL CEMETERY*, 500 Washington Ave.,
Marietta. *McCULLOCK-WELLONS' HOUSE*, 348 Powder Springs Rd.,
Marietta. *SLAUGHTER, M. G., COTTAGE*, 216 Fraser St.,
Marietta. *WATERMAN STREET SCHOOL (JOSEPH T. WALKER SCHOOL)*, 205 Waterman St.,

de kalb county

Atlanta. *ATKINS PARK SUBDIVISION*, St. Augustine, St. Charles, and St. Louis places,
Decatur. *SYCAMORE STREET AREA*,
Stone Mountain. *EVANS-WILLIAMS HOUSE*, 459 Hairston Rd.,

dekalb county

SOAPSTONE RIDGE (ARCHEOLOGICAL SITE 9DA69), (63.3),
Dunwoody. *SPRUILL HOMEPLACE*, 4681 Ashford-Dunwoody Rd. (63.3),
Dunwoody. *SPRUILL HOUSE*, 5455 Chamblee-Dunwoody Rd. (63.3),
Dunwoody. *WOOD HOME*, 4834 Ashford-Dunwoody Rd. (63.3),

dougherty county

Oakfield vicinity. *ARCHEOLOGICAL SITE 9DT3*, (63.3),

elbert county

Elberton vicinity. *EUREKA HOUSE*, 5.5 mi. (8.8 km) E of Elberton (63.3),

forsyth county

Cumming vicinity. *BUFFINGTON TAVERN*, Hightower Rd. (63.3),
Cumming vicinity. *SHERRILL HOUSE*, Hightower Rd.,

fulton county

Atlanta. *ALL SAINTS EPISCOPAL CHURCH*, 634 W. Peachtree St. (63.3),
Atlanta. *COTTINGIN BUILDING*, 97 Broad St., SW.,
Atlanta. *CRUM AND FORSTER BUILDING*, 771 Spring St. (63.3),
Atlanta. *DOWNTOWN ATLANTA HISTORIC DISTRICT*, Beginning at jct. Atlanta St. and Central Ave.,
Atlanta. *E. R. PARKER MOTOR COMPANY*, 560 W. Peachtree St. (63.3),
Atlanta. *FIRE STATION NO. 11*, 30 North Ave. (63.3),
Atlanta. *FIRST METHODIST CHURCH*, 360 Peachtree St. (63.3),

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Atlanta. *HOWARD APARTMENTS*, 4-10 Prescott St. (63.3),
Atlanta. *LONG, CRAWFORD W., MEMORIAL HOSPITAL*, Linden Ave. (63.3),
Atlanta. *MITCHELL-PEACHTREE STREET HISTORIC DISTRICT*, 127, 129, 133 Peachtree; 143, 165-167, 168, 170, 176 Mitchell; N and W corners of Mitchell and Peachtree Sts.,
Atlanta. *ORR, W. W., DOCTORS' BUILDING*, Peachtree St. at Pine St. (63.3),
Atlanta. *THE FARLINGER*, Corner of Ivy and Peachtree Sts. (63.3),
Atlanta. *WINECOFF HOTEL*, 176 Peachtree St. (63.3),

gilmer county

Ellijay vicinity. *SUBSTATION SITE 9GI (DOT)3*, 5.5 mi (8.8 km) S of Ellijay on GA5 (63.3),
Ellijay vicinity. *WHITE PATH SITE 9GI (DOT)5*, 6 mi. (9.6 km) N of Ellijay on GA5 (63.3),

gordon county

Calhoun vicinity. *HAYNES, CLEO, HOUSE AND FRAME STRUCTURE*, University of Georgia,
Redbud Creek vicinity. *MOSS-KELLY HOUSE*, Sallacoa Creek area,

gwinnett county

Duluth. *HUDGINS, SCOTT, HOME (CHARLES W. SUMMEROUR HOUSE)*, McClure Rd.,

hancock county

Wallace Dam vicinity. *ARCHEOLOGICAL SITE 9 PM 215 (WALLACE DAM TRAIL-RACE PROJECT)*, SE of Wallace Dam on Oconee River, (also in Putnam County)
Wallace Dam vicinity. *ARCHEOLOGICAL SITE 9 PM 247 (WALLACE DAM TRAIL-RACE PROJECT)*, SW of SR 16 bridge, (also in Putnam county)

heard county

PHILPOTT HOMESITE AND CEMETERY, On bluff above Chattahoochee River where Grayson Trail leads into river,

lumpkin county

Dahlonega vicinity. *ARCHEOLOGICAL SITE 9 LU (DOT) 1*, S of Dahlonega (63.3),

pickens county

Talking Rock. *KIRK HOUSE*, Off GA5 (63.3),

richmond county

Augusta. *BLANCHE MILL*,
Augusta. *ENTERPRISE MILL*,
Augusta. *GREEN STREET*,
Augusta vicinity. *ARCHEOLOGICAL SITES PROJECT F-117-1(7)*,

sumter county

Americus. *ABORIGINAL CHET QUARRY*, Souther Field,
Plains. *PLAINS HISTORIC DISTRICT*, (63.3),

tift county

Ty Ty vicinity. *WILLIAMS, EZEKIEL, HOUSE*, W of Ty Ty on U.S. 82 (63.3),

union county

Blairsville. *HARALSON-CARR HOUSE*, Jct. of GA2 and U.S. 129 (63.3),

walker county

Blowing Spring. *BLOWING SPRING MILL HOUSES*, GA 193 (63.3),
Blowing Spring. *GRANT HOUSE*, GA 193 (63.3),
Blowing Spring. *SCHOLZE HOUSE*, GA 193 (63.3),
Flintstone vicinity. *FLINTSTONE METHODIST CHURCH*, near Flintstone (63.3),
Flintstone vicinity. *HIXON, WILLIAM, HOUSE*, NE of Flintstone on Burnt Mill Rd. (63.3),

ware county

Waycross. *EVERETT, T. L., HOUSE*, GA 38 (63.3),

HAWAII

hawaii county

Hana vicinity. *KIPAHULU HISTORIC DISTRICT*, SW of Hana on Rts. 31,
Hawaii. Volcanoes National Park. *MAUNA LOA TRAIL*,
Kealakekua Bay. *KONA FIELD SYSTEM*,
South Kona vicinity. *GREAT WALL OF KUAKINI*, (63.3),

honolulu county

Honolulu. *U.S. COAST GUARD DIAMOND HEAD LIGHT*, 3399 Diamond Head Rd.,

kauai county

HANALEI BRIDGE, Kuhio Hwy.,
WAIOLI BRIDGE, Kuhio Hwy.,
WAIPA BRIDGE, Kuhio Hwy.,

maui county

Kalaupapa. *U.S. COAST GUARD MOLOKAI LIGHT*,

oahu county

Honolulu. *MOANALUA VALLEY*,
Oahu. *BARBER'S POINT HARBOR*,

IDAHO

ada county

Boise. *ALEXANDERS*, 826 Main St.,
Boise. *FALKS DEPARTMENT STORE*, 100 N. 8th St.,
Boise. *IDAHO BUILDING*, 216 N 8th St.,
Boise. *SIMPLOT BUILDING (BOISE CITY NATIONAL BANK) implot Building (Bise City National Bank)*, 805 Idaho St.,
Boise. *UNION BUILDING*, 712-1/2 Idaho St.,

clearwater county

Orofino vicinity. *CANOE CAMP-SUITE 18*, W of Orofino on U.S. 12 in Nez Perce National Historic Park,

elmore county

Glenns Ferry vicinity. *OREGON TRAIL (KELTON ROAD)*, SE of Glenns Ferry (63.3),

gem county

MARSH AND IRETON RANCH, Montour Flood project,
TOWN OF MONTOUR, Montour Flood project,

idaho county

Kamiah vicinity. *EAST KAMIAH-SUITE 15 ast Kamiah-Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park,

lemhi county

Tendoy. *LEWIS AND CLARK TRAIL, PATTEE CREEK CAMP*,

nez perce county

Lapwai. *FORT LAPWAI OFFICER'S QUARTERS*, Phinney Dr. and C St. in Nez Perce National Park,
Lapwai. *SPALDING*,
Lewiston. *FIX BUILDING*, 211-213 Main St.,
Lewiston. *LOWER SNAKE RIVER ARCHEOLOGICAL DISTRICT*,
Lewiston. *MOXLEY BUILDING*, 215 Main St.,
Lewiston. *SCULLY BUILDING*, 209 Main St.,
Lewiston vicinity. *HATWAYMA VILLAGE SITE*, Vicinity of Hatwai Creek on U.S. 12 (63.3),

power county

Snake River. *AMERICAN FALLS POWER, LIGHT, AND WATER COMPANY ISLAND POWER PLANT*,

ILLINOIS

bureau county

I & M CANAL, NHL. (also in Henry, Rock Island, and Whiteside counties)

carroll county

Savanna vicinity. *SPRING LAKE CROSS DIKE ISLAND ARCHEOLOGICAL SITE*, 2 mi. (3.2 km) SE of Savanna,

cook county

Chicago. *BLACKSTONE BRANCH LIBRARY*, 4904 S. Lake Park Ave. (63.3),
Chicago. *CHICAGO UNION LOOP ELEVATED STRUCTURE*, Bounded by Wells, Lake, Van Buren, and Wabash Sts.,
Chicago. *OLIVER BUILDING*, 159 N. Dearborn St.,
Chicago. *SCHOENHOFEN BREWERY*, 18th and Canalport,
Chicago. *SPRING BLOCK (BAY, STATE, AND KRANZ BUILDINGS)*, 126-146 N. State St.,
Chicago. *UNITY BUILDING*, 127 N. Dearborn St.,
Chicago. *WASHINGTON PARK AND ADMINISTRATION BUILDING*, 740 E. 56th Pl. (63.3),

de kalb county

De Kalb. *HAISH BARBED WIRE FACTORY*, Corner of 6th and Lincoln Sts.,

henry county

Genesco. *RISTAU BREWERY*,

lake county

Fort Sheridan. *MUSEUM BUILDING*, 33 Lyster Rd.,

madison county

East St. Louis vicinity. *AMERICAN BOTTOMS*, 69 archeological sites in Madison, Monroe, and St. Clair counties,

pike county

Flint Township. *NAPOLEON HOLLOW VILLAGE SITE AND ASSOCIATED RUSSELL MOUND GROUP*,
Griggsville. *QUINCY STREET COMMERCIAL BUILDINGS*,
Griggsville. *WADE, SAM, PROPERTY*,

rock island county

ARCHEOLOGICAL SITE 11-RI-337, East Moline Mississippi and Rock Rivers,
Lock no. 30 vicinity. *ARCHEOLOGICAL SITE 11RI217*, (63.3),
Rock Island. *ROSENFIELD, MORRIS, HOUSE*, 617 19th St./1911 6th St. (63.3),

sangamon county

Springfield vicinity. *ARCHEOLOGICAL SITE 11 SGV 385*, (63.3),

scott county

Naples vicinity. *NAPLES-CASTLE SITE*, SW of Naples,

st. clair county

East St. Louis. *U.S. POST OFFICE AND COURTHOUSE*, 750 Missouri Ave.,

williamson county

Crab Orchard National Wildlife Refuge. *WOLF CREEK ABORIGINAL MOUND*,

INDIANA

clark county

Jeffersonville. *CLARK MARITIME ARCHEOLOGICAL DISTRICT*,

crawford county

Leavenworth. *COLE SITE (12CRL)*, (63.3),

jefferson county

ARCHEOLOGICAL SITE 12JE119/120,

lawrence county

Bedford. *MAIN POST OFFICE*, 1324 K St.,
Mitchell. *RILEY SCHOOL*,

marion county

Indianapolis. *GARFIELD PARK PAGODA*, 2 mi (3.2 km) S of center of Indianapolis in Garfield Park,
Indianapolis. *HANNAH, ALEXANDER MOORE, HOUSE*, 3801 S. Madison Ave. (63.3),
Indianapolis. *LOCKFIELD GARDENS PUBLIC HOUSING PROJECT*, 900 Indiana Ave.,
Indianapolis vicinity. *PARKER COVERED BRIDGE*, SR 700 S., spans county line (63.3), (also in Putnam County)

orange county

Jackson. *TEN PREHISTORIC SITES IN THE PATOKA LAKE*,
Paoli vicinity. *COX SITE*, Lost River Watershed,
Paoli vicinity. *HALF MOON SPRING*, Lost River Watershed,

parke county

Montezuma vicinity. *LEATHERWOOD CREEK COVERED BRIDGE*, (63.3),

st. joseph county

Mishawaka. *100 NW BLOCK*, Properties fronting N. Main St. and W. Lincoln Way,

switzerland county

Veray. *612 FERRY STREET*, Also known as 608 Ferry St.,
Vevay. *305 TELL STREET*,
Vevay. *403 SEMINARY STREET*,
Vevay. *410 PEARL STREET*,
Vevay. *504 PIKE STREET*,
Vevay. *506 PIKE STREET*,
Vevay. *506 WALNUT STREET*,
Vevay. *508 LIBERTY STREET*, Also known as 512 Liberty St.,
Vevay. *510 LIBERTY STREET*,

tippecanoe county

Lafayette. *BIG FOUR DEPOT*, Jct. of 2nd and South Sts. (63.3),
Lafayette. *CAPITOL HOTEL*, 9 S. 2nd St. (63.3),
Lafayette. *FORMER MONON RAILROAD BUILDING*, 500 Salem St. (63.3),
Lafayette. *INTERURBAN POWER STATION*, E bank of Wabash River at the foot of 7th St.,
Lafayette. *PURDUE BLOCK*, 8 N. 2nd St. (63.3),
Lafayette. *112 NORTH THIRD ST.*, Lafayette Railroad Relocation Project (63.3),
Lafayette. *8 NORTH THIRD ST.*, Lafayette Railroad Relocation Project (63.3),

vanderburgh county

Evansville. *ALHAMBRA THEATER*, 50 Adams St.,
Evansville. *MONASTERY OF ST. CLARE*, 509 S. Kentucky Ave.,
Evansville. *POLLARD MAIER HOUSE*,
Evansville. *RIVERSIDE NEIGHBORHOOD*,
Evansville. *WASHINGTON AVENUE HISTORIC DISTRICT*, Washington Ave. between Parrett (63.3) St. and Evans Ave.,

vermillion county

Terre Haute vicinity. *HOUSES IN SR63/32 PROJECT*, Jct. of SR 32 and SR 63 and 1st Rd. S of jct.,

wayne county

Richmond. *HARRISON, THOMAS H., HOUSE*, 514 W. Main St.,
Richmond. *RICHMOND GAS COMPANY BUILDING*, Between Whitewater River and C & O RR. Tracks N of Main St. Bridge,
Richmond. *STARR PIANO FACTORY DISTRICT*, Roughly bounded by C & O RR. tracks, G St. Bridge, and Whitewater River,

wells county

STATE ROUTE 316 BRIDGE OVER THE WABASH RIVER, (63.3),

IOWA

allamakee county

Marquette vicinity. *FIRE POINT SITE (NINE FOOT CHANNEL NAVIGATION PROJECT)*,

black hawk county

Waterloo. *CEDAR PARK REST ROOM BUILDING*, Jct. of Fairview and Lafayette (63.3),
Waterloo. *CHICAGO, ROCK ISLAND, AND PACIFIC RR.: WATERLOO STATION*, W. 4th and Bluff Sts. (63.3),

boone county

Des Moines vicinity. *SAYLORVILLE ARCHEOLOGICAL DISTRICT*, (also in Polk and Dallas counties)

buena vista county

Storm Lake. *CHICAGO, MILWAUKEE, ST. PAUL, AND PACIFIC RAILROAD COMPANY STORM LAKE DEPOT*,

cerro gordo county

Mason City. *KNIGHTS OF COLUMBUS HALL*, 202-204 S. Federal Ave. (63.3),
Mason City. *MCFARLANE, W. T., BUILDING*, 123 S. Federal Ave. at 2nd St., SE. (63.3),
Mason City. *OLD CENTRAL FIRE HOUSE*, 19 First St., SW. (63.3),
Mason City. *RAINBOW ARCH BRIDGE*, Hwy. 18, over the Winnebago River (63.3),
Mason City. *ZOLLER BLOCK/BIJOU THEATER*, 119-121 S. Federal Ave. (63.3),

dubuque county

Dubuque. *BREWING AND MALTING COMPANY BUILDINGS*, 30th and Jackson Sts.,

ida county

Ida Grove. *MURL BROWN SITE (13-IA-4)*, County Courthouse,

johnson county

Iowa City vicinity. *INDIAN LOOKOUT*,

louisa county

Toolesboro vicinity. *POISON IVY SITE, IA 99*, (63.3),

marshall county

Marshalltown. *RAINBOW ARCH BRIDGE*, S. 3rd Ave., over Linn Creek (63.3),

plymouth county

Hinton vicinity. *ARCHEOLOGICAL SITE 13 PM 91*,

polk county

Des Moines. *CARBARN*, 24th and Ingeroll Ave.,
Des Moines. *FIRE STATION NO. 4*, 1041 8th St.,

KANSAS

douglas county

Lawrence. *CURTIS HALL (KIVA HALL) 109 Haskell Institute*, NHL.

KENTUCKY

bell county

Pineville. *CUMBERLAND FORD*, Walnut St. (63.3),

boone county

Rabbit hash. *SITES 15Be75 AND 15Be76*,

fayette county

Lexington vicinity. *PARIS PIKE HISTORIC DISTRICT*, (also in Bourbon County)

jefferson county

ashville vicinity. *McCOLLOUGH ESTATE*, 8300 Bardstown Rd.,
Louisville. *ARCHEOLOGICAL SITES: SECTION 2*, SW Jefferson County Local Protection Project,
Louisville. *LEVIN BATES HOUSE*, Bardstown Rd.,

johnson county

Volga. *McKENZIE LOG CABIN*, McKenzie Branch,
Win vicinity. *FISHTRAP UNITED METHODIST CHURCH*,

lawrence county

Louisa. *FORT ANCIENT ARCHEOLOGICAL SITE*,

lewis county

Concord vicinity. *BIERLY, MAUDE, HOUSE*, KY 8,
Concord vicinity. *CARRS METHODIST CHURCH*, KY 8,
Concord vicinity. *COOK, HAZEL, HOUSE*, KY 8,
Concord vicinity. *DICKERSON, WALTER, HOUSE*, KY 8,
Concord vicinity. *KIMBLE, HELEN ROSE, HOUSE*, KY8,

nelson county

Highgrove vicinity. *HIBBS HOME*, Jct. of U.S. 31E/150 and KY 480,

scott county

Georgetown. *THORNE HOUSE*, Lemons Mill Rd. (63.3),

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spencer county

Taylorsville vicinity. *McCLAIN-PREVALLET SITE (ARCHEOLOGICAL SITE 15-Sp-243)*,

LOUISIANA

assumption parish

Bayou Boeuf vicinity. *THIBODAUX SITE (16 AS 35)*,

avoyelles parish

LOG RAFT SITE, near Bank River (63.3),

caddo parish

Shreveport. *HEROLD, SIDNEY, MANSION*, 840 Jordan St.,

cameron parish

Hackberry. *BLACK LAKE SITE (16-Cm-87)*,
Hackberry. *ELLENDER HOUSE*,
Hackberry. *SANNER HOUSE*,

east baton rouge parish

Baton Rouge. *SPANISH TOWN*,

lasalle parish

White Sulfer Springs Vicinity. *WHATLEY SITE (16-LA-37)*, SW of White Sulphur Springs,

orleans parish

New Orleans. *ALGIERS COURTHOUSE*, 225 Morgan St. (63.3),
New Orleans. *BEAUREGARD SQUARE*, St. Anne Sts., and Municipal Auditorium building,
New Orleans. *BIENVILLE HOTEL*, 1040 St. Charles Ave.,
New Orleans. *BRADFIELD HOUSE*, 1236 Annunciation,
New Orleans. *BRADFORD, MARY, RENTAL PROPERTY*, 1238 Annunciation,
New Orleans. *BROOKLYN COOPERAGE COMPANY*, 1200 St. Peters St.,
New Orleans. *CASEY, KATE, HOUSE*, 932-934 Howard,
New Orleans. *CENTRAL CITY DISTRICT*,
New Orleans. *COCHRAN AND MIMS FOUNDRY*, 1101 S. Peters St.,
New Orleans. *COLUMBIA STEAM FIRE COMPANY*, 830 Julia St. (63.3),
New Orleans. *CORDES, JOHN, HOUSE*, 3027-3029 Royal St., Square 170,
New Orleans. *DEYRON, DR. J. A., HOUSE*, 3037 Royal St., Square 170,
New Orleans. *DUNN, ANDREW JACKSON, HOUSE*, 928-930 Calliope St., Square 119,
New Orleans. *DWYER, JAMES, HOUSE*, 933-935 Gaienne St., Square 119,
New Orleans. *GASQUET, WILLIAM, HOUSES*, 1128-1130 Constance St., Square 119,
New Orleans. *HART, JAMES S., HOUSE*, 615 Erato St., Square 71,
New Orleans. *I-SEA STORAGE AND TRANSFER COMPANY BUILDING*, 2201 Clio St., Square 348,
New Orleans. *ISRAELITE DIVINE SPIRITUAL CHURCH*, 631 S. Roman St.;
New Orleans. *JAHUCKE BUILDING*, 814 Howard Ave., Square 237,
New Orleans. *KOHLMAN COTTON MILL AND MANUFACTURING*, 1226 St. Thomas St.,
New Orleans. *LE BOEUF HOUSE*, 101 Carmick St.,
New Orleans. *LEE CIRCLE AND LEE MONUMENT*, St. Charles Ave. at Howard Ave.,
New Orleans. *MAGINNIS COTTON MILLS*, 1054 Constance St., Square 120,
New Orleans. *MALLOY HOUSE*, 1228-1230 Annunciation,
New Orleans. *MALLOY RENTAL PROPERTY*, 1232 Annunciation,
New Orleans. *McLAUGHLIN, M.A., HOUSE*, 1122-1126 Constance St., Square 119,
New Orleans. *McLEOD, EUPHENIA NAPIR HOUSE*, 1523-1525 Calliope St., Square 183,
New Orleans. *MURRAY, THOMAS, HOUSE*, 1131 S. Rampart St., Square 290,
New Orleans. *O'BRIEN, THOMAS, HOUSE*, 1255 Annunciation,
New Orleans. *OLD FIREHOUSE*, 1045 Magazne St., Square 158,
New Orleans. *PEYTON, WILLIAM H., HOUSE*, 1135 S. Rampart St., Square 290,
New Orleans. *ROPER, GEORGE W., HOUSE*, 1032 St. Charles Ave., Square 183,
New Orleans. *SAULET, MARIE THERESA, HOUSE*, 1218-1222 Annunciation St., Square 100,
New Orleans. *SCHWEGMAUN, G. A., HOUSE*, 3044 Royal St., Square 142,
New Orleans. *SPORL, C. J., HOUSE*, 3015 Royal St., Square 142,
New Orleans. *ST. JOHN THE BAPTIST CHURCH*, 1139 Dryedes St., Square 277,
New Orleans. *TALEN, AALDEMAR APPOLLONIUS, STUDIO-HOUSE*, 1029 Calliope St., Square 137,
New Orleans. *TEMPLE SINAI*, 1032 Cerou-delet St., Square 215,
New Orleans. *TOURAE, NICHOLAS, HOUSE*, 1169 Tchoupitoulas St., Square 71,
New Orleans. *VERRET, THEODORE, HOUSE*, 1216 Annunciation St., Square 109,
New Orleans. *WELLS FARGO BUILDING*, 1055 Dryades St.,
New Orleans. *ZANGEL, FREDERICK, HOUSE*, 1118 Constance St., Square 119,

ouachita parish

Logtown vicinity. *FILHIOL MOUND COMPLEX*, 1 mi. (1.6 km) S. of jct. of SR165 and SR841,

red river county

Hanna. *HANNA SITE (16RR4)*,

st. james parish

WELCOME SITE (16 SJ 17),

st. martins parish

Plaquemine-Morgan City vicinity. *SITE 16, SM-45*, Atchafalaya Basin Floodway,

vernon parish

Fort Polk. *ARCHEOLOGICAL SITE 16-SA-50*, (63.3),
Fort Polk. *SITE 16 VN 18 AND 16 VN 24*,

west felicianna parish

ILLINOIS CENTRAL GULF RR ABANDONMENT, Hardwood, AL to Woodville, MS,

MARYLAND

allegany county

Cumberland. *HINKLE FARM GROUP*,
Cumberland vicinity. *CONCRETE BLOCK HOUSE*, E of Cumberland (63.3),
Cumberland vicinity. *LILLER-GEIGER HOUSE*, E of Cumberland (63.3),
Flintstone. *BREAKNECK ROAD HISTORIC DISTRICT*,
Flintstone vicinity. *MARTIN GORDON FARM*, Breakneck Rd. (Rte. 1),
Flintstone vicinity. *MARTINS MOUNTAIN FARM*, Breakneck Rd. (Rte. 1),

anne arundel county

Claiborne. *BLOODY POINT BAR LIGHT*, On Chesapeake Bay,
Skidmore. *SANDY POINT SHOAL LIGHT*, On Chesapeake Bay,

baltimore (independent city)

ARTHUR'S BAKERY, 223 N. Eutaw St.,
BALTIMORE BELT (BALTIMORE AND OHIO) RAILROAD (HOWARD STREET TUNNEL AND POWER HOUSE),
BARRE CIRCLE HISTORIC DISTRICT, Lombard St., Fremont Ave., Scott St.,
CAMDEN STATION (CAMDEN STATION AND B & O DEPOT), Camden, Butaw, Howard, and Conway Sts.,
CAMDEN WAREHOUSE, Camden, Butaw, and Lee Sts.,
CANTON HISTORIC DISTRICT, Eastern Ave., Conkling St., Boston St. between Conkling and Canton Sts., line through Northwear Harbor, and Chester St.,
EASTERN AVENUE SEWAGE PUMPING STATION, SW corner of Eastern Ave. and President St.,
FAYETTE STREET METHODIST EPISCOPAL CHURCH, 745 West Fayette St.,
FEDERAL HILL-RIVERSIDE PARK HISTORIC DISTRICT, Federal Hill and Riverside Park areas,
HOLLINS-LOMBARD HISTORIC DISTRICT, 800 blocks of Hollins and Lombard Sts., between Fremont and Callender: unit block of Parkin St.,
HUTZLER HIGH RISE BUILDING, 220-223 N. Howard St.,
MOUNT CALVARY CHURCH HISTORIC DISTRICT, Biddle St., Madison Ave., N. Eutaw St.,
MURPHY BUILDING, 320-322 W. Lexington St.,
NEW OWINGS MILLS RAILROAD STATION, W. of Reisterstown Rd.,
OLD WESTERN POLICE STATION (OLD PINE STREET STATION),
PALACE BUILDING, 210-218 N. Howard St.,
RIDGELY'S DELIGHT HISTORIC DISTRICT,
ST. PAUL'S CEMETERY, UNION BLOCK, Fremont Ave.,
STEWART AND COMPANY DEPARTMENT STORE, 201 N. Howard St.,
601-607 CHASE STREET,

baltimore county

Fort Howard. *CRAIGHILL CHANNEL UPPER RANGE FRONT LIGHT*, On Chesapeake Bay,
Reisterstown. *REISTERSTOWN HISTORIC DISTRICT*, Butler and Walston Rds.,
Sparrows Point. *CRAIGHILL CHANNEL RANGE FRONT LIGHT*, On Chesapeake Bay,

carroll county

Finksburg vicinity. *BRIDGE NO. 10141 on HUGHES RD.*,

cecil county

SASSAFRAS ELK NECK, At Elk River and Chesapeake Bay,
Havre de Grace. *SUSQUEHANNA RIVER BRIDGE*,
Perryman. *BUSH RIVER BRIDGE*,

dorchester county

Hoopersville. *HOOPER ISLAND LIGHT*, Chesapeake Bay-Middle Hooper Island,

frederick county

Fort Detrick. *HORTON TEST SPHERE (ONE-MILLION LITER TEST SPHERE)*,
Thurmont vicinity. *CATOCTON FURNACE HISTORIC DISTRICT*, U.S. 15,
Thurmont vicinity. *MOSER FARM AND BARN*, U.S. 15,

harford county

Havre de Grace vicinity. *OLD POST ROAD BRIDGE*, MD 7-A,

montgomery county

Rockville. *THIRD ADDITION TO ROCKVILLE AND OLD ST. MARY'S CHURCH AND CEMETERY*,

queen anne county

Stevensville vicinity. *BENTON HOUSE*, W of Stevensville (63.3),

st. marys county

St. Inigoes. *ST. INIGOES MANOR HOUSE*, Naval Electronic System Test and Evaluation Detachment,
St. Mary City. *POINT NO POINT LIGHT*, On Chesapeake Bay,

talbot county

Tilghman Island. *SHARPS ISLAND LIGHT*, On Chesapeake Bay,

MASSACHUSETTS

barnstable county

RIDER, SAMUEL, HOUSE, Gull Pond Rd. off Mid-cape Hwy. 6,
Provincetown. *FREEMAN'S WHARF*, 125 Commercial St.,
Truro. *HIGHLAND GOLD COURSE*, Cape Cod Light area,

berkshire county

Pittsfield. *NORTH STREET COMMERCIAL BLOCK*,

bristol county

Mansfield. *NORTON RESERVOIR PREHISTORIC DISTRICT*, (63.3),
Mansfield. *SCHOOL STREET SITE*, I 495 and relocated SR 140,
Norton. *BAY STREET PREHISTORIC DISTRICT*, (63.3),
Norton. *NEWCOMB STREET SITE (7MP)*, (63.3),
Raynham vicinity. *ROZENAS I/II SITE (7HP-7IP)*, (63.3),
somerset. *MONTAUP PREHISTORIC SITE (19-BR-131)*, (63.3),
Taunton vicinity. *JOHNSON FIELD HISTORIC SITE (7TH)*, (63.3),
Taunton vicinity. *SNAKE RIVER EAST SITE (7DDP)*, (63.3),
Taunton vicinity. *SNAKE RIVER WEST SITE (7GP)*, (63.3),
Taunton vicinity. *WILBORE HISTORIC SITE (7BH)*, (63.3),

essex county

Amesbury. *AMESBURY U.S. POST OFFICE*, 100 Main St. (63.3),
Lawrence. *SOUTH CANAL AND ASSOCIATED GATEHOUSE STRUCTURE*, Roughly between Duck and O'Leary Bridges (63.3),

hampden county

Chicopee. *INDIAN CROSSING SITE*, Confluence of Chicopee and Connecticut rivers,
Holyoke. *CALEDONIA BUILDING (CRAFTS BUILDING)*, 185-193 High St.,
Holyoke. *CLEARY BUILDING (STILES BUILDING)*, 190-196 High St.,
Holyoke. *STEAMER COMPANY NO. 3*,
South Hadley. *SOUTH HADLEY CANAL*, Canal St. vicinity (63.3),
Springfield. *MILTON BRADLEY TOY COMPANY*, Park-Cross-Willow block,
Springfield. *SPRINGFIELD RESCUE MISSION*,

middlesex county

Ashby. *LOCKE'S MILL COMPLEX*,
Ashby. *TRAPFALL STONE ARCH BRIDGE*,
Framingham. *DANFORTH STREET BRIDGE*, On road from Saxonville to Wayland,

plymouth county

Bridgewater vicinity. *DOUBLE P SITE*,

suffolk county

Boston. *DUDLEY HOUSE*, 167 Centre St.,
Boston. *DUDLEY STATION AND THE ELEVATED NORTH OF DUDLEY*, Dudley and Washington Sts.,
Boston. *ELEVATED SOUTH OF DUDLEY*,
Boston. *NORTHERN AVENUE BRIDGE*, Fort Point Channel,
Boston. *POLICE STATION NO. 10*, 1170 Columbus Ave.,
Boston. *ROXBURY HIGHLANDS AREA*,
Boston. *ST. BOTOLPH STREET AREA*,

worcester county

Leicester. *SHAW SITE (SITES 4, 5, and 6)*, Upper Quaboag River Watershed project,
North Brookfield. *MEADOW SITE NO. 11*, Upper Quaboag River Watershed,

MICHIGAN

bay county

Bay City. *MIDLAND STREET HISTORIC DISTRICT*, E. Midland St. between Catherine and Litchfield Sts. (63.3),

houghton county

Houghton. *SOO LINE RAILWAY COMPANY DEPOT*, Lake and Huron Sts. (63.3),

kalamazoo county

Kalamazoo. *MASONIC TEMPLE*, Corner Rose and Eleanor Sts.,

marquette county

Ottawa National Forest. *WHITE DEER LAKE CAMP*, Buildings on the Cyrus H. McCormick Experimental Forest,

midland county

Midland. *LITTLE FORKS ARCHEOLOGICAL DISTRICT*,

shiawaksee county

Shaftsburg. *VAN RIPER HOUSE*, 12370 Shaftsburg Rd. (63.3),

washtenaw county

LIMA TOWNSHIP HISTORIC DISTRICT, Lima Township (63.3),

wayne county

Detroit. *MACKENZIE, DAVID, HOUSE*, 4735 Cass Ave.,
Detroit. *ROBSON-DODGE HOUSE*, 642 W. Forest Ave.,

MINNESOTA

hennepin county

Minneapolis. *MINNESOTA VETERANS HOME*, E. 51st St. and Minnehaha Ave.,

itasca county

Deer River. *LAKE WINNIBIGOSHISH DAM ARCHEOLOGICAL SITE*,

murray county

Fulda. *CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY'S FULDA RAILWAY DEPOT*, (63.3),

st. louis county

Duluth. *MORGAN PARK HISTORIC DISTRICT*,

winona county

Winona. *SECOND STREET COMMERCIAL BLOCK*,

MISSISSIPPI

adams county

Natchez. *FRENCH DWELLING SITE*, St. Catherines Creek,

grenada county

Grenada. *GRENADA POST OFFICE*, 178 S. Main St.,

jefferson county

GORDON MOUNDS, MJE 1 122-3W,
Lorman vicinity. *MUD ISLAND CREEK COMPLEX*,

leflore county

Whaley. *LIGHTLINE LAKE SITE (22-Lf-504)*, MS 7 (63.3),

lowndes county

Columbus vicinity. *MAGNETIC SITE 5*, Tombigbee River Multiple Resource Area near Aliceville Lake,
Columbus vicinity. *TIBBEE CREEK ARCHEOLOGICAL SITE, COLUMBUS LOCK AND DAM PROJECT*,

monroe county

Aberdeen vicinity. *EAST ABERDEEN SITE (22Mo819)*,

tishomingo county

Tishomingo vicinity. *TENNESSEE–TOMBIGBEE WATERWAY*, (63.3),

yalobusha county

Water Valley. *WATER VALLEY POST OFFICE*, 2322 Main St.,

MISSOURI

boone county

Columbia. *COLUMBIA (WABASH) DEPOT BUILDING AND FREIGHT HOUSE*, 126 N. 10th St. (63.3),

clay county

Kansas City vicinity. *SMITHVILLE MULTI-RESOURCE AREA (ARCHEOLOGICAL RESOURCES)*, (63.3), (also in Clinton County)
Kansas City vicinity. *SMITHVILLE MULTIPLE RESOURCE AREA*, (63.3) This area includes sites: SL239, SL408, SL446, SL441,

dent county

Lake Spring. *MYER, JOHN, HOUSE*,

franklin county

Leslie. *NOSER'S MILL AND ADJACENT MILLER'S HOUSE*, Rural Rte. 1,

greene county

Springfield. *ARCHEOLOGICAL SITES: 23GR005, 110, 215, 221, 225, 267, 270, 134, 049*,

henry county

LITTLE BLACK RIVER WATERSHED, (also in Ripley County)

V 4 4 / 2 6 F E 6 7 9 UMI

La Due. *BATSCHELETT HOUSE*, Near Harry S. Truman Dam and Reservoir,

jackson county

Kansas City. *ROCKFORD SCHOOL*, Raytown Rd. (63.3),
Kansas City vicinity. *ARCHEOLOGICAL DISTRICT*, Blue Springs Lake project,
Kansas City vicinity. *ARCHEOLOGICAL DISTRICT*, Longview Lake project,
Kansas City vicinity. *ARCHEOLOGICAL SITES: 23JA36, 23JA40, 23JA42, 23JA44, 23JA54, 23JA77, 23JA78, 23JA81, 23JA83, 23JA84, 23JA85, 23JA89, 23JA115, 23JA119, 23JA120, 23JA125, 23JA185, 23JA186, 23JA187, LITTLE BLUE RIVER CHANNEL AREA*, (63.3),
Lees Summit. *LONGVIEW FARM*, Off Raytown Rd. (63.3),

jasper county

Joplin. *JOPLIN CARNEGIE LIBRARY*, 9th and Wall Sts.,

jefferson county

House Springs vicinity. *ARCHEOLOGICAL DISTRICT 23JE392–23JE395, 23JE400, and 23JE401*, Route W Project (63.3),

macon county

Macon. *LONG BRANCH LAKE ARCHEOLOGICAL DISTRICT*, (63.3),

maries county

Gasconade River vicinity. *ARCHEOLOGICAL SITES 23MS12, 23MS35, 23MS57, 23MS77, 23MS78, 23MS79, 23MS80, 23MS81 AND UNVERIFIED ROCK CAIRN rcheological Sites 23MS12, 23MS35, 23MS57, 23MS77, 23MS78, 23MS79, 23MS80, 23MS81 and unverified rock cairn*, (63.3),

monroe county

Florida. *BANNISTER, DANIEL, LOG HOUSE*,
Florida. *BANNISTER, DANIEL, SITE*,
Florida. *CAVE, RICHARD, SITE*, (63.3),
Florida. *DONALDSON, ANDREW C., FARMSTEAD*, (63.3),
Florida. *POLLARD HOUSE*, (63.3),
Florida. *VIOLETTE, ALEXANDER, HOUSE*,
Florida vicinity. *ARCHEOLOGICAL DISTRICT NO. 1 (CLARENCE CANNON DAM AND RESERVOIR PROJECT)*, (also in Ralls County)
Florida vicinity. *ARCHEOLOGICAL DISTRICT NO. 2 (CLARENCE CANNON DAM AND RESERVOIR PROJECT)*, (also in Ralls County)
Florida vicinity. *ARCHEOLOGICAL DISTRICT NO. 3 (CLARENCE CANNON DAM AND RESERVOIR PROJECT)*, (also in Ralls County)
Florida vicinity. *ARCHEOLOGICAL DISTRICT NO. 4 (CLARENCE CANNON DAM AND RESERVOIR PROJECT)*, (also in Ralls County)
Florida vicinity. *DOWELL, SUSANNE, HOUSE*, 3 mi. W of Florida,
Florida vicinity. *MILLER, JASON C., HOUSE AND FARMSTEAD*, E of Florida,
Florida vicinity. *MORTON, JOSEPH, FARMSTEAD*, SW of Florida,
Florida vicinity. *SMITH, SAMUEL H., HOUSE AND FARMSTEAD*, 5 mi. W of Florida (63.3),
Joanna. *LONG, EMMETT, LOG HOUSE*,
Joanna vicinity. *PETERSON, JOHN, LOG HOUSE*, W of Joanna (63.3),
North Fork vicinity. *FIELD'S STONE STORAGE HOUSE*, 3 mi. S of North Fork (63.3),
Paris. *SPROUL, R. B., HOUSE*, (63.3),
Paris vicinity. *JORDAN, HARVEY, HOUSE AND FARMSTEAD*, 6.5 mi. E (63.3) of Paris,
Paris vicinity. *MAPPIN, MATTHEW, HOUSE AND FARMSTEAD*, NE of Paris,
Paris vicinity. *SMITH, JAMES H., FARMSTEAD*, NE of Paris (63.3),
Paris vicinity. *SMITH, JOSEPH B., HOUSE SITE*, SE of Paris (63.3),
Paris vicinity. *SPROUL, JOSEPH, MILL HOUSE*, 5 mi. SW of Paris (63.3),
Perry vicinity. *FLEMING, THOMAS F., HOUSE*, 6 mi. N of Perry,
Stoutsville vicinity. *WHELAN, HENRY, HOUSE AND GROUNDS*, 1.5 mi. S of Stoutsville (63.3),
Victor. *BRYAUH/LUTZ, WILLIAM, LOG HOUSE*, (63.3),
Victor. *CALHOON, A. O., HOUSE*, (63.3),
Victor. *HATTERSLEY, WILLIAM, STORE*, (63.3),
Victor vicinity. *CROW, BASIL, LOG HOUSE AND FARMSTEAD*, 0.5 mi. N of Victor (63.3),
Victor vicinity. *DOWDY, ROY, HOUSE AND FARMSTEAD*, 1 mi. S of Victor (63.3),
Victor vicinity. *FRIDAY BARN*, 1 mi. S of Victor,

newton county

Racine. *SMITH CABIN RUINS (LOST CREEK WATERSHED ARCHEOLOGICAL SITE)*,

ralls county

Center. *BELL, SAMUEL F., HOUSE*, (63.3),

MONTANA

beaverhead county

Grant. *OLD QUAKER QUARRY*,

big horn county

Decker vicinity. *BUNNY CHASE ARCHEOLOGICAL SITE*, 10 mi. (16 km) W. of Decker,
Spring Creek Mine vicinity. *24 BH 1045*, (63.3),
Spring Creek Mine vicinity. *24 BH 1046*, (63.3),
Spring Creek Mine vicinity. *24 BH 1052*, (63.3),
Spring Creek Mine vicinity. *24 BH 1583*, (63.3),
Spring Creek Mine vicinity. *24 BH 1589*, (63.3),
Spring Creek Mine vicinity. *24 BH 1591*, (63.3),
Spring Creek Mine vicinity. *24 BH 1593*, (63.3),
Spring Creek Mine vicinity. *24 BH 1595*, (63.3),
Spring Creek Mine vicinity. *24 BH 1597*, (63.3),
Spring Creek Mine vicinity. *24 BH 1602*, (63.3),
Spring Creek Mine vicinity. *24 BH 1606*, (63.3),
Spring Creek Mine vicinity. *24 BH 1609*, (63.3),
Spring Creek Mine vicinity. *24 BH 1610*, (63.3),
Spring Creek Mine vicinity. *24 BH 1614*, (63.3),
Spring Creek Mine vicinity. *24 BH 1618*, (63.3),
Spring Creek Mine vicinity. *24 BH 1619*, (63.3),

cascade county

Great Falls. *BUILDING AT 108 CENTRAL AVENUE*, 108 Central Avenue,

custer county

Miles City vicinity. *OLD FORT ld Fort*, At Fort Keogh,

fergus county

LEWIS & CLARK CAMPSITE, MAY 24, 1805,

glacier county

St. Mary vicinity. *ST. MARY RANGER STATION*,

granite county

Garnet. *GARNET GHOST TOWN*, (63.3),

lewis and clark county

Marysville. *MARYSVILLE HISTORIC DISTRICT*,

lincoln county

ARCHEOLOGICAL SITES 24-LN-1036, 1037, 1130, 1131, Kootenai River, NW.,

phillips county

Malta vicinity. *BEAUCOUP SITE COMPLEX (SITES 188/189)*,

powder river county

YANKEE RESERVOIR SITE (24PR402), Custer National Forest,
Moorhead vicinity. *REYNOLDS'S BATTLEFIELD HISTORIC SITE*, Moorhead County Rd. (63.3),

roosevelt county

Culbertson vicinity. *BEMER COAL MINE STRUCTURES*, 6 mi. (9.6 km) SE of Culbertson,

stillwater county

Red Lodge vicinity. *WEST ROSEBUD LAKE SITE*, W of Red Lodge,

NEBRASKA

boyd county

SUNSHINE BOTTOM HISTORIC DISTRICT, S of Missouri River,

cherry county

Valentine vicinity. *FORT NIOBRARA NATIONAL WILDLIFE REFUGE*,
Valentine vicinity. *NEWMAN BROTHERS HOUSE*,

douglas county

Omaha. *NASH BUILDINGS*, 902–912 Farnam St. and 901–911 Douglas St.,
Omaha. *SMITH, M. E., BUILDING*, 201–211 S. 10th St.,

knox county

Niobrara. *NIOBRARA HISTORIC PROPERTIES*,

NEVADA

clark county

Las Vegas vicinity. *BLACKSMITH SHOP*, Desert National Wildlife Range,
Las Vegas vicinity. *LAS VEGAS WASH ARCHEOLOGICAL DISTRICT*,
Las Vegas vicinity. *MESQUITE HOUSE*, Desert National Wildlife Range,

elko county

Carlin vicinity. *ARCHEOLOGICAL SITES 26EK1669, 26EK1672*,

nye county

Las Vegas vicinity. *EMIGRANT'S TRAIL*, About 75 mi. NW. of Las Vegas on U.S.95,

pershing county

Lovelock vicinity. *ADOBE IN RUDDELL RANCH COMPLEX*,
Lovelock vicinity. *LOVELOCK CHINESE SETTLEMENT SITE*,

washoe county

Reno vicinity. *SITE 26WA2065*,

NEW HAMPSHIRE

cheshire county

Keene. *HOUSE NO. 66*, 66 Island St. (63.3),
Keene. *HOUSE NO. 70*, 70 Island St. (63.3),
Keene. *HOUSE NO. 76*, 76 Island St. (63.3),
Kenne. *HOUSE NO. 58*, 58 Island St. (63.3),
North Walpole. *ARCH BRIDGE*, Between N. Walpole and Bellows Falls, (also in Windham County, Vt)

coos county

Berlin. *ANDROSCOGGIN VALLEY HOSPITAL/ST. REGIS ACADEMY COMPLEX*, Bounded by Main, Pleasant, Church, School, and Success Sts. (63.3),

hillsborough county

Manchester. *AMOSKAAG MILLYARD COMPLEX*,
Manchester. *HOUSE AT 191–193 MERRIMACK STREET*,
Manchester. *HOUSE AT 205–213 PINE STREET*,
Manchester. *HOUSE AT 69• LAUREL STREET*,

rockingham county

Portsmouth. *FORT WASHINGTON*, Pierce Island (63.3),
Rye. *PULPIT ROCK OBSERVATION STATION*, Portsmouth Harbor,

strafford county

Dover. *ODD FELLOW'S HALL (MORNING STAR BLOCK)*,
Dover. *O'NEILL HOUSE (COCHECO CO. HOUSING)*,
Dover. *PUBLIC MARKET (MORRILL BLOCK)*,
Dover. *TRELLA HOUSE (DOVER MANUFACTURING CO. HOUSING)*,
Dover. *VETERAN'S BUILDING (CENTRAL FIRE HOUSE)*,
Dover. *WESTERN AUTO BLOCK (MERCHANTS ROW)*,

NEW JERSEY

bergen county

Mahwah. *HOPPER GRISTMILL AND SAWMILL*, (63.3),

burlington county

Bulrington. *DELAWARE RIVERFRONT ARCHEOLOGICAL SITE*, (63.3),
Burlington. *BETHLEHEM A.M.E. CHURCH*, 215 Pearl Blvd.,
Burlington. *FACTORY BUILDING*, 231 Penn St.,
Burlington. *ONEIDA BOAT CLUB*, York St.,
Burlington. *WATER WORKS*, Pearl Blvd.,

camden county

CAMDEN, 726 Cooper St.,
Camden. *728 COOPER STREET*, 728 Cooper St.,

essex county

Montclair. *MONTCLAIR RAILROAD STATION HISTORI DISTRICT*, Bloomfield Ave., Lackawanna Plaza, and Grove St. (63.3),
Newark. *PENNSYLVANIA STATION*, Bounded by Raymond Plaza on W. Raymond Blvd. on N. and Market St. on S. (63.3),

gloucester county

West Depford Township. *ARCHEOLOGICAL SITES 4, A, B, AND C*, Near Delaware River,

hudson county

S.S. NEWTON, Midway between Ellis and Liberty islands,
Jersey City. *CAR-FLOAT TRANSFER BRIDGE 1*, Liberty State Park,
Jersey City. *CAR-FLOAT TRANSFER BRIDGE 2*, Liberty State Park,
Jersey City. *PIER G.*, Liberty State Park,
Jersey City. *PIER NO. 19*, Liberty State Park,
Kearney. *PORTAL BRIDGE*,

mercer county

WEST WINDSOR TOWNSHIP WASTEWATER FACILITIES (ARCHEOLOGICAL SITE 3313.14)–EXTENDED,
Bordentown. *BLACKS CREEK PREHISTORIC ARCHEOLOGICAL SITE*,
Hamilton and West Windsor Townships. *ASSUNPINK HISTORIC DISTRICT*,
Trenton. *CHAMPALE BREWING COMPANY OFFICE BUILDING*,
Trenton. *LAMBERTON INTERCEPTOR*,
Trenton. *MADDOCK CHINA COMPANY DUMP SITE*,

middlesex county

CRANBURY HISTORIC DISTRICT,
Metuchen. *METUCHEN RAILROAD STATION*,
Monroe Township. *TEN EYCKS FORGE SITE*, (63.3),
New Brunswick. *DELAWARE RARITAN CANAL*, Portion between Albany St. and Landing Lane Bridge,
Perth Amboy. *RARITAN RIVER STEEL COMPANY (RARITAN COPPER WORKS/ANACONDA COPPER REFINERY)*, Elm and Market Sts.,
Piscataway. *LANDING LANE ARCHEOLOGICAL DISTRICT*, (63.3),
Spotwood Borough. *CEDAR BROOK SITE*, (63.3),

monmouth county

Long Branch. *THE RESERVATION*, 1-9 New Ocean Ave.,
Sandy Hook. *FORT HANCOCK AND THE SANDY HOOK PROVING GROUND HISTORIC DISTRICT*, NJ 36,
Sandy Hook. *ORDNANCE/QUARTERMASTER WHARF NO. 536*,

morris county

Morristown. *ABBETT AVENUE BRIDGE*,
Morristown. *MORRISTOWN AQUEDUCT DISTRIBUTION RESERVOIR*, Court and Ann Sts.,
Morristown. *RESIDENCES ON COURT STREET*, 30, 32, 36, 38, 40, and 42 Court St.,

ocean county

Forked River. *JOSEPH HOLMES MILL (THE MILL SITE)*, SW corner of intersection of Mill and Parker Sts.,

passaic county

Clifton. *ANIMAL QUARANTINE FACILITY*, Bounded by Clifton and Van Houten Aves., and the Erie RR.,
Wayne Township. *FORSBERG HOUSE*, 3 Edgemont Crescent,

sussex county

APPALACHIAN TRAIL IN NEW JERSEY, (63.3) (also in Warren County),

union county

Berkeley Heights Township. *FELTVILLE (DESERTED VILLAGE)*,
Elizabeth. *BENDER BUILDING (PLAINFIELD CORRIDOR SERVICE PROJECT)*, 251-267 N. Broad St.,
Elizabeth. *FREIGHT STATION (PLAINFIELD CORRIDOR SERVICE PROJECT)*, 520-532 North Ave.,
Elizabeth. *SLAUGHTERHOUSE (PLAINFIELD CORRIDOR SERVICE PROJECT)*, 247 Morris Ave.,
Elizabeth. *TANNERY (PLAINFIELD CORRIDOR SERVICE PROJECT)*, 244-246 N. Broad St.,
Plainfield. *PLAINFIELD NORTH AND SOUTH STATIONS*, Watchung and North Aves.,
Plainfield. *ROSELLE NORTH AND SOUTH STATIONS (ROSELLE PARK)*, Westfield and East Aves.,
Plainfield. *SCOTCH PLAINS NORTH AND SOUTH STATIONS AND PEDESTRIAN OVERPASS (FANWOOD)*, Martine and North Aves.,
Plainfield. *WESTFIELD/GARWOOD NORTH AND SOUTH STATIONS AND KIOSK*, North and South Aves.,
Springfield Township. *SAYRE HOUSE (I-78 PROJECT)*,

warren county

Oxford. *OXFORD INDUSTRIAL COMPLEX*,

NEW MEXICO

chaves county

Artesia vicinity. *SITES LA11809-LA11822*, Cottonwood-Walnut Creek Watershed, (also in Eddy County)

dona ana county

Plasitas Arroyo. *SITES SCSPA 1-8*,

eddy county

Carlsbad vicinity. *ARCHEOLOGICAL DISTRICT*,

guadalupe county

Los Esteros Reservoir. *LOS ESTEROS LAKE ARCHEOLOGICAL SITE*,

lee county

Santa Fe vicinity. *LAGUNA PLATA ARCHEOLOGICAL DISTRICT*,

mckinley county

ZUNI PUEBLO MULTIPLE RESOURCE AREA, Yellowhouse Dam Project (63.3) This area includes sites: 2-4, 6-9, 11, 12, 14-20, 22, 23, 25-45, 49-69, 71-73, 75-85, 87-133, 135-151, 153-156, 158-165, 170-172, 174-182, 184-192, 195-200, 202-223, 225-227, 229-235, 238-240, 244-257, 259-294, 296-306, 308-313, 315, 318, and localities numbered: 404, 405-407, 411, 413, 414, 417, 418, 422-425, 431, 440, 441, 445-449, 451-457, 459-61, 463, 472-475, 481, 483, 484, 488, 490, 491, 498, 504, 508, 515, 435, 507.,
51 SITES IN THE BISTI-STAR LAKE REGION,

V 4 4 / 2 6 FE 6 7 9 UMI

Gallup vicinity. *MCKINLEY MINE ARCHEOLOGICAL DISTRICT*,
Zuni. *OAK WASH SITES N.M.G.:13:19-N.M.G.:13:37* Zuni Pueblo Watershed,

otero county

DOG CANYON ARCHEOLOGICAL SITE (LA 15939), Oliver Lee Memorial State Park (63.3),
THREE RIVERS PETROGLYPHS,

rio arriba county

Ghost Ranch vicinity. *CERRITO RECREATION SITE ARCHEOLOGICAL DISTRICT*,

san juan county

MULTIPLE RESOURCE AREA IN BOLACK LAND EXCHANGE, This area includes sites: 10808, 10809, 10812, 10816, 10817, 10818, 10819, 10821, 10822, 10823, 10824, 10825, 10826, 10827, 10828, 10830, 10831, 10832, 10833, 10834, 10837, 10838, 10841, 10842, 10843, 10845, 10846, 10847, 10848, 10849, 10850, 10851, 10853, 10855, 10856, 10857, 10858, 10859, 10861, 10862, 10863, 10864, 10865, 10866, 10868, 10869, 10870, 10871, 3657, 3658, 3662, 3664, 3665,
Burnham vicinity. *LOWER CHACO RIVER MULTIPLE RESOURCE AREA*, (63.3) This area includes: 62, 64, 70, 88, 110, 159, 165, 173, 179, 212, 226, 247, 263, 267, 276, 279, 307, 312, 316, 320, 322, 324, 335, 338, 344, 347, 371, 426, 568, 576, 606, 608, 610, 618, 628, 635, 641, 646, 659, 667, 685, 73, 97, 142, 144, 235, 243, 258, 259, 302, 306, 321, 424, 428, 436, 447, 462, 471, 487, 489, 491, 499, 514, 522, 526, 549, 597, 651, 671, 673, 65, 80, 91, 93, 114, 130, 147, 153, 155, 167, 71, 195, 236, 238, 242, 248, 270, 275, 289, 296, 298, 305, 309, 310, 318, 339, 349, 352, 356, 373, 381, 394, 396, 418, 421, 422, 423, 430, 440, 443, 445, 458, 513, 516, 518, 510, 564, 571, 592, 593, 595, 598, 599, 600, 601, 604, 626, 639, 647, 653, 669, 675, 677, 679, 683, 112, 177, 234, 300, 334, 183, 193, 285, 294, 308, 323, 328, 337, 416, 709.,
Burnham vicinity. *NAVAJO TRIBAL LANDS MULTIPLE RESOURCE AREA*, (63.3) This area includes: 5, 6, 7, 8, 10, 11, 12, 13,

sandoval county

Tetilla Peak Recreation Area. *TETILLA PEAK SITE*,

NEW YORK

albany county

Guilderland. *LIZZI 2 SITE*, (63.3),
Guilderland. *NOTT PREHISTORIC SITE*,
Owego. *SUBI 677 SITE AND SUBI: 672 SITE*, (63.3),

bronx county

HELL GATE BRIDGE D APPROACH VIADUCTS AND BRIDGES, (63.3), (also in New York and Queens counties)
New York. *NORTH BROTHERS ISLAND LIGHT STATION*, In center of East River,
Pelham Bay. *PELHAM BAY RAILROAD BRIDGE*,

bronx county New York

BRONX POST OFFICE,

broome county

Endicott. *ENDICOTT-JOHNSON WORKERS ARCH*, (63.3),
Maine Township. *MILL SITE AT SITE 7-A*, Manticoke Creek project, (also in Tioga County)
Vestal. *VESTAL NURSERY SITE*, (also in Union County)

cattaraugus county

Olean. *FORNESS PARK DEVELOPMENT-ARCHEOLOGICAL SITES*,

chautauqua county

Dunkirk. *PROPERTIES IN THE CITY OF DUNKIRK*,
Lakewood vicinity. *LOOMIS ARCHEOLOGICAL SITE*, South and Central Chautauqua Lake,
Portland. *DUBERT, CALVIN J., HOUSE*, 5553 Martin Rd.,
Sheridan. *SHERIDAN SCHOOL DISTRICT NO. 3 SCHOOLHOUSE*, Chapin and O'Brien Rd.,

columbia county

Valatie. *RIVER STREET SITE*,

delaware county

Hancock. *DUNN SITE*, E of Delaware River (63.3),

erie county

ERIE CANAL,
Amherst. *U.B. SITE 1488*, Near Ellicott Creek,
Buffalo. *DELAWARE, LACKAWANNA, AND WESTERN RAILROAD TERMINAL IN BUFFALO*, S. Park Ave.,

greene county

New York. *HUDSON CITY LIGHT STATION*, In center of Hudson River,

herkimer county

Little Falls. *DUNN PROPERTY BUILDINGS*, W. Mill St.,

kings county

Brooklyn. *RHEINGO*, Forest and Stanwix Sts.,
Brooklyn. *STEEPLECHASE PARACHUTE JUMP*,

nassau county

RIDGEWOOD AQUEDUCT, (63.3), (also in Queens County)
Long Island. *SEAFOOD PARK ARCHEOLOGICAL SITE*,

new york

New York. *PIER NO. 70*,

new york county

New York. *COLONIAL PARK POOL COMPLEX*, Branhurst Ave.,
New York. *HARLEM COURTHOUSE*,
New York. *HAYES, HELEN, THEATER*, 210 W. 46th St. (63.3),
New York. *NEW YORK CANCER HOSPITAL (TOWER'S NURSING HOME)*, 2 W. 106th St.,
New York. *OLD PRODUCE EXCHANGE (ARMY BUILDING RESERVATION)*, 39 Whitehall,

niagara county

Somerset. *WAGONER, MORGAN VAN, HOUSE*, Hosmer Rd.,

onondaga county

Elbridge. *ELBRIDGE PARK INDUSTRIAL ARCHEOLOGICAL DISTRICT*,
Syracuse. *AMOS BLOCK*, 208-220 W. Water St.,

orange county

New Windsor. *HAZARD'S MILL LOTT*, Between Forge Hill Rd. and Moodina Creek and E of U.S. 9W (63.3),
Newburgh. *BREWSTER HOOK AND LADDER COMPANY NO. 1*, 75 Broadway,
Port Jervis. *CHURCH STREET SCHOOL*, 55 Church St.,
Port Jervis. *FARNUM, SAMUEL, HOUSE*, 21 Ulster Pl.,

oswego county

Mexico Village. *GUSTIN-EARLE FACTORY SITE*,
Oswego. *MUSICO MOTORS BUILDING*, W. First and W. Seneca Sts.,

otsego county

Oneonta. *SWART-WILCOX HOUSE*,

putnam county

Carmel. *LAKE SECOR HISTORIC AND ARCHEOLOGICAL CABIN*,

queens county

Bayside. *FORT TOTTEN BATTERY*, Fort Totten,
New York. *FORT TOTTEN OFFICER'S CLUB*,
Queens. *ASTORIA STUDIO*,

richmond county

Breakabeen vicinity. *VALLEY BETWEEN THE VILLAGES OF BREAKABEEN AND NORTH BLENHEIM*,
New York. *ROMER SHOAL LIGHT STATION*, Located in lower bay area of New York Harbor,
Staten Island. *U.S. COAST GUARD BASE, ST. GEORGE*,
Totenville vicinity. *WARD'S POINT*, Oakwood Beach Project,

saratoga county

Saratoga Springs. *SARATOGA SPRINGS HISTORIC DISRICT*,
Saratoga Springs. *YADDO HOUSE AND GARDENS DISTRICT*,
Schuylerville. *ARCHEOLOGICAL SITE*, Schuylerville Water pollution Control Facility,
Waterford. *WATERFORD INDUSTRIAL COMPLEX*,

suffolk county

Jamesport vicinity. *EAST END SITE*,
Jamesport vicinity. *HALLOCK'S POND SITE*,
Jampesport. *NORTHVILLE HISTORIC DISTRICT*, Houses along Sound Ave.,
New York. *FIRE ISLAND LIGHT STATION*, U.S. Coast Guard Station,
New York. *LITTLE GULL ISLAND LIGHT STATION*, Off North Point of Orient Point, Long Island,
New York. *PLUM ISLAND LIGHT STATION*, Off Orient Point Long Island,
New York. *RACE ROCK LIGHT STATION*, S of Fishers Island 10 mi. N. of Orient Point,

ulster county

WILDMERE RESORT HOTEL (MINNEWASKA ACQUISITION PROJECT), Towns of Gardiner and Rochester,
Kingston vicinity. *ESOPUS MEADOWS LIGHT STATION*, Middle of Hudson River,
Lloyd. *CHRISTIANA HOUSE*, 24 River Rd. (63.3),
Lloyd. *MID-HUDSON HOTEL*, Jct. of River and Willow Dock Rds and Maple Ave. (63.3),
Lloyd. *PALMATEER HOUSE*, 26 River Rd. (63.3),

Lloyd. *YELVERTON HOUSE*, 39 Maple Ave. (63.3),
New York. *RONDOUT NORTH DIKE LIGHT*, Center of Hudson River at jct. of Rondout Creek and Hudson River,
New York. *SAUGERTIES LIGHT STATION*, Hudson River,
Saugerties. *UPPER DOCK SITE*, Esopus Creek (63.3),
Sleightsburg. *FIRST AVENUE SITE*, Confluence of Rondout Creek and Hudson River,
Sleightsburg. *SECOND AVENUE SITE*, Parsell St. (63.3),

warren county

Lake George. *BOYAU*, Portion of Moncalm St.,

washington county

Greenwich. *PALMER MILL (OLD MILL)*, Mill St.,

westchester county

Ossining. *MAIN STREET CRESCENT*,
Ossining. *OLD OSSINING FURNITURE STORE*, 1-3 S. Highland Ave.,
Ossining. *SNOWDEN COURT (SYMOND'S SCHOOL)*, 89 Snowden Ave.,
Port Washington vicinity. *EXECUTION ROCKS LIGHT STATION*, Lower SW portion of Long Island Sound,
Tarrytown. *TARRYTOWN LIGHT STATION*,
Yonkers. *MOQUETTE ROW HOUSING*, Nepperhan Ave. (63.3),
Yonkers. *SMITH, ALEXANDER, CARPET MILLS*, Nepperhan Ave. (63.3),
Yonkers. *WOMEN'S INSTITUTE BUILDING*,
Yonkers. *YONKERS CITY HALL*, S. Broadway (63.3),
Yonkers. *YONKERS PUBLIC LIBRARY*, S. Broadway and Nepperhan Ave. (63.3),
Yorktown. *YORKTOWN RAILROAD STATION*,

NORTH CAROLINA

alamance county

Burlington. *CLAPP'S MILL AND DAM SITE*, (also in Guilford County)
Burlington. *FAUST MILL*, (also in Guilford County)
Burlington. *LOW HOUSE*, (also in Guilford County)
Burlington. *SOUTHERN RAILWAY PASSENGER DEPOT*, NE Corner Main and Webb Sts.,

camden county

South Mills vicinity. *BURNHAM HOUSE*, US Route 17,

caswell county

Yanceyville vicinity. *ARCHEOLOGICAL SITES CS-12*, County Line Creek Watershed Project, (also in Rockingham County)
Yanceyville vicinity. *WOMACK'S MILL*, In County Creek Watershed Project, (also in Rockingham County)

cleveland county

Forest City vicinity. *ARCHEOLOGICAL RESOURCES IN SECOND BROOD RIVER WATERSHED PROJECT*, (also in Rutherford County)

cumberland county

Fayetteville. *VETERANS ADMINISTRATION HOSPITAL CONFEDERATE BREASTWORKS*, 23 Ramsey St.,

dare county

Buxton. *CAPE HATTERAS LIGHT*, Cape Hatteras National Seashore,
Nags Head. *BODIE ISLAND LIFESAVING/COAST GUARD STATION DISTRICT*, 5.3 mi. (6.5 km) S of jct. of U.S. 64 and SR 12 (63.3),
Wanchese. *SITE 31DR35*, Wanchese Harbor Development,

durham county

Durham. *BENNEHAN-CAMERON PLANTATION HISTORIC DISTRICT*, (63.3),

forsyth county

Winston-Salem. *ATKINS, DR. SIMON GREEN, HOUSE*, 346 Atkins St.,
Winston-Salem. *BLAIR, COL. WILLIAM ALLEN, HOUSE*, 210 Cherry St. (63.3),
Winston-Salem. *FRIES, JOHN WILLIAM, HOUSE*, 224 S. Cherry St. (63.3),
Winston-Salem. *HILL, JAMES S., HOUSE*, 914 Stadium Dr.,
Winston-Salem. *OLD SALEM SINGLE BROTHERS' BREWERY AND STILL-HOUSE*, Off Academy and Marshall Sts. (63.3),
Winston-Salem. *OLD SALEM SINGLE BROTHERS' RED TANNERY SITE*, Off Marshall and Academy Sts. (63.3),
Winston-Salem. *OLD SALEM SINGLE BROTHERS' SLAUGHTERHOUSE-STABLE*, Off Salem and Academy Sts. (63.3),
Winston-Salem. *PAISLEY, J. W., HOUSE*, 934 Stadium Dr.,
Winston-Salem. *PATTERSON, ACKERMAN, AND SUSSDORF HOUSES*, 434, 440 448 S. Trade St.,

guilford county

Greenboro. *BUICK MOTOR COMPANY*, 309 N. Elm St. (63.3),
Greenboro. *GREENSBORO MOTOR COMPANY*, 315 N. Elm St. (63.3),
Greenboro. *O'HENRY HOTEL*, SW corner of intersection of N. Elm and Bellemeade Sts. (63.3),
Greenboro. *WAFCO MILL (GREENSBORO ROLLER MILL)*, 801 McGee St. (63.3),
Greensboro. *GREENSBORO RAILROAD STATION*, 300 E. Washington St. (63.3),
High Point. *HIGH POINT RAILROAD STATION*, 100 W. High St. (63.3),

new hanover county

Wilmington. *COLD MORNING SITE (31 NM 28)*, (63.3),

onslow county

Swansboro. *UNIFLITE SITE (31 ON 33)*, Just beyond end of SR 1507,

wake county

Falls. *FALLS OF THE NEUSE MANUFACTURING COMPANY*, W bank of Neuse River at SR 2000 (63.3),

NORTH DAKOTA

dunn county

Haliday vicinity. *ARCHEOLOGICAL SITE 32DU2*, Highway 8 Project (63.3),

OHIO

adams county

Wrightsville vicinity. *GRIMES SITE (33 AD 39)*, Killen Electric Generating Station,
Wrightsville vicinity. *KILLEN BRIDGE SITE (33 AD 36)*, Killen Electric Generating Station,

astabula county

Astabula. *WEST FIFTH STREET BRIDGE*, Over Astabula River,

athens county

Nelsonville. *DEW HOUSE (DEW HOTEL)*, (63.3),
Shade. *COLBURN RESIDENCE*, Route 1,

belmont county

Bellaire. *BERGUNDTHAL, ROSE, HOUSE*, 4710 Jefferson St.,
Bellaire. *GUERNSEY STREET HISTORIC GROUPING*, 4711-4825 Guernsey St.,
Bellaire. *INDEPENDENT HOSE COMPANY NO. 3, THE*, 19th and Belmont Sts.,
Bellaire. *MITCHELL RESIDENCE*, 4363 Guernsey St.,
Bellaire. *UNION STREET BRIDGE*, Union St. over McMahon's Creek,
Martins Ferry. *CENTRAL SCHOOL BUILDING*, Hickory and S. 4th Sts.,

clark county

Pike Township. *HALLOCK, MERTIE, HOUSE*,

crawford county

Crestline. *CALVARY REFORMED CHURCH, FIRST UNITED METHODIST CHURCH, CRESTLINE SHUNK MUSEUM*,

darke county

Union City. *DAR-S.R.-571-0.00*,

fairfield county

Richland. *R. F. BAKER BRIDGE*, Thornville Rd. and Little Rush Creek,

greene county

Xenia. *OLDTOWN GREEK MOUND AND CIRCLE*, (63.3),

hamilton county

Cincinnati. *AMERICAN OAK LEATHER COMPANY*, Kenner and Dalton Sts.,
Cincinnati. *JOBS CORPS SCREENING UNIT*, 1413 Western Ave.,
Cincinnati. *OHIO NATIONAL GUARD ARMORY*, 1437–1439 Western Ave.,
Cincinnati. *OUR LADY OF MERCY HIGH SCHOOL*, Western Ave. and Kenner St.,
Cincinnati. *ST. HEINRICH CHURCH*, Flint and Dalton St.,

licking county

Health. *DIGIONDOMENICO SITE (OHIO LIC 343-0.00)*,

lucas county

Toledo, 312 Summit St. (63.3),

montgomery county

Dayton. *COLUMBIA BRIDGE WORKS*,
Farmersville vicinity. *LOWER CRATIS ROAD BRIDGE*,

pickaway county

Darby vicinity. *ORIENT BRIDGE*, OH 762 (63.3),

richland county

Mansfield. *RITTER, WILLIAM, HOUSE*, 181 S. Main,

seneca county

Tiffin. *OLD U.S. POST OFFICE*, 215 S. Washington St.,

summit county

Akron. *UNITED WAY BUILDING*, Perkins St.,

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tuscarawas county

Warren Township. *CONOTTON CREEK BRIDGE*, CR 90 over Conotton Creek,

warren county

Corwin. *SHAFFER MOUND*, S of New Burlington Rd.,
Harveysburg. *E. L. ANDERLEE MOUND*, S of new Burlington Rd. in Caesar Creek Lake Project,
Massie. *CATT MILL SITE (33WA 75)*, Caesar Creek Lake Project,
Massie. *JONAH'S RUN SITE (33Wa 82)*, Caesar Creek Lake Project,
Massie. *KING ROAD SITE (33WA 112)*, Caesar Creek Lake Project,
Massie. *OGLESBY-HARRIS SITE (33WA 83)*,
Massie. *PIPELINE SITE (33WA 78)*,
Massie. *WOOD 73 SITE (33WA 92)*, Caesar Creek Lake Project,

wayne county

Wooster. *THORNE HOUSE*, 1576 Beall Ave.,

OKLAHOMA

atoka county

Wapanucka vicinity. *ARCHEOLOGICAL SITE AT-172*,
Wapanucka vicinity. *ESTEP SHELTER*, Lower Clear Boggy Watershed,
Watson Creek. *GRAHAM SITE*, Lower Clear Boggy Watershed,

caddo county

DELAWARE CANYON SITES CD-257 AND CD-258, West Branch Delaware Creek,

comanche county

Fort Sill. *BLOCKHOUSE ON SIGNAL MOUNTAIN*, Off Mackenzie Hill Rd.,

kay county

Newkirk vicinity. *BRYSON ARCHEOLOGICAL SITE*, NE of Newkirk,

mecurtain county

ARCHEOLOGICAL SITES: MC242, MC244, MC245, Waterfall-Gilford Watershed,

oklahoma county

Oklahoma City. *HALES BUILDING*, 201–207 W. Main St. (63.4(c)),

pittsburg county

ARCHEOLOGICAL SITES: PS 96, PS 99, Brushy-Peacable Watershed,

OREGON

baker county

Baker vicinity. *VIRTUE FLAT MINING DISTRICT*, 10 mi. (16 km) E of Baker off Hwy. 86,

clackamas county

Government Camp vicinity. *LAUREL HILL SEGMENT, BARLOW ROAD HISTORIC DISTRICT*, Off U.S. 26,

columbia county

Scappose vicinity. *PORTLAND AND SOUTHWESTERN RAILROAD TUNNEL*, 13 mi. (20.8 km) NW of Scappose,
St. Helens vicinity. *WARRIOR ROCK LIGHT*,

coos county

Charleston. *CAPE ARAGO LIGHT STATION*,

curry county

Port Orford. *CAPE BLANCO LIGHT STATION*,
Port Oxford. *CAPE BLANCO LIGHT STATION*,

gilliam county

Arlington vicinity. *FOUR MILE CANYON AREA (OREGON TRAIL)*, 10 mi. (16 km) SE of Arlington,
Olex vicinity. *ARCHEOLOGICAL SITES (GHOST CAMP RESERVOIR)*,
Olex vicinity. *CRUM GRISTMILL*, Ghost Camp Reservoir area,
Olex vicinity. *OLD WAGON ROAD*, Ghost Camp Reservation area,
Olex vicinity. *OLEX SCHOOL*, Ghost Camp Reservoir area,
Olex vicinity. *STEEL TRUSS BRIDGE*, Ghost Camp Reservoir area,

jackson county

Medford. *MCCREDIE HOUSE*, 2606 Old Stage Rd. (63.3),

klamath county

CRATER LAKE NATIONAL PARK, Crater Lake Lodge,

lane county

Coburg vicinity. *MCKENZIE RIVER RAILROAD BRIDGE*,
Roosevelt Beach. *HECETA HEAD LIGHT STATION*,
Roosevelt Beach. *HECETA HEAD LIGHTHOUSE*,

lincoln county

Agate Beach. *YAQUINA HEAD LIGHTHOUSE*,

polk county

Salem. *CHEMAWA INDIAN SCHOOL*,

tillamook county

Tillamook. *CAPE MEARES LIGHTHOUSE*,

wasco county

MEMALOOSE ISLAND, River Mile 177.5 in Columbia River,

wheeler county

Antone. *ANTONE MINING TOWN*, Barite 1901–1906,

PENNSYLVANIA

clinton county. MUSSINA LYONS, HOUSE, 23 N. Jay St.,

adams county

KUHN'S FORDING BRIDGE, Spans Conewago Creek,
Irishtown. *LILLY'S MILL COVERED BRIDGE*,

allegheny county

East Berlin vicinity. *MCJUNKIN SITE*, New Texas Rd.,
Pittsburg. *1144 E. OHIO ST.*,
Pittsburg. *1148 E. OHIO ST.*,
Pittsburgh. *HEINZ, SARAH, HOUSE*, Bounded by E. Ohio, Heinz, and N. Canal Sts.,
Pittsburgh. *ST. BONIFACE CHURCH*, 2208 East St.,
Pittsburgh. *ST. MARY'S CHURCH*, Lackhart and Pressley Sts.,
Pittsburgh. *1134 E. OHIO ST.*,
Sewickley Borough vicinity. *SEWICKLEY BRIDGE*, Spans the Ohio River,

berks county

Brownsville vicinity. *LAUER-GERHART FARM, MT. PLEASANT, BERGER-STOUT LOG HOUSE*, Near jct. of Church Rd. and Tulephocken Creek,
Mt. Pleasant. *BERGER-STOUT LOG HOUSE*, Near jct. of Church Rd. and Tulephocken Creek,
Mt. Pleasant. *CONRAD'S WAREHOUSE*, Near jct. of Rte. 183 and Powder Mill Rd.,
Mt. Pleasant. *HECK-STAMM-UNGER FARMSTEAD*, Gruber Rd.,
Mt. Pleasant. *O'BOLDS-BILLMAN HOTEL AND STORE*, Gruber Rd. and Rte. 183,
Mt. Pleasant. *UNION CANAL*, Blue Marsh Lake Project area,
Reading vicinity. *BLUE MARSH ARCHEOLOGICAL DISTRICT*,
Wernersville. *STAUDT FARM, THE*, R.D. No. 1,

butler county

Butler. *BONNIE BROOK ARCHEOLOGICAL SITE*,

chester county

Charlestown. *NESSPOR HOUSE (THOMAS DAVIS HOUSE)*, State Rd.,
Charlestown. *PICKERING CREEK ICE DAM*, State Rd.,
Charlestown Township. *NATURE CENTER OF CHARLESTOWN*, State Rd.,
Chester vicinity. *LOCK AERIE*,
East Whiteland Township. *GUNKLE GRIST MILL*, (63.3),
Schuylkill township. *THE BLACKEWELL HOUSE*, State Rd.,
Schuylkill township. *THE SHOWALTER HOUSE*, Sate Rd.,

clinton county

Lockhaven. *APSLEY HOUSE*, 302 E. Church St.,
Lockhaven. *HARVEY, JUDGE, HOUSE*, 29 N. Jay St.,
Lockhaven. *MCCORMICK, ROBERT, HOUSE*, 234 E. Church St.,

cumberland county

Hampden township. *CROGHAN SITE*, Route 1067,
Hampden township. *WEIBLY HOUSE*, Route 1067,

delaware county

Chester vicinity. *1476 HISTORIC SITES (20 HISTORIC SITES)*, Mid-County Expwy., between Conshohocken and Chester, (also in Montgomery County)
Media Borough. *MINSHALL HOUSE*,

fayette county

Washington. *COOK JOSEPH H., HOUSE*, Cook Rd.,

huntingdon county

Marklesburg vicinity. *BRUMBAUGH HOMESTEAD*, Raystown Lake Project,

lackawanna county

Carbondale. *MINERS AND MECHANICS BANK BLDG.*, 13 N. Main St.,

lancaster county

Bainbridge township. *HALDEMAN MANSION*,
Lititz. *MUELLER, JOHANNES, HOUSE*, 146 E. Main St. (63.3),
Marietta. *UNION MEETINGHOUSE*, Waterford Ave. (63.3),

lehigh county

Colesville vicinity. *SITE I: FARMHOUSE, BARN, AND OUTBUILDINGS*, I-78,

lycoming county

Williamsport. *FAXON CO., INC.*, Williamsport Beltway,

montgomery county

Norristown. *MARSHALL STREET BRIDGE*, W. Marshall St.,

northampton county

Bethlehem. *LEHIGH CANAL*,
Easton. *EASTON HISTORIC DISTRICT*,
Lower Saucon Township. *SITE 3: FARMHOUSE, BARN, AND OUTBUILDINGS*, I-78,
Lower Saucon Township. *SITE 4: FARMHOUSE, BARN, AND OUTBUILDINGS*, I-78,

philadelphia county

Philadelphia. *BRIDGE ON 'I' STREET*, Over Tacony Creek,
Philadelphia. *COURTHOUSE AND POST OFFICE*, 9th St., between Chestnut and Market Sts.,
Philadelphia. *FRANKLIN SQUARE*, 6th, 7th, Vine, and Franklin Sts.,
Philadelphia. *LIGHTHOUSE, THE*, 152 W. Lehigh Ave.,
Philadelphia. *NEW FOREST THEATER*, 1108–1114 Walnut St.,
Philadelphia. *POTH, FREDERICK, HOUSE*, 216 N. 33rd St.,
Philadelphia. *STETSON, JOHN B., COMPANY*, 1801 Germantown Ave. (63.3),
Philadelphia. *TREMONT MILLS*, Wigonocking St. and Adams Ave.,
Philadelphia. *WEST PHILADELPHIA STATION (PENNSYLVANIA RR. STATION)*, W. River Dr., Market, 30th, and Arch Sts. (63.3),
Philadelphia. *WOODLAND CARBARN*, 49th St. and Woodland Ave.,
Philadelphia. *3400 BLOCK OF SANSON ST.*,

pike county

Delaware Township. *EMERY HOUSE*, I-316,

susquehanna county

Montrose. *MONTROSE INN*, Church and Chestnut Sts.,

washington county

Somerset Township. *WRIGHT NO. 22 COVERED BRIDGE*,

york county

York. *YORK HISTORIC DISTRICT*, Bounded by Broad St., Hartley, Newton, and Gas Aves.,

PUERTO RICO

PUERTO ROJO (SANTA MATILDE BRIDGE OVER LA TUNA RIVER), Spans Guajataca River,
Mona Island. *SARDINERO SITE AND BALL COURTS*,
San Juan. *MIRAFLORES CHAPEL*,

san juan county

San Juan. *PASEO MUNOZ RIVERA ARCHEOLOGICAL SITE*,

RHODE ISLAND

providence county

Lincoln. *MILK CAN*, Louisquisset Pike (63.3),
Pawtucket. *ART'S AUTO*, 5–7 Lonsdale Ave. (63.3),
Pawtucket. *LORENZO CRANDALL HOUSE*, 221 High St.,
Pawtucket. *THE MODERN DINER*, 13 Dexter St.,
Providence. *DOWNTOWN PROVIDENCE HISTORIC DISTRICT*, (63.3),
Providence. *WOONESQUATUCKET BRIDGE*,
Woonsocket. *CLUB MARQUETTE BUILDING (ST. ANNES'S GYMNASIUM)*, Cumberland St.,

washington county

Davisville vicinity. *CAMP ENDICOTT*, Off U.S. 1,
Narragansett. *SPRAGUE, GOV., BRIDGE*, Boston Neck Rd.,
North Kingstown. *QUONSET POINT NAVAL AIR STATION*,

SOUTH CAROLINA

beaufort county

Parris Island. *MARINE CORPS RECRUIT DEPOT*,

berkeley county

Cooper River vicinity. *ARCHEOLOGICAL SITES: 38 BK 75, 38 BK 76, 38 BK 88, 38 BK 109, 38 BK 225, 38 BK 226, 38 BK 229, 38 BK 230, 38 BK 231, 38 BK 235, 38 BK 236, 38 BK 239, 38 BK 245, 38 BK 246*, Cooper River Rediversion Archeological Survey (63.3),
Lake Marion. *SPIERS LANDING SITE (38 BK 160)*, (63.3),

charleston county

Charleston. *OLD RICE MILL*, Off Lockwood Dr.,
Charleston. *139 ASHLEY ST.*,
Charleston. *268 CALHOUN ST.*,
Charleston. *274 CALHOUN ST.*,
Charleston. *316 CALHOUN ST.*,
Charleston. *316R CALHOUN ST.*,
Charleston. *69 BARRE ST.*,
Charleston. *69R BARRE ST.*,

fairfield county

Winnsboro vicinity. *ARCHEOLOGICAL SITES 38 FA 161 and 38 FA 162*, Jackson-Mill Creeks Watershed (63.3),

jasper county

LAUREL HILL PLANTATION SITE,

lexington county

Cayce. *GODLEY 38LX141*, (63.3),
Cayce. *MANNING 38LX50*, (63.3),

SOUTH DAKOTA

corson county

Mobridge vicinity. *JAKE WHITE BULL (39C06) ARCHEOLOGICAL SITE*, (63.3),

minnehaha county

Sioux Falls. *ORPHEUM THEATER*, 315 N. Phillips Ave.,
Sioux Falls. *SIOUX FALLS DEPOT*, Between 5th and 6th Sts. (63.3),

pennington county

RAPID CITY, 612–632 Main St., (also in NR Rapid City Historic Commercial District)

walworth county

Mobridge vicinity. *TRAVIS II SITE*,

TENNESSEE

davidson county

Nashville. *ANCIENT INDIAN VILLAGE AND BURIAL GROUND*, Section 203(b),

hamilton county

WALNUT STREET BRIDGE, Across the Tennessee River from Walnut St. to Frazier Ave.,
Chattanooga. *AMNICOLA HOUSE*, Amnicola Hwy.,
Chattanooga. *EAST TENNESSEE IRON MANUFACTURING COMPANY*, Walnut St.,
Chattanooga. *GUID, JO CONN, HOUSE*, 950 Vine St.,
Chattanooga. *THOMAS, BENJAMIN F., HOUSE*, 938 McCallie Ave.,

hardin county

INDIAN MOUNDS, Shiloh National Military Park,

hickman county

Greenfield Bend vicinity. *SHELBY BEND ARCHEOLOGICAL DISTRICT*,

jackson county

Gainsboro. C,

sevier county

Gatlinburg vicinity. *BAXTER, WILLIS, CABIN*, E of Gatlinburg in Great Smoky Mountains National Park (63.3),

TEXAS

bexar county

Fort Sam Houston. *EISENHOWER HOUSE*, Artillery Post Rd.,

brewster county

Big Bend National Park. *ARCHEOLOGICAL SITE 41BS41*, (63.3),
Big Bend National Park. *ARCHEOLOGICAL SITE 41BS609*, (63.3),

calhoun county

Port O'Connor vicinity. *MATAGORDA LIGHTHOUSE*,

comanche county

Rush Creek vicinity. *ARCHEOLOGICAL SITE 41CJ62*, (63.3),

concho county

Middle Colorado River Watershed. *PREHISTORIC ARCHEOLOGY IN THE SOUTHWEST LATERALS SUB-WATERSHED*, (also in McCulloch County)

culberson county

EMIGRANT TRAIL TO CALIFORNIA AND BUTTERFIELD STAGE ROUTE, Guadalupe Mountains National Park,

delta county

Klondike vicinity. *COPPER LAKE ARCHEOLOGICAL DISTRICT*, (also in Hopkins County)

denton county

Sangers vicinity. *HAMMONS, GEORGE, HOUSE*, Between Sangers and Pilot Point,

galveston county

Galveston. *U.S. CUSTOMHOUSE*, Bounded by Avenue B, 17th, Water, and 18th Sts.,

hardeman county

Quanah. *QUANAH RAILROAD STATION*, Lots 2, 3, and 4 in Block 2,

hays county

ARCHEOLOGICAL SITE 41HY75,
ARCHEOLOGICAL SITE 41HY86,

hidalgo county

McAllen. *FEDERAL BUILDING*,

hill county

AQUILLA ARCHEOLOGICAL DISTRICT, (63.3),

hunt county

Greenville. *EDGE HOUSE*, Stonewall and Marshall Sts. (63.3),
Greenville. *ROSENBURG HOUSE*, Stonewall and Morse Sts. (63.3),

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jim wells county

Chiltipin vicinity. *ARCHEOLOGICAL SITE 41JW8*,

kaufman county

Cedar Creek Lake vicinity. *41 KF 64*,

lamar county

ARCHEOLOGICAL SITE: 41 LR 45, (63.3),
ELLIS I SITE X 41 LR 62, (63.3),
Pin Hook vicinity. *MORTON SITE 41 LR 44*, SW of Pin Hook (63.3),

uvalde county

Uvalde vicinity. *LEONA RIVER WATERSHED, ARCHEOLOGICAL SITES*,

webb county

Laredo. *BERTANI, PAUL REVOST HOUSE*, 604 Iturbide St.,
Laredo. *DE LEAL, VISCAYA, HOUSE*, 620 Zaragoza St.,
Laredo. *LEYEDECKER/SALINAS HOUSE*, 702 Iturbide St.,
Laredo. *MONTEMAYOR, JOSE A., HOUSE (CAROLS VELA HOUSE)*, 601 Zaragosa St.,
Laredo. *ZOILA DE LA, HOUSE*, 500 Iturbide St.,

williamson county

ARCHEOLOGICAL DISTRICTS OF NORTH FORK AND GRANGER LAKE,

TRUST TERRITORIES OF THE PACIFIC ISLAND

yap district

Yap Island. *YAP AIRPORT HISTORICAL AREA*,

TRUST TERRITORY OF THE PACIFIC ISLANDS

kosrea District

Lele Village. *LELE ARCHEOLOGICAL SITES*, (63.3),

ponape district

Eastern Caroline Islands. *TAFUNSAK SHELL MIDDEN*, Kosrae Island (63.3),

tafunsak district

Kosrae Island. *OKAT JUNGLE ROAD SITE*, Okat Harbor vicinity (63.3),

truk district

Moen Island. *NINE JAPANESE BUNKERS*, (63.3),
Moen Island. *SHELL MIDDEN NO. 1*, (63.3),
Moen Island. *SHELL MIDDEN NO. 2*, (63.3),
Moen Island. *SHELL MIDDEN NO. 3*, (63.3),
Moen Island. *SHELL MIDDEN NO. 4*, (63.3),
Moen Island. *SHELL MIDDEN NO. 5*, (63.3),
Sapore Village. *AIKEI/WINAS*, Fefen Island,

UTAH

emery county

Manti-LaSal National Forest. *SITE ML-2145*,

VERMONT

chittenden county

Milton. *CLARK MEMORIAL BUILDING*,

franklin county

Swanton. *SWANTON VILLAGE HISTORIC DISTRICT portions of Church, Canada, Academy and 2d Sts. and Grand Ave.*,

windham county

Rockingham. *BELLOWS FALLS ARMORY*, 72 Westminster St., Bellows Falls,

windsor county

Windsor. *POST OFFICE BUILDING*, (also in NR Windsor Historic District)

VIRGIN ISLANDS

st. john island

Cruz Bay. *TRUNK BAY SUGAR FACTORY*, Cruz Bay Quarter,

st. thomas island

Charlotte Amalie. *HAMBURG-AMERICA SHIPPING LINE ADMINISTRATIVE OFFICES*, 48B Tolbod Gade,

VIRGINIA

accomack county

Greenbackville vicinity. *CAPTAIN'S COVE DEVELOPMENT, ARCHEOLOGICAL SITES (CHINCOTEAGUE BAY)*,

allegheny county

Greenwood vicinity. *GATHRIGHT LAKE PROJECT (ARCHEOLOGICAL SITES)*, (also in Bath County)

bath county

ARCHEOLOGICAL SITE 44BA200, (63.3),
George Washington National Forest vicinity. *ARCHEOLOGICAL AREAS 1, 2, and 3*, (63.3),
George Washington National Forest vicinity. *ARCHEOLOGICAL SITES A-4, A-5, A-6, A-7, A-8, A-9, A-10*, (63.3),
George Washington National Forest vicinity. *HACKEN RUN SITE COMPLEX SITES A-4 THROUGH A-10*, (63.3),
George Washington National Forest vicinity. *PINE GROVE HOUSE SITE*, (63.3),
George Washington National Forest vicinity. *POSEY HALL FARM*, (63.3),
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Warm Springs vicinity. *MCCLINTIC HOUSE*, (63.3),

charlottesville (independent city)

U.S. POST OFFICE AND COURTHOUSE (OLD POST OFFICE),

chesterfield county

POINT OF ROCKS ARCHEOLOGICAL SITES 44CF101, 44CF104, AND 44CF105, (63.3),

danville (independent city)

DANVILLE RAILROAD STATION, 701 Craghead St. (63.3),

fairfax county

District of Columbia vicinity. *DULLES INTERNATIONAL AIRPORT*, S of DC (63.3), (also in Loudoun County)

henrico county

DEEP BOTTOM WEST SITE,

lynchburg (independent city)

KEMPER STREET STATION, 825 Kemper St.,
Lynchburg. *COLLEGE HILL NEIGHBORHOOD DEVELOPMENT AREA*,
Lynchburg. *LYNCHBURG HILL DISTRICT*,

prince william county

BRAWNER FARM, Rts. 29 and 211,

wythe county

Fort Chiswell vicinity. *FORT CHISWELL*,

WASHINGTON

benton county

Richland vicinity. *PARIS ARCHEOLOGICAL SITE*, Hanford Works Reservation,

clallam county

Cape Alava vicinity. *WHITE ROCK VILLAGE ARCHEOLOGICAL SITE*, S of Cape Alava,
Segium. *NEW DUNGENESS LIGHT STATION*,

clallam county F(also in Jefferson County)

Olympic National Park. *OLYMPIC NATIONAL PARK ARCHEOLOGICAL DISTRICT*,

douglas county

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jefferson county

Kalalock vicinity. *DESTRUCTION ISLAND LIGHT STATION*,

king county

Burton. *POINT ROBINSON LIGHT STATION*,
Seattle. *ALKI POINT LIGHT STATION*,

pierce county

Longmire. *LONGMIRE CABIN*, Mount Rainier National Park,

san juan county

Prevost Harbor vicinity. *TURN POINT LIGHT STATION*,

skagit county

Anacortes vicinity. *BURROWS ISLAND LIGHT STATION*, Burrows Island,

skamamnia county

North Bonneville. *SITE 44SA11*, Bonneville Dam Second Powerhouse Project,

wahkiakum county

Skamokawa village. *ARCHEOLOGICAL SITE 45-WK-5*, (also in NR Skamokawa Historic District)

WEST VIRGINIA

barbour county

Romines Mills vicinity. *COVERED BRIDGE ACROSS ROOTING CREEK*, Elk Creek, Watershed, (also in Harrison County)

cabell county

Huntington. *OLD BANK BUILDING*, 1208 3rd Ave.,

kanawha county

Charleston. *KANAWHA COUNTY COURTHOUSE*,

lewis county

Weston. *LEWIS COUNTY COURTHOUSE*, Center Ave. (63.3),

ohio county

Wheeling. *U.S. POST OFFICE, COURTHOUSE AND CUSTOMHOUSE*, 12th and Chapline Sts.,

Pendleton County

Pendleton. *WAYSIDE INN (SITE'S INN)*, Monongahela National Forest,

wood county

Parkersburg. *WOOD COUNTY COURTHOUSE*,
Parkersburg. *WOOD COUNTY JAIL*,

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WISCONSIN

ashland county

Ashland vicinity. *MADELINE ISLAND SITE 7302*,

brown county

Green Bay. *ARCHEOLOGICAL SITE 47 BR-115*, (63.3),

columbia county

Wisconsin Dells. *211 WISCONSIN AVENUE HOUSE*,

dane county

Darlington. *DARLINGTON DEPOT*,
Madison. *LAKE FARMS ARCHEOLOGICAL DISTRICT*,
Mount Horeb. *MOUNT HOREB DEPOT*,

fond du lac county

Fond du Lac. *CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY FOND DU LAC ENGINEHOUSE*,

green county

Madison. *PRATT TRUSS BRIDGE*, Between Madison, WI and Freeport, IL, (also in Dane Co, WI)
Madison. *TUNNEL, ILLINOIS CENTRAL GULF RR*, Between Freeport, IL and Madison, WI, (also in Dane Co., WI)
Monroe. *ILLINOIS CENTRAL FREIGHT HOUSE*,

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Melrose. *BLACK RIVER BRIDGE*, (63.3),

jefferson county

Watertown. *GERMAN METHODIST EPISCOPAL CHURCH AND PARSONAGE*, 201 N. 5th St. (63.3),

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La Crosse. *HEALEY'S BLOCK*, Main at 2nd St., SE. (63.3),
La Crosse. *MICHEL BUILDING*, 111 S. 2nd St. (63.3),
La Crosse. *PAMPERIN CIGAR COMPANY*, 113 S. 2nd St. (63.3),
La Crosse. *SCHWARZ BUILDING*, 205, 207, 209 Pearl St. (63.3),
La Crosse. *VOEGLE BLOCK*, 211, 213, 215 Pearl St. (63.3),
La Crosse. *201 PEARL STREET BUILDING*, 201 Pearl St. at 2nd, NE. (63.3),

lacrosse county

LaCrosse. *LACROSSE POST OFFICE*,

milwaukee county

VICTOR SCHLITZ HOUSE (HIGHLAND COMMUNITY SCHOOL), 2004 W. Highland Ave.,
Greenfield. *FURLONG LIME KILN (WELSH KILN)*, N side of W. Grange Ave. between 84th and 92nd Sts. (63.3),
Greenfield. *TRIMBORN FARM*, S side of W. Grange Ave. between 84th and 92nd Sts. (63.3),
Milwaukee. *ABBOT ROW*, 1019-1043 Ogden Ave. (63.3),
Milwaukee. *BOSTON STORE*, 331 W. Wisconsin Ave.,
Milwaukee. *ELWELL, EDWARD, HOUSE*, 1363 N. Prospect Ave. (63.3),
Milwaukee. *FIRE HOUSE ENGINE COMPANY NO. 18*, 2602 N. Richards St.,
Milwaukee. *FIRST WARD TRIANGLE HISTORIC DISTRICT*, In irregular pattern around the intersection of N. Prospect, E. Juneau, N. Franklin, and E. Knapp (63.3),
Milwaukee. *GIMBELS*, 101 W. Wisconsin Ave.,
Milwaukee. *GRAHAM ROW*, 1501-1507 N. Marshall St. (63.3),
Milwaukee. *LIPPERT, CHIEF HENRY, FIRE HOUSE*, 642 W. North Ave.,
Milwaukee. *MAJESTIC BUILDING*, 231 W. Wisconsin Ave.,
Milwaukee. *MATTHEWS BROTHERS BUILDING*, 301 W. Wisconsin Ave.,
Milwaukee. *PLANKINTON ARCADE*, 161 W. Wisconsin Ave.,
Milwaukee. *PUDDLERS' HALL*, 2461-2463 S. St. Clair St. (63.3),
Milwaukee. *RICHARDS, EDWARDS, HOUSE*, 2419-2421 S. Wentworth Ave. (63.3),
Milwaukee. *ST. VINCENT'S ASYLUM*, 809 W. Greenfield Ave.,

milwaukke county

Milwaukee. *ENGELMANN HALL*, 20-33 E. Hartford Ave.,

outagamie county

Greenville. *THE CULBERTSON FARMSTEAD*,

racine county

Racine. *BADGER BUILDING*, 610 Main St.,
Racine. *MEMORIAL HALL*, 72 7th St.,
Racine. *RACINE LODGE NO. 252 OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS*, 610 Lake Ave.,
Racine. *RACINE PUBLIC LIBRARY*, 701 Main St.,
Racine. *ROBINSON BUILDING*, 201 6th St.,
Racine. *ST. LUKE'S EPISCOPAL CHURCH AND CHAPEL AND PARISH HOUSE*, 614 Main St.,
Racine. *UNITED STATES POST OFFICE*, 603 Main St.,

rock county

Evansville. *PORTION OF EVANSVILLE HISTORIC DISTRICT*,
Janesville. *MYERS-NEWHOFF BUILDING*, 121 N. Parker Dr. (63.3),

WYOMING

fremont county

Wind River Basin. *PILOT BUTTE POWERPLANT*,

johnson county

Kaysee. *CASTLE ROCK ARCHEOLOGICAL SITE*,
Kaysee. *DULL KNIFE BATTLEFIELD*,
Kaysee. *MIDDLE FORK PICTOGRAPH-PETROGLYPH PANELS*,
Kaysee. *PORTUGUESE HOUSES*,

lincoln county

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park county

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sweetwater county

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Point of Rocks vicinity. *BLACK BUTTES STAGE STATION*, Black Butte Mine Project (63.3),
Point of Rocks vicinity. *GIBRALTAR TOWNSITE AND MINE*, (63.3),
Point of Rocks vicinity. *HALLVILLE TOWNSITE AND MINE*, (63.3),

teton county

Grand Teton National Park. *THREE RIVERS RANCH*,

[FR Doc. 79-2110 Filed 2-5-79; 8:45 am]

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Federal Register

WEDNESDAY, FEBRUARY 7, 1979



highlights

SAVE YOUR VISION WEEK
Presidential proclamation 7651

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VETERANS
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA//FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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Title 3—
The President

Proclamation 4637 of February 5, 1979

Save Your Vision Week, 1979

By the President of the United States of America

A Proclamation

Good eyesight, like so many of life's blessings, is too often taken for granted. Today, millions of Americans must cope with the burden of impaired vision. In many of these cases, visual loss could have been prevented had only simple precautions been taken.

Through periodic eye examinations, for example, certain potentially blinding and disabling eye conditions can often be found in time to be cured or arrested. Regular eye examinations are particularly important for children who may not realize that their vision has been impaired. For some people who have already lost vision, sight can be restored through modern eye care. Special aids and magnifiers can frequently help the partially-sighted make the most of their remaining vision.

Besides taking advantage of professional eye care services, there is much we can do on our own to help save sight. We can protect our eyes from accidents at work and during recreational activities. We can encourage the sensible use of household products, appliances, and cosmetics and avoid abuse of drugs and alcohol. And we can be alert to the signs of eye problems among family and friends. With proper care and attention, more than half of the serious vision problems that affect both young and old can be prevented.

To focus the attention of all Americans on the importance of good vision, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629, 36 U.S.C. 169a), has requested the President to proclaim the first week of March of each year as Save Your Vision Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, designate the week beginning March 4, 1979, as Save Your Vision Week. I urge all Americans to observe this period by considering what they can do to take care of their eyes and protect them from disease and injury. I invite vision care professionals, the communications media, educators, and all public and private organizations which support sight conservation to participate in activities which will teach Americans about eye care and encourage them to preserve or make the most of their vision.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

[FR Doc 79-4321
Filed 2-5-79; 2:55 pm]

Billing code 3195-01-M

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02-M]

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Docket Nos. AO-23-A51, AO-86-A38]

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

PART 1065—NEBRASKA-WESTERN IOWA MARKETING AREA

Order Amending the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changes the funding rate for the advertising and promotion program of each order from a fixed level to a rate tied to the level of producers' pay prices in each market. The funding level is increased from five cents to an initial level of eight cents per hundredweight. The changes are necessary to restore the promotional effort in these markets to the level initially contemplated by producers and to keep the funding rate current with changes in the economy. The action is based on industry proposals considered at a public hearing held October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of hearing: Issued September 29, 1978, published October 4, 1978 (43 FR 45881).

Recommended decision: Issued December 15, 1978, published December 21, 1978 (43 FR 59511).

Final decision: Issued January 24, 1979, published January 30, 1979.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing areas, and the minimum prices specified in the orders as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders as hereby amended regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the orders partially effective not later than February 15, 1979. This is necessary so that producers can be notified of the new assessment rate prior to the time the new rate becomes effective.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Marketing Program Operations, was issued December 15, 1978, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued January 24, 1979. The changes effected by this order will require no preparation or alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the orders partially effective not later than February 15, 1979, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the orders as hereby amended; and

(3) The issuance of the order amending the orders relative to provisions of the advertising and promotion program is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the respective marketing areas.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Kansas City and Nebraska-Western Iowa marketing areas shall be in conformity to and in compliance with the terms and conditions of the orders, as amended, and as hereby amended, as follows:

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

1. Section 1064.61 is revised to read as follows:

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§ 1064.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute in the following manner the "uniform price" (and "weighted average price") per hundredweight of milk of 3.5 percent butterfat content that was received from producers:

(a) Combine into one total the values computed pursuant to § 1064.60 for all handlers who filed the reports prescribed by § 1064.30 for the month and who made the payments pursuant to §§ 1064.71 and 1064.73 for the preceding month;

(b) Add an amount equal to the total value of the location adjustments computed pursuant to § 1064.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1064.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price."

(f) Subtract from the weighted average price the withholding rate for the advertising and promotion program as computed in § 1064.121(e). The result shall be the "uniform price" for milk received from producers.

§ 1064.71 [Amended]

2. In § 1064.71(a)(2)(ii), the words "plus 5 cents" are deleted.

§ 1064.73 [Amended]

3. In § 1064.73(d)(2), the reference "§ 1064.61(a)" is changed to read "§ 1064.61."

§ 1064.75 [Amended]

4. In § 1064.75, the reference "§ 1064.61(a)" in paragraph (a) is changed to read "§ 1064.61" and the words "plus 5 cents" in paragraph (b) are deleted.

§ 1064.76 [Amended]

5. In § 1064.76(a)(4), the words "plus 5 cents" are deleted wherever they appear.

§ 1064.113 [Amended]

6. In the section numbered as § 1064.1134, the section number in the heading is changed to read "§ 1064.113."

7. In § 1064.120, the reference "§ 1064.61(a)(4)" in paragraph (d) is changed to read "§ 1064.121(b)" and paragraph (c) is revised to read as follows:

§ 1064.120 Procedure for requesting refunds.

* * * * *

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1064.121(b). Such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September was a producer under another order with an advertising and promotion program if the refund notification period under the other order was the same as under this order and if the funding rate under the other order was at least equal to the funding rate under this order.

* * * * *

8. In § 1064.121, the introductory text of paragraph (b) and paragraph (b)(2) and (3) are revised and new paragraphs (e) and (f) are added as follows:

§ 1064.121 Duties of the market administrator.

* * * * *

(b) Each month set aside into an advertising and promotion fund, separately accounted for, an amount equal to the withholding rate for the month as set forth in paragraph (e) of this section times the amount of producer milk included in the uniform price computation for such month. The amount set aside shall be disbursed as follows:

* * * * *

(2) Refund to producers the amount of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed the rate per hundredweight determined pursuant to paragraph (e) of this section on the volume of milk pooled by any such producer for which deductions were made pursuant to this paragraph.

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1064.120. Such refund shall be computed by multiplying the rate specified in paragraph (e) of this section by the hundredweight of such producer's milk pooled for which deductions were made pursuant to this paragraph for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

* * * * *

(e) As soon as possible after the beginning of each year, compute the rate of withholding by multiplying the simple average of the monthly "uniform prices" for the last quarter of the preceding year by 0.75 percent and rounding the result to the nearest whole cent. This rate shall apply during the 12-month period beginning with April of the current year.

(f) As soon as possible after the rate of withholding is computed, notify in writing each producer currently on the market and any new producer that subsequently enters the market of the withholding rate. This notification shall be repeated annually thereafter only if there is any change in the rate from the previous period.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. Section 1065.61 is revised to read as follows:

§ 1065.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute in the following manner the "uniform price" (and "weighted average price") per hundredweight of milk of 3.5 percent butterfat content that was received from producers:

(a) Combine into one total the values computed pursuant to § 1065.60 for all handlers who filed the reports prescribed by § 1065.30 for the month and who made the payments pursuant to §§ 1065.71 and 1065.73 for the preceding month;

(b) Subtract an amount equal to the total value of the plus location adjustments computed pursuant to § 1065.75;

(c) Add an amount equal to the total value of the minus location adjustments computed pursuant to § 1065.75;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1065.60(f); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price."

(g) Subtract from the weighted average price the withholding rate for the advertising and promotion program as computed in § 1065.121(e). The result shall be the "uniform price" for milk received from producers.

§ 1065.71 [Amended]

2. In § 1065.71(a)(2)(ii), the word "uniform" is changed to read "weighted average" and the words "plus 5 cents" are deleted.

3. In § 1065.75, paragraph (c) is revised to read as follows:

§ 1065.75 Plant location adjustment for producers and on nonpool milk.

* * * * *

(c) For purposes of computations pursuant to §§ 1065.71 and 1065.72, the weighted average price shall be adjusted at the rates set forth in § 1065.52 applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

§ 1065.76 [Amended]

4. In § 1065.76(a)(4), the words "uniform price plus 5 cents" are changed to "weighted average price" wherever they appear.

5. In § 1065.120, the reference "§ 1065.61(e)" in paragraph (d) is changed to read "§ 1065.121(b)" and paragraph (c) is revised to read as follows:

§ 1065.120 Procedure for requesting refunds.

* * * * *

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1065.121(b). Such eligibility for refund shall not apply to a dairy farmer who during the first 15 days of such December, March, June, or September was a producer under another order with an advertising and promotion program if the refund notification period under the other order was the same as under this order and if the funding rate under the other order was at least equal to the funding rate under this order.

* * * * *

6. In § 1065.121, the introductory text of paragraph (b) and paragraph (b) (2) and (3) are revised and new paragraphs (e) and (f) are added as follows:

§ 1065.121 Duties of the market administrator.

* * * * *

(b) Each month set aside into an advertising and promotion fund, separately accounted for, an amount equal to the withholding rate for the month as set forth in paragraph (e) of this section times the amount of producer milk included in the uniform price computation for such month. The amount set aside shall be disbursed as follows:

* * * * *

(2) Refund to producers the amount of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed the rate per hundredweight determined pursuant to paragraph (e) of this section on the volume of milk pooled by any such producer for which deductions were made pursuant to this paragraph.

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1065.120. Such refund shall be computed by multiplying the rate specified in paragraph (e) of this section by the hundredweight of such producer's milk pooled for which deductions were made pursuant to this paragraph for such calendar quarter less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

* * * * *

(e) As soon as possible after the beginning of each year, compute the rate of withholding by multiplying the simple average of the monthly "uniform prices" for the last quarter of the preceding year by 0.75 percent and rounding to the nearest whole cent. This rate shall apply during the 12-month period beginning with April of the current year.

(f) As soon as possible after the rate of withholding is computed, notify in writing each producer currently on the market and any new producer that subsequently enters the market of the withholding rate. This notification shall be repeated annually thereafter only if there is any change in the rate from the previous period.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Effective date. The order provisions set forth herein shall become effective April 1, 1979, except that the provisions amending § 1064.121 (e) and (f) and § 1065.121 (e) and (f) shall become effective on February 15, 1979.

Signed at Washington, D.C., on February 1, 1979.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing Services.

[FR Doc. 79-4179 Filed 2-6-79; 8:45 am]

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-1091; Docket No. 29044; Amdt. 1]

PART 252—PROVISION OF DESIGNATED "NO-SMOKING" AREAS ABOARD AIRCRAFT OPERATED BY CERTIFICATED AIR CARRIERS

Final Rule; Correction

AGENCY: Civil Aeronautics Board.

ACTION: Erratum to final rule.

SUMMARY: In FR Doc. 79-2579 footnote 24 on page 5074 of this regulation (44 FR 5071, Jan. 25, 1979), was inadvertently left in. As the footnote reads it is incorrect because the provision to require that "no-smoking" areas consist of a minimum of two rows was adopted. Therefore footnote 24 should be deleted.

DATES: Effective: February 23, 1979. Adopted: January 11, 1979.

FOR FURTHER INFORMATION CONTACT:

Richard B. Dyson, Associate General Counsel, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5444.

Dated: January 29, 1979.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR
Secretary.

[FR Doc. 79-4165 Filed 2-6-79; 8:45 am]

[6320-01-M]

[Reg. ER-1101; ER Amdt. No. 2]

PART 291—DOMESTIC CARGO TRANSPORTATION

Editorial Amendment

AGENCY: Civil Aeronautics Board.

ACTION: Editorial amendment.

SUMMARY: The amendment corrects three lettering errors in the CAB's

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rules for domestic cargo transportation. This editorial amendment is issued under the delegated authority from the CAB to its General Counsel in 14 CFR § 385.19. Procedures for review of this amendment are found in Subpart C of Part 385 of the Organization Regulations (14 CFR §§ 385.50-385.54).

DATES: Effective: February 27, 1979. Adopted: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

The Board amends Part 291 of its Economic Regulations (14 CFR Part 291) as follows:

§ 291.11 [Amended]

1. Paragraphs (d) through (g) of § 291.11 are re-designated as paragraphs (c) through (f), respectively.

2. Re-designated paragraph (d)(2) of § 291.11 is amended so that the reference to paragraph (a)(1) reads paragraph (d)(1).

§ 291.22 [Amended]

3. Paragraph (b)(2) of § 291.22 is amended so that Form 29-D reads Form 291-D.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board:

PHILIP J. BAKES, Jr.,
General Counsel.

[FR Doc. 79-4178 Filed 2-6-79; 8:45 am]

[1505-01-M]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER J—HIGHWAY SAFETY

[FHWA Docket No. 79-1]

PART 922—SAFER OFF-SYSTEM ROADS PROGRAM

Amendment; Republication

NOTE.—This document originally appeared in the FEDERAL REGISTER for Thursday, February 1, 1979. It is reprinted in its entirety because of an error in printing.

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this document in order to provide guidance and establish procedures for administering the safer off-system roads program in accordance with Section 168(d) of the Surface Transportation Assistance Act of 1978.

EFFECTIVE DATE: February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. James Rummel, Office of Highway Safety (202/426-2131), or Mrs. Kathleen S. Markman, Office of the Chief Counsel (202/426-0346), Federal Highway Administration, United States Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday-Friday.

SUPPLEMENTARY INFORMATION: On November 6, 1978, the President signed into law the Surface Transportation Assistance Act of 1978, Pub. L. 95-599, 92 Stat. 2689. Section 168(d) of the Act amended 23 U.S.C. § 219(c) which necessitates an amendment of the regulations implementing the safer off-system roads program. The present regulations governing the safer off-system program require that the States give special consideration to low-cost safety projects when developing a program of safer off-system projects. The new legislation requires that at least 50 percent of the funds obligated in this program by a State in any fiscal year shall be obligated for highway safety improvement projects. This will help assure that necessary safety improvements are undertaken by the States and local governments on roads not located on any Federal-aid system. At present, collectively the States are already obligating almost 55 percent of the safer off-system funds for safety.

Accordingly, the Federal Highway Administration hereby amends Part 922, Chapter I of Title 23, Code of Federal Regulations as set forth below.

1. Section 922.5 is amended to read as follows:

§ 922.5 Objective.

The principal objective of the Safer Off-System Roads (SOS) program is to construct, reconstruct, or otherwise improve off-system roads and streets with special emphasis on the implementation of highway safety improvement projects.

2. Section 922.9 is amended by revising paragraph (a) to read as follows:

§ 922.9 Distribution of funds.

(a) Each SHA shall make funds apportioned under this program available throughout the State on a fair and equitable basis. Not less than 50 percent of the funds obligated by the State in any fiscal year for this program shall be obligated for highway safety improvement projects.

Each SHA shall ensure that projects are selected, designed, and constructed in a manner which will not discriminate against any person or community on the grounds of race, religion, color, national origin, or sex.

NOTE.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044. (23 U.S.C. 101(e), 219 and 315; 49 CFR 1.48(b).)

Issued on: January 22, 1979.

KARL S. BOWERS,
Federal Highway Administrator.

[FR Doc. 79-3438 Filed 1-31-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-5129]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410. 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of eligible communities.

State	County	Location	Community number	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
California	Merced	Unincorporated Areas	060188	January 17, 1979, suspension withdrawn.	8-23-74
Do	Santa Clara	Monte Sereno, City of	060345-A	do	5-24-74 & 3-7-75
Do	San Bernardino	Redlands, City of	060279-A	do	5-17-74 & 11-21-75
Colorado	Larimer	Estes Park, Town of	080193	do	9-19-75
Connecticut	Hartford	Glastonbury, Town of	090124-B	do	4-20-73 & 11-19-76
Do	New Haven	West Haven, City of	090092	do	5-31-74
Delaware	Kent	Little Creek, Town of	100015-A	do	8-9-74 & 12-12-75
Florida	Orange	Eatonville, Town of	120182-A	do	7-19-74 & 5-14-76
Georgia	Clarke	Unincorporated Areas	130243	do	3-21-75 & 10-3-75
Do	Cobb	do	130052	do	10-3-75
Do	Rockdale	Conyers, City of	130213-A	do	6-28-74 & 10-22-76
Do	Troup	LaGrange, City of	130177	do	4-2-76
Do	Houston	Warner Robins, City of	130111-A	do	6-14-74 & 3-26-76
Illinois	Jo Daviess	Galena, City of	175168-A	do	7-20-73
Do	Cook	Northbrook, Village of	170132	do	2-22-74 & 8-13-76
Indiana	Lake	Highland, Town of	185176-B	do	5-19-72
Do	Brown	Nashville, Town of	180018-B	do	
Kansas	Wyandotte	Bonner Springs, City of	200361	do	12-28-73
Kentucky	Boyd	Catlettsburg, City of	210018	do	5-3-74 & 2-20-76
Do	Harlan	Harlan, City of	210102-A	do	3-16-73
Michigan	Kent	Grand Rapids, City of	260106	do	4-13-73
Do	Saginaw	Zilwaukee, Township of	260286	do	7-19-74
Minnesota	Carver	Carver, City of	275234	do	9-12-72
Do	Clay	Unincorporated Areas	275235	do	
Missouri	Madison	Fredericktown, City of	290221	do	6-14-74
Do	Jackson	Greenwood, City of	290711	do	6-4-76
Do	Jackson	Sugar Creek, City of	290178-A	do	12-17-76
North Carolina	Durham	Durham, City of	370088-A	do	2-1-74 & 8-13-76
New York	Tompkins	Dryden, Village of	360847-A	do	6-7-74 & 5-28-76
Do	Cattaraugus	Hinsdale, Town of	360077-A	do	10-15-76
Do	Westchester	Pelham Manor, Village	360926-A	do	5-10-74 & 1-16-76
Do	Onondaga	Pompey, Town of	360590-A	do	5-31-74 & 7-30-76
Ohio	Sandusky	Unincorporated Areas	390486	do	1-13-78
Pennsylvania	Montgomery	Bridgeport, Borough of	420948-A	do	1-16-74
South Carolina	Greenville	Simpsonville, City of	450092-B	do	5-17-74
Vermont	Windsor	Woodstock, Town of	500160	do	8-9-74
Virginia		Covington, City of	510040-A	do	5-17-74 & 4-16-76
Do	Dinwiddie	Unincorporated Areas	510187	do	11-15-74
Wisconsin	Buffalo	Alma, City of	555540-B	do	12-12-72
North Dakota	Richland	Brandenburg, Township of	380622-New	January 26, 1979, emergency.	

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State	County	Location	Community number	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Alabama	Choctaw	Gilbertown, Town of	010034	January 29, 1979, emergency.	10-15-76
Michigan	Bay	Kawkawlin, Township of	260858	do	12-16-76
Ohio	Clinton	Unincorporated Areas	390764	do	12-9-77
Texas	Ellis	Unincorporated Areas	480798-A	do	8-16-77
Missouri	Clay	Kearney City of	290095-B	May 21, 1975, emergency, July 17, 1978, regular, July 17, 1978, suspended, January 29, 1979, reinstated.	3-22-74 & 11-14-75

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 30, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3860 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI 5130]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: The addresses where flood insurance policies can be obtained are published at 24 CFR 1912.7.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), amended, requires the purchase of flood insurance as a condition of Federal financial assistance of insurable property if such assistance is:

(1) For acquisition and construction purposes as defined in Part 1909 of Title 24 of the Code of Federal Regulations and

(2) For property located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(a) of the Act unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association (NFIA) servicing company for the State.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
•	•	•	•	•	•
Missouri	Andrew	Savannah, City of	December 21, 1978, emergency.	11-5-76	290664
Oregon	Lincoln	DePoe Bay, City of	January 11, 1979, emergency.		410283
Texas	Montgomery	Roman Forest, Town of	do		481538
Pennsylvania	Westmoreland	Ligonier, Township of	September 6, 1974, emergency, September 1, 1978, regular, September 1, 1978, suspended, January 10, 1979, reinstated.	9-6-74 & 7-23-76	420884-B
Idaho	Ada	Garden City, City of	January 12, 1979, emergency.	12-17-73	160004-A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 30, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3861 Filed 2-6-79; 8:45 am]

[4210-01-M]

[-Docket No. FI 5131]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities of the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
•	•	•	•	•	•
Kentucky	Lincoln	Unincorporated Areas	December 27, 1978, emergency.	8-28-77	210325
Michigan	Eaton	Oneida, Township of	December 29, 1978, emergency.	1-14-77	260070-A
Arizona	Greenlee	Unincorporated Areas	do	10-25-77	040110-A
Michigan	Shiawassee	Rush, Township of	January 3, 1979, emergency	8-8-75	260522
Vermont	Bennington	Manchester, Town of	January 28, 1972, emergency, April 3, 1978, regular, May 1, 1978, suspended, December 22, 1978, reinstated.	8-2-74	500015-A
Do	Addison	New Haven, Town of	October 20, 1972, emergency, April 3, 1978, regular, May 1, 1978, suspended, December 29, 1978, reinstated.	10-25-74	500009-B
Wyoming	Converse	Douglas, Town of	October 2, 1975, emergency, October 17, 1978, regular, October 17, 1978, suspended, December 28, 1978, reinstated.	11-1-74 & 8-27-76	560013-B
Pennsylvania	Monroe	East Stroudsburg, Borough of.	March 26, 1974, emergency, September 29, 1978, regular, September 29, 1978, suspended, December 21, 1978, reinstated.	5-24-74 & 6-4-76	420691

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
Tennessee	Sevier	Pigeon Forge, City of	November 13, 1971, emergency, September 1, 1972, regular, December 15, 1975, suspended, December 21, 1978, reinstated.	8-31-72	475442-A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect of the date indicated.

Issued: January 30, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3862 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4627]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Laramie, Albany County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Laramie, Albany County, Wyoming. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Laramie, Wyo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Laramie, Albany County, Wyoming, are available for review at City Manager's Office, 203 South 4th Street, Laramie, Wyoming.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Laramie, Wyoming.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Laramie River	Curtis Street—1160 feet*.	7,130
	Curtis Street—460 feet**	7,132
	New Wyoming State Highway 130-230—940 feet**.	7,137
	Interstate Highway 80—at centerline.	7,141
Spring Creek	Confluence with Laramie River.	7,139
	Pine Street (approximately 1,308 feet upstream of confluence with Laramie River)—12 feet**.	7,143
	2nd Street—150 feet**	7,152
	9th Street—50 feet**	7,167
	13th Street—60 feet**	7,174
	17th Street—595 feet**	7,186
	Corthell Road—80 feet**	7,195
	Grand Avenue—90 feet**.	7,249
	Corporate Limit 6520 feet upstream of centerline of Grand Avenue, 20 feet downstream of that corporate limit.	7,332
Spring Creek Overflow.	Steele Street—at centerline.	7,182
	26th Street—70 feet*	7,221

*Downstream of centerline..
**Upstream of centerline..

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance wth section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3642 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4291]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for The City of Rock Springs, Sweetwater County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Rock Springs, Sweetwater County, Wyoming. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Rock Springs, Wyoming.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Rock Springs, Sweetwater County, Wyoming, are available for review at City Hall, C and Broadway Street, Rock Springs, Wyoming.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Rock Springs, Wyoming.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bitter Creek	Downstream Corporate Limits.	6,219
	300 feet upstream of Tributary 1 confluence.	6,223
	Dewar Drive*	6,246
	Elk Street	6,253
	Pilot Butte Avenue	6,258
	Union Pacific Railroad*	6,266
Tributary 1	Interstate Highway 80	6,225
	Extension Dewar Drive*	6,233
Dead Horse Canyon Creek.	Second Street*	6,266
	Connecticut Avenue*	6,308
	State Highway 430 (50 feet upstream of centerline).	6,357
Killpecker Creek	Spring Drive (150 feet downstream of centerline).	6,262
	Spring Drive*	6,271
	Interstate Highway 80	6,279
	Corporate Limits	6,295
Sweetwater Creek.	Union Pacific Railroad*	6,239
	West Second Street (50 feet downstream of centerline).	6,240
	West Second Street*	6,246
	Corporate Limits	6,247

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3643 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-2938]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Helena, Phillips County, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Helena, Phillips County, Arkansas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Helena, Phillips County, Arkansas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Helena, Phillips County, Arkansas, are available for review at the Helena Municipal Building, 226 Perry Street, Helena, Arkansas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Helena, Phillips County, Arkansas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or in-

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dividuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Main Outlet Ditch	Downstream Corporate Limits.	180
	Straub Lane	187
	Missouri Pacific Railroad.	188
	Arkansas Street	189
Hickory Alley Ditch	Missouri Street	189
	Miller Street	189
Park Ditch	Adams Street	185
Freedonia Branch	Downstream Corporate Limits.	231
	Harcourt Street	236
	Springtown Road	261
Walker Street Ditch.	Adams Street Extended	208
Coney Creek	Downstream Corporate Limits.	236
	Stone Brook Road	250
	Springdale Road	262
	Upstream Corporate Limits.	264
Coney Creek	Downstream Limits	246
Lateral A	Grand Avenue	260
	Valley Drive	274
	Springdale Road	309
	U.S. Route 49	197
Mississippi River	Upstream Corporate Limits.	198

Source of flooding	Location	Depth, in feet
Shallow Flooding	Between College Street and Perry Street.	3
	Between Porter Street and Missouri Street.	2

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3644 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4041]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Goodyear, Maricopa County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Goodyear, Maricopa County, Arizona. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Goodyear, Maricopa County, Arizona.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Goodyear, Maricopa County, Arizona, are available for review at the Office of the Town Manager, 119 North Litchfield Road, Goodyear, Arizona.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Goodyear, Maricopa County, Arizona.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gila River	Reams Road (Extended)	911
	Bullard Avenue	919
	Confluence with Agua Fria River.	924
Agua Fria River	Southern Avenue Extended.	924
	Broadway Road	934
Gila River Breakout at Buckeye Canal.	Reams Road	915
	Confluence with Gila River.	916

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3645 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4457]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Merced, Merced County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Merced, Merced County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Merced, California.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Merced, are available for review at City Hall, 561 West 18th Street, Merced, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Merced, California.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Depth, in feet
Sheet Flow Area	Intersection of West 11th Street and J Street.	1
	Intersection of Hawk Drive and Heron Way.	1
	Intersection of Lopez Avenue and Sydney Lane.	1
	Intersection of West 7th Street and T Street.	1
	Intersection of West 20th Street and U Street.	1
	Intersection of East 26th Street and Glen Avenue.	1
	Intersection of West 18th Street and J Street.	1
	Intersection of West 26th Street and K Street.	2
	Intersection of East 26th Street and 2nd Avenue.	2
	Intersection of Villa Drive and East 27th Street.	2
	Intersection of East 26th Street and Hawthorn Avenue.	2
	Intersection of East 27th Street and Parsons Avenue.	1
	Intersection of Gerard Avenue and Brimmer Road.	1
	Intersection of Ellen Avenue and Merced Avenue.	1
	Intersection of Rose Avenue and Merced Avenue.	1
	Intersection of Yosemite Park Way and Kelly Avenue.	1
	Intersection of Driftwood Drive and Crystal Spring Avenue.	1

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ponding Area	Intersection of West 19th Street and T Street.	165
	Intersection of West 16th Street and Q Street.	165
	Intersection of West 25th Street and L Street.	172
	Intersection of West 25th Street and U Street.	172
	Intersection of Pierre Court and Loughborough Drive.	166
	Intersection of Bismarck Drive and Sacramento Drive.	166
	Intersection of Conestoga Drive and Sacramento Drive.	165
	South of Atchison, Topeka and Santa Fe Railway Bridge over Black Rascal Creek, and west of Snelling Highway.	161
	South of Black Rascal Creek and north of Bear Creek.	161
	Southeast of intersection of Snelling Highway and Atchison, Topeka and Santa Fe Railway.	162

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3646 Filed 2-6-79; 8:45 am]

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Creek	U.S. Highway 99—50 feet*.	162
	Southern Pacific Railroad Spur—30 feet*.	165
	Atchison, Topeka and Santa Fe Railway Bridge—30 feet*.	169
	R Street Bridge—30 feet*.	171
	M Street Bridge—30 feet*.	173
	G Street Bridge—20 feet*.	175

*Upstream of centerline.

[4210-01-M]

[Docket No. FI-4396]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Needles, San Bernardino County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Needles, San Bernardino County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Needles, California.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Needles, San Bernardino County, California, are available for review at Department of Public Works, 1111 Bailey Avenue, Needles, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Needles, California.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Colorado River	Bridge Road—30 feet upstream of centerline.	478
	North K Street extended.	481
		Depth, feet
Road Runner Wash.	U.S. Highway 40	3*
	Atchison, Topeka and Santa Fe Railroad.	2*
Eagle Pass Wash	J Street extend	2*
Wash B	U.S. 95	2*
Needles Flood Channel.	Front Street	1*
Lillyhill Wash	U.S. Highway 40 (downstream).	1*
	U.S. Highway 40 (upstream).	2*
	U.S. Highway 40 (500 feet upstream).	1*
Wash A	U.S. Highway 40 (100 feet upstream).	3*
	U.S. Highway 40 (500 feet upstream).	1*

*Shallow Flooding.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3647 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4397]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Waterford, Stanislaus County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Waterford, Stanislaus County, California.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Waterford, California.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Waterford, are available for review at City Hall, Waterford, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Waterford, California.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tuolumne River	Reinway Avenue extended—50 feet*.	82
	Southern Pacific Railroad Bridge—100 feet*.	86
	Hickman Road Bridge—50 feet*.	86

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3648 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4398]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Dacono, Weld County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Dacono, Weld County, Colorado. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Dacono, Colorado.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Dacono, Weld County, Colorado, are available for review at Town Hall, 512 Cherry Street, Dacono, Colorado.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Dacono, Colorado.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tri-Area Drainageway.	Eighth Street	5,012
Unnamed Tributary of Tri-Area Drainageway.	Confluence with Tri-Area Drainageway.	5,012

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3649 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4400]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Frederick, Weld County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Frederick, Weld County, Colorado. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Frederick, Colorado.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Frederick, Weld County, Colorado, are available for review at Town Hall, 333 5th Street, Frederick, Colorado.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Frederick, Colorado.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tri-Area Drainageway.	First Street	4,970
	Frederick Levee	4,987

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ
Federal Insurance Administrator.

[FR Doc. 79-3650 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4458]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Fort Collins, Larimer County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Fort Collins, Larimer County, Colorado. These base (100-year) flood elevations are the basis for the flood plain man-

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agement measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Fort Collins, Colorado.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Fort Collins, are available for review at City Hall, 300 Laporte Avenue, Fort Collins, Colorado.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Fort Collins, Colorado.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spring Creek	Prospect Road—80 feet*.	4,905
	Prospect Road—80 feet**.	4,909
	Eleventh Street—40 feet*.	4,911
	Eleventh Street—40 feet**.	4,914
	1st crossing Colorado and Southern Railroad—20 feet*.	4,917
	Welch Street—120 feet*.	4,930
	Welch Street—30 feet**.	4,937
	Lemay Street—40 feet**.	4,949
	Stover Street—80 feet**.	4,967
	College Avenue—100 feet*.	4,982
	College Avenue—50 feet**.	4,988
	Shields Street—40 feet**	5,015
	Drake Road—80 feet*	5,053
	Drake Road—40 feet**	5,056
Spring Creek Overflow.	800 feet upstream confluence with Cache La Poudre River.	4,893
	300 feet downstream divergence from Spring Creek.	4,906
Cache La Poudre River.	Prospect Road—20 feet**.	4,894
	College Avenue—100 feet**.	4,967
Dry Creek	College Avenue—100 feet**.	4,974
	Willcox Lane—100 feet**	4,984

*Downstream of centerline.
**Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3651 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4459]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Glenwood Springs, Garfield County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Glenwood Springs, Garfield County, Colorado. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Glenwood Springs, Colorado.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Glenwood Springs, are available for review at City Hall, Office of the City Planner, 806 Cooper, Glenwood Springs, Colorado.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Glenwood Springs, Colorado.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Colorado River	Bridge for Access Road to Railroad Yards—100 feet*.	5,721
	Grand Avenue Bridge—80 feet*.	5,734
	Pipes—80 feet*	5,741
Roaring Fork River.	Denver and Rio Grande Western Railroad Bridge—80 feet*.	5,726
	Seventh Street Bridge—40 feet*.	5,729
	Twenty Seventh Street Bridge—80 feet**.	5,770
	Twenty Seventh Street Bridge—80 feet*.	5,777
	Upstream confluence with Three Mile Creek—80 feet.	5,792

*Upstream of centerline.
**Downstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3652 Filed 2-6-79; 8:45 am]

[4210-01—M]

[Docket No. FI-4460]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Greeley, Weld County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Greeley, Weld County, Colorado. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Greeley, Colorado.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Greeley, Weld County, Colorado, are available for review at City Hall, 919 Seventh Street, Greeley, Colorado.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Greeley, Weld County, Colorado.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cache La Poudre River.	5th Street (upstream side).	4,641
	Union Pacific Railroad	4,645
	11th Avenue (upstream side).	4,648

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3653 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4406]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Douglas, Coffee County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Douglas, Coffee County, Georgia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Douglas, Georgia.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Douglas, Coffee County, Georgia, are available for review at City Hall, Douglas, Georgia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Douglas, Coffee County, Georgia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

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flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Seventeen Mile River.	Georgia Highway 135-U.S. 221—50 feet*.	187
Twenty Mile Creek.	Georgia Highway 31-U.S. 441—50 feet*.	194
	Central of Georgia Railroad—200 feet.	196
	Rocky Pond Road—50 feet*.	207
	Georgia Highway 353—50 feet*.	211
	W. Ward Street—30 feet*.	215
Tributary TM1	Georgia Highway 353—50 feet*.	229
	1st dam upstream of confluence with Twenty Mile Creek—50 feet*.	235
Stream A	Waldrop Avenue—30 feet*.	211
	Georgia Highway 158—50 feet*.	218
	McDonald Road—30 feet*.	227
	Georgia Highway 135—50 feet*.	246
	College Park Drive—30 feet*.	250
Tributary A1	Earth Dam—100 feet**...	223
	Earth Dam—20 feet*.....	233
Stream B	Lupo Lane—30 feet*.....	224
	Earth Dam—100 feet**...	225
	Earth Dam—20 feet*.....	234
	Bell Lake Road—250 feet**.	240
	Bell Lake Road—80 feet*.	246
	Coffee Street—30 feet*...	246
	South Pearl Avenue—50 feet*.	249
Tributary B1	Georgia Highway 158—50 feet*.	230
Tributary B2	East Mitchell Street—30 feet*.	249
Stream C	East Baker Street—30 feet*.	246
	Cherry Street—30 feet*..	249
	Pearl Avenue—30 feet*...	250
Stream D	Pine Street—30 feet*	238
	East College Park Drive—30 feet*.	244
	Martin Luther King Jr. Drive—30 feet*.	245
Stream F	Chester Avenue—25 feet*.	195
	North Street—20 feet*....	200
	North Peachtree Street—30 feet*.	223
	West Irwin Street—30 feet*.	230
	Seaboard Coastline Railroad—50 feet**.	244
	Seaboard Coastline Railroad—50 feet*.	250
Tributary F1	U.S. Highway 441—50 feet*.	199
	Madison Avenue—50 feet*.	202
Tributary F2	U.S. Highway 441—50 feet*.	216
Stream G	Jefferson Street—30 feet*.	214
	Central of Georgia Railroad—50 feet*.	217
	North Daughtry Avenue—30 feet*.	219
Stream H	South College Street—100 feet**.	230
	South College Street—30 feet*.	236
	South Letitia Avenue—50 feet**.	245
	West Bryan Street—30 feet*.	252
Stream J	North Madison Avenue—30 feet*.	219
Tributary J1	Franklin Street—50 feet**.	220
	Franklin Street—30 feet*.	224
Stream K	Farm Road—30 feet*	187
	East Walker Street—30 feet*.	196
	Jackson Street—30 feet*	213
	Georgia Highway 32-Ward-Street—50 feet*.	221
	Ethel Street—30 feet*.....	223
Stream L	1st on Campus Road above confluence with Stream A—30 feet*.	248
	Wheeler Street—100 feet*.	255

*Upstream. .....
**Downstream. .....

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3654 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4302]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Benewah County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Benewah County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for Benewah County, Idaho.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Benewah County, Idaho, are available for review at Benewah County Courthouse, St. Maries, Idaho.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Benewah County, Idaho.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Joe River	Confluence with Hells Gulch.	2,136
	Confluence with Cherry Creek.	2,137
	U.S. Alternate Route 95/State Highway 3*.	2,139
St. Marie's River (At St. Marie's).	U.S. Alternate Route 95/State Highway 3*.	2,140
St. Marie's River (At Santa).	State Highway 3—150 feet**.	2,633
Hells Gulch	U.S Alternate Route 95*..	2,136
	Unnamed Bridge approximately 7,260 feet above U.S. Alternate Route 95*.	2,152
	Hells Gulch Road—15 feet**.	2,165

*At centerline.
**Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3655 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4545]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Flood Elevation Determination for the City of Crest Hill, Will County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Crest Hill, Will County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Crest Hill, Will County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Crest Hill, are available for review at the City Hall, Crest Hill, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Crest Hill, Will County, Illinois.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Plaines River..	South Corporate Limit...	545
	North Corporate Limit...	548
Tributary A Des Plaines River.	Des Plaines River Mouth.	547
	1,200 feet above Mouth ..	566
	350 feet Upstream of State Route 53.	575
	Just Upstream of Elgin, Joliet and Eastern Railway.	581
	950 feet Upstream of Elgin, Joliet and Eastern Railway.	582
	5,000 feet Upstream of Elgin, Joliet and Eastern Railway.	590
Rock Run	South Corporate Limit...	583
	520 feet Downstream of U.S. Route 30.	584
	330 feet Downstream of U.S. Route 30.	586
	300 feet Downstream of U.S. Route 30.	590
	Just Downstream of Weber Road.	590
	1,130 feet Upstream of Weber Road.	591
	2,770 feet Upstream of Weber Road.	596
	Just Downstream of Pedestrian Bridge near Willowbridge Road.	617
	100 feet Downstream of Willowbridge Road.	625
	South Corporate Limit...	626
Tributary A Rock Run.	Confluence with Rock Run.	591
	600 feet Upstream of Confluence with Rock Run.	591
	1,600 feet Upstream of Confluence with Rock Run.	599
	Just Upstream of Weber Road.	615
	South Corporate Limit...	615

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3656 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4547]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of Willow Springs, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Willow Springs, Cook County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Willow Springs, Cook County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Willow Springs, Cook County, Illinois, are available for review at the Willow Springs Village Hall, 8480 Archer Avenue, Willow Springs, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Willow Springs, Cook County, Illinois.

V 4 / 27 FEB 79 UMI

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Plaines River..	Downstream Corporate Limits at Will County and Village of Willow Springs.	596
	Willow Springs Road	597
	Tri-State Tollway	597
	U.S. Routes 12, 20, 45	598
	Upstream Corporate Limits at Willow Springs and Hodgkins.	598
Flag Creek	Downstream Corporate Limit at Cook County & Willow Springs.	610
	German Church Road	618
	Corporate Limit 650 feet upstream of German Church Road.	619
	Corporate Limit 1,050 feet upstream of German Church Road.	620
	Corporate Limit 1,200 feet upstream of German Church Road.	621
Tributary to Illinois and Michigan Canal.	Confluence with Illinois and Michigan Canal.	584
	Illinois Central Gulf Railroad.	587
	Archer Avenue	615
	Upstream Corporate Limits of Willow Springs & Cook County.	620

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3657 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4321]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Burlington, Coffey County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Burlington, Coffey County, Kansas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Burlington, Coffey County, Kansas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Burlington, Coffey County, Kansas, are available for review at the City Hall, 3rd and Hudson Streets, Burlington, Kansas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Burlington, Coffey County, Kansas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Neosho River	Confluence with Rock Creek.	1,018
	Neosho Street Bridge	1,019
	City Dam	1,021
Rock Creek	Confluence with Neosho River.	1,018
	Third Street	1,021
	Culvert Outlet (downstream of Neosho Street).	1,021
	Fourth Street	1,022
	Culvert Inlet (Upstream of Fourth Street).	1,025
	Sixth Street	1,025
	Kennebec Street (1st Crossing).	1,029
	Sixteenth Street (Downstream).	1,032

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3658 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4550]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the City of Parsons, Labette County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Parsons, Labette County, Kansas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Parsons, Labette County, Kansas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Parsons are available for review at the City Engineer's Office, Municipal Building, Parsons, Kansas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Parsons, Labette County, Kansas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Labette Creek	0.5 mile Downstream of Southern Avenue.	867
	Just Downstream of St. Louis-San Francisco Railway.	869
	Just Downstream of Marvel Park Road.	872
	Just Upstream of Main Street.	873
	Just Upstream of 10th Street.	876
	Just Upstream of 16th Street.	880
	Just Upstream of 21st Street.	887
Railroad Drain	Just Upstream of Confluence with Labette Creek.	880
	Just Upstream of Lincoln Street.	881
	Just Upstream of 21st Street.	882
	Just Upstream of 22nd Street.	885
	500 feet Upstream of 22nd Street.	889
Oakwood Creek	Just Upstream of Confluence with Labette Creek.	871
	Just Upstream of Leawood Road.	874
	Just Upstream of Main Street.	892
	Just Upstream of County Road.	893
Little Labette Creek.	Just Upstream of Missouri-Kansas-Texas Railroad.	868
	Just Upstream of 16th Street.	872
	Just Downstream of Missouri-Kansas-Texas Railroad.	874
	Just Upstream of 21st Street.	878
	Just Upstream of 32nd Street.	879
	Just Downstream of Southwest Corporate Limits.	881
37th Street Drain..	West Corporate Limit	886
	Just Upstream of Main Street.	889
Glenwood Creek	Just Upstream of Confluence with Little Labette Creek.	874
	Just Upstream of Southern Avenue.	877
	Just Upstream of 24th Street.	878

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3659 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4612]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Guilford, Piscataquis County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Guilford, Piscataquis County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Guilford, Piscataquis County, Maine.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Guilford are available for review at the Town Office, Guilford, Maine.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Guilford, Piscataquis County, Maine.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Piscataquis River	Eastern corporate limit	365
	Just downstream of Lows Bridge.	378
	Just downstream of Sangerville Road.	385
	200 feet downstream of Guilford Dam.	389
	Just upstream of State Route 15.	398
	Western corporate limit.	399
Schoolhouse Brook.	At the confluence with Piscataquis River.	388
	Just upstream of North Guilford Road (nearest Dover Road).	390
	100 feet upstream of North Guilford Road (second crossing from Dover Road).	391
	50 feet downstream of North Guilford Road (third crossing from Dover Road).	422
	50 feet upstream of North Guilford Road (fourth crossing from Dover Road).	441

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Admininstrator.

[FR Doc. 79-3660 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4553]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Luke, Allegany County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Luke, Allegany County, Maryland. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Luke, Allegany County, Maryland.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Luke, Allegany County, Maryland, are available for review at the Council Chambers, Luke City Hall, Luke, Maryland.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Luke, Allegany County, Maryland.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Branch Potomac River.	Downstream Corporate Limits.	930
	(Old) Cromwell Street	931
	West Vaco Conveyor	946
	West Maryland Railroad Siding.	952
	West Vaco Dam	953
	Upstream Corporate Limits.	969

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3661 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4499]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Oakland, Garrett County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Oakland, Garrett County, Md. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Oakland, Garrett County, Md.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Oakland, Garrett County, Maryland, are available for review at the Garrett County Planning Commission, 323 Oak Street, Oakland, Maryland.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Oakland, Garrett County, Md.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Youghiogheny River.	Confluence of an unnamed tributary 770 feet upstream from Third Street Bridge.	2,382
	Third Street Bridge Upstream.	2,381
	Oak Street Bridge, 240 feet Upstream.	2,379
	Confluence of Wilson Run.	2,376
	Oakland Rosedale Road Bridge Upstream.	2,373
	Corporate Limits 80 feet Downstream from Oakland Rosedale Bridge.	2,372
Bradley Run	Fairway Drive	2,382
	Oakland Rosedale Road.	2,382
	Corporate Limits 55 feet Downstream from Chessie System.	2,371

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3662 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4500]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Westernport, Allegany County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Westernport, Allegany County, Md. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Westernport, Allegany County, Md.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Westernport, Allegany County, Maryland, are available for review at the Westernport City Hall, Box 266, Westernport, Maryland.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Westernport, Allegany County, Maryland.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
George's Creek	Confluence with North Branch Potomac River.	916
	Upstream side of State Route 36.	917
	Upstream side of Chessie System, State Route 135.	919
	Upstream side of Washington Street State Route 325.	924
	Upstream side of Chessie System.	931
	700 feet upstream of Chessie System.	935
	Upstream side of Waverly Street.	946
	830 feet upstream of Waverly Street.	958
	1,650 feet upstream of Waverly Street.	968
	2,450 feet upstream of Waverly Street.	979
	2,750 feet upstream of Waverly Street.	983
North Branch Potomac River.	Downstream Corporate Limits.	900
	350 feet downstream of State Route 36.	910
	State Route 36 (Upstream Side).	917
	Upstream Corporate Limits.	920

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3663 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4462]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

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Final Flood Elevation Determinations for the Town of Medfield, Norfolk County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Medfield, Norfolk County, Massachusetts.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Medfield, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Medfield, Norfolk County, Massachusetts, are available for review at the Town Hall, Medfield, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Medfield, Norfolk County, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Charles River	1st crossing Conrail—50 feet*.	123
	Main Street—50 feet*	124
	Orchard Street—100 feet*.	125
Vine Brook	Private Road—20 feet*	132
	Main Street (State Route 109)—40 feet*.	135
	Cemetery Road—20 feet*.	145
	State Route 27-60 feet*	152
	Conrail—60 feet*	167
	North Street—60 feet*	173
	Private Drive—20 feet*	176

* Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3664 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4522]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Pontiac, Oakland County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Pontiac, Oakland County, Michigan. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Pontiac, Oakland County, Michigan.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Pontiac are available for review at the Pontiac Township Hall, 1827 North Squirrel Road, Pontiac, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Pontiac, Oakland County, Michigan.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clinton River	At Eastern Corporate Limits.	832
	At Upstream side of Hamlin Road.	840
	At Upstream side of Route 59.	843
	1,300 feet Downstream of Squirrel Road.	844
	Upstream side of Squirrel Road.	848
	1,800 feet Downstream of Interstate 75.	862
	At Interstate 75	864
	Just Downstream of Van Horn Bridge.	865
	Just Upstream of Auburn Road.	867

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	At Opdyke Road	869
Galloway Creek	200 feet Upstream of Eastern Corporate Limit.	835
	Upstream of a Private Road, 700 feet Downstream of Squirrel Road.	841
	Upstream of Squirrel Road.	846
	Just Upstream of Private Bridge approximately 1.2 miles Downstream of Interstate 75.	869
	100 feet Upstream of Interstate 75.	898
	At Opdyke Road	906
	Upstream of University Drive.	910
	Just Upstream of Collier Road.	938
	Upstream of Joslyn Road.	940
	Upstream at Grand Trunk Western Railroad.	947
	Upstream at Collier Road.	950
	Downstream of Baldwin Road.	950
Galloway Ditch	At Corporate Limit with Pontiac City.	933
	At Golf Course Drive	934
	At Interstate 75	935

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3665 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4525]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Houston, Houston County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Houston, Houston County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Houston, Houston County, Minnesota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Houston are available for review at the City Hall, 314 South Jefferson Street, Houston, Minnesota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Houston, Houston County, Minnesota.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Root River	East Corporate Limit	683
	Downstream of State Highway 76.	685
	500 feet Upstream of State Highway 76.	688
	West Corporate Limit	690

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7 (o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3666 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4526]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for The Unincorporated Areas of Mower County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of Mower County, Minnesota.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of Mower County, Minnesota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Mower County, Minnesota, are available for review at the Mower County Courthouse, Austin, Minnesota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

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SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the unincorporated areas of Mower County, Minnesota.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Main Stem Little Cedar River.	Just upstream of County-State Aid Highway 7.	1,259
	Approximately 200 feet downstream of Township Road 67.	1,270
	Just upstream of Minnesota Highway 56.	1,264
West Branch of Little Cedar River.	Approximately 100 feet Downstream of Chicago, Milwaukee, Saint Paul, and Pacific Railroad Bridge.	1,268
Middle Branch of Little Cedar River.	Approximately 100 feet upstream of Township Road 29.	1,282
	Approximately 150 feet downstream of County-State Aid Highway 4.	1,292
East Fork of Middle Branch of Little Cedar River.	Approximately 200 feet downstream of County-State Aid Highway 7.	1,292
Cedar River	Just upstream of Township Road 159.	1,151
	Just upstream of County-State Aid Highway 4.	1,175
	Just downstream of County-State Aid Highway 26.	1,185
	Approximately 200 feet downstream of County-State Aid Highway 25 (downstream crossing).	1,206
	Approximately 200 feet downstream of County-State Aid Highway 1.	1,236
Upper Iowa River	Just upstream of Minnesota Highway 56.	1,261
	Just upstream of Township Road 237.	1,279
Rose Creek	Just downstream of County-State Aid Highway 29.	1,179
	Just downstream of Township Road 54.	1,198
	Just downstream of Township Road 18.	1,245
Wolf Creek	Just downstream of the Chicago, and Milwaukee, Saint Paul, and Pacific Railroad Bridge.	1,204
	Just downstream of northernmost crossing of County-State Aid Highway 16.	1,222
East Tributary to Wolf Creek.	Just downstream of County Road 61.	1,223
Roberts Creek	Approximately 100 feet upstream of County-State Aid Highway 16 Bridge.	1,241
	Just downstream of Minnesota Highway 56 Bridge.	1,262
South Branch Roberts Creek.	Just upstream of Township Road 136.	1,274
Middle Branch Roberts Creek.	Just downstream of the westernmost crossing at Township Road 136 Bridge.	1,302
Deer Creek	Approximately 100 feet upstream of U.S. Highway 16 Bridge.	1,317
	Approximately 150 feet downstream of County-State Aid Highway 8 Bridge.	1,333
North Fork of Dobbins Creek.	Approximately 150 feet downstream of County-State Aid Highway 24.	1,219
	Just downstream of Township Road 296 Bridge.	1,226
South Fork of Dobbins Creek.	Just downstream of County-State Highway 24.	1,219
	Approximately 100 feet downstream of Township Road 296.	1,231
Waltham Creek	Just downstream of Township Road 138 Bridge.	1,303
	Just downstream of Chicago Northwestern Railroad Bridge.	1,308
	Just downstream of Township Road 134 Bridge.	1,350
Turtle Creek	Just downstream of 4th Drive.	1,189
	Just upstream of Oakland Avenue (US Highway 16).	1,192
	Approximately 400 feet upstream of Interstate 90.	1,193

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3667 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4527]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Rockville, Stearns County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Rockville, Stearns County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Rockville, Stearns County, Minnesota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Rockville are available for review at the Rockville City Hall, Rockville, Minnesota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Rockville, Stearns County, Minnesota.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sauk River	Downstream corporate limits.	1,070
	Just downstream of Mill Street Bridge.	1,071
	Upstream corporate limits.	1,072

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2030, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3668 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4528]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Rose Creek, Mower County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Rose Creek, Mower County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Rose Creek, Mower County, Minnesota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Rose Creek are available for review at the Rose Creek City Hall, Rose Creek, Minnesota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Rose Creek, Mower County, Minnesota.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rose Creek	At Western Corporate Limit.	1,239
	Just Upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	1,240
	Upstream side of State Highway 56.	1,243
	At Northern Corporate Limits.	1,243

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7 (o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3669 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4585]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Bella Villa, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Bella Villa, St. Louis County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Bella Villa, St. Louis County, Missouri.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Bella Villa are available for review at the City Hall, Bella Villa, Missouri.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Bella Villa, St. Louis County, Missouri.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added sec-

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tion 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gravois Creek.....	Northeast corporate limits.	431
	Northwest corporate limits.	431

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3670 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4588]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of St. Ann, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of St. Ann, St. Louis County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of St. Ann, St. Louis County, Missouri.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of St. Ann are available for review at the City Hall, 10405 St. Charles Rock Road, St. Ann, Missouri.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of St. Ann, St. Louis County, Missouri.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coldwater Creek ...	Northwest corporate limits.	540
	Just downstream from footbridge No. 3.	543
	750 feet downstream from Wright Road.	546
	100 feet upstream from Wright Road.	550
Dawson Creek.....	Eastern corporate limits	555
	Confluence with Coldwater Creek.	548
	250 feet downstream from St. Charles Rock Road.	550
	Just downstream from St. Charles Rock Road.	552
	Just upstream from St. Charles Rock Road.	557

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Departement of HUD Act. Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3671 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3961]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Independent City of St. Louis, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Independent City of St. Louis, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Independent City of St. Louis, Missouri.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Independent City of St. Louis, Missouri are available for review at City Hall, Office of the Board of Public Services, 1200 Market Street, St. Louis, Missouri 63103.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Independent City of St. Louis, Missouri.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River...	Just upstream of Interstate 270 Bridge.	434
	Just upstream of McKinley Bridge.	430
	Just upstream of Poplar Street Bridge (Interstate 70).	427
River Des Peres.....	Sublette Avenue	453
	Just downstream of Southwest Avenue.	440
	Confluence of Deer Creek.	432
	Just upstream of Lansdowne Avenue.	430
Rock Creek	Approximately 200 feet downstream of Loughborough Avenue.	422
No name Creek.....	Just upstream of River Des Peres Boulevard.	424

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of Housing and Urban Development Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3672 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4587]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Sarcoxie, Jasper County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Sarcoxie, Jasper County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Sarcoxie, Jasper County, Missouri.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sarcoxie are available for review at the City Hall, Sarcoxie, Missouri.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for City of Sarcoxie, Jasper County, Missouri.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swifty Creek	1,040 feet downstream of Business Loop 44.	1,083
	450 feet downstream of Business Loop 44.	1,083
	150 feet upstream of Business Loop 44.	1,084
	Just downstream of Center Street.	1,091
	Just downstream of Joplin Avenue.	1,100
	1,150 feet upstream of Joplin Avenue.	1,107
	1,700 feet upstream of Joplin Avenue at southern corporate limit.	1,108
Center Creek	1,025 feet downstream of Business Loop 44.	1,083
	930 feet upstream of Business Loop 44.	1,086

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3673 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4467]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Whitefish, Flathead County, Mont.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Whitefish, Flathead County, Montana.

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These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Whitefish, Montana.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Whitefish, are available for review at City Hall, Third and Flathead, Whitefish, Montana.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Whitefish, Montana.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Whitefish Lake.....	Areas adjacent to shore .	3,000
Whitefish River	Spokane Avenue—100 feet*.	2,998
	Baker Avenue—50 feet*..	2,999
	Second Street—50 feet*..	3,000
	Burlington Northern Railroad—50 feet*.	3,000

* Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3674 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4452]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Boscawen, Merrimack County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Boscawen, Merrimack County, New Hampshire. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Boscawen, Merrimack County, New Hampshire.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Boscawen, Merrimack County, New Hampshire, are available for review at the Town Office, Boscawen, New Hampshire 03301.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Boscawen, Merrimack County, New Hampshire.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River...	Concord Boscawen corporate limits.	254
	Just upstream Canterbury Boscawen (abandoned) Bridge.	260
	Confluence with Glines Brook.	265
Contoocook River .	Just upstream of East Street Bridge.	278
	Sweatt Street extended..	295
Glines Brook.....	Approximately 400 feet upstream of Boston and Maine R.R. Bridge.	266
Tannery Brook.....	Just upstream of Route 3 Bridge.	269
	Confluence of Cold Brook.	297
	Approximately 100 feet downstream of Goodhue Road Culvert.	369

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3675 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4509]

PART 1917—APPEALS FROM FLOOD PROPOSED ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Hainesport, Burlington County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Hainesport, Burlington County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Hainesport, New Jersey.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Hainesport, Burlington County, New Jersey, are available for review at Hainesport Municipal Building, 100 Broad Street, Hainesport, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Hainesport, Burlington County, New Jersey.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Branch Rancocas Creek.	Most Downstream Corporate Limits.	11
	Most Upstream Corporate Limits.	11
South Branch Rancocas Creek.	Most Downstream Corporate Limits.	11
	State Highway 38	11
Masons Creek	Marne Highway	11
	Masonville-Fostertown Road.	12
	Mt. Laurel-Hainesport Road.	17
	Phillips Road	24
	Fenimore Road (Corporate Limit).	30

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3676 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-903]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Madison, Morris County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Madison, Morris County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Madison, Morris County, New Jersey.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Madison, Morris County, New Jersey, are available for review at the Borough Clerk's Office, Hartley Dodge Memorial, Kings Road, Madison, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Madison, Morris County, New Jersey.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spring Garden Brook.	Downstream Corporate Limits.	185
	Pipe Bridge (Upstream).	189
	Trail Place (Upstream)...	192
	Dean Street (Upstream).	196
	Main Street (Upstream).	201
	Cross Street (Upstream)	202

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black Brook	Downstream Corporate Limits.	200
	Chateau Thierry Avenue.	200
	Argonne Avenue	203
	Belleau Avenue	209
Unnamed Tributary to Spring Garden Brook.	Downstream Corporate Limits.	193
	Delbarton Drive (Projection).	194
	Culvert Exit, Limit of Detailed Study.	201

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3677 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4320]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Seaside Heights, Ocean County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Seaside Heights, Ocean County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Seaside Heights, Ocean County, New Jersey.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Seaside Heights, Ocean County, New Jersey, are available for review at the Seaside Borough Hall, Central Avenue, Seaside, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Seaside of Heights, Ocean County, New Jersey.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean	Eastern Shoreline	8
Barnegat Bay	Western Shoreline	6

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3678 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4281]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Babylon, Suffolk County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Babylon, Suffolk County, New York.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Babylon, Suffolk County, New York.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Babylon, Suffolk County, New York, are available for review at the Babylon Town Hall, 200 East Sunrise Highway, North Lindenhurst, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Babylon, Suffolk County, New York.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Great South Bay	Along Great Neck Creek upstream to Audley Court.	6
	Buchanan Avenue	6
	Lake Street	6
	Howell Creek	6
	Riviera Drive East and West.	6
	Along Strongs Creek	6
	Along Neguntatogue Creek.	6
	Along Santapogue Creek upstream to Montauk Highway.	6
	Along W. Babylon Creek	6
	Along Woods Creek	6
	North side of Barrier Island.	6
	All islands between Barrier Island and Main Island.	6
Atlantic Ocean	South side of Barrier Island.	11
	South and West Side Fire Island.	11
Fire Island Inlet	South Side Barrier Island.	11
	North Side Fire Island	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 3, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3679 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4514]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Zap, Mercer County, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Zap, Mercer County, North Dakota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Zap, North Dakota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Zap, are available for review at City Hall, Zap, North Dakota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Zap, North Dakota.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spring Creek	Downstream Extraterritorial Limits.	1,826
	Burlington Northern Railroad.	1,830
	County Highway 862 (upstream side).	1,839
	3rd Avenue Bridge	1,842
	Upstream Extraterritorial Limits.	1,849

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3680 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4535]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of Grand River, Lake County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Grand River, Lake County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Grand River, Lake County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Grand River are available for review at the Grand River Village Hall, Singer Road, Grand River, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

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SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Grand River, Lake County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grand River	Southern Corporate Limit.	576
	3,720 feet downstream from Fairport, Painesville and Eastern Railroad.	576
	3,120 feet downstream from Fairport, Painesville and Eastern Railroad.	576
	2,260 feet downstream from Fairport, Painesville and Eastern Railroad.	576
	840 feet downstream from Fairport, Painesville and Eastern Railroad.	576
	At Fairport, Painesville and Eastern Railroad.	576
	800 feet upstream from Fairport, Painesville and Eastern Railroad.	577

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3681 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4641]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of North Perry, Lake County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of North Perry, Lake County, Ohio.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of North Perry, Lake County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of North Perry are available for review at the Village Hall, North Perry, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of North Perry, Lake County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Erie	Shoreline of community	561

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3682 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4426]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Gresham, Multnomah County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Gresham, Multnomah County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Gresham, Oregon.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Gresham, are available for review at City Hall, 150 West Powell, Gresham, Oregon.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Gresham, Oregon.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Johnson Creek	Portland Traction Company Railroad-100 feet upstream.	261
	Southeast 190th Avenue	264
	Confluence with Butler Creek.	267
	Towle Avenue	281
	Walters Road	294
	Bull Run Road	296
	Main Avenue	295
	Park Footbridge	300
	Dowsett Lane	305
	Southeast Regner Road.	312
	Liberty Avenue—50 feet upstream.	322
	Hogan Road	334
	Upstream Corporate Limits.	352
Beaver Creek	Downstream Coporate Limits.	212
	Confluence with Kelly Creek—100 feet downstream.	230

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Upstream Coporate Limits.	241

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3683 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4570]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Brady, Lycoming County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Brady, Lycoming County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Brady, Lycoming County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Brady, Lycoming County, Pennsylvania are available for review at the Brady Community Center, R. D. 2, Montgomery County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Brady, Lycoming County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Downstream Corporate Limits.	488
	Confluence of Black Run.	488
	Upstream Corporate Limits.	489

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3684 Filed 2-6-79; 8:45 am]

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[4210-01-M]

[Docket No. FI-2855]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Driftwood, Cameron County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Driftwood, Cameron County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Driftwood, Cameron County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Driftwood, Cameron County, Pennsylvania, are available for review at the Borough Building, Driftwood, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Driftwood, Cameron County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Sinnemahoning Creek.	Downstream Corporate Limits.	809
	Confluence w/Bennetts Branch and Driftwood Branch.	810
Driftwood Branch Sinnemahoning Creek.	Confluence w/Bennetts Branch and Sinnemahoning Creek.	810
	100 feet upstream of Route 555 Bridge.	814
	At Clinton Street extended.	817
	750 feet downstream Conrail Bridge.	820
	180 feet downstream Conrail Bridge.	821
	35 feet upstream Conrail Bridge.	822
	290 feet upstream Conrail Bridge.	825
	1,225 feet upstream Conrail Bridge.	826
	1,990 feet upstream Conrail Bridge.	827
Bennetts Branch Sinnemahoning Creek.	Confluence w/ Driftwood Branch and Sinnemahoning Creek.	810
	30 feet downstream Castle Garden Road.	811
	30 feet upstream Castle Garden Road.	814
	50 feet downstream confluence w/Boyer Run.	815
Boyer Run	160 feet downstream Conrail Bridge.	815
	35 feet downstream Conrail Bridge.	818
	Upstream side of Conrail Bridge.	821
	25 feet downstream Route 555 Bridge.	835
	25 feet upstream Route 555 Bridge.	840
	220 feet upstream Route 555 Bridge.	844
	725 feet upstream Route 555 Bridge.	867

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3685 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4573]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Millvale, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Millvale, Allegheny County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Millvale, Allegheny County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Millvale, Allegheny County, Pennsylvania, are available for review at the Millvale Borough Building, 501 Lincoln Avenue/Millvale, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Millvale, Allegheny County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Allegheny River	Upstream Corporate Limits.	739
	Downstream Corporate Limits.	738
Grity's Run	Upstream Corporate Limits.	793
	Evergreen Avenue (Upstream).	790
	North Avenue (Upstream).	778
	Frederick Street (Downstream).	765
	Klopper Street (Upstream).	767
	Fremont Street (Upstream).	747
	Sherman Street (Upstream).	738
	Bennett Street (Downstream).	734

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3686 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4432]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Highland Park, Dallas County, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Highland Park, Dallas County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base flood elevations, for the Town of Highland Park, Dallas County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Highland Park, Dallas County, Texas, are available for review at Highland Park Town Hall, Town Engineer's Office, 4700 Drexel Drive, Dallas, Texas 75205.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Highland Park, Dallas County, Texas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Turtle Creek	Just upstream of Armstrong Avenue and Dam.	484
	Just upstream of Beverly Drive.	502
	Just upstream of Dallas Country Club South Dam.	525
Stream 6A1	Just upstream of Lexington Avenue.	504
	Just upstream of Miramar Avenue.	515

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3687 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4452]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of LaJoya, Hidalgo County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of LaJoya, Hidalgo County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of LaJoya, Hidalgo County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of LaJoya, Hidalgo County, Texas, are available for review at the City Manager's Office, City Hall, P.O. Drawer H, LaJoya, Texas 78560.

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FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of LaJoya, Hidalgo County, Texas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rio Grande	11th Street between Garza and Leo Avenues.	131
	Military Road	131
Walker Lake	Walker Lake	134

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ
Federal Insurance Administrator.

[FR Doc. 79-3688 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4433]

PART 1917—APPEALS FROM PROPOSEDFLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Mart, McLennan County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Mart, McLennan County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Mart, McLennan County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the the City of Mart, McLennan County, Texas, are available for review at the City Hall, 112 North Commerce Street, Mart, Texas 76664.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Mart, McLennan County, Texas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary 1	Southeastern corporate limits.	498
	Approximately 150 feet downstream of Carpenter Street.	508
Tributary 2	Approximately 100 feet downstream of Enterprise Row.	506
	Just downstream of Front Street.	513

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 3, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3689 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4382]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Mercedes, Hidalgo County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Mercedes, Hidalgo County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Mercedes, Hidalgo County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Mercedes, Hidalgo County, Texas, are available for review at City Hall, P.O. Box 837, Mercedes, Texas 78570.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Mercedes, Hidalgo County, Texas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ponding in Southwest corner of city, adjacent to east levee of North Floodway.	At intersection of Marlyand Avenue and Fourteenth Street.	62
Ponding along Arroyo Anacuitas.	At intersection of Fifth Street and Chapman Street.	58
Ponding in Northwest part of city, adjacent to east levee of North Floodway.	At Mile 1 West Road and east levee.	65
Ponding in north part of city, north of fairgrounds and west of Main Canal.	Missouri Avenue 1000 feet north of fairgrounds.	63

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3690 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4434]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Pharr, Hidalgo County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Pharr, Hidalgo County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Pharr, Hidalgo County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Pharr, Hidalgo County, Texas, are available for review at the Manager's Office, City Hall, P.O. Drawer B, Pharr, Texas 78577.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Pharr, Hidalgo County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ponding at The Natural Depression in Northwest Pharr.	At Intersection of Bell Avenue and Hibiscus Street.	110
Drain "Ex"	Intersection of Drain "Ex" and U.S. Highway 281.	90
	Intersection of South "I" Road and Lateral "E" Canal.	90

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of Housing and Urban Development Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3691 Filed 2-6-79; 8:45 am]

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[4210-01-M]

[Docket No. FI-4413]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Salem, Utah County, Utah

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Salem, Utah County, Utah. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Salem, Utah.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Salem, Utah County, Utah, are available for review at City Hall, 30 West 100 South Street, Salem, Utah.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Salem, Utah.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Salem Pond	Intersection of 400 West Street and 200 South Street.	4,584
	200 feet west of intersection of Main Street and 300 South Street.	4,584
Maple Canyon and Snell Hollow.	Intersection of 300 South Street and 200 East Street.	2*

*Depth.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3692 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4414]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of Bellows Falls, Windham County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Bellows Falls, Windham County, Vermont. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Bellows Falls, Vermont.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Bellows Falls, Windham County, Vermont, are available for review at Municipal Building, Bellows Falls, Vermont.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Bellows Falls, Vermont.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Bridge Street—25 feet downstream from centerline.	256
	Boston and Main Railroad (Stone Arch Bridge)—225 feet upstream from centerline..	292
	New England Power Company Dam—100 feet upstream from centerline.	295

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3693 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4416]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Rockingham, Windham County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Rockingham, Windham County, Vermont. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Rockingham, Vermont.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Rockingham, Windham County, Vermont, are available for review at Municipal Building, Bellows Falls, Vermont.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Rockingham, Vermont.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Confluence with Williams River.	297
	Confluence with Commissary Brook.	300
Saxtons River	Barbers Park Road—centerline.	396
	Hall Bridge Road—centerline.	409
	Confluence with Leach Road Tributary.	524
	Confluence with Weaver Brook.	578
Weaver Brook	State Route 121—60 feet*.	589
	Mill Dam—50 feet*	594
Williams River	U.S. Route 5—150 feet*	302
	Brockways Mill Road—25 feet downstream of centerline.	443
	Brockways Mill Road—90 feet *.	452
	Williams Road—centerline.	469
	Lower Bartonsville Road—centerline.	478

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3694 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4474]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Dungannon, Scott County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Dungannon, Scott County, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Dungannon, Scott County, Virginia.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Dungannon, Scott County, Virginia, are available for review at the Dungannon Town Hall, Dungannon, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Dungannon, Scott County, Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clinch River	Downstream State Route 65.	1,305
	Upstream State Route 65.	1,308
	0.31 miles upstream Route 65.	1,312
	0.65 miles upstream Route 65.	1,318

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3695 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4138]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Roanoke, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Roanoke, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Roanoke, Virginia.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Roanoke, Virginia, are available for review at the Municipal Building, 215 Church Street, Roanoke, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Roanoke, Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roanoke River	Upstream Tayloe Avenue.	908
	Upstream Main Street (U.S. 220).	945
	Upstream Corporate Limit.	984
Tinker Creek	Upstreamside Orange Avenue.	925
	Downstreamside Preston Avenue.	980
Glade Creek	Upstream Vinton Mill Road.	913
	Downstreamside Berkley Road.	927
Glade Creek Tributary.	Upstream State 653	937
	Downstreamside U.S. 460.	999
Lick Run	Upstream 8th Street	919
	Upstream Orange Avenue.	940
Trout Run	Upstream 5th Street	931
	Upstream 7th Street	941
Barnhardt	Downstream side U.S. 11	997
	Upstream U.S. 11	1,002
	Upstream side Glenmoor Drive.	1,018
Mudlick Creek	Downstream Mudlick Road.	981
	Upstream side Grandin Road.	1,003
Carvin Creek	Upstream Hollins Road (State 601).	983
	Downstream Hershberger Road.	985
Carnard Branch	Upstream Riverland Road.	918
	Upstream Findlay Road.	958
Gumspring Branch.	Upstream Garden City Drive.	980
	Upstream Tipton Avenue.	1,068
Murray Run	Upstream Brandon Avenue.	940
	Upstream West Drive	980
	Upstream Ogden Road	1,068
Ore Branch	Upstream Wiley Drive	937
	Upstream Broadway Avenue.	961
Ore Branch Tributary.	Upstreamside State 419	1,097
	Upstreamside Franklin Road (U.S. 220).	1,107
Peters Creek	Upstream Norfolk & Western Railroad.	967
	Upstream Peachtree Drive.	1,024

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 3, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3696 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4554]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Benton City, Benton County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Benton City, Benton County, Washington. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Benton City, Washington.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Benton City, are available for review at Town Hall, Division Street, Benton City, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Benton City, Washington.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yakima River	Union Pacific Railroad Bridge—100 feet*.	469
	8th Street—100 feet*	474

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Benton City, Washington.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Benton City, are available for review at Town Hall, Division Street, Benton City, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Benton City, Washington.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yakima River	Union Pacific Railroad Bridge—100 feet*.	469
	8th Street—100 feet*	474

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3697 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4476]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Blaine, Whatcom County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Blaine, Whatcom County, Washington. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Blaine, Washington.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Blaine, are available for review at City Hall, Blaine, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Blaine, Washington.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insur-

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Semiahmoo Bay	At northwest shore Semiahmoo Spit.	8
Drayton Harbor	Along shoreline	8
Dakota Creek	At Pearce Portal Drive	8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3698 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4401]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Nederland, Boulder County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Nederland, Boulder County, Colorado. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show

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evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Nederland, Colorado.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Nederland, are available for review at Town Hall, Clerk's Office, Nederland, Colorado.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Nederland, Colorado.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle Boulder Creek.	Confluence with Barker Reservoir.	8,185
	State Highway 119—30 feet*.	8,226
	At Upstream Corporate Limits.	8,319
North Beaver Creek.	First Street—20 feet*	8,201
	State Highway 119—centerline.	8,230
	Third Street—20 feet*	8,262
	State Highway 72—40 feet*.	8,278

* Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3699 Filed 2-6-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3871]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS JUDICIAL REVIEW

Final Flood Elevation Determination for The City of Westport, Grays Harbor County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Westport, Grays Harbor County, Washington. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Westport, Grays Harbor County, Washington.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Westport, Grays Harbor County, Washington, are available for review at the Office of the City Clerk, City Hall, Westport, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Westport, Grays Harbor County, Washington.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean.....	Intersection of Newell Avenue and Surf Street.	20
	Harbor Street at Westhaven State Park entrance.	20
	Intersection of Coast Street and 2nd Avenue.	19
	Intersection of First Street and Patterson Street.	19
Grays Harbor	Intersection of Tacoma Avenue and Fourth Street.	13
	East end of Park Avenue.	13
Tidal slough Backwater from Pacific Ocean.	Intersection of Montesano Street and Sprague Avenue.	11
	Intersection of Ocean Avenue and Broadway Street.	11
	Approximately 400 feet east of the intersection of Highway 105 and Newell Avenue.	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of Housing and Urban Development Act, section 324 of the Housing and Community amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3700 Filed 2-6-79; 8:45 am]

[7715-01-M]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Order No. 237—Docket No. RM79-1]

PART 3002—ORGANIZATION

Commission Voting Procedure; Order Amending Organizational Rules

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: This rule amends that provision of the Postal Rate Commission's organizational rules prescribing voting requirements for final acts of the Commission to bring those requirements into conformity with amendments to the Postal Reorganization Act brought about by Pub. L. 94-421.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

David F. Stover, Assistant General Counsel (Regulation), U.S. Postal Rate Commission, 2000 L Street, NW., Suite 500, Washington, D.C. 20268, (202) 254-3830.

SUPPLEMENTARY INFORMATION:

JANUARY 31, 1979.

The Postal Rate Commission's report on its plan to voluntarily implement Executive Order No. 12044, an order designed to improve federal agency regulations, was published in the FEDERAL REGISTER on January 12, 1979 (44 FR 2606). Pursuant to that plan, the Commission issued an Advance Notice of Proposed Rulemaking, also published in the FEDERAL REGISTER on January 12, 1979 (44 FR 2607). The Advance Notice of Proposed Rulemaking proposed certain amendments to the Commission's rules and invited the public to submit comments on those proposed amendments on or before January 22, 1979.

The Advance Notice was devoted primarily to proposed amendments to the Commission's rules of practice, as our plan implementing Executive Order No. 12044 intends. The Advance Notice, however, included certain proposed technical amendments to the Commission's rules. Among them was a proposed amendment to 39 CFR 3002.2(a), a rule affecting Commission organization. Section 3002.2(a) currently reads, in pertinent part:

> Three members of the Commission constitute a quorum for the transaction of business, but all final acts of the Commission shall be by a vote of an absolute majority of the Commissioners.

The language following "business" in the above-quoted sentence reflects language found in former 39 U.S.C. 3604(a) that has since been deleted from the statute by Public Law 94-421, enacted September 24, 1976 (80 Stat. 1305). The Advance Notice proposed to delete that language from 39 CFR 3002.2(a) to bring that rule into conformity with the current statute. Since current 39 U.S.C. 3604 is silent regarding the requisite vote for final acts of the Commission, the effect of this amendment to § 3002.2(a), proposed in the Advance Notice, will be to subject this aspect of the Commission's operations to the common law rule stated in *FTC v. Flotill Products*, 389 U.S. 179, 183-84 (1967) that:

> • • • in the absence of a contrary statutory provision, a majority of a quorum constituted of a simple majority of a collective body is empowered to act for the body. Where the enabling statute is silent on the question, the body is justified in adhering to that commonlaw rule.

Because the amendment to 39 CFR 3002.2(a) proposed by our Advance Notice would merely delete a provision of that subsection already made invalid by Public Law 94-421, it would effect a technical rather than substantive change in our rules. In addition, the rule affected is merely organizational, rather than a rule of practice. For these reasons it is non-controversial, as indicated by the absence of public comment in response to our Advance Notice. It would serve no apparent purpose to subject such an amendment to the successive rounds of comment and review which the remainder of the proposals in the Advance Notice are scheduled to undergo. Accordingly, we will sever this proposed amendment to 39 CFR 3002.2(a) from the rulemaking process instituted by our Advance Notice published January 12, 1979, and adopt it as proposed.

Since the amendment herein involves matters of agency organization and procedure, the notice requirements of the Administrative Procedure Act (5 U.S.C. 553) do not apply. Accordingly, pursuant to 39 U.S.C. 3603, it is ordered that, effective February 1, 1979, 39 CFR 3002.2(a) is hereby revised to read as follows:

§ 3002.2 The Commission and its offices.

(a) *The Commission.* The Postal Rate Commission is an independent establishment of the executive branch of the U.S. Government created by the Postal Reorganization Act (84 Stat. 719, Title 39, United States Code). The Commission consists of five Commissioners appointed by the President, one of whom is designated as Chairman by the President. Three members of the Commission constitute a quorum for the transaction of business.

• • • • •

By the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc. 79-4233 Filed 2-6-79; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[OPP-250011A; FRL 1017-2]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

Subpart A—Registration, Reregistration and Classification Procedures

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Final rule.

SUMMARY: This rule requires the special packaging of certain toxic pesticides in child-resistant containers and sets forth the toxicity criteria to be used to determine which residential use pesticides are affected. The intent of this rule is to decrease the number of hazardous exposures of pesticide products to children.

DATES: Effective Date: March 9, 1979. This regulation applies to products released for shipment after March 9, 1981.

FOR FURTHER INFORMATION CONTACT:

Maureen Johns Grimmer, Project Leader, (TS-766), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202-755-8036).

SUPPLEMENTARY INFORMATION: On October 14, 1977, EPA published a proposed rule (42 FR 55235) to require certain pesticides to be specially packaged in child-resistant containers. This rule is designated § 162.16 of Title 40 and is authorized under Section 25(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (Pub. L. 92-516, 86 Stat. 983; Pub. L. 94-140, 89 Stat. 755; Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136 et seq.; hereinafter referred to as "FIFRA").

BACKGROUND

Final rules for the registration, reregistraton, and classification of pesticides (40 CFR Part 162) were pub-

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lished in the FEDERAL REGISTER July 3, 1975, 40 FR 28242. This document reserved a section for the special packaging of pesticides. Section 25(c)(3) of amended FIFRA authorizes the Administrator of EPA to:

> Establish standards (which shall be consistent with those established under the authority of the Poison Prevention Packaging Act (Pub. L. 91-601)) with respect to the package, container, or wrapper in which a pesticide or device is enclosed for use or consumption, in order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act as well as to accomplish the other purposes of this Act.

Section 2(q)(1)(B) of FIFRA states that a pesticide is misbranded if "it is contained in a package or other container or wrapping which does not conform to the standards established by the Administrator pursuant to Section 25(c)(3)."

Ingestion reports to the National Clearinghouse for Poison Control Center Statistics show that pesticide ingestions for children under 5 years of age numbered over 12,000 in 1975. Pesticides have shown annual increases in the number of accidental poisonings. The number of such incidents can be substantially decreased by requiring that certain residential use products be specially packaged.

The success of special packaging of other hazardous products supports this conclusion. Within three years after the Consumer Product Safety Commission (CPSC) required child-resistant packaging for aspirin products, the total number of accidental aspirin ingestions decreased by 41% and aspirin induced deaths by 63%. Similar results were recorded after regulations were promulgated encompassing antifreeze and petroleum products.

A screening study of the economic impact of special packaging determined that the cost of compliance with this regulation would not be unreasonable. The total cost to industry, for all input variables was estimated to be $2 million$-5 million. This will result in an increase in cost to the consumer of 3.74 cents per product. Thus, with a small increase in product cost, this regulation will result in significant societal benefits.

Virtually all of the 27 comments received in response to the proposed regulations were favorable. However, many commenters, while agreeing in principle with the proposal, raised questions or made suggestions that convinced the Agency that some changes from the proposed rule are warranted.

DISCUSSION OF MAJOR COMMENTS

EFFECTIVE DATE

Seventeen of twenty-seven commenters state that the proposed lead time of one year is not enough. This belief was expressed by packaging manufacturers as well as pesticide manufacturers. The majority said that a minimum of two years is necessary. Some preferred three years. The major reasons for wanting to extend the effective date include the availability of safety packaging and the conversion time required for transition from conventional to safety packaging. Many comments included detailed charts of the process and time involved for each step in a transition. Based on the inability of the packaging industry to meet the new demand and the inability of registrants to perform the required testing in one year, EPA has decided to increase the lead time from one to two years. EPA believes that this two year span will be adequate and recognizes that, in addition, the long period between the proposed and final regulation allowed time for some preliminary work. The effective date applies to all products released for shipment after that date. Although this regulation is not legally enforceable for two years, EPA strongly encourages registrants to use safety packaging as soon as possible.

FEASIBILITY

Seven commenters believe that the technology to specially package pesticides is not currently available for some types of products. They said that the EPA proposal is not consistent with Section 3(a) of the Poison Prevention Packaging Act which requires the special packaging to be technically feasible, practicable, and appropriate for the substance. The preamble to the proposal stated that feasibility problems would be dealt with on a case-by-case basis in the registration process. To make this more clear, a new paragraph has been added to the regulations, § 162.16(c)(3), which says that upon the request of a registrant or applicant, and in the discretion of the Administrator, exemptions may be granted on a case-by-case basis, for products for which special packaging is not technically feasible. The request must be accompanied by supporting data. To insure fairness, if an exemption is granted, the decision will be published in the FEDERAL REGISTER and will be applicable to any product in the identical situation. Some of the factors for consideration in determining whether or not a situation is identical may include the type of formulation and size and type of container. The decision may specify a time schedule for the exemption and for studying and developing a suitable package. If a request for an exemption is denied, the registrant must comply by the effective date.

AMENDED APPLICATION/DATA SUBMISSION

The proposed regulations would have required the registrant to submit an application for amended registration which included a full description of the package, a report of the testing protocol data, and compatibility data. Most commenters believe that the requirement to submit the data is not necessary. They pointed out the additional work the Registration Division would have reviewing the data. Several suggestions were made on how to make the requirement less burdensome. They included dropping the requirement completely, submitting only an attestation that the package will meet the standards, submitting a letter of notification, and maintaining the data records in the registrant's file while keeping them available for inspection. EPA also believes that a more streamlined process would be advantageous to the agency and registrants. Accordingly, § 162.16(e) has been changed in the final regulations. Because the registration files must be kept current, an application for amended registration indicating a change to special packaging still must be submitted. The application must include a certification that the package meets the standards of § 162.16(d). Instead of requiring the registrant to submit a detailed description of the package, protocol data, and compatibility data, this information must be retained in the registrants' files, subject to agency inspection or request for submission under new § 162.16(f) for as long as the registration is valid. This will eliminate the requirements for the registrant or applicant to submit the data and for the agency to review the data. The Agency will approve the application based on the certification in the application that the registrant has complied with all provisions.

The waiver of the requirement to submit data applies only to the information exclusively required by § 162.16. Any data that are required to be submitted by Part 162 for an amended registration (e.g. stability data) must be submitted with the application.

TEST PROTOCOL

EPA has decided to adopt the Consumer Product Safety Commission (CPSC) testing protocol by reference in § 162.16(d)(3) rather than to include it in the regulations. By doing this, any CPSC changes to the protocol will apply immediately to EPA's regulation. This will eliminate the need to amend this regulation whenever CPSC updates the protocol.

The comments included requests for clarification on several points: (1) whether a protocol test is required for each product or for each package design used; and (2) whether the registrant is required to produce its own data. Tests do not have to be run on each pesticide product, only on each special packaging design. The same protocol data on a particular special packaging design which is developed by a packaging manufacturer may be relied upon for different pesticide products and by different registrants. Testing each product's package would result in duplicative testing for many designs which would be costly and time consuming. However, in § 162.16(d)(3) a requirement has been added to test each size of a closure design used. In discussions with the Consumer Product Safety Commission, EPA was advised that changing the size of a design often reduces the child-resistant effectiveness. Requiring each closure size to be tested will eliminate the possibility of an ineffective package being marketed. A complete copy of the test data, whether it is obtained from the packaging manufacturer or from the registrant's own testing, must be retained by the registrant.

Multiple use containers are permissible if the effectiveness of the special packaging continues throughout the reasonably expected lifetime of the package. Registrants who market pesticide products in unit packages have the option under § 162.16(c)(4) of specially packaging each unit or marketing the unit packaging in a child-resistant container. Special packaging will not be required for both the unit package and the retail container unless the Agency receives information which would indicate that it is necessary for a particular product for safety reasons.

NON-COMPLYING PACKAGING

Ten of twenty-seven commenters believe that non-complying packaging should be allowed in at least one size. Other commenters such as the American Academy of Pediatrics commended EPA for not allowing non-complying packaging. The Agency agrees with the Academy that the toxicity of the products to be regulated is sufficient to warrant the exclusion of a convenience package. Some commenters believe that this position discriminates against the elderly and the handicapped. The Agency assumed that a person's need for a pesticide is not normally as urgent as for a drug and the person normally could arrange for someone to help him apply the pesticide. Because of this, and because less toxic pesticides would be available in non-complying packaging, the Agency believed the elderly and handicapped would not be seriously inconvenienced. The Agency sent letters and copies of the proposal to a dozen organizations which represent the elderly or the handicapped, and requested their comments. Since only one reply was received and it supported the Agency position, EPA assumes that there are no serious disagreements with that position. Therefore, non-complying packaging will not be allowed for products which meet the criteria for special packaging.

TOXICITY CRITERIA

A small number of commenters suggested that the oral LD_{50} criterion of 1.5 g/kg be lowered to 500 mg/kg so that only residential use products in Toxicity Categories I and II would be required to be specially packaged (§ 162.16(c)(2)(v)). Most commenters agreed that 1.5g/kg is an appropriate level. The calculations used to determine the acute oral LD_{50} criterion were based on the average weight of a small child, the amount such a child could easily ingest, and a safety factor of 3. The Agency does not see a sufficient reason to lower the safety factor. For further explanation see the discussion in the preamble to the Registration, Reregistration and Classification Regulations, 40 FR 28241, 28259-28261 (1975).

Explanatory language has been added to the skin effects criterion as follows: "is corrosive to the skin (causes tissue destruction into the dermis and/or scarring) or causes severe skin irritation (severe erythema or edema) at 72 hours" (§ 162.16 (c)(2)(iv)). The additional wording does not change the value of the criterion, but it does provide a more exact description of the requirements.

While no commenters had objections to the skin irritation criterion itself, several believed that if it is applied to data generated under the skin irritation testing protocol in the 1975 proposed Registration Guidelines, many household products will unjustifiably be required to be specially packaged. The Registration Guidelines are currently under revision. A skin irritation testing protocol was proposed on August 22, 1978, in Subpart F (Human Hazard) of the Proposed Guidelines for Registering Pesticides, 43 FR 37335. All comments received on this proposal will be fully considered. In addition, EPA will also carefully weigh the forthcoming recommendations of the Occupational Safety and Health Administration's Standards Advisory Committee on Cutaneous Hazards. Several commenters preferred the skin irritation protocol recommendations of a June 1977 report prepared by the Committee for the Revision of National Academy of Sciences (NAS) Publication 1138, "Principles and Procedures for Evaluating the Toxicity of Household Substances," for the Consumer Product Safety Commission under the auspices of the Committee on Toxicology of the National Research Council.

The FIFRA Scientific Advisory Panel endorsed the NAS/NRC 1138 Committee skin irritation protocol for testing consumer products. This protocol will be acceptable to EPA for determining whether or not a pesticide product must be specially packaged under this regulation. While this policy is only stated in the preamble, it will be handled more appropriately in the final Registration Guidelines. Until the Guidelines become effective, registrants should consult with the Registration Division prior to testing to discuss the applicability of that protocol to their product.

EPA received many comments which stated that the eye effects criteria were too strict. They pointed out the fact that if common soap was regulated under FIFRA, it would have to be specially packaged under the proposed eye effects criteria. FIFRA authorized the Administrator to establish special packaging standards to protect children from *serious* injury or illness. Many of the low degrees of corneal involvement seen in animal testing are reversible even in the sensitive eyes of the rabbit, and, therefore, do not represent a permanent impairment of vision and/or potential for serious injury.

The Agency has modified the eye effects criteria to read as follows: is corrosive to the eye (causes irreversible destruction of occular tissue) or causes corneal involvement or irritation persisting for 21 days or more (§ 162.16(c)(3)(iii)). The new criteria will require an observation period of 21 days which is consistent with the eye irritation protocol proposed in the Human Hazard Guidelines which requires an observation period of at least 13 days or until all signs of reversible toxicity subside.

Several commenters preferred the eye irritation protocol recommendations of the NAS/NRC 1138 Committee which were also endorsed by the FIFRA Scientific Advisory Panel. The NAS/NRC 1138 Committee eye irritation protocol will also be acceptable for determining whether or not a pesticide product must be specially packaged. As stated above regarding the skin irritation protocol, until the use of this eye irritation protocol is formally adopted in the Registration Guidelines, registrants should consult with the Registration Division prior to testing to discuss the applicability of that protocol to their product.

Some of the comments included questions regarding the use of human and monkey test data. Although EPA does not require the use of human

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subjects for testing and does not want to encourage their use, if relevant human test data are submitted, the results will take precedence over animal testing results. There are differing opinions regarding the advisability of allowing monkey test data to take precedence over the rabbit test data, and the Agency was unable to reach a decision without further review. This question has been addressed by the NAS/NRC 1138 Committee which concluded that the monkey is the second species of choice. This issue can be more appropriately treated in the Registration Guidelines and the Agency would like to specifically solicit comments on this point. Until a decision is reached, any monkey eye data that is submitted will be taken into consideration by the Agency, but will not automatically take precedence.

APPLICABILITY

This regulation applies to products intended for residential use, which meet the toxicity criteria, and which have not been classified for restricted use. The definition of residential use is identical to the definition of domestic use in 40 CFR 162.3(m), except that residential use does not include patient care areas of health-related institutions. This regulation does not apply to products labeled exclusively for commercial or agricultural application, since such products are not available for retail sale to the general public. Residential use is determined by whether a product has a use on the label which falls within the meaning of residential use.

FUTURE REVIEW AND REGULATION

Section 25(c)(3) of FIFRA authorizes the Administrator to establish packaging standards to protect children and adults. This special packaging regulation is designed primarily to protect children under five years of age, but it is hoped that special packaging also will protect adults and older children from accidental or negligent exposure to pesticides. The Agency strongly encourages registrants to voluntarily develop safer packaging to lessen those hazards not directly addressed by this rule to avoid the necessity of further regulation.

EPA is particularly concerned about such packaging problems as breakability and puncturability. A child-resistant closure would not necessarily avoid hazard to children if it is on a glass bottle that will break easily. A broken package could result in the contents being spilled on a person or result in the inhalation of toxic fumes. EPA will be evaluating whether to establish breakability or other standards. Information on the frequency of injuries involving skin contact and inhalation will be obtained over a two year period from CPSC under a new Interagency Agreement regarding data collection. EPA would also like persons who have had accidents of this type to inform the Agency so that they can be taken into account.

The poison control statistics from the National Clearinghouse for Poison Control Centers showed a 63% reduction in aspirin-induced deaths of preschool children in the three year period following the promulgation of the CPSC special packaging regulations for aspirin products. EPA will make a similar review of this regulation three years after the effective date to evaluate its effectiveness and to determine whether or not it should remain in effect.

INFLATION IMPACT STATEMENT

The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

STATUTORY REVIEW

The FIFRA Scientific Advisory Panel reviewed the final regulation in accordance with section 25(d) of FIFRA at a meeting on October 3, 1978, and unanimously concurred with its publication. The Scientific Advisory Panel report is published in its entirety following the test of the regulation. The U.S. Department of Agriculture has reviewed the final regulation in accordance with Section 25(a) of FIFRA and concurs with its publication in the FEDERAL REGISTER without comment.

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

Part 162, Chapter I, Title 40 of the Code of Federal Regulations is amended by adding § 162.16 to read as follows:

§ 162.16 Pesticides requiring special packaging.

(a) *General.* This section implements Section 25(c)(3) of the Act, which authorizes the Administrator to establish standards with respect to the package, container or wrapping in which a pesticide or device is enclosed in order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act.

(b) *Definitions.* Terms used in this section shall have the same meaning set forth in the Act and in § 162.3. In addition, as used in this section:

(1) The term "package" means the immediate container or wrapping in which any pesticide is contained for consumption, use or storage. "Package" does not include:

(i) Any shipping container or wrapping used solely for the transportation of any pesticide in bulk or in quantity to manufacturers, packers or processors, or to wholesale or retail distributors thereof; or

(ii) Any shipping container or other wrapping used by retailers to ship or deliver any pesticide to consumers unless it is the only such container or wrapping.

(2) The term "residential application" means application of a pesticide (other than application by a commercial applicator) directly to humans or pets or application of a pesticide in, on or around all structures, vehicles or areas associated with the household or homelife or non-commercial areas where children spend time, including, but not limited to:

(i) Gardens, non-commercial greenhouses, yards, patios, houses, pleasure marine craft, mobile homes, campers and recreational vehicles, non-commercial campsites, home swimming pools and kennels;

(ii) Articles, objects, devices or surfaces handled or contacted by humans or pets in all structures, vehicles or areas listed above; and

(iii) Educational, lounging and recreational areas of preschools, nurseries and day camps.

(3) The term "special packaging" means packaging that is designed and constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time, and that is not difficult for normal adults to use properly.

(4) The term "unit package" means a package that is labeled with directions to use the contents in a single application or which consists of individually packaged dosage units.

(c) *Pesticides requiring special packaging.*—(1) *General.* Any pesticide product that is released for shipment after insert date 2 years from date of publication shall be specially packaged if (i) its labeling allows residential use, (ii) it has not been classified for restricted use and (iii) it meets the toxicity criteria in paragraph (c)(2) of this section. Special packaging may be required on a case-by-case basis for pesticide products which are classified for restricted use, if the Administrator determines that there is a serious hazard of accidental injury or illness which special packaging could reduce.

(2) *Criteria for special packaging.* Special packaging is required for a pesticide product approved for residential application if the tests conducted in accordance with Part 162 indicate that the pesticide formulation:

(i) Has an acute dermal LD50 of 2000 mg/kg or less;

(ii) Has an inhalation LC50 of 2 mg/liter or less;

(iii) Is corrosive to the eye (causes irreversible destruction of occular tissue) or causes corneal involvement or irritation persisting for 21 days or more;

(iv) Is corrosive to the skin (causes tissue destruction into the dermis and/or scarring) or causes severe skin irritation (severe erythema or edema) at 72 hours;

(v) Has an acute oral LD50 of 1.5 g/kg or less; or

(vi) Has such characteristics that, based upon human toxicological data, use history, accident data or such other evidence as is available, the Administrator determines that there is a serious hazard of accidental injury or illness which special packaging could reduce.

(3) *Exemptions.* Upon the request of a registrant or applicant the Administrator may on a case-by-case basis, grant an exemption, based on supporting data accompanying the request, for products for which special packaging is not technically feasible or for those pesticides for which the hazards indicated by the toxicity criteria in paragraph (c)(2) of this section are not indicative of hazard to man. Any such decision shall be published in the Federal Register and shall be applicable to any product with identical or substantially similar composition and intended uses.

(4) *Unit packaging.* Pesticides requiring special packaging and which use unit packaging shall either package each unit package in a special package or use special packaging for the retail container which contains unit packages. Special packaging will not be required for both the outer container and the unit packages unless, on a case-by-case basis, further information shows that it is necessary for hazard reduction.

(d) *Standards for special packaging.*—(1) *General requirements.* (i) The special packaging must continue to function with the effectiveness specifications set forth in paragraph (2) of this section when in actual use as a pesticide container. This requirement may be satisfied by appropriate scientific evaluation of the compatibility of the substance with the special packaging to determine that the chemical and physical characteristics of the substance will not compromise or interfere with the proper functioning of the special packaging and that the packaging will not be detrimental to the integrity of the product during storage and use.

(ii) The special packaging must continue to function with the effectiveness specified in paragraph (2) of this section for the reasonably expected lifetime of the package, taking into account the number of times the package is customarily opened and closed. This requirement may be satisfied by appropriate technical evaluation based on physical wear and stress factors, force required for activation, and other relevant factors.

(2) *Effectiveness specifications.* The special packaging, when tested by the method referred to in paragraph (3) of this section, shall meet the following specifications:

(i) Child-resistant effectiveness of not less than 85 percent without a demonstration and not less than 80 percent after a demonstration of the proper means of opening the package. In the case of unit packaging, child-resistant effectiveness of not less than 80 percent.

(ii) Adult-use effectiveness of not less than 90 percent without a demonstration.

(3) *Effectiveness testing procedures.* Standards for special packaging shall be evaulated for each size of a design used pursuant to the Consumer Product Safety Commission (CPSC) protocols specified in 16 CFR 1700.20(a), (b), (c) and (d).

(e) *Submission.* The registrant of a registered pesticide which requires special packaging shall submit an application for amended registration under 162.6(b)(3). The application shall include a certification by the registrant that the package meets the standards of § 162.16(d). An applicant for a new registration shall submit a certification statement that the package meets the standards of § 162.16(d) with the application for registration.

(f) *Record keeping.* The applicant or registrant of a pesticide for which special packaging is required shall retain the records described in subsections (1), (2), and (3) below for as long as the registration is valid. These records shall be available, upon request, for inspection and copying purposes or for submission to EPA.

(1) A full description of the package including:

(i) A full description of the container including:

(A) its dimensions, and

(B) its compositions; and

(ii) A full description of the closure or special package, if appropriate, including:

(A) The name of its manufacturer,

(B) The manufacturer's designation (title) for the special packaging closure or the physical working of the special packaging mechanism, and

(C) The explicit directions for proper use of the closure or special packaging and the placement of these directions on the package;

(2) A complete copy of the data resulting from the tests conducted in accordance with § 162.16(d); and

(3) Data demonstrating the compatibility of the pesticide formulation with the entire package to determine that the chemical and physical characteristic of the substances will not interfere with the safety and efficacy of the pesticide and the functioning of the special package.

(g) *Enforcement.* Failure to comply with this rule by its implementation date renders a pesticide misbranded under Section 2(q)(1)(B) of FIFRA, and is a violation of Section 12(a)(1)(E) of FIFRA. Registrants who violate these sections will be subject to civil and criminal penalties under Section 14 of FIFRA.

(Secs. 3 and 25(c)(3), Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92-516, 86 Stat. 973; Pub. L. 94-140, 89 Stat. 755; 7 U.S.C. 136 et seq.).)

[FR Doc. 79-4234 Filed 2-6-79; 8:45 am]

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Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSEL

Removal of Restrictions

AGENCY: Maritime Administration, Commerce.

ACTION: Final rule.

SUMMARY: The rule hereby adopted amends the regulations relating to the approval of charters of certain vessels to aliens (46 CFR 221.7 (a)(2)) and the transfer of U.S. privately owned vessels to foreign registry or ownership or both (46 CFR 221.7 Appendix II.A.(3)(c) and 46 CFR 221.7 Appendix II.B.(3)) with respect to "Communist China" (properly with People's Republic of China). The amendments delete the prohibitory language and will permit transactions with the People's Republic of China.

EFFECTIVE DATE: February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Burton T. Kyle, Director, Office of Domestic Shipping (202) 377-5157.

SUPPLEMENTARY INFORMATION: Title 46, Code of Federal Regulations, § 221.7 (a)(2) prohibits the carriage of cargoes of any kind to or from Communist China; § 221.7 Appendix, Section II.A. (3)(c) prohibits the charter-

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ing of a vessel to aliens for carriage of cargoes of any kind to Communist China; and § 221.7 Appendix, Section II.B. (3) prohibits the sale of scrap resulting from the demolition of a vessel to Communist China. The nature of the action being taken is the deletion of the prohibitory restriction against "Communist China" (properly People's Republic of China). The standard form of the foreign transfer contract and of the charter order are being amended to reflect the deletion of prohibitory restriction against the People's Republic of China. Persons with outstanding foreign transfer contracts and orders will be contacted individually in the near future in order to effect the removal of terms prohibiting dealings with the People's Republic of China. Parties interested in immediate deletion of this restriction from their contracts and orders should contact the Foreign Transfer Officer, Maritime Administration Washington, D.C. 20230, Telephone (202) 377-3213.

This amendment to Part 221 has been reviewed in accordance with Executive Order 12044 "Improving Government Regulations" (43 FR 12661, March 24, 1978) and Department Administrative Order 218-7, "Issuing Government Regulations" (44 FR 2082, January 9, 1979). Since these amendments are being made to be consistent with Presidential actions related to the exercise of a foreign affairs function, publication is in the form of a final rule.

Accordingly, Part 221 of Title 46, Code of Federal Regulations is amended as follows:

§ 221.7 [Amended]

1. Section 221.7 (a)(2) is amended to delete the phrase "Communist China,".

2. Section 221.7 Appendix, Section II.A. (3)(c) is amended to delete the phrase "Communist China".

3. Section 221.7 Appendix, Section II.B. (3) is amended to delete the phrase "Communist China".

(Secs. 9, 37 and 41, Shipping Act, 1916, as amended (46 U.S.C. 808, 835 and 839); Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469; and Department of Commerce Organization Order 10-8 (36 FR 19707, July 23, 1975).)

Dated: February 1, 1979.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 79-4210 Filed 2-6-79; 8:45 am] a

[3510-15-M]

SUBCHAPTER H—TRAINING

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Midshipmen at the United States Merchant Marine Academy

VACANCIES AND APPOINTMENTS

AGENCY: Maritime Administration.

ACTION: Final rule.

SUMMARY: The Maritime Administration amends its regulations relating to the use of State vacancies and the process for making additional appointments to the U.S. Merchant Marine Academy. The purpose of this amendment is to implement a recommendation of a Congressional Ad Hoc Select Subcommittee on Maritime Education and Training to limit State vacancies to residents of a State. Also, it provides for an annual needs assessment for the purposes of making a limited number of additional appointments.

EFFECTIVE DATE: February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Erich J. Bernhardt, Academies Program Officer, Maritime Administration, Office of Maritime Manpower, Main Commerce Building, Washington, D.C. 20230, (202) 377-2095.

SUIPPLEMENTARY INFORMATION: Part 310 of Title 46 of the Code of Federal Regulations is hereby amended. This amendment limits State vacancies to residents, and provides for an annual assessment in the selection of a limited number of additional appointments to achieve a national demographic balance and to give recognition to candidates who possess qualities deemed to be of special value to the Academy in the pursuit of its mission.

This amendment has been determined not to be a significant regulation within the scope of E.O. 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978), as implemented by criteria in Appendix F of a Notice in the FEDERAL REGISTER of January 9, 1979, (43 FR 23184), as amended. Therefore, this amendment to the Merchant Marine Training Regulations is adopted without notice of proposed rule making.

Part 310 of Title 46 of the Code of Federal Regulations is amended by revising paragraph (e) of § 310.52 to read as follows:

§ 310.52 Nominations and vacancies.

• • • • •

(e) *Appointments.* The Assistant Secretary of Commerce for Maritime Affairs will make appointments to fill the vacancies prescribed by paragraph (b) of this section from among qualified nominees, in order of merit, from each geographical subdivision listed in paragraph (b) of this section. The order of merit will be established by procedure as specified in § 310.56(b). Such appointments will be made first from among residents of each geographic subdivision listed in paragraph (b) of this section, and second from among remaining qualified nominees (national alternates) in order of merit without regard or reference to State of residence or State of the nominating authority. Further, a limited number of additional appointments may be made annually from the national alternate list of qualified nominees, with special attention given to achieving a national demographic balance and to recognize individuals possessing qualities deemed to be of special value to the Academy in the pursuit of its mission. The number of additional appointments will be based on an annual assessment.

• • • • •

(Section 204(b), Merchant Marine Act, 1936, as amended (49 Stat. 1987, 46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 842) as amended by Public Law 91-469 (84 Stat. 1036). Department of Commerce Order 10-8 (38 FR 19707, July 23, 1973).)

(Catalog of Federal Domestic Assistance Program No. 11-0507, U.S. Merchant Marine Academy (Kings Point).)

Dated: February 1, 1979.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 79-4209 Filed 2-6-79; 8:45 am]

[4910-22-M]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

PART 25—RELOCATION ASSISTANCE AND LAND ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Appendix A—Schedule of Moving Expense Allowances; Individuals and Families

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to update the moving expense schedules for persons displaced from their homes, businesses, or farms by Federal and Federally-assisted programs. This amendment incorporates changes in the schedules for Indiana, Louisiana, North Dakota and Wisconsin.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

John Murnane, Relocation Assistance Division, Office of Right-of-Way (202-426-0156); or Reid Alsop, Office of the Chief Counsel (202-426-0800), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours Monday-Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To insure statewide uniformity among all agencies operating under the Act, General Services Administration Regulations, 41 CFR Part 101-6, provide in 101-6.105-1 that the schedule shall be maintained by the respective State highway departments, and approved and disseminated by the Federal Highway Administration.

The regulations of the Office of the Secretary, 49 CFR 25.153, implementing the Uniform Act, directs the Federal Highway Administration to establish and maintain the moving expense schedule in Appendix A to Part 25 of Title 49 and to update it semi-annually. The purpose of this amendment is to revise the current schedule, which was published on August 1, 1978 (43 FR 33725) to reflect changes in the moving expense schedules of the following States:

Table I—Personalty—Indiana, Louisiana, North Dakota and Wisconsin.

Table II—Mobile Homes—Louisiana and North Dakota.

Issued on: January 26, 1979.

KARL S. BOWERS,
Federal Highway Administrator.

[4910-22-C]

Appendix A — Title 49--Transportation
Table I--Personalty

State	Occupant provides furniture: Number of rooms of furniture 1	2	3	4	5	6	7	8	9	10	Occupant does not provide furniture: First room	Each additional room
Alabama[1]	70	110	150	190	230	270	300	.....			(See end of table)	
Alaska	75	150	200	250	275	300	.....				15	15
Arizona	50	100	150	200	250	300	.....				25	15
Arkansas	70	110	150	190	230	270	300	.....			40	20
California	75	100	150	200	250	300	.....				25	15
Colorado	120	180	240	300	.....						30	20
Connecticut	50	90	140	170	230	260	300	.....			15	15
Delaware	60	100	140	180	220	260	300	.....			25	15
District of Columbia	100	135	170	210	250	290	300	.....			35	15
Florida	60	90	120	150	180	210	240	270	300	....	20	10
Georgia	55	95	130	170	200	260	300	.....			30	10
Guam	48	85	120	168	205	240	300	.....			10	10
Hawaii	65	100	135	175	215	255	295	300	.....		45	30
Idaho	60	100	140	180	220	260	300	.....			20	10
Illinois	50	100	150	200	250	300	.....				25	15
Indiana	50	100	150	200	250	300	.....				25	15
Iowa	75	140	195	240	275	300	.....				30	12
Kansas	60	120	180	240	300	.....					30	10
Kentucky	50	90	130	170	210	250	290	300	.....		20	15
Louisiana	60	100	140	180	220	260	300	.....			40	15
Maine	50	90	125	150	175	200	225	250	275	300	15	10
Maryland	80	110	145	185	230	275	300	.....			20	10
Massachusetts	60	130	150	190	225	250	275	300	.....		25	15
Michigan	65	130	180	240	300	.....					50	10
Minnesota	75	125	175	225	250	275	300	.....			30	15
Mississippi	75	100	160	210	260	300	.....				40	20
Missouri	50	100	150	200	250	300	.....				25	10
Montana	55	85	115	145	175	200	225	250	275	300	25	15
Nebraska	50	100	150	200	250	300	.....				30	10
Nevada	50	100	150	200	250	300	.....				25	15
New Hampshire	50	100	125	150	175	200	225	250	275	300	25	15
New Jersey	80	140	195	245	300	.....					25	15
New Mexico[2]	105	155	205	255	300	.....					(See end of table)	
New York	80	130	175	215	250	275	300	.....			25	15
North Carolina	60	100	140	180	220	260	300	.....			30	20
North Dakota	75	125	150	200	250	275	300	.....			30	15
Ohio	50	100	150	200	250	300	.....				30	10
Oklahoma	50	85	120	155	190	225	260	300	.....		40	15
Oregon	60	120	180	240	300	.....					20	20
Pennsylvania	60	105	150	195	240	285	300	.....			20	20
Puerto Rico	75	105	135	165	195	225	250	275	300	....	25	25
Rhode Island	50	90	125	150	175	200	225	250	275	300	25	10
South Carolina	95	125	165	205	235	250	270	300	.....		15	10
South Dakota	75	130	175	210	240	290	300	.....			40	10
Tennessee	75	100	150	200	250	300	.....				25	15
Texas	50	85	120	150	185	220	260	300	.....		30	15
Utah	75	100	130	155	180	210	240	270	300	....	25	15
Vermont	50	90	125	150	175	200	225	250	275	300	25	10
Virginia	60	80	120	160	200	240	280	300	.....		30	10
Virgin Islands	105	150	195	240	275	300	.....				35	35
Washington[3]	70	120	150	180	210	240	270	300	.....		20	10
West Virginia[4]	60	100	140	180	220	260	300	.....			25	10
Wisconsin	60	120	170	220	260	300	.....				30	15
Wyoming	50	85	120	150	185	225	265	300	.....		30	15

[1] Furnished units including sleeping rooms. Occupant does not own furniture.

First Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	Each Additional Room
$25	$40	$60	$75	$95	$15

[2] Furnished units including sleeping rooms. Occupant does not own furniture.

First Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	9 Rooms	10 Rooms
$45	$86	$107	$128	$149	$170	$191	$212	$233	$254

to a maximum of $300

[3] For mobile homes (whether or not occupant provides furniture):

First room	Each additional room
$50	$25

[4] Where occupant does not provide furniture, allowance for 2 rooms is $40.

Subtitle A--Office of the Secretary of Transportation App. A

Table II--Mobile Homes

State	Miles (Kilometres) More than	But not more than	Area--Square Feet (Square Metres) More than	But not more than	Width--Feet (Metres) More than	But not more than	Allowance Dollars
Alabama			0 (0)	200 (18.6)	.....		140
			200 (18.6)	400 (37.2)	.....		190
			400 (37.2)	600 (55.8)	.....		240
			600 (55.8)	800 (74.4)	.....		280
			800 (74.4)	.....	.....		300
Alaska	All trailers						300
Arizona			0 (0)	300 (27.9)	.....		150
			300 (27.9)	400 (37.2)	.....		200
			400 (37.2)	500 (46.5)	.....		250
			500 (46.5)	.....	.....		300
Arkansas					0 (0)	12 (3.7)	200
			.....		12 (3.7)	14 (4.3)	250
			.....		14 (4.3)	.....	300
California[1]					0 (0)	8 (2.4)	(see 1-end of table)
					8 (2.4)	.....	
Colorado[2]							(see 2-end of table)
Connecticut[3]					0 (0)	8.5 (2.6)	100
			.....		8.5 (2.6)	10.5 (3.2)	150
			.....		10.5 (3.2)	12.5 (3.8)	200
			.....		12.5 (3.8)	.....	250
Delaware			0 (0)	400 (37.2)	.....		100
			400 (37.2)	600 (55.8)	.....		150
			600 (55.8)	800 (74.4)	.....		200
			800 (74.4)	1,000 (93)	.....		250
			1,000 (93)	.....	.....		300
Florida			0 (0)	200 (18.6)	.....		100
			200 (18.6)	400 (37.2)	.....		150
			400 (37.2)	600 (55.8)	.....		200
			600 (55.8)	850 (79.1)	.....		250
			850 (79.1)	.....	.....		300
Georgia			0 (0)	400 (37.2)	.....		95
			400 (37.2)	500 (46.5)	.....		125
			500 (46.5)	600 (55.8)	.....		185
			600 (55.8)	850 (79.1)	.....		245
			850 (79.1)	.....	.....		300
Guam			0 (0)	300 (27.9)	.....		130
			300 (27.9)	400 (37.2)	.....		180
			400 (37.2)	500 (46.5)	.....		210
			500 (46.5)	600 (55.8)	.....		240
			600 (55.8)	700 (65.1)	.....		270
			700 (65.1)	.....	.....		300
Hawaii			0 (0)	300 (27.9)	.....		130
			300 (27.9)	400 (37.2)	.....		180
			400 (37.2)	500 (46.5)	.....		210
			500 (46.5)	600 (55.8)	.....		240
			600 (55.8)	700 (65.1)	.....		270
			700 (65.1)	.....	.....		300
Idaho			0 (0)	200 (18.6)	.....		100
			200 (18.6)	400 (37.2)	.....		150
			400 (37.2)	600 (55.8)	.....		200
			600 (55.8)	800 (74.4)	.....		250
			800 (74.4)	.....	.....		300
Illinois	0 (0)	24 (38.6)	.....		0 (0)	8.5 (2.6)	100
			.....		8.5 (2.6)	10.5 (3.2)	150
			.....		10.5 (3.2)	12.5 (3.8)	200
			.....		12.5 (3.8)	.....	250
	24 (38.6)	50 (80.5)	.....		0 (0)	8.5 (2.6)	150
			.....		8.5 (2.6)	10.5 (3.2)	200
			.....		10.5 (3.2)	12.5 (3.8)	250
			.....		12.5 (3.8)	.....	300

See footnotes at end of table.

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Table II--Mobile Homes

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Indiana					0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	185
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300
Iowa	0 (0)	25 (40.2)			0 (0)	8 (2.4)	130
					8 (2.4)	10 (3)	150
					10 (3)	12 (3.7	180
					12 (3.7)		230
	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	170
					10 (3)	12 (3.7)	200
					12 (3.7)		300
Kansas			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			160
			400 (37.2)	600 (55.8)			240
			600 (55.8)				300
Kentucky[4]					0 (0)	8 (2.4)	240
					8 (2.4)	10 (3)	285
					10 (3)	12 (3.7)	300
Louisiana					0 (0)	10 (3)	175
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
Maine					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Maryland			0 (0)	200 (18.6)			110
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			165
			600 (55.8)	800 (74.4)			195
			800 (74.4)	1,000 (93)			220
			1,000 (93)	1,200 (111.6)			250
			1,200 (111.6)				300
Massachusetts			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			200
			600 (55.8)				300
Michigan					0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	230
					10 (3)	12 (3.7)	280
					12 (3.7)		300
Minnesota[4]	0 (0)	10 (16)			0 (0)	10 (3)	125
					10 (3)	12 (3.7)	135
					12 (3.7)	14 (4.3)	150
					14 (4.3)		175
	10 (16)	25 (40.2)			0 (0)	10 (3)	130
					10 (3)	12 (3.7)	140
					12 (3.7)	14 (4.3)	155
					14 (4.3)		185
	25 (40.2)	50 (80.5)			0 (0)	10 (3)	140
					10 (3)	12 (3.7)	150
					12 (3.7)	14 (4.3)	175
					14 (4.3)		200

See footnotes at end of table.

Table II--Mobile Homes

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Mississippi			0 (0)	300 (27.9)			150
			300 (27.9)	400 (37.2)			200
			400 (37.2)	500 (46.5)			250
			500 (46.5)				300
Missouri			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Montana[4]					0 (0)	10 (3)	135
					10 (3)	12 (3.7)	150
					12 (3.7)	14 (4.3)	175
					14 (4.3)		225
Nebraska			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Nevada			0 (0)	400 (37.2)			150
			400 (37.2)	500 (46.5)			200
			500 (46.5)	600 (55.8)			250
			600 (55.8)				300
New Hampshire	All Mobile Homes						300
New Jersey			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New Mexico[4,5]	0 (0)	20 (32.2)			0 (0)	8.5 (2.6)	141
					8.5 (2.6)	10.5 (3.2)	181
					10.5 (3.2)	12.5 (3.8)	191
					12.5 (3.8)		231
	20 (32.2)	50 (80.5)			0 (0)	8.5 (2.6)	161
					8.5 (2.6)	10.5 (3.2)	191
					10.5 (3.2)	12.5 (3.7)	206
					12.5 (3.7)		246
New York			0 (0)	300 (27.9)			150
			300 (27.9)	500 (46.5)			200
			500 (46.5)	700 (65.1)			250
			700 (65.1)				300
North Carolina[4,6]					0 (0)	10 (3)	150
					10 (3)	12 (3.7)	200
					12 (3.7)		300
North Dakota			0 (0)	200 (18.6)			125
			200 (18.6)	400 (37.2)			175
			400 (37.2)	600 (55.8)			225
			600 (55.8)	800 (74.4)			275
			800 (74.4)				300

See footnotes at end of table.

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Table II--Mobile Homes

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Ohio[4]	0 (0)	10 (16)	0 (0)	320 (29.8)	.....	.....	130
			320 (29.8)	500 (46.5)	.....	.....	150
			500 (46.5)	840 (78.1)	.....	.....	170
			840 (78.1)	1,120 (104.2)	.....	.....	205
			1,120 (104.2)	.....	.....	.....	250
	10 (16)	25 (40.2)	0 (0)	320 (29.8)	.....	.....	135
			320 (29.8)	500 (46.5)	.....	.....	155
			500 (46.5)	840 (78.1)	.....	.....	190
			840 (78.1)	1,120 (104.2)	.....	.....	220
			1,120 (104.2)	.....	.....	.....	275
	25 (40.2)	50 (80.5)	0 (0)	320 (29.8)	.....	.....	145
			320 (29.8)	500 (46.5)	.....	.....	165
			500 (46.5)	840 (78.1)	.....	.....	200
			840 (78.1)	1,120 (104.2)	.....	.....	250
			1,120 (104.2)	.....	.....	.....	300
Oklahoma			.....	.....	0 (0)	10 (3)	150
			.....	.....	10 (3)	12 (3.7)	175
			.....	.....	12 (3.7)	14 (4.3)	225
			.....	.....	14 (4.3)	.....	275
Oregon			0 (0)	200 (18.6)	.....	.....	100
			200 (18.6)	600 (55.8)	.....	.....	200
			600 (55.8)	.....	.....	.....	300
Pennsylvania			0 (0)	300 (27.9)	.....	.....	130
			300 (27.9)	500 (46.5)	.....	.....	225
			500 (46.5)	800 (74.4)	.....	.....	275
			800 (74.4)	.....	.....	.....	300
Rhode Island			.....	.....	0 (0)	8 (2.4)	225
			.....	.....	8 (2.4)	10 (3)	250
			.....	.....	10 (3)	12 (3.7)	275
			.....	.....	12 (3.7)	.....	300
South Carolina[4]			.....	.....	0 (0)	10 (3)	140
			.....	.....	10 (3)	12 (3.7)	150
South Dakota			.....	.....	0 (0)	10 (3)	230
			.....	.....	10 (3)	12 (3.7)	270
			.....	.....	12 (3.7)	.....	300
Tennessee[4]			.....	.....	0 (0)	10 (3)	100
			.....	.....	10 (3)	.....	150
Texas			.....	.....	0 (0)	8.5 (2.6)	165
			.....	.....	8.5 (2.6)	10.5 (3.2)	210
			.....	.....	10.5 (3.2)	12.5 (3.8)	255
			.....	.....	12.5 (3.8)	14.5 (4.4)	300
Utah[4]	0 (0)	10 (16)	.....	.....	0 (0)	8 (2.4)	140
			.....	.....	8 (2.4)	10 (3)	145
			.....	.....	10 (3)	12 (3.7)	165
			.....	.....	12 (3.7)	.....	200
	10 (0)	25 (40.2)	.....	.....	0 (0)	8 (2.4)	145
			.....	.....	8 (2.4)	10 (3)	155
			.....	.....	10 (3)	12 (3.7)	175
			.....	.....	12 (3.7)	.....	225

See footnotes at end of table.

Table II--Mobile Homes

State	Miles (Kilometres) More than	Miles (Kilometres) But not more than	Area--Square Feet (Square Metres) More than	Area--Square Feet (Square Metres) But not more than	Width--Feet (Metres) More than	Width--Feet (Metres) But not more than	Allowance Dollars
Utah--Continued	25 (40.2)	50 (80.5)	.....	.....	0 (0)	8 (2.4)	150
			.....	.....	8 (2.4)	10 (3)	160
			.....	.....	10 (3)	12 (3.7)	190
			.....	.....	12 (3.7)	.....	250
Vermont[7]			.....	.....	0 (0)	8 (2.4)	155
			.....	.....	8 (2.4)	10 (3)	185
			.....	.....	10 (3)	12 (3.7)	215
			.....	.....	12 (3.7)	.....	250
Virginia			0 (0)	200 (18.6)	.....	.....	150
			200 (18.6)	400 (37.2)	.....	.....	200
			400 (37.2)	600 (55.8)	.....	.....	250
			600 (55.8)	800 (74.4)	.....	.....	300
Washington[8]			0 (0)	200 (18.6)	.....	.....	100
			200 (18.6)	400 (37.2)	.....	.....	150
			400 (37.2)	600 (55.8)	.....	.....	200
			600 (55.8)	800 (74.4)	.....	.....	250
			800 (74.4)	.....	.....	.....	300
West Virginia			0 (0)	300 (27.9)	.....	.....	100
			300 (27.9)	450 (41.9)	.....	.....	150
			450 (41.9)	550 (51.2)	.....	.....	225
			550 (51.2)	.....	.....	.....	300
Wisconsin			.....	.....	0 (0)	8 (2.4)	150
			.....	.....	8 (2.4)	10 (3)	200
			.....	.....	10 (3)	12 (3.7)	250
			.....	.....	12 (3.7)	.....	300
Wyoming[4]			.....	.....	0 (0)	8.5 (2.6)	135
			.....	.....	8.5 (2.6)	10.5 (3.2)	165
			.....	.....	10.5 (3.2)	12.5 (3.8)	185
			.....	.....	12.5 (3.8)	.....	220

[1] Width to 8' (2.4 m) Length 40' (12.2 m).....$200
Length 40' (12.2 m).....$300
Width over 8' (2.4 m) Length 40' (12.2 m).....$300
Length 40'+ (12.2 m).....$300

[2] Under 8' (2.4 m) x 40' (12.2 m) - Unskirted $150
Over 8' (2.4 m) x 40' (12.2 m) - $300

[3] Plus $50 for expandable trailer.

[4] $300 for double trailer.

[5] Escort fee included.

[6] Personalty Only

Width	Under 10 feet (3 m)	10 feet (3 m)	12 feet (3.7 m) and over	Doubles
	$50	$60	$80	$150

[7] $50 for extras.

[8] Personalty Only
First room.....$50
Each additional room.....$25

[FR Doc. 79-3978 Filed 2-6-79; 8:45 am]

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[4310-55-M]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Opening of Upper Souris National Wildlife Refuge, N. Dak., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Upper Souris National Wildlife Refuge is compatible with the objective for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: May 5, 1979 through March 23, 1980.

FOR FURTHER INFORMATION CONTACT:

Maurice B. Wright, Refuge Manager, Upper Souris National Wildlife Refuge, RR No. 1, Foxholm, North Dakota 58738 (701-468-5634).

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Upper Souris National Wildlife Refuge, North Dakota, only on the areas designated by signs as being open to fishing. These areas comprising 12,000 acres are delineated on maps available at the Refuge Headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The refuge is open to fishing between the hours of 5:00 a.m. and 10:00 p.m. daily.

(2) Any boat motor or combination of boat motors may be attached to boats or other watercraft being used on refuge waters. Only those motors or combination of motors capable of developing a total of 10 horsepower or less may be used.

(3) Boats are permitted only from May 5 through September 30, 1979.

(4) Ice fishing will be permitted in designated areas from Dam #41 south to Baker Bridge and from Mouse River Park north to the refuge boundary. Fish houses and vehicles however will not be permitted on the river below the Lake Darling Dam, nor north of Mouse River Park.

(5) No open fires are permitted, nor is cutting of trees, taking of minnows and frogs or digging of worms.

(6) Operation of snowmobiles within the refuge boundary is prohibited.

(7) Fish houses must be removed from the refuge no later than March 2, 1980.

(Sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 4, 48 Stat. 451, as amended; sec. 2, 48 Stat. 1270; sec. 4, 80 Stat. 927; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a; 18 U.S.C. 460k, 668dd; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Date: January 29, 1979.

MAURICE B. WRIGHT,
Refuge Manager.

[FR Doc. 79-4105 Filed 2-6-79; 8:45 am]

[3510-22-M]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 602—GUIDELINES FOR DEVELOPMENT OF FISHERY MANAGEMENT PLANS

Interim Regulations

AGENCY: National Oceanic and Atmospheric Administration/National Marine Fisheries Service.

ACTION: Interim final regulations; request for comment; notice of public hearing.

SUMMARY: The National Marine Fisheries Service (NMFS) is promulgating interim regulations which require fishery management plans (FMP's) developed under the Fishery Conservation and Management Act of 1976, as amended (FCMA), to contain information regarding: (1) historical and projected transfers of U.S. harvested fish to foreign fishing vessels at sea, (2) the processing capacity of U.S. fish processors, and (3) the data which FMP's may require U.S. fish processors to submit to the Secretary of Commerce. NMFS seeks public comment on three subjects related to these regulations: (1) guidelines for specifying U.S. harvesting capacity, (2) the activities which should be considered "processing" and (3) guidelines for conditioning or restricting permits of foreign fishing vessels receiving fish from U.S. harvesting vessels at sea. NMFS will hold a public hearing on the interim regulations and the related subjects which may be incorporated into future proposed rulemaking.

DATES: The interim regulations are effective February 7, 1979. Written comments on the interim regulations and the subjects identified in this Notice must be received on or before April 9, 1979. A public hearing will be held on Tuesday, March 13, 1979, at 10:00 a.m.

ADDRESSES: Comments should be submitted in writing to: Assistant Administrator for Fisheries, National Marine Fisheries Service (F37), Washington, D.C. 20235. Please mark "Joint Ventures" on the envelope.

The public hearing will be held at: Penthouse Conference Room, Page Building I, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Alfred J. Bilik, Program Support Specialist, National Marine Fisheries Service, Washington, D.C. 20235, (202) 634-7265.

SUPPLEMENTARY INFORMATION:

PURPOSE

On October 20, 1978, regulations were proposed to amend 50 CFR Part 602, "Guidelines for the Development of Fishery Management Plans" (43 FR 49023). The purpose of these proposed regulations was to implement Pub. L. 95-354, which amended the FCMA.

Seven written comments on the proposed regulations were received prior to the close of the comment period. After reviewing the comments received, NMFS has decided to amend the proposed regulations, put them into effect on an interim basis, and seek additional public comment on certain issues.

INTERIM FINAL REGULATIONS

Regulations to implement Pub. L. 95-354 must be in place before the Secretary can issue permits for foreign vessels to receive U.S. harvested fish during 1979. The interim regulations will allow the Secretary to weigh data on the 1979 U.S. fish processors' capacity and extent to which the processors will utilize U.S. harvested fish.

NMFS Will apply the interim regulations in considering applications for foreign vessel permits to receive hake harvested by U.S. vessels in the Washington, Oregon, California trawl fishery and Alaska pollock harvested by

U.S. vessels in the Gulf of Alaska groundfish fishery.

At this time, NMFS does not expect foreign permit applications in other fisheries.

Additional comments on the interim regulations will be received until April 9, 1979. A public hearing will be held on March 13, 1979; see the "DATES" and "ADDRESSES" sections of this Notice for time and place. Final regulations will be promulgated after the additional comments have been considered. Reviewers should note that the public hearing which had been scheduled earlier on February 7 has been postponed and is now scheduled on March 13.

COMMENTS RECEIVED ON PROPOSED REGULATIONS

Several comments addressed the question of the burden imposed on the U.S. fish processing industry by reporting requirements under proposed § 602.3(b)(14)(iii). The proposed requirements include the submission of the following information for each species: amounts of fish and locations at which fish are purchased, transported, and/or processed; limitations as to seasons, quantities or quality standards which apply to fish received and/or processed; and the disposition and prices paid for the fish received and/or processed.

PRICE AND MARKET REPORTING

Particular exception was taken to revealing prices and domestic fish processors' markets. Some reviewers claimed that Congress specifically excluded prices offered by domestic processors from consideration when determinations are made of their capacity and intent to process U.S. harvested fish.

NMFS does not believe that consideration of these factors should be precluded when estimating the extent to which U.S. fish processors will receive and utilize U.S. harvested fish.

This important information should not be ignored. Instead, NMFS contends it should be considered as an element among several related factors. For example, price data alone might not be a definitive indicator of the intent of U.S fish harvesters. However, price can be a vital component in the decision by a U.S. harvester to sell his catch to either U.S. or foreign processors. In the interim regulations however, the requirement for reporting these data by U.S. fish processors has been left to the discretion of the Regional Councils, until additional oral or written comments are received.

CONFIDENTIALITY

Some reviewers of the proposed regulations contended that submission of data on price or markets should not be required because regulations presently reserved under Part 603 are not yet final (see 43 FR 1162; January 9, 1978). Part 603 would explain how NMFS and the Regional Fishery Management Councils will preserve the confidentiality of such information. Reviewers believe that U.S. fish processors may suffer economic damage if such information is not held confidential. Some reviewers also believe conflicts of interest will arise if unaggregated data are available to Regional Councils. NMFS's practice is that any such data required by an FMP are kept confidential under section 303(d) of the FCMA.

ADDITIONAL COMMENT INVITED ON PROCESSOR REPORTING REQUIREMENTS

After the close of the comment period on these interim regulations NMFS will issue final regulations specifying the minimum data which U.S. fish processors will be required to submit. NMFS invites comments on the following issues:

1. Information which U.S. fish processors should be required to report;

2. Circumstances in which such data should be considered; and

3. Whether Regional Councils should be given access to price, market and other data reported by U.S. fish processors in unaggregated form.

OTHER COMMENTS

Comment 1. NOAA should consider international trade barriers when decisions are made on foreign permit applications to receive U.S. harvested fish.

Response. The President, on signing P.L. 95-354 into law, noted that the provision in predecessor bills requiring consideration of this factor had been removed, and that denying permits to processors from countries with import barriers to U.S. fish and fish products ". . . would have conflicted directly with our trade policies."

Comment 2. Several reviewers proposed that Councils perform assessments of U.S. processing and harvesting capacity and utilization more frequently. One reviewer stated that the regulations should require that the Federal government remain neutral and that the Regional Councils reduce the optimum yield of a fishery when price or other disputes between U.S. harvesters and processors cause all or a portion of the estimated U.S. harvested to remain unharvested. When the dispute is resolved, the Regional Council should increase optimum yield to its former level.

Response. NMFS believes that an adequate mechanism to consider these matters exists under section 602.5(d)(2) which now encourages more frequent Council assessments of estimates where appropriate, of the U.S. harvesting and processing capacities and the extent to which the fishery resources will be utilized throughout the year.

Comment 3. NMFS should give careful consideration to implementing the discretionary provisions of Section 303(b) of the FCMA related to fishing time, ocean area and season, and type and quantity of fishing gear to ensure that fishery management plans provide the maximum opportunities for development of the entire U.S. fishing industry.

Response.—NMFS is not prepared at this time to address fully questions involving consistency with National Standards (4) and (5) (section 301(a)(4), (5) of the FCMA). This matter will be considered in the context of item 3 of the advance notice of proposed rulemaking.

Comment 4.—The proposed regulations should identify species which traditionally have been fully utilized by U.S. fish processors as unavailable for transfer to foreign vessels.

Response.—We do not expect applications from foreign nations to receive U.S. harvested fish in fisheries which historically have been utilized fully by U.S. fish processors.

Comment 5.—Certain changes should be made in the proposed regulations to include the U.S. fish processing industry or the entire fishing industry in favorable considerations under Part 602.

Response.—Changes to reflect industry-wide considerations have been made in the interim regulations.

Advance Notice of Proposed Rulemaking

NMFS invites public comment on the following subjects.

1. Guidelines for establishing U.S. harvesting capacity;

2. Activities which should be considered "fish processing"; and

3. Guidelines for developing conditions and restrictions on foreign fishing permits for receiving U.S. harvested fish.

These matters are not addressed in the interim regulations. However, they may be considered before promulgation of final regulations. NMFS seeks public comment, either in writing or at the public hearing announced in this Notice, before deciding whether to issue rules governing Regional Councils and NMFS on matters relating to these three issues.

The Assistant Administrator for Fisheries has determined under Department Administrative Order (DAO)281-7 that the interim regulations are not significant. This determination will be reviewed prior to promulgation of final regulations.

V 4 4 / 2 7 F E 7 9 UMI

Signed in Washington, D.C. this 2nd day of February 1979.

WINFRED H. MEIBOHM,
Acting Executive Director,
National Marine Fisheries.

(16 U.S.C. 1801 *et seq.*)

§ 602.2 [Amended]

1. Amend 50 CFR 602.2(b)(5) by deleting the second sentence and substituting as follows:

. . . . . .

(b) • • •
(5) • • • In determining whether U.S. fishermen will not harvest an optimum yield, the Councils are to consider the capacity and extent to which fishing vessels of the United States will harvest such optimum yield, including U.S. harvested fish which will be received at sea by foreign vessels.• • •

2. Amend § 602.2(b)(5) by adding a fourth sentence as follows:

. . . . . .

(b) • • •
(5) • • • Fishery management plans and amendments to such plans shall estimate the amount of fish expected to be harvested by U.S. vessels and received at sea by foreign vessels.

§ 602.3 [Amended]

3. Amend § 602.3(b)(8)(ii) by adding the following new subparagraph (I):

. . . . . .

(b) • • •
(8) • • •
(ii) • • •

(I) Assessment and specification of the portion of the optimum yield which U.S. harvesters propose to deliver to foreign vessels.

4. Amend § 602.3(b)(8)(iv) by inserting "(A)" after *"the fishery"*. and by adding a new subparagraph (B) as follows:

. . . . . .

(b) • • •
(8) • • •
(iv) • • •

(B) Describe and quantify the amount or tonnage of any transfers at sea, or proposed transfers, of the stock(s) comprising the management unit from U.S. harvesters to foreign vessels."

5. Amend § 602.3(b)(8) by adding the following new subparagraph (v):

. . . . . .

(b) • • •
(8) • • •

(v) *Domestic processing capacity.* Assess and specify the capacity and extent to which U.S. fish processors, on an annual basis, will process the stock(s) comprising the management unit. In assessing the extent to which U.S. fish processors will process the stock(s), the following factors, as appropriate, shall be considered:

(A) Any contracts or other agreements for the purchase of U.S. harvested fish by U.S. fish processors;

(B) The ability, and intent to utilize that ability, of U.S. processors to process a particular species;

(C) Considerations such as geographical proximity of harvest areas to the facilities of U.S. fish processors, especially in relation to the refrigeration/freezing capability of potential U.S. fish harvesting vessels;

(D) Recent history of the extent to which U.S. fish processors have processed particular species;

(E) Availability and capacity of the labor force, processing machinery, freezers and cold storage facilities of U.S. fish processors and their intent and plans to increase availability or capacity in order to process a particular species;

(F) Seasonal schedules of the U.S. fish processors; and

(G) Availability of U.S. harvesting vessels to supply the stock(s) comprising the management unit taking into consideration such things as capability of vessels to fish the species in the fishery, seasonal schedules, and relative availabilities and prices of alternative fisheries.

. . . . . .

6. Delete § 602.3(b)(9)(ii) and substitute the following:

. . . . . .

(b) • • •
(9) • • •

(ii) *Domestic processing sector.* Describe the wholesale products and their values. Specify the degree of dependence of the processing sector upon products from the fishery.

7. amend § 602.3(b)(9)(iii) by redesignating subparagraph (iii) as (iv) and inserting a new subparagraph (iii):

. . . . . .

(b) • • •
(9) • • •

(iii) *Other sectors of the U.S. fishing industry.* Describe the dependence of other sectors of the U.S. fishing industry on the fishery. Include the dependence of labor, suppliers and provisioners, as well as fishing communities.

. . . . . .

8. Amend § 602.3(b)(13)(viii) by deleting "U.S. fishermen" and inserting "the U.S. fishing industry."

9. Amend the heading for § 602.3(b)(14)(ii) to read "(ii) *Domestic and foreign harvesters".*

10. Amend § 602.3(b)(14)(ii) by adding "numbers or weight of fish received at sea by foreign vessels from U.S. harvesting vessels." after "number of hauls".

11. Delete § 602.3(b)(14)(iii), and substitute the following:

. . . . . .

(b) • • •
(14) • • •

(iii) *Processors.* The plan shall specify the data that shall be submitted by fish buyers, processors, etc., who purchase, transport, and process the catch of the stock(s). The data specified may include, but are not limited to:

(A) The amount or tonnage of fish purchased, transported, and/or processed, by species.

(B) Locations at which fish are received and/or processed, by species.

(C) Limitations as to seasons, quantities, or quality standards of fish which apply to fish received and/or processed, by species.

(D) Disposition of the fish received or processed, by species.

(E) Prices paid for fish received, by species.

(F) The amount or tonnage which the processor expects to purchase, transport, and/or process, by species, by year.

§ 602.4 [Amended]

12. Amend § 602.4(b)(8) to add the following heading:

. . . . . .

(b) • • •
(8) • • •
(v) *Domestic processing capacity.*

13. Amend § 602.4(b)(14)(ii) to read: *"Domestic and Foreign Harvesters"*

§ 602.5 [Amended]

14. Amend § 602.5(d)(1) to read:

. . . . . .

(d) • • •

(1) *Council review.* The Act directs each Council to review on a continuing basis, and revise as appropriate, the assessments and specifications made regarding the optimum yield from, the capacity and extent to which U.S. fish processors will process U.S. harvested fish from, and the total allowable level of foreign fishing in, each fishery within its geographical area of authority

15. Amend § 602.5(d)(2), second sentence, to read:

. . . . . .

(d) • • •

(2) • • • At least once each year, and more often where appropriate, each Council must assess the accuracy of the estimates of MSY and optimum yield, the capacity and extent to which U.S. fish processors will process U.S. harvested fish, and the total allowable level of foreign fishing for each plan implemented regardless of whether the plan is prepared by a Council or by the Secretary. • • •

[FR Doc. 70-4244 Filed 2-6-79; 8:45 am]

[3522-10-M]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 653—ATLANTIC HERRING

Repromulgation of Emergency Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Repromulgation of emergency regulations.

SUMMARY: The emergency regulations implementing the Atlantic Herring Fishery Management Plan are continued in effect until final regulations are promulgated, but not later than March 19, 1979.

EFFECTIVE DATE: The emergency regulations are extended from 0001 hours e.s.t. February 3, 1979 until March 19, 1979, or to the time when final regulations are promulgated, if sooner.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930; Telephone: (617) 281-3600.

SUPPLEMENTARY INFORMATION: On December 28, 1978, emergency regulations were published to govern fishing for Atlantic herring (43 FR 60474). Those regulations took effect December 20, 1978, for a period of 45 days. Those regulations were also published as a proposed rulemaking to implement the Atlantic Herring FMP prepared by the New England Fishery Management Council.

The emergency regulations are hereby extended, effective 0001 hours e.s.t. February 3, 1979, to provide continued conservation of the stocks during the evaluation of public comments on proposed regulations and the preparation of final regulations. Although the emergency regulations are continued for the full 45-day period allowed by law (Fishery Conservation and Management Act of 1976, section 305(e); 16 U.S.C. 1855(e)), it is anticipated that final regulations will be promulgated within a few weeks.

The Assistant Administrator for Fisheries, NOAA, has determined that the emergency in this fishery, as described at 43 FR 60475-76, continues to exist.

Signed at Washington, D.C., this the 2nd day of February, 1979.

(16 U.S.C. 1801 et seq.)

WINFRED H. MEIBOHM,
Acting Executive Director,
National Marine Fisheries Service.

[FR Doc. 79-4149 Filed 2-2-79; 2:46 pm]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 1038-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Bay Area Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve changes to the Bay Area Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: March 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: On September 8, 1978, in 43 FR 40038, EPA published a Notice of Proposed Rulemaking for revisions to the Bay Area APCD's rules and regulations submitted on July 13, 1978 by the California Air Resources Board for inclusion in the California SIP.

The changes contained in this submittal and being acted upon by this notice include the following: a change in a reporting method in continuous monitoring systems; addition of a regulation for architectural coatings; changes in vapor control rules for stationary storage containers; and addition of a rule allowing the District access to information regarding emissions.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as SIP revisions.

A list of the rules being considered by this action was published as part of the Notice of Proposed Rulemaking. No comments were received during the 30-day public comment period.

It is the purpose of this Final Rulemaking notice to approve all changes contained in the July 13, 1978 submittal and incorporate them into the California SIP.

This final action will replace measures in the current SIP with the new measures submitted by the State to EPA for approval. Under this action, the current emission control regulations applicable to any source will remain in effect until such time as the newly revised regulation becomes effective and the source achieves full compliance with its provisions. This applies to all of the SIP revisions approved in this notice, not merely those that are subjected to judicial challenge. Failure of the source to satisfy the requirements of the effective regulation will result in appropriate enforcement actions.

Along with the approval of Regulation 9, *Architectural Coatings,* this notice rescinds the Bay Area APCD from the requirements of the Federal regulation currently applicable to architectural coatings, 40 CFR 52.254(m). Also, the approval of Regulation 2, § 3211.2, *Right of Access to Premises and Information,* rescinds the Bay Area APCD from the requirements of 40 CFR 52.234(d).

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

AUTHORITY: Sections 110 and 310(a) of the Clean Air Act as amended (42 U.S.C. Sections 7410 and 7601(a)).

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c)(45) is added as follows:

§ 52.220 Identificaton of plan.

. . . . . .

V 4 4 / 2 7

(c) • • •

(45) Revised regulations for the following APCD's submitted on July 13, 1978 by the Governor's designee.

(i) Bay Area APCD.

(A) New or amended Regulation 2, Division 3, §§ 3210.11(B), 3211.2; Regulation 3, Division 3, § 3102.1; Regulation 9.

• • • • • •

2. Section 52.234, paragraph (a)(6) is added as follows:

§ 52.234 Source surveillance.

• • • • • •

(a) • • •

(6) San Francisco Bay Area Intrastate:

(i) Bay Area APCD.

• • • • • •

3. Section 52.254, paragraph (a)(4) is added as follows:

§ 52.254 Organic solvent usage.

• • • • • •

(a) • • •

(4) In the following portions of the San Francisco Bay Area Region, paragraph (m) of this section is rescinded:

(i) Bay Area APCD.

• • • • • •

[FR Doc. 79-4256 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1045-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Massachusetts State Implementation Plan (SIP) allowing the burning of a 30 percent coal to 70 percent oil mixture in the new England Power Company (NEPCo) Unit No. 1, Salem Harbor Station, Salem, Massachusetts, for a period of one year, as a research project funded by the U.S. Energy Research and Development Administration (ERDA).

EFFECTIVE DATE: February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Victor M. Trinidad, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

SUPPLEMENTARY INFORMATION: On October 10, 1978, the Regional Administrator published in the FEDERAL REGISTER (43 FR 46553) a notice proposing approval of a revision to the Massachusetts SIP. The SIP revision, submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) on July 5, 1978, included variances to Massachusetts regulations 310 CMR 7.05 *Sulfur-in-fuel* and 310 CMC 7.06 *Visible Emissions*, (formerly regulations 5 & 6).

The SIP revision approved today will allow New England Power Company (NEPCo) Unit No. 1, Salem Harbor station, Salem, Massachusetts, to burn a 30 percent coal-70 percent oil mixture as a coal research and development project funded by ERDA. The plant will be burning fossil fuel with a maximum sulfur content of 1.21 pounds per million Btu release potential (approximately equivalent to 2.2 percent Sulfur content residual oil by weight) from January 1 to December 31, 1979. Also approved is a temporary relaxation of regulation 310 CMR 7.06 permitting exceedance of the 20 percent opacity limit up to fifteen minutes per hour during combustion optimization test runs; with the maximum plume opacity limited to 40 percent or No. 2 of the Ringlemann Chart.

Massachusetts Regulation 310 CMR 7.05 "Sulfur Content of Fuels and Control Thereof" was first approved as a temporary revision to the Massachusetts SIP on December 5, 1975 (40 FR 5689). Since then, SIP revisions have extended the effective period of the aforementioned regulation until July 1, 1979 (43 FR 56040).

Under the present SIP, Salem Harbor Station is allowed to burn 2.2 percent S fuel oil. However, due to opacity violations in 1976, Units 1, 2 & 3 were ordered back by the Massachusetts Department and now are burning 1 percent S fuel oil.

This approval will allow NEPCO's Unit No. 1 to burn the coal/oil mixture until December 31, 1979, six months beyond the July 1, 1979 expiration date of Regulation 310 CMR 7.05.

To prevent any nuisance condition the terms of the variance require that: (1) the project shall be commenced using: 10 percent to 90 percent coal/oil respectively, and then gradually progressing to 20 percent to 80 percent coal/oil, and then to maximum 30 percent to 70 percent coal/oil, if feasible; (2) emission testing shall take place after each increment and compliance with the particulate emission limitation (0.12 lbs/M Btu) and all other applicable regulations shall be demonstrated prior to any increase in coal/oil slurry ratio; (3) if nuisance conditions occur as a result of any coal handling or burning operations, then the variance shall be subject to immediate termination; (4) the variances shall expire one year after NEPCo commences the burning of the coal/oil slurry and in no case shall terminate later then December 31, 1979.

Five comments were received during the 30-day comment period. Four comments supported the SIP revision and one was opposed. The comment opposing the revision was not specific and EPA's review has determined that appropriate measures are being taken to protect National Ambient Air Quality Standards (NAAQS), and that no NAAQS violations will result from this variance.

The Salem area was designated as "unclassified" for total suspended particulates (TSP) in the March 3, 1978 FEDERAL REGISTER (43 FR 8962). Although there were secondary violations monitored by private monitors in the area, the Massachusetts Department determined that emissions from Salem Harbor Station did not have an impact on such violations.

There have been no monitored violations of the NAAQS for sulfur dioxide (SO_2) in the Metropolitan Boston Interstate AQCR since regulation 310 CMR 7.05 (permitting burning of high sulfur fuel oil in certain facilities) has been in effect.

This SIP revision is not subject to the requirements for prevention of significant deterioration (PSD) in CFR 52.21. First, the source does not need a PSD permit because fuel changes are specifically excluded from the permit requirement (40 CFR 52.21 (b)(2)(ii)(d)) and second, this SIP revision does not consume increment because the original SIP revision for sources in the Metropolitan Boston APCD, proposing an increase in allowable emissions from 1.0 percent S to 2.2 percent S fuel oil, the same limit as in this revision, was pending in the Regional Office on August 7, 1977 (40 FR 52.21(b)(11)(i)), and thus no increased emissions are being allowed.

The Agency finds that good cause exists for making this action effective immediately so that time constraints imposed by ERDA can be met.

After evaluation of the State's subittal, the Administrator has determined that this revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts State Implementation Plan.

Authority: Section 110(a)(2)A-K and 301 of the Clean Air Act, as amended, (42 U.S.C. 7410 and 7601).

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. A new paragraph (17) is added in § 52.1120(c) to read as follows:

§ 52.1120 Identification of plan.

• • • • • •

(c) The plan revisions listed below were submitted on the dates specified.

• • • • • •

(17) Revision to Regulations 310 CMR 7.05, Sulfur-in-Fuel, and 310 CMR 7.06, Visible Emissions, allowing burning of a coal-oil slurry at New England Power Company, Salem Harbor Station, Massachusetts, submitted on July 5, 1978 by the Commissioner, Massachusetts Department of Environmental Quality Engineering.

[FR Doc. 4231 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1036-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Mississippi: Revision of Mississippi Permit Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On January 31, 1978, the Mississippi Air and Water Pollution Control Commission adopted, after public notice and public hearing, revised permit regulations for the construction and/or approval of air emissions equipment, which were made necessary by changes in the State's pollution control law. This action, approving Mississippi's revision to their permit regulation, will have no adverse effect on the attainment and maintenance of the national ambient air quality standards.

The provisions of the revisions were described in a notice of proposed rulemaking in the FEDERAL REGISTER of August 30, 1978 (43 FR 38735). No comments were received. The purpose of this notice is to announce the Administrator's approval of these revisions.

EFFECTIVE DATE: February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Archie Lee, Air Programs Branch, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, 404/881-2864.

SUPPLEMENTARY INFORMATION: The Mississippi Air and Water Pollution Control Commission on January 31, 1978, adopted revisions in its permit regulations (APC-S-2, Permit Regulations for the Construction and/or Operation of Air Emissions Equipment). The major provisions of the revisions, which were made necessary by changes in the State's pollution control law, are now described.

The permit issuing authority has been taken from the Commission and vested in the Mississippi Air and Water Pollution Control Permit Board. An applicant must apply for permit at least 180 days prior to the commencement of activity or in the case of renewal, 180 days before the expiration of the current permit. The original limit was 90 days. Included in the new regulations are requirements designed to insure compliance with both State and Federal regulations; the State would be able to require sources to comply with Federal regulations dealing with the prevention of significant deterioration of air quality, new source performance standards, and national emission standards for hazardous air pollutants. In addition, miscellaneous outdated material has been deleted from the regulations. The implementation of this revision in the Mississippi permit regulations will have no adverse effect on the attainment and maintenance of the national ambient air quality standards.

Accordingly, this revision is approved.

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart Z—Mississippi

In § 52.1270, paragraph (c) is amended by adding subparagraph (10) as follows:

§ 52.1270 Identification of plan.

• • • • • •

(c) • • •

(10) Revised permit regulations, submitted on March 16, 1978, by the Mississippi Air and Water Pollution Control Commission.

[FR Doc. 79-4257 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL-10420-7]

PART 52—APPROVAL AND PROMULGATION OR IMPLEMENTATION PLANS

California Plan Revision: Public Availability of Emission Data

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to correct certain deficiencies in the California State Implementation Plan (SIP) concerning the public availability of emission data. EPA is promulgating, for 18 Air Pollution Control Districts (APCD's), the substitute Federal regulation which provides for correlation of emission data with applicable emission limitations.

EFFECTIVE DATE: March 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: Under Section 110(a)(2)(F) of the Clean Air Act, as amended, and 40 CFR 51.10(e), SIP's must provide for the periodic reporting of emission data by source owners to the State or local agency which must be made available to the public and which mut be correlated with applicable emission limitations.

On May 31, 1972 (37 FR 10842) EPA approved the California SIP, with specific exceptions, for the attainment and maintenance of the National Ambient Air Quality Standards. Included in this approval were provisions that emission data reported must be available to the public. Subsequently, the Agency reviewed these approvals and found that some plans contained confidentiality clauses which could have caused emission data to be withheld from the public. On November 28, 1975 (40 FR 5526) the Agency promulgated § 52.224 (a) and (b) to resolve this problem in California. Section 52.224(a)(1) lists those APCD's that meet all the requirements of 40 CFR 51.10(e). Section 52.224(a)(2) lists those APCD's which lack only the correlation of emission data requirement in § 51.10(e). Section 52.224(b)(1-4) is the substitute Federal regulation which provides for public availability of emission data.

Upon further review, EPA has determined that several APCD's included in

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§ 52.224(a)(1) lack the provision for correlation of emission data with applicable emission limitations as required in § 51.10(e).

This rulemaking takes final action to revise 40 CFR 52.224(a) (1) and (2). Of the 21 APCD's previously approved under § 52.224(a)(1), 18 APCD's are deleted from that section. A list of the 18 APCD's affected by this action was published as part of the September 1, 1978 Notice of Proposed Rulemaking (43 FR 39151). The 18 APCD's do not satisfy all the requirements of § 51.10(e) of this chapter since they lack a provision for correlation of emission data with applicable emission limitations. 40 CFR 52.224(b)(4) is promulgated for those 18 APCD's.

On September 1, 1978 (43 FR 39151) EPA proposed to correct these deficiencies. The Notice of Proposed Rulemaking provided for a 60 day comment period and offered to hold a public hearing upon request. No comments were received.

Under Section 110(c) of the Clean Air Act, as amended, the Administrator is required to promulgate regulations where a portion of the SIP is determined not to be in accordance with the requirements of Section 110.

It is the purpose of this notice to take final action to delete the 18 APCD's from 40 CFR 52.224(a)(1) and add them to 40 CFR 52.224(a)(2).

Authority: Sections 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. sections 7410 and 7601(a)).

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.224(a) is amended as follows:

§ 52.224 General requirements.

• • • • • •

(a) • • •
(1) • • •
(i) Siskiyou County APCD.
(ii) San Diego County APCD.
(iii) Great Basin Unified APCD.
(2) • • •
(i) Merced County APCD.
(ii) Stanislaus County APCD.
(iii) Fresno County APCD.
(iv) Calaveras County APCD.
(v) Tuolumne County APCD.
(vi) San Joaquin County APCD.
(vii) Mariposa County APCD.
(viii) Tulare County APCD.
(ix) Kern County APCD.
(x) Madera County APCD.
(xi) Yolo-Solano APCD.
(xii) Sutter County APCD.
(xiii) Glenn County APCD.
(xiv) Tehama County APCD.
(xv) Sierra County APCD.
(xvi) Shasta County APCD.
(xvii) Sacramento County APCD.
(xviii) Del Norte County APCD.
(xix) Humboldt County APCD.
(xx) Lake County APCD.
(xxi) Imperial County APCD.
(xxii) Trinity County APCD.
(xxiii) Ventura County APCD.
(xxiv) Monterey Bay Unified APCD.
(xxv) Northern Sonoma County APCD.
(xxvi) San Luis Obispo County APCD.
(xxvii) Kings County APCD.
(xxviii) Plumas County APCD.
(xxix) Nevada County APCD.
(xxx) Mendocino County APCD.

• • • • • •

[FR Doc. 79-4232 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1054-6]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

DELEGATION OF AUTHORITY TO STATE OF TEXAS

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action amends Section 60.4, *Address*, to reflect the delegation of authority for the Standards of Performance for New Stationary Sources (NSPS) to the State of Texas.

EFFECTIVE DATE: February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

James Veach, Enforcement Division, Region 6, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270, telephone (214) 767-2760.

SUPPLEMENTARY INFORMATION: A notice announcing the delegation of authority is published elsewhere in the Notice Section in this issue of the FEDERAL REGISTER. These amendments provide that all reports and communications previously submitted to the Administrator, will now be sent to the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758, instead of EPA's Region 6.

As this action is not one of substantive content, but is only an administrative change, public participation was judged unnecessary.

(Sections 111 and 301(a) of the Clean Air Act; Section 4(a) of Public Law 91-604, 84 Stat. 1683; Section 2 of Public Law 90-148, 81 Stat. 504 [42 U.S.C. 7411 and 7601(a)]).

Dated: November 15, 1978.

ADLENE HARRISON,
Regional Administrator, Region 6.

Part 60 of Chapter 1, Title 40, Code of Federal Regulations, is amended as follows:

1. In § 60.4, paragraph (b) (SS) is amended as follows:

§ 60.4 Address.

• • • • • •

(b) • • •
(SS) State of Texas, Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

• • • • • •

[FR Doc. 79-4223 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1054-7]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Texas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action amends Section 61.4, *Address*, to reflect the delegation of authority for the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of Texas.

EFFECTIVE DATE: February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

James Veach, Enforcement Division, Region 6, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270, telephone (214) 767-2760.

SUPPLEMENTARY INFORMATION: A notice announcing the delegation of authority is published elsewhere in the Notice Section in this issue of the FEDERAL REGISTER. These amendments provide that all reports and communications previously submitted to the Administrator, will now be sent to the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas, instead of EPA's Region 6.

As this action is not one of substantive content, but is only an administrative change, public participation was judged unnecessary.

(Sections 112 and 301(a) of the Clean Air Act; Section 4(a) of Public Law 91-604, 84 Stat. 1685; Section 2 of Public Law 90-148, 81 Stat. 504 [42 U.S.C. 7412 and 7601(a)]).

Dated: November 15, 1978.

ADLENE HARRISON,
Regional Administrator, Region 6.

Part 61 of Chapter 1, Title 40, Code of Federal Regulations, is amended as follows:

In § 61.04, paragraph (b) (SS) is amended as follows:

§ 61.04 Address.

• • • • • •

(b) • • •
(SS) State of Texas, Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

• • • • • •

[FR Doc. 79-4228 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1039-5]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by Nebraska Department of Environmental Control to Nebraska Asphalt Paving Co., Valley, Nebr.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Nebraska Department of Environmental Control to the Nebraska Asphalt Paving Company. The Order requires the company to bring air emissions from its portable asphalt plant at Valley, Nebraska into compliance with certain regulations contained in the federally approved Nebraska State Implementation Plan (SIP). Because of the Administrator's approval, Nebraska Asphalt Paving Company's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on February 7, 1979.

ADDRESS: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at the Environmental Protection Agency, Region VII, Enforcement Division, 1735 Baltimore, Kansas City, Missouri 64108.

FOR FURTHER INFORMATION CONTACT:

Peter J. Culver or Henry F. Rompage, Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Missouri 64108, telephone 816-374-2576.

SUPPLEMENTARY INFORMATION: On November 21, 1978, the Regional Administrator of EPA's Region VII Office published in the FEDERAL REGISTER, 43 FR 54273, a notice proposing approval of a delayed compliance order issued by the Nebraska Department of Environmental Control to the Nebraska Asphalt Paving Company. The notice asked for public comments by December 21, 1978, on EPA's proposed approval of the Order. No public comments were received in response to the proposal notice.

Therefore, the delayed compliance order issued to Nebraska Asphalt Paving Company is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order placed Nebraska Asphalt Paving Company on a schedule to bring its portable asphalt plant at Valley, Nebraska into compliance as expeditiously as practicable with Nebraska Air Pollution Control Rules and Regulations, Rule 5, Particulate Emissions Limitations and Rule 13, Visible Emission, a part of the federally approved Nebraska State Implementation Plan. No interim requirements, including monitoring and reporting, pursuant to Section 113(d)(1)(c) shall be required during the period of this order as no such requirements were determined to be reasonable and practical for the reason that the plant operation is seasonal in nature and will be closed from November 1, 1978, until such time as the emission control equipment is installed and operational or May 15, 1979, whichever is earlier. If the conditions of the Order are met, it will permit Nebraska Asphalt Paving Company to delay compliance with the SIP regulations covered by the Order until June 15, 1979. The company is unable to immediately comply with these regulations.

Because the Order has been approved by EPA, compliance with its terms will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order during the period the Order is in effect. Citizen suits under Section 304 of the Act are similarly precluded. If the Administrator determines that Nebraska Asphalt Paving Company is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Nebraska Asphalt Paving Company on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Nebraska State Implementation Plan.

(42 U.S.C. 7413(a), 7601)

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.321 to read as follows:

§ 65.321 Section 321 EPA Approval of State delayed compliance orders issued to major stationary sources.

• • • • • •

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
Nebraska Asphalt Paving Company.	Valley, Nebraska	VII-78-DCO-15 ..	Nebraska Rules 5 and 13.	November 21, 1978.	June 15, 1979.

[FR Doc. 79-4238 Filed 2-6-79; 8:45 am]

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[6560-01-M]

[FRL 1043-3]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for Corning Glass Works

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to Corning Glass Works. The Order requires the Corning Glass Works to bring air emissions from two borosilicate glass melting furnaces at Greenville, Ohio into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). Corning Glass Works' compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone: (312) 353-2082.

SUPPLEMENTARY INFORMATION: On November 21, 1978, the Regional Administrator of U.S. EPA's Region V Office published in the FEDERAL REGISTER (43 FR 54277) a notice setting out the provisions of a proposed State Delayed Compliance Order for Corning Glass Works. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to Corning Glass Work by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Corning Glass Works on a schedule to bring its two borosilicate glass melting furnaces at Greenville, Ohio, into compliance as expeditiously as practicable with Regulation OAC-3745-17-07(a)(1), a part of the federally approved Ohio State Implementation Plan. Corning Glass Works is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Corning Glass Works to delay compliance with the SIP regulation covered by the Order until July 1, 1979.

Compliance with the Order by Corning Glass Works will peclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the Regulation covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Corning Glass Works is in violation of a requirement contained in the Order, one of more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective February 7, 1979, because of the need to immediately place Corning Glass Works on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C 7413(d), 7601)

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

Inconsideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending Section 65.401 to read as follows:

§ 65.401 U.S. EPA Approval of State Delayed Compliance Orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to each order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Date of FR proposal	SIP regulation involved	Final compliance date
Corning Glass Works	Greenville, Ohio.	11-21-78	OAC 3745-17-07(a)(1).	7-1-79

[FR Doc. 79-4237 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1050-4]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for Kaiser Aluminum and Chemical Corp.

AGENCY: U.S. Environmental Protection.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA issues a Delayed Compliance Order to Kaiser Aluminum and Chemical Corporation (Kaiser Aluminum.) The Order requires Kaiser Aluminum to bring air emissions from its two coal-fired boilers at Heath, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). Kaiser Aluminum's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Louise C. Gross, Attorney, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On October 23, 1978, the Regional Administrator of U.S. EPA's Region V Office published in the FEDERAL REGISTER (43 FR 49329) a notice setting out the provisions of a proposed Federal Delayed Compliance Order for Kaiser Aluminum. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is issued to Kaiser Aluminum by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(1) of the Clean Air Act, 42 U.S.C. 7413(d)(1). The Order places Kaiser Aluminum on a schedule to bring its two coal-fired boilers at Heath, Ohio, into compliance as expeditiously as practicable with Regulation AP-3-11, a part of the federally approved Ohio State Implementation Plan. Kaiser Aluminum is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Kaiser Aluminum to delay compliance with the SIP regulation covered by the Order until March 31, 1979.

Compliance with the Order by Kaiser Aluminum will preclude Federal enforcement action under Section 113 of the Act for Violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulation covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Kaiser Aluminum is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(a) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Kaiser Aluminum on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

On consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

1. By amending § 65.400 to read as follows:

Section 65.400 Federal Delayed Compliance Orders issued under section 113(d) (1), (3), and (4) of the Act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Kaiser Aluminum and Chemical Corporation.	Heath, Ohio	EPA-5-79-A-16	10-23-78	AP-3-11	3-31-79

[FR Doc. 79-4235 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1045-1]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for American Chemical Services, Inc., Griffith, Ind.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to American Chemical Services, Inc. The Order requires the Company to bring air emissions from its waste gas incinerator at Griffith, Indiana, into compliance with certain regulations contained in the federally approved Indiana State Implementation Plan (SIP). American Chemical Services, Inc.'s compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On December 13, 1978, the Regional Administrator of U.S. EPA's Region V Office published in the FEDERAL REGISTER (43 FR 58204) a notice setting out the provisions of a proposed State Delayed Compliance Order for American Chemical Services, Inc. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to American Chemical Services, Inc. by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places American Chemical Services, Inc. on a schedule to bring its waste gas incinerator at Griffith, Indiana, into compliance as expeditiously as practicable with Regulation APC-15, a part of the federally approved Indiana State Implementation Plan. American Chemical Services, Inc. is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit American Chemical Services, Inc. to delay compliance with the SIP regulation covered by the Order until January 1, 1979.

Compliance with the Order by American Chemical Services, Inc. will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulation covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that American Chemical Services, Inc. is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place American Chemical Services, Inc. on a schedule for compliance with the Indiana State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

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Dated: February 1, 1979.

BARBARA BLUM,
Acting Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.191 to read as follows:

§ 65.191 U.S. EPA Approval of State Delayed Compliance Orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Date of FR proposal	SIP regulation involved	Final compliance date
American Chemical Services, Inc	Griffith, Indiana.	12/13/78	APC-15	1/1/79

[FRL 1045-1]

Air Pollution Control Board of the State of Indiana, Plaintiff; vs. *American Chemical Services, Inc.,* Respondent. Cause No. A-108.

FINDINGS OF FACT

1. That the Air Pollution Control Board of the State of Indiana ("the Board") is an agency of the State of Indiana duly empowered pursuant to IC 13-1-1 and IC 13-7 to promulgate regulations related to the control of Air Pollution, to act upon complaints of alleged air pollution, and to enter such orders and determinations as may be necessary to prevent or abate air pollution.

2. That the Board has jurisdiction over both the subject matter and the parties to this action.

3. That pursuant to the provisions of IC 13-1-1 and IC 13-7-11-2, notice and service of same is waived by respondent.

4. That American Chemical Services, Inc., owns and operates a solvent processing and recovery facility located in Griffith, Indiana.

5. That as a part of its solvent process and recovery operations respondent operates a waste gas incinerator which emits hydrocarbons in violation of the standards set forth in Indiana Regulation APC-15.

6. That respondent is presently unable to comply with Indiana Regulation APC-15.

7. That monitoring of hydrocarbon emissions is not feasible.

RECOMMENDED ORDER

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable and that the terms of this Order comply with Section 113(d) of the Clean Air Act. Therefore, it is hereby ORDERED:

1. That respondent shall abate hydrocarbon emissions and achieve compliance with Indiana Regulation APC-15 by replacing the presently installed waste gas incinerator in accordance with the following schedule:

a. Submit information to the Board for a construction permit—complete.

b. Place purchase orders by November 13, 1978.

c. Commence construction by December 11, 1978.

d. Complete construction by December 31, 1978.

e. Achieve final compliance and submit test results demonstrating final compliance with Indiana Regulation APC-15 by January 1, 1979.

2. That respondent shall continue to utilize the scrubbing system to unload bromine into the storage tank.

3. That in the interim the respondent shall modify the process for handling solvent and additives in order to control the destruction of product gas. This is the best practicable system of emissions reductions for the interim period.

4. That beginning the date this Order is signed respondent shall make monthly written progress reports to the Board delineating progress toward each incremental step or final compliance date specified in this Order.

5. That failure to meet the dates specified in this Order including interim dates constitutes a violation of this Order. Failure of the facilities subject to this Order to achieve final compliance with Indiana Regulation APC-15 by July 1, 1979, will subject respondent to a claim for a noncompliance penalty in accordance with Section 120 of the Clean Air Act (42 U.S.C. 7420) and any state regulation that may be submitted to and approved by the Administrator in accordance with that Section.

I have reviewed the above Findings of Fact and Recommended Order and hereby recommend that the Air Pollution Control Board adopt this as its Final Order.

Dated: August 31, 1978.

HARRY D. WILLIAMS,
Director,
Air Pollution Control Division.

I am duly authorized to legally bind American Chemical Services, Inc., in this matter and have reviewed the above Findings of Fact and Recommended Order and agree to be bound by said Order when issued by the Indiana Air Pollution Control Board.

Dated: August 28, 1978.

JOHN MURPHY, V.P.,
American Chemical Services, Inc.

[FR Doc. 79-4236 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL-959-2]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart E—Regulations for Model Year 1979 and Later NOx Research Objective Programs Conducted by Automotive Manufactures

AGENCY: Environmental Protection Agency.

ACTION: Final regulations (Interim) for Model Year 1979.

SUMMARY: This final rule establishes procedures which automobile manufacturers must follow in conducting research programs on oxides of nitrogen (NOx) in the Model Year 1979. Section 202(b)(7) of the Clean Air Act authorizes this action.

DATES: Submit request for public hearing: February 20, 1979. Submit written comments: April 9, 1979.

ADDRESS: Send comments to: Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (ANR-455), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Robert Wagner, Office of Mobile Source Air Pollution Control, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313)668-4279

SUPPLEMENTARY INFORMATION:

On August 7, 1977, Congress amended the Clean Air Act [1] (the Act) to establish as a research objective, the development of "• • • propulsion systems and emission control technology to achieve standards which represent a reduction of at least 90 per centum from the average emissions of oxides of nitrogen actually measured from light-duty motor vehicles manufactured in model year 1971 not subject to any Federal or State emission standard for oxides of nitrogen." EPA calculates that the emissions level necessary to meet this requirement is 0.41 gram per mile.

Section 202(b)(7) further requires EPA to publish regulations that direct manufacturers to build vehicles which meet this standard. In addition, the technology which the manufacturers develop must be fuelefficient and have the potential for mass production.

[1] Pub. L. 95-95, 91 Stat. 685, 753, adding a new paragraph (7) to section 202(b).

PUBLICATION OF THE FINAL RULE

We are issuing this rule in iterim final from under the authority of 5 U.S.C. 553 which allows the promulgation of final rules without a prior Notice of Proposed Rulemaking (NPRM) under the following conditions:

[W]hen the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure are impracticable, unnecessary or contrary to the public interest.

What follows is an explanation of why we decided to dispense with the formal NPRM procedures.

Congress amended the Act on August 7, 1977. Since that time, we have devoted considerable effort to developing regulations to foster the research objectives of the Act. Congress intended manufacturers to implement the low NOx program in the 1979 model year, which is why it gave EPA such a short period to develop the regulations establishing the program. A period of public comment would delay issuance of a final rule to the point that manufacturers would not have adequate time to develop research programs before the 1980 model year. It would be contrary to the public interest, as well as the intent of Congress, to delay implementation of this program. Therefore we find "good cause" to dispense with the proposed rulemaking proceedings.

We have made every effort to involve interested parties in the development of this regulation. At the September 21, 1977 bi-monthly industry meeting, we announced that on the following day EPA staff would be available to discuss preliminary views on the development of regulations to establish manufacturers' NOx research programs under section 202(b)(7).

EPA staff and technical staff representing the industry attended this meeting. Discussion focused on the possibility of establishing a NOx research program in which EPA would select a low NOx test fleet from automobiles proposed by the manufacturers. This is a process analogous to the emission certification program. The fleet would have to include a sufficient number of vehicles to cover the range of a manufacturer's product line in terms of automobile size and engine type. Manufacturers would equip the fleet with optimum emission control systems and other components. It would include durability vehicles for testing conventional and alternate engines under development by the manufacturer. The durability vehicles would accumulate as much as 100,000 miles. The fleet would also include other vehicles for testing of components and for optimization of emission control systems.

Industry representatives objected strongly to this concept, observing that such a plan would divert resources from research designed to solve technical problems to the costly task of building test vehicle fleets.

The representatives also raised two other issues at this meeting. First, they claimed that by disallowing test vehicles, EPA would be usurping the manufacturers' decision-making authority on technical issues. Second, they claimed that the plan would impose a substantial paperwork burden both on EPA and on the industry.

Based on consideration of the issues raised at the September 22 meeting and additional internal-EPA analyses, EPA devised a substantially different approach to development of the regulations under section 202(b)(7). We prepared a paper outlining the revised concepts and sent it on December 22, 1977 to industry and public interest groups for review. We requested comments on this paper as soon as possible after that date.

Comments from the industry were generally favorable although they expressed the general concern that any regulations avoid excessive paperwork requirements and permit the industry wide latitude in decisionmaking. There was also some comment on the need for EPA to describe the method which we would use to evaluate a manufacturer's research effort. We discuss each of these issues in detail below. We received no comments from public interest groups.

We have developed the regulations published here on the basis of the December 22, 1977 concept paper. We are, nevertheless, interested in receiving comments comparing the original plan which we presented at the September 22 meeting with this one. Similar provisions are being proposed simultaneously in a Notice of Proposed Rulemaking applicable to 1980 and subsequent model years.

WHAT ROLE SHOULD EPA PLAY IN THE CONDUCT OF THE MANUFACTURER'S NOX RESEARCH PROGRAM?

Section 202(b)(7) requires that each manufacturer establish a NOx research program to build automobiles which meet the research goal we have set of 0.41 g/mi NOx. Section 202(b)(7) also requires the Administrator to develop regulations to ensure that affected manufacturers actually do establish NOx research programs. The Administrator is not to direct or manage the research program of an individual manufacturer. The full responsibility for conducting the research program, including responsibility for problems or failures, must lie with the manufacturer. Lack of full responsibility and accountability on the part of the manufacturer for its reserach effort may impede rather than foster the development of NOx control technology.

With this consideration in mind, one goal of these regulations is to provide each manufacturer full freedom to use his/her resources and technical expertise in developing and conducting a NOx research program in the manner it deems best, and to avoid injecting EPA into the research program in a manner that might shift responsibility for design or conduct of the program from the manufacturer to the Agency.

Once we identified what these regulations should not do, the issue became what role EPA should play in a manufacturer's NOx research program. We believe that Congress intends for EPA to monitor each manufacturer's NOx research activities and to report to Congress on the existence and adequacy of each program. There are no sanctions expressly associated with failure of a manufacturer to comply with section 202(b)(7) of the Act. The manufacturer's concern for his/her public image appears to be the major incentive for compliance.

WHAT ARE THE MAJOR PROVISIONS OF THESE REGULATIONS?

MANUFACTURER'S RESEARCH PROGRAM

Section 404 of the regulations describes the objectives which Congress established in the Act. First, manufacturers are to develop technology to achieve the NOx research goal of 0.41 g/mi. All automobiles built to meet this research goal must also satisfy all other applicable emission standards and requirements of the Clean Air Act. These regulations do not require the manufacturer to use any specific method to achieve these objectives. The responsibility for making technical judgments rests solely with the individual manufacturer.

ANNUAL RESEARCH PLAN AND REPORT

These regulations provide a way for EPA to monitor a manufacturer's NOx research program. Each manufacturer must provide EPA with a research plan at the beginning of the research period, and a report at the end.

Research plans must discuss the goals which a manufacturer establishes for himself/herself and describe the relationship of those goals to the objectives of the NOx research program which Congress established in the Act. The plan must discuss in detail specific activities for the annual research period. It must also include

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schedules for the conduct of such projects and associated milestones.

At the end of each annual research period, manufacturers are required to submit a report to EPA. In this report, the year's research activites must be catalogued and evaluated by the manufacturers in terms of the progress (or lack of progress) made and how the results will be used in subsequent research or production activities. The regulations encourage manufacturers to combine annual reports and subsequent year's research plans to emphasize the continuity of the NOx research efforts and to minimize paper work.

In an effort to further minimize the burden on manufacturers, manufacturers are not required to submit every vehicle to EPA for testing; submission of the annual report will usually be sufficient. However, the Administrator may request vehicles for testing and the manufacturer should be prepared to comply with such a request.

Briefings for the Administrator

These regulations provide that EPA may request briefings from manufacturers on the status of their NOx research activities. These briefings are intended to provide an opportunity for EPA and industry to exchange information relatively informally and without undue paperwork. EPA is not entitled to ask for more than one briefing per 3 months.

EPA Review of Manufacturer's NOx Research Program

These regulations do not expressly establish a procedure for reviewing and reporting to Congress and the public on manufacturers' research programs, since this information can conveniently be included in either the Annual Report to Congress which is prepared aby EPA under section 313, or the section 202(b)(4) reports. Should it appear desirable to do so, EPA may prepare written summaries and reviews of the manufacturers' NOx research programs separately.

Since research is necessarily a creative process, and in any field technical experts will often disagree in interpreting research results and, consequently, in deciding how to best proceed, we expect that in reviewing the materials submitted under these regulations, we may have reservations about the validity of some aspects of a manufacturer's program. However, in reviewing and reporting to Congress on manufacturer's programs, our emphasis will be on the apparent appropriateness of a manufacturer's program, i.e., were the resources allocated to a specific project reasonable in view of the complexity of the problem, were the data sufficient to support the conclusions drawn or decisions made, and were the analytical methods used generally accepted procedures?

What Other Major Issues Were Identified in Developing These Rules?

Paper Work Reduction

One of our major considerations in developing these regulations was to minimize the paperwork required in administering and complying with these rules. It is the Agency's view that both the research plan and the annual report required under this rule are necessary for EPA to effectively monitor the industry. To minimize the burden of preparing them, we allow the annual report and the subsequent research plan to be combined at the manufacturer's discretion. Manufacturers will be permitted to reference applicable portions of other materials provided to EPA in their annual reports. We specifically invite comment on any additional ideas for reducing reporting or record keeping requirements.

Demonstration Vehicles

The Act requires an annual demonstration of the operation of vehicles that achieve the NOx research objective. An important issue in the development of this rule was that of how the number and types of demonstration vehicle(s) would be determined. We decided that the manufacturers should be responsible for identifying the number and types of vehicles. The manufacturers are required to conduct fuel economy and emissions testing as a minimum, but the manufacturer is responsible for determining the mileage points at which this testing should be performed.

Affected Manufacturers

Section 202(b)(7) of the Act specified that these regulations apply to each manufacturer whose sales represent at least 0.5 per centum of light-duty motor vehicle sales in the United States. Based on vehicle registration or sales data, the following manufacturers are affected for the 1979 research period: American Motors, British Leyland, Chrysler, Fiat, Fuji, Mitsubishi, Ford, General Motors, Honda, Nissan, Toyota, and Volkswagen. This publication constitutes notice of the determination of affected manufacturers for purposes of section 403(c).

For 1980 and subsequent model years, the determination of affected manufacturers will be based on the production data submitted by the manufacturers under 40 CFR 600.512 in a report called the "model year report" covering the second model year prior to the annual research period.

[1] The model year report required to be submitted under 40 CFR 600.512 is required for the purpose of calculating a manufacturer's fleet average fuel economy which the Secretary of Transportation uses in enforcing the fuel economy standards of the Motor Vehicle Information and Cost Savings Act.

Comments and the Public Docket

Copies of materials relevant to this rule are contained in Public Docket No. OMSAPC-78-2 located in the U.S. Environmental Protection Agency, Central Docket Section, Room 2903B (EPA library), 401 M Street, SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

Interested parties may participate in this interim-final rulemaking by submitting comments (in quadruplicate if possible) to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M Street, SW., Washington, D.C. 20460 no later than April 9, 1979. As noted above, these provisions are being simultaneously proposed in a Notice of Proposed Rulemaking applicable to 1980 and later model years elsewhere in this issue of the Federal Register. All relevant material received during that comment period will also be considered.

EPA's intention is to assure interested parties an opportunity to study all information which may become the basis for EPA's final action in this proceeding. Accordingly, the Agency will not consider in this rulemaking any materials for which trade secrecy is claimed. Parties who wish to submit information in response to this notice are cautioned that EPA will return any comments which are claimed, in whole or in part, to be confidential.

Economic Impact Assessment

In accordance with section 317(c) and (d) of the Act, the EPA has considered the economic impacts of this action and determined that the effects of this rule on inflation, competition, consumer costs, and energy use are negligible. The cost to the industry in complying with these provisions is also expected to minimal. Costs to the industry will be incurred in the process of providing information to the Administrator on their NOx research programs in the form of reports and in building and testing demonstration vehicles. However, some portion of that cost would be incurred even without these rules, since it is expected that they currently have NOx research programs. The cost of building and testing a demonstration vehicle for research purposes will vary depending on the extent of testing and the complexity and availability of hardware and vehicle components. Durability testing programs administered by the EPA have averaged $125,000 per test vehicle. These regulations provide the manufacturer the discretion to determine the appropriate number of test vehicles. The total cost to the industry of this rulemaking action is estimated to be of the order of $6,000,000.

Note.— Accordingly, the EPA has determined that this document is not a "significant" regulation and does not require preparation of a Regulatory Analysis under Executive Order 12044.

Dated: Janauary 29, 1979.

Barbara Blum,
Acting Administrator.

A new Subpart E is added to 40 CFR Part 85 and reads as follows:

Subpart E—Oxides of Nitrogen Research Program for Model Year 1979

Sec.
85.401 Scope.
85.402 Definitions.
85.403 Manufacturer participation.
85.404 Manufacturer's research program.
85.405 Plan for the research period.
85.406 Conduct of the research program.
85.407 Annual report.
85.408 Maintenance of records; submittal of information; right of entry. [Reserved]
85.409 Treatment of confidential information.

Authority: Sec. 202, 208 and 301(a), Clean Air Act, as amended (42 U.S.C. 7526, 7542 and 7601(a))

Subpart E—Oxides of Nitrogen Research Program for Model Year 1979

§ 85.401 Scope.

The provisions of this subpart establish an oxides of nitrogen research program and require the participation of certain light-duty vehicle manufacturers.

§ 85.402 Definitions.

The terms used in this subpart shall have the meaning established in the Clean Air Act and 40 CFR Part 86. The following definition shall also apply:

"Annual research period" means the time period from 1 August of a given calendar year to 31 July of the next calendar year, e.g., the 1979 annual research period would be the time period from 1 August 1978 to 31 July 1979.

§ 85.403 Manufacturers' participation.

(a) Each manufacturer whose sales are determined by the Administrator to represent at least 0.5 per centum of light-duty motor vehicle sales in the United States is required to comply with the provisions of this subpart beginning in the 1979 annual research period.

(b)(1) For 1980 and subsequent annual research periods, the Administrator will base his/her determinations under paragraph (a) of this section on production data contained in the model year reports submitted by manufacturers to the Administrator pursuant to 40 CFR 600.512 (for use in calculating a manufacturer's corporate average fuel economy) for the model year two years prior to the year of the annual research period.

(2) For the 1979 annual research period, the Administrator has based his determination under paragraph (a) of this section on available registration and/or sales data.

(c)(1) The Administrator will provide notice to manufacturers that their compliance with the provisions of this subpart is required beginning in a given annual research period. Such notice shall be deemed to constitute notice for subsequent annual research periods as well, unless rescinded by the Administrator.

(2) A manufacturer may, at any time, request in writing that a new determination be made under paragraph (b) of this section for a given annual research period, stating the basis for such new determination. The Administrator will respond in writing to such requests and issue a new determination in accordance with paragraph (b) of this section.

(d) A manufacturer who is not required to comply with the provisions of this subpart may comply on a voluntary basis.

§ 85.404 Manufacturers' research program.

(a) Each manufacturer who is subject to these regulations shall institute a research program to work towards the following objectives:

(1) The development of propulsion systems and emission control technology to achieve the research goal of 0.41 gram per mile oxides of nitrogen.

(2) The construction and demonstration, for each annual research period, of the operation of light-duty motor vehicles that meet the research objective of paragraph (a)(1) of this section and meets all other applicable emission standards or requirements under the Clean Air Act. The most stringent hydrocarbon, carbon monoxide, evaporative emissions and other emissions standards and/or requirements established by regulation or statute prior to the start of an annual research period for a future model year shall apply.

(3) The demonstration vehicles under paragraph (a)(2) of this section shall:

(i) Be designed to encourage the development of new powerplants and emission control technologies that are fuel efficient;

(ii) Be within or be reasonably expected to be within the productive capability of the manufacturers; and

(iii) Use optimum engine, fuel, and emission control system.

(b) Each manufacturer's overall oxides of nitrogen research program shall be designed to meet the objectives of paragraph (a) of this section in accordance with good research and engineering practice.

§ 85.405 Annual research period plan.

(a) Not later than March 15, 1979, and September 1 each annual research period thereafter, the manufacturer shall provide the Administrator three (3) copies of an annual research program plan that contains the information specified in paragraphs (b) and (c) of this section. Two (2) copies shall be sent to:

U.S. Environmental Protection Agency, Director, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, MI 48105.

One (1) copy, less any material claimed to be confidential shall be sent to;

U.S. Environmental Protection Agency, Office of Mobile Source Air Pollution Control (AW-455), Freedom of Information Office, 401 M Street, SW., Washington, D.C. 20460.

(b) Each plan shall contain a description and discussion of:

(1) The manufacturer's long term, interim, and short term NOx research and development goals. Long term goals are more than 4 years beyond the end of the annual research period. Interim goals are those applicable between 0 and 4 years beyond the end of the annual research period, and short term goals are those applicable to the annual research period for which the plan applies;

(2) The specific problems that exist, or are expected to exist, in the development and demonstration of vehicles that achieve the objectives of § 85.404;

(3) The relationship of the goals in paragraph (b)(1) of this section to the problems identified in paragraph (b)(2) of this section and to the objectives of section 404 of this subpart; and

(4) The resources, in terms of personnel, capital expenditures, materials, and contracted efforts the manufacturers intend to allocate to the research program. Planned resource expenditures shall be estimated for the current and each future annual research period contained in the plan. Key scientific and engineering personnel shall be identified by name, title, and corporate organizational unit for each major project identified by the manufacturer in response to paragraph (d)(1) of this section.

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(c) Each plan shall contain a brief discussion of how the research program established to comply with this subpart interfaces with other programs conducted by the manufacturer, including contracts with the Federal Government. There should be a general discussion of such programs which includes but is not limited to:

(1) The manufacturer's overall low emissions research and development program, including but not limited to programs for meeting state requirements, unregulated emissions, emissions at high altitude, evaporative emissions, and particulate emissions;

(2) Fuel economy improvement programs;

(3) Vehicle driveability and performance programs; and

(4) Alternate engine programs.

(d)(1) The plan shall identify and fully describe each project and the purposes of each project the manufacturer plans to conduct or sponsor including but not limited to research efforts in:

(i) Catalyst development and evaluation programs;

(ii) Fuel metering development and evaluation programs;

(iii) EGR development and evaluation programs;

(iv) Air injection development and evaluation programs;

(v) Development and evaluation programs for heat conservation;

(vi) Ignition system development and evaluation programs;

(vii) Development and evaluation programs for combustion or combustion chamber modifications;

(viii) Electronic control system/component development and evaluation programs;

(ix) New powerplant programs, such as those related to stratified charge engines, Diesel engines, gas turbine engines, and Stirling engines;

(2) The plan shall provide the following additional information about projects planned to be conducted during the research period to which the plan applies:

(i) A schedule for the initiation and completion of major outputs;

(ii) Detailed discussion of anticipated technical problems; and

(iii) For demonstration vehicles: a description of each vehicle, the number and type(s) of tests to be performed and a description of the engine, fuel system components and emission control system to be used on each vehicle.

§ 85.406 Conduct of the research program.

(a) Nothing in this subpart shall be construed as limiting the scope, or direction of a manufacturer's plan, the manufacturer's decision-making ability, or the manufacturer's responsibility to conduct the research plan.

(b) All programs outlined in the annual research plans required by § 85.405 or necessary modifications to those plans must be conducted in a manner consistent with good engineering and research practice.

(c) Manufacturers shall build and test vehicles that employ technology which is consistent with the objectives of section 404 of this subpart. Testing shall include but is not limited to regulated emisssions and fuel economy.

(d) Upon reasonable notice from EPA, manufacturers shall provide periodic briefings and/or reports for the Administrator regarding the status of the activities being conducted during the research period. Such briefings and/or reports will be requested not more frequently than quarterly, and will be limited to vehicle emission and fuel economy data, discussion and interpretation of that data, important events during the reporting period, significant program changes, and other indications of status, progress, or lack of progress in meting the objectives of the research and development effort.

(e) For purposes of testing, the Administrator may request and the manufacturer shall provide, demonstration vehicles constructed under paragraph (c) of this section.

(f) The manufacturer shall notify the Administrator of any major changes to the plan including, but not limited to, the decision to discontinue mileage accumulation on a vehicle prior to the accumulation of all planned mileage, and/or to destroy a vehicle or prototype test hardware. The manufacturer shall provide an opportunity for the Administrator to test or inspect such vehicles and/or hardware prior to discontinuation or destruction.

§ 85.407 · Annual report.

(a) Each manufacturer shall provide three(3) copies of an annual report that contains the information required by paragraph (b) of this subpart no later than 60 days after the end of the research period to which the report applied. The annual report may be combined with the annual research plan required by section 405 for the following annual research period.

(b) The annual report shall include the following:

(1) A summary of the work conducted, conclusions about the success or failure of each project, a discussion of the implications for future efforts of the research and development activities conducted, a comparison of actual accomplishments to those planned, and identification and discussion of significant problem areas;

(2) A list of the projects conducted, a discussion of the relationship of the projects to the goals of the plan submitted pursuant to § 85.405, a discussion of the influence that research and development efforts in programs identified under section 405(b)(3) of this subpart had on the efforts conducted under this subpart.

(3) A description of how the original plan was modified during the annual research period and the basis and rationale for such modification;

(4) A description of each demonstration vehicle constructed under section 406 of this subpart, including a description of each engine, emission control system, and fuel system component used, all test data generated during the annual research period on the demonstration vehicles including but not limited to testing for regulated and unregulated emissions, fuel economy, driveability, and performance.

(5) An identification of any vehicle(s) which the manufacturer considers to represent the best relationship among emissions, fuel economy, driveability, performance, cost, reliability, maintainability, producibility and other factors of importance to the manufacturer;

(6) A description of other programs, including those conducted with outside organizations, that generated test data that involve emissions, including but not limited to: Engine dynamometer testing, optimization programs, catalyst screening testing, and component testing. Representative data and conclusions from these programs shall be submitted, and impacts of these programs on future vehicle testing shall be discussed;

(7) Projections of the fuel economy implications of the use of the types of technology used during the annual research period, specifically including an estimate of the fleet average fuel economy of a fleet of vehicles that could be manufactured four (4) years in the future. The hypothetical fleet shall be described in terms of the sales mix, inertia weight, engine, transmission, axle ratio, and the emission control system assumed for each type of vehicle;

(8) An identification of the resources expended during the research period and a comparison of those expenditures to those in the plan submitted under section 405.

§ 85.408 Maintenance of records; submittal of information; right of entry. [Reserved.]

§ 85.409 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment as provided by 40 CFR, Part 2, Subpart B.

(b) To assert that information submitted pursuant to this subpart is confidential, a manufacturer must submit such information on separate pages which are clearly marked "TRADE SECRET" and which are easily detached from the document, and provide a separate section labeled "CONFIDENTIAL BUSINESS INFORMATION" in which the number of each page on which confidential information appears shall be identified.

(c) If a claim is made that some or all of the information is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in Part 2, Subpart B, of this chapter.

(d) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice.

AUTHORITY: Sections 202, 206, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7542 and 7601))]

[FR Doc. 79-4226 Filed 2-6-79; 8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO 384]

GRAPEFRUIT GROWN IN ARIZONA

Hearing on Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider a proposed marketing agreement and order regulating the handling of grapefruit grown in Arizona. The principal provisions to be considered are: (1) establishment of an administrative committee of five Arizona grapefruit producers and one public member to assist the Secretary of Agriculture in administering the proposed marketing agreement and order program; (2) authorization for grade, size, and quality regulations; (3) authorization for production research and marketing research and development projects, including advertising; and (4) provisions relative to definitions, expenses and assessments, inspection and certification, reporting requirements, and certain miscellaneous provisions included in all marketing agreement and order programs.

DATE: The hearing will begin March 12, 1979.

ADDRESS: The hearing will be held in the Maricopa County Agriculture Agent's Office, 4341 East Broadway, Phoenix, Arizona.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: Notice if hereby given of a public hearing to be held at Phoenix, Arizona, on March 12, 1979, at 9:30 a.m., local time in the Maricopa County Agriculture Agent's Office, Phoenix, Arizona, with respect to a proposed marketing agreement and order regulating the handling of grapefruit grown in Arizona. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

At the present time, marketing order No. 909 (7 CFR Part 909) regulates grapefruit grown in Arizona and in a designated area in California. In recent years, the views of California growers and Arizona growers have differed relative to marketing activity, grade and size regulations, and other matters under the present order. Thus, the two groups concluded that separate marketing orders for the designated area of California and for Arizona would be desirable. This document gives notice of a public hearing to consider a proposed marketing agreement and order for grapefruit, grown in Arizona. An action to conduct a public hearing to consider a proposed marketing order for grapefruit grown in a designated area in California also has been initiated by the Department.

The public hearing is for the purpose of:

(a) Receiving evidence with respect to the economic and marketing conditions which relate to the proposed marketing agreement and order hereinafter set forth, and any appropriate modifications thereof;

(b) Determining whether the handling of grapefruit grown in the area proposed for regulation is in the current of interstate commerce or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce;

(c) Determining whether there is a need for a marketing agreement or order regulating the handling of such grapefruit in the area; and

(d) Determining whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The request for the hearing was submitted by a committee comprised of the Arizona members of the Administrative Committee, the agency established under Marketing Order No. 909 (7 CFR Part 909) which currently regulates the handling of grapefruit grown in Arizona and a designated part of California. The provisions of the proposed marketing agreement and order are as follows (the sections identified with asterisks (* * *) apply only to the proposed marketing agreement and not to the proposed marketing order):

DEFINITIONS

§ ——.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ ——.2 Act.

"Act" means Pub. L. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ ——.3 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ ——.4 Grapefruit.

"Grapefruit" means all varieties of Citrus paradisi, MacFadyen, grown in the production area.

§ ——.5 Production area.

"Production area" means the State of Arizona.

§ ——.6 District.

The production area shall be divided into districts as follows:

(a) "Yuma District" means that part of the State of Arizona situated within Yuma County.

(b) "Phoenix District" means that part of the State of Arizona outside of Yuma County.

§ ——.7 Producer.

"Producer" is synonymous with grower and means any person engaged in a proprietary capacity in the commercial production of grapefruit.

§ ——.8 Handler.

"Handler" (except a common or contract carrier of grapefruit by another person) who handles grapefruit in fresh form.

§ ——.9 Handle.

"Handle" means to sell, ship, consign, deliver or transport grapefruit or cause grapefruit to be sold, shipped, consigned, delivered or transported between the production area and any point outside thereof, or within the production area: *Provided*, That, the term handle shall not include (a) the transporting of grapefruit by common carrier when such grapefruit is owned by another person; (b) the sale of grapefruit on tree; (c) the transporting of grapefruit from the point of production to a packinghouse within the production area for preparation of fresh market; or (d) the transporting of grapefruit from the point of production to a packinghouse outside the production area for preparation for fresh market under a special handling permit issued pursuant to § ——.45.

§ ——.10 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on September 1 of one year and ending on the last day of August of the following year or such other period as the committee, with the approval of the Secretary, may prescribe.

§ ——.11 Variety.

"Variety" means either or both of the following classifications of grapefruit: (a) White seeded and white seedless grapefruit; and (b) pink or red seeded grapefruit and pink or red seedless grapefruit.

§ ——.12 Committee.

"Committee" means the Arizona Grapefruit Administrative Committee established under § ——.20.

ADMINISTRATIVE BODY

§ ——.20 Establishment and membership.

There is hereby established an Arizona Grapefruit Administrative Committee consisting of five producer members, each of whom shall have an alternate. The committee may be increased by one public member and alternate, nominated by the committee and selected by the Secretary. Two producer members shall be producers of grapefruit in the Yuma District and two shall be prouducers of grapefruit in the Phoenix District. The fifth producer member shall represent that district which produced more than 50 percent of the total production of grapefruit during the fiscal period which immediately preceded the year in which nominations are made. In the event production in such district during such fiscal period is less than the preceding fiscal period by 25% or more, the average production of the three fiscal periods preceding the one in which nominations are made shall be used in determining apportionment of producer members between districts. Such apportionment shall be made prior to the time nominations are made as specified in § ——.22. To the extent practicable, at least one producer member in each district shall be affiliated with a cooperative marketing organization and at least one shall be not so affiliated; and not more than one producer member and alternate shall be affiliated with the same packinghouse.

§ ——.21 Term of office.

The term of office of the members and alternate members shall be two fiscal periods: *Provided*, That, the term of office of initial members and alternates shall begin as soon as practicable subsequent to the effective date of this part and end August 31, 1981. Each member and alternate shall serve during the term of office for which that person is selected and has qualified and shall continue to server until a successor is selected and has qualified.

§ ——.22 Nomination.

(a) *Initial producer members.* The Secretary shall hold, or cause to be held, meetings of producers to nominate the initial producer members and alternate members of the committee. Such meetings shall be held as soon as practicable after the effective date of this part.

(b) *Successor producer members.*

(1) Nominations for producer members of the committee, and their respective alternates, shall be made at meetings of producers held by the committee at such times and places as it shall designate. The names of nominees shall be submitted to the Secretary prior to July 1 of the year in which nominations are made. The committee shall prescribe appropriate procedures for the conduct of and voting at such meetings.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternate members. Each producer shall be entitled to cast only only vote for each nominee to be selected in the district in which he produces grapefruit. No producer shall participate in the selection of nominees in more than one district. Any producer who produces grapefruit in more than one district shall select the district in which he will so participate.

(3) Except as hereinafter provided, only producers affiliated with cooperative marketing organizations may vote for nominees affiliated with such organizations; and only producers not affiliated with cooperative marketing organizations may vote for nominees not so affiliated. In the event some of a producer's grapefruit is handled through a cooperative marketing organization and some is handled through an organization that is not a cooperative marketing organization such producer shall be eligible to participate in only the category (i.e., as affiliated with or not affiliated with a cooperative marketing organization) in which such producer's major volume of grapefruit is handled. At least one nominee shall be nominated for each member and alternate member position to be filled.

(c) *Public member.* Nominations for the initial public member and alternate and successor public members and alternates shall be made by the committee.

(d) *Failure to nominate.* In the event nominations are not made as specified in § .22 the Secretary may select members and alternate members, without regard to nominations, from any eligible individuals.

§ ——.23 Selection.

The Secretary shall select members and alternates of the committee from persons nominated pursuant to § .22 or from other persons eligible for nomination for such positions.

§ ——.24 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ ——.25 Alternate members.

An alternate member shall act in the place of the member during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, the alternate shall act for that member until a successor for such member is selected and has qualified. In the event that neither the member or that member's alternate are able to attend a committee meeting, the members present may designate any other alternate to serve in such member's place at that meeting.

§ ——.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in § .22. If nomination to fill any such vacancy is not made within 30 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations.

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§ ——.27 Powers.

The committee shall have the following powers:

(a) To administer this part in accordance with its terms and provisions;

(b) To make and adopt rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ ——.28 Duties.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary; and to mail a copy of the minutes to the Secretary promptly following each committee meeting and to any other interested person who has filed his name and address with the committee for such purposes.

(c) To act as intermediary between the Secretary and the producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by a competent public accountant at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare a monthly statement of financial operations of the committee and to make such reports, together with the minutes of the meetings of the committee, available for inspection by any producer or handler at the office of the committee;

(h) To determine as near as practicable the total crop of grapefruit, and to make such determinations, including determinations by grade and size as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part;

(i) To investigate the growing, handling, and marketing conditions with respect to grapefruit and to assemble data in connection therewith;

(j) To prepare and mail, as soon as practicable after the close of each fiscal period, to the Secretary, and to each handler and grower who so requests, an annual report covering the operation of the previous fiscal period;

(k) With the approval of the Secretary, to redefine the districts into which the production area is divided; to increase or decrease the membership of the committee; to reapportion the representation of any district on the committee; or to reapportion representation on the basis of affiliation. Any such changes shall reflect, insofar as practicable, shifts in grapefruit production within the districts and the production area;

(l) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part; and

(m) To establish, with the approval of the Secretary, procedures for the nomination of and qualification for a public member and alternate.

§ ——.29 Compensation and expenses.

The members of the committee, and alternates when acting as members, shall serve without compensation; but they shall be reimbursed for reasonable expenses, as approved by the committee, incurred by them in the performance of their duties under this part. Alternate members shall be reimbursed for expenses necessarily incurred by them in attending committee meetings at the request of the committee, notwithstanding that the committee member for whom they serve as alternate also attends such meeting, and for performing other committee business at the request of the committee.

§ ——.30 Procedure.

(a) A majority of the number of members constituting the committee, including alternates acting for members, shall be necessary to constitute a quorum and concurrence by at least such majority shall be necessary to pass any motion. At assembled meetings, each vote must be cast in person.

(b) The committee shall give to the secretary, and to any other interested persons who have filed their names and addresses with the committee requesting such notice, the same notice of meetings of the committee as is given to the members of the committee.

(c) Except at an assembled meeting, the committee may vote by telephone, telegraph, or other means, and any such vote so cast shall be confirmed promptly in writing.

EXPENSES AND ASSESSMENTS

§ ——.34 Expenses.

The committee is authorized to incur such expenses, including inspection expenses, as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers, as provided in § ——.35.

§ ——.35 Assessments.

(a) Each handler who first handles grapefruit shall, with respect to the grapefruit so handled, pay to the committee, upon demand, such handler's pro rata share of expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of grapefruit handler by that handler as the first handler thereof, during the applicable fiscal period, and the total quantity of grapefruit so handled by all handlers during the same fiscal period.

(b) The Secretary shall fix the rate(s) of assessment to be paid by handlers and such rate(s) may be fixed by variety. At any time during or after a fiscal period, the Secretary may increase the rate(s) of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increased rate(s) shall be applicable to all grapefruit handler during that fiscal period and may be fixed on the basis of the variety of grapefruit, as appropriate. To provide funds for the administration of this part, the committee may accept the payment of assessments in advance, or may borrow money for such purpose.

(c) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(d) Any assessment not paid by a handler within a period of time prescribed by the committee may be subject to an interest or late payment charge or both. The period of time, rate of interest, and late payment charge shall be as recommended by the committee and approved by the Secretary.

(e) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of expenses.

§ ——.36 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall

be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in paragraph (a)(2) of this section, it shall be refunded proportionately to the handlers from whom it was collected: *Provided*, That any sum paid by a handler in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such handler.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That, such reserve shall not exceed an amount approximating one full fiscal period's expenses, exclusive of inspection costs. Any such reserve may be maintained by varietal type. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, or (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the handlers from whom such funds were collected.

(b) All funds received by the committee shall be used solely for purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH AND DEVELOPMENT

§ ——.37 Production research, market research, and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve or promote the marketing, distribution, consumption or efficient production of any variety or varieties of grapefruit. The expense of such activities shall be paid from funds collected under § ——.35. Such projects may provide for any form of marketing promotion, including paid advertising. Any such project for promotion and advertising may utilize an indentifying mark or term which shall be made available for use by all handlers in accordance with such terms and conditions as the committee, with the approval of the Secretary, may prescribe.

REGULATION

§ ——.38 Marketing policy.

Prior to submitting recommendations under § ——.39, the committee shall submit to the Secretary a report setting forth the marketing policy it deems advisable for the ensuing fiscal period. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to grapefruit. The committee shall publicly announce the submission of each marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices by grade and size of each variety of grapefruit;

(b) Supply of grapefruit by grade and size of each variety of grapefruit;

(c) Supply of competing fruits;

(d) Expected demand conditions for grapefruit in different market outlets;

(e) Type of regulation expected to be recommended during the fiscal period;

(f) Trend and level of consumer income;

(g) Marketing conditions affecting grapefruits prices; and

(h) Other relevant factors.

§ ——.39 Recommendations for grade and size regulation.

Whenever the committee finds it advisable to regulate the handling of particular grades or sizes of any variety of grapefruit during any period, it shall recommend such regulation for that period. Recommendations may include different size limitations for any variety handled to any of the marketing zones established pursuant to § ——.43.

§ ——.41 Issuance of regulations.

(a) Whenever the Secretary finds from the recommendation and information submitted by the committee or from other available information, that limiting the handling of any variety of grapefruit to particular grades or sizes, or both, would tend to effectuate the declared policy of the act, he shall so limit the handling of that variety for a specified period; and the limitation may prescribe different size requirements for the handling of such variety by the initial handler thereof directly to the marketing zones specified. The committee shall be informed immediately of any such regulation issued by the Secretary; and the committee shall promptly give adequate notice thereof to handlers.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee, or from other available information, that to establish and maintain in effect minimum standards of quality or maturity, or both, for the handling of grapefruit during any period would tend to effectuate the declared policy of the act and be in the public interest, he shall establish such standards, designate such period, and so limit the handling of such grapefruit. The Secretary shall immediately notify the committee of the issuance of any such regulations; and the committee shall promptly give adequate notice thereof to handlers.

§ ——.42 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued under § ——.41 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of grapefruit in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ ——.43 Marketing zones.

The committee, with the approval of the Secretary, may prescribe different size requirements for any variety of grapefruit handled for shipment to the following marketing zones:

(a) Zone 1: The States of Arizona and California.

(b) Zone 2: The State of Florida.

(c) Zone 3: The State of Texas.

(d) Zone 4: The States of Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah.

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(e) Zone 5: The States not included in Zones 1, 2, 3, 4, and 6.

(f) Zone 6: The States of Hawaii and Alaska and all export markets.

§ ——.44 Grapefruit not subject to regulation.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ ——.35, ——.41 and ——.42 and the regulations issued thereunder, ship grapefruit of any variety as follows: (1) to a charitable institution for consumption at such institution; (2) to a relief agency for disposition by such agency; (3) for conversion within the continental United States by a commercial processor into any processed or manufactured product, including canned or bottled grapefruit or grapefruit juice, frozen products or beverage base; (4) directly to destinations in Mexico; or (5) by express, parcel post or common or contract carrier in units of five cartons or less.

(b) Upon the basis of recommendation and information submitted by the committee, or from other available information, the Secretary may relieve in whole or in part from any or all of the requirements under this part, the handling of grapefruit in such minimum quantities, in such types of shipments, in such types of outlets, or for such specific purposes as the committee may recommend.

(c) The committee shall, with the approval of the Secretary, prescribe rules, regulations, and safeguards necessary to assure compliance with this section. Such rules, regulations, and safeguards may include requirements that handlers shall file applications and receive approval from the committee for authorization to handle grapefruit under this section, and that such application be accompanied by certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

§ ——.45 Special handling permit.

The committee may issue special handling permits authorizing the transportation of grapefruit in bulk lots which do not meet the applicable grade and size regulations to packing facilities outside the production area for preparation for fresh market. All such lots shall be handled in accordance with the rules and regulations prescribed by the committee with the approval of the Secretary, and shall be subject to assessment, and the inspection and certification requirements prescribed by §§ ——.35, ——.41, and ——.42. Any special handling permit may be revoked by the committee if the holder of such permit fails to comply with the applicable rules and regulations.

INSPECTION AND CERTIFICATION

§ ——.46 Inspection and certification.

(a) During any period in which the Secretary has regulated the handling of any variety or varieties of grapefruit pursuant to § ——.41, or § ——.42, each handler shall, prior to the handling of any lot of such variety or varieties, cause such lot to be inspected by an authorized representative of the Federal or Federal-State Inspection Service. Promptly thereafter, such handler shall submit to the committee a copy of the inspection certificate issued thereon. The provisions of this section shall not be applicable to any lot which has been so inspected and a copy of such inspection certificate has been submitted to the committee.

(b) The committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

REPORTS

§ ——.47 Reports.

(a) *General.* For the purpose of enabling the committee to perform its functions and duties under this part, each handler shall furnish to the committee such information in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary.

(b) *Shipping manifest report.* The committee may require information from each handler regarding the grade, size, and variety of each carton contained in each individual shipment made by such handler, and may require such information to be delivered to the committee within twenty-four hours after such shipment is made, in such manner as the said committee may request and upon forms prepared by it.

(c) *Disposition report.* The committee may, from time to time, require each handler to furnish the following information with respect to grapefruit: the quantity of each variety handled in intertate commerce and to Canada; the quantity of each variety handled by express and parcel post; the quantity of each variety handled for distribution to persons on relief, including donations for charitable purposes; the quantity of each variety sold for consumption in fresh form within the production area; the quantity of each variety exported to countries other than Canada; the quantity of each variety sold or otherwise disposed of for canning or for manufacturing into by-products; and the quantity of each variety disposed of otherwise.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handlers furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

§ ——.48 Records.

Each handler shall maintain such records of all grapefruit, handled, sold, or otherwise disposed of as will substantiate the required reports and as may be prescribed by the committee. All such records shall be maintained for not less than two years after the termination of the fiscal year in which the transactions occurred or for such lesser period as the committee may direct.

§ ——.49 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying the reports filed by handlers, the Secretary and the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where grapefruit are received, stored, or handled, and, at any time during reasonable business hours, shall be permitted to inspect such handlers premises and any and all records of such handlers with respect to matters within the purview of this part.

MISCELLANEOUS PROVISIONS

§ ——.50 Compliance.

Except as provided in this part, no handler shall handle grapefruit, the handling of which has been prohibited by the Secretary in accordance with provisions of this part, or the rules and regulations thereunder, and no handler shall handle grapefruit except in conformity to the provisions of this part.

§ ——.51 Right of the Secretary.

The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ ——.52 Termination.

(a) The Secretary at any time may terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall, whenever he finds that any or all provisions of this part obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or such provision thereof.

(c) The Secretary shall terminate the provisions of this part at the end of the then current fiscal period whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary, have been engaged in the production for market of grapefruit within the production area, provided that such majority have during such representative period produced for market more than 50 percent of the volume of such grapefruit produced for market.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ ——.53 Proceedings after termination.

(a) Upon the termination of the provisions of this part the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trustees shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this part.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ ——.54 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this part of any regulation issued pursuant to this part, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, of liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ ——.55 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ ——.56 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ ——.57 Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others in any way whatever, to any handler or to any person for errors in judgement, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ ——.58 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any person, circumstance, or thing, shall not be affected thereby.

§ ——.97 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. • • •

§ ——.98 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by such handler and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. • • •

§ ——.99 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue pursuant to the act, an order providing for regulating the handling of grapefruit in the same manner as is provided for in this agreement. • • •

Copies of this notice may be obtained from the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250; or from the Los Angeles Marketing Field Office, Fruit and Vegetable Division, AMS, 417 South Hill St., Suite 900-B, Los Angeles, California, 90012.

Signed at Washington, D.C. on February 1, 1979.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 79-4104 Filed 2-6-79; 8:45 am]

[3410-02-M]

[7 CFR Ch. IX]

[Docket No. AO 385]

GRAPEFRUIT GROWN IN A DESIGNATED AREA IN CALIFORNIA

Hearing on Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider a proposed marketing agreement and order regulating the handling of grapefruit grown in a designated area, in California. The principal provisions to be considered are: (1) establishment of an administrative committee of four California grape-

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fruit producers, four California grapefruit handlers, and one public member to assist the Secretary of Agriculture in administering the proposed marketing agreement and order program; (2) authorization for grade, size, and quality regulations; (3) authorization for production research and marketing research and development projects, including advertising; and (4) provisions relative to definitions, expenses and assessments, inspection and certification, reporting requirements, and certain miscellaneous provisions included in all marketing agreement and order programs.

DATE: The hearing will begin March 8, 1979.

ADDRESS: The hearing will be held in the Jennings Auditorium, Avenue 52 and Highway 111, Coachella, California.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202 447-6393.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at Coachella, California, on March 8, 1979, at 9:30 a.m., local time in the Jennings Auditorium, Coachella, California, with respect to a proposed marketing agreement and order regulating the handling of grapefruit grown in a designated area in California. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

At the present time, marketing order No. 909 (7 CFR Part 909) regulates grapefruit grown in Arizona and in a designated area in California. In recent years, the views of California growers and Arizona growers have differed relative to marketing activity, grade and size regulations, and other matters under the present order. Thus, the two groups concluded that separate marketing orders for the designated area of California and for Arizona would be desirable. This document gives notice of a public hearing to consider a proposed marketing agreement and order for grapefruit grown in designated area in California. An action to conduct a public hearing to consider a proposed marketing order for grapefruit grown in Arizona also has been initiated by the Department.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The public hearing is for the purpose of:

(a) Receiving evidence with respect to the economic and marketing conditions which relate to the proposed marketing agreement and order hereinafter set forth, and any appropriate modifications thereof;

(b) Determining whether the handling of grapefruit grown in the area proposed for regulating is in the current of interstate commerce or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce;

(c) Determining whether there is a need for a marketing agreement or order regulating the handling of such grapefruit in the area; and

(d) Determining whether provisions specified in the proposal or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the act.

The request for the hearing was submitted by the California members of the Administrative Committee. The Administrative Committee is the local agency administering Marketing Order No. 909 (7 CFR Part 909) which currently regulates the handling of grapefruit grown in Arizona and in a designated part of California. The provisions of the proposed marketing agreement and order are as follows (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed marketing order):

DEFINITIONS

§ ——.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ ——.2 Act.

"Act" means Pub. L. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ ——.3 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ ——.4 Grapefruit.

"Grapefruit" means all varieties of Citrus paradisi, MacFayden, grown in the production area.

§ ——.5 Production area.

"Production area" means the following counties or their segments in the State of California described as follows: Imperial County; that part of San Bernardino County situated east of a line drawn due north and south through Rice; that part of Riverside County situated east of a line due north and south through the Post Office in Whitewater; and that part of San Diego County situated east of a line drawn north and south through the Post Office in Julian.

§ ——.7 Producer.

"Producer" is synonymous with grower and means any person engaged in a proprietary capacity in the commercial production of grapefruit.

§ ——.8 Handler.

"Handler" means any person (except a common or contract carrier of grapefruit owned by another person) who handles grapefruit in fresh form.

§ ——.9 Handle.

"Handle" means to sell, ship, consign, deliver, or transport grapefruit or cause grapefruit to be sold, shipped, consigned, delivered, or transported between the production area and any point outside thereof, or within the production area: *Provided*, That the term handle shall not include (a) the transporting or shipping of grapefruit by common carrier when such grapefruit is owned by another person; (b) the sale of grapefruit on tree; (c) the transporting of grapefruit from the point of production to a packinghouse within the production area for preparation for fresh market; or (d) the transporting of grapefruit from the point of production to a packinghouse outside the production area for preparation for fresh market under a special handling permit issued pursuant to § ——.45.

§ ——.10 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on September 1 of one year and ending on the last day of August of the following year or such other period as the committee, with the approval of the Secretary, may prescribe.

§ ——.11 Variety.

"Variety" means either or both of the following classifications of grapefruit: (a) White or golden seeded and white or golden seedless grapefruit; and (b) pink or red seeded grapegruit and pink or red seedless grapefruit.

§ ——.12. Committee.

"Committee" means the California Grapefruit Administrative Committee established under § ——.20.

§ ——.20 Establishment and membership.

(a) There is hereby established a California Grapefruit Administrative Committee consisting eight members, each of whom shall have an alternate.

Four of the members and their alternates shall be producers or officers or employees of producers (hereinafter referred to as "producer members") but, to the extent practicable shall not be handlers or directors or employees exercising a supervisory or managerial function of a handler. Members of a cooperative marketing organization shall not be considered as handlers because of such membership. Four of the members and their alternates shall be handlers or directors, officers, or employees of a handler (handler members). The committee may be increased by one public member and alternate, nominated by the committee and selected by the Secretary.

(b) *Allocation of producer membership.* (1) To the extent practicable, allocation of the producer member positions shall be at least one member to represent producers affiliated with cooperative marketing organizations, herein referred to as "cooperative growers" and at least one member to represent growers who are not so affiliated, herein referred to as "independent growers". A second producer member shall be allocated to any group (cooperative or independent) which during the fiscal period preceding the fiscal period in which nominations are made produced more than 37.5 percent but not more than 62.5 percent of the total production of grapefruit; and any group whose production is more than 62.5 percent shall be allocated a third member. At least one producer alternate member shall be a producer from outside that portion of Riverside County which is east of a line drawn north and south through the post office at Whitewater and west of a line drawn north and south through Shaver's Summit, and any such alternate member need not be of the same affiliation as the member.

(2) To the extent practicable, not more than one producer member and such member's alternate shall be affiliated with the same packinghouse or handling organization.

(c) *Allocation of handler membership.* (1) Allocation of handler member positions shall be at least one member to represent cooperative marketing organizations, herein referred to as "cooperative handlers" and at least one member to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers". A second handler member shall be allocated to any group (cooperative or independent) which during the fiscal period preceding the fiscal period in which nominations are made handled more than 37.5 percent but not more than 62.5 percent of the total quantity of grapefruit handled by all handlers; and any group which handled more than 62.5 percent shall be allocated a third member.

(2) To the extent practicable, not more than one handler member and alternate shall be from the same handling organization.

(3) To the extent practicable, each handler alternate member shall be affiliated with the same handling organization as the member for whom he or she is an alternate.

(d) The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership, of both, as may be necessary to assure equitable representation.

§ ——.21 Term of office.

The term of office of the members and alternate members shall be two fiscal periods: *Provided*, That, the term of office of initial members and alternates shall begin as soon as practicable subsequent to the effective date of this part and end August 31, 1981. Each member and alternate shall serve during the term of office for which that person is selected and has qualified and shall continue to serve until a successor is selected and has qualified.

§ ——.22 Nomination.

(a) *Initial producer and handler members.*

Nomination for the initial members and alternate members of the committee for each position may be submitted to the Secretary by individual producers and handlers. Such nominations may be made by means of meetings of handlers and meetings of producers of the applicable groups (cooperative or independent). Any such nominations shall be filed with the Secretary not later than the effective date of this part. If such nominations are not filed as specified in this section, the Secretary may select intitial members and alternate members, without regard to nomination, on the basis of the representation provided in § ——.20.

(b) *Successor producer members.*

(1) The Secretary shall cause to be held, not later than July 1 of each odd-numbered year, meetings of producers for the purpose of making nominations for members and alternate members of the committee. Any required reapportionment of producer membership shall be announced at such meetings prior to making of any nominations.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternates. Each producer shall be entitled to cast only one vote for each nominee to be selected. To the extent practicable, only producers affiliated with cooperative marketing organizations may elect nominees affiliated with such organizations; and only producers not affiliated with cooperative marketing organizations may elect nominees not so affiliated. In the event some of a producer's grapefruit is handled through a cooperative marketing organization and some is handled through an organization that is not a cooperative marketing organization, such producer shall be eligible to participate only in the category (i.e.; cooperative or independent) in which such producer's major volume of fruit is handled.

(3) Any required reapportionment of committee membership shall be announced at nomination meetings prior to the making of any nomination.

(c) *Successor handler members.*

(1) The Secretary shall cause to be held, not later than July 1 of each odd-numbered year, meetings of handlers for the purpose of making nominations for members and alternate members of the committee. Any required reapportionment of handler membership shall be announced at such meetings prior to making of any nominations.

(2) Only handlers, including duly authorized officers or employees of handlers, who are present and who are eligible to serve as handler members of the committee shall participate in the nomination of handler members and alternate handler members of the committee. Each handler shall be entitled to cast only one vote for each nominee to be selected.

(3) To the extent practicable, only handlers affiliated with cooperative marketing organizations may vote for nominees affiliated with such organizations; and only handlers not affiliated with cooperative marketing organizations may vote for nominees not so affiliated.

(d) *Successor public member.* Nominations for the public member and alternate member shall be made by the committee. Any such nominees shall be residents of the production area.

(e) *Failure to nominate.* In the event nominations are not made as specified in § ——.22, the Secretary may select members and alternate members, without regard to nominations, from any eligible persons.

§ ——.23 Selection.

The Secretary shall select members and alternates of the committee from persons nominated pursuant to § ——.22 or from other persons eligible for nomination for such positions.

§ ——.24 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with

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the Secretary promptly after being notified of such selection.

§ ——.25 Alternate members.

An alternate member shall act in the place of the member during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, the alternate shall act for that member until a successor for such member is selected and has qualified. In the event that neither the member nor that member's alternate are able to attend a committee meeting, the chairman, with the concurrence of the majority of the members present may designate any other alternate present who is not acting as a member to serve in such member's place at that meeting. To the extent practicable, any such alternate so designated shall have the same affiliation as the absent member and only producer alternates may serve for absent producer members and only handler alternates may serve for absent handler members.

§ ——.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in § ——.22. If nomination to fill any such vacancy is not made within 30 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations.

§ ——.27 Powers.

The committee shall have the following powers:

(a) To administer this part in accordance with its terms and provisions;

(b) To make and adopt rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ ——.28 Duties.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary; and to mail a copy of the minutes to the Secretary promptly following each committee meeting and to any other interested person who has filed his name and address with the committee for such purposes.

(c) To act as intermediary between the Secretary and the producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by a competent public accountant at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare a monthly statement of financial operations of the committee and to make such reports, together with the minutes of the meetings of the committee, available for inspection by any producer or handler at the office of the committee;

(h) To determine as near as practicable the total crop of grapefruit, and to make such determinations, including determinations by grade and size as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part;

(i) To investigate the growing, handling, and marketing conditions with respect to grapefruit and to assemble data in connection therewith;

(j) To prepare and mail, as soon as practicable after the close of each fiscal period, to the Secretary, and to each handler and grower who make requests therefor, an annual report covering the operation of the previous fiscal period;

(k) With the approval of the Secretary, to increase or decrease the membership of the committee;

(l) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part; and

(m) To establish, with the approval of the Secretary, procedures for the nomination of and qualification for a public member and alternate.

§ ——.29 Compensation and expenses.

The members of the committee, and alternates when acting as members, shall serve without compensation; but they shall be reimbursed for reasonable expenses, as approved by the committee, incurred by them in the performance of their duties under this part. Alternate members shall be reimbursed for expenses necessarily incurred by them in attending committee meetings at the request of the committee, notwithstanding that the committee member for whom they serve as alternate also attends such meeting, and for performing other committee business at the request of the committee.

§ ——.30 Procedure.

(a) Two-thirds of the number of members constituting the committee, including alternates acting for members, shall be necessary to constitute a quorum and concurrence by at least a majority of the number of members constituting the committee shall be necessary to pass any motion. *Provided,* That, not less than one cooperative grower or handler member and one independent grower or handler member shall concur in an action for such action to be valid. At assembled meetings, each vote must be cast in person.

(b) The committee shall give to the Secretary, and to any other interested persons who have filed their names and addresses with the committee requesting such notice, the same notice of meetings of the committee as is given to the members if the committee.

(c) Except at an assembled meeting, the committee may vote by telephone, telegraph, or other means, and any such vote so cast shall be confirmed promptly in writing.

EXPENSES AND ASSESSMENTS

§ ——.34 Expenses.

The committee is authorized to incur such expenses, including inspection expenses, as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers, as provided in § ——.35.

§ ——.35 Assessments.

(a) Each handler who first handles grapefruit shall, with respect to the grapefruit so handled, pay to the committee, upon demand, such handler's pro rata share of expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of grapefruit handled by that handler as the first handler thereof, during the applicable fiscal period, and the total quantity of grapefruit so handled by all handlers during the same fiscal period.

(b) The Secretary shall fix the rate(s) of assessment to be paid by handlers and such rate(s) may be fixed by variety. At any time during or after a fiscal period, the Secretary may increase the rate(s) of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increased rate(s) shall be applicable to all grapefruit handled during that fiscal period and may be fixed on the basis of the variety of grapefruit, as appropriate. To provide funds for the administration of this part, the committee may accept the payment of assessments in advance, or may borrow money for such purpose.

(c) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(d) Any assessment not paid by a handler within a period of time prescribed by the committee may be subject to an interest or late payment charge, or both. The period of time, rate of interest, and late payment charge shall be as recommeded by the committee and approved by the Secretary.

(e) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of expenses.

§ ——.36 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in paragraph (a)(2) of this section, it shall be refunded proportionately to the handlers from whom it was collected: *Provided,* That any sum paid by a handler in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such handler.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That such reserve shall not exceed an amount approximating one full fiscal period's expenses, exclusive of inspection costs. Any such reserve may be maintained by varietal type. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, or (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the handlers from whom such funds were collected.

(b) All funds received by the committee shall be used solely for purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH AND MARKET DEVELOPMENT

§ ——.37 Production research, marketing research, and market development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve or promote the marketing, distribution, consumption or efficient production of any variety or varieties of grapefruit. The expense of such activities shall be paid from funds collected under § ——.35. Such projects may provide for any form of marketing promotion, including paid advertising. Any such project for promotion and advertising may utilize an identifying mark or term which shall be made available for use by all handlers in accordance with such terms and conditions as the committee, with the approval of the Secretary, may prescribe.

REGULATION

§ ——.38 Marketing policy.

Prior to submitting recommendations under § ——.39, the committee shall submit to the Secretary a report setting forth the marketing policy it deems advisable for the ensuing fiscal period. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation for grapefruit. The committee shall publicly announce the submission of each marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices by grade and size of each variety of grapefruit;

(b) Supply of grapefruit by grade and size of each variety of grapefruit;

(c) Supply of competing fruits;

(d) Expected demand conditions for grapefruit in different market outlets;

(e) Type of regulation expected to be recommended during the fiscal period;

(f) Trend and level of consumer income;

(g) Marketing conditions affecting grapefruit prices; and

(h) Other relevant factors.

§ ——.39 Recommendations for grade and size regulation.

Whenever the committee finds it advisable to regulate the handling of particular grades or sizes of any variety of grapefruit during any period, it shall recommend such regulation for that period. Recommendations may include different size limitations for any variety handled to any of the marketing zones established pursuant to § ——.43.

§ ——.41 Issuance of regulations.

(a) Whenever the Secretary finds from the recommendation and information submitted by the committee or from other available information, that limiting the handling of any variety of grapefuit to partcular grades or sizes, or both, would tend to effectuate the declared policy of the act, he shall so limit the handling of that variety for a specified period; and the limitation may prescribe different size requirements for the handling of such variety by the initial handler therof directly to the marketing zones specified. The committee shall be informed immediately of any such regulation issued by the Secretary; and the committee shall promptly give adequate notice thereof to handlers.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee, or from other available information, that to establish and maintain in effect minimum standards of quality or maturity, or both, for the handling of grapefruit during any period would tend to effectuate the declared policy of the act and be in the public interest, he shall establish such standards, designate such period, and so limit the handling of such grapefruit. The Secretary shall immediately notify the committee of the issuance of any such

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regulation; and the committee shall promptly give adequate notice thereof to handlers.

§ ——.42 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued under § .41 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of grapefruit in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ ——.43 Marketing zones.

The committee, with the approval of the Secretary, may prescribe different size requirements for any variety of grapefruit handled for shipment to the following marketing zones:

(a) Zone 1: The States of Arizona and California.

(b) Zone 2: The State of Florida.

(c) Zone 3: the State of Texas.

(d) Zone 4: The States of Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah.

(e) Zone 5: The States not included in Zones 1, 2, 3, 4, and 6.

(f) Zone 6: The States of Hawaii and Alaska and all export markets.

§ ——.44 Fruit not subject to regulation.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of Sections ——.35, ——.41 and ——.42 and the regulations issued thereunder, ship grapefruit of any variety as follows: (1) to a charitable institution for consumption at such institution; (2) to a relief agency for disposition by such agency; (3) for conversion by a commercial processor into any processed or manufactured product, including canned or bottled grapefruit or grapefruit juice, frozen products or beverage base; or (4) by express, parcel post or common or contract carrier in units of five cartons or less.

(b) Upon the basis of recommendation and information submitted by the committee, or from other available information, the Secretary may relieve in whole or in part from any or all of the requirements under this part, the handling of grapefruit in such minimum quantities, in such types of shipments, in such types of outlets, or for such specific purposes as the committee may recommend.

(c) The committee shall, with the approval of the Secretary, prescribe rules, regulations, and safeguards necessary to assure compliance with this section. Such rules, regulations, and safeguards may include requirements that handlers shall file applications and receive approval from the committee for authorization to handle grapefruit under this section, and that such application be accompanied by certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

§ ——.45 Special handling permit.

The committee may issue special handling permits authorizing the transportation of grapefruit in bulk lots which do not meet the applicable grade and size regulations to packing facilities outside the production area for preparation for fresh market. All such lots shall be handled in accordance with the rules and regulations prescribed by the committee with the approval of the Secretary, and shall be subject to assessment, and the inspection and certification requirements prescribed by §§ ——.35, ——.41, and ——.42. Any special handling permit may be revoked by the committee if the holder of such permit fails to comply with the applicable rules and regulations.

INSPECTION AND CERTIFICATION

§ ——.46 Inspection and certification.

(a) During any period in which the Secretary has regulated the handling of any variety or varieties of grapefruit pursuant to § ——.41, or § ——.42, each handler shall, prior to the handling of any lot of such variety or varieties, cause such lot to be inspected by an authorized representative of the Federal or Federal-State Inspection Service. Promptly thereafter, such handler shall submit to the committee a copy of the inspection certificate issued thereon. The provisions of this section shall not be applicable to any lot which has been so inspected and a copy of such inspection certificate has been submitted to the committee.

(b) The committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

REPORTS

§ ——.47 Reports.

(a) *General.* For the purpose of enabling the committee to perform its functions and duties under this part, each handler shall furnish to the committee such information in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary.

(b) *Shipping manifest report.* The committee may require information from each handler regarding the grade, size, and variety of each carton contained in each individual shipment made by such handler, and may require such information to be delivered to the committee within twenty-four hours after such shipment is made, in such manner as the committee may request and upon forms prepared by it.

(c) *Disposition report.* The committee may, from time to time, require each handler to furnish the following information with respect to grapefruit: the quantity of each variety handled in interstate commerce and to Canada; the quantity of each variety handled by express and parcel post; the quantity of each variety handled for distribution to persons on relief, including donations for charitable purposes; the quantity of each variety sold for consumption in fresh form within the production area; the quantity of each variety exported to countries other than Canada; the quantity of each variety sold or otherwise disposed of for canning or for manufacturing into by-products; and the quantity of each variety disposed of otherwise.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

§ ——.48 Records.

Each handler shall maintain such records of all grapefruit, handled, sold, or otherwise disposed of as will substantiate the required reports and as may be prescribed by the committee. All such records shall be maintained for not less than two years after the termination of the fiscal year in which the transactions occurred or for such lesser period as the committee may direct.

§ ——.49 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying the reports filed by handlers, the Secretary and the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where grapefruit are received, stored, or handled, and, at any time during reasonable business hours, shall be permitted to inspect such handlers' premises and any and all records of such handlers with respect to matters within the purview of this part.

MISCELLANEOUS PROVISIONS

§ ——.50 Compliance.

Except as provided in this part, no handler shall handle grapefruit, the handling of which has been prohibited by the Secretary in accordance with provisions of this part, or the rules and regulations thereunder, and no handler shall handle grapefruit except in conformity to the provisions of this part.

§ ——.51 Right of the Secretary.

The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ ——.52 Termination.

(a) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall, whenever he finds that any or all provisions of this part obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or such provision thereof.

(c)(1) The Secretary shall terminate the provisions of this part at the end of the then current fiscal period whenever he finds that continuance is not favored by producers; but any such termination shall be announced before June 15 of such fiscal period.

(2) To determine whether continuance is favored by producers, the required percentages set forth in the act with respect to producer approval of the issuance of a marketing agreement and order regulating the handling of citrus fruits produced in any area producing what is known as California citrus fruits (approval by three-fourths of the producers who, during a representative period, determined by the Secretary, have been engaged, within the production area, in the production of grapefruit for market; or by producers who, during such representative period, have produced for market at least two-thirds of the volume of grapefruit produced within the production area for market) shall be used. In the event that a referendum is utilized to aid in making this determination, such required percentages for continuance shall be held to be complied with if, of the total number of producers, or the total volume of grapefruit produced for market, as the case may be, represented in such referendum, the percentage favoring continuance is equal to or in excess of the percentage required.

(d) The Secretary shall conduct a referendum no later than May 15, 1985, and no later than that date every five years thereafter to ascertain whether continuance of this part is favored by producers. The committee may request that the Secretary conduct a referendum during any fiscal period, provided such request is made prior to March 15. In the event any such referendum is conducted (other than a referendum which may be conducted in conjunction with promulgation of this part), prior to May 15, 1985, a new five-year interim period for continuance referendum will be determined from the date of such referendum.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ ——.53 Proceedings after termination.

(a) Upon the termination of the provisions of this part the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property than in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trustees shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this part.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ ——.54 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, of liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ ——.55 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ ——.56 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises, whenever such action is deemed advisable.

§ ——.57 Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others in any way whatever, to any handler or to any person for errors in judgement, mistakes, or other acts, either or commission or omission, as such member, alternate, agent, or employee, except for acts of

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dishonesty, willful misconduct, or gross negligence.

§ ——.58 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any person, circumstance, or thing, shall not be affected thereby.

§ ——.97 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. • • •

§ ——.98 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by such handler and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. • • •

§ ——.99 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue pursuant to the act, an order providing for regulating the handling of grapefruit in the same manner as is provided for in this agreement. • • •

Copies of this notice may be obtained from the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250; or from the Los Angeles Marketing Field Office, Fruit and Vegetable Division, AMS, 417 South Hill St., Suite 900-B, Los Angeles, California 90012.

Signed at Washington, D.C. on February 1, 1979.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 79-4103 Filed 2-6-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 50]

ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER-COOLED NUCLEAR POWER PLANTS

AGENCY: U. S. Nuclear Regulatory Commission.

ACTION: Extension of comment period.

SUMMARY: The Nuclear Regulatory Commission is extending the public comment period on its advance notice of proposed rulemaking to amend 10 CFR Part 50, Acceptance Criteria for Emergency Core Cooling Systems For Light-Water-Cooled Nuclear Power Plants for an additional one month period. The advance notice of proposed rulemaking was published on December 6, 1978 (43 FR 57157). The comment period expired February 5, 1979.

DATES: New comment period expires March 5, 1979.

ADDRESSES: Interested persons are invited to submit written comments and suggestions to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H. Street, N.W., Washington, D. C.

FOR FURTHER INFORMATION CONTACT:

Mr. James A. Norberg, Office of Standards Development, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Telephone 301-443-5921.

Dated at Washington, D. C., this 1st day of February 1979.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 79-4144 Filed 2-6-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket 34566; EDR-371]

[14 CFR Part 299]

AIRCRAFT ACQUISITIONS

JANUARY 24, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Act makes certain types of aircraft acquisitions unlawful unless they are first approved by the Board. This notice proposes, at the Board's initiative, to expand the current exemption from that section of the Act.

DATES: Comments by: April 9, 1979. Reply comments by: April 24, 1979.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: February 21, 1979. Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing mutiple copies. Comments may be examined in Room 711 as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Barry L. Molar, Special Authorities Division, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428, 202-673-5918.

SUPPLEMENTARY INFORMATION: Sections 408 (a)(2) and (a)(3) of the Federal Aviation Act of 1958, as amended, require certain persons to obtain Board approval before acquiring a substantial portion of the properties of an air carrier or a person substantially engaged in the business of aeronautics. Since this prior approval requirement imposes an undue burden on simple aircraft acquisitions, Part 299 of the Economic Regulations (14 CFR Part 299) currently exempts acquiring air carriers from it for a wide range of transactions. We propose to further extend the exemption.

A fuller description of the existing rule will assist in the understanding of our proposed changes. The current rule generally provides an exemption for aircraft leases, purchases or leases with purchase option, which involve air carriers, which result from arm's length bargaining between parties that are not linked by interlocking relationships or common financial interests, and which do not involve joint undertakings for operations (*i.e.*, wet leases, equipment interchanges, or profit sharing arrangements). Depending on the type of carrier involved, however, there are limits on the size of transactions which may qualify for the exemption. Where a certificated route carrier is involved, a transaction

cannot involve more than 10 aircraft, aircraft with $30 million in market value, or aircraft representing more than 20 percent of the certificated route carrier's fleet. The latter figure is based on fleet count, market value and lift capacity. If the aircraft involved exceed 20 percent of the carrier's fleet in any of these categories, the transaction is ineligible for exemption. These limitations do not apply to carriers other than certificated route carriers. For example, it is possible under the exemption to acquire all of a charter air carrier's fleet, regardless of the number of aircraft involved or their market value. In all cases, however, an air carrier must be the person acquiring the aircraft, in order for the exemption to apply.

EXPANSION OF ELIGIBILITY

We are proposing a number of substantive changes, as well as certain procedural changes. First, we propose to make the exemption applicable in cases where persons other than air carriers are acquiring the aircraft. The current rule exempting only air carriers reflects the limits of the Board's section 416 exemption powers before passage of the Airline Deregulation Act, Pub. L. 95-504. Before the Deregulation Act, the Board could exempt only air carriers, and so it could not use its rulemaking powers to exempt other classes of persons from section 408. Thus, aircraft transactions involving foreign air carriers or aircraft dealers have been subject to Board review individually. Under Pub. L. 95-504, the Board now has authority to exempt other classes of persons. Since these aircraft transactions generally represent attempts by air carriers to adjust their fleet size to meet market conditions, we see no compelling public interest reason to differentiate here among transactions on the basis of the identity of the person acquiring the aircraft. Therefore, we propose to use our recently expanded section 416 exemption power to exempt "any person or class of persons," by extending the Part 299 exemption to all persons except indirect air carriers. Since the acquisition of aircraft by an indirect air carrier might jeopardize its status as an indirect air carrier, we wish to retain an opportunity to scrutinize such transactions.

EXEMPTION OF TRANSACTIONS BETWEEN INTERLOCKED PARTIES

The second substantive change relates to the interlocking relationship exception. We propose revising the rule so that an interlocking relationship between the parties would not preclude the exemption from applying to a transaction so long as there were no control relationships between the parties as well. Aircraft transactions of this type usually involve the financing of new equipment by a group of banks or other financial institutions through a sale-and-lease-back arrangement. Our experience with these types of transactions has convinced us that the presence of a common director does not materially affect the terms of these arrangements. Logic supports this conclusion. The interlocked institution would be only one of several participants providing the financing, and since all of them would have to be satisfied with the terms of the arrangement, favoritism between the interlocked parties would be a practical impossibility. The transaction would still have to satisfy the "arm's length bargaining" requirement. However, for the purpose of this rule, the presence of a common director would not, by itself, defeat that requirement.

CHANGES TO THE SIZE LIMITATIONS

The third substantive change involves the limitations on the size of transactions. We would continue to treat certificated route carriers differently from other carrier classes *i.e.*, transactions between carriers, regardless of transaction size or the proportion involved, would continue to be exempt, if a certificated route carrier is not involved. Thus acquisition of the entire fleet of a commuter carrier or a charter carrier would be exempt. Where a certificated route carrier is involved, we proposed to maintain the 20 percent limit, with the modification described below. Our laissez-faire approach to other than certificated route carriers has always been based on our recognition of the differences in the environments in which these classes of carriers operate. Carriers other than certificated route carriers operate in an essentially unregulated environment populated by many carriers. Capital requirements for nonroute operations can be, on the average, less than for substantial route operations. Under these circumstances the competitive market forces and arm's length nature of transactions is sufficient to protect the public interest. We have no information to indicate that this policy has been erroneous or should be otherwise altered.

In contrast, the certificated route carrier segment has been, because of regulatory restraints and somewhat higher capital requirements, much less competative. In addition, in the past, the Board has been concerned that carriers maintain their ability to perform their certificate obligations and has maintained stricter scrutiny for this reason. Although the Airlines Deregulation Act has mandated increased competition and redefined the concept of service obligations, the certificated segment of the industry is not yet fully competitive, nor have service obligations disappeared entirely. For these reasons, we believe that it would not be in the public interest to discontinue scrutiny of substantial aircraft transactions involving certificated route carriers at this time.

Although we would continue to limit the size of transactions that are exempt where a certificated route carrier is involved, we propose to eliminate the 10 aircraft and $30 million limits. The only size limitation on the exemption would be the 20 percent of carrier fleet rules. As under the current rule, to qualify for the exemption, a transaction would have to involve less than 20 percent of the certificated route carrier's fleet on the basis of all three measures (*i.e.*, number of aircraft in fleet, market value of fleet, and lift capacity of fleet). The 10 plane and $30 million limits have brought before us transactions which, while substantial in absolute terms, have not been substantial in proportion to the total fleet of the selling or leasing carrier and have been, therefore, of little regulatory concern. The language of the Airline Deregulation Act gives the Board jurisdiction over acquisitions of "a substantial portion" of the properties of an aeronautical enterprise. The use of a strictly percentage test would, we believe, come closest to matching the statutory test. We are satisfied that, in general, transactions of 20 percent or less will merely represent adjustment in carriers' fleets to meet changing market conditions.

DECLINATION OF JURISDICTION BELOW 20 PERCENT

The first procedural change is in the way we implement the 20 percent limit. The size limitations have consistently been stated as limits on the exemption. As suggested above, we believe that they have implicitly represented the Board's determination of what constituted "a substantial part" (old Act) or "a substantial portion" (new Act) of the properties of an aeronautical enterprise, and hence a determination of the Board's jurisdiction under sections 408 (a)(2) and (a)(3). If the aircraft do not make up a substantial portion of an air carrier's fleet, then no exemption is needed, because the transaction in question is not prohibited by sections 408 (a)(2) and (a)(3). Therefore, we propose to apply the 20 percent limitation discussed above as our declination of jurisdiction standard. As under the current rule, transactions below the 20 percent limit would not require prior Board approval. However, the reason would not be because they are exempt, as currently is the case, but rather because the Board declined to treat the transactions as coming within its jurisdiction under sections 408 (a)(2) and (a)(3).

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ELIMINATION OF FILING REQUIREMENT

Our second procedural change is the proposed elimination of the requirement to file the lease or purchase agreement. The current § 299.3 requires carriers to file copies of these agreements to qualify for the exemption. The filing requirement has served its original purposes of keeping us informed of equipment acquisitions in the industry and helping us decide when changes in Part 299 are advisable. We have not generally imposed a filing requirement in giving exemptions in the antitrust area (sections 408, 409, and 412). With almost 20 years of experience we see no reason to continue to differentiate aircraft transaction and so we have tentatively concluded that further filings are unnecessary.

Finally, we note that the proposal extends only to the prior approval requirements of sections 408 (a)(2) and (a)(3). A transaction covered by this proposal will still need prior approval if it is covered by another portion of section 408, and will need to be filed with us if it affects foreign air transportation and is covered by section 412. Similarly, the proposal does not release a party to an aircraft sale or lease agreement from conditions in any Board order prohibiting or limiting transactions involving that party.

Accordingly, the Civil Aeronautics Board proposes to revise Part 299 of its Economic Regulations (14 CFR Part 299) to read:

PART 299—EXEMPTION FROM CERTAIN REQUIREMENTS OF SECTION 408 OF THE FEDERAL AVIATION ACT

Sec.
299.1 Definitions.
299.2 Declination of jurisdiction.
299.3 Exemption.
299.4 Termination of exemption.
299.5 Effect of exemption.

AUTHORITY: Sections 204 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386.

§ 299.1 Definitions.

For the purposes of this part:

(a) "Aircraft" means any aircraft, as defined in the Act, together with spare parts and accessories maintained for installation or use on it.

(b) "Indirect air carrier" means any air carrier that does not engage directly in the operation of aircraft in air transportation.

(c) "Financial interest" means 5 percent or more of the outstanding debt, or 5 percent or more of any class of the capital stock, of a person.

§ 299.2 Declination of jurisdiction.

(a) The Board declines to exercise its jurisdiction under sections 408 (a)(2) and (a)(3) of the Act over any transaction that involves only the purchase, lease, or lease with purchase option of aircraft that make up not more than 20 percent of the seller's or lessor's total number, market value, and lift capacity of aircraft.

(b) For the purposes of this section, a series of transactions within a 6-month period will be considered a single transaction.

(c) For the purposes of this section, the total number of a person's aircraft includes all aircraft of that person except aircraft that are under lease to that person for a period of 6 months or less and aircraft that are owned by that person but under lease to some other person for a period of more than 6 months.

(d) The Board reserves the right to assert the jurisdiction described in paragraph (a) of this section when the public interest requires it.

§ 299.3 Exemption.

Any person other than an indirect air carrier shall be exempt from sections 408 (a)(2) and (a)(3) of the Act with respect to a purchase, lease, or lease with purchase option of aircraft from an air carrier other than an air carrier holding a certificate of public convenience and necessity under sections 401 (d)(1) or (d)(2), or from a person substantially engaged in the business of aeronautics, if the underlying agreement is the result of arm's length bargaining and does not involve any of the following:

(a) A purchase, lease, or lease with purchase option by a person:

(1) That owns, directly or beneficially, any financial interest in the person whose aircraft are being purchased or leased;

(2) In which any financial interest is owned, directly or beneficially, by the person whose aircraft are being purchased or leased;

(3) That controls, is controlled by, or is under common control with the person whose aircraft are being purchased or leased;

(4) That has an officer or director who is an officer or director of a corporation, or a member of a firm, that directly or beneficially owns 5 percent or more of the outstanding stock of the person whose aircraft are being purchased or leased; or

(5) That is a party to an executory agreement with the person whose aircraft are being purchased or leased that will, or may upon consumption, result in any of the relationships set forth in this paragraph.

(b) A lease with crew or an aircraft interchange agreement.

(c) A purchase or lease agreement under which the payment is directly related to the gross revenue or profits derived from operating the aircraft.

§ 299.4 Termination of exemption.

The Board may terminate the exemption granted by this part with respect to any transaction that it finds to be inconsistent with the public interest.

§ 299.5 Effect of exemption.

(a) The exemption granted by this part shall not be considered a determination for ratemaking purposes of the reasonableness of the transaction or an "order made under sections 408, 409, or 412" within the meaning of section 414 of the Act.

(b) This rule does not release a party to an aircraft sale or lease agreement from conditions in any Board order prohibiting or limiting transactions involving that party.

(c) This rule does not affect any duty that a person may have under the remaining provisions of section 408 or under section 412 of the Act with respect to a purchase, lease, or lease with purchase option of aircraft.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4102 Filed 2-6-79; 8:45 am]

[3510-07-M]

DEPARTMENT OF COMMERCE

Bureau of the Census

[15 CFR Part 30]

FOREIGN TRADE STATISTICS

Requirement for Employer Identification Number and Change in Value Requirement for filing of Shipper's Export Declarations

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is proposed to amend the Foreign Trade Statistics Regulations (FTSR) to provide that an exporter's identification number be reported on the Shipper's Export Declaration. It is also proposed to amend the Foreign Trade Statisitcs Regulations to raise the upper limit of the present exemption from Shipper's Export Declaration filing requirements based on value from $250 to $500. Since exporters will be using identification numbers already assigned, the requirement for an identification number imposes only a minimal burden on the reporting public that is more than offset by the anticipated increase in reliability of published export statistics and will enhance the usefulness of the data by exporters for marketing purposes. Raising the value exemption from Shipper's Export Declaration filing requirements to $500 is a change which relieves documentation burdens. Facilitation of the expansion of U.S. exports make these changes necessary.

DATE: Comments should be submitted on or before March 9, 1979.

ADDRESS: Send comments to Director, Bureau of the Census, Washington, D.C. 20233.

FOR FURTHER INFORMATION CONTACT:

Emanuel A. Lipscomb, Chief, Foreign Trade Division (301) 763-5342.

SUPPLEMENTARY INFORMATION: The proposed requirement for an identification number on the Shipper's Export Declaration will serve a number of needs; e.g., it will enable us more easily to contact exporters with systematic reporting problems and thus improve our published statistics, permit us to obtain valuable data as to the actual number and size of firms exporting and to where, and facilitate studies on origin of exports by States or other geographical areas. It will also facilitate the Bureau of Labor Statistics task of developing and maintaining export price indexes. It is proposed that exporters will use the Employer Identification Number (EIN) assigned by the Internal Revenue Service or, if the exporter has no EIN, the Exporter's Social Security Number. The proposal to raise the minimum value requirement for the filing of Shipper's Export Declarations from the present level of $251 to a new level of $501, if implemented, is expected to reduce the numeber of required Shipper's Export Declarations by slightly more than one million documents per year. The proposed increase in the value limit is expected to raise the share of exempted shipments to about 1.5 percent of the overall value of exports in 1979. While there will be some loss of statistical detail at the more detailed levels (i.e., commodity by country, commodity by country by district, etc.), the benefits accruing to both the public and Census by the reduction in the number of Shipper's Export Declarations required to be filed and processed outweigh the anticipated loss in statistical detail. Since exporters will be using identification numbers already assigned, the requirement for an identification number imposes only a minimal burden on the reporting public that is more than offset by the anticipated increase in reliability of published export statistics and the other benefits mentioned above. Raising the value exemption from Shipper's Export Declaration filing requirements to $500 is a change which relieves documentation burdens. However, it was decided that both these changes should be published as a Notice of Proposed Rule Making to allow interested persons the opportunity to make their views known. Accordingly, interested persons have until March 9, 1979, to present written data, views and arguments as they may desire to the Director, Bureau of the Census, Washington, D.C. 20233.

To effect these changes in reporting requirements, it is proposed to amend the Foreign Trade Statistics Regulations (15 CFR Part 30) as set forth below.

1. Section 30.7(d) is amended to read as follows:

§ 30.7 Information required on Shipper's Export Declarations.

* * * * *

(d) *Exporter.* In general, the exporter named on the Shipper's Export Declaration shall be the principal or seller in the export transaction. For exports moving under validated license, the exporter named on the Shipper's Export Declaration shall be the licensee named on the validated export license. Exporters (or their agents) shall insert, immediately following the name of the exporter, the exporter's Internal Revenue Service Employer Identification Number (EIN), or if no Internal Revenue Service EIN has been assigned, the exporter's Social Security Number. If neither an Internal Revenue Service EIN nor a Social Security Number has been assigned, "No EIN or SS Number" should be inserted immediately following the name of the exporter in item 3. Exporters with export operations in more than one location utilizing the same EIN should identify the particular location by a two character suffix code, immediately following the EIN or Social Security Number. For exporters who are already using a suffix identification in connection with Customs import requirements, the same suffix shall be used as the EIN suffix on the Shipper's Export Declaration. Otherwise, any two character suffix may be used, such as "MI" to designate a location in Michigan, "CA" for California, etc. The address of the exporter (number, street, place, state) shall also be shown. (On Form 7513, if an authorized agent is representing the exporter, the name of the exporter as defined herein should be shown on the line labeled "For account of" where "Principal or seller" is indicated below the line on the form.)

2. Section 30.54(a)(2) is amended to read as follows:

§ 30.54 Special exemptions for mail shipments.

(a) * * *

(1) * * *

(2) The shipment is valued $500 or under.

3. Section 30.55(h) is amended by changing "$250" wherever it appears in this section to "$500," so that as amended, § 30.55(h) now reads as follows:

§ 30.55 Miscellaneous exemptions.

* * * * *

(h) Shipments (except shipments requiring a validated export license) between the United States and Puerto Rico, to the Virgin Islands of the United States, and to all countries except countries included in country groups, Q, S, W, Y, and Z, as defined in the Export Administration Regulations of the Office of Export Administration (15 CFR Parts 368-399), where the value of the commodities classified under a single Schedule B number and shipped on the same exporting carrier from one exporter to one importer is $500 or under: *Provided, however,* That this exemption shall be conditioned upon the filing of such reports as the Bureau of the Census shall periodically require to compile statistics on $500-and-under shipments.

(Title 13, United States Code, sec. 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Order No. 35-2A, August 4, 1975, 40 FR 42765)

Dated: December 18, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

I concur: January 15, 1979.

RICHARD J. DAVIS,
Assistant Secretary,
Department of the Treasury.

[FR Doc. 79-4151 Filed 2-6-79; 8:45 am]

[1505-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 792 3014]

WOODLAND MOBILE HOMES, INC., ET AL.

Consent Agreement with Analysis To Aid Public Comment

Correction

In FR Doc. 79-2997, appearing at page 5677 in the issue of Monday, January 29, 1979, make the following changes on page 5678.

1. The third word in the second line of column two, now reading "an", should read, "as".

2. The sixth word in the fifth line of paragraph 7., column 2, now reading "complaints", should read "compliance".

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[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Parts 3, 157]

[Docket No. RM79-18]

CERTIFICATION OF PIPELINE TRANSPORTATION AGREEMENTS FOR CERTAIN HIGH-PRIORITY USES

Proposed Procedures

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Regulatory Commission gives notice of a proposal to implement Section 608 of the Public Utilities Regulatory Policies Act of 1978. The rule establishes procedures for the certification of transportation of natural gas purchased by agricultural or other high-priority users directly from producers.

DATES: Written comments by March 12, 1979.

ADDRESSES: All filings should reference Docket No. RM79-18 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Robert C. Platt or Philip Yates, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275-0161.

I. Introduction

On November 9, 1978, the Natural Gas Policy Act of 1978 (NGPA), Pub. L. 96-621, and the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, were enacted. Section 401 of the NGPA upgrades the curtailment priorities of schools, hospitals and essential agriculture users. Section 608 of PURPA adds Section 7(c)(2) to the Natural Gas Act to provide for the transportation of natural gas sold by a producer to an eligible user or produced and consumed by an eligible user (hereinafter referred to as "direct sale gas"). This proposed rule implements, in part, the direct sale authority of PURPA section 608, in conformance with the curtailment policies expressed in section 401 of the NGPA.

This rule reflects four important features of the new regulatory system created by the National Energy Act. First, the former interstate and intrastate markets have been merged. The unification of the natural gas supply market reduces the former problem of attracting gas supplies to the markets served with interstate pipeline system-supply gas. The intent of the new legislation is to preserve access by pipelines to their long-standing sources of supply.

Second, section 608 of PURPA provides an additional basis for the Commission to certificate transportation of direct sale gas. The proposed rule would satisfy the rulemaking envisioned by section 608 with respect to only certain categories of customers, i.e., agricultural and designated high-priority users. However, as will be discussed later, the Commission sees this program as a possible model for other actions implementing section 608 and requests comments and suggestions regarding expansion of this program.

Third, the NGPA substitutes a system of ceiling prices (maximum lawful prices) for the former cost-based, just and reasonable pricing system under the Natural Gas Act. Consequently, the Commission need not review the price of the direct sale gas when it evaluates transportation certificate applications under the proposed rule.

Fourth, Title IV of the NGPA reorders curtailment priorities. Although not specifically mandated by the statute, the Commission believes that the Congressional expression of public policy in section 401 of the NGPA concerning essential agricultural uses and other high-priority uses should be reflected in the Commission's direct-sale programs as well.

This proposed rule is one of three rules proposed to carry out the Commission's implementation responsibilities with respect to section 401 of the NGPA. The other two rules (the interim and permanent rules) would implement the NGPA with respect to those natural gas uses now provided for within existing pipeline curtailment plans.[1] This proposed rule would complement these rules and complete the FERC implementation program by providing access to natural gas supplies for those agricultural and high-priority uses without access to pipeline-supply gas.

The proposed direct sale program for agriculture and other high-priority uses, taken with the other two rules, seeks to harmonize some potentially inconsistent aspects of section 401 of the NGPA. On the one hand, section 401 expresses Congress' concern with ensuring adequate supplies of natural gas "• • • to meet the requirements of full food and fiber production." On the other hand, the statute and accompanying Joint Statement of Managers convey a clear Congressional intent to minimize the extent to which present curtailment plans will need to be reformulated to implement this section.

"• • • For purposes of implementing this section, the Commission is instructed to reopen curtailment plans that are already in effect under the Natural Gas Act only to the extent necessary to adjust those plans to bring them into conformity with the new curtailment priority schedule. The conferees were concerned that these changes not burden the Commission with lengthy proceedings which might throw existing curtailment plans into disarray. Therefore, the conference agreement includes the term 'to the maximum extent practicable' to assure that the Commission has the necessary flexibility in implementing any changes. For example, the conferees do not intend the reopening of curtailment plans for this limited purpose to result in adoption of a new base for curtailment purposes." [2]

Commentators in some of the rulemakings pursuant to section 401 of the NGPA have contended that the term "full food and fiber" requires the modification of existing curtailment plans to accommodate both new loads of existing customers as well as new customers. Other commentators have asserted that interpreting section 401 to include load growth would almost certainly require that the base period data of every affected plan be revised, in direct contravention of the instructions by Congress to avoid disruptive changes to the base periods of curtailment plans.

In addition, were load growth for agriculture to be permitted, it seems logical to also permit load growth for the other uses designated by section 401 as higher in priority than essential agricultural uses. Thus, permitting access to interstate pipeline system-supply gas by all new and expanded uses of high-priority consumers designated in section 401 could require precisely the kind of reopening of all existing pipeline curtailment plans that Congress sought to avoid.

Including the proposed direct sales program for agriculture and other high-priority uses as one component in section 401 implementation program is one means of meeting the joint Congressional objectives of assuring that all agricultural uses are given access to natural gas while avoiding the need to roll base periods or otherwise cause major disruptions. Unlike deliveries from pipeline system supply, which are subject to curtailment plans and which are generally based upon historic use, volumes delivered under a direct sale contract are not subject to curtailment and need not be measured against historic use. Hence, a direct sales program does not force the reopening of existing curtailment plans. In addition, because the pipelines' service obligations to existing customers are not placed in issue, new growth of eligible direct sale users can be accommodated without resolving competing claims of existing and future customers. Eligibility for participation in the proposed direct sale program is reserved for certain high-priority customers. The program therefore fits the Commission's overall curtailment policy.

[1] Docket No. RM79-13, Interim Regulations For the Implementation of Section 401, January 10, 1979; RM79-15, Regulation For the Implementation of Section 401, January 12, 1979.

[2] H. Report No. 95-1752, 95th Cong. 2d Sess. 113 (1978). See also H. Report No. 95-1750, 95th Cong. 2d Sess. 113 (1978).

It has been correctly pointed out in other section 401 rulemakings that a direct sales program may give access to natural gas but it does not give access to pipeline system-supply gas at a rolled-in price. The latter type of access is, of course, more economically beneficial than purchasing gas at current market prices. The NGPA is clear on the need to provide adequate access to natural gas for agriculture.[3] As now envisioned, section 401 would be implemented so that those uses covered by pipeline curtailment plans would have assured access to pipeline system supplies at rolled-in prices and the other high-priority uses would obtain access at current market prices.

The proposed rule implements only a part of the Commission's new authority under section 608 of PURPA and is fashioned solely upon the specific statutory groundwork of section 401. The Commission is cognizant of its responsibility to implement fully section 608 of PURPA. The program proposed by this rulemaking might be expanded to include other categories of consumers. Alternatively, other direct sale programs along the lines of the program proposed here might be developed and tailored for the particular needs of other "high-priority uses". Therefore, the Commission invites comment about possible expansion of the application of its direct sales authority and the terms and eligibility requirements appropriate to any suggested expansion.

The Commission's program for the transportation of direct sales of natural gas between producers and industrial customs established by FPC Order No. 533 and FERC Order No. 2 will not be affected by this proposed rule. Nor does it affect the transportation of natural gas for intrastate pipelines and local distribution companies under NGPA section 311(a).

II. Summary of Proposed Regulation

The proposed Subpart E of Part 157 supplements the Commission's existing direct sale authorization by allowing the transportation of direct sale gas to certain users that may not currently be eligible to have natural gas transported under § 2.79 of this chapter.

Proposed § 157.101 indicates the manner in which such direct sale authority is implemented. As presently proposed, Subpart E would permit the transportation of direct sale gas to all essential agricultural users as certified by the Secretary of Agriculture, and all schools, hospitals and similar institutions.

A transportation certificate under section 7(c)(2) of the Natural Gas Act would be issued to the transporting interstate pipeline. However, as indicated in proposed § 157.101(a), either the pipeline or the eligible user on behalf of the pipeline may make application for the certificate. Because the application must include executed contracts, applications cannot be filed until the producer, pipeline and eligible user all consent to the transaction. Since the proposed regulation imposes filing requirements to be satisfied by either the eligible user or the interstate pipeline providing the transportation service, the Commission welcomes comments on the means by which the filing requirements can be shifted from the pipeline to the eligible user to be served.

Applications for a permanent certificate may include application for a temporary transportation certificate. All applications will be processed on an expedited basis. Although section 7(c)(2) of the Natural Gas Act makes no explicit provision for temporary certificates, section 16 of the Natural Gas Act is sufficient legal authority for the Commission to grant such temporary certificates. (See *Hunt Oil Company* v. *F.P.C.*, 334 F.2d 474 (5 Cir. 1964)).

Temporary certificates may be issued by the Director of the Office of Pipeline and Producer Regulation. This delegation is achieved by including a conforming amendment to § 3.5(f)(1)(iv) of this chapter in this rulemaking. Permanent certificates will be issued by the Commission after notice, an opportunity for protest and, where appropriate, a hearing.

Proposed § 157.102 defines "eligible uses" to include any use certified as an "essential agricultural use" by the Secretary of Agriculture pursuant to section 401(c) of the NGPA, and uses by hospitals and schools or similar institutions as those terms are defined in proposed §§ 281.203(b)(2) and (3) of this chapter. These definitions reflect section 401 of the NGPA. An "eligible user" is defined as anyone who consumes natural gas for an eligible use. Residential and small commercial users have historically been protected from curtailment of service from general pipeline supplies, and NGPA section 311(a) provides these users further protection through local distribution companies. As a result, they do not require the access to direct sales provided under the proposed rule. Additionally, the large number of such users in this category could not be accommodated practically under the direct sale program.

The Commission has determined that its policy governing the transportation of direct sale gas should be expanded to include eligible users who are not facing curtailment, to serve new eligible users, and to supply the increased loads of existing eligible users.

A determination under NGPA section 401(b) by the Commission that an essential agricultural user has an available alternate fuel will have no effect upon that user's eligibility to have its direct sale gas transported. Thus, eligible users can utilize direct sale gas to replace other fuels, in whole or in part, to meet its energy requirements.

Congress, in section 401(f), elevated the previously low-priority boiler fuel use by schools and hospitals to high-priority status. Such a change reflects a shift from "end-use" to "end-product" tests in determining curtailment priorities for the uses designated in NGPA section 401. The Department of Agriculture has used an "end-product" test as the sole criterion for defining "essential agricultural uses" in its proposed rule. The Commission has applied this same test in its proposed definition of "eligible uses" for direct sale gas transportation. The Commission invites comment on the extent to which the "end-product" test derived from NGPA section 401 should be supplemented with an "end-use" test in its definition of "eligible uses".

Proposed § 157.102(c) is an exercise of the Commission's rulemaking authority under section 7(c)(2) of the Natural Gas Act. It determines that "high-priority uses" shall include eligible uses as defined in § 157.102.

Proposed § 157.103 sets out the data that must be supplied in an application for direct sale transportation authorization. Proposed § 157.103(l) requires the reporting of any fees paid to a broker for arranging direct sales. Similar reporting requirements are currently being challenged before the Commission; any conclusion reached in that challenge will be reflected in the final version of § 157.103

Proposed § 157.104 limits the type of gas that qualifies for direct sale transportation by reliance upon the "committed or dedicated" test defined in NGPA section 2(18). This test is designed to prevent the disruption of the offshore supply patterns and to preserve low-cost supplies for interstate system supply. Proposed § 157.104(a) applies the "committed or dedicated"

[3] There is an important difference of opinion about whether Congress authorized load growth or the general use of gas for boiler fuel purposes.

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test as of November 8, 1978. This date is used for applying the test because it is used in pricing determinations under NGPA sections 104, 105, 106 and 109 and in deciding which natural gas is subject to the right of first refusal under NGPA section 315(b). Many producers should have previously applied this test in qualifying for the NGPA interim collection procedures as set forth in § 273.201(c)(2) and § 273.202(d)(1)(v) of this chapter.

The selection of the "committed or dedicated" test is predicated upon an additional policy consideration. NGPA section 315(b)(3) gives interstate pipelines the opportunity to match the terms of a sales agreement "substantially accepted in principle" by a competing buyer. Because "committed or dedicated" gas is ineligible for transportation in the proposed direct sale program, and because section 315(b)(3) applies *only* to gas which is "committed or dedicated", the test prevents the proposed direct sales program from affecting the contract terms available to interstate pipelines under section 315(b)(3).

An eligible user seeking to determine whether particular gas reserves qualify for the proposed direct sale program must consider the contractual and abandonment obligations attached to the natural gas in addition to the test proposed in § 157.104 test.

The Commission has considered other eligibility tests, such as basing eligibility on certain NGPA price categories or making *all* gas supplies eligible. The Commission invites comment on these and other eligibility tests.

Should an applicant wish to transport direct sale gas not eligible for transportation under proposed § 157.104(a), proposed paragraph (b) authorizes a request for a waiver of the § 157.104(a) requirement. For example, the Commission could consider waivers for "committed or dedicated" gas classified under NGPA section 107, even though such natural gas does not qualify under proposed § 157.104(a).

Proposed § 157,105 establishes general conditions that are automatically incorporated into any certificates issued under the proposed rule.

The proposed maximum term for the certificate is five years. The five-year term reflects several considerations. First, comments received during the Commission's consideration of 18 CFR 2.79 indicate that more than two years are required to attract many of the potential sources of new gas supplies. Second, users served by this program do not require more frequent recertification, as their progress toward conversion to alternate fuels in not a consideration under this program. Third, a number of optimistic supply projections have recently been put forward and, if correct, could provide a basis for extending the lengths of certificates. On the other hand, natural gas production is in an evident period of transition and uncertainty. The public interest would not appear to be served by long-term supply commitments, at this time. The Commission seeks comments on the appropriate length of certificates attendant to direct sales.

The Commission proposes to entertain requests for a ten-year term in applications where the users will develop and produce their own reserves. However, the ten-year term will not be available to eligible users who merely acquire reserves-in-place. This longer certificate term is intended to provide eligible users an incentive to develop new natural gas supplies. Again, the Commission solicits views.

Under proposed paragraph (b), a pipeline may apply for a renewal certificate. Such reapplication will be reviewed *de novo*. Thus, an eligible user who enters into a contract for the purchase of direct sale gas for a period of more than five years does so at its own risk. Proposed paragraph (c) provides a six-month grace period to permit delivery of volumes beyond the end of the certificate's term if the producer contract includes a take-or-pay provision.

Proposed § 157.105(d) requires an acceptance of the certificate to be filed only by the interstate pipeline company. The eligible user, the producer, and any nonjurisdictional transporter of the direct sale gas are deemed to consent to the transportation certificate through their execution of the contracts filed with the application. Under proposed paragraph (e) if the gas is diverted to uses other than the eligible uses, the certificate authorization ceases and any further deliveries by the pipeline would be in violation of the Natural Gas Act. While interstate pipelines cannot completely monitor the end-uses of their customers, the sanctions of Natural Gas Act section 21 will apply to any pipeline which willfully and knowingly continues to tranport direct sale gas to a customer who has diverted gas from eligible uses.

Proposed paragraph (f) requires the eligible user to file an annual report within 60 days of the anniversary of the issue date of the certificate. The report will deter possible diversion of gas from eligible uses.

Proposed paragraph (g) requires the interstate and intrastate pipelines transporting direct sale gas to use the same rate methodology that applies to tranportation under section 311(a) of the NGPA. This rate methodology is also used in the recently promulgated emergency purchase regulations (Subpart C of Part 157).

The proposed rule does not require the transportation service to be subject to interruptions prompted by the needs of the pipeline's higher priority customers. The jurisdictional consequences of the Natural Gas Act precluded such a condition from being imposed upon the Commission's previous direct sales program. Because the enactment of the NGPA has insulated producers of eligible supplies from possible Natural Gas Act jurisdiction, the Commission invites comments on any appropriate circumstances for interruption of service.

III. Written Comments

Interested persons are invited to submit written comments on the proposed regulations to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Comments should reference Docket No. RM79-18 on the outside of the envelope and on all documents submitted to the Commission. In order that the Commission be able to take into account as many comments as possible, the Commission requests that persons submitting comments assist in three ways. First, persons should identify specifically the section they are addressing. Second, comment should clearly state whether they involve technical, policy or legal matters. Finally, where comments urge a different approach from one presented, specific alternative language should be proposed to the extent possible.

Fifteen (15) copies should be submitted. All comments and related information received by the Commission by March 12, 1979, will be considered prior to the promulgation of final regulations.

The Commission intends to allow an opportunity for the oral presentation of data views and arguments. These proceedings will be held at times and places, to be announced.

(Natural Gas Act, as amended, 15 U.S.C. 717, *et seq.* Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, Natural Gas Policy Act of 1978, Pub. L. 95-621, Department of Energy Organization Act, Pub. L. 95-91, E.O. 12009, 43 FR 46267).

In consideration of the foregoing, it is proposed to amend Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,
Secretary.

Section 3.5(f) of Subchapter A of Chapter I, Title 18, Code of Federal Regulations, is amended to read as follows:

§ 3.5 Delegations of final authority.

The Commission authorizes:

* * * * *

(f) The Director of the Office of Pipeline and Producer Regulation or in the Director's absence, the Director's designee to:

(1) Pass upon the following types of applications or amendments to applications: *Provided,* That no formal opposition to the applications or amendments is timely filed with the Commission.

* * * * *

(iv) Applications for temporary certificates for the transportation of natural gas to end-users, pursuant to § 2.79 or § 157.101 of this chapter.

1. Subchapter E is amended by designating § 157.5 through 157.22 as Subpart A—Applications for certificates of public convenience and necessity and for orders permitting and approving abandonment under section 7 of the Natural Gas Act, as amended, concerning any operation, sales service, construction, extension, acquisition or abandonment and § 157.23 through 157.42 as Subpart B—Filings by producers and gatherers of natural gas which are also natural gas companies.

Subpart A—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, As Amended, Concerning Any Operation, Sales Service, Construction, Extension, Acquisition or Abandonment

§§ 157.5 through 157.22 [Redesignated as Subpart A]

Subpart B—Filings by Producers and Gatherers of Natural Gas Which Are Also Natural Gas Companies

§§ 157.23 through 157.42 [Redesignated as Subpart B]

2. Subchapter E is further amended by adding a new Subpart E to read as follows:

Subpart E—Transportation Certificates Under Section 7(c)(2) of the Natural Gas Act

Sec.
157.100 Applicability.
157.101 General rule.
157.102 Eligible uses.
157.103 Application requirements.
157.104 Eligible gas reserves.
157.105 General conditions.

Authority: Natural Gas Act, as amended, 15 U.S.C. 717, *et seq.* Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, Natural Gas Policy Act of 1978, Pub. L. 95-621, Department of Energy Organization Act, Pub. L. 95-91, E.O. 12009, 43 FR 46267.

Subpart E—Transportation Certificates Under Section 7(c)(2) of the Natural Gas Act

§ 157.100 Applicability.

This subpart implements section 7(c)(2) of the Natural Gas Act and applies to transportation certificates of public convenience and necessity for direct sales of natural gas to certain high-priority users.

§ 157.101 General rule.

(a) *Applications.* Any interstate pipeline, or eligible user on behalf of an interstate pipeline, may file an application as described in § 157.103 for transportation to serve eligible uses as defined in § 157.102.

(b) *Temporary certificates.* Any such application may include a request to be treated also as an application for a temporary certificate and shall be processed by the Commission staff on an expedited basis.

(1) If the application for a temporary transportation certificate is sufficient on its face, a temporary transportation certificate may be issued by the Director of the Office of Pipeline and Producer Regulation pursuant to his authority under § 3.5(f)(1)(iv) of this chapter.

(2) The pipeline may, within 30 days of the date of issuance, file in writing its acceptance or rejection of the temporary certificate. If no acceptance or rejection has been filed within the 30 days, the temporary certificate shall be deemed to have been accepted and shall be effective on the issue date of the order granting such temporary certificate, or such other date prescribed by the Commission.

157.102 Eligible uses.

(a) For the purposes of this subpart, the term "eligible uses" means:

(1) Any use of natural gas certified by the Secretary of Agriculture under 7 CFR 2900.3 as an "essential agricultural use" under section 401(c) of the Natural Gas Policy Act of 1978; or

(2) Any use of natural gas by a person who uses natural gas in a hospital or school or similar institution as defined in § 281.203(b) (2) and (3) of this chapter.

(b) An "eligible user" is any person who consumes natural gas for an eligible use.

(c) These eligible uses are "high-priority uses" within the meaning of section 7(c)(2) of the Natural Gas Act.

§ 157.103 Application requirements.

All applications pursuant to this subpart must:

(a) Indicate volumes to be transported under the proposed certificate on a peak day, average day and annual basis;

(b) Include a statement by the pipeline that it has capacity sufficient to perform the transportation service without detriment or disadvantage to the interstate pipeline's existing customers who are dependent on the pipeline's general system supply;

(c) Indicate the impact of the proposed transportation on the pipeline's ability to provide systemwide deliveries for requirements defined in § 2.78(a)(1)(i) of this chapter;

(d) Provide a copy of the proposed transportation agreement, indicating the proposed transportation rate together with a breakdown and justification of the proposed rate level to the extent indicated in § 284.106 of this chapter for interstate pipelines or § 284.126 of this chapter for intrastate pipelines;

(e) Include a statement by the distributor that it has capacity sufficient to perform the transportation service without detriment or disadvantage to its other customers.

(f) Describe any facilities that will be constructed in order to provide the services, as well as any other facilities that will be utilized, and specify their location. For purposes of this paragraph, there is no requirement that omission of other filing requirements be justified. For purposes of this paragraph, the following provisions are waived:

(1) 18 CFR 157.13—Form of exhibits to be attached to applications;

(2) 18 CFR 157.14—Exhibits;

(3) 18 CFR Part 159—Fees and annual charges under the Natural Gas Act;

(4) 18 CFR Part 201—Uniform system of accounts for natural gas companies; and

(5) 18 CFR Part 260—Statements and reports (schedules).

(g) Indicate that the proposed end-users of such consumption are eligible uses;

(h) Indicate the total end-use requirements profile for natural gas at the location where the transported natural gas will be used;

(i) Provide a copy of the gas purchase contract with the producer underlying the proposed transportation;

(j) Provide a certified copy, if one has been obtained, of any currently effective determination by a jurisdictional agency under section 503 of the Natural Gas Policy Act of 1978 and Part 274 of this chapter applicable to the natural gas to be transported;

(k) File an affidavit that includes the well number or numbers from which the natural gas will be produced, and either state that the natural gas meets the eligibility requirements of § 157.104, or make application for waiver of such requirements.

(l) If an intermediary participates in the transaction between the eligible user and the producer and charges a fee, indicate the amount of the fee

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and terms of payment and the intermediary's affiliation, if any, with the producer and/or pipeline;

(m) If either the producer or the eligible user assumes the cost of the construction of any gathering facilities in order to consummate the purchase, provide the cost, terms of payment, ownership and date of construction of the facilities.

§ 157.104 Eligible gas reserves.

(a) *Eligibility test.* No certificate issued under this subpart may authorize the transportation of natural gas which was committed or dedicated, as defined in section 2(18) of the Natural Gas Policy Act of 1978, on November 8, 1978.

(b) *Waiver.* A waiver of the requirement of paragraph (a) may be granted by the Commission upon a showing that such waiver is in the public interest.

§ 157.105 General conditions.

(a) *Term.* (1) Transportation certificates under this subpart may be issued for a term of up to 5 years.

(2) If the natural gas reserves are owned and developed by an eligible user, as determined by the Commission, a certificate may be issued under this subpart for a term of up to 10 years upon a showing that such longer term is necessary to permit the economical development of the reserves.

(b) *Renewal.* Certificates issued under this subpart may be renewed upon reapplication, within 12 months of its expiration.

(c) *Extention of term for take-or-pay users.* If an eligible user is unable to receive natural gas supplies for which it has paid under a take-or-pay provision in the underlying sales contract, the transporting pipelines may file a request for a six-month extension of the certificate authorization. The request shall include a statement of the undelivered volumes and the time necessary to complete delivery thereof. Upon receipt of a letter from the Secretary of the Commission acknowledging a filing for such purposes, the requested extension shall be deemed approved.

(d) *Acceptance of certificate.* Except as provided in subparagraphs (1) and (2) of this paragraph, the certificate shall be void and without force or effect unless accepted in writing by the pipeline within 30 days from the issue date of the order issuing such certificate.

(1) When an application for rehearing of such order is filed in accordance with section 19 of the Natural Gas Act, the acceptance shall be filed within 30 days from the date on which the application for rehearing is denied or deemed to have been denied.

(2) When a petition for review is filed in accordance with the provisions of section 19 of the Natural Gas Act, acceptance shall be filed within 30 days after the final judicial review.

(e) *Termination.* The certificate issued to the pipeline is not transferrable in any manner and shall be effective only so long as the natural gas is consumed for eligible uses and the pipeline continues the operations authorized by the order issuing such certificate and in accordance with the provisions of the Natural Gas Act, as well as the applicable rules, regulations, and orders of the Commission.

(f) *Annual filing.* The eligible user shall file report, within 60 days of the anniversary of issue date of the certificate, containing:

(1) The total amount of natural gas consumed during the preceding 12 month period,

(2) The end-use of such amounts,

(3) The amount of natural gas consumed from other sources during the certificate period,

(4) The end-use of the natural gas from those other sources together with a list of those other sources, and

(5) The average delivered cost per Mcf paid, itemized by amounts paid to:

(i) The producer,

(ii) Each pipeline and distributor involved in transporting the natural gas, and

(iii) Any other parties.

(g) *Rates and charges.* The rates for transportation by any interstate or intrastate pipelines will be charged in accordance with Part 284 of this chapter.

[FR Doc. 79-4249 Filed 2-6-79; 8:45 am]

[6450-01-M]

[18 CFR Parts 35 and 154]

[Docket No. RM79-16]

RESEARCH, DEVELOPMENT AND DEMONSTRATION (RD&D) PROGRAM

Proposed Regulation Modifying the Time Limit for Commission Action

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to amend its regulations to allow 120 days, rather that the current 90 days, for Commission action on an application for advance approval of a research, development and demonstration (RD&D) program. In its Opinion No. 30, issued September 21, 1978, the Commission stated it would issue a notice of proposed rulemaking to obtain comments on a proposal by California that the timetable be lengthened.

DATES: Comments due March 15, 1979.

ADDRESS: Office of Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 202-275-4166.

The Federal Energy Regulatory Commission (the Commission) hereby gives notice that it proposes to amend 18 CFR 35.22(d) and § 154.38(d)(5)(iv) as promulgated in Order No. 566[1] to allow 120 days, rather than the current 90 days, for Commission action on an application for advance approval of a research, development and demonstration (RD&D) program. Comments are invited in order to assist the Commission in its review of the proposal. The Commission requests that commentators discuss the merits of the proposal and alternative means, if any, of realizing its purpose.

BACKGROUND

In order to receive advance approval of an RD&D program for an upcoming year, an RD&D organization or a jurisdictional company seeking such approval must submit a five year RD&D plan at least 180 days prior to the commencement of the program. Under the Commission's current regulations, 18 CFR 35.22(d) and § 154.38(d)(5)(iv), the Commission must act upon the RD&D plan within 90 days after it is filed.

On June 30, 1978, the Gas Research Institute (GRI) submitted a proposed research and development program which was approved in Opinion No. 30.[2] The People of the State of California and the Public Utilities Commission of the State of California (California) filed a comment in the GRI docket criticizing the short timetable imposed as a result of the 90-day deadline. California suggested that the Commission's review of subsequent GRI applications would be "substantially enhanced by a modest amendment of the Commission's regulations" to allow 120 days for Commission action on an application for advance

[1] *Research, Development and Demonstration; Accounting; Advance Approval of Rate Treatment*, Docket No. RM76-17, Order issued June 3, 1977.

[2] *Gas Research Institute*, "Opinion and Order Approving the Gas Research Institute's 1979 Research and Development Program", Docket No. RP78-76, issued September 21, 1978.

approval of an RD&D program. In Opinion No. 30 the Commission stated that it would isue a Notice of Proposed Rulemaking to obtain comments on California's proposal.

California, additionally, suggested a schedule for handling GRI's next annual application. Assuming that GRI submits its next application on June 4, 1979 in order to obtain Commission action by October 1, 1979, California proposed that initial comments and a staff report be filed on July 13, 1979. Reply comments by GRI would be filed on August 3, 1979, and further comments would be filed on August 24, 1979.

The procedure adopted in Docket No. RP78-76 for review of GRI's 1979 program was experimental. In Opinion No. 30 the Commission said that in its Notice of Proposed Rulemaking on extending the time limits for action on RD&D plans it would invite parties to include in their comments suggestions on a procedural schedule to be followed in proceedings on GRI's future applications. Accordingly, such comments are now invited. The Commission notes, however, that comments on procedures to be followed in handling GRI's application are solicited through this Notice of Proposed Rulemaking only so that the Commission will have the comments available when it establishes a procedural schedule after GRI files its next annual application in 1979. This is not a rulemaking to establish a particular procedural schedule. The rulemaking proposed herein only revises the 90-day deadline to 120 days.

PUBLIC COMMENT PROCEDURES

Interested persons may participate in this proposed rulemaking by submitting comments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 15, 1979. Each person submitting a comment should include his name and address, identify the notice (Docket No. RM79-16), and give reasons for any recommendations. An original and 14 conformed copies should be filed with the Secretary of the Commission. Comments should indicate the name, title, mailing address, and telephone number of a person to whom communications concerning the proposal may be addressed. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. Natural Gas Act, as amended, 15 U.S.C. 717, *et seq.*, Department of Energy Organization Act, Pub. L. 95-91, E.O. 12009, 42 FR 46267.

In consideration of the foregoing, it is proposed to amend Part 35 and Part 154, Chapter I of Title 18 of the Code of Federal Regulations, as set forth below.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

§ 35.22 [Amended]

1. Section 35.22 is amended in the first sentence of paragraph (d) by deleting "90" and inserting in lieu thereof "120".

§ 154.38 [Amended]

2. Section 154.38(d)(5) is amended in the first sentence of clause (iv) by deleting "90" and inserting in lieu thereof "120".

[FR Doc. 79-4250 Filed 2-6-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS EDUCATION

Proposed Regulatory Development

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The following regulatory provisions implement the provisions of the GI Bill Improvement Act of 1977 and adjust the administration of the education loan program. Those regulations that implement the provisions of the GI Bill Improvement Act of 1977 provide for increases in monthly rates and other significant changes in the Veterans Administration educational assistance and vocational rehabilitation programs. Most of the changes are liberalizing. Others are of a minor or technical nature.

The adjustments in the education loan program allow veterans to appeal all decisions regarding entitlement to a loan to the Board of Veterans Appeals. Other adjustments are made to the criteria used to determine the amount of an education loan. These regulations will implement the provisions of the GI Bill Improvement Act of 1977 as well as make the administration of the education loan program more equitable.

DATES: Comments must be received on or before April 9, 1979. In accordance with Pub. L. 95-202, (91 Stat. 1433), it is proposed that § 21.1043 be made effective May 31, 1976; that the amendments to the following sections be made effective the same date: §§ 21.1032, 21.1042, and 21.4501, and that paragraph (a)(3) and the introductory portion of paragraph (d) of § 21.1041, paragraph (c) of § 21.3046, paragraph (b)(2) of § 21.4130, paragraph (i) of § 21.1045 and that portion of paragraph (b)(2) of § 21.4503 dealing with education loans after a veteran's or eligible person's delimiting date, also be made effective on May 31, 1976.

It is proposed that the amendments to the following sections be made effective October 1, 1977: §§ 21.133, 21.145, 21.3300, 21.3333, 21.4136, 21.4145, 21.4236, and 21.4279; and that the amendments to paragraph (d)(2) of § 21.1041, paragraphs (a) and (b) of § 21.1045, paragraph (a) of § 21.4137, paragraph (a) of § 21.4206, paragraph (c) of § 21.3046, and that portion of paragraph (b)(2) of § 21.4503 that is based upon the increased rates of payment of educational assistance, be made effective the same date.

It is proposed that § 21.4133 and the amendments to §§ 21.4146 and 21.4203 be made effective November 23, 1977, and that the amendment to paragraph (d) of § 21.4206 be made effective the same date.

It is proposed that § 21.4507 be made effective January 1, 1978; that the amendments to §§ 21.3045, 21.4200, 21.4504, 21.4505, and 21.4506 be made effective the same date; and the amendments to paragraph (h) of § 21.1045 and paragraph (c) of § 21.4206 as well as the addition of paragraph (c) to § 21.4502 also be made effective January 1, 1978.

It is proposed that § 21.4154 and the amendments to §§ 21.201, 21.4100, 21.4153, 21.4201, 21.4251, 21.4266, 21.4270 and 21.4277; the amendments to paragraph (f) of § 21.4137 as well as the remainder of the amendments to § 21.4130 be made effective February 1, 1978.

It is proposed that the amendments to § 21.4500, the amendments to paragraph (b) (1) and (4) of § 21.4502 and the amendments to paragraph (b) (3) and (4) of § 21.4503 be made effective August 1, 1978.

It is proposed that the amendments to § 21.3032 and the remainder of the amendments to § 21.3046 be made effective December 1, 1978.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until April 19, 1979.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, Washington, DC 20420 (202-389-2092).

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SUPPLEMENTARY INFORMATION:

The proposed regulations contain provisions for an extension of delimiting periods under chapter 34 and 35, title 38, United States Code; rate increases; increased hourly rates for work performed in the work-study program and institutional reporting fee increases.

They contain modified provisions concerning satisfactory progress and conduct, and revised criteria limiting the extent to which moneys for which educational institutions may be held liable can be recovered from the institutions' reporting fees. Amended provisions allowing educational institutions to cash certain checks being held by them; accelerated payment of educational assistance allowance (loan forgiveness) and modified criteria to determine eligibility for an education loan also are included; and veterans are given the opportunity to appeal all determinations concerning their entitlement to an education loan. The proposed regulations also contain revised clock-hour measurement criteria; provisions for increased reimbursement of the expenses of State approving agencies and modified provisions concerning the 2-year operation requirement including a provision to allow the Administrator of Veterans Affairs to waive the requirement in certain instances.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions or objections regarding these documents to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until April 19, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the above address and room number.

APPROVED: January 26, 1979.

MAX CLELAND,
Administrator.

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Chapter 31

1. Section 21.133 is revised to read as follows:

§ 21.133 Rates.

Subsistence allowance is payable at the following monthly rates effective October 1, 1977.

Type of training	Monthly rate of subsistence allowance			
	No dependents	1 dependent	2 dependents	Each additional dependent
Institutional:				
Full-time	$241	$298	$351	$26
3/4 time	181	224	263	19
1/2 time	120	149	176	13
Sheltered workshop, training in the home, independent instructor (full time only)	241	298	351	26
Farm cooperative, apprentice or other on job (OJT) [1] (full time only)	210	254	293	19
Combination (institutional and OJT) (full time only):				
Institutional 1/2 time or more	241	298	351	26
Institutional less than 1/2 time	210	254	293	19
Cooperative (full time only):				
Institutional full time	241	298	351	26
Business/industry full time	210	254	293	19

[1] For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, exclusive of overtime, and the entrance journeyman wage for the veteran's objective.

(38 U.S.C. 1504(b); Pub. L. 95-202, 91 Stat. 1433)

2. In § 21.145, paragraph (a) is revised to read as follows:

§ 21.145 Veteran-student services.

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under chapter 31 are eligible to receive a work-study allowance. In return for the veteran-student's agreement to perform services for the Veterans Administration totaling 250 hours during an enrollment period an allowance in an amount equal to either the amount of the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times 250 or $625, whichever is the higher, will be paid. Veterans who agree to perform a lesser number of hours of services will be paid benefits on a proportional basis. An amount equal to 40 percent of the total amount payable under the contract shall be paid in advance. In the event the veteran ceases to be a full-time student before completing such an agreement, the veteran may, with the approval of the Director of the field station, or his or her designee, be permitted to complete that portion of an agreement that remains. Students must complete portions of an agreement within the same or immediately following term, quarter or semester in which the student ceases to be a full-time student. If the veteran terminates all training, he or she will be permitted to complete that portion of an agreement represented by the sum of money already advanced to the veteran for which no services have been performed. Portions of an agreement for which no advance has been made may not be authorized to be completed by those who have terminated all training. Any hours of unperformed service for which an advance has been made that remain after the time limits stated in this paragraph will be a debt due the United States and will be subject to recovery. The amount of indebtedness shall equal the hourly minimum wage in effect under the Fair Labor Standards Act of 1938 when the time limit expired, or $2.50 (whichever was the basis for the contract) for each hour of unperformed service. (38 U.S.C. 1685; Pub. L. 95-202, 91 Stat. 1433)

• • • • •

(3) Section 21.201 is amended as follows:

(a) By deleting the reference "§ 21.4270 footnote 7" and inserting "§ 21.4270(b) footnote 1" in paragraph (j)(5).

(b) By revising paragraph (j)(1) and (2) as set forth below:

§ 21.201 Types of courses.

• • • • •

(j) *Independent study course leading to a degree.* A course pursued by independent study under the following conditions:

(1) The course is offered by a college or university.

(2) The course leads to or is fully creditable toward a standard college degree.

• • • • •

Subpart B—Veterans' Educational Assistance Under 38 U.S.C. Chapter 34

§ 21.1021 [Amended]

4. The cross reference following § 21.1021 is changed to read "Measurement of courses." See § 21.4270(a).

5. In § 21.1032, paragraph (d) is added to read as follows:

§ 21.1032 Time limits.

• • • • •

(d) *Time limit for filing a claim for an extended period of eligibility.* A claim for an extended period of eligibility as described in § 21.1043 must be received by the Veterans Administration by the latest of the following dates:

(1) November 23, 1978,

(2) One year from the date on which the veteran's original period of eligibility ended,

(3) One year from the date on which the veteran's physical or mental disability ceased to prevent him or her from beginning or resuming the veteran's chosen program of education. (38 U.S.C. 1662)

6. In § 21.1041, paragraphs (a)(3), (d) (introductory portion preceding subparagraph (1)) and (d)(2) are revised to read as follows:

§ 21.1041 Periods of entitlement.

(a) *General.* • • •

(3) The veteran may use his or her entitlement at any time during the 10-year period, including any applicable extension of it, determined under §§ 21.1042 and 21.1043, but in no event shall education or training be afforded a veteran under chapter 34 or 36 after December 31, 1989. It is not required that the entitlement time be used in consecutive months. (38 U.S.C. 1662(a)(1); Pub. L. 95-202, 91 Stat. 1433)

• • • • •

(d) *Extension.* The period of entitlement, including the 45-months period, may be extended, but not beyond the delimiting date specified in §§ 21.1042 and 21.1043: (38 U.S.C. 1662(a)(1); Pub. L. 95-202, 91 Stat. 1433)

• • • • •

(2) To the end of the course or for 12 weeks, whichever is less, in all other schools, when the period of entitlement ends after more than half of the course has been completed. In a course consisting exclusively of flight training and in a course pursued exclusively by correspondence, the period of entitlement will be extended to the end of the course or for the total additional amount of instruction that $806 will provide for flight training and $871 will provide for correspondence training, whichever is less. (38 U.S.C. 1661; 1677(b); 1786(a); Pub. L. 95-202, 91 Stat. 1433)

• • • • •

7. In § 21.1042, paragraphs (a) and (b) are revised to read as follows:

§ 21.1042 Ending dates of eligibility.

The ending date of eligibility will be the latest of the following dates:

(a) *General.* Except as provided by § 21.1043 no educational assistance will be afforded a veteran later than 10 years after his or her last discharge or release from active duty after January 31, 1955, or December 31, 1989, whichever is the earlier. (38 U.S.C. 1662; Pub. L. 95-202, 91 Stat. 1433)

(b) *Correction of military records.* If the veteran becomes eligible for educational assistance as the result of a correction of military records under 10 U.S.C. 1552, or a change, correction or modification of a discharge or dismissal pursuant to 10 U.S.C. 1553, or other corrective action by competent military authority, educational assistance will not be afforded later than 10 years after the date his or her discharge or dismissal was changed, corrected or modified (except as provided by § 21.1043), or December 31, 1989, whichever is the earlier. (38 U.S.C. 1662; Pub. L. 95-202, 91 Stat. 1433)

• • • • •

8. Section 21.1043 is added to read as follows:

§ 21.1043 Extended period of eligibility.

(a) *General.* A veteran shall be granted an extension of the applicable delimiting period, as otherwise determined by § 21.1042 provided:

(1) The veteran applies for an extension.

(2) The veteran was prevented from initiating or completing the chosen program of education within the otherwise applicable delimiting period because of a physical or mental disability that did not result from the willful misconduct of the veteran. It must be clearly established by medical evidence that such a program of education was medically infeasible. A veteran who is disabled for a period of 30 days or less will not be considered as having been prevented from initiating or completing a chosen program, unless the evidence establishes that the veteran was prevented from enrolling or reenrolling in the chosen program of education, or was forced to discontinue attendance, because of the short disability.

(3) The veteran is otherwise eligible for payment of educational assistance for the training pursuant to chapter 34, title 38, United States Code. (38 U.S.C. 1662, Pub. L. 95-202, 91 Stat. 1433)

(b) *Commencing date.* The veteran shall elect the commencing date of an extended period of eligibility. The date chosen:

(1) Must be on or after the original date of expiration of eligibility as determined by § 21.1042, and

(2) Must be on or before the ninetieth day following the date on which the veteran's application for an extension was approved by the Veterans Administration, if the veteran is training during the extended period of eligibility in a course not organized on a term, quarter or semester basis, or

(3) Must be on or before the first ordinary term, quarter or semester following the ninetieth day after the veteran's application for an extension was approved by the Veterans Administration if the veteran is training during the extended period of eligibility in a course organized on a term, quarter or semester basis.

(c) *Length of extended periods of eligibility.* A veteran's extended period of eligibility shall be for the length of time that the individual was prevented from initiating or completing his or her chosen program of education. This shall be determined as follows:

(1) If the veteran is in training in a course organized on a term, quarter, or semester basis, his or her extended period of eligibility shall contain the same number of days as the number of days from the date during the veteran's original delimiting period that his or her training became medically infeasible to the earliest of the following dates:

(i) The commencing date of the ordinary term, quarter or semester following the day the veteran's training became medically feasible,

(ii) The veteran's delimiting date as determined by § 21.1042, or

(iii) The date the veteran resumed training. (38 U.S.C. 1662(a)(1); Pub. L. 95-202, 91 Stat. 1433)

(2) If the veteran is training in a course not organized on a term, quarter or semester basis, his or her extended period of eligibility shall contain the same number of days from the date during the veteran's original delimiting period that his or her training became medically infeasible to the earlier of the following dates:

(i) The date the veteran's training became medically feasible or

(ii) The veteran's delimiting date as determined by § 21.1042. (38 U.S.C. 1662(a)(1); Pub. L. 95-202, 91 Stat. 1433)

(d) *Discontinuance.* If the veteran is pursuing a course on the date of expiration of an extended period of eligibility as determined under this section, the educational assistance allowance will be discontinued effective the

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day preceding the end of the extended period of eligibility. (38 U.S.C. 1662; Pub. L. 95-202, 91 Stat. 1433)

9. In § 21.1045, paragraphs (a)(2) and (b)(2) are revised and paragraphs (h) and (i) are added so that the revised and added material reads as follows:

§ 21.1045 Entitlement charges.

(a) *Residence courses.* • • •

(2) *Flight training courses; Chapter 34.* A charge against the period of entitlement for a program consisting exclusively of flight training will be made on the basis of of 1 month for each $288 which is paid to the veteran as an educational assistance allowance for such course. Where the computation results in a period of time other than a full month, or other than exactly ¾, ½ or ¼ fractional part of a month, the figure will be reduced to the next lower quarter. (38 U.S.C. 1667(b); Pub. L. 95-202, 91 Stat. 1433)

• • • • •

(b) *Corresponse courses.* • • •

(2) *Other courses.* Except as provided in paragraph (b)(1) of this section, the period of entitlement of any eligible veteran who is pursuing a program of education exclusively by correspondence will be charged with 1 month for each $175 paid to the veteran as an educational assistance allowance for such course, for contracts entered into before January 1, 1973. For agreements entered into after December 31, 1972, the period of entitlement of any eligible veteran, spouse, or surviving spouse, who is pursuing a program of education exclusively by correspondence will be charged with 1 month for each $220 paid before September 1, 1974, to the veteran, spouse, or surviving spouse as an educational assistance allowance for such course. For payments made on or after September 1, 1974, the charge will be 1 month for each $260 paid; for payments made on or after January 1, 1975, the charge will be 1 month for each $270 paid; for payments made on or after October 1, 1976, the charge will be 1 month for each $292 paid; and for payments made on or after October 1, 1977, the charge will be 1 month for each $311 paid. Where the computation results in a period of time other than a full month, or other than exactly ¾, ½ or ¼ fractional part of a month, the figure will be reduced to the next lower quarter. (38 U.S.C. 1786(a)(2); Pub. L. 95-202, 91 Stat. 1433)

• • • • •

(h) *Accelerated payment; chapter 34 and chapter 35.* The entitlement of a veteran or eligible person who receives an accelerated payment will be charged at the rate of 1 month for each amount of accelerated payment (exclusive of the matching payment from the State and-or local governmental unit) equal to the full-time monthly rate payable to the veteran or eligible person under § 21.4136(a) at the time he or she applied for an accelerated payment. Where the computation results in a period of time other than a full month, or other than exactly ¾, ½, or ¼ fractional part of a month, the figure will be reduced to the next lower quarter fraction of a month. (38 U.S.C. 1682A, 1738; Pub. L. 95-202, 91 Stat. 1433)

(i) *Education loan after otherwise applicable delimiting date; chapter 34 or chapter 35 spouse or surviving spouse.* A charge will be made against the entitlement of a veteran, spouse or surviving spouse who receives an education loan pursuant to § 21.4501(c) at the rate of 1 month for each month entitlement that would have been used had the veteran, spouse or surviving spouse been in receipt of educational assistance allowance for the period for which the loan was granted. Where the computation results in a period of time other than a full month, or other than exactly ¾, ½ or ¼ fractional part of a month, the figure will be reduced to the next lower quarter fraction of a month. (38 U.S.C. 1662, 1712; Pub. L. 95-202, 91 Stat. 1433)

Subpart C—Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35

10. In § 21.3032, paragraph (c) is added to read as follows:

§ 21.3032 Time limits.

• • • • •

(c) *Time limit for filing a claim for an extended period of eligibility.* A claim for an extended period of eligibility provided by § 21.3046(d) must received by the Veterans Administration by the later of the following dates:

(1) One year from the date on which the spouse's or surviving spouse's original period of eligibility ended.

(2) One year from the date on which the spouse's or surviving spouse's physical or mental disability ceased to prevent him or her from beginning or resuming a chosen program of education. (38 U.S.C. 1712).

§ 21.3045 [Amended]

11. Section 21.3045 is amended to delete the reference "§ 21.1045(a) through (c) and (e) through (g)" and insert "§ 21.1045(a) through (c) and (e) through (i)."

12. Section 21.3046 is amended as follows:

(a) By deleting "Pub. L. 94-502, 90 Stat. 2383" and inserting "Pub. L. 95-202, 91 Stat. 1433" in paragraph (c)(3).

(b) By revising the introductory text and the introductory text of paragraph (c) preceding subparagraph (1) and adding paragraph (d) so that the revised and added material reads as follows:

§ 21.3046 Periods of eligibility; spouses and surviving spouses.

The period of eligibility cannot exceed 10 years and can be extended only as provided in paragraphs (c) and (d) of this section. If elegibility arises before October 24, 1972, educational assistance based on a course of apprentice or other on-the-job training, or correspondence approved under the provisions of §§ 21.4256, 21.4261 and 21.4262 will not be afforded later than October 23, 1982 unless the eligible spouse or surviving spouse qualifies for the extended period of eligibility provided in paragraph (d) of this section. The period of eligibility of a spouse computed under the provisions of paragraph (a) of this section, however, will be recomputed under the provisions of paragraph (b) of this section if her or his status changes to that of surviving spouse. (38 U.S.C. 1712(b); Pub. L. 95-202, 91 Stat. 1433)

• • • • •

(c) *Extension to ending date.* Spouse is enrolled and eligibility ceases for a reason specified in paragraph (c)(1), (2), or (3) of this section: extended to end of quarter or semester for schools operating on quarter or semester system, or for schools not operating on quarter or semester system, to end of course or for 12 weeks, whichever is earlier. In a course pursued exclusively by correspondence, the period of eligibility will be extended to the end of the course or for the total additional amount of instruction that $871 will provide, whichever is less. No extension may exceed maximum entitlement or extend beyond the delimiting date specified in paragraph (a) or (d) of this section, as appropriate. Extension is authorized without regard to whether the midpoint of the quarter, semester or term has been reached. No extension of the period of eligibility will be made when training is pursued in a training establishment as defined in § 21.4200(c). (38 U.S.C. 1712(b); Pub. L. 95-202, 91 Stat. 1433)

• • • • •

(d) *Extended period of eligibility due to physical or mental disability.* A spouse or surviving spouse shall receive an extended period of eligibility when he or she applies for it and meets the criteria of § 21.1043(a). All other provisions of § 21.1043 concerning commencing dates and length of extended periods of eligibility and discontinuance of educational assistance

also apply to spouses and surviving spouses who qualify for extended periods of eligibility. (38 U.S.C. 1712(b); Pub. L. 95-202, 91 Stat. 1433)

13. In § 21.3300, paragraph (c) is revised to read as follows:

§ 21.3300 Special restorative training.

• • • • •

(c) Special restorative training may be provided in excess of 45 months where an additional period of time is needed to complete such training. Entitlement, including any authorized in excess of 45 months, may be expended through an accelerated program requiring a rate of payment in excess of $98 per calendar month. See §§ 21.3303 and 21.3333(b). (38 U.S.C. 1741(b); 1742; Pub. L. 95-202, 91 Stat. 1433)

• • • • •

14. In § 21.3333, paragraphs (a) and (b) are revised to read as follows:

§ 21.3333 Rates.

(a) *Rates.* Special training allowance is payable at the following monthly rate except as provided in paragraph (c) of this section

Course	Monthly rate	Accelerated charges
Special Restorative Training.	$311	If costs for tuition and fees average in excess of $98 per month, rate may be increased by such amount in excess of $98.

(b) *Accelerated charges.* The additional monthly rate may be paid if the parent or guardian concurs in having the eligible person's period of entitlement reduced by 1 day for each $10.40 that the special training allowance exceeds the basic monthly rate of $311. Fractions of more than one-half day will be charged as 1 day; fractions of one-half or less, will be disregarded. Charges will be recorded when the eligible person is entered into training. (38 U.S.C. 1742; Pub. L. 95-202, 91 Stat. 1433)

• • • • •

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

15. Section 21.4100 is revised to read as follows:

§ 21.4100 Counseling.

(a) The purpose of counseling is to assist:

(1) In selecting an educational or training objective,

(2) In developing a suitable program of education or training,

(3) In selecting an educational institution or training establishment appropriate for the attainment of the educational or training objective,

(4) In resolving any personal problems which are likely to interfere with successful pursuit of a program,

(5) In selecting an employment objective for the veteran that would be likely to provide the veteran with satisfactory employment opportunities in light of his or her personal circumstances. (38 U.S.C. 1663, 1720; Pub. L. 95-202, 91 Stat. 1433)

(b) Counseling not required by other Veterans Administration regulations shall be provided as needed for the purposes identified in paragraph (a) of this section upon the request of the veteran or eligible person. (38 U.S.C. 1663; Pub. L. 95-202, 91 Stat. 1433)

§ 21.4102 [Amended]

16. Section 21.4102 is amended by deleting the words "wife, husband, widow or widower" and inserting "spouse or surviving spouse" in the headnote and the first sentence of paragraph (b).

§ 21.4106 [Amended]

17. Section 21.4106 is amended by deleting the words "Wife, Husband, Widow or Widower" and inserting "Spouse or Surviving Spouse" in the headnote of paragraph (a)(3).

18. In § 21.4130, the introductory text and paragraph (b)(2) are revised to read as follows:

§ 21.4130 Educational assistance allowance.

Educational assistance allowance will be paid at the rate specified in § 21.4136 or 21.4137 while the veteran or eligible person is pursuing a course of education. Except for apprenticeship and on-the-job training programs, no payment will be made based on a course not leading to a standard college degree for excessive absences as determined under § 21.4205(b). (See §§ 21.4136(l) and 21.4137(f) for proportionate reduction where less than 120 hours are completed during a month in apprenticeship and on-job training programs). Final payment may be withheld until proof of continued enrollment is received and the account adjusted. No payment may be made for training in an apprenticeship or other on-job training program in excess of the number of hours approved by the State approving agency; no payment may be made for lessons completed in a correspondence course in excess of the number approved by the State approving agency; and no payment may be made for training in any other type of course which occurs after the additional period, provided in § 21.4277, beyond the length of the course approved by the State approving agency. (38 U.S.C. 1674, 1681; Pub. L. 95-202, 91 Stat. 1433)

• • • • •

(b) The ending date will be the earliest of the following dates:

• • • • •

(2) The ending date of the veteran's eligibility as determined under §§ 21.1041, 21.1042 and 21.1043. (38 U.S.C. 1662(a); Pub. L. 95-202, 91 Stat. 1433)

• • • • •

19. Section 21.4133 is added to read as follows:

§ 21.4133 Notification of withholding or discontinuance.

Any eligible veteran or eligible person whose payments are withheld or discontinued pursuant to § 21.4134 or 21.4135 shall concurrently receive written notice of the withholding or discontinuance from the Veterans Administration. The notice shall state the reasons for the withholding or discontinuance of payments, and shall notify the veteran or eligible person that he or she has a right to a hearing and to present evidence why payments should not be discontinued or withheld. (38 U.S.C. 1790(b); Pub. L. 95-202, 91 Stat. 1433)

In § 21.4136, paragraphs (a) and (c) are revised to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

(a) *Rates.* Educational assistance allowance is payable at the following monthly rates effective October 1, 1977:

Type of courses	Monthly rate: No dependents	1 dependent	2 dependents	Additonal for each additional dependent
Institutional:				
Full time	$311	$370	$422	$26
¾ time	233	277	317	19
½ time	156	185	211	13
Less than ½ but more than ¼ time [1]	[1]156			
¼ time or less [1]	[1]78			
Cooperative, other than farm cooperative (full time only)	251	294	334	19
Apprentice or on-job (full time only but see footnote [2] below.)				

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Type of courses	Monthly rate: No dependents	1 dependent	2 dependents	Additonal for each additional dependent
Payment designated training assistance allowance:				
First 6 months	226	254	277	12
Second 6 months	169	197	221	12
Third 6 months	113	141	164	12
Fourth 6 months and succeeding periods	56	84	108	12
Correspondence	90 per centum of the established charge for number of lessons completed by veteran and serviced by school [4]—Allowance paid quarterly.			
Flight training	90 per centum of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay—Allowance paid monthly based on actual flight training received. See § 21.045(a)(2).			
Farm cooperative:				
Full time	251	294	334	19
¾ time	188	221	251	15
½ time	126	147	167	10

[1] If a veteran under chapter 34 receiving benefits under § 21.4280(b)(2) completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed $156 or $78 as appropriate per month if the maximum allowance is not initially authorized.

[2] See paragraph (b) of this section.

[3] See footnote [3] of § 21.4270(b) for measurement of full time and paragraph (f) of this section for proportionate reduction in award for completion of less than 120 hours per month.

[4] Established charge means that the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost for the eligible veteran whichever is the lesser. Enrollments before January 1, 1973, will receive 100 percent of the established charges.

(38 U.S.C. 1677, 1682, 1786, 1787; Pub. L. 95-202, 91 Stat. 1433)

• • • • • •

(c) *Active duty.* The monthly rate for an individual who is pursuing a program of education while on active duty may not exceed the monthly rate of the cost of the course as specified in paragraph (b) of this section. For the purpose of a course pursued under the provisions of § 21.4235(a)(1) "cost of the course" shall include the cost of books and supplies peculiar to the course which the institution requires similarly circumstanced nonveterans enrolled in the same or a similar course to have. Where there is no same program, the cost of the course will be established by the Veterans Administration based on a report from the State approving agency showing the estimated cost for operation of the program and the anticipated enrollment. Subject to these limitations, the rate will be:

Measurement	Rates
Full time	$311
¾ time	233
½ time	156
Less than ½, but more than ¼ time	156
¼ time or less	78

(38 U.S.C. 1682; Pub. L. 95-202, 91 Stat. 1433)

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21. Section 21.4137 is amended as follows:

(a) By deleting "§ 21.4270" and inserting "§ 21.4270(b)" in the parenthetical note following paragraph (f).

(b) By revising paragraph (a) to read as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. ch. 35.

(a) *Rates.* Educational assistance allowance is payable at the following monthly rates:

Type of courses	Monthly rate effective October 1, 1977
Institutional	
Full time	$311
¾ time	233
½ time	156
Less than ½ but more than ¼ time [1]	156
¼ time or less [2]	78
Cooperative, other than farm cooperative (full time only)	251
Apprentice or on-job (full time only but see footnote [1] below.) Payment designated training assistance allowance:	
First 6 months	226
Second 6 months	169
Third 6 months	113
Fourth 6 months and succeeding periods	56
Farm cooperative:	
Full time	251
¾ time	188
½ time	126
Correspondence	90 per centum of the established charge for number of lessons completed by eligible spouse or surviving spouse and serviced by the school [3]—Allowance paid quarter.

[1] See footnote 5 of § 21.4270(b) for measurement of full time and paragraph (f) of this section for proportionate reduction in award for completion of less than 120 hours per month.

[2] Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost for the eligible spouse or surviving spouse whichever is the lesser.

[3] If an eligible person under chapter 35 receiving benefits under § 21.4280(b)(2) completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed $156 or $78 as appropriate per month if the maximum allowance is not initially authorized. (38 U.S.C. 1732(c)(3); Pub. L. 95-202, 91 Stat. 1433)

(38 U.S.C. 1682, 1732, 1786, 1787; Pub. L. 95-202, 91 Stat. 1433)

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§ 21.4138 [Amended]

22. Section 21.4138 is amended by deleting the cross reference following paragraph (f).

23. In § 21.4145, paragraph (a) is revised to read as follows:

§ 21.4145 Veteran-student services.

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under chapter 34 are eligible to receive a work-study allowance. In return for the veteran-student's agreement to perform services for the Veterans Administration totaling 250 hours during an enrollment period an allowance in an amount equal to either the amount of the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times 250 or $625, whichever is the higher, will be paid. Veterans who agree to perform a lesser number of hours of services will be paid benefits on a proportional basis. An amount equal to 40 percent of the total amount payable under the contract shall be paid in advance. In the event the veteran ceases to be a full-time student before completing such an agreement, the veteran may, with the approval of the Director of the field station, or his or her designee, be permitted to complete that portion of an agreement that remains. Students must complete portions of an agreement within the same or immediately following term, quarter or semester in which the student ceases to be a full-time student. If the veteran terminates all training he or she will be permitted to complete that portion of an agreement represented by the sum of money already advanced to the veteran for which no services have been performed. Portions of an agreement for which no advance has been made may not be authorized to be completed by those who have terminated all training. Any hours of unperformed service for which an advance has been made that remain after the time limits stated in this paragraph will be a debt due the United States and will be subject to recovery. The amount of indebtedness shall equal the hourly minimum wage in effect under the Fair Labor Standards Act of 1938 when the time limit expired, or $2.50 (whichever was the basis for the contract) for each hour of unperformed service. (38 U.S.C. 1685; Pub. L. 95-202, 91 Stat. 1433)

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24. In § 21.4146, paragraph (f) is added to read as follows:

§ 21.4146 Assignments of benefits prohibited.

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(f) *Savings clause.* Notwithstanding any other provision of this section the Director of the Veterans Administration field station of jurisdiction may authorize the educational institution to negotiate educational assistance checks payable to the veteran or eligible person under a power of attorney executed by the veteran or eligible person prior to December 1, 1976, authorizing the school to negotiate the check, provided that the following criteria are met:

(1) The veteran or eligible person owes the full proceeds of the check to the educational institution for tuition and fees;

(2) The educational institution is able to establish that it will face undue financial hardship if it is unable to negotiate the check; and

(3) The check is for training:

(i) Received by the veteran or eligible person for a course offered by the educational institution under provisions of subchapter VI of chapter 34, title 38, United States Code, for Predischarge Education Program training, or at a location not in a State under provisions of section 1676, title 38, United States Code, and the course was begun by the veteran or the eligible person prior to December 1, 1976, and completed not later than June 30, 1977; or

(ii) By an accredited correspondence school received by the veteran or eligible person while residing in a State, and represents payment for lessons completed under section 1786, title 38, United States Code, that were serviced by the school prior to January 1, 1977. (Sec. 305(c)(1), Pub. L. 95-202, 91 Stat. 1433)

25. Section 21.4153 is amended as follows:

(a) By changing the citation following paragraph (c)(4) to read "(38 U.S.C. 1774; Pub. L. 95-202, 91 Stat. 1433)".

(b) By revising paragraph (c)(3) to read as follows:

§ 21.4153 Reimbursement of expenses.

• • • • • •

(c) *Reimbursable expenses.* • • •

(3) *Administrative expenses.* An allowance for administrative expenses for which payment may be authorized will be determined in accordance with the formula contained in this subparagraph. Salary cost includes basic salary plus fringe benefits such as Social Security, retirement, and health, accident or life insurance which is provided all similarly circumstanced State employees.

Total salary cost reimbursable	Allowable for administrative expense
$5,000 or less	$630.
Over $5,000 but not exceeding $10,000.	$1,134.
Over $10,000 but not exceeding $35,000.	$1,134 for the first $10,000 plus $1,050 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000.	$6,862.
Over $40,000 but not exceeding $75,000.	$6,862 for the first $40,000 plus $908 for each additional $5,000. or fraction thereof.
Over $75,000 but not exceeding $80,000.	$13,608.
Over $80,000	$13,608 for the first $80,000 plus $793 for each additional $5,000 or fraction thereof.

• • • • • •

26. Section 21.4154 is added to read as follows:

§ 21.4154 Report of activities.

(a) *General.* Each State approving agency entering into a contract or agreement pursuant to § 21.4153 shall submit a report of activities to the Veterans Administration on September 30, 1978 for the preceding 12-month period and each month thereafter.

(b) *Content of the report.* The report shall be in the form prescribed by the Administrator and shall detail the activities of the State approving agency under the agreement or contract during the preceding month as well as from the beginning of the fiscal year through the end of that month. Each report shall describe the services performed and the determinations made in supervising and ascertaining the qualifications of educational institutions in connection with the programs of the Veterans Administration. The content of the report shall include as a minimum:

(1) A report of the number of active schools and establishments with approved courses in the jurisdiction of the State approving agency;

(2) The actions taken by the State approving agency on applications for approval of course revisions;

(3) The actions taken by the State approving agency on applications for approval of new courses made by schools which previously have had courses approved;

(4) The actions taken by the State approving agency on applications for approval of new courses made by schools which have not had any courses approved previously;

(5) The number of inspections, approval and supervisory visits to schools made by the State approving agency;

(6) The actions taken by the State approving agency with respect to schools and establishments which the State approving agency found to have deficiencies;

(7) The actions taken by the State approving agency with respect to schools and establishments which the Veterans Administration found to have deficiencies;

(8) The actions taken by the State approving agency in promoting jobs for veterans programs; and

(9) The number of man-months used by the State approving agency pursuant to the contract. (38 U.S.C. 1774; Pub. L. 95-202, 91 Stat. 1433)

27. In § 21.4200, paragraph (n) is added to read as follows:

§ 21.4200 Definitions.

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(n) *School term.* The term means for the purpose of § 21.4506:

(1) In the case of an institution of higher learning operating on a quarter system, three consecutive quarters within an ordinary school year;

(2) In the case of an institution of higher learning operating on a semester system, two consecutive semesters within an ordinary school year; or

(3) In the case of an educational institution not an institution of higher learning, or in the case of an institution of higher learning not operating on a quarter or semester system a period of 9 to 11 months provided the program of education is divided into segments and at least one segment is completed prior to or during the 9- to 11-month period. (38 U.S.C. 1682A(e); Pub. L. 95-202, 91 Stat. 1433)

28. Section 21.4201 is revised to read as follows:

§ 21.4201 Restrictions on enrollment; percentage of students receiving financial support.

(a) *General.* Except as otherwise provided in this section no enrollment in any course may be approved for an eligible veteran, not already enrolled, for any period during which more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution, the Veterans Administration pursuant to title 38, United States Code, and/or grants of any other Federal agency. This restriction may be waived in whole or part.

(b) *Affected schools.* The requirements of paragraph (a) of this section apply to all courses not otherwise exempt or waived offered by all educa-

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tional institutions, regardless of whether the institution is degree-granting, proprietary profit, proprietary nonprofit, eleemosynary, public and/or tax-supported.

(c) *Affected courses.* The following courses or programs are exempt from the requirements of paragraph (a) of this section:

(1) Any farm cooperative course;

(2) Any course of Special Assistance for the Educationally Disadvantaged, offered pursuant to subchapter V, chapter 34, title 38, United States Code;

(3) Any approved course offered under contract with the Department of Defense which is on or immediately adjacent to a military base, which has been approved by the State approving agency of the State where the base is located or the State of the parent school if the course is offered overseas, and which either:

(i) Is available only to military personnel and their dependents, or

(ii) Is available only to military personnel, their dependents, and civilian employees of the base located in a State, or

(iii) Is available only to persons authorized by the base commander to attend the course provided the base is located outside the United States;

(4) Any course offered by a flying club established, organized and operated pursuant to regulations of a military department of the Armed Forces as "nonappropriated sundry fund activities" which are governmental instrumentalities;

(5) Any course if the total number of veterans and eligible persons receiving assistance under chapters 31, 32, 34, 35 or 36, title 38, United States Code, who are enrolled in the educational institution offering the course, equals 35 percent or less of the total student enrollment at the educational institution (computed separately for the main campus and any branch or extension of the institution) except that the Director of the Veterans Administration field station of jurisdiction shall apply the provisions of paragraph (a) of this section if he or she has reason to believe that the enrollment of veterans and eligible persons in the course may exceed 85 percent of the total student enrollment in the course.

(d) *Application for exemptions.* No applications are required for any exemptions except that found in paragraph (c)(5) of this section. To obtain an exemption as stated in paragraph (c)(5) of this section schools must submit reports as required in paragraph (f)(1) of this section.

(e) *Computing the 85-15 percent ratio*–(1) *Determining when separate computations are required.* Except as provided in paragraph (c) of this section and in paragraph (e)(3) of this section, an 85–15 percent ratio must be computed for each course of study or curriculum leading to a separately approved educational or vocational objective. Computations will not be made for unit subjects, unless only one unit subject is approved by the State approving agency to be offered at a separate branch or extension of a school. Courses or curricula which are offered at separately approved branches or extensions must have an 85-15 percent ratio computed separately from the same course offered at the parent institution. The count of students attending the branch may not be added to those attending the parent institution even for the same courses or curricula. However, the count of those attending courses or curricula offered at an additional facility, as opposed to a branch or extension, must be added to those attending the same course at the parent institution. Pursuit of a course or curriculum that varies in any way from a similar course, although it may have the same designation as the other similar course or curriculum, will require a separate 85-15 percent computation. A course or curriculum will be considered to vary from another if there are different attendance requirements, required unit subjects are different, required completion length is different, etc.

(i) Separate courses for computation purposes in institutions of higher learning will be determined by general curriculum only until the point at which it is reasonable to assume a major field ,would be declared and after that point by specific curriculum.

(*a*) General 2-year curricula at 2-year institutions of higher learning, general curricula such as AA (Associate of Arts) or AS (Associate of Science) degrees with no major specified, will require separate computations for each curriculum. Terminal 2-year courses (i.e., AAS (Associate of Applied Science), dental technology or auto mechanics certificate) and other associate degree courses where a field is specified must be computed separately for each objective.

(b) Students attending 4-year institutions of higher learning and graduate schools may be counted in general curricula such as BA (Bachelor of Art) and BS (Bachelor of Science) only until the normal point at which the school requires the student to declare a major subject. Then the 85-15 percent computation must be made for each specific curriculum, i.e., BS (Bachelor of Science) in electrical engineering, MA (Master of Arts) in English, etc.

(ii) NCD (noncollege degree) courses must be computed separately by approved vocational objective. If several curricula lead to the same coded vocational objective, each must meet the 85-15 percent requirement separately, unless it can be shown that two or more courses are identical in all respects (scheduling, hours devoted to each unit subject, etc.). Branch or extension courses will be computed separately from courses at the parent facility. Courses offered on a full- and part-time basis which are identical in length and content will be combined for computing the ratio.

(2) *Assigning students to each part of the ratio.* Notwithstanding the provisions of paragraph (a) of this section the following students will be considered to be nonsupported provided they are not receiving educational assistance from the Veterans Administration:

(i) Students who are not veterans, and are not in receipt of Federal or institutional aid.

(ii) All graduate students in receipt of any Federal aid (other than Veterans Administration benefits) and any institutional aid.

(iii) Students in receipt of all types of Federal aid (other than Veterans Administration benefits). However, BEOG (Basic Educational Opportunity Grant) and SEOG (Supplementary Educational Opportunity Grant) recipients shall be counted as supported after notice to the school by the Veterans Administration.

(iv) Undergraduate and noncollege degree students receiving any assistance provided by an institution, if the institutional policy for determining the recipients of such aid is equal with respect to veterans and nonveterans alike, and the students do not have to be counted as supported pursuant to paragraph (e)(2)(iii) of this section.

(3) *Calculation.* (i) To determine if the requirement of paragraph (a) of this section has been met for all courses except flight courses the full-time equivalent, nonsupported students as defined by paragraph (e)(2) of this section will be compared to the full-time equivalent students enrolled in the course. If the full-time equivalent, nonsupported students do not equal at least 15 percent of the total full-time enrollment, the 85-15 percent requirement has not been met for the course. If a non-Veterans Administration student in a correspondence course has not completed a lesson nor made a payment toward the cost of the course during the 6-month period immediately prior to the computation, the student will not be counted in computing the 85-15 percent ratio.

(ii) The 85–15 percent ratio for flight courses shall be computed by comparing the number of hours of training received by or tuition charged to nonsupported students in the preceding 30 days to the total number of hours of training received by or tuition charged to all students in the same period. All courses offered at a flight school which are approved under Part 141, Title 14, Code of Federal Regulations shall be considered to be one course for the purpose of making this computation. Similarly, all courses offered at a flight school which are not approved under Part 141, Title 14, Code of Federal Regulations shall be considered to be one course for the purpose of making this computation. Hours of training or tuition charges:

(*a*) In the private pilot's course shall be excluded;

(*b*) For students enrolled in courses approved under Part 141, Title 14, Code of Federal Regulations (the Federal Aviation Administration regulations) shall be actual hours of logged instructional flight time or charges; and

(*c*) For students enrolled in courses not approved under Part 141, Title 14, Code of Federal Regulations such as in courses for navigator or flight engineer, shall include ground training time in addition to actual logged instructional flight time or charges.

(4) *Relief from complete calculations.* If 35 percent or fewer of the students in a course, not otherwise exempt from the provisions of paragraph (a) of this section, offered by an institution of higher learning or noncollege degree school receive Veterans Administration educational benefits, the percentage of the school's total enrollment in all courses in all locations receiving BEOG and SEOG totals 85 percent or less the school need make no further calculations. This relief from complete calculations is for application only after the Veterans Administration has notified the school that BEOG and SEOG recipients are considered to be supported students as provided in paragraph (e)(2) of this section.

(f) *Reports.* (1) All calculations needed to support the exemption found in paragraph (c)(5) of this section to the requirements of paragraph (a) of this section must be submitted by a school to the Veterans Administration no later than 30 days after the beginning of the first term for which the school wishes the exemption to apply if the school is organized on a term, quarter or semester basis, or no later than 30 days after the beginning of the first calendar quarter for which the student wishes the exemption to apply if the school is not organized on a term, quarter or semester basis. A school having received an exemption found in paragraph (c)(5) of this section shall not be required to certify that 85 percent or less of the total student enrollment in any course is receiving Veterans Administration assistance:

(i) Unless the Director of the VA field station of jurisdiction has reason to believe that the enrollment of eligible veterans and eligible persons in a specific course may exceed 85 percent of the total enrollment in a specific course, or

(ii) Until such time as the total number of veterans and eligible persons receiving assistance under chapters 31, 32, 34, 35 or 36, title 38, United States Code, who are enrolled in the educational institution offering the course, equals more than 35 percent of the total student enrollment at the educational institution (computed separately for the main campus and any branch or extension of the institution). At that time the procedures contained in paragraph (f)(2) of this section shall apply.

(2) All calculations made pursuant to paragraph (e) (3) and (4) of this section must be submitted by the school to the Veterans Administration no later than 30 days after the beginning of each regular school term (excluding summer sessions) or before the beginning date of the next term, whichever occurs first, if the school is organized on a term, quarter or semester basis. If a school is not organized on a term, quarter or semester basis, reports must be received by the Veterans Administration no later than 30 days after the end of each calendar quarter.

(g) *Effect of the 85-15 percent ratio on processing new enrollments.* (1) The Veterans Administration will process new enrollments of eligible veterans in a course on the basis of the school's submission of the most recent computation showing that either the 85-15 percent ratio is satisfactory or that the course is exempt under paragraph (c)(5) of this section. However, no benefit will be paid when the most recent computation establishes that the course neither has a satisfactory 85–15 percent ratio nor is exempt under paragraph (c)(5) of this section, except for those enrollments which have a beginning date prior to or the same as the date the school completed this computation. If a school fails to submit a timely computation, no benefits will be paid for any enrollment with beginning dates beyond the expiration of the allowable computation period. Enrollments with later beginning dates may be processed only after the school submits a certification either that the proper ratio has been reestablished for the course, or that the course is exempt from the requirement pursuant to paragraph (c)(5) of this section. When a school shows a reestablished 85-15 percent ratio, each new veteran enrollment submitted after reestablishment must be individually computed into the ratio to insure that the 85 percent limitation is not again immediately exceeded. Individual computations will be required until the end of the term for which the ratio was reestablished or until the end of the calendar quarter during which the ratio was reestablished if the school is not operated on a term, quarter or semester basis.

(2) Once a student is properly enrolled in a course either before December 1, 1976 or after November 30, 1976, in a course which either meets the 85-15 percent requirement or which is exempt pursuant to paragraph (c) of this section, such a student may not have benefits for that course terminated because the 85–15 percent requirement subsequently is not met or because the course loses its exemption, as long as the student's enrollment remains continuous. A student enrolled in an institution organized on a term basis need not attend summer sessions in order to maintain continuous enrollment. An enrollment may also be considered continuous if a "break" in enrollment is wholly due to circumstances beyond the student's control such as serious illness.

(h) *Waivers.* Schools which desire a waiver of the provisions of paragraph (a) of this section for a course where the number of full-time equivalent students receiving Veterans Administration education benefits equals or exceeds 85 percent of the total full-time equivalent enrollment in the course may apply for a waiver to the Director, Education and Rehabilitation Service through the Director of the Veterans Administration field station of jurisdiction. A school desiring a waiver of the provisions of paragraph (a) of this section for any other course may apply to the Director of the Veterans Administration field station of jurisdiction.

(1) When applying a school must submit sufficient information to allow the Director, Education and Rehabilitation Service or the Director of the Veterans Administration field station of jurisdiction, as appropriate, to judge the merits of the request against the criteria shown in this subparagraph. This information and any other pertinent information available to the Veterans Administration shall be considered in relation to these criteria:

(i) Availability of comparable alternative educational facilities effectively open to veterans in the vicinity of the school requesting a waiver.

(ii) Status of the school requesting a waiver as a developing institution primarily serving a disadvantaged population. The school should enclose a copy of the notification of developing status from the Office of Education, if applicable. Otherwise, the school should submit data sufficient to allow the Director, Education and Rehabilitation Service, or the Director of the Veterans Administration field station

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of jurisdiction, as appropriate, to judge whether the school is similar to officially classified developing institutions according to the criteria and data categories published, in Part 169, Subpart B, Title 45, Code of Federal Regulations. The requirements of those criteria that a school be a "public or nonprofit" institution need not be met.

(iii) Previous compliance history of the school, including such factors as false or deceptive advertising complaints, enrollment certification timeliness and accuracy, and amount of school liability indebtedness to the Veterans Administration.

(iv) General effectiveness of the school's program in providing educational and employment opportunities to the particular veteran population it serves. Factors to be considered should include the percentage of veteran-students completing the entire course, results of the 50 percent employment survey for vocational objective courses, ratio of educational and general expenditures to full-time equivalency enrollment, etc.

(2) If a school disagrees with a field station Director's determination concerning a waiver, it may request that the application along with the director's recommendation be forwarded to the Director, Education and Rehabilitation Service for administrative review. (38 U.S.C. 1673(d); Pub. L. 95-202, 91 Stat. 1433)

29. In § 21.4203, paragraph (a) is revised to read as follows:

§ 21.4203 Reports by schools; requirements.

(a) *General.* Educational institutions are required to report promptly the entrance, reentrance, change in hours of credit or attendance, interruption and termination of attendance of each veteran or eligible person who is enrolled. Educational institutions are also required to verify attendance of each veteran or eligible person receiving an advance payment, or an education loan. Nothing in this section or in any other section of Part 21 shall be construed as requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree. (38 U.S.C. 1780(d), 1784, 1785, 1798; Pub. L. 95-202, 91 Stat. 1433)

* * * * *

30. In § 21.4206, paragraphs (a) and (c) are revised and paragraph (d) is added so that the revised and added material reads as follows:

§ 21.4206 Reporting fee.

* * * * *

(a) Except as provided in paragraph (b) of this section, the reporting fee will be computed for each calendar year by multiplying $7 by the number of eligible veterans and eligible persons enrolled under chapter 34, chapter 35, or chapter 36 on October 31 of that year. (38 U.S.C. 1784(b); Pub. L. 95-202, 91 Stat. 1433)

* * * * *

(c) An additional $4 will be paid to those institutions which have delivered to the veteran or eligible person at registration the educational assistance check representing an advance payment, or which have delivered educational loan checks in accordance with the provisions of Subpart f. If an institution delivers both an advance payment check and educational loan check(s) to the same veteran or eligible person within 1 calendar year, it shall receive only one additional $4 fee. In order to receive this fee, the institution shall submit to the Veterans Administration a certification of delivery of each check. If an advance payment check is not delivered within 30 days after commencement of the student's program, the check is to be returned to the Veterans Administration. If an education loan check is not delivered within 30 days of the date the educational institution received it, the check shall be returned to the Veterans Administration. (38 U.S.C. 1784, 1798; Pub. L. 95-202, 91 Stat. 1433)

(d) No reporting fee payable to an educational institution under this section shall be subject to offset by the Veterans Administration against any liability of the educational institution for any overpayment which the Veterans Administration has administratively determined to exist unless the liability of the educational institution was not contested by the educational institution or was upheld by a final decree of a court of appropriate jurisdiction. (38 U.S.C. 1784; Pub. L. 95-202, 91 Stat. 1433)

31. In § 21.4236, paragraphs (c) and (d) are revised to read as follows:

§ 21.4236 Special supplemental assistance (tutorial).

* * * * *

(c) *Educational assistance allowance.* In addition to payment of educational assistance allowance at the monthly rates specified in § 21.4136 or 21.4137 the cost of such tutorial assistance in an amount not to exceed $69 per month will be authorized. (38 U.S.C. 1692(b); Pub. L. 95-202, 91 Stat. 1433)

(d) *Entitlement charge.* No charge will be made against the period of the veteran's entitlement as computed under § 21.1041 or the eligible person's entitlement as computed under § 21.3044. Special supplemental assistance provided under this section will not exceed a maximum of $828. (38 U.S.C. 1690, 1692, 1693; Pub. L. 95-202, 91 Stat. 1433)

32. Section 21.4251 is amended as follows:

(a) By deleting "§ 21.4201(d)(4)" and inserting "§ 21.4201(c)(4)" in paragraph (a)(1).

(b) By revising paragraph (a)(6) and (f) and adding paragraph (h) and a cross reference so that the added and revised material reads as follows:

§ 21.4251 Period of operation of course.

(a) *General.* A course offered by a school other than a job training establishment will be appropriate for the enrollment of a veteran or eligible person only if it has been in operation for 2 years or more immediately prior to the date of enrollment of such person, except that this provision does not apply to:

* * * * *

(6) Any course offered by an educational institution under a contract with the Department of Defense that (i) is given on, or immediately adjacent to, a military base, (ii) is available only to active duty military personnel and/or their dependents and (iii) has been approved by the State approving agency of the State in which the base is located or by the State approving agency in the State having jurisdiction over the educational institution offering the course when the course is a degree course being taught outside the United States. See paragraph (f) of this section for specific additional requirements as to branch location schools. A course is being given at a location immediately adjacent to a military base if the facilities are clearly neighboring to the base or are in close proximity to it and must be easily accessible to active duty personnel. The location must be under effective supervision of the base military authorities. The Director, Education and Rehabilitation Service or the Director of the Veterans Administration field station of jurisdiction pursuant to paragraph (h) of this section may waive the requirements referred to in this subparagraph in whole or in part, when such a waiver is in the interest of the veteran and the Federal Government. (38 U.S.C. 1789(b); Pub. L. 95-202, 91 Stat. 1433)

* * * * *

(f) *Subsidiary branch or extension.* Notwithstanding the provisions of paragraph (a) (1), (2), (3), or (4) of this section the 2-year period of operation requirement will apply to courses at subsidiary branches or extensions as provided in the following subparagraphs:

This requirement will apply to any course offered by a branch or extension of a public or other tax-supported institution where the branch or extension is located outside the area of the taxing jurisdiction providing support to the institution unless the requirement is waived, in whole or in part, upon a determination by the Director, Education and Rehabilitation Service or the Director of the appropriate Veteran Administration field station pursuant to paragraph (h) of this section that to do so would be in the interest of the veteran and the Federal Government. A course for which such a waiver is granted will be exempt from the 2-year period of operation requirement only if it also satisfies the provisions of either paragraph (a) (1), (2), (3), or (4) of this section.

(2) This requirement will apply to any course offered by a branch or extension of a proprietary profit or proprietary nonprofit eduactional institution where the branch or extension is located beyond the normal commuting distance of such institution and to a proprietary profit educational institution, even if the branch or extension is located within commuting distance unless the requirement is waived, in whole or in part, upon the determination by the Director, Education and Rehabilitation Service or the Director of the appropriate Veterans Administration field station pursuant to paragraph (h) of this section that to do so would be in the interest of the veteran and the Federal Government. A course for which such a waiver is granted will be exempt from the 2-year period of operation requirement only if it also satisfies the provisions of either paragraph (a) (1), (2), (3) or (4) of this section.

(3) Additional facilities acquired by a school in the same general locality because of space limitations will not be considered to be a subsidiary branch or extension and will not be subject to the 2-year limitation if all of the following conditions are met:

(i) The school has been in operation for a period of 2 years or more;

(ii) The school has reached the limit of its enrollment capacity in its present facilities;

(iii) The courses to be offered at the additional facilities are the same as those given in the present facilities; and

(iv) The additional facilities are within normal commuting distance of the present facilities. (38 U.S.C. 1789(b); Pub. L. 95-202, 91 Stat. 1433)

* * * * *

(h) *Waivers.* Schools which desire a waiver of the provisions of paragraph (a)(6), (f)(1) or (f)(2) of this section may apply to the appropriate Veterans Administration field station Director. The Veterans Administration field station Director may grant a waiver only when the contitions specified in this paragraph have been met. In all other instances he or she shall inform the school requesting a waiver that the request is denied. If a school, upon being informed, would like the request to be considered further, the request will be forwarded to the Director, Education and Rehabilitation Service with the field station Director's recommendation.

(1) The Director of the Veterans Administration field station of jurisdiction may exercise the waiver authority found in paragraph (a)(6) of this section to exempt from the 2-year operation requirement certain courses given pursuant to a contract with the Department of Defense on or immediately adjacent to a military base located within a State. He or she may grant such a waiver only when he or she finds that:

(i) The school on any application sent through the State approving agency certifies that the course is available only to military personnel and/or their dependents, and/or civilian employees of the base, and/or persons who began the course while on active duty and who were discharge while remaining continuously enrolled in it.

(ii) The State approving agency of the State in which the course is offered certifies that the course meets all other approval requirements.

(2) The Director of the Veterans Administration field station of jurisdiction may exercise the waiver authority found in paragraph (a)(6) of this section to exempt from the 2-year operation requirement certain courses given pursuant to a contract with the Department of Defense on or immediately adjacent to military base located outside the United State. He or she may grant such a wavier only when he or she finds that:

(i) The school on an application sent through the State approving agency certifies that the course is available only to persons whom the base commander has permitted to attend, and

(ii) The State approving agency having jurisdiction over the school offering the course certifies that the course meets all other approval requirements.

(3) The Director of Veterans Administration field station of jurisdiction may exercise authority found in paragraph (f) of this section to allow a waiver of the requirements of either paragraph (f)(1) or (f)(2) of this section. He or she may grant such a waiver when he or she finds that:

(i) No alternative comparable courses are effectively open to veterans or eligible persons within normal commuting distance of the site where the course is offered for which a wavier is requested.

(ii) The compliance history of the parent school is satisfactory. This includes such factors as enrollment certification timeliness and accuracy, false or deceptive advertising complaints, and school liability indebtedness to the Veterans Administration.

(iii) The course for which a waiver is requested is also being offered at the school's main campus.

(iv) All credits earned in the course offered at the branch or extension are acceptable on transfer to the main campus without reservation.

(v) No contracts exist between the school and any other institution or entity which provide for recruitment of students for the course by the other institution or entity, or student payment of tuition and fees to the other institution or entity rather than to the school, or which effectively prevent the school's faculty on its main campus from overseeing the course being offered at the branch or extension.

(4) A school, which disagrees with a decision made under this paragraph by a Director of a Veterans Administration field station, has 1 year from the date of the letter notifying the school of the decision to request that the decision be reviewed. The request must be submitted in writing to the Director of the Veterans Administration field station where the decision was made. The Director, Education and Rehabilitation Service shall review the evidence of record and any other pertinent evidence the school may wish to submit. The Director, Education and Rehabilitation Service has the authority either to affirm or reverse a decision of the Director of a Veterans Administration field station. (38 U.S.C. 1789; Pub. L. 95-202, 91 Stat. 1433)

CROSS REFERENCE: Courses offered at branches or extensions. See § 21.4266.

33. Section 21.4266 is amended as follows:

(a) By adding a cross reference following paragraph (c) to read as follows:

CROSS REFERENCE: Period of operation of course. See § 21.4251.

(b) By revising paragraph (c)(2) (the introductory portion preceding subdivision (i)) to read as follows:

§ 21.4266 Courses offered at subsidiary branches or extensions.

* * * * *

(c) *Separate approval.* If the course offered at a subsidiary branch or extension cannot qualify under paragraph (b) of this section for a com-

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bined approval with the courses offered at the educational institution's parent facility, the State approving agency can only approve the courses separately. Such a course may not be approved if the branch or extension neither has administrative capability nor can qualify for an exception to having administrative capability.

• • • • •

(2) Notwithstanding any other provisions of this paragraph courses may be approved separately at a branch or extension without administrative capability if the parent facility within the same State:

• • • • •

34. Section 21.4270 is revised to read as follows:

§ 21.4270 Measurement of courses.

(a) Trade, technical, high school and high school preparatory courses shall be measured as stated in this table. Clock hours and class sessions mentioned in this table mean clock hours and class sessions per week.

COURSES		Full time	3/4 time	1/2 time	Less than 1/2 more than 1/4 time	1/4 time or less
Kind of school	Kind of course					
Trade or technical - nonaccredited (includes college courses not leading to a standard degree)[1]	Shop practice an integral part of course	30 clock hours attendance with not more than 2-1/2 hours rest period allowance and not more than 5 hours of supervised study	22 through 29 clock hours attendance with not more than 2 hours rest period allowance and not more than 3-3/4 hours of supervised study	15 through 21 clock hours attendance with not more than 1-1/4 hours rest period allowance and not more than 2-1/2 hours of supervised study	8 through 14 clock hours attendance with not more than 3/4 hours rest period allowance and not more than 1-1/4 hours of supervised study	1 through 7 clock hours attendance
	Theory and class instruction predominates[2]	25 clock hours net instruction and not more than 5 hours of supervised study	18 through 24 clock hours net instruction and not more than 3-3/4 hours of supervised study	12 through 17 clock hours net instruction and not more than 2-1/2 hours of supervised study	7 through 11 clock hours net instruction and not more than 1-1/4 hours of supervised study	1 through 6 clock hours net instruction
Trade or technical - accredited (includes college courses not leading to a standard degree)[1]	Shop practice an integral part of course[3]	22 clock hours attendance with not more than 2-1/2 hours rest period allowance	16 through 21 clock hours attendance with not more than 2 hours rest period allowance	11 through 15 clock hours attendance with not more than 1-1/4 hours rest period allowance	6 through 10 clock hours attendance with not more than 3/4 hours rest period allowance	1 through 5 clock hours attendance
	Theory and class instruction predominates[2,3]	18 clock hours net instruction	13 through 17 clock hours net instruction	9 through 12 clock hours net instruction	5 through 8 clock hours net instruction	1 through 4 clock hours net instruction
High school-nonaccredited	High school diploma or equivalent[4,5]	25 clock hours net instruction and not more than 5 hours of supervised study or 4 units per year or equivalent	18 through 24 clock hours net instruction and not more than 3-3/4 hours of supervised study or 3 units per year or equivalent	12 through 17 clock hours net instruction and not more than 2-1/2 hours of supervised study or 2 units per year or equivalent	7 through 11 clock hours net instruction and not more than 1-1/4 hours of supervised study or 1 unit per year or equivalent	1 through 6 clock hours net instruction
High school-accredited	High school diploma or equivalent[4,2]	18 clock hours net instruction or 4 units per year or equivalent	13 through 17 clock hours net instruction or 3 units per year or equivalent	9 through 12 clock hours net instruction or 2 units per year or equivalent	5 through 8 clock hours net instruction or 1 unit per year or equivalent	1 through 4 clock hours net instruction
Elementary school-nonaccredited[1]	High school preparatory[2]	25 clock hours net instruction and not more than 5 hours of supervised study	18 through 24 clock hours net instruction and not more than 3-3/4 hours of supervised study	12 through 17 clock hours net instruction and not more than 2-1/2 hours of supervised study	7 through 11 clock hours net instruction and not more than 1-1/4 hours of supervised study	1 through 6 clock hours net instruction
Elementary school-accredited[1]	High school preparatory[2]	18 clock hours net instruction	13 through 17 clock hours net instruction	9 through 12 clock hours net instruction	5 through 8 clock hours net instruction	1 through 4 clock hours net instruction

(38 U.S.C. 1788; Pub. L. 95-202, 91 Stat. 1433)

1 An educational institution offering courses not leading to a standard college degree may measure such courses on a quarter or semester hour basis as indicated for collegiate undergraduate courses in paragraph (b) of this section, provided: (1) the academic portions of such courses must require outside preparation and be measured on a minimum of 50 minutes net of instruction per week for each quarter or semester hour of credit, (2) the laboratory portions of such courses must be measured on a minimum of 2 hours of attendance per week for each quarter or semester hour of credit, (3) the shop portions of such courses must be measured on a minimum of 3 hours of attendance per week for each quarter or semester hour of credit. In no event shall such courses be considered a full-time course when less than 22 hours per week of attendance is required. Not more than 2 hours rest period shall be allowed per week for courses in which shop practice is an integral part of full-time courses; 1-1/2 hours for 3/4 time courses of 16-21 clock hours; 1 hour for 1/2 time courses of 11-15 clock hours; or 1/2 hour for less than 1/2 time courses of 6-10 clock hours; no rest period shall be allowed for courses of less than 6 clock hours of attendance.

2 In measuring net instruction there will be included customary intervals not to exceed 10 minutes between classes. Shop practice and rest periods are excluded. Supervised instruction periods in school's shops, in farm cooperative programs and the time involved in field trips and individual and group instruction may be included in computing the clock hour requirements.

3 Supervised study must be excluded.

4 Diploma course or equivalent based on completion of 16 instruction units. If student is pursuing a course at a rate which would result in an accredited academic high school diploma at the end of 4 ordinary school years, he or she is considered in full-time training. High school diploma courses or equivalent available only for chapters 32 and 34 and eligible spouses and surviving spouses under chapter 35.

5 Diploma course or equivalent based on completion of 16 instruction units. High school diploma courses or equivalent are available only for chapters 32 and 34 and eligible spouses and surviving spouses under chapter 35.

(b) Collegiate, professional and on-the-job training courses shall be measured as stated in this table. Clock hours and class sessions mentioned in this table mean clock hours and class sessions per week.

COURSES		Full time	3/4 time	1/2 time	Less than 1/2 more than 1/4 time	1/4 time or less
Kind of school	Kind of course					
Collegiate undergraduate	Standard collegiate courses including cooperative and external degree programs[1]	14 semester hours or equivalent[2]	10 through 13 semester hours or equivalent	7 through 9 semester hours or equivalent	4 through 6 semester hours or equivalent	1 through 3 semester hours or equivalent
Collegiate graduate	Standard collegiate graduate courses including law and external degree programs[1]	14 semester hours or equivalent or as certified by a responsible official of the school[2]	10 through 13 semester hours or as certified by a responsible official of the school	7 through 9 semester hours or as certified by a responsible official of the school	4 through 6 semester hours or as certified by a responsible official of the school	1 through 3 semester hours or as certified by a responsible official of the school
Professional nonaccredited	Law only[3]	12 class sessions per week	9 through 11 class sessions per week	6 through 8 class sessions per week	4 through 5 class sessions per week	1 through 3 class sessions per week
Professional accredited and equivalent	Internships and residencies: Medical, Dental Osteopathic	As established by accrediting association	---------- Full time only ----------			
	Nursing, X-ray, medical technology, medical records librarian, physical therapy[4]	18 clock hours or 14 semester hours, as appropriate	13 through 17 clock hours or 10 through 13 semester hours, as appropriate	9 through 12 clock hours or 7 through 9 semester hours, as appropriate	5 through 8 clock hours or 4 through 6 semester hours, as appropriate	1 through 4 clock hours or less than 4 semester hours, as appropriate
Training establishment	Apprentice or other on-the-job[5]	Standard workweek	---------- Full time only ----------			
Agricultural	Farm cooperative[6]	10 clock hours net instruction[7]	7 clock hours net instruction	5 clock hours net instruction	------- No provision -------	

(38 U.S.C. 1682, 1732, 1777, 1787, 1788; Pub. L. 95-202, 91 Stat. 1433)

1 Independent study programs will be measured as provided in § 21.4280. Cooperative courses may be measured on full-time basis only.

2 Where the institution certifies that all undergraduate students enrolled for a minimum of 12 or 13 semester hours or the equivalent are (1) charged full-time tuition, or (2) considered full-time for other administrative purposes, such minimum hours will establish the criteria for full-time measurement.

When 12 hours is properly certified as full-time, 9 through 11 hours will be measured as 3/4 time, 6 through 8 hours will be measured as 1/2 time, 4 through 5 hours will be measured as less than 1/2 time and more than 1/4 time, and 1 through 3 hours will be measured as 1/4 time or less. All other undergraduate courses will be measured as indicated in the table for undergraduate or professional courses as appropriate, but where 13 credit hours or the equivalent is certified as full time, 3/4 time will be 10 through 12 hours. When in accordance with § 21.4273(a), a responsible official of a school certifies that a lesser number of hours constitute full time, 3/4 time, 1/2 time, less than 1/2 time and more than 1/4 time, or 1/4 time, the certification will be accepted for measurement purposes.

Upon request of a beneficiary, an increase in rates warranted under this criteria may be authorized to him or her effective March 26, 1970, if he or she was enrolled on or after March 26, 1970. The request of the beneficiary will not be required for other payments under this criteria.

To meet criteria for full-time measurement under 38 U.S.C. chapters 34 and 35 in standard collegiate courses which include required noncredit deficiency courses, in the absence of a certification under § 21.4272(f) the noncredit deficiency courses will be converted on the basis of the applicable measurement criteria, that is, 18, 25 or 30 clock hours, 4 "Carnegie Units", or 12, 13 or 14 (as appropriate) semester hours equal full time. The credit-hours equivalent of such noncredit courses may constitute any portion of the required hours for full-time measurement.

3 Class sessions measured on basis of not less than 50 minutes of classroom instruction. Supervised study periods, class breaks and rest periods are excluded.

4 Supervised study must be excluded.

5 Full-time training will consist of the number of hours which constitute the standard workweek of the training establishment, but not less than 30 hours unless a lesser number of hours is established as the standard workweek for the particular establishment through bona fide collective bargaining between employers and employees.

6 In measuring net instruction there will be included customary intervals not to exceed 10 minutes between classes. Shop practice and rest periods are excluded. Supervised instruction periods in school's shops in farm cooperative programs and the time involved in field trips and individual and group instruction may be included in computing the clock hour requirements.

7 For full-time training the 440 clock hours a year may be prescheduled to provide not less than 80 clock hours in any 3-month period.

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35. Section 21.4277 is revised to read as follows:

§ 21.4277 Discontinuance; unsatisfactory progress and conduct.

(a) *Satisfactory pursuit of program.* Entitlement to benefits for a program of education is subject to the requirement that the veteran or eligible person, having commenced the pursuit of such program, continues to maintain satisfactory progress. If the veteran or eligible person does not maintain satisfactory progress, educational benefits will be discontinued by the Veterans Administration. Progress is unsatisfactory if:

(1) The veteran or eligible person does not satisfactorily progress according to the regularly prescribed standards and practices of the institution he or she is attending, or

(2) The veteran or eligible person is not progressing at a rate that will permit him or her to graduate within the approved length of the course based on the training time as certified to the Veterans Administration by the educational institution plus an additional length of time as stated in this paragraph, notwithstanding the school's policy, unless mitigating circumstances are found.

(i) If a school is organized on a term basis with credit-hour measurement it will report unsatisfactory progress, if the student accumulates unsatisfactory punitive grades in the equivalent of more credit hours than the minimum full-time training load, for Veterans Administration purposes (normally 12 or 14 hours).

(ii) If a school is organized on a term basis without credit-hour measurement it will report unsatisfactory progress, if the student will be required to extend the equivalent of more than one term based on the minimum full-time requirement.

(iii) If a school is not organized on a term basis, for Veterans Administration purposes, it will report unsatisfactory progress when it determines that the student will require an extension beyond 10 percent of the approved length of the course to complete the program.

(b) *Mitigating circumstances.* Mitigating circumstances include, but are not limited to:

(1) Continuous pursuit of the program of training is precluded because of illness of the veteran or eligible person or because of illness or death in his or her immediate family.

(2) Unavoidable conditions arise in connection with the veteran's or eligible person's employment which preclude continuous pursuit of the program. Such conditions are a geographical transfer or change in the hours or conditions of employment.

(3) Immediate family or financial obligations beyond the control of the veteran or eligible person require him or her to suspend pursuit of the program of training to obtain employment which precludes the continuous pursuit of the training.

(4) The course is being pursued by a student under subchapter V of chapter 34 or section 1733 of chapter 35, title 38, United States Code, who fails to satisfactorily complete a course without fault.

(5) The course is discontinued by the school.

(6) The veteran is required to perform unanticipated active duty military service, including active duty for training.

(c) *Suspension.* (1) After November 22, 1977 the Director of a Veterans Administration field station of jurisdiction may temporarily suspend the requirements of paragraphs (a)(2) and (d) of this section as they apply to any main campus branch or extension of an educational institution that is fully accredited by a recognized regional or national accrediting agency. Any educational institution which wants a suspension must make specific application to the Director through the State approving agency. The beginning date of the suspension shall be set by the Director on the basis of the evidence of record, but in no event shall it be earlier than November 23, 1977. A suspension may be terminated by the Director of the Veterans Administration field station upon written notice to the Chief Officer of the educational institution. A suspension must be terminated whenever a school no longer meets the criteria set forth in paragraph (c)(1) (i), (ii) and (iii) of this section. No suspension may be granted unless:

(i) The educational institution has submitted a copy of the catalog for the appropriate main campus, branch or extension to the Veterans Administration field station through the State approving agency.

(ii) The educational institution certifies that the policies pertaining to standards of progress or conduct contained in the catalog or bulletin pursuant to § 21.4253(d)(1) are being enforced.

(iii) The catalog or bulletin states these policies fully and clearly. This requirement will be satisfied when the policy and regulations relative to standards of progress and conduct:

(*a*) Are stated without omission.

(*b*) Include a statement describing grades or credit assigned for completed courses.

(*c*) Specify the points during the course of study which will be designated for evaluation of student progress. Schools operating on a term basis must make such an evaluation at the end of each term, quarter or semester.

(*d*) Specify as satisfactory a minimum grade average or credit level for each evaluation. These levels must be logically related to the minimum graduation requirements.

(*e*) Require that at each evaluation point the credit level or grade average maintained by the veteran or eligible person must be compared with the standard.

(*f*) State the action to be taken by the school when the standards are not met. This must include any provisions for interrupting the student's enrollment, provisions for probationary periods, if any, and conditions for the student's reentrance.

(*g*) State the progress records kept by the institution and furnished the student.

(*h*) State the conditions for dismissal for unsatisfactory conduct, and the conditions for reentrance in the school after such a dismissal. (38 U.S.C. 1674, 1724; Pub. L. 95-202, 91 Stat. 1433)

(2) An educational institution, which disagrees with a decision made under this paragraph by a Director of a Veterans Administration field station, has 1 year from the date of the letter notifying the school of the decision to request that the decision be reviewed. The request must be submitted in writing to the Director of the Veterans Administration field station where the decision was made. The Director, Education and Rehabilitation Service shall review the evidence of record and any other pertinent evidence the school may wish to submit. The Director, Education and Rehabilitation Service has the authority either to affirm or reserve a decision of the Director of a Veterans Administration field station. (38 U.S.C. 1674, 1724; Pub. L. 95-202, 91 Stat. 1433)

(d) *Satisfactory conduct.* Entitlement to a program of education is subject to the requirement that the veteran or eligible person, having commenced the pursuit of such program, continues to maintain satisfactory conduct in accordance with the regularly prescribed standards and practices of the institution in which he or she is enrolled. If the veteran or eligible person will no longer be retained as a student or will not be readmitted as a student by the institution in which he or she is enrolled, educational benefits will be discontinued, unless further development establishes that the action of the school is of a retaliatory nature. See § 21.4253. (38 U.S.C. 1674 and 1724)

36. In § 21.4279, paragraph (b)(1) is revised to read as follows:

§ 21.4279 Combination correspondence-residence program.

* * * * *

(b) The rate of educational assistance allowance payable shall be computed as set forth in §§ 21.4270 and 21.4136(a).

(1) The charges for that portion of the program pursued exclusively by correspondence will be in accordance with § 21.4136(a) with 1 month of entitlement charged for each $311 of cost reimbursed. (38 U.S.C. 1736(a); Pub. L. 95-202, 91 Stat. 1433)

* * * * *

37. In § 21.4500, paragraphs (d), (e)(4), (f) and (h) are revised and paragraph (e)(6) is added so that the added and revised material reads as follows:

§ 21.4500 Definitions.

* * * * *

(d) *Loan period.* (1) Loans made for enrollment periods which begin before August 1, 1978 are normally to be made for a quarter, semester, term, academic year or academic year plus a summer term. Loans made for enrollment periods which begin after July 31, 1978, normally are to be made for a quarter, semester, summer term or two consecutive quarters.

(2) A loan made to a veteran or eligible person attending a course not organized on a term, quarter or semester basis will be granted for a term of not more than 12 months provided the course requires at least 6 months at the full-time rate to complete, and the course begins before August 1, 1978. If such a course begins after July 31, 1978, a loan will be granted for a period of not more than 6 months at a time.

(i) The Director of the Veterans Administration field station of jurisdiction may waive the requirement that such a course must take at least 6 months to complete. Such a waiver of the length of the course shall be granted by the Director only if a school requests one for a course and the Director finds that:

(*a*) During the previous 2 years at least 75 percent of the students enrolled in the course completed it.

(*b*) During the previous 2 years at least 75 percent of the persons completing the course found employment in the occupational category for which the course is designed to provide training.

(c) The default rate on all Veterans Administration education loans ever made to students at the educational institution does not exceed 5 percent or 5 cases, whichever is greater.

(*d*) The default rate on all loans ever made to students at the educational institution pursuant to loan programs administered by the Department of Health, Education; and Welfare does not exceed 5 percent or 5 cases, whichever is greater.

(*e*) The course is at least 3 months long.

(*f*) The course is approved for full-time attendance only.

(*g*) No more than 35 percent of the students attending the course are receiving educational assistance from the Veterans Administration.

(*h*) The Field Director for the region in which the Veterans Admionistration field station is located concurs in the waiver.

(ii) If a school disagrees with a decision of a Director of a Veterans Administration field station, it may, within 1 year from the date of the letter from the Director informing the school of the decision, request that the decision be reviewed by the Director, Education and Rehabilitation Service. The Director of the Veterans Administration field station shall forward all requests to the Director, Education and Rehabilitation Service. He or she shall consider all evidence submitted by the school. He or she has the authority to affirm or reverse a decision of a Veterans Administration field station, but he or she shall not grant a waiver if the requirements of paragraph (d)(2)(i) of this section are not met.

(iii) A waiver will remain in effect until the date on which the course fails to meet one of the requirements of paragraph (d)(2)(i) of this section. A school which has received a waiver for a course must notify the Director of the Veterans Administration field station of jurisdiction within 30 days of the date on which one of those requirements is not met. (38 U.S.C. 1798(c); Pub. L. 95-202, 91 Stat. 1433)

(e) *Total amount of financial resources.* This term means the total of the following:

* * * * *

(4) For a loan period which begins before August 1, 1978 educational assistance received or receivable for the loan period by the veteran or eligible person under section 1631, 1661 or subchapter II of chapter 35, title 38, United States Code, exclusive of an education loan. For a loan period which begins after July 31, 1978, educational assistance received or receivable for the loan period by the veteran or other eligible person under section 1631, 1661, or subchapter II of chapter 35, title 38, United States Code, which applies solely to the veteran or eligible person. This amount shall be exclusive of an education loan. (38 U.S.C. 1798(b))

* * * * *

(6) Veterans Administration work-study allowance receiver or receivable by the veteran under section 1685, title 38, United States Code, during loan periods which begin after July 31, 1978. (38 U.S.C. 1798(b))

(f) *Actual cost of attendance.* (1) For loan periods which begin prior to August 1, 1978, this term means the actual charge per student for tuition, fees, room and board (or expenses related to commuting a reasonable distance), books, and an allowance for such other expenses as are reasonably related to attendance at the institution at which the veteran or other eligible person is enrolled.

(2) For loan periods which begin after July 31, 1978, this term means the actual per student charges for tuition, fees, books, an allowance for commuting (this allowance will be based on 12 cents per mile for distancs which shall not exceed normal commuting distance), an allowance for other such expenses as are reasonably related to attendance at the institution at which the veteran or other eligible person is enrolled, and a room and board allowance. The room and board allowance shall be determined as follows:

(i) If the educational institution actally provides the veteran or eligible person with room and board, the allowance shall equal the actual charges to the veteran or eligible person for room and board.

(ii) If the educational institution provides some students with room and board, but does not provide room and board for the veteran or eligible person, the room and board allowance shall equal either the actual expenses incurred by the veteran or eligible person for room and board, or the amount for room and board which the educational institutional would have charged the veteran or eligible person, had the educational institution provided him or her with room and board, whichever is the lesser.

(iii) If the educational institution does not provide any students with room and board, the room and board allowance shall equal either the actual expenses incurred by the veteran or eligible person for room and board or the amount the veteran or eligible person would have been charged for room and board had he or she been provided room and board by the nearest State college or State university that provides room and board. (38 U.S.C. 1798(b))

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(h) *Annual adjusted effective income.* (1) For loan periods beginnng before August 1, 1978, this income shall be considered to be the net taxable income less the Federal income tax paid or payable of the veteran or

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other eligible person. It is not limited to such income which may be available for use by the veteran or eligible person for education needs. The amount available for education needs is to be determined in accordance with § 21.4503.

(2) For loan periods beginning after July 31, 1978, this income shall include:

(i) Nontaxable income for the student only for the current tax year in which the application for the education loan is received by the Veterans Administration compensation and pension, disability retirement, unemployment compenstion, welfare payments, Social Security benefits, etc.

(ii) Adjusted gross income (wages, salary, dividends, interest, rental, business, etc.) for the student only for the current tax year in which the application for the education loan is received by the Veterans Administration, less:

(*a*) Authorized deductions for exemptions;

(*b*) Itemized or standard deduction, whichever is greater;

(c) Mandatory withholdings such as Federal and State income taxes, Social Security taxes, etc. (38 U.S.C. 1798(b))

38. Section 21.4501 is revised to read as follows:

§ 21.4501 Eligibility.

(a) *General.* The criteria for determining an eligible veteran's or other eligible person's eligibility for an education loan depends upon whether or not the eligible veteran's or eligible person's delimiting period as determined by §§ 21.1042, 21.1043, 21.3041 or 21.3046 has expired. Any eligible veteran or eligible person shall be entitled to an education loan if he or she meets the criteria of this paragraph as well as the criteria of either paragraph (b) or (c) of this section as appropriate. The eligible veteran or eligible person must:

(1) Have financial resources that may be reasonably expected to be expended for education needs which are insufficient to meet the expected actual cost of attendance; and

(2) Execute a promissory note payable to the Veterans Administration, as provided by § 21.4504.

(b) *Additional criteria for eligible veterans and eligible persons eligible to receive educational assistance allowance.* An education loan shall be granted to an eligible veteran or eligible person whose delimiting period as determined by §§ 21.1042, 21.1043, 21.3041 or 21.3046 has not expired if the eligible veteran or eligible person meets the eligibility criteria found in paragraph (a) of this section and if the eligible veteran or eligible person:

(1) At the time the loan is authorized, is in attendance at an educational institution on at least a half-time basis and

(i) Is enrolled in a course leading to a standard college degree, or

(ii) Is enrolled in a course, the completion of which requires 6 months or longer, leading to an identified and predetermined professional or vocational objective; unless the Director of the Veterans Administration field station of jurisdiction waives these requirements, in whole or in part, upon determination that to do so is in the interest of the veteran or eligible person and the Federal Government; and

(2) Is in receipt of educational assistance allowance under section 1661 or subchapter II of chapter 35, title 38, United States Code.

(c) *Additional criteria for eligible veterans, spouses and surviving spouses not eligible to receive educational assistance allowance.* (1) An education loan may be granted to an eligible veteran, spouse or surviving spouse whose delimiting period as determined by §§ 21.1042, 21.1043 or 21.3046 (a), (b) or (d) has expired.

(2) A loan shall be granted if the eligible veteran, spouse or surviving spouse meets the eligibility criteria found in paragraph (a) of this section and if he or she:

(i) Has unused entitlement provided under section 1661 or 1711, title 38, United States Code, and

(ii) During the term, quarter or semester for which the loan is granted, is enrolled on a full-time basis in pursuit of the approved program of education in which he or she was enrolled on the date his or her eligibility expired under §§ 21.1042, 21.1043 or 21.3046(a), (b) or (d) and

(iii) Was enrolled in a program of education on a full-time basis:

(*a*) On the date his or her period of eligibility expired under §§ 21.1042, 21.1043 or 21.3046(a), (b) or (d), or

(*b*) On the last date of the ordinary term, semester or quarter preceding the date his or her eligibility expired under §§ 21.1042, 21.1043 or 21.3046(a), (b) or (d), if the delimiting date fell during a school break or summer term.

(3) The period for which a loan may be granted shall not extend beyond the earliest of the following dates:

(i) November 23, 1979, or 2 years after the expiration of the period of eligibility as determined by §§ 21.1042, 21.1043 or 21.3046(a), (b) or (d), or

(ii) The date on which the entitlement of the eligible veteran, spouse or surviving spouse is exhausted, or

(iii) The date on which the eligible veteran, spouse or surviving spouse completes the approved program of education which he or she was pursuing on the date the delimiting period determined by §§ 21.1042, 21.1043 or 21.3046(a), (b) or (d) expired. (38 U.S.C. 1662, 1737, 1798; Pub. L. 95-202, 91 Stat. 1433)

(d) *Exclusions.* No veteran or other eligible person shall be authorized an education loan who:

(1) Is pursuing a program of correspondence, flight, apprenticeship, or other on-job or Predischarge Education Program training, or

(2) Has defaulted on a previous education loan and there is a remaining unliquidated payment due the Veterans Administration. (38 U.S.C. 1798(c))

39. In § 21.4502, paragraph (b)(1) and (4) is revised, paragraph (b)(6) is revoked, and paragraph (c) is added so that the added and revised material reads as follows:

§ 21.4502 Applications.

• • • • • •

(b) *Information.* The application shall provide the Veterans Administration with the following information and such other information as may be reasonable upon specific request:

(1) For loan periods beginning before August 1, 1978, a statement of the amount of the net income of the veteran or other eligible person, less the Federal income tax paid or payable thereon, as reported or expected to be reported on the Federal income tax return of each such individual for the current tax year in which the application for the education loan is received by the Veterans Administration. For loan periods beginning after July 31, 1978, a statement of nontaxable income for the student for the current tax year in which the application for the education loan is received by the Veterans Administration; as well as a statement of adjusted gross income for the student for the current tax year in which the application for an education loan is received by the Veterans Administration less authorized deductions for exemptions, itemized or standard deduction, whichever is greater, and mandatory withholdings such as Federal and State income taxes, Social Security taxes, etc. (38 U.S.C. 1798(b))

• • • • • •

(4) The amount of reasonably anticipated expenses for room and board to be expended by the veteran or other eligible person during the period for which the loan is sought, including a reasonable amount not to exceed 12 cents per mile for commuting normal distances to classes if the student does not reside on campus. Applications for loans covering loan periods which begin after July 31, 1978 may also provide the Veterans Administration with a statement of the amount of charges for room and board which the school would have made to the veteran or eligible person had the school provided the veteran or eligible person room and board. If the school does not provide room and board, the application may provide the Veterans Administration with a statement of the charges for room and board which the veteran or eligible person would have received had he or she been provided room and board at the State college or State university which provides room and board. (38 U.S.C. 1798(b))

• • • • • •

(6) [Revoked]

(c) *Assignment.* At the time of application the veteran, spouse or surviving spouse shall assign to the Veterans Administration (for deposit in the Veterans' Administration Education Loan Fund established under 38 U.S.C. 1799) the amount of any accelerated payment of educational assistance allowance to which he or she may become entitled, including any matching contributions of a State or local government unit made pursuant to 38 U.S.C. 1682A(b)(8), in connection with the school term for which the loan is granted. (38 U.S.C. 1798(f); Pub. L. 95-202, 91 Stat. 1433)

40. In § 21.4503, paragraph (b)(2), (3) and (4) is revised to read as follows:

§ 21.4503 Determination of loan amount.

• • • • • •

(b) *Amount.* A loan shall be authorized in the amout of the excess of cost over available resources as determined in paragraph (a) of this section subject to the following limitations:

• • • • • •

(2) The aggregate of the amounts any veteran or other eligible person may borrow for an education loan may not exceed the amount obtained by multiplying $311 times the number of months of educational assistance allowance to which the veteran or other eligible person is entitled or would be entitled were it not for the expiration of his or her delimiting period under section 1661 or subchapter II of chapter 35, title 38, United States Code, on the date that training commences during the period for which the loan is sought, but in no event more than $2,500 in any one academic year. (38 U.S.C. 1798(b); Pub. L. 95-202, 91 Stat. 1433)

(3) If a student is enrolled in a course organized on a term, quarter or semester basis, no single loan shall be authorized at one time for a period which begins before August 1, 1978 that is longer than the academic year plus the summer term, quarter or semester at least 8 weeks in length or for a period which begins after July 31, 1978 that is longer than two consecutive quarters. If a student is enrolled in a course not organized on a term, quarter or semester basis, no single loan shall be authorized at one time for a period which begins before August 1, 1978 that is longer than 12 months or for a period which begins after July 31, 1978 that is longer than 6 months. (38 U.S.C. 1798)

(4) The following maximum amounts shall be paid on the loan at the beginning of the term:

(i) $2,500 for an academic year which begins before August 1, 1978.

(ii) $3,330 for an academic year and following summer term which begin before August 1, 1978.

(iii) $1,660 for a quarter and following summer term which begin before August 1, 1978.

(iv) $2,080 for a semester and following summer term which begin before August 1, 1978.

(v) $1,250 for any semester.

(vi) $830 for any term of 8 weeks or more leading to a standard college degree which is not part of the normal academic year or for a quarter.

(vii) $1,660 for two consecutive quarters which begin after July 31, 1978.

(viii) $270 per month of enrollment for a course not leading to a standard college degree if less than 6 months in length.

(ix) $1,660 for a course not leading to a standard college degree 6 through 8 months in length provided the loan period begins before August 1, 1978.

(x) $1,660 for a 6-month loan period based on a course not leading to a standard college degree which is 6 or more months in length. Such a loan period must begin after July 31, 1978.

(xi) $270 per month for a loan period of less than 6 months based on a course not leading to a standard college degree which is 6 or more months in length. Such a loan period must begin after July 31, 1978.

(xii) $2,500 for a course not leading to a standard college degree 9 through 11 months in length provided that the loan period begins before August 1, 1978.

(xiii) $3,330 for a course not leading to a standard college degree 12 months in length provided that the loan period begins before August 1, 1978. (38 U.S.C. 1798(b); Pub. L. 95-202, 91 Stat. 1433)

• • • • • •

41. In § 21.4504, paragraph (a)(4) is revised to read as follows:

§ 21.4504 Promissory note.

(a) *General.* The agreement by the Veterans Administration to loan money pursuant to section 1798, title 38, United States Code, to any eligible veteran or eligible person shall be in the form of a promissory note which shall include.

• • • • • •

(4) A provision for prepayment of all or part of the loan, without penalty, at the option of the borrower. (38 U.S.C. 1798)

• • • • • •

42. A new § 21.4505 is added (the former § 21.4505 is revised and redesignated § 21.4507) to read as follows:

§ 21.4505 Check delivery.

(a) *General.* Education loans by the Veterans Administration shall be made by a check payable to the veteran or eligible person and shall be mailed promptly to the educational institution in which the veteran or eligible person is enrolled for delivery by the educational institution.

(b) *Delivery and certification.* (1) The educational institution, electing to participate in this program, shall deliver an education loan check to the veteran or eligible person and shall certify the fact of delivery to the Veterans Administration immediately upon delivery. If the delivery is not made within 30 days after the institution receives the check, it shall return the check to the Veterans Administration.

(2) The Director of the Veterans Administration field station of jurisdiction may direct that education loan checks be sent directly to veterans and other eligible persons when:

(i) The educational institution demonstrates an inability to comply with these requirements; or

(ii) The educational institution fails to provide adequately for the safekeeping of the checks prior to the delivery to the student or return to the Veterans Administration; or

(iii) The educational institution elects not to participate in this program; or

(iv) There is compelling evidence that the institution is unable to discharge its responsibilities under this program. (38 U.S.C. 1798; Pub. L. 95-202, 91 Stat. 1433)

43. The former § 21.4506 is revoked and a new section is added to read as follows:

§ 21.4506 Education loan forgiveness through accelerated payment of educational assistance allowance.

(a) *General.* A veteran or eligible person may qualify for a reduction in the amount of an outstanding education loan obligation. The reduction will consist of an amount representing an offset against the veteran's or eligible person's entitlement and an equal matching amount paid by a State and/or local governmental unit. The offset

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against the veteran's or eligible person's entitlement is considered to be an accelerated payment of educational assistance allowance. If the veteran or eligible person received a loan for more than one school term, he or she may receive accelerated payment of educational assistance allowance for each.

(b) *Eligibility.* The veteran or eligible person shall be eligible for an accelerated payment of educational assistance allowance for any school term as defined in § 21.4200(n), when all of the following conditions are met:

(1) The veteran or eligible person:

(i) Was enrolled as a full-time student throughout the school term for which the particular education loan was granted, or

(ii) Was enrolled as a full-time student throughout one semester which began after January 1, 1978 and ended before August 1, 1978 and for which an education loan was granted, or

(iii) Was enrolled as a full-time student throughout two consecutive quarters which began after January 1, 1978 and ended before August 1, 1978 and for which an education loan was granted.

(2) The veteran or eligible person was entitled to an educational assistance allowance under either chapter 34 or chapter 35 during the school term for which the education loan was granted. This requirement will be met even though some or all payments may have been withheld.

(3) The student received an education loan from the Veterans Administration after January 1, 1978.

(4) The combined amount of tuition and fees of the educational institution in which the veteran or eligible person was enrolled:

(i) Exceeded $700 for the school term for which the education loan was granted;

(ii) Exceeded $450 for two consecutive quarters beginning after January 1, 1978 and ending August 1, 1978 for which the education loan was granted;

(iii) Exceeded $350 for one semester beginning after January 1, 1978 and ending before August 1, 1978 for which the education loan was granted.

(5) The educational institution in which the veteran or eligible person completed the program of education he or she was pursuing during the term for which he or she received the education loan certifies to the Veterans Administration that:

(i) The veteran or eligible person has satisfactorily completed that program of education and attained the predetermined and identified educational, professional, or vocational objective which the veteran or eligible person had been pursuing during the term he or she received the education loan, and

(ii) The educational institution has awarded the veteran or eligible person the appropriate educational degree, diploma or certificate signifying such attainment.

(6) The veteran or eligible person applies timely for accelerated payment as described in paragraph (c) of this section.

(7) The educational institution in which the veteran or eligible person was enrolled has certified that not more than 35 percent of the total number of students enrolled in the same school term as the one for which the veteran or eligible person received the education loan were receiving educational assistance from the Veterans Administration. This requirement must be met for each semester or quarter within the school term.

(8) A State or local governmental unit has made a matching payment to the Veterans Administration Education Loan Fund pursuant to a program meeting the criteria of paragraph (d) of this section.

(c) *Time limits.* An accelerated payment of educational assistance may be made only if a formal claim for it is received by the Veterans Adminimstration within 180 days of the later of the following two dates:

(1) The date on which the degree, diploma, or certificate described in paragraph (b)(5) of this section was awarded, or

(2) The date on which the State or local governmental unit or jurisdiction established a program as required in paragraph (d) of this section. If more than one such matching payment program is established which may apply to the veteran or eligible person, accelerated payment will be based only on those programs for which a timely application was received.

(d) *State or local participation.* A State or local governmental unit electing to participate in the accelerated payment program must establish a program to do so. Such a program:

(1) Must be established prior to January 1, 1983.

(2) Must pertain only to vertains and eligible persons who received the education loan while enrolled in an educational institution located within the State or area of local governmental jurisdiction that is establishing the program.

(3) Must provide for payments on behalf the veteran or eligible person to be made to the Veterans Administration for deposit in the Veterans Administration Education Loan Fund. Such payments may match the maximum accelerated payment as computed in paragrah (e) of this section or a lesser amount.

(4) May be limited to veterans and eligible persons who are bona fide residents of the State or local governmental unit establishing the program.

(e) *Computation of accelerated payment.* The amount of accelerated payment for a term shall equal whichever of the following amounts is the least:

(1) The amount equal to the education assistance allowance actually awarded to the veteran or the eligible person for the school term for which the educational loan was granted;

(2) An amount equal to 33 ⅓ percent of the amount by which the tuition and fees charged to the veteran or eligible person exceeds $700 for the school term for which the educational loan was granted;

(3) An amount equal to 33 ⅓ percent of the amount by which the tuition and fees charged to the veteran or eligible person exceeds $450 for two consecutive quarters beginning after January 1, 1978 and ending before August 1, 1978 for which an education loan was granted;

(4) An amount equal to 33 ⅓ percent of the amount by which tuition and fees charged to the veteran or eligible person exceeds $350 for one semester beginning after January 1, 1978 and ending before August 1, 1978 for which an education loan was granted.

(5) An amount equal to 33 ⅓ percent of the amount by which the outstanding education loan obligation (principal only) for a school term exceeded $700 on the date on which the application for an accelerated payment was received by the Veterans Administration;

(6) An amount equal to 33 ⅓ percent of the amount by which the outstanding education loan obligation (principal only) for two consecutive quarters beginning after January 1, 1978 and ending before August 1, 1978 exceeded $450 on the date on which the application for an accelerated payment was received by the Veterans Administration;

(7) An amount equal to 33 ⅓ percent of the amount by which the outstanding education loan obligation (principal only) for one semester beginning after January 1, 1978 and ending before August 1, 1978 exceeded $350 on the date on which the application for an accelerated payment was received by the Veterans Administration;

(8) The amount which the State and/or local governmental unit concerned pays to the Veterans Administration to match the accelerated payment;

(9) An amount equal to the number of months (and fractional months) of remaining entitlement multiplied by the full-time rate (with dependents) in effect for the last month of the program within the delimiting period. (38 U.S.C. 1682A, 1738; Pub. L. 95-202, 91 Stat. 1433)

(f) *Entitlement charges.* Charges against the period of entitlement of a veteran or eligible person who recieves an accelerated payment shall be made as stated in § 21.1045(h). (38 U.S.C. 1682A, 1738; Pub. L. 95-202, 91 Stat. 1433)

44. Section 21.4507 (formerly § 21.4505) is added to read as follows:

§ 21.4507 Advertising.

(a) *General.* No educational institution or training establishment shall include a statement in advertisements or brochures intended to solicit students as to the availability of education loans from the Veterans Administration for eligible persons, except as provided in paragraph (b) of this section.

(b) *Form.* The statement which is permitted shall be as follows: "Certain eligible veterans and other eligible persons may qualify for a maximum educational loan of $2,500 per academic year from the Veterans Administration depending upon the need. Applications for such loans shall be made to the Veterans Administration on forms prescribed by it." (38 U.S.C. 1796, 1798(b); Pub. L. 95-202, 91 Stat. 1433)

[FR Doc. 79-4006 Filed 2-6-79; 8:45 am]

[4110-12-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Parts 3-1, 3-3, 3-4, 3-5, 3-7, 3-11, 3-16, 3-30, 3-50, 3-56]

CONTRACT CLAUSES; PROCUREMENT FORMS

AGENCY: Department of Health, Education, and Welfare.

ACTION: Proposed rule.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare, is proposing to amend 41 CFR Subpart 3-7.50 to consolidate optional clauses prescribed for use in HEW contracts and modify Subpart 3-16.50 to delete the optional clauses contained therein, to provide required modifications to Form HEW-315A, and to add necessary alterations to Form HEW-314 when a contract is not for research and development. Also included are instructions relative to the title provisions of Clause 11, Government Property, in Forms HEW-315 and -315A. The consolidation of the clauses under one heading will simplify 41 CFR Chapter 3 and increase the public's comprehension of the use of these clauses.

DATE: Comments must be received on or before March 26, 1979. Any person or organization wishing to submit data, views, or comments pertaining to the proposed amendments may do so by filing them in duplicate with the individual at the address listed below.

ADDRESS: Send comments to David J. Eskenazi, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement, OASMB-OS, Room 539 H, Hubert H. Humphrey Building, Department of Health, Education, and Welfare, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

David J. Eskenazi, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement (202-245-8791).

SUPPLEMENTARY INFORMATION: The texts of optional clauses incorporated into 41 CFR Subpart 3-7.50 are deleted from other subparts and appropriate references to Subpart 3-7.50 are cited in lieu thereof. Certain clauses which are no longer in use have been expurgated.

It is therefore proposed to amend 41 CFR Chapter 3, Parts 7 and 16 in the manner set forth below.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Dated: January 29, 1979.

E. T. RHODES,
Deputy Assistant Secretary for Grants and Procurement.

PART 3-7—CONTRACT CLAUSES

Subpart 3-7.50 is deleted in its entirety and the following is substituted:

Subpart 3-7.50—Special Contract Clauses

Sec.

3-7.5000 Scope of subpart.
3-7.5001 Reuseable cylinders and containers.
3-7.5002 Safety and health.
3-7.5003 HEW contract financial report.
3-7.5004 State and local taxes.
3-7.5005 Summarization clauses for contract modifications.
3-7.5006 Contracts conditioned upon the availability of funds.
3-7.5007 Government property clauses.
3-7.5007-1 Abandonment of Government property.
3-7.5007-2 Government property furnished "as is."
3-7.5007-3 Use and charges clause for facilities contracts.
3-7.5007-4 Maintenance clause for facilities contracts.
3-7.5007-5 Liability clause for facilities contracts.
3-7.5007-6 Examination of records clauses.
3-7.5008 Incremental funding of cost-reimbursement research and development contracts.
3-7.5009 Examples of option articles.
3-7.5010 Cost sharing.
3-7.5011 Use of GSA supply sources by contractors performing cost reimbursement contracts.
3-7.5012 Procurements involving human subjects.
3-7.5013 Contracts under the Indian Self Determination Act.
3-7.5014 Negotiated procurement under the Buy Indian Act.
3-7.5015 Contracts made pursuant to any Act authorizing award to or for the benefit of Indians or Indian organizations.
3-7.5016 Insurance—liability to third persons.
3-7.5017 Method of payment—letter of credit.
3-7.5018 Alternate authorization and consent clause.
3-7.5019 Patent indemnity clause.
3-7.5020 Alternate rights-in-data clauses.
3-7.5020-1 Rights-in-data—special works.
3-7.5020-2 Rights-in-data—existing works.
3-7.5021 Maximum allowable cost for drugs.
3-7.5022 Withholding of contract payments.
3-7.5023 Excusable delays.
3-7.5024 Statement of cost and personnel responsible for report.
3-7.5025 Additional payment provision.

Subpart 3-7.50—Special Contract Clauses

§ 3-7.5000 Scope of subpart.

This subpart sets forth clauses primarily for use in contracts for personal property and nonpersonal services where special terms and/or conditions are required to insure satisfactory performance, delivery or protection of the Government's interest.

§ 3-7.5001 Reusable cylinders and containers.

The clause set forth below shall be inserted in contracts when delivery of the items may be in contractor furnished reusable gas cylinders or other containers.

DEMURRAGE CHARGE PROVISIONS

(a) Reusable gas cylinders or other containers identified below by offerors shall remain the property of the Contractor (except as provided in (c) below), and will be loaned without charge to the Government for the period stipulated below by offerors. In computing the period involved, such free loan period shall commence on the first day after date of delivery of each container to the herein specified f.o.b. point(s). Offerors who specify less than —— days (to be determined by the Contracting Officer in accordance with trade custom), shall have their offers increased for evaluation purposes only by an amount arrived at by multiplying the number of days less than the established free loan period by the daily rental charge. In the event the offeror does not specify a free loan period, such period shall be —— days (insert the same number of days as the established free loan period). Beginning with the first day after expiration of the free loan period to and including the date the containers are delivered to the Contractor's designated carrier, the Government shall pay the Contractor demurrage (rental) in the amount specified below. No demurrage shall accrue to the Contractor in excess of the herein specified container's replacement value. For each container lost or damaged beyond repair while in the Government's possession, the Government shall pay to the Contractor the herein specified replacement value less allocable demurrage paid therefor. Such lost or damaged con-

tainers paid for by the Government shall become the property of the Government.

(b) Empty containers will be delivered to the offeror's designated carrier (offeror to identify applicable carrier below) f.o.b. points of original delivery specified in this solicitation/contract.

OFFERORS SHALL FURNISH THE FOLLOWING INFORMATION, AS APPLICABLE, FOR CONTAINERS:

Applicable Item No.	Type and size of Container	Quantity	Free Loan Period	Demurrage Charges Per Day Per Cylinder
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Replacement Value for Each Container	Identification and Location of Offeror's Carrier for Return of Empty Container
_____	_____

(c) When the offeror indicates that containers have a replacement value of less than $10, the Government shall have the option to purchase containers and add the cost to the offered price. When purchase option is exercised, offers shall be evaluated accordingly. In this event, the container shall become the property of the Government.

§ 3-7.5002 Safety and health.

The following clause is covered by the policy set forth in Subpart 3-1.52 and is to be used in accordance with the instructions set forth in § 3-1.5203 and § 3-1.5204.

SAFETY AND HEALTH CLAUSE

(a) In order to provide safety controls for protection to the life and health of employees and other persons; for prevention of damage to all property; and for avoidance of work interruptions in the performance of the contract; the Contractor will comply with the following standards: (Insert the codes, standards, and criteria (including any applicable State and local requirements) prescribed by the Safety Officer). Further, the Contractor shall take or cause to be taken such additional safety measures as the Contracting Officer may determine to be reasonably necessary: *Provided*, That if compliance with such additional safety measures results in a material increase in the cost or time of performance of the contract, an equitable adjustment will be made in accordance with the clause of this contract entitled "Changes."

(b) Prior to commencement of work, the Contractor will submit in writing his plan for complying with the safety and health provisions of this contract, and will meet with the Contracting Officer or his designated representative to discuss and develop a mutual understanding relative to administration of the overall safety program.

(c) During the performance of work under this contract, the Contractor shall comply with all procedures prescribed by the Contracting Officer for the control and safety of persons visiting the job site and will comply with such requirements to prevent accidents as may be prescribed by the Contracting Officer.

(d) The Contractor will maintain an accurate record of, and report to the Contracting Officer in such manner as the Contracting Officer may prescribe, all accidents and incidents resulting in death, traumatic injury, occupational disease, and/or damage to all property incident to work performed under the contract.

(e) The Contracting Officer shall notify (if otherwise, confirm in writing) the Contractor of any noncompliance with the provisions of this clause and corrective action to be taken. After receipt of such notice, the Contractor shall immediately take such corrective action. (Such notice, when delivered to the Contractor or his representative at the site of the work, shall be deemed sufficient for the purpose.) If the Contractor fails or refuses to comply promptly, the Contracting Officer may issue an order stopping all or part of the work until satisfactory corrective action has been taken. No part of the time lost due to any such stop order shall be the subject of claim for extension of time or for costs or damages by the Contractor.

(f) The Contractor shall insert the substance of this clause in each subcontract involving the use of hazardous materials or operations. Compliance with the provisions of this clause by subcontractors will be the responsibility of the Contractor.

§ 3-7.5003 HEW contract financial report.

Financial reports are required on all cost-reimbursement type contracts financed under letter of credit or Departmental Federal Assistance Financing System (DFAFS) methods of payment regardless of dollar value, and all other cost-reimbursement type of contracts of $100,000 or more. The reports should be required not less than quarterly. Financial reports can be required on cost-reimbursement contracts under $100,000 when financed by a method other than letter of credit or DFAFS only if they are considered necessary for effective contract monitoring and administration. When financial and manpower information is to be submitted on Form HEW-646, Financial Report of Individual Project/Contract, the contracting officer shall insert the clause set forth below in the RFP and resultant contract. The contracting officer should insert appropriate wording to specify the reporting period agree to, and should develop paragraph (d).

CONTRACT FINANCIAL REPORT

(a) Financial reports on Form HEW-646, Financial Reports of Individual Project/Contract, shall be submitted by the Contractor in accordance with the instructions which accompany the form, in an original and 2 copies, not later than fifteen (15) working days after the close of the reporting period. The line entries for subdivisions of work and elements of cost (expenditure categories) to be reported within the total contract shall be stated in paragraph (d) below. Subsequent changes and/or additions in the line entries shall be made in writing.

(b) The first financial report shall cover the period consisting of the (first full calendar month/first full three calendar months)

following the date of the contract, in addition to any fractional part of the initial month.

(c) If the final payment of this contract is to be made on the basis of a desk audit, the Contracting Officer may require the Contractor to submit detailed support for costs contained in one or more interim financial reports.

(d) (To be developed by the Contracting Officer.)

§ 3-7.5004 State and local taxes.

In all construction contracts, including vessel repair contracts, to be performed in North Carolina, the following sales and use tax clause must be included:

NORTH CAROLINA SALES AND USE TAX

(a) As used throughout this clause, the term "materials" means building materials, supplies, fixtures, and equipment which become a part of, or annexed to, any building or structure erected altered, or repaired under this contract.

(b) If this is a fixed-price type contract as defined in the Federal Procurement Regulations, the contract price includes North Carolina sales and use taxes to be paid with respect to materials, notwithstanding any other provision of this contract. If this is a cost-reimbursement type contract as defined in such regulations, any North Carolina sales and use taxes paid by the Contractor with respect to materials shall constitute an allowable cost under this contract.

(c) At the time specified in paragraph (d) of this clause: (1) The Contractor shall furnish the Contracting Officer certified statements setting forth the cost of the materials purchased from each vendor and the amount of North Carolina sales and use taxes paid thereon. In the event the Contractor makes several purchases from the same vendor, such certified statement shall indicate the invoice numbers, the inclusive dates of the invoices, the total amount of the invoices, and the North Carolina sales and use taxes paid thereon. Such statement shall also include the cost of tangible personal property withdrawn from the Contractor's warehouse stock and the amount of North Carolina sales or use tax paid thereon by the Contractor. The Contractor shall furnish such additional information as the Commissioner of Revenue of the State of North Carolina may require to substantiate a refund claim for sales or use taxes.

(2) The Contractor shall obtain and furnish to the Contracting Officer similar certified statements by subcontractors.

(d) The certified statements to be furnished pursuant to paragraph (c) above shall be submitted within 60 days after completion.

(e) The certified statements to be furnished pursuant to paragraph (c) of this clause shall be in the following form:

(SAMPLE CERTIFICATE)

I hereby certify that during the period —— to —— (name of Contractor or subcontractor) paid North Carolina sales and use taxes aggregating $—— with respect to building materials, supplies, fixtures, and equipment which have become a part of, or annexed to, a building or structure erected, altered or repaired by (name of Contractor) for the United States of America, and that the vendors from whom the property was purchased, the dates and numbers of the invoices covering the purchases, the total amount of the invoices of each vendor, the North Carolina sales and use taxes paid thereon, and the cost of property withdrawn from warehouse stock and North Carolina sales or use taxes paid thereon are as set forth in the attachments hereto.

(f) In ship repair contracts, change paragraph (a) to read as follows: As used throughout this clause, the term "materials" means materials, supplies, fixtures and equipment which become a part of or are annexed to any vessel altered or repaired under this contract.

§ 3-7.5005. Summarization clauses for contract modifications.

The clauses set forth below shall be used as appropriate in contract modifications as concluding provisions of the modification.

(a) The contract amount is hereby (increased) (decreased) by $——, from $—— to $——, by reason of this modification.

(b) The contract completion date is hereby changed from —— to —— by reason of this modification.

(c) Neither the contract amount nor the contract completion date is changed by reason of this modification.

(d) The contract amount is neither increased nor decreased by reason of this modification.

§ 3-7.5006 Contracts conditioned upon the availability of funds.

Use of the following clause is covered by the policy set forth in § 3-1.354.

AVAILABILITY OF FUNDS

Funds are not presently available for this procurement. The Government's obligation hereunder is contingent upon the availability of appropriated funds from which payment for the contract can be made.

No legal liability on the part of the Government for payment of any money shall arise unless and until funds are made available to the Contracting Officer for this procurement and notice of such availability, to be confirmed in writing by the Contracting Officer, is given to the Contractor.

NOTE.—See § 3-1.354(b) for types of contracts which may be entered into conditioned upon availability of funds.

§ 3-7.5007 Government property clauses.

The standard Government property clauses are set forth in the Forms HEW-314, -315, -315A, and -316. Other Government property clauses are prescribed for use under various conditions as set forth in the following paragraphs.

§ 3-7.-5007-1 Abandonment of Government property.

The following clause shall be used when deemed advisable by the contracting officer to abandon Government property on the contractor's premises (see § 3-56.508):

ABANDONMENT OF GOVERNMENT PROPERTY

The Government may abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease, and the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of, the Contractor's plant or any portion thereof which is affected by the abandonment of any Government property.

§ 3-7.5007-2 Government property furnished "as is."

The following clause shall be included in all contracts in which Government property is to be furnished "as is" in accordance with § 3-56.205:

GOVERNMENT PROPERTY FURNISHED "AS IS"

(a) The Government makes no warranty whatsoever with respect to Government property furnished "as is" except that the property is in the same condition when placed at the f.o.b. point specified in the solicitation as when inspected by the Contractor pursuant to the solicitation, or, if not inspected by the Contractor, as when last available for inspection under the solicitation.

(b) The Contractor may repair any property made available to him "as is." Such repair will be the Contractor's expense except as otherwise provided in this clause. Such property may be modified at the Contractor's expense, but only with the written permission of the Contracting Officer. Any repair or modification of property furnished "as is" shall not affect the title of such property, which remains vested in the Government.

(c) If there is any change in the condition of Government property furnished "as is" from the time inspected or last available for inspection under the solicitation, and such change will adversely affect the Contractor, the Contractor shall, immediately upon receipt of the property, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of the property, or (2) effect repairs to return the property to its condition when inspected under the solicitation, or if not inspected, when last available for inspection under the solicitation. Upon completion of (1) or (2) above, the Contracting Officer, upon written request of the Contractor, shall equitably adjust any contractual provisions affected by the return, disposition or repair, in accordance with the procedures provided for in the "Changes" clause of this contract. The foregoing provisions for adjustment are exclusive and the Goverenment shall not be liable for any delivery of Government property furnished "as is" in a condition other than that in which it was originally offered.

(d) Except as other wise provided in this clause, Government property furnished "as is" shall be governed by the "Government Property" clause of this contract.

§ 3-7.5007-3 Use and charges clause for facilities contracts.

The policy on rental of Government Property is set forth in § 3-56.303 and the criteria for rental rates are prescribed in paragraph (b) of this sec-

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tracting Officer, has accounted for all of the property covered by any notice of termination of the use of property or until the Contractor has discharged his obligations under this contract with respect to such items, whichever last occurs.

§ 3-7.5007-5 Liability clause for facilities contracts.

The following clause shall be included in all facilities contracts.

LIABILITY FOR GOVERNMENT PROPERTY

(a) The Contractor shall not be liable for any loss of or damage to Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto) which results from:

(1) Willful misconduct, negligence, or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who have supervision or direction of:

(i) All or substantially all of the Contractor's business; or

(ii) All or substantially all of the Contractor's operations at any one plant or separate location, in which the government property is installed or located.

(2) A failure, on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (1) above:

(i) To maintain and administer, in accordance with the clause of the contract entitled "Maintenance", a program for maintenance, repair, protection, and preservation of Government property; or

(ii) To take all reasonable steps to comply with any appropriate written directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection as reasonably necessary for the protection of the Government property.

(3) A risk for which the Contractor is otherwise responsible under the express terms of this contract;

(4) A risk expressly required to be insured pursuant to paragraph (c) of this clause, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(5) A risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement: *Provided*, That if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exceptions.

(b) If the Contractor transfer Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(c) Unless expressly directed in writing by the Contracting Officer, the Contractor shall not include as an element of price or cost under any contract with the Government any amount on account of the cost of insurance (including self-insurance) against any form of loss or damage to Government property. Any insurance required under this clause shall be in such form, in such amounts, for such periods of time, and with such insurers (included the Contractor as self-insurer in appropriate circumstances, if so approved) as the Contracting Officer shall require or approve. Such insurance shall contain provision for thirty (30) days prior written notice to the Contracting Officer of cancellation or material change in the policy coverage on the part of the insurer. A certificate of insurance or a certified copy of each policy of insurance taken out hereunder shall be deposited promptly with said Contracting Officer. The Contractor shall, not less than thirty (30) days prior to the expiration of any insurance required by this contract be carried by the Contractor on the facilities, deliver to said Contracting Officer a certificate of insurance or a certified copy of each renewal policy to cover the same risks. The insurance shall be in the names of the United States of America, Department of Health, Education, and Welfare, the Contractor, and such other interested parties as the Contracting Officer shall approve, and shall contain a loss payable clause reading substantially as follows:

"Loss, if any, under this policy shall be adjusted with (Contractor) and the proceeds, at the direction of the Government, shall be paid to (Contractor). Proceeds not paid to (Contractor) shall be paid to the (insert the name of the appropriate HEW organization, e.g., OS-HEW, PHS-HEW, and so forth)."

(d) Upon the happening of any loss or destruction of or any damage to the property; (1) The Contractor shall immediately notify the Contracting Officer thereof, and with the assistance of the Contracting Officer shall take all reasonable steps to protect the property from further damage, separate the damaged and undamaged property, arrange for inspection, and promptly furnish to the Contracting Officer (and in any event within thirty (30) days after the Contractor has determined that loss or destruction of, or damage to the property has occurred) the following:

(i) A list of the lost, destroyed, and damaged property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

(2) The Contractor shall make such repairs, replacements, and renovations of the lost, destroyed, or damaged Government property, or take such other actions as the Contracting Officer may direct in writing.

The Contractor shall perform its obligation under this paragraph (d) at Government expense, except to the extent that the Contractor is responsible for such damage, loss, or destruction under the terms of this clause, and except as any damage, loss, or destruction is compensated by insurance.

(e) The Government is not obligated to replace or repair Government property which has been lost, destroyed, or damaged. In such event, the right of the parties to an equitable adjustment in delivery or performance dates, or price, or both, and in any other contractual condition of the related procurement contracts affected thereby shall be governed by the terms and conditions of such contracts.

(f) Except to the extent of any loss or destruction of or damage to Government property for which the Contractor is relieved of liability, the property shall be returned to the Government, or otherwise disposed of under the terms of this contract in as good condition as when received by the Contractor, as subsequently improved or as it should have been subsequently improved or maintained under the terms of this contract, less ordinary wear and tear.

(g) In the event the Contractor is indemnified, reimbursed, or otherwise compensated (excepting any portion of the proceeds, from use and occupancy or business interruption insurance, which represents indemnity for loss or profit, since the insurance premium for such indemnity is not to be borne directly or indirectly by the Government) for any loss or destruction of, or damage to, Government property, he, to the extent and as directed by the Contracting Officer shall:

(1) Use the proceeds to repair, renovate, or replace the property involved; or

(2) Pay such proceeds to the Government.

(h) The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any loss or destruction of, or damage to, Government property, and upon the request of the Contracting Officer shall furnish to the Government, at Government expense, all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

§ 3-7.5007-6 Examination of records clauses.

The clauses to be included in all facilities contracts relative to the examination of records are referenced in § 3-56.610

§ 3-7.5008 Incremental funding of cost-reimbursement research and development contracts.

If a contract is to be incrementally funded in accordance with §§ 3-50.602 and 3-50.603 of Subpart 3-50.6, insert the following clause:

LIMITATION OF FUNDS

(a) It is estimated that the cost to the Government for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost.

(b) The amount presently available for payment and allotted to this contract, the items covered thereby, and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is contemplated that from time

tion. The following clause will be used in all facilities contracts:

USE AND CHARGES

(a) The Contractor may use the facilities without charge in the performance of:

(1) Prime contracts with the Government which specifically authorize use without charge;

(2) Subcontracts held by the Contractor under Government prime contracts or subcontracts of any tier thereunder if the Contracting Officer having cognizance of the prime contract concerned has authorized use without charge by approving a subcontract specifically authorizing such use in writing; and

(3) Other work with respect to which the Contracting Officer has authorized use without charge in writing.

(b) Subject to the payment of a rental therefor, the Contractor may use all or part of the facilities in the performance of work other than that specified in paragraph (a) above, as authorized by the Contracting Officer or as specifically provided in the contract. The amount of rentals to be paid for the right to use the facilities under this paragraph (b) shall be determined in accordance with the following procedure.

(1) The following bases are or shall be established in writing for the rental computation prescribed in subparagraph (2) below in advance of any use of the facilities provided under this contract:

(i) The rental rates for the right to use the property shall be those established by the Contracting Officer in (insert reference) of this contract.

(ii) The acquisition cost of the property shall be the total cost to the Government, as determined by the Contracting Officer, of each item of property, including the cost of transportation and installation, if such costs are borne by the Government. When Government-owned special tooling or accessories are rented with any item of the property, the acquisition cost shall be increased to include the price charged the Government for such tooling or accessories. When any item of property has been modernized by substantial rebuilding at Government expense so as to enhance its original capability, the acquisition cost for that item shall include the increased value, as determined by the Contracting Officer, that such rebuilding and modernization represent. The determination made by the Contracting Officer under this subparagraph shall be final and conclusive on the Contractor.

(iii) The rental period shall be not less than 1 month nor more than 6 months, as may be mutually agreed to.

(iv) For the purpose of computing any credit under subparagraph (2) below the measurement unit for determining the amount of use of the property by the Contractor shall be direct labor hours, sales, hours of use, or any other measurement unit which will result in an equitable apportionment of the rental charge, as may be mutually agreed to.

(2) The Contractor shall compute the amount of rentals to be paid for each rental period, using the bases established pursuant to subparagraph (1) above. The rental rates shall be applied to the acquisition cost of such of the property as may have been authorized for use in advance pursuant to this paragraph (b), for each rental period. The full charge for each rental period, so determined, shall be reduced by a credit in the amount of such rental as would otherwise be properly allocable to work with respect to which the use of the property without charge is authorized in accordance with paragraph (a) above. Such credit shall be computed by multiplying the full rental period by a fraction whose numerator is the amount of use of the property by the Contractor without charge during such period, and whose denominator is the total amount of use of property by the Contractor during such period.

(3) The Contractor shall submit to the Contracting Officer within ninety (90) days after the close of each rental period a written statement of the use made of the property by the Contractor and the rental due the Government hereunder, and shall make available such records and data as are determined by the Contracting Officer to be necessary to verify the information contained in the statement.

(4) If the Contractor fails to submit the statement within the prescribed ninety (90) day period, the Contractor shall be liable for the full rental for the period in question, subject to the exception stated in subparagraph (5) below.

(5) If the Contractor's failure to submit the statement within the prescribed ninety (90) day period arose out of causes beyond the control and without the fault or negligence of the Contractor, the Contracting Officer shall grant the Contractor in writing a reasonable extension of time in which to make such submission.

(c) Unless otherwise directed in writing by the Contracting Officer, the Contractor shall give priority in the use of the property to the performance of contracts and subcontracts of (insert name of Government agency) and shall not undertake any work involving the use of the property which would interfere with the performance of existing Government contracts or subcontracts.

(d) Concurrently with the submission of the written statement prescribed by paragraph (b)(3) above, the Contractor should pay the rental due the Government under this clause by check made payable to the HEW organization providing the property. The name of the HEW organization, to which the check should be made payable, should be indicated in the contract. Each check shall be mailed or delivered to the fiscal office designated in the contract. Receipt and acceptance by the Government of the Contractor's checks pursuant to this paragraph (d) shall constitute an accord and satisfaction of the final amount due the Government hereunder unless the Contractor is notified in writing within one hundred eighty (180) days following such receipt that the amount received is not regarded by the Government as the final amount due.

(e) If the Contractor uses any item of the property without authorization, the Contractor shall be liable for the full monthly rental, without credit, for such item for each month or part thereof in which such unauthorized use occurs. However, the Contracting Officer may waive the Contractor's liability for such unauthorized use of he determines that the Contractor exercised reasonable care to prevent such unauthorized use. In this latter event, the Contractor shall be liable only for the rental that would otherwise be due under this clause. The acceptance of any rental by the Government hereunder shall not be construed as a waiver or relinquishment of any rights it may have against the Contractor growing out of the Contractor's unauthorized use of the property or any other failure to perform this contract according to its terms.

§ 3-7.5007-4 Maintenance clause for facilities contracts.

The following clause shall be included in all facilities contracts as specified by § 3-56.501.

MAINTENANCE OF GOVERNMENT PROPERTY

(a) Except as otherwise provided in the contract, the Contractor shall perform normal maintenance of the Government property in accordance with sound industrial practice, including protection, preservation, maintenance, and repair of the property, and with respect to equipment, normal parts replacement.

(b) As soon as practicable after the execution of this contract, the Contractor shall submit to the Contracting Officer in writing a proposed normal maintenance program, including an appropriate maintenance records system, in sufficient detail to show its adequacy as a normal maintenance program. To the extent that the Contracting Officer and the Contractor agree upon such a program, it shall become the normal maintenance obligation of the Contractor, and the Contractor shall carry it out in satisfaction of (1) his normal maintenance obligation under paragraph (a) above, and (2) his obligation to maintain records under paragraph (e) below.

(c) The Contracting Officer may at any time specify, by written notice to the Contractor, a reduction in the work required by the then current normal maintenance obligation of the Contractor. After receipt of such notice, the Contractor shall perform only such work as is specified therein. If any such notice causes a decrease in the cost of performing the normal maintenance obligation, appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any such decrease.

(d) The Contractor shall perform such maintenance work as may be directed by the Contracting Officer in writing. To the extent that such work is in excess of the Contractor's then current normal maintenance obligation under paragraph (a) through (c) above, such work shall be at Government expense. The Contractor shall notify the Contracting Officer in writing whenever, in accordance with sound industrial practice, the property requires any work in excess of such normal maintenance obligation.

(e) The Contractor shall keep records of the work done on the property in performing his obligations under this clause, and shall afford the Government adequate opportunity to inspect all such records. The Contractor shall deliver such records to the government or to third persons, if so directed by the Contracting Officer, whenever the property to which they relate are disposed of hereunder.

(f) The Contractor's obligation under this clause shall continue, with respect to each item of property, until such item is removed, abandoned, or otherwise disposed of, as authorized or directed in writing by the Contracting Officer, until the expiration of a period of ninety (90) days after the Contractor, in form satisfactory to the Con-

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to time additional funds will be allotted to this contract up to the full estimated cost set forth in the Schedule, exclusive of any fee. The Contractor agrees to perform or have performed work on this contract up to the point at which the total amount paid and payable by the Government pursuant to the terms of this contract approximates but does not exceed the total amount actually allotted to the contract.

(c) If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to any costs previously incurred, will exceed seventy-five percent (75%) of the total amount then allotted to the contract, the Contractor shall notify the Contracting Officer in writing to that effect. The notice shall state the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. Sixty (60) days prior to the end of the period specified in the Schedule the Contractor advises the Contracting Officer in writing as to the estimated amount of additional funds, if any, that will be required for the timely performance of the work under the contract or for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the Schedule or an agreed date substituted therefor, the Contracting Officer will, upon written request by the Contractor, terminate this contract pursuant to the provisions of the Termination clause on such date. If the Contractor, in the exercise of his reasonable judgment, estimates that the funds available will allow him to continue to discharge his obligations hereunder for a period extending beyond such date, he shall specify the later date in his request and the Contracting Officer, in his discretion, may terminate this contract on that later date.

(d) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the total amount from time to time allotted to the contract, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the amount allotted to the contract, unless and until the Contracting Officer has notified the Contractor in writing that such allotted amount has been increased and has specified in such notice an increased amount constituting the total amount then allotted to the contract. To the extent the amount allotted exceeds the estimated cost set forth in the Schedule, such estimated cost shall be correspondingly increased. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the amount allotted to this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the total amount then allotted to the contract, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the amount allotted to the contract has been increased, any costs incurred by the Contractor in excess of the amount previously allotted shall be allowable to the same extent as if such costs had been incurred after such increase in the amount allotted; *unless* the Contracting Officer issues a termination of other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(e) Change orders issued prusuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the amount allotted in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the amount allotted.

(f) Nothing in this clause shall affect the right of the Government to terminate this contract. In the event this contract is terminated, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(g) In the event that sufficient funds are not allotted to this contract to allow completion of the work contemplated by this contract, the Contractor shall be entitled to that percentage of the fee set forth in the Schedule equivalent to the percentage of completion of the work contemplated by this contract.

§ 3-7.5009 Examples of option articles.

Guidance on the use of option provisions is provided in Subpart 3-1.54, which applies to contracts for supplies and services other than research and development.

(a) Examples of option articles for fixed-price type contracts.

(1) An article substantially as follows may be used where the contract expresses the option quantity as a percentage of the basic contract quantity or as an additional quantity of a specific line item, without separate pricing of the option quantity.

OPTION FOR INCREASED QUANTITY

The Government may increase the quantity of supplies called for herein by any amount of units up to (specify a quantity or a percentage of the basic quantity) at the unit price specified in the contract. The Contracting Officer may exercise this option by giving written notice of the Government's exercise of the option of the Contractor not later than (specify a date certain or a number of days before the last delivery date under the basic contract). Delivery of the items added by the exercise of this option shall continue immediately after, and at the same rate as, delivery of like items called for under this contract (this sentence may be appropriately modified to reflect agreement of the parties on delivery terms).

(2) An article substantially as follows may be used where the contract identifies the option quantity as a separately priced line item having the same nomenclature as corresponding basic contract line item.

OPTION FOR INCREASED QUANTITY—LINE ITEM

The Government may increase the quantity of supplies called for herein by requiring the delivery of the numbered line items identified in the Schedule or specified in Article —— of the Special Provisions as an option item in the quantity and at the price set forth herein. The Contracting Officer may exercise this option by giving written notice of the Government's exercise of such option to the Contractor not later than (specify a date certain or a number of days before the last delivery date under the basic contract). Delivery of the items added by the exercise of this option shall continue immediately after, and at the same rate as, delivery of like items called for under this contract (this sentence may be appropriately modified to reflect agreement of the parties on delivery terms).

(3) An article substantially as follows may be used to provide for continuing performance of the contract beyond its original term.

OPTION TO EXTEND THE TERM OF THE CONTRACT

This contract may be extended for a period of —— (days, months, years) at the option of the Government, by the Contracting Officer giving written of the Government's exercise of such option to the Contractor not later than the last day of the term of the contract; *Provided*, That such notice shall have no effect if given less than sixty (60) days prior to the last day of the term of the contract unless the Contracting Officer has given preliminary written notice of an intent to exercise such option at least sixty (60) days prior to the last day of the term of the contract (such preliminary notice shall not be construed as an exercise of the option, and will not bind the Government to exercise the option). If the Government shall be deemed to include this option provision: *Provided*, however, That the total duration of this contract, including the exercise of any options under this clause, shall not exceed —— months. (State terms for pricing of performance under the option, e.g., by inclusion of same price as basic quantity, an escalation provision, definitive option price set forth elsewhere in this contract.

(b) Examples of option articles for cost-reimbursement contracts.

(1) The following may be used as the article which defines an option, when the contract is a Cost Only Term Form, not involving the use of task orders. This article may be used, with appropriate modifications, when the contract involves payment of fee.

OPTION TO EXTEND THE TERM OF THE CONTRACT

(a) At the option of the Government, this contract may be extended, by the Contracting Officer giving written notice of extension to the Contractor prior to the expiration date of this contract. The option may be exercised only if the Contracting Officer gives preliminary notice to the Contractor, not less than sixty (60) days prior to the last day of the term of this contract, of the Government's intention to exercise the option. Such preliminary notice shall not be construed as an exercise of the option, and will not bind the Government to exercise the option. If the Government exercises such option, the contract as extended shall be deemed to include this option provision: *Provided, however*, That the duration of this contract, including the exercise of any options under this clause shall not exceed —— months. (State terms for pricing of performance under the option, e.g., by inclusion of the same price as for the basic period, definitive option price set forth elsewhere in this contract, escalation provisions, etc.)

(b) In the event that the contract is extended in accordance with paragraph 1 of this Article, the Contractor shall continue the effort described in ARTICLE I—SCOPE OF WORK, during the —— ( ) month period immediately following that set forth in ARTICLE —— PERIOD OF PERFORMANCE. The parties hereto agree that upon issuance of the order exercising this option, the following modifications will be made to the contract schedule in effect as of the date that such issuance is made:

(1) The period of performance specified in ARTICLE ——PERIOD OF PERFORMANCE will be increased by —— months

(2) The estimated cost specified in ARTICLE ——ESTIMATED COST will be increased by $——.

(2) The following may be used as the article which defines an option, where the contract is a CPFF Completion Form which contains a separate scope of work for the optional effort.

OPTION FOR INCREASED SCOPE OF WORK

(a) At the option of the Government, the Scope of Work of this contract may be increased to include the work set forth in (Exhibit ——) attached hereto and hereby made a part hereof. This option shall be exercised by the issuance of an order by the Contracting Officer citing the authority of this article. This option may be exercised at any time within (—— months, days) from the effective date of this contract.

(b) The parties hereto agree that upon issuance of the order exercising this option, the following modifications will be made to the contract schedule in effect as of the date such issuance is made:

(1) ARTICLE I—SCOPE OF WORK will be modified to incorporate (Exhibit ——) attached hereto, into this contract.

(2) The period of performance specified in ARTICLE ——PERIOD OF PERFORMANCE will be increased by —— (months, days).

(3) The Estimated Cost, Fixed Fee, and Total Cost-Plus-A-Fixed Fee specified in ARTICLE ——, will be increased by $——, $——, and $——, respectively.

(3) The following may be used as the article which defines an option, when the contract is a Cost-Plus-A-Fixed Fee (CPTF) Term Form involving the issuance of task orders.

OPTION TO EXTEND THE TERM OF THE CONTRACT

(a) At the option of the Government, this contract may be extended by the Contracting Officer giving written notice of extension to the Contractor prior to the expiration date of this contract: *Provided*, That such notice shall have no effect if given less than sixty (60) days prior to the last day of the term of the contract unless the Contracting Officer has given preliminary notice of the Government's intention to extend at least sixty (60) days before this contract is to expire. (Such a preliminary notice will not be deemed to commit the Government to renewals.)

(b) If this option is exercised, the Contractor shall provide approximately —— manhours of additional direct labor in pursuit of the effort described in ARTICLE I—SCOPE OF WORK, during the —— ( ) month period immediately following that set forth in ARTICLE ——PERIOD OF PERFORMANCE. The parties hereto agree that upon issuance of the order exercising this option, the following modifications will be made to the contract schedule, in effect as of the date that such issuance is made:

(1) The period of performance specified in ARTICLE ——PERIOD OF PERFORMANCE, will be increased by —— ( ) months.

(2) ARTICLE ——LEVEL OF EFFORT, will be increased from "approximately —— manhours" to "approximately —— manhours" and the last sentence of Paragraph A will be changed to read "not less than —— nor more than —— manhours."

(3) The Estimated Cost, Fixed Fee, and Total Cost-Plus-A-Fixed Fee specified in ARTICLE —— will be increased by $——, $——, and $——, respectively.

(4) The period of performance article (shown in Paragraph (b) of each preceding clause) may be adjusted to conform to the requirements. Additional optional periods may be included beyond the first option period; however, consideration shall be given to the prohibitions referenced in § 3-1.5402(b).

§ 3-7.5010 Cost sharing.

(a) The policy relative to cost-sharing is set forth in § 3-3.405-3. Cost sharing can be individually negotiated for a specific contract or it can be in accordance with a previously negotiated institutional agreement.

(b) In contracts for which cost sharing has been individually negotiated, the clause set forth in § 1-7.402-2(b) shall be used. Also, an article substantially as follows, which includes a cost-sharing formula agreed upon by the contracting officer and the contractor that provides for the ratio of cost-sharing for both the originally established estimated cost and any increase pursuant to paragraph (b) of that clause, shall be included in the contract.

COST SHARING

The Contractor agrees to share in the cost of the work hereunder to the extent of not less than (Indicate percent of the total cost or dollar amount, etc.) and shall maintain records of all costs so contributed, as well as costs to be paid by the Government. Such records shall be subject to audit. Costs contributed by Contractor shall not be charged to the Government under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program).

(c) In contracts for which cost-sharing will be in accordance with a previously negotiated institutional agreement, the clause set forth in § 1-7.402-2(b) shall be used. Instead of specifying a cost-sharing formula, the following language shall be included as a special provision.

COST SHARING UNDER INSTITUTIONAL AGREEMENT

This contract is subject to an Institutional Cost-Sharing Agreement which became effective with respect to HEW research contracts on ——, and the Contractor agrees

(date)

that the Government shall not bear the entire cost of the work hereunder.

(d) For contracts which are to be incrementally funded and provide for cost-sharing, the clause set forth in 1-7.402-2(d) shall be used.

§ 3-7.5011 Use of GSA supply sources by contractors performing cost reimbursement type contracts.

Subpart 3-5.9 prescribes the policies and procedures for allowing contractors to utilize GSA supply sources. When the contractor will be authorized to use GSA supply sources, the following clause shall be included in the contract.

GENERAL SERVICES ADMINISTRATION SUPPLY SOURCES

The Contracting Officer may issue the Contractor an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. Title to all property acquired by the Contractor under such an authorization shall vest in the Government, (1) unless otherwise specifically provided in the contract, (2) unless otherwise provided in the Government Property clause of this contract, or (3) in the absence of both the conditions in (1) and (2) of the clause. However, such property shall not be considered to be "Government-furnished property."

§ 3-7.5012 Procurements involving human subjects.

The policy and procedures to be followed whenever individuals may be at risk as a consequence of participation as subjects in research, development, demonstration, or other activities being conducted under a contract are provided in Subpart 3-4. 55. The following clause shall be included in contracts involving human subjects:

PROTECTION OF HUMAN SUBJECTS

(a) The Contractor agrees that the rights and welfare of human subjects involved in performance of this contract will be protected in accordance with procedures specified in its current Institutional Assurance on file with the Office for Protection from Research Risks, NIH, HEW. The Contractor further agrees to provide certification at least annually that an appropriate institutional committee has reviewed and approved the procedures which involve human subjects in accordance with the applicable Institutional Assurance accepted by the Office for Protection from Research Risks, NIH, HEW.

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(b) The Contractor shall bear full responsibility for the performance of all work and services involving the use of human subjects under this contract in a proper manner and as safely as is feasible. The parties hereto agree that the Contractor retains the right to control and direct the performance of all work under this contract. No provision of this contract shall be deemed to constitute the Contractor or any subcontractor, agent or employee of the Contractor, agent or employee of the Contractor; or any other person, organization, institution, or group to any kind whatsoever, as the agent or employee of the Government. The Contractor agrees that it has entered into this contract and will discharge its obligations, duties, and undertakings and the work pursuant thereto, whether requiring professional judgment or otherwise, as an independent contractor without imputing liability on the part of the Government for the acts of the Contractor or its employees.

§ 3-7.5013 Contracts under the Indian Self-Determination Act.

Contracts awarded pursuant to the terms of the Indian Self-Determination Act (25 U.S.C. 405(f)) shall contain the clauses set forth in §§ 3-4.6013 and 3-4.6014.

§ 3-7.5014 Negotiated procurements under the Buy Indian Act.

Contracts negotiated pursuant to the terms of the Buy Indian Act shall include the applicable general provisions, Forms HEW-314, -315, -315A or -316, and clauses required by Subpart 3-4.57. Subcontracts negotiated under this authority must also contain the clauses prescribed by Subpart 3-4.57.

§ 3-7.5015 Contracts made pursuant to any Act authorizing awards to or for the benefit of Indians or Indian organizations.

The clauses set forth below shall be included in all contracts or subcontracts made pursuant to any Act authorizing Federal contracts with Indian organizations or for the benefit of Indians as required by Section 7(b) of Public Law 93-638, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450).

(a) Indian Preference in Training and Employment clause.

INDIAN PREFERENCE IN TRAINING AND EMPLOYMENT

(a) The Contractor shall give preference in employment for all work performed under the contract, including subcontracts thereunder, to qualified Indians regardless of age, religion, or sex, and to the extent feasible consistent with the efficient performance of the contract, provide employment and training opportunities to Indians, regardless of age, religion, or sex, that are not fully qualified to perform under the contract. The Contractor shall comply with any Indian preference requirements established by the tribe(s) receiving services under the contract to the extent that such requirements are consistent with the purpose and intent of this paragraph.

(b) If the Contractor or any of its subcontractors is unable to fill its employment openings after giving full consideration to Indians as required in paragraph (a) above, these employment openings may then be filled by other than Indians under the conditions set forth in the Equal Opportunity clause of this contract.

(c) The Contractor agrees to include this clause or one similar thereto in all subcontracts issued under the contract.

(b) Use of Indian Business Concerns clause.

USE OF INDIAN BUSINESS CONCERNS

(a) As used in this clause, the term "Indian business concern" means Indian organizations or an Indian-owned economic enterprise as defined in 42 CFR § 36.204(l).

(b) The Contractor agrees to give preference to qualified Indian business concerns in the awarding of any subcontracts entered into under the contract consistent with the efficient performance of the contract. The Contractor shall comply with any preference requirements regarding Indian business concerns established by the tribe(s) receiving services under the contract to the extent that such requirements are consistent with the purpose and intent of this paragraph.

(c) If no Indian business concerns are available under the conditions in paragraph (b) above, the Contractor agrees to accomplish the maximum amount of subcontracting, as the Contractor determines is consistent with its efficient performance of the contract, with small business concerns, labor surplus area concerns or minority business enterprises, the definitions for which are contained in Subparts 1-1.7, 1-1.8, and 1-1.13 of the Federal Procurement Regulations. The Contractor is not, however, required to establish a small business, labor surplus, or minority business subcontracting program as described in § 1-1.710-3(b), § 1-1.805-3(b) and § 1-1.1310-2(b) respectively of the Federal Procurement Regulations (41 CFR Chapter 1).

§ 3-7.5016 Insurance—liability to third persons.

(a) Indemnification authority of the Department derives from 42 U.S.C. 241(g), which authorizes indemnification of research contractors of the Public Health Service against third party liability only in cases of exceptionally hazardous risk in accordance with and subject to 10 U.S.C. 2354. Before such action can be undertaken, a determination and findings (see § 3-75.104-1(b)) shall be prepared and submitted as prescribed in Subpart 3-3.303-50(b).

(b) The clause set forth in paragraph (d) below can be used in any Department contract when a determination has been made to insure a contractor against unusually hazardous risks. However, before it can be included in a contract, the approval of the Director, Division of Procurement Policy and Regulations Development, OGP, must be obtained.

(c) All requests to use the clause shall be in writing and must include the following:

(1) Name of proposed contractor.

(2) A description of the work to be performed.

(3) What efforts the proposed contractor has made to obtain the necessary insurance.

(4) What hazardous risks the proposed contractor is being asked to undertake.

(5) If there is any other organization which can perform the required work and services and does not require the inclusion of the Insurance—Liability to Third Persons clause in the resultant contract.

(d) When authorized, the following clause shall be used:

INSURANCE—LIABILITY TO THIRD PERSONS

(a) The Contractor shall procure and thereafter maintain workmen's compensation, employer's liability, comprehensive general liability (bodily injury), and comprehensive automobile liability (bodily injury and property damage) insurance, with respect to performance under this contract, and such other insurance as the Contracting Officer may from time to time require with respect to performance under this contract: *Provided,* That the Contractor may with the approval of the Contracting Officer maintain a self-insurance program: *And provided further,* That with respect to workmen's compensation the Contractor is qualified pursuant to statutory authority. All insurance required pursuant to the provisions of this paragraph shall be in such form, in such amounts, and for such periods of time as the Contracting Officer may from time to time require or approve and with the insurers approved by the Contracting Officer. Insurance procured pursuant to the provisions of this clause shall not be cancelled, nor materially changed, without the express prior approval of the Contracting Officer.

(b) The Contractor agrees, to the extent and in the manner required by the Contracting Officer, to submit for the approval of the Contracting Officer any other insurance maintained by the Contractor in connection with the performance of this contract and for which the Contractor seeks reimbursement hereunder.

(c) The Contractor shall be reimbursed (1) for the portion allowable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and (2) without regard to and as an exception to the "Limitation of Cost" or the "Limitation of Funds" clause of this contract, for liabilities to third persons for loss of or damage to property (other than property (i) owned, occupied, or used by the Contractor or rented to the Contractor, or (ii) in the care, custody, or control of the Contractor), for liability to subcontractors pursuant to "Insurance—Liability to Third Parties" clauses in subcontracts approved by the Contracting Officer, or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of this contract, whether or not caused by the negligence of the Contractor, his agents, servants, or employees: *Provided,* Such liabilities are represented by final judgments, or by settlements approved in writing by the Government, and expenses incidental to such liabilites, except liabilities (A) for which the Contractor is otherwise responsible under the express terms of the clause or

clauses, if any, specified in the Schedule, or (B) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by the Contracting Officer, unless the Contractor has been unable to acquire such insurance after good faith attempts to obtain same, or (C) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (aa) all or substantially all of the Contractor's business or (bb) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (cc) a separate and complete major industrial operation in connection with the performance of this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of insurance maintained by the Contractor in connection with the performance of this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause: *Provided,* Such cost would constitute allowable cost under the clause of this contract entitled "Allowable Cost, Fixed-Fee, and Payment," of "Allowable Cost and Payment."

The Government's liability under this clause shall in no event exceed the appropriations available at the time of the losses and nothing in this contract shall be construed to imply that the Congress will, at a later date, appropriate funds sufficient to meet deficiencies.

(d) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the Contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract, and the risk of which is uninsured or in which the amount claimed exceeds the amount of coverage. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. If the amount of the liability claimed exceeds the amount of coverage, the Contractor shall authorize representatives of the Government to collaborate with counsel for the insurance carrier, if any, in setting or defending such claim. If the liability is not insured or covered by bond, the Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any claim and to represent the Contractor in or take charge of any litigation in connection therewith: *Provided, however,* That the Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

§ 3-7.5017 Method of payment—letter of credit.

When authorized by an individual or blanket determination, findings and authorization for advance payment, under a letter of credit, delete the clause of the contract entitled "Allowable Cost and Payment" and substitute the following: (See § 3-30.104-1 for further instructions regarding use of the clause.)

METHOD OF PAYMENT—LETTER OF CREDIT

(a) The Contractor shall be paid with funds made available under the Federal Reserve Letter of Credit No. ——, established by ————, Department of Health, Education, and Welfare, against which the Contractor will withdraw funds pursuant to prescribed Federal Reserve Letter of Credit procedures, as contained in Treasury Department Circular 1075 (31 CFR Part 205).

(b) At the request of the Contractor and subject to the conditions hereinafter set forth, the Government shall make an advance payment, or advance payments from time to time, to the Contractor. No advance payment shall be made: (1) without the approval of the office administering advance payments (hereinafter called the "Administering Office" and designated in paragraph (g)(2) as to the financial necessity therefore (except in the case of educational institutions); (2) in an amount which together with all advance payments theretofore made, shall exceed the contract amount, and (3) without a properly certified invoice or invoices. The Contractor shall (1) initiate cash drawdowns only when actually needed for its disbursements, (2) report timely the cash disbursements and balances as required by the Administering Office, and (3) impose the same standards of timing and amount upon any subcontractors including the furnishing of reports of cash disbursements and balances. Failure to adhere to these material provisions will be considered an event under paragraph (f) of this clause.

(c) The funds drawn by the Contractor against the Federal Reserve Letter of Credit referred to above shall be only for current allowable expenditures necessary for the performance of this contract.

(d) When so requested in writing by the Contracting Officer, the Contractor shall repay to the Government such part of the unliquidated balance of the advance payments as shall, in the opinion of the Contracting Officer, be in excess of the Contractor's current needs or in excess of the contract price.

(e) If upon the completion or termination of this contract, all amounts obtained by the Contractor under this letter of credit have not been fully liquidated by authorized charges under the contract, the balance thereof shall be deducted from any sums otherwise due to the Contractor from the Government, and any excess funds shall be repaid by the Contractor to the Government upon demand.

(f) Upon the happening of any of the following events of default: (1) a finding by the Administering Office that the Contractor (i) has failed to observe any of the covenants, conditions, or warranties of these provisions or has failed to comply with any material provisions of this contract, or (ii) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, or (iii) has allocated inventory to this contract substantially exceeding reasonable requirements, or (iv) is delinquent in payment of taxes or of the costs of performance of this contract in the ordinary course of business; (2) appointment of a trustee, receiver or liquidator for all or a substantial part of the Contractor's property, or institution of bankruptcy, reorganization, arrangement or liquidation proceedings by or against the contractor; (3) service of any writ of attachment, levy of execution, or commencement of garnishment proceedings; or (4) the commission of an act of bankruptcy; the Government, without limiting any rights it may otherwise have, may, in its discretion and upon written notice to the Contractor withhold further withdrawals under the Letter of Credit and withhold further payments on this contract. Payment can also be stopped for lack of submission of timely and accurate reports in accordance with contract requirements. Upon the continuance of any such events of default for a period of thirty (30) days after such written notice to the Contractor, the Government may, in its discretion, and without limiting any other rights which the Government may have, take the following additional actions as it may deem appropriate in the circumstances:

(1) Charge interest on advance payments outstanding during the period of any such default at the rate established by the Secretary of the Treasury pursuant to Pub. L. 92-41, 80 Stat. 97 for the Renegotiation Board;

(2) Demand immmediate repayment of the unliquidated balance of advance payments hereunder; and/or

(3) Take possession of and, with or without advertisement, sell at public sale at which the Government may be purchaser, or at a private sale, all or any part of the property on which the Contractor has a lien under this contract and, after deducting any expenses incident to such sale, apply the proceeds of such sale in reduction of the unliquidate balance of advance payments hereunder and in reduction of any other claims of the Government against the Contractor.

(g)(1) No interest shall be charged for advance payments made hereunder, except interest during a period of default as provided in paragraph (f)(2). The Contractor shall charge interest at the rate established by the Secretary of the Treasury pursuant to Public Law 92-41 85 Stat. 97 for the Renegotiation Board on subadvances or downpayments to subcontractors and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances on subcontracts with educational or research institutions provided such subcontracts are awarded on a no profit or fee basis and for research, development or experimental work.

(2) The office administering advance payments is designated as————.

(h) For the performance of this contract, the Government shall pay the Contractor:

(1) The cost thereof (hereinafter referred to as " allowable cost") determined by the Contracting Officer to be allowable in accordance with: (i) 45 CFR 74 Appendix E for hospitals; 45 CFR 74 Appendix F for nonprofit institutions; 41 CFR 1-15.7 for state and local government agencies; and 41 CFR 1-15.3 for educational institutions as in effect on the date of this contract; and

(2) In accordance with the terms of this contract:

(i) For the purpose of determining amounts to be advanced under this contract, costs previously incurred shall only include those recorded costs which result, at the time of requests for further advances, from payment by cash, check, or other form of actual payment for items or services purchased directly for the contract, together with (when the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid for materials which have been issued from the Contractor's stores inventory and production process for use on this contract, for direct

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labor, for direct travel, for other direct in-house costs, and for properly allocable and allowable indirect costs, as is shown by records maintained by the Contracor for purposes of obtaining reimbursement under Government contracts plus the amount of progress payments which have been paid to the Contractor's subcontractors under similar cost standards. In addition, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accrued costs therefor shall be excluded from indirect costs for purposes of obtaining advances under this contract until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals therefor may be included in indirect costs for payment purposes provided that they are paid to the fund within 30 days after the close of the period covered. If payments are not made to the fund within such 30 day period, pension contribution costs shall be excluded from indirect cost for payment purposes of obtaining advances under this contract until payment has been made.

(j) The Contractor shall submit an invoice or a voucher designated as the "Completion Invoice" or "Completion Voucher" promptly following completion of the work under this contract but in no event later than 1 year (or such longer time as the Contracting Officer may in his discretion approve in writing) from the date of such completion. The Contracting Officer can direct that a final report of expenditures be included with the completion invoice or voucher.

(k) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allowable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible for exact statements by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided, however,* That such claims are not known to the Contractor on the date of the execution of the release, and provided further, that the Contractor gives notice of such claims in writing to the Contracting Officer not more than 6 years after the date of the release or the date of any notice to the Contractor that the Goverment is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

§ 3-7.5018 Alternate authorization and consent clause.

The following clause shall be used whenever the contract is for supplies and services and not for experimental, developmental or research work:

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent (without prejudice to any rights or indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the indemnity clauses, if any, included in this contract or any subcontract hereunder (including any lower-tier subcontract), and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

§ 3-7.5019 Patent indemnity clause.

(a) A patent indemnity clause is not required to be included in any contract but can be incorporated if the contracting officer deems it necessary.

(b) Such a clause may only be utilized:

(1) When the contract amount is more than $10,000;

(2) The contract is for supplies which normally are or have been sold or offered for sale to the public in the commercial open market or which are the same as such supplies with a relatively minor modification thereto; and

(3) When the Authorization and Consent clause that is included in the General Provisions (Form HEW-314, -315, -315A, or -316) is included in the Contract unless the contract is for supplies of the kind described in paragraph (b)(2) above.

(c) The following Patent Indemnity clause shall be used in accordance with paragraphs (a) and (b) above.

PATENT INDEMNITY

The Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government of such supplies or construction work. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further such indemnity shall not apply to: (i) an infringement resulting from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; (ii) an infringement resulting from addition to, or change in, such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

(For the purpose of excluding from patent indemnification such items as normally are not or have not been sold or offered for sale by any supplier to the public in the open market, the following sentence may be added to the end of the clause: (The foregoing shall not apply to the following items: (list the items to be excluded).))

§ 3-7.5020 Alternate rights-in-data clauses.

§ 3-7.5020-1 Rights in Data—Special Works.

The clause set forth below shall be used instead of the clause in Forms HEW-314, -315, -315A, and -316 whenever the contract is (1) primarily for the production of motion pictures or television recordings with or without accompanying sound, or for the preparation of motion picture scripts, musical compositions, sound tracks, translations, adaptations, and the like; (2) for histories of the Department; (3) for work pertaining to training or career guidance; or (4) for works pertaining to the instruction or guidance of Government employees in the performance of their official duties. The clause shall also be used, after it has been appropriately modified, in contracts which provide for the modification of existing motion pictures or television recordings through editing, translation, or the addition of subject matter. However, all proposed modifications of the clause must have the approval of the Director, Division of Procurement Policy and Regulations Development (DPPRD-OGP). The clause is as follows:

RIGHTS IN DATA—SPECIAL WORKS

(a) The term "Data" as used herein includes writings, sound recordings, pictorial reproductions, drawings or other graphic representations, and works of similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) All Data first produced in the performance of this contract shall be the sole property of the Government. The Contractor agrees not to assert any rights at common law or in equity or establish any claim to statutory copyright in such Data. The Contractor shall not publish or reproduce such Data in whole or in part or in any manner or form, or authorize others to do so, without the written consent of the Government until such time as the Government may have released such Data to the public.

(c) The Contractor hereby grants to the Government a royalty-free, nonexclusive and irrevocable license throughout the world (i) to publish, translate, reproduce, deliver, perform, use, and dispose of, in any manner, any and all Data which is not first produced or composed in the performance of this contract but which is incorporated in the work furnished under this contract, and (ii) to authorize others to do so.

(d) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents and employees acting within the scope of their official duties against any liability, including costs and expenses, (i) for violation of proprietary rights, copyrights, or rights of privacy, arising out of the publication, translation, reproduction, delivery, performance, use, or disposition of any Data furnished under this contract, or (ii) based upon any libelous or other unlawful matter contained in such data.

(e) Nothing contained in this clause shall imply a license to the Government under any patent, or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent. (f) Paragraphs (c) and (d) above are not applicable to material furnished to the Contractor by the Government and incorporated in the work furnished under the contract, *Provided*, such incorporated material is identified by the Contractor at the time of delivery of such work.

§ 3-7.5020-2 Rights in Data—Existing Work.

(a) The clause set forth below shall be added to the Standard Form 32, General Provisions, whenever the procurement is exclusively for existing motion pictures or television recordings. The contract may set forth limitations conisitent with the purposes for which the material covered by the contract is being procured. Examples of these limitations are means of exhibition or transmission, time, and type of audience and geographical location. If the clause is modified, paragraph (b) should be changed to make the indemnity equal with the rights acquired under paragraph (a) of the clause.

(b) Any questions concerning any proposed modifications of the clause should be addressed to the Director, Division of Procurement Policy and Regulations Development, OGP.

The clause is as follows:

RIGHTS IN DATA—EXISTING WORKS

(a) Except as otherwise provided in this contract, the Contractor hereby grants to the Government a royalty-free, nonexclusive, irrevocable license to distribute, use, and exhibit the material called for under this contract for Government purposes throughout the world, and to authorize others so to do.

(b) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, (i) for violation of proprietary rights, copyrights, or rights of privacy, arising out of the distribution, use, or exhibition of any material furnished under this contract, or (ii) based upon any libelous or other unlawful matter contained in said material.

§ 3-7.5021 Maximum allowable cost for drugs.

The following clause, or one reading substantially as follows, shall be included in all contracts subject to the provisions of the Maximum Allowable Cost regulation and § 3-4.6104.

MAXIMUM ALLOWABLE COST FOR DRUGS

(a) Reimbursement for drugs provided or used under this contract shall be in accordance with the Maximum Allowable Cost (MAC) regulation set forth in 45 CFR Subtitle A, Part 19. In accordance with § 19.3 of the MAC regulation, the amount which is recognized for reimbursement or payment purposes for any drug purchased under the terms of the contract shall not exceed the lowest of:

(1) The maximum allowable cost of the drug, if any, established in accordance with § 19.5 of the MAC regulation plus a reasonable dispensing fee;

(2) The acquisition cost of the drug plus a reasonable dispensing fee; or

(3) The provider's usual and customary charge to the public for the drug: *Provided*, That:

(i) The maximum allowable cost established for any drug shall not apply to a brand of that drug prescribed for a patient which the prescriber has certified in his own handwriting is medically necessary for that patient; and *Provided, further*, That:

(ii) When compensation for drug dispensing is included in some other amount payable to the provider by the reimbursing or payment program agency, a separate dispensing fee will not be recognized.

(b) The Contractor agrees:

(1) To include the following solicitation notification in all applicable solicitations issued under this contract and to ensure that subcontractors include it in any subsequent applicable solicitations:

This procurement is subject to the Maximum Allowable Cost (MAC) regulation set forth in Part 19 to Subtitle A of Title 45 of the Code of Federal Regulations.

(2) To include this clause, including this paragraph (b), in all applicable subcontracts, regardless of tier, awarded pursuant to this contract.

(3) To include the furnished MAC determination or acquisition cost data in all applicable solicitations issued under this contract and in all resultant subcontracts awarded pursuant to this contract.

§ 3-7.5022 Withholding of contract payments.

The following clause is to be included in all solicitations, resultant contracts, and contract modifications effecting supplemental agreements as specified in § 3-57.104-3(a):

WITHHOLDING OF CONTRACT PAYMENTS

Notwithstanding any other payment provisions of this contract, failure of the Contractor to submit required reports when due, or failure to perform or deliver required work, supplies, or services, will result in the withholding of payments under this contract unless such failure arises out of causes beyond the control, and without the fault or negligence of the Contractor as defined by the clause entitled "Excusable Delays," "Default," "Termination," or "Termination for Default," as applicable. The Government shall promply notify the Contractor of its intention to withhold payment of any invoice or voucher submitted.

§ 3-7.5023 Excusable delays.

The following clause if to be included in solicitations and contracts (and contract modifications effecting supplemental agreements) as specified in § 3-57.104-3(b)(3).

EXCUSABLE DELAYS

Except with respect to failures of subcontractors, the Contractor shall not be considered to have failed in performance of this contract if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor.

Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the failure of a subcontractor to perform, and if such failure arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be deemed to have failed in performance of the contract, unless (a) the supplies or services to be furnished by the subcontractor were obtainable from other sources, (b) the Contracting Officer shall have ordered the Contractor in writing to procure such supplies or services from such other sources, and (c) the Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he shall determine that any failure to perform was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of

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the Government under the termination clause hereof. (As used in this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.)

§ 3-7.5034 Statement of Cost and Personnel Responsible for Reports.

The contracting officer shall include the following clause in every contract for consultant services as defined in the General Administration Manual, Chapter 8-15:

STATEMENT OF COST AND PERSONNEL RESPONSIBLE FOR REPORT

The Contractor shall set forth on the cover of each report submitted pursuant to this contract (except progress reports incidental to the performance of the work) a statement as follows, with the indicated number, amount, and names filled in:

This report is made pursuant to contract No. ——. The amount charged to the Department of Health, Education, and Welfare for the work resulting in this report (inclusive of the amounts so charged for any prior reports submitted under this contract) is $——. The names of the persons, employed or retained by the Contractor, with managerial or professional responsibility for such work, or for the content of the report, are as follows:

———————————————

The Contractor shall exercise due care to cause the above quoted statement to be accurate.

§ 3-7.5035 Additional payment provision.

The following clause is to be included in all solicitations and resultant contracts for construction which contain the "Payments to Contractor" clause set forth in § 1-7.602-7:

ADDITIONAL PAYMENT PROVISION

Unless otherwise stated in this contract, there will be taken into consideration in computing progress payments material that will be incorporated into the structure if such material is delivered at the site, or is delivered to the Contractor and properly stored by him in a suitable warehouse, storage yard, or similar place either (a) within 25 miles of the site or (b) as otherwise approved by the Contracting Officer. Before each such payment is made, the Contractor shall furnish to the Contracting Officer such evidence as he may require of the quantity and value of such material and that it will be incorporated into the structure. If such material is stored off the site, the Contractor shall also furnish to the Contracting Officer, before payment, properly executed bills of sale to the Government for the delivered material upon which such payment is to be made.

PART 3-16 PROCUREMENT FORMS

The existing Subpart 3-16.50 is deleted in its entirety, and the following substituted:

Subpart 3-16.50—Forms for Negotiated Procurement

Sec.
3-16.5000 Scope of subpart.
3-16.5001 [Reserved.]
3-16.5002 Contract forms.
3-16.5002-1 Negotiated Contract (Form HEW-554).
3-16.5002-2 Contents of Contract (Form HEW-555).
3-16.5002-3 Special Provisions (Form HEW-556).
3-16.5002-4 General Provisions.
3-16.5002-5 Standard Form 30, Amendment of Solicitation/Modification of Contract.
3-16.5002-6 Instructions Applicable to Title Provisions of Government Property Clause in Forms HEW-314, -315, and -315A.
3-16.5002-7 Form HEW-315A Revisions.
3-16.5003 Additions, Modifications, and Substitutions to General Provisions.
3-16.5004 Availability of Forms.

Subpart 3-16.50—Forms for Negotiated Procurement

§ 3-16.5000 Scope of subpart.

(a) This subpart prescribed forms to be used in procuring:

(1) Supplies, equipment, and services by negotiation when authorized under Subpart 3-3.2;

(2) Experimental, developmental or research work and related services and property; and

(3) The conduct of studies or surveys.

(b) Excluded from the scope of this subpart are:

(1) Purchases that do not exceed $10,000—small purchases (See Subparts 1-3.6 and 3-3.6);

(2) Contracts for the construction, alteration, or repair of buildings, bridges, roads, or other real property (See Subpart 1-16.4) or the leasing of real property (See Subpart 1-16.6);

(3) Contracts for the procurement of architect-engineer professional services by negotiation (See Subpart 1-16.7).

§ 3-16.5001 [Reserved.]

§ 3-16.5002 Contract forms.

§ 3-16.5002-1 Negotiated Contract (Form HEW-554).

Negotiated Contract, Form HEW-554, is the cover page of the contract and must be executed to reflect mutual agreement by the contracting parties (See § 3-16.950-554).

§ 3-16.5002-2 Contents of Contract (Form HEW-555).

Contents of Contract, Form HEW-555, shall be used to list the contents of the contract including applicable "Special Provisions" by article number and name, and "General Provisions" (Forms HEW-314, -315, -315A, -316) which are appropriate to the type of contract consummated (See § 3-16.950-555).

§ 3-16.5002-3 Special Provisions (Form HEW-556).

Each contract shall include a section headed "Special Provisions" (Form HEW-556 is optional for this purpose) to describe the scope of work, schedule, special terms, and conditions, and any additions, modifications, or substitutions, to General Provisions, if any, as authorized by § 3-7.50. (See § 3-16.950-556).

§ 3-16.5002-4 General Provisions.

(a) The following procedures are applicable to the incorporation of General Provisions into Request for Proposals (RFP's) and contracts by reference.

(1) *Request for proposals (RFP's).* Copies of the contract General Provisions will no longer be included in RFP's. The synopsis to be published in the Commerce Business Daily and the resultant RFP will include a statement identifying the contract General Provisions to be used (Form HEW-314, -315, -315A, or -316) and will state an address where a copy of the General Provisions may be obtained by the prospective offeror.

(2) *Contractual documents.* Copies of the contract General Provisions will be attached to only those contractual documents that have special significance; i.e., the contractor's copy and the official contract file copy.

(b) The following are the applicable General Provisions to be used in contracts covered by this Subpart 3-16.50.

(1) Form HEW-314 (Rev. 9/76) General Provisions for Negotiated Fixed-Price Research and Development Contract. It is noted that, with the deletion of Clause 17, "Patent Rights," and the substitution of the alternate Authorization and Consent clause, the form should be used with other types of nonpersonal services contracts, e.g., studies, surveys, and demonstrations in socio-economic areas.

(2) Form HEW-315 (Rev. 7/76), General Provisions for Negotiated Cost-Reimbursement Type Contract with Educational Institutions.

(3) Form HEW-315A (Rev. 7/76), General Provisions for Negotiated Cost-Reimbursement Type Contract with Nonprofit Institutions Other Than Educational Institutions.

(4) Form HEW-316 (Rev. 7/76), General Provisions for Negotiated Cost-Plus-A-Fixed Fee Type Contract.

§ 3-16.5002-5 Standard Form 30, Amendment of Solicitation/Modification of Contract.

Modifications of existing contracts shall be accomplished by the use of change orders and/or supplemental agreements. Standard Form 30, Amendment of Solicitation/Modification of Contract, may be used for these purposes (See § 1-16.901-30 for illustration of form).

§ 3-16.5002-6 Instructions Applicable to Title Provisions of Government Property Clause in Forms HEW-314, -315, and -315A.

(a) The following instructions are applicable relative to the Title Provisions contained in Clause 11, Government Property, of Forms HEW-315 and -315A.

(1) Research contracts with nonprofit institutions of higher education or with nonprofit organizations whose primary purpose is the conduct of scientific research shall provide for the transfer to contractors of title to each item of equipment having an acquisition cost of less than $1,000 which was purchased with funds available for research, if approval of the contracting officer is given to the contractor to obtain such property in accordance with HEWPR 3-56.3 (See subparagraph (c)(2) of the Government Property Clause of Forms HEW-315 and -315A.)

(2) Subparagraph (c)(3) of the Government Property Clause provides that title to equipment costing $1,000 or more that was purchased with research funds shall vest as set forth in the contract. Title to equipment having an acquisition cost of $1,000 or more may:

(i) Vest in the institution subject to a right of the Government to direct vesting of title in the Government or a third party within twelve (12) months after termination or completion of the contract under which the equipment was acquired; or

(ii) Vest in the Government when it is determined that vesting of title in the contractor under (i) above would not be in the furtherance of the Department's research objectives.

(3) Applying subparagraphs (c)(2) and (c)(3) of Clause 11, Government Property, the contracting officer must determine whether the contract is for scientific research and is with a nonprofit institution of higher learning or a nonprofit institution whose primary purpose is the conduct of scientific research. If this determination is made, one of the following provisions must be included in the special provisions of the contract.

(i) *Title to Equipment Acquired Under the Contract With Contract Funds.* (Application of Clause 11, Government Property, subparagraphs (c)(2) through (c)(5).) This contract is for scientific research and is with a nonprofit institution of higher education or with a nonprofit institution whose primary purpose is the conduct of scientific research. Therefore, pursuant to subparagraph (c)(2) of Clause 11, Government Property, title to equipment having an acquisition cost of less than $1,000 shall vest in the Contractor. Title to equipment having an acquisition cost of $1,000 or more purchased with funds made available under the contract shall vest in the Contractor subject to the provisions of Clause 11, Government Property; *Provided*, that the Government may direct transfer of the title to the Government or to a third party within twelve months after completion or termination of the contract. The transfer of title to such equipment to the Government or to a third party shall not be the basis for any claim against the Government by the Contractor.

(ii) *Title to Equipment Acquired Under the Contract with Contract Funds.* (Application of Clause 11, Government Property, subparagraphs (c)(2) through (c)(5).) This contract is for scientific research and is with a nonprofit institution of higher education or with a nonprofit institution whose primary purpose is the conduct of scientific research. Therefore, pursuant to subparagraph (c)(2) of Clause 11, Government Property, title to equipment having an acquisition cost of less than $1,000 shall vest in the Contractor. Title to equipment having an acquisition cost of $1,000 or more purchased with funds made available under the contract shall vest in the Government.

(4) When the contracting officer has determined that a contract with an educational institution does not provide for scientific research or is not with a nonprofit institution whose primary purpose is the conduct of scientific research, the following must be added as a special provision.

(i) *Title to Equipment Acquired Under the Contract with Contract Funds.* The provisions of subparagraphs (c)(2) through (c)(5) of Clause 11, Government Property, shall not apply to this contract. Title to all equipment acquired with contract funds shall vest in the Government.

(b) Paragraph (iii) of Clause 12, Government Property, in the revised Form HEW-314 sets forth the Government Property clause to be used when the contract is without a fee or profit and is with an educational or nonprofit institution. In applying the provisions of subparagraphs (c)(2) through (c)(5) of Clause 12 the contracting officer must determine whether the contract is for scientific research and is with a nonprofit institution whose primary purpose is the conduct of scientific research. When this determination is made the procedures set forth in paragraphs (3) or (4) above must be followed.

§ 3-16.5002-7 Form HEW-315A Revision.

The Form HEW-315A shall be utilized with the following modifications. Whenever a contract with a nonprofit institution provides for the payment of a fixed fee:

a. Delete Clause 14, Termination for the Convenience of the Government, and substitute the clause entitled "Termination for Default or for the Convenience of the Government" (See FPR 1-8.702 for the next text of this clause).

b. Add a clause entitled "Excusable Delays" (See FPR 1-8.708 for the text of this clause).

c. Delete Clause 4, Allowable Cost and Payment, and substitute the clause entitled "Allowable Cost, Fixed Fee and Payment" (See FPR 1-7.202.4 for the text of this clause).

However, the following paragraph (a) shall be used instead of the paragraph set forth in the FPR.

(a) For the performance of this contract, the Goverment shall pay to the Contractor:

(1) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(i) 45 CFR Part 74, Appendix F;

(ii) The terms of the contract; and

(2) Such fixed fee, if any as may be provided for in the schedule.

d. Delete the last sentence of Clause 27, Federal Reports Act, and substitute the following:

Excessive delay caused by the Government which arises out of causes beyond the control and without the fault or negligence of the Contractor will be considered in accordance with Clause ———, Excusable Delays.

§ 3-16.5003 Additions, Modifications, and Substitutions to General Provisions.

Contracting officers shall include additional clauses or substitute alternate clauses for those included in the four General Provisions (Forms HEW—314-316) in accordance with applicable instructions in § 3-7.50 and the FPR. Written deviation requests shall be submitted, through procurement channels, to the Director, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement (DPPRD-OGP), Office of the Assistant Secretary for Management and Budget, Office of the Secretary (OASMB-OS). The Director, DPPRD-OGP will inform the contracting officer through procurement channels, of the disposition of the request. In the event expeditious action is required, contracting officers are authorized to request oral or written approval directly from the Director, DPPRD-OGP, who will notify the contracting officer of the disposition of the request.

§ 3-16.5004 Availability of Forms.

The forms prescribed by this Subpart are available through normal requisitioning channels.

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PARTS 3-1, 3-3, 3-4, 3-5, 3-11, 3-30, 3-50 and 3-56 [AMENDED]

MISCELLANEOUS AMENDMENTS

Miscellaneous amendments are required to provide for the consolidation of the various additional contract clauses into Subpart 3-7.50. The optional clauses are deleted from the other subparts of the regulation and the appropriate references are cited as follows:

§ 3-1.5205 [Amended]

(1) In subpart 3-1.52, Safety and Health, under § 3-1.5205, Contract clause, the last sentence in paragraph (a) is revised to read:

The clause set forth in § 3-7.5002 may be appropriately modified to meet the needs of the individual contract.

Paragraph (b) is deleted in its entirety.

§ 3-30.104-1 [Amended]

(2) In Subpart 3-30.1, Forms of Financing, under § 3-30.104-1, Letters of Credit, the last sentence in paragraph (a) is revised to delete the reference to § 3-7.5007 and substitute § 3-7.5017.

§ 3-11.350-3 [Amended] and § 3-11.350-4 [Deleted]

(3) In Subpart 3-11.3, State and Local Taxes; (a) under § 3-11.350-3, North Carolina sales and use taxes, paragraph (d), Contract clause, is revised to delete the clause and the first sentence is amended to delete the words "The clause set forth below • • •." and substitute; "The clause set forth in § 3-7.5004 • • •."; and (b) § 3-11.350-4, Iowa sales and use taxes, is deleted in its entirety.

§§ 3-1.354 and 3-1.355 [Amended]

(4) In Subpart 3-1.3, General Policies; (a) under § 3-1.354, Contracts conditioned upon the availability of funds, paragraph (c), Contract clause, is deleted in its entirety and the following is substituted:

(c) *Solicitation notice and contract clause.* The clause set forth in § 3-7.5005 shall be inserted in all solicitations and resultant contracts.

and (b) § 3-1.355, Federal Reports Act of 1942, is amended to delete paragraph (c).

§ 3-50.604 [Amended]

(5) In Subpart 3-50.6, Incremental Funding of Cost-Reimbursement, Research and Development Contracts, under § 3-50.604, Procedures, paragraph (b)(2) is revised to delete the Limitation of Funds clause and the second sentence is amended to read:

The General Provisions clause is set forth in § 3-7.5008.

§ 3-1.5400 [Amended]

(6) In Subpart 3-1.54, Options:

(a) Under § 3-1.5400, Scope of subpart, paragraph (c), the reference to § 3-1.5406 in the last sentence is deleted and § 3-7.5009 is substituted;

(b) § 3-1.5405 is deleted in its entirety and the following substituted:

§ 3-1.5405 Examples of option articles for fixed-price contracts.

Option articles for fixed-price type contracts are set forth in § 3-7.5009(a).

(c) § 3-1.5406 is deleted in its entirety and the following is substituted:

§ 3-1.5406 Examples of option articles for cost-reimbursement type contracts.

Option articles for cost-reimbursement type contracts are set forth in § 3-7.5009(b).

(7) In Subpart 3-3.4, Types of Contracts, § 3-3.405-3(g), Contract clauses, is deleted in its entirety and the following is substituted:

§ 3-3.405-3 Cost-sharing contract.

• • • • •

(g) *Contract clauses.* Clauses for cost sharing in individually negotiated contracts or cost sharing under institutional agreements are set forth in § 3-7.5010.

§ 3-5.950 [Amended]

(8) In Subpart 3-5.9, Use of GSA Supply Sources by Contractors Performing Cost-Reimbursement Type Contracts, the clause set forth in § 3-5.950 is deleted; the words in the first sentence which read "the following clause • • •" are changed to "The clause set forth in § 3-7.5011 • • •"; and the second sentence of that paragraph, which begins with "The last sentence • • •" is deleted.

§ 3-4.6010 [Amended]

(9) In Subpart 3-4.60, Contracts Under the Indian Self-Determination Act, § 3-4.6010, Use of General Services Administration supply sources, the clause set forth therein is deleted; the following is substituted for the first three words of the second sentence: "The clause set forth in § 3-7.5011 • • •"; and the colon following "• • • GSA supply sources:" in that paragraph is deleted and a period is substituted.

(10) In Subpart 3-4.55, Procurements Involving Human Subjects, § 3-4.5505, Contract clause, is deleted in its entirety and the following is substituted:

§ 3-4.5505 Contract Clause.

The clause set forth in § 3-7.5012 shall be inserted in all contracts involving human subjects.

(11) In Subpart 3-4.57, Negotiated Procurement Under the Buy Indian Act, under § 3-4.5703, Requirements, paragraph (c), *Indian employment*, is deleted in its entirety and the following is substituted:

§ 3.4-5703 Requirements.

• • • • •

(c) *Indian employment.* Contracts negotiated under the Buy Indian Act shall include the clause set forth in § 3-7.5015(a).

• • • • •

and in § 3-4.5703, paragraph (e), *Subcontracting*, is revised by deleting the clause entitled "Use of Indian Business Concerns" and by changing the last sentence to read: "Each prime contract shall incorporate the clause set forth in § 3-7.5015(b)."

(12) In Subpart 3-56, Government Property, the following changes are made:

a. § 3-56.605 is deleted and the following substituted:

§ 3-56.605 Abandonment of Government property clause.

The clause set forth in § 3-7.5007-1, Abandonment of Government Property, shall be used whenever the contracting officer deems it advisable to abandon Government property on the contractor's premises (See § 3-56.503).

b. § 3-56.606 is deleted and the following substituted:

§ 3-56.606 Clause for Government property furnished "as is."

The clause set forth in § 3-7.5007-2, Government Property Furnished "as is", shall be included in all contracts in which Government property is to be furnished in an "as is" condition in accordance with § 3-56.205.

c. § 3-56.607(a) is deleted and the following substituted:

§ 3-56.607 Use and charges clause for facilities contracts.

(a) The "Use and Charges" clause for use in all facilities contracts is set forth in § 3-7.5007-3.

d. § 3-56.608 is deleted and the following is substituted:

§ 3-56.608 Maintenance clause for facilities contracts.

The clause set forth in § 3-7.5007-4, Maintenance of Government Property, shall be included in all facilities contracts.

e. § 3-56.609 is deleted and the following is substituted:

§ 3-56.609 Liability clause for facilities contracts.

The clause set forth in § 3-7.5007-5, Liability for Government Property, shall be included in all facilities contracts.

[FR Doc. 79-4248 Filed 2-6-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 296]

FISHERMEN'S CONTINGENCY FUND

Amended Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Notice of meeting.

SUMMARY: The National Marine Fisheries Service has modified its schedule of public workshops announced in 44FR 5165 dated January 25, 1979. In addition to the workshops announced for New Orleans, Louisiana; Boston, Massachusetts; and Anchorage, Alaska, a workshop will be held in Los Angeles, California.

NMFS intends to propose regulations to implement Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (the Act), which established a Fishermen's Contingency Fund to compensate fishermen for certain damages and losses caused by certain oil-and-gas related activities. NMFS will hold public workshops to discuss important issues before regulations are proposed.

DATE: The additional workshop will be held on Friday, February 23, 1979, at 2:00 P.M. Any written comments on the issues identified in the January 25 Notice, or any other aspect of the implementation of the Fishermen's Contingency Fund program, must be received on or before March 5, 1979.

ADDRESS: The meeting will take place at the Regional Office, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable/Kathryn E. Hensley, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634-7496.

SUPPLEMENTARY INFORMATION: For a summary of the new statute and a listing of nine issues identified for discussion, the public is referred to the advance notice of proposed rulemaking and notice of public workshops published on January 25, 1979 (44FR 5165). A staff working draft of proposed regulations will be made available at the workshop.

WORKSHOPS: The National Marine Fisheries Service invites oral and written public comment on the issues identified in tha advance Notice, and on implementation of the Fishermen's Contingency Fund program in general, before NMFS issues proposed regulation to implement the program. Information regarding the workshop in Los Angeles can be obtained from:

Mr. Gerry Howard, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, California 90731, Telephone: 213-548-2478.

Interested members of the public are invited to attend and participate in the workshop. In addition, interested persons may submit written comments on the issues identified in the advance Notice, or on any other aspect of the implementation of the Fishermen's Contingency Fund program. All comments received will be considered before NMFS issues proposed regulations to implement the Act.

Dated: February 2, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director, NMFS.

[FR Doc. 79-4114 Filed 2-6-79; 8:45 am]

[4310-10-M]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR 403]

ENDANGERED SPECIES EXEMPTIONS

AGENCY: Department of the Interior; Department of Commerce, National Oceanic and Atmospheric Administration.

ACTION: Proposed rule.

SUMMARY: These proposed regulations describe how qualified applicants would apply for exemptions from the requirements of section 7(a) of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.* Section 7(a) directs all Federal agencies to insure that actions authorized, funded or carried out by them do not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of its critical habitat. In addition, the proposed regulations would establish certain procedures for initial handling of exemption applications. Pending adoption of final regulations, these proposed regulations will be followed as guidelines.

DATES: Any comments on this proposal must be submitted to the Secretary of the Interior on or before April 9, 1979.

ADDRESS: Please send comments to the Assistant Secretary of the Interior for Policy, Budget and Administration, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Raphaelle Semmes, Office of Policy Analysis, Department of the Interior, Room 4160, Interior Building, 18th & C Streets, NW., Washington, D.C. 20240, 202-343-5978. William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7432.

SUPPLEMENTARY INFORMATION:

THE EXEMPTION PROCESS

The Endangered Species Act Amendments of 1978 (Pub. L. 95-632), enacted on November 10, 1978, establish a procedure to exempt certain Federal actions from the pre-existing requirement of Section 7 of the Endangered Species Act of 1973 (now renumbered 7(a)). Section 7(a) requires Federal agencies to insure that any actions which they authorize, fund, or carry out, do not jeopardize the continued existence of listed species or destroy or adversely modify their critical habitat. Applications for exemptions may be considered only if made by Federal agencies, by Governors in affected States, or by persons whose permit or license applications have been denied primarily because of the application of section 7(a) to a Federal agency's actions. Applications are to be conveyed to the Secretary (Interior or Commerce), and evaluated by a review board and, if certain criteria are met, by the Endangered Species Committee.

Review Boards. Review boards are to be established for each exemption application with the special purpose of making a threshold determination on the application and of developing a comprehensive record for and submitting a report to the Endangered Species Committee. Review boards are to be composed of three members: one member appointed by the Secretary, one member who is a resident of the affected State or an otherwise qualified individual, appointed by the President, and an Administrative Law Judge. These review boards initially are to determine by majority vote within 60 days of appointment:

(1) Whether an irresolvable conflict exists between the proposed action and the requirements of section 7(a);

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(2) Whether consultation was carried out in good faith and whether the Federal agency developed and fairly considered any reasonable and prudent alternatives that would have avoided an irresolvable conflict;

(3) Whether the Federal agency conducted any biological assessment required for construction projects; and

(4) Whether the Federal agency and permit or license applicant have refrained from making any irreversible or irretrievable commitment of resources with respect to the agency action that forecloses any reasonable or prudent alternatives that would avoid an irresolvable conflict.

Unless the review board makes affirmative determinations on all four questions, the application procedure ends and the application never reaches the Endangered Species Committee. If the review board determines that all of the requirements are met, it must submit a report to the Committee within an additional 180 days, discussing.

(1) The availability of reasonable and prudent alternatives to the agency action, and the nature and extent of the benefits of the agency action and of alternative courses of action consistent with conserving the species or the critical habitat;

(2) A summary of the evidence concerning whether or not the agency action is in the public interest and is of national or regional significance; and

(3) Appropriate reasonable mitigation and enhancement measures which should be considered by the Committee.

Endangered Species Committee. An Endangered Species Committee is established by the Amendments, composed of:

(1) The Secretary of the Interior, who is chairman.

(2) The Secretary of Agriculture.

(3) The Secretary of the Army.

(4) The Chairman of the Council of Economic Advisers.

(5) The Administrator of the Environmental Protection Agency.

(6) The Administrator of the National Oceanic and Atmospheric Administration.

(7) Individuals who are residents of each affected state or otherwise qualified, appointed by the President for each exemption application, casting a single vote collectively.

The Committee must determine whether or not to grant an exemption within 90 days after receiving the review board's report. An exemption requires an affirmative vote of five or more Committee members, voting in person. To grant an exemption, the Committee must determine that:

(1) There are no reasonable and prudent alternatives to the agency action;

(2) The benefits of the action clearly outweigh the benefits of alternative courses of action consistent with conserving the species or its critical habitat, and the action is in the public interest; and

(3) The action is of regional or national significance.

In granting an exemption, the Committee also must establish reasonable mitigation and enhancement measures that are necessary and appropriate to minimize the adverse effects of the agency action upon the listed species or critical habitat concerned.

Once an exemption is granted by the Committee, a Federal agency may proceed with the proposed action, but must conform to any mitigation and enhancement measures ordered by the Committee, and must report annually on these measures to the Council on Environmental Quality until all such measures have been completed.

Pending adoption of final regulations, exemption applicants should submit applications which conform to the requirements of these proposed regulations.

The Department of the Interior, as lead agency in development of these regulations, has determined that this document does not contain a significant proposal according to criteria established by the Department of the Interior pursuant to Executive Order 12044.

DESCRIPTION OF PROPOSED RULEMAKING

These proposed regulations would implement the new section 7(f) which was added to the Endangered Species Act by the Endangered Species Act Amendments of 1978. This section requires the Secretary to promulgate regulations governing exemption applications not later than February 8, 1979.

The proposed regulations would be issued jointly by the Department of the Interior and the National Oceanic and Atmospheric Administration, Department of Commerce. The scope of the proposal is limited to procedures for filing exemption applications, duties of the two agencies with respect to the applications, and the relationship between the agencies and the Endangered Species Committee and review boards. They do not set out general review board and Committee procedures, which may be issued under the Committee's separate authority. The proposed regulations contain four sections.

Section 403.01 contains definitions of terms.

Section 403.02 describes how applications would be made: who may apply, where and when to apply, and the contents of applications. In addition, § 403.02 would provide for notification of the application to the Secretary of State and the Chairman of the Council on Environmental Quality. Section 403.03 would govern the appointment of review boards, and the initiation of their deliberations.

Section 403.04 sets forth special provisions governing the relationship between the two agencies and the Endangered Species Committee. In particular, it describes how State members would be appointed to the Committee.

Accordingly, it is proposed to amend Chapter IV of Title 50 as set forth below:

Joint Regulations—Department of the Interior—Department of Commerce.

1. Revise the heading of Chapter IV to read as above.

PART 402—ENDANGERED SPECIES EXEMPTIONS

2. Add a heading for a new Part 403 to read as above.

3. Add an index for new Part 403 to read as follows:

Sec.
§ 403.01 Definitions.
§ 403.02 Applications for Exemptions.
§ 403.03 Review Boards.
§ 403.04 Endangered Species Committee.

AUTHORITY: Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.*, as amended.

4. Add §§ 403.01 through 403.04 of Chapter IV to read as follows:

§ 403.01 Definitions.

(a) *Definitions adopted from 50 CFR 402.02.* Any terms defined in 50 CFR 402.02 that are used in this subchapter shall mean the same as defined in that section.

(b) *Additional definitions.* (1) "Act" means the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531-1543.

(2) "Alternative courses of action" means alternatives and thus is not limited to original project objectives and agency jurisdiction.

(3) "Committee" means the Endangered Species Committee established pursuant to section 7(e) of the Act.

(4) "Irresolvable conflict" means, with respect to any action authorized, funded or carried out by a Federal agency, a set of circumstances under which, after consultation as required in Part 402 of this part, completion of such action may jeopardize the continued existence of an endangered or threatened species, or result in the adverse modification or destruction of a critical habitat.

(5) "Mitigation and enhancement measures" means measures to minimize the adverse effects of an activity or program on listed species or their critical habitats and to improve the conservation status of such species beyond that which would occur without the activity or program.

(6) "Secretary" means the Secretary of the Interior or the Secretary of Commerce or his or her delegate depending upon which Secretary has responsibility for the affected species as determined pursuant to 50 CFR 402.01.

§ 403.02 Applications for Exemptions.

(a) *Scope.* This part contains regulations for applications to exempt Federal agency actions from the requirements of section 7(a) of the Act.

(b) *Where to apply.* Application for exemptions must be made to the Secretary.

(c) *Who may apply.* Applications for exemptions will be acted upon by the Secretary only if made by (1) a Federal agency, (2) the Governor of a State in which the agency action will occur, or (3) a person whose application to the affected Federal agency for a permit or license has been denied primarily because of the application of section 7(a) to the Federal agency's action.

(d) *When to apply.* (1) Applications for exemptions for federal agency actions other than issuance of permits or licenses will be acted upon by the Secretary only if received within a 90 day period following termination of the consultation process and issuance of the biological opinion under 50 CFR Part 402 which states that the Federal agency action may jeopardize the continued existence of any listed species or destroy or adversely modify its critical habitat, or if received within a 90 day period following the effective date of these regulations when such a biological opinion was issued before that effective date.

(2) Applications for exemptions for federal actions involving the issuance of permits or licenses will be acted upon by the Secretary only if received within a 90 day period following denial of the permit or license by the affected Federal agency, or, if received within a 90 day period following the effective date of these regulations, when the relevant permit or license was denied before that effective date.

(e) *Contents.* Applications for exemptions must provide the following information in writing:

(1) Applicant's name, mailing address, and phone number, including the name and telephone number of the individual to be contacted regarding the application.

(2) If the Federal action that is the subject of the application is the issuance of a permit or license: a detailed description of the relevant permit(s) or license(s) denied by a Federal agency, including a description of the activity proposed to be conducted by the applicant, a description of the law(s) under which a permit or license is required, a description of all steps taken by the applicant to obtain the permit or license, and a statement of grounds given for denial of the application by the Federal agency.

(3) A comprehensive description of the proposed Federal action, except as already set forth under paragraph (2) of this section and of the effect such action may have upon listed species or their critical habitat.

(4) A detailed description of any actions taken pursuant to 50 CFR Part 402, including a description of the consultation process, a copy of the report of any biological assessment, and a copy of the biological opinion prepared by the affected Federal agency.

(5) If the biological opinion was issued before the effective date of these regulations, a statement by the agency which issued such opinion that it has reviewed the opinion since the effective date of these regulations and has found it valid and sufficient under the Endangered Species Act as amended.

(6) A detailed description of any alternatives to the proposed action considered by the affected Federal agency which would avoid an irresolvable conflict, including an explanation of why there are no reasonable and prudent alternatives to the proposed action that would avoid such a conflict and why the proposed action cannot be altered or modified to conform with the requirements of Section 7(a) of the Endangered Species Act as amended.

(7) A detailed description of any resources committed to the proposed action by the affected Federal agency and any permit or license applicant demonstrating that the agency and any permit or license applicant have made no commitment which has the effect of foreclosing the formulation or implementation of any reasonable and prudent measures that would avoid an irresolvable conflict.

(8) A detailed explanation of why the benefits of such action clearly outweigh the benefits of alternative courses of action consistent with conserving the species or its critical habitat, and why the action is in the public interest.

(9) A detailed explanation of why the action is of regional or national significance.

(10) A detailed description of possible mitigation and enhancement measures including, but not limited to, live propagation, transplantation, and habitat acquisition and improvement.

(f) *Notification of the Secretary of State.* The Secretary will promptly transmit to the Secretary of State a copy of any application submitted in accordance with § 403.02 of this part and shall request that the Secretary of State notify the Chairman of the Endangered Species Committee within 60 days after the application was submitted to the Secretary whether the granting of an exemption and the carrying out of the proposed action would be in violation of any international obligation of the United States.

(g) *Notification of the Chairman of the Council on Environmental Quality.* The Secretary will promptly transmit to the Chairman of the Council on Environmental Quality a copy of any application submitted in accordance with § 403.02 of this part.

§ 403.03 Review boards.

(a) *Scope.* This part contains provisions governing the relationship between the Secretary and review boards.

(b) *Appointment.* Upon receipt of an application for exemption submitted in accordance with § 403.02 of this part, the Secretary will initiate appointment of a review board consisting of three members:

(1) Member appointed by the Secretary. One member of the review board will be appointed by the Secretary within 15 days after receipt of such an application.

(2) State member. (i) When one or more States are affected, the Secretary will notify the Governors of each such State in writing and request them to recommend state residents to be appointed to the review board. Written recommendations of these Governors must be received by the Secretary within 10 days after receipt of notification. The Secretary will transmit the Governors' recommendations to the President and will request the President appoint a State resident to the review board from an affected State, within 30 days after the application for exemption was received by the Secretary. (ii) When no State is affected, the Secretary will submit to the President a list of individuals with expertise relevant to the application, and will request the President to appoint an individual to the review board on or before 30 days after the application for exemption was received by the Secretary.

(3) Administrative Law Judge. The Secretary will request the Office of Personnel Management to appoint an administrative law judge to the review board within 30 days after the application is received.

(c) *Submission of application.* Following appointment of all members of a review board under § 403.03(b), the Secretary will submit a copy of the exemption application to each member.

(d) *Secretary's views.* Within 60 days after receipt of an exemption application in accordance with § 403.02 of this part, the Secretary's views on the application will be submitted to the review board, including recommendations as to the final disposition of the application.

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§ 403.04 Endangered Species Committee

(a) *Scope.* This part contains provisions governing the relationship between the Secretary and the Endangered Species Committee.

(b) *Appointment of State member.* (1) Concurrently with notification under § 403.03(b)(2)(A), the Secretary will request the Governors of each State to recommend individuals to be appointed to the Endangered Species Committee. Written recommendations of these Governors must be received by the Secretary within 10 days of receipt of notification. The Secretary will transmit the Governors' recommendations to the President and will request that the President appoint a State resident to the Endangered Species Committee from each affected State, within 30 days after the application for exemption was received by the Secretary.

(2) When no State is affected, the Secretary will submit to the President a list of individuals with expertise relevant to the application and will request the President to appoint an individual to the Endangered Species Committee on or before 30 days after the application for exemption was received by the Secretary.

This proposed rulemaking is issued under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The primary authors are Thomas Duncan, Office of the Solicitor, U.S. Department of the Interior and Eric Erdheim, Office of the General Counsel, National Oceanic and Atmospheric Administration.

Dated: February 1, 1979.

LARRY MEIEROTTO,
Deputy Assistant Secretary of the Interior for Policy, Budget and Administration.

TERRY L. LEITZELL,
Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

FEBRUARY 1, 1979.

[FR Doc. 79-4246 Filed 2-6-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1055-6]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Hawaii State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: A revision to the Hawaii Public Health Regulations has been submitted to the Environmental Protection Agency (EPA) by the Governor for the purpose of revising the Hawaii State Implementation Plan (SIP). The intended effects of this revision is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on this rule, especially as to its consistency with the Clean Air Act.

DATES: Comments may be submitted on or before March 9, 1979.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revision are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations: Environmental Protection and Health Services Divisions, Hawaii State Department of Health, 1250 Punchbowl Street, Honolulu HI 96813. Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington, DC 20640.

FOR FURTHER INFORMATION CONTACT:

Douglas Grano, EPA, Region IX, (415) 556-2983.

SUPPLEMENTARY INFORMATION: The State of Hawaii, on September 12, 1978, submitted a regulation containing a variance from Chapter 43, Section 7(b)(5) of the Public Health Regulations. The variance exempts open fires, for the training of crashcrews in airport firefighting, from the opacity requirements of Chapter 43, Section 8(a). The State's analysis showed that there would be no interference with the attainment and maintenance of the National Ambient Air Quality Standards. The revision appears to be consistent with 40 CFR 51.12 and it is EPA's intention to propose approval of the variance as a revision to the SIP.

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth this revision as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before March 9, 1979 will be considered. Comments received will be available inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

AUTHORITY: Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. sections 7410 and 7601(a)).

Dated: January 29, 1979.

PAUL DEFALCO, Jr.,
Regional Administrator.

[FR Doc. 79-4229 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL-959-3]

[40 CFR Part 85]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart E—Regulations for Model Year 1980 and Later NOx Research Objective Programs Conducted by Automotive Manufacturers

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes procedures which automobile manufacturers must follow in conducting research programs on oxides of nitrogen (NOx) in the 1980 and subsequent Model Years. Section 202(b)(7) of the Clean Air Act authorizes this action.

DATE FOR SUBMISSION OF REQUEST FOR PUBLIC HEARING: On or before February 19, 1979.

SUBMISSION OF WRITTEN COMMENTS: On or before April 9, 1979.

ADDRESS: Send comments to: Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (ANR-455), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Robert Wagner, Office of Mobile Source Air Pollution Control, 2565 Plymouth Road, Ann Arbor, Michigan 48105 (313) 668-4279.

SUPPLEMENTARY INFORMATION: On August 7, 1977, Congress amended the Clean Air Act[1] (the Act) to establish as a research objective, the development of ". . . propulsion systems

[1] Pub. L. 95-95, 91 Stat. 685, 753, adding a new paragraph (7) to § 202(b).

and emission control technology to acieve standards which represent a reduction of at least 90 per centum from the average emissions of oxides of nitrogen actually measured from light-duty motor vehicles manufactured in model year 1971 not subject to any Federal or State emission standard for oxides of nitrogen." EPA calculates that the emissions level necessary to meet this requirement is 0.41 gram per mile.

Section 202(b)(7) further requires EPA to publish regulations that direct manufacturers to build vehicles which meet this standard. In addition, the technology which the manufacturers develop must be fuel-efficient and have the potential for mass production.

WHAT ROLE SHOULD EPA PLAY IN THE CONDUCT OF THE MANUFACTURER'S NOx RESEARCH PROGRAM?

Section 202(b)(7) requires that each manufacturer establish a NOx research program to build automobiles which meet the research goal we have set of 0.41g/mi NOx. Section 202(b)(7) also requires the Administrator to develop regulations to ensure that affected manufacturers actually do establish NOx research programs. The Administrator is not to direct or manage the research program of an individual manufacturer. The full responsibility for conducting the research program, including responsibility for problems or failures, must lie with the manufacturer. Lack of full responsibility and accountability on the part of the manufacturer for his/her research effort may impede rather than foster the development of NOx control technology.

With this consideration in mind, one goal of these regulations is to provide each manufacturer full freedom to use its resources and technical expertise in developing and conducting a NOx research program in the manner he/she deems best, and to avoid injecting EPA into the research program in a manner that might shift responsibility for design or conduct of the program from the manufacturer to the Agency.

Once we identified what these regulations should not do, the issue became what role EPA should play in a manfacturer's NOx research program. We believe that Congress intends for EPA to monitor each manufacturer's NOx research activities and to report to Congress on the existence and adequacy of each program. There are no sanctions expressly associated with failure of a manufacturer to comply with section 202(b)(7) of the Act. The manfacturer's concern for its public impage appears to be the major incentive for compliance.

WHAT ARE THE MAJOR PROVISIONS OF THESE REGULATIONS

Manufacture's Research Program. Section 404 of the regulations describes the objectives which Congress established in the Act. First, manufacturers are to develop technology to achieve the NOx research goal of 0.41 g/mi. All automobiles built to meet this research goal must also satisfy all other applicable emission standards and requirements of the Clean Air Act. These regulations do not require the manufacturer to use any specific method to achieve these objectives. The responsibility for making technical judgments rests solely with the individual manufacturer.

Annual Research Plan and Report. These regulations provide a way for EPA to monitor a manufacturer's NOx research program. Each manufacturer must provide EPA with a research plan at the beginning of the research period, and a report at the end.

Research plans must discuss the goals which a manufacturer establishes for himself/herself and describe the relationship of those goals to the objectives of the NOx research program which Congress established in the Act. The plan must discuss in detail specific activities for the annual research period. It must also include schedules for the conduct of such projects and associated milestones.

At the end of each annual research period, manufacturers are required to submit a report to EPA. In this report, the year's research activities must be catalogued and evaluated by the manufacturers in terms of the progress (or lack of progress) made and how the results will be used in subsequent research or production activities. The regulations encourage manufacturers to combine annual reports and subsequent year's research plans to emphasize the continuity of the NOx research efforts and to minimize paper work.

In an effort to further minimize the burden on manufacturers are not required to submit every vehicle to EPA for testing; submission of the annual report will usually be sufficient. However, the Administrator may request vehicles for testing and the manufacturer should be prepared to comply with such a request.

Briefings for the Administrator. These regulations provide that EPA may request briefings from manufacturers on the status of their NOx research activities. These briefings are intended to provide an opportunity for EPA and industry to exchange information relatively informally and without undue paperwork. EPA is not entitled to ask for more than one briefing per 3 months.

EPA Review of Manufacturer's NOx Research Program. These regulations do not expressly establish a procedure for reviewing and reporting to Congress and the public on manufacturers' research programs, since this information can conveniently be included in either the Annual Report to Congress which is prepared by EPA under section 313, or the section 202(b)(4) reports. Should it appear desirable to do so, EPA may prepare written summaries and reviews of the manufacturers' NOx research programs separately.

Since research is necessarily a creative process, and in any field technical experts will often disagree in interpreting research results and, consequently, in deciding how to best proceed, we expect that in reviewing the materials submitted under these regulations, we may have reservations about the validity of some aspects of a manufacturer's program. However, in reviewing and reporting to Congress on manufacturer's programs, our emphasis will be on the apparent appropriateness of a manufacturer's program, i.e., were the resources allocated to a specific project reasonable in view of the complexity of the problem, were the data sufficient to support the conclusions drawn or decisions made, and were the analytical methods used generally accepted procedures?

EPA Access and Entry to Manufacturers' Research Facilities. This section provides EPA the opportunity to examine test vehicles and other components of interest to the NOx research program at any point in their development and testing. This will enable EPA to independently evaluate the results of any particular program and prepare a more complete and accurate analysis of the potential for improving NOx control on automobiles than would be possible otherwise. In the past, although many manufacturers have been cooperative, EPA has encountered some difficulties in obtaining complete information from the manufacturers on the status of such activities.

As the major thrust of low NOx research regulations is for EPA to monitor, rather than direct or manage, the research program, the right-of-entry and record keeping provisions are a crucial part of these regulations. These provisions are necessary to enable the Administrator to carry out his responsibilities under section 202(b)(7).

The right-of-entry and record keeping provisions are, in part, an adaptation of the Motor Vehicle Certification regulations promulgated on February 27, 1974 (30 FR 7545) and many of the comments made by the Administrator in the preamble accompanying those regulations are applicable here. On May 23, 1978, the Supreme Court decided the case of *Marshall* v. *Barlow's,*

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Inc. 98 S Ct. 1816 (1978) holding unconstitutional warrantless administrative searches or inspections by OSHA under the Occupational Safety and Health Act of 1970. In response to the *Barlow's* decision these proposed regulations would require EPA officials to obtain warrants or their equivalent if consent to enter a facility is refused. The authority for the right-of-entry and record keeping provisions is based on sections 202(b)(7), 206(c), 208(a) and 301(a).

WHAT OTHER MAJOR ISSUES WERE IDENTIFIED IN DEVELOPING THESE RULES?

Paper Work Reduction. One of our major considerations in developing these regulations was to minimize the paperwork required in administering and complying with these rules. It is the Agency's view that both the research plan and the annual report required under this rule are necessary for EPA to effectively monitor the industry. To minimize the burden of preparing them, we allow the annual report and the subsequent research plan to be combined at the manufacturer's discretion. Manufacturers will be permitted to reference applicable portions of other materials provided to EPA in their annual reports. We specifically invite comment on any additional ideas for reducing or record keeping requirements.

Demonstration Vehicles. The Act requires an annual demonstration of the operation of vehicles that achieve the NO_x research objective. An important issue in the development of this rule was that of how the number and types of demonstration vehicle(s) would be determined. We decided that the manufacturers should be responsible for identifying the number and types of vehicles. The manufacturers are required to conduct fuel economy and emissions testing as a minimum, but the manufacturer is responsible for determining the mileage points at which this testing should be performed.

Affected Manufacturers. Section 202(b)(7) of the Act specified that these regulations apply to each manufacturer whose sales represent at least 0.5 per centum of light-duty motor vehicle sales in the United States. Based on vehicle registration or sales data, the following manufacturers were affected for the 1979 research period: American Motors, British Leyland, Chrysler, Fiat, Fuji, Mitsubishi, Ford, General Motors, Honda, Nissan, Toyota, and Volkswagen. This publication constitutes notice of the determination of affected manufacturers for purposes of section 403(c) for the 1980 annual research period.

For 1980 and subsequent model years, the determination of other affected manufacturers will be based on the production data submitted by the manufacturers under 40 CFR 600.512 in a report called the "model year report" covering the second model year prior to the annual research period.

The model year report required to be submitted under 40 CFR 600.512 is required for the purpose of calculating a manufacturer's fleet average fuel economy which the Secretary of Transportation uses in enforcing the fuel economy standards of the Motor Vehicle Information and Cost Savings Act.

COMMENTS AND THE PUBLIC DOCKET

Copies of materials relevant to this rule are contained in Public Docket No. OMSAPC-78-2 located in the U.S. Environmental Protection Agency, Central Docket Section, Room 2903B (EPA library), 401 M Street, S.W., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

Interested parties may participate in this proposed rulemaking by submitting comments (in quadruplicate if possible) to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M Street, S.W., Washington, D.C. 20460 no later than April 19, 1979. All relevant material received during that comment period will be considered.

EPA's intention is to assure interested parties an opportunity to study all information which may become the basis for EPA's final action in this proceeding. Accordingly, the Agency will not consider in this rulemaking any materials for which trade secrecy is claimed. Parties who wish to submit information in response to this notice are cautioned that EPA will return any comments which are claimed, in whole or in part, to be confidential.

ECONOMIC IMPACT ASSESSMENT

In accordance with section 317(c) and (d) of the Act, the EPA has considered the economic impacts of this action and determined that the effects of this rule on inflation, competition, consumer costs, and energy use are negligible. The cost to the industry in complying with these provisions is also expected to be minimal. Costs to the industry will be incurred in the process of providing information to the Administrator on their NO_x research programs in the form of reports and in building and testing demonstration vehicles. However, some portion of that cost would be incurred even without these rules, since it is expected that they currently have NO_x research programs. The cost of building and testing a demonstration vehicle for research purposes will vary depending on the extent of testing and the complexity and availability of hardware and vehicle components. Durability testing programs administered by the EPA have averaged $125,000 per test vehicle. These regulations provide the manufacturer the discretion to determine the appropriate number of test vehicles. The total cost to the industry of this rulemaking action is estimated to be of the order of $6,000,000.

Accordingly, the EPA has determined that this document is not a "significant" regulation and does not require preparation of a Regulatory Analysis under Executive Order 12044.

Dated: January 29, 1979.

BARBARA BLUM,
Acting Administrator.

EPA proposes to add a new Subpart E to Part 85 which reads as follows:

Subpart E—Oxides of Nitrogen Research Program for the 1980 and Subsequent Model Years

Sec.
85.401 Scope.
85.402 Definitions.
85.403 Manufacturer participation.
85.404 Manufacturer's research program.
85.405 Plan for the research period.
85.406 Conduct of the research program.
85.407 Annual report.
85.408 Maintenance of records; submittal of information; right of entry.
85.409 Treatment of confidential information.

§ 85.401 Scope.

The provisions of this subpart establish an oxides of nitrogen research program and require the participation of certain light-duty vehicle manufacturers.

§ 85.402 Definitions.

The terms used in this subpart shall have the meaning established in the Clean Air Act and 40 CFR Part 86. The following definition shall also apply:

"Annual research period" means the time period from 1 August of a given calendar year to 31 July of the next calendar year, e.g., the 1979 annual research period would be the time period from 1 August 1978 to 31 July 1979.

§ 85.403 Manufacturers' participation.

(a) Each manufacturer whose sales are determined by the Administrator to represent at least 0.5 per centum of light-duty motor vehicle sales in the United States is required to comply with the provisions of this subpart beginning in the 1980 annual research period.

(b) For 1980 and subsequent annual research periods, the Administrator will base his/her determinations under paragraph (a) of this section on production data contained in the model year reports submitted by manufacturers to the Administrator pursuant to 40 CFR 600.512 (for use in calculating a manufacturer's corporate average fuel economy) for the model year two years prior to the year of the annual research period.

(c)(1) The Administrator will provide notice to manufacturers that their compliance with the provisions of this subpart is required beginning in a given annual research period. Such notice shall be deemed to constitute notice for subsequent annual research periods as well, unless rescinded by the Administrator.

(2) A manufacturer may, at any time, request in writing that a new determination be made under paragraph (b) of this section for a given annual research period, stating the basis for such new determination. The Administrator will respond in writing to such requests and issue a new determination in accordance with paragraph (b) of this section.

(d) A manufacturer who is not required to comply with the provisions of this subpart may comply on a voluntary basis.

§ 85.404 Manufacturers' research program.

(a) Each manufacturer who is subject to these regulations shall institute a research program to work towards the following objectives:

(1) The development of propulsion systems and emission control technology to achieve the research goal of 0.41 gram per mile oxides of nitrogen.

(2) The construction and demonstration, for each annual research period, of the operation of light-duty motor vehicles that meet the research objective of paragraph (a)(1) of this section and meets all other applicable emission standards or requirements under the Clean Air Act. The most stringent hydrocarbon, carbon monoxide, evaporative emissions and other emissions standards and/or requirements established by regulation or statute prior to the start of an annual research period for a future model year shall apply.

(3) The demonstration vehicles under paragraph (a)(2) of this section shall:

(i) Be designed to encourage the development of new powerplants and emission control technologies that are fuel efficient;

(ii) Be within or be reasonably expected to be within the productive capability of the manufacturers; and

(iii) Use optimum engine, fuel, and emission control systems.

(b) Each manufacturer's overall oxides of nitrogen research program shall be designed to meet the objectives of paragraph (a) of this section in accordance with good research and engineering practice.

§ 85.405 Annual research period plan.

(a) Not later than September 1 of each annual research period the manufacturer shall provide the Administrator three (3) copies of an annual research program plan that contains the information specified in paragraphs (b) and (c) of this section. Two (2) copies shall be sent to:

U.S. Environmental Protection Agency, Director, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, MI 48105.

One (1) copy, less any material claimed to be confidential shall be sent to:

U.S. Environmental Protection Agency, Office of Mobile Source Air Pollution Control (AW-455), Freedom of Information Office, 401 M Street, S.W., Washington, D.C. 20460.

(b) Each plan shall contain a description and discussion of:

(1) The manufacturer's long term, interim, and short term NOx research and development goals. Long term goals are more than 4 years beyond the end of the annual research period. Interim goals are those applicable between 0 and 4 years beyond the end of the annual research period, and short term goals are those applicable to the annual research period for which the plan applies;

(2) The specific problems that exist, or are expected to exist, in the development and demonstration of vehicles that achieve the objectives of § 85.404;

(3) The relationship of the goals in paragraph (b)(1) of this section to the problems identified in paragraph (b)(2) of this section and to the objectives of section 404 of this subpart; and

(4) The resources, in terms of personnel, capital expenditures, materials, and contracted efforts the manufacturers intend to allocate to the research program. Planned resource expenditures shall be estimated for the current and each future annual research period contained in the plan. Key scientific and engineering personnel shall be identified by name, title, and corporate organizational unit for each major project identified by the manufacturer in response to paragraph (d)(1) of this section.

(c) Each plan shall contain a brief discussion of how the research program established to comply with this subpart interfaces with other programs conducted by the manufacturer, including contracts with the Federal Government. There should be a general discussion of such programs which includes but it not limited to:

(1) The manufacturer's overall low emissions research and development program, including but not limited to programs for meeting state requirements, unregulated emissions, emissions at high altitude, evaporative emissions, and particulate emissions;

(2) Fuel economy improvement programs;

(3) Vehicle driveability and performance programs; and

(4) Alternate engine programs.

(d)(1) The plan shall identify and fully describe each project and the purposes of each project the manufacturer plans to conduct or sponsor including but not limited to research efforts in:

(i) Catalyst development and evaluation programs;

(ii) Fuel metering development and evaluation programs;

(iii) EGR development and evaluation programs;

(iv) Air injection development and evaluation programs;

(v) Development and evaluation programs for heat conservation;

(vi) Ignition system development and evaluation programs;

(vii) Development and evaluation programs for combustion or combustion chamber modifications;

(viii) Electronic control system/component development and evaluation programs;

(ix) New powerplant programs, such as those related to stratified charge engines, Diesel engines, gas turbine engines, and Stirling engines;

(2) The plan shall provide the following additional information about projects planned to be conducted during the research period to which the plan applies:

(i) A schedule for the initiation and completion of major outputs;

(ii) Detailed discussion of anticipated technical problems; and

(iii) For demonstration vehicles: a description of each vehicle, the number and type(s) of tests to be performed and a description of the engine, fuel system components and emission control system to be used on each vehicle.

§ 85.406 Conduct of the research program.

(a) Nothing in this subpart shall be construed as limiting the scope, or direction of a manufacturer's plan, the manufacturer's decision-making ability, or the manufacturer's responsibility to conduct the research plan.

(b) All programs outlined in the annual research plans required by § 85.405 or necessary modifications to those plans must be conducted in a manner consistent with good engineering and research practice.

(c) Manufacturers shall build and test vehicles that employ technology which is consistent with the objectives of section 404 of this subpart. Testing shall include but is not limited to regulated emissions and fuel economy.

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(d) Upon reasonable notice from EPA, manufacturers shall provide periodic briefings and/or reports for the Administrator regarding the status of the activities being conducted during the research period. Such briefings and/or reports will be requested not more frequently than quarterly, and will be limited to vehicle emission and fuel economy data, discussion and interpretation of that data, important events during the reporting period, significant program changes, and other indications of status, progress, or lack of progress in meeting the objectives of the research and development effort.

(e) For purposes of testing, the Administrator may request and the manufacturer shall provide, demonstration vehicles constructed under paragraph (c) of this section.

(f) The manufacturer shall notify the Administrator of any major changes to the plan including, but not limited to, the decision to discontinue mileage accumulation on a vehicle prior to the accumulation of all planned mileage, and/or to destroy a vehicle or prototype test hardware. The manufacturer shall provide an opportunity for the Administrator to test or inspect such vehicles and/or hardware prior to discontinuation or destruction.

§ 85.407 Annual report.

(a) Each manufacturer shall provide three (3) copies of an annual report that contains the information required by paragraph (b) of this section no later than 60 days after the end of the research period to which the report applied. The annual report may be combined with the annual research plan required by section 405 for the following annual research period.

(b) The annual report shall include the following:

(1) A summary of the work conducted, conclusions about the success or failure of each project, a discussion of the implications for future efforts of the research and development activities conducted, a comparison of actual accomplishments to those planned, and identification and discussion of significant problem areas;

(2) A list of projects conducted, a discussion of the relationship of the projects to the goals of the plan submitted pursuant to § 85.405 of this subpart, a discussion of the influence that research and development efforts in programs identified under section 405(c) of this subpart had on the efforts conducted under this subpart.

(3) A description of how the original plan was modified during the annual research period and the basis and rationale for such modification;

(4) A description of each demonstration vehicle constructed under section 406 of this subpart, including a description of each engine, emission control system, and fuel system component used, all test data generated during the annual research period the the demonstration vehicles including but not limited to testing for regulated and unregulated emissions, fuel economy, driveability, and performance.

(5) An identification of any vehicle(s) which the manufacturer considers to represent the best relationship among emissions, fuel economy, driveability, performance, cost, reliability, maintainability, producibility and other factors of importance to the manufacturer;

(6) A description of other programs, including those conducted with outside organizations, that generated test data that involve emissions, including but not limited to: engine dynamometer testing, optimization programs, catalyst screening testing, and component testing. Representative data and conclusions from these programs shall be submitted, and impacts of these programs on future vehicle testing shall be discussed;

(7) Projections of the fuel economy implications of the use of the types of technology used during the annual research period, specifically including an estimate of the fleet average fuel economy of a fleet of vehicles that could be manufactured four (4) years in the future. The hypothetical fleet shall be described in terms of the sales mix, inertia weight, engine, transmission, axle ratio, and the emission control system assumed for each type of vehicle;

(8) An identification of the resources expended during the research period and a comparison of those expenditures to those in the plan submitted under section 405.

§ 85.408 Maintenance of records; submittal of information; right of entry.

(a)(1) the manufacturer shall, in accordance with scientific and engineering practice, establish, maintain and retain for four years records that interpret and document the technical efforts that are undertaken during the annual research period. Such record keeping shall be sufficient to perform the reporting, briefing, and information requests that may be required under sections 404, 405, 406, and 407 of this subpart.

(2) The Administrator may request, and the manufacturer shall provide to the Administrator if requested, such records kept under paragraph (a) of this section or portions of such records within 10 days of the receipt by the manufacturer of a written request from the Administrator for such records or portions thereof.

(b) In order to allow the Administrator to determine whether a manufacturer is conducting his NOx research activities in accordance with good engineering practice, a manufacturer shall admit in accordance with paragraph (e) of this section any EPA Office of Mobile Source Air Pollution Control Program official during operating hours upon presentation of credentials to any of the following:

(1) Any facility where testing of vehicles, engines or components related to a manufacturer's NOx research program has been, is being, or will be conducted;

(2) Any facility where vehicles, components, or other equipment that may be used in the conduct of the NOx research program is manufactured, assembled or stored;

(3) Any facility where any vehicle which was, is being, or is to be tested is present; and

(4) Any facility where any record or other document relating to any of the above is located.

(c) Upon admission to any facility referred to in paragraph (b) of this section, any EPA Office of Mobile Source Air Pollution Control official shall be allowed:

(1) to inspect and monitor any part or aspect of the activities that comprise a manufacturer's NOx research program;

(2) to inspect experimental hardware and testing facilities;

(3) to inspect any new, unreduced, or reduced data or experiment notes; and

(4) to interview personnel who participated, are participating, or will participate in the NOx research program including the planning and conduct of the activities of such a program.

(d) EPA Officials are authorized to seek a warrant or court order authorizing the EPA Officials to enter the facilities, perform inspection-related activities, and obtain reasonable assistance, as appropriate, to execute the functions specified in this section.

(e) EPA Officials who present a warrant or court order as described in paragraph (d) of this section shall be permitted to enter, perform inspection-related activities, and obtain reasonable assistance as described in the warrant or court order. A manufacturer is required to cause those in charge of its facility or a facility operated for its benefit to permit EPA Officials to enter, perform inspection-related activities, or obtain reasonable assistance pursuant to a warrant or court order whether or not the recipient controls the facility. In the absence of such a warrant or court order, EPA Officials may enter facilities, perform inspection-related activities, and obtain reasonable assistance only upon the consent of the manufacturer.

(1) It is not a violation of the Clean Air Act for any person to refuse to permit EPA Officials to enter facilities, perform inspection-related activities, or obtain reasonable assistance without a warrant or court order.

(2) EPA Officials may proceed *ex parte* to obtain a warrant whether or not the Officials first attempted to seek permission of the party in charge of the facilities in question to enter the facilities, perform inspection-related activities, or obtain reasonable assistance.

(f) A manufacturer is responsible for locating its foreign facilities in jurisdictions in which local foreign law does not prohibit EPA Officials from conducting the entry and access activities specified in this section. EPA will not attempt to make any inspections which local foreign law prohibits.

§ 85.409 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment as provided by 40 CFR, part 2, subpart B.

(b) To assert that information submitted pursuant to this subpart is confidential, a manufacturer must submit such information on separate pages which are clearly marked "TRADE SECRET" "SECRET" and which are easily detached from the document, and provide a separate section labeled "CONFIDENTIAL BUSINESS INFORMATION" in which the number of each page on which confidential information appears shall be identified.

(c) If a claim is made that some or all of the information is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in Part 2, Subpart B, of this chapter.

(d) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice.

(Sections 202, 206, 208 and 301(a) of the Clean Air Act as amended (42 USC 7521, 7525, 7542 and 7601(a)).)

[FR Doc. 79-4227 Filed 2-6-79; 8:45 am]

[6560-01-M]

[40 CFR Part 250]

[FRL 1054-4]

HAZARDOUS WASTE GUIDELINES AND REGULATIONS

Clarification of Comment Due Date

AGENCY: United States Environmental Protection Agency ("EPA").

ACTION: Clarification of comment due date.

SUMMARY: The due date of public comment on EPA's proposed regulations implementing Sections 3001-3004 of the Resource Conservation and Recovery Act of 1976 (RCRA) is March 16, 1979.

FOR FURTHER INFORMATION CONTACT:

Hazardous Waste Management Division (WH-565), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Section 3001: Alan Corson, 202/755-9187.
Section 3002: Harry Trask, 202/755-9187.
Section 3003: Harry Trask, 202/755-9187.
Section 3004: Timothy Fields, 202/755-9206.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to clarify the deadline for submission of public comments on EPA's proposed RCRA Sections 3001-3004 regulations.

Some confusion has arisen on this point because of conflicting statements concerning comment deadlines in the preambles to EPA's proposed Section 3003 regulations (43 FR 18506, April 28, 1978) and its proposed Section 3001, 3002, and 3004 regulations (43 FR 58946, December 18, 1978). In its December 18, 1978 preamble, EPA stated that the deadline for submission of comments on proposed regulations implementing Sections 3001, 3002, and 3004 was March 16, 1979. In the April 28, 1978 preamble, however, EPA stated that the comment period on Section 3001-3005 regulations would remain open until at least 60 days after the proposal of all regulations implementing Section 3001-3005. Because EPA's Section 3005 regulations are not scheduled to be proposed until the end of February, this would mean that the comment period on its proposed Section 3001-3004 regulations would not close until the end of April (or later) 1979.

March 16, 1979, is the correct deadline for submission of comments on these four regulations. Since its April 28, 1978 proposal, EPA has decided not to keep the comment period on the Section 3001-3004 regulations open through the comment period on the Section 3005 regulations for two major reasons. First, EPA's April 28, 1978, statement concerning the comment due date for its Section 3001-3005 regulations was based on the Agency's expectation that the Section 3001, 3002, 3004, and 3005 regulations would be proposed as a set. The Agency has since decided to break off the Section 3005 regulations from this series and to propose those regulations (and repropose its Section 3006 regulations) as part of a consolidated set of regulations for permitting and State program approval under RCRA (hazardous waste facility permitting program), the Clean Water Act (National Pollutant Discharge Elimination System, (NPDES) permit program), and the Safe Drinking Water Act (underground injection control permit program).

Second, the Agency is now on a court-ordered schedule to promulgate its Sections 3001-3004 regulations no later than December 31, 1979 (*State of Illinois* v. *Costle*, Nos. 78-1689 et al. (D.D.C., January 3, 1979)). Keeping the public comment period on the Section 3001-3004 regulations open until at least 60 days after EPA's Section 3005 regulations are proposed could jeopardize compliance with that schedule.

Dated: January 30, 1979.

THOMAS C. JORLING,
Assistant Administrator for Water and Waste Management.

[FR Doc. 79-4230 Filed 2-6-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1058-2]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued By Ohio Environmental Protection Agency To Ohio Match Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Ohio Match Company. The Order requires the Company to bring air emissions from its coal-fired boilers in Wadsworth, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by December 31, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before March 9, 1979.

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ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: Ohio Match Company operates a facility at Wadsworth, Ohio. The Order under consideration addresses emissions from a coal-fired boiler at the facility, which is subject to Ohio Administrative Code 3745-17-07(A) and 3745-17-10(B). The regulations limit the emissions of particulate matter, and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by December 31, 1979, by replacing the coal-fired boiler with two new gas and/or fuel oil-fired boilers. The source has already satisfied the first two increments contained in the Order.

Because this Order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulations, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP. However, in the event final compliance is not achieved by July 1, 1979, source compliance with the Order will not preclude assessment of any noncompliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2) (B) or (C).

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601)

Dated: January 30, 1979.

VALDAS V. ADAMKUS,
Acting Regional Administrator, Region V.

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: OHIO MATCH COMPANY, 254 Main Street, Wadsworth, OH 44281.

ORDER

The Director of Environmental Protection, (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Section 3704.03 (S) and (I) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

FINDINGS OF FACT

1. Ohio Match Company, (hereinafter "Ohio Match") operates a Riley coal-fired boiler, Model YOS #21 + WW, rated at 68 million BTU per hour, designated by the facility as Boiler #9, and known to the Ohio Environmental Protection Agency as Source No. 1652100009B001. This source serves the facility located at 254 Main Street, Wadsworth, Ohio 44281.

2. In the course of operation of said source B001, air contaminants are emitted in violation of OAC 3745-17-07(A) and OAC 3745-17-10(B).

3. Ohio Match is unable to immediately comply with OAC 3745-17-07(A) and OAC 3745-17-10(B).

4. Potential emissions of particulate matter from source B001 are approximately 455 tons per year; therefore, Ohio Match consititutes a major source under Section 302(j) of the Clean Air Act, as amended.

5. The compliance schedule set forth in the Order below requires compliance with OAC 3745-17-07(A) and OAC 3745-17-10(B), as expeditiously as practicable.

6. Implementation by Ohio Match of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

7. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

ORDERS

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Section 3704.03(S) and (I) of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C., 7401, *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Ohio Match shall bring source B001, located at 254 Main Street, Wadsworth, Ohio 44281, into final compliance with OAC 3745-17-07(A) and OAC 3745-17-10(B) by replacing B001 with two new gas and/or fuel oil-fired, 150 horsepower boilers no later than December 31, 1979.

2. Compliance with Order 1 above shall be achieved by Ohio Match in accordance with the following schedule on, or before, the dates specified:

Submit final control plans: Completed.
Complete engineering studies: Completed.
Place equipment order: December 1, 1978.
Begin installation: May 1, 1979.
Complete installation: November 1, 1979.
Achievement of final compliance with State and Federal statutes and regulations: December 31, 1979.

3. Pending achievement of compliance with Order 1 above, Ohio Match shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable system of emission reduction, and which are necessary to ensure compliance with OAC 3745-17-07(A) and OAC 3745-17-10(B) inofar as Ohio Match is able to comply with them during the period this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim requirements shall include:

a. Ohio Match shall immediately use coal with an analysis of: less than or equal to 8.5 percent ash, less than or equal to 4.0 percent sulfur, greater than or equal to 12,000 BTU per pound, in order to minimize emissions from B001.

b. Ohio Match shall immediately institute a regular maintenance program to minimize emissions from B001.

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order 2 above, Ohio Match shall submit a progress report to the Akron Regional Air Pollution Control Agency. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. Each report shall include a summary of Ohio Match's compliance with the interim requirements in Order 3 above.

5. Ohio Match shall not be required to install and operate continuous opacity monitors on the new gas and/or oil-fired boilers. Due to their small size (150 horsepower or about 5 million BTU per hour, each) continuous monitoring would be economically unreasonable and serve no useful purpose.

6. Ohio Match shall not be required to install and operate a continuous opacity monitor on the existing coal-fired boiler (Source No. 1652100009 B001) as an interim control measure. Since this boiler will be permanently removed from service upon installation of the new boilers, and because this boiler is not capable of complying with the opacity requirements of the Ohio Administrative Code (OAC 3745-17-07(A)) and would, therefore, be in continuous violation, installation of a continuous opacity monitor would serve no useful purpose and would be economically unreasonable.

7. Ohio Match shall apply for an obtain a permit to install the new gas and/or oil-fired boilers prior to beginning installation in accordance with Chapter 3745-31 of the Ohio Administrative Code.

8. Ohio Match is hereby notified that unless it is exempted under Section 120(a)(2) (B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order 1 above by July 1, 1979, will result in a requirement to pay a non-compliance penalty under Section 120 of the Clean Air Act, as amended.

These Orders will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Dated: December 21, 1978.

NEO E. WILLIAMS, P.E.,
Director.

WAIVER

The Ohio Match Company agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The Ohio Match Company hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. The Ohio Match Company also waives any and all rights it might have to seek judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan or portion thereof.

Dated: November 18, 1978.

JAMES R. KNIGHT,
Authorized Representative of Ohio Match Co.

[FR Doc. 79-4240 Filed 2-6-79; 8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11-M]

DEPARTMENT OF AGRICULTURE

Forest Service

CITY OF CHEYENNE WATER DIVERSION, MEDICINE BOW NATIONAL FOREST, ALBANY AND CARBON COUNTIES, WYOMING

Notice of Intent to Prepare an Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an Environmental Statement for the proposed diversion of water from streams on the Hayden and Laramie Districts to be used by the City of Cheyenne, Wyoming.

This proposal could change the existing wilderness characteristics of Management Unit IV of the Huston Park Unit. This type of action, according to Section 1952.22a(2), FSM 1950 I.D. No. 3 of May 26, 1978, requires that an Environmental Statement be prepared.

This proposal involves the installation of approximatley 47 miles of large water pipe, enlargement of two reservoirs to increase holding capacilty, plus the associated impacts of modified stream flows, some of which support the unique Colorado River cutthroat trout. The Statement will specifically address the proposal, alternatives to the proposal and the environmental effects associated with each alternative considered.

There has been public concern expressed in regard to this project by way of comments to the Huston Park Final Environmental Statement and Supplement. The area covered by the Huston Park Environmental Statement and Land Management Plan represents only a protion of the entire area affected by the proposal.

The Chief of the Forest Service is the responsible official for the Environmental Statement and the Forest Supervisor of the Medicine Bow National Forest will provide staff support in the preparation of the Environmental Statement.

It is anticipated that the process will take approximatley 16 months and a Draft Environmental Statement will be available by May 1980, with a Final Environmental Statement scheduled for October 1, 1980.

The start of the project, if approved, would begin in May 1981.

Comments on this Notice of Intent should be sent to Craig W. Rupp, Regional Forester, Rocky Mountain Region, 11177 W. 8th Ave., P.O. Box 25127, Lakewood, Colorado 80225.

R. MAX PETERSON
Deputy Chief, P&L.

JOHN R. MCGUIRE
Chief.

JANUARY 31, 1979.

[FR Doc. 79-4117 Filed 2-6-79; 8:45 am]

[3410-11-M]

FOREST PLAN, CARSON NATIONAL FOREST, TAOS AND RIO ARRIBA COUNTIES, N. Mex.

Intent To Prepare an Environmental Statement

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an Environmental Statement for the Carson National Forest Plan which will set the Carson's future management. it will:

a. Identify the major issues
b. Present public comments
c. Outline the planning approach
d. Discuss the existing situations
e. Record assumptions about the future
f. Show and evaluate serveral alternative ways of management
g. Indicate a preferred alternative with necessary requirements and constraints, and
h. Clarify management practices and associated terminology

Work has already begun. The basic approach in public involvement has been to contact all groups, organizations, agencies and individuals who might in any way be interested in the management of the Carson National Forest. Each is given the opportunity to participate. Various means of contact have been used; cards, pamphlets, TV announcements, newsletters, newspaper articles, radio programs, poster campaign, slide-tape shows, meetings, and booklets.

The intensive public involvement effort has provided the Carson with an insight as to how the public feels the Forest should be managed. Issues brought to our attention by the public that will be addressed in the plan, include: (1) Maintaining a continuing supply of fuelwood, (2) deciding what portion of the Forest should and should not be classified as Wilderness, (3) meeting local and non-local recreation demands while providing for quality experiences and minimizing effects on other users, and (4) increasing law enforcement to reflect public concern for unauthorized removal of fuelwood, infractions by wilderness users, vandalism and harassment in recreation areas, and unauthorized livestock use.

M. J. Hassell, the Regional Forester, is the responsible official, and Carveth V. Kramer, Carson National Forest Planner will be the team leader for the Environmental Assessment and Statement.

The environmental assessment will be completed by February 1979. The Draft Environmental Statement is scheduled for completion in June 1979, with a three month review period. The Final Environmental Statement is scheduled for filing in November 1979.

Comments on the Notice of Intent or on the planning project should be sent to Jack Crellin, Forest supervisor, Carson National Forest. P.O. Box 558, Taos, New Mexico 87571, Attention: Forest Planning.

M. J. HASSELL,
Regional Forester.

JANUARY 25,1979.

[FR Doc. 79-4198 Filed 2-6-79; 8:45 am]

[3510-24-M]

DEPARTMENT OF COMMERCE

Economic Development Administration

ALLISON COURT ENTERPRISES, LTD. ET AL.

Petitions by Seven Producing Firms For Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from seven firms: (1) Allison Court Enterprises, Ltd., 1359 Broadway, New York, New York 10016, a producer of women's jeans, slacks and skirts (accepted January 17, 1979); (2) Berger Bros. Leather Goods Company, Inc., 35 East 20th Street, New York, New York 10003, a producer of handbags (accepted January 18, 1979); (3) Crislu Corporation, 141 Nevada Street, El Segundo, California 90245, a producer of jewelry (accepted January 26, 1979); (4) Korelle Industries, Inc., 36 Mileed Way, Avenel, New Jersey 07001, a producer of plastic coated fabrics (accepted January 26, 1979); (5) ATP Processors, Ltd., 1 Van Houten Street, Paterson, New Jersey 07505, a printer of fabrics (accepted January 30, 1979); (6) Gillette Industries, Inc., 1207 South Seventh Street, P.O. Box 2167, La Crosse, Wisconsin 54601, a producer of down-filled outerwear (accepted January 30, 1979); and (7) Aly Handbags, Inc., 9907 N.W., 79th Avenue, Hialeah Gardens, Florida 33016, a producer of handbags (accepted January 31, 1979).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 79-4112 Filed 2-6-79; 8:45 am]

[3510-25-M]

Industry and Trade Administration

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Thursday, February 22, 1979, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. The meeting will continue February 23 in Room B 841, Main Commerce Building, to its conclusion.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of membership status and suggestions for new members.
4. New business.

EXECUTIVE SESSION

5. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on December 21, 1978 (43 FR 59537).

For further information, contact Mr. Richard J. Isadore, Acting Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone A/C 202-377-4738.

Copies of the minutes of the open portion of the meeting can be obtained by calling Mrs. Margaret Cornejo, Operations Division, Office of Export Administration, 202-377-2583.

Dated: February 1, 1979.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-4113 Filed 2-6-79; 8:45 am]

[3510-08-M]

National Oceanic and Atmospheric Administration

MASSACHUSETTS COASTAL MANAGEMENT PROGRAM

Approval of Refinements

Notice is hereby given that the Office of Coastal Zone Management has approved five refinements to the Massachusetts Coastal Zone Management Program effective January 17, 1979. The five sets of refinements include the addition of the following regulations:

1. New Part II of the Department of Environmental Quality Engineering Wetlands Protection Regulations.
2. New Department of Environmental Quality Engineering Waterways Regulations.
3. New Chapter J of the Energy Facilities Siting Council Regulations.
4. New Department of Environmental Management Ocean Sanctuaries Regulations.
5. New regulation for Water Quality Certification for Dredging, Dredged Material Disposal and Filling in the Waters of the Commonwealth.

Notice of intent to approve these refinements was published in the FEDERAL REGISTER and interested parties had until January 11, 1979, to comment. No comments were received. A full text of the proposed refinements to the Massachusetts Coastal Management Proram was distributed to all Federal agencies. Interested parties

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wishing to obtain copies of the refinements may request copies from:

Dick O'Connor, Deputy North Atlantic Regional Manager, Office of Coastal Zone Management, Page Building #1, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202) 634-4235.

Dated: January 30, 1979.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc. 79-4106 Filed 2-6-79; 8:45 am]

[3510-22-M]

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to: (1) Review status reports on development of fishery management plans; (2) consider foreign fishing applications, if any; and (3) conduct other fishery management businesses.

DATE: The meeting will convene on Tuesday, March 6, 1979, at 1:30 p.m. and adjourn on Thursday, March 8, 1979, at approximately 12 noon. The meeting is open to the public.

ADDRESS: The meeting will take place in the Mariner Conference Center of the Holiday Inn-Downtown, 801 Calhoun Street, Houston, Texas.

FOR FURTHER INFORMATION CONTACT:

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, telephone: 813- 228-2815.

Dated: February 2, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 79-4161 Filed 2-6-79; 8:45 am]

[3510-22-M]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL, SCALLOP ADVISORY SUBPANEL

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and the Council has established the Scallop Advisory Subpanel that will meet to discuss the Scallop Fishery Management Plan.

DATES: The meeting will convene on Friday, March 2, 1979, at 10:00 a.m. and will adjourn at approximately 3:00 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Philadelphia Airport Motel, Philadelphia Airport, Route #291, Philadelphia, Pennsylvania 19153, (215) 365-7000.

FOR FURTHER INFORMATION CONTACT:

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: February 2, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 79-4168 Filed 2-6-79; 8:45 am]

[3510-22-M]

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss: (1) Snapper-Grouper Fishery Management Plan Decision Process; (2) King and Spanish Mackerel Fishery Management Plan Decision Process; (3) Billfish Fishery Management Plan discussion; (4) Swordfish Fishery Management Plan considerations; (5) review foreign fishing permits, if any; and (6) other management business.

DATES: The meeting will convene on Tuesday, February 27, 1979, at 1:30 p.m. and will adjourn on Thursday, March 1, 1979, at approximately 12:00 noon. The meeting is open to the public.

ADDRESS: The meeting will take place at Holiday Inn, Hutchinson Island, Jenses Beach, Florida.

FOR FURTHER INFORMATION CONTACT:

Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4356.

Dated: February 2, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 79-4169 Filed 2-6-79; 8:45 am]

[3510-22-M]

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL'S SNAPPER-GROUPER ADVISORY PANEL AND SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council was established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and the Council has established the Snapper-Grouper Advisory Panel and the Scientific and Statistical Committee that will meet to discuss the consideration of the Snapper-Grouper Fishery Management Plan.

DATES: The Snapper-Grouper Advisory Panel meeting will convene on Tuesday, February 20, 1979, at 1:00 p.m. and adjourn on Wednesday, February 21, 1979 at approximately 12 noon and the Scientific and Statistical Committee meeting will convene on Wednesday, February 21, 1979, at 1:00 p.m. and adjourn on Thursday, February 22, 1979, at approximately 12:00 noon. The meeting is open to the public.

ADDRESS: The meeting will take place at 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407.

FOR FURTHER INFORMATION CONTACT:

Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: February 2, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 79-4167 Filed 2-6-79; 8:45 am]

[3510-22-M]

WOMETCO MIAMI SEAQUARIUM

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant—a. Name: Wometco Miami Seaquarium.

b. Address: 4400 Rickenbacker Causeway, Key Biscayne, Florida 33149.

2. Type of permit: Public Display

3. Name and number of animals: Atlantic bottlenose dolphins (*Tursiops truncatus*), 3.

4. Type of take: To capture and maintain permanently in a facility.

5. Location of activity: Indian River, Inter-coastal waterway, Florida.

6. Period of activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 9, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: February 2, 1979.

WILLIAM ARON,
Director, Office of Marine Mammals/Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-4208 Filed 2-6-79; 8:45 am]

[3510-17-M]

Office of the Secretary

PRIVACY ACT OF 1974

Adoption of Changes to Existing Systems

The purpose of this notice is to adopt in final form (1) numerous changes made to six existing systems of records for the Patent and Trademark Office; and (2) revised routine uses for existing systems, one for the Maritime Administration and the other for the Patent and Trademark Office.

1. On July 27, 1978 (43 FR 32445-50) the Department of Commerce proposed revising six existing Patent and Trademark Office systems:

COMMERCE/PAT-TM-1, Attorneys and Agents Registered to Practice Before the Office;
COMMERCE/PAT-TM-3, Employee Production Records;
COMMERCE/PAT-TM-7, Patent Application Files;
COMMERCE/PAT-TM-9, Patent Assignment Records;
COMMERCE/PAT-TM-10, Patent Deposit Accounts System; and
COMMERCE/PAT-TM-13, Petitioners for License to File for Foreign Patents;

The changes reflect the Patent and Trademark Office's plan to significantly expand its ADP telecommunications capacity in order to automate records, report, and typing functions and to improve the quality and accessibility to Patent and Trademark Office personnel of information related to the processing of patent applications and patented files.

The basic change is in the storage medium and the speed of retrieval. No change is made in the nature of personal data maintained, or the routine uses of the records.

A new system report was submitted to the Congress and the Office of Management and Budget, as required by the Privacy Act. Interested persons were invited to submit written data, views, or arguments on or before August 28, 1978. No comments were received. The Patent and Trademark Office is now in the process of installing and implementing the telecommunications system. Therefore, the Department adopts these changes effective February 7, 1979.

2. On September 22, 1978 (43 FR 43112) the Department of Commerce proposed a revision of the routine use paragraphs for the COMMERCE/MA-4 system of records, General Agent's Protection and Indemnity and Second Seaman's Insurance: WSA and NSA, to clarify use of medical information; and for the COMMERCE/PAT-TM-6 system, Parties Involved in Patent Interference Proceedings, with respect to public access to patent interference records upon an award of priority by the Board of Patent Interferences. Interested persons were invited to submit written data, views, or arguments on or before October 23, 1978. No comments were received. The Department adopts the revised routine uses effective October 24, 1978.

The systems referenced above, incorporating all revisions, were published in their entirety in the FEDERAL REGISTER on September 22, 1978 (pages 43132 and 43139-43) as part of the Department's annual republication of Privacy Act systems.

AUTHORITY: 5 U.S.C. 552a, Sec. 3, Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896).

Dated: January 31, 1979.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc. 79-4143 Filed 2-6-79; 8:45 am]

[6351-01-M]

COMMODITY FUTURES TRADING COMMISSION

PUBLICATION OF AND REQUEST FOR COMMENT ON PROPOSED RULES HAVING MAJOR ECONOMIC SIGNIFICANCE

Trade Rule 25 of the New York Cocoa Exchange, Inc. Rules 1404-A and B of the Chicago Mercantile Exchange

The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, section 12, 92 Stat. 871 (1978), has determined that the following proposed rule changes submitted by the New York Cocoa Exchange, Inc. and the Chicago Merchantile Exchange are of major economic significance and is therefore publishing these proposals for public comment:

Trade Rule 25 of the New York Cocoa Exchange, Inc. is being amended. Although there are various amendments throughout the rule, the Commission has determined that only those amendments shown below are of major economic significance and require publication. These amendments were submitted to the Commission on October 6, 1978. That portion of the rule to be amended currently reads as follows:

GRADING COCOA

Rule 25. All cocoa to be delivered in Exchange-segregated lots must be certified as deliverable with respect to growth, description, condition, count and grade in accordance with the following rules.

1. The growth, description, condition, count and grade of cocoa which may be delivered on an Exchange contract are as follows:

V 4 4 / 2 7 F E 7 7 9 UMI

(a) *Growth and Description.*—(1) The standard growths and descriptions of cocoa beans are the following:

Ghana, of the main crop (the product of Ghana, West Africa).

Bahia (the product of Brazil).

San Thome, fine or superior (the product of the Portuguese Island of San Thome).

Ivory Coast, fermented, main crop cocoa (the product of Ivory Coast Republic).

Costa Rican, fermented (the product of Costa Rica).

Panama, fermented (the product of Panama).

Nigeria, of the main crop (the product of Nigeria).

(2) The following variations in growths and description may be delivered at the premiums or discounts indicated below:

Group A.—Addition of one-quarter cent (1/4¢) per lb.

Ceylon, not below native No. 1 (the product of Ceylon).

Grenada estates (the product of Grenada).

Guayaquils (the product of Ecuador).

Java, not below No. 3 (the product of Java).

Jamaica, fermented (the product of Jamaica).

New Hebrides, light break fine (the product of New Hebrides Is.)

Samoan, light break fine, not below sun dried No. 1 (the product of the Island of Samoa).

Trinidad (the product of Trinidad).

Venezuelans (the product of Venezuela).

Grenada, Plantation (the product of Grenada).

Group B.—Deduction of one-eighth cent (1/8¢) per lb.

Grenada, ordinary (the product of Grenada).

Para up-river (the product of Brazil).

Surinam estates (the product of Surinam).

Lome, of the main crop (the product of Togo Republic).

Vitoria (the product of Brazil).

New Guinea (the product of New Guinea).

Group C—Deduction of one-quarter cent (1/4¢) per lb.

Costa Rican, ordinary (the product of Costa Rica).

Panama, ordinary (the product of Panama).

Sanchez (the product of Santo Domingo).

Fernando Po, of the main crop (the product of the Spanish Island of Fernando Po).

Tabasco (the product of Mexico).

Group D.—Deduction of one-half cent (1/2¢) per lb.

Para down-river (the product of Brazil).

Surinam, ordinary (the product of Surinam).

San Thome, other than fine or superior (the product of the Portuguese Island of San Thome).

Jamaica, ordinary (the product of Jamaica).

Cameroon, of the main crop (the product of the Republic of Cameroon).

Western Cameroon, of the main crop (the product of British Cameroon).

Group F.—Deduction of five-eighths cent (5/8¢) per lb.

Ghana, of the middle crop (the product of Ghana, West Africa).

Ivory Coast, of the middle crop (the product of the Ivory Coast).

Haiti (the product of Haiti).

Group G.—Deduction of three-quarters cent (3/4¢) per lb.

Samoan, not light break fine, or below No. 1 sun dried (the product of the Island of Samoa).

Group H.—Deduction of one cent (1¢) per lb.

All other growths.

After amendment, this portion of Trade Rule 25 will read as follows:

GRADING COCOA

Rule 25. All cocoa to be delivered in Exchange-segregated lots must be certified as deliverable with respect to growth, description, condition, count and grade in accordance with the following rules.

1. The growth, description, condition, count and grade of cocoa which may be delivered on an Exchange contract are as follows:

(a) *Growth and Description.*—The following growth and descriptions of cocoa, as such growths and description may from time to time be known in the trade, may be delivered at the premiums or at par as indicated below:

Group A.—Addition of $160—per metric ton. Ghana—main crop; Ivory Coast—main crop; Lome—main crop; Nigeria—main crop; Sierra Leone—main crop.

Group B.—Addition of $80—per metric ton. Arriba (Ecuador); Bahia (Brazil); Cameroon; Sri Lanka; Jamaica; Java; Liberia—main crop; Masie Nguema (Fernando Poo); Samoa; San Thome; Surinam; Tabasco (Mexico); Costa Rican; Ghana—mid-crop; Grenada; Guatemala; Honduras; New Guinea; New Hebrides; Nicaragua; Nigeria—light crop; Panama; Salvador; Trinidad; Venezuela; Vitoria (Brazil); and Zaire.

Group C.—At par. Bolivia; Haiti; Malaysia; Para (Brazil); Peru; Sanchez (Dominican Republic); and all other growths not presently specified above.

* * * * *

Subsections A and B of rule 1404 of the Chicago Mercantile Exchange are being amended. The Commission has determined that these amendments are of major economic significance and require publication. These amendments were submitted to the Commission on January 18, 1979. The amendments are printed below showing deletions in brackets and additions in italic.

Section 1404-A will read as follows:

A. PAR DELIVERY UNIT

A par delivery unit is 38,000 pounds of *either* 12/14 or *14/16* pound frozen pork bellies shipped from one federally inspected packing plant in the United States which upon inspection shows [31] *75* or less minor defects. The unit may contain bellies from hogs which have been slaughtered at one or more USDA federally inspected slaughtering plants, provided that all bellies in the unit have been uniformly cut and trimmed from whole dressed hogs at one federally inspected establishment.

Section 1404-B will read as follows:

B. QUALITY DEVIATIONS AND ALLOWANCES

If the bellies in the sample have no more than a total of [31] *75* minor defect equivalents, the entire lot will be deliverable at par. Bellies with [32-60] *76-100* minor defect equivalents may be delivered at ½¢ discount. Bellies with [61-75] *101-125* minor defect equivalents may be delivered at 1¢ discount. Bellies with [76-91] *126-150* minor defect equivalent may be delivered at 1½¢ discount. Bellies with [92-106] *151-175* minor defect equivalents may be delivered at 2¢ discount. Bellies with more than [106] *175* minor defect equivalents are non-deliverable.

Any person interested in submitting written data, views, or arguments on these rules should send his comments by ————————, 1979 to Ms. Jane Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

Issued in Washington, D.C. on February 2, 1979.

GARY L. SEEVERS,
Acting Commissioner.

[FR Doc. 79-4150 Filed 2-6-79; 8:45 am]

[3810-70-M]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that closed meetings of the DIA Advisory Committee will be held at the Pentagon, Washington, D.C. on: Tuesday and Wednesday, March 6 and 7, 1979.

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

FEBRUARY 2, 1979.

[FR Doc. 79-4166 Filed 2-6-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

CASES FILED

Week of January 12 through January 19, 1979

Notice is hereby given that during the week of January 12, 1979 through January 19, 1979, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: January 31, 1979.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of January 12 Through January 19, 1979]

Date	Name and location of applicant	Case No.	Type of submission
1/12/79	Schulze Processing, Inc., Washington, D.C.	DED-0274	Motion for Discovery. IF GRANTED: Discovery would be granted to Schulze Processing, Inc. with respect to its Appeal of the Entitlements Notice for October 1978.
1/15/79	Aminoil U.S.A, Inc., Houston, Texas	DXE-2114	Extention of relief granted in *Aminoil U.S.A., Inc.*, 2 DOE Par. (October 24, 1978). IF GRANTED: Aminoil U.S.A., Inc. would be permitted to continue to sell the crude oil produced from the California State Lease 392, Lower Main Zone at upper tier ceiling prices.
1/15/79	Atlantic Richfield Company, Dallas, Texas	DEA-0283, DES-0283.	Appeal of the Economic Regulatory Administration's Decision and Order; Stay Request. IF GRANTED: Atlantic Richfield Company would not be required in January 1979 to supply 418,600 barrels of crude oil to Rock Island Refining Corporation. A stay of the December 17, 1978 Decision and Order issued in this case by the Economic Regulatory Administration would be granted pending a final determination on an Appeal of the supply order which the Atlantic Richfield Company has filed.
1/15/79	Chevron U.S.A., Inc., San Francisco, California.	DXE-2115	Extension of relief granted in *Chevron U.S.A., Inc.*, 2 DOE Par. (January 3, 1979). IF GRANTED: Chevron U.S.A, Inc. would be permitted to continue to sell the crude oil produced from State Lease PRC 1924 Main Zone, Summerland Field, Offshore, Santa Barbara, California at upper tier ceiling prices.
1/15/78	Continental Oil Company, Houston, Texas.	DEX-0139	Supplemental Order. IF GRANTED: Continental Oil Company would be relieved of its obligation to supply motor gasoline produced at its Denver and Billings refineries to four refiner customers pending finalization of a Proposed Decision and Order.
1/15/79	Northeast Petroleum Industries, Inc., Washington, D.C..	DFA-0284	Appeal of an Information Request Denial. IF GRANTED: The DOE's December 15, 1978 Information Request Denial would be rescinded and Northeast Petroleum Industries, Inc., would be granted access to certain DOE data pertaining to the scope and application of CLC Form-92.
1/15/79	Shell Oil Company, Houston, Texas	DEX-0138	Supplemental Order. IF GRANTED: Shell Oil Company would be permitted to allocate its motor gasoline on the basis of January 1978 actual purchase volume or 1972 base period volume, whichever is greater, during the period preceding finalization of a Proposed Decision and Order.
1/16/79	Gulf Oil Corporation, Houston, Texas	DEH-1997	Motion for Evidentiary Hearing. IF GRANTED: An evidentiary hearing would be convened with respect to a Statement of Objections submitted by Gulf Oil Corporation in response to a Proposed Decision and Order issued to Mid-Michigan Truck Service, Inc.
11/16/79	Mobil Oil Corporation, New York, New York.	DFA-0286	Appeal of an Information Request Denial. IF GRANTED: The DOE's November 14, 1978 Information Request Denial would be rescinded and Mobil Oil Corporation would be granted access to certain DOE data.
1/16/79	Ronald F. Schocle, Odessa, Delaware	DEE-2117	Exception to the Reporting Requirements. IF GRANTED: Ronald F. Schocle would not be required to file Form EIA-79 (Monthly Motor Gasoline Service Station Survey).
1/16/79	Sonny's Inc., Bossier City, Louisiana	DEE-2116	Exception to Change Supplier. IF GRANTED: Sonny's, Inc. would be granted a new base period supplier of motor gasoline to replace its present supplier, Southern Marketing Company.
1/17/79	Paul R. Duckworth, Las Vegas, Nevada	DFA-0287	Appeal of an Information Request Denial. IF GRANTED: The DOE's December 7, 1978 Information Request Denial would be rescinded and Paul Duckworth would receive access to cost information regarding certain "Baneberry lawsuits."
1/17/79	Trends Publishing, Inc., Washington, D.C.	DFA-0285	Appeal of an Information Request Denial. IF GRANTED: The DOE's December 8, 1978 Information Request Denial would be rescinded and Trends Publishing, Inc. would receive access to additional DOE material generated by the Nuclear Regulatory Commission.
1/18/79	Miller & Chevalier, Washington, D.C.	DFA-0288	Appeal of an Information Request Denial. IF GRANTED: The DOE's December 15, 1978 Information Request Denial would be rescinded and Miller & Chevalier would receive access to a report prepared for the DOE by Price Waterhouse & Company.

NOTICES OF OBJECTION RECEIVED

Date	Name and location of applicant	Case No.
1/12/79	Young Coal Co., Waterloo, Iowa	DEE-0064
1/12/79	Edgington Oil Co., Washington, D.C.	DXE-1890
1/12/79	Chester F. Dolley, Los Angeles, California	DEE-1020
1/12/79	Atlantic Oil Company, Los Angeles, California	DEE-1032
1/16/79	Texaco, Inc., Denver, Colorado	DEE-1394

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LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of January 12 Through January 19, 1979]

Date	Name and location of applicant	Case No.	Type of submission
	PROPOSED REMEDIAL ORDERS		
1/17/79	Elm City Filling Stations, Inc., New Haven, Connecticut	DRO-0172	
1/17/79	Ramco Oil Company, West Sacramento, California	DRO-0173	

[FR Doc. 79-4211 Filed 2-6-79; 8:45 am]

[6450-01]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS

January 15 through January 19, 1979

Notice is hereby given that during the period January 15 through January 19, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposed of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actural notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received form any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wished to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday thorugh Firday, Between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except federal holidays.

MILVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

FEBRUARY 1, 1979.

PROPOSED DECISIONS AND ORDERS

Champlin Petroleum Company, Fort Worth, Texas, DEE-2033, Crude oil

Champlin Petroleum Company filed and Application for Exception from the provisions of 10 CFR. Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the Sutton Lease located in Oklahoma County, Oklahoma, at upper tier ceiling prices. On January 18, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request be granted in part.

Chevron USA, Inc., San Francisco, California, DEE-1993, Crude oil

Chevron USA. Inc., filed an Aplication for exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Chevron to sell a portion of the crude oil produced for the benefit of the working interest owners from the Huntington B-PE Unit at upper tier ceiling prices. On January 15, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Continental Oil Company, Houston, Texas, DEE-1979, Motor gasoline

Continental Oil Company filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would relieve Continental of its obligation to supply motor gasoline to certain customers from the firm's Denver, Colorado and Billings, Montana refineries. On January 15, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Kenneth Luff, Inc., Denver, Colorado, DEE-1300, crude oil

Kenneth Luff, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil which is produced from Green River Particiapting Area "B" of the Walker Hollow Unit, located in Uintah County, Utah. On January 18, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Laketon Asphalt Refining, Inc., Evansville, Indiana, DXE-2029, crude oil

Laketon Asphalt Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The exception request, if granted, would relieve Laketon of the entitlement purchase obligation imposed in the month of February 1978 to account for the firm's crude oil receipts and runs to stills during the month of December 1978. On January 19, 1979 the DOE issued a Proposed Decision and Order which determined that the exception request should be denied, and that Laketon should be required to purchase $223,949.40 of entitlements over a six month period to offset the excessive exception relief which the firm had received during its 1978 fiscal year.

Marathon Oil Company, Finlay, Ohio, DXE-2097, crude oil

Marathon Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell 100 percent of the crude oil which it produces from the Middle Stevens and Upper Stevens Properties at market prices. On January 19, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Pacific Resources, Inc., Honolulu, Hawaii, DEE-1668, crude oil

Pacific Resources, Inc. filed an Application for Exception from the provisions of Section 211.67(i)(4) of the DOE Entitlements Program. The PRI exception request, if granted, would afford the firm entitlement benefits to compensate it for the penalty imposed by the provisions of Section 211.67(i)(4) with respect to its imports of crude oils. On January 19, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Phillips Petroleum Company, Bartlesville, Oklahoma, DEE-1888, crude oil

Phillips Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Phillips to sell the crude oil produced from the Evelyn "A" lease, located in Converse County, Wyoming, at market price levels. On January 15, 1979, the DOE issued a Proposed Decision and Order which determined that the Phillips request be granted.

Phillips Petroleum Company, Bartlesville, Oklahoma, DXE-2019 and DXE-2020

Phillips Petroleum Company filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would result in extensions of exception relief previously granted and would permit the firm to continue to sell certain portions of the crude oil which it produces from the Holder "B" Lease and the Yount "B" Lease at upper tier ceiling prices. On January 15, 1979, the DOE issued a Proposed Decision and Order which determined that an extension of exception should be granted.

Shell Oil Company, Houston, Texas, DEE-2014, motor gasoline

Shell Oil Company filed an Application for Exception from the provisions of 10 CFR 211.10. The exception request, if granted, would permit Shell to allocate motor gasoline on the basis of the actual volume of motor gasoline purchased during the corresponding month of the preceding calendar year, or the volume purchased in the 1972 base period, whichever is greater. On January 15, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

True Oil Company, Casper, Wyoming, DEE-1969, crude oil

True Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell the crude oil produced from the Laubach lease located in McCone County, Montana, at upper tier ceiling prices. On January 15, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Union Oil Company, Los Angeles, California, DXE-1076, crude oil

Union Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would extend exception relief previously granted to the firm and would permit Union to sell the crude oil produced from the Point Conception Field at upper tier ceiling prices. On January 18, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

[FR Doc. 79-4213 Filed 2-6-79; 8:45 am]

[6450-01-M]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS

January 22 through January 26, 1979

Notice is hereby given that during the period January 22, through January 26, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00: p.m., e.s.t., except federal holidays.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

FEBRUARY 1, 1979.

PROPOSED DECISIONS AND ORDERS

Burdett Oxygen Company, Norristown, Pennsylvania, DEE-1023, propane

Burdett Oxygen Company filed an Application for Exception from the provisions of 10 CFR 211.9. The Burdett exception request, if granted, would result in the issuance of DOE Orders terminating the firm's base period supplier/purchaser relationship with Amergas-Ugite Division and assigning Burdett a new base period supplier or suppliers of propane. On January 23, 1979, the DOE issued a Proposed Decision and Order which determined that the Burdett exception request be denied.

Colonial Oil Company, Jacksonville Florida, DEE-1461, motor gasoline

Colonial Oil Company filed an Application for Exception from the Mandatory Petroleum Allocation and Price Regulations. Colonial's exception request, if granted, would result in the issuance of an Order which would either (i) assign a new, lower priced supplier as Colonial's base period supplier of motor gasoline in place of its present base period supplier, American Petrofina, Inc. (Fina), or (ii) require Fina to establish a new class of purchaser into which it would place Colonial, or transfer Colonial from its present class of purchaser into one of Fina's other, existing classes or purchaser. On January 22, 1979, the DOE issued a Proposed Decision and Order which determined that the Colonial exception request should be granted and that Fina should be required to create a new class of purchaser into which it will place Colonial.

Continental Oil Company, Houston, Texas, DEE-1889, motor gasoline

Continental Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart E. The exception request, if granted, would permit Conoco to adjust the manner in which its base period marketing costs are established under 10 CFR 212.83(c) and would permit Conoco to eliminate the marketing costs associated with certain bulk plants and service stations sold by the firm to independent marketers pursuant to a divestiture plan. On January 26, 1979, the DOE issued a Proposed Decision and Order which determined that the Application for Exception be granted.

W. B. Jayred, Houston, Texas, DEE-1984, crude oil

W. B. Jayred filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Jayred to sell at market prices the crude oil produced for the benefit of the working interests from the Delta No. 3A 6550' SU 397 Lease located in the Stella Field, Plaquemines Parish, Louisiana. On January 23, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Donald J. Johnson, Vernal, Utah, DEX-0042, crude oil

On May 13, 1977, the DOE issued a Decision and Order which granted Donald J. Johnson exception relief from the provisions of 10 CFR 212.73 in order to provide the firm with an economic incentive to undertake an investment in a crude oil property which it had proposed. In accordance with the terms of that Decision and Order Johnson submitted actual financial and production data for the Roosevelt Unit for the year 1977 and projected financial and production data through the year 1985. On January 23, 1979, after reviewing the level of exception relief granted to Johnson, the DOE issued a Proposed Decision and Order which determined that the amount of ex-

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ception relief previously granted should be adjusted through the year 1985.

Lago Petroleum Company, Houston, Texas, DEE-2008, crude oil

Lago Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted would permit Lago to sell a portion of the crude oil produced from the T. J. Felder No. 4 Lease, South Wharton Field, Wharton County, Texas at upper tier ceiling prices. On January 23, 1979, the DOE issued a Proposed Decision and Order which determined that the Lago exception request be granted in part.

Mid-Penn Refining Company, Harmony, Pennsylvania, DEE-1474, motor gasoline

Mid-Penn Refining Company filed an Application for Exception from the provisions of 10 CFR, 211.9. The exception request, if granted would result in the issuance of an order by the DOE assigning a new base period supplier to furnish motor gasoline to Mid-Penn's operations in the State of Pennsylvania. On January 25, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Monsanto Company, Houston, Texas, DXE-2093; DXE-2094, crude oil

Monsanto Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted would extend exception relief previously granted the firm and would permit Monsanto to sell the crude oil produced for the benefit of the working interest owners at the Hendrick "A" and Hendrick "C" properties at upper tier ceiling prices. On January 23, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Navajo Refining Company, Washington, D.C., DEX-0006, crude oil

In accordance with Decisions and Orders issued to the Navajo Refining Company which granted the firm exception relief from the provisions of 10 CFR 211.67 (the Entitlements Program), the firm submitted actual financial data for its 1977 fiscal year. On January 22, 1979, after reviewing the level of exception relief granted to Navajo, the DOE issued a Proposed Decision and Order which determined that Navajo should purchase entitlements equal in value to $126,804.

Tesoro Petroleum Corporation, San Antonio, Texas, DEE-0444, crude oil

Tesoro Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The exception request, if granted, would relieve Tesoro of its obligation to purchase entitlements. On January 22, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Texaco, Inc., White Plains, New York, DEE-2041, motor gasoline

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR 211.10 and 211.102. The exception request, if granted, would permit Texaco to allocate motor gasoline to its customers on the basis of the actual volume of motor gasoline purchased during the corresponding month of 1978. The relief requested would remain in effect until March 31, 1979. On January 26, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Tosco Corporation, Los Angeles, California, DEX-0118, crude oil

Tosco Corporation filed an Application for Exception from the provisions of 10 CFR 211.67 (Entitlements Program). The exception request, if granted, would result in the extension of the exception relief which was initially granted to the firm in *Tosco Corp.*, 5 FEA Par. 83,148 (1977). On January 23, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

UCO Oil Company, Whittier, California, DPI-0014, Naphtha

UCO Oil Company filed an Application form Exception from the provisions of 10 CFR 213.35(c). The exception request, if granted, would permit the firm to import 1,227,500 barrels of finished naphtha into District V on a license fee-exempt basis during the current allocation period. On January 25, 1979, the DOE issued a Proposed Decision and Order which determined that the firm's request be denied.

[FR Doc. 79-4212 Filed 2-6-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Western Area Power Administration

PUBLIC PARTICIPATION IN GENERAL ADJUSTMENTS IN POWER RATES AND SUPPLEMENTAL PROCEEDINGS FOR POWER RATE ADJUSTMENTS FOR CENTRAL VALLEY PROJECT, CALIFORNIA

Amended Procedures

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of amendment to procedures.

SUMMARY: Current procedures for public publication are amended to incorporate: the effect of the delegation of authority to the Assistant Secretary for Resource Applications to confirm and approve and place in effect on an interim basis power and transmission rates pending confirmation and approval of rates on a final basis by the Federal Energy Regulatory Commission.

EFFECTIVE: Amended procedures are effective upon the date of this publication.

FOR FURTHER INFORMATION CONTACT:

Robert Babson, Office of General Counsel, Western Area Power Administration, P.O. Box 3402, Golden, Colorado 80401 (303) 231-1526.

SUPPLEMENTARY INFORMATION: Final Procedures for Public Participation in General Adjustments for Western Area Power Administration Power Rates were published in the FEDERAL REGISTER on March 23, 1978 (43 FR 12080). On April 18, 1978, Supplemental Proceedings for Public Participation in Power Rate Adjustments for Central Valley Project, California, were published (43 FR 16392). Under these procedures, an announcment of a tentative rate adjustment proposal is followed by a lengthy consultation and comment period. After analysis of public comments, a proposed decision on the rate adjustment is made and announced by the Assistant Secretary, either on an interim or final basis, and submitted to the Economic Regulatory Administration (ERA) for review. Further comments are accepted by the ERA. After considering the proposed decision and all comments made before and after the proposed decision, a final decision is then made by the Administrator of the ERA.

DOE Delegation Order No. 0204-33, published in the FEDERAL REGISTER on December 28, 1978, (43 FR 60637), requires amending the procedures to reflect the new authority of the Assistant Secretary for Resource Applications and the Federal Energy Regulatory Commission. The amendments are set forth below. There is no change in the opportunity of the public to participate in the decision-making process of the Assistant Secretary.

To the extent that section 501 of the DOE Organization Act is applicable to these procedures, it has been determined that no substantial issue of fact or law exists and that these regulations are unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Therefore, these regulations are being promulgated in accordance with section 533 of Title 5, United States Code. These procedures relate to Department management and personnel and to rules of agency organization, procedure, or practice, and therefore are being made final without notice and comment (5 U.S.C. 53 (a)(2), (b) (A)).

Proposed new power rate adjustment procedures for all power marketing administrations will be published for public comment by the Department of Energy within the next several months. Those procedures, as finally adopted, will replace the amended Western Area Power Administration procedures. It is expected that the Central Valley Project (CVP) rate decisions by the Assistant Secretary will be made before that time. If not, the CVP supplemental procedures will be further amended as necessary.

Procedures to be developed and adopted by the Federal Energy Regulatory Commission are beyond the scope of these procedures.

Issued in Washington, D.C., January 31, 1979.

GEORGE S. MCISAAC,
Assistant Secretary, Resource Applications.

AMENDMENTS TO PROCEDURES FOR PUBLIC PARTICIPATION IN GENERAL ADJUSTMENTS IN RATES FOR POWER MARKETED BY THE WESTERN AREA POWER ADMINISTRATION

Sections 3, 8, 9, 10, and 11 of the procedures published in the FEDERAL REGISTER on March 23, 1978 (43 F.R. 12080), are rescinded and replaced by the following effective upon publication:

3. *Definitions.* As used herein—

a. "Departmental" refers to all personnel and components of the Department of Energy except the Federal Energy Regulatory Commission (FERC).

b. "Assistant Secretary" means the Assistant Secretary for Resource Applications of the Department of Energy or his designee.

c. "Administrator" means the Administrator of the Western Area Power Administration or his designee.

d. "Provisional Rate" means a rate that has been confirmed and approved on an interim basis by the Assistant Secretary.

8. *Proposed decision on rate adjustment.* Following review of the information and comments gathered in the course of the proceedings described above, the Assistant Secretary will announce his proposed decision on the rates. A statement shall be prepared of the principal factors leading to the decision which shall include an explanation responding to the major comments, criticisms, and alternatives offered during the comment period. Interested persons will be given at least 30 days from publication of notice to submit comments in writing to the Assistant Secretary on the proposed decision. An opportunity for an oral presentation of views, data, and arguments will be afforded interested persons upon request.

9. *Provisional rates.*

a. Following review of any oral or written comments on the proposed decision, the Assistant Secretary will confirm and approve rates to become effective on an interim basis. A statement shall be prepared of the principal factors leading to the decision which shall include an explanation responding to the major comments, criticisms, and alternatives offered during the comment period.

b. The Assistant Secretary shall set the effective date for the rates he has confirmed and approved on an interim basis. The effective date shall normally be at least 30 days after the Assistant Secretary's decision, except that the effective date may be sooner when appropriate to meet a contract deadline, to avoid financial difficulties, or to provide a rate for a new project or a new service.

c. The effective date of the Provisional Rates for the purpose of billing may be adjusted by the Administrator to coincide with the beginning of the next billing period following the date set by the Assistant Secretary.

d. The Provisional Rates shall remain in effect on an interim basis until: (1) they are confirmed and approved by the FERC, (2) lower substitute rates are confirmed and approved on a final basis by the FERC, (3) higher substitute rates are confirmed and approved and placed in effect by the FERC, (4) the rates last previously confirmed and approved on a final basis become effective under section 10 below, or (5) they are superseded by other Provisional Rates placed in effect by the Assistant Secretary, whichever occurs first.

10. *Final rate approval; refunds.*

a. Following confirmation and approval of rates on an interim basis, the Assistant Secretary shall submit such rates to the FERC for confirmation and approval on a final basis. If the FERC confirms and approves the Provisional Rates on a final basis, such confirmation and approval shall be retroactive to the effective date set by the Assistant Secretary.

b. In the event a rate developed by the Assistant Secretary is disapproved by the FERC, the Assistant Secretary shall within 120 days or such additional time as the FERC may provide, develop and submit to the FERC a substitute rate for action by the FERC. A rate confirmed and approved by the Assistant Secretary on an interim basis that is disapproved by the FERC shall remain in effect as provided by the Assistant Secretary, until a substitute rate is confirmed and approved on a final basis by the FERC; *Provided,* That if the Assistant Secretary does not submit a substitute rate within 120 days or such greater time as the FERC may provide, and if the rate has been disapproved because the FERC determined that it would result in total revenues in excess of those required by law, the rate last previously confirmed and approved on a final basis will become effective on a date and for a period determined by the FERC and revenues collected in excess of such rate during the interim period will be refunded with interest to the extent determined by the FERC. If a substitute rate confirmed and approved on a final basis by the FERC is lower than the rate in effect on an interim basis, any overpayment shall be refunded with interest as determined by the FERC. If a substitute rate confirmed and approved on a final basis by the FERC is higher than the rate in effect on an interim basis, such rate shall become effective on a subsequent date set by the FERC. If at any time it is determined by the FERC that the administrative cost of a refund would outweigh the amount to be refunded, no refund will be required.

11. *Procedural rulings.* Prior to announcement of the proposed decision referred to in section 8, the administrator may postpone any procedural date or make other procedural changes for good cause shown at the request of any party or on his own motion.

AMENDMENTS TO SUPPLEMENTAL PROCEEDINGS FOR PUBLIC PARTICIPATION IN POWER RATE ADJUSTMENTS FOR CENTRAL VALLEY PROJECT, CALIFORNIA

Sections 2, 7, 8, 9, 10, and 11 of the supplemental proceedings for public participation in power rate adjustments for the Central Valley Project published in the FEDERAL REGISTER on April 18, 1978 (43 F.R. 16392), are rescinded and replaced by the foregoing sections effective upon publication. For the purpose of the supplemental procedures, the foregoing sections are hereby renumbered 2, 7, 8, 9, and 10. Section 2 is further amended by the addition of the following definition:

e. "Party" refers to any person who submitted initial comments, supplemental comments, or rebuttal comments either orally at a forum or in writing.

[FR Doc. 79-4145 Filed 2-6-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of the following meetings.

I. A meeting of subcommittee C of the Industry Advisory Board to the International Energy Agency (IEA) will be held on February 13, 1979, at the offices of the IEA, 2 rue Andre Pascal, Paris 16, France, or at such other location in Paris as the IEA may designate, beginning at 10:00 a.m. The agenda is as follows:

1. Opening remarks.
2. Pricing in an emergency.
3. Extraordinary costs.
4. Framework for antitrust clearances.
5. Status of legal clearances.
6. Presentation on dispute settlement center.
7. Future work program.

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II. A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held on February 14, 1979, at the offices of the IEA, 2 rue Andre Pascal, Paris 16, France, or at such other location in Paris as the IEA may designate beginning at 9:30 a.m. The agenda is as follows:

1. Opening remarks.
2. Framework for antitrust clearances.
3. Report by IEA Secretariat on technical aspects of January and February Questionnaire A and Questionnaire B submissions.
4. Review Secretariat papers:
A. Report by the SEQ working group on BPFC.
B. National emergency sharing organizations (NESOs).
C. Product imbalance workshop.
D. Agreement between Dutch administration and IEA Secretariat on statistical treatment of incomplete trade data.
E. Arrangements for cross border traffic in an emergency.
F. Historical data in Questionnaire A and B formats (*e.g.*, September and October in recent submission).
5. Emergency Management Manual changes:
A. Questionnaire A and B reporting instructions.
B. Frequency and timing of Questionnaire A and B submissions.
6. Computer logging of voluntary offers.
7. Future work program.

III. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on February 15 and 16, 1979, at the headquarters of the IEA, 2 rue Andre Pascal, Paris 16, France, or at such other location in Paris as the IEA may designate, beginning at 9:30 a.m. on February 15. The agenda is as follows:

1. Opening remarks by the Chairman including:
A. Membership, subcommittee chairmanship and ISAG staffing.
B. Communications to and from the IEA.
C. Report on SEQ meeting of November 27 and 28, 1978.
2. Matters arising from the record note of IAB meeting on November 10, 1978.
3. Worldwide supply outlook.
4. Report by IEA on technical aspects of January and February Questionnaire A and B submission.
5. subcommittee C report.
A. Framework for antitrust clearances.
B. Presentation on dispute settlement center.
C. Status of legal clearances.
D. Future work program.
6. Subcommittee A report.
A. Framework for antitrust clearances.
B. Review Secretariat papers.
(1) Seasonalization of "trigger" and allocation calculations.
(2) Frequency and timing of Questionnaire A and B submissions.
(3) Historical data in Questionnaire A and B formats (*e.g.*, September and October in recent submission).
(4) Cross border traffic in an emergency.
(5) Other papers as time permits.
7. Report of ISAG Manager including:
A. ISAG organization and staffing.
B. ISAG/Secretariat Operations Manual (ISOM).
C. ISAG training.
D. Future work program.
8. Position of Reporting Companies under:
A. EEC competition regulations.
B. U.S. Voluntary Agreement.
9. Future work program for the IAB.
10. Date and venues of future meeting of the IAB and subcommittees.

IV. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on February 19, 1979, at the headquarters of the IEA, 2 rue Andre Pascal, Paris, 16, France, or at such other location in Paris as the IEA may designate, beginning at 9:30 a.m. The agenda is as follows:

1. Approval of the draft agenda.
2. Summary record of the twenty-third meeting.
3. Oil supply and demand outlook for 1st quarter—4th quarter 1979. (Report by the Secretariat).
4. Special section of the information system:
A. Technical aspects of Questionnaire A and B transmissions in January and February.
B. Base period final consumption:
(1) Current calculation (4th quarter 1977—3 quarter 1978):
(2) Report by the working group on BPFC.
C. Emergency reserves at October 1, 1978.
5. Future meeting dates.
6. Any other business.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., February 2, 1979.

ROBERT C. GOODWIN, Jr.,
Assistant General Counsel International Trade and Emergency Preparedness.

[FR Doc. 79-4316 Filed 2-6-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1053-7]

RECONSIDERATION OF THE USE OF PASQUILL-GIFFORD DISPERSION COEFFICIENTS FOR STABILITY CLASS A IN SETTING EMISSION LIMITATIONS FOR FOUR OHIO POWER PLANTS

Comment Solicited

On June 29, 1978, the United States Court of Appeals for the Sixth Circuit remanded to the Environmental Protection Agency (EPA or the Agency) its decision to use the Pasquill-Gifford (P-G) dispersion coefficients for stability class A in modeling isolated, rural powerplants. *Cincinnati Gas & Electric Co.* v. *EPA*, 578 F. 2d 660 (1978). The modeling had been performed by EPA to set emission limitations for sources in Ohio to assure attainment and maintenance of the national ambient air quality standards for the pollutant sulfur dioxide. *See* 41 Fed. Reg. 36324, 41 Fed. Reg. 52455, and 42 Fed. Reg. 27588. The Court found that the Agency had not developed an adequate record to support the use of the P-G curves for class A conditions. Moreover, the Court held that the Agency had not adequately considered the alternatives to the use of the P-G class A curves proposed by the utilities during the rulemaking.

The Agency has evaluated the alternative proposed by the utilities and based upon field data not previously considered by the Agency determined that the proposal would severely underestimate ground level concentrations. Conversely, the field data considered by the Agency in evaluating the utility proposal supports the Agency's use of the P-G class A curves in setting emission limitations which will attain and maintain the standards for the four powerplants which EPA determined were regulated based on class A conditions.[1]

The Agency solicits comment on its reconsideration of the use of the P-G coefficients for class A conditions for the four power plants. Further, since the Court's remand has effectively stayed the enforcement of the regulation for these four plants, the Agency solicits comment on whether the utilities involved need more time than allowed under the present compliance schedule to bring their sources into compliance with their emission limitations. The Agency requests that the utilities support any request for more time with vendor statements, engineering studies or other documentation. Comments must be submitted before (sixty days from publication) to Ms. Debra Costello, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn, Chicago, IL 60604. Reference material not otherwise available to the public, will be available at the above address during normal working hours.

Following review of all comments and proposed compliance schedules, the Agency will publish its evaluation and amend the SIP if necessary to include compliance schedules for the four powerplants. Further, pursuant to the Court's June 29, 1978 order, the Agency will then stipulate to any remaining disputed issues with the utilities involved. *Cincinnati Gas and Electric Company, et al.*, v. *EPA*, 578, F. 2d 668 (1978).

[1] Upon review of the modeling, the Agency determined that only four Ohio power plants have emission limitations which were determined by P-G class A conditions. These are Stuart (Dayton Power & Light Co.), Conesville (Columbus and Southern Ohio Electric Co.), Cardinal and Muskingum River (Ohio Power).

THE PROPOSAL OF THE UTILITIES.

During the rulemaking, the Ohio utilities commented that it is inappropriate to use the P-G dispersion coefficients for class A meterological conditions in modeling and setting emission limitations for elevated sources such as powerplants. Without citing any appropriate field data to support their comments the utilities contended that the P-G class A curves, which were developed from field studies of emissions released near ground level, would result in unrealistically high ground level concentration estimates when applied to sources with elevated release points (tall stacks).[2] Specifically, the utilities postulated that the sigma-z values for class A are too large for tall stack sources.[3] The utilities, therefore, proposed that the P-G class A coefficients should not be used in model analyses of emissions from isolated, rural powerplants and that the P-G class B dispersion coefficients which have smaller sigma-z values should be used in place of the class A coefficients. The class B proposal, however, is contrary to the current theoretical understanding of pollution dispersion and to actual field study data. The proposal, moreover, would result in underpredicted pollutant concentrations and would not produce emission limitations which would assure attainment of air quality standards.

The major criticism of the P-G class A curves is that overly stringent emission limitations will result if they are used to predict dispersion from emissions sources (stacks at least 100 meter high). This criticism is based on the hypothesis that sigma-z values derived from studies of ground level emissions are too large for elevated emissions. While it is reasonable to postulate that sigma-z values may be *different* for emissions from elevated sources from what they would be for ground level sources, it does not follow that the P-G class A sigma-z values should be smaller when applied to elevated sources. In fact, experimental research indicates that for unstable atmospheric conditions, the sigma-z values should be *larger* for elevated releases as compared to near ground level releases. *See* Panofsky (1978), Vogt *et al.* (1978), and Weil (1978).

In addition, current dispersion theory is that sigma-z values should be larger for emissions over rough terrain than over smooth terrain. *See* F.B. Smith (1973) and Pasquill (1974). The original field experiments used to derive the P-G sigma-z values were conducted over prairie grass fields (relatively smooth terrain with a characteristic surface roughness length of less than 0.03 m), which are smoother than the average terrain where the Ohio power plants are situated (surface roughness length is in the range of 1.0 m). Therefore, based on current theory and experimental research, smaller sigma-z values than the P-G class A sigma-z values should not be used for the Ohio power plants, and use of the smaller class B sigma-z values would be unsupportable.

Moreover, review of field data indicates that use of the P-G class B sigma-z values to estimate predicted ground level concentrations for the four Ohio power plants involved would seriously underestimate the maximum ground level concentrations expected to occur during class A conditions. Table 1 sets forth sigma-z values for the most unstable meteorological condition observed as a function of distance determined in three different dispersion field studies by three different investigators. For comparison purposes, Table 1 also sets forth the P-G values for both classes A and B. As the results of Table 1 demonstrate, the P-G sigma-z values for class B are significantly smaller than the sigma-z values determined in any of the field experiments for the most unstable conditions. In other words, to use the P-G class B sigma-z values to estimate ground level concentrations causes by an elevated source under unstable conditions would result in predictions significantly less than the values determined in actual field studies. The Agency could not, therefore, use class B values in setting emission limitations for these sources since the attainment of standards would not be assured.

[2] The utilities cited field data that was not relevant to the location of expected maximum concentrations under class A conditions for these four power plants.

[3] The sigma-z value represents the vertical distribution of the dispersing pollutant.

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Table 1. Field Studies That Determine σ_z Values (m) as a Function of Downwind Distance from the Source

Site of Field Experiment	Investigator	Tracer Release Height (m)	Surface Roughness Length, z_o (m)	Stability Designation	Experiment Number	Sampling Period	Tracer Used	Downwind Distance (Km) 0.2	0.4	0.6	0.8	1.0	1.2	1.4
O'Neill	Pasquill-Gifford	<1	≤0.03	P-G Class A				29	71	154	283	454	668	925
O'Neill	Pasquill-Gifford	<1	≤0.03	P-G Class B				20	40	62	86	109	134	158
Brookhaven	Singer-Smith	≥100	≈1	ENL Class B_2*				50	93	135	175	215	254	292
Jülich	Vogt et.al.	≥100	≈1	P-G Class A				33	79	133	192	256	323	394
Karlsruhe	Thomas et.al.	≥100	≈1	P-G Class A**	9	1	H_3	23	74	146	235	341	462	597
					9	2	H_3	52	91	125	157	188	217	246
					9	3	H_3	57	147	257	382	520	668	827
					9	1-3	H_3	32	102	202	327	476	647	838
					19	2	H_3	214	439	669	903	1140	1380	1610
					19	2	CCl_4	155	344	548	762	984	1210	1450

* No σ_z values are indicated for the most unstable Singer-Smith stability category in Smith (1973); Singer and Smith (1966) indicate stability categories A, B_2, B_1, C, and D based on wind direction traces (with A representing very unstable and D representing very stable); ie. A is more unstable than B_2.

** All the periods from each of the two Karlsruhe experiments classified by Thomas et.al. (1976) as P-G Class A are shown (based upon Table 1 from Thomas and Nester (1976)).

[6560-01-M]

Consultants for the utilities also criticized the way EPA's model treats emission plumes under class A conditions. They argued that the model unrealistically brings the plume rapidly to the ground before it can disperse and treats the plume as impacting continuously for one hour at the same point. However, this is not how the model treats the plume. Instead, the model treats the plume centerline as extending horizontally from the stack at the effective plume height. The plume centerline, therefore, never impacts directly with the ground contrary to the comments of the consultants. The model treats the plume centerline in this manner for all classes of meteorological conditions; however, the plume's spread about the centerline is treated differently under different classes.

For very unstable conditions (class A), the model spreads the plume widely (in all directions around the centerline) as soon as it is emitted from the stack. This reflects the way the very erratic winds that characterize unstable conditions affect a plume. In contracts, for stable conditions, the model does not disperse the plume quickly, but rather the plume stays more concentrated around the plume centerline for a longer time. In other words, during unstable conditions, the plume disperses quickly; during stable conditions, the plume disperses more slowly. Moreover, the model does not treat the plume as impacting continuously with the ground at one place for an hour. Rather, because the model uses a basic Gaussian dispersion equation, the plume spread is time averaged so that the predicted ground level concentration for an hour is never as high as the highest instantaneous ground level concentrations that occur. *See* Recommended Guide for the Prediction of Airborne Effluents (edited by Maynard E. Smith), M. E. Smith (1973), Figure II-1, p. 16 or see Slade (1968), page 57.

In summary, the class B proposal of the Ohio utilities is contrary to both dispersion theory and available data. The Agency, therefore, has no basis for adopting the utility proposal; moreover, field study data not included in the original rulemaking record support the Agency's use of the P-G class A dispersion coefficients in its CRSTER (MAXT-24) model to predict concentrations and set emission limitations for the four Ohio power plants involved herein.

FIELD STUDY DATA SUPPORTING THE USE OF THE P-G CLASS A DISPERSION COEFFICIENTS.

Data from field experiments of dispersion from elevated sources over terrain similar to the terrain surrounding the four Ohio power plants support the use of the P-G class A dispersion coefficients. Specifically, Thomas *et al.* (1976) and Thomas and Hester (1976) have published the results of 25 dispersion experiments conducted near the Karlsruhe Nuclear Research Center. In the experiments, dispersion tracers (tritium (H_3) and halogenated hydrocarbons (CCl_4)) were released at heights of 100 meters over rural terrain to determine sigma-z and sigma-y values. The 25 experiments were conducted during varying meteorological conditions including 2 experiments under conditions which the investigators characterized as P-G class A conditions (Experiments 9 and 19 in Table 1). Tracer concentrations under class A conditions were measured out to 1.5 km from the release point along five downwind radial arcs. Based on the measured ground level concentrations, sigma-z values were determined.

The results of the Karlsruhe experiments show that the class A sigma-z values derived from the experiments are comparable to the P-G class A sigma-z values. In fact, the measured values at Karlsruhe are as great or even greater than the P-G class A sigma-z values for distances 1.5 km or less from the release point. *See* Figures 1-3 which compare the Karlsruhe sigma-z values with P-G sigma-z values and Figures 4-6 which compare the Karlsruhe normalized concentrations values. Moreover, as the EPA model analyses predicted for the four Ohio power plants, the point of maximum observed concentration occurs quite close to the release point. See Figures 4-6. The four power plant modeling analyses estimated maximum concentrations at 1.0-1.3 km. The Karlsruhe experiments measured ground level concentrations under class A conditions to 1.5 km downwind from the release point. The sigma-z values were developed from those measurements. Therefore as Figure 1-6 demonstrate, the Karlsruhe experiments confirm both the general level and locations of maximum ground level concentrations predicted by using the P-G dispersion coefficients for class A meteorological conditions.

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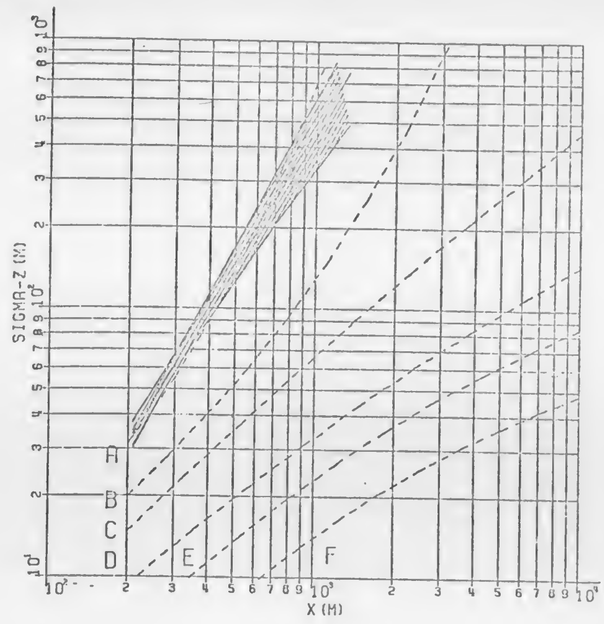


Figure 1: Vertical Dispersion Parameter of Experiment 9 (H_3)
Periods 1, 2, 3
(--- Pasquill-Gifford, shaded area = Karlsruhe data)
(This Figure is Figure 6 from Thomas and Nester (1976))

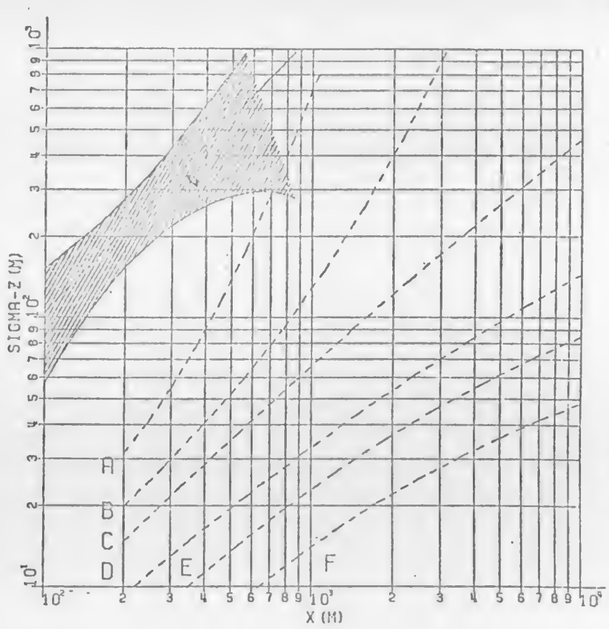


Figure 2: Vertical Dispersion Parameter of Experiment 19 (H_3),
Period 2
(--- Pasquill-Gifford, shaded area = Karlsruhe data)
(This Figure is Figure 17 from Thomas and Nester (1976))

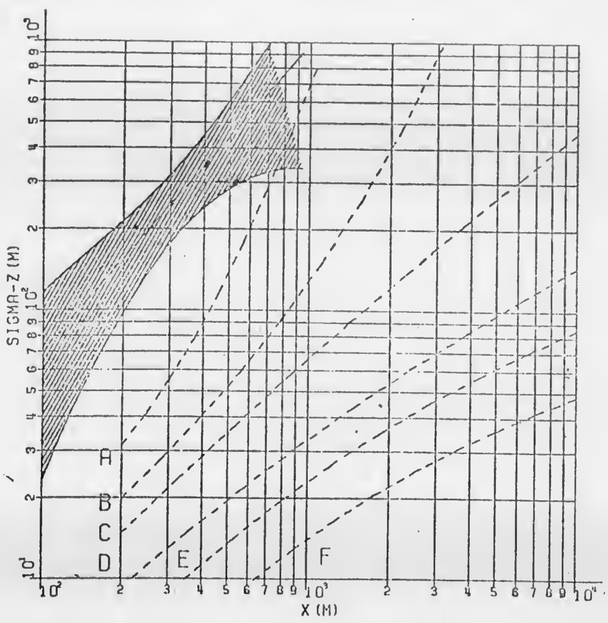


Figure 3: Vertical Dispersion Parameter of Experiment 19 (CCl_4),
Period 2
(--- Pasquill-Gifford, shaded area = Karlsruhe data)
(This Figure is Figure 18 from Thomas and Nester (1976))

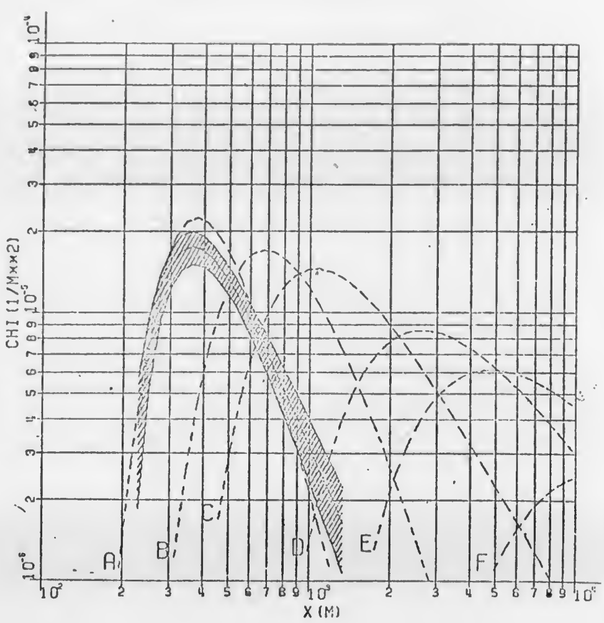


Figure 4: Normalized concentrations of Experiment 9 (H_3), H = 100 m,
Periods 1, 2, 3
(--- Pasquill-Gifford, shaded area = Karlsruhe data)
(This Figure is Figure 56 from Thomas and Nester (1976))

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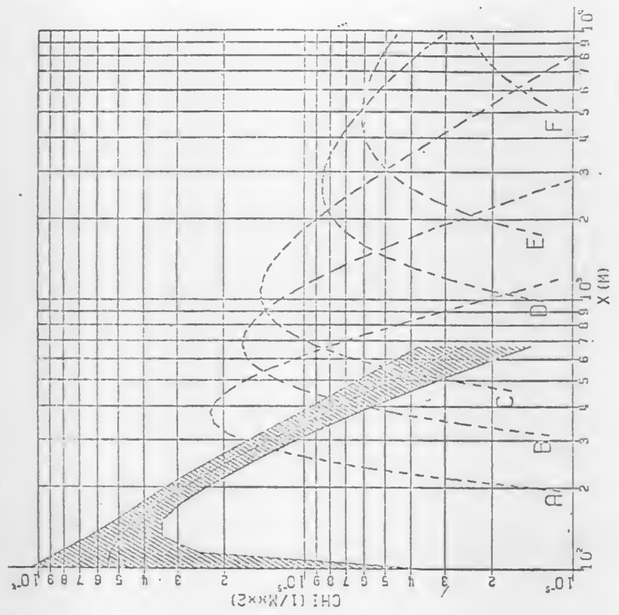


Figure 6: Normalized concentrations of Experiment 19 (CCl_4), H = 100 m
Period 2
(--- Pasquill-Gifford, shaded area = Karlsruhe data)
(This Figure is Figure 68 from Thomas and Nester (1976))

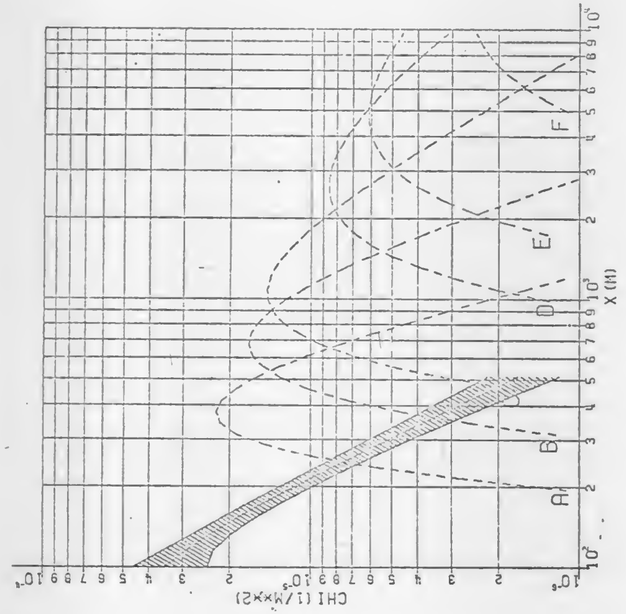


Figure 5: Normalized concentrations of Experiment 19 (H_2S), H = 100 m.
Period 2
(--- Pasquill-Gifford, shaded area = Karlsruhe data)
(This Figure is Figure 67 from Thomas and Nester (1976))

[6560-01-M]

EPA recognizes the scientific questions surrounding the use of P-G class A dispersion coefficients at large downwind distances from sources. *See* Report to the U.S. EPA of the Specialists' Conference on the EPA Modeling Guideline (February 22-24, 1977). However, that criticism is not relevant to the model analyses performed for the four Ohio power plants. EPA recognizes that the predictive reliability of the P-G class A sigma-z values for estimating ground level concentrations decreases as the distance from the source increases. However, since the predicted maximum concentrations used to set the emission limitations for the four power plants were at distances only 1.0-1.3 km from the sources, the accuracy of predictions at greater distances were the P-G sigma-z values are less reliable is irrelevant. Furthermore, as stated above, the Karlsruhe field experiments measured ground level concentrations out to 1.5 km from the point of release and the sigma-z values derived from those field experiments are quite comparable to the P-G class A sigma-z values for the same distances. It is therefore reasonable based upon available scientific data to use the P-G class a curves to set emission limitations for the four power plants.

The Development of New Dispersion Coefficients

Finally, it is not the Agency's contention that better methods (when available and justified) should not be used or proposed. However, the Agency is not aware of a better scientific approach than the use of the P-G dispersion coefficients for predicting ground level concentration near rural sources during class A meteorological conditions. At present the Agency is conducting research studies in an effort to improve the predictive accuracy of the dispersion coefficients and associated algorithms used in its rural dispersion modeling. That research however is still in the experimental stage. Until the research is completed and reviewed and accepted by the scientific community, the Agency will continue to use the P-G dispersion coefficients for rural sources.

Conclusion

The Agency has reviewed the use of the P-G class A dispersion coefficients to set emission limitations for the Stuart, Cardinal, Muskingum River, and Conesville power plants in Ohio. As part of that review the Agency has reconsidered the theoretical arguments previously submitted by the Ohio utilities and also reviewed field data not considered by the Agency during this rulemaking. The theoretical comments submitted by the utilities are contrary to the current scientific understanding of pollution dispersion; moreover, the proposal of the utilities that the P-G class A dispersion coefficients should be replaced with the P-G class B dispersion coefficients is contrary to both current theory and available experimental data. In short, the utility proposal cannot be accepted by the Agency and the latest experimental data support the continued use of the P-G class A dispersion coefficients.

Dated: January 31, 1979.

BARBARA BLUM,
Acting Administrator.

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Weil, J. C., 1978: Stack plume characterization and model assessment with Lidar data, *Proceedings of the NATO/CCMS 9th International Technical Meeting on Air Pollution Modeling and its Application* (to be published) August 28-31, 1978, Toronto.

[FR Doc. 79-4052 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1053-5]

AMBIENT AIR MONITORING REFERENCE METHOD DESIGNATION

Thermo Electron Model 14B/E Chemiluminescent NO-NO_2-NO_x Analyzer

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, 41 FR 11252, 41 FR 52694), has designated another reference method for the measurement of ambient concentrations of nitrogen dioxide (NO_2). The new reference method is an automated analyzer which utilizes the gas phase chemiluminescence measurement principle specified for NO_2 reference methods in Appendix F of 40 CFR Part 50 as amended on December 1, 1976 (41 FR 52688). The method is:

RFNA-0179-035, "Thermo Electron Model 14B/E Chemiluminescent NO-NO_2-NO_x Analyzer", operated on the 0-0.5 ppm range and with or without the following options:

14-001 Teflon Particulate Filter
14-002 Voltage Divider Card

A notice of receipt of application for this method appeared in the FEDERAL REGISTER, Volume 43, May 31, 1978, page 23650. The method is available from Thermo Electron Corporation, 108 South Street, Hopkinton, MA 01748.

A test analyzer representative of this method has been tested by its manufacturer, in accordance with the test procedures specified in 40 CFR Part 53 as amended on December 1, 1976 (41 FR 52694). After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as a reference method. The information submitted by the the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a reference method, this method is acceptable for use by states and other control agencies for purposes of Section 51.17a of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975 (40 FR 7042). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modications of a designated method used for purposes

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of § 51.17a are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under § 51.17a(f) (41 FR 11255).

In general, designation applies to any analyzer which is identical to the analyzer described in the designation. In many cases, similar analyzers manufactured prior to the designation may be upgraded (e.g., by minor modification or by substitution of a new operation or instruction manual) so as to be indentical to the designated method and thus achieve designated status at modest cost. The manufacturer should be consulted to determine the feasibility of such upgrading.

Part 53 requires that sellers of designated methods comply with certain conditions. The conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been cancelled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent method (although he may choose to sell it without such representations), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring and Support Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this reference method will provide assistance to the States in establishing and operating their air quality surveillance systems under 40 CFR 51.17a. Additional information concerning this action may be obtained by writing to the address given above.

STEVEN J. GAGE,
Assistant Administrator for Research and Development.

[FR Doc. 79-4218 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1053-6]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on January 3, 1979, the Environmental Protection Agency received an application from Philips Electronics Instruments, Inc., Eindhoven, The Netherlands, to determine if its Model PW 9762/02 Nitrogen Oxides Analyzer should be designated by the Administrator of the EPA as a reference or equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

Dated: January 31, 1979.

STEPHEN J. GAGE,
Assistant Administrator for Research and Development.

[FR Doc. 79-4219 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1053-4]

AMBIENT AIR MONITORING REFERENCE METHOD DESIGNATION

Beckman Model 952-A NO/NO_2/NO_x Analyzer

Notice is herby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, 41 FR 11252, 41 FR 52694), has designated another reference method for the measurement of ambient concentrations of nitrogen dioxide (NO_2). The new reference method is an automated analyzer which utilizes the gas phase chemiluminescence measurement principle specified for NO_2 reference methods in Appendix F of 40 CFR Part 50 as amended on December 1, 1976 (41 FR 52688). The method is:

RFNA-0179-034, "Beckman Model 952-A NO/NO_2/NO_x Analyzer," operated on the 0-0.5 ppm range with the 5-micron Teflon sample filter (Beckman P/N 861072) supplied with the analyzer installed on the sample inlet line, and with or without the Remote Operation Option (Beckman Catalogue No. 635539).

A notice of receipt of application for this method appeared in the FEDERAL REGISTER, Volume 43, February 23, 1978, page 7473. The method is available from Beckman Instruments, Inc., 2500 Harbor Boulevard, Fullerton, CA 92634.

A test analyzer representative of this method has been tested by its manufacturer, in accordance with the test procedures specified in 40 CFR Part 53 as amended on December 1, 1976 (41 FR 52694). After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as a reference method. The information submitted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a reference method, this method is acceptable for use by States and other control agencies for purposes of Section 51.17a of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975 (40 FR 7042). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of 51.17a are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under 51.17a(f) (41 FR 11255).

In general, designation applies to any analyzer which is identical to the analyzer described in the designation. In many cases, similar analyzers manufactured prior to the designation may be upgraded (e.g., by minor modification or by substitution of a new operation or instruction manual) so as to be identical to the designated method and thus achieve designated status at modest cost. The manufacturer should be consulted to determine the feasibility of such upgrading.

Part 53 requires that sellers of designated methods comply with certain conditions. The conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been cancelled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent method (although he may choose to sell it without such representations), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring and Support Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this reference method will provide assistance to the States in establishing and operating their air quality surveillance systems under 40 CFR 51.17a. Additional information concerning this action may be obtained by writing to the address given above.

Dated: January 31, 1979.

STEPHEN J. GAGE,
Assistant Administrator for Research and Development.

[FR Doc. 79-4217 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1024-2]

CALIFORNIA STATE MOTOR VEHICLE

Pollution Control Standards

I. INTRODUCTION

By this decision, issued under Section 209(b) of the Clean Air Act, as amended (hereinafter "the Act"),[1] I am granting the State of California a waiver of Federal preemption with regard to its assembly line test procedures for 1979 model year passenger cars, light duty trucks and medium duty vehicles.

Under section 209(b)(1) of the Act, when California requests a waiver of Federal preemption for enforcement procedures which will accompany standards for which a waiver has already been granted and is still in effect, I must grant the requested waiver unless I find that (1) the procedures may cause the California standards, in the aggregate, to be less protective of public health and welfare than the applicable Federal standards or (2) the California standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. With regard to the first finding, if the public record of the proceedings before me contains plausible evidence that the California enforcement procedures may cause the California standards, in the aggregrate, to be less protective than the corresponding Federal standards, then I must deny the waiver if: (1) California did not make a positive determination as to the protectiveness of the standards when coupled with the new enforcement procedures or (2) California did make such a determination, and the record contains clear and compelling evidence that its determination is arbitrary and capricious. With regard to the second finding, state enforcement procedures are deemed not to be consistent with section 202(a) if there is inadequate lead time to permit the development of the technology necessary to implement the new procedures, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California test procedures are inconsistent.[2]

I cannot make the findings required for a denial of the waiver under section 209(b)(1) with respect to California's 1979 assembly line test procedures.

II. BACKGROUND

On February 16, 1978, California adopted final regulations for assembly line testing of 1979 model year passenger cars, light duty trucks and medium duty vehicles. Under the revised procedures for quality audit testing, the average emissions for each engine family or subgroup, with deterioration factors applied, must meet the applicable exhaust emission standards. Further, no more than one per cent of the vehicles in an engine family can have emissions which exceed the applicable standards by 2.33 times the standard deviation of the test results. The CARB made numerous other changes of minor technical natüre.[3]

On March 8, 1978, California requested a waiver for these procedures.[4] A public hearing was held in San Francisco, California on May 18, 1978, pursuant to notice published in the FEDERAL REGISTER.[5]

III. DISCUSSION

Public Health and Welfare. California's 1979 model year passenger car, light duty truck and medium duty vehicle exhaust emission standards have received waivers of Federal preemption.[6] The Public record did not contain any evidence that these enforcement procedures would cause the California standards, in the aggregate, to be less protective of public health and welfare than the applicable Federal standards. Accordingly, California was not required to make any additional public health and welfare determination in conjunction with this waiver request. I, therefore, cannot find a basis for denying the waiver on this issue.

Consistency. Under section 209(b)(1)(C) of the Act, I also must deny a California waiver request if I

[1] 42 U.S.C. § 7543(b) (1977).

[2] *See* 43 FR 9344 (March 7, 1978).

[3] *See* Transcript of California Waiver Hearing 33-36 (May 18, 1978) [hereinafter "Tr."].

[4] Letter from Mr. Thomas C. Austin, Deputy Executive Officer, California Air Resources Board (CARB), to Honorable Douglas Costle, Administrator, Environmental Protection Agency (EPA), 2-3 (March 8, 1978).

[5] 43 FR 17044 (April 21, 1978); 43 FR 19447 (May 5, 1978).

[6] See 43 FR 25729 (June 14, 1978) pertaining to 1979 model year passenger cars; 43 FR 1829 (January 12, 1978) pertaining to 1979 light duty trucks and medium duty vehicles.

find that California's "accompanying enforcement procedures are not consistent with section 202(a)" of the Act. Ford supported the waiver request.[7] Its one feasibility objection, regarding the time frame for reporting on an engine family exceeding the one per cent limit, was resolved in the hearing record by the California Air Resources Board's agreement to extend the reporting deadlines.[8]

General Motors, the only other manufacturer to comment on these procedures, did not state that it could not meet the assembly line testing requirements, although it could not state with certainty that it could comply with the revised procedures.[9] General Motors had three objections. First, GM argued that CARB should not be allowed to take an enforcement action based on one per cent of an engine family's population when the average emissions meet the standards.[10] GM believes that air quality cannot be influenced to a significant degree by one per cent of the vehicle population.[11] This argument does not relate to the technological feasibility of meeting the California requirements. It is instead, an argument concerning the wisdom of California's action and the marginal improvements in air quality which will allegedly result. As such, it falls into the area of public policy which must be left to California's judgement.[12]

Second, GM objected on the grounds that, because GM's vehicles do not follow the normal distribution assumed by the CARB, it could not identify what other than quality control improvements, would be needed to stay within the one per cent limitation.[13] It did, however, believe the new procedure would require something more, such as a calibration change.[14] This speculative argument provides no grounds on which I might deny the waiver request. General Motors has not supplied data supporting its contention that the technology does not exist to comply with the one per cent limitation and, as mentioned above, General Motors did not state that it would not meet the new requirements. Moreover, as determined by the CARB, the purpose of this requirement is to identify engine family subgroups with a large number of quality-related nonconformities which would otherwide be masked by the emission test results from the remaining vehicles.[15] The choice of 2.33 times the standard deviation as the cutoff point was to ensure that under random variability, for any distribution not too different from a normal distribution, only one per cent of the engine family would be expected to exceed the limit.[16] In other words, if a manufacturer had to reduce his average engine family emissions below the standard, the reason would be attributable to a noncomplying subgroup or a significant quality control problem.[17]

General Motors' last objection focused on quality audit testing for 1979 engine families certified on the basis of 1978 emissions data. GM doubted that sufficient lead time existed in which to make changes to enable these engine families, which had been quality audit tested according to the now deleted 90% pass requirement, to pass the averaging version of the quality audit test. General Motors proposed that the waiver be granted only on the condition that these 1979 vehicles be subject to the 1978 assembly line test procedures, which included the 90% pass requirement as a quality audit testing option.[18]

I do not find this objection to be persuasive and cannot accept GM's proposal. General Motors has only testified that only *one* engine family might not be able to meet the quality audit test requirements. This is insufficient information on which to base a finding that there is insufficient lead time to implement, in general, the requisite procedures.

Based on the foregoing review of the manufacturers' comments, I cannot find that California's 1979 assembly line test procedures are not consistent with section 202(a) of the Act.

IV. Findings and Decision

Having given due consideration to the public record, I have determined that I cannot make the findings required for a denial of a waiver under section 209 (b)(1) to the Act. Therefore, I hereby waive application of section 209(a) of the Act ot the State of California with respect to its assembly line test procedures for 1979 model year passenger cars, light duty trucks and medium duty vehicles, set forth in section 2057 of Title 13 of the California Administrative Code, adopted February 16, 1978, and in "California Assembly Line Test Procedures for 1979 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," dated December 19, 1977 and adopted February 16, 1978.

My decision to grant the waiver will affect not only persons in California but also the manufacturers located outside the State who must comply with California's enforcement procedures in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this decision is of nationwide scope and effect.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this desision, is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, California 95812.

Dated: February 2, 1979.

Barbara Blum,
Acting Administrator.

[FR Doc. 79-4215 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1056-1; OPP-50353A]

AMENDMENT TO EXPERIMENTAL USE PERMIT

In FR Doc. 77-36257, published Tuesday, December 20, 1977 (42 FR 63810), information appeared pertaining to the issuance of experimental use permit no. 524-EUP-29, to the Monsanto Company. At the request of the company, that permit has been amended to include the States of Connecticut, Maine, Massachusetts, and Rhode Island. The permit has been further amended to allow the use of an additional 615 pounds of the active ingredient, the herbicide glyphosate. The permit now allows the use of a total of 2,115 pounds of glyphosate.

Dated: February 1, 1979.

Douglas D. Campt,
Director, Registration Division.

[FR Doc. 79-4216 Filed 2-6-79; 8:45 am]

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[7] Tr. 156.

[8] Tr. 185-166. Letter from Kingsley Macomber, General Counsel, CARB, to Benjamin R. Jackson, [Director,] Mobile Source Enforcement Division (MSED), EPA, 6 (June 16, 1978); *See* State of California Air Resources Board, "Notice of Proposed Minor Changes to the Air Resources Board's Assembly-Line Test Procedures, 1979 Model Year" (July 6, 1978).

[9] Tr. 118, 119, 125.

[10] Tr. 113, 114-115, 121-122.

[11] Tr. 112, 115.

[12] 41 Fed. Reg. 44209, 44210 (October 7, 1976).

[13] Tr. 113-114, 118, 119.

[14] Tr. 118.

[15] California State Air Resources Board, *Staff Report* No. 77-26-1 at 13-15 (November 18, 1977). ["hereinafter *Staff Report No. 77-26-1*"].

[16] Id. at 19-21; Memorandum from Barry D. Nussbaum to James McNab III (October 25, 1978).

[17] Tr. 31, 62.

[18] Tr. 116, 120; Letter from Mr. T. M. Fisher, Director, Automotive Emission Control, General Motors, to Mr. B. R. Jackson, Director, MSED, EPA (June 15, 1978).

[6560-01-M]

[FRL 1054-2; OPP-60085A]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA) SCIENTIFIC ADVISORY PANEL

Open Meeting—Change in Agenda

On Monday, January 29, 1979, notice of the February 14-15, 1979 special subcommittee meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel was published in the Federal Register (44 FR 5712). The agenda should be amended as follows:

In addition to the upcoming subcommittee meeting, there will also be a regular meeting of the Panel during the afternoon of February 14. The Panel will formally convene in regular session to complete review action for conclusion of the rebuttable presumption against registration (RPAR) on pronamide.

The subcommittee will meet as originally scheduled during the morning of February 14 and all day on February 15 to discuss drafts of two Subparts of the Guidelines for Registering Pesticides in the United States.

Authority: Section 25(d) of FIFRA, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) and Sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).

Dated: January 31, 1979.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-4221 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1054-1; OPP-50401]

ISSUANCE OF EXPERIMENTAL USE PERMITS

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which difines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 21137-EUP-5. EM Laboratories, Inc., Elmsford, N.Y. 10523. This experimental use permit allows the use of sixty pounds of the insecticide chlorthiophos on almonds and peaches to evaluate control of the peach twig borer and Oriental fruit moth. A total of twenty-five acres is involved. The experimental use permit is effective from January 19, 1979 to January 19, 1980. (PM-12, Room: E-229, Telephone: 202/426-9425)

No. 21137-EUP-6. EM Laboratories, Inc., Elmsford, N.Y. 10523. This experimental use permit allows the use of sixty pounds of the insecticide chlorthiophos on almonds and peaches to evaluate control of the peach twig borer and Oriental fruit moth. A total of twenty-five acres in involved. This program and the one above are authorized only in the State of California. This experimental use permit is also effective from January 19, 1979 to January 19, 1980. The permits will use same active ingredient, but different formulations. The permits are being issued with the limitation that all treated crops are destroyed or used for research purposes only. (PM-12, Room: E-229, Telephone: 202/426-9425)

No. 6704-EUP-20. U.S. Department of the Interior, Washington, D.C. 20240. This experimental use permit allows the use of one hundred pounds of the rodenticide zinc phosphid on sugarcane fields to evaluate control of the cotton rat and roof rat. A total of 360 acres is involved; the program is authorized only in the State of Florida. The experimental use permit is effective from January 19, 1979 to April 1, 1980. A permanent tolerence for residues of the active ingredient in or on sugarcane has been established (40 CFR 180.284). (PM-16, Room E-229, Telephone: 202/755-9315).

Interested parties wishing ot review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Authority: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: January 26, 1979.

Herbert Harrison,
Acting Director, Registration Division.

[FR Doc. 79-4220 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1054-5]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Texas

Pursuant to section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations establishing standards of performance for new stationary sources (NSPS). Pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) of the Act direct the administrator to delegate authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, under section 111(c)(2) and 112(d)(2), the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On May 9, 1975, Dolph Briscoe, Governor, State of Texas, requested delegation of authority to implement and enforce NSPS and NESHAPS to the Texas Air Control BoardFederal Register. Included in the initial request was information on the Board's procedures and resources for implementation and enforcement of NSPS and NESHAPS. Subsequently, the Board incorporated by reference the provisions of NSPS and NESHAPS in Board Rule 23. After a thorough review of the request, the Regional Administrator determined that the State procedures and authority were adequate. Pursuant to the authority delegated to her by the Administrator, the Regional Administrator notified Governor Briscoe in the following letter that authority to implement and enforce NSPS and NESHAPS subject to the conditions set forth in the letter was delegated to the State of Texas on behalf of the Texas Air Control Board.

November 15, 1978.

Honorable Dolph Briscoe,
Governor of Texas,
State Capitol Building,
Austin, Texas 78711.

Dear Governor Briscoe: This is in response to your letter of May 9, 1975 requesting delegation of authority for implementation and enforcement of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants to the Texas Air Control Board.

The pertinent laws of the State of Texas and the rules and regulations of the Texas Air Control Board have been reviewed and have been found to provide an adequate and effective procedure for implementation and enforcement of the New Source Performance Standards and National Emission Standards of Hazardous Air Pollutants by

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the Texas Air Control Board and the State of Texas. The resources and capabilities of the Texas Air Control Board have been found to be adequate to implement and enforce the program.

Therefore, by virtue of authority granted by the Administrator, I hereby delegate authority to the Texas Air Control Board to implement and enforce New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, pursuant to Sections 111(d) and 112(d), respectively, of the Clean Air Act, subject to the conditions and limitations stated in this letter. Except as specifically limited in this letter, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 60 and 40 CFR Part 61 as of the date of this letter are delegated to the Texas Air Control Board. Any of such authority and responsibilities may be redelgated by the Board to its Executive Director or staff.

The conditions under which this authority is delegated are the following:

1. The Texas Air Control Board and the Region 6 office of the Environmental Protection Agency (EPA, Region 6) will develop a system of communication sufficient to guarantee that each office is fully informed and current regarding the compliance status of the subject sources. Initially, this communication will take the form of monthly worksheets to be provided by EPA, Region 6, to the Texas Air Control Board for completion. Attached is a sample page of the worksheet for sources subject to New Source Performance Standards. Attachment 2 is a sample page of the worksheet for sources subject to National Emission Standards for Hazardous Air Pollutants. These worksheets identify each source by name and state account number. The Texas Air Control Board will report any actions taken regarding each source and update the information shown regarding each sources compliance status and procedural status. These reports should be submitted to EPA by the 15th of each month.

It is understood that this system of communication is an interim method of reporting until the Texas Air Control Board can implement its new facility tracking system now under development. However, this interim method of reporting will provide all the information necessary regarding each source until a more permanent reporting system can be agreed on by the Texas Air Control Board and EPA, Region 6.

2. Implementation and enforcement of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants in the State of Texas will be the primary responsibility of the Texas Air Control Board. If the State of Texas or the Texas Air Control Board determines that such implementation or enforcement is not possible or feasible, either with respect to an individual source, a class of sources, or generally, the Texas Air Control Board shall within 30 days notify EPA, Region 6, of such impossibility or infeasibility so that EPA may timely exercise its concurrent authority with respect to sources within the State of Texas.

3. The Texas Air Control Board shall give notice to EPA, Region 6, of the initiation of any enforcement proceeding, administrative or judicial, with respect to any New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants, or any source subject thereto. This condition may be satisfied by submitting a copy of any such initiation of proceedings before or at the time of the service of such notice on the affected party or facility.

4. Acceptance of this delegation for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants promulgated as of the date of this letter does not allow the State of Texas and the Texas Air Control Board to receive automatic delegation of future standards and requirements. Such delegations must be requested as future standards are promulgated.

5. Upon written approval of the Regional Administrator of the EPA, Region 6, the Texas Air Control Board may subdelegate its authority to implement and enforce New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants to air pollution control authorities in the State when such authorities have demonstrated that they want the authority and have the resources and capabilities to exercise it. If subdelegation approval is granted, appropriate address changes will be made in the FEDERAL REGISTER.

6. Acceptance of this delegation constitutes agreement by the Texas Air Control Board to follow all interpretations past and future, made by EPA of 40 CFR Parts 60 and 61 including determinations of applicability. The Texas Air Control Board agrees to consult with the EPA Region 6 on questions of interpretations of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants. A copy of each interpretation made by the Texas Air Control Board shall be sent to EPA, Region 6.

7. The State of Texas and the Texas Air Control Board are required to follow the provisions of 40 CFR Part 60 and are not authorized to grant any exemption, variance, or waiver from compliance with any provision of 40 CFR Part 60, except for the waiver of emission tests authorized in 40 CFR 60.8(b). A copy of any waiver of emission tests shall be sent to EPA, Region 6. Should the State of Texas or the Texas Air Control Board grant any other exemption, variance or waiver to any source or category of sources, pursuant to any State law, regulation, or practice, the Texas Air Control Board shall immediately notify EPA, Region 6, of the granting of such exemption, variance or waiver and shall notify any source affected by such an exemption, variance or waiver that the State is not authorized to grant any exemption, variance or waiver from compliance with Federal requirements. EPA may consider any source receiving such relief to be violating or threatening to violate the applicable federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of any exemption, variance, or waiver by the State of Texas or the Texas Air Control Board shall also constitute grounds for revocation of delegation by EPA, in whole, or in part, in the discretion of the Regional Administrator of EPA, Region 6.

8. The State of Texas and the Texas Air Control Board are required to follow the provisions of 40 CFR Part 61 and are not authorized to grant any exemption, variance, or waiver from compliance with any provision of 40 CFR Part 61, except for the waiver of emission tests authorized in 40 CFR 61.13. A copy of any waiver of emission tests shall be sent to EPA, Region 6. Should the State of Texas or the Texas Air Control Board grant any other exemption, variance, or waiver to any source or category of sources pursuant to any State law, regulation, or practice, the Texas Air Control Board shall immediately notify EPA, Region 6 of the granting of such exemption, variance, or waiver that the State is not authorized to grant any exemption, variance or waiver from compliance with Federal requirements, EPA may consider any source receiving such relief to be violating or threatening to violate the applicable federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of any other exemption, variance or waiver by the State of Texas or the Texas Air Control Board shall also constitute grounds for revocation of delegation by EPA, in whole or in part, in the discretion of the Regional Administrator of EPA, Region 6.

9. If any any time there is a conflict between any State regulation and any provision of 40 CFR Part 60 or 61, the federal regulation must be applied to the extent that it is more stringent than that of the State. If the State of Texas or the Texas Air Control Board does not have the authority to enforce the more stringent federal regulation, the Texas Air Control Board shall immediately notify EPA, Region 6, pursuant to condition 2, above. The delegation may be revoked by EPA, Region 6, in whole or in part, in the event any such conflict makes implementation and enforcement of New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants administratively impractical.

10. For New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, the State of Texas and the Texas Air Control Board shall utilize the methods and means of determining compliance specified in 40 CFR Part 60, including requiring performance tests within the time limit of 40 CFR 60.8, and 40 CFR Part 61. The performance tests are to be conducted at normal maximum production. All requests from sources for equivalent or alternate methods shall be forwarded to EPA, Region 6, with or without a recommendation. Authority is delegated to approve minor modifications to the reference tests methods during either a pretest meeting or the actual sampling period. These minor modifications would have to produce results essentially identical to the referenced method results.

Approval of these minor modifications should be based on sound engineering judgment. Under no circumstances are modification to be used which might result in the non-uniform application of the standards. In the event the State of Texas or the Texas Air Control Board is unable or unwilling to utilize the methods specified in 40 CFR Parts 60 and 61, the notification requirements of condition 2, above, shall apply.

11. The TACB should submit to EPA its quality assurance procedures which it plans to follow in enforcing and implementing the NSPS and NESHAP. As part of a good quality assurance program, the TACB shall conduct a pretest meeting with each source and shall observe each performance test.

12. At a minimum, the following records shall be maintained for each NSPSA and NESHAP performance test.

(a) Record or minutes of pretest meeting, to include the approval or disapproval of requested modifications to reference methods.

(b) Observer's report for the performance test, to include operating parameters of the affected process and control equipment.

(c) Evaluation of the performance test report, to include a recommendation whether or not the performance tests are acceptable.

13. If the Regional Administrator determines that, because of a State law or Board order, regulation, policy, practice, or procedure, the implementation and enforcement of the New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants is inadequate, or not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Texas Air Control Board.

14. In any instance where the State is unable under its own authority to obtain data or other information necessary to implement New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants in the State, the State shall immediately so notify EPA, so that EPA may take action necessary to secure such data.

15. The State of Texas and the Texas Air Control Board shall permit access to and inspection by employees and agents of EPA of any and all reports or other records required by or pertaining to the implementation or enforcement of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants in the State of Texas. Access and inspection of reports and records shall be at any office where such records or reports may be filed, during the regular office hours for such office. Unless impractical to do so, the State of Texas and the Texas Air Control Board shall provide copies of such inspections or records upon request by EPA. If reproduction of such reports or records by the State of Texas or the Texas Air Control Board is impractical, the State of Texas and the Texas Air Control Board shall permit EPA to arrange for copies of such reports or records to be made.

16. If a claim of confidentiality or any other reason should ever legally prevent the State of Texas and the Texas Air Control Board from providing to EPA any and all information required by or pertaining to the implementation or enforcement of New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants, the Texas Air Control Board shall, upon request, assist EPA, Region 6, in obtaining that information directly from the source. As a minimum, such assistance shall consist of providing to EPA an identification of the nature of the information withheld, adequate to allow EPA to identify to the source the information which is to be sent directly to EPA.

17. Emission data must be made available to the public by the Texas Air Control Board. "Emission data" is defined in 40 CFR 2.301(a)(2). Emission data is to be correlated with applicable emission limitations or other measures in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions which are allowable under the applicable emission limitations or other measures. If any information which is defined as emission data is found to be not available to the public by reason of State law or other legal requirement, the Texas Air Control Board shall so notify EPA, Region 6, so that EPA may take the action necessary to release such data.

(a) EPA and the Texas Air Control Board each as an independent legal responsibility to ensure compliance by sources of air pollutants with the requirements of the New Source Performance Standards and the National Emission Standards for Hazardous Air Pollutants.

(b) EPA and the Texas Air Control Board each has the right and duty to select which sources covered it subjects to inspections and source tests and when it inspects and tests.

(c) EPA and the Texas Air Control Board, without participation by the other, may make source tests and inspections.

(d) EPA and the Texas Air Control Board, to the extent that it is reasonable, will coordinate inspections and source tests and will share results of these inspections and source tests with the other.

19. All matters in process at the time of delegation of authority may be processed through to completion by EPA, Region 6, or may, at the request of the Texas Air Control Board and in the discretion of EPA, Region 6, be transferred to the Texas Air Control Board for completion. Appropriate reproduction of pertinent file material in the EPA, Region 6, files in relation to source regulation under New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants shall be provided through mutual cooperation of the staffs of the respective offices.

A notice of this delegation will be published in the FEDERAL REGISTER in the near future. The notice will state, among other things, that effective immediately all reports, applications, submittals, and communications required pursuant to the Federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants by sources located in the State of Texas should be submitted to the Texas Air Control Board at 8520 Shoal Creek Boulevard, Austin, Texas 78758. Any such reports which have been or may be received by EPA, Region 6, will be promptly transmitted to the Texas Air Control Board.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State of Texas written notice of objection within ten days of the date of receipt of this letter, the State of Texas and the Texas Air Control Board will be deemed to have accepted all of the terms of the delegation.

Sincerely,

ADLENE HARRISON,
Regional Administrator (6A).

cc: Mr. Bill Stewart, Executive Director, Texas Air Control Board, 8520 Shoal Creek Blvd., Austin, TX. 78758.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region 6 office, 1201 Elm Street, First International Building, Dallas, Texas 75270.

Effective immediately, all reports, applications, submittals, and communications required pursuant to the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) should not be submitted to the Environmental Protection Agency, Region 6 office, but instead should be submitted to the State Agency at the following address: Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

This Notice is issued under the authority of Sections 111, 112 and 301 of the Clean Air Act, as amended, 42 U.S.C. 7411, 7412 and 7601.

Dated: November 15, 1978.

ADLENE HARRISON,
Regional Administrator,
Region 6.

[FR Doc. 79-4222 Filed 2-6-79; 8:45 am]

[6560-01-M]

[OTS 0880005; FRL 1055-7]

TRANSFER OF TSCA INVENTORY INFORMATION TO CONTRACTOR

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data transfer.

SUMMARY: The Environmental Protection Agency will transfer data submitted by manufacturers and importers of chemical substances under the Toxic Substances Control Act (TSCA) Inventory Reporting Regulations to Informatics, Incorporated and through Informatics to its subcontractor, Value Engineering. The data transferred will not include any information about chemical substances whose identities have been claimed as confidential. Informatics has a contract with EPA to maintain and manage a computer data base for the Inventory, and Value Engineering, Informatics' subcontractor, will manage and operate the computer data center.

DATE: A partial information transfer will take place no sooner than the sixth working day after publication of this notice and will continue in controlled stages.

FOR FURTHER INFORMATION CONTACT:

John B. Ritch, Jr., Director, Industry Assistance Office (TS-799) EPA, 401 M Street, SW., Washington, D.C. 20460, Phone: 800-424-9065 or 554-1404 (Washington, D.C.).

SUPPLEMENTARY INFORMATION: Under the TSCA Inventory Reporting Regulations (40 CFR 710; 42 FR 64572; Dec. 23, 1977), manufacturers and importers of chemical substances reported information concerning the substances, their production sites, and

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their production volumes. This information was reported on the TSCA Inventory Reporting Forms A, B, and C and was sent to Chemical Abstracts Service in Columbus, Ohio, which compiled the information for computer processing.

Informants, Incorporated, under contract number 68-01-3862, is responsible for maintaining and managing this Inventory computer data base.

Informatics will also manage a computer facility for the Office of Toxic Substances. Until this permanent facility is completed, a computer at the facilities of Value Engineering, Informatics' subcontractor, will be used for information processing, on a dedicated basis. Value Engineering is therefore subject to the same security provisions as Informatics.

Pursuant to 40 CFR 2.306(j), it has been determined that it is necessary for the Inventory information to be handled by Informatics and Value Engineering in order for them to satisfactorily perform the contract. Informatics' contract and the Value Engineering subcontract contain the required clauses for the protection of this information.

Pursuant to the EPA TSCA Confidential Business Information Security Manual, Informatics and Value Engineering have been authorized to have access to TSCA Confidential Business Information. A security plan for Informatics and Value Engineering has also been approved. EPA's Security and Inspection Division (SID) and Management Information and Data Systems Division (MIDSD) have conducted the required inspections of the Informatics and Value Engineering facilities and have found them to be in compliance with the requirements of the TSCA Confidential Business Information Security Manual.

The transfer of information will take place in stages. The information to be transferred consists of the data taken from Forms A, B, and C. It does *not* include any information taken from Form C on which the submitter claimed the chemical identity as confidential. That information will be maintained by EPA in a separate system.

Dated: February 2, 1979.

STEVEN D. JELLINEK,
Assistant Administrator for Toxic Substances.

[FR Doc. 79-4214 Filed 2-6-79; 8:45 am]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[No. AC-52]

FIRST SAVINGS AND LOAN ASSOCIATION, NEW BRUNSWICK, N.J.

Notice of Approval of Conversion Application (Notice of Final Action)

JANUARY 31, 1979.

Notice is hereby given that on January 18, 1979, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 79-32 approved the application of First Savings and Loan Association, New Brunswick, New Jersey, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the office of the Secretary of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York 10048.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 79-4146 Filed 2-6-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Notice of Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 1, 1979.

A. *Federal Reserve Bank of Boston*, 30 Pearl Street, Boston, Massachusetts 02106:

INDUSTRIAL NATIONAL CORPORATION, Providence, Rhode Island (consumer finance and insurance activities; Florida): To engage, through its subsidiaries, Southern Discount Company, and SDA Corporation, in consumer finance activities; and insurance agency activities for the sale of life, accident and health, and property insurance directly related to its extensions of credit. These activities would be conducted from an office in Kissimmee, Florida, and the geographic area to be served is Osceola County, Florida.

B. *Federal Reserve Bank of Richmond*, 701 East Byrd Street, Richmond, Virginia 23261:

MERCANTILE BANKSHARES CORPORATION, Baltimore, Maryland (insurance activities; Maryland, Delaware): To act, through its subsidiary, Mercantile Mortgage Corporation, as insurance agent or broker for individual policies (Maryland) or administrator for group policies (Delaware) with respect to the provision of life insurance directly related to its extensions of credit. These activities would be conducted from offices in Salisbury, Waldorf, Severna Park, Parkville, and Baltimore, Maryland, and Wilmington, Delaware, and the geographic areas to be served are within radiuses of between 20 and 30 miles from those offices.

C. *Federal Reserve Bank of Kansas City*, 925 Grand Avenue, Kansas City, Missouri 64198:

MISSOURI BANC-MANAGEMENT, INC., Kansas City, Missouri (insurance activities; Missouri): To act as insurance agent for the sale of reducing term life insurance, level term life insurance on single payment demand notes, and accident and health insurance, directly related to extensions of credit by it subsidiary bank, Stadium Bank. These activities would be conducted at the premises of the subsidiary bank in Kansas City, Missouri, and the geographic area to be served is the Kansas City, Missouri metropolitan area.

D. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

HAWAII BANCORPORATION, INC., Honolulu, Hawaii (insurance activities; Hawaii): To act, through its subsidiary, Finance Hawaii, Inc., as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to its extensions of credit. These activities would be conducted from offices in Honolulu and Hilo, Hawaii, and the geographic areas to be served are Honolulu and Hawaii Counties, Hawaii.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 31, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4155 Filed 2-6-79; 8:45 am]

[6210-01-M]

COMMUNITY BANCORP

Formation of Bank Holding Company

Community Bancorp, Creve Coeur, Missouri, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company be acquiring 80 percent or more of the voting shares of Community Bank of Morrison, Morrison, Missouri. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than March 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 1, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the board.

[FR Doc. 79-4153 Filed 2-6-79; 8:45 am]

[6210-01-M]

FIRST BANCORP, INC.

Acquisition of Bank

First Bancorp, Inc., Corsicana, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Forney Bank & Trust Company, Forney, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the reserve Bank to be received not later than February 28, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 31, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4154 Filed 2-6-79; 8:45 am]

[6820-24-M]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation E-56]

SECRETARY OF DEFENSE

Federal Property Management Regulations; Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in conjunction with the Administrator of General Services in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Georgia Public Service Commission involving the application of the Georgia Power Company for an electric rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

JANUARY 16, 1979.

[FR Doc. 79-4107 Filed 2-6-79; 8:45 am]

[6820-24-M]

[Temporary Regulation E-57]

SECRETARY OF DEFENSE

Federal Property Management Regulations; Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in a gas rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Louisiana Public Service Commission involving the application of the Arkansas Louisiana Gas Company for an increase in rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

JANUARY 16, 1979.

[FR Doc. 79-4108 Filed 2-6-79; 8:45 am]

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[4110-02-M]

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Sec. 10(a)(2)).

DATE: March 16, 1979, 9:00 a.m. to 5:30 p.m.; March 17, 1979, 9:00 a.m. to 3:00 p.m.

ADDRESS: Crown Center Hotel, One Pershing Road, Kansas City, Missouri.

FOR FURTHER INFORMATION CONTACT:

Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St., N.W., Washington, D.C., 20004 (202/376-8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee shall be open to the public.

The proposed agenda includes:

Council procedures and organizational structure.
Orientation material development.
Program format and orientation.
April Council meeting.
Committee budget update.

Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, 425 13th St., N.W., Suite 323, Washington, D.C. 20004.

Signed at Washington, D.C. on January 31, 1979.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc. 79-4109 Filed 2-6-79; 8:45 am]

[4110-02-M]

PRESIDENT'S COMMISSION ON FOREIGN LANGUAGE AND INTERNATIONAL STUDIES

Hearings

AGENCY: President's Commission on Foreign Language and International Studies.

ACTION: Notice of hearings.

SUMMARY: This notice sets forth the schedules and proposed agendas of two forthcoming hearings of the President's Commission on Foreign Language and International Studies. It also describes the functions of the Commission. Notice of these hearings is required under the Federal Advisory Committee Act (5 U.S. Code, Appendix I Section 10 (a)(2). This document is intended to notify the general public of its opportunity to attend.

DATE: February 23, 1979.

ADDRESS: World Affairs Council, 312 Sutter Street, San Francisco, California 94108, February 24, 1979, Colton Hall, Monterey City Council Chambers, Madison and Pacific Streets, Monterey, California 93940.

FOR FURTHER INFORMATION CONTACT:

Nan Bell, Staff Director, 1832 M Street, NW., Suite 837, Washington, D.C. 20036 (202) 653-5817.

The President's Commission on Foreign Language and International Studies is established under Executive Order 12054 (April 21, 1978) and Section 9 (a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I). The Commission is directed to:

(A) Conduct such public hearings, inquiries, and studies as may be necessary to make recommendations to the President and the Secretary of Health, Education, and Welfare.

(B) The objectives of the Commission shall be to:

(1) Recommend means for directing public attention to the importance of foreign language and international studies for the improvement of communications and understanding with other nations in an increasingly interdependent world;

(2) Assess the need in the United States for foreign language and area specialists, ways in which foreign language and international studies contribute to meeting these needs, and the job market for individuals with these skills;

(3) Recommend what foreign language area studies programs are appropriate at all academic levels and recommend desirable levels and kinds of support for each that should be provided by the public and private sectors;

(4) Review existing legislative authorities and make recommendations for changes needed to carry out most effectively the Commission's recommendations.

The hearing in San Francisco on February 23, 1979, from 8:45 a.m. to 4:45 p.m. will include the following agenda:

(1) Statement on background and mandate of the Commission;

(2) Statement on work and priorities of the Commission;

(3) Presentation on international education and foreign language instruction in the public schools;

(4) Concurrent panel discussions on international education in the schools, colleges and communities, foreign language education in the U.S., international exchanges, undergraduate and advanced training and research, business and international trade needs and ethnic studies.

The hearing will close with summaries of each panel's discussion.

The hearing in Monterey on February 24, 1979, from 10:00 a.m. to 5:00 p.m. will include the following agenda:

(1) Statement on background and mandate of the Commission;

(2) Statement on work and priorities of the Commission;

(3) Testimony from government officials and the general public concerning foreign language and international studies programs within the Department of Defense, with a focus on the Defense Language Institute/Foreign Language Center, Presidio of Monterey, California.

The hearings of the Commission are open to the public. Records will be kept of the proceedings and are available for public inspection at the office of the President's Commission on Foreign Language and International Studies, 1832 M Street, NW., Suite 837, Washington D.C. 20036.

Signed at Washington, D.C. on February 2, 1979.

NAN P. BELL,
Staff Director.

[FR Doc. 79-4135 Filed 2-6-79; 8:45 am]

[4110-92-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services
Administration for Public Services

FAMILY MEDIAN INCOME BY STATE

Eligibility for Social Services

Under the provision of sections 2002(a)(5)(B), 2002(a)(6) (A) and (B), and 2002(a)(14)(A) of title XX of the Social Security Act, promulgation is made of the median income of a family of four for each State, the District of Columbia, and the States as a whole, applicable to the period October 1, 1979 through September 30, 1980. For those States whose 1980 fiscal year begins before or after October 1, 1979, this promulgation is also applicable. The purpose of the promulgation is for determining the extent of Federal financial participation (FFP) in State expenditures under title XX. The above listed sections impose certain limitations with respect to the availability of FFP based upon the relationship of the income of the family of a service recipient to the median income of four in the State. The median incomes have been adjusted in accordance with regulations prescribed by the Secretary to take into account the size of the family.

Estimates of the median income of families of four persons for each State and the District of Columbia were developed by the Bureau of the Census. In developing the median income scale, the Bureau of the Census used three sources of data:

(1) the 1978 Current Population Survey, (2) the 1970 Census of Population, and (3) the per capital personal income estimates from the Bureau of Economic Analysis. The methodology for adjusting median income for families of different sizes is specified in 45 CFR 228.60.

The median income for a family of four, by State for fiscal year 1980—with calculation at the 80 percent, 90 percent, and 115 percent levels—is set forth below for use by States in establishing income ceilings and fee schedules under title XX of the Social Security Act:

MEDIAN INCOME FOR FAMILIES OF FOUR

State	Median income*	80 pct of median income	90 pct of median income	115 pct of median income
Alabama	16,629	13,303	14,966	19,123
Alaska	32,119	25,695	28,907	36,937
Arizona	19,101	15,281	17,191	21,966
Arkansas	15,068	12,054	13,561	17,328
California	20,858	16,686	18,772	23,987
Colorado	20,181	16,145	18,163	23,208
Connecticut	20,469	16,375	18,422	23,539
Delaware	18,245	14,596	16,421	20,982
District of Columbia	19,047	15,238	17,142	21,904
Florida	17,874	14,299	16,087	20,555
Georgia	16,835	13,468	15,152	19,360
Hawaii	21,718	17,374	19,546	24,976
Idaho	16,601	13,281	14,941	19,091
Illinois	20,243	16,194	18,219	23,279
Indiana	19,131	15,305	17,218	22,001
Iowa	18,441	14,753	16,597	21,207
Kansas	18,379	14,703	16,541	21,138
Kentucky	16,264	13,011	14,638	18,704
Louisiana	16,511	13,209	14,860	18,988
Maine	15,025	12,020	13,523	17,279
Maryland	21,193	16,954	19,074	24,372
Massachusetts	19,508	15,606	17,557	22,434
Michigan	20,908	16,726	18,817	24,044
Minnesota	20,715	16,572	18,644	23,822
Mississippi	14,635	11,708	13,172	16,830
Missouri	17,862	14,290	16,076	20,541
Montana	16,389	13,111	14,750	18,847
Nebraska	16,523	13,218	14,871	19,001
Nevada	20,308	16,246	18,277	23,354
New Hampshire	18,190	14,552	16,371	20,919
New Jersey	21,409	17,127	19,268	24,620
New Mexico	16,801	13,441	15,121	19,321
New York	18,216	14,573	16,394	20,948
North Carolina	16,252	13,002	14,627	18,690
North Dakota	16,008	12,806	14,407	18,409
Ohio	19,195	15,356	17,276	22,074
Oklahoma	17,144	13,715	15,430	19,716
Oregon	19,771	15,817	17,794	22,737
Pennsylvania	18,348	14,678	16,513	21,100
Rhode Island	17,910	14,328	16,119	20,597
South Carolina	16,573	13,258	14,916	19,059
South Dakota	15,733	12,586	14,160	18,093
Tennessee	15,677	12,542	14,109	18,029
Texas	18,930	15,144	17,037	21,770
Utah	18,250	14,600	16,425	20,988
Vermont	16,381	13,105	14,743	18,838
Virginia	19,244	15,395	17,320	22,131
Washington	20,207	16,166	18,186	23,238
West Virginia	16,793	13,434	15,114	19,312
Wisconsin	20,109	16,087	18,098	23,125
Wyoming	20,755	16,604	18,680	23,868

*Median income based on 1977 data.

NOTE.—The median income for a family of four in the 50 States and the District of Columbia, applicable to the period October 1, 1979 through September 30, 1980, $18,723.

(Catalog of Federal Domestic Assistance Program No. 13.771 Social Services for Low Income and Public Assistance Recipients.)

Dated: January 19, 1979.

ERNEST OSBORNE,
Commissioner,
Administration for Public Services.

Approved: January 26, 1979.

ARABELLA MARTINEZ,
Assistant Secretary for
Human Development Services.

[FR Doc. 79-4026 Filed 2-6-79; 8:45 am]

[4110-08-M]

National Institutes of Health

AGING REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on March 22, 23, 1979, in Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Md.

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The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on March 22, for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provision set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 22, from 10:00 a.m. to adjournment on March 23, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Suzanna H. Porter, Committee Management Officer, NIA, Building 31, Room 5C07, National Institutes of Health, Bethesda, Maryland, Area Code 301-496-5345, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health)

Dated: January 30, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4160 Filed 2-6-79; 8:45 am]

[4110-03-M]

ANIMAL RESOURCES REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of the meeting of the Animal Resources Review Committee, Division of Research Resources, March 14, 1979, Conference Room 104, Bldg. 14G, National Institutes of Health, Bethesda Maryland 20014.

The meeting will be open to the public on March 14 from 11:00 a.m. to adjournment, during which time there will be a brief staff presentation on the current status of the Primate Research Centers Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth is sections 552b(c) (4) and 552b(c) (6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 14 from 8:30 a.m. to 11:00 a.m. for the review, discussion, and evaluation of individual grant applications and a National Research Service Award application, submitted to the Primate Research Centers Program. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Devision of Research Resources, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda Maryland 20014, (301) 496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda Maryland 20014, (301) 496-5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health)

Dated: January 30, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4158 Filed 2-6-79; 8:45 am]

[4110-08-M]

BIOMEDICAL LIBRARY REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on March 14-15, 1979, from 8:30 a.m. to 5:00 p.m. on March 14, and from 8:30 a.m. to adjournment on March 15, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public from 8:30 to 11:00 a.m. on March 14 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 14 from 11:00 a.m. to 5:00 p.m., and from 8:30 a.m. to adjournment on March 15 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301-496-4191, will provide summaries of the meeting, rosters of committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—National Institutes of Health)

Dated: January 30, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4164 Filed 2-6-79; 8:45 am]

[4110-08-M]

CANCER CONTROL MERIT REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Merit Review Committee, National Cancer Institute, March 26, 1979, Building 31C, Conference Room 9, 9000 Rockville Pike, Bethesda, Maryland 20014. Except as noted below, this meeting will be open to the public on March 26, 1979, from 8:30 a.m.—5:00 p.m., to review contract progress reports from: Jefferson Medical College, American College of Radiology, Hawaii State Department of Health, and Vermont State Department of Health. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public approximately half an hour in the morning before lunch to discuss individuals associated with Jefferson Medical College, and approximately half an hour before closing to discuss individuals associated with the American College of Radiology, Hawaii State Department of Health, and Vermont State Department of Health. These discussions could reveal personal information concerning individuals associated with the contracts, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will provide a summary of the meeting and a roster of committee members, upon request.

Hugh E. Mahanes, Jr., Acting Executive Secretary, National Cancer Institute, Blair Building, Room 726, National Institutes of Health, Silver Spring, Maryland 20910 (301/427-7298) will furnish substantive program information.

Dated: January 29, 1979.

(Catalog of Federal Domestic Assistance Program No. 13.394, National Institutes of Health)

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4162 Filed 2-6-79; 8:45 am]

[4110-08-M]

NATIONAL INSTITUTES OF HEALTH STUDY SECTIONS

Amended Notice of Meetings

Notice is hereby given of a change in the meeting date, place or time of the following National Institutes of Health Study Sections which were published in the FEDERAL REGISTER on January 9, 1979 (44 FR 2023).

The Allergy & Immunology Study Section was to have met February 16-18, 1979 at 8:45 a.m., but will meet February 15-18, 1979 at 7:00 p.m. at the Royal Inn, La Jolla, CA, the same location for which it was originally scheduled.

The Cardiovascular & Pulmonary Study Section was to have met March 6-10, 1979, at the Holiday Inn, Bethesda, MD but will meet March 6-7, 1979 at 8:00 a.m. at the Holiday Inn, Georgetown, DC, the same time for which it was originally scheduled.

The Experimental Therapeutics Study Section was to have met February 28—March 3, 1979 at 1:00 p.m. but will meet February 28—March 3, 1979 at 8:30 a.m. Kenwood Country Club, Bethesda, MD, the same dates and location for which it was originally scheduled.

The General Medicine A Study Section was to have met February 25-28, 1979, but will meet February 26-28, 1979 at 1:00 p.m. in Conference Room 8, Building 31C, Bethseda, MD, the same time and location for which it was originally scheduled.

The General Medicine B Study Section was to have met at the Embassy Row Hotel, Washington, DC, but will meet at the Dupont Plaza Hotel, Washington, DC, March 7-10, 1979 at 8:30 a.m., the same dates and time for which it was originally scheduled.

The Nutrition Study Section was to have met February 28—March 2, 1979 at 8:30 a.m., but will meet February 27—March 2, 1979 at 7:30 p.m. in Conference Room 7, Building 31C, Bethesda, MD, the same location for which it was originally scheduled.

The meetings will be open to the public for approximately one hour at the beginning of the first session of the first day of the meetings.

Dated: January 31, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4163 Filed 2-6-79; 8:45 am]

[4110-08-M]

SICKLE CELL DISEASE ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, March 15, 1979. The meeting will be held in Conference Room 4A, A-Wing, Building 31, National Institutes of Health, Bethesda, Maryland 20014. The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 5A03, (301) 496-4236, will provide summaries of the meeting and rosters of Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR, NHLBI, NIH Federal Building, Room 504, (301) 496-6931, will furnish substantive program information.

Dated: January 31, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4159 Filed 2-6-79; 8:45 am]

[4110-85-M]

Public Health Service

INTERNATIONAL CLASSIFICATION OF DISEASES

Availability of the 9th Revision

Effective January 1, 1979, classification of mortality data in the United States will be coded to the new Ninth Revision of the International Classification of Diseases (ICD-9).

The Ninth Revision of the International Classification of Diseases, (ICD-9), was adopted in 1975 by an International Conference convened by the World Health Organization. For mortality coding, the ICD-9 will be used as published by the World Health Organization without resort to an adaptation such as was used during the eighth revision (ICDA-8). The modification of the ICD-9 known as the International Classification of Diseases, Ninth Revision, Clinical Modification (ICD-9-CM) will only be used in the United States for morbidity coding.

The two-volume set of the ICD-9 is available and can be purchased for $31.25 from:

WHO Publication Center, 49 Sheridan Avenue, Albany, New York 12210.

In keeping with the tradition of actively promoting the recommendations of the World Health Organization for adoption of the decennial revisions of the ICD-9 for mortality purposes, the National Center for Health Statistics is offering training courses in cause-of-death coding. The Center has also provided each State Health Department with two complimentary copies of the new ICD-9.

FOR MORE INFORMATION, CONTACT:

Robert A. Israel, Head, WHO Center for Classification of Diseases for North America, National Center for Health Statistics, 3700 East-West Highway, Hyattsville, Maryland 20782.

ROBERT A. ISRAEL,
Deputy Director.

JANUARY 4, 1979.

[FR Doc. 79-4110 Filed 2-6-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 27658]

NORTHWEST PIPELINE CORP.

Pipeline Application

JANUARY 29, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a 4½-inch o.d. natural gas pipeline approximately 0.676 miles long across the following public lands in Garfield County, Colorado:

T. 5S., R. 102 W., 6th P.M.
Sec. 35
T. 6S., R. 102 W., 6th P.M.
Sec. 6

The proposed lateral pipeline will enable the applicant to convey natural gas from the Palmer Oil Federal #8-6 well to an existing Western Slope gathering system.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons as-

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serting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objection must be filed with the Team Leader, Canon City-Grand Junction Team, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Leader Canon City-Grand Junction Team Branch of Adjudication.

[FR Doc. 79-4199 Filed 2-6-79; 8:45 am]

[4310-84-M]

IDAHO WILDERNESS INVENTORY

Proposed Decision

Notice is hereby given that the Bureau of Land Management has completed the first phase of a wilderness inventory on certain public lands in Idaho. The inventory, following guidelines in the Bureau's Wilderness Inventory Handbook, was conducted in advance of the statewide inventory to protect potential wilderness values in the Black Butte area, an area proposed for a mining operation. The Black Butte area is approximately 17 miles north of Shoshone, Idaho, in the BLM Shoshone District.

PROPOSED DECISION

The Idaho State Director's proposed decision on the wilderness inventory is as follows:

Unit 54-2, Black Butte (4,326 acres). Unit was intensively inventoried, and portions on west side were found not meeting naturalness criteria due to rock removal within the community pit area and in a small area adjacent to the pit. An area of 4,061 acres is recommended for Wilderness Study Area designation. Although less than 5,000 acres in size, the unit has sufficient size to make practicable its preservation and use in an unimpaired condition, as required by the definition of wilderness in Sec. 2(c) of the Wilderness Act of 1964. A number of letters have been received concerning the possibility of including this area in the National Wilderness Preservation System.

A 90-day public review of the proposed decision will begin January 26, 1979, and conclude on April 27, 1979. To provide an opportunity for public discussion and review of the proposed decision, a workshop has been scheduled for February 27, 1979, 7:00 p.m., at the Lincoln County Courthouse, Shoshone, Idaho.

For further information or to submit written comments on the wilderness inventory for the above unit, contact:

William L. Mathews, State Director, Bureau of Land Management, Federal Building, Box 042, 550 W. Fort Street, Boise, Idaho 83724.

Charles J. Haszler, District Manager, Shoshone District Office, Bureau of Land Management, P.O. Box 2 B, Shoshone, Idaho 83352, Telephone: 208-886-2208.

Dated: January 29, 1979.

T. G. BINGHAM,
Idaho State Director, Bureau of Land Management.

[FR Doc. 79-4200 Filed 2-6-79; 8:45 am]

[4310-84-M]

IDAHO WILDERNESS INVENTORY

Proposed Decision

Notice is hereby given that the Bureau of Land Management has completed the first phase of a wilderness inventory on certain public lands in Idaho. The inventory, following guidelines in the Bureau's Wilderness Inventory Handbook, was conducted in advance of the statewide inventory in order to obtain wilderness data for inclusion in Bureau Planning System reports for the Sun Valley ES Planning Area. The planning area is located in the northern portion of the BLM Shoshone District.

PROPOSED DECISIONS SUN VALLEY ES PLANNING AREA

The Idaho State Director's proposed decision on the wilderness inventory is as follows:

CAMAS PLANNING UNIT

Unit 51-1 (9,430 acres). Numerous isolated parcels that clearly and obviously do not meet size criteria.

Unit 51-2 (11,310 acres). Numerous parcels that clearly and obviously do not meet size criteria.

Unit 51-3 (6,600 acres). Parcel is bisected by a mining road and clearly and obviously does not meet size criteria.

SUN VALLEY PLANNING UNIT

Unit 52-1 (40,710 acres). Numerous isolated parcels that clearly and obviously do not meet size criteria.

Unit 52-2 (16,590 acres). Numerous parcels that clearly and obviously do not meet size criteria.

Unit 52-3, Bunker Hill (11,220 acres). Unit was intensively inventoried and found not to meet naturalness criteria.

Unit 52-4, Ohio Gulch (6,720 acres). Unit was intensively inventoried and found not to meet naturalness criteria.

Unit 52-5, Sheep Creek (9,163 acres). Unit was intensively inventoried and southwestern portion found not to meet naturalness criteria. An area of 8,765 acres was recommended for Wilderness Study Area designation.

Unit 52-6, Dry Canyon (5,410 acres). Unit was intensively inventoried and recommended for Wilderness Study Area designation.

Unit 52-7, Lookout Mountain (7,244 acres). Unit was intensively inventoried and the western portion found not to meet naturalness criteria. An area of 6,297 acres is recommended for Wilderness Study Area designation.

MULDOON PLANNING UNIT

Unit 53-1 (52,140 acres). Numerous isolated parcels that clearly and obviously do not meet size criteria.

Unit 53-2 (1,020 acres). Numerous parcels that clearly and obviously do not meet size criteria.

Unit 53-3 (2,710 acres). Several parcels that clearly and obviously do not meet size criteria.

Unit 53-4, Little Wood River (4,265 acres). Unit was intensively inventoried and recommended for Wilderness Study Area designation. This unit is dependent upon the contiguous U.S. Forest Service RARE II area, 4-201, Pioneer Mountains (recommended by U.S.F.S. for wilderness designation) to meet the size criteria.

Unit 53-5, Friedman Creek (9,700 acres). Unit was intensively inventoried and the western portion found not to meet naturalness criteria. An area of 9,413 acres is recommended for Wilderness Study Area designation.

Unit 53-6, (13,790 acres). Unit was found to be bisected by several roads, with the remaining portions clearly and obviously not meeting the size or solitude and primitive recreation criteria.

Unit 53-7, Mountains End (5,665 acres). Unit was intensively inventoried and portions along the south boundary found not to meet naturalness criteria. An area of 5,411 acres is recommended for Wilderness Study Area designation.

Unit 53-8 (5,740 acres). Unit was found to be bisected by a road and clearly and obviously not meeting size criteria.

Unit 53-9 (6,640 acres). Unit found to be bisected by a road and clearly and obviously not meeting size criteria.

Unit 53-10 (9,980 acres). Unit found to be bisected by two roads and clearly and obviously not meeting size criteria.

A 90-day public review of this proposed decision will begin January 26, 1979, and conclude on April 27, 1979.

To provide an opportunity for public discussion and review of the proposed decision, the following workshops have been scheduled: February 28, 1979, 7:00 p.m., Wood River High School, Hailey, Idaho. March 1, 1979, 7:00 p.m., Camas Co. High School, Fairfield, Idaho. March 6, 1979, 7:00 p.m., Carey School, Carey, Idaho.

For further information or to submit written comments on the wilderness inventory for the above units, contact:

William L. Mathews, State Director, Bureau of Land Management, Federal Building, Box 042, 550 W. Fort Street, Boise, Idaho 83724.

Charles J. Haszler, District Manager, Shoshone District Office, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352, Telephone: 208-886-2208.

Dated: January 29, 1979.

T. G. BINGHAM,
Idaho State Director, Bureau of Land Management.

[FR Doc. 79-4201 Filed 2-6-79; 8:45 am]

[4310-84-M]

[OR 20183]

OREGON

Proposed Withdrawal and Reservation of Lands

The Department of Agriculture on behalf of the Forest Service on January 18, 1979, filed application Serial No. OR 20183 for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, subject to valid existing rights:

WILLAMETTE MERIDIAN

DESCHUTES AND WILLAMETTE NATIONAL FORESTS

Obsidian Flows and Dacite Domes Area

T. 17 S., R. 8 E., Unsurveyed,
Sec. 22, S½;
Sec. 23, S½;
Secs. 26 and 27;
Sec. 28, W½;
Sec. 29;
Sec. 30, E½;
Sec. 31, E½;
Sec. 32;
Sec. 33, W½;
Sec. 34;
Sec. 35, N½;
T. 18 S., R. 8 E.,
Sec. 3, Lots, 1, 2, 3, 4, S½N½, and S½, except that parcel of land in said S½ containing 10 acres, more or less, and identified as the Cascade Lakes Road Zone—Forest Road No. 46, withdrawn by PLO 2751 of August 13, 1962;
Sec. 10, NE¼, except that parcel of land containing 30 acres, more or less, and identified as the Cascade Lakes Road Zone—Forest Road No. 46, withdrawn by PLO 2751 of August 13, 1962.

The areas described aggregate, after making the aforesaid exceptions, approximately 4,578.60 acres in the Deschutes National Forest and approximately 1,620 acres in the Willamette National Forest, for a total of 6,198.60 acres in Deschutes and lane Counties, Oregon.

The Forest Service desires that the lands be withdrawn and reserved for protection of their geologic, scientific, and scenic values.

For a period of 40 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, on or before March 7, 1979. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of the application shall terminate upon (a) rejection of the application by the Secretary, (b) withdrawal of lands by the Secretary, or (c) two years from the date of publication of this notice.

All communications (except public hearing requests) in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 25, 1979.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4202 Filed 2-6-79; 8:45 am]

[4310-84-M]

[OR 20029]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management, Department of the Interior, on January 16, 1979, filed application Serial No. OR 20029 for the withdrawal of the following described lands from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights:

WILLAMETTE MERIDIAN

T. 10 S., R. 11 W.,
Sec. 30, Unnumbered Lot identified as Yaquina Head Lighthouse Reservation (formerly Cape Foulweather Lighthouse Reservation), except that parcel of land containing 4.5 acres, more or less, described as follows:
Commencing at the Southwest corner of Lot 3 of said Sec. 30;
Thence North 79°58'18" West 223.80 feet;
Thence North 35°45' West 735.90 feet;
Thence North 47°45' West 440.04 feet to the point of beginning;
Thence South 89°43'36" East 221.45 feet;
Thence North 352.5 feet;
Thence North 68°West 97.00 feet;
Thence North 99.00 feet;
Thence South 62° West 264.00 feet;
Thence North 66.00 feet;
Thence West 66.00 feet;
Thence South 32° West 158.40 feet;
Thence South 16°45' West 171.60 feet;
Thence South 16°45' East 264.00 feet;
Thence North 27° East 250.80 feet;
Thence South 47°45' East 150.00 feet to the point of beginning.

The area described contains, after making the aforesaid exception, 18.1 acres in Lincoln County, Oregon.

The land is a portion of the Yaquina Head Lighthouse Reserve and is presently withdrawn by Executive Order

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of June 8, 1866. The U.S. Coast Guard has filed intent to relinquish and return to the public domain the land described above as it is no longer needed for lighthouse purposes. On acceptance of jurisdiction, the Bureau of Land Management desires that the land be reserved and designated as an outstanding natural area because of its unique scenic, scientific, educational, and recreational values.

For a period of 40 days from the date of publication of this notice (March 19, 1979), all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, on or before March 8, 1979. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also assure that the area sought is the minimum essential for the proposed use and provide for the maximum concurrent utilization of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

The above described lands are temporarily segregated from the operation of the public lands laws, including the mining laws but not the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. The segregative effect of this proposed withdrawal shall terminate upon (a) rejection of the application by the Secretary, (b) withdrawal of the lands by the Secretary, or (c) two years from the date of publication of this notice. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

The segregative effect and current administrative jurisdiction of the existing withdrawal are not affected by this proposal.

All communications (except public hearing requests) in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Managment, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 26, 1979.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4203 Filed 2-6-79; 8:45 am]

[4310-84-M]

[Wyoming 66846]

WYOMING

Applicotion

JANUARY 29, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 6⅝ inch O. D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 112 W.,
Sec. 4, S½SE¼.

The proposed pipeline will transport natural gas from a point of extending their Lateral A-5 line located in the SW¼SW¼ section 3 westerly to a point in the NE¼SE¼ section 9, T. 21 N., R. 112 W., Lincoln County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4204 Filed 2-6-79; 8:45 am]

[4310-84-M]

[Wyoming 66850]

WYOMING

Application

JANUARY 29, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ inch O. D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 114 W.,
Sec. 8, Lot 1, 2 and 3;
Sec. 9, NW¼NW¼.

The proposed pipeline will transport natural gas from the Fogarty Creek #10-8 well located within Lot 3 section 8 to a point of connection on Fed #3 and 4, Lot 17 section 4, T. 28 N., R. 114 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4205 Filed 2-6-79; 8:45 am]

[4310-84-M]

WYOMING

Commencement of Public Comment Period on Initial Wilderness Inventory

JANUARY 30, 1979.

This Notice announces the beginning of a 90-day public comment period concerning the initial wilderness inventory of public lands in Wyoming. Beginning on the date of this announcement and running until May 15, 1979, the public is invited to review and provide comments on the wilderness inventory of public lands in Wyoming. This initial inventory was officially begun by announcement in the FEDERAL REGISTER on November 16, 1978, and was conducted under the authority of section 603 of The Federal Land Policy and Management Act of October 21, 1976.

All public lands in Wyoming have been reviewed and those areas of 5,000 acres or more that are roadless have been identified. An analysis (situation evaluation) has been prepared for each such area (inventory unit). Each area has been tentatively placed into one of two categories using the criteria set forth in section 2(c) of The Wilderness Act of 1964. These are:

Category 1. Areas that may possibly meet the criteria and should receive further analysis.

Category 2. Areas that clearly and obviously do not meet the criteria for identification as wilderness study areas.

This tentative determination has been made base on the initial inventory and is subject to change based upon additional information which may be obtained from the public and from local, State, and Federal agencies.

All areas in category 1 have been delineated on a transparency (Overlay No. 1) to the 1:500,000 scale colored status map of Wyoming which is available at all BLM offices in Wyoming for public inspection, review, and comment. An additional transparency (Overlay No. 2) to the State map showing all inventory units including those which clearly and obviously do not meet the criteria for wilderness designation, is also available for inspection in all officies. All areas not delineated and numbered on the transparencies were tentatively determined to be either too small for consideration or are roaded. In some instances, areas of less than 5,000 acres of public lands have been analyzed. These include:

1. Public land islands.
2. Roadless areas adjacent to lands administered by other Federal agencies having responsibilities for wilderness inventory and management.

The above maps and overlays are available for purchase from the Wyoming State Office of BLM, at the address listed below, as follows:

1:500,000 scale colored status map	$5.00 ea. copy
Transparent Overlay No. 1	$4.00 ea. copy
Transparent Overlay No. 2	$4.00 ea. copy
Paper Copy Overlay No. 1	$2.50 ea. copy
Paper Copy Overlay No. 2	$2.50 ea. copy

The situation evaluation and a more detailed map of each inventory unit is on file at the respective District Offices and at the State Office in Cheyenne. These situation evaluations, along with the maps, are available for inspection at the District or State Office by appointment or at the open houses listed below.

To facilitate public review and comment on this initial inventory effort, the following schedule of open houses and public meetings is established.

OPEN HOUSES

Rawlins—February 15, 16, 1979, Rawlins District Office, 1300 Third St., Rawlins, WY, 10 a.m.-5 p.m., 7 p.m.-10 p.m.
Rock Springs—February 20, 1979, Green River Resource Area Office, Hwy. 187 N., Rock Springs, WY, 1 p.m.-4:30 p.m., 7 p.m.-9:30 p.m.
Kemmerer—February 21, 1979, Kemmerer Resource Area Office, Kemmerer, WY, 1 p.m.-4:30 p.m., 7 p.m.-9:30 p.m.
Lander—February 21, 22, 1979 Lander Resource Area Office, Jett Bldg., Hwy 2875 So., Lander, WY, 10 a.m.-5 p.m., 7 p.m.-10 p.m.
Worland—Februray 21, 1979, Stockgrowers State Bank, Hospitality Room, Worland, WY 2 p.m.-9 p.m, February 28, 1979, Worland District Office, 1700 Robertson St., Worland, WY, 1 p.m.-4:30 p.m., 7 p.m.-9 p.m.
Buffalo—February 22, 1979, Buffalo Resource Area Office, Buffalo, WY, 1 p.m.-5 p.m., 7 p.m.-9 p.m.
Greybull—February 22, 1979, Big Horn Federal Savings and Loan Bldg., Hospitality Room, Greybull, WY, 2 p.m.-9 p.m.
Cody—February 27, 1979, Provident Federal Savings and Loan Bldg., Hospitality Room, Cody, WY, 2 p.m.-9 p.m.
Pinedale—March 1, 1979, Pinedale Resource Area Office, Molyneux Bldg., Pinedale, WY, 1 p.m.-4:30 p.m., 7 p.m.-9:30 p.m.

PUBLIC MEETINGS

Pinedale—March 15, 1979, Pinedale Resource Area Office, Molyneux Bldg., Pinedale, WY, 7 p.m.
Rawlins—March 15, 1979, Rawlins District Office, 1300 Third St., Rawlins, WY, 7 p.m.
Casper—March 20, 1979, Natrona County Library, Crawford Room, 307 E. 2nd St., Casper, WY, 7:30 p.m.
Lander—March 21, 1979, Lander Resource Area Office, Jett Bldg., Hwy. 287 So., Lander, WY 7 p.m.
Rock Springs—March 22, 1979, Western Wyoming College, Room 204C, Administration Bldg., Rock Spring, WY, 7 p.m.
Sheridan—March 22, 1979, Sheridan College, West End Cafeteria, Commons Bldg., Sheridan, WY, 7:30 p.m.
Worland—March 22, 1979, Worland Sr. High School, Little Theater, Worland, WY, 7 p.m.
Big Piney—March 27, 1979, City Library, Big Piney, WY, 7 p.m.
Kemmerer—March 29, 1979, Senior Citizens Friendship Center, 105 Penney Ave., Kemmerer, WY, 7 p.m.

Those persons or organizational representatives, planning to participate and make oral comment at one or more of the above public meetings are urged to also submit written comments. Those wishing to submit comments other than at the public meetings are requested to send their comments to the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

After the comment period closes in May, the Bureau will analyze the public response and prepare a decision setting forth those inventory units that will undergo further analysis in the inventory process. The map overlays will be modified to reflect this decison. A FEDERAL REGISTER notice including this decision and other pertinent information will be published. Those lands not being designated for further analysis will be released from the constraints of interim management as set forth in section 603(c) of the Federal Land Policy and Management Act.

Additional information on this program is available on request from all BLM officies in Wyoming as listed below. These offices are also available for contact regarding input to the wilderness inventory.

State Director, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, WY 82001, 308-778-2220, ext. 2413.
Worland District Office, District Manager, P.O. Box 119, 1700 Robertson Avenue, Worland, WY 82401, 307-347-6151.
  Grass Creek Resource Area. [1]
  Washakie Resource Area. [1]
  Cody Resource Area, Area Manager, P.O. Box 528, Federal Building 1131 13th, Cody, WY 82414, 307-587-2216.
Rawlins District Office, District Manager, P.O. Box 670, 1300 Third Street, Rawlins, WY 82301, 307-324-7171,.
  Divide Resource Area. [1]
  Medicine Bow Resource Area. [1]
  Lander Resource Area, Area Manager, P.O. Box 589, Lander, WY 82520, 307-332-4220.
Rock Springs District Office, District Manager, P.O. Box 1869, Highway 187 N, Rock Springs, WY 82901, 307-382-5350.
  Green River Resource Area. [1]
  Salt Wells Resource Area. [1]
  Pinedale Resource Area, Area Manager, Molyneux Building, Pinedale, WY 82941, 307-367-4358.
  Kemmerer Resource Area, Area Manager, P.O. Box 632, Kemmerer, WY 83101, 307-887-3933.
Casper District Office, District Manager, 951 Union Blvd., Casper, WY 82601, 307-265-5550, ext. 5101.
  Platte River Resource Area. [1]
  Buffalo Resource Area, Area Manager, P.O. Box 670, Buffalo, WY 82834, 307-684-5586.
  Newcastle Resource Area, Area Manager, Highway 16 Bypass, Newcastle, WY 82701, 307-746-4453.

DELMAR D. VAIL,
Associate State Director.

[FR Doc. 79-4206 Filed 2-6-79; 8:45 am]

[4310-09-M]

Bureau of Reclamation

CONTRACT NEGOTIATIONS WITH THE McGEE CREEK AUTHORITY

Intent to Negotiate a Contract for Repayment of Construction Costs

The Department of the Interior, through the Bureau of Reclamation, intends to negotiate a contract with the McGee Creek Authority for repayment of construction costs and oper-

[1] Located at District Office.

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ation and maintenance of a proposed dam and reservoir to be constructed on McGee Creek near Atoka in southeastern Oklahoma. The contract will be written pursuant to the Reclamation Project Act of 1939 (53 Stat. 1187) and the Water Supply Act of 1958 (72 Stat. 319).

The McGee Creek Project was authorized by Congress, September 28, 1976, under Title VII of Pub. L. 94-423 in accordance with Federal Reclamation laws. The project will store, regulate, and convey water largely for municipal and industrial (M&I) use. It will also conserve and develop fish and wildlife resources, provide outdoor recreational opportunities, develop a scenic recreation area and a wildlife management area, and control floods.

The M&I water will be made available to Oklahoma City; the city of Atoka, Oklahoma; Atoka County; and rural areas in several southern Oklahoma counties. The contract will contain provisions which permit a partial deferral of interest for some of the M&I costs assigned to future water supply needs in the area, pursuant to the Water Supply Act of 1958 (72 Stat. 319).

Construction costs of the project (January 1978 prices) are estimated to be $91 million. Some $77 million is expected to be allocated to M&I and $1 million to recreation and fish and wildlife. These costs will be repaid with interest over a 50-year period. The remaining $13 million, allocated to other purposes, provide benefits to the general public and, therefore, will be nonreimbursable. These costs are subject to cost escalation and any increase will be allocated for repayment as appropriate.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public.

For further information about scheduled meetings and copies of the proposed contract form, please contact Mr. Ira M. Stevens, Repayment and Economics Branch; Division of Water, Land, and Power; Bureau of Reclamation, Herring Plaza Box H-4377, Amarillo, Texas 79101, telephone no. (806) 376-2445. All meetings scheduled by the Bureau of Reclamation with a potential contractor for the purpose of discussing terms and conditions of a proposed contract shall be open to the general public as observers. Advance notice of such meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified above at least 1 week prior to any meeting. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383) as amended.

Dated: February 1,1979.

R. KEITH HIGGINSON,
Commissioner.

[FR Doc. 79-4139 Filed 2-6-79; 8:45 am]

[4310-03-M]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before January 31, 1979. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted by February 20, 1979.

NEW HAMPSHIRE

SULLIVAN COUNTY

Claremont, *Warehouse No. 34, Sullivan Machinery Company*, 43 River Street.

WILLIAM J. MURTAGH,
Keeper of the National Register.

[FR Doc. 79-3940 Filed 2-6-79; 8:45 am]

[4310-70-M]

National Park Service

OBED WILD AND SCENIC RIVER, TENN.

Classification, Boundaries, Cooperative Agreement, and Development Plan

Pursuant to subsection 3(b) of the Wild and Scenic Rivers Act (82 Stat. 908), the stream classification, boundaries, and development plan for the Obed Wild and Scenic River in the State of Tennessee are published as hereinafter set forth, and shall become effective on January 29, 1979. The effective date follows by ninety (90) days the submission of the material printed below to the President of the Senate and Speaker of the House of Representatives, which occurred on October 31, 1978. In addition, there is also published a cooperative agreement between the Tennessee Wildlife Resources Agency and the National Park Service for the purpose of establishing procedures for the development and management of those lands within the wild and scenic river corridor that are part of the Catoosa Wildlife Management Area, as required by section 301 of the Act of October 12, 1976 (Pub. L. 94-486; 90 Stat. 2329).

Dated: January 30, 1979.

JOE BROWN,
REGIONAL DIRECTOR,
SOUTHEAST
Region, National Park Service.

U.S. DEPARTMENT OF THE INTERIOR

ADDENDUM TO THE FINAL ENVIRONMENTAL STATEMENT, OBED WILD AND SCENIC RIVER, TENN.

Prepared by Denver Service Center, National Park Service, Department of the Interior

WILLAM J. SHAW
Director, National Park Service.

I. DESCRIPTION OF THE PROPOSAL

A. BACKGROUND

Obed Wild and Scenic River was promulgated on October 12, 1976, by Public Law 94-486. The act authorizes the protection of 45.2 miles of the Obed River, Daddys Creek, and the Emory River in Morgan and Cumberland Counties, Tennessee. This portion of the Obed River system represents approximately one half of the river mileage included in the proposal submitted to Congress in the *Obed Wild and Scenic River Study* (U.S. Department of the Interior, Bureau of Outdoor Recreation, 1976b). This document is and addendum to the *Final Environmental Statement*, FES 76-53 (U.S. Department of the Interior, Bureau of Outdoor Recreation, 1976a) that accompanied the bureau report on the Obed System.

The addendum addresses the differences in land acquisition, administration, and development proposals resulting from P.L. 94-486. Broadly speaking, these differences are that development and administration are to be conducted by the National Park Service in cooperation with the Catoosa Wildlife Management Area rather than by the Tennessee Valley Authority and the state of Tennessee jointly; and that a 45.2-mile length of river corridor is to be protected, rather than the 100 miles previously specified.

Changes in the description of the environment based on recent information are also discussed in this addendum, along with the impacts and mitigating measures that result from the changes in land acquisition and administration and from minor changes in development proposals. For a complete description of the environment and analysis of impacts, consult FES 76-53.

B. PROPOSAL

1. LAND ACQUISITION

a. *Legislative Constraints.* The designation act (P.L. 94-486) authorized funds for land acquisition not to exceed $2 million. The Wild and Scenic Rivers Act of 1968 (P.L. 542) dictates the following legislative conditions on the Obed Wild and Scenic River: "the boundaries shall include an average of not more than 320 acres per mile" and "an average of no more than 100 acres per mile" of fee title land. The total acreage as currently authorized could amount to as much as 14,464 acres. Of this, 4,520 acres could be in fee title. The Obed River system boundary as defined by P.L. 94-486 is "the segment from the western edge of the Catoosa Wildlife Management Area to the confluence with the Emory River; Clear Creek from the Morgan County line to the confluence with the Obed River, Daddys Creek from the Morgan County line to the confluence with the Obed River; and the Emory River from the confluence with the Obed River to the Nemo bridge as generally depicted and classified on the stream classification map dated December 1973."

b. *Boundaries.* The Secretary of the Interior is required to publish in the FEDERAL REGISTER, not later than 12 months after the date of designation (i.e., no later than October 12, 1977), a detailed description of the boundaries of the wild and scenic river as directed by P.L. 94-486.

The National Park Service proposes to acquire the privately owned lands within the river corridors in Morgan and Cumberland Counties as directed by Congress in Public Law 94-486. The river corridor boundaries for this proposal are generally depicted in the Boundary map, Drawing 5640/80,000. Approximately 4,520 acres will be acquired in fee, and less-than-fee interests will be acquired on fewer than 2,000 acres. The approximate amount of land to be acquired in fee for each section of river is listed below:

Stream	Segment	Miles	Fee acres
Obed River	0.0-23.0	24.50	1,664
Clear Creek	0.0-17.5	17.50	2,647
Daddys Creek	0.0- 2.25	2.25	47
Emory River	27.6-28.55	0.95	135

Public Law 90-542, the Wild and Scenic Rivers Act of 1968, states that any lands acquired for inclusion in a wild and scenic river area may be acquired through condemnation until 50 percent of the land is in the ownership of local, state, or federal government, after which the right to acquire through condemnation ceases.

Lands within the Catoosa Wildlife Management Area will continue to be owned by the Tennessee Wildlife Resources Agency.

Land will be acquired in a corridor averaging approximately 1,500 feet in width, except for areas where minimal additional lands will be acquired for facilities development, access procurement, or resource protection, and except where lands are owned by the Tennessee Wildlife Resources Agency.

2. *Administration.* The authorized river area will be managed and operated by the National Park Service according to the Wild and Scenic Rivers Act of 1968, which states that the purpose is to preserve in a free-flowing condition those rivers which possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic and cultural resource values.

Lands within the Catoosa Wildlife Management Area will continue to be managed by the Tennessee Wildlife Resources Agency. Management proposals are made by the National Park Service in the form of cooperative agreements (as required by P.L. 94-486) to work closely with the Tennessee Wildlife Resources Agency in the management and operation of the wild and scenic river. A copy of the proposed cooperative agreement may be found in Appendix C.

In accordance with the requirements of the Wild and Scenic Rivers Act, the National Park Service will classify the river corridors as wild and recreational. The plan is the same as the proposal in the final statement except for the 0.95-mile segment of the Emory which will be classified as recreational

3. *Development.* Development proposals for Obed are depicted in the General Development Plan map, Drawing OBRI 20017. The proposals do not differ significantly from those in the final statement.

In the interest of maintaining the ecological integrity of the river area, and to further the purposes of the Wild and Scenic Rivers Act, it is proposed that development near the river be limited to already existing access points. Development also will be in compliance with Executive Order 11988, Floodplain Management, which restricts development in flood-prone areas. Minor differences in development are as follows: decrease in access points from 10 to 8; decrease in overlooks from 4 to 2; decrease in picnic areas from 4 to 3; increase in trails from 18 miles to 32.5 miles. Visitor contact facilities and camping area proposals will remain the same. It should be noted, however, that the length of river covered by development is only approximately one half of that proposed in the final statement.

Activities to be permitted do not differ from those in the final statement.

C. INTERRELATIONSHIPS WITH OTHER PROJECTS

A water quality management plan for the Clinch River basin was released by the Tennessee Department of Health subsequent to the *Final Environmental Statement* (U.S. Department of the Interior, Bureau of Outdoor Recreation, 1976a). The Obed River, Daddys Creek, Clear Creek, and the Emory River lie within the Clinch River basin. An analysis of the plan reveals that all National Park Service proposals are consistent with the overall goal of the water quality plan, which is to achieve conditions necessary to meet all the reasonable and necessary water needs of the people of the Clinch River basin and to provide the greatest possible net benefit to the region.

II. DESCRIPTION OF THE ENVIRONMENT

A. NATURAL ENVIRONMENT

In addition to the protentially endangered or threatened fauna discussed in the *Final Environmental Statement*, the habitat for the spotfin chub (*Hybopsis monacha*) has been designated critical by the U.S. Fish and Wildlife Service. All of the wild and scenic river, as well as other river portions, is within this proposed critical habitat. Threats to this species include runoff from coal mining operations, municipal and industrial wastes, and siltation.

Twenty-three mining permits in Morgan County and eight permits in Fentress County remain active. Two more permits in Cumberland County were issued in the fall of 1977, after the release of the *Final Environmental Statement*. The permits, which are for a total of 49 acres, are for land outside of the wild and scenic river boundary; however, they are above the river in the Obed watershed.

Water quality countinues to be chemically and bacteriologically degraded on the Obed River from the Crossville sewage treatment plant to approximately 4 miles downstream. The city of Crossville and the state of Tennessee have recognized this problem and, in the *Clinch River Basin Water Quality Management Plan*, have given the Obed River the highest priority ranking for improvement. Construction of an improved sewage treatment facility is to begin in October 1979, with operation scheduled to begin 1 year after completion.

B. CULTURAL RESOURCES

Lands of historic and archaeological significance will be managed as historic zones. Generally, little remains of cultural resources within the authorized boundaries of the river area. A Southeast Archeological Center reconnaissance team located a grist mill site north of Lilly Bridge and found numerous rock shelters. Four of the shelters revealed evidence of aboriginal habitation. None of the sites are in the vicinity of the proposed developments or will be affected by them. Descriptions will be sent to the Secretary of the Interior to determine their eligibility for nomination to the National Register of Historic Places.

III. ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

A. IMPACTS ON TRANSPORTATION

There will be fewer adverse effects on transportation than predicted in the *Final Environmental Statement* because fewer visitors are expected to visit the area than previously estimated. Increases in the average daily traffic level with the proposal will be less than 30 percent for all roads related to the authorized river area, except on the roads at Jett Bridge and Nemo Bridge. Increased maintenance costs on these roads are estimated at less than one half of the final statement estimates or less than $4,000 annually. This proposal will not require any upgrading of existing roads. However, improvements will be necessary after implementation of the proposals at four access points near the river.

B. IMPACTS ON POPULATION

Approximately 4,500 acres of land will be acquired in fee in Morgan and Cumberland Counties. Less-than-fee interests will be acquired on less than 2,000 acres of land. It is believed that the market value of lands near the wild and scenic river will increase. Summer and retiremet housing developments can be expected to become popular along the corridor boundary. This development could have adverse effects on the river, as well as on adjacent lands, unless coordinated land use and water management plans are implemented. No families will be displaced by the proposed acquisitions. Approximately 85 to 90 families, individuals, or corporations will be affected by changes in their ownership of land because of property acquisition and severance.

C. IMPACTS ON ECONOMY

Annual visitor expenditures are projected to exceed $600,000 per year following implementation of the acquisition and development proposals. A large portion of these funds will accrue to Morgan County businesses for goods and services such as food, lodging, and recreation supplies. However, some visitor money will be spent in surrounding counties where eating and lodging establishments and supply stores are available until such time as these facilities are more fully developed in Morgan County.

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Economic impacts related to agriculture, forestry, minerals, and residential and commercial development will be essentially as outlined in the *Final Environmental Statement.*

D. IMPACTS ON RECREATION

The annual total of visitors is expected to rise from the estimated current rate of 18,000 visitors per year to 60,168 visitors per year by 1993, and to remain essentially at this level until 1998. The proportion of local visits and nonlocal visits will remain the same, as discussed in the *Final Environmental Statement.*

The Obed Wild and Scenic River will provide visitors with almost 5,000 acres of open space within 45.2 miles of river corridor, and with abundant opportunities for solitude and recreation. Administration by the National Park Service will preserve the unspoiled river corridor for future generations. Acquisition by the National Park Service will make possible recreational opportunities for current owners as well as for the public. The natural areas within the river corridor will be retained in their unspoiled state, but the area's inherent recreational, cultural, and natural potential will be developed more fully by interpretation of the outstanding nautral, scenic, cultural, and recreational resources of the Obed River system.

E. IMPACTS ON WATER

Impacts related to water quality are essentially the same as those outlined in the *Final Environmental Satement;* however, the upstream portions of rivers not protected under the Obed Wild and Scenic River legislation will be subject to increased gas and oil exploration activities that could cause deterioration of water quality. Coal leasing in the watershed also could have an adverse effect on water quality. Poor water conditions would affect fishing and activities involving contact with the water.

F. IMPACTS ON VEGETATION

Adverse impacts on vegetation will occur essentially as outlined in the *Final Environmental Statement.* Except for areas proposed for development, vegetation within the park boundary will be protected unaltered. Total modification of vegetation with implementation of the proposals will affect 25 to 35 acres, or less than 1 percent of the total fee area. Table I shows the acres of vegetation to be modified by development.

TABLE I.—*Acres of Vegetation Modified*

Type of development	Acres of vegetation affected by construction
Picnic Areas (3)	2-4
Access Improvement	4-5
Camping Areas (3)	3-4
Hiking Trail Development (32.5 miles)	10-12
Overlooks (2)	2-4
Visitor Contact Facilities (2) (to be constructed outside boundary)	4-6
Total	25-35

The land acquisition proposals discussed in this addendum will contain 2,200 acres, or 0.4 percent of the commercial timber available in Morgan County. Approximately three fourths of the stumpage is believed to be of sawtimber quality, while the remainder is pole timber and saplings. The annual growth value of this timber is estimated at $6,550.

Productive agricultural land that will be forgone under the land acquisition proposal is estimated at 80 to 100 acres. This represents less than 0.2 percent of the agricultural land in Morgan County. The estimated annual value of production on this agricultural land is nearly $3,200. It is possible that agricultural uses could continue on a permit basis in areas other than the approximately 55 acres where development is proposed. The Potential for additional agricultural lands to be cleared is forgone.

Preservation of the 45.2 miles of the Obed River system will preclude second home and retirement home development, timber harvesting, and agricultural clearing, thereby reducing the attendant soil erosion, siltation, and nutrient loading of the water on lands where interests are to be acquired. Soil erosion resulting from the planned developments indicated in table 1 will be temporary.

It should be noted that the most significant soil erosion that now occurs results from the uncontrolled parking and visitor activity that takes place at all the existing access points to the rivers. These activities will be regulated after the completion of controlled parking areas, trails, and boat put-in sites.

G. IMPACTS ON FISH AND WILDLIFE

Fish populations are likely to be affected by the degradation of streams resulting from gas and oil activities and coal leasing. (Also see impacts as outlined in the *Final Environmental Statement.*)

H. IMPACTS ON CULTURAL RESOURCES

Acquisition of properties within the boundary by the National Park Service will afford protection to cultural resources under Executive Order 11593 and Section 106 of the Historic Preservation Act. Increased visition to the Obed River corridor could result in vandalism and damage. The planned minimal facilities development will not affect known cultural resources.

I. IMPACTS ON ENDANGERED SPECIES

There will be no impact on the critical habitat for the spotfin chub within the proposed boundary.

J. IMPACTS OF LITTERING, VANDALISM, AND POACHING

The overall anticipated effects from littering, vandalism, and poaching will be slight. National Park Service law enforcement personnel will mitigate the potential problems associated with increased visitor use and, when feasible, visitors will be informed of the statutes and regulations of the wild and scenic river.

K. IMPACTS OF PARK MANAGEMENT

The cost of maintenance and operations will increase with the increase in visitation to the area. Because of the remote and wild nature of the river corridor, park personnel will be committed to occasional search and rescue operations. Time and funds will be required for this activity that could otherwise be directed to other park operations.

IV. MITIGATING MEASURES INCLUDED IN THE PROPOSED ACTION

All land acquisition will be in compliance with the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (P.L. 91-646) and applicable U.S. Department of the Interior guidelines, to assure that residents on acquired lands are given maximum relocation assistance.

Payments to Morgan and Cumberland Counties for the loss of real property taxes due to the acquisition of land by the federal government will be made in accordance with the provisions of P.L. 94-565.

Site-specific archaeological surveys and testing will be conducted before any ground-disturbing activities. Information on any remains discovered will be sent to the Advisory Council on Historic Preservation and evaluated against National Register of Historic Places criteria. If eligible, they will be nominated to the register. A long-term program will be initiated for patrol of known archaeological sites in accordance with the Antiquities Act of 1906.

Law enforcement activities will be conducted to alleviate the problems of vandalism and littering. Cooperative arrangements will be made with local law enforcement agencies to control vandalism and associated problems.

Cooperation between the Tennessee Valley Authority, the Tennessee Department of Conservation, the Tennessee Wildlife Resources Agency and the National Park Service can help to forestall some of the threats of gas and oil exploration and coal leasing activities occurring in the watershed. Programs promoted through this cooperation can reduce the pollution of the upstream portions of the rivers, thereby protecting the quality of water used for fishing and water contact activities in the wild and scenic river corridor.

V. ADVERSE EFFECTS THAT CANNOT BE AVOIDED SHOULD THE PROPOSAL BE IMPLEMENTED

Approximately 35 acres of vegetation will be destroyed or modified by construction activities.

Some vandalism and littering will be unavoidable.

Some loss of total revenues for Morgan County may result.

VI. THE RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

The only short-term uses discussed in this addendum are the development of facilities and access. These short-term uses of the environment will result in visitor use being channeled into small areas. Thus, long-term preservation of the land in an undisturbed state will be encouraged.

VII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

Land acquisitions discussed in this addendum involve commitments to certain land uses and preclude formerly possible uses and associated economic benefit. The commitments to use as a wild and scenic river tend to be irreversible, though they can be reversed by congressional action. Uses of the land and river precluded by its addition to the Wild and Scenic Rivers System tend to be irretrievably precluded.

VIII. ALTERNATIVES TO THE PROPOSED ACTION

For some areas of private land, alternative boundary locations were considered. However, because of the legislative constraints, no significantly different alternatives were considered in development of the proposal. These constraints may be found in P.L. 94-486 (Appendix A) and P.L. 90-542 (Appendix B).

CATOOSA WILDLIFE MANAGEMENT AREA AGREEMENT

COOPERATIVE AGREEMENT BETWEEN TENNESSEE WILDLIFE RESOURCES AGENCY AND NATIONAL PARK SERVICE IN RELATION TO THE MANAGEMENT OF THE OBED WILD AND SCENIC RIVER

FEBRUARY 28, 1978.

This Cooperative Agreement, made pursuant to the Act of Congress approved October 12, 1976 (90 Stat. 2327) between the Tennessee Wildlife Resoruces Agency, acting by and through the Executive Director (hereinafter called the "Agency"), and the Secretary of the Interior, by and through the Regional Director, National Park Service, Southeast Region (hereinafter called the "Service"), is for the purpose of establishing concepts and procedures for the development and management of those lands within the wild and scenic river corridor that are part of the Catoosa Wildlife Management Area (hereinafter called the "Area").

Article I, General:

The Authorization Act charged the Secretary of the Interior with the ultimate responsibility for the management of the Wild and Scenic River, but it also states that the lands within the river boundaries that are currently part of the Catoosa Wildlife Management Area shall continue to be owned and managed by the Tennessee Wildlife Resources Agency. It is therefore deemed necessary, appropriate, and in the public interest for the Agency and the Service to cooperate in planning for the management of the above-described lands in accordance with the stated purpose of the Wild and Scenic River—that purpose being to preserve and protect the Obed Wild and Scenic River as a free-flowing river which possesses outstanding scenic, recreational, geologic, and fish and wildlife values, for the protection of the wildlife resources and the primitive character of the area, for the protection of the water quality of the river, for the benefit and enjoyment of future generations, and for other vital national conservation purposes.

Article II, The Tennessee Wildlife Resources Agency agrees that:

A. The lands described below shall, to the extent they are under the jurisdiction of the Agency, be specifically defined, and will be managed and administered in accordance with the purposes and policies outlined in the Wild and Scenic Rivers Act, as amended, Public Law 90-542:

1. Those lands enclosed within the rims of the gorge of the Wild and Scenic River, or, if there is no readily definable gorge rim, those lands which are visible from the thread of the river.

2. A strip of land extending back from the gorge of the river for a distance of 100 feet in areas where the gorge rim is readily visible from the thread of the river.

3. Those lands lying in the gorges of streams that are tributary to the Obed River, Daddys Creek, and Clear Creek, which are visible from the thread of the river.

B. It will keep the Service informed of its policies, procedures, and management needs as they relate to planning, development, and administration of the river corridor within the area under the jurisdiction of the Agency.

C. It will provide professional advice and assistance to the Service to the extent that funds and personnel availability allow.

D. It will construct and maintain improvements that the Agency and Service mutually agree should be provided on river corridor lands under the jurisdiction of the Agency.

E. It will consult with the Service before implementing any program which culd have an impact on the management and use of the river.

F. No timber cutting will be conducted within the gorge of the Wild and Scenic River except for limited operational cuts necessary for safety, approved development projects, or insect and/or disease control. Such activities will be conducted only after consultation with the Service.

G. It will permit access through the Area to the river over existing roads except

1. during periods of freezing and thawing weather when such use would seriously damage the road surfaces, or

2. when it is necessary to close a road because a managed hunt is in progress, or

3. when the use of a road would have a detrimental effect on fish and/or wildlife population, or

4. when public use would interfere with approved wildlife project objectives.

H. It will be responsible for the development and implementation of Safety and Search and Rescue Plans for those portions of the river that are under its juridiction.

I. It will accumulate use and impact data, for the river corridor under its jurisdiction, in order to determine the amounts and types of use and the need to control such use for the preservation of water quality and the plant and animal resources.

Article III, The National Park Service agrees that:

A. It will prepare plans and specifications for the development of the Obed Wild and Scenic River that are in keeping with the concepts expressed in the Authorization Act, after consultation with the Agency. The plans will include those river corridor lands that are under the jurisdiction of the Agency.

B. It will keep the Agency fully informed of all plans and programs.

C. It will consult with the Agency prior to initiating any plan, program, or regulation that may affect fish and wildlife populations or public use thereof within the lands administered by the Service.

D. It will cooperate with the Agency in the joint enforcement of applicable game and fish laws on lands administered by the Service.

Article IV, The Tennessee Wildlife Resources Agency and the National Park Service agree that:

A. They will meet annually, or more often if necessary, to review the cooperative agreement, administrative and management policies, practices, procedures, regulations, and plans affecting the river lands under their respective jurisdictions.

B. They will cooperate in the preservation of life and property and in the suppression of wildfire to the extent permitted by the availability of staff and funds.

C. They will, as funds permit, obtain the necessary radio equipment and clearances so that field personnel will be able to work together for the resolution of mutual law enforcement problems and of emergency situations.

D. Notification shall be promptly given if a fire is located on, or determined to be a threat to, lands under the jurisdiction of either party to the agreement.

E. Recreation use levels will be regulated on the basis of the carrying capacity of the land and water to prevent damage to the resources or deterioration of the recreation experience. Tentative saturation levels have been determined for the river and they will be modified as use data indicates.

G. They will encourage the joint publication of new releases which relate to the use and management of the river.

F. They will cooperate in the development and implementation of an interpretive/public information program which will convey information about the river and about the risks associated with the utilization of its resources.

H. Nothing in this Agreement shall be construed as obligating either party hereto to the expenditure of funds or for the future payment of money in excess of appropriations authorized by law.

I. Nothing contained herein shall be construed as limiting in any way the responsibility and authority as defined by TCA Chapter 51, Rules and Regulations, Proclamations and Policies promulgated by the Tennessee Commission, or by Federal law of the Secretary, U.S. Department of the Interior, in connection with the administration and protection of lands and resources under their respective jurisdictions.

Article V, Effective Date:

This Cooperative Agreement shall become effective when signed by the parties hereto and shall continue in force until terminated by mutual agreement or by either party upon sixty days' notice in writing to the other of the intention to do so. Amendments to the agreement may be proposed by either party and shall become effective upon written approval by both parties.

In witness whereof, we have hereto subscribed our names for and on behalf of our respective agencies.

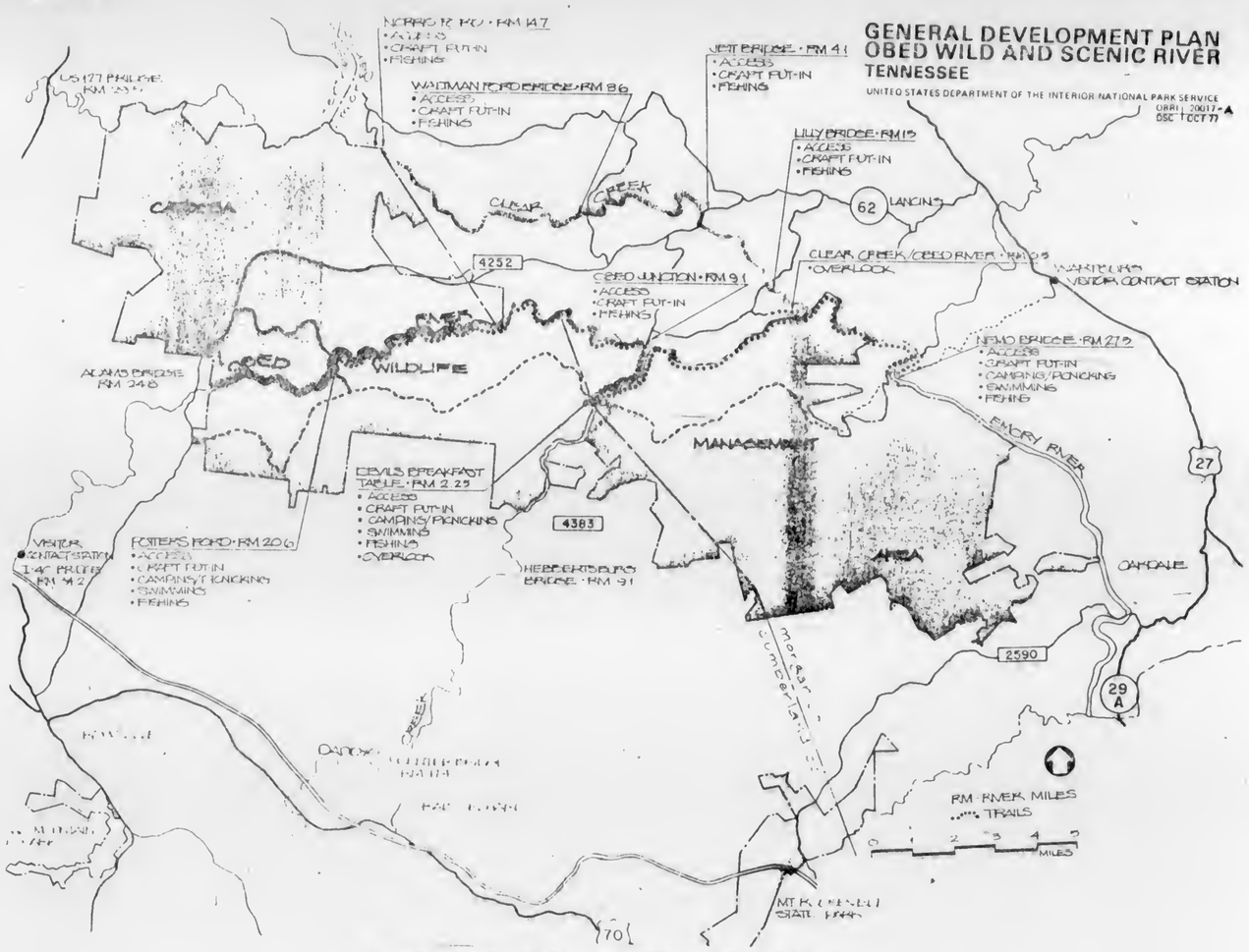
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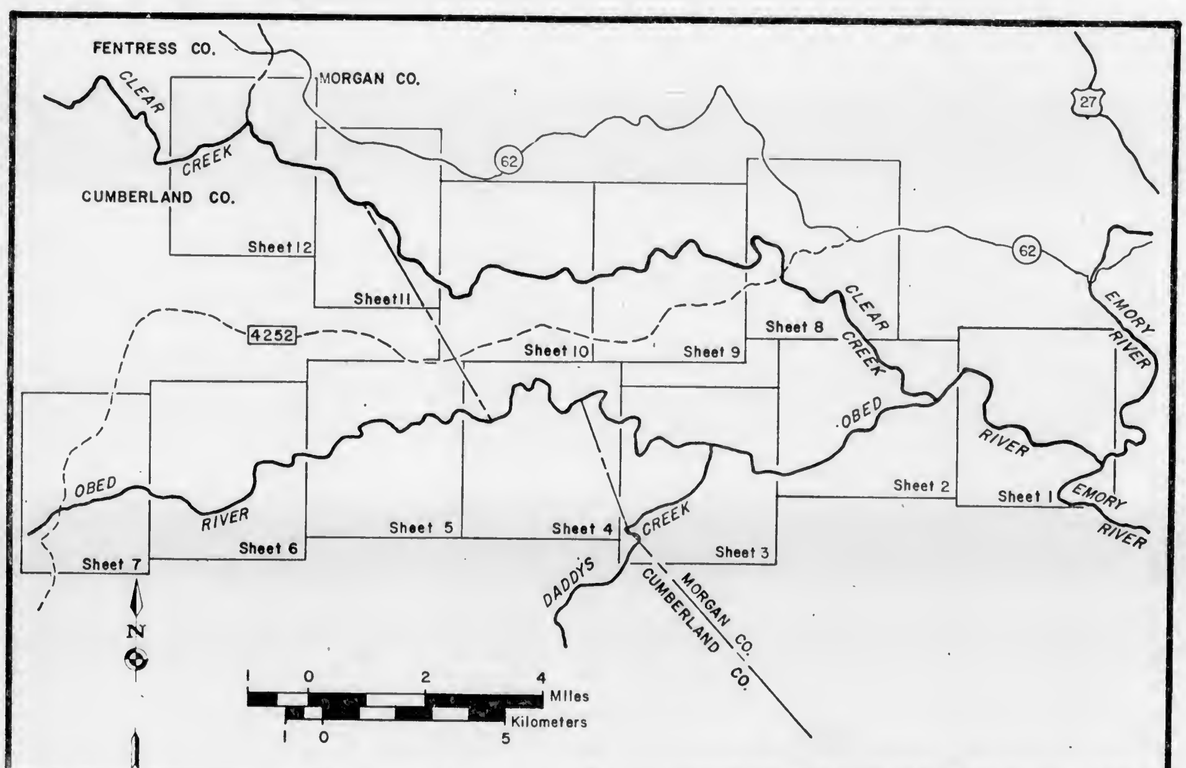
TENNESSEE WILDLIFE RESOURCES AGENCY,
GARY J. MYERS,
MARCH 2, 1978
Executive Director.

Dated: March 17, 1978.

NATIONAL PARK SERVICE,
JOE BROWN,
REGIONAL DIRECTOR,
Southeast Region.

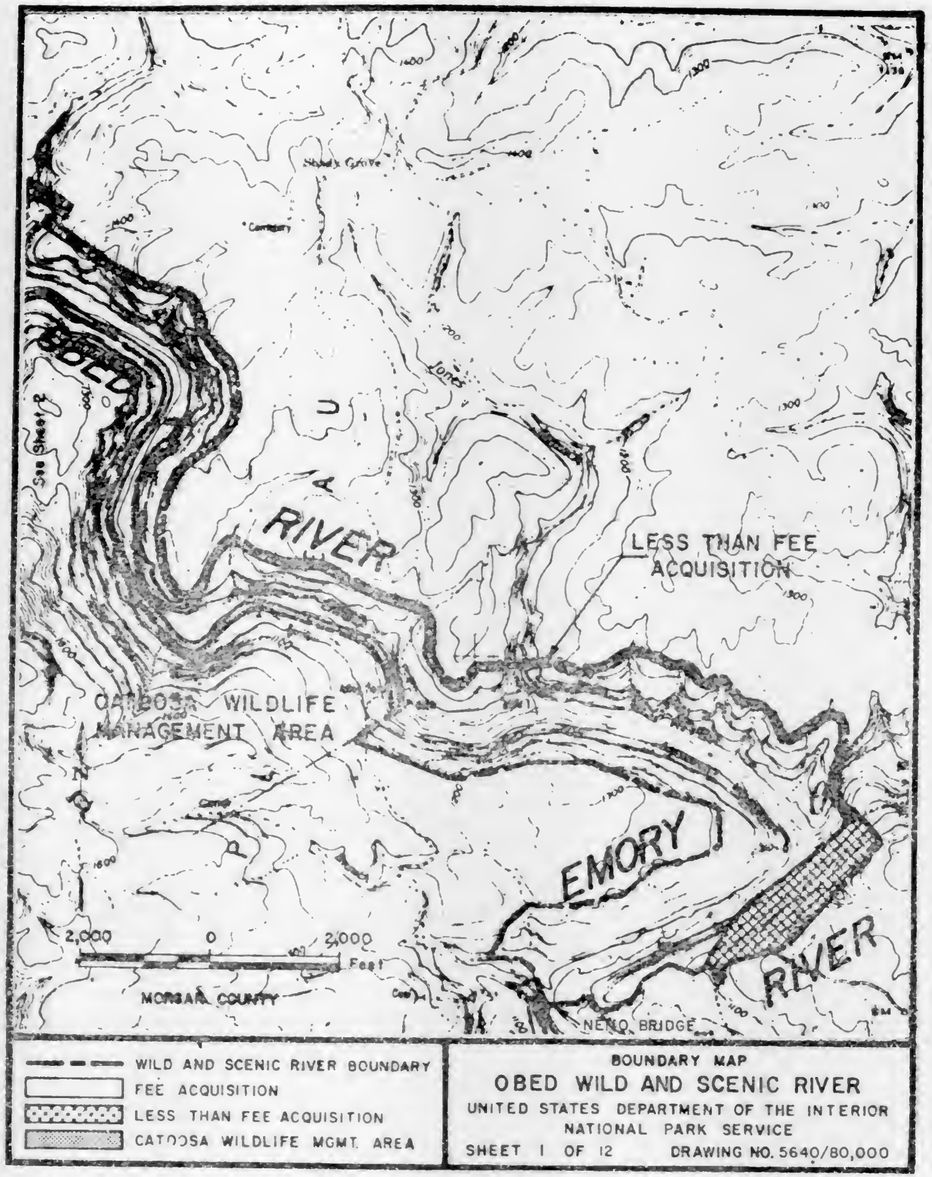
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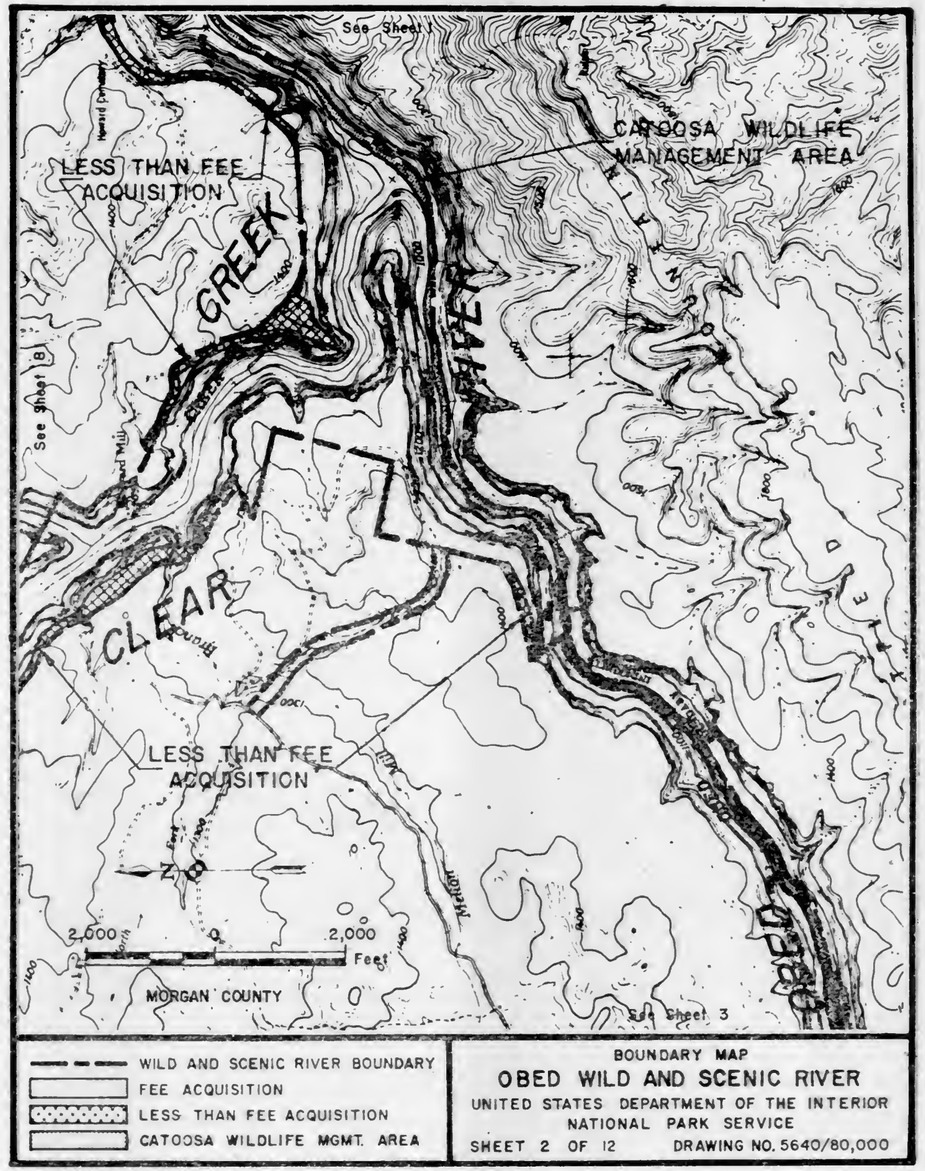




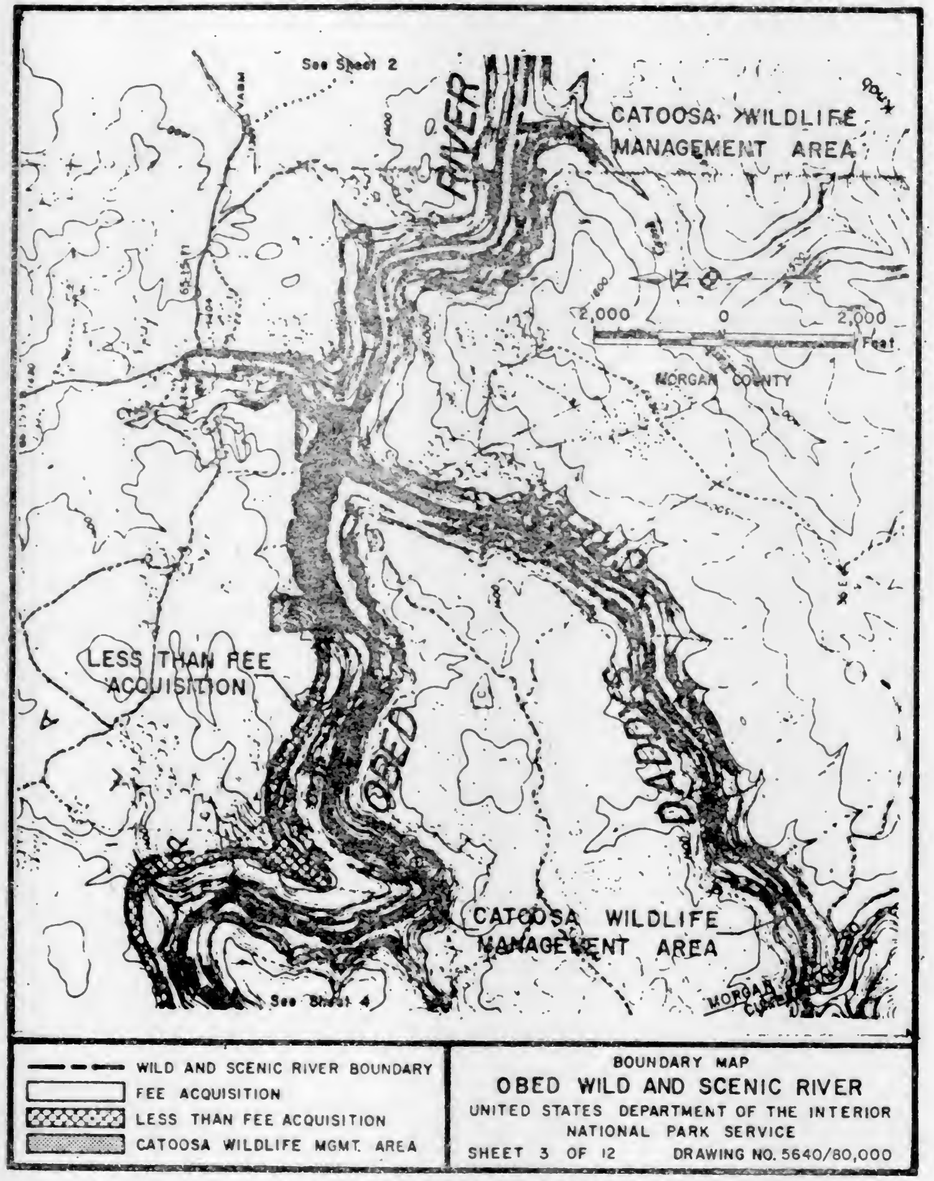
UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE AUTHORIZED: OCTOBER 12, 1976 DATE: AUGUST 1977	BOUNDARY MAP OBED WILD AND SCENIC RIVER CUMBERLAND AND MORGAN COUNTIES, TENNESSEE INDEX MAP DRAWING NO. 5640/80,000

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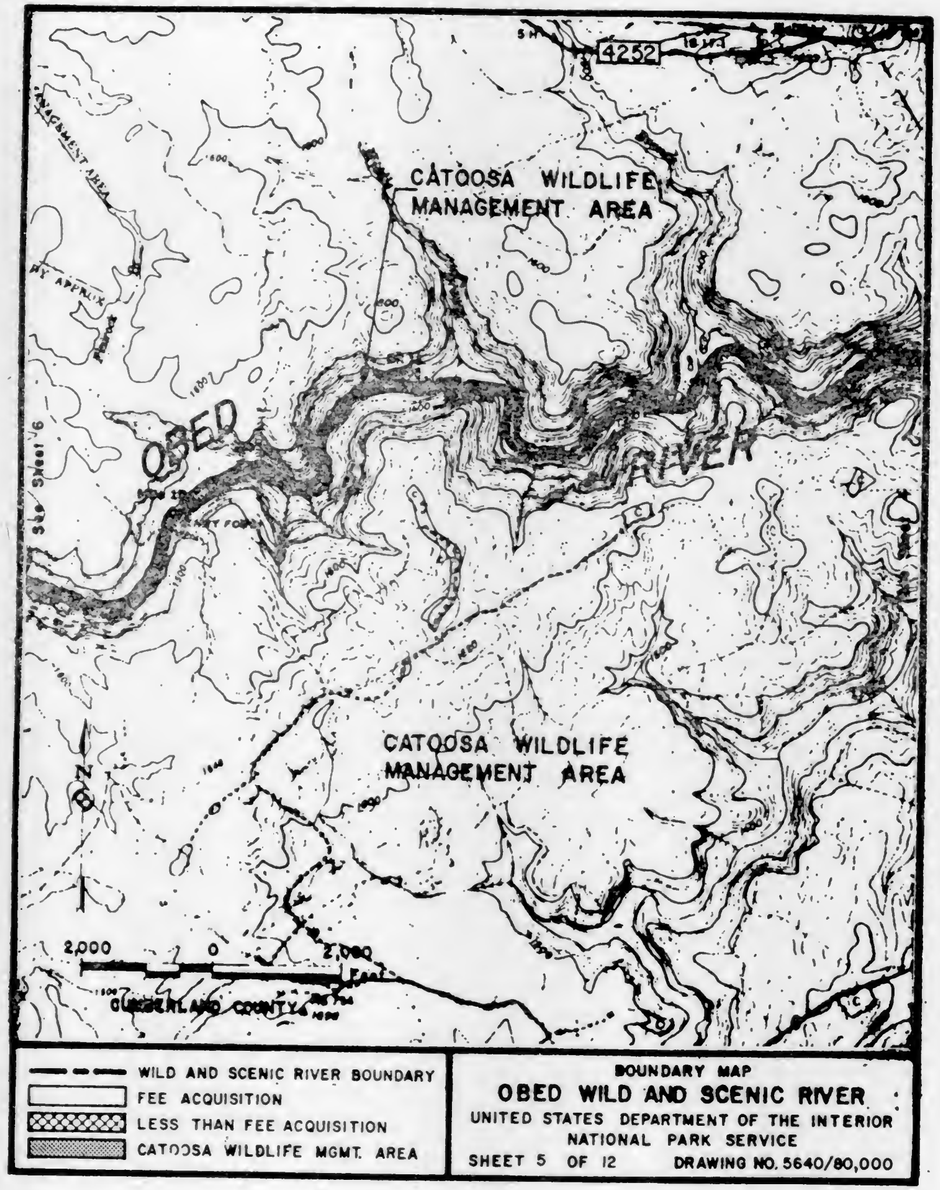


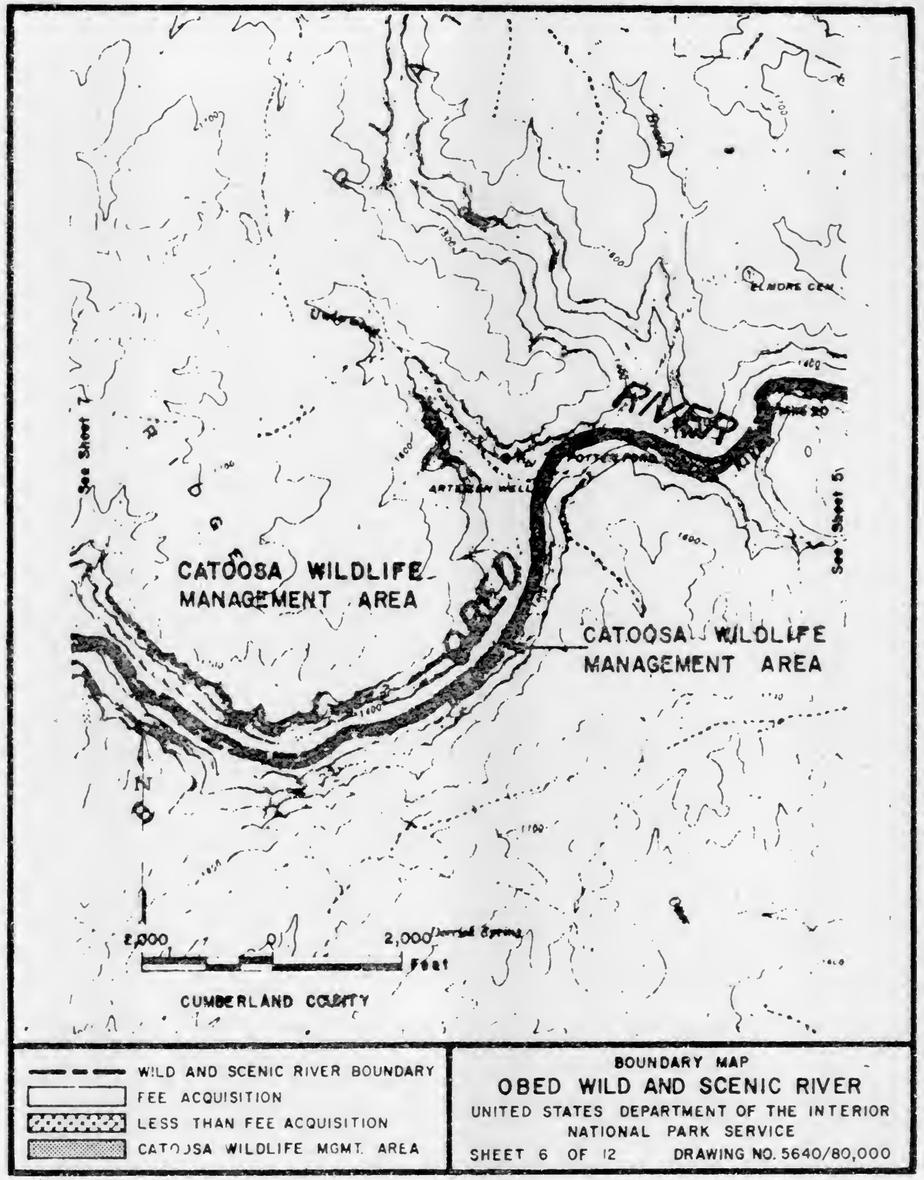
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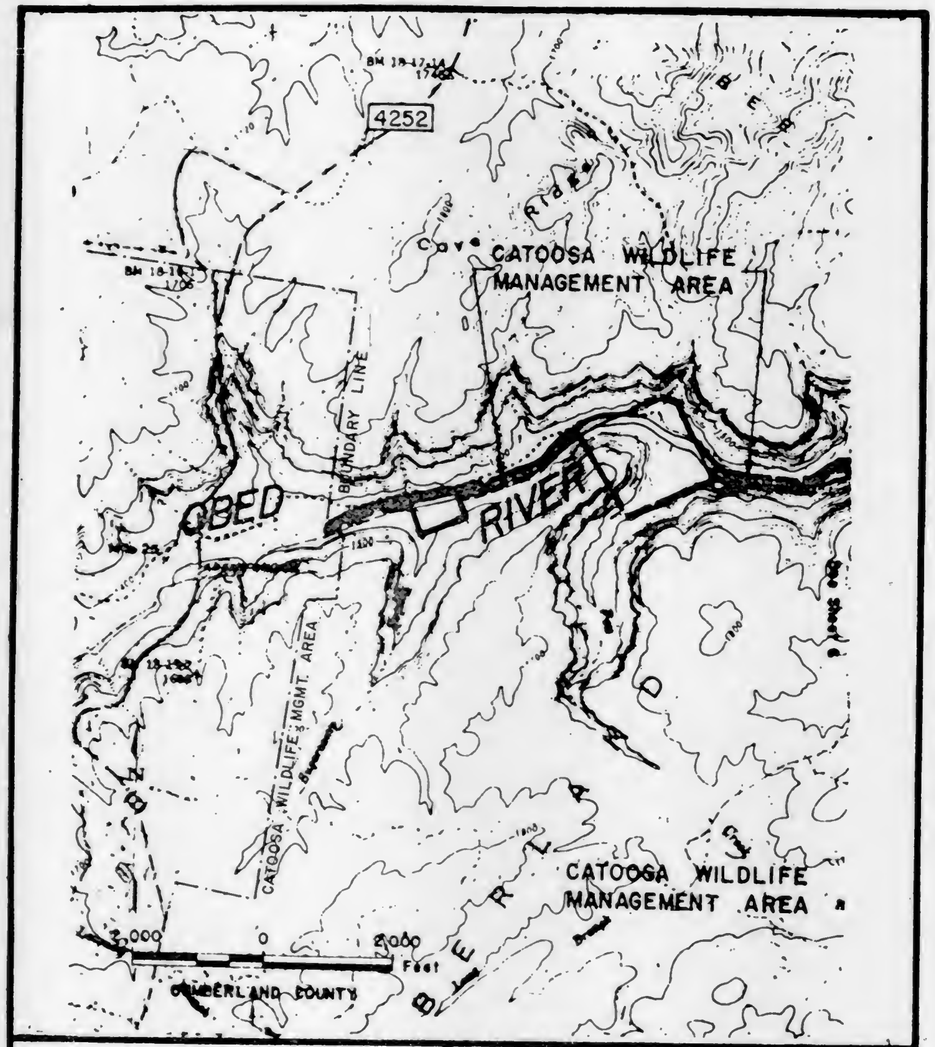




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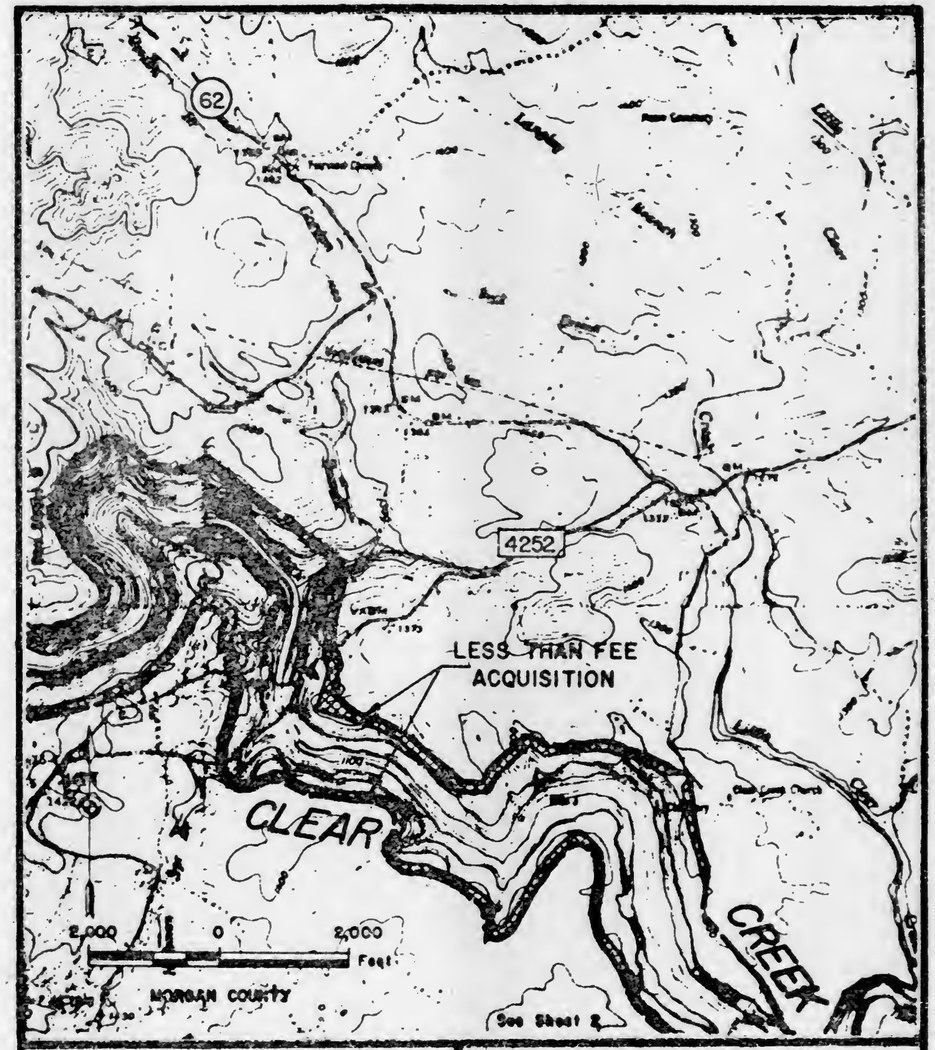






WILD AND SCENIC RIVER BOUNDARY
FEE ACQUISITION
LESS THAN FEE ACQUISITION
CATOOSA WILDLIFE MGMT. AREA

BOUNDARY MAP
OBED WILD AND SCENIC RIVER
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SHEET 7 OF 12 DRAWING NO. 5640/80,000

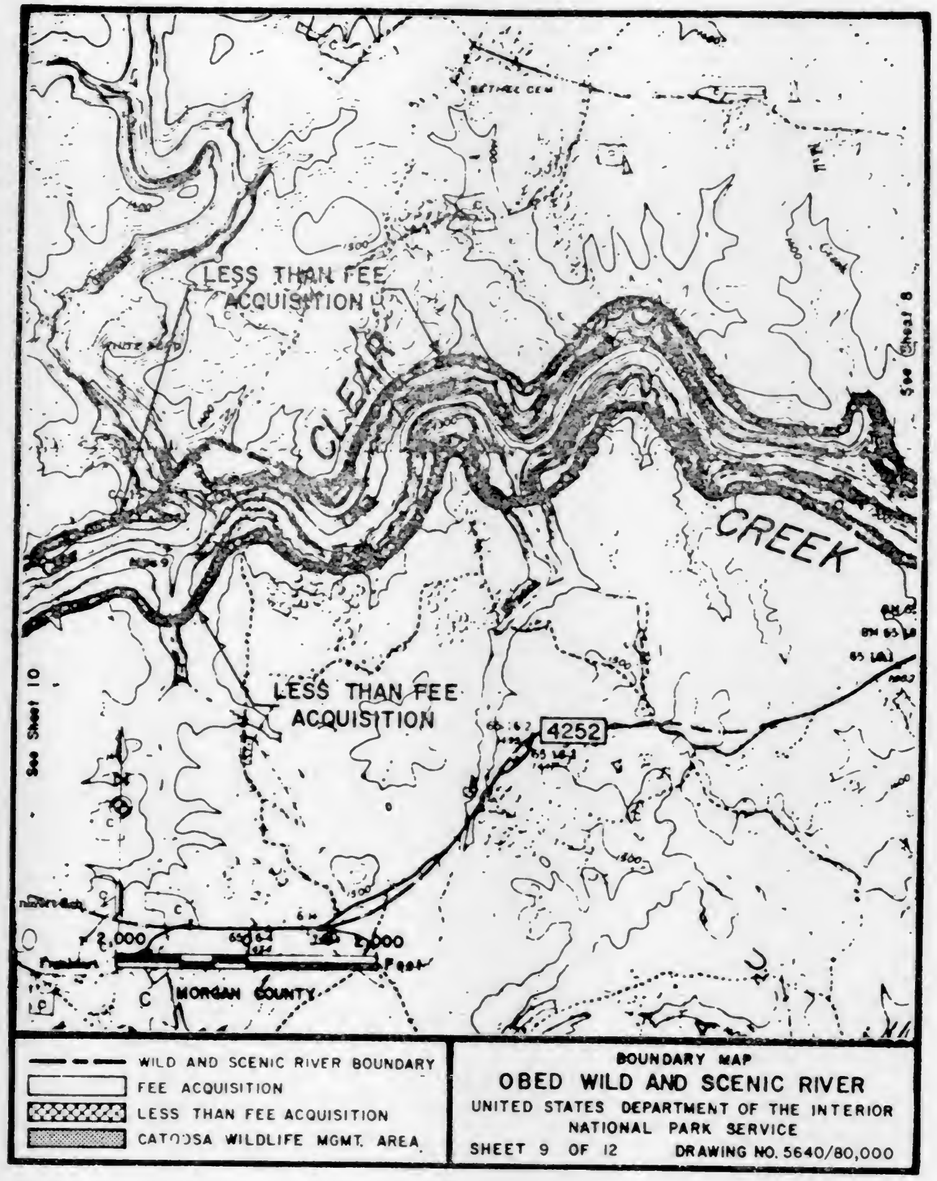


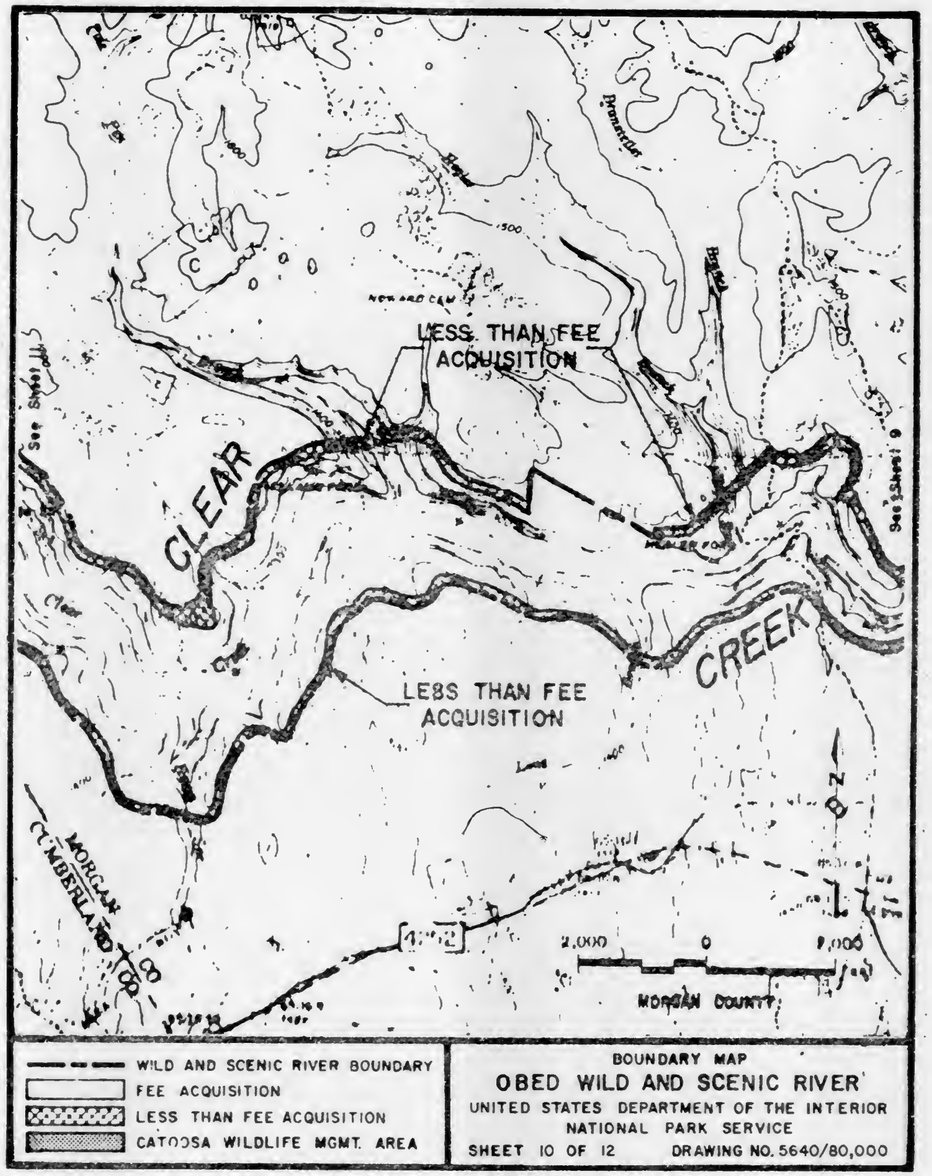
WILD AND SCENIC RIVER BOUNDARY
FEE ACQUISITION
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CATOOSA WILDLIFE MGMT. AREA

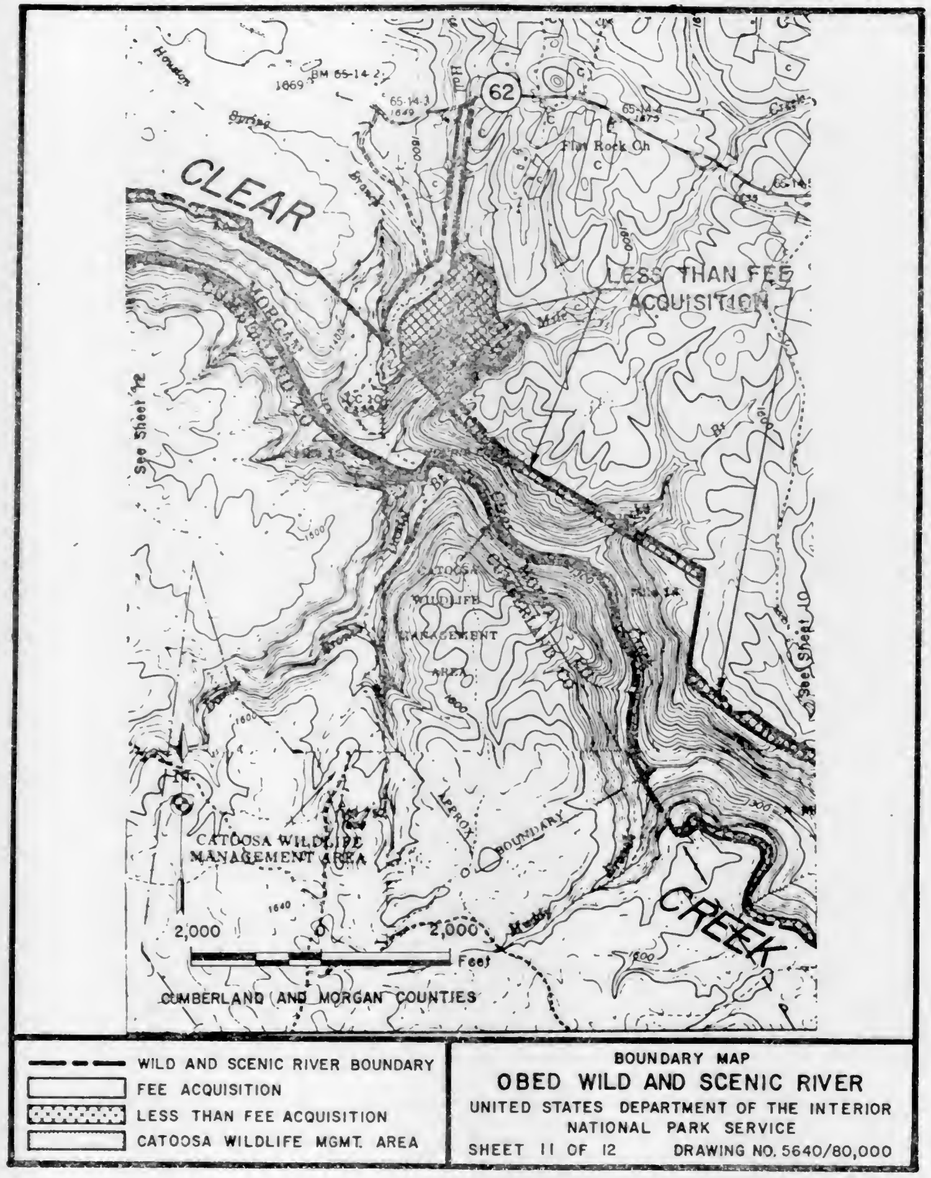
BOUNDARY MAP
OBED WILD AND SCENIC RIVER
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SHEET 8 OF 12 DRAWING NO. 5640/80,000

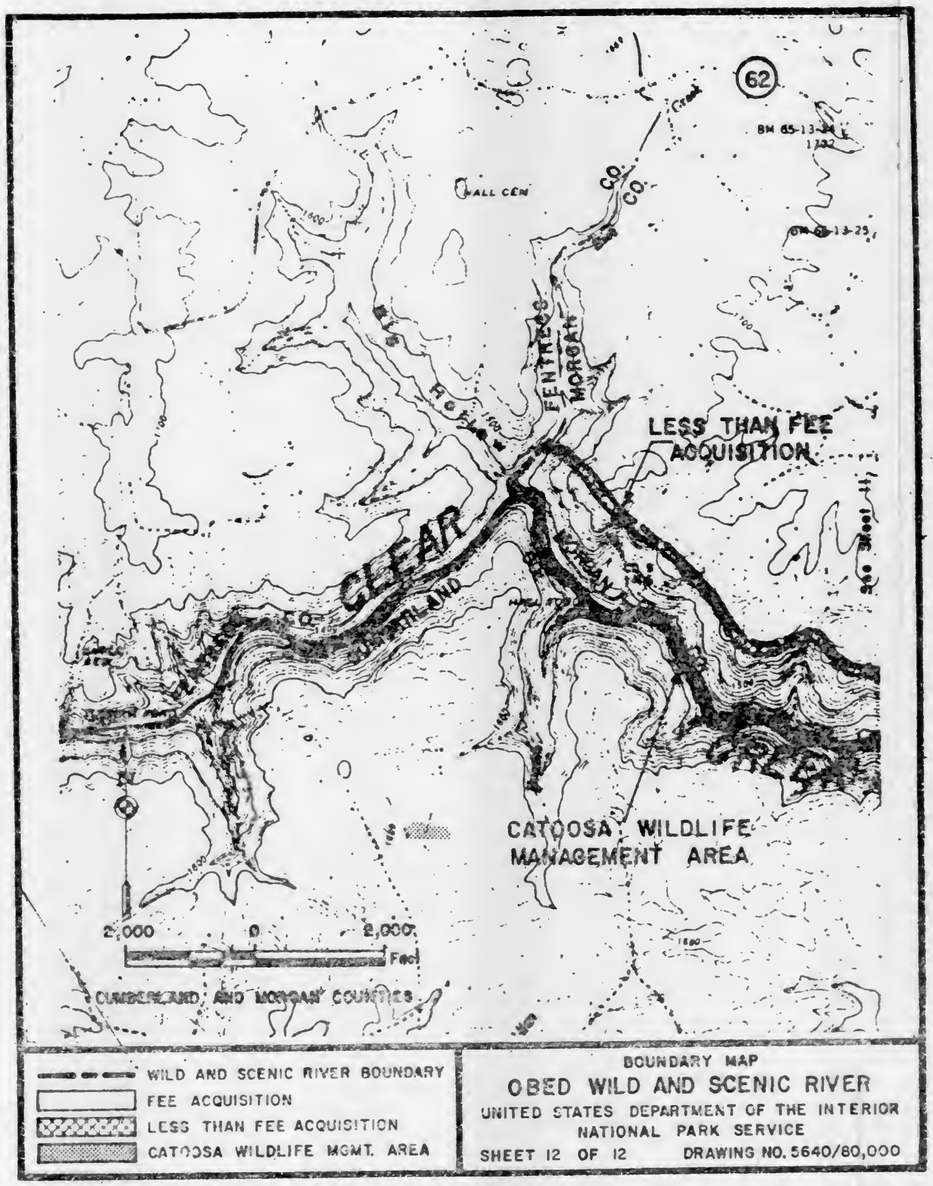
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[FR Doc. 79-3933 Filed 2-6-79; 8:45 am]

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[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[AA1921-189]

CERTAIN STEEL WIRE NAILS FROM CANADA

Determination of No Injury or Likelihood Thereof

On November 1, 1978, the United States International Trade Commission received advice from the Department of the Treasury that certain steel wire nails from Canada, except those produced by Tree Island Steel Co., Ltd., and Steel Co. of Canada, Ltd., are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on November 15, 1978, the Commission instituted investigation No. AA1921-189 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. For the purpose of Treasury's determination, the term "certain steel wire nails" means steel wire brads, nails, spikes, staples, and tacks of one-piece construction which are 1 inch or more in length and 0.065 inch or more in diameter, as provided for in item 646.26 of the Tariff Schedules of the United States (TSUS).

Notice of the institution of the investigation and of the public hearing held in connection therewith was published in the FEDERAL REGISTER of November 21, 1978 (43 F.R. 54304). The public hearing was held in Washington, D.C., on December 14, 1978, and all persons requesting the opportunity to appear were permitted to appear by counsel or in person.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested persons and information adduced at the hearing and obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

DETERMINATION

On the basis of information developed in investigation No. AA1921-189, the Commission unanimously determined (Chairman Parker not participating) that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of certain steel wire nails from Canada that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR THE NEGATIVE DETERMINATION OF COMMISSIONERS BILL ALBERGER, GEORGE M. MOORE, AND CATHERINE BEDELL

In order for the Commission to find in the affirmative in an investigation under the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), it is necessary to find that an industry in the United States is being or is likely to be injured, or is prevented from being established,[1] *and* the injury or likelihood thereof must be by reason of imports at less than fair value (LTFV).

DETERMINATION

On the basis of the information obtained in this investigation, we determine that an industry in the United States is not being and is not likely to be injured by reason of the importation of certain steel wire nails from Canada which the Secretary of the Treasury has determined are being, or are likely to be, sold at LTFV.

THE IMPORTED ARTICLE AND THE DOMESTIC INDUSTRY

The steel wire nails subject to this investigation are those of one-piece construction, 1 inch or more in length, and 0.065 inch or more in diameter. Also included are brads, spikes, staples, and tacks meeting these descriptive requirements. About 50 U.S. firms make steel wire nails in plants located primarily in the North Central and Northeastern States. There are two general types of firms involved—large integrated companies that make steel rod, draw it into wire, and then make nails from the wire, and smaller nonintegrated firms (also called converters or fabricators) that make nails from purchase steel rod or wire.

LTFV SALES

The Treasury Department investigation on certain steel wire nails from Canada covered sales made during the period July 1, 1977 through December 1, 1977. The investigation was limited to four manufacturers which together accounted for more than 78 percent of all Canadian-made steel wire nails sold for export to the United States. They are Sivaco Wire & Nail Co. (Sivaco), the Steel Company of Canada, Ltd. (Stelco), Titan Steel and Wire Co., Ltd. (Titan), and Tree Island Steel Co., Ltd. (Tree Island). Treasury considered the LTFV margins found for Stelco and Tree Island (1.5 percent and 0.9 percent, respectively) to be minimal in relation to the total volume of exports and therefore excluded those companies from its determination. Weighted average margins found for Sivaco and Titan were 5.3 percent and 2.5 percent, respectively. Of these two companies, Sivaco is by far the larger, with U.S. sales of $9.5 million during the period of Treasury's investigation compared with sales of about $140,000 by Titan.

THE QUESTION OF INJURY OR LIKELIHOOD THEREOF BY REASON OF LTFV SALES

U.S. consumption—The U.S. steel wire nail market is highly sensitive to fluctuations in the overall domestic economy and thus, apparent consumption of nails dropped sharply in the recession year, 1975. Since then, consumption has risen rapidly to 741,000 short tons in 1977 (an annual growth rate of about 23 percent), and in July-September 1978, apparent consumption was about 6 percent more than that for January-September 1977. According to industry representatives, substitute products such as structural glue are not expected to displace nails in the market in the near future and technological development such as automatic nailing guns (which greatly increase carpenter productivity) will further strengthen demand for nails.

U.S. production and utilization of productive facilities—Production of steel wire nails increased each year during 1975-77 and rose in January-September 1978 compared with January-September 1977. In addition, capacity utilization (based on 5-day-a-week operating level) also increased each year from 72 percent in 1975 to 76 percent in 1977, and rose further to 78 percent in January-September 1978. Several new firms started production during 1975-78, and many existing firms expanded their operations. Sales of nail-producing machinery are also increasing.

Inventories—U.S. producers maintained a relatively constant 1 to 2 month supply of inventory throughout the periods examined, although inventories were typically higher at the end of December when the construction market is slow than at the end of September when that market is still strong. The decline in the ratio of end-of-period inventories to shipments from 13.7 percent in 1976 to 12.5 percent in 1977 is evidence that large amounts of inventory are not accumulating.

Profitability—While there is evidence of a decrease in gross profit margins during 1975-77, the total gross profits of the integrated and nonintegrated producers surveyed rose. The current and prospective return on investment has been adequate for Sivaco to build new production facilities in the Northeast and Virginia, where complainants argue that the impact of LTFV sales was greatest. During the same period, there is evidence of a substantial increase in the number of nail-producing machines purchased.

Employment—The number of production and related workers employed in the nail operations of the firms surveyed rose from 1,330 in 1975 to 1,600 in 1977, and stood at 1,610 in January-September 1978. Output per man-hour worked declined during 1975-77 because of certain startup inefficiencies experienced by the new firms, but productivity rose from 160 pounds per man-hour in 1977, to 166 pounds per man-hour in January-September 1978, as the operations of these firms normalized.

Imports and market share—Imports from companies subject to the LTFV determination accounted for less than 15 percent of total imports in 1977, and less than 10 percent of apparent U.S. consumption. From 1975-77, such imports increased their market share by less than 1 percentage point and lost share in January-September 1978 compared with the corresponding period in 1977. Other imports increased their share of the market more rapidly during 1975-78 than did Canadian companies subject to the LTFV finding.

Lost sales—Domestic producers submitted numerous allegations of sales lost to LTFV imports. Of the 25 purchasers contacted by the Commission, only one indicated that price had been the primary reason for shifting its source of supply to a Canadian firm subject to Treasury's LTFV sales determination. The remaining purchasers selected suppliers based on other factors, such as service or availability of a more complete product line. The changes in market share mentioned above do not indicate that any substantial sales have been lost to Canadian producers subject to the LTFV determination.

Prices—After declining in 1975, prices for nails have generally risen, particularly during the first 3 quarters of 1978. The strong demand for nails plus the establishment of trigger prices in 1978,[1] virtually insure that prices will stabilize or continue to increase, thus generating increasing profits for the U.S. industry. In addition, assurances have been given by Stelco and Tree Island that they will not sell nails in the United States at LTFV in the future, and such assurances have been offered by Sivaco. During 1976, 1977 and January-September 1978, Sivaco generally undersold U.S. producers by 10 to 15 percent, while their LTFV margin was 5.3 percent. We also found no evidence of either price suppression or price depression by reason of LTFV sales.

Summary—With consumption increasing, U.S. production and capacity utilization increasing since the recession of 1975, employment increasing, inventories steady and turning slightly downward, and profits only slightly down, there is little indication of injury to the domestic industry. Whatever injury may be occurring, however, is not by reason of LTFV sales from Canada. Other imports are increasing more rapidly than LTFV imports from Canada. Lost sales evidence does not support a causal connection, and price information further supports the assertion that any injury is not by reason of LTFV sales. In view of the increasing trends noted above with respect to U.S. producers' production, capacity utilization, and employment, the stable or decreasing trend of imports from companies subject to the LTFV determination, generally increasing domestic and imported prices for nails, and the fact that price assurances have been given by two Canadian producers and offered by Sivaco, we also find no indication of a likelihood of injury to the U.S. industry.

CONCLUSION

It is clear from the above considerations that the U.S. industry producing steel wire nails in the United States is not being and is not likely to be injured by reason of the importation of such nails from Canada found by Treasury to be, or likely to be, sold in the United States at LTFV. Therefore, we find in the negative.

STATEMENT OF REASONS FOR THE NEGATIVE DETERMINATION OF COMMISSIONER PAULA STERN

Having considered all of the information before me in this investigation, I have determined, pursuant to Section 201 of the Antidumping Act of 1921, as amended, that an industry in the United States is not being or likely to be injured, or prevented from being established, by reason of the importation into the United States from Canada of certain steel wire nails at less than fair value.

THE DOMESTIC INDUSTRY

The subject of this investigation is steel wire nails, consisting of steel wire brads, nails, spikes, staples and tacks of one piece construction, one inch or more in length and 0.065 inch or more in diameter, as provided for in TSUS item 646.26.

These items are produced domestically by over fifty companies, but the seven petitioners all come from the small group of eight integrated steel producing firms which account for three-fourths of domestic nail shipments. The integrated firms manufacture steel wire rod, draw the wire rod into wire, and then produce nails from the wire. They generally derive greater profits from products other than nails and they concentrate their nail production on lower-priced high-volume items. Most use nail producing machines that were installed nearly fifty years ago, and the Commission heard testimony that some of these firms consider nail production a means of consuming excess or rejected material from their other steel operations.

Numerous smaller nonintegrated firms purchase either steel wire rod or drawn wire to make the remaining one-fourth of domestic nail shipments. These firms concentrate on producing higher-priced specialty nails. Included among these firms are the only U.S. producers of collated nails (nails driven by means of nail guns at rates of up to 150 per minute), a new and fast growing segment of the nail industry, which according to testimony has tripled in volume in the last five years and presently accounts for fifteen percent of the domestic nail market. The nonintegrated firms generally consider nail making more essential to their operations and have made substantial investments in new equipment to enhance production capability. Included in this latter group of smaller firms are New York Wire Mills, Inc. and Virginia Wire and Fabric Company, both owned by Ivaco Industries, Ltd., which also owns Sivaco Wire and Nail Co., the largest Canadian exporter of nails found to be exporting to the United States at less than fair value.

IMPORTS

Imports from all sources have steadily risen as a share of total U.S. consumption, from approximately 42% in 1975, to just under 50% in 1976, and over 53% in 1977. Data on consumption for 1975-1977 is from the Department of Commerce. The only available consumption data for the first nine months of 1978 is from the American Iron and Steel Institute, and is not comparable to Commerce data. For each full year during the period of investigation, 1975-1977, exports from four countries—Japan, Korea, Canada and Poland—have accounted for at least 85% of total U.S. imports. In the first three quarters of 1978, 80% of total imports came from these four countries.

Imports from Canada declined from a peak of 24% of total imports in 1975 (Canada's largest share of total imports for any year from 1968 to present) to 18% in 1976 and 19% in 1977, and were 17% of total imports in the first three quarters of 1978. The Department of Treasury determined that during the period of its investigation, July 1-December 31, 1977, two Canadian firms, Sivaco Wire and Nail Co. (Sivaco) and Titan Steel and Wire Co.

[1] Prevention of establishment of an industry is not an issue in this investigation and will not be discussed further.

[1] Trigger prices were increased on October 1, 1978, and again on January 1, 1979.

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(Titan) had exported nails to the United States at less than fair value margins of 5.3% and 2.5%, respectively. Sivaco's exports to the United States during the period of Treasury's investigation totalled $9.5 million, while Titan's totalled only $140,000. Exports by the other Canadian nail producers either were not investigated by Treasury or were found to have been at *de minimus* less than fair value margins. Based upon information received by the Commission from Canadian producers for the period since 1975, the ratio of exports to the United States by Canadian producers included in Treasury's determination to those excluded have risen only slightly since 1975. As a share of total U.S. imports, Canadian exports at less than fair value have declined since 1975, while as a share of U.S. consumption these exports increased less than one percentage point.

INJURY

Section 201 of the Antidumping Act, as amended, does not set forth standards for determining whether an industry is being or is likely to be injured by reason of less than fair value imports. As a result, the Commission has traditionally exercised considerable discretion in making its determinations based upon the particular facts in each case.

Section 201 of the Act does require the Commission find that two conditions have been satisfied before an affirmative determination can be made. First, the Commission must determine that an industry is being or is likely to be injured. This determination is based upon certain economic indicators—consumption, production, capacity changes and utilization, shipments, inventory levels, employment and profits. Second, the Commission must determine that the injury is "by reason of" the less than fair value imports. This second determination is based upon an analysis of such factors as market penetration by less than fair value imports, documented lost sales of domestic manufacturers to less than fair value imports, a price depression of the impacted competitive products or price suppression. As for likelihood of injuiry, foreign capacity to produce for export is also considered. If the Commission finds that either condition has not been met, its determination must be negative, and it need not consider factors relevant to determining the other condition.

In the present inquiry, I found, based upon my consideration of the relevant indicators described above, that the steel wire nail industry is not being injured or threatened with injury. Commission data indicates that domestic shipments of these nails have been increasing, that unsold inventories have been stable, and that U.S. production, capacity utilization the manhours utilized in this industry, and the workforce are all up. Having found no injury to exist, there is no need to consider the factors relevant to the second condition, dealing with causation of injury. Thus, I will limit my discussion to those economic indicators relevant to the question of injury.

Domestic consumption, production and capacity utilization of steel wire nails increased for each year during the period of 1975 through 1977 and during the first three quarters of 1978. Consumption rose rapidly from a recession low of 493,778 short tons in 1975 to 670,606 short tons in 1976, and 741,286 short tons in 1977. American Iron and Steel Institute data indicates a further substantial increase in the first nine months of 1978. Responses to Commission questionnaires reveal that production increases have been flatter, rising at an annual rate of 3.5% from 1975 to 1977 and 5.9% in the first nine months of 1978. However, integrated producers provided most of the responses to the questionnarie and, therefore, the aggregated data reflects the rather stagnant position of integrated producers. In contrast, data from other sources reflects substantial increases in shipments during the period, which is apparently accounted for by the growth of the nonintegrated producers.

Questionnaire responses also indicated that capacity utilization increases have been rather flat, from 72% in 1975 to 75% in 1976, 76% in 1977, and 78% for the first nine months of 1978. (Capacity utilization figures are based on a typical three-shift, five-day workweek.) Again, however, the disproportionate impact of integrated producers' responses on the questionnaire should be noted. Thus, for example, Virginia Wire and Fabric Co., an affiliate of Sivaco, testified that both it and New York Wire Mills, another Sivaco affiliate, have been operating at three shifts a day, five days a week, and have been unable to satisfy their customers' demands. Moreover, one large nail distributor submitted material to the Commission indicating that it unsuccessfully tried to purchase nails from three of the seven complainants, another distributor indicated that without Sivaco it would be out of business, and five other domestic purchasers of Canadian nails informed the Commission that domestic nail manufacturers are currently unable to meet increased domestic demand resulting from the trigger pricing system.

Inventory levels, while fluctuating seasonally, have remained relatively stable on a year-to-year basis. End-of-year inventories had 47, 50 and 46-days supply for 1975, 1976 and 1977, respectively, and inventories at the end of September of 1977 and 1978 had a 40-days supply. Based upon testimony at the hearing, these inventory levels appear to be appropriate for an efficiently operated industry.

Employment trends in the domestic industry, also based on questionnaire responses, have generally been on the upswing, increasing from 1330 production and related workers in 1975 to 1443 in 1976 and 1600 in 1977, and 1610 employed during the first nine months of 1978. Total manhours worked by these employees showed a similar upward trend. The recent entry into the domestic industry by two Sivaco affiliates is a substantial factor in pushing employment figures up. While adjustment assistance petitions have been certified by the Department of Labor for firms involved in production of steel wire nails, the petitions included employees producing a variety of products and only a very small number of employees were in nail production.

Of the various indices examined, only one—profits—suggested the possibility of injury. However, before analyzing this factor, it is important to note that profit and loss data for an integrated firm in any industry does not always reflect an accurate picture due to the relatively common practice of transfer-pricing. This practice permits an integrated firm to arbitrarily value intra-firm transfers of goods so as to achieve a desired level of profitability for any particular segment of the firm in question.

Responses to Commission questionnaires by five integrated producers showed gross profits of to $9.4 million, $9.9 million and $9.3 million for 1975, 1976 and 1977, respectively; they also show a decline in the first nine months of 1978 over the corresponding 1977 period. (Gross profits rather than net profits were developed because the integrated producers did not routinely allocate overhead expenses by products.) In addition, the ratio of gross profits to net sales declined throughout the period, primarily because integrated producers' unit value of shipments have risen at a slower rate than their unit cost of goods sold. However, data from the two nonintegrated firms surveyed—Virginia Wire and Fabric Co. and New York Mills (established in 1976 and 1977, respectively)—showed that both had gross profits in their first full year of operation. Furthermore, sharp increases in nail prices in the first nine months of 1978 will probably ease any cost-price squeeze which might have affected the integrated producers. In short, a slight decline in profit levels for the integrated producers, without any other indication of injury, is insufficient to demonstrate injury for the domestic industry as a whole.

Another factor indicating an absence of injury in the steel wire nails industry is the impressive expansion of nail producing facilities in the United States. In addition to Virginia Wire and Fabric Co. and New York Wire Mills, mentioned above, two more plants began operations in 1977 and 1978, and three more are scheduled to open in 1979. Sivaco testified that the seven new facilities combined represent $15 million in capital equipment and 80,000 tons of new capacity, and will employ 450 new workers in all aspects of the nail producing industry.

During the hearing and in post-hearing briefs, complainants also raised, but did not press, the issue of regional injury, suggesting that the region east of the Great Lakes has been the principal destination for less than fair value Canadian exports. The Commission has authority to determine whether injury to regional producers constitutes injury to an industry, and it appears that the industry in this proceeding might be viewed appropriately in regional terms because transportation costs are high relative to the value of the product and most sales are made to customers located within 500 miles of production facilities. However, a review of questionnaire responses indicates that trends for the region east of the Great Lakes do not differ from the national trends discussed above.

Finally, based upon my review of the relevant economic indicators discussed above, particularly the data indicating increasing U.S. consumption and stable levels of less than fair value imports from Canada, I also find the existing domestic industry is not likely to be injured. In this regard, it is relevant that the two Canadian producers found by Treasury to have exported the subject nails at less than fair value—Titan and Sivaco—argued that they had not intended to export their nails at less than fair value and that Treasury's findings had resulted from Treasury's using a method, which differed from the method used by the two companies, for calculating relative Canadian-U.S. prices. Both indicated that they had changed their method of pricing to correct this technical problem and pledged to prevent its reoccurrence. Complainant's suggestion that there may be an impending decline in the domestic construction industry, which is the largest consumer of nails, should naturally be of concern to the nail producing industry. However, if, indeed, there is an economic downturn and the industry is injured, changing economic conditions and not imports from Canada at less than fair value would have to be considered the reason for any resulting likelihood of injury. The nail producing industry has been faring well in the past few years as generally good economic conditions, generally high levels of overall import penetration, and even cases of less than fair value import competition have all co-existed. In sum, there has been no injury "by reason of" imports at less than fair value or any other reason. Furthermore, less than fair value imports could not be held responsible for future injury to the nail producing industry in the event there is a decline in U.S. building construction.

Issued: February 2, 1979.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc. 79-4253 Filed 2-6-79; 8:45 am]

[7020-02-M]

[332-103]

BOLTS, NUTS, AND SCREWS OF IRON OR STEEL

Quarterly and Annual Surveys

Notice is hereby given that the U.S. International Trade Commission, on February 2, 1979. Instituted an investigation under section 332(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(b), for the purpose of conducting quarterly and annual surveys with respect to the bolts, nuts, and screws which are the subject of temporary duty increases by reason of Proclamation 4632, issued January 4, 1979 (44 FR 1697). The Annex to Proclamation 4632 requires the Commission to conduct such surveys. The temporary duty increases, which are for a 3-year period beginning January 6, 1979, are provided for in items 923.50 through 923.53, inclusive, of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202).

The Annex to Proclamation 4632 provides, in pertinent part, as follows:

4. United States International Trade Commission (USITC) surveys on certain bolts, nuts and screws of iron or steel.—The USITC shall conduct surveys with respect to products of the types subject to temporary duty increases under items 923.50 to 923.53, inclusive, as follows:

(a) *Quarterly.*—Surveys by calendar quarter to obtain monthly data on U.S. production, U.S. producers' shipments, imports for consumption, U.S. exports, apparent U.S. consumption, employment, man-hours and prices. The initial survey shall cover the third and forth quarters of 1978 and the first quarter of 1979; the last such survey shall cover the quarter which ends not less than 60 days prior to the termination of the import relief. The results of these surveys shall be published within 60 days of the end of the quarter.

(b) *Annually.*—Annual surveys to obtain from domestic producers data by calendar quarter on profits, unfilled orders, and inventories, and annual data on capital expenditures and capacity; and to obtain from importers data by calendar quarter on prices, unfilled orders and inventories. The initial survey shall cover calendar year 1978, and the results of this and subsequent surveys shall be published by the end of the first quarter of each year thereafter so long as the import relief is in effect.

By order of the Commission.

Issued: February 2, 1979.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-4254 Filed 2-6-79; 8:45]

[7020-02-M]

[Investigation No. 337-TA-50]

CERTAIN SYNTHETIC GEMSTONES

Commission Request for Public Comments Concerning Settlement Agreement

RECOMMENDATION OF "NO VIOLATION" ISSUED

In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930, of alleged unfair methods of competition and unfair acts in the importation and sale of certain synthetic gemstones in the United States, the presiding officer recommended on January 12, 1979, that the Commission determine that there is no violation of section 337. The presiding officer certified the record to the Commission for its consideration. Copies of the presiding officer's recommendation may be obtained by interested persons by contacting the Office of the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0161.

SETTLEMENT AGREEMENT SIGNED BY COMPLAINANT AND ALL RESPONDENTS

The presiding officer's recommendation of "no violation" follows a joint motion by all parties to terminate this investigation, which was supported by a settlement agreement signed by complainant and all respondents (Settlement Agreement). The presiding officer found that the record contains no evidence of the unfair acts and unfair methods of competition alleged with respect to the importation and sale of certain synthetic gemstones made in accordance with the claims of U.S. Letters Patent No. 3,742,731.

WRITTEN COMMENTS ON THE PUBLIC INTEREST REQUESTED

Since all parties have filed a joint motion to terminate this investigation, which is supported by the Settlement Agreement, and since the presiding officer has recommended termination on

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the basis of the Settlement Agreement, no oral argument will be held with respect to the presiding officer's recommendation. However in light of the Commission's duty to consider the public interest, the Commission requests written comments from interested persons concerning the effect of the termination of this investigation, supported by the Settlement Agreement, upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. These written comments must be filed with the Secretary to the Commission no later than February 27, 1979. The text of the Settlement Agreement follows:

SETTLEMENT AGREEMENT

Whereas

1. Queensbury Opal Co., Ltd., an Ohio corporation (hereinafter Queensbury), and

2. Paul S. Rogell of 95 Morgan Street, Stamford, Connecticut 06905, and

3. Rogell Associates of 95 Morgan Street, Stamford, Connecticut 06905, and

4. Cathay Corporation a Connecticut corporation having a principal place of business at 95 Morgan Street, Stamford, Connecticut 06905, and

5. Incom Inc., a Massachusetts corporation having its principal place of business at 205 Chapin Street, Southbridge, Massachuetts 01550, are engaged in various civil actions, to wit:

A. Civil Action 78-357-G brought by Queensbury against Incom Inc. in the United States District Court for the District of Massachusetts:

B. Civil Action B78-35 brought by Queensbury against Paul S. Rogell and Rogell Associates in the United States District Court for the District of Connecticut (Bridgeport); and

C. An Investigation No. 337-TA-50 by the United States International Trade Commission, Washington, D.C. directed at the importation of certain gemstones initiated upon a complaint by Queensbury and involving as Respondents, Paul S. Rogell, Rogell Associates, Cathay Corporation, and Incom Inc.; and

Whereas Queensbury has asserted infringement of U.S. Patent 3,742,731 as the underlying basis for the above actions as well as asserted claims for damages for unfair competition and claims for damages arising from proceedings instituted before the United States Patent and Trademark Office; and

Whereas Paul S. Rogell owns U.S. Patent 4,030,317, and has asserted infringement of said patent by Queensbury, and

Whereas the parties desire to settle the above civil actions and disputes,

Now therefore, it is agreed as follows:

1. Queensbury hereby grants Paul S. Rogell, Rogell Associates, Cathay Corporation, Incom Inc., their respective suppliers, and any of their respective direct or indirect customers immunity of suit for infringement of any one of the claims in the United States Patent 3,742,731.

2. Each party hereto releases one another from liability as to:

(a) any and all claims each party may have with respect to any past direct or contributory infringement of U.S. Patents 3,742,731 and 4,030,317,

(b) any and all claims as each party may have and which arose as a result of disputes between certain of the parties before the United States Patent and Trademark Office, and

(c) any and all claims as each party may have against one another as a result of any prior unfair competition acts which may be actionable either at common law or under the United States Lanham Act.

3. It is hereby stipulated between Incom Inc. and Queensbury that Civil Action 78-357-G in the District Court of Massachusetts be dismissed.

4. It is hereby stipulated between Paul S. Rogell, Rogell Associates and Queensbury that Civil Action B78-35 in the District Court of Connecticut be dismissed.

5. It is hereby stipulated between the parties to petition the United States [International] Trade Commission to terminate its investigation No. 337-TA-50 for lack of an unfair act upon which importations were sought to be excluded pursuant to the Queensbury Complaint initiating said investigation.

6. (a) Queensbury herewith grants Cathay Corporation a non-exclusive license under the German Application or Patent equivalent to U.S. Patent 3,742,731 to have manufactured for it articles covered by said German Application or Patent in Germany and only for importation into the United States for sale by Cathay Corporation therein. No other license to make, use or sell articles covered by said German Application or Patent for any other purpose is granted or implied.

(b) Queensbury further grants a non-exclusive license to United States customers of Cathay Corporation under such Canadian Patent which is equivalent to U.S. Patent 3,742,731 for articles imported and sold in the United States so as to bear royalty under paragraph 7 hereof, in the event that said articles are resold by said customers in Canada.

(c) The articles licensed hereunder shall be exclusively defined by the terms of any claim of said U.S. Patent 3,742,731.

7. Cathay Corporation, commencing with the date of this agreement, agrees to pay Queensbury two percent (2%) of its net United States sale price for any such article imported into the United States from Germany covered by said unlapsed German Application or Patent which is the equivalent to U.S. Patent 3,742,731.

8. (a) Within thirty (30) days following each quarterly period, Cathay Corporation agrees to make a quarterly report to Queensbury listing the total net United States sales value of all imported royalty bearing articles sold in the United States together with a check for the royalty amount due. Queensbury shall not be entitled to receive information in such reports as to unit article cost, source of supply or identification of customers of Cathay Corporation. Royalty bearing articles shall be considered sold when invoiced.

(b) Net United States sale price shall mean Cathay Corporation's invoice price after deducting freight charges, cash discounts, or other allowances, excise taxes and import duties. No payment need be made with respect to any articles which are not accepted by customers and are returned and not paid for; any royalty payment as may have been made with respect to such article may be subtracted from any succeeding royalty payment.

(c) Cathay Corporation agrees to keep such amounts and records as shall enable an accountant to confirm the royalty reports during normal business hours. Nothing therein shall be construed to entitle such accountant to information which may identify Cathay Corporation suppliers, sources of manufacture, customers, article unit prices, sales costs or manufacturing or supplier prices. An accountant entitled to inspect such accounts and records shall be mutually acceptable to Queensbury and Cathay Corporation and may be required by Cathay Corporation to hold information learned from such inspection in confidence. Such accountant inspection shall be at Queensbury's expense.

9. Paul S. Rogell herewith grants Queensbury, its suppliers or any of its direct or indirect customers, immunity of suit for infringement of any one of the claims in U.S. Patent 4,030,317 or any other patent which may issue based upon subject matter disclosed in said patent.

10. The parties agree to announce to the trade that they have settled their disputes with the proviso that neither party shall make any representation to their respective customers or to anyone else in the trade that the settlement resulted in:

(a) a price advantage, or

(b) that either party is unable or hindered from supplying products to the trade.

11. This settlement agreement shall accrue to the benefit of and be binding upon the heirs, whole or partial successors or assigns of interest of any party hereto.

12. There are no other agreements, written or oral, express or implied, between the parties hereto concerning the subject matter of this Agreement.

Dated: December 8, 1978.

Queensbury Opal Co., Ltd., David J. Josephic

Dated: December 11, 1978.

Queensbury Opal Co., Ltd., Paul S. Rogell

Dated: December 11, 1978.

Rogell Associates, Paul S. Rogell

Dated: December 11, 1978.

Cathay Corporation, Paul S. Rogell

Dated: December 11, 1978.

Incom Inc., Louis H. Reens

ADDITIONAL INFORMATION

The original and 19 true copies of all written submissions must be filed with the Secretary to the Commission. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence must request *in camera* treatment. Such request should be directed to the Chairman of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open to public inspection at the Secretary's Office.

Notice of the Commission's investigation was published in the FEDERAL REGISTER of March 17, 1978 (43 FR 11271).

By order of the Commission.

Issued: February 2, 1979.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-4252 Filed 2-6-79; 8:45 am]

[4410-18-M]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

PROGRAM ANNOUNCEMENT

Request for Public Comments

AGENCY: Law Enforcement Assistance Administration, Justice.

ACTION: Request for public comment.

SUMMARY: The Law Enforcement Assistance Administration (LEAA) is proposing a new program as an addition to the fiscal year 1979 Guide to Discretionary Grant Programs (M4500.1G) announced in the FEDERAL REGISTER on November 3, 1978 (43 FR 51467-51468). The program provides opportunities for State Planning Agencies to undertake projects to strengthen and improve criminal justice planning and coordination, and utilizes reverted Part B (planning grant) monies under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. LEAA is publishing the text of the proposed program at this time in order to obtain public comments. All comments will be considered in the publication of the final program announcement.

DATE: Comments are due on or before March 9, 1979.

ADDRESS: Send comments to: Henry S. Dogin, Acting Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT:

Lynn Dixon, Office of Planning and Management, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531, (202) 376-3762.

The text of the proposed program follows:

55. IMPROVING CRIMINAL JUSTICE PLANNING AND COORDINATION

a. *Objective.* The objective of this program is to aid selected States to strengthen and improve their criminal and juvenile justice planning and coordination functions.

b. *Program Description.*

(1) Problem Addressed.

(a) Over the past ten years, state governments have increased their criminal justice planning capabilities. They have analyzed problems, set goals and priorities, developed programs, and evaluated results.

(b) Nevertheless, several observers have pointed to the need to make improvements. These include greater involvement of key decisionmakers and especially elected officials; increased attention on non-federal resources; and more integration with normal government processes, such as budgeting and law-making.

(c) This program, "Improving Criminal Justice Planning and Coordination" builds upon the positive achievements of the past ten years while providing a catalyst for making improvements in criminal justice planning and coordination at the State level.

(2) Results Expected.

(a) Greater involvement by State criminal justice planning agencies in criminal and juvenile justice issues, strategies, and resources outside the confines of the Federal grant program.

(b) Increased interaction between State criminal justice planning agencies and other key decision-makers, including the Governor, members of the legislature, relevant department heads, and local officials.

(c) Increased use of State planning agency skills, resources and work products in criminal and juvenile justice policy, program and resource allocation decision-making.

c. *Program Strategy.* States may opt for any one of the following three approaches. However, in the event that there are more applications that meet the funding criteria than can be supported with available monies, priority for grant awards will be given to those applications under options 1 and 2.

(1) Option 1—Development and Execution of Legislative and/or Executive Branch Implementation Strategies for Major Program Priorities.

This option calls for State planning agencies in concert with the Governor's Offices to take a leadership role in bringing about criminal and juvenile justice improvements through means not limited to the LEAA grant program. It assumes that States—as part of their planning efforts—have identified one or more major issues or problems that are of statewide priority, that are amenable to State action, and that, if resolved, are likely to lead to significant improvements. States applying under this option should demonstrate that the issue or problem to be addressed has been identified and documented as a priority in previous plans.

State planning agencies would develop and/or identify programs that are likely to be effective in dealing with these priority problems or issues, and that have a broad base of support within the State. The process of developing and/or identifying programs must be a participatory one, with opportunities for involvement of State and local criminal justice officials, representatives of general local government, and elected officials.

Programs developed and/or identified for implementation would require the formal endorsement of the State Supervisory Board and the Governor.

State planning agencies would develop comprehensive implementation strategies for the program(s) selected. In developing such strategies, States should consider:

(a) Gubernatorial-action (e.g., adoption of the program as a major policy initiative of the Governor; incorporation in gubernatorial statements—i.e., urban strategy or crime control messages; executive orders; preparation of legislative proposals and budget.)

(b) Legislative-action (e.g., enactment of state legislation authorizing the program; appropriations of state and/or federal funds.)

(c) Administrative-action (e.g., changes in rules and regulations; joint funding procedures.)

While the use of LEAA funds for implementation is not prohibited, implementation of the program must be contingent upon these other actions initiated by the State.

State planning agencies would take the lead in executing these implementation strategies in concert with other relevant decision-makers.

SPAs would be expected to work closely with the Governor's office, the State Budget Office, the Legislature, principal implementing agencies, and others.

(2) Option 2—Conduct of State Government Reorganization Studies and/or Implementation of State Reorganization Plans.

Under this option, funds would be available to assist States either considering or in the process of reorganization of the executive branch of State Government where reorganization is likely to impact on or be af-

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fected by criminal justice planning and coordination concerns. Possible activities that could be undertaken include: government organization studies; management consulting assistance; and transition staffing.

The aim of this alternative is to help States that, as part of a general reorganization movement or a more limited focus on criminal justice, are moving in the direction of embedding criminal justice planning and coordination functions into the workings of State government. This means greater integration of criminal justice planning and coordination with normal State processes such as budgeting, legislation, general state planning, etc., and increased acceptance of the planning approach in the States criminal justice system.

(3) Option 3—Conduct of Program Evaluations.

This option provides State planning agencies an opportunity to improve their evaluation capabilities and to expand their role in criminal justice evaluation. SPAs would conduct an evaluation of one (or more) high-priority, non-federally funded program or improvement in the State (e.g., a new law such as mandatory sentencing; a community restitution program).

In selecting evaluation topics, States should give special attention to the evaluability of the topic and the potential audience for and use of the evaluation result. The application must indicate the reasons why a particular topic has been selected, how the results will be used, and how the evaluation will be conducted. Principal users should be involved in planning the evaluation, and a plan for utilization of results should be formulated, submitted to, and endorsed by the principal intended users.

d. *Application Requirements.* (1) In preparing applications, states must conform with the requirements set forth in M 4500.1G, *Guide for Discretionary Grant Programs.* States must also describe each specific product that will result from the project, and the uses thereof.

(2) States must provide evidence that the Governor is aware of and committed to the project. To the extent feasible and appropriate, States should indicate the degree of coordination with and support from other key officials, including members of the legislature.

(3) States must describe clearly and succinctly how the proposed project will contribute to the objective and results expected under this program described above. They must fully address the respective program elements and requirements set forth under the various options.

(4) States should, as appropriate, provide supporting information regarding the responsibilities and operations of the SPA, its role in State Government, and its relationship with other agencies.

(5) States must provide at the conclusion of the project a final report documenting the activities undertaken and the results achieved.

e. *Dollar Range and Number of Grants.* It is estimated that five to ten grants ranging from about $25,000 to $100,000 will be awarded. Grants will require a ten percent cash match and will be for a 12-18 month period.

f. *Eligibility.* State Planning Agencies (SPAs) are eligible to receive grants.

g. *Deadline for Submission of Applications.* Applications must be received by April 16, 1979.

h. *Criteria for Selection.* (1) Degree to which the proposed project is responsive to the objectives and requirements of the particular option selected (see paragraph c).

(2) Degree to which the application fully responds to the requirements of paragraph d.

(3) Degree to which the State has allocated non-federal resources (funds, staff, facilities, etc.) to the project.

(4) Evidence of the capability of the SPA to efficiently organize and manage the project.

(5) Extent to which the estimated cost of the project is reasonable considering the activities planned and the results anticipated.

i. *Evaluation.* Evaluation is not required, but grantees must comply with the self-assessment and monitoring requirements of Appendix 4, paragraphs 3 and 4, and Appendix 5.

HENRY S. DOGIN,
Acting Administrator.

[FR Doc. 79-4207 Filed 2-6-79; 8:45 am]

[7536-01-M]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

HUMANITIES PANEL ADVISORY COMMITTEE

Meeting

JANUARY 31, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that meetings of the Humanities Panel will be held at The National Endowment for the Humanities, Washington, D.C. from 9 a.m. to 5:30 p.m. on the 27th and 28th of February 1979 in Room 807.

The purpose of these meetings is to review Museums Challenge Grant applications submitted to the National Endowment for the Humanities for notification in the Fall of 1979.

Because the proposed meetings will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen McCleary, 806 15th St. NW., Washington, D.C. 20506 or call (202) 724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 79-4171 Filed 2-6-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

APPLICATIONS FOR LICENSES TO EXPORT/IMPORT NUCLEAR FACILITIES OR MATERIALS

Pursuant to 10 CFR 110.70, "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated this day February 1, 1979, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

GERALD G. OPLINGER,
Assistant Director, Export/Import and International Safeguards, Office of International Programs.

IMPORT/EXPORT LICENSE APPLICATIONS SOURCE AND SPECIAL NUCLEAR MATERIAL IN KILOGRAMS

Name of applicant, date of application, date received, application number	Material type	Total element	Total isotope	End-use	Country of ultimate destination
General Electric Co., 01/10/79, 01/15/79, XSNMO1441.	3.1% Enriched Uranium.	11,965	331	Reload fuel for Fukushima 2	Japan.
Transnuclear, Inc., 01/25/79, 01/25/79, ISNM79003.	93.12% Enriched Uranium.....	22.071	14.006	As feed material for product BR2 reactor.	From Belgium
Transnuclear, Inc., 01/24/79, 01/25/79, XSNM01443.	3.35% Enriched Uranium.....	22,090.900	740.046	Fuel for Gosgen-Daniken.....	Switzerland
Transnuclear, Inc., 01/24/79, 01/25/79, XSNM01444.	93.% Enriched Uranium.	11.529	10.757	Fuel for FRM reactor at Garching.	West Germany.

[FR Doc. 79-4134 Filed 2-6-79; 8:45 am]

[7590-01-M]

[Docket Nos. STN 50-592, STN 50-593]

ARIZONA PUBLIC SERVICE CO., ET AL.; (PALO VERDE NUCLEAR GENERATING STATION, UNITS 4 AND 5)

Notice of Change of Location of Special Prehearing Conference To Be Held on February 21, 1979

FEBRUARY 1, 1979.

Before the Atomic Safety and Licensing Board.

The Atomic Safety and Licensing Board on January 26, 1979, issued an order convening a special prehearing conference in this proceeding on February 21, 1979, at the Maricopa County Board of Supervisors Auditorium in Phoenix.

The Board now has been advised that due to the design of the auditorium it will be difficult to provide adequate counsel table space for all of the many participants in this proceeding. Accordingly, it has become necessary to change the location of the special prehearing conference.

WHEREFORE, IT IS ORDERED and please TAKE NOTICE that in accordance with the Atomic Energy Act, as amended, a special prehearing conference pursuant to the provisions of Section 2.751a of the Rules of Practice of the Commission (10 CFR § 2.751a) shall be convened in this proceeding at 10:00 a.m., local time, on Wednesday, February 21, 1979, at the Ramada Inn East Resort, 3801 East Van Buren Street, Phoenix, Arizona 85008.

Dated at Bethesda, Maryland, this 1st day of February, 1979.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc. 79-4120 Filed 2-6-79; 8:45 am]

[7590-01-M]

[Docket No. 50-254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-29, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company which revised Technical Specifications for operation of Quad Cities Nuclear Power Station, Unit No. 1 located in Rock Island County, Illinois. The amendment is effective January 14, 1979.

The amendment revises the Technical Specifications to extend the period required to establish an inerted atmosphere in the containment beyond 24 hours. The extension is from 10 p.m. January 14, 1979 to a time no later than midnight January 21, 1979.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the formal application for amendment dated January 15, 1979, (2) Amendment No. 49 to License No. DPR-29, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Moline Public Library, 504-17th Street, Moline, Illinois 60625. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 30th day of January 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-4121 Filed 2-6-79; 8:45 am]

[7590-01-M]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR-26, issued to Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility), located in Buchanan, Westchester County, New York. The amendment is effective as of its date of issuance.

The amendment adds a license condition relating to the completion of facility modifications to improve the fire protection program and modifies the Technical Specifications to include additional limiting conditions for operation and surveillance requirements for existing fire protection systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 15, 1978, as supplemented by letters dated March 3, 1977, April 15, 1977, May 7, 1978, September 18, 1978, October 31, 1978, November 16, 1978 and December 12, 1978; (2) Amendment No. 46 to License No. DPR-26; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

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Dated at Bethesda, Maryland, this 31st day of January, 1979.

For the Nuclear Regulatory Commission.

CHARLES M. TRAMMELL,
Acting Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc. 79-4122 Filed 2-6-79; 8:45 am]

[7590-01-M]

[Docket No. 70-2623]

DUKE POWER CO.

Amendment to Materials License SNM-1773 for Oconee Nuclear Station Spent Fuel Transportation and Storage at McGuire Nuclear Station; Notice of Reconstitution of Board

Robert M. Lazo, Esq., was the Chairman of the Atomic Safety and Licensing Board for the above proceeding. Because of a schedule conflict Mr. Lazo is unable to continue his service on this board.

Accordingly, Marshall E. Miller, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Maryland this 1st day of February 1979.

ROBERT M. LAZO,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 79-4123 Filed 2-6-79; 8:45 am]

[7590-01-M]

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Notice of Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised the Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment revises Appendix B Administrative Controls of the Technical Specifications, deletes certain environmental monitoring requirements monitoring requirements and authorizes a 2°F increase in the temperature of condenser cooling water.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated June 1973.

For further details with respect to this action, see (1) the applications for amendment dated August 1, 1977, August 29 and September 29, 1978, (2) Amendment No. 29 to License No. DPR-67 and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of January 1979.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-4124 Filed 2-6-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-443 and 50-444]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE, ET AL.

Notice of Issuance of Amendment to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Construction Permit No. CPPR-135 and Amendment No. 2 to Construction Permit No. CPPR-136 issued to the Public Service Company of New Hampshire, The United Illuminating Company, Central Maine Power Company, Central Vermont Public Service Corporation, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Montaup Electric Company, New Bedford Gas & Edison Light Company, New England Power Company, and Vermont Electric Power Company, Inc. The amendments reflect changes in ownership and transfer of shares of the Seabrook Station, Units 1 and 2 (the facility), located in Rockingham County, New Hampshire. The amendments are effective as of their date of issuance.

These amendments provide for the deletion of The Connecticut Light and Power Company, and The Vermont Electric Power Company, Inc., and the addition of the Massachusetts Municipal Wholesale Electric Company and the Maine Public Service Company as applicants for all licenses previously requested, and the transfer of partial ownership shares as noted in the construction permit amendments to these applicants and from six other continuing applicants.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the amendments.

For further details with respect to this action, see (1) the application for amendments contained in Public Service Company of New Hampshire's letters, dated May 15, 1978, and October 16, 1978; (2) Amendment No. 2 to Construction Permit No. CPPR-135; (3) Amendment No. 2 to Construction Permit No. CPPR-136; and (4) the Commission's letter to Public Service Company of New Hampshire dated December 27, 1978 transmitting Amendment No. 1, and the related Safety Evaluation Report. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Exeter

Public Library, Front Street, Exeter, New Hampshire 03833.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland this 31st day of January 1979.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch No. 4, Division of Project Management.

[FR Doc. 79-4125 Filed 2-6-79; Filed 8:45 am]

[7590-01-M]

PUBLIC SERVICE ELECTRIC & GAS CO.; (SALEM NUCLEAR GENERATING STATION, UNIT 1)

[Docket No. 50-272]

Proposed Issuance of Amendment to Facility Operating License No. DPR-70; Order Scheduling Special Prehearing Conference for Limited Appearances

Before the Atomic Safety and Licensing Board.

On November 9, 1978, Alfred and Eleanor Coleman; who have intervened as parties to this case, filed a motion to convene this Board for purposes of receiving statements from persons who desire to make limited appearances under 10 CFR § 2.715. Pursuant to 10 CFR § 2.715, a person who is not a party to a proceeding may make a statement, not under oath, setting forth his views on the matters which are before the Board for adjudication. The statement can be oral or written, and is made at the discretion of the Chairman.

The Board granted the Colemans' motion by its Order of December 15, 1978. The Order provided that a special prehearing conference would be held for the purpose of receiving these limited appearances at a date somewhat in advance of the evidentiary hearing itself. The Order also provided that this date would be set after the Office of Nuclear Reactor Regulation of the Nuclear Regulatory Commission had completed its safety evaluation and its evironmental impact appraisal. The Office of Nuclear Reactor Regulation issued these documents on January 15, 1979.

NOTICE IS HEREBY GIVEN that pursuant to 10 CFR § 2.751a and 10 CFR § 715, a Special Prehearing Conference for the purpose of receiving limited appearances in the above-referenced proceeding will be held at 9:30 a.m. on Friday, February 23, 1979, at the Main Courtroom (1st Floor), Old Salem Courthouse, Broadway and Market Streets, Salem, New Jersey. The Board will also meet at this same location from 7:00 p.m. to 9:00 p.m. on Thursday, February 22, 1979, to accept appearances by persons who are unable to appear during normal working hours.

All persons desiring to make limited appearances in this proceeding shall attend this Special Prehearing Conference. If the Chairman so determines persons desiring to make their statements orally may be subject to reasonable limit of time.

It Is So Ordered.

Dated at Madison, Wisconsin, this 31st day of January, 1979.

For the Atomic Safety And Licensing Board.

GARY L. MILHOLLIN,
Chairman.

[FR Doc. 79-4126 Filed 2-6-79; 8:45 am]

[7590-01-M]

PUBLIC SERVICE ELECTRIC & GAS CO.; (SALEM NUCLEAR GENERATING STATION, UNIT 1)

[Docket No. 50-272]

Proposed Issuance of Amendment to Facility Operating License No. DPR-70; Order Scheduling Prehearing Conference

Before the Atomic Safety and Licensing Board.

NOTICE IS HEREBY GIVEN that, pursuant to 10 CFR § 2.752, a prehearing conference in the above-reference matter shall be held at 1:30 p.m. on Thursday, February 22, 1979, in the Main Courtroom (1st Floor), Old Salem Courthouse, Broadway and Market Streets, Salem, New Jersey.

The parties are directed to be prepared to discuss the items listed in 10 CFR § 2.752. The Licensee shall also be asked to arrange a visit to the facility by the Board.

It is so ordered.

Dated at Madison, Wisconsin, this 31st day of January, 1979.

For the Atomic Safety and Licensing Board.

GARY L. MILHOLLIN,
Chairman.

[FR Doc. 79-4127 Filed 2-6-79; 8:45 am]

[7590-01-M]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC AND GAS CO. AND SOUTH CAROLINA PUBLIC SERVICE AUTHORITY, VIRGIL C. SUMMER NUCLEAR STATION

Order Extending Construction Completion Date

South Carolina Electric and Gas Company and South Carolina Public Service Authority are the holders of Constuction Permit No. CPPR-94 issued by the Atomic Energy Commission* on March 21, 1973 for the construction of the Virgil C. Summer Nuclear Station presently under construction at the company's site in Fairfield County, South Carolina. By letters dated December 10, 1976 and January 14 and February 2, 1977, the permittees filed requests for an extension of the latest constuction completion date for the facility from January 1, 1978 to December 31, 1980, because construction has been delayed due to (1) the change in the design of the reactor vessel support system coupled with a delay in fabrication of the embedments for the reactor vessel support system, (2) delay due to the discovery of a shear fracture zone at the site and attendant evaluation; (3) delay caused by discovery of voids in the concrete liner behind containment liner plates and attendant evaluation and corrective action; (4) redesign of the restraint system required to mitigate high energy pipe break; (5) delays due to procurement of certain ciritical materials required for the main steam isolation valves, component coooling water pumps and motors, service water pumps and motors, and steel for the reactor building liner; and (6) delay in completion of additional geologic contour mapping required for seismic analysis.

This action involves no significant hazards consideration, good cause has been shown for the delay, and the requested extension is for a reasonable period, the bases for which are set forth in the staff evaluation dated January 30, 1979. The preparation of an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Virgil C. Summer Nuclear Station, published in January 1973 and the Draft Environmental Statement published in September 1972. A negative Declaration and an Environmental Impact Appraisal have been prepared and are available, as are the above stated documents, for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the local public document room established for the Virgil C. Summer Nuclear Station in the Richland County Public Library, 1400 Sumter Street, Columbia, South Carolina 29201.

It is HEREBY ORDERED THAT the latest completion date for CPPR-

*Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Comission and permits in effect on that day continued under the authority of the Nuclear Regulatory Commission.

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94 be extended from January 1, 1978 to December 31, 1980.

Date of issuance: January 30, 1979.

For The nuclear Regulatory Commission.

ROGER S. BOYD,
Director, Division of Project Management Office of Nuclear Reactor Regulation.

[FR Doc. 79-4128 Filed 2-6-79; 8:45 am]

[7590-01-M]

[Docket No. 50-395]

VIRGIL C. SUMMER NUCLEAR STATION

Negative Declaration Supporting: Extension of Construction Permit No. CPPR-94 Expiration Date

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the South Carolina Electric & Gas Company and the South Carolina Public Service Authority (permittees) request to extend the expiration date of the construction permit for the Virgil C. Summer Nuclear Station (CPPR-44) which is located near Columbia in Fairfield County, South Carolina. The permittees requested an extension of the permit to December 31, 1980 to allow for a reasonable period for completion of construction of the Virgil C. Summer plant, and further allowance for contingencies.

The Commission's Division of Site Safety and Environmental Analysis (staff) has prepared an environmental impact appraisal relative to this change to CPPR-94. Based upon this appraisal, the staff has concluded that an environmental impact statement for this particular action is not warranted because pursuant to the Commission's regulations in 10 CFR Part 51 and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this change to the construction permit is not a major federal action significantly affecting the quality of the human environment.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555; and at the Richland County Public Library, 1400 Sumter Street, Columbia, South Carolina 29201.

Dated at Bethesda, Maryland, this 30th day of January 1979.

For the Nuclear Regulatory Commission.

RONALD L. BALLARD,
Chief, Environmental Projects Branch No. 1, Division of Site Safety and Environmental Analysis.

[FR Doc. 79-4129 Filed 2-6-79; 8:45 am]

[7590-01-M]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised the Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility), located near Vernon, Vermont. The amendment is effective as of the date of its issuance.

The amendment revised the Technical Specifictions to incorporate requirements for establishing and maintaining the drywell to suppression chamber differential pressure and suppression chamber water level, to maintain the margins of safety established in the NRC staff's "Mark I Containment Short Term Program Safety Evaluation", NUREG-0408. Operation in accordance with the conditions specified in NUREG-0408 has been previously authorized in 43 FR 13118, March 29, 1978.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For futher details with respect to this action, see (1) applications for amendment dated December 10, 1976, April 14, 1977 and May 16, 1978, (2) Amendment No. 50 to License No. DPR-28, (3) the Commission's related Safety Evaluation and (4) the Commission's Order for Modification of License dated February 13, 1976. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont. A single copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 31st day of January 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-4130 Filed 2-6-79; 8:45 am]

[7590-01-M]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company, which revised Technical Specifications for operation of Point Beach Nuclear Plant Unit No. 2, located about 15 miles north of Manitowoc, Wisconsin. The amendment is effective as of the date of issuance.

The amendment revises the reactor coolant system pressure-temperature heatup and cooldown curves to be applied up to seven effective full power years for Unit No. 2.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a sigificant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 16, 1978, as supplemented January 5, 1979, (2) Amendment No. 40 to License No. DPR-27, and (3) the Commission's related letter and Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the University of Wisconsin, Stevens Point Library, Stevens Point, Wisconsin 54481. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of January, 1979.

For the Nuclear Regulatory Commission.

CHARLES M. TRAMMELL,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-4131 Filed 2-6-79; 8:45 am]

[7590-01-M]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced, (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section Nos. 14.1, "Initial Test Program—Preliminary Safety Analysis Report," 14.2, "Initial Plant Test Program—Final Safety Analysis Report," and 14.3, "Standard Plan Designs, Initial Test Program—Final Design Approval" of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review of Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Virginia 22161. The domestic price is $70.00, including first-year supplements. Annual subscriptions for supplements alone are $30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section Nos. *14.1, 14.2, or 14.3* is $4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda this 25th day of January, 1979.

For the U.S. Nuclear Regulatory Commission.

ROGER S. BOYD,
Director, Division of Project Management Office of Nuclear Reactor Regulation.

[FR Doc. 79-4132 Filed 2-6-79; 8:45 am]

[7590-01-M]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 2.6, "Emergency Planning for Research Reactors," provides guidance on developing emergency plans for research reactors and describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to the content of emergency plans for these facilities.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 2.6 will, however, be particularly useful in evaluating the need for an early revision if received by April 6, 1979.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the latest revision of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 29th day of January 1979.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 79-4133 Filed 2-6-79; 8:45 am]

[6820-36-M]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

OPEN MEETING

In accordance with section 10(a) of the Federal Advisory Committee Act, Pub. L. 92-463, the National Transportation Policy Study Commission announces the following meeting:

Name: Meeting of the Commission.
Date: February 22, 1979.
Time: 9:00 a.m. to 5:00 p.m.
Place: 2167 Rayburn House Office Building; Washington, DC 20036.
Type of meeting: Open.
Contact person: Joseph LaSala, National Transportation Policy Study Commission, 2000 M St. NW, Suite 3000, Washington, D.C. 20036, 202-254-7453.

Purpose of the Commission: The National Transportation Policy Study Commission was established under Section 154 of the Federal Aid Highway Act of 1976 (PL 94-280) to report findings and recommendations with respect to the Nation's transportation needs, both national and regional, through the year 2000.

Tentative Agenda: Review of Draft Chapters; Review of Special Reports; Review of Staff Working Papers.

Dated: February 2, 1979.

EDWARD R. HAMBERGER,
General Counsel.

[FR Doc. 79-4138 Filed 2-6-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE FOR THE PRESIDENT'S STATISTICAL SYSTEM REORGANIZATION PROJECT

Meeting

Pursuant to Pub. L. 92-463, notice is given of the convening of the Advisory Committee for the President's Statistical System Reorganization Project from 1:30 p.m. to 5:30 p.m. on February 16, 1979 and from 9:00 a.m. to 3:00

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p.m. on February 17, 1979. The meeting will be held in Room 4203, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C.

The Committee will review Project development and activities to date. The meeting is open to the public.

Issued in Washington, D.C. on February 1, 1979.

DAVID R. LEUTHOLD,
Acting Assistant to the Director for Administration.

[FR Doc. 79-4137 Filed 2-6-79; 8:45 am]

[6820-97-M]

PRESIDENTIAL COMMISSION ON WORLD HUNGER

INTERNATIONAL POLICY SUBCOMMITTEE, ET AL.

Meetings

Subcommittees of the Presidential Commission on World Hunger have scheduled meetings as follows:

The International Policy subcommittee will meet on February 21, 1979.

The Public Participation and Communication Subcommittee will meet on February 26, 1979, in Washington, D.C.

The Domestic, Agriculture Policy, Consumer and Nutrition Subcommittee will meet on February 28, 1979.

These meetings will be open to observation by the public. Details as to locations and times of meetings are being developed and may be obtained by telephone at (202) 395-3505 after February 9, 1979. Persons interested in attending these meetings should address a letter to the Presidential Commission on World Hunger, 734 Jackson Place, N.E., Washington, D.C. 20006. Admission of observers will be on the basis of earliest postmark date and to the extent space is available.

DONALD B. HARPER,
Administrative Officer, Presidential Commission on World Hunger.

[FR Doc. 79-4245 Filed 2-6-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 15544; File No. SR-SCE-78-4]

CINCINNATI STOCK EXCHANGE

Filing of Proposed Rule Change

JANUARY 30, 1979.

The Cincinnati Stock Exchange ("CSE") submitted on December 12, 1978, a proposed rule change under Rule 19b-4 to revise virtually all the rules of the CSE including all the existing articles of incorporation, rules, regulations, and by-laws, with the sole exception of Rule 9D3 (Temporary) which governs the CSE's multiple dealer trading system. The CSE's proposed new rules will consist of three parts: amended articles of incorporation, by-laws, and rules.

Publication of the submission is expected to be made in the FEDERAL REGISTER during the week of February 15, 1979. In order to assist the Commission to determine whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before March 9, 1979. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-CSE-78-4.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of the filing and of any subsequent amendments will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-4095 Filed 2-6-79; 8:45 am]

[8010-01-M]

[Release No. 34-15544; File No. SR-CSE-78-4]

CINCINNATI STOCK EXCHANGE

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchang Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 June 4, 1975), notice is hereby given that on December 12, 1978 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change constitutes a complete revision of virtually all the rules of the Cincinnati Stock Exchange (the "Exchange"). Consequently, all the the Exchange's existing Rules, Regulations and By-laws ("Old Rules") are to be deleted, with the exception of Rule 9D3 (Temporary) Multiple Dealer Trading ("Rule 9D3").

Rule 9D3 was ordered effective by the Commission on April 18, 1978, and is included herein solely to reflect the technical and conforming changes which are necessary to achieve integration of Rule 9D3 with the proposed new rules. No changes of a substantive nature have been made to Rule 9D3.

The Exchange's proposed new rules are to consist of three parts: Amended Articles of Incorporation, a Code of Regulations ("By-laws") and a set of Rules. The By-laws deal principally with the organization and administration of the Exchange and other fundamental matters, while the Rules cover the areas normally dealt with by exchange rules. A summary of the proposed new Articles of Incorporation, By-laws and Rules of the Exchange follows:

ARTICLES OF INCORPORATION

The Amended Articles of Incorporation set forth the name of the corporation, its principal place of business and the purposes for which it was formed.

BYLAWS

Article I—Defintions

This Article contains definitions used both in the By-laws and in Exchange Rules.

Article II—Exchange Membership

Article II sets forth the various classes of Exchange membership (proprietary members and access participant members), and defines the rights, privileges, duties and obligations of Exchange membership. Membership eligibility standards and restrictions on admittance to or continuance of membership on the Exchange also are covered.

This Article also contains requirements for persons becoming associated with members and sets forth procedures for the discontinuance, termination and cancellation and sale of Exchange memberships.

It also establishes some general housekeeping rules for membership meetings, including voting procedures, quorum requirements and action without a meeting.

Article III—Dues, Assessments, and Other Charges

Article III sets forth the standards for prescribing dues, assessments and other charges.

Article IV—Prohibitions or Limitations on Access to the Exchange or Member Services

This Article sets forth listing requirements for securities traded on the Exchange, as well as criteria for unlisted trading privileges and de-listing.

Article V—Exchange Organization and Administration

Article V contains provisions governing the management and administration of the affairs of the Exchange. It sets forth the term of office of members of the Board of Trustees, the manner in which they are selected and the manner in which vacancies are filled. It also contains provisions for the conduct of meetings, quorums and voting by Trustees.

Article VI—Committees

Article VI provides for the establishment of committees of the Board of Trustees, including a membership committee, a business conduct committee, a securities committee, an appeals committee, an executive committee and a nominating committee. It also contains provisions for the appointment of members to the committees, filling of vacancies and removal of members.

Article VII—Officers and Employees

This Article provides for the creation of officers of the Exchange, including a Chairman of the Board of Trustees, President, Secretary, Treasurer and such other officers as may be appointed by the Board of Trustees. Provision is made for the tenure and apointment of officers and their removal.

Article VIII—Indemnification of Trustees, Officers and Employees

This Article governs indemnification of officers, other employees and Trustees and permits liability insurance for such officials.

Article IX—Amendments to By-Laws

This Article sets forth the manner in which amendments may be made to the By-laws.

Article X—Adoption of and Amendments to Exchange Rules

Article X sets forth the procedures by which Exchange Rules are adopted by the Board of Trustees.

ARTICLE XI—Commissions

Article XI states that no Exchange Rule or By-law shall be construed to permit, require or authorize the fixing of rates of commissions for transactions on the Exchange.

EXCHANGE RULES

CHAPTER I—Adoption, Interpretation and Application of Rules

This Chapter governs the interpretation of Exchange Rules and the applicability of exchange Rules to members and persons associated with members.

CHAPTER II—Definitions

Chapter II provides that, unless the context otherwise requires or unless defined in Exchange Rules, the terms used in the Exchange Rules are to have the same meaning as in the By-laws. Presently, this Chapter only contains one additional defined term ("designated self-regulatory organization").

CHAPTER III—Rules of Fair Practice

Chapter III defines the standards of business practices required of members. Prohibitions are set forth in this Chapter concerning various conduct (*e.g.*, fraudulent devices and false statements). Also, this Chapter governs advertising practices, fair dealings with customers, recommendations to customers for securities purchases, prompt receipt and delivery of securities, charges for services performed, discretionary accounts, use of customers' securities and funds and other practices.

CHAPTER IV—Books and Records

Chapter IV governs books and records requirements for Exchange members and requires the furnishing of books and records to the Exchange upon request. Also covered in this Chapter is the disclosure of the financial condition of members to their customers.

CHAPTER V—Supervision

Chapter V governs the responsibility of members for supervision of associated persons. This Chapter also prescribes recordkeeping requirements for supervisory purposes.

CHAPTER VI—Margin Accounts

Chapter VI governs margin requirements imposed on Exchange members and the grantings of extensions of time in meeting margin requirements under Regulation T adopted by the Board of Governors of the Federal Reserve System.

CHAPTER VII—Suspension by Chairman or President

Chapter VII provides for summary suspension of Exchange members in certain specified instances, including instances where the member cannot be permitted to continue in business with safety to its customers, creditors or other members of the Exchange. Provision is made for reinstatement and review of such actions.

CHAPTER VIII—Discipline

This Chapter governs the disciplinary procedures for Exchange members and persons associated with a member. The rules cover the initiation of investigations, charges against the member or associated person, procedures for hearings on charges, offers of settlement and review procedures. Provision is also made for summary proceedings in certain instances.

CHAPTER IX—Arbitration

Chapter IX establishes a system of arbitration of disputes. Mandatory arbitration is required for disputes between members; arbitration is permitted for disputes between members and nonmembers (i.e., customers) upon the agreement of both parties to the dispute after the dispute arises. These rules require arbitration of such disputes to be conducted in accordance with the rules of the American Arbitration Association unless the rules set forth in this Chapter with respect to the arbitration of small claims arising between a public customer and a member or person associated with a member are invoked.

CHAPTER X—Adverse Action

Chapter X governs review procedures for persons aggrieved by adverse actions of the Exchange (*e.g.*, denial of admission to listed trading privileges). This Chapter sets forth due process procedures for such action, including conduct of hearings, decisions by a committee and review by the Board of Trustees.

CHAPTER XI—Trading Rules

This Chapter governs trading of securities on the Exchange, including hours of trading, units of trading, price variations, trading ex-dividend and other rights and other matters. Chapter XI also contains the Exchange's multiple dealer trading rule, Rule 9D3, which was previously approved by the Commission. Rule 9D3 is being resubmitted as part of this proposed rule change solely to reflect the technical and conforming changes which are necessary to achieve integration of Rule 9D3 with the proposed new rules.

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CHAPTER XII—Trading Practice Rules

Chapter XII contains prohibitions against market manipulation, fictitious transactions, excessive sales by a member, manipulative transactions and dissemination of false information. This Chapter also establishes customer priorities in transactions and covers best execution, trading suspensions, and publication of transaction reports.

The rules do not contain provisions specifically prescribing a system of auction pricing based on price and time priority, as does the multiple dealer trading rule; however, Rule 11.8(a)(4) requires qualified dealers to give precedence to all nonmember orders, and of course a member is subject to a general duty to obtain the best execution (in accordance with Rule 12.11) of each order entrusted to it as a broker.

In addition, to the extent a member does not qualify as a market maker, within the meaning of section 11(a) of the Securities Exchange Act, as amended by the Securities Act Amendments of 1975 (the "Act"), it can trade for its own account only pursuant to the conditions established by the rules thereunder, including Rules 11a1-1(T) and 12a2(T), both of which contain conditions that would negate any trading advantages that otherwise might be available to a member. In any event, a complex scheme of floor trading rules would be inappropriate in view of the nascent stage of the Exchange's marketplace and the limited amount of trading that occurs on its floor.

Chapter XIII—Miscellaneous Provisions

This Chapter includes comparison and settlement requirements, provisions for failure to deliver and receive, and rules governing forwarding of proxy materials.

Purpose of Proposed Rule Change

The purpose of the proposed rule change—including both the deletion of all Old Rules (except as noted above) and the adoption of the proposed new By-laws and Rules—is to eliminate outmoded provisions and generally to bring the Exchange's rules into conformity with the Act.

Basis Under the Act for Proposed Rule Change

Because of the comprehensive nature of the proposed rule change, it is not feasible to specify which of the bases set forth in Securities Exchange Act Release No. 11604 underlie each proposed new Article, By-law and Rule. Indeed, the proposed rule change in its entirety is designed to satisfy and comply with all the requirements of Section 6(b) of the Act, which correspond to the first seven bases enumerated in item 4(a) of Form 19b-4A.

Comments Received From Members, Participants, or Others on Proposed Rule Change

Comments on the proposed rule change have not been solicited, although the Exchange has taken into account in preparing the proposed rule change certain comments informally provided by the staff of the Commission in connection with the Exchange's prior filing under File No. SR-CSE-77-1.

Burden on Competition

The Exchange believes that in general its Amended Articles of Incorporation, By-laws and Rules do not impose a burden on competition and that to the extent any particular provision thereof may be deemed to do so, such burden is necessary and appropriate in furtherance of the purposes of the Securities Exchange Act. It has been the objective of the Exchange in preparing the proposed rule change to eliminate burdens on competition wherever practicable.

Extension of Time Period for Commission Action

The Exchange consents to whatever extension of time periods specified in Section 19(b)(2) of the Act the Commission believes is necessary for proper review.

Within 35 days of the February 7, 1979, date of publication of notice of the proposed rule change in the FEDERAL REGISTER, (March 14, 1979), or within such longer period (i) as the Commission may designate, up to 90 days after such date (May 8, 1979), if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 9, 1979.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 30, 1979.

[FR Doc. 79-4098 Filed 2-6-79; 8:45 am]

[8010-01-M]

[Release No. 15543; File No. SR-NYSE-78-69]

NEW YORK STOCK EXCHANGE, INC.

Filing of Proposed Rule Change

JANUARY 30, 1979.

The New York Stock Exchange, Inc. ("NYSE") submitted on December 26, 1978, a proposed rule change under Rule 19b-4 to impose sanctions of suspension or loss of approved status against employees of NYSE member firms and against NYSE approved persons who fail to pay NYSE fines within 45 days after they become payable.

Publication of the submission is expected to be made in the FEDERAL REGISTER during the week of February 5, 1979. In order to assist the Commission to determine whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before March 9, 1979. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. SR-NYSE-78-69.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-4096 Filed 2-6-79; 8:45 am]

[8010-01-M]

[Release No. 34-15543; File No. SR-NYSE-78-69]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on December 26, 1978, the abovementioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

The text of the proposed rule amendment is attached as Exhibit I-A.

PURPOSE OF PROPOSED RULE CHANGE

The Exchange currently has the authority to suspend a member for nonpayment of any sums due the Exchange (Article X, Section 5(a)), and to suspend the members of a member organization which fails to pay a sum due the Exchange (Article X, Section 5(b)). Additionally, an individual's allied membership may be terminated for his failure to pay a fine (Article XI, Section 9). However, the Exchange has no similar provision to suspend an employee or an approved person.

Currently, if an approved person or an employee of a member organization is found by the Exchange to have violated a provision of the Act, a rule under the Act, or a rule of the Exchange, and the Exchange imposes a fine, the Exchange's rules do not address the problem of collecting the fine. Therefore, in such cases, it becomes necessary for the Exchange to bring a separate proceeding alleging a violation of the writtten agreement by which the employee or approved person has agreed to abide by Exchange rules and sanctions. This second proceeding necessitates a second hearing and all the other procedural steps laid out in Exchange Rule 476. It may eventually result in suspension of the employee or approved person from association with a member, on the ground that that person had failed to abide by the written agreement with the Exchange. The Exchange's right to suspend for that reason is set forth in Exchange Rule 476(a).

Proposed Rule 476(k) would obviate the need for a second proceeding by providing that the Exchange may, after giving proper notice, summarily suspend an employee or approved person from association with a member if the employee or approved person fails to pay a fine within 45 days of the date on which the fine became due.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

(i) Without a procedure for directly enforcing the imposition of a fine on an employee of a member or an approved person, the Exchange is fettered in its ability to discharge its responsibility, under Section 6(b)(1) and Section 19(g)(1)(a) of the Act, to enforce compliance with the Act, the rules thereunder, and its own rules.

(ii) Inapplicable.

(iii) Inapplicable.

(iv) Inapplicable.

(v) By establishing a more direct procedure for enforcement against associated persons, the proposed rule change would enhance the Exchange's ability to discharge its responsibility, under Section 6(b)(5), to deter fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and in general, to protect investors and the public interest.

(vi) By adopting a penalty for the non-payment of fines, the proposed rule change would provide, consistent with Section 6(b)(6), that associated persons are appropriately disciplined for violations of the Act, the rules thereunder, and the rules of the Exchange.

(vii) The proposed rule change is in accordance with Section 6(d) of the Act. Although the proposed rule change calls for a "summary" enforcement procedure, it is important to remember that this enforcement procedure could be used only after a disciplinary proceeding which accorded the full procedural protections required by Section 6(d)(1).

(viii) Inapplicable.

NOTE ON PROPER JURISDICTION

The proposed rule change is not contrary to the prohibition of the last clause of Section 6(b)(5) of the Act. Indeed, it does not raise any questions of jurisdiction, because it provides only for a new enforcement rule which could be used only in connection with the valid imposition of a fine. The Exchange's "jurisdiction" to impose fines on associated persons of member firms would be neither expanded nor contracted by the proposed rule change.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

Comments were not solicited or received on this proposal.

BURDEN ON COMPETITION

This proposal will not impose any burden on competition.

Within 35 days of the February 7, 1979 date of publication of this notice in the FEDERAL REGISTER (March 14, 1979), or within such longer period (i) as the Commission may designate up to 90 days of such date (May 8, 1979), if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 9, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 30, 1979.

New Language Italicized

PROPOSED AMENDMENT TO RULE 476

. . . . . .

(k) *Any approved person or registered or non-registered employee who shall neglect to pay any fine within forty-five days after the same shall become payable may, after written notice mailed to such person at either his office or last place of residence as reflected in Exchange Records, be summarily suspended from association in any capacity with a member organization or have his approval withdrawn until such fine is paid. (See Art. X, Sec.*

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5 and Art. XI, Sec. 9 for penalties imposed upon members, allied members and members organizations for failure to pay fines or other sums due the Exchange).

[FR Doc. 79-4100 Filed 2-6-79; 8:45 am]

[8010-01-M]

[Release No. 10570; 812-4046]

NUVEEN MUNICIPAL BOND FUND, INC.

Filing of Application for an Order Amending a Previous Order Granting Exemption

Notice is hereby given that Nuveen Municipal Bond Fund, Inc. ("Fund"), 230 West Monroe Street, Chicago, Illinois 60606, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act") filed an application on December 28, 1978, requesting an order of the Commission amending, in the manner described below, an earlier order of the Commission dated December 17, 1976 (Investment Company Act Release No. 9578). This earlier order, pursuant to Section 6(c) of the Act, exempted from the provisions of Section 22(d) of the Act the offer and sale of Fund shares at net asset value, without a sales charge, under a dividend reinvestment program ("Plan") for the certificateholders of Nuveen Tax-Exempt Bond Fund and Nuveen Tax-Exempt Bond Fund-Medium Term ("Trusts"), two unit investment trusts sponsored by John Nuveen & Co. Incorporated ("Nuveen"), the principal underwriter of the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund's investment objective is providing its shareholders as high a level of current interest income exempt from Federal income tax as is consistent with preservation of capital. All of the Fund's assets will consist of (1) municipal bonds rated at the time of purchase within the four highest grades by Moody's Investors Service (Aaa, Aa, A, and Baa) or Standard and Poor's Corporation (AAA, AA, A, and BBB); (2) unrated municipal bonds which, in the opinion of Nuveen Advisory Corp., the Fund's investment adviser, have credit characteristics equivalent to Bonds rated Baa or BBB or better by such services, provided that the Fund may not invest more than 10% of its assets in such unrated bonds: (3) certain temporary investments, the interest on which may or may not be exempt from Federal income tax, and (4) cash. Nuveen Advisory Corporation is a wholly-owned subsidiary of Nuveen organized in September, 1976, and acts as investment adviser to the Fund pursuant to an Investment Management Agreement.

The Plan, as currently administered, permits certificateholders of the Trusts to purchase shares of the Fund, without a sales charge, by reinvestment of dividends from the Trusts. No initial or subsequent minimum investment is applicable to such purchases. According to the application, certificateholders of the Trusts receive, upon request, a current prospectus for the Fund, together with an application form, execution of which results in an election to receive distributions of the Trusts in shares of the Fund. The Fund further represents that such an election to participate in the Plan requires that primary market purchasers in the Trusts also elect to recive distributions from the Trusts on a quarterly rather than semi-annual or monthly basis.

Secondary market purchasers in the Trusts who elect to participate in the Plan receive distributions from the Trusts in accord with the payment option selected by the previous certificateholder. In addition, participants in the Plan are informed that any election to receive Trust distributions in shares of the Fund will be effective until revoked in writing by notice to the United States Trust Company of New York, the Trustee of the Trusts.

Expenses of offering the Plan to certificateholders of the Trusts are borne by Nuveen as principal underwriter of the Fund. Once a certificateholder elects to participate in the Plan, his account is handled and the expenses thereof borne in the same manner as the account of any other shareholder of the Fund.

The Fund hereby seeks to extend the Plan to the certificateholders of Series 1 and subsequent series (as created) of Nuveen Tax-Exempt Bond Fund-Multi State ("Multi-State"), a newly created unit investment trust sponsored by Nuveen. According to the application, the investment objectives of Multi-State will be to earn tax exempt income and conserve capital through a fixed investment in tax-exempt bonds. To this end, each series of Multi-State will consist of two or more investment portfolios (combined under one trust indenture and agreement) comprised of municipal bonds rated "A" or better by either Standard & Poor's Corporation or Moody's Investors Service, Inc. (including provisional or conditional ratings) and issued primarily by or on behalf of the State for which such investment portfolio will be named (e.g., "California Trust") including counties, municipalities, authorities and political subdivisions thereof, or issued by certain territories of the United States. The application further represents that the interest earned on the bonds contained in investment portfolio described above will be exempt from applicable federal and state income taxes on the basis of the opinion of recognized bond counsel for the issuing governmental authorities. The application further states that the assets of each series of Multi-State will consist of municipal bonds deposited in Multi-State prior to the public offering of units thereof, along with accrued and undistributed interest on such municipal bonds, and undistributed cash realized from the disposition of such bonds.

According to the application, interest income will be distributed semi-annually to the certificateholders of Multi-State unless such certificateholders elect to receive quarterly distributions through participation in the Plan. Other monies received by Multi-State will be credited to the appropriate principal account of a certificateholder and distributed semi-annually, subject to a minimum per unit amount. Appropriate disclosure of the operations of the Plan will be made in the prospectus for each series of Multi-State, including the fact that the investment policies, restrictions, and objectives of the Fund and Multi-State differ in certain respects and that the Fund may make investments in municipal bonds which Multi-State is not permitted to make.

The Fund asserts that the dividend reinvestment program proposed to be offered to the certificateholders of Multi-State will follow the same operational procedures of the Plan currently in effect. Accordingly, the Fund contends that the rationale for allowing certificateholders of the Trusts to participate in the Plan and thereby purchase Fund shares without a sales charge is equally applicable to the certificateholders of Multi-State. Furthermore, the Fund asserts that participation of certificateholders of Multi-State in the Plan will have no adverse effect on the Plan as it is currently being administered. On the basis of the foregoing, the Fund argues that the certificateholders of Multi-State should be allowed to participate in the Plan and reinvest distributions received from Multi-State into shares of the Fund without paying a sales charge.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it except to or through a principal underwriter for distribution or at a current offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person, except a dealer, a principal underwriter or the issuer except at a current public offering price described in the prospectus. Rule 22d-1 under the Act permits certain variations in sales load, none of which it is alleged are applicable to the Plan.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or of any rule or regulation promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 26, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-4097 Filed 2-6-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[Application No. 05/05-5133]

NORTHERN CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 *et seq.*) has been filed by Northern Capital Corporation (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1978).

The officers and directors are as follows:

Joseph Ducharme, 1017 Walnut Street, Batavia, Illinois 60510; President and Director.
William Bohataka, 1N101 Elm Road, West Chicago, Illinois 60185; Vice President and Director
Melvin Jones, 1855 Tall Oaks Drive, Aurora, Illinois 60505; Secretary, Treasurer, and Director.

The applicant will maintain an office at 1017 Walnut Street, Batavia, Illinois 60510, and will begin operations with paid-in capital and paid-in surplus of $300,000 derived from the sale of 3,000 shares of common stock at $100 per share to ED, II, Inc. Applicant intends to work closely with its parent, ED, II, Inc., in financing the sales of Rug Doctor Rents, carpet cleaning equipment to existing and newly established companies.

ED, II, Inc. is controlled by Mr. Ducharme and is committed to increased the applicant's private capital to $500,000 by October 1, 1979.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management and the probability of successful operations of the applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Any person may, on or before February 22, 1979, submit to SBA written comments on the proposed applicant. Any such communications should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Batavia, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 30, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4140 Filed 2-6-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS AND INDUSTRIAL INNOVATION

Hearing

Pursuant to statutory authority set forth is Section 634d of Title 15, United States Code, the Chief Counsel for Advocacy of the Small Business Administration, Milton D. Stewart, Esquire, with the approval of the Administrator A. Vernon Weaver, will conduct public hearings in Washington, D.C., on February 22nd and 23rd, 1979, on Small Business and Industrial Innovation. The hearings will convene each day at 10:00 AM (E.S.T.) at the Hay Adams Hotel/John Hay Room, 800 16th Street, N.W., Washington, D.C.

The Office of the Chief Counsel for Advocacy will consider the adequacy of current Federal Policy in promoting innovation by small business science and technology firms and evaluate proposals designed to expand small business innovation.

Participants: chief executives of small business science and high technology firms, venture captial specialists and related government officials have been asked to testify.

The hearing is open to the public. Any member of the public may file a written statement with the Office of the Chief Counsel for Advocacy before, during or after the hearings. All communications or inquiries regarding these hearings should be addressed to: Jere W. Glover, Office of the Chief Counsel for Advocacy, U.S. Small Business Administration, 1441 L Street, N.W., Room 219, Washington, D.C. 20416, 202-653-6808.

MILTON D. STEWART,
Chief Counsel for Advocacy.

[FR Doc. 79-4141 Filed 2-6-79; 8:45 am]

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[8025-01-M]

[License No. 05/05-5134]

CONTROL DATA COMMUNITY VENTURES FUND, INC.

Issuance of a License To Operate as a Small Business Investment Company

On December 1, 1978, a notice was published in the FEDERAL REGISTER (43 FR 56302), stating that Control Data Community Ventures Fund, Inc. located at 8100-34th Avenue South, Bloomington, Minnesota 55420, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1978) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on December 16, 1978, and no comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 05/05-5134 to Control Data Community Ventures Fund, Inc.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 1, 1979

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4197 Filed 2-6-79; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area #1572]

ILLINOIS

Declaration of Disaster Loan Area

Marshall, Adams, Boone, Bureau, Carroll, Cass, Champaign, Cook, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Henderson, Henry, Iroquois, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, McDonough, McHenry, McLean, Mercer, Ogle, Peroria, Rock Island, Stark, Stephenson, Tazewell, Warren, Whiteside, Winnebago, Woodford, Madison, Randolph and St. Clair Counties and adjacent counties, within the State of Illinois, constitute a disaster area as a result of damage caused by ice storms, snowstorms, high winds and blizzard conditions which occurred on December 31, 1978, through January 15, 1979. Applications will be processed under the provisions of Public Law 94-305. Interest is 7¾ percent. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 2, 1979, and for economic injury until the close of business on November 1, 1979, at:

Small Business Administration, District Office, 219 South Dearborn Street, Chicago, Illinois 60604.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 1, 1979.

HAROLD A THEISTE,
Acting Administrator.

[FR Doc. 79-4193 Filed 2-6-79; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1566]

KENTUCKY

Declaration of Disaster Loan Area

The area of Main Street in the town of London, Laurel County, Kentucky, constitutes a disaster area because of damage resulting from natural gas explosion and fire which occurred on January 16, 1979. Applications will be processed under provisions of Pub. L. 94-305. Interest rate is 7¾ percent. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 2, 1979, and for economic injury until close of business on October 31, 1979, at:

Small Business Administration, District Office, Federal Office Building—Room 188, 600 Federal Place, Louisville, Kentucky 40202.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 31, 1979.

HAROLD A. THEISTE,
Acting Administrator.

[FR Doc. 79-4195 Filed 2-6-79; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1569]

MASSACHUSETTS

Declaration of Disaster Loan Area

Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk and Worcester Counties and adjacent counties within the State of Massachusetts constitute a disaster area because of physical damage resulting from rainfall, gale winds, high tides, surge and flooding which occurred on January 24, 1979, through January 29, 1979. Applications will be processed under provisions of Public Law 94-305. Interest rate is 7¾ percent. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 2, 1979, and for economic injury until the close of business on October 30, 1979, at:

Small Business Administration, District Office, 150 Causeway St., 10th Floor, Boston, Massachusetts 02114.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 30, 1979.

HAROLD A. THEISTE,
Acting Administrator.

[FR Doc. 79-4196 Filed 2-6-79; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1570]

RHODE ISLAND

Declaration of Disaster Loan Area

The State of Rhode Island constitutes a disaster area as a result of physical damage caused by storms, rainfall and flooding which occurred on January 20, 1979 through January 26, 1979. Applications will be processed under provisions of Pub. L. 94-305. Interest rate is 7¾ percent. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 2, 1979, and for economic injury until close of business on October 30, 1979, at:

Small Business Administration, District Office, 57 Eddy Street, Providence, Rhode Island 02903.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 30, 1979.

HAROLD A. THEISTE,
Acting Administrator.

[FR Doc. 79-4194 Filed 2-6-79; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1545, Amdt. No. 1]

TENNESSEE

Declaration of Disaster Loan Area

The above-numbered Declaration (See 43 F.R. 54153) is amended by adding the following counties:

County, Natural Disaster(s) and Date(s)

Benton, Drought, 06/15/78-10/30/78
Crockett, Drought, 05/27/78-11/03/78
Hardin, Drought, 06/15/78-10/30/78
Henderson, Drought, 06/15/78-10/30/78

and adjacent counties within the State of Tennessee as a result of natural disasters as indicated. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on

May 14, 1979, and for economic injury until the close of business on August 13, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 30, 1979.

HAROLD A. THEISTE,
Acting Administrator.

[FR Doc. 79-4192 Filed 2-6-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Amdt. No. 2 to I.C.C. Order No. 16 under Service Order No. 1344]

ALL RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 16, and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 16 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 2, 1979, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., January 26, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 25, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-4176 Filed 2-6-79; 8:45 am]

[7035-01-M]

[Exception No. 1 to Third Revised Service Order No. 1315]

ALL RAILROADS

General Car Demurrage Tariff

Pursuant to the authority vested in the Railroad Service Board by Section (a)(1)(ix) of Third Revised Service Order No. 1315, the free-time periods authorized by the following items in General Car Demurrage Tariff 4-K, I.C.C. H-74, issued by D. M. Rogers, supplements thereto or reissues thereof, shall apply to cars subject to those items in lieu of the freetime periods specified in Section (a)(2) of Revised Service Order No. 1315.

Item Numbers:	*Railroad*
116	The Apache Railway Company
118-119	The Atchison, Topeka and Santa Fe Railway Company
121-123	Burlington Northern Inc.
125-126	Chicago, Rock Island and Pacific Railroad Company
132	Denver and Rio Grande Western Railroad Company
140	Oregon & Northwestern Railroad Company
142-151	Union Pacific Railroad Company
176	Burlington Northern Inc.

Effective 7:00 a.m., February 1, 1979.

Issued at Washington, D.C., January 30, 1979.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

JOEL E. BURNS,
Chairman,
Railroad Service Board.

[FR Doc. 79-4185 Filed 2-6-79; 8:45 am]

[7035-01-M]

[Exception No. 2 to Third Revised Service Order No. 1315]

ALL RAILROADS

Demurrage at Origin

The grain traffic of certain railroads provide additional free-time for the furnishing of billing instructions authorizing the movement from origin of carloads of grain in order to provide sufficient time to secure inspection and grade prior to billing. Shipments inspected and graded at origin are not normally subject to inspection at destination prior to placement for unloading. The total time for loading, sampling and grading at origin is substantially less than the time required for loading and subsequent destination inspection and grading prior to placement. Because Third Revised Service Order No. 1315 limits to twenty-four (24) hours the free-time allowed for loading and furnishing instructions for forwarding, many shippers of grain are reverting to destination inspection in order to avoid demurrage at origin, thus increasing the total time required for loading and inspection.

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by Section (a)(1)(ix) of Third Revised Service Order No. 1315, car loads of grain which are inspected and graded at origin shall be granted the free-time periods provided by the applicable tariffs authorizing such services, subject to a maximum free-time period not to exceed thirty-six (36) hours.

It is further ordered, That cars of grain given thirty-six (36) hours free-time for loading, inspection and billing shall not be eligible for inspection at destination or at any point intermediate between origin and destination. Billing on such cars must be endorsed:

"WAIVE INSPECTION—INSPECTED AT ORIGIN"

Effective 7:00 a.m., February 1, 1979.

Issued at Washington, D.C., January 30, 1979.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

JOEL E. BURNS,
Chairman
Railroad Service Board.

[FR Doc. 79-4186 Filed 2-6-79; 8:45 am]

[7035-01-M]

[Notice No. 22]

ASSIGNMENT OF HEARINGS

FEBRUARY 2, 1979.

Cases assigned for hearing postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 59531 (Sub-108F), Auto Convoy Co., now assigned for hearing on March 13, 1979, (2 days), at Albuquerque, New Mexico in a hearing room to be later designated.

MCF 13668F, Garrision Motor Freight, Inc.—Purchase (Portion)—The Rock Island Motor Transit Company, now assigned March 6, 1979, at Washington, D.C. is cancelled transfered to Modified Procedure.

MC 42000 (Sub-6F), Texas Interstate Motor Express, Inc., now assigned for hearing on March 21, 1979, at Dallas, Texas and will be held in Room 5A15-17, Federal Building.

MC 23618 (Sub-34F), McAllister Trucking Company, A Corporation DBA Matco, now assigned for hearing on March 13, 1979 at Dallas, Texas and will be held in Room 5A15-17, Federal Building.

MC 61403 (Sub-256F), The Mason and Dixon Tank Lines, Inc., now assigned for hearing on March 14, 1979, at Dallas, Texas and will be held in Room 5A15-17, Federal Building.

37064, OKC Corporation V. Missouri Kansas Texas Railroad Company, ET AL.,

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now assigned for hearing on March 19, 1979 at Dallas, Texas and will be held in Room 5A15-17, Federal Building.

MC 117940 (Sub-285F), Nationwide Carriers, Inc., now assigned for hearing on March 26, 1979, at St. Paul, Minnesota and will be held in Room 584, Federal Building.

MC 5227 (Sub-40F), Eckley Trucking, Inc., now assigned for hearing on March 13, 1979, at Portland, Oregon and will be in Room 103, Pioneer Court House.

MCF 13629 Shoemaker Trucking Company—Purchase (Portion)—Herrett Trucking Co., Inc., now assigned for hearing on March 15, 1979, at Portland, Oregon and will be held in Room 103, Pioneer Court House.

MC 124692 (Sub-241F), Sammons Trucking, A Corporation, now assigned for hearing on March 14, 1979, at Portland, Oregon and will be held in Room 103, Pioneer Court House.

MC 141532 (Sub-29F), Pacific States Transport, Inc., now assigned for hearing on March 19, 1979, at Portland, Oregon and will be held in Room 103, Pioneer Court House.

MC 141532 (Sub-30F), Pacific States Transport, Inc., now assigned for hearing on March 19, 1979, at Portland, Oregon and will be held in Room 103, Pioneer Court House.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4187 Filed 2-6-79; 8:45 am]

[7035-01-M]

[Finance Docket No. 28943F]

BRANDON CORP. OPERATION OF A LINE OF RAILROAD IN DOUGLAS COUNTY, NE

BRANDON CORP., 1900 One First National Center, Omaha, NE 68102, represented by William T. Oakes, Esq. Kennedy, Holland, DeLacy & Svoboda, 1900 One First National Center, Omaha, NE 68102, hereby give notice that on the 19th day of January, 1979, it filed with the Interstate Commerce Commission at Washington, DC, an application under Section 10901 of the Interstate Commerce Act (formerly Section 1(18)) for a decision approving and authorizing the operation of a line of railroad, a distance of 17.3 miles in Douglas County, NE.

Brandon Corp. is organized to operate over tracks formerly operated by the South Omaha Terminal Railway Company (SOT) including the performance of switching services to or from abutting industries including intermediate switching between other railroads in the Omaha-South Omaha, NE, switching district. Applicant is operating under Service Order No. 1317 dated August 7, 1978.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. *See Implementation—Nat'l Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4184 Filed 2-6-79; 8:45 am]

[7035-01-M]

[Amdt. No. 1 to I.C.C. Order No. 8 under Service Order No. 1344]

CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 8 (The Chesapeake and Ohio Railway Company), and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 8 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1979, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-4177 Filed 2-6-79; 8:45 am]

[7035-01-M]

[Rule 19, Ex Parte No. 241; Amdt. No. 1 to Rev. Exemption No. 155]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

Upon further consideration of Revised Exemption No. 155 issued January 19, 1979.

It is ordered, That under authority vested in me by Car Service Rule 19, Revised Exemption No. 155 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to *expire February 2, 1979.*

This amendment shall become effective January 26, 1979.

Issued at Washington, D.C., January 25, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-4188 Filed 2-6-79; 8:45 am]

[7035-01-M]

[Admt. No. 1 to I.C.C. Order No. 3 under Service Order No. 1344]

MIDDLETOWN AND HUMMELSTOWN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 3 (Middletown and Hummelstown Railroad Company), and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 3 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1979, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-4181 Filed 2-6-79; 8:45 am]

[7035-01-M]

[Amdt. No. 1 to I.C.C. Order No. 1 under Service Order No. 1344]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 1 (New York, Susquehanna and Western Railroad Company), and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 1 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1979, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 30, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-4183 Filed 2-6-79; 8:45 am]

[7035-01-M]

[Amendment No. 1. to I.C.C. Order No. 6 under Service Order No. 1344]

SOUTHERN PACIFIC TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 6 (Southern Pacific Transportation Company), and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 6 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1979, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-4182 Filed 2-6-79; 8:45 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

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[6335-01-M]

1

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Wednesday, February 7, 1979, 5 p.m. e.s.t.

PLACE: Room 800, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Conference call meeting; open to public.

MATTERS TO BE CONSIDERED: 1. Review of Draft report: State of Civil Rights—1978.

FOR FURTHER INFORMATION CONTACT:

Loretta Ward, Public Affairs Unit, 202-254-6697.

[S-252-79 Filed 2-5-79; 11:13 am]

[6355-01-M]

2

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: Monday, February 5, 1979, 1:15 p.m.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C. 20207.

STATUS: Open.

MATTERS TO BE CONSIDERED: Open to the public.

REVISED AGENDA [1]

1. *Power Lawn Mowers.*

The Commission will decide on a FEDERAL REGISTER document concerning a safety standard addressing blade-contact hazards associated with walk-behind power lawn mowers. The Commission determined at a January 25, 1979 meeting that it would not consider the standard promulgated until ten days after it is published in the FEDERAL REGISTER.

2. *Briefing on Carcinogens.*

The staff will present a status report on staff activities concerning carcinogens in consumer products.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety Commission, suite 300, 1111 18th Street, NW., Washington, D.C. 20207, 202-634-7700.

[S-251-79 Filed 2-5-79; 11:10 am]

[7590-01-M]

3

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

TIME AND DATE: Week of February 5, 1979 (changes).

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Tuesday, February 6: 1:30 p.m.

1. Tarapur discussion (approximately 1½ hours, closed—continued from Feb. 2, 1979) (exemption 1).

2. Discussion of personnel matter (approximately 1½ hours, postponed from Feb. 1, 1979) (closed—exemption 6).

Wednesday, February 7: 2:30 p.m. (approximately)

2. Discussion of proposed amendment to 10 CFR 73.55 to extend the implementation date for certain complementary and alternative measures for protection against insider threat (approximately 1½ hours, additional item) (public meeting).

On February 1, 1979, the Commission voted 4 to 0 (Chairman Hendrie not attending) pursuant to 5 U.S.C. 552b(3)(1) and § 9.107(a) of the Commission's rules that Commission business requires that the above item be held on less than 1 week's notice to the public. Prompt discussion is required for this important item.

Thursday, February 8: 3 p.m. (approximately)

2. *Continuation* of briefing on NRC legislative proposal (approximately 1½ hours, public meeting).

(Replaces "Discussion of Personnel Matter" which is *cancelled.*)

ADDITIONAL INFORMATION: The "Briefing on Waste Management Program", scheduled February 1, 1979, was cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

[S-253-79 Filed 2-5-79; 1:41 pm]

[7600-01-M]

4

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 36854.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: February 8, 1979 at 9:30 a.m.

CHANGES IN THE MEETING: The meeting for February 8, 1979, has been *rescheduled for 1 p.m.*

[S-254-79 Filed 2-5-79; 3:42 pm]

[1] Agenda revised February 2, 1979, to add Item. 2. The Commission determined that agency business requires adding this item to the agenda without seven days notice.

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federal register

WEDNESDAY, FEBRUARY 7, 1979

PART II



SECURITIES AND EXCHANGE COMMISSION

■

DISCLOSURE REQUIREMENTS

Forms

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[8010-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-6019, IC-10569, IA-665]

DISCLOSURE OF BROKERAGE PLACEMENT PRACTICES BY CERTAIN REGISTERED INVESTMENT COMPANIES AND CERTAIN OTHER ISSUERS

AGENCY: Securities and Exchange Commission.

ACTION: Final rule and forms.

SUMMARY: The Commission is amending a rule and certain forms to require certain registered investment companies, and certain employee benefit plans and funds or accounts for assets of such plans, to make disclosures to investors about brokerage placement practices and policies. As part of the extensive 1975 amendments to the federal securities laws, investment managers were explicitly relieved, subject to conditions, of certain liabilities that might have accrued to them if they caused accounts which they manage to pay brokerage commissions at rates in excess of the lowest rates available in consideration of the value of the brokerage and research services provided by the broker to whom the commissions were paid. It has long been the position of the Commission that such brokerage placement practices, although permissible, should be disclosed to investors. The amendments to the rule and forms adopted by the Commission are designed to require certain registered investment companies and certain other issuers to provide investors with useful information which they might not otherwise receive about brokerage placement practices and policies. By separate release the Commission has announced the adoption of a new rule and registration form for investment advisers which incorporate similar narrative, but not statistical, disclosure requirements for certain registered investment advisers.

EFFECTIVE DATE: May 1, 1979. These amendments apply to registration statements and proxy statements subject to the amendments which are filed or amended on or after that date.

FOR FURTHER INFORMATION CONTACT:

Thomas D. Maher, Esq., Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202) 755-0214.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today adopted:

(1) Amendments to Forms N-1 [17 CFR 239.15 and 274.11] and N-2 [17 CFR 239.14 and 274.11a-1], integrated registration forms under the Securities Act of 1933 [15 U.S.C. 77a et seq.] ("Securities Act") and the Investment Company Act of 1940 [15 U.S.C. 80a et seq.] ("Investment Company Act");

(2) Amendments to Forms S-1 and S-8 [17 CFR 239.11 and 239.16b] under the Securities Act; and

(3) Amendments to Rule 20a-2 [17 CFR 270.20a-2] under the Investment Company Act.

These amendments require certain investment companies registered under the Investment Company Act and some other types of accounts (including certain H.R. 10 "Keogh" plans, employee benefit plans, and collective funds or separate accounts for the assets of such plans, interests or participations in which are registered under the Securities Act) to make disclosures to investors about brokerage placement practices and policies.

These disclosure requirements reflect a long-standing policy of the Commission that brokerage placement practices of investment managers may take into consideration research and brokerage services, provided, however, that such practices are disclosed to investors. The Commission's Policy Statement on the Future of the Securities Markets, February 1972, explained that the Commission believed that:

> [T]he providing of investment research is a fundamental element of the brokerage functions for which the bona fide expenditure of the beneficiary's funds is completely appropriate, whether in the form of higher commissions or outright cash payments. *It should be disclosed to investors* that their money manager is willing to exercise discretion in seeking the best information available, and does not consider that there is an obligation to get the cheapest execution regardless of qualitative consideration. It should of course be expected that managers paying brokers for research with their beneficiaries' commissions or other funds would stand ready to demonstrate that such expenditures were bona fide. (emphasis added) (at p. 11).[1]

Thus, while the Commission's position has been that such brokerage placement practices may be fully consistent with an investment manager's fiduciary responsibilities and the requirements of the federal securities laws, it is necessary that they be adequately disclosed to investors.

On November 30, 1976, the Commission issued a notice (Securities Act Release No. 5772) [41 FR 53356, December 6, 1976] (the "1976 Release") proposing to mandate disclosure of brokerage placement practices by registered investment advisers exercising investment discretion over client accounts ("investment managers"), pursuant to Section 28(e)(2) [15 U.S.C. 78bb(e)(2)] of the Securities Exchange Act of 1934 [15 U.S.C. 78 et seq.]. The proposal consisted of Rule 28e2-1 as well as certain related rule and registration form changes which incorporated Rule 28e2-1 by reference and required investment managers to disclose their brokerage placement practices and policies to clients, both individual and "pooled" entities. In addition, investment companies and certain other pooled entities were required to make prospectus and proxy disclosure of this information.

Simultaneously with the adoption of the amendments announced in this notice, the Commission adopted certain new and amended rules and forms under the Investment Advisers Act of 1940 [15 U.S.C. 80b-1 et seq.] ("Advisers Act"). Among these changes, which are announced in Investment Advisers Act Release No. 664 (January 30, 1979). are the adoption of revised Form ADV [17 CFR 279.1] and Rule 204-3 [17 CFR 275.204-3] (the "brouchure rule") under the Advisers Act which requires that a brochure be delivered to certain clients and prospective clients of investment advisers.

Both Forms N-1 and N-2, as previously adopted,[2] and the brouchure rule, as previously proposed, would have required disclosure relating to brokerage placement practices. This notice announces the revision of Items 7 and 9 in Forms N-1 and N-2, respectively, and the inclusion of comparable disclosure requirements, as proposed in the 1976 Release, in certain other pooled-fund prospectuses and an Investment Company Act proxy rule. Similar revisions have been made in the relevant portion of the brochure rule as previously proposed.[3]

In so doing, all of the substance of Rule 28e2-1 (as modified in light of

[1] *See also*, Securities Act Release No. 5250 (May 9, 1972) [37 FR 9988, May 18, 1972].

[2] Securities Act Release No. 5964 (August 28, 1978) [43 FR 39548, September 5, 1978]. In Securities Act Release No. 6014 (January 11, 1979) [44 FR 4466, January 22, 1979] the Commission announced that it had decided that no further changes should be made to the items in Forms N-1 and N-2 on which submission of additional comments by the public was invited in Securities Act Release No. 5964.

[3] Advisers Act Release Nos. 601 and 602 (July 21, 1977) [42 FR 38316, 38319, July 27, 1977]. The brochure rule was originally proposed in Advisers Act Release No. 442 (March 5, 1975) [40 FR 11897, March 14, 1975]. As adopted, Item 11 of Part II of revised Form ADV requests certain narrative information about brokerage placement practices of certain investment advisers. Pursuant to Rule 204-3 under the Advisers Act, Part II of revised Form ADV, or the information contained in Part II, will be delivered to certain clients and prospective clients of investment advisers.

comments) has been adopted for pooled funds under the Commission's jurisdiction. Registered investment advisers who have brokerage placement discretion would be required to include in their brochure narrative information identical to that pooled entities will be required to disclose to shareholders. Statistical disclosure by such advisers, which would have been required by Rule 23e2-1, would not be required since the brochure is a document of general description. Requiring individual statistical disclosure by such advisers, on an account by account basis, can be a subject of future inquiry in conjunction with other individualized disclosures which may be relevant to advisory clients. The Commission believes that it is important to adopt these amended disclosure requirements at this time so that they may be incorporated on a timely basis in new Forms N-1 and N-2, which became effective for certain management investment companies on January 1, 1979, and into the new brochure rule.

The disclosure requirements reflect the better current disclosure by registered investment companies of brokerage placement practices. Thus, these requirements will serve to standardize such disclosure, not only among registered investment companies, but also among such investment companies and some other types of pooled accounts whose securities are registered under the Securities Act. Further, requiring registered investment advisers who exercise discretion over client accounts to make comparable narrative disclosure in their brochures also adjusts this disclosure requirement to that which the Commission now believes to be preferable.

It should be noted, however, that the amended rule and forms represent mandatory disclosure standards. More detailed or additional information and explanatory material could and should be provided where necessary, because of circumstances in particular cases, to ensure that all material information regarding brokerage placement practices and policies will be disclosed to investors.

Background

Section 28(e),[4] which was enacted as a part of the Securities Acts Amendments of 1975 [Pub. L. No. 94-29 (June 4, 1975)], resulted from the concern of investment managers and, to some extent, research oriented brokerage firms that in an environment of fully negotiated commission rates an investment manager would be subject to suit alleging breach of fiduciary duty if it effected securities transactions involving payment of commissions at rates in excess of the lowest rates available. Pursuant to Section 28(e)(1), investment managers, when acting in good faith, are relieved of certain liabilities that might have accrued to them if they caused accounts which they manage to pay brokerage commissions at rates in excess of the lowest rates available in consideration of the value of brokerage and research services provided by the broker to whom the commissions were paid. Under Section 28(e)(2) the Commission may adopt disclosure requirements concerning brokerage placement policies and practices for any person, other than a bank,[5] who exercises investment discretion, as defined by Section 3(a)(35) [15 U.S.C. 78c(a)(35)] of the Exchange Act or by Commission rule.

In 1976, the Commission issued a proposed rulemaking (the 1976 Release) concerning the disclosure of brokerage placement practices by investment managers for which the Commission is the appropriate regulatory agency and as to whom the Commission would be able to effectively enforce such requirements.

Modifications From the 1976 Release

CHANGES IN FORMAT AND SCOPE

The 1976 Release contemplated requiring registered investment advisers to deliver to clients over whose accounts they exercised investment discretion, as there defined, a document containing disclosures regarding brokerage placement practices specified in proposed Rule 28e2-1. While such disclosure is important, so too are many other matters relating to an investment adviser (his experience, methodology, etc.). In this connection, the Commission in 1975 and again in 1977 proposed a brochure rule which would have required investment advisers to provide their clients with comprehensive written disclosure statements, including some information regarding brokerage placement practices. The Commission has determined that the preferable approach is to eliminate the requirement for a separate disclosure document as proposed in the 1976 Release and to incorporate more comprehensive brokerage placement practice disclosure requirements into new Rule 204-3 and revised Form ADV under the Advisers Act. Only narrative disclosure would be required in the brochure, however, because individualized statistical disclosure as proposed in Rule 28e2-1 would not be compatible with a general disclosure document such as the brochure.[6]

Investment companies registered under the Investment Company Act and some other types of accounts (including Keogh Plans, other employee benefit plans, and collective funds or separate accounts for the assets of such plans, interests or participations

[4] Section 28(e) provides that: (1) No person using the mails, or any means or instrumentality of interstate commerce, in the exercise of investment discretion with respect to an account shall be deemed to have acted unlawfully or to have breached a fiduciary duty under State or Federal law unless expressly provided to the contrary by a law enacted by the Congress or any State subsequent to the date of enactment of the Securities Acts Amendments in [sic] 1975 solely by reason of his having caused the account to pay a member of an exchange, broker, or dealer an amount of commission for effecting a securities transaction in excess of the amount of commission another member of an exchange, broker, or dealer would have charged for effecting that transaction, if such person determined in good faith that such amount of commission was reasonable in relation to the value of the brokerage and research services provided by such member, broker, or dealer, viewed in terms of either that particular transaction or his overall responsibilities with respect to the accounts as to which he exercises investment discretion. This subsection is exclusive and plenary insofar as conduct is covered by the foregoing, unless otherwise expressly provided by contract: Provided, however, that nothing in this subsection shall be construed to impair or limit the power of the Commission under any other provision of this title or otherwise.

(2) A person exercising investment discretion with respect to an account shall make such disclosure of his policies and practices with respect to commissions that will be paid for effecting securities transactions, at such times and in such manner, as the appropriate regulatory agency, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

(3) For purposes of this subsection a person provides brokerage and research services insofar as he—

(A) furnishes advice, either directly or through publications or writings, as to the value of securities, the advisability of investing in, purchasing, or selling securities, and the availability of securities or purchasers or sellers of securities;

(B) furnishes analyses and reports concerning issuers, industries, securities, economic factors and trends, portfolio strategy, and the performance of accounts; or

(C) effects securities transactions and performs functions incidental thereto (such as clearance, settlement, and custody) or required in connection therewith by rules of the Commission or a self-regulatory organization of which such person is a member or person associated with a member or in which such person is a participant.

[5] Under Section 3(a)(34)(F) [15 U.S.C. 78c(a)(34)(F)] of the Exchange Act, the Comptroller of the Currency, the Federal Reserve Board, and the Federal Deposit Insurance Corporation, rather than the Commission, have responsibility for adopting disclosure requirements with respect to banks subject to their jurisdiction and which exercise investment discretion for the account of others.

[6] The statistical information to be required of investment companies and certain other pooled entities is discussed subsequently, as is the Commission's determination not to require that such information be furnished to clients of investment managers at this time.

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in which are registered under the Securities Act) are required to deliver prospectuses. Since a vehicle currently exists in which brokerage placement practices can be and, in many instances, are set forth, the Commission has determined that they should be set forth therein in accordance with uniform disclosure requirements.

While Forms N-1 and N-2, the integrated registration forms for investment companies, already include items requiring disclosure of brokerage allocation, the items as now revised are more attuned to current practices. It should be noted that comment was sought on certain items in Forms N-1 and N-2 as adopted, other than the brokerage allocation items, but no comments were received. Hence, the amendments being adopted will complete the current investment company forms revision effort.

Thus, the Commission has adopted revised disclosure requirements regarding brokerage placement pratices self-contained in Forms N-1 and N-2, Rule 20a-2 under the Investment Company Act (a proxy rule), Forms S-1 and S-8 under the Securities Act, and in Part II of revised Form ADV under the Advisers Act.

CHANGES IN DISCLOSURE

In light of the comments received from the public, the Commission has made certain modifications from the 1976 Release's proposed rulemaking. As mentioned above, the information which generally has been retained represents matters which—to a greater or lesser degree—are frequently treated in existing investment company disclosure documents. However, the general quality of disclosure in this area is uneven and, with respect to investment advisers and pooled accounts which are not registered investment companies, insufficient or non-existent. Essentially, the Commission has taken the investment company industry's better practices as the basis for the industry's required standards and for the standards to be required of investment managers. The Commission believes that the disclosure requirements it has adopted are more attuned to current brokerage allocation practices and in some cases will elicit disclosure more meaningful than that now being provided.

NARRATIVE INFORMATION TO BE DISCLOSED

Paragraph (d) of proposed Rule 28e2-1 would have required investment managers to provide: (1) A description of how brokers are selected to effect transactions for the managed account and how evaluations are made of the overall reasonableness of commissions paid; (2) a brief description of any research services which the investment manager obtains "in return for" brokerage commissions, the extent to which such research is obtained for the purpose of benefiting accounts generally or specific managed accounts of the investment manager and any other research services provided for the managed account; and (3) a brief description of certain other services and items of value received from brokers by the investment manager or affiliated persons of the investment manager and an estimate of their fair market value. Among the critical comments were:

That it is impractical to determine whether specific research was obtained "in return for" commissions. For example, commentators expressed doubt regarding the status of unsolicited and unused services, or services received from brokers to whom no commissions were ultimately paid. That it would result in lengthy lists of little benefit to investors. Commentators believed that the proposal could be read to require detailed lists of research services received, including materials received on an unsolicated basis or unused in the management of the account.

That it could restrict investment advisors' obtaining materials which would be useful to their managed account, but which had not been described in the appropriate prospectus.

That it would cause confusion concerning whether the disclosure of "other" services provided would include internally generated research.

That the requirement of disclosing any other "services or items of value" may result in lengthy disclosure not involving paying-up for research or brokerage services and therefore not within the scope of Section 28(e). Moreover, it may not be practicable to place a fair market value on these services or items.

And that it is infeasible to separate commissions into their research and brokerage services components. (This was in response to a request for comments on the feasibility and desirability of requiring disclosure of specific dollar amounts paid through brokerage commissions for research services as an alternative, or addition, to the proposed disclosure requirements.)

The Commission believes that these concerns are addressed adequately in the adopted amendments. These amendments require disclosing any factors, such as receiving research, involved in selecting brokers even if the investment manager would assert that he is not for that research service "paying-up." If the receipt of research services is a factor in selecting brokers, the nature of such research services has to be described. Additionally, the amendments require appropriate disclosure whenever the receipt of products or services other than brokerage or research services is a "factor" in the selection of brokers.[7] Further, the amendments ask for a statement whether persons acting on the behalf of an account are authorized to pay a broker a brokerage commission in excess of that which another broker might have charged for effecting the same transaction, in recognition of the value of (1) brokerage or (2) research services provided by the broker. This will clarify whether investment managers have the authority to allocate client brokerage and pay a commission higher than the lowest rate obtainable.

Commentators on the 1976 Release also stated that a disclosure requirement of the extent to which research was or will be obtained to benefit specific or all accounts of an investment manager would be unreasonably complicated. They believed that such research frequently benefits many—or all—of the manager's accounts, but that it is impracticable to "allocate" specifically this benefit among those accounts. The Commission never intended that the investment manager formulate as percentages or dollar amounts the extent to which specific services benefit particular accounts and Section 28(e) clearly states that that it not relevant. To clarify this point, the Commission has decided to require that investment managers be required to explain, if applicable, that research services they obtain with an account's brokerage may be used by the investment manager in servicing all of its accounts and that not all such services may be used in connection with the account which paid commissions to a broker providing such services. Of course, if other policies or practices are applicable to the account with respect to the allocation of research services provided by brokers or the costs thereof, such policies and practices would be required to be explained.

The Commission understands that some pooled entities or their investment managers, pursuant to agreement or understanding with brokers or by internal allocation process, direct commissions to particular brokers because of research services that they provide. Where this situation exists, the Commission has decided to require that the amount of such transactions and the related commissions be disclosed in prospectuses and proxy statements.[8] Pursuant to the brochure rule, investment managers will be required to disclose to clients the existence of any such arrangements but not the amount of the transactions and related commissions.

[7] These items could include, for example, office furniture, non-research oriented computer services, or kick-backs. See Exchange Act Release No. 12251 (March 24, 1976) [41 FR 13678, March 31, 1976]. The Commission would expect that, except where such items are nominally valued, receiving such products or services, even though not protected by Section 28(e), would be considered a factor in selecting brokers.

STATISTICAL INFORMATION TO BE DISCLOSED

GENERAL

Paragraph (d)(4) of proposed Rule 28e2-1 would have required the following specific statistical information regarding brokerage commissions: (i) The total amount of brokerage commissions paid by the managed account expressed both as a dollar amount and as a percentage of the average net assets of the account (calculated on the basis of the same period as the advisory fee is calculated); (ii) the total dollar amount of such commissions paid to the investment manager or to brokers who are affiliated persons of the investment manager; and (iii) the average commission rate paid by the managed account (A) on all transactions involving the payment of commissions to any broker and (B) on all transactions involving the payment of commissions to the investment manager or brokers who are affiliated persons of the investment manager.

After considering the comments received in response to the 1976 Release, the Commission has made a substantial modification of the required statistical disclosure:

(1) The dollar amounts of brokerage commissions paid in each of the last three years in the aggregate and to each of certain brokers having specified relationships with the registrant or other named entities ("affiliated broker") are regularly disclosed by registered investment companies and such requirements have been retained. Also, as required in the 1976 Release, this information will have to be disclosed by certain other pooled entities.

(2) On the other hand, the Commission is not requiring that commissions as a percentage of average net assets be shown because it is a statistic that shareholders of registered investment companies and similar entities could, if interested, calculate using data already being disclosed. Moreover, such information would be largely a function of portfolio turnover.

(3) The Commission is sensitive to the concerns of investment managers that average commission rates would place an unintended premium on paying the lowest available commission rates without reference to the availability of brokerage or research services. An obligation to get the cheapest execution regardless of qualitative considerations has been rejected by the Commission and the Congress. The Commission accordingly has not required showing average commission rates.

(4) The amendments include a new item of statistical information, only for the most recent fiscal year, where an affiliated broker is used: the percentage of registrant's aggregate dollar amount of brokerage commissions paid to each such affiliate as well as the percentage of registrant's aggregate dollar amount of transactions involving the payment of commissions effected through each such affiliate. Where there is a material difference in the figures, the anomaly would have to be explained. Investors would learn whether an affiliate's compensation is on the average on a basis similar to that of other brokers used by the registrant, or, if the portion of compensation received is materially greater or less than the portion of transactions done, the reasons therefor.

The specific statistical information that would be required in the annual proxy statements of registered investment companies as well as in their prospectuses and in prospectuses of employee benefit plans, funds and accounts subject to the amended rules would not, at this time, be required of investment managers in the brochure rule or revised Form ADV. The inclusion of statistical information regarding specific clients would be inappropriate in a general disclosure document which will be available to all advisory clients. Moreover, many commentators on the 1976 Release believed that annually computing statistical information on an account by account basis and supplying it to clients would result in significant additional costs to investment managers, particularly small investment managers who would have to make such computations manually.

Were statistical data required to be delivered to accounts discretionariiy managed, it would require that a separate disclosure document be prepared for each account.[9] Whether this should be required at all has been questioned. Many advisory clients receive confirmations from brokers from which they themselves could compute the required information, and, in many cases, such information is available to investment advisory clients on request.[10] The Commission will continue to assess the need for periodic statistical disclosure in this area. It believes, however, that this should be a part of a more general inquiry as to what types of information should be disclosed to clients on an individualized basis.

AFFILIATED BROKERS

In the 1976 Release, the Commission specifically invited comments on the desirability of substantive limitations on the payment of more than normal charges for execution alone to a broker affiliated with the investment manager in return for research services, and what, if any, additional disclosures would be appropriate with respect to such practices. Some commentators simply opposed any rule against paying up to affiliates on grounds that there was no history of abuses indicating the need for such a rule. Other commentators believed that paying up to affiliates should be prohibited, and noted that money managers using affiliated brokers had traditionally eschewed any such practice. The Commission is of the view that if an account were to be charged with brokerage commissions paid to an affiliate which reflect more than normal charges for execution alone, the investment manager would be under a heavy burden to show that such payments were appropriate.

CERTAIN FINDINGS

The amendments to Rule 20a-2 and Forms N-1, N-2, S-1 and S-8, and Item 11 of Part II of revised Form ADV under the Advisers Act which the Commission has adopted in a simultaneous action, are adopted pursuant, in part, to the authority of Sections 3(a)(35)(C) and 28(e)(2) of the Exchange Act. The Commission is required by Section 23(a)(2) of the Exchange Act [15 U.S.C. 78w(a)(2)] to consider the impact that the amendments adopted herein would have on competition. In view of the fact that similar narrative disclosure is to be required of investment advisers and investment companies and certain other pooled entities, the Commission has concluded that these amendments impose no significant burden on competition among persons subject to the Commission's jurisdiction. Under Sections 28(e)(2), 23(a)(1) [15 U.S.C. 78w(a)(1)], and 3(a)(34)(F) of the Exchange Act, the Board of Governers of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation are granted the authority to require by rule the disclosure of brokerage placement practices of institutional investment managers which are banks subject to the authority of those agencies. The Commission has informed those agencies of its intend-

[8] This requirement reflects the Commission's understanding that brokerage services have not "unbundled" generally. An investment entity may not "pay-up" in this sense for research, but, rather, may allocate his brokerage business (to be effected at the prevailing rate) according to the research services provided.

[9] Under the Advisers Act and rules thereunder, only advisers who have custody or possession of clients' funds or securities have been required to furnish individualized reports to clients.

[10] The brochure rule requires disclosure of the investment manager's relationship with any broker-dealer.

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ed actions and stands ready to consult with them with a view to their requiring corresponding disclosure by those persons regulated by them who exercise investment discretion. In any event, the Commission has determined that any possible burden will be outweighed by, and is necessary and appropriate to achieve, the benefits of these amendments to investors.

COMMISSION ACTION

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

I. Parts 239 and 274 of Chapter II of Title 17 of the Code of Federal Regulations are amended as follows:

1. By revising Item 7, Part I, of Form N-1 to read as follows:

§ 239.15 Form N-1, for open-end managed investment companies registered on Form N-8A.

§ 274.11 Form N-1, registration statement of open-end management investment companies.

* * * * *

Item 7. Brokerage Allocation

(a) State for the period indicated:

(1) The aggregate dollar amount of brokerage commissions paid by the Registrant during the three most recent fiscal years;

(2)(i) The aggregate dollar amount, if any, of brokerage commissions paid by the Registrant during the three most recent fiscal years to any broker (A) which is an affiliated person of the Registrant, (B) which is an affiliated person of such person or (C) an affiliated person of which is an affiliated person of the Registrant, its investment adviser or principal underwriter, and the identity of each such broker and the relationships that cause the broker to be included in the statement; (ii) the percentage of Registrant's aggregate brokerage commissions paid to each such broker during the most recent fiscal year; (iii) the percentage of Registrant's aggregate dollar amount of transactions involving the payment of commissions effected through each such broker during the most recent fiscal year; and (iv) when there is a material difference in the percentage of brokerage commissions paid to, and the percentage of transactions effected through, any such broker, the reasons therefor.

(b) Describe how brokers will be selected to effect securities transactions for Registrant and how evaluations will be made of the overall reasonableness of brokerage commissions paid, including the factors considered in these determinations.

Instructions. 1. If the receipt of products or services other than brokerage or research services is such a factor, this description should specify them.

2. If the receipt of research services is such a factor in selecting brokers, this description should identify the nature of such research services. 213. State whether persons acting on behalf of Registrant are authorized to pay a broker a brokerage commission in excess of that which another broker might have charged for effecting the same transaction, in recognition of the value of (a) brokerage or (b) research services provided by the broker.

(c) If applicable, explain that research services furnished by brokers through whom Registrant effects securities transactions may be used by Registrant's investment adviser in servicing all of its accounts, and that not all such services may be used by the investment adviser in connection with Registrant; or, if other policies or practices are applicable to Registrant with respect to the allocation of research services provided by brokers, explain such policies and practices.

(d) If, during the last fiscal year, Registrant or its investment adviser, pursuant to an agreement or understanding with a broker or otherwise through an internal allocation procedure, directed Registrant's brokerage transactions to a broker or brokers because of research services provided, state the amount of such transactions and related commissions.

2. By revising Item 9, Part I, of Form N-2 to read as follows:

§ 239.14 Form N-2, for closed-end management investment companies registered on Form N-8A.

§ 274.11a-1 Form N-2, registration statement of closed-end management investment companies.

* * * * *

Item 9. Broker Allocation

(a) State for the period indicated:

(1) The aggregate dollar amount of brokerage commissions paid by the Registrant during the three most recent fiscal years;

(2)(i) The aggregate dollar amount, if any, of brokerage commissions paid by the Registrant during the three most recent fiscal years to any broker (A) which is an affiliated person of the Registrant, (B) which is an affiliated person of such person or (C) an affiliated person of which is an affiliated person of the Registrant, its investment adviser or principal underwriter, and the identity of each such broker and the relationships that cause the broker to be included in the statement; (ii) the percentage of Registrant's aggregate brokerage commissions paid to each such broker during the most recent fiscal year; (iii) the percentage of Registrant's aggregate dollar amount of transactions involving the payment of commissions effected through each such broker during the most recent fiscal year; and (iv) when there is a material difference in the percentage of brokerage commissions paid to, and the percentage of transactions effected through, any such broker, the reasons therefor.

(b) Describe how brokers will be selected to effect securities transactions for Registrant and how evaluations will be made of the overall reasonableness of brokerage commissions paid, including the factors considered in these determinations.

Instructions. 1. If the receipt of products or services other than brokerage or research services is such a factor, this description should specify them.

2. If the receipt of research services is such a factor in selecting brokers, this description should identify the nature of such research services.

3. State whether persons acting on behalf of Registrant are authorized to pay a broker a brokerage commission in excess of that which another broker might have charged for effecting the same transaction, in recognition of the value of (a) brokerage or (b) research services provided by the broker.

(c) If applicable, explain that research services furnished by brokers through whom Registrant effects securities transactions may be used by Registrant's investment adviser in servicing all of its accounts, and that not all such services may be used by the investment adviser in connection with Registrant; or, if other policies or practices are applicable to Registrant with respect to the allocation of research services provided by brokers, explain such policies and practices.

(d) If, during the last fiscal year, Registrant or its investment adviser, pursuant to an agreement or understanding with a broker or otherwise through an internal allocation procedure, directed Registrant's brokerage transactions to a broker or brokers because of research services provided, state the amount of such transactions and related commissions.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

II. Part 239 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

1. By amending § 239.11 by adding the following new Item 20, Part I, and renumbering current Items 20 through 29 in Part II:

§ 239.11 Form S-1, registration statement under the Securities Act of 1933.

* * * * *

Item 20. Brokerage Allocation

If the securities being registered represent interests or participations in any single or collective fund, trust or separate account ("Registrant") issued in connection with an employees' stock bonus, pension, profit-sharing or annuity plan:

(a) State for the period indicated:

(1) The aggregate dollar amount of brokerage commissions paid by the Registrant during the three most recent fiscal years:

(2)(i) The aggregate dollar amount, if any, of brokerage commissions paid by the Registrant during the three most recent fiscal years to any broker (A) which is an affiliated person of the Registrant, (B) which is an affiliated person of such person or (C) an affiliated person of which is an affiliated person of the Registrant, its investment adviser or principal underwriter, and the identity of each such broker and the relationships that cause the broker to be included in the statement; (ii) the percentage of Registrant's aggregate brokerage commissions paid to each such broker during the most recent fiscal year; (iii) the percentage of

Registrant's aggregate dollar amount of transactions involving the payment of commissions effected through each such broker during the most recent fiscal year; and (iv) when there is a material difference in the percentage of brokerage commissions paid to, and the percentage of transactions effected through, any such broker, the reasons therefor.

Instruction. For the purpose of this Item, "affiliated person," "principal underwriter," and "investment adviser" shall have the same meaning as in the Investment Company Act of 1940. These definitions shall be read as if the Registrant were an investment company within the meaning of that Act.

(b) Describe how brokers will be selected to effect securities transactions for Registrant and how evaluations will be made of the overall reasonableness of brokerage commissions paid, including the factors considered in these determinations.

Instructions. 1. If the receipt of products or services other than brokerage or research services is such a factor, this description should specify them.

2. If the receipt of research services is such a factor in selecting brokers, this description should identify the nature of such research services.

3. State whether persons acting on behalf of Registrant are authorized to pay a broker a brokerage commission in excess of that which another broker might have charged for effecting the same transactions, in recognition of the value of (a) brokerage or (b) research services provided by the broker.

(c) If applicable, explain that research services furnished by brokers through whom Registrant effects securities transactions may be used by Registrant's investment manager in servicing all of its accounts, and that not all such services may be used by the investment manager in connection with Registrant; or, if other policies or practices are applicable to Registrant with respect to the allocation of research services provided by brokers, explain such policies and practices.

(d) If, during the last fiscal year, Registrant or its investment manager, pursuant to an agreement or understanding with a broker or otherwise through an internal allocation procedure, directed Registrant's brokerage transactions to a broker or brokers because of research services provided, state the amount of such transactions and related commissions.

2. By amending § 239.16b by adding a new paragraph (d) to Item 9, Part I, as follows:

§ 239.16b Form S-8, for registration under the Securities Act of 1933 of securities to be offered to employees pursuant to certain plans.

* * * * *

Item 9. Investment of Funds

(d) If a substantial part of the assets of the plan is invested in securities other than those of the employer, its parents or subsidiaries, state:

(1) The aggregate dollar amount of brokerage commissions paid by the plan during the three most recent fiscal years;

(2)(i) The aggregate dollar amount, if any, of brokerage commissions paid by the plan during the three most recent fiscal years to any broker (A) which is an affiliated person of the plan, (B) which is an affiliated person of such person or (C) an affiliated person of which is an affiliated person of the plan, or its investment adviser or principal underwriter, and the identity of each such broker and the relationships that cause the broker to be included in the statement;

(ii) the percentage of plan's aggregate brokerage commissions paid to each such broker during the most recent fiscal year; (iii) the percentage of plan's aggregate dollar amount of transactions involving the payment of commissions effected through each such broker during the most recent fiscal year; and (iv) when there is a material difference in the percentage of brokerage commissions paid to, and the percentage of brokerage transactions effected through, any such broker, the reasons therefor.

Instruction. For the purpose of this Item, "affiliated person," "principal underwriter" and "investment adviser" shall have the same meaning as in the Investment Company Act of 1940. These definitions shall be read as if the plan were an investment company within the meaning of that Act.

(3) Describe how brokers will be selected to effect securities transactions for the plan and how evaluations will be made of the overall reasonableness of brokerage commissions paid, including the factors considered in these determinations.

Instructions. 1. If the receipt of products or services other than brokerage or research services is such a factor, this description should specify them.

2. If the receipt of research services is such a factor in selecting brokers, this description should identify the nature of such research services.

3. State whether persons acting on behalf of the plan are authorized to pay a broker a brokerage commission in excess of that which another broker might have charged for effecting the same transaction, in recognition of the value of (a) brokerage or (b) research services provided by the broker.

(4) If applicable, explain that research services furnished by brokers through whom the plan effects securities transactions may be used by the plan's investment manager in servicing all of its accounts, and that not all such services may be used by such investment adviser in connection with the plan; or, if other policies or practices are applicable to the plan with respect to the allocation of research services provided by brokers, explain such policies and practices.

(5) If, during the last fiscal year, the plan or its investment manager, pursuant to an agreement or understanding with a broker or otherwise through an internal allocation procedure, directed the plan's brokerage transactions to a broker or brokers because of research services provided, state the amount of such transactions and related commissions.

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

III. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by revising paragraph (a)(7) of § 270.20a-2 as follows:

§ 270.20a-2 Information pertaining to investment adviser and investment advisory contract.

(a) * * *

(7)(i) State the aggregate dollar amount of commissions paid by the investment company during its last fiscal year;

(ii) State the aggregate dollar amount, if any, of brokerage commissions paid by the investment company during the last fiscal year to any broker (A) which is an affiliated person of the investment company, (B) which is an affiliated person of such person or (C) an affiliated person of which is an affiliated person of the investment company, or its investment adviser or principal underwriter, and the identity of such broker and the relationships that cause the broker to be included in the statement;

(iii) State the percentage of the investment company's aggregate brokerage commissions paid to each such broker during the most recent fiscal year;

(iv) State the percentage of the investment company's aggregate dollar amount of transactions involving the payment of commissions effected through each such broker during the most recent fiscal year;

(v) Where there is a material difference in the percentage of brokerage commissions paid to, and the percentage of transactions effected through, any such broker, state the reasons therefor.

(vi) Describe how brokers will be selected to effect securities transactions for the investment company and how evaluations will be made of the overall reasonableness of brokerage commissions paid, including the factors considered in these determinations. (If the receipt of products or services other than brokerage or research services is such a factor, this description should specify them. If the receipt of research services is such a factor in selecting brokers, this description should identify the nature of such research services. State whether persons acting on behalf of the investment company are authorized to pay a broker a brokerage commission in excess of that which another broker might have charged for effecting the same transaction, in recognition of the value of (A) brokerage or (B) research services provided by the broker.)

(vii) If applicable, explain that research services furnished by brokers through whom the investment company effects securities transactions may be used by the investment company's investment adviser in servicing all of its accounts, and that not all such services may be used by the investment adviser in connection with the investment company; or, if other policies or practices are applicable to the investment company with respect to the allocation of research services provided by brokers, explain such policies and practices.

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(viii) If, during the last fiscal year, the investment company or its investment adviser, pursuant to an agreement or understanding with a broker or otherwise through an internal allocation procedure, directed the investment company's brokerage transactions to a broker or brokers because of research services provided, state the amount of such transactions and related commissions.

* * * * *

The foregoing amendments to Forms N-1 and N-2 under the Securities Act and the Investment Company Act, Forms S-1 and S-8 under the Securities Act, Rule 20a-2 under the Investment Company Act, and Item 11 of Part II of revised Form ADV under the Advisers Act, which the Commission has adopted in a simultaneous action, are adopted pursuant to the authority granted to the Commission in Sections 10 (c) and (d) and 19(a) [15 U.S.C. 77j (c), (d) and 77s(a)] of the Securities Act, Sections 8(b), 20(a) and 38(a) [15 U.S.C. 80a-8(b), 20(a) and 80a-37(a)] of the Investment Company Act, and Sections 3(a)(35)(C), 23(a) and 28(e)(2) [15 U.S.C. 78c(a)(35)(C), 78w(a) and 78bb(e)(2)] of the Exchange Act.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 30, 1979.

[FR Doc. 79-3905 Filed 2-6-79; 8:45 am]

[8010-01-M]

[Release Nos. IA-664, 34-15541; File No. 712]

INVESTMENT ADVISER REQUIREMENTS CONCERNING DISCLOSURE, RECORDKEEPING, APPLICATIONS FOR REGISTRATION AND ANNUAL FILINGS

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of final rules and forms.

SUMMARY: The Commission is (1) adopting a new disclosure rule under the Investment Advisers Act of 1940 (the "Act"); (2) amending two other rules under the Act relating to recordkeeping and when to amend the investment adviser registration form; (3) adopting a new annual report form for investment advisers; (4) revising the registration form for investment advisers; and (5) revising certain schedules used by investment advisers and broker-dealers in connection with the respective registration forms for such persons.

The new disclosure rule requires certain investment advisers to furnish to their existing and prospective advisory clients a written disclosure statement containing certain specified information regarding the background and business practices of such investment advisers. This disclosure requirement reflects the long-standing concern of the Commission as to the adequacy of information provided to clients of investment advisers regarding the background of such advisers and represents the culmination of several years of study and review by the Commission of the investment adviser disclosure area.

The revisions to the registration form expand the information previously required by the form and, in part, reflect certain amendments to the Act made in 1975.

The adoption and revision of the foregoing rules, as well as the revisions to the investment adviser registration form and adoption of the new investment adviser annual report form, should improve the efficiency and effectiveness of the Commission's program of investment adviser regulation.

EFFECTIVE DATE: July 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Eric J Thompson, Special Counsel (202-755-3507), or John K. Evans, III (202-755-0214), Office of Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today is taking the following action:

(1) Adopting Rule 204-3 (the "brochure rule") [17 CFR 275.204-3] under the Investment Advisers Act of 1940 (the "Act") [15 U.S.C. 80b-1 et seq.] which requires (a) investment advisers registered, or required to be registered under the Act, to deliver to clients prior to entering into an advisory contract, other than a contract with a registered investment company or relating solely to the provision of impersonal advisory services, a written disclosure statement containing certain specified information concerning the background and business practices of such advisers, (b) investment advisers registered, or required to be registered under the Act, annually to deliver or to offer in writing to deliver without charge a written disclosure statement to clients other than registered investment companies or those receiving solely impersonal advisory services under a contract requiring the payment of less than $200, and (c) investment advisers, registered or required to be registered under the Act, to deliver or offer in writing to deliver a written disclosure statement at the time of entrance into a contract providing for impersonal advisory services at a cost of $200 or more;

(2) Amending Rule 204-2 [17 CFR 275.204-2] under the Act by adding new paragraph (a)(14) thereunder to require that investment advisers maintain as part of their books and records the written disclosure statement delivered to clients under the brochure rule;

(3) Revising Form ADV [17 CFR 279.1] to include (a) in new Part I of the revised form certain information authorized by the Securities Act Amendments of 1975 [Pub. L. No. 94-29 (June 4, 1975)] (the "1975 Amendments"), and certain additional information concerning investment advisers; and (b) in new Part II of the revised form the information required to be contained in the written disclosure statement;

(4) Revising Schedules A-D of Form ADV [17 CFR 279.1] and Form BD [17 CFR 249.501] under the Securities Exchange Act of 1934 [15 U.S.C. 78 et seq.] (the "Exchange Act") to make identical the schedules used by registered investment advisers who are also registered as broker-dealers under the Exchange Act, as well as revising Schedules E-G of Form ADV;

(5) Amending Rule 204-1 [17 CFR 275.204-1] under the Act to require a registered investment adviser (a) to amend Form ADV on the following basis: (i) promptly with respect to those items in Part I essential to the Commission's regulation of investment advisers; (ii) promptly after a material change with respect to certain other items, including most items in Part II; and (iii) annually with respect to certain items relating to advisory business in Part I and Item 13 in Part II and with respect to nonmaterial changes in certain other items in Part I and the balance of Part II, and (b) to file annually with the Commission new Form ADV-S disclosing whether such investment advisers are still engaged in the advisory business and enclosing with such form copies of all written disclosure statement (other than those in the form of Part II of Form ADV) delivered or offered to be delivered by investment advisers during the preceding fiscal year.

I. PURPOSE AND BACKGROUND

The Commission is adopting new and revised requirements for investment advisers under the Act with respect to disclosure, recordkeeping, registration form and schedules, and annual filings. The purpose of these requirements is:

(1) to provide existing and potential clients of investment advisers with relevant information concerning the background and business practices of

investment advisers that should be useful in the selection or retention of an investment adviser;

(2) to provide the Commission with information concerning the basic characteristics of the advisory industry that should be useful in facilitating the Commission's efforts to improve its regulatory effort regarding investment advisers;

(3) to provide the Commission with information concerning specific investment advisers that should assist the regional offices of the Commission in their inspections of investment advisers; and

(4) to implement authority granted to the Commission by the 1975 Amendments regarding the application for registration for investment advisers.

The requirements adopted by the Commission are based on proposals published for public comment in July 1977 (the "July 1977 Releases") regarding investment advisers.[1] These proposals were, in turn, based upon an earlier Commission initiative, in March 1975, to develop a more effective and efficient regulatory scheme for investment advisers.[2] Such efforts by the Commission were an outgrowth of one of the recommendations made in the January 1973 report of the Commission's Advisory Committee on Investment Management Services for Individual Investors, entitled "Small Account Investment Management Services, Recommendations for Clearer Guidelines and Policies." That Committee recommended that the firms they studied (those offering a small account management service) be required to furnish to prospective clients, in writing, certain specified information regarding the background of the investment adviser.

The Commission has considered the public comments received in response to the 1977 Releases and has made certain modifications in the rules and forms as proposed in response to those comments.

II. BROCHURE RULE

As a general matter, Rule 204-3 requires investment advisers when entering into an advisory contract, other than a contract with a registered investment company or providing for solely impersonal advisory services, to deliver to their clients and prospective clients a written disclosure statement containing information concerning their background and business practices. The rule also requires such investment advisers, on an annual basis, to deliver or to offer in writing to deliver to existing clients similar information without charge. The information required to be disclosed by the brochure rule is included as Part II of the revised registration form for investment advisers, Form ADV. To comply with the brochure rule, an investment adviser may either deliver Part II of Form ADV or deliver another document containing at least the information required by Part II of Form ADV.

The provisions of the brochure rule and issues associated with each provision are discussed below.

A. *General Requirement.* The brochure rule, in paragraph (a), imposes a disclosure requirement on investment advisers with respect to their current and prospective advisory clients, unless otherwise provided. Exemptions from this requirement are discussed in the following section.

The brochure rule permits the required disclosure to be made by an adviser in one of two ways. The adviser may use new Part II of Form ADV as the written disclosure statement. Alternatively, an adviser may use a written document containing at least the information required by Part II of Form ADV.

The use of a new Part II of Form ADV reflects a change in the rule as reproposed in the July 1977 Releases. Although the rule as reproposed would have provided for the delivery of alternative documents, a document containing specified information or the Form ADV, that proposal did not separate the information to be disclosed into distinct parts of the Form ADV.

Commentators generally agreed with the Commission's proposed use of the Form ADV as an alternative disclosure document. They were pleased that the Commission was sensitive to the cost of compliance for advisers who do not advertise extensively or who do not want to use a brochure as an advertising medium. Those commentators, however, expressed concern about the use of the entire Form ADV as the disclosure document. In their view, the revised Form ADV contained information which, although relevant for registration purposes, was extraneous to an existing client's retention or a prospective client's selection of an adviser.

The Commission agrees with the thrust of those comments. Accordingly, the revised Form ADV has been reorganized into two parts. Part I contains the information required in the current Form ADV and other information about investment advisers that will be useful to the Commission in its efforts to provide more effective and efficient regulation of investment advisers. Part II contains the information to be furnished to current and prospective clients. Advisers can provide copies of Part II if they do not want to use a separate written disclosure statement.

The information contained in such a separate written disclosure statement need not follow the same format of Part II of Form ADV. It is sufficient if the written statement contains a fair presentation of the information so required. It is, however, the responsibility of advisers to prepare these written statements in a meaningful and fair fashion. The Commission encourages advisers to set out this important information in a readable and informative manner.

B. *Delivery.* Pursuant to paragraph (b) of Rule 204-3, investment advisers must deliver a written disclosure statement to prospective clients when entering into an advisory contract. Advisors must deliver a brochure to current clients only when those clients enter into a substantially revised advisory contract. The delivery requirement does not apply to a contract with a registered investment company or providing solely for impersonal advisory services.

The initial delivery requirement reflects a modification in the reproposal made in the July 1977 Releases. As reproposed, the rule would have required advisers to furnish clients with a brochure 48 hours prior to entering into an advisory contract. The reproposal included an alternative right of subsequent rescission only with respect to contracts for impersonal advisory services. Providers of impersonal advisory services could have furnished a brochure not later than 30 days after entering into an advisory contract if the contract provided for rescission without penalty within five business days after the client received the brochure.

Several commentators agreed with the concept of a prior delivery requirement. Other commentators, however, while not disagreeing with the principle underlying the requirement, expressed concern that a 48-hour mandatory delivery requirement would unnecessarily disrupt usual and customary business practices of all types of investment advisers. As an alternative to the 48-hour requirement, some suggested that clients have the right to terminate the contract without penalty for a specified period of time after delivery of the brochure.

Although a prior delivery requirement might possibly offer greater protection to clients, a right to terminate the advisory contract should provide sufficient protection without unnecessarily disrupting legitimate business practices. Accordingly, the brochure rule provides that advisers have the option of satisfying the delivery requirement by delivering the brochure to the client (1) at least 48 hours prior

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[1] Advisers Act Release Nos. 601 and 602 (July 21, 1977) [42 FR 38316, 38319, July 27, 1977].

[2] Advisers Act Release No. 442 (March 5, 1975) [40 FR 11897, March 14, 1975].

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to entering into an advisory contract or (2) at the time of entering into an advisory contract which provides for a right of termination without penalty within five business days after entering the contract.

Advisers entering into an advisory contract with a registered investment company or providing solely for impersonal advisory services are exempt from the initial delivery requirement. The exemption for investment companies was also contained in the rule as reproposed in the July 1977 Releases and is based upon the safeguards provided by Section 15(c) of the investment Company Act of 1940 (the "1940 Act") [15 U.S.C. 80a-1 et seq.]. That section requires an adviser to furnish information to the board of directors of a registered investment company to enable such board to evaluate the terms of the proposed advisory contract. Under these circumstances, it appears unnecessary to require the adviser to deliver a brochure to the investment company.

The exemption for contracts relating to the provision of impersonal advisory services substantially changes the rule as reproposed in the July 1977 Releases. As reproposed, advisers providing impersonal advisory services would have been required to deliver a brochure to prospective clients. Only one-time trial subscriptions to periodic publications costing no more than $50 and for no more than three months were exempted.

A substantial number of commentators criticized the reproposal as not adequately distinguishing between providers of impersonal advisory services, primarily publishers of market letters, and those investment advisers who actually manage client accounts. The commentators suggested that the costs incurred by the providers of impersonal advisory services in complying with the rule would be prohibitive and would have the effect of discouraging new entrants into the impersonal advisory business.

Considering these comments, the Commission has exempted contracts for the provision of impersonal advisory services, as defined in the brochure rule, from the initial delivery requirement. In certain cases, however, these advisers must deliver or offer in writing to deliver a brochure to clients receiving impersonal advisory services, as discussed in the following section.

The Commission did not adopt the suggestion of several commentators that the brochure rule include an exemption for advisers who provide advisory services to large account clients. Commentators supporting an exemption for large account clients generally maintained that such clients are financially sophisticated and would not entrust their money to anyone without adequate prior investigation, including in most cases a personal interview. Under those circumstances, it was contended, a written disclosure statement is unnecessary.

It is not at all certain, however, that large account clients necessarily have sufficient financial acumen to obviate the need for the protections afforded other advisory clients. Although Rule 146 [17 CFR 230.146] under the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq.] generally provides an exemption from such Act's registration requirements for offerings to persons who are "able to bear the economic risk of the investment," the terms of the exemption are strictly limited. The manner of offering, nature of the offerees, number of purchasers and provision of access to information are all regulated by Rule 146. In contrast, in the absence of the brochure rule, there would be no statutory provisions, other than the Act's general antifraud provisions, which would regulate the information which must be provided to large account clients. Finally, the cost burden of providing large account clients with the disclosure statement appears to be relatively small.

The brochure rule also does not include an exemption for small advisers, as suggested by some commentators. Arguing that compliance with the brochure rule would be extremely time-consuming and costly for the small adviser, these commentators suggested a number of possible cut-offs based on the number of clients, the size of accounts managed, the number of employees, or whether the adviser has discretionary authority or custody of his clients' funds or securities.

Clients of small advisers are as entitled to full disclosure as clients of larger advisers. While the Commission recognizes that small advisers may incur additional time and expense in complying with the brochure rule, it is convinced that the benefits afforded advisory clients far outweigh any increased cost burdens to such advisers.

C. *Offer to Deliver.* The brochure rule, in paragraph (c), requires advisers annually to deliver or to offer in writing to deliver without charge to each of their clients a written disclosure statement meeting the requirements of the brochure rule.[3] Advisers are also required to deliver or to offer in writing to deliver a brochure, without charge, to clients receiving impersonal advisory services under contracts requiring payment of $200 or more when entering into an advisory contract and annually thereafter. The offer to deliver requirement does not apply to contracts with a registered investment company or for the provision only of impersonal advisory services at a cost of less than $200.

This is a substantial departure from the rule as reproposed in the July 1977 Releases. As reproposed, the rule would have required advisers to deliver a revised disclosure statement to each of their clients within 45 days of a material change in the information contained therein. The rule also would have required advisers to deliver a revised statement to clients prior to renewing or extending an existing advisory contract and to prospective clients when entering into a new contract in the event that such renewal, extension or entrance into a new contract occurred during the 45 day period.

Commentators expressed concern about the cost associated with providing to advisory clients revised brochures and requested clearer guidance from the Commission with respect to the concept of "materiality," suggesting that the updating requirement be related to specific questions, rather than to materiality.

Under the brochure rule, all providers of impersonal advisory services for which the client is charged $200 or more must offer to deliver without charge a current brochure to prospective clients at the time of entering into a contract, and similarly offer a current brochure to existing clients annually. Brochures requested in writing pursuant to such an offer must be delivered within seven days of receipt of the request. Advisers need not make such an offer to clients receiving only impersonal advisory services under contracts requiring payment of less than $200 or to registered investment company clients.

The brochure as delivered by the adviser must be amended to correct inaccuracies pursuant to revised Rule 204-1 regarding amendments to applications for registration. As discussed in Section IV below in more detail, Rule 204-1 requires, inter alia, that the adviser "promptly" file an amendment correcting any material inaccuracy with respect to any question in Part II except question 13. The information required by question 13, i.e., an annual audited balance sheet from advisers who have custody of client funds or securities or who receive pre-paid advisory fees six months or more in advance and in excess of $500, must be filed within 90 days after the end of the adviser's fiscal year.

Therefore, a brochure as delivered upon entry into the advisory contract, and upon request annually, must be current as required by Rule 204-1. The brochure rule does not specifically require advisers to furnish a revised document to each of their clients every time a material change occurs, since this obligation is within the adviser's general fiduciary duty to his clients. In addition to the formal requirements outlined in the adopted and revised rules, advisers still have a fiduciary duty under Section 206 of the Act to disclose to clients major changes which would particularly affect the investment advisory relationship. For example, although the revised Form ADV requires advisers to file a new balance sheet within 90 days after the close of their fiscal years, where significant changes (such as insolvency) in financial condition occur, advisers then have a fiduciary duty to advise their clients immediately of such changes.

D. *Ommission of Inapplicable Information.* The brochure rule, in paragraph (d), permits advisers to refrain from providing to a client or prospective client information that does not relate to the type of advisory service the adviser provides or intends to provide to such client or prospective client.

E. *Other Disclosures.* The disclosures required by the brochure rule are only minimum disclosure requirements. Paragraph (e) of the rule removes any inference that the brochure rule is intended to be a "safe-harbor" from other applicable disclosure requirements. It states that nothing in the brochure rule shall relieve advisers from any other obligation pursuant to any provision of the Act, or the rules and regulations thereunder, or other federal or state law to disclose any information to their clients or prospective clients not specifically required by such rule.

III. Revisions of Form ADV

Form ADV has been revised by changing the information required therein and by reorganizing such form into Parts I and II. Schedules A-G of Form ADV have also been revised. The revisions in Part I of Form ADV generally are intended (1) to reflect statutory changes made by the 1975 Amendments and (2) to obtain information about the basic characteristics of the advisory industry, particularly information which would allow the Commission's investment adviser inspection program to operate more effectively. The revisions in Part II of Form ADV solicit information concerning the background and business practices of investment advisers. The revisions to Schedules A-D of Form ADV and Form BD under the Exchange Act will make those schedules identical for registered investment advisers who are also registered as broker-dealers. Revised Schedule E and new Schedules F and G provide space for supplementary information for Parts I and II of Form ADV and a balance sheet. Certain of these revisions are discussed below.

A. *Part I of Form ADV.* 1. *Execution Clause.* As reproposed in the July 1977 Releases, the execution portion of the Form ADV required a notarized signature. This requirement has been deleted.

2. *Persons authorized to receive compliance and information communications.* Item 2(c) of Form ADV, as reproposed, asked for the name and address of the person authorized to receive compliance and information communications. Several commentators suggested that such a requirement was an unauthorized attempt on the Commission's part to require all investment advisers to have compliance officers. This was not the Commission's intention. Moreover, inasmuch as the form already requests the name, address and telephone number of the applicant and the person from whom additional information about the form can be obtained, it appears unnecessary to require the name of an additional contact person, particularly a person who has no specific statutory responsibilities under the Act. Therefore, item 2(c) has been deleted.

3. *State registration.* Item 3, which seeks information concerning the states in which an investment adviser is registered, has been revised to require the adviser to provide an explanation if his registration in any state has been involuntarily terminated.

4. *Mergers and successors.* Item 7 provides information concerning mergers with, and successors to, investment advisers. Several commentators found the language in items 7 (a) and (b) confusing. Therefore, the language of item 7(a) has been simplified. Also item 7(b), which concerns mergers, has been limited to those which have occurred during the previous ten years. This is to prevent lengthy descriptions of the adviser's genealogy which would have no relevance to the decision to grant or deny registration.

5. *Statutory disqualification.* The 1975 Amendments amended Section 203(e) of the Act to expand the enumerated grounds which can serve as a basis for a denial of an application for registration or the revocation of the registration of an investment adviser. Therefore, revised Form ADV contains questions pertaining to such grounds.

With respect to the questions in item 10 concerning statutory disqualifications, several commentators suggested that the time period for all questions be limited to 10 years. This is not possible since the Act specifies varying time periods for each basis for denial or revocation.

Items 10 (a) and (d) have been revised to conform with the corresponding items on form BD. A question at the end of item 10(f), as reproposed, concerning censures or fines by self-regulatory organizations has been deleted.

Several commentators pointed out that an affirmative answer to item 10(k) and the required explanation could result in what were private proceedings against an individual becoming public. Particularly in light of an applicant's obligation to promptly amend his registration if an answer to a question concerning statutory disqualifications changes, the question has been limited to public proceedings.

6. *Civil litigation.* Item 14 asks about civil litigation relating to an adviser's business. Several commentators suggested that requiring all litigation to be disclosed in a publicly available document would give a meritless claim a nuisance value which might induce an adviser to attempt to settle the matter. Since this was not an intended effect of this question, the question has been placed into Part I of the form so that it will not be required to be routinely provided to clients by investment advisers. This item was also modified to require only that material litigation be disclosed if the applicant is a defendant in the litigation.

7. *Characteristics of advisers.* Items 12(c), 13(a), 15 and 16 of Part I of Form ADV as revised are the items designed to provide information about the basic characteristics of investment advisers. We believe such questions will be useful (1) in structuring the Commission's investment adviser regulatory program on an overall basis and (2) in assisting the regional offices in selecting investment advisers for examinations. Some commentators criticized the questions on the ground that they were inappropriate material for a registration form. They suggested that such questions should be in a Commission questionnaire or survey. In addition, other commentators were concerned that inclusion of these questions would limit the form's utility as a disclosure document and would result in proprietary information becoming readily available to the public.

However, the information which would be derived from a one-time questionnaire would become out-of-date. Requiring the information on Form ADV, combined with the annual updating of information which will be part of Form ADV-S, should ensure that the Commission has this valuable information on a current basis.

In order that an existing or prospective client not be distracted by this information, we have moved these questions into Part I of Form ADV. Several specific changes in the content of these questions have also been made.

8. *Balance sheet.* The 1975 Amendments added Section 203(c)(1)(D) [15 U.S.C. 80b-3(c)(1)(D)] which permits

[3] This requirement is satisfied if once every twelve months an adviser makes such a delivery or an offer to deliver to his clients. It does not require a separate timing determination for each client.

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the Commission to require in Form ADV "a balance sheet certified by an independent public accountant and other financial statements (which shall, as the Commission specifies, be certified) * * *."

Consistent with this authority, advisers who are not required to deliver a balance sheet to clients must file with the Commission in Part I of the Form ADV an unaudited balance sheet prepared in accordance with generally accepted accounting principles. The form further requires that an audited balance sheet be included in Part II of Form ADV by advisers (1) who have custody or possession of clients' funds or securities or (2) who require prepaid advisory fees in excess of $500 per client and six months or more in advance.

The brochure rule as reproposed in the July 1977 Releases would have required all advisers to include in the written disclosure statement an unaudited balance sheet, current as of a date not more than 15 months prior to its distribution. That requirement was the object of strong criticism. Of the 165 public comments received on the proposals, 116 addressed the financial information requirement and almost all of the comments were negative.

In general, the commentators were concerned that providing a balance sheet, no matter in what form, would not necessarily provide the client with relevant information on which to base a judgment about the adviser's financial condition and might easily be misinterpreted. In addition, it was asserted that requiring audited balance sheets would be very expensive. Advisers in general, and particularly those doing business as sole proprietors, were concerned about an asserted invasion of privacy in being required to disclose financial information. The commentators also were concerned that a financial disclosure requirement might deter new entrants into the advisory business and might unfairly incline prospective clients toward selecting larger firms rather than smaller firms.

Some advisers who are sole proprietors objected to the balance sheet requirement on the grounds that they would have to disclose non-advisory related assets and liabilities. It can be noted, however, that sole proprietor broker-dealers are already subject to the more stringent requirement of filing audited balance sheets annually.

A few commentators, however, addressed themselves to a balance sheet requirement for advisers who have custody or possession of clients' funds or securities or who require substantial prepayments of advisory fees. These commentators indicated it would be more appropriate for such advisers to disclose their financial condition.

The requirement that all advisers file a balance sheet with the Commission is based on two principal reasons. First, the filing of financial information will assist the Commission's staff in its inspection and enforcement efforts with respect to registered investment advisers. Second, the information should assist the Commission generally regarding its regulatory programs relating to investment advisers.

The balance sheet requirement should not be unduly burdensome. As a matter of good business practice, advisers should maintain those books and records necessary to prepare a balance sheet. In addition, many states have some form of requirement concerning the filing of balance sheets as part of their investment adviser registration process. New York, for example, requires advisers doing business in that jurisdiction to file a balance sheet with their registration statement.

B. *Contents of Written Disclosure Statement—Part II of Form ADV.* Part II of revised Form ADV contains the information required in the written disclosure statement. At the beginning of Part II, there is an introductory section that contains (1) the name, address, and telephone number of the investment adviser and (2) a general summary of the types of information included in the disclosure statement. In addition, there is a statement of disclaimer to the effect that the Commission has not passed upon or approved the information regarding the investment adviser contained in Part II or passed upon or approved the qualifications or business practices of the investment adviser.

The written disclosure statement contains information concerning the background and business practices of an investment adviser, including (1) the types of advisory services provided and the fees for such services; (2) the types of clients using the adviser's services; (3) the types of securities with respect to which the adviser generally gives advice; (4) the methods of analysis used by the adviser; (5) the standards of education, if any, established by the adviser with respect to persons associated with the adviser; (6) the actual education and business experience of certain associated persons; (7) other business activities of the adviser, including securities industry activities and affiliations; (8) the adviser's participation, if any, in connection with securities transactions of clients; (9) any conditions for establishing or maintaining advisory accounts; (10) the nature of the adviser's discretionary authority, if any, with respect to advisory accounts; (11) the adviser's process for reviewing accounts; and (12) with respect to certain advisers, a certified balance sheet.

The information to be included in Part II of Form ADV and significant issues raised by commentators concerning such information are discussed below.

1. *Advisory services and fees.* The first item of Part II relates to the types of services generally offered by the adviser and the fees for such services. Using a checklist, the adviser must indicate the type or types of services generally offered to clients, including but not limited to investment supervisory services, account management services not involving investment supervisory services, or the issuance, on a subscription basis, of a periodic publication relating to securities. In addition, an adviser must furnish information concerning the basis or bases of compensation, amounts charged (basic fee schedules and an indication of whether fees are negotiable), and when such fees are payable. If advisory fees are payable prior to the rendering of the services, the statement must indicate whether, to what extent, and under what conditions, such fees will be refunded to clients. Finally, the adviser must disclose the procedures and conditions, if any, pursuant to which the investment adviser or any client of the investment adviser may terminate an advisory contract prior to the termination date set forth in the contract.

Many commentators thought that the langauge in related items of the old Form ADV and reproposed Rule 204-3(d) was confusing and needed clarification. Those items, each relating to the types of advisory services provided and the advisory fees associated with those services, have been combined as item (1) of new Part II. Clarifications were made in the questions to avoid confusion about the detail expected concerning the adviser's fee schedule.

2. *Types of clients.* The second item on Part II relates to the type of clients to whom the adviser generally provides investment advice. The adviser is required to list such types of clients, including but not limited to, individuals or specified classes of individuals, investment companies, pension and profit-sharing plans and banks.

3. *Types of securities.* The third item on Part II requires the adviser to indicate on a check list the types of securities concerning which the adviser generally provides advice.

4. *Methods of analysis.* The fourth item on Part II concerns the adviser's methods of analysis, sources of information and investment techniques. The adviser, in narrative fashion, must relate (1) its method of securities analysis, e.g., fundamental analysis, technical analysis, cyclical analysis or

charting; (2) the sources of information applicant uses, e.g., financial newspapers and magazines, company prepared information, inspections of corporate activities, research materials prepared by others, or corporate rating services; and (3) the types of investment strategies generally recommended or used to implement any investment advice rendered to clients, e.g., long term purchases (securities will be held at least one year except in unusual circumstances), short term purchases (securities will generally be sold within one year after purchase), trading (securities will generally be sold within 30 days after purchase), short sales, margin transactions, or option writing, including covered options, uncovered options, and spreading strategies.

Certain clarifications have been made in this item in response to reservations expressed by commentators regarding the intended detail of the required responses. Some commentators stated that fully responsive answers to the question would be too lengthy and detailed to be read, and that abbreviated answers would be too general to be of any use.

This item is intended to provide an adviser's present and potential clients with a general description of how the adviser formulates its advisory policy. Although the Commission does not necessarily agree with the critical comments, it has revised the item to require that the information be set forth in narrative form. The narrative description should provide a more meaningful disclosure presentation for advisory clients.

5. *Education and business experience.* The fifth and sixth items in Part II relate to the education and experience of the adviser's personnel. In item five, the adviser must disclose if there are any general standards of education and business background applicable to persons associated with the adviser (other than clerical or ministerial personnel). In item six, advisers must disclose the name, age, formal education after high school and business background for the preceding five years of each member of the investment adviser's investment committee. If the adviser does not have an investment committee or similar committee, he must provide similar information with respect to persons who determine or approve the type of investment advice which will be rendered by or on behalf of the adviser.

Many commentators were critical of the questions relating to educational background. Their basic contention in this area was that there is no evidence that a better educated individual makes a better adviser. They were concerned that inclusion of this item might imply that there is a positive correlation between educational background and the quality of advisory services. Given the absence of any substantive requirements relating to educational and business qualifications of investment advisers, the Commission believes that the disclosure of information concerning educational and business background will be useful to clients in selecting an adviser.

6. *Other business activities.* The seventh and eighth items in Part II relate to any other business activities of the adviser, including, specifically, his activities and affiliations in the securities business.

Apparently, many investment advisers provide investment advice only as an adjunct to their primary activity, which may be in the area of insurance or real estate, or perform advisory activities in addition to having an unrelated primary occupation. Since clients would normally wish to know the extent of his activity in the adviser area contrasted to his other business endeavors, a question concerning the adviser's other professional activities has been added. Finally, so that a client will have a complete picture of the adviser's activities, a question has been added asking whether the adviser offers or sells products other than securities to his clients.

The adviser must disclose to the client other business activities, for example, whether he is a broker or dealer, and whether he is affiliated with any person in the securities business. In view of the potential conflicts of interest which may arise if an investment adviser is affiliated with another entity in the securities business, it is important for an adviser's clients and prospective clients to be informed of these affiliations.

7. *Securities Transactions.* The ninth item in Part II requires the adviser to make certain disclosures concerning his relationship, if any, to the securities transactions of his advisory clients. An adviser must disclose whether (1) as principal, he sells securities to or buys securities from any advisory client; (2) as agent, he effects securities transactions for any advisory client or any person other than an advisory client; and (3) he recommends to advisory clients or prospective advisory clients the purchase or sale of any security in which the adviser holds a position or interest. Where the adviser engages in any such transactions, he must describe the circumstances relating to such transactions and any internal procedures established concerning conflicts of interest in such transactions. In addition, the adviser must describe any restriction imposed upon himself or any associated person in connection with the purchase or sale for his or their own account of securities recommended to advisory clients.

8. *Investment supervisory and account management services.* The tenth, eleventh and twelfth items relate primarily to advisers who provide investment supervisory services or account management services. Such advisers must describe (1) what conditions, if any, including minimum amount of assets under management, are imposed on accounts; (2) the extent, if any, of discretionary authority involved in the supervision and management of accounts; (3) the process of reviewing each investment advisory account; and (4) reports regularly furnished to clients concerning their advisory accounts. Certain questions included in the reproposal have been eliminated, some because the answers would most likely be very general and uninformative, and others because the information was considered unnecessary.

Item 11 also must be answered by advisers who, although not providing investment supervisory or account management services, nevertheless determine or suggest the broker or dealer through which, or the commission rates at which, securities transactions for client accounts are effected. Item 11 contains questions which are designed to provide clients with general information concerning the adviser's brokerage placement practices, including the selection of brokers and the amount of commissions.[4]

Two questions have been deleted in order to make the written disclosure statement a more understandable document. In the brochure rule and Form ADV as reproposed in July 1977, advisers providing investment supervisory or account management services were asked to describe their organizational structure and to discuss specific client circumstances which the adviser considers in supervising investments or managing accounts. The question relating to the adviser's organizational structure has been eliminated because a client should receive sufficient information about the adviser's business practices from the answers to items 4, 11 and 12. The question relating to specific client circumstances which influence an adviser's investment decisions has also been eliminated as being too burdensome.

9. *Balance sheet.* The modified balance sheet requirement for Part II of Form ADV would apply to advisers (1) who have custody or possession of clients' funds or securities or (2) who require clients to pre-pay advisory fees in excess of $500 and for six months or more in advance. Unlike the Part I re-

[4] *See* Securities Act Release No. 33-6019, January 30, 1979, for a general discussion of the background, purpose and effect of this disclosure.

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quirement for an unaudited balance sheet, an audited balance sheet is required by item 13 of Part II since clients and prospective clients should have more reliable information concerning the financial condition of advisers who hold clients' funds or securities or who require substantial prepaid fees.

The requirement of filing an audited balance sheet with the Commission and of delivering it to clients should not be unduly burdensome for these advisers. Advisers who maintain custody or possession of client funds or securities are required by Rule 206(4)-2 [17 CFR 275-206(4)-2] under the Act to have these funds or securities examined annually by an independent public accountant. Since these advisers are accustomed to having an audit of certain of their books and records, requiring an audited balance sheet should not be an undue burden.

C. *Revisions Related to Schedules A-G of Forms ADV and BD.* Schedules A-D to Form ADV and From BD, the registration form under the exchange Act for brokers and dealers, have been revised to make the two sets of schedules identical. This will enable registered investment advisers who are also registered as broker-dealers and prospective dual registrants to file these schedules without as much administrative burden. With identical schedules, dual registrants will be able to prepare one set and make a duplicate, marking each to indicate whether it relates to Form ADV or Form BD, rather than being required to prepare two sets of originals. Schedules E and F have been included to allow space to expand answers to Part I and II respectively. Schedule G provides for the balance sheet.

While the commentators were pleased that the Commission was attempting to develop a uniform registration form for use by the Commission and those states which require investment adviser registration, they had serious objections to proposed Schedule G which would have been the means to accomplish this goal. The commentators were concerned that what was intended to make registration easier for investment advisers would have actually resulted in a more burdensome, detailed registration process.

The information proposed in Schedule G has been eliminated from Form ADV. The Commission and its staff intend, however, to pursue discussions with representatives of the North American Securities Administrators Association and other associations of state securities administrators toward the goal of adoption of a satisfactory schedule for supplementary information.

IV. Requirement To Revise Form ADV, Rule 204-1

Rule 204-1(a) has been amended to require registered investment advisers, and those advisers whose application for registration is pending when the revised form becomes effective, to file a revised Form ADV. Such advisers must file a revised form no later than July 31, 1979.

In addition, Rule 204-1(b) has been amended to require investment advisers to amend the individual items contained in Parts I and II of Form ADV on the basis of: (1) those items which require amendments promptly after any change; (2) those items which require amendments promptly after material changes; and (3) those items which require amendments annually.

The first category consists of a limited number of items in Part I which are essential for the Commission to monitor the status of registrants and which apprise the Commission of any statutory disqualifications which exist with respect to an adviser or any associated person. The second category contains the balance of the items in Part I (except for the general business questions and question 17) and all of the questions in Part II with the exception of question 13. The third category consists of the general business questions and question 17 in Part I and question 13 in Part II and certain other items in Part I and the balance of Part II changed in a non-material manner.

V. Recordkeeping Requirement

The Commission has amended the Act's recordkeeping provision to require advisers to keep a record of disclosure statements provided clients under the brochure rule. Rule 204-2 generally requires registered advisers to make and keep accurate and current certain records. A new paragraph (a)(14) has been added to require such advisers to keep (1) a copy of each written statement sent to a client or prospective client in accordance with the provisions of the brochure rule and (2) a record of the dates that each statement was delivered or offered to be delivered to any client or prospective client who subsequently becomes a client.

VI. Form ADV-S

The Commission has amended Rule 204-1 to require investment advisers, on an annual basis, to file a new Form ADV-S informing the Commission of certain information about the adviser's business. Form ADV-S is intended to advise the Commission whether the adviser is still in business and whether his address has changed, as well as to remined the applicant of his responsibility to file required amendments to his Form ADV. In addition, Form ADV-S contains a reminder to an adviser to file on Schedule G of Form ADV a current balance sheet that satisfies the requirements of Item 17 of Part I or Item 13 of Part II of Form ADV. Form ADV-S also requires an adviser to file a copy of each form of written disclosure statement, other than disclosure statements in the form of Part II, used by the adviser to comply with the brochure rule during the preceeding fiscal year of the adviser.

Use of this form combined with appropriate follow-up measures should allow the Commission to remove inactive registrants from its list of active advisers. In addition, by requiring notification of a change of business address in the Form ADV-S, the regional offices may avoid wasteful inspection trips to former places of business.

Authority, Effective Date

The Commission hereby adopts Rule 204-3 and paragraph (14) of Rule 204-2(a), pursuant to the authority contained in Sections 204, 206(4) and 211(a) of the Act [15 U.S.C. 80b-4, 80b-6 and 80b-11(a)]. The Commission hereby revises Rule 204-1 and adopts Form ADV-S pursuant to the authority contained in Sections 204, 206(4) and 211(a) of the Act. The Commission hereby revises Form ADV and Schedules A-G pursuant to the authority contained in Sections 203 [15 U.S.C. 80b-3], 204, 206(4) and 211(a) of the Act.[5]

The amendments to Schedules A-D to Form BD, the registration form for brokers and dealers under the Exchange Act, are adopted pursuant to the authority of Sections 15(b)(1) and 23(a) of the Exchange Act [15 U.S.C. 78o(b)(1) and 78w(a)]. Since these amendments to Schedules A-D to Form BD are technical in nature and are intended to ease the administrative burden on brokers and dealers who are, or may become, registered as investment advisers, the Commission finds that any burden on competition

[5] Item 11 of Part II of Form ADV, which requires narrative disclosure of certain information relating to brokerage placement practices to the Commission and, under Rule 204-3, to advisory clients and prospective advisory clients, is also adopted, in part, pursuant to the authority contained in Section 28(e)(2) of the Exchange Act [15 U.S.C. 78bb(e)(2)]. In Securities Act Release No. 33-6019, dated January 30, 1979, the Commission announced the simultaneous adoption of similar disclosure requirements for registered investment companies and certain other issuers and made certain findings as required by Section 23(a)(2) of the Exchange Act [15 U.S.C. 78w(a)(2)]. The discussion of these disclosure requirements and the findings contemplated by Section 23(a)(2) which appear in that notice are, with respect to information required by Item 11 of Part II of Form ADV, herein incorporated by reference.

imposed by the amendments to Schedules A-D to Form BD is necessary and appropriate in the public interest and for the protection of investors.

The Commission is aware that the new reporting and disclosure provisions adopted may impose certain additional burdens on applicants. Therefore, investment advisers who plan to register prior to July 31, 1979, may file either a current or a revised Form ADV, but must file a revised Form ADV by July 31, 1979. Advisers presently registered must file an amendment by July 31, 1979, to conform with the new requirements (a filing for which no fee is charged).

The foregoing adoption and revised rules and forms become effective July 31, 1979.

The registration forms are being printed and will be available shortly from the Commission's Office of Publications. After the revised forms become available, registrants are encouraged to amend their filings to comply with the new requirements before July 31, 1979.

The Commission finds that the changes in the rules and forms adopted today from those published in the July 1977 Releases have already been generally subject to comment and are either technical in nature or less burdensome than the proposals in the July 1977 Releases so that further notice and rulemaking procedures pursuant to the Administrative Procedure Act [5 U.S.C. § 533 et seq.] are not necessary.

Commission Action

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

I. Part 249 of Chapter II of Title 17 of the Code of Federal Regulations under the Securities Exchange Act of 1934 is amended as follows:

§ 249.50 [Amended]

By amending § 249.501 Form BD, for application for registration as a broker or dealer or to amend or supplement such application.

Schedules A-D to Form BD are amended in certain technical respects.

(A copy of Schedules A-D to Form BD are attached hereto).

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

II. Part 275 of Chapter II of Title 17 of the Code of Federal Regulations under the Investment Advisers Act of 1940 is amended as follows:

1. By revising § 275.204-1 in its entirety as follows:

§ 275.204-1 Amendments to application for registration.

(a) Every investment adviser whose registration is effective or whose application for registration is pending July 31, 1979, shall then file as an amendment to the application a complete Form ADV (§ 279.1 of this chapter) as revised as of July 31, 1979, unless it shall have prior thereto so amended its application.

(b)(1) If the information contained in the response to questions 2, 4, 6, 10, 12(a), 12(b) and 14 of Part I of any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate for any reason, or if the information contained in the response to questions 5, 7, 8, 9 and 11 of Part I, or any question in Part II (except question 13), of any application for registration as an investment adviser, or in any amendment thereto, become inaccurate in a material manner, the investment adviser shall promptly file an amendment on Form ADV (§ 279.1 of this chapter) Correcting such information.

(2) If the information contained in response to questions 5, 7, 8, 9 and 11 of Part I, or any question in Part II (except question 13), of any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate but not in a material manner, or the information contained in response to questions 12(c), 13, 15 and 16 of Part I of any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate for any reason, the investment adviser shall file an amendment on Form ADV (§ 279.1 of this chapter) correcting such information within 90 days of the end of its fiscal year. In addition, a balance sheet, as required by question 17 of Part I or question 13 of Part II, shall be filed within 90 days of the end of applicant's fiscal year.

(3) If the information contained in response to question 3 of Part I becomes inaccurate, the investment adviser shall file an amendment on Form ADV correcting such information within 90 days of the end of applicant's fiscal year. However, if the investment adviser's license has been withdrawn or involuntarily terminated, the investment adviser shall promptly file an amendment.

(c) Every investment adviser whose registration is effective on the last day of its fiscal year shall file a Form ADV-S (§ 279.3 of this chapter) within 90 days of the end of its fiscal year unless its registration has been withdrawn, cancelled or revoked prior to that date.

(d) Every document required pursuant to this rule shall constitute a "report" within the meaning of Sections 204 and 207 of the Act [15 U.S.C. 80b-4, 80b-7].

2. By adding new paragraph (a)(14) to § 275.204-2 to read as follows:

§ 275.204-2 Books and records to be maintained by investment advisers.

(a) • • •

(14) A copy of each written statement and each amendment or revision thereof, given or sent to any client or prospective client of such investment adviser in accordance with the provisions of Rule 204-3 under the Act, and a record of the dates that each written statement, and each amendment or revision thereof, was given, or offered to be given, to any client or prospective client who subsequently becomes a client.

3. By adding a new § 275.204-3 to read as follows:

§ 275.204-3 Written disclosure statements.

(a) *General requirement.* Unless otherwise provided in this rule, an investment adviser, registered or required to be registered pursuant to Section 203 of the Act shall, in accordance with the provisions of this section, furnish each advisory client and prospective advisory client with a written disclosure statement which may be either a copy of Part II of its form ADV which complies with § 275.204-1(b) under the Act or a written document containing at least the information then so required by Part II of Form ADV.

(b) *Delivery.* (1) An investment adviser, except as provided in paragraph (2), shall deliver the statement required by this section to an advisory client or prospective advisory client (i) not less than 48 hours prior to entering into any written or oral investment advisory contract with such client or prospective client, or (ii) at the time of entering into any such contract, if the advisory client has a right to terminate the contract without penalty within five business days after entering into the contract.

(2) Delivery of the statement required by paragraph (1) need not be made in connection with entering into (i) an investment company contract or (ii) a contract for impersonal advisory services.

(c) *Offer to deliver.* (1) An investment adviser, except as provided in paragraph (2), annually shall, without charge, deliver or offer in writing to deliver upon written request to each of its advisory clients the statement required by this section.

(2) The delivery or offer required by paragraph (1) need not be made to advisory clients receiving advisory services solely pursuant to (i) an investment company contract or (ii) a contract for impersonal advisory services requiring a payment of less than $200;

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(3) With respect to an advisory client entering into a contract or receiving advisory services pursuant to a contract for impersonal advisory services which requires a payment of $200 or more, an offer of the type specified in paragraph (1) shall also be made at the time of entering into an advisory contract.

(4) Any statement requested in writing by an advisory client pursuant to an offer required by this paragraph must be mailed or delivered within seven days of the receipt of the request.

(d) *Omission of inapplicable information.* If an investment adviser renders substantially different types of investment advisory services to its advisory clients, any information required by items (4) through (6) or (10) through (13) of Part II of Form ADV may be omitted from the statement furnished to an advisory client or prospective advisory client if such information is applicable only to a type of investment advisory service or fee which is not rendered or charged, or proposed to be rendered or charged, to that client or prospective client.

(e) *Other disclosures.* Nothing in this rule shall relieve any investment adviser from any obligation pursuant to any provision of the Act or the rules and regulations thereunder or other federal or state law to disclose any information to its advisory clients or prospective advisory clients not specifically required by this rule.

(f) *Definitions.* For the purpose of this rule: (1) "contract for impersonal advisory services" means any contract relating solely to the provision of investment advisory services (i) by means of written material or oral statements which do not purport to meet the objectives or needs of specific individuals or accounts; (ii) through the issuance of statistical information containing no expression of opinion as to the investment merits of a particular security; or (iii) any combination of the foregoing services.

(2) "entering into," in reference to an investment advisory contract, does not include an extension or renewal without material change of any such contract which is in effect immediately prior to such extension or renewal.

(3) "investment company contract" means a contract with an investment company registered under the Investment Company Act of 1940 which meets the requirements of Section 15(c) of that Act.

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

III. Part 279 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

§ 279.1 [Amended]

1. By amending § 279.1 Form ADV, for application for registration of investment adviser, and for amendments to such registration statement.

This form shall be filed pursuant to Rule 203-1 (§ 275.203-1 of this chapter) as an application for registration of an investment adviser pursuant to sections 203(c) or 203(g) of the Investment Advisers Act of 1940, and also as an amendment to registration pursuant to Rule 204-1 (§ 275.204-1 of this chapter).

(A copy of Form ADV as adopted has been filed with the Office of the Federal Register as part of the original document and is presented in 16 SEC Docket 14).

§ 279.3 [Amended]

2. By amending § 279.3 Form ADV-S, annual report of registered advisers.

This form shall be filed pursuant to Rule 204-1(c) (§ 275.204-1 of this chapter) as an annual report of registered investment advisers.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 30, 1979.

[8010-01-C]

FORM ADV

(Instruction Sheet) APPLICATION FOR REGISTRATION AS AN INVESTMENT ADVISER OR TO AMEND SUCH AN APPLICATION UNDER THE INVESTMENT ADVISERS ACT OF 1940

GENERAL INSTRUCTIONS FOR PREPARING AND FILING FORM ADV AND SPECIAL INSTRUCTIONS FOR COMPLETING FORM ADV AS AN APPLICATION FOR REGISTRATION WITH THE SECURITIES AND EXCHANGE COMMISSION AS AN INVESTMENT ADVISER OR TO AMEND SUCH AN APPLICATION

1. This Form and any Schedules and continuation sheets required in connection with it shall be completed and filed in triplicate with the Securities and Exchange Commission, Washington, D.C. 20549. Retain one additional copy for your records. All information required by Form ADV and any Schedule thereunder must be submitted on the officially prescribed forms (or mechanical reproductions thereof). Additional copies are available at any office of the Commission.

2. Form ADV consists of two parts, Part I and Part II. Both parts shall be completed and filed with the Commission.

3. At the time of the filing of an application for registration under the Act, the applicant shall pay to the Commission a fee of $150, no part of which shall be refunded. There is no fee for the filing of any amendments to Form ADV.

4. Each copy of the execution page must contain an original manual signature of the appropriate duly authorized individual. Mechanical reproductions of signatures are not acceptable. All other pages containing correct information may be mechanically reproduced by any method producing clear, legible copies of identical type size. Copies must be on 8-1/2 x 11 inch paper.

5. If Form ADV is filed by a sole proprietor, it shall be signed by the proprietor; if it is filed by a partnership, it shall be signed in the name of the partnership by a general partner; if it is filed by an unincorporated organization or association which is not a partnership, it shall be signed in the name of such organization or association by the managing agent—i.e., a duly authorized person who directs or manages or who participates in directing or managing its affairs; if it is filed by a corporation, it shall be signed in the name of the corporation by a principal officer duly authorized.

6. If the space provided for any answer on the Form is insufficient, the complete answer shall be prepared on Schedule E with respect to Part I of the Form and on Schedule F with respect to Part II of the Form, which shall be attached to the Form. If the space provided for any answer on the Schedules is insufficient, the answer shall be completed on additional copies of the applicable Schedule which shall also be attached to the Form.

7. Individuals' names, except for executing signatures, shall be given in full wherever required (last name, first name, middle name). The full middle name is required. Initials are not acceptable unless the individual legally has only an initial. If this is the case, so indicate after the initial.

CAUTION: WHEN ANY ITEM ON A PAGE IS AMENDED, IT IS NECESSARY TO ANSWER ALL ITEMS ON THE PAGE BEING AMENDED. PAGES WHICH CONTAIN OBSOLETE INFORMATION ARE RETIRED TO THE COMMISSION'S INACTIVE FILES.

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8. Definitions. Unless the context otherwise requires:

a. All terms used in the Form have the same meaning as in the Investment Advisers Act of 1940 and the rules and regulations thereunder.

b. "Jurisdiction" means a state, a territory, the District of Columbia, the Commonwealth of Puerto Rico, or any subdivision or regulatory body thereof.

c. "Applicant" means the investment adviser or person which will be the investment adviser and not the individual completing the form unless they are identical. "Applicant" includes a "Registrant."

d. "Self-Regulatory Organization" means any national securities exchange, national securities association, or clearing agency, registered under the Securities Exchange Act of 1934.

e. "Client" means an investment advisory client.

9. UNDER SECTIONS 203(c), 204, 206, AND 211(a) OF THE INVESTMENT ADVISERS ACT OF 1940 AND THE RULES AND REGULATIONS THEREUNDER, THE COMMISSION IS AUTHORIZED TO SOLICIT THE INFORMATION REQUIRED BY THIS FORM FROM APPLICANTS FOR REGISTRATION AS INVESTMENT ADVISERS. THE INFORMATION SPECIFIED BY THIS FORM (OTHER THAN SOCIAL SECURITY NUMBERS) MUST BE PROVIDED PRIOR TO THE PROCESSING OF ANY APPLICATION. DISCLOSURE OF SOCIAL SECURITY NUMBERS IS VOLUNTARY. THE INFORMATION WILL BE USED FOR THE PURPOSE OF DETERMINING WHETHER THE COMMISSION SHOULD GRANT OR DENY REGISTRATION TO AN APPLICANT AND OTHER REGULATORY PURPOSES. SOCIAL SECURITY NUMBERS WILL ASSIST THE COMMISSION IN IDENTIFYING APPLICANTS AND, THEREFORE, IN PROMPTLY PROCESSING APPLICATIONS. INFORMATION SUPPLIED ON THIS FORM WILL BE INCLUDED IN THE PUBLIC FILES OF THE COMMISSION AND WILL BE AVAILABLE FOR INSPECTION BY ANY INTERESTED PERSON. A FORM WHICH IS NOT PREPARED AND EXECUTED IN COMPLIANCE WITH APPLICABLE REQUIREMENTS MAY BE RETURNED AS NOT ACCEPTABLE FOR FILING. ACCEPTANCE OF THIS FORM, HOWEVER, SHALL NOT CONSTITUTE ANY FINDING THAT IT HAS BEEN FILED AS REQUIRED OR THAT THE INFORMATION SUBMITTED IS TRUE, CURRENT, OR COMPLETE. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACT CONSTITUTE FEDERAL CRIMINAL VIOLATIONS. (See 18 U.S.C. 1001 and 15 U.S.C. 80b-17.)

SPECIAL INSTRUCTIONS FOR FILING FORM ADV AS AN APPLICATION

10. If Form ADV is being filed as an application for registration, all applicable items must be answered in full. If any "item" is not applicable, indicate by "none" or "N/A" as appropriate. Items requiring information relating to the business activities of applicant should be answered to disclose what such activities will be when registration becomes effective.

11. If any non-resident of the United States is named in the Form, consult Rule 0-2 to determine whether he is required to file a consent to service of process and a power of attorney. Non-residents of the United States should also consult Rule 204-2(j) under the Act concerning the notice or undertaking relating to books and records which non-resident investment advisers are required to file with Form ADV.

SPECIAL INSTRUCTIONS FOR AMENDING FORM ADV

12. Rule 204-1(b)(1) requires that if the information contained in response to questions 2, 4, 6, 10, 12(a), 12(b), and 14 of Part I of any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate for any reason, or if the information contained in response to questions 5, 7, 8, 9, and 11 of Part I, or any question in Part II (except question 13), of any application for registration as an investment adviser, becomes inaccurate in a material manner, the investment adviser shall promptly file an amendment on Form ADV correcting such information. In addition, if the information contained in response to questions 5, 7, 8, 9, and 11 of Part I or any question in Part II, (except question 13), of any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate but not in a material manner, or the information contained in response to questions 12(c), 13, 15, and 16 of Part I of any application for registration, becomes inaccurate for any reason, the investment adviser shall file an amendment on Form ADV correcting such information no later than 90 days after the end of applicant's fiscal year. In addition, a balance sheet, as required by question 17 of Part I or question 13 of Part II, shall be filed no later than 90 days after the end of applicant's fiscal year.

If the information contained in response to question 3 of Part I becomes inaccurate, the investment adviser shall file an amendment on Form ADV correcting such information no later than 90 days after the end of applicant's fiscal year. However, if the investment adviser's license has been withdrawn or involuntarily terminated, the investment adviser shall promptly file an amendment.

13. When an amendment is necessary, only the pages being amended, the execution page and page 1 of Part I need be filed, although these must be completed in full. Three copies of each of such pages should be filed.

INSTRUCTIONS AS TO SPECIFIC ITEMS ON FORM ADV

14. Item 2(a) - Include a street address; post office box numbers alone are not acceptable.

15. Execution - The execution must include an original manual signature. Mechanical reproductions of signatures are not acceptable.

16. Item 8(b) - If a registered partnership is dissolved and a new one is created to continue the business of the old one, the new partnership must file a new or successor application as an investment adviser.

17. Item 10 - Check answers to Items 2(a), 8, and 9 of Part I, and the related Schedules, for the names of all persons who are covered by any of the subsections of Item 10 of Part I. Similarly, any persons who directly or indirectly control or are controlled by the applicant, including any employee, are covered by Item 10 of Part I. For each affirmative answer, list each person involved on a separate Schedule D and explain these incidents, including, for example, the parties involved, time and place, subject matter, and the outcome of the proceedings.

INSTRUCTIONS RELATING TO SCHEDULES

18. Schedule A - Schedule A is for corporations.

NOTE: If applicant is owned directly, or indirectly through one or more intermediaries, by a corporation, then such corporation's shareholders should be considered in determining who must be listed on Schedule A.

19. Schedule B - Schedule B is for partnerships.

20. Schedule C - Schedule C is to be completed only by organizations or associations which are not sole proprietorships, partnerships, or corporations.

21. Schedule D - Schedule D is to be filed for the following classes of persons:

(a) Each natural person named in Items 2(a), 8, or 9 or any Schedule thereunder, except that Schedule D need not be furnished for any person who meets both the following conditions: (1) he owns less than 10% of any class of equity security of the applicant, and (2) he is not an officer, director or person with similar status or functions.

(b) Each person subject to any action reported under Item 10; and

(c)(1) Each member of applicant's investment committee or similar group, if any, which determines or approves what investment advice shall generally be rendered by applicant to any client, or to which clients such investment advice shall be rendered.

(2) In the absence of an investment committee or similar group, each person associated with applicant who determines or approves what investment advice shall be rendered by applicant to any client, or to which clients such investment advice shall be rendered (if more than five such persons, it is necessary to complete a separate Schedule D only for those persons having supervisory responsibility over those persons described in this paragraph).

22. Schedule E - Schedule E may be used (1) where the space provided for any answer in Part I on the form is insufficient, or (2) in response to each item in Part I of the form which requires the submission of Schedule E. Schedule E should not be used when the space on any other Schedule is insufficient. In that case use additional copies of the applicable Schedule.

23. Schedule F - Schedule F may be used (1) where the space provided for any answer on Part II of the Form is insufficient, or (2) in response to each item in Part II of the Form which requires the submission of Schedule F. Schedule F should not be used when the space on any other Schedule is insufficient. In that case use additional copies of the applicable Schedule.

24. Schedule G - Schedule G is for the balance sheet required by Item 17 of Part I and Item 13 of Part II.

FORM ADV Part I — APPLICATION FOR REGISTRATION AS AN INVESTMENT ADVISER OR TO AMEND SUCH AN APPLICATION UNDER THE INVESTMENT ADVISERS ACT OF 1940

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Securities and Exchange Commission, Washington, D.C. 20549

SEC USE
FILE No. 801-
DOC. SEQ. NO.

GENERAL: Read all instructions before preparing the form. Please print or type all responses. If this form is filed as an amendment, a completed and signed execution page, Page 1 of Part I (this page) and those pages containing items which are being amended or which have changed since the previous filing must be filed. Such pages should be completed in full. Submit check for $150 if this is an application for registration. Return in triplicate

1. (a) If this is an APPLICATION for registration, check here, ___ and complete all items in full.
(b) If this is an AMENDMENT to an application, check here, ___ and specify below all parts which are amended. ___

Item(s) _____ of Part I of Form ADV Schedule A ____ Schedule B ____
Item(s) _____ of Part II of Form ADV Schedule C ____ Schedule D ____
Schedule E ____ Schedule F ____ Schedule G ____

2. (a) Exact name, principal business address, mailing address, if different, and telephone number of applicant:

Full name of applicant (If sole proprietor, state last, first, and middle name): IRS Empl. Ident. No.

Name under which business is conducted, if different:

If name of business is hereby amended, state previous name:

Address of principal place of business: (Do not use P.O. Box Number)

(NUMBER AND STREET) (CITY) (STATE) (ZIP CODE)

Mailing Address, if different:

Telephone Number:

(AREA CODE) (TELEPHONE NUMBER)

Address of each location of the books and records applicant is required to maintain, pursuant to Section 204 of the Investment Advisers Act of 1940 and the rules thereunder, if different from address of principal place of business:

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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2.(b) Persons to contact for further information concerning this Form:

Name: _____ Title: _____

Mailing Address: _____ Telephone No.: _____

2.(c) Applicant consents that notice of any proceeding before the Commission in connection with its application for or registration as an investment adviser may be given by sending notice by registered or certified mail or confirmed telegram to the person named at the address given.

_____
(Last name) (First name) (Middle name)

_____
(No. and Street)

_____
(City) (State) (ZIP Code)

2.(d) Does applicant have offices other than that mentioned in item 2(a)? (If "yes," state their addresses and telephone numbers on Schedule E.)

YES ___ NO ___

2.(e) Applicant's fiscal year ends: ____ (day) ____ (month)

3.(a) Applicant is filing or has filed its application for registration or license, or membership as an investment adviser with the following: (Place a code after each applicable jurisdiction in accordance with the following: If currently applying, insert number "1," if application is pending, insert number "2," if already registered, licensed, or a member, insert number "3.")

3.(b) If any license, registration, or membership listed below is of a restricted nature or has been suspended or involuntarily terminated, or withdrawn or voluntarily terminated, explain on Schedule E.

AL__ AK__ AZ__ AR__ CA__ CO__ CT__ DE__ DC__ FL__ GA__ HI__ ID__ IL__ IN__ IA__

KS__ KY__ LA__ ME__ MD__ MA__ MI__ MN__ MS__ MO__ MT__ NE__ NV__ NH__ NJ__ NM__

NY__ NC__ ND__ OH__ OK__ OR__ PA__ RI__ SC__ SD__ TN__ TX__ UT__ VT__ VA__ WA__

WV__ WI__ WY__ PR__ OTHER _____
(Specify)

4. Applicant is a:

___ Corporation ___ Partnership ___ Sole Proprietorship

___ Other (specify): _____

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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5. If applicant is a corporation:

(a) Date and place of incorporation:

Date: _____ State: _____
(Month-Day-Year)

(b) List below each class of equity security:

Class	Voting	Non-Voting
_____	___	___
	___	___
	___	___
_____	___	___
	___	___
_____	___	___

6. If applicant is a sole proprietor, state current legal residence address and social security number.

Social Security No.: _____

_____ _____ _____ _____
(Number and Street) (City) (State) (ZIP Code)

7.(a) Is applicant filing this application as a successor who is taking over all or substantially all of the assets and liabilities and continuing the business of a registered investment adviser? If "yes," state: YES ___ NO ___

(1) Date of Succession: _____

(2) Full name, IRS Empl. Ident. No. and SEC File No. of predecessor:

Name: _____
IRS Empl. Ident. No.: _____
SEC File Number: _____

(b) Has applicant, during the previous ten years, merged with or acquired another registered investment adviser? (If "yes," explain on Schedule E.) YES ___ NO ___

8.(a) If applicant is a corporation, complete Schedule A.

(b) If applicant is a partnership, complete Schedule B.

(c) If applicant is other than a sole proprietorship, partnership, or corporation, complete Schedule C.

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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9.(a) Does any person not named in Items 2(a) and 8, or any Schedule thereunder, directly or indirectly through agreement or otherwise, exercise or have the power to exercise a controlling influence over the management or policies of applicant?..... YES ___ NO ___
(If "yes," state on Schedule E the exact name of each person (if individual, state last, first, and middle names) and describe the agreement or other basis through which such person exercises or has the power to exercise a controlling influence.)

(b) Is the business of applicant wholly or partially financed, directly or indirectly, by any person not named in items 2(a) and 8, or any Schedule thereunder, in any manner other than by: (1) a public offering of securities made pursuant to the Securities Act of 1933; (2) credit extended in the ordinary course of business by suppliers, banks and others; or a satisfactory subordination agreement, as defined in Rule 15c3-1 under the Securities Exchange Act of 1934 (17 CFR 240.15c3-1)?..... YES ___ NO ___
(If "yes," state on Schedule E the exact name (last, first, middle) of each person and describe the agreement or arrangement through which such financing is made available, including the amount thereof.)

10. State whether the Applicant, any person named in Items 2(a), 8 or 9, or any Schedule thereunder, or any other person directly or indirectly controlling, or controlled by applicant, including any employee of applicant:

(a) Has been found by the Securities and Exchange Commission or any jurisdiction to have willfully made or caused to be made in any application for registration or report required to be filed with the Commission under the Investment Advisers Act of 1940 or in any proceeding before the Commission with respect to registration, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or to have omitted to state in any such application or report any material fact which is required to be stated therein. YES ___ NO ___

(b) Has been convicted of or has pleaded nolo contendere to, within 10 years preceding the filing of any application for registration or at any time thereafter, any felony or misdemeanor:

(i) involving the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any such offense; YES ___ NO ___

(ii) arising out of the conduct of the business of a broker, dealer, municipal securities dealer, investment adviser, bank, insurance company, or fiduciary; YES ___ NO ___

(iii) involving the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds or securities; or YES ___ NO ___

(iv) involving the violation of Section 152, 1341, 1342 or 1343 or Chapter 25 or 47 of Title 18, United States Code (concealment of assets, false oaths and claims, or bribery, in any bankruptcy proceeding; mail fraud, fraud by wire, including telephone, telegraph, radio or television; counterfeiting, forgery, fraud, false statements). YES ___ NO ___

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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(c) Is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, or municipal securities dealer, or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security or arising out of any securities or investment advisory activity. YES ___ NO ___

(d) Has been found by the Securities and Exchange Commission or any other jurisdiction to have willfully violated or willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the rules or regulations under any of such statutes, or the rules of the Municipal Securities Rulemaking Board, or to have failed reasonably to supervise, with a view to preventing violations of the provisions of such statutes, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision, or to have been unable to comply with any of the foregoing provisions. YES ___ NO ___

(e) Is subject to an order of the Securities and Exchange Commission entered pursuant to Section 203(f) of the Investment Advisers Act of 1940 barring or suspending the right of such person to be associated with an investment adviser which order is in effect with respect to such person. YES ___ NO ___

(f) Has been denied membership or registration with, or participation in, or has been suspended, revoked or expelled from membership, participation in or registration with any self-regulatory organization registered under the Securities Exchange Act of 1934. YES ___ NO ___

(g) Has been denied registration (license) with, or suspended, revoked or expelled from registration (license) with the Securities and Exchange Commission or any jurisdiction (or any agency thereof) as a broker, dealer, investment adviser, securities salesman, or municipal securities dealer, or has been barred from being associated with a person engaged in such business. YES ___ NO ___

(h) Has been found to have been a cause of (1) the denial, suspension, or revocation of any person's (a) registration with the Securities and Exchange Commission or any jurisdiction (or any agency thereof), or (b) membership or participation in any self-regulatory organization registered under the Securities Exchange Act of 1934; or (2) any person's expulsion from such self-regulatory organization. YES ___ NO ___

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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(i) Has been, within the past 10 years, the subject of any cease and desist, desist and refrain, prohibition, or similar order which was issued by the United States or any jurisdiction arising out of the conduct of the business of a broker, dealer, municipal securities dealer, or investment adviser.

YES NO
___ ___

(j) Has been the subject of any order, judgment, decree or other sanction of a foreign court, foreign exchange, or foreign governmental or regulatory agency arising out of any securities or investment advisory activities.

YES NO
___ ___

(k) State whether applicant, any person named in Items 2(a), 8 or 9, or any Schedule thereunder, or any other person directly or indirectly controlling or controlled by applicant, including any employee, is presently the subject of any public proceedings in which an adverse decision would result in any of the foregoing questions being answered "yes."

YES NO
___ ___

NOTE: For purposes of Item 10, applicant is required to include representations as to clerical and ministerial employees.

11. Complete a separate Schedule D for each appropriate person in accordance with the instructions thereon and instruction 21 to this form.

12. Does applicant, or any person associated with applicant, have custody or possession of, or have authority to obtain custody or possession of:

(a) Securities of any client?

YES NO
___ ___

(b) Funds of any client?

YES NO
___ ___

REMINDER: Rule 206(4)-2 contains special provisions relating to investment advisers who have custody or possession of securities or funds of their advisory clients.

(c) If the answer to any of the foregoing questions of item 12 is "yes," provide the approximate value of the clients' funds and securities in applicant's custody or possession as of the end of the last fiscal year. _____

13.(a) State the number of persons employed by applicant, other than clerical or ministerial employees. _____

13.(b) Does a substantial part of applicant's investment advisory business consist of rendering "investment supervisory services" as defined in Section 202 (a) (13) of the Act?

YES NO
___ ___

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14. Is applicant a defendant in any material civil litigation relating to its business as an investment adviser?

YES NO
___ ___

(If "yes," explain on Schedule E)

15.(i) Opposite each of the following types of clients for which the applicant generally provides discretionary account management place a numeral indicating its rank (largest = 1) according to the approximate dollar amount under management in each category as of the end of applicant's last fiscal year. Omit any category where the dollar amount under management is less than (a) 10% of the amount stated in response to item (ii)(b) or (b) $50,000, whichever is lesser.

a) Individuals..... _____
b) Registered Investment Companies..... _____
c) Pension and profit-sharing plans..... _____
d) Banks..... _____
e) Charitable institutions..... _____
f) Educational institutions..... _____
g) Trust accounts..... _____
h) Corporations..... _____
i) Insurance companies..... _____
j) Other (explain on Schedule E)..... _____
(If the applicant imposes any limitations on the types of clients it will accept, explain on Schedule E.)

(ii)(a) Total number of accounts under discretionary management as of the end of the last fiscal year. _____

(b) Approximate aggregate market value of such accounts as of the end of the last fiscal year. _____

(iii) Approximate number of accounts under discretionary management in the following size categories as of the end of the last fiscal year:

a) Less than $10,000 _____
b) $10,000 - $50,000 _____
c) $50,000 - $200,000 _____
d) $200,000 - $500,000 _____
e) $500,000 - $1,000,000 _____
f) More than $1,000,000 _____

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Part I
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OFFICIAL USE

16.(i) Opposite each of the following types of clients for which the applicant generally provides account management or supervision on other than a discretionary basis place a numeral indicating its rank (largest = 1) according to the approximate dollar amount under management in each category as of the end of the applicant's last fiscal year. Omit any category where the dollar amount under management is less than (a) 10% of the amount stated in response to item (ii)(b) or (b) $50,000, whichever is lesser.

a) Individuals.....
b) Registered Investment Companies.....
c) Pension and profit-sharing plans.....
d) Banks.....
e) Charitable institutions.....
f) Educational institutions.....
g) Trust accounts.....
h) Corporations.....
i) Insurance companies.....
j) Other (explain on Schedule E).....
(If the applicant imposes any limitations on the types of clients it will accept, explain on Schedule E.)

(ii)(a) Total number of accounts under management or supervision on other than a discretionary basis as of the last fiscal year. _____

(b) Approximate market value of such accounts as of end of the last fiscal year. _____

(iii) Approximate number of such accounts in the following size categories as of the end of the last fiscal year:

a) Less than $10,000 _____
b) $10,000 - $50,000 _____
c) $50,000 - $200,000 _____
d) $200,000 - $500,000 _____
e) $500,000 - $1,000,000 _____
f) More than $1,000,000 _____

17. Every applicant not subject to the requirement of Part II - Item 13 shall provide on Schedule G a balance sheet as of the end of applicant's most recent fiscal year. The balance sheet need not be audited by an independent public accountant. The balance sheet shall be prepared in accordance with generally accepted accounting principles and shall show assets and liabilities related to the advisory business separately from other business and personal assets and liabilities. The statement shall be accompanied by a note stating the accounting principles and practices followed in its preparation; the basis at which securities are included and other notes as may be necessary for an understanding of the statement. If securities are included at cost, their market or fair value shall be shown parenthetically.

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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Name of Investment Adviser:

_____

Address:

_____ _____ _____
(Number and Street) (City) (State)

_____
(Zip Code)

Telephone Number:

_____
(Area Code) (Number)

Part II of Form ADV, the application for registration as an investment adviser under the Investment Advisers Act of 1940, contains information relating to the investment adviser and the nature of his business. Items 1 through 4 relate to general information about the adviser's basic operations including the types of services offered and the fees charged, the types of clients advised, the types of investments generally recommended, the methods of analysis, the types of investment strategies employed, and the sources of information used by the adviser in formulating recommendations. Items 5 and 6 provide information concerning any educational and business standards applicable to persons associated with the adviser and the actual educational and business backgrounds of certain persons associated with the adviser. Items 7 through 9 contain information about other business activities of the adviser, other activities or affiliations of the adviser in the securities industry, and his participation in connection with securities transactions of clients. Items 10 through 12 provide additional information for clients whose accounts are managed by the adviser including conditions for managing investment advisory accounts, the nature of the adviser's discretionary authority, if any, with respect to clients' accounts, and the process of reviewing investment advisory accounts. Item 11 also contains information about brokerage placement practices of the adviser. Item 13 contains, for certain advisers, a certified balance sheet.

THE INFORMATION REGARDING THE INVESTMENT ADVISER CONTAINED IN PART II OF FORM ADV HAS NOT BEEN PASSED UPON OR APPROVED BY THE SECURITIES AND EXCHANGE COMMISSION NOR HAS THE COMMISSION PASSED UPON OR APPROVED THE QUALIFICATIONS OR BUSINESS PRACTICES OF THE INVESTMENT ADVISER DESCRIBED IN PART II.

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Part II

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1. Advisory Services and Fees. Does applicant:

	YES	NO
a) Furnish "investment supervisory services," defined as the giving of continuous advice to clients as to the investment of funds on the basis of individual needs of each client; e.g., the nature and amount of other assets, investments and insurance, and the nature and extent of the personal and family obligations of each client (distinguished from continuous advice of any nature which is not based on consideration of such relevant individual factors)?	___	___
b) Manage investment advisory accounts under circumstances not involving investment supervisory services?	___	___
c) Furnish investment advice through consultations (not as part of (a) or (b) above)?	___	___
d) Issue periodic publications relating to securities on a subscription basis?	___	___
e) Prepare or issue special reports or analyses relating to securities, not included in any service described above?	___	___
f) Prepare or issue, not as part of any service described above, any charts, graphs, formulas, or other devices which clients may use to evaluate securities?	___	___
g) Furnish advice to clients on any matters not involving securities on other than an incidental basis?	___	___
h) Furnish investment advice in any manner not described above?	___	___

In each case in which the answer to the preceding paragraphs is "yes," the applicant shall explain on Schedule F, including the basis or bases of compensation, e.g., a percentage of the assets under management, hourly charges, a fixed fee or an annual subscription fee in the case of a periodic publication, for the services which the investment adviser provides and the amounts charged, e.g., 1% per annum, (applicant's basic fee schedule and an indication that its fees are negotiable, if such is the case, would be an acceptable answer to this question) and when such compensation is payable. If such compensation is payable prior to the rendering of the services relating thereto, the applicant should explain to what extent and under what conditions such compensation is refundable.

In addition, those applicants who answered "yes" to questions (d) and (e) above should include the name of each publication or analysis issued on a regular basis and a general description of any special reports or analyses to be issued on an irregular basis.

FORM ADV

Part II

Page 3

The applicant should set forth the procedures and conditions, if any, pursuant to which the applicant or any client may terminate an investment advisory contract prior to the termination date set forth in the contract.

2. Types of Clients. List the type or types of clients for which the investment adviser generally provides investment advice, including but not limited to, individuals or specified classes of individuals, banks, investment companies and pension and profit-sharing plans.

3. Types of Securities. Check the types of securities concerning which the applicant generally provides investment advice:

a) Equity securities	___	___
1) exchange listed securities	___	___
2) securities traded over-the-counter	___	___
b) Corporate debt securities	___	___
c) Warrants	___	___
d) Commercial paper	___	___
e) Bank certificates of deposit	___	___
f) Municipal securities	___	___
g) Investment company securities	___	___
1) variable life insurance	___	___
2) variable annuities	___	___
3) mutual fund shares	___	___
h) United States government securities	___	___
i) Options contracts on	___	___
1) securities	___	___
2) commodities	___	___
j) Interests in partnerships investing in	___	___
1) real estate	___	___
2) oil and gas interests	___	___
3) other (explain on Schedule F)	___	___
k) Other (explain on Schedule F)	___	___

4. Methods of Analysis, Sources of Information, and Investment Strategies.

a) Relate in a narrative fashion the applicant's method or methods of security analysis, e.g., fundamental analysis, technical analysis, cyclical analysis or charting.

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b) Relate in a narrative fashion the principal sources of information applicant uses, e.g., financial newspapers and magazines, company prepared information (i.e., annual reports, prospectuses, filings with the Commission, press releases), inspections of corporate activities, research materials prepared by others, or corporate rating services.

c) Relate in a narrative fashion the types of investment strategies generally recommended or used to implement any investment advice rendered to clients, e.g., long term purchases (securities will be held at least one year except in unusual circumstances), short term purchases (securities will generally be sold within one year after purchase), trading (securities will generally be sold within 30 days after purchase), short sales, margin transactions, or option writing, including covered options, uncovered options, and spreading strategies.

5. Education and Business Standards. Are there any general standards of education and business background which applicant requires of persons associated with applicant (other than persons whose functions are solely clerical or ministerial) whose functions or duties relate to providing investment advice to clients?

YES NO
___ ___

If "yes," set forth below a brief description of such standards.

6. Education and Business Background.

a) Applicant shall set forth the name, age, formal education after high school, and, for the preceding five years, the business background of each member of the investment adviser's investment committee or similar group, if any, which determines or approves what investment advice shall generallly be rendered by the investment adviser to any client or to which client such investment advice shall be rendered.

b) If applicant does not have an investment committee or similar committee, applicant shall set forth the name, age, formal education after high school, and, for the preceding five years, the business background of each person associated with the investment adviser who determines or approves what investment advice shall be rendered by the investment adviser (if more than five such persons, it shall be sufficient to limit this information to persons having supervisory responsibility over those persons described in this paragraph).

7. Other Business Activities.

a) Is applicant engaged in any business or profession other than acting as an investment adviser?

YES NO
___ ___

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b) Does applicant offer or sell any type of product, other than securities, to clients?

YES NO
___ ___

(If the answer to item (a) or (b) is "yes," describe briefly on Schedule F such other activities.)

c) Is the principal business of applicant that of an investment adviser?

YES NO
___ ___

8. Other Securities Industry Activities or Affiliations.

a) Is applicant registered (or does applicant have an application for registration pending) as broker or dealer?

YES NO
___ ___

b) Is applicant affiliated with any broker, dealer, investment company or another investment adviser?

YES NO
___ ___

(If "yes," state the nature of such affiliation and the business relationship, if any, between such entity and applicant on Schedule F.)

NOTE: Pursuant to Section 202(a)(12) of the Act [15 U.S.C. 80b-2(a)(12)], the term "affiliated person" has the same meaning as in Section 2(a)(3) of the Investment Company Act of 1940 [15 U.S.C. 80a-2(a)(3)], which, as relevant, means

"(A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, co-partner, or employee of such other person . . . ."

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9. Participation or Interest in Securities Transactions. Does applicant:

(a) As principal, sell securities to or buy securities from any (investment advisory) client? YES ___ NO ___

(b) Effect securities transactions for compensation as broker or agent for any (investment advisory) client? YES ___ NO ___

(c) As broker or agent for any person other than a (investment advisory) client, sell securities to or buy securities from clients? YES ___ NO ___

(d) Recommend to (investment advisory) clients or prospective clients, the purchase or sale of securities in which the applicant, directly or indirectly, has a position or interest? YES ___ NO ___

If the answer to any of the foregoing questions of item 9 is "yes," describe on Schedule F the circumstances in which the investment adviser engages in such transactions and any internal procedures the investment adviser has concerning conflicts of interest in such transactions.

(e) Impose any restrictions upon itself or any person associated with it in connection with the purchase or sale, directly or indirectly, for its or their account of securities recommended to clients? (If the answer to this paragraph is "yes," describe such restrictions on Schedule F.) YES ___ NO ___

If applicant provides investment supervisory services (as defined in Section 202(a)(13) of the Act [15 U.S.C. 80b-2(a)(13)]) or manages investment advisory accounts for clients under circumstances not involving investment supervisory services, answer items 10 through 12. If applicant does not provide any of the foregoing services, item 11 must, nevertheless, be answered if applicant determines or suggests the broker or dealer through which, or the commission rates at which security transactions for client accounts are effected.

10. Conditions for Managing Accounts. Does applicant generally require a minimum dollar amount of assets for or generally impose any other conditions on the establishment or maintenance of an investment advisory account? YES ___ NO ___

If "yes," describe such minimum and/or other conditions on Schedule F.

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11. Investment or Brokerage Discretion. Does applicant or any person associated with applicant have discretionary authority to make any of the following determinations without obtaining the consent of the investment advisory client before the transactions are effected;

(a) Which securities are to be bought or sold? YES ___ NO ___

(b) The total amount of the securities to be bought or sold? YES ___ NO ___

(c) Through which broker or dealer securities are to be bought or sold? YES ___ NO ___

(d) The commission rates at which securities transactions for client accounts are effected? YES ___ NO ___

If the answer to any question of Item 11 is "yes" and there are limitations on such authority, describe such limitations on Schedule F.

If applicant or any person associated with applicant determines or suggests the broker or brokers through whom, or the commission rates at which, securities transactions for client accounts are executed, describe on Schedule F how brokers will be selected to effect securities transactions and how evaluations will be made of the overall reasonableness of brokerage commissions paid, including factors considered in these determinations. If the receipt of products or services other than brokerage or research services is such a factor, this description should specify them. If the receipt of research services is such a factor in selecting brokers, this description should identify the nature of such research services.

State on Schedule F if applicant may pay a broker a brokerage commission in excess of that which another broker might have charged for effecting the same transaction, in recognition of the value of (a) brokerage or (b) research services provided by the broker.

If applicable, explain that research services furnished by brokers through whom applicant effects securities transactions may be used in servicing all of applicant's accounts and that not all such services may be used by applicant in connection with the accounts which paid commissions to the broker providing such services; or, if other policies or practices are applicable with respect to the allocation of research services provided by brokers, explain on Schedule F such policies and practices.

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

FORM ADV

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If, during the last fiscal year, applicant, pursuant to an agreement or understanding with a broker or otherwise through an internal allocation procedure, directed brokerage transactions to a broker or brokers because of research services provided, identify and briefly describe on Schedule such arrangements.

12. Review of Accounts.

(a) Describe briefly on Schedule F the process pursuant to which the applicar reviews investment advisory accounts, including, but not limited to, the category of personnel performing the review, the frequency of review, the number of accounts assigned to account managers, factors which trigger reviews, the sequence in which accounts are reviewed and the matters reviewed.

(b) State on Schedule F the general frequency and nature of any reports regularly furnished to clients concerning their investment advisory accounts.

13. Balance Sheet. Every applicant who has custody or possession of clients' funds or securities, or requires prepayment of advisory fees six months or more in advance and in excess of $500 per client shall provide on Schedule G a balance sheet as of the end of applicant's most recent fiscal year. The balance sheet shall be audited by an independent public accountant. The balance sheet shall be prepared in accordance with generally accepted accounting principles and shall show assets and liabilities related to the advisory business separately from other business and personal assets and liabilities. The statement shall be accompanied by a note stating the accounting principles and practices followed in its preparation, the basis at which securities are included and other notes as may be necessary for an understanding of the statement. If securities are included at cost, their market or fair value shall be shown parenthetically.

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal law. Willful violation of such Federal law may result in civil injunctive or criminal action. Any person willfully making, causing to be made, or aiding or abetting the making of any false statement or omission of material fact in this application may be guilty of a FELONY, punishable by imprisonment for up to 5 YEARS and/or a fine of up to $10,000 (15 U.S.C. 78ff(a)). ADMINISTRATIVE, INJUNCTIVE OR CRIMINAL VIOLATIONS MAY CONSTITUTE CRIMINAL VIOLATIONS.

FORM ADV ___
SCHEDULE A OF
FORM BD ___

OFFICIAL USE

FOR CORPORATIONS
(Answers in response to ITEM 8(a) of Part I of Form ADV or Item 8(a) Form BD.)

Date as stated on the execution page of Form ADV or Form BD accompanying this Schedule:

I. Full name of applicant exactly as stated in Item 2(a) of Part I of Form ADV or Item 2(a) of Form BD: IRS Empl. Ident. No.:

II. Name under which business is conducted if different:

III. Complete and mark appropriate columns for (a) each officer, director, and person with similar status or functions, and (b) each other person who is, directly or indirectly, the beneficial owner of 1% or more of the outstanding shares of any class of equity security of applicant unless applicant is the issuer of a security registered pursuant to Section 12 of the Securities Exchange Act of 1934 (or the issuer of a security which is exempted pursuant to Subsections (g)(2)(B) or (g)(2)(G) thereof) in which case each other person who is, directly or indirectly, the beneficial owner of 5% or more of any such registered class of equity security of applicant. Thus, if applicant is owned directly, or indirectly through one or more intermediaries, by a corporation, then such corporation's shareholders should be considered in determining who must be listed on Schedule A. Place an asterisk (*) after the names of the persons for whom a change in title, status, or stock ownership is being reported. Place a double asterisk (**) after the names of the persons which are ADDED to those furnished in the most recent previous filing. Designate percentage of ownership as follows: If none, enter "none," above 0% to less than 1%, enter "A," 1% to less than 5%, enter "B," 5% to less than 10%, enter "C," 10% to less than 25%, enter "D," 25% to less than 50%, enter "E," 50% to less than 75%, enter "F," 75% to 100%, enter "G."

FULL NAME			RELATIONSHIP		Official Use Only	Ownership Code	Class of Equity Security	Social Security Number
			Beginning Date	Title or Status				
Last	First	Middle	Mo. Yr.					
					01			
					02			
					03			
					04			
					05			
					06			
					07			
					08			
					09			
					10			
					11			
					12			

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal law. Willful violation of such Federal law may result in civil injunctive or criminal action. Any person willfully making, causing to be made, or aiding or abetting the making of any false statement or omission of material fact in this application may be guilty of a FELONY, punishable by imprisonment for up to 5 YEARS and/or a fine of up to $10,000 (15 U.S.C. 78ff(a)). ADMINISTRATIVE, INJUNCTIVE OR CRIMINAL VIOLATIONS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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OFFICIAL USE

SCHEDULE A OF FORM ADV ___ FORM BD ___

FOR CORPORATIONS

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IV. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

FULL NAME Last	First	Middle	ENDING DATE Mo.	Yr.	SOCIAL SECURITY NUMBER	OFFICIAL USE

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page and Page 1 of Part I of the ADV form.

DO NOT WRITE BELOW THIS LINE ... OFFICIAL USE ONLY ...

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate each federal securities law and may result in disciplinary, administrative, injunctive or criminal action. IT IS UNLAWFUL TO MAKE ANY FALSE OR MISLEADING STATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

OFFICIAL USE

SCHEDULE B OF FORM ADV ___ FORM BD ___

Date as stated on the execution page of Form ADV or Form BD accompanying this Schedule:

FOR PARTNERSHIPS
(Answers in response to ITEM 8(b) of Part I of FORM ADV or ITEM 8(b) of FORM BD.)

I. Full name of applicant exactly as stated in Item 2(a) of Form ADV or Form BD. IRS EMPL. Ident. No: OFFICIAL USE

II. Name under which business is conducted if different:

III. List all general, limited, and special partners. For each partner, complete and mark appropriate columns below. Place an asterisk (*) after the names of persons which are ADDED to those furnished in the most recent previous filing. Designate percentage of capital contribution as follows: If none enter "none," above 0% to less than 1%, enter "A," 1% to less than 5% enter "B," 5% to less than 10%, enter "C," 10% to less than 25%, enter "D," 25% to less than 50%, enter "E," 50% to less than 75%, enter "F," 75% to 100%, enter "G."

FULL NAME Last	First	Middle	BEGINNING DATE Mo.	Yr.	Type of Partner	OFFICIAL USE ONLY	Capital Contribution Code	Social Security Number

IV. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

FULL NAME Last	First	Middle	Ending Date Mo.	Yr.	Social Security Number	OFFICIAL USE

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page and Page 1 of Part I of the ADV form.

DO NOT WRITE BELOW THIS LINE .... OFFICIAL USE ONLY ...

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate each federal securities law and may result in disciplinary, administrative, injunctive or criminal action. IT IS UNLAWFUL TO MAKE ANY FALSE OR MISLEADING STATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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OFFICIAL USE

SCHEDULE C OF FORM ADV ___ FORM BD ___

Date as stated on the execution page of Form ADV or FORM BD accompanying this Schedule:

FOR APPLICANTS OTHER THAN SOLE PROPRIETORS, PARTNERSHIPS AND CORPORATIONS

(Answers in response to ITEM 8(c) of Part I of FORM ADV or ITEM 8(c) of FORM BD.)

I. Full name of applicant exactly as stated in Item 2(a) of Form ADV or Form BD: IRS Empl. Ident. No:

II. Name under which business is conducted if different:

III. List below any person, including a trustee, who directs, manages, or participates in directing or managing the affairs of applicant. As to each person listed below, state his title or status and describe the nature of his authority and his beneficial interest in applicant. Place an asterisk (*) beside the names of persons for whom a change in title, status, or interest is being reported. Place a double asterisk (**) after the names of persons which are ADDED to those furnished in the most recent previous filing.

FULL NAME			Relationship Beginning Date		Title or Status	Social Security Number	Description of Authority and Beneficial Interest
Last	First	Middle	Mo.	Yr.			

IV. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

FULL NAME			Ending Date		Social Security Number	OFFICIAL USE
Last	First	Middle	Mo.	Yr.		

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page and Page 1 of Part I of the ADV form.

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in civil or criminal action, disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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SCHEDULE D OF FORM ADV ___ FORM BD ___

Date as stated on the execution page of Form ADV or FORM BD accompanying this Schedule:

(Answers in response to ITEM 11 of Part I of FORM ADV or ITEM 12 of FORM BD.)

NOTE: (a) Complete a separate Schedule D for each natural person named in Items 2(a), 8 or 9 of Part I or any Schedule thereunder, except that Schedule D need not be furnished for any person who meets both of the following conditions: (1) he owns less than 10% of any class of equity security of applicant and (2) he is not an officer, director, or person with similar status or function.

(b) Complete a separate Schedule D for each person subject to any action reported under Item 10 of Part I.

(c) State all names in the order of last name, first name, full middle name. If any person legally has only an initial, so indicate after the initial.

(d) Applicants who are completing Schedule D in response to Item 11 of Part I of Form ADV should also complete a separate schedule D for: (1) each member of applicant's investment committee or similar group, if any, which determines or approves what investment advice shall generally be rendered by applicant to any client, or to which clients such investment advice shall be rendered, or (2) in the absence of an investment committee or similar group, each person associated with applicant who determines or approves what investment advice shall be rendered by applicant to any client, or to which clients such investment advice shall be rendered (if more than five such persons, it is necessary to complete a separate Schedule D only for those persons having supervisory responsibility over those persons described in this paragraph).

I. Full name of applicant exactly as stated in Item 2(a) of Form ADV or Form BD: IRS Empl. Ident. No.:

II. Full name of person for whom this Schedule is being completed: IRS Empl. Ident. No. or Soc. Sec. No.:

III.(a) Residence address of person: (Number and Street, City, State, ZIP Code)

(b) Date of Birth: (c) City of Birth: (d) State or Province: (e) Country:

IV. NAMES USED: Furnish below a list of all names other than the name stated in Item II of this Schedule the individual has been known by or has used including maiden name if applicable. If no other names used, state "None."

(Last) (First) (Middle)

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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SCHEDULE D OF FORM ADV ___
FORM BD ___

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V. EDUCATION: Furnish below a description of the education for the person named in Item II of this Schedule (include name and location of last high school attended, name and location of any college or university attended, degree received and year it was received).

VI. BUSINESS BACKGROUND: Furnish below a complete consecutive statement of all business experience and employment for the past ten years. List the most recent position first. If none, state "None."

Name of Firm and Address	Kind of Business	Exact Nature of Connection or Employment	Beginning Date Mo.	Beginning Date Yr.	Ending Date Mo.	Ending Date Yr.

VII. PROCEEDINGS: If any answer to any paragraph of Item 10 is "Yes" with respect to the person for whom this Schedule is being completed, furnish the following details:

Applicable Part and Question of Item 10	Title or Description of Action	Name and Location of Court, Agency, Jurisdiction or Self-Regulatory Organization	Nature and Date of and Disposition of Proceeding

If any item on this page is amended, you must answer in full all other items on this page with a completed and signed execution page and Page 1 of Part I of the ADV form.

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. WILLFUL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

OFFICIAL USE

SCHEDULE E OF FORM ADV ___

(Continuation Sheet for Part I of Form ADV)

Date as stated on the execution page of Form ADV accompanying this Schedule:

(Do not use this Schedule as a continuation sheet for Part II of Form ADV or Schedules A, B, C, and D.)

I. Full name of applicant exactly as stated in Item 2(a) of Part I of Form ADV:

IRS Empl. Ident. No.:

Item of Form (identify)	Answer

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page and Page 1 of Part I of the ADV form.

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. WILLFUL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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OFFICIAL USE

SCHEDULE F OF FORM ADV

(Continuation Sheet for Part II of Form ADV)

Date as stated on the execution page of Form ADV accompanying this Schedule:

(Do not use this Schedule as a continuation sheet for Part I of Form ADV or Schedules A, B, C, and D.)

I. Full name of applicant exactly as stated in Item 2(a) of Part I of Form ADV:

IRS Empl. Ident. No.:

Item of Form (identify)	Answer

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. IMMATERIAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page and Page 1 of Part I of the ADV form.

OFFICIAL USE

SCHEDULE G OF FORM ADV

Date as given on the execution page of the Form ADV accompanying this Schedule.

(Answers in Response to Item 17 of Part I and Item 13 of Part II of Form ADV and Item 4 of Form ADV-S)

1. Full name of applicant exactly as stated in Item 2(a) of Part I Form ADV:

IRS Empl. Ident. No.:

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. IMMATERIAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and executed page and Page 1 of Part I of the ADV form.

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FORM ADV

EXECUTION PAGE

SEC USE
File No.
801-
DOC. SEQ. NO.

EXECUTION: The applicant submitting this Form and its attachments and the person by whom it is executed represent hereby that all information contained therein is true, current and complete. It is understood that all required items and Schedules are considered integral parts of this form and that the submission of any amendment represents that all unamended items and Schedules remain true, current and complete as required.

Dated the _____ day of _____, 19__

_____
(Name of Corporation, Partnership or other organization)

_____
(Manual signature of Sole Proprietor, General Partner, Managing Agent or Principal Officer)

_____
(Title)

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

ATTENTION -- Intentional misstatements or omissions of facts constitute Federal Criminal Violations. (See 18 U.S.C. 1001 and 15 U.S.C. 80b-17)

DO NOT WRITE BELOW THIS LINE...FOR OFFICIAL USE ONLY

FORM ADV-S

ANNUAL SUPPLEMENT FOR INVESTMENT ADVISERS REGISTERED UNDER THE INVESTMENT ADVISERS ACT OF 1940

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

GENERAL INSTRUCTIONS FOR PREPARING AND FILING FORM ADV-S

1. This form (or mechanical reproductions thereof) shall be completed and filed in triplicate with the Securities and Exchange Commission, Washington, D.C. 20549. Additional copies of this form are available at any office of the Commission.

2. Every investment adviser which is registered under the Act on the last day of its fiscal year is required to file Form ADV-S no later than 90 days after the end of registrant's fiscal year unless registrant's registration has been withdrawn, cancelled, or revoked prior to that date.

3. Failure to file Form ADV-S, in addition to constituting a violation of Rule 204-1(c) under the Act, will result in the taking of appropriate steps by the Commission to determine whether a registrant is still in existence and is still engaged in business as an investment adviser and may, therefore, lead the Commission to order cancellation of a registrant's registration, pursuant to Section 203(h) of the Act [15 U.S.C. 80b-3(h)].

4. Any registrant answering Item 2 in the negative which is not, to its knowledge, the subject of a pending Commission investigation or administrative proceeding, is strongly urged to withdraw from registration by filing a notice of withdrawal on Form ADV-W together with this form or as soon as possible thereafter. Otherwise, the Commission may order cancellation of Registrant's registration solely on the basis of registrant's response to Item 2 of this form. Copies of Form ADV-W may be obtained from any office of the Commission.

5. It is essential that, before answering Item 3, registrant carefully review its Form ADV which is currently on file with the Commission and the provisions of Rule 204-1 under the Act, which sets forth the circumstances in which amendments to Form ADV, the application for registration, are required to be filed. Any registrant which provides an affirmative answer to item 3(a) should file the required amendment(s) together with this form or as soon as possible thereafter. Failure to do so could result in appropriate enforcement action by the Commission. Copies of Form ADV may be obtained from any office of the Commission.

NOTE: A registrant which does not have a copy of its Form ADV which is currently on file with the Commission may inspect the form at the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. 20005 or the appropriate Regional Office, or may obtain a photocopy at a nominal charge from the Public Reference Section, Securities and Exchange Commission, Washington, D.C. 20549.

NOTE: Registrants have a continuing obligation to file any amendments to Form ADV within the time limits set forth in Rule 204-1 under the Act and should not postpone such filings until the filing of Form ADV-S. If the information in response to questions 1 or 2 of this form is different from similar information on Form ADV, registrant must also file an amendment to Form ADV. The filing of Form ADV-S does not relieve registrant from any requirement to amend Form ADV.

Page Two of FORM ADV-S

6. Item 4 is to remind registrant to file with the Commission on Schedule G of Form ADV a balance sheet as of the end of such registrant's most recent fiscal year. The balance sheet must meet the requirements of Item 17 of Part I or Item 13 of Part II of Form ADV.

7. If registrant uses a written disclosure statement other than Part II of Form ADV to satisfy the requirements of Rule 204-3 under the Act, Item 5 requires registrant to file with the Commission as part of Form ADV-S a copy of each disclosure statement delivered or offered to be delivered by registrant in the preceding fiscal year. Investment advisers who use only Part II of Form ADV as the written brochure statement request of Rule 204-3 need not file Part II.

8. UNDER SECTIONS 204 AND 211(a) OF THE INVESTMENT ADVISERS ACT OF 1940 AND THE RULES AND REGULATIONS THEREUNDER, THE COMMISSION IS AUTHORIZED TO SOLICIT THE INFORMATION REQUIRED BY THIS FORM FROM REGISTRANTS UNDER THE INVESTMENT ADVISERS ACT OF 1940. THE INFORMATION SPECIFIED BY THIS FORM (OTHER THAN SOCIAL SECURITY NUMBERS) MUST BE PROVIDED PRIOR TO PROCESSING OF THE FORM. DISCLOSURE OF SOCIAL SECURITY NUMBERS IS VOLUNTARY, BUT SOCIAL SECURITY NUMBERS WILL ASSIST THE COMMISSION IN IDENTIFYING REGISTRANTS AND, THEREFORE, IN PROMPTLY PROCESSING THE FORMS. THE INFOMATION WILL BE USED FOR THE PRINCIPAL PURPOSES OF DETERMINING WHETHER REGISTRANT IS PRESENTLY ENGAGED IN BUSINESS AS AN INVESTMENT ADVISER AND WHETHER ALL INFORMATION IN REGISTRANT'S FORM ADV IS CURRENT, AS WELL AS OTHER REGULATORY PURPOSES. INFORMATION SUPPLIED ON OR ENCLOSED WITH THIS FORM WILL BE INCLUDED IN THE PUBLIC FILES OF THE COMMISSION AND WILL BE AVAILABLE FOR INSPECTION BY ANY INTERESTED PERSON. A FORM WHICH IS NOT PREPARED AND EXECUTED IN COMPLIANCE WITH APPLICABLE REQUIREMENTS MAY BE RETURNED AS NOT ACCEPTABLE FOR FILING. ACCEPTANCE OF THIS FORM, HOWEVER, SHALL NOT CONSTITUTE ANY FINDING THAT IT HAS BEEN FILED AS REQUIRED OR THAT THE INFORMATION SUBMITTED IS TRUE, CURRENT, OR COMPLETE. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACT CONSTITUTE FEDERAL CRIMINAL VIOLATIONS. (See 18 U.S.C. 1001 and 15 U.S.C. 80b-17.)

GENERAL: Read all instructions before preparing the form. Please print or type all responses.

Page Three of FORM ADV-S

1. (a) Registrant's Investment Adviser File Number 801-

(b) Full name of registrant: (If individual, state name) last, first, middle
IRS Empl. Ident. No. or Soc. Sec. No.:

(c) Name under which business is conducted, if different:

(d) Address of principal place of business; (Do not use P.O. Box Number)

(No. Street) (City) (State) (ZIP Code)

(e) Mailing address, if different:

2. Is registrant presently engaged in business as an investment adviser?

YES NO
— —

3. (a) Is any amendment to registrant's Form ADV required to be filed pursuant to Rule 204-1 under the Act to correct any information contained in registrant's Form ADV currently on file with the Commission?

YES NO
— —

(b) If the answer to question 3(a) is "yes," state whether all required amendments are enclosed with this form.

YES NO
— —

4. Attach on Schedule G of Form ADV a balance sheet as of the end of registrant's most recent fiscal year, meeting the requirements of Item 17 of Part I or Item 13 of Part II of Form ADV.

WARNING: Failure to keep this form current and failure to keep accurate books and records as required by the Federal securities laws would violate such Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

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Page Four of FORM ADV -S

5. (a) In complying with Rule 204-3 under the Act, has registrant delivered or offered to deliver a written disclosure statement (other than in the form of Part II of Form ADV) during the preceding fiscal year of the registrant.

YES NO
___ ___

(b) If the answer to item 5(a) is "yes", attach a copy of each such form of written disclosure statement.

EXECUTION: The undersigned represents that he has executed this form on behalf of, and with the authority of, said registrant. The undersigned and registrant represent that the information and statements contained herein, including exhibits attached hereto and other information filed herewith, all of which are made a part hereof, are current, true, and complete.

Dated the_____day of_____19___

_____
(NAME OF REGISTRANT)

By:_____
(SIGNATURE AND TITLE)

WARNING: Failure to keep this form current and failure to keep adequate books and records as required by the federal securities laws would violate such federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. [SEC 17(a) REGULATIONS 17 CFR 275.204-3] SEE 18 USC 1001 FOR FUTURE CRIMINAL VIOLATIONS.

[FR Doc. 79-3904 Filed 2-7-79; 8:45 am]

federal register

WEDNESDAY, FEBRUARY 7, 1979

PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED AND NEGLECTED AND DELINQUENT CHILDREN

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[4110-02-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 116 and 116a]

FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES TO MBET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED AND NEGLECTED AND DELINQUENT CHILDREN

Evaluation Requirements

AGENCY: Office of Education, HEW.

ACTION: Proposed rule.

SUMMARY: The Commissioner of Education proposes amendments governing the administration of programs and projects authorized by Title I of the Elementary and Secondary Education Act of 1965. These regulations are required by the Education Amendments of 1974 and 1978. For projects conducted by local educational agencies (LEAS), the regulations provide evaluation standards and amend existing requirements governing evaluation frequency. The regulations also specify models for evaluating the effectiveness of LEA projects providing instructional services in reading, language arts, or mathematics.

DATES: Comments must be received on or before March 26, 1979.

Public meetings will be held on the following dates:

Boston, Massachusetts, March 9, 1979, 1-5 p.m. and 7-10 p.m.
Atlanta, Georgia, March 12, 1979, 1-5 p.m. and 7-10 p.m.
Kansas City, Missouri, March 14, 1979, 1-5 p.m. and 7-10 p.m.
San Francisco, California, March 16, 1979, 1-5 p.m. and 7-10 p.m.

ADDRESSES: Comments should be sent to Dr. Judith Burnes, Office of Evaluation and Dissemination. U.S. Office of Education, Room 3049, 400 Maryland Avenue, SW., Washington, D.C. 20202. Comments will be available for public inspection at the above address, between 8:30 a.m. and 4:00 p.m., Monday through Friday, except for Federal holidays. Both a partial preliminary draft of the evaluation section of a Title I Policy Manual and a report describing technical aspects of the models may be obtained by writing to the same address. The public meetings will be held at the following locations:

Boston, Massachusetts, Administration Building, Boston School Department, Boston Committee Hearing Room, 26 Court Street.
Atlanta, Georgia, Pryor Street Elementary School, School Auditorium, 200 Doane Street S.W.
Kansas City, Missouri, Board of Education Building, Auditorium, 1211 McGee Street.
San Francisco, California, Anza School, School Auditorium, 40 Vega Street.

FOR FURTHER INFORMATION CONTACT:

Dr. Judith Burnes, 202-245-8364.

SUPPLEMENTARY INFORMATION:

A. Legislative Background

Title I of the Elementary and Secondary Education Act of 1965, as amended by the Educaion Amendments of 1978, provides financial assistance to local education agencies (LEAs) for programs to meet the special educational needs of educationally deprived children in areas with concentrations of children from low income families. Title I also provides funds to State educational agencies (SEAs) and other State agencies to meet the special educational needs of handicapped and neglected or delinquent children, including those in adult correctional institutions, and for educational programs for migratory children.

Section 124(g)(1) of Title I requires each LEA receiving a Title I grant to conduct an evaluation of the effectiveness of its program in meeting the special educational needs of educationally deprived children. Section 172 requires SEAs to report the results of the LEA evaluations to the Commissioner. Subsections (b) and (d) of section 183 extend these evaluation provisiosns by requiring that:

(b) The Commissioner shall (1) develop and publish standards for evaluation of program or project effectiveness in achieving the objectives of this title, and (2) develop, in consultation with State educational agencies, a schedule for conducting evaluations under Section 124(g) designed to ensure that evaluations are conducted in representative samples of the LEAs in any State each year * * *.

(d) The Commissioner shall provide to State educational agencies, models for evaluations of all programs conducted under this title . . . which shall include uniform procedures and criteria to be utilized by local educational agencies, as well as by the State agency in the evaluation of such programs * * *.

Section 183(f) further clarifies the nature of the Commissioner's obligation:

The models developed by the Commissioner shall specify objective criteria which shall be utilized in the evaluation of all programs and shall outline techniques * * * and methodology * * * for producing data which are comparable on a statewide and nationwide basis.

The Commissioner has developed three evaluation models which are intended to produce valid evaluations and yield nationally comparable data. These models apply to projects which are funded under Part A, Subpart 1 of Title I (Basic Grants to Local Educational Agencies) and which offer instruction in reading, language arts, or mathematics in grades 2 through 12. Work is currently under way to develop evaluation models for programs for migrants (authorized under section 141 of the Act), for children in State institutions for the neglected or delinquent (authorized under section 151 of the Act), and for preschool and early elementary school children.

B. Scope of Proposed Regulations

The proposed regulations address several evaluation requirements of Title I. They are primarily concerned with implementing the evaluation models and standards required by section 183. However, they also implment certain evaluation provisions of the Education Amendments of 1978 which apply to LEAs receiving grants under the Basic Grants Program. These evaluaton requirements serve two purposes. At the local level, they provide LEAs with neeed information about the effectiveness of their Title I projects. Summarized across LEAs, they are intended to provide State and Federal officials with a nationwide picture of the progress of Title I children. The proposed regulations are designed to ensure that technically sound and comparable evaluation data are available at the State and national level. A future revision of other parts of the Title I regulations will include requirements concerning the local use of evaluation data for program improvement.

In particular, the proposed regulations include:

(1) For all SEA Title I evaluation reports, a change in the deadline for submission; and for SEA reports concerning programs and projects funded under Part A, Subpart 1 (Basic Grants to Local Educational Agencies), a change in reporting frequency from an annual to a biennial requirement.

(2) For all LEAs funded under the Basic Grants Program, provisions specifying evaluation standards and indicating the frequency and duration of evaluations; and

(3) For LEAs funded under the Basic Grants Program and providing instruction in reading, language arts, or mathematics in grades 2 through 12, provisions prescribing models for evaluating project effectiveness.

C. Development of the Evaluation Models

In keeping with the requirements of section 183 (b) and (d), the models have been developed through a process that included extensive consultation with SEAs, LEAs, and other interested parties. First, Congressional and other Federal officials were interviewed concerning their information needs. Then, Title I personnel in all States and some territories were contacted regarding methodological and practical issues in Title I evaluation.

Based on this information, preliminary models were developed. These models were then extensively reviewed and revised by experts in research methodology, Title I SEA personnel in all 57 States and territories, personnel from at least three LEAs in each State, and representatives of other groups concerned with Title I evaluation.

The models have been disseminated through a series of regional workshops and through the efforts of the Technical Assistance Center established in each HEW region (under contract to the Office of Education) to assist State and local educational agencies in implementing the models. Many LEAs are trying the models on a voluntary basis, with more than 50 percent of the Title I school districts in the country implementing one of the models in at least some schools during the 1978-79 school year.

The models reflect a compromise between technical rigor and feasibility for evaluating Title I projects. In their current form, they represent an improvement over the practices and procedures of many locally conducted Title I evaluations. Technical questions remain, however, and further exploration and analysis are required to arrive at the best possible answers. Examples of issues requiring further exploration are the extent to which the different models yield comparable data, and the best method for reporting evaluation results. These and other issues were discussed at a recent meeting with representatives of State Title I Coordinators and the Committee on Evaluation and Information Systems of the Council of Chief State School Officers. Work is already under way to address some of these issues. Additional work is being planned to investigate others.

D. Regulations Development

In order to provide State and Federal officials, and the Congress, with needed information about the success of Title I, the Commissioner proposes to publish regulations to implement section 183. As further technical analysis leads to refinements in either the models or the process for reporting evaluation results, revisions in these regulations may be necessary. It is the Commissioner's intent to reconsider, and if necessary, revise the regulations after a three year period, based on information available at that time. Representatives of State and local educational agencies will be invited to participate in this review. Any needed changes in the regulations will be made at that time.

In response to a request from Congress and the Chief State School Officers, a preliminary draft of the proposed regulations was sent for review to Title I personnel in all SEAs and LEAs receiving Title I funds. The proposed regulations reflect comments and suggestions made in response to this draft and to an earlier memorandum sent to each State requesting comments on several issues concerning section 183.

E. The Proposed Regulations

The proposed regulations amend Part 116a of Title I to include a new Subpart D, Evaluation. They also amend Part 116 of the Title I regulations by changing the frequency and deadline for the SEA evaluation report of LEA programs and projects.

In developing the proposed regulations, consideration was given to the question of the appropriate level of detail to be included. In responding to an earlier draft of the regulations, most State and local personnel indicated a preference for restricting the regulations to the major requirements of the models and technical standards, and for providing implementation details in a manual which would be updated as new information becomes available. Following this suggestion, the proposed regulations describe only the major requirements of the models and standards.

Guidance about alternative ways of implementing the regulations, including examples of appropriate solutions to typical problems, will be provided by an evaluation section of the Title I Policy Manual. This section of the manual will be concerned with appropriate sampling techniques, acceptable procedures for implementing model requirements, and other evaluation issues. A partial preliminary draft of the evaluation section is currently available and may be obtained from the address given above. A complete draft of the evaluation section will be available for review at the time of publication of final regulations.

Change in SEA reporting frequency and deadline. Many States find it difficult to report the results of Title I evaluations by November 15th, as required by 45 CFR 116.7 of the current regulations. To give the States more time, the proposed regulations change this reporting date to January 1 for all programs and projects funded under Title I. In order to reduce reporting burden, the frequency of SEA evaluation reporting is changed from an annual to a biennial requirement for those programs and projects funded under the LEA Basic Grants Program. However, the current annual requirement for a Financial Status and Performance Report is continued.

The technical standard. Section 183(b) requires the Commissioner to publish "standards for evaluation of program or project effectiveness". Four standards have been selected:

(1) A requirement that evaluation participants (e.g., children, teachers, parents, schools, LEAs) be representative of those served by the program;

(2) A requirement that evaluation instruments and procedures be reliable and valid;

(3) A requirement that evaluation procedures be developed so that errors are minimized; and

(4) A requirement that valid measures be used to assess project effectiveness in reading, language art, and mathematics.

In the proposed regulations, the use of the term "standards" is not intended to imply that LEA evaluations must achieve a specific level for each standard in order to be acceptable. Rather, the standards represent a set of characteristics that all evaluations of Title I projects must strive to achieve.

Many factors will influence the extent to which a given LEA evaluation can achieve the goal implied by the standard. These include limited availability of instruments appropriate for some LEA populations and objectives, the likely impact of high attrition rates on the representativeness of the sample, and other factors.

The proposed regulations require the LEA to explain, in its application, how its evaluation plan addresses each of the standards. They also require the SEA to use the standards in judging the adequacy of the LEA's plan. Both the LEA in developing its plan, and the SEA, in judging it, will have to take into account the practical considerations which constrain the LEA's ability to adhere to a strict interpretation of the standards.

The development of an appropriate evaluation plan is not a guarantee that competely valid results will be obtained. In summarizing the results of local evaluations, SEA officials may decide to exclude some local data because of questionable validity. When this is necessary, the proposed regulations require the SEA to report the number of these eliminations and the reasons for their occurrence.

Scope of the evaluation models. Evaluation activities in Title I have several purposes. They include the assessment of the effectiveness of Title I services and the identification of individual project strengths and weaknesses for the purpose of project revision and improvement. Although the proposed models are concerned with only the most common Title I objectives, achievement gains in reading, language arts, and mathematics, State and local educational agencies are encouraged to evaluate all of their project objectives and to collect whatever data are needed for local decision making.

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LEA evaluation model requirements. The proposed regulations state the requirements of the three models that may be used to evaluate Title I LEA projects providing services in reading, language arts, and mathematics in grades 2 through 12. The models describe basic evaluation designs for estimating the effects of participation in Title I projects. The effect of participation in the project (i.e., the Title I impact) is defined as the difference between the Title I children's performance on a test administered at the end of the project and an estimate of what that performance would have been if these children had not received Title I services ("expected performance").

The three models differ in how the estimate of exepcted performance is developed. Although certain procedures must be followed to make the estimate valid, the models are flexible in order to permit, as far as possible, local use of preferred tests, different scales, and the most appropriate test schedules.

The Norm-Referenced Model uses the currently popular evaluation strategy of pre- and post-testing the Title I children, and comparing their performance to the table of norms accompanying the test. In this model, expected performance is estimated by assuming that, without Title I services, the Title I children would maintain their percentile status relative to a national or local norm group from pretest to post-test.

NOTE.—Under certain conditions, it may be appropriate to assume that Title I children's percentile status would change—either up or down—relative to the norm group. This possibility will be discussed in the Policy Manual.

Norm-Referenced Model users may select any achievement test for which adequate normative data have been collected from representative samples drawn from national, State, or local populations. The amount of gain attributable to Title I is computed (using appropriated statistical procedures) by determining the pretest percentile status of the Title I children from the norms table and obtaining the expected performance from the post-test norms table, assuming the Title I children would maintain the same percentile status. The Title I impact is the difference between the observed post-test score and the expected performance.

The Comparison Group Model is the classical experimental design in which the performance of Title I children is compared to that of another group. Ideally, individual children should be randomly assigned to Title I and comparison groups. Because Title I services are provided to those children with the greatest need, the random assignment method is usually not possibile.

However, the model can also be used where small differences which could affect the results are known or assumed to exist between the two groups. A pretest is given to both groups to determine the extent of the differences between them, and a statistical adjustment is made to compensate, as much as possible, for any inequality. Expected performance is determined by the post-test scores of the comparison group, assuming that this provides a good estimate of how much the Title I children would have scored had they not received Title I services. The Title I impact is the difference between the post-test scores of the two groups after any necessary adjustments are made.

The Comparison Group Model is often difficult to implement in Title I projects because of the problems encountered in obtaining suitable comparison groups. There are a few situations, however, where implementation is clearly feasible. For example, in projects that last half a school year or less, the pool of eligible children can be randomly assigned to sessions. Thus, children assigned to the second session can serve as comparisons for those currently receiving Title I services. A second situation in which this model is appropriate exists in large, homogeneous districts where schools not eligible to receive Title I funds are quite similar to those that do. In this case, students from the non-Title I schools may be used as a comparison group for the Title I evaluation.

In the Special Regression Model, a group of children is divided into Title I and comparison groups based on a pretest cutoff score. Title I services are provided to children scoring below the cutoff. Children scoring above the cutoff are the comparison group for the evaluation. Expected performance is estimated from the pretest and post-test scores of the comparison group by applying a statistical procedure known as the regression model. This model, when properly applied, will yield an estimate of expected performance that takes into account differences between the two groups that are not the result of Title I services.

Because the Special Regression Model requires pretesting and post-testing both Title I and comparison groups, it may be more easily implemented in situations where schoolwide or districtwide testing programs are also being conducted. Guidance about the appropriate size of Title I and comparison groups, as well as information about other implementation procedures for all of the models, will be provided in the Title I Policy Manual.

Alternative models. Although it is expected that at least one of the three models will be appropriate for most Title I evaluations of reading, language arts, and mathematics in grades 2 through 12, some local eduational agencies may wish to use an alternative model. An alternative model would use a different strategy for estimating the expected performance of Title I children than is used by any of the three models.

Reactions to an earlier draft of the regulations indicated that a majority of commentors felt that both State and Federal approval of alternatives should be required before their use, although some commentors felt that State approval would be sufficient. The proposed regulations require the approval of both the SEA and the Commissioner. The Commissioner is required to respond in writing to a proposal for an alternative model within 30 days of its receipt.

LEA evaluation frequency. Section 124 of Title I, as amended by the Education Amendments of 1978, contains two evaluation requirements. Each LEA must evaluate the effectiveness of its Title I projects at least once every three years, in accordance with a schedule established by the Commissioner. This amended requirement represents a reduction in the data collection burden imposed on LEAs receiving Title I funds. However, to ensure that results from a representative sample of LEAs within a State are available each year, LEA evaluations must occur according to a schedule established by the Commissioner. The results of these evaluations are reprted to the SEA, which in turn, reports Statewide results from the LEA program to the Commissioner on a biennial basis.

In evaluations conducted according to the established schedule, the proposed regulations permit the LEA to measure achievement gains over a period of approximately either nine of twelve months. This would permit the LEA to use any one of several testing cycles, including fall to fall testing, fall to spring testing, and spring to spring testing.

The proposed regulations also require the LEA to collect additional information to determine whether the achievement gains measured over nine or twelve months are sustained over a longer period of time. Information obtained from this long term evaluation is to be used at the local level to determine whether achievement gains of Title I children are sustained beyond the school year in which the project is conducted. Section 124(k) of the Education Amendments of 1978 requires LEAs to consider these long term benefits in planning subsequent Title I projects. The LEA is not required to report the results of long term evaluations to the SEA. Similarly, the SEA is not required to report long term results to the Commissioner.

The LEA may use any one of several ways of conducting the long term evaluation. For example, an LEA evaluating its project over a nine month period by testing the same children from fall to spring could satisfy the long term requirement by testing again the following fall or at any subsequent point during the three year period. An LEA using a twelve month testing cycle, for example, a spring to spring cycle, could satisfy the long term requirement by testing the same children the following fall or at any subsequent point during the three years.

The LEA may, of course, evaluate its projects more frequently than is required by the proposed regulations to meet information needs for local decision making. The long term assessment does not necessarily have to follow the Commissioner's schedule, but must occur at some point during each three year period.

The common reporting metric. Section 183(f) requires the models developed by the Commissioner to yield data which are comparable on a Statewide and nationwide basis so that a national summary of Title I progress may be obtained. One way of achieving comparability would be to require each LEA to administer a single test or one of a prescribed set of comparable tests. However, given the variety of services, children, and situations included in Title I, it is not appropriate to mandate a single set of tests.

To avoid this, while still meeting the comparability requirements of section 183, a procedure has been developed for summarizing evaluations using different tests by statistically converting the results to a common form, called the common reporting metric. This common metric allows local achievement gains from different tests to be expressed in a nationally comparable way.

The proposed regulations permit the LEA to use either a nationally normed test, or a test without national norms, with any of the evaluation models. If a test without national norms is used, the LEA must also obtain the information needed to convert the evaluation results to the common reporting metric. The Policy Manual will describe several procedures for making these conversions.

LEA reporting requirements. For local evaluation purposes, the LEA may use any one of several scales (e.g., percentiles, or standard scores) in reporting its results to interested parties. However, the results must eventually be converted to the common reporting metric. The proposed regulations permit this conversion to be done by the LEA, or with the prior permission of the SEA, the LEA may submit the necessary information to the SEA, which will then make the conversion.

The proposed regulations require the LEA to retain all the data used to develop its report to the SEA for a period of five years from the date of the report or until any pending Federal audit has been resolved. A record of individual scores must be kept, although it is not necessary to keep test booklets. Also, although pre- and post-test scores must be kept with an identifying code to be matched at a later date, it is not necessary to keep scores identified by individual child name.

SEA reporting requirements. Section 183(b) requires the Commissioner to develop a schedule of evaluations designed to ensure that a representative sample of LEA evaluations are conducted in each State each year. After consulting with representatives of State and local educational agencies, the Commissioner will develop a procedure for implementing this provision, including a schedule and criteria for sampling LEAs. The proposed regulations require the SEA to submit a proposed sampling plan reflecting the Commissioner's schedule and criteria, for the Commissioner's approval.

Based on reports submitted by SEAs, the Commissoner will prepare a report for Congress summarizing the progress of the Title I program nationwide. The proposed regulations describe the types of data that must be provided by the SEA to the Commissioner. The required data relate to two information needs at the national level. To provide nationwide information about the recipients of Title I services and the types of services delivered, SEAs are required to include descriptive information about their projects. The proposed regulations continue the requirement for this type of information in the annual Performance Report.

In addition, to provide nationwide information about the effectiveness of Title I projects offering instructional services in reading, language arts, or mathematics in grades 2 through 12, the SEA must provide an evaluation report containing information about project effectiveness, expressed in the common reporting metric. Project effectiveness data must be reported by grade level, hours of project exposure, pupil per instructor ratio, and project enrollment.

To reduce reporting burden, the proposed regulations change the SEA evaluation report for LEA programs from an annual to a biennial requirement. In addition, a State reporting form is being developed for this biennial report. In the years that this report is due, it will be consolidated with the currently required Performance Report.

Some commentors to the earlier draft regulations requested clarification of how specific variables were to be measured. As a first step in developing the State reporting form, regional workshop sessions will be held for SEA officials. Appropriate definitions of the reporting variables will be discussed and developed at these sessions. The form will then be subject to the Office of Management and Budget forms clearance procedures. As part of this process, the reporting requirements will be published in the FEDERAL REGISTER for public comment. Additional clarifications concerning the definitions will be included in the Policy Manual.

Allowable costs. In the past, it has been the policy of the Office of Education that Title I funds may not be used to pay for the costs of testing children not receiving Title I services. However, two of the three proposed models require testing of non-Title I children for comparison purposes. To meet the requirements of these models, the proposed regulations would change the currrent policy to permit Title I funds to pay for the testing of non-Title I children. Title I funds may be used for this purpose only if information meeting model requirements is not already available through, for example, a districtwide testing program.

The proposed regulations continue the current policy that Title I funds may not be used for research and development activities. For example, the use of Title I funds for test development and field testing is not permitted. Title I funds may be used, however, for the development of reporting forms that are needed to collect achievement data or other similar information about the project.

(Catalog of Federal Domestic Assistance Number 13.428, Educationally Deprived Children—Local Educational Agencies)

Dated: November 8, 1979.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: January 22, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Accordingly, § 116.7(a) of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 116.7 Reports by State educational agencies.

(a) *State educational agency evaluation reports.* The SEA shall submit to the Commissioner a report evaluating the effectiveness of Title I programs and projects in meeting the special educational needs of participating children. This report must contain information about programs and pro-

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jects conducted during the school year preceding the deadline for the report.

(1) For programs and projects authorized by Part B, Subparts 1, 2, and 3 (Programs for Migratory Children, for Handicapped Children, and for Neglected or Delinquent Children), this report is due on January 1 of each year.

(2) For programs and projects authorized by Part A, Subpart 1 (Basic Grants to Local Educational Agencies), this report is due on January 1, 1981 and January 1 of every alternate year thereafter. In addition, the SEA shall submit, along with its evaluation report, the evaluation reports of two applicant agencies under Part A, Subpart 1 (Basic Grants to Local Educational Agencies), including one from an LEA whose allocation for the current fiscal year is among the five highest in the State.

. . . . .

Part 116a of Title 45 of the Code of Federal Regulations is amended by adding a new subpart D to read as follows:

Subpart D—Evaluation

Sec.
116a.30 Technical standards.
116a.31 Local educational agency evaluation models.
116a.32 Frequency of local educational agency evaluations.
116a.33 Local educational agency reporting.
116a.34 State educational agency reporting.
116a.35 Allowable costs.

Subpart D—Evaluation

§ 116a.30 Technical standards.

Each local educational agency (LEA) shall explain in its application how its evaluation plan (required by § 116a.22(b)(3)) is consistent with the following technical standards. The State educational agency (SEA) shall use these same standards in determining the adequacy of the LEA's plan.

(a) *Representativeness of evaluation findings.* The evaluation results must be computed so that the conclusions apply to the persons, schools or agencies served by Title I. This may be accomplished by including in the evaluation either all, or a representative sample of the persons, schools, or agencies served by the project.

(b) *Reliability and validity of evaluation instruments and procedures.* The proposed evaluation instruments must consistently and accurately measure the accomplishment of project objectives, and must be appropriate, considering factors such as the age or background of the persons served by the project.

(c) *Evaluation procedures that minimize error.* The proposed evaluation procedures must minimize error by including proper administration of the evaluation instruments, accurate scoring and transcription of results, and use of analysis procedures whose assumptions apply to the data obtained from the evaluation.

(d) *Valid assessment of achievement gains in reading, language arts, and mathematics.* In assessing the effectiveness of Title I reading, language arts, and mathematics projects in grades 2 through 12, the proposed evaluation procedures must yield a valid measure of the Title I children's performance after receiving Title I services, compared to an estimate of what their performance would have been in the absence of Title I services.

(Section 183 of the Elementary and Secondary Education Act as amended by the Education Amendments of 1978)

§ 116a.31 Local educational agency evaluation models.

(a) Each LEA shall use one of the following models, or an approved alternative, in the evaluation of each Title I project which provides instructional services in reading, language arts, or mathematics, in grades 2 through 12. The models require the administration of a test before or at the beginning of services for the project period (pretest) and after or at the end of the project period (post-test). Examples of appropriate pre- and post-test periods include fall to fall testing, fall to spring testing, and spring to spring testing.

(b) The models compare the post-test scores of Title I children to an estimate of what their post-test scores would be if they had not received Title I services ("expected performance"). Each model provides a different method for estimating expected performance using the scores of children not receiving Title I services who are tested at the same time of year. With any of the three models, the LEA may use a test with or without national norms.

(1) *Norm-Referenced Model.* An LEA using the Norm-Referenced Model shall:

(i) Administer a pre- and post-test to Title I children.

(ii) Estimate expected performance using the performance of children in a norm sample developed either locally, by the SEA, or by a test publisher.

(2) *Comparison Group Model.* An LEA using the Comparison Group Model shall:

(i) Identify a comparison group of educationally disadvantaged children who are similar to Title I children on educationally relevant criteria (such as age, socioeconmic status, and previous achievemnent), and who are not receiving Title I or other similar compensatory education services.

(ii) Administer a pre- and post-test to both the Title I children and the children in th comparison group.

(iii) Estimate expected performance using the test scores of the children in the comparison group.

(3) *Special Regression Model.* An LEA using the Special Regression Model shall:

(i) Administer a pretest to a group of children in Title I eligible schools at grade levels to be served by Title I.

(ii) Establish a cutoff score and provide Title I services to those children scoring below the cutoff. Children scoring above the cutoff are the comparison group for the evaluation.

(iii) Administer a post-test to both groups and estimate expected performance using the pre- and post/test scores for the comparison group.

(4) *Alternative models.* (i) An LEA may use an alternative to one of the three models for the evaluation of reading, language arts, or mathematics projects in grades 2 through 12. An alternative model would provide a method for estimating expected performance that differs from those provided by the three models. However, use of an alternative model must be approved first by the SEA and then by the Commissioner. To be approved, an alternative model must yield a valid measure of:

(A) The title I children's performance in reading, language arts or mathematics;

(B) Their expected performance; and

(C) The results of the Title I project expressed in the common reporting metric established by the Commissioner for SEA reporting (see § 116.34(b)(5)).

(ii) An LEA (or an SEA acting at the request of one or more LEAs) may submit a proposal requesting the Commissioner's approval of an alternative model, once it has been approved by the SEA. The proposal must indicate how the alternative model meets the three requirements. The Commissioner shall respond to the proposal in writing within 30 days.

(Section 183 of the Elementary and Secondary Education Act as amended by the Education Amendments of 1978)

§ 116a.32 Frequency of local educational agency evaluations.

Each LEA shall evaluate the effectiveness of its Title I profects at least once ever three years, in accordance with a schedule established by the Commissioner. This evaluation must include an assessment of achievement gains of Title I children compared to an estimate of their expected perfomance in the absence of Title I sevices. The achievement gains must be measured over a period of approximately either nine or twelve months. (Examples of appropriate testing intervals include fall to fall testing, fall to spring testing, and spring to spring testing.) Also, at least once during the three year period, the LEA shall collect additonal information needed to determine whether achievement gains measured over nine or twelve months are sustained over a longer period of time. (Examples at appropriate testing cycles for determining whether gains are sustained include fall-spring-fall testing, fall-fall-fall testing, spring-fall-spring testing, and spring-spring-spring testing.)

(Section 124 of the Elementary and Secondary Education Act as amended by the Education Amendments of 1978)

§ 116a.33 Local educational agency reporting.

(a) Each LEA shall report to the SEA the results of its evaluations conducted in accordance with the schedule established by the Commissioner. In reporting the results of measurements of educational achievement in reading, language arts, or mathematics in grades 2 through 12, the LEA shall use the common reporting metric established by the Commissioner unless the SEA approves some other form of local reporting. If the SEA approves another form of reporting, the LEA shall include sufficient information to enable the SEA to convert the achievement results to the common metric.

(b) The LEA shall retain all of the data used to develop its report to the SEA for a period of five years from the date of the report or until any pending Federal audit has been resolved. The data kept must include a record of all individual scores (with an identifying code so that pre- and post-test scores can be matched) in reading, language arts, or mathematics in grades 2 through 12, obtained as part of the project evaluation, and the name, form, and level of any tests administered.

(Section 183 of the Elementary and Secondary Education Act as amended by the Education Amendments of 1978)

§ 116a.34 State educational agency reporting.

(a) Each SEA shall submit, for the approval of the Commissioner, a proposed sampling plan designed to ensure that a representative sample of LEA evaluations are conducted in any school year. The proposed plan shall be developed according to the schedule and criteria specified by the Commissioner.

(b) To provide nationwide information about the recipients of Title I services and the types of services delivered, the SEA shall provide the following information, in its annual Performance Report, for all or a representative sample of LEAs:

(1) For regular school year or summer projects, the number of Title I participants by type of services received;

(2) For regular school year or summer projects, the number of participants, by grade, who attend public schools;

(3) For regular school year or summer projects, the number of participants, by grade, who attend non-public schools; and

(4) Other information requested by the Commissioner. For example, information about Parent Advisory Councils and teacher training may be requested.

(c) To provide nationwide information about the effectiveness of regular school year projects offering instructional services in reading, language arts, or mathematics in grades 2 through 12, the SEA shall include in its biennial evaluation report (required by § 116.7(a)(2)) the following information for all or a representative sample of LEAs:

(1) A Statewide average, by grade level, of achievement scores resulting from Title I participation, expressed in the common reporting metric established by the Commissioner;

(2) Information by grade level, relating project levels of achievement gain to the number of hours of project exposure, the pupil per instructor ratio and project enrollment; and

(3) If applicable, the number of projects excluded because of erroneous or missing data and the reasons for their exclusion.

(d) The SEA shall retain all the data used to develop its report for a period of five years from the date of the report or until any pending Federal audit has been resolved.

(Sections 172 and 183 of the Elementary and Secondary Education Act as amended by the Education Amendments of 1978; 45 CFR 74.82)

§ 116a.35 Allowable costs.

(a) Title I funds may be used for evaluation activities needed to identify specific project strengths and weaknesses, to determine project results, and to disseminate the results of Title I evaluations. In addition to the requirements of §§ 116.40, 116a.22(b)(4)(ii) and (iii), and Appendix B of 45 CFR 100b, the following rules apply to the use of Title I funds to support the purchase, administration, scoring and analysis of evaluation instruments. Except where data meeting these needs are already available, Title I funds may be used:

(1) To support the testing of Title I participants for evaluation purposes.

(2) In the Comparison Group Model, to test educationally disadvantaged children who are at the same grade level(s) as Title I participants, but who are not receiving Title I services.

(3) In the Special Regression Model, to test children in Title I eligible schools who are at the grade levels served by Title I.

(4) To administer a nationally normed test to all, or a representative sample of, the Title I participants to permit conversion of the evaluation results to the common reporting metric when a test without national norms has been used for evaluation purposes.

(b) Title I funds may not be used for general districtwide or Statewide testing programs, for establishing local or State norms, or for research and development activities, such as the development and field testing of new instruments.

(Section 183 of the Elementary and Secondary Education Act as amended by the Education Amendments of 1978)

[FR Doc. 79-4055 Filed 2-6-79; 8:45 am]

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WEDNESDAY, FEBRUARY 7, 1979

PART IV



DEPARTMENT OF ENERGY

Office of Hearings and Appeals

ADMINISTRATIVE PROCEDURES REGARDING ISSUANCE OF REMEDIAL ORDERS

Amendments; Final Rule

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[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Amendments to Administrative Procedures Regarding Issuance of Remedial Orders

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Final rule.

SUMMARY: This rule adopts amendments to the Department of Energy's (DOE) administrative procedure regulations regarding the issuance of Remedial Orders. The amendments separate prosecutorial and adjudicatory functions and provide a more complete administrative review of the issues raised in each Remedial Order proceeding prior to issuance of the order in final form. After issuance of a Proposed Remedial Order, aggrieved or interested persons will be able to submit written comments and relevant evidence prior to issuance of the order in final form. The Office of Hearings and Appeals will convene evidentiary hearings when they are appropriate and will provide an opportunity for oral argument to all participants as a matter of right. The revised procedures will also apply to Remedial Orders for Immediate Compliance and Orders of Disallowance.

EFFECTIVE DATE: February 7, 1979, with respect to all proceedings involving Proposed Remedial Orders issued on or after that date. The Interim Regulations published in 43 FR 3995 (January 31, 1978) will apply to proceedings involving previously issued Proposed Remedial Orders.

FOR FURTHER INFORMATION CONTACT:

George B. Breznay, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, Telephone: (202) 254-9681.

James A. Williamson, Jr., Attorney, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, Telephone: (202) 254-8617.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Discussion of Comments.
III. Additional Changes.

I. Background

On January 13, 1978, the DOE issued an Interim Rule amending 10 CFR, Part 205, Subpart O of the procedural regulations which govern the issuance of Remedial Orders, Orders of Disallowance, and Remedial Orders for Immediate Compliance. 43 FR 1930, reprinted with corrections in 43 FR 3995 (January 31, 1978). That Notice invited interested persons to submit written comments by February 15, 1978. The DOE received a number of comments requesting an opportunity for oral presentations and additional time for written comments. Although neither Section 501 of the Department of Energy Organization Act, 42 U.S.C. 7191, nor Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, requires a public hearing for procedural rules of this nature, the DOE held a public hearing on May 3, 1978, to receive oral testimony with respect to the interim regulations. The March 29, 1978 Notice concerning the hearing also further extended the deadline for submitting written comments to May 10, 1978 (43 FR 13073). Four petroleum firms and two industry associations presented oral statements at the public hearing. In addition, a total of 22 petroleum firms, 6 industry groups, 2 law firms and a committee of lawyers submitted substantive written comments with regard to the interim regulations.

The DOE has considered all comments and has incorporated many of the suggested changes in the final Remedial Order regulations. The final regulations generally duplicate the interim rule published on January 13, 1978. Therefore, except for the modifications indicated below, we have incorporated into this Notice by reference the findings and analysis set forth in the Notice of Interim Rulemaking. 43 FR 1930 (January 13, 1978), reprinted in 43 FR 3995 (January 31, 1978).

II. Discussion of Comments

Many of the initial comments objected to adjudicatory decision regarding Remedial Orders being made by a unit that reported to the same official who had direct responsibility for the prosecutorial aspects of the proceeding. The creation of a new Office of Hearings and Appeals on March 30, 1978, rendered this objection moot. This Office assumed the functions of the prior Office of Administrative Review of the Economic Regulatory Administration (ERA), but its duties are broader in scope, and it reports directly to the Office of the Secretary. DOE Order 1100.3 (September 15, 1978, effective as of March 30, 1978). In addition, to further separate prosecutorial and adjudicatory functions we have strengthened the rule against *ex parte* communications, as discussed below. 10 CFR 205.199F.

Of the 31 commenters, 19 requested that a firm have additional time to respond to a Notice of Probable Violation. We adopted that suggestion and extended the 10-day response period in § 205.191 to 30 days. This change will also satisfy some of the objections of 12 commenters who sought a relaxation of the doctrine set forth in *Tenneco Oil Company*, 1 DOE Par. 82,512 at 85,043-44 (1977). These commenters noted that it was infeasible for a firm that had received a Notice of Probable Violation (NOPV) to consider and raise all issues relevant to that document within a 10-day period. The DOE will grant further extensions when the factual setting or legal issues involved in a particular case are complex. The DOE has retained, however, the requirement that the reply to the NOPV include both a statement of all relevant facts and also the legal justification for the act or transaction, since a meaningful dialogue between DOE enforcement officials and the firms at this point will contribute to prompt, effective resolution of the issues at an early stage. 10 CFR 205.191(c). Unless good cause is shown for failure to raise an issue that was not raised in the reply to an NOPV the Office of Hearings and Appeals will decline to consider that issue. 10 CFR 205.191(c). Similarly, with respect to motions for an evidentiary hearing, a movant must describe why a disputed or additional finding of fact was not raised in any prior administrative proceeding which led to the issuance of the Proposed Remedial order. 10 CFR 205.199(b).

Eighteen Commenters requested clarification of the regulations with regard to burden of proof. In response, the DOE has added a new § 205.192A, which provides that the DOE office that issued the proposed order must establish a *prima facie* case. A *prima facie* case is deemed to be made by submission of a Proposed Remedial Order that Meets the requirements listed in § 205.192(d) and any supplemental information that ERA may decide to serve within 20 days after service of a Notice of Objection pursuant to a new section, 10 CFR 205.193A. Each Proposed Remedial Order must now include a declaration by a DOE employee knowledgeable about the facts of the case that the findings of fact are correct to the best of his knowledge and belief. 10 CFR 205.192(d). Of course any participant in an enforcement proceeding may still argue that the Proposed Remedial Order and supporting documents do not as a matter of law establish a basis for finding that a violation of the DOE regulations has occurred. It should also be noted that ERA's submission of supplemental information pursuant to Section 205.193A does not limit ERA's rights pursuant to this Subpart to submit additional material at a later stage of the enforcement proceeding.

The person to whom a Proposed Remedial Order is directed, or a person advancing new evidence or objections to a DOE proposed order, has the burden of going forward with the evidence in response to a *prima facie* case. The DOE Office that proposed the order has the ultimate burden of persuasion with respect to the proceeding as a whole. Similarly, a movant or proposer of additional facts has the ultimate burden of persuasion with regard to the motion or additional facts.

Seven commenters stated that the rule with respect to *ex parte* communications required more rigorous provisions. Accordingly, § 205.199F mow requires that any *ex parte* communication received by an Office of Hearings and Appeals employee, another government employee supervised by the Office of Hearings and Appeals, or a consultant to the Office of Hearings and Appeals shall be made public. In addition, the office shall serve, or direct the participant involved to serve, copies of the communication upon all persons on the official service list. The Office of Hearings and Appeals may also take any other appropriate action to mitigate the effects of an *ex parte* contact.

Seven commenters requested that Administrative Law Judges preside at all evidentiary hearings convened by the Office of Hearings and Appeals. The DOE disagrees with this suggestion. The DOE, other than the Federal Energy Regulatory Commission (FERC), is not subject to the provisions of the Administrative Procedure Act which require that Administrative Law Judges be utilized in connection with adjudicatory matters. The present personnel of the Office of Hearings and Appeals comprise an interdisciplinary staff of attorneys, accountants, economists and financial analysts. These individuals have developed considerable expertise in energy matters, and possess the qualifications necessary to preside at hearings and rule upon other aspects of Proposed Remedial Order proceedings.

Some commenters stated that the regulations should include detailed rules of evidence. That suggestion as well has not been adopted. Detailed rules of evidence are generally designed to insulate a jury of laymen from prejudicial evidence. That rationale does not apply in a hearing before the Office of Hearings and Appeals, and the Office intends to maintain flexible procedures that allow the presentation and inclusion in the record of relevant and material evidence. Of course, appropriate weight will be given to the nature of the evidence presented.

Six commenters objected to provisions that limited evidentiary hearings to those cases in which an asserted position could "only" be established through the introduction of evidence at an evidentiary hearing rather than through the submission of documents and affidavits. While the Office of Hearings and Appeals generally favors the submission of written material since this is the most expeditious method of presenting evidence, it recognizes that evidentiary hearings can be more effective. Therefore, it has modified the regulations to state that evidentiary hearings will be convened whenever there is a genuine dispute over relevant and material issues of fact that would be more effectively resolved by personal presentation with opportunity for cross-examination. 10 CFR 205.199(b)(3), formerly § 205.196. The Office of Hearings and Appeals recognizes that convening evidentiary hearings in Washington, D.C., at the request of firms that are not located there can cause considerable inconvenience and expense. Therefore, when appropriate the Office of Hearings and Appeals will convene evidentiary hearings in the district where the firm that requested the hearing is located.

One commenter stressed that confidential material such as trade secrets and financial data should be protected during discovery. Under the FERC regulations all participants in an appeal proceeding may have access to all confidential data in the record, if they agree that they will not use or disclose any of the data except in the proceeding and will return all copies of the data after the proceeding has concluded. FERC Rules of Practice and Procedure, 18 CFR 1.38(c)(7), 43 FR 52224 (November 9, 1978). In response to the concern expressed in the comment, a new § 205.198A has been added, entitled "Protective Order." Under that provision, a person desiring confidential information with regard to a particular Proposed Remedial Order proceeding must first attempt to obtain the information from the firm informally. If no satisfactory response is obtained within a reasonable period of time—normally ten days—the requestor may file a Motion for Discovery and Protective Order, which must meet all the requirements of a Motion for Discovery. The possessor of the information may file a Response within ten days. If the Office of Hearings and Appeals grants the Motion for Discovery and Protective Order, it will establish specific requirements to restrict the use of the confidential data and to prevent, and impose sanctions for, unauthorized disclosure.

III. Additional Changes

As a result of experience gained through conducting proceedings under the interim regulations, we have added two new sections to clarify practices that are currently handled on a case-by-case basis. Section 205.194, "Participants; Official Service List," provides a procedure for clearly identifying interested persons and ensuring that they are included on a service list. It specifies that a summary of a Notice of Objection will be published in the FEDERAL REGISTER together with an invitation to persons with an interest that may be affected by the proceeding to file a request to participate in that proceeding. All persons, regardless of whether they filed or were served with a Notice of Objection, may request an opportunity to participate in the adjudicatory proceeding. Each request shall specify the person's interest in the proceeding, the general position he intends to advance in the proceeding, and the particular aspects of the proceeding in which he desires to participate. The Office of Hearings and Appeals will evaluate the requests and issue an official service list, which will then be used for all filings in that proceeding. In determining which requests to participate will be granted, the Office of Hearings and Appeals will endeavor to ensure that all interests are represented without unduly delaying the proceeding through duplicative presentations. Only participants may file motions and make oral presentations. Any participant who desires to become a party to an evidentiary hearing must either file a Motion for Evidentiary Hearing or state his desire to become a party in his Response. Of course, the DOE Office that issued the Proposed Remedial Order and the person to whom it was directed shall automatically be considered participants in all stages of the enforcement proceeding.

The second new section, 10 CFR 205.195, is entitled "Filing and Service of All Submissions." It merely establishes in a separate section the requirements formerly included in the Statement of Objections section. Regular mail is now permitted for service upon all persons when accompanied by a certificate of service. Regular mail is still not permitted, however, for filings with the Office of Hearings and Appeals; all filings must be made pursuant to § 205.4 and conform to the requirements of § 209.9, which requires motions to be filed as separate documents.

Other significant clarifications to the regulations include the addition to § 205.199G of a clause specifying that the Director of the Office of Hearings and Appeals or his designee may permit, after consideration of a motion and reply, any submission to be

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amended or withdrawn after it has been filed. We believe this procedure will be useful when a participant has discovered new evidence or even new issues that would require a Statement of Objections to be amended or a Motion for Evidentiary Hearing to be corrected or filed out of time.

Section 205.199B now explicitly states that the Office of Hearings and Appeals may remand a Proposed Remedial Order to the issuing DOE office. In the interest of administrative economy and efficiency, however, and to avoid needless fragmentation of proceedings, the Office of Hearings and Appeals intends to decide all issues of fact and law raised during a proceeding to the maximum extent possible based on the record before remand.

It should be noted that § 205.199I(b) allows the ERA to issue final Ancillary Orders in order to implement refunds and other remedies and specifies that Ancillary Orders are only appealable to the Office of Hearings and Appeals pursuant to Subpart H. Ancillary Orders may not be appealed to FERC, since they are not Remedial Orders. See Department of Energy Organization Act, section 503(c), Pub. L. 95-91.

DOE offices that file responses containing confidential information shall notify the participant to which the material relates of his opportunity to identify and delete the confidential information. If the participant desires to review the DOE submissions before they are served outside the DOE, the participant must serve the DOE submission with any confidential information deleted within the 14-day period specified in § 205.195(b)(2) unless the DOE office establishes a shorter time limit for such service. The participant will be required to serve a deleted copy of the DOE submission upon all persons on the official service list, including the DOE office that issued the submission, within the established time period.

Because the ERA may now submit supplemental information 20 days after service of a Notice of Objection, the time in which to file a Statement of Objections has been extended from 30 days after service of the Proposed Remedial Order to 40 days after service of the Notice of Objection. 10 CFR 205.196(a). This will allow time for a firm to address the facts contained in any supplemental information submitted by the ERA. The time in which to file a Notice of Objection has also been increased to 15 days after notice of the Proposed Remedial Order has been published in the FEDERAL REGISTER. 10 CFR 205.193(a).

Subsection 205.196(c) has also been added to the Statement of Objections section. This subsection incorporates a long standing practice that Notices of Probable Violation, each Response thereto, the Proposed Remedial Order itself, and any relevant ERA work papers or supplemental information previously submitted to the person by ERA must accompany any Statement of Objections filed by the person to whom the Proposed Remedial Order is directed. Other participants need only be notified that such material is available upon request, except that the DOE Assistant General Counsel for Administrative Litigation must be served with all the material.

The time afforded for a response to a Motion for Discovery or for Evidentiary Hearing that accompanies a Statement of Objections has been increased to 30 days to permit a more reasoned response to all the documents at the same time. Section 205.197(b) also now explicitly allows a participant to file a Reply to any Response within ten days of service.

Motions for Discovery must always be served upon each person from whom discovery is sought, with a notice of his right to file a response within 20 days of the date of service. It should be noted that discovery may be sought from a person who is not on the official service list. The various sanctions for failure to comply with discovery orders previously numerated in detail in § 205.198(h)(1) have been eliminated, although this in no way limits the availability of these sanctions. This change merely reduces the complexity of the regulations and also eliminates any confusion by persons who thought the list of sanctions was exhaustive.

We have deleted former § 205.196(d), "Motions to Dismiss," as a basis for a separate motion, but retained it in § 205.199(b)(6) as the basis for a separate or additional response to a particular factual representation contained in a Motion for Evidentiary Hearing. If a person seeks to have the entire Statment of Objections or any specific issue of fact or law dismissed as irrelevant or immaterial, he should include that request in the Response to the Statement of Objections. 10 CFR 205.197. A participant may file a response within five days of service of any miscellaneous motions filed by other participants pursuant to § 205.199G. Section 205.195(a); *see* § 205.5, "Computation of Time."

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70; Department of Energy Organization Act, Pub. L. 95-91, as amended, Pub. L. 95-620; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 205 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective February 7, 1979.

Issued in Washington, D.C., February 2, 1979.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

1. The table of contents for Part 205 is amended by replacing the Contents of Subpart O with the following list:

Subpart O—Notice of Probable Violation, Remedial Order, Notice of Proposed Disallowance, and Order of Disallowance

Sec.
205.190 Purpose and Scope.
205.191 Notice of Probable Violation; Commencement of Enforcement Proceedings.
205.192 Proposed Remedial Order.
205.192A Burden of Proof.
205.193 Notice of Objection.
205.193A Submission of ERA Supplemental Information.
205.194 Participants; Official Service List.
205.195 Filing and Service of All Submissions.
205.196 Statement of Objections.
205.197 Response to Statement of Objections; Reply.
205.198 Discovery.
205.198A Protective Order.
205.199 Evidentiary Hearing.
205.199A Hearing for the Purpose of Oral Argument Only.
205.199B Remedial Order.
205.199C Appeal of Remedial Order to FERC.
205.199D Interim Remedial Order for Immediate Compliance.
205.199E Notice of Proposed Disallowance, Proposed Order of Disallowance, and Order of Disallowance.
205.199F Ex Parte Communications.
205.199G Extension of Time; Interim and Ancillary Orders.
205.199H Actions Not Subject to Administrative Appeal.
205.199I Remedies.
205.199J Consent Order.

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2. Sections 205.190, 205.191, 205.192, 205.193, 205.194, 205.195, 205.196 and 205.197 are revised and §§ 205.192A, 205.193A, and 205.198 through 205.199J are added as follows:

§ 205.190 Purpose and scope.

(a) This subpart establishes the procedures for determining the nature and extent of violations of the DOE regulations in Parts 210, 211, and 212 and the procedures for issuance of a Notice of Probable Violation, a Proposed Remedial Order, a Remedial Order, an Interim Remedial Order for Immediate Compliance, a Remedial Order for Immediate Compliance, a Notice of Probable Disallowance, a Proposed Order of Disallowance, an Order of Disallowance, or a Consent Order. Nothing in these regulations shall affect the authority of DOE enforcement officials in coordination with the Department of Justice to initiate appropriate civil or criminal enforcement actions in court at any time.

(b) When any report required by the ERA or any audit or investigation discloses, or the ERA otherwise discovers, that there is reason to believe a violation of any provision of this chapter, or any order issued thereunder, has occurred, is continuing or is about to occur, the ERA may conduct an inquiry to determine the nature and extent of the violation. A Remedial Order or Order of Disallowance may be issued thereafter by the Office of Hearings and Appeals. The ERA may commence enforcement proceedings by serving a Notice of Probable Violation, a Notice of Probable Disallowance, a Proposed Remedial Order, a Proposed Order of Disallowance, or an Interim Remedial Order for Immediate Compliance.

§ 205.191 Notice of probable violation; commencement of enforcement proceedings.

(a) The ERA may begin a proceeding under this subpart by issuing a Notice of Probable Violation if the ERA has reason to believe that a violation has occurred, is continuing or is about to occur.

(b) Within 30 days after the service of a Notice of Probable Violation, the person upon whom the Notice is served may file a reply with the ERA office that issued the Notice of Probable Violation at the address provided in § 205.12. The ERA may extend the 30-day period for good cause shown.

(c) The reply shall be in writing and signed by the person filing it. The reply shall contain a statement of all relevant facts pertaining to the act or transaction that is the subject of the Notice of Probable Violation. The reply shall include a statement of the legal, business and other reasons for the act or transaction; a description of the act or transaction; and a discussion of the pertinent provisions and relevant facts reflected in any documents submitted with the reply. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the reply. When the Notice or Probable Violation pertains to only one step of a larger integrated transaction, the facts regarding the entire transaction shall be submitted. In further proceedings regarding this act or transaction, the Office of Hearings and Appeals will decline to consider an issue that was not raised in the reply to the Notice of Probable Violation unless good cause is shown for the failure to raise the issue.

(d) The reply shall include a discussion of the relevant authorities which support the position asserted, including rulings, regulations, interpretations, and previous decisions issued by DOE or its predecessor agencies.

(e) The reply should indicate whether the person requests an informal conference regarding the notice. A request for a conference must be in writing.

(f) If a person has not filed a reply with the ERA within the 30-day or other period authorized for reply, the person shall be deemed to have admitted the accuracy of the factual allegations and legal conclusions stated in the Notice of Probable Violation, and the ERA may proceed to issue a Proposed Remedial Order in accordance with § 205.192.

(g) If the ERA finds, during or after the 30-day or other period authorized for reply, that no violation has occurred, is continuing, or is about to occur, or that for any reason the issuance of a Proposed Remedial Order would not be appropriate, it shall rescind the Notice of Probable Violation and inform the person to whom the Notice was issued of the rescission.

§ 205.192 Proposed remedial order.

(a) If the ERA finds, after the 30-day or other period authorized for reply to the Notice of Probable Violation, that a violation has occurred, is continuing, or is about to occur, it may issue a Proposed Remedial Order, which shall set forth the relevant facts and law.

(b) The ERA may issue a Proposed Remedial Order at any time it finds that a violation has occurred, is continuing, or is about to occur even if it has not previously issued a Notice of Probable Violation.

(c) The ERA shall serve a copy of the Proposed Remedial Order upon the person to whom it is directed. The ERA shall promptly publish a notice in the FEDERAL REGISTER which states the person to whom the Proposed Remedial Order is directed, his address, and the products, dollar amounts, time period, and geographical area specified in the Proposed Remedial Order. The notice shall indicate that a copy of the Proposed Remedial Order with confidential information, if any, deleted may be obtained from the ERA and that within 15 days after the date of publication any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals of accordance with § 205.193. The ERA shall mail copies of the FEDERAL REGISTER notice to all readily identifiable persons who are likely to be aggrieved by issuance of the Proposed Remedial Order as a final order.

(d) The Proposed Remedial Order shall set forth the proposed findings of fact and conclusions of law upon which it is based. It shall also include a discussion of the relevant authorities which support the position asserted, including rules, regulations, rulings, interpretations and previous decisions issued by DOE or its predecessor agencies. The Proposed Remedial Order shall be accompaned by a declaration executed by the DOE employee primarily knowledgeable about the facts of the case stating that, to the best of declarant's knowledge and belief, the findings of fact are correct.

(e) The ERA may amend or withdraw a Proposed Remedial Order at its discretion prior to the date of service of a Statement of Objections in that proceeding. The date of service of the amended documents shall be considered the date of service of the Proposed Remedial Order in calculating the time periods specified in this Part 205.

§ 205.192A Burden of Proof.

(a) In a Proposed Remedial Order proceeding the ERA has the burden of establishing a prima facie case as to the validity of the findings of fact and conclusions of law asserted therein. The ERA shall be deemed to meet this burden by the service of a Proposed Remedial Order that meets the requirements of § 205.192(d) and any supplemental information that may be made available under § 205.193A.

(b) Once a prima facie case has been established, a person who objects to a finding of fact or conclusion of law in the Proposed Remedial Order has the burden of going forward with the evidence. Furthermore, the proponent of additional factual representations has the burden of going forward with the evidence.

(c) Unless otherwise specified by the Director of the Office of Hearings and Appeals or his designee, the proponent of an order or a motion or additional factual representations has the ultimate burden of persuasion.

§ 205.193 Notice of Objection.

(a) Within 15 days after publication of the notice of a Proposed Remedial Order in the FEDERAL REGISTER any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals. The Notice shall be filed in duplicate, shall briefly describe how the person would be aggrieved by issuance of the Proposed Remedial Order as a final order and shall state the person's intention to file a Statement of Objections. No confidential information shall be included in a Notice of Objection. The DOE shall place one

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copy of the Notice in the Office of Hearings and Appeals Public Docket Room.

(b) A person who fails to file a timely Notice of Objection shall be deemed to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by paragraph (a) of this section, the Proposed Remedial Order may be issued as a final order.

(c) A person who files a Notice of Objection shall on the same day serve a copy of the Notice upon the person to whom the Proposed Remedial Order is directed, the DOE Office that issued the Proposed Remedial Order, and the DOE Assistant General Counsel for Administrative Litigation.

(d) The Notice shall include a certification of compliance with the provisions of this section, the names and addresses of each person served with a copy of the Notice, and the date and manner of service.

(e) If no person files a timely Notice of Objection, ERA may request the Office of Hearings and Appeals to issue the Proposed Remedial Order as a final Remedial Order.

(f) In order to exhaust administrative remedies with respect to a Remedial Order proceeding, a person must file a timely Notice of Objection and Statement of Objections with the Office of Hearings and Appeals.

§ 205.193A Submission of ERA Supplemental Information.

Within 20 days after service of a Notice of Objection to a Proposed Remedial Order the ERA may serve, upon the person to whom the Proposed Remedial Order was directed, supplemental information relating to the calculations and determinations which support the findings of fact set forth in the Proposed Remedial Order.

§ 205.194 Participants; Official Service List.

(a) Upon receipt of a Notice of Objection, the Office of Hearings and Appeals shall publish a notice in the FEDERAL REGISTER which states the person to whom the Proposed Remedial Order is directed, his address and the products, dollar amounts, time period, and geographical area specified in the Proposed Remedial Order. The notice shall state that any person who wishes to participate in the proceeding must file an appropriate request with the Office of Hearings and Appeals.

(b) The Office that issued the Proposed Remedial Order and the person to whom the Order is directed shall be considered participants before the Office of Hearings and Appeals at all stages of an enforcement proceeding. Any other person whose interest may be affected by the proceeding may file a request to participate in the proceeding with the Office of Hearings and Appeals within 20 days after publication of the notice referred to in paragraph (a) of this section. The request shall contain (1) the person's name, address, and telephone number and similar information concerning his duly authorized representative, if any; (2) a detailed description of the person's interest in the proceeding; (3) the specific reasons why the person's active involvement in the proceeding will substantially contribute to a complete resolution of the issues to be considered in the proceeding; (4) a statement of the position which the person intends to adopt in the proceeding; and (5) a statement of the particular aspects of the proceeding, e.g. oral argument, submission of briefs, or discovery, in which the person wishes to actively participate.

(c) After considering the requests submitted pursuant to paragraph (b) of this section, the Office of Hearings and Appeals shall determine those persons who may participate on an active basis in the proceeding and the nature of their participation. Participants with similar interests may be required to consolidate their submissions and to appear in the proceeding through a common representative.

(d) Within 30 days after publication of the notice referred to in paragraph (a) of this section, the Office of Hearings and Appeals shall prepare an official service list for the proceeding. Within the same 30 day period the Office of Hearings and Appeals shall mail the official service list to all persons who filed requests to participate. For good cause shown a person may be placed on the official service list as a non-participant, for the receipt of documents only. An opportunity shall be afforded to participants to oppose the placement of a non-participant on the official service list.

(e) A person requesting to participate after the period for submitting requests has expired must show good cause for failure to file a request within the prescribed time period.

(f) The Office of Hearings and Appeals may limit the nature of a person's participation in the proceeding, if it finds that the facts upon which the person's request was based have changed or were incorrect when stated or that the person has not been actively participating or has engaged in disruptive or dilatory conduct. The action referred to in this provision shall be taken only after notice and an opportunity to be heard are afforded.

§ 205.195 Filing and Service of All Submissions.

(a)(1) Statements of Objections, Responses to such Statements, and any motions or other documents filed in connection with a proceeding shall meet the requirements of § 205.9 and shall be filed with the Office of Hearings and Appeals in accordance with § 205.4. Unless otherwise specified, any participant may file a response to a motion within five days of service.

(2) All documents shall be filed in duplicate, unless they contain confidential information, in which case they must be filed in triplicate.

(3) If a person claims that any portion of a document which he is filing contains confidential information, such information should be deleted from two of the three copies which are filed. One copy from which confidential information has been deleted will be placed in the Office of Hearings and Appeals Public Docket Room.

(b)(1) Persons other than DOE offices shall on the date a submission is filed serve each person on the official service list. Service shall be made in accordance with § 205.7 and may also be made by deposit in the regular United States mail, properly stamped and addressed, when accompanied by proof of service consisting of a certificate of counsel or an affidavit of the person making the service. If any filing arguably contains confidential information, a person may serve copies with the confidential information deleted upon all persons on the official service list except DOE offices, which shall be served both an original filing and one with deletions.

(2) A DOE office shall on the date it files a submission serve all persons on the official service list, unless the filing arguably contains confidential information. In that case the DOE office shall notify the person to whom the information relates of the opportunity to identify and delete the confidential information. The DOE Office may delay the service of a submission containing arguably confidential information upon all persons other than the possessor of the confidential information and other DOE offices up to 14 days. The possessor of the confidential information shall serve the filing with any deletions upon all persons on the official service list within such time period.

(c) Any filing made under this section shall include a certification of compliance by the filer with the provisions of this subpart. The person serving a document shall file a certificate of service, which includes the date and manner of service for each person on the official service list.

§ 205.196 Statement of Objections.

(a) A person who has filed a Notice of Objection shall file a Statement of Objections to a Proposed Remedial Order within 40 days after service of the Notice of Objection. A request for an extension of time for filing must be

submitted in writing and may be granted for good cause shown.

(b) The Statement of Objections shall set forth the bases for the objections to the issuance of the Proposed Remedial Order as a final order, including a specification of the issues of fact or law which the person intends to contest in any further proceeding involving the compliance matter which is the subject of the Proposed Remedial Order. The Statement shall set forth the findings of fact contained in the Proposed Remedial Order which are alleged to be erroneous, the factual basis for such allegations, and any alternative findings which are sought. The Statement shall include a discussion of all relevant authorities which support the position asserted. The Statement may include additional factual representations which are not referred to in the Proposed Remedial Order and which the person contends are material and relevant to the compliance proceeding. For each additional factual representation which the person asserts should be made, the Statement shall include reasons why the factual representation is relevant and material, and the manner in which its validity is or will be established. The person shall also specify the manner in which each additional issue of fact was raised in any prior administrative proceeding which led to issuance of the Proposed Remedial Order, or the reasons why it was not raised.

(c) A Statement of Objections that is filed by the person to whom a Proposed Remedial Order is directed shall include a copy of any relevant Notice of Probable Violation, each Response thereto, the Proposed Remedial Order, and any relevant work papers or supplemental information previously provided by ERA. Copies of this material must also be included with the copy of the Statement of Objections served upon the DOE Assistant General Counsel for Administrative Litigation. All other persons on the official service list must be notified that such materials are available from the notifier upon written request.

§ 205.197 Response to Statement of Objections; Reply.

(a) Within 30 days after service of a Statement of Objections each participant may file a Response. If any motions are served with the Statement of Objections, a participant shall have 30 days from the date of service to respond to such submissions, notwithstanding any shorter time periods otherwise required in this Subpart. The Response shall contain a full discussion of the position asserted and a discussion of the legal and factual bases which support that position. The Response may also contain a request that any issue of fact or law advanced in a Statement of Objections be dismissed. Any such request shall be accompanied by a full discussion of the reasons supporting the dismissal.

(b) A participant may submit a Reply to any Response within 10 days after the date of service of the Response.

§ 205.198 Discovery.

(a) If a person intends to file a Motion for Discovery, he must file it at the same time that he files his Statement of Objections or at the same time he files his Response to a Statement of Objections, whichever is earlier. All Motions for Discovery and related filings must be served upon the person to whom the discovery is directed. If the person to whom the discovery is directed is not on the official service list, the documents served upon him shall include a copy of this section, the address of the Office of Hearings and Appeals and a statement that objections to the Motion may be filed with the Office of Hearings and Appeals.

(b) A Motion for Discovery may request that:

(1) A person produce for inspection and photocopying non-privileged written material in his possession;

(2) A person respond to written interrogatories;

(3) A person admit to the genuineness of any relevant document or the truth of any relevant fact; or

(4) The deposition of a material witness be taken.

(c) A Motion for Discovery shall set forth the reasons why the particular discovery is necessary in order to obtain relevant and material evidence and shall explain why such discovery would not unduly delay the proceeding.

(d) Within 20 days after a Motion for Discovery is served, a participant or a person to whom the discovery is directed may file a request that the Motion be denied in whole or in part, stating the reasons which support the request.

(e) Discovery may be conducted only pursuant to an Order issued by the Office of Hearings and Appeals. A Motion for Discovery will be granted if it is concluded that discovery is necessary for the party to obtain relevant and material evidence and that discovery will not unduly delay the proceeding. Depositions will be permitted if a convincing showing is made that the participant cannot obtain the material sought through one of the other discovery means specified in paragraph (b) of this section.

(f) The Director of the Office of Hearings and Appeals or his designee may issue subpoenas in accordance with § 205.8 in support of Discovery Orders, except that § 205.8 (h)(2), (3), and (4) shall not apply to such subpoenas.

(g) The Office of Hearings and Appeals may order that any direct expenses incurred by a person to produce evidence pursuant to a Motion for Discovery be charged to the person who filed the Motion

(h)(1) If a person fails to comply with an order relating to discovery, the Office of Hearings and Appeals may order appropriate sanctions.

(2) It shall be the duty of aggrieved participants to request that appropriate relief be fashioned in such situations.

(i) Any order issued by the Office of Hearings and Appeals with respect to discovery shall be subject to further administrative review or appeal only upon issuance of the determination referred to in § 205.199B.

§ 205.198A Protective order.

A participant who has unsuccessfully attempted in writing to obtain information that another participant claims is confidential may file a Motion for Discovery and Protective Order. This motion shall meet the requirements of § 205.198 and shall specify the particular confidential information that the movant seeks and the reasons why the information is necessary to adequately present the movant's position in the proceeding. A copy of the written request for information, a certification concerning when and to whom it was served and a copy of the response, if any, shall be appended to the motion. The motion must give the possessor of the information notice that a Response to the Motion must be filed within ten days. The Response shall specify the safeguards, if any, that should be imposed if the information is ordered to be released. The Office of Hearings and Appeals may issue a Protective Order upon consideration of the Motion and the Response.

§ 205.199 Evidentiary hearing.

(a) *Filing Requirements.* At the time a person files a Statement of Objections he may also file a motion requesting an evidentiary hearing be convened. A motion requesting an evidentiary hearing may be filed by any other participant within 30 days after that participant is served with a Statement of Objections.

(b) *Contents of Motion for Evidentiary Hearing.* A Motion for Evidentiary Hearing shall specify each disputed issue of fact and the bases for the alternative findings the movant asserts. The movant shall also describe the manner in which each disputed issue of fact was raised in any prior administrative proceeding which led to issuance of the Proposed Remedial

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Order, or why it was not raised. The movant shall with respect to each disputed or alternative finding of fact:

(1) As specifically as possible, identify the witnesses whose testimony is required;

(2) State the reasons why the testimony of the witnesses is necessary; and

(3) State the reasons why the asserted position can be effectively established only through the direct questioning of witnesses at an evidentiary hearing.

(c) *Response to Motion for Evidentiary Hearing.* Within 20 days after service of any Motion for Evidentiary Hearing, the Office that issued the Proposed Remedial Order shall, and any other participant may file a Response with the Office of Hearings and Appeals. The Response shall specify:

(1) Each particular factual representation which is accepted as correct for purposes of the proceeding;

(2) Each particular factual representation which is denied;

(3) Each particular factual representation which the participant is not in a position to accept or deny;

(4) Each particular factual representation which is not accepted and the participant wishes proven by the submission of evidence;

(5) Each particular factual representation which the participant is prepared to dispute through the testimony of witnesses or the submission of verified documents; and

(6) Each particular factual representation which the participant asserts should be dismissed as immaterial or irrelevant.

(d) *Prehearing Conferences.* After all submissions with respect to a Motion for Evidentiary Hearing are filed, the Office of Hearings and Appeals may conduct conferences or hearings to resolve differences of view among the participants.

(e) *Decision on Motion for Evidentiary Hearing.* After considering all relevant information received in connection with the Motion, the Office of Hearings and Appeals shall enter an Order. In the Order the Office of Hearings and Appeals shall direct that an evidentiary hearing be convened if it concludes that a genuine dispute exists as to relevant and material issues of fact and an evidentiary hearing would substantially assist it in making findings of fact in an effective manner. If the Motion for Evidentiary Hearing is granted in whole or in part, the Order shall specify the parties to the hearing, any limitations on the participation of a party, and the issues of fact set forth for the evidentiary hearing. The Order may also require parties that have adopted similar positions to consolidate their presentations and to appear at the evidentiary hearing through a common representative. If the Motion is denied, the Order may allow the movant to file affidavits and other documents in support of his asserted findings of fact.

(f) *Review of Decision.* The Order of the Office of Hearings and Appeals with respect to a Motion for Evidentiary Hearing shall be subject to further administrative review or appeal only upon issuance of the determination referred to in § 205.199B.

(g) *Conduct of Evidentiary Hearing.* All evidentiary hearings convened pursuant to this section shall be conducted by the Director of the Office of Hearings and Appeals or his designee. At any evidentiary hearing the parties shall have the opportunity to present material evidence which directly relates to a particular issue of fact set forth for hearing. The presiding officer shall afford the parties an opportunity to cross examine all witnesses. The presiding officer may administer oaths and affirmations, rule on objections to the presentation of evidence, receive relevant material, rule on any motion to conform the Proposed Remedial Order to the evidence presented, rule on motions for continuance, dispose of procedural requests, determine the format of the hearing, modify any order granting a Motion for Evidentiary Hearing, direct that written motions or briefs be provided with respect to issues raised during the course of the hearing, issue subpoenas, and otherwise regulate the conduct of the hearing. The presiding officer may take reasonable measures to exclude duplicative material from the hearing, and may place appropriate limitations on the number of witnesses that may be called by a party. The presiding officer may also require that evidence be submitted through affidavits or other documents if the direct testimony of witnesses will unduly delay the orderly progress of the hearing and would not contribute to resolving the issues involved in the hearing. The provisions of § 205.8 which relate to subpoenas and witness fees shall apply to any evidentiary hearing, except that subsection § 205.8(h) (2), (3), and (4) shall not apply.

§ 205.199A Hearing for the purpose of oral argument only.

(a) A participant is entitled upon timely request to a hearing to present oral argument with respect to the Proposed Remedial Order, whether or not an evidentiary hearing is requested or convened. A participant's request shall normally be considered untimely, if made more than 10 days after service of a determination regarding any motion filed by the requestor or, if no motions were filed by him, if made after the date for filing his Reply or his Response to a Statement of Objections.

(b) If an evidentiary hearing is convened, and a hearing for oral argument is requested, the Office of Hearings and Appeals shall determine whether the hearing for oral argument shall be held in conjunction with the evidentiary hearing or at a separate time.

(c) A hearing for the purpose of receiving oral argument will generally be conducted only after the issues involved in the proceeding have been delineated, and any written material which the Office of Hearings and Appeals has requested to supplement a Statement of Objections or Responses has been submitted. The presiding officer may require further written submissions in support of any position advanced or issued at the hearing, and shall allow responses any such submissions.

§ 205.199B Remedial order.

(a) After considering all information received during the proceeding, the Director of the Office of Hearings and Appeals or his designee may issue a final Remedial Order. The Remedial Order may adopt the findings and conclusions contained in the Proposed Remedial Order or may modify or rescind any such finding or conclusion to conform the Order to the evidence or on the basis of a determination that the finding or conclusion is erroneous in fact or law or is arbitrary or capricious. In the alternative, the Office of Hearings and Appeals may determine that no Remedial Order should be issued or may remand all or a portion of the Proposed Remedial Order to the issuing DOE office for further consideration or modification. Every determination made pursuant to this section shall state the relevant facts and legal bases supporting the determination.

(b) The DOE shall serve a copy of any determination issued pursuant to paragraph (a) of this section upon the person to whom it is directed, any person who was served with a copy of the Proposed Remedial Order, the DOE office that issued the Proposed Remedial Order, the DOE Assistant General Counsel for Administrative Litigation and any other person on the official service list. Appropriate deletions may be made in the determinations to ensure that confidentiality of information protected from disclosure under 18 U.S.C. 1905 and 5 U.S.C. 552. A copy of the determination with appropriate deletions to protect confidential and proprietary data shall be placed in the Office of Hearings and Appeals Public Docket Room.

§ 205.199C Appeals of remedial order to FERC.

(a) The person to whom a Remedial Order is issued by the Office of Hearings and Appeals may file an administrative appeal if the Remedial Order proceeding was initiated by a Notice of Probable Violation issued after October 1, 1977, or, in those situations in which no Notice of Probable Violation was issued, if the proceeding was initiated by a Proposed Remedial Order issued after October 1, 1977.

(b) Any such appeal must be initiated within 30 days after service of the Order by giving written notice to the Office of Hearings and Appeals that the person to whom a Remedial Order is issued wishes to contest the Order.

(c) The Office of Hearings and Appeals shall promptly advise the Federal Energy Regulatory Commission of its receipt of a notice described in paragraph (b) of this section.

(d) The Office of Hearings and Appeals may, on a case by case basis, set reasonable time limits for the Federal Energy Regulatory Commission to complete its action on such an appeal proceeding.

(e) In order to exhaust administrative remedies, a person who is entitled to appeal a Remedial Order issued by the Office of Hearings and Appeals must file a timely appeal and await a decision on the merits. Any Remedial Order that is not appealed within the 30-day period shall become effective as a final Order of the DOE and is not subject to review by any court.

§ 205.199D Interim Remedial Order for Immediate Compliance.

(a) Notwithstanding the provisions of §§ 205.191 through 205.199C, the DOE may issue an Interim Remedial Order for Immediate Compliance, which shall be effective upon issuance and until rescinded or suspended, if it finds:

(1) There is a strong probability that a violation has occurred, is continuing or is about to occur;

(2) Irreparable harm will occur unless the violation is remedied immediately; and

(3) The public interest requires the avoidance of such irreparable harm through immediate compliance and waiver of the procedures afforded under §§ 205.191 through 205.199C.

(b) An Interim Remedial Order for Immediate Compliance shall be served promptly upon the person against whom such Order is issued by personal service, telex or telegram, with a copy served by registered or certified mail. The copy shall contain a written statement of the relevant facts and the legal basis for the Remedial Order for Immediate Compliance, including the findings required by paragraph (a) of this section.

(c) The DOE may rescind or suspend an Interim Remedial Order for Immediate Compliance if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a Notice of Probable Violation or Proposed Remedial Order issued under § 205.191 or § 205.192.

(d) If at any time in the course of a proceeding commenced by a Notice of Probable Violation or Proposed Remedial Order the criteria set forth in paragraph (a) of the section are satisfied, the DOE may issue an Interim Remedial Order for Immediate Compliance, even if the 30-day period for submitting a reply to that document has not expired.

(e) Any person who is aggrieved by an Interim Remedial Order for Immediate Compliance may contest the basis for the Order within 10 days after the issuance of the Interim Order by filing a Notice of Objection which meets the requirements of § 205.193. The person objecting to the issuance of the Interim Remedial Order for Immediate Compliance shall follow the procedures specified in §§ 205.192A through 205.199C to establish that the Interim Order is erroneous in fact or law or is arbitrary or capricious.

(f) Any aggrieved person who fails to file a timely Notice of Objection to the issuance of an Interim Remedial Order may no longer object to issuance of the Interim Order in final form. Under those circumstances, the Interim Order shall promptly be issued as a final Order of the DOE.

(g) After considering all information received during a proceeding convened pursuant to a Notice of Objection described in paragraph (e) of this section, the Director of the Office of Hearings and Appeals or his designee shall determine whether the Interim Order should be made permanent, should be modified, or should be rescinded. The general procedures in §§ 205.192 through 205.199C shall apply to any such determination.

(h)(1) Any person aggrieved by an Interim Order for Immediate compliance may file an Application for Temporary Stay or an Application for Stay of that Order with the Office of Hearings and Appeals. The Office of Hearings and Appeals shall decide an Application for Temporary Stay within two working days after receipt and an Application for Stay within 10 working days after receipt of the application.

(2) A person whose application for a Stay of an Interim Remedial Order is denied may appeal that denial to the Federal Energy Regulatory Commission. The Office of Hearings and Appeals may, on a case by case basis, set reasonable time limits for the Commission to complete action on any such appeal.

(3) After reaching a decision on an appeal involving an Application for Stay, the Federal Energy Regulatory Commission shall refer the matter back to the Office of Hearings and Appeals for proceedings on the merits of the Interim Remedial Order pursuant to paragraphs (e) through (g) of this section.

(i)(1) An administrative appeal to the Federal Energy Regulatory Commission from a Remedial Order for Immediate Compliance issued pursuant to paragraph (g) or this section must be filed within 30 days after service of the Order.

(2) A person who wishes to contest a Remedial Order for Immediate Compliance shall notify the Office of Hearings and Appeals within 30 days after service of the Order that he wishes to contest the Order, and the procedures of § 205.199C (c) and (d) shall apply to the appeal.

(3) In order to exhaust administrative remedies, a person must file an Appeal pursuant to the procedures set forth in this section and await an Order granting or denying the Appeal.

§ 205.199E Notice of Proposed Disallowance, Proposed Order of Disallowance, and Order of Disallowance.

(a) The ERA shall begin a proceeding under this section by issuing a Notice of Proposed Disallowance pursuant to the provisions of Parts 205 and 212 of this chapter.

(b) Within 30 days after service, the person upon whom the Notice of Proposed Disallowance is served may file a reply with the ERA office that issued the Notice. The ERA may extend the 30-day period for good cause shown.

(c) The reply shall set forth all relevant facts and law pertaining to the matter that is the subject of the Notice and be signed by the person filing it. In further proceedings regarding this act or transaction, the Office of Hearings and Appeals will decline to consider an issue that was not raised in the reply to the Notice of Probable Disallowance unless good cause is shown for the failure to raise the issue.

(d) The reply shall include a discussion of all relevant authorities which support the position asserted, including rulings, regulations, interpretations, and previous decisions issued by DOE or its predecessor agencies.

(e) A request for a conference regarding the Notice should be included in the reply.

(f) If a reply has not been filed with the ERA within the 30-day or extended period provided, the recipient shall be deemed to admit the accuracy

of the factual allegations and legal conclusions stated in the Notice of Proposed Disallowance, and the Notice shall become a Proposed Order of Disallowance.

(g) After consideration of any timely reply filed, the ERA may adopt, modify, or rescind the Notice of Proposed Disallowance and issue a Proposed Order of Disallowance. The Proposed Order shall set forth the relevant facts and legal bases for the conclusions reached therein.

(h) The procedures specified in §§ 205.192 through 205.199C shall be applicable to Proposed Orders of Disallowance, and shall govern the issuance of Orders of Disallowance and Appeals from Orders of Disallowance.

(i) An Order of Disallowance shall be effective upon issuance.

§ 205.199F Ex Parte Communications.

(a) No person who is not employed or otherwise supervised by the Office of Hearings and Appeals shall submit ex parte communications to the Director or any person employed or otherwise supervised by the Office with respect to any matter involved in Remedial Order or Order of Disallowance proceedings.

(1) Ex parte communications include any ex parte oral or written communications relative to the merits of a Proposed Remedial Order, Interim Remedial Order for Immediate Compliance, or Proposed Order of Disallowance proceeding pending before the Office of Hearings and Appeals. The term shall not, however, include requests for status reports, inquiries as to procedures, or the submission of proprietary or confidential information. Notice that proprietary or confidential submissions have been made shall be given to all persons on the official service list.

(b) If any communication occurs that violates the provisions of this section, the Office of Hearings and Appeals shall promptly make the substance of the communication available to the public and serve a copy of a written communication or a memorandum summarizing an oral communication to all participants in the affected proceeding. The Office of Hearings and Appeals may also take any other appropriate action to mitigate the adverse impact to any person whose interest may be affected by the ex parte contact.

§205.199G Extension of Time; Interim and Ancillary Orders.

The Director of the Office of Hearings and Appeals or his designee may permit upon motion any document or submission referred to in this subpart other than appeals to FERC to be amended or withdrawn after it has been filed or to be filed within a time period different from that specified in this subpart. The Director or his designee may upon motion or on his own initiative issue any interim or ancillary Orders, reconsider any determinations, or make any rulings or determinations that are deemed necessary to ensure that the proceedings specified in this Subpart are conducted in an appropriate manner and are not unduly delayed.

§ 205.199H Actions Not Subject to Administrative Appeal.

A Notice of Probable Violation, Notice of Proposed Disallowance, Proposed Remedial Order or Interim Remedial Order for Immediate Compliance issued pursuant to this subpart shall not be an action from which there may be an administrative appeal pursuant to Subpart H. In addition, a determination by the Office of Hearings and Appeals that a Remedial Order, an Order of Disallowance, or a Remedial Order for Immediate Compliance should not be issued shall not be appealable pursuant to Subpart H.

§ 205.199I Remedies.

(a) a Remedial Order, A Remedial Order for Immediate Compliance, an Order of Disallowance, or a Consent Order may require the person to whom it is directed to roll back prices, to make refunds equal to the amount (plus interest) charged in excess of those amounts permitted under DOE Regulations, to make appropriate compensation to third persons for administrative expenses of effectuating appropriate remedies, and to take such other action as the DOE determines is necessary to eliminate or to compensate for the effects of a violation or any cost disallowance pursuant to § 212.83 or § 212.84. Such action may include a direction to the person to whom the Order is issued to establish an escrow account or take other measures to make refunds directly to purchasers of the products involved, notwithstanding the fact that those purchasers obtained such products from an intermediate distributor of such person's products, and may require as part of the remedy that the person to whom the Order is issued maintain his prices at certain designated levels, notwithstanding the presence or absence of other regulatory controls on such person's prices. In cases where purchasers cannot be reasonably identified or paid or where the amount of each purchaser's overcharge is incapable of reasonable determination, the DOE may refund the amounts received in such cases directly to the Treasury of the United States on behalf of such purchasers.

(b) The DOE may, when appropriate, issue final Orders ancillary to a Remedial Order, Remedial Order for Immediate Compliance, Order of Disallowance, or Consent Order requiring that a direct or indirect recipient of a refund pass through, by such means as the DOE deems appropriate, including those described in paragraph (a) of this section, all or a portion of the refund, on a pro rata basis, to those customers of the recipient who were adversely affected by the initial overcharge. Ancillary Orders may be appealed to the Office of Hearings and Appeals only pursuant to Subpart H.

§ 205.199J Consent Order.

(a) Notwithstanding any other provision of this subpart, the DOE may at any time resolve an outstanding compliance investigation or proceeding, or a proceeding involving the disallowance of costs pursuant to § 205.199E with a Consent Order. A Consent Order must be signed by the person to whom it is issued, or a duly authorized representative, and must indicate agreement to the terms contained therein. A Consent Order need not constitute an admission by any person that DOE regulations have been violated, nor need it constitute a finding by the DOE that such person has violated DOE regulations. A Consent Order shall, however, set forth the relevant facts which form the basis for the Order.

(b) A Consent Order is a final Order of the DOE having the same force and effect as a Remedial Order issued pursuant to § 205.199B or an Order of Disallowance issued pursuant to § 205.199E, and may require one or more of the remedies authorized by § 205.199I and § 212.84(d)(3). A Consent Order becomes effective no sooner than 30 days after publication under paragraph (c) of this section, unless (1) the DOE makes a Consent Order effective immediately, because it expressly deems it necessary in the public interest, or (2) the Consent Order involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, in which case it will be effective when signed both by the person to whom it is issued and the DOE, and will not be subject to the provisions of paragraph (c) of this section unless the DOE determines otherwise. A Consent Order shall not be appealable pursuant to the provisions of § 205.199C or § 205.199D and Subpart H, and shall contain an express waiver of such appeal or judicial review rights as might otherwise attach to a final Order of the DOE.

(c) Wwhen a Consent Order has been signed, both by the person to whom it is issued and the DOE, the DOE will publish notice of such Consent Order in the FEDERAL REGISTER and in a press release to be issued simultaneously therewith. The FEDERAL REGISTER notice and the press release will state at a minimum the name of the company concerned, a brief summary of the Consent Order and other facts or allegations relevant thereto, the address and telephone number of the DOE office at which copies of the Consent Order will be available free of charge, the address to which comments on the Consent Order will be received by the DOE, and the date by which such comments should be submitted, which date will not be less than 30 days after publication of the FEDERAL REGISTER notice. After the expiration of the comment period the DOE may withdraw its agreement to the Consent Order, attempt to negotiate a modification of the Consent Order, or issue the Consent Order as signed. The DOE will publish in the FEDERAL REGISTER, and by press release, notice of any action taken on a Consent Order and such explanation of the action taken as deemed appropriate. The provisions of this paragraph shall be applicable notwithstanding the fact that a Consent Order may have been made immediately effective pursuant to paragraph (b) of this section (except in cases where the Consent Order involves sums of less than $500,000 in the aggregate, excluding penalties and interest).

(d) At any time and in accordance with the procedures of Subpart J, a Consent Order may be modified or rescinded, upon petition by the person to whom the Consent Order was issued, and may be rescinded by the DOE upon discovery of new evidence which is materially inconsistent with evidence upon which the DOE's acceptance of the Consent Order was based. Modifications of a Consent Order which is subject to public comment under the provisions of paragraph (c) of this section, which in the opinion of the DOE significantly change the terms or the impact of the original Order, shall be republished under the provisions of that paragraph.

(e) Notwithstanding the issuance of a Consent Order, the DOE may seek civil or criminal penalties or compromise civil penalties pursuant to Subpart P concerning matters encompassed by the Consent Order, unless the Consent Order by its terms expressly precludes the DOE from so doing.

(f) If at any time after a Consent Order becomes effective it appears to the DOE that the terms of the Consent Order have been violated, the DOE may refer such violations to the Department of Justice for appropriate action in accordance with Subpart P.

[FR Doc. 79-4251 Filed 2-6-79; 8:45 am]

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Federal Register

WEDNESDAY, FEBRUARY 7, 1979

PART V



DEPARTMENT OF ENERGY

Economic Regulatory Administration

PROPANE DEREGULATION

Inquiry

V 4 4 / 2 7 F E 7 7 9 UMI

[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Parts 210, 211, 212]

[Docket No. ERA-R-79-3]

PROPANE DEREGULATION

Inquiry

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of inquiry.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is presently considering whether current and foreseeable future market conditions may warrant exempting natural gas liquids (NGLs) or one or more particular NGL products (propane, butane and natural gasoline) from the Mandatory Petroleum Allocation and Price Regulations. We are presently assembling detailed data with respect to whether preliminary findings and views pertinent to the exemption of butane and natural gasoline can and should be made, and we may issue a Notice of Proposed rulemaking in the near future concerning these two products. The purpose of this Notice is to obtain comments and data with respect to the exemption of propane, to aid us in our evaluation of whether we can and should propose the exemption of that product. This Notice is *not* a proposal to deregulate propane, but a preliminary step to determine whether such a proposal would be appropriate.

DATE: Submit comments by April 6, 1979, 4:30 p.m.

ADDRESS: Send comments to: Department of Energy, Economic Regulatory Administration, Office of Public Hearing Management, Docket No. ERA-R-79-3, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Office of Public Hearing Management), Economic Regulatory Administration, Room 2222 A, 2000 M Street, NW., Washington, D.C. 20461 (202) 254-5201.

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B 110, 2000 M Street, NW., Washington, D.C. 20461 (202) 634-2170.

Gerald P. Emmer (Office of Petroleum Allocation Regulations), Economic Regulatory Administration, Room 2304, 2000 M Street, NW., Washington, D.C. 20461 (202) 254-7200.

Jack O. Kendall (Office of General Counsel), Room 6A 127, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-6749.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Specific Requests for Comments
III. Comment Procedures

Introduction

We have begun analysis to determine whether current and foreseeable future propane market conditions would warrant a proposal on our part to exempt propane from the Mandatory Allocation and Price Regulations promulgated under the Emergency Petroleum Allocation Act of 1973, as amended (EPAA, Pub. L. 93-159). We are issuing this Notice of Inquiry to obtain comments and data on the potential impacts of the deregulation of propane, with a view to determining whether we can and should propose the deregulation of this product. In order to make a preliminary determination as to whether the exemption of propane would be consistent with the public policy objectives specified in section 4(b)(1) of the EPAA, we generally request comments, and such data as is reasonably available to commenters, concerning the adequacy of projected propane supplies to satisfy potential users, especially for priority uses, and also as to whether equitable distribution of these supplies at equitable prices in all regions of the nation would occur in an unregulated market.

On August 10, 1978, the Federal Energy Regulatory Commission (FERC), in the exercise of its discretionary authority under section 404 of the Department of Energy Organization Act (Pub. L. 95-91), issued a Notice of Hearing and Opportunity for Comment (43 FR 36264, August 16, 1978) concerning the ERA's proposed final rule on the allocation of propane and other NGLs. The FERC's Notice requested comments regarding several specific issues, including "(w)hether, if the (NGLs) market is expected to be in a surplus condition, allocation and price regulations should be maintained on other than a standby basis." A public hearing on the proposed final rule and related questions was held on September 22, 1978. A number of commenters addressed the issue of propane deregulation in their responses. While most of these commenters favored deregulation of propane, some small marketers expressed concern as to whether access to supplies at reasonable prices could be assured in the event propane were deregulated. In addition, retail dealers' associations, independent petrochemical producers, and traditional gas utility users indicated that continued restrictions on the use of propane by new gas utility users and as synthetic natural gas (SNG) feedstock might be necessary in the event of propane deregulation.

It should be emphasized that we will not be considering the question of deregulation of propane in isolation from the question of deregulation of butane and natural gasoline as well as NGL mixtures. Thus, if we decide to propose propane deregulation after considering all comments received in response to this Notice of Inquiry, we do not intend to issue such a proposal prior to the issuance of proposals to deregulate butane and natural gasoline. We are presently developing detailed data covering butane and natural gasoline, and we may issue proposals concerning their deregulation in the near future. However, although all NGL products have related manufacturing processes, we do appreciate that there are potentially significant differences between propane, on the one hand, and butane and natural gasoline, on the other, insofar as their uses and users are concerned. For this reason, a proposal to deregulate any particular NGL product will also seek comments as to the appropriate treatment of mixed NGLs in the event some but not necessarily all NGL products are deregulated. It is also out of recognition of the potential differences between NGL products that we are seeking preliminary information from the public concerning propane in particular.

II. Specific Requests for Comments

While we are generally requesting any comments relevant in determining whether we should propose the exemption of propane from allocation and price regulations, we are specifically soliciting comments on the following issues:

A. Supply, Demand, and Price Forecasts

1. What would short-term (1979, 1980, and 1981) and mid-term (1985) supplies of propane and product mixtures containing propane from gas plants, from refineries, and from specific sources of imports (include analysis of factors affecting the availability of such imports) be (a) if propane is deregulated, and (b) if current regulations are continued?

2. What would short-term (1979, 1980, and 1981) and mid-term (1985) demand for propane and product mixtures containing propane for residential and commerical use, for industrial use, for gas utility use, for petrochemical feedstock use, for SNG feedstock use, and for all other uses (including argicultural use) be (a) if propane is deregulated, and (b) if current regulations are continued?

3. What would short-term (1979, 1980, and 1981) and mid-term (1985) prices of propane and product mixtures containing propane at the producer level for each supply source listed in question 1 above and at the marketer level for each demand sector listed in question 2 above be (a) if propane is deregulated, and (b) if current regulations are continued? What factors affect these prices in the United States and in the world market generally?

B. Adequacy of Supply

4. What additional transportation, import terminal, and storage facilities are likely to be built? When would construction of these facilities be completed? What would be the supply capacities of these facilities? What regions of the country would be served by these facilities? What effect, if any, might deregulation have investment in such facilities?

5. In the event of deregulation, would propane demand by certain consuming sectors be likely to grow relative to demand by other sectors? If so, could this cause potential supply disruptions or price impacts that might warrant retention or reimposition of regulations limiting propane use by certain sectors (e.g., gas utility use, SNG use, and industrial fuel use other than process or plant protection use)?

6. In the event of deregulation, would the reduction or interruption of supplies to any class of marketer, class of consumer, or any region of the country be likely? If so, why might such a reduction or interruption occur?

C. Profitability and Competition

7. What were the May 1973 profit margins for each level of the marketing chains of integrated marketers and independent producers and marketers? What are the current margins for each of these marketers? What would the short-term (1979, 1980, and 1981) and mid-term (1985) margins for these marketers be (a) if propane is deregulated, and (b) if current regulations are continued?

8. How viable are small and independent marketers currently in maintaining a competitive position with respect to larger marketers? How would this situation be affected, if at all, by deregulation?

D. Rate Structures

9. Propane price rate structures appear in some instances to increase the unit cost to consumers as consumption decreases. How widespread are quantity discounts, declining block rates, and other propane rate structures which involve a lower per unit cost to larger consumers? What factors contribute to the use of such price schedules? Since in many cases the structuring of rates to afford preferences to larger consumers is a continuation of business practices that existed in May 1973, what effects might deregulation of propane have on prices paid by various consumer classes?

10. What effects on energy conservation efforts by consumers would rate structures which lower the unit cost of propane as consumption increases have (a) if propane is deregulated, and (b) if current regulations are continued? What action, if any, can and should we take to remove any such disincentives to energy conservation (a) if propane is deregulated, and (b) if propane is not deregulated?

11. With regard to questions 9 and 10 above, would it be feasible to require that a single rate structure be used in all sales to determine that portion of a seller's charge which is attributable to such seller's product costs? If so, should separate invoicing be required in sales to end-users to distinguish that portion of the price attributable to the seller's product costs from that portion of the price attributable to nonproduct costs?

III. Comment Procedures

You are invited to participate in this proceeding by submitting data, views or arguments with respect to the issues set forth in this Notice of Inquiry. All comments shoul be submitted by 4:30 p.m., e.s.t., April 6, 1979 to the Department of Energy, Economic Regulatory Administration, Office of Public Hearing Management, Docket No. ERA-R-79-3, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461. Comments should be indentified on the outside envelope and on documents submitted with the designation "Propane Deregulations—Notice of Inquiry," Docket No. ERA-R-79-3. Fifteen copies should be submitted. All comments received by the ERA will be available for public inspection in the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4.30 p.m., Monday through Friday.

Any information or data you consider to be confidential must be identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

Issued in Washington, D.C., January 30, 1979.

David J. Bardin,
Administrator, Economic Regulatory Administration.

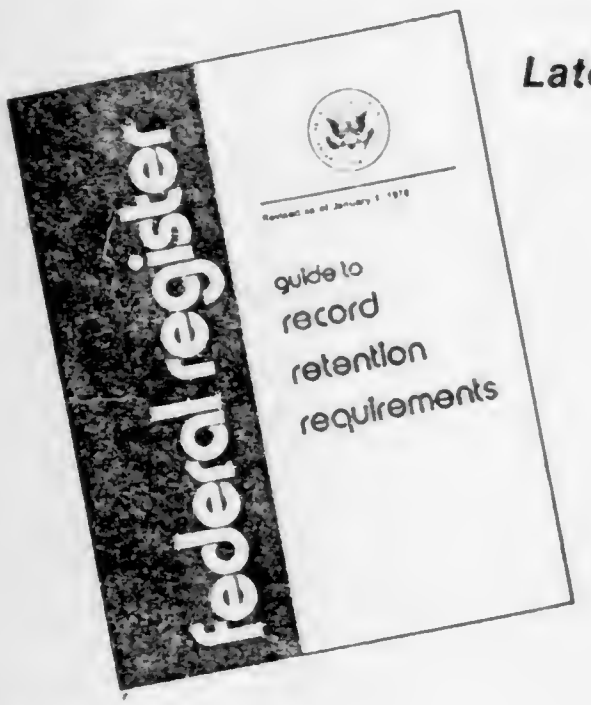
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THURSDAY, FEBRUARY 8, 1979

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Title 3—
The President

Executive Order 12117 of February 6, 1979

Imports From Uganda

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide for the consistent implementation of import restrictions imposed against Uganda by Section 5(c) of the Act of October 10, 1978 (92 Stat. 1051), it is hereby ordered as follows:

1–101. The Secretary of the Treasury shall administer those provisions of Section 5(c) of the Act of October 10, 1978 (Public Law 95–435; 92 Stat. 1051; 22 U.S.C. 2151 note) which prohibit a corporation, institution, group or individual from importing, directly or indirectly, into the United States or its territories or possessions any article grown, produced, or manufactured in Uganda. The Secretary of the Treasury shall issue such regulations that the Secretary deems necessary to implement those import restrictions. Prior to issuing those regulations the Secretary of the Treasury shall consult with the Secretary of State.

1–102. The Secretary of State shall advise the President whenever the Secretary believes that "the Government of Uganda is no longer committing a consistent pattern of gross violations of human rights" within the meaning of Section 5(c) of the Act of October 10, 1978.

1–103. If the President determines that the Government of Uganda is no longer committing a consistent pattern of gross violations of human rights, he shall so certify to the Congress. Thereafter, the Secretary of the Treasury shall revoke the regulations issued pursuant to this Order.

Jimmy Carter

THE WHITE HOUSE,
February 6, 1979.

[FR Doc. 79–4580
Filed 2–7–79; 11:44 am]

Billing code 3195–01–M

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Executive Order 12118 of February 6, 1979

Administration of Security Assistance Programs

By the authority vested in me as President of the United States of America by Section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and Section 301 of Title 3 of the United States Code, in order to delegate certain responsibilities to the Secretary of State and the Secretary of Defense and to reserve others to the President, it is hereby ordered as follows:

1–101. Section 201(a) of Executive Order No. 10973, as amended, relating to the administration of foreign assistance, is further amended by deleting "(except chapter 4 thereof)" and inserting in lieu thereof "(except chapters 4 and 6 thereof)".

1–102. In Section 201 of Executive Order No. 10973, as amended, a new subsection (c) is added as follows:

"(c) Those functions under Section 634A of the Act, to the extent that they relate to notifications to the Congress concerning changes in programs under Part II of the Act (except chapters 4 and 6 thereof), subject to prior consultation with the Secretary of State.".

1–103. Section 201(d) of Executive Order No. 10973, as amended, is revoked.

1–104. Section 203(a) of Executive Order No. 10973, as amended, is further amended to read as follows:

"(a) Those under Section 502B of the Act.".

1–105. Section 401(c) of Executive Order No. 10973, as amended, is further amended by adding "515(f)," immediately after "506(a)," and by deleting "634(c), 663(a), and 669(b)(1)" and inserting in lieu thereof "633A, 663(a), 669(b)(1), and 670(b)(1)".

1–106. Section 401(g) of Executive Order No. 10973, as amended, is revised to read as follows:

"(g) Those under Section 607 of the Foreign Assistance and Related Programs Appropriations Act, 1979 (92 Stat. 1591), with respect to findings.".

1–107. Executive Order No. 11958 of January 18, 1977, entitled "Administration of Arms Export Controls," is amended in Section 1(a) by deleting "(c)(3) and (c)(4)" and inserting in lieu thereof "(c)(3), (c)(4), and (f)".

Jimmy Carter

THE WHITE HOUSE,
February 6, 1979.

[FR Doc. 79–4583
Filed 2–7–79; 11:51 am]

Billing code 3195–01–M

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 452; Navel Orange Reg. 451, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 9-15, 1979, and increases the quantity of such oranges that may be so shipped during the period February 2-8, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective February 9, 1979, and the amendment is effective for the period February 2-8, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on February 5, and 6, 1979 to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges remains good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.752 Navel Orange Regulation 452.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 9, 1979, through February 15, 1979, are established as follows:

(1) District 1: 850,000 cartons;
(2) District 2: 150,000 cartons;
(3) District 3: unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

§ 907.751 [Amended]

Paragraph (a)(1) in § 907.751 Navel Orange Regulation 451 (44 FR 6350, 6351), is hereby amended to read:

(a) • • •

(1) District 1: 1,000,000 cartons;

• • • • • •

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated: February 7, 1979.

CHARLES R. BRADER,
Acting Director Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-4579 Filed 2-7-79; 11:37 am]

[3410-02-M]

[Amdt. 3]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This emergency amendment relieves the Sunday packaging prohibition on February 4, 11, and 18, 1979, to allow the industry additional time to pack its marketable lettuce as poor weather in the production area is expected to interfere with lettuce harvesting. It will promote orderly marketing and benefit consumers by making additional lettuce available.

EFFECTIVE DATE: February 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447-4722.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 114 and Order No. 971 regulate the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricul-

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tural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment is based upon recommendations made on February 1 by the South Texas Lettuce Committee, which was established under the order and is responsible for its local administration. The industry needs additional time to package lettuce before cold weather in the production area adversely affects it. Therefore the committee requested relief on February 4, 11, and 18, 1979, from the Sunday packaging prohibition.

EMERGENCY FINDINGS: It is hereby found that the amendment which follows will tend to effectuate the declared policy of the act. It is further found that due to the emergency it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers and consumers are to derive any benefits from it, (2) compliance with this amendment will not require any special preparation on the part of handlers, and (3) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Regulation, as amended. In § 971.319 (43 FR 53704, 58355; 44 FR 2165) the last sentence in the introductory paragraph is hereby amended by adding the following to it:

§ 971.319 **Handling regulation.**

* * *, except that the prohibition against the packing of lettuce on Sundays shall not apply on February 4, 11, and 18, 1979.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).)

Effective date. Dated February 2, 1979, to become effective February 4, 1979.

NOTE.—This regulation has not been determined significant under Executive Order 12044.

WILLIAM J. HIGGINS,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-4287 Filed 2-7-79; 8:45 am]

[6210-01-M]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

PART 226—TRUTH IN LENDING

Publication in CFR of Supplements I Through VI to Regulation Z

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Publication in CFR of Supplements I through VI to Regulation Z.

SUMMARY: The Board is publishing in the CFR Supplements I through VI. These Supplements contain regulatory material concerning the calculation of annual percentage rates and certain State exemptions from the Truth in Lending Act. Publication in the CFR will make these regulations more available to the public, but does not change the substance or effect of the Supplements.

FOR FURTHER INFORMATION CONTACT:

Glenn E. Loney, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Telephone: (202) 452-3867.

SUPPLEMENTARY INFORMATION: The Board, after consultation with the Office of the Federal Register, has decided to publish in 12 CFR Part 226 (Regulation Z) Supplements I through VI, which were published in the FEDERAL REGISTER as final rules. Set forth in the table below are the dates of original publication and amendment, if any, in the FEDERAL REGISTER. The right hand column contains the section number in Part 226 for each of the Supplements. No substantive changes have been made in these Supplements.

Supplement I (34 FR 2017) February 12, 1969, § 226.40.
Supplement II (34 FR 12330) July 28, 1969, § 226.50; as amended at (35 FR 7550) May 15, 1970; (35 FR 10358) June 25, 1970; (35 FR 11992) July 25, 1970; (37 FR 24105) November 14, 1972, § 226.55.
Supplement IV (36 FR 1041) January 22, 1971, § 226.60.
Supplement V (41 FR 55329) December 20, 1976, § 226.70.
Supplement VI (43 FR 21319) May 17, 1978; as amended at (43 FR 22928) May 30, 1978, § 226.80.

Supplement I contains the general rule and equations for determining the annual percentage rate pursuant to § 226.5(b). Supplement II contains procedures and criteria for State exemption form Chapter 2 of the Truth in Lending Act. Supplement III contains current State exemptions from Chapter 2 of the Truth In Lending Act. Supplement IV contains procedures and criteria for State exemption from §§ 132-135 of the Truth in Lending Act. Supplement V contains procedures and criteria for State exemptions from the Fair Credit Billing Act. Supplement VI contains procedures and criteria for State exemptions from the Consumer Leasing Act.

Board of Governors, February 1, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4318 Filed 2-7-79; 8:45 am]

[1505-01-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 78-EA-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Pittstown N.J.

Correction

In FR Doc. 79-2950 appearing on page 5646 in the issue for Monday, January 29, 1979, second column, the EFFECTIVE DATE should read "January 29, 1979".

[1505-01-M]

[Airspace Docket No. 78-EA-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Transition Areas: Harrisburg and Annville, Pa.

Correction

In FR Doc. 79-2951 appearing on page 5647, in the issue for Monday, January 29, 1979, third column, the EFFECTIVE DATE should read "January 29, 1979".

[1505-01-M]

[Airspace Docket No. 78-EA-102]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area: N. Philadelphia, Pa.

Correction

In FR Doc. 79-2953 appearing on page 5648, in the issue for Monday, January 29, 1979, first column, the EFFECTIVE DATE should read "January 29, 1979".

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2949]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Art Instruction Schools, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Minneapolis, Minn. firm engaged in the formulation and sale of home study courses, its subsidiary, Art Instruction Schools, Inc. (AIS), and its New York City advertising agency to cease misrepresenting the need or demand for AIS graduates; and the employment opportunities, potential earnings, and job placement assistance available to graduates. The companies would be further prohibited from misrepresenting student selectivity; the quality of their courses; and the lack of additional costs and cancellation penalties. The order would also require that prospective enrollees be provided with prescribed information relating to the job success of former students; and informed of cancellation and refund rights. Additionally, the order would require that the companies make proper restitution to former eligible students; maintain particular records; and institute a surveillance program designed to ensure compliance with the terms of the order.

DATES: Complaint and order issued Jan. 10, 1979.[1]

FOR FURTHER INFORMATION CONTACT:

Paul W. Turley, Director, 3R, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603. (312) 353-4423.

SUPPLEMENTARY INFORMATION: On Thursday, November 2, 1978, there was published in the FEDERAL REGISTER, 43 FR 51031, a proposed consent agreement with analysis In the Matter of Bureau of Engraving, Inc., a corporation, Art Instruction Schools, Inc., a corporation, and Bozell & Jacobs, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10-1 Availability of merchandise and/or facilities; 13.10-5 Knowingly by advertising agent; § 13.15 Business status, advantages, or connections; 13.15-20 Business methods and policies; 13.15-35 Contracts and obligations; 13.15-195 Nature; 13.15-245 Prospects; 13.15-275 Stock, product, or service. § 13.55 Demand, business or other opportunities; § 13.160 Earnings and profits; § 13.90 History of product or offering; § 13.115 Jobs and employment service; § 13.125 Limited offers or supply; § 13.143 Opportunities; § 13.155 Prices; 13.155-5 Additional charges unmentioned; § 13.60 Promotional sales plan; § 13.175 Quality of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.250 Success, use or standing; § 13.285 Value. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-55 Refunds, rebates and/or credits. Subpart—Delaying Or Withholding Corrections, Adjustments Or Action Owed: § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1370 Business methods, policies, and practices.—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1610 Demand for or business opportunities; § 13.1625 Free goods or services; § 13.1650 History of product; § 13.1670 Jobs and employment; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use or standing; § 13.1760 Terms and conditions; 13.1760-50 Sales contract; § 13.1775 Value; —Prices: § 13.1778 Additional costs unmentioned.—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1854 History of products; § 13.1863 Limitations of product; § 13.1882 Prices; 13.1882-10 Additional prices unmentioned; § 13.1885 Qualities or properties; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905-50 Sales contract. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase Or Deal: § 13.1935 Earnings and profits; § 13.1960 Free service; § 13.1995 Job guarantee and employment; § 13.2000 Limited offers or supply; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4292 Filed 2-7-79; 8:45 am]

[1] Copies of the Complaint and Decision and Order filed with the original document.

[6750-01-M]

[Docket C-2948]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Kelcor Corp., et al.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Dallas, Texas finance company to cease, in connection with the extension of consumer credit, failing to compute finance charges and provide relevant disclosures in the manner and form required by Federal Reserve System regulations.

DATES: Complaint and order issued January 8, 1979.[1]

FOR FURTHER INFORMATION CONTACT:

Juereta P. Smith, Director, 5R, Dallas Regional Office, Federal

[1] Copies of the Complaint and Decision and Order filed with the original document.

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Trade Commission, 2001 Bryan St., Suite 2665, Dallas, Texas 75201, (214) 749-3056.

SUPPLEMENTARY INFORMATION: On Wednesday, October 25, 1978, there was published in the FEDERAL REGISTER, 43 FR 49818, a proposed consent agreement with analysis In the Matter of Kelcor Corporation, a corporation, and C. K. Wingo, individually and as an officer of said corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been filed, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly:§ 13.55 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures. Subpart-Failing To Provide Foreign Language Translations: § 13.1052 Failing to provide foreign language translations. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1623 Formal regulatory and statutory requirements; 13.1623-95 Truth in Lending Act.—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-40 Insurance coverage; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 148, 147 (15 U.S.C. 45, 1601, et seq.))

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4365 Filed 2-7-79; 8:45 am]

[6450-01-M]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

SUBCHAPTER H—REGULATION OF NATURAL GAS SALES UNDER THE NATURAL GAS POLICY ACT OF 1978

PART 270—RULES GENERALLY APPLICABLE TO REGULATED SALES OF NATURAL GAS

[Docket No. RM79-3]

Order Granting Rehearing for Purposes of Further Consideration and Denying Stay

JANUARY 29, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order granting rehearing of application for reconsideration of Section 270.203 of the NGPA Interim Regulations and denying stay.

SUMMARY: Consolidated Gas Supply Corporation filed an application on December 29, 1978, for reconsideration and stay of Section 270.203 of the Commission's interim regulations implementing the Natural Gas Policy Act of 1978. This order grants rehearing solely for purposes of further consideration of the regulation. Consolidated's application for stay is denied for lack of showing of good cause.

EFFECTIVE DATE: January 29, 1979.

FOR FURTHER INFORMATION CONTACT:

Mark Magnuson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 275-4286.

SUPPLEMENTARY INFORMATION: On December 29, 1978, Consolidated Gas Supply Corporation (Consolidated) filed an application for reconsideration and stay of Section 270.203 of the Commission's interim regulations implementing the Natural Gas Policy Act of 1978 (NGPA). On January 3, 1979, the Commission issued Order No. 21,[1] which prescribed a final regulation providing for a rehearing procedure for rules or orders issued under the NGPA. Inasmuch as there was no specific provision for filing petitions for rehearing of the NGPA rules at the time this application was filed, we will treat Consolidated's application for reconsideration as an application for rehearing under section 286.102 of our Regulations under the NGPA.

Since the regulation in question is an interim regulation and since the Commission wishes to consider public comments on the validity of all its interim regulations, we will grant Consolidated's application for rehearing solely for purposes of further consideration. This action does not constitute a grant or denial of the application on its merits in whole or in part. As provided in Section 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the applications for rehearing will be entertained by the Commission, since this order does not grant rehearing on any substantive issues.

In support of its motion for stay [2] applicant states that the regulation in question "has the impermissible effect of setting a lower ceiling price than that permitted by the NGPA," and that it would suffer irreparable injury in that it would be permanently deprived of revenues to which it is entitled under the NGPA.

We are unconvinced by Consolidated's allegations of irreparable harm. In the event a court determines that this regulation is unlawful, this Commission could authorize the collection of revenues denied by this provision through surcharges.[3] Accordingly, Consolidated has not shown good cause for a stay of § 270.203 of the Interim Regulations and we shall deny Consolidated's application for stay.

The Commission orders:

(A) Rehearing is granted solely for purposes of further consideration.

(B) Consolidated's application for stay is denied.

By the Commission. Commissioner Holden voted present.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4301 Filed 2-7-79; 8:45 am]

[6560-01-M]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[1] Docket No. RM79-12.

[2] Order No. 20, issued in Docket No. RM79-9 prescribes a procedure for applying for stay of interim regulations under the NGPA.

[3] See orders issued June 27, 1978, in Docket No. AR61-2 *et al.*, and July 31, 1978, in Docket No. AR69-1.

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 1057-4; FAP 6H5147/R46]

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Chlorpyrifos

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR 193.85 by establishing a food additive regulation for the insecticide chlorpyrifos in food-handling establishments. The regulation was requested by Herculite Protective Fabrics Corp. This rule establishes a regulation permitting the use of chlorpyrifos in impregnated tape as general treatment in food-handling establishments.

EFFECTIVE DATE: Effective on February 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Sanders, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC 20460 (202-426-9425).

SUPPLEMENTARY INFORMATION: On October 22, 1976, notice was given (41 FR 46645) that Herculite Protective Fabrics Corp., 1107 Broadway, New York, NY 10010, had filed a petition (FAP 6H5147) with the EPA. This petition proposed that 21 CFR 193.85 be amended by establishing a regulation permitting use of the insecticide chlorpyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) in a controlled/release insect tape as a general treatment in food areas of food-handling establishments including, but not limited to, restaurants, grocery stores, bakeries, bottling plants, canneries, and grain mills. The controlled-release product shall be limited to a maximum of 10% by weight of the active ingredient.

Subsequently, the term "insect tape" was changed to "impregnated tape," and the second sentence was changed to read: "The active ingredient shall be limited to a maximum of 10% by weight of the controlled-release product." No comments were received by the Agency in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed regulation included a two-year rat feeding/oncogenicity study and a dog feeding study with no-observable-effect levels (NOEL) of 0.1 milligram (mg)/kilogram (kg) of body weight (bw)/day, a three-generation rat reproduction study with no effects to 1 mg/kg bw/day, and an acute delayed neurotoxicity study on hens (negative at up to 100 mg/kg bw).

Based on the two-year rat feeding/oncogenicity study with a 0.1 mg/kg bw/day NOEL and using a 10-fold safety factor, the acceptable daily intake (ADI) for man is 0.01 mg/kg bw/day. The theoretical maximal residue contribution (TMRC) in the human diet from the proposed tolerance does not exceed the ADI.

Desirable data that are lacking from the petition are a lifetime oncogenic study and a teratology study. The oncogenic study is expected to be completed by May 1979 and the teratology study is expected to be submitted in early 1979. The petitioner in a letter dated October 4, 1978, agreed to voluntarily delete the use of chlorpyrifos in food areas of food handling establishments from the label should the teratology and lifetime oncogenic study exceed the risk criteria for chronic toxicity in 40 CFR 162.11.

The metabolism of chlorpyrifos is adequately understood, and an adequate analytical method (PAM I multiresidue method with a flame photometric detector in a phosphorus mode) is available for enforcement purposes. Tolerances have previously been established (40 CFR 180.342) on a variety of raw agricultural commodities at levels ranging from 1 ppm to 0.01 ppm. A food additive regulation has also been established permitting use of chlorpyrifos for spot and/or crack and crevice treatment in food handling establishments. No actions are currently pending against continued registration of chlorpyrifos, nor are any other relevant considerations involved in establishing the proposed regulation. The pesticide is considered useful for the purpose for which the regulation is sought and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136). Therefore the regulation amending 21 CFR 193.85 is being promulgated as changed. Accordingly a food additive regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before March 12, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on February 8, 1979, 21 CFR 193.85 is amended as set forth below.

(Sec. 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)).)

Dated: February 3, 1979.

JAMES M. CONLON,
Deputy Assistant Administrator for Pesticide Programs.

Part 193, Subpart A, § 193.85 is revised to read as follows:

§ 193.85 Chlorpyrifos.

The food additive chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] may be safely used in accordance with the following prescribed conditions.

(a) Direct application shall be limited solely to spot and/or crack and crevice treatment in food-handling establishments where food and food products are held, processed, prepared, or served. Spray concentration shall be limited to a maximum of 0.5% active ingredient. For crack and crevice treatment, equipment capable of delivering a pin-stream of insecticide shall be used. For spot treatments, a coarse, low-pressure spray shall be used to avoid atomization or splashing of the spray. Contamination of food or food-contact surfaces shall be avoided.

(b) Application via adhesive strips shall contain a maximum of 10% by weight of the controlled-release product in food-handling establishments where food and food products are held, processed, prepared, or served. A maximum of 36 strips (or 5.15 grams of chlorpyrifos) is to be used per 100 square feet of floor space. The strips are not to be placed in exposed areas where direct contact with food, utensils, and food-contact surfaces would be likely to occur.

(c) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

[FR Doc. 79-4391 Filed 2-7-79; 8:45 am]

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[6560-01-M]

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

[FRL 1057-3; FAP 6H5143/T41]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Butachlor

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule reextends a feed additive regulation permitting residues of the herbicide butachlor in rice bran and rice hulls. The reextension was requested by Monsanto Agricultural Products Co. This rule will permit the marketing of rice bran and rice hulls while further data is collected on the subject pesticide.

EFFECTIVE DATE: Effective on February 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC 20460 (202/755-7013).

SUPPLEMENTARY INFORMATION: On April 8, 1977, the EPA announced (42 FR 18620) that in response to a petition (FAP 6H5143) submitted by Monsanto Agricultural Products Co., 800 N. Lindbergh Boulevard, St. Louis, MO 63116, 21 CFR 561.55 was being established to permit the use of the herbicide butachlor (*N*-butoxymethyl) - 2 - chloro - 2',6' - diethylacetanilide) in a proposed experimental program involving application of the herbicide to growing rice with tolerance limitations of 1 part per million (ppm) for residues of the herbicide in rice hulls and 0.5 ppm in rice bran in accordance with an experimental use permit that was being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136). This experimental program expired April 1, 1978. Subsequently, the tolerances were extended for one year (43 FR 2629). These tolerances will expire April 1, 1979.

Monsanto Agricultural Products Co. has requested a one-year reextension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of food commodities affected by the application of the herbicide to the growing raw agricultural commodities rice and rice straw.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being issued concurrently under FIFRA. It has further been determined that since residues of the pesticide may result in rice hulls and rice bran from the agricultural use provided for in the experimental use permit, the feed additive regulation should be reextended along with the tolerance limitations. (A related document concerning the reextension of temporary tolerances for residues of the pesticide in or on rice and rice straw appears elsewhere in today's FEDERAL REGISTER.)

Accordingly, a feed additive regulation is amended as set forth below.

Any person adversely affected by this regulation may, on or before March 12, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St., SW, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on February 8, 1979, 21 CFR Part 561 is amended as set forth below.

(Sec. 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)).)

Dated: February 2, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 561.55 is amended as follows:

§ 561.55 [Amended]

In § 561.55, the date in the eighth line is changed from "April 1, 1979" to "April 1, 1980."

[FR Doc. 79-4392 Filed 2-7-79; 8:45 am]

[6560-01-M]

[FRL 1056-8; FAP 6H5121/R42]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Chlorpyrifos

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR Part 561 by establishing feed additive tolerances for residues of the insecticide chlorpyrifos in or on sugar beet pulp and sugar beet molasses. The regulation was requested by Dow Chemical Corp. This rule establishes maximum permissible levels for residues of chlorpyrifos in or on dried sugar beet pulp and sugar beet molasses.

EFFECTIVE DATE: Effective on February 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Sanders, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460 (202-426-9425).

SUPPLEMENTARY INFORMATION: On March 12, 1976, notice was given (41 FR 10709) that Dow Chemical Corp., PO Box 1706, Midland, MI 48640, had filed a petition (FAP 6H5121) with the EPA. This petition proposed that 21 CFR Part 561 be amended by establishing a regulation permitting combined residues of the insecticide chlorpyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on dried sugar beet pulp intended for livestock feed at 1 part per million (ppm) and the sugar beet product molasses intended for animal feed at 3 ppm resulting from application of the insecticide to growing sugar beets. No comments were received by the Agency in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 *et seq.*).

The toxicological data considered in support of the proposed tolerances included a two-year rat feeding/oncogenicity study and a dog feeding study with a no-observable-effect level (NOEL) of 0.1 milligram (mg)/kilogram (kg) of body weight (bw). Studies on delayed neurotoxicity and reproduction showed negative potentials. Based on the two-year chronic rat feeding study with 0.1 mg/kg bw NOEL on cholinesterase activity and using a safety factor of 10, the acceptable daily intake (ADI) for man is 0.01 mg/kg bw/day. The theoretical maximal residue contribution (TMRC) in the human diet from the proposed tolerances and the tolerances which have previously been established for residues of chlorpyrifos on a variety of raw agricultural commodities at levels ranging from 1.5 ppm to 0.01 ppm does not exceed the ADI.

Desirable data that are lacking from the petition are a teratology study and a second oncogenicity study. In a letter of February 17, 1978, the petitioner indicated that the teratology study will be completed by November 1978, and the lifetime oncogenicity study is expected to be completed by May 1979. The petitioner also agreed to voluntarily delete use of chlorpyrifos on almonds, apples, pears, plums (fresh prunes), sweet potatoes, and sugar beets from the label should the teratology and lifetime oncogenicity studies be found to exceed the risk criteria for chronic toxicity in 40 CFR 162.11. Although the oncogenicity evaluation of chlorpyrifos is not complete, it is concluded that, based on the available data, the risks are acceptable since the absence of an oncogenic potential is adequately shown in the two-year rat feeding/oncogenicity study.

The metabolism of chlorpyrifos is adequately understood, and an adequate analytical method (gas chromatography) is available for enforcement purposes. No actions are currently pending against continued registration of chlorpyrifos nor are there any other relevant considerations involved in establishing the proposed tolerances. The established tolerances for residues of chlorpyrifos in milk, meat, poultry, and eggs are adequate to cover the proposed uses.

The pesticide is considered useful for the purpose for which tolerances are sought. Therefore the regulation establishing tolerances of 1 ppm in or on sugar beet pulp and 3 ppm in sugar beet molasses by amending 21 CFR Part 561 is being promulgated as proposed. Accordingly a feed additive regulation is established.

Any person adversely affected by this regulation may, on or before March 12, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St., SW, Washington 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on February 8, 1979, 21 CFR Part 561 is amended as set forth below.

(Sec. 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)).)

Dated: February 5, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 561, Subpart A, is amended by establishing the new § 561.98 to read as follows:

§ 561.98 Chlorpyrifos.

Tolerances are established for combined residues of the insecticide chlorpyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in the following processed feeds when present therein as a result of application of this insecticide to growing sugar beets:

Feed:	Parts per million
Sugar beet pulp, dried	1
Sugar beet molasses	3

[FR Doc. 79-4394 Filed 2-7-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER VIII—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket R-79-558]

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Payment of Insurance Benefits

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final Rule.

SUMMARY: This rule concerns the payment of insurance benefits for projects financed with tax-exempt obligations of Public Housing Agencies with HUD-insured mortgages. Payments of benefits for those projects are to be made in full. The 1% deduction generally applied to the payment of benefits in connection with the assignment of a mortgage insured under Section 221 will not be applicable.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

John McIlwain, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-5945.

SUPPLEMENTAL INFORMATION: On July 14, 1978, the Department of Housing and Urban Development published proposed amendments to 24 CFR Parts 221, 811, 880 and 881. These amendments relate to the tax exemption of obligations of public housing agencies under Section 11(b) of the U.S. Housing Act of 1937. This publication makes final the revision to 24 CFR 221.762, which exempts projects financed with Section 11(b) obligations and insured pursuant to Section 221 of the National Housing Act from the 1% deduction from insurance benefits prescribed in 24 CFR 207.259(b)(2)(iv).

The Department received five comments concerning this proposal. Two were unequivocally in favor of the revision. Three expressed their approval of the proposal also, and felt that it should be extended to Section 11(b) projects insured under any provision of the National Housing Act. The sixth approved of the proposal, but felt that it should be extended specifically to Section 11(b) projects insured under Section 23 (elderly).

Since Section 221 is the principal insurance program for Section 8 family projects and it is these projects that have had the greatest difficulty in obtaining good bond ratings, the amendment is not being extended at this time. The question of extending it to other programs will be considered in redrafting the Part 811 regulations.

Findings of Inapplicability with respect to Environmental Impact have been prepared in accordance with HUD Handbook 1390.1. Copies of the Findings are available for inspection in the Office of the Rules Docket Clerk at the above address.

Accordingly, 24 CFR 221.762 is amended to add a new paragraph (c):

§ 221.762 Payment of insurance benefits.

• • • • • •

(c) Projects financed with section 11(b) obligations. Where the funds for a mortgage loan are provided by obligations that are tax-exempt under section 11(b) of the U.S. Housing Act of 1937 (24 CFR Part 811), the one percent deduction from insurance benefits prescribed in § 207.259(b)(2)(iv) of this chapter shall not be applicable.

(Sec. 7(d). Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., October 26, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 79-4282 Filed 2-7-79; 8:45 am]

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[3710-08-M]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

[AR 210-10]

SUBCHAPTER D—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

Post Commander

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This is a complete revision of § 552.18 concerning administration by post commanders. It updates and clarifies pertinent responsibilities of an installation commander. Changes have been made throughout. Specifically, it provides policy for commanders to establish procedures to ensure that when blind persons are authorized to enter military facilities, their accompanying seeing-eye or guide dogs will not be denied entry. In addition, it adds § 552.25 to the table of sections. Section 552.25, "Entry Regulations for Certain Army Training Areas in Hawaii", was published in the October 12, 1978 issue of the FEDERAL REGISTER.

EFFECTIVE DATE: June 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Colonel G. R. Iverson, Director, Community Support, Office of The Adjutant General, Headquarters, Department of the Army, Washington, DC 20314, 202-693-0841.

By authority of the Secretary of the Army:

Dated: February 1, 1979.

ROME D. SMYTH,
Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

Accordingly, 32 CFR Part 552 is amended as set forth below:

1. The table of sections is amended by new § 552.25, "Entry Regulations for Certain Army Training Areas in Hawaii".

2. § 552.18 is revised to read as follows:

POST COMMANDER

§ 552.18 Administration.

(a) *Purpose.* This section outlines the duties and prescribes the general authority and general responsibilities of an installation commander.

(b) *Applicability.* The regulations in this section are applicable to installations in the United States, and where appropriate, to oversea installations. Oversea commanders should consult with the appropriate judge advocate to determine to what extent the provisions of treaties or agreements, or the provisions of local law may make inapplicable, in whole, or in part, the provisions of these regulations.

(c) *General.* The installation commander is responsible for the efficient and economical operation, administration, service, and supply of all individuals, units, and activities assigned to or under the jurisdiction of the installation unless specifically exempted by higher authority. Activities will be designated as "attached activities" only when specifically designated by higher authority. The installation commander will furnish base operation support to all Army tenant activities except when the Department of the Army has given approval for the tenant to perform base operation functions. Reimbursement for such support will be in accordance with applicable regulations.

(d) *Motor vehicle and traffic regulations.* See AR 190-5, Motor Vehicle Traffic Supervision; AR 190-5-1, Registration of Privately Owned Motor Vehicles; AR 190-29, Minor Offenses and Uniform Violation Notices—Referred to US District Courts; AR 210-4, Carpooling and Parking Controls; AR 230-14, Registration and Licensing of Nonappropriated Fund Owned Vehicles; AR 385-55, Prevention of Motor Vehicle Accidents; and AR 600-55, Motor Vehicle Driver-Selection, Testing, and Licensing. A copy of the above documents may be obtained by writing to Headquarters, Department of the Army (DAAG-PAP-W), Washington, DC 20314.

(e) *Firearms.* The installation commander will publish regulations on the registration of privately owned firearms. See AR 608-4, Control and Registration of War Trophies and War Trophy Firearms. A copy of the above document may be obtained by writing to Headquarters, Department of the Army (DAAG-PAP-W), Washington, DC 20314.

(f) *Entry, exit, and personal search.* The installation commander will establish rules that govern the entry into and exit from the installation and the search of persons and their possessions as listed in paragraphs (f) (1),(2) and (3) of this section.

(1) The installation commander may direct authorized guard personnel, while in the performance of assigned duty, to search persons (including military personnel, employees, and visitors), and their possessions (including vehicles) when entering, during their stay, or when leaving facilities for which the Army has responsibility. These searches are authorized when based on probable cause that an offense has been committed or on military necessity. Instructions of commanders regarding searches should be specific and complete. When the person to be searched is a commissioned officer, or a warrant officer, the search should be conducted in private by or under the supervision of a commissioned officer, unless such is precluded by the exigencies of the situation. When the person to be searched is a noncommissioned officer, the search should be conducted in private by or under the supervision of a person of at least equal grade, unless such is precluded by the exigencies of the situation.. If the situation precludes search by or under the supervision of an officer (or noncommissioned officer, as appropriate), the person conducting the search will notify a responsible commissioned officer (or noncommissioned officer, as appropriate), as soon as possible. Persons who are entering the installation should not be searched over their objection, but they may be denied the right of entry if they refuse to consent to the search. All persons entering facilities should be advised in advance (by a prominently displayed sign, AR 420-70, (Buildings and Structures)), that they are liable to search when entering the installation, while within the confines of the installation, or when leaving (AR 190-22, Search, Seizure and Disposition of Property). A copy of the above documents may be obtained by writing to headquarters, Department of the Army (DAAG-PAP-W), Washington, DC 20314.

(2) The installation commander may authorize and control hunting and fishing on a military installation under installation rules in accordance with applicable Federal, State, and local laws and Army regulations, and in harmony with cooperative plans with appropriate State and Federal conservation agencies (AR 420-74, Natural Resources—Land, Forest, and Wildlife Management). To detect violations of these rules, special guards may be posted and authorized to search persons (or possessions, including vehicles of individuals), based on military necessity. The installation commander may eject violators of game laws or post regulations and prohibit their reentry under 18 USC 1382. Violations of State laws which apply to military reservations according to the provisions of Section 13, Title 18, USC (Assimilative Crimes Acts), may be referred to the United States Magistrate in accordance with AR 190-29, Minor Offenses and Uniform Violation Notices—Referred to United States District Courts. Reports of violations of game laws will be reported to Federal or State authorities. An installation commander may not require membership in a voluntary sundry fund activity as a prerequisite to hunting and fishing on the installation. Accounting for the collection and spending of fees for hunting and fishing permits is outlined in Chapter 12, AR 37-108, General Accounting and Reporting for Finance and Accounting Offices. A copy of the above documents may be obtained by writing to Headquarters, Department of the Army (DAAG-PAP-W), Washington, DC 20314.

(3) When the installation commander considers that the circumstances warrant its use, DA Form 1818 (Individual Property Pass), will be used to authorize military and civilian personnel to carry Government or personal property onto an installation or to remove it from an installation.

(4) Commanders will establish procedures to ensure than when blind persons are otherwise authorized to enter military facilities, their accompanying seeing-eye or guide dogs will not be denied entry. Such facilities include, but are not limited to: Cafeterias, snack bars, AAFES exchanges, retail food sales stores, medical treatment facilities, and recreational facilities. Seeing-eye or guide dogs will remain in guiding harness or on leash and under control of their blind masters at all times while in the facility. For purposes of safety and to prevent possible agitation of military police working dogs, seeing-eye or guide dogs will not be allowed in or around working dog kennels and facilities.

(g) *Official Personnel Register.* DA Form 647 (Personnel Register), is a source document that will be used at the lowest level of command having responsibility for strength accounting. The official register will be used for registering military personnel on arrival at or on departure from Army installations on permanent change of station, leave, or temporary duty. DA Form 647 may also be used for recording passes, visitors, etc. Registration of visists of less than 12 hours will be at the discretion of the commander except that registrations will be required when visits are at a place where United States troops are on duty in connection with a civil disorder.

(h) *Outside employment of DA Personnel.* See paragraph 2-6, AR 600-50 Standards of Conduct for Department of the Army Personnel. A copy of this document may be obtained by writing to Headquarters, Department of the Army (DAAG-PAP-W), Washington, DC 20314.

(i) *Preference to blind persons in operating vending stands.* As used in paragraphs (i), (1), (2), and (3) below, the term "vending stand" includes shelters, counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment necessary for the vending of merchandise. The term "vending machine" means any coin-operated machine that automatically vends or delivers tangible personal property.

(1) The installation commander will give preference to blind persons when granting permission to civilians to operate vending stands on installations where stands may be operated properly and satisfactorily by blind persons licensed by a State agency. Legal authority for such action is contained in the Randolph-Sheppard Vending Stand Act (20 USC 2-107 et seq.). Commanders will cooperate with the appropriate State licensing agency in selecting the type, location, or relocation of vending stands to be operated by licensed blind persons, except that preference may be denied or revoked if the commander determines that—

(i) Existing security measures relative to location of the vending stand or to the clearance of the blind operator cannot be followed.

(ii) Vending stand standards relating to appearance, safety, sanitation, and efficient operation cannot be met.

(iii) For any other reasons which would adversely affect the interests of the United States or would unduly inconvenience the Department of the Army. Issuance of such a permit will not be denied because of loss of revenue caused by granting a rent-free permit for operating a vending stand to a blind person. However, the permit will not be granted if in the opinion of the responsible commander such action would reduce revenue below the point necessary for maintaining an adequate morale and recreation program. The commander should consider the fact that funds derived from certain nonappropriated fund activities such as post exchanges, motion picture theaters, and post restaurants are used to supplement appropriated funds in conducting the morale and recreation program.

(2) The preference established in paragraph (i)(1) of this section will be protected from the unfair or unreasonable competition of vending machines. No vending machine will be located within reasonable proximity of a vending stand that is operated by a licensed blind person if the vending machine vends articles of the same type sold at the stand, unless local needs require the placement of such a machine. If such is the case, the operation of, and income from the machine, will be assumed by the blind vending stand operator.

(3) So far as is practicable, goods sold at vending stands that are operated by the blind will consist of newspapers, periodicals, confections, tobacco products, articles that are dispensed automatically or are in containers or wrappings in which they were placed before they were received by the vending stand, and other suitable articles that may be approved by the installation commander for each vending stand location.

(4) If the commanders and State licensing agencies fail to reach an agreement on the granting of a permit for a vending stand, the revocation or modification of a permit, the suitability of the stand location, the assignment of vending machine proceeds, the methods of operation of the stand, or other terms of the permit (including articles which may be sold), the State licensing agency may appeal the disagreement, through channels, to the Secretary of the Army. Appeals will be filed by State licensing agencies with the installation commander who will conduct a complete investigation and will give the State licensing agency an opportunity to present information. The report of investigation with the appeal will be forwarded through channels to Headquarters, Department of the Army (DAPE-ZA), Washington, DC 20310, as soon as possible. A final decision by the Secretary of the Army will be rendered within 90 days of the filing of the appeal to the installation commander. Notification of the decision on the appeal and the action taken will be reported to the State licensing agency, the Department of Health, Education, and Welfare, and the Department of Defense (Manpower, Reserve Affairs, and Logistics).

(j) *Solicitation on military installations.* (1) Solicitation on installations may be permitted at the discretion of the commander under the provisions of AR 210-7, Commercial Solicitation on Army Installations. A copy of the above documents may be obtained by writing to Headquarters, Department of the Army (DAAG-PAP-W), Washington, DC 20314.

(2) The solicitation by a member as an agent for another person for the sale of any commodity on a military installation is prohibited. This prohibition does not pertain to activities sponsored by or approved by an installation commander, such as thrift shops, notices on bulletin boards, or the sale of personal property on one-time basis.

(3) The solicitation of commercial life insurance will be in accordance with the provisions of Part 276 of this title.

(4) Military personnel on active duty are prohibited from personal commercial solicitation and making sales to military personnel who are junior in grade or rank. This prohibition is applicable to activities on and off an installation, while the individual is in or out or uniform, and is on or off duty, and includes, but is not limited to, the personal solicitation and sale of life

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and automobile insurance, stocks mutual as a funds, real estate, or any other commodities, goods, or services. As used in subparagraph (j) of this section, "personal commercial solicitation" refers to those situations in which a military member who is employed as a sales agent on commission or salary contacts prospective purchasers and suggests that they buy the commodity, real or intangible, that he/she is offering for sale. This prohibition is not applicable to the one-time sale by an individual of his/her own personal property or privately owned dwelling. It is not the intent of this regulation to discourage the off-duty employment of military personnel, but it is the intent to eliminate any and all instances that would appear to be coercive or intimidating, or that pressure was used by rank, grade, or position.

(k) *Request from private sector union representatives to enter installations.* (1) When labor representatives request permission to enter military installations on which private contractor employees are engaged in contract work to conduct union business during working hours in connection with the contract between the government and the contractor by whom union members are employed, the installation commander may admit these representatives, provided—

(i) The presence and activities of the labor representatives will not interfere with the progress of the contract work involved; and

(ii) The entry of the representatives to the installation will not violate pertinent safety or security regulations.

(2) Labor representatives are not authorized to engage in organizing activities, collective bargaining discussions, or other matters not directly connected with the Government contract on military installations. However, the installation commander may authorize labor representatives to enter the installation to distribute organizational literature and authorization cards to employees of private contractors, provided such distribution does not—

(i) Occur in working areas or during working times;

(ii) Interfere with contract performance;

(iii) Interfere with the efficient operation of the installation; or

(iv) Violate pertinent safety or security considerations.

(3) The determination as to who is an appropriate labor representative should be made by the installation commander after consulting with his/her labor counselor or judge advocate. Nothing in this regulation, however, will be construed to prohibit private contractors' employees from distibuting organizational literature or authorization cards on installation property if such activity does not violate the conditions enumerated in paragraph (k)(2) of this section. Business offices or desk space for labor organizations on the installation is not authorized to be provided for solicitation of membership among contractors' employees, collection of dues, or other business of the labor organization not directly connected with the contract work. The providing of office or desk space for a contractor is authorized for routine functions by the working steward whose union duties are incidental to his/her assigned job and connected directly with the contract work.

(4) Only the installation commander or a contracting officer can deny entry to a labor representative who seeks permission to enter the installation in accordance with paragraph (k) of this section. If a labor representative is denied entry for any reason, such denial will be reported to the Labor Advisor, Office of the Assistant Secretary of the Army (IL&FM), Washington, DC 20310. This report will include the reasons for denial, including—

(5) The provisions of paragraphs (k), (1), (2), (3), and (4) of this section on organizations representing private contractors' employees should be distinguished from activities involving organization and representation of Federal civilian employees. See CPR 711 for the functions, duties and obligations of an installation commander regarding Federal civilian employee unions.

(l) *Publication of telephone directories.* See Chapter 5, AR 105-23. A copy of this document may be obtained by writing to Headquarters, Department of the Army (DAAG-PAP-W), Washington, DC 20314.

(m) *Observance of labor laws on military installations.* (1) Installation and activity commanders will ensure that all his/her employers on the installation or activity are apprised of their obligation to comply with Federal, State, and local laws, including those relating to the employment of child labor. When an employer who is operating on the installation or activity is responsible to an authority other than the installation or activity commander, the commander will direct that the authority's representative apprise the employer of his/her obligations regarding labor law. This applies to employers in all activities, including nonappropriated fund activities established as Federal instrumentalities according to AR 230-1, Nonappropriated Fund System, concessionaires of such activities, and other private employers. A copy of the above document may be obtained by writing to Headquarters, Department of the Army (DAAG-PAP-W), Washington, DC 20314.

(2) Installation commander will cooperate fully with state or other governmental officials who bring to their attention complaints that children are employed on military installations or reservations under conditions that are detrimental to their health, safety, education, and well-being.

(n) *Hitchhiking.* Hitchhiking is prohibited by the Army. This does not preclude acceptance of offers of rides voluntarily made by individuals or properly accredited organizations nor does it preclude the use of properly authorized and established share-the-ride or similar stations which may be sanctioned by local military authorities. For personal safety, personnel should exercise caution at facilities, for example, by accepting rides only from persons they know or by traveling in groups. Similarly, drivers should use discretion when offering rides to personnel at share-the-ride stations. Drivers are prohibited from picking up hitchhikers.

(o) *Employment of civilian food service personnel.* See AR 30-1, The Army Food Service Program. A copy of this document may be obtained by writing to Headquarters, Department of the Army (DAAG-PAP-W), Washington, DC 20314.

[FR Doc. 79-4290 Filed 2-7-79; 8:45 am]

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 78-120]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Wappinger Creek, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Consolidated Rail Corporation, the Coast Guard is changing the regulations governing the Conrail drawbridge across Wappinger Creek by requiring that advance notice be given at all times. This change is made because of limited requests for openings of the draw. This action will relieve the bridge owner of the burden of having a person available to open the draw at all times.

EFFECTIVE DATE: This amendment is effective on March 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-0942).

SUPPLEMENTARY INFORMATION: On September 28, 1978, the Coast Guard published a proposed rule (43 FR 44551) concerning this amendment. The Commander, Third Coast Guard District, also published these proposals as a Public Notice dated October 27, 1978. Interested persons were given until October 30, 1978 and November 27, 1978, respectively, to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

One comment was received which had no objection to the proposal.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.190(f)(2) to read as follows:

§ 117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.

• • • • •

(f) • • •

(2) Wappinger Creek, N.Y.; Conrail railroad bridge at New Hamburg. The draw shall open on signal from May 15 through October 15 if at least eight hours notice is given and from October 16 through May 14 if at least 24 hours notice is given.

• • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5)).

Dated: January 31, 1979.

R. M. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 79-4397 Filed 2-7-79; 8:45 am]

[4910-14-M]

[CGD 78-181]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Illinois River, Ill.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the regulations for the Peoria Terminal Company Railroad (C.R.I. & P. Ry.) bridge, mile 153.0, Illinois River, Pekin, Illinois, because the drawbridge has been removed. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

EFFECTIVE DATE: March 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-0942).

DRAFTING INFORMATION: The principal persons involved in drafting this revocation of regulations are Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

In consideration of the above facts, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

§ 117.605 [Amended]

1. Deleting from the table in § 117.605(a) the following words: "153.0" "Peoria Terminal Company Railroad (C.R.I. & P. Ry.), Pekin, Ill." "2.4" "21.6".

2. Deleting from § 117.605(b) the following words: "the Peoria Terminal Company Railroad bridge at Pekin, Illinois;".

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)) 49 CFR 1.46(c)(5))

Dated: January 31, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 79-4398 Filed 2-7-79; 8:45 am]

[4910-14-M]

[CGD 78-112]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Sheboygan River, Wis.

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: At the request of Donohue and Associates, Inc., on behalf of the city of Sheboygan, Wis., the Coast Guard is changing the regulations governing the Eighth Street bridge across the Sheboygan River. This change is made to accommodate periods of peak vehicular traffic. This action will accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on March 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-0942).

SUPPLEMENTARY INFORMATION: On September 18, 1978, the Coast Guard published a proposed rule (43 FR 41413) concerning this amendment. The Commander, Ninth Coast Guard District, also published these proposals as a Public Notice dated October 13, 1978. Interested persons were given until October 20, 1978 and November 13, 1978, respectively, to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

No comments were received.

As published in final form, this regulation has been changed from the proposal to clarify the fact that two hours advance notice is required for bridge openings from May 1 through October 30 from 10 p.m. to 6 a.m. This more clearly reflects the present requirements of § 117.652. It does not represent a change in the regulations, merely a clarification.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.652 (a) and (b) to read as follows:

§ 117.652 Sheboygan River, Wis.; Eighth Street Bridge at Sheboygan, Wis.

(a) From May 1 through October 30, from 6 a.m. to 10 p.m., the draw shall open on signal except that:

(1) From 6 a.m. to 8 a.m., 9 a.m. to 12 noon, 1 p.m. to 4 p.m., and 6 p.m. to 7 p.m., the draw need open to navigation only on the hour, quarter-hour, half-hour, and three-quarters hours.

(2) From 8 a.m. to 9 a.m., 12 noon to 1 p.m. and 4 p.m. to 6 p.m. the draw need open to navigation only on the hour and half-hour.

(3) Public vessels, vessels in distress, and state or local government vessels used for public safety shall be passed through the draw of this bridge as soon as possible at any time even though the closed periods may be in effect. The signal from these vessels is four blasts of whistle, horn, or by shouting.

(b) At all other times the draws shall open on signal if at least two hours notice is given.

• • • • •

(Section 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5))

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Dated: February 1, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 79-4399 Filed 2-7-79; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 1055-8; PP 4F1429/R181A]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

CIPC; Correction

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This document corrects a final rule that appeared at page 52486 in the FEDERAL REGISTER of Monday, November 13, 1978, (FR Doc. 78-31746).

EFFECTIVE DATE: Effective on February 8, 1979.

FOR FURTHER INFORMATION, CONTACT:

Mr. Edward Gross, Program Support Division (TS-757), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460 (202/755-4854).

SUPPLEMENTARY INFORMATION: In FR Doc. 78-31746 appearing at page 52486 in the issue of Monday, November 13, 1978, the analytical method was incorrectly given as colorimetry. The correct analytical method is the derivatization of 3-chloroaniline with heptafluorobutyric anhydride and determination by electron-capture gas liquid chromatography. Therefore, in line 15 of the second full paragraph in column 1 of page 52487, "(colorimetry)" is changed to read "derivatization of 3-chloroaniline with heptafluorobutyric anhydride and determination by electron capture gas liquid chromatography" • • •

Dated: February 1, 1979.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-4372 Filed 2-7-79; 8:45 am]

[6560-01-M]

[FRL 1056-7; PP 6F1745, 6F1777, & 6F1786/R186]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Chlorpyrifos

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide chlorpyrifos on sugar beet roots and tops; sweet potatoes; and almonds, almond hulls, apples, pears, and plums (fresh prunes). The regulation was requested by Dow Chemical Co. This rule establishes maximum permissible levels for residues of chlorpyrifos on the above raw agricultural commodities.

EFFECTIVE DATE: Effective on February 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Sanders, Product Manager (PM) 12, Registration Division (TS-757), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC 20460 (202/426-9425).

SUPPLEMENTARY INFORMATION: On March 12, 1976, June 3, 1976, and June 14, 1976, notices were given (41 FR 10709, 22409, & 23998, respectively) that Dow Chemical Corp., PO Box 1706, Midland, MI 48640, had filed pesticide petitions (PP 6F1745, 6F1777, & 6F1786, respectively) with the EPA.

These petitions proposed that 40 CFR 180.342 be amended to establish tolerances for combined residues of the insecticide chlorpyrifos (*0,0*-diethyl *0*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities sugar beet roots at 0.2 part per million (ppm) and sugar beet tops at 0.05 ppm (PP 6F1745); almonds, apples, pears, and plums (fresh prunes) at 0.05 ppm (PP 6F1777); and sweet potatoes at 0.1 ppm. (A related document establishing a feed additive regulation from residues of chlorpyrifos in or on dried sugar beet pulp and sugar beet molasses appears elsewhere in today's FEDERAL REGISTER.) No comments were received in response to this notice of filing.

The data submitted in the petitions and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a two-year rat feeding/oncogenicity study and a dog feeding study with a no-observable-effect level (NOEL) of 0.1 milligram (mg)/kilogram (kg) of body weight (bw). Studies on delayed neurotoxicity and reproduction showed negative potentials. Based on the two-year chronic rat feeding study with a 0.1 mg/kg bw NOEL on cholinesterase activity and using a safety factor of 10, the acceptable daily intake (ADI) for man is 0.01 mg/kg bw/day. The theoretical maximal residue contribution (TMRC) in the human diet from the proposed tolerances and tolerances which have previously been established for residues of chlorpyrifos on a variety of raw agricultural commodities at levels ranging from 1.5 ppm to 0.01 ppm does not exceed the ADI.

Desirable data that are lacking from the petition are a teratology study and a lifetime oncogenicity study. In a letter of February 17, 1978, the petitioner indicated that the teratology study will be completed by November 1978 and the lifetime oncogenicity study is expected to be completed by May 1979. The petitioner also agreed to voluntarily delete the use of chlorpyrifos on almonds, apples, pears, plums (fresh prunes), sweet potatoes, and sugar beets from the label should the teratology and lifetime oncogenicity studies be found to exceed the risk criteria for chronic toxicity in 40 CFR 162.11. Although the oncogenicity evaluation of chlorpyrifos is not complete, it is concluded that based on the available data, the risks are acceptable since the absence of an oncogenic potential is adequately shown in the two-year rat feeding/oncogenicity study.

The metabolism of chlorpyrifos is adequately understood, and an adequate analytical method (gas chromatography) is available for enforcement purposes. No actions are currently pending against continued registration of chlorpyrifos nor are there any other relevant considerations involved in establishing the proposed tolerances. The established tolerances for residues of chlorpyrifos in milk, meat, poultry, and eggs are adequate to cover the proposed uses.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances established by amending 40 CFR 180.342 will protect the public health. It is concluded, therefore, that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before March 12, 1978, file written objections with the Hearing Clerk, EPA, Rm. M-3708, 401 M St., SW, Washington DC 20460. Such objections should be submitted in quintuplicate and specify

the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on February 8, 1979, Part 180 is amended as set forth below.

Dated: February 5, 1979.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2))).

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 180.342 is amended by alphabetically inserting almonds, almond hulls, apples, pears, plums (fresh prunes) and sugar beet tops at 0.05 ppm; sugar beet roots at 0.2 ppm; and sweet potatoes at 0.1 ppm in the table to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

• • • • •

Commodity:	*Parts per million*
Almonds	0.05
Almonds, hulls	0.05
Apples	0.05
• • • • •	
Beets, sugar, roots	0.2
Beets, sugar, tops	0.05
• • • • •	
Pears	0.05
Plums (fresh prunes)	0.05
• • • • •	
Sweet potatoes	0.1
• • • • •	

[FR Doc. 79-4393 Filed 2-7-79; 8:45 am]

[6560-01-M]

[FRL 1057-1; OPP-300017A]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemption from Requirement of a Tolerance for an Inert Ingredient in Pesticide Formulations

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for the inert ingredient 1,2-benzisothiazolin-3-one. The proposal was submitted by ICI United States. This regulation permits the use of the exempted ingredient in pesticide products.

EFFECTIVE DATE: Effective on February 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. David L. Ritter, Hazard Evaluation Division (TS-769), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington DC (202-426-2680).

SUPPLEMENTARY INFORMATION: On October 19, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 48658) to amend 40 CFR 180 by exempting from tolerance requirements the inert ingredient 1,2-benzisothiazolin-3-one in pesticide formulations of *O,O*-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate when applied to the raw agricultural commodity melons at no more than 0.1 percent of the formulation under provisions of Section 4(e) of the Federal Food, Drug, and Cosmetic Act. No requests for referral to an advisory committee were received by the Agency with regard to this notice.

Two comments were received in response to the notice. One comment corrected the formulation "*O,O*-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl" to read "5-butyl-2-(ethylamino)-6-methyl-4(3*H*)pyrimidinone" and "1,3-Benzisothiazolin-3-one" in the proposed regulation to read "1,2-Benzisothiazolin-3-one." The other comment requested that the restrictions limiting 1,2-Benzisothiazolin-3-one to use in 5-butyl-2-(ethylamino)-6-methyl-4(3*H*)pyrimidinone when applied to melons at no more than 0.1 percent of the formulation be removed.

After consideration of the comments and evaluation of the data, the Agency has determined that the corrections should be made as indicated but that the restrictions should not be removed because a broader use of 1,2-benzisothiazolin-3-one will require additional information not available at this time, Therefore, until such time as the additional information has been received and evaluated, it is concluded that the exemption from the requirement of a tolerance should be established as proposed in the FEDERAL REGISTER of October 19, 1978, with corrections and that the amendment to the regulations will protect the public health.

Any person adversely affected by this regulation may, on or before March 12, 1979, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street, SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on February 8, 1979, Part 180, Subpart D, is amended as set forth below.

Dated: February 5, 1979.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, subpart D, is amended by adding the new section 180.1044 to read as follows:

§ 180.1044 1,2-Benzisothiazolin-3-one; exemption from the requirement of a tolerance.

1,2-Benzisothiazolin-3-one is exempt from the requirement of a tolerance when used as a preservative-stabilizer in formulations of 5-butyl-2-(ethylamino)-6-methyl-4 (3*H*) pyrimidinone when applied to the raw agricultural commodity melons at no more than 0.1 percent of the formulation.

[FR Doc. 79-4395 Filed 2-7-79; 8:45 am]

[6560-01-M]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 1040-7]

PART 440—ORE MINING AND DRESSING POINT SOURCE CATEGORY

Clarification of Regulations

AGENCY: Environmental Protection Agency.

ACTION: Clarification of effluent guideline limitations.

SUMMARY: This notice is to clarify the scope and intent of the provisions governing storm water which were promulgated as part of the effluent guideline limitations for the Ore Mining and Dressing Point Source Category on July 11, 1978 (43 FR 29771). Its purpose is to make it clear that those provisions do not apply to diffuse storm water and runoff, but apply only to point source discharges. The agency believes this clarification to be necessary because, after promulgation of the regulations, it was brought to EPA's attention that the provisions are capable of being inter-

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preted in a manner not consistent with their intent.

DATE: The regulations in this part were effective on July 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Barry S. Neuman, Office of General Counsel, Water and Solid Waste Division (A-131), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0753.

On July 11, 1978, effluent guideline limitations were promulgated for the Ore Mining and Dressing Point Source Category. 43 FR 29771 (1978). With respect to the Base and Precious Metals Subcategory established thereunder, these regulations provide, in part:

"There shall be no discharge of process waste water from mines and mills which employ dump, heap, in situ or vat-leach processes for the extraction of copper from ores or ore waste materials [in net evaporation areas]." 43 FR at 29775, § 440.22(a)(3) (1978).

The regulations also contain a provision of general applicability that:

"Any excess water, resulting from rainfall or snowmelt, discharged from facilities designed, constructed and maintained to contain or treat the volume of water which would result from a 10-year 24 hour precipitation event shall not be subject to the limitations set forth in 40 CFR 440." 43 FR at 29777-78, § 440.81(c) (1978).

The term "ten-year 24-hour precipitation event" is defined, in turn, as:

"the maximum 24-hour precipitation event with a probable re-occurrence interval of once in 10 years as defined by the National Weather Service and Technical Paper No. 40, 'Rainfall Frequency Atlas of the U.S.,' May 1961, and subsequent amendments, or equivalent regional or rainfall probability information developed therefrom." 43 FR at 29778, § 440.82(d).

After the promulgation of the regulations, it was suggested that the above provisions are ambiguous in several respects, and that, when the provisions are read together, they may be interpreted in a manner not consistent with their intent. This clarification is intended to remove such ambiguity.

The regulations are not intended to require the operator to collect and contain diffuse storm runoff which would not otherwise be collected in or does not otherwise drain into a point source. Rather, the regulations are concerned with water that has been collected. For example, the regulations would apply to process water, impregnated with metal values, that the operator has collected in holding facilities after application to the leach dump. The regulations require that water containing such contaminated leach solutions not be discharged.

The regulations also are meant to apply to storm precipitation and runoff which may, on occasion, drain into or be channeled to the holding facility, and commingle with the leach solution. The regulations govern storm precipitation and runoff which enters such a holding facility, and it is in this context that the 10-year 24-hour storm provision applies.

Taken together, then, the regulations are intended to require that, if a holding facility in which contaminated leach solution is held is designed, constructed and maintained to hold a volume of water equal to (1) all process water applied by the operator to an active leach area plus (2) a volume of storm water which, during a 10-year 24-hour storm event, falls on the area which drains into such holding facility and precipitates directly on such facility, then any excess water discharged from the holding facility as a result of the rainfall or snowmelt is not subject to the no-discharge requirement and may be discharged.

A question has also been raised with respect to the interrelationship of the 10-year 24-hour storm provision and effluent limitations governing mine drainage set forth at 43 FR at 29775, § 440.22(a)(1).

The term "mine drainage" is defined as "any water drained, pumped or siphoned from a mine." 43 FR at 29778, § 440. 82(c) (1978). The term "mine" is defined as:

"an active mining area, including all land and property placed upon, under or above the surface of such land, used in or resulting from the work of extracting metal ore from its natural deposits by any means or method • • •" *Id;* § 440.82(b).

"Active mining area", in turn, is deifned as:

"A place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted • • •" *Id.,* § 440.82(a).

Thus, the regulations distinguish between active mining areas and areas where leaching activities are carried on.

Under the regulations, mine drainage is intended to include all water which contacts an "active mining area • • •" and which naturally flows into a "point source"—that is, a discernible, confined and discrete conveyance—or is collected in, or channeled or diverted to, a point source as a result of acts of the mine operator. All water which contacts an "active mining area • • •" and either does not flow, or is not channeled by the operator, to a point source, is considered runoff, and it is not the regulations' intent to require the mine operator to collect and treat such runoff.

This requirement, however, must also be read in conjunction with the 10-year 24-hour storm provision set forth at § 440.81(c). If an impoundment, holding or treatment facility is designed, constructed and maintained to contain or treat the volume of mine drainage which would result from a 10-year 24-hour precipitation event, excess water discharged from such facility as a result of rainfall or snowmelt is not subject to the regulations. Again, "mine drainage" as used in the preceding sentence means water which contacts an "active mining area • • •" and either flows, or is diverted or channeled by the operator to, a point source.

Thus, the regulations were and are not intended to require the mine operator to collect and treat diffuse runoff which contacts an "active mining area • • •" and is not presently discharged from or collected in a point source.

The foregoing explanation applies to the requirements of the promulgated effluent limitations; the appropriate permitting authority, of course, retains the authority, under various provisions of the Clean Water Act, to impose more stringent requirements. In addition, storm runoff not covered by these regulations may be subject to the provisions of Section 304(e) of the Clean Water Act.

For further information contact: Barry S. Neuman, Office of General Counsel, Water and Solid Waste Division (A-131), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0753.

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

[FR Doc. 79-4431 Filed 2-7-79; 8:45 am]

[6820-24-M]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-229]

PART 101-25—GENERAL

Subpart 101-25.3—Use Standards

ACQUISITION AND USE OF ELECTRIC TYPEWRITERS

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation requires agencies to establish definitive policies, procedures, and limitations for the acquisition and use of electric typewriters to ensure that agencies procure only the lowest priced electric typewriters necessary to meet their needs. A review of agency procurement practices indicated that the changes in this regulation were necessary.

EFFECTIVE DATE: February 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, DC 20406 (703-557-1914).

SUPPLEMENTARY INFORMATION: Notice of a proposal to amend the Federal Property Management Regulations to require agencies to establish specific standards for the acquisition and use of electric typewriters was published in the FEDERAL REGISTER on September 7, 1977 (42 FR 44823). Suggestions received pursuant to that notice were evaluated and, where feasible, are reflected in this final rule.

Each agency shall forward a copy of its implementing regulation required by § 101-25.302-3(a) to the General Services Administration, Office of Acquisition Policy (mailing address: General Services Administration (AP), Washington, DC 20405), by May 9, 1979.

The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-25.302-3 is revised as follows:

§ 101-25.302-3 Electric typewriters.

(a) Each executive agency shall establish definitive policies, procedures, and standards for the acquisition and use of electric typewriters in consonance with the requirement to provide each typing station with the lowest cost electric typewriter that will meet minimum needs. Procurement of all electric typewriters shall be in accordance with the provisions of §§ 101-26.408-2 through 101-26.408-4 concerning acquisition of the lowest delivered price item from multiple-award Federal Supply Schedule contracts. Typewriters with specialized, elaborate, or sophisticated features shall be acquired only if they are the lowest priced available typewriters with or without those features, or if those features are indispensable to perform the required work. Approval for acquiring typewriters in the latter category shall be granted only as provided in paragraph (b) of this section.

(b) When establishing standards for determining the typewriter to be acquired, the following criteria shall be used:

(1) Generally, the acquisition of typewriters shall be limited to standard-type-bar, single-pitch machines or single-element machines. Agencies should establish minimum daily usage factors for acquisition of each special feature exceeding this description.

(2) Acquisition of typewriters with special features required for unique functions shall be justified in writing by the head of the agency or an authorized representative of the head of the agency, and that justification shall be made a part of the purchase file. Special features on typewriters include but are not limited to the following:

(i) Decimal tab keys or statistical keyboard;

(ii) Multiple-pitch capability; and

(iii) Proportional spacing.

(3) The acquisition of typewriters must reflect the work requirements of the office. For example, if 20 percent of the typing workload requires the use of typewriters with multiple pitch, then 100 percent of the typewriters need not have that particular feature.

(4) Typewriters with self-correcting features should not be considered economical unless a high percentage of the work necessitates first-time original copies.

(5) Whenever practicable, typewriters with specialized features should be pooled within an activity and made available if the features are used only occasionally.

(6) Typewriters with internal memory that do not record on movable magnetic media shall be acquired under the provisions of Subpart 101-11.9.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).)

Dated: January 23, 1979.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 79-4293 Filed 2-7-79;8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19528; Docket No. 20774; Docket No. 21182; RM-2829; FCC 79-38]

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

New or Revised Classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS); Specifying Standard Plugs and Jacks for the Connection of Telephone Equipment to the Nationwide Telephone Network; Specifying Standards for and Means of Connection of Telephone Equipment to Lamp and/or Annunciator Functions of Systems

AGENCY: Federal Communications Commission.

ACTION: Reconsideration of Rule Making; Adoption of Final Rules.

SUMMARY: The Commission resolved all outstanding petitions seeking reconsideration of decisions involving interconnection of telephone terminal equipment and systems to the telephone network, in Dockets Nos. 19528, 20774 and 21182. Briefly, this unified order affirms the basic policies of the telephone equipment registration program and its Part 68 (of the FCC's rules) rules, while increasing manufacturers' and consumers' flexibility in such areas as: allowing the use of extension cords; allowing licensed professional engineers to supervise wiring installation (in addition to supervisors who have authority from equipment manufacturers); removing equipment-room wiring from certain limitations; and adopting a new procedure for using "standard" plug/jack configurations.

EFFECTIVE DATE: March 9, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Michael S. Slomin, Policy and Rules Division, Common Carrier Bureau (202-632-9342).

SUMMARY MEMORANDUM OPINION AND ORDER [1]

In the matters of Proposals for New or Revised Classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone

[1] Because of the length of the Memorandum Opinion and Order, it has not been published in the FEDERAL REGISTER, though it is on file. Copies of the original can be obtained from FCC's Public Information Office, Room No. 202, 1919 M St., N.W., Washington, D.C. 20554 (202) 632-7260.

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Service (WATS); Docket No. 19528, 43 FR 16480, April 19, 1978; Revision of Part 68 of the Commission's Rules to Specify Standard Plugs and Jacks for the Connection of Telephone Equipment to the Nationwide Telephone Network; Docket No. 20774, 42 FR 12056, March 2, 1977; and Amendment of Part 68 of the Commission's Rules (Telephone Equipment Registration) to Specify Standards for and Means of Connection of Telephone Equipment to Lamp and/or Annunciator Functions of Systems, Docket No. 21182, 43 FR 16519, April 19, 1978, RM-2829.

The Commission has resolved all outstanding petitions for reconsideration in its three telephone equipment registration proceedings and adopted changes to increase consumer flexibility and the options available to equipment manufacturers and suppliers.

It said that over the past several years it had established a telephone equipment registration program that allowed consumers to use a broad variety of telephone equipment while providing appropriate protection of the nationwide telephone network from harm.

The Commission noted that Docket 19528 was the primary vehicle for adoption of this program and the program was implemented in three basic orders.

In the 1975 First Report, the program was initially made applicable to extension telephones, data equipment and ancillary equipment. In the 1976 Second Report, the program was extended to encompass main telephones, Private Branch Exchange (PBX) and key telephone systems, although because of outstanding issues related to protecting the network from premises wiring aberrations, only interim procedures were adopted in that order. In the 1978 Third Report, more comprehensive procedures were adopted for PBX and key telephone system registration and for their related premises wiring.

Because appellate litigation was pending on the Docket 19528 decisions, the Commission said, several allied proceedings addressing related matters were established. Thus, it said, while Docket 19528 adopted a policy of requiring FCC-registered equipment to be connected using standard plugs and jacks, the actual plugs and jacks were adopted in another proceeding, Docket 20774.

Similarly, the Commission said, while Docket 19528 adopted a policy of limiting the registration program to connections to the telephone network, another proceeding, Docket 21182, addressed whether the program should be extended in scope to encompass connections to other equipment.

The Commission said while the three proceedings had been treated as procedurally distinct, they did to some extent address common issues.

The Commission noted it had four goals in mind in the registration program:

—Assurance of adequate protection of the telephone network;
—Minimization of governmental intrusion into the equipment design, innovation and installation process;
—Promotion of the use of informal, industry-wide processes, where feasible to resolve technical issues; and
—Maximization of consumer flexibility and choice.

With these concepts in mind, the Commission said it would not expand the scope of the registration program in the Docket 21182 decision to directly encompass equipment-to-equipment connections, although it would make a very limited class of "components"—extension cords, adapters and patching panels—directly encompassed by the registration program to promote consumer flexibility.

It also adopted a new tariff mechanism as an alternative to the present approach of specifying "standard" plug/jack configurations in the rules. It said although the present approach worked, every time a new configuration was desired by the industry, a lengthy rulemaking process had to be initiated. The FCC said the new method would permit a new configuration to be used in a matter of weeks, if there was no controversy over it.

The Commission said the petitions and comments indicated that the Third Report's technical standards for premises wiring were practical and reasonable. It pointed out no party had claimed they were in any way burdensome and only minor perfecting changes were proposed. The Commission said it would adopt only those changes that would promote flexibility and innovation. Therefore, it specified that wiring used in equipment rooms, to which the general public has no access, would be exempted from some of the limitations of the rules.

The FCC said the only issue over which there was controversy concerned the institutional incentives that were adopted in the Third Report to assure that individual installations of premises wiring in fact conformed to the Commission's rules. It noted the Third Report adopted several complementary approaches to premises wiring. Basically, it said, an equipment manufacturer may choose to design equipment so that the wiring cannot affect the telephone network, or it may choose not to do so. If the manufacturer makes the latter choice and thereby exposes the telephone network electrically to the wiring itself, certain controls over the wiring are warranted. One such set of controls was a definition of acceptable technical standards, specified in Part 68 of the rules. Another such set of controls was procedures that assure that the wiring in fact would conform to the stated technical standards.

The FCC said the Third Report adopted an approach of establishing institutional incentives toward proper wiring. The equipment's manufacturer is required, in effect, to license installation supervisors by granting authority to assure that the wiring will conform to Commission rules.

The Commission said that rather than using government controls over the adequacy of installation personnel, it created an environment where registrants would select appropriately-trained personnel who are competent to assure installation consistent with the technical standards in the FCC's rules, to assure adequate network protection with minimal government interference with efficient equipment design and installation techniques.

The Commission said comments filed indicated that in the time period shortly after the Third Report was released, several equipment manufacturers appeared to be unwilling to extend the authority required in the rules of assuring proper wiring if their equipments were not inherently protective. Because of this, the FCC said, the comments requested that this element of the Third Report's program of controls over wiring be deleted.

The Commission pointed out, however, that:

—Proponents of deletion of that section of the rules offered no alternative proposal that would adequately create the desired incentives toward proper wiring;
—The potential for network harm from wiring that is performed improperly is high because of the wiring's physical exposure to commercial power wiring and grounded surfaces;
—Equipment manufacturers are now apparently entering the rule-required relationships, which indicates that the requirement is not unworkable; and
—If, as proponents of deleting that section of the rules are claiming, wiring poses no real danger to the telephone network, they should not be at all reluctant to indirectly accept limited responsibility for premises wiring.

The Commission said it would adopt an alternative to the existing supervisor/manufacturer relationship which will create a similar incentive toward proper wiring, and allow consumers an alternative method of dispensing with unnecessary protective apparatus if a particular manufacturer is no longer

in business, or if it chooses not to enter the required relationship with an installation supervisor. The new alternative allows a professional engineer licensed in the state where the wiring is performed to supervise and certify the wiring's adequacy.

It noted that this new alternative would meet all the registration program's objectives because a licensed professional engineer would have ample technical ability to use and interpret the FCC's wiring technical requirements, and the possibility of professional liability or loss of the professional license would create the desired incentives towards proper wiring. Moreover, engineer licensing by the states is already in place and does not require establishment of new bureaucracies or expansion of government intrusion in this field.

In sum, the Commission said the amendments it was adopting would result in no material changes in its policies concerning terminal equipment and system registration. It said that the changes adopted would increase consumer flexibility and the options available to equipment manufacturers and suppliers. It said it would be promoting industry-wide cooperation and installation efficiency by establishing the new mechanism whereby "standard" plug/jack configurations could be adopted and used expeditiously, rather than after months of formal rulemaking.

Finally, the Commission extended the transition period during which nonregistered "grandfathered" communications systems such as PBX and key telephone systems could continue to be installed, in recognition that the present period was too short. Also, the Commission changed the date for eligibility for transition period procedures to coincide with the effective date of the Third Report. The transition period will now end on January 11, 1980. PBX and key telephone systems are now eligible if of a type similar to designs connected to the telephone network as of June 1, 1978.

This action, which amends Part 68 of the rules becomes effective March 9, 1979.

(Secs. 1, 2, 4, 201-205, 208, 215, 218, 313, 314, 403, 404, 410, 602; 48 Stat as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201-205, 208, 215, 213, 313, 314, 403, 404, 410, 602.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO.
Secretary.

Part 68 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 68.2, paragraph (c) is amended as follows:

§ 68.2 Scope.

* * * * * *

(c) *Grandfathered systems (including, but not limited to, PBX and key telephone systems).* (1) Entire systems, including their equipment, premises wiring, and protective apparatus (if any) directly connected to the telephone network on June 1, 1978, may remain connected to the telephone network for life without registration, unless subsequently modified, except for modifications allowed under § 68.2(c)(3).

(2) New installations of equipments may be performed (including additions to existing systems) up to January 1, 1980 without registration of any equipments involved. *Provided,* That these equipments are of a type directly connected to the telephone network as of June 1, 1978. These equipments may remain connected to the telephone network for life without registration, unless subsequently modified, except for modifications allowed under § 68.2(c)(3).

(3) Modifications to systems and installations involving unregistered equipment:

(i) Use of other than fully-protected premises wiring is a modification under § 68.2. As an exception to the general requirement that no modification is permitted to unregistered equipment whose use is permitted under § 68.2 certain modifications are authorized herein.

(ii) Other than fully-protected premises wiring may be used if it is qualified in accordance with the procedures and requirements of 68.215. Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the equipment's manufacturer.

(iii) Existing separate, identifiable and discrete protective apparatus may be removed, or replaced with apparatus of lesser protective function, provided that any premises wiring to which the telephone network is thereby exposed conforms to § 68.2(c)(ii) above. Minor modifications to existing unregistered equipments are authorized to facilitate installation or premises wiring, so long as they are performed under the responsible supervision and control of a person who complies with § 68.215(c). Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the manufacturer of the equipment so modified.

2. In § 68.3 (Definitions), paragraph (1), sub-section (1) is amended as follows:

§ 68.3 Definitions.

* * * * * *

(1) *Premises Wiring.* * * *

(1) *Fully-Protected Premises Wiring.* Premises wiring which is either:

(i) No greater than 25 feet in length (measured linearly between the points where it leaves equipment or connector housings) and registered as a component of and supplied to the user with the registered terminal equipment or protective circuitry with which it is to be used. Such wiring shall either be pre-connected to the equipment or circuitry, or may be so connected by the user (or others) if it is demonstrated in the registration application that such connection by the untrained will not result in harm, using relatively fail-safe means.

(ii) A cord which complies with the previous sub-section and which is extended *once* by a connectorized FCC-registered extension cord which itself complies with the previous sub-section. Extension cords may not be used as a substitute for wiring which for safety reasons should be affixed to or embedded in a building's structure.

(iii) Wiring located in an equipment room with restricted access, provided that this wiring remains exposed for inspection and is not concealed or embedded in the building's structure, and that it conforms to § 68.215(d).

(iv) Electrically behind registered (or grandfathered) equipment, system components or protective circuitry which assure that electrical contact between the wiring and commercial power wiring or earth ground will not result in hazardous voltages or excessive longitudinal imbalance at the telephone network interface.

3. Section 68.104(c), previously reserved, is hereby adopted as follows:

§ 68.104 Means of connection.

* * * * * *

(c) *Tariff Description.* As an alternative to description in Subpart F of these rules, connections to the telephone network may be made through standard plugs, and standard telephone company-provided jacks or equivalent described in nationwide telephone tariffs: *Provided,* That these means of connection otherwise comply with paragraphs (a) and (b) of this section.

4. Section 68.200 is amended by adding a new paragraph (h), as follows:

§ 68.200 Application for equipment registration.

* * * * * *

V 4 / 28 FEB 79 UMI

(h) Abbreviated registration requirements for extension cords, cross-connect panels, and adapters:

(1) An extension cord consists of a male connector, a female connector, and wiring between them which is no longer than 25 feet in length. A cross-connect panel consists of a male connector, a female connector (or multiples thereof) and relatively fail-safe means for achieving cross connections of tip/ring and other pairs carried on the connectors; such means shall be switches, pluggable devices, or patch cords (or equivalent), and shall be so insulated as to not expose telephone network connections (or points having a conducting path thereto) excessively. An adapter consists of a male connector (non-standard) and a female connector (standard) housed in one mechanical assembly.

(2) Devices which are eligible for registration under this sub-section must be passive, contain no sources of power, and through internal switching or internal conductive paths create only open-circuited or short-circuited states.

(3) These devices need only be evaluated for compliance with §§ 68.304 and 68.130, under the stresses specified in § 68.302. Extension cords shall be considered "hand-held items normally used at head height." Electrical stresses and longitudinal imbalance testing should be applied with the following terminations substituted for the equipment with which these devices are used:

(i) Longitudinal surges, longitudinal imbalance. Open circuit; and 600 ohms metallic resistance with 150 ohms longitudinal resistance.

(ii) Metallic surges. Open circuit; and 600 ohms metallic resistance.

(4) These devices need not be labelled as specified in § 68.300 if they are identified as follows. They may be identified either on an outside surface, or on a tag which is permanently affixed to an outside surface, with the following information: "FCC Registration Number _____." (The proper number should be included.)

5. In § 68.215, paragraph (c) is amended by adding a new subparagraph (4), and paragraphs (d) and (e) are amended to read as follows:

§ 68.215 Installation of other than "fully protected" premises wiring.

* * * * *

(c) * * *

(4) Or, in lieu of paragraph (c)(1)-(3) of this section, is a licensed professional engineer in the jurisdiction in which the installation is performed.

(d) *Workmanship and material requirements*—(1) *General.* Wiring shall be installed so as to assure that there is adequate insulation of telephone wiring from commercial power wiring and grounded surfaces. Wiring is required to be sheathed in an insulating jacket in addition to the insulation enclosing individual conductors (see below) unless located in an equipment enclosure or in an equipment room with restricted access; it shall be assured that this physical and electrical protection is not damaged or abraded during placement of the wiring. Any intentional removal of wiring insulation (or a sheath) for connections or splices shall be accomplished by removing the *minimum* amount of insulation necessary to make the connection or splice, and insulation equivalent to that provided by the wire and its sheath shall be suitably restored, either by placement of the splices or connections in an appropriate enclosure, or equipment rooms with restricted access, or by using adequately-insulated connectors or splicing means.

(2) *Wire.* Insulated conductors shall have a jacket or sheath with a 1500 volt rms minimum breakdown rating, except when located in an equipment enclosure or an equipment room with restricted access. This rating shall be established by covering the jacket or sheath with at least six inches (measured linearly on the cable) of conductive foil, and establishing a potential difference between the foil and all of the individual conductors connected together, such potential difference gradually increased over a 30 second time period to 1500 volts rms, 60 Hertz, then applied continuously for one minute. At no time during this 90 second time interval shall the current between these points exceed 10 milliamperes peak.

NOTE.—This requirement is patterned after § 68.304.

(3) *Places where the jacket or sheath has been removed.* Any point where the jacket or sheath has been removed (or is not required) shall be accessible for inspection. If such points are concealed, they shall be accessible without disturbing permanent building finish (e.g. by removing a cover).

(4) * * *

(5) * * *

NOTE.—The total current in all conductors of multiple conductor cables may not exceed 20% of the sum of the individual ratings of all such conductors.

(6) * * *

(e) *Documentation requirements.* A notarized affidavit and one copy thereof shall be prepared by the installation supervisor in advance of each operation associated with the installation, connection, reconfiguration and removal of other than fully-protected premises wiring (except when accomplished functionally using a cross-connect panel), except when involved with removal of the entire premises communications system using such wiring. This affidavit and its copy shall contain the following information:

(1) * * *

(2) The name of the registrant(s) (or manufacturer(s), if grandfathered equipment is involved) of any equipment to be used electrically between the wiring and the telephone network interface, which does not contain inherent protection against hazardous voltages and longitudinal imbalance.

(3) A statement as to whether the supervisor complies with § 68.215(c). Training and authority under § 68.215(c)(2)-(3) is required from the registrant (or manufacturer, if grandfathered equipment is involved) of the first piece of equipment electrically connected to the telephone network interface, other than passive equipments such as extensions, cross-connect panels, or adapters. In general, this would be the registrant (or manufacturer) of a system's common equipment.

(4) * * *

(5) * * *

(6) * * *

(7) The manufacturer(s); a brief description of the wire which will be used (model number or type); its conformance with recognized standards for wire if any (*e.g.*, Underwriters Laboratories listing, Rural Electrification Administration listing, "KS-" specification, etc.); and a general description of the attachment of the wiring to the structure (*e.g.*, run in conduit or ducts exclusively devoted to telephone wiring, "fished" through walls, surface attachment, etc.).

(8) * * *

(9) * * *

* * * * *

6. Section 68.304 is amended by revising note (a) thereto, and by adding a new note (e), as follows:

§ 68.304 Leakage current limitations.

NOTES

(a) If, in any operational state, one of the telephone connections or auxiliary leads has an intentional conducting path to earth ground, that lead may be excluded from the leakage current test in that operational state. Connections excluded for this reason must comply with the requirements of § 68.306(c) in addition to other applicable rules. However, leakage current tests between telephone connections and auxiliary leads are required unless both points have intentional conducting paths to earth ground.

* * * * *

(e) For multiple-unit equipment interconnected by cables, which is evaluated and registered as an interconnected combination or assembly, the specified 10 milliamperes peak maximum leakage current limitation, *other than between power connection points and other points,* may be increased as described here to accomodate cable capacitance. The leakage current limitation may be increased to (10N+0.04L) milliamperes peak, where L is the length of interconnecting cable in the leakage path in feet, and N is the number of equipment units which the combination or assembly will place in parallel across a telephone connection. However, all combinations of electrical connections requiring this increased leakage current limitation and involving point (3) surfaces (exposed conductive surfaces) must comply with the requirements of § 68.306(c) in addition to other applicable rules.

7. Section 68.306(a) is amended by adding additional language, as follows:

§ 68.306 Hazardous voltage limitations.

(a) *General.* Under no condition of failure of registered terminal equipment or registered protective circuitry, or of equipment connected thereto, which can be conceived to occur in the handling, operation or repair of such equipment or circuitry, shall the open circuit voltage on telephone connections or auxiliary leads exceed 70 volts peak for more than one second, except for voltages for network control signaling and supervision, which in any case, should be consistent with standards employed by the telephone companies.

* * * * *

8. Section 68.502 is amended to delete several sub-sub sections, as follows:

§ 68.502 Configurations.

(b) *Series configurations.* * * *

(6) [Deleted]

(e) *Data configurations.* * * *

(7) [Deleted]

(8) [Deleted]

[FR Doc. 79-4413 Filed 2-7-79; 8:45 am]

[6712-01-M]

PART 73—RADIO BROADCAST SERVICES

Reregulation of Radio and TV Broadcasting; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction—Final Rules.

SUMMARY: This erratum is issued to correct Section 73.99, to delete incorrect text which reads "See § 73.1735", and to insert paragraphs (a) through (l)—the entire text of the rule—which was inadvertently omitted, as adopted on September 22, 1978, and published in the FEDERAL REGISTER on October 4, 1978, at 43 FR 43852.

EFFECTIVE DATE: November 1, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Steve Crane, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

In the matter of reregulation of radio and TV broadcasting. Erratum.

Released: February 1, 1979.

In the above-captioned *Order,* FCC 78-681, adopted September 22, 1978, and published in the FEDERAL REGISTER on October 4, 1978, at 43 FR 45842, the text of Section 73.99 in paragraph 24 of Appendix A is incorrectly stated as "See § 73.1735." It should be corrected to read:

§ 73.99 Presunrise service authorizations (PSA).

(a) In order to afford the maximum uniformity in early morning operations compatible with interference considerations, the following classes of AM broadcast permittees and licensees are eligible to request presunrise service authority (PSA):

(1) Class II stations operating on clear channels, except those operating on Canadian I-A clear channels and those located east of cochannel U.S. Class I-A stations.

(2) Class III stations.

(b) When issued, a PSA will permit:

(1) Class II stations operating on Mexican and Bahamian I-A clear channels to commence operation with their daytime antenna systems at 6 a.m. local time, and to continue such operation until the sunrise times specified in their basic instruments of authorization; and other Class II stations, where eligible under paragraph (a)(1) of this section, to commence operation with their daytime or critical hours antenna systems either at 6 a.m. local time, or at the time of sunrise at the westernmost Class I station located east of the Class II station (whichever is later), and to continue such operation until the sunrise times specified in their basic instruments of authorization: *Provided,* That the permissible power to be specified in the PSA shall not exceed 500 watts (or the authorized daytime or critical hours power, if less than 500 watts), or such lesser power as may be determined by computations made pursuant to paragraph (c) of this section.

(2) Class III stations to commence operation with their daytime antenna systems at 6 a.m. local time, and to continue such operation until local sunrise: *Provided,* That the permissible power, to be specified in the PSA, shall not exceed 500 watts or such lesser power as may be determined on the basis of calculations made pursuant to paragraph (c) of this Section.

(c) Notwithstanding the provisions of §§ 1.571 and 1.580 of this chapter, requests for PSA's shall be treated as proposals for minor changes in existing facilities and, as such, are not subject to the procedural requirements or remedies applicable to applications for new facilities and major changes therein. PSA requests shall be submitted by letter, signed in the manner specified in § 1.513 of this chapter, with the following information:

(1) Name, call letters, and station location.

(2) For Class II stations operating on clear channels other than Class I-A clear channels, a showing that objectionable interference as determined by the Standard Broadcast Technical Standards (§§ 73.182 to 73.190), or by the engineering standards of the NARBA (whichever is controlling), will not be caused within the 0.5 mV/m 50 percent skywave contour of any domestic Class I-B stations, or of a Class I-B station in any country signatory to the NARBA, where the Class II stations are located east of the Class I-B station; for Class II stations operating on Mexican Class I-A clear channels, and for Class II stations located east of co-channel Mexican Class I-B stations, a showing under the engineering standards of the United States/Mexican Agreement that the Class II station does not produce a signal in excess of 25 uV/m 10 percent skywave at any point on the co-channel Mexican Class I station's 0.5 mV/m 50 percent skywave contour which falls on Mexican territory, or more than 50 uV/m 10 percent skywave at any point on the Mexican border or boundary where the signal of the Mexican Class I station exceeds 0.5 mV/m 50 percent skywave in strength. In addition, the applicant must show that foreign Class II stations (if any) assigned to the same channel as the U.S. Class II station will receive full protection under the standards for nighttime operation set forth in the applicable agreement. If the foregoing protections cannot be achieved by the Class II station while operating with 500 watts, a showing may be submitted to establish the level to which power must be limited to preclude objectionable interference: *Provided,* That, in relation to Canadian Class II stations, the permissible power level may be established in the manner described in paragraph (c)(3) of this section by the use of Figure 12 of § 73.190.

NOTE: PSA applicants for the Bahamian I-A clear channel (1540 kHz) need not submit the nighttime interference study required of other PSA applicants under this subparagraph. Instead, the FCC will assign a power and time of commencement of presunrise operation consistent with the provisions of the U.S.-Bahamian presun-

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rise agreement (1974) and the protection requirements of U.S. I-B and foreign Class II full-time station assignments on this frequency.

(3) For Class III stations, a showing that co-channel stations in foreign countries will receive full treaty protection. If such protection cannot be achieved on the basis of 500-watt operation, calculations may be submitted to establish the level to which power must be reduce to preclude objectionable interference: *Provided,* That, with respect to Canadian Class III stations, such power level may be established by a showing that the radiation at the pertinent vertical angle toward co-channel Canadian stations does not exceed that defined in Figure 12 of § 73.190. If the latter showing cannot be made on the basis of 500-watt operation, calculations may be submitted to establish the level to which power must be reduced in order to limit radiation at the pertinent vertical angle to the values specified in Figure 12 of § 73.190.

(4) A description of the method whereby any proposed power reduction will be achieved.

(d) Calculations made under paragraph (c) of this section shall not take outstanding PSA's into account, nor shall the grant of a PSA confer any degree of interference protection on the holder thereof.

(e) Operation under a PSA is not mandatory, and will not be included in determining compliance with the requirements of § 73.71. To the extent actually undertaken, however, presunrise operation will be considered by the FCC in determining overall compliance with past programming representations and station policy concerning commercial matter.

(f) The PSA is secondary to the basic instrument of authorization and may be suspended, modified, or withdrawn by the FCC without prior notice or right to hearing, if necessary to resolve interference conflicts, to implement agreements with foreign governments, or in other circumstances warranting such action.

(g) The PSA will be issued for a term coinciding with the current basic instrument of authorization and, unless surrendered by the holder or suspended, modified or withdrawn by the FCC will have continuing or renewed effect under succeeding instruments.

(h) The issuance of a PSA is intended to indicate the waiver of §§ 73.45, 73.182, and 73.188 where the operation might otherwise be considered as technically substandard. Further, the requirements of paragraphs (a)(5), (b)(2), (c)(2), and (d)(2) of § 73.1215 concerning the scale ranges of transmission system indicating instruments are waived for PSA operation except for the radio frequency ammeters used in determining antenna input power. A station having an antenna monitor incapable of functioning at the authorized PSA power when using a directional antenna shall take the monitor reading using unmodulated carrier at the authorized daytime power immediately prior to commencing PSA operations. Special conditions as the FCC may deem appropriate may be included in the PSA to insure operation of the transmitter and associated equipment in accordance with all phases of good engineering practice.

(i) In the event of permanent discountinuance of presunrise operation, the PSA shall be forwarded to the FCC's Washington office for cancellation, and the Engineer in Charge of the radio district in which the station is located shall be notified accordingly.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 79-4263 Filed 2-7-79; 8:45 am]

[6712-01-M]

[BC Docket No. 78-271; RM-3044]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Station in DeKalb, Ill; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein substitutes noncommercial television Channel *33 for *48 at DeKalb, Illinois, at the request of the Northern Illinois Public Telecommunications Corporation. The station would provide for a noncommercial educational television service to the northern region of Illinois which is not now receiving such service

EFFECTIVE DATE: March 19, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (DeKalb, Illinois). Report and order (proceeding terminated).

Adopted: February 1, 1979.

Released: February 2, 1979.

1. The Commission has before it the *Notice of Proposed Rule Making,* adopted August 24, 1978, 43 FR 39593, in response to a petition filed by Northern Illinois Public Telecommunications Corporation ("NIPTC"). The *Notice* proposed substituting reserved TV Channel *33 for existing reserved Channel *48 at DeKalb, Illinois. Channel *48 is unoccupied and no applications are pending for its use. Supporting comments were filed by NIPTC.[1]

2. DeKalb (pop. 32,949), in DeKalb County (pop. 71,654),[2] is located in north central Illinois, approximately 90 kilometers (55 miles) west of Chicago. Channel *48 is the only television channel assigned to DeKalb.

3. NIPTC states that its purpose is to enable northwestern counties of Illinois to participate in the state educational television network. It notes that the northwestern region of Illinois is the largest area in the state not covered by educational television service. NIPTC claims that in order to provide the maximum educational television service to this vast region, the best possible signal should be used. It believes that use of Channel *33 could achieve this purpose.

4. As long as an appropriate transmitter site is selected, Channel *33 can be assigned in compliance with the Commission's distance separation requirements and other technical criteria. NIPTC has reaffirmed its intention to file for the use of this channel as a noncommercial educational assignment, if assigned. NIPTC notes that a transmitter site for the proposed station may be chosen in a large area west of DeKalb which provides adequate flexibility to avoid a short-spacing.[3]

5. We have carefully considered the proposal and conclude that it would be in the public interest to assign Channel *33 to DeKalb, Illinois, and to delete the present Channel *48 assignment. The proposed assignment would confer a substantial benefit upon the public by enabling petitioner to provide a noncommercial educational television service to the northwestern region of Illinois which is not presently receiving such service. In addition, we note that less preclusion would result from the assignment of Channel *33 than exists with the present Channel *48 assignment.

[1] NIPTC filed a Motion to Accept late-filed comments in support of its proposal. Since there has been no objection to our acceptance of these comments, and no other parties would be affected thereby, we are granting NIPTC's Motion and will accept its comments.

[2] Population figures are taken from the 1970 U.S. Census.

[3] Therefore, any application for use of the channel should specify a site meeting the spacing requirements of Section 73.610 of the rules.

6. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That, effective March 19, 1979, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended for the city listed below, to read as follows:

City	Channel No.
DeKalb, Illinois	*33

7. *It is further ordered,* That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 79-4412 Filed 2-7-79; 8:45 am]

[6712-01-M]

PART 87—AVIATION SERVICES

Editorial Amendments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: We are deleting a provision in our rules that established the bandwidth permitted in the band 10550-10680 MHz. Since we have no other rules in the Aviation Services regarding operations in this band this provision is unnecessary and should be deleted. This action will delete this section of our rules.

EFFECTIVE DATE: February 9, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT:

Kemp J. Beaty, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION: In the Matter of Editorial amendment of § 87.67 of the Commission's rules.

Adopted: January 25, 1979.

Released: January 26, 1979.

1. Section 87.67(b)(2) of our rules has a provision relating to the maximum bandwidth for stations operating in the 10550 to 10680 MHz band. Since the Aviation Services have no authorizations or other rules regarding operations in this band the provision in this section of our rules is unnecessary.

2. We are deleting this section from our rules. Therefore, under the authority of Section 4(i) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules, we are amending § 87.67(b)(2) as shown below. Since this amendment is editorial in nature, the public notice, procedure and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, are not applicable.

3. Regarding questions on matters covered in this document contact Kemp J. Beaty, telephone 202-632-7197.

4. In view of the above: *it is ordered,* That the rule amendment set forth below is adopted effective February 9, 1979.

(Secs. 4, 303, 48 stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
Executive Director.

Part 87—Aviation Services.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

§ 87.67 [Amended]

In § 87.67, paragraph (b)(2) is revoked, and paragraph (b)(1) is renumbered as paragraph (b).

[FR Doc. 79-4411 Filed 2-7-79; 8:45 am]

[4910-59]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-03; Notice 6]

PART 571—MOTOR VEHICLE SAFETY STANDARDS

Bus Window Retention and Release

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Interim final rule and request for comments.

SUMMARY: This notice adopts as an interim final rule and proposes the amendment of Standard No. 217-76, *Bus Window Retention and Release,* to modify several of the requirements applicable to rear emergency doors in school buses with gross vehicle weight ratings (GVWR) less than 10,000 pounds. The notice responds to a petition from the Ford Motor Company requesting changes in the location of the emergency release mechanism, modification of the size of the parallelepiped testing device, and changes in the location of the emergency exit identification. The agency by this notice makes final on an interim basis some of the changes which are reasonable and which would not result in any lessening of the safety of school buses. The agency also solicits comments on these interim changes.

DATES: Comments must be received on or before March 25, 1979. Since this requirement will relieve some restrictions currently imposed by the standard, the NHTSA has determined that it is in the public interest to make the changes effective immediately on an interim basis. The final rule, which will respond to the comments received on this notice, will be effective upon publication in the FEDERAL REGISTER.

ADDRESS: Comments should refer to the docket number and be submitted in writing to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Williams, Crashworthiness Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: This notice makes final on an interim basis some minor changes to Standard No. 217-76, *Bus Window Retention and Release,* as the standard applies to small van-type school buses. The notice also solicits comments on these changes. Ford Motor Company petitioned the agency to amend some of the requirements pertaining to rear emergency doors of school buses with gross vehicle weight ratings less than 10,000 pounds. Ford argued that some of the rear exit requirements of the standard were more appropriate for larger school buses (10,000 pound GVWR and above) than they were for smaller school vehicles. The agency tentatively agrees with Ford and adopts the changes outlined below.

Ford first asked that the parallelepiped measuring device be reduced in width from 24 inches to 22 inches. The purpose of the parallelepiped measuring device is to test the size of the opening of an emergency door. Standard No. 217 requires the use of a rear emergency door in small school vehicles that is sufficiently wide to permit the easy exit of the school bus passengers. Ford argued that the existing requirement provides for an unnecessarily wide exit in van-type vehicles. Ford pointed out that the shoulder width for a 50th percentile dummy (Part 572 of the agency's regulations) is 18.4 inches. A 50th percentile dummy approximates the average size of an adult male. Accordingly, Ford suggested that since the average size of an

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adult male is almost 6 inches narrower than the required rear emergency exit and that school buses usually transport children that are even smaller than the average adult male, the current 24-inch requirement is unnecessarily stringent. For the reasons discussed below, the agency tentatively agrees.

The existing requirement was designed to provide adequate room in large school buses for two children to exit abreast. The purpose was to ensure that the occupants of such buses could exit them quickly. Van-type school buses carry substantially fewer occupants and thus do not need the same size opening to permit quick exit. Further, the NHTSA is concerned that its existing requirement is somewhat design restrictive as it applies to van-type school buses. It discourages, for example, the use of double rear emergency doors in favor of a single rear emergency door even though double rear emergency doors may be as safe as or even safer than single ones. Since the agency seeks to create safety standards that are not more design restrictive than necessary and since the agency can see no diminution of safety resulting from this change, the NHTSA tentatively amends the standard to require rear exits in small school vehicles accommodate a 22-inch parallelepiped device instead of the 24-inch parallelepiped currently specified.

In connection with the parallelepiped device, Ford indicated that their vehicle would not comply with the requirements even if reduced to 22 inches if the agency requires the device to remain flat on the floor as it is being removed from the vehicle. The NHTSA has indicated by interpretation that it is permissible to lift the device slightly (1 inch) to overcome small protusions near the floor of the vehicle. The agency permits this testing procedure, because the purpose of the test is to provide an adequate escape area in an exit. Small protrusions near the floor of an emergency door particularly those near the sides of the door would not hinder the escape of passengers from a vehicle in an emergency.

Regarding the rear door emergency exit, Ford suggested that the agency alter the emergency release mechanism location requirements of paragraph S5.3.3 of the standard for van-type vehicles. The existing requirements specify the location of the rear interior and exterior release mechanisms. The release mechanism requirements were adopted to provide release handles that are easily accessible in the event of an accident. However, it appears that the current requirements are more appropriate for larger school vehicles where the release mechanism could easily be located beyond the reach of smaller students attempting to open the door in an emergency. Location does not appear to be a safety problem with respect to smaller school vehicles, however, since they are of a size such that the location of release mechanisms would not fall in an inaccessible area. Accordingly, the NHTSA tentatively amends the standard to remove the requirements for rear emergency exit release mechanism location on buses with GVWRs less than 10,000 pounds.

The NHTSA cautions manufacturers that the removal of exit release mechanism location requirements for small buses does not permit the placement of release mechanisms in inaccessible areas. The intent of Standard No. 217 is to provide sufficient emergency exits that are easily accessible. Placement of an exit release mechanism in a location that would be difficult to reach, such as behind a seat, would violate the standard's intent and might be considered a safety-related defect.

Ford also suggested that the NHTSA modify another interior rear emergency release mechanism requirement. Currently, the regulation requires that the interior release mechanism employ an upward motion for release. The purpose of this requirement is to make it more difficult for emergency exit doors to be opened accidently while a vehicle is in operation. Ford recommended an alternative to the upward motion release mechanism. It suggested that the agency permit a manufacturer, at its option, to use the upward motion or to use a push or pull type release mechanism.

The NHTSA considers it necessary to require the installation of release mechanisms that are not susceptible to accidental opening. The agency concludes that devices that release emergency doors simply by pushing on a release mechanism are subject to accidental release if, for example, someone were to fall against them. Accordingly, the NHTSA denies that portion of Ford's recommendation that would allow this alternative. However, the agency tentatively considers release mechanisms that are operated by a pulling motion to be an option that can be as safe as release mechanisms operated by an upward motion. This is particularly true if the release mechanism is recessed in the door surface. Accordingly, for smaller school vehicles, the agency tentatively modifies the standard to permit release mechanisms that operate by pulling when such mechanisms are recessed.

In a final recommendation, Ford suggested that the agency modify the emergency identification requirement of the standard. It suggested that the label be located centrally on the exit. Currently, the identification requirement mandates the location of the emergency exit sign at the top of or directly above the emergency exit. The agency has interpreted this requirement to allow the labeling of exits on the top half of the exit or immediately above the exit. This interpretation allows a label to be located near the center of an exit. Accordingly, the NHTSA does not see any reason to modify the language of the requirement at this time and denies this aspect of the petition. The agency notes for clarity, however, that although the identification sign may be located on the top half of the exit, it cannot be placed in such a manner that it is not easily visible. For example, the exit identification sign cannot be placed behind a seat.

Since these amendments relieve some restrictions in the safety standard and may reduce school bus costs without lessening vehicle safety, the NHTSA finds for good cause that an immediate amendment of the requirement is in the public interest.

In accordance with the discussion above, the agency amends Standard No. 217-76, *Bus Window Retention and Release*, of Volume 49 of the Code of Federal Regulations, Part 571 as set forth below.

1. Section S5.3.3 has the first sentence revised to read:

S5.3.3 When tested under the conditions of S6, both before and after the window retention test required by S5.1, each school bus emergency door shall allow manual release of the door by a single person, from both inside and outside the bus passenger compartment, using a force application that conforms to paragraphs (a) through (c) except a school bus with a GVWR less than 10,000 pounds does not have to conform to paragraph (a).

2. Section S5.3.3 paragraph (b) is amended by the addition of the following at the end of the paragraph:

Buses with a GVWR less than 10,000 pounds shall provide interior release mechanisms that operate by either an upward or pull-type motion. The pull-type motion shall be used only when the release mechanism is recessed in such a manner that the handle, lever, or other activating device does not protrude beyond the rim of the recessed receptacle.

3. Section S5.4.2.2 is revised by changing the phrase "24 inches wide" to read "22 inches wide".

Interested persons are invited to submit comments on the interim final rule. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments must be limited to not more than 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. The limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been released to the public.

All comments received before the close of business on the comment closing date indicated will be considered, and will be available for examination in the public docket at the address above both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The principal authors of this notice are Robert Williams of the Crashworthiness Division and Roger Tilton of the Office of Chief Counsel.

(Secs. 103, 119, Pub. L. 89-563; 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 202, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.50.)

Issued on February 5, 1979.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 79-4402 Filed 2-6-79; 8:58 am]

[4910-59-M]

[Docket No. 70-12; Notice 23]

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

Amendment of Rule

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Amendment of rule.

SUMMARY: Congress has recently amended the National Traffic and Motor Vehicle Safety Act of 1966 (the Safety Act) to exempt manufacturers of retreaded tires from the registration requirements of the Act. This notice makes conforming amendments to the regulations implementing the tire registration requirments of the Act. The amendment is being published as a final rule without notice and opportunity for comment and is effective immediately, rather than 180 days after issuance, since the agency lacks discretion on the manner of implementing this Congressional mandate.

EFFECTIVE DATE: February 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Arturo Casanova, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1715).

SUPPLEMENTARY INFORMATION: Congress has recently enacted the Surface Transportation Assistance Act of 1978, Pub. L. 95-599. Section 317 of that Act amends the Safety Act by exempting manufacturers of retreaded tires from the registration requirements of section 158(b) of the Safety Act.

This amendment modifies the requirements of Part 574 to specify that manufacturers of retreaded tires are not subject to the mandatory registration requirements set forth in that Part. Manufacturers of retreaded tires are free to continue voluntarily registering the tires, and the agency encourage these manufacturers to provide some means for notifying purchasers in the event of a recall of tires that do not comply with Federal safety standards or contain a safety-related defect. However, this choice will be left to the individual retreaders.

The remaining obligations of retreaders under Part 574 are set forth in §§ 574.5 and 574.6, which provisions are not affected by this amendment. Those sections require that the retreader label contain certain information on its tires. These provisions allow a retreader who determines that some of its tires do not comply with a Federal safety standard or contain a safety-related defect to warn the public of that fact, and indicate the label number of the affected tires.

Since Congress has amended the Safety Act to exempt the manufacturers of retreaded tires from the registration requirements, this amendment of Part 574 is published without notice and opportunity for comment. The Administrator finds good cause for forgoing these procedures in this instance, because Congress has specifically mandated this action, and the agency has no authority to disregard a legislative mandate. For the same reason, this amendment is effective immediately, rather than 180 days after issuance.

The agency has reviewed the impacts of this amendment and determined that they will reduce costs to the manufacturers. Further, the agency has determined that the amendment is not a significant regulation within the meaning of Executive Order 12044

The program official and attorney principally responsible for the development of this amendment are Arturo Casanova and Stephen Kratzke, respectively.

In consideration of the foregoing, 49 CFR Part 574, Tire Identification and Recordkeeping, is amended to read as set forth below.

AUTHORITY: Sections 103, 108, 112, 119, 201, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401, 1407, 1421); secs. 102, 103, 104, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1411-1420); Stat. 2689 (15 U.S.C. 1418); delegation of authority at 49 CFR 1.51.

Issued on January 31, 1979.

JOAN CLAYBROOK,
National Highway Traffic Safety Administrator.

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

1. Section 574.1 is revised to read as follows:

§ 574.1 Scope.

This part sets forth the method by which new tire manufacturers and new tire brand name owners shall identify tires for use on motor vehicles and maintain records of tire purchasers, and the method by which distributors and dealers of new tires shall record and report the names of tire purchasers to the new tire manufacturers and new tire brand name owners. This part also sets forth th method by which retreaders and re-

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treaded brand name owners shall identify retreaded tires for use on motor vehicles.

2. Section 574.3 is amended by deleting § 574.3(c)(2) and (3) and adding a new § 574.3(c)(2), (3), and (4), to read as follows:

§ 574.3 Definitions.

• • • • • •

(c)(1) • • •

(2) "New tire brand name owner" means a person, other than a new tire manufacturer, who owns or has the right to control the brand name of a new tire or a person who licenses another to purchase new tires from a new tire manufacturer bearing the licensor's brand name.

(3) "Retreaded tire brand name owner" means a person, other than a retreader, who owns or has the right to control the brand name of a retreaded tire or a person who licenses another to purchase retreaded tires from a retreader bearing the licensor's brand name.

(4) "Tire purchaser" means a person who buys or leases a new tire, or who buys or leases for 60 days or more a motor vehicle containing a new tire for purposes other than resale.

3. Section 574.7 is revised to read as follows:

§ 574.7 Information requirements—new tire manufacturers, new tire brand name owners.

(a) Each new tire manufacturer and new tire brand name owner (hereinafter referred to in this section and § 574.8 as "tire manufacturer" unless specified otherwise), or his designee, shall provide forms to every distributor and dealer of his tires who offers these tires for sale or lease to tire purchasers, by which the distributor and dealer may record the information appearing in paragraphs (a)(1), (a)(2), and (a)(3) of this section. Forms conforming in size and similar in format to Figure 3 shall be provided to those dealers who request them, or if a dealer prefers, he may supply his own form as long as it contains the required information, conforms in size, and is similar in format to Figure 3.

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4. Section 574.8 is revised to read as follows:

§ 574.8 Information requirements—tire distributors and dealers.

(a) • • •

(b) Each tire distributor and each dealer selling tires to tire purchasers shall forward the information specified in § 574.7(a) to the tire manufacturer, or person maintaining the information, not less than every 30 days. However, a distributor or dealer who sells less than 40 new tires, of all makes, types, and sizes during a 30-day period may wait until he sells a total of 40 new tires, but in no event longer than 6 months, before forwarding the tire information to the respective tire manufacturers or their designees.

(c) Each distributor and each dealer selling new tires to other tire distributors and dealers shall supply to the tire distributor or dealer to whom he sells new tires a means to record the information specified in § 574.7(a), unless such a means has been provided to that distributor or dealer by another person or by a manufacturer.

• • • • • •

5. Section 574.9 is revised as follows:

§ 574.9 Requirements for motor vehicle dealers.

(a) Each motor vehicle dealer who sells a used motor vehicle for purposes other than resale, who leases a motor vehicle for more than 60 days, that is equipped with new tires is considered, for purposes of this part, to be a tire dealer and shall meet the requirements specified in § 574.8.

(b) Each person selling a motor vehicle to first purchasers for purposes other than resale, that is equipped with new tires that were not on the motor vehicle when shipped by the vehicle manufacturer is considered a tire dealer for purposes of this part and shall meet the requirements specified in § 574.8.

6. Section 574.10 is revised to read as follows:

§ 574.10 Requirements for motor vehicle manufacturers.

Each motor vehicle manufacturer, or his designee, shall maintain a record of the new tires on or in each vehicle shipped by him to a motor vehicle distributor or dealer, and shall maintain a record of the name and address of the first purchaser for purposes other than resale of each vehicle equipped with such tires. These records shall be maintained for a periods of not less than 3 years from the date of sale of the vehicle to the first purchaser for purposes other than resale.

[FR Doc. 79-4147 Filed 2-7-79; 8:45 am]

[7035-01-M]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Third Rev. Service Order No. 1315-A]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Third Revised Service Order No. 1315-A.

SUMMARY: Third Revised Service Order No. 1315 provides demurrage charges for covered hopper cars. This order also sets forth free-time and other requirements in connection with demurrage. A supplement to Freight Tariff 4-K became effective February 1, 1979, providing higher charges for demurrage than under the service order. Third Revised Service Order No. 1315 is vacated effective 11:59 p.m., February 2, 1979.

DATES: Effective 11:59 p.m., February 2, 1979.

FOR FURTHER INFORMATION CONTACT:

J. K. Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

Decided: February 2, 1979.

Upon further consideration of Third Revised Service Order No. 1315 (44 FR 4951), and good cause appearing therefor:

It is ordered. § *1033.1315 Third Revised Service Order No. 1315* (Demurrage and free time on freight cars) is vacated effective 11:59 p.m., February 2, 1979.

(49 U.S.C. (10304-10305 and 11121-11126))

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Robert S. Turkington, Leonard J. Schloer and William F. Sibbald.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-4400 Filed 2-7-79; 8:45]

[7035-01-M]

[Ex Parte No. MC-105]

PART 1062—REGULATIONS GOVERNING SPECIAL APPLICATION PROCEEDINGS FOR FOR-HIRE MOTOR CARRIERS

Ex-Water Traffic [1]

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The rules adopted in this document establish a simplified certification procedure for all motor common carriers of property who wish to provide motor carrier service within the commercial zone of a port city for a shipment having a prior or subsequent movement by maritime carrier. This rule should improve intermodal (ocean-land) operations.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter Metrinko, (202) 275-7885.

SUPPLEMENTARY INFORMATION: The purpose of the regulations adopted in this case is to provide a simplified certification process for motor common carriers seeking authority to transport shipments of property within the commercial zone of port cities where the shipments have a prior or subsequent movement by maritime carrier.

THE STATUTORY SITUATION

Commission regulations and our general statutory framework demonstrate the relative unimportance of regulating incidental or short haul transportation of property. Section 10526(b)(1) (formerly section 203(b)(8)) exempts the transporation of property wholly within a municipality, between contiguous municipalities, or within a zone (the "commercial zone") adjacent to and commercially part of these municipalities, except when the transportation is under common control, management, or arrangement for continuous carriage to outside points. Section 10523 (formerly section 202(c)) exempts the transportation of freight in the performance of transfer, collection, and delivery services within the defined terminal areas of railroads and express companies, motor carriers, inland water carriers, and freight forwarders subject to our jurisdiction. Furthermore, section 1052 (a)(8) (formerly section 203(b)(7a)) provides an exemption for the transportation of persons or property when incidental to transportation by aircraft.

However, no regulatory exemption is provided for local pickup and delivery services performed entirely within a commercial zone of a port city where the local service is provided as part of a through movement with a maritime carrier not subject to the Interstate Commerce Act. See *Consolidated Freightways, Inc., Ext.—Seattle, Wash.*, 74 M.C.C. 593 (1958). Thus, water carriers subject to the jurisdiction of the Federal Maritime Commission are not accorded the benefit of a statutorily created exempt terminal area in which motor carriers may conduct local collection and delivery services without regulatory restraints.

In *Consolidated Freightways, supra*, at 597, the Commission noted that Congress probably intended to exempt from economic regulation all purely local operations in enacting the terminal area and commercial zone exemptions in the Act, 49 U.S.C. 10523 and 49 U.S.C. 10526(b)(1). But the common arrangement between maritime carriers and local motor carriers for continuous carriage renders the commercial zone exemption of the Act unavailable. A regulated motor carrier may perform some local service under current rules under the commercial zone exemption. Where the shipper or receiver, or a private ocean carrier makes arrangements with the local motor carrier, no authority from this Commission is necessary for the intraport movement. See *Service Transp. Co. Contracts and Agreements*, 44 M.C.C. 419 (1945). However, the practical problem is that often local transporation is arranged by the FMC regulated ocean carrier.

No economic justification has been advanced for this anomalous situation and it appears that the lack of an exemption for this type of intraport movement is the result of oversight. The adopted regulations would rectify the current situation where an FMC authorized carrier is obligated to employ the service of motor carriers having specific authority to serve points within the commercial zone of a port city, but where Commission regulated and private water carriers are not.

While there is no specific exemption for this type of traffic, the general provisions of the Act makes it clear that we have the power and the duty to correct this competitively discriminatory situation. The transportation policy of the Commission, 49 U.S.C. 10101, is to ensure coordinated transportation and provide for the impartial regulation of the modes of transportation, preserving the inherent advantage of each mode. The continued regulation of this intraport, ex-water traffic runs counter to this transportation policy, and to the entire exempt versus non-exempt economic regulatory structure of the Act.

BACKGROUND OF THIS PROCEEDING

The notice instituting this proceeding presented three approaches for dealing with the inequitable situation described. The first option would have exempted from our regulations a certain class of motor carriers lawfully engaged in operations solely within a single State. The proposed exemption would have applied to the transportation of shipments having prior or subsequent movement by maritime carrier and moving by motor carrier within the commercial zone of a port city, or any portion of the zone not extending beyond the boundaries of the State in which the port city is located.

In that previous notice we realized that there might be legal and practical problems using the single State exemption portion of the Act, 49 U.S.C. 10525 (formerly 204(a)(4a)). There are important instances where the commercial zone of a port city extends beyond the boundaries of a single State. The Commission suggested as a second option that, for purposes of bringing our proposal under the single State exemption, the multiple State commercial zone of these port cities be viewed as a single entity. Many parties had reservations about this method, and upon further legal analysis, we decline this approach.

The third option was to implement a simplified certification procedure for carriers wishing to operate within these port, multi-State commercial zones. This would require a prospective general finding that the public convenience and necessity require simplified certification for the incidental transportation of shipments having a prior or subsequent movement by maritime carriers and moving by motor vehicle only within the commercial zone of a port city. This last approach has proven to be the best one. The problems with using the single State exemption section of the Act are discussed below.

Our review of the public comments persuades us that all motor common carriers should be able to take advantage of a simplified certification procedure. We see no reason to adopt separate approaches for single State and multi-State carriers by use of both the single State exemption and simplified certification procedure. The policy reasons which dictated this proceeding apply to all motor common carriers.

[1] Formerly entitled *Single State Exemption—Ex-Water traffic.*

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SINGLE STATE EXEMPTION—IMPRACTICAL

There are two general reasons why we did not pursue the single State exemption.[2] It is too narrow in scope, and uniform regulation of transportation requires that we allow multi-State motor carriers to participate in any certification procedure.

The basic intent in adopting these rules is to correct an anomaly in the regulatory structure and simplify the entry process in an area where no significant contribution is made by employing economic analysis in individual application proceedings.

A critical problem with using the single State exemption approach is that the carrier must be operating solely within a single State. Several parties questioned, quite correctly, why multi-State carriers should be treated differently in reaching a solution.

A second major problem with use of this exemption is that in the event the required finding is made, the Commission is directed to issue a certificate of exemption to the motor carrier which shall exempt it from compliance with the Act's motor carrier provisions. The historic interpretation of the exemption is that the motor carrier is a single unit and the exemption connotes all the operations of that carrier. See *Grubbs Exemption Application*, 30 M.C.C. 561, 563 (1941). When combined with the single State operational requirement, the end result would be that a carrier wishing to take advantage of the exemption would be precluded from expanding its operations. In sum, the exemption approach would merely carve an exception into the anomaly and would be of little use to the great majority of carriers.

THE PUBLIC CONVENIENCE AND NECESSITY

The public convenience and necessity require the adoption of the rules set forth at 49 CFR 1062.3, see *Chemical Leaman Tank Lines, Inc.* v. *United States*, 368 F. Supp. 925 (D. Del. 1973). The test for analyzing public convenience and necessity is found in *Pan-American Bus Lines Operation*, 1 M.C.C. 190 (1936). That test asks whether there is a public need for the proposal, whether that need can be met by existing carriers, and whether the proposal will impair the operations of existing carriers in a manner contrary to the public interest.

The test is one of balance. A major consideration is whether the advantages to the public outweigh the disadvantages, real or potential, to existing carriers. *All American Bus Lines, Inc., Common Carrier Application*, 18 M.C.C. 755, 776-777 (1939). This balancing of benefits to the public against harm to existing motor carriers' service was deemed to embody the concept of public convenience and necessity in the Supreme Court decision in *Bowman Transp.* v. *Arkansas-Best Freight System*, 419 U.S. 281, 293, 298 (1974). It is not sufficient to determine only if existing service is adequate. See *United States* v. *Dixie Express*, 389 U.S. 408 (1967). Finally, we cannot ignore the possible benefits to the public from increased competition which grants of new authorities likely will foster, *P. C. White Truck Line, Inc.*, v. *United States*, 551 F. 2d 1326 (D.C. Cir. 1977).

These legal requirements are only part of the picture. Overall Commission policies must be considered. Present main concerns of the Commission include promoting administrative efficiency, competition, and intermodalism. *Cf. Entry Control of Brokers*, 126 M.C.C. 476, 496 (1977). With all these factors in mind, we can proceed to an examination of the evidence of record.

Comments were received from diverse interests, including 40 motor carriers, 9 associations, 4 shippers, 3 governmental bodies (including the Federal Maritime Commission), 4 water carriers, and 4 miscellaneous interests. Also of special interest were the comments of 9 port commissions.

Certificated motor carriers generally opposed any opportunities for expansion of service. Only two motor carriers, D. D. Jones Transfer and Warehouse Co., Inc., and Overoad Containers Service, Inc., provided any specific information as to adverse effects that might be suffered.

There was a large amount of support for entry relaxation from users of the services and port commissions. For example, the Port Authority of New York and New Jersey believes there should be a general commercial zone exemption available. This would foster intermodal development. Similar statements of approval came from the ports of Lake Charles, LA, Milwaukee, WI, Pascagoula, MS, Baton Rouge, LA, Houston, TX, Mobile, AL, and the Indiana Port Commission. Only the Delaware River Port Authority opposed relaxation, stating that it appeared there was a sufficient supply of carriers serving that port.

The U.S. Departments of Justice and Transportation supported entry relaxation. The Federal Maritime Commission agreed that there should be equal treatment of motor carriers performing collection and delivery services for all water carriers.

A number of parties, including the Port of Lake Charles, detailed instances where it was difficult to find enough carriers to serve the port. Meehan Seaway Service, Ltd., pointed out that import and export traffic moves in large quantities, so that there are sudden and large needs for equipment. Totem Ocean Trailer Express, Inc. (TOTE) repeated this, pointing out its own special problems in maintaining a scheduled Alaskan run while trying to find sufficient carriers to load its ships. Its own shipping customers have been constant complainers about the lack of motor equipment and TOTE lists examples of the numbers of trailers that could not be shipped on schedule owing to a lack of equipment.

Several parties mentioned business operational features that would be improved by entry relaxation. Outboard Marine Corp., a manufacturer of marine and lawn care equipment, noted that carriers of smaller size are faced with a heavier burden in attempting to obtain certificates and it believes that simplified licensing would be a boon to small carriers. Valley Transfer & Storage, Inc., a Washington intrastate motor carrier, noted its frustration in having equipment in a port city that must often be deadheaded.

Based on the review of the overall record, we believe that there is a need for the proposal, which will benefit the public. As pointed out, regulation in this area is an anomaly. Similar areas of transportation have long since been exempt because the transportation is incidental or local in nature. Relaxation of entry through a simplified certification process will mean equal treatment for all water carriers. A Commission regulated water carrier should not have a larger pool of equipment to draw from based solely on the fact that one Federal agency regulates its activities rather than another.[3] The decision here will aid in standardizing treatment of water carriers.

We expect that many local noncertificated carriers will apply for authority under the simplified entry procedures described in the rules. A larger pool of equipment in the ports will mean that carriers like TOTE will be more assured of having adequate supplies of equipment available, so that its ships can travel fully loaded. Our decision is consistent with our general policy to foster advances in intermodal service. See *CTI-Container Transport International, Inc., Freight Forwarder Application*, 341 I.C.C. 169, 199 (1972); *Emery Air Freight Corp. Freight Forwarder Application*, 339 I.C.C. 17, 37 (1971); *Marine Stevedoring Corporation Common Carrier Application*, 119 M.C.C. 514, 521 (1974); *Service Transfer, Inc., Contract Carrier Application*, 117 M.C.C. 506, 514 (1972); *Investigation of Piggyback Service Regulations*, 355 I.C.C. 841 (1977); and *Entry Control of Brokers, supra*, at 504.

The public will also be aided by increased administrative efficiency. The Commission is in the midst of a comprehensive program to make its procedures more efficient. In specific areas, such as broker entry control and the transportation of waste products, the Commission has specifically examined whether the entire scope of the existing application procedure was necessary. Where a part was unnecessary, it was deleted. These type actions have many beneficial effects. Case processing is faster, requiring less time and money spent by all parties concerned. Applicants for authority only have to meet standards of proof which in a real sense affect service and public needs.

The simplified certification process retains important protections for the shipping public. Atlantic Container Line, while opposing the general proposal, stated that, as an FMC carrier, it has come to rely on the dependability of I.C.C. carriers. It argues that the certification process insures that the motor carrier is operationally fit, maintains insurance, and has adequate capitalization. ACL points out that ocean carriers have high investments in equipment (containers and chassis), and it must use carriers that will protect its investment.

We agree with ACL's basic position about the need to assure that fit, properly insured carriers perform these operations. Our simplified procedures here only forgo the necessity of examining local market conditions in each application. In every instance under the adopted rules, operations may begin only following the service of a certificate which will be issued if the applicant demonstrates its fitness, financial and otherwise, and complies with the following requirements set forth in the Code of Federal Regulations: insurance (49 CFR Part 1043), designation of process agent (49 CFR Part 1044), and tariffs (49 CFR Part 1307).

But, as detailed immediately below, there is no significant evidence that entry into these local markets to provide incidental, short haul service requires that an applicant should have to go through every facet of the application process, i.e., to present evidence about local markets and competitive needs. While there may be a few instances where existing carriers lose revenues because of added competition, this does not strike a balance with the overall needs of the transportation industry and the shipping public.

There was little evidence, except in isolated instances, as to whether or not the transportation service needs involved in this area can be met by existing carriers. Several parties, as recited, did experience difficulties in finding equipment and the port commissions (with one exception) believed that additional supplies of equipment were necessary for the continued viability of the maritime industry.

Stability of the transportation industry is an important aspect of our regulation. It is not the function of the Commission to insulate carriers from competition, but to insure the greatest level of competition possible in an atmosphere of stability.

Rulemaking proceedings have as a partial function the solicitation of evidence from the affected existing carriers as to whether or not they will be adversely affected by a change in our regulations. Existing carriers are in a unique position to present this information. The Commission cannot base decisions on theories or supposed adverse effects, *Cf. Passenger Brokers Affiliated with Motor Carriers*, 128 M.C.C. 354, 357-358 (1977). We have not received hard evidence that adverse effects would occur, *Cf. Investigation of Piggyback Service Regulations, supra*, at 852. Only two carriers offered any specific evidence on this issue and only one of those offered any past correlations between the addition of new services and its own corresponding competitive difficulties. This is a meager amount of weight to balance against the positive effects adoption of the rules will bring. It is clear that the benefits to the public far outweigh the adverse effects that might occur.

The General Accounting Office's Report to the Congress, "ICC's Expansion of Unregulated Motor Carrier Commercial Zones Has Had Little or No Effect on Carriers and Shippers", is consistent with our findings that there will be little, if any, adverse effects on existing carriers. That report commented on our recent expansion of commercial zones in *Commercial Zones and Terminal Areas*, 128 M.C.C. 422 (1976). It found that the expansion had little or no effect on most carriers' volume of shipments, rates, revenue, interlining, and other aspects of operations. Those findings are helpful here, for the situation is analogous.

In sum, we believe our adopted rules will benefit the public. These benefits include elimination of unnecessary regulatory constraints, greater administrative efficiency, and promotion of intermodalism. There was no substantial evidence that the adopted rules will adversely affect the ability of existing carriers to perform service.

ENVIRONMENTAL CONSIDERATIONS

We do not believe that the adopted rules will have a significant effect on the quality of the environment. Initially, it should be noted that individual OP-OR-9 applications will still be filed, which will result in continued reporting requirements on the possibility of there being major environmental impacts and on the feasibility of the proposed operation. The adopted regulations merely make the certification process simpler, since it is no longer necessary to prove a need for the service and to discuss local economic and competitive effects. The probable result of this proceeding will be a marginal increase in the amount of equipment available for the ex-water shipments. The Commission ruling requiring certification for this transportation has been in effect for many years. In that time many carriers have received specific authority to serve ports in the manner described.

There is the possibility that long distance carriers who transport traffic to a distant port city, instead of deadheading to another point for a return load, might find it profitable to transport temporarily this ex-water traffic if there is a need for equipment at the port. Multi-State carriers, with this consideration in mind, might seek certification at a number of port cities they presently serve in point-to-point service (but which port cities they are unable to serve in transporting this local, ex-water traffic, compare *Consolidated, supra*).

Some representations were made that local surpluses of motor vehicle equipment might result. In the long run, the supply of this equipment will adjust to service demands and resultant fuel use will remain relatively constant. It should be recalled that we are dealing with local transportation, unlike typical line haul movements where surpluses of equipment might lead to extensive deadheading.

Water carriers' loading practices might be advantaged by having a larger source of equipment where previous shortages existed, but any savings here would be in the form of labor costs.

In sum, the amount of fuel used or the efficiency of operations will not be significantly altered under these rules.

DEFINITION OF MARITIME CARRIER

The scope of the initial proposal covered vessel operating water common carriers regulated by the Federal Maritime Commission, as well as non-vessel operating common carriers (NVOCC). This has been extended to the adopted rules. However, a word of caution is necessary. These rules do not affect the responsibility of NVOCC's to obtain freight forwarder authority from this Commission where

[2] General discussions of the exemption can be found in *Knickerbocker Warehousing Corp. Exemption Application*, 99 M.C.C. 293 (1965), and *Motor Carrier Operation in the State of Hawaii*, 84 M.C.C. 5 (1960).

[3] Under existing rules, if a shipper or private carrier makes the arrangements for the local transportation, it can use any motor carrier. However, it is common for the FMC carrier to make the arrangements, simply because it is in a better position to do so.

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it is necessary. Where these NVOCC's arrange for the motor transportation of the shipper's cargo, they require appropriate ICC authority, see *Compass, Nippon, and Transmarine—Investigation*, 344 I.C.C. 246 (1973), and *IML Sea Transit, Ltd. v. United States*, 343 F. Supp. 32, 42 (N.D. Calif. 1972), aff'd 409 U.S. 1002 (1972), rehearing denied, 409 U.S. 1118 (1973).

SPECIAL APPLICATION PROCEDURES

Recently the Commission adopted rules in Ex Parte No. 55 (Sub-No. 25), published in the FEDERAL REGISTER on December 13, 1977, which revised the OP-OR-9 application forms for permanent motor common carrier authority and 49 CFR 247(f)(2) which pertains to unopposed application proceedings. The special rules adopted here will entail only minor modifications in the way operating rights are normally processed and reviewed under these expedited procedures.

Applicants will use the OP-OR-9 application form. At the top of the form applicants shall label the application EX-WATER, which will indicate to our staff that special handling is necessary.

The sole issue upon which an application under these rules can be protested is the applicant's fitness to perform the proposed service. This encompasses safety and financial ability to perform the operation.

However, we shall require each applicant to provide a certification of support from a supporting party for each port city it wishes to serve (in appropriate circumstances, one party may support service to multiple port cities, but this should be clearly explained in the certification of support). The purpose of this minimal support requirement is to ensure that applicants have legitimate plans to serve port cities named. We do not want carriers making blanket applications, which will only require needless energy spent in processing applications. Existing carriers must be given a fair opportunity to offer evidence on a carrier's operational fitness, and their task will be unfairly and unnecessarily complicated if local carriers intending only to serve one or two ports make laundry list applications. We should point out that this tendency should be arrested by the fact that compliance for larger applications is more complex. Please note that applicants *may* request authority to serve more than one port city in a single application.

Protests will be allowed only on the issue of fitness. They will be due within 30 days of the FEDERAL REGISTER publication of an applicant's proposal. Fitness protests must contain specific facts, and a statement relying solely on unsupported allegations or generalized statements may be rejected. Protests must be served upon the applicant or applicant's representative.

Applicant will be allowed to file a reply statement. This must be filed within 20 days from the last due date for the filing of statements in opposition.

If protests are filed and the case is not assigned for oral hearings, the case will immediately be submitted to a review board for consideration under the modified procedure. If an application is unopposed and is not assigned for oral hearing, it will be processed in accordance with the expedited procedures used in unopposed cases.

If the application is granted, the applicant, upon compliance with the pertinent sections of the Act, will receive a certificate of public convenience and necessity.

FINDINGS

We find that the present and future public convenience and necessity require service by motor carriers of property in the transportation of shipments within the commercial zone of a port city, where the shipments have a prior or subsequent movement by maritime carrier.

THE NEW RULES

Accordingly, we add § 1062.3 to Part 1062 of Title 49 of the Code of Federal Regulations, as follows:

§ 1062.3 Special procedures governing applications to transport property in which applicants seek motor common carrier operating authority to perform service within the commercial zone of a port city, where a shipment has a prior or subsequent movement by maritime carrier.

(a) *Scope.* These special rules govern the filing and handling of applications in which an applicant is seeking a certificate of public convenience and necessity authorizing it to perform service within the commercial zone of a port city for a shipment having a prior or subsequent movement by maritime carrier. A maritime carrier is a water common carrier subject to the jurisdiction of the Federal Maritime Commission (FMC) as defined in the Shipping Act, 1916. The term includes nonvessel operating common carriers (NVOCC).

(b) *Applications.* Except as otherwise provided in these special rules, applicants shall file applications which are in the format of, and contain the information called for, in the form of application and in instructions prescribed by the Commission for applications for certificates of motor common carrier authority. Applicants may file for authority to serve more than one port city commercial zone in a single application; but the application must include shipper support, as required in subsection (c) of these special rules, for each port to be served.

(c) *Shipper support.* An applicant shall file a certification of support (the Appendix to the application) for each port city for which authority is sought. It is permissible for a single shipper to support service at more than one port, but the circumstances under which this is possible must be included in the Appendix.

(d) *Special instructions.* Applicants shall comply with the following special instructions in filling out their applications: (1) Authority must be sought as a common carrier. (2) The commodity authorization sought must be for general commodities (but not to include Classes A and B explosives). (3) The points to be served shall be described in this way: "Between points in the commercial zone of (name of city and State), restricted to traffic having a prior or subsequent movement by water." (4) The top of the first page of each application form shall be labeled "EX-WATER" by the applicant. It is not necessary to fill out paragraph IV and VII(a) of the application. The answer to VII(b) in the application must be "no", since only local operations are contemplated under these special rules.

(e) *Caption summary and notice.* Applicants shall submit a caption summary of the authority sought with each application and shall use the following format for each summary:

MC (Sub-). Applicant: Name, address. Representative: Name, address. To operate as a *common carrier*, by motor vehicle, between points in the commercial zone of (name of city and state), restricted to traffic having a prior or subsequent movement by water.

Every caption summary will be published by this Commission in the FEDERAL REGISTER to give notice of application filed under these special rules.

(f) *Protests and requests for hearings.* (1) Protests will be accepted only upon the issue of applicant's fitness to perform the proposed operations, and protests containing only unsupported or generalized allegations may be rejected. Protests must be filed within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Every protest must contain a certification that it has been served upon the applicant or applicant's representative. The original and one copy of the protest must be filed with the Commission. (2) Any request for an oral hearing shall be supported by a specific explanation why the evidence to be presented cannot reasonably be submitted in the form of affidavits.

(g) *Replies.* Applicant may reply to the protest. Replies are due within 20 days from the date the protest is due.

The original and one copy of the reply must be filed with the Commission. The reply shall certify that it has been served upon the protestant or protestant's representative.

(h) *Processing.* (1) After all statements are received in a protested case which is not assigned for oral hearing, the file will be referred to a review board for processing under the Commission's modified procedure (Rules 43-52 of the Rules of Practice). However, only the original and one copy of any statement made pursuant to rule 49 must be filed with the Commission. (2) In an unprotested case which is not assigned for oral hearing, the application will be determined based upon the information submitted with the application form.

(49 U.S.C. 10321, 10921 and 10922, and 5 U.S.C. 553 and 559.)

Dated: January 22, 1979.

By the Commission, Chairman O'Neal, Vice-Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4401 Filed 2-7-79; 8:45 am]

[4310-55-M]

Title 50—Wildlife and Fisheries

CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Opening of Certain National Wildlife Refuges in North Carolina, South Carolina, and Tennessee, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain national wildlife refuges in North Carolina, South Carolina, and Tennessee is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. The name of each affected refuge and the special regulations for each refuge are set forth below.

EFFECTIVE DATES: See the dates listed for each refuge under Supplementary Information below.

FOR FURTHER INFORMATION CONTACT:

The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

William C. Hickling, Area Manager, U.S. Fish and Wildlife Service, 279 Federal Building, Asheville, N.C. 28801. Telephone: 704-258-2850 Ext. 321.

Steven W. Frick, Refuge Manager, Mattamuskeet National Wildlife Refuge, Rt. 1, Box N-2, Swanquarter, N.C. 27885. Telephone: 919-926-4021.

Jerry L. Holloman, Refuge Manager, Pee Dee National Wildlife Refuge, P.O. Box 780, Wadesboro, N.C. 28710. Telephone: 704-694-4424.

Marvin T. Hurdle, Refuge Manager, Carolina Sandhills National Wildlife Refuge, Route 2, Box 130, McBee, South Carolina 29101. Telephone: 803-335-8401.

George R. Garris, Refuge Manager, Cape Romain National Wildlife Refuge, Rt. 1, Box 191, Awendaw, S.C. 29429. Telephone: 803-928-3368.

Paul Ferguson, Refuge Manager, Santee National Wildlife Refuge, Box 158, Summerton, S.C. 29148. Telephone: 803-478-2217.

Samuel W. Barton, Refuge Manager, Cross Creeks National Wildlife Refuge, Route 1, Box 229, Dover, Tennessee 37058. Telephone: 615-232-7477.

James C. Bryant, Refuge Manager, Hatchie National Wildlife Refuge, Box 187, Brownsville, Tennessee 38012. Telephone: 901-772-0501.

Wendell C. Crews, Refuge Manager, Reelfoot (and Lake Isom) National Wildlife Refuge, P.O. Box 98, Samburg, Tennessee 38254. Telephone: 901-538-2481.

SUPPLEMENTARY INFORMATION:

GENERAL

Sport fishing on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to sport fishing are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires that before any area of the refuge system is used for forms of recreation not directly related to the primary purposes and functions of the area, the Secretary must find that: (1) Such recreational use will not interfere with the primary purposes for which the area was established; and (2) funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing on the Mattamuskeet National Wildlife Refuge, N.C., is permitted on approximately 40,000 acres. Sport fishing and bow fishing seasons extend from March 1, 1979 through November 1, 1979, except the following areas are open to bank fishing during the entire year: (a) State Highway 94 Causeway; (b) in the immediate vicinity of the Lake Landing Water Control Structure; and (c) in the immediate vicinity of the Outfall Canal Water Control Structure at Mattamuskeet Lodge.

(1) Herring (alewife) dipping will be permitted from March 1 through May 15 from the canal banks and water control structures in the immediate vicinity of the following locations: (a) Waupoppin Canal control structure—from ½ hour before sunrise to ½ hour after sunset. (b) Outfall Canal and Lake Landing control structures—from ½ hour before sunrise to 10 p.m., local time.

(2) Boats and outboard motors permitted except in areas posted closed to motorboat use. Airboats are prohibited.

PEE DEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Pee Dee National Wildlife Refuge, North Carolina, is permitted on approximately 20 acres. The sport fishing season is year-round on Brown Creek within 100 yards of Brown Creek Bridge on U.S. Highway 52; from April 1, 1979, through September 30, 1979 on Brown Creek within 100 yards of both Bennett Bridge on SR-1627 and lower Brown Creek Bridge on SR-1634; and from April 1, 1979 through September 30, 1979 on Sullivan Pond (Anson County), Little Pond (Anson County), Andrews Pond (Richmond County), and on the Pee Dee River (Anson and

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Richmond Counties) in areas designated by public fishing area signs.

Fishing is permitted from sunrise to sunset. Only bank fishing is permitted, except in Andrews Pond. Jon boats, up to 14 feet, and canoes will be permitted in Andrews Pond. All motors are prohibited.

Only cane poles and rods and reels are permitted. Trotlines, set hooks, and nets are prohibited in Refuge ponds.

Parking is permitted only in those areas designated as being reserved for parking. Vehicles are not permitted on dams and levees.

No special refuge permit is required. State license must be carried on the person and exhibited to Federal or State officers upon request.

Firearms, camping, open fires and night use are prohibited.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Cape Romain National Wildlife Refuge, South Carolina, is permitted on approximately 610 acres. The sport fishing season on the refuge extends from March 15, 1979 through September 30, 1979.

Fishing is permitted during daylight hours only. Boats with electric motors are permitted. Other motors are prohibited. Boats must be removed from the refuge at the close of each day. Moore's Landing will be open daily from 5:00 a.m. until 8:00 p.m. EST, for launching and loading boats, at the high tide ramp only. Camping, littering, dogs, and weapons are prohibited.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, South Carolina, is permitted on approximately 150 acres. The fishing season is year-round on the Black Creek Bridge areas on State Road 33, State Road 145, and U.S. Highway 1; from March 12, 1979, through October 6, 1979, on Martins Lake, and Pools A, B, C, D, G and H; and from March 12, 1979 through September 8, 1979, on Lake 17, and Pools J and L; and from July 23, 1979, through December 31, 1979 on Lake Bee.

Fishing is permitted from official local sunrise until ½ hour after official sunset. Unpowered boats and boats with electric motors are permitted only in Martins Lake, Lake 17, and Lake Bee. Other type motors are prohibited. All other areas are open only for bank fishing within posted areas. Fish baskets, nets, set hooks, and trotlines are prohibited.

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Santee National Wildlife Refuge, South Carolina, is permitted on approximately 12,000 acres. Sport fishing is permitted year-round except that Cantey Bay, Black Bottom and Savannah Branch are closed from November 1, 1979 to February 28, 1980. Waters within all land units (Cuddo, Pine Island, Bluff and Dingle Pond) are closed to fishing. The overnight mooring of boats on the refuge is prohibited.

TENNESSEE

CROSS CREEKS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cross Creeks National Wildlife Refuge, Tennessee, is permitted on approximately 3,260 acres. The open season for Elk and South Cross Creek Reservoirs and the 15 smaller refuge ponds extends from April 1, 1979, through September 15, 1979. Sport fishing on Barkley Lake is open year-round.

Fishing is permitted in designated areas from 30 minutes before sunrise to 30 minutes after sunset, except on Barkley Lake, which is open 24 hours per day. Outboard motor size is limited to 6 horsepower or less in Elk and South Cross Creek Reservoirs and the smaller impoundments. Motor size is not restricted in Barkley Lake. Methods of fishing the two reservoirs and impoundments are limited to rod and reel and/or pole and line.

Overnight camping and/or overnight mooring of boats are prohibited on the refuge. For their safety, fishermen must follow designated routes of travel while on the refuge, and use the parking areas as provided.

All State regulations must be obeyed while fishing on refuge reservoirs as well as that portion of Barkley Lake within the refuge. Fishing license must be carried on the person, to be exhibited to Federal or State officers upon request. No special refuge permit is required.

HATCHIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Hatchie National Wildlife Refuge, Tennessee, is permitted on approximately 150 acres. The sport fishing season extends from April 1, 1979, through October 31, 1979.

Fishing is permitted during daylight hours only. Overnight camping is prohibited. The refuge is closed to all use from 30 minutes past sunset until 30 minutes before sunrise.

Boats powered with electric outboard motors are permitted. Gasoline motors are prohibited. Boats must be removed from refuge no later than November 7, 1979.

Methods of fishing are limited to pole and line, or rod and reel, using natural or artificial baits. Setlines, jugs, etc. are not permitted. Vehicles may be used on refuge roads and trails to reach fishing areas, except those indicated by signs as closed. Footpaths may be used to reach all lakes from Hatchie River. Firearms are prohibited.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tennessee, is permitted on approximately 750 acres. The sport fishing season on the refuge extends from March 16, 1979, through September 30, 1979.

Fishing with bows and arrows is prohibited at all times. Boats with motors of not more than 6 horsepower may be used. Public use of the refuge is limited to the hours between sunrise and sunset unless otherwise allowed by a refuge permit.

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tennessee, is permitted on approximately 9,092 acres. The fishing season on that portion of the refuge located north of Upper Blue Basin extends from February 15, 1979, through October 23, 1979. The fishing season on that portion of the refuge located south of Upper Blue Basin extends from January 21, 1979, until the day preceding opening of the 1979 waterfowl season. Fishing with bows as arrows is prohibited at all times. Boats with motors of not more than 10 horsepower may be used. Public use of the refuge is limited to the hours between sunrise and sunset unless otherwise allowed by a refuge permit.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

Dated: February 2, 1979.

CHARLES K. BAXTER,
Acting Area Manager.

[FR Doc. 79-4294 Filed 2-7-79; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-07-M]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1933]

Self-Help Technical Assistance Meeting

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration gives notice to all interested parties that it has scheduled a meeting to discuss alternatives, consider public comments and in general provide for material input from interested persons and organizations concerning the Self-Help Technical Assistance Grant Regulations.

TIME & DATE: From 8:30 A.M. to 12:30 P.M. on March 1, 1979. (Meeting will be extended, if necessary.)

PLACE: Jefferson Auditorium, U.S. Department of Agriculture, South Building, 14th & Independence Avenue, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas F. Gerlitz, Phone: 202-447-7207.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration is considering amending FmHA Instruction 1933-I (Part 1933, Subpart I) concerning Self-Help Technical Assistance Grants. The Agency provides the following information concerning Technical Assistance Grants:

I. BACKGROUND

1. Several proposals have been received for Self-Help TA Grants to repair or rehabilitate existing homes. These proposals are inconsistent with existing procedures in the following areas:

a. Development work involved less than 700 hours of labor input.

b. "Mutual" self-help where families work on each other's homes may not be feasible.

c. Some families cannot provide the labor needed.

d. Use of Section 504 funds is proposed.

2. We also receive Self-Help TA Grant requests proposing new construction using sectional homes or prefabricated components. Less than 700 hours or participation would be needed to complete these homes resulting in the grantee possibly developing more projects per year.

3. Proposals are being considered for development of a contract training program for Self-Help T.A. Grantees. Possible approaches might include:

a. A national or regional training contract.

b. Contracts for the development of management system models for use by umbrella-type or franchise organizations in assisting local Self-Help Groups.

4. FmHA updated its Self-Help Technical Assistance Grant Regulations in 1978. Those attending the public meeting might wish to propose further improvements to the T.A. Program.

II. ISSUES

1. Section 523 permits Self-Help TA Grants to develop new housing and repair and rehabilitate existing housing. How should the repair and rehabilitation aspect of the program be implemented?

2. Procedure requires Self-Help participants to contribute at least 700 hours of labor for each house. Should a change be made to accommodate a greater variety of projects?

3. Procedure permits mutual Self-Help Projects. Is this a correct interpretation of the law?

4. Should persons be permitted to participate in a Self-Help Housing Project if they are unable to contribute their own labor?

5. Can Self-Help TA repair and Rehabilitation Program participants use Section 504 loan and grant funds instead of Section 502 funds?

6. Can CETA employees substitute any of the labor input of the families who are elderly or disabled?

7. Another option to consider involves using mutual Self-Help concepts for major construction work and permitting individual self-help for the balance of the work.

8. What kind of training is needed by Self-Help Grantees, especially in light of program eligibility requirements?

9. If an umbrella or franchise approach is utilized, how should these regional groups be trained?

10. Should FmHA adopt uniform or flexible management and training guidelines?

Dated: February 2, 1979.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 79-4283 Filed 2-7-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Parts 2, 271]

[Docket No. RM79-19]

FIRST SALE OF NATURAL GAS PRODUCED FROM PRUDHOE BAY UNIT OF ALASKA FOR TRANSPORTATION THROUGH THE ANGTS

Proposed Rulemaking and Statement of Policy

Issued February 2, 1979.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed Rulemaking and Statement of Policy.

SUMMARY: The Federal Energy Regulatory Commission (the Commission) hereby gives notice of a proposal to amend Part 271, Subchapter H of its interim regulations promulgated under the Natural Gas Policy Act of 1978 (NGPA). The proposed amendment would permit those involved in the first sale of natural gas produced from Prudhoe Bay, Alaska for transportation through the Alaska Natural Gas Transportation System (ANGTS) to apply for adjustments pursuant to section 502(c) of the NGPA in the event of special hardship, inequity, or an unfair distribution of burdens. This amendment is made with respect to the Commission's declining to exercise its discretion under section 110 of the NGPA to permit applications for additions to the maximum lawful price for costs born by the seller of such gas. The Commission also gives notice of a proposal to promulgate a statement of policy under the Natural Gas Act that, absent a showing that the public convenience and necessity would otherwise be served, the purchase of natural gas from Prudhoe Bay, Alaska for transportation through the ANGTS should be of processed gas capable of immediate entry into the transportation system. Therefore, the Commission will approve only those applica-

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tions for certificates of public convenience and necessity to construct the ANGTS or for the transportation or sale of gas transported through the ANGTS, which do not require the assumption by the applicant or subsequent purchaser of processing or other related costs save to the extent such costs are allowed pursuant to Commission action taken under its regulations permitting adjustments made under section 502(c) of the NGPA.

DATES: Notice of intent of participate, by February 15, 1979. Written comments filed and served, by March 5, 1979. Reply comments filed and served, by March 19, 1979.

ADDRESSES: All filings should reference Docket No. RM79-19 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments and reply comments to be served pursuant to address supplied on the service list.

FOR FURTHER INFORMATION CONTACT:

John Adger, Director, Alaska Natural Gas Project Office, Federal Energy Regulatory Commission, 941 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-3827.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) is considering an amendment to its interim regulations implementing the Natural Gas Policy Act (NGPA), 43 FR 56448, December 1, 1978 and the establishment of a policy concerning the recovery of certain "production-related" costs as defined in the NGPA. The amendment to the regulations deals exclusively with first sales of natural gas produced from the Prudhoe Bay Unit of Alaska for transportation through the Alaska Natural Gas Transportation System (ANGTS).[1] The policy statement reflects the public's interest in the matter of establishing responsibility for bearing production-related costs for that gas.

The policy sets forth the general proposition that the recovery of any "production-related" costs by those making applications for certificates of public convenience and necessity under the Natural Gas Act are restricted to those costs permitted by the Commission pursuant to an adjustment granted under section 502(c) of the NGPA in the event of special hardship, inequity, or an unfair distribution of burdens. The policy which is proposed would apply only to certificates involving the purchase or transport of natural gas produced from Prudhoe Bay for transportation through the ANGTS applied for pursuant to the Natural Gas Act.

The proposal is within the Commission's discretion under section 110 of the NGPA. Our decision is also based upon the Natural Gas Act (NGA) 15 U.S.C. 717 *et seq*; the Alaska Natural Gas Transportation Act of 1976 (ANGTA) (15 U.S.C.A. 719 *et seq.*) (Supp. 1978) and the *Decision and Report to Congress on the Alaska Natural Gas Transportation System* submitted to the Congress by the President.[2]

The Commission solicits opinions, data, and views from interested parties and the general public on the Commission's assessment of the public interest in the matter of assigning responsibility for conditioning the Prudhoe Bay gas pipeline entry. The Commission also solicits comments on the mechanisms proposed to implement that assessment.

A. Background

The ANGTA represents a legislative substitution of a Presidential decision with Congressional approval in lieu of the ongoing Federal Power Commission procedure regarding construction of the ANGTS. The ANGTA also contained specific requirements for the contents of that decision. The *Decision*, forwarded to and approved by the Congress in late 1977, was the product of the process set out in the ANGTA.

The facilities comprising the ANGTS were identifed specifically in the *Decision*.[3] However, certain questions important to the implementation of the selected system remained for future resolution. Paramount was the question of a field price for the gas. As noted in the *Decision:*

> Final financing for an Alaska natural gas transportation project cannot be arranged until the producer-owners of the Prudhoe Bay gas execute sales contracts. Without such contracts, no gas can be transported, and financing consequently would be unobtainable. Producers cannot be expected to negotiate sales contracts until a price has been established with a reasonable degree of certainty. If this project is to proceed expeditiously, the field price of the gas should be established as soon as possible. (*Decision* at 44)

The maximum lawful price for Prudhoe Bay gas was established by section 109 of the NGPA, thereby overcoming the disability referred to and providing the opportunity for the negotiation of sale contracts for the Prudhoe Bay gas.

Other concerns are also important, including the assignment of responsibility for processing the gas prior to injection into the ANGTS. The Commission's amendments and statement of policy herein proposed are designed to implement the NGPA, the ANGTA, and the *Decision*, and thereby to resolve some residual issues and provide a climate for the rapid conclusion of contract negotiations.

B. Issues for Commission Consideration

One of the remaining issues affecting the contracting process relates to conditioning the gas for entry into the ANGTS. There are two questions: (1) Who is to bear the responsibility for the construction and operation of the necessary conditioning facilities; and, (2) what costs, if any, for conditioning should be permitted to be passed through to the consumer?

1. Responsibility for the conditioning facilities.

The responsibility for preparing the Prudhoe Bay gas for entry into the ANGTS has been an issue throughout the consideration of the system. It has been obvious that processing and conditioning facilities would be required in order to condition the gas for transportation.[4] None of the three gas pipeline proposals which were presented to the Federal Power Commission provided for the construction and operation of such facilities: all three assumed that the facilities were the responsibility of the producers. Prudhoe Bay producers, on the other hand, argued that the required "• • • conditioning steps—lowering carbon dioxide content, providing high pipeline inlet pressure, chilling, providing extremely thorough water removal, and maintaining close control of condensable hydrocarbon content—are all designed to minimize the investment and operating cost of the pipeline" and should therefore be part of the gas pipeline system.[5]

[1] Pursuant to the Department of Energy Organization Act, 42 U.S.C.A. 7101 *et seq.* (Supp. 1977), most of the powers formerly exercised by the FPC were transferred to the Commission. By delegation order dated December 5, 1977, the Secretary of Energy transferred to the Commission all necessary powers respecting the ANGTS. 42 FR 61491 (December 5, 1977).

[2] Executive Office of the President, Energy Policy and Planning, *Decision and Report to Congress on the Alaska Natural Gas Transportation System* (September 1977) (hereinafter cited as *Decision*). Issued pursuant to section 7 of the ANGTA, 15 U.S.C. 719c (1976), and approved by Joint Resolution of Congress, H.R. J. Res. 621, Pub. L. No. 95-158, 91 Stat. 1268 (1977), the *Decision* has the full force of law.

[3] For example, section 3 of the *Decision* states at page 13, "The facilities which are to be covered are those in the U.S. which are adequate for a throughput of up to 2.4 bcfd and are included in the revised Alcan filing submitted to the Federal Power Commission (FPC) on March 8, 1977."

[4] Federal Energy Regulatory Commission, *Comments on the "Decision and Report to Congress on the Alaska Natural Gas Transportation System"*; 19-34 (October 1977) (hereinafter cited as *Comments*).

[5] *See, e.g., Natural Gas Pipeline from Alaska: Joint Hearings Before the Commerce*

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The question of whether the processing facility is included in the ANGTS was answered in the *Decision* in the negative. The *Decision* in Section 2 ("Description of the Nature and Route of the Approved System") stated: "The proposed Alcan pipeline will commence on the discharge side of the gas conditioning plant facilities in the Prudhoe Bay Field." (*Decision* at 6) Additionally, the system description in Section 3 states that the first compressor station for the ANGTS will be located 75 miles after the point of commencement of the system. (*Decision* at 17) The necessary conclusion is that the gas will enter the ANGTS compressed to its maximum allowable operating pressure. As chilling to prevent degradation of the permafrost is to be done at compressor stations (*Decision* at 17), there is also the inference (given the location of the first compressor station) that the gas is to leave the conditioning plant sufficiently chilled to be transported over the first 75 miles of permafrost without warming to a temperature above the freezing point of water. Finally, there is the explicit reference that "[t]he facilities which are to be covered are those in the U.S. which • • • are included in the revised Alcan filing submitted to the Federal Power Commission (FPC) in March 8, 1977." (*Decision* at 13) The facilities provided in that filing assume that the gas entering the system will have been conditioned to a certain quality, and compressed and chilled prior to entry.[6]

2. Allowances for conditioning costs

Having established that the processing facility would not be part of the ANGTS, that does not determine whether the producers or the pipeline should build the plant or who should pay for its operation. Therefore, the second principal issue which the Commission must consider is whether gas consumers should bear any portion of the costs of preparing the gas for pipeline entry. The Commission must address this issue in deciding whether to allow producers to include in the price of the gas costs over and above the maximum lawful price; or whether any of such charges, if paid by purchasers of the gas, could be passed through to consumers.

The Decision, in relevant part (Section 6—Pricing of Alaska Gas), took note of the difficulty in determining a cost-based price for the Prudhoe Bay gas because of its association with oil in the reservoir. It also observed that the Administration's proposed National Energy Act (NEA), then before Congress, would obviate that difficulty by shifting from cost-based pricing to a series of price ceilings determined by statute. The *Decision* then called "for enactment of a gas pricing approach similar to that contained in the National Energy Plan." (Decision at 46)

An amended version of the National Energy Act had passed the House of Representatives and was being considered by the Senate at the time of the *Decision*. That version allowed for possible increases, if allowed by the Commission, in the ceiling prices established by the statute to cover costs of gathering, conditioning, and compressing the gas for pipeline entry.

The Report which accompanied the *Decision* contained a discussion of the economic viability of the ANGTS.[7] Because of the possibility that the Commission might provide some allowance for costs of gathering, conditioning, and compression, that discussion used a range of 0 to 30 cents per MMBtu (1975 dollars) for a potential add-on in estimating the "city gate" or wholesale price of the gas.[8] However, the *Decision* clearly left determination of the appropriate amount of any such allowance to the discretion of the Commission.[9]

In its comments on the *Decision*, the Commission addressed the question of possible allowances for costs of gathering and conditioning.[10] The Commission recognized that a field price would have to be established either through legislation or through ratemaking proceedings before any determination could be made with regard to possible allowances for gathering and conditioning. As the Congress had not completed its deliberation on the National Energy Act, at the time of the Commission's comments on the *Decision*, the Commission could only discuss the factors it might consider if called upon to reach a determination regarding possible allowances. (*Comments* at 34-35)

The comments noted that although there will be a variety of costs associated with producing, gathering, and conditioning the gas for pipeline entry, there will also be substantial revenues available from these activities to offset those costs. Since the Prudhoe Bay gas is produced in association with oil, the Commission's comments contemplated that costs could be allocated among sales of gas, oil and natural gas liquids (NGL's), and looked to the gas sales contracts for the initial division of revenues and costs between producers and transporters. The Commission could then determine if an allowance for costs of processing and conditioning was warranted.

The NGPA, as finally passed by Congress, provided both a maximum lawful price for the first sale of Prudhoe Bay gas (section 109) and Commission discretion regarding treatment of "certain production-related costs" (section 110). The legislative history of section 110 makes it clear that, while the Commission's authority to permit producers or other first sellers to charge an amount in excess of the maximum lawful price is discretionary, this authority should, when possible, be exercised in light of "prevailing industry practice."[11]

"[P]revailing industry practice" as to functions usually performed by the producer can be determined by reference to existing contracts and sales for those areas having a history of natural gas production and sales. It was on this basis that the Commission's interim regulations were structured. (43 FR

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Subcomm. on Energy and Power of the House Comm. on Interstate and Foreign Commerce and the Interior Subcomm. on Indian Affairs and Public Lands of the House Comm. on Interior and Insular Affairs, 95th Cong., 1st Sess., Ser. No. 95-79, at 446 (1977) (statement of L. G. Rawl, Executive Vice-President, Exxon, U.S.A.) [hereinafter House Hearings].

[6] Alcan Pipeline Project 48" Alternative Proposal, Docket No. RM77-6. The revised Alcan filing describes a system which would transport natural gas processed to the following standards: (1) 1% carbon dioxide by volume; (2) 0.6% nitrogen by volume; (3) 1138 Btu/cuft gross heating value; and (4) a hydrocarbon dew point of −10° F at 1000 psi. (Alcan Pipeline Project 48" Alternative Proposal at § 3, p. 3; Docket No. RM77-6). This revised filing referenced an initial filing in which the following additional specifications were enumerated: (1) a maximum water content of 0.2 pounds per million cubic feet; (2) a sulphide content of no more than 0.25 grains per 100 cubic feet; and (3) a total sulphur content of 10 grains per 100 cubic feet. Alcan Pipeline Co., FPC Gas Tariff, Original Vol. 1, Exhibit No. AP-16, at Original Sheet No. 112 (Docket No. CP75-96, *et al.*).

[7] *See Report* accompanying the President's *Decision*, at 93-98. While not adopted by the Congress in its joint resolution on the *Decision*, the *Report* was submitted to them with the *Decision*. It may thus be considered as relevant legislative history. *See Midwestern Gas Transmission Co. v. FERC*, No. 78-1753, slip op. at 11-12, n. 23 (D.C. Cir., Nov. 2, 1978)

[8] The actual costs of gathering and conditioning were estimated to be about 30 cents per MMBtu (1975 dollars). The range presented was intended to cover the spectrum of possibilities between a Commission determination that no add-on be provided and a determination that all these costs should be passed on to gas consumers.

[9] *See, e.g., Decision* at 95: "When the cost of service price of the Alcan project is added to a wellhead price of $1.45 to $1.75 per mmbtu (*depending on the amount the FPC will allow producers for their processing costs*), the wholesale or "city gate" price of the gas should be about $2.50 to $2.80 per mmbtu in constant 1975 dollars." (emphasis added). *See also* the statements of DOE Secretary Schlesinger in discussing the Decision before the House, House Hearings, supra note 5, at 219, 224-26, 234, 280-81.

[10] *Comments* at 19-34.

[11] 124 Cong. Rec. H13118 (Daily ed. Oct. 14, 1978). (Statement of the Hon. John D. Dingell.)

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56490) There is, however, no such history for Prudhoe Bay, since the production from that area has never come under contract. For this reason, the Commission's discretion to consider the add-on of production-related costs for this producing area is not bound by considerations which prevailed for conventional producing areas.

C. Commission Assessment of the Public Interest

The Commission believes that there is adequate information in the *Decision*, the Report accompanying it, and the legislative history to draw some preliminary conclusions regarding responsibility for the gas conditioning facilities at Prudhoe Bay and the need for any special allowances to the producers for the costs of construction and operation of those facilities. The Commission in this section outlines these conclusions and puts forward specific proposals to achieve the distribution of costs and benefits which conform to these conclusions.

1. Responsibility for the conditioning plant

It is the Commission's view that the Prudhoe Bay producers should be responsible for the construction and operation of the required conditioning facility. Providing the ANGTS with pipeline quality gas is the responsibility of the producers.[12] Therefore, the public interest will best be served if the producers bear these costs.[13] This conclusion is based on the premise that the producers will contract with purchasers for the sale of Prudhoe Bay gas at not less than the maximum lawful price set by section 109 of the NGPA. If the parties agreed to a sales price lower than the section 109 (NGPA) ceiling with the pipeline paying for some processing costs, the Commission would not necessarily oppose such and outcome provided the total price paid for pipeline quality gas did not exceed the section 109 (NGPA) price.[14] In any event, the financial responsibility for the construction and operation of the plant facilities rests with the producers.

An additional consideration in this determination is the risk of reduced gas deliverability and the potential for reducing this risk. Producer responsibility for the processing facilities is one answer. The ANGTS was designated for a throughput of up to 2.4 billion cubic feet per day. (*Decision* at 13) That these facilities will be efficiently used, and that natural gas will be available to ensure that efficient use, is a proper concern of the Commission. There has been a question as to whether the producers might be able to provide some type of throughput guarantee to reduce the pipeline's and the consumer's exposure to the risk of reduced deliverability.[15] The Commission believes that producer responsibility for the gas conditioning facility would provide some deliverability protection. Should underutilization of a producer-owned facility result from reduced deliverability from the Prudhoe Bay field, the producers, who have the ability to explore for new sources of gas, will have an additional incentive to find and produce such gas as is necessary to maximize the use of the plant. If this result occurs, greater volumes available for transportation will make for a more efficient operation of the ANGTS.

The Commission believes that the specific language of the *Decision* in its description of the ANGTS and the potential for ensuring the system some form of deliverability protection forms the basis for a definitive Commission finding that the conditioning facilities should be the responsibility of the producers. If the producers should engage some third party to perform the conditioning function, the Commission must be satisfied that deliverability protection similar to direct producer responsibility is provided to gas consumers.

2. Costs of gathering and conditioning

In issuing proposed regulations to implement section 110 of the NGPA for lower-48 producing areas, the Commission included quality standards which would have to be exceeded in order for the Commission to consider an allowance for production-related costs above the NGPA maximum lawful price (43 FR 56574-77 (Dec. 1, 1978)). These standards were based upon experience in the lower-48 producing areas. For gas sales made from Prudhoe Bay there is no such experience. In lieu thereof, we have the *Decision*, its description of the system, and its references to the filings containing appropriate quality standards to rely on. (*See* note 6 above.) For this reason, the Commission believes that the quality standards used for the lower-48 are inapplicable for gas delivered to the ANGTS.

As with the Commission's interim regulations for the lower-48 producing area, the Commission believes that costs of delivering "pipeline quality gas" to the ANGTS should be covered by the first sale price ceilings which are provided by the NGPA. With respect to Prudhoe Bay, it is the *Decision* and not prevailing industry practice that determines the quality standards. (*Supra*, note 6) Therefore, the Commission declines to exercise its discretion under section 110 of the NGPA to permit an adjustment for production-related costs of the Prudhoe Bay gas.

We do not believe on the basis of available information, that a refusal to allow production-related costs in excess of the ceiling price established in section 109 of the NGPA will work no hardship on the producers. Such information as is available suggests that the NGPA's section 109 price is adequate to compensate the producers for the costs of producing, gathering and conditioning the gas for sale to the ANGTS at the prescribed standards. The Department of the Interior, as part of a study of alternative transportation systems completed in December of 1975, evaluated the incremental costs of producing and conditioning the gas for sale.[16] That study estimated those costs, including an appropriate return on equity investment, to be 47 cents/MMBtu (1975 dollars). Additionally, the Federal Power Commission, in its *Recommendation to the President*, estimated the costs of gathering and conditioning at about 50 cents/MMBtu (1975 dollars).[17] If these estimates of costs are close to being correct, then the $1.45 per MMBtu (1977 dollars) provided by section 109 of the NGPA would appear more than adequate to cover the incremental costs associated with gas sales, plus a reasonable profit.[18] The Commission solicits opinions, data and views regarding the costs of producing and conditioning this gas and the adequacy of the section 109 (NGPA) price to cover the incremental costs of gas production and conditioning for transportation in the ANGTS without inflicting hardship, creating inequity, or unfairly distributing to producers a burden.

[12] *See* statement of Secretary Schlesinger testifying on the *Decision* in *Alaska Natural Gas Transportation System: Hearings before the Senate Comm. on Energy and Natural Resources*, 95th Cong., 1st Sess., No. 95-73, at 12-13. Similar treatment to that proposed here was afforded in the Commission's interim regulations implementing section 110 of the NGPA, 43 FR 56489-92 (Dec. 1, 1978).

[13] To the extent the pipeline were called upon to finance the plant, pay for its operation, or expend funds above the section 109 (NGPA) price to obtain pipeline quality gas, there might be an adverse effect on the financability of the project or the marketability of the gas to the consumer. Even the possibility of such an impact would be detrimental and alien to the public good.

[14] The only consideration to be added is with respect to the incremental pricing provisions of section 203(a)(8) of the NGPA. The Commission welcomes the submission of comments on this point.

[15] *See, e.g.*, Federal Power Commission, *Recommendation* to the President, at I-57, XII-7, 8 (May 1, 1977) [Hereinafter FPC Recommendation]. For field performance, the producers' response to this issue has been that any deliverability guarantee on their part would be essentially useless because the rate of production is controlled by the Alaska state conservation authority. The producers reiterate their assertion that any performance guarantee for the facility, like the facility itself, is not their responsibility.

[16] U.S. Dept. of the Interior, *Alaska Natural Gas Transportation Systems, A Report to the Congress Pursuant to Public Law* 93-153 (Dec. 1975).

[17] FPC Recommendations at XII-33, 34 n. 52.

[18] In this regard, the Commission notes that the $1.45 maximum level price applicable for the first sale of this gas, adjusted for inflation to April of 1979, is $1.672 per MMBtu.

D. Specific Proposals.

In this section, specific mechanisms are proposed in order to implement the policy expressed herein for the purpose of protecting the public interest in the assignment of responsibility for the construction and operation of the processing facilities. These mechanisms are: (1) An amendment to the presently effective interim regulations to make section 502(c) of the NGPA applicable to Prudhoe Bay gas to provide an opportunity for relief if the Commission's perceptions of the distributions of production-related costs and benefits associated with producing and conditioning the Prudhoe Bay gas are not borne out; and (2) a policy statement under the NGA to govern certain aspects of future pipeline certification proceedings. The latter is required in order to make clear the Commission's interpretation that the facilities, and their associated costs, required to bring the gas to pipeline quality are the responsibility of the producers and not the pipeline company purchasers and transporters of the gas. The rationale for this interpretation and its public interest basis has been discussed above. We look to the submissions of opinions, data and views in response to this notice.

The proposed amendment would amend the Commission's current interim regulations to make the section 502(c) adjustment procedures available to those engaged in the sale and purchase of natural gas produced from Prudhoe Bay for transportation through ANGTS. The regulations would then provide for an adjustment if a special hardship, inequity, or an unfair distribution of burdens resulted.

Section 110 grants the Commission discretion to allow a price in excess of the maximum lawful price for permissible production-related costs borne by the seller. The scope of this statutory discretion does not reach the case of a sale at the maxumum lawful price where there are production-related costs but they are not borne by the seller. This raises the possibility that untreated Prudhoe Bay gas may be sold at the maximum lawful price.[19] Such a sale of untreated Prudhoe Bay gas would have several undesirable consequences. It would shift gas processing costs from producers to consumers, thereby increasing the city-gate price of the gas and adversely affecting its marketability. In addition, certain production-related costs required for oil production, attendant to the production of the Prudhoe Bay gas but not related to gas sales, could be improperly shifted to the gas purchaser. (See *Comments* at 19-34.)

It is the Commisson's opinion that such a shift to the consumer of production-related costs would not be in the public interest because it would materially increase the cost of this gas to the consumer. For these reasons, the Commission declines to exercise its discretionary authority under section 110 to permit a first seller to charge a price in excess of the maximum lawful price permitted under section 109 for production-related costs.

Although the Commission's "conditional" certificate for the building of the ANGTS was issued pursuant to sections (5)(A)(2) and 9 (a) and (b) of the ANGTA, a final certificate authorizing construction and operation must be issued pursuant to section 7 of the Natural Gas Act (NGA), 15 U.S.C. 717f(c).[20] In assessing the certification of the project which the statute requires, the Commission must consider the public convenience and necessity. A necessary part of this consideration is the assessment of the financeability of the ANGTS and the marketability and availability of the gas to be transported through it. The proper distribution of the processing costs impacts these considerations.

Mindful of the considerations inherent in the President's *Decision* on its approval of the ANGTS, and pursuant to the Commission's statutory authority,[21] the Commission intends to implement a policy that in its consideration of certificates for the construction of the ANGTS, or for the purchase or transportation of gas through the ANGTS, no cost of construction, purchase, or transportation which includes costs of processing the Prudhoe Bay gas will be certificated absent a determination made under section 502(c) of the NGPA that the cost is one properly allocable to the price of the gas. Such a policy will allocate production-related costs in a manner consistent with the Commission's view of the public interest, and will enhance the financeability of the ANGTS, assist marketability of the gas involved, avoid the complications of incremental pricing, and comply with congressional dictates which touch upon this gas and its transportation through the ANGTS.[22]

The policy which the Commission proposes would apply only to certificates which involve the purchase or transportation of natural gas produced from the Prudhoe Bay Field for transportation through the ANGTS. The issuance of the certificates will proceed according to the prescriptions of the NGA.

E. Written Comment Procedures

The Commission invites interested persons to submit written data, views, and other information concerning the matters set forth in this notice. An original and 14 copies should be filed by March 5, 1979. Comments should be submitted to the Federal Energy Regulatory Commission, Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Docket No. RM79-19. All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C., during regular business hours.

Because of the complexity and importance of the issues presented in this notice, the Commission intends that those participating in this proceeding should serve their comments on other participants, and have an opportunity to respond to the initial comments made in response to this notice. In order for this to take place, any participant intending to file initial comments to this notice shall notify the Secretary of the Commission in writing on or before February 16, 1979 of the intent to participate. A service list will then be prepared and mailed to those who have stated an intention

[19] *See, e.g.*, 124 Cong. Rec. S16257 (daily ed. Sept. 27, 1978) (exchange between Senators Gravel and Jackson).

[20] Order Vacating Prior Proceedings and Issuring Conditional Certificates of Public Convenience and Necessity, issued December 15, 1975, in Docket Nos. CP78-123, *et al.*

[21] Section 9 of the ANGTA provides that when any agency action is "necessary or related to the construction and initial operation of the approved transportation system," and that action "requires a certificate, right-of-way, permit, lease, or other authorization," the Commission must act at the earliest practicable date. The availability of an adequately processed gas supply for transportation through the system is obviously directly necessary and related to the construction and initial operation of the ANGTS. The processing facilities of Prudhoe Bay will not be part of the transportation system itself, but the building and operation of these facilities, and indeed the executing of related gas sales contracts, require the Commission to take the action proposed herein. *See Decision* at 44.

[22] Section 601(c) of the NGPA, in its treatment of the limitations placed upon the NGA certification authority of this Commisson is not germane. That section speaks only to the denial of a certificate based on the maximum lawful price paid for the gas, inclusive of that permitted under section 110. It does not address the issue posed here: the assumption by a pipeline of processing costs attendant to a purchase and sale of natural gas of less than pipeline quality.

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to participate. The initial comments shall be filed with the Office of the Secretary as stated above. In addition, each party shall serve their initial comments by March 5, 1979 to those of the service list. Reply comments are to be filed with the Office of the Secretary in accordance with the above procedures by March 19, 1979, and shall be served upon parties listed on the service list by the same date.

In providing proper service of the initial comments and any reply comments, attention is directed to the regulations of the Commission found at 18 CFR 1.17(b) [1977] which permits service by mail. In addition, those who provide comments are directed to the subscription and verification provisions found at 18 CFR 1.16 [1977].

In order that all interested parties may be apprised of this matter, the Commission orders that the Secretary, in addition to publishing this notice in the FEDERAL REGISTER, shall serve copies of the same to all parties of record in Docket Nos. CP78-123, CP78-124, CP78-125, and RM78-12, said service to be accomplished pursuant to 18 CFR 1.17 [1977].

(Natural Gas Act, as amended, 15 U.S.C. 717, *et seq.;* Natural Gas Policy Act of 1978, Pub. L. No. 95-621, 92 Stat. 3350 (1978); Department of Energy Organization Act, Pub. L. No. 95-91; Executive Order No. 12009, 42 FR 46267; DOE Delegation Order No. 0204-8, 42 FR 61491; Alaska Natural Gas Transportation Act of 1976, 15 U.S.C. 719, *et seq.;* President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System*, approved by joint resolution, Pub. L. No. 95-158, 91 Stat. 1268 (1977); Administrative Procedure Act, 5 U.S.C. 553.)

In consideration of the foregoing, the Commission proposes to amend Part 2, Subchapter A and Subpart K, Part 271, Subchapter H of Chapter I, Code of Federal Regulations as set forth below.

By the Commission. Commissioner Sheldon voted present.

KENNETH F. PLUMB,
Secretary.

(1) Part 2, Subchapter A of Chapter I, Title 18 Code of Federal Regulations is amended by adding new § 2.101 to read as follows:

§ 2.101 Policy respecting consideration of certain certificates applied for pursuant to the Natural Gas Act and involving gas to be transported through the Alaska Natural Gas Transportation System.

In any proceeding involving the approval of applications for certificates of public convenience and necessity, whether for the construction of the Alaska Natural Gas Transportation System or for the purchase or transport of gas through that system, it will be the general policy of the Commission, absent a showing that the public convenience and necessity would otherwise be served, that the purchase of natural gas from Prudhoe Bay, Alaska for transportation through the Alaska Natural Gas Transportation System should be of processed gas which is capable of immediate entry into the transportation system; and therefore, the Commission will approve only those applications for certificates of public convenience and necessity which do not require the assumption by the applicant or subsequent purchaser of processing or other related costs save to the extent such costs are allowed pursuant to Commission action taken under § 271.1106 of its regulations.

(2) Section 271.1100 of Subpart K, Part 271 of Subchapter H of Chapter I, Title 18 Code of Federal Regulations is amended in paragraph (b) to read as follows:

§ 271.1100 Applicability.

* * * * *

(b) *Exclusions.* Sections 271.1104 and 271.1105 shall not apply to any natural gas produced from the Prudhoe Bay Unit of Alaska and transported through the natural gas transportation system approved under the Alaska Natural Gas Transportation Act of 1976.

(3) Section 271.1106 of Subpart K, Part 271 of Subchapter H of Chapter I, Title 18 Code of Federal Regulations is amended to read as follows:

§ 271.1106 Adjustments.

Pursuant to section 502(c) of the NGPA, any person may apply to the commission for an adjustment on the grounds that the operation of §§ 271.1100)b) or 271.1105 results in special hardship, inequity, or an unfair distribution of burdens to such person.

[FR Doc. 79-4463 Filed 2-7-79; 8:45 am]

[6450-01-M]

[18 CFR Part 284]

[Docket No. RM79-20]

CERTAIN SALES OF NATURAL GAS BY INTRASTATE PIPELINES

Further Notice of Proposed Rulemaking and Public Hearing

Issued February 5, 1979.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Further notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is seeking further written comments on its revised proposed regulations implementing section 311(b) of the Natural Gas Policy Act of 1978. Section 311(b) provides that the Commission may, by rule or order, authorize sales of natural gas by intrastate pipelines to interstate pipelines or local distribution companies served by interstate pipelines.

DATES: Written comments to be filed by February 21, 1979; public hearing to be held February 20, 1979.

ADDRESSES: Comments and requests to participate in the public hearing should be addressed to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Romulo L. Diaz, Jr., Deputy Assistant General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-1790, or Howard Kilchrist, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-4539.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

Section 311(b) of the Natural Gas Policy Act of 1978 (NGPA), Pub. L. 95-621, November 9, 1978, provides that the Federal Energy Regulatory Commission (Commission) may, by rule or order, authorize any intrastate pipeline to sell natural gas to any interstate pipeline and any local distribution company served by an interstate pipeline. Section 311(b) also sets forth certain requirements relating to rates and charges, duration and other matters in connection with the sales, and states that sales authorized under section 311(b) are subject to terms and conditions prescribed by the Commission.

On November 13, 1978, the Commission adopted a notice of proposed rulemaking (43 FR 53270, November 15, 1978) in Docket No. RM79-3, proposing interim regulations to implement the NGPA. In that document, the Commission requested comments on proposed regulations implementing section 311(b). Although most of the regulations in that proposal were to become effective on December 1, 1978, the Commission proposed not to make the new Subpart C of Part 284, implementing section 311(b), effective until after the current winter heating season. The purpose of delaying the effectiveness of the section 311(b) rule was to permit a smooth transition between the Commission's emergency exemption program under section 7(c) of the Natural Gas Act, and the implementation of the NGPA provisions permitting sales by intrastate pipelines to interstate pipelines and local distribution companies.

In this notice of proposed rulemaking, the Commission requests further data, views and comments with respect to the implementation of section 311(b) and also invites participation in a public hearing on the proposal. Comment procedures and information concerning the hearing are set forth below.

II. SUMMARY OF THE PROPOSED REGULATION

As proposed, Subpart C of Part 284 would generally permit intrastate pipelines to sell natural gas to interstate pipelines and to local distribution companies served by interstate pipelines, in accordance with the provisions of the subpart. These sales would take place without prior Commission approval, but as required by section 311(b)(4) of the NGPA and § 284.145(b) of the proposed regulations, would be subject to interruption to the extent that natural gas subject to the sale is required by selling pipeline to provide adequate service to the pipeline's customers at the time of the sale.

Sales would be limited to two years' duration under proposed § 284.145(a) and could be extended for periods of up to two years each if not disapproved by the Commission after opportunity for oral and written comments. The Commission could also modify the terms of a proposed extension and impose upon sales or extensions terms and conditions it deemed appropriate and in the public interest. Upon complaint or its own motion, the Commission could also terminate a sale after making certain findings enumerated in section 311(b)(6) of the NGPA.

Section 284.145(c) of the reguations states that no sales under Subpart C may involve natural gas acquired by the intrastate pipeline solely or primrily for the purpose of resale under section 311(b).

Section 311(b)(2) sets forth the statutory requirements relating to rates and charges by intrastate pipelines for sales to which these rules apply. Rates and charges must be "fair and equitable" and may not exceed the sum of (1) the pipeline's weighted average acquisition cost of natural gas; (2) an amount determined by Commission rule to be necessary to provide reasonable compensation for services and a reasonable opportunity for profit; and (3) an adjustment for current costs incurred under certain circumstances due to the sale. The Statement of Managers accompanying the Conference Report states that the conferees did not intend that the selling pipeline make a profit on the purchase and sale aspects of the transaction (H.R. Rep. No. 95-1752, p. 108).

In the November 13 proposal, the Commission proposed a definition of "weighted average acquisition cost of natural gas" which would have used volumes of gas acquired during a 12-month period (ending no more than 90 days prior to commencement of deliveries pursuant to the sale) and the prices paid for those volumes on the last day of the 12-month period. Under that formula, the weighted average acquisition cost of natural gas would have been fixed for the duration of a Subpart C sale as of a time up to 90 days prior to the commencement of deliveries.

The Commission received a number of comments which argued that the regulations should provide a formula that would permit a pipeline to charge a price determined on the basis of a constantly updated acquisition cost. In addition, the conferees stated that the determination of the weighted average acquisition cost was meant to be a contemporaneous determination involving the cost of gas at the time it is acquired and resold and that the customers of the selling pipeline shall be in no worse position as to price or supply. (H.R. Rep. No. 95-1752, p. 108). In view of these comments and the statements of the conferees, the Commission has revised its proposal. The new proposed § 284.143 would provide for a monthly determination of the weighted average acquisition cost of natural gas. For any calendar month in which deliveries pursuant to Subpart C occurred, the weighted average cost would be computed by (1) determining the quantities (in MMbtu's) of gas acquired from each source of supply during a 12-month period ending no more than 90 days before the beginning of the month; (2) multiplying the MMbtu's attributable to each source of supply by the most recent price actually paid with respect to each source; and (3) dividing the sum of the products computed in (2) by the sum of the MMbtu's determined in (1). Thus, the calculation of the weighted average cost would be revised monthly on the basis of the most recent prices paid. This moving average approach would enable the intrastate pipeline to reflect the latest prices paid while at the same time avoiding the substantial fluctuations that would occur under monthly computations.

The intrastate pipeline's weighted average acquisition cost of natural gas is one of the three components of the permissible rates and charges for a sale under Subpart C. The pipeline may add to that cost, as provided in § 284.144(a)(2), an amount to recover the costs of gathering, treating, processing, transporting and delivering the gas as provided in § 284.123 of Subpart B of Part 284 (Interim Regulations, 43 FR 56628-56629, December 1, 1978). Under § 284.123(b), an intrastate pipeline may base its rates upon the methodology and cost used (1) in designing its rates to recover the cost of gathering, treatment, processing, transportation, delivery or similar service (including storage) included in its firm sales rate schedules for city-gate service on file with a state regulatory agency; or (2) in determining the allowance permitted by an appropriate state regulatory agency for city-gate service by the intrastate pipeline. The pipeline may elect to use the rates contained in a transportation rate schedule for intrastate service on file with the state regulatory agency which the pipeline determines covers service comparable to service under Subpart B. Instead of any of these methods, an intrastate pipeline may file proposed rates with the Commission, with information showing the rates to be fair and equitable, and may commence service using those rates, subject to refund. The Commission received comments stating that if intrastate pipelines were not permitted to make a profit on sales under section 311(b), they would have no incentive to enter into these transactions. As noted above, however, the conferees stated that they did not intend that the purchase and sale aspects of the transaction produce a profit for the selling pipeline. By incorporating the Subpart B computation of charges for services in connection with a Subpart C sale, however, the Commission intends to afford intrastate pipelines the same compensation and opportunity for reasonable profit as would be afforded in a wholly intrastate transportation transaction and to satisfy the requirements of section 311(b)(2)(B) of the NGPA.

The third component of the rates and charges permissible in Subpart C sales is the adjustment described in section 311(b)(2)(C) of the NGPA and § 284.144(b) of the proposed regulations. The adjustment is intended to offset any contemporaneous increase in the weighted average acquisition cost of gas that a pipeline would incur to acquire gas under existing contracts as a result of entering into sales under Subpart C. The adjustment may be included in the sales price with respect to gas which (1) is acquired under an existing contract; (2) is in excess of quantities the pipeline would otherwise have acquired; and (3) the price of which exceeds the pipeline's weighted average acquisition cost of gas. If natural gas meeting these criteria is sold pursuant to Subpart C, the pipeline may add to the basic rate an amount sufficient to offset the increase in its weighted average acquisition cost.

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The reporting requirements proposed in § 284.148 include an initial report, to be filed within 60 days after commencing deliveries under a Subpart C sale and "subsequent reports" whenever a significant change occurs in the information submitted with the initial report. If an extension of the sale is sought, an extension report must be filed not less than 90 days prior to the expiration of the sale. The extension report would consist of a current statement of the information required in the initial report and the terms of the proposed extension. Finally, within 60 days after termination of any sale or extension, a final report would be required of the purchases stating quantities purchased, amount paid and delivery points. All reports would be required to be under oath, signed by a senior official of the company.

As announced in the November 13 proposal, the Commission proposes to make rules implementing section 311(b) effective on March 1, 1979. For this reason, the period for the filing of comments on these proposed rules will end on February 21. In addition, a public hearing will be held. The Commission intends to take final action on the proposed regulations prior to March 1.

III. Written Comment Procedures

Interested persons are invited to submit written comments, data, views or arguments with respect to this proposal. An original and 14 copies should be filed with the Secretary of the Commission. All comments received prior to 4:30 p.m., E.S.T., February 21, 1979, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C., during regular business hours. Comments should by submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM79-*20*.

IV. Public Hearing Procedures

A public hearing concerning this proposal will be held in Washington, D.C. on February 20, 1979, beginning at 9:30 a.m. and will continue if necessary on the following day. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may make a presentation at the hearing provided a written request to participate is received by the Secretary of the Commission prior to 4:30 p.m., on February 15, 1979.

Request to participate in the hearing should include a reference to Docket No. RM79-*20*, as well as a concise summary of the proposed oral presentation and a number where the person making the request may be reached by telephone. Prior to the hearing, each person filing a request to participate will be contacted by the presiding officer or his designee for scheduling purposes. At least five copies of the statement shall be submitted to the Secretary of the Commission prior to 4:00 p.m. on February 16, 1979. The presiding officer is authorized to limit oral presentation at the public hearing both as to length and as to substance. Persons participating in the public hearing should, if possible, bring 100 copies of their testimony to the hearing.

The hearing will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. If time permits, at the conclusion of the initial oral statements, persons who have made oral statements will be given the opportunity to make a rebuttal statement. Any further procedural rules will be announced by the presiding officer at the hearing. A transcript of the hearing will be made available at the Commission's Office of Public Information.

(Natural Gas Policy Act of 1978, Pub. L. 95-621)

In consideration of the foregoing, the Commission proposes to amend Subchapter I, Part 284, Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By the direction of the Commission.

Kenneth F. Plumb,
Secretary.

1. Part 284 is amended in the table of sections by adding a new Subpart C in the appropriate numerical order new sections and titles to read as follows:

Subpart C—Certain Sales by Intrastate Pipelines

Sec.
284.141 Applicability.
284.142 Sales by intrastate pipelines.
284.143 Definition.
284.144 Rates and charge.
284.145 Terms and conditions.
284.146 Extensions.
284.147 Terminations.
284.148 Reporting requirements.

Authority: Natural Gas Policy Act of 1978, Pub. L. 95-621.

2. Part 284 is amended by adding a new Subpart C to read as follows:

Subpart C—Certain Sales by Intrastate Pipelines

§ 284.141 Applicability.

This subpart implements section 311(b) of the NGPA and applies to certain sales of natural gas by intrastate pipelines to:

(a) Interstate pipelines; and

(b) Local distribution companies served by interstate pipelines.

§ 284.142 Sales by intrastate pipelines.

Any intrastate pipeline may, without prior Commission approval, sell natural gas to any interstate pipeline or any local distribution company served by an interstate piepine, in accordance with the provisions of this subpart.

§ 284.143 Definition.

"Weighted average acquisition cost of natural gas" means the cost of natural gas to an intrastate pipeline for any calendar month in which deliveries pursuant to this subpart occur, computed by:

(a) Determining the actual quantities of natural gas (expressed in terms of MMbtu's) purchased by the intrastate pipeline from each source of supply, excluding any quantities for which the instrastate pipeline makes an adjustment under § 284.144(b), during a 12-month period ending no more than 90 days prior to the first day of any calendar month in which deliveries pursuant to the sale occur;

(b) Multiplying the MMbtu's attributable to each source of supply by the most recent price per MMbtu actually paid with respect to each source of supply; and

(c) Dividing the sum of the products computed under paragraph (b) of this section by the sum of the MMbtu's determined under paragraph (a) of this section.

§ 284.144 Rates and charges.

(a) *Basic rate.* The rates and charges by an intrastate pipeline pursuant to this subpart may not exceed:

(1) Its weighted average acquisition cost of natural gas; plus

(2) An amount to recover the costs of gathering, treating, processing, transporting, and delivering the natural gas as determined in accordance with § 284.123; plus

(3) An adjustment as determined under paragraph (b) of this section.

(b) *Adjustment.* With respect to natural gas sold pursuant to this subpart which:

(1) Is acquired under an existing contract;

(2) Is in excess of quantities which the intrastate pipeline would otherwise have acquired; and

(3) The price of which exceeds the intrastate pipeline's weighted average acquisition cost of natural gas, the intrastate pipeline may add to the basic rate under paragraph (a) of this section an amount sufficient to offset the increase in its weighted average acquisition cost of natural gas.

§ 284.145 Terms and conditions.

(a) No sale pursuant to this subpart or extension thereof may be for a period exceeding two years.

(b) Any sale pursuant to this subpart shall be subject to interruption to the extent that natural gas subject to the sale is required by the intrastate pipeline to provide adequate service to the pipeline's customers at the time of the sale.

(c) No sale pursuant to this subpart may involve natural gas acquired by the intrastate pipeline solely or primarily for the purpose of resale pursuant to this subpart.

(d) The Commission may by rule or order impose other terms and conditions as it deems appropriate and in the public interest.

(e) The Commission presumes that the cost of gathering, treating, processing, transporting, and delivery recovered under § 284.144 will be considered by the state regulatory authority in arriving at sales and transportation rates to enable the intrastate pipeline company to recover such costs and earn its allowed rate of return.

§ 284.146 Extensions.

(a) An intrastate pipeline seeking to extend a sale pursuant to this subpart shall file an extension report as provided by § 284.148(c).

(b) If an extension report as required in § 284.148(c) is duly filed, the proposed extension may take effect unless the Commission, prior to the beginning of the proposed extension, after opportunity for the oral presentation of data, views and arguments and for written comments, determines by order that the proposed extension is not approved. If the Commission determines, by order, that the proposed extension shall be modified, the extension may take effect only as modified.

§ 284.147 Terminations.

(a) Upon complaint of any interested person or upon the Commission's own motion, the Commission may by order terminate a sale pursuant to this subpart.

(b) Prior to issuing an order under paragraph (a) of this section, the Commission shall afford an opportunity for the oral presentation of data, views and arguments, and for written comments.

(c) A sale under this subpart may be terminated if the Commission determines that:

(1) The termination is required to enable the intrastate pipeline to provide adequate service to its customers at the time of the sale;

(2) The sale involves natural gas acquired by the intrastate pipeline solely or primarily for the purpose of resale pursuant to this subpart;

(3) The sale violates any provision of this subpart or any term or condition established by rule or order of the Commission applicable to the sale; or

(4) The sale circumvents or violates any provision of the NGPA.

(d) Upon complaint of any interested person or upon its own motion, the Commission may, prior to a hearing as provided in paragraph (b) of this section, suspend a sale pursuant to this subpart pending the hearing if it determines that any of the findings under paragraph (c) of this section is likely to be made following the hearing.

§ 284.148 Reporting requirements.

(a) *Initial report.* Within 60 days after commencing deliveries under a sale pursuant to this subpart, an intrastate pipeline shall file with the appropriate state regulatory agency and with the Commission an initial report, under oath, signed by a senior official of the company, containing the following information:

(1) The exact legal name of the intrastate pipeline and the name, title and mailing address of the person or persons to whom communications regarding the sale pursuant to this subpart should be addressed;

(2) A description of the sale, including:

(i) The identity of the parties;

(ii) The dates of commencement and anticipated termination of the sale;

(iii) The estimated total and daily quantities (in MMbtu's) of natural gas; and

(iv) The rate to be charged;

(3) A computation showing the methodology for determining the weighted average acquisition cost of natural gas under this subpart;

(4) A computation showing the methodology to be employed for arriving at the rate charged to recover the cost of gathering, treating, processing, transporting and delivering the natural gas associated with the sale;

(5) Computation of an adjustment, if any, under § 284.165(b), including:

(i) The basis for attributing certain additional acquisitions of natural gas to a sale pursuant to this subpart;

(ii) The identity of the existing contract under which the additional acquisitions are made and the price (per MMbtu) of natural gas purchased under the contract; and

(iii) Each point of delivery of additional acquisitions of natural gas to the intrastate pipeline; and

(6) An affidavit that service pursuant to the sale is subject to interruption to the extent that natural gas subject to the sale under this subpart is required to enable the intrastate pipeline involved to provide adequate service to its customers at the time of the sale.

(b) *Subsequent report.* If any significant change occurs with respect to the information filed under paragraph (a) of this section, the intrastate pipeline shall file with the Commission and the appropriate state regulatory agency, under oath, appropriate amendments to its initial report, signed by a senior official of the company.

(c) *Extension report.* Not less than 90 days prior to the expiration of a contract for the sale of natural gas pursuant to this subpart, an intrastate pipeline seeking to extend the sale beyond the initial two-year period or any period of extension shall file with the Commission and the appropriate state regulatory agency an extension report signed by a senior official of the company, under oath, stating:

(1) Current information with respect to any matters required to be reported under paragraph (a) of this section; and

(2) The proposed terms of the extension.

(d) *Final report.* Within 60 days after the termination of any sale or extension under this subpart, the interstate pipeline or local distribution company served by an interstate pipeline which purchased natural gas pursuant to this subpart shall file with the Commission and the appropriate state regulatory agency, under oath, a final report signed by a senior official of the company, stating:

(1) The actual quantities of natural gas purchased, on a monthly and total basis;

(2) The actual rate paid (per MMbtu for each month and the total amount paid; and

(13) The points of delivery.

[FR Doc. 79-4464 Filed 2-7-79; 8:45 am]

[4910-22-M]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Parts 652 and 663]

[FHWA Docket No. 79-3]

DESIGN AND CONSTRUCTION STANDARDS FOR BIKEWAY CONSTRUCTION PROJECTS

Advance Notice of Proposed Rulemaking

AGENCY: Federal Highway Administration, DOT.

ACTION: Advance notice of proposed rulemaking.

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SUMMARY: The Federal Highway Administration (FHWA) is issuing this advance notice to request comments on the development of design and construction standards for bikeway construction projects. This action is taken under section 141(b) of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599, 92 Stat. 2689).

DATES: Comments must be received on or before April 9, 1979.

ADDRESS: Comments should be sent (preferably in triplicate) to FHWA Docket No. 79-3, Federal Highway Administration, HCC-10, Room 4205, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Thomas Jennings, Highway Design Division, Office of Engineering (202-426-0314) or Reid Alsop, Office of the Chief Counsel (202-426-0800); Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Pursuant to Section 141(b) of the Surface Transportation Assistance Act of 1978, Pub. L. 95-599, 92 Stat. 2689, the Federal Highway Administration (FHWA) is updating its existing standards for the design and construction of bikeway projects. The object of this revision is to develop standards that will provide guidance and requirements for State and local governments wishing to design and construct bikeways with Federal funding.

Accordingly, FHWA requests comments that could be of assistance in developing these standards. FWHA is particularly interested in comments relating to the criteria that should be included in bikeway design and construction standards; and in comments relating to FHWA's existing standards that reference the American Association of State Highway and Transportation Official's (AASHTO) "Guide for Bicyle Routes." A limited number of AASHTO's "Guide for Bicycle Routes" are available from FHWA by contacting either individual identified above.

NOTE: The Federal Highway Administration has determined that this document does not contain a significant regulation according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

Issued on: January 31, 1979.

JOHN S. HASSELL, Jr.,
Deputy Administrator.

[FR Doc. 79-4403 Filed 2-7-79; 8:45 am]

[4310-31-M]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Ch. II]

OIL AND GAS OPERATIONS ON THE OUTER CONTINENTAL SHELF

Invitation for Public Comments

AGENCY: U.S. Geological Survey, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The U.S. Geological Survey (USGS) proposes to develop regulations pertaining to oil and gas operations on the Outer Continental Shelf (OCS) in response to enactment of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372). Public comments are being sought concerning the content of regulations to be promulgated to implement Section 21, paragraph (b), of the Outer Continental Shelf Lands Act, as amended.

DATES: Written comments must be received on or before April 9, 1979.

ADDRESSES: Written comments should be addressed to Chief, Conservation Division, U.S. Geological Survey, Mail Stop 600, National Center, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard B. Krahl, U.S. Geological Survey, Telephone: (703) 860-7531.

AUTHORS: Thomas G. McCloskey, Special Assistant of Assistant Secretary for Energy and Minerals (202-343-4457), and Gerald Rhodes, U.S. Geological Survey (703-860-7531.).

SUPPLEMENTARY INFORMATION: The Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372), enacted on September 18, 1978, added to the Outer Continental Shelf Lands Act Section 21(b), which provides:

> In exercising their respective responsibilities for the artificial islands, installations, and other devices referred to in section 4(a)(1) of this Act, the Secretary, and the Secretary of the Department in which the Coast Guard is operating, shall require, on all new drilling and production operations and, wherever practicable, on existing operations, the use of the best available and safest technologies which the Secretary determines to be economically feasible, wherever failure of equipment would have a significant effect on safety, health, or the environment, except where the Secretary determines that the incremental benefits are clearly insufficient to justify the incremental costs of utilizing such technologies.

Based upon this language, there are four standards created which must be dealt with in a regulatory program. They are:

1. "The Best Available and Safest Technology (BAST)" standard;
2. The "economically feasible" standard;
3. The "significant effect" standard; and
4. The "incremental benefits" versus "incremental cost" standard.

The House Conference Report, No. 95-1474, that accompanied the bill which subsequently became Pub. L. 95-372, provides insight into the congressional intent of Section 21(b). The major points made in the Conference Report are that:

1. More than one technology may be applicable as the best way to achieve a particular objective or do a particular job;
2. It is the responsibility of an operator on an existing operation to demonstrate why application of a new, better technology would not be "practicable";
3. A determination as to what are the best available and safest technologies economically feasible is to be made by the regulating Agency on an industrywide basis or with respect to classes or categories of operations rather than on an installation-by-installation, company-by-company, or lessee-by-lessee basis; and
4. Considerations of costs and benefits should also be done on an industrywide basis or with respect to classes or categories of operations (House Conference Report, No. 95-1474, p. 109).

Furthermore, it is the intent of the Act that the Secretary's regulations and their implementation have a technology-forcing effect. That is, when new and improved devices are developed, there must exist a system for evaluating them and for requiring their use when and where appropriate.

The USGS' present policies, programs, and procedures are designed to insure that oil and gas operations on the OCS are conducted in a manner which takes into consideration safety, health, and environmental concerns. The USGS' OCS Operating Orders, which are designed to implement the regulations contained in 30 CFR Parts 250 and 251, establish minimum requirements in the form of performance standards for technology, equipment, and procedures used or applied to operations on the OCS. In addition, the USGS is initiating a Platform Verification Program and a Failure Inventory and Reporting System. The Platform Verfication Program will allow the Survey to insure that the BAST requirement is applied in the design, construction, and installation of platforms of unique design, in deepwater and in frontier areas. The Failure Inventory and Reporting System will provide the USGS with information on equipment failures. Analysis of this information will be used to identify those instances where current technology needs improvement.

In fulfilling its obligations under Section 21(b) of the Act, the USGS intends to maintain existing programs and follow existing procedures and to consider them as the foundation upon which the BAST program will be developed. The USGS recognizes that changes may be needed. It intends to fully evaluate existing programs and procedures to insure their adequacy in meeting the requirements of Section 21 (b) of the Act. In this regard, the USGS will use the information provided under the Failure Inventory and Reporting System and the information it gains from the study into the adequacy of existing safety and health regulations and of the technology, equipment, and techniques available for the exploration, development, and production of the minerals of the OCS called for in Section 21(a) of the Act. This study is a joint effort by the USGS and the U.S. Coast Guard.

An important first step in implementing the BAST standard is defining it. The House Conference Report makes it clear that "more than one technology may be applicable as the best way to achieve a particular objective or do a particular job." The USGS intends to establish performance requirements based upon a determination that the technology, equipment, and procedures covered by the requirements provide the level of protection required to assure safe operations on the OCS. By definition, any technology, equipment, or procedure which results in a level of performance which meets or exceeds the requirements shall qualifiy as a "best available and safest technology" (BAST).

The USGS considers the BAST requirement to be evolutionary in nature. That is, when inadequacies or new developments in any technology, equipment, or procedure that would have a significant effect on safety, health, or the environment demonstrate a need, existing performance requirements will be modified or new requirements will be established. In such instances, the new performance requirements may force the development of new technology, equipment, or procedures.

To assist in the development of its BAST program, the USGS requests comments and recommendations on the nature, scope, and content of the program and implementing regulations. Particular attention should be paid to the following questions:

1. Should the USGS use performance requirements as a method of identifying the "best available and safest technologies"? Are there other approaches to defining BAST which should be considered?
2. Are the USGS' existing policies, programs, and procedures an adequate foundation upon which to build a BAST program? If not, are they wholly or partially inadequate? If the conclusion is that they are inadequate, the reasons for that conclusion should be set forth.
3. In establishing performance requirements, should specific items of equipment be identified and standards established? If so, please identify items of equipment for which standards should be established.
4. What criteria should be used by the USGS in determining the economic feasibility of BAST?
5. What factors should the USGS consider in determining "significant effect"?
6. What procedure should be used by the USGS to assess incremental costs and benefits when more stringent performance requirements are established or alternative technologies, equipment, or procedures are required? How should benefits such as reduced number of accidents or reduced health risks be measured against dollar costs?

Dated: February 2, 1979.

JOAN M. DAVENPORT,
Assistant Secretary, Energy and Minerals.

[FR Doc. 79-4255 Filed 2-7-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 78-172]

DRAWBRIDGE OPERATION REGULATIONS

Halifax River, Florida

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Public Affairs Council of the Daytona Beach Area Chamber of Commerce, the Coast Guard is considering revising the regulations for the Seabreeze and Memorial bridges across the Halifax River (AIWW), miles 829.1 and 830.6 respectively, to allow periods during peak vehicular traffic when the draws need not open. The draws of both bridges presently open on signal. This action should relieve vehicular traffic during the morning and evening rush hours while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before March 12, 1979.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Seventh Coast Guard District, 51 S.W. First Anvenue Miami, Florida 33130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr. Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-0942).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

These additional restrictions are being considered in an effort to relieve increased vehicular traffic during the morning and evening peak periods on the Seabreeze and Memorial bridges. The Coast Guard, therefore, is presenting this proposal for comment from affected and interested parties.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.433 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.433 Halifax River, AIWW, Volusia County, Fl.

(a) *Ormond Beach bridge*, Halifax River, AIWW, mile 824.9, Granada

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Avenue, Ormond Beach, FL. From 7:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 5:30 p.m., Monday through Saturday, the draw may remain closed to the passage of vessels. However, the draw shall open at 8 a.m. and 5 p.m. to pass any accumulated vessels. The draw shall open on signal on Federal and Florida State holidays.

(b) *Seabreeze bridge,* Halifax River, AIWW, mile 829.1, Seabreeze Boulevard, Daytona Beach, FL. From 7:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 5:30 p.m., Monday through Saturday, the draw may remain closed to the passage of vessels. However, the draw shall open at 8 a.m. and 5 p.m. to pass any accumulated vessels. The draw shall open on signal on Federal and Florida State holidays.

(c) *Memorial Bridge,* Halifax River, AIWW, mile 830.6, Orange Avenue to Silver Beach Street, Daytona Beach, FL. From 7:45 a.m. to 8:45 a.m. and from 4:45 p.m. to 5:45 p.m., Monday through Saturday, the draw may remain closed to the passage of vessels. However, the draw shall open at 8:15 a.m. and 5:15 p.m. to pass any accumulated vessels. The draw shall open on signal on Federal and Florida State holidays.

(d) *Port Orange bridge,* Halifax River, AIWW, mile 835.5, State Road A-I-A (Dunlawton Avenue), Port Orange, FL. From 7:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 5:30 p.m., Monday through Saturday, the draw may remain closed to the passage of vessels. The draw shall open at 8 a.m. and 5 p.m. to allow any accumulated vessels to pass. The draw shall open on signal on Federal and Florida State holidays.

(e) Public vessels of the United States, tugs with tows, and vessels in distress shall be passed at any time. The opening signal from these vessels is four blasts of a whistle, horn, or other sound-producing device, or shouting.

(f) During periods when storm signals are displayed in the Daytona Beach area, the draws shall open on signal. Storm signals are displayed when the National Weather Service predicts winds of 33 knots or more or sea conditions considered dangerous to small craft or both. The opening signal is three blasts of a whistle, horn, or other sound-producing device or by shouting.

(g) The owners of or agencies controlling these bridges shall post notices containing the substance of these regulations on both the upstream and downstream sides of the bridges or adjacent to the bridges, in such manner that they can be easily read at any time from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

Dated: January 31, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc. 79-4396 Filed 2-7-79; 8:45 am]

[4910-14-M]

[33 CFR Parts 127 and 165]

[CGD 17-78-1R2]

PORT VALDEZ, VALDEZ, ALASKA

Proposed Establishment of a Safety Zone; Correction

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a proposed rule appearing in the December 28, 1978 issue of the FEDERAL REGISTER by changing the reference to a citation in the Discussion of the Proposed Regulation Change and by adding a clause to the rule which was accidentally omitted from the proposed rule. It also extends the comment period to March 1, 1979.

DATE: Comments must be received on or before March 1, 1979.

ADDRESS: Comments should be submitted to, and are available for examination at, the office of the Commander (m), Seventeenth Coast Guard District, P.O.B. 3-5000, Federal Building, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT:

LT David G. Dickman, Office of Marine Environment and Systems, Port Safety and Law Enforcement Division (G-WLE), U.S. Coast Guard, Room 7319, Department of Transportation, Nassif Building, 400 7th Street SW., Washington, D.C. 20590, 202-426-1927.

SUPPLEMENTARY INFORMATION: In FR Doc. 78-36136 appearing at page 60614 in the FEDERAL REGISTER of December 28, 1978, the proposed rule is amended to read as follows:

1. DATE: Comments must be received on or before March 1, 1979.

2. The last sentence in the paragraph under the Discussion of the Proposed Regulation Change is corrected to read: As provided in the General Safety Zone Regulations (33 CFR 165.20) no person or vessel may enter a safety zone unless authorized by the Captain of the Port or the District Commander.

3. 33 CFR 165.1701 is corrected to read as follows:

§ 165.1701 Port Valdez, Valdez, Alaska.

The waters within the following boundaries are a safety zone: The area within 200 yards of any waterfront facility at the Alyeska Marine Terminal complex or vessels moored or anchored at the Alyeska Marine Terminal complex and the area within 200 yards of any tank vessel maneuvering to approach, moor, unmoor or depart the Alyeska Marine Terminal complex.

Dated: January 29, 1979.

F. P. SCHUBERT,
Captain, U.S. Coast Guard,
Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 79-4264 Filed 2-7-79; 8:45 am]

[7710-12-M]

POSTAL SERVICE

[39 CFR Parts 310 and 320]

RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

Proposed Revisions in Comprehensive Standards for Permissible Private Carriage of Letters; Extension of Comment Period

AGENCY: U.S. Postal Service.

ACTION: Extension of time for comments.

SUMMARY: This notice extends the time for filing comments on proposed revised regulations relating to the restrictions on the private carriage of letters.

DATE: Comments must be received on or before March 12, 1979.

ADDRESS: Written comments should be addressed to: Jerry Belenker, Law Department, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocoping between 9 a.m. and 4 p.m., outside room 9120, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Jerry Belenker, Law Department, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260; (202) 245-4616.

SUPPLEMENTARY INFORMATION: On December 28, 1978, a document was published in the FEDERAL REGISTER (43 FR 60615) proposing revisions of Postal Service regulations pertaining to the Private Express Statutes. The date for the submission of comments, February 12, 1979, was inadvertently omitted, but was published in the issue of January 3, 1979 (44 FR 915).

In response to a number of requests for an extension of time within which to submit comments, and in order to facilitate maximum public participation in the rulemaking process, the Postal Service will accept written comments which are received on or before March 12, 1979.

W. ALLEN SANDERS,
Acting Deputy General Counsel.

[FR Doc. 79-4364 Filed 2-7-79; 8:45 am]

[4310-10-M]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[43 CFR Part 4]

ALASKA NATIVE CLAIMS APPEAL BOARD

Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking amends existing regulations. The purpose of the amendments is to clarify procedures and simplify language in the existing regulations, and to carry out Secretarial policy decisions on: (1) Alaska Native Claims Appeal Board jurisdiction over appeals by persons claiming rights under section 14(c) of the Alaska Native Claims Settlement Act; (2) requirements for standing to appeal; (3) standard of review and burden of proof; and (4) procedure for hearings on questions of fact.

COMMENT DATE: Written comments must be received on or before 30 days from date of publication.

ADDRESS: Send comments to: Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. Comments are available for public review in Room 1111 of the above address on weekdays from 8:30 to 9:00.

FOR FURTHER INFORMATION CONTACT:

David Graham, Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, Telephone: (703) 557-1500.

Beaumont McClure, Alaska Native Claims Coordinator, Division of Lands & Realty, (320 Bureau of Land Management), United States Department of the Interior, 18th & C Streets NW., Washington, DC 20240, Telephone: (202) 343-3066.

Judith M. Brady, Chairperson, Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, Telephone: (907) 265-5356.

SUPPLEMENTARY INFORMATION: ANCSA POLICY REVIEW. In order to improve the Department's administration of the Settlement Act and achieve the goal of prompt land conveyance, the Department in August 1977 began a comprehensive review of ANCSA implementation and policies. The review was organized to cover twenty-four issues, each requiring a decision on Departmental policy. Extensive discussions were held on these issues with representatives of Departmental agencies, the State of Alaska, Native Corporations, and the Joint State-Federal Land Use Planning Commission. The Secretary by memorandum of March 3, 1978, announced the policy decisions on each issue reached through this process.

ANCSA Issue 16 addressed the following questions:

A. Should the review process for all ANSCA related actions be standardized?

B. If yes, what should that review process be?

C. If not, what review process should be developed for discretionary actions, e.g., easement reservations, section 14(h) withdrawals and conveyances, etc.?

The Secretary decided that:

(1) The review process should be standardized and that the Alaska Native Claims Appeal Board was the appropriate board to hear ANCSA-related actions, including easement appeals. (Exceptions to this policy decision, however, are those cases in which alternative appeal procedures are provided by easement agreements between the Department and Native corporations. Such agreements continue to govern appeals in easement disputes, but are binding only on the parties to the agreements.)

(2) Procedures should be clarified between ANCSA and the Interior Board of Land Appeals for cases involving both ANCSA and other public land issues.

(3) Hearings before ANCAB which involve (a) issues of fact or mixed questions of fact and law, or (b) issues subject to the Administrative Procedure Act, will be conducted by Administrative Law Judges.

(4) In order to have standing to appeal, a person must claim a property interest in lands affected by the decision being appealed.

(5) While land areas affected by an appeal usually cannot be conveyed before decision of the appeal, methods must be provided to allow prompt conveyance of areas in land selections which are unaffected by the appeal, so that conveyance of unaffected land areas is not delayed during the appeal.

(6) Factual determinations in a decision shall not be reversed unless an appellant proves by a preponderance of the evidence that the determination was incorrect; and discretionary actions shall not be reversed unless arbitrary and capricious.

(7) Regulations should be published as necessary to carry out these policy decisions.

ANCSA Issue 21 addressed the question of what role the Department should take in reconveyances under section 14(c). The Secretary decided that the Department should continue a policy of nonintervention.

These regulations are published for comment in response to the above decisions. Other changes are to clarify and simplify language of present regulations.

DISCUSSION OF CHANGES

43 CFR 4.1(b) is amended by the addition of a provision that the Board shall not consider appeals on rights granted and protected by section 14(c) of ANCSA.

43 CFR 4.901(a) is also amended to clarify the Board's lack of jurisdiction over appeals on section 14(c) claims.

43 CFR 4.901(c) is redesignated (d) and a new subsection (c) is added to clarify the jurisdiction of the Alaska Native Claims Appeal Board (ANCAB) and the Interior Board of Land Appeals (IBLA). The Interior Board of Land Appeals has jurisdiction over appeals from decisions involving the validity of an interest or pending interest applied for under the public land laws. The Alaska Native Claims Appeal Board has jurisdiction over appeals from decisions in matters relating to land selection under the Alaska Native Claims Settlement Act, as amended, and appeals arising under other statutes dealing with Alaska Native claims, except for the Alaska Native Allotment Act. Confusion occurred when the issue on appeal involved the effect of the Settlement Act on an interest or pending interest applied for under the public land laws. The proposed regulation establishes that jurisdiction over an appeal involving the effect of the Settlement Act, as amended, or other statute concerned with Alaska Native claims on an interest or pending application under public land laws shall be with the Alaska Native Claims Appeal Board. Jurisdiction over questions as to whether or not such interests or pending interests are valid under the public land laws shall be with the Interior Board of Land Appeals.

43 CFR 4.901(c) is redesignated (d) and amended to shorten and simplify language in present regulations on certification of an appeal from ANCAB to IBLA or vice versa.

43 CFR 4.903 is revised to define requirements for appellant's statement of reasons and standing in greater detail than the present regulations. The appellant is requested to provide a legal description of the land in which he claims a property interest so the Board may segregate this land from land unaffected by the appeal, in order that the unaffected land can be conveyed.

43 CFR 4.904 is amended by adding a new subsection (c) to [the existing

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§ 4.904 Answers] to define requirements for contents of answer in more detail.

43 CFR 4.904 is revised to limit pleadings to the appellant's statement of reasons and standing and the appellee's answer, with further briefs at the discretion of the Board. A procedure is provided for motions.

43 CFR 4.905 is renumbered § 4.908 and a new section 4.905 is added which defines burden of proof and standard of review.

43 CFR 4.906 is renumbered § 4.909 and a new section 4.906 is added to clarify the date pleadings will be considered to have been filed and the filing deadlines for certain pleadings.

43 CFR 4.907 [Pleadings] is deleted and existing section 4.908 is renumbered § 4.907.

43 CFR 4.906 is renumbered § 4.909.

43 CFR 4.909 is renumbered § 4.910.

43 CFR 4.910 is renumbered § 4.911.

43 CFR 4.911 is renumbered § 4.912 and changed to simplify language authorizing the Board to hold conferences.

43 CFR 4.912(c) [existing § 4.911(c)], is amended to require all hearings on issues of fact, or mixed issues of fact and law, and hearings required by the APA, to be conducted by an Administrative Law Judge appointed under 5 U.S.C. 3105. The amendment provides that the Administrative Law Judge will render a recommended decision to the Board with service on all parties and the Board. Parties shall have 30 days in which to file exceptions and briefs from the recommended decision, at which time the Board shall render a final decision. Argument on issues of law shall be heard by the Board.

43 CFR 4.912 (existing § 4.911) is amended by redesignating subsections (d) and (e), subsections (f) and (g) respectively, and adding new subsections (d) and (e). Section 4.912(d) provides for oral argument and § 4.912(e) authorizes the Board to segregate lands unaffected by the appeal or take other action or allow conveyance or further processing of lands unaffected by the appeal.

43 CFR 4.912 is renumbered § 4.913.

43 CFR 4.913 is renumbered § 4.914 and amended to clarify the Board's role in settlement approval. The amended regulation requires approval by the Board or the Secretary of any settlement agreement which resolves matters on appeal and requires future action on forbearance by the Department. The existing regulation appears to esatblish alternative requirement for settlement and has caused confusion.

43 CFR 4.915, a new section, is added to establish procedure for reconsideration of a decision by the Board, including a time limit within which any request for reconsideration must be filed.

It is hereby determined that publication of this proposed rulemaking does not require a detailed statement pursuant ot section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), and that this document does not contain a significant regulatory proposal requiring preparation of a regulatory analysis under Executive Order 12044.

The principal author of this proposed rulemaking is Judith M. Brady, Chairperson, Alaska Native Claims Appeal Board, assisted by other members and staff counsel of the Board and by personnel from the Office of Hearings and Appeals.

Under the authority of the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*) it is proposed to amend Subparts A and J, Part 4, Subtitle A, Title 43 of the Code of Federal Regulations as explained above and set forth below.

Subpart A—General; Office of Hearings and Appeals

§ 4.1 Scope of authority; applicable regulations.

* * * * *

(5) *Alaska Native Claims Appeal Board.* The Board considers and decides finally for the Department appeals to the head of the Department from findings of fact or decisions rendered by Departmental officials in matters relating to land selection arising under the Alaska native Claims Settlement Act (85 Stat. 688), as amended, and any other statute dealing with Alaska Native claims except the Alask Native Allotment Act, Act of May 17, 1906, 34 Stat. 197, as amended. The Board orders hearings as necessary, *except:* The Board shall not consider appeals relating to enrollment of Alaska Natives; the Board shall not consider appeals on rights granted and protected by section 14(c) of the Act; the Board shall not consider appeals on easements brought by parties to agreements with the Department which set forth alternative procedures for easement appeals; and with respct to appeals from Departmental decisions on village eligibility under section 11(b) of the Act, decisions of the Board shall be submitted to the Secretary for his personal approval before becoming final. Special regulations applicable to proceedings before the Board are contained in Subpart J of this part.

* * * * *

Subpart J—Special Rules Applicable to the Alaska Native Claims Settlement Act Hearings and Appeals

Sec.

4.900 References.
4.901 Appeals; general.
4.902 Who may appeal.
4.903 Appeals; how taken.
4.904 Pleadings, additional briefs, and motions.
4.905 Standard of review and burden of proof.
4.906 Filing and extensions.
4.907 Service.
4.908 Summary dismissal.
4.909 Transmittal of administrative record.
4.910 Amicus curiae; intervenors; joinder.
4.911 Appearances; practice.
4.912 Proceedings.
4.913 Witnesses.
4.914 Settlement approval.
4.915 Reconsideration.

AUTHORITY. Alaska Native Claims Settlement Act (43 U.S.C. 1601, et. seq.)

Subpart J—Special Rules Applicable to the Alaska Native Claims Settlement Act Hearings and Appeals

§ 4.900 References.

General appeals procedures are contained in Subparts A and B of this part.

§ 4.901 Appeals; general.

(a) Unless otherwise provided, appeals to the Secretary under ANCSA and related statutes referenced in § 4.1(5) relating to land selection shall be to the Alaska Native Claims Appeal Board. The Alaska Native Claims Appeal Board members shall be personally appointed by the Secretary. At least one member of the Board shall be familiar with the Native village life. Among those otherwise qualified to serve on the Board, perference will be given to those familiar with Native village life. The Board is authorized to decide finally for the Secretary appeals under ANCSA, as amended, and any other statute dealing with Alaska Native Claims, except;

(1) The Board shall not consider appeals relating to enrollment of Alaska Natives;

(2) The Board shall not consider appeals arising under the Alaska Native Allotment Act; Act of May 17, 1906, 34 Stat. 197, as amended;

(3) Appeals from decisions on village eligibility shall be personally approved by the Secretary;

(4) The Board shall not consider appeals on rights granted and protected by section 14(c) of the Act. The fact that the Board lacks jurisdiction over such appeals shall not prejudice such rights; and

(5) The Board shall not consider appeals on easements brought by parties to agreements with the Department which set forth alternative procedures for easement appeals.

(b) All hearings held in connection with appeals to the Alaska Native Claims Appeal Board shall be conducted within the State of Alaska. The Alaska Native Claims Appeal Board has its headquarters within the State of Alaska. The mailing address of the Board is: U.S. Department of the Interior, Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510.

(c) An appeal from a decision by the Bureau of Land Management which involves the effect of the Alaska Native Claims Settlement Act, and related statutes as referenced in § 4.1(5), upon an interest, or pending application for an interest, derived under the public land laws, shall be to the Alaska Native Claims Appeal Board (ANCAB). An appeal from a decision by the Bureau of Land Management which involves the effect of the public land laws upon the validity of an interest, or pending application for an interest, shall be to the Interior Board of Land Appeals (IBLA).

(d) When there is a determination that a single appeal raises issues within the jurisdiction of both ANCAB and another Appeals Board of the Department, one Board may refer the appeal to another. The record shall be certified to the appropriate Board, and an appeal timely filed with any Appeals Board of the Department shall be considered timely filed with the Board determined to have jurisdiction. Where issues on appeal have been severed and referred to a second Board of the Department, each Board may proceed with its appeal and issue separate decision, or upon completion of the questions referred from the Board in which the appeal was first filed, the record and determination of such other Board may be certified to the Board in which the appeal was first filed.

§ 4.902 Who may appeal.

Any party may appeal who claims a property interest in land affected by a determination which is appealable to the Alaska Native Claims Appeal Board. An agency of the Federal Government or a regional corporation shall have the right of appeal in any case involving land selections.

§ 4.903 Appeals; how taken.

(a) *Filing of notice of appeal.* Appellant shall file a notice of appeal, signed by the appellant or the appellant's representative, with the Board within the following time limits:

(1) A party receiving actual notice of the decision shall have 30 days from the receipt of actual notice to file an appeal;

(2) Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have 30 days from the date of publication of the decision in the FEDERAL REGISTER in which to file an appeal.

(b) *Contents of notice of appeal.* The notice of appeal shall:

(1) Indicate an appeal is intended.

(2) Identify the decision being appealed. Identification should include the serial number or date of the decision.

(The notice of appeal shall be served on all parties, see §4.907 of this title.)

(c) *Statement of reasons and standing.* If not filed with the notice of appeal, the appellant's statement of reasons and standing must be filed by the appellant within 30 days after filing of the notice of appeal and should include the following:

(1) A statment of facts and law upon which the appellant relies in claiming a property interest for standing under § 4.902 of this titie, including a specific reference to federal or state law, if any, under which appellant claims a property interest.

(2) A clear statement of all issues being reaised by appellant on appeal supported by facts and law.

(3) A legal description of the land in which the appellant claims a property interest.

(The statement of reasons and standing shall be served on all parties; see § 4.907 of this title.)

(d) *Answers.* Any party served with a copy of appellant's statement of reasons and standing who desires to participate in the proceedings on appeal must file an answer within 30 days of service of the appellant's statement of reasons and standing. The answer must include the following:

(1) Opposition, if any, to appellant's allegations of standing under § 4.902 of this title supported by facts and law.

(2) A reply to all issues raised by the appellant supported by facts and law.

(3) Objection, if any, to the legal description furnished by the appellant of the lands in which the appellant claims a property interest.

(The answer shall be served on all parties; see § 4.907 of this title.)

§ 4.904 Pleadings, additional briefs and motions.

(a) *Pleadings.* There shall be an appellant's statement of reasons and standing, an answer as described in § 4.903 and only such other pleadings as the Board may order.

(b) *Additional briefs.* The Board may allow the submission of additional briefs on its own motion or if requested by the parties. A party shall make such a request by motion filed with the Board within 15 days of service of the pleadings or brief for which the response is sought.

(c) *Motions.* An application to the Board for an order shall be by motion which, unless made during a hearing, shall be made in writing, shall state with particularity the grounds for the motion, and shall set forth the relief or order sought. Opposition to motion must be filed with the Board within 10 days after service of the motion unless otherwise ordered by the Board or unless stipulated to by the parties with Board approval.

§ 4.905 Standard of review and burden of proof.

(a) When decisions regarding factual determinations are on appeal before the Board, the appellant has the burden of proof by a preponderance of the evidence.

(b) When decisions regarding discretionary actions are on appeal before the Board, the decision appealed from shall be affirmed unless it is proved to have been arbitrary, capricious, or contrary to law or policy.

§ 4.906 Filing and extensions.

(a) The filing of all pleadings shall be considered to have been made on the date of postmark. In the event there is no postmark or the postmark is illegible it shall be the date of receipt by the Board.

(b) The Board may, upon request and for good cause shown, grant extensions of time for filing all pleadings and responses except the notice of appeal.

§ 4.907 Service.

(a) Copies of all briefs, statements of reason for appeal and interest affected, and other documents filed with the Board shall be served upon all parties to the proceeding, and such other persons as the Board may order.

(b) The notice of appeal, all pleadings, briefs and other documents filed with the Board shall contain a certificate stating the names and addresses of all persons served with copies.

(c) Whenever the regulations in this subpart require that a document be served upon a person, service may be made by personal delivery or by mailing the document first-class or by registered or certified mail, return receipt requested, to the person's address of record.

(d) Service may be proved by an acknowledgment of the person served, or by a certificate of service, stating the time and manner of service, signed by the person making service. No default will be entered without proof of actual service, or satisfactory proof of inability to serve.

(e) When an attorney has entered an appearance for a party in a case involving an appeal before the Board,

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such attorney will be recognized as responsible for the case on behalf of his client and service of all briefs and other documents filed with the Board shall be made upon the attorney. The requirement of service of any document relating to the proceeding on such party may be fully satisfied by making service upon such attorney, unless otherwise specifically required by law, rule, order, or regulation of the Board. When more than one attorney has entered an appearance for a party, service upon one of the attorneys shall be sufficient.

(f) Whenever a time period commences after service is made, for purposes of computing the time period, service shall be deemed to have been made on the date personal service was made, or, if service was made by mail, on the date of posting.

§ 4.908 Summary dismissal.

An appeal may, in the discretion of the Board, be dismissed for failure to file or serve, upon all persons required to be served, a notice of appeal, statement of reasons or of standing as required by § 4.903.

§ 4.909 Transmittal of administrative record.

Within 10 days after service of a copy of the notice of appeal, the officer whose decision is appealed shall transmit a certified copy of the administrative record to the Board. Such record will be available for inspection and copying in the Board's office.

§ 4.910 Amicus curiae; intervenors; joinder.

(a) A brief of an amicus curiae may be filed with the Board. Copies of amicus curiae briefs shall be served upon all parties to the proceeding and a certificate of service must be filed in accordance with § 4.907. Any person filing an amicus brief shall not be considered a party to the proceeding for purposes of this subpart.

(b) Any person may petition the Board to intervene in an appeal. Upon a proper showing of interest under § 4.902, such person may be recognized as an intervenor in the appeal.

(c) The Board may require the joinder of any person whose participation is deemed essential to the final determination of an appeal.

(d) Any motion seeking intervention or joinder shall be served on all parties to the proceeding, and a certification of service must be filed in accordance with § 4.907.

§ 4.911 Appearances; practice.

(a) *Representation; generally.* Appearance and representation before the Board shall be governed generally by the applicable provisions in Part 1 of Subtitle A of this title, which regulates practice before the Department of the Interior.

(b) *Practice and procedure.* When not in conflict with this subpart, the provisions in Subparts A and B of this part shall be applicable.

§ 4.912 Proceedings.

(a) *Consolidation and separation.* Under appropriate circumstances, the Board may consolidate several appeals, or separate a single appeal into component parts, each of which may be processed as a separate appeal.

(b) *Conferences.* The Board may hold conferences with the parties when appropriate.

(c) *Hearings.* A party may request a hearing to present evidence on an issue of fact. Such request shall be made in writing, shall be filed with the Board, and shall be served in accordance with § 4.907. The allowance of a hearing is within the discretion of the Board. The Board may, on its own motion, order a hearing on one or more issues. All hearings required under the Administrative Procedure Act and all hearings involving issues of fact or mixed issues of fact and law shall be conducted by an Administrative Law Judge appointed under 5 U.S.C 3105, in accordance with §§ 4.430-4.439. Argument on issues of law shall be heard by the Board. In the event of a hearing conducted by an Administrative Law Judge, the Administrative Law Judge will make a recommended decision to the Board. Such decision shall be served on all parties who shall have 30 days from date of receipt to file exceptions and briefs with the Board. At the end of the briefing period the Board shall render a final decision.

(d) *Oral argument.* The Board may grant an opportunity for oral argument.

(e) *Segregation.* The Board may segregate those lands unaffected by the appeal or take such other action necessary to permit the conveyance or further processing of those lands unaffected by the appeal.

(f) *Copy requirements.* Unless otherwise provided in this subpart or by order of the Board, an original and one copy of all documents should be filed with the Board. All documents must be legible.

(g) *Official file.* The Board shall maintain one official file constituting the entire record of each appeal before the Board. No document shall be removed from the official file. The official file shall be available in the Board's office for inspection and copying.

§ 4.913 Witnesses.

(a) It is the responsibility of the parties to produce those persons whose testimony will support their respective positions at the times and places established for evidentiary hearings, and to keep such witnesses available so long as may be necessary for the reception of their testimony. All employees of the Department of the Interior requested by the Board or any Administrative Law Judge to testify before or furnish relevant information to the Board or the Administrative Law Judge shall comply with such requests.

(b) If a witness fails to appear in spite of every reasonable effort to assure his appearance, the Board may allow secondary evidence to be submitted in lieu of the testimony of such witness; the weight to be attributed to such secondary evidence shall be within the discretion of the Board.

§ 4.914 Settlement approval.

No settlement agreement between the parties which resolves matters in issue on appeal before the Board and requires future action or forbearance from action by the Department of the Interior shall bind the Department unless such agreement is approved by the Board, or the Secretary.

§ 4.915 Reconsideration.

Reconsideration of a decision may be granted, in the discretion of the Board, only in extraordinary circumstances. Request for reconsideration must be filed within 60 days of issuance of a decision and must state with particularity the error or errors claimed. Except in the case of newly discovered evidence, matters not in the record may not be raised for the first time in connection with a request for reconsideration. The filing and pendency of a request for reconsideration shall not operate to stay the effectiveness of the decision involved unless so ordered by the Board. A request for reconsideration need not be filed to exhaust administrative remedies.

Dated: January 30, 1979.

DAVID B. GRAHAM,
Director,
Office of Hearings and Appeals.

[FR Doc. 79-4295 Filed 2-7-79; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 89, 91 and 93]

[Docket No. 20846; FCC 79-18]

INTERCONNECTION OF PRIVATE LAND MOBILE RADIO SYSTEMS WITH THE PUBLIC, SWITCHED, TELEPHONE NETWORK IN THE BANDS 806-821 MHz and 851-866 MHz

Prescribing Policies and Regulations

AGENCY: Federal Communications Commission.

ACTION: Rule proposals.

SUMMARY: Proposal looking toward adopting rules to govern the interconnection of private land mobile radio systems licensed in the 806-821 MHz and 851-866 MHz bands with the facilities of wire line telephone companies. The regulations would extend to radio systems operated in the Part 90 Public Safety, Industrial, and Land Transportation Radio Services.

DATES: Comments are to be filed by March 12, 1979, and reply comments by March 27, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John B. Letterman, Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau, (202-632-6497).

In the matter of amendment of parts 89, 91, and 93 of the Commission's rules to prescribe policies and regulations to govern interconnection of private land mobile radio systems with the public, switched, telephone network in the bands 806-821 MHz and 851-866 MHz. Docket No. 20846. Further notice of proposed rulemaking (44 FR 4492).

Adopted: January 17, 1979.

Released: January 31, 1979.

By the Commission: Commissioner Washburn issuing a Separate Statement.

1. We initiated this proceeding through our *Notice of Inquiry and Notice of Proposed Rule Making*, released in July 1976, (41 F.R. 28540 (July 12, 1976)). On August 17, 1978, we adopted our *First Report and Order* (FCC 78-622), 43 F.R. 38396 (August 28, 1978). In that decision, we reached conclusions to permit the interconnection of private land mobile radio systems in the bands below 512 MHz in accordance with new rules and regulations developed for that purpose; but we postponed decision on interconnection of radio systems licensed in the 806-821 MHz and 851-866 MHz bands, those allocated in the proceeding in Docket No. 18262 for use in the Part 89, Public Safety, Part 91, Industrial, and Part 93, Land Transportation Radio Services.

2. In this connection, we want to emphasize that our decision in Docket No. 18262 did not deprive licensees in the private services of their right to interconnect their facilities. Specific provision for interconnected services was made at Section 89.653 of the Rules.[1] But the new interconnection rules adopted in this proceeding for the bands below 512 MHz are significantly different from those adopted for 800-MHz systems in Docket No. 18262. To illustrate, at 800 MHz, interconnection must be accomplished at a control point or a control station. This is not necessarily the case below 512 MHz. There, interconnection may be accomplished manually at a control point or control station, but it may also be accomplished automatically at other points in the licensee's system of communication, provided this is done under the "supervision of the licensee's control operator." Sections 89.954 (b) and (c).[2] Further, at 800 MHz, system control from mobile units by mobile operators of the licensee is not permitted (Section 89.653), but under certain conditions this is allowed in interconnected systems licensed below 512 MHz. Section 89.954(c).[3] Additionally, "interconnection at a common location," such as a "telephone answering service," is barred at 800 MHz. This is not necessarily so below 512 MHz (See Section 89.902(b));[4] however, in these lower bands we have prohibited interconnected usage in certain major urban areas in the Automobile Emergency, Business, Special Emergency, Special Industrial, and Taxicab Radio Services. Section 89.951(c).[5] As these differences indicate, the arrangements that may be made for interconnected service at 800 MHz are, in many respects, more restricted than those permitted under our new rules in the bands below 512 MHz.

3. Further, our allocation and assignment plan for 800-MHz facilities differs from that followed in the bands below 512 MHz. At 800 MHz, much emphasis was placed on a "systems" approach through which we sought to attain maximum efficiency in the use of the spectrum allocated to the land mobile services. In the private services, stress was put on operations of a "dispatch" nature (See Section 89.655(a)(4));[6] and while interconnection of private systems with the facilities of telephone companies was allowed, as we have mentioned, the rule structure was designed to assure that interconnection would be an ancillary function, incidental to a licensee's primary use of authorized 800-MHz channels in "dispatch" mode. Further, to meet the requirements of the public for interconnection and limited "dispatch" service, 40 MHz of spectrum was allocated for the development and implementation of "cellular" systems, through which common carriers could offer mobile radiotelephone capabilities to the public on a compatible, nationwide basis. Again, stress was put on the design characteristics of "cellular" systems which were thought best to accomplish the overall goal of spectrum efficiency in providing these types of communication capabilities.

4. In the above circumstances, then, we want to consider further whether the interconnection provisions adopted for 800-MHz operations should be modified to allign them more closely with those applying to the lower bands, particularly in the light of the overall regulatory goals we sought to attain at 800 MHz. Therefore, we ask for comments on the following issues:

(a) The needs and requirements of eligibles and licensees in the Public Safety, Industrial, and Land Transportation Radio Services for interconnected systems licensed in the 806-821 MHz and 851-866 MHz bands, including conventional and trunked systems.[7]

(b) The impact, if any, of this proposal on the Commission's overall regulatory program for the 806-947 MHz band. We are particluarly interested in comments on the potential impact of interconnection as now allowed in the bands below 800-MHz on the Commission's spectrum efficiency and service objectives which formed the bases for our decision in Docket No. 18262.

(c) Whether the geographic limitations on interconnection we have adopted for the Automobile Emergency, Business Special Emergency, Special Industrial, and Taxicab Radio Services for the lower bands should also be made to apply at 800-MHz, since the frequency shortage constraints above 800-MHz are not as severe as in the bands below 800-MHz.

As we announced in our *First Report and Order*, we will decide separately

[1] Section 89.653 governs interconnection of all 800-MHz systems. This rule provision becomes Section 90.389 in new Part 90, adopted November 14, 1978, effective January 2, 1979. *Report and Order*, Docket No. 21348, 43 F.R. 54788 (November 22, 1978).

[2] Sections 89.954 (b) and (c) become Sections 90.483 (b) and (c) in Part 90.

[3] Section 89.954(c) becomes Section 90.483(c) in new Part 90.

[4] Section 89.902(b) becomes Section 90.463(a) in new Part 90.

[5] Section 89.951(c) becomes Section 90.477(c) in new Part 90.

[6] Section 89.655(a)(4) becomes Section 90.385(a)(4) in new Part 90.

[7] We do not include within this issue matters pertaining to interconnection of shared or community repeater systems interconnected at a common point. As pointed out in the text below, we will decide those matters separately as indicated at paragraph 47 of the *First Report and Order* in this Docket. See *fn.* 8, below.

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the matter concerning interconnection at a common location of certain types of "shared" and "community repeater" systems. See *First Report and Order*, Docket No. 20846, *supra*, at para. 47.[8] However, we want to be clear that we are looking towards settling these matters with respect to other systems in this phase of the proceeding; and that one alternative would be to adopt rules to permit interconnection under one or several of the options set forth in Subpart T of Part 89, subject, of course, to the limitations on interconnection at common locations mentioned above.[9]

5. Authority for the proposed amendments is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested parties may file comments on or before March 12, 1979, and reply comments on or before March 27, 1979, Relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

6. In accordance with the provisions of Section 1.419 of the Commission's Rules, an original and five copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. 20554.

7. For further information concerning this rule making, contact John B. Letterman, Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 632-6497.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

JANUARY 17, 1979.

[8] In paragraph 47 of the *First Report and Order*, we stated that "• • • we will defer adoption of new rules directed to interconnection which is accomplished at the location of the shared radio equipment pending resolution of the proper regulatory status of a number of • • • third party arrangements." This limitation would apply to any rules adopted to govern interconnection arrangements for private radio systems operating in the 800-MHz bands.

[9] See Sections 90.477 through 90.484 in new Part 90.

SEPARATE STATEMENT OF COMMISSIONER ABBOTT WASHBURN—RE: DOCKET 20846

The decision in Docket 18262 was the product of a variety of interactive compromises. It represents a delicate balancing of opposing views and interests. A significant change in one of the elements of that decision, therefore, e.g. the proposed change of limitations on "interconnection," could affect the viability of the entire decision. Rather than singling out this element for separate treatment, such a change might better be addressed in a comperhensive proceeding dealing with a range of issues surrounding the allocation of frequencies above 800 MHz.

[FR Doc. 79-4265 Filed 2-7-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 661]

COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON AND CALIFORNIA

Draft Supplemental Environmental Impact Statement/Fishery Management Plan: Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: The Pacific Fishery Management Council will conduct additional hearings on proposed amendments for 1979 to the Fishery Management Plan for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California Commencing in 1978.

SUMMARY: Data recently received by the Pacific Fishery Management Council concerning anticipated low runs of chinook and coho salmon in 1979 suggest that additional restrictions on the sport and commerical harvest of salmon may be required. These data and proposed management options will be presented to the Council at its February 7-9 meeting by the Salmon Plan Development Team. Because the public did not have an opportunity to comment on this new information during the regularly scheduled comment period and public hearings in early January, the Council has extended the comment period from January 22 to February 28, 1979, and scheduled additional hearings on this subject. The final decision on recommendations for amendments to the salmon FMP for 1979 will be made by the Council at its March 8-9 meeting in Eureka, California.

DATES: Public hearings will be held on February 27 and 28. Submit written comments to either of the contact persons listed below by February 28, 1979, to receive full consideration in the implementation process.

ADDRESSES:

February 27, Chinook Room, Thunderbird Motor Inn, 400 Industry, Astoria, OR 97103, 7:00 p.m. Hearing Officer: John A. Martinis.

February 28, Redwood Ballroom, Red Lion Motor Inn, 1929 4th Street, Eureka, CA 95501, 7:00 p.m. Hearing Officer: Vernon J. Smith.

February 28, Olympic Bowl, Olympic Hotel, 416 Seneca, Seattle, WA 98101, 7:00 p.m. Hearing Officer: Charles F. Mechals.

FOR FURTHER INFORMATION CONTACT:

Mr. Lorry Nakatsu, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, 503-221-6352.

Mr. Donald R. Johnson, Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, WA 98109, 206-442-7575.

Copies of the supplemental environmental impact statement and fishery management plan are available from the addresses shown above.

Dated: February 5, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 79-4361 Filed 2-7-79; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 171, 172, 173, 174, 175, 176 and 177]

[Docket No. HM-145A; Notice No. 78-6]

TRANSPORTATION OF HAZARDOUS WASTE MATERIALS

Notice of Public Hearings and Closing Date for Comment

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Public Hearings; Closing Date for Comments on Notice of Proposed Rulemaking.

SUMMARY: On May 25, 1978, the Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking under Docket HM-145A (43 FR 22626) pertaining to the transportation of hazardous waste materials. It was stated in the Notice that the closing date for comments would be announced at a later time. On December 18, 1978, the Environmental Protection Agency (EPA) published a Notice of Proposed Rulemaking (43 FR 58946) Pertaining to hazardous wastes guidelines and regulations. The EPA also announced that public hearings would be held jointly with the Department of Transportation.

DATES: Public hearings pertaining to the transportation of hazardous wastes will be held on Febrary 15 and 21, and March 8 and 13, 1979. See SUPPLEMENTARY INFORMATION for further details. Unfortunately, this publication is too late to announce the joint hearing in New York City on February 8, as was announced in the EPA publication. The closing date for public comment on Docket HM-145A; Notice No. 78-6, is June 1, 1979.

ADDRESSES: Submit 5 copies of comments on Docket HM-145A; Notice No. 78-6 to Dockets Branch, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590 through June 1, 1979. For public hearings being held by EPA see SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Associate Director, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 2100 Second Street, SW., Washington, D.C. 20590, (202) 426-0556.

SUPPLEMENTARY INFORMATION: The EPA is holding public hearings on proposed regulations to be issued under Sections 3001-3004 of the Resource Conservation and Recovery Act of 1976. Section 3003 pertains to transportation. The hearings pertaining to proposed transportation regulations will be held jointly by the EPA and MTB. The schedule and location for each hearing is as follows:

February 15, 1979; 2:00 to 5:00 p.m.—Breckenridge Pavillion Hotel, One Broadway, St. Louis, Missouri 63102 (314) 421-1776.

February 21, 1979; 2:00 to 5:00 p.m.—Department of Commerce, Main Auditorium, 14th Street entrance, Washington, D.C.

March 8, 1979; 2.00 to 5:00 p.m.—Holiday Inn-Airport, P.O. Box 38218, 4040 Quebec Street, Denver, Colorado 80216 (303) 321-6666.

March 13, 1979; 2:00 to 5:00 p.m.—EPA Regional Office, Sixth Floor Conference Room, 215 Fremont Street, San Francisco, California. Anyone wishing to make an oral statement at one of the scheduled hearings should notify in writing: Mrs. Geraldine Wyer, Public Participation Office, Office of Solid Waste (WH-562), U.S. E.P.A., 401 M Street, SW., Washington, D C. 20460.

Oral or written comments may be submitted at the public hearings. Persons who wish to make oral presentations must restrict their presentations to ten minutes, and are encouraged to have written copies of their complete comments for inclusion in the official record.

It was stated in MTB's Notice No. 78-6 that the closing date for comment on the Notice of Proposed Rulemaking would be at least 60 days after the last notice of proposed rulemaking published by EPA pertaining to regulations that will be issued under Subtitle C of the Resource Conservation and Recovery Act. Since all of the EPA Subtitle C proposals that affect transportation have been published as of December 18, 1978, the closing date for comments on Notice No. 78-6 under docket HM-145A is June 1, 1979.

Authority: 49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53 and paragraph (a)(4) of Appendix A to Part 106.

Issued in Washington, D.C. on January 31, 1979.

ALAN I. ROBERTS,
Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-4578 Filed 2-7-79; 11:32 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11-M]

DEPARTMENT OF AGRICULTURE

Forest Service

SHEYENNE NATIONAL GRASSLAND LAND MANAGEMENT PLAN; CUSTER NATIONAL FOREST, RANSOM AND RICHLAND COUNTIES, N. DAK.

Intent To Prepare an Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an Environmental Statement in conjunction with the Sheyenne National Grassland Land Management Plan.

The Sheyenne Planning Unit includes 70,340 acres under federal ownership in Ransom and Richland Counties of southeastern North Dakota. These are public lands that were purchased in the 1930's under the Bankhead-Jones Farm Tenant Act.

Major land use practices have historically centered around agriculture and for the past 40 years, grassland management and livestock use have dominated the activity.

This planning effort is an updating and revision of previous land management plans. It will provide the land manager with long-range guidance for the Sheyenne National Grasslands by correlating capabilities and limitations of the land and will reflect the expressed concerns of the public.

Robert H. Torheim, Regional Forester, is the responsible official. The Custer National Forest will develop the plan.

It is anticipated the environmental assessment will require about 1 year to complete. The Draft Environmental Statement is scheduled for completion by August 1979, with a 3-month review period. The Final Environmental Statement is scheduled for filing in February 1980.

Comments on the Notice of Intent or management of the Sheyenne National Grassland should be sent to Daniel C. MacIntyre, Forest Supervisor, 2602 First Avenue North, Billings, MT 59103.

Dated: February 2, 1979.

JAMES E. REID,
Director, Planning, Programming, and Budgeting.

[FR Doc. 79-4302 Filed 2-7-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket No. 32660; Agreement C.A.B. 27767 R-1 through R-23; Order 79-1-183]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North Atlantic-Africa Passenger Fares

Issued under delegated authority January 31, 1979.

An agreement has been filed with the Board pursuant to section 412(a) of Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic regulations between various U.S. and foreign member air carriers of the International Air Transport Association (IATA). The agreement was adopted at a meeting of the Composite Passenger Traffic Conference held in Miami in October, 1978, and was filed with the Board on January 8, 1979.

The agreement, which involves fares between the United States and Africa, establishes a new North Atlantic-Africa fare structure effective April 1, 1979 through March 31, 1980. Specifically, for transportation to and from West Africa, normal economy and excursion fares are increased by three percent, winter group inclusive-tour (GIT) fares by five percent, and New York-Abidjan/Accra APEX fares by 1.4 to 5.5 percent. All other U.S.-West Africa fares remain at existing levels as do most fares for the remainder of Africa, except for excursion fares which also take a 3 percent increase. Finally, additional APEX or GIT fares are specified at several more points in West and East Africa, and a new 5/14 day incentive fare for groups of at least 10 persons is proposed for U.S.-Johannesburg travel.[1]

The purpose of this order is to establish procedural dates for the submission of carrier justification in support of the agreement and comments from interested persons. The carrier's justification for the agreement should assign costs attributable to scheduled combination passenger service, treating cargo both on the "space method", utilizing the load factor adjustment and density and priority weightings as adopted by the Board in the *Transatlantic, Transpacific, and Latin American Service Mail Rates Investigation*, Docket 26487 (Order 78-12-159, December 21, 1978), and the "revenue-offset method" adopted April 2, 1971, in Phase 7 of the *Domestic Passenger Fare Investigation*, Docket 21866-7 (Orders 71-4-59 and 71-4-60).[2] The data should be set out in the tabular format suggested in Order 75-7-88, July 17, 1975, starting with historical data as reported to the Board in Form 41 Reports by functional account for total transatlantic services for the year ended December 1978. These data should be adjusted to exclude those market areas not covered by the agreement,[3] as well as any scheduled all-cargo and charter services in the U.S.-Africa market. The remainder, pertaining to U.S.-Africa scheduled combination services, should show the present economic status of scheduled passenger services in the market area covered by the agreement. Similarly, using the above two methods for the treatment of cargo, the carrier is expected to submit forecast results for the year ending March 1980, both including and excluding implementation of the agreement.

In addition, the carrier will be expected to submit detailed traffic data showing revenue passenger-miles and revenue by specific fare category, as well as capacity and load-factor information, for the historical period and for the forecast period, including and excluding implementation of the agreement.

Accordingly,

1. Pan American World Airways, Inc., the only United States air carrier member of the International Air Transport Association providing service within the area covered by the agreement, shall file within 20 calendar days after the date of service of this order full documentation and economic justification for the fares and related conditions embodied in the subject agreements;

2. Interested persons and parties shall submit their comments and objections within 20 calendar days after the date of service of this order;

[1] A comparison of present and proposed fares in selected U.S.-Africa markets is shown in the Appendix.

[2] In furnishing the data requested, the carrier should attach complete explanatory data describing the methods used in allocating the various cost items and entity investments.

[3] United States-Europe and United States-Middle East. These two areas are defined in IATA Resolutions 012 and 012b. Africa is defined in IATA Resolution 012e.

3. All interested persons and parties shall submit any replies to submissions received in response to ordering paragraph 1 above and replies to comments received pursuant to ordering paragraph 2 above within 30 calendar days after the date of service of this order; and

4. Insofar as air transportation as defined by the Act is concerned, no carrier shall file tariffs implementing the subject agreement in advance of Board approval of the agreement.

We shall publish this order in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

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NORTH ATLANTIC-AFRICA
PRESENT AND PROPOSED FARES IN SELECTED MARKETS

		New York-Dakar			New York-Johannesburg			New York-Lagos			New York-Nairobi		
		Present	Proposed	% Change	Present	Proposed	% Change	Present	Proposed	% Change	Present	Proposed	% Change
First Class		$ 1,730	$ 1,730	0	$ 2,522	$ 2,522	0	$ 2,030	$ 2,030	0	$ 2,522	$ 2,522	0
Economy	Basic	1,022	1,052	2.9%	1,626	1,626	0	1,208	1,244	3.0%	1,626	1,626	0
	Peak	1,144	1,178	3.0	1,626	1,626	0	1,328	1,368	3.0	1,626	1,626	0
Excursion	Basic	720	741	2.9	1,202	1,238	3.0%	858	883	2.9	1,202	1,238	3.0%
	Peak	848	873	3.0	1,202	1,238	3.0	986	1,015	2.9	1,202	1,238	3.0
14/45 Day APEX		-	-	-	875	875	0	-	-	-	-	-	-
13/45 Day APEX	Basic	583	583	0	-	-	-	726	726	0	948	948	0
	Peak	647	647	0	-	-	-	790	790	0	948	948	0
5/14 Day Incentive Group (New)		-	-	-	-	700	-	-	-	-	-	-	-
13/30 Day GIT (4 persons)	Basic	534	534	0	1,021	1,021	0	644	644	0	948	948	0
	Peak	607	607	0	1,021	1,021	0	717	717	0	948	948	0
14/30 Day GIT (15 persons)		-	-	-	-	-	-	-	-	-	795	795	0
6/16 Day Winter GIT		511	536	5.0	-	-	-	-	-	-	-	-	-

		New York-Abidjan		
		Present	Proposed	% Change
First Class		$ 2,008	$ 2,008	0
Economy	Basic	1,192	1,228	3.0%
	Peak	1,316	1,356	3.0
Excursion	Basic	849	875	3.1
	Peak	978	1,008	3.1
14/45 Day APEX		-	-	-
13/45 Day APEX	Basic	678 1/	716 1/	5.5
	Peak	742 1/	779 1/	5.0
5/14 Day Incentive Group (New)		-	-	-
13/30 Day GIT (4 persons)	Basic	638	638	0
	Peak	708	708	0
14/30 Day GIT (15 persons)		-	-	-
6/16 Day Winter GIT		596	625	4.9

1/ Available only for Eastbound originations.

[FR Doc. 79-4191 Filed 2-7-79; 8:45 am]

[6335-01-M]

CIVIL RIGHTS COMMISSION

LOUISIANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Louisiana Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 1:00 p.m. on March 3, 1979 in the Capitol House (Room 921) 201 Lafayette Street Baton Rouge, Louisiana 70801.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, Heritage Plaza, 418 South Main, 1st Floor, San Antonio, Texas 78204.

The purpose of this meeting is to select a subcommittee for the upcoming Community Development Block Grant Funds hearing and to plan what needs to be done to prepare for it.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washintington, D.C., February 5, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-4387 Filed 2-7-79; 8:45 am]

[6335-01-M]

MISSOURI ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a Planning meeting of the Missouri Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 3:00 p.m. on March 1, 1979, the Federal Building, 601 12th Street, Room 114, Kansas City, Missouri, 64106.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, 911 Walnut Street, Room 3103, Kansas City, Missouri 64106.

The purpose of this meeting is to review regional conference program planning recommendations for Fiscal Year 1979 and 1980.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 5, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-4388 Filed 2-7-79; 8:45 am]

[6335-01-M]

WASHINGTON ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Washington Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 10:00 p.m. on March 1, 1979, at 915 Second Avenue, Room 2854, Seattle, Washington 98174.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Seattle, Washington 98174.

The purpose of this meeting is to plan for Washington Advisory Committee hearing on March 2 and 3, 1979.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 5, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-4385 Filed 2-7-79; 8:45 am]

[6335-01-M]

WASHINGTON ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a Factfinding meeting of the Washington Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 5:00 p.m. on March 2 and 3, 1979, at 915 Second Avenue, New Federal Building, South Auditorium (4th Floor), Seattle, Washington 98174.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Seattle, Washington 98174.

The purpose of this meeting is to discuss Equitable Administration of Justice for Minorities and Women in Seattle, Washington.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 5, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-4386 Filed 2-7-79; 8:45 am]

[3510-07-M]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE OF THE AMERICAN STATISTICAL ASSOCIATION

Public Meeting

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. APP. (1976), notice is hereby given that the Census Advisory Committee of the American Statistical Association will convene on March 1 and 2, 1979, at 9:00 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919. It advises the Director, Bureau of the Census, on the Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Bureau requests for opinions concerning its operations.

The Committee is composed of 15 members appointed by the President of the American Statistical Association.

The agenda for the March 1 meeting, which will adjourn at 5:30 p.m., is: (1) Topics of current interest at the Bureau of the Census, including staff changes and Bureau organization, and major budget and program developments; (2) interviewer recruitment and training; (3) measurement of Hispanic undercount; (4) weekly retail sales series; (5) benchmarking techniques; and (6) development of Committee recommendations.

The agenda for the March 2 meeting, which will adjourn at 12:30 p.m. is: (1) Update on the Bureau Electronic Data Processing Requirements Study; (2) Committee discussion or recommendations; (3) report of the National Commission on Employment and Unemployment Statistics; (4) Census Conference on Undercount—methodology and adjustment; (5) discussion on (a) Bureau responses to prior Committee recommendations, (b) status of specific Bureau activities, and (c) Bureau activities described at earlier Committee meetings; and (6) recom-

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mendations, plans, and agenda items for the next meeting.

The meeting will be open to the public, and a brief period will be set aside on March 2 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. James, L. O'Brien, Acting Chief, Statistical Research Division, Bureau of the Census, Room 3573, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5350.

Dated: February 5, 1979.

MANUEL D. PLOTKIN,
Director, Bureau of the Census.

[FR Doc. 79-4286 Filed 2-7-79; 8:45 am]

[3510-04-M]

National Technical Information Service

TECHNICAL INFORMATION PRODUCTS AND SERVICES IN FEDERAL REPUBLIC OF GERMANY

The National Technical Information Service of the U.S. Department of Commerce requests that parties interested in managing the sales of its technical information products and services in the Federal Republic of Germany make their interest known to the NTIS Assistant Director, Office of Marketing, NTIS, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated: January 26, 1979.

DEAN SMITH,
Assistant Director, National Technical Information Service, Department of Commerce.

[FR Doc. 79-4303 Filed 2-7-79; 8:45 am]

[3510-22-M]

National Oceanic and Atmospheric Administration

FOREIGN FISHING "JOINT VENTURE" PERMIT APPLICATIONS

AGENCY: National Oceanic and Atmospheric Administration/National Marine Fisheries Service.

ACTION: Notice of determinations of consistency of 1978 foreign fishing vessel permits for "joint ventures" with the Fishery Conservation and Management Act of 1976, as amended by Public Law 95-354.

FOR FURTHER INFORMATION CONTACT:

Mr. Alfred J. Bilik, Permits and Regulations Division, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, 202-634-7265.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 9 and August 16, 1978, the National Marine Fisheries Service (NMFS) issued fishing permits which authorized foreign vessels to receive, from vessels of the United States in the fishery conservation zone, fish harvested by vessels of the United States ("joint ventures"). The permits complied with the then-existing requirements of the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801, *et seq.*) ("the Act").

On August 28, 1978, Pub. L. 95-354 further amended the Act to provide a preference for U.S. fish processors to process U.S. harvested fish. Specifically, Pub. L. 95-354 provides that an application for a foreign vessel to receive at sea U.S. harvested fish from vessels of the U S. may be approved unless it is determined that U.S. fish processors have adequate capacity, and will utilize such capacity, to process all U.S. harvested fish from the fishery. Pub. L. 95-354 further provides that the amount of U.S. harvested fish which may be received at sea during any year by foreign vessels may not exceed that portion of the optimum yield which will not be utilized by U.S. fish processors.

On October 20, 1978, NMFS published preliminary determinations of the consistency of the 1978 "joint venture" permits with the provisions of Pub. L. 95-354 and sought public comments (43 FR 49032). To make these determinations, NMFS assessed: (1) The anticipated U.S. harvest in 1978 of Pacific hake off Washington, Oregon and California and of Alaska pollock in the Gulf of Alaska, and (2) the capacity, and utilization of such capacity, of U.S. fish processors to process in 1978 Pacific hake and Alaska pollock. NMFS found that U.S. fish processors would not process all U.S. harvested fish from these fisheries. NMFS then computed the maximum amounts of U.S. harvested Pacific hake and Alaska pollock which could be received at sea during 1978 by foreign vessels as follows:

	Pacific hake (m.t.)	Alaska pollock (m.t.)
Optimum yield	130,000	168,800
To be utilized by U.S. fish processors	−4,000	−500
Total receivable by foreign vessels	126,000	168,300

The amounts of U.S. harvested hake and pollock which could be received at sea by foreign vessels were limited by permit restrictions to 10,000 m.t. and 51,460 m.t., respectively. Thus, the NMFS preliminary determinations were that the 1978 "joint venture" permits were consistent with the Act as amended by Pub. L. 95-354.

COMMENTS AND RESPONSE: No comments received addressed the NMFS assessments of anticipated U.S. harvest or anticipated U.S. processing in the fisheries concerned, and no objections were made to the preliminary determination that approval of the "joint venture" permit applications was consistent with the Act as amended by Pub. L. 95-354. Objections were expressed, however, to the method used by NMFS in computing the maximum amounts of fish which could be received at sea by foreign vessels. Reviewers pointed out that the intent of Pub. L. 95-354 in this regard was to allow foreign receipts of U.S. harvested fish only to the extent that U.S processors are not expected to process that U.S. harvested fish. Specifically, commenters urged that the language "may not exceed that portion of the optimum yield of the fishery concerned" in section 204(b)(6)(B)(ii) of the Act (as amended by Pub. L. 95-354) refers to the portion of the optimum yield caught by U.S. vessels. After re-examining the legislative history of Pub. L. 95-354, NMFS agrees with that interpretation.

DETERMINATIONS OF CONSISTENCY: NMFS finds that the approvals of the "joint venture" applications were consistent with the Act, as amended by Pub. L. 95-354. However, the permit limitations on the amount of fish which could be received at sea in 1978 were not consistent with Pub. L. 95-354. The limitations should have been computed as follows:

	Pacific hake (m.t.)	Alaska pollock (m.t.)
U.S. harvested portion of optimum yield	10,000	32,700
To be utilized by U.S. fish processors	−4,000	−500
Total receivable by foreign vessels	6,000	32,200

The 10,000 m.t. limitation on Pacific hake and the 51,460 m.t. limitation of Alaska pollock exceeded the revised computations. Because the actual receipts by foreign vessels of U.S. harvested Pacific hake and Alaska pollock during 1978 did not exceed 1,000 m.t. of either species, the inconsistency had no adverse effect on the conservation of the fish stocks.

Signed at Washington, D.C., this the 2nd day of February, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

[FR Doc. 79-4247 Filed 2-7-79; 8:45 am]

[3810-70-M]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON HIGH ENERGY LASERS

Advisory Committee Meeting

The Defense Science Board Task Force on High Energy Lasers will meet in closed session on 2-3 March 1979 in Albuquerque, New Mexico.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs to the Department of Defense.

A meeting of the Task Force on High Energy Lasers has been scheduled for 2-3 March 1979 to review specific aspects of laser devices, pointing and tracking, and optics technology. The Task Force will focus on major technical issues that may limit the performance characteristics and potential utility of high energy lasers to missions of interest to the Department of Defense.

In accordance with 5 U.S.C. App. I § 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, DoD/WHS.

FEBRUARY 2, 1979.

[FR Doc. 79-4367 Filed 2-7-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

ECONOMIC REGULATORY ADMINISTRATION

[ERA DOCKET NO. 78-015-NG; FERC DOCKET NO. G-104]

EL PASO NATURAL GAS CO.

Petition To Amend Order Authorizing the Continued Exportation of Gas to the Republic of Mexico

AGENCY: department of Energy, Economic Regulatory Administration.

ACTION: Notice of Receipt of petition and application for a temporary certificate and invitation to submit petitions to intervene in the proceeding.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of the Petition of El Paso Natural Gas Company (El Paso) to Amend Order and Application for a Temporary Certificate in ERA Docket No. 78-015-NG, requesting amendment to the order issued by the Federal Power Commission (FPC), as further amended, more fully described hereinafter, pursuant to Section 3 of the Natural Gas Act. The requested amendment would permit the continued exportation of natural gas from the United States of America to the Republic of Mexico. Petitions to intervene are invited.

DATES: Petition to intervene: To be filed on or before the 15th day after the date of publication of this notice in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Finn K. Neilsen Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 6318, Washington, D.C. 20461, telephone: 202-254-9730.

Martin S, Kaufman, Office of General Counsel, U.S. Department of Energy, Room 5115, 12th & Pa. Avenue, N.W., Washington, D.C. 20461, telephone: 202-633-9380.

SUPPLEMENTARY INFORMATION:

BACKGROUND

By a presidential permit issued September 5, 1940, El Paso was authorized to operate and maintain an 8⅝" O.D. natural gas pipeline, with appurtenances, at the International Border near Naco, Arizona, and to make a physical connection between such facilities and the facilities of Compania Occidental de Gas, S.A. de C.V. (Occidental) for the exportation of natural gas to Cananea Consolidated Copper Company, S.A. predecessor in interest of Compania Minera de Cananea, S.A. de C.V. (Compania Minera).

By FPC orders issued September 10, 1940, November 12, 1947, June 7, 1962, and July 21, 1967, in Docket No. G-104, El Paso was authorized to export natural gas from the United States of America to the Republic of Mexico for a period extending through December 31, 1978. The order issued July 21, 1967, authorized El Paso to increase the quantities of natural gas exports from 10,000 Mcf/d to 14,300 Mcf/d as well as to export such additional quantities in excess of 14,300 Mcf/d on a best efforts basis through December 31, 1978, as may be requested by Compania Minera.

Natural gas exported pursuant to the foregoing authorizations is sold by El Paso to Compania Minera and delivered by El Paso to Occidental, a wholly-owned subsidiary of El Paso, for the account of Compania Minera at a point near Monument 90 of the International Border located near Naco, Arizona, for transportation and delivery to Compania Minera at a point near Sonara, Mexico. Natural gas delivered to Compania Minera is used by it as fuel in its mining and smelting activities conducted near Cananea, Sonora, Mexico, and a portion of such natural gas is resold for distribution in the community of Cananea.

El Paso's Petition

El Paso has been requested by Compania Minera to continue sales of natural gas in further satisfaction of Compania Minera's requirements for a primary term extending through and including December 31, 1979, and thereafter from month to month. Accordingly, El Paso and Compania Minera have agreed to extend the term of the existing contract at the presently authorized quantities of 14,300 Mcf per day on a firm basis, and on a best efforts basis, to export for sale such additional quantities of gas in excess of 14,300 Mcf/d as Compania Minera shall request. El Paso and Compania Minera have executed an Amendment of Gas Sales contract dated as of December 14, 1978 (Sales Contract), which Sales Contract further amends the Gas Sales Contract between the parties dated as of June 9, 1962. Compania Minera will continue to receive natural gas at the present delivery point.

El Paso seeks an amended authorization, pursuant to Section 3 of the Natural Gas Act, to continue the exportation of natural gas from the United States of America to the Republic of Mexico for an extended primary term through and including December 31, 1979, and month to month thereafter, all in accordance with the Gas Sales Contract dated as of June 9, 1962, as amended, between El Paso and Compania Minera.

The rate to be charged Compania Minera for each Mcf of gas purchased from El Paso is the rate specified to be charged for natural gas delivered under El Paso's Rate Schedule B-1 or superseding rate schedule of El Paso's FERC Gas Tariff, Original Volume No. 1, or superseding tariff. The currently effective rate under Rate Schedule B-1 is 148.30 cents per Mcf.

The facilities which are being utilized for the exportation of natural gas and which will continue to be utilized upon issuance of the requested authorization consist of a portion of El Paso's interstate transmission system located in the State of Arizona, extending to the delivery point near

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Monument 90 on the International Border.

El Paso has delivered natural gas since June 8, 1931, continuously to Compania Minera. For the twelve (12) month period ending October 31, 1978, the peak day delivery to Compania Minera was 3,838 Mcf and total volumes of natural gas delivered aggregated 653,363 Mcf.

OTHER INFORMATION

The ERA invites petitions for intervention in the proceeding. Such petitions are to be filed with the Economic Regulatory Administration, Room 6318, 2000 M Street, N.W., Washington, D.C., 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 157.10). Such petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m. on February 23, 1979.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the petition and application for temporary certificate should file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

A formal hearing will not be held unless a motion for such hearing is made by any party or intervener and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required. If such hearing is required, due notice will be given.

A copy of El Paso's petition is available for public inspection and copying in Room B-120, 2000 M Street, N.W., Washington, D.C. 20461 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., January 31, 1979.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-4261 Filed 2-7-79; 8:45 am]

[6450 01-M]

GEOTHERMAL DEMONSTRATION PROGRAM, BACA RANCH, SANDOVAL AND RIO ARRIBA COUNTIES, N. MEX.

Intent To Prepare Environmental Impact Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the U.S. Department of Energy (DOE) has commenced preparation of an environmental impact statement (EIS) to assess the environmental implications of a proposed DOE action to cost-share the construction and operation of a 50 megawatt (MWe) geothermal powerplant with Union Oil Company and Public Service of New Mexico (PNM) within the Valles Caldera, on the Baca Ranch, in Sandoval and Rio Arriba Counties, New Mexico.

The applicants, Union Oil and Public Service of New Mexico, jointly responding to a DOE Request for Proposal, propose to construct and operate a 50 MWe single flash geothermal powerplant. DOE support, through sharing of capital costs, is sought to complete well-field development and construct a 50 MWe powerplant and necessary transmission lines. The proposed project would be located within the Valles Caldera, on the Baca Ranch (private land) in Sandoval and Rio Arriba Counties, New Mexico. The project site is approximately 30 kilometers (km) west of Los Alamos and 96 km north of Albuquerque. The proposed well-field and plant site are located within Redondo Creek Canyon in an area of approximately 775 hectates (ha). The proposed project would require construction of at least 30 km of 115 kilovolt (kv) transmission lines crossing lands of the Santa Fe National Forest, the Bandelier National Monument, and the Los Alamos Scientific Laboratory Site.

To date, Union Oil has drilled eighteen wells at the site. Thirteen to sixteen additional wells will have to be drilled and flow-tested to complete field development for the resource required for the proposed 50 MWe capacity plant.

A number of environmental and local issues have been identified. These issues include a potential for contamination of surface and groundwater, possible non-compliance with the state ambient air quality standard for hydrogen sulfide, the presence onsite of a state endangered species, potential impacts on a federally endangered species, proximity of Native American lands and sacred sites, a potential for drawdown of surface springs, potential impact on water rights, possible induced seismicity as a result of injection under pressure, presence of sites of archeological significance, the potential impacts of transmission corridors and towers through the Santa Fe National Forest, the Bandelier National Monument, and private recreation lands.

This EIS will address the potential impact of the DOE cost-shared funding of the construction and operation of a 50 MWe plant and its associated well-field and transmission lines. In addition, the potential long-range and cumulative impacts of possible future expansion of the resource to support a 400 MWe complex (based on current estimates of the capabilities of the leasehold) will be discussed

Alternatives currently planned to be assessed in the EIS include the no action alternative, funding a plant at other geothermal leaseholds, and alternative funding options. Also, alternative plant and cooling systems, design transmission corridors, tower designs and nonelectric utilization of the resource options will be assessed.

All interested agencies, organizations, or persons are invited to submit comments or suggestions for consideration in the preparation of the draft EIS. Upon completion of the draft EIS, its availability will be announced in the FEDERAL REGISTER at which time public comments will again be solicited. Those desiring to submit comments or suggestions should submit them to Mr. F. A. Leone, Division of NEPA Affairs, Mail Station E-201, GTN, U.S. Department of Energy, Washington, D.C. 20545, (telephone 301-353-4241) on or before March 9, 1979.

Those desiring not to submit comments or suggestions now but would like to receive a copy of the draft EIS for review and comment when it is issued should also notify Mr. Leone.

Copies of the documents currently planned to be used in the preparation of the draft EIS are available for public inspection at:

Santa Fe National Forest Office, Federal Post Office Building, Paseo De Peralta, Santa Fe, New Mexico.

In addition, a copy of the bibliography of these documents are available for inspection at the following DOE locations:

Public Reading Room, FOI, Room GA-152, 1000 Independence Ave., SW., Washington, D.C.

Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East, Albuquerque, New Mexico.

Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.

Chicago Operations Office, 175 West Jackson Boulevard, Chicago, Illinois.

Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.

Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.

Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.

Richland Operations Office, Federal Building, Richland, Washington.

Energy Information Center, 215 Fremont Street, San Francisco, California.

Savanna River Operations Office, Savannah River Plant, Aiken, South Carolina.

And also at the:

Regional Energy/Environment Information Center, Denver Public Library, 1357 Broadway, Denver, Colorado.

Dated at Washington, D.C. this 2nd day of February.

For the United States Department of Energy.

JAMES L. LIVERMAN,
Deputy Assistant Secretary for Environment.

[FR Doc. 79-4260 Filed 2-7-79; 8:45 am]

[6450-01-M]

Economic Regulatory Administration

[Release No. 8]

MANDATORY OIL INPORT PROGRAM

Oil Import Allocations and Licensing January 1-31, 1979

The fee-exempt allocations and licenses issued in accordance with Presidential Proclamation 3279, as amended, during the period January 1-31, 1979, are given in the following tables. The allocations are listed for the appropriate sections of 10 CFR Part 213 under which the allocations are made.

Also published is a tabulation of the fee-paid crude oil and product licenses and a listing of the sale and reassignment of fee-exempt crude oil licenses issued during the month of January 1979.

Previous releases covered the issuance of allocations and licenses for the period May 1, 1978, through December 31, 1978. The releases will continue to be issued on a monthly basis.

Dated: February 2, 1979.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

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Table and Title

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2—Fee-exempt allocation for imports of Canadian oil based upon exchange for domestic oil—10 CFR 213.28(b)
3—Sales of fee-exempt licenses—10 CFR 213.22
4—Fee-paid licenses issued—10 CFR 213.35
5—Fee-exempt licenses issued as a result of decision and orders from the Office of Hearings and Appeals

U.S. DEPARTMENT OF ENERGY, OFFICE OF OIL IMPORTS

[Allocation January 1-31, 1979]

TABLE 1.—*Residual Fuel Oil Imports Sec. 213.15—District I*

Company	Address	Allocation Barrels
Apex Oil Company	St. Louis, MO	500,000
Northville Industries	Huntington, Sta., NY	147,682
Northeast Petroleum	Chelsea, Mass	500,000
New England Power Co	Westborough, Mass	500,000
Florida Power & Light	Miami, Fla	500,000
Petraco-Valley Oil & Refining Co	Houston, TX	500,000
Laura Lee International Corp	Drexel Hill, PA	500,000
Consolidated Edison Co. of NY	New York, NY	500,000
International Petroleum Refining	New York, NY	500,000
Tesoro Petroleum Corp	San Antonio, TX	500,000
Trammo Petroleum Corp	New York, NY	261,878

TABLE 2.—*Canadian Crude Oil—Exchange of Material Not Allocated Under Pt. 214, Sec. 213.28(b)*

Company	Address	Exchange volume licensed total barrels
Continental Oil Co	Houston, Texas	1,825,000
Exxon Corporation	Houston, Texas	2,920,000
Exxon Corporation	Houston, Texas	2,190,000

TABLE 3.—*Oil Import Licenses Sold Pursuant to Sec. 213.22(d)*

Seller	Buyer	Date	Commodity	Barrels sold
DISTRICT I-IV				
El Paso/Dart Industries	Texaco Inc.	12/29/78	Crude	114,427
El Paso Products	Texaco Inc.	12/29/78	Crude	45,077
ARCO Chemical Co.	Borg-Warners	1/5/79	Crude	13,140
ARCO Chemical Co.	Celanese Corp.	1/5/79	Crude	86,084
ARCO Chemical Co.	Ethyl Corp.	1/5/79	Crude	104,030

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TABLE 3.—*Oil Import Licenses Sold Pursuant to Sec. 213.22(d)*—Continued

Seller	Buyer	Date	Commodity	Barrels sold
DISTRICT I–IV—Continued				
ARCO Chemical Co	Monsanto Co	1/5/79	Crude	31,951
ARCO Chemical Co	Oxirane Chemical	1/5/79	Crude	116,664
Celanese Corp	Amoco Oil Co	1/4/79	Crude	148,920
Celanese Corp	Amoco Oil Co	1/4/79	Crude	1,055,575
E-Z Serve, Inc	Union Oil CA	1/12/79	Crude	559,910
Cross Oil & Refining Co	Amoco Oil Co	1/12/79	Crude	220,000
Cross Oil & Refining Co	Amoco Oil Co	1/12/79	Crude	99,740
American Petrofina, Inc	Ashland Oil	1/18/79	Crude	992,311
Southwestern Refining Co	Texaco Inc	1/16/79	Crude	1,928,130
Southwestern Refining Co	Texaco Inc	1/16/79	Crude	2,000,000
Southwestern Refining Co	Texaco Inc	1/16/79	Crude	814,455
Southwestern Refining Co	Texaco Inc	1/16/79	Crude	2,000,000
Marion Corporation	Exxon Corp	1/16/79	Crude	256,325
Marion Corporation	Exxon Corp	1/16/79	Crude	510,000
Marion Corporation	Exxon Corp	1/16/79	Crude	1,364,005
Novamont Corporation	Ashland Oil	1/16/79	Crude	395,110
Novamont Corporation	Ashland Oil	1/16/79	Crude	9,872
Novamont Corporation	Ashland Oil	1/16/79	Crude	9,673
ATC Petroleum Inc	Sun Oil of PA	1/19/79	Crude	96,360
ATC Petroleum Inc	Sun Oil of PA	1/19/79	Crude	112,765
ATC Petroleum Inc	Sun Oil of PA	1/19/79	Crude	243,820
Delta Refining Co	Koch Industries	1/19/79	Crude	377,585
ARCO Chemical	E.I. du Pont	1/23/79	Unfinished	64,000
Tenneco Oil Co	Amoco Oil Co	1/24/79	Crude	2,000,000
Champlin Petroleum Co	Amoco Oil Co	1/29/79	Crude	5,000,000
Champlin Petroleum Co	Amoco Oil Co	1/29/79	Crude	5,000,000
Little America Refining	Texaco Inc	1/30/79	Crude	1,984,340
Little America Refining	Texaco Inc	1/30/79	Crude	1,190,000
Little America Refining	Texaco Inc	1/30/79	Crude	568,205
Union Carbide Corp	Amoco Oil Co	1/30/79	Crude	640,575
Union Carbide Corp	Amoco Oil Co	1/30/79	Crude	288,193
Kentucky Oil & Refining	Ashland Oil	1/30/79	Crude	28,835
DISTRICT V				
Tesoro Petroleum Corp	Texaco Inc	1/4/79	Crude	1,000,000
San Joaquin Refining	Mobil Oil	1/19/79	Crude	600,000
San Joaquin Refining	Mobil Oil	1/19/79	Crude	440,310
Exxon Corporation	Gulf Oil	1/24/79	Crude	926,955
Exxon Corporation	Texaco Inc	1/25/79	Crude	550,000
Exxon Corporation	Texaco Inc	1/25/79	Crude	1,650,000
Kalama Chemical	Golden Eagle	1/30/79	Crude	500,000

TABLE 4.—*Fee-Paid Licenses Issued Pursuant to Sec. 213.35*

CRUDE OIL—BOND POSTED

Company	Date	Quantity total barrels
Koch Industries	12/29/78	500,000
Shell Oil Company	12/29/78	5,000,000
Shell Oil Company	12/29/78	5,000,000
Sohio Natural Resources	12/29/78	10,000,000
National Coop. Refining	1/5/79	1,000,000
Marathon Oil Company	1/5/79	5,000,000
Coastal States Gas	1/8/79	5,000,000
Koch Industries, Inc	1/8/79	750,000
Amoco Oil Company	1/8/79	5,000,000
Amoco Oil Company	1/8/79	5,000,000
Gulf Oil Company	1/8/79	10,000,000
Ashland Oil, Inc	1/11/79	5,000,000
Southwestern Refining Co	1/12/79	2,000,000
Texaco Inc	1/16/79	7,000,000
Sun Oil Co of PA	1/16/79	6,000,000
Good Hope Refineries	1/17/79	4,764,800
Chevron U.S.A. Inc	1/18/79	5,000,000
Mobil Oil Corporation	1/22/79	10,000,000
Shell Oil Company	1/23/79	5,000,000
Koch Industries Inc	1/23/79	7,500,000
Amoco Oil Company	1/23/79	10,000,000
Amoco Oil Company	1/23/79	5,000,000
Delta Refining Co	1/23/79	1,250,000
		License quantity total barrels
Southwestern Refining Co	1/25/79	2,000,000
Southwestern Refining Co	1/25/79	2,000,000
Mobile Bay Refining	1/25/79	160,000

TABLE 4.—*Fee-Paid Licenses Issued Pursuant to Sec. 213.35*

CRUDE OIL—BOND POSTED—Continued

Company	Date	Quantity total barrels
		License quantity total barrels
Metropolitan Petroleum Co	1/25/79	1,780,952
Exxon Corporation	1/30/79	16,000,000
Murphy Oil Corporation	1/30/79	2,000,000
United Refining Co	1/30/79	570,057
Vickers Petroleum Corp	1/30/79	3,000,000
Ashland Oil, Inc	1/31/79	5,000,000
FINISHED PRODUCTS—PREPAID		
NFO Int'l Ltd	1/4/79	126
Laurence-David, Inc	1/4/79	166
Moore & Munger Inc	1/9/79	23,105
Dow Chemical Co	1/16/79	2,100
Dow Chemical Co	1/16/79	14,300
Enterprise Oil & Gas Co	1/16/79	2,064
Mattiace Petrochemical Co	1/16/79	10,000
Bucher Petrochemical Co	1/16/79	5,000
Keyser International Inc	1/22/79	1,100
Apco Industries Co. Ltd	1/23/79	3,000
Garlyn Shelton	1/23/79	6,500
Asiatic Petroleum Co	1/25/79	79
Finachem Canada Inc	1/29/79	40,000
Laurence-David, Inc	1/29/79	480
Pressol Mfg	1/30/79	38
Firestone Wire & Cable	1/30/79	262
Ashland Chemical Co	1/30/79	2,000
Asiatic Petroleum	1/29/79	40
FINISHED PRODUCTS—BOND POSTED		
		Quantity total barrels
Farstad Oil Inc	1/3/79	75,000
Texas-U.S. Chemical	1/3/79	100,000
Gulf Oil Corp	1/5/79	170,000
Apex Oil Company	1/15/79	1,000,000
Van Waters & Rogers	1/16/79	25,000
Esso Std. Oil Co. (P.R.)	1/16/79	400,000
Chevron U.S.A. Inc	1/16/79	1,500,000
Mobil Oil Corporation	1/22/79	500,000
Metropolitan Petroleum Co	1/25/79	200,000
Atlantic Richfield Co	1/25/79	52,500
Exxon Corporation	1/30/79	1,500,000

TABLE 5.—*Fee-Exempt Licenses Issued as a Result of Decisions and Order From the Office of Hearing and Appeals*

Company	Date	Commodity	Barrels
Phillips Puerto Rico Core	1/26/79	Unfinished	16,750,000

[FR Doc. 79-4319 Filed 2-7-79; 8:45 am]

[6450-01-M]

NORTHERN ILLINOIS GAS CO.

Proposed Allocation of Synthetic Natural Gas (SNG) Feedstocks

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Availability of Environmental Assessment and Negative Determination.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces the availability of its environmental assessment (EA) of a proposed assignment of supplier and a base period use of synthetic natural gas (SNG) feedstocks for the Northern Illinois Gas Company's (NI-Gas) Aux Sable, Illinois, SNG plant. DOE has determined, based on the EA, that an assignment approximating historical operating levels does not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of section 102 (2)(C) of the National Environmental Policy Act (NEPA). Comments regarding the EA and DOE's determination that an environmental impact statement is not required are invited. Additionally, interested parties are invited to comment on NI-Gas' petition for SNG feedstock.

DATE: Written comments to be submitted no later than 4:30 p.m., February 28, 1979.

ADDRESS: Comments should be submitted to Box WR, Economic Regulatory Administration, Office of Public Hearing Management, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Richard Johnson, Economic Regulatory Administration, Office of Fuel Supply and Allocation, Room 6318, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-3330.

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Carol Borgstrom, Office of Environment, Room 6229, 20 Massachusetts Ave., N.W., Washington, D.C. 20461, (202) 376-5999.

Janine Landow-Esser, Office of the General Counsel, Room 8217, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, (202) 376-4266.

Verlette Gatlin, Department of Energy, Freedom of Information Reading Room, Forrestal Building, 1000 Independence Ave., S.W., Room GA-152, Washington, D.C. 20461, (202) 252-5969.

SUPPLEMENTAL INFORMATION

I. BACKGROUND

On February 5, 1976 the Federal Energy Administration (FEA), a predecessor of DOE, issued a Decision and Order (February 5 Order) to Northern Illinois Gas Company (NI-Gas) assigning NI-Gas a base period use of 4,064,875 barrels of propane, butane, natural gasoline, and naphtha for synthetic natural gas (SNG) plant feedstock use in each of the second, third, and fourth calendar quarters of 1976, and the first calendar quarter of 1977 for its Aux Sable, Illinois, SNG plant. Subsequent orders were issued to NI-Gas extending the period of allocation and assignment of SNG feedstock volumes.

The EA is based upon NI-Gas' August 5, 1977 petition which requested an increased allocation of approximately 19 %. However, on August 18, 1978, NI-Gas requested withdrawal of its August 5, 1977 petition thereby reverting to its August 1, 1976 petition. NI-Gas' current allocation is for 4,386,875 barrels per quarter of mixed feedstock and Btu enrichment material as set forth in the most recent Decision and Order issued September 30, 1978. the August 1, 1976 petition requests the continuation of this allocation level. The EA addresses the environmental consequences due to plant operation and fuel substitution in the service area at various feedstock allocation levels including the increased allocation originally requested, and a level which approximates the current allocation.

The analyses in the EA indicate that the allocation of SNG feedstock at a level approximating the requested amount (continuation of the status quo) would not be a "major Federal action significantly affecting the quality of the human environment," within the meaning of NEPA. This conclusion is warranted because approval of the requested allocation would not result in any significant fuel switching in the service area nor would it cause increases in the levels of SNG plant pollutant emissions. Therefore, a negative determination, pursuant to 10 CFR 208.4(c), is appropriate and no EIS is required.

ERA is continuing to evaluate NI-Gas' need for the SNG produced at its Aux Sable plant. If it is determined that an allocation less than 100 percent of currently assigned base period volumes is required, DOE will consider the need for further environmental review.

II. COMMENT PROCEDURE

Single copies of the NI-Gas EA may be obtained from the Fuel Supply and Allocation Office, Room 6318, 2000 M Street, NW., Washington, D.C. 20461, 254-3330. Copies of the EA are also available for public review in the DOE Freedom of Information Reading Room, Forrestal Building, 1000 Independence Ave., SW., Room GA-152, Washington, D.C. 20461, between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. A file containing all pertinent information and data filed in conjunction with NI-Gas' petition, other than confidential information which ERA has determined to be exempt from the disclosure requirements of 5 U.S.C. 522, is also available for public inspection and copying at the DOE Freedom of Information Reading Room.

Interested parties may submit written comments with respect to the EA, negative determination and the petition to Box WR, Public Hearing Management, Department of Energy, Room 2313, 2000 M Street, NW., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation "Northern Illinois Gas Company Feedstock Assignment". All comments should be received by DOE by 4:30 p.m. February 28, 1979, in order to insure consideration.

Any person submitting written comments should forward 15 copies to ERA and should comply with the requirements of the ERA procedural regulations set forth in 10 CFR 205.9 *et seq.*

Any information or data submitted in response to this notice considered by the person furnishing it to be confidential must be so identified and submitted in writing, in one copy only, in accordance with procedures set forth in 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. The Economic Regulatory Administration reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., February 2, 1979.

DORIS J. DEWTON,
Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-4317 Filed 2-7-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

[Docket No. ER79-158]

ALABAMA POWER CO.

Filing of Rate Schedule

FEBRUARY 2, 1979.

Take notice that Alabama Power Company on January 23, 1979, tendered for filing an Agreement with Craig Field Airport and Industrial Authority, intended as an initial rate schedule. The filing is for the proposed Craig Field Substation delivery point of the Craig Field Airport and Industrial Authority. According to Alabama Power the delivery point will be served at the Company's applicable revision to Rate Schedule MUN-1 incorporated in FERC Electric Tariff, Original Volume No. 1 of Alabama Power Company as allowed to become effective, subject to refund, by Commission order in FERC Docket ER78-77.

Alabama Power Company has requested that the proposed rate schedule take effect as of January 2, 1979, as provided in the Agreement, and has requested a waiver of the sixty-day statutory notice requirement.

Copies of the filing were served upon the Craig Field Airport and Industrial Authority, according to Alabama Power.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4345 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-157]

BOSTON EDISON CO.

Tariff Filing

FEBRUARY 2, 1979.

Take notice that on January 19, 1979 Boston Edison Company (Edison) tendered for filing a tariff non-firm transmission service designated FERC Electric Tariff, Original Volume No. 1. Edison also tendered unexecuted service agreements with the two customers which have required such service, the Towns of Reading and Braintree, Massachusetts, together with supplements to those service agreements describing specific amounts and periods of purchase.

Edison requests that the tariff, the service agreements and supplements be made effective as of May 1, 1978. Edison requests waiver of the 60-day notice requirement for this purpose.

Edison states that it has served the filing on the affected customers and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4346 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-90]

Central Kansas Power Co., Inc.

Order Accepting for Filing and Suspending Proposed Rate Increase, Providing for Hearing Instituting Section 206 Investigation, Denying Petition, To Reject Base Rate, Granting Summary Disposition, Rejecting Proposed Purchased Power Adjustment Clause, Establishing Procedures and Granting Intervention

JANUARY 31, 1979.

On December 1, 1978, Central Kansas Power Company (CKP) tendered from filing a proposed increase in its rates to Sunflower Electric Cooperative (Sunflower). Sunflower is a nonprofit rural electric association whose members are nonprofit rural electric cooperatives operating electric distribution systems. CKP's filing included two separate rate schedules for service to Sunflower—the SEC-1-Base rate for sales up to 22,000 kW and the SEC-1-Excess rate for sales in excess of 22,000 kW.[1] CKP states in its transmittal letter that the proposed revisions to its base and excess rates constitute a rate change under Section 205 of the Federal Power Act and requests that the increased rates be made effective as of February 1, 1979. Based on the twelve month test period ending December 31, 1979, the proposed rates would increase revenues by approximately $612,293.

Under the proposed rates, both the base and excess rate will have a one step demand and energy charge. The proposed rates also contain a 100 percent 12-month billing demand ratchet. The proposed excess rate includes a Purchased Demand Adjustment Clause whereby the billing demand charge would be increased or decreased for variations in CKP's weighted average purchased demand cost above or below $3.70/kW per month.

The proposed base rate is intended to increase the base rate submitted by CKP for filing in compliance with the Commission's Order Affirming Initial Decision issued June 30, 1978, in Docket No. E-8755, which became effective on September 16, 1978, pursuant to the Commission's letter of compliance dated November 13, 1978. The presently effective base rate had been the subject of an investigation under Section 206 of the Federal Power Act.[2] On December 28, 1978, in Docket No. ER76-588, the Commission issued an Order Affirming Initial Decision requiring that CKP file revised base rates with 60 days. The base rate to be submitted in compliance with that order will, when accepted, supersede the presently effective base rate. The base rate proposed by CKP in Docket No. ER76-588 was subject to investigation under Section 206. The excess rate proposed by CKP in the present docket is intended to supersede the currently effective excess rate that, after being suspended for three months, became effective August 1, 1976, subject to refund pursuant to the Commission's Order in Docket No. ER76-588, issued April 30, 1976.

Public notice of CKP's filing was issued on December 12, 1978, with responses due on or before December 29, 1978. On December 29, 1978, Sunflower filed a "Protest and Petition to Intervene and for Rejection of Certain Proposed Changes in Tariff Tendered for Filing." On January 22, 1978, CKP filed a Reply to Sunflower's Protest and Petition to Intervene.

Sunflower requests in its protest and petition that CKP's filing of an increased base rate be rejected on the grounds that the wholesale power contract between CKP and Sunflower relating to the sale of the first 22,000 kW is a fixed rate contract and cannot be modified unilaterally by CKP. Sunflower also asserts that the proposed increase in the base rate can only become effective prospectively following a final Commission determination that the proposed base rate satisfies the standards of the *Sierra* case.[3] With regard to the proposed increase in the excess rate, Sunflower requests that the rate be suspended for five months.

Sunflower protests the proposed rates as being excessive and also sets forth a number of specific objections to the methodologies followed by CKP in preparing its cost of service study. Sunflower points out that CKP has included certain accumulated deferred investment tax credits (ADITC) only in the common equity component of its capital structure even though the Commission. has held several times that the return allowed on ADITC must be measured by the overall rate of return rather than just on the higher common equity return. Sunflower requests that the Commission grant summary disposition of this issue. Sunflower states that CKP's use of a 48 percent Federal income tax rate in computing its tax expense for Period II, calendar year 1979, is inappropriate because a 46 percent rate will be applicable for the entire period. Sunflower also states that CKP has allocated administrative and general expense (A&G) on the basis of operation and maintenance expense exclusive of A&G and exclusive of fuel, purchased power and rents. Sunflower maintains that A&G expense should be allowed on the basis of labor. Sunflower objects further to CKP's proposed 100 percent demand ratchet and to CKP's proposed allocation of fuel stocks on the basis of demand rather than energy.

Our review of CKP's filings in the present case indicates the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. We have also reviewed the power contract between CKP and Sunflower and have concluded that it contemplates only prospective changes upon final regulatory action based on an investigation

[1] See Attachment A for rate schedule designations.

[2] See Commission Orders in Docket No. E-8755 dated July 2, 1974; July 29, 1974; August 28, 1974; October 3, 1974; and October 16, 1974.

[3] *F.P.C. v. Sierra Pacific Power Company*, 350 U.S. 348 (1956).

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under Section 206 of the Federal Power Act.[4] Therefore, we shall accept for filing CKP's proposed change in the base rate, but shall not permit the increased rate to become effective except upon final order of the Commission following investigation and hearing pursuant to Section 206 of the Federal Power Act. However, the test of the *Sierra* case shall not be applicable in the determination of the justness and reasonableness of the base rate proposed by CKP in the Section 206 investigation and hearing which we shall require in this case.[5] We shall, however, accept CKP's proposed excess rate for filing and suspend the proposed rate for five months to become effective July 1, 1979, subject to refund.[6]

With regard to the issue of ADITC, summary disposition is granted, as requested by Sunflower, so that the return allowed on ADITC shall be measured by the overall rate of return rather than the higher common equity return.[7] Similarly, we shall grant summary disposition with regard to Federal taxes and shall require that CKP compute its Period II tax expense on the basis of the 46 percent tax rate. We shall also grant summary disposition with regard to the proposed 100 percent demand ratchet. In our Order issued December 28, 1978, Affirming Initial Decision, in docket No. ER76-588, we approved an 80 percent demand ratchet. CKP has indicated in its Reply dated January 22, 1979, that it will use the 80 percent demand ratchet. Summary disposition is also granted with regard to the allocation of fuel stocks. CKP indicated in its Reply that it will allocate such costs on the basis of energy in the manner indicated by our December 28, 1978, order in Docket No. ER76-588. Furthermore, we shall order CKP to refile its capital structure and rates to reflect the summary disposition of these issues. CKP shall include all costs of refiling in its Account Number 426.5 (18 C.F.R. Part 101) so that the expense will not be borne by the ratepayers. The 46 percent tax rate should have been reflected in CKP's December 1, 1978, filing because CKP could have and should have known prior to that date that the tax rate had been previously reduced from 48 percent to become effective January 1, 1979 (prior to CKP's requested effective dates). Because the cost of reflecting our summary disposition of the ADITC, fuel stock and demand ratchet issues will add little, if any, to the cost of incorporating the proper Federal income tax rate in the refiling, the entire cost of refiling shall be included in CKP's Account No. 426.5.

With regard to the functionalization of General Plant, we shall require CKP to meet the burden of showing that use of labor ratios is unreasonable as applied to the company, not merely that its alternative method might be reasonable. This requirement is consistent with prior Commission action.[8] Sunflower had objected to CKP's method of allocating A&G expense but we are not granting summary disposition of this issue for we have not as yet reached any definite conclusion on the matter. We shall also reject CKP's proposed purchased power adjustment clause. Although the proposed clause permits upward and downward adjustments to this portion of CKP's rates, it would nevertheless be inequitable to permit CKP to automatically flow through to its wholesale customers increases for this one item while not automatically flowing through reductions due to other items that could be decreasing in cost. Automatic adjustments for the cost of fuel are allowed only as permitted by our Regulations. Similarly, automatic adjustments which reflect changes in all costs may also be allowed. *See*, Order Reversing Initial Decision, *Nantahala Power and Light Company*, Docket No. E-9181, issued February 7, 1977.

The Commission orders:

(A) The Revised Rate Schedule designated SEC-1-Excess filed by Central Kansas on December 1, 1978, is accepted for filing, suspended for a period of five months and permitted to become effective thereafter on July 1, 1979, subject to refund.

(B) The Revised Rate Schedule designated SEC-1-Base also filed by Central Kansas on December 1, 1978, is accepted for filing, but shall not become effective except upon final order of the Commission and only to the extent thereby authorized.

(C) Pursuant to the provisions of the Federal Power Act, particularly Sections 205, 206 and 308 thereof, and the Commission Rules and Regulations, a public hearing shall be held for the purpose of determining the justness and reasonableness of proposed revised Rate Schedule SEC-1-Excess.

(D) Pursuant to the provisions of the Federal Power Act, particularly Sections 206 and 308 thereof, and the Commission Rules and Regulations, an investigation and public hearing is hereby initiated to determine the justness and reasonableness of proposed revised Rate Schedule SEC-1-Base.

(E) The hearings provided for in paragraphs C and D above shall be consolidated for purposes of hearing and decision.

(F) On or before April 24, 1979, the Commission Staff shall prepare and serve top sheets summarizing the Staff investigations and recommendations.

(G) A presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at a prehearing conference in this proceeding to be held within (10) days after the serving of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate and sever, and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(H) For good cause shown, Sunflower Electric Cooperative (Sunflower) is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however*, that participation of such intervenor shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding.

(I) Sunflower's petition to reject the proposed Rate Schedule SEC-1-Base is rejected.

(J) CKP's proposed purchased power adjustment clause is rejected.

(K) Summary disposition of the ADITC, Federal income tax rate, fuel stock, and demand ratchet issues is granted. CKP is ordered to refile its capital structure and rates to reflect the summary disposition of these issues.

(L) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

CENTRAL KANSAS POWER COMPANY

Dated: (1) & (2) December 1, 1978.
Filed: (1) & (2) December 1, 1978.
Effective: (1) Upon final Commission order in Section 206 proceeding; (2) July 1, 1979, subject to refund.

Designations	Description	Supersedes
(1) Supp. No. 7 to Rate Schedule FERC No. 1.	SEC-1-Base ...	—
(2) Supp. No. 8 to Rate Schedule FERC No. 1.	SEC-1-Excess	Supp. No. 4 to Rate Schedule FERC No. 1.

[FR Doc. 79-4347 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-174]

CONSUMERS POWER CO.

Proposed Tariff Change

FEBRUARY 2, 1979.

Take notice that Consumers Power Company (Consumers Power) on January 24, 1979 tendered for filing a Letter Agreement dated December 8, 1978 between Consumers Power and Commonwealth Edison Company (Commonwealth) which constitutes a redetermination of the fixed charge factor applicable to transactions under the "Agreement for Sale of Portion of Generating Capability of Ludington Pumped Storage Plant by Consumers Power Company to Commonwealth Edison Company," dated June 1, 1971, as amended by an agreement dated August 15, 1971 (hereinafter termed "Agreement as amended"). The Agreement as amended has been denoted Consumers Power Company Rate Schedule FPC (now FERC) No. 28. Consumers Power states that the redetermination of the fixed charge factor was made pursuant to the of the Agreement as amended and does not constitute an amendment to the agreement.

Consumers Power states that the Letter Agreement reduces the fixed charge factor from 14.86 percent to 14.582 percent on and after January 1, 1979. Consumers Power states that the Revenue Act of 1979, effective January 1, 1979 reduces the effective corporate income tax rate from 48 percent to 46 percent the effect of this was a reduction of .285 percent in the fixed rate factor.

Consumers Power states the fixed charge factor is subject to further revisions during the term of the Agreement as amended in accordance with Section 4.2 thereof.

Consumers Power states that copies of the filing were served on Commonwealth, the Detroit Edison Company and on the Michigan Public Service Commission.

Consumers Power requests waiver of the notice requirements to permit an effective date of January 1, 1979 for the 14.582 percent fixed charge rate.

Any person desiring to be heard or to protest said letter agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4348 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-172]

FLORIDA POWER & LIGHT CO.

Proposed Amendment to Agreement To Provide Specified Transmission Service

FEBRUARY 2, 1979.

Take notice that Florida Power & Light Company (FPL), on January 23, 1979, tendered for filing an amendment, executed by both parties, to an agreement entitled "Amendment Number Two To Agreement To Provide Specified Transmission Service Between Florida Power & Light Company and Fort Pierce Utilities Authority." Under the Amendment, FPL will transmit power and energy for Fort Pierce Utilities Authority (Ft. Pierce) as is required by Ft. Pierce in the implementation of Schedule A of its interchange agreement with the City of Homestead, according to FPL.

FPL requests an effective date for the Agreement of no later than 60 days after the date of filing. FPL states that a copy of the filing was served on the Director of Utilities of Ft. Pierce.

Any person desiring to be heard or to protest said filing should file a petition to intervene, or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before February 16, 1979. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4349 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-161]

GULF STATES UTILITIES CO.

Filing of Agreement

FEBRUARY 2, 1979.

Take notice that on January 22, 1979, Gulf States Utilities Company (Gulf States) tendered for filing an agreement for wholesale service between it and Brazos Electric Power Cooperative, Inc. Gulf States indicates that the agreement provides for Gulf States to furnish firm power service to Brazos Electric at Gulf States' standard rates for such service.

Gulf States requests an effective date of December 1, 1978.

According to Gulf States, a copy of the filing was served upon the Public Utility Commission of Texas and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with

[4] See Order Amending Prior Order and Denying Rehearing, Docket No. E-8755, issued August 28, 1974; Order Denying Petition for Reconsideration, Docket No. E-8755, issued October 16, 1974; Order Affirming Initial Decision Docket No. E-8755, issued June 30, 1978; Order Accepting For Filing and Suspending Proposed Rate Increase, Providing for Hearing, Instituting Section 206 Investigation, etc., Docket No. ER76-588, issued April 30, 1976; Order Affirming Initial Decision, Docket No. ER76-588, issued December 28, 1978.

[5] See Order Amending Prior Order and Denying Rehearing, Docket No. E-8755, issued August 28, 1974; Order Denying Petition for Reconsideration, Docket No. E-8755, issued October 16, 1974; Initial Decision in Docket No. ER76-588, issued December 27, 1977; and Order Affirming Initial Decision in Docket No. ER76-588, issued December 28, 1978.

[6] We note that in its filing dated July 27, 1978, in compliance with the Order Affirming Initial Decision in Docket No. E-8755, issued June 30, 1978, CKP included unilateral rate change language with regard to its base rate. Such a unilateral change of its contract with Sunflower is not permitted by the contract. We shall therefore require CKP to remove this language from its presently effective and proposed base rate schedules.

[7] See, *Caroline Power & Light Company*, Opinion No. 19, issue August 2, 1979; *Virginia Electric & Power* company, Docket No. ER78-522, issue August 30, 1978 (suspending proposed rates).

[8] See Order dated August 25, 1978 in *Public Service Company of Indiana*, Docket No. ER78-513; Order of October 12, 1978, *Arkansas-Missouri Power Company*, Docket No. ER78-489; and Order issued October 12, 1978, in *Public Service Company of Oklahoma*, Docket No. ER78-511.

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the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4350 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-165]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Changes in Rates and Charges

FEBRUARY 2, 1979.

Take notice that American Electric Power Service Corporation (AEP) on January 22, 1979, tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (Indiana Company), Modification No. 13 dated December 1, 1978 to the Interconnection Agreement dated November 1, 1961 between Northern Indiana Public Service Company and Indiana & Michigan Electric Company, I&M's Rate Schedule FPC No. 22.

According to AEP, Section 1 of Modification No. 13 provides for an increase in the demand charge for Short Term Power from $0.60 to $0.70 per kilowatt per week and Section 2 provides for an increase in the Short Term Power transmission charge from $0.15 to $0.175 per kilowatt per week. This schedule is proposed to become effective December 11, 1978.

Applicant states that since the use of Short Term Power cannot be accurately estimated, for the twelve months period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from this modification for such period. Applicant Exhibit I which was included with the filing of this Modification, demonstrates that the increase in revenues which would have resulted had the modification been in effect during the twelve-month period ending December 1978, would have been $180,505.97 (i.e., from $6,521,636.56 to $6,702,142.53), according to AEP.

Copies of the filing were served upon Northern Indiana Public Service Company, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4351 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER76-5]

INDIANA & MICHIGAN POWER CO.

Compliance Filing

FEBRUARY 1, 1979.

Take notice that Indiana & Michigan Power Company (I&M Power) on November 29, 1978, tendered for filing in compliance with Opinion No. 27, issued September 15, 1978, and the Order Denying Rehearing, issued November 13, 1978, the following:

1. Supplement No. 1 to FERC Rate Schedule No. 1 of I&M Power; and

2. Statement, dated November 28, 1978, rendered by I&M Power to Indiana & Michigan Electric Company for electric services rendered by the former to the latter during the month of October, 1978, together with a schedule and supporting data indicating as an example, the types of change which I&M Power contemplates would be made in statements which are rendered after Supplement No. 1 is made effective for electric service rendered after such effective date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4352 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ES79-24]

IOWA PUBLIC SERVICE CO.

Application

FEBRUARY 2, 1979.

Take notice that on January 22, 1979, Iowa Public Service Company (Applicant) a corporation organized under the laws of the State of Iowa and qualified to transact business in the States of Iowa and South Dakota, wth its principal business office in Sioux City, Iowa, filed an application pursuant to Section 204 of the Federal Power act seeking authority to issue $50 million of short-term unsecured promissory notes to commercial banks and commercial paper dealers. All proposed notes are to be issued on or before March 31, 1980, and will bear final maturity dates not later than March 31, 1981.

Applicant proposes to use the funds for construction or acquisition of permanent improvements, extensions and additions to Applicant's property and/or to pay off maturing short-term loans. Its estimated construction expenditures for the year 1979 are $85,878,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4353 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. RA79-11]

JACK HALBERT

Filing of Petition for Review Under 42 U.S.C. 7194

FEBRUARY 2, 1979.

Take notice that Jack Halbert (Halbert) on January 26, 1979, filed a Petition for Review under 42 U.S.C. section 719(b) (1977 Supp.) from an order of the Secretary of Energy, issued on December 4, 1978, denying Halbert's application for exception on relief.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before February 21, 1979 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement, Department of Energy, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4354 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-153]

KANSAS GAS AND ELECTRIC CO.

Proposed Tariff Change

FEBRUARY 2, 1979.

Take notice that Kansas Gas and Electric Company on January 18, 1979, tendered for filing proposed changes in its FPC Electric Service Tariff No. 127. The proposed Amendment establishes a new delivery point for the Coffey County Rural Electric Cooperative Association, Inc.

The Amendment is necessary because the Cooperative has requested an additional delivery point, according to Kansas Gas and Electric Company.

Copies of this filing were served upon the Coffey County Rural Electric Cooperative Association, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4355 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-89]

MISSOURI PUBLIC SERVICE CO.

Order Accepting in Part and Rejecting in Part Proposed Rate Changes

JANUARY 31, 1979.

On December 1, 1978, Missouri Public Service Company (MPS or Company) tendered for filing revised schedules for Rates and Charges for Wholesale Firm Power Service to supersede and replace the rate schedules presently in effect for its eight municipal customers.[1] MPS' case-in-chief is based on a test period consisting of the 12 months ending August 31, 1978. The proposed rates would increase revenue for this period by approximately $754,332 (38.2 percent). MPS requests an effective date of February 1, 1979.

MPS relies on a Commission order [2] issued September 30, 1976, in Docket No. ER76-585, MPS' prior rate application, in support for its claim that the present rate schedules applicable to the Cities of Liberal, El Dorado Springs, Pleasant Hill, and Rich Hill contain language permitting MPS to unilaterally file for changes in rates and service under 205 of the Federal Power Act (The Act). In addition, MPS has tendered for filing superseding contracts with the City of Harrisonville, executed on October 5, 1977 and the City of Galt, executed on August 22, 1978, incorporating rates currently in effect for the Cities of Liberal, El Dorado Springs, Pleasant Hill, and Rich Hill. MPS claims that the new contracts with the Cities of Harrisonville and Galt provide for unilateral change in rates and service under Section 205 of the Act. Based on its interpretation of the newly filed contracts, MPS has simultaneously tendered superseding rate schedules for service to the Cities of Harrisonville and Galt. The superseding rate schedules contain the same rates as the superseding schedules for the remaining municipal customers of MPS in the instant application.

Contrary to the Commission's finding in Docket No. ER76-585 that MPS' contracts with the Cities of Odessa and Gilman City are fixed rate over fixed term, MPS seeks to increase the rates for service to these Cities. MPS requests waiver of § 35.3(a) of the Commission Regulation with respect to the City of Odessa requesting an effective date of April 1, 1979, to coincide with Article II of the Odessa contract. Article II provides for a review of rates every five years on the anniversary date of the contract. The five year anniversary date will be April 1, 1979. MPS states that it is presently negotiating for a new contract with the City of Gilman which will provide for a unilateral change in rates and service. MPS "assumes" a new contract will be filed as a late filing for the City of Gilman. MPS' present and proposed rates contain a Tax and License Rider which adjusts the customers' bills for gross receipts, franchise, occupational, and license taxes. However, MPS states that there are no such taxes or fees currently in effect.

Notice of this filing was issued on December 7, 1978, with protests or petitions to intervene due on or before December 29, 1978. On December 14, 1978, the City of Galt, filed a protest and attached documents objecting to the superseding rate schedule simultaneously filed with the August 22, 1978 contract Also, City of Galt claims that it is experiencing difficulty coordinating additional load requirements with MPS under the new contract. On December 27, 1978, the Board of Alderman and the Mayor of Galt, Missouri, filed and "informal protest" to the instant application. On December 29, 1978, the Citizens of Liberal and the Mayor of the City of Liberal, Missouri filed a protest stating that its senior citizens will be unable to pay the proposed rates.

Our review indicates that the existing contract for the Cities of Odessa and Gilman provide for fixed rates over fixed terms with no reservation of power to unilaterally change the existing rates. Our review of the City of Odessa and Gilman City contract is consistent with the Federal Power Commission's (FPC) interpretation as set forth by the Commission's order of September 30, 1976, in Docket No. ER76-585. Accordingly, pursuant to the *Sierra-Mobile* doctrine[3] we must reject MPS' filing as it applies to the City of Odessa and Gilman City. Since MPS' filing as to the City of Odessa is rejected, MPS' request for waiver of § 35.3(a) of the Commission's Regulations seeking an effective date of April 1, 1979 is moot.

As to the newly filed contract with the City of Galt, executed on August 22, 1978, MPS claims that the Billing and Rate provision contained in Article II of the contract reserves the power to make unilateral changes. We agree. Although the Billing and Rate

[1] Cities of Liberal, Odessa, Pleasant Hill, Rich Hill, Gilman City, El Dorado Springs, Cities of Galt and Harrisonville. See also, Attachment A for designations.

[2] Proceedings in Docket No. ER76-585 were commenced before the FPC. By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC. The term "Commission," when used in the context of action taken prior to October 1, 1977, refers to the FPC; when otherwise, the reference is to the FERC.

[3] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 248 (1956).

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provision states that the customer shall pay the contract rates or any superseding rate schedules approved by the Commission, the provision goes on to state in unequivocal terms that "Nothing contained herein shall be construed as affecting in any way the right of the Company to unilaterally make application to the Federal Energy regulatory Commission for a change in rates, changes, classification, or service, or any rule, regulation, or contract relating thereto, under Section 205 of the Federal Power Act and pursuant to the Commission's Rules and Regulations promulgated thereunder." Therefore, pursuant to § 35.1(d)(2) of the Commission's Rules and Regulations we find that the City of Galt contract maintains the right of the Company to unilaterally apply for change in rates pursuant to Section 205 of the Act.[4] As to the newly filed contract with the City of Harrisonville, executed on October 5, 1977, we find that the contract provides in unambiguous terms, for unilateral changes in rates pursuant to Section 205 of the Act. Accordingly, as hereinafter ordered. we shall accept for filing, MPS' revised rate schedule for the City of Harrisonville.

While we question certain costing methodologies employed by MPS, our review of the application as a whole indicates the rates to be just and reasonable. Therefore, we find that good cause exists to accept for filing the proposed rates for the Cities except Odessa and Gilman City.

The Commission orders:

(A) With respect to the City of Odessa and Gilman City, MPS' filing is hereby rejected.

(B) With respect to the Cities of Liberal, Rich Hill, El Dorado Springs, Pleasant Hill, Galt, and Harrisonville, the proposed rate schedules are hereby accepted for filing and shall become effective February 1, 1979. This acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against your company.

(C) Invocation of the tax and License Rider constitutes a change in the rate and MPS is hereby ordered to file a timely application together with underlying computations in the event of such change.

(D) Missouri Public Service Company and City of Galt are hereby ordered to file, whithin 30 days documents necessary to clarify the discrepancy in the contracts as filed by Missouri Public Service Company on December 1, 1978 and by the City of Galt on December 14, 1978.

(E) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A.—*Missouri Public Service Company*

[Docket No. ER79-89]

Instrument: November 28, 1978.
Effective: As noted.
Filed: December 1, 1978.

Designation	Description	Effective Date
CITY OF EL DORADO SPRINGS		
Supplement No. 3 to Rate Schedule FPC No. 35 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 35).	(Rates)	February 1, 1979.
Supplement No. 4 to Rate Schedule FPC No. 35 (Redesignation of fuel adjustment rider in Supplement No. 1).	(Fuel adjustment clause)	October 1, 1976.
Supplement No. 5 to Rate Schedule FPC No. 35 (Redesignation of tax & license rider in Supplement No. 1).	(Tax and license rider)	October 1, 1976.
CITY OF GALT		
Rate Schedule FERC No. 38 (Supersedes Rate Schedule FPC No. 28, as amended).	(Executed contract, dated August 22, 1978.	February 1, 1979.
Supplement No. 1 to Rate Schedule FERC No. 38	(Rates)	February 1, 1979.
Supplement No. 2 to Rate Schedule FERC No. 38	(Fuel adjustment clause)	February 1, 1979.
Supplement No. 3 to Rate Schedule FERC No. 38	(Tax and License rider)	February 1, 1979.
Supplement No. 4 to Rate Schedule FERC No. 38 (Supersedes Supplement No. 1 to Rate Schedule FERC No. 38).	(Rates)	February 1, 1979.
Supplement No. 5 to Rate Schedule FERC No. 38 (Supersedes Supplement No. 2 to Rate Schedule FERC No. 38).	(Fuel adjustment clause)	February 1, 1979.
CITY OF HARRISONVILLE		
Rate Schedule FERC No. 39 (Supersedes FPC No. 25, as amended).	(Executed contract, dated October 5, 1977.	February 1, 1979.
Supplement No. 1 to Rate Schedule FERC No. 39	(Rates)	February 1, 1979.
Supplement No. 2 to Rate Schedule FERC No. 39	(Fuel adjustment clause)	February 1, 1979.
Supplement No. 3 to Rate Schedule FERC No. 39	(Tax and license rider)	February 1, 1979.
Supplement No. 4 to Rate Schedule FERC No. 39 (Supersedes Supplement No. 1 to Rate Schedule FERC No. 39).	(Rates)	February 1, 1979.
Supplement No. 5 to Rate Schedule FERC No. 39 (Supersedes Supplement No. 2 to Rate Schedule FERC No. 39).	(Fuel adjustment clause)	February 1, 1979.
CITY OF LIBERAL		
Supplement No. 3 to Rate Schedule FPC No. 36 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 36).	(Rates)	February 1, 1979.
Supplement No. 4 to Rate Schedule FPC No. 36 (Redesignation of fuel adjustment rider in Supplement No. 1).	(Fuel adjustment clause)	October 1, 1976.
Supplement No. 5 to Rate Schedule FPC No. 36 (Redesignation of tax and license rider in Supplement No. 1).	(Tax and license rider)	October 1, 1976.
CITY OF PLEASANT HILL		
Supplement No. 3 to Rate Schedule FPC No. 34 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 34).	(Rates)	February 1, 1979.
Supplement No. 4 to Rate Schedule FPC No. 34 (Redesignation of fuel adjustment rider in Supplement No. 1).	(Fuel adjustment clause)	October 1, 1976.
Supplement No. 5 to Rate Schedule FPC No. 34 (Redesignation of tax and license rider in Supplement No. 1).	(Tax and license rider)	October 1, 1976.
CITY OF RICH HILL		
Supplement No. 3 to Rate Schedule FPC No. 37 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 37).	(Rates)	February 1, 1979.
Supplement No. 4 to Rates Schedule FPC No. 37 (Redesignation of fuel adjustment rider in Supplement No. 1).	(Fuel adjustment clause)	October 1, 1976.
Supplement No. 5 to Rate Schedule FPC No. 37 (Redesignation of tax and license rider in Supplement No. 1).	(Tax and license rider)	October 1, 1976.

[FR Doc. 79-4356 Filed 2-7-79; 8:45 am]

[4] We note that attached to the City of Galt's protest, filed on December 14, 1978, is what appears to be a copy of the August 22, 1978 contract with MPS. However, the terms of Article II of the contract are different than the terms contained in Article II of the contract filed by MPS in the instant application. Although the different contract language has no effect on our action today, we shall allow the parties 30 days to clarify this discrepancy. Also, in the interim the Commission will entertain supplementary pleadings from MPS and the City of Galt clarifying the question of MPS' alleged obligation to upgrade certain transmission facilities.

[6450-01-M]

[Docket No. RP74-100, (PGA79-3)]

NATIONAL FUEL GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Proposed PGA Rate Increase, Granting Waiver of Notice Requirements, and Making This Proceeding Subject to the Outcome of Other Proceeding; Pipeline Rates: PGA Suspension Nonjurisdictional Purchases

JANUARY 31, 1979.

On December 29, 1978, National Fuel Gas Supply Corporation (National Fuel) filed revised tariff sheets [1] to become effective February 1, 1979 reflecting (1) a 5.03 cent per Mcf increase in current purchased gas costs of $9,988,010 annually from pipeline and producer suppliers and (2) a 1.65 cents decrease in the surcharge adjustments [2] to recover deferred purchase gas costs of $1,073,365.

National Fuel's proposed PGA rates include the costs of local purchases from small producers within New York. Based on a review of this filing as well as other data in our files concerning the physical location and operation of this pipeline system, the Commission has concluded that these volumes purchased locally cannot flow across the New York border and into Pennsylvania, the other state served by National Fuel. Because this gas is produced, transported and consumed totally within the State of New York, these sales and the prices paid to the producers are not subject to the Commission's jurisdiction under Section 1(b) of the Natural Gas Act.[3] Nonetheless, the Commission has full jurisdiction over National Fuel's collection of these purchased gas costs from its jurisdictional customers. *See, Colorado Interstate Gas Company*, Docket No. RP72-122 (PGA78-3) and RP78-51, order issued September 25, 1978.

The subject filing includes costs National Fuel incurred under a contract with Amarex, Inc., a New York producer, for sale of natural gas in intrastate commerce. The contract contains a favored nations clause which allows the gas sale price to increase each January 1 by the same amount as the average annual increase in cost per Mcf which National pays to three of its other suppliers. Costs incurred under this contract reflect sales made both before and after the effective date of the NGPA.[4] National Fuel's gas purchase contracts with other intrastate producers may also contain similar escalator clauses.

In a policy statement of January 24, 1979, we discussed the effect of the NGPA upon escalator or favored nation clauses in intrastate contracts for sale of natural gas. There, we stated that escalator clauses in intrastate contracts may increase the contract price, in accordance with contract terms, but not to a level in excess of the new natural gas price under Section 102 of the Act. Therefore, National may reflect costs of intrastate purchases incurred after the effective date of the NGPA, provided that operation of the escalator clauses do not increase the contract prices above the maximum lawful price under the NGPA.

But costs incurred prior to the effective date of the NGPA must be scrutinized under the prudent pipeline standard.

This PGA filing includes purchases prior to December 1, 1978, at rates in excess of the nationwide rates.[5] These excess rates apparently result in part from automatic price escalation clauses in the New York producer contracts. National Fuel has not presented sufficient evidence for the Commission to find that the prices paid for these purchases were at rates a prudent pipeline would have paid under similar circumstances. Accordingly, the Commission shall suspend National Fuel's PGA filing grant waiver of the notice requirements such that it shall become effective February 1, 1979, subject to refund.

We note that the issues raised in this docket are similar to those raised in Docket No. RP74-100 (PGA78-8). Accordingly, we shall make the outcome of this proceeding subject to the outcome of the proceedings in Docket No. RP74-100 (PGA78-8).

Public notice of National Fuel's filing was issued January 8, 1979, with protests and petitions to intervene due on or before January 17, 1979.

The Commission orders:

(A) National Fuel's proposed tariff sheets referenced herein are hereby accepted for filing, suspended, and waiver of the notice requirements is granted such that these sheets may become effective February 1, 1979, subject to refund.

(B) The outcome of this proceeding is hereby made subject to the outcome of the proceedings in Docket No. RP74-100 (PGA78-8).

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4357 Filed 2-7-79; 8:45 am]

[1] Twenty-fifth Revised Sheet No. 4 to FERC Gas Tariff, Original Volume No. 1.

[2] This would decrease the surcharge adjustment from 2.96 cents to 1.31 cents.

[3] Opinion No. 777, issued September 30, 1976, *Colorado Interstate Gas Company*, Docket Nos. CP75-323 and CP75-300.

[4] The Natural Gas Policy Act of 1978 controls on and after December 1, 1978.

[5] Determined pursuant to Commission Opinion No. 770-A, issued November 5, 1976, in Docket No. RM75-14.

[6450-01-M]

[Docket No. RM79-3]

NATURAL GAS POLICY ACT OF 1978

Receipt of Report of Determination Process

FEBRUARY 5, 1979.

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

Agency	Date
State of New Mexico Energy and Minerals Department, Oil Conservation Division.	Nov. 29, 1978.
State of Louisiana Department of Conservation.	Nov. 29, 1978.
Railroad Commission of Texas	Nov. 30, 1978.
West Virginia Department of Mines, Oil and Gas Division.	Nov. 30, 1978.
Alabama State Oil and Gas Board	Nov. 30, 1978.
State Oil and Gas Board of Mississippi.	Nov. 30, 1978.
Kansas State Corporation Commission Conservation Division.	Nov. 30, 1978.
State of Michigan, Department of Natural Resources, Geological Survey Division.	Dec. 1, 1978.
State of California Department of Conservation Division of Oil and Gas.	Dec. 4, 1978.
Commonwealth of Virginia Department of Labor and Industry, Division of Mines and Quarries.	Dec. 4, 1978.
State of Wyoming Office of oil and Gas Conservation Commission.	Dec. 4, 1978.
State of Colorado Department of Natural Resources.	Dec. 5, 1978.
State of Ohio Department of Natural Resources, Division of Oil and Gas.	Dec. 6, 1978.
State of Alaska Oil and Gas Conservation Commission.	Dec. 11, 1978.
State of Arizona Oil and Gas Conservation Commission.	Dec. 14, 1978.
State of Nebraska Oil and Gas Conservation Commission.	Dec. 15, 1978.
State of Tennessee Oil and Gas Board.	Dec. 19, 1978.
State of Indiana Department of Natural Resources.	Dec. 26, 1978.
State of Pennsylvania Department of Environmental Resources, Division of Oil and Gas.	Dec. 26, 1978.
State of Florida Department of Natural Resources.	Jan. 3, 1979.
State of North Dakota Geological Survey.	Jan. 4, 1979.
State of Illinois, Department of Mines & Minerals, Oil and Gas Division.	Jan. 5, 1979.
United States Department of Interior, Geological Survey.	Jan. 19, 1979.
State of Montana Department of Natural Resources and Conservation.	Jan. 29, 1979.

Copies of these reports are available for public inspection in the Commission's Office of Public Information,

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Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4363 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-57]

NEW ENGLAND POWER CO.

Order Rejecting Filing

JANUARY 31, 1979.

On November 13, 1978, New England Power Company (NEP) submitted for filing a proposed increase in the demand charge component for the sale of System Power-Unreserved to its tariff customers and to three customers served under separate Power Contracts. The proposed demand charge would be increased from the present rate of $3.917/kW/month to $4.512/kW/month, resulting in increased revenue of $550,000 (15.2 percent for the twelve month test period ending December 31, 1977.[1]

NEP requests waiver of the filing requirements under § 35.13 of the Commission's Rules and Regulations, which requires the last day of Period I data to be no more than seven months before the tender of the filing. Here, NEP's filing was received on November 13, 1978, or three and one-half months after July 31, 1978, the latest date a filing can be received based on a calendar year of 1977. NEP claims the "seven-month rule" should be applied only in filings where Period II data is required since the rule was intended to permit a comparison of the most recently available Period I data with Period II data. NEP asserts that the waiver should be granted here because 1) Period II data was not filed [2]; 2) calendar year data is more readily available.

On December 18, 1978, Fitchburg Gas & Electric Light Company (Fitchburg) petitioned to intervene, alleging that it will not be adequately represented by any other parties to the proceeding. No specific objection or issues were raised.

The NEP Customer Rate Committee and NEP's Municipal System Unreserved Customers [3] petitioned to intervene on December 18, 1978. These petitioners protest NEP's requested increase and request the Commission to temporarily defer a decision on suspension of the proposed increase pending the anticipated completion of a settlement agreement between NEP and petitioners.

On December 17, 1978, NEP requested by letter, that the effective date of the proposed rate be extended from January 12, 1979 to February 1, 1979. NEP indicated that informal settlement discussions had taken place between the Company and representatives of "most" of the affected customers and that a settlement agreement would be subsequently filed.

SETTLEMENT AGREEMENT

On January 5, 1979, NEP filed a proposed settlement agreement which reduces the proposed demand charge from $4.512/kW/month to $4.192/kW/month resulting in a revenue increase of $253,000 (7.0 percent increase in demand charges) for the test period.[4]

This Settlement Agreement is expressly conditioned upon the Commission's acceptance of all provisions thereof, without change or condition, and upon the following further Commission actions:

(a) Waiver of the requirements of § 35.3 with respect to the filings provided for in Article I of the Settlement Agreement, to the extent necessary to effectuate all of the provisions, and

(b) Waiver by the Commission of the requirements of § 35.13 of its regulations under the Federal Power Act with respect to said filings; and

(c) Acceptance of said filings without suspension under § 205 of the dates requested in said filings.

The Settlement Agreement was executed by NEP, the NEP Customer Rate Committee, and the municipal customers under the Tariff. The settlement has not been executed by Fitchburg or the Village of Lyndonville, Vermont.

On January 24, 1979, Fitchburg filed a protest against the proposed settlement. Fitchburg states that it has not completed its review of the rate and terms of the settlement and has requested additional information from NEP on three issues: depreciation expense, administrative and general expense, and purchase power demand costs. Fitchburg claims that the additional information is needed to justify a 19.9 percent annual rate of increase of NEP's depreciation expense since 1974 and a 34.3 percent annual rate of increase in administrative and general expense during the 1974-1977 period. In addition, Fitchburg requests that NEP justify its increased purchase power demand costs in light of additions to its generating capacity. Finally, Fitchburg believes that it may abe appropriate for NEP to apply a credit for other wholesale capacity sales, and that step-up transformer costs should be reflected in a transmission rate rather than in its demand rate.

Fitchburg requests that the Commission reject NEPCO's proposed effective date of February 1, 1979, for the rates set forth in the proposed settlement and that an evidentiary hearing be held on the originally tendered rate request filed in this docket on November 13, 1978.

We find that good cause has not been shown to justify waiver of § 35.13(b)(4)(iii). NEPS's stale cost support would not provide a meaningful basis for litigation. Accordingly, we will deny NEP's request for waiver of § 35.13(b)(4)(iii) and reject the filing without prejudice to refile with appropriate cost data.

The question of Commission's treatment of the proposed settlement agreement has become moot given the rejection of the underlying filing.

The Commission orders:

(A) NEP's request for waiver of § 35.13(b)(4)(iii) is hereby denied.

(B) NEP's November 13, 1978, filing is rejected without prejudice to refile.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4358, Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-163]

NEW ENGLAND POWER POOL

Filing

FEBRUARY 2, 1979.

Take notice that Secretary of the Management Committee of the New England Power Pool (NEPOOL) on January 22, 1979 tendered for filing a NEPOOL Power Pool Agreement dated September 1, 1971, as amended, signed by David I. Sweetland, General Manager, Pascoag Fire District of Burrillville, Rhode Island. NEPOOL indicates that this Agreement has previously been filed with the Commission as a rate schedule (designated NEPOOL FPC No. 1).

It is proposed that the tendered Agreement as related to the Pascoag Fire District electric system, commence on December 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protest should be filed on or before February 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4359 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-154]

NORTHERN STATES POWER CO.

Letter Agreement

FEBRUARY 2, 1979.

Take notice that Northern States Power Company, on January 18, 1979, tendered for filing a Letter Agreement, dated December 5, 1978, with the Department of Energy, United States of America.

The filed Letter Agreement extends certain provisions of Contracts No. 14-06-600-1556 and No. 14-06-600-1940 through July 31, 1979, or until a new interconnection contract is executed, whichever is earlier, according to Northern States.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 13, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4339 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-156]

OKLAHOMA GAS AND ELECTRIC CO.

Notice of Proposed Superseding Contract

FEBRUARY 2, 1979.

Take notice that on January 19, 1979, Oklahoma Gas and Electric Company (OG&E) tendered for filing a new Agreement intended to supersede OG&E's Rate Schedule FERC No. 12. This Agreement is the contract between OG&E and the Southwestern Power Administration (SWPA). According to OG&E the new Agreement is identical to the old Agreement, and provides for the sale of Replacement Energy and Emergency Service by OG&E to SWPA.

OG&E requests waiver of the Commission's notice requirements to allow for an effective date of January 1, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4340 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. RP79-28]

PUBLIC SERVICE COMMISSION OF NEW YORK

Petition for Investigation and for Appropriate Action on Rate Proceedings

FEBRUARY 2, 1979.

Take notice that the Public Service Commission of the State of New York (New York), on January 5, 1979, filed a petition urging initiation of investigatory proceedings pursuant to Sections 4, 5, 14 and 16 of the Natural Gas Act, and the institution of appropriate action in rate proceedings.

The petition urges the Commission to institute a general investigation into possible overcharges to interstate pipelines for marine construction and contracting services in the Gulf of Mexico, and to put all pipelines on notice of the risk in being required to make appropriate restitution to their customers for loss resulting from the pipelines' failure to institute appropriate damage actions prior to tolling of the statute of limitations. Additionally, New York's proposal urges the Commission (1) to make a determination as to whether excessive payments have been made by either the customers of pipeline companies with facilities in the Gulf of Mexico, or customers of the companies purchasing gas from those pipelines, resulting from overcharges for offshore marine construction or contracting services; and (2) to issue a notice requiring future orders in all rate proceedings pertaining to the aforementioned class of companies, to contain language reflecting its position to be that action in those rate proceedings will not preclude the Commission from ordering restitution to that group of customers affected by excessive overcharges, if that determination is ultimately made in a hearing on the matter.

New York states that it has served copies of this petition upon the pipelines referred to on pages 2 and 3 of the Petition, which include: (1) the Stingray Pipeline Company; (2) Sea Robin Pipeline Company; (3) Texas Eastern Transmission Corporation; (4) Columbia Gulf Transmission Company; and (5) Tennessee Gas Pipeline, in accordance with § 1.17 of the Commission's Rules of Practice and Procedure.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 79-4341 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. EL79-7]

SIERRA PACIFIC POWER CO.

Filing

FEBRUARY 2, 1979.

Take notice that on January 8, 1979, Sierra Pacific Power Company (Sierra) tendered for filing a petition for a decision by the Federal Energy Regula-

[1] Notice of the filing was issued on November 24, 1978, with comments, protests or interventions due on or before December 18, 1978.

[2] Since the proposed increase is less than $1 million, NEP was not required to file Period II data under § 35.13.

[3] The Towns of Ashburnham, Danvers, Georgetown, Groton, Hinghan, Holden, Hull, Ipswich, Littleton, Mansfield, Marblehead, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shrewsbury, Sterling, Templeton, Wakefield, West Boylston, and Hudson, Massachusetts.

[4] Notice of the settlement agreement was issued on January 16, 1979, with responses due on or before January 24, 1979.

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tory Commission (Commission) on the proper accounting for sales of surplus, interruptible economy energy by Sierra Pacific to Pacific Gas & Electric Company (PG&E) and Utah Power & Light Company (UP&L) under the Commission's Uniform System of Accounts for Public Utilities and Licensees.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825, North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4342 Filed 2-7-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-84]

SOUTHERN CO. SERVICES, INC.

Order Accepting and Suspending Rate Schedule, Granting Interventions, Granting Waivers, and Establishing Hearing Procedures

JANUARY 26, 1979.

On November 29, 1978, Southern Company Services, Inc. (Southern Co.), on behalf of Alabama Power Company, Georgia Power Company, Mississippi Power Company, and Gulf Power Company, submitted for filing an Amendment No. 2 to "The Southern Company System Procedures Under Intercompany Interchange Contract".[1] Southern Co. also filed new computational schedules showing the basis for inter-company capacity and energy transactions for 1979. A waiver of the sixty (60) day notice requirement was requested by Southern Co. in order for the amendment to be made effective as of January 1, 1979.

Notice of the submittal was issued on December 12, 1978, with comments, protests or petitions to intervene due on or before December 29, 1978. On December 22, 1978, Oglethorpe Power Corporation (Oglethorpe), representing 39 electric membership corporations, filed a petition to intervene and requested the Commission to suspend the rates for one day and set the matter for hearing. On December 29, 1978, the Municipal Electric Authority of Georgia (MEAG), comprising 46 Georgia cities, petitioned to intervene in this proceeding. Both Oglethorpe and MEAG are wholesale customers of Georgia Power Company. Good cause has been shown to grant intervenor status to these customers.

Southern Co. requests a waiver of the sixty day notice requirement on grounds that the existing computational schedules are inappropriate for calendar year 1979 "due to changes in costs, install generating capacity and other changes affecting system operations." Southern Co. also notes that a waiver was granted in Docket No. ER77-86 for the year 1977 and in Docket No. ER78-76 for the year 1978. Good cause has been demonstrated to grant the waiver of the notice requirement.

In addition, Southern Co. requests a waiver of the provisions of § 35.13(b)(4)(iii) of the Commission's Regulations requiring the filing of Statements A through P since that requirement "has limited application to the interchange transactions and pricing mechanisms contemplated by the subject filing." We believe that good cause has been shown to waive the filing requirement.

Our review indicates that the rates filed by Southern Co. have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Therefore, the Commission will accept Southern Co.'s submittal for filing and suspend the proposed rates and services for one day after which they shall go into effect as of January 2, 1979, subject to refund. A subsequent hearing shall be held to consider the justness and reasonableness of the proposed rates and services.

We shall also order a prehearing conference in order to establish the date for submittal of Southern Co.'s case-in-chief as well as additional dates as may be necessary.

The Commission orders: (a) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly Sections 205, 206, 301, 308 and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and to the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by Southern Co.

(B) The request by Southern Co. for waiver of the sixty day notice requirement pursuant to § 35.3 of the Commission's Regulations, as amended by Change in Notice Requirements, issued January 2, 1979, in Docket No. RM79-11, is hereby granted.

(C) The proposed rates are hereby accepted for filing and suspended for one day, until January 2, 1979, after which they are made effective, subject to refund.

(D) The request by Southern Co. for waiver of the filing requirements under § 35.13(b)(4)(iii) of the Commission's Regulations is hereby granted.

(E) The Staff shall serve top sheets in this proceeding on or before April 17, 1979.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a prehearing conference in this proceeding to be held within thirty (30) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 for the purpose of establishing the date for Southern Co.'s submittal of its case-in-chief. The Presiding Judge is authorized to establish procedures or to rule upon all motions (except motions to consolidate and sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Presiding Judge shall also convene a prehearing conference within ten (10) days of the serving of top sheets in a hearing room of the Federal Energy Regulatory Commission.

(H) Petitioners Oglethorpe and MEAG are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation by such intervenors shall be limited to matters set forth in their petition to intervene; and, *Provided further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this matter.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT

SOUTHERN COMPANY SERVICES, INC., RATE SCHEDULE DESIGNATIONS (DOCKET NO. ER79-84)

(1) Southern Company Services Supplement No. 5 to Rate Schedule FPC No. 46 (Supersedes Supplement No. 3), Amendment No. 2 to Procedures.

(2) Supplement No. 6 to Rate Schedule FPC No. 46 (Supersedes Supplement No. 4), Schedules and Support Schedules.

Concurrences in (1) and (2) above.

Alabama Power Supplement No. 2 to Rate Schedule FPC No. 140 (Supersedes Supplement No. 1).

Gulf Power Company Supplement No. 2 to Rate Schedule FPC No. 62 (Supersedes Supplement No. 1).

Georgia Power Company Supplement No. 2 to Rate Schedule FPC No. 796 (Supersedes Supplement No. 1).

Mississippi Power Company Supplement No. 2 to Rate Schedule FPC No. 120 (Supersedes Supplement No. 1).

[FR Doc. 79-4343 Filed 2-7-79; 8:45 am]

[1] See Attachment for Rate Schedule Designations.

[6450-01-M]

[Docket No. ER79-155]

VIRGINIA ELECTRIC & POWER CO.

Tendered Revised Contract Supplement

FEBRUARY 2, 1979.

Take notice that on January 19, 1979, Virginia Electric and Power Company (VEPCO) tendered for filing a revised supplement to the contract between VEPCO and Northern Piedmont Electric Cooperative. VEPCO states that the revised contract supplement reflects changes due to a change in transformer capacity at Gold Mine Delivery Point as set forth below:

Present FERC No.: 81-11.
Proposed FERC No.: 81-35.
Item Corrected: 3, 5(1), 5(3), 8, 10, 11.

VEPCO further states that the revised contract supplement is intended to supersede the listed FERC Rate Schedule and requests that the revised supplement be allowed to become effective on December 11, 1978, the date the change in transformer facilities was completed.

Any person desiring to be heard or to protest with reference to said application should on or before February 13, 1979, file with the Federal Energy Regulatory Commission, 825 North Captiol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. This application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4344 Filed 2-7-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE PROGRAMS

[PP 6G1838/T178; FRL 1057-2]

Butachlor; Reextension of Temporary Tolerances

On January 18, 1978, the Environmental Protection Agency (EPA) announced (43 FR 2664) an extension of temporary tolerances for residues of the herbicide butachlor (*N*-(butoxymethyl)-2-chloro-2',6'-diethylacetanilide) in or on the raw agricultural commodities rice at 0.5 part per million (ppm) and rice straw at 3 ppm. These tolerances were established (42 FR 18424) in response to a pesticide petition (PP 6G1838) submitted by Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, MO 63116. This extension expires April 1, 1979. (A related document reextending a feed additive regulation for residues of butachlor in rice bran and rice hulls appears elsewhere in today's FEDERAL REGISTER).

Monsanto Agricultural Products Co. has requested a one-year reextension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit (524-EUP-30) that is being reextended concurrently under the Federal Insecticide,, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that a reextension of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are being reextended on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Monsanto Agricultural Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 1, 1980. Residues not in excess of 0.5 ppm remaining in or on rice and 3 ppm remaining in or on rice straw after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, 401 M St., SW, Washington DC 20460 (202/755-0713).

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

Dated: February 2, 1979.

[FR Doc. 79-4390 Filed 2-7-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 79-6; FCC 79-43]

PROPOSED OFFERING OF ELECTRONIC COMPUTER ORIGINATED MAIL (ECOM)

Institution of Inquiry

AGENCY: Federal Communications Commission.

ACTION: Institution of Inquiry.

SUMMARY: In response to a proposed offering of electronic mail by the United States Postal Service, Graphnet Systems Inc. (a specialized common carrier providing facsimile message transmission and delivery services to the public under FCC tariffs) filed a petition seeking an FCC determination on the scope of its jurisdiction over electronic mail, the possible effect of the Communications Act's requirements on the Postal Service's role in this field, and development of FCC regulatory policies on emerging communications/mail offerings. In response, the Commission instituted an inquiry inviting comment on FCC jurisdiction, tariff requirements under the Communications Act, and requirements for certificates of convenience and necessity.

DATES: Comments must be received on or before February 25, 1979; oppositions must be received on or before March 11, 1979; and replies must be received on or before March 18, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Michael S. Slomin, Policy and Rules Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-9342).

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SUPPLEMENTARY INFORMATION:

INQUIRY

Adopted: January 25, 1979.

Released: February 2, 1979.

In the matter of request for Declaratory Ruling and Investigation by Graphnet Systems, Incorporated Concerning a Proposed Offering of Electronic Computer Originated Mail (ECOM), CC Docket No. 79-6.

1. We have before us a Petition for Declaratory Ruling and Request for Expedited Investigation filed on November 1, 1978 by Graphnet Systems, Inc. ("Graphnet") pursuant to § 1.2 of the Commission's rules. An opposition was filed on November 15, 1978 by Western Union Telegraph Company ("Western Union").

2. Graphnet is seeking Commission action concerning a new offering of Electronic Computer Originated Mail ("ECOM") which the United States Postal Service has proposed to begin offering to the public, using services and facilities provided by Western Union. The Postal Service filed a proposed tariff for this service with its regulatory agency, the Postal Rates Commission, on September 8, 1978, and in response that agency instituted a postal rate proceeding, Docket No. MC78-3, to consider the postal issues raised by the proposed tariff. On September 15, 1978, Western Union by letter advised the FCC of its intention to provide electronic communication facilities and services which will be used for ECOM, and claimed that it would be doing so on a non-carrier basis unless otherwise advised. On October 16, 1978, we received a letter from Western Union International, Inc., expressing concern about possible erosion of FCC jurisdiction if it allows Western Union to participate in ECOM without filing a tariff, and on October 23, 1978, we received a letter from American Cable and Radio Corp. requesting us to institute an inquiry into ECOM. The Chief, Common Carrier Bureau, pursuant to delegated authority, responded to Western Union in a November 9, 1978 letter advising it of its obligation to file a tariff.[1] All of the above is relevant to this proceeding and will be associated with its docket file.

3. As described by Western Union in its letter, ECOM operates as follows. A user will prepare its messages in electronic form and transmit them over communications channels to Western Union's facilities, which will check for proper format and sequentially order them by postal zip code. Western Union, employing its switching and communications facilities, will then transmit the messages to appropriate destination post offices as indicated by the zip coding. There, Western Union-provided printers will convert the messages to hard copy form for physical delivery by postal employees. In the preliminary phases, intended to last some 15 months during which the Postal Service will be evaluating public acceptance of ECOM, Western Union will use terrestrial communications channels and its Infomaster message-switching computer system to route, switch and transmit messages to the appropriate post offices. If the Postal Service's evaluation indicates public acceptance, Western Union proposes to switch to using domestic satellite facilities and "a dedicated network of intelligent, computer controlled small earth stations" both to accept users' ECOM messages in electronic form, and to distribute them to appropriate post offices.

4. In its letter, Western Union claimed that its participation in ECOM would not be a common carrier undertaking under the statutory scheme of the Communications Act, requiring a tariff. The Common Carrier Bureau found that a tariff is required for the electronic services and facilities which Western Union will be providing, regardless of who is offering ECOM to the general public. The Bureau's letter is duplicated in an appendix to this order and will not be restated here. However, Graphnet's petition raises issues which are broader than those addressed in the Bureau's letter; Graphnet's issues relate to whether or not the statutory scheme of the Communications Act should be applied to the ECOM service as a whole, and to the parties who are providing it.

5. Graphnet argues that the scope of the Communications Act encompasses the ECOM service, including the electronic portion of it and the physical delivery portion of it. In support, it cites the Act's definitions of "wire communication" and "radio communication."[2] It requests an immediate declaratory ruling that ECOM itself is within the scope of the Communications Act. In essence, therefore, Graphnet is requesting an immediate declaration that ECOM is within the subject-matter jurisdiction of the Communications Act.

6. Assuming that we conclude that ECOM as a service is within the jurisdiction of the Communications Act, Graphnet raises a variety of issues which flow from such determination. Is the Section 203 requirement that communications services be provided under filed tariffs applicable to ECOM? Should such a tariff be filed by Western Union, by the Postal Service, or by both? Is the Section 214 requirement that a carrier receive a certificate of convenience and necessity for extensions of lines applicable to ECOM, to Western Union's role in it, to the Postal Service's role in it, or to a joint role?

7. It is Graphnet's position that we do not have sufficient information on these issues to reach reasoned decisions, and that we should therefore institute an expedited investigatory proceeding to adduce such information. Graphnet acknowledges that we may not have a statutory basis (or desire) to regulate the Postal Service's role in ECOM under the Communications Act, and it submits that this proceeding is also a proper vehicle for receiving briefs and comments on such jurisdictional issues as well.

8. In opposition, Western Union argues that there is nothing in Graphnet's petition to support the requested relief. In Western Union's view, the petition fails because it is premised on the belief that ECOM is jointly held out to the public by Western Union and the Postal Service, while Western Union takes the position that it is held out solely by the Postal Service. Since Western Union's role in ECOM is solely that of a contract supplier to the Postal Service, which itself has complied with its regulatory requirements by filing a tariff with Postal Rates Commission, the FCC has no further interest in the matter. Western Union further argues that since Graphnet has explicitly refrained from addressing whether the FCC's jurisdiction extends to the Postal Service, we should not initiate any proceeding seeking to determine how to exercise jurisdiction over ECOM. Finally, Western Union urges that should we initiate any proceeding on these matters, we should in no way seek to stay inauguration of ECOM, an experimental service which, according to Western Union, could prove to be of substantial public benefit.[3]

DISCUSSION

9. ECOM represents and end-to-end service intended to transfer information from an originating point to single and multiple destination points. Part of this end-to-end service involves a transfer of information in electronic

[1] In response to the Bureau's letter (reproduced in the Appendix hereto), Western Union filed such a tariff on December 19, 1978, accompanied by a request that it be made effective on not less than one day's notice. This request was denied on December 20, 1978, in a ruling which cited the serious questions raised by the filing and its controversial nature. The tariff was re-filed on Jan. 8, 1979.

[2] 47 U.S.C. 153(a)-(b). Graphnet notes that these definition specifically include "receipt, forwarding, and deliver" in physical hard-copy form of communications incidental to the electronic wire or radio transmission.

[3] Western Union claims that even Graphnet appears to recognize the potential public benefits of ECOM.

form, using means (wire and radio communication channels and electronic message routing equipment) within the direct ambit of the Communications Act's regulatory scheme and purpose. The remaining part of this end-to-end service involves physical delivery of information in hard copy form by postal employees. This activity may or may not be within the ambit of the Communications Act's regulatory scheme, depending on whether such delivery of an electronically carried message is to be considered a service "incidential to such (electronic) transmission" by wire or radio, under Sections 3(a) and 3(b) of the Act.

10. Delivery of electronically carried messages has been treated both as within the Communications Act's regulatory ambit and outside it. When Western Union transmits a telegram, and as part of its service offering includes physical delivery of a hard copy message to its ultimate destination (from its electronic message receiving facilities), such delivery has consistently been offered and treated by regulatory agencies as part of the electronic message offering. State regulatory agencies have done so for many years, as has the Interstate Commerce Commission (prior to formation of the FCC), and since 1934 this Commission. At the same time, Western Union has also offered mail delivery of a telegram (at a lower price than messenger delivery) and this delivery has not been directly regulated under the Communications Act.

11. This somewhat schizophrenic regulatory view of what is essentially the same activity—delivery of an electronically carried message—was brought home directly during appellate litigation over MAILGRAM(R). MAILGRAM(R) is a Western Union offering under which various of its electronic message services terminate in printers located at Post Offices, rather than at Western Union offices. The Postal Service takes hard copy messages from these printers, inserts them in envelopes and delivers them as mail, much as it proposes to do with ECOM. When we authorized this Western Union tariffed offering, one of the issues which we necessarily confronted was whether or not the physical delivery of MAILGRAM(R) messages was "incidental" to the electronic carriage of the messages. We declined to directly regulate this activity, and the rates and terms of service for delivery of MAILGRAM(R) messages have remained a postal function since that time. In *United Telegraph Workers* v. *F.C.C.*, 436 F.2d 920 (D.C. Cir., 1970), the proposition was established that delivery of such messages is "ancillary, incidental, supplemental or accessorial" to the regulatory scheme of the Communications Act, 436 F.2d at 924. The Court held open the possibility that if necessary the FCC could control "the end-portion of the service", delivery by the Postal Service.[4]

12. Thus, a decision to control physical delivery under the FCC's jurisdiction over electronically carried messages is discretionary. The Communications Act confers jurisdiction over such activity, but it is jurisdiction which we may decline to exercise, or which we may exercise in non-traditional ways as we did in MAILGRAM(R). Western Union is arguing that if ECOM is solely the Postal Service's service, we must first decide whether or not we have comprehensive regulatory jurisdiction over the Postal Service before we can examine how ECOM fits the Communications Act's regulatory scheme. However, as MAILGRAM(R) illustrates, ECOM is not necessarily an all-or-nothing proposition. We could regulate the electronic carriage of ECOM messages as a non-postal communications activity, and decline to exercise jurisdiction over physical delivery. This would maintain Congress' apparent view that postal rates be determined by the Postal Rates Commission and communications rates by the FCC.

13. Graphnet raises regulatory issues as well as basic jurisdictional issues. It asks that we address questions related to what tariffs, covering what portion(s) of the ECOM offering, are required to be filed with the Commission under Section 203 of the Communications Act, and by whom. It asks that we address questions related to what Section 214 authorizations (certificates of convenience and necessity) are required, and by whom. Our examination of the Graphnet and Western Union pleadings convinces us that the only issues raised which require further information, as opposed to further argument and briefs, are the Section 214 issues. It is not a factual question if we consider the scope of the Communications Act, its possible applicability to the Postal Service, and its tariff filing requirements; these are questions of law and policy and may be resolved on the basis of comments and briefs. On the other hand, Section 214's applicability may turn on questions such as the impact of ECOM on existing facilities usage and assignment, and new construction which might be occasioned by ECOM, issues which will require further information to resolve. The Common Carrier Bureau's letter acknowledged this, and used § 61.38 of our rules as a vehicle for obtaining such information. Moreover, to the extent that the Postal Service might be construed as reselling a service offered by Western Union, our *Resale and Shared Use* decisions[5] may subject this resale activity to the requirements of Section 214 of the Act as an acquisition of lines. This latter Section 214 issue is one of law or policy. Thus, an extended inquiry such as is proposed by Graphnet here is not warranted.

14. In view of these considerations, we will receive briefs, oppositions and replies on an expedited briefing schedule established herein, on the following issues:

JURISDICTION

(a) To what extent, if any, is the ECOM service (or the electronic portion thereof) within the subject-matter jurisdiction of the Communications Act of 1934 as amended?

(b) To what extent, if any, does the Postal Service's role in ECOM remove ECOM (or the electronic portion thereof) from the subject-matter jurisdiction of the Communications Act of 1934 as amended?

(c) To what extent, if any, would Western Union's participation in ECOM by contract to the Postal Service, and not a filed tariff, remove ECOM (or the electronic portion thereof) from the subject-matter jurisdiction of the Communications Act of 1934 as amended?

(d) Since a common carrier is defined in the Communications Act as "any *person* engaged as a common carrier for hire", Section 3(h):

(1) Would Western Union be such a "person" engaged in providing ECOM?

(2) Would the Postal Service be such a "person" engaged in providing ECOM?

(3) Would they jointly be such a "person" engaged in providing ECOM?

(e) Should ECOM be treated in a manner similar to the treatment of MAILGRAM(R), that is as two separate activities, electronic communication subject to the Communications Act, and physical delivery not subject to the Communications Act? If so, what attributes of ECOM would prevent assertion and exercise of jurisdiction over Western Union's role in ECOM?

(f) Is the Postal Service's participation in ECOM one of resale of communications service, subject to the *Resale and Shared Use* decisions and policies? If so, does the Commission have jurisdiction to require the Postal Service to be minimally regulated under the Communications Act as required by those decisions? Is this jurisdiction dis-

[4] The Court carefully declined to decide whether or not the Postal Service is properly within the FCC's conferred jurisdiction. It stated that this issue "need not be resolved at this stage • • •." *Id.*

[5] *Resale and Shared Use*, 60 F.C.C. 2d 261 (1976); *modified*, 60 F.C.C. 2d 588, 61 F.C.C. 2d 70 (1976); *reconsideration denied*, 62 F.C.C. 2d 588 (1977); *aff'd sub nom., Am. Tel. & Tel.* v. *F.C.C.*, 572 F. 2d 17 (2d Cir., 1978), *cert. denied*, —— U.S. —— (1978).

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cretionary? Should the Commission exercise its discretion?

(g) In light of the jurisdiction conferred by the Communications Act, to what extent, if any, do the standard of Sections 201 and 202 apply to the services and relationships involved in ECOM?

TARIFFS

(h) Under the statutory scheme of the Communications Act, what tariffs on which the general public may rely are required to be filed with the FCC for ECOM? Is a tariff filing before another regulatory agency (the Postal Rates Commission) a sufficient satisfaction of the regulatory scheme of the Communications Act? Who is required to file such tariffs:

(1) If the Postal Service is considered a reseller?

(2) If the Postal Service is not considered a reseller?

(i) To the extent that we have discretion in addressing these tariff issues, what alternative mechanisms to tariffs (if any) may we properly adopt and still assure that the problems identified in the Common Carrier Bureau's letter, attached hereto, do not arise (*e.g.*, discrimination, adverse revenue effects on existing Western Union services because of diversion of traffic to ECOM, affect on overall Western Union earnings, etc.)?

CERTIFICATION

(j) To what extent (if any) is Section 214 of the Communications Act applicable to ECOM, or the electronic portion thereof:

(1) In light of our *Resale and Shared Use* Decisions and policies and the Court's decision affirming them?

(2) In light of the information which Western Union has provided the Commission pursuant to the Bureau's letter and Section 61.38 of our rules (impact on service)?

15. With the possible exception of the last Section 214 issue, we do not foresee questions of fact arising during the course of this inquiry; this inquiry will therefore be focussed on questions of law and policy [6]. Therefore, at this time we are establishing the following dates for submission of briefs and comments: Initial briefs and comments will be due on or before Feb. 25, 1979; oppositions will be due on or before March 11, 1979; and replies will be due on or before March 18, 1979. The record of this proceeding will consist of all material described in paragraph 2 above, the Postal Service's pre-filed testimony in the Postal Rates Commission's Docket No. MC78-3 proceeding (for a detailed description of the operation of ECOM), comments filed in this proceeding, and any other relevant publicly available information and material of which notice may properly be taken.

16. *Accordingly, it is hereby ordered,* Pursuant to Sections 1, 2, 3, 4(i)-(j), 201-03, 214, 403 and 409(e)-(h) of the Communications Act of 1934 as amended, 47 U.S.C. 151-3, 154(i)-(j), 201-03, 214, 403 and 409(e)-(h), That an inquiry is commenced into issues related to Electronic Computer Originated Mail. Comments and briefs, oppositions, and replies may be filed, respectively, on or before February 25, 1979, March 11, 1979, and March 18, 1979 on the issues delineated in Paragraph 14 of this order and on related relevant issues of law and policy [7].

17. *It is further ordered,* Pursuant to § 1.419 of the FCC's rules and regulations, 47 CFR 1.419, That interested members of the public shall file an original and 5 copies of all statements, briefs or comments with the Federal Communications Commission, Washington, D.C. 20554, and that all such filings will be available for public inspection in the Docket Reference Room at the Commission's Washington, D.C. offices.

18. *It is further ordered,* Pursuant to Sections 4(i) and 4(j) of the Communications Act of 1934 as amended, 47 U.S.C. 4(i)-(j), That a Petition for Declaratory Ruling and Request for Expedited Investigation filed by Graphnet Systems, Inc. on November 1, 1978 is hereby granted to the extent indicated herein.

19. *It is further ordered,* Pursuant to Sections 4(j) and 403 of the Communications Act of 1934 as amended, 47 U.S.C. 4(j) and 403, That this proceeding is subject to further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,

WILLIAM J. TRICARICO,
Secretary.

ATTACHMENT

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., November 9, 1978.

Mr. JOEL YOHALEM, Esq.,
General Solicitor, Western Union Telegraph Company, Suite 1101, 1828 L Street, N.W., Washington, D.C.

DEAR SIR: This is in reply to your letter of September 15, 1978, describing Western Union's role in a proposed new offering with the United States Postal Service. Your letter states that a new service, denoted Electronic Computer Originated Mail (ECOM), using Western Union's switching and communicatons facilities, will be offered to the public solely by the Postal Service and not by Western Union, and that Western Union's offering of these facilities to the Postal Service is not a common carrier undertaking. Accordingly, you conclude that Western Union and the Postal Service can order their relationship by contract (and not filed tariff) and that Western Union may fulfill its regulatory obligations by filing a report pursuant to Section 43.54 of the FCC's Rules.

In addition to your letter, we have also received an October 16, 1978, letter from Western Union International, Inc., which expresses concern about possible erosion of Commission jurisdiction if it allows Western Union to participate in ECOM without filing a tariff, an October 23, 1978 letter from American Cable and Radio Corporation requesting the FCC to institute an inquiry into ECOM, and a November 1, 1978, petition for declaratory ruling from Graphnet Systems, Inc., raising questions about the scope of Commission jurisdiction over ECOM and Western Union's participation therein.

According to your letter, a user of ECOM will prepare its messages in electronic form and transmit them over wires to Western Union's facilities, which will check for proper format and sequentially order them by zip code. Western Union, employing its switching and communications facilities, will then transmit the messages to appropriate destination post offices as indicated by the zip coding. There, Western Union-provided printers will convert the messages to hard copy form for physical delivery by postal employees. In the preliminary phases, intended to last 15 months, during which the Postal Service will evaluate public acceptance of ECOM, Western Union will use its Infomaster system to route and switch messages to the appropriate post offices. According to your letter, customer-originated messages in electronic form will be received by Infomaster over the nationwide telephone network (WATS and MTS service). It is not clear whether or not Infomaster will also accept ECOM messages over its existing TWX, Telex and INFO-COM input mechanisms. If the Postal Service's evaluation indicates public acceptance, you propose to switch to domestic satellite facilities and "a dedicated network of intelligent, computer controlled small earth stations" both to accept the users' ECOM messages in electronic form and to distribute ECOM messages to appropriate post offices.

You characterize the offering of Western Union's facilities for the electronic portion of the ECOM service as one which runs solely to the Postal Service and not the general public, and conclude that providing such service to the Postal Service is not a common carrier offering requiring a tariff. Moreover, you propose to file no tariffs offering ECOM (or its electronic portion) to the public because, in your view, ECOM is to be marketed solely by the Postal Service and not Western Union. We have reviewed the representations made in your letter, and conclude for the reasons detailed below that Western Union must file a tariff which covers the provision of this service.

First, the Postal Service and the ECOM-using public will be using Western Union's Infomaster and communications facilities in a manner which is no different from their use by other users of these facilities, all of which other uses are currently regulated and governed by filed tariffs (*e.g.*, TWX, Telex, INFO-COM and MAILGRAM). Your sole argument in support of different treatment of use of these facilities by the Postal Service and the ECOM-using public is that only the Postal Service, and not Western Union, will be "holding out" ECOM to the using public. However, this argument appears to relate only to whether or not the Postal Service might be required to file a tariff with the Commission; it does not, of itself, justify Western Union's offering of its facilities in connection with ECOM on a non-carrier basis. In our view, Western Union's long standing and consistent tariffing of these facilities for other purposes clearly demonstrates the common carrier nature of their use in a similar manner for ECOM. In essence, the claim that one user (or group of users) of your facilities will be doing so with an objective different from existing users does not, of itself, justify calling provisions of service to the former a non-carrier activity.

Second, use of the Infomaster and communications facilities for ECOM will apparently be compensated at a rate different from those prevailing for Western Union's other tariffed services. Such discrimination may not be unjust or unlawful, but that is a regulatory determination which is to be made on the basis of tariffs, and cannot be avoided by calling the offering non-carrier, or claiming that it is provided on an agency or contractual basis.

Third, the ECOM service is substantially identical to Western Union's tariffed MAILGRAM offering in scope, service, operation and facilities. MAILGRAM is also an end-to-end communications offering in which messages are accepted in electronic form at Western Union's facilities, are transmitted electronically by Western Union to appropriate post offices, are printed out in hard copy form on Western Union-provided apparatus, and are delivered by postal employees. Western Union has tariffed the electronic communication segment of this end-to-end offering with the FCC in clear recognition that this is the type of interstate communications subject to the Communications Act of 1934. While you argue that ECOM and MAILGRAM differ inasmuch as the former will be the Postal Service's offering to the public and the latter is Western Union's, this difference does not alter the fact that the two services are virtually identical and make similar use of facilities provided by Western Union. The similarity of ECOM and MAILGRAM dictates consistent treatment by the Commission of Western Union's participation therein. Also, this similarity raises serious questions of discrimination between ECOM and MAILGRAM users of Western Union's facilities, since it appears that Western Union will be compensated at a lower rate for ECOM use than for MAILGRAM use. Here too, such discrimination may not be unjust or unlawful, but that is a regulatory determination which must be made by the Commission on the basis of the statutory scheme envisioned by Title II of the Communications Act.

Fourth, a more fundamental issue of potential cross-subsidization is raised by Western Union participating in ECOM as described in your letter. Without regulatory safeguards such as the cost studies required to support a new tariff filing under Section 61.38 of the Commission's rules, we are unable to determine to what extent, if any, the compensation which you will be receiving for use of your facilities for ECOM is adequate (covers relevant costs). Any shortfall might be required to be made up by users of your existing regulated services. Moreover, demand shifts by users of your existing services to ECOM may affect your revenues and your ability to cover your revenue requirements at existing rates. This too dictates that the normal regulatory safeguards of the Communications Act be observed in connection with Western Union's participation in ECOM.

Finally, you observe that the Commission has allowed Western Union to engage in certain undertakings on a non-carrier basis. This is true, but in each case the undertaking was not interstate communications by wire or radio used by the public (*e.g.* delivery of candy and flowers, communications totally in foreign countries, performance of professional accounting, legal or engineering services). The facilities which you will be providing in connection with ECOM are undeniably interstate communications by wire or radio, except in the unlikely event a particular communication originates and terminates in the same state (a situation which presumably can only occur in the case of wire communications).

Though Graphnet Systems, Inc. has filed a petition for declaratory ruling seeking a Commission decision concerning the scope of its jurisdiction over the entire ECOM service, we are not taking a position at this time on the broad set of issues raised by that petition; these will be addressed in the procedural setting of Graphnet's petition. We are addressing here solely your participation in ECOM without a tariff filed with the Commission. As noted above, the facilities and services which Western Union will be providing in connection with ECOM do not differ in any material respect to facilities and services which you are already providing to users of Western Union's existing tariffed services, and you have failed to justify different treatment of the Postal Service and the ECOM-using public from others. Your participation in ECOM raises significant potentials for discrimination against various users of Western Union's existing tariffed services, and this further dictates that a tariff be filed, properly supported pursuant to Section 61.38 of the FCC's rules. Moreover, we note that filing such a tariff would be consistent with and parallel to the existing electronic mail service (MAILGRAM) which is jointly furnished by Western Union and the Postal Service, and therefore represents no new departure in Commission policy.

I trust that this clears up any uncertainty about your proposed service offering.

Sincerely,

LARRY F. DARBY,
Acting Chief,
Common Carrier Bureau.

[FR Doc. 79-4373 Filed 2-7-79; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

AMERICAN EXPRESS CO.

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-164

WHEREAS, American Express Company, American Express Plaza, New York, New York 10004, has ceased to charter the passenger vessel ATLAS for voyages to and from United States ports;

WHEREAS, Certificate (Performance) No. P-164 issued to American Express Company has been returned for revocation,

It is ordered, That Certificate (Performance) No. P-164 covering the ATLAS be and is hereby revoked effective January 31, 1979.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificant.

By the Commission January 31, 1979.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-4284 Filed 2-7-79; 8:45 am]

[6730-01-M]

[Docket No. 79-6]

PUERTO RICO MARITIME SHIPPING AUTHORITY (PRMSA) AND TRAILER MARINE TRANSPORT CORP. (TMT) PROPOSED REDUCED RATES

Order of Investigation and Hearing

On December 22, 1978, December 28, 1978, and January 5, 1979, PRMSA filed revised pages to its Tariff FMC-F No. 7 with scheduled effective dates of January 25, January 28, and February 7, 1979. (See Appendix A). The pages would change the rate structure pertaining to various commodities moving in the Charleston, South Carolina/Puerto Rico trade, and result in a reduction in rates for this traffic. Currently, cargo moving through the Port of Charleston, South Carolina, moves at the same level of rates applicable to Baltimore, Maryland, and New York, New York. The proposed changes will extend the lower rates and provisions currently applicable to Jacksonville and/or Miami, Florida, to Charleston, South Carolina. PRMSA's operation will utilize one ship on a triangular run which will sail from Charleston each Thursday, call at Jacksonville on Friday and arrive in San Juan, on Monday, with a transit time of less

[6] Western Union's § 61.38 information may raise questions of fact, and we will be in a better position to assess whether there are material questions of fact warranting further proceedings after comments are filed. We will entertain requests for additional proceedings if it is demonstrated that they are required to resolve the issues herein.

[7] It should be noted that several of the listed issues concern matters already decided in the Bureau's delegated authority letter. As no timely applications for review or petitions for reconsideration were filed, that letter is controlling. However, in view of these matters' relationship to the issues which we are addressing in this proceeding, we do not wish to unduly limit the scope of comprehensive comments and proposals which may be forthcoming. Moreover, in view of the importance of the matters to be addressed in this proceeding, we are declining to grant at this time Graphnet's request for stay and declaratory ruling, except to the extent that the Bureau's letter has made this request moot.

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than three days. This will provide a weekly sailing from Charleston, and, coupled with PRMSA's second vessel already in this trade, will provide a weekly sailing for Miami and a twice a week service for Jacksonville.

Trailer Marine Transport Corporation (TMT) protested the changes proposed by PRMSA, requesting rejection, or, in the alternative, suspension and investigation. The protest of TMT relies in large measure on *Rates from Jacksonville, Florida to Puerto Rico*, 10 FMC 376 (1967). There the Commission concluded that there was no competitive necessity for eliminating TMT's differential since rate parity would probably drive TMT out of the trade. Also, it was ruled that Sea-Land had not justified its proposed differentially lower rates between Jacksonville and Puerto Rico as compared with its rates between other Atlantic ports and Puerto Rico. TMT contends the Commission's interpretation of applicable law and conclusions reached in that case apply in the proposed PRMSA rate modifications here. TMT goes on to argue that there is no justification for the rates in terms of cost of operation, value of service or other transportation conditions. Thus, it concludes that the rates of PRMSA should be found in violation of sections 14, Second, 16, First, and 18(a) of the Shipping Act, 1916.

TMT's allegations regarding the need for a rate differential must be considered in the light of current conditions in the trade. *Rates from Jacksonville*, upon which TMT relies, is over ten years old. Changes in TMT's operations during the intervening ten years may have reduced or eliminated the necessity for a differential. TMT has continued to upgrade its service. It has recently added two new triple deck barges, each having a capacity of 374 40-foot trailers, bringing its fleet capacity to 1,648 trailer spaces. Moreover, TMT has increased its frequency of sailings. It operates two barges directly between Jacksonville and San Juan, with a sailing every five days and a transit time of four days, ten hours. Two additional barges also operate on a triangular run from Jacksonville to Miami to San Juan, with a sailing every seven days and a transit time of five days, seven hours. The tugs used in this operation average ten knots. This has enabled TMT to compete successfully with PRMSA at rate parity at the ports of Jacksonville and Miami. Accordingly, we believe an investigation is appropriate in order to determine if the rationale of *Rates from Jacksonville* is still valid in light of changed circumstances.

Despite TMT's allegation that PRMSA is operating a fighting ship in violation of section 14, Second, we will limit the investigation and hearing to alleged violations of sections 18(a) and 16, First, Shipping Act, 1916. Instead of serving Charleston with a container vessel as it has in the past, PRMSA intends to utilize the same Ro-Ro vessel which currently serves Jacksonville. The mere substitution of vessels at the Port of Charleston does not amount to operation of a fighting ship. The Commission has recognized the distinction between operating a fighting ship on the one hand, and cutting rates for cargo carried on the other. Only the former violates section 14, Second, Shipping Act, 1916. See *Grace Line, Inc. vs. Skips A/S Viking Line et al.*, 7 FMC 432, 450 (1962) and *Rates on U.S. Government Cargoes*, 11 FMC 263, 284 (1967).

On January 5, 1979, TMT filed First Revised Page 98 and Second Revised Page 136 to its Tariff FMC-F No. 5 with scheduled effective dates of February 5, 1979. The pages proposed to reduce trailerload rates on Bakery goods and Furniture, N.O.S. approximately 13 percent and subjects the changes to an expiration date of June 30, 1979. On January 18, 1979, PRMSA filed 2nd Revised Page 238 and 2nd Revised Page 331 to its Tariff FMC-F No. 7 with scheduled effective dates of February 18, 1979. These pages, like TMT's, proposed to reduce trailerload rates approximately thirteen percent on bakery goods and furniture, N.O.S. Unlike TMT's changes they are not subject to an expiration date.

PRMSA has filed a protest against changes of TMT and TMT has filed an offsetting protest against the tariff changes of PRMSA. Both TMT and PRMSA are competing for cargo which apparently originates in the areas of North Carolina, South Carolina and Kentucky. TMT believes that it is entitled to a differential in rates between Charleston, South Carolina and Jacksonville, Florida. PRMSA believes that it should be entitled to compete for a share of the cargo by establishing rate parity with TMT. Thus these commodity rate reductions also raise questions regarding the application of *Rates from Jacksonville*. Accordingly, we believe that they should be included in the investigation and hearing.

The question of whether or not PRMSA has reduced its Charleston rates to noncompensatory level should also be considered in the investigation and hearing. PRMSA was not required to submit financial justification for the changes pursuant to General Order 11 because it certified that the changes would not increase or decrease its domestic offshore gross revenue by 3 percent or more in the trade. Thus, there are no figures to confirm or refute TMT's allegation.

We recognize that PRMSA's Ro/Ro service to Charleston is a new service and therefore there is no experience with these vessels upon which a cost analysis could be based. Nevertheless, PRMSA has served Charleston with containerships for some time. Therefore, it does have experience with the traffic which moves through the port. In addition, it has experience operating Ro/Ro vessels. We believe that these factors may permit the development of meaningful cost analyses despite the lack of Ro/Ro experience in Charleston.

Now, therefore, it is ordered, That, pursuant to the authority of sections 18(a) 16, First, and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933 (46 U.S.C. §§ 815, 817, 821, 845, 845a), an expedited investigation is hereby instituted into the lawfulness of the tariff matters contained on Second Revised Page 136 of Trailer Marine Transport Corporation Tariff FMC-F No. 5 and Second Revised Page 238 and Second Revised Page 331 of Puerto Rico Maritime Shipping Authority FMC-F No. 7 and the tariff matter listed in Appendix A for the purpose of making such findings as the facts and circumstances warrant;

It is further ordered, That Puerto Rico Maritime Shipping Authority and Trailer Marine Transport Corporation be named Respondents in this proceeding;

It is further ordered, That the deadlines imposed by Public Law 95-475 will be observed;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge.

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That the parties submit to the Administrative Law Judge, at a prehearing conference, recommendations identifying all unresolved issues and specifying the type of procedure best suited to resolve them. After consideration of these recommendations, the Administrative Law Judge will issue an appropriate order limiting the issues and establishing the procedure for their resolution;

It is further ordered, That during the pendency of this investigation, PRMSA and TMT will serve the Administrative Law Judge and all parties of record with notice of any tariff changes affecting the material under investigation at the same time such changes are filed with the Commission;

It is further ordered, That (1) a copy of this Order be forthwith served upon the Respondents and upon the Commission's Bureau of Hearing Counsel and published in the FEDERAL REGISTER, and (2) the Respondents and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should promptly file petitions for leave to intervene in accordance with Rule 72 of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX A.—*Puerto Rico Maritime Shipping Authority*

Revised page	Item No.	Effective date	Commodity
1 R/P 331	6350	January 25, 1979.	Furniture, N.O.S.
1 R/P 136	Rule 280	January 28, 1979.	Insurance Provisions.
1 R/P 238	2600	January 28, 1979.	Bakery Goods.
1 R/P 254	3530	January 28, 1979.	Buildings or Houses.
1 R/P 267	3980	January 28, 1979.	Carpets or Carpeting.
1 R/P 328	6300	January 28, 1979.	Freight All Kinds.
1 R/P 329	6300	January 28, 1979.	Freight All Kinds.
1 R/P 347	7170	January 28, 1979.	Household Appliances.
1 R/P 487	14360	January 28, 1979.	Tires or Tubes.
1 R/P 542	16490	January 28, 1979.	Aluminum Cable or Wire.
1 R/P 604	18270	January 28, 1979.	Pocket Books or Purses.
1 R/P 609	18450	January 28, 1979.	Scrap Metal.
1 R/P 228	2300	February 7, 1979.	Aluminum Shapes.
1 R/P 288	4850	February 7, 1979.	Cooling Boxes, Freezers or Refrigerators.
1 R/P 290	5065	February 7, 1979.	Cranes, Electric.
1 R/P 330	6340	February 7, 1979.	Furniture, office.
1 R/P 334	6520	February 7, 1979.	Glass, Plate, prism, decorated or cut.
1 R/P 379	8620	February 7, 1979.	Machinery or Machines or Equipment: Air Conditioning, Cooling, Filtering, Heating, Humidifying, Dehumidifying or Washing.
1 R/P 381	8674	February 7, 1979.	Machinery or Machines or Equipment: Construction, moving on own wheels or tracklaying.
1 R/P 426	11130	February 7, 1979.	Pipe or Tubing: Plastic and Fittings.
2 R/P 436	11262	February 7, 1979.	Plastic Materials: Sleeves, pirn.
1 R/P 466	13030	February 7, 1979.	Snack Items.
1 R/P 484	14165	February 7, 1979.	Thinner, lacquer.
1 R/P 491	14540	February 7, 1979.	Trailers, Empty, boxed or unboxed.

[FR Doc. 79-4285 Filed 2-7-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

[Docket No. R-0200]

PRIVACY ACT OF 1974

Proposed New System of Records

Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. § 552a), the Board of Governors of the Federal Reserve System hereby gives notice of a new system of records that it proposes to maintain. The Board filed a new system report with the Office of Management and Budget, the Speaker of the House, and the President of the Senate on January 29, 1979.

Public comments are invited on this notice on or before March 9, 1979, addressed to the Secretary of the Board, Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, NW., Washington, D.C. 20551. All material submitted should be in writing and should contain the docket number R-0200. All written documents will be made available for public inspection during the regular hours of the Office of the Secretary at the above address.

Dated: February 2, 1979.

By order of the Board of Governors.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

BGFRB-18

System name

FRB-Changes in Bank Control Records.

System location

Board of Governors of the Federal Reserve System, 20th and Constitution, NW., Washington, D.C. 20551.

Categories of individuals covered by the system

Individuals who acquire or propose to acquire control of a bank holding company or insured bank.

Categories of records in the system

Contains the name of the individual purchaser of shares of stock, details of the transaction, personal financial and biographical statements, and information regarding the individual's business associations. Identifying information includes name and address and may include date of birth and social security number.

Authority for maintenance of the system

Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses

The name of the affected bank or bank holding company, the seller and purchaser, the number of shares involved, and other material details of the transaction may be distributed for publication and incorporated in public orders and notices issued by the Board in the discharge of its statutory responsibilities. As required by law, certain of the records will be made available to Federal and State banking authorities and the Board will seek to insure that the receipt of information by those authorities is subject to appropriate safeguards. In the event that the system of records indicates a violation or potential violation of law, the relevant records in the system of records may be referred to the appropriate Federal or State agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the relevant statute, rule, regulation or order. In the event of civil, criminal, or administrative law enforcement proceedings, the relevant records may be disclosed to the appropriate court or counsel for purposes of discovery and the development of the proceedings.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage

Paper records.

Retrievability

Indexed by name.

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Safeguards

Locked in Diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal

Indefinite.

System manager(s) and address

Secretary of the Board, Board of Governors of the Federal Reserve System, 20th and Constitution, NW., Washington, D.C. 20551.

Notification procedure

Inquiries should be addressed to the System Manager, address above. Inquirers may be required to include notarized statement attesting to identity.

Record access procedures

Same as Notification above.

Contesting record procedures

Same as Notification above.

Record source categories

Principally generated by the individuals to whom the records pertain, supplemented by information from financial institutions and Federal and State banking authorities.

Systems exempted from certain provisions of the act

None.

[FR Doc. 79-4152 Filed 2-7-79; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 1, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before February 26, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

CIVIL AERONAUTICS BOARD

The CAB requests clearance of a new Form 277, Budget Proposal/Reimbursement Claim Form, which relates to Part 304 of the Board's Procedural regulations, "Compensation of Participants in Board Proceedings." The clearance is requested because the form will be required for use in claims for reimbursement for participation in Board proceedings under the Department of Transportation and Related Agencies Appropriations Act, 1979, Pub. L. 95-335, 92 Stat. 435, August 4, 1978. Form 277 may be used voluntarily for a Budget Proposal, but it is mandatory that the form be submitted as a Reimbursement Claim Form. The CAB estimates that respondents will number approximately 25 and that reporting time will average one hour per request.

The CAB in a notice attached to the instruction book entitled "Applying for Compensation for Participation in CAB Proceedings," states that the use of Form 277 for reimbursement claims will be required for claims submitted after March 21, 1979. CAB's notice also implies that optional use of the form for filing a budget proposal can begin immediately. Although the notice specified that claims for reimbursement must be filed on Form 277 after March 21, 1979, and indicated respondents can use the form beginning January 1979 for budget proposals, these effective dates are contingent upon CAB's compliance with 44 U.S.C. 3512 which precludes the collection of information from ten or more persons until the Comptroller General has had the opportunity to advise that the information is not presently available from other Federal sources and that the proposed form is consistent with the provisions of section 3512. This notice represents the beginning of our review.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 79-4304 Filed 2-7-79; 8:45 am]

[6820-38-M]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 78; Formal Case No. 708]

DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION AND WASHINGTON GAS LIGHT CO.

Proposed Intervention in A Gas Utility Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the District of Columbia Public Service Commission involving an investigation of the purchased gas adjustment (PGA) clause employed by Washington Gas Light Company. The Administrator of General Services represents the interests of the executive agencies of the United States Government as users of utility services.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, N.W., Washington, DC 20405, telephone (202) 566-0726, within thirty (30) days of the publication of this notice in the FEDERAL REGISTER, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: January 23, 1979.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 79-4269 Filed 2-7-79; 8:45 am]

[4110-02-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Closing Dates for Receipt of (1) Applications for Determining an Expected Family Contribution, and (2) Student Eligibility Reports

The United States Commissioner of Education gives notice of the following cutoff dates for the receipt of applications for determining expected family contributions (student eligibility indexes) and for submitting Student Eligibility Reports (SER's) under the Basic Educational Opportunity Grant Program. The calculation of an expected family contribution is a prequisite to receiving a Basic Grant award.

Authority for this program is contained in section 411 of the Higher Education Act of 1965, as amended.

(20 U.S.C 1070a)

The Basic Grant Program's purpose is to assist students in the continuation of their training and education at the postsecondary level by providing a "foundation" or "floor" of financial aid to help defray educational costs. In order to insure that applications are received by the deadline, students are encouraged to submit the materials discussed in this notice as early as possible.

I. APPLICATION CLOSING DATE

(1) To receive a Basic Grant for the award period ending June 30, 1979, an application for determining an expected family contribution for the 1978-79 award period must be submitted to BEOG, P.O. Box A, Iowa City, Iowa 52240 on or before March 15, 1979. An application will be considered submitted on time if it is postmarked by March 15, 1979 and received at BEOG, P.O. Box A, Iowa City, Iowa 52240 no later than March 25, 1979.

(2) Applications for determining an expected family contribution for the 1978-79 award period submitted to satellite processors through the Multiple Data Entry System must be postmarked on or before March 15, 1979 and received no later than March 25, 1979 at the appropriate satellite processor. The following are the addresses for those processors: College Scholarship Service, P.O. Box 2700, Princeton, New Jersey 08540; College Scholarship Service, Box 380, Berkeley, California 94701; American College Testing Program Student Assistance Programs, 2201 North Dodge Street, P.O. Box 1000, Iowa City, Iowa 52240; and The Pennsylvania Higher Education Assistance Agency, PHEAA/BEOG Application, P.O. Box 3157, Harrisburg, Pennsylvania 17105.

Corrected Application Closing Date: Applicants whose applications are submitted on a timely basis but are returned to the applicant because of imcomplete or inconsistent information must submit the corrected applications to BEOG, P.O. Box C, Iowa City, Iowa 52240 on or before May 5, 1979, in order to be processed. A corrected application will be considered submitted on time if it is postmarked by May 5, 1979 and received at BEOG, P.O. Box C, Iowa City, Iowa 52240 no later than May 15, 1979.

Applicant Recomputation Request: (1) An applicant may request a recomputation of his or her expected family contribution (student eligibility index) because of extraordinary circumstances affecting the expected family contribution determination under the conditions stated in the Basic Grant Program Regulations (45 CFR 190.39 and 190.48).

A recomputation request involving an adjustment to assets for loss or damage resulting from a National disaster as declared by the President will be made when a National Disaster Area Asset Adjustment sheet along with a valid SER is submitted to BEOG, P.O. Box X, Iowa City, Iowa 52240. *This request must be submitted by the deadline applicable to corrected applications.*

All other requests for recomputation under Sections 190.39 and 190.48 will be made when the Supplemental Form for the 1978-79 award period is submitted together with a new regular application to BEOG, P.O. Box S, Iowa City, Iowa 52240. In order to be processed, *this application (the Supplemental Form with the accompanying regular application) must be submitted to BEOG, P.O. Box S, Iowa City, Iowa 52240 on or before March 15, 1979.* An application and Supplemental Form will be considered submitted on time if they are postmarked by March 15, 1979 and received at BEOG, P.O. Box S, Iowa City, Iowa 52240 no later than March 25, 1979.

(2) Applicants may request a recomputation of their expected family contribution (student eligibility index) because of clerical or arithmetic error as stated in the Basic Grant Program Regulations (45 CFR 190.15). In order to be processed, this request must be submitted to BEOG, P.O. Box C, Iowa City, Iowa 52240 on or before May 5, 1979. A request for recomputation of expected family contribution because of clerical or arithmetic error will be considered submitted on time if it is postmarked by May, 5, 1979 and received at BEOG, P.O. Box C, Iowa City, Iowa 52240 no later than May 15, 1979.

II. SUBMISSION OF STUDENT ELIGIBILITY REPORTS (SER'S) FOR 1978-79

(1) *Regular Disbursement System:* To receive payment for attendance at an institution of higher education during the 1978-79 award period, a student must submit a valid SER to that institution while enrolled and eligible for payment at that institution. This can occur no later than May 31, 1979, or the end of the student's academic year, whichever comes first. However, if the student enrolls for the first time during the award period on or after May 1, 1979, the SER must be submitted to the institution while the student is enrolled and eligible for payment no later than June 30, 1979 (45 CFR 190.76).

(2) *Alternate Disbursement System:* Applicants attending institutions that participate in the Basic Grant Program through the Alternate Disbursement System must submit to the institution a valid SER while enrolled and eligible for payment at that institution no later than May 31, 1979, or the end of the student's academic year, whichever comes first. However, if the student enrolls for the first time during the award period on or after May 1, 1979, the SER must be submitted to the institution while the student is enrolled and eligible for payment no later than June 30, 1979.

The student must then submit the valid SER and OE Form 304 to BEOG, P.O. Box K, Iowa City, Iowa 52240, on or before June 10, 1979, if the student's program of study began before May 1, 1979. The forms will be considered submitted on time if they are postmarked by June 10, 1979 and received at BEOG, P.O. Box K, Iowa City, Iowa 52240 no later than June 20, 1979.

If the student's program of study began on or after May 1, 1979, these forms must be submitted to BEOG, P.O. Box K, Iowa City, Iowa 52240 on or before July 10, 1979. The forms will be considered submitted on time if they are postmarked by July 10, 1979 and received at BEOG, P.O. Box K, Iowa City, Iowa 52240 no later than July 20, 1979.

Additional request(s) for payment and/or corrected OE Form 304-1 Student Reports must be submitted on or before July 31, 1979. The forms will be considered submitted on time if they are postmarked on or before July 31, 1979 and received at BEOG, P.O. Box K, Iowa City, Iowa 52240 no later than August 10, 1979.

(3) *Duplicate SER Requests:* A duplicate SER may be requested by a student by writing to BEOG, P.O. Box T, Iowa City, Iowa 52240. The processing time for duplicate requests is generally three to four weeks. A request for a duplicate copy of the SER for the award period 1978-79 will be considered submitted on time if it is postmarked by June 5, 1979 and received at BEOG, P.O. Box T, Iowa City, Iowa 52240 no later than June 15, 1979.

III. VALIDATION OF SER'S

(1) *Regular Disbursement System:* A student whose application is being validated and who leaves school because of graduation, withdrawal or completion of an academic term (quarter, semester or trimester), is eligible for payment if he or she submits a corrected, reprocessed valid SER to the institution within 90 days after the end of the academic term in which he or she was last enrolled.

If an institution does not have traditional academic terms, the student must submit a corrected and reprocessed valid SER to the institution within 90 days after his or her last day of enrollment, or by September 30, 1979, whichever comes first.

(2) *Alternate Disbursement System:* A student whose application is being validated and who leaves school because of graduation, withdrawal or

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completion of an academic term (quarter, semester or trimester) is eligible for payment if he or she submits a corrected, reprocessed valid SER and OE Form 304-1 Student Report to BEOG, P.O. Box K, Iowa City, Iowa 52240 within 90 days after the end of the academic term in which he or she was last enrolled, or by September 30, 1979, whichever comes first.

If the student's institution does not have traditional academic terms, the student must submit a corrected and reprocessed valid SER and OE Form 304-1 Student Report to BEOG, P.O. Box K, Iowa City, Iowa 52240 within 90 days after his or her last day or enrollment, or by September 30, 1979, whichever comes first.

A student who submits a corrected SER after these deadlines is not eligible for a Basic Grant payment.

Application Forms: Application forms and information brochures are available and may be obtained from college financial aid officers, high school counselors, or Educational Opportunity Center counselors, or by writing to BEOG, P.O. Box 84, Washington, D.C. 20044.

Appplicable Regulations: The regulations applicable to this program are:

Basic Educational Opportunity Grant Regulations (45 CFR Part 190).

Further Information: For further information, contact Ms. Diane Sedicum, Acting Chief, Basic Grant Branch, Division of Policy and Program Development, Bureau of Student Financial Assistance, U.S. Office of Education, (Room 4100 Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(20 U.S.C. 1070a)

(Catalog of Federal Domestic Assistance No. 13.539 Basic Educational Opportunity Grant Program.)

Dated: February 2, 1979.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 79-4369 Filed 2-7-79; 8:45 am]

[4110-89-M]

Office of the Secretary

FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Extension of Closing Date for Receipt of Applications for New Awards for Fiscal Year 1979

The February 14, 1979, closing date for transmittal of applications under two targeted competitions conducted under the Comprehensive Program of the Fund for the Improvement of Postsecondary Education is extended. These competitions are entitled "Adapting Improvements: Better Strategies for Educating Adults" and "Examining the Varieties of Liberal Education." *The new closing date is May 21, 1979.*

Authority for this program is contained in section 404 of the General Education Provisions Act (20 U.S.C. 1221d).

This program issues awards to institutions of postsecondary education and other public and private educational institutions and agencies.

The purpose of the awards is to improve postsecondary education.

Applications must be mailed or hand delivered by May 21, 1979.

Applications Delivered by Mail: An application sent by mail must be addressed to either "Adapting Improvements" or "Liberal Education", both at the Fund for the Improvement of Postsecondary Education, Office of the Assistant Secretary for Education, DHEW, Attention: 13.925, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202. Proof of mailing must consist of a legible U.S. Postal Service dated postmark or a legible mail receipt stamped with the date of mailing by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a ligible date stamped by the U.S. Postal Service.

(NOTE.—The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.) Applicants are encouraged to use registered or at least first class mail.

Each late applicant will be notified that its proposal will not be considered in the current competition.

Applications Delivered by Hand: An application that is hand delivered must be taken to the Fund for the Improvement of Postsecondary Education, Office of the Assistant Secretary for Education, DHEW, Attention: 13.925, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C.

The Office of the Assistant Secretary will accept hand delivered applications between 8:00 a.m. and 4:00 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays and Federal holidays.

Applications that are hand delivered will not be accepted after 4:00 p.m. on the closing date.

Program Information: These competitions solicit proposals for projects that will further one or more of the objectives of the Fund for the Improvement of Postsecondary Education. The objectives of the Fund are contained in 45 CFR 1501.8. The preapplication and application steps will be combined for these two competitions. A single application is thus required, but procedures applicable at both steps will apply in these competitions. Applications will be evaluated in accordance with the criteria contained in 45 CFR 1501.7. The Fund's objectives, evaluation criteria, and application procedures for these competitions are described in two publications: (1) "Program Information and Application Procedures for Adapting Improvements: Better Strategies for Educating Adults," and (2) "Program Information and Application Procedures for Examining the Varieties of Liberal Education." These documents may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202.

Available Funds: Approximately $1,000,000 is expected to be available for new grant awards in FY 79 for these two competitions.

It is estimated that these funds could support approximately 30 new grants. Of these, approximately 15 new grants would be funded in each program.

Under the competition entitled "Adapting Improvements: Better Strategies for Educating Adults," the anticipated award for new grants will be between $5,000 and $80,000 for a twelve-month period. Applicants may request approval of a multi-year work plan of up to three years in duration.

Under the competition entitled "Examining the Varieties of Liberal Education," the anticipated award for new grants will be between $20,000 and $30,000 for a seventeen month period: in addition, a resource agency will be funded at approximately $70,000-$90,000 for each of two years.

These estimates do not bind the Assistant Secretary for Education except as may be required by applicable statute and regulations.

Application Forms: Application forms and program information packages are available and may be obtained by writing to the Fund for the Improvement of Postsecondary Education, Office of the Assistant Secretary for Education, DHEW, Attention: 13.925, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

Applicable Regulations: The regulations governing awards made by the Fund for the Improvement of Postsecondary Education are contained in 45 CFR Part 1501. Awards are also subject to the provisions contained in 45 CFR Parts 100 and 100a, except that awards are not subject to the provisions of 45 CFR 100a. 26(b) relating to criteria for awards.

Further Information: For further information contact the Fund for the Improvement of Postsecondary Education, Office of the Assistant Secretary for Education, DHEW, Attention: 13.925, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202. Telephone: (202) 245-8091.

(20 U.S.C. 1221d)

Dated: January 29, 1979.

MARY F. BERRY,
Assistant Secretary for Education.

(Catalog of Federal Domestic Assistance No. 13.925, Fund for the Improvement of Postsecondary Education)

[FR Doc 79-4368 Filed 2-7-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-79-912]

PUBLIC HOUSING MANAGERS

Certification

Application for Accreditation as Approved Certifying Organizations

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Notice is given announcing that HUD is ready to receive and process applications for accreditation of organizations to act as Approved Certifying Organizations under the Public Housing Managers Certification Program.

DATE FOR SUBMISSION: An application may be submitted immediately upon publication of this Notice, or at any time thereafter until further notice to the contrary.

ADDRESS FOR SUBMISSION: Address application to: Chairman, Public Housing Managers Certification Review Committee, Office of Housing, Room 6246, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Wayne Hunter, Office of Public Housing, at the address listed above, 202-755-6460. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Requirements pertaining to the Public Housing Managers Certification Program, including eligibility standards and accreditation criteria pertaining to Approved Certifying Organizations, are set forth in Part 867 of Title 24 of the Code of Federal Regulations. Note that the original formulation of Part 867, as issued on September 29, 1976, was recently changed in some important respects by amendments published in Volume 43, No. 210 of the FEDERAL REGISTER (page 50426) on October 30, 1978. Three copies of the application shall be submitted. The application shall include information sufficient to permit HUD to decide whether the applicant meets the prescribed standards. After review of an application, HUD will inform the applicant of its decision.

Issued at Washington, D.C., February 1, 1979.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 79-4281 Filed 2-7-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-16164]

ALASKA NATIVE CLAIMS SELECTION

This decision rejects various Native and State selections surrounding Womens Bay near Kodiak, Alaska, and approves lands for conveyance to Koniag, Inc., Regional Native Corporation.

I. VILLAGE SELECTION APPLICATION REJECTED IN ENTIRETY VILLAGE SELECTION APPLICATIONS REJECTED IN PART

The below-listed village selection applications were filed pursuant to Sec. 12(a) and (b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (supp. V, 1975)) for the surface estate of certain lands withdrawn by Executive Order 8278, as amended, in the Womens Bay area of Kodiak Island:

Application No.	Date	Village corporation
AA-6688-A, Sec. 12(a)	Sept. 24, 1974, as amended Dec. 13, 1974.	Ouzinkie Native Corporation.
AA-8448-B, Sec. 12(a)	October 17, 1974, as amended Dec. 13, 1974.	Leisnoi, Inc.
AA-8448-F3, Sec. 12(b)	Dec. 17, 1975	Leisnoi, Inc.
AA-8448-K3, Sec. 12(b)	Dec. 17, 1975	Leisnoi, Inc.
AA-8448-L3, Sec. 12(b)	Dec. 17, 1975	Leisnoi, Inc.
AA-8448-M3, Sec. 12(b)	Dec. 17, 1975	Leisnoi, Inc.
AA-8459—A Sec. 12(a)	Oct. 7, 1974, as amended Dec. 13, 1974.	Bells Flats Natives, Inc.

Section 12 provides that each village corporation shall select the acreage allocated to it from lands withdrawn by Sec. 11(a) which provides that lands withdrawn or reserved for national defense purposes are excluded from withdrawal under this section.

Executive Order 8278, dated October 28, 1939, as amended, withdrew lands surrounding Womens Bay for military purposes. On December 1, 1975, PLO 5550 transferred jurisdiction of the lands from the Department of the Navy to the U.S. Coast Guard for defense purposes. On December 17, 1975, PLO 5566 partially revoked PLO 5550 and withdrew lands for Native selection. On December 14, 1977, PLO 5627 transferred jurisdiction to the Bureau of Land Management of a portion of the lands in the Womens Bay area that were withdrawn by PLO 5550 and withdrew it for conveyance to Koniag, Inc., Regional Native Corporation.

Those lands withdrawn by PLO 5550 and PLO 5627 are not available for Native selection pursuant to Sec. 12. The statutory deadline for filing selections pursuant to Sec. 12(a) was December 18, 1974 and Sec. 12(b) was December 18, 1975. The lands currently withdrawn by PLO 5566 were withdrawn for defense purposes (PLO 5550) until December 17, 1975 and therefore were only available for selection pursuant to Sec. 12(b).

Accordingly, village selections AA-6688-A, AA-8448-B, AA-8448-F3, AA-8448-K3, AA-8448-L3, AA-8448-M3 and AA-8459-A are hereby rejected as to the following described lands:

VILLAGE SELECTION AA-6688-A

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

That portion of U.S. Survey 2539 more particularly described as (protracted):

T. 28 S., R. 20 W.
- Sec. 19, that portion formerly within PLO 5550;
- Sec. 20, all;
- Sec. 29 (fractional), that portion within and formerly within PLO 5550;
- Sec. 30, that portion within and formerly within PLO 5550;
- Sec. 31, that portion within PLO 5627 and PLO 5550;
- Sec. 32 (fractional), that portion within PLO 5627 and PLO 5550.

Containing approximately 1,935 acres.

VILLAGE SELECTION AA-8448-B

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

That portion of U.S. Survey 2539, more particularly described as (protracted):

T. 28 S., R. 20 W.
- Secs. 2, 10, 11 and 16, all;
- Secs. 21 and 22 (fractional), all;
- Sec. 23, that portion on Azimka Island, excluding U.S. Survey 444H;
- Secs. 24 and 25 (fractional), all;

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Sec. 26 (fractional), exculuding U.S. Survey 4441;
Sec. 27 (fractional), that portion south and east of Womens Bay and Blodgett Island;
Sec. 28 (fractional), all.
Sec. 29 (fractional), that portion within and formerly within PLO 5550;
Sec. 30, that portion within and formerly within PLO 5550;
Sec. 31, that portion within PLO 5627 and PLO 5550;
Sec. 32 (fractional), that portion within PLO 5627 and PLO 5550;
Sec. 33 (fractional), all;
Secs. 34 and 35 (fractional), that portion within PLO 5550.
T. 29 S., R. 20 W.
Secs. 5 and 6 (fractional), that portion within PLO 5627.
29 S., R. 21 W.
Sec. 1, that portion within PLO 5627.
Aggregating approximately 3,562 acres.

VILLAGE SELECTION AA-8448-K3

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

That portion of U.S. Survey 2539 more particularly described as (protracted):
T. 28 S., 20 W.
Sec. 21 (fractional), that portion within PLO 5627 and PLO 5550;
Secs. 28 and 29 (fractional), that portion within PLO 5627.
Containing approximately 120 acres.

VILLAGE SELECTION AA-8443-M3

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

That portion of U.S. Survey 2539 more particularly described as (protracted):
T. 28 S., R. 20 W.
Sec. 25 (fractional), all;
Sec. 26 (fractional), excluding Zaimka Island and U.S. Survey 4441;
Sec. 27 (fractional), that portion south and east of Womens Bay and Blodgett Island.
Containing approximately 488 acres.

VILLAGE SELECTION AA-8459-A

SEWARD, MERIDIAN, ALASKA (UNSURVEYED)

That portion of U.S. Survey 2539 more particularly described as (protracted):
T. 28 S., R. 20 W.
Sec. 23, that portion on Zaimka Island, including U.S. Survey 444H;
Sec. 25 (fractional), all;
Sec. 26 (fractional), including U.S. Survey 4441;
Sec. 27 (fractional), that portion south and east of Womens Bay;
Sec. 29 (fractional), that portion within and formerly within PLO 5550;
Sec. 30, that portion within and formerly within PLO 5550;
Sec. 31, that portion within PLO 5627 and PLO 5550;
Sec. 32 (fractional), that portion within PLO 5627 and PLO 5550;
Sec. 33 (fractional), all;
Secs. 34 and 35 (fractional), that portion within PLO 5550.
T. 29 S., R. 20 W.
Secs. 5 and 6 (fractional), that portion within PLO 5627.
T. 29 S., R. 21 W.
Sec. 1, that portion within PLO 5627.
Aggregating approximately 2,291 acres.

AA-8448-F3

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

That portion of U.S. Survey 2539 more particularly described as (protracted):
T. 28 S., R. 20 W.
Sec. 24, that portion of Zaimka Island and excluding U.S. Survey 444H;
Sec. 24 (fractional), that portion within PLO 5550;
Sec. 26, that portion on Zaimka Island.
Containing approximately 32 acres.

AA-8448-L3

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

That portion of U.S. Survey 2539 more particularly described as (protracted):
T. 28 S., R. 20 W.
Sec. 33 (fractional), excluding Nome Island;
Secs. 34 and 35 (fractional), that portion within PLO 5550.
Containing approximately 955 acres.

When this decision becomes final, selection application AA-8448-M3 will be closed of record. The lands remaining within the other selection applications will be processed at a later date.

II. 14(H)(3) SELECTION APPLICATION REJECTED IN ENTIRETY

On December 16, 1975, Natives of Kodiak, Inc. filed selection application AA-9106-E pursuant to Sec. 14(h)(3) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613 (Supp. V, 1975)) for the surface estate of certain lands in the Womens Bay area of Kodiak Island.

Executive Order 8278, as amended, withdrew all of the selected lands on October 28, 1939 for military purposes and it was still withdrawn for military purposes on December 31, 1976, the last date for filing Sec. 14(h)(3) selections.

Section 14(h) of the Act authorizes the Secretary of the Interior to withdraw unreserved and unappropriated public lands for conveyance to Natives residing in Kodiak. Therefore, since the lands were withdrawn for military purposes and were not withdrawn for selection by the Natives of Kodiak, AA-9106-E is rejected in its entirety.

14(H)(3) SELECTION AA-9106-E

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

That portion of U.S. Survey 2539 more particularly described as (protracted):
T. 28 S., R. 20 W.
Sec. 26 (fractional), excluding U.S. Survey 444I and Zaimka Island;
Sec. 27 (fractional), that portion within Blodgett Island.
Containing approximately 323 acres.

When this decision becomes final, selection application AA-9106-E will be closed of record.

III. 14(H)(2) SELECTION APPLICATION REJECTED IN PART

On July 22, 1975, Bells Flats Native Group filed selection application AA-9592 pursuant to Sec. 14(h)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613 (Supp. V, 1975)) for the surface estate of certain lands in the Womens Bay area of Kodiak Island.

Executive Order 8278, as amended, withdrew the lands which are the subject of this decision on October 28, 1939 for military purposes. The land was still withdrawn for military purposes until December 14, 1977, when PLO 5627 withdrew the lands pursuant to Sec. 14(h)(8) for selection by Koniag, Inc., Regional Native Corporation, who properly selected it on December 16, 1977.

Section 14(h) of the Act authorizes the Secretary of the Interior to withdraw unreserved and unappropriated public lands for conveyance to Native groups. Accordingly, Sec. 14(h)(2) selection application AA-9592 is hereby rejected as to the lands described below:

14(H)(2) SELECTION AA-9592

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

That portion of U.S. Survey 2539 more particularly described as (protracted):
T. 28 S., R. 20 W.
Sec. 29 (fractional), that portion within PLO 5627;
Sec. 31, that portion within PLO 5627;
Sec. 32 (fractional), that portion within PLO 5627.
T. 29 S., R. 21 W.
Sec. 1, that portion within PLO 5627.
Aggregating approximately 215 acres.

IV. STATE SELECTION APPLICATIONS REJECTED IN PART

The State of Alaska filed general purpose selection applications A-062768, as amended, on July 2, 1965; AA-597, as amended, on December 21, 1966; and AA-651, as amended, on January 6, 1967, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1970)) for lands in the Womens Bay area of Kodiak Island.

Application A-062768 initially selected lands relinquished by the Navy at Gibson Bay (PLO 3507). This application was amended on February 15 and 17, 1967 to include all the land in Ts. 28 and 29 S., R. 20 W., Seward Meridian, Alaska, subject to prior valid existing rights. On June 12, 1972, the State submitted another amendment selecting all lands except patented lands in T. 29 S., R. 20 W. Application AA-597 initially selected the southern portion of the U.S. Naval Reserve relinquished by the Navy (PLO 4119). An amendment was filed on June 16, 1972, selecting all lands except patented lands within Ts. 28 and 29 S., Rs. 20 and 21 W., Seward Meridian, Alaska.

On January 6, 1967, application AA-651 initially selected T. 29 S., R. 21 W., Seward Meridian, Alaska, excluding two grazing leases and the U.S. Naval Reserve. An amendment was filed on June 16, 1972 which selected all lands except patented lands within T. 29 S., R. 21 W.

Section 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1970)) states that general purpose selections are to be made "• • • from the public lands • • • which are vacant, unappropriated and unreserved at the time of selection." The June 16, 1972 amendment to A-062768, AA-597 and AA-651 selected lands that were withdrawn for military purposes from October 29, 1939 to December 14, 1977, when PLO 5627 withdrew the lands for regional selection.

Accordingly, State selection applications A-062768, AA-597 and AA-651 are hereby rejected as to the following described lands:

STATE SELECTION A-062768

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

Those portions of U.S. Survey 2539 more particularly described as (protracted):
T. 29 S., R. 20 W.
Secs. 5 and 6 (fractional), that portion within PLO 5627,

State Selection AA-597

U.S. Survey 4441

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

Those portions of U.S. Survey 2539 more particularly described as (protracted):
T. 28 S., R. 20 W.
Secs. 21, 22 and 25 (fractional), that portion within PLO 5627;
Sec. 26 (fractional), that portion within PLO 5627 and excluding U.S. Survey 444I;
Secs. 27, 28 and 29 (fractional), that portion within PLO 5627;
Sec. 31, that portion within PLO 5627;
Sec. 32 (fractional), that portion within PLO 5627.
T. 29 S., R. 20 W.,
Secs. 5 and 6 (fractional), that portion within PLO 5627.
T. 29 S., R. 21 W.,
Sec. 1, that portion within PLO 5627.

STATE SELECTION AA-651 SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 29 S., R. 21 W.,
Sec. 1, that portion within PLO 5627.

Aggregating approximately 844 acres.

The lands remaining within the selection applications will be processed at a later date.

LANDS PROPER FOR 14(h)(8) REGIONAL SELECTION APPROVED FOR INTERIM CONVEYANCE AND PATENT

On December 16, 1977, Koniag, Inc., Regional Native Corporation filed Sec. 14(h)(8) regional selection application AA-16164 under the provisions of Sec. 14(h) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 705; 43 U.S.C. 1601, 1613 (Supp. V, 1975)) for the surface and subsurface estates of lands at Womens Bay withdrawn for its selection by PLO 5627.

As to the lands described below, the application submitted by Koniag, Inc., Regional Native Corporation, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entries perfected under or being maintained in compliance with laws leading to acquisition of title.

This decision approves approximately 844 acres selected pursuant to Sec. 14(h)(8) for conveyance to Koniag, Inc., Regional Native Corporation, for a cumulative total of approximately 844 acres. This does not exceed the 44,418 acres allocated to Koniag, Inc., Regional Native Corporation for Sec. 14(h)(8) selection (42 FR 6431).

In view of the foregoing, the surface and subsurface estates of the following described lands (PLO 5627) are considered proper for acquisition by Koniag, Inc., Regional Native Corporation, and are hereby approved for conveyance pursuant to Sec. 14(h)(8) of the Alaska Native Claims Settlement Act:

U.S. Survey 444, Tract I, of the Russian Greek Church Mission Reserves situate at Kodiak, District of Alaska.
Containing 21.78 acres.

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

That portion of U.S. Survey 2539 more particularly located within (protracted) T. 28 S., R. 20 W., Secs. 21, 22, 28, 29, 31 and 32; T. 29 S., R. 20 W., Secs. 5 and 6; and T. 29 S., R. 21 W., Sec. 1 and described as follows:

Beginning at a point at the line of mean high tide on the southerly shore of Womens Bay, NORTH of USGS triangulation station "CHRIS"; thence westerly and northerly, along the line of mean high tide of Womens Bay, to a point at the line of mean high tide on the northwesterly shore of Womens Bay, near the most northerly end of the old shipyard, located northeasterly of USGS triangulation station "SHANNON"; thence N.38°30'W., approximately 500 feet to a point on the boundary of PLO 5568 described as bearing S.51°30'W., thence S.51°30'W.; approximately 1500 feet to a point; thence S.38°30'E., approximately 125 feet to a point, which is N.38°30'W., 300 feet distant from the centerline of the Chiniak Road, thence southwesterly, along a line which is 300 feet from and parallel to, the centerline of the Chiniak Road to a point which is common to the line described in Tract B of PLO 4119 as bearing N.25°49'30"W.; thence S.25°49'30"E., along a portion of the line described in Tract B of PLO 4119 to a point which is 50 feet southeasterly from the centerline and on the seaward side of the Chiniak Road; thence southerly and easterly, along a line which is 50 feet and parallel to, the centerline of the Chiniak Road, to a point NORTH of USGS triangulation station "CHRIS"; thence NORTH, to the line of mean high tide on the southerly shore of Womens Bay, the point of Beginning.

Containing approximately 377 acres.

That portion of U.S. Survey 2539 more particularly located within (protracted) T. 28 S., R. 20 W., Secs. 25, 26 and 27, described as follows:

Beginning at a point located S.59°E., 290 feet from USGS triangulation station "ENGLISH"; thence S. 31°W., 3800 feet to a point; thence EAST, approximately 4000 feet to a point at the line of mean high tide on the westerly shore of Chiniak Bay; thence northeasterly, northerly, and southwesterly, along the line of mean high tide of Chiniak and Womens Bays to a point; thence S.31°W., 220 feet more of less to the point of Beginning, excluding ANCAS Sec. 3(e) application AA-12828 and U.S. Survey 444, Tract I.

Containing approximately 445 acres.
Aggregating approximately 844 acres.

This conveyance is for all lands selected by application AA-16164, except possibly U.S. Coast Guard application ANCSA Sec. 3(e) AA-12828 of two acres, more or less, for the Womens Bay Entrance Light. It is currently impossible to determine whether AA-12828 and AA-16164 have lands in common. If survey shows that there is a conflict, then a Sec. 3(e) determination will be made.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservations to the United States:

1. A right-of-way, AA-8174, 100 feet in width, traversing lands in protracted Secs. 21, 22, 28 and 29, T. 28 S., R. 20 W., Seward Meridian, Alaska, for a Federal Aid Highway. Act of August 27, 1958, as amended (72 Stat. 885; 23 U.S.C. 317);

2. A right-of-way, AA-11198, containing approximately 5.510 acres within protracted Sec. 21 T. 28 S., R. 20 W., Seward Meridian, Alaska, for a Federal Aid material site. Act of August 27, 1958, as amended (72 Stat. 885; 23 U.S.C. 317);

3. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-16164-8E, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specificallly listed are prohibited:

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-

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wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

a. (EIN 20a D9, L) An easement for a proposed access trail twenty-five (25) feet in width from site easement EIN 20b along the State highway northerly to the tidelands on Womens Bay. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 20b D9, L) A one (1) acre site easement in Sec. 6, T. 29 S., R. 20 W., Seward Meridian, along the State highway which extends around the coast of Womens Bay. The uses allowed for a one (1) acre site are: Vehicle parking (e.g., aircraft, boats, ATV's, snowmoblies, cars, trucks), and loading or unloading. Loading or unloading shall be limited to 24 hours. Uses which are not specifically listed are prohibited.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601) (Supp. V, 1975), any valid existing right recognized by said act shall continue to have whatever right of access as is now provided for under existing law;

3. The naval airspace reservation of Executive Order 8597, dated November 18, 1940; and

4. The terms and conditions of the agreement dated December 9, 1977, among Koniag, Inc., the Secretary of the Interior, and the Commandant of the U.S. Coast Guard. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management case file for Koniag, Inc., Regional Native Corporation, serialized AA-16164. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Koniag, Inc., Regional Native Corporation, is entitled to conveyance of 44,418 acres of land selected pursuant to Sec. 14(h)(8) of the Alaska Native Claims Settlement Act. To date, 844 acres of this entitlement have been approved for conveyance; the remaining entitlement of 43,574 acres will be conveyed at a later date.

The use permit dated June 24, 1978 between the Bureau of Land Management and Koniag, Inc., will terminate upon conveyance of these lands in accordance with Condition No. 1 of said permit.

There are no navigable water bodies within the described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks in the Anchorage Times and the Kodiak Mirror. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until March 12, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

If an appeal is taken, the adverse parties to be served with a copy of the notice of appeal are:

Koniag, Inc., Regional Native Corporation, P.O. Box 746, Kodiak, Alaska 99615.

Ouzinkie Native Corporation, P.O. Box 89, Ouzinkie, Alaska 99644.

Leisnoi, Inc., P.O. Box 641, Kodiak, Alaska 99615.

Bells Flats Natives, Inc., P.O. Box 794, Kodiak, Alaska 99615.

Natives of Kodiak, Incorporated, P.O. Box 164, Kodiak, Alaska 99615.

Bells Flats Native Group, P.O. Box 794, Kodiak, Alaska 99615.

State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

JUDITH A. KAMMINS,
Chief, Division of ANCSA Operations.

[FR Doc. 79-4320 Filed 2-7-79; 8:45 am]

[4310-84-M]

[CA 2545; CA 2545-A]

CALIFORNIA

Application; Correction

JANUARY 30, 1979.

In FR Doc. 78-29344, appearing on page 48083 of the Wednesday, October 18, 1978 issue, the notice is corrected to include, "T. 37 N., R. 4 E., Secs. 5, 7, 8, 18 and 19" under the heading "Mount Diablo Meridian, California."

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 79-4305 Filed 2-7-79; 8:45 am]

[4310-84-M]

[ES 20065]

FLORIDA

Notice of Proposed Withdrawal and Reservation of Lands

The National Park Service, Department of the Interior, on October 16, 1978, filed application, Serial No. ES 20065, for the withdrawal of the following described lands from settlement, sales, location or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

All that tract of land lying and being situate on Perdido Key, Township 3 South, Range 31 West, Tallahassee Meridian, in the County of Escambia, State of Florida, being more particularly bounded and described as follows:

Lot 2, in fractional Section 25;
Lots 1 and 2, in fractional Section 28;
Lot 2, in fractional Section 30;
Lot 3, in fractional Section 24.

Containing 195.26 acres of land, more or less, above the water line.

Being the same land set apart for the use of the War Department by Executive Order No. 8508 dated August 8, 1949.

Also being the same land classified for disposal by Public Land Order 1603 dated March 18, 1958;

A tract of land being all of fractional Sections 25, 26, and 27, Township 2 South, Range 26 West situated on Santa Rosa Island, Tallahassee Meridian, Escambia County, Florida.

Containing 767.68 acres, more or less;

A tract of land being all of fractional Sections 19 through 24 inclusive and 26 through 30 inclusive, Township 2 South, Range 25 West and all of fractional Sections 19 through 23 inclusive, Township 2 South, Range 24 West, situated on Santa Rosa Island, Tallahassee Meridian, Okaloosa County, Florida.

Excepting from the above described tract of land that portion of Santa Rosa Island lying East of a line which lies East 1,327,473.95 feet of the origin of the State Co-ordinate System (Lambert Projection, Florida, North Zone).

Containing 2499.70 acres, more or less;

A tract of land situated, lying and being on Santa Rosa Island, Okaloosa County, Florida, being more particularly described as follows:

Beginning at a point on the centerline of the south end of Brooks Bridge over Santa Rosa Sound at Fort Walton, Florida: Thence South 39° 39', East, 996.60 feet to a point on the southerly right-of-way line of U.S. Highway No. 98, said point also being the point of beginning, the co-ordinates of said point are North 514, 250.43 feet and East 1,338,660.53 feet; thence easterly along said southerly right-of-way line curving to the left having a radius of 3175.36 feet for a distance of 662.40 feet and a long chord which bears South 56° 56' East, 661.31 feet; thence South 8° 14' West, 1090.00 feet, more or less, to the north shoreline of the Gulf of Mexico; thence westerly along the said shoreline to a point which bears North 78° 39' West, 601.00 feet; thence North 8° 14' East, 1,335.00 feet, more or less, to the point of beginning.

Bearings are grid bearings referred to in Lambert Co-ordinate System, State of Florida, North Zone.

Being known as radar station "Dick", and containing 17.00 acres, more or less; and

A tract of land being all of fractional Sections 19 through 23 inclusive and 26 through 29 inclusive in Township 2 South, Range 23 West of Tallahassee Meridian on Santa Rosa Island in Okaloosa County, Florida.

Expecting from the above described tract of land that portion of Santa Rosa Island lying West of a line which lies East 1,343,313.95 feet of the origin of the State Co-ordinate System (Lambert Projection, Florida, North Zone).

Also excepting from the above described tract of land that portion of Santa Rosa Island lying North of the Northerly right-of-way line of U.S. Highway No. 98 and West of a line which lies East 1,344,813.95 feet of the origin of the State Co-ordinate System (Lambert Projection, Florida, North Zone).

Containing 951.33 acres, more or less.

The applicant agency desires that the land be withdrawn and reserved for inclusion in the Gulf Islands National Seashore. The lands on Santa Rosa Island were withdrawn for the use of the War Department by Presidential Proclamation No. 2659 on August 13, 1945, and are presently part of Eglin Air Force Base.

On or before March 12, 1979, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned officer of the Bureau of Land Management on or before March 12, 1979. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with this proposed withdrawal should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

DAVID P. LODZINSKI,
Acting Director, Eastern States.

[FR Doc. 79-4270 Filed 2-7-79; 8:45 am]

[4310-84]

[ES 20066]

FLORIDA

Proposed Withdrawal and Reservation of Lands

The National Park Service, Department of the Interior, on October 16, 1978, filed application, Serial No. ES 20066, for the withdrawal of the following described lands from settlement, sale, location or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

All that certain tract or parcel of land known as Fort McRae Military Reservation lying and being situate at the east end of Perdido Key, County of Escambia, State of Florida, and being more particularly described as follows:

Tallahassee Meridian
Township 3 South
Range 31 West
Section 34, Lot 1
Sections 33 and 34, the former Robertson Island, now connected to Lot 1 of Sec. 34, unsurveyed.

Containing 135.00 acres of land, more or less, above the water line.

The applicant agency desires that the land be withdrawn and reserved for inclusion in the Gulf Islands National Seashore.

The lands were withdrawn from the public domain and reserved for use of the Department of the Navy by Public Land Order 1603, dated March 18, 1958.

On or before March 12, 1979, all persons who wish to submit comments, suggestions, or objections in connection with the propsed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned officer of the Bureau of Land Management on or before March 12, 1979. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

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The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching an agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with this proposed withdrawal should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

DAVID P. LODZINSKI,
Acting Director,
Eastern States.

[FR Doc. 4271 Filed 2-7-79; 8:45 am]

[4310-84-M]

[ES 20059]

FLORIDA

Proposed Withdrawal and Reservation of Land

The National Park Service, Department of the Interior, on October 13, 1978, filed application, Serial No. ES 20059, for the withdrawal of the following described land from settlement, sale, location or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

All those tracts of land lying and being situate in fractional Section 16, T. 3 S., R. 31 W., Tallahassee Meridian, Escambia County, Florida, being more particularly bounded and described as follows:

Commencing at a granite monument on the easterly boundary of the Fort Barrancas Military Reservation, which is also the westerly boundary of the Pensacola Naval Reservation, said granite monument bearing South 89° 44' 57" East and 6012 feet distant from the Pensacola Light; thence South 8° 31' East, 466 feet, more or less, along aforesaid boundary line, to the shore of Pensacola Bay; thence Westerly along the meanders of the shoreline an approximate distance of 5600 feet to the point of beginning; thence North 00°00'03" West a distance of 1150.00 feet; thence North 89° 44' 57" West a distance of 1200.31 feet; thence South a distance of 2350 feet to the shore of Pensacola Bay; thence Northeasterly and Easterly along the meanders of the shoreline approximately 1880 feet to the point of beginning.

Containing 43.50 acres of land, more or less, above the water line.

Being part of the same land transferred to the Department of Commerce for use as a lighthouse reservation, by Executive Order 4739, dated October 5, 1927; and

Commencing at a granite monument on the easterly boundary of the Fort Barrancas Military Reservation, which is also the westerly boundary of the Pensacola Naval Reservation, said granite monument bearing South 89° 44' 57" East and 6012 feet distant from the Pensacola Light; thence South 8° 31' East, 466 feet, more or less, along aforesaid boundary line, to the shore of Pensacola Bay; thence Westerly along the meanders of the shoreline an approximate distance of 4400 feet to the point of beginning; thence North, a distance of 1250 feet, more or less; thence North 89° 44' 57" West, a distance of 1200 feet, more or less, to the east boundary of the Coast Guard Station; thence South 00° 00' 03" East, by and with the east boundary of the Coast Guard Station, a distance of 1150 feet, more or less, to the shore of Pensacola Bay; thence Easterly, along the meanders of the shoreline, an approximate distance of 1200 feet, to the point of beginning.

Containing 31.50 acres of land, more or less, above the water line.

Being part of the same land transferred to the Department of Commerce for use as a lighthouse reservation by Executive Order 4739 dated October 5, 1927. Also being the same land transferred by the United States Coast Guard to the Department of the Navy on August 24, 1955.

The applicant agency desires that the land be withdrawn and reserved for inclusion in the Gulf Islands National Seashore.

On or before March 12, 1979, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned officer of the Bureau of Land Management on or before March 12, 1979. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent and form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with this proposed withdrawal should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

DAVID P. LODZINSKI,
Acting Director,
Eastern States.

[FR Doc. 79-4272 Filed 2-7-79; 8:45 am]

[4310-84-M]

[ES 20054]

MISSISSIPPI

Proposed Withdrawal and Reservation of Lands

The National Park Service, Department of the Interior, on October 12, 1978, filed application, Serial No. ES 20054, for the withdrawal of the following described land from settlement, sale, location or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

All those tracts or parcels of land lying and being on Ship Island, Harrison County, Mississippi, more particularly described as follows:

Commencing at the Ship Island Lighthouse, said Lighthouse having the longitude of 88° 57' 57.8" West and latitude of 30° 12' 45.1" North; thence Westerly, 1000 feet to a point on the North shoreline of Ship Island, said point being the point of beginning; thence along the meanders of the North shoreline of said island, in a generally easterly direction to a point 400 feet East of aforesaid Lighthouse; thence due South across Ship Island to the South shoreline of said island; thence with the meanders of the South shoreline of Ship Island, in a generally Westerly direction to a point 1000 feet West of aforedescribed Lighthouse; thence due North across Ship Island to the North shoreline and the point of beginning.

Containing 42.000 acres, more or less, above the water line.

Being a portion of those lands not conveyed out of Ship Island Military Reservation, but retained for Lighthouse purposes. The West boundary herein described being described also in Parcel "A", and the East boundary being described in Parcel "B", of a quitclaim deed from the United States of America to Joe Graham Post Number 119, The American Legion, Incorporated, dated September 15, 1933, and recorded among the land records of Harrison County, Mississippi in Deed Book 199 pages 197 to 199.

Also being known as Parcel "A" (II) of the Ship Island Light Reservation as defined by the Acting Secretary of Commerce on August 15, 1929, pursuant to Public Law No. 1022, 70th Congress, approved March 4, 1929; and

Commencing at the Ship Island Lighthouse, said lighthouse having the longitude of 88° 57' 57.8" West and latitude of 30° 12' 45.1" North; thence Westerly, 3640 feet to a point on the North shoreline of Ship Island, said point being the Northwest corner of a parcel of land conveyed to the American Legion from the United States of America by deed dated September 15, 1933, said tract being designated as Parcel "A" and recorded among the land records of Harrison County, Mississippi in Deed Book 199 pages 197 to 199, said point also being the beginning of the hereafter described tract of land; thence due South, across Ship Island to the South shoreline of said island; thence along the meanders of the South shoreline of said island, in a generally westerly direction to meet the North shoreline on the most westerly point of Ship Island; thence along the meanders of the North shoreline of said island to the point of beginning.

Containing 50.00 acres, more or less, above the water line.

Being known as Parcel "B" (I) of the Ship Island Light Reservation as defined by the Acting Secretary of Commerce on August 15, 1929, pursuant to Public Law No. 1022, 70th Congress, approved March 4, 1929.

The applicant agency desires that the land be withdrawn and reserved for inclusion in the Gulf Islands National Seashore. The land is presently withdrawn for lighthouse purposes by Executive Order No. 4584, February 15, 1927, as amended by the Act of Congress of March 4, 1929 (45 Stat. 1556), and by the Executive order of July 7, 1852.

On or before March 12, 1979, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned officer of the Bureau of Land Management on or before March 12, 1979. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with this proposed withdrawal should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

DAVID P. LODZINSKI,
Acting Director,
Eastern States.

[FR Doc. 79-4274 Filed 2-7-79; 8:45 am]

[4310-84-M]

[M 42697]

MONTANA

Application

FEBRUARY 2, 1979.

Notice is hereby given that, pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Shell Oil Company has applied for a 6-inch oil and gas pipeline right-of-way for the following lands:

PRINCIPAL MERIDIAN, MONTANA

T. 22 N., R. 60 E.,
Sec. 20, Lot 4 and SE¼SW¼.

FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 148 N., R. 105 W.,
Sec. 10, Lots 3 and 4; and
Sec. 15, Lot 1.

This pipeline will convey natural gas across 0.75 miles of public lands in Richland County, Montana, and McKenzie County, North Dakota.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

EDWARD H. CROTEAU,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 79-4308 Filed 2-7-79; 8:45 am]

V 4 / 28 FEB 79 UMI

[4310-84-M]

[N-912]

NEVADA

Initial Inventory of Wilderness

JANUARY 30, 1979.

The Nevada State Office of the Bureau of Land Management has begun its initial inventory of wilderness in Nevada pursuant to Section 603 of the Federal Land Policy and Management Act of 1976. The initial inventory will review all public lands in Nevada and ascertain which obviously and clearly do not contain wilderness characteristics as specified by Congress in the 1964 Wilderness Act. Those that do not qualify will be dropped from further wilderness consideration and all restrictions imposed by Section 603 of the Federal Land Policy and Management Act to protect wilderness values will be lifted. Those areas that may have wilderness values will be intensively studied to determine which actually do contain wilderness characteristics specified by law and should be designed Wilderness Study Areas for ultimate consideration by Congress for inclusion in the National Wilderness Preservation System. Information on the Bureau's progress can be obtained from the Bureau of Land Management, Federal Building, 300 Booth Street, Room 3008, Reno, Nevada 89509.

Dated: January 30, 1979.

E. I. ROWLAND,
State Director, Nevada.

[FR Doc. 79-4307 Filed 2-7-79; 8:45 am]

[4310-84-M]

[OR 17390; 2310 (943.4)]

OREGON

Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management, Department of the Interior, on January 15, 1979, filed application Serial No. OR 17390 for the withdrawal of the following described lands from operation of the mining laws but not the mineral leasing laws, subject to valid existing rights:

WILLAMETTE MERIDIAN

T. 2 S., R. 6 E.,
Sec. 21, E½SE¼NE¼, SW¼SE¼NE¼.

The area described contains 30 acres of revested Oregon and California Railroad grant lands in Clackamas County, Oregon.

The land encompasses the Rock Corral, an historic campsite on the Barlow Road branch of the Oregon Trail. The Bureau of Land Management desires that the land be withdrawn and reserved for protection of the historic and scenic values of this significant cultural resource.

For a period of 40 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, on or before March 12, 1979. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also assure that the area sought is the minimum essential for the proposed use and provide for the maximum concurrent utilization of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

The above described lands are temporarily segregated from the mining laws but not the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate upon (a) rejection of the application by the Secretary, (b) withdrawal of the lands by the Secretary, or (c) two years from the date of publication of this notice. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

All communications (except public hearing requests) in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 30, 1979.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4273 Filed 2-7-79; 8:45 am]

[4310-84-M]

UTAH; MANAGEMENT OF WILDERNESS STUDY AREAS

Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the following public meeting will be held to discuss the Draft Interim Management Policy and Proposed Mining Regulations for Wilderness Study Areas (published in FEDERAL REGISTER January 12, 1979): Public Meeting—Salt Lake City, February 27, Little Theater, Salt Palace, 7 p.m.

Written and oral comments will be accepted at the meeting. People who cannot attend the meeting should address their written comments to the Director (303), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240. The period for public review and comment continues through March 13, 1979.

Dated: February 2, 1979.

WILLIAM LEAVELL,
Associate State Director.

[FR Doc. 79-4310 Filed 2-7-79; 8:45 am]

[4310-84-M]

[Wyoming 66267]

WYOMING

Application

JANUARY 30, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Oklahoma filed an application for a right-of-way to construct a 4½ inch pipeline and related anode facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 23 N., R. 94 W.,
Sec. 20, E½SW¼.

The pipeline with appurtenant anode facilities will transport natural gas produced from the AMOCO P-1 well located in the NW¼SW¼ of sec. 20 to a point of connection with Cities Service Gas Company's existing gathering line in the SW¼NE¼ of sec. 29, all within T. 23 N., R. 94 W., 6th P.M., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4308 Filed 2-7-79; 8:45 am]

[4310-84-M]

[Wyoming 66691]

WYOMING

Application

JANUARY 30, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Gorporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ inch O. D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 12 N., R. 94 W.,
Sec. 16, S½NE¼, NE¼NE¼, E½SW¼ and NW¼SE¼;
Sec. 19, lot 1.

The pipeline is a proposed addition to an existing gathering system transporting natural gas from a well in the NE¼NE¼ of section 18 into an existing pipeline in lot 1 of section 19, T. 12 N., R. 94 W., in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4309 Filed 2-7-79; 8:45 am]

[4310-31-M]

Geological Survey

OIL AND GAS WELL COMPLETION AND WORKOVER OPERATIONS ON THE OUTER CONTINENTAL SHELF

Proposed Development of Standard for Training and Qualifications of Personnel and Solicitation of Public Comment on Content and Scope of the Standard

Notice is hereby given that pursuant to 30 CFR 250.11, 250.41, 250.43, and 250.46, the U.S. Geological Survey (USGS) intends to develop a standard for the training and qualification of personnel engaged in offshore oil and gas well completion and workover operations and in the support services and activities associated with those operations.

The purpose of the standard is to ensure that personnel possess the required knowledge and skills in operations, equipment, techniques, and procedures to maintain the control of oil and gas wells during completion and workover operations or during any operation where a well which is capable of flowing oil or gas is opened to the atmosphere, its wellhead is removed, or the normal safety controls on the well are taken out of service.

The USGS contemplates that the developed standard will provide the minimum criteria for the training of all well completion and workover personnel whose decisions or actions have a significant bearing on safety or environmental protection.

It is intended that the developed standard will be referenced as a requirement in the finalized Outer Continental Shelf (OCS) Order No. 6, which is now being developed for all OCS Areas. This Order would also require personnel, whose job duties relate to a conventional rig operating in a drilling mode to deepen or sidetrack a well, to be trained and qualified in accordance with the USGS OCS Training Standard, "Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations," No. T 1 (GSS-OCS-T 1).

Interested parties may submit written comments and suggestions on the proposed standard to the Chief, Conservation Division, U.S. Geological Survey, Mail Stop 600, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before April 9, 1979.

Comments are specifically requested on the following points:

1. The identification of those specific operations, activities, job responsibilities, and job classifications to be considered in the establishment of standards.

2. The criteria for qualifying personnel and for the maintenance of the qualification.

3. The criteria for accreditation of organizations who provide or seek to provide training and certification of qualifications of personnel.

4. Procedures to be used in the development and implementation of the standard.

5. Date and time interval considerations for the implementation process.

For further information, contact Mr. Richard B. Krahl, Chief, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, Mail Stop 620, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, telephone 703-860-7531.

Dated: February 2, 1979.

HENRY W. COULTER,
Acting Director.

[FR Doc. 79-4267 Filed 2-7-79; 8:45 am]

[4310-84-M]

Office of the Secretary

LIVESTOCK GRAZING ON PUBLIC LANDS

Schedule of Fees, 1979

Pursuant to the authority vested in the Secretary of the Interior, notice is hereby given of the schedule of fees for the 1979 fee year beginning March 1, 1979, and ending February 29, 1980, for livestock grazing on the public lands.

For the purpose of establishing charges, one animal unit month (AUM) shall be considered equivalent to grazing use by one cow, five sheep, or one horse for one month.

Bills shall be issued in accordance with the rates prescribed in this notice.

INSIDE STATUTORY GRAZING DISTRICTS

Pursuant to Departmental regulations (43 CFR 4130.5-1(a)), as published January 10, 1979 (44 FR 2173), fees within districts, except as otherwise provided herein, shall be $1.89 per AUM.

Exceptions to the above rates are hereby set as follows for certain LU project lands (Bankhead-Jones Land) in order to continue the basis of fees that has heretofore been established:

V 4 4 / 2 8 F E 8 7 9 UMI

Arizona. For the San Simon project (Cienega area) transferred to the Department by Executive Order 10322, the fees shall be $2.03 per AUM.

Colorado. For the Great Divide project transferred to the Department by Executive Order 10046, the fees shall be $2.03 per AUM.

Montana. For all LU lands within districts transferred to the Department by Executive Order 10787, the fees shall be $2.03 per AUM.

New Mexico. For the Hope Land project transferred to the Department by Executive Order 10787, the fees shall be $1.98 per AUM. For the San Simon project (Cienega area) transferred to the Department by Executive Order 10322, the fees shall be $2.03 per AUM.

OUTSIDE STATUTORY GRAZING DISTRICTS (EXCLUSIVE OF ALASKA)

Pursuant to Departmental regulations (43 CFR 4130.5-(a)), the rate for grazing leases except as otherwise provided herein, shall be $1.89 per AUM.

Exceptions to the above rate are hereby set as follows for certain Lu project lands and for all O&C and intermingled public domain lands in Western Oregon in order to continue the basis of fees that has heretofore been established:

Montana. For those Milk River project lands outside districts transferred to the Department by Executive Order 18787, the fees shall be $2.03 per AUM.

Wyoming. For the Northeast Wyoming project lands transferred to the Department by Executive Order 10046 and amended by Executive Order 10175, the fee shall be $2.03 per AUM.

Western Oregon. For Western Oregon, the fee shall be $2.03 per AUM.

GARY J. WICKS,
Deputy Assistant Secretary of the Interior.

FEBRUARY 1, 1979.

[FR Doc. 79-4366 Filed 2-7-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. BRISTOL-MYERS COMPANY ET AL.

Public Comments and Government's Response Thereto Relating to Proposed Final Judgment Against the Beecham Defendants

Pursuant to requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(d), set out below are: two separate public comments received from (1) Professor John C. Sheehan, Massachusetts Institute of Technology, and Arthur D. Little, Inc., and (2) Ayerst Laboratories Division of American Home Products Corporation; objections of Bristol-Myers Company (a defendant in this lawsuit); and the government's responses thereto, all relating to a proposed final Judgment against Beecham Group Limited and Beecham Inc. in *U.S.* v. *Bristol-Myers et al.*, M.D.L. Docket No. 50, Civil Action No. 822-70 (D.D.C.).

Dated: January 29, 1979.

CHARLES F. B. MCALEER,
Special Assistant for Judgment Negotiations.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, Plaintiff, v. *Bristol-Myers Company, Beecham Group Limited, and Beecham Inc.* Defendants.

M.D.L. Docket No. 50.

Civ. No. 822-70.

RESPONSE OF THE UNITED STATES TO COMMENTS OF SHEEHAN ET AL., RELATING TO PROPOSED FINAL JUDGMENT AGAINST THE BEECHAM DEFENDANTS

Pursuant to 15 U.S.C. 16 (b), the United States submits this response to comments [1] received from Professor John C. Sheehan, Arthur D. Little, Inc., and Massachusetts Institute of Technology (collectively "Sheehan et al."), in connection with a proposed Final Judgment that would, if approved by the Court, dispose of this action against Beechan Group Limited and Beecham Inc. The comments seek certain modifications in both the proposed Judgment and the Competitive Impact Statement ("CIS"). These modifications are intended, according to the comments, to remove any possible "inaccuracy or ambiguity concerning the ownership of U.S. Patent No. 3,159,617," [2] and to avoid the possibility of any unfavorable and inadvertent impact on Sheehan et al.'s interests concerning that patent.

After careful consideration of these comments, we have concluded that the changes requested by Sheehan et al. are unnecessary for two reasons. First, the clarification provided in this response makes it reasonably certain, even without the modifications requested, that neither the proposed final judgment nor the CIS will have any unfavorable impact on Sheehan et al.'s interests in U.S. Patent No. 3,159,617, or will result in any ambiguity concerning the ownership of that patent. Second, such modifications would probably be largely ineffective as a remedial measure anyway since both the proposed judgment and CIS have already been published in the FEDERAL REGISTER and a summary of them published in at least one newspaper.

1. A statement is made in the comments about "possible inaccuracy • • • concerning the ownership of U.S. Patent No. 3,159,617." Apparently, that statement refers, in turn, to a statement in the CIS (p. 5, n. 3) that U.S. patent No. 3,159,617 was "assigned" to defendant Bristol-Myers Company ("Bristol"). Actually, the patent issued to Dr. Sheehan, a professor at M.I.T., who had previously assigned to Arthur D. Little, Inc. ("ADL") the patent application that ultimately issued as U.S. Patent No. 3,159,617. By an agreement of April 25, 1961, ADL, in turn, granted to Bristol certain rights in that patent application; those rights are described in the agreement as "an exclusive license, including the right to grant sublicenses" (Art. II). Bristol has exercised that right several times; on January 1, 1967, Bristol granted to Beecham Group Limited, under U.S. Patent No. 3,159,617, rights that are described as "a non-exclusive sublicense, *not* including the right to grant further sublicenses" (emphasis added). Therefore, it seems clear from this that Beecham has no right to grant to anyone else any rights in that patent.

2. Several statements are made in the comments about the possibility of an inadvertently unfavorable impact upon Sheehan et al., and about possible ambiguity in the ownership of U.S. Patent No. 3,159,617. Apparently, those statements refer, in turn, to references to that patent in footnotes 3 and 7, on pages 5 and 16, respectively, of the CIS. The patent is referred to in the CIS because it is part of the factual background of this litigation, because the defendants Beecham and Bristol both have some rights under it, and because the patent is the subject of an agreement between them. Whatever possibility of unfavorable impact or ambiguity may exist by virtue of references to the patent in the CIS, it is clear, from the facts set forth above, that those semisynthetic penicillin patents that Beecham has the right to license do not include U.S. Patent No. 3,159,617.

3. As for the proposed Final Judgment, it makes no specific reference at all to U.S. Patent No. 3,159,617, although the patent is embraced within the Judgment's broad definition of "semisynthetic penicillin patents" (Art. II(L)). That definition also embraces a number of other patents that Beecham has licensed to Bristol, and that, like U.S. Patent No. 3,159,617, Beecham has no further right to license or sublicense. The proposed Judgment was so structured because we did not know, and did not want to assume the burden of finding out, precisely what relevant Patents Beecham actually had the right to license. By broadly defining the class of relevant patents, the Judgment would shift that burden to Beecham. Nevertheless, we think the proposed Judgment is clear and unambiguous about Beecham's compulsory licensing obligation under it. Article VI(C) of the proposed Final judgment requires Beecham to grant a license, upon written request, under any "semisynthetic penicillin patent", *but only if* "Beecham has the right to license [such patent] as of the date of any such request [for it]." Thus, since Beecham has no such right now with respect to U.S. Patent No. 3,159,617 (as noted above), the proposed Final Judgment does not require, or even purport to require, Beecham to grant any rights under that patent. And the proposed Judgment would do so only if Beecham subsequently acquires such right and retains it at the time of a request for such a license under the proposed Judgment.

Dated: January 29, 1979.

Respectfully submitted: Thomas H. Liddle, Robert S. Schwartz, Lee J. Keller, *Attorneys, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, 202/724-7969.*

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Response of the United States to Comments of Sheehan et al., Relating to Proposed Final Judgment Against the Beecham Defendants and Comments on Final Judgment Published November 3, 1978, in the Federal Register Vol. 34—No. 214 were served this date by certified mail upon the following counsel:

Richard A. Whiting, Esq., Steptoe & Johnson, 1250 Connecticut Ave., N.W., Washington, D.C. 20036.
Philip A. Lacovara, Esq., Hughes Hubbard & Reed, 1660 L Street, N.W., Washington, D.C. 20036.
David I. Shapiro, Esq., Dickstein Shapiro & Morin, 2101 L Street, N.W., Washington, D.C. 20037.
Arnold Bauman, Esq., Shearman & Sterling, 53 Wall Street, New York, New York 10017.
Jerome G. Shapiro, Esq., Hughes Hubbard & Reed, 1 Wall Street, New York, New York 10005.
Daniel A. Rezneck, Esq., Arnold & Porter, 1229 19th Street, N.W., Washington, D.C. 20036.

Dated: January 29, 1979.

THOMAS H. LIDDLE,
Attorney, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, Plaintiff, v. *Bristol-Myers Company Beecham Group Limited*, and *Beecham Inc.*, Defendants.

Civil No. 822-70.

COMMENTS ON FINAL JUDGMENT PUBLISHED NOVEMBER 3, 1978, IN THE FEDERAL REGISTER VOL. 34—No. 21

These comments are submitted by Professor John C. Sheehan, Arthur D. Little, Inc. (hereinafter LITTLE) and Massachusetts Institute of Technology (hereinafter MIT), because the proposed Final Judgment may inadvertently affect their interests with respect to U.S. Patent No. 3,159,617, covering an invention made by Prof. Sheehan of MIT. Prof. Sheehan is a world recognized authority on the chemistry of penicillin and in addition to his patents he has authored or co-authored a large number of journal articles on penicillins and related subjects. Prof. Sheehan and MIT assigned the application which matured into U.S. Patent No. 3,159,617 to LITTLE, a Massachusetts corporation having its principal place of business at 25 Acorn Park, Cambridge, Massachusetts. MIT, Prof. Sheehan and LITTLE share in royalties received from the licensing of U.S. Patent 3,159,617. LITTLE has licensed U.S. Patent 3,159,617 to Bristol-Myers Company, who in turn has granted sublicenses to Beecham Inc., as well as to other manufacturers of semisynthetic penicillin. Prof. Sheehan, MIT and LITTLE receive income under the license and sublicenses.

It is believed that the proposed Final Judgment as presently phrased may inadvertently have an unfavorable impact upon MIT, Prof. Sheehan and LITTLE. As set forth more fully below, it is respectfully submitted that any such inadvertent effect with respect to U.S. Patent 3,159,617 may be easily avoided by changes which would not alter the competitive impact detailed in the Competitive Impact Statement. Accordingly, it is respectfully requested that

(1) the statement, "a patent (No. 3,159,617) assigned to Bristol and relating to the acylation of 6-APA (a crucial step in commercial production of all semisynthetic penicillins)" be striken from footnote [3] of Paragraph II.B. of the Competitive Impact Statement;

(2) "(U.S. Pats. Nos. 3,159,617 and 3,576,797)" of footnote [7] of Paragraph III.D.3. of the Competitive Impact Statement be modified to read "(U.S. Pat. No. 3,576,797)"; and

(3) "United States Patent 3,159,617" be added as subparagraph (3) after the statement, "The term 'semisynthetic penicillin patent' does not include:" in Paragraph II(L) of the proposed Final Judgment.

These requested amendments in the proposed Final Judgment and Competitive Impact Statement would remove any present inaccuracy or ambiguity concerning the ownership of U.S. Patent No. 3,159,617, would eliminate the possibility of any undesirable and unintended impact upon Prof. Sheehan, MIT or LITTLE, none of whom are parties to the original suit or to the Final Judgment, and would not alter the relative positions of the United States Government and the defendant Beecham.

These comments and requests for modification of the proposed Final Judgment and Competitive Impact Statement are submitted in accordance with the provisions of Section V of the Competitive Impact Statement. Favorable consideration and entering of the requested amendments to the Final Judgment and Competitive Impact Statement is respectfully requested.

Dated: December 20, 1978.

Respectfully submitted: Richard T. Murphy, Jr., *Vice President and Corporate Counsel, Arthur D. Little, Inc.*; R. J. Horn, *Kenway and Jenney, Attorneys, Massachusetts Institute of Technology and* John C. Sheehan, *Patentee, U.S. Patent 3,159,617.*

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, Plaintiff, v. *Bristol-Myers Company, Beechan Group Limited*, and *Beecham Inc.*, Defendants.

M.D.L. Docket No. 50

Civ. No. 822-70

RESPONSE OF THE UNITED STATES TO COMMENTS OF AYERST LABORATORIES DIVISION OF AMERICAN HOME PRODUCT CORPORATION, RELATING TO PROPOSED FINAL JUDGMENT AGAINST THE BEECHAM DEFENDANTS

I. INTRODUCTION

Pursuant to 15 U.S.C 16(b), the United States of America submits this response to comments and supporting materials [1] filed by Ayerst Laboratories Division of American Home Products Corporation ("Ayerst"), relating to a proposed Final Judgment that would, if approved by the Court, dispose of this action against Beecham Group Limited and Beecham Inc. (collectively "Beecham"). In its comments, Ayerst asks that certain provisions of Article VIII of the proposed Judgment be revised to require Beecham to assign to Ayerst without charge Beecham's trademarks Penbritin and Penbritin S (collectively "Penbritin"). As currently drafted, those provisions (which expressly exclude Penbritin) would require Beecham to assign, without charge, certain other trademarks to persons by whom the trademarks were exclusively used in the United States, in marketing semisynthetic penicillins that Beecham supplied to them (see pp. 17-18, Competitive Impact Statement).

In support of its request, Ayerst makes essentially the following three arguments: (1) "there is no justifiable basis for distinguishing the Penbritin trademarks from the other trademarks covered by Article VIII" of the proposed Judgment (p. 4, Comments); (2) exclusion of the Penbritin trademarks from the provisions of Article VIII will put Ayerst at a substantial competitive disadvantage in the ampicillin market vis-a-vis those of its competitors who purchase ampicillin from Beecham and resell under trademarks that, unlike the Penbritin trademarks, are to be assigned to then pursuant to the Judgment; and (3) putting Ayerst at such a disadvantage will have anticompetitive consequences. We will, in this response, deal with each of these arguments in Parts II and III, below. In addition, while we do not believe that the public interest requires the revision of the proposed Judgment that Ayerst seeks, we nevertheless recognize the possible adverse effect that Article VIII of

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[1] "Comments on Final Judgment Published November 3, 1978, in the FEDERAL REGISTER Vol. 34—No. 214," dated December 20, 1978 ("comments").

[2] As the CIS correctly notes, that patent relates to a process (called acylation) for making semisynthetic penicillins from 6-aminopenicillanic acid.

[1] "Comments of Ayerst Laboratories Division of American Home Product Corporation, Relating to Proposed Final Judgment Against Beechman Group Limited and Beecham, Inc.," dated December 29, 1978 ("Comments").

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the proposed Judgment may have on Ayerst's private interests, and we discuss that matter in Part IV, below.

II. THE PUBLIC INTEREST DOES NOT REQUIRE COST-FREE ASSIGNMENT OF THE PENBRITIN TRADEMARKS

Assignment of trademarks, as required by Article VIII of the proposed of Judgment, amounts to divestiture. Article VIII was the result of our conclusion that the divestiture of certain trademarks was (1) appropriate under the special circumstances surrounding the creation, ownership, and use of those marks, and (2) justified as pro-competitive. Althought assignment of the Penbritin trademarks to Ayerst without cost might also be marginally competitive, different circumstances concerning the ownership and use of the Penbritin trademarks indicate a different result. Our decision resulted from an evaluation of (1) whether it was appropriate under those different circumstances to divest Beecham of Penbritin without compensation, (2) the adverse impact on Beecham of doing so, and (3) the public interest in requiring assignment of that trademark to Ayerst.

A. *Penbritin*

In its April 2, 1959, agreement with Bristol-Myers Company ("Bristol") Beecham agreed to market semisynthetic penicillins in the United States only in consumer package form, and only under its own trademarks. When Beecham entered the U.S. antibiotic market in 1963, it did so by means of Beecham Research Laboratories, Inc. ("BRL"), a joint venture with Ayerst in which Beecham held the controlling share, so that Beecham could take advantage of Ayerst's established marketing force.[2] Beecham manufactured the products (including ampicillin) that it sold in the United States through BRL. For ampicillin, it chose the trademark Penbritin—Beecham's "flagship" trademark, the same ampicillin trademark it has used in entering other world markets, and which it has promoted in international scientific and medical literature. Beecham registered the Penbritin trademark in the United States in 1960, three years before it entered into any relationship with Ayerst. Thus, the arrangement with Ayerst was designed *not* to avoid the trademark restriction in the 1959 agreement, but rather to get Beecham itself into the U.S. market with its own Penbritin trademarks.

Until mid-1969, when Beecham began marketing ampicillin itself under the trademark "Totacillin," Penbritin was Beecham's only U.S. ampicillin trademark. Moreover, prior to that time, Ayerst sold Penbritin not for its own separate and independent account, but rather on behalf of Beechan and Ayerst as a marketing agent for their joint venture company.

In its Comments, Ayerst asserts that "from the outset Penbritin was closely associated with the name Ayerst, not Beecham," (p. 7) and "it is Ayerst, not Beecham, which has promoted the trademark Penbritin•••" (p. 8). That is a considerable overstatement. First, Beecham has made substantial investments in the promotion of the Penbritin trademarks. Beecham either shared with Ayerst or reimbursed Ayerst for a major portion of BRL's expenditures in promoting Penbritin. Second, for the period 1963-1969 at least, all Penbritin capsules were individually marked with the name Beechman. (*See, e.g.*, p. VII, Product Identification Sections of the 1968 and 1969 Editions of the Physicians Desk Reference.) Third, it appears that, prior of 1969 at least, Penbritin packages in the United States carried both the Ayerst and Beechman names in about equal prominence, but sometimes Beecham was more prominent than Ayerst. (*See, e.g.*, documents 2061(u) and 019738 in the Document Depository.)

B. *Other "Beecham" Trademarks*

The trademarks affected by Article VIII, including those referred to in Ayerst's Comments ("Pen-A") and "Alpen"),[3] have a different history. These trademarks never received any investment or promotion by Beecham. Moreover, they were used exclusively by persons who bought ampicillin from Beecham for their own independent and separate resale, not as selling agents for Beecham. It appears that Beecham registered in the U.S. Patent and Trademark Office and retained "ownership" of these trademark *only* because the 1959 agreement with Bristol gave Beecham no other way to sell ampicillin to customers at the manufacturing level of trade in the United States. As we said in the Competitive Impact Statement ("CIS"):

"In an effort to get around this trademark restriction, Beecham allowed its customers to select, from a number of unused names or Beecham ideas for possible trademarks, a name under which each customer would like to resell the dosage form semisynthetic penicillin that Beecham supplied to it. Beecham then registered as a trademark in the Patent Office the name selected by its customers; each customer the promoted and marketed the product supplied by Beecham under that name. As a result of this promotional effort, Beecham's customers, rather than Beecham, developed whatever good will is associated with, and provided whatever value there is in, these trademarks in the United States."

The purpose of Article VIII is to release what we believe are non-*bona fide* "Beecham" trademarks from Beecham's control, to the greatest extent possible. Thus, Beecham is required to assign these trademarks, without cost, to their exclusive users (to whom we think they belong anyway). It must do this as soon as it acquires the right to sell semisynthetic penicillin under trademarks other than those "owned" by it, or there is a determination that agreements restricting Beecham sales to sales under such trademarks are unenforceable. In the meantime, Paragraph VIII(D) requires Beecham to authorize the exclusive users of these trademarks to sell, under these trademarks, ampicillin not purchased from Beecham. We anticipate that the effect of this provision will be to create additional competition for the supply of products sold under trademarks in which Beecham made no investment and therefore has no real interest.

C. *Ayerst's Position*

Ayerst contends that these provisions of the Judgment should apply to Penbritin as well, because "[w]hatever goodwill Beecham had derived indirectly through Ayerst and BRL prior to September 1969 has now been totally and irretrievably lost by Beecham" (p. 10, Comments). Later, however (p. 11), Ayerst refers to its expenditures in developing "the well known Penbritin trademark • • • over a period of 15 years at great expense."[4] This period includes 1963-1969, in which Beecham decided to launch the Penbritin trademark, and *shared* the expense of promoting and sustaining it. Beecham's benefit from this investment is "lost" only if one accepts Ayerst's conclusion that Beecham no longer has any *bona fide* interest in the trademark. We do not accept that conclusion.

It appears to us that Beecham and Ayerst have each invested in, and derived benefit from, the Penbritin trademark. Under these circumstances, we do not believe that divesting Beecham of Penbritin without compensation is justified by the possibility of achieving the marginal pro-competitive effect that may be associated with such a divestiture. Moreover, before interfering with present and future contractual relationships concerning ownership of the Penbritin trademark, we would have to be persuaded (and we are not) that such interference is necessary to protect the public interest.

III. ALTHOUGH A COST-FREE ASSIGNMENT OF PENBRITIN WOULD HAVE BEEN A MORE FAVORABLE RESULT FOR AYERST, AYERST OVERSTATES THE ALLEGED ANTICOMPETITIVE EFFECT OF THE FAILURE TO REQUIRE SUCH AN ASSIGNMENT

Ayerst's claim that its ability to compete will be harmed so substantially as to affect the public interest is succinctly stated in its Comments (pp. 11 and 16):

"Under the Judgment, Ayerst must continue to buy from Beecham pursuant to the price and trademark royalty terms of its distribution agreement, while other present bulk [sic] customers of Beecham are free to seek more favorable terms from other suppliers and may become free to manufacture ampicillin themselves.

• • • • •

"Impairing or destroying Ayerst's competitive position will almost certainly have anticompetitive consequences and will be contrary to the public interest."

We think Ayerst overstates the consequences of not assigning Penbritin to it free of charge. Ayerst's argument that its competitive position will thus be impaired or destroyed is based, it seems to us, upon the assumption that only two possibilities exist: (1) Ayerst's marketing practices of ampicillin must remain unchanged, or (2) the Judgment must require assignment of Penbritin. We believe that additional options exist.

First, for some markets at least, Ayerst may not need the Penbritin trademark, and therefore may not have to continue to buy ampicillin from Beecham pursuant to its distribution agreement with Beecham seriously damages "Ayerst's ampicillin injectable business. Ampicillin injectables are sold primarily on a bid basis to hospitals and governmental entities." (St. John Affidavit,

[2] Neither that arrangement nor any subsequent arrangement between Beecham and Ayerst is specifically challenged in the complaint in this case.

[3] Lederle entered the market under the trademark Alpen in 1969, and Pfizer under the trademark Pen-A in 1972.

[4] Ayerst's reference to "the well known Penbritin trademark" is an apparent recognition that that trademark is probably more valuable than the trademarks affected by Article VIII of the proposed Judgment, since those trademarks have not been in use nearly as long as Penbritin has.

p. 2). These institutional bids, however, are won on the basis of price and quality, not trademark identification or promotion. If Ayerst can indeed obtain ampicillin from sources other than Beecham,[5] it should be able to obtain bid business equally well *without* using a brand name as it does using Penbritin. Thus, by dropping use of a brand name, Ayerst can, for bid business, attain the same competitive position as the companies that are assigned trademarks under Article VIII.[6] Like the other companies, Ayerst can bid to supply ampicillin it makes itself or obtains elsewhere.

Second, although trademarks do play more of a role in non-bid markets, the public will not necessarily be injured if Ayerst must choose among adhering to the status quo (*i.e.*, its present arrangement with Beecham), finding a new ampicillin trademark, or using no trademark at all in these markets. Ayerst relies upon the observation in the CIS that Beecham's customers "have been (and will likely continue to be) unwilling to make the requisite additional investment in another trademark under which to promote and market the same product purchased from another source." This does not mean, however, that Ayerst must continue with Penbritin. If, indeed, Ayerst can obtain ampicillin from another source, it might well prefer to stay in the market *without* a brand name (other than "Ayerst"), thereby reducing its advertising and promotional expenses. The success of smaller and less well established drug companies in selling non-branded ampicillin would appear to make this a very viable option.

IV. EVEN THOUGH SOME SORT OF INTERMEDIATE RESOLUTION (BETWEEN COST-FREE ASSIGNMENT AND AYERST'S PRESENT ARRANGEMENT WITH BEECHAM) MIGHT BE FAIR TO AYERST AND STILL ACCOMMODATE BOTH BEECHAM'S AND AYERST'S INTEREST IN PENBRITIN, IT DOES NOT JUSTIFY OUR JEOPARDIZING THE PROPOSED JUDGMENT BY INSISTING ON SUCH A RESOLUTION

We recognize that Ayerst, as a result of the proposed Final Judgment, will be in a less favorable position in some instances than certain of its competitors, such as Pfizer and Lederle. Because we could not justify a cost-free divestiture of the Penbritin trademarks, it may be necessary for Ayerst to change its marketing practices or to renegotiate its arrangement with Beecham in order to improve its competitive position.[7]

Upon receiving and considering Ayerst's Comments, the government first proposed to Beecham that the government and Beecham agree to add to Article VIII of the proposed Judgment a Beecham undertaking to offer Ayerst an additional license option. The option would be roughly as follows: for the life of the present trademark and distribution agreement with Ayerst, and any renewals contemplated therein, Beecham would give Ayerst the right to use the Penbritin trademarks for sales of ampicillin procured from any non-Beecham source, subject to a reasonable royalty for such use, and appropriate provisions for assurance of quality. The actual terms, we suggested, probably ought to be left to direct negotiation between Beecham and Ayerst. Beecham declined, however, to accept our proposal or to reopen negotiation of the proposed Judgment on that point.

We then asked Beecham whether a satisfactory compromise along the lines proposed above might be negotiated directly with Ayerst about Penbritin. Beecham responded that it was not able to make any immediate offer along such lines, although counsel for Beecham has informed us that Beecham would be willing to talk with Ayerst about this and other related matters.[8]

Although we believe a solution as outlined above would be fairer to Ayerst's private interests than the one that we negotiated with Beecham, we are unable to obtain it now without seriously jeopardizing the proposed Judgment. Because Ayerst still has viable options available to it, and because we have determined that the public interest should not be significantly affected by the treatment of Penbritin in the proposed Final Judgment, we have not insisted that the terms of that Judgment be renegotiated.

CONCLUSION

For the reasons stated above, entry of the proposed Final Judgment is in the public interest, and the public interest does not require cost-free divestiture of a *bona fide* Beecham trademark.

Dated: January 29, 1979.

Respectfully submitted: Thomas H. Liddle, Robert S. Schwartz, Lee J. Keller, *Attorneys, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, 202/724-7969.*

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Response of the United States To Comments of Ayerst Laboratories Division of American Home Products Corporation, Relating To Proposed Final Judgment Against the Beecham Defendants were served this date by certified mail upon the following counsel:

Richard A. Whiting, Esq., Steptoe & Johnson, 1250 Connecticut Ave., N.W., Washington, D.C. 20036.

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Daniel A. Rezneck, Esq., Arnold & Porter, 1229 19th Street, N.W., Washington, D.C. 20036.

Dated: January 29, 1979.

THOMAS H. LIDDLE,
Attorney, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, 202/724-7969.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, Plaintiff, v. *Bristol-Myers Company, Beecham Group Limited*, and *Beecham, Inc.*, Defendants.
M.D.L. Docket No. 50

Civ. No. 822-70

Filed:————

COMMENTS OF AYERST LABORATORIES DIVISION OF AMERICAN HOME PRODUCTS CORPORATION, RELATING TO PROPOSED FINAL JUDGMENT AGAINST BEECHAM GROUP LIMITED AND BEECHAM, INC.

Willkie Farr & Gallagher, *Attorneys for American Home Products Corporation, One Citicorp Center, 153 East 53rd Street, New York, New York 10022, (212) 935-8000.*

WILLKIE FARR & GALLAGHER,
New York, N.Y., December 29, 1978.

Re United States of America v. Bristol-Myers Company, Beecham Group Limited and Beecham, Inc., M.D.L. Docket No. 50 Civ. No. 822-70

ROBERT V. ALLEN, ESQ.,
Chief, Intellectual Property Section, Antitrust Division, SAFE 704, United States Department of Justice, Washington, D.C. 20530.

DEAR MR. ALLEN: Enclosed herewith are copies of "Comments of Ayerst Laboratorie: Division of American Home Products Corporation Relating to Proposed Final Judgment Against Beecham Group Limited and Beecham, Inc." and the supporting affidavit of Judson St. John. The originals of these documents have been filed with the Court.

Very truly yours,

STEPHEN GREINER.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, Plaintiff, v. *Bristol-Myers Company, Beecham Group Limited*, and *Beecham, Inc.*, Defendants.
M.D.L. Docket No. 50

Civ. No. 822-70

Filed:————

[5] One obvious possible source for Ayerst would be Wyeth Laboratories, which, like Ayerst, is also a division of American Home Products. Wyeth is also a sublicensee of defendant Bristol-Myers under the ampicillin and many other of Beecham's semisynthetic penicillin patents.

[6] We have been informed by counsel for Ayerst that "Ayerst's ampicillin injectible business" represents a significant portion of Ayerst's overall ampicillin business. In 1977, it represented about 47% of ampicillin sales, and in 1978 about 55%.

[7] Since Ayerst might prefer to sell non-branded ampicillin in some or all markets, it would appear to be in a favorable negotiating position with Beecham.

[8] While expressing no opinion as to what the outcome of any such negotiations should be, there are other possibilities aside from the one we proposed. One would be an assignment of Penbritin to Ayerst, similar to the provisions of Article VIII, but with some negotiated payment by Ayerst reflecting the present value of Beecham's contributions. Another would be modification of the terms of the present agreement, so as to preserve the continued interest of each party in Beecham's supplying ampicillin to Ayerst.

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COMMENTS OF AYERST LABORATORIES DIVISION OF AMERICAN HOME PRODUCTS CORPORATION, RELATING TO PROPOSED FINAL JUDGMENT AGAINST BEECHAM GROUP LIMITED AND BEECHAM, INC.

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 USC 16(b)), Ayerst Laboratories ("Ayerst"), a division of American Home Products Corporation ("AHP"), hereby files these written comments [1] relating to the proposed final judgment ("Judgment") submitted for entry against Beecham Group Limited ("Beecham Group") and Beecham, Inc. ("Beecham") in this civil antitrust action.

1. THE PROVISIONS OF THE JUDGMENT TO WHICH THESE COMMENTS RELATE

These comments relate to Section VIII of the Judgment. That section provides that Beecham will assign, without charge, certain trademarks to persons by whom the trademarks were used in the United States in marketing semisynthetic penicillins that Beecham supplied to them. These trademarks include at least Alpen, the trademark used by the Lederle Laboratories Division ("Lederle") of American Cyanamid Company for the ampicillin it markets, and Pen-A, the trademark used by Pfizer Inc. ("Pfizer") for the ampicillin it sells.

Beecham is precluded under its 1959 licensing agreement with Bristol-Myers Company ("Bristol") from selling semisynthetic penicillins in the United States except under trademarks which Beecham owns. Therefore, the Judgment provides that the trademarks owned by Beecham will be assigned when Beecham (i) acquires the right to sell the semisynthetic penicillins involved under a trademark other than one owned by it or (ii) when there is a determination that the agreements restricting Beecham's right to sales under its own trademarks are unenforceable. Until either one of the foregoing occurs, Beecham is required by the Judgment to authorize those persons using its trademarks to continue to use such trademarks for the sale of the same semisynthetic penicillin purchased from persons other than Beecham. The only trademarks excluded from the provisions of Section VIII are "Penbritin" and "Penbritin S", the trademarks used by Ayerst in connection with its sales of ampicillin.

The purported rationale for Section VIII is set forth in the competitive impact statement ("CIS") filed by the United States in compliance with the Antitrust Procedures and Penalties Act:

In an effort to get around [the restriction permitting Beecham to sell semisynthetic penicillins only under its own trademarks], Beecham allowed its customers to select from a number of unused names or Beecham ideas for possible trademarks, a name under which each customer would like to resell dosage form semisynthetic penicillin that Beecham supplied to it. Beecham then registered as a trademark in the Patent Office the names selected by its customer; each customer then promoted and marketed the product supplied by Beecham under that name. As a result of this promotional effort, Beecham's customers, rather than Beecham, developed whatever goodwill is associated with, and provided whatever value there is in, these trademarks in the United States. And the fact that Beecham's customer made an investment in a trademark registered by Beecham, rather than in a trademark registered by them in their own name, was attributable directly to the trademark restriction in the 1959 agreement and the way in which Beecham sought to avoid it. Finally, Beecham authorized its customers to use the trademarks that Beecham registered only for the sale of the semi- synthetic penicillin that Beecham supplied to them.

The effect of this practice has been to insulate Beecham from competition from other suppliers in sales to its customers of ampicillin and other semisynthetic penicillins. [CIS at Section III E]

The purported rationale for the exclusion of "Penbritin" and "Penbritin S" from the application of Section VIII of the Judgment is also set forth in the CIS:

Beecham's world-wide trademarks, "Penbritin" and "Penbritin S", are specifically excluded from the application of Section VIII of the proposed judgment. They are so excluded even though the "Penbritin" trademark is the subject of an arrangement (with the Ayerst Division of AMHO) similar to the arrangements that Beecham has with other customers involving trademarks that Beecham is required to assign under the proposed judgment. The reason for this exclusion is that, unlike the trademarks to be assigned under Section VIII, Beecham used its "Penbritin" trademarks itself extensively in the United States (and elsewhere) well before entering into its present arrangement with Ayerst. They appear therefore to be bona fide Beecham trademarks. [CIS at Section III E]

2. THE UNDERLYING FACTS DO NOT SUPPORT THE ALLEGED RATIONALE UPON WHICH THE EXCLUSION OF THE PENBRITIN TRADEMARK FROM SECTION VIII IS BASED

As indicated above, the Judgment provides that Beecham's bulk customers (which include at least Lederle and Pfizer) will be allowed to use (for the sale of ampicillin purchased from sources other than Beecham) the trademarks under which they have previously sold semisynthetic penicillum purchased from Beecham. The reason for this provision is that (i) such customers, rather than Beecham, promoted the trademark and developed whatever goodwill is associated with it, and (ii) such customers invested in the trademark registered by Beecham rather than in a trademark registered by them in their own name because of the trademark restriction in the 1959 agreement and the way Beecham sought to avoid it. [CIS Section III E] These same facts characterize Ayerst's use of the Penbrition and Penbritin S trademarks. Accordingly, there is no justifiable basis for distinguishing the Penbritin trademarks from the other trademarks covered by Section VIII.

The Penbritin trademarks were introduced into the United States in 1963 when Beecham and Ayerst first entered into marketing arrangements with regard to ampicillin. Since that time Ayerst has been continuously involved directly in the use and promotion of the Penbritin trademarks, neither of which have ever been used by Beecham independent of Ayerst in the United States. The CIS recognizes Ayerst's continuous use of the Penbritin marks when it recites (at p. 6) that "since about November 1962, Beecham and the Ayerst Division of AMHO have entered into various marketing arrangements, trademark licenses and purchase agreements, pursuant to which Beecham has supplied Ayerst with ampicillin for Ayerst's sale under Beecham's 'Penbritin' trademark. * * *" Since September 2, 1969 neither Beecham nor any of its subsidiaries have used the trademark Penbritin or played any role whatsoever in the promotion or selling of Penbritin.

From January 3, 1963 through September 1969, Ayerst marketed ampicillin under the trademark Penbritin for Beecham Research Laboratories, Inc. ("BRL"), a corporation 51% owned by Beecham and 49% by Ayerst, pursuant to a marketing agency agreement. Long prior to the effective date of the marketing agency agreement, Ayerst was an established firm in the prescription drug business in the United States whose name was well known to physicians, druggists, hospitals and other large purchasers of such drugs. As the marketing agency agreement specified, Ayerst, unlike BRL, had a large staff of detailmen to sell and promote prescription drugs. It was for this reason that BRL was willing to appoint Ayerst to market Penbritin. On the other hand, BRL had been formed only in 1962. From 1963 through 1969, when BRL ceased operations, its business activities were limited to the sale of semisynthetic penicillins (principally ampicillin) through Ayerst. During that period, BRL was not well known to physicians and large purchasers of prescription drugs. Moreover, prior to 1970 at least, Beecham, like BRL, was not well known in this country in the prescription drug field and its sales of prescription drugs were small.

During the period of the marketing agency agreement, the trademark Penbritin became associated with the name Ayerst, and Ayerst developed the goodwill associated with that trademark because of three principal factors. First, during that period the promotional material used by Ayerst specified that Penbritin was distributed by Ayerst, Laboratories, as distributors for BRL. The name Ayerst, however, was more prominently displayed on that material than the name BRL. (*see, e.g.*, documents A04772, A04783, A04846, A04950, A04919, and A04974 in the document depository). Second, during the period 1963 through 1969, the detailmen who sold and promoted Penbritin were employed by—and were known by the physicians and trade to be employees of—Ayerst, not BRL or Beecham. The large majority of the persons to whom Penbritin was sold or promoted by the Ayerst detailmen, together with other Ayerst products, undoubtedly identified the name Penbritin with Ayerst. third, the identification of the trademark Penbritin with Ayerst was strengthened by the fact, as indicated above, that Ayerst was a long-established and well-known firm in the prescription drug field in the United States, whereas BRL and Beecham were newcomers to the prescription drug business in this country and were relatively unknown here. Consequently, from the outset Penbritin was closely associated with the name Ayerst, not Beecham, and it was Ayerst that developed and was the beneficiary of the goodwill associated with the trademark.[2]

[1] Ayerst is submitting herewith the supporting affidavit of its Executive Vice President, Judson St. John.

[2] Under the Judgment Ayerst will be permitted to use the Beecham "Veracillin" trademark and may receive an assignment of it. Veracillin is the trademark under which Ayerst has sold dicloxacillin since 1968. Ayerst now sells veracillin pursuant to a distribution agreement with Beecham

Footnotes continued on next page

Effective September 2, 1969, Beecham and Ayerst entered into a distribution agreement pursuant to which Ayerst has purchased ampicillin from Beecham and sold it under the "Penbritin" trademark. (See document A03022–A03056 in the document depository) The distribution agreement provides that Ayerst may use the Penbritin trademark only with respect to ampicillin purchased from Beecham (with certain exceptions in the event Beecham is unable to fill Ayerst's orders). The purchase price for such ampicillin is (i) Beecham's cost, (ii) an amount for interest on the investment made by Beecham in its plant devoted to the production of Penbritin, (iii) 5% of Beecham's manufacturing cost and such interest on investment, and (iv) the royalties payable by Beecham to third parties and Beecham Group. In addition, the agreement provides for the payment of a trademark royalty by Ayerst equal to 50% of its net profits before taxes.

As before, under this arrangement, it is Ayerst, not Beecham, which has promoted the trademark Penbritin and has continued to develop all goodwill associated with that trademark in the United States. Thus, it is the name of Ayerst which appears on advertisements for Penbritin in medical journals, on promotional material sent to physicians and on package labels and inserts (See, e.g., documents A04987, A05017, A04998, A04999, A05029 and A05025-26 in the document depository)—much the same as the names of Beecham's other bulk customers appear on promotional material used in connection with the semisynthetic penicillin products which they market.

Moreover, after September 2, 1969 the reason Beecham retained ownership of the Penbritin trademark and the reason Ayerst invested in the trademark registered in Beecham's name rather than in a trademark registered in Ayerst's name, was attributable directly to the trademark restriction in the 1959 agreement and the way Beecham sought to avoid it. This is precisely the same reason, according to the CIS, that Beecham retained ownership of the trademarks developed by Beecham's other bulk customers and that such customers invested in those trademarks. Therefore, the rationale set forth in the CIS for the provisions in the Judgment requiring Beecham to assign trademarks such as Pen-A and Alpen applies in all respects to Penbritin.

In sum, when the CIS states that the reason for the exclusion of Penbritin from Section VIII is that "Beecham used its Penbritin trademark itself extensively in the United States (and elsewhere) [3] well before entering into its present arrangements with Ayerst" it is in error. As noted, Ayerst was involved from the beginning in the use of the mark Penbritin in the United States, and from the beginning it was Ayerst which primarily promoted the mark and was identified with it. Moreover, for the last nine years in the United States Ayerst alone has promoted the Penbritin marks, has invested heavily in those trademarks and has developed *all* goodwill now associated with those trademarks. Whatever goodwill Beecham had derived indirectly through Ayerst and BRL prior to September 1969 has now been totally and irretrievably lost by Beecham.

3. AYERST WILL BE SUBSTANTIALLY DISADVANTAGED UNDER THE TERMS OF THE JUDGMENT VIS-A-VIS OTHER PRESENT PURCHASERS FROM BEECHAM AND OTHERS WHO MARKET AMPICILLIN.

If Ayerst desires to sell ampicillin under the Penbritin trademark, it will be required to abide by the terms of the September 2, 1969 distribution agreement. Under that agreement, it must purchase ampicillin only from Beecham (at specified prices) and must pay Beecham a substantial trademark royalty on its sales. Because of current market conditions, Ayerst must sell ampicillin, if at all, under the well known Penbritin trademark which it has developed over a period of 15 years at great expense. As a practical matter Ayerst cannot at this time develop a new trademark under which to sell ampicillin. The CIS recognizes the difficulty faced by Beecham's customers in developing new trademarks:

For after having once made such an investment in a trademark registered by Beecham, these customers have been (and will likely continue to be) unwilling to make the requisite additional investment in another trademark under which to promote and market the same product purchased from another source. [CIS at Section III E]

Under the Judgment, Ayerst must continue to buy from Beecham pursuant to the price and trademark royalty terms of its distribution agreement, while other present bulk customers of Beecham are free to seek more favorable terms from other suppliers and may become free to manufacture ampicillin themselves. This will plainly and unfairly disadvantage Ayerst in a number of ways.

First, under the Judgment, persons other than Ayerst who currently purchase in bulk from Beecham, can seek better prices from other suppliers. [4] Bristol, Wyeth, and Squibb all manufacture and may sell bulk ampicillin without violating any contractual obligation or any other persons' patent rights. Not only will Beecham's present bulk customers have the potential of purchasing from other sources at lower prices, but their ability to purchase elsewhere may enable such persons to negotiate better terms with Beecham. Second, if an adverse determination is rendered against Bristol in the litigation, or Bristol settles on terms similar to those contained in the Judgment against Beecham, additional sources of bulk ampicillin might become available from which Beecham's present customers could make purchases. Such sources could include (1) ampicillin manufactured by other persons not now licensed by Bristol (including Beecham's present bulk customers), (2) ampicillin manufactured outside the United States, and (3) compulsory bulk sales by Bristol itself. Third, in the event of an adverse determination against Bristol, Beecham's present bulk customers, other than Ayerst, will have the option of manufacturing ampicillin themselves. Fourth, in all events by November 1981, when Bristol's ampicillin trihydrate patent expires, (1) the additional sources of supply mentioned above (except compulsory bulk sales by Bristol) may become available and (2) Beecham's bulk customers will be allowed to manufacture ampicillin. Under the Judgment, Ayerst, unlike its competitors, will not be able to take advantage of these potential sources of supply or to manufacture ampicillin itself because it will be required to continue to purchase from Beecham. [5]

Ayerst will be subjected to other serious competitive disadvantages if it alone is forced to purchase from Beecham. In the last several years, Ayerst has been unable to obtain the quantities of ampicillin from Beecham, particularly the injectable forms, which it needs to meet its orders. In addition, many deliveries by Beecham to Ayerst have been delayed. As a result, Ayerst has lost substantial revenues. For example, Ayerst's inability to obtain needed supplies from Beecham has forced it to give up large bids which it had won to supply certain states and hospitals with Penbritin. Under the distribution agreement Ayerst has no effective way of overcoming the problems caused by Beecham's failure to supply and its late deliveries. While the distribution agreement provides that in the event Beecham does not fulfill Ayerst's ampicillin orders, Ayerst may, if certain conditions are met, obtain its requirements from other suppliers, this provision does not help Ayerst significantly. In the case of ampicillin contracts for which Ayerst must bid, it is essential that Ayerst be assured many months in advance that it will be able to fulfill its obligations. Under the distribution agreement, Ayerst is unable to obtain timely assurances that it will be supplied by Beecham or other sources.

Not requiring Beecham to assign the Penbritin trademark to Ayerst poses another major problem for Ayerst. By its terms, the distribution agreement expires at the very latest in 1989. At that time, Ayerst can no longer use the Penbritin trademark (unless it enters into another agreement with Beecham) and Beecham will become free to use that mark. In contrast, the trademarks now used by Beecham's other bulk purchasers will be assigned to them. Under these circumstances, as a practical matter, it will be

Footnotes continued from last page

identical to the distribution agreement relating to Penbritin. Moreover, prior to September 2, 1969, Ayerst sold Veracillin pursuant to a marketing agency agreement dated August 5, 1966. That agreement is *identical* to the marketing agency agreement of the same date under which Ayerst sold "Penbritin". (See, e.g., documents A01553–A01579 in the document depository) Since the arrangements between Ayerst and Beecham relating to "Veracillin" and "Penbritin" before and after September 2, 1969 were the same, there is no reason for the Judgment to treat Penbritin differently.

[3] Use by Beecham of the Penbritin trademark outside of the United States does not give Beecham any trademark rights or goodwill in the United States. Trademark rights or goodwill in the United States can be obtained only by use of the trademark in this country.

[4] In addition, Ayerst will be forced to continue to pay Beecham a trademark royalty, thereby increasing its costs, whereas it would appear others who now purchase in bulk from Beecham (pursuant to arrangements requiring them to pay Beecham a trademark royalty) and compete with Ayerst such as Lederle will be relieved of this expense. The significance of this is obvious. Ayerst pays Beecham a trademark royalty equal to 50% of its net profits before taxes on Penbritin sales.

[5] The competitive disadvantage to Ayerst of being forced to buy ampicillin from Beecham is evident from a review of current ampicillin pricing. Currently, Beecham and other competitors give deals to pharmacies and wholesalers permitting those persons to purchase ampicillin below the cost at which Ayerst purchases it from Beecham.

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difficult for Ayerst to justify making the required investment in the promotion of Penbritin which will enable it effectively to compete in the ampicillin market.

4. INSOFAR AS THE JUDGMENT EXCLUDES PENBRITIN FROM THE PROVISIONS OF SECTION VIII, THE JUDGMENT IS NOT IN THE PUBLIC INTEREST

The CIS concludes that the arrangements by which Beecham's present customers (presumably including Ayerst) are required to purchase only from Beecham has an anti-competitive effect:

The effect of this practice has been to insulate Beecham from competition from other suppliers in sales to its customers of ampicillin and other semisynthetic penicillins. This effect will continue unless each of Beecham's customers is free to use, with a semisynthetic penicillin purchased from a source other than Beecham, the trademark that Beecham registered (but only the customer used) in the United States and in which such customer has already made a substantial investment • • • Thus, requiring assignment of (or authorization to use) such trademarks should, the Government believes, further open up the semisynthetic penicillin market to effective competition. [CIS Section III E]

Allowing Beecham to retain the Penbritin trademark will not only insulate Beecham in its sales of ampicillin to Ayerst from competition from other suppliers, but it may seriously weaken the competitive position of Ayerst in the market as indicated above and this fact itself may have important anti-competitive effects on the ampicillin market.

Historically, Ayerst has been an important competitor in the ampicillin market. Throughout the 1960s, Ayerst was among the market leaders in sales of ampicillin. Although its market share has dropped [6] since that time, Ayerst is still a significant competitor and its presence in the market is likely to have an effect on price competition.

As indicated above, forcing Ayerst alone to adhere to the trademark provisions of its distribution agreement with Beecham may substantially impair its competitive position and may, in fact, force it from the market. Impairing or destroying Ayerst's competitive position will almost certainly have anti-competitive consequences and will be contrary to the public interest.

5. CONCLUSION

For the reasons indicated above, the Judgment should be revised so as not to exclude Penbritin from the provision of Section VIII.

Dated: December 29, 1978.

Respectfully submitted: Willkie Farr & Gallagher, *Attorneys for American Home Products Corporation.*

By: Stephen Greiner (a member of the firm), One Citicorp Center, 153 East 53rd Street, New York, N.Y. 10022.

[6] A portion of Penbritin's decline in market share is directly attributable to Ayerst's inability to obtain its ampicillin needs from Beecham on a timely basis.

AFFIDAVIT OF JUDSON ST. JOHN

AFFIDAVIT

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, Plaintiff, v. *Bristol-Myers Co., Beecham Group Limited*, and *Beecham, Inc.* Defendants.

M.D.L. Docket No. 50

Civ. No. 822-70

Filed:————

State of New York ss.:
County of New York

JUDSON ST. JOHN, being duly sworn, deposes and says:

1. I am an Executive Vice President of Ayerst Laboratories ("Ayerst"), a division of American Home Products Corporation ("AHP"). I submit this affidavit to document certain facts which are referred to in the written comments of Ayerst submitted herewith relating to the proposed Judgment against Beecham Group Limited ("Beecham Group") and Beecham, Inc. ("Beecham") in this litigation.

2. As set forth in the comments, Ayerst has been unable to obtain from Beecham the quantities of ampicillin injectables which Ayerst's business requires. For example, during the three year period 1976 through 1978, Ayerst ordered 3,377 kilos of ampicillin injectables from Beecham but received shipments totaling only 1,743 kilos, or 52% of the amount ordered. The problem during 1977 and 1978 has become increasingly acute. During the latter period orders aggregating 2,428 kilos have been placed while shipments amounting to only 845 kilos have been made.

3. Because of the nature of the ampicillin injectable market, Beecham's failure to make deliveries has had a serious affect on Ayerst's ampicillin injectable business. Ampicillin injectables are sold primarily on a bid basis to hospitals and governmental entities. To compete effectively in this market, it is imperative for the bidder to know well in advance that it will have an adequate supply with which to meet its obligations in the event it is awarded the contract. Because of Beecham's failure to supply Ayerst's requirements of ampicillin injectables, Ayerst's competitive position in this market has been seriously hurt. It should be noted that the September 2, 1969 distribution agreement between Ayerst and Beecham contains a provision allowing Ayerst, under certain circumstances, to obtain ampicillin from suppliers other than Beecham. In practice, however, this provision affords Ayerst little protection. frequently, Ayerst has not been given sufficient notice by Beecham that it would not supply Ayerst with enough ampicillin to meet Ayerst's needs so as to enable Ayerst to obtain (or attempt to obtain) ampicillin injectables from another source on a timely basis.

4. Beecham's failure to meet Ayerst's ampicillin injectable needs has resulted in Ayerst's loss of several large bids which it had won to supply Penbritin to hospitals and governmental entities. During the fiscal year ended March 31, 1977 Ayerst was forced to give up, because of lack of Penbritin injectable, a bid of $500,000 to supply the Joint Purchasing Corporation (the corporation which buys, among other things, drugs for those hospitals, principally in New York City, who are members of the Federation of Jewish Philanthropies), a bid of $500,000 to supply western New England Hospital Purchasing Group, and bids aggregating $200,000 to supply the purchasing arms of the states of Maine and Connecticut—all of which Ayerst had won.

5. Besides Beecham's failure to deliver sufficient ampicillin to Ayerst, the majority of ampicillin injectable shipments made in recent years were delivered late. During the three year period from 1976 through 1978, 70% of Beecham's deliveries of ampicillin injectables were more than one month late.

6. Ayerst's comments also state that in terms of pricing, Ayerst has been placed at a severe competitive disadvantage because it can purchase only from Beecham under the distribution agreement. In fact, the prices Ayerst must pay to Beecham for several size and dosage packages of Penbritin capsules have exceeded the prices at which Totacillin capsules have been sold to pharmacists and wholesalers during deals offered by Beecham. For example, effective June 1, 1977, Ayerst's purchase prices from Beecham (which do not include other costs such as those for promotion, distribution, etc.) for capsules have been as follows:

Package size and dosage:	Cost
250 mg. x 100	$4.88
250 mg. x 500	23.45
500 mg. x 50	4.51
500 mg. x 500	42.65

In a promotional brochure dated July 10, 1978, a copy of which is annexed hereto as Exhibit "A", Beecham offered ampicillin capsules to pharmacists at the following prices:

Package size and dosage	Price	Price ($250-399)	Price ($400 or more)
250 mg. x 100's	$4.09	$3.94	$3.79
250 mg. x 500's	18.48	17.99	17.50
500 mg. x 50's	4.07	3.96	3.85
500 mg. x 500's	37.14	36.17	35.20

Squibb also has offered pharmacists lower prices than those paid by Ayerst to Beecham. During the period from July 1, 1978 through September 30, 1978 Squibb offered the following prices for ampicillin capsules:

Package size and dosage	Price	Early buy incentive discount price
250 mg. x 100	$4.85	$4.71
250 mg. x 500	20.90	20.27
500 mg. x 500	41.50	40.26

7. Information has also been obtained by Ayerst that within the last two years, certain of Ayerst's competitors have won bids to supply ampicillin injectables to hospitals and governmental entities at prices less than Beecham's price on such injectables to Ayerst.

8. For the reasons set forth above and in the comments of Ayerst, I respectfully request that Section VIII of the Judgment be amended so as not to exclude the Penbritin trademarks from the terms thereof.

JUDSON ST. JOHN.

Sworn to before me this 29th day of December, 1978.

BRENDA R. GARNER,
Notary Public.

BEECHAM LABORATORIES,
Bristol, Tenn., July 10, 1978.

DEAR PHARMACIST: Beecham, the discoverer and developer of ampicillin as well as most of the important semisynthetic penicillins, is pleased to announce a significant reduction in prices for the following penicillin products through a 1978 Special Antibiotic Combination offer to the direct customer.

TOTACILLIN® (ampicillin)
BACTOCILL® (oxacillin sodium)
CLOXAPEN® (cloxacillin sodium)
DYCILL® (dicloxacillin sodium)

The attached sheet displays the new reduced prices on the above products based upon certain minimum qualifying order levels valued at the "special offer list prices" of any combination of the items listed. You can obtain the special prices by purchasing qualifying orders before November 30, 1978, and then unlimited reorders will be honored through March 31, 1979 at the lowest prices earned during the offer period ($150 minimum order at special offer list prices required).

Beecham has one of the most complete product lines of oral forms of ampicillin, both capsules and oral suspensions.

The oral anti-staph products, BACTOCILL®, (oxacillin sodium), CLOXAPEN® (cloxacillin sodium), and DYCILL® (dicloxacillin sodium) are offered at prices which are up to 15% below other competitive products.

To take advantage of these "most" competitive prices, contact your Beecham representative or your local Beecham Distribution Center through one of the following toll free numbers:

Bristol, TN.—Ask for Customer Service, 1-800-251-0271. (Except Tennessee—615/764-5141)—States Serviced: Arkansas, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia and West Virginia.

Piscataway, N.J., 1-800-526-3540. (Except New Jersey—201/469-5441)—States Serviced: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

Elmhurst, Illinois, 1-800-323-1033. (Except Illinois—1-800-942-2488)—States Serviced: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

Arlington, Texas, 1-800-433-1553. (Texas outside Dallas/Ft. Worth 1-800-792-8921). (Dallas/Ft. Worth—1-817-261-6626)—States Serviced: Colorado, Louisiana, New Mexico, Oklahoma, and Texas.

TOTACILLIN ORAL/ORAL ANTI-STAPH PRICES; 1978 SPECIAL ANTIBIOTIC COMBINATION OFFER

[Effective July 10, 1978-November 30, 1978]

	Special offer list prices	Mix A special offer list price $150-$249	Mix B special offer list price $250-$399	Mix C special offer list price $400 or more
Totacillin capsules (ampicillin):				
250mg. x 100's	4.09	4.09	3.94	3.79
250mg. x 500's	18.48	18.48	17.99	17.50
500mg. x 50's	4.07	4.07	3.96	3.85
500mg. x 500's	37.14	37.14	36.17	35.20
Totacillin for oral suspension (ampicillin):				
125mg./5ml. x 80ml	.73	.73	.71	.69
125mg./5ml. x 100ml	.83	.83	.81	.79
125mg./5ml. x 150ml	1.14	1.14	1.12	1.10
125mg./5ml. x 200ml	1.43	1.43	1.41	1.39
250mg./5ml. x 80ml	1.07	1.07	1.05	1.03
250mg./5ml. x 100ml	1.23	1.23	1.21	1.19
250mg./5ml. x 150ml	1.78	1.78	1.74	1.70
250mg./5ml. x 200ml	2.17	2.17	2.13	2.09
Bactocill (oxacillin sodium):				
250mg. x 100's	16.48	16.48	16.32	16.16
500mg. x 100's	30.74	30.74	30.43	30.13
Cloxapen (cloxacillin sodium):				
250mg. x 100's	19.79	19.79	19.59	19.39
500mg. x 100's	39.29	39.29	38.89	38.50
Dycill (dicloxacillin sodium):				
250mg. x 100's	19.75	19.75	19.55	19.35
500mg. x 100's	34.55	34.55	34.20	33.86

Reorder privileges: Unlimited reorders from December 1, 1978 through March 31,-1979 at lowest prices earned during the offer period ($150 minimum order at special offer list prices required); All prices subject to 2% additional cash discount if paid within 30 days of invoice date, net 31 days.

Sacramento, California, 1-800-824-5022 (California except area code 916—1-800-852-7578), Sacramento to A.C. 916—381-4030—States Serviced: Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

If you order exclusively through a wholesaler, contact your local wholesaler about new reduced prices for TOTACILLIN®, BACTOCILL®, CLOXAPEN® and DYCILL® under the 1978 Special Antibiotic Combination Offer.

Very cordially yours,

M. MARION JONES,
Vice President—Sales & Marketing.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, Plaintiff, v. *Bristol-Myers Company, Beecham Group Limited*, and *Beecham Inc.* Defendants.

M.D.L. Docket No. 50

Civ. No. 822-70

RESPONSE OF THE UNITED STATES, UNDER 15 U.S.C. 16(b), TO OBJECTIONS OF DEFENDANT BRISTOL-MYERS COMPANY TO ENTRY OF PROPOSED FINAL JUDGMENT AGAINST THE BEECHAM DEFENDANTS

INTRODUCTION

Pursuant to 15 U.S.C. 16(b), the United States submits this partial response to certain objections made by defendant Bristol-Myers Company ("Bristol") to entry of a proposed Final Judgment against Beecham Group Limited and Beecham Inc. (collectively "Beecham"). On December 29, 1978, Bristol filed a paper,[1] objecting to entry of the proposed Judgment, and seeking certain relief (including modification of that Judgment). Bristol purported to base its objections on 15 U.S.C. 16(b), and to seek relief pursuant to F.R.Civ.P. 41(a)(2) and 54(b). Bristol objected on the following grounds (p. 2, Objections):

(A) the decree would violate Bristol's fundamental rights to Due Process by granting the government unfair procedural advantages in the continued prosecution of its claims against Bristol, and

(B) the decree would require Beecham to infringe Bristol's rights under the United States Patent No. 3,164,604 covering 6-amino penicillanic acid ("6-APA"), . . . by making compulsory sales of 6-APA, and might encourage additional infringement of that patent by recipients of Beecham's proposed covenants not-to-sue.

On January 22, 1979, the government filed a separate paper responding to Bristol's due process "objection" and to the relief Bristol sought under Rules 41(a)(2) and 54(b). That response demonstrates that the proposed Judgment would not deny Bristol due process of law, that the relief Bristol requested is unnecessary, and that Bristol's deposition rights (as ensured by Order of this Court) fully protect its legitimate procedural interests. In our view, 15 U.S.C. 16(b) does not require the government to publish that response.[2]

In this paper, we (1) show that Bristol's due process "objection" is not directed to the "public interest" determination required by 15 U.S.C. 16(e), and (2) respond on the merits only to Bristol's objections concerning its asserted rights under the 6-APA patent (U.S. No. 3,164,604). Pursuant to 15 U.S.C. 16(d), we are publishing this response, and we are also publishing (even though, in our view, not required by that statute to do so) Bristol's entire filing concerning the proposed Judgment.

I. BRISTOL HAS NO VALID PROCEDURAL OBJECTION TO THE PROPOSED FINAL JUDGMENT UNDER 15 U.S.C. 16

Bristol cites no authority in support of its demand to modify the substantive provisions of this proposed consent judgment. The only basis for Bristol to attempt to do so is pursuant to 15 U.S.C. 16. Subsection (e) of that statute provides that no consent judgment may be entered without a determination by the Court that such judgment is "in the public interest." That same subsection also provides that in making such determination, a court may consider:

(1) The competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipat-

[1] "Objections of Defendant Bristol-Myers Company To Entry of Proposed Final Judgment Against Beecham Defendants and Request for Relief" ("Objections").

[2] This is because (a) the relief Bristol sought pursuant to Rules 41(a)(2) and 54(b) is directed solely to Bristol's due process "objection", and (b) neither that objection nor the relief requested is directed to the "public interest" determination required by 15 U.S.C. 16(e).

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ed effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) The impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

The "public interest" is in no way involved in Bristol's purely private concerns as a litigant in this case. Indeed, the only reference in Bristol's paper to the public interest appears in the conclusion. There, Bristol contends (p. 9):

"[t]he proposed consent decree is not in the public interest as it would cause serious injury to Bristol's Constitutional and economic rights."

Bristol's access to Beecham witnesses and documents (as compared with that of the plaintiffs) has nothing whatever to do with (1) the "competitive impact" of the proposed Judgment, (2) the impact of entry of that Judgment upon the public generally or on persons allegedly harmed by Bristol's conduct, or (3) the public's interest in free and open competition in the pharmaceutical market. Obviously, Bristol has confused its own interest with the public interest. As we said in our January 22 response, to the extent that Bristol believes that it is being treated unfairly (although we do not believe it is) in its defense against charges brought on the public's behalf, Bristol's recourse lies in the provisions of the Federal Rules of Civil Procedure.

II. THE PROPOSED JUDGMENT DOES NOT REQUIRE BEECHAM, OR ENCOURAGE OTHERS, TO VIOLATE WHATEVER RIGHTS BRISTOL MAY HAVE UNDER THE 6-APA PATENT OR ITS 1959 AGREEMENT WITH BEECHAM

A. Alleged "Infringement"

Bristol objects to the proposed judgment on the grounds that it "requires" infringement of Bristol's exclusive rights under U.S. Patent No. 3,164,604, which claims 6-APA.[3] Article V(F) of the proposed Judgment does require Beecham, under certain circumstances, to sell 6-APA in the United States. It is not all that clear, however, that Beecham's sales of 6-APA would involve any infringement of the 6-APA patent, because, in our view, Beecham's April 2, 1959, agreement with Bristol (which is specifically challenged in this lawsuit) permits Beecham to make such sales. But even if we are wrong about that, there is no substantial likelihood of any violation of either Bristol's contractual or patent rights, because there is apparently little likelihood of any sales of 6-APA under the proposed Judgment.

1. The 1959 agreement does not prevent sales of 6-APA.

Bristol contends that Beecham's so-called "reserved right" in the license agreement of April 2, 1959, "provides *no* right under United States Patent No. 3,164,604 to sell 6-APA • • •" (p. 6, Objections; emphasis added). Bristol is clearly wrong about that, for Beecham has at least some right to sell 6-APA. While granting Bristol certain exclusive rights in a number of United States patents (including the 6-APA patent), the 1959 agreement also expressly recognized Beecham's right "to sell in the United States of America Licensed Products A • • • in consumer package form under trademarks owned by Beecham • • •." And, as we understand the 1959 agreement, 6-APA is a "Licensed Product A".[4] Thus, Beecham has an express right under that agreement to sell Licensed Products A (including 6-APA) in "consumer package form."

6-APA is a starting material from which all semisynthetic penicillins are made. It is neither sold nor used as a phrmaceutical or for clinical purposes. Thus, it is not sold, used, or consumed in a "dosage form,"[5] such as pills, tablets, or capsules. Instead, 6-APA is made, sold, and used by its ultimate consumer in powder (or other bulk) form, as a raw material in making semisynthetic penicillins. And for 6-APA the ultimate consumers are manufacturers of semisynthetic penicillins. Thus, for this product and for those consumers, whatever the package form may be in which 6-APA powder is ordinarily sold to its ultimate consumers, that package form must necessarily, and as a matter of common sense, be a "consumer package form" within the meaning of the 1959 agreement.[6] In view of this, it seems to us that a fair and reasonable interpretation of the 1959 agreement is that Beecham would not violate any of "Bristol's exclusive rights under the 6-APA patent" if Beecham were to sell 6-APA in the United States pursuant to the proposed Judgment.

In any event, Beecham is a party to both this proposed Judgment and the 1959 agreement. Therefore, whatever risks of violating either Bristol's contractual or patent rights exist, by reason of having to sell 6-APA pursuant to the proposed Judgment, they are risks that Beecham has obviously already assumed by agreeing to the Judgment. In addition, the proposed Judgment would have no effect whatsoever on Bristol's right to enforce whatever contractual or patent rights it may have. Thus, if Bristol now has a right to sue Beecham, because of any Beecham sales of 6-APA, Bristol would still have the same right to do so after the Judgment is entered.

2. Sales of 6-APA under the proposed Judgment are unlikely anyway.

Beecham is obliged under the proposed Judgment to sell 6-APA in the United States only in certain limited circumstances, all of which must exist concurrently in order for the obligation to apply. Those circumstances include:

(1) 6-APA becomes "temporarily unavailable commercially from a source other than Beecham or Bristol";

(2) a request for 6-APA is made in writing for delivery in the United States to meet *bona fide* stated requirements for manufacture and sale of semisynthetic penicillins in the United States;

(3) a person making such a request is practicing under a license granted pursuant to Article VI of the Judgment, and is neither a 6-APA nor semisynthetic penicillin bulk-customer or licensee of either Beecham or Bristol as of the date of entry of the Judgment; and

(4) Beecham made, or had made for it, at least some 6-APA that it used in making >semisynthetic penicillins sold in the United States during the previous calendar year.

As for the commercial availability of 6-APA, Bristol itself informed us, during joint settlement discussions, that 6-APA was now virtually a commodity on the world market, and therefore was readily available from a number of sources. If Bristol is right about that, there may be few, if any, occasions when Beecham will be obliged to sell 6-APA in the United States pursuant to the proposed Judgment.[7]

B. Covenants Not-To-Sue

Bristol also objects to entry of the proposed Judgment because, Bristol claims, it might encourage persons other than >Beecham to infringe the 6-APA patent. Such encouragement might occur, Bristol contends, because the proposed Judgment "does not require Beecham to disclose to all recipients of Beecham's covenant not-to-sue that Bristol, as exclusive licensee, [as well as Beecham] has the right to bring suit to enjoin or seek damages for infringement" (p. 7, Objections).

It is unnecessary, we submit, for the Judgment to require Beecham to do so, because the competitive impact statement makes it clear that Bristol has that right (pp. 9 and 15). In any event, Beecham has advised us that they will so inform each applicant for a covenant not-to-sue.

CONCLUSION

For the foregoing reasons, Bristol has failed to show that the proposed Final Judgment is not in the public interest, or that it would cause any serious injury to Bristol's Constitutional or economic rights. Entry of the proposed Judgment is, we submit, in the public interest.

Dated: January 29, 1979.

Respectfully submitted,

THOMAS H. LIDDLE,
ROBERT S. SCHWARTZ,
LEE J. KELLER,
Attorneys, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, 202/724-7969.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Response of the United States, Under 15 U.S.C. § 16(b), To Objections of Defendant Bristol-Meyers Company To Entry of Proposed Final Judgment Against the Beecham Defendants were served this date by certified mail upon the following counsel:

Richard A. Whiting, Esq., Steptoe & Johnson, 1250 Connecticut Ave., N.W., Washington, D.C. 20036.

Philip A. Lacovara, Esq., Hughes Hubbard & Reed, 1660 L Street, N.W., Washington, D.C. 20036.

David I. Shapiro, Esq., Dickstein Shapiro & Morin, 2101 L Street, N.W., Washington, D.C. 20037.

Arnold Bauman, Esq., Shearman & Sterling, 53 Wall Street, New York, New York 10017.

Jerome G. Shapiro, Esq., Hughes Hubbard & Reed, 1 Wall Street, New York, New York 10005.

Daniel A. Rezneck, Esq., Arnold & Porter, 1229 19th Street, N.W., Washington, D.C. 20036.

Dated: January 29, 1979.

THOMAS H. LIDDLE,
Attorney, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, 202/724-7969.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America, Plaintiff, against *Bristol-Myers Company, Beecham Group Limited* and *Beecham Inc.*, Defendants.

M.D.L. Dkt. No. 50

C. A. No. 822-70

OBJECTIONS OF DEFENDANT BRISTOL-MYERS COMPANY TO ENTRY OF PROPOSED FINAL JUDGMENT AGAINST BEECHAM DEFENDANTS AND REQUEST FOR RELIEF

On October 25, 1978, the United States ("the government") and defendants Beecham Group Limited and Beecham Inc. (collectively "Beecham") submitted to the Court for approval a proposed Final Judgment ("the proposed consent decree") which, if approved, would settle both equitable and legal claims asserted by the government against Beecham. Defendant Bristol-Myers Company ("Bristol") objects to entry of the proposed consent decree pursuant to 15 U.S.C. 16(b), and, pursuant to Rules 41(a)(2) and 54(b) of the Federal Rules of Civil Procedure, requests relief against entry of judgment except upon such terms and conditions as will preserve Bristol's rights to fundamental fairness and even-handed justice.

I. OBJECTIONS TO PROPOSED CONSENT DECREE

Bristol objects to the proposed consent decree on the grounds that

(A) the decree would violate Bristol's fundamental rights to Due Process by granting the government unfair procedural advantages in the continued prosecution of its claims against Bristol, and

(B) the decree would require Beecham to infringe Bristol's rights under the United States Patent No. 3,164,604 covering 6-amino penicillanic acid ("6-APA"), whose validity is unchallenged, by making compulsory sales of 6-APA, and might encourage additional infringement of that patent by recipients of Beecham's proposed covenants not-to-sue.

A. Judicial enforcement of provisions granting the government procedural advantages would deprive Bristol of due process and would violate principles of fundamental fairness.

Article XVII of the proposed consent decree incorporates in the decree an agreement, denominated "Exhibit A", between Beecham and the government concerning Beecham's continued availability to the government as a witness during pretrial proceedings and at trial of the action against Bristol. In Exhibit A, Beecham agrees to produce its personnel to testify for the government either at pretrial depositions or at trial, as the government elects, and agrees to use its best efforts to assist the government in deposing and securing the presence at trial of retired or former Beecham personnel (Exhibit A, pars. 1(c) and 1(e)). Beecham also agrees to use its best efforts to obtain written statements for the government from present and former Beecham personnel, and agrees to comply with requests by the government to inspect and copy documents relating to the subject matter of the action (Exhibit A, pars. 1(b), 1(c) and 1(d)).

Article XIII of the proposed consent decree provides that jurisdiction will be retained over Beecham by this Court to implement the decree including "the enforcement of compliance therewith, or for the punishment of violations thereof."

There are no comparable procedural rights afforded to Bristol for its defense of the action, and no provision for judicial protection and intervention to assure fairness to Bristol.

Where an unlawful conspiracy is charged, it is particularly important that the defense, the judge and the jury have access equal to that of the prosecution to the "storehouse of relevant fact." Thus, in *Dennis* v. *United States*, 384 U.S. 855 (1966), the Supreme Court stated (*id.* at 873):

"A conspiracy case carries with it the inevitable risk of wrongful attribution of responsibility to one or more of the multiple defendants. *See, e.g., United States* v. *Bufalino*, 285 F.2d 408, 417-418 (C. A. 2d Cir. 1960). Under these circumstances, it is especially important that the defense, the judge and the jury should have the assurance that the doors that may lead to truth have been unlocked. In our adversary system for determining guilt or innocence, it is rarely justifiable for the prosecution to have exclusive access to a storehouse of relevant fact. • • •" [Footnote omitted.]

A decree entered upon consent is more than a mere contract between the parties; it is a judicial act. *Pope* v. *United States*, 323 U.S. 1, 12 (1944); *United States* v. *Swift & Co.*, 286 U.S. 106, 115 (1932). Enforcement by this Court of the provisions of Exhibit A for the sole benefit of the government, without affording Bristol the same rights and the same protection of this Court, would constitute a judicial deprivation of Bristol's rights to Due Process, and could result in clearly erroneous determinations by the trier of fact.

Court approval of Exhibit A to the proposed consent decree would constitute entry of an enforceable order of this Court (i) judicially providing pretrial discovery by documents and testimony for one side of a lawsuit, while such relief is not equally available to the other side,[1] and (ii) judicially providing for trial witnesses who are out of subpoena range to be available to one side in a lawsuit, while not similarly providing for the other side.

Testimony by Beecham witnesses at pretrial and trial is essential to Bristol's rebuttal of any adverse inferences which the government may seek to draw from documents produced by Beecham in pretrial proceedings or from testimony of Beecham witnesses at trial. Although the Court, by order dated December 6, 1978, has ordered Beecham to submit to depositions by Bristol beginning in February, 1979, until the government has designated its intended trial witnesses and documentary exhibits, Bristol will not know what testimony by Beecham personnel will be necessary to present a rebuttal case. As a consequence of the provision in Exhibit A by which Beecham agrees to provide the government with witnesses to testify *either* at deposition *or* at trial, but *not both*, the government is free to elect not to depose its key witnesses but rather to present them only as trial witnesses.

Beecham Group Limited is a British corporation. Bristol will not be able to subpoena its employees at trial if it ceases to be a party to this litigation. Thus, should the Court enter judgment in the form of the proposed consent decree, Bristol will be deprived of adequate pretrial preparation and, at trial, will be denied the power to compel attendance of Beecham witnesses to testify in its defense. The government, on the other hand, will have the unfair advantage of being able to invoke the full powers of the Court to compel Beecham to appear and testify on its behalf at trial.

"Due process is that which comports with the deepest notions of what is fair and right and just." *Solesbee* v. *Balkcom*, 339 U.S. 9, 16 (1950). Due process requires that a defendant be given the benefit of compulsory process to secure and present evidence in its behalf and to require the attendance of witnesses and the production of documents. *Oregon R.R. & N. Co.* v. *Fairchild*, 224 U.S. 510, 525 (1912). Due process requires that justice be "even handed". *Poller* v. *Columbia Broadcasting System, Inc.*, 368 U.S. 464, 473 (1962). Bristol respectfully submits that Due Process requires that this proposed consent decree providing for judicial enforcement of procedural unfairness should not be entered by this Court.

B. The proposed decree improperly requires beecham to infringe and to encourage others to infringe bristol's rights under the 6-apa patent.

Bristol objects to the proposed consent decree on the grounds that it requires in-

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[3] The 6-APA patent issued with only one claim. That claim covers "solid, nonhygroscopic 6-aminopenicillanic acid having [a specific] structural formula . . . and melting at about 209-210°C." Thus, any 6-APA that is hygroscipic, or that is not a solid, or that melts at some temperature outside the narrow two-degree range specified in the claim should not infringe the patent.

[4] That term is defined in the agreement as "all products embodying or made in accordance with or through the use of any of the inventions disclosed or claimed in (1) Licensed Beecham Patents • • •", which includes the 6-APA patent.

[5] "Dosage form" is defined in the proposed Judgment (Article II(D)) as "any form in which ethical phrmaceuticals are package or formulated for use by or administration to their ultimate human or animal consumer, and includes, among other things, pills, tablets, capsules, elixirs, syrups, vials, and ampules."

[6] Indeed, it would be economically wasteful and impracticable to sell 6-APA to semisynthetic-penicillin manufacturers in any form other than powder or another bulk form. The cost of converting bulk powder to a dosage form is not insubstantial, and since 6-APA is usually reacted while in solution in the manufacture of semisynthetic penicillins, the powder form is likely to be far easier to get into solution than a tablet or pill would be.

[7] Also, Bristol contends that "there is no economic reason for . . . a provision [requiring the Beecham defendants to sell 6-APA] since Bristol has granted rights to manufacture and sell 6-APA to . . . American Home Products Corporation, E. R. Squibb & Sons, Inc. and Pfizer" (p. 6, Objections). In view of this, Bristol itself (as well as American Home Products, Squibb, and Pfizer) would certainly be possible (although unlike Beecham not certain) sources of 6-APA.

[1] On December 28, 1978, counsel for Beecham assured counsel for Bristol that if Beecham produces documents or statements of witnesses to plaintiffs, they will also be made available in the document depository. Based upon this representation, Bristol has no objection to those aspects of pars. 1(b), 1(c) and 1(d) of Exhibit A.

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fringement of Bristol's exclusive rights under the 6-APA patent, a basic and valid patent whose validity has never been challenged by the government or anyone else.

Article V(F) of the proposed consent decree requires Beecham, under certain circumstances, to sell 6-APA in the United States. 6-APA is claimed in United States Patent No. 3,164,604 to which Bristol has exclusive rights, subject to Beecham's reserved right in the license agreement of April 2, 1959. Since the reserved right provides no right under United States Patent No. 3,164,604 to sell 6-APA, any such sales by Beecham would constitute an infringement of Bristol's patent rights. *Littlefield v. Perry*, 88 U.S. 205, 222-23 (1874); *Research Frontiers Inc. v. Marks Polarized Corp.*, 290 F. Supp. 725 (E.D.N.Y. 1968).

There is no legal justification for entry of an order of this Court which would require a foreign corporation to infringe a valid United States patent. The 6-APA patent issued from the United States Patent Office pursuant to a decision by the Court of Customs and Patent Appeals attesting to its validity. *Application of Doyle*, 327 F.2d 513 (C.C.P.A. 1964). No one, including the government, has challenged the validity of this patent despite the fact that this litigation has been pending for nearly nine years. The requirement that Beecham violate the patent rights of others by selling 6-APA is inconsistent with the approach taken by the government on other equitable relief which is limited to requiring Beecham to do only that which it has a right to do under the patents in question.[2] Furthermore, there is no economic reason for the government to seek such a provision since Bristol has granted rights to manufacture and sell 6-APA to several major pharmaceutical manufacturers including American Home Products Corporation, E. R. Squibb & Sons, Inc. and Pfizer.

Bristol also objects to entry of the proposed consent decree on the grounds that it does not require Beecham to disclose to all recipients of Beecham's covenant not-to-sue that Bristol, as exclusive licensee, has the right to bring suit to enjoin or seek damages for infringement. As a result, recipients may be misled and unlawful infringement of a valid United States patent may be fostered by conduct engaged in pursuant to the terms of the proposed consent decree.[3]

II. REQUEST FOR RELIEF

Rule 41(a)(2) of the Federal Rules of Civil Procedure provides that where an action may not be dismissed save upon order of the court, such order shall be "upon such terms and conditions as the court deems proper." Rule 54(b) provides that when multiple parties are involved in an action, "the court may direct the entry of a final judgment as to one or more but fewer than all * * * parties only upon an express determination that there is no just reason for delay * * *."

Bristol submits that entry of the proposed consent decree dismissing the government's claims against Beecham would not be proper, and that there are compelling reasons for delay in entering such a final judgment, unless entry of the proposed decree is subject to the following terms and conditions:

(1) that the government identify for Bristol at least 45 days prior to dismissal of its action against Beecham those Beecham witnesses whom the government intends to call at trial and those Beecham documents which it intends to introduce at trial;

(2) that Beecham be required to produce for deposition by Bristol any of the government's intended trial witnesses whom the government does not depose;

(3) that Beecham be required to produce at trial any Beecham employees designated by Bristol upon the further condition that reasonable expenses of the witnesses be paid by Bristol; and

(4) that this Court retain jurisdiction over Beecham to enforce Bristol's rights under the above terms and conditions.

In *duPont Glore Forgan, Inc. v. Arnold Bernhard & Co., Inc.*, 73 F.R.D. 313, 315 (S.D.N.Y. 1976), dismissal of plaintiff's claims against one of several defendants under Rule 21 in a securities fraud case was expressly conditioned on that defendant making material witnesses available to other defendants at trial. Similarly, in *Hudson Engineering Company v. Bingham Pump Company*, 298 F. Supp. 387, 389 (S.D.N.Y. 1969), a patent-antitrust action, voluntary dismissal of the action by one of two plaintiffs against a single defendant under Rule 41(a)(2) was expressly conditioned on the requirement that the dismissed plaintiff make its employees available to the remaining plaintiff for interviews prior to trial and to testify at trial.

Similar relief is essential in the circumstances of this case. The procedural unfairness inherent in the terms of Exhibit A to the proposed consent decree cannot be overcome by Bristol once Beecham Group Limited, a British corporation, ceases to be a party to this action and is no longer subject to the compulsory process of the Court.

CONCLUSION

The proposed consent decree is not in the public interest as it would cause serious injury to Bristol's Constitutional and economic rights. Bristol therefore respectfully urges this Court not to enter the proposed decree. However, Bristol would not oppose entry of a decree modified to omit provisions relating to the 6-APA patent if Bristol's fundamental rights Due Process and a fair trial are protected by granting the additional relief requested herein.

Dated: New York, New York, December 29, 1978.

Respectfully submitted, Hughes Hubbard & Reed.

By: Jerome G. Shapiro, *a Member of the Firm, Attorneys for Defendant, Bristol-Myers Company, One Wall Street, New York, New York 10005, (212) 943-6500; 1660 L Street, N.W., Washington, D.C. 20036, (202) 862-7400.*

CERTIFICATE OF SERVICE

I certify that on December 29, 1978 true copies of the within papers were served by hand upon the persons listed below, except that where indicated by an asterisk (*), copies were served by first-class mail:

Robert V. Allen, Chief, Intellectual Property Section, Antitrust Division, SAFE 704, United States Department of Justice, Washington, D. C. 20530.

Thomas H. Liddle, Esq., Intellectual Property Section, Antitrust Division, United States Department of Justice, 521 12th St., N.W., Washington, D.C. 20004.

*Thomas H. Liddle, Esq., Attorney for the United States, 5715 Glenwood Road, Bethesda, Maryland 20034.

*Stephen Greiner, Esq., Willkie, Farr & Gallagher, Attorneys for American Home Products Corp., 153 East 53rd Street, New York, New York 10022.

Daniel A. Rezneck, Esq., Arnold & Porter, Attorneys for American Home Products Corp., 1229 Nineteenth St., N.W., Washington, D.C. 20036.

Robert F. Dobbin, Esq., Shearman & Sterling, Attorneys for Beecham Group Ltd., 53 Wall Street, New York, New York 10005.

Richard A. Whiting, Esq., Steptoe & Johnson, Attorneys for Beecham Group Ltd., 1250 Connecticut Ave., N.W., Washington, D.C. 20036.

David I. Shapiro, Esq., Dickstein, Shapiro & Morin, Attorneys for the State of Alabama, et al., 2110 L Street, N.W., Washington, D.C. 20037.

WILLIAM R. STEIN.

[FR Doc. 79-4311 Filed 2-7-79; 8:45 am]

[2]See Articles V(A)(1), V(A)(2)(c), VI(C) and Competitive Impact Statement pp. 9, 11 and 16.

[3]Article VI(A) of the proposed consent decree also requires Beecham to grant royalty-free covenants not-to-sue for infringement of any patent used in connection with the manufacture, use, or sale of ampicillin. Among the patents used in connection with the manufacture of ampicillin, is United States Patent No. 3,159,617 ("the Sheehan patent") owned by A. D. Little and licensed exclusively by A. D. Little to Bristol. Beecham has no right to license or enforce this patent, a right which remains with A. D. Little and Bristol. Beecham's covenant not-to-sue for infringement of the Sheehan patent would be entirely meaningless and misleading.

[4410-18-M]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Meeting

Notice is hereby given that the National Advisory Committee for Juvenile Justice and Delinquency Prevention (the Committee) and its subcommittees will meet Wednesday, Thursday, Friday and Saturday, February 21, 22, 23, and 24, 1979, at the Hanalei Hotel in San Diego, California. The meeting will be open to the public.

On Wednesday, February 21, preceding the full committee, the Subcommittee to Advise the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Subcommittee on the Concentration of Federal Effort will hold a Public Hearing. The Subcommittees have invited testimony from all interested persons on three topics: 1) Reauthorization of the Juvenile Justice and Delinquency Prevention Act, 2) the Location of OJJDP, and 3) Recommendations Regarding the Level of Appropriations for OJJDP in Fiscal Year 1980. The hearing is scheduled to begin at 9:00 a.m. Following a luncheon recess at noon, the hearing will reconvene at 2:00 p.m. and end at 5:00 p.m. Following the public hearing, the Executive Committee will meet at 6:30 p.m. Wednesday evening.

The meeting of the full Committee is scheduled to convene at 9:00 a.m. on Thursday, February 22. The session will begin with a report from the Executive Committee and a report by the Administrator of the Office of Juvenile Justice and Delinquency Prevention. At 10:30 a.m. following a brief recess, the four subcommittees: Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention; Advisory Committee on Standards for Juvenile Justice; Advisory Committee to the Administrator of the Office; and Advisory Committee on the Concentration of Federal Effort, will meet. The Subcommittee to Advise the Administrator and the Subcommittee on the Concentration of Federal Effort will meet in joint session from 10:30 a.m. until 12:30 p.m. Following a 12:30 p.m.-1:30 p.m. luncheon recess, the subcommittees will reconvene in individual sessions for the remainder of the day. Topics scheduled to be addressed by subcommittees include: Training Functions of the National Institute, Second National Meeting of State Advisory Groups, Formula Grant Guidelines, Location of the Runaway Youth Act Program and the NAC Newsletter.

On Friday, February 23, at 10:00 a.m., the full Committee will reconvene to hear a joint report on the public hearing from the Subcommittee to Advise the Administrator and the Subcommittee on the Concentration of Federal Effort. Following a 12:30 p.m.-1:30 p.m. luncheon recess, the full Committee will meet to hear reports from the Subcommittee to Advise the Administrator and the Subcommittee on the Concentration of Federal Effort. After a brief recess at 3:15 p.m., the full Committee will reconvene at 3:30 p.m. to hear reports from the Subcommittee on the Institute and the Subcommittee on Standards. The subcommittee reports will be followed by an opportunity for public commentary.

The full Committee will reconvene on Saturday, February 24, at 9:00 a.m. to discuss recommendations concerning the juvenile who has committed a violent offense. This discussion will be followed by a review of plans for the May meeting of the Committee. The meeting of the full Committee is scheduled to adjourn at 11:30 a.m.; an hour long meeting of the Executive Committee will follow.

For further information, contact Mr. John M. Rector, Administrator, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice, 633 Indiana Avenue, N.W. Washington, D.C. 20531.

JOHN M. RECTOR,
Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 79-4268 Filed 2-7-79; 8:45 am]

[6820-49-M]

NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD, 1979

MEETING; CORRECTION

JANUARY 31, 1979.

Meeting correction, FEDERAL REGISTER Document No. 79-2912, published at p. 5730, in issue of January 29, 1979.

National Commission on the International Year of the Child Meeting scheduled for February 9, 1979, should read—9:30 A.M. to 1:00 P.M.

BENEDICT J. LATTERI,
Administrative Officer, National Commission on the International Year of the Child.

[FR Doc. 79-4312 Filed 2-7-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SPENT FUEL STORAGE

Meeting

The ACRS Subcommittee on Spent Fuel Storage will hold a meeting on February 23, 1979 in Room 1046, 1717 H St., N.W., Washington, DC 20555, to continue its review of the NRC proposed rule on Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation (ISFSI).

In accordance with the procedures outlined in the FEDERAL REGISTER on October 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Friday, February 23, 1979—8:30 a.m. until the conclusion of business.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants, pertinent to this review. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions to permit discussion of provisions for the physical security of licensed nuclear facilities of this type. I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that, should such sessions be required, it is necessary to close these sessions, (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Elpidio G. Igne, (telephone 202/634-3314) between 8:15 a.m. and 5:00 p.m., EST.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555.

Dated: February 1, 1979.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 79-4118 Filed 2-7-79; 8:45 am]

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[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-516 and STN 50-517]

LONG ISLAND LIGHTING CO. AND NEW YORK STATE ELECTRIC & GAS CORP., JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2

Availability of Partial Initial Decision and Initial Decision of the Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Partial Initial Decision dated May 9, 1978, and an Initial Decision dated December 26, 1978, by the Atomic Safety and Licensing Board in the above-captioned proceedings are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, DC and at the Riverhead Free Library 300 Court Street, Riverhead, New York.

Based on the record developed in the public hearing in the above-captioned matter, the Partial Initial Decision and Initial Decision modified in certain respects the contents of the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation relating to the proposed construction of the Jamesport Nuclear Power Station, Units 1 and 2.

Pursuant to the provisions of § 51.52(b)(3) of 10 CFR Part 51, the Final Environmental Statement is deemed modified to the extent that the Findings and Conclusions contained in the Partial Initial Decision and Initial Decision differ from those contained in the Final Environmental Statement. As required by § 51.52(b)(3) of 10 CFR Part 51, a copy of the Partial Initial Decision and Initial Decision, which modify the Final Environmental Statement, have been transmitted to the Environmental Protection Agency and other interested agencies and persons in accordance with § 51.26(c) of 10 CFR Part 51.

The Partial Initial Decision, the Initial Decision, and the Final Environmental Statement are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, DC, and in the Riverhead Free Library, 330 Court Street, Riverhead, New York. Copies of the Final Environmental Statement (Document No. NUREG-75/079) may be purchased at $10. for printed copies and $2.25 for microfiche from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 1st day of February 1979.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 79-4297 Filed 2-7-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-354 and 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO. AND ATLANTIC CITY ELECTRIC CO., HOPE CREEK GENERATING STATION, UNITS 1 AND 2

Issuance of Amendment to Construction Permits and Availability of Decision

Notice is hereby given that pursuant to a Decision dated January 12, 1979, by the Atomic Safety and Licensing Appeal Board, the Nuclear Regulatory Commission has issued Amendment No. 5 to Construction Permit No. CPPR-120 and Amendment No. 5 to Construction Permit No. CPPR-121 issued to Public Service Electric and Gas Company and Atlantic City Electric Company for construction of the Hope Creek Generating Station, Units 1 and 2, located in Salem County, New Jersey. The Appeal Board's Decision directed the addition of conditions to the construction permits designed to ensure that the Commission's staff will be promptly alerted should circumstances arise which suggest that either liquefied natural gas traffic or a significant increase in liquefied petroleum gas traffic on the Delaware River will materialize or that other factors which govern the flammable vapor cloud probability calculation will change.

The Nuclear Regulatory Commission has found that the provisions of the amendments comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I and has concluded that the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the Decision dated January 12, 1979, Amendment No. 5 to Construction Permit No. CPPR-120, Amendment No. 5 to Construction Permit No. CPPR-121, and other related documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. Single copies of the Decision, Amendment No. 5 to CPPR-120, and Amendment No. 5 to CPPR-121 may be obtained by writing the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland this 1st day of February, 1979.

For the Nuclear Regulatory Commission.

ROBERT L. BAER,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc. 79-4299 Filed 2-7-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-354 and 50-355]

SECOND SUPPLEMENTARY INITIAL DECISION OF THE ATOMIC SAFETY AND LICENSING BOARD AND DECISION OF ATOMIC SAFETY AND LICENSING APPEAL BOARD FOR THE HOPE CREEK GENERATING STATION, UNIT NOS. 1 AND 2

Availability

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in § 51.52(b)(3) of 10 CFR Part 51, notice is hereby given that a Second Supplementary Initial Decision by the Atomic Safety and Licensing Board, dated April 13, 1978, and a Decision of the Atomic Safety and Licensing Appeal Board, dated January 12, 1979 have been issued.

Copies of both documents are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in the Salem Free Library, 112 West Broadway, Salem, New Jersey. Copies are also available at the State Clearinghouse, Bureau of State and Regional Planning, Department of Community Affairs, 329 West State Street, Trenton, New Jersey. The Final Environmental Statement issued February 14, 1974 is also available at these locations.

Based on the record developed in the public hearing in the above captioned matter, the Decision of the Atomic Safety and Licensing Appeal Board and the Second Supplementary Initial Decision of the Atomic Safety and Licensing Board modified in certain aspects the contents of the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation dated February 1974 relating to the construction of the Hope Creek Generating Station.

Pursuant to the provisions of § 51.52(b)(3) of 10 CFR Part 51, the Final Environmental Statement is deemed modified by the Licensing Board and Appeal Board issuances to show that the flammable cloud accident is so unlikely that its environmental impact need not be considered. As required by § 51.52(b)(3) of 10 CFR Part 51, copies of the Decision by the Atomic Safety and Licensing Appeal Board and copies of the Second Supplementary Initial Decision by the Atomic Safety and Licensing Board have been transmitted to the Environmental Protection Agency and other interested agencies and persons in accordance with § 51.26(c) of 10 CFR Part 51.

Single copies of the Second Supplementary Initial Decision by the Atomic Safety and Licensing Board and the Decision by the Atomic Safety and Licensing Appeal Board may be obtained by writing the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Maryland, this 1st day of February 1979.

For the Nuclear Regulatory Commission.

RONALD L. BALLARD,
Chief, Environmental Projects Branch 1 Division of Site Safety and Environmental Analysis.

[FR Doc. 79-4298 Filed 2-7-79; 8:45 am]

[7590-01-M]

[Docket No. 50-112]

THE UNIVERSITY OF OKLAHOMA

Proposed Issuance of Amendment to Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility License No. R-53, issued to the University of Oklahoma (the licensee), for operation of the AGN-211 Reactor located on the licensee's campus in Norman, Oklahoma.

The amendment would authorize an increase in the reactor's licensed maximum power level from 15 watts (thermal) to 100 watts (thermal), in accordance with the licensee's application for license renewal dated October 6, 1978 (43 FR 53073, November 15, 1978), as revised January 5, 1979.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By March 12, 1979, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert Reid: (petitioner's name and telephone number); (date petition was mailed); (Oklahoma AGN-211); and (publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a) (i)–(v) and 2.714(d).

For further details with respect to this action, see the licensee's application for renewal dated October 6, 1978, and the January 5, 1979 letter which revises the application. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland this 31st day of January 1979.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-4119 Filed 2-7-79; 8:45 am]

[7590-01-M]

[Docket No. PRM-2-7]

WELLS EDDLEMAN

Petition for Rule Making

Notice is hereby given that Mr. Wells Eddleman, Rt. 1, Box 183, Durham, North Carolina, has filed with the Nuclear Regulatory Commission a petition for rule making dated January 4, 1979 to amend § 2.714 of the Commission's regulation "Rules of Practice for Domestic Licensing Proceedings," 10 CFR Part 2.

The petitioner states that: Notwithstanding my belief that 10 CFR § 2.714

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allows a person newly arrived in the vicinity of a nuclear power plant site to petition with good cause to intervene, and notwithstanding my belief that any organization legitimately formed after the closing date for intervention petitions (and not formed with the purpose of circumventing the rules and procedures of the NRC, or of Federal law), also has good cause to be granted leave to intervene, I propose that this be made explicit by amending § 2.714 of 10 CFR 2 as follows; replacing section (a)(1)(i) with this wording:

(i) Good cause if any, for failure to file on time. Good cause shall include acquiring an interest in the proceeding, particularly by exercising Constitutional rights (e.g. free movement), after the deadline for filing, provided such acquisition of interest was not primarily intended to give cause for leave to intervene. Further, any organization formed after the deadline for intervention but without the express intent to circumvent the filing deadline by so organizing, and any corporate person moving into the vicinity of a nuclear power plant a significant office, factory or moveable property shall also be considered as having good cause for nontimely filing.

The petitioner states further that beyond the purpose stated above the purpose of the rule proposed by the petitioner is to protect the interests of those who by exercising their legal and/or Constitutional rights, become interested in a proceeding after a filing deadline that may well have been years in the past.

The petitioner states also that: I personally have an interest in this proceeding because I unwittingly moved close to a nuclear plant site in 1977 (12 August), and wish to be afforded the same opportunity to petition to intervene as anyone who was living in the area when the plant was proposed or its initial hearings held. I do not ask any suspension of any proceedings. I do request that should this proposed rule be adopted in whole or in part it be applied to my case retroactively to this date or to the date of filing of any petitions to intervene which makes a point of late intervention by exercise of Constitutional rights etc. as specified in my proposed rule, including the right to a rehearing based on this proposed rule if and when it is made part of 10 CFR 2.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by April 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7086.

Dated at Washington, D.C. this 2nd day of February 1979.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 79-4296 Filed 2-7-79; 8:45 am]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-6]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability

Aircraft Accident Report.—The formal investigation report on the midair collision which occurred last May 18 near the Memphis (Tenn.) International Airport has been made public by the National Transportation Safety Board. The report, No. NTSB-AAR-78-14, was released on January 30, and indicates that a Falcon Jet DA-20, on an instrument flight rules plan with an instructor pilot and three students on board, collided with a Cessna 150M 3.7 miles west of the airport. An instructor pilot and one passenger were aboard the Cessna. All six persons were killed.

Investigation showed that the Cessna was VFR and was receiving Stage III radar service. Both aircraft were under control of Memphis tower controllers and were in radar and radio contact with the tower. The weather in the Memphis area was: Scattered clouds at 4,500 feet and visibility—6 miles with haze.

The Safety Board determined that the probable cause of this accident was the failure of controller personnel to separate the aircraft as required by procedures established for a terminal radar service area (TRSA), to insure that proper coordination was effected, to issue appropriate traffic advisories, and the failure of each flightcrew to see and avoid the other aircraft.

Active flight training in a high density terminal area was seen by the Board as a significant issue in this accident. The Safety Board has repeatedly urged the Federal Aviation Administration to develop "reliever" airports to reduce the need for extensive flight training at larger airports. Further, the Board concluded that air traffic control procedures in use at Memphis lacked the redundant safeguards needed when controller coordination procedures were not followed. Such system redundancy could have been avoided by aircraft detection and collision avoidance systems now being developed or in use.

As a result of this accident, the Safety Board on October 26 recommended that FAA (1) consider revising Memphis ATC procedures to keep jet aircraft at or above 2,500 feet between repeated instrument training approaches; (2) create from existing TRSA's, such as Memphis, "TRSA I" locations where traffic is heaviest and ATC automation is available, and "TRSA II" elsewhere; and (3) require each aircraft operating in a TRSA I to be in radio contact with ATC, and in a TRSA I and the busier TCA II areas to be equipped with an altitude encoding transponder—a radar response device which enhances an aircraft's target on an ATC radarscope and also provides it with the aircraft's altitude. (Recommendations A-78-79 through 81; see 43 FR 51151, November 2, 1978.)

On January 9 FAA responded to these recommendations, indicating that procedures for handling consecutive approaches at Memphis have been formalized and instituted; also, FAA plans to issue in the near future rulemaking proposals to meet the intent of recommendations A-78-80 and 81. (See 44 FR 5215, January 25, 1979.)

SAFETY RECOMMENDATIONS

Aviation: A-79-1 and 2.—While in cruise flight at 800 feet over Vancouver, Wash., last May 25, a Hughes Model 269A helicopter experienced a loss of engine power. The pilot-in-command took control of the aircraft from a student pilot and implemented autorotation procedures. However, during the descending approach to the intended landing site, the aircraft struck powerlines and fell inverted to the ground. Although there was a large fuel spill, no fire ensued. The student pilot was killed, and the instructor pilot was seriously injured. This cockpit information was documented immediately after the accident: Battery and generator switches—on; mixture—rich; carburetor heat—cold; magneto—both; fuel shutoff—on; fuel boost pump—off.

Safety Board investigation of the accident disclosed that (1) the fuel system for this helicopter requires an auxiliary fuel boost pump that incorporates an internal bypass system; (2) on May 18, 1978, an auxiliary fuel boost pump without a bypass feature had been installed on the aircraft; and (3) the electric fuel boost pump was turned off in flight, which caused the engine to lose power because of insufficient fuel flow.

In view of the potentially catastrophic consequences associated with such an installation, and to prevent human error in the maintenance of all aircraft that utilize these fuel pumps, the Safety Board on February 2 recommended that the Federal Aviation Administration:

Issue a General Aviation Airworthiness Alert to all aircraft owners, operators, manufacturers, and maintenance personnel apprising them of the circumstances of this accident and the approved flight manual operating procedures for checking fuel boost pump pressures. (A-79-1)

Advise overhaul facilities and manufacturers that permanent identification of parts is required by 14 CFR 45.15. (A-79-2)

Both recommendations are designated "Class II, Priority Action."

Highway: H-79-1 and 2.—An ambulance responding to an emergency call last August 22 and traveling at an estimated speed of 90 mph failed to negotiate a curve on New Hampshire State Route 116 North of Littleton, N.H., and rolled over. Two persons in the ambulance were killed and the driver was injured.

The Safety Board's continuing investigation of this accident has revealed that the driver did not understand the principles of high-speed driving techniques. The driver said she entered the curve too wide and turned the steering wheel to the left, turning the ambulance toward the inside of the curve, and lost control. In an attempt to regain control, the driver steered to the right. She overcorrected and subsequent steering efforts by the driver aggravated the loss of control until the vehicle rolled over.

Apparently, driver inexperience and lack of familiarity with the high-speed handling characteristics of this vehicle was a factor in the accident. The Board notes that many factors contribute to handling characteristics, including suspension design, tire design, tire pressures, weight, center of gravity location, speed, and acceleration. The Board believes that even with adverse handling characteristics, the vehicle was capable of negotiating the curve; but the inexperienced driver was unable to properly steer to maintain control of the vehicle.

Since ambulance drivers are authorized to exceed posted speed limits, they should be competent and qualified to operate such vehicles at high speeds. Accordingly, the Safety Board on February 1 recommended that the National Highway Traffic Safety Administration:

Modify Highway Safety Program Standard No. 11, "Emergency Medical Services," and the NHTSA "Training Program for Operation of Emergency Vehicles," to provide for behind-the-wheel training in the principles and techniques of high-speed driving, and to require that a student successfully complete both a written and a behind-the-wheel examination before he is licensed. (H-79-1)

Urge the States to maintain and make available, through the State driver licensing agency, the records of all licensed emergency vehicle operators so that employers can determine if an applicant for an emergency vehicle driver position is licensed for the operation of emergency vehicles. (H-79-2)

The first recommendation is designated "Class I, Urgent Action"; the second is a "Class II, Priority Action" recommendation.

RESPONSES TO SAFETY RECOMMENDATIONS

Highway: H-77-41.—Letter of January 19 from the Federal Highway Administration is in response to the Safety Board's November 2 comments of FHWA's initial response of last July 25 (43 FR 37777, August 24, 1978). The recommendation, asking FHWA to require local jurisdictions to obtain State approval before installing traffic control devices on State routes through their jurisdictions, resulted from investigation of the August 20, 1976, collision of a tractor-semitrailer with multiple vehicles in Valley View, Ohio.

The Safety Board agrees with FHWA's finding that an increase in local-level traffic management and control education would achieve proper application of traffic control devices by local jurisdictions, and the Board's November 2 letter indicates that a strong sense of urgency should be displayed in carrying out this education process. The Board expressed interest in implementing Highway Safety Program Standard (HSPS) 13, "Traffic Engineering," section I of which lists the minimum makeup of a State program and includes a comprehensive manpower development plan to provide the necessary traffic engineering capability, including (1) supplying traffic engineering assistance to those jurisdictions unable to justify a full-time traffic engineering staff, and (2) upgrading the skills of practicing traffic engineers and providing basic instruction in traffic engineering techniques to subprofessionals and technicians. The Board believes that each State must implement this program to insure that local jurisdictions will properly apply traffic control devices. FHWA has the responsibility of overseeing implementation of HSPS No. 13, and the Board asked to be advised as to how many States do have a manpower program prescribed by this standard, the effect the program has had on the level of traffic engineering services statewide, and the intentions of FHWA in providing for nationwide implementation of HSPS No. 13.

FHWA's January 19 letter refers to the initial response which indicated that the recommended regulation would mean a major change in responsibility, would require changes in State and local laws, and would not have much, if any, effect since local signs currently must satisfy State law. Further, FHWA states that it has neither the authority to require nor the sanctions to enforce such a requirement. As indicated in FHWA's July 25 letter, the DOT Order 2100.1A criteria has been satisfied. In answer to the new issues raised by the Board on November 2, FHWA offers to meet with the Board to discuss in detail various manpower programs responsive to Standard No. 13.

H-78-63.—FHWA's letter of January 22 is in response to one of the recommendations issued last September 26 following investigation of the Cates Trucking, Inc., tractor-semitrailer/multiple vehicle collision override near Atlanta, Ga., on June 20, 1977. The recommendation urged FHWA to direct its Bureau of Motor Carriers Safety (BMCS) to increase surveillance of motor carrier operations under its jurisdiction and assure that they are in compliance with existing regulations for driver qualifications and hours of service.

FHWA reports that BMCS has already increased inspection of carriers who are under the Federal Motor Carriers Safety Regulations. One way in which the increase is being implemented is through BMCS roadside safety inspection, which activity has a threefold purpose: (1) To detect motor carrier violations of the regulations and remove defective vehicles from the highway; (2) to obtain information about motor carriers, including the vehicle and driver, for the purpose of identifying carriers who need further attention; and (3) to identify carriers operating within FHWA's jurisdiction whose activity was previously unknown. Additional emphasis has been placed on high-impact roadside inspections, and several publications entitled "BMCS Roadside Safety Inspections" relating to this increased inspection program have been released to industry and the general public.

Further, FHWA reports that other inspection activities are performed by the BMCS field staff, such as inspection of carrier equipment and records at the carrier's facility. These inspections determine whether the carrier is complying with the Federal regulations. FHWA says that a 50 percent in-

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crease in its overall inspection safety program is planned for FY 79 over FY 78.

FHWA notes that the increase in inspection activities have been accomplished only through reduction of other activities, such as participation in safety meetings and educational activities, and no overall increase in activity can be accomplished until the size of the motor carrier safety staff is increased. BMCS has asked that it be exempted from the current Executive order imposing a partial freeze on hiring, and also hopes to be permitted to fill the 26 additional positions authorized by Congress. FHWA says these decisions, however, are not within its scope.

Pipeline: P-78-1 through 8.—Consolidated Gas Supply Corporation of Clarksburg, W.Va., on January 23 replied to the Safety Board's inquiry of September 29 concerning recommendations issued following investigation of the propane pipeline rupture and fire near Ruff Creek, Pa., July 20, 1977. The Board's letter to Consolidated followed evaluation of the company's initial response of last July 17 (43 FR 37777, August 24, 1978), and indicated that recommendations P-78-2, 4, 6, and 8 had been closed with acceptable action on the company's part. The Board's inquiries addressed recommendations P-78-1, 3, 5, and 7 which were being held open pending further action by Consolidated.

With reference to P-78-1, which recommended that the sagbend at the accident site and other known locations of settlement be tested for signs of stress-corrosion cracking, the Board noted that Consolidated did not mention other areas of settlement and asked to be advised if there are such locations and if they have been scheduled for testing. Consolidated reports that the entire length of Line G-136 is being walked at least once a month and more frequently in certain areas (between freeways I-79 and I-70), and helicopters are also used to patrol the line on a regular basis; no ground settlement has been witnessed in the area of the pipeline. Consolidated says that elevation bench marks have been established in the area of the failure at Craynes Run to check for any movement of the pipe or surrounding ground. The bench marks are being monitored on a weekly basis, and since the failure no movement of pipe or ground in this area has been witnessed. Routine surveillance will be continued and should any settlement be discovered, the pipe in that area will be thoroughly investigated for stress-corrosion cracking.

The Safety Board asked, with reference to recommendations P-78-3, to receive a copy of Consolidated's operations and maintenance procedures. Consolidated states that a draft of the procedures has been prepared and is being reviewed by the company legal staff. Issuance is expected soon.

With reference to Consolidated's response to recommendations P-78-5, the Safety Board asked to be supplied with any information developed as a result of the company evaluation of the Bethany International acoustic monitoring system. Consolidated reports that its evaluation of the monitoring system is still in progress and the desired sensitivity settings of the system are now being determined. Sensitivity can be set so fine that false triggering of the monitor will occur, Consolidated states, and this degree of sensitivity cannot be tolerated. This installation is still considered experimental and surveillance of its performance will be continued to get it fine tuned to the extent that it will meet Consolidated's requirements as a position leak detection device.

Concerning recommendations P-78-7, the Safety Board asked to be notified of the testing schedule when completed—the segment of pipeline 10 miles downstream of former Preston Compressor Station plus an area between I-70 and I-79 to be inspected on a random sample basis for evidence of stress, corrosion cracking or increased depth and general corrosion pitting. In response, Consolidated cites seven instances where inspecions were made at the time repairs were being made to minor leaks (less than five barrels per day) in that area within a three-month period late last summer. The inspection procedures and results are provided in detail. No evidence of stress corrosion cracking was found.

Railroad: P-77-13.—Letter of January 19 from the Federal Railroad Administration is in response to a recommendation issued June 1, 1977, following Board investigation of the collision of two Consolidated Railroad Corporation commuter trains in New Canaan, Conn., July 13, 1976. The recommendation asked FRA to promulgate regulations for railroad commuter lines that will: Establish standards for the interior design of commuter cars to prevent and reduce injuries from accidents; insure that when the cars' power source fails, emergency lighting is adequate and doors can be operated easily from inside and outside; establish standards for evacuating passengers; and prevent a passenger train from entering an occupied block. (See 42 FR 29580, June 9, 1977.)

In response to the first three parts of this recommendation, FRA reports that on October 6, 1977, its Office of Safety convened a meeting of all parties interested in a passenger safety program, including representatives from FRA's Office of Research and Development, the Office of Safety, and the Urban Mass Transportation Administration. At this time, the Office of Research and Development agreed to prepare, with UMTA's support, a preliminary test plan incorporating the Safety Board's passenger safety recommendations. These then could be tested on passenger cars at the Department of Transportation's Test Center in Pueblo, Colo. This program has been scheduled for completion during the last quarter of 1980 or first quarter of 1981, and until the testing program has been completed, FRA says it cannot adequately and fully respond to specific passenger car safety recommendations.

FRA interprets the Board's recommendation for a regulation which would prevent a passenger train from entering an occupied block as pertaining to the area of operating rules, not to the mandatory installation of automatic train stop devices throughout the Nation's railroads. FRA states, "History has shown that trains can safety enter and operate in an occupied block under proper operating rule procedures. The predominant cause of collisions in occupied blocks is lack of compliance with carrier operating rules."

Based on an analysis of accident data for the 10-year period 1965-1974 which indicates that rear-end collisions accounted for less than 1 percent of reportable train accidents, FRA states that it is apparent that there is not a significant difference in the number of train collisions occurring under various operating rules procedures. "The element common to the vast majority of collisions is the failure of operating personnel to comply with the requirements of the operating rules," FRA stated. Believing that the underlying cause of these human failures is a lack of adequate training and testing programs, FRA intends to develop minimum training and testing programs for operating employees. FRA does not concur with the Board's recommendation to regulate preventing a passenger train from entering an occupied block.

NOTE.—Single copies of the Safety Board's recommendation letters and responses thereto are available free of charge. Single copies of accident reports are also available without charge, but stocks are limited. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906))).

MARGARET L. FISHER,
Federal Register Liaison Officer.

FEBRUARY 2, 1979.

[FR Doc. 79-4360 Filed 2-6-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT

New Systems

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals . . ."

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any data collection forms or instructions, or 60 days prior to the issuance of any requests for proposals for computer and communications systems or services to support such systems—which is earlier.

The following reports on new or altered systems were received by OMB between January 1, 1979 and January 12, 1979. Inquiries or comments on the proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

DEPARTMENT OF JUSTICE

System Name: Essential Chemical Reporting System.

Report Date: January 10, 1979.

Point-of-Contact: Mr. William Snider, Administrative Counsel, Department of Justice, Washington, D.C. 20530.

Summary: This new system is proposed by the Drug Enforcement Administration as a means of carrying out its responsibilities under the Psychotropic Substances Act of 1978. That Act requires the DEA to maintain records about the sale, distribution, or importation of piperidine. DEA will also use the records in the system to provide statistical reports and "investigative leads concerning violations of the Comprehensive Drug Abuse Prevention and Control Act of 1970."

DEPARTMENT OF COMMERCE

System Names: (1) Department Mailing Lists; (2) Secretarial Correspondence Files.

Report Date: January 5, 1979.

Point-of-Contact: Mr. Donald S. Budowsky, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Summary: The Department Mailing Lists are being amended by the addition of a list of National Bureau of Standards employees who are interested in forming or joining carpools. The second system, Secretarial Correspondence Files, is a new system, intended to track correspondence and pending responses. It will be an automated system, and will eventually operate through the Commerce Department.

Waiver Requests: OMB procedures permit a waiver of the advance notice requirement when the agency can show that the delay caused by the 60 day advance notice would not be in the public interest. It should be noted that a waiver of the 60 day advance notice period does not relieve the agency of the obligation to publish a notice describing the system and to allow 30 days for public comment on the proposed routine uses of the personal information to be collected. A waiver of the 60 day advance notice provision was requested by agencies for the following reports received between January 1, 1979 and January 12, 1979. Public inquiries or comments on the proposed new or altered systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. Comments on the operation of the waiver procedures should be directed to OMB.

CANAL ZONE GOVERNMENT

System Name: Personnel Information System.

Report Date: January 12, 1979.

Point-of-Contact: Mrs. Hazel Murdock, Canal Zone Government, Washington, D.C. 20004.

Summary: This new system of records is proposed as a part of the implementation of the Panama Canal Treaties. It will be an automated system designed to combine with the existing automated payroll system in order to process the transfers, reductions-in-force, and retirement of some 20,000 Canal agency employees.

Status of Waiver Request: No action as of January 29, 1979.

CENTRAL INTELLIGENCE AGENCY

System Names: (1) Office of Data Processing Security Clearance Records;
(2) Security Access Records;
(3) Inquiries from Private Individual About the CIA and its Mission;
(4) Contact with the News Media and Index;
(5) Manuscript Review;
(6) Publishing and Speaking Engagement Clearance;
(7) CIA Personnel in Contact with the Press;
(8) Logistics Security Clearance Records;
(9) Publicity.

Report Date: January 12, 1979.

Point-of-Contact: Mr. John F. Blake, Central Intelligence Agency, Washington, D.C. 20505.

Summary: Systems (1)-(7) are newly reported systems of records; however (3)-(7) were previously reported as part of CIA's system or records "Publicity," (formerly identified as "Publications about CIA"), and are now the subject of new notices. The first two systems, "Office of Data Processing Security Clearance Records" and "Security Access Records," are still under development, and no waiver is requested for them. The former includes information about the security clearances of contractors and vendors associated with the Office of Data Processing; the latter is used to track the entry and departure of individuals with security badges to and from CIA buildings. Finally, the Logistics Security Clearance Records System, used in "conducting agency business with the commercial sector and for liaison purposes with other government agencies, is being automated; and the "publicity" system is being amended to reflect the separation of the new systems listed above. No waiver is requested for the changed systems.

Status of Waiver: No action as of 1/22/79.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 79-4275 Filed 2-7-79; 8:45 am]

[4710-09-M]

DEPARTMENT OF STATE

[Public Notice 647]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that

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no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the FEDERAL REGISTER.

Applications have been received from the Union of Soviet Socialist Republics for fishing during 1979 and are reproduced herewith. Individual vessel applications for fishing during 1978 and 1979 have been received from Japan, Korea and the Union of Soviet Socialist Republics and are summarized herein.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202)634-7265).

Dated: January 30, 1979.

JAMES A. STORER,
Director,
Office of Fisheries Affairs.

FISHERY CODES AND DESIGNATION OF REGIONAL COUNCILS WHICH REVIEW APPLICATIONS FOR INDIVIDUAL FISHERIES ARE AS FOLLOWS:

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks	New England. Mid-Atlantic. South Atlantic. Gulf of Mexico. Caribbean.
BSA	Bering Seas and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England. Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean)	Western Pacific.
SNL	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl	Pacific.

ACTIVITY CODES SPECIFY CATEGORIES OF FISHING OPERATIONS APPLIED FOR AS FOLLOWS:

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Nation/Vessel Name/Vessel Type	Application No.	Fishery	Activity
Korea: *O Dae Yang 212*, Longliner	KS-79-0063	BSA, GOA	1
Japan:			
Yashima Maru, medium stern trawler	JA-79-0381	NWA	1
Eikyu Maru No. 82, longliner	JA-79-0607	BSA, GOA	1
Fumizuki Maru, cargo/transport	JA-79-1145	NWA, BSA, GOA	1
Hiroisuki Maru, cargo/transport	JA-79-1146	NWA, BSA, GOA	1
Daigen Maru, cargo/transport	JA-79-1147	NWA, BSA, GOA	1
Hiyo Maru, cargo/transport	JA-79-2025	BSA, CRB, GOA, NWA, SMT, SNA.	3
USSR:			
**Nadezhdinsk*, large stern trawler	UR-79-0002	WOC	2
**Arkono*, large stern trawler	UR-79-0012	WOC	2
**Nadezhda*, large stern trawler	UR-79-0061	WOC	2
**Kolyvan*, large stern trawler	UR-79-0095	WOC	2
**Taishet*, large stern trawler	UR-79-0102	WOC	2
**Kazalin*, large stern trawler	UR-79-0116	GOA	2
**Mys Grina*, large stern trawler	UR-79-0169	WOC	2
**Mys Groznyi*, large stern trawler	UR-79-0185	WOC	2
**Revolutsioner*, large stern trawler	UR-79-0187	WOC	2
**Upolny*, large stern trawler	UR-79-0197	WOC	2
**Mys Belkina*, large stern trawler	UR-79-0214	WOC	2
**Mys Chaikovskogo*, large stern trawler.	UR-79-0229	WOC	2
**Kamyshin*, large stern trawler	UR-79-0231	GOA	2
Zvezda Rybaka, cargo/patrol vessel	UR-79-0370	BSA, GOA, WOC	3
Tikhookeansky, large stern trawler	UR-79-0556	BSA, GOA, WOC	1
**18 Syezd Vlksm*, large stern trawler	UR-79-0617	WOC	2
Akmolinsk, large stern trawler	UR-79-0700	BSA, GOA, WOC	1
Iuzhnomorsk, large stern trawler	UR-79-0701	BSA, GOA, WOC	1
**Akmolinsk*, large stern trawler	UR-79-0700	WOC	2
**Iuzhnomorsk*, large stern trawler	UR-79-0701	WOC	2
Zabajkalje, cargo/transport	UR-79-0702	BSA, GOA, WOC	3

*For more information regarding the activities being requested for these vessels see The Application for Vessel Permits to Receive United States Harvested Fish from vessels of the United States which is printed in this announcement.

APPLICATION FOR VESSEL PERMITS TO RECEIVE UNITED STATES HARVESTED FISH FROM VESSELS OF THE UNITED STATES

No.————

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, as amended, the Government of USSR hereby submits this application for permits for vessels under its jurisdiction to receive United States harvested fish from vessels of the United States within the Fishery Conservation Zone of the United States during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and amounts of United States harvested fish desired to be received by vessels of the USSR flag are as follows:

Fishery	Species	Total tonnage requested for each species (MT)
Washington, Oregon, California.	Pacific Hake	30,000
	Jack Mackerel	1,500
Gulf of Alaska	Pollock	2,000
	Pacific Cod	1,900
	Pacific Ocean Perch.	1,400
	Sablefish	400
	Other species	300

Detailed descriptions of the methods of operation proposed for each fishery requested are attached and form a part of this application. Submitted: January 18, 1979. Y. Zramenskiy, Counselor.

(A) *FISHERY—TRAWL FISHERIES OF WASHINGTON, OREGON AND CALIFORNIA*

SPECIES

PACIFIC HAKE ..... 30,000 mt
JACK MACKEREL ..... 1,500 mt

(1) *NUMBER AND TYPE OF FOREIGN VESSELS TO BE EMPLOYED*

14 Soviet processing vessels of the BMRT and RTM type equipped to produce frozen round, headed and gutted, and fillet fish and fish meal.

(2) *NUMBER AND TYPE OF VESSELS OF THE UNITED STATES FROM WHICH UNITED STATES HARVESTED FISH WILL BE RECEIVED*

8-10 midwater trawl vessels ranging in size from 70-110 feet and 350-1300 HP

(3) *NAME AND ADDRESS OF COMPANY WITHIN THE UNITED STATES WHO WILL BE PRINCIPAL CONTACT WITH OWNERS/OPERATORS OF VESSELS OF THE UNITED STATES*

MARINE RESOURCES CO. (MRC) 4215 21 ST AVENUE WEST, #206, SEATTLE WA 98199

(4) *GEOGRAPHICAL AREA IN WHICH VESSELS WILL OPERATE*

Fishery Conservation zone in Monterey, Eureka and Columbia areas

(5) *MONTHS DURING WHICH VESSELS EXPECT TO OPERATE*

May 1-October 31, 1979

(6) *BY SPECIES AND QUANTITY, THE PROCESSED PRODUCTS AND ULTIMATE EXPECTED MARKET OF UNITED STATES HARVESTED FISH, INCLUDING QUANTITIES WHICH ARE TO BE EXPORTED TO THE UNITED STATES*

Species will be processed into products given in (1) above. Quantities of each product type will be dependent upon market demand at time of fishery. Products will be sold by MRC in Orient, Eastern Europe, Western Europe and USSR. Small quantity of fillet blocks will be test marketed in U.S.

(7) *BY SPECIES, QUANTITY OF INCIDENTAL CATCH TO BE RECEIVED*

Incidental species not more than following amounts:

ROCKFISH ..... 240 mt
FLOUNDERS ..... 30 mt
SABLEFISH ..... 30 mt
OTHER SPECIES ..... 150 mt

(8) *PROCEDURES TO BE EMPLOYED TO MINIMIZE THE AMOUNT OF INCIDENTAL CATCH RECEIVED BY FOREIGN VESSELS AND THE DISPOSITION OF INCIDENTAL CATCH BY SPECIES*

All U.S. midwater trawlers fishing for MRC will have sufficient horsepower, winches, midwater trawls and electronics to enable them to avoid contact with the bottom and nontarget species.

If quantities of incidental species in received catches should be excessive, operation will move to new fishing ground. Incidental species will be disposed in foreign markets.

(9) *METHOD OF TRANSFER FROM VESSELS FOR THE UNITED STATES TO FOREIGN VESSELS*

Catches will be transferred from catching vessel to processing vessel by zippered cod ends.

(10) *RELATIONSHIP TO OTHER FISHING OPERATIONS*

Five processing vessels will work entirely with American vessels during May.

Ten processing vessels (including the above five vessels) will work majority of time with the American vessels from June 1-October 31, while four vessels will be in reserve during this period to replace any of the ten primary vessels that might have a breakdown or to work with American vessels when fishing is heavy.

After June 1 processing vessels will fish on Soviet quota when they are not receiving sufficient fish from American vessels.

(11) *BY SPECIES, APPROXIMATE PRICE (U.S. DOLLARS PER M.T.) TO BE PAID FOR UNITED STATES HARVESTED FISH*

Base price for delivered catches of food grade fish of USD $132.27/MT

(B) *FISHERY—GROUNDFISH OF THE GULF OF ALASKA*

SPECIES

ALASKA POLLOCK ..... 2,000 mt
PACIFIC COD ..... 1,900 mt
PACIFIC OCEAN PERCH ..... 1,400 mt
SABLEFISH ..... 400 mt
OTHER SPECIES ..... 300 mt

(1) *NUMBER AND TYPE OF FOREIGN VESSELS TO BE EMPLOYED*

Two Soviet processing vessels of BMRT type equipped to produce frozen round, headed and gutted fish, and fish meal.

(2) *NUMBER AND TYPE OF VESSELS OF THE UNITED STATES FROM WHICH UNITED STATES HARVESTED FISH WILL BE RECEIVED*

2-3 combination bottom/midwater trawl vessels ranging in size from 82-125 FT and 600-1450 HP.

(3) *NAME AND ADDRESS OF COMPANY WITHIN THE UNITED STATES WHO WILL BE PRINCIPAL CONTACT WITH OWNERS/OPERATORS OF VESSELS OF THE UNITED STATES*

MARINE RESOURCES CO. (MRC) 4215 21ST AVENUE WEST, #206, SEATTLE WA 98199

(4) *GEOGRAPHICAL AREA IN WHICH VESSELS WILL OPERATE*

Fishery Conservation Zone in Gulf of Alaska, primarily in Chirikof and Shumagin areas.

(5) *MONTHS DURING WHICH VESSELS EXPECT TO OPERATE*

May 1-November 30, 1979

(6) *BY SPECIES AND QUANTITY, THE PROCESSED PRODUCTS AND ULTIMATE EXPECTED MARKET OF UNITED STATES HARVESTED FISH, INCLUDING QUANTITIES WHICH ARE TO BE EXPORTED TO THE UNITED STATES*

Species will be processed into products given in (1) above. Quantities of each product type will be dependent upon market demand at time of fish-

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ery. Products will be sold by MRC in Orient, Eastern Europe, Western Europe and USSR.

(7) *BY SPECIES, QUANTITY OF INCIDENTAL CATCH TO BE RECEIVED*

Incidental species not more than 300 mt. Species unknown.

(8) *PROCEDURES TO BE EMPLOYED TO MINIMIZE THE AMOUNT OF INCIDENTAL CATCH RECEIVED BY FOREIGN VESSELS AND THE DISPOSITION OF INCIDENTAL CATCH BY SPECIES*

All U.S. midwater trawlers fishing for MRC will have sufficient horsepower, winches, midwater trawls and electronics to enable them to avoid contact with the bottom and nontarget species. If quantities of incidental species in received catches should be excessive, operation will move to new fishing ground. Incidental species will be disposed in foreign markets.

(9) *METHOD OF TRANSFER FROM VESSELS OF THE UNITED STATES TO FOREIGN VESSELS*

Catches will be transferred from catching vessels to processing vessel by zippered cod ends.

(10) *RELATIONSHIP TO OTHER FISHING OPERATIONS*

Both processing vessels will work primarily with American vessels but during periods of insufficient transfers they will catch fish for themselves under Soviet quota.

(11) *BY SPECIES, APPROXIMATE PRICE (U.S. DOLLARS PER M.T.) TO BE PAID FOR UNITED STATES HARVESTED FISH*

Prices for individual species will be negotiated with fishermen during first quarter of year.

[FR Doc. 79-4243 Filed 2-7-79; 8:45 am]

[4710-07-M]

[Public Notice CM-8/154]

SHIPPING COORDINATING COMMITTEE

Subcommittee on Safety of Life at Sea, Meeting

The panel on bulk cargoes of the Working Group on Subdivision and Stability—a component of the Shipping Coordinating Committee's Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 10:00 a.m. on Thursday, February 22, 1979, at the National Cargo Bureau, Inc., Suite 2757, One World Trade Center, New York, New York, 10048.

The purpose of the meeting will be to review any bulk cargo documents received in preparation for the Twentieth Session of the IMCO Subcommittee on Containers and Cargoes, March 5-9, 1979.

For further information contact Mr. Edward H. Middleton, U.S. Coast Guard (G-M/82), Washington, D.C. 20590, telephone (202) 426-2170 or Captain S. Fraser Sammis, National Cargo Bureau, Inc., Suite 2757, One World Trade Center, New York, New York, 10048, telephone (212) 432-1280.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

JANUARY 29, 1979.

[FR Doc. 79-4276 Filed 2-7-79; 8:45 am]

[4710-0-M]

[Public Notice CM-8/155]

STUDY GROUP 1 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 1, 1979 at 10:00 a.m. in room A-110 (Training Room) of the Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, data, maritime mobile and leased channel services in order to develop U.S. positions to be taken at international CCITT meetings to be held during 1979 in Geneva, Switzerland.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Richard H. Howarth, State Department, Washington, D.C. 20520, telephone (202) 632-1007.

Dated: February 1, 1979.

RICHARD H. HOWARTH,
Chairman,
U.S. CCITT National Committee.

[FR Doc. 79-4277 Filed 2-7-79; 8:45 am]

[4710-02-M]

Agency for International Development

[Delegation of Authority No. 133]

Authorization of Project and Non-Project Assistance

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, from the Secretary of State, dated November 3, 1961 (26 FR 10608, November 10, 1961), as amended, I hereby delegate as follows:

1. To the Assistant Administrator for Near East, the Assistant Administrator for Latin America and the Caribbean, the Assistant Administrator for Africa, the Assistant Administrator for Asia, the Assistant Administrator, Bureau for Development Support and the Assistant Administrator, Bureau for Private and Development Cooperation, the authority to authorize project and non-project assistance under the Foreign Assistant Act of 1961, as amended ("the Act"), within their respective areas of responsibility, where such project or non-project assistance does not, over the approved life of the project or non-project assistance, exceed $10 million.

2. There is also delegated to the above Assistant Administrators the authority to amend the authorization of project and non-project assistant for which authority is provided in Section 1 of this Delegation and the authority to make non-substantive amendments to authorizations of project or non-project assistance previously authorized by the Administrator.

3. References to project and non-project assistance in this Delegation of Authority shall not be deemed to include housing guaranty programs under the Act, which are the subject of Delegation of Authority No. 88.

4. Authorities hereby delegated may be redelegated:

5. This Delegation of Authority is effective immediately.

Dated: February 1, 1979.

JOHN J. GILLIGAN,
Administrator.

[FR Doc. 79-4313 Filed 2-7-79; 8:45 am]

[4710-02-M]

[Redelegation of Authority No. 133.1]

ASIA BUREAU

Mission Directors

1. Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 133, dated February 1, 1979, regarding authorization of project and non-project assistance, I hereby redelegate to the Directors of A.I.D. Missions in Bangladesh, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, and Thailand, and to any duly designated person performing the functions of any such Mission Director, authority to exercise any of the following functions with respect to assistance for the country to which he or she is assigned, retaining for myself concurrent authority to exercise such functions and the authority to reserve to myself the authorization of any particular project or projects:

A. The authority to authorize project and non-project assistance under the Foreign Assistance Act of 1961, as amended, where such project or non-project assistance does not, over the approved life of the project or non-project assistance, exceed $5 million; and

B. The authority to amend the authorization of project and non-project assistance authorized by a Mission Director in accordance with paragraph 1A above, or in accordance with any subsequent redelegation of authority, except that any such amendment may not increase by more than 10 percent the total assistance initially authorized by the Mission Director for the life of the project or non-project assistance.

2. The authorities redelegated by paragraph 1 shall be exercised in accordance with applicable statutes, regulations, policies, procedures, and directives, and only after appropriate consultation with A.I.D. technical and legal staff.

3. The authorities redelegated by paragraph 1 above may not be further redelegated.

4. References to project and non-project assistance in this redelegation of authority shall not be deemed to include housing guaranty programs under the Act.

5. This redelegation of authority is effective immediately.

Dated: February 1, 1979.

JOHN H. SULLIVAN,
Assistant Administrator,
Bureau for Asia.

[FR Doc. 79-4314 Filed 2-7-79; 8:45 am]

[8120-01-M]

TENNESSEE VALLEY AUTHORITY

MALLARD-FOX CREEK AREA IN NORTH ALABAMA

Proposed Development and Use

The Tennessee Valley Authority (TVA) has decided to prepare an environmental impact statement (EIS) regarding a request for industrial development of a portion of the lands in the Mallard Creek and Fox Creek area on Wheeler Reservoir and the commitment of contiguous areas to long-term wildlife management. The site is in Lawrence and Morgan Counties about 5 miles west of Decatur, Alabama.

TVA has custody of approximately 1,950 acres of land in this vicinity, a portion of which was acquired in 1930 and the remainder in 1950 as a potential power plant site. It is situated on the south shore of Wheeler Reservoir and contains substantial amounts of shoreline and wetland areas. TVA has made a major portion of the property, designated as the Mallard-Fox Creek Wildlife Management Area, available to the State of Alabama under a 60-day revocable land-use permit for wildlife management since 1959. The area has been a popular hunting area while under state management.

TVA has been requested by two industrial concerns to make land in this area available for industrial development. One company would use approximately 44 acres for a barge loading facility to be used by its existing chemical plant which is located on an adjoining tract. The other company would use approximately 200 acres of land for the construction and operation of a plant to manufacture plastic pellets.

The request under consideration by TVA has three basic elements. Out of the total of approximately 1,950 acres in the Mallard-Fox Creek area, TVA would designate approximately 1,300 acres for wildlife management on a long-term basis, make the two areas available as requested for industrial development, and reserve the remaining approximately 400 acres for future industrial development. The EIS will address the environmental impacts of these three aspects including the effects of construction and operation of the chemical plant and the barge loading facility.

Possible future uses of the Mallard-Fox Creek area were discussed at a public meeting held by TVA in Decatur, Alabama, on December 7, 1978. Based upon the statements made by interested persons at the meeting and TVA's preliminary investigations, TVA has identified the following potentially significant issues:

1. Environmental and economic impacts associated with commitment of approximately 650 acres of land presently under wildlife management for industrial development, including impacts on wetlands from industrial development on two designated tracts;

2. Environmental and economic impacts associated with commitment of approximately 1,300 acres of land presently used under a 60-day revocable permit to long-term wildlife management;

3. The impacts on water quality and aquatic life from industrial development of two designated tracts, including those caused by dredging and possible spills of materials to be shipped by barge; and

4. Impact of industrial development on the local and regional economy.

TVA invites interested persons and agencies to comment on the above scope of the EIS and requests that comments and questions be sent to the Director of Environmental Planning, 268 401 Building, Chattanooga, Tennessee 37401, telephone number 755-3161, by February 16, 1979. It will be unnecessary for those choosing to comment on the scope of the EIS to submit supporting data or information. TVA hopes to release a draft EIS for public review and comment on March 15, 1979.

Dated: January 31, 1979.

LEON E. RING,
General Manager.

[FR Doc. 79-4315 Filed 2-7-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-79-021]

NATIONAL BOATING SAFETY ADVISORY COUNCIL

Meeting

Pursuant to section (10)(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Monday, March 5, 1979 in Room 3201, Trans Point Building, 2100 Second Street, South West, Washington, D.C. beginning at 1:30 p.m. The agenda for this meeting will be as follows:

1. Review of action taken at the twentieth meeting of the Council
2. Executive Director's Report
3. Update on Fire Extinguisher Requirements for Thrill Craft
4. Rules of the Road Advisory Committee (RORAC) Report
5. Briefing on Canadian Coast Guard's Recreational Boating Safety Program
6. Office of Boating Safety Report
7. Members' Items
8. Chairman's Session

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Commander Neal Mahan, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard

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(G-BA), Washington, D.C. 20590, or by calling 202-426-1080.

Issued in Washington, D.C. on January 29, 1979.

E. A. DELANEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc. 79-4371 Filed 2-7-79; 8:45 am]

[4910-14-M]

[CGD 79-015]

PORT ACCESS ROUTES

Amplification of Relationship to OCS Oil and Gas Leases

A notice "PORT ACCESS ROUTES, Relationship to OCS (Oil) and Gas Leases" was published by the Coast Guard in the FEDERAL REGISTER on January 29, 1979 (44 FR 5739). That notice contained information concerning the study of the potential vessel traffic density and the need for safe access routes for vessels in the North Atlantic Ocean off the Northeast and Mid-Atlantic coast. The study is being conducted by the Coast Guard in accordance with sub-section 4(c)(3)(A) of the Ports and Waterways Safety Act (PWSA) (Pub. L. 95-474, 92 Stat. 1473). As a result of that notice, the Coast Guard has received numerous questions on its policies and long range plans affecting the routing of ships on the Outer Continental Shelf (OCS). The action to be taken as a result of the study cannot be specified at this time. However, the Coast Guard has certain policies and broad intentions which are provided here to assist those who wish to submit comments to the study and those who are concerned with OCS Oil and Gas leases, including OCS Sale No. 49 which was announced in the FEDERAL REGISTER on January 29, 1979. These policies and intentions are based on Coast Guard experience in the areas of ships routing, navigation, shiphandling, the effects of weather, and prior analysis of the traffic density in certain regions of the area to be studied, as well as the mandates of the PWSA.

The PWSA directs that the Coast Guard "• • • provide safe access routes for the movement of vessel traffic proceeding to or from ports • • • and shall designate necessary fairways and traffic separation schemes • • •" The PWSA provides clear guidance as to the manner in which this is to be done. Among the concepts that stand out are: "Such a designation shall recognize, within the designated area, the paramount right of navigation over all other uses" and "to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved."

The PWSA also directs consultation with the Secretaries of State, Interior, Commerce, and the Army, and the Governors of the affected States. We are to "at the earliest possible time, consult with and receive and consider the views of representatives of the maritime community, ports and harbor authorities or associations, environmental groups, and other parties who may be affected by the proposed actions." In addition, the Act states that the Coast Guard "may, from time to time, as necessary, adjust the location or limits of designated fairways or traffic separation schemes, in order to accommodate the needs of other uses which cannot be reasonably accommodated otherwise: *Provided*, That such an adjustment will not, in the judgment of the Secretary, unacceptably adversely affect the purpose for which the existing designation was made and the need for which continues." Further details are contained in Sections 4(c) and Section 5 of the PWSA.

The use conflicts which are of current concern in the area to be studied are related to three factors, that of the volume of opposing traffic flowing along certain traditional routes, that of fishing in certain regions, and that of potential placement of oil exploration and production facilities in or near these routes. The factor of opposing traffic has been addressed by the establishment of Traffic Separation Schemes (TSSs) in various harbor approaches from the Chesapeake Bay to Boston. These are subject to modification as a result of the current study and with the adoption of recommended changes by the Inter-Govermental Maritime Consultative Organization.

Fisheries will be fully considered in the conduct of the study.

The factor of oil exploration and production has been considered by previous work of the Army Corps of Engineers (COE), particularly in relation to the approaches to New York an the approaches to the Delaware Bay. In these areas, it is anticipated that the following access will be found necessary: An eastern route, a southeastern route, and a southern route for the approaches to New York Harbor, and an eastern route and a southeastern route for the approaches to Delaware Bay. Optimum routing without considering the location of petroleum resources would be to have Traffic Separation Schemes with approximately 5 mile wide traffic lanes and approximately 3 mile wide separation zones in each of the five approach routes with shipping safety fairways overlaying the traffic lanes.

At this time the amount and location of petroleum resources in the areas which might be affected by these routes is known only to the extent of estimates based on geophysical information and on preliminary drilling in a portion of the area. Hence, the Coast Guard anticipates establishing temporary measures to provide safe routing, while allowing exploration of the entire area. Such measures might be provisional port access routes as proposed in the FEDERAL REGISTER by the COE on June 30, 1978 (43 FR 28523), or one of the several modifying proposals made by commenters to the COE notices. Another alternative, which appears less desirable in this area, would be to establish guidelines for the spacing of exploration equipment along the access routes. Similar guidelines are contained in "Authorization for Exploratory Drilling in the Gulf of Santa Catalina, California" published by the COE in the FEDERAL REGISTER on June 30, 1978 (43 FR 28475). Such regulatory guidelines, if adopted, would probably apply within the limits of the provisional port access routes mentioned above.

Once the location of petroleum is known, regular routes will be established, as necessary, to provide safe access. Such routes would be located, to the maximum extent practicable, in a manner to allow the placement of production facilities necessary to extract the oil. The following modifications to optimum permanent routing measures are among those being considered: Lane widths could be reduced to less than 5 miles in the eastern and southeastern approaches to New York since improved navigation equipment will be required on vessels entering U.S. ports. The lanes east of Nantucket Light Vessel might be directed to the south of the area of proposed Lease Sale #42. All other routes could be rotated on their focal points up to 10 or 20 degrees (depending on the approach) to reduce adverse effects on production. Lanes could not be rotated into the tracts of Lease Sale #40 unless such tracts had been abandoned. Single fairways might be used in the approaches to Delaware Bay and possibly in the southeastern route off New York. Where a pair of lanes are found necessary due to volume of traffic, they would not have to be parallel, but could diverge in order to accommodate production areas. Given these flexibilities in the establishment of safe access routes, and current estimates of the magnitude and location of oil and gas resources on the Atlantic OCS, it is not anticipated that conflicts between navigation and oil and gas operations will occur which would unduly hamper either activity.

As competition for the sea surface increases and conflicts result, all users must share in any inconvenience. The Coast Guard is carefully examining this problem in order to arrive at the most equitable solution, one which seeks to minimize conflicts, but which has safety as the paramount consideration.

F. P. SCHUBERT,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

FEBRUARY 6, 1979.

[FR Doc. 79-4410 Filed 2-7-79; 8:45 am]

[4910-14-M]

[78-83]

SAFETY APPROVAL OF CARGO CONTAINERS

Delegation of Authority

Section 4(d) of the International Safe Container Act, (46 U.S.C. 1503(d)), requires publication in the FEDERAL REGISTER of the name and address of each organization that has been delegated authority to approve containers, together with the functions delegated and the period of designation.

The following organizations have been delegated authority to approve cargo containers in conformance with the International Convention for Safe Containers, 1972, and the applicable regulations in 49 CFR Parts 450-453:

American Bureau of Shipping, 65 Broadway, New York, N.Y. 10004.
International Cargo Gear Bureau, Inc., 17 Battery Place, New York, N.Y. 10004.
Marine Container Equipment Certification Corp., 358 St. Marks Place, Staten Island, N.Y. 10301.
ABS Worldwide Technical Services, Inc., 65 Broadway, New York, N.Y. 10004.
Hales Testing Laboratories, 646 Hegenberger Road, Oakland, Calif. 94621.
B. A. Bodenheimer & Co., Inc., 1435 Bedford Street, Stanford, Conn. 06905.
Line Fast Corp., 805 Grundy Avenue, Holbrook, N.Y. 11741.

These delegations remain in effect unless withdrawn by the Commandant or voluntarily terminated by the Approval Authority.

For further information contact: Mr. Charles H. Hochman, Project Manager, Cargo and Hazardous Materials Division (G-MHM-2/83) Room 8307, U.S. Coast Guard, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-1577.

HENRY H. BELL,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

FEBRUARY 2, 1979.

[FR Doc. 79-4370 Filed 2-7-79; 8:45 am]

[4910-60-M]

Materials Transportation Bureau

[Docket No. 77-9W]

TRANS-ALASKA CRUDE OIL PIPELINE

Petition for Waiver of Girth Weld Defects at the Valdez Terminal

On October 17, 1977, the Alyeska Pipeline Service Company (Alyeska) petitioned the Material Transportation Bureau (MTB) for a waiver of the Department of Transportation (DOT) regulations governing the acceptability of liquid pipeline girth welds (49 CFR 195.230, 195.232, 195.226, 195.228, and 195.234) for certain welds located at the Valdez Terminal of Alyeska. These welds were identified by DOT during a review of terminal weld radiographs as not being in compliance with the Department's welding standards.

After completing its initial technical review, the MTB, on December 9, 1977, requested additional information concerning fracture toughness and material properties of fittings and valves containing arc burns, physical and metallurgical properties and welding procedures of welds containing defects, information on pipe specifications of pipe installed at the terminal, and information concerning the terminal weld fatigue environment. This information was supplied by Alyeska by letter and enclosures dated March 31, 1978.

A comparison in June 1978 by MTB of deficient welds identified by DOT during the terminal review against the welds identified in Alyeska's petition revealed that the Alyeska petition did not include five welds identified by DOT and that 18 other welds included in the petition were not cited as deficient for the same reasons identified by DOT during the terminal review. Alyeska was notified of these findings, reviewed the radiographs of the welds and included these welds in a revision to the petition submitted by letter dated November 3, 1978.

At the time the girth welds at the terminal were made, Alyeska assumed that the terminal piping was not subject to the regulations. For that reason, the girth welds in these terminal lines were made to Alyeska's welding specifications but not necessarily to 49 CFR Part 195. Since that time, the Department determined that the part of the terminal piping through which crude oil flows under pump pressure is subject to the regulations in 49 CFR Part 195. Following that determination, DOT conducted a review of the radiographs of all terminal girth welds on pipe 36-inch and larger in diameter, the pipe sizes transporting crude oil throughout the terminal, to determine the extent of compliance with requirements of Part 195. This review conducted in Anchorage by radiographic specialists from the Department began on July 11, 1977, and ended on July 22, 1977.

A total of 1,431 welds were reviewed during that time. Radiographic experts determined that 1,209 were in compliance with the DOT welding standards. A review of the remaining 222 welds indicated noncompliance with welding standards addressing arc burns, acceptability of weld defects, and film quality. Seven of the 222 welds were also made without offsetting longitudinal seams on adjacent pipe lengths as required by 49 CFR 195.218. Although Alyeska was granted a waiver for those seven welds from the offsetting longitudinal seam requirements on August 17, 1977 (42 FR 42943, August 25, 1977), two of the seven girth welds also contained arc burns and for that reason are included in this petition. The balance of 217 welds is the subject of this waiver request.

Notwithstanding that noncompliance with DOT welding standards was discovered by the DOT review, it became obvious that corrective action by repair or a processed waiver request could not be taken prior to the oil from reaching Valdez without suspending filling operations (line fill from Prudhoe Bay started on June 20, 1977). To ascertain whether the welds found in noncompliance would adversely impact the oil containment ability of the terminal piping system, the Department retained two independent welding experts, Dr. Robert C. McMaster, Regents Professor of Welding and Electrical Engineering, Ohio State University, and member of the panel who had evaluated the two previous Alyeska waiver requests to DOT involving fracture mechanics, and Mr. Dan Polansky, Physical Scientist, Naval Surface Weapons Center, to review the appropriate radiographs. The experts found that although the welds were not in literal compliance with the DOT standards, it appeared there would be no adverse safety consequence on the structural integrity of the pipeline if oil were allowed to enter the terminal prior to corrective action taken on the welds. DOT concurred with this expert judgement and crude oil was allowed to flow into the terminal.

Aleyska's waiver request falls into four categories:

A. 135 welds which contain arc burns not allowed by 49 CFR 195.226.

B. 57 welds which contain weld defects not in compliance with the Standards of Acceptability in API Standard 1104 referenced in 49 CFR 195.228.

C. Radiographs of 48 welds rejected based on film quality in violation of 49 CFR 195.234.

D. Weld No. 1289 on Berth 3 at the terminal which contains a repaired crack not allowed by 49 CFR 195.230 and 49 CFR 195.232.

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The total of the four categories is greater than the number of welds in the petition (217) because some welds were not acceptable for more than one reason.

In categories A and B, Alyeska proposed to use, as an alternate acceptance criteria to Part 195 standards, the fracture mechanics decision curves contained in DOT's November 26, 1976, waiver on a similar request (41 FR 52933, December 2, 1976) and in the waivers granted on June 17, 1977, for girth welds on the main line (42 FR 31512, June 21, 1977). Alyeska has further stated that to repair the defective welds now, with oil flowing through the pipe, would not be economically justified in light of the limited risk associated with the degree of noncompliance. In the November 26, 1976, waiver Decision cited by Alyeska in support of its current request, the DOT, after careful consideration of the issues and the technical advice provided by its experts and consultants, determined that—"Fracture mechanics analysis is acceptable as a basis for granting exemptions from existing standards in appropriate circumstances, if such analysis produces a convincing and conservative estimate of structural integrity."

The specific criteria for applying this determination to the task of accepting or rejecting individual girth welds were set forth in the form of four decision curves in an appendix to the Decision. Alyeska requested a waiver from the DOT welding standards for 612 of the approximately 30,000 field girth welds performed during the 1975 construction season. That number was reduced to 34 welds as repairs to the 1975 welds were completed during the construction season of 1976. In all, there are approximately 100,000 main line girth welds in the pipeline—30,000 field welds performed during each of the 1975 and 1976 construction seasons and 40,000 "double joint" shop welds performed at the pipe storage facilities in Fairbanks and Valdez joining two sections of pipe before transporting them to construction sites. Concerns about the quality of girth welds and the adequacy of the quality control system had prompted Alyeska to audit the radiographic records of the 1975 field girth welds during the winter of 1975–76. It was that audit which led to Alyeska's first girth weld waiver request.

With respect to the 34 unrepaired girth welds then known to exist, the DOT further determined that those having dimensions which fell below the Decision curve for the type of defect concerned "do not constitute a risk of failure at those connecting points during the expected lifetime of the pipeline." The DOT found that 21 of the 34 welds were acceptable on the basis of fracture mechanics analysis. A waiver was granted for only three welds located under the Middle Fork of the Koyukuk River inasmuch as repair efforts on the other 31 were then well on their way to completion.

The June 17, 1977, waiver Decision was made subsequent to a sampling of the radiographs of all main line girth welds. Because of concerns about the total girth weld population, the DOT took a statistical sample of the 1975 field welds, 1976 field welds, and double joint welds made in the Fairbanks and Valdez shops. A sample consisting of the radiographs for 500 randomly selected welds was chosen from each of the above three categories for a total sample size of 1500. Beginning in March 1977, the radiographs were interpreted by three DOT radiographic specialists. In order to minimize any dependent bias in the interpretation, each of the three radiographic specialists independently reviewed each of the randomly selected radiographs against the DOT regulatory standard of acceptability as specified in 49 CFR 195.226 and 195.228. In each case where at least two specialists interpreted a radiograph as indicating an arc burn or a defect, related narrative records and documentation were examined and two independent radiographic experts reviewed the specialists' findings. The two radiographic experts[1] are employees of Rockwell International Corporation then under contract to the Energy Research and Development Administration (ERDA), now part of the Department of Energy.

The ERDA experts, employing a technology used in dealing with the earlier waiver request, determined the depth and length of each defect they confirmed. (These two ERDA experts were again used to measure weld defect and arc burn size for this present waiver request.)

The fracture mechanics decision curves contained in the DOT's November 26, 1976, waiver Decision were applied to these measurements, and the results indicated that all but eight welds out of the 118 containing defects and arc burns confirmed by ERDA experts were acceptable by fracture mechanics. Although the question before the DOT on Alyeska's earlier waiver request concerned only a portion of the total main line girth welds, the conclusions reached and the accompanying decision curves developed for worst possible case situations are no less valid and applicable for the total pipeline. For this reason, DOT decided to extend the applicability of that earlier decision to cover the entire 800-mile main line of the trans-Alaska crude oil pipeline and thereby granted the requested waiver from compliance with DOT welding standards (49 CFR 195.226 and 195.228) for the reasons and under the conditions cited therein.

For the eight welds not acceptable on the basis of fracture mechanics analysis, DOT concluded, after extensive consultation with welding, metallurgical, nondestructive testing, and fracture mechanic experts within DOT and outside, that there was no more than an extremely remote risk of loss of pipeline integrity from these welds.

While the MTB was confident that fracture mechanics had been well established as an alternate acceptance criteria for weld defects and arc burns on the Alyeska main line 48-inch, it did not have that confidence with respect to defects in the Valdez Terminal piping. The piping at the terminal differs from the main line in three respects: (1) valves and fittings as well as pipe are involved; (2) there is 36-inch and 42-inch diameter pipe in addition to 48-inch pipe; and (3) the welds were made by welding procedures which differ from the welding procedures used on the main line.

Before the fracture mechanics curves developed for the main line could be validly applied to weld defects and arc burns at the terminal, it had to be established that the fracture toughness and material properties of the pipe, valves, and fittings and welding procedures for the terminal welds closely approaches or were identical to those used on the main line.

Arc burns cited in the Alyeska waiver petition are located on two valves and 14 fittings in addition to the ones located on pipe. Alyeska supplied information on the fracture toughness of the fittings and valves and the specifications for each, indicating material properties of the steel, particularly carbon content. The specifications for the valves and fittings used at the terminal prescribe as a test for fracture toughness a Charpy V-notch energy level of 12 ft.-lbs. minimum and 15 ft.-lbs. average at a test temperature of −20°F. Actual Charpy levels for three heats of steel used for valve bodies ranged from 23 ft.-lbs. to 39 ft.-lbs. and for five tests run on steel used for fittings from 37 ft.-lbs. to 99 ft.-lbs. These valves compare favorably with those for the 48-inch main line pipe which ranged from 55 ft.-lbs. to over 100 ft.-lbs. at a test temperature of 14°F. Another indication of fracture toughness is the carbon content of the steel. If the carbon content of the steel used in the terminal valves and fittings is equal to or lower than that for the 48-inch main line pipe, the fracture toughness of the valves and fittings should be higher. The specifications supplied by Alyeska indicate the maximum carbon content for the valves and fittings to be 0.18 and 0.20 weight percent respectively which compares favorably with the 0.20 weight percent for the 48-inch main line pipe.

The stress level on the terminal pipe, valves, and fittings produced by internal pressure is a contributing factor to arc burn crack growth. The pipeline safety regulations allow the operation of a pipe at a stress level as high as 72 percent of specified minimum yield strength (SMYS) of the pipe. The operating stress on the valves containing arc burns ranges from 1 to 9 percent of SMYS and the fittings from 4 to 17 percent of SMYS. The design of the terminal piping is such that one weld could be subjected to stresses up to 48 percent of SMYS during each of an estimated 10 surges over the life of the system.

The MTB believes from the fracture toughness data and chemical composition, particularly carbon content, that the valves and fittings have similar material characteristics to the 48-inch main line pipe and behave similarly with regard to resisting arc burn crack growth. Because the operating stress level produced by internal pressure on the valves and fittings is so much less than on the main line pipe, this further supports the unlikelihood of growth of arc burn cracks on the valves and fittings at the terminal as compared to main line pipe. The MTB, therefore, used the fracture mechanics curves developed for arc burns on the main line 48-inch pipe as standards of acceptability for arc burns contained on valves and fittings at the terminal.

Similarly, MTB evaluated the possible use of the decision curves to determine the acciptability of arc burns on the different diameter pipe used at the terminal. The three diameters on which weld radiographs were evaluated by DOT were 36-inch, 42-inch, and 48-inch. The 48-inch terminal pipe was made to the same pipe specification as the main line 48-inch pipe so arc burns on it could be evaluated identically to the arc burns on the main line. The 36-inch and 42-inch terminal pipe was made to a different specification than the main line 48-inch pipe, but the pipe quality requirements in the specifiction are identical with the exception of two minor differences involving inside diameter tolerance and test temperature for Charpy impact testing. The 48-inch main line pipe specification requires a test temperature for Charpy impact testing of +14°F and the 36-inch and 42-inch pipe specification requires −20°F. Charpy V-notch testing performed by Alyeska on 36-inch and 42-inch pipe showed excellent toughness properties; e.g., 36-inch pipe with Charpy V-notch energy of 103 ft.-lbs. at −50°F and crack opening displacement (COD) of 12.6 mils at −75°F and 42-inch pipe with Charpy V-notch energy of 86.5 ft.-lbs. at −50°F and COD of 13.6 mils at −75°F. This data substantiates that the 36-inch and 42-inch pipe used at the terminal is of identical quality in its resistance to arc burn growth as the 48-inch pipe used in the main line. The MTB, therefore, used the fracture mechanics acceptability curves developed for arc burns on the main line 48-inch pipe as standards of acceptability for arc burns on the 36-inch and 42-inch terminal pipe.

There were two welding procedures used at the terminal. All but five welds in the waiver request were welded with a "vertical-down" procedure, the same direction of welding as with the main line welding procedures. This welding procedure provided for the use of cellulosic coated electrodes, as with most of the main line welding procedures, except for the root pass which was welded with a low hydrogen electrode. The other five welds were welded with a "vertical-up" procedure which is a type of procedure used extensively in plant piping. Alyeska explained that the "vertical-up" procedure was used at the terminal at certain times since many of the terminal welders were more proficient welding "vertical-up" rather than "vertical-down." The electrodes used in the "vertical-up" welding procedure on all welding passes were of a low hydrogen type mineral coating rather than cellulosic coating which is usually used during pipeline welding.

Alyeska performed Charpy V-notch and COD testing on terminal welds made by these two procedures. The results of these tests and the procedures themselves were critically examined and compared with test results and procedures associated with main line 48-inch construction by both DOT experts and the National Bureau of Standards. These experts concluded that welds made to the terminal procedures would produce welds of comparable quality to the ones made by the main line welding procedures. The welding procedures for terminal piping were not significantly different from the main line welding procedures, and all test values were above the lower bound values previously established for fracture mechanics decision curves. Based on these findings, the MTB used the fracture mechanics curves developed for the acceptability of weld defects on the 48-inch main line as an alternate acceptance criteria to Part 195 standards for welds containing defects at the terminal.

The MTB's use of the 48-inch main line fracture mechanics curves as an alternate acceptance criteria to Part 195 standards for arc burns and girth weld defects on terminal valves and fittings and 36-inch and 42-inch terminal pipe is justified because the MTB would be assured, based upon the foregoing discussions, of the structural integrity of the welds since the arc burns and defects in question are shown to be acceptable under the same alternate criteria as used earlier for the main line welds.

In using the 48-inch main line fracture mechanics curves as an alternate acceptance criteria to Part 195 standards for arc burns on terminal valves and fittings and 36-inch and 42-inch terminal pipe and for terminal welds containing defects, the arc burn and defect measurements (length and depth) were plotted on the appropriate fracture mechanics curves. The measurements made part of Alyeska's waiver request, as confirmed by the ERDA experts, were plotted and all points representing the measurements of each defect or arc burn plot well below the decision curve indicating acceptance of each arc burn and defect.

MTB accepts Alyeska's arguments that the necessity of having to shut down and empty the terminal pipelines, excavate and remove corrosion protection from buried welds, and removal of insulation from aboveground welds in order to achieve literal compliance with Part 195 standards would be extremely burdensome and costly. Accordingly, effective immediately, the Alyeska Pipeline Service Company is hereby granted a waiver from compliance with requirements of 49 CFR

[1] Wayne D. Stump, manager of nondestructive testing, at the Rocky Flats Plant of Rockwell International (Prime U.S. ERDA contractor), where he has been employed for the past 25 years, holds a BS in Physics from the University of Denver and is a registered professional engineer in Colorado. Mr. Stump is a 25-year member and fellow of the American Society for Nondestructive Testing and has held several section offices in the Society. He is a certified ASNDT Level III in several test methods including radiography, and serves on the National Certification Panel for Level III personnel. He also holds membership in the American Society of Metals and the National Management Association.

John L. Summers, nondestructive testing area manager, at the Rocky Flats Plant, Rockwell International (Prime U.S. ERDA contractor), where he has been employed for 25 years, holds an associate degree of Science from Mascatine Junior College and has completed additional studies at the University of Colorado. Mr. Summers is a 22-year member and fellow of the American Society for Nondestructive Testing, having held several section offices in the Society. He is a certified ASNDT Level III in several test methods including radiography, and has served on the select Ad Hoc committee for Level III certification and is currently on the National Certification Panel for Level III personnel. He is a National Director for ASNDT. Mr. Summers also holds membership in the American Society of Metals and the National Management Association and is a registered professional engineer in the State of California.

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195.226 and 49 CFR 195.228 with respect to the 135 welds containing arc burns and the 57 welds containing defects identified in Alyeska's October 17, 1977, waiver request.

In category C, 28 of the 48 deficient weld radiographs were rejected because the density was either too dark or too light to satisfactorily interpret the film. The film in question either had a density less than 1.5 H & D [2] or a density greater than 3.5 H & D.

The DOT welding standards in 49 CFR 195.234(b) require in part that "Any nondestructive testing of welds must be performed in accordance with a written set of procedures for nondestructive testing. . . ." Although Alyeska established Specification 82.4 titled "Radiographic Examination of Welds for Pump Stations and Terminal" which set an acceptable lower and upper H & D limit on the density of radiographic film, Alyeska failed to comply with that specification on the 28 weld radiographs. Alyeska found, however, that the contrast, sharpness, and sensitivity of these radiographs were adequate even though the H & D density exceeded the requirements in Alyeska Specification 82.4. The H & D film density is within the lower limit of API 1104 (API 1104 has no upper limit) and film was accurately interpreted when using the high intensity views lights used on the project.

Fifteen of the 48 deficient weld radiographs in category C were rejected because the films were judged to have unacceptable contrast, unacceptable penetrameter sensitivity, or penetrameter not visible as established by Alyeska Specification 82.4. While the DOT radiographic specialists determined that contrast was not acceptable in portions of certain of these 15 radiographs and the 4T hole [3] was not visible on some penetrameters indicating unacceptable penetrameter sensitivity, Alyeska found that other film quality indicators, such as density limits, were adequate and that the films had sufficient contrast to interpret the defect.

The remaining five radiographs in category C were rejected because they were judged to have improper identification, incomplete film coverage, or penetrameter location. Alyeska indicated, with respect to these five radiographs, the film identification was accurately established and the procedural infractions did not affect the film quality. The five films were accurately interpreted in the area where the infractions occurred.

MTB believes that there is no compelling reason to reradiograph the welds in category C because of the burdensome expense to expose these welds, because of the low stress level to which these welds are subjected during operation, and because previous evaluation of other weld defects at the terminal using fracture mechanics has shown that those defects were acceptable. Accordingly, effective immediately, the Alyeska Pipeline Service Company is hereby granted a waiver from compliance with requirements of 49 CFR 195.234(b) with respect to the 48 deficient weld radiographs which did not comply with the film quality requirements of Alyeska Specification 82.4.

The weld in category D is a repair of a crack in weld No. 1289 similar to the six repaired cracks at the terminal on which waivers were granted previously (42 FR 25983, June 9, 1977). In performing the repairs to this weld as well as the previous six, Alyeska followed its company established repair welding procedures instead of following the regulations in 49 CFR 195 since it believed, at that time, that these welds were not subject to the DOT regulations.

Weld No. 1289 was produced by the union of two 48-inch by 24-inch side outlet welding tee fittings. A crack was detected by radiography, subsequently explored by grinding, and verified by dye penetrant examination. In support of its petition, Alyeska states that the weld should not be required to be removed in accordance with DOT standards for the following reasons:

1. The existing weld cannot be removed, the ends rebeveled, and a new weld produced since in each case the joint design would be altered precluding the production of a sound weld. Moreover, since the header piping is rigid, and cannot be shifted for a new lineup, the spacing remaining after removal and rebevel would be too great to produce a sound weld.

2. The time required to obtain replacement fittings would be prohibitive. Replacement fittings would take approximately six months to obtain since fittings of this size and specification are unique to the trans-Alaska pipeline.

3. If one fitting is replaced with another fitting, the range of dimensional tolerances of the fittings would make matching lineup extremely difficult and perhaps impossible without further disassembly of the header assembly. For example, the length dimension of the replacement tee could vary by as much as ¾ inch.

4. Alyeska repair procedure WRP-100AP used in repairing the weld was developed in accordance with the guidelines in the repair procedures in API 1104, Section 7.

5. The weld repair was conducted under closely controlled conditions. It was closely monitored and documented.

6. The repaired weld was pressure tested to 780 psig. Operating pressure while loading a tanker is approximately 100 psig. Static pressures are less than 200 psig.

7. Because spillage due to a failure from this weld would be within the confines of the Terminal, a leak could be quickly detected and repair crews quickly mobilized to contain and stop the spillage.

A representative of the MTB has inspected Weld No. 1289 and found that the circumstances described by Alyeska in support of its petition for waiver are accurately described. In addition, the ERDA experts have examined radiographs of the original cracked weld and radiographs after repair was completed. They have confirmed that Weld No. 1289 did contain a crack and that the crack is not visible in the radiograph after the repair.

After review and deliberation of all the information submitted by Alyeska, and other relevant information, MTB finds that a waiver from the applicable provisions of 49 CFR 195.230 and 195.232 for Weld No. 1289 is appropriate and consistent with pipeline safety for the following reasons:

1. The crack is not visible in the radiograph after the repair according to ERDA radiographic experts.

2. The weld has withstoof a hydrostatic test without leakage or failure at pressures far in excess of what it will be subjected during operation.

3. The repair to the weld was made under closely controlled conditions with various levels of inspection by the contractor, Alyeska, and the Federal government further assuring established procedures were followed during repair and that a sound weld exists.

4. If the weld was removed and a new weld made, the problems with proper lineup, excessive space to be filled with weld metal, and destruction of the original joint design by rebeveling probably would result in a weld not as safe as the existing one.

5. The excessive cost involved in replacing the valves or fittings is not justified.

Accordingly, effective immediately, the Alyeska Pipeline Service Company is hereby granted a waiver for compliance with requirements of 49 CFR 195.230(a) and 49 CFR 195.232(a) and (c) for Weld No. 1289.

(18 U.S.C. 834; 49 U.S.C. 1655; 49 CFR 1.53(b), App. A of Part I, and App. A of Part 106)

[2] H & D stands for Hurter-Driffield method of defining quantitative blackening of the film.

[3] 4T hole is a circular drilled hole in the penetrameter with diameter four times the thickness of the penetrameter.

Issued in Washington, D.C., on January 26, 1979.

CESAR DE LEON,
Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 79-3999 Filed 2-7-79; 8:45 am]

[4910-59-M]

National Highway Traffic Safety Administration

[Docket No. IP78-3; Notice 2]

INTERNATIONAL HARVESTER CO.

Denial of Petition for Inconsequential Noncompliance

This notice denies the petition by International Harvester Co., of Chicago, Illinois, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1581 et seq.) for an apparent noncompliance with 49 CFR 571.121, Motor Vehicle Safety Standard No. 121, *Air Brake Systems.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on April 24, 1978, and an opportunity afforded for comment (43 FR 17437).

Paragraph S5.3.3, Brake actuation time, requires that the air pressure in each brake chamber of a truck air brake system, with the initial service reservoir system air pressure at 100 psi, shall reach 60 psi in not more than 0.45 second. Petitioner's normal surveillance testing has shown a noncompliance with this requirement that exists on approximately 750 trucks manufactured from September 1977 through November 1977. The vehicles are S-Series Trucks Model Series 2500, 2600 4 x 2 and 6 x 4 vehicles equipped with FA-231 (16,000 lb.) and FA-232 (18,000 lb.) front axles and antilock air brake code 04081. The noncompliance was found in the right front brake where the front chamber application time was 0.47 second, and the rear chamber 0.475 second. The company argued that for several reasons this was inconsequential as it relates to motor vehicle safety. The maximum possible effect on stopping distances from 60 mph under the worst road conditions has been computed to be 18 inches. The condition causes no other compliance problems with the standard and the trucks continue to meet stopping distance and controllability requirements. Under normal stopping procedures, there will be no effect on stopping distance. Other factors such as brake burnishing, and tire tread design, to name two, have a greater effect upon stopping distance than the 0.020-0.025 second variation observed. In summary, the company argued that "no effects will exist in real world conditions in which these vehicles operate day to day."

One comment was received on the petition, from Freightliner Corporation, which supported it. The support is consistent with Freightliner's long standing view that there should be no actuation or release timing requirements.

The agency has decided to deny Harvester's petition. While a deviation of 0.020 and 0.025 second may appear inconsequential, the regulatory scheme of the National Traffic and Motor Vehicle Safety Act requires the establishment of "minimum standards for motor vehicle performance". A manufacturer who establishes his tolerances at or near the minimum levels risks, in the event of failure, a determination of noncompliance, the obligation to notify and remedy, the threat of civil penalties and injunctive relief, and the probability that he will be unable to establish that he exercised due care in designing and manufacturing his product to conform. The use of a precise figure like 0.45 second—or any other time period for that matter—is necessary to meet the objectivity requirement of the Act and to make the standard enforceable. Such values are necessary and desirable in a regulatory context for both the regulated party and the regulator. Harvester, for example, would find it difficult to establish compliance with a brake actuation time specification which stated only a subjective requirement that "the air pressure shall reach an acceptable level quickly". Finally, to decide that a deviation of 0.020 second is "inconsequential" could encourage manufacturers to be less careful in design and production, and possibly lead to further deviations and erosion of the standard. The agency has concluded that, generally, values once established must be retained until modified by public rulemaking procedures. The agency believes that Congress did not intend that an inconsequentiality grant be made simply because a manufacturer came close to meeting a minimum performance level but for one reason or another did not reach it. The agency notes, but does not rely on the fact in its decision, that no explanation or excuse has been given by the petitioner for the failure.

International Harvester has failed to meet its burden of persuasion, and its petition that its failure to comply with Standard No. 121 be deemed inconsequential as it relates to motor vehicle safety is hereby denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 31, 1979.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 79-4116 Filed 2-7-79; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

ELEMENTAL SULPHUR FROM CANADA

Antidumping; Tentative Determination To Modify or Revoke Dumping Finding

AGENCY: U.S. Treasury Department.

ACTION: Tentative Modification of Finding of Dumping.

SUMMARY: This notice is to advise the public that it appears that elemental sulphur from Canada is no longer being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921 by the following manufacturers: Canadian Superior Oil Ltd., Shell Canada, Ltd., Hudson's Bay Oil & Gas Company, Ltd., Chevron Standard Ltd., and Gulf Oil Canada Ltd. In addition, these manufacturers have given assurances that they will not make future sales to the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*). If this action is made final, the finding of dumping covering the subject merchandise from Canada will be modified to exclude sales by the above manufacturers entered on or after the effective date of this notice. Interested persons are invited to comment on this action.

EFFECTIVE DATE: February 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Crowe, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone (202) 566-5492.

SUPPLEMENTARY INFORMATION: A Finding of Dumping with respect to elemental sulphur from Canada was published as Treasury Decision 74-1 in the FEDERAL REGISTER of December 17, 1973 (38 FR 34655). After due investigation, it has been determined tentatively that elemental sulphur from Canada, manufactured by Canadian Superior Oil, Ltd.; Shell Canada, Ltd.; Hudson's Bay Oil & Gas Co, Ltd.; Chevron Standard Ltd.; and Gulf Oil Canada, Ltd. is no longer being, nor likely to be, sold to the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

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STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED: The investigation indicated that there have been no sales to the United States by the above-named producers at less than fair value for more than a two-year period. The above-named manufacturers have given formal assurances that nor future sales to the United States will be made at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

In concluding that each of these five firms have not made sales to the United States at less than fair value for at least a two-year period since the Finding of Dumping, Treasury has investigated prices of and the cost of producing this merchandise within the meaning of section 205(b) of the Act during the period January 1, 1975, through December 31, 1976, and on the basis of this investigation has concluded that sales below home market prices have not been made, and that such home market prices are in no instance less than the cost of producing the sulphur in question.

The primary issue considered in calculating cost of production was whether the sulphur sold by the named companies should be considered a "by-product" or "co-product" of crude oil and natural gas production. It was determined that sulphur was properly considered a co-product in those instances in which sulphur revenues constituted a significant portion of a facility's total sales revenues. In those circumstances, allocation of all actual costs, from the point of initial exploration through the processing of the entire "product line," was deemed appropriate and was used to calculate the cost of producing sulphur. However, whenever the revenues from sales of sulphur, including attribution of an appropriate value to current inventory, fell below 10 percent of total revenues from individual plants or facilities, sulphur was considered a by-product. In those circumstances, expenses such as oil or gas exploration costs, could not be, and were not, allocated to the cost of producing sulphur. In no case was sulphur regarded as a "waste product," having no actual costs attributed to its production. In all cases, the cost of production of sulphur was less than home market prices of such sulphur for each producer concerned.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the Finding of Dumping with respect to elemental sulphur from Canada to exclude sales by the above-named producers.

In accordance with section 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. Requests must be accompanied by a statement outlining the issues wished to be discussed, which issues may be discussed in greater detail in a written brief.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in ten copies in time to be received by his office not later than March 12, 1979. All persons submitting views or arguments should avoid repetitious and merely cumulative material, and they are reminded of the requirement to include nonconfidential summaries or approximated presentations of all confidential information.

This notice is published pursuant to § 153.44(c) of the Customs Regulations (19 CFR 153.44(c)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 8, 1979.

[FR Doc. 79-4362 Filed 2-7-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Revised Exemption No. 143]

ALL RAILROADS

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

It appearing, That because of slow return of empty boxcars to the Union Pacific Railroad Company (UP) the supply of cars on that line has been seriously hampered; that there is a substantial need for boxcars for off-line loading in terminal switching service in the Fairfax Industrial District, located in Kansas City, Missouri; that the aforementioned delays in the return of boxcars owned by the UP has resulted in a shortage of UP cars in the Fairfax Industrial District; that the shippers in this district are unable to furnish adequate advance routing information for the UP and its connections to select suitable cars owned by other railroads for loading in compliance with Car Service Rules 1 and 2; that the preponderance of the loading in this district is eastward; that the UP has an ample supply of boxcars owned by lines operating in States east of the Fairfax Industrial District; and that although the shippers are unable to furnish specific advance routing data for specific shipments, the majority of the foreign cars loaded in the district will be destined to or in the direction of the car owners and in compliance with Car Service Rules 1 and 2.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" may be loaded by shippers served by the UP in its Fairfax Industrial District in Kansas City, Missouri, without regard to the requirements of Car Service Rules 1 and 2 subject to exceptions 1 to 5 inclusive, shown below.

It is further ordered, That other railroads receiving cars from the UP in terminal switching service, loaded by shippers in the aforementioned Fairfax Industrial District for line-haul movement via their lines, may accept forwarding instructions from such shippers without regard to the requirements of Car Service Rules 1 and 2.

EXCEPTIONS

1. Cars of Canadian or Mexican ownership.
2. Cars subject to a car relocation or cars assistance directive issued by the Car Service Division, Association of American Railroads.
3. Cars with inside length of 59-ft. 8-in. or greater.
4. Cars subject to an Interstate Commerce Commission Order requiring the return of cars to owners.
5. Cars owned by the following western railroads; The Denver and Rio Grande Western Railroad Company, Southern Pacific Transportation Company, The Western Pacific Railroad Company.

Effective January 31, 1979.

Expires April 30, 1979.

Issued at Washington, D.C., January 24, 1979.

INTERSTATE COMMERCE COMMISSION.
JOEL E. BURNS,
Agent.

[FR Doc. 79-4383 Filed 2-7-79; 8:45 am]

[7035-01-M]

Office of Hearings

[Notice No. 23]

ASSIGNMENT OF HEARINGS

FEBRUARY 5, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. FD 28910F, Denver & Rio Grande Western Railroad Company Discontinuance of Passenger Trains Nos. 17 and 18 (The Rio Grande Zephyr) Between Grand Junction, Co. and Salt Lake City, Utah, now assigned for hearing on February 26, 1979, at Salt Lake City, Utah and will be held in Room 3421, Federal Building.
MC 127042 (Sub-206F), Hagen, Inc., now assigned for hearing February 6, 1979 is canceled and application dismissed, at Billings, Montana.
MC 116254 (Sub-205F), Chem-Haulers, Inc., now assigned for hearing at Kansas City, Missouri February 26, 1979 is canceled and application dismissed.
MC 106873 (Sub-3F), Heavy Hauling Co., Inc., now assigned for hearing on April 25, 1979, (3 days), at Portland, Oregon in a hearing room to be later designated.
MC 123819 (Sub-68F), Ace Freight Line, Inc., now assigned February 12, 1979, at New Orleans, La., is canceled.
MC 130482F, Central Travel & Ticket, Inc., now assigned for hearing on March 21, 1979, (3 days), at Toledo, Ohio in a hearing room to be later designated.
MC 119656 (Sub-44F), North Express, Inc., now assigned for hearing on March 26, 1979, (1 day), at Columbus, Ohio in a hearing room to be later designated.
MC 124078 (Sub-845F), Schwerman Trucking Co., now assigned for hearing on March 27, 1979, (1 day), at Columbus, Ohio in a hearing room to be later designated.
MC 144437 (Sub-4F), Walters Enterprises, Inc., now assigned for hearing on March 28, 1979, (3 days), at Columbus, Ohio in a hearing room to be later designated.
MC 140511 (Sub-7F), Autolog Corporation, a Delaware Corp. now assigned for hearing on April 23, 1979, (1 week), at New York, New York in a hearing room to be later designated.

H. G. HOMME, JR.,
Secretary.

[FR Doc. 79-4377 Filed 2-7-79; 8:45 am]

[7035-01-M]

[Notice No. 24]

ASSIGNMENT OF HEARINGS

FEBRUARY 5, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 144288 F, Evans Reliable Messenger, Inc., now assigned for hearing on February 7, 1979, in Room 314A, P.O. Box Bldg., 141 Church Street, New Haven, Connecticut, instead of The New Court House.

H. G. HOMME, JR.,
Secretary.

[FR Doc. 79-4378 Filed 2-7-79; 8:45 am]

[7035-01-M]

[Ex Parte No. 359]

WATER CARRIER REGULATION

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing public comments in this proceeding.

SUMMARY: This proceeding was instituted by a notice published in the FEDERAL REGISTER on December 18, 1978, at 43 FR 59608. All interested parties were initially invited to file comments on or before February 16, 1979.

We believe that a further extension of time is necessary for interested parties to evaluate their positions and prepare comments.

DATES: Comments regarding the proceeding must be submitted to the Commission on or before April 2, 1979. No further extensions are contemplated.

FOR FURTHER INFORMATION CONTACT:

Hanford O'Hara, 202-275-7793, or Ann C. Pongracz, 202-275-1851.

By the Commission, George M. Chandler, Acting Director, Office of Proceedings.

H. G. HOMME, JR.,
Secretary.

[FR Doc. 79-4404 Filed 2-7-79; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 22 Under Service Order No. 1344]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY

Rerouting Traffic

In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport promptly all traffic offered for movement to, from or via stations on its lines in the States of Iowa and Minnesota, because of adverse weather conditions.

It is ordered,

(a) *Rerouting traffic.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, being unable to transport promptly all traffic offered for movement to, from or via stations on its lines in the States of Iowa and Minnesota, because of adverse weather conditions, is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 1:00 p.m., January 26, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 2, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the

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American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1979.

INTERSTATE COMMERCE COMMISSION.
JOEL E. BURNS,
Agent.

[FR Doc. 79-4381 Filed 2-7-79; 8:45 am]

[7035-01-M]

[ICC Order No. 21, Under Service Order No. 1344]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Rerouting Traffic

In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport promptly all traffic offered for movement to, from or via stations on its lines in the States of Illinois and Wisconsin, because of snow drifts.

It is ordered,

(a) *Rerouting traffic.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, being unable to transport promptly all traffic offered for movement to, from or via stations on its lines in the States of Illinois and Wisconsin, because of snow drifts, is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:00 p.m., January 25, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 2, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 25, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-4384 Filed 2-7-79; 8:45 am]

[7035-01-M]

[ICC Order No. 19, Under Service Order No. 1344]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Rerouting Traffic

In the opinion of Joel E. Burns, Agent, the Chicago and North Western Transportation Company is unable to transport promptly all traffic offered for movement over its lines between Albert Lea, Minnesota, and Austin, Minnesota, because of adverse weather conditions.

It is ordered,

(a) *Rerouting traffic.* The Chicago and North Western Transportation Company, being unable to transport promptly all traffic offered for movement over its lines between Albert Lea, Minnesota, and Austin, Minnesota, because of adverse weather conditions, is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3:00 p.m., January 24, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 15, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 24, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-4379 Filed 2-7-79; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 20 Under Service Order No. 1344]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Rerouting Traffic

In the opinion of Joel E. Burns, Agent, the Chicago and North Western Transportation Company is unable to transport promptly all traffic offered for movement to and from Dyersville, Iowa, because of adverse weather conditions.

It is ordered,

(a) *Rerouting traffic.* The Chicago and North Western Transportation Company being unable to transport promptly all traffic offered for movement to and from Dyersville, Iowa, because of adverse weather conditions, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3:00 p.m., January 24, 1979.

Expiration date. This order shall expire at 11:59 p.m., March 1, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 24, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-4380 Filed 2-7-79; 8:45 am]

[7035-01-M]

[Twenty-Fourth Revised Exemption No. 129]

CHICAGO, WEST PULLMAN & SOUTHERN RAILROAD CO., ET AL.

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

It appearing, That the railroads named herein own numerous forty-foot plain boxcars; that under present conditons, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a) and 2(b).

Chicago, West Pullman & Southern Railroad Company
Reporting Marks: CWP
XXX

XXX Detroit and Mackinac Railway Company deleted.

Illinois Terminal Railroad Company
Reporting Marks: ITC
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Richmond, Fredericksburg and Potomac Railroad Company
Reporting Marks: RFP

Effective 12:01 a.m., February 1, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., January 24, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-4382 Filed 2-7-79; 8:45 am]

[7035-01-M]

[Notice No. 156]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before March 12, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-77844. Transferee: SAND-HILLS GRAIN, INC., 524 Augusta Street, Bassett, NE 68714. Transferor:

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Grand Island Contract Carriers, Inc., Box 2078, West Old Highway 30, Grand Island, NE 68801. Representatives: George L. Hirschbach, Hirschbach & Wichser, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, IA 51102. Jack Schulz, Box 82028, 13th and N Streets, Lincoln, NE 68501. By order entered February 2, 1979, the Commission, Motor Carrier Board, approved the transfer from transferor to transferee of the operating rights set forth in Permit No. MC-129808 (Sub. No. 29) issued January 19, 1979 as follows: Battery acids, brake fluids, gasoline antifreeze, windshield washer solutions, and lacquer (except commodities in bulk), from the facilities of Scholle Corp., at or near Garland, TX, to points in Colorado, New Mexico, Oklahoma, Arkansas, and Louisiana. From the facilities of Scholle Corp., at or near Raytown, MO, to points in Colorado, Kansas (except the facilities of General Battery Corp., at Salina), Nebraska and Iowa. RESTRICTION: The authority granted herein is limited to a transportation service to be performed under a continuing contract(s) with Scholle Corp.

MC-FC-77848, filed September 13, 1978. Transferee: GENE CURTIS TRUCKING CO., INC., 7404 West 205th Avenue, Lowell, IN 46356. Transferor: Harold C. Dahl, P.O. Box 211, Lowell, IN 46356. Representative: Edwin J. Simcox, Suite 800, Circle Tower Bldg., Indianapolis, IN 46204. Authority sought for purchase of the operating rights set forth in Certificate No. MC-140438, issued September 3, 1976 as follows: *Wood pallets*, from Tefft, IN to Oregon, OH. Transferee presently holds no authority from this Commission, and application has not been filed for Section 210a(b) au>thority.

MC-FC-77939, filed November 27, 1978. Transferee: PENN-ILLINOIS TRUCKING CO., INC., 5100 5th Avenue, Pittsburgh, PA 15232. Transferor: Pittsburgh-Chicago Transport, Inc. (Samuel and Miriam Alice Schreiber, Successors-In-Interest), 5100 Fifth Avenue, Pittsburgh, PA 15232. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC-135305 on November 8, 1971, as follows: General commodities between Chicago, IL and Pittsburgh, PA over specified routes. Transferee presently holds no authority from this Commission. Application for temporary authority under Section 210a(b) has not been filed.

MC-FC-77959, filed December 13, 1978. Transferee: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Avenue, Akron, OH 44306. Transferor: Rubber City Express, Inc., 1805 Market Street, Akron, OH 44305. Representative: Michael L. Moushey, 275 East State Street, Columbus, OH 43215. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 136470 Sub 1, issued May 30, 1973, as follows: Such commodities as are dealt in by rubber manufacturers and steel product manufacturers, and equipment, materials and supplies used in the conduct of such business, from Akron, OH to points in RI, MA, CT, and parts of NY and NJ; Tire fabric, from Fall River and New Bedford, MA to Akron, OH; Chemicals, form Naugatuck, CT to Akron, OH; scrap tires and tubes, from specified points in MA, CT, NJ and NY to Akron, OH, under contract with persons operating rubber manufactruing plants. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

MC-FC-77989, filed January 4, 1979. Transferee: CAINES TRUCKING, INC., P.O. Box 236, Riegelwood, NC 28456. Transferor: R. H. Trucking, Inc., Route 2, Nichlos, SC 29581. Representative: Edward L. Williamson, 136 Washington Street, Whiteville, NC 28472. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate No. MC 139608 Sub 1, issued October 2, 1975, as follows: *Wood chips*, between points in NC and SC, restricted to traffic originating at or destined to the plant site of Georgia-Pacific Corp, of Augusta, GA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-4376 Filed 2-7-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Volume No. 6]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247)* and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 6415 Subs 5 and 6 (M1F) (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATES) filed November 17, 1978. Petitioner: FEUER TRANSPORTATION INC., Federal and Knowles Streets, Yonkers, NY 10702. Representative: Edward L. Nehez, P.O. Box 1409, Fairfield, NJ 07006. Petitioner holds motor *common carrier* certificates in MC 6415 Subs 5 and 6 issued December 24, 1959 and January 16, 1967, respectively. MC 6415 Sub 5 authorizes transportation, over irregular routes, of *General commodities*, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between New York, NY, on the one hand, and, on the other, points in Hudson, Essex, Bergen, Union, Passaic, Middlesex, Monmouth, Somerset and Morris Counties, NJ. MC 6415 Sub 6 authorizes transportation, over irregular routes, of *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in the New York, NY, Commercial Zone, as defined by the Commission, in 1 M.C.C. 665, on the one hand, and, on the other, points in Nassau and Suffolk Counties, NY, and those in that part of Fairfield County, CT, on and west of a line beginning at the NY-CT State line and extending along CT Hwy 29 to Long Island Sound.

By the instant petition, petitioner seeks to modify the above territorial descriptions to read as follows: Sub 5—Between New York, NY, on the one hand, and, on the other, points in Hudson, Essex, Bergen, Union, Passaic, Middlesex, Monmouth, Somerset, Morris, Warren, Hunterdon, Mercer, Burlington, and Ocean Counties, NJ, and points in Westchester, Nassau, and Rockland Counties, NY; Sub 6—Between points in Hudson, Essex, Bergen, Union, Passaic, Middlesex, Monmouth, Somerset, Morris, Warren, Sussex, Hunterdon, Mercer, Burlington, and Ocean Counties, NJ, on the one hand, and, on the other, points in

*Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Nassau and Suffolk Counties, NY, and those in Fairfield County, CT, on and west of a line beginning at the NY-CT State line and extending along CT Hwy 29 to Long Island Sound.

MC 12983 (M1F) (NOTICE OF FILING OF PETITION TO MODIFY LICENSE) filed October 18, 1978. Petitioner: RALPH A. JOHANSEN ASSOCIATES, INC., d.b.a. JOHANSEN ROYAL TOURS, 1410 Vance Bldg., Seattle, WA 98101. Representative: James H. Glavin, P.O. Box 40, Waterford, NY 12188. Petitioner holds a license issued July 11, 1974 and served September 26, 1974, to engage in operations as a *broker* in transporting: (1) Passengers and their baggage, in sightseeing or pleasure tours, in special and charter operations, in round trip tours, beginning and ending at Seattle, WA, and extending to points in the United States (including AK, but excluding HI). (2) Passengers and their baggage, in sightseeing and pleasure tours, in one-way special and charter operations, (a) from points in WA (except Vancouver, WA), to points in OR and CA, and (b) from San Francisco, Los Angeles, and San Diego, CA, to points in OR and WA. Applicant is authorized to engage in the above-specified operations as a broker at Seattle, WA.

By the instant petition, petitioner seeks to modify the territorial description to authorize operations between points in the United States (including AK and HI).

MC 76065 (Sub-21) (M1F) (Notice of Filing Petition to delete restriction), filed October 4, 1978. Petitioner: EHRLICH-NEWMARK TRUCKING CO., INC., 505-509 West 37th Street, New York, NY 10018. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Petitioner holds a motor *common carrier* certificate in MC 76065 (Sub-21), issued December 2, 1974, authorizing transportation, over irregular routes of: (1) *Wearing apparel*, (2) *materials, supplies and equipment* used in the manufacture of wearing apparel (except commodities in bulk), and (3) *department store merchandise* when moving in the same vehicle with wearing apparel on hangers. Between Washington, DC, Philadelphia, PA, and points in that part of PA and MD on and east of US Hwy 11, on the one hand, and, on the other, points in VA (except Crewe). RESTRICTION: The authority granted herein is restricted against the tacking of such authority with other authority held by carrier.

By the instant Petition, Petitioner seeks to modify the above authority by deleting the restriction. NOTE: By deletion of the tacking restriction, the following tacking possibilities exist. (1) Tack MC 76065 Sub-21 with MC 76065 at points in PA on and east of US Hwy 11 to provide a through service between points in VA (except Crewe) on the one hand, and, on the other, points in Hudson, Essex, Union, Passaic, and Middlesex Counties, NJ, and New York, NY and (2) Tack MC 76065 Sub-21 with MC 76065 Sub-20 at Philadelphia, PA to provide a through service between points in VA (except Crewe), on the one hand, and, on the other, points in that part of DE on and north of DE Hwy 310, and points in that part of NJ on and south of US Hwy 22, and on and west of NJ Hwy 18 and US Hwy 9 (except points in Atlantic, Salem, Gloucester, Cumberland and Camden Counties).

MC 97699 (Sub-5) (M1F) (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATE), filed October 5, 1978. Petitioner: BARBER TRANSPORTATION CO., a corporation, 1970 Deadwood Ave., Rapid City, SD 57701. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Petitioner holds a motor *common carrier* certificate in MC 97699 Sub-5 issued July 16, 1957, authorizing transportation, over regular routes, as pertinent, of: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Lemmon, SD, and St. Paul, MN, serving the intermediate point of Minneapolis, MN. From Lemmon over US Hwy 12 to St. Paul, and return over the same route.

By the instant petition, petitioner seeks to modify the above authority by adding Mobridge, SD as an additional intermediate point.

MC 108962 (M1F) (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATE), filed November 14, 1978. Petitioner: MIDWEST SPECIALIZED HAULERS, INC., P.O. Box 753, Dubuque, IA 52001. Representative: A. Charles Tell, Columbus Center, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Petitioner holds a motor *common carrier* certificate in MC 108962 issued May 4, 1978, authorizing transportation, over irregular routes, as pertinent, of *Heavy machinery and contractor's machinery, equipment, materials* and *supplies*, between Dubuque, IA, and points in IA within 25 miles of Dubuque, on the one hand, and, on the other, points in WI and MN.

By the instant petition, petitioner seeks to add "Such commodities as by reason of their size or weight require special handling or the use of special equipment" to the commodity description.

MC 111473 (Sub-1) (M1F) (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATE), filed November 15, 1978. Petitioner: INTER-STATE TRUCK LINES, INC., 555 S. 16th St., Columbia, PA 17512. Representative: S. Harrison Kahn, Suite 733 Investment Building, 1511 K Street, NW, Washington, DC 20005. Petitioner holds a motor *common carrier* certificate in MC 111473 Sub-1, issued January 12, 1950, authorizing transportation, over irregular routes, as pertinent, of *Wearing apparel*, in boxes and cases, from New York, NY, to points and places in that part of PA on, east, and south of a line beginning at the PA-MD State line and extending along US Hwy 11 to Harrisburg, PA, then along US Hwy 22 to the PA-NJ State line.

By the instant petition, petitioner seeks to modify the above authority by substituting the language "on hangers" for "in boxes and cases."

MC 113434 (Sub-44) (M1F) (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATE), filed November 14, 1978. Petitioner: GRABELL TRUCK LINE, INC., P.O. Box 1001, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. Petitioner holds a motor *common carrier* certificate in MC 113434 Sub-44, issued January 27, 1977, authorizing transportation, over irregular routes, of *Canned and preserved foodstuffs*, from Edmore and Croswell, MI, to points in IL and IN (except points in the Chicago, IL, commercial zone, as defined by the Commission), KY, OH, MO, WI, the Upper Peninsula of MI, and points in that part of PA east of US Hwy 220, restricted to the transportation of shipments originating at the facilities of Nu-Foods at Edmore, MI and Aunt Jane Foods, Inc., at Croswell, MI, and destined to the above-named destinations.

By the instant petition, petitioner seeks to modify the above authority by deleting the exception against service to the Chicago, IL, commercial zone, as defined by the Commission, from Croswell, MI. The exception will still remain effective from Edmore, MI.

MC 113666 (Sub-81) (M1F) (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATE), filed October 13, 1978. Petitioner: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M Street, NW, Washington, DC 20036. Petitioner holds a motor *common carrier* certificate in MC 113666 Sub-81, issued November 14, 1975, authorizing transportation, in foreign commerce, over irregular routes, of *Refractory products*, and *materials* and *supplies* used in the production and installation of refractory products (except liquid commodities,

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in bulk, in tank vehicles), and brick, from points in WV, KY, PA, OH, and MO, to ports of entry on the United States-Canada Boundary line, located in MN, MI, NY, ME, NH, and VT. RESTRICTION: The authority granted herein is restricted against the transportation (1) of refractory products from Clearfield, PA, and points within 25 miles thereof, and from Clymer, Mt. Union, and Womelsdorf, PA.; (2) of materials and supplies used in the installation of refractory products when transported in mixed shipments with refractory products from Clearfield, PA, and points within 25 miles thereof, and from Mt. Union and Womelsdorf, PA, and (3) of brick, structural tile, and crude clay (in bulk), from Clearfield, PA, and points within 25 miles thereof.

By the instant petition, petitioner seeks to modify the above certificate by deleting the foreign commerce restriction.

MC 124004 (Sub-19) (M1F) (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATE), filed October 11, 1978. Petitioner: RICHARD DAHN, INC., 620 W. Mountain Rd., Sparta, NJ 07871. Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds a motor *common carrier* certificate in MC 124004 Sub-19, issued April 19, 1973 authorizing transportation, over irregular routes, of *Scrap brick and scrap metal*, from points in MA, CT, RI, PA, OH, and NY, to Kearny, NJ.

By the instant petition, petitioner seeks to modify the above authority by seeking a two-way radial movement, so it will read: Between points in MA, CT, RI, PA, OH, NY, on the one hand, and, on the other, Kearny, NJ.

MC 128698 (Sub-1) (M1F) (NOTICE OF PETITION TO MODIFY CERTIFICATE), filed October 19, 1978. Petitioner: ERDNER BROS., INC., P.O. Box 68-Davidson Rd., Swedesboro, NJ 08085. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW, Washington, DC 20005.

Petitioner holds a motor *common carrier* certificate in MC 128698 Sub 1 issued December 23, 1975, authorizing transportation, over irregular routes, of *Foodstuff, and ingredients, materials, supplies, and equipment* used in the processing and manufacture of foodstuffs, between Milford, Bridgeville, Clayton, Georgetown, Wilmington, Milton, and Houston, DE, Whiteford, Snow Hill, Hurlock, Cambridge, Salisbury, Pocomoke City, Chestertown, Ridgely, Baltimore, Goldsboro, and Trappe, MD, Parksley and Exmore, VA, Centre Hall, Bloomsburg, York, Hanover, Lancaster, and Downingtown, PA., Bridgeton, Swedesboro, Woodstown, Camden, Moorestown, and Glassboro, NJ, Sumter, SC, Napoleon, OH, and DC, restricted against the transportation of commodities in bulk, and further restricted to the transportation of shipments originating at and destined to the facilities utilized by Campbell Soup Company, its affiliates and its subsidiaries, at the above-described points.

By the instant petition, petitioner seeks to modify the above authority by adding Chicago, IL to the territorial description.

MC 135231 (Sub-22) (M1F) (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATE), filed November 21, 1978. Petitioner: NORTH STAR TRANSPORT, INC., Route 1, Hwy. 1 and 59 West Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Petitioner holds a motor *common carrier* certificate in MC 135231 Sub 22 issued July 14, 1978, authorizing transportation, over irregular routes, as pertinent, of (1) *Snowmobiles, motorbikes, boats, parts and accessories*, and *sound reproducing equipment*, from Roseau, Thief River Falls, Karlstad, Rochester and Minneapolis, MN and Omaha, NE, to points in the United States including Anchorage, AK (excepting service to unnamed AK points and HI), restricted to traffic originating at the plant sites or facilities of Polaris E-Z-Co Division of Textron Inc., Arctic Enterprises, Inc., and Telex Communications, Inc., at the origin points specified, and (2) *Materials, supplies, parts, and equipment* used in the manufacture or sale of snowmobiles, motor bikes, sound reproducing equipment, and boats, from points in the United States (except AK and HI), to plant sites and facilities of Polaris E-Z-Co. Division of Textron, Inc., Arctic Enterprises, Inc., and Telex Communications, Inc., at Thief River Falls, Roseau, Karlstad, Moorhead, Clearbrook, Rochester and Minneapolis, MN, and Omaha, NE.

By the instant petition, petitioner seeks to modify the above authority by adding Scorpion Industries, Inc. of Crosby, MN, as an origin in part (1) above, and as a destination in (2) above.

MC 135928 (Sub-2) (M1F) (NOTICE OF FILING OF PETITION TO MODIFY PERMIT), filed November 1, 1978. Petitioner: KRS TRUCKING CORPORATION, P.O. Box 789, plainfield, NJ 07061. Representative: Robert B. Pepper, The Forrest Park Building, 168 Woodbridge Avenue, Highland Park, NJ 08904. Petitioner holds a motor *common carrier* certificate in MC 135928 Sub 2 issued August 21, 1972, authorizing transportation, over irregular routes, of *leaders, gutters, elbows, corner ends, downspouts*, and *material*, and *supplies* used in connection therewith, from the plant site of Royal-Apex Manufacturing Co., Inc., at Plainfield, NJ, to points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the United States-Canada Boundary line, reunder a countinuing contract(s) with Royal-Apex Manufacturing Co., Inc.

By the instant petition, petitioner seeks to add a second commodity and territorial description which will read: *Materials, equipment* and *supplies* used in the manufacturing and sale of leaders, gutters, elbows, corner ends, and downspouts, (except in bulk), from points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, NM, then northward along the western boundaries of Itasca and Koochiching Counties, MN to the United States-Canada Boundary line to the plant site of Royal-Apex Manufacturing Co., Inc. Plainfield, NJ, under a continuing contract(s) with Royal-Apex Manufacturing Co., Inc.

MC 138880 (Sub-2) (M1F) (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATE) filed October 18, 1978. Petitioner: RED RIVER TRANSPORT & DEVELOPING CO., INC., d/b/a AIR FREIGHT EXPRESS, P.O. Box 5021, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58102. Petitioner holds a motor *common carrier* certificate in MC 138880 Sub 2 issued August 15, 1975, authorizing transportation, over irregular routes, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those that require special equipment), between Minneapolis- St. Paul International Airport in or near Minneapolis, MN, on the one hand, and, on the other, Superior, WI, and points in St. Louis and Carlton Counties, MN. RESTRICTION: The operations authorized herein are restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

By the instant petition, petitioner seeks to modify the above authority by deleting the restriction.

MC 140252 (Sub-1) (M1F) (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATE) filed November 8, 1978. Petitioner: M. K. M. ASSOCIATED TRUCKING CORP., 117 Dutch Road, East Brunswick, NJ 08816. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Petitioner holds a motor *common carrier* certificate in MC 140252 Sub 1 issued August 24, 1976, authorizing transportation, over irregular routes, of *Scrap metals* (except in dump vehicles, from the plantsites of National Can Corp., at or near Edison and Piscataway, NJ, Long Island City and Maspeth, NY, and Hamburg, Fogelsville and Morrisville, PA, to Sparrows Point, MD and Wilmington, DE, under a continuing contract(s) with National Can Corp., of Piscataway, NJ.

By the instant petition, petitioner seeks to modify the above authority by adding Elizabeth, NJ as a destination point in the territorial description.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to reasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such request shall meet the requirements of Section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 29910 (Sub-174) (Republication), filed January 21, 1977, previously noticed in the FEDERAL REGISTER issues of March 10, 1977 and January 11, 1978. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood Avenue, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, supplies and building materials* (except limestone, limestone products, and commodities in bulk), between the plantsite of Arkansas Log Homes, Inc., located in Polk County, AR, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM. Note: The purpose of this republication is to indicate the applicant's intention to tack with its existing regular route authority and will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition seeking leave to intervene in this proceeding, setting forth in detail the manner in which it has been prejudiced by lack of proper notice.

MC 115495 (Sub-37F) (Partial Correction), filed July 21, 1978, previously noticed in the FEDERAL REGISTER issue of September 7, 1978. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, IL 60174. Representative: Everett Hutchinson, Suite 400, 1150 Connecticut Avenue NW., Washington, DC 20036. NOTE: The purpose of this partial correction is to add the following: (7), between ND, SD, NE, KS, OK, TX, AR, LA, and MS, restricted in (7) above to the transportation of traffic having a prior or subsequent movement by air, water, or rail (except trailer-on-flatcar service); and further restricted in (7) above that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds, or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. (Hearing: February 27, 1979 (14 days) at 9:30 a.m., local time at the Dallas Marriott Hotel, Market Center, 2101 Stemmons Freeway, Dallas, TX and continued to April 3, 1979 (9 days), at 9:30 a.m. local time at the Dallas Marriott Hotel, Market Center, 2101 Stemmons Freeway, Dallas, TX).

MC 115495 (Sub-40F), filed January 19, 1979. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, IL 60174. Representative: Everett Hutchinson, Suite 400, 1150 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *General commodities* (except those of unusual value, commodities in bulk, Classes A and B explosives, commodities requiring special equipment and household goods as defined by the Commission), between points in AL, AZ, AR, CA, CO, FL, GA. ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, WA, WI, and WY and points in PA, WV, and VA, within ten miles of the PA-OH, the WV-OH, the WV-KY, the VA-KY, the VA-TN and the VA-NC State boundary lines, subject to all the restrictions in applicant's certificates, listed below: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined and each package or article shall be considered as a separate and distinct shipment; and (2) no service shall be provided in the transportation of package or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. Note: Applicant specifically requests that its certificates in Nos. MC 115495 Subs 4, 14, 16, 20, and 22 be modified to expressly authorize tacking. Additional certificated operating rights are not sought by this request. (Hearing site: Chicago, IL).

MC 117416 Sub. No. 58F (correction), filed April 14, 1978, previously noticed in the FEDERAL REGISTER issue of July 27, 1978. Applicant: NEWMAN & PEMBERTON, CORP., a corporation, 2007 University Avenue NW., Knoxville, TN 37921. Representative:

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Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery stores*, and in connection therewith, *materials, equipment, and supplies* used in the conduct of such business (except commodities in bulk, and frozen foods), between Cincinnati, OH, and Atlanta, Augusta, and Macon, GA, on the one hand, and, on the other, points in AL, FL, GA, LA, S, NC, SC, and TN, restricted to the transportation of shipments which either, (1) originate at Cincinnati, OH, and Atlanta, Augusta and Macon, GA and are destined to points in AL, FL, GA, LA, MS, NC, SC, and TN, or (2) originate at points in AL, FL, GA, LA, MS, NC, SC, and TN, and are destined to Cincinnati, OH, and Atlanta, Augusta, and Macon, GA. Note: The purpose of this republication is to broaden the restriction and modify the territorial description. (Hearing site: Cincinnati, OH, or Washington, D.C.)

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before March 12, 1979. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC-F-13647. By initial decision served January 15, 1979, DALKE TRANSPORT, INC., was authorized to purchase the described portion of the operating authority of JERRY LIPPS, INC., subject to republication in the FEDERAL REGISTER. The Administrative Law Judge required republication. The FEDERAL REGISTER publication was incomplete in that it did not include a portion of the authority to be transferred, *from Waco, TX, to points in AZ, CA, CO, NV, OK, and KS.* This portion of MC-118959 (Sub-No. 47) was inadvertently omitted. The original FEDERAL REGISTER Notice was published July 27, 1978.

The Administrative Law Judge authorized DALKE TRANSPORT INC. to acquire the followng portion of JERRY LIPPS, INC.'s operating authority: Plastic conduit, plastic siding and plastic molding, as a common carrier over irregular routes from McPherson, KS, to points in MN, IA, ND, SD, NE, KS, OK, NM, CO, WY, MT, ID, UT, TX, AZ, NV, WA, OR, and CA; and *from Waco, TX to points in AZ, CA, CO, NV, OK, and KS.* Plastic pipe, plastic tubing, plastic molding, plastic valves, plastic fittings, plastic siding, plastic compounds, plastic joint sealer, plastic bonding cement, and plastic accessories and materials used in the installation of such products: from Waco, TX to points in NM. Plastic conduit, plastic siding and plastic molding: From Waco, TX to points in OR, WA, ID, MT, WY, ND, SD, NE, MN, IA, that part of UT on and north of a line beginning at the NV-UT State line, then along UT Hwy 56 to junction US Hwy 91, then along US Hwy 91 to junction UT Hwy 20, then along UT Hwy 20 to its Junction US Hwy 89, then along US Hwy 89 to junction UT Hwy 4, then along UT Hwy 4 to junction Interstate Hwy 70, then along Interstate Hwy 70 to the CO-UT State Line.

If any person has any interest in or would be prejudiced by grant of the authority it may file an original and six copies of the petition (or any other pleading) within 30 days from the date of publication with appropriate service on applicant. The petition in each case must set forth the position and interest of the petitioner in the proceeding, including a showing of good cause for not filing objections at the time of or prior to the oral hearing, and specifically why the transaction would not be in the public interest. Applicant shall file its reply within 50 days from the date of publication. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, KS and Robert M. Pearce, P.O. Box 1899, Bowling Green, KY., 42101.

MC-F-13876F. Authority sought by BROWNING FREIGHT LINES, INC., 650 South Redwood Road, Salt Lake City, UT 84104, to purchase a portion of the operating rights of ABC Truck Lines, Inc., 728 West Idaho Street, P.O. Box 1824, Elko, NV 89801, and for acquisition by George A. Browning and Clifton M. Browning and Lowell D. Browning of control of such rights through purchase. Applicant's Representative: Ben D. Browning and Ronald D. Browning, Attorneys, 1321 SE Water Avenue, Portland, OR 97214. Operating rights to be purchased: General Commodities with the usual exceptions, over regular routes between Elko, NV and Owyhee, NV via State Route 11 to four miles beyond Dinner Station; via State Route 43 to Mountain City Ranger Station; and via State Route 11A to Owyhee, serving all intermidiate points.

Vendee is authorized to operate as a common carrier in the States of UT, ID and OR pursuant to certificates issued in Docket MC-41932.

Application has been filed for temporary authority under Section 210a(b). In Docket MC-41932 (Sub No. 12F) application has been made to convert the above described authority to be purchased from a registered certificate to a certificate of public convenience and necessity. (Hearing sites: Boise, ID or Salt Lake City, UT.)

NOTE.—MC-41932 (Sub 12F) is a directly related matter.

MC-F-13877F. Authority sought to purchase by Ace Doran Hauling & Rigging Co., 1601 Blue Rock Street, Cincinnati, OH 45223, of a portion of the operating rights of Burgmeyer Bros., Inc., 1342 North Howard Street, Philadelphia, PA 19601, and for acquisition by Richard E. Doran, Robert J. Doran and C. M. Doran of 1601 Blue Rock Street, Cincinnati, OH 45223, of control of such rights through the purchase. Applicant's attorney is John P. McMahon, 100 East Broad Street, Columbus, OH 43215, and A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Operating rights sought to be purchased: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other ladings, as a common carrier, over irregular routes, between Chicago, IL and Chicago Heights, IL. Vendee is authorized to operate as a common carrier of general commodities, size and weight commodities and specified commodities between various points in the contiguous forty-eight States. Application has been filed for temporary authority under 49 U.S.C. § 11349. (Hearing Site: Columbus, OH.)

NOTE: MC-112304 (Sub 167F) is a directly related matter.

MC-F-13892F. Applicant (transferee): ALL FLORIDA FREIGHTWAYS, INC., 909 South State Road 7, Suite 410, Hollywood Federal Building, Hollywood, FL 33023. Applicant (transferor): OVERSEAS TRANSPORTATION CO., INC., 3355 N.W. 41st Street, Miami, FL 33142, and SOUTH FLORIDA FREIGHTWAYS, INC., 3355 41st Street, Miami, FL 33142. Applicants' attorney: PETER J. NICKLES, Covington & Burling, 888 16th Street, N.W., Washington, D.C. 20006. Authority sought for purchase by ALL FLORIDA FREIGHWAYS of (A) the authority of OVERSEAS TRANSPORTATION CO., INC., under (1) a Certificate of Public Convenience and Necessity issued in docket No. MC-1388, decided July 14, 1958, to operate and transport over regular routes *explosives, articles of unusual value*, and *general commodities*, except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Miami, FL, and Key West, FL, serving all intermediate points, and the off-route points of Opa Locka, FL., and points within ten miles of U.S. Hwy 1 between Miami and Key West, FL.: From Miami over U.S. Hwy 1 to Key West, and return over the same route, and *Automobiles, trucks*, and *buses*, in secondary movements, in truckaway and driveaway service, between Miami, FL, and Key West, FL, serving no intermediate points: From Miami over U.S. Hwy 1 to Key West, and return over the same route; and (2) a Certificate of Public Convenience and Necessity issued in Docket No. MC-1388 (Sub 7) decided January 22, 1960, to operate and transport over regular routes *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Miami, FL, and Homestead, FL, serving all intermediate points, and the off-route point of the plant site of Lehigh Portland Cement Company, near Sweetwater, FL: From Miami over U.S. Hwy 41 to junction FL Hwy 27, and thence south over FL Hwy 27 to Homestead, and return over the same route; and (B) the authority of SOUTH FLORIDA FREIGHTWAYS, INC., under (1) a Certificate of Registration issued in docket No. MC-97850 (Sub 1) issued on April 25, 1965, to operate and transport *freight* in common carriage: To, from and between Ft. Lauderdale and Miami, FL, and intermediate points over State Road No. 5 and, as an alternate route, over State Road No. 84, from Ft. Lauderdale to State Road No. 7, thence over State Road No. 7 to Miami, FL, serving Coconut Grove, Dania Beach, Davie, Deerfield Beach, Golden Beach, Gulfstream, Hialeah, Hollywood Beach, Miami Beach, Miami Springs, North Miami Beach, Opa-Locka, Pompano Beach, Port Everglades, and Wilton Manor, as off-route points, and between Ft. Lauderdale and Riviera Beach, FL, serving all intermediate points, over the following routes: From Ft. Lauderdale, FL, north over U.S. Hwy No. 1 (State Road No. 5) and/or State Road No. A1A to Riviera Beach, FL, and return over the same routes, with authority to use the Sunshine State Parkway for operating conveniences only, and including all lateral east-west highways and/or streets connecting the three routes above named; and (2) a Certificate of Registration issued in Docket No. MC-97850 (Sub 2) issued on June 26, 1968, to operate and transport general commodities over regular and alternate routes as follows: (a) Between Riviera Beach and Orlando, FL, serving all intermediate points: From Riviera Beach over U.S. Hwy 1 to Titusville, thence over State Road 405 to its junction with State Road 50, thence over State Road 50 to Orlando, and return over the same route, (b) Between Miami and Orlando, FL, serving all intermediate points: From Miami over U.S. Hwy 27 to South Bay, thence over State Road 80 to Belle Glade, thence over U.S. Hwy 441 to Orlando, and return over the same route, (c) Between South Bay and Orlando, FL, serving all intermediate points: From South Bay over U.S. Hwy 27 and 27A to Haines City, thence over U.S. Hwy 17 to Orlando and return over the same route, (d) Between Miami and Tampa, FL, serving all intermediate points: From Miami over U.S. Hwy 41 to Punta Gorda, thence over U.S. Hwy 17 to Bartow, thence over U.S. Hwy 98 to Lakeland, thence over U.S. Hwy 92 to Tampa and return over the same route, (e) Between Punta Gorda and Tampa, FL, over U.S. Hwy 41 serving all intermediate points, (f) Between the junction of U. S. Hwy 41 and State Road 29 near Everglades, FL, and Fort Myers, FL, serving all intermediate points: From said junction of U.S. Hwy 41 with State Road 29 over State Road 29 to its junction with State Road 82, thence over State Road 82 to Fort Myers and return over the same route, (g) Between Orlando and Tampa, FL, over Interstate Hwy 4 serving no intermediate points, (h) Between the West Palm Beach interchange on the Sunshine State Parkway and the junction of said parkway with U.S. Hwy 17, over the Sunshine State Parkway, as an alternate route for operating convenience only, Subject to the restriction that no authority is granted hereby to engage in heavy hauling, as construed by orders of the Commission, or to transport commodities in bulk, liquid or dry, and over the following off-route areas: (i) All other points in FL on or south of a line beginning at the western terminus of FL Hwy 60, thence easterly along FL Hwy 60 to its junction with Interstate Hwy 4, thence easterly along Interstate Hwy 4 to its junction with FL Hwy 50, thence easterly along FL Hwy 50 to its junction with FL Hwy 405, thence northeasterly along FL Hwy 405 to its junction with FL Hwy 402, thence easterly along FL Hwy 402 to its eastern terminus (except those points in Dade and Monroe Counties on U.S. Hwy 1 and FL Hwy 27, south of Miami will be served as off-route points). Approval of the transfer of related States operating authority was recommended by the Chief Hearing Examiner of the Florida Public Service Commission in that Commission's Docket Nos. 780614-CCT and 780615-CCT on Dec. 12, 1978. ALL FLORIDA FREIGHTWAYS, INC. holds no authority from this Commission. However BERNARD A BROWN owns all shares of ALL FLORIDA FREIGHTWAYS, INC. and a majority of the shares of NATIONAL FREIGHT. INC. NATIONAL FREIGHT is authorized to operate as a common carrier in all States in the United States (except WA, OR, ID, MT, ND, SD, NV, CA, AK, and HI). Application has been filed for temporary authority under section 210a(b).

MC-F-13893F. Authority sought for purchase by A & D EXPRESS, INC., George's Road, South Brunswick, NJ 08902, of a portion of the operating rights of SHANAHAN MOTOR LINES, INC., 1001 Fairview Street, Camden NJ, 08104, of control of such rights through the transaction. Applicants' representatives: W. J. Augello, 120 Main Street, Huntington, NY 11743, and Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Operating rights sought to be purchased: General commodities, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, PA and New York, NY, serving the intermediate and off-route points of Newark, Jersey City, New Brunswick, Elizabeth, Linden, Weehawken, Hoboken, Rahway, Paterson, Passaic, Maurer, Somerville, Freehold, Belleville, North Bergen, and Kearny, NJ. Vendee presently holds authority as a contract carrier limited to the transportation of malt beverages between specified points in MD, PA, NH, NJ, NY, and RI. Application has been filed for temporary authority under section 210a(b).

MC-F-13896F. Authority sought for purchase by BUESING BROS. TRUCKING, INC., 2285 Daniels Street, Long Lake, MN 55356, of the operating rights of KATUIN BROS. INC., Highway 61 South, P.O. Box 311, Fort Madison, IA 52627, and for acquisition by GERALD J. BUESING, Route 2, Box 240C, Maple Plain, MN 55359, of control of such rights through the transaction. Applicants' attorneys: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402 and Carl E. Munson, 469 Fischer

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Bldg., Dubuque, IA 52001. Operating rights sought to be purchased: Sand and gravel, in bulk, as a common carrier over irregular routes, from East Dubuque, IL, to points in IA; Ice, from Dubuque, IA to points in IL, MN, and WI; Washed stone chips and sand, in bulk, from Joliet and Lemont, IL, to Clinton, IA; Texture faced brick concrete, from Clinton, IA to points in that part of IL on and west of U.S. Hwy 51, and on and north of U.S. Hwy 136, and points in Grant and La-Fayette Counties, WI; Silica sand, from the facilities of Martin Marietta Aggregates, at or near Clayton, IA to points in MN. Transferee is authorized to operate as a common carrier in MN, SD, ND, IA, WI, and MI. No tacking is sought. Application has been filed for temporary authority under Section 210a(b). If a hearing is deemed necessary, applicant's request it be held at Minneapolis, MN.

MC-F-13898F. Authority is sought by PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598 of a portion of the operating rights of Sundance Freight Lines, Inc. d/b/a Sundance Transportation, and for acquisition by IU Transportation Services, Inc. and IU International Corporation, 1500 Walnut Street, Philadelphia, PA 19102 of control of such rights through the purchase. Applicants' representatives: Roland Rice, Suite 501 Perpetual Building, 1111 E Street, N.W., Washington, DC 20004, William S. Richards, 48 Post Office Place, P.O. Box 2465, Salt Lake City, UT 84110, and H. Beatty Chadwick, 1500 Walnut Street, Philadelphia, PA 19102. Operating rights sought to be transferred: General commodities, with exceptions, as a common carrier over regular routes: (1) Between Albuquerque, NM and El Paso, TX, serving all intermediate points: From Albuquerque over U.S. Hwy 85 to Las Cruces, NM, then over U.S. Hwy 80 to El Paso, and return over the same route, service at Belen, NM, and points north thereof, shall be restricted to traffic moving to or from points south of Belen, and service at Hatch, NM, and points south thereof shall be restricted to traffic moving to or from points north of Hatch; (2) Between Ogden, UT, and Abuquerque, NM, serving the intermediate points of Salt Lake City, Provo and Ogden Arsenal, UT, and the off-route points of Hill Field, Naval Supply Depot near Ogden, UT, and the Geneva Steel Mills near Provo and those within 5 miles of Salt Lake City: From Ogden over U.S. Hwy 89 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 63 (formerly U.S. Hwy 160), then over U.S. Hwy 163 to junction U.S. Hwy 666, then over U.S. Hwy 666 to junction U.S. Hwy 66, then over U.S. Hwy 66 to Abuquerque, and return over the same route, restricted against transportation between points in Utah and subject to the further restriction that shipments moving to or from points on the route granted herein north of but not including Salt Lake City, shall be restricted to traffic moving on Government bills of Lading; (3) Between Ogden, UT and Salt Lake City, UT, as an alternate route for operating convenience only, serving no intermediate points: From Ogden over U.S. Hwy 91 to Salt Lake City, and return over the same route, restricted to traffic moving on Government bills of lading; (4) Serving points in the El Paso, TX, and Albuquerque, NM, Commercial Zones, as defined by the Commission, as intermediate and off-route points; (5) Between Dallas, TX, and Albuquerque, MN, serving no intermediate points: From Dallas over the Dallas-Ft. Worth Turnpike to Ft. Worth, TX, then over U.S. Hwy 180 to Snyder, TX, then over U.S. Hwy 84 via Post, TX, to Ft. Sumner, TX, then over U.S. Hwy 60 to Encino, NM, then over U.S. Hwy 285 to Clines Corners, MN, then over U.S. Hwy 66 to Albuquerque, and return over the same route; (6) Serving Clovis, NM, as an intermediate point in connection with carrier's presently authorized regular route between Dallas, TX, and Albuquerque, NM, in Docket MC 108461, Sub-99.

Transferee is authorized to operate as a motor common carrier in all States in the United States (except AK and HI). Common control may be involved. Application has been made for temporary authority under Section 210a(b) of the Act. (Hearing site: Washington, DC or Phoenix, AZ.)

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

An original and one copy of protests to the granting of the authorities must be filed with the Commission on or before March 12, 1979. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 41932 (Sub-12F) filed January 3, 1979. Applicant: BROWNING FREIGHT LINES, INC., 650 South Redwood Road, Salt Lake City, UT 84104. Representative: Ben D. Browning, 1321 SE Water Avenue, Portland, OR 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles commodities which by reason of size or weight require special equipment, household goods as defined by the Commission, and commodities of unusual value), (1) Between Elko, NV and Owyhee, NV, serving all intermediate points, over NV Hwy 51, (2) Between Mountain Home, ID and Owyhee, NV, over ID Hwy 51, to junction NV Hwy 51, then over NV Hwy 51 to Owyhee serving no intermediate points and serving Owyhee, NV for purpose of joinder only with the requested authority in (1) above, (3) Between Twin Falls, ID and Elko, NV, serving all intermediate points, from Twin Falls, over US Hwy 93 to Wells, NV, then over Interstate Hwy 80 to Elko, NV, and return over the same route. (4) Between Wells, NV and Salt Lake City, UT over Interstate Hwy 80, as an alternate route for operating convenience only between authority requested in (3) above and with applicant's existing regular route operations; and (5) Serving Duck Valley Indian Reservation located at points in ID and NV as an off-route point in connection with applicant's existing regular routes operations in MC 41932, which authorizes service between Salt Lake City, UT and Boise, ID over described Highways.

NOTE.—The purpose of this application is to convert a certificate of registration to a certificate of public convenience and necessity in (1) above. Parts (2), (3), (4), and (5) above are authority extension requests. This application if directly related to MC-F-13876F and published in a previous section of this FR issue. (Hearing site: Boise, ID or Salt Lake City, UT.)

MC 98327 (Sub-33F) filed January 5, 1979. Applicant: SYSTEM 99, 8201 Edgewater Drive, Oakland, CA 94621. Representative: Michael A. Bernstein, 1441 E. Thomas Road, Phoenix, AZ 95014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by

the Commisison, commodities in bulk and those requiring special equipment): Between points in the following described area as off-route points in conjunction with carrier's regular route operations: Beginning at a line running easterly from Picacho, AZ to Mammoth, AZ, then in a southerly direction to St. David, AZ, then in a westerly direction to Sasabe, AZ and then in a northerly direction to Picacho, AZ. (Hearing site: Tucson or Phoenix, AZ.)

NOTE.—The purpose of this application is to convert a certificate of registration to a certificate of public convenience and necessity, and is a directly related matter to MC-F-13888F, published in a previous section of the FR issue of January 25, 1979.

MC 112304 (Sub-167F), filed: January 3, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John P. McMahon, George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate *common carrier* by motor vehicle, over irregular routes, transporting: 1. Commodities requiring special equipment, restricted so that, or provided that, the loading or unloading which necessitates the special equipment is performed by the consignee or the consignor or both: A. Between Chicago and Chicago Heights, IL, on the one hand, and, on the other, points in IN, the Upper Peninsula of MI, NJ, NY, VT, NH, MA, CT, RI, and those points in TX north and west of a line beginning at the TX-LA State line, then over Interstate Hwy 10 to junction U.S. Hwy 90, at Beaumont, TX, then over U.S. Hwy 90 to junction Interstate Hwy 610, then over Interstate Hwy 610 to junction U.S. Hwy 290, then over U.S. Hwy 290 to junction U.S. Hwy 67, then over U.S. Hwy 67 to the United States-Mexican boundary line. (Gateway to be eliminated: The IN portion of the Chicago and Chicago Heights, IL Commercial Zones.) B. From Chicago and Chicago Heights, IL to points in CA. (Gateway to be eliminated: The IN portion of the Chicago, and Chicago Heights, IL Commercial Zones.) 2. Commodities requiring special equipment, restricted so that, or provided that, the loading or unloading which necessitates the special equipment is performed by the consignee or the consignor, or both, and restricted against the transportation of commodities used in or in connection with the construction, maintenance, repair, operations, servicing or dismantling of pipe lines from Chicago and Chicago Heights, IL, to points in UT and NV. (Gateway to be eliminated: The IN portion of the Chicago, and Chicago Heights, IL Commercial Zones.) 3. Self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith; between Chicago and Chicago Heights, IL, on the one hand, and, on the other, points in IN, NJ, NY, points in that part of KY west of U.S. Hwy 127, points in the Upper Peninsula of MI and points in that part of Lower Peninsula of MI west of a line beginning at Lake Michigan and extending along Interstate Hwy 75 to junction U.S. Hwy 27, thence along U.S. Hwy 27 to the MI-IN State line, points in that part of PA east of U.S. Hwy 15 and points in that part of TX north and west of a line beginning at the TX-LA State line, thence over Interstate Hwy 10 to junction U.S. Hwy 90, at Beaumont, TX, thence over U.S. Hwy 90 to junction Interstate Hwy 610, thence over Interstate Hwy 610 to junction U.S. Hwy 290, thence over U.S. Hwy 290 to junction U.S. Hwy 67, thence over U.S. Hwy 67 to the United States-Mexican boundary line. (Gateway to be eliminated: The IN portion of the Chicago and Chicago Heights, IL Commercial Zones.) 4. Self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith (restricted to self-propelled articles which are transported on trailers) from Chicago and Chicago Heights, IL to points in CA, NV, and UT. (Gateway to be eliminated: The IN portion of the Chicago, and Chicago Heights, IL Commercial Zones). 5. Aluminum and aluminum articles requiring special equipment, restricted so that, or provided that, loading or unloading which necessitates the special equipment is performed by the consignee or the consignor or both. A. From the IN portion of the Chicago and Chicago Heights Commercial Zones to points in NC, SC, GA, FL, AL, and those in VA west of U.S. Hwy 220. (Gateway to be eliminated: The IL portions of the Chicago and Chicago Heights Commercial Zones.) B. From the IL portion of the Chicago and Chicago Heights Commercial Zones to points in ME. (Gateway to be eliminated: The IN portions of the Chicago and Chicago Heights Commercial Zones.) 6. Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing, and wire in coils, restricted so that, or provided that, the loading or unloading which necessitates the special equipment is performed by the consignee or the consignor or both: A. Between Chicago and Chicago Heights, IL, on the one hand, and, on the other, points in IN, NJ, NY and the Upper Peninsula of MI. (Gateway to be eliminated: The IN portion of the Chicago and Chicago Heights, IL Commercial Zones.) B. From Chicago and Chicago Heights, IL to points in TX. (Gateway to be eliminated: The IN portion of the Chicago and Chicago Heights, IL Commercial Zones.) (Hearing site: Columbus, OH.)

NOTE.—This Gateway Elimination Application is related to applicant's purchase of a portion of the operating rights of Burgmeyer Bros., Inc. at Docket No. MC-F-13877F, published in a previous section of this FR issue.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 12, 1979.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

MOTOR CARRIERS OF PROPERTY

MC 2229 (Deviation 31) RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247, filed *January 22, 1979.* Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Gulfport, MS over U.S. Hwy 49 to Jackson, MS, then over Interstate Hwy 55 to Memphis, TN and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Gulfport, MS, over U.S. Hwy 90 to junction U.S. Hwy 190, then over U.S. Hwy 190 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Natchez, MS, then over U.S. Hwy 65 to Ferriday, LA, then over LA Hwy 15 to Monroe, LA, then over U.S. Hwy 165 to Bastrop, LA, then over LA Hwy 139 to junction LA Hwy 142, then over LA Hwy 142 to LA-AR State Line, then over AR Hwy 133 to Crossett, AR, then over U.S. Hwy 82 to Hamburg, AR, then over AR Hwy 81 to Pine Bluff, AR, then over U.S. Hwy 65 to Little Rock, AR, then over U.S. Hwy 70 to Memphis, TN, and return over the same route.

MC 33641 (Deviation 122), IML FREIGHT, INC., P.O. Box 30277; Salt Lake City, UT 84125, filed January 22, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of

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general commodities, with certain exceptions, over a deviation route as follows: From junction Interstate Hwy 5 and CA Hwy 14, over CA Hwy 14 to junction U.S. Hwy 395, then over U.S. Hwy 395 to Reno, NV and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction CA Hwy 14 and Interstate Hwy 5, over Interstate Hwy 5 to junction U.S. Hwy 99, then over U.S. Hwy 99 to Sacramento, CA, then over U.S. Hwy 40 to Reno, NV, and return over the same route.

MC 33641 (Deviation 123), IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84125, filed January 23, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Hwy 99 and Interstate Hwy 5 near Wheeler Ridge, CA over Interstate Hwy 5 to Stockton, CA, then over U.S. Hwy 99 to Sacramento, CA, then over Interstate Hwy 5 to Portland, OR, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transp[ort] the same commodities over a pertin[ent] service route as follows: From[junc]tion Interstate Hwy 5 and U.S. [Hwy] 99 near Wheeler Ridge, CA, ov[er] S. Hwy 99 to Sacramento, CA, th[en] over U.S. Hwy 40 to Winnemucc[a], NV, then over U.S. Hwy 95 to junction ID Hwy 55, then over ID Hwy 55 to Nampa, ID, then over U.S. Hwy 30 to Portland, OR, and return over the same route.

MC 33641 (Deviation 124), IML FREIGHT, INC., P.O. 30277, Salt Lake City, UT 84125, filed January 26, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction US Hwy 30 and Interstate Hwy 75, over Interstate Hwy 75, to Toledo, OH, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction Interstate Hwy 75 and US Hwy 30 over US Hwy 30 to junction US Hwy 250 near Wooster, OH, then over US Hwy 250 to Norwalk, OH, then over US Hwy 20 to junction OH Hwy 51, then over OH Hwy 51 to Toledo, OH, and return over the same route.

MC 59583 (Deviation 57), THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, TN 37662, filed January 17, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Asheville, NC over Interstate Hwy 26 to junction US Hwy 176, then over US Hwy 176 to Spartanburg, SC, (2) From Asheville, NC over Interstate Hwy 26 to junction US Hwy 25 near East Flat Rock, NC, then over US Hwy 25 to Greenville, SC, and (3) From Asheville, NC over Interstate Hwy 26 to Columbia, SC and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Asheville, NC, over US Hwy 74 to Kings Mountain, NC, then over US Hwy 29 to Charlotte, NC, then over US Hwy 21 to Rock Hill, SC, then over (a) US Hwy 21 to Columbia, SC, and (b) SC Hwy 5 to Blacksburg, SC, then over US Hwy 29 to Greenville, SC, and Spartanburg, SC, and return over the same routes.

MC 69901 (Deviation 8), COURIER-NEWSOM EXPRESS, INC., 2830 National Rd., Columbus, IN 47201, filed January 24, 1979. Carrier's representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, IN, over US Hwy 31 to Kokomo, IN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, IN, over US Hwy 421 to junction IN Hwy 29, then over IN Hwy 29 to junction US Hwy 35, then over US Hwy 35 to Kokomo, IN, and return over the same route.

MC 69901 (Deviation 9), COURIER-NEWSOM EXPRESS, INC., 2830 National Rd., Columbus, IN 47201, filed January 24, 1979. Carrier's representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, TN, over Interstate Hwy 65 to Indianapolis, IN, then over US Hwy 31 to Kokomo, IN, then over US Hwy 35 to Logansport, IN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, TN over US Hwy 70N to junction US Hwy 70S, then over US Hwy 70S to junction US Hwy 70, then over US Hwy 70 to junction US Hwy 25W, then over US Hwy 25W to junction TN Hwy 61, then over TN Hwy 61 to junction TN Hwy 62, then over TN Hwy 62 to junction US Hwy 27, then over US Hwy 27 to junction US Hwy 150, then over US Hwy 150 to junction KY Hwy 35, then over KY Hwy 35 to junction KY Hwy 151, then over KY Hwy 151 to junction US Hwy 60, then over US Hwy 60 to junction US Hwy 31E, then over US Hwy 31E to junction US Hwy 31, then over US Hwy 31 to junction IN Hwy 9, then over IN Hwy 9 to junction IN Hwy 7, then over IN Hwy 7 to junction Alt. US Hwy 31, then over Alt. US Hwy 31 to junction US Hwy 31, then over US Hwy 31 to junction US Hwy 421, then over US Hwy 421 to junction IN Hwy 29, then over IN Hwy 29 to Logansport, IN, and return over the same route.

MC 69901 (Deviation No. 10), COURIER-NEWSOM EXPRESS, INC., 2830 National Rd., Columbus, IN 47201, filed January 24, 1979. Carrier's representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, KY, over Interstate Hwy 64 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Jellico, TN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Louisville, KY over US Hwy 60 to junction KY Hwy 151, then over KY Hwy 151 to junction KY Hwy 35, then over KY Hwy 35 to junction US Hwy 150, then over US Hwy 150 to junction US Hwy 27, then over US Hwy 27 to junction TN Hwy 62, then over TN Hwy 62 to junction TN Hw 61, then over TN Hwy 61 to junction US Hwy 25W, then over US Hwy 25W to Jellico, TN and return over the same route.

MC 134477 (Deviation No. 1), SCHANNO TRANSPORTATION, INC., P.O. Box 43496, St. Paul, MN 55164, filed January 11, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, IL over Interstate Hwy 90 to junction Interstate Hwy 94 near Tomah, WI, then over Interstate Hwy 94 to Minneapolis, MN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, IL over US Hwy 330 to junction US Hwy 30, then over HS Hwy 30 to Cedar Rapids, IA, then over US Hwy 218 to Owatonna, MN, then over US Hwy 65 to Farmington, MN, then over MN Hwy 218 to Minneapolis, MN and return over the same route. NOTE: This deviation is premised on a grant of temporary authority under section 210(a)(b). If applicant's right to operate all or part of the leased authority expires, this deviation, if authorized, will likewise expire.

MOTOR CARRIER INTRESTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seeks concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a) (6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-4048, filed January 18, 1979. Applicant: MONK'S EXPRESS, INC., Phelps Street/Port Dickinson, Binghamton, NY 13901. Representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, as defined in Section 800.1 of title 17 of the Official Compilation of Codes, Rules and regulations of the State of New York, between all points in Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Madison, Oneida, Onondago, Oswego, Schuyler, Seneca, Tioga, Tompkins, and Wayne Counties, NY. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, Time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Avenue, State Campus, Bldg. #4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4189 Filed 2-7-79; 8:45 am]

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[Decisions Volume No. 7]

PERMANENT AUTHORITY APPLICATIONS

Decision-Notice

Decided: January 25, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before March 12, 1979. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

H. G. HOMME, Jr.,
Secretary.

MC 409 (Sub-72F), filed December 29, 1978. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, NE 68979. Representative:

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Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *propane*, in bulk, in tank vehicles, from the Mid America Pipe Line Terminal, at or near Greenwood, NE, to points in SD. Condition: Any certificate issued in this proceeding shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: Kansas City, MO, or Omaha, NE.)

MC 2202 (Sub-574F), filed November 29, 1978. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Wolfe City, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing Site: Dallas, TX, or Washington, DC.)

MC 8535 (Sub-65F), filed December 19, 1978. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth Street, NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Wheeling-Pittsburgh Steel Corporation, at Canfield, Mingo Junction, Martins Ferry, Steubenville, and Yorkville, OH, Beech Bottom, Benwood, Follansbee, and Wheeling, WV, and Allenport and Monessen, PA, to points in IL and IN. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 10345 (Sub-98F), filed December 26, 1978. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 2400 West St. Joseph Street, P.O. Box 13006, Lansing, MI 48901. Representative: Albert F. Beasley, 311 Investment Building, 1511 K Street, NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automobiles*, in secondary movements, in truckaway service, and *accessories* for automobiles, when transported in mixed loads with automobiles, from Lansing, MI, Newark, NJ, and Chesapeake, VA, to points in MN. NOTE: Tacking is authorized at Lansing, MI, Newark, NJ, and Chesapeake, VA, with carrier's authority in MC-10345 and Subs, to provide a through service transporting automobiles, in secondary movements, in truckaway service, between points in AR, CT, IL, IN, IA, KS, KY, MD, MA, MI, MO, MN, NE, NH, NJ, NY, ND, OH, OK, PA, RI, SD, TN, VA, VT, WV, WI, and DC, those points in TX on and north of U.S. Hwy 80 and on and east of U.S Hwy 81. (Hearing site: Washington. DC.)

MC 16903 (Sub-10F), filed December 6, 1978. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roof insulation*, from the facilities of The Celotex Corporation, at Elizabethtown, KY, to points in MN, WI, IA, IL, MO, AR, LA, MS, AL, GA, FL, SC, NC, TN, KY, VA, WV, IN, MI, OH, PA, DE, MD, NJ, NY, and DC. (Hearing site: Miami, FL, or Washington, DC.)

MC 25798 (Sub-352F), filed December 28, 1978. Applicant: CLAY HIDER TRUCKING LINES, INC., a North Carolina corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *canned goods*, from Queen Anne, MD, and Cheriton, VA, to points in KY, ME, MA, MO, NH, NY, TN, and VT; and (2) *beverages and beverage preparations*, (except alcoholic beverages), from Hightstown, Florence, and Vincentown, NJ, to points in ME, NH, and VA. (Hearing site: Washington, DC.)

MC 25798 (Sub-353F), filed January 2, 1979. Applicant: CLAY HIDER TRUCKING LINES, INC., a North Carolina corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (1) from points in Aroostook County, ME, to Harrington, DE, Orlando, FL, Atlanta, GA, Louisville, KY, New Orleans, LA, Andover and Southborough, MA, Edison and Secauscus, NJ, Albany and Syracuse, NY, Raleigh and Charlotte, NC, Altoona and Philadelphia, PA, Richmond, VA, and points in AR, CO, IL, IN, IA, KS, MI, MO, NE, NM, OH, OK, and WI, and (2) from Portland, ME, to points in AR, IL, IN, MI, MO, OH, and WI. (Hearing site: Washington, DC.)

MC 27817 (Sub-148F), filed November 6, 1978. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 North Front Street, Harrisonburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses, (except frozen foods and commodities in bulk), (1) from the facilities of Ralston Purina Company, in Hampden Township, Cumberland County, PA, to points in NJ, and those in NY south of Interstate Hwy 84, and (2) from the facilities of Ralston Purina Company, at Cincinnati and Lancaster, OH, to the facilities of Ralston Purina Company, in Hampden Township, Cumberland County, PA, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 29555 (Sub-95F), filed December 21, 1978. Applicant: BRIGGS TRANSPORTATION CO., a corporation, North 400 Griggs Midway Building, St. Paul, MN 55104. Representative: Stephen F. Grinnell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant-site of Midwest Manufacturing Company, at or near Kellogg, IA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Des Moines, IA, or St. Paul, MN.)

MC 30114 (Sub-7F), filed September 21, 1978. Applicant: MOLA TRUCKING, INC., d.b.a. MITCHKO TRUCKING, 650 Myrtle Avenue, Boonton, NJ 07005. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles and materials, equipment, and supplies* used in the manufacture and distribution of plastic articles (except commodities in bulk), between the facilities of Imco Container Co., at Belvidere, Rockaway, and Plainfield, NJ, Lewistown, PA, Harrisonburg, VA, and Pittsfield, MA, on the one hand, and, on the other, points in NJ, NY, PA, CT, DE, MD, MA, VA, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Imco Container Co. (Hearing site: New York, NY, or Washington, DC.)

MC 30237 (Sub-38F), filed October 23, 1978. Applicant: YEATTS TRANSFER CO., a corporation, P.O. Box 666, Altavista, VA 24517. Representative: Eston H. Alt (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture*, from Athens, TN, to points in CT, DE, GA, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VA, VT, WV, and DC. (Hearing site: Washington, DC, or Nashville, TN.)

MC 40898 (Sub-25F), filed December 13, 1978. Applicant: S & W MOTOR LINES, INC., P.O. Box 11439, Greensboro, NC 27409. Representative: A. W. Flynn, Jr., 314 South Eugene Street, P.O. Box 180, Greensboro, NC 27402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt*, in packages, from Akron, OH, to points in NC, SC, and VA. (Hearing site: Greensboro, NC.)

MC 40978 (Sub-51F), filed December 29, 1978. Applicant: CHAIR CITY MOTOR EXPRESS CO., a corporation, 3321 Business 141 South, Sheboygan, WI 53081. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic sheeting*, in rolls, from St. Louis, MO, to Oshkosh, WI. (Hearing site: Milwaukee, WI.)

MC 42487 (Sub-886F), filed November 3, 1978. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, a Delaware corporation, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Soundesign Indiana Corporation, at or near Santa Claus, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN.)

MC 61231 (Sub-132F), filed November 14, 1978. Applicant: EASTER ENTERPRISES INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, GA 30303. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk in tank vehicles), between points in AZ, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, SD, TX, WI, and WY, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Corning Fiberglas Corporation. (Hearing site: Washington, DC.)

MC 65475 (Sub-21F), filed December 18, 1978. Applicant: JETCO, INC., A District of Columbia Corporation, 4701 Eisenhower Avenue, Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Georgetown Steel Corp., at or near Georgetown and Andrews, SC, to points in IL, IN, IA, MI, MO, and OH. (Hearing site: Washington, DC).

MC 78228 (Sub-102F), filed December 11, 1978. Applicant: J. MILLER EXPRESS, INC., An Ohio Corporation, 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *scrap metal and metal oxides*, between Transfer, PA, on the one hand, and, on the other, points in AR, CT, DE, IL, IN, KY, ME, MA, MI, NH, NJ, NY, RI, TN, VT, VA, WV, and DC. (Hearing site: Washington, DC or Pittsburgh, PA).

MC 82492 (Sub-210F), filed December 1, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: William C. Harris (Same as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and (2) *foodstuffs* (except those commodities described in (1), above) from the facilities of Kent Provision Co., at or near Grand Rapids, MI, to those points in NY in and west of Broome, Cortland, Onondaga, and Oswego Counties, those points in PA on and west of U.S. Hwy 219, and points in IN, KY, TN, and OH. (Hearing site: Chicago, IL, or Columbus, OH).

MC 94350 (Sub-417F), filed October 23, 1978. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr. (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers*, designed to be drawn by passenger automobiles, in initial movements, and (2) *buildings*, in sections, mounted on wheeled undercarriages, from points in Cooper County, MO, to points in AR, IL, IA, KS, NE, OK, and WI. CONDITION: The certificate to be issued shall be limited to a period expiring 3 years from its date of issue, unless, prior to the expiration (but not less than 6 months prior), applicant files a petition for permanent extension of the certificate. (Hearing site: Kansas City, MO).

MC 94548 (Sub-3F), filed December 18, 1978. Applicant FRANK CHAMPER, INC., 120 Eastern Avenue, Chelsea, MA 02150. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture*, (1) from Vernon, VT, to points in CT, ME, MA, NH, RI, and VT, under contract with Pine Tree Table Co., of Vernon, VT, and (2) from South Paris, ME, to points in CT, ME, MA, NH, RI, and VT, under contract with Stanley H. Cornwall Traditions, of South Paris, ME. (Hearing site: Boston, MA).

MC 96992 (Sub-13F), filed December 1, 1978. Applicant: HIGHWAY PIPELINE TRUCKING CO., a Corporation, P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, 1102 Perry-Brooks Building, Austin TX 78701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied petroleum gases*, in bulk, between points in AL, AR, GA, FL, LA, MS, OK, and TX. (Hearing site: Houston, TX, or New Orleans, LA).

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NOTE.—The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the effective date thereof.

MC 103798 (Sub-26F), filed December 14, 1978. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat, meat products, and meat byproducts*, and *articles distributed by meat-packing houses*, as described in sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of John Morrell & Co., at Estherville and Sioux City, IA, and St. Paul and Worthington, MN, to points in CA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Chicago, IL).

NOTE.—Dual operations may be involved in this proceeding.

MC 103798 (Sub-27F), filed December 14, 1978. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese*, from Paynesville, MN, to Clinton, MO. (Hearing site: St. Paul, MN).

NOTE.—Dual operations may be involved in this proceeding.

MC 105045 (Sub-91F), filed December 21, 1978. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Worthington Steel Co., at Baltimore, MD, to points in PA, VA, NJ, NY, KY, NC, SC, CT, OH, MI, and DE. (Hearing site: Washington, DC)

MC 106398 (Sub-854F), filed December 6, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr., (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *hardboard, insulation board, plywood, and particleboard*, and (2) *materials and accessories* used in the installation of the commodities in (1) above, from the facilities of Abitibi Corporation, at Roaring River, NC, to points in AZ and those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Raleigh, NC).

MC 106401 (Sub-59F), filed November 15, 1978. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham St., Charlotte, NC 28231. Representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, GA 30303. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk, in tank vehicles), between points in AL, AR, CT, DE, FL, GA, LA, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, TX, VT, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Corning Fiberglas Corporation. (Hearing site: Washington, DC).

MC 107012 (Sub-325F), filed December 6, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Forth Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture*, from the facilities of Yorktowne Cabinet Division of Wickes Corporation, at or near Red Lion, Mifflinburg, and Stewartstown, PA, to points in NC and SC. (Hearing site: Philadelphia, PA, or Washington, DC).

MC 107295 (Sub-899F), filed December 11, 1978. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Norfolk, NE, to points in the United States (except AK and HI). (Hearing site: Denver, CO).

MC 109265 (Sub-26F), filed December 22, 1978. Applicant: W. L. MEAD, INC., P.O. Box 301, Cleveland Road, Norwalk, OH 44857. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in CT as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Hartford, CT, or Boston, MA).

NOTE: Applicant is already authorized to serve between points in CT and applicant's authorized regular route points via the gateway of Providence, RI. The purpose of this application is to obtain alternate gateways on service to and from points in CT.

MC 109449 (Sub-21F), filed December 21, 1978. Applicant: KUJAK TRANSPORT, INC., P.O. Box 677, Winona, MN 55987. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, (except hides and commodities in bulk), and (2) *foodstuffs*, (except the commodities described in (1) above), from the facilities of Geo. A. Hormel & Co., (a) at Huron, SD, to points in OH, PA, and WV, and (b) at Austin, MN, to points in IL, IN, KS, KY, MO, OH, OK, PA, and WV, and (3) *meats, meat products and meat byproducts and articles distributed by meat-packing houses* as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at Albert Lea, MN, to points in IL, restricted in (1), (2), and (3) above, to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 109818 (Sub-39F), filed December 28, 1978. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), between the facilities of Continental Freezers of Illinois, at or near Chicago, IL, on the one hand, and, on the other, points in CO and NE, restricted to the transportation of traffic originating at or destined to the facilities of Continental Freezers of Illinois. (Hearing site: Chicago, IL.)

MC 109818 (Sub-40F), filed January 3, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and aluminum products*, from the facilities of Aluminum Company of America, at or near Bettendorf, IA, to points in CO and NE. (Hearing site: Chicago, IL.)

MC 110420 (Sub-790F), filed October 25, 1978. Applicant: QUALITY CARRIERS, INC., P.O. Box 168, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic materials, liquid latex, and styrene monomer*, in bulk, in tank vehicles, from Monaca, PA, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, ND, OH, RI, SD, VT, VA, WV, and WI. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 111545 (Sub-269F), filed December 20, 1978. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *plastic pipe and fittings*, and (b) *equipment and materials* used in the installation of the commodities in (1)(a) above, from Corsicana, Dallas, and Frisco, TX, to points in CA and those in the United States in and east of MN, IA, NE, KS, OK, and TX, and (2) *materials* used in the manufacture of plastic pipe and fittings, in the reverse direction. (Hearing site: Dallas, TX, or Atlanta, GA.)

MC 111545 (Sub-270F), filed January 2, 1979. Applicant: HOME TRANSPORTATION CO., INC., 1425 Franklin Road, SE., Marietta, GA 30067. Representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, GA 30065. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), in initial movements, and (2) *buildings*, complete or in sections, mounted on wheeled undercarriages, from points in TX, to points in AZ, CO, and NM. (Hearing site: Dallas or Houston, TX.)

MC 111812 (Sub-604F), filed December 1, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products* (except commodities in bulk), *oil filters, vehicle body sealer, and sound deadener compound*, from Emlenton, Farmers Valley, Kimberton, North Warren, Bradford, and Oil City, PA, Buffalo, NY, and St. Marys and Congo, WV, to points in FL, GA, AL, MS, NC, and SC. (Hearing site: Pittsburgh, PA.)

MC 112123 (Sub-14F), filed December 6, 1978. Applicant: BEST-WAY TRANSPORTATION, a corporation, 5150 North 16th Street, Phoenix, AZ 85106. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. To operate as a *common carrier*, by motor vehicle, in interstate and foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction Interstate Hwy 10 and AZ Hwy 90, at or near Benson, AZ, and junction AZ Hwy 90 and U.S. Hwy 80, over AZ Hwy 90, serving all intermediate points. (Hearing site: Los Angeles, CA, or Phoenix, AZ.)

MC 112123 (Sub-15F), filed December 7, 1978. Applicant: BEST-WAY TRANSPORTATION, a corporation, 5150 North 16th Street, Phoenix, AZ 85106. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. To operate as a *common carrier*, by motor vehicle, in interstate and foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Green Valley, AZ, and Nogales, AZ, over U.S. Hwy 89 and Interstate Hwy 19, serving all intermediate points, and the off-route points of the Twin Buttes Mine Sites, Pima Mine Site, and Esperanza Mine, in Pima County, AZ. (Hearing site: Los Angeles, CA, or Phoenix, AZ.)

MC 112822 (Sub-468F), filed December 6, 1978. Applicant: BRAY LINES INCORPORATED, 1401 N. Little St., P.O. Box 1191, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of The Pillsbury Company and Fox DeLuxe Pizza Company, at or near Joplin and Cartage, MO, to points in CA, CO, IA, IN, IL, ID, KS, MN, OK, OR, TX, UT, WA, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 113463 (Sub-11F), filed December 4, 1978. Applicant: CONTRACT CARRIERS, INC., 830 Broadway NE., Albuquerque, NM 87102. Representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, NM 87102. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *doors and component parts for doors*, from the facilities of Dependable Door Co., Inc., at or near Belen, NM, to points in Denver, Adams, Arapahoe, Jefferson, Douglas, Boulder, Weld, Larimer, El Paso, and Pueblo Counties, CO, under contract with Dependable Door Co., Inc., of Belen, NM. (Hearing site: Albuquerque, NM.)

MC 114045 (Sub-523F), filed December 11, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Ball bearings and pillow blocks*, (except those commodities which because of size or weight require the use of special equipment), from Philadelphia, Kulpsville, Hanover, and Altoona, PA, Massillon, OH, and Hornell, NY, to points in CA, NV, OR, and TX. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 114045 (Sub-524F), filed January 2, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals and petroleum products*, (except commodities in bulk), from Houston, TX, to points in IN, IL, MI, OH, MO, KS, IA, WI, and MN. (Hearing site: Philadelphia, PA, or Dallas, TX.)

MC 114569 (Sub-267F), filed December 27, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses, (except commodities in bulk in tank vehicles), from Inwood, WV, and points in PA, to points in AL, FL, and GA. (Hearing site: Harrisburg, PA, or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 116628 (Sub-24F), filed December 18, 1978. Applicant: SUBURBAN TRANSFER SERVICE, INC., P.O. Box 168, Rutherford, NJ 07070. Repre-

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sentative: Thomas F. X. Foley, State Hwy 34, Colts Neck, NJ 07722. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in or used by retail department stores, between points in NY, NJ, PA, MI, MD, and VA, under contract with Arnold Constable Corporation of New York, NY. (Hearing site: New York, NY, or Neward, NJ.)

MC 116763 (Sub-461F), filed December 5, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H.M. Richters (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by manufacturers and converters of paper and paper products, (except commodities in bulk), from the facilities of The Mead Corporation, at Chillicothe and Schooleys, OH, and Kingsport and Gray, TN, to points in FL. (Hearing site: Columbus, OH.)

MC 116982 (Sub-16F), filed December 6, 1978. Applicant: FUCHS, INC., R.R. 1, Box 576, Sauk City, WI 53583. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are manufactured, processed, distributed, or used by farmers, farm suppliers, farm dealers, and agricultural cooperatives, between points in ND, SD, NE, KS, MN, IA, MO, WI, IL, IN, and MI, under contract with Sauk Prairie Oil Co., Inc., of Sauk City, WI. (Hearing Site: Madison or Sauk City, WI.)

MC 117589 (Sub-58F), filed December 21, 1978. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Ave. S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fresh and frozen inedible packinghouse products*, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), (1) from Ft. Morgan and Sterling, CO, to Forest Grove and Tualatin, OR, and (2) from Sterling, CO, to Midvale, UT. (Hearing site: Seattle, WA.)

MC 117815 (Sub-303F), filed December 14, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. Twentieth Street, Des Moines, IA 50317. Representative: Michael L. Carter, (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of the Pillsbury Company and Fox Deluxe Pizza Company, at or near Joplin and Carthage, MO, to points in NE, KS, MN, IA, WI, IL, MI, IN, KY, and TN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 117815 (Sub-304F), filed December 14, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. Twentieth Street, Des Moines, IA 50317. Representative: Michael L. Carter (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of The Pillsbury Company, at or near Terre Haute and Seelyville, IN, to points in IL, IA, KS, MI, MN, MO, NE, and WI. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 118089 (Sub-29F), filed December 26, 1978. Applicant: ROBERT HEATH TRUCKING, INC., P.O. Box 2501, Lubbock, TX 79408. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper articles* (except in bulk, in tank vehicles), from Monroe, LA, to points in OK, NM, and those in TX on and east of a line beginning at the TX-OK State line and extending along U.S. Hwy 281 to junction U.S. Hwy 87, then along U.S. Hwy 87 to Port Lavaca, TX. (Hearing site: Lubbock, TX.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 118142 (Sub-196F), filed December 4, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned apple juice* from the facilities of Speas Company, at or near Fremont, MI, to Kansas City, KS, Oklahoma City, OK, and Denver, CO. (Hearing Site: Kansas City, MO, or Chicago, IL.)

MC 118142 (Sub-197F), filed December 5, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of The Pillsbury Company and Fox Deluxe Pizza Company, at or near Joplin and Carthage, MO, to points in AR, CO, KS, LA, MS, NE, OK, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing Site: Kansas City, MO, or Wichita, KS.)

NOTE.—Dual operations are at issue in this proceeding.

MC 118142 (Sub-200F), filed December 7, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of York Packing Company, at York, NE, to Fresno, Los Angeles, and Lodi, CA. (Hearing Site: Omaha, NE, or Kansas City, MO.)

NOTE.—Dual operations are at issue in this proceeding.

MC 118959 Sub-190F, filed December 20. 1978. Applicant: JERRY LIPPS, INC., A Florida Corporation, 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. La Salle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vechicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, from the facilities of Nicolet Paper Company, at or near De Pere, WI, to points in CA, GA, MS, TN, and TX, and (2) *materials, equipment and supplies* used in the manufacture and distribution of paper and paper products, in the reverse direction. (Hearing site: Chicago, IL.)

MC 118978 (Sub-11F), filed December 11, 1978. Applicant: MERCURY EXPRESS, LTD., 100 Leeder Avenue, Coquitlam, B.C., Canada V3K 3V4. Representative: Jack R. Davis, 100 IBM Bldg., Seattle, WA 98101. To operate as a *common carrier*, by motor vehicle, in foreign commerce only over irregular routes, transporting *cement* and *plaster*, in bags, and *insulation materials*, from the ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Lynden, and Sumas, WA, to points in AZ, CA, ID, NV, OR, UT, and WA. (Hearing site: Seattle, WA.)

MC 119399 (Sub-90F), filed December 26, 1978. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, Joplin, MO 64801. Representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce only over irregular routes, transporting *automotive parts*, between points in the United States (except AK and HI). (Hearing site: Detroit, MI, or Kansas City, MO.)

MC 119489 (Sub-55F), filed December 26, 1978. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, NE 68701. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *propane*, in bulk, in tank vehicles, from the Mid America Pipe Line Terminal, at or near Greenwood, NE, to points in SD. CONDITION: Any certificate issued in this proceeding shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: Kansas City, MO, or Omaha, NE.)

MC 119789 (Sub-537F), filed December 28, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., a Louisiana Corporation, P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cleaning compounds, polishing compounds, and waxing compounds*, (2), *starch*, (3) *disinfectants, and air fresheners*, (4) *mops, dusters, waxers, and brooms*, (5) *Plastic bags*, and (6) *diet and nutritional foods* (except frozen), from the facilities of The Drackett Company, at Dayton, OH, to Dallas and Lubbock, TX, Denver, CO, Salt Lake City, UT, Los Angeles, CA, Milwaukie, OR, Kansas City and St. Louis, MO, Atlanta, GA, and Jacksonville, FL. (Hearing site: Cincinnati, OH.)

MC 119789 (Sub-538F), filed December 28, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., a Louisiana Corporation, P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic materials* (except in bulk), from the facilities of Cosden Oil & Chemical Company, at or near Big Spring, TX, to points in the United States (except AK, CA, and HI). (Hearing site: Dallas, TX.)

MC 119988 (Sub-181F), filed January 2, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, TX 75901. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum, petroleum products, vehicle body sealer, sound deadener compounds*, (except commodities in bulk, in tank vehicles), and *filters*, from points in Warren County, MS, to points in AR, CA, LA, TX, and WI, restricted to the transportation of traffic originating at the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. (Hearing site: Dallas, TX, or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 121489 (Sub-14F), filed December 22, 1978. Applicant: NEBRASKA-IOWA XPRESS, INC., a Nebraska corporation, 3219 Nebraska Avenue, Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier*, by motor vehicle, in interstate and foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Scottsbluff, NE, to points in IL, IA, MN, MO, and SD. Condition: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a), formerly Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Omaha, NE.)

MC 123263 (Sub-13F), filed December 7, 1978. Applicant: FLOYD R. WANGERIN AND LORRAINE C. WANGERIN, a partnership, d.b.a. WANGERIN TRUCKING CO., Rural Route 2, Stephenson, MI 49887. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *feed ingredients*, from the facilities of Bullard Feed Co., at Chicago, IL, to Minneapolis, MN, Lansing, MI, and points in WI and the Upper Peninsula of MI, and (2) *lumber and millwork*, from the facilities of Dufferin Bros., Inc., at or near Wallace, MI, to those points in the United States in and east of MN, IA, MO, AR, and TX, restricted in (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 123685 (Sub-24F), filed December 27, 1978. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road, S.W., Massillon, OH 44646. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by, processors and distributors of salt and salt products, between Rittman, Fairport Harbor, and Cleveland, OH, on the one hand, and, on the other, points in WV, PA, NY, MI, IL, IN, KY, TN, VA, MD, NJ, and DC. (Hearing site: Cleveland or Columbus, OH.)

MC 124078 (Sub-916F), filed January 2, 1979. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bentonite clay, foundry sand additives, foundry sand ingredients, foundry facings, foundry sand, graphite ore, coke breeze, calcined petroleum coke, and carbon scrap*, and (2) *mixtures* of the commodities in (1) above, from Green Bay, WI, to points in IL, IN, IA, MI, and MN. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 124078 (Sub-917F), filed January 2, 1979. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement*, from Hagerstown, MD., to points in OH. (Hearing site: Nashville, TN.)

MC 124078 (Sub-918F), filed December 14, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from Memphis, TN, to points in AL, AR, MS, MO, and TN. (Hearing site: Memphis, TN.)

MC 124078 (Sub-922F), filed January 2, 1979. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611

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South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fly ash*, in bulk, from Gentry, AR, to points in IL, KS, LA, MS, MO, OK, TN, and TX. (Hearing site: Dallas, TX.)

MC 125433 (Sub-178F), filed December 4, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *agricultural pesticides*, (except in bulk), from Los Angeles, CA, to points in the United States (except AK and HI), and (2) *ingredients* for agricultural pesticides (except in bulk), from Henderson, NV, Kingsport, TN, Niagara Falls, NY, and North Charleston, SC, to Los Angeles, CA. (Hearing site: Los Angeles, CA, or Salt Lake City, UT.)

MC 125433 (Sub-179F), filed December 4, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *water beds and accessories* for water beds, from the facilities of Morning Surf Corporation, at or near Salt Lake City, UT, to points in the United States (except AK and HI). (Hearing site: Sale Lake City, UT.)

MC 126118 (Sub-112F), filed December 15, 1978. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *synthetic rubber*, from Beaumont, TX, to Hot Springs, AR. (Hearing site: Houston, TX.)

NOTE.—Dual operations may be involved.

MC 126118 (Sub-113F), filed December 18, 1978. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie, P.O. Box 81228, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *smoke detectors* and *such commodities* as are dealt in or used by manufacturers of electrical products, (except commodities in bulk and commodities which by reason of size or weight require the use of special equipment), between (a) Seattle, WA, Los Angeles, CA, and (b) the facilities of General Electric Company, at Allentown, PA, Asheboro, NC, Brockport, NY, Ontario, CA, Seattle, WA, and Laurel, MD, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named points. (Hearing site: Hartford, CT, or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 126118 (Sub-114F), filed December 27, 1978. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by manufacturers and retailers of carpet, between points in Orange and Los Angeles Counties, CA, on the one hand, and, on the other, those points in the United States on and east of U.S. Hwy 85. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations may be involved in this proceeding.

MC 126118 (Sub-115F), filed December 27, 1978. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, from Baltimore, MD, Latrobe, PA, and points in Lehigh County, PA, to points in GA. (Hearing site: Philadelphia, PA.)

NOTE.—Dual operations may be involved in this proceeding.

MC 126118 (Sub-116F), filed December 27, 1978. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of van and recreational vehicles (except self-propelled vehicles and commodities in bulk), from the facilities of Gladney Bros., Inc., and The Light Works, at Costa Mesa, CA, to points in the United States on and east of U.S. Hwy 85. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations may be involved in this proceeding.

MC 126118 (Sub-117F), filed December 27, 1978. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lawn mowers, gas tanks, grass trimmers, and snow throwers*, and (2) *parts and accessories* for the commodities in (1) above, from Galesburg, IL, to points in the United States (except AK, AZ, HI, ID, NH, NV, NM, RI, SC, UT, and VT). (Hearing site: Chicago, IL, or Lincoln, NE.)

NOTE.—Dual operations may be involved in this proceeding.

MC 126555 (Sub-63F), filed December 21, 1978. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer*, in bulk, from the facilities of Cominco American, Incorporated at or near Sidney, NE, to points in CO, WY, KS, and SD. (Hearing site: Denver, CO, or Rapid City, SD.)

NOTE.—Dual operations may be involved.

MC 128543 (Sub-14F), filed December 4, 1978. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603.To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *zinc, zinc alloys, and zinc products*, from the facilities of New Jersey Zinc Mineral Co., at or near Clarksville, TN, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NC, OH, OK, PA, SC, TX, VA, WV, and WI, under contract with Gulf & Western Natural Resources Group, of Nashville, TN. (Hearing site: Chicago, IL.)

MC 128648 (Sub-15F), filed December 18, 1978. Applicant: TRANS-UNITED, INC., a Texas corporation, 425 West 152nd Street, P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are used in the manufacture of insulated glass (except commodities in bulk), (a) from the facilities of Lorin Industries, at or near Muskegon, MI, to Sparks, NV, and (b) from the facilities of Allmetal Weatherstrip Company, at Sparks, NV, to points in King County, WA, under contract with Allmetal Weatherstrip Company, of Bensenville, IL. (Hearing site: Chicago, IL.)

MC 129387 (Sub-70F), filed July 5, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen prepared foods*, in vehicles equipped with mechanical refregeration, and (2) fish and agricultural commodities, which are otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) (formerly Section 203(b)(6) of the Interstate Commerce Act), in mixed loads with the commodities in (1) above, (a) from the facilities of Van de Kamp's, at Santa Fe Springs, CA, to Erie, PA, Syracuse, NY, and points in IL, KS, MI, MO, and OH, and (b) from the facilities of Van de Kamp's, at Erie, PA, to Atlanta, GA, and points in IL, KS, MI, MN, MO, OH, and WI. (Hearing site: Los Angeles, CA.)

MC 133119 (Sub-155F), filed December 26, 1978. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, IA 51001. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bakery goods*, from the facilities of Interbake Foods, Inc., at or near North Sioux City, SD, to points in the United States (except AK and HI). (Hearing site: Richmond, VA.)

MC 133219 (Sub-26F), filed December 15, 1978. Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, NE 68317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soybean oil*, in bulk, in tank vehicles, from Wichita, KS, to Port of Catoosa, OK. (Hearing site: Wichita, KS.)

MC 133689 (Sub-236F), filed November 2, 1978, previously published in the FEDERAL REGISTER issue of December 7, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW, New Brighton, MN 55112. Representative: Anthony E. Young, 29 S. LaSalle Street, suite 350, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by drugstores, between points in AL, CT, DE, FL, GA, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC, on the one hand, and, on the other, points in IL, IN, IA, KY, MN, MO, NE, OH, TN, and WI, restricted to the transportation of traffic moving from, to, or between the facilities of Walgreens. (Hearing site: Chicago, IL, or St. Paul, MN.)

NOTE.—This republication shows the restriction.

MC 133735 (Sub-8F) filed December 13, 1978. Applicant: AUDUBON TRANSPORT, INC., Wever, IA 52658. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizers*, from the facilities of Chevron Chemical Co., at or near Fort Madison, IA, to points in MN, WI, IL, IN, and MO. (Hearing site: Des Moines, IA, or Kansas City, MO.)

NOTE.— The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343 formerly Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 134105 (Sub-40F), filed December 21, 1978. Applicant: CELERY-VALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, TN 37404. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery houses, (except commodities in bulk), between the facilities of Hudson Industries, Inc., at or near Troy and Brundidge, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Birmingham, AL.)

MC 134387 (Sub-60F), filed November 6, 1978. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Representative: Warren N. Grossman, Suite 1800, 707 Wilshire Boulevard, Los Angles, CA 90017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from the facilities of Crown Zellerbach Corporation, at Portland, Wauna, and West Linn, OR, and Camas, Port Townsend, and Port Angeles, WA, to points in CA. (Hearing site: Los Angles, CA, or Portland, OR.)

MC 135797 (Sub-159F), filed November 6, 1978. Applicant: J. B. HUNT TRANSPORT, INC., a Georgia corporation, P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *baking flour*, from points in KS and MN, to points in Benton County, AR. (Hearing site: Kansas City, MO.)

MC 135797 (Sub-160F), filed November 6, 1978. Applicant: J. B. HUNT TRANSPORT, INC., a Georgia corporation, P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods*, from the facilities of the Green Giant Company, at Denton, TX, to points in AR, LA, MS, and OK, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX.)

MC 135895 (Sub-31F), filed December 14, 1978. Applicant: B&R DRAYAGE, INC., P.O. Box 8534 Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper articles*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of St. Regis Paper Company, Ferguson, MS, on the one hand, and, on the other, points in AR, LA, OK, TN, and TX. (Hearing site: Jackson or Ferguson, MS.)

MC 136315 (Sub-49F), filed December 18, 1978. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel trusses and bar joists*, and (2) *accessories* used in the installation of the commodities in (1) above, from the facilities of Vulcraft, a Division of Nucor Corporation, at or near Grapeland, TX, to points in AR, LA, MS, and OK. (Hearing site: Jackson, MS, or Dallas, TX.)

NOTE.—Dual operations may be involved.

MC 136332 (Sub-8F), filed December 4, 1978. Applicant: A. & M. TRANSPORT LTD., P.O. Box 11, Havelock New Brunswick, Canada EOA 1WO. Representative: Frederick T. McGonagle, 36 Main Street, Gorham, ME 04038. To operate as a *contract carrier*, by motor vehicle, in foreign commerce, only over irregular routes, transporting *lime, lime products, and fertilizer*, between points on the International Boundary line between the United States and Canada in ME, and points in ME, under contract with Havelock Lime Works, Ltd., of Havelock, New Brunswick, Canada. (Hear-

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ing site: Portland, ME, or Boston, MA.)

MC 136343 (Sub-154F), filed December 5, 1978. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of printed matter, (except commodities in bulk), between the facilities of Arcata Book Group, at or near Fairfield, PA, Kingsport and New Canton, TN, and West Hanover and Plympton, MA, on the one hand, and on the other, those points in the United States in and east of MS, TN, KY, IL, and WI, restricted to the transportation of traffic originating at or destined to the named points. (Hearing site: Boston, MA, or Washington, DC.)

MC 136848 (Sub-23F), filed December 18, 1978. Applicant: JAMES BRUCE LEE & STANLEY LEE, A partnership, d.b.a. LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, IL 68764. Representative: Edward F. Stanula, 837 East 162nd Street, South Holland, IL 60473. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wrought steel pipe and tubing*, from the facilities of Pittsburgh-International, Division of Pittsburgh Tube Co., at or near Fairbury, IL, to Athens and Winfield, AL, Denver and Boulder, CO, Ashburn and Dacula, GA, McPherson and Newton, KS, Minneapolis and Winona, MN, Greenwood, Indianola, Tupelo, and Vicksburg, MS, Cedar Grove and Newark, NJ, Walden, NY, Claremore, OK, Bala Cynwyd, Camp Hill, Pine Grove, Tarentum, and York, PA, Slatersville, RI, Belton, Lyman, and Pawleys, SC, Jasper, TX, Bridgewater and Richmond, VA, and points in KY and TN, under contract with Pittsburgh-International, Division of Pittsburgh Tube Co., of Fairbury, IL. (Hearing site: Chicago, IL.)

MC 138157 (Sub-100F), filed November 3, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, a California corporation, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *medical equipment, medical materials, and medical supplies*, (except commodities in bulk), from Johnson City, TN, to points in AZ and CA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), from points in the United States (except AK and HI), to El Paso, TX, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Los angeles, CA.)

NOTE.—Dual operations are involved.

MC 138438 (Sub-38F), filed December 18, 1978. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials* from Frederick, MD, to points in PA, VA, WV, and DC. (Hearing site: Baltimore, MD.)

NOTE.—Dual operations may be involved in this proceeding.

MC 138469 (Sub-98F), filed December 18, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by pottery and pottery supply stores (except commodities in bulk, in tank vehicles), from Edgar, FL, Macon and McIntyre, GA, Mayfield, KY, High Hill, MO, Spruce Pine, NC, Oak Hill, OH, and Custer, SD, to the facilities of Earth and Fire Pottery Supply, Oklahoma City, OK, restricted to the transportation of traffic originating at the named origins and destined to the indicated destination. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

MC 138882 (Sub-182F), filed December 7, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials* (except commodities in bulk), from the facilities of The Celotex Corporation, at Marrero, LA, to points in the United States (except AK and HI). (Hearing site: Birmingham, AL, or Tampa, FL.)

MC 138882 (Sub-183F), filed December 4, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber mill products, particleboard, and wood turnings*, from points in CA, WA, and OR, to points in TX, OK, AR, AL, OH, MI, WI, IL, MN, IA, MO, KY, PA, KS, TN, and MS. (Hearing site: Sacramento, CA, or Birmingham, AL.)

MC 139119 (Sub-2F), filed December 28, 1978. Applicant: BOYD TRUCKING COMPANY, INC., P.O. Box 621, Athens, TN 37303. Representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, TN 37402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in McMinn County, TN (except Calhoun), on the one hand, and, on the other, Cleveland and Chattanooga, TN, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Knoxville or Chattanooga, TN.)

MC 139193 (Sub-91F), filed December 6, 1978. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64123. Representative: Jacob P. Billig, 2033 K Street, N.W., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts, and articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from Montgomery, AL, to points in the United States (except AK and HI), and (2) *such commodities* as are used by meat packers in the conduct of their business (except hides, skins, and commodities in bulk), in the reverse direction, under contract with John Morrell & Co., of Chicago, ILL. (Hearing site: Washington, DC, or Chicago, IL.)

MC 139193 (Sub-92F), filed December 6, 1978. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64123. Representative: Jacob P. Billig, 2033 K Street, NW., Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses* as described in sections, A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except

hides, skins, and commodities in bulk), from the facilities of John Morrell & Co., at Sioux Falls, SD, to points in IN, MI and OH, and (2) *such commodities* as are used by meat packers in the conduct of their business, (except hides, skins, and commodities in bulk), in the reverse direction, under contract with John Morrell & Co., of Chicago, IL. (Hearing site: Washington, DC, or Chicago, IL.)

MC 139458 (Sub-4F), filed December 27, 1978. Applicant: RICHNER, INC., CO Hwy 160 South, P.O. Box 1488, Durango, CO 81301. Representative: J. Albert Sebald, 1700 Western Federal Savings Bldg. Denver, CO 80202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt (except in bulk), fertilizer*, and *animal feed*, form points in AZ, ID, KS, NM, TX, UT, and WY, to points in CO, NM, and UT, under contract with Basin Co-Op, Inc., of Durango, CO. (Hearing site: Durango, CO, or Denver, CO.)

MC 140389 (Sub-43F), filed December 26, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *liquid cleaning compounds and liquid bleaching compounds* (except commodities in bulk), from the facilities of National Marketing Associates, Inc., at or near New Orleans, LA, to points in AL, FL, GA, and TN, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: New Orleans, LA, or Atlanta, GA.)

MC 140829 (Sub-169F), filed December 19, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts, dairy products, and articles* distributed by meat-packing houses, and as described in Sections A, B, and C of Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), and (2) *foodstuffs* (except those in (1) above), when moving in mixed loads with the commodities in (1) above, form the facilities of Oscar Mayer & Co., at Davenport and Perry, IA, Woodstock, IL, and Madison WI, to points in TX. (Hearing site: Washington, DC.)

NOTE.— Dual operations may be at issue in this proceeding.

MC 140829 (Sub-172F), filed December 29, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Aurora Packing Co., Inc., at or near North Aurora, IL, to points in IN, KY, MD, MI, MO, NJ, NY, OH, and WI. (Hearing site: Washington, DC.)

NOTE.— Dual operations may be at issue in this proceeding.

MC 140829 (Sub-173F), filed December 29, 1978. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *drugs*, (2) *hospital supplies and materials*, and (3) *equipment and supplies* used in the administration of drugs, (except hospital supplies), from Grand Island, NY, to points in CA, IL, and TX. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 141675 (Sub-5F), filed December 4, 1978. Applicant: ECONOMY TRUCKING SERVICE, INC., 1079 West Side Avenue, Jersey City, NJ 07306. Representative: Arthur Liberstein, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by department stores (except commodities in bulk), (a) between New York, NY, and points in NJ, CT, and MA, on the one hand, and, on the other, Cleveland, OH, Detroit, MI, Chicago, IL, Dallas, TX, and Los Angeles, CA, under contract with Petrie Stores, Inc., of Secaucus, NJ, and (b) between New York, NY, and points in NJ, CT, and MA, on the one hand, and, on the other, Cleveland, OH, Detroit, MI, and Chicago, IL, under contract with Miller Wohl, Inc., of Secaucus, NJ. CONDITION: The permit to be issued shall be limited to a period expiring 2 years from its date of issue, unless, prior to the expiration (but not less than 6 months prior), applicant files a petition for permanent extension of the permit. (Hearing site: New York, NY.)

MC 142508 (Sub-44F), filed December 18, 1978. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *welding equipment, welding materials, and welding supplies*, from the facilities of Miller Electric Manufacturing Company, at or near Appleton, WI, to points in CO, KS, LA, MO, NE, OK, SD, TX, and WY, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 142559 (Sub-82F), filed December 19, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, *such commodities* as are dealt in or used by manufacturers and distributors of containers (except commodities in bulk), between points in the United States (except AK and HI).(Hearing site: Columbus, OH.)

NOTE.—Dual operations are involved in this proceeding.

MC 143098 (Sub-1F), filed January 2, 1979. Applicant: LAUGHLIN TRUCKING, INC., Route 1, Box 95, Carlton, OR 97111. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cottonseed meal, cottonseed crumbles, and cottonseed pellets*, from points in Fresno, Kern, Tulare, Madera, and Kings Counties, CA, to points in OR and WA. (Hearing site: Portland, OR.)

MC 143267 (Sub-29F), filed August 7, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th St., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Jones & Laughlin Steel Corporation, at Pittsburgh and Aliquippa, PA, to points in AR, KS, and MO. (Hearing

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site: Pittsburgh, PA, or Washington, DC.)

MC 144083 (Sub-10F), filed December 4, 1978. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, MS 39207. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture and furnishings*, from points in MS, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MO, MT, NE, NV, NH, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VT, VA, WA, WV, WI, and WY, restricted to the transportation of traffic destined to the facilities of Montgomery Ward. (Hearing site: Jackson, MS, or Chicago, IL.)

NOTE.—Dual operations may be involved.

MC 144352 (Sub-3F), filed December 6, 1978. Applicant: HARRIS BAKING COMPANY, a corporation, 33 North Street, Waterville, ME 04901. Representative: Kenneth B. Williams, 84 State Street, Boston, MA 02109. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bakery products*, from Springfield, MA, to Conway, NH, and points in ME, under contract with Springfields' Bakery, Inc., of Springfield, MA. (Hearing site: Boston, MA, or Portland, ME.)

MC 144709 (Sub-5F), filed December 11, 1978. Applicant: MINERAL CARRIERS, INC., P.O. Box 110, Bound Brook, NJ 08805. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *calcium chloride*, in dump trailers, from Solvay, NY, to Paterson, NJ, under contract with Para Industries, Inc., of Paterson, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 144729 (Sub-1F), filed December 18, 1978. Applicant: RFK CHARTER COACHES, INC., 144 32nd St. Dr. SE., Cedar Rapids, IA 52403. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Woodbury, Monona, Crawford, Carroll, Audubon, Guthrie, Dallas, Polk, Story, Jasper, Poweshiek, Cass, Adair, Madison, Warren, Marion, Mahaska, Adams, Union, Clarke, Lucas, Ringgold, Decatur, and Wayne Counties, IA, and extending to points in the United States (except AK and HI). CONDITION: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343 (a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 144752 (Sub-1F), filed December 4, 1978. Applicant: MICHEL'S GARAGE, INCORPORATED, 4333 Highway 41, Franksville, WI 53126. Representative: Eugene L. Cohn, One N. LaSalle Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *disabled motor vehicles*, and *replacement motor vehicles* by use of wrecker equipment only, between points in IN, IA, IL, WI, MI, and OH. (Hearing site: Chicago, IL.)

MC 144827 (Sub-11F), filed October 30, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials, equipment, and supplies* used in the installation of elevators (except commodities in bulk, and those which because of size or weight require the use of special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic destined to the facilities of Dover Elevator Company. (Hearing site: Memphis, TN.)

MC 145042 (Sub-2F), filed December 6, 1978. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Street, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soybean meal and soybean hulls*, in bulk, from the facilities of Cargill, Incorporated, at or near Chicago, IL, to points in IL, IN, MI, and WI. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 145097 (Sub-2F), filed November 1, 1978. Applicant: GEORGE C. HARPER, d.b.a. HARPER TRUCKING, P.O. Box 161, Green River, WY 82935. Representative: George C. Harper (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *oil drilling muds and oil drilling compounds*, between points in CO, IL, NV, SD, UT, and WY. (Hearing site: Rock Springs or Rawlins, WY.)

MC 145152 (Sub-22F), filed November 6, 1978. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in packages, from the facilities of Texaco, Inc., in Jefferson County, TX, to points in AR, IL, IN, KY, MI, MO, NJ, NY, OH, PA, TN, and WI. (Hearing site: Houston, TX, or Fayetteville, AR.)

MC 145498 (Sub-2F), filed December 27, 1978. Applicant: SKYLINE CONSTRUCTION COMPANY, INC., Box 38, Big Piney, WY 83113. Representative: Toni Gilchrist, Box 783, Big Piney, WY 83113. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, their products, and byproducts, and (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in CO, ID, MT, ND, UT, and WY. CONDITIONS: (1) Applicant shall conduct separately its for-hire carriage and other business operations; (2) it shall maintain separate accounts and records for each operation; and (3) it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time. (Hearing site: Idaho Falls, ID, or Cheyenne, WY.)

MC 145667F, filed November 2, 1978. Applicant: TRANSPORT PLANNING AND SERVICE, INC., 53 Evelyn St., North Dartmouth, MA 02747. Representative: Ronald Shapps, 450 Seventh Ave., New York, NY 10001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *impregnated paper, imitation leather, latex adhesives, urethane adhesives, solvents, coatings, and cements*, and (2) *materials and equipment* used in the manufacture of the commodities in (1) above, between New Bedford and Lynn, MA, on the one hand, and, on the other, points in the United States (except AK and HI), in (1) and (2) above under contracts with C. L. Hauthaway & Sons Corp., of Lynn, MA, and Fibre Leather Mfg. Corp., of New Bedford, MA. (Hearing site: Boston, MA.)

MC 145697F, filed November 6, 1978. Applicant: RICKETTS TRUCKING CO., INC., Rte. 1, Box 396A, Gurdon, AR 71743. Representative: Charles J. Lincoln, 1550 Tower Building, Little Rock, AR 72201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood residual products*, (except commodities in bulk, in tank vehicles), from points in Clark County, AR, to points in Cass County, TX and Choctaw and McCurtain Counties, OK. (Hearing site: Little Rock or Texarkana, AR.)

MC 145713 (Sub-1F), filed December 4, 1978. Applicant: TAURUS TRUCKING CORPORATION, 199 Calcutta Street, Port Newark, NJ 07114. Representative: Joel J. Nagel, 19 Back Drive, Edison, NJ 08817. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *office furniture and library furniture*, and *materials* used in the manufacture of office furniture and library furniture (except in tank vehicles), from the facilities of Art Metal U.S.A., Inc., at Newark, NJ, to points in GA, MD, MA, NY, OH, PA, VA, and DC under contract with Art Metal U.S.A., Inc., of Newark, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 145761F, filed October 30, 1978, previously published in the FEDERAL REGISTER issue of December 7, 1978, as MC 145679F. Applicant: A & A TRANSPORT SERVICES, INC., A Delaware Corporation, P.O. Box 12, Palmer, MA 01069. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd. Omaha, NE 68106. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lighting fixtures and such commodities* as are used in the manufacture of lighting fixtures, between Wilmington, MA, Olive Branch, MS, Los Angeles, CA, and Union, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Keene Corp., of Wilmington, MA. (Hearing site: Boston, MA, or Washington, DC.)

NOTE.—This republication shows the correct docket number assigned to this proceeding as MC 145761.

MC 145843F, filed December 6, 1978. Applicant: DEAN'S WATER SERVICE, INC. R.D. #1, Box 59, Amity, PA 15311. Representative: Stephen I. Richman, 325 Washington Trust Building, Washington, PA 15301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *water*, between points in Washington County, PA, on the one hand, and, on the other, points in OH and WV. (Hearing site: Pittsburgh, PA, or Wheeling, WV.)

MC 145862F, filed December 5, 1978. Applicant: DON LEE SMITH AND GILBERT ERNEST SOMERA, a partnership, d.b.a., SOMERA, SMITH TRANSPORTATION, 1250 South Wilson Way, Stockton, CA 95205. Representative: Sidney J. Cohen, 1939 Harrison St., Suite 555, Oakland, CA 94612. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and aluminum articles*, (1) from the facilities of Kaiser Aluminum & Chemical Corp., at points in CA, to points in WA and OR, and (2) from the facilities of Kaiser Aluminum & Chemical Corp., at points in WA and OR, to points in CA, under contract with Kaiser Aluminum & Chemical Corp., of Oakland, CA. (Hearing Site: San Francisco or Los Angeles, CA.)

MC 145682 (Sub-2F), filed December 1, 1978. Applicant: AAA COURIER SERVICE, INC., 611 Chestnut Street, Chattanooga, TN 37402. Representative: John R. Meldorf, Two Northgate Park, Chattanooga, TN 37415. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cancelled checks*, between Chattanooga and Nashville, TN, and Atlanta, GA. (Hearing Site: Chattanooga, TN.)

MC 145989F, filed December 14, 1978. Applicant: BUFFALO TRANSPORTATION, INC., 4949 S. 36th St., Omaha, NE 68107. Representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction machinery*, and (2) *materials, equipment and supplies* used in the repair and maintenance of the commodities in (1) above, between points in the United States (except AK and HI), under contract with Buffalo Machinery Co., of Omaha, NE. CONDITIONS: Applicant shall conduct separately its for-hire carriage and other business operations. It shall maintain separate accounts and records for each operation. And it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time. (Hearing site: Omaha, NE.)

MC 142083 (Sub-2F), filed December 6, 1978. Applicant: SPECIALTY CARRIER, INC., 596 Christman Street, P.O. Box 11229, Atlanta, GA 30310. Representative: Edward Malinzak, One Vandenberg Center, Grand Rapids, MI 49503. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, and *articles used in the manufacture, and distribution* of foodstuffs (except in bulk, in tank vehicles), (1) between Grand Rapids, MI, on the one hand, and, on the other, points in DE, ME, MI, MN, MT, NH, ND, RI, SD, VT, (2) between Atlanta, GA, on the one hand, and, on the other, points in AZ, CA, CO, DE, ID, IA, KS, ME, MN, MO, MT, NE, NV, NH, MN, ND, OK, OR, RI, SD, UT, VT, WA, WI, WY, (3) between Los Angeles, CA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, MT, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, (4) between Bridgeport, CT, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY; (5) between Houston, TX, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, UT, VT, VA, WA, WV, WI, WY, (6) between St. Louis, MO, on the one hand, and, on the other, points in the United States (except HI and AK), under contract with Readi-Bake, Inc., of Grand Rapids, MI, and St. Louis, MO, Borck's Country Home Bakers, Inc., of Atlanta, GA, and Houston, TX, Jessie Lord, Inc., Home of Pies, of Los Angeles, CA, and Country Home Bakers, Inc., of Bridgeport, CT. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 144795 (Sub-2F), filed December 27, 1978. Applicant: MAX R. GAFFORD, Route 2, Box 3, Merino, CO 80741. Representative: Larry Morgan, 613 West Main Street, Sterling, CO 80751. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry drilling compounds*, in bags, between Sterling, CO, and points in Kimball, Banner, Scottsbluff, Morrill, Garden, and Cheyenne Counties, NE, on the one hand, and, on the other, points in Laramie, Platte, and Goshen Counties, WY, under contract with Dresser Industries, of Denver, CO. (Hearing site: Denver, CO.)

[FR Doc. 79-4180 Filed 2-7-79; 8:45 am]

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[7035-01-M]

[Decisions Volume No. 8]

PERMANENT AUTHORITY APPLICATIONS

Decision-Notice

Decided: January 26, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before March 12, 1979. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representatives is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247 (e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regualtions. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human invironment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman (Board Member Boyle, not participating).

H. G. Homme, Jr.,
Secretary.

MC 2368 (Sub-89), filed January 3, 1979. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, VA 23204. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals,* in bulk, between Hopewell, VA, and West Memphis, AR. (Hearing site: Washington, DC.)

MC 11207 (Sub-458F), filed November 6, 1978. Applicant: DEATON, INC., a Delaware corporation, 317 Ave. W., P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal buildings, metal building parts, and accessories* for metal buildings, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between Eufaula, AL, on the one hand, and, on the other, points in FL, GA, KY, LA, MS, NC, OH, SC, TN, TX, VA, and WV. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 14138 (Sub-8F), filed December 15, 1978. Applicant: HEAVY TRANSPORT, INC., 6242 Paramount Blvd., P.O. Box 727, Long Beach, CA 90805. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *contractor's equipment, contractor's materials, and contractor's supplies,* (except commodities in bulk), and (2) *commodities* the transportation of which requires, by reason of size or weight, the use of special equipment, between Los Angeles, CA, on the one hand, and, on the other, points in AZ, NV, NM, and UT. (Hearing site: Los Angeles, CA.)

MC 14138 (Sub-9F), filed January 3, 1979. Applicant: HEAVY TRANSPORT, INC., 6242 Paramount Blvd., Long Beach, CA 90805. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *contractor's equipment, contractor's materials, and contractor's supplies* (except commodities in bulk), and (2) *commodities* the transportation of which requires, by reason of size or weight, the use of special equipment, between Los Angeles, CA, on the one hand, and, on the other, points in ID, OR, and WA. (Hearing site: Los Angeles, CA.)

MC 15735 (Sub-31F), filed December 26, 1978. Applicant: ALLIED VAN LINES, INC., a Delaware corporation,

P.O. Box 4403, Chicago, IL 60680. Representative: Ronald C. Nesmith (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting equipment, materials, and used in the manufacture of computers and computer equipment, in mixed loads with third proviso household goods as defined at 49 CFR §1056.1(a)(3), (a) between points in Essex, Hampden, Hampshire, Middlesex, and Worcester Counties, MA, Hillsborough and Rockingham Counties, NH, Chittenden County, VT, and Kennebeck County, ME, on the one hand, and, on the other, points in Maricopa County, AZ, Boulder and El Paso Counties, CO, Orange, San Francisco, San Mateo, Santa Clara, Alameda, and Los Angeles Counties, CA, and Bernalillo County, NM, and (b) between points in Boulder and El Paso Counties, CO, Maricopa County, AZ, Bernalillo County, NM, Orange, San Francisco, San Mateo, Santa Clara, Alameda, and Los Angeles Counties, CA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 23618 (Sub-43F), filed January 2, 1979. Applicant: McALISTER TRUCKING SERVICE, a corporation d/b/a MATCO, P.O. Box 2377, Abilene, TX 79604. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, Dallas, TX 75245. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic pipe and plastic pipe fittings,* from Corsicana and Dallas, TX, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the installation of plastic pipe and plastic pipe fittings (except commodities in bulk, in tank vehicles), in mixed loads with the commodities in (1) above, from Frisco, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 24784 (Sub-17F), filed November 6, 1978. Applicant: BARRY, INC., 463 South Water Street, Olathe, KS 66061. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel containers,* from the facilities of Cortland Container Corp., at Kansas City, KS, to St. Joseph, MO, Omaha, NE, and Ponca City and Tulsa, OK. (Hearing site: Kansas City, MO.)

MC 26396 (Sub-192F), filed July 5, 1978. Applicant: POPELKA TRUCKING CO., INC., d/b/a THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, and wood products,* from points in MT, to points in IA, MN, ND, NE, SD, and WI. (Hearing site: Billings, MT.)

MC 26396 (Sub-215F), filed November 8, 1978. Applicant: POPELKA TRUCKING CO., INC., d/b/a THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pipe,* from Winnebago, MN, to points in AR, CA, CO, IA, ID, IL, KS, MO, MT, ND, NE, OK, OR, SD, TX, UT, WA, WI, and WY. (Hearing site: Billings, MT, or Minneapolis, MN.)

MC 36918 (Sub-10F), filed January 4, 1979. Applicant: FASTWAY TRANSPORTATION, INC., a Delaware corporation, P.O. Box 383, 151 Morristown Road, Matawan, NJ 07747. Representative: Thomas F. X. Foley, State Hwy 34, Colts Neck, NJ 07722. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *carpets, carpet padding, and adhesives,* and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between the facilities of General Felt Industries, Inc., at or near (a) Camden and Trenton, NJ, and (b) Eddystone and Philadelphia, PA, on the one hand, and, on the other, Charlottesville, Hampton, Norfolk, Richmond, and Virginia Beach, VA, and points in CT, DE, MA, MD, NJ, PA, RI, and DC. (Hearing site: Newark NJ, or New York, NY.)

MC 41406 (Sub-98F), filed November 6, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, IN 46323. Representative: Wade H. Bourdon (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *tanks,* from DeKanb, IL, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL.)

MC 51146 (Sub-659F), filed November 8, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O., Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs,* from the facilities of Heinz U.S.A., division of H. J. Heinz Co., at or near Pittsburgh, PA, to points in IL, IN, KY, MI, MN, and WI, and those points in OH on, south, and west of a line beginning at the IN-OH State line and extending along Interstate Hwy 70 to junction Interstate Hwy 77, and then along Interstate Hwy 77 to the Ohio River, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 52704 (Sub-190F), filed November 7, 1978. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *(1) glass containers and closures and accessories for glass containers,* from the facilities of Ball Corporation, at or near (a) Muncie, IN, (b) Asheville, NC, (c) Mundelein, IL, and (d) Okmulgee, OK, to points in the United States (except AK, HI, WA, OR, ID, MT, NV, and CA), (2) *metal cans and ends for metal cans,* from the facilities of Ball Corporation, at or near (a) Golden, CO, (b) Findlay, OH, and (c) Williamsburg, VA, to points in the United States (except AK, HI, WA, OR, ID, MT, NV, and CA), and (3) *materials, equipment, and supplies* used in the manufacture distribution of articles named in parts (1) and (2) (except commodities in bulk, in tank vehicles), from the destinations named in (1) and (2) to the origin facilities named in (1) and (2). (Hearing site: Atlanta, GA.)

MC 52704 (Sub-193F), filed November 7, 1978. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulation materials and mineral wool,* from the facilities of Rock Wool Manufacturing Company, at or near Leeds, AL, to points in FL, GA, NC, SC, and TN. (Hearing site: Atlanta, GA.)

MC 59117 (Sub-62F), filed November 13, 1978. Applicant: ELLIOTT TRUCK LINE, INC., P.O. BOX 1, Vinita, OK 73401. Representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th St., Oklahoma City, OK 73112. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fly ash* (except in bulk), from Sand Springs, OK, to points in AL, AR, CO, GA, IA, IL, IN, KS, LA, MO,

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MN, MS, NE, NM, SD, TN, TX, and WI. (Hearing site: Tulsa or Oklahoma City, OK.)

MC 59135 (Sub-38F), filed December 27, 1978. Applicant: RED STAR EXPRESS LINES OF AUBURN, INC., d.b.a. Red Star Express Lines, 24-50 Wright Avenue, Auburn, NY 13021. Representative: Donald G. Hickman (same as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Jamestown, NY, and Erie, PA, from Jamestown over NY Hwy 60, to junction U.S. Hwy 62, then over U.S. Hwy 62, to junction U.S. Hwy 6, near Warren, PA, then over U.S. Hwy 6, to junction U.S. Hwy 6N, then over U.S. Hwy 6N, to Edinboro, PA, then over PA Hwy 99, to junction U.S. Hwy 19, then over U.S. Hwy 19, to Erie, and return over the same route, serving all intermediate points and the off-route points of Warren and Corry, PA; (2) between Jamestown, NY, and Columbus, PA, from Jamestown, over unnumbered Hwy to junction PA Hwy 957, near Sugargrove, PA, then over PA Hwy 957, to Columbus, and return over the same route, serving all intermediate points and the off-route points of Warren and Corry, PA, (3) between Union City and Erie, PA, from Union City over PA Hwy 97, to junction U.S. Hwy 19, then over U.S. Hwy 19 to Erie, and return over the same route, serving all intermediate points and the off-route points of Warren and Corry, PA, (4) between Russell and Sugargrove, PA, over PA Hwy 957, serving all intermediate points, and (5) between Lottsville, PA, and junction U.S. Hwy 6, near Wrightsville, PA, over PA Hwy 958, serving all intermediate points. (Hearing site: Jamestown and Albany, NY.)

MC 59668 (Sub-8F), filed November 16, 1978. Applicant: HAROLD G. CLINE, INC., Penns Grove, NJ 08069. Representative: M. Bruce Morgan, 104 Azar Bldg., Glen Burnie, MD 21061. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemicals, dyes, and motor fuel anti-knock compounds, between the facilities of E. I. DuPont de Nemours and Company, at or near Deepwater, NJ, and Saugett, IL, under continuing contract(s) with E. I. DuPont de Nemours & Company, of Wilmington, DE. (Hearing site: Philadephia, PA.)

MC 62538 (Sub-22F), filed December 26, 1978. Applicant: ASHTON TRUCKING COMPANY, A Corporation, 1245 North Highway 285, Monte Vista, CO 81144. Representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, CO 80264. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by flour mills and by distributors of feeds, grains, and foodstuffs, (a) from Ogden and Salt Lake City, UT, to points in AZ, CA, CO, ID, IA, OR, NE, NV, NM, UT, WA, and WY, (b) from Billings, MT, to points in AZ, CO, ID, IA, OR, NE, NV, NM, UT, WA, and WY, (c) from Denver, CO, to points in IA, KS, NE, and WY, (d) from Dallas, TX, to points in AZ, CA, CO, and NM, and (e) from Minneapolis and Hastings, MN, Oconomowoc, WI, and Alton, IL, to points in AZ, CA, CO, KS, MO, MT, NE, NM, OR, TX, UT, and WY; and (2) *materials and supplies* used in the manufacture and distribution of flour, feeds, grains, and foodstuffs, from points in AZ, CA, CO, KS, LA, ID, MO, NE, OR, TX, UT, and WA, to the facilities of Peavey Company, at (a) Alton, IL, (b) Billings, MT, (c) Denver, CO, (d) Minneapolis and Hastings, MN, (e) Ogden and Salt Lake City, UT, and (f) Oconomowoc, WI, restricted in (1)(a) and (2) above against the transportation of traffic, in containers, (A) from Salt Lake City, UT, and (B) from Ogden, UT, to points in CO, under continuing contract(s) in (1) and (2) above with Peavey Company, of Minneapolis, MN. (Hearing site: Denver, CO.)

NOTE.—Dual operations are involved in this proceeding.

MC 64600 (Sub-49F) (Partial Republication), filed September 15, 1978, and previously noticed in the FR issue of December 19, 1978. Applicant: WILSON TRUCKING CORPORATION, P.O. Drawer 2, Fishersville, VA 22939. Representative: William J. Jones (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A)(1) between Roanoke, VA, and Greensboro, NC: over U.S. Hwy 220, serving all intermediate points, and the off-route points of Henry and Bassett, VA, and Winston-Salem, NC, (2) between Asheville and Statesville, NC: over U.S. Hwy 70, (3) between Salisbury and Smithfield, NC: over U.S. Hwy 70 (also Alternate U.S. Hwy 70), (4) between Statesville and Winston-Salem, NC: from Statesville over U.S. Hwy 64 to Mocksville, NC, then over U.S. Hwy 158 to Winston-Salem, and return over the same route, (5) between Raleigh and Rocky Mount, NC: over U.S. Hwy 64, (6) between Charlotte, NC, and junction NC Hwy 55 and U.S. Hwy 70; from Charlotte over NC Hwy 27 to Benson, NC, then over NC Hwy 50 to Newton Grove, NC, then over NC Hwy 55 to junction U.S. Hwy 70, and return over the same route, (7) between Reidsville and Sanford, NC: over NC Hwy 87, (8) between Sanford and Clinton, NC: over U.S. Hwy 421, (9) between Wilson and Washington, NC: over U.S. Hwy 264, (10) between Rocky Mount and Williamston, NC: from Rocky Mount over NC Hwy 97 to junction NC Hwy 125, then over NC Hwy 125 to Williamston, and return over the same route, (11) between junction U.S. Hwy 70 and unnumbered hwy (approximately 11 miles northwest of Raleigh, NC) and Nelson, NC: over the unnumbered hwy, (12) between Henderson and Newton Grove, NC: from Henderson over U.S. Hwy 158 (also Alternate U.S. Hwy 158) to Oxford, NC, then over U.S. Hwy 15 to Durham, NC, then over NC Hwy 55 to Newton Grove, and return over the same route, (13) between Weldon and Wilmington, NC: from Weldon over U.S. Hwy 301 to junction U.S. Hwy 117, then over U.S. Hwy 117 to Wilmington, and return over the same route, (14) between Wilson and Morehead City, NC: from Wilson over NC Hwy 58 to Kinston, NC, then over U.S. Hwy 258 to Jacksonville, NC, then over NC Hwy 24 to Morehead City, and return over the same route, (15) between Greensboro and Stoneville, NC: over U.S. Hwy 220, (16) between Reidsville and Stoneville, NC: from Reidsville over NC Hwy 14 to Eden, NC, then over NC Hwy 770 to Stoneville, and return over the same route, (17) between Reidsville, NC, and Eden, NC: from Reidsville over NC Hwy 65 to junction NC Hwy 87, then over NC Hwy 87 to Eden, and return over the same route, (18) between Winston-Salem and Lexington, NC: over U.S. Hwy 52, (19) between Reidsville and Charlotte, NC: over U.S. Hwy 29, (20) between junction U.S. Hwys 70 and 321, and Lincolnton, NC: over U.S. Hwy 321, (21) between Weldon and Raleigh, NC: from Weldon over U.S. Hwy 158 (also Alternate U.S. Hwy 158) to Norlina, NC, the over U.S. Hwy 1 (also Alternate U.S. Hwy 1) to Raleigh, and return over the same route, (22) between Raleigh and Fayetteville, NC: over U.S. Hwy 401, (23) between junction U.S. Hwys 301 and 117 and Smithfield, NC: over U.S. Hwy 301, (24) between Fayetteville and Lumberton, NC: over U.S. Hwy 301, (25) between Clinton and Elizabethtown, NC: over U.S. Hwy 701, (26) between Norlina, NC, and junction U.S. Hwy 158 and NC Hwy 39: over U.S. Hwy 158, (27) between Edenton and New Bern, NC: over U.S. Hwy 17, (28) between Pittsboro and Sanford, NC: over U.S. Hwy 501, and (29) between Sanford and Laurinburg, NC: over U.S. Hwy 501, serving in A(2) through (29), inclusive, all points in NC as intermediate or off-route points, and restricted, in A(1) through (29), inclusive, to the transportation of traffic moving to, from, or through a point in VA. NOTE: This republication adds route (17), and adds the word "through" in the restriction at the end of the grant.

MC 65475 (Sub-22F), filed December 21, 1978. Applicant: JETCO, INC., 4701 Eisenhower Avenue, Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *zinc, zinc alloy, and zinc products*, from the facilities of Jersey Miniere Zinc Co., in Montgomery County, TN, to points in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Nashville, TN.)

MC 70557 (Sub-6F), filed November 6, 1978. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), between the facilities of St. Regis Paper Co., at or near Cantonment, FL, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX. (Hearing site: Miami, FL.)

NOTE.—Dual operations are at issue in this proceeding.

MC 82492 (Sub-211F), filed December 11, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in IL, IN, IA, KY, MI, MN, NE, NY, OH, PA, TN, and WI, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Chicago, IL, or Columbus, OH.)

MC 82492 (Sub-215F), filed December 13, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of Banquet Foods Corporation, at Carrollton, Marshall, Macon, and Moberly, MO, to those points in NY in and west of Allegany, Livingston, and Monroe Counties, those points in PA on and west of U.S. Hwy 219, and points in IL, IN, MI, and OH. (Hearing site: Chicago, IL, or Washington, DC.)

MC 93235 (Sub-12F), filed December 27, 1978. Applicant: INDIANA TRUCKING, INC., 400 Blaine Street, Gary, IN 46406. Representative: Eugene L. Cohn, One North LaSalle Street, Chicago, IL 60602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles, and aluminum and plastic articles*, between the facilities of Joseph T. Ryerson & Son, Inc., at Chicago and Elk Grove Village, IL, on the one hand, and, on the other, points in IN, under continuing contract(s) with Joseph T. Ryerson & Son, Inc., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 95084 (Sub-129F), filed November 6, 1978. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 611 Church Street, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic pipe, fittings, valves, and hydrants*, (2) *accessories* for the commodities in part (1), and (3) *materials, equipment, and supplies* used in the installation of the commodities in part (1), from the facilities of Clow Corp., at or near Buckhannon, WV, to points in IL, IN, IA, MI, MN, MO, NE, ND, OH, SD, and WI. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 104654 (Sub-162F), filed November 2, 1978. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, IL 62222. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St. NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum, petroleum products (except fertilizer), and fertilizer*, between Hickman, KY, on the one hand, and, on the other, points in AR, MO, IL, TN, IN, and WV. (Hearing site: Jackson or Memphis, TN.)

MC 105045 (Sub-92F), filed December 28, 1978. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *enameled steel silos, loading and unloading devices, waste storage tanks, livestock feed bunkers, livestock scales, forage metering devices, animal waste spreader tanks, and livestock feeding systems*, and (2) *parts and accessories* for the commodities in (1) above, from the facilities of A. O. Smith Corporation, Harvestore Division, at DeKalb, IL, to points in IN, KY, NC, and SC. (Hearing site: Chicago, IL.)

MC 106074 (Sub-73F), filed November 7, 1978. Applicant: B and P Motor Lines, Inc., Oakland Road and U.S. Highway 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, NE., Atlanta, GA 30342. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clay, floor sweeping compounds, and absorbents*, (except commodities in bulk), from the facilities of Oil-Dri Corporation of America, at or near Ripley, MS, to points in IA, IL, KS, MN, MO, NE, and WI. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 106398 (Sub-856F), filed December 27, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr., (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel pipe and structural steel products*, between the facilities of Vinton Pipe & Steel, Inc., at El Paso, TX, Clovis and Albuquerque, NM, and Salt Lake City, UT, on the one hand, and, on the other, points in the United States (including AK, but excluding HI); and (2) *steel pipe*, between points in AZ, CA, CO, ID, KS, NE, NV, NM, OK, TX, UT, and WY, restricted in (1) above to the transportation of traffic originating at or destined to the above named facilities of Vinton Pipe & Steel, Inc. (Hearing site: Albuquerque, NM.)

MC 107496 (Sub-1173F), filed November 7, 1978. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wax*,

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in bulk, from Casper, WY, to points in CT; and (2) *synthetic resins*, in bulk, in tank vehicles, from Valley Park, MO, to points in FL, GA, NC, and WA. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 108207 (Sub-488F), filed November 7, 1978. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AZ, AL, CA, IL, IN, IA, KY, MI, MN, MO, NE, NM, OH, SD, TN, and WI, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Dallas, TX, or Wichita, KS.)

MC 109351 (Sub-7F), filed November 17, 1978. Applicant: G & E TRUCKING CO., a corporation, 936 Front St., NW, Grand Rapids, MI 49504. Representative: George A. Pendleton, P.O. Box 51, Comstock Park, MI 49321. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *finished paper box board*, from Childsdale, MI, to Lexington, Louisville, and Owensboro, KY, points in WI, points in IN (except Elkhart, IN and points in IN in the Chicago, IL Commercial Zone as defined by the Commission), and points in IL (except points in the Chicago, IL Commercial Zone as defined by the Commission), and (2) *scrap paper*, from Lexington, Louisville, and Owensboro, KY, points in WI, points in IN (except points in Lake and Porter Counties, IN, and points in the Chicago, IL Commercial Zone as defined by the Commission), and points in IL (except points in Cook, DuPage, Henry, Kane, Kankakee, Kendall, Lake and Will Counties, IL), to Childsdale, MI, under continuing contract in (1) and (2) above with Rockford Paper Mills, Inc., of Childsdale, MI. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 112304 (Sub-156F), filed November 3, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from the facilities of Dixie Wood Preserving Co., Division of Hoover Universal, Inc., at or near Thomson, GA, to points in OH, PA, IL, IN, MI, KY, WV, NY, MA, CT, NJ, MD, and VA. (Hearing site: Louisville, KY, or Washington, DC.)

MC 112588 (Sub-27F), filed January 8, 1979. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, OH 44870. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement and mortar*, (1) from East Fultonham, OH, to points in IN, KY, MI, PA, and WV, and (2) from Nitro, WV, to points in KY, OH, and PA. (Hearing site: Columbus, OH.)

NOTE.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

MC 112617 (Sub-409F), filed November 13, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt*, from Louisville, KY, to points in IL, IN, MI, MO, OH, TN, and WV. (Hearing site: Louisville, KY, or Washington, DC.)

MC 113784 (Sub-72F), filed November 6, 1978. Applicant: LAIDLAW TRANSPORT LIMITED, P.O. Box 3030, Station B, Hamilton, Ontario, Canada L8L 4M1. Representative: David A. Sutherland, 1150 Connecticut Ave., NW., Suite 400, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *gypsum products and roofing materials*, from points on the international boundary line between the United States and Canada in MI and NY, to points in PA, IL, IN, KY, MI, NY, OH, and WV; and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in part (1), from the destination states in (1) above to points on the international boundary line between the United States and Canada in MI and NY. (Hearing site: Buffalo, NY.)

MC 113784 (Sub-737F), filed November 6, 1978. Applicant: LAIDLAW TRANSPORT LIMITED, P.O. Box 3020, Station B, Hamilton, Ontario, Canada. Representative: David A. Sutherlund, 1150 Connecticut Avenue, NW., Suite 400, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Plastic corrugated drainage pipe*, from those ports of entry on the international boundary line between the United States and Canada in MI, to points in MI. (Hearing site: Buffalo, NY.)

MC 113855 (Sub-459F), filed December 28, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., a North Dakota Corporation, 2450 Marion Road SE., Rochester, MN 55901. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *logging equipment*, (2) *attachments, and parts* for logging equipment, and (3) *iron and steel articles*, between Franklin, VA, and Independence, OR, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Washington, DC.)

MC 113861 (Sub-71F), filed November 16, 1978. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, TN 38106. Representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, TN 38103. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum* and *petroleum products*, in bulk, in tank vehicles, from Nashville, TN, to points in MS. (Hearing site: Memphis or Nashville, TN.)

MC 114045 (Sub-525F), filed December 27, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clay, chemicals, lead, linseed oil, soap, vegetable wax, soybeans, acids, metal alloys, ground barytes, ground limestone, zarconium ore, and rutile ore*, (1) Bayonne and Jersey City, NJ, Philadelphia, PA, Niagara Falls, NY, and Charleston, WV, to St. Louis, MO, and points in CA, CO, OR, TX, and WA, and (2) from St. Louis, MO, to points in CA, CO, OR, TX, and WA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 114194 (Sub-208F), filed November 3, 1978. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, IL 62201. Representative: Donald D. Metzler (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry corn products*, in bulk, from Paris, IL, to points in IN, MI,

OH, NY, PA, VA, WV, DE, CT, MA, ME, VT, and NH. (Hearing site: St. Louis, MO.)

MC 114274 (Sub-53F), filed November 6, 1978. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St, Place, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA, to points in KS and MO, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. CONDITION: The certificate to be issued in this proceeding shall be limited to a period expiring 3 years from its date of issue, unless, prior to the expiration (but not less than 6 months prior to that time), applicant files a petition for permanent extension of the certificate. (Hearing site: Pittsburgh, PA.)

MC 114457 (Sub-457F), filed November 13, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *containers and pulpboard*, from Cincinnati, OH, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA, or St. Paul, MN.)

MC 115213 (Sub-5F), filed October 30, 1978. Applicant: ELLIOT AND FIKES TRUCK LINE, INC., P.O. Box 8827, Pine Bluff, AR 71611. Representative: Horace Fikes, Jr., 414 National Building, Pine Bluff, AR 71601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *gypsum and gypsum products* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture, installation, and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Georgia-Pacific Corporation, Gypsum Division, at Cuba, MO, and points in AL, AR, GA, IL, IA, KS, KY, LA, MS, NE, OK, TN, and TX. (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 115242 (Sub-16F), filed December 11, 1978. Applicant: DONALD MOORE, 601 North Prairie Street, Prairie du Chien, WI 53821. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, posts, and ties*, (1) from Prairie du Chien, WI, to points in IL, IN, IA, MI, MN, MO, NE, ND, OH, and SD, and (2) from Janesville, WI, to the destination points in (1) above (except points in the Upper Peninsula of MI). (Hearing site: Madison, WI, or Chicago, IL.)

MC 115331 (Sub-465F), filed September 19, 1978, previously noticed in the FEDERAL REGISTER of December 12, 1978. Applicant: TRUCK TRANSPORT INCORPORATED, A Delaware Corporation, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Ave., East St. Louis, IL 62201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foundry sand, moulding sand, foundry and moulding sand additives, foundry and moulding sand treating compounds, coal*, and *such commodities* as are produced or distributed by producers of foundry sand and moulding sand, and, (2) *materials and supplies* used in the production and distribution of the commodities named in (1) above, between St. Louis, MO, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OK, OH, TN, TX, and WI. (Hearing site: St. Louis, MO.)

NOTE.—This republication modifies the commodity description.

MC 115331 (Sub-473F), filed November 21, 1978. Applicant: TRUCK TRANSPORT INCORPORATED, a Delaware corporation, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Ave., East St. Louis, IL 62201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *vegetable oils*, in bulk, in tank vehicles, from the facilities of Hunt-Wesson Foods, Inc., at or near Harvey, LA, to points in the United States (except AK and HI). (Hearing site: New Orleans, LA.)

MC 115557 (Sub-18F), filed November 6, 1978. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *new furniture*, and (2) *materials, equipment, and supplies* used in the manufacture of new furniture, between Jamestown, NY, Brookville, Conneautville, Genesee, and Reno, PA, and points in Clarion County, PA, on the one hand, and, on the other, points in the United States, including AK and HI. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 115648 (Sub-32F), filed December 22, 1978. Applicant: LOCK TRUCKING, INC., P.O. Box 278, Wheatland, WY 82001. Representative: Ward A. White, P.O. Box 568, Cheyenne, WY 82201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ore and concentrates*, from points in Converse and Platte Counties, WY, to points in Fremont County, CO. (Hearing site: Cheyenne, WY, or Denver, CO.)

MC 116645 (Sub-27F), filed December 26, 1978. Applicant: DAVIS TRANSPORT CO., a corporation, P.O. Box 56, Gilcrest, CO 80623. Representative: Leslie R. Kehl, 1660 Lincoln Street, Suite 1600, Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *liquefied sugar, syrup, and sugar and syrup blends*, in bulk, (a) from points in Weld County, CO, to points in AZ, MT, ND, and SD, (b) from points in Weld County, CO (except Johnstown), to points in KS, MN, MO, NE, NM, OK, TX, UT, and WY, and (2) *sugar and syrup blends*, in bulk, from Johnstown, CO, to points in KS, MN, MO, NE, NM, OK, TX, UT, and WY. (Hearing site: Denver, CO.)

MC 117068 (Sub-106F), filed January 11, 1979. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles, aluminum articles, and iron and steel articles*, between Plymouth, MN, and the facilities of Joseph T. Ryerson & Sons, Inc., at Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 117589 (Sub-55F), filed November 28, 1978. Applicant: PROVISIONERS FROZEN EXPRESS, INC., P.O. Box 24507, Seattle, WA 98124. Representative: Michael D. Duppenthaler, 211 S. Washington, St., Seattle, WA 98104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned food products* in mixed loads with frozen fruits, frozen berries, frozen vegetables, frozen potatoes, frozen potato products, and frozen seafood, from points in WA, OR, and ID, to Denver and Pueblo, CO and Salt Lake City, UT. (Hearing site: Seattle, WA, or Denver, CO.)

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MC 117686 (Sub-225F), filed November 6, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses (except frozen foods and commodities in bulk), from points in AZ and CA, to the facilities of Fairway Foods, Inc., at (a) Northfield, MN, and (b) Fargo, ND. (Hearing site: Minneapolis, MN, or Washington, DC.)

NOTE.—Dual operations are involved in this proceedings.

MC 117686 (Sub-226F), filed November 7, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bananas*, from Tampa, FL, to points in IA, IL, KS, MO, NE, and WI. (Hearing site: Miami, FL, or New Orleans, LA.)

NOTE.—Dual operations are involved in this proceedings.

MC 117686 (Sub-227F), filed November 8, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen foods*, and (2) *materials and suppies* used in the manufacture and distribution of frozen foods (except commodities in bulk), between the facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and, on the other, points in AL, AR, FL, GA, IA, IL, KY, LA, MN, MO, MS, NC, SC, VA, and WI, restricted to the transportation of traffic originating at or destined to the above named facilities of The Pillsbury Company. (Hearing site: Minneapolis, MN, or Washington, DC.)

NOTE.—Dual operations are involved in this proceedings.

MC 117851 (Sub-27F), filed November 15, 1978. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First Street, Fort Recovery, OH 45846. Representative: Eirl N. Merwin, 85 East Gay Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *water pumps, water softeners, and filters*, and (2) *accessories and parts* for the commodities named in (1) above, from Santa Fe Springs, CA, Union City, TN, Kaufman, TX, and Deerfield and Delavan, WI, to points in the United States (except AK and HI), and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above, from the destination points named in (1) and (2) above, to the origin points named in (1) and (2) above, under continuing contract(s) with Sta-Rite Industries, Inc., of Delavan, WI. (Hearing site: Columbus, OH.)

MC 118142 (Sub-201F), filed December 12, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pizza, pizza ingredients, and supplies* used in the manufacture and distribution of pizza and pizza ingredients, in vehicles equipped with mechanical refrigeration, between the facilities of Tony's Pizza Service, at or near Salina, KS, on the one hand, and, on the other, points in the United States (except AK, HI, and KS), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Kansas City, MO, or Wichita, KS.)

NOTE.—Dual operations are involved in this proceeding.

MC 118202 (Sub-99F), filed December 8, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Eugene A. Schultz (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at Denison, Carroll, Iowa Falls, Sioux City, Fort Dodge, and Des Moines, IA, and Crete, Omaha, and Lincoln, NE, to points in MI, IN, KY, OH, WV, VA, NY, PA, MD, DE, NJ, VT, NH, ME, MA, CT, RI, and DC. (Hearing site: Minneapolis, MN, or Des Moines, IA.)

MC 119399 (Sub-87F), filed November 13, 1978. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, Joplin, MO 64801. Representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW 58th St., Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *dry prepared feed*, (except in bulk), from the facilities of Doane Products Company, in Jasper County, MO, to points in AL, AR, GA, MS, NM, and TN. (Hearing site: Kansas City or St. Louis, MO.)

MC 119741 (Sub-122F), filed November 16, 1978. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., an Illinois Corporation, 1515 Third Ave., NW, P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the facilities of Spencer Foods, Inc., at Schuyler and Fremont, NE, to points in OH and IN, restricted to the transportation of traffic originating at the above-named origin facilities and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 119988 (Sub-180F), filed January 2, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plumbing fixtures and plumbing supplies*, (2) *generator engines*, (3) *internal combustion engines*, and (4) *materials, equipment, and supplies* used in the manufacture and distrubution of the commodities in (1), (2), and (3) above, between the facilities of Kohler Company, in Sheboygan County, WI, on the one hand, and, on the other, points in the United States (except AK, HI, and WI). (Hearing site: Dallas, TX.)

NOTE.—Dual operations are involved in this proceeding.

MC 119991 (Sub-26F), filed November 19, 1978. Applicant: YOUNG TRANSPORT, INC., P.O. Box 3, Logansport, IN 46947. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel articles* from Auburn and Buffalo, NY, Cleveland, Toledo, and Marion, OH, Kokomo, IN, Chicago, IL, Knoxville, TN, and Mt. Airy, NC, to points in IA, IL, IN, KS, KY, MI, MO, NE, OH, PA, WI, and WV. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 120427 (Sub-23F), filed November 8, 1978. Applicant: WILLIAMS

TRANSFER, INC., P.O. Box 488, Grand Island, NE 68801. Representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel buildings, knocked down, grain drying equipment, grain storage equipment, grain handling equipment, and iron and steel articles*, and (2) *material, equipment*, and supplies used in the manufacture of grain drying equipment, grain storage equipment, and grain handling equipment, between points in the United States (except AK and HI), on the one hand, and, on the other, points in TX. (Hearing site: Houston, TX, or Omaha, NE.)

MC 120924 (Sub-3F), filed November 6, 1978. Applicant: B & W CARTAGE CO., INC., 2932 W. 79th St., Chicago, IL 60652. Representative: Carl L. Steiner, 39 S. La Salle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automobile parts*, from Grand Rapids, MI, to Chicago, IL, restricted to the transportation of traffic having a subsequent movement by rail. (Hearing site: Chicago, IL.)

MC 121664 (Sub-46F), filed November 6, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, AND B. C. HORNADY, a partnership, d/b/a HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, AL 36460. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel coils, sheet steel, steel tubing, mufflers, and tail pipes*, between Monticello, AR, and Gadsden, Birmingham, Fayette, and Monroeville, AL. (Hearing site: Birmingham, AL, or Columbus, OH.)

MC 121664 (Sub-47F), filed November 6, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, AND B. C. HORNADY, a partnership, d/b/a HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, AL 36460. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from Nashville and Jackson, TN, to points in MS, AL, FL, GA, NC, and SC. (Hearing site: Birmingham, AL.)

MC 124408 (Sub-11F), filed January 3, 1979. Applicant: THOMPSON BROS., INC., 3604 Hoveland Drive, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by (a) hardware stores, (b) drug stores, (c) discount stores, (d) department stores, and (e) supermarkets, (except commodities in bulk, in tank vehicles), from the facilities of Action Industries, Inc., at or near Cheswick, PA, to points in AR, AL, AZ, CA, CO, ID, IL, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, TN, TX, UT, WA, WI, and WY. (Hearing site: Pittsburgh, PA, or St. Paul, MN.)

NOTE.—Dual operations are involved in this proceeding.

MC 124692 (Sub-260F), filed December 8, 1978. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *precast concrete modular mausoleum crypt systems*, from Denver, CO, to points in NE, MT, KS, UT, SD, ND, WY, OR, WA, CA, ID, AZ, NM, OK, and TX. (Hearing site: St. Paul, MN.)

MC 124711 (Sub-71F), filed November 15, 1978. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum* and *petroleum products*, in bulk, between points in KS, on the one hand, and, on the other, points in OK, those points in TX on and north of Interstate Hwy 40, and those points in AR on and north of Interstate Hwy 40. (Hearing site: Oklahoma City, OK, or Wichita, KS.)

MC 124947 (Sub-121F), filed November 6, 1978. Applicant: MACHINERY TRANSPORTS, INC., an Oklahoma Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: David J. Lister (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *heating and cooling systems*, and (2) *parts, attachments, and accessories* for the commodities in (1) above, (except commodities in bulk), from Stuttgart, AR, to points in the United States (except AK, AR, and HI). (Hearing site: Chicago, IL, or Salt Lake City, UT.)

MC 125335 (Sub-47F), filed December 29, 1978. Applicant: GOOD-WAY, INC., a Maryland corporation, P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese and cheese products*, from the facilities of Borden Foods, Division of Borden, Inc., at or near Plymouth, WI, to points in AL, GA, FL, TN, NC, SC, NY, NJ, PA, VA, DE, MD, CT, MA, ME, NH, VT, RI, WV, and DC. (Hearing site: Columbus, OH, or Harrisburg, PA.)

NOTE.—Dual operations are involved in this proceeding.

MC 125335 (Sub-48F), filed December 29, 1978. Applicant: GOOD-WAY, INC., a Maryland corporation, P.O. Box 2283, York, PA 17405. Representative Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery*, from the facilities of Falcon Candy Co., at or near Philadelphia, PA, to points in TX. (Hearing site: Philadelphia or Harrisburg, PA.)

NOTE.—Dual operations are involved in this proceeding.

MC 125708 (Sub-157F), filed December 20, 1978. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 West 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *magnesium granules*, in containers, from Freeport, TX, to the port of entry on the International Boundary line between the United States and Canada at Sault Ste. Marie, MI; and (2) *containers*, from Sault Ste. Marie, MI, to Freeport, TX. (Hearing site: Chicago, IL.)

MC 128007 (Sub-131F), filed November 8, 1978. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ammonium nitrate*, in bulk, from the facilities of Gulf Oil Chemicals Company, at or near Military, KS, to points in AR, CO, IA, MO, NE, OK, and TX. (Hearing site: Kansas City, MO, or Wichita, KS.)

MC 128555 (Sub-27F), filed December 29, 1978. Applicant: MEAT DISPATCH, INC., a Delaware Corporation, 2103 17th Street, East, Palmetto, FL 33561. Representative Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *air conditioners, furnaces, and space heat-*

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ers, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (a) from Granada, MS, Jonesville, MI, Evansville, IN, Somerset, KY, and Garland, TX, to Orlando, FL and (b) from Orlando, FL, to Philadelphia, PA, and Kansas City, MO, under continuing contract(s) with Weatherking, Inc., of Orlando, FL. (Hearing site: Buffalo, NY.)

MC 129032 (Sub-67F), filed December 8, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative David R. Worthington, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *nutritional food supplements* (except commodities in bulk), from the facilities of Shaklee Corporation, at or near Norman, OK, to points in the United States (except AK and HI); and (2) *materials* used in the manufacture of nutritional food supplements (except commodities in bulk), from points in the United States (except AK and HI), to the facilities of The Shaklee Corporation, at or near Norman, OK. (Hearing Site: San Francisco or Los Angeles, CA.)

MC 133655 (Sub-138F), filed December 22, 1978. Applicant: TRANS—NATIONAL TRUCK, INC., P.O. Box 31300, Amerillo, TX 79120. Representative: Warren L. Troupe, 2480 East Commercial Blvd., Fort Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Container Corporation of America, at or near Ft. Worth, TX, on the one hand, and, on the other, points in AR, IL, IN, KS, LA, MD, MA, MI, MS, MO, OH, OK, PA., RI, NE, NJ, NY, and WI. (Hearing site: Chicago, IL.)

MC 133708 (Sub-37F), filed January 2, 1979. Applicant: FIKSE BROS., INC., 12647 East South St., Artesia, CA 90710. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement*, in bulk, from San Diego, CA, to points in AZ. (Hearing site: Los Angeles, CA.)

MC 134145 (Sub-71F), filed December 22, 1978. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *contract carrier*, by motor vehicle, in foreign commerce only over irregular routes, transporting *athletic goods, batteries, purses, and alcoholic beverages*, from New York, NY, to Minneapolis, MN, under continuing contract(s) with Control Data Corporation, of Minneapolis, MN. (Hearing site: St. Paul, MN.)

NOTE.—Dual operations are involved.

MC 134145 (Sub-72F), filed December 28, 1978. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *computing machine paper and paper forms*, between the plant-sites of Control Data Corporation, at (a) Merced, CA, (b) Arlington, TX, (c) Lincoln, ME, and (d) Manchester, CT, under continuing contract(s) with Control Data corporation, of Minneapolis, MN. (Hearing site: St. Paul, MN.)

NOTE.—Dual operations are involved.

MC 134084 (Sub-6F), filed November 6, 1978. Applicant: SHROCK TRUCKING, INC., P.O. Box 428, Hubbard, OR 97032. Representative: Lawrence V. Smart, Jr., 419 Northwest 23rd Avenue, Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, (1) from Longview and Everett, WA, to Springfield, OR, and points in Marion, Clackamas, Yamhill, and Washington Counties, OR, and (2) from points in Clackamas County, OR, to points in Clark and Cowlitz Counties, WA. (Hearing site: Portland, OR.)

MC 134477 (Sub-284F), filed November 14, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX (except KS), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: St. Paul, MN.)

MC 136318 (Sub-57F), filed November 13, 1978. Applicant: COYOTE TRUCK LINE, INC., a Delaware corporation, P.O. Box 756, Thomasville, NC 27360. Representative: David R. Parker, 717 Seventeenth Street, Suite 2600, Denver, CO 80202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *television sets, radios, phonographs, sterco systems, recorders, players, recorded material, television stands, speaker systems, and audio equipment*, (2) *accessories, components, and parts* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between points in OR and WA, on the one hand, and, on the other, points in CA and IN, restricted in (2) and (3) above against the transportation of commodities in bulk, in tank vehicles, under continuing contract(s) in (1), (2), and (3) with RCA, of Cherry Hill, NJ. (Hearing site: Denver, CO.)

MC 136464 (Sub-41F), filed November 7, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *textiles and textile products*, (a) from Aberdeen and Hickory, NC, and Clemson and Greenville, SC, to points in OK, NM, UT, NV, AZ, CO, WA, and OR, (b) from Aberdeen and Hickory, NC, to points in CA, and (c) between Seattle, WA, and Los Angeles, CA, under continuing contract(s) with J. P. Stevens & Co., Inc., of New York, NY. (Hearing site: Greensboro, NC.)

NOTE.—Dual operations are involved.

MC 136611 (Sub-3F), filed November 21, 1978. Applicant: RED & WHITE MARKET & TRANSFER, INC., 1214 East South St., Hastings, NE 68901. Representative: Lavern R. Holdeman, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from points in OH, PA, and WV, to Hastings, NE, restricted to the transportation of traffic originating at the indicated origins and destined to the named destination point. (Hearing site: Hastings or Lincoln, NE.)

MC 136786 (Sub-143F), filed November 6, 1978. Applicant: ROBCO TRANSPORTATION, INC., a Minnesota corporation, 4333 Park Ave., Des Moines, IA 50321. Representative: William L. Libby, 7525 Mitchell Rd., Eden Prairie, MN 55344. To operate as a

common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal feed*, and *feed supplements and additives*, and (2) *materials and supplies* used in the manufacture of animal feed (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Minneapolis, MN.)

MC 138824 (Sub-18F), filed November 6, 1978. Applicant: REDWAY CARRIERS, INC., 5910 49th Street, Kenosha, WI 53140. Representative: Paul J. Maton, 10 South La Salle St., Rm. 1620, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *food products*, in containers, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between the facilities of Ocean Spray Cranberries, Inc., (a) in Kenosha County, WI, and (b) at North Chicago, IL, on the one hand, and, on the other, points in AR, MN, KS, and those points in MO west of U.S. Hwy 65, including Springfield, MO. (Hearing site: Chicago, IL.)

MC 138826 (Sub-5F), filed November 9, 1978 Applicant: JERALD HEDRICK, d.b.a. HEDRICK & SON TRUCKING, R.R. No. 1, Warren, IN 46792. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soybean meal*, in bulk, from the facilities of Cargill, Inc., at or near Sidney, OH, to points in NC, TN, KY, IL, WI, MI, IN, OH, VA, WV, MD, PA, DE, NJ, NY, CT, RI, MA, VT, NH, ME, and DC. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 138875 (Sub-123F), filed December 26, 1978. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *laminated wooden beams*, from the facilities of Glu-Laminated Wood Systems, Inc., at or near Magna, UT, to points in AZ, CA, CO, ID, MI, NM, NV, TX, and WY. (Hearing site: Salt Lake City, UT, or Washington, DC.)

MC 140241 (Sub-35F), filed November 16, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *precut log buildings*, knocked down, between Chadron, NE, Brainerd, MN, and Malin, OR, on the one hand, and, on the other, points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), from points in the United States (except AK and HI), to Chadron, NE, Brainerd, MN, and Malin, OR, restricted in (1) and (2) to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Kansas City, MO.)

MC 140447 (Sub-1F), filed November 9, 1078. Applicant: BOYCE HOWARD, d.b.a. BOYCE HOWARD TRUCKING, Highway 67, Newport, AR 72112. Representative: Thomas J. Presson, P.O. Box 71, Redfield, AR 72132. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel borings and steel turnings*, in bulk, in dump vehicles, from Batesville and Pocahontas, AR, to points in AL, KS, KY, LA, MO, MS, OK, TN, and TX. (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 141124 (Sub-33F), filed November 6, 1978. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 1709, Wilmington, DE 19899. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, (except commodities in bulk), from the facilities of The Mead Corporation at Lynchburg, VA, to points in MI and OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 141312 (Sub-6F), filed December 11, 1978. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement*, from Kansas City, MO, and points in KS, to Lincoln, NE, under continuing contract(s) with NEBCO, Inc., of Lincoln, NE. (Hearing site: Lincoln or Omaha, NE.)

MC 141921 (Sub-33F), filed November 16, 1978. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Rd., Manchester, NH 03108. Representative: John A. Sykas (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic film* and *plastic sheeting*, and (2) *materials, equipment, and supplies* used in the distribution and sale of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), (a) from the facilities of Borden Chemical at or near North Andover, MA, to points in PA, WV, OH, IN, MI, KY, GA, WI, IL, MO, IA, MN, SD, NE, CA, KS, and CO, and (b) from the facilities of Borden Chemical at or near Griffin, GA, to points in PA, WV, MA, OH, IN, MI, KY, WI, IL, MO, IA, MN, SD, NE, CA, KS, and CO, restricted in (a) and (b) to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations (except on traffic moving in foreign commerce). (Hearing site: Concord, NH, or Boston, MA.)

NOTE.—Dual operations may be involved.

MC 143127 (Sub-19F), filed November 9, 1978. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *beet sugar and cane sugar*, (except raw sugar, and commodities in bulk, in tank vehicles), from the facilities of Food Packaging, Inc., at or near Xenia, OH, to points in Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Erie, Monroe, Onondaga, and Oswego Counties, NY. (Hearing site: Philadelphia, PA, or Rochester, NY.)

MC 143254 (Sub-3F), filed November 6, 1978. Applicant: BOSTON CONTRACT CARRIER, INC., a Vermont corporation, P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson (Same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electric light bulbs*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of electric light bulbs, between the facilities of GTE Sylvania Incorporated, in Essex County, MA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with GTE Sylvania Incorporated, of Danvers, MA. (Hearing site: Boston, MA, or Washington, DC.)

MC 143331 (Sub-4F), filed November 17, 1978. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton Blvd., P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *plastic bottle car-*

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riers, and *can carriers*, from Fullerton, CA, to Portland, OR, and points in CO and WA under a continuing contract(s) with Hi-Cone Division, Illinois Tool Works, Inc., of Fullerton, CA. (Hearing site: Los Angeles, CA.)

MC 143530 (Sub-1F), filed October 18, 1978. Applicant: WOLF'S TOWING, INC., Routes 80 and 51, Peru, IL 61354. Representative: John S. Duncan, P.O. Box 515, La Salle, IL 61301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wrecked and disabled motor vehicles*, and (2) *replacement vehicles for the commodities named in (1)*, between Peru, Cedar Point, and Dixon, IL, on the one hand, and, on the other, points in IN, IA, MN, MO, and WI. (Hearing site: Springfield or Rockford, IL.)

MC 143607 (Sub-3F), filed November 7, 1978. Applicant: BAYWOOD TRANSPORT, INC., a Delaware Corporation, P.O. Box 8155, Waco, TX 76710. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, (except commodities in bulk), from points in the United States (except AK and HI), to Arlington, San Antonio, and Houston, TX, under continuing contract(s) with Accron Chemical Distr., of Arlington, TX. (Hearing site: Houston or Dallas, TX.)

MC 143607 (Sub-4F), filed November 7, 1978. Applicant: BAYWOOD TRANSPORT, INC., a Delaware Corporation, P. O. Box 8155, Waco, TX 76710. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *textiles and textile products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), from points in the United States (except AK and HI), to Del Rio, Eagle Pass, and Carrizo Springs, TX, under continuing contract(s) with Salant Corporation, of El Paso, TX. (Hearing site: El Paso or Dallas, TX.)

MC 143691 (Sub-14F), filed November 13, 1978. Applicant: PONY EXPRESS COURIER CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy (Same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commercial papers, documents, written instruments, business records, accounting media, data processing media, microfilm, microfiche*, and *microforms*, between Kansas City, MO, on the one hand, and, on the other, points in KS, under continuing contract(s) with banks, banking institutions, and data processing centers. (Hearing site: Kansas City, MO.)

MC 144041 (Sub-27F), filed November 13, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE, Atlanta, GA 30345. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree St., NE, Atlanta, GA 30303. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *electrical equipment and electrical parts*, from West Hazleton, PA, to the facilities of Sarama Lighting, at or near College Park, GA. (Hearing site: Philadelphia, PA, or Washington, DC.)

NOTE.—Dual operations may be involved.

MC 144448 (Sub-4F), filed January 2, 1979. Applicant: HERMAN STEFFENSMEIER, d/b/a HERMAN STEFFENSMEIER TRUCKING, 811 E. Decatur Street, West Point, NE 68788. Representative: Steven K. Kuhlman, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soybean meal* (except in bulk, in tank vehicles), from the facilities of Grain States Soya, Inc., at or near West Point, NE, to points in KS and MO. (Hearing site: Lincoln, NE.)

MC 144678 (Sub-2F), filed December 26, 1978. Applicant: AMERICAN FREIGHT SYSTEM, INC., a Delaware corporation, 9393 W. 110th Street, Fifth Floor, Overland Park, KS 66210. Representative: Harold H. Clokey (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Spartan Packaging, Inc., at or near Lawrenceville, GA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 144702 (Sub-1F), filed November 8, 1978. Applicant: ASHEVILLE-NEW YORK MOTOR EXPRESS, INC., Box 9907, Asheville, NC 28805. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *textiles and textile products*, and (2) *materials and supplies* used in the manufacture and sale of the commodities in (1) above, between New York, NY, on the one hand, and, on the other, points in NC. (Hearing site: Asheville, NC.)

MC 144747 (Sub-3F), filed November 6, 1978. Applicant: INTERSTATE EQUIPMENT CO., INC., 22821 N. 81st Avenue, Peoria, AZ 85345. Representative: Lewis P. Ames, 10th Floor, 111 West Monroe, Phoenix, AZ 85003. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (*I*) *materials, equipment, and supplies* used in the manufacture of wooden flush doors (except commodities in bulk), (1) from points in the United States (except AK and HI), to the facilities of Walled Lake Door Company, at (a) Tupelo, MS, (b) Cameron, TX, (c) Mobile, AL, and (d) Orange, CA, and (2) between the facilities of Walled Lake Door Company, at (a) Tupelo, MS, (b) Cameron, TX, (c) Mobile, AL, and (d) Orange, CA, and (*II*) *wooden flush doors and parts* for wooden flush doors, (a) from the facilities of Walled Lake Door Company, at Tupelo, MS, to points in AL, FL, GA, IA, IL, IN, MI, MN, NC, OH, SC, and WI, (b) from the facilities of Walled Lake Door Company at Orange, CA, to points in AZ, CO, NM, NV, OR, UT, and WA, (c) from the facilities of Walled Lake Door Company at Cameron, TX, to points in AR, CO, IA, IL, KS, MN, MO, NE, ND, OK, and SD, and (d) from the facilities of Walled Lake Door Company at Mobile, AL, to points in CO, FL, GA, ID, IL, IN, KS, LA, MN, NE, ND, OH, OK, PA, SD, TX, and WI, in (1) and (2) above under continuing contract(s) with Walled Lake Door Co., of Phoenix, AZ. (Hearing site: Phoenix, AZ.)

MC 144827 (Sub-14F), filed November 7, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Box 18423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from New York, NY, to Dallas, Houston, and San Antonio, TX, restricted to the transportation of traffic moving on bills of lading of freight forwarders. (Hearing site: Dallas, TX.).

MC 144827 (Sub-15F), filed November 13, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Box 18423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from New York, NY, to Memphis, TN, restricted to the transportation of traffic moving on bills of lading of freight forwarders. (Hearing site: Memphis, TN.)

MC 145086 (Sub-2F), filed November 2, 1978. Applicant: C. HENDERSON TRUCKING, INC., 8 Ruth St., East Brunswick, NJ 08816. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08817. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *wallpaper pulp coloring, dry paint, paste paint, and carbon black*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Wilson Products Company, at Neshanic, NJ, on the one hand, and, on the other, points in CT, DE, GA, IL, IN, LA, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, TX, VT, VA, and WV, under continuing contracts with Wilson Products Company, of Neshanic, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 145185 (Sub-1F), filed January 2, 1979. Applicant: DONALD L. DOYEN, d/b/a Doyen & Sons, 509 No. Smith, Clark, SD 57225. Representative: M. Mark Menard, P.O. Box 480, Sioux Falls, SD 57101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *french fried potatoes*, from Clark, SD, to Watertown and Sioux Falls, SD, restricted to the transportation of traffic having a subsequent movement by rail, under continuing contract(s) with Midwest Foods Corporation, of Clark, SD. (Hearing site: Sioux Falls, SD, or Sioux City, IA.)

MC 145375 (Sub-1F), filed December 29, 1978. Applicant: H. D. EDGAR TRUCKING COMPANY, INC., Route 1, Box 48, Opp, AL 36467. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wheels, toys, juvenile furniture, and outdoor playground equipment*, from Dothan, AL, to points in CA, WA, OR, NV, UT, ID, MT, CO, NM, WY, and AZ. (Hearing site: Birmingham, AL.)

MC 145441 (Sub-4F), filed November 17, 1978. Applicant: A. C. B. TRUCKING, INC., An Indiana Corporation, I-40 & Protho Junction, P.O. Box 5130, North Little Rock, AR 72119. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AL, AZ, CA, CT, DE, FL, GA, ID, IL, IN, KY, LA, ME, MD, MA, MI, MS, NV, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Dallas, TX.)

NOTE.—Dual operations may be involved.

MC 145468 (Sub-1F), filed January 2, 1979. Applicant: K.S.S. TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Sioux City, IA, Worthington, MN, and Huron, SD, to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN. (Hearing site: Phoenix, AZ, or Omaha, NE.)

NOTE.—Dual operations may be involved.

MC 145468 (Sub-2F), filed December 26, 1978. Applicant: K.S.S. TRANSPORTATION CORP., P.O. Box 3052, Route 1 and Adams Station, North Brunswick, NJ 08902. Representative: Bernard J. Kompare, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at Des Moines, IA, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

NOTE.—Dual operations may be involved.

MC 145565 (Sub-2F), filed January 3, 1979. Applicant: C. D. BRESHEARS, d.b.a. J & B SERVICES, 1307 So. Lincoln, Casper, WY 82601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *equipment and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, (except oil drilling rigs), between points in WY, ND, UT, CO, MT, and ID. (Hearing site: Casper or Cheyenne, WY.)

MC 145595 (Sub-2F), filed January 10, 1979. Applicant: WARREN G. GORMLEY, d.b.a. GORMLEY TRUCKING, 1607 W. Swan, Springfield, MO 65807. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), (1) from Kansas City, MO, to points in AZ, AR, LA, NM, OK, and TX, and (2) from Bonner Springs, KS, to points in AZ, AR, LA, NM, MO, OK, and TX. (Hearing site: Kansas City, MO.)

MC 145694F, filed November 2, 1978. Applicant: C & P CONTRACT CARRIERS, INC., 10670 Los Jardines, Fountain Valley, CA 92708. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, transporting *agricultural chemicals* (except in bulk), between points in CA, NV, AZ, NM, KS, OK, TX, AL, MO, AR, LA, TN, MS, FL, GA, NC, SC, VA, WV, MD, DE, NJ, NY, PA, and DC, under continuing contract(s) with Helena Chemical Company, of Memphis, TN. (Hearing site: Memphis, TN, or Los Angeles, CA.)

MC 145700F, filed November 2, 1978. Applicant: TIGATOR, INC., d.b.a. TIGATOR TRUCKING SERVICE, 8686 Anselmo Lane, P.O. Box 1748, Baton Rouge, LA 70821. Representative: J. H. Campbell, Jr. (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *beef*, in boxes, from Amerillo, TX, to Baton Rouge, LA; and (2) *frozen orange juice concentrate*, from points in FL, to Baton Rouge, LA, under continuing contract(s) with Associated Grocers, Inc., of Baton Rouge, LA. (Hearing site: New Orleans, LA, or Dallas, TX.)

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MC 145711 (Sub-1F), filed November 16, 1978. Applicant: KEYSTONE TRANSPORTATION, INC., 3400 Oakcliff Rd. Atlanta, GA 30340. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd, NE, Atlanta, GA 30326. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *inorganic mineral fillers*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of inorganic mineral fillers, between the facilities of Solem Industries, Inc., at or near (a) Benton, AR, and (b) Fairmount, GA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Solem Industries, Inc., of Atlanta, GA. (Hearing site: Atlanta, GA.)

MC 145766F, filed November 9, 1978. Applicant: OREN TRANSPORT, INC., P.O. Box 2446, Muncie, IN 47302. Representative: Edward W. Harris, III, 1100 Merchants Bank Building, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *insulating materials, and* (2) *equipment, materials, and supplies* used in the manufacture, distribution, and installation of insulating materials, between the facilities of Oren Corporation, at (a) Muncie, IN. (b) Atlanta, GA, and (c) Binghamton, NY, on the one hand, and, on the other, points in CO, and those in the United States in and east of MN, IA, MO, KS, OK, and TX, under continuing contract(s) with Oren Corporation, of Muncie, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 145774F, filed November 7, 1978. Applicant: Arthur E. Johnston and Michael A. Johnston, a partnership, d.b.a. JOHNSTON TRUCKING, P.O. Box 325, Spearfish, SD 57783. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting such *commodities* as are dealt in or used by dealers and servicers of water wells, between points in CO, MT, NE, ND, SD, UT, and WY, on the one hand, and, on the other, points in CO, CA, ID, IL, KS, MN, MO, MT, NE, NM, ND, OK, SD, TX, UT, WI, and WY, under continuing contract(s) with Great West Pump Co., of Upton, WY. (Hearing site: Spearfish, SD, or Upton, WY.)

NOTE.—Dual operations may be involved.

MC 145835 (Sub-1F), filed December 26, 1978. Applicant: TODAY CARTAGE, INC., Rt. 2, Box 49B, Plano, IL 60545. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand*, in bulk, from points in LaSalle County, IL, and Berrien County, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, KS, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. (Hearing site: Chicago, IL.)

MC 145922F, filed December 12, 1978. Applicant: WRIGHT TRUCKING, INC., Rt. 1, Box 116, Coalville, UT 84017. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *acids and chemicals*, and *equipment, materials, and supplies* used in the manufacture and distribution of acids and chemicals (except commodities in bulk), between points in CA, NV, UT, ID, and WY, under continuing contracts with Chemopharm Company and Dychem International, or Salt Lake City, UT. (Hearing site: Salt Lake City, UT.)

MC 145955F, filed December 21, 1978. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Drive, Omaha, NE 68107. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *packing-house products, and equipment, materials, and supplies*, used in the manufacture and distribution of packing-house products, between Chicago, IL, on the one hand, and, on the other, Sioux City, IA, and Omaha, NE, and (2) *meats, meat products and meat by-products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except chemicals, chemical compounds, emulsifiers, fatty acids, greases, glycerine, hides, pelts, lard, lard compounds, lard substitutes, oils, tallow, vegetable oils, and vegetable oil shortenings), (a) from the facilities of E. W. Kneip, Inc., at or near Wahoo, NE, to Aurora and Chicago, IL, and (b) from the facilities of E. W. Kneip, Inc., at Omaha, NE, to Aurora, IL. CONDITION: Prior or coincidental cancellation, at applicant's written request, of its Permit in MC-59694, issued October 9, 1964, and MC-59694 (Sub-No. 7), issued December 10, 1970. (Hearing site: Omaha, NE.)

MC 145958 (Sub-1F), filed January 2, 1979. Applicant: STELLA AND WRIGHT, INC., d.b.a. M & M WAREHOUSE, 1655 W. 31st Place, Hialeah, FL 33010. Representative: Richard B. Austin, Suite 214, Palm Coast II Bldg., 5255 N.W. 87th Avenue, Miami, FL 33178. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *new crated furniture and new crated household fixtures*, and (2) *new uncrated furniture and new uncrated household fixtures*, when moving in mixed shipments with the commodities in (1) above, between the facilities of M & M Warehouse, at or near Miami, FL, on the one hand, and, on the other, points in Dade, Broward, and Palm Beach Counties, FL. (Hearing site: Miami, FL.)

MC 145995F, filed January 4, 1979. Applicant: FRANK KEELER, 4717 164th SW., Lynnwood, WA 98036. Representative: Frank Keeler (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products* in containers, between points in CA, OR, and WA. (Hearing site: Seattle, WA.)

PASSENGER AUTHORITY

MC 146028F, filed December 18, 1978. Applicant: LEWIS BUS LINE LIMITED, 99 Beech Street, Aylmer, Ontario, Canada N5H 1A2. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round-trip tours, beginning and ending at points on the international boundary line between the United States and Canada, and extending to points in the United States (including AK, but excluding HI). (Hearing site: Buffalo, NY.)

FF 514F, filed November 8, 1978. Applicant: Southern Pacific Marine Transport, Inc., a Delaware corporation, One California Street, Suite 2760, San Francisco, CA 94111. Representative: John MacDonald Smith, 813 Southern Building, One Market Plaza, San Francisco, CA 94105. To operate as a *freight forwarder*, in foreign commerce only, through the use of the facilities of common carriers by rail, motor, and water, in the transportation of *general commodities* (except articles of unusual value, classes A and B explosives, and household goods as defined by the Commission), between points in the United States (including AK, but excluding HI), on the one hand, and, on the other, points in WA, OR, CA, TX, LA, AL, FL, SC, NC, VA, DE, NJ, PA, NY, and MA, restricted to the transportation of traffic having a

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prior or subsequent movement by water in foreign commerce. (Hearing site: San Francisco, CA.)

[FR Doc. 79-4190 Filed 2-7-79; 8:45 am]

[7035-01-M]

[Exemption No. 156]

PROVIDENCE AND WORCESTER CO.

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

TO ALL RAILROADS:

It appearing, That the railroad named below owns numerous sixty-foot plain boxcars; that under present conditions there are substantial surpluses of these cars on its lines; that return of these cars to the owner would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owner; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, sixty-foot plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroad named below, shall be exempt from provisions of Car Service Rules 1, 2(a) and 2(b).

PROVIDENCE AND WORCESTER COMPANY
REPORTING MARKS: PW

Effective February 1, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., January 26, 1979.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-4375 Filed 2-7-79; 8:45 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

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[6320-01-M]

1

[M-193, Amdt. 1; Feb. 2, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the February 7, 1979, meeting agenda.

TIME AND DATE: 10 a.m., February 7, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

5a. Docket 33113: Draft final rules on advance notice for tariffs, and deadlines for complaints and answers regarding tariff suspension (OGC).

5a. Notices of rulemaking on intrastate fares and routes and Mainland-Hawaii fares. (Memo 7847-K, 7847-L, BPDA, OGC, BCP).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMTARY INFORMATION: Items 5a and 5b are being added because existing Board rules conflict with the Airlines Deregulation Act of 1978. The subject rulemaking is necessary to end that conflict and should go into effect as soon as possible. Accordingly, the following Members have voted that agency business requires the addition of Items 5a and 5b to the February 7, 1979 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-268-79 Filed 2-6-79; 3:52 pm]

[6335-01-M]

2

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Wednesday, February 7, 1979.

PLACE: Room 800, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Meeting is cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Loretta Ward, 202-254-6697.

[S-263-79 Filed 2-6-79; 3:03 pm]

[6335-01-M]

3

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Monday, February 12, 1979, 9 a.m. to 12 noon; 1:30 p.m. to 5 p.m.

PLACE: Room 512, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 9 a.m. to 12 noon:

I. Approval of agenda.
II. Approval of minutes from last meeting.
III. Staff Director's Report:
A. Status of Funds.
B. Personnel Report.
C. Office Directors' Reports.
D. Correspondence:
1. Letter from Labor Secretary Marshall on employment data for women, Indians and other minorities.
2. Letter from OMB Deputy John P. White on Housing Report recommendations.
3. Letter to Maryland Advisory Committee Chairperson Marjorie Smith on Commission equal employment profile.
4. Miscellaneous correspondence.
IV. Report on civil rights developments in Northwest Region.
V. State Advisory Committee Recharters: A. Hawaii; B. Illinois; C. Louisiana; D. Maryland; E. Montana; F. North Carolina; G. Oregon; H. Virginia.
VI. Status report on affirmative action initiative for 1979.
VII. Recommendation re: Battered Women Consultation follow-up.

MATTERS TO BE CONSIDERED: 1:30 p.m. to 5 p.m.:

VIII. Action re: report on Higher Education Desegregation.
IX. Philadelphia Police Practices hearing status report.
X. Wyoming Advisory Committee report on emergency of civil rights.
XI. Montana Advisory Committee report on corrections.
XII. Review of Statement on Status of Civil Rights.

CONTACT PERSON FOR MORE INFORMATION:

Loretta Ward, Public Affairs Unit, 202-254-6697.

[S-264-79 Filed 2-6-79; 3:03 pm]

[6351-01-M]

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., February 13, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Conference Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Publication of Futures Prices by the Exchanges Part 16.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-265-79 Filed 2-6-79; 3:48 pm]

[6351-01-M]

5

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., February 13, 1979.

PLACE: 2033 K Street, NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-266-79 Filed 2-6-79; 3:48 pm]

[6351-01-M]

6

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., February 16, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stucky, 254-6314.

[S-267-79 Filed 2-6-79; 3:48 pm]

[6570-06-M]

7

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-239-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, February 6, 1979.

CHANGE IN THE MEETING: The following matter is added to the agenda for the open portion of the meeting:

Final Report pursuant to Executive Order 12044.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Armando M. Rodriguez, Commissioner; and J. Clay Smith, Jr., Commissioner.
Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This notice issued February 2, 1979.

[S-259-79 Filed 2-6-79; 3:19 p.m.]

[6740-02-M]

8

FEBRUARY 5, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: February 7, 1979; 4 p.m.

PLACE: Room 9306, 825 North Capitol St., N.E., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Matters relating to an investigation. This meeting is a continuation of a closed meeting held on February 2, 1979 and, therefore, the General Counsel's certification and the notice of explanation of action closing meeting relating to the February 2 meeting apply to the February 7 meeting.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

The following members of the Commission voted that agency business requires the holding of a closed meeting on less than the one week's notice required by the Government in the Sunshine Act:

Chairman Curtis
Commissioner Smith
Commissioner Sheldon
Commissioner Holden
Commissioner Hall

[S-256-79 Filed 2-6-79; 11:14 am]

[6730-01-M]

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., February 13, 1979.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Delegation of authority to the Managing Director to administer special permission applications under the Ocean Shipping Act, 1978.
2. Status Report on General Order 7, Revised.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-260-79 Filed 2-6-79; 1:59 pm]

[6730-01-M]

10

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., February 14, 1979.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Monthly report of actions taken pursuant to authority delegated to the Managing Director.
2. General rate increase by Matson Navigation Company in the United States-Hawaii trades.
3. Docket No. 76-10: *Joy Manufacturing Co. v. Lykes Bros. Steamship Co., Inc.*—Petition of Complainant for reconsideration of Commission decision.

Portions closed to the public:

1. Agreement Nos. 9929-3, et al. (Combi Lines Joint Service Agreement)—Decision on Remand of Interim Approval Order.
2. Docket No. 74-8: *European Trade Specialists, Inc. and Kunzle & Tasin v. Prudential-Grace Lines, Inc., and the Hippage Co., Inc.*—Consideration of the record on remand.
3. Docket No. 74-41: Agreement Nos. 8200, 8200-1, 8200-2, and 8200-3—Between the Pacific Westbound Conference and Far East Conference—Consideration of the record.
4. Discussion of Commission procedures regarding settlement of civil penalties.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-261-79 Filed 2-6-79; 1:59 pm]

[6735-01-M]

11

FEBRUARY 6, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 2:30 p.m., February 8, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: This meeting may be closed.

MATTERS TO BE CONSIDERED:

Secretary of Labor v. *Republic Steel Corporation*, Docket Nos. IBMA 76-28, MORG 76-21.
Secretary of Labor v. *Republic Steel Corporation*, Docket Nos., IBMA 77-39, MORG 76X95-P.
Secretary of Labor v. *Kaiser Steel Corporation*, Docket No. DENV 77-13-P.

It was determined by unanimous vote of all Commissioners that Commission business required that a meeting be held on these items and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION:

Joanne Kelley, 202-653-5632.

[S-257-79 Filed 2-6-79; 11:28 am]

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[6210-01-M]

12

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 6238, February 2, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, February 7, 1979.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such open item was added:

Alternative actions with respect to the Board's amendment to Regulation Z (Truth in Lending) regarding open end credit plans secured by consumers' residences. (This matter was originally announced for a meeting on February 1, 1979).

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 5, 1979.

GRIFFITH GARWOOD,
Deputy Secretary of the Board.

[S 255-79 Filed 2-6-79; 11:14 am]

[7555-01-M]

13

NATIONAL SCIENCE BOARD.

DATE AND TIME: February 15, 1979, 9-10 a.m., open session. February 16, 1979, 9 a.m., closed session.

PLACE: Room 540, 1800 G Street NW., Washington, D.C.

STATUS: Change in agenda.

MATTERS TO BE CONSIDERED:

Change to portions closed to public.

Changed Item: B. NSB and NSF Assistant Director Nominees.

CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson, Executive Secretary, 202-632-5840.

[S-258-79 Filed 2-11-79; 1:08 pm]

[7910-01-M]

14

RENEGOTIATION BOARD.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

DATE, TIME, AND MATTERS TO BE CONSIDERED: Division Meetings concerning the following contractors for the fiscal years indicated will be held as follows:

1. Monday, February 12, 1979, 1:30 p.m., Temtex Industries, Inc., consolidated with: Temco, Inc., fiscal year ended August 31, 1972.

2. Tuesday, February 13, 1979, 9:30 a.m., Lankford Manufacturing Company, Inc., fiscal years ended December 31, 1974 and 1975.

3. Thursday, February 15, 1979, 9:30 a.m., Teledyne Industries, Inc., SII to the Ryan Aeronautical Co., fiscal years ended October 31, 1967 and 1968; fiscal years ended December 31, 1967 and 1968.

4. Wednesday, February 21, 1979, 9:30 a.m., A. J. Industries, Inc., consolidated with: Sargent-Fletcher Company, Fleetwood Metals, Inc., Armstrong Products Company, and Transpro, Inc., fiscal years ended March 31, 1973, 1974, and 1975.

5. Thursday, March 1, 1979, 9:30 a.m., Dow Corning Corporation, fiscal years ended December 31, 1970, 1971, 1972, and 1973.

6. Friday, March 2, 1979, 9:30 a.m., Rex Precision Products, Inc., fiscal year ended November 30, 1974.

7. Monday, March 5, 1979, 9:30 a.m., University Computing Company, SII to Computer Technology, Inc., fiscal years ended December 31, 1970 and 1971.

8. Monday, March 12, 1979, 9:30 a.m., Chrysler Corporation, consolidated with: Chrysler Outboard Corporation, and Chrysler Motors Corporation, fiscal year ended December 31, 1971.

9. Wednesday, March 14, 1979, 9:30 a.m., A. J. Industries, Inc., consolidated with: Sargent-Fletcher Company, Fleetwood Metals, Inc., Armstrong Products Company, and Transpro, Inc., fiscal years ended March 31, 1973, 1974, and 1975.

10. Thursday, March 15, 1979, 9:30 a.m., the Dow Chemical Company, fiscal years ended December 31, 1972, 1973, 1974, and 1975.

11. Monday, March 19, 1979, 9:30 a.m., Cutler-Hammer, Inc., consolidated with: Yig-Tek Corporation, I. I. Industries, Inc., Kasper Instruments, Inc., Eltek Corporation, and Automated Equipment Corporation, fiscal years ended December 31, 1972, 1973, 1974, and 1975.

12. Wednesday, March 21, 1979, 9:30 a.m., National Steel & Shipbuilding Company, fiscal years ended December 31, 1973 and 1974.

13. Friday, March 23, 1979, 9:30 a.m., Motorola, Inc. (a Delaware corporation), SII to Motorola, Inc. (an Illinois corporation), fiscal years ended December 31, 1971, 1972 and 1973.

14. Monday, March 26, 1979, 9:30 a.m., University Computing Company, SII to Computer Technology, Inc., fiscal years ended December 31, 1970 and 1971.

15. Wednesday, March 28, 1979, 9:30 a.m., the Scott & Fetzer Company, fiscal year ended November 30, 1975.

16. Monday, April 2, 1979, 9:30 a.m., Chrysler Corporation, consolidated with: Chrysler Outboard Corporation, Chrysler Motors Corporation, fiscal year ended December 31, 1971.

17. Thursday, April 5, 1979, 9:30 a.m., the Dow Chemical Company, fiscal years ended December 31, 1972, 1973, 1974, and 1975.

18. Friday, April 6, 1979, 9:30 a.m., Sanders Associates, Inc., fiscal years ended July 25, 1975 and 1976.

19. Monday, April 9, 1979, 9:30 a.m., Texas Instruments Incorporated, fiscal years ended December 31, 1973 and 1974; Texas Instruments Supply Company, fiscal years ended December 31, 1973 and 1974.

20. Tuesday, April 10, 1979, 1:30 p.m., Cutler-Hammer, Inc., consolidated with: Yig Tek Corporation, I. I. Industries, Inc., Kasper Instruments, Inc., Eltek Corporation, and Automated Equipment Corporation, fiscal years ended December 31, 1972, 1973, 1974 and 1975.

21. Wednesday, April 11, 1979, 9:30 a.m., National Steel & Shipbuilding Company, fiscal years ended December 31, 1973 and 1974.

22. Wednesday, April 18, 1979, 9:30 a.m., Motorola, Inc. (a Delaware corporation), SII to Motorola, Inc. (an Illinois corporation), fiscal years ended December 31, 1971, 1972 and 1973.

23. Thursday, April 19, 1979, 9:30 a.m., the Scott & Fetzer Company, fiscal year ended November 30, 1975.

24. Friday, April 27, 1979; 9:30 a.m., Sanders Associates, Inc., fiscal years ended July 25, 1975 and 1976.

25. Monday, April 30, 1979, 9:30 a.m., Texas Instruments Incorporated, fiscal years ended December 31, 1973 and 1974; Texas Instruments Supply Company, fiscal years ended December 31, 1973 and 1974.

26. Wednesday, May 2, 1979, 9:30 a.m., National Presto Industries, Inc., consolidated with: World Aerospace Corporation, Midwestern Company, SII: National Presto Industries, Inc., Jackson Sales & Storage Company, Century Metalcraft Corporation, Presto Manufacturing Company, Master Corporation of Texas, Johnson Printing, Inc., Presto Parts & Service Corporation, Presto Parts & Service, Inc., Presto Parts & Service Company, Presto Parts & Service Corp., National Presto Industries Export Corporation, and Presto International Limited, fiscal years ended December 31, 1973, 1974 and 1975.

27. Thursday, May 3, 1979, 9:30 a.m., Marion Corporation, fiscal years ended January 31, 1975 and 1976; Marion Corporation, SII to: Alabama Refining Company, Inc., fiscal year ended January 31, 1974.

28. Friday, May 4, 1979, 9:30 a.m., AMF Incorporated (Agent), consolidated with: AMF Beaird, Inc., the Cuno Engineering Corporation, and W. J. Voit Rubber Corporation, fiscal years ended December 31, 1969 and 1970.

29. Monday, May 7, 1979, 9:30 a.m., Burroughs Corporation, fiscal years ended December 31, 1971, 1972, 1973, 1974, and 1975.

30. Thursday, May 10, 1979, 9:30 a.m. International Business Machines Corporation, consolidated with: The Service Bureau Corporation, Science Research Associates, Inc., fiscal years ended December 31, 1971, 1972, 1973, 1974, and 1975.

31. Friday, May 18, 1979, 9:30 a.m., AMF Incorporated (Agent), consolidated with: AMF Beaird, Inc., the Cuno Engineering Corporation, and W. J. Voit Rubber Corporation, fiscal years ended December 31, 1969 and 1970.

32. Wednesday, May 23, 1979, 9:30 a.m., National Presto Industries, Inc., consolidated with: World Aerospace Corporation, Midwestern Company, SII: National Presto Industries, Inc., Jackson Sales & Storage Company, Century Metalcraft Corporation, Presto Manufacturing Company, Master Corporation of Texas, Johnson Printing, Inc., Presto Parts & Service Corporation, Presto Parts & Service, Inc., Presto Parts & Service Company, Presto Parts & Service Corp., National Presto Industries Export Corporation, and Presto International Limited, fiscal years ended December 31, 1973, 1974 and 1975.

33. Thursday, May 24, 1979, 9:30 a.m., Marion Corporation, fiscal years ended January 31, 1975 and 1976; Marion Corporation, SII to: Alabama Refining Company, Inc., fiscal year ended January 31, 1974.

34. Thursday, May 31, 1979, 9:30 a.m., Burroughs Corporation, fiscal years ended December 31, 1971, 1972, 1973, 1974, and 1975.

35. Friday, June 1, 1979, 9:30 a.m. International Business Machines Corporation, consolidated with: The Service Bureau Corporation, Science Research Associates, Inc., fiscal years ended December 31, 1971, 1972, 1973, 1974, and 1975.

SUPPLEMENTAL INFORMATION: Present appropriations for the functions of the Renegotiation Board are available only through March 31, 1979. A request for additional funds for the continuation of the Board's operation through fiscal year 1979 is included in the *Appendix of the Budget of the United States Government, 1980*, however. In establishing the dates of the meetings described in items 16 through 35 above, inclusive, the Board is acting in furtherance of this Budget request.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Council-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 5, 1979.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-262-79 Filed 2-6-79 2:52 pm]

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Federal Register

THURSDAY, FEBRUARY 8, 1979

PART II



DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

LIQUEFIED NATURAL GAS FACILITIES; FEDERAL SAFETY STANDARDS

Development of New Standards

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DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 193]

[Docket No. OPSO-46; Notice 4]

LNG FACILITIES; FEDERAL SAFETY STANDARDS

Development of New Standards

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes establishment of a set of comprehensive safety standards governing the design (including site selection) and construction of liquefied natural gas (LNG) facilities used in the transportation of natural gas by pipeline in or affecting interstate or foreign commerce. Present safety standards are considered inadequate in light of the grave consequence that could result from a major accident at a facility. The new standards would provide safety through a combination of engineering features and sufficient area around a facility to protect the nearby population.

DATE: Comments must be received by May 9, 1979.

ADDRESS: Send comments to the Docket Branch, Room 6500, Materials Transportation Bureau, Trans Point Building; 2100 Second Street, S.W., Washington, D.C. 20590. Comments should identify the docket and notice number and be submitted in triplicate. They will be available to the public for review at the above location.

FOR FURTHER INFORMATION CONTACT:

Walt Dennis, 202-426-2082.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau (MTB) believes that a new comprehensive set of safety standards is needed for LNG facilities. LNG is natural gas (mostly methane) that has been cooled to about minus 260°F, where it is a liquid. As a liquid, natural gas is 1/600th of its original volume, making it economically feasible to transport by vehicle or vessel and store in large quantities. The hazards of LNG derive from its cold temperature, flammability, and characteristics upon release. LNG can cause severe freeze burns and immediate cracking of certain metals such as carbon steel. Upon exposure to ground temperatures, LNG vaporizes rapidly and returns to a gaseous state. The vapor may remain close to the ground and travel in the form of a plume or cloud dispersed into the atmosphere. While the vapor is not poisonous, it can cause asphyxiation, and it is flammable in a concentration in air between 5 and 15 percent.

The standards proposed by this notice concerns the design (including site selection) and construction of facilities used to liquefy natural gas or to transfer, store, or vaporize LNG in conjunction with the pipeline transportation of natural gas. If adopted, they would be published in a new Part 193 of Title 49 of the Code of Federal Regulations. Standards for the operation, including security, and maintenance of LNG facilities will be the subject of a notice of proposed rulemaking to be issued in March 1979. These standards also would be included in Part 193.

The intent of the new Part 193 would be to prescribe an acceptable level of public safety with regard to LNG facilities in consideration of the hazards of LNG and the potential causes and consequences of accidents and the steps that may be taken to safeguard against them. In most cases, Part 193 would provide for employee safety only to the extent that it is affected by measures required for public safety.

Each of the proposed standards relates to a potential accident cause. For example, weak structures, faulty construction, installation defects, fires or spills of LNG near components, and environmental forces (high winds, earthquakes) can cause accidents or worsen an existing hazardous condition resulting from some other cause. The proposed standards would prescribe actions needed to minimize or prevent (1) the occurrence of accidents due to controllable causes (e.g., faulty construction) or uncontrollable causes (e.g., earthquakes) and (2) the potentially damaging effects of accidents that may occur. Some standards would require redundant or back-up measures for extra protection, as in the case of manual and automatic shut-off valves. Because of the severity of potential consequences, even more special precautions would have to be taken to prevent accidents which could result in failure of an LNG storage tank.

If an accident were to result in a spill of LNG, under the proposed Subpart E a second level of protection would be provided by impounding systems that are designed to hold LNG and prvent it from endangering other components, entering neighboring property, or rapidly turning to gas. Since there is a threat of ignition once LNG is released, Part 193 also would provide a final level of safety through safe distances around a facility. (§§ 193.107 and 193.109) These distances would protect persons who live or work near the facility site by providing enough room for flammable gas to dissipate or enough separation from the heat of burning LNG at the site.

The need for comprehensive new Federal LNG facility safety standards arises because of the seriousness of potential hazards from LNG facilities coupled with the anticipated increase of LNG facility construction to meet the nation's energy needs, and the developing variations in the design of facilities near population centers, or areas of greatest energy demand. Congressional committees, the General Accounting Office, the Federal Energy Regulatory Commission and other Federal, State, and Local agencies; nongovernment organization; representatives of industry; and the public in general have expressed concern over the adequacy of present standards to provide for public safety.

A report issued on July 31, 1978, by the General Accounting Office titled "Liquefied Energy Gases" (EMD 78-28) shows some of the safety concerns in the transportation and storage of LNG. Foremost among these are: (1) protection of persons and property near an LNG facility from thermal radiation (heat) caused by ignition of a major spill of LNG, (2) protection of persons and property near an LNG facility from dispersion and delayed ignition of a natural gas cloud arising from a major spill of LNG, and (3) reduction of the potential for a catastrophic spill of LNG.

The existing Federal safety standards governing LNG facilities used in the transportation of natural gas by pipeline are contained in 49 CFR Part 192. These standards were adopted by Amendment 192-10, issued on Oceober 10, 1972 (37 FR 21638). The Amendment added § 192.12, adopting as the Federal LNG safety standards the National Fire Protection Association (NFPA) Standard 59A (1971 edition), as well as the other applicable requirements of Part 192. Subsequently, the 1972 edition of NFPA 59A was adopted (41 FR 13590).

In the preamble of Amendment 192-10, it was stated that the NFPA standard was adopted only as an interim measure while permanent Federally developed regulations specifically applicable to LNG facilities were being developed. MTB believes that there is a need for Federally developed regulations for LNG facilities because the present referenced standards are not written in enforceable terms and do not adequately cover all safety problems respecting an LNG facility.

In 1974, the Department's Office of Pipeline Safety contracted for a study by Arthur D. Little, Inc. (ADL) to provide safety information on LNG facilities (NTIS No. PB-241048). The study included a comparative analysis of national, state, local, industrial, and professional society codes, standards,

practices, and regulations relating to LNG facilities. The ADL report, made in December 1974, is titled "Technology and Current Practices for Processing, Transferring, and Storing Liquefied Natural Gas." Copies of the report (NTIS No. PB-241048) are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, telephone (703) 557-4650, in paper for $7.75 and in microfiche for $3.00. A copy is also available for review in the docket.

The ADL study provides useful information in developing safety standards for LNG facilities. The study identified and analyzed many areas of public concern about the operation of LNG facilities. It also addressed many practices and functions where special precautions are needed to protect persons and property. MTB believes that the results of the ADL study are consistent with current information obtained from other sources. Therefore, MTB has adopted the ADL report as a basis for this regulatory action.

The ADL report found that NFPA 59A was the basis for practically all national, state and local codes for LNG facilities. MTB agrees with this conclusion and has used the 1975 edition of the NFPA 59A, in part, as a basis for these proposed regulations. The following tables shows that 59A derivation of standards proposed in this notice:

SUBPART A

Section	Source
193.1	100, 11
193.2	110, 111
193.3	102
193.5	12, 50
193.7	107
193.10	—
193.11	—

SUBPART B

193.101	—
193.103	—
193.105	200
193.107	210, 2120, 2122, 2123, 2124
193.109	210, 2121, including reference 1, 300, 330
193.111	406 including reference 1, 601
193.113	200(3), 200(4), 410, 411
193.115	200(4), 2301, 410
193.117	200(3), 410, 411
193.119	200(3)
193.121	200(4)
193.123	200, 213, 214, 215, 216

SUBPART C

193.201	—
193.203	310, 403, 4060, 4123, 601, 602, 603, 610
193.205	310, 402, 403, 610
193.207	2113, 2200, 360, 404, 4123, 6112, 630
193.209	407, 6112
193.211	337
193.213	6113
193.215	423
193.217	220, 407, 4123
193.219	655

SUBPART D

193.301	—
193.303	2113, 23, 24, 406, 41, 421, 601
193.305	622, 671
193.307	600, 610, 611, 661, 64
193.309	63
193.311	22
193.313	221
193.317	602, 603
193.319	24, 314, 7330
193.321	250, 6225
193.323	75, 76
193.325	763
193.327	331, 338
193.329	333

SUBPART E

193.401	—
193.403	2101, 2114
193.405	2100
193.407	2100
193.409	2113
193.413	(2114 NFPA 59A, 1972 ed.)
193.415	2113
193.417	—
193.419	2115
193.421	—
193.423	926
193.427	2116
193.431	2116
193.433	—
193.435	63
193.437	2110
193.439	2110
193.441	2120(d), 2111
193.443	201
193.445	201

SUBPART F

193.501	—
193.503	—
193.505	401, 402, 405, 411
193.507	802
193.509	411
193.511	—
193.513	401, 47
193.515	401, 47
193.517	—
193.519	402
193.521	410
193.523	24
193.525	407
193.527	70, 71, 73
193.529	4110, 4121
193.531	42
193.533	4123
193.535	4122(f), 4123, 4124, 4126
193.537	4125
193.539	43

SUBPART G

193.601	—
193.603	800, 601, 811
193.605	524, 525, 850, 810
193.607	812
193.609	8603
193.611	8605, 870, 871, 872, 873, 821, 880
193.615	84, 651, 8612, 8614, 8611
193.617	801, 645, 6224

SUBPART H

193.701	—
193.703	—
193.705	510, 511
193.711	522, 7310
193.713	52
193.715	53
193.719	54, 55

SUBPART I

193.801	—
193.803	—
193.805	6224
193.807	711
193.809	812
193.811	3370
193.813	34
193.815	36

SUBPART J

193.901	—
193.903	—
193.905	334, 335, 35, 67
193.907	—
193.909	926
193.911	926
193.915	82
193.917	622
193.919	741
193.921	—
193.925	740
193.927	—
193.1001	—
193.1002	4000
193.1004	—
193.1005	654
193.1009	23
193.1011	400
193.1013	23, 400, 424, 440, 441, 65
193.1015	—
193.1017	623, 624
193.1019	6124
193.1023	23, 400, 424, 440, 441, 65
193.1025	650, 332
193.1027	65
193.1029	440
193.1031	—
193.1033	4000, 411, 424
193.1037	651, 654, 655

SUBPART K

In April 1977, MTB issued an Advance Notice of Proposed Rulemaking (ANPRM) (42 FR 20776, April 21, 1977) inviting public participation at an early stage in the rulemaking process for adoption of new Federal safety standards in 49 CFR Part 193. Although that notice was not a proposal to amend the present standards, it contained a comprehensive set of draft regulations which were intended to serve as a basis for public comment and participation in identification of LNG safety problems and the development of appropriate regulatory solutions to those problems, considering all reasonable alternatives. Subsequently, a correctional notice was published at 42 FR 24758; and a third notice (42 FR 42235, August 22, 1978) extended the comment period to December 1, 1978, and set forth a bibliography of resource information.

The notice of proposed rulemaking (NPRM) is based on Subparts A through K of the ANPRM. These subparts provide a broad coverage of closely related proposed standards for the design and construction of new facilities and parts of existing facilities that are replaced, relocated, or significantly altered. Interested persons can meaningfully comment on this body of proposed standards, since the remaining standards to be proposed for inclusion in Part 193 should not have a significant impact on design and construction.

Persons interested in LNG safety were particularly urged to submit comments regarding those draft regulations in the ANPRM which related to the safety problems mentioned above since those problems involve highly technical fields and LNG spill characteristics which are still being researched. Comments were also solicited on other safety problems and on environmental and economic issues; and persons were asked to support their comments with rationale and documentation, and where appropriate, to propose alternative regulations that would provide an acceptable level of safety.

To ensure that the new Part 193 does not result in costs to the private sector, consumers, or government

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above those necessary to provide an acceptable level of public safety, in the ANPRM, MTB also encouraged interested persons to submit information on the annual and aggregate costs, benefits, and other anticipated impacts associated with each of the draft regulations and all alternatives which commenters might suggest thereto. The information received has enabled MTB to adequately consider the impact of this rulemaking proposal early in the developmental process. A Draft Evaluation of the impact is in the docket for this proceeding in accordance with the Departmental procedures for improving regulations (43 FR 9582, March 8, 1978). MTB has determined that a Regulatory Analysis is not required under those procedures.

Draft Evaluation Review

The Draft Evaluation, prepared by Booz-Allen and Hamilton, is an impact analysis of the costs and benefits of the alternative potential Federal regulations affecting the sitting, design, and construction of new liquefied LNG facilities. These alternatives are:

- This Notice of Proposed Rulemaking.
- Standard 59A of the National Fire Protection Association (1975 edition).
- Recommendations made in the General Accounting Office Report EMD-78-28.
- The Advance Notice of Proposed Rulemaking issued by MTB on April 21, 1977.

For this impact analysis, the NFPA Standard 59A (1975 edition) was used as the baseline regulatory standard against which the incremental facility costs, safety benefits, employment and environmental effects, and effects on consumers of the other alternative LNG regulations were measured. Standard 59A was considered to be the baseline because it is the minimum standard that normally would be observed if the MTB does not adopt a different one. Impacts were measured for five representative facilities which included baseload, peakshaving, and satellite facilities. Projections of costs and benefits were then made for two levels of planned LNG facilities, a minimum of 6 and a maximum of 64, assumed to be built from 1979 to 1998. In addition, the actual costs of constructing the five facilities were investigated.

The Booz-Allen report concludes that the majority of sections of the NPRM regulatory alternative would not significantly affect the costs of new LNG facilities. Without considering the probability of an accident occuring, the Booz-Allen analysis indicates that a wide range of potential benefits exist. At the lower end of this range, the benefit of avoiding a 10 cubic meter spill of LNG at a remotely located satellite facility in terms of reduced accident costs is estimated at $1.5 million. At the upper end the benefit of avoiding maximum spill and ignition at a large peak-shaving facility in a densely settled area is estimated to be $29 billion.

Of the 130 sections of the NPRM analyzed, 95 sections would involve no incremental costs when compared to baseline safety standards, but 21 of these sections would have major incremental benefits. Of the remaining 35 sections, the Booz-Allen report concludes that 22 sections would have minor incremental costs. Seven of these NPRM sections would produce major benefits while the rest would have minor benefits. Thirteen NPRM sections would create a major incremental cost of more than $50,000 per component of an LNG facility. Eleven of these sections were subjected to a detailed quantitative analysis of their costs and benefits because they comprise the bulk of overall cost impacts. The eleven sections are: § 193.107, *Thermal Radiation Protection;* § 193.109, *Flammable Vapor Gas Dispersion Protection;* § 193.111, *Seismic Investigation and Design;* § 193.113, *Flooding;* § 193.117, *Wind Forces;* § 193.423, *Gas Leak Detection;* § 193.511, *Penetrations;* § 193.513, *Internal Design Pressure;* § 193.535, *Support Systems;* § 193.1027, *Non-Destructive Tests;* and § 193.1033, *Storage Tank Tests.*

Over the next 20 years, the incremental costs (in 1977 dollars, discounted at 10 percent) of these 11 NPRM sections range from $275 million to $502 million for the minimum and maximum estimated level of planned facilities. The annualized cost over the 20-year period ranges from $29 million to $54 million per year. These cost estimates are based on an operator's choosing to purchase or lease land to comply with the proposed vapor dispersion zone under *§ 193.109.* Buying or leasing land under *§ 193.109* would represent 80 percent of the incremental costs of these 11 NPRM sections. If the compliance alternative of planned vapor ignition were chosen (*§ 193.109(e)*) instead of land acquisition, the 20-year incremental costs would be reduced to either $55 million or $106 million, depending on the number of facilities, and annualized costs could be as low as $6 million. It is important to note that the planned ignition alternative is intended for situations where it would be impractical to provide a vapor dispersion zone (either by land acquisition or zoning) and an operator's plan would have to be approved by MTB.

The aggregate incremental costs of the 11 costly sections shown in the Draft Evaluation are based on an estimated cost of compliance with each section viewed in isolation from the other sections. Because of the many complex design options that might be used at a new facility, the Evaluation does not attempt to relate one section to another to determine where estimated costs or benefits may overlap (although the Evaluation acknowledges a cost overlap with regard to land acquisition under §§ *193.107* and *193.109*). For the same reason, the Evaluation does not indicate how costs might be minimized through design innovations or options. Hereafter, in the discussion with regard to the 11 costly sections, MTB has pointed out ways that compliance costs might be mitigated either through available design options or because compliance with one section may offset the cost of another section. The views of interested persons are particularly invited with regard to the possible cost savings.

The costs and benefits provided herein are intended to provide guidance to what must eventually be a difficult decision. LNG has the potential to play a substantial role in meeting the Nation's future energy needs. In recognizing this, however, we must also recognize that there is a vital need to examine the risks associated with the movement and storage of LNG, and to provide the full measure of protection to the public. What is sought here is to establish the most reasonable alternative, among many difficult ones, or new alternatives as may appear as a result of this rulemaking.

The Evaluation quantitatively estimated the safety benefits at each facility type for the 11 costly sections based on a probability assessment of risk. While each of these sections was projected to have major benefits should an accident occur, Booz-Allen concludes that net benefits would not be expected to exceed added costs because its risk assessment shows very low probability of accident occurrence. Since as the Booz-Allen report states the risk assessment is uncertain, MTB does not think it should be used as an exclusive determinant of what is necessary for public safety. Rather, because of the potential catastrophy which may result from a foreseeable accident, MTB's decision to propose measures for public protection has been based on what can reasonably be accomplished without incurring extreme costs. Comments are specifically requested on this issue.

As further reason for proposing adoption of the 11 costly sections, MTB recognizes that the industry's actual "self-imposed" safety practices in many instances exceed the standards in NFPA 59A. In particular, with regard to §§ 193.107, 193.109, 193.113, 193.423, and 193.1027, the bulk of commenters' suggested changes were

adopted, in whole or in part. These comments indicate that in many instances "self-imposed" industry practices exceed NFPA 59A standards. This is supported by the Booz-Allen report that found the most recently completed facility at Elba Island had safety features which exceed the requirements in NFPA 59A. A further discussion of the costs and benefits of all 11 sections is covered hereafter in the discussion related to the sections.

Over 4,000 pages of comments were received on the ANPRM from 135 different commenters. Most of the comments were from industry associations or LNG operators, but a few government agencies, nonindustry-related organizations, and individuals also commented.

About 15 percent of the commenters agreed with MTB's view that the standards in NFPA 59A are inadequate and could be improved. In support of this view comments indicated that most LNG facilities being designed and constructed today are designed and constructed to levels of safety exceeding the current requirements in NFPA 59A.

While the bulk of the comments received related to specific draft regulations set out in the ANPRM, there were many general comments that deserve attention. About one-fourth of the commenters encouraged MTB to continue to adopt the NFPA 59A standards. These commenters argued that the need for new standards has not been demonstrated because the LNG industry has an enviable safety record, with no accidents in operating facilities in over 20 years. Most of these commenters mentioned the excellent quality, experience, and expertise of membership in the NFPA 59A Committee, over 50 experts in LNG technology.

Even though many commenters proposed that MTB continue to reference NFPA 59A, about one-fourth of these commenters recognized the need for improved standards. Many suggested that MTB add to the NFPA 59A standards where necessary, while adopting as much of NFPA 59A as possible.

Over half of the commenters said that the draft Part 193 in the ANPRM would be an excessive or overly burdensome body of regulations, or that the draft needed major modification. Many commenters proposed two sets of standards—one for "peak-shaving" facilities (used by gas distribution companies to supplement gas supplies during periods of high demand) and one for major import terminals. Many persons commented that the draft regulations were too specific and would not permit alternative approaches or implementation of new technological development, and they argued that performance language should be used. Also, several commenters proposed that regulations should be developed in closer cooperation with nongovernment organizations such as the American Gas Association.

MTB does not agree that there is not any need for the development of new, more stringent Federal standards for LNG facilities. The hazard from a catastrophic spill of LNG is very significant. The spill of LNG from a rupture of two LNG storage tanks in Cleveland on October 20, 1944, that killed 130 persons and injured 225 more, very clearly represents the extent of potential hazards and subsequent consequences if a large amount of LNG escapes. Although there have not been any major incidents since then in the operation of LNG facilities in the United States, research conducted by various government agencies and industry groups on thermal radiation and Vapor cloud dispersion has further indicated the significant potential hazards that would occur if LNG escapes. Also, as indicated in the ANPRM and the study by ADL mentioned above, MTB has identified many deficiencies in the present standards which should be corrected to mitigate the potential for a major spill of LNG and provide an acceptable level of public safety. Some of the deficiencies can be corrected by clarifying or restating in enforceable terms provisions of NFPA 59A. However, the more significant ones (such as those relating to seismic design and the design of storage tanks and impounding systems) require the development of entirely new standards.

NFPA continues to express the fear that the new Federal regulations will eliminate the need for the NFPA 59A Committee and result in disbandment of a valuable group of LNG experts. Alternatively, NFPA suggests that MTB work within the NFPA standards-setting process to bring about the needed changes in LNG safety regulations. While MTB fully recognizes the quality, experience, and expertise emobodied in the NFPA 59A Committee, MTB does not agree that such a vital function as setting the level of safety for LNG facilities should be left to a nongovernment organization. Even though the NFPA process for standards development may be fair and open to everyone, it still does not provide a forum equivalent to the Federal rulemaking process where decisions are made on the broadest possible base of information, the decision makers are subject to public scrutiny, and independent judgment is applied to develop standards that serve the public interest. As a consensus standards developing body, by its nature, the NFPA 59A Committee generally reflects a perspective common to the group. Moreover, because of the various ties, most Committee members owe allegiance to the industries affected by the standards. Therefore, while use of the NFPA 59A standards as a basis for Federal safety regulations may be reasonable, the standards still must be evaluated with care in light of public safety and welfare interests—a function inherent in the Federal rulemaking process.

It is clear the the NFPA 59A Committee is important to MTB's regulatory program for LNG facilities, but the functions of each organization differ. The NFPA should devise and recommend means of meeting the governmentally prescribed safety level and investigate new areas where regulations may be needed or existing regulations should be changed. To that end, MTB wants the NFPA 59A Committee to continue to participate in the rulemaking process on the development of the new Part 193 and expects that a signficant public benefit will be achieved.

MTB essentially agrees with the commenters that proposed that MTB adopt NFPA 59A to the extent possible. However, because of the difficulties in adapting the format of NFPA 59A to Federal regulation format and the need for appropriate regulatory language to facilitate enforcement of the LNG regulations, only a few sections of NFPA 59A are being proposed for incorporation by reference in Part 193. Other 59A sections are used as a basis for, and restated as, Part 193 sections.

MTB has reviewed the comments to the ANPRM and has adopted those comments which it deems appropriate. Those draft regulations in the ANPRM which comments indicated were particularly burdensome or unneeded have been revised where appropriate as discussed hereafter. However, the proposal for two separate sets of standards—one for "peak-shaving" facilities and one for large import terminals—as suggested by several commenters, has not been adopted. Instead, as set forth in the draft regulations in the ANPRM, those components that because of size should meet different standards have been designated in the text of the proposed regulations. Commenters to these proposed regulations should further point out those particular areas where different standards might be appropriate because of size of component or the extent of the operation of an LNG facility and its associated risk.

MTB has tried not to be overly rigid and to permit alternative approaches for specific safety concerns. Where appropriate, draft regulations in the ANPRM have been revised to allow this flexibility. In this regard, MTB recognizes the technological development occurring in the LNG field.

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MTB has generally stated the proposed requirements in performance terms, using specific requirements where deemed necessary for safety, and also referencing several industry consensus standards. The use of performance language rather than specification (how-to-do-it) language is consistent with the longstanding Departmental policy in prescribing Federal pipeline safety standards. Performance standards prescribe what level of safety must be achieved, leaving the regulated industry free to develop and use improved technological means of meeting the required level. Where necessary, the performance standards may include tests and analytical procedures to check that the level of performance if achieved.

MTB does not concur with those commenters who suggested that the new LNG regulations should be developed in cooperation with private groups outside the government. The groups recommended generally reflect the limited view of the regulated industry. With regard to the comments that MTB develop these regulations in coordination with the U.S. Coast Guard, MTB agrees, and this NPRM has been so developed. Also, the subsequent development of final rules will be in coordination with USCG.

The proposed Part 193 would be adopted under the Natural Gas Pipeline Safety Act of 1968 (49 USC 1671 et seq.). The jurisdiction of that Act is limited to LNG facilities which are used in connection with a system for pipeline transportation of natural gas to consumers. Thus, the contemplated Part 193 would not apply to facilities used exclusively in the transportation of natural gas or LNG by modes other than pipeline. For example, the standards would not apply to an LNG storage and transfer facility at a marine terminal used to transfer LNG between ships or barges and rail or motor carriers unless the facility was also connected with a system for pipeline transportation. Also, Part 193 would not apply to LNG facilities used by ultimate consumers of LNG or natural gas or facilities used in the course of natural gas treatment or hydrocarbon extraction which do not store LNG. With regard to the proposed development of offshore LNG facilities, while the standards would apply, it is proposed that an offshore LNG facility need not comply with any requirement of Part 193 which the Secretary of Transportation finds impractical or unnecessary because of the offshore location (Section 193.2).

While almost all existing and planned facilities involve the supply or delivery of natural gas by pipeline, as LNG facilities become more widespread, it may be necessary to enlarge the scope of the Federal regulations to cover facilities which are not related to the pipeline transportation of natural gas. Any future action that may be taken with regard to these LNG facilities would, under current law, be by authority of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.).

Effective February 7, 1978, the U.S. Coast Guard (USCG) and the Materials Transportation Bureau executed a Memorandum of Understanding (MOU) with respect to a division of regulatory responsibilities for waterfront LNG facilities, or those facilities which are on, or immediately adjacent to, the navigable waters of the United States. This MOU was published in the FEDERAL REGISTER on July 14, 1978 (43 FR 30381).

The division of responsibilities agreed to by the MOU was considered necessary due to the overlapping regulatory authority of the USCG and the MTB affecting the siting, design, construction, operation, and maintenance of waterfront LNG facilities.

The text of the Memorandum of Understanding follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES COAST GUARD AND THE MATERIALS TRANSPORTATION BUREAU FOR REGULATION OF WATERFRONT LIQUIFIED NATURAL GAS FACILITIES

I. INTRODUCTION

Within the Department of Transportation (DOT), the United States Coast Guard (USCG) and the Materials Transportation Bureau (MTB) exercise separate and overlapping safety regulatory authority affecting the siting, design, construction, maintenance, and operation of waterfront liquified natural gas (LNG) facilities adjoining the navigable waters of the United States. The USCG derives its authority over such facilities from the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 33 U.S.C. 1221-1227) and the Magnuson Act (50 U.S.C. 191). The regulatory authority of the MTB over these same facilities (as well as non-waterfront LNG facilities) is derived from the Natural Gas Pipeline Safety Act of 1968 (Pub. L. 90-481, 49 U.S.C. 1671 *et seq.*) and the Hazardous Materials Transportation Act (Pub. L. 93-633, 49 U.S.C. 1801 *et seq.*).

In recognition of each of the parties' respective regulatory responsibilities, the USCG and the MTB agree that a memorandum of understanding is needed to avoid duplication of regulatory efforts regarding waterfront LNG facilities and to maximize the exchange of relevant information.

II. RESPONSIBILITIES OF THE PARTIES

For the foregoing reasons, the USCG and the MTB agree to the following division of regulatory responsibilities with respect to waterfront LNG facilities and cooperation in carrying out those responsibilities:

USCG RESPONSIBILITIES

The USCG is responsible for establishing regulatory requirements for—

(1) Facility site selection as it relates to management of vessel traffic in and around the facility;

(2) Fire prevention and fire protection equipment, systems, and methods for use at a facility;

(3) Security of a facility; and

(4) All other matters pertaining to the facility between the vessel and the last manifold (or valve) immediately before the receiving tank(s)

MTB RESPONSIBILITIES

The MTB is responsible for establishing regulatory requirements for—

(1) Facility site selection except as provided by paragraph (1) of the "USCG Responsibilities" set forth in this Memorandum; and

(2) All other matters pertaining to the facility beyond (and including) the last manifold (or valve) immediately before the receiving tank(s) except as provided by paragraphs (2) and (3) of the "USCG Responsibilities" set forth in this Memorandum.

JOINT RESPONSIBILITIES

(1) The USCG and the MTB will cooperate and assist each other in carrying out their respective waterfront LNG facility regulatory enforcement activities; and

(2) The USCG and the MTB, in an effort to avoid inconsistent regulation of similar safety matters (including as between waterfront and non-waterfront LNG facilities), will consult with each other before issuing each Advance Notice of Proposed Rulemaking, Notice of Proposed Rulemaking, and final regulation affecting waterfront LNG facilities.

Dated: February 7, 1978.

For the United States Coast Guard.

ADM OWEN W. SILER,
Commandant.

Dated: February 1, 1978.

For the Materials Transportation Bureau.

L. D. SANTMAN,
Acting Director.

Concurrent with this proceeding, the USCG is developing regulations for the storage and handling of hazardous materials, including LNG, at ports. On August 3, 1978, the USCG issued an Advance Notice of Proposed Rulemaking in the FEDERAL REGISTER (43 FR 34362) inviting public participation at the earliest stages in the development of regulations to provide standards for safety, security, and environmental protection in the transportation, transfer, handling, and storage of liquefied natural gas at water front facilities. The USCG intends for these regulations to become an integral part of its revised general waterfront facilty regulations. The USCG published an Advance Notice of Proposed Rulemaking as General Waterfront Facilities Requirements (43 FR 15107) on April 10, 1978. MTB and USCG are coordinating their regulatory activities in this area to preclude problems involving overlapping jurisdiction in consonance with the MOU.

The ANPRM issued by MTB included draft regulations relating to (1) fire prevention and fire protection equipment, systems and methods for use at a facility; and (2) security of a facility. At a waterfront LNG facility, in accordance with the MOU between MTB and the USCG, these safety matters will be subject to USCG regulatory responsibility. Accordingly, this NPRM, covering only design and construction, does not include standards for these two areas. Although both fire protection and security for nonwaterfront facilities will be covered in MTB's next NPRM in this proceeding, which will cover operation and maintenance topics, appropriate delineation of the limits of MTB's responsibilities under the MOU over fire protection and security will be set forth in that notice. There are standards in this notice which could be applied to that part of a waterfront facility between the vessel and the last manifold (or valve) immediately before the receiving tank(s), but in accordance with the MOU, an operator would refer to USCG requirements for applicable design and construction regulations for this portion of a waterfront LNG facility (See § 193.1(b)(3)).

MTB and USCG have coordinated in developing a format that would be used by both agencies in the development of regulations for all waterfront facilities, including LNG facilities. Using a similar format for all of the DOT waterfront facility regulations in Part 193 will make it easier for the regulated industry to use these regulations. The proposed format to be used by MTB, as well as by the USCG, in the issuance of the final regulations for LNG facilities will be the following:

Subpart A—General
Subpart B—Siting
Subpart C—Design
Subpart D—Construction
Subpart E—Equipment
Subpart F—Operations
Subpart G—Maintenance
Subpart H—Personnel Qualifications & Training
Supart I—Fire Protection
Subpart J—Security

The notice of proposed rulemaking, however, does not follow this format. The NPRM follows the same format, section by section, as published in the ANPRM. In this way commenters to the ANPRM are able to more easily follow any revisions made by MTB to the draft proposed regulations issued in the ANPRM.

The following portion of the preamble discusses the comments made to each particular section in the draft regulations in the ANPRM as well as any revisions to those draft regulations used in developing the standards proposed in this notice.

SUBPART A—GENERAL

This subpart would explain the applicability of Part 193 to new and existing facilities and define several terms. If a term used in the proposed Part is not defined, it is used in its ordinary sense or the sense commonly understood in the LNG industry. Subpart A would also set forth rules for interpreting certain regulatory terms, explain how documents are incorporated by reference in Part 193, and make it clear that leaks and spills of LNG are to be reported to the Secretary as required by Part 191 of title 49 of the Code of Federal Regulations.

Applicability. In response to numerous requests that § *193.1* indicate more precisely which LNG facilities would be covered by Part 193, this section has been rewritten to refer to facilities used in the transportation of gas by pipeline that are subject to the Natural Gas Pipeline Safety Act of 1968 and the Federal Gas pipeline safety standards in 49 CFR Part 192.

There were many recommendations that LNG facilities not covered by Part 193 should be described in § *193.1.* As a result, § *193.1(b)* now sets forth three types of facilities not covered by the proposed Part 193. Consistent with the present regulation of LNG facilities in 49 CFR Part 192, the first type is an LNG facility used by an ultimate consumer of the product. The second applies to the large number of refinery-type plants which use low temperature processes. One commenter expressed great concern about the adverse economic effect that could result if these plants were regulated by Part 193. MTB believes that since LNG facilities of this type do not receive, store, or transport LNG, they do not present a level of hazard comparable to a typical LNG facility and, therefore, are not proposed to be covered. A third exemption applies to those aspects of a waterfront LNG facility receiving or sending out LNG by marine vessel which are to be regulated in accordance with the MOU between MTB and the USCG.

A new § *193.2* has been added covering "offshore LNG facilities." As mentioned in the ANPRM preamble, MTB believes that if facilities of this type are built, they should comply with the proposed standards to the largest extent practicable. Two commenters to the ANPRM mentioned that such facilities would not be appropriately covered by the draft regulations. MTB agrees, and will study this aspect further to determine what more appropriate standards would be needed for facilities in the offshore environment. However, in the interim, it is proposed under § *193.2* that any questions involving the appropriateness of a standard for an offshore facility be resolved by MTB on a case by case basis. Also, MTB recognizes that the USCG as well as other agencies have jurisdictional responsibilities over the safety of offshore facilities. As in the case of waterfront LNG facilities, MTB and the USCG intend to reach an understanding as to how their respective jurisdictional responsibilities will be exercised to preclude any overlaps from becoming an unnecessary regulatory burden. Final rules regarding offshore LNG facilities that are developed as a result of this notice would reflect this understanding.

Under the Natural Gas Pipeline Safety Act of 1968, general safety standards affecting the design and construction of "pipeline facilities" may not apply to facilities in existance when the standards are adopted (49 U.S.C. 1672(b)). Section 193.3 in intended to apply this statutory requirement with respect to LNG facilities that would be subject to Part 193.

The majority of commenters addressing § *193.3* in the ANPRM felt that to apply the design and construction requirements of Part 193 to facilities "substantially under development" when the new rules are adopted, even if such application were practical, would be much too indefinite and could lead to enforcement difficulties as well as adverse economic effects. A wide variety of recommendations were given for establishing an appropriate cutoff point whereby an existing facility would not be subject to the design and construction standards intended for new facilities. Many commenters recommended the beginning of construction as an appropriate cutoff point. This view was adopted as most reasonable and easy to apply. As restated, § *193.3(b)* now provides that any component of an LNG facility upon which construction, installation, relocation, replacement, or significant alteration is begun after Part 193 is issued would have to meet the requirements of Part 193 related to design and construction, including siting and initial testing and inspection. Of course, as stated in § *193.3(a)*, all facilities would have to comply with the requirements of Part 193 which affect operation and maintenance.

Considerable concern was expressed also that the suggested scopes of various subparts in the ANPRM would make design and construction requirements apply retroactively to all components of an existing facility if any one component were changed. Since this result was not intended, MTB has modified the scope of individual subparts in this notice (Subpart B and K) to more clearly define each subpart's intended applicability to new or existing facilities, consistent with § 193.3. (See §§ 193.101, 193.201, 193.301, 193.401, 193.501, 193.601, 193.701, 193.801, 193.901, 193.1001). In this regard, MTB believes that it is in the public interest to require that existing LNG facilities meet the design and

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construction requirements applicable to new facilities to the exent an existing facility is replaced, relocated, or significantly altered. In applying the standards in this way, it is not intended to unnecessarily restrict the improvement or expansion of existing facilities, but to enchance their level of safety.

Definitions. Many commenters suggested changes to various definitions in § *193.5.* Appropriate editorial and clarifying revisions were made to the suggested definitions of certain terms in response to comments. The terms "bunkering," "gasification," and "gasifier" are deleted because changes to the proposed standards and the division of responsibility with the USCG made these definitions unnecessary. The suggested definitions of "LNG" and "LNG facility" are combined. Also, the term "storage tank" is changed to include underground caverns to assure that if caverns are used to store LNG they meet the applicable safety requirements of Part 193. The following definitions have been significantly changed as a result of comments to the ANPRM:

"Cargo transfer system" is made more concise and revised to apply to the transfer of hazardous "fluids" rather than hazardous "liquids" between piping and a tank car or tank truck.

"Controllable emergency" and "emergency" are revised to mean situations where prudent action can prevent "harm" rather than prevent a "hazard," since some form of hazard is implicit in either term.

"Determine" is revised to mean an "appropriate" investigation using scientific methods rather than a "thorough" investigation.

"Exclusion zone" is revised to permit governmental control as well as control by an operator of activities within the zone in accordance with the proposed § *193.107* and § *193.109.* This change would allow means others than ownership by an operator to provide the required restrictions on land development around an LNG facility.

"Piping system" is revised to delete the reference to "insulation" and to make the term applicable to the containment of hazardous fluids.

Regulatory Terms. In § *193.7,* subparagraph (b)(3) has been deleted because the gender of sex is not used in the proposed Part 193.

Inspection and Maintenance Plans. As an improvement in format, § *193.9* in the ANPRM, "Filing inspection and maintenance plans," has been transferred to Subpart M, Maintenance, and will be incorporated in the NPRM on that subject to be issued in March, 1979.

Reporting. Operators of gas distribution systems and transmission systems which include LNG facilities are required to report leaks and spills of gas or LNG at LNG facilities under the reporting requirements of 49 CFR Part 191. A new § *193.10* is added in this notice to assure that there is no misunderstanding regarding this reporting requirement. The MTB recognizes that LNG facilities are not effectively covered by the present reporting forms under Part 191. Until these forms are changed, however, information applicable to leaks or spills of gas or LNG at LNG facilities must be reported to the maximum extent possible on the existing forms prescribed by Part 191.

SUBPART B—SITE RELATED DESIGN REQUIREMENTS

This subpart would establish design criteria pertaining to the site of a new LNG facility or the site of an existing critical component which is replaced, relocated, or significantly altered. A site would have to provide safe separation distances needed for public protection in the event of a spill and would have to be designed to withstand the effects of natural and man-made hazards which may occur at the site.

Site Acceptability. A small number of comments were made about § *193.103* in the ANPRM, which suggested that a site not be used for an LNG facility unless it is investigated and designed in accordance with Subpart B. The most significant comments proposed that Section 20 of NFPA 59A be adopted instead, or that § *193.103* be deleted because it duplicates Federal, State, or local authority in establishing an acceptable LNG facility site. The proposal to use the more general NFPA wording was not adopted because MTB feels that the present requirements in NFPA 59A are not sufficient to ensure the adequate investigation of a site for an LNG facility. The proposed Subpart B has considerably broader and more appropriate requirements. With regard to the comments suggesting possible duplication of other governmental authority, MTB acknowledges the authority of other agencies over the non-safety related aspects of siting an LNG facility, but DOT authority is primary with regard to the safety aspects of siting. Therefore, § *193.103* is necessary and does not duplicate any other Federal, State, or local jurisdiction.

Persons commenting on the general siting criteria suggested by § *193.105,* suggested editorial changes which they felt would clarify the intent of this provision. A few commenters felt that general siting requirements should be limited to a land-based site so as not to preclude use of offshore locations that could not comply with the suggested requirement for ease of access to the site. This suggestion was not adopted since the proposed standards in Part 193 are intended to apply to offshore facilities to the maximum extent practical and MTB feels that offshore LNG facilities could comply with a proposed requirement for "ease of access." Several suggestions to modify the term "ease of access" were not adopted. MTB feels that this phrase adequately describes the space needed for access by offsite emergency response personnel and as one commenter suggested, evacuation of personnel. Similarly, MTB feels that the term "jeopardize" adequately describes the intent of the proposed requirement that an operator investigate all site characteristics which have potential for harm to the facility. MTB did not adopt the comments that Sections 200 and 925 of NFPA 59A be adopted as a general requirement because it was felt that § *193.105* better states the broad intent of this proposal rather than the narrower wording of NFPA 59A. The suggested rule is modified, however, to adopt those comments that argued that as a general standard, a site should enable a facility to be "designed to minimize hazards."

Thermal radiation protection. Under § *193.107* each space provided for impounding, or holding, a spill of LNG would have to be located a sufficient distance away from certain structures or areas of public assembly (as set forth in § *193.107(d)*) outside the LNG facility so that persons would have protection from the heat of any fire which may occur at the impounding space. Added protection is necessary because even a small spill of LNG into an impounding system can result in a fire just as hot as that from a large spill. For a new facility, the proposed distances could range from about 50 to 500 meters.

The current Federal standard for protection against the heat, or thermal radiation, from a fire (49 CFR 192.12) as well as the 1975 edition of NFPA 59A prescribe a safe distance based on a fixed level of heat flow at the plant boundary (measured as units of thermal flux equal roughly to 10,000 BTU/ft²hr.). A formula is provided for computing a safe distance depending on the area of impoundment ($d=.8A^{.5}$). However, evidence shows that at the prescribed distance, persons would not be adequately protected if they are openly exposed to such heat levels or in buildings that do not provide adequate shielding from the heat.

In the ANPRM, MTB suggested that safety be provided by safe distances to structures, with distances varying according to the effect of heat on the structure, and by distance to open areas based on the time people would need to walk away or seek shelter. By using a diagram to precisely define a method for measurement of the distance, the ANPRM approach took into account site topography and the effect of wind on a fire that might be expected during the early stages of ignition.

Some commenters appeared to favor retention of the NFPA method, but many commenters supported the use of allowable thermal flux levels as the basis for determining a safe zone rather than prescribing the distances. In consideration of these views, § *193.107* has been modified. Under § *193.107(d),* maximum allowable thermal flux levels are proposed for different structures and open areas, and under § *193.107(b) and* (c), a method for measuring and determining distance is proposed.

Section *193.107(a)* of the ANPRM has been changed to clearly show that a "thermal exclusion zone" is defined by the computed safe distances. A number of commenters objected to use of the word "target" to refer to a structure or open area, stating that it has an unfavorable meaning. However, in view of the general acceptance of the definition of target and because the term is used extensively in technical literature on thermal flux from an LNG fire, adoption of this comment does not appear justified. Some commenters to § 193.107(a) in ANPRM also objected to use of the term "flammable liquid," preferring instead "LNG." Considering the relative quantities of flammable liquids other than LNG at a facility, exclusion zones for other liquids should fall within the boundaries of exclusion zones for the larger LNG volumes. Therefore, § 193.107(a) is changed to apply only to LNG impounding systems.

A large number of commenters stated that local weather conditions should be considered in defining safe distances. Neither NFPA 59A nor the ANPRM, which each rely on assumed fixed conditions, provide for local variations. However, in view of the comments and the wide range in ambient weather conditions that may exist at proposed sites, and the effect variations may have in defining appropriate thermal exclusion zones, provisions for site specific conditions appear justified.

Among the commenters who proposed procedures for determining the thermal exclusion zone, only one proposed a precise method of measurement. This proposal essentially was based on the diagram in § *193.107(b)* of the ANPRM, but added modifications for flame angle and length related to flame base dimensions and local wind condition. Although the ANPRM method did not intend to specifically account for flame angle and height because of the uncertainities involved in LNG fire characteristics, in this notice the measurement diagram is changed in § *193.107(b)* to provide for site specific determination of flame angle and length of the flame. The flame angle and length of flame would affect the amount of thermal radiation in the thermal exclusion zone.

One commenter presented a comparison showing the differences that can be expected in flame angle depending on the method of computation used. Others indicated that a specific method should not be mandated due to the lack of verification by current technology. These comments serve to illustrate the uncertainties involved and emphasize the need for a definitive procedure to assure uniform safety levels at all facilities. Most commenters who specifically addressed the flame angle aspect recommended use of the American Gas Association (AGA) report. MTB proposes that the AGA Interim Report, IS-3-1 (July 1, 1974) be used for determining flame angle and length under § *193.107(b).*

Commenters said that using the ANPRM method for measuring distance would not reflect flame length when impoundment dimensions are long and narrow, as the case might be with transfer piping. Consequently, a requirement to account for this situation has been included as a note under § *193.107*(c). The note provides that the thermal flux on a target must be determined on the basis of multiple fire sources when impounding systems with base dimensions in a ratio of more than 2 are involved.

In accordance with the suggestion of one commenter, the term "innermost" has been added to the definition of point (D) under § *193.107(b)* to better describe the way a safe distance is measured. This change is needed in order to make clear which dike is referenced in a multiple diking system.

Most commenters who suggested methods to determine safe distances proposed that AGA report IS-3-1, or "a method at least as accurate" be used. Others did not reference a data source but specified factors to be considered in determining distances and some suggested that determinations should be made by an engineering consultant. Two prepared comparative data showing the diversity of results that might be expected depending on the method employed.

While the AGA report does not provide a unique model for distance determination, two commenters proposed a unique model for distance determination based on that report (see Columbia LNG Corp. Consolidated Systems LNG Co. comments). The model suggested appears to be appropriately conservative. Accordingly, with some modification, this model is proposed in this Notice under § *193.107*(c)(*2*). The model provides for site specific parameters suggested by many other commenters and thermal flux levels discussed under § *193.107(d).* Although the commenters' model is based on a thermal flux of 31,500 BTU/ft.² hr., at the fire, the MTB proposes that 45,000 BTU/ft.² hr. be used in view of the uncertainties regarding this value. For example, the AGA IS-3-1 report suggests a value of 56,000 BTU/ft.² hr. for use in one instance. Also, large verification testing has not yet been performed to determine maximum flux from a large fire, which some experts believe may exceed 50,000 BTU/ft.² hr. In addition, preliminary results from research performed for the Department at China Lake, California, have shown that there are still uncertain characteristics about LNG fires.

These same commenters also proposed that a mathematical formula on thermal flux be permitted as an alternate method for determining distance. MTB has incorporated this proposal under § *193.107*(c)(*1*), since it will permit LNG facilities, particularly those of smaller size, to establish thermal exclusion zones with less data accumulation and computation.

Several commenters to § *193.107*(c), in the ANPRM felt that thermal exclusion distances derived as suggested would be much too short. Many others argued that the ANPRM distances would be excessive and proposed retention of the 10,000 BTU/ft.² hr. thermal flux level set by NFPA 59A. With regard to open areas (category (1) under § *193.107(d)*) most commenters recommended that the flux level be 1,600 BTU/ft.² hr., since it is the level for human exposure recommended in recent technical reports. This level was said to be conservative because clothing could afford some protection and there would be sufficient time (20 seconds) for a person to either find shelter or move away. Also, the commenters asserted that if a wind factor is used in conjunction with the measurement diagram it would afford some safety when the wind speed is low, or, for remotely located areas, provide some cooling effect. In addition, altering position to change the area of the body exposed to the radiant heat would allow additional escape time.

At the same time, the Department of Housing and Urban Development (HUD), who is developing its own standards for locating HUD sponsored outdoor recreational projects near LNG or other highly volatile liquid facilities, has expressed a vew in a letter dated November 28, 1978, that 1600 BTU/ft² hr. would provide little time for people to take protective measures. In HUD's view a 20-second reaction time to find refuge before experiencing pain would be unrealistic,

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since it is doubtful that people at a crowded beach, swimming pool, or other exposed recreational area would be able to find shelter within that time. HUD also asserts that special attention should be given to the limited mobility of the elderly, small children, and the handicapped. Accordingly, HUD recommends, that a more realistic reaction time be provided such as 2 minutes which corresponds to a thermal flux of 500 BTU/ft² hr. HUD further recommends making this thermal flux level applicable to yard areas associated with residential dwellings since the levels recommended by the ANPRM would not allow sufficient time for persons outside their homes to escape radiant heat in the event of an LNG fire. On this latter point MTB does not agree because setting a low level for yards would have the concomitant effct of requiring unnecessarily long separation distances for houses, and unlike outdoor recreational areas, houses are readily available as shelter for persons in yards. Because of questions raised by HUD and the differing views stated by commenters, MTB is proposing that a level between 500 and 1600 BTU/ft² hr. be adopted for open areas under category (1) of *§ 193.107(d)*. To avoid confusion, the 1600 BTU/ft² hr. level is shown in the text of the rule, but this level may be reduced in the final rule depending on the views expressed by commenters.

With regard to certin cellulose (wood or wood fiber) or metal structures, (category (2) under *§ 193.107(b)*), commenters recommended that 4,000 BTU/ft² hr. be adopted, since at this level structural properties available to shield persons or materials will not be impaired. This recommended flux level is adopted for this Notice.

In response to recommendations that safe distances for transportation facilities be specifically addressed, a new category (3) is included in this Notice. For reasons given above, and since either shelter or a more rapid means of escape would be expected, the flux level for category (2) applies to this new category also.

A flux level of 10,000 BTU/ft² hr. for masonry structures (category (3) in the ANPRM) was generally accepted and is retained in this Notice as category (4).

With regard to the proposed flux of 6,700 BTU/ft² hr. for other cellulose, metal or masonry structures (category (4) in the ANPRM) one commenter thought it could be too restrictive in some situations and not restrictive enough in others. Two who proposed detailed procedures did not object to the category and flux level. This category and flux is retained in this Notice as category (5) to provide protection for less critical structures. Some safety factor is included for the integrity of metal structures and ignition of cellulose materials in view of the many uncertainties that remain with respect to thermal radiation levels.

Some of the commenters suggested varying acceptable flux levels with structures identified by local zoning descriptions. MTB, however, believes the concept of zoning would not be useful since, for example, in an industrial zone, a high-concentration of humans could be exposed to high levels of thermal flux.

A variety of methods to mitigate heat radiating from a fire, such as high expansion foam and water screens, have been considered for inclusion in the Notice. Many commenters, including one who prepared an extensive report covering this and other factors, felt that a reduced exclusion zone should be permitted when a facility has foam systems. Based on available data, it appears that high expansion foam can reduce the magnitude of heat radiation. However, MTB is not proposing that exclusion distance determinations be modified to account for any potential mitigating effects of foam or other systems since there is insufficient data to assure predictable results particularly for large scale events.

The Draft Evaluation for this Notice shows that the proposed *§ 193.107* would have a major cost impact on construction of a new LNG facility as compared to NFPA 59A because of the additional land area that would have to be acquired. MTB believes that there are factors which may lessen the cost impact of the proposed *§ 193.107:*

(1) Selection of a site which minimizes the need for construction of additional pipelines so that the combined cost of land and piping is not high.

(2) Choosing a site where, because of the nature of the surrounding area, the thermal flux permitted under the proposed *§ 193.107* would equal or approach that allowed by NFPA 59A.

(3) Locating a facility where local meteorological conditions would result in lower exclusion distances.

(4) Utilizing government land controls to provide the necessary distances rather than purchasing the land.

(5) Utilization of alternative plant designs to reduce the exclusion distances. For example, the use of either Class I impounding system (*§ 193.407*), cavern storage, or a larger number of small tanks would minimize the necessary distances. Such designs could also provide savings in compliance with other proposed standards.

Protection Against Gas Dispersion. While the thermal exclusion zone requirements in *§ 193.107* would provide protection from thermal radiation of a potential fire on a facility, *§ 193.109* would protect against the hazards of a vapor plume traveling downwind from a large spill of LNG. Section *§ 193.109* would require that each LNG impounding space be surrounded by a "vapor dispersion exclusion zone" computed on the basis of separation distances within which places of outdoor assembly and certain structures (as set forth in *§ 193.109(a)*) would be prohibited and LNG vapor would dissipate. Alternatively, safety would be provided by igniting LNG vapors at the plant site. Depending on the site of a facility, as stated in the Draft Evaluation, an exclusion zone could range from about 500 to 5,000 meters.

The Draft Evaluation for this Notice shows that *§ 193.109* would have a major cost impact if the "exclusion zone" alternative is chosen in design rather than planned ignition of vapors. Since the bulk of this cost would be due to land acquisition, most of the factors discussed under *§ 193.107* on how land costs might be mitigated are equally applicable to *§ 109.109.* Even assuming a low probability of accident event that would cause flammable vapors to leave a plant site, MTB believes the added costs involved are justified by the potentially disastrous effects that could result from ignition of a vapor plume in a populated area.

Several commenters expressed concern that *§ 193.109(a)*, which suggested that new LNG facilities be surrounded by a dispersion exclusion zone, would prohibit any structure, even control rooms, within LNG plant boundaries. Obviously, each structure or component in an LNG facility must be located within the facility's exclusion zone and, therefore, *§ 193.109(a)* is changed in this Notice to make it clear that items prohibited within the zone are not those associated with the LNG facility.

With respect to *§ 193.109(b)* in the ANPRM, a number of commenters objected to an exclusion zone being required for impounded liquids other than LNG, because of the differences in physical characteristics and possible conflict with acceptable practices. Objections were also expressed to the suggestion that an additional safe distance to protect against thermal radiation be added to the dispersion distance on the grounds that continuous burning of dispersed gas, as with a pool fire, would be unlikely. Regarding these comments, MTB agrees that because of the larger dispersion distance needed for LNG, a safe distance for LNG is likely to extend well beyond that needed for other liquids. MTB also agrees that it appears unlikely that ignition would occur at the precise instant of maximum dispersion. Consequently, *§ 193.109(b)* is changed

in this Notice to eliminate reference to commodities other than LNG and to any added distance.

A mathematical model in the AGA report, IS-3-1, was suggested in *§ 193.109(c)* of the ANPRM for use in determining a safe dispersion distance for LNG spills. Many commenters agreed with the use of IS-3-1. Similarly, the NFPA 59A, 1975 ed., recommends IS-3-1 for determining vapor dispersion distances. However, many commenters objected to the proposed model on the basis that it is applicable to instantaneous spills only, and is now outdated. They suggested that other models should be adopted or that the selection of a model should be delayed pending further research. Upon further evaluation, it appears that some error in test data may have existed and that an alternative to the IS-3-1 model should now be proposed.

MTB believes a specific model giving conservative results should be adopted as a standard to assure that adequate safety levels are uniformly established. The model being proposed (Appendix B of "Evaluation of LNG Vapor Control Methods" American Gas Association) was recommended by many of the commenters and currently is believed to have a sound basis and background development.

The ANPRM suggested that computation of dispersion distance be based on gas concentrations of 2.0 percent. This value is changed in this notice to 2.5 percent, a more appropriate level.

Instead of fixed weather conditions suggested in the ANPRM, site specific variables are proposed for use in the model. This change was proposed by many commenters and is justified for the same reasons discussed above regarding the use of site specific variables in determining safe distance for thermal radiation.

MTB is not proposing that less distance be permitted if higher dikes are used since current evidence to support this change appears insufficient.

Most commenters to *§ 193.109(d)* in the ANPRM regarding vaporization rates indicated that to determine dispersion distances based on an assumed sudden instantaneous spill would not be creditable. Other commenters proposed use of the 10-minute design spill rate set forth in NPFA 59A, but MTB believes that use of an arbitrary design spill could result in an excessive dispersion distance in some cases and not enough in others.

Both the ANPRM and this Notice base the proposed protection against the threat of gas dispersion under *§ 193.109* on the premise that more stringent design requirements for components would make a catastrophic failure unlikely as long as accident causes are predictable and can be accommodated by engineering design. Under this condition projected spill rates into an impounding system can safely be based on the discharge from a failed transfer line, and vapor generation rates limited to the spill rate itself plus flash vaporizations. Where transfer piping runs over a dike and automatic shutdown is available, as proposed by this Notice, the entire impounding and retention space can be assumed to be available for vapor retention. Additional dispersion distance to protect against failure of the component served by impoundment would be necessary only where accident causes are unpredictable or cannot be accommodated by design. Accordingly, the essential features of *§ 193.109(d)* in the ANPRM are retained in this Notice, with some modifications for detail and clarity as proposed by comments. The seismic acceleration suggested in the ANPRM as a design standard for unpredictable seismic motion has been increased from .3G to .4G to reflect areas where earthquake activity is high but can be accommodated be design. Also, in paragraph (d)(3), a new equation for determining a more realistic time of spillage is proposed based on a comment by Columbia LNG Corporation and Consolidated Systems LNG Company.

As recommended by most comments on the subject, the ANPRM's suggested specifications describing heat transfer properties and insulation design in an impounding system have been changed in this Notice to permit greater flexibility and use of future technological improvements.

The planned ignition suggested in *§ 193.109(e)* was opposed by most commenters. Some felt that requiring ignition of LNG vapor could increase the hazard of a small spill and argued that insurance on facility equipment would be unobtainable. Still others advocated planned ignition as an alternative to a dispersion exclusion zone as long as it would not have to operate automatically. Several opposed only the suggested requirement for redundancy in hardware.

MTB believes that planned ignition would provide a needed safety alternative to the vapor dispersion distance that would otherwise be required by *§ 193.109(a)* to (1) allow for future development at existing LNG facilities with limited or unsuitable land to meet the distance requirement, and (2) permit new facilities to be sited on the basis if criteria that may be more relevant than population density, such as seismic or land use considerations. However, because there is not enough information about ignition systems on which to base an adequate performance standard, an acceptable level of safety would be assured under *§ 193.109(e)* by requiring operators who choose the planned ignition alternative to obtain Secretarial approval of the plan.

– The suggested requirement for automatic ignition has been deleted from *§ 193.109(e)* in this Notice to allow personnel responsible for responding to emergencies greater latitude in action under an ignition plan.

Earthquake Design. Section *193.111* would establish site investigation requirements and design criteria for response spectra (ground motion) caused by earthquakes to protect against the catastrophic failure of certain critical components. Storage tanks and impounding systems at facilities located where there has been a relatively high incident of seismic activity, would have to be designed to withstand response spectra that has a 99.5 percent probability of not being exceeded in 50 years. Alternatively, an operator would have to base seismic design on the effect of recorded earthquakes at the site if there would be a higher damaging effect.

Under NFPA 59A seismic study is required for a facility of any size when located in Zones 2 and 3 of Seismic risk Map of the Uniform Building code, 1973. However, specific seismic design provisions apply only to storage tanks, and no consideration is mandated for potential vertical seismic motion. In addition, only seismic acceleration rather than critical "response spectra" must be addressed, and no method of prescribing the level of motion intensity is included so that a uniform level of safety among facilities would be unlikely. Factores which should be considered, such as surface faulting, motion amplification, soil liquefaction, land slide, foundation and dike design in areas of high seismic activity, and reaction of contained liquid are also omitted in 59A. Considering the failure to address these critical features, particularly vertical seismic motion, and the lack of uniformity in seismic safety design, current standards do not appear to provide an adequate level of safety.

The proposed rule addresses all of the factors discussed above. Consideration of seismic loading would be required for all flammable fluid containers, shutdown control, transfer piping and impounding systems as well as the storage tanks. Most significantly, it proposes to require design accommodation of vertical seismic motion and establish a uniform level of seismic safety at all facilities with more stringent requirements for storage tanks and their impounding systems, the most critical components from a safety viewpoint in an LNG facility.

Several commenters to *§ 193.111* in the ANPRM advocated that the seismic design requirements of the Nuclear Regulatory commission (NRC) be adopted. Others felt the NRC require-

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ments should be strengthened, making specific suggestions. In contrast, most commenters declared that the suggested design earthquake for a storage tank and dikes (based on a 10,000-year recurrence interval) would be excessive (see § 193.111(d) of the ANPRM), and they argued that the Uniform Building Code (UBC) design method should be used since it has been proven by experience to be adequate.

Obviously, the probability of a natural disaster occurring at an LNG facility may be similar to that of a nuclear facility, and this in Subpart B the ANPRM addressed the same range of natural occurrence risks as the NRC regulations. However, MTB believes the release of LNG in an accident would not have the long term implications presented by escaping radioactive materials and this difference in consequences should be reflected in any design standard intended to protect against the potentially catastrophic effects of natural occurrences. For example, in § 193.111(c), the return period for the proposed design seismic motion is either 475 or 9,975 years, while the period for a nuclear plant may be from 10 thousand to 10 million years. thus, even though the most critical components of an LNG facility would have a level of seismic safety closely approximate to some components in nuclear plants, the overall level of design would not be as high.

Engineering literature shows that the UBC basis for design earthquakes is not universally considered adequate and is not suitable for critical components, particularly those components in areas of high seismic activity. MTB believes that more stringent design criteria are needed, and the concept of 99.5 percent probability of seismic response spectra not being exceeded in 50 years would provide a uniform level of risk for all facilities. Some commenters also supported this view.

A number of commenters to *§ 193.111(a)* in the NPRM proposed that the need for a detailed geotechnical investigation should be based solely on the potential for earthquakes at the site, as shown by the UBC Seismic Risk Map, and not on storage capacity. Since an investigation is probably not warranted even for a large facility where seismic activity is low, this Section has been revised to propose detailed investigation of all sizes of facility in zones 2, 3, and 4 of the UBC map. However, even in these higher risk areas, sites for small storage tanks such as "bullets" should not have to be investigated unless there is evidence indicating a potential for surface faulting.

Section *193.111(b)* in the ANPRM specified information (patterned after the NRC regulations) that would have to be determined from a detailed investigation to assure a sound basis for design. In this Notice, performance language in *§ 193.111(a)* is intended to cover the important aspects of the investigation.

In accordance with comments to § 193.111(f) in the ANPRM requesting that a minimum distance be prescribed for proximity of surface faulting to critical components, considering other factors of the investigation, one mile has been proposed as a reasonable minimum.

In response to several comments to *§ 193.111(g)* in the ANPRM, the maximum seismic acceleration above which additional design requirements would be imposed on certain critical components has been increased from 30 to 40 percent of gravity under *§ 193.111(e)* in recognition of arguments that seismic forces up to this level can be accommodated without the added design measures.

The suggestion that a large dike width be one of the added design features was strongly opposed by a number of commenters. This provision is not changed, however. MTB believes that added dike width is the best means of preventing impounding capability from being breached by fissures caused by earth movement.

The Draft Evaluation for this Notice shows that the proposed *§ 193.111* would have a major cost impact on construction of a new LNG facility as compared to NFPA 59 A because of the more detailed seismic investigation proposed for high risk areas, more stringent seismic design requirements, and the added cost of structural steel, concrete and earthwork. A large proportion of this impact can be attributed to the proposal that facility design account for a vertical component of motion even in areas of relatively low seismic (See *§ 193.111(b)(2)*), since low risk zones predominate over the United States. MTB believes that the impact of seismic design (not including the cost of investigation) should be minimal because of one or more of the following conditions:

(1) Overstressing of foundations and materials by as much as ⅓ above design operating stress would be permitted under the proposed Part 193 for the accommodation of seismic loading.

(2) Design for wind loads (*§ 193.117*) may be adequate to accommodate some or all of the seismic loading on outer shells.

(3) Additional design features above 59A requirements necessary to account for the proposed hydraulic testing of storage tanks may be adequate to accommodate some or all of the seismic design loads on hydraulically loaded tanks (assuming an earthquake does not occur during testing.)

(4) Using an underground cavern for storage would offset added seismic design costs since there would be no need to design for vertical or horizontal seismic motion.

Protection Against Other Natural Occurrences. Sections 193.113, 193.115, 193.117, and 193.119 would require that a facility be designed to protect against natural occurrences other than earthquakes. These sections have been included in this Notice because MTB believes the comparable NFPA 59A provision would not require a design adequate for safety and would not provide a uniform level of safety. NFPA 59A would require only that an operator consider the "degree to which a plant can, within the limits of practicality, be protected against forces of nature," without mentioning the type or magnitude of occurrence to be considered or the components that are to be protected.

Protection Against Other Natural Occurrences. Sections 193.113, 193.115, 193.117, and 193.119 dealing with natural occurrences were in the ANPRM and have been included in this Notice because MTB believes the present standards in NFPA 59A do not adequately address the requirements to protect an LNG facility against these events.

With regard to *§ 193.113*, Flooding, most commenters felt that the design frequency of flooding specified by the ANPRM would be an excessively stringent standard. Most of these commenters suggested that the design flood be based on that worst flood predictable in a 100-year period, which is generally accepted as a very conservative design basis. One commenter pointed out the 100-year flood level for a coastal area is based on a combination of worst possible conditions of storms, wind, tides, and surface drainage which makes this design basis sufficiently conservative. Some commenters suggested that the design flood be the worst anticipated flooding conditions. MTB has revised the flooding design proposed in this Notice to require that operators use a 100-year flood. In addition, MTB has made some editorial changes to clarify this Section.

The Draft Evaluation also identifies *§ 193.113* as a major cost item due to the cost of additional concrete and earthwork needed to protect a facility against the dynamic and flotation forces of flooding. MTB believes that except for marine terminals, careful site selection would minimize the impact on new facilities. Even where costs are high, MTB believes and the Evaluation shows that should a design flood occur, major benefits would accrue through prevention of catastrophic failure of critical components.

Some commenters to *§ 193.115*, Soil Characteristics, felt that a soil load bearing capacity safety factor of 1.3 would not be appropriate for all equipment located at all sites. They felt that such a safety factor should vary according to the site condition and the hazard associated with the component. A few commenters pointed out that in some cases, a higher safety factor may be appropriate. This provision has been revised to permit operators to use "appropriate" safety factors in determining load bearing capacities of soils. MTB has made editorial and drafting changes in *§ 193.115(b)* by consolidating the list of loads.

Most commenters to *§ 193.117*, Wind Forces, felt that critical components should be designed to withstand the wind loadings specified by the UBC rather than the comparatively high loading suggested by the ANPRM (wind with probability of being exceeded 0.5 percent in 50 years). They pointed out that the UBC had been developed utilizing many years of historical data. They further argued that the wind loading designs in the UBC had historically been proven to provide an adequate design basis since the procedures in that code include provisions for shape of structure, location, elevation, and horizontal and uplift wind pressures. Section *193.117(a)* is changed in accordance with these comments.

Most commenters to *§ 193.117(b)* took issue with the suggested tornado design loads (250 mph, if probability of occurrence is at least 0.5 percent in 50 years) for storage tanks and dikes. Many pointed out that a requirement to evaluate the effect of tornadoes and other severe weather conditions would be covered in *§ 193.117*. Many others felt that the suggested probability of occurrence would be too stringent, and the design wind loads of 250 mph too excessive. A few made the observation that it would be unreasonable to require design based on a probability of occurrence of tornadoes where such an occurrence cannot be accurately determined. MTB believes that tornado wind loads are so excessive that they should be specifically set forth in Part 193 as suggested in the ANPRM rather than cover these loadings under a general design requirement for other severe weather conditions in *§ 193.119*. While the probability of occurrence of a tornado specified in *§ 193.117(b)* may seem low for design purposes, the magnitude of wind loads in tornadoes of this frequency of occurrence is not very different from the wind loads in tornadoes which occur much more frequently. With regard to the comments that a 250 mph wind load from a tornado is excessive, MTB believes that many large tornadoes have had winds in excess of 250 mph. MTB acknowledges, however, that applying the suggested design requirement may be too stringent where the probability of tornadoes occurring cannot be quantitatively predicted. As pointed out by some commenters, the probability of tornadoes occurring cannot be predicted in some regions of the country because the occurrence of tornadoes in these regions is so infrequent that valid statistics have not been recorded. Under *§ 193.117(b)* in this Notice, if the probability of occurrence cannot be determined, only the UBC design criteria would have to be met.

The Draft Evaluation identifies *§ 193.117* as a proposal with major cost impacts primarily because of the high tornado design wind load and the low threshold probability of occurrence of tornadoes. MTB believes that cost savings can be obtained by selecting a site with low probability of tornadoes occurring or by using a below or partly below ground tank design. Also, design of foundations to meet the proposed test requirements for storage tanks (*§ 193.1033*) or seismic design requirements (*§ 193.111*) might be used to offset design for toe load due to wind, with a partial reduction in the cost of this Section. Considering these factors, together with the 33 percent allowable overstressing of materials and foundations, MTB believes that the costs would not be as high as projected.

The provision for wind load design is another proposal which MTB believes necessary to mitigate the likelihood of catastrophic failure of an LNG storage tank. If a dispersion exclusion zone is provided under *§ 193.109(a)*, the proposed wind load design would also assure that vapor dispersion can, in most cases, reliably be based on transfer line failure alone.

While most commenters did not suggest changes to *§ 193.119* regarding other severe wheather and natural conditions a few commenters felt that it would be unreasonable to expect a "worst combination of other weather and natural conditions" at the facility site in addition to those conditions specifically covered by §§ 193.111, 193.113, 193.115, and 193.117. This Section has been revised to permit operators to determine the worst "effect," rather than the worst "combination," of other wheather and natural conditions which may predictably occur at the facility.

Adjacent Activities. The need for taking into consideration man-made activities adjacent to an LNG facility as suggested in *§ 193.121* was addressed in the G.A.O. report on Liquefied Energy Gas Safety. This important subject is not specifically covered in the present NFPA standards. Most commenters to this Section felt that it was impossible for an operator to accurately predict the adjacent activities which will occur during the operating life of an LNG facility. These commenters pointed out that a site chosen in a remote location could initiate development and result in activities which were not predictable and would not be under the control of the LNG plant operator. Many of these commenters felt that an operator should, however, take reasonable precautions based on estimates of the area's development potential, this Section has been changed to permit the operator the flexibility of determining the "reasonably foreseeable," rather than the "predictable," activities adjacent to a facility.

Separation of Components. Under *§ 193.123* adequate clearance would have to be provided between critical components and between components and the site boundary to provide for the movement of personnel and equipment during normal operations and in an emergency and to minimize hazards to persons and property on and off the facility site.

A large number of commenters to *§ 193.123* suggested revising the Section to require operators to provide distances between critical components and specified in NFPA 59A. These commenters argued that the NFPA 59A requirements establish certain specific distances that through experience have proven adequate to minimize hazards from these components as well as permit movement of personnel and equipment around these components. In consideration of these views and until MTB develops a more complete performance standard on this subject, MTB believes that the public interest is better served by requiring operators to comply with Sections 213 through 216 of Chapter 2 of NFPA 59A.

SUBPART C—MATERIALS

This subpart would establish criteria for the use of materials for components at an LNG facility. The main objective of the proposed criteria is to ensure that materials are used which enable components to function over the expected range of high and low temperatures.

Most commenters to *§ 193.201, Scope*, pointed out that operators do not "design" material. Thus, the phrase, "selection and qualification" is now proposed.

With regard to *§ 193.203, General*, a majority of commenters agreed with the wording of the ANPRM. However, several commenters suggested replacing the word "predictable" with the word "design" in paragraph (a) to describe those loadings that material must withstand. This change was adopted to keep the material require-

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ments consistent with the design required for components.

Temperature Ranges. Revisions were not made to the suggested language of § *193.205* regarding normal, extreme temperatures since there were no substantive objections to the wording used in the ANPRM.

In response to several comments about the lack of need to protect all components against the effects of unexpected contact with LNG or fire, in *193.207,* the term "critical" is inserted before the word "components" in paragraphs (a), (b), and (c). However, it is not considered appropriate to so limit the scope of paragraph (d) which is intended to preclude an uncontrollable emergency in the event of a small fire around a flammable fluid component. Paragraph (d) was revised in response to several comments pointing out that some fluid release may not be hazardous or detrimentally affect safety.

Insulation. In Section *193.209,* a new paragraph (a) is added to propose that insulation have thermal and mechanical load bearing capabilities during normal operation. This provision was recommended by commenters. To eliminate redundancy, the suggested provision of § *193.209* regarding outside insulation is combined with that of § *193.525(b),* and the latter section is deleted. A further change also eliminates the problem several commenters pointed out that there are no insulating materials that would provide adequate insulating properties and also "not support combustion." In this notice, the term "self extinguishing" is used to describe materials with needed thermal properties that provide the needed safety as well.

Cold Boxes. Most comments to § *193.211* agreed with the suggestion in the ANPRM that cold boxes should be made of noncombustible materials. There were some commenters who pointed out that requirements for insulation should be covered in § *193.209* and need not be duplicated for "cold boxes" under § *193.211.* However, this comment was not adopted because of the need for special treatment of cold box insulation.

Piping. Most commenters were in agreement with the suggested prohibition in § *193.213* against use of cast, malleable, or ductile iron piping at low temperatures. However, a few comments pointed out that some other piping materials also develop undesirable characteristics at low temperatures. Other commenters were in favor of totally prohibiting the use of cast, malleable and ductile iron pipe, as in Section 6113 of NFPA 59A. In response to these issues, MTB has revised the wording of § *193.213* to propose that cast, malleable or ductile iron piping not be used to carry cold refrigerants and flammable fluids and that materials intended to operate at less than −28.9C (−20° F) be qualified by testing to determine that the materials meet the general requirements of § *193.203(b).*

Concrete. With regard to § *193.215,* one commenter pointed out that there are other refrigerants than LNG in LNG facilities that could cause thermal shock to concrete and adversely affect the integrity of a structure. For that reason, the term "LNG" is changed to "cryogenic". Other commenters pointed out that concrete can have minor spalling occur that will not be detrimental to safety. Thus, in paragraph (a) the word "detrimental" is inserted before "spalling".

It is MTB's feeling that the performance language of § *193.215* would provide an acceptable concrete materials standard, which permits innovation, and that the specifications listed in 4230 of NFPA 59A should not be adopted as some commenters recommended. Meeting the NFPA specifications should suffice, however, to comply with the proposed § *193.215.* In this regard, interested persons should note that, in contrast to this section, the more detailed concrete specifications of Section 42 of NFPA 59A are proposed in § *193.527* for concrete storage tanks and containers because of the greater need for specificity in a standard regarding storage tanks and the associated hazards involved.

Use of Combustible Materials. Under § *193.217* an operator could not use combustible materials for buildings or equipment where ignition would worsen an emergency. Several comments emphasized that the class of materials that has "limited combustible" characteristics should be an allowable alternative to noncombustibles when the latter is not available. MTB concurs since the recommendation is consistent with the intent of the suggested rule, and § *193.219* is changed accordingly.

Records. The great majority of the commenters to § *193.219* indicated that records should be limited to "critical" components, to avoid unessential paper work. MTB believes that the compliance objective of this proposed requirement can be satisfied by limiting the required records to "critical components."

SUBPART D—DESIGN OF COMPONENTS AND BUILDINGS

The purpose of this subpart is to ensure that those parts of an LNG facility that are related to safety are designed to withstand anticipated loadings and to properly contain or control hazardous fluids. In addition, buildings would have to be designed to minimize the effects of explosion and be ventilated if used to handle flammable fluids.

General. With regard to § *193.303(a),* several commenters suggested that the word "design" should replace "predictable" to describe the loadings that a component must withstand. MTB does not agree, however, because the purpose of § *193.303* is to set the standard for design loadings. Paragraph (b) in the ANPRM has been deleted as redundant with § *193.207,* and paragraph (c) has been redesignated as paragraph (b).

Personnel. In response to a number of comments, to § *193.303(c),* the suggested qualifications for persons who design and fabricate components in an LNG facility are changed to permit qualification by either training or experience on LNG or other cryogenic facilities. Also, the proposed qualifications would only apply to persons involved with critical components. Although for clarity § *193.303(c)* in the ANPRM is restated as § *193.304,* it is anticipated that in the final rules this section would be transferred to the new subpart on personnel qualifications and training.

Valve. In § *193.305* of the ANPRM paragraph (a) is deleted as redundant with § *193.307(a),* paragraph (b) is redesignated as paragraph (a), and paragraph (c) is redesignated as paragraph (b). In response to several comments, paragraph (b) has been changed to recognize that there are extended bonnet valves available that operate satisfactorily in cryogenic service with the valve stems in any position relative to horizontal. Paragraph (d) in the ANPRM which related to relief valves is incorporated in § *193.905,* which covers this topic.

Piping. In response to comments to § *193.307,* MTB changed the word "process" to "cryogenic" in paragraph (b) since the need for purge connections is important for piping carrying cryogenic or flammable fluids and the word "process" is more indefinite. The suggestion that each piping system be identified by color coding, painting, or labeling is now limited to aboveground cryogenic or flammable fluid piping to apply the requirement only to areas of greatest benefit. Paragraph (d) is revised to permit the use of pipe with a longitudinal seam that has a joint efficiency rating of 1.0 under ANSI B31.3 for handling LNG and other hazardous liquids rather than requiring that only seamless pipe be used. Several commenters pointed out that longitudinal weld seam pipe is more uniform in wall thickness than seamless pipe and, thus, often of a higher quality. MTB adopted this revision for this reason and because the 100 percent radiograph requirement of B31.3 assures the integrity of the longitudinal seam. In paragraph (e) the referenced paragraph number has been corrected to read 323.2.3 of ANSI B31.3. The suggestion in paragraph (e) that threaded pipe be at least Schedule 80 was changed in response to several commenters who pointed out that such heavy wall pipe is only justified on cryogenic or flammable fluid service. Paragraph (g) is deleted as redundant because the difficulties with using furnace lap welded or butt welded pipe are covered by the revision of paragraph (d) of this section. Because paragraph (h) concerned pipe material, it is more appropriately covered by § *193.213.*

Pipe Supports and Attachments. Section *193.309(a),* in the ANPRM is changed to refer to § *193.207,* which more appropriately covers the problem of pipe stability in the event of an LNG spill or fire. In paragraph (b) the word "supports" is replaced by "pipe attachments and supports" to clarify the intent of this proposal regarding the effects of heat transfer. In response to one commenter who pointed out that "unintentional" piping restraint is a safety problem with ice formation, the words "piping restraints" are replaced by "unintentional restraint of piping."

Buildings. Several commenters to § *193.311* argued that small quantities of flammable fluids in a building would not constitute a potential hazard justifying special design and construction to protect against the effects of explosion, as might be the case for shops, warehouses, and offices. MTB agrees that the suggested design requirement probably would not be reasonable for every building in which any amount of flammable fluid is handled. Thus, in this notice, only those buildings with "potentially hazardous quantities of" flammable fluids would have to meet the proposed requirements. The proposed rule also would require design and construction to minimize "potential fire hazards" in response to one commenter who pointed out that fire is more often the major hazard rather than explosion.

Commenters to § *193.313* also stressed that the suggested ventilation requirements of paragraph (a) would be inappropriate for buildings where small quantities of flammable fluids are handled because ventilation is intended to minimize the possibility of a hazardous accumulation of gas in air. MTB agrees, and the ventilation requirements are proposed for buildings with potentially hazardous quantities of hazardous fluids. With regard to the suggested gas concentration limit of 5 percent of the lower flammable limit (LFL), virtually all commenters argued the lack of instrument accuracy at such low levels. Thus, MTB has revised the limit for activation of the ventilation system to 15 percent LFL, a level lower than that which is proposed under § *193.605* for automatic shutdown of transfer piping. In paragraph (b), the second sentence is revised to propose that a proportional amount of air reach each level of buildings with two or more levels where vapors heavier than air can be present. This change is made in response to commenters who pointed out that the suggested requirement that one-half of the ventilation be from the lower level could lead to a situation of more ventilation than necessary in one area and insufficient ventilation in other areas.

Low Temperature Effects and Loadings. Paragraph (a) and (b) of § *193.315* in the ANPRM were deleted since they are duplicative of § *193.205* (a) and (b) regarding the effects of cryogenic temperatures on components. Paragraph (c) of this section concerning the separation of valves under icy conditions is moved to § 193.321(c).

There were no unfavorable comments regarding the substance of § *193.317* and it is unchanged in this notice.

Section *193.319* concerns the problem of frost heave, or ground uplift, due to freezing soil. In § *193.319* only minor changes are made in the wording used in the "temperatures of the component" that may cause frost heave. Paragraph (b) is changed in response to several comments that reliability, accuracy, and durability of sensing devices for detecting frost heave are questionable in some applications and that visual inspection is much more reliable when based on reference monuments. Upon further consideration of this issue, an alternative to instruments and alarms is added to paragraph (b) to allow monthly inspections using reference monuments and surveying instruments to detect changes in elevation of the facility.

Section *193.321,* regarding protection from ice and snow loads contains a clarifying change in paragraph (a). A new paragraph (c) is transferred to this section from § *193.315(c).*

Electrical Systems. Regarding § *193.323,* two commenters pointed out that the suggested requirements of paragraph (a)(1) regarding areas where electrical ignition could occur is covered equally as well in NFPA 70 which is referenced in paragraph (a)(2). As a result, paragraph (a)(1) is deleted, and paragraph (a)(2) is revised for clarity. In response to several commenters who convincingly argued that more definitive requirements are needed for electrical grounding and bonding, paragraph (b) in the ANPRM is revised by referencing Sections 760 and 761 of NFPA 59A. Paragraph (c) has been revised for the same reason by referencing Section 762 of NFPA 59A. Paragraph (d) was deleted in response to several commenters indicating that paragraph (a)(2) of the ANPRM would require design and installation in accordance with NFPA 70 which covers the suggested subject of paragraph (d), ground fault detection devices.

Lightning Protection. Section *193.325* is changed to state that the purpose of rods, arrestors and grounds in protecting against lightning is to "minimize the hazard." This change is made in response to several commenters who argued it would be impossible for the devices to "protect" everything from lightning. MTB agrees that installation of lightning protection devices cannot provide a complete guarantee agsinst damage.

Boilers. Commenters to § *193.327* requested that Section IV of the ASME Boiler and Pressure Vessel Code be established as a design standard for boilers, as well as Section I. MTB concurs with this change since it permits the use of hot water boilers as well as steam boilers.

Combustion Engines. Section *193.329* is unchanged from the ANPRM in requiring that combustion engines and gas turbines meet the requirements of NFPA 37.

SUBPART E—IMPOUNDMENT DESIGN AND CAPACITY

The purpose of this subpart is to require the construction of a structurally sound, leak free impounding system (composed of dikes and floors) to catch and hold spills of LNG from storage tanks and other critical components. For large spills impounding systems also serve to retard the rate of vaporization of LNG and any subsequent downwind vapor travel.

Components Requiring Impoundment. The ANPRM would have made it mandatory to provide impoundment for each of the components and areas listed in § *193.403* to contain a potential spill of LNG or other hazardous liquid. Many commenters recommended deletion of various individual items in the list. Others suggested that each component or area be protected, but not necessarily by impoundment, arguing that less potentially hazardous leaks or spills could be handled more cost effectively by proper grading and drainage, or that impoundment is unnecessary because of rapid vaporization. MTB concedes that grading and drainage can be substituted for impoundment where the same degree of protection from a potential spill can be reasonably assured.

Under § *193.403(a)* impoundment would be required for three items: storage tanks, transfer piping above 4 inches in diameter, and tank car or tank truck loading or unloading areas. MTB believes that large diameter transfer lines should have impoundment because of the large volume that

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could be spilled in the case of a line break. Using this guideline, piping in excess of 4 inches in diameter is proposed to require impoundment. An operator would have the option under paragraph (b) for smaller piping and the other items listed to provide safety by grading and drainage or impoundment. MTB welcomes comments on (1) the proposed diameter breakpoint for transfer piping with suitable backup for any differing views, and (2) whether some other criterion, such as pressure, should be used as a breakpoint. Because MTB believes it is more appropriate to apply the proposed new impounding design rules solely to the containment of LNG, a new paragraph (c) has been added to require that impounding systems for other hazardous liquids be built in accordance with NFPA 30, the standard followed by industry for these facilities.

General Features of Impoundment. The phrase "to the maximum extent possible" has been added to § *193.405* to modify the level of spill containment which an impounding system must provide, recognizing that absolute protection may not be possible. Many commenters objected to the provision that trajectory and splash of spilled liquid be contained. MTB believes, however that these are reasonably predictable ways by which LNG could escape impoundment and that dikes should be designed with sufficient shape and size to handle these factors. The trajectory issue is further discussed under § *193.419* in this preamble. Also, under § *193.405*, interested persons should note that if an underground cavern is used for LNG storage (see definition of "storage tank"), the cavern would be an "impounding system" and would have to be sealed against leakage.

The majority of the commenters recommended deletion of the suggested impounding system classifications under § *193.407* as they did not see any need for them. Classification of impounding systems is useful in § *193.439* for example, as well as in other sections of Subpart E and Subpart B so that requirements may vary according to system design. The Section has been simplified, however, by eliminating the types in each classification. MTB does not believe that the arguments that this Section would stand in the way of technological development or would not permit an operator to choose a system to achieve the design requirements are valid because of the general language used in the classification descriptions.

Structural Integrity. Many commenters were concerned that § *193.409(a)* in the ANPRM would require that all materials in an impounding system, including insulation be designed to meet structural requirements. The intent of this Section has been clarified by specifically referring to the design of structural parts. Insulation would be covered to the extent it serves some structural purpose. Also, in the lead-in to paragraph (a), the suggested requirement that surfaces of an impounded component which could be contacted by spilled liquid be designed to the same requirements as the impounding system has been deleted because design requirements for specific components are covered by other Sections.

Regarding protection against highway or rail traffic, there were comments that "adjacent" traffic in paragraph (a)(5)(ii) of the ANPRM would be ambiguous and the term has been changed to "adjoining" in this Notice. Commenters claimed highways or railways would not be permitted in the exclusion zone but such was not suggested under either § *193.107* or § *193.109*. There are existing LNG facilities where tank car or tank truck cargo transfer systems are adjacent to, or adjoin, impounding systems. Many commenters also objected to the suggested requirement that dikes withstand impact loadings from aircraft when they are near an airport. MTB has quantified this proposal by using the distance of 20,000 feet established by the Federal Aviation Regulations (14 CFR Part 77) to define a critical area surrounding a large airport. Under § *193.409(c)*, a Class I dike would have to be designed to withstand the impact of the heaviest aircraft which can operate to or from the airport.

MTB concurs with the majority of commenters that "a sudden total release," from a storage tank, as used in § *193.409(b)*, is not a credible design accident. Nevertheless, it is being retained in this Notice to provoke the development of a realistic, definable spill condition. Comments submitted on this point to the ANPRM do not fulfill this objective. Further comment in this regard is solicited. Absent any acceptable definitive alternative, MTB will develop its own design spill or adopt the proposed spill condition.

In § *193.409(c)(1)* the term "self-extinguishing" is being used instead of "must not support combustion."

As suggested, § *193.409(d)* in the ANPRM regarding insulation, sealants and other coatings has been combined with the suggested § *193.409(c)* and restated in a new § *193.410*.

Section *193.411* in the ANPRM regarding system surfaces has been deleted, as recommended by the majority of the commenters. Paragraph (a) duplicated § *193.405* with regard to leakage, paragraph (b) is considered impractical, and the problem of seepage is handled by § *193.431*.

Floors. There were varying objections to the suggested slope requirements in § *193.413* regarding the design of impounding system floors: that they were too specific, such as requiring a two percent slope, or unreasonable to meet. After reviewing suggested wording, MTB is proposing more performance oriented requirements consistent with the purpose of a sloped floor, which is to drain spilled LNG to a safe area and prevent water from collecting on the floor. Under this section, channels would be required to minimize the wetted floor area in the event of a spill.

Dikes. The majority of the commenters felt that compacted earth dikes would not be permitted under § *193.415(a)* in the ANPRM which suggested that dikes be "reinforced and contiguously interlocked." MTB is not proposing that such dikes be prohibited, and since the structural standards for dikes would be covered by § *193.409*, paragraph (a) of § *193.415* in the ANPRM is deleted in this Notice.

Many commenters to § *193.415(b)* in the ANPRM felt that properly designed penetrations should be permitted in dikes to accommodate piping or other purposes. MTB still feels it is in the interest of safety to prohibit them. Water drains from sumps would be particularly vulnerable. There are existing local ordinances that now prohibit such penetrations. Commenters also stated that dike penetrations would greatly simplify LNG pump installations. This could be true if bottom tank penetrations were permitted, but is not important with the proposed top penetrations under § *193.511*.

Section § *193.415*(c) in the ANPRM has been modified to permit a component wall to serve as a dike in a Class 1 impounding system that is designed to meet the requirements of § *193.409(c)*, which applies to facilities near airports. MTB requests comments as to how this provision might be further modified to allow sufficiently strong walls of components to serve as dikes in the case of facilities not near airports. What should be the design standard for such walls? How should a modified standard apply to underground caverns?

A large number of commenters to § *193.417* questioned the need for "vapor barriers" if a dispersion exclusion zone, as calculated under § *193.109*, would eliminate the possibility of a flammable vapor cloud extending beyond the exclusion zone. Erected on top of dikes, vapor barriers can retard the rate at which vapor leaves an impounding system. Section *193.417* would not require the use of vapor barriers, but if they are used in conjunction with dikes as a means of reducing the extent of the exclusion

zone, such barriers would have to be designed in accordance with Part 193 is as a critical component and be capable of entraining cold vapor.

The Draft Evaluation shows that § *193.417* would have a major cost impact if an operator chooses to install vapor barriers. However, costs attributed to the design of barriers should be offset somewhat by a reduction in land cost under § *193.109*. In any event, MTB believes the costs would be justified by the added assurance that a vapor dispersion zone designed on the basis of vapor barriers would not be exceeded in the event of a design spill.

The majority of comments to § *193.419* recommended that paragraph 2115 of NFPA 59A be used to determine dike dimensions and stated that some of the suggested requirementst were not feasible, particularly with regard to interception of jets of liquids from transfer lines. Notwithstanding the transfer line issue, MTB has determined that the formula $X>0.6Y$ used in Figure 2-1 of NFPA 59A results in dike dimension which will not intercept all credible trajectories of discharged liquids. MTB believes, however, that increasing the constant factor from 0.6 to 1.0 would provide the needed protection in most cases, although operators would still have to make appropriate calculations to determine the dike dimensions and configuration necessary to prevent the escape of liqued by splash and other mechanisms described under § *193.405*, and to provide the necessary impoundment capacity.

Covered Impounding Systems. Most commenters recommended that § *193.421* concerning covered systems be deleted. Objections were not to the suggested requirements as much as to the implication of the suggested standard that covered impounding systems are practicable to design. They would be prohibitively expensive according to many commenters. It was also stated that such systems could be dangerous and detrimental to a safe LNG facility. Granting these arguments, MTB believes that by definition there are existing facilities that could fall into this category, and advances in technology could make such systems more feasible in the future. Accordingly, this Section, with clarifying revisions, is being retained.

Gas Detection. Section *193.423* proposes that impounding systems be continuously monitored for the presence of gas in order to assure that an LNG or gas leak will be detected quickly. Current standards are indefinite with respect to this safety feature. Section 92 of NFPA 59A states that, because of the wide differences in LNG facilities, fire and leak control measures shall be coordinated with the authority having jurisdiction, and local emergency agencies. This is not appropriate for a Federal safety standard since neither performance criteria nor control measures are stated.

There were a number of varied comments in regard to § *193.423* pertaining to detection of gas concentrations: that the number of sensors would be excessive; that they would be ineffective in some of the specified locations, such as the low point of an impounding space where a low temperature alarm would be more appropriate to detect presence of LNG; and that the alarm set point for gas concentrations should be 25 percent. MTB recognizes the validity of these arguments and has revised this Section to propose a more performance oriented requirement. There were some commenters who felt that mandatory gas detection systems were unwarranted, that they did not contribute to safety, and would create serious maintenance problems. MTB and the majority of the commenters do not agree with this reasoning. Leak detectors and alarm systems are needed to permit an operator time to correct a problem and prevent it from becoming an uncontrollable emergency.

The Draft Evaluation shows that this Section would have a major cost impact because of the instrumentation that would have to be provided to detect leaks. MTB believes that an operator could minimize this cost by using a design which reduces the amount of impounding space floor area and thus the amount of instrumentation. The added costs are justified by the early warning that would be provided should a leak occur. Even with a minor leak, the extreme cold of LNG could produce high thermal gradients and potentially excessive localized thermal stress in surfaces contacted. Resulting cracks could damage the structural integrity of a component making it susceptible to failure possibly of a catastrophic nature, from natural or other forces which it was initially designed to accommodate. With current designs of high dikes located closely adjacent to a component, a small leak of either LNG or cold gas could result in a combustible mixture forming between a component and its diking. If ignited, high overpressure might result either from deflagration or detonation depending on the mixture and degree of confinement. Many uncertainties remain regarding this hazard, but the potential for simultaneous failure of both the component and its diking is of such serious concern that it should not be overlooked.

Inerting Systems. All commenters indicated that the installation of a carbon dioxide inerting system as suggested by § *193.425* in the ANPRM should not be required. Most felt the suggested system could decrease safety and would be impractical to maintain. MTB concurs that charges generated by the system could ignite a gas-air mixture. The National Fire Council has warned against the use of carbon dioxide systems because of such static ignition. It was pointed out that such systems had been examined in the past and found of questionable benefit in open air conditions. For these reasons, this Section has been deleted.

Sump Basin. Many of the commenters objected to the suggested requirement under § *193.427* for sumps to collect small spills of LNG on grounds that pumping out such liquid as suggested by § *193.429* would be impractical. While MTB is proposing that a sump be required, its purpose would be for collection of rain water and small spills of LNG, rather than to provide for pumping out LNG. MTB believes that sumps provide an added safety benefit of preventing unnecessary spreading of small spills.

Removal of LNG spills from sump basins was suggested in the ANPRM by § *193.429*. The majority of commenters argued the impracticability of such removal. They pointed out that a slow cooldown of all components involved would be required and an adequate liquid pressure would be required to establish a suction. Spare storage capacity would be required to receive the pumped liquid, which would probably be contaminated and unusable. It is also questionable if pumping equipment and piping could be considered in a fail-safe mode, as § *193.429* would have required, since power is required for the pumps. MTB believes the many problems involved override the potential benefits and has deleted this Section.

The purpose of § *193.431* is to keep an impounding space as free of water as possible in order to maintain the space available for impounding LNG. Some commenters objected to the suggested requirement in § *193.431(a)* that piping for removal of water from sumps be installed over the dike. MTB's position on dike penetrations for piping is stated under § *193.415(b)* and it does not appear that an over-the-dike arrangement for water drain piping would be onerous, and, in fact, it could be more economical. Commenters also argued that the suggested requirement in paragraph (c)(2) for redundant shutdown capabilities when LNG is present in the sump would only add to the cost, without a commensurate safety benefit. MTB does not concur with this assessment and has retained the redundancy requirement.

Shared Impounding Systems. The ANPRM would have prohibited the use of a single impounding system to serve more than one component

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(except when small capacities were involved) in order to minimize the chance that an emergency at one component might endanger another. Such a prohibition would require construction of more systems at each facility and would not allow operators to use design concepts or topography to mitigate the hazards involved.

MTB has therefore rewritten § *193.433* in performance language. Although it was suggested that Section 211 of NFPA 59A be used to govern shared impoundment, MTB does not agree with paragraph 2110(c) that would allow other components to be exposed to low temperature or heat if impoundment were provided for the contents of all of the containers.

Piping. Section *193.435* has been changed to remove the duplication of § *193.207* with respect to critical components inside an impounding system. Also, protection of piping would be required where failure would "worsen" an emergency in recognition of the fact that an emergency may already exist at the time of failure.

Impoundment Capacity. MTB has retained the basic concept suggested in the ANPRM under § *193.437* for general capacity requirements that allowance must be made for displacement by objects within an impounding system. A minor change is made in recognition of the fact that water would not be used to fight an LNG fire.

With respect to § *193.439*, the majority of the commenters felt that 100 percent of a storage tank's maximum liquid capacity would be adequate for impoundment capacity. This capacity would be consistent with the present NFPA 59A requirements. However, there were also many commenters who acknowledged that provision for additional capacity should be included to hold foaming or boiling LNG. MTB accepts this latter concept for Class 1 and covered impoundment systems serving a single tank, and accordingly is proposing a 110 percent requirement for such systems.

However, there are many more factors that must be considered in establishing capacity for Class 2 and Class 3 systems, such as jetting, splash, wave action and others. Additional capacity would also assist in the containment of the initial rapid generation of vapor inherent with spills into such systems. It is significant that all States which now have existing or proposed LNG regulations as well as local ordinances (such New York City) have a 150 percent requirement. MTB is proposing that this capacity be adopted for Class 2 and Class 3 systems which serve a single storage tank. The requirement should not be unduly onerous, considering the advantages derived.

In regard to § *193.441*, most commenters felt that a capacity equal to 150 percent impoundment of the volume of liquid in equipment and transfer systems "and" the liquid which would be discharged during twice the time period necessary for spill detection, instrument response, and sequenced shutdown by the automatic shutdown system would be too large. It was suggested that "or" be substituted for "and," but MTB does not agree because these two volumes are additive. However, it is proposed that the sum of 100 percent of the volume of liquid in the component served, plus that liquid which could be discharged before shutdown, would provide adequate impoundment capacity for equipment and transfer facilities.

Section *193.443*, concerning parking areas and portable vessels, has been revised to be consistent with § *193.403*, as impoundment would not be mandatory if grading and drainage are used to insure that critical components or adjoining property are not endangered.

Section *193.445*, concerning flow capacity to remote systems, has also been revised to be consistent with other changes made in this Subpart.

Many commenters argued that if § *193.429* Pertaining to LNG spill removal from sumps were deleted, § *193.447* covering sump capacity would no longer be relevant. MTB does not agree, however, because of the importance of a sump in preventing the spreading of a small spill across an impoundment system floor and thus reducing the time before vapor begins to overflow the dikes. MTB is proposing, therefore, that the suggested requirements of § *193.447* be adopted to govern sump basin capacity. While some commenters to the ANPRM argued that basins of the size suggested in the ANPRM would be too large, unnecessary, or difficult to manage in design, these commenters did not say what size basin would be appropriate. MTB invites comments on this point with the view that § *193.447* would be changed in the final rule, if comments show that sump basins of a different size than proposed would be more appropriate.

SUBPART F—LNG STORAGE

A storage tank is the most critical component of an LNG facility because of the large quantity of stored energy and the threat of catastrophy in the event of a failure. This subpart would establish additional design considerations to assure structural integrity and preclude accident causes such as overpressure or underpressure.

Scope. In regard to § *193.501*, a comment was made that the suggested requirements of Subpart F were essentially applicable only to LNG storage tanks. As this was the intent, the title of this Subpart and the scope have been changed accordingly.

Membrane Liners. Containers used to hold LNG in a storage tank must be strong enough to support operational and environmental loads. Thus, under § *193.503(b)* in the ANPRM, MTB suggested that a membrane liner, because of its doubtful reliability, not be permitted in a storage tank as an inner container. There were a number of varying comments to this Section. Commenters generally argued that such a prohibition would limit future technological development, that the provision should only be applicable to permanent land based LNG storage tanks, and that only nonmetallic liners or flammable liners should be banned. One commenter submitted a report to support the view that disallowing membrane liners would be too general and not reflect the present state of the art. Another commenter stated that although membrane liners may not be economically attractive at this time, their prohibition is not realistic. Based on these views, MTB has revised paragraph (b) to prohibit only flammable nonmetallic liners.

Design Loads. As recommended by many commenters, the word "maximum" has been deleted in § *193.505(a)* and "minimum" § *193.505(b)* as well as throughout this part, to be consistent with the terminology used in industry practice and standards regarding "design pressure." There were some comments that the suggested list of design forces for storage tanks be deleted and replaced by general language. Others stated the list did not include all possible forces or combinations of forces. While the latter comment is true, the list was not intended to be exhaustive, but only illustrative. Because of the significance of tank design, MTB feels it is necessary to supplement the general language used to refer to possible loadings in the lead-in to § *193.505* with examples. Also, at the suggestion of one commenter, the word "predictable" has been added to paragraph (f) (formerly paragraph (e)), as it was pointed out that some settlement may be unpredictable. A new paragraph (e) identifies the loads that would be caused by pressure testing under § *193.1033*.

Stratification. If LNG in a storage tank is allowed to stratify, or develop layers of different density, hazardous "rollover" and overpressure could result. The hazard occurs when the bottom layer rises to the top (rollover) and releases excess heat through rapid vaporization. The majority of comments to § *193.507* felt that suggested design requirements for protection against the effects of stratification would be too specific and should be written in performance language. They also stated that any one of the

methods listed would alone provide adequate protection and that requiring all of them would be unnecessary. A number thought the term "mixing devices" should be defined. One commenter thought that both top and bottom connections would be needed to comply, although the latter would be prohibited by § *193.511*. MTB's revised Section is more performance oriented. A choice of mitigating methods would be allowed, and reference to mixing. A choice of mitigating methods would be allowed, and reference to mixing devices has been deleted. It should be noted that the bottom of a tank can be reached through top connections.

Tank Movement. A safe tank design must consider the predictable movement of parts after construction. Section *193.509, Movement and Stress,* is unchanged in this Notice.

Penetrations. To preclude the possibility that any failure of piping that enters a tank would also cause a major spill from the tank, MTB believes that all piping should enter, or penetrate, the tank at the top. This design feature would place connections above the top liquid level in a tank and prevent gravity discharge of the liquid in the event of a piping failure. In addition, the integrity of the walls and bottom of a tank would be increased by the elimination of indeterminate stresses caused by connected piping. NFPA 59A does not contain any similar provision.

The majority of comments to § *193.511* objected to the suggested requirement that all tank penetrations be symmetrically located on top of the tank as close as possible to the center. They stated that locating penetrations at the center could cause structural, safety, and financial problems. It was argued that penetrations near the edge would be easier to support (structurally), and surveillance, protection, or fire control would be a greater problem with center penetrations. The Notice eliminates the suggested requirement in the ANPRM that penetrations be located as close as possible to the center, but retains the proposal that all tank penetrations be located on the top of the tank. A number of commenters agreed with MTB's view that top penetrations are inherently safer than those at the side or bottom because the potential for more hazardous side or bottom rupture would be removed in the event of a line break during severe environmental conditions. While the probability of such an event is reduced for lines designed as proposed by this Notice, MTB feels that the possible disadvantages and added costs of top connections are justified by the additional safety that would be provided.

The Draft Evaluation for this Notice assigns a major cost impact to the proposal to require top penetrations. Many existing facilities have piping connections of this type, and top penetrations would normally be selected if new storage tanks are designed with berms or high close-in dikes to satisfy other safety objectives. Since these designs may be the most reasonable choice for new facilities in mitigating such problems as thermal radiation, vapor dispersion, wind loading, and leak detection, the impact of this Section may not be as high as projected.

Design Pressure. Section *193.513* proposes that a storage tank's internal design pressure be no lower than the vapor pressure resulting from filling, rollover, atmospheric pressure change, heat input from insulation loss, or flash vaporization from pumping. Excessive internal pressure could result in catastrophic tank failure or a spill which could cause vapor dispersions to surpass design limits. The purpose of the proposal is to assure that factors particularly relating to low pressure storage of a cryogenic flammable fluid are included in design in order to reasonably assure that design pressure will not be exceeded during operation and to mitigate the possibility of a release of excessive volumes of LNG vapors. Existing standards do not specifically address these aspects of design.

Most of the comments in regard to § *193.513*, concerning storage tank design pressure, pertained to the ANPRM's use of terminology that is not generally accepted. MTB has revised the title of this Section as well as the wording in paragraphs (a) and (b) to be consistent with accepted terminology with regard to design pressure. Paragraph (c) regarding redundant relief devices, has been deleted from this Section and incorporated in § *193.905*.

The same general comments were made in respect to § *193.515* which also concerns design pressure and similar changes in the terminology have been made here. Paragraph (c) which suggested the use of redundant vacuum relief devices is deleted and incorporated in § *193.905*. Many commenters argued that the suggested 2 psi minimum design pressure in paragraph (b) would be contrary to accepted practice and would impose an unnecessary cost burden. In view of these comments, this suggested requirement has been deleted inasmuch as the remainder of paragraph (b) should provide an adequate design standard.

The Draft Evaluation states that § *193.513* would result in a major cost impact. The impact derives from the additional hoop strength that would be needed in the commonly used low pressure storage tanks, but the impact would not be as significant for high pressure tanks. While the impact of this Section alone may be high, since added tank strength would be needed as well to meet proposed wind and seismic load requirements, the combined impact of these proposals is probably not as high as projected.

Temperatures. Section *193.517*, concerning the effects of LNG spills on storage tanks, is deleted as redundant with §§ *193.205* and *193.107*.

In § *193.519*, by restricting the requirements of this Subpart to LNG storage tanks, MTB believes that the apparent misunderstanding by many of the commenters as to the wording in the ANPRM has been removed. Under this Section, a tank would have to withstand the lowest temperature of LNG which could occur under design conditions.

Foundation. Practically all commenters to § *193.521* objected to paragraph (d), which would have prohibited the use of piles to provide foundation support for a storage tank. The major argument advanced was that piling is an accepted structural engineering practice and as reliable as any other form of foundation. Test piles are used to verify load capacity and factor of safety. Commenters also stated that excluding piles would considerably reduce available sites for LNG facilities. Although one commenter felt that possibly this prohibition should be applied to areas of high seismic loads, another commenter, the California Public Utilities Commission, stated that use of batter piles could provide acceptable lateral resistance to seismic design loads. In view of the weight of these comments, MTB has deleted paragraph (d).

The wide majority of commenters did not object to § *193.523*, which would require an alarm to warn of any malfunction in the heating system used to protect a foundation against frost heave. It is retained in this Notice, but modified consistent with the change to § *193.319*.

Insulation. Many commenters felt that § *193.525(a)* contradicted paragraph (b). Paragraph (a) has been reworded to clarify the intent that outside insulation may not be used on storage tanks for operational purposes. Also, paragraph (b) is deleted, as commenters suggested, and incorporated in § *193.209*. The provision in paragraph (c), suggesting a prohibition against flammable insulation has been changed to propose that insulation be "self extinguishing", since a nonflammability requirement would preclude the use of many insulating materials.

Instrumentation. Concerning § *193.527*, commenters suggested various deletions of the instrumentation suggested by the ANPRM for monitor-

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ing certain conditions to provide for the safe operation of storage tanks. By far, the largest number recommended that items (5), (6), (7), and (8) be deleted because of the high maintenance costs involved and disagreement over the need for such extensive monitoring. MTB has determined that since some of the instrumentation suggested is of the laboratory type, it would not be readily adaptable to continuous field use, making it unreliable and requiring extensive maintenance. Accordingly, items (5), (7), and (8) of the ANPRM have deleted in this Notice. Item (6) concerning excessive stress is restated to apply to thermal stress, and a new item (7) is added dealing with excessive relative movement determined under § *193.509*.

Metal and Concrete Tanks. Under §§ *193.529* and *193.531* both the inner container and outer shell of a metal or concrete storage tank would have to be designed and constructed according to applicable industry codes. A double-wall tank with different materials (concrete shell, metal container) would have to meet the applicable portions of the codes. Most of the commenters felt that § *193.531* in respect to a concrete storage tank was not comprehensive enough, and recommended that Section 42, of NFPA 59A-1975 be adopted. MTB, after a review of Section 42, finds that it more comprehensively covers the needed safety measures and provides detailed references. Consequently, Section 42 is proposed to be used instead of the requirements suggested by § *193.531* in the ANPRM. One commenter stated that there was no adequate standard available for concrete tanks in cryogenic service, and that consideration be given to incorporating ASME Section III, Division 2, to strengthen the requirements for concrete tanks. MTB will welcome any comments or elaboration in this regard.

Tank Support. All commenters recommended deletion of § *193.535(d)* in the ANPRM which suggested that installation of tank bottoms above grade (or ground) level be prohibited. Commenters argued that requiring the bottom of a storage tank to be at grade level would eliminate the use of foundations installed on top of elevated piles. With this type of foundation natural convection under the tank may be used rather than ground heaters to prevent frost heave. Other commenters misunderstood the intended meaning of "grade level." In a recent study, the General Accounting Office points to the potential hazards of ignition of an LNG spill which runs under a tank or enters the open space provided by an elevated, or above grade, foundation. If such a spill and ignition were to occur, a tank could fail catastrophically by overpressure or thermal stress due to heating the bottom of the tank or by the force of any explosion which might occur. While MTB has determined that the level of this potential hazard is uncertain, paragraph (d) was intended to preclude such eventualities for large tanks, and the provision is retained in this Notice. It is modified, however, for clarity.

While the Draft Evaluation shows a major cost impact for this Section, MTB believes the impact could be mitigated by selecting sites where piling is not needed for support or by using special fill material underneath a tank to minimize the use of ground heaters.

Piping. Most commenters questioned the suggested requirement for excess flow valves under § *192.537(b)*. Some stated that such valves did not exist for cryogenic service; others stated that large sizes were not available. Two commenters stated that the experience in the liquefied petroleum gas industry with such valves was decidedly mixed, and the current trend is to use other devices such as internal valves. As a pressure differential is required for the proper functioning of excess flow valves, it was suggested they only be used where pressures exceeds 15 psi. MTB has adopted this recommendation.

Tank Marking. All comments to § *193.539* pointed out that the referenced codes under § *193.529* and § *193.531* for design of metal and concrete tanks specify name plate data. It was said that all of the additional items listed in the ANPRM are not pertinent, serve no useful purpose, do not add to safety, and would be available in an operator's design file if it should be needed. MTB agrees that the items listed in the design codes provide sufficient name plate data and has so changed § *193.539*.

SUBPART G—DESIGN OF TRANSFER SYSTEMS

This subpart would prescribe additional design requirements for piping used to transfer hazardous fluids between containers or between containers and a tank car or tank truck. The subpart would assure structural integrity of the piping when it expands and contracts and require the use of operational devices to minimize the effects of line breaks or piping malfunctions.

Expansion and Contraction. With respect to § *193.603(b)* in the ANPRM, the majority of commenters objected to the suggested prohibition of the use of bellows-type expansion joints unless a transfer system is maintained at a temperature near its operating temperatures. The requirement was suggested because bellows could fail due to icing or fatigue cracking. Commenters pointed out that maintaining a piping system in a cooled-down condition would not be a practical alternative because of increased operating costs, and that it would not be possible or practical to use expansion loops as an alternative means of protection in all cases. In view of these problems and MTB's belief that bellows joints can be used safely if they are properly designed (taking into account the frequency of thermal cycling so as to avoid fatigue) and maintained free of ice. MTB has revised paragraph (b) to be more performance oriented and deleted reference to expansion and bellows joints. However, slip-type expansion joints would be prohibited because they are susceptible to failure, and packing-type joints would not be permitted under cryogenic temperatures because the packing materials could leak.

Shutdown. For the following reasons, many commenters objected to the suggested requirement in § *193.605* that redundant shutdown control systems be installed on transfer systems. Because of operational problems commenters said the suggested redundant mechanism would need an elaborate computer; it would not contribute substantially to reliability; it would not be economically justifiable; or it would cause problems in safe operation. After reviewing these considerations, MTB has deleted the redundancy requirement. However, a backup means for operation of the shutdown system would be required by § *193.921*. The gas concentration set forth in paragraph (e) has been changed to 25 percent. As many commenters pointed out, this level is more consistent with accepted practice. Editorial changes have also been made in paragraphs (a) and (b). Paragraphs (c) and (d) have been transferred to § *193.617*.

Backflow from a container in the event of a line break could increase the severity of a spill. Therefore, § *193.607(b)* has been added based on Section 812 of NFPA 59A, to propose that the means installed for protection against backflow be located near the receiving container, thus minimizing the volume of backflow.

Commenters to § *193.609(a)* regarding the possible overfilling of a container pointed out that manual shutdown is a more desirable method than relying on automatic shutdown to prevent overfilling. Commenters also said that prevention of overfilling by pumping predetermined amounts of liquid would be dependent on metering facilities, and it was stated such metering technology for large volume cryogenic installations is in its infancy. In the ANPRM, MTB did not intend that manual shutdown should be precluded, but that safe alternatives should be available. MTB believes this alternative would be provided by the

automatic shutdown proposed under § *193.605* and has rewritten § *193.609* to propose means for manual control.

As some commenters recommended, the term "design maximum liquid level" is proposed in §§ *193.605(b)* and *193.609* as more appropriate than "design load limit" to define the dangerous overfill level.

Design of Cargo Transfer Systems. The major comment in regard to § *193.611* was that the same design requirement should not apply to arms as well as hoses (devices used to transfer liquid between piping and tank cars or tank trucks). MTB concurs that a design burst pressure of not less than five times the operating pressure is only applicable to hoses. Similar changes are made to other provisions os § *193.611(b)*, based on Section 870 of NFPA 59A. It was further suggested that paragraph (a) be clarified to require venting of each cargo transfer system, such as a hose from a manifold valve to a tank truck valve. As this was the intent, wording has been changed accordingly for clarification under § *193.611(a)(1)*. Paragraph (a)(3), concerning protection barriers, which is similar to Section 843 of NFPA 59A, has been added, at it is felt this provision contributes to the safety at cargo transfer areas. Section § *193.613*, pertaining to marine transfer systems, has been deleted because of the memorandum of understanding between the U.S. Coast Guard and MTB, effective February 8, 1978 (43 FR 30381), which assigns regulatory responsibilities involving waterfront LNG facilities to the Coast Guard.

MTB agrees with the many commenters who stated that § *193.615(a)* and (c) in the ANPRM were more properly operational procedures than design consideratins. Both of these topics will be incorporated in the upcoming Notice of proposed rulemaking on Subpart L of the ANPRM.

Shutoff Valves. Section *193.617* has been retitled to cover all shutoff valves on transfer systems and combined with the suggested § *193.605(c)* and (d) to prescribe valve locations and design stress. Wording has also been changed to clarify, consistent with Section 845 of NFPA 59A, that valves would be required in transfer piping supplying cargo transfer systems where they can be readily operated in an emergency.

SUBPART H—VAPORIZATION EQUIPMENT

This subpart is intended to provide design and installation requirements needed to assure the safe operation of vaporization equipment. At LNG facilities vaporization equipment is used to convert LNG to natural gas to satisfy sudden or long term demands for gas. The process occurs when LNG is heated either directly by burning gas (fired) indirectly by steam, or by transferring heat from large quantities of air or water (ambient vaporizers).

Based on the views of the majority of the commenters, the terms "gasifier" and "gasification" have been changed throughout this subpart to "vaporizer" and "vaporization" respectively, because these terms are more commonly used in the LNG industry.

Design. Some commenters mentioned that "ambient vaporizers" should also be subject to the design requirements in § *193.705* suggested for "fired vaporizers." MTB believes that all vaporizers should be designed in accordance with the applicable provisions of Section VIII, Division 1 of the ASME Boiler and Pressure Vessel Code; and § *193.705* has been changed accordingly. Based on the recommendation of one commenter, paragraph (b) has been added to require a design for pressure based on the pump or container pressure supplying the vaporizer.

Overpressure and Temperature. Section *193.707* in the ANPRM concerning overpressure in vaporizers or downstream piping, has been deleted as redundant with §§ *193.913, 193.917,* and *193.1107*. Similarly, § *193.709* in the ANPRM concerning temperature is redundant with §§ *193.203* and *193.913*, and it has been deleted.

Controls for Operation. Monitoring devices, valves, and relief devices are needed for safe control of the vaporization process. In regard to § *193.711*, MTB agrees with the commenters who pointed out that paragraphs (b) and (c) in the ANPRM related to operational procedures, and, therefore, they will be incorporated in Subpart L. Paragraph (d) has been deleted as redundant with § *193.605*. As suggested, § *193.711(a)* is changed to require monitoring of "heating medium fluids". It is agreed, as suggested by commenters, that monitoring of the inlet and outlet temperatures and pressures is more meaningful than monitoring the temperature and pressures in the vaporizer as suggested in the ANPRM.

It was suggested that manifolded ambient vaporizers with inlets 2 inches or less in size be excepted from the two inlet valve proposal under § *193.711(e)* in the ANPRM (now § *193.711(b)* to be consistent with paragraph 5220 of NFPA 59A-1975. MTB believes this is not an onerous proposal and can see no valid justification for such an exception.

In regard to the design of shut off valves under § *193.713*, a number of commenters suggested that the minimum separation distances in paragraphs 524, 5240, and 525 of NFPA 59A-1975, would provide less chance of damage to valves by explosion or fire. MTB feels the performance type language in paragraph (a), as revised, is more appropriate. The ANPRM suggested that a valve be located near an "emergency exit". This provision has been deleted from § *193.713(a)(2)* because as a number of commenters stated, a building could have a number of exits, none of which would be designated as an emergency exit. Section *193.713(a)(3)* in the ANPRM regarding emergency shutdown has been deleted, as MTB believes these suggested requirements would be redundant with other provisions.

MTB concurs with the majority of the commenters on § *193.715* who pointed out that setting relief devices so that the pressure does not rise above the vaporizer's maximum allowable operating pressure (MAOP) would be impractical. If a vaporizer were operating at MAOP, the relief device would continuously chatter and would rapidly deteriorate. The revised Section is consistent with Section 53 of NFPA 59A-1975 and with the ASME Boiler and Pressure Vessel Code in permitting a 10 percent increase in pressure above the MAOP.

Section *193.717* has been deleted as redundant with § *193.911*, which would require warning devices to warn of potential or existing hazardous conditions detected by all sensing devices proposed by this Notice.

Combustion Air Intakes. In regard to § *193.719*, MTB agrees with the large number of commenters stating that combustion air intakes in themselves cannot prevent the induction of a flammable mixture. This Notice proposes a device to detect induction of a flammable vapor. However, MTB believes the device should detect the presence of any flammable vapors (or gases) rather than of a gas mixture which is in a flammable concentration.

SUBPART I—LIQUEFACTION EQUIPMENT

Liquefaction equipment is used to cool natural gas to the point it becomes a liquid. Some important safety features in the liquefaction area of an LNG facility are covered elsewhere in this notice (e.g., spill collection (§ *193.403*), leak detectors and alarms (§§ *193.90* and *193.911*), and fire resistant materials (§ *193.207*). This subpart covers additional design requirements specifically applicable to liquefaction equipment.

Shutoff Valve. An operator should be able to shut off gas entering a liquefaction process in the event of an emergency. In response to many comments, § *193.805* has been revised to propose that a shut-off valve be required for piping leading to each "liquefaction system" rather than "liquefaction equipment." This change is intended to clarify that a shut-off valve would not be required for each piece of equipment used in the liquefaction

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process. Subparagraph (a) in the ANPRM has been changed to propose that shutdown begin when gas concentrations reach 40 percent of the lower flammable limit "in the area of liquefaction equipment" rather than "near liquefaction equipment." The suggested requirement for automatic shutdown at 30 percent of the lower flammable limit has been increased to 40 percent because MTB considers 30 percent to be unrealistic for mandatory shutdown in the case of liquefaction equipment. Several commenters also pointed out that automatic shutdown systems could not detect when a fire is uncontrollable, as would be necessary if Subparagraph (b) were proposed as suggested in the ANPRM. Therefore, the suggested requirements of subparagraph (b) have been changed to propose that shutdown be required when high or low temperature in the area of liquefaction equipment exceeds the limits determined under § *193.205*.

Contaminants. Commenters to § *193.807* pointed out that subparagraph (b), on monitoring the buildup of ice or other contaminants within liquefaction equipment, would not be needed for safety. It was argued that such buildup would be detected by normal pressure and temperature indicators long before it becomes dangerous. Since these plant operating characteristics are normally monitored to achieve efficient operation and such monitoring was suggested as a safety measure under § *193.1107* in the ANPRM, Subparagraph (b) is deleted.

Backflow. Section *193.809* has been revised to be consistent with the wording used elsewhere in the proposed Part 193, by replacing the term "reverse flow" with "backflow" both in the title and the text. In addition, the text in § *193.809* has been revised to clarify the level of protection required against backflow in a multiple parallel piping system.

Coldboxes. Section *193.811* has been revised for clarity and to respond to comments indicating that the insulation space surrounding liquefaction equipment may contain an atmosphere of air, natural gas, or inert gas. The intent of the proposed rule is to avoid explosions and fires by restricting the concentration of gas in air to ranges that are not flammable. The flammable range of natural gas in air varies slightly but is about 5 to 15 percent by volume. Commenters pointed out that the lack of instrument accuracy at low concentrations such as 5 percent of the lower flammable limit. Because of this and to be consistent with other revisions to this proposal, the lower limit for introduction of purge gas was raised to 25 percent lower flammable limit, which corresponds to 1.25 percent by volume.

There has been no established limit for avoiding the upper flammable limit of gas in air. Therefore, MTB has selected 30 percent by volume as the concentration for introduction of purge gas. Discussion of this upper limit is specifically requested from commenters to this Notice.

Air In Gas. No changes are proposed to § *193.813*, regarding the prevention of a flammable mixture in incoming gas, because many commenters agreed with the concept stated in the ANPRM.

Equipment Supports. Section *193.815* has been changed to clarify that equipment supports must comply with the material requirements of § *193.207* regarding high and low temperatures.

SUBPART J—CONTROL SYSTEMS

This subpart concerns significant design features such as backup power supplies, redundant relief capacity for LNG storage tanks failsafe design and central control for components used manually or automatically to control the operation of other components.

General. Section *193.903*(c) was revised to recognize the fact that it would not be reasonable to require that all control systems be accessible, as pointed out by some commenters. However, they should be maintained, and the design and installation should accommodate future inspection or testing. Separate routing of control lines is being proposed under § *193.903*(*d*) to avoid simultaneous damage in the event of an accident.

Relief Devices. Sections *193.905*(*a*) and (*b*) in the ANPRM, relating to relief valve capacity, are combined in Paragraph (a) in this Notice. Changes make this paragraph consistent with other changes to the proposed part, that relief devices should release fluid so as to prevent pressures from exceeding 110 percent of the maximum allowable operating pressure. The suggested redundancy of relief devices, suggested by Paragraph (b) in the ANPRM, has been deleted except for LNG storage tanks, but MTB is proposing under Paragraph (b) in this Notice that a separate manual means be provided to relieve pressure in an emergency. Over design of relief capacity in the case of LNG storage tanks would provide an added safeguard against unexpected events without much extra cost. The term "override" has been deleted with regard to manual controls to avoid the misunderstanding that they could be used to avert automatic pressure release.

Paragraph (c) (paragraph (d) in the ANPRM) is changed to eliminate the suggested requirements for vents on pressure relief devices to prevent harmful discharges of fluids. The proposed paragraph (c) is performance oriented and would permit any means of minimizing a discharge hazard. Paragraph (d) (paragraph (e) in the ANPRM), concerning the relief of vacuum conditions has also been modified to be more in keeping with Paragraph 335 of NFPA 59A.

As commenters noted, the means for adjusting the setpoint pressure of relief devices rather than the pressure, itself, should be sealed, and § *193.905*(*e*) in this Notice is changed accordingly. Section *193.905*(*f*) has been modified to prohibit the use of relief devices installed to limit maximum or minimum pressures to handle boiloff and flash gases. This changed is consistent with NFPA 59A, Paragraph 334. Section 193.905(h) in the ANPRM, regarding operating temperatures of relief devices has been deleted as redundant with § *193.205*.

Fluid Discharge. Section *193.907*(*a*) has been modified to propose that discharge of fluids be prohibited in condined spaces as well as in buildings. Paragraph (b) has been changed to apply only to boiloff vents, which is consistent with Paragraph 33, NFPA 59A.

Sensing and Warning Devices. As suggested by a number of commenters, tow changes were made in § *193.909*. The word "critical" was inserted before "component" in paragraph (a)(1) to limit the number of components that are monitored for malfunctions to those where serious hazards could result. To be consistent with accepted practices, "5 percent" was changed to "25 percent" in paragraph (b) as the warning level for hazardous gas concentrations.

Many commenters objected to the suggested requirements that warning devices be installed at all locations frequently by personnel as proposed by § *193.911* in the AMPRM. MTB concurs that such a requirement would be unreasonable and is proposing that such devices be installed in the control center. However, under § *193.921*(*e*), a means would have to be available for communicating hazardous conditions warnings from the control center to locations frequented by personnel.

The words "potential" or "existing" are not used to describe the hazard for which an alarm is sounded, because, as it was pointed out, a warning indicates an actual hazardous condition. MTB also agrees that sensing devices can only detect the nature of a hazard, not the cause as suggested in the ANPRM.

Section *193.913* has been deleted, as discharged pressure and temperatures are adequately covered by §§ *193.917*, *193.205*, *193.207*, and *193.709*.

Pump Controls. As suggested by some commenters, the word "idle" in § *193.915*(*a*)(*2*) has changed to "off" to clarify the intended meaning that a light show when a pump or compressor in service is not in operation. Paragraph (3) in the ANPRM has been broken down to paragraph (a)(3) and (4) for clarify. Also, paragraph 820 of NFPA 59A has been used as basis for a new paragraph (b) to establish the location of controls for pumps or compressors used in loading or unloading operations.

Shutdown. As pointed out by many commenters, in § *193.917*, the term "shutoff valves" is adopted as more appropriate than "control valves" for the purpose of requirements related to safe valve closure. Also, Paragraph (a) in the ANPRM is deleted as duplicative of other proposed requirements in Part 193 regarding the control of fluid flow.

Section *193.919* has been redrafted for clarity and to propose in Paragraph (a) that all critical components have control systems to automatically shutdown the component in certain events. However, a provision for a reasonable delay between warning and the actuation of shutdown at a manned facility permits an operator to take appropriate action which could remove the hazard and consequently eliminate the need for a shutdown. This delay would not apply to unattended facilities, where no personnel would be available to take such action. In addition to automatic shutdown system for critical components, it is proposed that each LNG facility have a manual shutdown control system which can be actuated to shutdown all operations of the whole facility.

Control Center. As pointed out by some commenters, an LNG facility may have more than one centralized location for operating control systems, with specialists in attendance at each center. This is recognized in the Notice in the redrafted version of § *193.921*. Personnel would have to be in attendance at any center when critical components under its control are operational. Under paragraphs (b) and (c) requirements would be established for redundant means of communication between centers, and for means of communicating hazardous condition warnings from the control centers to other locations frequented by personnel at the LNG facility, only when critical components under its control are in operation. Under paragraphs (b) and (c) requirements would be established for redundant means of communication between centers, and for means of communicating hazardous condition warnings from the control centers to other locations frequented by personnel at the LNG facility.

Auxiliary Controls. Section *193.923*, which would have required auxiliary control devices in addition to those required by other Sections of Part 193, has been deleted. Some of the suggested requirements in this Section of the ANPRM were redundant with other sections (e.g., § *193.915*(*a*)(*1*) and MTB believes that a requirement for additional controls is not economically justified.

Failsafe Design. In § *193.925*, in response to some commenters, the words "liquefaction equipment, storage tanks, and gasification equipment" have been replaced by "critical components." Under this proposal and § *193.917*(*a*), each control system for a critical component and each shutoff valve would have to be designed to provide a safe condition in the event of a malfunction or failure of either the power supply, the valve on the system, or the component being controlled.

Power Supply. Many commenters objected to the suggested requirement in § *193.927* for separate and redundant sources of electrical power, and pointed out that other types of power than electrical could be utilized, such as diesel or gas driven systems, as a second power source. Upon consideration of the comments, MTB believes that a requirement for backup power sources should be applied broadly and not just to electrical power. Wording is also changed to clarify the proposal regarding the intended separate and redundant power sources.

An additional proposed requirement would provide for the protection of auxiliary generators which may be installed to furnish a second source of electricity, and for the protection of the fuel supply to such units.

SUBPART K—CONSTRUCTION

Under this subpart MTB is proposing new requirements for reliable construction procedures, inspection of construction activities, personnel qualifications, and for field testing components. The objective of the subpart is to assure that components comply with design plans and material specifications and have sufficient structural integrity to operate safely when placed in service.

General. The text of § *193.1021* in the ANPRM titled "Testing acceptance" has been restate in § *193.1002* in this Notice and named "Construction acceptance." Section *193.1002* proposes a general requirement that a component must pass all applicable inspections and tests before it is placed in service. While most commenters agreed with the wording of this Section in the ANPRM, a few felt it should apply only to critical components and not to incidental parts of an LNG facility. The proposed definition of "component" in § *193.5* should alleviate this problem since the definition would only refer to parts of a facility that are related to safety.

Section *193.1003* in the ANPRM has been deleted, since it was essentially redundant with other suggested requirements and personnel qualifications are now addressed more effectively in § *193.1009*.

Construction Procedures. With respect to § *193.1005*, most commenters said that the suggested requirements that operators prepare and follow construction procedures for each component should apply only to critical components so as to limit the impact of the requirements to components whose failure could cause or worsen a hazard. The proposed definition of "component" should help alleviate this issue. Also, § *193.1005* is changed to apply only to "critical processes," or those processes of construction, installation, inspection or testing that are necessary to ensure the performance reliability or structural integrity of a component. The change to § *193.1005* also incorporates the views of a large number of commenters that construction be in accordance with written specifications and drawings. Two commenters pointed out that field changes are made in construction processes, and recommended that changes be promptly reflected in the records. On this point, § *193.1005* would require that comprehensive written procedures be followed for all critical processes, whether they are processes changed in the field or original ones. The last sentence of § *193.1005*(*a*) as stated in the ANPRM, requiring tests for joining procedures, has been restated and set forth as § *193.1005*(*b*) for greater clarity. The language has been revised to be consistent with § *193.1005*(*a*) and broadened to propose that all procedures be substantiated by testing or experience.

Section *193.1007*, in the ANPRM concerning the identification of construction processes that are critical to the safety of a facility has been deleted in this Notice. Instead, the term "critical process" is defined in § *193.5*. *This term forms the basis for several proposed requirements in Subpart K. The suggested requirement under* § *193.1007*, in the ANPRM, which would have allowed each operator to determine critical processes at an LNG facility, would not provide an adequate standard because of the potential variations in interpretation of the word "critical."

Personnel Qualifications. In order to eliminate redundent language and thereby simplify this Subpart, the suggested. Inspector qualifications in § *193.1013* of the ANPRM have been included in § *193.1009* regarding the qualification of personnel in general. Accordingly, § *193.1009* proposes qualifications for personnel used in all critical processes of construction, including inspection and testing.

The principal position of most commenters was that the suggested requirements of both § *193.1009* and

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§ *193.1013* in the ANPRM would be too rigorous. Generally, commenters objected to the suggestion that personnel be qualified by both training (or experience) and testing and recommended that either one should satisfy the need for a qualification standard. This viewpoint has not been adopted since MTB believes that qualification either by testing and training or by testing and experience is necessary in critical processes for the safety and reliability of an LNG facility. MTB feels that testing is necessary to assure that a worker's prior training or experience can be applied in practice.

A number of commenters said that the suggested personnel qualifications requirements would conflict with "right to work" laws in certain States. Notwithstanding such conflict, if any, MTB believes it is empowered to establish reasonable qualifications for construction personnel working on an LNG facility.

Other commenters felt that it should not be the obligation of the operator to test and evaluate the competence of personnel involved in critical processes. Some commenters said that reliance on a third party's decision in testing would be desirable. MTB agrees that an operator need not be the one to give performance qualification tests; an appropriate test given by others should suffice. However, where a new employee, for example, has not yet demonstrated competency by testing, under § *193.1009* it would be the operator's obligation to see that such testing is performed. The language of § *193.1009(a)(2)* has therefore been modified to make clear that an operator must verify that qualification tests relevant to the assigned function are passed.

In the final rules, the provisions of § *193.1009* will be relocated to a separate Subpart on personnel training and qualifications.

Inspection. Section *193.1011*, relating to inspection of construction activities, is changed by incorporating the suggested material inspection requirements of § *193.1035*. Although many commenters agreed with the wording of § *193.1011(a)*, regarding inspection to assure compliance with Subpart K, some commented that inspection should be to verify compliance with specifications, industry codes, and drawings but not Federal regulations. While the language has been modified to clearly point out that inspection requirements apply to all construction activities required by Subpart K, including testing, MTB believes that in addition, an essential purpose of inspection should be to assure compliance with the other applicable Federal safety standards in Part 193. This concept has therefore been retained in the revision.

Provisions of other Sections (E.g., §§ *193.1023(b)* and *193.1035*) concerning the type and scope of insepctions and tests are restated in a new § *193.1014*, called "Inspection and testing methods". This new Section would establish a general requirement that each operator determine the nature and scope of tests and inspections performed under Subpart K (that are not otherwise specified) and the extent of inspection and testing procedures prepared under § *193.1005*.

Cleanup. Most commenters on § *193.1015* agreed with the concept that components should be cleaned after construction to remove potentially damaging contaminants. Therefore, this Section is retained in this Notice; and it is combined with several provisions from § *193.1417*, which also dealt with cleanup. Several commenters suggested that the clause "which could cause a hazard" be deleted, stating that all detrimental contaminants should be removed. MTB agrees that removal of all contaminants is good practice, but the purpose of this proposed requirement is to prevent hazards resulting from contaminants.

Pipe Welding. There were several minor modifications suggested by commenters for § *193.1017* which proposes standards for welding pipe. The following modifications have been made in accordance with applicable comments: In § *193.1017(a)(1)* a revision has been made to permit welding qualification under either ASME Section IX or API 1104 as applicable. Subsection *193.1017(a)(2)* has been modified slightly, only to clarify intent. Two commenters stated that in § *192.1017(d)*, prohibition of dye stamping should be based on wall thickness and temperature of pipe rather than nternal pressure. Since material must be selected to have adequate toughness at predictable operating temperature, MTB has not included temperature as a factor to consider in deciding whether to field dye stamp the pipe. Otherwise, MTB agrees that thickness should be the controlling factor and has revised § *193.1017(d)* accordingly. Also, a suggested welding provision regarding alloy welded joints is transferred to this section from § *193.1417(d)* in the ANPRM.

Pipe Connections. A large number of commenters recommended that the suggested piping connection requirements of § *193.1019* be limited to LNG and hazardous fluid piping, and the proposed definition of "piping" should satisfy this concern. A number of commenters to § *193.1019(a)* felt that nonwelded connections should be permitted for unusual situations where welding would not be practical. MTB agrees and a change has been made to propose that threaded or flanged connections be allowed for "special connections" such as those needed to attach instruments to pipe. Many commenters advocated the use of NFPA 59A as a basis for this Section. MTB has essentially followed this recommendation, expanding the Section to include most of the provisions of NFPA 59A, Paragraphs 6210 and 6211. Based on the views of one commenter that clearances in socket fittings must be assured, MTB has added a new paragraph (b) covering this topic.

Retesting. Section *193.1023(c)* in the ANPRM has been revised in response to a majority of commenters who argued that a component should not have to be retested in every case that welding is performed on the component after initial testing. MTB has reexamined potential harm that could be caused by welding after a component is tested and the need for such welding. Section *193.1023* now provides that retesting would be required only in the event of penetration welding (other than tie-in welds). In addition, MTB is proposing that retesting be required if the components structural integrity is disturbed in any way after an initial test.

Strength Tests. Many commenters objected to the suggestion under § *193.1025(a)* in the ANPRM that each component be tested for strength because as the term "component" was defined in the ANPRM, many needless tests would be run. MTB agrees and under this Notice only "piping systems and containers" would have to be tested. Components which do not contain a hazardous fluid, such as a control system, need not be strength tested to prove their design capabilities; and it would not be practical to strength test other components, such as dikes. Some commenters questioned how loading from ice or snow could be considered in tests as suggested in § *193.1025*. This may be accomplished by calculating deflection, settling, and movement due to thermal contraction and comparing the value with field measurements taken during testing. As another example, calculated toe loads due to wind or seismic motion might be correlated with settlement measurements during hydrostatic test to determine the effects of the projected loading.

A number of commenters on § *193.1025(b)* said that the suggested 1.5°C temperature limitation on pressure testing low alloy and carbon steel piping would not be practical since ambient temperatures could be lower and many steels retain adequate toughness at that temperature. Once commenter said there should be no low temperature limit, since testing at a low temperature would be more rigorous. Accordingly, the low temperature limit for testing has been deleted. A new clause proposing that test pressures include a uniform safety factor, consistent with test requirements for ordinary gas piping and hydrostatic tests under B31.3, has been included for critical components.

Testing Welds. A wide range of viewpoints was expressed in comments to § *193.1027(a)* concerning the nondestructive testing of circumferential welds on piping to check for welding defects. Some felt that a requirement for testing all welds would be excessive; 59A requires that only 30 percent of the welds on piping be tested. On the other hand, many commenters indicated that a 100 percent testing requirement would be appropriate, or appropriate for certain temperature ranges or fluids. After further consideration, MTB believes that a higher level of testing should be required for critical piping, or piping whose failure could cause an emergency, in order to adequately assure weld acceptability. Assurance is most important in the case of cryogenic piping because of the unusual problems in welding the materials involved. Therefore, this Section has been revised to proposed that 100 percent of welds be nondestructively tested on critical piping and 30 percent on noncritical piping.

Most commenters agreed with the suggested requirement of § *193.1027(a)(3)* in the ANPRM for 100 percent testing of longitudinal seams in transfer piping. MTB believes this requirement would be appropriate, and it is proposed under § *193.1027(c)* along with 100 percent testing of spiral welds.

With respect to § *193.1027(d)*(§ *193.1027(b)* in the ANPRM) commenters opposed adopting a requirement for testing 100 percent of the welds in metal storage tanks with curved surfaces because of the low stress levels in some areas of most tanks and because pressure tests § (*193.1033*) assure quality of construction. A number of these commenters contended that testing should be no more stringent than currently required by the industry standard, API 620, since it has not been shown to be inadequate. However, other commenters indicated that a 100 percent requirement would be appropriate for LNG tanks or those operating at temperatures below −20°F. MTB has not adopted these comments because the 59A standard (and reference to API 620) appears ambiguous and does not impose any appreciably higher standard for LNG storage tanks than tanks holding any other fluid. Also, pressure testing may not be adequate to assure that joints meet the proposed design requirements for loading because under § *193.1033* some joints might not be tested to the stress level that would result from wind or seismic loads. MTB has revised this suggested requirement to make clear that it applies only to butt welds in hydraulic load bearing shells of tanks with curved surfaces that are to operate at cryogenic temperatures. In view of the potential for disaster in case a storage tank containing a flammable fluid fails and the level of difficulty associated with welding the curved surfaces and cryogenic metals involved, MTB believes that testing 100 percent of the welds is appropiate. In addition, testing to this degree is necessary to assure structural integrity so that a vapor dispersion distance under § *193.109* for an LNG tank justifiably be based, in most cases, on a piping failure and not on a total sudden release of the tank contents.

The Draft Evaluation has identified § *193.1027* as a provison with high cost impact. The additional testing that would be required would obviously have some additional cost. MTB believes this impact would not be harsh because the added testing could be done by personnel already at a job site to comply with any less stringent testing standard that might be adopted and during the same time period.

Leak Tests. Most commenters addressing § *193.1029(a)* on testing components for leaks after construction, objected to the suggested testing of all "components." The Section is modified to apply to containers and piping systems, those components which will contain hazardous fluids and would pose a hazard if a leak occurs.

In § *193.1029(b)* (paragraph (c) in the ANPRM) the words "design maximum pressure" have been revised to "design pressure."

Testing Control Systems. Section *193.1031*, concerning the testing of control systems to assure their performance, is unchanged from the ANPRM.

Pressure Tests for Storage Tanks. Many commenters strongly opposed the full hydrostatic test suggested by § *193.1033(a)* for storage tanks (filling the tank with water to its maximum liquid level) and recommended that the API 620, Appendix Q, test procedure be adopted without exceptions. In connection with the hydrostatic loading, most of these commenters objected particularly to paragraph (f) which would have prohibited overloading of the tank foundation during testing. Only one commenter advocated that the full hydrostatic test requirement be retained as suggested in the ANPRM, stating the API 620, Appendix Q, procedure is ambiguous. API 620, Appendix Q, provides that a tank be filled with water to the design liquid level, but then permits filling to a lower level if excessive overstressing or foundation overloading would result. As a consequence, load bearing surfaces of an LNG tank are usually not tested for even the static loads that will result when the tank is placed in service.

MTB believes, first, that a full hydrostatic test would be consistent with overpressure tests proposed or now required as a safety factor for less critical components. The test would assure that a tank is liquid and gas tight at all its level and that foundation bearing is adequate. In addition, MTB believes this more stringent test is needed as a safeguard against catastrophic failure of a tank by dynamic or other loads that, as allowed by design procedures would cause static loads to be exceeded. It also would provide justification for basing the vapor dispersion distance computed under § 193.109, in most cases, on piping failure rather than on a sudden total release of the tank contents. Accordingly, the suggested requirement for a full hydrostatic test has been retained in this Notice. However, subparagraph (f) in the ANPRM has been deleted in order to permit overloading of the foundation during testing (as permitted by API 620, Appendix Q), recognizing that lower profile tanks may be necessary for compliance in some cases. This deletion, together with the allowable overstressing of materials and design provisions for certain dynamic loading, should mitigate the onerous aspects of this test.

The Draft Evaluation shows that this provision would have a major cost impact mostly because of the extra cost of concrete and earthwork to support the added foundation loading for most tanks. MTB believes that this impact could be lessened by taking full advantages of the allowable overstressing of material and foundation, by careful site selection, and by using alternate tank designs. Also, any costs for added strength would, to some extent, be included in the costs associated with compliance with proposed Sections related to seismic design, wind load, and internal pressure.

A large number of commenters also opposed the relatively high pneumatic test pressure (1.5 times the design pressure) suggested by § *193.1033(b)* in the ANPRM. In view of the comments and other factors, the test pressure proposed in this Notice is reduced to 1.25 times the design pressure, the pressure provided by API 620, Appendix Q.

In accordance with the number of comments on § *193.1033(c)*, stating that thermal stabilization cannot be achieved, the wording "after thermal stabilization" has been deleted.

The majority of commenters recommended that § *193.1033(d)* in the ANPRM be deleted, stating that unsealed concrete shells should be tested in the same manner as other tank parts. Although the suggested require-

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ment for an additional test on unsealed surfaces was not intended to supplant other requirements, it does not appear to add to safety and has been deleted.

Based on the views of many commenters, § *193.1033(e)* in the ANPRM has been changed using more performance type language, and incorporated in § *193.1033(c)* along with § *193.1033(g)* of the ANPRM.

The majority of comments on § *193.1033(g)* in the ANPRM agreed with the need to use reference measurements to detect tank motion during testing. MTB believes this suggested requirement is appropriate for safety, and it is, therefore, retained under § *193.1033(c)*.

Records. Although a number of commenters to § *193.1037* agreed with the need to keep construction records, some felt that retention of a record of each personnel test and each component inspection would be excessive. Commenters argued that only the results of such tests and inspections should be kept. MTB agrees and has revised § *193.1037* accordingly.

In consideration of the foregoing, MTB proposes to amend Title 49 of the Code of Federal Regulations by establishing Subparts A–K of a new Part 193 as set forth below.

Issued in Washington, D.C. on February 5, 1979.

CESAR DE LEON,
Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

PART 193—LIQUEFIED NATURAL GAS FACILITIES: FEDERAL SAFETY STANDARDS

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Appendix A—Incorporation by Reference

AUTHORITY: Sec. 3, Pub. L. 90-481, 82 Stat. 721 (49 USC 1672); 49 CFR 1.53, Appendix A of Part 1, and Appendix A of Part 106.

Subpart A—General

§ 193.1 Scope of part.

(a) This part prescribes safety standards for LNG facilities used in the transportation of gas by pipeline that is subject to the Natural Gas Pipeline Safety Act of 1968 and Part 192 of this chapter.

(b) This part does not apply to—

(1) LNG facilities used by ultimate consumers of LNG or natural gas.

(2) LNG facilities used in the course of natural gas treatment or hydrocarbon extraction which do not store LNG.

(3) In the case of a waterfront LNG facility engaged in marine transfer, any matter pertaining to the facility between the marine vessel and the last manifold (or in the absence of a manifold, the last valve) on transfer piping located immediately before a storage tank.

§ 193.2 Offshore facilities.

An offshore LNG facility need not comply with any requirement of this part which the Secretary finds impractical or unnecessary because of the offshore location. In making such a finding, the Secretary may impose appropriate alternative safety conditions.

§ 193.3 Applicability.

(a) No person may operate an LNG facility that does not meet the applicable requirements of this part governing operation, maintenance, personnel qualifications and training, fire protection, and security.

(b) No person may operate any component of an LNG facility upon which construction, installation, replacement, relocation, or significant alteration was begun after (date Part 193—Design and Construction is issued) unless that component meets the applicable requirements of this part governing siting, design, installation, and construction.

§ 193.5 Definitions.

As used in this part—

"Ambient vaporizer" means a vaporizer which derives heat from naturally occurring heat sources, such as the atmosphere, sea water, surface waters, or geothermal waters.

"Cargo transfer system" means a component or system of components for transferring hazardous fluids in bulk between the closest inline valve on transfer piping and a tank car, or tank truck, including connections, arms, hoses, and associated area.

"Component" means any part or system of parts functioning as a unit that is used in an LNG facility for controlling, processing, or confining hazardous fluids or to provide safety.

"Container" means a component other than piping which confines a hazardous fluid.

"Control system" means a component or system of components functioning as a unit, including control valves, and sensing, warning, relief, shutdown and failsafe devices, which is activated either manually or automatically to establish or maintain the performance of another component.

"Controllable emergency" means an emergency where reasonable and prudent action can prevent harm to persons or property.

"Critical component" means a component which may cause, fail to prevent, or increase an emergency if operational capability is impaired or malfunction occurs.

"Critical process" means a process of construction, installation, inspection, or testing that is necessary to ensure the performance reliability and structural integrity of a component.

"Cubic metre" means a volumetric unit which is 6.2898 barrels, 35.3147 feet ^{3}, or 264.1720 U.S. gallons, each volume being considered as equal to the other.

"Determine" means make an appropriate investigation using scientific methods, reach a decision based on sound engineering judgment, and record the decision and its basis.

"Dike" means a structural arrangement, which may be of natural geological formation, compacted earth, concrete, or other material, forming an impermeable barrier to prevent liquid from flowing in an unintended direction.

"Emergency" means a deviation from normal operation, a structural failure, or severe environmental conditions that probably would cause harm to persons or property.

"Exclusion zone" means an area surrounding an LNG facility in which an operator or government agency legally controls all activities in accordance with §§ 193.107 and 193.109 for as long as the facility is in operation.

"Failsafe" means a design feature which will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or component part.

"G" or "g" means the standard acceleration of gravity of 9.806 metre per second ^{2} (32.17 feet per second ^{2}).

"Gas," except when designated as inert, means natural gas, flammable gas, or gas which is toxic or corrosive.

"Hazardous fluid" means gas or any liquid that is subject to Parts 172 and 173 of this Chapter.

"Heated vaporizer" means a vaporizer which derives heat from other than naturally occurring heat sources.

"Impounding space" means a volume of space formed by dikes and floors which is designed to hold a spill of LNG or other hazardous liquid.

"Impounding system" includes an impounding space and dikes and floors, including those for conducting the flow of spilled hazardous liquids to an impounding space.

"Liquefied natural gas" or "LNG" means natural or synthetic gas having methane (CH_4) as its major constituent which has been changed to a liquid by reduction in temperature.

"LNG facility" means a facility for liquefying natural gas or transferring, storing, or vaporizing liquefied natural gas, including rights-of-way, buildings, equipment, piping, and associated facilities, but not including tank cars, tank trucks, marine vessels, fuel systems for motor vehicles, or portable dewar vessels.

"Maximum allowable operating pressure" means the maximum pressure at which a component may be operated under this part.

"Normal operation" means functioning within design ranges of pressure, temperature, flow, or other operating criteria without malfunction or personnel error which results in the activation of any safety control system.

"Operator" means a person who owns or operates an LNG facility.

"Person" means any individual, firm, joint venture, partnership, corporation, association, state, municipality, cooperative association, or joint stock association and includes any trustee, receiver, assignee, or personal representative thereof.

"Piping" or "piping system" means all pipe, tubing hoses, fittings, valves, pumps, connections, safety devices or related components for containing the flow of hazardous fluids.

"Secretary" means the Secretary of Transportation or any person to whom authority in the matter concerned has been delegated.

"Storage tank" means a container for storing a hazardous fluid, including an underground cavern.

"Transfer piping" means all permanent and temporary piping, supports, and associated area used for transferring hazardous fluids between containers, and between a container and a cargo transfer system.

"Transfer system" includes transfer piping and cargo transfer system.

"Vaporization" means an addition of thermal energy changing a liquid medium to a vapor or gaseous state.

"Vaporizer" means a heat transfer facility designed to introduce thermal energy in a controlled manner for changing a liquid medium to a vapor or gaseous state.

"Waterfront LNG facility" means an LNG facility located on or immediately adjacent to a navigable waterway of the United States.

§ 193.7 Rules of regulatory construction.

(a) As used in this part—

(1) "Includes" means including but not limited to;

(2) "May" means is permitted to or is authorized to;

(3) "May not" means is not permitted to or is not authorized to; and

(4) "Shall" or "must" is used in the mandatory and imperative sense.

(b) In this part—

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(1) Words importing the singular include the plural; and

(2) Words importing the plural include the singular.

§ 193.10 Reporting.

Leaks and spills of LNG must be reported in accordance with the requirements of Part 191 of this chapter.

§ 193.11 Incorporation by reference.

(a) Any documents or parts thereof incorporated by reference in this part are a part of this regulation as though set out in full.

(b) All incorporated documents are available for inspection in Docket Room 6500, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590. In addition, the documents are available at the addresses provided in Appendix A to this part.

(c) The titles and applicable editions for the publications incorporated by reference in this part are provided in Appendix A to this part.

Subpart B—Site Related Design Requirements

§ 193.101 Scope.

This subpart prescribes site related requirements for the design of a new LNG facility or an existing critical component which is replaced, relocated, or significantly altered.

§ 193.103 Acceptable site.

A site may not be used for an LNG facility or critical component unless it is investigated in accordance with the requirements of this subpart.

§ 193.105 General.

An LNG facility must be located at a site of suitable size, topography, and configuration so that the facility can be designed to minimize the hazards to persons and property resulting from leaks and spills of LNG and other hazardous liquids at the site. In selecting a site, each operator shall determine all site related characteristics which could jeopardize the integrity and security of the facility. A site must provide ease of access so that personnel, equipment, and materials from offsite locations can reach the site for fire fighting or controlling spill associated hazards or to evacuate personnel.

§ 193.107 Thermal radiation protection.

(a) *Thermal exclusion zone.* Each LNG facility must have a thermal exclusion zone. Within the thermal exclusion zone an impounding system for LNG may not be located closer to targets listed in paragraph (d) of this section than the exclusion distance "d" determined according to this section unless the target is part of an LNG facility. If grading and drainage are used under § 193.403(b), operators must comply with the requirements of this section by assuming the space needed for drainage and collection of spilled liquid is an impounding system.

(b) *Measurement.* The exclusion distance "d" is measured as shown in the following diagram along the line (PT) in a vertical plane defined by the points (T) and (D) where—

(T) is a point at the top of the target;

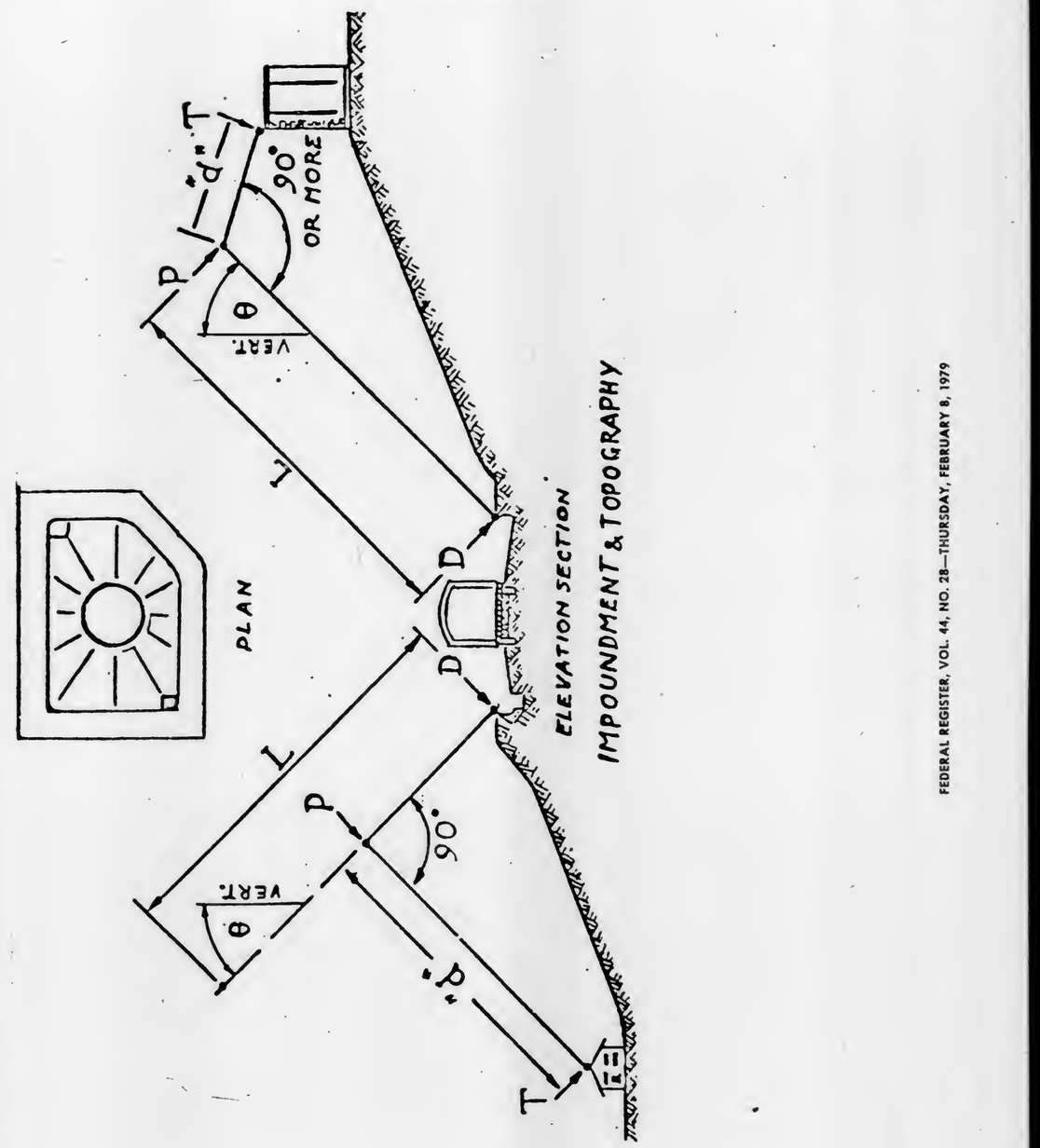
(D) is a point closest to (T) on the top inside edge of the innermost dike;

( ) is the flame tilt angle measured from the vertical as calculated from Equation G-4 of AGA IS-3-1, using the maximum wind speed that is exceeded less than 5 percent of the time based on recorded data for the area.

(L) is the flame length as calculated from Equation G-7 or G-8 of AGA IS-3-1;

(PD) is a line in the vertical plane which intersects (D) at an angle with the vertical;

(P) is located where (PT) and (PD) intersect at an angle of 90° or more, or where (PD) equals (L), whichever results in the shortest length of (PD).



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(c) *Exclusion distance length.* The length of an exclusion distance in feet for each impounding space may not be less than the distance "d" determined in accordance with one of the following:

(1) $d=(qA/4\pi q'')^{1/2}$

(1) Where—

A = Area measured across the top of the impounding space in square feet.

q'' = Radiation flux level for the target prescribed by paragraph (d) of this section.

q = Emissive power of LNG fire equals 45,000 Btu/ft.²hr.

(2) Determine "d" from a detailed analysis of the radiation from LNG fires, using the model beginning on Page G-40 of AGA IS-3-1, making certain the analysis accounts for:

(i) Transmissivity of the atmosphere based on the minimum daily relative humidity that is exceeded at least 95 percent of the time based on recorded data for the area;

(ii) Emissivity of the flame;

(iii) Geometric view factor between the flame and the target;

(iv) Emissive power of LNG fire equals 45,000 Btu/ft.²hr.; and

(v) Radiation flux level for the target is as prescribed by paragraph (d) of this section.

NOTE.—In the case of an impounding space with base dimensions in a ratio of more than 2, the distance "d" must be calculated by assuming simultaneous radiation from a series of impounding spaces each with base dimensions in a ratio of 2 or less and taking into account the combination of radiation flux.

(d) *Permissible thermal flux on targets.* Thermal radiation from an impounding space may not result in more than the following thermal flux at a target:

Targets	Maximum Incident Radiation Flux (Btu/ft.²hr.)
(1) Places of outdoor assembly, including beaches, parks, playgrounds, and outdoor theaters	1,600
(2) Structures made of cellulose or metal which—(i) Are frequently occupied by humans; (ii) Contain flammable or toxic materials, (iii) Have exceptional value or contain objects of exceptional value, or (iv) Could result in additional hazard if damaged by thermal radiation	4,000
(3) Public streets, highways, and main lines of railroads	4,000
(4) Structures made of brick, stone, or other masonry materials, which are fire resistant and have not more than 10 percent window area	10,000
(5) Other structures made of cellulose, metal or masonry materials	6,700

§ 193.109 Flammable vapor-gas dispersion protection.

(a) *Dispersion exclusion zone.* Except as provided by paragraph (e) of this section, each LNG facility must have a dispersion exclusion zone with a boundary described by the minimum dispersion distance computed in accordance with this section. The following are prohibited in a dispersion exclusion zone unless it is part of an LNG facility.

(1) Places of outdoor assembly; and

(2) Structures which—

(i) Are frequently occupied by humans;

(ii) Contain flammable or toxic materials;

(iii) Have exceptional value or contain objects of exceptional value; or

(iv) Could result in additional hazard if damaged by concussion or fire.

(b) *Measuring dispersion distance.* The dispersion distance is measured radially from the inside edge of an impounding system along the ground contour to the exclusion zone boundary.

(c) *Computing Dispersion distance.* A minimum dispersion distance must be computed for each impounding system which serves components containing LNG. Computing dispersion distance in accordance with applicable parts of the mathematical model in Appendix B in the report, "Evaluation of LNG Vapor Control Methods" prepared for the American Gas Association by A. D. Little, Inc. If grading and drainage are used under § 193.403(b), operators must comply with the requirements of this section by assuming the space needed for drainage and collection of spilled liquid is an impounding system. Computation of dispersion distance is subject to the following and paragraph (d) of this section:

(1) Average gas concentration in air = 2.5 percent.

(2) Weather conditions are those which result in longer predicted downwind dispersion distances than 95 percent of other weather conditions occurring at the site based on U.S. Government weather data.

(3) Dispersion parameters y, z, and H=O.

(d) *Vaporization design rate.* In computing dispersion distance under paragraph (c) of this section, the following applies:

(1) For sites not subject to paragraph (d)(2) of this section, dispersion distance is based on the following conditions:

(i) Vaporization equals the maximum constant rate of discharge by failed transfer piping which has the greatest overall flow capacity durng the time necessary to wet 100 percent of the impounding floor area as determined by equation C-9 in the report, "Evaluation of LNG Vapor Control Methods, prepared for the American Gas Association by A. D. Little, Inc., plus the flash vaporization from the assumed piping failure.

(ii) After the time required to wet the impounding floor has been exceeded, the vaporization rate is a decreasing function of time and spill surface properties.

(iii) Vapor detention space is all space provided for liquid impoundment and vapor detention outside the component served, less the valume occupied by the spilled liquid at the time the vapor escapes the vapor detention space.

(2) For sites located in active seismic areas having a potential for ground rupture or seismic accelerations in excess of 0.4G as determined under § 193.111, or where other surrounding conditions exist such that structural integrity of the vessel served cannot be assured with a high degree of certainty (e.g., high density commercial or military air traffic, and military test sites for aircraft and missiles), and for areas under § 193.403(b)(4) and (5), dispersion distance is based on the following conditions, as applicable:

(i) For Class 2 and Class 3 impounding systems—

(A) Vaporization results from a release of the maximum contents of the largest vessel impounded, timed in accordance with paragraph (d)(3) of this section, which contacts all exposed surfaces of the impounding system and outer vessel surfaces, plus flash vaporization from the contents of the vessel served; and

(B) Vapor detention space is all space provided for liquid impoundment and vapor detention outside the vessel served less the volume occupied by the spilled liquid at the time the vapor escapes the vapor detention space.

(ii) For Class 1 impounding systems, vaporiztion results from a volume discharged from transfer piping equal to the impoundment capacity required by § 193.441 for transfer piping, which contacts all exposed surfaces of the impounding system, heat transfer to the liquid from any collapsed component roof, plus flash vaporization from the maximum contents of the component served or from the liquid discharged by transfer piping, whichever is greater.

(3) For sites subject to paragraph (d)(2) of this section, the assumed maximum time (t) required for the release of liquid from a vessel served is determined in accordance with the following equation:

$$t=\frac{2A(h_1)^{0.5}-(h_2)^{0.5}}{ca(2g)^{0.5}}$$

where:

A = cross-sectional area of vessel in feet.

a = area of credible spill opening in feet but not less than 5 percent of the nonhorizontal wetted surface of the vessel.

c = coefficient of discharge = 0.75.

h_1 = original height of contained liquid in feet.

h_2 = equilibrium height of impounded liquid in feet.

(4) Unless the requirements of paragraph (d)(5) of this section are met, the boiling rate of LNG on which dispersion distance is based is determined using the weighted average value of the thermal properties of the soil, sealant, and other contact surfaces in the impounding space determined from eight representative experimental tests on the materials involved.

(5) If impounidng surfaces are insulated and the insulation is designed, installed and maintained so that it will retain its performance characteristics under spill conditions, the boiling rate of LNG is determined in accordacne with paragraph (d)(4) of this section both with and without the insulation system in place, using a value of not less than the average of the weighted average value without insulation and the weighted average value with insulation.

(e) *Planned ignition.* An LNG facility need not have a dispersion exclusion zone if the Secretary finds that compliance with paragraph (a) of this section would be impractical and the operator prepares and follows a plan for igniting LNG that is found acceptable by the Secretary. The plan must include circumstances under which LNG vapor is ignited to preclude the dispersion of a flammable mixture from the LNG facility under all predictable environmental conditions that could adversely affect ignition. The reliability of the method of ignition must be demonstrated by testing or experience with LNG spills.

§ 193.111 Seismic investigation and design.

(a) At the site of each of the following LNG facilities each operator shall conduct a detailed geotechnical investigation and determine proximity to faults, the seismic response spectra, potential for motion amplification, potential for soil liquefaction, and potential for surface rupture:

(1) A facility which is located in Zone 2, 3, or Zone 4 of the "Seismic Risk Map of the United States," UBC, or in Puerto Rico, not including a facility with total LNG storage capacity provided by one or more horizontal cylindrical double wall metal storage tanks of less than 100,000 gallon capacity each, mounted within 2 feet of the ground.

(2) A facility located where there is evidence indicating a potential for surface faulting.

(b) In the case of LNG facilities not listed in paragraph (a) of this section, the critical components listed in paragraph (c) of this section must be designed and built to withstand—

(1) The horizontal seismic acceleration and other applicable factors set forth in the UBC, Volume 1, corresponding to the zone of the "Seismic Risk Map of the United States" in which the facility is located; and

(2) A vertical seismic acceleration equal to the horizontal acceleration and the associated applicable factors.

(c) In the case of LNG facilities listed in paragraph (a) of § 193.111, the critical components set forth below must be designed and built to withstand the most critical maximum horizontal and vertical response spectra (with respect to the natural period of the structure) determined to have occurred at the site as a result of an earthquake or determined to have the following probability of not being exceeded at the site in 50 years, whichever is larger, considering motion amplication and symmetric and asymmetric reaction forces resulting from hydrodynamic pressure and motion of contained liquid in interaction with the component structure:

Critical Component	Probability of response spectra not being exceeded
Storage tanks and their impounding systems	99.5%
Transfer piping, shutdown control systems, other flammable fluid containers	90.0%

(d) An LNG facility is prohibited in the following locations:

(1) A location where surface faulting within one mile of a critical component is determined by the seismic investigation under paragraph (a) of this section to have more than a 0.5 percent probability of occurring within 50 years.

(2) A location where the maximum horizontal or vertical seismic acceleration, or any combined vector thereof, at the foundation of the following critical components is determined to have more than the indicated percent probability of exceeding 80 percent (g) in 50 years:

Component	Probability
Storage tanks and their impounding systems	0.5%
Transfer piping, shutdown control system, other flammable fluid containers	10.0%

(3) A location where soil liquefaction or landslide has more than 0.5 percent probability of occurring in 50 years.

(e) If the maximum horizontal or vertical seismic acceleration at a site is determined to have more than a 0.5 percent probability of exceeding 40 percent (g) in 50 years, the following applies:

(1) Foundations of LNG storage tanks must be a monolithic structure on bedrock.

(2) Impounding systems must be designed and installed so that surrounding dike elevation is not below the level of stored liquid for a distance from the inner edge of the dike equal to $4(A)^{0.5}$, where A is the inside area across the top of the impounding space.

(f) Each container which does not have a structurally sound, liquid-tight cover, must have sufficient freeboard with an appropriate configuration to prevent the escape of liquid due to sloshing, wave action, and vertical liquid displacement caused by seismic motion.

§ 193.113 Flooding.

(a) Each operator shall determine the effects of flooding on an LNG facility site based on the worst occurrence in a 100-year period. The determination must take into account:

(1) Volume and velocity of the floodwater;

(2) Tsunamis;

(3) Potential failure of dams;

(4) Predictable land developments which would affect runoff accumulation of water; and

(5) Tidal action.

(b) Each LNG facility must be located and designed so that the effect of the flooding determined under paragraph (a) of this section cannot reasonably be expected to result in a hazardous condition involving—

(1) Foundations, impounding systems, and other critical components;

(2) Access from outside the facility or movement of personnel and equipment about the LNG facility site for the control of fires and other emergencies;

(3) Power supply to the facility;

(4) Operational capability of control systems, whether electrical, pneumatic, or otherwise powered; or

(5) Structural integrity of critical components and their support systems.

§ 193.115 Soil characteristics.

(a) Soil investigations including borings and other appropriate tests must be made at the site of an LNG facility to determine bearing capacity, settlement characteristics, potential for erosion, and other soil characteristics applicable to the integrity of an LNG facility.

(b) The soil characteristics at each LNG facility site must provide load bearing capacities, using appropriate safety factors, which can support, without excessive lateral or vertical movement, all loads resulting from:

(1) Static loading caused by components and their contents and hydrostatic testing of components; and

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(2) Dynamic loading caused by movement of contents of components including flow, sloshing, and rollover.

§ 193.117 Wind forces.

(a) All critical components must be designed to withstand wind forces in accordance with the UBC.

(b) In addition to the requirements of paragraph (a) of this section, each operator shall determine the probability of occurrence of tornadoes in the area in which the LNG facility is located. If tornadoes are determined to have at least a 0.5 percent probability of occurring within a 50-year period, storage tanks and dikes must be designed to withstand loading from sustained wind speeds of not less than 250 miles per hour, plus stress or impact which could result from the failure and collapse of all connected transfer piping and other appurtenances unless the connected transfer piping and appurtenances also are designed to withstand a wind speed of 250 miles per hour.

§ 193.119 Other severe weather and natural conditions.

(a) In addition to the requirements of §§ 193.111, 193.113, 193.115, and 193.117, each operator shall determine from historical records and engineering studies the worst effect of other weather and natural conditions which may predictably occur at an LNG facility site.

(b) The facility must be located and designed so that such severe conditions cannot reasonably be expected to result in a hazard involving the factors listed in § 193.113(b).

§ 193.121 Adjacent activities.

(a) Each operator shall determine the present and reasonably foreseeable activities adjacent to an LNG facility site that could adversely affect the operation of the LNG facility or the safety of persons or property located off the site if damage to the facility occurs.

(b) An LNG facility must not be located where present or projected offsite activities would be reasonably expected to—

(1) Adversely affect the operation of control systems;

(2) Cause failure of critical components; or

(3) Cause the LNG facility not to meet the requirements of this part.

§ 193.123 Separation of components.

Each LNG facility site must be large enough to provide for minimum separations between critical components and between components and the site boundary to—

(a) Permit movement of personnel, maintenance equipment, and emergency equipment within and around the facility;

(b) Minimize spill and collapse hazards to persons and property on and off the site, unless protection comparable to separation is provided; and

(c) Comply with distances between the critical components specified in Section 213 through 216 of NFPA 59A.

Subpart C—Materials

§ 193.201 Scope.

This subpart prescribes requirements for the selection and qualification of materials for new components or any portion of an existing component which is replaced, relocated, or significantly altered.

§ 193.203 General.

Materials for all components must be—

(a) Able to maintain their structural integrity under all design loadings, including applicable environmental design forces under Subpart B of this part;

(b) Physically, chemically, and thermally compatible with any fluid or other materials with which they are in contact; and

(c) Qualified in accordance with the applicable requirements of this subpart.

§ 193.205 Extreme temperatures: normal operations.

Each operator shall—

(a) Determine the range of temperatures to which components will be subjected during normal operations, including required testing, initial startup, cooldown operations and shutdown conditions; and

(b) Use component materials that meet the design standards of this part for strength, ductility, and other properties throughout the entire range of temperatures to which the component will be subjected in normal operations.

§ 193.207 Extreme temperatures; emergency conditions.

(a) Each operator shall determine the effects on critical components which are not normally exposed to extreme cold of a spill or other operational error which could cause LNG or cold refrigerant to contact the component.

(b) Each operator shall determine the effects on critical components of the extreme heat which will result if a spill of LNG or other flammable fluid were ignited.

(c) If an operator determines that a critical component would fail due to extreme high or low temperature, the component may not be used unless it is made of suitable materials, or is protected, to prevent failure from at least two hours' exposure to the extreme temperatures to which the component may be subjected.

(d) If a material that has low resistance to flame temperatures is used in any component containing a flammable fluid, the material must be protected so that any heat resulting from a controllable emergency does not cause the release of fluid that would result in an uncontrollable emergency.

§ 193.209 Insulation.

(a) During normal operations, insulation materials must—

(1) Maintain insulating values; and

(2) Withstand thermal and mechanical design loads.

(b) Insulation used on the outside of a component to protect it against temperature extremes must be covered, must provide a vapor barrier, and maintain insulating properties if exposed to water.

The insulation and covering must be self-extinguishing. The covering must also have a melting point above 1500° F, not be subject to ultraviolet decay, withstand wind in accordance with UBC, and withstand anticipated impact loading which could occur in a controlled emergency, including the force of fire hose streams.

§ 193.211 Cold boxes.

All cold boxes and their insulation must be made of materials which do not support combustion in the installed condition.

§ 193.213 Piping.

(a) Piping made of cast iron, malleable iron, or ductile iron may not be used to carry any cold refrigerants or hazardous fluid.

(b) Piping materials intended for use at temperatures below (−28.9° C) −20° F must be qualified by testing in accordance with ANSI B31.3 to comply with § 193.203(b).

§ 193.215 Concrete material subject to cryogenic temperatures.

Concrete subject to cryogenic temperatures may not be used unless—

(a) Materials, measurements, mixing, placing, prestressing, and post-stressing of concrete meets generally accepted engineering practices;

(b) Metallic reinforcing, prestressing wire, structural and nonstructural members used in concrete are acceptable in the installed condition for the temperature and stress levels encountered at design loading conditions; and

(c) Tests for the compressive strength, the coefficient of contraction, an acceptable thermal gradient, and, if applicable, acceptable surface loading to prevent detrimental spalling are performed on the concrete at the lowest predictable service temperature or similar test data on these properties are available.

§ 193.217 Combustible materials.

Combustible materials are not permitted for the construction of buildings, plant equipment, and the foundations and supports of buildings and plant equipment in areas where ignition of the material would worsen an emergency. However, limited combustible materials may be used when an operator determines that noncombustile materials are not commercially available.

§ 193.219 Records.

Each operator shall keep a record of all critical components and their materials as necessary to verify that the requirements of this subpart and design requirements of this part are complied with. These records must be maintained for the life of the component.

Subpart D—Design of Components and Buildings

§ 193.301 Scope.

This subpart prescribes requirements for the design and installation of new components and buildings or any portion of existing components and buildings which is replaced, relocated, or significantly altered.

§ 193.303 General.

The components of each LNG facility must be designed, fabricated and installed to withstand predictable loadings including applicable environmental design forces under Subpart B of this part.

§ 193.304 Personnel.

For the design and fabrication of critical components, each operator shall use—

(a) With respect to design, persons who have demonstrated competence by training or experience in the design of critical components for use in an LNG facility or other cryogenic facility; and

(b) With respect to fabrication, persons who have demonstrated competence by training or experience in the fabrication of critical components for use in an LNG facility or other cryogenic facility.

§ 193.305 Control valves.

(a) Each oerator shall—

(1) Determine appropriate locations for, and install, control valves which are necessary for operation in a controllable emergency; and

(2) Equip those valves for local manual operation and both local and remote power operation.

(b) Control valves used for cryogenic liquid service must be designed to operate in the position in which they are to be installed.

§ 193.307 Piping.

(a) Piping must be designed, manufactured, and tested according to written specifications based on generally accepted engineering practices to function under the full range of operating conditions, including pressure and temperature, that are predictable for the piping's use.

(b) All cryogenic and flammable fluid piping must have connections to facilitate blowdown and purge.

(c) Each cryogenic or flammable fluid piping system that is above ground must be identified by color coding, painting, or labeling.

(d) Seamless pipe or pipe with a longitudinal joint efficiency of 1.0 determined in accordance with ANSI B31.3 must be used for process and transfer piping handling cryogenic or other hazardous liquids.

(e) For longitudinal or spiral weld pipe handling LNG or flammable refrigerants—

(1) The design maximum pressure must result in stresses less than 50 percent of the maximum allowable stress set forth in Appendix, Table 1 of ANSI B31.3, unless the weld is subjected to 100 percent radiographic or ultrasonic inspection to indicate any defects which could adversely affect the integrity of the weld or pipe; and

(2) The heat affected zone of the weld must comply with Section 323.2.3 of ANSI B31.3.

(f) Threaded piping used in cryogenic or flammable fluid service must be at least Schedule 80.

(g) Delete.

(h) Delete.

§ 193.309 Pipe attachments and supports.

(a) Pipe supports must be designed to comply with § 193.207.

(b) Pipe attachments and supports for LNG or refrigerant piping must be designed to prevent excessive heat transfer which can result in either unintentional restraint of piping caused by ice formations or the embrittlement of supporting steel.

§ 193.311 Buildings; design.

Each building or structural enclosure in which potentially hazardous quantities of flammable fluids are handled must be designed and constructed to minimize—

(a) Potential fire hazards; and

(b) The probability of an explosion within the structure initiating—

(1) A blast wave by pressure containment;

(2) Collapse of support members; or

(3) Shrapnel-like fragmentation.

§ 193.313 Buildings; ventilation.

(a) Each building in which potentially hazardous quantities of flammable fluids are handled must be ventilated to minimize the possibility, during normal operation, of hazardous accumulation of a flammable gas and air mixture, hazardous products of combustion, and other hazardous vapors in enclosed process areas by one of the following means:

(1) A continuously operating mechanical ventilation system;

(2) A combination gravity ventilation system and normally off mechanical ventilation system which is activated by suitable flammable gas detectors at a concentration not exceeding 15 percent of the lower flammable limit of the gas;

(3) A dual rate mechanical ventilation system with the high rate activated by suitable flammable gas detectors at a concentration not exceeding 15 percent of the lower flammable limit of the gas; or

(4) A gravity ventilation system composed of a combination of wall openings, roof ventilators, and if there are basements or depressed floor levels, a supplemental mechanical ventilation system.

(b) The ventilation rate must be at least one cubic foot per minute of air per square foot of floor area. If vapors heavier than air can be present, the ventilation must be proportioned according to the area of each level.

§ 193.317 Expansion and contraction.

Each operator shall determine the amount of contraction and expansion of each component during operating and enviornmental thermal cycling and shall—

(a) Provide components that operate without deterimental stress or restriction of movement, within each component and between components, caused by contraction and expansion; and

(b) Prevent ice buildup from detrimentally restricting the movement of components caused by contraction and expansion.

§ 193.319 Frost heave.

(a) Each operator shall—

(1) Determine which critical components and their foundations could be endangered by frost heave from ambient temperatures or operating temperatures of the component; and

(2) Provide protection against frost heave which might impair their structural integrity.

(b) For each critical component and foundation determined under paragraph (a) of this section, instrumentation and alarm systems must be installed to warn of potential structural impairment due to frost heaving unless the component is inspected monthly using reference monuments

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and surveying instruments to detect changes in elevation of the facility.

§ 193.321 Ice and snow.

(a) Components must be designed to support the weight of ice and snow which could normally collect or form on them.

(b) Each operator shall provide protection for components from falling ice or snow which may accumulate on structures.

(c) Valves under § 193.302(a) and moving critical components must not become inoperative due to ice formation on the component.

§ 193.323 Electrical systems.

(a) Each operator shall select and install electrical equipment and wiring for components in accordance with NFPA-70 and, where applicable, Section 751 of NFPA-59A.

(b) Electrical grounding and bonding must be in accordance with Section 760 and Section 761 of NFPA-59A.

(c) Protective measures for stray or impressed currents must be provided in accordance with Section 762 of NFPA-59A.

(d) DELETE

§ 193.325 Lightning.

Each operator shall install lightening rods, arrestors, and grounds as necessary to minimize the hazard to plant personnel and critical components, including all electrical circuits, from damage as a result of lightning.

§ 193.327 Boilers.

Boilers must be designed and fabricated in accordance with section I or Section IV of the ASME Boiler and Pressure Vessel Code. Other pressure vessels subject to that Code must be designed and fabricated in accordance with Division 1 or Division 2 of Section VIII.

§ 193.329 Combustion engines and turbines.

Combustion engines and gas turbines must be installed in accordance with NFPA-37.

Subpart E—Impoundment Design and Capacity

§ 193.401 Scope.

This subpart prescribes requirements for the design and construction of new impounding systems or any portion of an existing impounding system that is replaced, relocated, or significantly altered.

§ 193.403 Impoundment required.

(a) An impounding system must be provided for the following components and areas to contain a potential spill of LNG or other flammable liquid:

(1) Storage tanks;

(2) Transfer piping in excess of 4 inches in diameter; and

(3) Cargo transfer systems.

(b) Grading and drainage or an impounding system must be provided to insure that accidental spills or leaks from the following components and areas do not endanger critical components or adjoining property or enter navigable waterways:

(1) Liquefaction and other process equipment;

(2) Vaporization equipment;

(3) Transfer piping four inches or less in diameter;

(4) Parking areas for tank cars or tank trucks; and

(5) Areas for loading, unloading, or storing portable containers and dewar vessels.

(c) Impounding systems must be designed and constructed in accordance with this subpart except that impounding systems intended for containment of flammable liquids other than LNG must conform to NFPA 30.

§ 193.405. General design characteristics.

(a) An impounding system must have a configuration or design which, to the maximum extent possible, will prevent liquid from escaping inpoundment under the worst predicatable spill condition by leakage, splash from collapse of a structure or part thereof, momentum and low surface friction, foaming, failure of pressurized piping, and accidental pumping.

(b) The basic form of an impounding system may be excavation, a natural geological formation, manufactured diking, such as berms or walls, or any combination thereof.

§ 193.407 Classes of impounding systems.

(a) For the purpose of this part, impounding systems are classified as follows:

Class 1. A system which surrounds the component served with the inner surface of the dike constructed against the outer surface of the component.

Class 2. A system which surrounds the component or area served with the dike located a distance away from the component or at the periphery of the area.

Class 3. A system which conducts a spill by dikes and floors to a remote impounding space which does not surround the component or area served.

(b) In the case of an impounding system consisting of a combination of classes, requirements of this part regarding a single class apply according to the percentage of impoundment provided by each class.

§ 193.409 Structural requirements.

(a) Subject to paragraph (b) of this section, the structural parts of an impounding system must be designed and constructed to prevent impairment of the system's performance reliability and structural integrity as a result of the following:

(1) The imposed loading from—

(i) Full hydrostatic head of impounded LNG;

(ii) Hydrodynamic action, including the effect of any material injected into the system for spill control;

(iii) The impingement of the trajectory of an LNG jet discharged at any predictable angle; and

(iv) Anticipated hydralic forces from a rupture in the component or iten served, assuming that the discharge pressure equals design pressure.

(2) The erosive action form a spill, including jetting of spilling LNG, and any other anticipated erosive action including surface water runoff, ice formation, dislodgement of ice formation, and snow removal.

(3) The effect of the temperature, any thermal gradient, and any other anticipated degradation resulting from sudden or localized contact with LNG.

(4) Exposure to fire from impounded LNG or from sources other than impounded LNG.

(5) If applicable, the potential impact and loading on the dike due to—

(i) Collapse of the component or item served or adjacent components; and

(ii) If the LNG facility adjoins the right-of-way of any highway or railroad, collision by or explosion of a land vehicle that could cause the most severe loading.

(b) For spills from LNG storage tanks, imposed loading and surging flow characteristics must be based on a sudden total release of the full contents of the tank. For other spills, imposed loading and surging flow characteristics from the volume to be impounded must be based on the impounding capacities and conditions of discharge set forth in this subpart.

(c) If an LNG storage tank is located within a horizontal distance of 6,100 meters (20,000 feet) from the nearest point of the nearest runway of any airport, a Class 1 impounding system must be used which is designed to withstand collision by, or explosion of, the heaviest aircraft which can take off or land at the airport.

§ 193.410 Coatings and coverings.

Insulation, sealants, or other coatings and coverings which are part of an impounding system—

(a) Must be self-extinguishing when exposed to fire in an installed condition;

(b) Must withstand exposure to fire from sources other than impounded LNG for a period of time until fire protective or fire extinguishing action is taken;

(c) Where such materials might be consumed during combustion of the impounded LNG, must not release toxic fumes that would be hazardous to personnel; and

(d) Must withstand thermal shock from LNG.

§ 193.413 Floors.

Floors of Class 2 and Class 3 impounding systems must—

(a) Slope away from the component or item impounded and to a sump basin installed under § 193.427;

(b) Slope to the extent feasible away from the nearest adjacent critical component;

(c) Drain surface waters from the floor at rates based on predictable rainfall and other water sources; and

(d) Contain channels designed to minimize the wetted floor area.

§ 193.415 Dikes; general.

(a) Penetrations in dikes to accommodate piping or any other purpose are prohibited.

(b) An outer wall of a component served by an impounding system may not be used as a dike except for a concrete wall designed to comply with the requirements of § 193.409(c).

§ 193.417 Vapor barriers.

If vapor barriers are installed to meet the requirements of § 193.109, they must be designed and constructed—

(a) As a critical component; and

(b) To entrain cold vapor.

§ 193.419 Dike dimensions.

In addition to dike dimensions needed to comply with other requirements of this subpart, to minimize the possibility that a trajectory of accidentally discharged liquid would pass over the top of a dike, the distance from the inner wall of the vessel served to the closest inside edge of the top of the dike must at least equal the vertical distance from the maximum liquid level in the vessel served to the inside edge of the top of the dike.

§ 193.421 Covered systems.

(a) A covered impounding system is prohibited unless it is—

(1) Sealed from the atmosphere and filled with an inert gas; or

(2) Permanently interconnected with the vapor space of the component served.

(b) Membraneous covering is prohibited in a covered system.

(c) For systems to which paragraph (a)(2) of this section does not apply, instrumentation and controls must be provided to—

(1) Maintain pressures at a safe level; and

(2) Monitor gas concentrations.

(d) Dikes must have adequate structural strength to assure that they can withstand impact from a collapsed cover and all anticipated conditions which could cause a failure of the impounding space cover.

§ 193.423 Gas leak detection.

Appropriate areas within an impounding system where collection or passage of LNG or gas could be expected must be equipped with sensing and warning devices to continuously monitor for the presence of LNG or gas and to warn before gas concentration leveis exceed 25 percent of the lower flammable limit.

§ 193.427 Sump basins.

Except for Class I impounding systems, a sump basin must be located in each impounding system for collection of water and small spills of LNG.

§ 193.431 Water removal.

(a) *Except* for Class 1 systems, impounding systems must have sump pumps and piping running over the dike to remove water collecting in the sump basin.

(b) The water removal system must have adequate capacity to remove water at rates which equal the maximum predictable collection rate from rainfall and other natural causes.

(c) Sump pumps for water removal must—

(1) Automatically operate as necessary to keep the impounding space as dry as practical; and

(2) Have controls for operation and redundant automatic shutdown controls to prevent operation when LNG is present.

§ 193.433 Shared impoundment.

When an impounding system serves more than one component, tank car, tank truck, or dewar vessels, a means must be provided to prevent low temperature of fire resulting from leakage from any one of the items served causing any other item to leak. If § 193.109(a) applies, the means must not result in a vapor dispersion distance which exceeds the exclusion zone.

§ 193.435 Piping.

Piping and piping supports located within an impounding system must be protected against failure due to fire, contact with spilled liquids, or predictable impact by falling objects that could result in or worsen an emergency.

§ 193.437 Impoundment capacity; general.

(a) For covered impounding systems, space between the outer wall of the component served and the dike may not be used to provide the capacity required by this subpart which exceeds the component's maximum liquid capacity unless the imponding space and the component are covered by a roof that is separate and independent from the component.

(b) In addition to capacities otherwise required by this subpart, an impounding system must have sufficient volumetric capacity to provide for—

(1) Displacement by the component tank car, tank truck, or dewar vessel served; and

(2) Where applicable, displacement which could occur when a higher density substance than the liquid to be impounded enters the system, considering all relevant means of assuring capacity.

§ 193.439 Impoundment capacity, LNG storage tanks.

Each impounding system serving an LNG storage tank must have a munimum volumetric liquid impoundment capacity as follows:

Number of tanks in system	Class or type of system	System capacity in percent of LNG tanks' maximum liquid capacity
1	Class 1 and covered systems.	110 percent.
	Class 2 and 3	150 percent.
More than 1	Class 2 and 3	100 percent of all tanks or 150 percent of largest tank, whichever is greater.

§ 193.441 Impoundment capacity; equipment and transfer facilities.

Each impounding system serving a component under § 193.403(a)(2) and (3) and, when applicable, under § 193.403(b)(1)-(3), must have a minimum volumetric liquid impoundment capacity equal to the sum of—

(a) 100 percent of the volume of liquid that could be contained in the component and, where applicable, tank car of tank truck served; and

(b) The maximum volume of liquid which could discharge into the impounding space from any single failure of equipment or piping during the time period necessary for spill detection, instrument response, and sequenced shutdown by the automatic shutdown system under § 193.605.

§ 193.443 Impoundment capacity; parking areas; portable vessels.

If an impounding system is used to serve an area listed under §§ 193.403(b)(4) or (5), it must have a mumimum volumetric liquid impoundment capacity which complies with the requirements or § 193.439, assuming each tank car, tank truck, portable container, or dewar vessel to be a storage tank.

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§ 193.445 Flow capacity in Class 3 impounding systems.

(a) Each spill conducting space in a Class 3 impounding system must have adequate flow capacity for the following volumes and flow rates of a potential spill at all points along its traverse:

(1) For storage tanks, the worst combination of flow rates and 150 percent of the volume from a sudden and complete release of the largest above grade maximum liquid capacity of any single tank served, plus the discharge from all transfer piping which could be loading that tank, assuming the loading transfer piping is discharging at maximum potential open end capacity during the time period set forth by § 193.441(b), and less any upstream or intermediate capacity.

(2) For components listed under § 193.403(a)(2) and (3), and, when applicable, under §§ 193.403(b)(1)–(3), the worst combination of flow rates and volumes determined in accordance with § 193.441, less any upstream or intermediate impounding capacity.

(3) For areas listed under § 193.403(b)(4) and (5), the requirements of paragraph (a)(1) of this section apply, assuming each tank car, tank truck, portable container, or dewar vessel to be a storage tank.

(b) When intermediate impounding space is used to provide the capacity of conducting space required by this section, the capacity of the intermediate space must be based on the combination of applicable volumes and flow rates set forth in paragraph (a) of this section to assure adequate capacity of the conducting space.

§ 193.447 Sump basin capacity.

(a) Sump basins in impounding systems for LNG storage tanks must have a mumimum volumetric capacity equal to the discharge from relevant connected sections of transfer piping which can operate simultaneously, assuming the transfer piping discharges at maximum potential open end capacity for the time period necessary for spill detection, instrument response, and sequenced shutdown by the automatic shutdown system.

(b) Sump basins in impounding systems for components listed in §§ 193.403(a)(2) and (3) and, if applicable, §§ 193.403(b)(1)–(3), must have a minimum volumetric capacity equal to half of the lesser of—

(1) The volume of liquid which could discharge into the impounding system from any single failure of equipment or piping during the time period necessary for spill detection, instrument response, and sequenced shutdown by the automatic shutdown system; or

(2) The volume of liquid that could be contained in the component served.

(c) Sump basins in impounding systems for areas listed in §§ 193.403(b)(4) and (5) and must have a minimum volumetric liquid capacity which meets the requirements of paragragh (a) of this section, assuming each tank car, tank truck, portable container, or dewar vessel to be a storage tank.

Subpart F—LNG Storage Tanks

§ 193.501 Scope.

This subpart prescribes requirements for the design and construction of new LNG storage tanks or any portion of an existing LNG storage tank that is replaced, relocated, or significantly altered.

§ 193.503 General.

(a) LNG storage tanks must comply with the requirements of this subpart and the other applicable requirements of this part.

(b) A flammable nonmetallic membrane liner may not be used as an inner container in a storage tank.

§ 193.505 Loading forces.

Each part of an LNG storage tank must be designed to withstand any predictable combination of forces which would result in the highest stress to the part, including the following:

(a) Internal design pressure determined under § 193.513.

(b) External design pressure determined under § 193.515.

(c) Weight of the structure.

(d) Weight of LNG to be stored determined at its highest density and at the level creating the highest stress.

(e) Loads due to testing required by § 193.1033.

(f) Nonuniform reaction forces on the foundation due to predictable settling and other movement.

(g) Superimposed forces from piping, stairways, and other connected appurtenances.

(h) Predictable snow and ice loads.

(i) The loading of internal insulation on the inner container and outer shell due to weight and movement of the container and shell over the design life of the insulation.

(j) In the case of vacuum insulation, the forces due to the vacuum.

(k) In the case of a positive pressure purge, the forces due to the maximum positive pressure of the purge gas.

§ 193.507 Stratification.

LNG storage tanks with a capacity of 5,000 barrels or more must be equipped with means to mitigate a potential for rollover and overpressure by:

(a) Selective filling at the top and bottom of the tank;

(b) Circulating liquid from the bottom to the top of the same tank; or

(c) Transferring liquid selectively from the bottom of the tank to the bottom or top of any adjacent storage tank.

§ 193.509 Movement and stress.

(a) Each operator shall determine for normal operations of each LNG storage tank—

(1) The amount and pattern of predictable movement of components, including transfer piping, and the foundation, which could result from thermal cycling, loading forces, and ambient air changes; and

(2) For a storage tank with an inner container, the predictable movement of the inner container and the outer shell in relation to each other.

(b) Storage tanks must be designed to provide adequate allowance for stress due to movement determined under paragraph (a) of this section, including provisions that—

(1) Backfill does not cause excessive stresses on the tank structure due to expansion of the storage tank during warmup;

(2) Insulation does not settle to a damaging degree or unsafe condition during thermal cyclying; and

(3) Expansion bends and other expansion or contraction devices are adequate to prevent excessive stress on tank penetrations, especially during cooldown from ambient temperatures.

§ 193.511 Penetrations.

(a) All penetrations in an LNG storage tank must be located on the top of the tank.

(b) Penetrations must be designed to ensure that any failure of the penetrating component does not result in hazardous structural damage to the tank.

§ 193.513 Internal design pressure.

(a) Each operator shall determine the internal design pressure at the top of each LNG storage tank.

(b) The internal design pressure of a storage tank may not be lower than the highest vapor pressure resulting from each of the following events or combination thereof that predictably might occur:

(1) Filling the tank with LNG including effects of increased vaporization rate due to superheat and sensible heat of the added liquid;

(2) Rollover resulting from adding LNG which has a different density than liquid already in the tank, or from weathering in storage;

(3) Fall in barometric pressure, using the worst combination of amount of fall and rate of fall which might credibly occur;

(4) Loss of effective insulation that may result from an adjacent fire, leak of liquid into the intertank space, or other predictable accident; and

(5) Flash vaporization resulting from pump recirculation.

§ 193.515 External design pressure.

(a) Each operator shall determine the external design pressure at the top of each LNG storage tank.

(b) The external design pressure may not be higher than the lowest vapor pressure resulting from each of the following events or combinations thereof that predictably might occur:

(1) Withdrawing liquid from the tank;

(2) Withdrawing gas from the tank;

(3) Adding subcooled LNG to the tank; and

(4) Rise in barometric pressure, based on the worst combination of amount of rise and rate of rise which predictably might occur.

§ 193.519 Internal temperature.

LNG storage tanks must be designed to withstand the minimum temperature of the LNG Liquid to be stored at the external design pressure determined in § 193.515(b).

§ 193.521 Foundation.

(a) Each LNG storage tank must have a stable foundation designed in accordance with generally accepted structural engineering practices. The design must take into account the forces which may exist due to the difference in density between the contained liquid and the displaced ground.

(b) Each foundation must support design loading forces without detrimental settling that could impair the structural integrity of the tank.

(c) When the location of an LNG storage tank foundation is subject to flooding or is near the natural water table, each operator shall determine the weight of the foundation and the empty tank and shall anchor the tank so that the buoyant water forces will not float the tank or impair the structural integrity of the tank.

§ 193.523 Frost heave.

If the protection provided for LNG storage tank foundations from frost heave under § 193.319(a) includes heating the foundation area—

(a) An instrumentation and alarm system must be provided to warn of malfunction of the heating system; and

(b) A means to correct the malfunction must be provided.

§ 193.525 Insulation.

(a) Insulation on the outside of an LNG storage tank may not be used to maintain stored LNG at an operating temperature.

(b) Insulation between an inner container and the outer shell of an LNG storage tank must—

(1) Be compatible with the contained liquid and its vapor;

(2) In its installed condition, be self extinguishing; and

(3) Not significantly lose insulating properties by melting, settling, or other means if a fire occurs outside the outer shell.

§ 193.527 Instrumentation for LNG storage tanks.

(a) Each storage tank must be equipped with redundant sensing devices and personnel warning devices, as prescribed, which operate continuously while the tank is in operation to assure that each of the following conditions is not a potential hazard to the structural integrity or safety of the tank.

Condition	*Instrumentation*
(1) Amount of liquid in the tank.	Liquid level gauges and recorders with top fill alarms and a separate overfill alarm.
(2) Vapor pressure within the tank.	Pressure gauges and recorders with high and low pressure alarms.
(3) Temperatures at representative critical points in the foundation.	Temperature indicating and recording devices with alarm.
(4) Temperature of contained liquid at various vertical intervals.	Temperature recorders.
(5) Excessive thermal stress in tank structure.	Thermocouples located at representative critical points with recorders.
(6) Excessive relative movement of inner container and outer shell.	Linear and rotational movement indicators located between inner container and outer shell with recorders.

(b) Each storage tank must be designed as appropriate to provide for compliance with the inspection requirements of this part.

§ 193.529 Metal storage tanks.

(a) Metal storage tanks with internal design pressures of not more than 15 psig must be designed and constructed in accordance with API Standard 620 and, where applicable, Appendix Q of that standard.

(b) Metal storage tanks with internal design pressures above 15 psig must be designed in accordance with the applicable division of Section VIII of the ASME Boiler and Pressure Vessel Code.

§ 193.531 Concrete storage tanks.

Concrete storage tanks must be designed and constructed in accordance with Section 42 of NFPA 59A.

§ 193.533 Thermal barriers.

Thermal barriers must be provided between piping and an outer shell when necessary to prevent the outer shell from being exposed to temperatures lower than the design temperature.

§ 193.535 Support system.

(a) Saddles and legs must be designed in accordance with generally accepted structural enginering practices, taking into account loads during transportation, erection loads, and thermal loads.

(b) Storage tank stress concentrations from support systems must be minimized by distribution of loads using pads, load rings, or other means.

(c) For a storage tank with an inner container, support systems must be designed to—

(1) Minimize thermal stresses imparted to the inner container and outer shell from expansion and contraction; and

(2) Sustain the maximum applicable loading from shipping an operating conditions.

(d) The bottom of a storage tank with a capacity of more than 15,000 barrels or its foundation may not be installed over an air space.

§ 193.537 Internal piping.

(a) Piping connected to an inner container that is located in the space between the inner container and outer shell must be designed for not less than the pressure rating of the inner container. The piping must contain expansion loops where necessary to protect against thermal and other secondary streeses created by operation of the tank. Bellows may not be used within the space between the inner container and outer shell.

(b) Storage tanks with a design pressure above 15 psig must be equipped with internal excess flow valves.

§ 193.539 Marking.

(a) Each operator shall install and maintain a name plate in an accessible place on each storage tank and mark it in accordance with the applicable code or standard incorporated by reference in § 193.529 or § 193.531.

(b) Each penetration in a storage tank must be marked indicating the function of the penetration.

(c) Marking required by this section must not be obscured by frosting.

Supbpart G—Design of Transfer Systems

§ 193.601 Scope.

This subpart prescribes requirements for the design and installation of new transfer systems or any portion of an existing transfer system that is replaced, relocated, or significantly altered.

§ 193.603 General.

(a) Transfer systems must comply with the requirments of this subpart

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and other applicable requirements of this part.

(b) The design of transfer systems must provide for stress due to the frequency of thermal cycling and intermittent use to which the transfer system may be subjected.

(c) Slip type expansion joints are prohibited and packing-type joints may not be used at cryogenic temperatures.

(d) A suitable means must be provided to precool the piping in a manner that prevents excessive stress before transferring cold fluids.

(e) Stresses due to thermal and hydraulic shock in the piping system must be determined and accommodated by design to avoid damage to piping.

§ 193.605 Shut down control system.

Each transfer system must be equipped with a shutdown control system. The control system must automatically actuate the shutdown of appropriate valves and pumping equipment and provide pressure relief as necessary for trapped fluids when any of the following occurs:

(a) Transfer piping failure;

(b) Liquid in the receiving vessel reaches design maximum liquid level;

(c) Pressure outside the limits of the maximum and minimum allowable operating pressure;

(d) Temperature outside the range determined under § 193.205;

(e) Gas concentrations in the atmosphere exceeding 25 percent of the lower flammable limit; or

(f) A sudden flow change, pressure loss, or other condition indicating an accidental spill or potential spill.

§ 193.607 Backflow.

(a) Each transfer system must operate with a means to—

(1) Prevent backflow of liquid from a receiving container, tank car, or tank truck from causing a hazardous condition; and

(2) Maintain one-way flow where necessary for the integrity or safe operation of the LNG facility.

(b) The means provided under paragraph (a)(1) of this section must be located as close as practical to the point of connection of the transfer system and the receiving container, tank car, or tank truck.

§ 193.609 Overfilling.

Each transfer system must be equipped with sensing devices and a means which alerts personnel when the amount of liquid in a receiving vessel approaches the design maximum liquid level. The alert must be given in time for the safe termination of the transfer.

§ 193.611 Cargo transfer systems.

(a) Each cargo transfer sytem must have—

(1) A means of safely depressurizing and venting that system before disconnection;

(2) A means to provide for safe vapor displacement during transfer;

(3) Transfer piping, pumps, and compressors located or protected by suitable barriers so that they are safe from damage by tank car or tank truck movements;

(4) A signal light at each control location of remotely located pumps or compressors used for transfer which indicates whether the pump or compressor is idle or in operation; and

(5) A means of communication between loading or unloading areas and other areas in which personnel are associated with the transfer operations.

(b) Hoses and arms must be designed as follows—

(1) The design must accommodate operating pressures and temperatures encountered during the transfers;

(2) Hoses must have a bursting pressure of not less than five times the operating pressure.

(3) Arms must meet the requirements of ANSI B31.3.

(4) Adequate support must be provided, taking into account ice formation.

(5) Couplings must be designed for the frequency of any coupling or uncoupling.

§ 193.615 Cargo transfer area.

The transfer area of a cargo transfer system must be designed—

(a) To accommodate tank cars and tank trucks without excessive maneuvering; and

(b) To permit tank trucks to enter or exit the transfer area without backing.

§ 193.617 Shutoff valves.

(a) Shutoff valves on transfer systems must be located:

(1) At the inlet of each vaporizer;

(2) On return lines and on manifolds used in cargo transfer;

(3) At the connection of a transfer system with a pipeline; and

(4) To provide for proper operation and maintenance of each transfer system.

(b) Transfer system shutoff valves must be power and manually operable at the valve and power operable at a remote location at least 50 feet from the valve.

(c) In addition to valves required by paragraph (a)(2) of this section, transfer piping supplying a cargo transfer system must be equipped with a shutoff valve for each liquid and each vapor line, including a common line to multiple transfer areas, where it can be operated readily during a controllable emergency.

(d) Shutoff valves must be designed and installed so that excessive strain in the piping system does not excessively stress the shutoff seats of the valves.

Subpart H—Vaporization Equipment

§ 193.701 Scope.

This subpart prescribes requirements for the design, fabrication, and installation of new vaporization equipment or any portion of existing vaporization equipment that is replaced, relocated, or significantly altered.

§ 193.703 General.

Vaporizers must comply with the requirements of this subpart and the other applicable requirements of this part.

§ 193.705 Vaporizer design.

(a) Vaporizers must be designed and fabricated in accordance with applicable provisions of Section VIII, Division 1 of the ASME Boiler and Pressure Vessel Code.

(b) Each vaporizer must be designed for a maximum allowable operating pressure at least equal to the maximum discharge pressure of the pump or pressurized container system supplying it, whichever is greater.

§ 193.711 Operational control.

(a) Vaporizers must be equipped with devices which monitor the inlet and outlet temperature and pressure of the LNG, natural gas, and heating medium fluids.

(b) Manifolded vaporizers must be equipped with:

(1) Two inlet valves in series to prevent LNG from entering an idle vaporizer; and

(2) A means to remove LNG or gas which accumulates between the valves.

§ 193.713 Shutoff valves.

(a) Each shutoff valve located on transfer piping supplying LNG to a vaporizer must meet the following applicable requirements—

(1) A shutoff valve must be located at a sufficient distance from the vaporizer to minimize potential for damage from explosion or fire at the vaporizer.

(2) If the vaporizer is installed in a building, the valve must be located outside the building.

(b) A shutoff valve must be located on each outlet of a vaporizer.

(c) For vaporizers designed to use a flammable intermediate fluid, a shutoff valve must be located on the inlet and outlet line of the intermediate fluid piping system where they will be operable during a controllable emergency involving the vaporizer.

§ 193.715 Relief devices.

The capacity of pressure relief devices required for vaporizers by § 193.905(b) is governed by the following:

(a) For heated vaporizers, the capacity must be at least 110 percent of rated natural gas flow capacity without allowing the pressure to rise more than 10 percent above the vaporizer maximum allowable operating pressure.

(b) For ambient vaporizers, the capacity must be at least 150 percent of rated natural gas flow capacity without allowing the pressure to rise more than 10 percent above the vaporizer maximum allowable operating pressure.

§ 193.719 Combustion air intakes.

(a) Combustion air intakes to vaporizers must be equipped with sensing devices to detect the induction of a flammable vapor.

(b) If a heated vaporizer or vaporizer heater is located in a building, the combustion air intake must be located outside the building.

Subpart I—Liquefaction Equipment

§ 193.801 Scope of part.

This subpart prescribes requirements for the design of new natural gas liquefaction equipment or any portion of existing natural gas liquefaction equipment that is replaced, relocated, or significantly altered.

§ 193.803 General

Liquefaction equipment must comply with the requirements of this subpart and the other applicable requirements of this part.

§ 193.805 Control of incoming gas.

(a) A shut-off valve must be located on piping delivering natural gas to each liquefaction system; and

(b) The valve must be actuated automatically by a shut-down control system when any of the following occurs:

(1) Gas concentrations in the area of liquefaction equipment exceed 40 percent of the lower flammable limit; or

(2) Temperatures exceed the limits determined under § 193.205.

§ 193.807 Contaminants.

Each operator shall provide a means of monitoring the incoming gas to liquefaction equipment to ensure that detrimental contaminants are removed.

§ 193.809 Backflow.

Each multiple parallel piping system connected to liquefaction equipment must have devices to prevent backflow from causing a hazardous condition.

§ 193.811 Cold boxes.

Each cold box in liquefaction equipment must be equipped with a means of:

(a) Detecting a concentration of natural gas in the insulation space; and

(b) Introducing a purge gas to reduce the possibility of a gas in air concentration between 25 percent lower flammable limit and 30 percent by volume.

§ 193.813 Air in gas.

Where incoming gas to liquefaction equipment contains air, each operator shall provide a means of preventing a flammable mixture from occurring under any operating condition.

§ 193.815 Equipment supports.

Supports for liquefaction equipment must comply with the requirements of § 193.207.

Subpart J—Control Systems

§ 193.901 Scope

This subpart prescribes requirements for the design and installation of new control systems or any portion of an existing control system that is replaced, relocated, or significantly altered.

§ 193.903 General.

(a) Control systems must comply with the requirements of this subpart and other applicable requirements of this part.

(b) Each control system must be capable of performing its design function under normal operating conditions and in a controllable emergency.

(c) Control systems must be designed and installed in a manner to permit maintenance, including inspection or testing, in accordance with this part.

(d) Local, remote, and redundant signal lines installed for control systems must be routed separately.

§ 193.905 Relief devices.

(a) Each component containing a hazardous fluid must be equipped with a system of automatic relief devices which will release the contained fluid at a rate sufficient to prevent pressures from exceeding 110 percent of the maximum allowable operating pressure. In addition, each LNG storage tank must be equipped with a redundant system of automatic relief devices. In establishing relief capacity, each operator shall consider trapping of fluid between valves; the maximum rates of boiloff and expansion of fluid which may occur during normal operation, particularly cooldown; and controllable emergencies.

(b) In addition to the automatic relief devices, a manual means must be provided to relieve pressure in an emergency.

(c) Relief devices must be installed in a manner to minimize the possibility that release of fluid could—

(1) Cause an emergency; or

(2) Worsen a controllable emergency.

(d) A component in which internal vacuum conditions can occur must be equipped with a system of relief devices or other control system to prevent development in the component of a vacuum that might create a hazardous condition. LNG storage tanks must be equipped with a redundant relief system. Introduction of air or gas into a component must not create a flammable mixture within the component.

(e) The means for adjusting the setpoint pressure of all adjustable relief devices must be sealed.

(f) Relief devices which are installed to limit minimum or maximum pressure may not be used to handle boiloff and flash gases.

§ 193.907 Vents.

(a) Flammable fluids may not be relieved into the atmosphere of a building or other confined space.

(b) Boiloff vents for flammable fluids may not draw in air during operation.

§ 193.909 Sensing devices.

(a) Each operator shall determine the appropriate location for and install sensing devices as necessary to—

(1) Monitor the operation of critical components to detect a malfunction which could cause a hazardous condition if permitted to continue; and

(2) Detect the presence of fire or combustible gas in areas determined in accordance with Section 500-4 of NFPA 70 to have a potential for the presence of flammable fluids.

(b) Buildings in which potentially hazardous quantities of flammable fluids are used or handled must be continuously monitored by gas sensing devices set to activate audible and visual alarms in the building and at the control center when the concentration of the fluid in air is not more than 25 percent of the lower flammable limit.

§ 193.911 Warning devices.

Each operator shall install warning devices in the control center to warn of hazardous conditions detected by all sensing devices required by this part. Warnings must be given both audibly and visibly and must be designed to gain the attention of personnel. Warnings must indicate the location and nature of the existing or potential hazard.

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§ 193.915 Pump and compressor control.

(a) Each pump and compressor for flammable fluids must be equipped with—

(1) A control system, operable locally and remotely, to shut down the pump or compressor in a controllable emergency;

(2) A signal light at the pump or compressor and the remote control location which indicates whether the pump or compressor is in operation or off;

(3) Adequate valving to insure that the pump or compressor can be isolated for maintenance; and

(4) A check valve on each discharge line where pumps or compressors operate in parallel.

(b) Pumps or compressors in a cargo transfer system must have controls at the loading or unloading area and at the pump or compressor site.

§ 193.917 Shutoff valves.

Each shutoff valve or combination of valves must—

(a) Have a failsafe design;

(b) Operate to stop fluid flow which would endanger the operational integrity of plant equipment; and

(c) Close at a rate to avoid fluid hammer which would endanger the operational integrity of a critical component.

§ 193.919 Shutdown control systems.

(a) Each critical component other than a control center must be equipped with an automatic shutdown control system. The control system must automatically actuate the shutdown of the critical component when any of the following occurs:

(1) Temperatures in the area of the component exceed the limits determined under § 193.205;

(2) Relief valves open;

(3) Gas concentrations in the area of the component exceed 25 percent of the lower flammable limit; and

(4) Failure of the component.

(b) Except for critical components other than the control center that are designed to operate unattended, a reasonable delay may be programmed in automatic shutdown control systems required by this part between warning and automated shutdown to provide for manual response.

(c) Each LNG facility must have a shutdown control system to safely shut down all operations of the facility. The system must be operable at—

(1) The control center; and

(2) In the case of a facility where critical components other than the control center are designed to operate unattended, at the site of the critical components.

§ 193.921 Control center.

(11) Each LNG facility must have a control center from which operations and warning devices are monitored as required by this part. A control center must have the following capabilities and characteristics—

(a) It must be located apart or protected from other critical components so that it is operational during a controllable emergency.

(b) Each remotely actuated control system and each automatic shutdown control system required by this part must be operable from the control center.

(c) Each control center must have personnel in continuous attendance while any of the critical components under its control are in operation, unless the control is being performed from another control center which has personnel in continuous attendance.

(d) If more than one control center is located at a facility, each control center must have more than one means of communication with each other center.

(e) Each control center must have a means of communicating a warning of hazardous conditions to other locations within the facility frequented by personnel.

§ 193.925 Failsafe control.

Control systems for critical components must have a failsafe design. A safe condition must be maintained until personnel take appropriate action either to reactivate the component served or to prevent a hazard from occuring.

§ 193.927 Sources of power.

(a) Electrical control systems, means of communication, lighting, and fire fighting systems must have at least two sources of power which function so that failure of one source does not affect the capability of the other source.

(b) Where auxiliary generators are used as a second source of electrical power—

(1) They must be located apart or protected from critical components so that they are not unusable during a controllable emergency; and

(2) Fuel supply must be protected from hazards.

Subpart K—Construction

§ 193.1001 Scope.

This subpart prescribes requirements for the construction or installation of a new component or any portion of an existing component which is replaced, relocated, or significantly altered.

§ 193.1002 Construction acceptance.

No person may place in service any component until it passes all applicable inspections and tests prescribed by this subpart.

§ 193.1005 Procedures.

(a) In performing a critical process, an operator must follow comprehensive written specifications, procedures, and drawings, as appropriate, that are consistent with this part, taking into account relevant mechanical, chemical, and thermal properties, component functions, and environmental effects that are involved.

(b) All procedures must be substantiated by testing or experience to produce a component that is reliable and complies with the design and installation requirements of this part.

§ 193.1009 Qualification of personnel.

(a) Supervisors and other personnel utilized for critical processes must have demonstrated their capability to perform satisfactorily the assigned function by—

(1) Appropriate training in the methods and equipment to be used or related experience and accomplishments; and

(2) Performance on any generally accepted qualification test relevant to the assigned function.

(b) Each operator must periodically determine whether inspectors performing duties under § 193.1011 are satisfactorily performing their assigned function.

§ 193.1011 Inspection.

(a) All construction, installation, and testing activities must be inspected as frequently as necessary in accordance with a written plan to assure that—

(1) Activities are in compliance with all applicable requirements of this subpart; and

(2) Components comply with the applicable material, design, fabrication, installation, and construction requirements of this part.

(b) In addition to the requirements of paragraph (a) of this section, the construction of concrete storage tanks must be inspected in accordance with ACI-311-75.

(c) Each operator shall inspect component materials to verify that they comply with the design specifications and are free of detrimental defects.

§ 193.1014 Inspection and testing methods.

Except as otherwise provided by this subpart, each operator shall determine, commensurate with the hazard that would result from failure of the component concerned, the scope and nature of

(a) Inspections and tests required by this subpart; and

(b) Inspection and testing procedures required by § 193.1005.

§ 193.1015 Cleanup.

After construction or installation, as the case may be, all components must be cleaned to remove all detrimental contaminants which could cause a hazard during operation, including the following:

(a) All flux residues used in brazing or soldering must be removed from the joints and the base metal to prevent corrosive solutions from being formed.

(b) All solvent type cleaners must be tested to ensure that they will not damage equipment integrity or reliability.

(c) Incompatible chemicals must be removed.

(d) All contaminants must be captured and disposed of in a manner that does not reduce the effectiveness of corrosion protection and monitoring provided as required by this part.

§ 193.1017 Pipe welding.

(a) Each operator shall provide the following for welding on pressurized piping for LNG and other flammable fluids:

(1) Welding procedures and welders qualified in accordance with Section IX of the ASME Boiler and Pressure Vessel Code or API 1104, as applicable.

(2) When welding materials which are qualified by impact testing, welding procedures selected to minimize degradation of low temperature properties of the pipe material; and

(3) When welding attachment to pipe, procedures and techniques selected to minimize the danger of burn throughs and stress intensification.

(b) Oxygen fuel gas welding is not permitted on flammable fluid piping with a service temperature below −20°C (−22°F).

(c) Marking materials for identifying welds on pipe must compatible with the basic pipe material.

(d) Surfaces of components that are less than 6.35 mm (0.25 in.) thick may not be field die stamped.

(e) Where die stamping is permitted, any identification marks must be made with a die having blunt edges to minimize stress concentration.

(f) All contaminants must be captured and disposed of in a manner that does not reduce the effectiveness of corrosion protection and monitoring provided as required by this part.

§ 193.1019 Piping connections.

(a) Piping more than two inches nominal diameter must be joined by welding, except that—

(1) Threaded or flanged connections may be used where necessary for special connections, including connections for material transitions, instrument connections, testing, and maintenance;

(2) Copper piping in cryogenic service may be joined by silver brazing; and

(3) Material transitions may be made by any joining technique proven reliable under § 193.1005(b).

(b) If socket fittings are used, a clearance of 1.6 to 3.2 mm (0.63 to 0.126 in.) between the pipe end and the bottom of the socket recess must be provided and appropriate measurement reference marks made on the piping for the purpose of inspection.

(c) Threaded joints must be—

(1) Free of stress from external loading; and

(2) Seal welded, or sealed by other means which have been tested and proven reliable.

(d) Compression type couplings must—

(1) Not be larger than 12.7 mm (0.50 in.) nominal pipe size for service temperatures below −30°C (−22°F); and

(2) Meet the requirements of Section 318 of ANSI B31.3.

§ 193.1023 Retesting.

After testing required by this subpart is completed on a component to contain a hazardous fluid, the component must be retested:

(a) Penetration welding other than tie-in welding is performed; or

(b) The structural integrity of the component is disturbed.

§ 193.1025 Strength tests.

(a) A strength test must be performed on each piping system and container to determine whether the component is capable of performing its design function, taking into account—

(1) The maximum allowable operating pressure;

(2) The maximum weight of product which the component may contain or support;

(3) The weight of ice and snow which may reasonably accumulate on the component resulting from weather and from conduction on cold from LNG or refrigerants; and

(4) Other applicable environmental design forces under Subpart B of this part.

(b) For piping, the test required by paragraph (a) of this section must include a pressure test conducted in accordance with Section 337 of ANSI B31.3, except that test pressures for piping that is a critical component must not be less than prescribed by Subsection 337.4.2 of ANSI B31.3.

(c) All shells and internal parts of heat exchangers to which Section VIII, Division 1 or Division 2 of the ASME Boiler and Pressure Vessel Code, applies must be pressure tested, inspected, and stamped in accordance therewith.

§ 193.1027 Nondestructive tests.

(a) The following percentages of each day's circumferentially welded pipe joints for flammable fluid piping, selected at random, must be nondestructively tested over the entire circumference to indicated any defects which could adversely affect the integrity of the weld or pipe:

Weld type	Critical Component	Other	Test method
Butt welds more than 2 inches in nominal size.	100	30	Radiographic or ultrasonic.
Butt welds 2 inches or less in nominal size.	100	30	Radiographic, ultrasonic, liquid penetrant, or magnetic particle.
Fillet and socket welds.	100	30	Liquid penetrant or magnetic particle.

(b) Evaluation of weld tests and repair of defects must be in accordance with the requirements of ANSI B31.3 or API 1104, as applicable.

(c) Where longitudinally or spiral welded pipe is used in transfer systems, 100 percent of the seam weld must be examined by radiographic or ultrasonic inspection.

(d) The butt welds in metal shells of storage tanks must be radiographically tested in accordance with Section 0.7.6, API 620, Appendix Q, except that for hydraulic load bearing shells with curved surfaces that are subject to cryogenic temperatures, 100 percent of both longitudinal (or meridional) and circumferential (or latitudinal) welds must be radiographically tested.

§ 193.1029 Leak tests.

(a) Each container and piping system must be initially tested to assure that the component will contain the product for which it is designed without leakage.

(b) Shop fabricated containers and all flammable fluid piping must be leak tested to a minimum of the design pressure after installation but before placing it in service.

(c) For a storage tank with vacuum insulation, the inner container, outer shell, and all internal piping must be tested for vacuum leaks in accordance with an appropriate procedure.

§ 193.1031 Testing control systems.

Each control system must be tested before being placed in service to assure that it has been installed properly and will function as required by this part.

§ 193.1033 Storage tank tests.

In addition to other applicable requirements of this subpart, low pressure tanks for cryogenic flammable fluids must be tested in accordance

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with Section Q.8 and Q.9 of API 620, Appendix Q, as applicable except that—

(a) For the hydrostatic test, each tank must be filled with water to its maximum liquid level, and reduction of this water level in accordance with Section Q.9.1 is prohibited;

(b) The hydrostatic and pneumatic pressure tests must be maintained for a period of 36 hours; and

(c) Reference measurements must be made with appropriate precise instruments to assure that the tank is gas tight and lateral and vertical movement of the storage tank does not exceed predetermined design tolerances.

§ 193.1037 Construction records.

For the service life of the component concerned, each operator shall retain appropriate records of the following:

(a) Specifications, procedures, and drawings prepared for critical processes; and

(b) Results of tests and inspections required by this subpart.

APPENDIX A—INCORPORATION BY REFERENCE

I. LIST OF ORGANIZATIONS AND ADDRESSES

A. American Concrete Institute (ACI), P.O. Box 19150, Redford Station, Detroit, Michigan 48219.

B. American Gas Association (AGA), 1515 Wilson Boulevard, Arlington, Virginia 22209.

C. American Petroleum Institute (API), 2101 L Street N.W., Washington, D.C. 20037.

D. American Society of Mechanical Engineers (AMSE), United Engineering Center, 345 East 47th Street, New York, New York 10017.

E. International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

F. National Fire Protection Association (NFPA), 470 Atlantic Avenue, Boston, Massachusetts 02210.

II. DOCUMENTS INCORPORATED BY REFERENCE

A. American Concrete Institute (ACI)

1. ACI Standard 311-75 "Recommended Practice for Concrete Inspection," 1975 edition (ANSI A188.2).

B. American Gas Association (AGA)

1. American Gas Association Project IS-3-1, LNG Safety Program Interim Report of Phase II work, July 1974.

2. Evaluation of LNG Vapor Control Methods, October 1974.

C. American Petroleum Institute (API)

1. API Standard 620 Recommended Rules for Design and Construction of Large, Welded, Low Pressure Storage Tanks, sixth edition, July 15, 1977.

D. American Society of Mechanical Engineers (ASME)

1. ANSI B31.3 Chemical and Plant Petroleum Refinery Piping, 1976 edition.

2. ASME Boiler and Pressure Vessel Code Section 1, Power Boilers, 1977 edition.

3. ASME Boiler and Pressure Vessel Code, Section VIII Division 1, Pressure Vessels; Division 2, Alternative Rules, Pressure Vessels 1977 edition.

4. ASME Boiler and Pressure Vessel Code, Section IX, Welding and Brazing Qualifications, 1977 edition.

E. International Conference of Building Officials

1. UBC, Uniform Building Code, 1976 edition.

F. National Fire Protection Association (NFPA)

1. NFPA No. 10, Portable Fire Extinguishers, 1978.

2. NFPA No. 37, Stationary Combustion Engineers and Gas Turbines, 1975.

3. NFPA No. 51B, Cutting and Welding Processes, 1977.

4. NFPA No. 59A, Storage and Handling Liquifed Natural Gas, 1975.

5. NFPA No. 70, National Electrical Code, 1978.

6. NFPA No. 77, Static Electricity, 1977.

[FR Doc. 79-4374 Filed 2-7-79; 8:45 am]

federal

THURSDAY, FEBRUARY 8, 1979

PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF DEFENSE

Department of the Army

federal

REAL ESTATE HANDBOOK

Acquisition of Real Estate Interests Through Condemnation Proceedings

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[3710-08-M]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

[EP 405-1-2]

PART 644—REAL ESTATE HANDBOOK

Acquisition of Real Estate Interests Through Condemnation Proceedings

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This amendment describes the existing procedures of the U.S. Army Corps of Engineers relating to the acquisition of real estate and interests therein by condemnation proceedings. It is included in the Real Estate Handbook (Engineer Pamphlet 405-1-2) and replaces Engineer Regulation 405-1-640.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Leslie L. Pitchford, Jr., Chief, Programs Division, Real Estate Directorate, Office of the Chief of Engineers, Washington, DC 20314 (202-693-6285).

SUPPLEMENTARY INFORMATION: On January 15, 1979 a final rule was published in the FEDERAL REGISTER (44 FR 3168) to describe existing procedures pertinent to certain other real estate activities of the Corps of Engineers. Further amendments will be published as existing Engineer Regulations are changed to the new format of the Real Estate Handbook.

Since this handbook only provides procedural guidance to personnel of the Office of the Chief of Engineers and Corps of Engineers field operating agencies having real estate responsibilities, notice of proposed rulemaking and the procedures thereto are considered unnecessary.

The Chief of Engineers has determined that this rule does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 19, 1979.

THORWALD R. PETERSON,
Colonel, Corps of Engineers,
Executive Director, Engineer Staff.

In consideration of the above Part 644 is amended by adding §§ 644.111 through 644.121 to Subpart C and changing the Table of Sections to read as follows:

ACQUISITION BY CONDEMNATION PROCEEDINGS

644.111 General
644.112 Applicable statutes in condemnation proceedings
644.113 Filing of complaint without declaration of taking
644.114 Acquisition by declaration of taking
644.115 Revestment of title by stipulation
644.116 Distribution, reservations, and title evidence
644.117 Procedure prior to trial
644.118 Awards
644.119 Procedure after final judgment
644.120 Condemnation for local cooperation projects
644.121 Leasehold condemnation requirements

AUTHORITY: 5 U.S.C. 301.

ACQUISITION BY CONDEMNATION PROCEEDINGS

§ 644.111 General.

Section 644.111 through 644.121 describe the procedures of the Corps of Engineers relating to the acquisition of real estate and interests therein by condemnation proceedings. It is applicable to the Office of the Chief of Engineers (OCE) and to all Division and District Engineers having real estate responsibilities.

§ 644.112 Applicable statutes in condemnation proceedings.

A complaint in condemnation, and any declaration of taking filed in conjunction therewith, will contain a citation of the congressional authorization and appropriation acts for the particular project, and any other applicable acts of Congress. Existing acts of Congress authorizing the acquisition of land and interests therein are outlined in AR 405-10 and Subpart A. Acts of Congress applicable, generally, to condemnation proceedings are outlined below.

(a) *Military projects.* (1) Act of Congress approved August 1, 1888 (25 Stat. 357, 40 U.S.C. 257) authorizes the head of any Government department or agency to acquire real estate, otherwise authorized for acquisition, by condemnation proceedings.

(2) Section 2663 of Title 10, United States Code, authorizes the Secretary of a military department to acquire by condemnation any interest in land, including temporary use of the site, construction, or operation of fortifications, coast defenses, or military training camps.

(3) Section 9773 of Title 10, United States Code, authorizes the Secretary of the Air Force to acquire by condemnation additional permanent air bases and depots, enlarge existing air bases and depots, bombing and machine gun ranges, and areas for the training of tactical units.

(4) Section 2233 of Title 10, United States Code, authorizes the Secretary of Defense (with authority to delegate) to acquire by purchase, lease, or transfer, facilities necessary for the Reserve Components. The authority to acquire by purchase has been held to include the authority to condemn. Therefore, this section authorizes condemnation for both Army and Air Force Reserve Training Sites.

(b) *Civil works projects*—(1) *Rivers and harbors.* (i) Act of Congress approved April 24, 1888 (25 Stat. 94, 33 U.S.C. 591) authorizes the Secretary of the Army to cause proceedings to be instituted for the acquisition by condemnation of any land, right of way, or material needed to maintain, operate, or prosecute works for the improvement of rivers and harbors for which provision has been made by law.

(ii) Section 5 of the Act of Congress approved July 18, 1918 (40 Stat. 911, 33 U.S.C. 594) provides that possession of lands being acquired by condemnation proceedings for river and harbor works may be taken, provided adequate provision shall have been made for payment of just compensation.

(2) *Flood control.* (i) Act of Congress approved March 1, 1917 (39 Stat. 950, 33 U.S.C. 701) makes the provisions of the Act of Congress approved April 24, 1888 (paragraph (b)(1)(i) of this section) applicable to flood control works.

(ii) Section 6 of the Act of Congress approved August 18, 1941 (55 Stat. 650, 33 U.S.C. 701c-2) makes the provisions of Section 5 of the Act of Congress approved July 18, 1918 (paragraph (b)(1)(ii) of this section) applicable to flood control works.

(3) *Local cooperation.* Acts of Congress approved June 29, 1906 (34 Stat. 632, 33 U.S.C. 592) and August 8, 1917 (40 Stat. 267, 33 U.S.C. 593) provide that the Secretary of the Army may institute condemnation proceedings for the acquisition of land or easement therein for river and harbor works which local interests undertake to furnish free of cost to the United States. The provisions of these Acts were made applicable to flood control works by the Acts of Congress approved March 1, 1917 and August 18, 1941 (paragraphs (b)(2)(i) and (ii) of this section).

(c) *Other pertinent statutes.* (1) Act of Congress approved July 18, 1918 (40 Stat. 911, 33 U.S.C. 594) provides that the United States shall have the right to take immediate possession of land to the extent of the interest condemned. The exercise of this right is subject, however, to the policy considerations set forth in the Act of Congress appoved January 2, 1971, Pub. L. 91-646 (84 stat. 1894).

(2) Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. 258a) makes provision for the filing of a declaration of taking in conjunction with condemnation proceedings and provides that title to the land or interests in land included in the declaration of taking vests in the United States upon filing with the court and deposit of the estimated compensation in the registry of the court.

(3) Title III of the Act of Congress approved January 2, 1971 (Pub. L. 91-646, 84 Stat. 1894) contains policies and guidelines for acquisition of land.

§ 644.113 Filing of complaint without declaration of taking.

(a) Only in exceptional cases will the Chief of Engineers give favorable consideration to the filing of a complaint in condemnation, and the request for an order of possession, without the concurrent filing of a declaration of taking and deposit of estimated compensation in the registry of the court. Examples of situations in which complaints may be used are as follows:

(1) Immediate possession is required for some essential military need and time does not permit preparation of an appraisal, title work, or negotiations.

(2) Condemnation proceedings are necessary in connection with a cemetery, in order to secure court approval of the relocation and reinterment plan in accordance with the procedure outlined in ER 1180-1-1.

(3) Where right of entry for survey and exploration, appraisal purposes, or other similar need is required, and there is no material interference with the owner's possession. However, where there is material interference with the owner's possession, or it is considered there will be significant damage to the land, a deposit of estimated compensation may be necessary.

(b) *Approval required.* Prior to submission of a complaint assembly, except in cemetery cases, all pertinent facts justifying the need for such action will be submitted to the Division Engineer for approval. If the proposed action is approved, the Division or District Engineer will inform all affected landowners and tenants of the action being taken, the necessity therefor, and the subsequent procedure to be followed by the Government in conducting negotiations to acquire the land after the filing of the complaint.

(c) *Complaint assembly.* The following assembly will be submitted to HQDA (DAEN-REA-C) WASH DC 20314 where only a complaint is to be filed:

(1) Five copies of individual tract descriptions identified as *Exhibit "A".* (Reproduced copies will be accepted if clear and legible.)

(2) Five copies of segment or project maps, showing each tract or area to be acquired shaded or outlined in red and identified as *Exhibit "B".*

(3) Five copies of a list of the names and addresses of the persons purporting to own the tracts or having an interest therein, identified as *Exhibit "C".*

(4) Five copies of the exact estate or interest to be acquired, identified as *Exhibit "D".*

(5) In Air Force projects and acquisitions for other agencies, one additional copy of each exhibit will be required.

(6) In Air Force project acquisitions, the additional information set out in § 644.114(f) will be submitted, in duplicate.

(7) In those jurisdictions that adopt the alternate form declaration of taking, complaint assemblies should be similiar to the schedules submitted for the declaration of taking assembly.

(d) *Letter of transmittal.* Where a complaint assembly is submitted, the letter of transmittal should include the following information:

(1) A statement indicating the date of approval of the Real Estate Design Memorandum in civil works projects or the date of the Real Estate Directive for other projects, and whether the land included in the complaint assembly is within the approved project boundary line, together with the citations of the authorization and appropriation acts which cover the acquisition.

(2) The approved appraised valuation and date of appraisal of the interest to be acquired or, if appraisals have not been prepared, the estimated value with a statement indicating the basis of the estimate.

(3) Information as to whether the land included in the complaint assembly is vacant or occupied, together with the date any occupants will be required to vacate the premises.

(4) If possession is required, an explanation of the need therefor and the reasons why the normal land acquisition schedule was not met.

(5) Results of contacts with the landowners and tenants and their views with respect to the filing of condemnation proceedings.

(6) A statement as to the plan and schedule to acquire such land after filing of the complaint in order to make funds available to the landowners and tenants.

(7) In assemblies concerning land for other than civil works projects, a statement indicating whether all of the land authorized in the Real Estate Directive is included in the assembly. Any variance between the area or estate authorized in the directive and those in the assembly should be fully explained.

(8) In military assemblies, a statement of expected local resistance to the proposed acquisition and efforts made to adjust military requirements to the local situation.

(9) Whether there have been any Congressional inquiries regarding the acquisition.

(e) *Action after filing complaint.* After filing of a complaint proceeding, action to acquire the land involved, either by direct purchase or by the filing of a declaration of taking, will be completed as soon as possible.

(1) Where a satisfactory Offer to Sell is obtained and accepted, the transaction will proceed through the stages of title clearance, payment and closing. Upon final approval of title, the Division or District Engineer will recommend to the Chief of Engineers that the Department of Justice be requested to dismiss the tract from the proceeding.

(2) Where a satisfactory lease of the premises included in a leasehold condemnation proceeding is obtained and accepted, the Division or District Engineer will recommend to the Chief of Engineers that the Department of Justice be requested to dismiss the tract from the proceeding.

(3) The recommendation of the Division or District Engineer for dismissal of a tract from condemnation will include the following information:

(i) Name of project.

(ii) Caption of the complaint and civil action number assigned thereto.

(iii) The date the final title approval was rendered; on lease cases, the date the lease was accepted.

(iv) A statement as to whether the particular deed or lease includes the same land described in the complaint under the same tract number.

(v) A statement as to whether the particular deed or lease includes all outstanding interests involved in the complaint insofar as the specific parcel of land is concerned. If all outstanding interests are not covered by the deed or lease instrument, a statement of the proposed method of acquiring those interests which remain outstanding, either by filing a declaration of taking or by direct purchase, or a recommendation that they be left outstanding permanently.

§ 644.114 Acquisition by declaration of taking.

If it has been determined that acquisition of a tract cannot be accomplished by purchase due to failure to reach an agreement with the owners as to value, inability to contact the owners, title defects, or for other reasons, acquisition will be completed by the filing of a declaration of taking in a condemnation proceeding and the concurrent deposit of the estimated compensation in the registry of the court. The requirements for a declaration of taking are set forth in 40 U.S.C. 258a.

(a) *Declaration of taking assembly.* The assembly to be submitted by the

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Division or District Engineer to the Chief of Engineers, with a recommendation for the filing of a declaration of taking, will contain the following:

(1) Seven copies of the declaration of taking. (Reproduced copies will be accepted if clear and legible). The copy to be executed and filed in court must be free of errors and erasures.

(2) Seven copies of tract descriptions and names and addresses of purported owners, identified as Schedule "A" to the declaration of taking.

(3) Seven copies of a segment or project map, showing the individual tracts outlined in red, or shaded in such a way as to identify them, constituting Schedule "B" to the declaration of taking.

(4) In acquisitions for Air Force and other agencies, one additional copy of each of the above is required.

(5) As to tracts which are appraised at $50,000 or more, it is necessary to have a least two appraisals for each such tract in condemnation. One copy of each appraisal will be forwarded with the assembly for those tracts valued less than $100,000, and two copies where the value is $100,000 or more. Also, a copy of the appraisal should be forwarded when there is a counteroffer of $50,000 or more, no matter what the appraisal is. In all cases where two appraisals are necessary, at least one will be by a contract appraiser approved in advance by the United States Attorney in whose jurisdiction the case will be filed.

(6) Appraisals must be on a current basis so that at the time of submission of the assembly, the review certificates should indicate that the review has been made within thirty days prior to submission of the assembly.

(7) Guides in preparing declarations of taking for acquisitions for the Departments of the Army (Military and Civil) and Air Force are contained in Figure 5-5 in EP 405-1-2.

(8) Each case where there is an accepted Offer to Sell on which we will ask the Department of Justice to obtain judgment should be submitted as a separate Declaration of Taking.

(b) *Negotiator's report.* Each declaration of taking assembly should be accompanied by a separate Negotiator's Report, ENG Form 3423 (Parts I and II), in duplicate, for each tract of land included in the assembly. The Negotiator's Report should be current, i.e., it should indicate a contact with the landowner, or his representative, at a time reasonably close to the date of submittal of the assembly, and should reflect that actual, practical and realistic negotiations were conducted in accordance with the procedure set forth in § 644.83. The Negotiator's Report should be complete, but should be concise and not made unduly lengthy by extraneous material. It should contain so much of the following information as may be pertinent:

(1) A brief physical description of the property, including its present use and highest and best use claimed by both the Government and the landowner.

(2) Number of discussions and date and place of each discussion, and a statement that the landowner was furnished a summary of the basis for the Government's valuation prior to negotiations.

(3) Statement of each offer made by the negotiator, any counteroffer received from the landowner, and any figures suggested by the negotiator in an effort to obtain a reasonable counteroffer above the Government's estimate of value.

(4) Where the discussions reveal that further negotiations would not be productive, a statement that the real estate representative explained that it was necessary that the interests be obtained through condemnation, not in the sense of a threat, but as an effort on behalf of the Government to secure an impartial determination by the court of the differences of opinion as to value, and in order to make funds available to the landowner.

(5) If the owner cannot be contacted for the purpose of conducting negotiations, a full explanation of the circumstances and the efforts made to contact the owner should be set forth in the Negotiator's Report.

(6) A statement that any remaining property of the owner enjoys access and is an economic unit, or if it is an uneconomic remainder, that the Government has offered to acquire the remainder.

(7) Where there is an Offer to Sell, the Negotiator's Report should include a statement that no separate representations were made in order to obtain the offer, if this was the case. If any such representations were made, they should be fully explained. The report should also include the negotiator's telephone number.

(c) *Letter of transmittal.* The letter of transmittal to be submitted with a declaration of taking assembly will contain the following:

(1) The date of the real estate directive or the date of approval of the real estate design memorandum which includes the land to be condemned, a statement that the land is within the approved project boundary line, and the date of approval of the boundary line.

(2) A statement concerning the avialability of funds.

(3) A list of the dates of the appraisals of the tracts in the assembly and the dates of the last review thereof. If more than one approved appraisal exists for any tract, the deposit will be in the amount of the highest approved appraisal. If the value of growing crops has been included in the appraisal, a statement concerning same is required in the transmittal letter pursuant to paragraph (h)(3) of this section.

(4) A statement that all owners of land included in the assembly, whose addresses are known, have been notified in writing that condemnation will be recommended and the reason therefor. The information furnished to the owners should include the name and address of the United States Attorney who will advise and assist them in applying for withdrawal of the funds deposited in the registry of the court. The notice to the owners should also state the date on which possession of their property will be required.

(5) A statement concerning the date when possession of each tract included in the assembly should be obtained. This should include information as to when the 90-day notice was given, as required by Sec. 301(5) of Public Law 91-646 (84 Stat. 1894), or if not required, an explanation as to why not.

(6) In assemblies involving other than civil works projects, a statement as to whether or not all of the land authorized in the real estate directive is included in the proposed declaration of taking. Any variance that may exist between the acreage in the directive and the acreage in the declaration of taking should be fully explained.

(7) For military projects, a statement of the expected local resistance to the proposed acquisition by condemnation, and the efforts which have been made to adjust requirements to the local situation.

(8) For those assemblies involving the first case in a particular project, information as to:

(i) When the initial land acquisition for the project took place.

(ii) The total acreage for the project and the estimate of the cost thereof; if available, two copies of the project brochure furnished to landowners should be forwarded.

(iii) Whether or not an environmental impact statement has been filed, and, if not, when it is expected to be filed.

(9) Two copies of each accepted Offer to Sell covering any of the tracts included in the declaration of taking will be submitted with the assembly.

(10) A statement as to whether there have been any Congressional inquiries regarding the acquisition.

(d) *Title defects.* If a tract is recommended for condemnation due to title defects, three copies of the title opinion will be submitted with the assembly.

(e) *Deposit of funds.* Two copies of the declaration of taking, as finally approved and signed, will be transmitted by the Chief of Engineers to the Division and District Engineer. Procurement and delivery of a check to the United States Attorney for deposit in the registry of the court will be authorized, subject to the availability of funds.

(f) *Additional information to accompany Air Force acquisitions.* Each condemnation assembly (complaint or declaration of taking) covering the acquisition of land for an Air Force project will include the following information and material, in duplicate:

(1) A map showing the base boundaries, outlining in red all land included in the applicable real estate directive, and showing the land included in the condemnation assembly hachured in red. In the case of an off-base facility, the map will show the nearest boundary of the main base with relation to the off-base facility, outlining in red all land in the appplicable real estate directive, with the land covered by the condemnation assembly hachured in red.

(2) On the same map or a larger scale map, the following information on each tract in the applicable real estate directive:

(i) Tract number.

(ii) Acreage.

(iii) Ownership.

(iv) Contours.

(v) Existing improvements.

(vi) Proposed construction, including utilities, drainage ditches, and other supporting facilities.

(3) Summary of status of acquisition of all land included in the applicable real estate directive. ENG Form 3905-R will be used for this purpose. All discrepancies in figures for acreages and costs should be fully explained.

(4) If any of the land included in the applicable real estate directive is held under voluntary lease or leasehold condemnation, report for each such tract the annual rental, the period of time the leasehold interest has been held, and whether it is a voluntary lease or a condemnation leasehold. If the land is not under lease, this fact should be reported.

(5) If the United States has previously acquired an easement interest (clearance easement, safety area easement, etc.) in any of the land included in the condemnation assembly, identify the real estate directive which authorized the previous acquisition by number, date, interest acquired, acres, cost and method of acquisition (including lease number, tract number, caption with civil action number as applicable). A negative report is required.

(6) If severance damage is involved in any of the land included in the condemnation assembly, include a detailed statement of the facts and justification for the severance allowed, unless the severance damage has been adequately cxplained in a Real Estate Planning Report or a Real Estate Requirements Estimate, in which case such Report or Estimate should be identified for reference.

(7) A copy of the appraisal report on which the deposit in a declaration of taking is based, irrespective of value.

(g) *Interests included in declaration of taking.* (1) The estate recommended for use in a declaration of taking should conform to the estate approved by the Chief of Engineers in Civil Works projects and to the applicable directive in military and other agency projects. Any deviation should be fully explained and justified in the transmittal letter. Examples of estates which have been approved for use in declarations of taking are contained in Figure 5-6 in EP 405-1-2. A condemnation proceeding is an in rem action. The definition of "property" and what constitutes property is generally determined by reference to State law. Therefore, full consideration should be given to the applicable State law in connection with requests for deviations from the standard approved estates.

(2) Normally, under the "unit" rule a condemnation proceeding should include all interests in a given tract authorized for acquisition even though an Offer to Sell may have been obtained and accepted from the surface owner with an outstanding interest in the subsurface estate recited in the "Subject to" paragraph. In such a case, if it is necessary to condemn due to title difficulties or failure of the owner to carry out the terms of the Offer to Sell, the deposit will be increased by the appraised value of the outstanding subsurface interest. The only exception to including subsurface interests outstanding in third parties is in the case of block ownership of subsurface interests; i.e., where a person, corporation, or other entity owns subsurface interests under more than one surface tract and in sufficient amount for the entire interest holding to have added value, for operational or other reasons, because it is in a block ownership. In other words, block ownership exists when the acquisition of a part of the block would require the assessment of severance damage, even if the value of the interest or the amount of the severance damage would be in a nominal amount. On this basis, subsurface interests need not be contiguous to constitute a block ownership.

(3) If future negotiations to acquire or subordinate the subsurface interests left outstanding under paragraph (g)(2) of this section (or any non-block subsurface interests "excepted" from direct purchase cases) are unsuccessful, and the outstanding interest cannot be waived under the provisions of § 644.86, then acquisition or subordination of the outstanding interest should be accomplished by condemnation proceedings. In so doing, block ownerships should be condemned as a unit rather than on a piecemeal basis. Full information should be submitted with such assemblies as to the method of acquisition of each surface ownership affected by the subsurface acquisition.

(h) *Payment for crops.* At the time the declaration of taking assembly is prepared, it will be necessary that a determination be made as to whether the value of growing crops should be added to the value of the land improvements in determining the amount to be deposited as estimated compensation. The determination will be made as follows:

(1) If the crops have been harvested, or it is known or highly probable that the crops will be harvested by the landowner or tenant, no deposit will be made for the crops.

(2) The approved appraised value of crops will be included in the amounts to be deposited in all other cases.

(3) The letter forwarding the declaration of taking to the Chief of Engineers will state whether the value of growing crops has been included in the amount recommended for deposit, and will set forth a statement of the facts upon which the action is based.

(i) *Filing and possession.* Upon the filing of a complaint, accompanied by a declaration of taking, the court has the power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the United States (40 U.S.C. 258a). Requests for orders of possession should be made only after all requirements of Pub. L. 91-646 (84 Stat. 1894) regarding possession have been satisfied.

(1) The Division or District Engineer will ascertain from the United States Attorney the date on which the condemnation proceeding with declaration of taking is filed and the date on which possession is available. The using service of the Army and Air Force or the local representative of other agencies will be informed of the date on which possession of the land is available.

(2) The above information, together with the civil number assigned to the case, and a copy of the complaint and order of possession will be furnished to HQDA (DAEN-REA-C) WASH DC 20314 within six weeks after the date the case was forwarded by the Chief of Engineers to the Department of Justice. If this cannot be accomplished, an explanation will be furnished by such date.

(3) Where an Order of Possession is obtained but the landowner refuses to comply, it may be necessary to obtain a Writ of Assistance from the court. Prior to requesting the United States

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Attorney to obtain such a Writ, all pertinent facts should be reported to DAEN-REA-C.

(4) The United States Attorney should be requested to have judgment entered in accordance with the terms of any accepted Offers to Sell immediately after the filing of the case, since delay in taking such action works to the disadvantage of the Government. Any difficulty in securing prompt action by the United States Attorney in this matter should be reported to DAEN-REA-C.

(j) *Amendments.* (1) If at any time it becomes necessary to amend a complaint or declaration of taking previously filed, an amendment assembly will be submitted to DAEN-REA-C together with a full statement of the facts requiring the amendment. The letter of transmittal should certify that the tracts affected by the amendment have not been adjudicated.

(2) No amendment should be submitted which will result in a revestment of an interest in property, unless a stipulation for revestment has been obtained from the former owner in accordance with § 644.115.

(3) If, after the filing of a declaration of taking, a substantially higher appraisal is approved for any reason, and a settlement does not appear imminent, an amendment will be submitted promptly to increase the amount of the deposit.

(k) *Alternate form declaration of taking.* An alternate form of Declaration of Taking has been approved by the Judicial Conference on an optional basis, and must be used where the local District Court requires. Under this form a Declaration of Taking may have up to 15 ownerships, but each ownership will be set up separately so that it may be included in a separate civil action. In other words, there may be up to 15 separate civil actions which are keyed in to one Declaration of Taking. An example of this type of Declaration is included in Figure 5-5 in EP405-1-2. In this form, Schedule "A" will include the authority and public uses. Schedule "B" will include the description, the estimated compensation, and the estate to be acquired. Schedule "C" will be the plan showing the land to be acquired. It will be noted that there will be a separate Schedule "A", "B", and "C" for each ownership. The schedules may include more than one tract where the ownership is unified and is an economic unit. All of the civil actions will be keyed in to the Declaration of Taking by a Master File number. The Master File number must be used on all correspondence pertaining to tracts in this type of an assembly.

§ 644.115 Revestment of title by stipulation.

When fee title or an interest in property has been acquired by the United States by declaration of taking in a condemnation proceeding and it is determined to be in the best interest of the Government to wholly or partially exclude said property or interests therein, or to acquire a lesser estate, such exclusion or diminution in the estate can be accomplished by stipulation with the former owner under the provisions of the Act of Congress approved October 21, 1942 (40 U.S.C. 258f).

(a) *Required approval.* All stipulations involving a revestment of title must be forwarded to DAEN-REA-C for approval with a full statement of the facts, related data and recommendations. Approval of the revestment action must be obtained from the appropriate using agency. Such stipulations will not be filed in the condemnation proceedings by the United States Attorney until the specific approval of the Chief of Engineers is obtained and the matter coordinated by the Chief of Engineers with the Department of Justice. It should be stressed in negotiations that final approval of the stipulation is under the judrisdiction of the Attorney General, based on the recommendation of the Chief of Engineers.

(b) *Reduction of price.* A stipulation for revestment should provide for a deduction from the agreed price or from the ultimate award of an amount equal to the difference between the value of the property originally taken and the value of said property after the proposed exclusion of a part thereof or acquisition of a lesser interest therein, i.e., the stipulation should be an over-all settlement of the case whenever possible. If it is impossible to reach an amicable agreement for complete settlement for the Government's acquisition of the tract, an agreement as to the area and estate, leaving final determination as to compensation with the court, may be submitted with facts showing that the proposed action is in the best interest of the Government. The stipulation should also include a release concerning any benefits under Sec. 304, Pub. L. 91-646 (84 Stat. 1894), because of the revestment, particularly when no agreement is reached concerning compensation.

(c) *Required information.* A sample stipulation for revestment is contained in Figure 5-8 in EP405-1-2 which may be adapted to fit the particular project and tract involved. In this connection, the following requirements should be observed:

(1) The stipulation will not provide for any change in the amount of the deposit unless the stipulation provides for an overall settlement of the case or the entire tract is to be excluded from the acquisition.

(2) The areas in which the Government has acquired an interest and those in which an interest will be retained after the revestment will be fully described.

(3) The estates to be retained by the Government after the revestment will be accurately described; where the owner reserves mineral or other interests or use, appropriate restriction of exploration and subordination to the paramount right of the Government to use the property for the required purpose will be included.

(4) The stipulation should include, as part of the consideration:

(i) Consent by the former owner to the Government's acquisition of the revised area and the estates therein in the event the stipulation is approved.

(ii) Withdrawal of any answer contesting the Government's right to acquire the property and any interrogatories theretofore filed.

(iii) A waiver of any and all claims by the former owner, his heirs and assigns, against the United States, the State, County and political subdivisions thereof for loss of access to the land (where applicable).

(5) The stipulation will include, as an exhibit, maps delineating the fee area in red, the easement area in blue, and the area to be revested in yellow.

(6) The letter of transmittal in connection with any revestment in Civil Works projects should include information as to whether the area in which title is to be revested has a potential for recreational use without regard to the currently established public access areas.

(d) *Application.* The foregoing procedure applies only to instances where a declaration of taking has been filed. Where only a complaint has been filed, the necessary revisions may be made by securing a satisfactory Offer to Sell and deeds to the United States, or by amending the complaint and filing a declaration of taking containing the revised descriptions or estates.

§ 644.116 Distribution, reservations, and title evidence.

Distribution of the estimated compensation deposited in the registry of the court is the responsibility of the United States District Court. However, the Division or District Engineer will assist the United States Attorney in arranging for the distribution of funds deposited with a declaration of taking in order that landowners may receive either partial or total payment as soon as possible.

(a) *Distribution.* Partial or total distribution may be made upon a showing to the court that the claimant is the proper person to receive the money on

deposit (40 U.S.C. 258a). An examination of the title evidence by the United States Attorney, together with a physical inspection of the premises, is usually sufficient to enable the United States Attorney to ascertain the proper claimants so that he may consent to the entry of an order of distribution. Distribution may be made without prejudice to the owner's right to contest for a higher award than the sum deposited by the United States.

(b) *Inspection and title evidence.* As soon as a condemnation proceeding is filed, a physical inspection of the premises will be made and the United States Attorney will be furnished the following:

(1) ENG Form 798, Certificate of Inspection and Possession, or such other similar form as may be requested.

(2) ENG Form 1567, Report on Vacation of Property.

(3) Title evidence and all available curative material covering the tracts of land included in the declaration of taking.

(4) Copies of all offers to Sell, leases, relocation agreements, etc., which are pertinent to the case and would be useful in making distribution.

(c) *Reservations.* If the landowners are to be permitted to remove crops, timber, buildings or other improvements from land acquired in the declaration of taking (by approval of the Division or District Engineer), a stipulation for reservation of these items may be obtained at this time. The stipulation should be in a form acceptable to the United States Attorney, should specify the date on or before which the reserved items are to be removed, and should provide that if the reserved items are not removed on or before said date, the right of removal shall terminate automatically and the United States shall have a good and indefeasible title to these items without further notice. The consideration to the Government for the reservation will be in an amount not less than the appraised value of the crops, or not less than the appraised salvage value of the timber, buildings or other improvements which are reserved, and the stipulation should provide that such amount shall be deducted from the amount of the final award.

(d) *Continuation of title evidence.* A continuation of the existing title evidence will be obtained to include a search of the records to a date subsequent to the date of filing of the Notice of Lis Pendens, the Judgment on Declaration of Taking, or the filing of the complaint in those states where such filing constitutes notice. The additional title evidence will be furnished to the United States Attorney as soon as possible after filing of the case.

§ 644.117 Procedure prior to trial.

(a) *General.* After filing of condemnation proceedings, the Division or District Engineer will maintain close liaison with the United States Attorneys and will render all possible assistance to the United States Attorneys in negotiating settlements, preparing cases for trial, and in conducting such trials. When the Division or District Engineer is informed that a case has been set for trial involving an unusual or novel issue of fact or law, or where the Government testimony will be $100,000 or more, he will promptly furnish this information to DAEN-REA-C. In addition, the Division or District Engineer should:

(1) In coordination with the United States Attorney, conduct discussions for settlement with landowners and other interested parties defendant. When a satisfactory agreement has been reached, an executed stipulation in a form satisfactory to the United States Attorney will be obtained. A suggested form of stipulation as to just compensation is contained in Figure 5-8 in EP 405-1-2. In this connection, the closest cooperation and collaboration must exist between representatives of the Department of the Army and the Department of Justice; no settlement negotiations should be conducted by Corps personnel without the knowledge and consent of the United States Attorney. If the property owner is unwilling to execute a stipulation until assured that the amount of the settlement will be accepted by the Government, formal execution of the stipulation may, in such instances, be delayed. However, the offer will be processed in accordance with the applicable provisions of paragraph b below.

(2) Furnish maps, photographs and other necessary exhibits for trial.

(3) Assist in preparing expert witnesses for trial.

(4) Take necessary action to assure the presence of witnesses at the trial. District personnel who qualify as expert witnesses will be made available.

(5) Be represented at the trial by an attorney thoroughly familiar with Federal court procedures, condemnation law, and the details of the project affected by the condemnation proceedings.

(b) *Stipulated settlements.* (1) Where the amount of the stipulation obtained in accordance with paragraph (a)(1) of this section does not exceed the high, approved appraisal prepared by an appraiser employed by, or under contract with, the Corps of Engineers, and the proposed settlement will completely dispose of the issue of compensation for all interests acquired in the tract in the proceeding, approval of the settlement will be recommended by the Division or District Engineer or the Chief of the Real Estate Division directly to the United States Attorney. The Division or District Engineer will inform DAEN-REA-C of the action taken, either by sending a copy of the letter addressed to the United States Attorney of by separate correspondence.

(2) Where the total settlement for all interests acquired in a given tract does not exceed $40,000 and the proposed settlement will completely dispose of the issue of compensation for all interests acquired in the tract in the proceeding, Division and District Engineers and the Chiefs of the Real Estate Divisions are also authorized to recommend approval of settlements directly to the United States Attorney. In leasehold condemnation cases the monetary limitation includes the full lease term and not merely the per annum rental. DAEN-REA-C will be informed of the action taken in the same manner as in paragraph (b)(1) of this section. Even though the total settlement for all interests acquired in a given tract does not exceed $40,000, the proposed settlement will be submitted to DAEN-REA-C for consideration in the following instances:

(i) If the United States Attorney and the Division or District Engineer cannot agree as to whether a particular settlement should be consummated.

(ii) If the stipulation involves a novel issue of law or question of policy which would adversely affect the disposition of other tracts in a project.

(iii) If revestment of any land or interests therein or change in estate is involved.

(3) All proposed settlements not covered by paragraphs (b) (1) and (2) of this section will be forwarded to DAEN-REA-C, together with specific recommendations of the Division and District Engineers and a full statement of the facts. Three copies of the signed stipulation will be forwarded to DAEN-REA-C with the report in those situations where the stipulation contains any unusual conditions or terms. The report should contain the following:

(i) The amount of the deposit and the amount of the proposed settlement.

(ii) The amounts and dates of all Government appraisals. Where the Department of Justice appraisal is substantially above or below the Corps of Engineers' appraisals, the Division and District reviewing appraisers should carefully examine the appraisals and ascertain whether the facts in the case and the appraisal techniques have been consistently applied, and should prepare a comparative analysis.

(iii) The appraisal valuations by the property owners, their appraisers, or

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other witnesses who may testify for the owners, if such can be ascertained.

(iv) A statement of the recommendation of the United States Attorney as to the proposed settlement.

(v) Such other matters as should be considered by the Chief of Engineers in determining whether the proposed settlement is satisfactory; e.g., any pattern of awards which has been established as the result of other trials concerning land at the same project, or in the same Federal judicial district, disposition of any accepted Offer to Sell, any unusual legal or factual issues involved, any unusual factors which would increase the hazard of proceeding to trial, or the anticipated effect of the settlement on remaining acquisition in the project.

(vi) Whether or not funds are available to satisfy any deficiency.

(vii) The report should contain the required information in tabulated form. For each item the statement should be short and concise; lengthy reports are not required.

(4) A copy of the report and recommendation sent to the Chief of Engineers will be immediately transmitted to the United States Attorney. If the settlement is satisfactory, the Chief of Engineers will forward a letter of approval to the Department of Justice, recommending that the stipulation be approved, filed and judgment entered thereon. A copy of the letter of approval will be sent to the Division or District Engineer. Receipt of such copy is authority to satisfy the judgment when entered, provided funds are available.

(5) If a stipulation is obtained by a United States Attorney in excess of their authority, they will forward the proposed settlement to the Department of Justice. Simultaneously, in accordance with procedures agreed upon by the Chief of Engineers and the Department of Justice, the United States Attorney will transmit copies of the transmittal letter and of the proposed stipulation to the Division or District. The Division or District Engineer will immediately forward the letter outlined in paragraph (b)(3) of this section to the Chief of Engineers.

(6) All settlements negotiated for interests acquired in condemnation proceedings will be inclusive of interest and will include all claims of any nature arising as a result of the taking of the estate recited in the complaint or declaration of taking, with the exception of benefits to which the landowner be may be entitled under Public Law 91-646 (84 Stat. 1894). In leasehold condemnation cases, all proposed settlements should include not only an agreement as to compensation for the period of the leasehold but also an agreement as to any and all claims arising from restoration of the premises, if known (§ 644.121(b)).

(7) Where surface and subsurface interests are acquired in a single condemnation proceeding, it is desirable to settle by stipulation, or to go to trial, on the "unit" basis. Many United States Attorneys insists on this course of action. However, Division or District Engineer should cooperate with United States Attorneys who wish to negotiate for stipulated settlements which may not include all of the interests acquired in a given proceeding as to a specific tract or tracts, provided appraisal reports have been prepared in such a manner as to make the appraised value of the several interests ascertainable.

(8) If an offer of settlement is not intended to include the full interest which was condemned in a particular tract, the letter transmitting the settlement offer will specifically identify the interests included in the settlement, the interests which remain unsettled, and the amount of estimated compensation remaining on deposit for the unsettled interests. The amounts remaining on deposit for the unsettled interests should be the appraised valuation of such interests.

(9) Landowners will be advised during negotiations for settlement that offers to settle are not binding on the United States until accepted by a duly authorized representative of the Department of Justice.

(10) In cases where tracts which are covered by accepted Offers to Sell are acquired by declaration of taking because of title defects or the failure of the landowner to carry out the terms of the Offer to Sell, the United States Attorney will be informed by letter and furnished copies of the Offer to Sell. The consideration contained in the Offer to Sell is considered binding upon the landowner despite the fact that condemnation is used to acquire title to the land. No settlement will be approved by the Division or District Engineer in an amount exceeding the amount contained in the Offer to Sell unless the Offer has been set aside by court order. Reports submitted in accordance with paragraph (b)(3) of this section will contain a statement as to the status of any Offer to Sell which may have been accepted.

(c) *Appraisal Review.* Land and Natural Resources Division Directive No. 11-68, dated 22 November 1968, provides that where two or more appraisals for a particular property have a valuation spread in excess of 10 percent of the high appraisal figure, the United States Attorney should submit such appraisals to the local representative of the Corps for approval. Every effort should be taken to see that this policy is followed so that the Corps has full knowledge of the appraisal reports on which settlement negotiations or trial preparation is based. In those instances where the United States Attorney and the Division or District Engineer cannot agree as to whether an appraisal or appraiser should be used at trial or in connection with settlement negotiations, copies of all appraisals, together with the analysis of the reviewing appraiser, should be submitted to HQDA (DAEN-REE) WASH DC 20314 for further consideration and possible discussion with the Department of Justice.

§ 644.118 Awards.

(a) *Approval by Division or District.* Division or District Engineers and the Chiefs of the Real Estate Divisions have been authorized to approve court awards (including jury or commission awards) where such awards do not exceed the highest testimony presented at the trial by a qualified appraiser employed by the Government. In such cases, the United States Attorney will be notified that the award is approved and the Chief of Engineers will be notified of such action.

(b) *Approval by Chief of Engineers.* (1) If the award is in excess of the highest testimony presented at the trial by a qualified appraiser employed by the Government, or involves a matter of a doubtful or controversial nature, a report concerning the trial will be forwarded by the Division or District Engineer to DAEN-REA-C. The report should contain, but not be limited to, the following information:

(i) The amount of the verdict or award.

(ii) The appraisal valuations given in testimony by all witnesses, including any pertinent comments on the effectiveness of the witnesses, as appropriate.

(iii) A statement of the recommendations of the United States Attorney as to the acceptance of the verdict or award, if available without causing a delay in submittal of the report.

(iv) Where the trial concerned less than all interests acquired in a given tract, the report should state the precise interests adjudicated at the trial, the other interests which remain unadjudicated, the proposed disposition of the unadjudicated interests and the amount of the deposit allocated to the unadjudicated interests.

(v) Whether or not funds are available to satisfy any deficiency plus interest.

(2) Long narrative reports of the events at the trial or hearing are not necessary except in unusual cases. A brief, but complete, statement of the pertinent facts will be adequate in most cases. A form for use in connection with submission of trial reports is included in Figure 5-9 in EP 405-1-2; however, it is not intended that this form constitute the entire report. Where the case was tried by a Commission, copies of the Commissioners' Report will be submitted with each copy of the trial report. Close liaison must be maintained with the United States Attorney's Office in order that these reports will be received promptly after they are filed in the case.

(3) The report outlined above should be accompanied by the recommendation of the Division or District Engineer as to what action should be taken with respect to the Commissioner's Report, court award or jury verdict. This recommendation should include a discussion of any matters which should be considered by the Chief of Engineers in determining whether the award is satisfactory, e.g., the history of past awards at this project or in the same judicial district, the basis used by the commission in arriving at its determination of value, whether enhancement from the project or a second taking was an issue, the disposition of any accepted Offer to Sell on any tract involved in the trial, etc. (The basis of findings of value to be included in the report of a commission appointed under Rule 71A(h) was considered by the Supreme Court in *United States* v. *Merz*, 376 U.S. 192). Where the recommendation is to reject the award, specific reasons with supporting legal analysis should be given. The fact, standing alone, that an award is considered excessive is not sufficient reason upon which to base an appeal.

(4) The report and recommendation should be received by the Chief of Engineers within five working days after the Commissioners' Report has been filed or the trial concluded. In order to accomplish reporting within the prescribed time limits, District Engineers will forward reports and recommendations direct to DAEN-REA-C, with a copy to the appropriate Division Engineer. The Division Engineer will submit comments and recommendations to DAEN-REA-C within three working days after receipt of the copy of the District Engineer's report. The District must insure that our right to object is extended if the situation warrants.

(c) *Payment of awards and settlements.* (1) If an award or stipulated settlement requires the deposit of a deficiency, judgment will be entered by the court and thereafter transmitted to the Division or District Engineer by the Department of Justice for procurement of a check for deposit in the registry of the court in satisfaction of the final judgment.

(2) The copy of the letter from the Chief of Engineers to the Department of Justice recommending approval of an award or settlement, if required under §§ 644.117(b)(3) and 644.118(b), will constitute authority for payment of the deficiency, provided funds are available. If approval is not recommended by the Chief of Engineers to the Department of Justice and the judgment is submitted to the Division or District Engineer for payment, it should be forwarded to DAEN-REA-C without action. Upon receipt of a judgment where payment is authorized and funds are available, the Division or District Engineer will immediately procure and deliver the check to the United States Attorney and inform DAEN-REA-C of the action taken.

§ 644.119 Procedure after final judgment.

Generally, it is not necessary to obtain a final certificate of title or title insurance policy in condemnation cases where the intermediate or continuation certificate of title is continued to a date subsequent to the date of filing of the Notice of Lis Pendens, and the liability of the title company is not limited to an amount less than 50 percent of the total consideration paid for the land by the United States.

(a) *Final title opinion.* After entry of final judgment, the title assembly will be examined and a final title opinion issued. The title opinion and related papers on Army and Air Force projects will be forwarded to HQDA (DAEN-REP) WASH DC 20314 for permanent filing.

(b) *Report required to close case.* When all interests in a proceeding have been disposed of by final judgment, the Division or District Engineer will so advise the Chief of Engineers in order that the case may be closed. This report should not be made until the time for appeal has expired or any pending appeals have been resolved. The report should include a copy of the final judgment or other order of the court disposing of the case, and a statement that all monies deposited in the registry of the court have been disbursed.

§ 644.120 Condemnation for local cooperation projects.

Under the provisions of the River and Harbor Acts approved June 29, 1906 (33 U.S.C. 592) and August 8, 1917 (33 U.S.C. 593), and the Flood Control Acts approved March 1, 1917 (39 Stat. 950) and August 18, 1941 (33 U.S.C. 701c-2), respectively, the Secretary of the Army may cause proceedings to be instituted in the name of the United States for acquisition by condemnation of lands, easements or rights-of-way which local interests undertake to furnish free of cost to the United States. Requests for the institution of proceedings in the name of the United States will be addressed by the local parties to the Secretary of the Army and submitted to the Division or District Engineer. No land will be acquired on behalf of local interests by the filing of condemnation proceedings until local interests have furnished the Division or District Engineer with satisfactory assurances in accordance with the authorization act, and sufficient funds have been deposited with the Division or District Engineer to pay the expenses of the proceedings and any awards that may be made in the proceedings.

(a) *General.* The Corps of Engineers will institute condemnation proceedings on behalf of a local interest only when the local interest:

(1) Lacks authority to acquire the necessary real estate interests by eminent domain; or

(2) Cannot obtain possession by local eminent domain proceedings in time to meet the construction schedule; or

(3) Unusual circumstances exist so that acquisition by local inerests would not be in the best interest of the United States.

(b) *Information to accompany assembly.* Upon request of the local interests that the real estate interest be acquired by condemnation proceeding in the name of the United States, the Division or District Engineer will transmit to HQDA (DAEN-REA-C) WASH DC 20314 an appropriate condemnation assembly, prepared in accordance with § 644.114, with recommendations and the following information:

(1) Citation of authorizing act.

(2) Whether valid assurances have been accepted, giving date of acceptance.

(3) That the estate or estates to be acquired conform to the requirements set forth in Subpart J (to be published).

(4) Appraisal values of the interest proposed for acquisition.

(5) That sufficient funds to cover court awards and expenses of the proceedings have been deposited by local interests with the Division or District Engineer.

(6) Efforts made by local interests to acquire the real estate interests and reasons for requesting the United States to file condemnation proceedings.

§ 644.121 Leasehold condemnation requirements.

(a) *Requirements for extension.* The interest acquired in land by a leasehold condemnation proceeding terminates after a one-year term, unless notice to extend the term is filed in the appropriate United States District Court. In all leasehold cases, the Division or District Engineer will ascertain from the using service whether the premises included in such condemnation proceedings will be required for an additional term. This should be

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done sufficiently in advance of the end of the term to allow adequate time for the action necessary to extend the term. These instructions apply to civil works projects as well as military projects.

(1) The Department of the Air Force will ascertain and advise the Chief of Engineers concerning the future requirements for the land in Air Force leasehold cases. Where the Department of the Air Force has a continuing requirement for land included in condemnation leasehold cases which are not extendible, the appropriate Division and District Engineers will be informed at the earliest practicable date.

(2) Extension of the term in a leasehold condemnation case must be accomplished through the Department of Justice which, upon request of the Chief of Engineers, will issue instructions to its field representatives to prepare a notice of election to extend the term and file it in the appropriate United States District Court. The Chief of Engineers should be advised of requirements of using services for extension of leasehold condemnation cases five months prior to the time that filing notice of extension with the court is due. The majority of pending leasehold condemnation cases require that notice to extend the term be filed with the court 30 days prior to the end of the term, although a few cases require the notice of extension to be filed at least 60 days prior to the end of the term. Negative reports are required.

(3) Since the General Services Administration is the disposal agency for excess and surplus airport property, all condemnation leaseholds forming an integral part of an airport should be extended and kept in force with the concurrence of the Department of the Air Force unless and until contrary instructions are received from the General Services Administration. In the event a bombing range or other installation in which leasehold interests have been acquired by condemnation is excess or surplus, but will not be decontaminated or dedudded prior to the end of the term, the leasehold condemnation proceeding will be extended beyond that date. In reporting leasehold condemnation cases to be extended within the categories mentioned in this paragraph, full information as to the necessity for extensions in each case should be furnished DAEN-REA-C.

(4) Specific authorization for deposit of funds in condemnation leasehold cases will be issued to Division and District Engineers by the Chief of Engineers.

(b) *Termination of leasehold condemnation proceedings.* If the need for all or part of the land included in a leasehold condemnation proceeding should terminate prior to the expiration of the term condemned, in the case of fixed term estates, or prior to the expiration of the right to renew by filing notice of extension, the Division or District Engineer, upon notification by the using service that the land is no longer needed, shall advise DAEN-REA-C accordingly. Prompt action will be taken by the Division or District Engineer to comply with the applicable requirements of Subpart I (to be published) relative to screening real property excess to one component of the Department of Defense with all other components and Federal agencies outside of the Department of Defense. Where restoration is involved, a report will be furnished DAEN-REA-C setting forth the status thereof.

(c) *Report to close leasehold condemnation cases.* When the term condemned has expired or all interests have been terminated and all interests have been disposed of by final judgment, the Division or District Engineer will so advise DAEN-REA-C in order that the case may be closed. Report in accordance with § 644.119(b) shall be furnished and shall also include a statement that the issue of restoration has been settled.

[FR Doc. 79-4291 Filed 2-7-79; 8:45 am]

federal register

THURSDAY, FEBRUARY 8, 1979

PART IV



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

Permit Insurance of Advances for Building Components Stored Off-Site; Amendments

federal register

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[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

[Docket No. R-79-615]

Amendments to Parts 207, 213, 220, 221, 227, 231, 232, 234, 236, 241, 242, and 244 To Permit Insurance of Advances for Building Components Stored Off-Site

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: The amendments will permit HUD to insure advances of mortgage proceeds to cover the cost of large building components, or components subject to weather damage if stored on-site, specifically manufactured or pre-assembled for an insured project, but stored off-site. The amendments implement Section 525 of the National Housing Act.

EFFECTIVE DATE: February 27, 1979.

COMMENTS DUE: April 9, 1979.

ADDRESSES: All materials which persons wish to submit should refer to the above docket number and title and be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Copies of the comments submitted will be available at this address for public inspection during business hours.

FOR FURTHER INFORMATION CONTACT:

John J. Collins, Chief, Programs Branch, Multifamily Mortgage Insurance Division, Department of Housing and Urban Development, Washington, D.C. 20410; (202) 755-9280.

SUPPLEMENTARY INFORMATION: This new insured advance procedure for components stored off-site will benefit manufacturers of eligible building components because it will enable them to receive payment for their products on completion, rather than having to wait until the component is at the building site. The procedure will encourage utilization of industrialized housing technology which will reduce costs, thereby benefiting the ultimate consumer.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular hours in the Office of the Rules Docket Clerk at the above address.

The Secretary has determined that these regulations are necessary to carry out the purposes and intent of Section 525 of the National Housing Act. They are beneficial to the public in that they provide a HUD procedure for insuring advances for components stored off-site which is not now available.

Currently builders of components must wait until components are shipped to the building site before receiving payment. However, shipment is often delayed, usually because there is no room for storage at the site, or to avoid the risk of damage if the component will have to be stored on site for a lengthy period. The result has been delay in the construction of multifamily housing, including Section 8 low income housing. Accordingly, the Secretary has determined that notice and public procedure with respect to this regulation are contrary to the public interest, and that good cause exists for making this regulation effective.

Accordingly, Parts 207, 213, 221, 232, 241, 242, and 244 are amended as shown below. Parts 220, 227, 231, and 234 are amended by references incorporating §§ 207.19a and 207.258. For eligibility, Part 236 is amended by reference incorporating § 221.541a. With respect to contract rights and obligations only, Parts 213, 221, 232, 236, 241, 242, and 244 are amended by references incorporating § 207.258.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

1. The Table of Contents is amended to include a new section numbered 207.19a to read as follows:

207.19a Insured advances for building components stored off-site.

2. The following new section is added and designated as § 207.19a.

§ 207.19a Insured advances for building components stored off-site.

(a) *Building components.* In insured advances for building components stored off-site, the term building component shall mean any manufactured or pre-assembled part of a structure which the Commissioner has specifically identified for incorporation into the property and has designated for off-site storage because it is of such size or weight that (1) storage of the number of components required for timely construction progress at the construction site is impractical, or (2) weather damage or other adverse conditions prevailing at the construction site would make storage at the site impractical or unduly costly.

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the aggregate cost of a building component stored off-site if the component is stored at a location approved by the mortgagee and the Commissioner which is either: (i) Under the control of a bonded warehouseman at the factory production site; or (ii) under the control of a bonded warehouseman at some site other than the factory production site. Aggregate cost may include storage cost, insurance while in storage and freight to the construction site. A bonded warehouseman is a person engaged in the business of storing goods on premises provided by him or some other person. In either situation, the bonded warehouseman, before any building components can be delivered to the warehouse, must provide a bond to the mortgagor and mortgagee covering them against loss occurring while the building components are under the control of the warehouseman.

(2) Each building component shall be adequately marked so as to be readily identifiable in the inventory of the off-site location. It shall be kept together with all other building components of the same manufacturer intended for use in the same project for which insured advances have been made and separate and apart from similar units not for use in the project.

(3) Storage costs, if any, shall be borne by the contractor.

(c) *Responsibility for transportation, storage, and insurance of off/site building components.* (1) The general contractor will enter into an agreement with the manufacturer of the building component which shall provide that the manufacturer shall be responsible for the delivery of the components to the predetermined storage site in accord with an approved delivery schedule and shall agree to: (i) Prepay freight charges from the production site to the storage site; (ii) insure the components during shipping to the storage site; (iii) deliver the components to the carrier properly packed for shipment; and (iv) prepare and deliver itemized invoices, shipping documents, warehouse receipts and bills of sale for the components to the mortgagor. (2) The general contractor of the insured mortgaged project shall have the responsibility for (i) insuring the components in the name of the mortgagor while in storage; (ii) delivering, or contracting for the delivery of the components to the construction site, including payment of freight.

(d) *Advances.* (1) Before an advance for a building component stored off-site is insured: (i) The mortgagor shall (A) obtain a bill of sale for the component, (B) give the mortgagee a security agreement, and (C) file a financing statement in accordance with the Uniform Commercial Code, and (ii) the mortgagee shall warrant to the Commissioner that the security instruments are a first lien on the building components covered by the instruments except for such other liens or encumbrances as may be approved by the Commissioner.

(2) Before each advance for building components stored off-site is insured, the mortgagor's architect shall certify to the Commissioner that the components, in their intended use, comply with HUD-approved contract plans and specifications. Under those circumstances permitted by the Commissioner in which there is no architect, compliance with the HUD-approved contract plans and specifications shall be determined by the Commissioner.

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site, but in no event may advances be made for components which are put into storage more than six months in advance of the time they are scheduled for incorporation into the project structure.

(4) At no time shall the aggregate cost of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract.

(5) No single advance which is to be insured shall be in an amount less than ten thousand ($10,000) dollars.

(6) Insurance of advances for components stored off-site may be authorized only when the total cost of development, including use of the off-site storage procedure and costs appurtenant to that procedure, do not exceed total development cost under conventional construction procedures as determined by the Commissioner.

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Subpart B—Contract Rights and Obligations

3. Section 207.258 is amended by revising paragraph (b), adding a new paragraph (b)(3), and redesignating the existing paragraphs (b)(3) and (b)(4) as (b)(4) and (b)(5), respectively, as follows:

§ 207.258 Insurance claim requirement.

* * * * *

(b) *Assignment of mortgage to Commissioner.* If the mortgagee elects to assign the mortgage to the Commissioner, it shall, at any time within 30 days after the date of the notice of such election, file its application for insurance benefits and assign to the Commissioner, in such manner as the Commissioner may require, the credit instrument(s) and the realty and chattel security instruments. In addition, the following requirements shall be met:

* * * * *

(3) *Chattel lien warranty.* In assigning its security interest in chattels, including materials, located on the premises covered by the mortgage, or its security interest in building components stored either on-site or off-site at the time of the assignment, the mortgagee shall warrant that:

(i) No act or omission of the mortgagee has impaired the validity or priority of the lien created by the chattel security instruments; and

(ii) The mortgagee has a good right to assign the security instruments; and

(iii) The chattel security instruments are a first lien on the items covered by the instruments except for such other liens or encumbrances as may be approved by the Commissioner.

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PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

4. The Table of Contents is amended to include a new section numbered 213.27a to read as follows:

213.27a Insured advances for building components stored off-site.

5. The following new section is added and designated as 213.27a.

§ 213.27a Insured advances for building components stored off-site.

(a) *Building components.* In insured advances for building components stored off-site, the term building component shall mean any manufactured or pre-assembled part of a structure which the Commissioner has specifically identified for incorporation into the property and has designated for off-site storage because it is of such size or weight that (1) storage of the number of components required for timely construction progress at the construction site is impractical or (2) weather damage or other adverse conditions prevailing at the construction site would make storage at the site impractical or unduly costly.

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the aggregate cost of a building component stored off-site if the component is stored at a location approved by the mortgagee and the Commissioner which is either: (i) Under the control of a bonded warehouseman at the factory production site; or (ii) under the control of a bonded warehouseman at some site other than the factory production site. Aggregate cost may include storage cost, insurance while in storage, and freight to the construction site. A bonded warehouseman is a person engaged in the business of storing goods on premises provided by him or some other person. In either situation, the bonded warehouseman, before any building components can be delivered to the warehouse, must provide a bond to the mortgagor and mortgagee covering them against loss occurring while the building components are under the control of the warehouseman.

(2) Each building component shall be adequately marked so as to be readily identifiable in the inventory of the off-site location. It shall be kept together with all other building components of the same manufacturer intended for use in the same project for which insured advances have been made and separate and apart from similar units not for use in the project.

(3) Storage costs, if any, shall be borne by the contractor.

(c) *Responsibility for transportation, storage and insurance of off-site building components.* (1) The general contractor will enter into an agreement with the manufacturer of the building component which shall provide that the manufacturer shall be responsible for the delivery of the components to the predetermined storage site in accord with an approved delivery schedule and shall agree to: (i) Prepay freight charges from the production site to the storage site; (ii) insure the components during shipping to the storage site; (iii) deliver the components to the carrier properly packed for shipment; and (iv) prepare and deliver itemized invoices, shipping documents, warehouse receipts and bills of sale for the components to the mortgagor. (2) The general contractor of the insured mortgaged project shall have the responsibility for (i) insuring the components in the name of the mortgagor while in storage; (ii) delivering, or contracting for the delivery of the components to the construction site, including payment of freight.

(d) *Advances.* (1) Before an advance for a building component stored off-site is insured: (i) The mortgagor shall (A) obtain a bill of sale for the component, (B) give the mortgagee a security agreement, and (C) file a financing statement in accordance with the Uniform Commercial Code, and (ii) the mortgagee shall warrant to the Commissioner that the security instruments are a first lien on the building components covered by the instruments except for such other liens or

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encumbrances as may be approved by the Commissioner.

(2) Before each advance for building components stored off-site is insured, the mortgagor's architect shall certify to the Commissioner that the components, in their intended use, comply with HUD-approved contract plans and specifications. Under those circumstances permitted by the Commissioner in which there is no architect, compliance with the HUD-approved contract plans and specifications shall be determined by the Commissioner.

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site, but in no event may advances be made for components which are put into storage more than six months in advance of the time they are scheduled for incorporation into the project structure.

(4) At no time shall the aggregate cost of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract.

(5) No single advance which is to be insured shall be in an amount less than ten thousand ($10,000) dollars.

(6) Insurance of advances for components stored off-site may be authorized only when the total cost of development, including use of the off-site storage procedure and costs appurtenant to that procedure, do not exceed total development cost under conventional construction procedures as determined by the Commissioner.

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PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

6. The Table of Contents is amended to include a new section numbered 221.541a to read as follows:

221.541a Insured advances for building components stored off-site.

7. The following new section is added and designated as 221.541a.

§ 221.541a Insured advances for building components stored off-site.

(a) *Building components.* In insured advances for building components stored off-site, the term building component shall mean any manufactured or pre-assembled part of a structure which the Commissioner has specifically identified for incorporation into the property and has designated for off-site storage because it is of such size or weight that (1) storage of the number of components required for timely construction progress at the construction site is impractical, or (2) weather damage or other adverse conditions prevailing at the construction site would make storage at the site impractical or unduly costly.

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the aggregate cost of a building component stored off-site if the component is stored at a location approved by the mortgagee and the Commissioner which is either: (i) Under the control of a bonded warehouseman at the factory production site; or (ii) under the control of a bonded warehouseman at some site other than the factory production site. Aggregate cost may include storage cost insurance while in storage and freight to the construction site. A bonded warehouseman is a person engaged in the business of storing goods on premises provided by him or some other person. In either situation, the bonded warehouseman, before any building components can be delivered to the warehouse, must provide a bond to the mortgagor and mortgagee covering them against loss occurring while the building components are under the control of the warehouseman.

(2) Each building component shall be adequately marked so as to be readily identifiable in the inventory of the off-site location. It shall be kept together with all other building components of the same manufacturer intended for use in the same project for which insured advances have been made and separate and apart from similar units not for use in the project.

(3) Storage costs, if any, shall be borne by the contractor.

(c) *Responsibility for transportation, storage and insurance of off-site building components.* (1) The general contractor will enter into an agreement with the manufacturer of the building component which shall provide that the manufacturer shall be responsible for the delivery of the components to the predetermined storage site in accord with an approved delivery schedule and shall agree to: (i) Prepay freight charges from the production site to the storage site; (ii) insure the components during shipping to the storage site; (iii) deliver the components to the carrier properly packed for shipment; and (iv) prepare and deliver itemized invoices, shipping documents, warehouse receipts and bills of sale for the components to the mortgagor. (2) The general contractor of the insured mortgaged project shall have the responsibility for (i) insuring the components in the name of the mortgagor while in storage; (ii) delivering, or contracting for the delivery of the components to the construction site, including payment of freight.

(d) *Advances.* (1) Before an advance for a building component stored off-site is insured: (i) The mortgagor shall (A) obtain a bill of sale for the component, (B) give the mortgagee a security agreement, and (C) file a financing statement in accordance with the Uniform Commercial Code, and (ii) the mortgagee shall warrant to the Commissioner that the security instruments are a first lien on the building components covered by the instruments except for such other liens or encumbrances as may be approved by the Commissioner.

(2) Before each advance for building components stored off-site is insured, the mortgagor's architect shall certify to the Commissioner that the components, in their intended use, comply with HUD-approved contract plans and specifications. Under those circumstances permitted by the Commissioner in which there is no architect, compliance with the HUD-approved contract plans and specifications shall be determined by the Commissioner.

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site, but in no event may advances be made for components which are put into storage more than six months in advance of the time they are scheduled for incorporation into the project structure.

(4) At no time shall the aggregate cost of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract.

(5) No single advance which is to be insured shall be in an amount less than ten thousand ($10,000) dollars.

(6) Insurance of advances for components stored off-site may be authorized only when the total cost of development, including use of the off-site storage procedure and costs appurtenant to that procedure, do not exceed total development cost under conventional construction procedures as determined by the Commissioner.

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

8. The Table of Contents is amended to include a new section numbered 232.57 to read as follows:

232.57 Insured advances for building components stored off-site.

9. The following new section is added and designated as 232.57.

§ 232.57 Insured advances for building components stored off-site.

(a) *Building components.* In insured advances for building components stored off-site, the term building component shall mean any manufactured or pre-assembled part of a structure which the Commissioner has specifically identified for incorporation into the property and has designated for off-site storage because it is of such size or weight that (1) storage of the number of components required for timely construction progress at the construction site is impractical, or (2) weather damage or other adverse conditions prevailing at the construction site would make storage at the site impractical or unduly costly.

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the aggregate cost of a building component stored off-site if the component is stored at a location approved by the mortgagee and the Commissioner which is either: (i) Under the control of a bonded warehouseman at the factory production site; or (ii) under the control of a bonded warehouseman at some site other than the factory production site. Aggregate cost may include storage cost, insurance while in storage, and freight to the construction site. A bonded warehouseman is a person engaged in the business of storing goods on premises provided by him or some other person. In either situation, the bonded warehouseman, before any building components can be delivered to the warehouse, must provide a bond to the mortgagor and mortgagee covering them against loss occurring while the building components are under the control of the warehouseman.

(2) Each building component shall be adequately marked so as to be readily identifiable in the inventory of the off-site location. It shall be kept together with all other building components of the same manufacturer intended for use in the same project for which insured advances have been made and separate and apart from similar units not for use in the project.

(3) Storage costs, if any, shall be borne by the contractor.

(c) *Responsibility for transportation, storage and insurance of off-site building components.* (1) The general contractor will enter into an agreement with the manufacturer of the building component which shall provide that the manufacturer shall be responsible for the delivery of the components to the predetermined storage site in accord with an approved delivery schedule and shall agree to: (i) Prepay freight charges from the production site to the storage site; (ii) insure the components during shipping to the storage site; (iii) deliver the components to the carrier properly packed for shipment; and (iv) prepare and deliver itemized invoices, shipping documents, warehouse receipts and bills of sale for the components to the mortgagor. (2) The general contractor of the insured mortgaged project shall have the responsibility for (i) insuring the components in the name of the mortgagor while in storage; (ii) delivering, or contracting for the delivery of the components to the construction site, including payment of freight.

(d) *Advances.* (1) Before an advance for a building component stored off-site is insured: (i) The mortgagor shall (A) obtain a bill of sale for the component, (B) give the mortgagee a security agreement, and (C) file a financing statement in accordance with the Uniform Commercial Code, and (ii) the mortgagee shall warrant to the Commissioner that the security instruments are a first lien on the building components covered by the instruments except for such other liens or encumbrances as may be approved by the Commissioner.

(2) Before each advance for building components stored off-site is insured, the mortgagor's architect shall certify to the Commissioner that the components, in their intended use, comply with HUD-approved contract plans and specifications. Under those circumstances permitted by the Commissioner in which there is no architect, compliance with the HUD-approved contract plans and specifications shall be determined by the Commissioner.

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site, but in no event may advances be made for components which are put into storage more than six months in advance of the time they are scheduled for incorporation into the project structure.

(4) At no time shall the aggregate cost of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract.

(5) No single advance which is to be insured shall be in an amount less than ten thousand ($10,000) dollars.

(6) Insurance of advances for components stored off-site may be authorized only when the total cost of development, including use of the off-site storage procedure and costs appurtenant to that procedure, do not exceed total development cost under conventional construction procedures as determined by the Commissioner.

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PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

10. The Table of Contents is amended to include a new section numbered 241.41 to read as follows:

241.41 Insured advances for building components stored off-site.

11. The following new section is added and designated as 241.41.

§ 241.41 Insured advances for building components stored off-site.

(a) *Building components.* In insured advances for building components stored off-site, the term building component shall mean any manufactured or pre-assembled part of a structure which the Commissioner has specifically identified for incorporation into the property and has designated for off-site storage because it is of such size or weight that (1) storage of the number of components required for timely construction progress at the construction site is impractical, or (2) weather damage or other adverse conditions prevailing at the construction site would make storage at the site impractical or unduly costly.

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the aggregate cost of a building component stored off-site if the component is stored at a location approved by the mortgagee and the Commissioner which is either: (i) Under the control of a bonded warehouseman at the factory production site; or (ii) under the control of a bonded warehouseman at some site other than the factory production site. Aggregate cost may include storage cost, insurance while in storage, and freight to the construction site. A bonded warehouseman is a person engaged in the business of storing goods on premises provided by him or some other person. In either situation, the bonded warehouseman, before any building components can be delivered to the warehouse, must provide a bond to the mortgagor and mortgagee covering them against loss occurring while the building components are under the control of the warehouseman.

(2) Each building component shall be adequately marked so as to be readily identifiable in the inventory of the off-site location. It shall be kept together with all other building components of the same manufacturer intended for use in the same project for which insured advances have been made and separate and apart from similar units not for use in the project.

(3) Storage costs, if any, shall be borne by the contractor.

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(c) *Responsibility for transportation, storage and insurance of off-site building components.*(1) The general contractor will enter into an agreement with the manufacturer of the building component which shall provide that the manufacturer shall be responsible for the delivery of the components to their predetermined storage site in accord with an approved delivery schedule and shall agree to: (i) Prepay freight charges from the production site to the storage site; (ii) insure the components during shipping to the storage site; (iii) deliver the components to the carrier properly packed for shipment; and (iv) prepare and deliver itemized invoices, shipping documents, warehouse receipts and bills of sale for the components to the mortgagor.

(2) The general contractor of the insured mortgaged project shall have the responsibility for (i) insuring the components in the name of the mortgagor while in storage; (ii) delivering, or contracting for the delivery of the components to the construction site, including payment of freight.

(d) *Advances.* (1) Before an advance for a building component stored offsite is insured: (i) The mortgagor shall (A) obtain a bill of sale for the component, (B) give the mortgagee a security agreement, and (C) file a financing statement in accordance with the Uniform Commercial Code, and (ii) the mortgagee shall warrant to the Commissioner that the security instruments are a first lien on the building components covered by the instruments except for such other liens or encumbrances as may be approved by the Commissioner.

(2) Before each advance for building components stored off-site is insured, the mortgagor's architect shall certify to the Commissioner that the components, in their intended use, comply with HUD-approved contract plans and specifications. Under those circumstances permitted by the Commissioner in which there is no architect, compliance with the HUD-approved contract plans and specifications shall be determined by the Commissioner.

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site, but in no event may advances be made for components which are put into storage more than six months in advance of the time they are scheduled for incorporation into the project structure.

(4) At no time shall the aggregate cost of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the constuction contract.

(5) No single advance which is to be insured shall be in an amount less than ten thousand ($10,000) dollars.

(6) Insurance of advances for components stored off-site may be authorized only when the total cost of development, including use of the off-site storage procedure and costs appurtenant to that procedure, do not exceed total development cost under conventional construction procedures as determined by the Commissioner.

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PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

12. The Table of Contents is amended to include a new section numbered 242.54 to read as follows:

§ 242.54 Insured advances for building components stored off site.

13. The following new section is added and designated as 242.54.

§ 242.54 Insured advances for building components stored off-site.

(a) *Building components.* In insured advances for building components stored off-site, the term building component shall mean any manufactured or pre-assembled part of a structure which the Commissioner has specifically identified for incorporation into the property and has designated for off-site storage because it is of such size or weight that (1) storage of the number of components required for timely construction progress at the construction site is impractical, or (2) weather damage or other adverse conditions prevailing at the construction site would make storage at the site impractical or unduly costly.

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the aggregate cost of a building component stored off-site if the component is stored at a location approved by the mortgagee and the Commissioner which is either: (i) Under the control of a bonded warehouseman at the factory production site; or (ii) under the control of a bonded warehouseman at some site other than the factory production site. Aggregate cost may include storage cost, insurance while in storage, and freight to the construction site. A bonded warehouseman is a person engaged in the business of storing goods on premises provided by him or some other person. In either situation, the bonded warehouseman, before any building components can be delivered to the warehouse, must provide a bond to the mortgagor and mortgagee covering them against loss occurring while the building components are under the control of the warehouseman.

(2) Each building component shall be adequately marked so as to be readily identifiable in the inventory of the off-site location. It shall be kept together with all other building components of the same manufacturer intended for use in the same project for which insured advances have been made and separate and apart from similar units not for use in the project.

(3) Storage costs, if any, shall be borne by the contractor.

(c) *Responsibility for transportation, storage and insurance of off-site building components.* (1) The general contractor will enter into an agreement with the manufacturer of the building component which shall provide that the manufacturer shall be responsible for the delivery of the components to the predetermined storage site in accord with an approved delivery schedule and shall agree to: (i) Prepay freight charges from the production site to the storage site; (ii) insure the components during shipping to the storage site; (iii) deliver the components to the carrier properly packed for shipment; and (iv) prepare and deliver itemized invoices, shipping documents, warehouse receipts and bills of sale for the components to the mortgagor. (2) The general contractor of the insured mortgaged project shall have the responsibility for (i) insuring the components in the name of the mortgagor while in storage; (ii) delivering, or contracting for the delivery of the components to the construction site, including payment of freight.

(d) *Advances.* Before an advance for a building component stored off-site is insured: (i) The mortgagor shall (A) obtain a bill of sale for the component, (B) give the mortgagee a security agreement, and (C) file a financing statement in accordance with the Uniform Commercial Code, and (ii) the mortgagee shall warrant to the Commissioner that the security instruments are a first lien on the building components covered by the instruments except for such other liens or encumbrances as may be approved by the Commissioner.

(2) Before each advance for building components stored off-site is insured, the mortgagor's architect shall certify to the Commissioner that the components, in their intended use, comply with HUD-approved contract plans and specifications. Under those circumstances permitted by the Commissioner in which there is no architect, compliance with the HUD-approved contract plans and specifications shall be determined by the Commissioner.

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site, but in no event may advances be made for components which are put into storage more than

six months in advance of the time they are scheduled for incorporation into the project structure.

(4) At no time shall the aggregate cost of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract.

(5) No single advance which is to be insured shall be in an amount less than ten thousand ($10,000) dollars.

(6) Insurance of advances for components stored off-site may be authorized only when the total cost of development, including use of the off-site storage procedure and costs appurtenant to that procedure, do not exceed total development cost under conventional construction procedures as determined by the Commissioner.

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES (TITLE XI)

Subpart A—Eligibility Requirements

14. The Table of Contents is amended to include a new section numbered 244.68 to read as follows:

244.68 Insured advances for building components stored off-site.

15. The following new section is added and designated as § 244.68.

§ 244.68 Insured advances for building components stored off-site.

(a) *Building components.* In insured advances for building components stored off-site, the term building component shall mean any manufactured or pre-assembled part of a structure which the Commissioner has specifically identified for incorporation into the property and has designated for off-site storage because it is of such size or weight that (1) storage of the number of components required for timely construction progress at the construction site is impractical, or (2) weather damage or other adverse conditions prevailing at the construction site would make storage at the site impractical or unduly costly.

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the aggregate cost of a building component stored off-site if the component is stored at a location approved by the mortgagee and the Commissioner which is either: (i) Under the control of a bonded warehouseman at the factory production site; or (ii) under the control of a bonded warehouseman at some site other than the factory production site. Aggregate cost may include any storage cost, insurance while in storage, and freight to the construction site. A bonded warehouseman is a person engaged in the business of storing goods on premises provided by him or some other person. In either situation, the bonded warehouseman, before any building components can be delivered to the warehouse, must provide a bond to the mortgagor and mortgagee covering them against loss occurring while the building components are under the control of the warehouseman.

(2) Each building component shall be adequately marked so as to be readily identifiable in the inventory of the off-site location. It shall be kept together with all other building components of the same manufacturer intended for use in the same project for which insured advances have been made and separate and apart from similar units not for use in the project.

(3) Storage costs, if any, shall be borne by the contractor.

(c) *Responsibility for transportation, storage and insurance of off-site building components.* (1) The general contractor will enter into an agreement with the manufacturer of the building component which shall provide that the manufacturer shall be responsible for the delivery of the components to the predetermined storage site in accord with an approved delivery schedule and shall agree to: (i) Prepay freight charges from the production site to the storage site; (ii) insure the components during shipping to the storage site; (iii) deliver the components to the carrier properly packed for shipment; and (iv) prepare and deliver itemized invoices, shipping documents, warehouse receipts and bills of sale for the components to the mortgagor. (2) The general contractor of the insured mortgaged project shall have the responsibility for (i) insuring the components in the name of the mortgagor while in storage; (ii) delivering, or contracting for the delivery of the components to the construction site, including payment of freight.

(d) *Advances.* (1) Before an advance for a building component stored off-site is insured: (i) The mortgagor shall (A) obtain a bill of sale for the component, (B) give the mortgagee a security agreement, and (C) file a financing statement in accordance with the Uniform Commercial Code, and (ii) the mortgagee shall warrant to the Commissioner that the security instruments are a first lien on the building components covered by the instruments except for such other liens or encumbrances as may be approved by the Commissioner.

(2) Before each advance for building components stored off-site is insured, the mortgagor's architect shall certify to the Commissioner that the components, in their intended use, comply with HUD-approved contract plans and specifications. Under those circumstances permitted by the Commissioner in which there is no architect, compliance with the HUD-approved contract plans and specifications shall be determined by the Commissioner.

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site, but in no event may advances by made for components which are put into storage more than six months in advance of the time they are scheduled for incorporation into the project structure.

(4) At no time shall the aggregate cost of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract.

(5) No single advance which is to be insured shall be in an amount less than ten thousand ($10,000) dollars.

(6) Insurance of advances for components stored off-site may be authorized only when the total cost of development, including use of the off-site storage procedure and costs appurtenant to that procedure, do not exceed total development cost under conventional construction procedures as determined by the Commissioner.

(Section 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d)).

Issued in Washington, D.C. on December 6, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 79-4288 Filed 2-7-79; 8:45 am]

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federal register

THURSDAY, FEBRUARY 8, 1979

PART V



ENVIRONMENTAL PROTECTION AGENCY

NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

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[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 1018-2]

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

Revisions to the National Ambient Air Quality Standards for Photochemical Oxidants

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: In accordance with the provisions of Sections 108 and 109 of the Clean Air Act as amended, EPA has reviewed and revised the criteria upon which the existing primary and secondary photochemical oxidant standards are based. These standards were promulgated in 1971 (36 FR 8186) and were both set at an hourly average level of 0.08 part per million (ppm) not to be exceeded more than 1 hour per year. On June 22, 1978, EPA proposed changes in the standard (43 FR 26962) based on the findings of the revised criteria. The proposed changes included (1) raising the primary standard to 0.10 ppm, (2) retaining the 0.08 ppm secondary standard, (3) changing the chemical designation of the standard from photochemical oxidants to ozone, and (4) changing to a standard with a statistical rather than deterministic form. The final rulemaking will make three further changes in the standard: (1) Raising the primary standard to 0.12 ppm, (2) raising the secondary standard to 0.12 ppm, and (3) changing the definition of the point at which the standard is attained to "when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm is equal to or less than one."

EFFECTIVE DATE: This revision is effective immediately upon publication. The normal 30-day delay in effectiveness is not required, when, as in this case, a restriction is eased.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Padgett, Director (MD-12), Strategies and Air Standards Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, Telephone: 919-541-5204 (FTS 629-5204.

AVAILABILITY OF RELATED INFORMATION: A docket (Number OAQPS 78-8) containing information used by EPA in revising the standards is available for public inspection and copying between 8:00 a.m. and 4:30 p.m. Monday through Friday, at EPA's Central Docket Section, Room 2903 Waterside Mall, 401 M Street SW, Washington DC 20460. These materials include the "Air Quality Criteria for Ozone and Other Photochemical Oxidants" and "Control Techniques for Volatile Organic Emissions from Stationary Sources," both of which were issued simultaneously when this standard was proposed. The control techniques document and staff papers pertaining to the form of the ozone standard, risk assessment method, secondary standard, and health panel assessment are available upon request from Mr. Joseph Padgett. Statements of the environmental, economic, and energy impacts of implementing this standard revision are also available upon request from Mr. Joseph Padgett, at the address shown above. The air quality criteria document can be obtained from: Mr. Michael Berry (MD-52), Environmental Criteria and Assessment Office, Office of Research and Development, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, Telephone: 919-541-2266 (FTS 629-2266).

This preamble describes revisions to 40 CFR Part 50, Appendix H, "Interpretation of the National Ambient Air Quality Standards for Ozone," and Appendix D, "Measurement Principle and Calibration Procedure for the Measurement of Photochemical Oxidants Corrected for Interferences Due to Nitrogen Oxides and Sulfur Dioxide," that are related to the revision of the air quality standard for ozone. In addition, elsewhere in this issue of the FEDERAL REGISTER EPA is promulgating revisions to 40 CFR Part 50, Appendix D, replacing (superseding) the current calibration procedure with a new, superior calibration procedure based on ultraviolet photometry.

Revisions to 40 CFR Part 51, substituting the word "ozone" for "photochemical oxidants" throughout that part, and to Section 51.14, pertaining to control strategies, are being promulgated by EPA elsewhere in this issue of the FEDERAL REGISTER.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On April 30, 1971, the Environmental Protection Agency promulgated in the FEDERAL REGISTER (36 FR 8186) National Ambient Air Quality Standards for photochemical oxidants. The scientific, technical, and medical bases for these standards are contained in the air quality criteria document for photochemical oxidants, published by the U.S. Department of Health, Education, and Welfare in March 1970. Both the primary and secondary standards were set at an hourly average level of 0.08 ppm not to be exceeded more than once per year. The asthma study cited as evidence for the original standard is based on work by Schoettlin and Landau (1961). As discussed in the June 22, 1978, proposed revision to the original standard, EPA has reassessed its conclusions regarding this study. This reassessment, plus the evaluation of medical evidence accumulated since 1970, led EPA to propose, on June 22, 1978, a revised primary standard of 0.10 ppm (43 FR 26962). EPA did not propose a change in the secondary welfare standard at that time. The proposal was accompanied by publication of revised criteria and control techniques documents, as well as various staff papers relating to the standard itself and to implementation of the standard. EPA solicited written comments on the proposed standard and, to accept oral testimony, sponsored four public hearings (Washington, D C.—July 18; Altanta, Ga.—August 17; Dallas, Tex.—August 22; Los Angeles, Calif.—August 24).

Oxidants are strongly oxidizing compounds, which are the primary constituents of photochemical smog. The oxidant found in largest amounts is ozone (O_3), a very reactive form of oxygen. Oxidants also include the group of compounds referred to collectively as peroxyacylnitrates (PANs) and other compounds, all produced in much smaller quantities than ozone.

Most of these materials are not emitted directly into the atmosphere but result primarily from a series of chemical reactions between oxidant precursors (nitrogen oxides and organic compounds) in the presence of sunlight. The principal sources of organic compounds are the hydrocarbon emissions from automobile and truck exhausts, gasoline vapors, paint solvent evaporation, open burning, dry cleaning fluids, chemical plants and other industrial operations. Nitrogen oxides are emitted primarily from combustion sources such as electric power generation units, gas and oil-fired space heaters, and automobile, diesel and jet engines.

The reductions in emissions of nitrogen oxides and organic compounds are achieved through Federal and State programs that have been formalized in regulations promulgated under the Clean Air Act. The Federal programs provide for reduction in emissions nationwide through the Federal Motor Vehicle Control Program, the Federal program for control of aircraft emissions, National Emission Standards for Hazardous Air Pollutants, and the development of New Source Performance Standards. The State programs

provide for additional control measures through State Implementation Plans in those areas of the country where the Federal programs are not sufficiently stringent to permit attainment of air quality standards.

LEGISLATIVE REQUIREMENTS AFFECTING THIS PROMULGATION

Two sections of the Clean Air Act govern the development of a National Ambient Air Quality Standard. Section 108 instructs EPA to document the scientific basis (criteria) for the standard, and Section 109 provides guidance on establishing standards and reviewing the criteria.

Air quality criteria are required by Section 108(a)(2) to reflect accurately the latest scientific information useful in indicating the kind and extent of all identifiable effects on public health or welfare that may be expected from the presence of the pollutant in the ambient air.

The Administrator is required to propose, simultaneously with the issuance of these criteria, primary and secondary ambient air quality standards based upon such criteria. The primary standard is defined in Section 109(b)(1) as the ambient air quality standard the attainment and maintenance of which in the Administrator's judgment, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health. The secondary standard (Section 109(b)(2)) must specify a level the attainment and maintenance of which in the Administrator's judgment, based on such criteria, are requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of the pollutant in the ambient air. These adverse welfare effects, which are discussed in Section 302(h) of the Act, include effects on soils, water, crops, vegetation, man-made materials, animals, weather, visibility, hazards to transportation, economic values, personal comfort and well-being, and other factors.

The Clean Air Act specifies that primary National Ambient Air Quality Standards are to be based on scientific criteria relating to the level that should be attained to protect public health adequately. Considerations of cost of achieving those standards or the existence of technology to bring about needed reductions of emissions are not germane to such a determination, as the words of the Act and its legislative history clearly indicate. Section 109(d) directs the Administrator to complete a review of all existing standards and criteria before the end of 1980 and at 5-year intervals thereafter and to revise them in whatever manner that review reveals is necessary. This promulgation is the result of such a review.

Assuring attainment and maintenance of ambient air quality standards is the responsibility of the States. Under section 110 of the Act, they are to submit to EPA for approval State Implementation Plans (SIPs) that provide for the necessary legal requirements for sources of the relevant pollutant so as to demonstrate attainment and maintenance of the standards by certain deadlines. In many areas of the country the ambient air quality standards are not being attained, despite the fact that the deadline for attainment has long since passed. As a remedy, Part D of the Act requires states with violations of ambient air quality standards to submit revised SIPs to ensure attainment of the standards and to meet certain new requirements of Part D by January 1, 1979. (Section 129(c), Pub. L. 95-95, note under 42 U.S.C. 7502.) The Act does not authorize the Administrator to extend that deadline, and consequently this revision of the photochemical oxidant standard does not affect the deadline for submittal of SIP revisions.

Section 110(a)(1) requires that SIP revisions be submitted within 9 months after a standard is revised. However, this provision refers to situations where a standard is tightened, with the result that existing SIPs are no longer adequate to attain and maintain the standard in question. Where a standard is relaxed, no SIP revision is required by the law, since states may have more stringent controls than necessary if they choose.

Furthermore, the change in the chemical species designation of the standard from photochemical oxidants to ozone does not make this standard subject to the provision of section 110(a)(1) cited above. The intent of the standard (total oxidant reduction), the control strategies, and the index of progress toward attainment (measured ozone levels) remain unchanged.

SUMMARY OF GENERAL FINDINGS FROM AIR QUALITY CRITERIA FOR OZONE AND PHOTOCHEMICAL OXIDANTS

On April 20, 1977, EPA announced (42 FR 20493) that it was reviewing and updating the 1970 criteria document for photochemical oxidants in accordance with provisions of section 109(d)(1) of the Clean Air Act as amended. The notice called for information and data that would be helpful in revising the document. In preparing the criteria document, EPA provided a number of opportunities for external review and comment. Two drafts of the document have been made available for external review, and EPA received more than 50 written comments on the first draft and approximately 20 on the second draft. The American Petroleum Institute has submitted extensive information that EPA considered in this standard review. The criteria document was the subject of two meetings of the Subcommittee on Scientific Criteria for Photochemical Oxidants of EPA's Science Advisory Board. Each of these meetings was open to the public, and a number of individuals presented both critical review and new information for EPA's consideration. A full discussion of comments received during the review process, as well as EPA's disposition of these comments, can be found in the docket (OAQPS 78-8) assembled for this rulemaking.

From EPA's review of the scientific information presented in the criteria document, several key areas with particular relevance to setting the ozone standard have emerged:

1. *Threshold concept*—Although the concept of an adverse health effect threshold has utility in setting ambient air quality standards, the adverse health effect threshold concentration cannot be identified with certainty. The lowest concentration which causes measured health effects in a scientific experiment depends on the particular subjects who have been studied because sensitivity to pollutants varies among different members of the population. Only limited studies can be performed on groups of unusually sensitive persons. Most experimental studies of human subjects are performed on small numbers of relatively healthy persons who do not fully reflect the range of human sensitivity. Also, the air to which the subjects are exposed does not include the full mix of chemicals other than the pollutant being studied which are in the ambient air. Some of these chemicals may be additive with the given pollutant in causing the adverse health effect, so that lower levels of the pollutant will result in the effect. Animal exposure studies cannot provide precise models of sensitive human populations. Thus, adverse health effect thresholds for sensitive persons are difficult or impossible to determine experimentally, while the threshold for healthy persons or animals is not likely to be predictive of the response of more sensitive groups. In this notice of rulemaking EPA uses the terminology "probable effects level" to refer to the level that in its best judgment is most likely to be the adverse health effect threshold concentration. It is the fact that the adverse health effect threshold concentration is actually unknown that necessitates the margin of safety required by the Act.

2. *Ozone health effects*—Ozone is a pulmonary irritant that affects the respiratory mucous membranes, other

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lung tissues and respiratory functions. Clinical and epidemiological studies have demonstrated that ozone impairs the normal mechanical function of the human lung and causes clinical symptoms such as chest tightness, coughing and wheezing. These effects may occur in sensitive individuals, as well as in healthy exercising persons, at short-term ozone concentrations between 0.15 and 0.25 ppm. The clinical studies data base for these effects is far more extensive than that which was available in 1970, and these effects have now been demonstrated at lower levels than those cited in the 1970 criteria document.

3. *Effects on Asthmatics*—The best available evidence suggests that an elevated proportion of asthmatics experience attacks on days when the peak hourly oxidant concentrations reach about 0.25 ppm. This finding is based on a reevalution of the study by Schoettlin and Landau (1961).

4. *Toxicologic findings*—The key finding from toxicologic studies is the increased susceptibility to bacterial infection in laboratory animals exposed to 0.10 ppm ozone and a bacterial challenge. Infection rates are lower for animals exposed only to the bacterial challenge. Other effects such as biochemical changes, morphological abnormalities, and genetic changes have been found in some studies of animals exposed to ozone concentrations as low as 0.1 to 0.3 ppm. While the data from animal studies cannot be directly extrapolated to man, they can be taken as indicators of the full range of effects that may occur in humans. The epidemiology study by Durham (1974) that reported increased rates of illness in college students following periods of elevated air pollution levels (with peak oxidant being the pollution variable most strongly associated with illness) further increases our concern regarding the implications for man of the animal study findings.

5. *Ozone effects on aging processes*—A limited amount of data suggests that ozone may accelerate the aging process in living organisms. Exposure of rabbits to unspecified concentrations of ozone for 1 hour per week for a year has been reported to induce premature aging symptoms such as premature cartilage calcification, severe depletion of body fat, and the general signs of aging (Stokinger, 1965).

6. *Pollutant interactions*—The fact that ozone exposure is frequently accompanied by exposure to other pollutants, such as sulfur dioxide (SO_2), has prompted several investigators to conduct laboratory evaluations of exposure of human subjects to combinations of O_3 and other pollutants. Simultaneous exposures to 0.37 ppm O_3 and 0.37 ppm SO_2 were reported to produce larger changes in pulmonary function than exposure to either pollutant alone. No obvious effects were observed in other simultaneous exposure tests using 0.25 ppm O_3 and 0.3 ppm nitrogen dioxide (NO_2), as well as O_3, NO_2, and 30 ppm carbon monoxide (CO). Nevertheless, the SO_2–O_3 synergism findings support the need for an adequate margin of safety in the ozone standard.

7. *Mortality studies*—No studies have conclusively linked exposure to ozone or photochemical oxidants with an increase in human mortality. A number of epidemiologic studies have been designed and conducted to demonstrate this effect, but in each case the results have been negative or inconclusive.

8. *Welfare effects*—Ozone accelerates the aging of many materials, resulting in rubber cracking, dye fading and paint erosion. These effects are linearly related to the total dose of ozone and can occur at very low levels, given long-duration exposures. Damage to vegetation, as expressed by decreased growth and yield, is related to the long-term (growing season) mean of the daily maximum 6- to 8-hour-average ozone concentrations.

9. *Causes and control of oxidant pollution*—All presently available evidence indicates that around urban centers with severe oxidant problems, the major concern is the formation of photochemical oxidants from man-made organic and nitrogen oxide emissions. Control of these emissions will result in significant reductions in ambient ozone, peroxyacetylnitrate (PAN), aldehydes and photchemical aerosol.

As is the case with most standard-setting activities, the data base on ozone will continue to expand after the standard is set. EPA will continue to inform itself of new research results and also will accelerate the schedule for its own research on the health effects of ozone and other photochemical oxidants at low exposure levels. The Agency plans to make the results of these studies available as they are completed and to issue an interim report on all new research results in two years.

Rulemaking Petitions

The Agency was petitioned by the American Petroleum Institute (API) and 29 member companies on December 9, 1976, and by the City of Houston on July 11, 1977, to revise the criteria, standards and control strategy guidelines for photochemical oxidants. EPA had already begun such a revision when both petitions were filed, and the Agency responded that it was deferring decision on these petitions until the rulemaking was completed. EPA considers this final rulemaking and the accompanying one on control strategy guidelines to be the Agency's final action on these petitions. A summary of the two petitions and EPA's response is given below.

The API petition requested that EPA revise the air quality criteria document for photochemical oxidants in light of new information regarding the causes, effects, and extent of air pollution attributed to ozone and other oxidants. EPA has published a revised air quality criteria document for photochemical oxidants; in the Agency's judgment, this document accurately reflects the latest scientific information regarding the causes, effects, and extent of air pollution attributed to ozone and other oxidants.

The second request in the API petition was that EPA establish a national primary ambient air quality standard based on new studies that allegedly demonstrate no significant adverse human health effects at or below ozone levels of 0.25 ppm for 2-hour exposures. As requested by API and as required under the Clean Air Act, the Agency has considered all new studies published since 1971 that are relevant to setting a revised primary standard the attainment and maintenance of which would, in the Administrator's judgment, protect the public health with an adequate margin of safety. EPA disagrees with API's conclusion that new studies conducted since 1971 demonstrate no significant adverse human-health effects at or below 0.25 ppm.

A more detailed discussion of EPA's judgments regarding reported or probable health consequences at concentrations below 0.25 ppm is presented in the rationale for revising the primary standard and in the response to comments, which appear elsewhere in this notice.

The third request by API was that the national secondary ambient air quality standard be based on adverse effects on public welfare as indicated by studies using ozone-specific measurement methods. In addition, API concluded that Congress intended that EPA weigh the overall economic and social impact of a lower secondary standard against adverse effects of a pollutant. EPA has reviewed the data presented in the criteria document and concluded that there is currently no evidence of a significant decrease in yield or growth to commercially important crops for short-term exposures to ozone concentrations below 0.12 ppm. EPA believes a secondary standard more stringent than the primary standard is unnecessary and that a cost-benefit analysis is not required.

In their petitions, both API and Houston requested EPA to state the primary and secondary standards so as to permit reliable assessments of compliance. EPA agrees that the present

deterministic form of the oxidant standard has several limitations and has made reliable assessment of compliance difficult. The revised ozone air quality standards are stated in a statistical form that will more accurately reflect the air quality problems in various regions of the country and allow more reliable assessment of compliance with the standards.

The API and Houston petitions requested that EPA specify the use of an appropriate measurement method for monitoring ambient concentrations of ozone. API suggested the use of ethylene chemiluminescence calibrated by either gas phase titration (GPT) or ultraviolet (UV) photometry. As a result of EPA's continuing evaluation of several calibration techniques, the Agency has defined the reference method to be ethylene chemiluminescence calibrated by UV photometry. (See the amendment to Appendix D of 40 CFR Part 50 elsewhere in this edition of the FEDERAL REGISTER.) EPA is allowing the use of a modified version of the current calibration method (acidified KI) as an interim measure to avoid problems that would result from immediate conversion to UV photometry.

Both the API and Houston petitions requested revision of the State Implementation Plan (SIP) requirements (1) to delete the assumption of no background concentration of photochemical oxidants and (2) to specify more reliable, alternative oxidant prediction relationships to replace Appendix J of 40 CFR Part 51 for determining the degree of necessary precursor emission reductions.

With respect to the first point, EPA recognizes that background concentrations and transport of ozone from upwind locations can contribute to high levels of ozone in or near an urban area during the afternoon hours. Therefore, several revisions are being made in control strategy and implementation guidelines for ozone. The revised guidelines set forth procedures for consideration of both upwind transport and irreducible natural background by the States in calculating the necessary reductions in hydrocarbon emissions. In response to the second request, EPA has determined that Appendix J of 40 CFR Part 51 no longer represents an acceptable analytical relationship between hydrocarbons and ozone. Appendix J is, therefore, being deleted. EPA will now allow States to use any of four analytical techniques to determine the amount of hydrocarbon reduction necessary to demonstrate attainment of the national ozone air quality standards: (1) Photochemical dispersion models, (2) Empirical Kinetics Modeling Approach (EKMA), (3) Empirical and statistical models, and (4) Proportional rollback. These four techniques are discussed further in the revision of Part 51, which appears elsewhere in this edition of the FEDERAL REGISTER.

The Houston petition requested that EPA consider information in their petition relative to atmospheric conditions and other factors that affect photochemical oxidants in the Houston area. The petition claimed that the air pollution problems in Houston warrant special attention in standard-setting and "tailor-made" control strategies, because the emission and meteorology situations and the overall pollution picture in that area are "unique."

In response to the above claim, it should be noted that the majority of the data presented in the revised criteria document are based on ozone exposure. Nearly all of the clinical and toxicological studies are based on the effects of ozone. The biomedical data also suggest that many of the effects observed during periods of elevated photochemical oxidant concentrations are reasonably attributable primarily to ozone in the ambient air. Since the primary and secondary standards are based on the effects of ozone, the differences between areas in their overall photochemical oxidant mixtures do not bear upon the setting of national ozone air quality standards.

EPA agrees with the Houston petition that components of the photochemical oxidant mixture other than ozone may have an adverse impact on health and/or welfare. The data base is not, however, sufficient at this time to justify a separate standard for PAN or other non-ozone oxidants. While EPA does not propose to establish separate standards for the non-ozone constituents of the mixture at this time, those measures taken to reduce ozone precursor emissions will also reduce PAN and other non-ozone oxidant concentration levels.

In response to Houston's request for a unique standard based on their local situation, it must be realized that the Clean Air Act does not contemplate separate standards for different cities. Dealing in terms of *national* ambient air quality standards, the Act charges EPA to identify the air quality levels which must be attained and maintained to ensure, with an adequate margin of safety, that adverse health effects will not occur.

The Houston petition also requested that EPA include realistic requirements for the reduction of oxides of nitrogen as conditions in the Houston area may indicate to be necessary to achieve the revised standards. EPA's response is that it is the responsibility of the State of Texas and the City of Houston to submit State Implementation Plan provisions tailored to the situation prevailing in Houston. If the current SIP is not representative of the most efficient means of reducing ozone in Houston, then, with Houston's assistance, Texas should submit a revision that is consistent with local emission and meteorological conditions.

Summary of Comments Received

EPA has solicited public comment and critique on proposed revisions to the photochemical oxidant air quality standard during all phases of the standard development process. Prior to proposal (April 20, 1977), EPA announced (42 FR 20493) that it was reviewing and updating the criteria document and called for information that might be helpful in revising the document. Public comments were received on two drafts of the criteria document, and the public was invited to two meetings of the Subcommittee on Scientific Criteria for Photochemical Oxidants of EPA's Science Advisory Board. In addition, the Agency held a public meeting on January 30, 1978, to receive comments from interested parties prior to development of any formal Agency position on the initial proposed revision of the standard. In particular, EPA actively solicited the participation of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) in this meeting; several representatives of these groups offered comments at the meeting. The results of this meeting are discussed in the proposed regulation (43 FR 26970) and a transcript of the meeting is available in docket OAQPS 78-8.

Following proposal, EPA held four public meetings to receive comments on the proposed standard revisions. Meetings were held in Washington, D.C.—July 18; Atlanta, Ga.—August 17; Dallas, Tex.—August 22; and Los Angeles, Calif.—August 24; transcripts are available in docket OAQPS 78-8. In addition, 168 written comments were received during the formal comment period, which extended through October 16, 1978.

The principal comments and Agency responses are summarized in the following paragraphs (individual responses to comments are contained in docket OAQPS 78-8). EPA also received comments on the proposed standard after October 16. Although EPA does not have a legal obligation to review these comments, all significant issues raised in the post-October 16 comments have been addressed and responded to as part of the discussion of comments in this preamble. As with all other documents considered or examined by EPA as part of its decision process, these documents have been placed in the public docket and have

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become part of the administrative record of this decision.

The majority of comments received (132 out of 168) opposed EPA's proposed standard revision, favoring either a more relaxed or a more stringent standard. State air pollution control agencies (and STAPPA) generally supported a standard level of 0.12 ppm on the basis of their assessment of an adequate margin of safety. Municipal groups generally supported a standard level of 0.12 ppm or higher, whereas most industrial groups supported a standard level of 0.15 ppm or higher. Environmental groups generally encouraged EPA to retain the 0.08 ppm standard.

Comments on the proposed revisions were received from five Federal agencies. Three of the agencies endorsed the proposed primary standard, but one of these agencies requested that EPA consider formulating the standard on a daily maximum hourly average basis. Another agency expressed concern that EPA had inadequately substantiated the rationale for raising the primary standard level and requested that the final revisions provide further analysis in this regard. Finally, the Executive Office of the President/Council on Wage and Price Stability suggested, through the Regulatory Analysis Review Group, that the proposed standard was unnecessarily stringent, recommending that EPA set the primary standard using an alternative methodology that focuses on the marginal costs per person-hour of ozone effects avoided.

Groups and individuals submitting comments are identified below:

COMMENTS RECEIVED ENDORSING CURRENT PRIMARY STANDARD LEVEL OF 0.08 PPM

ORGANIZATION AND AGENCIES

American Lung Association of Colorado
American Lung Association of Colorado, West Region
American Lung Association of Louisiana
American Lung Association of New Jersey
American Lung Association of New York State, Inc.
Bangor-Brewer TB and Health Association, Maine
California Lung Association
Connecticut State Department of Health
Environmental Confederation of Southwest Florida
Environmental Defense Fund
Ms. Nancy C. Fahden, Supervisor District Two, Contra Costa County (Calif.) Board of Supervisors
Florida Lung Association
Greenleaf Nurseries, Warsaw, Indiana
Issac Walton League, Manasota Chapter
League of Women Voters of the U.S.
League of Women Voters of Dallas, Texas
Maine Health Systems Agency
Maine Lung Association
Medford-Ashland Air Quality Maintenance Advisory Committee, Oregon
Michigan Lung Association
Michigan Lung Association, Saginaw Valley Region
National Air Conservation Commission, American Lung Association
Natural Resources Advisory Committee, Cedar Grove, N.J.
Natural Resources Defense Council
New Mexico Lung Association
Oregon Environmental Council
Oregon Lung Association
Queensboro Lung Association, Jamaica, N.Y.
Sierra Club
Sierra Club, Houston Chapter
South Shore (Ohio) Christmas Seal Association
Southwestern Ohio Lung Association
U.S. Department of the Interior
Washington Air Quality Coalition
Yale Environmental Law Association

Summary. 35 comments from organizations, agencies or their representatives and 38 comments from concerned citizens supporting the current primary standard level of 0.08 ppm.

COMMENTS RECEIVED ENDORSING PROPOSED PRIMARY STANDARD LEVEL OF 0.10 PPM

ORGANIZATIONS AND AGENCIES

Air Pollution Control League of Greater Cincinnati
Air Quality Advisory Committee, California Department of Health
California Air Resources Board
Coalition of Labor and Business (COLAB), Concord, California
Colorado Department of Health
Connecticut Department of Environmental Protection
Massachusetts Department of Environmental Quality Engineering
Public Health Service, U.S. Department of HEW
Regional Planning Commission for Jefferson, Orleans, St. Bernard and St. Tammany Parishes, Louisiana
Rhode Island Lung Association
Southern Alameda County Board of Realtors, California
U.S. Department of Energy
U.S. Department of Transportation
Wasatch Front Regional Council, Utah
Wayne County Department of Health, Michigan
Wisconsin State Department of Natural Resources

Summary. 16 comments from organizations, agencies or their representatives and 1 comment from a concerned citizen endorsing the proposed primary standard level of 0.10 ppm.

COMMENTS RECEIVED ENDORSING A PRIMARY STANDARD LEVEL OF 0.12 PPM

STATE AND LOCAL AGENCIES

Alabama Air Pollution Control Commission
Berkeley, Charleston, and Dorchester (S.C.) Council of Governments
City of Philadelphia, Pennsylvania
Georgia Department of Natural Resources
Indiana State Board of Health
Kansas Department of Health and Environment
Kentucky Department for Natural Resources and Environmental Protection
Maryland Environmental Health Administration
Michigan Department of Natural Resources
Nebraska Department of Environmental Control
Nevada Department of Conservation and Natural Resources
New York Department of Environmental Conservation
North Carolina Department of Natural Resources and Community Development
Pennsylvania Department of Environmental Resources
Tennessee Department of Public Health
Utah Bureau of Air Quality
Virginia Air Pollution Control Board

ORGANIZATIONS AND COMPANIES

Area Cooperation Committee of Tidewater and Virginia Peninsula Chambers of Commerce
Evansville, Indiana, Chamber of Commerce
Sierra Pacific Power Company
State and Territorial Air Pollution Program Administrators
Texas Oil Marketers Association
Vulcan Materials Company, Wichita, Kansas

Summary. 17 comments from State and local agencies and 6 comments from organizations and corporations supporting a primary standard level of 0.12 ppm.

COMMENTS RECEIVED ENDORSING A PRIMARY STANDARD LEVEL HIGHER THAN 0.12 PPM AND/OR CONTENDING PROPOSED STANDARD TOO STRINGENT

	Endorse standard higher than 0.12 ppm	Proposed standard too stringent
Organization or agency:		
American Petroleum Institute (API)	X	X
Association of Local Air Pollution Control Officials		X
Associated Building Industry of Northern California		X
Cook County Dept. of Environmental Control, Illinois		X
Dow Chemical Company	X	
Eastman Kodak Company	X	
General Motors Corporation	X	X
Great Plains Legal Foundation		X
Greater San Antonio Chamber of Commerce, Texas		X
Houston Chamber of Commerce, Texas		X
Iowa-Illinois Gas and Electric Company		X
Louisiana Air Control Commission	X	
Manufacturing Chemists Association		X
Monsanto Chemical Intermediates Co	X	X
Motor Vehicle Manufacturers Association	X	X
National Flexible Packaging Association	X	X
New Orleans Public Service, Inc	X	
Oklahoma State Dept. of Health		X

COMMENTS RECEIVED ENDORSING A PRIMARY STANDARD LEVEL HIGHER THAN 0.12 PPM AND/OR CONTENDING PROPOSED STANDARD TOO STRINGENT—Continued

	Endorse standard higher than 0.12 ppm	Proposed standard too stringent
Owens-Illinois	X	X
Rio Blanco Oil Shale Company	X	
St. Louis County, Missouri	X	
San Antonio Metropolitan Health District, Texas	X	
Shell Oil Company		X
Stearns-Roger, Inc., Denver, Colorado		X
Tennessee Eastmen Corp.		X
Texas Air Control Board	X	
Texas Chemical Council	X	
U.S. Council on Wage and Price Stability		X
Utah Manufacturers Association		X
Virginia Air Pollution Control Board		X
Western Oil and Gas Association		X
White River Shale Project		X

Summary: 15 comments from organizations, agencies, and companies and 4 comments from concerned citizens supporting a primary standard level higher than 0.12 ppm. 23 comments stating the proposed standard is too stringent.

The principal issues raised during the comment period relate to the following topics:

I. Health effect criteria and selection of the primary standard.

A. Definition of an Adverse Health Effect.

B. EPA's interpretation of cited studies.

C. Margin of safety.

D. Use of animal studies.

E. Exposure of sensitive groups.

F. Synergistic effects and chemical species designation of the standard.

II. Risk assessment method.

III. Welfare effects and the secondary standard.

IV. Implementation and attainability.

A. Value of hydrocarbon control and timing of SIP submissions.

B. Consideration of control costs.

C. Natural background concentrations.

V. Procedural issues.

The comments received have been reviewed and a document detailing their disposition has been placed in the rulemaking docket (OAQPS 78-8) for public inspection. The following sections summarize the significant comments and present the Agency's responses.

I. HEALTH EFFECT CRITERIA AND SELECTION OF THE PRIMARY STANDARD

A. DEFINITION OF AN ADVERSE HEALTH EFFECT

Comment. The proposed standard is unsuitable because EPA has never defined what constitutes "protection of public health." As a specific example, EPA has not shown that pulmonary function and ventilatory pattern changes are adverse health effects.

Agency Response. As stated in the criteria document, the available evidence regarding pulmonary function changes observed in clinical exposures of healthy subjects to ozone does not suggest that small changes in lung function (unaccompanied by discomfort symptoms or impairment of oxygen uptake) would interfere with normal activity in healthy individuals. However, even small changes in people with underlying respiratory disease such as asthma, chronic bronchitis, and emphysema can interfere with normal activity and, thus, may signal impairment of public health.

Comment. EPA should identify where adverse effects begin in the continuum of responses to pollutants.

Agency Response. In conducting a preliminary risk assessment, EPA interviewed several biomedical experts to obtain their judgments as to the risk of exceeding the threshold of adverse health effects in sensitive persons for alternative standard levels. An essential feature of this risk assessment procedure is the utilization of the experts' judgments as to the point in the continuum of physiological responses to ozone that must be exceeded for an adverse health effect to occur. As an example, discussions with several experts indicated that a 1 percent decrease in pulmonary function (e.g., forced expiratory volume 1-second test) would be inconsequential, whereas a 50 percent decrease would be a severe effect in sensitive persons; the experts' judgments varied as to the point at which adverse effects would begin, but fell within the range of a 5 to 15 percent decrease.

Comment. Quickly reversible irritation experienced for a short period of time is a welfare effect related to personal comfort and well-being and should therefore be considered in connection with the secondary standard.

Agency Response. The criteria document states that physical discomfort, as manifested by symptoms such as difficulty in breathing, chest tightness, and pain on deep inspiration, has usually been observed in clinical studies in conjunction with pulmonary function changes. Even when reversible, respiratory symptoms may restrict normal activity or limit the performance of tasks. In clinical studies, exposure of *healthy subjects* to realistic levels of ozone (0.3 ppm) has produced discomfort sufficient to prevent completion of experimental protocols, particularly when vigorous exercise was involved. Accordingly the criteria document concluded that increased rates of respiratory symptoms constitute impairment of public health. On this topic, a physician affiliated with the California Department of Health stated (docket OAQPS 78-8, IV-F-31) that it was his medical opinion that symptoms such as those described above constitute adverse health effects, inasmuch as they signal pulmonary function decrements and an increased pulmonary work load for affected individuals. He expressed his concern for the long-term effect of repeated exposure to levels of ozone sufficient to induce such symptoms. EPA concurs in this view and considers such symptoms, even though transitory, to be of concern in selecting the level of the primary standard.

B. EPA'S INTERPRETATION OF CITED STUDIES

1. *DeLucia and Adams (1977)*

Comments. (a) EPA misread the DeLucia and Adams study in claiming significant effects have been reported at 0.15 ppm for one hour.

(b) Mouthpiece breathing may have invalidated the DeLucia and Adams study.

(c) Since DeLucia and Adams demonstrated effects at 0.15 ppm in healthy individuals, more susceptible populations would be expected to sustain effects at lower levels.

Agency Responses. (a) EPA acknowledges that DeLucia and Adams failed to demonstrate any statistically significant decrements in pulmonary function resulting from exposure to 0.15 ppm for one hour. (The investigators did observe statistically significant decrements in pulmonary function resulting from exposure to 0.30 ppm for one hour.) In groups as small as those tested by DeLucia and Adams (six subjects), however, tests of statistical significance are difficult to interpret. The criteria document concluded that the study by DeLucia and Adams, although unreplicated, has raised the question of whether O_3 concentrations as low as 0.15 ppm exert effects in a portion of healthy subjects exercising vigorously. Indeed, DeLucia and Adams specifically state that the two most sensitive subjects sustained markedly impaired respiratory function and exercise ventilatory patterns during the two most stressful exercise protocols in the four ozone-exposure

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experiments (i.e., both 0.15 ppm and 0.30 ppm).

Furthermore, DeLucia and Adams state that most of the subjects experienced subjective symptoms of discomfort (e.g., congestion, chest pain, and cough) when exposed to 0.15 ppm for one hour under the most stressful exercise protocol (equivalent to running about 6 miles in an hour). These symptoms occurred at a lower excercise rate when the subjects were exposed to 0.30 ppm. DeLucia and Adams did not report the incidence of these symptoms in a quantitative manner, but this fact does not remove EPA's concern about the implications for healthy persons such as those studied by DeLucia and Adams, or for more susceptible persons who may sustain more severe reactions or who may be affected at lower concentrations than those observed.

(b) As noted in the criteria document, persons tend to breathe through their mouths when exercising. Thus, DeLucia and Adams' utilization of mouthpieces to dispense O_3 probably represents actual exposures in persons who, in the course of their normal daily activities, are undergoing exercise.

(c) EPA agrees with this comment, as noted above. EPA considered the implications of this study for more susceptible members of the population in its determination of the margin of safety for the ozone standard.

2. *Schoettlin and Landau (1961)*

Comments. (a) There are still problems with reliance on this study because (1) ambiguities remain in its interpretation and (2) more recent studies of effects of ozone on asthmatics have failed to corroborate this study's conclusions.

(b) EPA's interpretation of the concentration at which Schoettlin and Landau correlated increased incidence of asthmatic attacks is unnecessarily conservative. There is good reason to believe that the 0.25-ppm oxidant concentration cited by Schoettlin and Landau was a daily peak (2-minute average) concentration rather than a daily maximum hourly average concentration, as EPA claims. Furthermore, the level of ozone occurring on these high oxidant days would have been less than the level of oxidant reported.

Agency Responses. (a) The criteria document recognizes limitations that make it difficult to interpret the Schoettlin and Landau study unequivocally. Nevertheless, Schoettlin and Landau did conclude that the proportion of asthmatics having attacks was significantly greater on days when the oxidant concentration exceeded 0.25 ppm than on days when the concentration was below that level. EPA does not believe that this conclusion has been refuted by more recent studies. The reported results of the recent epidemiological study by Kurata et al (1976) are qualitatively similar to those of Schoettlin and Landau. EPA's analysis (docket OAQPS 78-8, IV-A-1) of the data presented in the Kurata study indicates that a statistically significant elevation of the asthma index occurred on days when the maximum instantaneous (2-minute average) oxidant concentrations exceeded 0.28 ppm. While the exact hourly average equivalent of this value is not known, it must be less than or equal to 0.28 ppm, and is probably in the range of 0.20 to 0.27 ppm.

(b) EPA acknowledges that it is uncertain from Schoettlin and Landau's paper what averaging time was used in correlating oxidant concentration and incidence of asthma attacks. As stated in the criteria document, however, consultations with the authors have established that daily asthma attack rates were correlated with daily *maximum hourly average* oxidant levels. EPA considers that these consultations (docket OAQPS 78-8, IIA-C-2) have satisfactorily resolved the controversy regarding the averaging times used by Schoettlin and Landau.

EPA agrees with the comment that ozone levels may have been lower than the oxidant readings with which Schoettlin and Landau correlated asthma attack incidence. Ozone levels have been shown to range from approximatley 65 percent to nearly 100 percent of the total oxidant levels. This fact provides reason for concern that ozone in the ambient air at daily maximum hourly average concentrations less than 0.25 ppm may adversely affect asthmatic persons.

3. *Hammer et al. (1974)*

Comments. (a) This study has methodological problems (such as the failure to adjust the data for smoking habits and allergy histories) that undermine confidence in its conclusions.

(b) It is uncertain that oxidants caused the increase in symptoms observed in this study.

Agency Responses. (a) Hammer et al. conducted a longitudinal survey of an essentially constant group of subjects over a period of time. Consequently, in order for the authors' failure to adjust the data for smoking habits and allergy histories to have biased the results, the survey reponse pattern on high pollution days would had to have differed with respect to the distribution of smokers and allergic persons as compared with the pattern on low pollution days. Such an occurrence seems unlikely; furthermore, the criteria document noted that the results of this epidemiological study are generally consistent with the results of clinical exposure studies. This fact, along with the extensive data base evaluated (about 53,000 person-days of observation), enhances the reliability of Hammer's study.

(b) Hammer et al. found that symptom frequencies were more closely correlated to photochemical oxidants than to several other environmental parameters (e.g., carbon monoxide and nitrogen dioxide). In addition, the criteria document noted that the oxidant levels at which cough and chest discomfort were observed to increase in the student nurse population were quite similar to ozone concentrations that have been observed to produce impairment of pulmonary function and respiratory irritation in experimental exposures of healthy subjects performing intermittent light exercise (0.37 ppm for 2 hours). Consequently, it is reasonable to propose that photochemical oxidants—and specifically ozone in the ambient air—contributed substantially to observed increases in rates of cough, chest discomfort, and headache.

4. *Hazucha (1973)*

Comment. Results reported by Hazucha on impairment of pulmonary function at ozone levels of 0.25 ppm for 2 hours are not statistically significant.

Agency Response. The small number of subjects (three) examined at that exposure precludes the application of statistical methods to the results. The absolute value of the pulmonary function decrements (about 5 percent) is the more relevant factor in evaluating the results of this study.

As described in the criteria document, the small pulmonary function changes observed by Hazucha in a 2-hour exposure of healthy subjects undergoing intermittent light exercise lie along a continuum of responses when compared with results at higher concentrations and similar exposure regimes. There is no indication that 0.25 ppm is the threshold for that exercize level, and indeed the study by DeLucia and Adams (1977) has shown symptomatic effects in *healthy* individuals that are indicative of pulmonary function impairment at levels as low as 0.15 ppm under a more strenuous exercise protocol.

5. *Studies in which effects were not observed at levels above 0.15 ppm*

Comments. (a) The 1977 National Academy of Sciences (NAS) document, Ozone and Other Photochemical Oxidants, was cited in several comments as concluding that effects in human subjects have been observed only from ozone exposures above 0.25 ppm.

(b) Linn et al. (1978) failed to find any significant pulmonary effects in asthmatics exposed to 0.20-0.25 ppm for 2 hours under conditions of heat and exercise.

(c) Hackney et al. (1975) observed human health effects only at exposures above 0.25 ppm for 2 hours.

Agency Responses. (a) The NAS document states that "some limited studies show evidence of human health effects of exposure to pure ozone at concentrations as low as 0.25 ppm • • •" This document was prepared before publication of the DeLucia and Adams study, which suggests effects at lower levels. Furthermore, this NAS document in no way concludes that effects resulting from ozone, as it occurs in the ambient photochemical mix, do not occur at concentrations below 0.25 ppm.

(b) Although Linn et al. found statistically significant changes in one of several measures of pulmonary function in their laboratory study, the manner in which the investigators conducted the study (e.g., persons with marked respiratory disability were excluded from the study) and analyzed the data are such that the observed results probably underestimate the effects that would occur at similar ambient exposure levels. There was a slight increase in symptom scores during ozone exposure, and statistically significant changes in blood biochemical factors were observed. While the clinical significance of these latter changes is uncertain, they do represent alterations in normal body functions and cannot be discarded in selecting a standard that protects public health with an adequate margin of safety.

(c) Although the criteria document states that Hackney et al. observed no lung function changes of note at 0.25 ppm for 2 hours even among "reactive" subjects (persons giving a history of cough, chest discomfort, or wheezing in response to allergy or air pollution exposure), closer inspection of the Hackney et al. (1975) studies reveals that dose-response relationships hold for sensitive subjects for lung function and blood biochemical effects across the range of exposure from 0.20 to 0.50 ppm ozone.

6. *Other Human Studies*

Comments. (a) Von Nieding et al. (1976) have demonstrated effects on pulmonary function of healthy individuals at 0.10 ppm ozone.

(b) EPA cannot justify a conclusion that Japanese epidemiological studies indicate a risk of symptomatic effects in human beings from ozone exposures below 0.15 ppm for one hour.

Agency Responses. (a) EPA is concerned about the findings of von Nieding et al. showing decreased oxygen pressure in arterialized blood and increased airway resistance after 2 hours of exposure to 0.10 ppm ozone and intermittent light exercise. The criteria document points out, however, that the investigators used non-standard physiologic measurement methods. Thus, although von Nieding's findings cannot be ignored in the standard-setting process, they are unconfirmed, and must be interpreted cautiously.

(b) Makino and Mizoguchi (1975) reported an epidemiological study of Tokyo students that showed increased rates of discomfort symptoms on days when the oxidant level (believed to be a daily maximum hourly average concentration) exceeded 0.15 ppm as compared with days when it fell below 0.10 ppm. The criteria document reviewed this and several other Japanese epidemiological studies, and concluded that the studies were appropriately designed but that it is very difficult to interpret their results. In setting a standard with an adequate margin of safety, however, EPA must consider evidence such as these Japanese studies and must evaluate the uncertainties which medical research has not yet resolved.

7. *Validity of Clinical Studies in General*

Comment. At the August 22, 1978 public hearing in Dallas, testimony was presented alleging that the ozone generators used in clinical health studies produce other toxic materials in addition to ozone. Experimental data obtained using a new total oxidant monitoring method indicated that these additional oxidants were present in large quantities (as high as 300 percent greater than ozone). It was hypothesized that the adverse effects noted in clinical studies may be preponderantly caused by the additional oxidants and not ozone.

Agency Response. EPA has concluded that the experimental evidence offered to support these findings is unconvincing and cannot be substantiated. The results of an experimental program initiated by EPA after the Dallas hearing indicate that the new monitoring technique which supposedly measured ozone and any additional oxidants has a variable chemical reaction relationship (stoichiometry) with ozone depending on whether or not oxygen is present. The higher oxidant readings obtained by this technique appear to result from this variable stoichiometry rather than representing the presence of any additional non-ozone oxidants. Furthermore, an exhaustive search for such oxidants in the output of ozone generators operating under various conditions (using as the input stream either dry or humidified tank air or oxygen, with very low or background concentrations of hydrocarbons, mostly methane) failed to produce any evidence of non-ozone oxidants. Consequently, EPA judges the hypothesis offered by this comment to be experimentally unsupportable. A report documenting the results of EPA's experimental program has been placed in the docket (OAQPS 78-8, IV-A-2).

C. MARGIN OF SAFETY

Comment. EPA has proposed a standard with an inappropriate margin of safety. The margin of safety was criticized as being either inadequate or too great.

Agency Response. The Clean Air Act requires that EPA set air quality standards that are requisite to protect the public health, allowing an adequate margin of safety. As stated in the legislative history of the Clean Air Act, the standard must protect against hazards that research has not yet identified. EPA feels that the decision regarding an adequate margin of safety is a *judgment* which must be made by the Administrator after weighing *all* the medical evidence bearing on ozone. The factors to be taken into account include inconclusive evidence as well as findings from studies that are considered definitive and not subject to challenge. For example, in selecting an adequate margin of safety, the Administrator must consider: (1) findings from animal studies that show increased susceptibility to infectious respiratory disease and other serious effects at relatively low ozone levels, (2) the concern that health studies may not always reflect the health impact in more sensitive segments of the population, and (3) studies suggesting that ozone may produce an enhanced effect when combined with other air pollutants commonly present in the urban atmosphere but not present in clinical study chambers.

D. USE OF ANIMAL STUDIES

Comment. EPA has failed to give appropriate consideration to the results of animal studies, especially those involving young animals and those examining reduced resistance to infection.

Agency Response. EPA is concerned about the studies which have demonstrated effects in young animals and decreased resistance to infection in animals exposed to ozone. The infection effect has been demonstrated at exposures as low as 0.08 ppm for 3 hours. The criteria document concluded that these findings have definite human health implications, although different exposure levels may be associated with such effects in humans. For this reason, these results cannot be the sole factor used in selecting the level of the primary standard. However, as is the case with other inconclusive evidence, EPA must consider these studies in selecting an adequate margin of safety.

Comment. There is no evidence of reduced resistance to infection in epi-

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demiologic studies in places such as Los Angeles.

Agency Response. Epidemiological studies have been inconclusive in demonstrating this effect in man. However, EPA does not agree with this comment. The study by Durham (1974) of air pollution effects on college students, indicates that rates of new illness increase following short-term exposures to elevated pollutant concentrations. The pollutant variable most strongly associated with illness was peak oxidant. Also, several studies documenting increased levels of mucous membrane irritation during periods of ozone exposure suggest indirectly that susceptibility to infection may rise during these periods. Furthermore, although animal study findings cannot be directly extrapolated to man, the criteria document concludes that the reactions observed in mice represent effects on basic biological responses to infectious agents, and there is no reason to believe that the pollutant-induced alterations of basic defense mechanisms that occur in mice could not occur in human beings. Thus, these studies cannot be ignored in the standard-setting process.

E. EXPOSURE OF SENSITIVE GROUPS

Comment. EPA is being unnecessarily stringent in selecting the sensitive population. The standard could be much less stringent without endangering the health of such persons if EPA accounted for the portion of time that persons are indoors and, thus, not exposed to higher ambient concentrations.

Agency Response. The legislative history of the Clean Air Act makes quite clear Congress' intention to protect sensitive persons (asthmatics and emphysematous patients are cited as examples) who in the normal course of daily activity are exposed to the ambient environment. Air quality standards are to be established with reference to protecting the health of a representative sample of persons comprising the sensitive group rather than a single person in such a group. Standards must be based on a judgment of a safe air quality level and not on an estimate of how many persons will intersect given concentration levels. EPA interprets the Clean Air Act as providing citizens the opportunity to pursue their normal activities in a healthy environment.

F. SYNERGISTIC EFFECTS AND CHEMICAL SPECIES DESIGNATION OF STANDARD

Comment. There were objections to the proposed change of the chemical designation of the standard from photochemical oxidants to ozone because the health impacts of photochemical air pollution arise not only from ozone, but also from the spectrum of other gaseous and particulate pollutants that co-exist with ozone. There was also concern that the change in the chemical designation signalled a change in emphasis in oxidant control efforts that would impede progress in the reduction of non-ozone components of the photochemical oxidant mixture such as peroxyacetylnitrate (PAN). Specific concern was expressed regarding the eye-irritating components of the mixture, since at ambient levels ozone alone is not an eye irritant.

Agency Response. Certain clinical studies (such as Hazucha and Bates, 1975) have demonstrated the potential for greater health impacts resulting from exposure to ozone in combination with other pollutants which occur in the ambient air than from exposure to ozone alone. The ozone standard is not intended merely to protect against the levels of ozone that have been demonstrated to produce effects in clinical studies where subjects have been exposed to highly purified air to which ozone alone has been added. Rather, setting an ozone standard with an adequate margin of safety involves, among other considerations, evaluating the effects of ozone as it occurs in the ambient air, in combination with other pollutants.

One reason for changing the chemical designation of the standard from photochemical oxidants to ozone is to correct an inconsistency between the title of the standard (photochemical oxidants) and the chemical species (ozone) that has always been measured by the reference method used to estimate ambient oxidant levels and determine compliance with the standard. Consequently, no redirection of control efforts is contemplated; i.e., reductions in hydrocarbon and nitrogen oxide emissions will continue to be required in order to reduce the levels of the secondarily generated pollutant (ozone) measured to determine compliance with the standard.

The criteria document examined the issue of whether or not measures taken to reduce ozone will also reduce other manifestations of photochemical pollution such as eye irritation. The evidence from laboratory and theoretical studies indicates that, for urban atmospheres, reductions in hydrocarbon and nitrogen oxide emissions should have even greater impacts on ambient PAN than on ambient ozone. Similarly, laboratory data suggest a linear relation between hydrocarbon emissions and ambient levels of photochemically produced aldehydes. Since PAN and such aldehydes as fomaldehyde and acrolein are know to be eye irritants, the criteria document concludes that emission control measures for ozone reduction will probably have a positive effect on reducing eye irritation in those situations where eye irritation is associated with photochemical processes (e.g., Los Angeles).

II. RISK ASSESSMENT METHOD

Comment. The risk assessment method should not be used at this time because it has not been reviewed adequately by the Science Advisory Board or the scientific community.

Agency Response. The risk assessment method is not being used to set the ozone standard. In determining what ozone standard has an adequate margin of safety, however, the findings of the initial application of the risk assessment method to ozone have been considered. EPA agrees that the method has not received sufficient review. The method will be published in the open literature and the Science Advisory Board is forming an ad hoc subcommittee to review the method.

Comment. EPA's risk assessment method is incomplete.

Agency Response. EPA agrees with the comment. As applied to ozone, the risk assessment method assesses the risk (probability) that ozone would contribute to health effects in some sensitive people if alternative standards were just met. A complete risk picture would also include information on:

(a) a best point estimate of the number of people affected;

(a') the "expected number" (in a statistical sense) of people affected;

(a'') various risks (probabilities) that the actual number of people affected would be various amounts greater than the expected number;

(b) a best point estimate of the amount of health damage;

(b') the "expected" health damage; and

(b'') various risks (probabilities) that the actual health damage would be various amounts greater than the expected health damage.

As noted in the draft EPA document explaining the risk assessment method, there are complex technical problems that must be dealt with in responsibly developing information of this type suitable for use in setting National Ambient Air Quality Standards. EPA is presently developing the capability to generate this type of information and will only consider its risk assessment method complete when the method includes this capability.

Comment. The main problem with the risk assessment method stems from its purpose. Instead of estimating health damage, EPA provides a table of risk numbers without providing an estimate of their health significance; these numbers serve no function.

Agency Response. EPA agrees that the risk estimates provided do not serve the function of estimating health damage, but the Agency does not agree that the estimates are without value. The function of these estimates is to indicate the varying risk (or probability) that some sensitive people would suffer health effects in a given period of time if alternative ozone standards were just met. For each health effect category, the response that is of sufficient concern to be deemed a health effect has been decided upon and its seriousness described. As EPA interprets the Clean Air Act, this determination, which is an important step in the process of setting National Ambient Air Quality Standards, is a function that is to be served by a risk assessment.

There were many comments on both the procedural and the technical aspects of the risk assessment method. EPA will consider these comments in the detailed responses to be placed in the docket. Some of the comments identify improvements that can be made in the risk assessment method, while others reflect misunderstandings that will be dealt with in the detailed docket responses. Some of the comments provide discussion and opinions on various complex issues that arise in the conduct of a program involving the difficult subject areas of risk assessment and standard-setting methodology. EPA will take these comments into advisement as it develops its risk assessment and standard-setting methodologies.

III. WELFARE EFFECTS AND THE SECONDARY STANDARD

Comment. EPA's proposal to retain the existing secondary standard is based entirely on evidence of possible damage to extremely sensitive vegetation. An adequate economic analysis that considers the incremental costs and benefits of alternative secondary standard levels should be conducted. EPA should then weigh the economic costs of pollution control measures against the benefits of reduced damages from lower ozone concentration levels before setting a secondary standard.

Agency Response. The Clean Air Act requires EPA to set a national secondary ambient air quality standard at a level that, in the judgment of the Administrator, is requisite to protect the public welfare from any known or anticipated adverse effects. The term "public welfare," which is defined in Section 302(h) of the Clean Air Act, includes among other things effects on crops, vegetation, wildlife, visibility, and climate, "as well as effects on economic values and on personal comfort and well-being."

EPA has carefully examined the data presented in the criteria document concerning ozone-related damage to vegetation, crops, materials, and visibility. A staff paper, "Evaluation of Alternative Secondary Ozone Air Quality Standards," has been placed in the docket (OAQPS 78-8, IV-A-3).

With regard to damage to materials, the paper concludes that no effect-based rationale can be offered to decide the level of the secondary standard. Damage to materials is linearly related to the total dose sustained by the material. As a result, the annual average concentration will determine the rate at which material damage occurs. Current evidence indicates that annual average concentrations for remote rural areas are comparable to urban areas, due to strong night-time scavenging of ozone in urban areas by man-made pollutants. Reducing the peak 1-hour concentration in urban areas will have virtually no impact on the annual average concentration. Therefore, there would be no measurable reduction in materials damage if a more stringent secondary standard level was selected.

The criteria document states that there is a limited amount of data suggesting an association between ambient ozone and visibility degradation, particularly in the Los Angeles area. On the basis of EPA's evaluation to date of the information presented in the criteria document, however, EPA is unable to conclude at this time that a secondary ozone standard more stringent than the primary standard is necessary to prevent visibility deterioration. The relationship between visibility and ambient ozone will be considered further in the development of subsequent PSD programs designed to protect against significant deterioration of air quality.

Finally, EPA has concluded that there is currently no evidence indicating that a significant decrease in yield or growth or commercially important crops or indigenous vegetation will result from the long-term (growing season) mean of the daily maximum 7-hour-average ozone concentrations which is expected to occur when the primary standard is attained. Consequently, EPA does not believe that a secondary standard more stringent than the primary standard is necessary to protect vegetation from ozone-related yield reduction effects.

On the basis of these conclusions, EPA does not believe that a detailed cost-benefit analysis of alternative standard levels is required, since a secondary standard more stringent than the primary standard is not necessary to protect the public welfare adequately.

Comment. The current secondary standard of 0.08 ppm should be retained to protect vegetation and crops. There is singificant reduction in growth and yield to crops exposed to 0.10 ppm of ozone.

Agency Response. The claims that significant reduction in growth and yield occurs in crops as a result of short-term exposures to ozone at levels around 0.10 ppm are undocumented. While sensitive plants may incur foliar injury at low ozone levels, there is currently no evidence that significant yield or growth effects in commerically important crops or indigenous flora are associated with the long-term (growing season) mean of the daily maximum 7-hour-averaging ozone concentrations expected to occur when the primary standard is attained. Consequently, EPA does not believe that a secondary standard more stringent than the primary standard is necessary to prevent ozone-related yield reduction effects in vegetation.

IV. IMPLEMENTATION AND ATTAINABILITY

A. VALUE OF HYDROCARBON CONTROL AND TIMING OF SIP SUBMISSIONS

EPA received comments on the effectiveness of hydrocarbon controls in reducing levels of ozone in the ambient air as well as on the issue of whether or not the statutory deadline for submission of revised State Implementation Plans (SIPs) for nonattainment areas should be postponed because of the changes in the photochemical oxidants standard. The Agency responses to these comments are contained in the accompanying FEDERAL REGISTER notice dealing with the revision of the 40 CFR Part 51 regulations pertaining to the implementation of the standard.

B. CONSIDERATION OF CONTROL COSTS

Comment.

Cost of control should be considered in selecting the level of the primary standard.

Agency Response. The Agency's position with respect to control cost consideration was stated in the preamble to the proposed regulation (43 FR 26963); this position remains unchanged. The Clean Air Act specifies that primary National Ambient Air Quality Standards are to be based on scientific criteria relating to the level that should be attained to protect public health adequately. Considerations of cost of achieving these standards or of the existence of technology to bring about needed reductions of emissions are not germane to such a determination, as the words of the Act and its legislative history clearly indicate. EPA has, however, analyzed the cost and economic impacts of the control programs required to attain alternative ozone standard levels in order that the public may be better informed

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of the consequences of the Agency's decision. This analysis and the comments received in response to it are available to the States for their use in developing strategies to implement the standard.

Comment. The cost estimates presented in EPA's cost and economic impact assessment document are understated.

Agency Response. EPA has carefully reviewed and considered these comments and is publishing a revised economic impact assessment, which is available from Mr. Padgett at the previously mentioned address.

C. NATURAL BACKGROUND CONCENTRATIONS

Several comments were made regarding the contribution of natural sources to ambient ozone concentrations. These comments focus on (1) the extent to which natural background was considered in developing the proposed standards and related control programs and (2) the attainability of these standards, considering the possibility that natural background may at times contravene the proposed levels. Some of the comments suggested that EPA ignored, or did not adequately consider, natural background in developing the proposed standards and related control programs. While this topic was not emphasized in the preamble to the proposed rulemaking, EPA was, and is, cognizant of the background levels that can be attributed to natural sources. This matter was treated extensively in the revised criteria document. Furthermore, EPA procedures for preparation of control plans recommend allowance for natural background in developing control strategies for ozone.

For several years, EPA has been conducting an active field and laboratory research program seeking to determine the nature and extent of background concentrations of ozone. The results of these studies have been widely publicized in EPA reports, scientific literature, and public conferences. One comment suggested that EPA had ignored evidence of natural source impacts reported in contract work conducted for the Agency and that this information had not been released for public review. Actually, all pertinent information available to EPA was considered. However, there may have been some contractually developed information that had not been released or could not be specifically cited because the contract studies were still in progress and the resulting data had not been fully validated or analyzed. Subsequent to the comment, all information in question were released publically or arrangements have been made to release them as soon as possible.

EPA's review of data related to the background contribution leads the Agency to conclude that such levels are usually well below the proposed levels of the standard, especially during the season of the most active production of photochemical ozone. It is possible, however, that natural events could occasionally cause contravention of the promulgated standard levels. EPA policy (see 40 CFR 51.12(d)) permits data for such occurrences to be disregarded for regulatory purposes. Such events are usually distinguishable because they tend not to coincide with conditions conducive to buildup of man-caused, photochemically produced ozone. Field measurements at some remote sites, where man-caused ozone is likely to be negligible, have shown low—but not insignificant—rates of exceedances of the 0.08-ppm level originally proposed for the secondary standard. The frequencies decrease markedly for concentrations above 0.12 ppm, so that natural exceedances of the standards being promulgated can be considered quite rare at any particular location.

One comment indicated that stratospheric tracer levels measured at surface sites increase by about 40 percent between the front and back side of high pressure systems in the Eastern United States, thus suggesting that stratospheric ozone, through subsidence and horizontal circulation in highs, plays a significant role in the widespread buildup of ozone that tends to occur in the back side of highs in the Eastern U.S. during the photochemically active season. EPA's estimate is that, even if commonly occurring natural ozone background were increased by 40 percent, the resulting concentration would be insufficient to exceed the standard levels being promulgated. Also, a corresponding increase between the tracer and ozone of stratospheric origin would not be expected, since the tracer is chemically stable near the surface, while ozone is rapidly depleted by reactions with surfaces and with air contaminants.

Some comments referred to a possibly significant contribution to ozone concentrations from reactions involving organic compounds emitted by vegetation. Such emissions are abundant, relative to man-made emissions, but are relatively diffuse spatially. Some of the comments cited a recent statistical study that reported a high correlation between vegetative growth in the Bay Area of California, as indicated by winter rainfall, and the frequency of days with concentrations above 0.08 ppm. EPA has not, however, seen sufficient physical evidence of a relative abundance of natural organics or associated ozone increases in ambient air to consider vegetative sources as significant contributors to high ambient ozone levels. The principal source of natural ozone is still considered to be the stratosphere, with gradual transfer accounting for the more commonly observed background levels, and sporadic intrusions being the principal cause of anomalous high values.

Although research will continue to assess more definitively the contribution of natural sources of ozone, EPA believes that adequate consideration has been given to this issue in developing control programs and implementation guideline documents.

V. PROCEDURAL ISSUES

Comment. EPA's use of an "Advisory Panel on Health Effects of Photochemical Oxidants" was procedurally incorrect in that certain legal requirements on establishment and use of Advisory Committees were not met.

Agency Response. The ad hoc Advisory Panel consisted of a group of medical experts retained by EPA as consultants for the purpose of obtaining their interpretation of the evidence presented in a preliminary version of the criteria document. As such, EPA did not regard the Panel as an advisory body within the meaning of the Advisory Committee Act of 1972. In any case, the Panel's report has been in the docket and subject to comment since proposal, and bases for its recommendations have been fully aired.

Comment. In revising its criteria document, EPA failed to comply with the recommendations of the statutory scientific review body, the Science Advisory Board (SAB), as evidenced by the SAB's refusal to approve the criteria document.

Agency Response. The function of the Science Advisory Board subcommittee is to advise EPA regarding the scientific and technical accuracy, the manner of presentation, and the adequacy of the criteria document. Inevitably, no two scientists ever agree completely on the importance, accuracy and manner of presentation of data. In the final analysis the responsibility for the criteria document rests with EPA and, therefore, the decision regarding the content of the document must also rest with EPA.

EPA solicits the advice of its scientific advisors and has attempted to respond to the specific comments made by members of the SAB subcommittee established to review the criteria document by incorporating suggested changes in the document. Following the last SAB subcommittee meeting in Febrary 1978, members of the subcommittee who had specific comments were consulted by EPA personnel, and

their comments and criticisms were discussed with them prior to making the changes in the document. It has always been Agency policy that once the EPA staff had considered the changes suggested by the SAB and, where appropriate, incorporated them into the criteria document, the Agency would proceed with publication. Consequently, EPA feels that the criteria document adequately reflects the latest scientific knowledge pertaining to the effects of ozone and other photochemical oxidants.

Comment. EPA has failed to submit the proposed standard to the SAB for review as required by the Environmental Research, Development, and Demonstration Authorization Act of 1978 (Pub. L. 95-155). EPA should do so before promulgating the standard.

Agency Response. The development of the ozone standard revision, which began in 1976, followed the procedural process in place before the enactment of Public Law 95-155. Accordingly, the SAB was asked to review only the criteria document. The independent committee established in accordance with the 1978 Act held its first session in October 1978, when there was not adequate time for it to review the standard. The thorough review of the technical and scientific basis for the criteria document, which is in turn the basis for the standard, substantially complies with the objectives of the Act.

SELECTING THE LEVEL OF THE PRIMARY STANDARD

EPA's objective in setting the standard level is to select an ozone concentration that will reflect an accurate consideration of the existing medical evidence and an adequate assessment of the uncertainties in this evidence, and, thus, will protect all population groups with an adequate margin of safety.

The criteria document supports the contention that a clear threshold of adverse health effects cannot be identified with certainty for ozone. Rather, there is a continuum consisting of ozone levels at which health effects are certain, through levels at which scientists can generally agree that health effects have been clearly demonstrated, and down to levels at which the indications of health effects are less certain and harder to identify. Given such a body of evidence, in selecting a standard with an adequate margin of safety the decisionmaker is taking into account the uncertainty about whether a possible standard will prevent adverse health effects.

This uncertainty results from several factors. First, human susceptibility to health effects varies, and we cannot be certain that experimental evidence has accounted for the full range of susceptibility. Second, we cannot be certain that all effects occurring at low ozone levels have been identified and demonstrated. Third, variations in weather create uncertainty as to the expected annual maximum ozone concentrations.

The Clean Air Act, as the Administrator interprets it, does not permit him to take factors such as cost or attainability into account in setting the standard; it is to be a standard that will adequately protect public health. He recognizes that controlling ozone to very low levels is a task that will have significant impact on economic and social activities. This recognition causes him to reject as an option the setting of a zero-level standard as an expedient way of protecting public health without having to decide among uncertainties. However, it is public health, and not economic impact, that must be the compelling factor in the decision. Thus, the decision as to what standard protects public health with an adequate margin of safety is based on the uncertainty that any given level is low enough to prevent health effects, and on the relative acceptability of various degrees of uncertainty, given the seriousness of the effects.

In selecting the proper level for the standard, EPA must make assessments and judgments in five critical areas:

1. Reported effect levels from human studies.
2. Characterizing the sensitive population.
3. Nature and severity of effects.
4. Probable adverse health effect level in sensitive persons.
5. Judgment of a standard level below the probable effect level that provides an adequate margin of safety.

REPORTED EFFECT LEVELS

In the preamble to the proposed standard (43 FR 26965), EPA presented a table of demonstrated effect levels in man ranging from 0.15 to 0.30 ppm. On the basis of suggestions received during the comment period, that table has been expanded to include a greater number of studies where effects have been reported. EPA believes that this is a more complete representation of the medical evidence since it includes some less conclusive studies at low levels that cannot be discarded in weighing the full body of health data. Nonetheless, the table must be used with caution and in conjunction with qualifying statements made in the criteria document regarding the technical merit of each study, particularly the less conclusive studies at lower concentrations.

While this table does not provide an undisputed value for adverse health effect levels in sensitive individuals, it does indicate that normal body functions are most likely disrupted at relatively low ozone concentrations. The studies also indicate that the intensity and significance of effects increases as the pollutant level increases. The reported findings leave open the question of increased intensity of effects in more sensitive persons and the concern that effects reported in some studies may occur at lower concentrations when ozone is present in combination with other urban pollutants.

[6560-01-C]

REPORTED EFFECT LEVELS
Compilation of Results Reported in Human Studies Examining Ozone or Oxidant Exposure

Concentration, ppm	Exposure Duration, hours (for clinical studies); Averaging time (for epidemiological studies)	Pollutant Measured (O_3 = ozone, O_x = oxidant)	Reported Effect(s)	Reference(s)
0.01 - 0.30	hourly average	O_3	Lung function parameters in about 25% of Japanese school children tested were significantly correlated with O_3 concentrations (over the range of 0.01 - 0.30 ppm) in the 2 hours prior to testing.	Kagawa and Toyama (1975); Kagawa et al. (1976)
0.03 - 0.30	hourly average	O_x	Although significant correlation was observed between decreased athletic performance and O_x concentrations in the range of 0.03 - 0.30 ppm, the criteria document states that inspection of the data reveals no obvious relationship between performance and O_x values below 0.10-0.15 ppm.	Wayne et al. (1967)
0.10	2	O_3	Decreased O_2 pressure in arterialized blood, increased airway resistance observed using non-standard measurement techniques.	von Nieding et al. (1976)
0.10 - 0.15	probably daily maximum hourly average	O_x	Increased rates of respiratory symptoms and headache were reported by Japanese students on days when O_x concentrations exceeded 0.15 ppm as compared to days when O_x concentrations were less than 0.10 ppm.	Makino and Mizoguchi (1975)
0.15	1	O_3	Subjective symptoms of discomfort were observed by most subjects, and discernible but not statistically significant changes in respiratory patterns occurred while performing vigorous exercise.	DeLucia & Adams (1977)
0.20	3	O_3	Reduction in visual acuity (night vision) observed.	Lagerwerff (1963)
0.20 - 0.25	2	O_3	Asthmatic patients exposed under intermittent light exercise conditions showed no statistically significant changes in respiratory function. Symptom scores increased slightly during O_3 exposures. Small but statistically significant blood biochemical changes occurred.	Linn et al. (1978)
0.25	2	O_3	Small changes in lung function were observed in 3 subjects performing intermittent light exercise.	Hazucha (1973)
0.25	2 and 4	O_3	No lung function changes of note were observed in "reactive" subjects (who had histories of cough, chest discomfort or wheezing associated with air pollution or allergy) while performing intermittent, light exercise.	Hackney et al. (1975)
0.25	daily maximum hourly average	O_x	The average number of asthma patients having attacks was statistically significantly elevated on days when O_x levels exceeded 0.25 ppm.	Schoettlin and Landau (1961)
0.25	0.5 - 1	O_3	Blood samples of exposed subjects had increased rates of sphering of red blood cells	Brinkman et al. (1964)
0.28	daily maximum instantaneous (2-minute) average	O_x	Although the reported results are inconclusive, EPA's examination of the evidence presented suggests exacerbation of asthma when O_x levels are above 0.28 ppm.	Kurata et al. (1976)
0.30	1	O_3	Subjective symptoms of discomfort and statistically significant changes in pulmonary function were observed in subjects undergoing vigorous exercise.	DeLucia and Adams (1977)
0.30	daily maximum hourly average	O_x	Increased rates of cough, chest discomfort, and headache were observed in student nurses on days when the O_x concentrations exceeded 0.30 ppm.	Hammer et al. (1974)
0.37	2	O_3	Discomfort symptoms and significant changes in lung function were observed in subjects undergoing intermittent light exercise.	Hazucha et al. (1973); Folinsbee et al. (1975); Silverman et al. (1976)
0.37 0.37	2 2	O_3 SO_2	Exposure to O_3 and SO_2 together produced changes in lung function substantially greater than the sum of the separate effects of the individual pollutants.	Hazucha and Bates (1975)
0.37 0.37	2 2	O_3 SO_2	The observed O_3 - SO_2 interactive effect on lung function was considerably smaller than that seen by Hazucha and Bates. The authors concluded that the earlier study probably more nearly simulated a smog episode in regions having high oxidant and sulfur pollution.	Bell et al. (1977)

Sensitive Population

The legislative history of the Clean Air Act indicates that, in setting primary ambient air quality standards, EPA is to direct its efforts at groups of "particularly sensitive citizens such as bronchial asthmatics and emphysematics who in the normal course of daily activity are exposed to the ambient environment." (U.S. Senate Serial No. 93-18, 93d Cong. 2d Sess. p. 410).

Clinical and epidemiological studies have shown that persons with chronic obstructive airway disease, particularly asthmatics, appear most sensitive to changes in ozone concentrations. This sensitivity results from the fact that their airways are hyper-reactive to irritants such as ozone. These people are, thus, judged to be the principal sensitive group of concern in setting the standard.

Studies have also established that exercise effectively increases the ozone dose delivered to the target tissues in the respiratory tract. Thus, persons engaging in exercise are particularly vulnerable to the acutely irritating effects of ozone. The response of these groups to such changes in concentrations has not, however, been systematically studied.

Nature and Severity of Effects

Impaired Pulmonary Function and Clinical Symptoms—Ozone is a pulmonary irritant that affects the mucous lining, other lung tissue, and respiratory function. Changes in lung function appear as increased airway resistance and as reductions in vital capacity, expiratory flow rates, and diffusion capacity. These effects are greater in exercising individuals and individuals with hyper-reactive airways (i.e., individuals with a history of developing symptoms during light activity in smog or history of asthma). Changes in lung function are accompanied by clinical symptoms such as coughing, chest tightness, and lower chest soreness.

Because the human respiratory system is endowed with a large reserve, even airway-resistance increases of 50 to 100 percent will not ordinarily be perceived in normal individuals. As stated in the criteria document, however, two considerations suggest that oxidant-associated changes in lung function may signal impairment of public health. first, in people with underlying respiratory illness such as asthma, chronic bronchitis, and emphysema, even small decrements in lung function often interfere with normal activity. Second, at experimental ozone concentrations as low as 0.30 ppm, decrements in lung function have usually been accompanied by physical discomfort, as manifested in symptoms such as sore throat, chest pain, cough, and headache. At times this discomfort has been great enough to prevent the completion of experimental protocols, particularly when subjects have been exercising vigorously. It appears quite likely that the pulmonary irritant properties of ozone (and perhaps other oxidants) underlie both the discomfort and the decrements in function. Thus, at least when associated with ozone exposure, changes in lung function often represent a level of discomfort which, even among healthy people, may restrict normal activity or impair the performance of tasks.

Decreased Resistance to Infection—This effect is represented by an increased rate of mortality in laboratory animals subjected to both a bacterial challenge and exposures to ozone. According to some studies, the effect may be enhanced by the addition of such stresses as exercise or the addition of other pollutants in combination with the ozone dose. Despite the uncertainties involved in predicting human effects from animal studies, medical experts agree that decreased resistance to infection probably does occur in man. The Durham study (1974) reporting increased illness in college students following periods of elevated pollution levels (with peak oxidant being the pollution variable most strongly associated with illness) reinforces this hypothesis and adds to EPA's concern about the relationship of ozone to the occurrence of such an effect in man.

Aggravation of Chronic Respiratory Disease—Although the relationship between ambient oxidant or ozone levels and chronic pulmonary disease has not been fully assessed, available evidence suggests that the incidence and severity of asthma attacks increase when short-term total oxidant concentrations exceed 0.25 to 0.28 ppm. Also, several investigators have reported a relationship between short-term oxidant exposure and aggravation of other chronic obstructive lung diseases. However, their reports are inconclusive since short-term fluctuations in cigarette smoking habits were not considered in their data analyses.

Air pollution is one of the many stresses that can precipitate an asthma attack or worsen the disease state in persons with chronic cardiopulmonary disease. Other factors that can precipitate attacks include respiratory infections, passage of cold fronts, seasonal pollens, extreme heat or cold, and emotional disturbances.

Eye Irritation—Eye irritation is associated with selected chemical species (such as PAN) in the photochemical oxidant mix and with other organic vapors. While there is no evidence that eye irritation is produced by ozone, an ozone standard will serve to limit this effect because control measures that reduce ozone will also reduce the eye-irritating components in the total oxidant mix.

Biochemical Effects—Experimental exposures of human subjects to ozone have produced changes in blood biochemistry, such as increased fragility of red blood cells and altered enzyme activities in the serum. The significance of these ozone-mediated changes is not yet known, but the criteria document states that changes of the magnitude observed in human experimental exposures have not yet been linked to any clinical diseases.

Carcinogenic, Mutagenic and Related Effects—Studies have been conducted in an attempt to relate ozone to carcinogenic, mutagenic, and related effects. Available evidence in these areas is not particularly helpful in setting ambient ozone standards because most of the studies have not yet been replicated (in spite of some attempts to do so), and because some effects observed in lower life forms are of questionable significance for man. The criteria document states that the significance of effects such as chromosomal aberations has not been established and that some studies have produced conflicting results. In addition, EPA's Science Advisory Board recommended that certain studies on the mutagenic effects of ozone, which have not been replicated, not be emphasized in the criteria document.

Primary Standard

As illustrated in the table of reported effect levels, there is no clear threshold air concentration of ozone indicated by the data as the onset of adverse health effects. It is EPA's best judgment that physiological responses probably occur in extremely sensitive persons at very low levels. At what point these responses become an adverse health effect and at what level they most likely occur in sensitive persons must necessarily be an informed judgment. As stated in the proposal, this judgment is based on (1) the Agency's understanding of the medical evidence presented in the criteria document and in the table of reported effect levels, (2) the findings of the advisory panel on health effects, and (3) the judgment of medical experts as to the adverse effect level in sensitive persons. The health experts who were consulted were asked to focus not only on the most sensitive population group, but also on a very sensitive portion of that group (specifically, those persons who are more sensitive than 99 percent of the sensitive group, but less sensitive than 1 percent of that group). The lowest adverse health effect level estimate cited by the health panel and the median value developed through the expert inte

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view process are reasonably consistent, ranging from 0.15 to 0.18 ppm. (See table below.) On the basis of the effect levels cited in the criteria document, it is EPA's judgment that the most probable level for adverse health effects in sensitive persons, as well as in healthier (less sensitive) persons who are exercising vigorously, falls in the range of 0.15–0.25 ppm. While the evidence is more convincing and the effects more pronounced at the higher end of this range, the data shows effects of concern at the lower concentration.

PROBABLE EFFECT LEVEL ESTIMATES

[Estimates for Sensitive Population Segments]

	Aggravation of asthma, emphysema, and chronic bronchitis	Reduced resistance to bacterial infection (animal studies)	Reduction in pulmonary function	Chest discomfort and irritation of the respiratory tract
Health panel judgment of effect level.	0.15–0.25 ppm	Not available	0.15–0.25 ppm	0.15–0.25 ppm
Probable or median effect level as estimated from interviews with health experts (Range of estimates given in parentheses).	0.17 ppm (0.14–0.25 ppm)	0.18 ppm (0.07–0.38 ppm)	0.15 ppm (0.07–0.18 ppm)	0.15 ppm (0.11–0.18 ppm)

In order to set an ambient air quality standard that protects the public health with an adequate margin of safety, EPA must deal with the uncertainty inherent in the judgment that the probable level for adverse effects in sensitive persons is in the range of 0.15–0.25 ppm.

Because the nature and intensity of effects vary from pollutant to pollutant and because medical research produces new and different findings as science progresses, EPA does not believe that a fixed acceptable margin of safety can be established for all pollutants or for a single pollutant over time. Each decision on a standard level must be made on the best evidence available at the time and should include consideration of such factors as:

1. *Concern for more sensitive individuals*—Sensitive persons may respond to ozone differently from the less sensitive persons who generally are tested in clinical studies. Individuals with underlying respiratory illness such as asthma, chronic bronchitis, and emphysema are particularly sensitive to even modest impairments of pulmonary function resulting from ozone exposure. For ethical reasons, clinical investigators normally do not expose persons with these illnesses and thus caution that such studies may not represent the full range of sensitivity to ozone. Also of concern are individuals engaged in vigorous outdoor activity (construction work, tennis, jogging, etc.) where the effects of ozone are enhanced or may occur at lower ambient concentrations.

2. *Pollutant interactions*—There is real concern that effects reported in some ozone studies may occur at lower concentrations and may be enhanced when ozone is present in combination with other urban pollutants. Laboratory studies of a single pollutant (e.g., ozone in clean, filtered air), while important in elucidating physiological effects peculiar to that pollutant, cannot be viewed as providing definitive evidence of the minimum level at which these effects occur when that pollutant is present as only a part of the total insult delivered to an individual in the urban environment. Also of concern are other toxic oxidant species, such as PAN, that are often present with ozone in the ambient photochemical pollution mixture and cause other adverse effects such as eye irritation. Thus, the effects of ozone must be considered in the context of the total environment of the exposed individual; this environment includes concentrations of other pollutants consistent with their maximum allowable levels, high relative humidity, high ambient temperature, and high levels of physical stress.

3. *Long-term deleterious effects of ozone*—Unfortunately, there are few studies that have attempted to document the long-term adverse effect of human exposure to repeated peaks of ozone. Some animal studies do indicate that long-term ozone exposures act as an inducer of biochemical or morphological changes. Some of these changes are transient and, on a short-term basis, may have a physiological significance in that they confer a resistance against further lung injury in an oxidant environment (a similar response has been observed in human clinical studies). Some animal studies have indicated, however, that effects from continued exposure can result in an emphysema-like condition (e.g., P'an et al., 1972).

4. *Animal infectivity studies*—Although evidence of reduced resistance to bacterial infection has not reached the point where it can be meaningfully used to extrapolate concentrations that would similarly affect man, these studies cannot be dismissed in selecting a standard level that provides an adequate margin of safety. Despite the present inability to extrapolate to an effect level in humans, most experts agree that ozone exposures may well result in decreased resistance to infection in humans. Further, it is the kind of effect that is serious enough in its implications to raise a need for caution. Thus, it is prudent public health practice to set a standard more stringent than the probable effect level estimated from human studies, in order to account in some measure for these unquantified, but possibly serious, effects.

5. *Inconclusive studies reporting effects at low levels*—A similar caution is suggested by both the Makino and Mizoguchi epidemiological study and the von Nieding clinical study reporting effects at levels around 0.10 ppm.

6. *Uncertainties arising from air quality variations due to meteorology*—Since EPA's revised standard is statistically based and permits an expected number of allowable violations per year, there is concern about the magnitude of these excursions and how they might impact an exposed sensitive individual.

7. *Effects of calibration procedure change*—Another factor that has been considered in establishing a margin of safety is the variability that exists in the measurement and calibration techniques used in health studies and how these measurements may differ from those made with the ultraviolet (UV) reference calibration procedure being promulgated elsewhere in this issue of the FEDERAL REGISTER. Most of the relevant clinical studies utilized monitoring instruments calibrated with the current (NBKI colorimetric) reference calibration procedure or modifications thereof. EPA's best judgment is that the reference NBKI procedure shows a positive bias of about 10 percent with respect to the UV procedure when these techniques are compared under carefully controlled experimental conditions. However, due to the variability that can reasonably be expected in any clinical exposure monitoring measurements, as well as the uncertainty introduced by the modified calibrations procedures, EPA cannot determine a precise quantitative factor to adjust the findings of these health studies. In the case of the study done by DeLucia and Adams (1977), the authors have indicated to EPA that the reported ozone values might be high with respect to the UV calibration procedure. While the exact magnitude of any required adjustment in the reported ozone values is uncertain, adjusted values could range from 0.12 to 0.15 ppm for the 0.15 ppm value reported by the authors, and from 0.23 to 0.30 ppm for the 0.30 ppm concentration. EPA will continue its evaluation of this issue through its program of clinical exposure studies.

8. *Findings from the preliminary risk assessment*—The preamble to the proposed standard described a preliminary risk assessment method performed to aid EPA in accurately treating the uncertainties associated with a standard decision. While this method cannot be used at this time as the sole tool for making that decision, the Agency does believe that the findings resulted from this initial application of the method do not permit any relaxation of the standard above 0.12 ppm.

After reviewing the comments received from all segments of the public, including those from the public health community, EPA remains convinced that at levels in the range of 0.15–0.25 ppm, adverse health effects will almost certainly be experienced by significant numbers of sensitive persons. Unless the standard is set somewhat below that level, the Agency would not be exercising that degree of prudence called for by the "adequate margin of safety" requirement of the Clean Air Act. The Administrator must exercise the informed scientific judgment that Congress has authorized him to bring to bear on these difficult problems.

There is no collection of facts or medical evidence that permits selecting an undisputed value for the standard level. EPA proposed a standard of 0.10 ppm, taking several factors into account in providing a margin of safety, as discussed above. Among those were epidemiological studies indicating effects below 0.15 ppm which the criteria document did not fully endorse, but which EPA thought it unwise to disregard. (See 43 FR 26966.) Also considered were animal studies indicating reduced resistance to bacterial infection, although extrapolation to human effects levels is not possible. (*Id.*) During the comment periods, EPA received informed scientific opinion disputing the interpretation and application of such studies. Based on its current understanding of these studies, EPA has concluded that they do not dictate as wide a margin of safety as was established in the proposal. EPA does believe, however, that these studies do suggest the real possibility of significant human adverse health effects below 0.15 ppm. Consequently, the Administrator has determined that a standard of 0.12 ppm is necessary and is sufficiently prudent unless and until further studies demonstrate reason to doubt that it adequately protects public health.

WELFARE EFFECTS AND THE SECONDARY STANDARD

The Clean Air Act mandates the setting of a national secondary ambient air quality standard to protect the public welfare from any known or anticipated adverse effects associated with an air pollutant in the ambient air. Ozone and other photochemical oxidants constitute a form of air pollution that has been shown to affect vegetation and materials and that may have an impact on visibility. The economic loss resulting from current oxidant levels has been estimated to be in the range of several hundred million dollars per year nationwide. Non-quantifiable losses to the natural environment occur as well. A staff paper, "Assessment of Welfare Effects and the Secondary Air Quality Standard for Ozone," was placed in the docket at the time of proposal. The following paragraphs summarize this report and information received after its release.

Exposure of vegetation to harmful levels of ozone may result in leaf injury, decreased growth and yield, or reproductive effects. Visible leaf injury is the most readily detectable and frequently reported symptom of ozone damage; however, it is not an accurate indicator of yield or growth reduction.

In the June 22, 1978, FEDERAL REGISTER proposal (43 FR 26968-26969), it was stated that several investigators suggested that foliar injury rates in the range of 5 to 10 percent could produce detectable reductions in growth or yield, depending on the timing of the injury and other environmental factors. Since proposal of the standard in June, EPA has discussed the matter further with several experts in the field of air pollution damage to vegetation, particularly regarding what level of leaf injury should be of concern in protecting against significant reductions in yield or growth in commercially important crops and indigenous flora. These experts emphasized the uncertainty associated with correlating yield reduction with foliar injury. Some stated that detectable yield reductions would not occur until leaf injury reached values as high as 10 to 20 percent, and others felt that foliar injury was an inappropriate indicator of yield reduction.

The foliar responses of plants to ozone exposures are not linearly dependent on the dose (product of concentration and exposure duration) sustained by the plant. A given dose applied over a short period of time is more damaging than if it were applied over a longer period. EPA used a mathematical model to summarize, for several crops, the experimental results which depict the variation in foliar response with short-term (0.5-hour to 8-hour) ozone exposures. The notice of proposed rulemaking predicted (on the basis of the mathematical model) that a secondary ozone air quality standard set at an hourly average concentration of 0.08 ppm, expected to be exceeded only once per year, would prevent any important commercial crop from receiving more than 3 percent leaf injury. On the basis of this prediction and the aforementioned assumptions regarding the relationship of foliar injury and yield reduction, EPA proposed to set the secondary standard level at 0.08 ppm.

As a result of its further consultations with researchers, EPA decided to reassess the uncertainties associated with the judgments that led to the proposed 0.08 ppm 1-hour average secondary standard. These experts pointed out that there are large uncertainties in the assumptions relating yield reduction to foliar injury. The mathematical model used to predict foliar injury was based on chamber studies, not on studies conducted under field conditions. The experts cautioned that these chamber studies generally represent experimental conditions in which the most sensitive varieties of a given species are used and in which moisture and temperature are optimal for producing injury. In addition, a given short-term dose of ozone, which can produce 5, 10, or even 20 percent foliar injury in a given plant, is unlikely to have an impact on yield unless the plant is exposed during a critical stage in the plant's life cycle.

Consequently, EPA has decided to base its decision on the secondary ozone air quality standard on the information currently available on growth and yield reduction in commercially important crops and indigenous vegetation exposed to ozone under field conditions. As discussed in a staff paper that has been placed in the docket (OAQPS 78-8, IV-A-3), "Evaluation of Alternative Secondary Ozone Air Quality Standards," these data indicate that growth and yield responses are related to the long-term (growing season) mean of the daily maximum 6- to 8-hour-average ozone concentrations. Based on an examination of this information, and the available air quality data, EPA concludes that there is currently no evidence indicating that a significant decrease in growth or yield of commercially important crops or indigenous flora will result from the long-term mean of the daily maximum 7-hour-average ozone concentrations expected to occur when the primary standard is attained. Consequently, EPA believes that a secondary standard more stringent than the primary standard is not necessary on

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the basis of ozone-related yield reduction effects in vegetation.

Materials damage resulting from ozone can be described as an acceleration of aging processes; for example, rubber cracking, dye fading, and paint weathering. In contrast to the effects of ozone on vegetation, these effects are linearly dependent on the total ozone dose sustained by the material. As a result, the annual average concentration will determine the rate at which material is damaged. Any non-zero ozone concentration (including natural background levels) will contribute to the deterioration of sensitive materials over a sufficient exposure duration. While peak 1-hour ozone concentrations in urban areas tend to be considerably higher than in rural areas remote from man-made emission sources, the annual average concentrations observed in these areas are essentially the same. This finding is believed to be due to the impact of very low urban-area nighttime ozone concentrations on the annual average values; nighttime ozone levels in remote areas are not reduced as much from the daytime levels due to the absence of scavenging by man-made urban pollutants. As peak ozone levels in urban areas are reduced through control of man-made pollutants, scavenging will also be reduced resulting in little if any change in the annual average. Consequently, no effect-based rationale can be offered to decide the level of the secondary standard needed to protect materials. Accordingly, EPA believes that a secondary standard more stringent than the primary standard is not necessary on the basis of ozone damage to materials.

The criteria document states that there is a limited amount of data suggesting an association between ambient ozone and visibility degradation, particularly in the Los Angeles area. On the basis of EPA's evaluation to date of the information presented in the criteria document, however, EPA is unable to conclude at this time that a secondary ozone standard more stringent than the primary standard is necessary to prevent visibility deterioration. The relationship between visibility and ambient ozone will be considered further in the development of subsequent PSD programs designed to protect against significant deterioration of air quality.

On the basis of these conclusions with respect to ozone damage to vegetation and materials and the association of ozone with visibility reduction in some areas, EPA is revising the secondary ozone air quality standard level to 0.12 ppm.

Other Aspects of the Standard

On the basis of EPA's evaluation of evidence submitted and comments received during the public review process, no major changes will be made in the following aspects of the proposed standard: (1) Averaging time: 1 hour; (2) chemical species: ozone; (3) form: statistical; and (4) a separate standard for PAN is not being promulgated. As discussed below, changes will be made in (1) the set of hourly averages from which the number of exceedances of the standard level is counted, and (2) the exclusion criteria for missing data.

Daily Maximum Hourly Average Interpretation of the Standard

The maximum ozone concentrations which will occur in any given time period will vary from one period to the next, even if precursor emissions remain constant. These variations are mainly due to the random nature of meteorological factors which affect the formation and dispersion of ozone in the atmosphere. The present deterministic form of the standard, which permits only a single hourly exceedance of the standard level in any year, inadequately deals with this situation. The risk to public health contributed to by ozone can be managed better if the ozone standard reflects the fact that maximum ozone concentrations are probabilistic in nature. Consequently, EPA is changing the standard to a statistical form that allows one expected exceedance per year.

The proposed standard would have allowed one expected hourly exceedance per year. EPA is further modifying the standard so that the one expected exceedance will be given a daily interpretation; that is, a calendar day will exceed the standard level if the maximum hourly average concentration for the day exceeds the level of the standard. This modification means that a day with two hourly values over the standard level counts as one exceedance of the standard level rather than two; similarly for days with more than two hourly values over the standard level. As was indicated in the proposal notice, the daily interpretation has some advantages and it is evident from the comments received that there is considerable support for the use of this interpretation.

It should be understood that the change to a daily interpretation is not predicated on a reinterpretation of health data. In making this change, EPA is not concluding that 3 hours of exposure above a given level, for example, are no worse than 1 hour of exposure above the same level as long as the 3 hours of exposure occur during the same day. The impact of ozone is related to the total dose delivered to the respiratory tract, and obviously for a given concentration a 3-hour exposure gives a greater dose than a 1-hour exposure. In the case of ozone, the pattern of hourly levels is mainly determined by meteorological fluctuations, and EPA's decision to promulgate a daily standard does not affect meteorological fluctuations. Ozone precursor emissions are not easily manipulated on a short-term basis, so there is little likelihood that emission sources could readily alter emission patterns to take advantage of the daily interpretation.

The change to a daily interpretation does make the standard slightly less stringent, and hence there is a small increase in the risk to health. In general, the reduction in emissions of organic compounds needed to meet the standard under the daily interpretation will be smaller. As discussed in a report placed in the docket (OAQPS 78-8, IV-A-4), the long-term increase in health risk at an average geographical location is estimated to be equivalent to the increase that would result from raising the level of the standard to 0.123 ppm and keeping the hourly interpretation of the number of exceedances.

Exclusion Criteria for Mission Data

EPA is additionally modifying the standard with respect to the treatment of missing data. The proposed standard permitted certain missing values to be excluded from the estimated exceedances calculation if either of two exclusion criteria were satisfied. The first criterion recognized the impact of short-term meteorological influences by allowing a missing value to be excluded if the adjacent values were below an arbitrary limit (75 percent of the standard level). This criterion should be relatively easy to incorporate into data-handling schemes and has been retained, although it now applies to daily maximum hourly average values. The second criterion dealt with comparisons with data from the previous 3 years. The purpose of this second criterion was to accommodate situations for which ozone data for a particular season are not available but for which known seasonal patterns of ozone and related meteorological factors make it unlikely that the level of the standard would have been exceeded.

This second criterion would be more difficult to implement because it necessitates the cross-referencing of earlier historical data. For newly established monitors, the historical data needed to invoke this exclusion would not be available. Thus, this second criterion in the proposal is difficult to implement and could be potentially burdensome in geographic areas where the climate makes high ozone values during certain seasons very unlikely. It is also possible to accomplish the intended purpose of this exclusion through provisions of the recently proposed 40 CFR Part 58 (see 43 FR

34892) that would grant waivers of the ozone monitoring requirements for certain times of the year at the discretion of the appropriate Regional Administrator. Therefore, the second exclusion criterion has been eliminated, and the computation formulas for estimating the expected number of exceedances have been modified to reflect the number of required monitoring days for the year.

Definition of When the Standard is Attained—EPA is adding Appendix H to 40 CFR Part 50 to explain when the standard is or is not being attained. Certain modifications to the proposal were necessary to accommodate the daily interpretation and the previously mentioned changes in the treatment of missing data. In order to implement the change from an hourly to a daily interpretation, it is necessary to define what is meant by a valid day of ozone data. Such a definition must ensure that a sufficient number of hours of the day have been monitored and that the hourly values in question reflect the time of day when high ozone values are likely to occur. At the same time, this criterion should be relatively easy to implement, it should allow time for routine maintenance, and yet it should protect against high values being ignored merely because not enough hours of the day were measured. Accordingly, a daily maximum hourly average concentration will be considered valid if 75 percent of the hourly values from 9:01 a.m. to 9:00 p.m. (LST) were recorded or if an hourly value above the level of the standard was measured. This validity criterion is intended as a minimum requirement and not as a recommended schedule.

The computation formula for calculating the estimated number of exceedances per year has been modified to correspond to the daily interpretation of the standard. Allowance has also been made for any situation in which the Regional Administrator has granted a waiver of the ozone monitoring requirements under the provisions of the recently proposed 40 CFR Part 58 and, therefore, the total number of required monitoring days is less than a full year. The use of the exclusion criterion may result in an underestimate of the probability of an exceedance in some situations but is relatively easy to implement and should suffice to account for the effect of missing data. It should be noted that the formula given in Appendix H is necessary to show attainment. Accounting for missing data can never, however, decrease the number of exceedances, and thus it is possible to establish non-attainment without the use of this equation.

These modifications to Appendix H are intended to simplify somewhat the calculations and to allow for more flexible monitoring schedules. The comments received on Appendix H were varied. A few commenters thought it was too complicated while others suggested even more complex techniques. Most cmments were, however, supportive of (or, at least, neutral toward) the proposed approach. One suggestion was to employ a minimum percent completeness requirement, rather than estimating the number of exceedances. The problem with that approach, however, is that it remains unclear as to what should be done with data sets that fail to meet such a completeness requirement.

Some comments discussed the use of 3 years of data. As indicated in the proposal, the choice of a 3-year period represents a compromise between added stability and reasonably current status assessments. Even under the present deterministic form of the standard, attainment designations (e.g., 40 CFR Part 81, Section 107) have been based on more than 1 year. Furthermore, although 3 years are used in estimating the expected number of exceedances under the statistical form of the standard being promulgated, it is still possible to establish non-attainment after one year if, for example, four or more exceedances were reported. Therefore, an upper bound to exceedances during a single year still applies under the new form.

Economic, Energy, and Environmental Impacts

As has been noted, the Clean Air Act specifically requires that National Ambient Air Quality Standards be based on scientific criteria relating to the level that should be attained to protect public health and welfare adequately. EPA interprets the Act as excluding any consideration of the cost of achieving such a standard in determining the level of the primary standard. However, in compliance with the requirements of Executive Orders 11821 and 11949 and OMB Circular A-107 and with the provisions of the recently issued Executive Order 12044 for rulemaking proceedings that are currently pending, EPA has prepared an analysis of economic impacts associated with efforts to attain this standard.

Ozone air pollution is a pervasive problem throughout the country. Most urban and many rural areas exceed the existing standard. Even with the less stringent standard, most of the major urban areas are not expected to attain the standard in the near term. Control of the organic precursor materials that generate photochemical oxidants is a major effort in this country and a multibillion-dollar program. The existing control program includes measures to reduce organic emissions from automobile and truck exhausts, production of chemical and petroleum products, the dry-cleaning industry, most painting operations (including the automotive industry), and other industrial operations.

Because the attainment problem in most urban areas is so severe, the relaxation of the standard is not expected to change the level of control requirements in the near term. The move to a 0.12 ppm standard will, however, eliminate the theoretical need for major control programs in many rural and wilderness areas that currently exceed the present standard.

With the relaxation of the standard, EPA's economic impact analysis indicates that most urban areas are expected to achieve the standard by 1987. Even with aggressive control programs, however, it will be very difficult for some urban areas to achieve the standard within the next 10 years.

In addition, a document has been prepared assessing the impacts that efforts to attain the standard may have on the nation's energy requirements. This document examines the extent to which ozone precursors will be controlled by recovery of organic materials that would otherwise be emitted to the atmosphere, with resultant energy savings. Furthermore, an additional energy conservation should result in those areas that utilize transportation control measures to reduce precursor emissions by reducing the total number of vehicle-miles travelled. Because of such energy savings, EPA believes that ozone precursor control measures may well lessen the nation's energy requirements.

Finally, environmental impacts associated with control of oxidant precursors have been examined in a document available in docket number OAQPS 78-8. This study indicates that modifying the current standard should have minimal environmental impacts.

Copies of these analyses of the economic, energy, and environmental impacts involved in the revised ozone standard are available from Joseph Padgett at the address given earlier.

Revisions to Part 50 Regulations

In addition to the revised standard, this action necessitates two other revisions to 40 CFR Part 50 as follows:

1. In Appendix D, as well as in the table of sections for Part 50, the title is revised to read as follows: "Appendix D—Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere." The substitution of "ozone" for "photochemical oxidants corrected for interferences due to nitrogen oxides and sulfur dioxide" is a result

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of the change in the chemical species designation of the standard.

2. Appendix H, "Interpretation of the National Ambient Air Quality Standards for Ozone," is added because additional guidance is necessary to understand the statistical nature of the revised standard.

Revisions to Part 51 Regulations

Elsewhere in this issue of the Federal Register, three revisions to 40 CFR Part 51 are promulgated concurrently with the revision to the photochemical oxidant standard. They are as follows:

1. The term "photochemical oxidants" is changed to "ozone" throughout Part 51.

2. Section 51.14, "Control strategy: Carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen dioxide," is revised to (a) allow the states to use any of four analytical techniques in the place of Appendix J to calculate the percent hydrocarbon reduction needed to attain the ozone standard, and (b) require that the states consider background ozone concentrations and ozone transport.

3. Appendix J is deleted from Part 51.

Federal Reference Method

The measurement principle and calibration procedure applicable to reference methods for measuring ambient ozone concentrations to determine compliance with the standard are not affected by this rulemaking. Elsewhere in this issue of the Federal Register, however, EPA is replacing (superseding) the current calibration procedure with a new, superior calibration procedure based on ultraviolet photometry. The measurement principle and the current calibration procedure are set forth in Appendix D of 40 CFR Part 50 (as amended in the February 18, 1975, issue of the Federal Register, 40 FR 7042). Reference methods—as well as equivalent methods—for monitoring ozone are designated in accordance with 40 CFR Part 53 (40 FR 7044). A list of all methods designated by EPA as reference or equivalent methods for measuring ozone is available from any EPA regional office, or from EPA, Department E (MD-76), Research Triangle Park, NC 27711.

Dated: January 26, 1979.

Douglas M. Costle,
Administrator.

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EPA amends Part 50 of Chapter I, Title 40, of the *Code of Federal Regulations* as follows:

1. Section 50.9 is revised to read as follows:

§ 50.9 National primary and secondary ambient air quality standards for ozone.

(a) The level of the national primary and secondary ambient air quality standards for ozone measured by a reference method based on Appendix D to this part and designated in accordance with Part 53 of this chapter, is 0.12 part per million (235 $\mu g/m^3$). The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 part per million (235 $\mu g/m^3$) is equal to or less than 1, as determined by Appendix H.

2. In Appendix D, as well as in the table of sections for Part 50, the title is revised to read as follows:

Appendix D—Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere

3. Appendix H is added as follows:

Appendix H—Interpretation of the National Ambient Air Quality Standards for Ozone

1. *General*

This appendix explains how to determine when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm (235 $\mu g/m^3$) is equal to or less than 1. An expanded discussion of these procedures and associated examples are contained in the "Guideline for Interpretation of Ozone Air Quality Standards." For purposes of clarity in the following discussion, it is convenient to use the term "exceedance" to describe a daily maximum hourly average ozone measurement that is greater than the level of the standard. Therefore, the phrase "expected number of days with maximum hourly average ozone concentrations above the level of the standard" may be simply stated as the "expected number of exceedances."

The basic principle in making this determination is relatively straightforward. Most of the complications that arise in determining the expected number of annual exceedances relate to accounting for incomplete sampling. In general, the average number of exceedances per calendar year must be less than or equal to 1. In its simplest form, the number of exceedances at a monitoring site would be recorded for each calendar year and then averaged over the past 3 calendar years to determine if this average is less than or equal to 1.

2. *Interpretation of Expected Exceedances*

The ozone standard states that the expected number of exceedances per year must be less than or equal to 1. The statistical term "expected number" is basically an arithmetic average. The following example explains what it would mean for an area to be in compliance with this type of standard. Suppose a monitoring station records a valid daily maximum hourly average ozone value for every day of the year during the past 3 years. At the end of each year, the number of days with maximum hourly concentrations above 0.12 ppm is determined and this number is averaged with the results of previous years. As long as this average remains "less than or equal to 1," the area is in compliance.

3. *Estimating the Number of Exceedances for a Year*

In general, a valid daily maximum hourly average value may not be available for each day of the year, and it will be necessary to account for these missing values when estimating the number of exceedances for a particular calendar year. The purpose of these computations is to determine if the expected number of exceedances per year is less than or equal to 1. Thus, if a site has two or more observed exceedances each year, the standard is not met and it is not necessary to use the procedures of this section to account for incomplete sampling.

The term "missing value" is used here in the general sense to describe all days that do not have an associated ozone measurement. In some cases, a measurement might actually have been missed but in other cases no measurement may have been scheduled for that day. A daily maximum ozone value is defined to be the highest hourly ozone value recorded for the day. This daily maximum value is considered to be valid if 75 percent of the hours from 9:01 a.m. to 9:00 p.m. (LST) were measured or if the highest hour is greater than the level of the standard.

In some areas, the seasonal pattern of ozone is so pronounced that entire months need not be sampled because it is extremely unlikely that the standard would be exceeded. Any such waiver of the ozone monitoring requirement would be handled under provisions of 40 CFR Part 58. Some allowance should also be made for days for which valid daily maximum hourly values were not obtained but which would quite likely have been below the standard. Such an allowance introduces a complication in that it becomes necessary to define under what conditions a missing value may be assumed to have been less than the level of the standard. The following criterion may be used for ozone:

A missing daily maximum ozone value may be assumed to be less than the level of the standard if the valid daily maxima on both the preceding day and the following day do not exceed 75 percent of the level of the standard.

Let z denote the number of missing daily maximum values that may be assumed to be less than the standard. Then the following formula shall be used to estimate the expected number of exceedances for the year:

$$e = v + [(v/n) * (N-n-z)] \quad (1)$$

(*Indicates multiplication.)

Where:

e=the estimated number of exceedances for the year,
N=the number of required monitoring days in the year,
n=the number of valid daily maxima,
v=the number of daily values above the level of the standard, and
z=the number of days assumed to be less than the standard level.

*Indicates multiplication.

This estimated number of exceedances shall be rounded to one decimal place (fractional parts equal to 0.05 round up).

It should be noted that N will be the total number of days in the year unless the appropriate Regional Administrator has granted a waiver under the provisions of 40 CFR Part 58.

The above equation may be interpreted intuitively in the following manner. The estimated number of exceedances is equal to the observed number of exceedances (v) plus an increment that accounts for incomplete sampling. There were (N-n) missing values for the year but a certain number of these, namely z, were assumed to be less than the standard. Therefore, (N-n-z) missing values are considered to include possible exceedances. The fraction of measured values that are above the level of the standard is v/n. It is assumed that this same fraction applies to the (N-n-z) missing values and that $(v/n)*(N-n-z)$ of these values would also have exceeded the level of the standard.

Authority: Sections 109 and 301 of the Clean Air Act, as amended (42 U.S.C. 7409, 7601).

[FR Doc. 79-4056 Filed 2-7-79; 8:45 am]

[6560-01-M]

[FRL 1018-3]

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

Calibration of Ozone Reference Methods

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Appendix D to 40 CFR Part 50 prescribes a measurement principle upon which reference methods for the measurement of ozone* in the atmosphere must be based. This appendix also specifies a procedure to be used for calibrating those ozone reference methods. EPA has evidence that another calibration procedure for ozone reference methods is significantly more accurate and less variable than the procedure currently specified in Appendix D. Accordingly, EPA is amending 40 CFR Part 50, Appendix D, to replace (supersede) the current calibration procedure with a superior calibration procedure based on ultraviolet photometry.

EFFECTIVE DATE: This action is effective immediately upon publication because the revised standard to which it applies is immediately effective.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry J. Purdue, Telephone 919-541-2665 (FTS: 629-2665).

ADDRESS: Department E (MD-77), Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

SUPPLEMENTARY INFORMATION:

Background

Part 50 of Title 40, Chapter I of the Code of Federal Regulations specifies the National Ambient Air Quality Standards for several air pollutants including ozone. Appendixes to Part 50 provide information concerning the reference methods which are used to measure those pollutants. In particular, Appendix D to Part 50 describes a measurement principle upon which ozone reference methods must be based, and specifies a calibration procedure to be used for calibrating such methods. Previously, the calibration procedure specified by Appendix D was based on assay of ozone with 1% neutral buffered potassium iodide (NBKI) and was known as the "NBKI procedure."

On June 22, 1978, EPA indicated its conclusion that another calibration procedure was clearly superior to the NBKI procedure, and accordingly EPA proposed an amendment to Appendix D to replace the NBKI procedure with the new procedure, based on ultraviolet (UV) photometry (43 FR 26971-26984). The rationale for the proposed amendment was discussed in the preamble to that proposal. Interested persons and organizations were afforded an opportunity to comment on all aspects of the proposed changes. The amendment, revised slightly after consideration of the public comments, is being promulgated today in conjunc-

*The term "ozone" is used herein to be consistent with another EPA action in this issue of the Federal Register substituting "ozone" for "photochemical oxidants corrected for interferences due to nitrogen oxides and sulfur dioxide," which was formerly used in Part 50.

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tion with changes in the ambient air quality standards for photochemical oxidants (ozone) appearing elsewhere in this issue of the FEDERAL REGISTER.

NATURE OF CHANGES

The amendment makes three salient changes to the previous requirements for calibration of ozone reference methods. These are as follows:

(1) The NBKI calibration procedure is superseded by a procedure based on UV photometry for the calibration of reference methods for ozone. Since no National Bureau of Standards (NBS) Standard Reference Material is available for ozone, ozone standard concentrations established via the UV procedure are tantamount to primary ozone standards, and the UV procedure itself is thus referred to as a "UV standard" for ozone.

(2) Independent use of a manual KI procedure known as the "BAKI procedure" in lieu of the UV procedure is allowed for 18 months after the effective date of the amendment, with the recommendation that the BAKI technique be related to a UV standard whenever possible.

(3) The use of alternative procedures as transfer standards is specifically allowed if they meet certain transfer standard performance guidelines set forth by EPA. A transfer standard is any device or procedure which can be referenced to a UV ozone standard and then used at another location to reproduce ozone standards. A practical transfer standard offers some important advantages—such as lower cost, ruggedness, easier operation, or convenience—over direct use of the UV procedure.

NEW UV CALIBRATION PROCEDURE

The new UV calibration procedure is quite simple. After generating a stable, ozone concentration with an ozone generator, the operator assays it by passing all or a portion of the gas flow through the cell of a UV photometer. The photometer readings are then used in a formula to calculate the ozone concentration, which as noted earlier, is effectively a primary ozone standard. Most commercially available photometers do the photometric calculations automatically, and some may also make temperature and pressure corrections automatically. The primary burden on the operator is to insure (1) that the photometer is operating correctly, (2) that the apparatus is set up properly and is clean and leak-free, and (3) that the calculations are complete and accurate. While none of these is particularly difficult, EPA has prepared a Technical Assistance Document which explains these tasks and provides other detailed information about the procedure. This document, which is still in draft form to allow further incorporation of user's comments, is available from the address specified at the beginning of this preamble.

The photometer is obviously of critical importance to the procedure and must have a precision within 0.005 ppm or 3% of the concentration, whichever is greater. While a calibration photometer can be assembled from laboratory components, EPA recommends the purchase of a commerical photometer which is either designed specifically for this calibration procedure, or which can be readily adapted to it. EPA is presently aware of 2 such commercial photometers (available from Dasibi Environmental Corp., Glendale, California, and Science Applications, Inc., La Jolla, California) and expects others will become available in the future.

UV photometers of the type used in ambient ozone analyzers are likely to be suitable as calibration photometers. Conversion of an ambient UV analyzer to a calibration photometer is covered in the Technical Assistance Document mentioned above. However, it is important to differentiate between the use of a UV photometer as an ambient analyzer and its use as a calibration photometer. This distinction is predicated more on operational differences than on any specific physical differences. The new calibration procedure requires that a photometer used for calibration must be dedicated exclusively to such use, must be maintained under meticulous conditions, and must be used only with clean, calibration gases. UV analyzers used for ambient monitoring should always be calibrated with an independent calibration photometer or a certified transfer standard. A UV analyzer should not be considered to be "self-calibrated" even though it contains a UV photometer which meets the specifications of the UV calibration procedure.

NEW BAKI CALIBRATION PROCEDURE

The New BAKI calibration procedure is very similar to the previously specified NBKI procedure. Relatively minor modifications provide somewhat less variability than the NBKI procedure. Agencies which are familiar with the NBKI procedure should have no difficulty switching to the BAKI procedure. Independent use of the BAKI prodecure is allowed only for direct calibration of ozone analyzers (not transfer standards) on a temporary basis during the 18-month transition period to permit agencies to adopt the new, UV calibration procedure. Nevertheless, the BAKI procedure has more variability than the UV procedure. Therefore, EPA would urge agencies to adopt the UV procedure as soon as practical. And, when possible, the BAKI procedure should be related to the UV procedure to improve the overall accuracy.

Following the 18-month period, the BAKI procedure will not be authorized for independent use, but can be used as a transfer standard. As such, it must be related to the UV procedure, and its variability and accuracy must be monitored and controlled. Thus, agencies which find the BAKI procedure advantageous could continue to use this procedure as a transfer standard.

TRANSFER STANDARDS

EPA is specifically allowing transfer standards for calibrating ozone analyzers, and has noted a number of advantages which can be realized by their use. Transfer standards for ozone can include procedural techniques such as BAKI and gas phase titration, as well as devices such as ozone analyzers and stable ozone generators. EPA recommends that agencies consider the use of transfer standards where advantageous. But transfer standards must meet certain performance specifications, and their performance must be monitored. EPA has prepared a Technical Assistance Document on "Transfer Standards for Calibration of Ambient Air Monitoring Analyzers for Ozone," which gives the required performance specifications and general guidance on the certification and use of any type of transfer standard for ozone. This document is also still in draft form to allow incorporation of further user's comments, and a copy of it may be obtained from the address given at the beginning of this preamble.

SUMMARY OF COMMENTS RECEIVED AND CHANGES MADE TO FINAL AMENDMENT

Comments relative to the proposed amendment (43 FR 26971) were received from 26 respondents representing EPA Regional Offices, State and local air pollution control agencies, industrial corporations, and other organizations. Almost all of the respondents expressed general support for the proposed change to the UV photometric calibration procedure. Other comments ranged from issues of basic policy to technical aspects of the proposed amendment. After consideration of all the comments, several minor revisions and improvements were made to the proposed amendment, although the basic principles and objectives have not been altered. Specific changes to the proposed amendment are discussed briefly below.

A document containing a summary of all the comments received, the identity of the respondents, the resulting changes made to the amendment, and the rationale for adoption or rejection of each comment is available from the address given at the beginning of this

preamble. This document will also be added to Docket No. OAQPS 78-8, which is available for public inspection during normal business hours at the USEPA, Central Dooket Section, Room 2903, 401 M Street, SW., Washington, D.C. 20460.

Several respondents pointed to the relatively high cost of implementing the change in calibration procedures and suggested that EPA should either provide the necessary funds to those agencies with nonattainment and unclassified areas, or make available, in each EPA Region, a reference photometer that could be used to certify appropriate transfer standards. Other comments suggested a similar need for such reference photometers until such time that commercial photometers become more generally available. EPA agrees with these general comments and intends to pursue them, but this requires no actual change to the amendment as proposed.

Many of the comments indicated a concern for a lack of reliability in present commercial UV systems. Some of these same respondents recommended revisions in the UV calibration procedure to incorporate procedures for checking or calibrating the photometer's wavelength, path length, and optical density (or absorbancy). However, EPA believes that the reliability of most commercial photometers will be adequate. The photometer specifications require a non-dispersive optical system which is not likely to experience changes in the wavelength. Path length is normally fixed and should be adequately specified by the photometer manufacturer. Optical density checks with neutral density filters (for example) are not practical because of the extremely small optical density range over which the photometer normally operates. The only practical way to check the response of the photometer is with an absorbing gas such as ozone. The linearity test described in Section 5.2.3 serves this purpose.

There was some concern for whether the absorption coefficient of ozone at 254 nm (given in the procedure as 308 ± 4 atm^{-1} cm^{-1} at 0°C and 760 torr) might be different at different temperatures. Other comments indicated that the corrections for temperature and pressure in the UV photometric assay procedure were not always clear. The absorption coefficient of ozone is, in fact, quite insensitive to temperature between 0 and 40°C—aside from the normal effect of gas density change with temperature. For photometers used at temperatures and pressures other than 0° and 760 torr, corrections are required according to the perfect gas laws. Efforts are being made to further clarify these correction procedures in the ozone calibration Technical Assistance Document mentioned earlier.

A series of comments from one respondent recommended revisions to the proposed procedure to more clearly allow the use of other UV photometer designs and other configurations of components within the UV calibration system. It was further pointed out that, with certain configurations, some of the components shown in the suggested configuration might not be necessary, and some of the procedural steps in the proposed procedure might not be necessary or even possible. This respondent questioned whether UV photometer linearity tests by the user are necessary if the manufacturer of the photometer has done the tests. Modification of the commercial photometer might be necessary to carry out the tests and any resultant leaks in the system or improper dilution techniques might confuse the results.

In response to these comments, EPA has revised Sections 3, 3.2, and 5.3 somewhat to more explicitly allow alternate systems or system configurations and to provide for appropriate variations in the procedural steps to accommodate such systems. Also, Section 5.2.3 on linearity has been changed to allow acceptance of the manufacturer's linearity test in lieu of the user-conducted test if the manufacturer can show that the linearity error is less than 3%. When the user carries out the test, the error specification remains at 5% to allow for some variation in the necessary flow measurements.

There were several comments regarding the BAKI calibration procedure and its use for an interim period of 18 months. One respondent questioned the wisdom of changing from a known procedure (NBKI) to an unknown procedure (BAKI) and then changing again to UV photometry within 18 months. The respondent recommended that EPA allow the continued use of the NBKI procedure on an interim basis until the change to UV photometry can be implemented. Another respondent questioned the necessity of allowing the considerably more variable (than UV photometry) BAKI procedure for the interim period, and recommended that comments from State and local agencies directly affected should guide EPA in this area.

EPA agrees that the BAKI procedure is more variable than the UV procedure but believes that some transition period is necessary before the UV procedure is required exclusively. There were few comments to the contrary. EPA considered allowing continued use of the NBKI procedure during the transition period, but the BAKI procedure is really only a slightly modified version of the NBKI procedure and is thus very similar. Since the change from NBKI to BAKI is so easily made, and the performance of the BAKI procedure is significantly better than the NBKI procedure, EPA feels the interim change to BAKI is adequately justified.

A few relatively minor changes were made to the BAKI procedure in Sections 1, 3.8, 4.4.4, and 4.4.5 where respondents suggested a need for clarification or where various improvements to the method could be realized. For example, the units given as "eq" in equation 5a of the BAKI were changed to "equivalents" in order that they not be confused with equivalent weight. Also, the concentration of the hydrogen peroxide added in Section 3.8 has been increased slightly and the specification for the resulting absorbance increase has been reduced from 0.010 to 0.008. Furthermore the calibration slope specification in Section 4.4.5 has been changed from $25{,}800 \pm 600$ to $26{,}000 \pm 780$.

While several respondents endorsed the use of transfer standards in general, one respondent questioned the advisability of allowing the use of transfer standards based on methods known to be highly variable even under ideal conditions. EPA still believes that the variability of such transfer standards will be adequately controlled by the qualification and certification requirements on transfer standards described in the transfer standard Technical Assistance Document mentioned previously. Hence, EPA has made no major changes to the transfer standard concept as originally proposed.

In regard to EPA's statement that no factor is available to "correct" previously collected ozone measurements to make them comparable to the new UV standard, one respondent thought that EPA should allow individual states or Regions to make corrections to their previously obtained ozone air quality data if they have consistent comparative data for the NBKI and UV photometric calibration techniques. EPA has re-evaluated this position, but as noted below, still discourages such attempted corrections.

EFFECT ON NATIONAL AMBIENT AIR QUALITY STANDARD FOR OZONE

Because of the substantial variability of the NBKI procedure and the unpredictable bias results reported by various investigators, the exact magnitude of any universal bias which may exist between the NBKI and UV procedures cannot be determined. However, available data suggest that any such bias probably does not exceed 10% on the average. For this reason, EPA believes that supersession of the NBKI calibration procedure with the UV procedure should have no effect on the magnitude of the National Am-

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bient Air Quality Standard for Ozone (being revised elsewhere in this issue of the FEDERAL REGISTER). And for the same reason, EPA discourages any attempt to "correct" or "adjust" previously obtained oxidant or ozone measurements to make them "comparable" to measurements based on the new UV calibration procedure—even when individual agencies or laboratories try to determine a more precise, laboratory-specific bias value.

EFFECT ON CURRENTLY DESIGNATED REFERENCE AND EQUIVALENT METHODS

As noted in the June 22 proposal, a change in the calibration procedure specified in Appendix D of 40 CFR Part 50 does not affect the design or performance characteristics of existing reference methods for ozone. The only effect of the change is on the calibration procedure described in the operation manuals associated with the analyzers. EPA will allow a 6-month period of time after final promulgation for manufacturers to revise their manuals, have the revised manuals approved by EPA, and distribute revised manuals (or manual supplements) to all analyzer owners.

The two equivalent methods for ozone designated to date prescribe the NBKI calibration procedure. Because the UV calibration procedure and the transfer standard concept are as beneficial to equivalent methods as they are for reference methods, EPA will also request that the manufacturers of the two equivalent methods revise their respective manuals to specify the UV procedure or certified transfer standards for calibration. EPA believes that, under the circumstances, such a modification to equivalent methods for ozone is desirable and appropriate and should not jeopardize their designated status. Conversely, failure to make such a change may be considered by EPA as possible grounds for cancellation of the equivalent method designation under 40 CFR 53.11. If all manufacturers respond promptly to this request for appropriate manual changes, there will be no impact (other than the change in calibration procedure itself) to owners of designated ozone analyzers.

REVISION ADOPTED

Accordingly, with the final changes as described above, Appendix D of 40 CFR Part 50 is revised as set forth below.

Dated: January 26, 1979.

DOUGLAS M. COSTLE,
Administrator.

Part 50 of Title 40, Code of Federal Regulations is amended as follows:

1. Appendix D is revised to read as follows:

APPENDIX D—MEASUREMENT PRINCIPLE AND CALIBRATION PROCEDURE FOR THE MEASUREMENT OF OZONE IN THE ATMOSPHERE

AUTHORITY:

Section 109, 301 of the Clean Air Act as amended (42 USC 57409, 7601).

MEASUREMENT PRINCIPLE

1. Ambient air and ethylene are delivered simultaneously to a mixing zone where the ozone in the air reacts with the ethylene to emit light, which is detected by a photomultiplier tube. The resulting photocurrent is amplified and is either read directly or displayed on a recorder.

2. An analyzer based on this principle will be considered a reference method only if it has been designated as a reference method in accordance with Part 53 of this chapter and calibrated as follows:

CALIBRATION PROCEDURE

1. Principle. The calibration procedure is based on the photometric assay of ozone (O_3) concentrations in a dynamic flow system. The concentration of O_3 in an absorption cell is determined from a measurement of the amount of 254 nm light absorbed by the sample. This determination requires knowledge of (1) the absorption coefficient (a) of O_3 at 254 nm, (2) the optical path length (l) through the sample, (3) the transmittance of the sample at a wavelength of 254 nm, and (4) the temperature (T) and pressure (P) of the sample. The transmittance is defined as the ratio I/I_o, where I is the intensity of light which passes through the cell and is sensed by the detector when the cell contains an O_3 sample, and I_o is the intensity of light which passes through the cell and is sensed by the detector when the cell contains zero air. It is assumed that all conditions of the system, except for the contents of the absorption cell, are identical during measurement of I and I_o. The quantities defined above are related by the Beer-Lambert absorption law,

$$\text{Transmittance} = \frac{I}{I_o} = e^{-acl} \quad (1)$$

where:

a = absorption coefficient of O_3 at 254 nm = 308±4 atm^{-1} cm^{-1} at 0°C and 760 torr. (1 2 3 4 5 6 9)
c = O_3 concentration in atmospheres
l = optical path length in cm

In practice, a stable O_3 generator is used to produce O_3 concentrations over the required range. Each O_3 concentration is determined from the measurement of the transmittance (I/I_o) of the sample at 254 nm with a photometer of path length l and calculated from the equation,

$$c(\text{atm}) = -\frac{1}{al}(\ln I/I_o) \quad (2a)$$

or,

$$c(\text{ppm}) = -\frac{10^b}{al}(\ln I/I_o) \quad (2b)$$

The calculated O_3 concentrations must be corrected for O_3 losses which may occur in the photometer and for the temperature and pressure of the sample.

2. Applicability. This procedure is applicable to the calibration of ambient air O_3 analyzers, either directly or by means of a transfer standard certified by this procedure. Transfer standards must meet the requirements and specifications set forth in Reference 8.

3. Apparatus. A complete UV calibration system consists of an ozone generator, an output port or manifold, a photometer, an appropriate source of zero air, and other components as necessary. The configuration must provide a stable ozone concentration at the system output and allow the photometer to accurately assay the output concentration to the precision specified for the photometer (3.1). Figure 1 shows a commonly used configuration and serves to illustrate the calibration procedure which follows. Other configurations may require appropriate variations in the procedural steps. All connections between components in the calibration system downstream of the O_3 generator should be of glass, Teflon, or other relatively inert materials. Additional information regarding the assembly of a UV photometric calibration apparatus is given in Reference 9. For certification of transfer standards which provide their own source of O_3, the transfer standard may replace the O_3 generator and possibly other components shown in Figure 1; see Reference 8 for guidance.

3.1 UV photometer. The photometer consists of a low-pressure mercury discharge lamp, (optional) collimation optics, an absorption cell, a detector, and signal-processing electronics, as illustrated in Figure 1. It must be capable of measuring the transmittance, I/I_o, at a wavelength of 254 nm with sufficient precision such that the standard deviation of the concentration measurements does not exceed the greater of 0.005 ppm or 3% of the concentration. Because the low-pressure mercury lamp radiates at several wavelengths, the photometer must incorporate suitable means to assure that no O_3 is generated in the cell by the lamp, and that at least 99.5% of the radiation sensed by the detector is 254 nm radiation. (This can be readily achieved by prudent selection of optical filter and detector response characteristics.) The length of the light path through the absorption cell must be known with an accuracy of at least 99.5%. In addition, the cell and associated plumbing must be designed to minimize loss of O_3 from contact with cell walls and gas handling components. See Reference 9 for additional information.

3.2 Air flow controllers. Devices capable of regulating air flows as necessary to meet the output stability and photometer precision requirements.

3.3 Ozone generator. Device capable of generating stable levels of O_3 over the required concentration range.

3.4 Output manifold. The output manifold should be constructed of glass, Teflon, or other relatively inert material, and should be of sufficient diameter to insure a negligible pressure drop at the photometer connection and other output ports. The system must have a vent designed to insure atmospheric pressure in the manifold and to prevent ambient air from entering the manifold.

3.5 Two-way valve. Manual or automatic valve, or other means to switch the photometer flow between zero air and the O_3 concentration.

3.6 Temperature indicator. Accurate to ±1°C.

3.7 Barometer or pressure indicator. Accurate to ±2 torr.

4. Reagents.

4.1 Zero air. The zero air must be free of contaminants which would cause a detectable response from the O_3 analyzer, and it should be free of NO, C_2H_4, and other species which react with O_3. A procedure for generating suitable zero air is given in Reference 9. As shown in Figure 1, the zero air supplied to the photometer cell for the I_o reference measurement must be derived from the same source as the zero air used for generation of the ozone concentration to be assayed (I measurement). When using the photometer to certify a transfer standard having its own source of ozone, see Reference 8 for guidance on meeting this requirement.

5. Procedure.

5.1 General operation. The calibration photometer must be dedicated exclusively to use as a calibration standard. It should always be used with clean, filtered calibration gases, and never used for ambient air sampling. Consideration should be given to locating the calibration photometer in a clean laboratory where it can be stationary, protected from physical shock, operated by a responsible analyst, and used as a common standard for all field calibrations via transfer standards.

5.2 Preparation. Proper operation of the photometer is of critical importance to the accuracy of this procedure. The following steps will help to verify proper operation. The steps are not necessarily required prior to each use of the photometer. Upon initial operation of the photometer, these steps should be carried out frequently, with all quantitative results or indications recorded in a chronological record either in tabular form or plotted on a graphical chart. As the performance and stability record of the photometer is established, the frequency of these steps may be reduced consistent with the documented stability of the photometer.

5.2.1 Instruction manual: Carry out all set up and adjustment procedures or checks as described in the operation or instruction manual associated with the photometer.

5.2.2 System check: Check the photometer system for integrity, leaks, cleanliness, proper flowrates, etc. Service or replace filters and zero air scrubbers or other consumable materials, as necessary.

5.2.3 Linearity: Verify that the photometer manufacturer has adequately established that the linearity error of the photometer is less than 3%, or test the linearity by dilution as follows: Generate and assay an O_3 concentration near the upper range limit of the system (0.5 or 1.0 ppm), then accurately dilute that concentration with zero air and reassay it. Repeat at several different dilution ratios. Compare the assay of the original concentration with the assay of the diluted concentration divided by the dilution ratio, as follows

$$E = \frac{A_1 - A_2/R}{A_1} \times 100\% \quad (3)$$

where:

E = linearity error, percent
A_1 = assay of the original concentration
A_2 = assay of the diluted concentration
R = dilution ratio = flow of original concentration divided by the total flow

The linearity error must be less than 5%. Since the accuracy of the measured flowrates will affect the linearity error as measured this way, the test is not necessarily conclusive. Additional information on verifying linearity is contained in Reference 9.

5.2.4 Intercomparison: When possible, the photometer should be occasionally intercompared, either directly or via transfer standards, with calibration photometers used by other agencies or laboratories.

5.2.5 Ozone losses: Some portion of the O_3 may be lost upon contact with the photometer cell walls and gas handling components. The magnitude of this loss must be determined and used to correct the calculated O_3 concentration. This loss must not exceed 5%. Some guidelines for quantitatively determining this loss are discussed in Reference 9.

5.3 Assay of O_3 concentrations.

5.3.1 Allow the photometer system to warm up and stabilize.

5.3.2 Verify that the flowrate through the photometer absorption cell, F allows the cell to be flushed in a reasonably short period of time (2 liter/min is a typical flow). The precision of the measurements is inversely related to the time required for flushing, since the photometer drift error increases with time.

5.3.3 Insure that the flowrate into the output manifold is at least 1 liter/min greater than the total flowrate required by the photometer and any other flow demand connected to the manifold.

5.3.4 Insure that the flowrate of zero air, F_z, is at least 1 liter/min greater than the flowrate required by the photometer.

5.3.5 With zero air flowing in the output manifold, actuate the two-way valve to allow the photometer to sample first the manifold zero air, then F_z. The two photometer readings must be equal ($I = I_o$).

NOTE.—In some commercially available photometers, the operation of the two-way valve and various other operations in section 5.3 may be carried out automatically by the photometer.

5.3.6 Adjust the O_3 generator to produce an O_3 concentration as needed.

5.3.7 Actuate the two-way valve to allow the photometer to sample zero air until the absorption cell is thoroughly flushed and record the stable measured value of I_o.

5.3.8 Actuate the two-way valve to allow the photometer to sample the ozone concentration until the absorption cell is thoroughly flushed and record the stable measured value of I.

5.3.9 Record the temperature and pressure of the sample in the photometer absorption cell. (See Reference 9 for guidance.)

5.3.10 Calculate the O_3 concentration from equation 4. An average of several determinations will provide better precision.

$$[O_3]_{OUT} = \left(\frac{-1}{a\ell}\ln\frac{I}{I_o}\right)\left(\frac{T}{273}\right)\left(\frac{760}{P}\right) \times \frac{10^6}{L} \quad (4)$$

where:

$[O_3]_{OUT}$ = O_3 concentration, ppm
a = absorption coefficient of O_3 at 254 nm = 308 atm^{-1} cm^{-1} at 0°C and 760 torr
l = optical path length, cm
T = sample temperature, K
P = sample pressure, torr
L = correction factor for O_3 losses from 5.2.5 = (1-fraction O_3 lost).

NOTE.—Some commercial photometers may automatically evaluate all or part of equation 4. It is the operator's responsibility to verify that all of the information required for equation 4 is obtained, either automatically by the photometer or manually. For "automatic" photometers which evaluate the first term of equation 4 based on a linear approximation, a manual correction may be required, particularly at higher O_3 levels. See the photometer instruction manual and Reference 9 for guidance.

5.3.11 Obtain additional O_3 concentration standards as necessary by repeating steps 5.3.6 to 5.3.10 or by Option 1.

5.4 Certification of transfer standards. A transfer standard is certified by relating the output of the transfer standard to one or more ozone standards as determined according to section 5.3. The exact procedure varies depending on the nature and design of the transfer standard. Consult Reference 8 for guidance.

5.5 Calibration of ozone analyzers. Ozone analyzers are calibrated as follows, using ozone standards obtained directly according to section 5.3 or by means of a certified transfer standard.

5.5.1 Allow sufficient time for the O_3 analyzer and the photometer or transfer standard to warmup and stabilize.

5.5.2 Allow the O_3 analyzer to sample zero air until a stable response is obtained and adjust the O_3 analyzer's zero control. Offsetting the analyzer's zero adjustment to +5% of scale is recommended to facilitate observing negative zero drift. Record the stable zero air response as "Z".

5.5.3 Generate an O_3 concentration standard of approximately 80% of the desired upper range limit (URL) of the O_3 analyzer. Allow the O_3 analyzer to sample this O_3 concentration standard until a stable response is obtained.

5.5.4 Adjust the O_3 analyzer's span control to obtain a convenient recorder response as indicated below:

$$\text{recorder response (\% scale)} = \left(\frac{[O_3]_{OUT}}{URL} \times 100\right) + Z \quad (5)$$

where:

URL = upper range limit of the O_3 analyzer, ppm
Z = recorder response with zero air, % scale

Record the O_3 concentration and the corresponding analyzer response. If substantial adjustment of the span control is necessary, recheck the zero and span adjustments by repeating steps 5.5.2 to 5.5.4.

5.5.5 Generate several other O_3 concentration standards (at least 5 others are recommended) over the scale range of the O_3 analyzer by adjusting the O_3 source or by Option 1. For each O_3 concentration standard, record the O_3 and the corresponding analyzer response.

5.5.6 Plot the O_3 analyzer responses versus the corresponding O_3 concentrations and draw the O_3 analyzer's calibration curve or calculate the appropriate response factor.

5.5.7 *Option 1:* The various O_3 concentrations required in steps 5.3.11 and 5.5.5 may be obtained by dilution of the O_3 concentration generated in steps 5.3.6 and 5.5.3. With this option, accurate flow measurements are required. The dynamic calibration system may be modified as shown in Figure 2 to allow for dilution air to be metered in downstream of the O_3 generator. A mixing chamber between the O_3 generator and the output manifold is also required. The flowrate through the O_3 generator (F_0) and the dilution air flowrate (F_D) are measured with a reliable flow or volume standard traceable to NBS. Each O_3 concentration generated by dilution is calculated from:

$$[O_3]'_{OUT} = [O_3]_{OUT} \left(\frac{F_0}{F_0 + F_D}\right) \qquad (6)$$

where:

$[O_3]'_{OUT}$ = diluted O_3 concentration, ppm
F_0 = flowrate through the O_3 generator, liter/min
F_D = diluent air flowrate, liter/min

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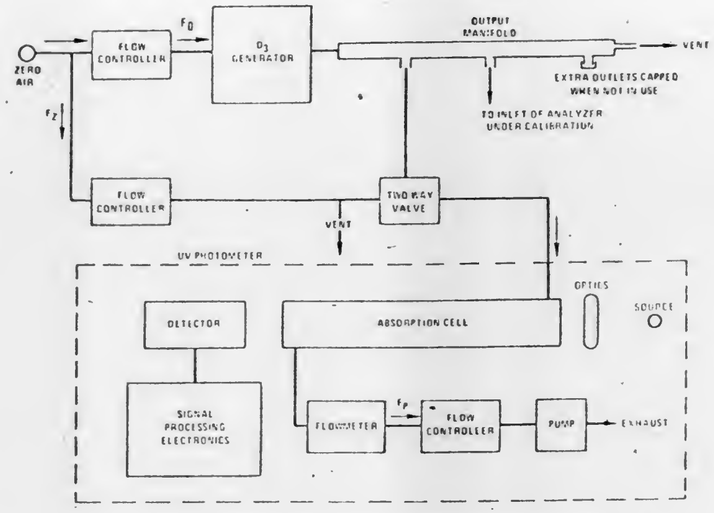


Figure 1. Schematic diagram of a typical UV photometric calibration system.

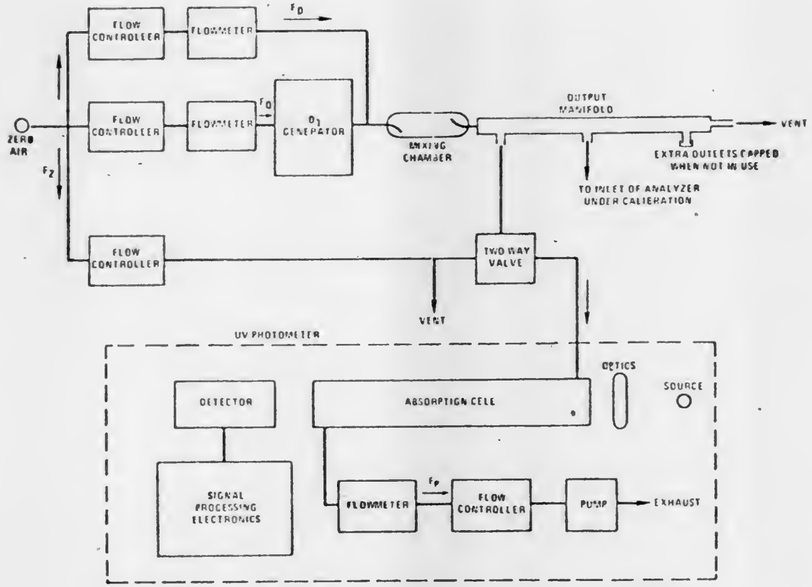


Figure 2. Schematic diagram of a typical UV photometric calibration system (OPTION 1).

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Temporary Alternative Calibration procedure—(Boric Acid-Potassium Iodide). This procedure may be used as an alternative to the Ultraviolet Photometry procedure for direct calibration of ozone analyzers—but not to certify transfer standards—until [18 months after the date of final promulgation]. After that time this procedure can be used only as a transfer standard in accordance with the guidance and specifications set forth in Reference 4, "Transfer Standards for Calibration of Ambient Air Monitoring Analyzers for Ozone".

1. Principle. This calibration procedure (1) is based upon the reaction between ozone (O_3) and potassium iodide (KI) to release iodine (I_2) according to the stoichiometric equation: (2)

$$O_3 + 2I^- + 2H^+ \rightarrow I_2 + H_2O + O_2$$

The stoichiometry is such that the amount of I_2 released is equivalent to the amount of O_3 absorbed. Ozone is absorbed in a 0.1M boric acid (H_3BO_3) solution containing 1% KI, and the I_2 released reacts with excess iodide ion (I^-) to form triiodide ion (I_3^-) which is measured spectrophotometrically at a wavelength of 352 nm. The output of a stable O_3 generator is assayed in this manner, and the generated O_3 is immediately used to calibrate the O_3 analyzer. The O_3 generator must be used immediately after calibration and without physical movement, and it is recalibrated prior to each use. Alternatively, the O_3 analyzer may be calibrated by assaying the O_3 concentrations using the prescribed procedure while simultaneously measuring the corresponding O_3 analyzer responses. Ozone concentration standards may also be generated by an optional dilution technique. With this option, the highest O_3 concentration standard is assayed using the prescribed procedure. The additional O_3 concentration standards required are then obtained by dilution.

2. Apparatus. Figures 1 and 2 illustrate a typical BAKI O_3 calibration system and show the suggested configuration of the components listed below. All connections between components downstream of the O_3 generator should be of glass, Teflon or other relatively inert material.

2.1 Air flow controller. Device capable of maintaining a constant air flowrate through the O_3 generator within ±2%.

2.2 Air flowmeter. Calibrated flowmeter capable of measuring and monitoring the air flowrate through the O_3 generator within ±2%.

2.3 Ozone generator. Device capable of generating stable levels of O_3 over the required concentration range.

2.4 Output manifold. The output manifold should be constructed of glass, Teflon, or other relatively inert material and should be of sufficient diameter to insure a negligible pressure drop at the analyzer connection. The system must have a vent designed to insure atmospheric pressure in the manifold and to prevent ambient air from entering the manifold.

2.5 Impingers. All glass impingers with the specifications indicated in Figure 2 are recommended. The impingers may be purchased from most major glassware suppliers. Two impingers connected in series are used to insure complete collection of the sample.

2.6 Air pump and flow controller. Any pump and flow control device capable of maintaining a constant flowrate of 0.4–0.6 liter-min through the impingers may be used. A critical orifice as described by Lodge *et al.* (3) is recommended. The orifice should be protected against moisture and particulate matter with a membrane filter or moisture trap containing Drierite, silica gel, or glass wool. The air pump must be capable of maintaining a pressure differential of at least 0.6–0.7 atmospheres across the critical orifice. Alternatively, a needle valve could be used with the pump to adjust the flow through the impingers. A flowmeter is then recommended to monitor the flow. The needle valve-flowmeter combination should be protected against moisture and particulate matter with a membrane filter or moisture trap.

2.7 Thermometer. Accurate to ±1°C.

2.8 Barometer. Accurate to ±2 torr.

2.9 Volumetric flasks (Class A). 25, 100, 200, 500, 1000-ml.

2.10 Pipets (Class A). 1, 5, 10, 15, 20, and 25-ml volumetric; 1-ml or 10-ml graduated.

2.11 Spectrometer. Capable of measuring absorbance at 352 nm with an absolute accuracy of ±1% and linear response over the range of 0–1.0 absorbance units. The photometric accuracy may be checked using optical glass filters which have certified absorbance values at specified wavelengths. Matched 1-cm or 2-cm cells should be used for all absorbance determinations.

3. Reagents.

3.1 Zero air. The zero air must be free of contaminants which will cause a detectable response of the O_3 analyzer or which might react with 1% BAKI. Air meeting this requirement may be obtained by: (1) passing it through silica gel for drying; (2) treating it with O_3 to convert any nitric oxide (NO) to nitrogen dioxide (NO_2); (3) passing it through activated charcoal (6–14 mesh) and molecular sieve (6–16 mesh, type 4A) to remove any NO_2, hydrocarbons, and traces of water vapor; and (4) passing it through a 2-micron filter to remove any particulate matter.

3.2 Boric acid (H_3BO_3), ACS reagent grade.

3.3 Potassium iodide (KI), ACS reagent grade.

3.4 Hydrogen peroxide (H_2O_2), ACS reagent grade, 3% or 30%.

3.5 Potassium iodate (KIO_3), ACS reagent grade certified 0.1N.

3.6 Sulfuric acid (H_2SO_4), ACS reagent grade, 95% to 98%.

3.7 Distilled water. Used for preparation of all reagents.

3.8 Absorbing reagent. Dissolve 6.2 g of boric acid (H_3BO_3) in approximately 750 ml of distilled water in an amber 1000-ml volumetric flask. The flask may be heated gently to speed dissolution of the H_3BO_3, but the solution must then be cooled to room temperature or below before proceeding with the reagent preparation. [While the H_3BO_3 solution is cooling, prepare the hydrogen peroxide (H_2O_2) solution according to the directions in 3.9.] When the H_3BO_3 solution has cooled, add 10 g of potassium iodide (KI) to the H_3BO_3 solution and dissolve. Add 1 ml of 0.0021% H_2O_2 solution (see 3.9) and mix thoroughly. Within 5 minutes after adding the peroxide, dilute to volume with distilled water, mix, and determine the absorbance of this BAKI solution at 352 nm against distilled water as the reference. The pH of the BAKI solution should be 5.1±0.2.

Set the absorbing solution aside for 2 hours and then redetermine the absorbance at 352 nm against distilled water as the reference. If the resultant absorbance from this second determination is at least 0.008 absorbance units/cm greater than the first determination, the absorbing reagent is ready for use. If no increase or an increase of less than 0.008 absorbance units/cm is observed, the KI reagent probably contains an excessive amount of a reducing contaminant and *must be discarded.* In this event, prepare fresh absorbing reagent using a different numbered lot of KI. If unacceptable absorbing reagent results from different lots of KI, test the possibility of contamination in the H_3BO_3 by using a different numbered lot of H_3BO_3.

3.9 Hydrogen peroxide solution 0.0021%. Using a graduated pipet, add 0.7 ml of 30% or 7.0 ml of 3% hydrogen peroxide (H_2O_2) to approximately 200 ml of distilled water in a 500-ml volumetric flask, dilute to volume with distilled water and mix thoroughly. To prepare the 0.0021% solution, pipet 5 ml of the above solution into 50 ml of distilled water in a 100-ml volumetric flask, dilute to volume with distilled water, and mix thoroughly. This 0.0021% H_2O_2 solution must be prepared fresh each time a fresh batch of absorbing reagent is prepared. Therefore, the remaining contents of both volumetric flasks should be discarded after treatment of the BAKI absorbing reagent (see 3.8).

3.10 Standard potassium iodate solution (0.1N). Use a commercial standard solution of potassium iodate (KIO_3) having a certified normality.

3.11 Sulfuric acid (1N). Dilute 28 ml of concentrated (95–98%) sulfuric acid (H_2SO_4) to volume in a 1000-ml volumetric flask.

4. Procedure.

4.1 Assemble an ozone calibration system such as shown in Figure 1.

4.2 Assemble the KI sampling train such as shown in Figure 2. All connections between the various components must be leak tight and may be made using grease-free ball joint fittings, heat-shrinkable Teflon tubing, or Teflon tube fittings. The connection to the O_3 output manifold should be made using 6 mm (¼ in.) Teflon tubing not to exceed 1.5 meters in length.

4.3 Calibrate all flowmeters and critical orifices under the conditions of use against a reliable flow or volume standard such as a NBS traceable bubble flowmeter or wet-test meter. Correct all volumetric flowrates to 25°C and 760 torr as follows:

$$F_R = F_S \times \frac{P_S - P_{H_2O}}{760} \times \frac{298}{T_S + 273}$$

where:

F_R = flowrate corrected to reference conditions (25° C and 760 torr), liter/min
F_S = flowrate at sampling conditions, liter/min
P_S = barometric pressure at sampling conditions, torr
P_{H_2O} = vapor pressure of H_2O at T_S, torr (For wet volume standard. For a dry standard, $P_{H_2O} = 0$)
T_S = temperature at sampling conditions, °C

4.4 KI calibration curve.

4.4.1 Prepare iodine standards, fresh when needed, as follows:

A. Accurately pipet 10 ml of 0.1N standard potassium iodate (KIO_3) solution into a 100-ml volumetric flask containing approximately 50 ml of distilled water. Add 1 g of potassium iodide (KI) and 5 ml of 1N sulfuric acid (H_2SO_4), dilute to volume with distilled water, and mix thoroughly.

B. Immediately before use, pipet 10 ml of the iodine (I_2) solution prepared in step A above into a 100-ml volumetric flask and dilute to volume with absorbing reagent. Then further dilute this solution by pipetting 10 ml of it into a 200-ml volumetric flask and diluting it to volume with absorbing reagent.

C. In turn, pipet 5, 10, 15, 20, and 25 ml aliquots of the final I_2 solution prepared in step B above into a series of 25-ml volumetric flasks. Dilute each to volume with absorbing reagent and mix thoroughly. To prevent I_2 losses by volatilization, the flasks should remain stoppered until absorbance measurements are made. Absorbance measurements (see 4.4.2) should be taken within 20 minutes after preparation of the I_2 standards.

4.4.2 Determine the absorbance of each I_2 standard at 352 nm. Also measure the absorbance of a sample of unexposed absorbing reagent. Determine the net absorbance of each I_2 standard as:

$$\text{net absorbance} = \left(\begin{matrix}\text{sample}\\ \text{absorbance}\end{matrix}\right) - \left(\begin{matrix}\text{unexposed}\\ \text{reagent}\\ \text{absorbance}\end{matrix}\right)$$

4.4.3 For each I_2 standard, calculate the net absorbance/cm as:

$$\text{net absorbance/cm} = \frac{\text{net absorbance}}{b}$$

where:

b = spectrophotometer cell path length, cm

4.4.4 For each I_2 standard, calculate the I_2 concentration in mole/liter as:

$$\frac{1 \text{ equivalent } I_2}{1 \text{ equivalent } KIO_3} \times \frac{\text{mole } KIO_3}{1 \text{ liter}} \times \frac{0.1 \text{ equivalent } KIO_3}{1 \text{ liter}} \times \frac{10}{100} \times \frac{10}{100} \times \frac{10}{200} \times \frac{V_i}{25}$$

$$[I_2]_i = N_{KIO_3} \times V_i \times 10^{-5}$$

where:

$[I_2]_i$ = concentration of each I_2 standard, mole I_2/liter
N_{KIO_3} = normality of KIO_3 (from 3.10), equivalent liter
V_i = volume of I_2 solution (from step 4.4.1.C) = 5, 10, 15, 20, or 25 ml

4.4.5 Plot net absorbance/cm (y-axis) versus the mole I_2/liter (x-axis) for each I_2 standard and draw the KI calibration curve. Calculate the slope of the curve in liter mole^{-1} cm^{-1} and record as S_c. The value of the slope should be [26,000±780. If the slope is not within this range, and the photometric accuracy of the spectrophotometer meets the specifications given in 2.11, repeat the procedure using freshly prepared I_2 standards. If the slope is still not within the specified range, repeat the procedure using a different lot of certified 0.1N KIO_3 to prepare the I_2 standards.

4.5 Calibration of the ozone generator.

4.5.1 Adjust the air flow through the O_3 generator to the desired flowrate and record as F_R. At all times the air flow through the generator must be greater than the total flow required by the sampling systems, to assure exhaust flow at the vent.

4.5.2 With the O_3 generator off, flush the system with zero air for at least 15 minutes to remove residual O_3. Pipet 10 ml of absorbing reagent into each of 2 impingers and connect them into the sampling train as shown in Figure 2. Draw air from the output manifold of the O_3 calibration system through the sampling train at 0.4–0.6 liter/min for 10 minutes. Immediately transfer the exposed solutions to clean spectrophotometer cells. Determine the net absorbance (sample absorbance-unexposed reagent absorbance) of each solution at 352 nm within three minutes. Add the net absorbances of the two solutions to obtain the total net absorbance. Calculate the indicated O_3 concentration (system blank) as equivalent O_3 concentration according to 4.5.4. If the system blank is greater than 0.005 ppm O_3, continue flushing the O_3 generation system for an additional 30 minutes and redetermine the system blank. If the system blank is still greater than 0.005 ppm O_3, the zero air probably contains traces of an oxidizing contaminant, and the activated charcoal and molecular sieve (see 3.1) should be replaced.

4.5.3 Adjust the O_3 generator to generate an O_3 concentration in the range of interest and allow the system to equilibrate for about 15 minutes. The uncalibrated O_3 analyzer to be calibrated can conveniently be used to indicate the stability of the O_3 generator output. When the O_3 generator output has stabilized, pipet 10 ml of absorbing reagent into each impinger. Draw O_3 from the output manifold of the O_3 calibration system through the sampling train at 0.4–0.6 liter/min. Use a sample time of between 10 and 30 minutes such that a total net absorbance between 0.1 and 1.0 absorbance units is obtained. (At an O_3 concentration of 0.1 ppm and a sampling rate of 0.5 liter/min, a total net absorbance >0.1 absorbance units should be obtained if a sampling time of 20 minutes and 1-cm spectrophotometer cells are used.) Immediately after collection, transfer the exposed solutions to clean spectrophotometer cells. Determine the net absorbance (sample absorbance—unexposed reagent absorbance) of each solution at 352 nm within three minutes. Add the net absorbances of the two solutions to obtain the total net absorbance.

4.5.4 Calculation of ozone concentration.

4.5.4.1 Calculate the total volume of air sampled, corrected to reference conditions of 25°C and 760 torr as:

$$V_R = F_R \times t_S$$

where:

V_R = volume of air sampled, corrected to reference conditions, liter
F_R = sampling flowrate corrected to reference conditions, liter/min
t_S = sampling time, min

4.5.4.2 Calculate the I_2 released in moles as:

$$\text{mole } I_2 = \frac{\text{total net absorbance} \times 0.01}{S_C \times b}$$

where: total net absorbance = sum of net absorbances for the two solutions

0.01 = volume of absorbing reagent in each impinger, liter
S_c = slope of KI calibration curve, liter mole^{-1} cm^{-1}
b = spectrophotometer cell path length, cm

4.5.4.3 Calculate the μl of O_3 absorbed as:

$$\mu l\ O_3 = \text{mole } I_2 \times \frac{1 \text{ mole } O_3}{1 \text{ mole } I_2} \times \frac{24.47 \text{ l } O_3}{\text{mole } O_3} \times \frac{10^6\ \mu l\ O_3}{1\ O_3}$$

or,

$$\mu l\ O_3 = \text{mole } I_2 \times 24.47 \times 10^6$$

4.5.4.4 Calculate the O_3 concentration in ppm as:

$$\text{ppm } O_3 = \frac{\mu l\ O_3}{V_R}$$

4.5.5 Repeat steps 4.5.3 and 4.5.4 at least one more time at the same O_3 generator setting. Average the two (or more) determinations and record the average along with the O_3 generator setting.

4.5.6 Adjust the O_3 generator to obtain other O_3 concentrations over the desired range. Determine each O_3 concentration using the procedure given above. Five or more O_3 concentrations are recommended. Plot the O_3 concentrations versus the corresponding O_3 generator settings and draw the O_3 generator calibration curve.

4.6 Calibration of the ozone analyzer.

4.6.1 Allow sufficient time for the O_3 analyzer to warm-up and stabilize.

4.6.2 Allow the O_3 analyzer to sample zero air until a stable response is obtained and adjust the O_3 analyzer's zero control. Offsetting the analyzer's zero adjustment to +5% of scale is recommended to facilitate observing negative zero drift. Record the stable zero air response as "Z".

4.6.3 Using the O_3 generator as calibrated above and the same F_R, generate an O_3 concentration near 80% of the desired upper range limit (URL) of the O_3 analyzer.

4.6.4 Allow the O_3 analyzer to sample this O_3 concentration until a stable response is obtained. Adjust the analyzer's span control to obtain a convenient recorder response as indicated below:

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$$\text{recorder response (\% scale)} = \left(\frac{[O_3]_{OUT}}{URL} \times 100\right) + Z$$

$[O_3]_{OUT}$=O_3 concentration at the output manifold, ppm URL = upper range limit of the O_3 analyzer, ppm, Z = recorder response with zero air, % scale.

Record the O_3 concentration and the O_3 analyzer response. If substantial adjustment of the span control is necessary, recheck the zero and span adjustments by repeating steps 4.6.2 through 4.6.4.

4.6.5 Generate several other O_3 concentrations (at least 5 others are recommended) over the scale range of the O_3 analyzer by adjusting the O_3 generator settings (preferably the same settings as used in 4.5) or by Option 1. For each O_3 concentration, allow for a stable analyzer response, then record the response and the corresponding O_3 concentration.

4.6.6 Plot the O_3 analyzer responses versus the corresponding O_3 concentrations and draw the O_3 analyzer's calibration curve or calculate the appropriate response factor.

4.6.7 *Option 1:* The various O_3 concentrations required in step 4.6.5 may be obtained by dilution of the O_3 concentration generated in 4.6.3. With this option, accurate flow measurements are required. The dynamic calibration system must be modified as shown in Figure 3 to allow for dilution air to be metered in downstream of the O_3 generator. A mixing chamber between the O_3 generator and the output manifold is also required. The flowrate through the O_3 generator (F_o) and the dilution air flowrate (F_D) are measured with a reliable flow or volume standard traceable to NBS. The highest O_3 concentration standard required (80% URL) is assayed according to the procedure in 4.5. Each O_3 concentration generated by dilution is calculated from:

$$[O_3]'_{OUT} = [O_3]_{OUT}\left(\frac{F_O}{F_O + F_D}\right)$$

where: $[O_3]'_{OUT}$ = diluted O_3 concentration, ppm; F_o = flowrate through the O_3 generator, liter/min; F_D = diluent air flowrate, liter/min.

NOTE.—Direct calibration of the O_3 analyzer may also be accomplished by assaying the O_3 concentrations using the procedure in 4.5 while simultaneously measuring the corresponding O_3 analyzer responses as specified in 4.6.

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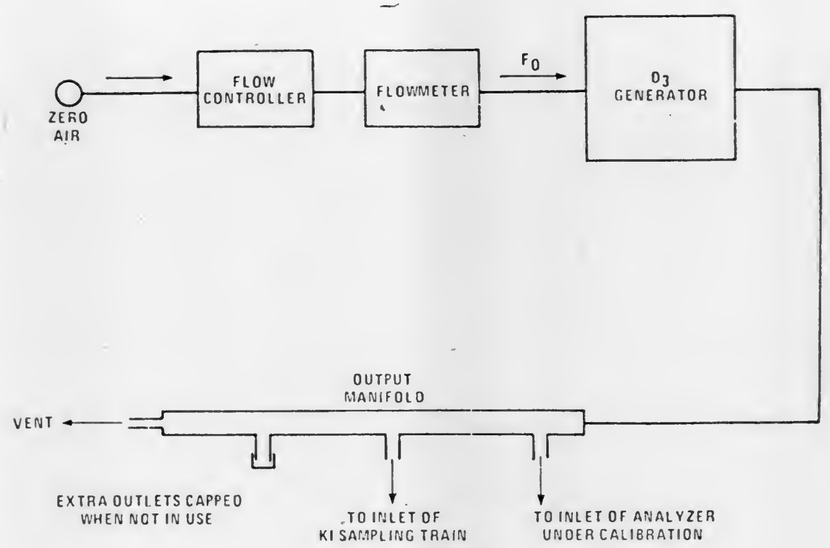
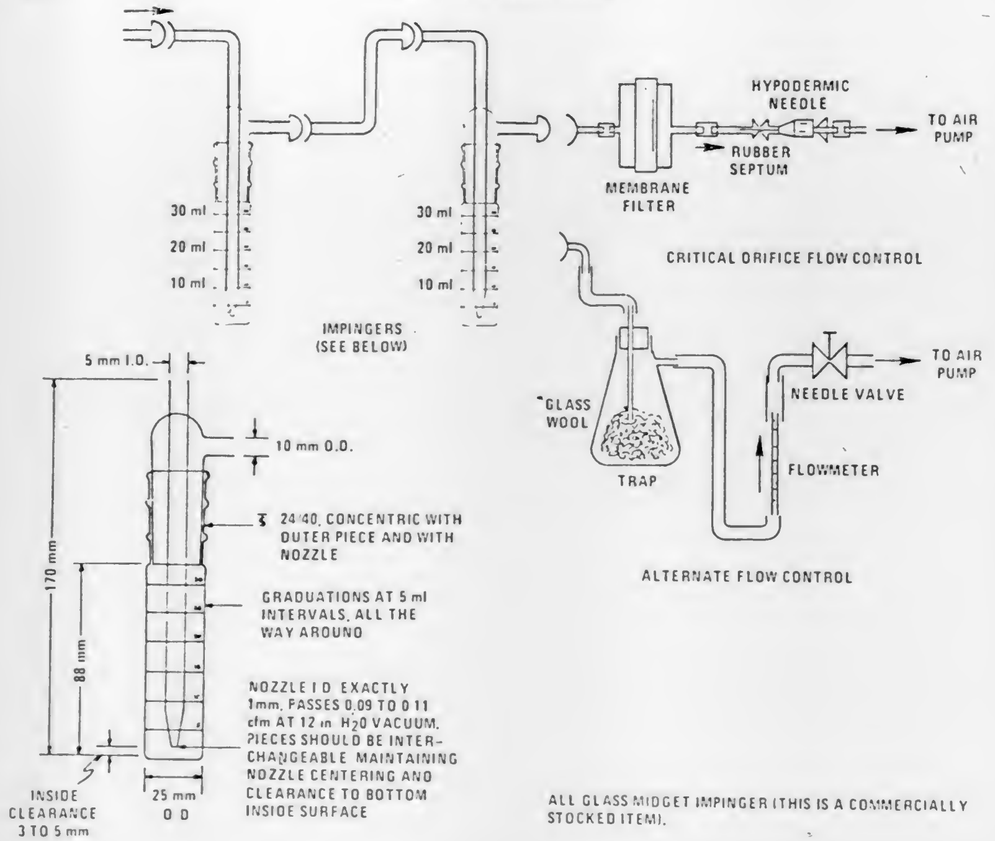


Figure 1 Schematic diagram of a typical BAKI calibration system



ALL GLASS MIDGET IMPINGER (THIS IS A COMMERCIALLY STOCKED ITEM).

Figure 2 KI sampling train.

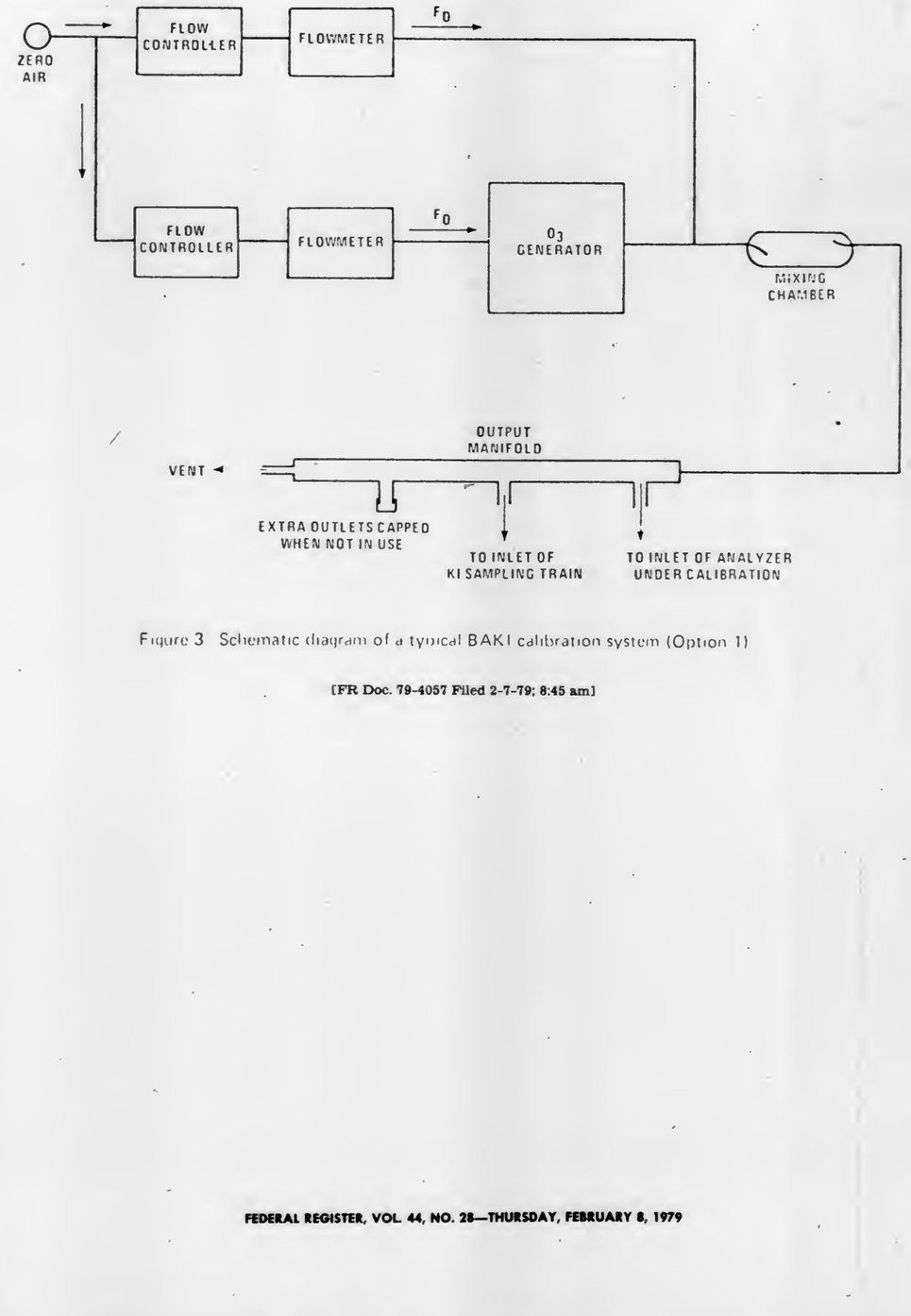


Figure 3 Schematic diagram of a typical BAKI calibration system (Option 1)

[FR Doc. 79-4057 Filed 2-7-79; 8:45 am]

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[FRL 1018-4]

PART 51—PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Revisions to Implementation Procedures Related to Photochemical Oxidants (Ozone)

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: In this action, the Administrator revises the procedures for preparation of State Implementation Plans for ozone (formerly photochemical oxidants). Throughout 40 CFR Part 51, the terms "photochemical oxidant(s)," and "oxidant(s)" are changed to "ozone" to be consistent with EPA's redesignation of the photochemical oxidant standard as an ozone standard. The redesignation action is being taken elsewhere in this issue of the FEDERAL REGISTER.

With regard to the development of a control strategy for ozone, Appendix J to 40 CFR Part 51 is being deleted and Section 51.14 is amended, to allow States to use any of four analytical relationships for determining the hydrocarbon reductions necessary to meet the ozone standard. In addition, the control strategy requirements are being amended to require that States consider background ozone concentrations and ozone transport. EPA guidance is available to States in making such considerations.

EFFECTIVE DATE: This rulemaking is effective upon publication because the revision of the national standard to which it relates is effective immediately.

ADDRESSES: U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Control Programs Development Division (MD-15), Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT:

Joseph Sableski, Chief, Plans Guidelines Section, at the above address or at 919-541-5437 (commercial) or 629-5437 (FTS).

SUPPLEMENTARY INFORMATION:

1. BACKGROUND

On June 22, 1978, at 43 FR 26985, EPA proposed certain revisions to 40 CFR Part 51 concerning the procedures for preparation of State Implementation Plans for photochemical oxidants. This proposed action was taken simultaneously with related EPA proposals in the same issue of the FEDERAL REGISTER to numerically change the primary photochemical oxidant standard, to redesignate the primary and secondary standards as ozone standards, and to change to standards with a statistical form rather than a deterministic form (43 FR 26962); and to replace the existing calibration procedure for the ozone reference methods (43 FR 26971).

A total of four public hearings were held during July and August to receive comments on all the actions being taken relative to photochemical oxidants (ozone). In addition, written comments were received through October 16. EPA received comments on the proposed revisions to the implementation requirements from 27 commenters, including 12 representatives from industry, 10 from State and local governmental agencies, and 5 from citizens' organizations and private citizens.

2. SUMMARY OF COMMENTS AND RESPONSES

The following discussion summarizes the comments received on the proposal to amend 40 CFR Part 51. In some cases, similar comments are considered together in order to prepare a common response where appropriate. Where an interested person wishes to identify individual comments, a summary of all comments received, including those comments pertaining to the other related actions, and EPA's responses is available for public inspection in Docket No. OAQPS-78-8 on file in EPA's Central Docket Section, Room 2903-B, 401 M Street, S.W., Washington, D.C. 20460.

2.1 CONTROL STRATEGY

Two regulatory changes are being made with regard to the development of control strategies for ozone. First, Appendix J is being replaced by four analytical techniques. States must use one of the four techniques to determine the amount of hydrocarbon reductions necessary to demonstrate attainment of the national ozone standard. The four techniques include: (1) Photochemical dispersion models, (2) Empirical Kinetics Modeling Approach (EKMA), (3) Empirical and Statistical Models, and (4) Proportional Rollback. EPA received several comments related to these analytical techniques. These comments and EPA's responses are presented in this section.

The second change provides that States must consider background ozone concentrations and ozone transported into an area in the development of their control strategies. Previously, States were allowed to assume that there were no background ozone concentrations. The consideration of ozone background and transport may significantly affect the calculated control requirements under certain circumstances; in some cases, however, the net impact on control requirements is relatively insignificant. A discussion of these effects and procedures for taking background and transport into account is provided in the EPA document entitled *Uses, Limitations and Technical Basis of Procedures for Quantifying Relationships Between Photochemical Oxidants and Precursors* (EPA-450/2-77-021a). EPA did not receive any comments expressing opposition to this particular change; however, a number of comments were made concerning the contribution of both natural background and ozone transport to ambient ozone concentrations. Comments concerning transport are handled in this section. Some of the comments concerning natural background levels are discussed in the preamble to the 40 CFR Part 50 notice promulgating the new ozone standard which appears elsewhere in this issue of the FEDERAL REGISTER. Other comments on natural background are contained in the docket (No. OAQPS-78-8) containing information used by EPA in revising the ozone standard.

Several commenters criticized the analytical techniques proposed to replace Appendix J, citing various shortcomings of the techniques. Some commenters pointed to the failure of the EKMA and rollback techniques to account for temporal and spatial distributions of sources in the design of control strategies and pointed out that, since control of industrial sources will be extremely costly, the most effective models should be used in strategy development. One commenter indicated that the level of control necessary to achieve the standard could not be predicted with a satisfactory level of confidence since the various techniques produced different results. EPA acknowledges the fact that the various techniques do produce different results since different assumptions and different data bases are required for each specific model. Also, EPA agrees that control strategies should be based on the most effective models. However, effectiveness is in part determined by the cost of gathering input data and running a model. If simple models, such as rollback, indicate the need for extensive controls, EPA feels it may not be necessary to expend additional time and resources to gather the information needed to run a more sophisticated model which would reach the same general conclusion. A sophisticated model, i.e., a photochemical dispersion model, would appear to be most warranted in cases where there is

some doubt whether extensive controls are needed to attain the standard. EPA requires that States attempting to demonstrate attainment and maintenance of the revised ozone standard by 1982 without adopting reasonably available control technology (RACT) regulations for large hydrocarbon sources must employ photochemical dispersion modeling. The use of other less rigorous analytical techniques are only acceptable in areas where RACT measures are also scheduled for implementation. Where States are unable to demonstrate attainment by 1982, EPA believes any of the models are useful for indicating the magnitude of the ozone problem and for identifying the need for major control programs to be implemented over the next several years. As these control programs are implemented and the State moves closer to attainment, it is likely that sufficient information will be acquired to use dispersion models to adjust the control strategy. Additionally, it should be noted that the city-specific version of EKMA can account, to a limited extent, for temporal and spatial distribution of sources.(*1*)

Another commenter stated that the annual emission inventory may not be readily adaptable to the models and to refine the inventory into hourly segments may be very costly, time-consuming, and inaccurate. In response, EPA points out that of the techniques specified, only photochemical dispersion models require a detailed emission inventory to arrive at their predictions (with the exception of the more sophisticated city-specific version of EKMA which can consider emission data). The other techniques primarily utilize ambient air quality data. At the same time, EPA recognizes the importance of an accurate emission inventory in translating the requirements forecast by these simple models into actual control programs. For example, suppose EKMA predicts that a 70 percent control requirement is needed to meet the standard. If the emission inventory only includes 50 percent of the emissions, a 70 percent reduction in the inventory would only result in a 35 percent reduction in actual emissions. Photochemical dispersion models, on the other hand, do require explicit information concerning hourly emissions. It would obviously be impractical to make hourly measurements for every source. However, hourly rates can be estimated by superimposing observed diurnal emission patterns on annual average emissions. Such patterns have been observed in several cities so that it would be possible to utilize annual emissions data.

Several persons commented that there is an inadequate understanding of the relationship between hydrocarbons and ozone, and that controlling hydrocarbon emissions may or may not be effective in reducing maximum ozone concentrations. This particular issue was addressed in a recent published report for the Manufacturing Chemists Association (MCA)(*2*) which noted a lack of any clear downward trend in Houston's ozone levels despite control measures to reduce hydrocarbons. This report concluded that existing ambient air quality data do not necessarily support the hypothesis that reducing hydrocarbon emissions reduces ambient ozone levels. At least two difficulties exist which prevent straightforward interpretation of the study's findings. First, the period of record was relatively short (two to three years of data) and no attempt has been made to normalize the trends for meteorological differences. It is generally believed by EPA that at least a five year period of record may be needed to discern a trend in air quality attributable to changes in emissions. A recent review of ozone trend data conducted for EPA in areas having long periods of records suggests that periods as long as eight years may be required. (*3*) Thus, while efforts are underway within EPA to develop procedures for "normalizing" trends for differing meteorology during short periods of record, at the present time trend analyses are useful in only a limited number of areas. The second difficulty in using the conclusions drawn from the study is that it appears as though some of the controls may have been initiated prior to any substantial air quality measurement programs.

EPA believes that convincing evidence exists to say that reducing hydrocarbons will reduce ambient concentrations of ozone. This position rests primarily upon experimental and theoretical studies (*4-15*) which have clearly established a physical cause-effect relationship between organic pollutants and ozone in the presence of oxides of nitrogen. Smog chamber studies have shown that maximum ozone concentrations are particularly sensitive to hydrocarbon controls when the ratio of non-methane hydrocarbons (NMHC) to nitrogen oxides (NO_x) is lower than 15-20:1. In fact, the lower the ratio the more effective the hydrocarbon strategy is likely to be. Examination of available NMHC and NO_x data suggests that most U.S. cities experience ratios in the order of 6-12:1. Also, there is a limited number of areas having ambient air quality data and emission estimates over sufficiently long periods of record that tends to confirm the theory of smog formation.(*3, 16-19*)

Two commenters indicated that a consequence of relaxing the standard could be the change of some urban areas from nonattainment to attainment status, thus, permitting greater hydrocarbon emissions than allowed by their former status. In one case the commenter argued that prior to revising the standard EPA should ascertain that existing downwind violations would not be further aggravated. The other commenter opposed the revision because, when coupled with current EPA control strategy policy, more of the burden of control would be shifted to the States where ozone is measured and away from States where emissions originate. EPA does not believe that consideration of such arguments is appropriate in setting the national primary ambient air quality standard. The Clean Air Act requires that primary standards be based solely upon effects on public health. However, the consequences indicated by the commenters are appropriate for consideration in the formulation of policy and guidance to assist States in developing a control strategy to meet the standards. EPA does not believe that either concern is warranted for areas that could be classified as attainment based on the new ozone standard. Two basic reasons exist for this EPA position: first, the potential increase in the transported levels of ozone, which may occur as a result of the greater emissions permitted by the new standard, will be offset by the equally increased allowable level of ozone in the downwind areas. Second, it should be noted that future levels of ozone being transported from attainment areas will tend to be reduced as a result of the Federal Motor Vehicle Control Program which requires reductions in the emissions of hydrocarbons and nitrogen oxides from new motor vehicles, and control requirements applicable to new stationary sources which will, in some instances, replace existing sources having fewer, less effective controls.

EPA is concerned, however, that the transport of ozone may be a problem when it originates in areas for which insufficient monitoring data preclude classifying the area as either attainment or nonattainment. EPA is now taking steps to identify areas which are currently unclassified but which have high potential for exceeding the national ozone standard. Within such areas, States will be urged to require controls on existing large stationary sources. If controls are not subsequently adopted, the States will be required to monitor for ozone, whereupon, the area in question will be classified nonattainment if violations are identified. These areas would then be subject to the requirements to control hydrocarbon emissions from existing stationary sources as in other nonattainment areas. EPA believes that the present policy focuses the limited re-

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sources of air pollution control agencies and industry on the areas (i.e., nonattainment areas) where the controls will be most effective.

One commenter suggested that the chemical diethylhydroxylamine (DEHA) be dispersed in the atmosphere to scavenge free radicals as an effective means of controlling ambient concentrations of photochemical oxidants. The use of various free radical scavenger compounds has been suggested in the past as a means of reducing pollutant concentrations; however, no compound has yet been demonstrated to be completely acceptable. Before this approach to controlling air pollution can be seriously considered, comprehensive studies must show not only that the chemical employed is effective in laboratory studies, but also that the results can be extrapolated to actual ambient atmospheres. Such concerns as how, when and where to introduce the chemical to the atmosphere constitute problems whose solutions can be extremely difficult to derive. Futhermore, thorough consideration must be given to the potential hazards of exposing a population to a smog-inhibiting chemical or to any of its reaction products. One of the earliest suggestions for using DEHA came as a result of its ability to inhibit conversion of NO to NO_2. Consequently, various tests of DEHA's smog-inhibiting ability have been performed over the past several years. Recently, irradiation of mixtures of NO_x, HC and DEHA was carried out in a large smog chamber at EPA's Research Triangle Park, North Carolina, facility. Test results indicated that while the initial effect of adding DEHA is an immediate suppression of ozone formation, consumption of the chemical ultimately causes increased formation of ozone and ozone producing chemicals. The studies pointed to possible adverse impacts on rural areas downwind from the urban center as well. Further problems raised by the studies included, among others, the danger of exceeding the odor threshold of DEHA at certain "effective" atmospheric doses, and population exposure to an unknown NO_x product being formed by the DEHA reactions. (*20*) Obviously, EPA cannot at this time accept or encourage the use of DEHA as an effective control strategy for ozone. Instead, EPA believes that direct control of precursor emissions will result in greater and more certain improvements in air quality.

Several commenters claimed that the ozone problem is an urban problem and EPA requirements for control strategies should concentrate on the urban area while paying special attention to the present levels of NO_x and the NMHC/NO_x ratio. EPA agrees that the ozone attainment problem is primarily an urban problem. Consequently, the most stringent requirements are imposed in the urbanized nonattainment areas with a population greater than 200,000. Low NMHC/NO_x ratios primarily occur in the urbanized areas thus the required controls would be effective in controlling ozone levels. However, EPA does not feel it is appropriate to completely ignore hydrocarbon emissions outside the urbanized nonattainment areas because these emissions may contribute to the overall ozone nonattainment problem, particularly during adverse meteorological conditions. EPA therefore believes it is justified in requiring that large hydrocarbon sources (more than 100 ton/year potential emissions) in rural nonattainment areas implement reasonably available control techniques (RACT) to reduce their organic emissions.

One commenter claimed that EPA failed to issue timely guidance on control techniques as required by the Clean Air Act and as needed by States in revising their implementation plans. The commenter's argument is based on Section 108(b)(1) of the Clean Air Act which requires control technique information to be issued simultaneously with the issuance of health and welfare related air quality criteria. EPA did issue the control technique information required by the Act in a document entitled "Control Techniques for Volatile Organic Emissions from Stationary Sources" (EPA-450/2-78-022, May, 1978). However, this was not the information which EPA intended States to use to develop and enforce regulations for implemention plans. In addition to the document described above, EPA has published a series of Control Technique Guidelines (CTGs) which define reasonably available control technology (RACT) for stationary sources of hydrocarbons. These CTGs are specifically designed to assist States and local agencies in the development of air pollution control regulations for volatile organic emissions. The ozone SIPs due on January 1, 1979 are to reflect the application of RACT to the stationary sources for which EPA has published CTGs by January 1978. Additional CTGs are planned for future publication such that States will be required to adopt and submit additional RACT regulations on an annual basis beginning in January 1980, for those CTGs that have been published by January of the preceding year.

One commenter inquired as to why the proposal did not retain the original statement contained in Section 51.14(c)(4) which allowed States to assume that the hydrocarbon emission reductions necessary to attain the ozone standard would also be adequate to attain the national hydrocarbon standard. EPA's response is that this statement was unintentionally omitted from the June 22 proposal, and this omission is being corrected in today's action. Previously, statements concerning the attainment of the ozone standard and the hydrocarbon standard were both contained in Section 51.14(c)(4). To take the actions described herein, EPA is deleting (and reserving) paragraph (c)(4) of Section 51.14 and establishing three new paragraphs (c)(7), (c)(8), and (c)(9). Paragraph (c)(7) is to be used to set forth the four analytical techniques for determining the amount of hydrocarbon reduction necessary to demonstrate attainment of the ozone standard; paragraph (c)(8) describes specific considerations to be made in developing the ozone control strategy; and paragraph (c)(9) addresses attainment of the hydrocarbon standard.

2.2 SUBMITTAL OF SIP REVISIONS

Several industrial and governmental agency spokesmen expressed the opinion that EPA should grant States extensions of up to nine months to correct their SIPs to be consistent with the revision of the ozone standard. EPA's response to this request is provided in detail in the preamble to the revision of the ozone standard appearing elsewhere in today's FEDERAL REGISTER. In summary, States are still expected to submit their plan revisions to EPA on January 1, 1979, as required by the Clean Air Act. These plans will most likely be based upon the old standard of 0.08 p.p.m. However, once submitted, any State is free to make the additional revisions necessary to account for the revised standard, if they so desire. Thus, the time schedule for submitting the latter revisions is to be determined by each State.

3. OTHER CHANGES FROM PROPOSAL

In reviewing the June 22 proposed rule, EPA has determined that two changes from the proposal are necessary even though no comments addressing these particular matters were received. With regard to the first change, EPA originally proposed to change the terms "photochemical oxidants" and "oxidants" to "ozone" in 40 CFR Parts 51 and 52 to be consistent with the proposed redesignation of the photochemical oxidant standard to an ozone standard. EPA has decided not to proceed with the proposed nomenclature changes in Part 52 at this time. The reason for this decision is that in numerous places throughout Part 52 the terms "photochemical oxidants" and "oxidants" are used either as part of the title of a State Implementation Plan or to denote use of the terms within the plan itself. EPA therefore, feels that it would be proper to wait until States made the appropriate nomenclature changes in their plans prior to enacting any changes to Part 52.

The second change concerns EPA's proposal to allow States to use photochemical *grid* models as one of four analytical techniques for determining the needed hydrocarbon emission reductions. The intended terminology for such models should have been photochemical *dispersion* models. There are two major types of dispersion models—grid (or Eulerian) and Lagrangian. EPA intends to allow either type model to be used where appropriate. Thus, the more inclusive terminology (i.e., photochemical dispersion models) will appear in Section 51.14(c)(7)(i).

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Dated: January 26, 1979.

DOUGLAS M. COSTLE,
Administrator.

The *Code of Federal Regulations*, Title 40, Chapter I, Part 51, is amended as follows:

1. Wherever the terms "photochemical oxidant(s)" or "oxidant(s)" appear in Part 51, they are changed to read "ozone."

2. Appendix J is deleted and reserved.

3. Section 51.14(c) is amended by deleting and reserving paragraph (4) and by adding new paragraphs (7), (8) and (9) as follows:

§ 51.14 Control strategy: Carbon monoxide, hydrocarbons, ozone, and nitrogen dioxide.

. . . . . .

(c) . . .

(4) [Reserved]

. . . . . .

(7) In selecting an appropriate model to determine the amount of hydrocarbon reductions necessary to demonstrate attainment of the ozone standard, one of the following techniques must be applied:

(i) Photochemical dispersion models—These models are based on the most accurate available physical and chemical principles underlying the formation of ozone.

(ii) Empirical Kinetics Modeling Approach (EKMA)—This model represents a compromise between rigorous treatment of chemical and physical principles underlying ozone formation and dispersion and the extensive data requirement that would be necessitated by such an approach.

(iii) Empirical and statistical models—These models reflect observed relationships between ozone and other variables.

(iv) Proportional rollback—This model assumes a linear relationship between hydrocarbon emissions and ambient concentrations of ozone.

(8) In developing an ozone control strategy for a particular area, background ozone concentrations and ozone transported into an area must be considered. States may assume that the ozone standard will be attained in upwind areas.

(9) The degree of total hydrocarbon emission reduction necessary for attainment of the national standard for ozone will also be adequate for attainment of the national standard for hydrocarbons.

AUTHORITY: Sections 110 and 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7601).

[FR Doc. 79-4058 Filed 2-7-79; 8:45 am]

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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA//FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
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	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—OFFICE OF PERSONNEL MANAGEMENT

PART 213—EXCEPTED SERVICE

Department of Health, Education and Welfare; Department of Energy

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) changes the title of a position at the Department of Health, Education and Welfare from Assistant Commissioner for Private Education Services to Deputy Commissioner for Non-Public Education to more accurately reflect the duties of the position and (2) reestablishes a position at the Department of Energy because it is confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: January 17, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR* 213.3316(c)(22) is amended and 213.3331(t)(3) is added as set out below:

§ 213.3316 Department of Health, Education and Welfare.

• • • • • •

(c) *Office of Education.* • • •

(22) Deputy Commissioner for Non-Public Education.

• • • • • •

§ 213.3331 Department of Energy.

• • • • • •

(t) *Southwestern Power Administration.* • • •

(3) One Confidential Assistant to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL MANAGMENT.
JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-4460 Filed 2-8-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) changes the title of a position from Special Assistant to a Member to Attorney Advisor (Civil Rights) to a Member to more appropriately reflect the duties of the position, (2) excepts under Schedule C a position because it is confidential in nature and (3) revokes a position of Special Assistant because the need for the position no longer exists. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: January 12, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3377 (b) is amended as set out below:

§ 213.3377 Equal Employment Opportunity Commission.

• • • • • •

(b) Two Special Assistants and one Secretary to each of three Members of the Commission and two Attorney-Advisors (Civil Rights) and one Secretary to the remaining Member of the Commission.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL MANAGMENT.
JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-4461 Filed 2-8-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of the Interior, National Foundation on the Arts and the Humanities

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) changes the title of a position at the Department of the Interior from Special Assistant to the Assistant Secretary—Indian Affairs to Executive Assistant to the Assistant Secretary—Indian Affairs to more appropriately reflect the duties of the position and (2) changes the title of a position at the National Foundation on the Arts and the Humanities from Secretary (Typing) to the Director, Office of Program Development and Coordination, National Endowment on the Arts, to Staff Assistant to the Director, Office of Program Development and Coordination, National Endowment on the Arts to more appropriately reflect the duties of the position.

EFFECTIVE DATES: Department of the Interior—January 18, 1979; National Foundation on the Arts and the Humanities—January 22, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3312(a)(28) and 213.3382(t) are amended as set out below:

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(28) Two Special Assistants and one Executive Assistant to the Assistant Secretary—Indian Affairs.

• • • • • •

§ 213.3382 National Foundation on the Arts and the Humanities.

• • • • • •

(t) One Staff Assistant to the Director, Office of Program Development and Coordination, National Endowment for the Arts.

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(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL MANAGEMENT.
JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-4459 Filed 2-8-79; 8:45 am]

[3410-30-M]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

PART 282—DEMONSTRATION, RESEARCH, AND EVALUATION PROJECTS

Authority Citations; Corrections

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notification of authority citations.

SUMMARY: The Food and Nutrition Service issued three final amendments to the Food Stamp Program Regulations—one at 43 FR 39077, September 1, 1978, related to California's SSI conversion project, and two at 43 FR 43273, September 22, 1978, related to certain definitions. This document adds the authority citation under which those amendments were issued.

EFFECTIVE DATE: September 1 and 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Nancy Snyder, Deputy Administrator, Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250, 202-447-8982

SUPPLEMENTARY INFORMATION: 91 Stat. 958 (7 U.S.C. 2011-2027) is the proper authority citation for the following rule documents published at: 43 FR 39077, dated September 1, 1978—added § 282.11; 43 FR 43273, dated September 22, 1978—deleted and reserved 270.2 (f), (g), (i), (m), (n), (q), (s), (x), (cc), (kk), (ll), (mm), (rr), (ss) and (zz); and 43 FR 43273, dated September 22, 1978—redesignated § 271.2 as § 271.11 and added new § 271.2.

Dated: February 5, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 79-4479 Filed 2-8-79; 8:45 am]

[3410-02-M]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 185]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period February 11-17, 1979. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: February 11, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on February 6, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is stable.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.485 Lemon Regulation 185.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period February 11, 1979, through February 17, 1979, is established at 205,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: February 8, 1979.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 4691 Filed 2-8-79; 1:17pm]

[4410-10-M]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 341—CERTIFICATES OF CITIZENSHIP

Revised Procedures Following Denial of Certificate of Citizenship

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final Rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service pertaining to applications for Certificates of Citizenship. The regulation is being amended to require the filing of a motion to reopen the proceedings where the applicant has previously filed an application for such certificate which was denied, and the appeal time has run. The basis for this amendment is Service experience which shows that applications for certificates of citizenship are filed by aliens illegally in the United States based on spurious claims to United States citizenship. These applications are filed after previously filed applications for certificates of citizenship have been denied. This is done for the purpose of forestalling and delaying expulsion proceedings. This regulations is intended to stop that practice.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: On June 22, 1978, at 43 FR 26754, the Service published a notice of proposed rulemaking in which it was proposed to amend 8 CFR 341.6 to provide that after a certificate of citizenship had been denied and the appeal time had run, a second such application submitted by the same individual would be rejected by the Service and the applicant would be instructed to submit a motion to reopen the proceedings.

The Service received four representations in response to this notice of proposed rulemaking. Of the four representations, two were completely in favor of the proposd rule as written. Two others expressed certain reservations concerning the proposal which will be discussed below.

One representation recommended that the applicant be furnished findings of fact; conclusions of law and reasons for the denial because without a statement of the facts upon which the denial is based, it would be difficult for counsel to intelligently pursue the matter. This respondent also recommended that an adversary proceeding be employed in determining eligibility for certificates of citizenship. Existing Service regulations require that applicants be furnished the reasons for denial of their applications by Service district directors. In addition, the very first sentence of the regulation being adopted provides that the district director shall furnish the reasons for the denial and advise the applicant of his right to appeal in accordance with 8 CFR 103.3(a). Thus there is a specific requirement in 8 CFR 341.6 that Service district directors provide the applicant with the reasons for denial of the application. Thus, the recommendation that the applicant be provided reasons for denial of the application has been adequately considered and properly provided for in the regulation. With regard to the recommendation that an adversary hearing be provided in certificate of citizenship cases, present procedures already provide ample opportunity for an adversary hearing. The applicant submits documentation in support of the claim. The Service obtains any required verifications from its records. Every applicant is accorded a hearing on the application. The applicant may be represented by counsel. Evidence can be introduced by the applicant and the applicant may rebut other evidence introduced by the government. Should the district director ultimately deny the application, an appeal to the regional commissioner is available. Judicial review under section 360 of the Act is available following the exhaustion of administrative remedies.

The other representation which was submitted recommended: that the proposed rule be amended to provide that the district director's decision contain advice to the alien respecting waiver of the fee; that 8 CFR 103.2(b)(2) relating to the opportunity of an alien to inspect the record and rebut any derogatory information considered by the district director should be made applicable to 8 CFR 341.6; that if the application is rejected under amended 8 CFR 341.6, any fee submitted in accordance therewith should be returned to the applicant; and that the district director be given the discretion to accept and adjudicate or to reject the subsequently-filed application for a certificate of citizenship to enable the district director to adjudicate the second application if the first one had been rejected for lack of proper documents or some similar defect of that nature. With respect to including notification of the fee-waiver provision in the district director's decision, Service regulations concerning waiver of fees are published at 8 CFR 103.7(c)(1)-(3). These provisions apply to all fees described in 8 CFR 103.7(b), including N-600 applications. There is nothing in the regulation which would preclude an applicant in a certificate of citizenship case from applying for a waiver of the fee under the appropriate circumstances. The provision of 8 CFR 103.2(b)(2) respecting opportunity to inspect the evidence to be made aware of and given an opportunity to rebut derogatory information is applicable in certificate of citizenship cases as it is in all Service proceedings. Restating it in 8 CFR 341.6 would serve no useful purpose. The Service has decided to adopt the suggestion that the fee for a rejected application should be returned to the applicant, in part. While the fee will not be refunded the Service will apply the amount of that fee toward the fee for the filing of a motion for reopening the proceedings provided the rejected application is submitted accompanied by the difference in the amount of the fee specified in the regulations for filing a motion to reopen. The final rule will be amended to reflect this provision.

With regard to the recommendation that the district director be given discretion to accept and adjudicate, or reject a second application in order to enable the second application to be accepted where the first one was rejected for lack of proper documents or the like, the Service wishes to emphasize that this regulation is only applicable to second applications filed after the *acceptance, formal adjudication and denial* of a previously filed application, after the appeal time has run. The regulation does not apply to a second application filed following *rejection* of the first application where no adjudication was made.

In the light of the foregoing, the proposed regulation will be adopted but with the second sentence modified to provide that the fee submitted in connection with the second application which is being rejected may be used to offset the fee required to file a motion for reopening or reconsideration so long as the motion is accompanied by the rejected application and the difference required to total the fee required for a motion for reopening or reconsideration specified in the regulations.

Chapter I of Title 8 of the Code of Federal Regulations is hereby amended as set forth below.

PART 341—CERTIFICATES OF CITIZENSHIP

In part 341, § 341.6 is hereby revised to read as follows:

§ 341.6 Denial of application.

If it is the decision of the district director to deny the application for a Certificate of Citizenship, the applicant shall be furnished the reasons for denial and advised of his right to appeal in accordance with the provisions of 8 CFR 103.3(a). After an application for a Certificate of Citizenship has been denied, and the appeal time has run, should a second application be submitted by the same individual, the second application shall be rejected and the applicant shall be instructed to submit a motion for reopening or reconsideration in accordance with 8 CFR 103.5 which shall be accompanied by the rejected application and by the fee specified in 8 CFR 103.7 reduced by the amount of the fee paid with the rejected application.

* * * * * *

(Sec. 103; 8 U.S.C. 1103; Interpret or apply Sec. 341, 8 U.S.C. 1452.)

Effective date: The amendment in this order becomes effective on March 12, 1979.

Dated: Feburary 5, 1979.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc. 79-4488 Filed 2-8-79; 8:45 am]

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[7590-01-M]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 10—HUMAN USES OF BYPRODUCT MATERIALS

Regulation of the Medical Uses of Radioisotopes; Statement of General Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Policy Statement.

SUMMARY: The Nuclear Regulatory Commission (NRC) has the following policy statement regarding NRC's future role in regulating the medical uses of radioisotopes. This NRC policy statement is intended to inform NRC licensees, other Federal and State agencies and the public of the Commission's general intention regarding the regulation of the medical uses of radioisotopes. It is expected that future NRC activities in the medical area, such as promulgation of new regulations and development of cooperative relationships with other Federal agencies, will follow this statement of NRC policy.

EFFECTIVE DATE: February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward Podolak, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone: 301-443-5860).

SUPPLEMENTAL INFORMATION: The NRC has developed the following three part policy statement regarding NRC's future role in regulating the medical uses of radioisotopes. On March 17, 1978, the three part policy statement was published in the FEDERAL REGISTER (43 FR 11208) for public comment. Copies of the policy statement were sent to all NRC medical licensees, the States and 25 professional societies, Federal agencies, and individuals. The comment period expired May 16, 1978. Twenty-two comments were received. Nine commenters favored all three parts of the policy statement, four commenters opposed one part of the policy statement and nine commenters addressed specific issues discussed in the March 17, 1978 FEDERAL REGISTER notice. The comments are discussed in Section II. Copies of the comments may be examined in the NRC Public Document Room at 1717 H Street, N.W., Washington, D.C.

I. STATEMENT OF GENERAL POLICY

This NRC policy statement is intended to inform NRC licensees, other Federal and State agencies and the public of the Commission's general intention regarding the regulation of the medical uses of radioisotopes.

It is expected that future NRC activities in the medical area, such as promulgation of new regulations and development of cooperative relationships with other Federal agencies, will follow this statement of NRC policy.

Based on past experience and the comments and advice of the public, other Federal agencies, the States, and NRC's Advisory Committee on the Medical Uses of Isotopes, the Commission has developed the following statement of general policy to guide its regulation of the medical uses of radioisotopes:[1]

1. The NRC will continue to regulate the medical uses of radioisotopes as necessary to provide for the radiation safety of workers and the general public.

2. The NRC will regulate the radiation safety of patients where justified by the risk to patients and where voluntary standards, or compliance with these standards, are inadequate.

3. The NRC will minimize intrusion into medical judgments affecting patients and into other areas traditionally considered to be a part of the practice of medicine.

II. RATIONALE

The NRC and its predecessor the Atomic Energy Commission have regulated the medical uses of radioisotopes since 1946. AEC recognized that physicians have the primary responsibility for the protection of their patients and designed its regulations accordingly. The physicians were required to be licensed by the State, and their applicable training and experience were evaluated in consultation with the Advisory Committee on the Medical Uses of Isotopes. This regulation has been generally oriented toward assisting qualified physicians in discharging their responsibilities to patients. However, regulation by AEC/NRC has at one time or another encompassed nearly every aspect of the delivery of radioisotope medical services to patients. The broadest regulation occurred between 1962 and 1975, when the Food and Drug Administration (FDA) exempted from its requirements for new drugs all radiopharmaceuticals regulated by AEC. During this period AEC regulated the radiation safety of workers and the general public *and* the safety and efficacy of radioactive drugs and devices with respect to patients. AEC regulation included production of the radioisotope, manufacture of the final radioactive drug product or device, distribution, use and disposal of the products. In 1975, the FDA terminated the exemption for radiopharmaceuticals, stating that it would now regulate the safety and efficacy of radioactive drugs with respect to patients. (As noted later in this statement, FDA does not regulate the physician's routine use of radiopharmaceuticals.) At the same time, NRC withdrew from regulating radioactive drug safety and efficacy, stating that it would regulate the radiation safety of the workers and the public. The 1976 Medical Device Amendments to the Food, Drug and Cosmetic Act extended FDA's authority over medical devices (including devices containing radioactive materials) in a way similar to its authority over drugs.

NRC's authority to regulate domestically the medical uses of byproduct material is found in the Atomic Energy Act of 1954, as amended. For example, section 81 of that Act authorizes NRC "to issue general or specific licenses to applicants seeking to use byproduct material for • • • medical therapy • • •." Section 81 directs NRC to regulate the manufacture, production, transfer, receipt in interstate commerce, acquisition, ownership, possession, import and export of byproduct material. Finally, Section 81 also directs that:

> The Commission shall not permit the distribution of any byproduct material to any licensee, and shall recall or order the recall of any distributed material from any licensee, who is not equipped to observe or fails to observe such safety standards to protect health as may be established by the Commission or who uses such material in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor or approved by the Commission.

Commission regulations, for the most part set forth in 10 CFR Parts 30 through 35, were promulgated to carry out the broad regulatory scheme envisaged by section 81. For example, Part 35 establishes regulations specific

[1] NRC licenses radioisotopes in three categories: byproduct, source and special nuclear material. The NRC does not regulate naturally occurring or accelerator produced radioisotopes. The term *byproduct material* means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material. The term *source material* means (1) uranium, thorium or any combination thereof, in any physical or chemical form or (2) ores which contain by weight one-twentieth of one percent (0.05%) or more of (i) uranium, (ii) thorium or (iii) any combination thereof. Source material does not include special nuclear material. *Special nuclear material* means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 or (2) any material artificially enriched by any of the foregoing, but does not include source material.

to human uses of byproduct material. FDA's statutory authority (Federal Food, Drug and Cosmetic Act, as amended, 21 U.S.C. 301 *et seq.*) does not diminish NRC's authority. Where NRC's and FDA's authorities overlap, the respective authorities can be harmonized by interagency agreement.

The central question is a question of *policy* not *authority*, namely:

To what extent should the protection of the patient be considered in NRC's regulation of the medical use of byproduct material?

From the standpoint of *authority*, it is clear that NRC can regulate the medical uses of byproduct material to protect the health and safety of users of this material, for instance, patients. In licensing the possession and use of byproduct material, NRC establishes limits within which physicians exercise professional discretion. From the standpoint of *policy*, these limits depend upon how NRC views the potential hazard to the patient's health and safety in the uses of the byproduct material. The greater the potential hazard to a patient from the byproduct material or its use by a physician, the more NRC may elect to circumscribe areas that might otherwise be regarded as within the discretion of the physician.

The first part of NRC's policy statement indicates that NRC will continue to regulate the medical uses of radioisotopes as necessary to provide for the radiation safety of workers and the general public.[2] This is the traditional regulatory function of NRC for all uses of byproduct, source and special nuclear material. It is a regulatory role that was not questioned by any of the commenters but, rather, it was consistently recognized as a necessary role in the medical uses of radioisotopes.

NRC's regulation of the radiation safety of workers and the general public in the medical uses of radioisotopes is relinquished by NRC to Agreement States; does not overlap with FDA's activities; is in harmony with regulation by the Department of Transportation, Social Security Administration and the Joint Commission on Accreditation of Hospitals; and dovetails with Occupational Safety and Health Administration regulation of the work-place for the use of naturally-occurring and accelerator-produced radioactive materials.

The second part of NRC's policy statement indicates that NRC will regulate the radiation safety of patients where justified by the risk to patients and where voluntary standards, or compliance with these standards, are inadequate. As noted before, NRC has the authority to regulate the radiation safety of patients.

[2] The term general public in this statement specifically excludes patients.

The NAS-BEIR[3] report discusses limiting the exposure of the population to medical applications of ionizing radiation. That report, which includes all medical uses of ionizing radiation, shows an average dose rate from radiopharmaceuticals of 1 mrem/year and an average dose rate from diagnostic radiology of 72 mrem/year in 1970.

The following quotation is from the NAS-BEIR report:

> In the foreseeable future, the major contributors to radiation exposure of the population will continue to be natural background with an average whole body dose of about 100 mrem/year, and medical applications which now contribute comparable exposures to various tissues of the body. Medical exposures are not under control or guidance by regulation or law at present. The use of ionizing radiation in medicine is of tremendous value but it is essential to reduce exposures since this can be accomplished without loss of benefit and at relatively low cost. The aim is not only to reduce the radiation exposure to the individual but also to have procedures carried out with maximum efficiency so that there can be a continuing increase in medical benefits accompanied by a minimum radiation exposure.

NRC will act to help ensure that radiation exposure to patients is as low as is reasonably achievable, consistent with competent medical care and with minimal intrusion into medical judgments. NRC will not exercise regulatory control in those areas where, upon careful examination, it determines that there are adequate regulations by other Federal or State agencies or well administered professional standards. Wherever possible, NRC will work closely with Federal and State agencies and professional groups in designing new voluntary guidance for practitioners to limit unnecessary patient radiation exposure.

The third part of NRC's policy statement indicates that NRC will minimize its intrusion into medical judgments affecting the patient and into other areas traditionally considered to be a part of the practice of medicine. The Commission recognizes that physicians have the primary responsibility for the protection of their patients. The Commission believes that basic decisions concerning the diagnosis and treatment of disease are a part of the physician-patient relationship and are traditionally considered to be a part of the practice of medicine. NRC regulations are predicated on the assumption that properly trained and adequately informed physicians will make decisions in the best interest of their patients.

[3] National Academy of Sciences Advisory Committee on the Biological Effects of Ionizing Radiations (NAS-BEIR) report. *The Effects on Populations of Exposure to Low Levels of Ionizing Radiation. National Academy of Sciences—National Research Council*, Washington, D.C. (1972).

The regulations try to find a balance between adequate controls and avoidance of undue interference in medical judgments. A consequence of too much regulation could be poorer health care delivery to patients. A consequence of leaving to physicians the majority of the decisions concerning their patients is that the physicians will make mistakes. The tightest regulation of physicians' decisions by Federal, State and professional groups will not be able to prevent future incidents in the medical uses of radioisotopes.

The Commission recognizes that FDA regulates the manufacture and interstate distribution of drugs, including those that are radioactive. FDA also regulates the investigational and research uses of drugs as well as the specific guidance on doses and procedures found in the product labeling. However, FDA does not have the authority to restrict the routine use of drugs to procedures (described in the product labeling) FDA has approved as safe and effective. Indeed, NRC is the only Federal Agency that is currently authorized to regulate the routine use of radioactive drugs from the standpoint of reducing unnecessary radiation exposure to patients.

The Commission believes that the diagnostic use of radioactive drugs is, in most cases, clearly an area of low radiation risk to patients. Therefore, NRC will not control physician's prerogatives on patient selection, instrument selection, procedure selection, drug selection and dose level for most diagnostic uses of radioisotopes. For all therapeutic uses of radioactive drugs, and in certain diagnostic uses—for example, the use of phosphorus-32 for localization of eye tumors—the risk to patients is not low. The risk of tissue or organ damage (or even death) is inherent in the use of therapeutic levels of radioactive drugs. NRC will continue to restrict the uses of therapeutic and certain diagnostic radioactive drugs to the indicated procedures that have been approved by FDA. The NRC will not control the physicians' prerogatives on patient selection and instrument selection for therapy procedures, because these procedures are so specialized and patient specific.

Congress recently gave FDA authority to regulate medical devices, similar to FDA's authority to regulate drugs, but with additional authority to restrict the routine use of medical devices as may be necessary to provide reasonable assurance of their safety and effectiveness. FDA has not yet had sufficient time to implement its full authority to regulate medical devices containing byproduct, source or special nuclear material. Therefore, NRC will continue to restrict physician's uses of these medical devices, both for diagnosis and therapy, to

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those procedures that NRC has determined (in consultation with its Advisory Committee on the Medical Uses of Isotopes) to be safe and effective.

The Commission does not consider equipment calibration, qualifications of paramedical personnel or reporting to NRC misadministrations of radioactive material to be exclusively the practice of medicine or a part of physician-patient relationships. The Commission intends to regulate these areas of patient radiation safety where justified by the risk to patients and where voluntary standards, or compliance with these standards, are inadequate.

III. Discussion of Public Comments

A. Comments on the Policy Statement

One commenter opposed the use of the general term "radioisotopes" in the first part of the policy statement. This commenter was concerned that, if taken out of the context of the footnote, it could be interpreted to include naturally occurring and accelerator produced radioisotopes.

The Commission believes that the general term "radioisotopes" is plain English and easily recognized by the public. It was properly footnoted in the policy statement to include the more cumbersome but specific terms: byproduct, source and special nuclear material and to exclude naturally occurring and accelerator produced radioactive material.

One commenter, in opposition to NRC's regulation of patient radiation safety, suggested that NRC limit its role to the radiation safety of the hospital staff and the general patient population. He believes that patient dosimetry is a responsibility of the individual institution and not NRC. This commenter feels that NRC should first require adequate staffing, including a board certified physician or radiopharmacist and a radiation safety officer, and then essentially leave the institution alone regarding dosimetry, instrumentation, calibration, drug procurement or any other function considered to be the practice of medicine.

NRC does require the licensee to staff its operation with a radiation safety officer and a physician (not necessarily board certified) trained to administer radioactive material or radiation to patients. However, the Commission cannot limit its regulatory role to protecting the hospital staff and the general patient population and at the same time fulfill its congressional mandate to protect the health and safety of the public as regards source, byproduct and special nuclear material. The patient being treated or diagnosed with radioactive material, as well as the general public who may be exposed to radiation as a result of that treatment, are all members of the public to be protected by NRC.

Two commenters objected to NRC's regulation of patient radiation safety because they believe that NRC does not have the authority to regulate patient safety. They note that NRC's enabling legislation does not specifically mention the radiation safety of patients. They believe that patient safety is the responsibility of the physician, a responsibility that cannot be shared. They believe that the Commission is in error to equate patients with the public and to consider patients as users rather than recipients of radioactive material.

As noted in the analysis of the similar comment above, the NRC's overriding congressional mandate is to protect the health and safety of the public. The patient is a member of the public, notwithstanding the Commission's recognition of physicians' primary responsibility for protection of their patients. The policy statement and, indeed, all of the Commission's actions in regulating the medical uses of radioisotopes, acknowledge the secondary but necessary role of NRC in regulating the radiation safety of patients. The Commission also considers patients to be both users and recipients of radioactive material. However, the distinction between receipt and use of radioactive materials is not meaningful in this case because NRC regulates, among other things, receipt, possession, use and transfer of byproduct, source and special nuclear material in protecting the health and safety of the public.

B. Comments on Specific Issues

There were six comments on the question of reporting misadministrations of radioactive material. Three commenters opposed any misadministration reporting and three commenters offered suggestions on how they should be reported. All of the comments will be considered in dealing with NRC's newly proposed misadministration reporting requirement that was published in the Federal Register for public comment on July 7, 1978 (43 FR 29297).

There were six comments on the specific issue of paramedical training. Three commenters believe that it is unnecessary for NRC to become involved in paramedical training because several organizations are already providing or developing minimum standards, guidelines or certification. One commenter believed that NRC should be involved in this area because the technologist, not the physician, does most of the work with radioisotopes. Two commenters believe that radiological physicists should be separated out from other paramedical personnel and one of these commenters offered a definition of radiological physicist.

As noted in the proposed policy statement, NRC is studying the various allied health certification programs currently in effect or being drafted by other Federal, State and professional groups. If the coverage provided by these programs is not adequate to protect the patient from unnecessary radiation exposure, NRC will work with these groups to develop a new NRC proposed rule for the training of allied health personnel.

There were five comments on the specific subject of nuclear pharmacies (radiopharmacies).

One commenter urged NRC to distinguish between radiopharmacists working in a hospital setting and those working in a retail environment (commercial nuclear pharmacy). This commenter also noted the complexity of the problem of definition when the hospital based radiopharmacy provides radiopharmaceuticals to other hospitals and practitioners in its area.

As noted in the proposed policy statement, the NRC will defer to the Food and Drug Administration (FDA) regarding a determination of those activities of nuclear pharmacies that will be considered manufacture and those activities that will be considered the ordinary practice of pharmacy (compounding and dispensing).

Four commenters objected to NRC's licensing nuclear pharmacies to distribute only those products that they have prepared from FDA-approved radiopharmaceuticals or reagent kits. One commenter cited the practice of nuclear pharmacies supplying radiochemicals to researchers who use them on humans under their own FDA "Notice of Claimed Investigational Exemption for a New Drug" (IND). One commenter noted that FDA permits nuclear pharmacies to operate in the absence of a final determination of their status, providing they meet all State and local pharmaceutical regulations. The two other commenters characterized the NRC's restrictions on the distribution of radiopharmaceuticals by nuclear pharmacies as an unwarranted intrusion into the practice of pharmacy which is regulated by the States.

NRC licenses nuclear pharmacies to distribute radioactive drugs that have been approved by FDA. This includes radioactive drugs subject to an FDA-approved "New Drug Application" (NDA), or "Notice of Claimed Investigational Exemption for a New Drug" (IND). NRC relies on FDA approval of radioactive drugs because NRC has not regulated the safety and effectiveness of radioactive drugs since 1975. Also, there are not many States that are equipped to regulate radioactive drug safety and effectiveness.

Dated at Washington, D.C. this 1st day of February 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 79-4148 Filed 2-8-79; 8:45 am]

[8010-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-6020, IC-10571]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Short Form for the Registration of Securities

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting amendments to the short form S-16 in order to further expand its use for primary offerings by subsidiaries of certain issuers. The amendments will enable certain subsidiary issuers who otherwise satisfy the general requirements of the form to use the form for primary offerings of securities if they have outstanding securities held by non-affiliates with an aggregate principal amount or market value of at least $250 million, the offer or sale of which has been registered pursuant to the Securities Act of 1933, and at least 1,000 security holders who receive annual reports containing certified financial statements of the issuer.

EFFECTIVE DATE: March 15, 1979; however, persons desiring to use the revised form prior to that date may do so, provided they comply with all applicable provisions of the new form.

FOR FURTHER INFORMATION CONTACT:

Steven J. Paggioli, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202/376-8090).

SUPPLEMENTARY INFORMATION: On September 7, 1978, the Commission authorized for publication proposed amendments to Form S-16 (17 CFR 239.27), a form for the registration of certain securities under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq. as amended by Pub. L. No. 94-29 (June 4, 1975)). Securities Act Release No. 5974 (43 FR 41052) invited comments on these proposed amendments which would generally expand the class of subsidiary issuers eligible to use the form for primary offerings to include those whose parents do not guarantee their securities as to principal and interest and also allow the use of the form for the registration of equity securities of such issuers. In addition to the general requirements for the use of Form S-16 and the market capitalization requirement of the parent, the eligibility criteria proposed in Release 33-5974 for subsidiaries included (1) the existence of outstanding debt or equity securities held by nonaffiliates, with an aggregate principal amount or market value of at least $250 million, the offer or sale of which has been registered pursuant to the provisions of Section 6 of the Securities Act, (2) compliance with certain specified earnings to fixed charges ratios (varying according to industry) for the most recent fiscal period reported, and (3) the existence of at least 2,500 security holders who receive annual reports from the issuer containing certified financial statements.

This release contains a general discussion of the background and purpose of the amendments proposed in Release No. 33-5974, the comments received on the proposal,[1] and the Commission's response to those comments. The text of the amendments should be consulted for a complete understanding of the new provisions.

Background and Purpose

On April 11, 1978, the Commission in Securities Act Release No. 5923 (43 FR 16672) announced the adoption of amendments making Form S-16 available for the first time for primary offerings by issuers under certain specified conditions. The amendments reflected in part the recommendation of the Advisory Committee on Corporate Disclosure ("Advisory Committee") that Form S-16 be available for the registration of securities to be offered directly to the public by a "small top tier of companies • • • which usually provide high quality corporate communication documents, including 1934 Act reports, • • • whose corporate information is widely disseminated • • • [and] which are widely followed by debt and equity analysts." [2] One of the major conditions ultimately adopted in furtherance of identifying a category of such issuers was the requirement that an issuer have outstanding voting stock held by nonaffiliates with an aggregate market value of at least $50 million. the relation of this requirement to the issuer's voting stock, however, was criticized by several commentators who noted that many companies with no publicy held voting stock may be better established than those with such stock.[3] Accordingly, the amendments that were adopted in Release 33-5923 allow the use of Form S-16 by issuers with no publicly held voting stock when the issuer is a majority owned subsidiary and its parent meets the $50 million market capitalization requirement and guarantees the securities as to principal and interest.

As noted in Release 33-5974, subsequent to the adoption of these amendments, further comments were received to the effect that several subsidiary issuers, such as finance and utility companies, are among the largest and best established business concerns and frequently finance externally. Substantial public information is available regarding these issuers in view of their previous issuance of securities and reporting history. It was further suggested that, in view of the quality of these subsidiary issuers, parent companies generally need not and do not guarantee their securities. In light of these concerns, the Commission in Release 33-5974 proposed amendments to the form that would enable subsidiary issuers to use the form for primary offerings in the absence of a parent guarantee provided that they meet certain criteria intended to assure the satisfaction of similar standards of information dissemination and significant interest by securities professionals that must be met by their parent companies. These additional criteria proposed in Release 33-5974, the comments received thereon, and the Commission's response as reflected in the final amendments are discussed immediately below.

Adoption of Requirement of $250 Million Aggregate Principal Amount or Market Value of Outstanding Securities

In addition to the general requirements that the issuer satisfy the rules for the use of Form S-7 [4] and that its

[1] See comments collected at File No. S7-754.

[2] Report of the Advisory Committee on Corporate Disclosure to the Securities and Exchange Commission ("Report"), House Committee on Interstate and Foreign Commerce, 95th Cong., 1st Sess., Committee Print 95-29 at 433-34.

[3] See comments collected at File No. S7-725.

[4] Generally, an issuer may use Form S-16 if it meets the conditions for use of Form S-7, which require an issuer (a) to have a class of securities registered under section 12 or be subject to the reporting requirements of section 15(d) of the Securities Exchange Act of 1934; (b) to have been subject to the requirements of sections 12 or 15(d) and to have filed all applicable reports for 36 calendar months prior to filing the registration statement and have timely filed all required reports for the past 12 calendar months; (c) to have had no default in payments on preferred stock, indebtedness for borrowed money or long-term leases during the past 36 months; and (d) to have had consolidated net income of at least $250,000 for 3 of the last 4 fiscal years, including the most recent fiscal year. See 17 CFR 239.26.

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parent meet the $50 million voting stock market capitalization requirements, the first eligibility requirement proposed in Release 33-5974 would require the issuer to have outstanding debt or equity securities held by nonaffiliates, with an aggregate principal amount or market value of at least $250 million, the offer or sale of which has been registered pursuant to the provisions of Section 6 of the Securities Act. As noted in Release 33-5974, this proposed standard was intended to assure that the form is available to a category of issuers which are likely to be the subject of significant interest within the investment community and about which adequate current information is likely to be widely disseminated as a result of their size and registration and reporting history.

While the commentators generally did not object to the concept of an outstanding securities requirement for majority or greater owned subsidiary issuers, some commentators felt that the $250 million standard was too high and suggested reduction to various levels. A few commentators believed that the $50 million standard applicable to parent company voting stock also would be appropriate for subsidiaries.

While the Commission recognizes that any choice of a requisite amount or value of outstanding securities must to a degree be arbitrary, it believes that the standard proposed is appropriate and should be adopted. On balance the $250 million level would appear to provide a means of assuring that the initial group of issuers eligible for the form would be those high quality, well established issuers for which the Advisory Committee urged expanded access to the short form. The $250 million standard adopted today will be monitored and in the event that a reduction would be appropriate to fully implement the Advisory Committee's recommendation, such reduction may be considered at a later date.

Deletion of Proposed Coverage Ratio Requirement

An additional eligibility standard proposed in Release 33-5974 would have required that the issuer's earnings for the last fiscal year or 12-month period reported in the registration statement, after all operating and income deductions except fixed charges and taxes based on income or profits after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons must be at least: (a) 1.25 times fixed charges for finance companies, (b) 3 times fixed charges for utilities, and (c) 6 times fixed charges for any other issuers. The earnings to fixed charges ratio criterion was also intended to assure that the form be available only to high quality issuers whose earnings exceed fixed charges by a generally accepted multiple amount for the particular industry in which the issuer is engaged. As noted in Release 33-5974, the proposed ratios were based upon one of the conditions for use of Form S-9,[5] a now rescinded form for registration of certain debt securities.

Several commentators believed that the coverage ratios proposed were too stringent and thought that this requirement would limit access to the form to all but a few additional subsidiary issuers. These commentators were also opposed to the use of the Form S-9 coverage ratios, even for an initial period, since in their view the limited use of Form S-9 was directly attributable to the inability of many issuers to meet the ratios, a result which would defeat the purpose of the proposal.

More significantly, many commentators believed that maintenance of a specified earnings to fixed charges ratio is not a reliable indicator of whether a particular issuer is of the high quality, financially sound caliber contemplated by the Advisory Committee for expanded availability of the form. These commentators pointed out that many high quality issuers maintain lower ratios because they can operate with higher financial leverage and at lower interest margins than less seasoned issuers. Similarly, some commentators noted that the securities of many issuers who could meet the proposed ratio requirements often are given lower ratings by rating agencies than the securities of more established companies that do not meet the ratios.

The Commission has considered the views of the commentators and has determined not to adopt the proposed eligibility standard based on coverage ratios at this time. Since maintenance of specified coverage ratios may not be substantially related to the status of a particular company with respect to size or information dissemination, adoption of this requirement would not appear to assist in assuring that the form is available to the desired category of issuers. The commission also notes that issuers who use Form S-16 must meet the conditions for the use of Form S-7, which include specific requirements as to net income and absence of certain defaults, as well as currency of Exchange Act reports.[6] Accordingly, the Commission believes that the objective of the proposals may be achieved without adopting a coverage ratio requirement that may impose hardships on issuers who would otherwise have access to the form.

Reduction of the Required Number of Security Holders Receiving Annual Reports

The final eligibility requirement proposed in Release 33-5974 would have required that the issuer have at least 2,500 security holders who were furnished an annual report containing certified financial statements for its most recent fiscal year. In that release the Commission noted that, although issuers eligible to use the form must be subject to the Exchange Act reporting requirements and be current in filing of such reports, actual distribution of these documents may not be extensive for issuers with no publicly held voting securities.[7] This final proposal was intended to help assure an adequate level of information dissemination.

While the commentators did not object to the concept of requiring a minimum number of security holders who receive annual reports, most commentators believed that the number chosen was unrealistically high. These commentators pointed out that the securities of those issuers with no publicly held voting securities, particularly debt issuers, may be held by a relatively small number of institutional investors. Many high quality issuers would thus be precluded from using the form. The commentators also noted that many of such issuers will respond to reasonable requests for financial information from institutional or individual investors and pointed out that much information is available from widely distributed financial reporting services and rating institutions. Accordingly, most commentators recommended a reduction in the number of security holders who receive annual reports containing certified financial statements of the issuer.

The Commission has considered the commentators' views and believes that the proposed number of security holders receiving annual reports should be reduced in order to assure increased access to the form and can be reduced without an adverse effect on the goal of adequate information dissemination. Accordingly, the number of security holders has been reduced in the final amendment to 1,000. In addition, since annual reports of certain parent company issuers sometimes contain separate certified financial statements of subsidiaries, the amendment permits issuers to use such reports in meeting the requirement to distribute reports to shareholders of the subsidiary issuer.[8]

[5] Form S-9 was a registration form available for registration of nonconvertible, fixed-interest debt securities of an issuer required to file reports pursuant to section 13 or 15(d) of the Exchange Act. That form required certain earnings to fixed charges ratios as a condition to its use. Form S-9 was rescinded on Dec. 20, 1976, in view of the minimal number of registrations that had been filed on the form in recent years. Securities Act Release No. 5791, 41 FR 56306, Dec. 20, 1976.

[6] *See* note 4 supra.

[7] Release 33-5974 referred to a recent survey of corporations having over $4 billion in outstanding debt and over 30,000 bondholders. That survey indicated that only 28 percent of such bondholders received annual reports and only 20 percent received interim reports. The survey is referred to in the report of the Fixed Income Analysts Society to the Advisory Committee. *See* Report at A-65-66.

[8] The distribution of the issuer's annual report on Form 10-K (17 CFR 249.310) for its most recent fiscal year may be distributed in satisfaction of this requirement.

Effective Date and Operation

The amendments contained in this release shall be effective on March 15, 1979. Persons desiring to rely on the provisions of the newly amended form may do so prior to that date, provided that they comply with all applicable provisions. Because of the Commission's responsibility to protect investors and safeguard the public interest in connection with sales and purchases of securities, the adoption of these amendments is in the nature of an experiment and the broadened availability of the form will be monitored. This will permit consideration of amendments to further expand the class of issuers which can use the form, or the types of offerings for which the form can be used, or to limit the availability of the form if the protection of investors so requires.

Text of the Amendments

The text of the amendments is set forth below:

Form S-16 (17 CFR 239.27) is amended as follows:

§ 239.27 Form S-16, for registration under the Securities Act of 1933 of securities of certain issuers offered pursuant to certain types of transactions.

* * * * *

(No change in facing page.)

General Instructions

A. Rule as to Use of Form S-16: Form S-16 may be used for registration under the Securities Act of 1933 of securities offered in the transactions specified below, if the issuer meets the requirements for the use of Form S-7 (17 CFR 239.26) at the time of filing the registration statement:

1. Transactions involving certain primary offerings. Debt or equity securities offered for cash by or on behalf of the issuer provided the following conditions are met:

(a) The issuer meets the conditions listed in (i), (ii), or (iii) below. The aggregate market value of the issuer's or its parent's outstanding common stock shall be computed by reference to the price at which the stock was sold, or the average of the bid and asked prices of such stock, as of a specified date within 60 days prior to the date of filing. (See the definition of affiliate in Rule 405, 17 CFR 230.405).

(i) The aggregate market value of the voting stock held by nonaffiliates of the issuer is $50 million or more; or

(ii) The aggregate market value of the voting stock of the issuer's parent held by nonaffiliates is $50 million or more, the issuer is a majority owned subsidiary and its parent has fully guaranteed the securities as to principal and interest; or

(iii) The aggregate market value of the voting stock of the issuer's parent held by nonaffiliates is $50 million or more, the issuer is a majority owned subsidiary; and

A. The issuer has outstanding securities held by nonaffiliates, with an aggregate principal amount or market value (computed in accordance with instruction A(1)(a) above) of at least $250 million, the offer or sale of which has been registered pursuant to the provisions of section 6 of the Securities Act of 1933, 15 USC 77f; and

B. The issuer has at least 1,000 security holders to whom the issuer has furnished an annual report containing certified financial statements for its most recent fiscal year. An annual report of the issuer's parent that contains separate certified financial statements of the issuer may be used to satisfy this requirement.

* * * * *

(No other change in General Instruction A(1).)

(No other change in Form S-16.)

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 658; sec. 1, 79 Stat. 1051; (15 U.S.C. 77f, 77g, 77j, 77s(a)))

Statutory Authority

The foregoing amendments are adopted pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19(a) thereof.

By the Commission.

George A. Fitzsimmons,
Secretary.

February 1, 1979.

[FR Doc. 79-4487 Filed 2-8-79; 8:45 am]

[8010-01-M]

[Release Nos. 33-6016, 34-15502, 35-20891, 39-522, IC-10563, and IA-660]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Agency Rules Relating to Certain Formal Requirements for Filing of Documents; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Correction.

SUMMARY: This document corrects FR Doc. 79-2262 appearing at page 4665 in the Federal Register of January 23, 1979. In the middle column on page 4666 the heading for Part 270 should read PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940.

DATE: January 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Roderic L. Woodson, Special Counsel, Office of Reports and Information Services, Securities and Exchange Commission, Washington, D.C. 20549, (202) 523-5530.

George A. Fitzsimmons,
Secretary.

January 31, 1979.

[FR Doc. 79-4486 Filed 2-8-79; 8:45 am]

[8010-01-M]

[Release No. 35-20910; File No. S7-741]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 256—UNIFORM SYSTEM OF ACCOUNTS FOR MUTUAL SERVICE COMPANIES AND SUBSIDIARY SERVICE COMPANIES, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Final Rules

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending its Uniform System of Accounts for Mutual and Subsidiary Service Companies promulgated pursuant to the Public Utility Holding Company Act of 1935 to provide for a system of accounts which follows, with modifications, The Federal Energy Regulatory Commission's Uniform System of Accounts. The Commission is amending Rule 93 to require service companies to keep their accounts and records in accordance with the amended Uniform System of Accounts. These amendments require the service companies to (1) design subaccounts and keep memorandum and time records to facilitate the preparation of reports and statements required by regulatory commissions and the conduct of audit and account inspection programs, (2) establish a work order system to accumulate reimbursable costs and charges to customers, and (3) account for compensation for use of capital, if paid.

EFFECTIVE DATE: The rule and System of Accounts published in this release shall be effective January 1, 1980, but service companies may elect to implement it prior to that date.

FOR FURTHER INFORMATION CONTACT:

Leon C. Rubin, (202) 523-5677, and

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Robert P. Wason, (202) 523-5159, Division of Corporate Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Uniform System of Accounts For Mutual and Subsidiary Service Companies ("Uniform System of Accounts") was adopted May 12, 1936. Historically, the activities of service companies have centered on accounting, administrative, financing and engineering services. Today, such companies' services have been expanded to include data processing, modeling, fuel management and analysis, rate analysis, system analysis, budgeting, and other support services. There are presently eleven jurisdictional subsidiary companies which, during 1977, rendered over $363 million of services, at cost, to the jurisdictional electric and gas operating utilities. The cost of these services represented 2.10% of operating revenues of these utilities.

Operating utilities not part of holding company systems generally perform these functions themselves with the aid of independent contractors. Many of these operating utilities are subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC"), formerly the Federal Power Commission, and keep their accounts and records in accordance with the FERC Uniform System of Accounts ("FERC System of Accounts"). Most of the remaining operating utilities keep their accounts and records in accordance with the uniform system of accounts prescribed by their respective state regulatory commissions, which in most instances is similar to the FERC System of Accounts. The FERC System of Accounts is designed for operating utilities. Although it is broad enough to cover the costs associated with self performed service functions, it does not deal with the accounting requirements of service, at cost, by a separate service company to a group of associated utility companies.

On May 25, 1978, we published a release (HCAR No. 20547), 43 FR 22379, in which we proposed amendments to the Uniform System of Accounts for Mutual and Subsidiary Service Companies (17 CFR 256) and to Rule 93 (17 CFR 250.93) which would require service companies to keep their accounts and records in accordance with the amended Uniform System of Accounts.

Interested parties were afforded the opportunity to file comments and suggestions. After careful consideration of the comments submitted we have concluded that the proposed amendments to the Uniform System of Accounts and to Rule 93 should be adopted. Several modifications and clarifications have, however, been made to the Uniform System of Accounts in view of the comments and suggestions filed.

Analysis of Comment Letters

Nineteen comment letters were filed. Of those letters, 15 were from state public utility commissions and four were from jurisdictional companies. Many of the state commissions which commented expressly stated that they were in favor of the proposed revisions to the Uniform System of Accounts. These comments pointed to the benefits to be derived from the detailed accounting system, namely, the promotion of more efficient and effective regulation and the compatibility of this accounting system with the FERC Uniform System of Accounts. None of the state commissions objected to our revision. Several recommended improvements.

One state commission commented that any adjustments to estimated cost should be clearly indicated in billings rendered by the service company in order to facilitate the consideration of such adjustments in retail rate proceedings. That commission also recommended that the service company billing system be modified to reflect the method of overhead allocation as well as the effect of any changes in such method. We have adopted these recommendations to § 256.00-1(d) (Preface) because we are of the opinion they would facilitate audit and inspection.

It was also suggested by a state commission that the factors for allocating indirect costs and compensation for use of capital be prescribed. It was stated that the proposed Uniform System of Accounts did not clearly indicate the method to be used in determining billings for indirect costs and for compensation for use of capital.

Registered systems and service company operations are too diverse to permit the adoption of a general formula for overhead allocation. Allocation methods have been dealt with by order in the application process for authorizing service company operations under Sections 13(c) and 13(d) of the Act. We have made express reference to this procedure by adding § 256.01-11 (Methods of allocation), directing that indirect costs and compensation for use of capital shall be allocated in accordance with the service company's applicable and currently effective methods of allocation filed with the Commission. In this connection, we have deleted as redundant the final instruction to account 458-4 (Excess or deficiency on servicing nonassociate companies) which dealt with one aspect of the same subject.

Several state commissions expressed an interest in receiving copies of the service company annual reports required to be filed with this Commission. One commission proposed an amendment to the Uniform System of Accounts which would require service companies to file a copy of this report with the state commission having jurisdiction. Rule 94 (17 CFR 250.94), Annual Report for Mutual and Subsidiary Service Companies, deals with the filing of annual reports by service companies on Form U-13-60. This recommendation will be considered in the context of the contemplated revision of that Form and rule rather than in the context of this rulemaking. State commissions need not defer requiring that such reports be supplied now to them. The reports are public records.

Eleven jurisdictional service companies submitted a joint comment letter and enclosed a proposed revised Uniform System of Accounts which reflected the recommendations made in their joint comments and additional revisions. Three supplemental comment letters were also submitted. The service companies have expressed basic agreement with our proposed Uniform System of Accounts but have criticized some of the details required by the proposed accounting system. The joint comment states that the detailed invoicing requirement contained in the instructions to the income accounts will result in a duplication of effort and undue expense. Those instructions state that invoices shall be submitted to associate companies with sufficient information and detail to permit the associate company to identify the charge "as if it itself provided the services." One service company emphasized in a separate comment that these detailed invoicing requirements would impose an undue burden upon it in assembling the data needed in the preparation of invoices. It stated that the additional effort required would not result in any corresponding benefits and recommended that the phrase "as if it itself provided the service" be deleted from those instructions.

One of the purposes of the revision is to provide a fuller identification of charges to facilitate accounting by the associate companies and regulatory audit. We agree that the phrase "as if it itself provided the services" could create unintended difficulties. It has been deleted.

The service companies were concerned that the requirements for separate accounting for contracts with nonassociates might reflect hostility to such activity. While service companies exist to serve companies in their system "at cost, fairly and equitably allocated among such companies," this does not preclude incidental relationships with other utilities, such as coowners of generating plants, productive use of temporarily unused capacity or participation in utility related research or development activity. The comments stress Department of Energy projects, which the regulated systems and their service companies are particularly well qualified to perform.

The existence of such activities was recognized in the 1936 system of accounts, as it is in the present system. Since contracts with nonassociates are not governed by the service at cost requirement, such contracts may produce a profit or a loss. Instruction A under the heading "Allocation of Cost of Service" in the 1936 system, dealing with such contracts, has been replaced by appropriate accounts in the new system, culminating in account 458-4 (Excess or Deficiency on Servicing Nonassociate Companies). The work order system will permit and require appropriate identification of the costs of all specific jobs, including those with nonassociates. The segregation of this readily identifiable class of activity is necessary to facilitate regulatory audit.

There is no implication of impropriety because a loss is incurred on a contract with a nonassociate. The service companies state that Department of Energy contracts sometimes fail to cover fully allocated overheads, but do produce collateral benefits and are clearly in the public interest. In these and other cases, it may also be economically beneficial to utilize available resources, even though priced on an incremental cost rather than a fully allocated cost basis.

Accordingly, Instruction 256.01-2 (Application to service companies doing business with nonassociate companies) provides:

> A deficiency incurred in a project deemed beneficial to the associate companies may be charged to associate companies subject to disallowance by a State or Federal commission having jurisdiction over the rates or services of such associates.

The system presumes that service companies will contract with third parties in the interests of the associate companies they serve, but preserves the jurisdiction of regulatory commissions to deal with actual cases insofar as the operating companies cost of service is affected.

The service companies requested that the requirement for a monthly statement supporting the basis for the return on equity be eliminated as not cost-beneficial to the holding company systems. We have modified the requirement to account 457-3 (Compensation for use of capital-associate companies) and have stated under § 256.01-12 (Compensation for use of capital) that such compensation may be estimated but stated separately in each billing to the associate companies. Instead of a monthly statement, an annual statement will be supplied to each associate company at the end of the calendar year to support the amount of compensation billed for the previous twelve months.

The service companies' recommended revision of the Uniform System of Accounts would have added the words "whenever possible" to subsections (b) and (c) of § 256.01-4 (Construction or service contracts and centralized procurement accounting), and to the Note to account 146 (Accounts receivable from associate companies). Those revisions, if adopted, would permit the service company (1) to act as intermediary in purchasing materials, meeting payrolls, and paying for other outside services in construction projects or goods purchased under centralized procurement activities and (2) to make other payments to the vendor or supplier for the convenience of the associate companies. Although we recognize that there may be situations which call for convenience payments, we think that construction costs and costs of goods purchased under centralized procurement should be paid for by the user company. Use of the service company magnifies the audit task. We, therefore, decline to adopt the proposed revisions to §§ 256.01-4(b) and (c).

We have modified the language of account 146 to provide for occasional payments to accommodate associate companies in emergency situations and in instances where such payments would result in significant cost or time savings to the associate company. We have not accepted the proposed revision to account 146 because that revision might sanction convenience payments under less exigent circumstances.

The service companies also urged us to eliminate certain accounts on the basis that they are unnecessary or represent a duplication of the work order system prescribed in the Uniform System of Accounts. They were of the opinion that accounts 123 (Investment in associate companies) and 144 (Accumulated provision for uncollectible accounts), 145 (Notes receivable from associate companies), 221 (Bonds), 225 (Unamortized premium on long-term debt), and 226 (Unamortized discount on long-term debt-debit), were unnecessary because they would have no applicaton to service companies in the foreseeable future. We are well aware that not all the accounts prescribed will be used. A service company need not utilize or incorporate in its reports accounts in which no entries will be made. While it is not expected that service companies will make investments in associate companies, it is not inconceivable that special circumstances might make it desirable to segregate legally a particular function. It would be rash to exclude the possibility of long term debt financing. Accounts 123, 144, 225, and 226 are retained in the Uniform System for use if the occasion arises.

We have deleted account 145 (Notes receivable from associate companies) because such transactions, if they do occur, can be recorded in account 123, and have deleted account 221 (Bonds) because such obligations, if any, can be recorded in account 224 (Other long term debt).

The service companies were critical of our inclusion of accounts 152 (Fuel stock expenses undistributed), 163 (Stores expense undistributed), 188 (Research, development and demonstration expenditures), 928 (Regulatory commission expense), and 930.1 (General advertising expense), because they were of the opinion that these accounts would represent duplication of activities properly accounted for in the work order system. We are not persuaded by this argument. These accounts do not duplicate work order entries for applicable transactions but merely provide a summarization of the total monthly expenditures incurred in connection with these transactions. Moreover, these accounts facilitate the conduct of audit and inspection programs. Accordingly, we deny the request that these accounts be deleted.

The service companies recommended in their joint-comments that only three revenue accounts be established: (1) Account 457-1 (Direct costs charged to associate companies); (2) Account 457-2 (Indirect costs charged to associate companies); and (3) Account 457-3 (formerly, -5) (Compensation for use of equity capital). They also recommended the deletion of account 457-3 essential where costs are being distributed to several companies. For the same reason, we cannot assimilate a department to a project or job. If a whole department works on a single project, as in the case of a tax department preparing a consolidated tax return, its costs would be, for that period, charged to that single work order. But that tax department may also deal with diverse assessments and taxes in various parts of the multistate utility system it serves, requiring separate work orders for the projects performed. We have modified the definition of "work order system" to clarify our intent that such a work order system shall include the records, schedules and worksheets used to account for charges billed to single and groups of associate and nonassociate companies. We have deleted the final sentence of the definition because it is in the nature of an instruction which should be contained in § 256.01-11 (Methods of allocation), rather than in a definitional section.

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The service companies' proposed revision would change the work "shall" contained in the first sentence of account 154 (Materials and supplies) to "may." The effect of this revision would be to make the utilization of this account discretionary. We have adopted this recommendation because a specific account to summarize generally insignificant expenditures for materials and supplies held for use by the service company would be unduly burdensome.

Accounts 457-2 (Indirect costs charged to associate companies) and 458-2 (Indirect costs charged to nonassociate companies) have been shortened by deleting examples already adequately incorporated through the definition of indirect cost in § 256.01-8(i).

The service companies noted the proposed effective date of January 1, 1979 did not allow sufficient time for the implementation of a revised accounting system. We have changed the effective date to January 1, 1980. Service companies are, nevertheless, authorized to implement the new system, in whole or in part, at any time during the calendar year 1979. The service companies also requested that the Uniform System of Accounts become effective after the Form U-13-60 Annual Report is revised in order to allow the companies sufficient time to establish the necessary internal procedures required to collect the data required in the Annual Report. One service company filed its additional comments urging us to revise Form U-13-60 as promptly as possible after the adoption of this Uniform System of Accounts. It also requested that we allow a full calendar year to elapse before the revised Form U-13-60 becomes effective. It is contemplated that Rule 94 and Form U-13-60 will be promptly revised.

We see no necessity to defer use of the new system of accounts until the Form U-13-60 Annual Report is revised. The revised form will be based on the new system of accounts, which may be used with confidence as to their adequacy to generate the data required for the report. The new system of accounts is also sufficient to provide the data required for the existing Form U-13-60 Annual Report, as long as subaccounts to account 923 (Outside services employed) are kept to distinguish among legal, engineering, tax, audit and other classes of professional service as required by old accounts 213-217 inclusive, and records are maintained to account 921 (Office supplies and expense) for old accounts 211, 220, 221 and account 930.2 (Miscellaneous general expense) for old accounts 212, 225 and 228.

The revised Uniform System of Accounts replaces the Commission's present system of accounts for service companies adopted in 1936 with a system consistent with the FERC System of Accounts. It also provides for accounts analyzing service company revenues and the rate of return on service company capital, all of which are generally included in the cost of service of the operating utilities. The amended Rule 93 requires service companies to keep their accounts and records in accordance with the revised Uniform System of Accounts. It requires service companies to design a subaccount structure and to keep memorandum and time records appropriate to any service functions or departmental organizations needed for a full accounting of all transactions of such company.

The Commission believes that the revised Uniform System of Accounts: (1) Facilitates coordination of accounts for consolidation purposes, (2) facilitates the preparation of reports and statements required by regulatory commissions and the conduct of audit and account inspection programs, and (3) incorporates generally accepted accounting principles, standards and regulations.

RULES AS ADOPTED

Pursuant to provisions of the Public Utility Holding Company Act of 1935 (Secs. 13, 15, and 20(a), 49 Stat. 825, 828, 833; 15 U.S.C. 79m, 79o, 79t), the Commission hereby amends 17 CFR Chapter II as follows:

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

1. By revising § 250.93 to read as follows:

§ 250.93 Accounts and records of mutual and subsidiary service companies.

Every mutual service company and every company whose organization and conduct of business the Commission has found, pursuant to § 250.88, to meet the requirements of section 13(b) (49 Stat. 825; 15 U.S.C. 79m) shall keep such accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records in such manner and preserve them for such periods, as are prescribed in the Uniform System of Accounts for Mutual and Subsidiary Service Companies under the Public Utility Holding Company Act of 1935 (49 Stat. 803, et seq., 15 U.S.C. 79a to 79z-5), dated May 12, 1936, as amended from time to time and shall keep no other records with respect to the same subject matter except (a) records other than accounts, (b) records required by state law, (c) subaccounts or supporting accounts which are not inconsistent with the accounts required by such uniform system, and (d) such other accounts as may be authorized by the Commission.

PART 256—UNIFORM SYSTEM OF ACCOUNTS FOR MUTUAL SERVICE COMPANIES AND SUBSIDIARY SERVICE COMPANIES, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

2. By revising and restating Part 256 to read as follows:

GENERAL INSTRUCTIONS

Sec.
256.00-1 Preface.
256.01-1 Companies for which this system of accounts is prescribed.
256.01-2 Application to service companies doing business with nonassociate companies.
256.01-3 General structure of accounting system.
256.01-4 Construction or service contracts, and centralized procurement accounting.
256.01-5 Determination of service cost accounting.
256.01-6 Departmental classification required.
256.01-7 Records.
256.01-8 Definitions.
256.01-9 Unbilled items.
256.01-10 Billing procedures.
256.01-11 Methods of allocation.
256.01-12 Compensation for use of capital.
256.01-13 Submission of questions.

BALANCE SHEET ACCOUNTS: ASSETS AND OTHER DEBIT ACCOUNTS

1. SERVICE COMPANY PROPERTY

256.101 Service company property.
256.107 Construction work in progress.
256.108 Accumulated provision for depreciation and amortization of service company property.

2. INVESTMENTS

256.123 Investment in associate companies.
256.124 Other investments.

3. CURRENT AND ACCRUED ASSETS

256.131 Cash.
256.134 Special deposits.
256.135 Working funds.
256.136 Temporary cash investments.
256.141 Notes receivable.
256.143 Accounts receivable.
256.144 Accumulated provision for uncollectible accounts.
256.146 Accounts receivable from associate companies.
256.152 Fuel stock expenses undistributed.
256.154 Materials and supplies.
256.163 Stores expense undistributed.
256.165 Prepayments.
256.174 Miscellaneous current and accrued assets.

4. DEFERRED DEBITS

256.181 Unamortized debt expense.
256.184 Clearing accounts.
256.186 Miscellaneous deferred debits.
256.188 Research, development or demonstration expenditures.

Sec.
256.190 Accumulated deferred income taxes.

LIABILITIES AND OTHER CREDIT ACCOUNTS

5. PROPRIETARY CAPITAL

256.201 Common stock issued.
256.211 Miscellaneous paid-in-capital.
256.215 Appropriated retained earnings.
256.216 Unappropriated retained earnings.

6. LONG-TERM DEBT

256.223 Advances from associate companies.
256.224 Other long-term debt.
256.225 Unamortized premium on long-term debt.
256.226 Unamortized discount on long-term debt-debit.

7. CURRENT AND ACCRUED LIABILITIES

256.231 Notes payable.
256.232 Accounts payable.
256.233 Notes payable to associate companies.
256.234 Accounts payable to associate companies.
256.236 Taxes accrued.
256.237 Interest accrued.
256.238 Dividends declared.
256.241 Tax collections payable.
256.242 Miscellaneous current and accrued liabilities.

8. DEFERRED CREDITS

256.253 Other deferred credits.
256.255 Accumulated deferred investment tax credits.

9. ACCUMULATED DEFERRED INCOME TAXES

256.282 Accumulated deferred income taxes

INCOME AND EXPENSE ACCOUNTS

1. INCOME

256.457 Services rendered to associate companies.
256.458 Services rendered to nonassociate companies.
256.421 Miscellaneous income or loss.

2. EXPENSE

256.920 Salaries and wages.
256.921 Office supplies and expenses.
256.922 Administrative expense transferred-credit.
256.923 Outside services employed.
256.924 Property insurance.
256.925 Injuries and damages.
256.926 Employee pensions and benefits.
256.928 Regulatory commission expense.
256.930.1 General advertising expenses.
256.930.2 Miscellaneous general expenses.
256.931 Rents.
256.932 Maintenance of structures and equipment.
256.403 Depreciation and amortization expense.
256.408 Taxes other than income taxes.
256.409 Income taxes.
256.410 Provision for deferred income taxes.
256.411 Provision for deferred income taxes—credit.
256.411.5 Investment tax credit.
256.426.1 Donations.
256.426.5 Other deductions.
256.427 Interest on long-term debt.
256.430 Interest on debt to associate companies.
256.431 Other interest expense.

AUTHORITY: Secs. 13, 15, 20, 49 Stat. 825, 828, 833; 15 U.S.C. 79m, 79o, 79t.

GENERAL INSTRUCTIONS

CROSS REFERENCES. For general rules and regulations, Public Utility Holding Company Act of 1935, see Part 250 of this chapter. For rule adopting this Uniform System of Accounts, see § 250.93. For regulations under Section 13 of the Act, see § 250.80 to 250.95.

NOTE.—Cross references to accounts are made by citing the account number, e.g., account 201 instead of the corresponding section number (§ 256.201).

§ 256.00-1 Preface.

(a) The accompanying Uniform System of Accounts for Mutual Service and Subsidiary Service Companies represents a modernization of the accounting system for such companies to provide a detailed system of accounts which is tailored to present and expanded services, including data processing, modeling, rate analysis, system analysis, budgeting and other support services such as fuel management and analysis, being rendered by such companies. This Uniform System of Accounts is not applicable to gas or electric utility companies, or companies primarily engaged (1) in production of goods, including exploration and development of fuel resources, (2) in the provision of water, telephone, or similar services, the sale of which is normally subject to public rate regulation, (3) in provision of transportation, whether or not so regulated, or (4) in the ownership of property, including leased property and fuel reserves, for the use of associate companies.

(b) It has been the Commission's task to provide a system comprehensive enough to cover the traditional services and the present services being performed by such companies, yet elastic enough to permit adaptation to varying requirements; a system which, faithfully applied, will provide information essential in the administration of section 13 of the Public Utility Holding Company Act of 1935, will be workable and reasonably simple from an operating viewpoint, and free from unnecessary complexities or burdensome requirements which might render it incompatible with the interests of investors or consumers.

(c) This Uniform System of Accounts requires the service company to (1) design subaccounts and keep memorandum and time records to facilitate the preparation of reports and statements required by regulatory commissions and the conduct of audit and account inspection programs, (2) establish a work order system to accumulate reimbursable costs and charges to customers, and (3) account for compensation for use of capital, if paid.

(d) Credits to the accounts or memorandum records may be made upon the basis of estimated costs to associate companies which shall conform as nearly as may be practicable to actual costs, provided that at stated intervals adjustments of the estimated costs to actual costs shall be made. Invoices to associate companies shall clearly indicate any adjustments to estimated cost previously billed. Such adjustments may be made at intervals during the fiscal year, but final adjustments shall be made at the end of such year. Overbillings or underbillings arising from these adjustments shall be cleared through the appropriate account and offset by adjustments to other accounts involved.

(e) The "expense" accounts provided have been designed to show the cost of each general class of service furnished by the service company and with a view toward securing an equitable allocation thereof to the associate companies served.

(f) Consideration was given in the preparation of this system to the necessity of providing for a more detailed classification of service costs in order to permit these costs to be identified with the functional processes of the associate companies served. In this connection, each service company shall maintain a work order system for accumulating reimbursable costs and charges to customers and maintain time records for all service company employees in order to support the accounting allocation of all expenses assignable to the types of services performed and chargeable to the companies served.

(g) It is believed that the results to be obtained from the system now prescribed, together with the more detailed information to be called for in the annual reports, will provide a better basis for identifying cost than is presently available.

§ 256.01-1 Companies for which this system of accounts is prescribed.

(a) This Uniform System of Accounts is designed for use by: (1) Any company operating, or organized to operate, as a mutual service company under the provisions of Section 13 of the Public Utility Holding Company Act of 1935, and (2) any subsidiary company whose organization and conduct of business the Commission has found to meet the requirements of Section 13(b) of the Public Utility Holding Company Act of 1935, with respect to the performance of services or construction work for, or the sale of goods to, associate companies.

(b) This Uniform System of Accounts is not applicable to gas or electric utility companies; or companies primarily engaged (1) in production of goods, including exploration and de-

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velopment of fuel resources, (2) in the provision of water, telephone, or similar services, the sale of which is normally subject to public rate regulation, (3) in provision of transportation, whether or not so regulated, or (4) in the ownership of property, including leased property and fuel reserves, for the use of associate companies.

§ 256.01-2 Application to service companies doing business with nonassociate companies.

While this Uniform System of Accounts is designed for companies whose principal business is the performance of services or construction for associate companies at cost, it contemplates situations in which the service company may perform service or construction for nonassociate companies in transactions in which charges are not limited to cost. In recognition of such charges account 458-4 is included in the "Income" group for "Excess or deficiency on servicing nonassociate companies." A deficiency incurred in a project deemed beneficial to the associate companies may be charged to associate companies subject to disallowance by a State or Federal Commission having jurisdiction over the rates or services of such associates. To the extent not so chargeable, or if disallowed, such a deficiency will be charged to account 458-4. In computing charges to associate companies for any fiscal year, any net credit in this account must be deducted from amounts reimbursable by associate companies as compensation for use of capital invested in the service company.

§ 256.01-3 General structure of accounting system.

(a) The accounts provided herein are in two general categories: Balance sheet accounts and income and expense accounts. Subsidiary accounts are provided for the details of account 101, Service company property.

(b) The income and expense accounts include, under separate divisions, accounts for recording the revenue or income earned or received and also appropriate accounts for all expenses of operation, maintenance, taxes, interest, all elements of cost allocable to the service performed, and compensation for the use of capital. Appropriate subdivisions or subaccounts should be provided for each service company department or division.

(c) All disbursements and expenses of the service company for service performed for associate companies are recoverable from such companies. In the interest of minimizing questions as to the propriety of charges for reimbursement, each service company shall maintain a work order system for accumulating all costs. To the maximum extent possible, such costs shall be accumulated by direct charges. All employees, including officers, of the service company shall keep, within reasonable cost benefit standards, time records which permit ready identification of the hours worked, account numbers charged, department work order number and other code designations that facilitate proper classification.

(d) The numbers to the right of the decimal point in most cases correspond with the respective account numbers in the Uniform System of Accounts for Public Utilities and Licensees (18 CFR Part 101) of the Federal Energy Regulatory Commission and shall be considered as parts of the account titles. Each service company, however, may adopt for its own purposes a different system of account numbers provided that the account numbers herein prescribed shall appear in the descriptive headings of the ledger accounts and, if practicable, on original source documents. Service companies adopting a different system of account numbers for their own purposes shall keep readily available a list which indicates its account numbers and the corresponding account numbers provided herein. Records of service companies shall be maintained in a manner permitting ready analysis by prescribed accounts (with direct reference to the source of each item in the books of original entry) and permitting preparation of financial operating statements directly from such records at the end of each accounting period.

§ 256.01-4 Construction or service contracts, and centralized procurement accounting.

(a) Specific accounts have not been provided in which to classify expenditures made in the performance of construction or service contracts, under which the service company undertakes projects to construct physical property for associate or nonassociate companies. The difference in the nature of undertakings which will be embraced in such contracts renders impracticable an attempt to prescribe the accounts applicable in all cases. The service company shall keep records pursuant to its work order system indicating the cost of each contract or project, the amount of service costs allocated thereto, and such additional classification of expenditures relating to projects as will meet the accounting requirements of the company for which the work is performed.

(b) Service costs allocated to construction shall include the proper proportion of salaries, expense of officers and employees, pay of employees on the service company's regular staff specifically assigned to construction work, and other expenses of maintaining the service company's organization and equipment. Cost of materials, construction payrolls, outside services, and other expenses directly attributable to construction work shall be excluded from the accounting system of the service company and charged directly by the vendor or supplier to the construction project.

(c) Service costs allocated to centralized procurement activities shall include only the cost of the support services performed by the service company in connection with the procurement of goods for associate companies. Cost of goods procured shall be excluded from the accounting system of the service company and charged directly by the vendor or supplier to the associate company concerned. The service company shall keep records indicating the cost of goods, if any, which it procures for each associate company and the amount of service costs allocated thereto. These records should be maintained to meet the Federal Energy Regulatory Commission's accounting requirements for electric and gas companies.

§ 256.01-5 Determination of service cost accounting.

Service at cost and fair allocation of costs require, first of all, an accurate accounting for the elements which make up the aggregate expense of conducting the business of the service company. In the accounts herein prescribed, the total amounts included in the expense accounts during any period plus such amount as appropriately may be added as compensation for the use of capital, if paid, constitute cost during such period.

§ 256.01-6 Departmental classification required.

The importance of "salaries and wages" as an element of cost requires analysis of this item of expense by departmental or other functional category in accordance with the departmental organization of the service company. To the extent practicable, such departmental organization should be established along lines which will provide a readily available basis for analysis.

§ 256.01-7 Records.

(a) The books of account and other records of the service company shall be so kept as to show fully the facts pertaining to all entries in these accounts. All such entries shall be supported by detailed information sufficient to permit ready identification and audit.

(b) The books and records referred to herein shall include not only accounting records in a limited technical sense but all other records such as minute books, stock books, reports, working papers, memoranda, etc., which may be useful in developing the history of or facts regarding any transactions of the service company.

(c) No company shall destroy any records except as authorized by the provisions of Part 256(a) of this chapter.

(d) The accounts may be further subdivided: *Provided,* Such subdivisions do not impair the integrity of the prescribed accounts. The titles of all subdivisions or subaccounts shall refer by number to the accounts of which they are subdivisions.

(e) Clearing-accounts shall be kept when necessary or useful in making the proper distribution of items to the appropriate accounts prescribed herein or in accumulating general overhead cost such as rent, utility, employee benefits, and other general and support services that are to be allocated to work orders.

(f) On or before the effective date of this Uniform System of Accounts, the several accounts prescribed herein shall be opened by transferring thereto the balances carried in the accounts previously maintained by the service company. The service company is authorized to make such subdivisions, reclassification, or consolidations of such balances as are necessary to meet the requirements of this Uniform System of Accounts.

(g) Except where this Uniform System of Accounts accords specific treatment for specified accounts, all accounts and financial statements shall be maintained in accordance with Regulation S-X and Accounting Series Releases of this Commission. The Uniform System of Accounts promulgated by the Federal Energy Regulatory Commission, as amended from time to time, and the interpretations thereof adopted from time to time by the Federal Energy Regulatory Commission, and accounting regulations and orders of any other Federal or State Commission having jurisdiction over associate companies shall be complied with unless expressly inconsistent with the requirements of this system.

§ 256.01-8 Definitions.

Definitions contained in the Public Utility Holding Company Act of 1935 shall be applicable to terms not specifically defined herein.

(a) "Accounts" means the accounts prescribed by this Uniform System of Accounts.

(b) "Associate company" means any company in the same holding company system.

(c) "Company" or "the company," when not otherwise indicated in the context, means the service company.

(d) "Commission" means the Securities and Exchange Commission.

(e) "Direct cost" shall include labor cost and expenses which can be identified through a work order system as being applicable to services performed for a single or group of associate and nonassociate companies. Cost incidental to or related to a directly charged item shall be classified as direct costs.

(f) "Federal commission" means any Federal agency, including the Securities and Exchange Commission, which has jurisdiction to regulate public utility companies in some relevant respect.

(g) "Federal Energy Regulatory Commission" means the Federal Energy Regulatory Commission or any successor thereto.

(h) "Holding company system" means any holding company, together with all of its subsidiary companies and all mutual service companies of which such holding company or any subsidiary company thereof is a member company.

(i) "Indirect cost" shall include those costs of a general overhead nature such as general services, housekeeping costs, and other support cost which cannot be separately identified to a single or group of associate and nonassociate companies and therefore must be allocated. Indirect costs shall be accumulated on a departmental basis.

(j) "Mutual service company," "service company" or "subsidiary service company" means a company approved by the Commission as a mutual service company or a subsidiary company of a registered holding company found by the Commission to be organized and conducted as to meet the requirements of Section 13(b) of the Act and the provisions of Rule 88 promulgated thereunder.

(k) "Nonassociate companies" means a person, partnership, organization, government body or company which is not a member of the holding company system.

(l) "Operating company" means an electric utility company or gas utility company as defined in the Public Utility Holding Company Act of 1935.

(m) "Person" means an individual or company.

(n) "State commission" means any commission, board, agency, or officer, by whatever name designated, or a State, municipality, or other political subdivision of a State which under the laws of such State has jurisdiction to regulate public-utility companies.

(o) "Uniform system of accounts" means the Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies prescribed herein, as amended from time to time.

(p) "Work order system" means a system for the accumulation of service company cost on a job, project, or functional basis. It includes schedules and worksheets used to account for charges billed to single and groups of associate and nonassociate companies.

§ 256.01-9 Unbilled items.

When the amount of any known item affecting these accounts cannot be accurately determined in time for inclusion in the accounts of the fiscal year in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts. When the amount is ascertained, the necessary adjustments shall be made through the accounts in which the estimate was recorded. If it is determined during the interval that a material adjustment will be required, the estimate shall be adjusted through the current accounts. The service company is not required to anticipate minor items which would not appreciably affect these accounts.

§ 256.01-10 Billing procedures.

All invoices for services rendered to associate companies shall be submitted monthly with sufficient information and in sufficient detail to permit the associate company to identify and classify the charge in terms of the system of accounts prescribed by the regulatory authorities to which it is subject. Each month a statement shall be rendered to the associate company containing a summary of the accounts by work order by which the charges, classified as direct cost, indirect cost, and compensation for use of capital, can be entered in the accounts of the associate company.

§ 256.01-11 Methods of allocation.

Indirect costs and compensation for use of capital shall be allocated to work orders in accordance with the service company's applicable and currently effective methods of allocation filed with the Commission. Both direct and allocated indirect costs of work orders for two or more associate companies shall be allocated among such companies in the same manner. Each work order should identify the methods of allocation to associate companies and the accounts to be charged. The associate companies should be notified in writing of any change in the methods of allocation.

§ 256.01-12 Compensation for use of capital.

Paragraph (a) of Rule 91 provides in pertinent part that a servicing transaction shall be deemed to be performed at no more than cost if the price of such service does not exceed a fair and equitable allocation of expenses plus reasonable compensation for necessary capital procured through the issuance of capital stock. Interest on borrowed capital and compensation for the use of capital shall only represent a rea-

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sonable return on the amount of capital reasonably necessary for the performance of services or construction work for, or the sale of goods to, associate companies. Such compensation may be estimated and shall be computed monthly in the manner prescribed by the Commission. The amount of compensation shall be stated separately in each billing to the associate companies. An annual statement to support the amount of compensation for use of capital billed for the previous twelve months and how it was calculated shall be supplied to each associate company at the end of the calendar year.

§ 256.01-13 Submission of questions.

To promote and maintain uniformity in accounting, the service companies shall submit all questions of doubtful interpretation of the prescribed accounting to the Division of Corporate Regulation or its successor for consideration and decision.

BALANCE SHEET ACCOUNTS: ASSETS AND OTHER DEBIT ACCOUNTS

1. SERVICE COMPANY PROPERTY

§ 256.101 Service company property.

This account shall include the cost of service company property included in accounts 301 and 303 through 311 prescribed herein.

§ 256.107 Construction work in progress.

This account shall include the total of the balances of work orders for service company property in process of construction. Work orders shall be cleared from this account as soon as practicable after completion of the job.

§ 256.108 Accumulated provision for depreciation and amortization of service company property.

(a) This account shall be credited with the amount charged to account 403, Depreciation and amortization expense.

(b) At the time of retirement of depreciable service company property, this account shall be charged with the book cost of the property retired and the cost of removal, and shall be credited with the salvage value and any other amounts recovered, such as insurance, unless the company maintains costs and related reserves for specific units or types of property.

(c) Individual subaccounts for each classification of property listed under account 101, Service company property, shall be maintained.

2. INVESTMENTS

§ 256.123 Investment in associate companies.

This account shall only include notes receivable, advances, and other balances in open accounts with associate companies, which are not subject to current settlement.

§ 256.124 Other investments.

This account shall include the cost or current value of investments, whichever is less, in securities, club memberships, associations, life insurance policies for employees, or other investments in nonassociate companies, other than account 136, Temporary cash investments. This account shall not be used for advances to associate companies. The account shall be maintained in such manner as to show by subaccounts, or otherwise, the nature and amount of each investment.

3. CURRENT AND ACCRUED ASSETS

§ 256.131 Cash.

This account shall include the amount of current cash funds except working funds.

§ 256.134 Special deposits.

This account shall include deposits with fiscal agents or others for special purposes. Entries to this account shall specify the purpose for which the deposit is made.

§ 256.135 Working funds.

This account shall include cash advanced to officers, agents, employees and others as petty cash or working funds.

§ 256.136 Temporary cash investments.

This account shall include the cost of investments, such as demand and time loans, bankers' acceptances, United States Treasury obligations, marketable securities, and other similar investments, acquired for the purpose of temporarily investing cash.

§ 256.141 Notes receivable.

This account shall include the cost of all notes receivable and similar evidences of amounts due within one year from persons other than associate companies. The account shall be so maintained as to show separately amounts due from officers, directors, employees and others.

§ 256.143 Accounts receivable.

This account shall include amounts due on open accounts, other than amounts due from associate companies.

§ 256.144 Accumulated provision for uncollectable accounts.

This account shall be credited with amounts provided for losses on notes and accounts receivable which may become uncollectable, and also with collections on accounts previously charged hereto.

§ 256.146 Accounts receivable from associate companies.

This account shall include notes and balances in open accounts due from associate companies which are expected to be paid in full within one year.

NOTE.—Occasional payments to accommodate an associate company for emergency purposes or where obvious increased cost or time problems would be incurred shall be included in this account, but shall be segregated in a subaccount. Expenditures which do not pertain to performance of services by the service company shall be paid directly by the associate company.

§ 256.152 Fuel stock expenses undistributed.

The service company shall utilize this account, where appropriate, to include the cost of service company labor and of office supplies used and operating expenses incurred with respect to the review, analysis and management of fuel supply contracts or agreements, the accumulation of fuel information and its interpretation, the logistics and handling of fuel, and other related support functions, as a service to the associate company engaged in the procurement and transportation of fuel. This account shall be maintained to show the expenses attributable to each associate company through the use of work orders. All expenses of a service company's fuel department or functions shall be cleared through this account.

§ 256.154 Materials and supplies.

(a) The service company may utilize this account, where appropriate, to include the costs of materials and supplies held for use by the service company in performing its services. The cost of material and supplies attributable to work orders for service company property in process of construction shall be charged to account 107, Construction work in progress.

(b) Materials and supplies issued shall be credited hereto and charged to the appropriate expense or other accounts on the basis of a unit price determined by the use of cumulative average, first-in-first-out, or such other method of inventory accounting as conforms with generally accepted accounting standards consistently applied.

§ 256.163 Stores expense undistributed.

(a) The service company shall utilize this account, where appropriate, to include the service cost of labor and expenses incurred with respect to centralized procurement activities rendered to associate or nonassociate companies.

ITEMS

(b)(1) Supervision of purchasing and stores department to extent assignable to materials handled through stores.

(2) Purchasing department activities in checking material needs, investigating sources of supply, analyzing prices, preparing and placing orders, and related activities to extent applicable to materials handled through stores.

(3) Unloading from shipping facility and putting in storage.

(4) Inspecting and testing materials and supplies when not assignable to specific items.

(5) Keeping stock records, including recording and posting of material receipts and issues and maintaining inventory record of stock.

(6) Communication service.

(7) Cash and other discounts not practically assignable to specific materials, freight, express, etc., when not assignable to specific items, transportation expense, and excise and other similar taxes not assignable to specific materials.

(c) This account shall be maintained to show the expenses attributable to each associate company through the use of work orders. All expenses of a service company's centralized procurement activities shall be cleared through this account.

(d) Any amounts applicable to fuel costs should be included in account 152, Fuel stock expenses undistributed.

§ 256.165 Prepayments.

This account shall include amounts representing prepayments of insurance, rents, taxes, interest and miscellaneous items, and appropriate subaccounts shall be maintained in respect of each class of prepayment.

§ 256.174 Miscellaneous current and accrued assets.

This account shall include the cost of all other current and accrued assets not provided for elsewhere. The records supporting this account shall be maintained so as to show the nature of each asset included herein.

4. DEFERRED DEBITS

§ 256.181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 431, Other interest expense.

§ 256.184 Clearing accounts.

This account shall include undistributed balances in clearing accounts at the date of the balance sheet. Balances shall be substantially cleared not later than the end of the calendar year.

§ 256.186 Miscellaneous deferred debits.

This account shall include all debits not provided for elsewhere, such as the costs of service performed which have not been billed to associate or nonassociate companies and unusual or extraordinary expenses, not included in other accounts, and items the proper final disposition of which is uncertain. The records supporting the entries to this account shall be so kept that the service company can furnish full information as to the purpose, monthly balance, status, write-off and duration of each deferred debit.

§ 256.188 Research, development, or demonstration expenditures.

(a) The service company shall utilize this account, where appropriate, for the cost of all expenditures for research, development or demonstration undertaken by or sponsored through the service company. To the extent such costs are incurred for customers, or for construction work in progress, this account will serve as a clearing account to identify the total research and development activity.

(b) All cost shall be transferred from this account by the end of each fiscal year.

(c) This account shall be so maintained as to show separately each project along with complete detail of the nature and purpose of the research, development and demonstration project together with the related costs.

§ 256.190 Accumulated deferred income taxes.

(a) This account shall be debited and account 411, Provision for deferred income taxes—credit, or account 421, Miscellaneous income or loss, as appropriate, shall be credited with an amount equal to that by which income taxes payable for the year are higher because of the inclusion of certain items in income for tax purposes, which items for general accounting purposes will not be fully reflected in the service company's determination of annual net income until subsequent years.

(b) This account shall be credited and account 410, Provision for deferred income taxes, or account 421, Miscellaneous income or loss, as appropriate, shall be debited with an amount equal to that by which income taxes payable for the year are lower because of prior payment of taxes as provided by paragraph (a) of this section, because of difference in timing for tax purposes of particular items of income or income deductions from that recognized by the service company for general accounting purposes.

(c) Vintage year records with respect to entries to this account, as described above, and the account balance shall be so maintained as to show the factor of calculation with respect to each annual amount of the item or class of items for which deferred tax accounting by the service company is utilized.

LIABILITIES AND OTHER CREDIT ACCOUNTS

5. PROPRIETARY CAPITAL

§ 256.201 Common stock issued.

This account shall include the par or stated value of all common capital stock issued and outstanding.

§ 256.211 Miscellaneous paid-in capital.

This account shall include the balance of all other credits for paid-in capital which are not properly includable in the foregoing accounts.

§ 256.215 Appropriated retained earnings.

This account shall include the amount of retained earnings which has been appropriated or set aside for specific purposes. Separate subaccounts shall be maintained under such titles as will designate the purpose for which each appropriation was made.

§ 256.216 Unappropriated retained earnings.

This account shall include the balance, either debit or credit, arising from earnings. All dividends shall be charged to this account. It shall not include amounts properly includable in account 211—Miscellaneous paid-in capital. Entries to this account shall be sufficiently detailed for ready analysis of the account.

6. LONG-TERM DEBT

§ 256.223 Advances from associate companies.

This account shall include the principal amount of notes and balances on open accounts due to associate companies. It does not include notes and open accounts representing indebtedness subject to current settlement which are includable in account 233, Notes payable to associate companies or account 234, Accounts payable to associate companies.

NOTE.—Subaccounts shall be maintained for each class of obligation, and records shall be maintained to show for each class the terms of the obligation, including the date of obligation, date of maturity, interest dates and rates, and security, if any.

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§ 256.224 Other long-term debt.

This account shall include all long-term debt to nonassociates and not subject to current settlement.

NOTE.—Subaccounts shall be maintained for each class of obligation, and records shall be maintained to show for each class the terms of the obligation, including the date of obligation, date of maturity, interest dates and rates, and security, if any.

§ 256.225 Unamortized premium on long-term debt.

(a) This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of long-term debt securities.

(b) Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 427, Interest on long-term debt, or account 431, Other interest expense.

§ 256.226 Unamortized discount on long-term debt-debit.

(a) This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

(b) Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 427, Interest on long-term debt, or account 431, Other interest expense.

7. CURRENT AND ACCRUED LIABILITIES

§ 256.231 Notes payable.

This account shall include the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness, payable on demand or within a time not exceeding one year from date of issue, to other than associate companies.

§ 256.232 Accounts payable.

This account shall include all amounts payable by the service company within one year other than amounts payable to associate companies.

§ 256.233 Notes payable to associate companies.

§ 256.234 Accounts payable to associate companies.

These accounts shall include notes and balances in open accounts due to associate companies within one year.

§ 256.236 Taxes accrued.

(a) This account shall be credited with the amount of taxes accrued during the accounting period, corresponding debits being made to the appropriate accounts for tax charges. Such credits may be based upon estimates, but from time to time during the year as the facts become known the amount of the periodic credits shall be adjusted so as to include as nearly as can be determined in each year the taxes applicable thereto. Any amount representing a prepayment of taxes applicable to the period subsequent to the date of the balance sheet shall be shown under account 165, Prepayments.

(b) The records supporting the entries to this account shall be kept so as to show for each class of taxes the amount accrued, the basis for the accrual, the accounts to which charged, and the amount of tax paid.

§ 256.237 Interest accrued.

This account shall include the amount of interest accrued on all liabilities of the service company. Supporting records shall be maintained so as to show the amount of interest accrued on each obligation.

§ 256.238 Dividends declared.

This account shall include the amount of dividends which have been declared but not paid.

§ 256.241 Tax collections payable.

This account shall include the amount of taxes collected by the service company through payroll deductions or otherwise pending transmittal of such taxes to the proper taxing authority.

§ 256.242 Miscellaneous current and accrued liabilities.

This account shall include the amount of all other current and accrued liabilities not provided for elsewhere. The records supporting this account shall be maintained so as to show the nature of each liability included herein.

8. DEFERRED CREDITS

§ 256.253 Other deferred credits.

This account shall include advance billings and receipts and other deferred credit items, not provided for elsewhere, including amounts which cannot be entirely cleared or disposed of until additional information has been received. Subaccounts by category of credits should be established.

§ 256.255 Accumulated deferred investment tax credits.

(a) This account shall be credited and account 411.5, Investment tax credit, debited with investment tax credits deferred by companies which do not apply such credits as a reduction of the overall income tax expense in the year in which a tax credit is realized. A proportionate amount shall be debited to account 411.5, Investment tax credit, as determined in relation to the average useful life of service company property to which the tax credit relates or such lesser period of time as may be adopted.

(b) Records shall be maintained identifying the service company property giving rise to the investment tax credits for each year with the weighted-average service life of such properties and any unused balances of such credits. Such records are not necessary unless the tax credits are deferred.

9. ACCUMULATED DEFERRED INCOME TAXES

§ 256.282 Accumulated deferred income taxes.

(a) The text of these accounts is designed primarily to cover deferrals of Federal income taxes. However, they are also to be used when making deferrals of state and local income taxes. Service companies which have service company property and which have deferred taxes on income with respect thereto shall separately classify such deferrals in the accounts provided below so as to allow ready identification.

(b) This account shall be credited and account 410, Provision for deferred incomes taxes, shall be debited with tax effects related to property described in paragraph (a) of this section where taxable income is lower than pretax accounting income due to differences between the periods in which revenue and expense transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income.

(c) This account shall be debited and account 411, Provision for deferred income taxes—credit, shall be credited with tax effects related to property described in paragraph (a) of this section where taxable income is higher than pretax accounting income due to differences between the periods in which revenue and expense transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income.

(d) Records with respect to entries to this account, as described above, and the account balance shall be so maintained as to show the factors of

calculation and the separate amounts applicable to the additions of each vintage year for each class, group, or unit. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

SERVICE COMPANY PROPERTY ACCOUNTS

Sec.
256.301 Organization.
256.303 Miscellaneous intangible plant.
256.304 Land and land rights.
256.305 Structures and improvements.
256.306 Leasehold improvements.
256.307 Equipment.
256.308 Office furniture and equipment.
256.309 Automobiles, other vehicles and related garage equipment.
256.310 Aircraft and airport equipment.
256.311 Other service company property.

§ 256.301 Organization.

This account shall include all fees paid to federal or state governments for the privilege of incorporation and expenditures incident to organizing a corporation or other form of organization and putting it into readiness to do business including cost of obtaining certificates authorizing the service company to engage in its business, fees and expenses for incorporation, fees and expenses for mergers or consolidations, office expenses incident to organizing the service company, and other expenditures incident to the organization of the service company such as stock, minute books and corporate seal.

NOTE.—This account shall not include any discounts upon securities issued or assumed nor shall it include any costs or expenses in connection with the authorization, issuance and sale of securities of the service company.

§ 256.303 Miscellaneous intangible plant.

(a) This account shall include the cost of patent rights, licenses, privileges, and other intangible property necessary or valuable in the conduct of the service company's operations and not specifically chargeable to any other account.

(b) This account shall be maintained in such a manner that the service company can furnish full information with respect to the amounts included herein.

NOTE.—When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other deductions.

§ 256.304 Land and land rights.

(a) This account shall include the cost of any right, title, or interest to land held by the service company, including without limitation the cost of land owned in fee by the service company and the cost of easements, rights of way, and any other similar interests in land.

(b) When special assessments for improvements provide for deferred payments, the full amount of the assessments shall be charged to the appropriate land account and the unpaid balance shall be carried in an appropriate liability account. Interest on unpaid balances shall be charged to the appropriate interest account. If any part of the cost of improvement is included in the general tax levy, the amount thereof shall be charged to the appropriate tax account.

(c) Separate entries shall be made for the acquisition, transfer, or sale of each parcel of land, and each land right. A record shall be maintained showing the nature of ownership, full legal description, area, map reference, purpose for which used, city, county and tax district in which situated, from whom purchased or to whom sold, payment given or received, other costs, contract date and number, date of recording of deed, and book and page number of record.

(d) If at the time of acquisition of an interest in land such interest extends to buildings or other improvements which are then devoted to the service company's operations, the land and improvements shall be separately appraised and the cost allocated to land and buildings or improvements on the basis of the appraisals. If the improvements are removed or wrecked without being used in operations, the cost of removing or wrecking shall be charged and the salvage credited to the account in which the cost of the land is recorded.

§ 256.305 Structures and improvements.

(a) This account shall include the cost of all buildings and facilities and fixtures permanently attached thereto which are owned by the service company.

(b) The cost of foundations which are specially provided for machinery, apparatus, or other equipment of the company shall be charged to the same account as the cost of such machinery, apparatus, or equipment.

(c) Other fixtures temporarily attached to buildings shall not be included in the cost of the building but in the equipment account.

§ 256.306 Leasehold improvements.

This account shall include all costs incurred by the service company in improvements of, remodeling of, or installation of additional facilities in rented offices or buildings to suit tenant's needs.

§ 256.307 Equipment.

This account shall include the cost of equipment owned by the service company and used in rendering services such as micro-wave, communications and dispatching, automatic data processing, information storage and retrieval, research and laboratory testing, construction, meter repairing, and printing and stationery. Subaccounts shall be maintained by classes of equipment for each service rendered.

§ 256.308 Office furniture and equipment.

This account shall include the cost of office furniture and equipment owned by the service company and used in rendering services, e.g., bookcases, shelves, desks, tables, chairs, desk equipment, safes, drafting-room equipment, filing cabinets, storage and other cabinets, floor covering, library equipment, accounting machines, electronic claculators, typewriters and other mechanical office equipment.

§ 256.309 Automobiles, other vehicles, and related garage equipment.

This account shall include the delivered cost of all service company owned automobiles, vans, trucks, and other vehicles used by the service company in its operations. The cost of all tools, implements, and other equipment used in the inspection, maintenance, repair and overhaul of vehicles shall also be included in this account.

§ 256.310 Aircraft and airport equipment.

This account shall include the delivered cost of all service company owned aircraft and accessories thereto used by the service company in its operations. The cost of all tools, implements and other equipment used in the inspection, maintenance, repair and overhaul of aircraft shall also be included in this account.

§ 256.311 Other service company property.

(a) This account shall include the cost of service company property owned by the service company not provided for elsewhere.

(b) This account shall be maintained in such a manner that the service company can furnish full information with respect to the amounts included herein.

INCOME AND EXPENSE ACCOUNTS

1. INCOME

§ 256.457 Services rendered to associate companies.

This control account shall include amounts billed to associate companies for services rendered at cost. See accounts 457-1 through 457-3. Overbillings or underbillings arising from adjustments of estimated costs to actual costs shall be cleared through this account and concurrent adjustments made to other accounts involved.

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§ 256.457-1 Direct costs charged to associate companies.

This account shall include those direct costs which can be identified through a work order system as being applicable to services performed for associate companies. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.457-2 Indirect costs charged to associate companies.

This account shall include recovery of those indirect costs which cannot be separately identified to a single or group of associate companies and therefore must be allocated. Journal or memorandum entries should be prepared monthly, by departments, for all such cost accumulated and billed to customers. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.457-3 Compensation for use of capital-associate companies.

This account shall include only the portion of compensation for use of equity capital and intercompany interest on indebtedness before income taxes which is properly allocable to services rendered to each associate company.

§ 256.458 Services rendered to nonassociate companies.

This account shall include amounts billed for services rendered to nonassociate persons. See accounts 458-1 through 458-4.

§ 256.458-1 Direct costs charged to nonassociate companies.

This account shall include those direct costs which can be identified through a work order system as being applicable to services performed for nonassociate persons. This account shall not include any compensation for use of equity capital or interest on indebtedness.

§ 256.458-2 Indirect costs charged to nonassociate companies.

This account shall include recovery of those indirect costs of services performed for nonassociate persons which cannot be separately identified to nonassociate persons and therefore must be allocated. The amounts would be as set forth in the same monthly departmental journal or memorandum entries referred to for these costs in account 457-2, Indirect costs charged to associated companies. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.458-3 Compensation for use of capital—nonassociate companies.

This account shall include only the portion of compensation for use of equity capital and intercompany interest on indebtedness before income taxes which is properly allocable to services rendered to nonassociate persons. A statement to support the basis for the compensation and how it was calculated should be attached to a separate journal entry, ledger system, or memorandum file.

§ 256.458-4 Excess or deficiency on servicing nonassociate companies.

This account shall include the amount by which the aggregate price received for services rendered to nonassociate persons differs from the sum of the total direct and indirect costs and compensation for use of capital which are properly allocable to such services. (Accounts 458-1 through 458-3).

§ 256.421 Miscellaneous income or loss.

This account shall include all income or loss items not provided for elsewhere. All income items in this account shall be credited to the associate companies on the ratio of total direct and indirect charges billed. All loss items in this account shall be billed to the parent holding company.

2. EXPENSE

§ 256.920 Salaries and wages.

(a) This account shall include salaries, wages, bonuses and other consideration for services, with the exception of director's fees paid directly to officers and employees of the service company.

(b) This account shall be supported by time records and appropriately referenced to detailed records subdividing salaries and wages by departments or other functional organization units. See General Instructions.

§ 256.921 Office supplies and expenses.

(a) This account shall include office supplies and expenses incurred in connection with the general administration of service company operations assignable to specific administrative or general departments and not specifically provided for in other accounts. This includes the expenses of the various administrative and general departments, the salaries and wages of which are includable in account 920.

(b) This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the service company.

ITEMS

1. Automobile service, including charges through clearing account.
2. Bank messenger and service charges.
3. Books, periodicals, bulletins and subscriptions to newspapers, newsletters, tax service, etc.
4. Building service expenses for customer accounts, sales, and administrative and general purposes.
5. Communication service expenses to include telephone, telegraph, wire transfer, micro-wave, etc.
6. Cost of individual items of office equipment used by general departments which are of small value or short life.
7. Membership fees and dues in trade, technical, and professional associations paid by a utility for employees. (Company memberships are includable in account 930.2, Miscellaneous general expenses.)
8. Office supplies and expenses.
9. Payment of court costs, witness fees, and other expenses of legal department.
10. Postage, printing and stationery.
11. Meals, traveling, entertainment and incidental expenses.

(c) Records shall be so maintained to permit ready analysis by item showing the nature of the expense and identity of the person furnishing the service.

§ 256.922 Administrative expenses transferred—credit.

This account shall be credited with administrative expenses recorded in accounts 920 and 921 which are transferred to construction costs of the asset and other debit accounts.

§ 256.923 Outside services employed.

(a) This account shall include the fees and expenses of professional consultants and others for general services with the exception of fees and expenses for outside services of account 928, Regulatory commission expense, and account 930.1, General advertising expenses. Separate subaccounts shall be provided for auditing, legal, engineering, management consulting fees and, if material in amount, any other fees of professional or outside services.

(b) Records shall be so maintained to permit ready analysis showing nature of service, identity of the person furnishing the service, affiliation to the service company, and, if allocated to more than one company, the specific method of allocation.

§ 256.924 Property insurance.

(a) This account shall include the cost of insurance premiums to protect the service company against losses and damages to owned or leased property used in its operations. Recoveries from insurance companies or others for property damages shall be credited to the account charged with the cost of the damage. If the damaged property has been retired, the credit shall be to the appropriate account for accumulated provision for depreciation.

(b) Records shall be kept so as to show the amount of coverage for each class of insurance carried, the property covered, and the applicable premiums. Any dividends distributed by mutual insurance companies shall be credited to the accounts to which the insurance premiums were charged.

§ 256.925 Injuries and damages.

(a) This account shall include the cost of premiums for insurance to protect the service company against claims for injury, liability and damage claims of employees or others and losses of such character not covered by outside insurance.

(b) Reimbursements from insurance companies or others for expenses charged hereto on account of injuries and damages and insurance dividends or refunds shall be credited to this account.

§ 256.926 Employee pensions and benefits.

This account shall include pensions paid to or on behalf of retired employees, or payments for the purchase of annuities for this purpose, when the service company has committed itself to a pension plan under which the pension funds are devoted to pension purposes. This account shall also include payments made under employee benefit programs such as medical and surgical benefits, disability benefits, life insurance, savings and thrift plans, and other similar benefits. Include, also, expenses incurred in medical, educational or recreational activities for the benefit of employees.

§ 256.928 Regulatory commission expense.

This account shall include all expenses, properly includable in service company operating expenses, incurred by the service company in connection with formal cases before regulatory commissions, or other regulatory bodies, on its own behalf or on behalf of associated companies, including payments made to a regulatory commission for fees assessed to the service company for pay and expenses of such commission, its officers, agents and employees, and for filings or reports made under regulations of regulatory commissions. The service company shall be prepared to show the cost of each formal case.

§ 256.930.1 General advertising expenses.

This account shall include the cost of materials used and expenses incurred in advertising and related activities, the costs of which by their content and purpose are not provided for elsewhere.

ITEMS

1. Advertising in newspapers, periodicals, billboards, radio, etc.
2. Advertising matter such as posters, bulletins, booklets and related items.
3. Fees and expenses of advertising agencies and commercial artists.
4. Postage and direct mail advertising.
5. Printing of booklets, dodgers, bulletins, etc.
6. Supplies and expenses in preparing advertising materials.
7. Office supplies and expenses.

§ 256.930.2 Miscellaneous general expenses.

(a) This account shall include the cost of expenses incurred in connection with the general management of the service company not provided for elsewhere.

ITEMS

1. Industry association dues for company memberships.
2. Contributions for conventions and meetings of the industry.
3. Communication service not chargeable to other accounts.
4. Trustee, registrar, and transfer agent fees and expenses.
5. Stockholders meeting expenses.
6. Dividend and other financial notices.
7. Printing and mailing dividend checks.
8. Directors' fees and expenses.
9. Publishing and distributing annual reports to stockholders.
10. Public notices of financial, operating and other data required by regulatory statutes, not including, however, notices required in connection with security issues or acquisitions of property.
11. Other general expenses not provided for elsewhere.

(b) Records shall be so maintained to permit ready analysis by item showing the nature of the expense and identity of the person furnishing the service.

§ 256.931 Rents.

This account shall include rents, including taxes, paid for the property of others used, occupied or operated in connection with service company functions. Provide subaccounts for major grouping such as office space, warehouses, other structure, office furniture, fixtures, computers, data processing equipment, micro-wave and telecommunication equipment, airplanes, automobiles, etc. The cost, when incurred by the lessee, of operating and maintaining leased property, shall be charged to the accounts appropriate for the expense as if the property were owned.

§ 256.932 Maintenance of structures and equipment.

This account shall include materials used and expenses incurred in the maintenance of property owned, the cost of which is includable in accounts 305 through 311, and of property leased from others. Provide subaccounts by major classes of structures and equipment, owned and leased.

§ 256.403 Depreciation and amortization expense.

This account shall include the amount of depreciation and amortization for all service plant, and leasehold improvements, the cost of which is includable in accounts 305 through 311. Provide subaccounts by each class of service company property owned and leased.

§ 256.408 Taxes other than income taxes.

(a) This account shall include the amount of state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, County, Municipal, or other local governmental authorities, except income taxes.

(b) When it is not possible to determine the exact amount of taxes, the amount shall be estimated and adjustments made in current accruals as the actual tax levies become known.

(c) This account shall be kept in such manner as to show the amount of each class of taxes.

NOTE A.—Taxes applicable to property construction or investments may be charged to the account in which the property construction or investment is included. Special assessments for street and similar improvements shall be included in the appropriate service company property account. Gasoline and other miscellaneous taxes shall be charged, where practicable, to the same account as the materials on which the tax is levied.

NOTE B.—Interest on tax refunds or deficiencies shall not be included in this account but in account 421, Miscellaneous income or loss, or account 431, Other interest expense, as appropriate.

§ 256.409 Income taxes.

(a) This account shall include the amount of local, state and federal taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. As the exact amount of taxes become known, the current tax accruals shall be adjusted accordingly so that this account, as nearly as can be ascertained, shall include the actual taxes payable which are chargeable to service company operations.

(b) Interest on tax refunds or deficiencies shall not be included in this account but in account 421, Miscellaneous income or loss, or account 431, Other interest expense, as appropriate.

§ 256.410 Provision for deferred income taxes.

This account shall be debited and Accumulated Deferred Income Taxes shall be credited with an amount equal to any deferral of taxes on income as provided by the text of account 282, Accumulated deferred income taxes. No entries required to be made to this account shall be netted against any credit amounts appropriately includable in account 411,

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Provision for deferred income taxes—credit.

§ 256.411 Provision for deferred income taxes—credit.

This account shall be credited and Accumulated Deferred Income Taxes debited with an amount equal to the portion of taxes on income payable for the year which is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by the text of account 282, Accumulated deferred income taxes. No entries required to be made to this account shall be netted against any debit amount appropriately includable in account 410, Provision for deferred income taxes.

§ 256.411.5 Investment tax credit.

(a) This account shall be debited with the amounts of investment tax credits related to service company property that are credited to account 255, Accumulated deferred investment tax credits, by service companies which do not apply the entire amount of the benefits of the investment credit as a reduction of the overall income tax expense in the year in which such credit is realized (see account 255).

(b) This account shall be credited with the amounts debited to account 255 for proportionate amounts of tax credit deferrals allocated over the average useful life of property to which the tax credits relate or such lesser period of time as may be adopted by the service company.

§ 256.426.1 Donations.

This account shall include all payments or donations for charitable, social or community welfare purposes.

§ 256.426.5 Other deductions.

(a) This account shall include other miscellaneous expenses which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

(b) Records shall be so maintained by subaccount to permit ready analysis showing the nature of the expenses and identity of the person furnishing the service.

NOTE.—Preliminary survey and investigation expenses related to abandoned projects, when not written-off to the appropriate operating expense account, shall be included in this account.

§ 256.427 Interest on long-term debt.

This account shall include the amount of interest accrued on outstanding long-term debt owed by the service company to nonassociate persons.

§ 256.430 Interest on debt to associate companies.

This account shall include interest accrued on amounts included in account 223, Advances from associate companies, and account 233, Notes payable to associate companies. The records supporting the entries to this account shall be so kept as to show to whom the interest is to be paid, the period covered by the accrual, the rate of interest and the principal amount of the advances or other obligations on which the interest is accrued. Separate subaccounts should be maintained for each related debt account.

§ 256.431 Other interest expense.

This account shall include all interest charges not provided for elsewhere.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 2, 1979.

[FR Doc. 79-4485 Filed 2-8-79; 8:45 am]

[4110-03-M]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 544—OLIGOSACCHARIDE CERTIFIABLE ANTIBIOTIC DRUGS FOR ANIMAL USE

Dihydrostreptomycin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) providing revised labeling for use of dihydrostreptomycin sulfate injection for treatment of leptospirosis in dogs, horses, cattle, and swine. The supplement was filed by Maurry Biological Co., Inc., to reflect the National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group review of the product.

EFFECTIVE DATE: February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald A. Gable, Bureau of Veterinary Medicine (HFV-100), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION:

Certain injectable drugs containing dihydrostreptomycin and/or streptomycin were subject of a NAS/NRC review. Notice of the NAS/NRC review was published in the FEDERAL REGISTER of July 1, 1970 (35 FR 10698). FDA concurred with the NAS/NRC evaluation that the products are probably effective for treatment of certain diseases in cattle, horses, swine, dogs, cats, and turkeys, when such disease conditions are caused by pathogens sensitive to streptomycin sulfate and/or dihydrostreptomycin sulfate. Additionally, the notice enumerated several NAS/NRC labeling recommendations, provided 6 months for submission of adequate documentation in support of the labeling used, and requested each holder of an NADA effective before October 10, 1962 to submit updating information regarding drug components and composition, and also to submit information regarding manufacturing methods, facilities, and controls, in accordance with requirements of section 512 of the Federal Food, Drug, and Cosmetic Act.

Maurry Biological Co., Inc., 6109 S. Western Ave., Los Angeles, CA 90047, is sponsor of NADA 65-013V for a 500-milligram-per-milliliter dihydrostreptomycin base (as sulfate) injection. The product was among those evaluated by NAS/NRC in the July 1, 1970 notice. Maurry's response to the notice is mentioned in a followup notice and opportunity for hearing published in the FEDERAL REGISTER of June 27, 1978 (43 FR 27894). The followup notice stated that, having reviewed NAS/NRC reports, studies submitted by Maurry (two reprints of published studies), and other published materials, the Director of the Bureau of Veterinary Medicine concluded that dihydrostreptomycin injection is effective in treatment of leptospirosis in dogs, horses, cattle, and swine. Additionally, the notice invited sponsors of currently approved NADA's for the drug to submit supplements to revise their labeling to limit the claims and present the conditions of use substantially as presented in the notice's model insert.

Through a series of submissions, Maurry has provided efficacy data; revised its labeling to be in accord with the labeling conditions described in the June 27, 1978 notice of opportunity for hearing; and provided updating information regarding drug components and composition and manufacturing methods, facilities, and controls. On the basis of these submissions, Maurry's NADA for dihydrostreptomycin sulfate injection is in compliance with NAS/NRC and FDA recommendations, and its NAS/NRC rating is upgraded from probably effective to effective. This action does not constitute reaffirmation of the safety of residues resulting from use of this drug.

Submission of applications for identical products having the same conditions of use that are identified by a footnote in the regulations need not include efficacy data as specified by § 514.1(b)(8)(ii) or § 514.111(a)(5)(vi) of the animal drug regulations (21 CFR § 514.1(b)(8)(ii) or § 514.111(a)(5)(vi)). In lieu of such data, approval may require bioequivalency or similar data as suggested in the guidelines for submitting NADA's for NAS/NRC reviewed generic drugs. These guidelines are available in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20857.

Because this application was approved before July 1, 1975, a summary of safety and effectiveness data and information submitted in accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) to support approval of this application is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commisioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), § 544.274 is amended by adding new paragraph (c) to read as follows:

§ 544.274 Streptomycin sulfate/dihydrostreptomycin sulfate/crystalline dihydrostreptomycin sulfate injectable.

* * * * *

(c) *Conditions of marketing*—(1) *Specifications.* Dihydrostreptomycin sulfate injection contains 500 milligrams of dihydrostreptomycin (as the sulfate) per milliliter of sterile aqueous solution and conforms to the requirements of paragraph (a) of this section.

(2) *Sponsor.* See No. 010719 in § 510.600(c) of this chapter.

(3) *Conditions of use*—(i) *Amount.* 5 milligrams per pound of body weight every 12 hours.[1]

(ii) *Indications for use.* Treatment of leptospirosis in dogs and horses due to *Jeptospira canicola, L. icterohemorrhagiae,* and *L. pomona;* in cattle due to *L. pomona;* and in swine due to *L. pomona* and *L. grippotypohosa.*[1]

(iii) *Limitations.*[1] Administer by deep intramuscular injection only. Treatment should be continued for 3 to 5 days or until the urine is free of leptospira for at least 72 hours as measured by darkfield microscopic examination. Treatment with subtherapeutic dosages, excessive duration of therapy, or inappropriate use of this antibiotic may lead to the emergence of streptomycin or dihydrostreptomycin resistant organisms. In the recommended doses, dihydrostreptomycin causes few unfavorable reactions, but large doses or prolonged use can cause signs of kidney irritation, dizziness, and loss of sense of balance or deafness, as a result of the toxic effect on the eighth cranial nerve. Subcutaneous injections may lead to inflammatory reactions; therefore, the drug should not be administered by this route. The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food. The drug is not for use in animals producing milk because use of the drug will result in contamination of the milk. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation is effective February 9, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 26, 1979.

LESTER M. CRAWFORD,
Director, Bureau of Veterinary Medicine.

[FR Doc. 79-4278 Filed 2-8-79; 8:45 am]

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter but may require bioequivalency and safety information.

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-4464]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Scandia, Republic County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Scandia, Republic County, Kansas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Scandia, Republic County, Kansas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Scandia, Republic County, Kansas, are available for review at City Hall, Scandia, Kansas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Scandia, Republic County, Kansas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Republican River..	At First Street (extended).	1434
	Third Street (extended).	1435
	Approximately 300 feet downstream of U.S. Highway 36.	1436

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the

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Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 3, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4279 Filed 2-8-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4513]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the City of Rugby, Pierce County, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Rugby, Pierce County, North Dakota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Rugby, North Dakota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Rugby, are available for review at City Hall, Rugby, North Dakota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Rugby, North Dakota.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rush Lake Tributary.	State Highway 3—20 feet*.	1530
	Main Avenue South—50 feet*.	1533
	Fifth Avenue—50 feet*...	1533
	Unnamed Road—20 feet*.	1535

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4280 Filed 2-8-79; 8:45 am]

[7710-12-M]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Miscellaneous Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby announces numerous miscellaneous revisions of the Postal Contracting Manual. The amendments will update the manual, clarify certain provisions, and make other editorial or technical changes.

EFFECTIVE DATE: February 29, 1979.

FOR FURTHER INFORMATION CONTACT:

William J. Jones, 202-245-4603.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 27, dated January 29, 1979.

In accordance with 39 CFR 601.105 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Description of these amendments to the Postal Contracting Manual follows:

SECTION 1—GENERAL PROVISIONS

1. Paragraph 1-11(b) has been revised to reference the current source document for the *Code of Ethical Conduct for Postal Employees.*

2. Paragraph 1-302.3 has been rewritten to provide greater depth of coverage to the subject of contracts between the Postal Service and its employees, including contracts of individual or corporate suretyship.

3. Paragraph 1-407.2(b)(2)(ii) has been rewritten to reflect an increase in the contracting authority that may be delegated to Procurement Services for minor repairs and improvements.

4. Paragraph 1-1108 has been added to incorporate policy with respect to contractor responsibilities on contracts performed at occupied postal premises.

SECTION 3—PURCHASE BY NEGOTIATIONS

5. Paragraph 3-410.2(a)(1) has been revised to delete an incorrect reference, and to add several new references.

SECTION 5—SPECIAL SOURCES OF SUPPLY

6. Paragraph 5-104(b) has been revised to correct the maximum dollar limitation for orders placed under Federal Supply Schedule Contracts utilizing imprest funds and bring it into conformance with the provisions of 6-108.5.

SECTION 6—INFORMAL PURCHASES

7. Paragraph 6-111.2(b)(4)(ii) has been revised to clarify the fact that Form 4541, Contract Work Order-Invoice for Vehicle Repair, may not be used as a *call document* for vehicle services against Form 7334, Order-Invoice-Voucher.

SECTION 7—CONTRACT CLAUSES

8. Paragraph 7-104.64 has been added to incorporate a new clause, *Performance at Occupied Postal Premises.*

9. Paragraph 7-104.69 has been revised for clarity and greater depth of coverage concerning the F.O.B. point for delivery of Postal Service-furnished property.

10. Paragraph 7-606.6 has been added to provide instructions for use of the new clause entitled *Performance at Occupied Postal Premises* prescribed in 7-104.64.

SECTION 10—BONDS AND INSURANCE

11. Paragraphs 10-104.1(a) and 10-1051(a) have been revised to reflect an amendment to the Miller Act requirements for payment and performance bonds.

SECTION 12—LABOR

12. Paragraph 12-301 has been revised to indicate that the clause entitled *Contract Work Hours and Safety Standards Act—Overtime Compensation* shall be included in certain basic ordering agreements and blanket purchase arrangements.

SECTION 16—PROCUREMENT FORMS

13. The following revised forms have been included in section 16 and shall be used immediately, where applicable:

(1) Form 7381, Feb. 1978—*Requisition for Supplies or Services.*

(2) Form 7394, Jan. 1978—*Vehicle Maintenance Pricing Proposal.*

Previous editions of the above forms are obsolete and should be destroyed.

SECTION 18—LEASING, CONSTRUCTION, AND ARCHITECT-ENGINEER SERVICES

14. Paragraph 18-301.2 has been revised to authorize use of the negotiated method of procurement for construcion contracts covering minor repairs and improvements where the estimated cost does not exceed $10,000.

15. Paragraph 18-302.2(b) has been revised to delete the requirement for a bid guarantee and performance and payment bonds on bids covering minor repairs and improvements where the estimated cost does not exceed $25,000, unless the contracting officer determines that one is necessary.

16. Paragraph 18-305(h) has been revised to delete the requirement for inclusion of forms 7324, 7325, and 7325-A in those construction contract solicitations where it is estimated that the cost of the work will not exceed $24,000.

17. Paragraph 18-305(1) has been added to require inclusion of the clause entitled *Performance at Occupied Postal Premises* in solicitations for minor repairs and improvements which call for performance at occupied postal facilities.

18. Paragraph 18-512.3(b)(xii) has been added to require inclusion of the clause entitled *Performance at Occupied Postal Premises* in invitations for bids for construction which call for performance at occupied postal facilities.

19. The May 1975 revision of Form 7391, *General Provisions for Fixed-Price Construction Contracts,* has been included in section 18. Previous editions of the form are obsolete and shall be destroyed.

NOTE.—The Special Instructions of PCM Transmittal Letter 28, November 11, 1977, prescribing changes to Form 7391 (May 1975) continue in effect pending revision of the form.

SECTION 19—MAIL TRANSPORTATION CONTRACTING

20. Paragraph 19-110.2 has been revised to clarify policy which prohibits postal employees or members of their immediate families from either holding contracts to carry the mail or serving as sureties on such contracts.

21. Paragraph 19-303.272(c) has been revised to clarify policy regarding payments to contractors for extra trips of highway contract service.

22. Paragraphs 19-308(f), 19-310.6(d), 19-408(e), 19-410.3(e) 19-412.3(f), and 19-909(e) have been revised to indicate the current address for the Bureau of Traffic Interstate Commerce Commission, in Washington, D.C.

23. Paragraph 19-310.4 has been revised to delete the restriction on renewal of highway transportation contracts that were "procured after January 1, 1976 for a term of less than 18 months."

24. Paragraph 19-502.1 has been revised to indicate that, in those inland domestic water contracts where the bid was based on commingled revenue, 19-303.27 is not applicable.

25. Paragraph 19-810.14 has been revised to correct a form number and title.

26. The following revised forms have been included in section 19 and shall be used immediately, where applicable:

(1) Form 7407, August 1978—*Basic Surface Transportation Services Contract General Provisions.*

(2) Form 7435, July 1977—*Solicitation for Transportation Services Contract.*

(3) Form 7445, May 1978—*Inquiry Concerning Renewal of Transportation Services Contract.*

(4) Form 7451, October 1977—*Air Taxi Contract General Provisions.*

(5) Form 7455, July 1977—*Air Taxi Service—Aircraft Requirements and Flight Personnel Qualifications.*

(6) Form 7469, Sept. 1977—*Highway or Domestic Water Transportation Contract Information and Instructions.*

(7) Form 7485, August 1978—*Air Taxi Contract Information and Instructions.*

Previous editions of the above forms are obsolete and shall be destroyed.

SECTION 20—ADMINISTRATIVE MATTERS

27. Part 2 of section 20 has been revised to update the uniform numbering system for procurement documents.

28. The remainder of the changes are minor, editorial, or technical in nature.

In consideration of the foregoing, 39 CFR 601.105 is amended by adding the following to § 601.105.

§ 601.105 Amendment to the Postal Contracting Manual.

. . . . . .

AMENDMENTS TO POSTAL CONTRACTING MANUAL

Transmittal letter	Dated	FEDERAL REGISTER publication
. . . . .		
27	Jan. 29, 1979	44 FR ——

(5 U.S.C. 552(a) (39 U.S.C. 401, 404, 410, 411, 2008))

W. ALLEN SANDERS,
Acting Deputy General Counsel.

[FR Doc. 79-4571 Filed 2-8-79; 8:45 am]

[6560-01-M]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 1040-1]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for Headquarters, 43rd Combat Support Group (SAC), Andersen Air Force Base, Guam

AGENCY: Environmental Protection agency.

ACTION: Final Rule.

SUMMARY: The Administrator of EPA hereby issues a Delayed Compli-

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ance Order to Andersen Air Force Base. The Order requires the Air Force to bring air emissions from its sandblasting facility in Guam into compliance with certain regulations contained in the federally-approved Guam Implementation Plan. Andersen Air Force Base compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

William M. Thurston, Chief, Case Development Section, Air and Hazardous Materials Branch, Enforcement Division, EPA, Region IX, 215 Fremont Street, San Francisco, California, 94105, telephone (415) 556-6150.

ADDRESSES: The Delayed Compliance Order and supporting material are available for public inspection and copying during normal business hours at: Enforcement Division Offices, Environmental Protection Agency, 215 Fremont Street, San Francisco CA 94105.

SUPPLEMENTARY INFORMATION: On November 21, 1978, the Regional Administrator of EPA's Region IX Office published in the FEDERAL REGISTER (43 FR 54274), a notice setting out the provisions of a proposed delayed compliance order for Andersen Air Force Base. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments or requests for a public hearing were received in response to the proposal notice.

Therefore, a delayed compliance order effective this date is issued to Andersen Air Force Base by the Administrator of EPA pursuant to the authority of Section 113(d)(1) of the Clean Air Act, 42 U.S.C. 7413(d)(1). The Order places Andersen Air Force Base on a schedule to bring its sandblasting facility in Guam into compliance as expeditiously as practicable with Chapters 8 and 10 of the Guam Air Pollution Control Standards and Regulations, a part of the federally-approved Guam Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and monitoring and reporting requirements. If the conditions of the Order are met, it will permit Andersen Air Force Base to delay compliance with the SIP regulations covered by the Order until June 15, 1979. The Air Force is unable to immediately comply with these regulations.

EPA has determined that the Order shall be effective February 9, 1979, because of the need to immediately place Andersen Air Force Base on a schedule for compliance with the applicable requirements of the Guam Implementation Plan.

(42 U.S.C. 7413(d), 7601.)

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending the table in § 65.560 Federal delayed compliance orders issued under Section 113(a) (1), (3), and (4) of the Act, by adding the following entry:

Source	Location	Order No.	SIP regulation involved	Date of FR proposal	Final compliance date
Andersen Air Force Base.....	Guam.....	9-77-40	Guam Chapters 8 & 10...	Nov. 21, 1978.	June 15, 1979

[FR Doc. 79-4239 Filed 2-8-79; 8:45 am]

[3125-01-M]

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

PART 1502—ENVIRONMENTAL IMPACT STATEMENT

National Environmental Policy Act—Regulations; Implementation of Procedural Provisions; Correction

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Correction to final regulations.

SUMMARY: On November 29, 1978 (43 FR 55978), the Council published in the FEDERAL REGISTER final regulations for the implementation of the procedural provisions of the National Environmental Policy Act. The following is a correction to the November 29 publication. Typographical errors will be corrected when the regulations are published in the Code of Federal Regulations. Other corrections were published in the January 3, 1979, FEDERAL REGISTER (44 FR 873).

EFFECTIVE DATE: July 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Nicholas C. Yost, General Counsel, Council on Environmental Quality, Executive Office of the President, 722 Jackson Place, NW., Washington, D.C. 20006 (telephone number (202) 395-5750).

§ 1502.16 [Amended]

On page 55996, in § 1502.16(c), change the cross-reference "§ 1506.2(c)" to "§ 1506.2(d)."

NICHOLAS C. YOST,
General Counsel.

FEBRUARY 2, 1979.

[FR Doc. 79-4475 Filed 2-8-79; 8:45 am]

[6820-96-M]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Temp. Reg. H-18, Supp. 1]

APPENDIX—TEMPORARY REGULATIONS

Utilization, Donation, and Disposal of Foreign Gifts and Decorations

AGENCY: Federal Property Resources Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: By this regulation, GSA is extending the expiration date of FPMR Temporary Regulation H-18, Utilization, donation, and disposal of foreign gifts and decorations, to allow additional time to develop a permanent regulation.

DATES: Effective date: January 1, 1979. Expiration date: June 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Stanley M. Duda, Director, Utilization Division (703-557-1540).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)) (sec. 515, 91 Stat. 862 (5 U.S.C. 7342).)

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter H to read as follows:

[Federal Property Management Reg.; Temporary Reg. H-18, Supplement 1]

UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS

1. *Purpose.* This regulation extends the expiration date of FPMR Temporary Regulation H-18 to June 30, 1979.

2. *Effective date.* This regulation is effective January 1, 1979.

3. *Expiration date.* This regulation expires June 30, 1979.

4. *Explanation of change.* The expiration date shown in paragraph 3 of FPMR Temporary Regulation H-18 is revised to read June 30, 1979, to allow additional time to develop a permanent regulation.

JAY SOLOMON,
Administrator of General Services.

JANUARY 23, 1979.

[FR Doc. 79-4480 Filed 2-8-79; 8:45 am]

[4110-12-M]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 70—STANDARDS FOR A MERIT SYSTEM OF PERSONNEL ADMINISTRATION

Redesignation and Transfer of Regulations

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final Regulations.

SUMMARY: The regulations in 45 CFR Part 70, Standards for a Merit System of Personnel Administration, are being removed from Title 45. These regulations are being revised and reissued by the Office of Personnel Management as 5 CFR Part 900, Subpart F, in Part III of this issue.

EFFECTIVE DATE: February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Dean B. Junior, Department of Health, Education, and Welfare, Office of Personnel and Training, Room B-110, Trans Point Bldg., 330 Independence Avenue, S.W., Washington, D.C. 20201, 202-245-2103.

SUPPLEMENTAL INFORMATION: Since they became effective, the Standards for a Merit System of Personnel Administration, 45 CFR Part 70 (promulgated jointly by the Departments of Health, Education, and Welfare, Labor, and Defense) have served as the basic document governing the personnel administration activities of State and local government recipients of Federal grants-in-aid. Basically, the standards were designed to promote proper stewardship of Federal grant funds, and cause correct and efficient administration of the grant programs thereby assuring that the program services were actually delivered to the clients at which they were aimed.

The Intergovernmental Personnel Act (IPA), Pub. L. 91-648, transferred many functions, powers, and duties which had previously been performed by various Federal agencies, including HEW, to the U.S. Civil Service Commission. It also gave the Commission the authority to prescribe merit system standards and provide assistance to State and local governments in applying the standards; however, up to this time, the Commission has continued to use the old Standards for a Merit System of Personnel Administration which were discussed above.

Since the Standards for a Merit System of Personnel Administration were issued about seven years ago, and were actually drafted prior to the enactment of the IPA, because the nature and extent of intergovernmental relations have changed markedly during that time, and for several other reasons, in 1976 the Commission determined that the standards should be reviewed and possibly revised. The Commission published notice of the review in the FEDERAL REGISTER on November 30, 1976.

The Commission's review resulted in general agreement by all concerned that the standards should be updated and revised to combine the best features of the Standards for a Merit System of Personnel Administration with the merit principles enumerated in the IPA. As the Office of Personnel Management (one of the successor agencies to the Civil Service Commission) Commission is now publishing revised Standards for a Merit System of Personnel Administration as 5 CFR Part 900, Subpart F, 45 CFR Part 70 is being vacated.

Dated: November 20, 1978.

HALE CHAMPION,
Acting Secretary.

[FR Doc. 79-4259 Filed 2-8-79; 8:45 am]

[6730-01-M]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

Subchapter A—General Provisions

[Docket No. 78-56]

PART 509—ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE U.S. ATLANTIC AND GULF/EUROPEAN TRADES

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission has adopted this Rule pursuant to section 19(1)(b) of the Merchant Marine Act of 1920 (46 U.S.C. 876(1)(b)) in order to adjust or meet conditions unfavorable to shipping in the foreign trade of the United States which may have arisen from possible illegal acts, rates and/or practices of the Baltic Shipping Company, a foreign-flag common carrier by water in the foreign commerce of the United States. This Rule would suspend, reject or cancel tariffs filed with the Commission by Baltic Shipping Company upon the Company's failure to provide certain information to establish that these possible acts, rates and/or practices do not exist, and do not constitute conditions unfavorable to the foreign trade of the United States.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Assistant Secretary, Room 11101, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTAL INFORMATION: Pursuant to section 19(1)(b) of the Merchant Marine Act, 1920 (46 U.S.C. 876(1)(b)), as implemented by Part 506 of the Commission's rules (46 CFR Part 506), the Federal Maritime Commission is authorized and directed to make rules and regulations affecting shipping in the foreign trade of the United States in order to adjust or meet general or special conditions unfavorable to shipping in the foreign

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trade of the United States which arise out of, or result from, foreign laws, rules or regulations, or from competitive methods or practices employed by owners, operators, agents or masters of vessels of a foreign country.

The types of conditions which the Commission has found to be unfavorable to shipping in the foreign trade of the United States are set forth generally in 46 CFR 506.3. Among these are conditions which preclude or tend to preclude a vessel in the foreign trade of the United States from competing in the trade on the same basis as any other vessel, those which are discriminatory or unfair as between carriers, and those which are otherwise unfavorable to shipping in the foreign trade of the United States. (46 CFR 506.3 (a), (c) and (d).)

A. Background

On April 17, 1978, the Commission issued an Order to the Baltic Shipping Company (Baltic), an ocean common carrier, to produce certain information pertaining to its rates and practices in the foreign commerce of the United States. This Order was issued pursuant to the Commission's authority under section 21 of the Shipping Act, 1916 (46 U.S.C. 820), to investigate the following suspected activities of Baltic: (1) massive misrating in the United States Gulf Coast/North Europe trades;[1] (2) entering into unfiled agreements with other ocean carriers pertaining to equipment sharing, in violation of section 15 of the Shipping Act, 1916 (46 U.S.C. 814);[2] and (3) improper implementation of its tariff provisions concerning space charters.[3] These activities were suspected on the basis of information received by the Commission from various sources, including a staff examination of documents relating to Baltic shipments from United States Gulf coast ports.[4]

The section 21 Order originally called for Baltic's response to be completed no later than May 30, 1978. Pursuant to Baltic's request, an extension of time was granted by Commission Order dated May 26, 1978. This Order set forth an extended timetable for compliance, with Baltic's response to be complete by August 30, 1978. Despite this extension, and the passage of five months beyond the Commission's deadline, Baltic still has complied only partially with the Commission's April 17, 1978 Order. Baltic has provided piecemeal responses to various portions of the Order,[5] but it does not appear that full compliance is forthcoming.[6]

Although Baltic has now provided at least facial compliance with the other sections of the investigative Order, Baltic has submitted only a portion of the information sought under paragraph (A)(3)(e) of the Order.[7] This paragraph seeks the key to understanding the remainder of the raw data Baltic has submitted by calling for the tariff authority (described by tariff item number or otherwise) relied upon by Baltic in assessing the rates under investigation. Without the information sought by paragraph (A)(3)(e), the data provided by Baltic is virtually useless. The data provided discloses only that Baltic carried certain cargoes and assessed certain charges, but leaves open the question of what tariff authority, if any, Baltic relied upon in assessing the charges. The focus of the Commission's investigation is on whether Baltic has misrated its cargo, and this cannot be determined if the Commission has no idea what rate Baltic used.[8]

The Commission's investigation of Baltic's rates and practices is a broad one, covering a major portion of Baltic's activities in the foreign commerce of the United States.[9] These activities are on a large scale, and would cause significant harm to the public, shippers and the merchant marine of the United States if they involved widespread violations of the Shipping Act or other laws designed to protect those entities. Baltic's failure to provide the information sought by paragraph (A)(3)(e) of the Commission's Order of April 17, 1978 prevents the Commission from determining whether, or to what extent, the wide range of Baltic's activities under investigation is unlawful. Efforts to obtain a diplomatic resolution of this problem through the Department of State have been unavailing.[10] This situation gives rise to two major concerns on the part of the Commission: (1) That Baltic is withholding the information sought in paragraph (A)(3)(e) because this information would disclose that Baltic in fact has been engaging in widespread violations of the Shipping Act, 1916; and (2) That Baltic, by consistently refusing to provide information pertaining to many of its activities in the foreign commerce of the United States, is effectively placing itself beyond regulation by the Commission.

To alleviate these concerns, the Commission proposed this Rule, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920 (46 U.S.C. 876(1)(b)), to require Baltic to provide the information sought in the Commission's section 21 Order, as well as similar information for a future twelve month period, so that the Commission can monitor Baltic's activities more carefully.[11] Comments were received from the Baltic Shipping Company, the United States Department of State, and United States Lines.

[1] Misrating of cargo, especially if it occurs intentionally and on a large scale, can be an effective form of illegal rebating to shippers, in violation of sections 14, 16 and 18 of the Shipping Act, 1916 (46 U.S.C. 812, 815 and 817). If some shippers, cargo or ports are favored with lower rates through misrating, while other similarly situated shippers, cargo or ports are not, undue preferences or advantages may result, in violation of section 16 of the Shipping Act, and unjust discriminations may result, in violation of section 17 of the Shipping Act (46 U.S.C. 816).

[2] To the extent that Baltic has entered into agreements or cooperative working arrangements with other carriers subject to section 15 of the Shipping Act, 1916 without first filing such agreements or arrangements for approval by the Commission, Baltic has violated section 15 of the Shipping Act.

[3] Noncompliance with tariff provisions is violative of section 18 of the Shipping Act, 1916 (46 U.S.C. 817), and can also result in undue preferences or advantages, in violation of section 16, and unjust discriminations between shippers, in violation of section 17 of the Shipping Act.

[4] Of the 179 rated bills of lading examined, 45 appeared to be misrated and as to 9 additional bills of lading, the tariff item number or other tariff authority for the rate charged could not be ascertained.

[5] Baltic's most recent submission was received on January 26, 1979 and contained a facially sufficient response to paragraphs (B)(1) through (B)(3), (C)(1) and (C)(2) of the investigative Order denying the existence of any documents or information responsive to those paragraphs beyond that already filed with the Commission.

[6] After considering Baltic's legal objections to full compliance with the Order and notifying Baltic on several occasions that its objections are without merit, the Commission, on January 17, 1979, served its final *Order and Notice of Default* finding Baltic to be in default of the Order. *See In Re: Baltic Shipping Company—Rates and Practices in the U.S. Gulf Coast/North Europe Trade* (FMC Docket No. 78-36).

[7] On January 15, 1979, Baltic submitted a list stating the tariff authority it relied on with respect to 789 of the roughly 3,000 bills of lading or manifests it had previously filed. Baltic has not provided tariff authority for the charges reflected on the remaining group of over 2,200 bills of lading and manifests.

[8] Baltic has suggested that the Commission's staff, using the raw data already provided by Baltic, is in as good a position as Baltic to determins what tariff authority, if any, Baltic relied upon in rating its cargoes. Baltic argues that this task is properly that of the Commission. Baltic apparently overlooks the fact that the Commission is not interested in how its own staff might have assessed the cargo except in comparison to how Baltic *in fact* assessed it. Moreover, the basis for Baltic's rate assessments cannot be determined with certainty by the Commission's staff because: (1) Baltic's tariff structure often does not allow precise classification of commodities from their description on bills of lading or manifests; (2) rates assessed are sometimes hidden in unrelated special rate sections; and (3) rates assessed are sometimes included in mixed commodity groupings that do not consist of analogous commodities.

[9] *Cf. In Re: Baltic Shipping Company—Rates on Buses in the U.S. Gulf Coast/North Europe Trade* (FMC Docket No. 78-38), which involved a Commission investigation of apparent misrating of a single commodity, buses.

[10] *See* note 31, *infra*.

B. Statutory Authority

1. Section 19, Merchant Marine Act, 1920

(*a*) *Legislative History.* At the end of the First World War, Congress was forced to consider how to dispose of the large merchant fleet the United States had acquired during the War. As a result of its wartime experience, Congress was convinced of the value of maintaining an adequate merchant marine for defense purposes and to meet the needs of American shippers, but was concerned about the ability of this merchant marine to compete on equal terms with established foreign fleets, such as those of Great Britain. Congress, having plenary power to regulate, or exclude completely, foreign commerce, and to delegate such power where appropriate,[12] recognized that it lacked the flexibility to respond quickly and effectively to the actions of foreign countries in the commercial field which adversely affect the oceanborne commerce of the United States. Section 19 of the Merchant Marine Act, 1920, contains broad language indicative of Congress' intention to bestow the widest possible authority upon the Shipping Board (now the Federal Maritime Commission) in shipping matters.[13] As indicated in the Senate committee report accompanying the Act:[14]

> Far-reaching power is placed in the Shipping Board to make and control rules and regulations affecting shipping, and to meet foreign competition. We must do something of this kind, if we are to meet the practices and methods of other countries. Through their orders in council and other semilegislative acts of administrative bodies they interfere with and handicap our merchant marine in many different ways. This must be met in a similar way.

Section 19 of the Merchant Marine Act contains no restrictive language with regard to the measures that the Commission may take to meet adverse conditions created by foreign carriers or governments. Rather, that section contemplates that the Commission will take whatever action is necessary to meet or counterbalance conditions unfavorable to shipping in the foreign commerce of the United States.[15] Congress has taken no action since the passage of the Merchant Marine Act, 1920 inconsistent with the Commission's present application of that Act in its Rule.[16]

(*b*) *Application of Section 19.* The Commission, to invoke section 19 of the Merchant Marine Act, must find that a condition unfavorable to shipping in the foreign trade exists, and that it exists as a result of a foreign rule, regulation, method or practice. Baltic contends that the Commission's Rule does not make these necessary findings. This is incorrect. The Commission *has found* that, if Baltic does not provide the information sought by the Rule, two conditions, each unfavorable to shipping in the foreign trade, *will exist*[17] as a consequence of this failure: (1) widespread and intentional misrating of cargo in the foreign commerce of the United States, in violation of sections 14, 16, 17 and 18 of the Shipping Act, 1916; and (2) the placement of Baltic's activities in the foreign commerce of the United States beyond effective regulation by the Commission. These findings are existing and unequivocal, and take effect upon Baltic's failure to comply with the Rule's informational requirements. If Baltic supplies the information required, these findings will not apply.[18]

The Commission's finding of widespread Shipping Act violations is based upon Baltic's continued refusal to produce information necessary to effective regulation of Baltic's activities. Because Baltic has exclusive access to this information, the Commission is forced to choose between abandoning its investigation of Baltic's activities, or notifying Baltic that, in the absence of compliance from Baltic, it will presume that the possible Shipping Act violations under investigation exist. The Commission has chosen the latter option.

The Commission's finding that Baltic has placed itself beyond regulation is based upon Baltic's continued refusal to comply with a substantial portion of the Commission's Order requesting information as to its rates

[11] The proposed Rule was noticed at 43 FR 60966 (December 22, 1978) (FMC Docket No. 78-56).

[12] *See, e.g., United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936), and the Export Control Act, 1949, as amended (50 U.S.C. App. § 2021).

The Commission's exercise of delegated Congressional power over foreign commerce is carefully circumscribed by section 506.13 of the Commission's Rules (46 CFR 506.13), which requires that the Commission postpone or discontinue any actions taken by it under section 19 of the Merchant Marine Act, "if the President informs the Commission that postponement, discontinuance, or suspension is required for reasons of foreign policy or national security."

[13] 46 U.S.C. 876 provides in pertinent part: "(1) The board is authorized and directed in aid of the accomplishment of the purposes of this Act:

• • • (b) To make all rules and regulations affecting shipping in the foreign trade not in conflict with law and order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, whether in any particular trade or upon any particular route or in commerce generally, and which arise out of or result from foreign laws, rules, or regulations or from competitive methods or practices employed by owners, operators, agents or masters of vessels of a foreign country."

[14] Senate Comm. on Commerce, Promotion and Maintenance of the American Merchant Marine [To accompany H.R. 10378], S. Rep. No. 573, 66th Cong., 2d Sess. 5, May 4, 1920 (Comm. Print 1920).

[15] Baltic argues that an implied limitation should be read into section 19 of the Merchant Marine Act as a result of the legislative history of section 20 of that Act (46 U.S.C. 812), which added section 14a to the Shipping Act, 1916 (46 U.S.C. 813). Baltic contends that section 19 does not authorize the suspension of tariffs because tariff suspension is tantamount to denying its vessels entry to United States ports, a step which may be taken only after notice and hearing pursuant to section 14a of the Shipping Act, 1916. Baltic's argument is faulty. The hearing requirement was inserted in section 14a because disputed issues of fact would necessarily be adjudicated in determining whether section 14 has been violated. (*See* 59 CONG. REC. 6859-6860 (1920) (Senate debate)). Part 509, by contrast, does not adjudicate any disputed factual issues, but merely requires the future submission of information to correct the present undisputed fact that there is a lack of information. Additionally, § 509.2(c) of this Rule provides Baltic an adequate opportunity to be heard prior to any tariff suspension.

[16] Baltic suggests that Congress' recent passage of the "Anti-Rebating Bill" (H.R. 9518) (vetoed by the President) is evidence to the contrary. H.R. 9518 would have specifically empowered the Commission to suspend tariffs of foreign carriers that refuse to provide information concerning illegal rebating. Baltic's assertion that this *specific* proposal negates any of the Commission's *general* authority under existing law represents an improbable and unconvincing form of statutory construction. Additionally, in referring to pertinent parts of the legislative history of H.R. 9518 (*i.e.*, House Comm. on Merchant Marine and Fisheries, Rebating Practices in the United States Foreign Trade [To accompany H.R. 9518], H.R. Rep. No. 95-922, 95th Cong., 2d Sess. 15 (1978), and Senate Comm. on Commerce, Science and Transportation, Report [To accompany H.R. 9518], S. Rep. No. 95-966, 95th Cong., 2d Sess. 23 (1978)), Baltic overlooks the fact that the "Anti-Rebating Bill" was addressed to disclosure problems created by *foreign law* ("blocking statutes"), and the potential conflicts arising from simultaneous application of inconsistent laws of different sovereigns. Baltic has repeatedly stated (most recently in its comments in opposition to the Commission's proposed section 19 Rule, at page 11), that there is *no issue* of foreign law involved in its failure to produce the information required by the Rule.

[17] This finding, effective upon Baltic's failure to provide the information required by the Rule, is made pursuant to § 506.12 of the Commission's Rules (46 C.F.R. 506.12), which states: "The Commission may, when there is a failure to produce any information ordered produced under § 506.11, make appropriate findings of fact or deem such a failure to produce as an admission that conditions unfavorable to shipping in the foreign trade of the United States do exist.

[18] This is not to say that through providing this information, Baltic will be insulated from possible enforcement proceedings under the Shipping Act, 1916.

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and practices in United States foreign commerce. Baltic's legal objections do not involve any considerations of foreign law,[19] and its arguments as to the laws of the United States do not raise colorable legal issues.[20] If Baltic is allowed to operate in U.S. foreign commerce without having to comply, as other foreign and domestic carriers must, with investigative Orders of the Commission, it will thereby gain an unfair competitive advantage by being able to engage in lucrative but unlawful activities with a reduced danger of detection. Other carriers will be tempted to counteract this situation by similarly refusing to comply with Commission Orders. The resulting likely disruption of the ocean trades constitutes a condition adverse to shipping in the foreign trade of the United States within the meaning of section 19 of the Merchant Marine Act, 1920.

2. AUTHORITY UNDER THE SHIPPING ACT, 1916

Among the statutory bases cited by the Commission for issuing Part 509 of its Rules is its rulemaking power under section 43 of the Shipping Act, 1916 (46 U.S.C. § 841a). Baltic challenges this authority, and maintains that the Commission has no power under the Shipping Act to suspend tariffs or assess other "penalties" not specifically provided for in the Shipping Act.[21]

This Rule does not constitute a penalty for past conduct, and Baltic's arguments addressed to "penalties" are therefore inapposite. The Rule prescribes future conduct, in the form of production of necessary information by Baltic. Tariff suspension is invoked only as a last resort in the event of noncompliance by Baltic, to avoid complete frustration of the Commission's regulatory efforts and disruption of United States ocean trades.

Section 43 of the Shipping Act has been interpreted as giving the Commission added powers to enact rules regarding matters not specifically covered by substantive provisions of the Shipping Act.[22] Further, it appears that measures as stern as tariff suspension are allowable where information vital to effective Commission regulation is being withheld and no appropriate alternative exists.[23]

C. ADMINISTRATIVE DUE PROCESS

1. THE ADMINISTRATIVE PROCEDURE ACT

This Rule has been promulgated in accordance with the rulemaking provisions of section 4 of the Administrative Procedure Act (APA), (5 U.S.C. 553). The basis for the Rule's informational requirement is the Commission's need for certain information presently in the exclusive control of the Baltic Shipping Company which is essential to the effective regulation of Baltic. The basis for the Rule's tariff suspension provision is the Commission's conclusion that noncompliance with the informational requirement would give rise to adverse conditions in the foreign trade that can be avoided through no other means. It is thus apparent that the Rule does not rest in any manner upon contested issues of fact or upon undisclosed information in agency files.[24]

Most of Baltic's legal arguments concerning its rights under the APA derive from its claim that Part 509 "[which] judges Baltic's past conduct, determines Baltic's future rights and obligations, and imposes sanctions against Baltic, is an 'adjudication' under the A.P.A."[25] Implicit in this claim is Baltic's apparent belief that a requirement that it produce before a regulatory agency pertinent information concerning its activities constitutes a penalty and implies an adjudication. The informational requirement of the Rule is reasonable, in furtherance of the Commission's regulatory functions, and is not an adjudication or penalty as a matter of law.[26] The application of the tariff suspension provision of the Rule would not require the deciding of any contested issue of fact. Baltic's position with regard to the applicability of the APA's adjudication requirements (5 U.S.C. 554) therefore is without merit. Baltic's objection that it has been denied an opportunity to be heard is met by § 509.2(c) of the Rule.

2. DUE PROCESS OF LAW

Baltic complains that the Rule, by suspending its tariffs upon nonproduction of information, deprives it of an opportunity to seek, in good faith, judicial review of the legality of the informational requirement. Citing *Ex Parte Young* [27] and its progeny, Baltic contends that it is entitled to immunity from the tariff suspension provision of the Rule until judicial review of the informational provision of the Rule is complete. Absent such immunity, Baltic contends that the Rule represents an unlawful deprivation of due process of law.

Baltic's contention is infirm for the following reason: Baltic's legal objections to the informational provision are obviously devoid of merit, and therefore do not present a colorable legal dispute for judicial resolution.[28] It is noted that:

"• • • [t]here is no automatic right to interlocutory relief in the law. Even in the highly sensitive First Amendment area, • • • a 'persuasive demonstration' of likely success on the merits is a necessary predicate to obtaining a preliminary injunction • • •. Particularly where the public interest may be sacrificed by the grant of a preliminary injunction, courts of equity require a substantial showing by the moving party of the strength of its claim." [29]

Having weighed Baltic's asserted interest in a stay of this Rule against the regulatory and public interests in its adoption, the Commission has determined that a stay of this Rule is unwarranted.

Baltic's remaining due process objections concern its right to a full and fair hearing. These due process objections suffer the same infirmities as Baltic's APA objections. Because the APA fully protects Baltic's due process rights in proceedings before the Commission, Baltic's due process objections add nothing to its APA objections.

C. COMMISSION ACTION

Having given due consideration to the comments received from the Baltic Shipping Company, the State Department,[30] and United States Lines,[31] the Commission has determined to adopt Part 509.

Certain minor changes were made to Part 509 as proposed, for the sake of clarity. Section 509.2(b) was made more specific with regard to the time for information submissions, and the requirement of § 509.2(b) for an *undertaking* to provide information was altered to a requirement that the information in fact be provided. Additionally, the words, "tariff authority" were added to § 509.2(b) to avoid the impression that only tariff items to which numbers have been assigned are required. Reference to paragraphs (B)(1) through (B)(3), (C)(1) and (C)(2) of the Commission's section 21 Order was deleted from the Rule in light of Baltic's January 26, 1979, submission of additional information responsive to those paragraphs.

In view of the sensitive foreign policy considerations [32] involved in regulating the bilateral trades between the United States and the Soviet Union (under whose flag the Baltic Steamship Company operates), the Commission added § 509.3(f), exempting tariffs applying to the direct movement of cargo between the United States and the Soviet Union from the tariff suspension provisions of the Rule.

In response to Baltic's recently expressed willingness to cooperate in fulfilling the Commission's investigative needs,[33] and in the hope that Baltic will avail itself of this further and final opportunity to do so, the tariff suspension date in the Rule was extended from thirty to forty-five days. This period, together with thirty day period between the publication of this Rule and its effective date required by 5 U.S.C. 553(d), will give Baltic a total of seventy-five days from the date this Rule is published in the FEDERAL REGISTER in which to avoid the suspension of its tariffs.

Therefore, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920 (46 U.S.C. 876(1)(b)) and section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), the Commission hereby enacts Part 509, Title 46 CFR, as follows:

PART 509—ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE UNITED STATES ATLANTIC AND GULF/EUROPEAN TRADES

Sec.
509.1 Conditions Unfavorable to Shipping in the Foreign Trade of the United States.
509.2 Production of Information.
509.3 Rejection, Suspension, or Cancellation of Tariffs.

AUTHORITY: Commission General Order No. 33 (46 CFR Part 506, 19(1)(b) of the Merchant Marine Act, 1920 (46 U.S.C. 876(1)(b)), section 4 of the Administrative Procedure Act (5 U.S.C. 553), section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), and Reorganization Plan No. 7 of 1961 (75 Stat. 840).

§ 509.1 Conditions unfavorable to shipping in the foreign trade of the United States.

The Federal Maritime Commission has determined that the Baltic Shipping Company, also doing business as Balt-Atlantic Line, Balt-Gulf Line, and Baltic Middle East Line, (hereinafter referred to collectively as Baltic) will have created conditions unfavorable to shipping in the foreign trade of the United States by: (1) engaging in certain activities in the United States Atlantic and Gulf/European trades (hereinafter also meant to include the United States Atlantic and Gulf/Middle East trades) violative of sections 14, 16, 17 and 18 of the Shipping Act, 1916;[34] and (2) placing itself beyond effective regulation by the Federal Maritime Commission, upon failure to provide information in accordance with section 509.2 of this Part.

§ 509.2 Production of information.

Pursuant to § 506.11 of this Chapter (46 CFR 506.11), the Commission has determined that receipt by the Commission of the following information is necessary in order for the Commission to determine whether either or both of the conditions described in § 509.1 of this Part exist in fact or may be developing:

(a) The information sought in paragraph (A)(3)(e) of the Commission's Order of April 17, 1978 (as modified by its Order of May 26, 1978) concerning Baltic's rates and practices in the U.S. Gulf/North Europe Trade;

(b) Duplicate bills of lading for all cargo carried by Baltic to and from United States Atlantic and Gulf ports for a twelve-month period commencing May 1, 1979. Such bills of lading shall indicate on their face, or on an attached sheet, the tariff and tariff item number or other specific tariff authority used to determine the rate assessed each item of cargo reflected on the bill of lading. Such bills of lading and tariff authority shall be filed quarterly, in accordance with the following schedule:

(1) For cargo delivered in May, June and July, 1979, filing is due no later than September 15, 1979;

(2) For cargo delivered in August, September and October, 1979, filing is due no later than December 15, 1979;

(3) For cargo delivered in November and December, 1979, and January, 1980, filing is due no later than March 15, 1980; and

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[19] *See* note 16, *supra*.

[20] *See* note 28, *infra*.

[21] Baltic cites *Commonwealth of Pennsylvania v. Federal Maritime Commission*, 392 F.Supp. 795 (D.D.C. 1975) for the proposition that the Commission is without power to suspend tariffs of foreign carriers under any circumstances. In the *Pennsylvania* case, the court merely sustained the Commission's contention that it had no authority, under section 18(b) of the Shipping Act (46 U.S.C. 817), to suspend a foreign tariff pending a determination of its reasonableness. The court did not address tariff suspensions of the type provided by this Rule.

[22] *See, e.g., New York Foreign Freight Forwarders & Brokers Ass'n. v. Federal Maritime Commission*, 337 F.2d 289 (2d Cir. 1964), *cert. den.*, 380 U.S. 910, and *Alcoa Steamship Co. v. Federal Maritime Commission*, 348 F.2d 756, 761 (D.C. Cir. 1965).

[23] *See Calcutta East Coast of India & Pakistan/U.S.A. Conference v. Federal Maritime Commission*, 399 F.2d 994, 998 (D.C. Cir. 1968), and Note, "Rate Regulation in Ocean Shipping," 78 *Harv. L. Rev.* 635, 642-44 (1965).

[24] *Cf., Home Box Office, Inc. v. Federal Communications Commission*, 567 F.2d 9, 55 (D.C. Cir. 1977).

[25] From this claim, Baltic asserts that it is entitled to, and has been denied, its right to a hearing pursuant to 5 U.S.C. 554. Both assertions are incorrect. The adjudication provisions of 5 U.S.C. 554 do not apply to this proceeding. *See* note 26, *infra*. Additionally, in light of the fact that there are no contested factual issues in this proceeding, Baltic is afforded a sufficient opportunity to be heard by § 509.2(c) of the Rule.

[26] *See United States v. Morton Salt Co.*, 338 U.S. 632 (1950), and *In Re: FTC Line of Business Report Litigation*, F.2d—, D.C. Cir. No. 77-1728 (decided July 10, 1978) slip op. at 33-43. *See also, Guardian Federal Savings and Loan Assoc. v. Federal Savings and Loan Insurance Corporation*, —F.2d—, D.C. Cir. No. 77-1550 (decided November 13, 1978) slip op. at 7-8.

[27] 209 U.S. 123 (1908).

[28] Baltic's legal objections and their merits are discussed more fully in the Commission Orders appearing in *In Re: Baltic Shipping Company—Rates and Practices in the U.S. Gulf Coast/North Europe Trade*, (FMC Docket No. 78-36). The reasoning of the Commission's Orders in those cases is adopted here.

[29] *Ford Motor Company v. Coleman*, 402 F. Supp. 475, 487 (D.D.C. 1975), *affirmed*, 425 U.S. 927. *See also, Virginia Petroleum Jobbers v. Federal Power Commission*, 259 F.2d 921 (D.C. Cir. 1958), *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841 (D.C. Cir. 1977), *United States v. General Motors Corp.*, 565 F.2d 754 (D.C. Cir. 1977), *St. Regis Paper Co. v. United States*, 368 U.S. 208 (1961), and *Genuine Parts Co. v. Federal Trade Commission*, 445 F.2d 1382, 1394 (5th Cir. 1971).

[30] The Department of State filed a comment detailing the course of its efforts to obtain the information sought by the Commission through diplomatic channels. While expressing no opinion as to the legality of the Commission's Rule, the State Department expressed concern that the tariff suspension imposed by the Rule upon Baltic's failure to provide information may be too strong a measure under the circumstances. The State Department also expressed belief that Baltic's compliance with the Commission's informational requirements might be forthcoming if Baltic were given more time to comply. In response to this belief, the Commission has extended the time provided within the Rule for compliance with the informational requirement. Tariff suspension is correctly described as a strong measure, and it is for this reason that the Commission has determined to use it only as a last resort, after giving Baltic every opportunity to comply with its informational requirements.

[31] In its comment, United States Lines, a U.S.-flag carrier, expressed agreement with the Commission's concern that Baltic, a foreign-flag carrier, would effectively place itself beyond regulation if it did not comply with the Commission's informational requirements, and that this would work to the unfair competitive disadvantage of U.S.-flag lines. United States Lines takes the position that the proposed Rule is lawful in every respect.

[32] The bilateral trades between the United States and the Soviet Union are the subject of an agreement between the two countries, entitled "Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding Certain Maritime Matters". The Secretary of Commerce signed on behalf of the United States and the Minister of the Merchant Marine signed on behalf of the Soviet Union. The agreement originally entered into force on November 22, 1972, has been amended on several occasions, and is published in *23, United States Treaties and Other International Agreements* (Part 4), 3573-3687 (1972).

[33] This willingness is expressed at page 12 of Baltic's comments. In a letter to the Commission from counsel for Baltic dated December 22, 1978, a willingness to produce the remaining information sought under paragraph (A)(3)(e) of the Commission's Order of April 17, 1978 within sixty days is expressed.

[34] The suspected activities consist of the intentional and widespread misrating of cargo carried to and from United States Atlantic and Gulf ports in order to provide unlawful inducements or advantages to certain shippers or classes of cargo, in violation of sections 14, 16, 17 and 18 of the Shipping Act, 1916.

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(4) For cargo delivered in February, March and April, 1980, filing is due no later than June 15, 1980; and

(c) Any other information or argument Baltic wishes to submit for the Commission's consideration to alter its determination that the conditions described in section 509.1 of this Part will exist, and will be unfavorable to shipping in the foreign trade of the United States.

§ 509.3 Rejection, suspension, or cancellation of tariffs.

(a) The Commission has determined that if it does not receive all of the information described in paragraph (a) of § 509.2 within 75 days after the publication of this Part in the FEDERAL REGISTER, then the conditions described in section 509.1 are found to exist and to be unfavorable to shipping in the foreign trade of the United States, pursuant to section 506.12 of the Commission's Rules (46 CFR § 506.12).

(b) The Commission has determined that, upon its failure to receive the information described in paragraph (b) of section 509.2 in accordance with the schedule set forth therein, the conditions described in § 509.1 are found to exist and to be unfavorable to shipping in the foreign trade of the United States pursuant to § 506.12 of the Commission's Rules.

(c) On the effective date of a finding contained in either paragraph (a) or paragraph (b) of this § 509.3 (*i.e.*, 76 days from the publication of this Part in the FEDERAL REGISTER, or upon failure to file information pursuant to paragraph (b) of § 509.2), the following tariffs and all amendments thereto are suspended in full, until such time as the information specified in sections 509.2 (a) and (b) is provided:

I. *Baltic Shipping Company.* FMC Tariff Nos. 32 and 38.

II. *Baltic Shipping Company dba Balt-Atlantic Line.* FMC Tariff Nos. 3, 4, 5, 7, 13, 14, 16, 17, 22, 23, 33, 34, 39, 43, 44, 45, 46, 47, 49, 50 and 51.

III. *Baltic Shipping Company dba Balt-Gulf Line.* FMC Tariff Nos. 36, 37, 40 and 48.

IV. *Baltic Shipping Company dba Baltic Middle East Line.* FMC Tariff No. 31.

(d) All affected conference or rate agreement tariffs shall be amended to reflect the suspension of Baltic's participation upon the effective date of a finding contained in paragraphs (a) or (b) of this § 509.3. This section would suspend, as to all sailings commencing on or after the effective date of this section, all tariff rates, charges and rules as they apply to Baltic in the trades between the United States Atlantic and Gulf Coasts and Europe. Until such time as Baltic furnishes the information sought under § 509.2 of this Part, any tariffs subsequently submitted by or in behalf of Baltic in the trades between United States Atlantic and Gulf Coasts and Europe are within the scope of this Part and will be rejected or suspended upon filing.

(e) Operation by Baltic under suspended, cancelled, or rejected tariffs, or any other act or omission by Baltic inconsistent with this Part, the Shipping Act, 1916, or any other law of the United States or political subdivision thereof, shall subject Baltic to all applicable remedies and penalties provided by law.

(f) Notwithstanding provisions of this Rule to the contrary, tariff rates shall not be suspended which cover the direct movement of cargo to and from the Soviet Union.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-4572 Filed 2-8-79; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE UNDER 49 U.S.C. 10928

EMERGENCY TEMPORARY AUTHORITY

Applicants Seeking Operating Rights

AGENCY: Interstate Commerce Commission.

ACTION: Notice of change in number of copies to be filed in ETA application proceedings.

SUMMARY: 49 CFR 1131.2(b) provides that an original and six copies of each emergency temporary authority (ETA) or temporary authority (TA) application and all supporting documents must be filed at the appropriate Commission field office. As to ETA applications, from the effective date of this notice, only an original and two copies of the ETA application and required supporting documents need be filed at the appropriate Commission field office.

DATE: The relief outlined for ETA applications will take effect February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Judy Holyfield, (202) 275-7792.

SUPPLEMENTARY INFORMATION: At present, applicants for ETA are required to submit to the appropriate Commission field office an original and six copies of their application and all supporting documents. Because of certain internal processing changes recently implemented as to the handling of ETA applications (notably that they be accomplished by telephone), it is no longer necessary for applicants to submit numerous copies of their ETA application and supporting documents to the appropriate Commission field office for subsequent transfer to Washington where such copies were distributed.

Decided January 30, 1979.

By the Commission.

H. GORDON HOMME, Jr.
Secretary.

[FR Doc. 79-4564 Filed 2-8-79; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-34-M]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 78]

BRUCELLOSIS

Proposed Miscellaneous Amendments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the brucellosis regulations to update, simplify, and clarify the requirements under which certain cattle may be moved interstate. This action is needed to make the regulations consistent with the provisions of the revised brucellosis eradication Uniform Methods and Rules and to revise the regulations for uniform interpretation. This action would relieve certain restrictions which are no longer considered necessary and revise the regulations for uniform compliance.

DATE: Comments on or before April 10, 1979.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, Staff Veterinarian, National Brucellosis Eradication Program, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114a-1, 115, 120, 121, 123, 125, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 78, Title 9, Code of Federal Regulations.

The definitions of the terms "owner's statement," "other document," and "specifically approved slaughtering establishment" would be deleted from Part 78 of the regulations and a definition of the terms "recognized slaughtering establishment," "farm of origin," "official adult vaccinate," and "official seal" would be added. These terms are or would be used in the regulations, and the definitions should simplify the regulations.

The proposed definition of the term, "recognized slaughtering establishment" would be any slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or a State Meat Inspection Act. This concept is already reflected in the regulations, and the phrase "recognized slaughtering establishment" is added merely to simplify the regulations.

The proposed definition of the term, "farm of origin" would include a premises where the cattle to be shipped were born or have been kept for not less than 4 months prior to the date of shipment and which has not been used within 4 months prior to the date of shipment to assemble cattle raised on other owner's premises. The 4-month period is proposed as the time period when the cattle to be shipped must have been on the premises and the time period when no cattle from outside sources have come onto the premises prior to the date of shipment in order to take into account an incubation period for brucellosis.

The proposed definition of the term, "official adult vaccinate" would be a female bovine animal of a dairy breed over 6 months of age (180 days), or a female bovine animal of a beef breed over 10 months of age (300 days) which has been vaccinated with an approved brucella vaccine. An approved brucella vaccine would be as defined in the Uniform Methods and Rules, Brucellosis Eradication. Any such vaccinations would be required to be conducted under the supervision of a Federal or State veterinary official, and the vaccination would be required to be preceded by a negative official test for brucellosis conducted no more than 10 days prior to the vaccination. The vaccinate would be required to be a member of, or be an addition to, a herd known to be affected at the time of vaccination, which had been approved for adult vaccination by both State and Federal officials in accordance with the Uniform Methods and Rules.

The official adult vaccinate would be required to be permanently identified with an official metal eartag or registration tattoo and have been hot-iron branded AV on the right jaw at the time of vaccination. This definition would be consistent with the provisions relating to official adult vaccinates as used in the Brucellosis Eradication Uniform Methods and Rules. Such provisions are believed necessary to identify such animals as adult vaccinates.

The proposed definition of the term, "official seal" includes a description of a serially numbered, metal strip consisting of a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged, and which cannot be reused if opened. Such seals should be adequate to insure that a vehicle moving cattle has not been diverted and other cattle substituted.

Sections 78.9(a), 78.9(b) (1), (2), (3) (ii) and (iii), and 78.10 (a) and (b), and 78.17 of the existing regulations require that certain cattle or bison be accompanied by an owner's statement or other document when moved interstate. The proposal would provide for these cattle or bison to move interstate without such documents being required under Part 78. It has been determined that it may no longer be necessary to require under Part 78 that such documents accompany certain cattle or bison moving interstate. The information on the documents required under other parts of the regulations, for example Part 71, should remove the necessity for any reference to these documents in Part 78 for such cattle. It should be noted that Part 71 has less application than Part 78. Specifically, Part 71 applies to all cattle two years of age or older except steers and spayed heifers. Part 78 applies to cattle except steers and spayed heifers greater that 6 months of age. Therefore, cattle between 0-2 years of age and spayed heifers less than 6 months of age are currently required to have an owner's statement under Part 78 for an interstate movement, and not under Part 71. The proposed regulations would remove the requirement that an owner's statement accompany the interstate movement of such cattle or bison under Part 78 because it appears that such animals constitute a small threat to spread brucellosis, and therefore, their movement should be less regulated than animals which constitute a significant threat to spread brucellosis.

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The existing regulations also require that certain cattle be consigned for immediate slaughter to slaughtering establishments operating under the provisions of the Federal Meat Inspection Act or to specifically approved slaughtering establishments. Specifically approved slaughtering establishments are slaughtering establishments operating under the provisions of State Meat Inspection Laws and must be specifically approved by the Deputy Administrator to receive certain cattle interstate. It appears that all slaughtering establishments operating under the provisions of State Meat Inspection Laws should be adequately equipped to handle all classes of cattle in a manner to effectuate the purposes of the brucellosis regulations. Therefore, this proposal would delete the requirement for and references to approval of specifically approved slaughtering establishments and would provide for the movement of any classes of cattle to any slaughtering establishment operating under Federal or State Meat Inspection authority. Consequently § 78.24(b) would be deleted, and all references to slaughtering establishments would be deleted in § 78.25.

This proposal would provide additional methods of moving brucellosis-exposed cattle interstate directly to a quarantined feedlot, or slaughtering establishment operating under Federal or State inspection, and directly to and through no more than one specifically approved stockyard. This proposal would make the regulations consistent with the recent changes in the brucellosis eradication Uniform Methods and Rules used to conduct the Cooperative State-Federal Brucellosis Eradication Program in each State. The regulations now require brucellosis-exposed cattle to be identified by a Veterinary Services approved metal eartag, by an "S" branded on the left jaw, and be accompanied by a permit. The proposed regulations would provide for an alternate site for the "S" brand which would be consistent with the Uniform Methods and Rules used to control exposed cattle movement within the States. The United States Animal Health Association, which recommends changes for the Uniform Methods and Rules, determined that it is difficult to apply the "S" brand to the jaw of the animal and it should be easier to apply the brand to the tailhead of the animal.

Further, the proposed amendments to the regulations would recognize the AV on the right jaw of the official adult vaccinates in lieu of the "S" brand requirements. This would also conform with the Uniform Methods and Rules. The proposed regulation would also allow "B" branding of brucellosis-exposed cattle to have the regulations in this part and Part 51 conform.

Additionally, the proposed amendments to the regulations would waive the "S" branding requirements for cattle which are individually identified and are moved to slaughter in a closed vehicle sealed with official seals and accompanied by a permit. The waiving of the branding requirement should facilitate the movement of these cattle. The sealing of the vehicles and the requiring of the permit and restricting the movement to slaughter should be adequate to prevent the spread of brucellosis. This would also bring the regulations into conformity with the Uniform Methods and Rules.

The provisions of the regulations which apply to the interstate movement of brucellosis reactor cattle (9 CFR 78.7), brucellosis-exposed cattle (9 CFR 78.8 (a) and (b)), cattle from herds not known to be affected with brucellosis in a Modified Certified Brucellosis Area (9 CFR 78.9(b) (1) and (2)), cattle from qualified herds in any noncertified area (9 CFR 78.10 (a), (b), and (c)), cattle from herds of unknown status in any noncertified area (9 CFR 78.11), cattle from a quarantined area (9 CFR 78.12a(d) (1), (2), and (3)), brucellosis reactor bison (9 CFR 78.15), brucellosis-exposed bison (9 CFR 78.16 (a) and (b)), and bison from herds not known to be affected with brucellosis from any area (9 CFR 78.17 (a) and (b)), appear to require revision to insure uniform interpretation of applicable requirements by those persons affected by the regulations. The intent of the Animal and Plant Health Inspection Service is to provide for the movement of cattle and bison either directly from a farm of origin to slaughter or to a quarantined feedlot, or directly from a farm of origin through no more than one specifically approved stockyard and then direct to slaughter or to a quarantined feedlot. Various interpretations have arisen concerning the requirements for movement as specified in these regulations by persons moving cattle and have resulted in a lack of uniformity of interpretation as to what constitutes compliance with existing requirements. The proposed changes would specifically require that cattle moved under the said sections would move either directly from a farm of origin to immediate slaughter or to a quarantined feedlot or directly from a farm of origin through no more than one specifically approved stockyard and then to immediate slaughter or to a quarantined feedlot.

The proposed amendments to the regulations would also revise § 78.9(b) (1) and (2) to authorize the movement of cattle from herds not known to be affected with brucellosis in a Modified Certified Brucellosis Area to move from other than a farm of origin to a recognized slaughtering establishment or a quarantined feedlot if accompanied by a permit. Presently, such cattle from premises other than a farm of origin, such as unapproved livestock markets, dealers' assembly pens, and slaughtering plant order buyers' assembly pens, are required to be tested negative to an official test for brucellosis within 30 days of the movement and be accompanied by a certificate. Such an amendment to the regulations should ease the disposition of such animals under adequate means to trace the origin of such animals without undue risk of the spread of brucellosis. Such a permit will have the information necessary to trace the origin of such animals.

The proposed regulations would also amend § 78.9(b)(3) to revise the exceptions to the 30-day official test for brucellosis for cattle moving interstate from a Modified Certified Brucellosis Area. Under the revised exception cattle in a Modified Certified Brucellosis Area may move interstate other than in accordance with the provisions of § 78.9(b) (1) or (2) without being tested within 30 days prior to such interstate movement if: such cattle originate from herds in which all the cattle were subject to a complete herd test for brucellosis in accordance with the Uniform Methods and Rules within 12 months of the date of the interstate movement; any cattle which were added to the herd subsequent to such complete herd test were tested and found negative to an official test for brucellosis within 30 days prior to the date the cattle were added to the herd; the cattle subject to the complete herd test have not changed ownership from the date of such a negative test to the date of the interstate movement; and none of the cattle in the herd have come in contact with any other cattle which have not been tested as prescribed in this exception. A complete herd test within 12 months would be required because the disease status of the entire herd must be established within the prior 12-month period to allow the cattle to move interstate without requiring a negative brucellosis test within 30 days prior to such movement.

Additions of cattle to the herd would be required to be tested and found negative to an official test for brucellosis within 30 days prior to joining the herd because their disease status must be established before they are added to the herd with the negative test with the prior 12 months. This should help insure that brucellosis does not enter the herd through additions of cattle to the herd.

The cattle which were subject to the complete herd test would be required to not have changed ownership from

the date of such complete negative herd test to the date of the interstate movement because the purpose of this provision would be to provide some flexibility in the regulation for herd owners that routinely have a need to regularly move cattle interstate due to their normal operations of herd management and should not extend to cattle that have changed ownership or otherwise been placed in normal trade channels.

Further, none of the cattle could have contact with any other cattle which have not been tested as prescribed in this exception because the cattle should not be exposed to cattle of an unknown or lesser disease status. This should reduce the risk of the cattle becoming diseased with brucellosis.

This exception has been rewritten to lessen the burden of testing for brucellosis for cattle which are moved interstate from pasture to pasture, as occurs with grazing associations. Without this exception such cattle would be required to be tested within 30 days of the date of each interstate movement. Due to the fact that frequently these cattle move every 30 days, such cattle could have 12 official tests for brucellosis required per year without this exception. The Department believes that this exception should lessen the burden of testing the cattle involved without unduly increasing the risk of disseminating brucellosis.

The proposed regulations would also revise § 78.9(b)(3)(iii) to delete the proviso to the last exception in that subparagraph. The proviso makes that exception inapplicable when the cattle to be moved interstate have been commingled with any other cattle of the breeds described in paragraph (b)(3)(ii) of § 78.9, which have not been officially tested and found negative for brucellosis within 12 months prior to the date that the cattle are commingled. This proviso would be deleted because the proposed regulations in § 78.9(b)(3)(v)(D) would prohibit the interstate movement of cattle that have come in contact with any other cattle which have not been brucellosis tested within 12 months or within 30 days prior to their addition to the herd.

It should be noted that §§ 78.8(c), 78.9(b)(3), 78.10(c), 78.12a(d)(3) and 78.17(c), would be amended by these proposed regulations. Presently these regulations establish conditions for moving cattle or bison for feeding, breeding or for purposes other than slaughter or to other than a quarantined feedlot. This concept of focusing on the purpose of the movement would be changed in the proposed regulations. The proposed regulations would authorize movements other than in accordance with the provisions of prior paragraphs or subparagraphs of the applicable sections. The purpose of the movement would not be the determinative factor for determining the requirements necessary to move the cattle or bison interstate. The administrative officials of the Animal and Plant Health Inspection Service believe that the conditions established in proposed §§ 78.8(c), 78.9(b)(3), 78.10(c), 78.12a(d)(3) and 78.17(c) should be adequate to prevent the spread of communicable diseases of livestock regardless of the purpose of the movement.

§ 78.10(c)(3) would be revised by requiring that test results appear on the certificate used to move the cattle interstate. Having the test results appear on the certificate should help insure that the cattle being moved interstate have been tested negative for brucellosis.

Further, footnotes 1 and 2 in Part 78 would be revised to reflect the incorporation by reference of the current Uniform Methods and Rules. Additionally, certain nonsubstantive editorial changes have been made.

Accordingly, Part 78, Title 9, Code of Federal Regulations, would be amended in the following respects:

1. In § 78.1, paragraphs (w), (y), and (dd) would be deleted; paragraph (x) would be redesignated as paragraph (w), paragraph (z) would be redesignated as paragraph (x), paragraph (aa) would be redesignated as paragraph (y), paragraph (bb) would be redesignated as paragraph (z), paragraph (cc) would be redesignated as paragraph (aa), paragraph (ee) would be redesignated as paragraph (bb), and new paragraphs (cc), (dd), (ee), and (pp) would be added to read:

§ 78.1 Definitions.

• • • • •

(cc) *Farm of origin.* A farm or other premises where the cattle to be shipped interstate were born or have been kept for not less than 4 months prior to the date of shipment and which within the 4 months prior to the date of shipment, have not been used to assemble cattle from any other premises.

(dd) *Recognized slaughtering establishment.* Any slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or a State Meat Inspection Act.

(ee) *Official adult vaccinate.* A female bovine animal of a dairy breed over 6 months of age (180 days), or a female bovine animal of a beef breed over 10 months of age (300 days) which has been vaccinated with an approved brucella vaccine in accordance with the Uniform Methods and Rules.[1 2] The vaccination shall be conducted under the supervision of a Federal or State veterinary official and the vaccination shall be preceded by a negative official test for brucellosis conducted no more than 10 days prior to the vaccination. At the time of vaccination, the animal must be a member of, or be an addition to a herd known to be affected and approved for adult vaccination by both State and Federal officials. The official adult vaccinate shall be permanently identified with an official metal eartag or registration tattoo and be hot-iron branded "AV" on the right jaw at the time of vaccination.

• • • • •

(pp) *Official seal.* A serially numbered, metal strip, consisting of a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged, which cannot be reused if opened, and is applied by a representative of the Veterinarian in Charge or the State animal health official.

2. In § 78.7, the introductory paragraph would be amended to read:

§ 78.7 Brucellosis reactor cattle.

Brucellosis reactor cattle may only be moved interstate for immediate slaughter directly to a recognized slaughtering establishment or from a farm of origin directly to no more than one specifically approved stockyard and then directly to such a recognized slaughtering establishment and only in accordance with the following requirements:

• • • • •

3. In § 78.8, paragraphs (a), (b), and the heading in paragraph (c) would be amended to read:

§ 78.8 Brucellosis-exposed cattle.

Except as provided in Part 51 of the regulations, brucellosis-exposed cattle may be moved interstate only as follows:

(a) *Movement of brucellosis-exposed cattle to quarantined feedlots.* Such cattle are moved directly to a quarantined feedlot or from a farm of origin directly through no more than one specifically approved stockyard and then directly to a quarantined feedlot, and only if such cattle are:

(1) individually identified by a Veterinary Services approved metal eartag;

(2) accompanied by a permit; and

(3) such cattle are:

(i) hot-iron branded with an "S" on the left jaw or high on the tailhead, so as to be visible from ground level, in letters not less than 2 nor more than 3 inches high, before the animals leave the premises from which they move interstate, or

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(ii) officially adult vaccinated cattle and have been hot-iron branded "AV" on the right jaw.

If the movement is directly to a specifically approved stockyard for sale and shipment to a quarantined feedlot, a separate permit shall be required for the subsequent interstate movement of such cattle from any such stockyard directly to a quarantined feedlot; or

(b) *Movement of brucellosis-exposed cattle for immediate slaughter.* Such cattle are moved directly to a recognized slaughtering establishment, or from a farm of origin directly through no more than one specifically approved stockyard and then directly to a recorgnized slaughtering establishment, only if such cattle are:

(1) individually identified by a Veterinary Services approved metal eartag;

(2) accompanied by a permit; and

(3) such cattle are:

(i) hot-iron branded with an "S" on the left jaw or high on the tailhead so as to be visible from ground level in letters not less than 2 nor more than 3 inches high, before the animals leave the premises from which they move interstate, or

(ii) in the instances when a claim for indemnity is being made by the owner under the provisions of 9 CFR 51.3(a)(2), (3), or (4), brucellosis exposed cattle are identified with the letter "B" as prescribed in 9 CFR 51.5(b), or

(iii) officially adult vaccinated cattle and have been hot-iron branded "AV" on the right jaw, or

(iv) moved in vehicles closed with official seals.

Official seals shall only be applied or removed by a Veterinary Services representative, State representative, accredited veterinarian or by other persons authorized for this purpose by a Veterinary Services representative. If the movement is directly to a specifically approved stockyard and then to a recognized slaughtering establishment, a separate permit shall be required for the subsequent interstate movement of such cattle from such stockyard directly to such slaughtering establishment; or

(c) *Movement of brucellosis exposed cattle other than in accordance with paragraphs (a) or (b) of this section.*

4. In § 78.9, paragraphs (a) and (b) would be amended to read:

§ 78.9 Cattle from herds not known to be affected with brucellosis.

Cattle from herds not known to be affected with brucellosis may be moved interstate from specified areas only as follows:

(a) *Certified Brucellosis-Free Areas.* If such cattle are in a Certified Brucellosis-Free Area, they may be moved interstate without restrictions under this subpart.

(b) *Modified Certified Brucellosis Areas.* If such cattle are in a Modified Certified Brucellosis Area, they may only be moved interstate from such area under the conditions specified in one or more of the following subparagraphs:

(1) *Movement for immediate slaughter.* Such cattle may be so moved for immediate slaughter directly from a farm of origin to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment. Such cattle moving other than directly from a farm of origin may be moved interstate directly to a recognized slaughtering establishment if accompanied by a permit.

(2) *Movement to quarantined feedlots.* Such cattle may be moved to a quarantined feedlot directly from a farm of origin or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot. Such cattle moving other than directly from a farm of origin may be moved interstate directly to a quarantined feedlot if accompanied by a permit.

(3) *Movement other than in accordance with paragraphs (b)(1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (b)(1) and (2) of this section only if:

(i) Such cattle originate in Certified Brucellosis-Free herds and they are accompanied by a certificate, which states, in addition to the items specified in § 78.1(u), that the cattle originated in a Certified Brucellosis-Free Herd; or

(ii) Such cattle are of the beef breeds under 24 months of age and of other breeds under 20 months of age which are not parturient (springers) or post parturient, then they may be so moved without restriction under this subpart; or

(iii) Such cattle are accompanied by a certificate, are subjected to an official test for brucellosis and found negative for brucellosis within 30 days prior to such interstate movement and the certificate shows in addition to items required under § 78.1(u), the test dates and results of the official brucellosis tests; or

(iv) Such cattle are moved directly from a farm of origin to a specifically approved stockyard and the shipper causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard prior to losing their identity with the farm of origin; or

(v) Such cattle: (A) originate from herds in which all the cattle were subjected to a complete herd test for brucellosis in accordance with the Uniform Methods and Rules within 12 months of the date of the interstate movement; (B) any cattle which were added to the herd subsequent to such complete herd test were tested and found negative to an official test for brucellosis within 30 days prior to the date the cattle were added to the herd; (C) the cattle subject to the complete herd test have not changed ownership from the date of such test; and (D) none of the cattle in the herd have come in contact with any other cattle which have not been tested as prescribed in this subparagraph.

5. In § 78.10, paragraphs (a), (b), and paragraph (c) up to the colon, would be amended to read:

§ 78.10 Cattle from qualified herds.

Cattle from qualified herds in any noncertified area may be moved interstate only as follows:

(a) *Movement for immediate slaughter.* Such cattle are moved directly to a recognized slaughtering establishment, or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment; or

(b) *Movement to quarantined feedlots.* Such cattle are moved directly to a quarantined feedlot, or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot; or

(c) *Movement other than in accordance with paragraphs (a) or (b) of this section.* Such cattle may be moved other than in accordance with paragraphs (a) or (b) of this section only if:

(1) Such cattle originate in Certified Brucellosis-Free herds and they are accompanied by a certificate which states, in addition to the items specified in § 78.1(u) that the cattle originated in a Certified Brucellosis-Free herd; or

(2) Such cattle are official vaccinates of the beef breeds under 24 months of age and of other breeds under 20 months of age and are accompanied by a certificate; or

(3) such cattle except calves under 6 months of age, have been subjected to an official test for brucellosis not less than 30 days after the date of the last qualifying herd test and not more than 30 days before the date of the interstate movement, and such cattle are accompanied by a certificate which shows, in addition to the items required under § 78.1(v), the dates and results of any official test required by this paragraph.

6. § 78.11 would be amended to read:

§ 78.11 Cattle from herds of unknown status.[3]

Cattle which originate in herds of unknown status in any noncertified area may be moved interstate only if accompanied by a permit and moved directly to a recognized slaughtering establishment or directly to be quarantined feedlot, or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot or such a slaughtering establishment.

7. In § 78.12a, paragraphs (d)(1), (2), and (3) would be amended to read:

§ 78.12a Cattle from quarantined areas.

• • • • •

(d) *Movement from qualified herds.* Cattle from qualified herds in any quarantined area may be moved interstate only as follows:

(1) *Movement for immediate slaughter.* (i) Such cattle may move for immediate slaughter directly from a farm of origin to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment and they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official brucellosis test; or (ii) Such cattle are moved in accordance with the provisions of § 78.8(b); or

(2) *Movement to quarantined feedlots.* (i) Such cattle may move to a quarantined feedlot directly from a farm of origin or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot if they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official brucellosis test; or (ii) Such cattle are moved in accordance with the provisions of § 78.8(a).

(3) *Movement other than in accordance with paragraphs (d) (1) or (2) of this section.* Such cattle may be moved other than in accordance with paragraphs (d) (1) or (2) of this section, either directly from a farm of origin or through no more than one specifically approved stockyard, if the cattle are accompanied by a certificate and the cattle, except official vaccinates less than 12 months of age and calves less than 6 months of age, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement, and the certificate shows, in addition, to items required under § 78.1(u), the test dates and results of the official brucellosis test.

8. In § 78.15, the introductory paragraph would be amended to read:

§ 78.15 Brucellosis reactor bison.

Brucellosis reactor bison may only be moved interstate for immediate slaughter directly to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to such a slaughtering establishment, and only in accordance with the following requirements:

• • • • • •

9. In § 78.16, paragraphs (a) and (b) would be amended to read:

§ 78.16 Brucellosis exposed bison.

Brucellosis exposed bison may be moved interstate from any area only as follows:

(a) *Movement of brucellosis exposed bison to quarantined feedlots.* Such bison are moved directly to a quarantined feedlot or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot. Such bison shall be accompanied by a permit. If the movement is through a specifically approved stockyard to a quarantined feedlot, a separate permit shall be required for the subsequent interstate movement of the bison from the stockyard to the quarantined feedlot, or

(b) *Movement of brucellosis-exposed bison for immediate slaughter.* Such bison are moved directly to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to such a slaughtering establishment. Such bison shall be accompanied by a permit. If the movement is through a specifically approved stockyard to a slaughtering establishment, a separate permit shall be required for the subsequent interstate movement of the bison from the stockyard to the recognized slaughtering establishment.

10. In § 78.17, paragraphs (a), (b), and paragraph (c) up to the colon, would be amended to read:

§ 78.17 Bison from herds not known to be affected with brucellosis.

Bison from herds not known to be affected with brucellosis may be moved interstate from any area only as follows:

(a) *Movement for immediate slaughter.* Such bison are so moved for immediate slaughter, or

(b) *Movement to quarantined feedlot.* Such bison are so moved to a quarantined feedlot.

(c) *Movement other than in accordance with paragraphs (a) or (b) of this section.* Such bison may be moved other than in accordance with paragraphs (a) or (b) of this section only as follows:

• • • • • •

11. In § 78.17(c)(4), the period at the end of the sentence would be deleted and the phrase "and the results of the official brucellosis test." would be added in lieu thereof.

12. In Subpart D, the heading would be amended to read:

Subpart D—Designation of Brucellosis Areas and Specifically Approved Stockyards

§ 78.24 [Amended]

13. Section 78.24(b) would be deleted.

14. In § 78.25, the last two sentences of paragraph (b) would be deleted and paragraph (c) would be amended to read:

§ 78.25 Designation of areas and approved stockyards.

• • • • • •

(c) Before the Deputy Administrator withdraws specific approval and removes any specifically approved stockyard from the approved lists, the owner of such establishment shall be given notice by the Deputy Administrator of the charges against him and shall have an opportunity to present his views thereon. In those instances where there is a conflict as to the facts, a hearing shall be held to resolve such conflicts.

15. In Part 78, footnotes 1 and 2 would be amended to read:

[1] Copies of the July 1977 Recommended Brucellosis Eradication Uniform Methods and Rules (APHIS 91-1) are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, MD 20782.

[2] Incorporation by reference provisions approved by the Director, Office of the FEDERAL REGISTER on November 15, 1977.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 805, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of January 1979.

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NOTE.—This proposal has been reviewed under the USDA criteria established to implement E.O. 12044, "Improving Government Regulations." While this action has not been designated "significant" under those criteria, an approved Draft Impact Analysis Statement has been prepared and is available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301-436-8695.

M. T. GOFF,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-3990 Filed 2-8-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[10 CFR Chapter I]

GENERIC RULEMAKING TO IMPROVE NUCLEAR POWER PLANT LICENSING

Interim Policy Statement; Extension of Comment Period

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Extension of comment period.

SUMMARY: The Nuclear Regulatory Commission is extending the public comment period on its Interim Policy Statement regarding Generic Rulemaking to Improve Nuclear Power Plant Licensing for an additional 30 days. The Interim Policy Statement was published on December 14, 1978 (43 FR 58377). The original comment period would have expired February 12, 1979. Further information regarding generic rulemaking issues and staff deliberations is found in NUREG-0499, "Preliminary Statement on General Policy for Rulemaking to Improve Nuclear Power Plant Licensing". Supplement No. 1 to NUREG-0499 contains information on "General Considerations and Issues of Significance on the Evaluation of Alternative Sites for Nuclear Generating Stations Under NEPA". Copies of these documents are available by writing to the Distribution Services Branch, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

DATE: New comment period expires: March 14, 1979.

ADDRESSES: Written comments or suggestions for consideration in connection with the proposed Interim Statement on Rulemaking Policy should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:

Dr. Miller B. Spangler, Office of Nuclear Reactor Regulation, Division of Site Safety and Environmental Analysis, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301/492-7305.

Dated at Washington, D.C., this 5th day of February 1979.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 79-4477 Filed 2-8-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

[10 CFR Part 790]

FEDERAL LOAN GUARANTEES FOR GEOTHERMAL ENERGY UTILIZATION

Proposed Rulemaking; Cancellation of Public Hearing

AGENCY: Department of Energy.

ACTION: Proposed rulemaking; cancellation of public hearing.

SUMMARY: On January 5, 1979, 44 FR 1568 the Department of Energy (DOE) proposed regulations to revise 10 CFR Part 790 published on May 26, 1976, to conform with provisions in Title V of the "Department of Energy Act of 1978—Civilian Applications," Public Law 95-238 enacted February 25, 1978. In the same notice, DOE announced that public hearings would be held on February 13, 1979, in San Francisco, California, and on February 21, 1979, in Dallas, Texas, for the purpose of accepting oral comments on the proposed regulations. Because only one request to speak at each location was made, DOE has determined, after consultation with the requesting parties, that the public hearing will not be necessary. Accordingly, the hearings previously scheduled for February 13 and 21, 1979, are cancelled.

DATES: DOE will continue to accept written comments on the proposed regulations for Federal loan guarantees for geothermal energy utilization until March 6, 1979. Details regarding the proposed regulations and written comment procedures appear in the original FEDERAL REGISTER NOTICE 44 FR 1568 (January 5, 1979).

FOR FURTHER INFORMATION CONTACT:

Lawrence Falick, Department of Energy, Washington, D.C. 20461, 202-633-8912.

Issued in Washington, D.C., February 6, 1979.

GEORGE S. MCISAAC,
Assisant Secretary, Resource Applications.

[FR Doc. 79-4630 Filed 2-8-79; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 101]

GENERAL PROVISIONS

Proposed Change in the Field Organization of the Customs Service

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to change the field organization of the Customs Service by extending the existing port limits of the Brownsville, Texas, port of entry (Region VI) to incorporate all of Cameron County, Texas, and to change the name of the port to "Cameron County". The proposed change would enable Customs to keep pace with a significant expansion of Customs-related activities in the county, particularly at Harlingen Airport, where there have been recurring requests for Customs services. The proposed change is part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

DATES: Comments must be received on or before April 10, 1979.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Room 2335, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Robert Schenarts, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8151).

SUPPLEMENTARY INFORMATION:

BACKGROUND

During the past several years, there has been significant growth in the population and economy of the area in and around the lower Rio Grande Valley, just north of the boundary between Texas and the State of Tamaulipas in Mexico. As part of this growth, there has been a significant expansion of the needs of the importing community elsewhere in Cameron County, Texas, for Customs services now provided by the port of entry at Brownsville.

There have been recurring requests for Customs service at Harlingen Airport, located in Cameron County, and beginning in December 1978, daily flights from and to Mexico City, Mexico, averaging 75 passengers per flight, began arriving at and departing from Harlingen Airport. In addition, it is anticipated that a further increase in trade and vehicle traffic in the area will require the completion of new bridge crossings on the Rio Grande in the near future.

To provide the most economical and efficient service to the public and to meet the expanded needs of the importing community in Cameron County, Customs proposes to extend the existing port limits of the Brownsville, Texas, port of entry (Region VI) to include all of Cameron County, Texas, and to change the name of the expanded port to "Cameron County".

The proposed extension of the port limits would enable Customs to keep pace with the expansion of Customs-related activities in Cameron County, particularly at Harlingen Airport, and to provide better coordination of Customs services and more efficient use of available resources. While the port office would remain at Brownsville, and there would be no change in staffing or management, these changes, including the change in name, would reflect more adequately the administration of Customs activities in the area.

As extended, the geographical boundaries of the proposed "Cameron County" port of entry would include:

All the territory within the geographical limits of Cameron County, Texas.

If the proposed changes are adopted, the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), would be amended accordingly.

COMMENTS

Before adopting this proposal, consideration will be given to any written comments submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Legal Publications Division, Room 2335, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

AUTHORITY

This change is proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 15 (43 FR 11884).

DRAFTING INFORMATION

The principal author of this document was Harold M. Singer, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: January 26, 1979.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[FR Doc. 79-4481 Filed 2-8-79; 8:45 am]

[4210-01—M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-5132]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the city of Ontario, San Bernardino County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Ontario, San Bernardino County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Engineer's Office, City Hall, 225 South Euclid Avenue, Ontario, California. Send comments to: Mr. Roger Hughbanks, City Manager, City of Ontario, City Hall, 225 South Euclid Avenue, Ontario, California 91761.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Ontario, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Depth, feet above ground
San Antonio Drain.	Intersection of San Antonio Avenue and H Street.	1
	Intersection of Fourth Street and San Antonio.	1
	Intersection of Sixth Street and San Antonio Avenue.	1
West Cucamonga Creed.	Along Airport Street east of Mildred Avenue.	2
	Intersection of Imperial Street and State Street.	1
	Intersection of Alameda Avenue and G Street.	1
	Intersection of Fifth Street and Grove Avenue.	1
Cucamonga Creek.	Intersection of Hellman Avenue and Francis Street.	1
	Along Hellman Avenue which runs into Mission Boulevard.	1
	Intersection of Vineyard Avenue and Airport Street.	1
Old Deer Creek Channel.	Arcadian Shores Drive of Hazeltine Street.	1
Old Deer Creek	North of Pomona Freeway on Turner Avenue.	1
	North of Mission Boulevard and east of Turner Avenue.	1
	Intersection of Milliken Avenue and Philadelphia Street.	2

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Source of flooding	Location	Depth, feet above ground
Ontario Motor Speedway Drain	South of San Bernardino Freeway between Haven Avenue and Milliken Avenue.	1
	Along Rochester Avenue between Fourth and G Streets	1

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Magnolia Avenue Drain	North side of Pomona Freeway between Magnolia Avenue and Palmetto Avenue and just south of Philadelphia Street	
Old Deer Creek	North of Pomona Freeway and west of Haven Avenue.	823
Ontario Motor Speedway Drain	North of Airport Drive between Haven Avenue and Milliken Avenue.	962
	North of San Bernardino Freeway between Haven Avenue and Milliken Avenue.	985
East Etiwanda Creek.	West of Etiwanda Avenue south of San Bernardino Freeway	986
San Antonio Drain	Intersection of Main Street and San Antonio Avenue.	983
	Intersection of Emporia Street and Cypress Avenue.	988

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4322 Filed 2-8-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5133]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Weld County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Weld County, Colorado. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at County Planner's Office, Department of Planning Services, Weld County Centennial Building, 915 Tenth Street, Greeley, Colorado. Send comments to: Mr. Norm Carlson, Chairman, Board of County Commissioners, Weld County, P.O. Box 459, Greeley, Colorado 80631.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Weld County, Colorado, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
South Platte River	Confluence with the Cache La Poudre River.	4,601
	Weld County Road,50 Feet*.	4,612
	U.S. Highway 34,at centerline.	4,624
	U.S. Highway 34 Bypass, at centerline.	4,627
	37th Street and County Road 54, at centerline.	4,639
	Union Pacific Railroad, at centerline.	4,650
	14th Street, at centerline.	4,686
	State Highway 52-50 feet*.	4,898
U.S. Highway 34 Levee Overflow Channel	County Road 45½, at centerline.	4,614
	U.S. Highway 34 Levee, at centerline.	4,622
Cache La Poudre River	Fern Avenue, at centerline.	4,613
	Ash Avenue, 100 feet*....	4,627
	U.S. Highway 85, at centerline.	4,638
	Union Pacific Railroad, at centerline.	4,645
	25th Avenue, at centerline.	4,662
	35th Avenue and County Road 35-50 Feet*.	4,669
	Colorado and Southern Railroad, 100 feet*.	4,683
	50th Avenue, 100 feet*....	4,691
Sheep Draw	West C Street, 100 feet*	4,706
	West 47th Street, 150 feet*.	4,725
	U.S. Alternate Highway, 34-150 feet*.	4,744
	71st Avenue, 50 feet*	4,772
	83rd Avenue, 200 feet*....	4,806
	Stock Pond Dam, 75 feet**.	4,824
	Stock Pond Dam, 125 feet*.	4,831
	County Road 58-30 feet**.	4,844
	County Road 56-25 Feet*.	4,852
Ashcroft Draw	49th Street, at centerline.	4,678
	Arrowhead Dam, 90 feet**.	4,745
	Arrowhead Dam, 50 feet*.	4,755
	65th Avenue, 80 feet*.....	4,762
Eaton Draw	6th Avenue, at centerline.	4,647
	U.S. Highway 85-275 feet**.	4,652
	U.S. Highway 85-75 feet*.	4,660
	County Road 64 200 feet*.	4,685
	Union Pacific Railroad (1st crossing), at centerline.	4,690
	Union Pacific Railroad (1st crossing), 185 feet*.	4,700
	County Road 74-150 feet**.	4,802
	County Road 74-50 feet*	4,806
	County Road 75-50 feet*	4,817
	County Road 76-75 feet*	4,837
	Union Pacific Railroad (2nd crossing), 75 feet**.	4,838
	Union Pacific Railroad (2nd crossing), 50 feet*.	4,845

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Tri-Area Drainageway	Confluence with Tri-Area Drainageway Overflow Channel.	4,960
	1st Street, at centerline..	4,970
	County Road 14-70 feet**.	5,006
	County Road 14-40 feet*	5,012
Tri-Area Drainageway Overflow Channel.	Confluence with Tri-Area Drainageway.	4,960
	Divergence from Tri-Area Drainageway.	4,970

Source of flooding	Location	Depth, feet above ground
Cache La Poudre River	750 feet east of the intersection of U.S. Highway 85 and County Road 41.	2
	400 feet north of State Highway 263 between County Roads 43 and 41¼.	2

*Upstream from centerline.
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4323 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5134]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Willowbrook, Du Page County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Willowbrook, Du Page County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bernie Oglietti-Village Administrator, Village Hall, Willowbrook, Illinois. Send comments to: Mr. Edwin Schmittschmitt, Village President, Village of Willowbrook, 7760 Quincy Street, Willowbrook, Illinois 60515.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Willowbrook, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
63rd Street Ditch ..	Downstream eastern corporate limits.	695
	800 feet downstream from Madison Street	706
	Just upstream from Madison Street.	711
	500 feet upstream from Lane Court.	715
	At Lake Hinsdale.....	724
East Branch Sawmill Creek.	Downstream from 79th Street.	700
	Just upstream from Midway Drive.	705
	Approximately 800 feet downstream from 75th Street.	708
	At upstream corporate limits (75th Street).	711

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7 (o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4324 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5135]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Anderson, Madison County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Anderson, Madison County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed

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rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Planning Department, Anderson, Indiana. Send comments to: The Honorable Robert Rock, Mayor, City of Anderson, 120 East Eighth Street, Anderson, Indiana 46011.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Anderson, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White River	At western corporate boundary.	828
	1300 feet upstream of Moss Island Road.	835
	At Madison Avenue	839
	Downstream side of State Route 9.	842
	At East 10th Street	846
	At 200 East Road	852
	At corporate limits 210 feet upstream from State Route 32.	860
Killbuck Creek	150 feet above confluence with White River.	842
	2500 feet downstream of 200 North Road.	843
	500 feet downstream of 200 North Road.	844
	At 200 North Road	845
Pittsford Ditch	At confluence with White River.	848
	Downstream side of 18tn Street.	854
	Upstream side of 18th Street.	858
	900 feet upstream of 18th Street.	859
	Upstream of 22nd Street	874
	At Ohio Avenue	878
Boland Drainage Ditch.	At southern corporate boundary.	859
	1100 feet downstream of Indiana Highway 67.	860
	At Indiana Highway 67	863
	Downstream side of 38th Street.	863
	Upstream side of 38th Street.	866
	At Madison	868

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4325 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI- 5136]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Muncie, Delaware County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Muncie, Delaware County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Building, 220 East Jackson Street, Muncie, Indiana. Send comments to: The Honorable Robert Cunningham, Mayor, City of Muncie, City Building, 220 East Jackson Street, Muncie, Indiana 47305.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Muncie, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White River	At east corporate limits	915
	4600 feet downstream of Tillotson Avenue.	920

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just upstream of Tillotson Avenue.	924
	400 feet downstream of Wheeling Avenue.	930
	Just downstream of Walnut Street.	934
	250 feet upstream of Elm Street.	935
	550 feet downstream of Broadway Avenue.	940
	900 feet downstream of Chessie System.	945
	Just upstream of Jackson Street.	950
	1250 feet downstream of Memorial Drive.	955
	South east corporate limits.	958
York Prairie Creek.	Just upstream of 400 West Road.	914
	Just downstream of Norfolk and Western Railway.	918
	Just upstream of Norfolk and Western Railway.	920
	Just downstream of Petty Road.	923
	Just upstream of Tillotson Avenue.	928
Jakes Creek	At 300 North Road	928
	Just upstream of Wheeling Avenue.	930
	Just downstream of Rosewood Avenue.	931
	Just upstream of Rosewood Avenue.	932
	Just downstream of 300 North Road.	934
	Just upstream of Chessie System.	939
Muncie Creek	Just downstream of Highland Avenue.	939
	Just upstream of Highland Avenue.	941
	Just downstream of Wald Avenue.	942
	Just upstream of Broadway Avenue.	943
	At McGalliard Road	944
Buck Creek	East corporate limit	938
	Just upstream of Middletown Road.	941
	Just upstream of Norfolk and Western Railway.	945
	Just upstream of Sharkey Street.	947
	Just upstream of 23rd Street.	952
	Just upstream of Norfolk and Western Railway.	952
	Madison Avenue	955

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4326 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5137]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Gardiner, Kennebec County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Gardiner, Kennebec County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Church Street, Gardiner, Maine. Send comments to: Mr. Kenneth Kokernack, City Manager, City of Gardiner, City Hall, Church Street, Gardiner, Maine 04345.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Gardiner, Maine, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kennebec River	Gardiner Randolph Bridge—200 feet *.	29
Cobbosseecontee Stream.	Winter Street Bridge—10 feet *.	29
	Maine Central Railroad Bridge—65 feet **.	35
	Maine Central Railroad Bridge—25 feet *.	40
	Yorktowne Paper Company Dam—100 feet **.	63
	Yorktowne Paper Company Dam—25 feet *.	75
	Former S. D. Warren Company Dam—100 feet **.	96
	Former S. D. Warren Company Dam—25 feet *.	129
	Gardiner Water District Dam—65 feet **.	129
	Gardiner Water District Dam—25 feet *.	139
	Interstate Highway 95 Bridge—at centerline.	139

* Upstream of centerline.
** Downstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, P. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4327 Filed 2-8-79; 8:45 am]

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[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5138]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Shrewsbury, Worcester County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Shrewsbury, Worcester County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Municipal Office Building, 100 Maple Street, Shrewsbury, Massachusetts. Send comments to: Mr. Richard D. Carney, Town Manager, Town of Shrewsbury, Town Hall, 100 Maple Street, Shrewsbury, Massachusetts 01545.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Shrewsbury, Massachuetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Bummet Brook.	State Highway 140 (downstream crossing)*.	384
	Grafton Street*	391
	State Highway 140 (upstream crossing)*.	397
	State Highway 20—20 feet**.	398
	Gold Street*	449
West Brook	Melvin Avenue*	399
	Everett Avenue*	400
	Old Mill Road—225 feet***.	403
	Old Mill Road—50 feet**	416
	Main Street—25 feet**.	425
Meadow Brook	Oak Street*	362
Rawson Hill Brook.	Prospect Street—90 feet**.	533
	Rawson Hill Dam—50 feet**.	545
	Deerfield Road—100 feet***.	586
	Deerfield Road—25 feet**.	591
	Rawson Hill Drive*	599
	Interstate Highway 290*	604
	Colonial Drive*	608

*At centerline.
**Upstream of centerline.
***Downstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4328 Filed 2-8-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5139]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Dewitt, Clinton County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of DeWitt, Clinton County, Michigan. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, DeWitt Michigan. Send comments to: The Honorable William E. Drovin, Mayor, City of DeWitt, 414 East Main Street, DeWitt, Michigan 48820, Attention: James R. Spaulding, City Administrator.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of DeWitt, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Looking Glass River.	Southwestern corporate limit.	795
	Just downstream of Shavey Road.	798
	Approximately 1450 feet downstream Bridge Street.	799
	Upstream corporate limit.	801

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4329 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5140]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Grand Rapids, Itasca County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Grand Rapids, Itasca County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 420 Pokegama Avenue North, Grand Rapids, Minnesota. Send comments to: The Honorable Robert Horn, Mayor, City of Grand Rapids, City Hall, 420 Pokegama Avenue North, Grand Rapids, Minnesota 55744.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Grand Rapids, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River ...	Downstream corporate limits.	1,256
	500 feet upstream of 7th Avenue.	1,256
	Downstream side of Blandin Dam.	1,257
	Upstream side of Blandin Dam.	1,269
	Upstream corporate limits.	1,269

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4330 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4812]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Jonestown, Coahoma County, Miss.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 1403 of the FEDERAL REGISTER of January 5, 1979 (44 FR 1403).

EFFECTIVE DATE: January 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-5581 or Toll Free Line 800-424-8872.

The following corrections are made: The community name in the title of the notice which read Town of Jonestone, Coahoma County, Mississippi, is hereby corrected to read Town of Jonestown, Coahoma County, Mississippi.

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4331 Filed 2-8-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5141]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of North Bend, Dodge County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of North Bend, Dodge County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 741 Main Street, North Bend, Nebraska. Send comments to: The Honorable Edward F. Sloup, Mayor, City of North Bend, 741 Main Street, North Bend, Nebraska 68649.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of North Bend, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Platte River	7100 feet downstream of Highway 79.	1,264
	5400 feet downstream of Highway 79 at downstream extraterritorial limit.	1,266
	4500 feet downstream of Highway 79.	1,268
	Just downstream of Highway 79.	1,272
	1000 feet upstream of Highway 79.	1,274
	2800 feet upstream of Highway 79.	1,275
	5600 feet upstream of Highway 79 at upstream extraterritorial limit.	1,279
	6000 feet upstream of Highway 79.	1,279
	9000 feet upstream of Highway 79.	1,281

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4332 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5142]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Bennington, Douglas County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Bennington, Douglas County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Office, Bennington, Nebraska. Send comments to: Mr. William Bohn, Chairman of Village Board, Village of Bennington, Village Hall, Bennington, Nebraska 68007.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Bennington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Papillion Creek.	Approximately 1,38 miles downstream of 156th Street (Extraterritorial Limits).	1,083
	Approximately 1,1 mile downstream of 156th Street.	1,083
	Approximately ,75 mile downstream of 156th Street.	1,086
	Approximately 260 feet upstream of 156th Street.	1,092
	Approximately 230 feet upstream of Bennington Road.	1,094
	Approximately 2940 feet upstream of Bennington Road.	1,097

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4333 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5143]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for The City Of Tecumseh, Johnson County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Tecumseh, Johnson County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Tecumseh, Nebraska. Send comments to: The Honorable Lavern Bartels Mayor, City of Nebraska, P.O. Box 417 Tecumseh, Nebraska 68450.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for City of Tecumseh, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
North Fork Big Nemaha River.	Upstream side of 12th Street bridge.	1,112
	2875 feet upstream from 12th Street bridge.	1,113
	320 feet downstream from 1st Street bridge.	1,114
	850 feet downstream from Burlington Northern Railroad.	1,115
	1100 feet downstream from Lincoln Street.	1,116
	2000 feet upstream of Lincoln Street.	1,119
Town Branch	Downstream side of Broadway Street bridge.	1,113
	Upstream side of Broadway Street bridge.	1,117
	900 feet upstream from Broadway Street.	1,118
	Downstream side of Lincoln Street.	1,122
	150 feet upstream from Lincoln Street.	1,125
	1290 feet upstream from Lincoln Street.	1,126
	2100 feet upstream from Lincoln Street.	1,130
	160 feet downstream from Route 136.	1,138
	Upstream side of Route 136.	1,140
	1700 feet upstream from Route 136.	1,141

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4334 Filed 2-8-79; 8:45 am]

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[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5144]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Spotswood, Middlesex County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Spotswood, Middlesex County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Spotswood Municipal Building, Summerhill Road, Spotswood, New Jersey. Send comments to: Honorable Joseph Spicuzzo, Mayor of Spotswood, Spotswood Municipal Building, Summerhill Road, Spotswood, New Jersey 08834.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Spotswood, Middlesex County, New Jersey in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South River	Duhernal Lake Dam	12
	Eisenhower Avenue Extended.	14
	Confluence of Manalapan Brook, matchoponic Brook.	15
Manalapan Brook	Confluence of South River.	15
	DeVoe Street Bridge (Upstream).	19
	DeVoe Lake Dam (Upstream).	21
	Daniel Road Bridge (Upstream).	25
	Upstream Corporate Limits.	26
Matchaponix Brook.	Confluence with South River.	15
	Mundy Avenue Bridge (Upstream).	16
	Upstream Corporate Limits.	19
Cedar Brook	Confluence with Manalapan Brook.	17
	Main Street Culvert	18
	Railroad Bridge (Downstream).	19
	Railroad Bridge (Upstream).	30
	Eaton Avenue extended.	31
	Upstream Corporate Limits.	35
Tributary to Cedar Brook.	Confluence with Cedar Brook.	30
	VanBrockel Street extended—limit of detailed study.	36

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4335 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5145]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Phoenix, Jackson County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Phoenix, Jackson County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 500 First Street, Phoenix, Oregon. Send comments to: Honorable Otto Caster, Mayor, City of Phoenix, P.O. Box 233, Phoenix, Oregon 97535.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Phoenix, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Creek	Fern Valley Road—150 feet*.	1,472
	Phoenix Corporate Limits (approximately 3,470 feet upstream from Fern Valley Road)—at centerline.	1,488
Coleman Creek	Phoenix Corporate Limits (approximately 1,000 feet upstream from mouth)—at centerline.	1,471
	U.S. Highway 99—30 feet**.	1,485

*Upstream from centerline.
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4336 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5146]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Kingsport, Sullivan County, Tenn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Kingsport, Sullivan County, Tennessee. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at The Planning Department, City Hall, 225 W. Center Street, Kingsport, Tennessee 37660. Send comments to: Mayor Bevington or Mr. Bob Clear, City Planner, City Hall, 225 W. Center Street, Kingsport, Tennessee 37660.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Kingsport, Sullivan County, Tennessee, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Holston River	At Inter-Plant Railroad.	1175
North Fork Holston River.	Just upstream of U.S. Highway 11.	1180
South Fork Holston River.	At Inter-Plant Railroad.	1183
	Approximately 300 feet upstream of Wilcox Drive.	1189
	Just upstream of U.S. Highway 23.	1207
South Fork Holston River Sluice.	Approximately 300 feet downstream of Wilcox Drive.	1186
Mad Branch	Intersection of Wilcox Drive and Lincoln Street.	1208
	Just downstream of Lamont Street.	1237
	Approximately 100 feet upstream of Midland Drive.	1251
Reedy Creek	Approximately 200 feet upstream of West Center Street.	1190
	Approximately 250 feet upstream of Gibson Mill Road.	1196
	Just upstream of State Highway 93.	1216

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4337 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5147]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Martinsville, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Martinsville, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show

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evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Martinsville City Hall, 55 West Church Street, Martinsville, Virginia. Send comments to: Mr. Thomas B. Nolan, City Manager of Martinsville, P.O. Box 1112, Martinsville, Virginia 24112.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Martinsville, Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jones Creek	Downstream Corporate Limits.	742
	State Route 108	764
	Prison Railroad	777
	Private Bridge 2,400 feet upstream of Prison Railroad.	803
Jones Creek Tributary No. 1.	Confluence with Jones Creek.	765
	0.4 mile upstream from the confluence with Jones Creek.	801
Jones Creek Tributary No. 2.	Confluence with Jones Creek.	777
	State Route 682	784
Tributary of Mulberry Creek.	Downstream Corporate Limits.	837
	U.S. Route 58	879
Doe Run	Downstream Corporate Limits.	708
	Overland Avenue extended.	800
	Confluence of Tanyard Branch and Aarons Branch.	831
Rugg Creek	Confluence of Tributary No. 1.	756
	Smithlake Road	763
	Open Air Pavilion Entrance.	777
	Private Bridge at River Mile 1.7.	808
	Scuffiehill Road	833
	Rives Road	849
	Mulberry Road	868
	Gates Street	879
Aarons Branch	Confluence of Tanyard Branch.	831
	U.S. Highway 220	877
	Bridge Street	887
Smith River	Downstream Corporate Limits.	868
	Upstream Corporate Limits.	714
South Fork Crow River.	Northern corporate limits.	924
	200 feet downstream of Bridge Avenue.	925
	Just upstream of U.S. Highway 12.	928
	Southern corporate limits.	929

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-4338 Filed 2-8-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4868]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Delano, Wright County, Minn.

Correction

In FR Doc. 79-64 appearing at page 1140 in the issue of Thursday, January 4, 1979, the flood elevations appearing on page 1141 should be corrected to read as follows:

[4810-31-M]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 4, 5, and 7]

[Notice No. 318; Re: Notice No. 316]

THE FETAL ALCOHOL SYNDROME PUBLIC AWARENESS CAMPAIGN

Progress Report

AGENCY: The Department of the Treasury and the Bureau of Alcohol, Tobacco and Firearms (the Department).

ACTION: Progress report on the advance notice of proposed rulemaking (Notice No. 316; 43 FR 2186).

SUMMARY: The Department has concluded that there is a need for a public awareness campaign which educates the public about the possible dangers that consumption of liquor, beer, and wine by a pregnant woman can present to an unborn child. Because of the nature of the evidence now available as to the possible dangers, it is not yet clear that warning labels on alcoholic beverage containers would be the best tool to educate the public; and because the Department wants in all instances to avoid unnecessary government regulation, it is encouraging the alcoholic beverage industry to work with the Government and private interest groups to educate the public about the possible dangers. If, after a reasonable period of time, the Department does not find that these efforts to provide public information have been successful or that more precise medical evidence becomes available, the proposal to require a warning label on all alcoholic beverage containers will be reconsidered.

ADDRESSES: Copies of this progress report are available to interested parties by writing to: Director, Bureau of Alcohol, Tobacco and Firearms, Post Office Box 385, Washington, D.C. 20044. (Attention: Chief, Regulations and Procedures Division; Notice No. 318.)

Copies of the addendum to this progress report, which includes the experts' reports and the analysis from the Office of Science and Technology Policy, the Executive Office of the President, are available for public inspection at the following reading rooms from 8:30 a.m. to 5:00 p.m.

BUREAU HEADQUARTERS

ATF Reading Room, Room 4408, 12th and Pennsylvania Avenue, NW., Washington, D.C.

CENTRAL REGION

ATF Reading Room, Room 6519, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, 550 Main Street, Cincinnati, Ohio.

MID-ATLANTIC REGION

ATF Reading Room, Third Floor, Bureau of Alcohol, Tobacco and Firearms, 2 Penn Center Plaza, Philadelphia, Pennsylvania.

MIDWEST REGION

ATF Reading Room, Bureau of Alcohol, Tobacco and Firearms, 230 South Dearborn Street, Chicago, Illinois.

NORTH-ATLANTIC REGION

ATF Reading Room, Sixth Floor, Bureau of Alcohol, Tobacco and Firearms, 6 World Trade Center, New York, New York.

SOUTHWEST REGION

ATF Reading Room, Room 345, Bureau of Alcohol, Tobacco and Firearms, Main Tower Building, 1200 Main Street, Dallas, Texas.

SOUTHEAST REGION

ATF Reading Room, Bureau of Alcohol, Tobacco and Firearms, 3835 Northeast Expressway, Atlanta, Georgia.

WESTERN REGION

ATF Reading Room, Thirty-fourth Floor, Bureau of Alcohol, Tobacco and Firearms, 525 Market Street, San Francisco, California.

FOR FURTHER INFORMATION CONTACT:

Charles N. Bacon or Armida N. Stickney at 202-566-7626.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

The Bureau of Alcohol, Tobacco and Firearms (ATF) published in the FEDERAL REGISTER on January 16, 1978, and advance notice of proposed rulemaking concerning warning labels on containers of alcoholic beverages. This advance notice requested information to assist ATF in deciding whether the current regulations should be amended to require a warning label on alcoholic beverage containers, concerning the consumption of alcohol by pregnant women and the possible resulting birth defects in their newborn infants. ATF received over 3,000 comments from consumers, special interest groups, industry, doctors, and scientific researchers. The majority of those who wrote said they were opposed to a warning label.

The majority of these comments were from consumers (2,772). Most of the consumers opposed the warning label, particularly for wine containers. Industry members were also opposed to a warning label on the grounds that, at most, the fetal alcohol syndrome applies only to excessive users of alcohol and that the warning lable would be costly and ineffective. The medical profession was divided on the issue; many practitioners felt that moderate use of alcohol during pregnancy has been beneficial while some researchers felt that there is clear evidence linking alcohol use by moderate drinkers to the fetal alcohol syndrome. Several objected, because warning labels would increase feelings of guild by those women who had consumed alcohol during pregnancy and produced children with birth defects. A general consensus of those opposed was that it is the doctor's responsibility to advise about health hazards rather than the Government's and that any measure by the Government would constitute overregulation. Many of the comments from doctors and consumers opposing warning labels originated from California, with at least 500 form letters coming from employees of wineries in California.

Those in favor of warning labels felt that alcohol consumption by pregnant women is potentially dangerous to their children and that a warning label would have a significant effect upon alcohol consumption by these women. They also felt that, in addition, a broad education program for pregnant women should be sponsored by both private concerns and the Government. Others, including women's groups, chruches, alcoholism prevention groups, and social service agencies, thought that the proposal was a positive step forward and that a warning label would contribute to better health both for infants and for the public in general. It was also felt that consumers have a right to know what risks they are taking when they use a particular product.

Because of the conflicting and sometimes highly technical opinions offered as to the seriousness of the problem and as to the best method for approaching it, the Office of Science and Technology Policy, Executive Office of the President, was asked to evaluate the comments and evidence we received. They submitted an analysis with a recommendation that the Department employ outside, specialized consultants to assess independently the warning label proposal and other approaches that would educate the public. Subsequently, we engaged three consultants in the following fields of expertise: (a) medical genetics, (b) obstetrics and pharmacology, and (c) social policy. None of these individuals have previously been involved in research or in formulating policy about the fetal alcohol syndrome problem.

The experts are Dr. Judith Hall, a medical doctor who is a specialist in genetics and Director of the Division of Medical Genetics at Children's Orthopedic Hospital in Seattle, Washington; Dr. Sergio Fabro, a medical doctor who holds advanced degrees in biological chemistry and pharmacology, and who is Professor and Director of the Fetal-Maternal Medicine Division, George Washington University Medical Center in Washington, D.C.; and Dr. Amitai Etzioni, a sociologist who is Director for the Center for Policy Research, New York, and now a Visiting Fellow at the Brookings Institution.

The Department provided two sets of questions for the experts, one of which was directed at the medical experts and the other at the social policy expert. Each of the experts was given copies of the comments received on the advance notice, and the record of the Senate Hearing before the Subcommittee on Alcoholism and Drug Abuse of the Committee on Human Resources, held January 31, 1978. The experts independently evaluated these materials and submitted written reports of their findings to the Department. These written reports were then sent to the National Institute on Alcohol Abuse and Alcoholism; the Food and Drug Administration; the Assistant Secretary for Health, the Department of Health, Education, and Welfare; the National Academy of sciences; and the Office of Science and Technology Policy, Executive Office of the President, for their comments.

II. SUMMARY OF EXPERTS' COMMENTS

A. FABRO REPORT.

1. *Scientific Evidence*

Dr. Fabro concludes in this report that the fetal alcohol syndrome does exist. He states that "a series of rather aspecific abnormalities [central nervous system dysfunction; growth deficiencies; cluster of facial abnormalities; and variable major and minor malformations] have been grouped into a 'syndrome' which shows a remarkable reproducibility in that it has been observed only in offspring of chronic alcoholic mothers." He states that some alteration in brain function, growth, *and* facial appearance are essential for the diagnosis of the full-blown syndrome. He believes that evidence so far indicates that, to produce the full-blown syndrome, the level of alcohol consumption must be sufficiently high to cause easily-recognizable chronic alcoholism in the mother.

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He also states that, while evidence indicates that with lower levels of alcohol the full-blown syndrome is highly unlikely, "some other poor pregnancy outcome (e.g., low birthweight, stillbirth) appears possible." He thinks further, "Prospective epidemiological studies are required to establish whether, for example, wine (2-3 glasses) with dinner or one martini before dinner taken by the mother are devlod of any toxicity for the unborn child." Dr. Fabro believes that "the position taken by the March of Dimes in advising women about alcohol consumption and pregnancy is prudent. Until more data is accumulated in this respect, they advise any woman who is planning to become pregnant to abstain from consuming alcohol-containing beverages."

He thinks that heavy alcohol consumption by the chronic alcoholic mother appears essential for the occurrence of infants with the fetal alcohol syndrome, although the mechanism by which these adverse effects are produced is not known. He thinks that it is likely that ethanol in alcoholic beverage is the chemical responsible for producing the fetal alcohol syndrome; however, whether ethanol itself or one of its metabolites is the sole determining factor is not yet clear. Furthermore, the importance of other associated factors likely to be present in heavily drinking women such as malnutrition, medical complications (e.g., delirium tremens, cirrhosis), and poor personal habits (cigarette smoking, caffeine intake, and drug abuse) has not yet been defined in regard to establishing the risk of the fetal alcohol syndrome in offspring of chronic alcoholic mothers. As far as the relationship of a woman's drinking pattern to pregnancy outcome is concerned, he thinks it is not known whether there is a critical period during or before pregnancy for the production of the fetal alcohol syndrome, nor is it known whether "binge" drinking is more important in the teratogenicity of alcohol than constant, persistent alcohol abuse, as in chronic alcoholic women. (A teratogen is a compound which causes malformations in the embryo or fetus when taken by the mother during pregnancy.)

He points out that laboratory tests of toxic effects of ethanol given to pregnant animals generally support findings of the toxic effect of ethanol during pregnancy. He cautions, however, against drawing firm conclusions based on animal studies since "at present there is no animal test or battery of tests that can predict human teratogenic risk with complete assurance."

He also points out that animal studies were probably the basis for the National Institute on Alcohol Abuse and Alcoholism's statement that " 'there is substantial and serious risk for the fetus when the woman chronically drinks 3 or more oz. of absolute alcohol (6 drinks) a day.' " He said the selection of three ounces of absolute alcohol per day as the level when the risk begins to be substantial is an intelligent guess made by extrapolating animal teratological data into humans.

As far as the incidence of the fetal alcohol syndrome in children whose mothers are "moderate drinkers" is concerned, he says the full-blown syndrome has only been documented in offspring of chronic alcoholic drinkers although "some toxicity suspicious of, or compatible with, alcohol toxicity during pregnancy has been observed with lower (greater than 1 oz. absolute alcohol per day) consumption."

As for the effects of "binge" drinking, he thinks that "according to well-established pharmacological and toxicological principles, binge drinking, particularly during early pregnancy, may still theoretically be responsible for embryotoxic effects resulting in abortion, stillbirth, intrauterine growth retardation, and other anomalies which may be collectively termed 'embryotoxic alcohol related syndrome(s)' (EARS)."

2. Pros and Cons of Warning Labels

Dr. Fabro declines to express an opinion on whether a warning label is justified, citing both incomplete data and his own lack of expertise on the effectiveness of such a measure. He does think, however, that any warning about the fetal alcohol syndrome should be directed at *all* women of childbearing age, rather than just pregnant women, since there are suggestions that alcohol consumption may exert toxic effects on the human embryo before the mother is aware that she is pregnant. He also thinks it is important to alert the corresponding male population as to possible toxic effects of alcohol on unborn children. Dr. Fabro said that effective prevention of the fetal alcohol syndrome may not be possible if doctors are solely responsible for informing women about the risks of drinking primarily because of the possibility of danger in early stages of pregnancy before she visits the doctor. Ideally, he said, women should know about the dangers as they enter the childbearing years. Dr. Fabro suggests the possibility of explaining the risk during sex education classes in junior and senior high school.

3. Possible Adverse Effects of Warning Labels

While Dr. Fabro does not directly address the question of whether warning labels would have adverse impact, he does say there is "no doubt that our knowledge in this area is scanty and that further research is needed."

B. HALL REPORT

1. Scientific Evidence

Dr. Hall finds the evidence "overwhelming" that the fetal alcohol syndrome exists as described by researcher Kenneth L. Jones et al. (Jones' definition includes deficiencies in weight and length; delay of intellectual development and/or mental deficiency; poor coordination; changes in appearances of face, especially eyes; minor joint anomalies; valve defects of the heart; brain cell myragory abnormalities; and minor genital anomalies.) In addition to the full-blown syndrome, she thinks it is probable that "other more subtle deleterious effects occur in children whose mothers drink during pregnancy," the most serious of which are those which affect the brain and central nervous system. These effects are probably dependent upon the amount of the alcohol ingested, the timing during pregnancy, the genetic background of the mother and fetus, and other environmental factors such as smoking, nutrition, and medication. Dr. Hall says, "This second type of the maternal fetal alcohol spectrum has not yet been fully evaluated or delineated." She cites research studies which indicate "strong hints of behavioral differences, neurologic abnormalities, phycosocial illness • • • hyperactivity • • • in the offspring of moderate and binge drinking mothers; however, long-term follow-up of the infants born to mothers using moderate and minimal amounts of alcohol or those born to binge drinkers has not yet been possible."

Based on evidence available both from the studies on the fetal alcohol syndrome and other studies of human teratogens, she believes that "we will see this second category of defects manifested in the children of those women who drank alcohol during pregnancy, perhaps even very small amounts or only during critical periods." Dr. Hall thinks that the relationship between dose and fetal effect in humans will be difficult to establish in "self-reporting" studies, in part because alcoholics and others notoriously under report the amount they drink, and because there are very likely genetic variations affecting response to dose and timing of consumption. However, since other known human teratogens which cause malformations in large doses usually have an adverse effect in small doses as well, she believes the same kind of dose effect can be anticipated with alcohol. She estimates that the frequency of adverse effects may be as high as 1-2 per 100 births. Dr. Hall believes, "The most susceptible period for detrimental effects of alcohol on the fetus is probably in early pregnancy (the first trimester)," but she claims that studies have also demonstrated adverse effects in later stages of pregnancy. Dr. Hall also points out, "Since one of the major effects of alcohol is on the developing brain and the brain continues to grow, neurons migrate and cells develop through all three trimesters, it seems likely (and there is some suggestion from the available data) that maternal alcohol consumption at any time during brain development could have an adverse effect."

Dr. Hall concludes that, given the present state of knowledge, "no minimum safe level of maternal alcohol consumption can be established at any time during pregnancy." She suggests that the most prudent advice to pregnant women is to avoid alcohol consumption during pregnancy and while nursing. She believes that the most serious time for alcohol consumption may be during very early pregnancy, prior to making the diagnosis of pregnancy.

2. Pros and Cons of Warning Labels

Dr. Hall recommends that a warning label be required on containers and packaging materials of all alcoholic beverages. She believes women have the right to know that alcohol may endanger the unborn child, and that information about possible danger is not known either by the general public or, more importantly, by the medical profession. For those reasons, she also recommends that a broad educational program for the general public and health professionals be conducted. She states, "There is no question but [that] it is one of the most common known causes of mental retardation," and it is preventable.

She thinks it important that an educational program reach all women of childbearing age who may be considering becoming pregnant as well as their family members, husbands, and friends so they can be supportive of a woman's abstinence of alcohol. She thinks the question of previous effectiveness of labels (i.e., cigarettes) is irrelevant since no equivalent situation (a woman altering her behavior to protect her unborn child) has occurred.

3. Possible Adverse Effects of Warning Labels

Dr. Hall finds two issues raised by those opposed to the advance notice which deserve consideration. The first issue is whether warning labels would produce unnecessary guilt in women who gave birth to a child (a) which had been damaged by alcohol or (b) which was mentally retarded for some other reason. Dr. Hall thinks this is an "unavoidable problem" and believes a parent would be "much more incensed and have more guilt if he or she was denied information that would have made it possible to avoid the problem."

The second issue is whether giving information directly to the women would interfere with the doctor-patient relationship. She believes most people are now health conscious and want to practice preventive health care, particularly pregnant women. She thinks that the data available from several studies suggest that moderate and "binge" drinking can be controlled and modified by the pregnant woman and that other studies also "suggest that even chronic alcoholics will try to curb their alcohol consumption in the interest of their unborn child." Dr. Hall is "concerned by the number of letters from physicians [in response to the advance notice] who indicated that they do not believe that alcohol can possibly have any adverse effect on the unborn child." She thinks "this attitude reflects the fact that the medical community is not fully informed about the effects of alcohol during gestation and further emphasizes that this information should be directly available to the public."

C. ETZIONI REPORT

1. Scientific Evidence

Dr. Etzioni, who is a sociologist, calls attention to the need for different public policies according to the way the ongoing research on the fetal alchohol syndrome unfolds. He believes different public policies are necessary if it is established that only high dosages, as against both high and low, are harmful; that only continuous drinking is harmful versus continuous and occasional ("binge") drinking; that harmful effects occur relatively late in the fetus formation versus during the first two months. In some instances, only pregnant women will have to be reached, in others, all fertile women; in some instances, the target audience would be those who are relatively unresponsive (addicted drinkers), in other circumstances, the relatively more responsive social drinkers.

2. Pros and Cons of Warning Labels

Dr. Etzioni believes the Federal Government should not treat this problem as an isolated issue but should view it as part of a systematic approach to public warnings. He believes warnings required by the Federal Government need to be graduated to differentiate clearly among levels of danger—according to strength of data available and magnitude of problem caused by the product at issue. He believes high alerts should be used sparingly, taking into account not just the costs which regulations and their enforcement entail, but "costs" in taxing the public's tolerance for government intervention.

He also believes as a matter of general principle "*the stronger the data*, the better the defense one can pose against criticism, and the easier it will be to *legitimate* the required warnings." He also thinks that "scientific data [need to] go through a *sociological* process in which they are publicly debated and a slow consensus emerges on the status of the data." He points out that this process is quite different from scientific evaluation, internal to the scientific community. He gives as examples of data that have been processed through the public: The definition of death as a flat brain wave pattern for 48 hours and the relative demerits of heroin versus marijuana. In contrast, he believes data about the fetal alcohol syndrome are not widely known, nor their implications much discussed yet. He, therefore, concludes that "the legitimacy of the claim that alcohol will damage a fetus is not at all well publicized. Regulation would more likely be respected if the data were first 'processed' more publicly . . . The fact that . . . data [on the fetal alcohol syndrome] at this stage are poorly processed suggests that the time is not ripe for relatively tough measures from this viewpoint. *If* higher levels of alert were desired on other grounds, e.g., if new data suggested frequent [fetal alcohol syndrome] risk at early stages of pregnancy, then the *public* dialogue could be intensified. One of the most effective ways of doing this would be to foster some drastic measures (for instance, sending a registered letter from State health departments to all women aged 14 to 50, or at least to pregnant women, warning that alcohol may harm their fetus)."

He points to other considerations which do not favor a high-level alert. One is the effectiveness of warnings as a technique to deter people from behavior that could be harmful. He thinks warnings are more effective when people can switch to some other easily available substitute (from regular to filter cigarettes, birth control pills to other contraceptives, liquid protein diets to other diets). He thinks that warnings would be "more effective *if* it turned out that drinking wine or beer has no harmful effects on the fetus (a rather unlikely possibility), so that women could be advised to *switch* to these from hard liquor, or—if it turned out that women could be told to eat before they drink (to dilute the effects of alcohol). We expect warnings to be less effective the fewer 'near' substitutes are available."

Dr. Etzioni also thinks that warnings are less effective when both addiction and anxiety are present, which is very

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likely in the case when a woman is addicted to alcohol and anxious about the health of her unborn child. He goes on, however, to disagree with those who responded to the advance notice, saying that, because of the anxiety problem, information should be withheld so as not to generate more anxiety. "Women are not to be treated as neurotic, infantile creatures who need to be protected from tension. On moral grounds, it would be unethical to prevent millions of pregnant women from making an informed choice on the implausible idea that this bit of anxiety, in a world riddled with anxiety, would be the one that would tax their tolerance to the breaking point."

Dr. Etzioni points out that a number of comments submitted by industry suggested that the matter of alert be left largely to the doctor. He says "this reliance would be impossible if early and moderate drinking have an effect, because then all women in fertile ages must be notified." He also points to studies which show that doctors have a poor record in transmitting such "preventive" information. He suggests that a broad-based public education program might be funded by adding one penny (or more) to the tax on alcohol and says that "public service announcements on television and radio may do more good than labels, although if one could have all the aforementioned *and* labels, they might benefit from the interaction effect • • • Public service announcements can be made to appeal more to motives, sentiments, and values, quite necessary *in addition to*, not instead of, informing, if people are to change their minds."

He says that he believes further scientific research is needed on the fetal alcohol syndrome before a decision to require warning labels is made. However, he says:

> If it is considered beneficial for pregnant women, their future children, and the public (which bears a good part of the resulting costs if the warning is ignored) not to consume alcohol, it will not be enough to merely inform women. It will also be necessary to help create a social climate which recognizes that it is *unbecoming* for a pregnant woman to drink. Thus, just as public service announcements try to break the idea that it is socially well-mannered to offer the driver "one more for the road," it will be necessary to establish that it is asocial to offer a drink to a pregnant women. Public service announcements and public educational campaigns, combined with the advice of physicians and other health professionals, are likely to be relatively more effective than labels or posters in bringing about this change in the social climate, although both of these might help.

3. *Possible Adverse Effects of Warning Labels*

Dr. Etzioni thinks it important to consider the possible harmful effects that might follow a decision to require warning labels. He thinks it is possible that a "federal label on alcohol may well imply more approval of consuming it (at least by persons not pregnant) than is in the public interest. At least, the 'costs' of such federal legitimization of liquor should be weighed against the benefits of such labels."

He also thinks that there are growing segments of the public who ignore warnings, because "they feel they cannot heed the recent avalanche of forbiddens."

III. Analysis and Conclusions

Several conclusions can be drawn from the scientific data:

a. Heavy drinking by some women during pregnancy can result in a pattern of abnormalities in the offspring, called the fetal alcohol syndrome. This syndrome consists of specific congenital and behavior abnormalities including dysfunction of the central nervous system; growth deficiencies both before and after birth; cluster of facial abnormalities, especially the eyes; and mental retardation. The full-blown syndrome has only been identified in offspring of those women who are chronic alcoholics.

b. There is disagreement among our medical experts—which appears representative of differences within the scientific medical community—about the effects moderate, light, or "binge" drinking may have on the fetus. One expert says it is likely there is a linear relationship between the dose of alcohol and teratogenic effect down to one drink. The other expert does not believe that such a relationship has been proven. On moderate drinking, one expert points to studies which indicate that a mother's moderate drinking can cause a variety of physical and mental abnormalities in her offspring; and the other expert says the evidence is not clear. However, both experts say in theory it is possible that "binge" drinking at the "wrong time" can be responsible for birth defects. Moreover, the two medical experts believe that absent clear evidence which establishes a safe level of drinking, the most prudent advice to women planning on becoming pregnant is to abstain totally from consuming alcohol from the time of conception to birth.

c. Studies indicate that pregnant women who are told of the danger alcohol can have on their children are amenable to changing drinking patterns during pregnancy.

d. There is a low level of awareness of the problem both on the part of the public in general and the medical profession.

The Department believes there is sufficient evidence to require further action on the part of industry and Government to educate the population at large, and particularly women of childbearing age, about the problem. The potential consequences are both real and preventable; and most people, including many doctors, are generally unaware of the state of scientific knowledge. We agree with the experts' unanimous opinion that responsibility for informing women of the possible risks should not be left solely to a women's doctor. The scope of education must be broader than the woman who thinks she may be pregnant and therefore consults a doctor. Initially, risks exist at the earliest stages of pregnancy before a doctor has been consulted and some, particularly low income women, never seek prenatal care. We also agree with the experts' advice that efforts be made to educate the potential male parent so that he can participate in, and be supportive of, any decision as to alcohol consumption during pregnancy. We also agree that special efforts should be made to reach the teenage population because of the recent increases in teenage pregnancies and drinking.

One option which has been considered the risks of alcohol for the pregnant woman on all alcoholic beverage containers. The Department believes that adequate statutory authority exists for such a requirement and that, in many cases, labeling has served as a vehicle for communication. Such an approach would bring some information about this issue to the attention of large segments of the drinking population.

In the case of the fetal alcohol syndrome, however, we have concluded that other forms of education should be attempted before deciding on the necessity of labeling. It seems that warning labels can be most effective when the message sought to be conveyed is simple and easy to state. In the case of the fetal alcohol syndrome, however, the state of scientific evidence does not lend itself to such directness. There are differences of opinion as to the import issues of "binge," moderate, and one-time drinking which cannot be ignored if the message to be communicated is to be as accurate as it should be. Other forms of education—which explain more fully the scientific issues involved—may in this situation be more effective than warning labels and still provide a basis for educated, consumer decisionmaking.

It is also important, generally, that warnings not overstate the danger being discussed. We feel that any action plan should consider the fact that it may be unfair to cause people to think that any level of drinking in pregnancy (i.e., on drink) may have caused problems such as mental retardation in their children. Any approach, therefore, must insure that the information which is desseminated is as accurate as possible.

We are also not unmindful of the analysis of Dr. Etzioni discussed above concerning the process, impact, and effectiveness of government warnings. It is possible that education not so directly prescribed by the Government may be as, or more, effective than the simple issuance of what some may consider to be just another government warning. Moreover, we also believe that, where appropriate, Government should first allow the private sector the opportunity to take action before mandating a specfic approach by rule. In this case, for example, a sense of corporate responsibility and the desire to avoid potential legal liability and future regulation may motivate sufficient actions.

IV. Plan of Action

The Department thus intends to work with other appropriate Federal agencies (i.e., the Department of Health, Education and Welfare, including the Food and Drug Administration and the National Institute of Alcohol Abuse and Alcoholism), and with members of all segments of the alcoholic beverage industry, and with other interested groups to develop and implement a program of public education. Among the steps we believe should be included in these education programs are:

a. Publishing and distributing this report and those of the retained experts to segments of the public, medical schools, and interested organizations;

b. Publishing and disseminating brochures for the public and the medical profession;

c. Stimulating education programs in schools;

d. Developing public service television and radio announcements; and

e. Issuing press releases.

The Department intends to monitor carefully the impact of these efforts. We recently conducted an independent public opinion poll to measure the current level of public awareness concerning this problem. In about six months to a year, a new poll will be conducted to compare the level of public awareness. After the two polls are analyzed, a judgement will be made as to the sufficiency and impact of the private and the Government's education programs which have been undertaken.

If the evaluation of the joint industry-Government public awareness campaign indicates that there is not a sufficiently high level of public awareness of the the problems associated with the drinking of liquor, beer, and wine, particularly among women of childbearing age, or if more precise medical evidence is developed in current or future studies, then the Department will again consider requiring a warning label as a means of direct communication of this and possibly other health problems to the public.

V. Drafting Information

Officials from the Department of the Treasury and the Bureau of Alcohol, Tobacco and Firearms jointly participated in developing this progress report.

VI. Authority

Accordingly, this progress report is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended (27 U.S.C. 205).

Signed: January 23, 1979.

John G. Krogman.
Acting Director, Bureau of Alcohol, Tobacco and Firearms.

Approved: January 25, 1979.

Richard J. Davis,
Assistant Secretary, (Enforcement and Operations).

[FR Doc. 79-4289 Filed 2-7-79; 8:45 am]

[4510-29-M]

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Labor-Management Relations

[29 CFR Part 403]

LABOR ORGANIZATIONS WHICH MAY FILE SIMPLIFIED ANNUAL FINANCIAL REPORTS

AGENCY: Department of Labor.

ACTION: Comments Solicited on a Petition to Amend Regulations.

SUMMARY: Comments are requested on a petition which proposes that labor organizations with less than $100,000 total annual receipts be permitted to file the annual financial report required by the Labor-Management Reporting and Disclosure Act of 1959, as Amended (LMRDA) on the simplified Form LM-3 rather than the more detailed Form LM-2. The current regulations provide that only labor organizations with less than $30,000 total annual receipts may file the Form LM-3. The purposes of the proposed amendment are to reduce the reporting burden of smaller labor organizations and to take into account the effect of inflation since the limit of $30,000 was set in 1962.

DATE: Comments concerning the proposed amendment, alternative means to accomplish their purposes and the advisability of a public hearing must be received April 10, 1979.

ADDRESS: Submit comments to the Assistant Secretary of Labor for Labor-Management Relations, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. The petition and comments received from the public may be inspected in Room N-5109, Department of Labor, from 8:15 A.M., to 4:45 P.M., Monday through Friday.

FOR FURTHER INFORMATION AND COPIES OF THE PETITIONS CONTACT:

Herbert Raskin (202) 523-7272.

SUPPLEMENTARY INFORMATION: The Department of Labor has received a petition pursuant to the Administrative Procedure Act, 5 USC 553(e), to amend the Department's regulations at 29 CFR 403.4(a).

Part 403 of the Department's regulations was issued pursuant to section 208 of the LMRDA. Section 208 provides that the Secretary of Labor shall have the authority to issue rules and regulations prescribing the form and publication of the reports required by Title II of the LMRDA, including simplified reports.

Subsection 403.4(a) of the Department's regulations, which the petition proposes be amended, provides that:

If a labor organization, not in trusteeship, has gross annual receipts totaling less than $30,000 for its fiscal year, it may elect, subject to revocation of the privileges as provided in section 208 of the Act, to file the annual financial report called for in section 201(b) of the Act and § 403.3 of this part on United States Department of Labor Form LM-3 (Revised) entitled "Labor Organization Annual Report (Revised)," in accordance with the instructions accompanying such form and constituting a part thereof.

The petition proposes that the present ceiling of $30,000 annual receipts entitling unions to file simplified annual financial reports be raised to $100,000.

Interested parties are invited to comment on the petition by submitting written data, views, or arguments. Comments are also invited on possible alternative means to achieve the purposes of the proposed amendment and the advisability of holding a public hearing.

Dated: February 2, 1979.

Jack A. Warshaw,
Acting Assistant Secretary for Labor-Management Relations.

[FR Doc. 79-4560 Filed 2-8-79; 8:45 am]

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[4510-29-M]

[29 CFR Parts 402 and 403]

RESPONSIBILITY OF LABOR ORGANIZATIONS TO MAKE AVAILABLE TO MEMBERS INFORMATION CONTAINED IN REPORTS FILED WITH THE DEPARTMENT OF LABOR

AGENCY: Department of Labor.

ACTION: Comments Solicited on a Petition to Amend Regulations.

SUMMARY: Comments are requested on a petition which proposes that every labor organization be required to mail to each member copies of all reports and attachments filed with the Department pursuant to the Labor-Management Reporting and Disclosure Act of 1959, as Amended (LMRDA). The present regulations require labor organizations to make available to members the information contained in the reports and attachments, but set no restrictions or requirements concerning the means by which this responsibility may be fulfilled. The purposes of the proposed amendments are to ensure that labor organizations provide their members with complete information and to eliminate the expense, inconvenience and possible intimidation that may result if the information can only be obtained upon the specific request of a member and/or by inspection at labor organization offices.

DATE: Comments concerning the proposed amendments, alternative means to accomplish their purposes, and the advisability of a public hearing, must be received on or before April 10, 1979.

ADDRESS: Submit comments to the Assistant Secretary of Labor for Labor-Management Relations, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. The petitions and comments received from the public may be inspected in Room N-5109, Department of Labor, from 8:15 a.m., to 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION AND COPIES OF THE PETITION CONTACT:

Herbert Raskin (202) 523-7373.

SUPPLEMENTARY INFORMATION: The Department of Labor has received a petition pursuant to the Administrative Procedure Act, 5 USC 553(e), to amend the Department regulations at 29 CFR 402.10 and 403.8.

Parts 402 and 403 were issued pursuant to section 208 of the LMRDA. Section 208 provides that the Secretary of Labor shall have the authority to issue rules and regulations prescribing the form and publication of the reports required by Title II of the LMRDA and other rules and regulations to prevent the circumvention of those reporting requirements.

Sections 402.10 and 403.8, which the petition proposes be amended, set forth the requirement of section 201(c) of the LMRDA that every labor organization make available to its members the information contained in the reports filed with the Secretary under section 201(a) (initial information reports) and 201(b) (annual financial reports). Section 402.10 provides that:

> Every labor organization required to submit a report under section 201(a) of the Act and under this part shall make available to all its members the information required to be contained in such report, including the copy of the constitution and bylaws required to be filed therewith, and every such labor organization and its officers shall be under a duty to permit such member for just cause to examine any books, records and accounts necessary to verify such report and constitution and bylaws.

Section 403.8 provides that:

> Every labor organization required to submit a report under section 201(b) of the Act and under this part shall make available to all its members the information required to be contained in such reports, and every such labor organization and its officers shall be under a duty to permit such member for just cause to examine any books, records, and accounts necessary to verify such report.

The petition seeks an amendment to the regulations which would require unions to:

1. Mail or supply directly to members copies of the union's constitution and bylaws, and

2. Mail or supply directly to members all other information required to be reported to the Department of Labor pursuant to Sections 201(a) and (b) of the LMRDA.

Interested parties are invited to comment on the petition by submitting written data, views, or arguments. Comments are also invited on possible alternative means to achieve the purposes of the proposed amendments and the advisability of holding a public hearing.

Dated: February 2, 1979.

JACK A. WARSHAW,
Acting Assistant Secretary for Labor-Management Relations.

[FR Doc. 79-4563 Filed 2-8-79; 8:45 am]

[4510-29-M]

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[29 CFR Parts 2520 and 2530]

REPORTING AND DISCLOSURE AND MINIMUM STANDARDS FOR EMPLOYEE PENSION BENEFIT PLANS

Individual Benefit Reporting and Recordkeeping

AGENCY: Department of Labor.

ACTION: Proposed regulations.

SUMMARY: This document contains proposed regulations which deal with reports that must be furnished to participants in pension plans (and, in some cases, to their beneficiaries) regarding the benefits to which they are entitled, or may become entitled, at retirement, and with records that must be maintained to provide the information necessary for these reports. The Employee Retirement Income Security Act of 1974 (the Act) imposes on certain pension plans the duty to furnish reports and maintain records regarding participants' benefit entitlements and authorizes the Secretary of Labor to prescribe regulations under these provisions. The proposed regulations, if adopted, would provide necessary guidance to employers maintaining pension plans and to pension plan administrators for compliance with the statutory provisions and would enable pension plan participants to receive accurate, timely and useful information.

DATES: Written comments must be received by the Department of Labor (the Department) on or before April 10, 1979. These regulations, if adopted, would become effective 30 days after adoption.

ADDRESSES: Written comments (preferably at least six copies) should be submitted to the Division of Reporting and Disclosure, Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: Proposed Individual Benefit Reporting and Recordkeeping Regulations. All comments should be clearly referenced to the section of the regulations to which they apply. All written comments will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Robert Doyle, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216, (202) 523-8671 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department of Labor has under consideration proposed regulations dealing with reports that must be furnished to individual participants (and, in some cases, their beneficiaries) regarding their benefit entitlements under employee pension benefit plans, and with records that must be maintained to provide the information necessary for these reports. These regulations are proposed under the authority contained in sections 105, 209, and 505 of the Act (Pub. L. 93-406, 88 Stat. 849, 865, and 894, 29 U.S.C. 1025, 1059, and 1135).

STATUTORY PROVISIONS

Section 105(a) of the Act generally requires each administrator of an employee pension benefit plan to furnish to any plan participant or beneficiary who so requests in writing, a statement indicating, on the basis of the latest available information, the total benefits accrued and the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which such benefits will become nonforfeitable. Similarly, section 209(a)(1) of the Act generally requires the plan administrator of a plan subject to Part 2 of Title I of the Act (i.e., in general, pension plans) to make a report to each employee who is a participant under the plan and who requests such report in accordance with regulations of the Secretary of Labor. The report required under section 209(a)(1) must be sufficient to inform the employee of his accrued benefits under the plan and the percentage of such benefits which are nonforfeitable. Under both sections 105(a) and 209(a)(1) no participant is entitled to more than one report on request during any single 12-month period. Section 209(a) also requires similar reports to be provided to a participant who terminates service with the employer or has a one-year break in service. Sections 105(d) and 209(a)(2) authorize the Secretary of Labor to prescribe regulations specifying the extent to which these reporting requirements apply to plans adopted by more than one employer. In addition, section 105(c) of the Act requires plan administrators to provide to participants with respect to whom registration statements are filed with the Internal Revenue Service under section 6057 of the Internal Revenue Code of 1954 (the Code) individual statements setting forth the information contained in the registration statements.

In order to enable employees' benefits to be determined, so that the reporting requirements of section 209 can be met, section 209(a)(1) generally requires records to be maintained by employers and authorizes the Secretary of Labor to prescribe regulations governing such records. The information necessary for individual benefit reporting is to be furnished by the employer to the plan administrator. In the case of a plan adopted by more than one employer, however, section 209(a)(2) requires records to be maintained by the plan administrator, based on information to be provided by each such employer.

PROPOSED INDIVIDUAL BENEFIT REPORTING REGULATIONS

1. *Benefit statement.* Under the proposed regulations, the benefit statement is the basic document to be used for providing individual benefit information to participants, whether upon their request, upon termination or upon a one-year break in service. The benefit statement must state the amount of a participant's accrued benefit regardless of the extent to which it is nonforfeitable (i.e., "vested"), the percentage of the accrued benefit which is vested, and the accrued vested benefit to which the participant is entitled. The regulations specify the form in which accrued benefits and accrued vested benefits must be reported. These rules are designed to ensure that the information provided to an individual participant is presented in a meaningful fashion, without imposing excessive administrative costs on plans. In the case of defined benefit plans, the accrued benefit and the amount of the participant's accrued vested benefit are to be expressed first in terms of a straight-life annuity payable at normal retirement age, or, if the plan does not offer such an option, in terms of the primary option offered by the plan (e.g., annuity for a term of years, lump-sum distribution, etc.). However, if the participant has made an election regarding the form in which his or her benefits are to be paid, the accrued benefit and accrued vested benefit must be stated in that form. In the case of an individual account plan, the participant's account balance is treated as the accrued benefit.

If the accrued benefit and accrued vested benefit are not expressed as amounts payable through a joint and survivor annuity, the benefit statement must explain that the periodic benefit the participant will receive at retirement may be reduced on account of survivor benefits. This explanation is not required if the participant is unmarried or has elected not to receive a joint and survivor annuity, but a plan would not be prohibited from printing an accurate explanation of the effect of a joint and survivor annuity on all benefit statements, regardless of the marital status of participants receiving them or elections they have made. The Department has considered a requirement that accrued benefits and accrued, vested benefits be stated in the form of a joint and survivor annuity for married participants who have not elected not to receive benefits in that form. It decided against proposing this requirement because many participants who are married and have not elected to receive benefits otherwise than in the form of a joint and survivor annuity as of the date of a benefit statement may undergo a change in marital status or may make such an election before retirement. Because a benefit statement showing benefits in the form of a joint and survivor annuity would be less useful to these participants, the Department believes that the additional administrative costs to plans of preparing a statement containing such information may outweigh the utility of providing such information.

If the participant has no vested accrued benefits, the benefit statement must indicate the earliest dates on which any benefits will become vested. If the plan does not provide that all of a participant's accrued benefits derived from employer contributions become nonforfeit>able on a single date, (i.e. if the plan does not provide for "cliff" vesting), the benefit statement must indicate the earliest date on which the participant may attain each subsequent level of nonforfeitable accrued benefits derived from employer contributions and must refer the participant to the description of the plan's vesting provisions in the Summary Plan Description.

The benefit statement must also state the date as of which benefit entitlements are reported.

In addition to the foregoing, the benefit statement must include certain information used as a basis for calculation of the participant's benefits in order to enable the participant to review such information for errors. This information is the participant's years of service for purposes of vesting, the participant's period of participation for purposes of benefit accrual and, if relevant, the participant's earnings taken into account for purposes of benefit accrual.

The benefit statement must also include a statement of circumstances which may result in a reduction or elimination of accrued vested benefits, with cross references to relevant portions of the Summary Plan Description; a statement urging the participant to bring promptly to the attention of the plan administrator anything in the benefit statement that does not appear correct; and information regarding the availability of plan records for inspection.

The benefit statement must be written in a manner calculated to be un-

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derstood by the average plan participant or beneficiary and its format must not have the effect of misleading or misinforming the participant or beneficiary. In particular the benefit statement must make clear that a participant whose benefits are not 100% nonforfeitable will not necessarily receive the amount of the accrued benefits shown in the benefit statements. Under certain circumstances, plans must offer foreign language assistance to participants who are not literate in English to aid them in understanding their benefit statements, as is required under regulations relating to the Summary Plan Description (see 29 CFR 2520.102-2(c)).

The benefit statement must be based on the latest available information. Benefit statements based on records that meet those standards for sufficiency set forth in the proposed recordkeeping regulations will be deemed to be based on the latest available information. Although sufficient, a plan's records may nevertheless be incomplete if, for example, a plan did not maintain complete records prior to the adoption of these regulations. In these instances, the benefit statement must indicate that the records on which it is based are incomplete and the participant or beneficiary must be offered an opportunity to provide other information relating to his benefit entitlements. The plan administrator must prepare a benefit statement based on such information. To the extent that a benefit statement is based on information supplied by a participant or beneficiary, it may indicate that it is conditioned upon the accuracy of that information.

In some cases a benefit statment may later prove to be inaccurate. Inaccuracies may arise because plan records are incomplete (without necessarily being insufficient for purposes of these regulations), because plan records are carelessly maintained, because inaccurate information has been provided to the plan administrator, because of clerical errors, or for other reasons. In some instances errors may be undetected until a participant reaches retirement, while in others, the error may be obvious on the face of the benefit statement. The Department solicits comments on whether it should adopt regulations and if so, the substance of any such regulations concerning the questions whether, to what extent, and under what circumstances liability should be imposed for payment of benefits in accordance with the information provided in the benefit statement.

The Department has received communications relating to the development of model benefit statements, but it has not made a determination with respect to whether and to what extent it should propose model statements. If the Department decides to propose model statements, it will publish the statements in the FEDERAL REGISTER. At that time, public comments will be solicited on the form and contents of the proposed model benefit statements, as well as on the appropriateness of adopting such models for use by plan administrators either on a mandatory or on a discretionary basis.

2. *furnishing benefit statements on request.* Both sections 105(a) and 209(a)(1)(A) of the Act require plan administrators of pension plans to furnish individual benefit information on request. The requirements of both statutory provisions are substantially similar in this regard; accordingly, these requirements are dealt with in a single section of the regulations (§ 2520.105-2). The only significant difference between the two statutory provisions is that section 105(a) applies to requests by both participants and their designated beneficiaries, while section 209 (a)(1)(A) applies only to requests by participants. The regulations, therefore, apply to requests by both participants and beneficiaries, so as to cover the broadest range of circimstances under which benefit statements must be furnished on request.

The plan administrator may establish a simple and convenient procedure for the submission of requests for benefit statements. If such a procedure is established and communicated to participants and beneficiaries, the plan administrator need not comply with requests that do not conform to the procedure. If no such procedure is established, however, the plan administrator must comply with any request in writing by a participant or beneficiary. The plan administrator may not require information regarding a participant's employment record as a condition for furnishing the benefit statement (although such information may be requested).

A benefit statement must be furnished to a participant or beneficiary within 60 days of the request. The benefit statement furnished upon request must report benefits as of a date not more than 181 days earlier than the date on which the statement is furnished. This period was chosen because it is the minimum period necessary to allow a multiple employer plan to base a benefit statement on information required to be available to the plan administrator on the date of the request and to allow 60 days after the date of the request to prepare the statement.[1] The plan administrator is not required to furnish more than one benefit statement to a participant or beneficiary on request during any 12-month period.

As an alternative to furnishing benefit statements on request, the regulations permit a plan to provide benefit statements to each participant annually. If this alternative is used, however, the plan administrator must furnish at least one duplicate of the annual benefit statement to any participant or beneficiary who requests it during the year.

3. *Furnishing benefit statements upon termination and after one-year breaks in service.* The plan administrator of a single-employer pension plan must generally furnish a benefit statement to a participant who terminates service with the employer within 60 days of the date of termination or to a particpant who incurs a one-year break in service within 60 days after the end of the plan year in which the break in service occurs. the benefit statement must report benefits as of the date of termination or the end of the plan year in which the participant incurs the one-year break in service, as the case may be.

To avoid duplication, a participant who receives a benefit statement in connection with termination of service is not required to receive a benefit statement when he subsequently incurs a one-year break in service unless the information provided in the second benefit statement would be different than that provided in the earlier one. Similarly, a participant who receives a benefit statement upon incurring a one-year break in service and thereafter terminates service with the employer or incurs a subsequent one-year break in service is not required to be furnished an additional benefit statement unless the information in the second benefit statement would be different from that in the first. Special rules are provided for plans using the elapsed time method of crediting service.

In multiple employer plans participants frequently move from one contributing employer to another. Thus, termination of service with any particular employer in a multiple employer plan is not necessarily a significant event in a participant's employment history and often does not result in a significant break in the continuity of a participant's coverage under the plan. With regard to these plans, a one-year break in service is more likely than a termination with any individual employer to indicate that a participant has ceased to perform service that may be credited towards benefits provided by the plan. Accordingly, plan administrators of multiple employer plans are only required to furnish benefit statements upon request and after a one-year break in service.

In the case of participants who have no vested benefits, the regulations permit plan administrators to satisfy the requirements to furnish individual benefit information upon termination or after a one-year break in service, as the case may be, by furnishing a statement of non-vested status. The statement of non-vested status informs the participant that he has no nonforfeitable benefits. It does not, however, provide information regarding accrued benefits. Thus, the statement of non-vested status does not require extensive calculations and may be presented to all participants entitled to it in a standardized form, with no need for preparation of an individual statement for each. The Department believes that use of statements of non-vested status will result in lower administrative costs for some plans. However, the statement of non-vested status must inform the participant that he or she may request a benefit statement with more detailed information regarding his or her individual accrued (non-vested) benefits. Such a request must be treated as a request for a benefit statement.

4. *Corrections to the benefit statement.* A participant who raises a question with regard to the accuracy of a benefit statement must be given an opportunity to furnish information regarding his benefit entitlements to the plan administrator. Within a reasonable time, the plan administrator must make a decision with regard to the question raised by the participant and notify the participant of the decision, the basis for the decision, and any change in benefit entitlements as a result of the decision. The plan administrator is not required to prepare a benefit statement based on the information furnished by the participant (except, as noted above, in situations where the benefit statement is based on incomplete records).

5. *Statement of deferred vested benefits.* Under § 105(c), a statement of deferred vested benefits must be furnished by a plan administrator who is required to register with the Internal Revenue Service under section 6057 of the Code to each participant described in section 6057(a)(2)(C), i.e., each particpant who, during the plan year for which registration is required, separated from service covered under the plan, is entitled to a deferred vested benefit under the plan as of the end of the plan year, and with respect to whom retirement benefits were not paid under the plan. Section 6057(e) of the Code requires plan administrator to furnish similar individual statements to the same class of participants. The reuqirements of section 105(c) will be deemed to be satisfied if, in accordance with section 6057(e) of the Code and regulations thereunder, the plan administrator furnishes to the participant the individual statement required under the latter section.

PROPOSED INDIVIDUAL BENEFIT RECORDKEEPING REGULATIONS

1. *Duty to maintain records.* In the case of a plan maintained by as single employer, the proposed regulations impose on the employer maintaining the plan the duty to maintain records for determining particpants' individual benefit entitlements. The employer must furnish to the plan administrator such information as is necessary to enable the plan administrator to comply with the individual benefit reporting requirements.

Because multiple employer plans appear to present different problems than single employer plans in the recordkeeping area, they are treated differently in the proposed regulations. In the case of a multiple employer plan, the duty to maintain individual benefit records is imposed on the plan administrator rather than on the employer. The records are to be based on information in Service Reports furnished to the plan administrator by employers no less frequently than on a quarterly basis, within 30 days after the end of each quarter of the plan year. If the plan administrator fails to receive an employer's Service Report or an employer's Service Report does not contain all the necessary information or the plan administrator has reason to believe that the information in the Service Report is inaccurate, the plan administrator must make reasonable efforts to obtain accurate and complete information. The plan administrator may prescribe reasonable rules and regulations regarding the format, manner of reporting and reportable information, and may prescribe forms and worksheets for reporting.

2. *Sufficiency of records.* The individual benefit records maintained in connection with a single employer plan will be deemed to be sufficient if they contain every fact with respect to service with the employer who maintains the plan after the effective date of the regulations, or, in the case of a plan adopted after the effective date, every fact relating to such service after the date of adoption, that is relevant to a determination of each employee's benefit entitlements under the plan. Certain facts with respect to service before the initial recordkeeping date specified in the regulations will be relevant in determining vested accrued benefits. The proposed regulations do not require records of these facts to be compiled, but if such records already exist, they must be retained.

With regard to multiple employer plans, the Department recognizes that it may not be possible for a plan administrator to compile complete individual benefit records. The Department, therefore, believes it would be inappropriate to impose on plan administrators of multiple employer plans the same standard of sufficiency as is imposed on single employer plans. Accordingly, records maintained by the plan administrator of a multiple employer plan will be deemed to be sufficient under the proposed regulations if such records accurately reflect the Service Reports furnished by employers and if the Service Reports are required to contain the same information as the records maintained by an employer in connection with a single employer plan: i.e., they must include every fact which relates to service with each employer during the quarter and which would be relevant to a determination of the benefit entitlements of each employee covered under the plan, including, for example, facts regarding service in a job classification not covered by the plan during the quarter. Under certain circumstances section 210 of the Act requires service not performed in job classifications covered by a multiple employer plan to be credited to a participant, particularly for purposes of vesting. These circumstances generally occur when an employee moves between a covered and a non-covered job classification. When an employee moves from a covered to a non-covered job classification, the employer must continue to report information regarding the employee to the plan administrator although the employee no longer performs service in a covered job classification, if this information is relevant to a determination of the employee's individual benefit entitlements.

Records relating to service before the effective date of the regulation do not have to be developed, but if such records already exist, they must be retained.

3. *Retention and preservation of records.* Individual benefit records must be retained as long as a possibility exists that they might be relevant to a

[1] If a request occurs on the day before the deadline for employers to furnish a quarterly report to the plan administrator, as required under the recordkeeping regulations, the most recent information available to the plan administrators on the date of the request will be information provided by employers in their previous quarterly reports three months (i.e., up to 91 days) earlier. Ths information will relate to benefit entitlements as of a date 30 days earlier than the deadline for the previous quarterly report—i.e., benefit entitlements as of a date 121 days earlier than the date of the request. If the plan administrator is allowed 60 days after the request to prepare the benefit statement, the benefit statement in these circumstances will report benefits as of a date 181 days earlier than the date of the request. Although this period is designed to accomodate the special problems of multiple employer plans, other plans will need time to prepare benefit statements, as well. Accordingly, the 181-day period applies to all plans.

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determination of the benefit entitlement of the participant or the participant's beneficiary. However, if they are lost or destroyed due to circumstances beyond the control of the person responsible for their maintenance, they will not be deemed insufficient solely for that reason. They must be maintained in a safe and accessible place at the offices of the plan administrator or the employer, as the case may be, or at special recordkeeping offices. They may be preserved on clear microfilm reproductions if viewing equipment is available for inspecting them. Electronic data processing of records may be used provided that original records or worksheets, or microfilm copies thereof, are retained. Individual benefit records must be available for inspection by participants, beneficiaries and their representatives. Representatives of the Department have the authority to inspect plan records under the circumstances specified in section 504(a)(2) of ERISA. If an employer or plan administrator ceases to be responsible for the maintenance of individual benefit records, they must be transferred to the person who becomes responsible for their maintenance.

4. *Definition of "multiple employer plan".* The treatment of multiple employer plans, both in the individual benefit reporting and in the recordkeeping regulations, differs from that of other plans. In the reporting area, multiple employer plans, unlike other plans, are not required to furnish an individual benefit statement upon an employee's termination of employment, until an employee completes a one-year break in service. Other plans must furnish a statement after a one-year break in service unless they have already done so upon termination, but it is anticipated that in plans that are not multiple employer plans, an employee will generally terminate employment before completing a one-year break in service. Thus, as a practical matter, plans other than multiple employer plans will furnish an individual benefit statement when an employee terminates. In the recordkeeping area, the duty to maintain records is imposed on the plan administrator of a multiple employer plan and employers sponsoring the plan are required to furnish Service Reports to the plan administrator. In the case of a plan other than a multiple employer plan, the duty to maintain records is imposed on the employer.

Since these differences in treatment are keyed to the definition of "multiple employer plan," that definition is a significant element in the regulations.

For purposes of both reporting and recordkeeping, the regulations follow the language of section 209(a)(2) of ERISA, which authorizes the Secretary of Labor to prescribe regulations governing recordkeeping by a plan which more than one employer adopts. The individual benefit reporting and recordkeeping regulations are generally consistent, in this regard, with regulations issued by the Treasury Department under section 6057 of the Internal Revenue Code of 1954 (*see* 26 CFR 301.6057-1(b)(1) 43 FR 38002, August 25, 1978), which provide special rules with respect to plans to which more than one employer contributes.

The definition of "multiple employer plan" in these regulations includes a wide variety of plans with different characteristics. For example, some of these plans may be collectively bargained multiemployer plans; others may be plans maintained by a group of employers under common control; still others may be plans maintained by a group of unaffiliated employers in a situation where no collective bargaining agreement is involved. Because of the variety of such plans currently in existence, the Department recognizes that, in some cases, it may not be appropriate to apply the special rules for multiple employer plans to a plan adopted by more than one employer, either for purposes of benefit reporting or for purposes of recordkeeping or for both. Comments are, therefore, solicited as to the appropriate class of plans to be treated as "multiple employer plans" for purposes of these regulations.

Accordingly, it is proposed to amend Parts 2520 and 2530 of Chapter XXV of Title 29 of the Code of Federal Regulations by adding to Part 2520 §§ 2520.105-1 through 2520.105-11 and by adding to Part 2530 §§ 2530.209-1 through 2530.209-9, to read as follows:

Subpart G—Individual Benefit Reporting

Sec.

2520.105-1 General.
2520.105-2 Furnishing statements or request.
2520.105-3 Furnishing statements upon termination.
2520.105-4 Furnishing statements after one-year breaks in service.
2520.105-5 Frequency of benefit statements.
2520.105-6 Style and format.
2520.105-7 Contents of the benefit statement and statement of non-vested status.
2520.105-8 Basis of Benefit Statement.
2520.105-9 Manner of furnishing individual benefit reporting documents.
2520.105-10 Corrections to the benefit statements.
2520.105-11 Statement of Deferred Vested Benefits.

AUTHORITY: Sections 105, 209 and 505 of the Act (Pub. L. 93-406, 88 Stat. 849, 865 and 894, 29 U.S.C. 1025, 1059 and 1135).

Subpart G—Individual Benefit Reporting

§ 2520.105-1 General.

(a) *Scope and Purpose.* Sections 105 and 209 of the Employee Retirement Income Security Act of 1974 (the Act) impose on plan administrators of employee pension benefit plans certain requirements to report to plan participants and beneficiaries information regarding their individual benefit entitlements. Specifically section 105 of the Act provides among other things, that each plan administrator of an employee pension benefit plan shall furnish to any plan participant or beneficiary who so requests in writing, a statement of certain information relating to his or her individual benefit entitlements. Section 209(a) of the Act provides, among other things, that the plan administrator of a plan subject to Part 2 of Title I of the Act, with certain exceptions to be provided in regulations issued by the Secretary of Labor, shall make a report regarding individual benefit entitlements, in accordance with regulations prescribed by the Secretary of Labor, to each employee who is a particpant under the plan and who either requests such report (in accordance with regulations issued by the Secretary of Labor), terminates service with the employer, or has a one-year break in service (as defined in section 203(b)(3)(A) of the Act). In addition, section 105(c) provides that a plan administrator who is required to register under section 6057 of the Internal Revenue Code of 1954 (the Code) shall furnish to certain plan participants individual statements relating to their deferred vested benefits. Sections 2520.105-2 through 2520.105-11 contain regulations under sections 105 and 209(a) of the Act, which relate to the reporting of individual benefit entitlements. Since requests for benefit information are the subject of substantially identical requirements in both sections 105 and 209(a), § 2520.105-2 deals with individual benefit reporting at the request of a plan participant or beneficiary, as required under both sections of the Act. Section 2520.105-3 deals with individual benefit reporting to a plan participant who terminates his service with the employer, as required under section 209(a), and § 2520.105-4 deals with individual benefit reporting to a plan participant who incurs a one-year break in service, also as required under section 209(a). Sections 2520.105-5 through 2520.105-10 set forth additional requirements relating to reporting of individual benefit entitlements. Section 2520.105-11 relates to section 105(c), which requires plan administrators who register under section 6057 of the Code to furnish statements of deferred vested retirement benefits to certain plan participants. Recordkeeping requirements relating to information necessary for determining individual benefit entitlements are set forth in §§ 2530.209-1 through 2530.209-6.

(b) *Individual benefit reporting documents.* Sections 2520.105-2 through 2520.105-11 deal with three types of documents: (1) the benefit statement that must be furnished to plan participants or beneficiaries upon request, upon termination of employement or upon a one-year break in service; (2) the statement of non-vested status that may be sustituted for the benefit statement under certain circumstances; and (3) the statement of deferred vested retirement benefits that must be furnished to participants in connection with certain filings by the plan administrator under section 6057 of the Code. These documents are collectively referred to in §§ 2520.105-2 through 2520.105-11 as "individual benefit reporting documents."

§ 2520.105-2 Furnishing statements on request.

(a) *General.* The administrator of an employee pension benefit plan subject to Parts 1 or 2 of Title I of the Act shall furnish a benefit statement which satisfies the requirements of this section and §§ 2520.105-5 through 2520.105-10 to any plan participant or beneficiary who requests in writing information regarding his or her individual benefit entitlements or possible benefit entitlements under the plan.

(b) *Procedure for submission of requests for benefit statements.* The plan administrator may establish a simple procedure, convenient to participants and beneficiaries, for the submission of requests for benefit statements. If the plan administrator establishes such a procedure and communicates it in writing to plan participants and beneficiaries, the plan administrator will not be required to comply with a request made in a manner which does not conform to the established procedure, provided that the participant or beneficiary is notified that he or she has failed to comply with the procedure and is furnished an explanation of how to comply with the procedure. If no such procedure is established, any request in writing by a participant or beneficiary for information regarding his or her benefit entitlements or possible benefit entitlements under the plan shall be deemed a request to the plan administrator for the purposes of this section. A participant or beneficiary who requests a benefit statement may not be required to furnish information regarding the participant's employment record as a condition to receiving the benefit statement.

(c) *Date of furnishing.* A benefit statement shall be furnished to a participant or beneficiary within 60 days of the date of a request by the participant or beneficiary.

(d) *Date of information.* A benefit statement furnished at the request of a participant or beneficiary shall report benefits as of a date not more than 181 days earlier than the date on which the statement is furnished.

(e) *Annual benefit statement alternative.* The requirement to furnish a benefit statement on request to a participant or a beneficiary as set forth in paragraph (a) of this section shall not apply if:

(1) The plan furnishes an annual benefit statement to each participant or beneficiary,

(2) The annual benefit statement furnished by the plan is based on information as of a date not more than 91 days prior to the date on which the statement is furnished, and

(3) The plan administrator furnishes a duplicate of the annual benefit statement to any participant or beneficiary who requests information concerning his or her benefit entitlements or possible benefit entitlements under the plan. The duplicate shall be mailed to an address provided by the requesting participant or beneficiary or personally delivered to the participant or beneficiary. However, a participant or beneficiary shall not be entitled to more than one duplicate statement in a twelve month period.

§ 2520.105-3 Furnishing statements upon termination.

(a) *General.* Except as provided in paragraphs (b) and (e) of this section, the plan administrator of an employee pension benefit plan subject to Part 2 of Title I of ERISA shall furnish a benefit statement to a participant who terminates service with the employer.

(b) *Non-vested participants.* In the case of a participant who has no nonforfeitable benefits under the plan, the plan administrator will comply with the requirements of paragraph (a) to furnish a benefit statement to a participant who terminates service with the employer if the plan furnishes a participant with a "statement of non-vested status" described in § 2520.105-7(b).

(c) *Date of furnishing.* A benefit statement or statement of non-vested status shall be furnished within 60 days of the date the participant terminates service with the employer.

(d) *Date of information.* A benefit statement furnished upon termination of service by a participant shall report benefits as of the date of termination.

(e) *Multiple employer plan.* the requirement set forth in section 209(a)(1)(B) of the Act and this section to furnish benefit a statement to a participant upon termination of service shall not apply with respect to any plan which more than one employer adopts.

§ 2520.105-4 Furnishing statements after 1-year break in service.

(a) *General.* A plan administrator of an employee pension benefit plan subject to Part 2 of Title I of the Act shall furnish a benefit statement to a participant who incurs a one-year break in service as defined in section 203(b)(3)(A).

(b) *Definition of one year break in service.* (1) For purposes of this section the term "one-year break in service" shall mean a one-year break in service for vesting purposes as defined in the plan or, in the case of a plan under which service is credited for purposes of vesting according to the elapsed time method permitted under § 2530.200b-9, a one-year period of severance for vesting purposes, as defined in § 2530.200b-9(d)(4).

(2) If a plan, other than a plan that credits service for vesting purposes according to the elasped time method, does not provide for one-year breaks in service for vesting purposes, a plan participant shall be deemed to have incurred a one-year break in service under the plan in any vesting computation period in which the participant does not complete more than 500 hours of service for vesting purposes under the plan.

(c) *Non-vested participants.* In the case of a participant who has no nonforfeitable benefits under the plan, the plan administrator will comply with the requirements of paragraph (a) to furnish a benefit statement to a participant who incurs a one-year break in service if the plan furnishes such participant with a "statement of non-vested status" described in § 2520.105-7(b).

(d) *Date of furnishing.* A benefit statement or statement of non-vested status shall be furnished within 60 days of the end of the plan year in which a participant incurs a one-year break in service.

(e) *Date of information.* A benefit statement furnished after a one-year break in service shall report benefits as of the end of the plan year in which the participant incurs such one-year break in service.

§ 2520.105-5 Frequency of benefit statements.

A participant or beneficiary shall not be entitled to receive more than one benefit statement upon request under § 2520.105-2 in any 12-month period. A participant who receives a benefit statement upon termination or upon incurring a one-year break in service is not required to be furnished a second benefit statement upon a subsequent termination or upon incurring a subsequent one-year break in service

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if the information that would be contained in a second benefit statement would be identical to that contained in the earlier benefit statement.

§ 2520.105–6 Style and format.

(a) *General.* Individual benefit reporting documents shall be written in a manner calculated to be understood by the average plan participant or beneficiary. The format of these documents must not have the effect of misleading or misinforming the participant or beneficiary.

(b) *Foreign languages.* In the case of either–

(1) A plan that covers fewer than 100 participants at the beginning of a plan year, and in which 25 percent or more of all plan participants are literate only in the same non-English language, or

(2) A plan which covers 100 or more participants at the beginning of the plan year and in which the lesser of:

(i) 500 or more participants, or

(ii) 10% or more of all plan participants are literate only in the same non-English language, the plan administrator for such plan shall communicate information relating to any procedure for requesting benefit statements that may have been established by the plan administrator in accordance with § 2520.105-2(b) in the non-English language common to these participants and shall provide these participants with either a benefit statement in the non-English language or an English-language benefit statement or statement of non-vested status which prominently displays a notice, in the non-English language common to these participants, offering them assistance. The assistance provided need not involve written materials, but shall be given in the non-English language common to these participants and shall be calculated to provide them with a reasonable opportunity to become informed as to their benefits under the plan. The notice offering assistance shall clearly set forth in the non-English language common to the participants the procedures they must follow in order to obtain assistance.

§ 2520.105–7 Contents of the benefit statement and statement of nonvested status.

(a) *Benefit statement.* Each benefit statement shall contain the following information:

(1) *Accrued benefits.* The participant's total accrued benefits. Unless the participant's benefits under the plan have become 100% non-forfeitable, the benefit statement shall, in describing the accrued benefit, make it clear that the amount of the accrued benefit is not necessarily the amount to be received by the participant. The accrued benefits shall be stated in the form described below:

(i) In the case of a defined benefit plan, the accrued benefit shall be stated in the form of a stright life annuity payable at normal retirement age, or, if the plan does not offer such a benefit, in the form of the primary option offered by the plan. However, if the participant has made an election under the terms of the plan regarding the manner in which his retirement benefits will be paid, the accrued benefit shall be stated in the form of the benefit which the participant would receive pursuant to such election. In the case of a married participant who has not elected not to take a joint and survivor annuity, if the accrued benefit is not stated in the form of an annuity for the joint lives of the participant and his or her spouse, the benefit statement shall explain that the amount of the periodic benefit the participant will receive at retirement may be reduced on account of survivor benefits.

(ii) In the case of an individual account plan, the accrued benefits are the participant's account balance.

(2) *Nonforfeitability.* The percentage of the participant's accrued benefits which is nonforfeitable within the meaning of section 203(a)(3) of the Act. If the participant has no nonforfeitable pension benefits, the benefit statement shall indicate the earliest date on which any benefits may become nonforfeitable. If the plan does not provide that all of a participant's accrued benefits derived from employer contributions become nonforfeitable on a single date, the statement shall indicate the earliest dates on which the participant may attain each subsequent level of nonforfeitable benefits derived from employer contributions and the page(s) of the Summary Plan Description which describe the plan's provisions regarding the nonforfeitability of accrued benefits.

(3) *Nonforfeitable benefits.* (i) *Defined benefit plans.* To the extent that the participant's benefits are nonforfeitable (within the meaning of section 203(a)(3) of the Act), the benefit statement shall indicate the nonforfeitable monthly benefit which the participant will receive at normal retirement age in the same form as accrued benefits are required to be reported under paragraph (a)(1) of this section.

(ii) *Individual account plans.* To the extent that the participant's account balance is nonforfeitable, the benefit statement shall indicate the amount of the nonforfeitable portion of such account balance. If the plan offers benefits in the form of an annuity, the statement may also report the monthly benefit which the participant will receive at normal retirement age based on the present value of his account balance. If the plan reports the monthly benefit, it shall be stated in accordance with the requirements of paragraph (a)(1)(i) of this section.

(4) *Other information.* (i) The participant's years of service for purposes of vesting, period of participation for purposes of accrual (or, in the case of an individual account plan, the years for which contributions are allocated to the participant's account) and, if relevent, the earnings taken into account for purposes of benefit accrual. The statement shall indicate the pages of the Summary Plan Description which describe the plan's vesting requirements and method of accrual.

(ii) Circumstances, if any, which may result in a reduction or elimination of accrued benefits and circumstances, if any, which may result in a reduction or elimination of nonforefeitable benefits, with references to the relevant portions of the Summary Plan Description which describe these occurrences and their effects.

(iii) A statement urging the participant or beneficiary to bring promptly to the attention of the plan administrator anything in the statement that does not appear correct.

(iv) A statement informing the participant or beneficiary that the plan records upon which the information in the benefit statement is based are available for inspection upon request and the name, address and telephone number of the person to whom requests should be directed.

(v) The date as of which benefit entitlements are reported.

(b) *Statement of non-vested status.* A statement of non-vested status shall inform the participant that the participant has no nonforfeitable benefits under the plan and that the participant may obtain upon request a benefit statement indicating the participant's accrued benefits, if any, and the earliest date on which any benefits may become nonforfeitable.

§ 2520.105–8 Basis of Benefits Statement.

(a) *General.* A benefit statement shall be based on the latest available information. A benefit statement will be deemed to be based on the latest available information if it reports benefit entitlements as of the date benefits must be reported under §§ 2520.105-2. 2520.105-3, or § 2520.105-4, as appropriate, or any subsequent date, and if it is based on plan records which comply with the requirements of § 2530.209-3.

(b) *Benefit statement based on incomplete plan records.* To the extent that the records of a plan are incomplete, an opportunity to provide information relating to benefit entitlements shall be offered to a participant or beneficiary entitled to a benefit

statement and the benefit statement shall be based on such information. In any case in which a benefit statement is based on incomplete plan records, the statement shall so indicate. A statement based in whole or in part on information supplied by a participant or beneficiary may state that it is conditioned upon the accuracy of that information.

§ 2520.105–9 Manner of furnishing individual benefit reporting documents.

Individual benefit reporting documents shall be furnished by first class mail to the participant or beneficiary at his or her last known address or by personal delivery.

§ 2520.105–10 Corrections to the benefit statement.

A participant or beneficiary who raises questions regarding the accuracy of the benefit statement shall be given a reasonable opportunity to point out information in the benefit statement that he or she believes inaccurate and to furnish to the plan administrator information which such participant or beneficiary believes relevant in determining his or her benefit entitlements. The plan administrator shall make reasonable attempts to determine whether the plan's records or the benefit statement are inaccurate and to verify the information furnished by the participant or beneficiary. Within a reasonable time after the plan administrator receives a communication questioning the accuracy of the benefit statement from a participant or beneficiary, the plan shall notify the participant or beneficiary in writing or the administrator's decision with respect to such matter, and of the basis for such decision, and any change in benefit entitlements as a result of the decision.

§ 2520.105–11 Statement of Deferred Vested Benefits.

Section 105(c) of the Act provides that each administrator required to register under section 6057 of the Internal Revenue Code of 1954 (the Code) shall furnish to each participant described in section 6057(a)(2)(C) of the Code an individual statement setting forth the information with respect to the participant which is required to be contained in the registration statement required by section 6057(a)(2) of the Code. Section 6057(e) of the Code also requires a plan administrator who is required to file a registration statement under section 6057(a) to furnish to each such participant a similar individual statement.

A participant described in section 6057(a)(2) of the Code is a participant who, during the plan year for which the annual registration statement is required, separated from service covered by the plan, is entitled to a deferred vested benefit under the plan as of the end of the plan year, and with respect to whom retirement benefits were not paid under the plan. The requirements of section 105(c) of the Act will be deemed to be satisfied if an individual statement is furnished to a participant in accordance with section 6057(e) of the Code and the regulations thereunder.

Subpart E—Individual Benefit Recordkeeping

Sec.
2530.209-1 General.
2530.209-2 Recordkeeping requirements.
2530.209-3 Maintenance of records and furnishings of information.
2530.209-4 Sufficiency of records.
2530.209-5 Period for which records must be retained.
2530.209-6 Preservation of records by employer and plan administrator.
2530.209-7 Inspection.
2530.209-8 Transfer of records.
2530.209-9 Definition of "Multiple Employer Plan".

AUTHORITY: Sections 105, 209 and 505 of the Act (Pub. L. 93-406, 88 Stat. 849, 865 and 894, 29 U.S.C. 1025, 1059 and 1135).

Subpart E—Individual Benefit Recordkeeping

§ 2530.209-1 General.

Section 209 of the Employee Retirement Income Security Act of 1974 (the Act) contains certain requirements relating to the maintenance of records for determining the benefits to which individual participants in employee pension benefit plans subject to Part 2 of Title I of the Act are or may become entitled. Sections 2530.209-2 through 2530.209-9 contain regulations with respect to the individual benefit recordkeeping requirements set forth in section 209 of the Act. In addition to individual benefit recordkeeping requirements, section 209 also contains provisions dealing with individual benefit reporting. Regulations relating to the individual benefit reporting provisions of section 209 are set forth in § 2520.105-1 through § 2520.105-10.

§ 2530.209-2 Recordkeeping requirement.

For every employee pension benefit plan subject to Part 2 of Title I of the Act, records shall be maintained with respect to each employee covered under the plan sufficient to determine the benefits due or which may become due to such employee.

§ 2530.209-3 Maintenance of records and furnishing of information.

(a) *Single-employer plans.* In the case of a plan which is not a multiple employer plan (as defined in § 2530.209-9), the records required to be maintained under § 2530.209-2 shall be maintained by the employer maintaining the plan. The employer shall furnish to the plan administrator such information as is necessary to enable the plan administrator to comply with the individual benefit reporting requirements set forth in § 2520.105-1 through § 2520.105-11.

(b) *Multiple employer plans.* (1) *Maintenance of records.* In the case of a plan which is a multiple employer plan (as defined in § 2530.209-9), the records required to be maintained under § 2530.209-2 shall be maintained by the plan administrator.

(2) *Reporting by sponsoring employers.* Each employer who is a sponsoring employer of a multiple employer plan shall furnish to the plan administrator, not later than 30 days after the end of each quarter of the plan year, one or more written Service Reports. The Service Reports shall contain every fact which relates to service for, or other relationship with, the employer during such quarter and which would be relevant to a determination of the benefit entitlements of—

(i) Any of the employer's employees who has met the plan's requirements for eligibility to participate in the plan, whether or not such employee performs service in a job classification covered under the plan during such quarter, and

(ii) Any of the employer's employees who performs service in a job classification covered under the plan during such quarter, whether or not such employee has met the plan's requirements for eligibility to participate during such quarter. The Service Reports shall be furnished in accordance with any rules prescribed under paragraph (b)(5) of this section and shall be prepared on any forms and worksheets prescribed thereunder.

(3) *Definition of "sponsoring employer".* For purposes of this paragraph, an employer shall be deemed to be a "sponsoring employer" of a plan during any quarter of the plan year if during such quarter any employee of the employer performed service with the employer which was eligible to be credited towards the employee's benefit entitlements under the plan.

(4) *Duty of plan administrator to seek information.* If a sponsoring employer of a multiple employer plan fails to include information required under paragraph (b)(2) of this section in a Service Report, or if such an employer fails to furnish Service Reports to the plan administrator, or if the plan administrator of a multiple employer plan has reason to believe that the information furnished by a sponsoring employer is inaccurate, the plan administrator shall make reasonable efforts to obtain complete and accurate information.

(5) *Reasonable rules prescribed by plan administrator.* The plan administrator of a multiple employer plan

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may prescribe reasonable rules in writing concerning the format of reports, manner of reporting, and reportable information, and may prescribe forms or worksheets to be used by employers for purposes of reporting under this paragraph (b).

§ 2530.209-4 Sufficiency of records.

(a) *Single-employer plans.* In the case of a plan that is not a multiple employer plan (as defined in § 2520.209-8), records required to be maintained under § 2530.209-2 will be deemed sufficient if (i) with respect to service from and after the later of the date the employer adopts the plan or [effective date of regulation], they contain every fact with respect to service with that employer which is relevant for a determination of each employee's benefit entitlements under the provisions of the plan, and (ii) with respect to service before [effective date of regulation], if any, they include all records maintained by the employer on and after February 9, 1979, for the purpose of determining employees' benefit entitlements under the provisions of the plan.

(b) *Multiple employer plans.* In the case of a multiple employer plan (as defined in § 2520.209-9), records required to be maintained under § 2530.209-2 will be deemed to be sufficient if (i) they accurately reflect all the information contained in the Service Reports furnished to the plan administrator by participating employers under § 2530.209-2(b) and if the plan administrator has made reasonable attempts to obtain accurate and complete information under the circumstances described in § 2530.209-3(b)(4), and (ii) with respect to service before [effective date of regulation], if any, they include all records maintained by the plan administrator on and after [date of publication of proposed regulation in FEDERAL REGISTER] for the purpose of determining employees' benefit entitlements under the provisions of the plan.

(c) *Loss or destruction of records.* Notwithstanding the preceding paragraphs, records shall not be deemed to be insufficient solely because they have been lost or destroyed due to circumstances beyond the control of the person responsible for their maintenance under § 2530.209-2.

§ 2530.209-5 Period for which records must be retained.

The records which are required to be maintained under § 2530.209-1 shall be retained as long as any possibility exists that they might be relevant to a determination of the benefit entitlements of a participant or the participant's beneficiary. When it is no longer possible that records might be relevant to a determination of benefit entitlements, the records may be disposed of, unless they are required to be maintained for a longer period under other laws.

§ 2530.209-6 Preservation of records by employer and plan administrator.

(a) *General.* The records which are required to be maintained under § 2530.209-1 shall be maintained in reasonable order in a safe and accessible place at the main offices of the plan administrator or the employer, as the case may be or at recordkeeping offices established by the employer or the plan and customarily used for the maintenance of records.

(b) *Preservation of records on microfilm and electronic data processing.* Preservation of records on microfilm for the periods required by this part will satisfy the requirements of this section regarding the retention of records provided that adequate projection or other viewing equipment is available for inspecting the microfilm and that the microfilm records are clear reproductions of the original records. Nothing in this section precludes the use of punch cards, magnetic tapes, etc., for processing information, provided that, where information from documents is converted to punch cards, magnetic tape or other electronic information storage material, the original documents or microfilm reproductions thereof, are retained for the periods required by this sections.

§ 2530.209-7 Inspection.

The records required to be maintained under § 2530.209-1 with respect to any participant or beneficiary shall be available at any time during normal business hours for inspection and copying by such participant or beneficiary and by his or her representatives, except that, if the records are maintained at a central recordkeeping office as described in section § 2530.209-6(a), the records shall be made available within 72 hours after a request.

§ 2530.209-8 Transfer of records.

In the event that an employer or plan administrator ceases to be responsible under § 2530.209-3 for maintaining records, the employer or plan administrator shall transfer the records to an appropriate successor employer or plan administrator who becomes responsible for their maintenance, to the extent that such records continue to be relevant to the determination of benefit entitlements. The employer or plan administrator transferring such records is not required to retain copies of the records transferred. Nothing in this section, however, shall relieve an employer or plan administrator from any responsibility or liability for violations of the requirements of §§ 2520.209-1 through 2530.209-5 which occur during the time such employer or plan administrator has control of and responsibility for maintaining, retaining or transferring the records as required by such section.

§ 2530.209-9 Definition of "Multiple Employer Plan".

For purposes of §§ 2530.209-1 through 2530.209-7, the term "multiple employer plan" shall mean a plan adopted by more than one employer.

Signed at Washington, D.C., this 2nd day of February 1979.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-4266 Filed 2-5-79; 10:26 am]

[4310-31-M]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 251]

GEOLOGICAL AND GEOPHYSICAL (G & G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

Data Acquired Under Exploration Permit

AGENCY: Geological Survey, Interior.

ACTION: Proposed Rule.

SUMMARY: This proposed rule amends the Outer Continental Shelf (OCS) geological and geophysical exploration regulations, contained in 30 CFR Part 251, in response to a policy decision by the Secretary of the Department of the Interior to encourage companies to engage in pre-sale onstructure, as well as off-structure, drilling on OCS lands. The decision to allow on-structure drilling was made in an effort to provide important information about the hydrocarbon potential of an area which cannot be obtained by drilling only off-structure. Providing the flexibility for either onstructure or off-structure pre-sale testing will result in a better estimate of the resource potential of a region than could have been developed with offstructure drilling alone.

DATE: Interested persons may submit written comments on the proposed rule on or before April 10, 1979.

ADDRESS: Comments should be addressed to Director, U.S. Geological Survey, U.S. Department of the Interior, Reston, Virginia 22092. Comments will be available for public review at the above address from 7:45 a.m. to 4:15 p.m. on regular working days.

FOR FURTHER INFORMATION CONTACT:

Bruce G. Weetman, Senior Staff Advisor, Branch of Marine Evaluation, Conservation Division, MS 640, U.S. Geological Survey, Reston, Virginia 22092, (703) 860-7564.

SUPPLEMENTARY INFORMATION:

AUTHOR

The primary author of the revision is Bruce G. Weetman.

BACKGROUND

The Department has redefined deep stratigraphic tests so that the definition includes pre-lease, on-structure drilling. The Department will make every effort to take all drilling results into account in its final determination of sale formats but will proceed with sales as listed on the currently approved OCS Leasing Schedule. In order for the data to be fully utilized in the lease sale planning process, the well should be completed and the test data should be submitted to the Director no later than 3 months prior to the month in which the Proposed Notice of Sale appears on the Secretary's currently approved OCS Leasing Schedule, from which an OCS oil and gas lease may be issued within 50 miles of the test site. If the test is in an area not included in the current planning schedule, the usual submittal procedures should apply.

The following modifications are proposed in the existing regulations.

Section 251.3(l) redefines deep stratigraphic test to allow drilling of test wells on the Outer Continental Shelf (OCS) directly on geologic structures that could contain oil or natural gas. This change is part of an effort to further expand information on the petroleum potential of unleased lands on the OCS.

Section 251.5(a) has been expanded to clarify the Department's position that the issuance of permits is discretionary, to require that the Director state reasons for rejection of a permit application, and to allow the Director to advise the applicant of changes in the application which would render the application acceptable.

Section 251.7 corrections of the addresses of the filing locations have been made.

Section 251.8(c) has been expanded to include "possible discoveries" in the list of items to be reported to the Director immediately upon discovery.

Section 251.9(b)(vi) has been added to require that an Environmental Report be submitted to the Director with the drilling plan. This report shall enable identification and evaluation of the significant environmental consequences of the proposed activities as well as all information available to the permittee at the time of application. The report shall include a description of the proposed action, description of the existing environment, impact evaluation and mitigating measures, alternatives to proposed action, and unavoidable adverse environmental effects of the proposed action.

Section 251.9(c) is expanded to allow a penalty of up to 200 percent of the cost to each original participant after the Supervisor issues a public notice that significant shows or a possible discovery have been encountered in the test. Under present regulations, the permittee may charge a penalty up to 100 percent for late entry. It appears appropriate to allow the penalty to be higher than 100 percent for firms joining the consortium after the announcement of a hydrocarbon show or discovery. An insufficient penalty for post-discovery entrance would encourage firms to wait until wells are completed, joining only those consortia that have shows or discoveries and thus have more valuable information. This could reduce the number of firms willing to incur the risks and costs of being original members and thereby reduce the number of wells drilled. Allowing the original consortium to charge a higher penalty for late participation after a show or discovery is announced would tend to reduce the benefits of late entry and increase the benefits of original membership.

Section 251.9(d) has been modified to bring it into conformance with the existing cultural resource lease stipulation.

Section 251.9(f) has been added to specify that deep stratigraphic tests are to be completed no later than 3 months prior to the month in which the Proposed Notice of Sale appears on the Secretary's currently approved OCS Leasing Schedule. This requirement is necessary to provide sufficient time for Government utilization of the data without causing delays in scheduled lease sales.

This 3-month period allows for interpretation and evaluation of the data for use in the Secretary's decision on the configuration of the proposed sale which is published in the FEDERAL REGISTER and sent to the Governors of affected States for a 60-day comment period. The Proposed Notice of Sale is the first indication to the public and to bidders concerning the specific tracts, bidding systems, lease terms, and stipulations proposed for a sale. The Secretary's tentative decision on the configuration of a proposed sale is made approximately 90 days before the final decision on the sale.

The availability of the data 3 months before the Proposed Notice of Sale will assure that it will be available for final decisions on the configuration of the sale and for evaluation of tracts for purposes of deciding whether to accept or reject bids received. It will also be available for any review of a lease sale conducted by the Attorney General under Sec. 8(c) of the OCS Lands Act as amended.

The proposed regulation provides for extensions of exploration permits beyond the established deadline when such an extension is determined by the Director to be in the national interest. This will avoid the necessity of shutting down drilling operations which have been unavoidably delayed by adverse operating or other conditions. It would also allow shorter leadtimes to prepare for sales if it is determined to be in the national interest for near-term sales or sales in areas with short drilling seasons.

Section 251.9(g) has been added to prescribe policy on disposition of a deep stratigraphic test whether on- or off-structure. To assure maximum protection of the marine environment, it is proposed that all deep stratigraphic tests be considered expendable and be permanently plugged and abandoned when all data and information desired have been obtained. This provides not only for administrative convenience but also offers a degree of protection to the environment in the event a tract containing an abandoned test is not leased. All drilling and abandonment will be conducted in conformance with existing OCS Orders and Regulations.

Section 251.11(b)(4) has been expanded to include "possible discoveries" in the final report to be submitted to the Director.

Section 251.12(b)(2) has been rewritten to clarify the deadlines for data submission after its inspection and selection by the Director.

Section 251.12(b)(4) has been expanded to clarify the Director's right to inspect the data and information listed in this section as well as to select the data or information.

Section 251.13(b) and (c) have been rewritten for clarity.

Section 251.14(b)(1) has been expanded to clarify what will be released to the public by the Director in the event a significant show or possible discovery is encountered in a deep stratigraphic test. When the Director determines that a significant show or possible hydrocarbon discovery has been encountered in a deep stratigraphic test, the Director shall issue a public notice announcing that a significant show or possible hydrocarbon discovery has been encountered. In addition, other nonproprietary data and information as appropriate to the specific situation will be released at this time. Privileged or proprietary data and information, release of which would compromise the competitive po-

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sition of any party participating in the test, will not be included in the public notice. The public will have access to all data and information from the test, including those which were formerly proprietary, 60 days after the issuance of the first OCS oil and gas lease within 50 geographic miles of the test site, or 5 years, whichever is sooner. Planners, therefore, will have ample time to use the data and information in projecting onshore impacts of future development.

Section 251.14(b)(3) has been changed to clarify the Department's position on disclosure of data after the issuance of an OCS oil and gas lease within 50 miles of the test site. In the event a test is drilled within 50 miles of an existing lease, the disclosure provision is not invoked until 60 days from the issuance of the next OCS oil and gas lease within 50 miles or 5 years after completion of the test, whichever is sooner.

Section 251.14(c)(3) has been added to clarify the position that all G & G data and information submitted with an application for a deep stratigraphic test, except for Common Depth Point (CDP) seismic data, will be made publicly available at the same time as the data obtained from the test. The CDP seismic data are exempt from disclosure because they may reveal structural information on unleased tracts.

Section 251.14(d) has been added to allow the Director to disclose data or information to independent contractors under promise of confidentiality for analysis or processing on the Government's behalf.

It should be noted that the proposed changes incorporated into these regulations that relate to deep stratigraphic drilling are not intended to cause delays in the existing program. Accordingly, any acceptable application received prior to promulgating final modifications of these regulations will be processed according to existing regulations.

ENVIRONMENTAL IMPACT AND REGULATORY ANALYSIS STATEMENTS

The Department of the Interior has determined that the revision of the regulations in 30 CFR 251, as proposed in this notice, will not have a significant impact on the quality of the human environment and, therefore, will not require preparation of any Environmental Impact Statement. The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: February 2, 1979.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

Part 251 of Title 30 of the Code of Federal Regulations is amended to read as follows:

Sec.

251.1 Purpose.
251.2 Applicability.
251.3 Definitions.
251.4 Functions of Director.
251.5 Requirement of notices and permits.
251.6 Forms for notices and permit applications.
251.7 Filing locations for notices and permit applications.
251.8 General conditions of notices and permits.
251.9 Test drilling under notices and permits.
251.10 Observation of exploration conducted under permits.
251.11 Report of operations conducted under notices and permits.
251.12 Inspection, selection, and submission of data and information.
251.13 Reimbursement to permittees.
251.14 Disclosure of data and information submitted under permits.
251.15 Termination, suspension, and revocation of authority to operate under notices and permits.
251.16 Penalties.
251.17 Appeals.

AUTHORITY: Secs. 5(a), 11, 26, Outer Continental Shelf Lands Act, as amended (43 U.S.C. secs. 1334(a), 1340, 1352 (1978)).

§ 251.1 Purpose.

The purpose of the regulations in this part is to prescribe policies, procedures, and requirements for conducting geological and geophysical exploration for mineral resources and scientific research on the Outer Continental Shelf without a lease.

§ 251.2 Applicability.

(a) *Permits and notices.* The regulations of this part are applicable to permits issued and notices filed after the effective date of this part. The regulations of this part are also applicable to any "Permit and Agreement for Outer Continental Shelf Geophysical Exploration" which, prior to the effective date of this part, is issued pursuant to the notice on Geological and Geophysical Exploration by the Acting Secretary of the Interior, dated August 27, 1975, and published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40563). If the regulations of this part conflict with the terms of Sections 4, 5, or 8 of a "Permit and Agreement for Outer Continental Shelf Geophysical Exploration" which, prior to the effective date of this part, was issued pursuant to that notice in the FEDERAL REGISTER on September 3, 1975, the terms of that section in the Permit and Agreement shall control.

(b) *Leases.* The regulations in this part shall not apply to geological and geophysical exploration conducted on a lease in the Outer Continental Shelf of the United States by or on behalf of the lessee. Those explorations shall be governed by the regulations in Part 250 of this title.

§ 251.3 Definitions.

When used in this part, the following definitions shall apply:

(a) *Outer Continental Shelf.* All submerged lands which lie seaward and outside the area of lands beneath navigable waters as defined in Section 2 of the Submerged Lands Act, 67 Stat. 29 (43 U.S.C. sec. 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(b) *Act.* The Outer Continental Shelf Lands Act, 67 Stat. 462 (43 U.S.C. secs. 1331–1343), as amended, September 18, 1978.

(c) *OCS Order.* A formal numbered order issued by the Supervisor with the prior approval of the Chief, Conservation Division, Geological Survey, that implements the regulations contained in this part or Part 250 of this title and applies to operations in an area of the Outer Continental Shelf.

(d) *Director.* The Director of the Geological Survey, United States Department of the Interior, or a Designee of the Director.

(e) *Person.* A citizen or national of the United States, an alien lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. sec. 1101(a)(20), a private, public, or municipal corporation organized under the laws of the United States or of any State or territory thereof, and associations of such citizens, nationals, resident aliens, or private, public municipal corporations, States, or political subdivisions of States.

(f) *Third party.* Any person other than a representative of the United States or the permittee.

(g) *Notice.* The statement of intent to conduct geological and geophysical exploration for scientific research which does not include the use of solid or liquid explosives or a deep stratigraphic test.

(h) *Permit.* The contract or agreement approved for a specified period of not more than 1 year under which a person acquires the right to conduct (1) geological exploration for mineral resources, (2) geophysical exploration for mineral resources, or (3) geological and geophysical exploration for scientific research which includes the use of solid or liquid explosives or a deep stratigraphic test.

(i) *Geological exploration for mineral resources.* Any operation conducted on the Outer Continental Shelf which utilizes geological and geochemical techniques, including, but not limited to, core and test drilling, well logging techniques, and various bottom sampling methods to produce data and information on mineral resources, including data and information in support of possible exploration and development activity or for other commercial purposes. The term does not include exploration for scientific research.

(j) *Geophysical exploration for mineral resources.* Any operation conducted on the Outer Continental Shelf which utilizes geophysical techniques, including, but not limited to, gravity, magnetic and various seismic methods, to produce data and information on mineral resources, including data and information in support of possible exploration and development activity. The term does not include exploration for scientific research.

(k) *Geological and geophysical exploration for scientific research.* Any investigation conducted on the Outer Continental Shelf for scientific research purposes involving the gathering and analysis of geological or geophysical data and information which are made available to the public for inspection and reproduction at the earliest practicable time.

(l) *Deep stratigraphic test.* Drilling which involves the penetration into the sea bottom of more than 50 feet (15.2 meters) of consolidated rock or a total of more than 300 feet (91.4 meters).

(m) *Shallow test drilling.* Drilling into the sea bottom to depths less than those specified for a deep stratigraphic test.

(n) *Data.* Facts and statistics or samples which have not been analyzed or processed.

(o) *Analyzed geological information.* Data collected under a permit which have been analyzed. Analysis may include, but is not limited to, identification of lithologic and fossil content, core analyses, laboratory analyses of physical and chemical properties, logs or charts of electrical, radioactive, sonic, and other well logs, and descriptions of hydrocarbon shows or hazardous conditions.

(p) *Processed geophysical information.* Data collected under a permit which have been processed. Processing involves changing the form of data so as to facilitate interpretation. Processing operations may include, but are not limited to, applying corrections for known perturbing causes, rearranging or filtering data, and combining or transforming data elements.

(q) *Interpreted geological information.* Knowledge, often in the form of maps, developed by determining the geological significance of data and analyzed geological information.

(r) *Interpreted geophysical information.* Knowledge, often in the form of maps, developed by determining the geological significance of geophysical data and processed geophysical information.

(s) *Information.* This term, as used without a qualifying adjective, includes analyzed geological information, processed geophysical information, interpreted geological information, and interpreted geophysical information.

§ 251.4 Functions of Director.

The Director shall regulate all operations and other activities under this Part and perform all duties prescribed by this part. In order to do so effectively, the Director is authorized to issue OCS Orders and other written and oral orders and to take all other actions necessary to carry out the provisions of this part and to prevent damage to, or waste of, any natural resource or injury to life and property from any activity hereunder. The Director shall confirm oral orders in writing as soon as possible.

§ 251.5 Requirement of notices and permits.

(a) *Geological or geophysical exploration for mineral resources.* A person may not conduct geological or geophysical exploration for mineral resources without a permit. Separate permits will be issued for geological exploration for mineral resources and for geophysical exploration for mineral resources. Permit issuance is at the discretion of the Director. If the Director rejects a permit application, the statement of rejection shall state the reasons for the rejection. The statement may advise the applicant of changes in the application or other actions which may render the application, if filed again, acceptable to the Director.

(b) *Geological and geophysical exploration for scientific research.* (1) A person may not conduct geological and geophysical exploration for scientific research without a permit if the exploration includes the use of solid or liquid explosives or a deep stratigraphic test. Separate permits will be issued for geological exploration for scientific research and for geophysical exploration for scientific research.

(2) A person may conduct geological and geophysical exploration for scientific research without a permit if the exploration does not include the use of solid or liquid explosives or a deep stratigraphic test. However, the person must file with the Director a notice of intent to conduct exploration which does not involve such explosives or a deep stratigraphic test at least 30 days prior to commencing the exploration. Shallow test drilling may not be conducted if within 21 days of the filing of the notice the Director rejects the notice by sendng a statement of rejection by certified mail to the person who filed the notice. A statement of rejection may suggest changes in the notice which, if filed again, may render the notice acceptable to the Director.

§ 251.6 Forms for notices and permit applications.

(a) *Notices.* A notice shall not be on a standardized form, but shall be signed and shall state:

(1) The name(s) of the person(s) conducting or participating in the proposed exploration.

(2) The type of exploration and manner in which it will be conducted.

(3) The location, designated on a map, plat, or chart where the exploration will be conducted.

(4) The dates, which shall designate a period of not more than 1 year, on which the exploration will be commenced and completed.

(5) The proposed time and manner in which the data and information resulting from the exploration will be made available to the public for inspection and reproduction, such time being the earliest practicable time.

(6) An agreement that the data and information resulting from the exploration will not be sold or withheld for exclusive use.

(7) An agreement to comply with the Act, the regulations in this part, applicable OCS orders, other written or oral orders of the Director, and other applicable statutes and regulations whether such statutes, regulations, or orders are enacted, promulgated, issued, or amended before or after the notice is filed.

(8) The name, registry number, registered owner, and port of registry of vessels used in the operation.

(b) *Permit applications.* An application for a permit shall be on a form approved by the Director. Each application shall include:

(1) The name(s) of the person(s) conducting or participating in the proposed exploration.

(2) The type of exploration and manner in which it will be conducted.

(3) The location on the Outer Continental Shelf where the exploration will be conducted.

(4) The purpose of conducting the exploration.

(5) The dates on which the exploration will be commenced and completed.

(6) Such other descriptions of the proposed exploration as the Supervisor may request of the applicant.

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§ 251.7 Filing locations for notices and permit applications.

(a) *Geological or geophysical exploration for mineral resources.* (1) Applications for permits to conduct geological or geophysical exploration for oil, gas, and sulphur shall be filed in duplicate at the following Geological Survey offices:

(i) For the Outer Continental Shelf off the Atlantic Coast—the Area Oil and Gas Suprvisor, Atlantic Area, 1725 K Street NW., Suite 204, Washington, D.C. 20006.

(ii) For the Outer Continental Shelf in the Gulf of Mexico—the Area Oil and Gas Supervisor, Gulf of Mexico Area, P.O. Box 7944, Metairie, Louisiana 70010.

(iii) For the Outer Continental Shelf off the coast of the States of California, Oregon, and Washington—the Area Oil and Gas Supervisor, Pacific Area, Room 7744, Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012.

(iv) For the Outer Continental Shelf off the State of Alaska—the Area Oil and Gas Supervisor, Alaska Area, P.O. Box 259, Anchorage, Alaska 99510.

(2) Applications for permits to conduct geological or geophysical exploration for minerals other than oil, gas, and sulphur shall be filed in duplicate at the following Geological Survey offices:

(i) For the Outer Continental Shelf off the Atlantic Coast and in the Gulf of Mexico—the Area Mining Supervisor Eastern Area, Suite 204, 1725 K Street NW., Washington, D.C. 20006.

(ii) For the Outer Continental Shelf off the States of Alaska, California, Oregon, and Washington—the Area Mining Supervisor, Alaska-Pacific Area, 345 Middlefield Road, Menlo Park, California 94025.

(b) *Geological and geophysical exploration for scientific research.* Notices and applications for permits to conduct geological or geophysical exploration for scientific research shall be filed in duplicate with the Area Oil and Gas Supervisor as indicated in paragraph (a)(1) of this section.

§ 251.8 General conditions of notices and permits.

(a) *Statutes, regulations, and orders.* Exploration authorized under this part shall be conducted in accordance with the Act, the regulations in this part, applicable OCS orders, other written or oral orders of the Director, and other applicable statutes and regulations whether such statutes, regulations, and orders are enacted, promulgated, issued, or amended before or after the notice is filed or the permit is issued.

(b) *General restrictions on operations.* Exploration authorized under this part shall be conducted so that operations do not:

(1) Interfere with or endanger operations under any lease maintained or granted pursuant to the Act.

(2) Cause undue harm to aquatic life.

(3) Cause pollution.

(4) Create hazardous or unsafe conditions.

(5) Unreasonably interfere with or harm other uses of the area.

(6) Disturb cultural resources, including sites, structures, or objects of historical or archaeological significance.

(c) *Report of hydrocarbon shows, hydrocarbon discoveries, or adverse effects.* Any person conducting exploration under this part shall immediately report to the Director any hydrocarbon shows, possible hydrocarbon discoveries, or any adverse effects of the exploration on the environment, aquatic life, cultural resources, or uses of the area in which the exploration is conducted.

(d) *No right to a lease.* Authorizations granted under this part to conduct exploration shall not confer a right to a lease under the Act.

§ 251.9 Test drilling under notices and permits.

(a) *Shallow test drilling.* (1) Permits authorizing geological exploration for mineral resources by means of shallow test drilling may be issued by the Director. The Director will also review notices under which shallow test drilling will be conducted.

(2) As a condition of a permit or after receipt of a notice, the Director may require the gathering and submission of, prior to the commencement of operations, high resolution geophysical data, processed geophysical information, and interpreted geophysical information from, but not limited to, bathymetric, side-scan sonar, and magnetometer systems, so as to determine shallow structural detail across and in the vicinity of the proposed test.

(b) *Deep stratigraphic tests.* Permits authorizing geological exploration for mineral resources, or scientific research by means of deep stratigraphic tests may be issued by the Director.

(1) The holder of a permit that authorizes deep stratigraphic tests may not commence any drilling operations unless he has submitted a drilling plan and the Director has approved the plan. Each drilling plan shall include:

(i) Commencement and completion dates proposed for drilling the test.

(ii) A description of the drilling rig proposed for use showing the design and major features thereof, including features intended to prevent or control pollution.

(iii) The location of each deep stratigraphic test to be conducted, including surface and projected bottomhole location for directionally drilled tests.

(iv) An oil spill contingency plan and a description of all equipment and materials available to the permittee for use in containment and recovery of an oil spill, with a description of the capabilities of such equipment under different sea and weather conditions.

(v) High resolution geophysical data, processed geophysical information, and interpreted geophysical information from, but not limited to, bathymetric, side-scan sonar, and magnetometer systems collected across any proposed drilling location so as to permit determination of shallow structural detail in the vicinity of the proposed test, and for stratigraphic tests proposed to depths greater than 1,000 feet (304.8 meters) below the mudline, common depth point seismic data from the area of the proposed test location, and processed geophysical information and interpreted geophysical information therefrom.

(vi) An Environmental Report. At the same time the permittee submits a proposed plan to the Director, he shall submit an Environmental Report. The report shall address all activities included in the proposed plan and shall identify all environmental and safety features required by law, together with such additional measures as the permittee proposes to employ. The report shall be as detailed as necessary to enable identification and evaluation of the significant environmental consequences of the proposed activities and shall include all information available to the permittee at the time of submission. The Environmental Report shall include data and information obtained or developed by the permittee, together with other pertinent data and information available to the permittee from other sources. The permittee shall cross-reference information in the most recent applicable environmental documents and shall summarize pertinent information contained in other published, accredited reports. The report shall clearly identify the source of all data and information contained therein. The Environmental Report may be tiered to other environmental documents or Environmental Reports for the same or adjacent areas. Specific guidelines for implementing this section will be issued by the Director. The Environmental Report shall contain the following sections:

(A) Description of the Proposed Action. This section shall briefly summarize the nature and scope of the proposed action contained in the proposed plan. This section shall include, but not be limited to, the following: Company and operator name, objective of the proposed action, a description and location of vessels or platforms, and time frames for completion of various functions. In describing the proposed action, the report will also include a discussion of equipment, a discussion of oil spill contingency plans, statements of certification of consistency with appropriate coastal zone management programs when applicable, a comprehensive list of new or unusual technologies to be used, a detailed description of these technologies, the location of travel routes for supplies and personnel, the kinds and approximate quantities of energy to be used, and the environmental monitoring systems proposed for use by the permittee. The proposed action section will also include suitable maps and diagrams showing details of the proposed project layout.

(B) Description of existing environment. This section is to contain a narrative description of the existing environment, and emphasis shall be placed on those environmental values that may be affected by the proposed action. This section shall include, but not be limited to, discussion of the following: Geology, physical oceanography, other uses of the area, flora and fauna, cultural resources, socioeconomics, and existing environmental monitoring systems, other unusual or unique characteristics which may be affected by the drilling.

(C) Impact evaluation and mitigating measures. This section shall contain a narrative description or tabulation of the probable impacts of the proposed action on the environment and existing mitigating measures, as well as measures which have been proposed in the plan, to mitigate the impacts.

(D) Alternatives to the proposed action. This section shall discuss all relevant alternatives to the proposed action or major segments of the proposed action which would result in less risk of adverse environmental impacts.

(E) Unavoidable adverse environmental effects of the proposed action. Any unavoidable or irreversible adverse environmental effects that could occur as a result of the proposed action shall be summarized in this section.

The permittee shall, when required, submit an appropriate number of copies of each Environmental Report to permit the Director to transmit a copy to the Governor and Coastal Zone Management Agency of each affected State and to the United States Office of Coastal Zone Management. The Director shall transmit such copies at the same time he transmits copies of the applicable plan. The Director shall also make copies of the Environmental Report available to the public, in accordance with the Freedom of Information Act.

(vii) Such other pertinent data and information as the Director may request.

(2) After approval of a drilling plan, any modifications must be approved by the Director. A modification including relocation of a drillsite or bottomhole location exceeding 600 feet (182.8 meters) must be approved by the Director.

(3) A deep stratigraphic test authorized by a permit shall be conducted in a manner which prevents blowouts, prevents release of fluids from strata into the sea, and prevents communication between fluid-bearing strata of oil, gas, or water. The permittee shall utilize appropriate protective measures and devices specified by the Director.

(c) *Group participation.* In order to minimize duplicative geological exploration involving penetration of the seabed of the Outer Continental Shelf, a permittee proposing to conduct a deep stratigraphic test shall afford all interested persons an opportunity to participate in the test on a cost-sharing basis with a penalty for late participation of not more than 100 percent of the cost to each original participant. The penalty shall be assessed by the participants. When the Director releases a public notice that a significant show or possible hydrocarbon discovery has been encountered in a deep stratigraphic test, the penalty for subsequent late participation may be raised to not more than 200 percent of the cost to any original participant. A permittee proposing to conduct shallow test drilling shall, when ordered by the Director or when provided in the permit, afford all interested persons an opportunity to participate in the test on a cost-sharing basis with a penalty for late participation of not more than 50 percent of the cost to each original participant. To allow for group participation a permittee shall:

(1) Publish a summary statement of the proposed test in a manner approved by the Director.

(2) Allow at least 30 days from the date of the publication for other persons to consider participation in the program as described by the permit and join as original participants.

(3) Forward a copy of the published notice(s) to the Director.

(4) Compute the cost to an original participant by dividing the total cost of the program by the number of original participants.

(5) Furnish the Director with a complete list of all participants under the permit prior to commencing operations, or at the end of the advertising period if operations begin prior to its close, and submit, on a timely basis, a list of all late participants.

If the Director determines that a change made in the permit or drilling plan is significant, he shall require additional publications. Persons wishing to join as a result of such readvertisements within the time frame allowed will be considered to be original participants.

(d) *Cultural resources.* Any person who holds a permit authorizing a deep stratigraphic test shall, if requested by the Director, conduct studies sufficient to determine the possible existence of any cultural resources, including sites, structures, or objects of historical or archaeological significant that may be affected by such drilling, and shall report the findings of the studies to the Director. Any person who holds a permit authorizing shallow test drilling or who has filed a notice for shallow test drilling may be required to conduct such studies at the discretion of the Director. If any study indicates the possible presence of a cultural resource, a full explanation will be included in the report. The person shall take no action that may result in the disturbance of cultural resources without the prior approval of the Director, and if any cultural resource is discovered during a test, the person shall immediately report the finding to the Director and make every reasonable effort to preserve and protect the cultural resource from damage until the Director has given directions as to its preservation.

(e) *Orders and regulations.* All Outer Continental Shelf regulations relating to drilling operations in Part 250 of this title and all OCS Orders relating to the drilling and abandonment of wells apply, as appropriate, to drilling authorized under this Part. Departures from the requirements of OCS Orders shall be permitted as provided in § 250.12(b) of this title.

(f) *Completion times for deep stratigraphic tests.* All permits authorizing deep stratigraphic tests will contain a provision that all drilling and testing shall be completed, with results submitted to the Director, at least 3 months prior to the month in which the Proposed Notice of Sale is listed on the currently approved OCS Leasing Schedule which includes tracts within 50 geographic miles of the test site. If the test site is in an area not listed on the Schedule, submission will be in accordance with terms of the permit of by § 251.12 of this part. The Director may extend the expiration date of the permit if it is determined that such an extension is in the national interest.

(g) *Abandonment of test.* A deep stratigraphic test will be considered to be an expendable well. It will be permanently plugged and abandoned by the permittee according to the regulations in Part 250 of title and applicable regulations prior to moving the rig off location. The permittee will make

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every reasonable effort to ensure that the plug(s) permanently prevents the release of subsurface fluids into the sea and prevent(s) communication between oil, gas, or water-bearing strata. If the tract on which a deep stratigraphic test has been drilled is later leased for exploration and development, the lessee will not be held responsible for the test well, provided the lessee has not reentered the well.

(h) *Bonds.* Before a permit authorizing a deep stratigraphic test will be issued, the applicant shall furnish to the Bureau of Land Management a corporate surety bond of not less than $100,000 conditioned on compliance with the terms of the permit, unless the applicant maintains with or furnishes to the Bureau of Land Management a bond in the sum of $300,000 conditioned on compliance with the terms of the permit issued to him for the area of the Outer Continental Shelf where he proposes to conduct a deep stratigraphic test. The Director may require a bond for shallow test drilling. Any bond furnished or maintained by a person under this section shall be on a form approved by the Director, Bureau of Land Management.

§ 251.10 Observation of exploration conducted under permits.

(a) *Advisor.* A permittee shall, on request of the Director, furnish food, quarters, and transportation for an advisor who is approved by the Director, and the permittee will be reimbursed by the United States for actual costs. The advisor shall observe operations conducted pursuant to the permit and advise the Director on the conduct of the operations as well as on any adverse effects of the operations upon the environment, aquatic life, cultural resources, and other uses of the area. The fees charged by an advisor shall be paid by the United States.

(b) *Federal inspector.* A permittee shall, on request of the Director, furnish food, quarters, and transportation for a Federal representative to inspect operations, and the permittee will be reimbursed by the United States for actual costs.

§ 251.11 Report of operations conducted under notices and permits.

(a) *Weekly reports.* Each permittee shall submit to the Director weekly reports which include a daily log of operations.

(b) *Final reports.* Each permittee and each person operating under a notice shall submit a final report to the Director within 30 days after the completion of exploration under the permit or notice. The final report shall contain the following:

(1) A description of the work performed.

(2) Charts, maps, or plats depicting the areas in which the exploration was conducted and specifically identifying the lines over which geophysical traverses were run or the locations where geological exploration was conducted, including a reference sufficient to identify the data produced during each such operation.

(3) The dates on which the exploration was performed.

(4) A report of any hydrocarbon shows, possible discoveries, or any adverse effects of the exploration on the environment, aquatic life, cultural resources, or other uses of the area in which the exploration was conducted.

(5) Such other descriptions of the exploration as may be specified by the Director.

§ 251.12 Inspection, selection and submission of data and information.

(a) *Submission of geological data and analyzed geological information.* (1) Each holder of a permit for geological exploration shall notify the Director immediately, in writing, of the acquisition or analysis of any geological data collected under the permit. At any time within 1 year of receiving a notice of acquisition or analysis from a permittee, or within a longer period if specified in the permit, the Director may select all or part of the geological data and analyzed geological information. The permittee shall keep the geological data and analyzed geological information available for inspection and selection by the Director during such period, and the permittee shall submit geological data and analyzed geological information to the Director within 30 days after receiving a request for submission of them.

(2) Each submission of geological data and analyzed geological information shall, at the direction of the Director, contain all or part of the following:

(i) An accurate and complete record of all geological (including geochemical) data and information resulting from each operation.

(ii) Paleontological reports identifying microscopic fossils by depth (not resulting age interpretations based upon such identification) unless washed samples are maintained by the permittee for paleontological determination and are made available for inspection by the Geological Survey.

(iii) Copies of logs or charts of electrical, radioactive, sonic, and other well logs.

(iv) Analyses of core or bottom samples or a representative cut or split of the core or bottom sample.

(v) Detailed descriptions of any hydrocarbon shows or hazardous conditions encountered during operations, including near losses of well control, abnormal geopressures, and losses of circulation.

(vi) Such other geological data and analyzed geological information obtained under the permit as may be specified by the Director.

(3) A permittee shall not be required to submit interpreted geological information under this Part of Title 30 unless specifically required in this Part.

(b) *Inspection, selection, and submission of geophysical data and processed geophysical information.* (1) Each holder of a permit for geophysical exploration shall notify the Director immediately, in writing, of the acquisition, processing, or reprocessing of any geophysical data collected under the permit. At any time within 1 year after receiving a notice of acquisition, processing, or reprocessing from a permittee, or within a longer period if specified in the permit, the Director may select all or part of the geophysical data, processed geophysical information, and reprocessed geophysical information. The permittee shall keep the geophysical data, processed geophysical information, and reprocessed geophysical information available for inspection and selection by the Director during such period.

(2) The Director shall have the right to inspect the geophysical data, processed geophysical information, or reprocessed geophysical information prior to selection in writing. This inspection may be performed on the permittee's premises or, at the request of the Director, the permittee shall submit the geophysical data, processed geophysical information, or reprocessed geophysical information to the Director for inspection. Such delivery shall be within 30 days after the request for delivery is received. At any time prior to selection in writing, the Director shall have the right to return, without cost to the Government except for reproduction costs, any or all geophysical data, processed geophysical information, or reprocessed geophysical information following either inspection and detailed assessment of quality or establishment of price to the Government for processing or reprocessing. If the Director decides to keep any or all of the geophysical data, processed geophysical information, or reprocessed geophysical information, the Director shall select them in writing. If the inspection has been done on the permittee's premises, the permittee shall submit them within 30 days after receiving a request for submission of them. The Director shall have the right to arrange, by contract or otherwise, for the reproduction of geophysical data, processed geophysical information, and reprocessed geophysical information independently of the permittee

and without reimbursement of the permittee for reproduction costs.

(3) In the event a permittee transfers geophysical data or processed geophysical information to a third party, or a third party who has received geophysical data or processed geophysical information directly or indirectly from a permittee, transfers the geophysical data or processed geophysical information to another third party, the transferor shall notify the Director of such transmittal, and the transferor shall bind the third party, in writing, to the obligations of the permittee as specified in this section.

(4) The right to inspection and each submission shall include, at the direction of the Director, all or any part of the following:

(i) An accurate and complete record of each geophysical survey conducted under the permit, including final location maps of all survey stations.

(ii) All common depth point and high resolution seismic data developed under a permit in a format and of a quality suitable for processing; processed geophysical information derived therefrom with extraneous signals and interference removed, in a format and of a quality suitable for interpretive evaluation, reflecting state-of-the-art processing techniques; and other geophysical data and processed geophysical information obtained from, but not limited to, shallow and deep subbottom profiles, bathymetry, side-scan sonar, and magnetometer systems, bottom profiles, gravity and magnetic surveys, and special studies such as refraction and velocity surveys.

(5) A permittee shall not be required to submit interpreted geophysical information under this part of Title 30 unless specifically required by this part.

§ 251.13 Reimbursement to permittees.

(a) *Reimbursement for reproduction costs.* After the delivery or submission of geophysical data, processed geophysical information, and reprocessed geophysical information in accordance with § 251.12(b)(2), the permittee or third party shall, upon a request for reimbursement and upon a determination by the Director that the request is proper, be reimbursed for the cost of reproducing the geophysical data, processed geophysical information, and reprocessed geophysical information at the permittee's lowest rate or at the lowest commercial rate established in the area, whichever is less.

(b) *Reimbursement for processing and reprocessing costs.* After the Director selects processed and reprocessed geophysical information by written notice to the permittee or third party in accordance with § 251.12(b)(2), the permittee or third party, upon request, shall be reimbursed only for the costs attributable to processing and reprocessing, as distinguished from the cost of data acquisition, as follows: (1) If the processing or reprocessing has been done by the permittee in the normal conduct of his business, the Director shall pay the costs at the lowest rate available to any purchaser for the processing or reprocessing of such data and information; (2) If the processing or reprocessing has been specifically requested by the Director and has not been prepared in the normal conduct of the permittee's business, the Director shall pay the costs of processing and reprocessing such data. If any fraudulent or collusive scheme is utilized by the permittee or by any person in conjunction with the permittee so as to affect the cost determinations under either paragraph (b) (1) or (2) of this section, the Director shall reimburse the permittee only for the actual processing or reprocessing costs which the Federal Government would have incurred had not the fraud or collusion affected the cost determination. Moreover, any person who engages in such fraudulent or collusive activity shall be subject to prosecution pursuant to section 24(c) of the Act.

(c) *Procedures for establishing amount of reimbursement.* Requests for reimbursement will contain a cost breakdown in sufficient detail to allow separation of processing and reprocessing from acquisition costs. Any reimbursement to a permittee or third party shall be conditioned upon a determination by the Director that the request for reimbursement as originally submitted or as revised is proper, and not the result of any fraud or collusion by the permittee or by any person in conjunction with the permittee.

§ 251.14 Disclosure of data and information submitted under permits.

(a) *General.* Except as specified in this section, the United States shall not make available to the public (1) trade secrets and commercial or financial information which are privileged or confidential and which are received from permittees, and (2) geological and geophysical information and data, including maps concerning wells, which are received from permittees.

(b) *Disclosure of geological data, analyzed geological information, and interpreted geological information.* The Director shall disclose geological data, analyzed geological information, and interpreted geological information submitted under a permit as follows:

(1) The Director shall immediately issue a public notice when any hydrocarbon shows, hydrocarbon discoveries, or environmental hazards on unleased lands are discovered during drilling operations if the shows, discoveries, or hazards are judged to be significant by the Director. In the case of hydrocarbon shows or possible hydrocarbon discoveries, the Director will announce that hydrocarbon shows have been encountered or that a possible hydrocarbon discovery has been made. Other data and information pertaining to the permit will be released according to the schedule provided in paragraphs (b) (2) or (3) of this section, as appropriate.

(2) The Director shall make available to the public all other geological data, analyzed geological information, and interpreted geological information, except geological data, analyzed geological information, and interpreted geological information obtained from deep stratigraphic tests, 10 years after the date of issuance of the permit.

(3) The Director shall make available to the public all geological and geophysical data and information, except common depth point geophysical data and information, obtained from deep stratigraphic tests 5 years after completion of the test well or 60 calendar days after the date of issuance of the first OCS oil and gas lease within 50 geographic miles (92.6 kilometers) of the test site after the completion of the test.

(c) *Disclosure of geophysical data, processed geophysical information, and interpreted geophysical information.* The Director shall disclose geophysical data, processed geophysical information, reprocessed geophysical information, and interpreted geophysical information submitted under a permit and retained by the Director as follows:

(1) The Director shall make available to the public geophysical data 10 years after the date of issuance of the permit.

(2) The Director shall make available to the public processed geophysical information, reprocessed geophysical information, and interpreted geophysical information 10 years after the date it has been submitted to the Director.

(3) The Director shall make available to the public processed geophysical information, reprocessed geophysical information, and interpreted geophysical information submitted with an application for a deep stratigraphic test, or required to be obtained in order to conduct a deep stratigraphic test, according to the disclosure provisions defined for a deep stratigraphic test in § 251.14(b)(3) above, with the exception of common depth point seismic data from the area of the proposed test location and processed geophysical information and interpreted geophysical information therefrom which will be released under the provisions of § 251.14(c)(2) above.

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(d) *Disclosure to independent contractors.* The Government reserves the right to disclose any data or information acquired from a permittee to an independent contractor or agent for the purpose of processing, reprocessing, or interpretation. However, the contractor or agent must execute a written commitment not to disclose such data or information to any third party without the express written consent of the Director. The contractor or agent shall be liable for any unauthorized disclosure of data or information of third parties.

(e) *Disclosure to designated representative of a Governor.* The Director shall provide privileged or proprietary data or information to the designated representative of a Governor pursuant to the provisions of § 252.7 (a) and (b) of this title.

§ 251.15 Termination, suspension, and revocation of authority to operate under notices and permits.

(a) *Termination.* The Director or a person who has filed a notice or who holds a permit may terminate the authority to conduct exploration under a notice or permit, as the case may be, at any time without cause by sending a statement of termination by certified mail to the other party at least 30 days in advance of the date such termination is to be effective.

(b) *Suspension and revocation.* (1) The Director may, by sending a statement of suspension or revocation by certified mail, suspend or revoke the authority to conduct exploration under a permit or notice when in his judgment the exploration or proposed exploration threatens immediate, serious, or irreparable harm or damage to life, including aquatic life, to property, to cultural resources, to valuable mineral deposits, or to the environment. Such suspensions and revocations shall be effective immediately upon receipt of the statement.

(2) The Director may, by sending a statement of suspension or revocation by certified mail, suspend or revoke the authority to conduct exploration under a notice or permit for noncompliance with the Act, the regulations in this part, the terms and conditions of the permit, applicable OCS Orders, other written orders of the Director, including requests for any reports, and other applicable laws and regulations. A suspension shall be effective immediately upon receipt of the statement, and a revocation shall be effective without further notice on the 30th day after receipt of the statement, unless the breach or violation is corrected by that time. Upon receipt of a statement of revocation asserting a breach or violation, the authority to conduct exploration under the notice or permit shall be suspended immediately, and the suspension shall remain in effect until the breach or violation has been corrected or the revocation becomes final.

(c) *Continuing obligations.* Termination or revocation of the authority to conduct exploration under a notice or permit shall not relieve the person who filed the notice or who holds the permit of the obligation to abandon any drill sites in compliance with § 251.9(e), and to comply with all other obligations specified in this Part or in the permit or notice.

§ 251.16 Penalties.

All persons conducting geological or geophysical exploration for mineral resources and exploration for scientific research shall be subject to the penalty provisions of Section 24 of the Act, as amended (43 U.S.C. Sec. 1350), for violation of regulations for the prevention of waste, the conservation of natural resources, or the protection of correlative rights. This is in addition to any penalty which may be prescribed in the permit for noncompliance with its provisions or any action which may be brought by the United States to compel compliance with the provisions of the permit.

§ 251.17 Appeals.

Orders or decisions issued under the regulations in this part may be appealed as provided in Part 290 of this title.

[FR Doc. 79-4442 Filed 2-8-79; 8:45 p.m.]

[4810-28-M]

DEPARTMENT OF THE TREASURY

[31 CFR Ch. I]

Office of Revenue Sharing

SEMIANNUAL AGENDA OF REGULATIONS

AGENCY: Office of Revenue Sharing, Department of Treasury.

ACTION: Semmiannual Agenda of Regulations.

SUMMARY: This is the semiannual agenda of the Office of Revenue Sharing regulations implementing the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 *et seq.*, as amended by the State and Local Fiscal Assistance Amendments of 1976, Pub. L. 94-488. The agenda is published pursuant to Executive Order 12044.

EFFECTIVE DATE: February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Herman Schwartz, Chief Counsel, Office of Revenue Sharing, Washington, D.C. 20226, 202-634-5184.

SUPPLEMENTARY INFORMATION: Pursuant to Executive Order 12044 "On Improving Government Regulations", and Treasury Department Directive (TD-50 04.F) which implements that Executive Order, the Office of Revenue Sharing has prepared a semiannual agenda which sets forth the significant Revenue Sharing regulations under development and a list of significant existing regulations under review.

Among other amendments, Pub. L. 94-488 revised the nondiscrimination provisions of the State and Local Fiscal Assistance Act to include the prohibition against discrimination on the basis of handicap status, as provided in Section 504 of the Rehabilitation Act of 1973, as amended, and the prohibition against discrimination of the basis of age under the Age Discrimination Act of 1975. Also, the Office of Revenue Sharing is conducting a review of all of the regulations in 31 CFR Part 51, and amendments resulting from that review will be published over the next few months.

(This semiannual agenda of regulations is published under the authority of Executive Order 12044 and Treasury Department Directive 50 04.F. The authority of the Office of Revenue Sharing to publish regulations derives from the State and Local Fiscal Assistance Act 1972, as amended by Pub. L. 94-488, 31 U.S.C. 1221 *et seq.* and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342) as amended by Treasury Department Order No. 242 (Revision) dated May 17, 1977.)

BERNADINE DENNING,
Director,
Office of Revenue Sharing.

FEBRUARY 5, 1979.

ROGER C. ALTMAN,
Assistant Secretary,
Domestic Finance, Department of the Treasury.

SEMIANNUAL AGENDA OF REGULATIONS

A. SIGNIFICANT REGULATIONS UNDER DEVELOPMENT

1. Regulaitons to implement the prohibitions against discrimination under 31 U.S.C. 1242(a)(1) with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973.

2. Regulations to implement the prohibitions against discrimination under 31 U.S.C. 1242(a)(1) on the basis of age under the Age Discrimination of 1975.

B. SIGNIFICANT EXISTING REGULATIONS UNDER REVIEW

1. The Office of Revenue Sharing is reviewing all of the existing regulations published in 31 CFR Part 51 pursuant to the State and Local Fiscal Assistance Act, as amended, 31 U.S.C. 1221 *et seq.*

[FR Doc. 79-4598 Filed 2-8-79; 8:45 M]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 51 and 52]

[FRL 1054-8]

STATE IMPLEMENTATION PLANS UNDER CLEAN AIR ACT

Guidance on Criteria for Approval of Plan Revisions for Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of guidance material.

SUMMARY: EPA has collected for public use its guidance memoranda and other documents explaining how to satisfy the requirements for State Implementation Plan revisions for areas that do not meet National Ambient Air Quality Standards under the Clean Air Act. EPA will refer to this guidance material in determining whether State Plan submittals due January 1 of this year may be approved. A copy of this guidance material is available for public inspection at each EPA Regional Office and at EPA headquarters in Washington, D.C.

FOR FURTHER INFORMATION CONTACT THE APPROPRIATE EPA OFFICE:

Nancy Adams, Air Branch, EPA Region I, JFK Federal Building, Boston, Mass. 02203, (617) 223-6883 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont).

William Baker, Chief, Air Programs Branch, EPA Region II, 26 Federal Plaza, New York, N.Y. 10007, (212) 264-2517 (New York, New Jersey, Puerto Rico, Virgin Islands).

Patricia Sheridan, Air Programs Branch, EPA Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106, (215) 597-8176 (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia).

Walter Bishop, Air Programs Branch, EPA Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, (404) 881-3286 (Alabama, Georgia, Florida, Kentucky, Mississippi, North Carolina, Tennessee, South Carolina).

Deborah Costello, Docket Clerk, Air Programs Branch, EPA Region V, 230 South Dearborn Street, Chicago, Ill. 60604, (313) 353-2205 (Indiana, Illinois, Michigan, Minnesota, Ohio, Wisconsin).

Jerry Stubberfield, Chief, SIP Section, Air Programs Branch, EPA Region VI, 1201 Elm Street, Dallas, Tex. 75270, (214) 767-2742 (Arkansas, Louisiana, Oklahoma, New Mexico, Texas).

William A. Spratlin, Chief, Air Support Branch, EPA Region VII, 324 East 11th Street, Kansas City, Mo. 64106, (816) 374-3791 (Nebraska, Iowa, Kansas, Missouri).

Robert DeSpain, Chief, Air Branch, EPA Region VIII, 1860 Lincoln Street, Denver, Colo. 80295, (303) 837-3471 (Montana, Utah, North Dakota, South Dakota, Wyoming, Colorado).

Douglas Grano, Acting Chief, Regulatory Section, Air Programs Branch, EPA Region IX, 215 Fremont Street, San Francisco, Calif. 94105, (415) 556-2938 (California, Nevada, Arizona, Hawaii, American Samoa, Northern Mariana Islands).

Lauri M. Smith, Regional Docket Clerk, Air Programs Branch, EPA Region X, 1200 Sixth Avenue, Seattle, Wash. 98101, (206) 442-1226 (Alaska, Washington, Oregon, Idaho).

Central Docket Section, EPA Headquarters Room 2903, 401 M Street SW., Wash., D.C. 20460, (202) 755-0353.

SUPPLEMENTARY INFORMATION: Provisions of the Clean Air Act enacted in 1977 require states to revise their State Implementation Plans for all areas that do not attain National Ambient Air Quality Standards. States must submit the necessary Plan revisions to EPA by January 1, 1979. (42 U.S.C. 7502 and note thereunder.)

On February 24, 1978, the Administrator of EPA issued a memorandum summarizing the elements that these Plan submittals must contain in order to be approved. This memorandum was reproduced at 43 FR 21673, May 19, 1978. The Agency has also prepared guidance material on how these basic requirements may be satisfied, and clarifying the requirements where necessary. This guidance was supplied to the states, which have the primary responsibility under the Act for developing adequate plans. Now that the plan revisions are being completed and submitted, EPA will soon be publishing notices of proposed rulemaking inviting comment on whether the submittals should be approved. EPA is announcing the availability of the guidance material to assist the public in preparing its comments to EPA.

Additional items may be added to this guidance material from time to time without further notice.

Dated: January 26, 1979.

DAVID G. HAWKINS,
Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 79-4224 Filed 2-8-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1053-2]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENT

Proposed Delayed Compliance Order for Amoco Oil Co. Whiting, Ind.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. Environmental Protection Agency (U.S. EPA) proposes to issue an Administrative Order to Amoco Oil Company. The Order requires the Company to bring the volatile organic material loading rack (the Source) into compliance with APC-15, Section 4, part of the federally approved Indiana State Implementation Plan (SIP). Because the Company is unable to comply with this regulation at this time, the proposed Order would establish an expeditious schedule requiring final compliance by July 1, 1979. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violation of the SIP regulation covered by the Order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before March 12, 1979 and requests for a public hearing must be received on or before February 24, 1979. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Roger M. Grimes, Attorney, En-

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forcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2086.

SUPPLEMENTARY INFORMATION: Amoco Oil Company owns the volatile organic material loading rack at Whiting, Indiana. The proposed Order addresses emissions from this loading rack which is subject to APC-15, Section 4, of the Indiana Implementation Plan. The regulation limits the emissions of volatile organic materials and is part of the federally approved Indiana State Implementation Plan. The Order requires final compliance with the regulation by July 1, 1979, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

Dated: January 26, 1979.

JOHN MCGUIRE,
Regional Administrator,
Region V.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending the table in § 65.190 to reflect approval of the following order:

§ 65.190 Federal Delayed Compliance Orders issued under Section 113(d)(1), (3), and (4) of the Act.

U.S. ENVIRONMENTAL PROTECTION AGENCY:
REGION V

In the Matter of: Amoco Oil Company, Whiting, Indiana. Proceeding pursuant to section 113(d) of the Clean Air Act, as amended (42 U.S.C. Section 7413(d)).

INTRODUCTION

This Order is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (hereafter the "Act") and contains a schedule for compliance, interim control requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Indiana have been provided pursuant to Section 113(d)(1) of the Act.

FINDINGS

1. On August 18, 1978, the United States Environmental Protection Agency (hereafter "U.S. EPA" or "Agency") issued a Notice of Violation (hereafter "NOV") to the Amoco Oil Company (hereafter "Amoco" or the "Company") pursuant to Section 113(a)(1) of the Act, 42 U.S.C. 7413(a)(1), for alleged violation of Indiana Air Pollution Control Regulation APC-15, Section 4.

2. APC-15, Section 4, creates certain requirements applicable to facilities which load volatile organic materials in specified quantities into certain tanks or tank trucks.

3. Regulation APC-15, Section 4, is part of the State of Indiana Implementation Plan, which was created under Section 110 of the Act, 42 U.S.C. 7410.

4. In satisfaction of Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4), an opportunity to confer with the Administrator's delegate was extended to Amoco in the NOV, and a conference was held on the record on September 11, 1978.

5. Following the September 11 conference, Amoco, by letter dated September 29, 1978, stated that it intends to install an Edwards low temperature refrigeration vapor recovery unit by July 1, 1979, at its Whiting, Indiana, volatile organic materials loading facility.

6. It has been determined by the U.S. EPA that the Amoco Oil Company is unable to immediately comply with APC-15, Section 4, of the State of Indiana Implementation Plan.

ORDER

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable, and that the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby Agreed and Ordered that:

1. The Amoco Oil Company will comply with the State of Indiana Implementation Plan, APC-15, Section 4, as approved by the U.S. EPA on May 14, 1973, which requires the installation of a vapor collection and recovery system at the volatile organic material loading rack associated with Amoco Oil Company's Whiting, Indiana, facility. Such installation shall be in accordance with the following schedule:

a. October 15, 1978—Place equipment orders for process equipment.

b. April 15, 1979—Process equipment received; start construction and installation.

c. June 15, 1979—Complete construction.

d. July 1, 1979—Complete manufacturer's performance tests; achieve and demonstrate compliance.

2. The Amoco Oil Company shall adopt and implement operation and maintenance procedures to maximize the control efficiency of the vapor collection and recovery system and submit a copy of such procedures to the U.S. EPA.

3. The Amoco Oil Company shall use the best practicable interim system of emission reduction at its Whiting, Indiana loading facility so as to minimize hydrocarbon emissions, avoid any imminent and substantial endangerment to the health of persons, and minimize product spillage.

4. The Amoco Oil Company shall comply with the following emission monitoring and reporting requirements on or before the dates specified below:

a. *Emission Monitoring*—(1) Amoco Oil Company shall, beginning as soon as reasonably practical, maintain a record of the quantity of gasoline which passes through the loading facility.

(2) Amoco shall, beginning as soon as reasonably practicable maintain a record of any malfunctions of the vapor recovery and disposal system (including the reasons for such malfunctions) and the down time of the vapor recovery and disposal system, whether caused by malfunctions or other causes.

b. *Reporting Requirements*—(1) No later than fifteen (15) days after any date for achievement of an incremental step of the compliance schedule specified in this Order, Amoco Oil Company shall notify U.S. EPA in writing of its compliance or noncompliance with the requirement. Amoco Oil Company shall, by August 1, 1979, submit performance test results associated with start up of the vapor collection and recovery system. If Amoco fails to complete any of the actions required by the dates specified in the Order, it shall include a detailed explanation of such failure in the notification required in this paragraph 4.b.(1).

(2). Amoco shall, beginning with the calendar quarter October-December, 1978, report on a quarterly basis the information required to be maintained under paragraph 4.a. of this Order. Such reporting requirement shall terminate following Amoco's submission covering the calendar quarter April-June, 1980.

(3). All submittals, notifications and reports to U.S. EPA pursuant to this Order shall be made to Mr. Eric Cohen, Chief, Compliance Section, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

5. Amoco is hereby notified that it is the position of the U.S. EPA that failure to achieve final compliance by July 1, 1979, at the Whiting, Indiana loading facility may result in a requirement to pay a noncompliance penalty in accordance with Section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, Amoco will be formally notified, by the U.S. EPA, pursuant to Section 120(b)(3), 42 U.S.C. 7420(b)(3), and any regulations promulgated thereunder, of its noncompliance.

6. This Order shall be terminated in accordance with Section 113(d)(8) of the Act, 42 U.S.C. 7413(d)(8), if the Administrator or his delegate determines on the record, after notice and hearing, that an inability to comply with regulation APC-15, Section 4, of the Indiana Implementation Plan no longer exists.

7. Violation of any substantive requirement of this Order may result in one or more of the following actions:

a. Enforcement of such requirement pursuant to Section 113(a), (b), or (c) of the Act, 42 U.S.C. 7413(a), (b) or (c).

b. Revocation of this Order, after notice and opportunity for a public hearing, and subsequent enforcement of Indiana Implementation Plan regulation APC-15, Section 4, in accordance with the preceding paragraph.

c. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to Section 120 of the Act, 42 U.S.C. 7420.

8. This Order is effective upon final promulgation in the FEDERAL REGISTER.

Date: ————

Administrator, U.S. Environmental Protection Agency.

Consent to order

The Amoco Oil Company, by the duly authorized undersigned, hereby consents to the requirements of this Order.

Date: ————

JOHN R. ENGEBRETSON,
Distribution Manager,
Amoco Oil Company.

[FR Doc. 79-4241 Filed 2-8-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1047-6]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for Eli Lilly and Company, Indianapolis, Ind.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to Eli Lilly and Company.

The Order requires the Company to bring four plants in Indianapolis, Indiana, (McCarty Street Plant, 1202 Kentucky Avenue Plant, 1555 Kentucky Avenue Plant and Park Fletcher Plant) into compliance with APC-15, Section 8, part of the federally approved Indiana State Implementation Plan (SIP). Because the Company is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance by January 31, 1979, for Source No. 12, Pre-Coat Room at the McCarty Street Plant; by January 15, 1979, for the Surge Tank at the 1202 Kentucky Avenue Plant; by June 1, 1979, for Source No. 2, Coating area EF-9 at the 1555 Kentucky Avenue Plant; by June 30, 1979, for Source No. 3, Granulation Dry House 100 EF/4 at the 1555 Kentucky Avenue Plant; and June 30, 1979, for Source No. 1, Ethyl Alcohol Antibiotic Drying (PI) and for Source No. 2, Methyl Alcohol tablet Coating (P2) at the Park Fletcher Plant. Eli Lilly and Company's compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (the Act) for violation of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before March 12, 1979 requests for a public hearing must be received on or before February 24, 1979. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Bertram C. Frey, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: Eli Lilly and Company owns four plants in Indianapolis, Indiana. The proposed Order addresses emissions from these plants, which are subject to APC-15, Section 8 of the Indiana Implementation Plan. The regulation limits the emissions of hydrocarbons and is part of the federally approved Indiana State Implementation Plan. The Order requires final compliance with the regulation by January 31, 1979, for Source No. 12, Pre-Coat Room at the McCarty Street Plant; by January 15, 1979, for the Surge Tank at the 1202 Kentucky Avenue Plant; by June 1, 1979, for Source No. 2, Coating area EF9 at the 1555 Kentucky Avenue Plant; by June 30, 1979, for Source No. 3, Granulation Dry Hours 100 EF/4 at the 1555 Kentucky Avenue Plant; and, June 30, 1979, for Source No. 1, Ethyl Alcohol Antibiotic Drying (PI) and for Source No. 2, Methyl Alcohol Tablet Coating (P2) at the Park Fletcher Plant. The Company has consented to the terms of the Order.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, the Company's compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the Company for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the Company under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

Dated: January 18, 1979.

JOHN MCGUIRE,
Regional Administrator,
Region V.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding an entry to the table in § 65.190, *Federal Delayed Compliance Orders issued under Section 113(d) (1), (3), and (4) of the Act* to reflect approval of the following order:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Order No. ——, Eli Lilly and Company, Indianapolis, Indiana, McCarty Street, Park Fletcher, 1202 Kentucky Avenue, and 1555 Kentucky Avenue Plants.

[FRL 1047-6]

This ORDER is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (Act). This ORDER contains a schedule for compliance, interim control requirements, demonstration of compliance and reporting requirements. Public notice, opportunity for a public hearing, and 30 days notice to the State of Indiana have been provided pursuant to Section 113(d)(1) of the Act.

FINDINGS

1. On May 3, 1978, the United States Environmental Protection Agency (U.S. EPA) issued four Notices of Violation (EPA-5-78-A-78 through 81) for 22 violations of the Indiana Implementation Plan at four plants owned and operated by Eli Lilly and Company (Lilly) in Indianapolis, Indiana. Each Notice contained a finding or findings that Lilly was in violation of the Indiana Implementation Plan for its failure to comply with Indiana APC-15, Section 8, as approved by the U.S. EPA on May 14, 1973 (the regulation), by emitting hydrocarbons in excess of the limits allowed by U.S. EPA's interpretation of the regulation. The findings were based upon emissions calculations derived from data submitted to U.S. EPA by Lilly and from information gained during an inspection of Lilly's facilities.

2. Specifically, U.S. EPA's interpretation is that the regulation is applicable to Lilly as follows:

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SECTION 8. EMISSIONS OF ORGANIC SOLVENTS

A. Lilly shall not emit or cause the emission of more than three pounds of organic materials in any one hour or 15 pounds of organic materials in any one day (24 hours) from any article, machine, or equipment unless all organic materials emitted from such article, machine, or equipment are reduced by at least 85 percent from emissions before the application of any control equipment or process. (1) The aggregate emissions of organic materials into the atmosphere from any series of articles, machines, or equipment designed for processing a continuously moving sheet, web, strip, or wire by a combination of operations shall comply with the requirements of this section.

(2) Emissions of organic materials into the atmosphere which result from the cleaning of any article, machine or equipment with organic solvents shall be included with the other emissions or organic materials from such article, machine or equipment in determining compliance with this section.

(3) Emissions or organic materials into the atmosphere which result from the spontaneous drying of products after their removal from any article, machine, or equipment shall be included with other emissions of organic materials from such article, machine, or equipment in determining compliance with this section.

B. The provisions of this section shall not apply to:

(4) The use by Lilly of the following solvents: saturated halogenated hydrocarbons, perchlorethylene, benzene, acetone, C1-C5 n-paraffins, cyclohexanone, ethyl acetate, diethylamine, isobutyl acetate, isoprophl alcohol, methyl benzoate, 2-nitropropane, phenyl acetate, and triethylamine * * *.

The U.S. EPA interpretation does not include the Resolution of the Indiana Air Pollution Control Board regarding APC-15, Section 8, adopted January 4, 1973.

3. More than 30 days have expired since the issuance of the May 3, 1978, Notices of Violation.

4. In satisfaction of Section 113(a)(4) of the Act, opportunity to confer with the Administrator's delegate was given to Lilly and on May 31, 1978, an enforement conference was held. At that conference, Lilly presented evidence that the sources designated as Insulin Extraction Tank #852 (McCarty Street No. 5) and Tank T-29 (McCarty Street No. 13) In Notice of Violation, EPA-5-78-A-80 (McCarty Street Plant) were the same source, the confusion apparently having arisen from information submitted by Lilly itself. In addition, Lilly stated that an additional, unreported source, designated as 1555 Kentucky Avenue No. 4 (HT Area Drying Ovens), had emitted hydrocarbons in excess of limits allowed under U.S. EPA's interpretation of the regulation for approximately 15 days during the calendar year 1977. Based on this information, notice of violation regarding 1555 Kentucky Avenue No. 4 (HT Area Drying Ovens) was given to Lilly at the conference on May 31, 1978.

5. After noting that the described emissions were in compliance with the interpretation of the Indiana Implementation Plan followed by the staff of the Indiana Air Pollution Control Board, Lilly and others, Lilly agreed to undertake compliance with U.S. EPA's interpretation of the regulation in order to avoid the expense and delay of contesting the asserted violations.

6. It has been determined that Lilly is unable to comply immediately with U.S. EPA's interpretation of the regulation at all four Indianapolis plants.

ORDER

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this ORDER is as expeditious as practicable, and that the terms of this ORDER comply with Sections 113(d) of the Act. Therefore, it is hereby ORDERED: *

1. That Lilly comply with U.S. EPA's interpretation of Indiana APC-15, Section 8, as approved by U.S. EPA on May 14, 1973, in accordance with the following schedule on or before the dates specified therein:

A. *McCarty Street Plant:* Source No. 1, Tank T-14 Exhaust—Achieve Compliance, July 6, 1978.* Demonstrate Compliance, August 7, 1978.*

Source No. 2, Tank T-15 Exhaust—Achieve Compliance, July 6, 1978.* Demonstrate Compliance, August 7, 1978.*

Source No. 3, Insulin Extraction Tank #130—Achieve Compliance, July 6, 1978.* Demonstrate Compliance, August 7, 1978.*

Source No. 4, Insulin Extraction Tank #125—Achieve Compliance, July 13, 1978.* Demonstrate Compliance, August 7, 1978.*

Source No. 5, Insulin Extraction Tank #582**—Achieve Compliance, June 13, 1978.* Demonstrate Compliance, August 7, 1978.*

Source No. 6, Tank T-16 Exhaust—Achieve Compliance, July 6, 1978.* Demonstrate Compliance, August 7, 1978.*

Source No. 7, Tank T-17—Achieve Compliance, July 6, 1978.* Demonstrate Compliance, August 7, 1978.*

Source No. 8, Tank T-20A—Achieve Compliance, July 6, 1978.* Demonstrate Compliance, August 7, 1978.*

Source No. 9, Rectification Storage Tank #836—Achieve Compliance, June 13, 1978.* Demonstrate Compliance, August 7, 1978.*

Source No. 10, Rectification Waste Alcohol Tank #801—Achieve Compliance, July 31, 1978.* Demonstrate Compliance, August 7, 1978.*

Source No. 11, Tank T-20B Exhaust—Achieve Compliance, June 13, 1978*. Demonstrate Compliance—August 7, 1978*.

Source No. 12, Pre Coat Room—Submit plans for pollution control, August 7, 1978*. Schedule in-house work program, October 1, 1978*. Start Construction, October 15, 1978*. Complete Construction and Achieve Compliance, December 31, 1978. Demonstrate Compliance by submitting the test results of the efficiency of the carbon adsorption unit and of the emission rates per hour and per day, January 31, 1979.

Source No. 13, Tank T-29 Exhaust**—Achieve Compliance, June 13, 1978*. Demonstrate Compliance, August 7, 1978*.

Source No. 14, Press Room—Achieve Compliance, July 28, 1978*. Demonstrate Compliance, August 7, 1978*.

Source No. 15, Boil Out Tanks—Achieve Compliance, June 23, 1978*. Demonstrate Compliance, August 7, 1978*.

Source No. 16, Alcohol Adsorber—Achieve Compliance, July 15, 1978*. Demonstrate Compliance, August 7, 1978*.

B. *1202 Kentucky Avenue Plant:* Surge Tank—Achieve Compliance, July 21, 1978*. Demonstrate Compliance by submitting test results of the efficiency of the carbon adsorption unit (after installation of improved level controller in alcohol receiving tank) and of the emission rates per hour and per day, January 15, 1979.

C. *1555 Kentucky Avenue Plant:* Source No. 1, F.B. Dryer (100/ST3)—Submit Plans, August 7, 1978*. Achieve Compliance by solvent substitution, November 1, 1978*. Demonstrate Compliance, November 8, 1978*.

Source No. 2, Coating Area EF9—Submit Plans, August 7, 1978*. Begin testing of substitute formulation, September 18, 1978*. Complete testing of substitute formulation, May 1, 1979. Achieve and demonstrate compliance, June 1, 1979.

Source No. 3, Granulation Dry House 100 EF/4—Submit Plans, August 7, 1978*. Achieve interim compliance milestone by substitution with isopropyl alcohol for 16 of 23 products, November 1, 1978*. Achieve interim compliance milestone by substitution with isopropyl alcohol for six additional products, March 1, 1979. Achieve compliance for the 23rd product with FDA approval for substitution of isopropyl alcohol and demonstrate final compliance for all products, June 30, 1979.

Source No. 4, HT Area Drying Ovens—Achieve Compliance, January 1, 1978*. Demonstrate Compliance, August 7, 1978*.

D. *Park Fletcher Plant:* Source No. 1, Ethyl Alcohol Antibiotic Drying (P1)—Submit Plans, Begin formulation and initial testing, August 7, 1978*. Begin stability review, November 1, 1978*. Complete interim stability evaluation, February 1, 1979. Send interim stability review to the Food and Drug Administration (FDA), February 15, 1979. Final decision by FDA, June 1, 1979. Achieve and demonstrate final compliance, June 30, 1979.

Source No. 2, Methyl Alcohol Tablet Coating (P2)—Submit Plans, Begin formulation and initial testing, August 7, 1978*. Begin stability review, November 1, 1978*. Complete interim stability evaluation, February 1, 1979. Send interim stability review to the Food and Drug Administration (FDA), February 15, 1979. Final decision by FDA, June 1, 1979. Achieve and demonstrate final compliance, June 30, 1979.

II. That the schedule set forth under Paragraph I above contains interim requirements which are determined to be reasonable and the best practicable system of emission reduction, which are necessary to avoid imminent and substantial endangerment to health of persons, and which are necessary to assure compliance with U.S. EPA's interpretation of the regulation insofar as Lilly is able to comply during the period this ORDER is in effect. Lilly shall immediately institute any additional, appropriate operations and maintenance procedures that it determines will result in the minimization of hydrocarbon emissions during the interim period preceding final compliance for each source.

III. That Lilly shall comply with the following emissions reporting requirements on or before the dates specified:

A. No later than five working days after any date for achievement of an incremental step or final compliance specified in this ORDER, Lilly shall notify U.S. EPA in writing of its compliance, or noncompliance and the reasons therefor, with the requirement. If delay is anticipated in meeting any requirement of this ORDER, Lilly shall immediately notify U.S. EPA in writing of the anticipated delay and the reasons therefor. Notification to U.S. EPA of any anticipated delay does not excuse the delay.

B. All submittals and notifications to U.S. EPA under the terms of this ORDER shall be made to James O. McDonald, Director, Enforcement Division, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

IV. Lilly is not relieved by this ORDER from compliance with any requirements imposed by the applicable State implementation plan, U.S. EPA, and/or the courts pursuant to Section 303 of the Act during any period of imminent and substantial endangerment to the health of persons.

V. Nothing herein shall affect the responsibility of Lilly to comply with any State or local regulations, and with any other Federal regulations.

VI. Lilly is hereby notified that its failure to achieve final compliance as specified above by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Act, unless U.S. EPA's interpretation of the regulation is invalidated. In the event of such failure, Lilly will be formally notified, pursuant to Section 120(b)(3) of the Act. The notification given by this paragraph, however, does not constitute notice for purposes of Section 120(b)(3) of the Act.

VII. As long as Lilly is in compliance with the terms of this Order, U.S. EPA shall not institute any Federal enforcement action against Lilly concerning the four facilities which are the subject of this Order, based on its asserted noncompliance with U.S. EPA's interpretation of the regulation.

VIII. This Order is entered into and Lilly's consent to it is made for the sole purpose of settlement of this matter by compromise to avoid the expense and delay of contesting the asserted violations. Such consent shall not be deemed a waiver by Lilly of any right it may have to contest U.S. EPA's findings or assertion that Lilly is in violation of the regulation or to contest the applicability of the regulation to Lilly. However, Lilly has specifically agreed to the terms of this Order and shall not be entitled to challenge any of the terms in an action to enforce the Order.

IX. This ORDER is effective immediately.

Dated February 1, 1979.

BARBARA BLUM,
Acting Administrator,
U.S. Environmental Protection Agency.

Consent to issuance of order

Eli Lilly and Company, by the duly authorized undersigned, hereby consents to the issuance of this ORDER.

Dated December 14, 1978.

RAYMOND E. CRANDALL,
Group Vice-President,
Biochemical Operations.

[FR Doc. 79-4242 Filed 2-8-79; 8:45 am]

*These dates have been met by Eli Lilly and Company.

**Source No. 5 and Source No. 13 are identical sources.

[6560-01-M]

[40 CFR Part 65]

[FRL 1056-5; Docket No. DCO-78-33]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order For Collins and Aikman Corp, Albemarle, North Carolina

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA proposes to issue a Delayed Compliance Order (DCO) to Collins and Aikman Corp (C&A). The DCO requires C&A to bring its two coal fired boilers at Albemarle, North Carolina, into compliance with an applicable regulation contained in the Federally-approved North Carolina State Implementation Plan (SIP). Because C&A is unable to comply with this regulation at this time and C&A will use a new means of emission limitation to achieve compliance with the regulation, the proposed DCO would establish an expeditious schedule requiring final compliance by June 1, 1980. Source compliance with the DCO would preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the DCO. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on this proposed DCO.

DATES: Written comments must be received on or before March 12, 1979, and requests for a public hearing must be received on or before February 26, 1979. All requests for a public hearing should be accompanied by a statement as to why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Paul J. Traina, Director, Enforcement Division, EPA, Region IV, 345 Courtland Street, Atlanta, Georgia 30308. Material supporting the Delayed Compliance Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Floyd Ledbetter, Air Enforcement Branch, Enforcement Division, EPA, Region IV, 345 Courtland Street N.E., Atlanta, Georgia 30308, telephone number: (404) 881-4298.

SUPPLEMENTARY INFORMATION: The two coal fired boilers were installed in 1955 and were controlled at that time by mechanical collectors. In 1970 the boilers were converted to oil firing. Until July 1976 both units were certified as being in compliance with Title 15 of the North Carolina Administrative code, Subchapter 2D, Section .0503, the applicable State particulate emission-limiting regulations. In July 1976, due in part to fuel costs and fuel availability, the company switched one unit back to coal firing. In August 1976, a particulate emission source test was conducted on the coal fired boiler and the test results indicated non-compliance. In July 1977, the second boiler was converted back to coal firing. The State of North Carolina then proceeded to negotiate a compliance schedule with Collins & Aikman. In the latter stages of negotiations the company discovered a potentially new fuel supply, pelletized wood, which could be burned without modification to its existing boilers or the existing control equipment. The pelletized wood showed great potential as both a clean and energy-conserving fuel.

In December 1977, this new fuel was used in one of the company's coal fired boilers during a stack test, and the results indicated this fuel should allow the source to achieve compliance with the applicable North Carolina particulate regulation and entirely eliminate the sulfur dioxide emission associated with coal fired boilers.

In February 1978, Collins & Aikman submitted an application to EPA requesting that a Delayed Compliance Order be issued to the company pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d). The company represented that use of the pelletized fuel would constitute a "new means of emission limitation" as defined by Section 113(d)(4) of the Clean Air Act, 42 U.S.C. 7413(d)(4), and, therefore, the company should be granted a compliance schedule extending to five years from the June 1, 1975 date for final compliance contained in the North Carolina SIP.

Pursuant to Section 113(a)(1) of the Clean Air Act, 42 U.S.C. 7413(a)(1), on May 19, 1978, EPA issued a Notice of Violation to Collins and Aikman for violation of the particulate emission limiting regulations from its two coal fired boilers. After a thorough and lengthy investigation and evaluation, this agency has determined that the company's proposed use of the pelletized wood does constitute a "new means of emission limitation" as defined by Section 113(d)(4) of the Act.

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EPA, therefore, proposes to issue a DCO which requires final compliance with the applicable particulate emission limit in Section .0503 if coal is used and in Section .0504 if wood is used, by June 1, 1980. The source has consented to the terms of the Delayed Compliance Order and has agreed to meet the Delayed Compliance Order's remaining increments during the period of this informal rulemaking. If the Delayed Compliance Order is issued, source compliance with its terms would preclude further EPA enforcement against this source for violation of the applicable regulation covered by the Delayed Compliance Order while the Delayed Compliance Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue the Delayed Compliance Order. Testimony given at any public hearing concerning the Delayed Compliance Order will also be considered. After the public comment period and any public hearing, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Delayed Compliance Order in 40 CFR Part 65.

Dated: January 4, 1979.

JOHN C. WHITE,
Regional Administrator,
Region IV.

PART 65—DELAYED COMPLIANCE ORDER

1. By amending the table in § 65.380 to reflect approval of the following order: Docket No. DCO-78-33. Text of order follows:

ENVIRONMENTAL PROTECTION AGENCY

DELAYED COMPLIANCE ORDER

In the matter of Collins & Aikman Corp., Albemarle, North Carolina, proceeding under section 113(d) clean air act, as amended, Docket No. DCO-78-33.

This Delayed Compliance Order is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) (hereinafter referred to as the "Act"). This Delayed Compliance Order contains a schedule for compliance and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of North Carolina have been provided pursuant to Section 113(d)(1) of the Act.

FINDINGS

On May 19, 1978, Mr. Paul Traina, Director, Enforcement Division, Region IV, United States Environmental Protection Agency, pursuant to authority delegated to him by the Administrator, issued a Notice of Violation to Collins and Aikman Corporation (hereinafter referred to as "C & A"), informing C & A that the two coal fired boilers at its Albemarle facility were found to be in violation of Title 15 North Carolina Administrative Code, Subsection 2D, Section .0503, control of particulate emissions from fuel burning sources. Said violations have continued beyond the 30th day after receipt of the Enforcement Director's notification to C & A.

On February 22, 1978, Collins & Aikman, after sample testing, investigation, and discussions with the State of North Carolina, proposed the use of pellitized wood technology to achieve greater emission limitation than that attainable using existing technology, and requested from the Environmental Protection Agency a delayed compliance order for the time necessary to install and implement such innovative technology as provided by Congress in Section 13(d)(4) of the Clean Air Act.

A thorough investigation and analysis of all relevant facts indicates that C & A is unable to comply immediately and that use of this new means of emission limitations as defined in Section 113(d)(4) of the Act, as amended, 42 U.S.C. 7413(d)(4), or the installation of fuel oil burning equipment, is necessary to achieve compliance with the applicable North Carolina air pollution regulations, 15 NCAC 2D Section .0503, if fossil fuel is used only; and 15 NCAC 2D Section .0504, if wood is used.

After investigation, EPA has determined that: (1) The use of this innovative technology (burning pellitized wood) is likely to be adequately demonstrated upon expiration of this Order; and (2) Collins and Aikman is not likely to use this method of emission reduction without this order; and (3) the conversion from coal to wood pellets has a substantial likelihood of achieving greater continuous emission reduction than would otherwise be required, and has the added anti-inflationary benefit of achieving continuous emission reduction equal to that otherwise attainable at lower economic and energy costs; and (4) will utilize a plentiful energy source which might otherwise be under utilized; and (5) it would be impractical to expect Collins and Aikman to be in compliance with the State Implementation Plan prior to or during installation of the wood pellet technology. The Agency also finds that the use of this technology is in keeping with the State of North Carolina's program to utilize its vast and replenishable wood resources. Therefore, EPA has determined that compliance in accordance with the schedule hereinafter set forth is reasonable and as expeditious as practicable.

ORDERED

I. ABATEMENT PROGRAM

The attached Appendix governing an abatement program is incorporated into and made a part of this Delayed Compliance Order for the control of particulate emissions at C & A located in Albemarle, North Carolina.

The Appendix is designated as follows:

APPENDIX A: TWO COAL FIRED BOILERS

II. REPORTS—ADDRESSEES

All submissions of source performance test results, reports and other items required by this Delayed Compliance Order shall be made to Paul J. Traina, Director, Enforcement Division, United States Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30308 (hereinafter referred to as the "Director"), with copies to the Director, North Carolina Division of Environmental Management, P.O. Box 27687, Raleigh, North Carolina 27611 (hereinafter referred to as the "State Director").

III. PROGRESS REPORTS—MILESTONE CERTIFICATION

C & A shall submit, no later than five (5) days after the end of each quarter, a quarterly progress report for the emission points specified in Part I. The first quarterly report shall be due on January 5, 1979. These reports shall contain specific information on the progress toward each milestone in Part I. If any delay is anticipated in meeting said milestones, C & A shall immediately notify the Director in writing of the anticipated delay and reasons therefor. Notification to EPA of any anticipated delay shall not excuse the delay. In addition, C & A shall submit, no later than five (5) days after the deadline for completing each milestone required by Part I, certification to the Director and the State Director whether such milestone has been met.

IV. METHOD OF TESTS AND REQUIRED NOTIFICATION

C & A shall provide the Director and State director with twenty (20) days notice prior to the conducting of any performance tests required by Part I in order to afford an opportunity to evaluate the test procedure and to have an observer present at such testing. The required tests for particulate emissions shall be conducted in accordance with EPA test reference methods specified in 40 CFR Part 60.

V. MALFUNCTIONS AND BREAKDOWNS

C & A shall perform operation and maintenance practices on all sources as necessary to prevent malfunctions or breakdowns and to reduce emissions in excess of regulations to the maximum extent practicable. When emissions due to sudden and unforeseen malfunction or breakdown of the affected facility exceed those which occur during the normal operation of the two coal fired boilers for greater than four (4) hours, the operator shall notify this office and the appropriate state air pollution control agency by telephone or telegram as promptly as possible, and in no event later than twelve (12) hours following the start of such malfunction or breakdown, and shall cause written notice to be sent to the Director and the State Director, no later than the end of the next working day following the start of such malfunction or breakdown. Such notices shall specify the name of the affected facility, its location, the address and telephone number of the person responsible for the affected facility, the nature and cause of the malfunction or breakdown, the date and time when such malfunction or breakdown was first observed, the expected duration, and an estimate of the physical and chemical composition, rate, and concentration of the emission. C & A shall remedy the malfunction or breakdown as soon as possible thereafter and shall take reasonable steps to reduce emissions during the malfunction or breakdown.

The Regional Administrator shall have the authority during a malfunction or breakdown to require C & A to take specific steps to reduce emissions, including process equipment modifications and/or reductions, or termination if necessary. Within ten (10) days after the termination of a malfunction or breakdown requiring the above notification, the owner shall submit a report detailing:

(1) The time the excess emission began and ended;

(2) The time of the beginning and end of the malfunction or breakdown which is asserted to be the cause of the excess emission;

(3) An estimate of the physical and chemical composition, rate, and concentration of emissions which occurred.

(4) An explanation and, where appropriate, an engineering analysis of the cause of the malfunction or breakdown;

(5) A description of those operating and/or maintenance procedures and practices in use prior to and during the occurrence, which were designed to prevent or minimize the extent and duration of the malfunction or breakdown;

(6) Any other steps taken to minimize the extent or duration of the malfunction or breakdown;

(7) An analysis of what steps will be taken to prevent or minimize similar occurrences in the future; and

(8) Such additional information as the Regional Administrator may require.

VI INTERIM REQUIREMENTS

A. For the period during which this Order is in effect, C & A shall at all times comply with the following interim emission requirement for the two coal fired boilers which represents the best practicable system of emission reduction:

1. The particulate emissions from each of the coal fired boilers shall not exceed 0.66 pounds per million BTU heat input.

If, at any time during the effective period of this Order, the applicable interim emission requirement is violated, C & A shall notify EPA of the violation as soon as possible, but no later than twenty-four hours after the start of the violation.

B. In addition to the foregoing interim emission requirement, for the period during which this Order is in effect, C & A shall take all necessary and reasonable steps to comply with the applicable emission limitations contained in the State Implementation Plan insofar as C & A is able, and shall take all necessary and reasonable precautions to ensure that its emissions will not cause or contribute to a violation or violations of National Ambient Air Quality Standards.

C. Furthermore, C & A shall comply with any emergency requirements specified by EPA pursuant to Section 303 of the Clean Air Act, 42 U.S.C. 7603, to prevent an imminent and substantial endangerment to human health.

VII COMPLIANCE RESPONSIBILITY

Nothing herein shall affect the responsibility of the source to comply with all other applicable Federal, State, or local regulations.

VIII ORDER TERMINATION

This Delayed Compliance Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator determines on the record after notice and hearing, that the inability to comply with the applicable regulation governing the fuel being used no longer exists.

IX VIOLATION OF REQUIREMENTS

Violation of any requirement of this Delayed Compliance Order shall result in one or more of the following actions:

(a) enforcement of such requirement through the commencement of a civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act, or a criminal prosecution pursuant to Section 113(c) of the Act, or both:

(b) revocation of this Delayed Compliance Order, after notice and opportunity for a public hearing, and subsequent enforcement of the applicable fuel burning regulation in accordance with Sections 113(b) and/or (c) of the Act.

X NONCOMPLIANCE PENALTY

Failure by C & A to achieve and certify compliance by July 1, 1980, and maintain compliance thereafter, shall result in one or more of the actions identified in Part IX(a).

In addition, noncompliance beyond July 1, 1980 shall subject C & A to an administratively assessed noncompliance penalty pursuant to the requirements of Section 120 of the Act and any rules and regulations promulgated pursuant thereto, unless C & A is exempted by Section 120(a)(2)(B)(C) of the Act. In the event of noncompliance after July 1, 1980, C & A will be formally notified of its noncompliance pursuant to Section 120(b)(3) of the Act.

XI WAIVER OF RIGHTS

By consenting to the terms and conditions of this Delayed Compliance Order, C & A waives any and all rights it may have to seek a stay of enforcement of this Delayed Compliance Order in connection with any judicial review of the North Carolina State Implementation Plan or portion thereof.

XII EFFECTIVE DATE

This Delayed Compliance Order shall have full force and effect upon execution.

APPENDIX A

TWO COAL FIRED BOILERS

*United States Environmental Protection Agency Delayed Compliance Order**

Collins and Aikman shall complete or have completed the following acts with respect to control of particulate emissions from the two boilers at its facility located in Albemarle, North Carolina, on or before the dates specified:

1. December 1, 1978—Negotiate and sign all necessary contracts with fuel suppliers to procure sufficient pelletized fuel to operate the two boilers in accordance with the requirements of this Order.

2. November 1, 1979—Begin receiving and using the pelletized fuel and evaluating the reliability of the fuel supply.

3. March 15, 1980—Complete performance testing and achieve and maintain compliance with 15 NCAC 2D Section .0504 and certify such compliance and the reliability of the fuel supply to EPA.

4. March 20, 1980—In the event that the control plan specified in paragraphs 1 through 3 of Appendix A fails to achieve and maintain compliance with 15 NCAC 2D Section .0504 by March 15, 1980, complete general specifications for emission control equipment and submit to EPA a control plan that describes at a minimum the steps to be taken to achieve compliance with the applicable particulate and visible emission limiting regulations.

5. April 1, 1980—Negotiate and sign all necessary contracts for the emission control system.

6. April 5, 1980—Initiate on-site construction or installation of emission control equipment.

7. June 25, 1980—Complete on-site construction or installation of emission control equipment.

8. July 1, 1980—Complete performance testing and achieve final compliance with 15 NCAC 2D Section .0503 and certify such compliance to EPA.

CONSENT*

Collins and Aikman corporation (C & A) acknowledges that particulate emissions fom its two coal fired boilers located at its facility in Albermarle, North Carolina, are in violation of the applicable emission limitations contained in the Federally-approved North Carolina Implementation Plan. C & A has reviewed this Delayed Compliance Order, believes it to be a reasonable and expeditious means to achieve compliance with the applicable particulate emission limiting regulation as contained in the Federally-approved North Carolina Implementation Plan, and consents to all of the requirements and terms of this Delayed Compliance Order. C & A also agrees to meet all of the provisions of this Order during the informal rulemaking process.

C & A hereby represents that it has full legal authority to enter into and perform in accordance with the terms and provisions of this Delayed Compliance Order. The signatory below represents that he has the requisite authority to execute this Consent on behalf of the Corporation.

Dated: October 30, 1978.

R. W. MCCULLOUGH,
Executive Vice President.
Collins and Aikman Corporation.

[FR Doc. 79-4559 Filed 2-8-79; 8:45 am]

* This appendix is attached to and incorporated by reference into a Delayed Compliance Order issued to Collins and Aikman corporation on ———— pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d).

* This Consent is hereby attached to and incorporated by reference into a Delayed Compliance Order issued to Collins and Aikman Corporation on ———— pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d).

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[4110-12-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office for Civil Rights

Office of the Secretary

[45 CFR Part 86]

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972; A PROPOSED POLICY INTERPRETATION

Title IX and Intercolligiate Athletics; Notice of Comment Period

AGENCY: Office for Civil Rights, Office of the Secretary, HEW.

ACTION: Proposed Policy Interpretation; notice of comment period.

SUMMARY: On December 11, 1978, the Office for Civil Rights published a proposed policy interpretation regarding the applicability of Title IX of the Education Amendments of 1972 to intercollegiate athletics (43 FR 58070). The Department requested written comments by February 10, 1979.

Several organizations and institutions have requested that the comment period be extended for 30 days. The requested extension cannot be granted because of the need to complete the final policy interpretation before April 1, 1979 in time to become effective prior to the 1979-80 academic year. However, the Department is aware of the difficulties some organizations and institutions are experiencing in preparing their comments and will therefore accept late comments until March 2, 1979.

DATE: Late comments will be accepted until March 2, 1979.

ADDRESS: Send comments to: Director, Office for Civil Rights, U.S. Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Michael Middleton, (202) 245-6118.

Dated: February 5, 1979.

DAVID S. TATEL,
Director,
Office for Civil Rights.

[FR Doc. 79-4565 Filed 2-8-79; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-05-M]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 7]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Period June 1, 1978 Through May 31, 1979); Rice

The CCC Monthly Sales List for the period June 1, 1978 through May 31, 1979, published at 43 FR 29819 (July 11, 1978), as amended at 43 FR 35737 (August 11, 1978), at 43 FR 46354 (October 6, 1978), at 43 FR 51693 (November 6, 1978), at 43 FR 58396 (December 14, 1978), at 44 FR 4748 (January 23, 1979), is further amended by deleting the provisions of section 25 entitled "Rise, Rough—Unrestricted Use Sales (f.o.b. warehouse)".

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427))

Effective date: January 19, 1979, 4:45 P.M. (CST).

Signed at Washington, D.C., on January 31, 1979.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 79-4432 Filed 2-8-79; 8:45 am]

[3410-03-M]

Science and Education Administration

NATIONAL AGRICULTURAL RESEARCH AND EXTENSION USERS ADVISORY BOARD

Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972, (Public Law 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

NAME: National Agricultural Research and Extension Users Advisory Board.

DATES: February 22, 23, 1979.

TIME: 9:00 a.m.

PLACE: Room 218-A, Administration Building, 12th and Jefferson Drive, S.W., Washington, D.C.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: The public may file written comments before or after the meeting with the contact person listed below.

PURPOSE: To organize this new Board and initiate measures to develop independent advisory opinions on the food and agricultural sciences.

CONTACT PERSON FOR AGENDA AND MORE INFORMATION:

Dr. James Nielson, Executive Director of the Board, Science and Education Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone: 202-447-8662.

Done at Washington, D.C., this 6th day of February, 1979.

JAMES NIELSON,
Executive Director, National Agricultural Research and Extension Users Advisory Board.

[FR Doc. 79-4550 Filed 2-8-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Order 79-2-12; Docket 34194]

AIR NEW ENGLAND, INC.

Order Granting Petition

In the matter of Air New England, Inc., notice of suspension of nonstop service.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of February, 1979.

On December 7, 1978, Air New England (ANE) filed notice, under section 401(j)(2) of the Act, of its intent ot suspend its nonstop service between New Bedford, Massachusetts, and New York City, and to transfer it to the New Bedford-Boston market, effective February 5, 1979. This will terminate New Bedford's only air service to New York.

The Massachusetts Aeronautics Commission, on December 22, 1978, filed a statement outlining the problems of air service at New Bedford, and calling our attention to the City's attempts to bolster its economic health. It requested us to evaluate the City's essential level of service.

The City of New Bedford replied to ANE's notice on January 19, 1979. In a lengthy and copiously documented objection, it set forth arugments as to why we should prohibit ANE from terminating its New Bedford-New York service. Specifically it requested us to (1) determine that ANE's service is essential within the meaning of section 419; (2) find a replacement carrier for this market; (3) require ANE to continue serving the market until a replacement is found; and (4) prohibit ANE from suspending its service until we have determined the essential level of air transportation for New Bedford.

We have decided to grant New Bedford's petition to the extent that we will make an interim determination of essential air service, and require ANE to provide this level until we have secured a replacement carrier. To explain the rationale behind our decision, we discuss below the specific factual context of this case.

ANE is the only certificated carrier now serving New Bedford, and is the only carrier providing service to New York.[1] It also schedules flights to Hyannis, Nantucket and Martha's Vineyard, Massachusetts. The City is served by a commuter, Nor East, which schedules daily flights to the Massachusetts points named above, as well as to Boston.[2]

A substantial majority of the air traffic in and out of New Bedford is traffic with New York. During the year ending March 31, 1978, it accounted for 8,690 passengers, or 67 percent of the total inbound and outbound traffic; 54 percent was of New York origin or destination, and 13 percent was connecting traffic.[3] While the absolute number of enplanements and deplanements and deplanements at the points has fluctuated markedly during the past five years,[4] the relative proportion of New York O&D passengers has remained fairly constant.

New York is also a city of vital economic interest ot New Bedford, whose

[1] ANE schedules two daily round trips to New York: one flies six days per week, the other, five.

[2] Nor East schedules four daily round trips, with Piper Navajo aircraft, between New Bedford and Boston: two flights seven days per week, and two six days per week.

[3] Source: CAB Domestic O&D Survey, Table 12.

[4] The total O&D traffic at New Bedford in 1972 was 4,880. In 1975 (due partly to the certificaton of ANE) the figure rose to 18,170. It fell to 13,240 in 12978, and by the year ending March 31, 1978, had risen to 15,920. Source: CAB Domestic O&D Survey, Table 11.

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economic lifeblood is the textile and garment industry. The City asserts that 55 percent of its work force is employed in manufacturing, and that 45 percent of this number is involved in production of apparel or other textile products, most of which are made for New York markets. Many of the City's industrial concerns are headquartered in, or maintain offices in, New York, and thus rely on convenient travel between the cities. Other local firms have continuing business relations with New York firms, necessitating frequent trips by air. The importance of business travel in this market is shown by figures complied in a 1975 survey of ANE passengers at the New Bedford airport, which revealed that 60 percent of those New York-bound passengers questioned were traveling on business. The survey also indicated that a substantial number of these travelers use the airport frequently. The City has come to depend upon air service to New York, which it has enjoyed continuously since 1947.

The City stresses the importance of air contact with New York to its economic revitalization. To recover from years spent in the economic doldrums, the City has embarked on a multitude of projects designed to attract new industry and tourism, and increase employment. Notable among them is a Foreign Trade Zone which has been established at the Municipal Airport, which the City forecasts will create an additional 2,000 jobs. The management of these industries that have indicated an interest in this Zone are depending on air transportation from the airport tothe New York markets. ANE's intended termination may seriously jeopardize the success of the City's plans.[5]

After considering these matters, we have concluded that ANE's proposed suspension reasonably appears to deprive New Bedford of essential air service. We will therefore make an interim determinaton of the City's essential level, and will require ANE to supply this level of service until a replacement carrier can be secured.

We candidly admit that this has not been an easy decision to reach. New Bedford is not a remote or isolated community; it is 55 miles from Boston, and 31 miles from Providence (38 miles to the Providence airport) by major local or interstate highways. It receives, and would continue to receive after ANE's transfer of service, a reasonable frequency of service by ANE and Nor East to several points within Massachusetts. This frequency is far above the minimum level of essential service specified by the Act.[6] ANE is not proposing to terminate all service, but merely to transfer to the Boston market those flights now made to and from New York.

Nevertheless, the Act requires us to consider more than frequency of flights in determining essential service. Congress has defined essential service as

> . . . scheduled air transportation of persons to a point provided under such criteria as the Board determines satisfies the needs of the community concerned for air transportation to *one or more communities of interest and insures access to the Nation's air transportation* system. . . .'[Emphasis added]

Air service to the hub of Boston fulfills the requirement that the City must have access to the nation's air transportation system. However, we must also ensure New Bedford's access to one or more communities of interest. While Boston is one of New Bedford's communities of interest in that there are many economic and interpersonal ties between them, the facts indicate that New York is the principal community of interest for the majority of air travelers. It is the origin and destination of most of the air traffic at New Bedford, and while ground transportation is an easy alternative means of travel to Boston, commerce with New York demands the availability of flight. Although air transport is available to New York by way of Boston, this is a considerable backhaul, and substantially increases the time and expenses of travel between these two points.

Because of the particular facts of this case, which combine to make air service to New York so vital to the welfare of New Bedford, our interim determination of esential air service must include service to this major community of interest. We determine, for now, that the minimal level of essential air service at New Bedford consists of two daily round trips in the New York, market, one five days per week, the other six days per week, scheduled at times convenient for business travelers.[6] The type of aircraft required is discussed below.

Now that we have determined, for the time being, the essential needs of New Bedford, the Act requires us to attempt to secure a replacement for ANE to provide the essential level of service. If we have not found a replacement that can begin the service before the expiration of the 60-day notice period, February 5, 1979 (which at this late date is highly unlikely), we must require ANE to continue its service for an additional 30-day period, or until a replacement has begun service. We may continue to renew this mandate for additional 30-day periods until replacement service is supplied. During this period, ANE will continue to receive compensation under section 406 of the Act.[9]

Therefore, we direct ANE (in the absence of the initiation of replacement service before February 5) to continue its air service between New Bedford and New York, using twin engine aircraft of not less than 18-passenger seating capacity. We also hereby invite interested applicants to submit service proposals indicating the communities they desire to service, and the service pattern and type of equipment to be operated and whether subsidy would be necessary and, if so, the amount required. We will also consider proposals for serving the market with a combination of greater frequency and smaller aircraft that will provide a comparable level of service. Once we have determined that a qualified carrier (or carriers) will be able to inaugurate and maintain the essential level of service at New Bedford, we will relieve ANE of its obligation to provide such service.

Accordingly,

1. We grant the petition of the City of New Bedford, Massachusetts, Docket 34194, to the extent that it requests us to make an interim determination of the City's essential level of air service, to attempt to secure a carrier to supply the essential service, and to prohibit Air New England, Inc., from suspending the scheduled service it is currently providing between New Bedford and New York City below the specified essential level until the replacement carrier begins providing the essential service;

2. We find, as an interim determination, that, at a minimum, the essential air transportation needs of New Bedford, Massachusetts, are as follows: two round trips per day, one scheduled five days per week and the other six days per week, scheduled at times convenient for business travel, between New Bedford and New York City, utilizing twin engine aircraft with a seating capacity of not less than 18 passengers;

3. We invite any interested persons to submit proposals for providing the essential air service needs of New Bedford, with compensation, if necessary;

4. We require Air New England to continue to provide the essential level of air transportation at New Bedford for an additional 30-day period, from February 5, 1979, to March 6, 1979, or [until a fit, willing and able replacement carrier(s) is found by us to be able to inaugurate and maintain essential air transportation at New Bedford, whichever first occurs, if on February 5, 1979, replacement service is not being provided at the level determined here to be essential;

5. We will serve a copy of this order on the City of New Bedford, Air New England, Inc., the Massachusetts Aeronautics Commission, the State of Massachusetts, all certificated and commuter carriers serving the States of Massachusetts and Rhode Island, and any other persons who have filed documents or who appear on the service list in Docket 34194; and

6. This order may be amended or revoked at any time at our discretion without a hearing.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4509 Filed 2-8-79; 8:45 am]

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[5] The information concerning the Foreign Trade Zone is contained in a letter to the Chairman from Mr. Isidore Eisner, manager of the New Bedford Airport, dated January 2, 1979, and in a letter to us from Richard McNeil, Director of Economic Development, City of New Bedford Industrial Development Commission, dated December 26, 1978. Both letters have been made part of Docket 34194.

[6] Section 419(f)(1) of the Act requires that "in no case shall essential air transportation be specified as fewer than two daily round trips five days per week, or the level of service provided by air carriers to such point based on the schedules of such air carriers in effect for calendar year 1977, whichever is less. . . ."

[7] Federal Aviation Act of 1958, as amended, 419(f).

[8] The Act allows us until October 1979, to complete our final determinations of essential service for eligible points. By that time, we will make a more complete evaluation of New Bedford's needs and may conclude that the essential level is different from the level determined here. Our interim determination will only be effective until a final determination is made.

[9] Act, section 419(a)(6) and (7)(A).

[6320-01-M]

[Order 79-2-13; Docket 34657]

DIRECTOR OF BUREAU OF PRICING AND DOMESTIC AVIATION

Delegation of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2nd day of February, 1979.

Delegation of authority to Director Of The Bureau of Pricing and Domestic Aviation pending settlement Of any strike against United Air Lines.

We have been informed that there is the possibility of a strike against United Air Lines by the International Association of Machinists, beginning at 12:01 a.m., February 3, 1979. Such an action by United's personnel could cause severe inconvenience to thousands of passengers, and disruption of the nation's air transportation system.

To minimize the effects of this strike on the public, we have decided to delegate authority to the Director of the Bureau of Pricing and Domestic Aviation to grant or deny petitions by carriers for emergency exemption authority to provide service on United's routes. Under section 416(b) of the Act. This delegation of authority becomes effective if there is a strike at 12:01 a.m., February 3, 1979, and shall continue in effect until the cessation of any work stoppage, unless earlier terminated;

We emphasize that, by our action here, it is not our intention to intervene in a labor controversy nor to favor one side against the other; we do not believe that the strictly limited procedural steps taken will have that effect. Our sole purpose as in the past, is to alleviate, to the extent possible, public hardships which inevitably result from strikes.

Accordingly,

1. We delegate authority to the Director, Bureau of Pricing and Domestic Aviation to act for us on request by carriers for emergency exemption authority under section 416(b) to conduct operations for the transportation of persons, property, and mail, on routes certificated to United Air Lines for the duration of any work stoppage against United Air Lines beginning February 3, 1979;

2. In the abasence of a further order of the Board, all operating authority granted pursuant to this order of delegation shall expire upon settlement of the strike;

3. In the exercise of delegated authority the Director is authorized in his discretion to act before the receipt of answers, and petitions for review of decisions of the Director shall not stay the effective date thereof;

4. Communications subject to the procedures established herein may be made orally, but such applications shall be put into telegraphic or written form within 24 hours and, if in telegraphic form, shall be followed within 5 days with a written notice served in accordance with our rules of practice;

5. Any interested person objecting to any provision of this order shall file such objections with us within 5 days from the date of service of this order but the filing of objections shall not stay the effectiveness of this order;

6. This order may be amended or revoked at any time at our discretion; and

7. This order shall be served on all domestic air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4570 Filed 2-8-79; 8:45 am]

[6320-01-M]

[Docket 33712]

TIGER INTERNATIONAL-SEABOARD WORLD AIRLINES, INC.

Acquisition Case; Continuation of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled matter, (44 FR 4749, January 23, 1979), will be continued to February 13, 1979, at 9:30 a.m. (local time) in Hearing Room 1003 B, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Judge.

Dated at Washington, D.C., February 5, 1979.

JOHN J. MATHIAS,
Administrative Law Judge.

[FR Doc. 79-4508 Filed 2-8-79; 8:45 am]

[6320-01-M]

[Order 79-2-15; Dockets 33276, 33622, and 33720]

NATIONAL AIRLINES, INC., ET AL

Order Vacating Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January, 1979.

Transatlantic fare increases proposed by: National Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., Deutsche Lufthansa Aktiengesellschaft, Societe Anonyme Belge d'Exploitation De La Navigation Aerienne, British Airways, British Caledonian Airways, Aerlinte Eireann Teoranta, Compagnie Nationale Air Franc, Scandinavian Airlines System, Swiss Air, and Transportes Aereos Portugueses.

By Orders 78-9-38, August 23, 1978, 78-10-61, October 5, 1978, and 78-10-143, October 20, 1978, the Board suspended and instituted investigations of normal economy fares representing increases of approximately five percent proposed by various carriers to the Netherlands, Belgium and the Federal Republic of Germany. The Board stated that it was suspending these fares because of the virtual absence of price competition, universal inclusion of generous allowances for facilities unrelated to direct point-to-point service, and lack of alternative "on demand" nonstop fares.

It is our policy—both domestically and internationally—to develop a system of air transportation that places principal reliance on actual and potential competition to determine the variety, quality and price of air services. The North Atlantic markets have not been conducive to a competi-

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tive regime, where greater opportunities would be available for airlines to compete freely and for travelers and shippers to avail themselves of low fares. With the signing of new liberal pro-competitive bilateral transportation agreements with the Netherlands, Belgium, and the Federal Republic of Germany, we have been able to grant exemptions to six U.S. airlines, giving them immediate new nonstop scheduled authority to the Netherlands, Belgium, and Germany. Thus, there is no reason to continue our temporary interference in the fare-setting process in those markets since we believe that the competitive forces that are rapidly coming into place, as well as those contemplated in the near term, will be adequate to protect the public interest. Therefore, we will vacate our previous actions suspending various normal economy fare increases proposed.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended,

1. We hereby vacate Order 78-9-38, Order 78-10-61, and Order 78-10-143 insofar as they suspend and investigate normal economy fare increases between the United States on the one hand and Belgium, the Netherlands and the Federal Republic of Germany on the other hand, as filed by Deutsche Lufthansa Aktiengesellschaft, Societe Anonyme Belge d'Exploitation de la Navigation Aerienne, Pan American World Airways, Inc., and Trans World Airlines, Inc.;

2. We shall submit this order to the President.[1]

3. We shall file copies of this order in Passenger Fares Tariff No. F-9, C.A.B. No. 37, issued by Trans World Airlines, Inc., and in Transatlantic Passenger Fares Tariff No. A-1, C.A.B. No. 71, issued by Air Tariffs Corporation, Agent, and serve copies upon National Airlines, Inc.; Pan American World Airways, Inc; Trans World Airlines, Inc.; Aerlinte Eireann Teoranta; British Airways Board carrying on business under the firm name and style of British Airways; British Caledonian Airways, Limited; Compagnie Nationale Air France; Deutsche Lufthansa Aktiengesellschaft; Scandinavian Airlines System; Societe Anonyme Belge d'Exploitation de la Navigation Aerienne; Swissair, Swiss Air Transport Company, Limited; and Transportes Aereos Portugueses, S.A.R.L.: and counsel for the Aviation Consumer Action Project.

We shall publish this order in the FEDERAL REGISTER.

[1]This order was submitted to the President on January 25, 1979.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4371 Filed 2-8-79; 8:45 am]

[6320-01-M]

PUROLATOR SKY COURIER, INC.

Application for an all-Cargo Air Service Certificate

FEBRUARY 2, 1979

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 9, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 34124, from Purolator Sky Courier, Inc. of New Hyde Park, New York for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(2) of Part 291, interested persons may file an answer in opposition to this application on or before March 5, 1979. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

PHYLLIS T. KAYLOR,
Secretary.

[FR Docd. 79-4507 Filed 2-8-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Adminstration

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will meet to discuss: (1) Surf Clam FMP; (2) Fluke FMP; (3) Shark FMP; (4) status of FMPs; and (5) other Administrative matters.

DATES: The meeting will convene on Wednesday, March 14, 1979, at 1:00 p.m. and will adjourn on Friday, March 16, 1979, at approximately 1:00 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Dutch Inn, 3845 Veterans Memorial Highway, Ronkonkoma, Long Island, New York 11779, (516) 585-9500.

FOR FURTHER INFORMATION CONTACT:

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: February 6, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 79-4490 Filed 2-8-79; 8:45 am]

[3510-22-M]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5, U.S.C., Appendix I, notice is hereby given of a joint meeting of the North Pacific Fishery Management Council, established by Section 302, and its Scientific and Statistical Committee (SSC), and its Advisory Panel (AP), established by Section 302(g), of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), and separate meetings of the SSC and AP.

DATES: The SSC will meet separately on February 21 and 22, 1979, at 9:00 a.m. The AP will meet separately on February 21, 1979, at 9:00 a.m. The Council and its AP will meet jointly on February 22, and 23, 1979, at 8:30 a.m. The meetings will adjourn at approximately 5:00 p.m. depending upon progress on the agendas. The SSC may meet with the Council and AP on February 23, 1979, depending upon the progress of their agenda. The meetings are open to the public.

ADDRESS: On February 21, and 22, 1979, the SSC will meet in the Council Offices, Suite 32, 333 West 4th Avenue, Anchorage, Alaska. On February 21, 1979, the AP will meet at the Sheffield House Hotel, Windsor Room I, 720 West 5th Avenue, Anchorage, Alaska. On February 22 and 23, 1979, the Council and its AP will meet jointly at the Sheffield House Hotel, Windsor Rooms I and II, 720 West 5th Avenue, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT:

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 313DT, Anchorage, Alaska 99510, Telephone: (907) 274-4563.

SUPPLEMENTARY INFORMATION: For information on seating arrangements, changes to the agenda, and/or written comments, contact the Executive Director.

Proposed Agenda:

SCIENTIFIC AND STATISTICAL COMMITTEE

(1) Halibut bycatch considerations in longline and trawl fisheries in ghe Gulf of Alaska and Bering Sea/Aleutian Islands; (2) Bering Sea/Aleutian Islands draft FMP-primarily of the incidental catch of salmon in foreign trawals and the Aleutian Islands 3-12 mile management possibilities; (3) King Crab Management Strategy Report by Reeves and Marasco; (4) Regulatory and Statistical Areas—conceptual/tactical problems; (5) ADF&G Computerized Fishery Information System Contract—progress report; (6) State/Federal Cooperative Enforcement Agreement; (7) Alaska Borard of Fisheries Report; (8) U.S. Catcher/Processor data collection problems; (9) progress report from working group on Japanese Tanner Crab Strategy, etc., north of 58° N.; (10) other business; and (11) Incidental Species Report.

ADVISORY PANEL

(1) Considération of the March 2, 1979, release of special joint venture reserves in the Gulf of Alaska; (2) Gulf of Alaska Groundfish FMP Amendments: (a) reconsider Japanese request to fish landward of 500 meters from 140° to 157° West longitude for cod; (b) reconsider the Davidson Bank foreign longline request; (c) consider increasing the Atka mackerel OY by 2,000 metric tons; (d) consider mechanism for the release of DAH to TALFF (or reserve) in Regulations. (3) consider Alaska Board of Fisheries proposals to the NPFMC: (4) status of halibut legislation; (5) consider joint venture permit applications (KMIDC and Marine Resources, Inc.); (6) catcher/processor information; and (7) report on the Shrimp Workshop in Kodiak.

COUNCIL

(1) Executive Director's Report and other Council Administrative business; (2) reports from SSC and AP; (3) progress report and update from the Council's Management Plan Development Teams; (4) review of foreign and U.S. fishing activities; (5) appoint two AP members; (6) consider and make recommendations concerning March 2, 1979, release of the second 25% of the reserves in the Gulf of Alaska FMP; (7) consider four amendments to the Gulf of Alaska FMP: (a) Japanese longliners request to fish landward of 500 meters between 140° and 157° West longitude for true cod; (b) proposal to increase the Atka mackerel OY by 2,000 metric tons in the Gulf of Alaska; (c) proposal to open the Davidson Bank to foreign longlining; (d) consideration of a mechnaism to release DAH to TALFF (or reserve) in the regulations. (8) consideration of proposals made by the Alaska Board of Fisheries to the Council dealing with: (a) Bering Sea foreign trawl closure; (b) Bering Sea domestic herring trawl closure; (c) high seas net fisheries; (d) troll salmon regulations. (9) other business; (10) Halibut regulations for 1979; (11) consideration of draft regulations for the troll salmon FMP; "High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude."; (12) Joint Venture Permit Applications from KMIDC and Marine Resources, Inc.; (13) consideration of U.S. catcher/processor information; (14) report on Shrimp Workshop in Kodiak; (15) presentation by Dr. D. L. Alverson on the projection of crab stocks; (16) Council research contracts; (17) Council review policy for foreign fishing permit applications; and (18) period for public comment.

Dated: February 6, 1979.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 79-4489 Filed 2-8-79; 8:45 am]

[3510-08-M]

RHODE ISLAND COASTAL MANAGEMENT PROGRAM

Intent To Approve Amendment

Notice is hereby given of the intent by the Office of Coastal Zone Management (OCZM) to approve amendments to the Rhode Island Coastal Management Program by the addition of regulations to cover three areas:

1. Shorefront Access and Protection Regulations
2. Shoreline Erosion Mitigation Planning Regulations
3. Findings, Policies and Regulations on Energy

Interested parties have 30 days from the issuance of this notice to submit comments. If no serious disagreement of that action is raised during this comment period, the Assistant Administrator for Coastal Zone Management intends to give formal approval to these amendments. Comments should be addressed to: Dick O'Connor, Deputy North Atlantic Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

A full text of the proposed amendments to the Rhode Island Coastal Management Program has been distributed to all Federal agencies. Interested parties wishing to obtain copies of the amendments may request copies from OCZM at the above address.

Dated: January 30, 1979.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc. 79-4414 Filed 2-8-79; 8:45 am]

[6820-33-M]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1979

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1979 commodities to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 14, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1979, November 15, 1978 (43 FR 53151):

Class 7340

Flatware, Plastic (Picnic)
7340-00-205-3187
7340-00-205-3342
7340-00-170-8374

V 4 4 / 2 9 FE 9 7 9 UMI

Class 7210
Tablecloth
7210-00-492-8381

C. W. FLETCHER,
Executive Director.

[FR Doc. 79-4494 Filed 2-8-79; 8:45 am]

[6355-01-M]

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 79-1]

CONSUMER PRODUCT SAFETY ACT

Publication of Complaint: Aluminum Products Corp. and Roger P. Barraclough

Under provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR 1025), the Commission must publish in the FEDERAL REGISTER complaints which it issues under the Consumer Product Safety Act.

Printed below is a Complaint in the matter of Aluminum Products Corporation and Roger P. Barraclough, individually and as an officer of the corporation.

In the matter of Aluminum Products Corporation, a corporation, and Roger P. Barraclough, individually and as an officer of the corporation; (CPSC Docket No. 79-1).

COMPLAINT

JURISDICTION

1. This proceeding is based on sections 14, 15, 19 and 20 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2063, 2064, 2068 and 2069) and is governed by 16 CFR Part 1025—Rules of Practice for Adjudicative Proceedings.

THE RESPONDENTS

2. Respondent Aluminum Products Corporation is a New Hampshire corporation with corporate offices at 19 Park Avenue, Clement Industrial Park, Hudson, New Hampshire 03051, and was incorporated July 3, 1974. (In response to a telephone inquiry on December 15, 1978, the New Hampshire Secretary of State reported that Aluminum Products Corporation was last in good standing on October 7, 1976, and that it is delinquent under New Hampshire law for the years 1977 and 1978.)

3. Respondent Roger P. Barraclough is president and chief executive officer of the respondent corporation. As such, he controls the acts, practices, and policies of the respondent corporation.

4. Whenever this complaint refers to any act of the respondents, the reference shall be deemed to mean that the directors, officers, employees or agents of the respondents authorized such act while actively engaged in the management, direction, or control of the affairs of the respondents and while acting within the scope of their employment or official duties.

THE CONSUMER PRODUCT

5. Respondents, between July 6 and August 26, 1977, "manufactured" for "distribution in commerce," as those terms are defined in sections 3(a)(8), (11) and (12) of the CPSA [15 U.S.C. 2052(a)(8), (11), and (12)], and distributed in commerce approximately 132 storm doors/combination doors made with or which incorporated architectural glazing materials.

6. The Safety Standard for Architectural Glazing Materials (Standard) 16 CFR Part 1201, effective July 6, 1977, is the consumer product safety standard that prescribes safety requirements for glazing materials used in certain architectural products, including storm doors or combination doors; and Part 1201 also requires that such architectural products which incorporate glazing materials be constructed with glazing materials that meet its requirements.

7. The approximately 132 storm doors/combination doors manufactured and distributed by the respondents are subject to the Standard pursuant to § 1201.1 thereof, and glazing materials contained in such storm doors/combination doors must meet the requirements of § 1201.3 of the Standard.

8. The respondents are "fabricators" and "manufacturers," as those terms are defined in § 1201.2(a)(8) and (16), of architectural products containing glazing materials subject to the Standard.

9. The storm doors/combination doors described in paragraphs five through light were manufactured and fabricated by the respondents for sale to or use by consumers in or around a permanent or temporary household or residence, a school, in recreation or otherwise, and are therefore "consumer products" as that term is defined in section 3(a)(1) of the CPSA [15 U.S.C. 2052(a)(1)].

COUNT I

THE SUBSTANTIAL PRODUCT HAZARD

10. Paragraphs one through nine are hereby realleged.

11. On August 22, 1977, a Commission investigator inspected the plant of the respondents who stated that, after July 6, 1977, they fabricated approximately 1,000 storm doors/combination doors and that an unknown number of those doors were constructed with noncomplying glazing materials and shipped to consignees in New Hampshire and Vermont. The investigator informed respondents that such doors fail to comply with the safety standard and that such failure would have to be corrected. The respondents also stated they received their glazing materials from two suppliers, each of which is located in Massachusetts.

12. During the inspection of respondents on August 22, 1977, the Commission investigator met with Ms. Marilyn Riccio, General Manager, Mr. Arthur Baily, Plant Manager, and Mr. Roger P. Barraclough, President and Treasurer, of the corporate respondent, Aluminum Products Corporation. These three persons represented themselves as the management of the corporate respondent, and they acknowledged becoming aware of the Architectural Glazing Material Standard prior to its effective date, July 6, 1977.

13. At a follow-up inspection on September 29, 1977, a search of the respondents' records by the investigator disclosed that respondents fabricated a total of approximately 271 doors between July 6 and August 26, 1977, of which approximately 132 doors were constructed with noncomplying glazing materials and shipped to 51 consignees in New Hampshire. Respondent Barraclough contended that his firm could not absorb the total cost of replacing glazing material for the approximately 132 doors and that such cost must be borne by the consignee and ultimately by the consumer.

14. By letter of December 8, 1977, the Product Defect Correction Division of the Commission's Directorate for Compliance and Enforcement opened a case in the name of respondent Aluminum Products Corporation, CPSC AG 78-1, and (1) advised the respondent of a tentative evaluation that its storm/combination doors failed to comply with a consumer product safety rule and may present a substantial product hazard and (2) requested respondent corporation to adequately inform the Commission of such failure to comply, together with furnishing details of a corrective action plan.

15. In its reply of December 28, 1977, respondent corporation represented that it had started a corrective action plan and would complete it as soon as possible, but the respondent failed to state the method and details of the plan used to notify customers and consumers and failed to state whether refund, replacement, or repair would be made.

16. By letter to respondents dated January 11, 1978, the Product Defect Correction Division requested the following information and documents by January 25, 1978: (1) details of their corrective action program, (2) whether the program allowed for free replacement of noncomplying products, (3) how they inteded to notify the distribution chain and end users of the products, (4) samples of correspondence to each level in the distribution chain, and (5) copies of notification letters to retailers informing them to stop sale of noncomplying products.

17. Thereafter, the Directorate for Compliance and Enforcement through its Product Defect Correction Division and Division of Enforcement made repeated attempts by telephone and correspondence to obtain sufficient information from the respondents to verify that adequate corrective action had been taken including notification to distributors and consumers, and repair or replacement of noncomplying glazing or refund of the purchase price. To date, respondents have not furnished such information and have not carried out an adequate corrective action plan.

18. On June 26, 1978, the Commission laboratory tested the glazing material incorporated in one of the approximately 132 allegedly noncomplying storm doors/combination doors fabricated by the respondents between July 6 and August 26, 1977, but the test was not completed in accordance with the requirements of the Standard. On October 16, 1978, the laboratory completed its testing of the glazing material incorporated in another of the approximately 132 doors, and the test results showed that glazing material did not meet the requirement of the Standard. The test report is attached to the "List and Summary of Documentary Evidence Supporting the Complaint" which accompanies this Complaint.

19. The glazing material incorporated by the respondents in the storm door/combination door tested on October 16, 1978, and the other approximately 131 storm doors/combination doors do not fall within the exceptions contained in § 1201.7 and it is not a product, material or use exempted from the Standard by § 1201.7(b).

20. Therefore, between July 6 and August 26, 1977, respondents manufactured and distributed in commerce architectural products subject to the requirements of the Standard, namely approximately 132 storm doors/combination doors. Such architectural products products incorporated glazing materials which failed to comply with the safety requirements prescribed by 16 CFR 1201, the Safety Standard for Architectural Glazing Materials.

21. Those safety requirements are designed to reduce or eliminate unreasonable risks of death or serious injury to consumers when glazing material is broken by human contact.

22. The findings of the Commission as to the degree and nature of the risks of injury that this Standard is designed to eliminate or reduce are contained in 16 CFR 1201.1(d) which is incorporated herein by reference and is attached to the "List and Summary of Documentary Evidence Supporting the Complaint" which accompanies this Complaint.

23. The failure of the respondents' architectural products to comply with such Standard creates a substantial risk of injury to the public, and those products present a substantial hazard within the meaning of seciton 15(a)(1) of the CPSA [15 U.S.C. 2064 (a)(1)].

COUNT II

FAILURE TO COMPLY WITH SAFETY STANDARD

24. Paragraphs one through twenty-three are hereby realleged.

25. Between July 6 and August 26, 1977, respondents manufactured and distributed in commerce architectural products, approximately 132 storm doors/combination doors which incorporated glazing materials which failed to comply with the safety requirements prescribed by 16 CFR 1201, the Safety Standard for Architectural Glazing Materials.

26. Respondents, while being aware of the Standard, manufactured for sale and distributed in commerce consumer products which are not in conformity with the applicable consumer product safety standard, 16 CFR 1201, and therefore knowingly committed acts prohibited by section 19(a)(1) of the CPSA [15 U.S.C. 2068(a)(1)].

COUNT III

FAILURE TO INFORM

27. Paragraphs one through twenty-six are hereby realleged.

28. Between July 6 and August 26, 1977, respondents manufactured and distributed in commerce architectural products, approximately 132 storm doors/combination doors, constructed with glazing materials that did not meet the requirements of the applicable consumer product safety standard, 16 CFR 1201.

29. Respondents failed to inform the Commission of such failure to comply as required by section 15(b) of the CPSA 15 U.S.C. 2064(b).

30. By failing to inform the Commission when they obtained, or could have obtained upon the exercise of due care, information which reasonably supported the conclusion that such storm doors/combination doors failed to comply with the applicable consumer product safety standard of which they were aware, respondents knowingly committed a prohibited act under section 19(a)(4) of the CPSA 15 U.S.C. 2068(a)(4).

COUNT IV

FAILURE TO CERTIFY

31. Paragraphs one through thirty are hereby realleged.

32. Between July 6 and August 26, 1977, respondents manufactured and distributed in commerce architectural products, storm doors/combination doors, which were subject to a consumer product safety standard, 16 CFR 1201.

33. The respondents did not issue a certificate that certified that such architectural products conform to the applicable consumer product safety standard, Safety Standard for Architectural Glazing Materials, and the respondents did not furnish such a certificate to the distributors and retailers to whom such products were delivered.

34. Respondents therefore failed to furnish to their distributors and retailers a certificate required by section 14(a) of the CPSA [15 U.S.C. 2063(a)].

35. By failing to furnish to their distributors and retailers a certificate of conformity required by section 14(a), while being aware of the Architectural Glazing Material Standard and subject to the Consumer Product Safety Act, respondents knowingly committed a prohibited act under section 19(a)(6) of the CPSA [15 U.S.C. 2068(a)(6)].

RELIEF SOUGHT

Wherefore, the staff of the Consumer Product Safety Commission believes that the following relief is in the public interest and requests that the Commission, after affording interested persons an opportunity for a hearing:

1. Determine that respondents' storm doors/combination doors, described in paragraphs five through nine above, fail to comply with an applicable consumer product safety standard, create a substantial risk of injury to the public, and present a "substantial product hazard" within the meaning of section 15(a)(1) of the CPSA [15 U.S.C. 2064(a)(1)].

2. Determine that notification under section 15(c) of the CPSA [15 U.S.C. 2064(c)] is required to adequately protect the public from the substantial product hazard presented by such storm doors/combination doors which have been distributed and order that respondents:

(a) Give public notice of the failure of such storm doors/combination doors to comply with the Standard including the purchase, if necessary, of newspaper space and/or broadcast time; and

(b) Mail notice of such failure to comply to each person who is a distributor or retailer of such storm doors/combination doors and endeavor to determine the identity of the end-users of such storm doors/combination doors; and

(c) Mail notice of such failure to comply to every end-user to whom respondents learn such storm doors/combination doors were delivered or sold.

3. Determine that action under section 15(d) of the CPSA [15 U.S.C. 2064(d)] is in the public interest and order respondents to cease the manufacture for sale, offering for sale and distribution in commerce of products which gave rise to the Complaint in this matter, and to elect and take one of the following actions with respect to the storm doors/combination doors which have been distributed or sold:

(a) Bring the storm doors/combination doors into conformity with the requirements of the Standard; or

(b) Replace each storm door/combination door with a like or equivalent product which complies with the Standard; or

(c) Refund the purchase price of the storm doors/combination doors less a reasonable allowance for use.

4. Require respondents to make the elections required and order that within ten (10) days of service of the Commission's Order, respondents submit a plan, satisfactory to the Commission, for taking whichever actions outlined in paragraph 3 that they elect.

5. Determine that reimbursement of expenses incurred in connection with carrying out the Commission Order issued in this case under sections 15(c) and (d) [15 U.S.C. 2064(c) and (d)] is in the public interest and require the respondents to reimburse any distributors, retailers or end-users of the storm doors for their expenses in connection with carrying out the Commission Order.

6. Pursuant to section 20(a) of the CPSA [15 U.S.C. 2069(a)], assess a civil penalty in the amount of $15,000 against the respondents for knowingly violating:

(a) Section 19(a)(1) of the CPSA [15 U.S.C. 2068(a)(1)] by manufacturing and distributing in commerce consumer products which are not in conformity with the Safety Standard for Architectural Glazing Materials, as alleged in Count II;

(b) Section 19(a)(4) of the CPSA [15 U.S.C. 2068(a)(4)] by failing to furnish information required by section 15(b) of the CPSA [15 U.S.C. 2064(b)], as alleged in Count III; and

(c) Section 19(a)(6) of the CPSA [15 U.S.C. 2068(a)(6)] by failing to furnish a certificate required by section 14 of the CPSA [15 U.S.C. 2063], as alleged in Count IV.

7. Grant such other and further relief as the Commission deems necessary to protect the public health and safety and to implement the CPSA.

Issued by order of the Commission.

Dated: February 5, 1979.

SADYE DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-4434 Filed 2-8-79; 8:45 am]

[3810-70-M]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Thursday & Friday, 8-9 March 1979, Pomponio Plaza, Rosslyn, VA. The entire meeting, commencing at 0900

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hours is devoted to the discussion of classfied information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therfore will be closed to the public. Subject matter will be used in a study on current and projected DOD HUMINT collection activities.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

FEBRUARY 6, 1979.

[FR Doc. 79-4491 Filed 2-8-79; 8:45 am]

[3810-70-M]

DEFENSE SCIENCE BOARD TASK FORCE ON STRATEGIC PLANNING EXPERIMENT IN THE MARITIME BALANCE AREA

Advisory Committee Meeting

The Defense Science Board Task Force on Strategic Planning Experiment in the Maritime Balance Area will meet in closed session on 5 March 1979 in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Task Force on Strategic Planning Experiment in the Maritime Balance Area has been scheduled for 5 March 1979 to discuss the conduct of an experiment in applying business policy/strategic planning concepts to the development of a competitive strategy for the Maritime Balance Area. The Task Force and its associated Navy Study Group will focus on the long term competition between the U.S. and the Soviet Union in the maritime area.

In accordance with 5 U.S.C. App. I § 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, DOD/WHS.

FEBRUARY 6, 1979.

[FR Doc. 79-4492 Filed 2-8-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Southeastern Power Administration

INTENT TO REVISE RATES AND CHARGES

AGENCY: Southeastern Power Administration (SEPA), Department of Energy.

ACTION: Proposed rate revision.

SUMMARY: SEPA proposes to replace the existing schedule of short-term rates and charges for Laurel Project power with long-term rates and charges for an effective period May 1, 1979, through June 30, 1983. The proposed rates and charges will result in an increase of approximately 6½ percent over existing short-term rates. Interested persons are invited to submit written comments and/or attend a public comment forum which will be held to permit an opportunity to present views, data, or arguments in oral and/or written form regarding the proposed rates.

DATES: Written comments are due on or before March 5, 1979. The public comment forum will be held in Lexington, Kentucky, on February 28, 1979.

ADDRESSES: Five copies of written comments should be submitted to the Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Ga. 30635. The public comment forum will be held beginning at 10:00 a.m., February 28, 1979, in the Red Mile Room at the Ramada Inn North, Lexington, Ky. 40505.

FOR FURTHER INFORMATION CONTACT:

Mr. Curtis H. Bell, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Ga. 30635, 404-283-3261.

SUPPLEMENTARY INFORMATION: SEPA proposes to enter into an arrangement whereby the entire output of the Laurel Project is sold at the project bus to East Kentucky Power Cooperative, Inc. (EK) for a period ending June 30, 1983. An integral part of the arrangement will be EK's consent to a withdrawal by SEPA upon reasonable notice of up to 25,000 kilowatts of peaking capacity and associated peaking energy from the Cumberland Projects which EK presently purchases from SEPA. Such withdrawn power shall thereby become available to SEPA for sale to the Kentucky municipalities of Barbourville, Bardstown, Benham, Corbin, Falmouth, Frankfort, Nicholasville and Paris.

The increase in long-term rates and charges results from actual project costs, operation and maintenance expenses and replacement costs being higher than estimates which were used when the short-term rates and charges were developed.

It is proposed that the rate schedule will contain the following monthly unit rates:

PROPOSED UNIT RATES

Capacity/kw	$1.37
Energy/kwh (mills)	4.20

Copies of the proposed rate schedule are available upon request. The project repayment study together with other supportive information used in developing the proposed rates are available for inspection and/or copying at SEPA headquarters' offices.

Additionally, a finding has been made that the proposed arrangement and revised rates and charges will not have a significant effect upon the quality of the human environment. The finding is likewise available for inspection and/or copying at SEPA headquarters.

The public comment forum will not be adjudicative in nature. A SEPA designated official will preside and SEPA representatives will give background information supporting the proposed rates and charges and answer questions relevant thereto. Those making oral presentations may be questioned by the presiding official and other participating SEPA representatives. Any further procedural rules needed for the proper conduct of the meeting will be announced prior to the forum by the presiding official. Forum proceedings will be transcribed. The public comment forum record together with any other written comments received will be available for inspection and/or copying at SEPA headquarters' offices in Elberton, Ga., between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Issued in Elberton, Ga., January 26, 1979.

HARRY F. WRIGHT,
Administrator.

[FR Doc. 79-4611 Filed 2-8-79; 8:45 am]

[6450-01-M]

BRIEFING ON SECOND PHASE OF DEPARTMENT OF ENERGY COMMERCIALIZATION PROGRAM

Notice of Public Meeting; Announcement of Location

The Department of Energy hereby gives notice that a public meeting will be held at which the second group of technologies being prepared for commercialization will be described. The meeting will be held in Washington, D.C. on February 14, 1979, from 9 a.m. to approximately 10 a.m., in Room 5A-092 of the Forrestal Building (1000 Independence Avenue, S.W.).

These technologies will be briefly described in concept papers. Concept papers are preliminary descriptions of the technology based on "at hand" information on the state-of-the-art and early economic evaluations. At a later date, approximately three months, more detailed information will be available.

These concept papers will be available at the meeting. Persons wishing copies of the concept papers should contact:

Carolyn C. Kenmore, U.S. Department of Energy, 1000 Independence Avenue, S.W., Room 8G-031, Washington, D.C. 20585 (202) 252-6261.

Issued this day February 7, 1979 in Washington, D.C.

PHILLIP S. HUGHES,
Assistant Secretary Intergovernmental and Institutional Relations.

[FR Doc. 79-4674 Filed 2-8-79; 11:32 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1058-3]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Amendment to Reference Method for NO_2

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has approved an additional option for NO_2 reference method number RFNA-1078-031 (FEDERAL REGISTER, Vol. 43, page 50733, October 31, 1978). While the designation number of the method remains the same, the method identification is amended to read as follows:

RFNA-1078-031, "Meloy Model NA53OR Nitrogen Oxides Analyzer," operated on the following ranges and time constant swith positions:

Range, ppm	Time constant setting
0-0.1	4
0-0.25	3 or 4
0-0.5	2, 3, or 4
0-1.0	2, 3, or 4

Operation of the analyzer an external vacuum pump, either Meloy Option N-10 or an equivalent pump capable of maintaining a vacuum of 200 torr (22 inches mercury vacuum) or better at the pump connection at the specified sample and ozone-air flowrates of 1200 and 200 cm^3/min, respectively. The analyzer may be operated at temperatures between 10° and 40° C and at line voltages between 105 and 130 volts, with or without any of the following options:

N-1A Automatic zero and span.
N-2 Vacuum gauge.
N-4 Digital panel meter.
N-6 Remote control for zero and span.
N-6B Remote zero/span control and status (pulse).
N-6C Remote zero/span control and status (timer).
N-9 Manual zero/span.
N-10 Vacuum pump assembly (see alternate requirement above).
N-11 Auto ranging.
N-14B Line transmitter.
N-18 Rack mount conversion.
N-18A Rack mount conversion.

NOTE: Users should be aware that designation of ranges less than 0.5 ppm (500 ppb) are based on meeting the same absolute performace specifications required for the 0-0.5 ppm (0-500 ppb) range. EPA is considering—but has not yet established—proportionately more restrictive performance specifications applicable to ranges less than 0-0.5 ppm (500 ppb). Thus, designation of these lower ranges does not guarantee commensurably better performance than that obtained on the 0-0.5 ppm (0-500 ppb) range.

The method is available from Meloy Laboratories, Inc., Instruments and Systems Division, 6715 Electronic Drive, Springfield, Va. 22151.

This change is made in accordance with 40 CFR 53.14, based on additional information submitted by the applicant subsequent to the original designation (43 FR 50733, October 31, 1978). As a reference method, this method is acceptable for use by States and other control agencies for purposes of § 51.17(a) of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975 (40 FR 7042).

Additional information concerning the use of this designated method may be obtained from the original Notice of Designation (43 FR 50733) or by writing to: Director, Environmental Monitoring and Support Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. Technical questions concerning the method should be directed to the manufacturer.

Dated: February 6, 1979.

STEPHEN J. GAGE,
Assistant Administrator for Research and Development.

[FR Doc. 79-4554 Filed 2-8-79; 8:45 am]

[6560-01-M]

[FRL 1058-2]

LAS VIRGENES-TRIUNFO/MALIBU-TOPANGA AREAWIDE FACILITIES

Intent To Prepare an Environmental Impact Statement

To All Interested Government Agencies, Public Groups and Concerned Citizens:

In accordance with the Environmental Protection Agency's guidelines for the preparation of Environmental Impact Statements and in compliance with the National Environmental Policy Act of 1969 (Pub. L. 91-190), the following constitutes a Notice of Intent to prepare such a statement for the proposed agency action specified below.

The project has been addressed previously in a Draft EIS for the Las Virgenes-Triunfo/Malibu-Topanga Areawide Facilities Plan of September, 1976. A final EIS for the solids handling element of the project was published in September, 1977. The remaining issue is effluent disposal. EPA proposes to publish a draft addendum EIS to consider a new effluent disposal alternative as follows:

AGENCY: Las Virgenes Municipal Water District.

ACTION: EPA grant assistance for the planning, design, and construction of an effluent disposal system that will ensure attainment of water quality and health standards.

PROJECT LOCATION: This Environmental Impact Statement (EIS) shall study four subareas in a regional context. These areas are the Las Virgenes Municipal Water District (LVMWD) service area, the Triunfo County Sanitation District (TCSD) service area, Coastal Malibu, and Topanga. Coastal Malibu extends from the Ventura County boundary on the northwest to the Los Angeles city limits on the southeast. Topanga consists of the Topanga Canyon and Tuna Canyon coastal drainage basins. A major portion of the Santa Monica mountains has remained in its natural state, as development has been constrained due to steep slopes and unstable geologic conditions.

PURPOSE: The major new alternative to be investigated is the year-round effluent discharge into Malibu Creek. Other alternatives for effluent disposal are described in the draft EIS, September 1976.

The draft addendum EIS will also analyze the secondary impacts of the various project proposals as set forth in the draft EIS in terms of air quality, noise levels, potential growth inducement, demands on public services, and overall environmental quality. The draft addendum EIS will recommend an alternative which protects the physical environment. Important environmental consideration include protection of human health, air and water quality, and land use.

Issues within the project area are as follows:

(a) the impact of treated wastewater discharged by the Tapia Reclamation Facility on the water quality of Malibu Creek,

(b) the use of reclaimed wastewater for landscape irrigation, and

(c) the potentially adverse air quality impacts associated with the population growth accommodated by the project.

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The draft addendum EIS will describe in detail the public comment and evaluation process, and will indicate the alternatives preferred by affected Federal, State, and local agencies, and other interested parties. It will also discuss alternative mitigation measures needed to offset any adverse environmental impacts identified with the project, and to ensure that environmental constraints are adequately incorporated into the decision-making process. The final EIS on effluent disposal will describe the selected alternative and adopted mitigation measures, and will respond to those concerns raised during public review of the draft addendum EIS.

The draft addendum EIS is anticipated to be completed in early 1980. Public hearings on this document will be held after a public review period of at least 30 days. A final EIS for effluent disposal is expected by December, 1980.

ESTIMATED PROJECT COSTS: The estimated costs for planning, design, and construction will be between $5 and $18 million, depending on the selected alternative. The Federal share under section 202 of the Federal Water Pollution Control Act Amendments of 1977 (Pub. L. 95-217), will be 75% of the eligible project costs. The State of California will provide 12½% of the eligible project costs pursuant to the California Clean Water Bond Law of 1978. The Las Virgenes Municipal Water District will be responsible for providing the remaining 12½% of the project costs.

PUBLIC PARTICIPATION: It is EPA's policy to encourage public involvement in the development of the EIS. The public's involvement is essential in the final selection of a project most compatible with local needs and EPA policy. EPA encourages interested parties to participate in the Citizen's Advisory Committee (CAC). The CAC's role is to actively advise and participate in the development of the EIS. A public hearing to inform all interested persons of the formation of the CAC will be held in February, 1979. Persons interested in participating in the CAC should contact Palma Strand, 215 Fremont Street, (W-3), San Francisco, California 94105, (415) 556-8038.

Dated: January 23, 1979.

FRANK M. COVINGTON,
Acting Regional Administrator, Region IX.

[FR Doc. 79-4556 Filed 2-8-79; 8:45 am]

[6560-01-M]

[FRL 1058-1]

SOLID WASTE DISPOSAL PRACTICES

Availability of study on Coal-Utilities

AGENCY: United States Environmental Protection Agency (EPA)

ACTION: Notice of Availability of draft report on coal-fired utility waste.

SUMMARY EPA is today making available to the public a draft study entitled "Study of Non-Hazardous Wastes from Coal-Fired Electric Utilities" prepared by the Radian Corporation. The study includes a characterization of the electric industry and the solid waste generated by it, a description of current and projected disposal practices, an estimate of the cost impact of the criteria proposed by EPA under Section 4004 of the Resource Conservation and Recovery Act and an assessment of alternate technologies and resource recovery practices applicable to utility waste

dThe reports are in draft form and have not ben approved by EPA. Copies of the study are available for public inspection and copying at the EPA library, Room 2404, 401 M Street, S.W., Washington, D.C. and at all EPA Regional Office libraries.

DATE: Public comments on the accuracy of the studies are due March 12, 1979.

ADDRESS: All comments should be addressed to Janet L. Auerbach, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Janet L. Auerbach at the above address (202-755-9120).

DATED: February 5, 1979.

THOMAS C. JORLING,
Assistant Administrator for Water and Waste Management.

[FR Doc. 79-4555 Filed 2-8-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21256; FCC 79-41]

JAMES M. CARPENTER AND MIRIAM G. CARPENTER d.b.a. CARPENTER RADIO CO.

Memorandum Opinion and Order

Adopted: January 25, 1979.

Released: February 8, 1979.

By the Commission: 1. The Commission has before it five separate sets of pleadings filed in this proceeding by the parties Carpenter Radio Company (Carpenter) and United Telephone Company of Ohio (United), as well as comments from the Trial Staff of the Common Carrier Bureau (Trial Staff). Carpenter initially requested Commission relief in 1967, when it was alleged that Lima Telephone Company of Ohio would not interconnect with Carpenter's mobile radio-telephone business and Docket No. 18177 was instituted, 12 F.C.C. 2d 857. When Lima Telephone Company became a part of United, United agreed to interconnect with Carpenter and Docket No. 18177 was dismissed without prejudice, 14 F.C.C. 2d 570 (1968). After a breakdown in negotiations between Carpenter and United, on the terms and conditions of interconnection, Carpenter again filed a formal complaint concerning the service which United provided and the Commission instituted this proceeding in May 1977, 64 F.C.C. 2d 894 (*Designation Order*). In the pleadings before us we have a request to enlarge the issues, to clarify and/or modify the issues, to stay execution of a state court judgment, and two formal complaints containing allegedly new matters. Each set of pleadings will be considered separately.

I. ENLARGEMENT OF ISSUES

2. Carpenter seeks to enlarge the issues set forth in our *Designation Order* to include an inquiry into certain alleged antitrust violations by United. United has filed an opposition, Carpenter a reply, and the Trial Staff has submitted comments. For the most part, Carpenter's motion is vague and contains much irrelevant matter. The only claims which could reasonably be interpreted to relate to Carpenter's request to include an antitrust issue are that:

(1) United has still not effectively interconnected its facilities with Carpenter's; and

(2) United has exerted its influence on various third persons, e.g. supplier, city officials, and local news media, to take actions calculated to cause Carpenter to go out of business.

United argues that Carpenter's motion is untimely, that it fails to state which antitrust issues it wishes to have included in this proceeding, and that, in any event, statutes of limitation, e.g., 15 U.S.C. Section 15(b) and 47 U.S.C. Section 415(b), prevent any antitrust issues from being raised now.

3. We first note that Carpenter's motion was not filed within the time permitted by our Rules. Our *Designation Order* was published June 3, 1977, 42 FR 28577, and this motion was filed August 4, 1977. § 1.229(b) of our Rules, 47 CFR § 1.229(b), requires that any such motion be filed within 15 days of publication unless the party shows good cause for the delay. Carpenter claims as good cause for the delay that he was acting *pro se*, that he was not aware of the rule, and that no one is prejudiced by the delay. We do not consider this to be sufficient cause in itself. Nonetheless, while we do not believe that Carpenter should be excused from general compliance with the Rules, we do recognize that he has been appearing in this case without counsel and has attempted to make a showing of good cause. Therefore, we will in this instance rule on his motion.[1] Carpenter requests that our investigation include consideration of antitrust issues and attempts to show by this motion that various antitrust violations have occurred since the dismissal of Docket No. 18177. While this Commission does not have prime responsibility for enforcement of the antitrust laws, it is well established that we consider antitrust matters within the context of determining what may best serve the public interest. *See, e.g., Carpenter Radio Co.*, 13 F.C.C. 2d 722, 723 (1968). Accordingly, the presiding Judge may consider Carpenter's allegations to the extent relevant (making any necessary rulings on the specifically of allegations or applicability of the statutes of limitation) in determining what course of action will serve the public interest. It is unnecessary to amend our *Designation Order* to accomplish this result. The Trial Staff, in its comments, points out correctly that any antitrust question is subsumed in the already existing issues. The "public interest" language of Section 201(a) of the Act, as used in para. 9(a) of our *Designation Order*, must be interpreted to include any alleged anticompetitive aspects of United's conduct toward Carpenter as it may relate to interconnection.[2] This is in line with our previous holding on the same question in Docket No. 18177, 13 F.C.C. 2d 722, 723 (1968).

4. Carpenter also raises two other factual allegations, calling them "complaints," in his motion to enlarge issues. The first allegation claims that United has impaired Carpenter's service by disconnecting one of Carpenter's customer's lines for over twenty-four hours. The second allegation claims that United is engaging in discriminatory practices by awarding certain undescribed contracts only to members of the National Association of Radiotelephone Systems and not to other non-member carriers such as Carpenter. Although it is not totally clear why Carpenter raises these allegations in his motion to enlarge issues, they may be considered by the Judge to the extent they are relevant to the issue of reasonable interconnection. However, if in making these allegations, Carpenter is attempting to file a formal complaint regarding such matters, he must comply with our Rules governing this procedure. *See* Part I, Subpart E of our Rules, 47 CFR 1.711 *et seq.*

II. PETITION FOR CLARIFICATION AND/OR MODIFICATION OF ISSUES

5. United filed a petition to clarify or modify the issues on August 5, 1977, over two months after our *Designation Order* was published. The petition makes a number of requests, all of which essentially attempt to restrict the scope of the proceeding. Carpenter filed an opposition and the Trial Staff submitted comments. Section 1.229 of our Rules requires that for such an untimely motion to be considered on the merits, there must be a showing of either good cause for the delay or that it raises a question of decisional significance and such substantial public interest importance to warrant consideration despite its untimely filing. United has made no attempt to show good cause for the delay. Nor do we find that this petition raises questions of decisional significance and substantial public interest importance.[3] Accordingly, we shall dismiss the pleading.

III. PETITION FOR EMERGENCY INTERIM RELIEF

6. Carpenter filed this petition on September 28, 1977, requesting that the Commission prevent United from enforcing a judgment it acquired in an Ohio state court against Carpenter for telephone service rendered, but for which payment was not made. He then filed a supplement to this petition on October 17, 1977, stating that he had paid this judgment but requested that we still require United to cease and desist further litigation, until termination of this docket, because United had "again threatened to bring further legal action." Carpenter claims that the telephone charges are unreasonable and that it will destroy his business if he must continue to pay them. Since Carpenter has already paid the original court judgment (as he must as set forth below), his original petition must be considered moot. While the supplemental petition is sketchy and vague, we assume that the "further legal action" Carpenter alludes to must relate to possible suits United may subsequently bring to collect charges for telephone service since the date of the last judgment. If that is the case, under Section 203(c) of the Act,[4] we should note that a customer has a legal obligation to pay all tariffed rates for telecommunications services (or charges properly incorporated by reference, as here) until such time as these rates are found unlawful by the Commission or a court of competent jurisdiction. *Bell Telephone Co. of Pennsylvania*, 66 F.C.C. 2d 227, 229 (1977); *MCI Telecommunications Corp.*, 62 F.C.C. 2d 703, 705-06 (1976).

IV. FORMAL COMPLAINTS

7. Carpenter has also filed two pleadings, styled as "formal complaints" in this docket. In the first, filed June 29, 1977, Carpenter alleges, among other things, that United is "harrassing" him in a number of ways, such as initiating litigation against him in various forums, producing static on his telephone lines, and causing disconnect problems. Carpenter therfore requests that we order United to cease this alleged "harrassment." Carpenter's second "formal compliant," filed July 7, 1977, requests that we "force United to serve the public interest." Carpenter alleges that a number of events have occurred which show that United has not served the public interest. In one incident, Carpenter claims, one of his customers tried to place a long distance call from a mobile telephone unit and allegedly could not get "cooperation" from the United telephone operator. In another incident, Carpenter claims that he tried to call the United telephone repair service and that the telephone rang 30 times and was not answered. Carpenter alleges other incidents but it is unclear from his pleadings what the factual circumstances are. We assume these pleadings are intended to be formal complaints as contemplated under Section 208 of the Act, 47 U.S.C. 208, and not an evidentiary submission for the present proceeding.[5] Assuming they were intended to be formal complaints, we find that the facts are not alleged in sufficient detail to allow us to under-

[1] However, we will expect Carpenter in the future to be knowledgeable and comply with our procedural rules.

[2] Para. 9(a) of the Order sets out the first issue which states:

Whether it is necessary or desirable in the *public interest* to establish physical connections between the Carpenter Radio Company and the United Telephone Company of Ohio at Lima, Ohio; to establish through routes and charges applicable thereto; and to establish and provide facilities and regulations for operating such through routes within the meaning of Section 201(a) of the Communications Act of 1934, *as amended*, 47 U.S.C. § 201(a); and, if so what connections, through routes, charges, facilities and regulations should be established. (Emphasis added.)

[3] Basically, United seeks to prevent an inquiry into the lawfulness of its charges for interconnection and the quality of interconnection by making questionable interpretations of Section 201 and prior Commission orders and decisions. United's interpretations and requests, if granted, would frustrate the purpose underlying the designation of this proceeding. Moreover, the types of requests made are, we believe, within the discretion of the Judge to initially consider, subject to certification to the Commission where appropriate. See para. 8, *infra*.

[4] Section 203(c), 47 U.S.C. § 203(c), states, in relevant part, that "no carrier shall (1) charge, demand, collect, or receive a greater or less or different compensation . . . than the charges specified in the schedule then in effect * * *."

[5] If indeed they were intended as evidentiary submissions, they should be properly entered into the evidentiary proceeding before the presiding officer and not submitted to the Commission.

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stand the nature of the complaint or what provisions of the Act Carpenter believes have been violated, nor is the relief requested sufficiently specific to allow us to know precisely what action Carpenter requests we take. Therefore, we will dismiss these complaints for not complying with §§ 1.722 of our Rules, 47 CFR 1.722, which requires that a formal complaint advise the Commission fully about which provision of the Act, Rules, or Commission order has been violated and the facts claimed to constitute such violation.

V. CONCLUSION

8. We realize that all the above pleadings were addressed to the Commission. However, as noted earlier, we believe the pleadings filed by Carpenter and United generally raise matters which could or should have been addressed initially and resolved by the Judge in the exercise of his considerable authority and discretion.[6] Accordingly, we direct the parties here to submit all future pleadings to the Judge who may, if he feels the issues raised to be appropriate, certify such questions to us. Also, pursuant to 47 USC 154(i)(j) and 155(d)(1), if any such certifications are made in this proceeding, we delegate to the Chief, Common Carrier Bureau, authority to act on them and he may, in his discretion, bring them before the Commission in appropriate cases.

VI. ORDER

9. Accordingly, *it is ordered*, That the motion to enlarge issues filed by Carpenter is granted to the extent indicated herein and is otherwise denied;

10. *It is further ordered*, That the petition for clarification and/or modification filed by United is dismissed;

11. *It is further ordered*, That the petition for emergency relief filed by Carpenter is dismissed as moot and that the supplemental petition is denied;

12. *It is further ordered*, That the two formal complaints, filed by Carpenter on June 29, 1977 and July 7, 1977 are dismissed; and

13. *It is further ordered*, That the Secretary shall send a copy of this Order by certified mail, return receipt requested, to Carpenter Radio Company, United Telephone Company of Ohio, serve the Trial Staff, and shall cause a copy to be published in the FEDERAL REGISTER.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 79-4408 Filed 2-8-79; 8:45 am]

[6712-01-M]

[FCC 79-65]

COMMISSION ORDERED DIVESTITURE OF NEWSPAPER-BROADCAST COMBINATIONS

Filing of Waivers

FEBRUARY 2, 1979.

1. On June 12, 1978, the Supreme Court affirmed the FCC's newspaper-broadcast cross-ownership rulemaking proceeding, which required, among other things, divestiture by 1980 of monopoly combinations (defined as those combinations which were essentially without competition in a particular community). The Commission's reconsideration Order, 53 FCC 2d 589, 594, allows those entities ordered to divest 60 days after judicial review is completed to file for a waiver of that requirement.

2. On January 31, 1979, the U.S. Court of Appeals for the District of Columbia Circuit issued its mandate, affirming the Commission's rulemaking in its entirety. Since this marks the completion of judicial review, the sixty (60) day period for filing waivers will commence immediately.

3. Accordingly, it is ordered that any requests for waiver of the Commission's order requiring divestiture of certain newspaper-broadcast combinations, see 50 FCC 2d 1046, *recons. denied* 53 FCC 2d 589, must be filed no later than the close of business sixty (60) days from the release date of this Public Notice.

Action by the Commission January 31, 1979. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, White and Brown.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 79-4407 Filed 2-8-79; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1990]

CARL V. LOWELL

Order of Revocation

On January 8, 1979, Carl V. Lowell, 9414 NW 13 Street, #46, Miami, Florida 33172 requested the Commission to revoke his Independent Ocean Freight Forwarder License No. 1990, effective Janaury 31, 1979.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, (Revised) section 5.01(c) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1990 issued to Carl V. Lowell be and is hereby revoked effective January 31, 1979, without prejudice to reapplication for a license in the future.

It is further ordered, That Independent ocean Freight Forwarder License No. 1990 issued to Carl V. Lowell be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Carl V. Lowell.

ROBERT G. DREW,
Director, Bureau of Certification and Licensing.

[FR Doc. 79-4457 Filed 2-8-79; 8:45 am]

[6730-01-M]

[Docket No. 79-7]

PUERTO RICO MARITIME SHIPPING AUTHORITY V. SEATRAIN GITMO, INC. AND TRAILER MARINE TRANSPORT CORP.

Filing of Complaint

Notice is hereby given that a complaint filed by Puerto Rico Maritime Shipping Authority against Seatrain Gitmo, Inc. and Trailer Marine Transport Corporation was served February 5, 1979. The complaint alleges that respondents have entered into an agreement for the charter and use of the barge *Isla Grande* without prior Commission approval in violation of secton 15 of the Shipping Act.

The complaint is hereby assigned to the Office of Administrative Law Judges pursuant to Rule 61. Complainant's requests for reduction of time to answer, for expedited commencement of hearing, and for bifurcation of proceedings are also referred to the Office of Administrative Law Judges.

Hearing in this matter, if any is held, shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-4458 Filed 2-8-79; 8:45 am]

[6] In an appropriate case, we think the Judge may act on pleadings which are clearly within his authority and discretion even if they are addressed to the Commission. To hold otherwise would be putting form over substance, resulting in unnecessary delay for all parties and the wasting of the Commission's limited resources.

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Extension of Time To File Comments

On January 16, 1979, GAO published a notice (44 FR 3313) requesting comments by February 5, 1979, from all interested persons, organizations, public interest groups, and affected businesses on a Federal Trade Commission request for clearance of a new, mandatory, single-time questionnaire which wil be sent to the bar associations of the 50 states and the District of Columbia. Pursuant to 44 U.S.C. 3512 GAO is limited in the amount of time it has to review the request. However, GAO hereby extends the comment period to February 20, 1979.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 79-4551 Filed 2-8-79; 8:45 am]

[6820-25-M]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-481]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in a telephone rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Virginia State Corporation Commission involving the application of the Chesapeake and Potomac Telephone Company of Virginia for an increase in telephone rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

JANUARY 26, 1979.

[FR Doc. 79-4450 Filed 2-8-79; 8:45 am]

[4110-85-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

FILING OF ANNUAL REPORTS OF FEDERAL ADVISORY COMMITTEES

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Reports for the following Office of the Assistant Secretary for Health Federal Advisory Committees have been filed with the Library of Congress:

Health Services Developmental Grants Study Section
Health Care Technology Study Section
Health Services Research Study Section

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Russell Seidel, National Center for Health Services Research, 3700 East-West Highway, Room 7-50A, Hyattsville, Maryland 20782, Telephone (301) 436-6920.

Dated: February 2, 1979.

WAYNE RICHEY, Jr.,
Acting Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 79-4451 Filed 2-8-79; 8:45 am]

[4110-89-M]

Assistant Secretary for Education

COMMENTS ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Pursuant to Section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Center for Education Statistics, and the U.S. Office of Education have proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before March 12, 1979, and should be addressed to Administrator, National Center for Education Statistics, ATTN: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: February 5, 1979.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY: College and University Library Survey.

2. AGENCY/BUREAU/OFFICE: National Center for Education Statistics/Division of Multilevel Education Statistics/Learning Resources Branch.

3. AGENCY FORM NUMBER: NCES 2300-5.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"Section 406 (b) The purpose of the (National) Center (for Education Statistics) shall be to collect and disseminate statistics and other data related to education in the United States and in other nations. The Center shall—(1) collect, collate, and from time to time, report full and complete statistics on the condition of education in the United States • • •" Section (f)(1)(A) "• • • The Center shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropri-

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ation of the House of Representatives may request • • •"

(Pub. L. 93-380; 20 U.S.C. 1221-1).

"Section 133 (a) The Assistant Secretary shall • • • (4) review the lifelong learning opportunities provided through employers, unions, the media, libraries and museums, secondary schools and postsecondary educational institutions, and other public and private organizations to determine means by which the enhancement of their effectiveness and coordination may be facilitated • • •"

(Pub. L. 94-482; 20 U.S.C. 1015b).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED: The survey data will be published in reports which are used to: study trends; make comparisons among individual libraries and among groups of libraries; calculate ratios with respect to other educational variables, and to calculate indexes. Such analyses are used by: Federal and State agencies in the administration of library programs; college and university administrators and librarians in the management of libraries; associations to evaluate the status of the library profession; and by publishers and equipment manufacturers to evaluate markets.

7. DATA ACQUISITION:

a. METHOD OF COLLECTION: Mail and telephone follow-up where necessary.

b. TIME OF COLLECTION: Fall 1979.

c. FREQUENCY: Biennially.

8. RESPONDENTS:

a. TYPE: College and University Librarians.

b. NUMBER: 3,000.

c. ESTIMATED AVERAGE MANHOUR PER RESPONDENT: 2.5 hours.

9. INFORMATION TO BE COLLECTED: Number of periodical subscriptions, number of book volumes, microforms, audiovisual and other library materials added during year and held at the end of the year. Number of circulations and interlibrary loans. Number of full-time and part-time staff by sex and type of position. Full-time and part-time salaries. Individual and group transactions between librarians and patrons. Operating expenditures for salaries, books, periodicals, audiovisual and other library materials. Percentage of books, periodicals and microforms in health science subjects and total Federal library grants received.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY: Private School Library Media Center Survey—1979.

2. AGENCY/BUREAU/OFFICE: National Center for Education Statistics/Division of Multilevel Education Statistics/Learning Resources Branch.

3. AGENCY FORM NUMBER: NCES 2349-3.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"Sec. 406 (b) The Center shall:

(1) collect, collate, and from time to time report full complete statistics on the conditions of education in the United States;

(2) conduct and publish reports on specialized analyses of the meaning and significance of such statistics;

(3) assist State and local educational agencies in improving and automating their statistical and data collection activities."

(Pub. L. 93-380; 20 U.S.C. 1221e-1)

"Sec. 133 (a) The Assistant Secretary shall: • • •

(4) review the lifelong learning opportunities provided through employers, unions, the media, libraries and museums, secondary schools and postsecondary educational institutions, and other public and private organizations to determine means by which the enhancement of their effectiveness and coordination may be facilitated; • • •

(6) identify existing barriers to lifelong learning and evaluate programs designed to eliminate such barriers; and

(7) to the extent practicable, seek the advice and assistance of the agencies of the Education Division."

(Pub. L. 94-482; 20 U.S.C. 1015(b))

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED: The data will be used by the National Center for Education Statistics as an integral part of the Condition of Education report; the Education Division administrators in determining future policy; the Bureau of Libraries and Learning Resources in its activity of comparing data collected with National standards; and by state administrators, researchers, and students as a source on library resources.

7. DATE ACQUISITION PLAN:

a. METHOD OF COLLECTION: Mail and telephone.

b. TIME OF COLLECTION: Fall 1979.

c. FREQUENCY: Every four years.

8. RESPONDENTS:

a. TYPE: Private school librarian.

b. NUMBER: Approximately 2,000 (sample).

c. ESTIMATED AVERAGE MANHOURS PER RESPONDENT: 30 minutes.

9. INFORMATION TO BE COLLECTED: Data will consist of an inventory of books, periodicals, and audiovisual materials, a count of staff, size of facilities and utilization of resources.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY: 1980 Survey of 1978-79 College Graduates.

2. AGENCY/BUREAU/OFFICE: National Center for Education Statistics.

3. AGENCY FORM NUMBER: NCES form 2385.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY: Section 406(b)(5) (The Center shall) "Conduct a continuing survey of institutions of higher education to determine the demand for, and the availability of qualified teachers • • •"

(Pub. L. 93-380 as amended by Pub. L. 94-482; 20 USC 1221e-1).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED: Condition of education: Legislators, counselors, educators, students will use the data to assess the job market for college graduates by field; e.g., unemploment, underemployment, teacher supply and demand, etc.

7. DATA ACQUISITION PLAN:

a. Method of collection: Mail.

b. Time of collection: Fall 1979.

c. Frequency: Biennial.

8. RESPONDENTS:

a. Type: College and Universities.

b. Number: Sample: 300.

c. Estimated average man-hours per respondent: 2 hours (range of 1-10 hours).

9. INFORMATION TO BE COLLECTED: Colleges and universities (1) A list of September 1, 1978-August 31, 1979 Bachelor's and Master's degree recipients with major field of study (2) Addresses for a sample (an average of 35 per school) of these graduates (A sample of graduates will then be sent a brief questionnaire inquiring about their employment and education status).

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY: Survey of Teacher Demand and Shortage (1979-80).

2. AGENCY/BUREAU/OFFICE: The National Center for Education Statistics.

3. AGENCY FORM NUMBER: NCES-2406.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"The Education Amendments of 1976, Title IV, Sec. 401(a)(5) conduct a continuing survey of institutions of higher education and local educational agencies to determine the demand for, and the availability of, qualified teachers and administrative personnel, especially in critical areas within education which are developing or are likely to develop,• • •"

Pub. L. 94-482:20 USC 1221e-1)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED: The information to be obtained by NCES will be reported to the Congress to be used in considering new legislation or in modifying existing legilation, as well as in considering funding levels for related educational programs. Such information is required by the Congress to help determine whether programs should be redirected toward critical teacher shortage areas and whether incentives should be provided to encourage students to enter teaching shortage areas or discourage them from entering surplus fields.

7. DATA ACQUISITION PLAN:

a. METHOD OF COLLECTION: Mail.

b. TIME OF COLLECTION: October-November 1979.

c. FREQUENCY: Biennially.

8. RESPONDENTS:

a. TYPE: Local Education Agencies/State-operated Schools/Nonpublic Schools/Intermediate Agencies.

b. NUMBER: 2000-2500.

c. ESTIMATED AVERAGE MANHOURS PER RESPONDENT: 30 minutes.

9. INFORMATION TO BE COLLECTED: By instructional field and level, number of full-time and part-time teachers employed as of October 30, 1979, existence of position openings for 1979-80 school year, number of teachers laid off after 1978-79 school year because of budgetary limitations, number of positions for which teachers could not be found (shortages), and indication as to whether demand is expected to increase or decrease.

This notice replaces the notice published in Vol. 43, No. 205 on Monday, October 23, 1978, p. 49368.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY: High School and Beyond—A National Longitudinal Study: Base-Year 1980 Survey of High School Sophomores and Seniors.

2. AGENCY/BUREAU/OFFICE: National Center for Education Statistics.

3. AGENCY FORM NUMBER: NCES 2409 series.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY: Sec. 501. "The purpose of the Center shall be to collect and disseminate statistics and other data related to education in the United States and in other nations.

The Center shall—

(1) collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States;

(2) conduct and publish reports on specialized analyses of the meaning and significance of such statistics;

(3) assist State and local educational agencies in improving and automating their statistical and data collection activities; and

(4) review and report on educational activities in foreign countries."

(Pub. L. 93-380; 20 USC 1221e-1)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED: Nationally representative data to be obtained from the base-year 1980 survey will bear on such issues as quality of education, equality and diversity of educational opportunity, continuing education, and relationships between education and career patterns. The data will be relevant to Federal policy concerns and will also be used by educational policy-makers at State and local levels. Individual States will have the opportunity in 1980 to supplement the student sample within-State as may be needed to provide a stronger data base relevant to specific State concerns.

7. DATA ACQUISITION PLAN:

a. METHOD OF COLLECTION: Mail and/or personal interview.

b. TIME OF COLLECTION: February-April 1980.

c. FREQUENCY: Single time.

8. RESPONDENTS:

a. TYPE: Students, public secondary schools and nonpublic secondary schools.

b. NUMBER: Sample. 72 students in each of approximately 1,200 public secondary schools and 200 nonpublic secondary schools.

c. ESTIMATED AVERAGE MANHOURS PER RESPONDENT: Student questionnaire: 1. Cognitive test: 1.

a. TYPE: School administrators or supervisors.

b. NUMBER: Sample. 1 person in each of 1,200 public secondary schools; 1 person in each of 200 nonpublic secondary schools.

c. ESTIMATED AVERAGE MANHOURS PER RESPONDENT: School questionnaire: 1. Student's school record information form: 20 minutes for each of 72 students in a school.

a. TYPE: Teachers, secondary, full-time.

b. NUMBER: Sample. An average of 50 teachers per school.

c. ESTIMATED AVERAGE MANHOURS PER RESPONDENT: Techers' comments checklist: 10 minutes.

9. INFORMATION TO BE COLLECTED:

a. Student questionnaire: Current curricula; plans for future education, careers, and life activities; student background; attitudes and problems related to education and life plans.

b. Cognitive test: Cognitive abilities relevant to academic and vocational success.

c. School questionnaire: Characteristics of the school and its student body, curricula, professional staff, facilities, and student services; participation in Federal assistance programs.

d. Student's school record information form: Summary of student transcript.

e. Teachers' comments checklist: Questions on status and potential of the students in the sample.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY: Single State Application for Federal Funds for Assistance to Local Agencies.

2. AGENCY, BUREAU, OFFICE: U.S. Office of Education, Bureau of Elementary and Secondary Education, OLLR and SLEP.

3. AGENCY FORM NUMBER: OE 417.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY.

"Sec. 435. (a) In the case of any State which applies, contracts, or submits a plan, for participation in any applicable program in which Federal funds are made available for assistance to local educational agencies through, or under the supervision of the State educational agency of that State, such State shall submit (subject, in the case of programs under titles I and IV of the Elementary and Secondary Education Act of 1965, to the provisions of title V of such Act) to the Commissioner a general application containing the assurances set forth in subsection (b). Such application may be submitted jointly for all programs covered by the application, or it may be submitted separated for each such program or for groups of programs. Each application submitted under this section must be approved by each official, agency, board, or

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other entity within the State which, under State law, is primarily responsible for supervision of the activities conducted under each program covered by the application.

"(b) An application submitted under subsection (a) shall set forth assurances, satisfactory to the Commissioner—

"(1) that each program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2) that the control of funds provided under each program and title to property acquired with program funds will be in a public agency, or in a nonprofit private agency, institution, or organization if the statute authorizing the program provides for grants to such entities, and that the public agency or nonprofit private agency, institution, or organization will administer such funds and property;

"(3) that the State will adopt and use proper methods of administering each applicable program, including—

"(A) monitoring of agencies, institutions, and organizations responsible for carrying out each program, and the enforcement of any obligations imposed on those agencies, institutions, and organizations under law.

"(B) providing technical assistance, where necessary, to such agencies, institutions, and organizations,

"(C) encouraging the adoption of promising or innovative educational techniques by such agencies, institutions, and organizations,

"(D) the dissemination throughout the State of information on program requirements and successful practices, and

"(E) the correction of deficiencies in program operations that are indentified through monitoring or evaluation;

"(4) that the State will evaluate the effectiveness of covered programs in meeting their statutory objectives, at such intervals (not less often than once every three years) and in accordance with such procedures as the Commissioner may prescribe by regulation, and that the State will cooperate in carrying out any evaluation of each program conducted by or for the Secretary or other Federal official;

"(5) that the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each program;

"(6) that the State will make reports to the Commissioner (including reports on the results of evaluations required under paragraph (4)) as may reasonably be necessary to enable the Commissioner to perform his duties under each program, and that the State will maintain such records, in accordance with the requirements of section 437 of the Act, and afford access to the records as the Commissioner may find necessary to carry out his duties; and

"(7) that the State will provide reasonable opportunities for the participation by local agencies, representatives of the class of individuals affected by each program, and other interested institutions, organizations, and individuals in the planning for and operation of each program, including the following;

"(A) the State will consult with relevant advisory committees, local agencies, interest groups, and experienced professionals in the development of program plans required by statute;

"(B) the State will publish each proposed plan, in a manner that will ensure circulation throughout the State, at least sixty days prior to the date on which the plan is submitted to the Commissioner or on which the plan becomes effective, whichever occurs earlier, with an opportunity for public comments on such plan to be accepted for at least thirty days;

"(C) the State will hold public hearings on the proposed plans if required by the Commissioner by regulation; and

"(D) the State will provide an opportunity for interested agencies, organizations, and individuals to suggest improvements in the administration of the program and to allege that there has been a failure by any entity to comply with applicable statutes and regulations.

"(c) Each general application submitted under this section shall remain in effect for the duration of any program it covers. The Commissioner shall not require the resubmission or amendment of that application unless required by changes in Federal or State law or by any other significant changes in the circumstances affecting an assurance in that application."

((20 U.S.C. 1232d) Pub. L. 95-561)

5. VOLUNTARY, OBLIGATORY NATURE OF RESPONSE: Required to obtain or maintain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED: The information is needed by OE progran units to ensure that a State is eligible to participate in any applicable program.

7. DATA ACQUISITION PLAN:

a. Method of Collection: Mail.

b. Time of Collection: Summer.

c. Frequency: Once for the duration of any program covered.

8. RESPONDENTS:

a. Type: State educational agencies.

b. Number: 58.

c. Estimated Man-Hours Per Respondent: 2.

9. INFORMATION TO BE COLLECTED: State educational agencies will check a list of 15 Federal education programs to indicate those for which it is applying and make the required assurances.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

TITLE OF PROPOSED ACTIVITY: Financial Status, Performance, and State Advisory Council Reports Under Title IV of the Elementary and Secondary Education Act, Educational Improvement, Resources, and Support, P.L. 95-561.

2. AGENCY, BUREAU, OFFICE: U.S. Office of Education, Bureau of Elementary and Secondary Education.

3. AGENCY FORM NUMBER: OE 535-1 through 3.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"Sec. 437. (a) The Commissioner shall require that each State submit to him, within ninety days after the end of any fiscal year, a report on the uses of Federal funds in that State under any applicable program for which the State is responsible for administration. Such report shall—

(1) list all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year;

(2) include the total amount of funds available to the State under each such program for such fiscal year and specify from which appropriation Act or Acts these funds were available;

(3) with respect to the second preceding fiscal year, include a compilation of reports from local educational agencies and other public and private agencies and institutions within such State which sets forth the amount of such Federal funds received by each such agency and the purposes for which such funds were expended;

(4) with respect to such second preceding fiscal year, include a statistical report on the individuals served or affected by programs, projects, or activities assisted with such Federal funds; and

(5) be made readily available by the State to local educational agencies and other public and private agencies and institutions within the State, and to the public

((20 U.S.C. 1232f) Pub. L. 93-380; Pub. L. 94-273; Pub. L. 94-482)

"Sec. 403(b)(10)(D) The State Advisory Council shall prepare at least every three years and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate to the Commissioner."

((20 U.S.C. 3084) Pub. L. 95-561)

5. VOLUNTARY, OBLIGATORY NATURE OF RESPONSE: Required to obtain or maintain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED: The information is needed to assure that adequate progress is being made toward achieving the goals of the grants. Because there are three separate allotments, one for Part B, one for Part C, and one for Part D, the use of Title IV funds must be reported separately for the three parts. Part B, Part C, and Part D have different program purposes but operate under a single State plan.

7. DATA ACQUISITION PLAN:

a. Method of Collection: Mail.

b. Time of Collection: Fall.

c. Frequency: Annual except that the State Advisory Council Report will be submitted at least every three years.

8. RESPONDENTS:

a. Type: State educational agencies and Title IV State Advisory Councils.

b. Number: 58.

c. Estimated Man-Hours Per Respondent: 60.

9. INFORMATION TO BE COLLECTED:

a. Financial Status Reports.

(1) Instructional Materials and School Library Resources.

(a) Expenditures for program administration.

(b) Expenditures for school library resources/other instructional materials, textbooks, and instructional equipment for *public* school children.

(c) Expenditures for school library resources/other instructional material, textbooks, and instructional equipment for the benefit of *private* school children.

(d) Expenditures for State Advisory Council from funds for program administration.

(2) Improvement in Local Educational Practices.

(a) Expenditures for program administration.

(b) Expenditures for activities to address serious education problems.

(c) Expenditures for improvement of programs for educationally deprived children.

(d) Expenditures for basic skills programs.

(e) Expenditures for programs to diagnose learning problems and achievement assessment.

(f) Expenditures for school management projects.

(g) Expenditures for professional development activities.

(h) Expenditures for early childhood and family education programs for preschool children and their parents.

(i) Expenditures for extended education activities.

(j) Expenditures for remedial summer programs.

(k) Expenditures for parent education.

(l) Expenditures for retraining of teacher.

(m) Expenditures for programs to develop educational material for children to use at home.

(n) Expenditures for projects for handicapped children under Sec. 432(c).

(o) Expenditures for State Advisory Council from funds for program administration.

(3) Guidance, Counseling, and Testing.

(a) Expenditures for State leadership and supervisory services under Part D.

(b) Expenditures for State Advisory Council from funds for program administration.

(c) Elementary and secondary school counseling.

(d) Inservice training for guidance personnel

(e) Local supervision and leadership.

(f) Program planning and development.

(g) Special guidance and counseling programs for disadvantaged persons.

(h) Testing.

(i) Evaluation of testing, counseling and guidance programs.

b. Performance Report

(1) Part I—General.

(a) Comparison of actual accomplishments of Title IV to the goals established in the State Plan.

(b) The reasons for slippage if established goals were not met; and

(c) Pertinent program information, such as

(i) Number of persons and full time equivalents of persons paid from Title IV administrative funds.

(ii) State public and private elementary and secondary school enrollments.

(2) Part II—Instructional Materials and School Library Resources, Part B.

(a) Comparison of accomplishments of Part B in relation to statutory objectives.

(b) Abstracts of selected outstanding Part B projects.

(c) Number of public and private elementary and secondary children served under Part B (unduplicated count).

(d) Total number of Part B projects (unduplicated count).

(3) Part III—Improvement in Local Educational Practices, Part C.

(a) Comparison of accomplishments of Part C in relation to program objectives.

(b) Number of LEAs participating in Part B by program purposes (See item (2)(b) through (n) above.

(c) Number of public and private elementary and secondary school children participating in Part C, by program purposes (See item (2)(b) through (n) above).

(4) IV—Guidance, Counseling, and Testing, Part D.

(a) Comparison of accomplishments of Part D in relation to program objectives.

(b) Number of LEAs participating in Part D, by program purposes.

(c) Number of public and private elementary and secondary school children participating in Part D, by program purposes.

(d) Number of school guidance counselors serving elementary and secondary public and private schools.

(e) Number of persons employed in SEA with funds from Sec. 441(b).

(f) Number of public and private elementary and secondary school children tested.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY: Validation Form—Basic Educational Opportunity Grant Program.

2. AGENCY/BUREAU/OFFICE: Office of Education/Bureau of Student Financial Assistance/Division of Cerfication and Program Review.

3. AGENCY FORM NUMBER: OE-623.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"Sec. 411(b) • • •

(2) Each student desiring a basic grant for any year must file an application therefor containing such information and assurances as the Commissioner may deem necessary to enable him to carry out his functions and responsibilities under this subpart. Sec. 411(b).

(3)(A) Payments under this section shall be made in accordance with regulations promulgated by the Commissioner for such prupose, in such manner as will best accomplish the purposes of this section.

((20 USC 1070a) (Pub. L. 92-318))

Sec. 411(b).

(d)(1) In addition to payments made with respect to entitlements under this subpart, each institution of higher education shall be eligible to receive from the Commissioner the payment of $10 per academic year for each student enrolled in that institution who is receiving a Basic Grant under this subpart for that year. Payment received by an institution under this subsection shall be used first to carry out the provision of section 493A of this Act and then for such additional administrative costs as the institution of higher education determines necessary."

((20 USC 1070a) (Pub. L. 92-318))

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5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Obligatory.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED: The data collected by the institutions will be used only to verify information on the respondent's Student Elibility Report. This data will remain in the regular student-aid files at the institutions. Any corrections necessary as a result of validation will be made through the normal Basic Grant corrections process.

7. DATA ACQUISITION PLAN:

a. METHOD OF COLLECTION: "Mail" and/or "Personal Interview".

b. TIME OF COLLECTION: Throughout the year.

c. FREQUENCY: Annually.

8. RESPONDENTS:

a. TYPE: Students in Postsecondary education.

b. NUMBER: Sample—200,000.

c. ESTIMATED AVERAGE MAN-HOURS PER RESPONDENT: .33.

a. TYPE: Financial Aid Offices in Postsecondary Institutes.

b. NUMBER: Approximately 5,600.

c. ESTIMATED AVERAGE MAN-HOUR PER RESPONDENT: 1.

9. INFORMATION TO BE COLLECTED: Students: Categories of collected data are (A) respondent identification; (B) verification of information submitted on Basic Grant application (i.e., applicant's status, number in household, number in post-high, Veterans educational benefits, Social Security Benefits, non-taxable income received in 1978, applicant's and parent's or spouse's Federal Income Tax return, explanation of total income less than $1,000, explanation of inability to provide documentation) and (C) certification of validity of information provided on the Validation Form. Financial Aid Officers: Verify the information provided by the student and maintain the material and records in the student's file.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY: Instructions for the preparation of the State Plan for ESEA Title IV, Part B, C, and D, Educational Improvement, Resources, and Support.

2. AGENCY, BUREAU, OFFICE: U.S. Office of Education, Bureau of Elementary and Secondary Education.

3. AGENCY FORM NUMBER: OE 634.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"Sec. 404. (a) A State shall be eligible to receive grants under this part if it has on file with the Commissioner a general State application under section 501 or section 435 of the General Education Provisions Act, whichever is applicable, and if it submits to the Commissioner a State plan at such times (no more often than once every three years) and in such detail as the Commissioner deems necessary, which—

"(1) designates the State educational agency as the State agency which shall, either directly or through arrangements with other State of local public agencies, act as the sole agency for the administration of the State plan;

"(2) sets forth a program under which funds paid to the State from its allotments under section 403 will be expended solely for the programs and purposes that meet the requirements set forth in part B, part C, and part D of this title;

"(3) provides assurances that the requirements of section 406 (relating to the participation of pupils and teachers in private elementary and secondary schools) will be met, or certifies that such requirements cannot legally be met in such State;

"(4) describes the means by which the State educational agency will provide technical assistance to local educational agencies to enable them fully to participate in programs assisted under this title;

"(5) provides assurances that funds such agency receives from appropriations made under section 402(b) will be distributed among local educational agencies on an equitable basis, recognizing the competitive nature of the grantmaking except that the State educational agency shall provide assistance in formulating proposals and in operating programs to local educational agencies which are less able to compete due to small size or lack of local financial resources to distribute funds made available under this title to local educational agencies; and describes the procedures the State will use;

"(6) provides that local educational agencies applying for funds under part B and part D shall be required to submit applications for that program not more often than once every three years;

"(7) provides assurances that the aggregate amount to be expended per student or the aggregate expenditure by the State, its local educational agencies, and private schools in such State from funds derived from non-Federal sources for programs described in part B and part D, respectively, for the preceding fiscal year are not less than the amount per student expended or the aggregate expenditure for the second preceding fiscal year for each such part;

"(8) provides that, for any fiscal year in which the provisions of section 510(B)(2) are not met, of the funds the State receives under section 402 for each fiscal year, the State will use for administration of the State plan not to exceed whichever of the following is greater: (A) 5 per centum of the amount so received ($75,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands), excluding any part of such amount used for purposes of section 431(a), or (B) $225,000; and provides that the remainder of such funds shall be made available to local educational agencies to be used for the purposes of parts B, C, and D, respectively;

"(9) provides that, for any fiscal year in which the provisions of section 523(b) are not met, not more than the greater of (A) 15 per centum of the amount which such State receives pursuant to section 402(b) for any fiscal year, of (B) the amount available by appropriation to such State in the fiscal year ending June 30, 1973 and period covered by section 431(a)(3) as in effect in such year, shall be used for activities described in section 421;

"(10) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year will not be commingled with State funds;

"(11) sets forth the means by which the State will make information and technical assistance available to private non-profit school officials who desire to arrange for children in those schools to participate in Federal elementary and secondary education programs;

"(12) sets forth a comprehensive plan for the coordination of Federal and State funds for training activities for educational personnel in the State including preservice and inservice training, which plan shall be developed with the involvement of teachers, professional associations, institutions of higher education, and other interested individuals; and

"(13) provides that the State has established a State advisory council in accordance with subsection (b).

(Pub. L. 95-561; 20 U.S.C. 3084)

5. VOLUNTARY, OBLIGATORY NATURE OF RESPONSE: Required to obtain or maintain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED: The information is necessary to fulfill the statutory requirements contained in Section 404 of Title IV of the Act. The data will be used to report to Congress and to the education community in program impact. It will also be used to improve program management.

7. DATA ACQUISITION PLAN:

a. Method of Collection: Mail

b. Time of Collection: Summer

c. Frequency: Not more than once every three years

8. RESPONDENTS:

a. Type: State educational agencies

b. Number: 58

c. Estimated Average Man-Hours Per Respondent: 100

9. INFORMATION TO BE COLLECTED:

The State plan requests information on the following topics:

I. Assurances and Statements

II. General Provisions

A. Program and Administration

B. State Advisory Council

C. Technical Assistance to Private School Officials

D. Procedures to Avoid Commingling Funds

E. Coordination of State and Federal Funds for Training

III. Part B, Instructional Materials and School Library Resources

A. Description of Program and Staffing Pattern

B. Technical Assistance to LEAs

C. Submission of LEA Applications

D. Assurance, Maintenance of Effort

E. Consultation of Appropriate Officials on Use of Part B Funds

IV. Part C, Improvement in Local Educational Practices

A. Description of Program and Staffing Pattern

B. Assurance, Distribution of Funds

C. Procedures for Distribution of Funds

D. Determination of Administrative Funds

E. Assurance, Set Aside for Compensatory Education

F. Use and Amount of Strengthening Funds

G. Criteria on Declining Federal Support

H. Assurance, Consultation with Private School Officials in Planning Proposals

V. Part D Guidance, Counseling, and Testing

A. Description of Program and Staffing Pattern

B. Technical Assistance to LEAs

C. Submission of LEA Application

D. Assurance, Maintenance of Effort

E. Determination of Administrative Funds

F. Assurance, Local Discretion

5DESCRIPTION OF PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY: An Assessment of the Capacity Building Accomplishments of the Regional Resource Centers.

2. AGENCY/BUREAU/OFFICE: U.S. Office of Education—Office of Evaluation and Dissemination.

3. AGENCY FORM NUMBER: OE 635-1 thru -5.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"• • • The Secretary shall transmit (to specified committees of the Congress) an annual evaluation report which evaluate the effectiveness of applicable programs • • • such report shall (among other things) • • • describe the cost and benefits of the applicable program being evaluated • • • and identify which sectors of the public receive the benefits of such programs • • •."

(Pub. L. 93-380, Section 506(a) (3); Part B, Subpart 2, Section 417(a) of the General Education Provision Act as amended; 20 USC 1226c).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED: The survey of projects funded under Pub. L. 91-230 (Regional Resource Centers) is primarily designed to determine the impact these centers have had on their SEA and LEA constituencies in terms of their capacity building accomplishments in education for the handicapped. This study will seek to identify the extent to which these centers have been successful, as well as to identify those non-fiscal obstacles which prevent the realization of ultimate success.

Information from this study will be used to recommend technical and administrative changes to the Bureau of Education for the Handicapped to remove identified obstacles to the success of their program. This information will also be used to provide recommendations for revisions to the workscope of the centers.

Summary results containing information which will support recommended legislative changes in Public Law 91-230, Part C-621 will be distributed to appropriate members of Congress and their staffs. The information will be used by Congress for the legislative review of Public Law 91-230, Part C-621 and can be used to modify the funding of the program.

7. DATA ACQUISITION PLAN:

a. *Method of Collection:* On-site questionnaires, mail questionnaires and personal interviews.

b. *Time of Collection:* Spring/Summer, 1979.

c. *Frequency:* Single Time Only.

8. RESPONDENTS:

a. *Type:* Regional Resource Centers Director.

b. *Number:* Universe—15.

c. *Estimated Average Man Hours Per Respondents:* 3 (Interview).

a. *Type:* SEA Director of Special Education.

b. *Number:* Universe—58.

c. *Estimated Average Man Hours Per Respondent:* 1 (Interview).

a. *Type:* LEA Director of Special Education.

b. *Number:* Sample—228

c. *Estimated Average Man Hours Per Respondent:* 1.5 (Interview).

a. *Type:* School Level Staff (IEP Implementation Process Instrument).

b. *Number:* Sample—1368 (based on maximum of 6 building level staff per LEA).

c. *Estimated Average Man Hours Per Respondent:* .25 (self-administered).

a. *Type:* Parents (IEP Implementation Process Instrument).

b. *Number:* Sample—6840 (based on maximum of 30 parents per LEA).

c. *Estimated Average Man Hours Per Respondent:* .25 (self-administered).

9. INFORMATION TO BE COLLECTED:

a. Regional Resource Center (RRC). Information collected at the RRC level will include: RRC administration practices and procedures, service delivery system information, staffing information, project activities information, dissemination efforts information, interagency coordination efforts information, financial information, special projects information, and self-assessment information.

b. State Education Agency (SEA). Information collected at the SEA will include: description of SEA technical assistance and implementation activities, SEA interface with RRC and other special education supportive services information, SEA rules, regulations, and standards for implementation of Public Law 94-142, state demographic information, and SEA reactions and opinions of RRC effort.

c. Local Education Agency (LEA). Information collected at the LEA will include: (from the LEA special education administrator) LEA organization and activities for implementation of Public Law 94-142, LEA special education staffing and financial information, LEA technical assistance/in-service information, LEA interface with RRC, SEA, and other special education supportive services, LEA policies and regulations for implementation of Public Law 94-142; LEA demographic characteristics, LEA IEP models, LEA reaction to SEA and/or RRC effort, and LEA special education service delivery system; (from building level staff and parents) responsibilities in relation to IEP development, and training information.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY: Instructions for the preparation of the State plan for ESEA Title V, Part B, Strengthening State Educational Agency Management.

2. AGENCY, BUREAU, OFFICE: U.S. Office of Education, Bureau of Elementary and Secondary Education.

3. AGENCY FORM NUMBER: OE 681.

V 4 4 / 2 9 FEB 79 UMI

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"Sec. 522. Each State which desires to participate in programs under this part shall submit to the Commissioner a State plan which sets forth in such detail as the Commissioner prescribes the purposes for which funds provided under this part will be used by the State educational agency. The plan shall also set forth—

"(1) the means by which the State will make information and tecnnical assistance available to private nonprofit school officials who desire to arrange for children in those schools to participate in Federal elementary and secondary education programs; and

"(2) a comprehensive plan for the coordination of Federal and State funds for training activities for educational personnel in the State including preservice and inservice training, which plan shall be developed with the involvement of teachers, professional associations, institutions of higher education, and other interested individuals and organizations.

((20 U.S.C. 3162) Pub. L. 95-561)

5. VOLUNTARY, OBLIGATORY NATURE OF RESPONSE: Required to obtain or maintain benefits.

6. HOW INFORMATION WILL BE USED: The information is necessary to report to Congress and to the education community on program impact. It will also be used to improve program management.

7. DATA ACQUISITION PLAN:

a. Method of Collection: Mail.

b. Time of Collection: Spring.

c. Frequency: Not more than once every three years.

8. RESPONDENTS:

a. Type: State educational agencies.

b. Number: 57.

c. Estimated Man-Hours Per Respondent: 100.

9. INFORMATION TO BE COLLECTED: In accordance with the requirement under section 522, each State which desires to participate shall submit to the Commissioner a State plan which will:

(a) Identify objectives and activities for strenghening the educational leadership and assist in meeting critical educational needs.

(b) Estimated funds allocated to each objective.

(c) Organizational unit responsible for activity.

(d) Means by which State will make information available to private nonprofit school officials about Federal programs.

(e) A comprehensive plan for coordination of Federal and State funds for training activities for educational personnel.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY: Financial Status and Performance Reports under ESEA Title V, Part B, Strengthening State Educational Agency Management, Pub. L. 95-561.

2. AGENCY, BUREAU, OFFICE: U.S. Office of Education, Bureau of Elementary and Secondary Education.

3. AGENCY FORM NUMBER: OE 681-1.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

Sec. 437.(a) The Commissioner shall require that each State submit to him, within ninety days after the end of any fiscal year, a report on the uses of Federal funds in that State under any applicable program for which the State is responsible for administration. Such report shall—

(1) list all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year;

(2) include the total amount of funds available to the State under each such program for such fiscal year and specify from which appropriation Act or Acts these funds were available;

(3) with respect to the second preceding fiscal year, include a compilation of reports from local educational agencies and other public and private agencies and institutions within such State which sets forth the amount of such Federal funds received by each such agency and the purposes for which such funds were expended;

(4) with respect to such second preceding fiscal year, include a statistical report on the individuals served or affected by programs, projects, or activities assisted with such Federal funds; and

(5) be made readily available by the State to local educational agencies and other public and private agencies and institutions within the State, and to the public.

((20 U.S.C. 1232f) Pub. L. 93-380; Pub. L. 94-273; Pub. L. 94-482.)

5. VOLUNTARY, OBLIGATORY NATURE OF RESPONSE: Required to obtain or maintain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED: The information is needed to assure adequate progress is being made toward achieving objectives and that fiscal requirements are being met.

7. DATA ACQUISITION PLAN:

a. Method of Collection: Mail.

b. Time of Collection: Fall.

c. Frequency: Annually.

8. RESPONDENTS:

a. Type: State educational agencies.

b. Number: 57.

c. Estimated Man-Hours Per Respondent: 60.

9. INFORMATION TO BE COLLECTED:

a. Financial Status Report. Expenditures by fiscal year of appropriation obligated during grant period.

b. Performance Report. Accomplishments for each objective funded and degree to which unmet needs exist.

[FR Doc. 79-4433 Filed 2-8-79; 8:45 am]

[4110-03-M]

Food and Drug Administration

VET PRODUCTS CO.

Dihydrostreptomycin Tablets and Boluses; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) withdraws approval of three new animal drug applications (NADA's) which provide for use of tablets and boluses containing dihydrostreptomycin with one or more of the following ingredients: kaolin, pectin, vitamin A, and carob flour for treatment of calves for bacterial scours and swine for bacterial enteritis. Vet Products Co., the sponsor of these applications, has requested this action.

EFFECTIVE DATE: February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald A. Gable, Bureau of Veterinary Medicine (HFV-100), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: Vet Products Co., 1524 Holmes St., Kansas City, MO 64108 is sponsor of NADA's 65-092V, 65-227V, and 65-229V. These applications, originally approved March 25, 1957, July 18, 1955, and April 5, 1967, respectively, provide for the use of several products containing dihydrostreptomycin with one or more of the following ingredients: kaolin, pectin, vitamin A, and carob flour for the treatment of calves for bacterial scours and swine for bacterial enteritis. These products were similar to those which were the subject of a National Academy of Sciences/National Research Council (NAS/NRC) review published in the FEDERAL REGISTER of August 22, 1970 (35 FR 13487). The firm was advised that these products must be brought into compliance with the conclusions of that review.

On August 17, 1978, the agency advised the firm that if it did not respond in 30 days concerning bringing these products into compliance with the conclusions of the NAS/NRC review, the agency would proceed with action to withdraw approval of these applications. The firm was also informed that if it was not marketing the products, it could request a withdrawal of approval.

The firm responded on August 28, 1978 indicating that manufacture of the products had been discontinued. It requested a withdrawal of approval of the applications.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA's 65-092V, 65-227V, and 65-229V and all supplements for these products is hereby withdrawn, effective February 9, 1979.

Dated: January 30, 1979.

TERENCE HARVEY,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 79-4409 Filed 2-8-79; 8:45 am]

[4110-03-M]

ANTIMICROBIAL PANEL

Meeting Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Antimicrobial Panel meeting announced by notice in the FEDERAL REGISTER of January 16, 1979 (44 FR 3314) for February 23 and 24, 1979, has been changed to March 23 and 24, 1979, in Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Lee Geismar, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6057.

Dated: Feburary 1, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-4111 Filed 2-8-79; 8:45 am]

[4110-02-M]

Office of Education

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

AGENCY: Office of Education, National Advisory Council on Women's Educational Programs.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Federal Policy, Practices and Programs Committee of the National Advisory Council on Women's Educational Programs. Notice of the meeting is required pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: February 27, 1979, 9:30 a.m. to 5:00 p.m.

ADDRESS: 1832 M Street, NW., Suite 821, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Laura R. Summers, National Advisory Council on Women's Educational Programs, 1832 M Street, NW., #821, Washington, D.C. 20036, (202) 653-5846.

The National Advisory Council on Women's Educational Programs is established pursuant to Public Law 95-561. The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary for Education concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant of Pub. L. 95-561, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under Pub. L. 95-561.

The agenda for the Federal Policy, Practices, and Programs Committee will include discussion of further Council activity on sex equity.

The meeting of the Federal Policy, Practices, and Programs Committee will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the Council offices at 1832 M Street, NW., Suite 821, Washington, D.C.

Signed at Washington, D.C., on February 6, 1979.

JOY R. SIMONSON,
Executive Director.

[FR Doc. 79-4456 Filed 2-8-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-3068-EM; Docket No. NFD-662]

ILLINOIS

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of Emergency declaration for the State of Illinois (FDAA-3068-EM), dated January 16, 1979.

DATED: January 19, 1979.

FOR FURTHER INFORMATION CONTACT:

A. C. Reid, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 634-7825.

NOTICE: The Notice of Emergency for the State of Illinois dated January 16, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the emergency declared by the President in his declaration of January 16, 1979.

The County of: Mercer

The period of emergency assistance is hereby limited to begin as of 12:01 a.m., January 19, 1979, and to extend through 12:00 midnight, January 20, 1979, except if unusual circumstances warrant an extension of time.

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance)

WILLIAM H. WILCOX,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79-4470 Filed 2-8-79; 8:45 am]

V 4 / 29 FEB 79 UMI

[4210-01-M]

[FDAA-3068-EM, Docket No. NFD-663]

ILLINOIS

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of Emergency declaration for the State of Illinois (FDAA-3063-EM], dated January 16, 1979.

DATED: January 20, 1979.

FOR FURTHER INFORMATION CONTACT:

A. C. Raid, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: The Notice of Emergency for the State of Illinois dated January 16, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the emergency declared by the President in his declaration of January 16, 1979.

The County of: Marshall

The period of emergency assistance is hereby limited to begin as of 12:01 a.m., January 20, 1979, and to extend through 12:00 midnight, January 23, 1979, except if unusual circumstances warrant an extension of time.

(Catalog of Federal Domestic Assistance No. 14,701 Disaster Assistance.)

WILLIAM H. WILCOX,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79-4471 Filed 2-8-79; 8:45 am]

[4210-01-M]

[FDAA-3069-EM; Docket No. NFD-664]

WISCONSIN

Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Wisconsin (FDAA-3069-EM), dated January 19, 1979, and related determinations.

DATED: January 19, 1979.

FOR FURTHER INFORMATION CONTACT:

John Perry, Acting Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974: (88 Stat. 143); notice is hereby given that on January 19, 1979, the President declared an emergency as follows:

I have determined that the impact of an abnormal accumulation of snow resulting from a series of blizzards and snowstorms in the State of Wisconsin is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Wisconsin.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert E. Connor of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of Wisconsin to have been adversely affected by this declared emergency.

The City of Milwaukee.
The Counties of Kenosha and Racine.

The period of emergency assistance is hereby limited to a maximum of five days, from 12:01 a.m., on the date of the President's declaration, January 19, 1979. except in those cases where unusual circumstances warrant extensions of time.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79-4472 Filed 2-8-79 8:45 am]

[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

FEDERAL ACKNOWLEDGMENT OF EXISTENCE AS AN INDIAN TRIBE

Receipt of Petition

FEBRUARY 6, 1979.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Georgia Tribe of Eastern Cherokees, Inc., c/o Mr. Thomas B. Mote, Route 3, Dahlonega, Georgia 30533, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on January 9, 1979. The petition was forwarded and signed by Mr. Thomas B. Mote, Chairman of the Board of Directors of the petitioning group.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20245.

THEODORE C. KRENZKE,
Acting Assistant Secretary, Indian Affairs.

FEBRUARY 6, 1979.

[FR Doc. 79-4435 Filed 2-8-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

[NM 35945]

NEW MEXICO

Application

FEBRUARY 2, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for one 4-inch natural gas pipeline and related facilities right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 23 E.,
Sec. 4, S½NE¼;
Sec. 17, W½NW¼

This pipeline will convey natural gas across 0.872 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Land and Minerals Operations

[FR Doc. 79-4452 Filed 2-8-79; 8:45 am]

[4310-84-M]

[Wyoming 65914]

WYOMING

Application

FEBRUARY 1, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Oklahoma filed an application for a right-of-way to install anodes and construct three 4½ inch pipelines, and one 8⅝ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 94 W.,
Secs. 8 and 18.
T. 18 N., R. 94 W.,
Secs. 28 and 32.
T. 18 N., R. 95 W.,
Sec. 36.

The proposed pipelines will transport natural gas from 6 wells located within Tps. 17 & 18 N., Rs. 94 & 95 W., to a point of connection with an existing pipeline located in the S½SW¼ of section 21, T. 18 N., R. 94 W., all within Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4453 Filed 2-8-79; 8:45 am]

[4310-84-M]

ARIZONA; SHIVWITS GRAZING MANAGEMENT PROPOSAL

Intent To Prepare an Environmental Statement

The Department of the Interior, Bureau of Land Management, Arizona Strip District Office, will prepare an Environmental Impact Statement on the forage allocation for the Shivwits Resource Area in northern Mohave County, Arizona. The statement will consider four alternatives to the proposed forage allocation. They are: (1) No Action—forage allocations would remain at the present levels, (2) No Vegetative Manipulation—there would be no increase in livestock forage from land treatments, (3) Stocking Level By Condition—the stocking level would be adjusted by the condition and trend of the range, (4) Elimination of Livestock Grazing on Public Lands.

The data base for the Environmental Statement will be the Bureau's planning documents. These documents were prepared by the Bureau with input from other agencies and the user groups. The planning documents are available for inspection at the BLM District Office, 196 E. Tabernacle, St. George, Utah 84770.

For information regarding the proposal and the environmental impact statement, contact either of the following individuals:

Dennis Carter, Project Leader, Arizona Strip District, BLM, 196 E. Tabernacle, St. George, Utah 84770, Telephone 801-628-0426.

Bill Carter, Environmental Coordinator, Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone FTS 261-4127, Commercial 602-261-4127.

Dated: February 2, 1979.

HAROLD H. RAMSBACHER,
Acting State Director, Arizona.

[FR Doc. 79-4415 Filed 2-8-79; 8:45 am]

[4310-84-M]

[NM 35946, 35947 and 35979]

NEW MEXICO

Applications

FEBRUARY 2, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline and related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 7 W.,
Sec. 7, lot 2 and S½SE¼;
Sec. 23, W½SE¼.
T. 27 N., R. 8 W.,
Sec. 35, E½SE¼.

These pipelines will convey natural gas across 0.406 of a mile of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4421 Filed 2-8-79; 8:45 am]

[4310-84-M]

[NM 35840 and 35842]

NEW MEXICO

Applications

JANUARY 30, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 26 E.,
Sec. 14, SE¼;
Sec. 23, NE¼NE¼.
T. 23 S., R. 33 E.,
Sec. 30, W½NE¼.

These pipelines will convey natural gas across 0.973 of a mile of public lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4420 Filed 2-8-79; 8:45 am]

V 4 4 / 2 9 F E 9 7 9 UMI

[4310-84-M]

[NM 35841]

NEW MEXICO

Application

JANUARY 30, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 10 W.,
Sec. 34, lots 5, 7 and 8.

This pipeline will convey natural gas across 0.558 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief Branch of
Lands and Minerals Operations.

[FR Doc. 79-4419 Filed 2-8-79; 8:45 am]

[4310-84-M]

[NM 35941]

NEW MEXICO

Application

FEBRUARY 1, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 29 E.,
Sec. 5, E½SW¼ and S½SE¼.

This pipeline will convey natural gas across 0.65 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 79-4418 Filed 2-8-79; 8:45 am]

[4310-84-M]

[NM 35954]

NEW MEXICO

Application

FEBRUARY 1, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Ashland Exploration, Inc. has applied for one 6-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 36 E.,
Sec. 19, E½NE¼, N½SE¼ and SW¼SE¼;
Sec. 30, lot 3, NW¼NE¼, E½NW¼ and NE¼SW¼.

This pipeline will convey natural gas across 1.697 miles of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 79-4416 Filed 2-8-79; 8:45 am]

[4310-84-M]

[NM 36004]

NEW MEXICO

Application

FEBRUARY 2, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one 6-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 28 E.,
Sec. 23, SE¼NW¼ and NE¼SW¼.

This pipeline will convey natural gas across 0.30 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 79-4417 Filed 2-8-79; 8:45 am]

[4310-84-M]

[Wyoming 66307]

WYOMING

Application

JANUARY 30, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ and 6⅝ inch O.D. pipeline and related facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 112 W.,
Sec. 10, E½NE¼;
Sec. 14, W½NW¼ and NW¼SW¼,
Sec. 22, E½NE¼, NW¼NE¼, E½NW¼, SW¼NW¼, N½SW¼ and SW¼SW¼;
Sec. 28, N½NE¼, NE¼NW¼, S½NW¼ and N½SW¼.

The proposed Lateral A-9 pipeline will connect on the Lateral A-5 Gathering system in the NE¼NE¼ section 10 and the Whiskey Butte No. 5, 12, 16, 22 wells located in the NW¼SW¼ section 14 and the NE¼SW¼ section 22, 23 and 28 will transport natural gas in a southerly direction to a point in the S½SW¼ section 29, T. 21 N., R. 112 W., Lincoln County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 79-4425 Filed 2-8-79; 8:45 am]

[4310-84-M]

[Wyoming 66321]

WYOMING

Application

FEBRUARY 1, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 30 N., R. 113 W.,
Sec. 28, NW¼NE¼.

The pipeline will transport natural gas produced from the Belco well to a point of connection with Northwest Pipeline Corporation's existing pipeline designated as Trunk N all within the NW¼NE¼ of section 28, T. 30 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 79-4423 Filed 2-8-79; 8:45 am]

[4310-84-M]

[Wyoming 66322]

WYOMING

Application

JANUARY 29, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 30 N., R. 113 W.,
Sec. 28, S½NE¼.

The pipeline will transport natural gas produced from the S-28-28 Well located in the SW¼NE¼ of sec. 28 to a point of connection with Northwest Pipeline Corporation's existing pipeline in the SE¼NE¼ of sec. 28, all within T. 30 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 N., Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 79-4430 Filed 2-8-79; 8:45 am]

[4310-84-M]

[Wyoming 66327]

WYOMING

Application

FEBRUARY 1, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 112 W.,
Sec. 2, E½SW¼.

The pipeline will transport natural gas produced from the Whiskey Buttes Well No. 14 located in the NE¼SW¼ of section 2 to a point of construction with Northwest Pipeline Corporation's existing pipeline in the NE¼NW¼ of section 11, all within T. 21 N., R. 112 W., Lincoln County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 79-4427 Filed 2-8-79; 8:45 am]

[4310-84-M]

[Wyoming 63228 Amdt.]

WYOMING

Application

FEBRUARY 1, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application to amend their existing right-of-way grant to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 95 W.,
Sec. 36, N½SE¼.

Colorado Interstate Gas Company seeks to amend its existing right-of-way grant W-63228 for the purpose of correcting the description of this line from the SE¼ section 36, T. 20 N., R. 95 W., to a portion of the SE¼ section 36, T. 21 N., R. 95 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 79-4424 Filed 2-8-79; 8:45 am]

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[4310-84-50]

[Wyoming 66345]

WYOMING

Application

FEBRUARY 2, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 112 W.,
Sec. 28, E½NW¼.

The pipeline will transport natural gas produced from the Federal No. 28-1 Well located in the SE¼NW¼ of section 28 to a point of connection with Northwest Pipeline Corporation's existing pipeline in the SE¼NW¼ of section 21, all within T. 18 N., R. 112 W., Uinta County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4428 Filed 2-8-79; 8:45 am]

[4310-84-M]

[Wyoming 66349]

WYOMING

Application

JANUARY 29, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ and 6⅝ inch O. D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 111 W.,
Sec. 28, NW¼NE¼ and N½NW¼;
Sec. 30, NE¼NE¼.
T. 20 N., R. 112 W.,
Sec. 24, S½S½;
Sec. 26, N½N½.

The proposed pipeline will transport natural gas on their lateral A-8 line from a point of connection in the NW¼NW¼ section 26, T. 20 N., R. 112 W., to tie into their existing gathering system located in the NE¼NW¼ section 28, T. 20 N., R. 111 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4422 Filed 2-8-79; 8:45 am]

[4310-84-M]

[Wyoming 66357]

WYOMING

Application

JANUARY 29, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Sing Well Servicing Company, Incorporated of Mills, Wyoming filed an application for a right-of-way to construct a 4½ inch O.D. above ground pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 111 W.,
Sec. 18, lot 3, SW¼NE¼, SE¼NW¼ and NE¼SW¼.
T. 26 N., R. 112 W.,
Sec. 13, lot 3.

The proposed pipeline will transport natural gas from the No. 1 Stead Canyon well located in the SW¼NE¼ of section 18, T. 26 N., R. 111 W., to a point of connection with an existing pipeline located in lot 3 of section 13, T. 26 N., R. 112 W., all within Lincoln County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4426 Filed 2-8-79; 8:45 am]

[4310-84-M]

[Wyoming 66581]

WYOMING

Application

FEBRUARY 2, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 8⅝ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.,
Sec. 28, W½SW¼;
Sec. 32, N½NW¼.

The pipeline will transport natural gas produced from the Federal No. 1 well located in the NW¼SW¼ of section 28, to a point of connection with Colorado Interstate Gas Company's existing pipeline in the SW¼NW¼ of section 32, all within T. 18 N., R. 98 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4429 Filed 2-8-79; 8:45 am]

[4310-70-M]

National Park Service

YOSEMITE NATIONAL PARK

Intention To Extend Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice (March 12, 1979), the Department of the Interior, through the Director of the National Park Service, proposes to extend concession contract with El Portal Inn, authorizing it to continue to provide food and beverage service, curios and sundry items for the public at El Portal Administrative Site, Yosemite National Park, for a period of two (2) years from January 1, 1979, through December 31, 1980.

It has been determined that the proposed extension of this contract does not have potential for causing significant environmental impact and therefore preparation of an environmental assessment is not required.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1978, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants El Portal Inn, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of El Portal Inn is substantially equal to others received. In the event a responsive proposal superior to that of El Portal Inn (as determined by the Secretary) is submitted, El Portal Inn, will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with El Portal Inn. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be submitted on or before March 12, 1979, to be considered and evaluated.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: February 1, 1979.

F. R. HOLLAND, Jr.,
Acting Associate Director, National Park Service.

[FR Doc. 79-4406 Filed 2-8-79; 8:45 am]

[4310-84-M]

Office of the Secretary

[INT FES 79-6]

VEGETATION MANAGEMENT WITH HERBICIDES; WESTERN OREGON

Availability of Final Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior, Bureau of Land Management, has prepared a final environmental statement on a proposed program for Vegetation Management with Herbicides on Western Oregon forest lands. The proposed program spans a 10 year period.

The statement is an assessment of the impact of using herbicides or alternatives on approximately 74,500 acres annually to aid in the establishment of forest plantations, maintenance of roads, and noxious weed control.

Copies of the final statement are available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street, N.W., Washington, D.C. 20240, telephone: (202) 343-4151.
Oregon State Office, Bureau of Land Management, Room 100, 729 NE Oregon Street, Portland, Oregon 97208, telephone: (503) 231-6273.

Coos Bay District Office, Bureau of Land Management, 333 S. Fourth Street, P.O. Box 1139, Coos Bay, Oregon 97420, telephone: (503) 269-5880.

Eugene District Office, Bureau of Land Management, 1255 Pearl Street, P.O. Box 10226, Eugene, Oregon 97401, telephone: (503) 687-6651.

Medford District Office, Bureau of Land Management, 310 W. 6th Street, Medford, Oregon 97501, telephone: (503) 779-2351.

Roseburg District Office, Bureau of Land Managemen, 777 N.W. Garden Valley Boulevard, Roseburg, Oregon 97470, telephone: (503) 672-4491.

Salem District Office, Bureau of Land Management, 3550 Liberty Road, S., P.O. Box 3227, Salem, Oregon 97302, telephone: (503) 399-5646.

Copies are available for inspection only at the following locations:

Coos Bay Public Library, 525 Anderson, Coos Bay, Oregon 97420.
Curry County Public Library, Colvin Street, Gold Beach, Oregon 97444.
Douglas County Library, Courthouse, Roseburg, Oregon 97470.
Eugene Public Library, 100 West 13th, Eugene, Oregon 97401.
Glendale Public Library, Glendale, Oregon 97442.
Josephine County Library, 506 NW 5th, Grants Pass, Oregon 97526.
Josephine County Library, Illinois Valley Branch, Cave Junction, Oregon 97523.
Medford Public Library, 413 West Main, Medford, Oregon 97501.
Oregon State University Library, Corvallis, Oregon 97331.
Salem Public Library, 858 Liberty S.E., Salem, Oregon 97302.
University of Oregon Library, Eugene, Oregon 97403.

A limited number of single copies may be obtained from the Oregon State Director, Bureau of Land Management, the Office of Public Affairs, Bureau of Land Management (Washington, D.C.) and Western Oregon district offices.

Dated: February 6, 1979.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc. 79-4482 Filed 2-8-79; 8:45 am]

[4310-10-M]

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda of Rules Scheduled for Review or Development

NOTE: This document was originally published at 44 FR 6214; January 31, 1979. It is being republished here to correct several errors in the printing of the agenda.

AGENCY: Department of the Interior.

ACTION: Semiannual Agenda of Rules Scheduled for Review or Development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between January and June 1979, and the status of rules previously scheduled for review. This semiannual agenda is required by Executive Order 12044 and 43 CFR 14.8.

DATES: January to June 1979.

ADDRESS: Unless otherwise indicated, all Knowledgeable Officials are located at the Department of the Interior, 1800 C Street, NW, Washington, D.C. 20240, Area Code 202.

FOR FURTHER INFORMATION CONTACT:

All comments and inquires with regard to these scheduled rules should be directed to the appropriate Knowledgeable Official.

Dated: January 25, 1979.

CECIL D. ANDRUS,
Secretary.

AGENDA OF REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT: JANUARY–JUNE 1979

CFR citation	Subject	Purpose of review/development	Significant		Regulatory Analysis		Expected dates(s) of publication (if known)	Knowledgeable official
			Yes	No	Yes	No		
BUREAU/OFFICE: OFFICE OF THE SOLICITOR								
41 CFR Subpart 14R-9.1	Inventions and Patents	To conform patent regulations to statutory authority and establish data regulations for the Office of Water Research and Technology.		x		x		D. A. Gardiner, 343-4471. Gersten Sadowsky, 343-4471
41 CFR Subpart 14R-9.2	Data	To revise and issue Departmentwide data regulations and policy.		x		x		D. A. Gardiner, 343-4471. Gersten Sadowsky, 343-4471.
BUREAU/OFFICE: OFFICE OF HEARINGS AND APPEALS, 4015 WILSON BLVD., ARLINGTON, VA 22203 (AREA CODE 703)								
43 CFR Part 4, Subpart B	General Rules Relating to Procedures and Practice.	New regulation to revise procedures in § 4.21(c) and limit petitions for reconsideration to one as well as time for filing such petitions.		x		x	Proposed Rule April 1979.	Newton Frishberg, 703-557-9040.
		New regulation to revise and clarify § 4.24(a)(4) with respect to consideration on appeal of documents exempt from disclosure under 5 U.S.C. 552(b).		x		x		
43 CFR Part 4, Subpart C	Special Rules Applicable to Contract Appeals.	New procedural rules to implement P.L. 95-563 enacted November 1, 1978, with respect to accelerated appeals involving $50,000 or less and expediting appeals of $10,000 or less.		x		x	Proposed Rule January 1979, Final Rule February 1979.	Russell C. Lynch, 703-557-1450.
43 CFR Part 4, Subpart D	Special Rules Applicable to Proceedings in Indian Probate, Including Hearings and Appeals; Tribal Purchase of Interests Under Special Statutes, Including Hearings and Appeals; and Administrative Appeals in Indian Affairs Generally.	New regulations to revise present regulations pertaining to Tribal purchase of certain interests of decedents in trust and restricted lands in Yakima, Warm Springs, and Nez Perce Reservations, as provided by special statutes.		x		x	Proposed Rule June 1979.	Laurie K. Luoma, 703-557-9200.
43 CFR Part 4, Subpart E	Special Rules Applicable to Public Land Hearings and Appeals.	New regulation to revise § 4.433 and provide for recommended decisions by administrative law judges where requested by Board of Land Appeals.		x		x	Proposed Rule April 1979.	Newton Frishberg, 703-557-9040.
		New regulation to revise § 4.439 and provide that proposed findings or recommended decisions of administrative law judges shall be served on parties and they may file timely exceptions thereto with the Board of Land Appeals.		x		x		
43 CFR Part 4, Subpart J	Special Rules Applicable to the Alaska Native Claims Settlement Act Hearings and Appeals.	New regulations to revise and clarify present procedural rules and to carry out Secretarial policy decisions on (1) Alaska Native Claims Appeal Board jurisdiction over appeals by persons claiming rights under § 14(c) of the Alaska Native Claims Settlement Act, (2) requirement for standing to appeal, (3) standards for review and burden of proof, and (4) procedure for hearing on questions of fact.		x		x	Proposed Rule February 1979, Final Rule March 1979.	Judith M. Brady, Chairman, Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, 907-265-5356.
43 CFR Part 4, Subpart L	Special Rules Applicable to Surface Coal Mining Hearings and Appeals.	New regulations to provide additional procedural rules for hearings under the permanent regulatory program of the Office of Surface Mining Reclamation and Enforcement.		x		x	Proposed Rule March 1979, Final Rule May 1979.	Bruce R. Harris, 703-557-9037.

AGENDA OF REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT: JANUARY–JUNE 1979—Continued

CFR citation	Subject	Purpose of review/development	Significant		Regulatory Analysis		Expected dates(s) of publication (if known)	Knowledgeable official
			Yes	No	Yes	No		
BUREAU/OFFICE: OFFICE OF INSPECTOR GENERAL								
43 CFR pt. 20	Employee Responsibilities and Conduct.	The Ethics in Government Act of 1978, Pub. Law 95-521 signed by the President on 10-26-78, contains provisions which require a complete revision of existing conflict of interest rules and regulations.		x		x		Gabe Paone, 343-3932.
30 CFR pt. 705 and pt. 706	Surface Mining Control and Reclamation Restrictions of Financial Interests of State and Federal Employees.	Changes to these regulations are necessary to clarify problem areas identified after applying the regulations in the first year. Changes will include clarifying definitions and inserting language to simplify Department policy policy.		x		x		Gabe Paone, 343-3932.
43 CFR 7	Employees: Interest in Lands and Resources.	These regulations must be revised to eliminate contradictions with 43 CFR pt. 20.		x		x		Gabe Paone, 343-3932.
BUREAU/OFFICE: OFFICE FOR EQUAL OPPORTUNITY								
43 CFR Part 34	Nondiscrimination in Activities Conducted under and Authorized By Pub. L. 94-586; Alaska Gas Pipeline.	To implement Section 17 of the Alaska Natural Gas Transportation Act. A determination of significance and the decision on preparation of a regulatory analysis have not been made at this time.						Sharon White, Office of the Solicitor, 343-2162.
43 CFR Part 17, Subpart B	Nondiscrimination on the Basis of Handicap.	To implement Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, regarding federally-assisted programs administered by the Department. The decision on preparation of a regulatory analysis has not been made at this time.	x				Notice of Intent January 1979.	Alton Hancock, Office of the Solicitor, 343-6346.
43 CFR Part 17, Subpart C	Nondiscrimination on the Basis of Age.	To implement the Age Discrimination Act of 1975 (42 U.S.C. 6101, *et seq.*). This subpart will be based on guidelines developed by HEW.		x		x		James Poole, 343-4331.
BUREAU/OFFICE: GEOLOGICAL SURVEY, NATIONAL CENTER, RESTON, VA 22092 (AREA CODE 703)								
30 CFR Part 241	Leasing and acquisition of water wells.	Update regulations to provide a more practical mechanism for complying with statutory requirements.		x		x	Proposed rule March 1979.	Charles Sours, 860-7521.
30 CFR Part 251	Geological and geophysical exploration of the Outer Continental Shelf.	Implement the Outer Continental Shelf Lands Act Amendments of 1978.		x		x	Proposed rule January 1979, Final rule May 1979.	Bruce Weetman, 860-7564.
30 CFR Part 252	Oil and gas information program.	Implement the Outer Continental Shelf Lands Act Amendments of 1978.		x		x	Proposed rule January 1979, Final rule May 1979.	Bruce Weetman, 860-7564.
BUREAU/OFFICE: BUREAU OF MINES, 2401 E STREET, NW., WASHINGTON, D.C. 20241 (AREA CODE 202)								
30 CFR 601	Sales of Helium by and Rental of Containers from Bureau of Mines.	Revise fee schedule to reflect increases in costs since 1977.		x		x		Ray D. Munnerlyn, 634-4734.

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AGENDA OF REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT: JANUARY–JUNE 1979—Continued

CFR citation	Subject	Purpose of review/ development	Significant		Regulatory Analysis		Expected dates(s) of publication (if known)	Knowledgeable official
			Yes	No	Yes	No		
BUREAU/OFFICE: OFFICE OF SURFACE MINING, RECLAMATION AND ENFORCEMENT								
30 CFR Chapter VII Subchapter R Part 875.	Reclamation Standards	To implement legislation (Pub. L. 95-87, Title IV).	x			x	Notice of Intent February 1979. Proposed Rule March 1979.	M. Richard Nalbandian, 343-4057.
BUREAU/OFFICE: BUREAU OF LAND MANAGEMENT								
43 CFR Part 1600	Planning, programming and budgeting.	Write regulations incorporating the Bureau of Land Management's planning system into its regulations.	x			x	Final rulemaking about 6/1/79.	R. Jones, 343-5682. R. C. Bruce, 343-8735.
43 CFR Part 1700	Advisory Councils	Revise regulations to incorporate policies and procedures of the Federal Land Policy and Management Act of 1976.		x		x	Proposed rulemaking early 1979.	L. Laitala, 343-5629. R. C. Bruce, 343-8735.
43 CFR Part 2200	Exchanges of Public Lands	Revise regulations to incorporate policies and procedures of the Federal Land Policy and Management Act of 1976.		x		x	Pre-proposed in early 1979.	M. Millenbach, 343-8731. R. C. Bruce, 343-8735.
43 CFR Part 2300	Withdrawal of public lands	Revise regulations to incorporate the policies and procedures of the Federal Land Policy and Management Act of 1976.		x		x	Proposed rulemaking 6/79.	R. C. Bruce, 343-8735.
43 CFR Parts 2540, 2740, and 9180.	Color-of-Title and Omitted Lands.	Revise regulations to incorporate policies and procedures of the Federal Land Policy and Management Act of 1976.		x		x	Final rulemaking about 5/1/79.	S. Spector, 343-8738. R. C. Bruce, 343-8735.
43 CFR Part 2610	Carey Act Grants	Re-institute regulations withdrawn because of program inactivity and bring them into conformance with existing programs.		x		x	Final rulemaking in early 1979.	M. Millenbach, 343-8731. R. C. Bruce, 343-8735.
43 CFR Part 2740	Recreation and Public Purposes Act.	Revise regulations to incorporate policies and procedures of the Federal Land Policy and Management Act of 1976.		x		x	Proposed rulemaking 1/79.	M. Millenbach, 343-8731. R. C. Bruce, 343-8735.
43 CFR Part 2800	Rights-of-way; principles and procedures.	Revise regulations to incorporate policies and procedures of the Federal Land Policy and Management Act of 1976.		x		x	Proposed rulemaking by 6/79.	J. Stephenson, 343-5441. R. C. Bruce, 343-8735.
43 CFR Part 2880	Rights-of-way under the Mineral Leasing Act.	Revise regulations to incorporate policies and procedures of the Federal Land Policy and Management Act of 1976.		x		x	Final rulemaking in early 1979.	J. Stephenson, 343-5441. R. C. Bruce, 343-8735.
43 CFR Subpart 3802	Surface protection, Wilderness.	Write regulations providing protection for the surface area of wilderness study areas from mining activity under the 1872 Mining Law.	x		x		Proposed rulemaking 1/12/79; Final rulemaking May 1979.	R. Anderson, 343-7722. R. C. Bruce, 343-8735.
43 CFR Subpart 3809	Surface Management of unpatented mining claims located on public lands.	Write regulations providing protection of the public lands from undue degradation from mining activity under the 1872 Mining Law.	x		x		Proposed rulemaking February 28, 1979. Final rulemaking August 1979. Effective November 1.	Robert Anderson, 343-7722. Robert C. Bruce, 343-8735.
43 CFR Subpart 3828	Surface Management of unpatented mining claims located in the California Desert Cons. Area.	Write regulations providing protection of the public lands in the California Desert Conservation area from undue degradation under the 1872 Mining Law.	x		x		Proposed rulemaking February 1979. Final rulemaking May 1979.	Robert Anderson, 343-7722. Robert C. Bruce, 343-8735.
43 CFR Part 4100	Amendments to the Grazing Administration and Trespass Regulations.	Revise regulations to incorporate changes made by the Public Rangelands Improvement Act.		x		x	Proposed rulemaking early in 1979.	David Little, 343-6011. Robert C. Bruce, 343-8735.

AGENDA OF REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT: JANUARY–JUNE 1979—Continued

CFR citation	Subject	Purpose of review/ development	Significant		Regulatory Analysis		Expected dates(s) of publication (if known)	Knowledgeable official
			Yes	No	Yes	No		
BUREAU/OFFICE: BUREAU OF LAND MANAGEMENT—Continued								
43 CFR Section 4130.5	Amending the Grazing Regulations as they relate to the Grazing Fee.	Revise regulations to incorporate changes made by the Public Rangelands Improvement Act.		x		x	Final rulemaking in early 1979.	Ronald J. Younger, 343-6011. Robert C. Bruce, 343-8735.
43 CFR Part 8340	Management of the use of Off-Road Vehicles on the public lands.	Write regulations to provide for the management of the use of off-road vehicles on the public lands.	x			x	Final rulemaking in early 1979.	Larry R. Young, 343-9353. Cecil Feeney, 343-8735.
43 CFR Part 4300	Coal Leasing	Revise regulations relating to the coal management program ensuring a complete understanding of the preferred program and how it will be implemented. The decision on preparation of a regulatory analysis has not been made at this time. A notice of intent was published in the Federal Register on December 15, 1978.	x				Proposed Rule March 1979, Final Rule June 1979.	Don Mitchell, 343-4537.
BUREAU/OFFICE: BUREAU OF RECLAMATION								
43 CFR 21	Occupancy of Cabin Sites	To review and make recommendations for modifications and changes if necessary.		x		x		T. G. Cooper, 343-5204.
43 CFR 401	Entry on Reclamation Lands.	To bring the CFR into compliance with requirements of P.L. 94-579 (FLPMA).		x		x		T. G. Cooper, 343-5204.
43 CFR 402	Sale of Small Tracts	To bring the CFR into compliance with requirements of P.L. 94-579.		x		x		T. G. Cooper, 343-5204.
43 CFR 403	Unproductive Land	To bring the CFR into compliances with the requirements of P. L. 94-579..		x		x		T. G. Cooper, 343-5204.
43 CFR 406	Exchange or amendment of Farm Units.	To bring the CFR into compliance with requirements of P.L. 94-579.		x		x		T. G. Cooper, 343-5204.
43 CFR 416	Reclassification of Highland Columbia Project.	To determine the necessity for the continuation in effect of the CFR or needed modifications.		x		x		T. G. Cooper, 343-5204.
43 CFR 417	Procedural Methods for Implementing Colorado River Water Conservation Measures with Lower Basin Contractors and Others.	To determine if changes in existing rules are required in order to conserve water in the lower Colorado River Basin.		x		x		Roy H. Boyd, 343-5471.
43 CFR 418	Newlands Reclamation Project, Nevada; Truckee River Storage Project, Nevada; and Washoe Reclamation Project, Nevada-California (Truckee and Carson River Basins, Californi-Nevada); Pyramid Lake Indian Reservation, Nevada; Stillwater Area, Nevada.	To determine if changes in existing rules are required in order to conserve water in the Truckee and Carson River Basins.		x		x		Roy H. Boyd, 343-5471.
43 CFR 420	Off Road Vehicle Use	This was published as a proposed ruel in the Federal Register on August 22, 1978.		x		x	Final Rule January 1979.	T. G. Cooper, 343-5204.
BUREAU/OFFICE: U.S. FISH AND WILDLIFE SERVICE								
50 CFR Part 26	National Wildlife Refuge System—public entry and use.	To review for clarity, necessity, and conciseness, ensure that material is complete and current, and identify those rules that impose unnecessary burdens on the economy. E.O.12044 and 43 CFR 14.		x		x		Marcus Nelson, 343-4791.

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AGENDA OF REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT: JANUARY–JUNE 1979—Continued

CFR citation	Subject	Purpose of review/development	Significant		Regulatory Analysis		Expected dates(s) of publication (if known)	Knowledgeable official
			Yes	No	Yes	No		
BUREAU/OFFICE: U.S. FISH AND WILDLIFE SERVICE—Continued								
50 CFR Part 32	Hunting on wildlife refuge areas.	.....do.....		x		x	.....	Marcus Nelson, 343-4791
50 CFR Part 33	Sport fishing on wildlife refuge areas.	.....do.....		x		x	.....	Marcus Nelson, 343-479.
50 CFR Part 80	Federal aid to States in fish and wildlife restoration.	To review with objective of reducing paperwork burden on States conducting fish and wildlife restoration projects. Significance and necessity of regulatory analysis is undetermined pending results of review.					.....	Charles Phenicle, 703-235-1526
50 CFR Part 18	Marine mammals—manatee protection areas.	To develop rules that provide procedures for establishing areas in which certain waterborne activities would be restricted or prohibited (16 U.S.C. 1361-1407)..		x		x	Proposed rule February, 1979, Final rule May, 1979.	Norman Johnson, 632-2202.
50 CFR Part 20 Subpart K	Hunting of migratory birds..	To develop rules establishing 1979-80 annual seasons, limits, and shooting hour schedules for migratory birds. Dates of proposed and final rules uncertain (16 U.S.C. 703-711).		x		x	Notice of intent February, 1979.	Clark Bavin, 343-9242. John P. Rogers, 254-3207.
50 CFR Part 403	Fish and Wildlife Coordination Act.	To implement the Fish and Wildlife Coordination Act which concerns the conservation of wildlife in projects involving the control or modification of any stream or other body of water. This Part is being developed in coordination with the Department of Commerce. The decision on preparation of a regulatory analysis has not been made at this time. A notice of intent was published in the Federal Register on September 29, 1978.	x				.....	Karl Stutzman, 343-5715. Bill Garner, Office of the Solicitor, 343-2172.
BUREAU/OFFICE: NATIONAL PARK SERVICE								
36 CFR Part 2	Public Use and Recreation...	Several amendments to existing regulations have been proposed that would reduce the number of special regulations required in Part 7.	x		x		.....	Michael Finley, 343-5607.
36 CFR Part 7	Special Regulations of the National Park System.	These regulations are submitted by individual park areas. The scope and application of the regulations is limited to a particular problem in a specific unit of the National Park System as opposed to the System as a whole. The number and frequency of these regulations cannot be determined at this time.	x		x		.....	Michael Finley, 343-5607.
36 CFR Pts. 2 and 7	Public Use and Recreation; Special Regulations of the National Park System.	Regulations in these parts will require review and may require revision in order to comply with Public Law 94-341 and insure that these regulations do not infringe upon native American traditional religious/ceremonial rights and practices.	x		x		.....	George Gowans, 343-7456.

AGENDA OF REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT: JANUARY–JUNE 1979—Continued

CFR citation	Subject	Purpose of review/development	Significant		Regulatory Analysis		Expected dates(s) of publication (if known)	Knowledgeable official
			Yes	No	Yes	No		
BUREAU/OFFICE: HERITAGE CONSERVATION AND RECREATION SERVICE, 440 G STREET, NW, WASHINGTON, D.C. 20233 (AREA CODE 202)								
36 CFR Part 1205	National Historic Landmarks.	To amend to reflect new Departmental policies and to transfer from 36 CFR Part 69.		x		x	.....	George F. Emery, 343-6404.
36 CFR Part 1210	Recovery of Scientific, Prehistoric, Historic, and Archeological Data: Procedures for Notification, Reporting, and Data Recovery Operations.	To codify existing procedures and standards for Archeological and Historic Preservation Act of 1974 (Pub. L. 93-291) and to transfer from 36 CFR Part 66.		x		x	.....	L. E. Aten, 343-7105.
36 CFR Part 1230	Land and Water Conservation Fund State Assistance Program.	To provide a general presentation on the existing requirements and procedures concerning administration of the Land and Water Conservation Fund program. This Part will reference the Heritage Conservation and Recreation Service Grants Manual as the official instrument for providing detailed program guidance.		x		x	Proposed Rule April, 1979.	Rowland Bowers, 343-7801.
36 CFR Part 1228	Urban Park and Recreation Recovery Program.	To develop eligibility criteria and a list of those cities eligible for this program as required by Pub. L. 95-625.	x			x	Interim Rule March, 1979.	Sam L. Hall, 343-5971.
		Other sections of this Part will also be developed to present the administrative and recovery action programs. The decision on the preparation of a regulatory analysis has not been made at this time.	x				.....	Do.
BUREAU/OFFICE: BUREAU OF INDIAN AFFAIRS								
25 CFR Part 47	Revision of the Membership Roll of the Eastern Band of Cherokee Indians, North Carolina.	To determine status and need.		x		x	.....	John Geary, 343-2678.
25 CFR Part 48	Enrollment of Indians of the San Pasqual Band of Mission Indians in California.	.....do.....		x		x	.....	Do.
25 CFR Part 20	Financial Assistance and Social Services Program.	To revise current near reservation definition for clarity.		x		x	.....	Do.
25 CFR Part 91	Loans to Indians from the Revolving Loan Fund.	Sections of this Part are scheduled for review as required by current Departmental directives (43 CFR Part 14).		x		x	.....	Robert Nordstrom, 343-5804.
25 CFR Part 163	Establishment of Roadless and Wild Areas on Indian Reservations.	To define a roadless area.....		x		x	.....	Robert Fleak, 343-9433.
25 CFR Part 41	Preparation of Rolls of Indians-Qualifications for Enrollment and Deadlines for Filing.	To include qualifications for enrollment and deadlines for filing for enrollment with tribes for whom the Secretary is preparing rolls to be used in the distribution of judgment funds as required by Act of October 19, 1973, or other specific Acts of Congress.		x		x	.....	John Geary, 343-2678.
25 CFR Part 42	Enrollment Appeals.....	Amend to more accurately reflect the purpose of the Part.		x		x	Final Rule March, 1979.	Do.

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AGENDA OF REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT: JANUARY–JUNE 1979—Continued

CFR citation	Subject	Purpose of review/development	Significant		Regulatory Analysis		Expected dates(s) of publication (if known)	Knowledgeable official
			Yes	No	Yes	No		
BUREAU/OFFICE: BUREAU OF INDIAN AFFAIRS—Continued								
25 CFR Part 43g	Preparation of a Roll to Serve as the Basis for the Distribution of Judgment Funds awarded to the Pembina Band of Chippewa Indians.	To determine status and need.		x		x		John Geary, 343-2678.
25 CFR Part 43h	Preparation of a Roll of Alaska Natives.	....do		x		x		Do.
25 CFR Part 43l	Preparation of a Roll to Serve as the Basis for the Distribution of Judgment Funds awarded Certain Warm Springs Indians.	....do		x		x		Do.
25 CFR Part 43n	Preparation of a Roll for Distribution of Grand River Ottawa Judgment Funds.	....do		x		x		Do.
25 CFR Part 43p	Revision of Membership Roll of Confederated Tribes of Siletz Indians of Oregon.	....do		x		x		Do.
25 CFR Part 46	Enrollment of Indians of the Rincon, San Luiseno Band of Mission Indians in California.	....do		x		x		Do.
25 CFR Part 252	Business Practices on the Navajo, Hopi and Zuni Reservations.	To evaluate suggested revisions proposed by field offices of the Bureau.		x		x	Proposed Rule January, 1979.	Eugene Suarez, Sr., 343-5786.
41 CFR Part 14H	Buy Indian Act Contracting	To set forth Bureau policy with regard to contracting in regulation form.		x		x	Notice of Intent February, 1979.	Donald F. Asbra, 703-235-8061.
25 CFR Part 120a	Land Acquisition	This Part, governing acquisition of trust or restricted lands, is being developed to conform to statutory requirements.		x		x		Raymond W. Jackson, Phoenix Area Office, P.O. Box 7707, Phoenix, AZ 85011, 602-261-4195.
25 CFR Part 182	Oil and Gas Contracts	This Part is scheduled for review as required by current Departmental directives (43 CFR Part 14).		x		x		George Skibine, 343-5473.
25 CFR Part 121	Issuance of Patents in Fee, Certificates of Competency, Removal of Restrictions, and Sale of Certain Indian Lands.	This Part is scheduled for review as required by current Departmental directives (43 CFR Part 14).		x		x		Jack Daughtery, Muskogee Area Office, Muskogee, OK 74401, 918-687-2291.
25 CFR		Rules must be developed to implement certain legislation. As of this date, part numbers have not been assigned. The legislation are:						
		Pub. L. 95-561, Title XI—Education Act Amendments.		x		x		Elizabeth Holmgren, 343-3151.
		Pub. L. 95-471—The Indian Controlled Community College Act.		x		x		Do.
		Pub. L. 94-142—Education of the Handicapped Act.		x		x		Do.

STATUS OF REGULATIONS PREVIOUSLY SCHEDULED FOR REVIEW: MAY–DECEMBER 1978

CFR citation	Subject	Status	Knowledgeable official
BUREAU/OFFICE: OFFICE OF THE SOLICITOR			
43 CFR Part 1	Practices before the Department of the Interior.	This regulation is still being reviewed and should be published as proposed rulemaking in January, 1979.	John D. Trezise, 343-5216.
43 CFR Part 6	Patent Regulations	This regulation is still being reviewed and should be published as proposed rulemaking in February, 1979.	D. A. Gardiner, 343-4471. Gersten Sadowsky, 343-4471.
BUREAU/OFFICE: OFFICE OF INSPECTOR GENERAL			
43 CFR Part 20	Employee Responsibilities and Conduct.	Legislation requiring revision of this part was signed by the President on October 26, 1978. (Pub. Law 95-521) This legislation creates an Office of Government Ethics in the Office of Personnel Management (Formerly CSC). This new office is charged with developing regulations which are to be used by all federal agencies as guidelines for developing individual agency regulations (Pub. Law 95-521, Section 207). These guideline regulations are expected in early 1979 and 43 CFR pt. 20 will be completely revised in accordance with guidelines received. During the interim period (between now and the time guidelines are received from OPM) significant changes, appendix updates and addition of requirements under Pub. Law 95-372 will be published as amendments to 43 CFR pt. 20. (Expected publication date is January, 1979.).	Gabe Paone, 343-3932.
BUREAU/OFFICE: BUREAU OF MINES, 2401 E STREET, NW., WASHINGTON, D.C. 20241 (AREA CODE 202)			
30 CFR Part 810	Coal analysis for non-Federal applicants.	Formally transferred to the Department of Energy on September 26, 1978. Notice published on page 43459 of the FEDERAL REGISTER.	William Schmidt, Department of Energy, 703-235-2700.
30 CFR Part 851	Bureau of Mines grant programs	Removal of references to MSHA are being held in abeyance pending development of policy regarding grants administration by the Department of the Interior.	Joseph Herickes, 634-4704.

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STATUS OF REGULATIONS PREVIOUSLY SCHEDULED FOR REVIEW: MAY-DECEMBER 1978—Continued

CFR citation	Subject	Status	Knowledgeable official
BUREAU/OFFICE: GEOLOGICAL SURVEY, NATIONAL CENTER, RESTON, VA 22092 (AREA CODE 703)			
30 CFR Part 211	Coal mining operating regulations	Published as final August 22, 1978 (43 FR 163). However, due to revised Office of Surface Mining regulations, these are now being revised and are scheduled to be published as proposed rules in January 1979 and final in March 1979.	Tom Leshendok and Don Ziehl, 860-7506.
30 CFR Part 221	Oil and gas operating regulations..	Proposed general revisions to be published in June 1979. Proposed section concerning liquidated damages published as proposed in June 1977 (42 FR 124). Final to be published in April 1979.	Eddie R. Wyatt, 860-7535.
30 CFR Part 250	Oil and gas and sulphur operations in the Outer Continental Shelf.	Scheduled to be published as proposed rule in January 1979. Final rule to be published in May 1979.	Richard Krahl, 860-7531.
30 CFR Part 270	Geothermal resources operations on public, acquired and withdrawn lands.	Published as proposed rule in February 1978 (43 FR 22). Final to be published in April 1979.	Eddie R. Wyatt, 860-735.
43 CFR Part 3100	Oil and gas leasing	To be published as a Notice to clarify the effective date of known geologic structure (KGS) determinations.	Charles Sours, 860-7521.
BUREAU/OFFICE: OFFICE OF WATER RESEARCH AND TECHNOLOGY			
18 CFR Chapter IV	Office of Water Resources Research, Department of the Interior.	The present chapter provides the rules of the Secretary of the Interior for implementation of the Water Resources Research Act of 1964. As this Act has been repealed and superseded by the Water Research and Development Act of 1978 (Pub. L. 95-467), this chapter must be revised to reflect the provisions of the new law. It is estimated that a proposed revision will be published in June, 1979.	F. W. Koop, 343-4607. George Cassaday, 343-4607.
BUREAU/OFFICE: BUREAU OF LAND MANAGEMENT			
43 CFR Group 2900	Land use, occupancy, and development.	Pre-proposed rulemaking has been drafted, reviewed in the Bureau of Land Management and is currently under review in the Department.	Mathew Millenbach, 343-8731. Robert C. Bruce, 343-8735.
43 CFR Group 2700	Land disposal (sales)	Pre-proposed rulemaking has been drafted, reviewed in the Bureau of Land Management and is currently under review in the Department.	Stephen H. Spector, 343-8738. Robert C. Bruce, 343-8735.
43 CFR Group 4000	Grazing Administration	Published in final rulemaking form in the FEDERAL REGISTER on July 5, 1978.	Max T. Lieurance, 343-6011. Robert C. Bruce, 343-8735.
43 CFR Part 6260	Recreation management	Published in final rulemaking form in the FEDERAL REGISTER on February 24, 1978.	Larry R. Young, 343-9355. Billy R. Templeton, 343-8735.

STATUS OF REGULATIONS PREVIOUSLY SCHEDULED FOR REVIEW: MAY-DECEMBER 1978—Continued

CFR citation	Subject	Status	Knowledgeable official
43 CFR Group 3800	Recordation of mining claims	Final rulemaking has been drafted, reviewed in the Bureau of Land Management and is currently under review in the Department. Final rulemaking is expected to be published in January, 1979.	Gene Carlat, 343-7723. Robert C. Bruce, 343-8735.
BUREAU/OFFICE: BUREAU OF RECLAMATION			
43 CFR Part 405	Certain Lands Sought to be Covered by Recordable Contracts; Columbia Basin Project.	Part 405 provides for implementation of Section 2 of the Columbia Basin Project Act. That Section was repealed in its entirety by the Act of October 1, 1962. Therefore, these regulations are no longer needed and will be removed in January, 1979.	Vernon S. Cooper, 343-2148.
43 CFR Part 409	Leasing and Utilization of Lands in Page, Arizona.	All subject lands have been turned over to the City of Page. Therefore, these regulations are no longer needed and will be removed in January, 1979.	David Williamson, 343-5204.
43 CFR Part 430	Rules for Management of Lake Berryessa.	Procedures were determined to be adequate as stated. No changes are recommended.	David Williamson, 343-5204.
BUREAU/OFFICE: NATIONAL PARK SERVICE			
36 CFR Parts 1-4	Miscellaneous provisions; public use and recreation boating; and vehicles and traffic safety.	These revisions are scheduled for publication in January of 1979 as proposed rules.	Michael Finley, 343-5607.
36 CFR Part 3	Boating	These regulations are currently under review and revision. A publication date has not been set.	James Carrico, 343-5607.
36 CFR Part 5	Commercial and Private Operations.	These regulations are currently under review and revsion. A publication date has not been set.	Richard Tousley, 343-4874.
BUREAU/OFFICE: U.S. FISH AND WILDLIFE SERVICE			
50 CFR Part 17	Endangered and threatened wildlife and plants.	This part will require further review due to the extensive 1978 amendments (Pub. L. 95-632) to the Endangered Species Act.	John Spinks, 703-235-2771. Clark Bavin, 202-343-9242. Richard Parsons, 703-235-1937.
50 CFR Part 18, Subpart C	Marine mammals general exceptions.	To relieve an existing burden on the public, a proposed rule is being considered that would exempt fossil ivory from registration. Publication dates are uncertain.	Clark Bavin, 202-343-9242.
50 CFR Part 18, Subpart F	Marine mammals—State laws and regulations.	A revision was published as a final rule on October 2, 1978, (43 FR 45370), which clarified procedures and criteria for obtaining a waiver of the moratorium on marine mammals.	Norman Johnson, 202-832-2202. Clark Bavin, 202-343-9242.
50 CFR Part 19	Airborne hunting	This part is current and a revision is not necessary.	Clark Bavin, 202-343-9242.

STATUS OF REGULATIONS PREVIOUSLY SCHEDULED FOR REVIEW: MAY-DECEMBER 1978—Continued

CFR citation	Subject	Status	Knowledgeable official
50 CFR Part 20	Migratory bird hunting	To reduce costs and preclude possible confusion on the part of the public in reading non-current rules codified in 50 CFR, a proposed rule will be published in January, 1979, to eliminate codification of the annual seasons, limits, and shooting hour schedules—which are published in the daily issues of the FEDERAL REGISTER.	John P. Rogers, 202-254-3207.
50 CFR Part 21	Migratory bird permits	To permit raptor propagation, a proposed rule is being considered that would implement the raptor amendment to the Endangered Species Act. Publication dates are uncertain.	Clark Bavin, 202-343-9242.
50 CFR Part 22	Eagle permits—acts protecting bald and golden eagles.	This part will require further review due to a recent U.S. district court decision that suggested the need of a registration system for possession of pre-Act(s) feathers.	Clark Bavin, 202-343-9242.
50 CFR Part 25	National Wildlife Refuge System—administrative provisions.	A proposed rule on closing National Wildlife Refuges was published on August 24, 1978, (43 FR 37732). The final rule should be published in January, 1979.	Ronald Fowler, 202-343-4305.
BUREAU/OFFICE: HERITAGE CONSERVATION AND RECREATION SERVICE, 440 G STREET NW., WASHINGTON, D.C. 20243 (AREA CODE 202)			
36 CFR Part 61	Criteria for Comprehensive Statewide Historic Surveys and Plans.	To evaluate the effectiveness of the existing interim regulations and publish them in final. To incorporate changes reflecting the creation and reorganization of the Heritage Conservation and Recreation Service. To transfer to 36 CFR Part 1201. It is expected that a final rule will be published in May, 1979.	Carol Shull, 343-5221.
43 CFR Part 31	Grants and Allocations for Recreation and Conservation Use of Abandoned Railroad Rights-of-Way.	This Part will be retained since it contains the compliance standards for nine projects approved in fiscal year 1978. It is expected that the contents of this Part will be transferred to 36 CFR Part 1228 in January, 1979.	Rowland T. Bowers, 343-7801.
BUREAU/OFFICE: BUREAU OF INDIAN AFFAIRS			
25 CFR Part 252	Business Practices on the Navajo, Hopi and Zuni Reservations.	This part has been reviewed and changes have been recommended to waive or reduce bond requirements for reservation businesses on the Navajo reservation owned and operated by members of the Navajo tribe.	Eugene Suarez, Sr. 343-5786.
25 CFR Part 251	Licensed Indian Traders	The Bureau of Indian Affairs has determined that this Part is current and a revision is not necessary.	Do.
25 CFR Part 261	Housing Improvement Program Eligibility.	....do	G. Ronald Peake, 343-4876.

STATUS OF REGULATIONS PREVIOUSLY SCHEDULED FOR REVIEW: MAY-DECEMBER 1978—Continued

CFR citation	Subject	Status	Knowledgeable official
25 CFR Part 34	Vocational Training for Adult Indians.	Proposed revision published in the FEDERAL REGISTER on October 14, 1977. Final rule should be published before December 31, 1978.	John Jollie, 343-7408.
25 CFR Part 80	Indian Business Development Program.	A further review is being considered to determine the status of this program.	Robert Nordstrom, 343-5804.
25 CFR Part 93	Loan Guaranty Insurance and Interest Subsidy.	The Bureau of Indian Affairs has determined that this Part is current and a revision is not necessary.	Do.
25 CFR Part 271	Contents under Indian Self-Determination Act.	The Bureau of Indian Affairs in consultation with the Indian people has determined that this Part is current and a revision is not necessary.	Dr. Helen Miller, 343-4796.
25 CFR Part 21	Arrangement of States, Territories or other agencies for relief of distress and social welfare of Indians.	This Part is still under review and will continue during the January-June, 1979 review period.	John Geary, 343-2678
25 CFR Part 171	Leasing of Tribal Lands for Mining.	Proposed revision published in the FEDERAL REGISTER on April 5, 1978 (43 FR 18083). Final rule being processed and will be published in January, 1979.	George Skibine, 343-5473.
25 CFR Part 177	Plans for Prospecting and Mining on Indian Mineral Lands: Reclamation of Non-Mineral Resources.	....do	Do
25 CFR Part 183	Leasing of Osage Reservation Lands for Oil and Gas Mining.	The Bureau of Indian Affairs has determined that this Part is current and a revision is not necessary.	Do.
25 CFR Part 161	Rights-of-way over Indian Lands	Proposed revision published in the FEDERAL REGISTER on July 7, 1978 (43 FR 29317). Final rule being processed and will be published in January, 1979.	Richard McDermot, Palm Springs Area, Field Office, 587 S. Palm Canyon Dr., Palm Springs, CA 92262, 714-325-2163
25 CFR Part 104	Individual Indian Money Accounts.	This Part is still under review and will continue during the January-June, 1979 review period.	Shirley M. Crosby, 343-8216.
25 CFR Part 105	Deposit of Indian Funds in Banks.	....do	Do.
25 CFR Part 141	General Forest Contracts	....do	Do.
CFR Part 174	Leasing of Restricted Lands of Members of Five Civilized Tribes, Oklahoma for Mining.	....do	Do.
25 CFR Part 22	Care of Indian Childrens in Contract Schools.	This Part is still under review and will continue during the January-June, 1979 review period.	John Geary, 343-2678.
25 CFR Part 162	Roads of the Bureau of Indian Affairs.	The Bureau of Indian Affairs has determined that this Part is current and a revision is not necessary.	Robert Fleck, 343-9433.
25 CFR Part 273	Education Contracts Under Johnson-O'Malley Act.	This Part will be revised to incorporate the provisions of Pub. L. 95-561 (November 1, 1978) which amends the Johnson-O'Malley Act.	Elizabeth Holmgren, 343-3151.
25 CFR Part 274	School Construction Contracts or Services for Tribally Operated, Previously Private Schools.	This Part is still under review and will continue during the January-June, 1979 review period.	Bill Henry, Division of Facilities Engineering, P.O. Box 1248, 500 Gold Ave, SW, Albuquerque, NM 87103, 505-766-2825.
25 CFR Part 277	School Construction Contracts for Public Schools.	....do	Do.

[FR Doc. 79-3167 Filed 1-30-79; 8:45 am]

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[4310-05-M]

Office of Surface Mining, Reclamation and Enforcement

AVAILABILITY OF MINE PLAN

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Surface Mining and Reclamation Plan.

SUMMARY: Pursuant of Section 211.5(b) of Title 30, CFR, Notice is hereby given that the Office of Surface Mining has received the following mine plan for a coal mining and reclamation operation on Federal Coal Lands:

LOCATION OF LANDS

Applicant: Farrell-Cooper Mining Company.
Mine property name: Red Oak Mine.
State: Oklahoma.
County: Latimer.
OSM reference number: 36-0001.
General description of affected lands: Approximately 70 acres of two retricted Indian leases (nos. 69229 and 69231) located in Section 5. T6N, R22E.

This mine plan is available for public review in the Library of Region IV, Office of Surface Mining, 818 Grand Avenue, Scarritt Building, Floor 5, Kansas City, Missouri 64106 and Office of Surface Mining, 333 West Fourth Street, Room 3432, Tulsa, Oklahoma 74103.

This Notice is issued at this time for the convenience of the public. The OSM has not yet determined whether the plan is adequate and may, during the course of its review, request additional information. Any additional information so obtained will also be available for public review. Prior to a final decision on this mine plan, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to 211.5(c)(2) of Title 30, Code of Federal Regulations.

DATES: Comments on or objections to the plan should be received by the Region IV Office not later than 30 days following the date of publication of this announcement.

ADDRESSES: Comments should be sent to the Regional Director, Office of Surface Mining, Reclamation and Enforcement, Region IV, 818 Grand Avenue, Scarritt Building, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Chief, Division of Technical Services, Office of Surface Mining, Region IV, 818 Grand Avenue, Scarritt Building, Kansas City, Missouri 64106. Telephone: 816/374-5770 or FTS 758-5770.

WALTER N. HEINE,
Director, Office of Surface Mining, Reclamation and Enforcement.

[FR Doc. 79-4633 Filed 2-8-79; 8:45 am]

[4310-05-M]

AVAILABILITY OF MINE PLAN

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Underground Mining and Reclamation Plan.

SUMMARY: Pursuant to Section 211.5(b) of Title 30, CFR, Notice is hereby given that the Office of Surface Mining has received the following mine plan for a coal mining and reclamation operation on Federal Coal Lands:

LOCATION OF LANDS

Applicant: CF & I Steel Corporation.
Mine property name: Bokoshe Project Mines.
State: Oklahoma.
County: Le Flore.
OSM reference number: 36-0002.
General description of affected lands: SE¼SE¼ Sec. 7; SW¼SW¼ sec. 8; All Sec. 17; E½SE¼, SW¼SE¼, SE¼SW¼. sec. 18; E½NW¼SW¼, E½ sec. 19; All Sec. 20; N½N½ Sec. 30; R. 8 N., E. 24 E.

This mine plan is available for public review in the Library of Region IV, Office of Surface Mining, 818 Grand Avenue, Scarritt Building, Floor 5, Kansas City, Missouri 64106, and Office of Surface Mining, 333 West Fourth Street, Room 3432, Tulsa, Oklahoma 74103.

This Notice is issued at this time for the convenience of the public. The OSM has not yet determined whether the plan is adequate and may, during the course of its review, request additional information. Any additional information so obtained will also be available for public review. Prior to a final decision on this mine plan, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to 211.5(c)(2) of Title 30, Code of Federal Regulations.

DATES: Comments on or objections to the plan should be received by the Region IV Office not later than March 12, 1979.

ADDRESSES: Comments should be sent to the Regional Director, Office of Surface Mining, Reclamation and Enforcement, Region IV, 818 Grand Avenue, Scarritt Building, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Chief, Technical Services, Office of Surface Mining, Region IV, 818 Grand Avenue, Scarritt Building, Kansas City, Missouri 64106. Telephone: 816/374-5770 or FTS 758-5770.

WALTER N. HEINE,
Director, Office of Surface Mining, Reclamation and Enforcement:

[FR Doc. 79-4634 Filed 2-8-79; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[AA1921-159]

TANTALUM ELECTROLYTIC FIXED CAPACITORS FROM JAPAN

Decision Not To Reexamine Determination

Notice is hereby given that the Commission has determined not to reexamine its determination in investigation No. AA1921-159, *Tantalum Electrolytic Fixed Capacitors from Japan.*

Issued: February 6, 1979.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc. 79-4557 Filed 2-8-79; 8:45 am]

[4510-29-M]

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[Applications No. D-976]

ALASKA ELECTRICAL PENSION TRUST

Proposed Exemption Relating to a Transaction

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act), and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the leasing of certain property and an extension of credit between the Alaska Electrical Pension Trust (the Trust) and Dewhirst, Egan, Porter and Company (the Partnership), a partnership, previously known as Dewhirst, Egan, Root and Company which provides services to the Trust. The proposed exemption, if granted, would affect participants and beneficiaries of the Trust and the Partnership.

DATE: Written comments and requests for a public hearing must be received by the Department on or before April 5, 1979.

EFFECTIVE DATE: If the proposed exemption for the lease is granted, it will be effective October 15, 1976. If the proposed exemption for the extension of credit is granted it will be effective April 1, 1978.

ADDRESS: All written comments and all requests for a hearing (at least six copies) should be addressed to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C., 20216, Attention: Application No. D-967. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Kathleen A. Bauer of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, U.S. Department of Labor, (202) 526915. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a)(1) (A), (B) and (D) of the Act, and from the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A), (B), and (D) of the Code. The proposed exemption was requested in an application filed by the Trust pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA procedure 75-1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

SUMMARY OF FACTS AND REPRESENTATIONS

The application contains facts and representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application and supporting documents on file with the Department for the complete representations of the applicants.

1. The Trust, created in 1968, currently has approximately 5,000 participants and beneficiaries and current assets exceeding $45,000,000. Current

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monthly contributions exceed $1 million. The Trust's contributing employers are National Electrical Contractors Association (NECA) members and nonmembers who have executed letters of assent to the main bargaining "inside" and "outside" construction agreements between the Alaska Electrical Union and NECA. In addition, there are other major employers such as municipalities and Alyeska Pipeline who are contributing employers but have separate agreements with the Union.

2. The Trust has six trustees, three employer trustees and three union trustees. The employer trustees are George B. Gadverry, Rufus C. Henchee and Joseph S. Armstrong. The union trustees are Thomas E. Cashen, Merrill J. Hakala and Issac M. Waldrop. The Plan Administrator is William A. Egan, who is unrelated to James B. Egan, a partner in the Partnership.

3. The Trust owns a seven story commercial office building, popularly known as the Pension Fund Building (the Building), located at 2600 Denali Street, Anchorage, Alaska. The Building houses the offices of the Trust and the Alaska Electrical Health and Welfare and Legal Trusts (the Funds as well as commercial tenants.

4. Beginning approximately August 1, 1976, the Trust has employed the Partnership to provide various accounting services. On August 9, 1977, the Administrator of the Funds appointed the Partnership to be the accountants and auditors for the Trust and other trusts in accordance with the instructions of the Board of Trustees of each of the trusts.

5. By a lease dated October 15, 1976, the Partnership leased 3,000 square feet on the third floor of the Building under a three year lease (with option to renew for two terms of three years each) with tenancy to begin approximately December, 1976. The annual rental under the lease is $47,520, which is $3,960 per month or $1.32 a square foot per month. This rate is the same as that charged all other second and third floor tenants. In addition the applicant represents that it is also comparable to the usual business rental in similar buildings in Anchorage. Under the terms of the lease, the annual rent may be adjusted to pass through to the Partnership its proportional share of any increased costs to the Trust resulting from increases in real estate taxes or operating expenses, or the levying of any special assessment, on the Building. The rent is subject to further upward adjustment at the commencement of any renewal term in a percentage equal to the increase in the Anchorage Metropolitan Area Consumer Price Index over the Index base year figure for 1976.

6. The Partnership requested that special improvements be made to the leased space. These improvements were completed on approximately December 31, 1976. On November 16, 1977, the Trust and the Partnership agreed that the cost of these improvements was $21,339.23 and that the Partnership could amortize the cost over a 36 month period commencing December 1, 1977, at 10% interest. It was also agreed that the Partnership would pay back interest from December 31, 1976, to September 30, 1977. By check dated November 21, 1977, the Partnership paid the Trust $1,344.46 in satisfaction of the full amount of the back interest. The applicant states that the amortization of special leasehold improvements proceeded informally by the depositing of the sums due with the Trust, but that no written agreement was entered into until April 1, 1978, when a promissory note covering the amortization of the cost of the special leasehold improvements was executed by Thomas Dewhirst, James B. Egan and Marion Porter, the partners in the Partnership. The note provides that in the event the makers of the note do not exercise their option to renew the lease dated October 15, 1976, or are terminated by their default under the lease, the remaining principal to be paid and all interest accrued shall be immediately due and collectible.

7. The applicant represents that it has been a general business practice in the Anchorage area to permit a tenant to amortize the cost of special leasehold improvements over the term of a lease and that all tenants in the Building could amortize leasehold improvements at 10% interest. One other tenant has done so.

8. As of June 30, 1978, total assets of the Partnership were valued at $322,519.33 and total liabilities amounted to $127,461.55, leaving the Partners' equity at $195,057.78.

NOTICE TO INTERESTED PERSONS

All beneficiaries and participants of the Trust and members of the Alaska Chapter, NECA employer organization and associated employers contributing to the Trust will be notified of the proposed exemption. Notification to the members of the Alaska Chapter, NECA employer organization shall be by posting the notice of the proposed exemption as published in the FEDERAL REGISTER in each of the offices of NECA in Anchorage and Fairbanks until the end of the comment period and by mailing a copy of the proposed exemption as published in the FEDERAL REGISTER to non-employer members of the Alaska Chapter, NECA within 10 days of publication in the FEDERAL REGISTER. Notification to beneficiaries and participants shall be by posting

the notice of the proposed exemption published in the FEDERAL REGISTER until the expiration of the comment period in each of the hiring halls and offices of the Union in Ketchikan, Juneau, Anchorage and Fairbanks, and at the main office of the Trust at 2600 Denali Street, Anchorage, Alaska. Such notification shall be posted within 10 days after the publication in the FEDERAL REGISTER.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the code does not relieve a fiduciary or other party in interest or disqualified person with respect to the plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interests of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under sections 406(a)(1)(C) and 406(b) of the Act and sections 4975(c)(1) (C), (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of the participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

WRITTEN COMMENTS AND HEARING REQUEST

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

PROPOSED EXEMPTION

Based upon the representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1. If the exemption is granted, the restrictions of section 406(a)(1) (A), (B) and (D) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A), (B) and (D) of the Code shall not apply to (1) the lease of 3,000 square feet of office space on the third floor of the Building for the term of the lease signed on October 15, 1976, and renewals thereunder, provided that the rent paid is not less than fair market rent for that office space and (2) the amortization of the cost of the special leasehold improvements by the Partnership, provided that the interest rate paid is not less than the fair market interest rate for such an extension of credit. If the exemptions are granted, the effective dates will be October 15, 1976, for the exemption covering the lease and April 1, 1978, for the exemption covering the extension of credit.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 31st day of January 1979.

IAN D. LANOFF,
Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-4093 Filed 2-2-79; 8:45 am]

[4510-29-M]

Pension Trust (Application No. D-192)

BRIGGS-WEAVER, INC.

Proposed Exemption for Certain Transactions

AGENCY: Department of Labor.

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ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the leasing by the Briggs-Weaver, Inc. Pension Trust (the Plan) of certain real property to Briggs-Weaver, Inc. (the Employer). The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Employer, and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 5, 1979.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective from January 1, 1975 through June 30, 1984.

ADDRESS: All written comments and requests for a hearing (at least six copies) should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: D-192. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution avenue, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William J. Flanagan of the Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523-7931. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed exemption from the restrictions of sections 406(a)(1) (A), (C), (D) and (E), 406(a)(2), 406(b) (1) and (2), and 407(a)(1)(B) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A), (C), (D) and (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). This application was filed with both the Department and the Internal revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains facts and representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

On May 26, 1970, the Employer purchased certain real property in Austin, Texas. This property consisted of a 1.37 acre lot with permanent improvements thereon in the form of a general purpose office and warehouse building. This purchase was financed by a mortgage loan of $85,000 at 9½ percent yearly interest from the Plan to the Employer.

On August 12, 1974, the Plan purchased the property from the Employer for $135,000, the price being set by an independent appraiser on the basis of both the cost and the income methods of appraisal. After subtracting the amounts necessary to retire the previous mortgage loan and to pay certain transfer costs, the Plan ultimately paid the Employer $56,254.52 for the property.

At the same time, the Plan leased the premises back to the Employer. The lease was for a period of ten years (through August 11, 1984), with options for the Employer to renew for two additional five-year periods. During the initial ten-year term, the Employer is obligated to pay $1,125 per month rent, an amount representing a ten percent per year return to the Plan. This rental amount is also equivalent to a price of $1.80 per square foot per year, an amount comporting with the appraiser's assessment that the property shoud lease for between $1.75 and $2.15 per square foot per year. The monthly rent to be charged during each renewal period under the agreement will equal one-twelfth of the then annual rental, which will be calculated by multiplying the then appraised value of the property by a percentage not less than two percent higher than the then current yield of certain high grade corporate bonds. In addition, during the initial term of the lease and any renewals thereof, the Employer is obligated to pay all insurance, taxes, and maintenance costs associated with the property. The Employer also has the right of first refusal if the Plan decides to sell the property.

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At the time of the purchase, the value of the property represented 7.8 percent of the Plan's total asset value. The most recent estimate available indicates that the property's value accounts for 6.3 percent of the Plan's total asset value. The most recent available audit of the Employer's financial condition indicates that the Employer has approximately $20,000,000 in assets and $10,000,000 in net worth.

The Employer has filed an application seeking an exemption to continue leasing this property from the Plan. The Employer is a party in interest with respect to the Plan as defined in section 3(14)(C) of the Act, and a disqualified person with respect to the Plan as defined in section 4975(e)(2)(C) of the Code. Since the Employer is a party in interest and a disqualified person, the lease arrangement betwaen the Plan and the Employer is a prohibited transaction pursuant to section 406(a)(1) (A), (C), (D) and (E) of the Act and section 4975(c)(1) (A), (C), and (D) of the Code. In addition, since any property leased to an employer is "employer real property" as defined in section 407(d)(2) of the Act, and since the subject property is not "qualifying employer real property" within the meaning of section 407(d)(4) of the Act,[1] the holding of employer real property by the Plan is a prohibited transaction pursuant to sections 406(a)(2) and 407(a)(1) of the Act. Also, to the extent that the Employer may be a fiduciary with respect to the Plan as defined in section 3(21)(A) of the Act and section 4975(e)(3) of the Code, the lease arrangement may be a prohibited transaction pursuant to section 406(b) (1) and (2) of the Act and section 4975(c)(1)(E) of the Code.

In its application, the Employer represents that the requested exemption should be granted for several reasons. First, the Employer contends that it would be administratively feasible to grant this exemption because the lease has been properly recorded and because the lessor is the Republic National Bank of Dallas, the Plan trustee, which, as an independent professional trustee, will administer the lease properly and protect the Plan's interests. In addition, the exemption as proposed is for a limited time, thereby facilitating the monitoring of this transaction for possible abuses.

Second, the Employer contends that granting this exemption would be in the best interests of the Plan and its participants and beneficiaries. In this regard, the application represents that the 10 percent rate of return provided by the present lease is ¾ to 1¼ percent higher than currently available rates of return on similar leases. If, therefore, the Plan is forced to terminate the lease, the application states that the Plan not only will incur the costs accompanying the search for a new lessee, but also will fail to receive as high a rate of return as it receives under the current lease. In addition, according to the independent appraisal, the subject property is a valuable one in terms of location and suitability for a number of uses. The applicant claims that the Plan would suffer a hardship if it were forced to dispose of this lease, which was entered into before the passage of ERISA and which is one of its highest-yielding and most valuable assets.

Finally, the applicant argues that granting the exemption would be protective of the rights and interests of the Plan and its participants and beneficiaries. The value of this property was determined by an independent appraisal, and accounts for only a small percentage of the Plan's total asset value. Also, the lease will be administered by an independent professional trustee. In addition, the proposed exemption is for a limited time, thereby assuring additional review by the Agencies in the event that renewal of the lease is sought.

Although the Employer has requested an exemption for the initial ten-year term of the lease as well as for the two possible five-year renewal periods, the exemption being proposed by the Department will, if granted, exempt the lease arrangement only until June 30, 1984, forty-two days before the end of the lease's initial ten-year term, and excluding any renewal periods. This time limit coincides with the period of transitional relief provided by Congress in sections 414(c)(2) and 2003(c)(2) of the Act for certain leases between a plan and a party in interest pursuant to a binding contraction effect on July 1, 1974.[2] Congress provided such transitional relief to prevent undue hardship where plans had entered into transactions which were legal under previous law but prohibited under the Act. H. Rep. 93-1280, 93d Cong., 2 Sess. 325 (1974). The Department is not at this time prepared to conclude that an exemption permitting the lease to continue and be renewed after that date would be consistent with the standards of section 408(a) of the Act and section 4975(c)(2) of the Code. If the applicant believes that it can show

[1] The subject property fails to meet the requirement of section 407(d)(4)(A) of the Act that a substantial number of parcels of employer real property be dispersed geographically. Since the subject property is the only employer real property held by the Plan, such dispersion is not possible.

[2] The lease which is the subject of this transaction does not qualify for the transitional relief of sections 414(c)(2) and 2003(c)(2) of the Act because, as noted above, it exists pursuant to a contract entered into on August 12, 1974.

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that such additional relief would be appropriate, it can of course apply again for such relief.

NOTICE TO INTERESTED PARTIES

All Plan participants and beneficiaries will be notified by letter containing a copy of the notice of pendency of the proposed exemption as published in the FEDERAL REGISTER, and advising these persons of their rights to comment and/or to request a hearing within the period of time specified above. Such notification will be given no later than 10 days after the notice of pendency is published in the FEDERAL REGISTER.

GENERAL INFORMATION

The attention of interested persons if directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the Plan solely in the interests of the participants and beneficiaries of the Plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the Plan must operate for the exclusive benefit of the employees of the employer maintaining the Plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under sections 406(a)(1)(B) and 407(b) (2) and (3) of the Act, and section 4975(c)(1) (B) and (F) of the Code;

(3) Before any exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan;

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

WRITTEN COMMENT AND HEARING REQUESTS

All interested persons are invited to submit written comments or requests for a hearing on the proposed exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

PROPOSED EXEMPTION

Based on the facts and representations set forth in the application, the Department is considering granting this exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1. If the exemption is granted, the restrictions of sections 406(a)(1) (A), (C), (D), and (E), 406(a)(2), 406(b) (1) and (2), 407(a)(1) of the Act, and section 4975(c)(1) (A), (C), (D), and (E) of the Code shall not apply to the leasing of the real property described above from the Plan to the Employer for the rental amount stated in the lease. If granted, the exemption will be effective from January 1, 1975 through June 30, 1984. The exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 1st day of February 1979.

IAN D. LANOFF,
Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-4088 Filed 2-2-79; 8:45 am]

[4510-29-M]

[Prohibited Transaction Exemption 79-4]

HAAG ENGINEERING CO. PROFIT-SHARING TRUST

Employee Benefit Plans; Exemption From the Prohibitions Respecting a Transaction

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the Haag Engineering Company Profit-Sharing Trust (the Plan) to sell

a parcel of land to Haag Engineering Company (the Employer).

FOR FURTHER INFORMATION CONTACT:

Kathleen A. Bauer, Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-6915. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On November 7, 1978, notice was published in the FEDERAL REGISTER (43 FR 51890) of the pendency before the Internal Revenue Service and the Department of Labor (the Agencies) of an exemption from the provisions of section 406(a)(1) (A) and (D) and 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A), (D), and (E) of the Code for a transaction described in the application submitted by the trustees of the Plan and the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Agencies in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Internal Revenue Service (the Service). In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Service.

The notice of pendency as issued by both the Department of Labor (the Department) and the Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this exemption is granted solely by the Department.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions is section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact that the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(a)(1) (B) and (C) and 406(b)(3) of the Act and section 4975(c)(1) (B), (C) and (F) of the Code.

(3) This exemption is supplemental to and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

EXEMPTION

In accordance with section 408(a) of the act and section 4975(c)(2) of the Code and the procedures set forth in ERISA procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Agencies make the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the plan and of the participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plan.

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1.

The restrictions of section 406(a)(1) (A) and (D) and section 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c) (A), (D) and (E) of the Code shall not apply to the transaction involving the sale of a parcel of real property, described according to the plot record in volume 50 at page 207 of the map records of Dallas County, Texas as lot No. 6, Block "B" of Addison Airport Industrial District, by the Plan to the Employer for $80,000 cash, provided

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this amount is not less than the fair market value of the property.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction to be consummated pursuant pursuant to the exemption.

Signed at Washington, D.C. this 31st day of January 1979.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-4090 Filed 2-2-79; 8:45 am]

[4510-29-M]

[Prohibited Transaction Exemption 79-3]

MAJESTIC PAINT CENTERS, INC. EMPLOYEES' RETIREMENT TRUST AND THE YENKIN MAJESTIC EMPLOYEES' RETIREMENT PLAN

Exemption from the Prohibitions Respecting Transactions

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the Yenkin Majestic Employees' Retirement Plan and the Majestic Paint Centers, Inc. Employees' Retirement Trust (the Plans) to make a loan to the Yenkin Majestic Paint Corporation and the Majestic Paint Centers, Inc. (Yenkin/Majestic).

FOR FURTHER INFORMATION CONTACT:

Charles Scalera, Office of Fiduciary Standards, Division of Exemptions, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523-8194. This is not a toll free number.

SUPPLEMENTARY INFORMATION: On December 1, 1978, notice was published in the FEDERAL REGISTER (43 FR 56306) of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of an exemption from the provisions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code for a transaction described in the applications submitted by Yenkin/Majestic and the Plans. The notice set forth a summary of facts and representations contained in the applications for exemption and referred interested persons to the applications for a complete statement of the facts and representations. The applications have been available for public inspection at both agencies in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Service. In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Service.

The notice of pendency was issued by both the Department and the Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this exemption is granted solely by the Department.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code and the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his/her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with subsection (a)(1)(B) of the Act, nor does the fact that the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

EXEMPTION

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is adminstratively feasible;

(b) It is in the interests of the plan and of the participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficaries of the plan.

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1.

The restrictions of section 406(a) and section 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to certain equipment loan transactions between Yenkin/Majestic and the Plans that were described in the notice of pendency of December 1, 1978, provided that each such loan is no less favorable to the plans than a loan which could be obtained in arm's-length transaction with an unrelated party.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the applications are true and complete and that the applications accurately describe all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 31st day of January 1979.

IAN D. LANOFF,
Adminstrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-4089 Filed 2-2-79; 8:45 am]

[4510-29-M]

[Prohibited Transaction Exemption 79-6]

SMITH, BARNEY REAL ESTATE FUND

Employee Benefit Plans; Exemption From the Prohibitions relating to Transactions

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the Smith, Barney Real Estate Fund (the Fund) to obtain loans from lenders who are fiduciaries or other service providers with respect to the qualified plans participating in the Fund.

FOR FURTHER INFORMATION CONTACT:

Kathleen A. Bauer of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 1, 1978 notice was published in the FEDERAL REGISTER (43 FR 56308) of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) (collectively, the Agencies) of a proposal for an exemption from the restrictions of section 406(a)(1) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (D) of the Code, for transactions described in an application filed by the trustees of the Fund. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Agencies in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Service. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no request for a hearing were received by the Service.

The notice of pendency was issued by both the Department and the Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this exemption is granted solely by the Department.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act, nor does the fact that the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406 (a)(2) and (b) of the Act and section 4975(c)(1) (E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

EXEMPTION

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plans.

Therefore, the exemption proposed in the notice of December 1, 1978 (43 FR 56308), is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 31st day of January 1979.

IAN D. LANOFF,
Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-4092 Filed 2-2-79; 8:45 am]

[4510-29-M]

[Prohibited Transaction Exemption 79-5]

TREND MILLS, INC. ET AL. PROFIT SHARING PLAN

Employee Benefit Plans; Exemption from the Prohibitions Relating to Transactions

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables Champion International Corporation (CIC) to purchase a certain parcel of land containing a factory/office building (the Plant) from the Trend Mills, Inc. et al Profit Sharing Trust (the Trust) and to lease the property to WWG Industries, Inc. (WWG).

FOR FURTHER INFORMATION CONTACT:

Kathleen A. Bauer of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20216, 202-523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 17, 1978 notice was published in the FEDERAL REGISTER (43 FR 53874) of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) (collectively, the Agencies) of a proposal to grant an exemption from the restrictions of sections 406(a)(1)(A) through (D), 406(a)(2), 406(b)(1) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act), and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for transactions described in an application filed by CIC and by Citizens and Southern Bank, the trustee of the Trust. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Agencies in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Serv-

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ice. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no request for a hearing were received by the Service.

The notice of pendency was issued by both the Department and the Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this exemption is granted solely by the Department.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transactions provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act, nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) (2) and (3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

EXEMPTION

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plan.

The restrictions of sections 406(a)(1)(A) through (D), 406(a)(2), 406(b)(1) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the purchase of the Plant by CIC from the Trust for $630,133 in cash, provided that this amount in, not less than the fair market value of the Plant after making appropriate adjustments for costs in connection with the construction of an addition to the Plant and rent due the Trust, as described in the notice of November 17, 1978 (43 FR 53874), nor to the subleasing and transfer of the property to WWG.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, DC, this 31st day of January, 1979.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-4091 Filed 2-2-79; 8:45 am]

[4510-30-M]

DEPARTMENT OF LABOR

Employment and Training Administration

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

AGENCY: Employment and Training Administration.

ACTION: Grant Awards for Programs under Title III, Section 303 of the Comprehensive Employment and Training Act.

SUMMARY: The Secretary of Labor announces the award of grants for Program Year 1979 funded under the provisions of the Comprehensive Employment and Training Act (CETA), Title III, Section 303.

EFFECTIVE DATE: January 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Harry Kranz, Acting Director, Office of Farmworker Programs, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, (202) 376-6128.

GRANT AWARDS

The purpose of this notice is to announce grant awards for programs for migrant and other seasonally employed farmworkers for Program Year 1979 funded under Title III, Section 303, CETA. These programs are administered by the Employment and Training Administration and provide employment and training and other services for migrant and seasonal farmworkers.

The following is a list of grantees funded for Program Year 1979 and the total amount of each grant award. These programs are funded January 1, 1979, to September 30, 1979, at levels of not less than 75 percent of projected annual funding. Funding for some programs were negotiated above the 75 percent based on actual past expenditure patterns for the purpose of avoiding reductions in program activities. Those programs are so noted.

Alabama	
Alabama Migrant and Seasonal Farmworkers Council, Inc., Montgomery, Ala.	$649,800
Additional	21,660
Arizona	
Migrant Opportunity Programs, Phoenix, Ariz.	682,000
Arkansas	
Arkansas Council for Farmworkers, Inc., Little Rock, Ark.	844,900
California	
Campesinois Unidos, Brawley, Calif.	956,653
CET—San Jose, San Jose, Calif	1,146,001
Additional	104,909
Services in County of Los Angeles	46,712
Central Coast Counties Development Corp., Aptos, Calif.	987,556
California Human Development Corp., Windsor, Calif.	1,856,323
Proteus Adult Training, Visalia, Calif.	3,322,965
City of Stockton, Stockton, Calif	615,291
Connecticut	
New England Farmworkers' Council, Inc., Springfield, Mass.	322,400
Colorado	
Colorado Council on Migrant and Seasonal Agricultural Workers & Families, Wheatridge, Colo.	549,600
Delaware	
Migrant and Seasonal Farmworkers, Inc., Raleigh, N.C.	54,675
Florida	
Florida State Department of Education, Tallahassee, Fla.	3,011,000
Georgia	
Migrant and Seasonal Farmworkers, Inc., Raleigh, N.C..	988,575
Hawaii	
Office of the Governor, Honolulu, Hawaii.	218,700
Idaho	
Idaho Migrant Council, Boise, Idaho.	789,400
Illinois	
Illinois Migrant Council, Chicago, Ill.	1,407,200

Indiana	
Indiana Office of the Governor, Indianapolis, Ind.	811,650
Iowa	
Migrant Action Program, Inc., Des Moines, Iowa.	1,299,525
Kansas	
ORO Development Corportion, Inc., Oklahoma City, Okla.	848,000
Kentucky	
Tennessee Opportunity Program for Seasonal Farmworkers, Inc., Nashville, Tenn.	745,800
Louisiana	
Motivation, Education and Training, Inc., Jennings, La.	523,192
Southern Mutual Help Association, Jeanerette, La.	162,239
Evangeline Parish Community Action Agency, Evangeline County, La.	85,669
Maine	
Penobscot County Manpower Adminstration, Bangor, Maine.	414,600
Maryland	
Migrant and Seasonal Farmworkers, Inc., Raleigh, NC.	347,325
Additional	53,692
Massachusetts	
New England Farmworkers Council, Inc., Springfield, Mass.	266,900
Michigan	
United Migrants for Opportunity, Inc., Grand Ledge, Mich.	893,900
Additional	132,297
Minnesota	
Minnesota Migrant Council, St. Cloud, Minn.	1,188,375
Additional	193,309
Mississippi	
Mississippi Delta Council for Farmworkers Opportunities.	813,900
Missouri	
Rural Missouri, Inc., Jefferson City, Mo.	788,400
Additional	189,216
Montana	
State of Montana, Helena, Mont	494,500
Nebraska	
Migrant Action Program, Des Moines, Iowa.	752,700
Nevada	
CET—Nevada, San Jose, Calif	79,500
New Jersey	
Farmworkers Corporation of New Jersey, Vineland, NJ.	525,100
Additional	89,000
New Mexico	
Home Education Livelihood Program, Albuquerque, N. Mex.	442,867
New York	
Rural New York Opportunities, Rochester, NY.	1,025,550
North Carolina	
Migrant and Seasonal Farmworkers, Inc., Raleigh, N.C.	2,619,450
North Dakota	
North Dakota Migrant Council, Grand Forks, N. Dak..	377,900
Ohio	
La Raza Unida de Ohio, Columbus, Ohio.	881,600
Additional	74,055
Oklahoma	
ORO Development Corp., Inc., Oklahoma City, Okla.	500,700
Additional	46,732
Oregon	
California Human Development Corp., Windsor, Calif.	810,800
Pennsylvania	
Rural New York Opportunities, Rochester, NY.	1,225,900
Puerto Rico	
Commonwealth of Puerto Rico, Hato Rey, Puerto Rico.	1,293,075
Rhode Island	
New England Farmworkers Council, Inc., Springfield, Mass.	27,375
South Carolina	
South Carolina Office of the Governor, Columbia, SC.	763,425
South Dakota	
Minnesota Migrant Council, St. Cloud, Minn.	401,250
Tennessee	
Tennessee Opportunity Program for Seasonal Farmworkers, Inc., Nashville, Tenn.	544,725
Texas	
Motivation, Education and Training, Inc., Cleveland, Tex.	2,219,308
Economic Opportunity Development Corp., San Antonio, Tex.	233,153
Community Action Council of South Texas, Rio Grande City, Tex.	158,187
Additional	47,974
Colonias del Ville, San Juan, Tex	738,652
Utah	
Utah Migrant Council, Midvale, Utah.	248,600
Virginia	
Migrant & Seasonal Farmworkers, Inc., Raleigh, NC.	871,725
Vermont	
New England Farmworkers Councils, Springfield, Mass.	195,000
Washington	
Northwest Rural Opportunities, Grandview, Wash.	1,738,000
West Virginia	
Governor's Manpower Office, Charleston, W Va.	355,550
Wisconsin	
United Migrant Opportunity Services, Inc., Milwaukee, Wisc.	1,455,225
Wyoming	
Northwestern Community Action Program of Wyoming, Inc, Worland, Wyo.	205,800

Nonselected applicants have been notified by the Department of Labor of the Administrative Procedure for Petition for Reconsideration in accordance with CFR 29 § 97.292. Termination and closeout procedures applicable to 1978 grantees which have not received a grant for 1979 have also been sent to those grantees.

Signed at Washington, D.C., this 26th day of January 1979.

LAMOND GODWIN,
Administrator, Office of National Programs.

[FR Doc. 79-4562 Filed 2-8-79; 8:45 am]

[4510-43-M]

Mine Safety and Health Administration

[Docket No. M-78-18]

B & Z COAL CO.

Final Action Granting a Petition for Modification of Application of Mandatory Safety Standard

The Mine Safety and Health Administration (MSHA) has granted the petition (42 FR 62215) of the B & Z Coal Co. to modify the application of 30 CFR 75.301 to its No. 1 Slope Mine located in Northumberland County, PA, in accordance with Section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164. MSHA has determined that an alternative method exists that will guarantee at all times no less than the same measure of protection given miners of the mine by the standard.

MSHA based its determination on the following findings:

1. MSHA investigators found the quantity of air in the working faces and in the last open crosscut to be in excess of the minimum requirements of 30 CFR 75.301.

2. Ventilation violation records reveal that the mine had been in compliance with air quantity requirements since its activation in January 1977, and that a hazardous condition due to methane, carbon dioxide, and other noxious or poisonous gases had not been detected since its opening.

3. Air sample analyses records and frequent onsite sampling confirm that harmful quantities of methane have not been detected in the mine.

4. The operator's records, as well as MSHA's, confirm that there were no ignitions, explosions, or mine fires in the mine since activation of the mine by the present operator.

5. Air sample analyses records and frequent onsite sampling indicate that harmful quantities of carbon dioxide and other noxious or poisonous gases are not present in the mine.

6. Respirable dust was not found to be in excess of the maximum standards as verified by dust smaple records, which revealed an average concentration of 0.20 mg/m3, and which was below the present maximum standard of 2.0 mg/m3. A high of 1.1 milligrams was recorded on an operator cycle of ten samples collected when the maximum limit was 20 milligrams.

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7. When a study was conducted concerning dust concentration in anthracite mines, a representative mine regulated to simulate conditions with air quantities requested for this mine revealed there was no appreciable increase in dust concentrations.

8. The operator contends that extremely high air velocities in restricted airways and manways present a very dangerous flying object hazard to the miners. Investigation has revealed that these conditions do not exist in this mine; consequently, MSHA does not agree that this is a problem in the mine.

9. The operator argues that high velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable cold mine. MSHA's investigation tends to substantiate this claim even though the investigation was conducted during the warmer months. The mine is wet; consequently, a damp atmosphere is ever present. This dampness coupled with the cold air induced into the mine during the winter months creates an unbearable damp, cold working environment.

10. Interviews with the miners also substantiated the petitioner's claim that the mine conditions caused in part by compliance with 30 CFR 75.301 contribute to difficulty in attracting and retaining mine employees.

11. MSHA investigators also found there was no electric face equipment or other electrically operated mechanical mining equipment used in this mine, thus further minimizing any need for the quantities of air required by 30 CFR 75.301.

Because of these findings, the Administrator for Coal Mine Safety and Health, under authority delegated by the Secretary of Labor, ordered that the petition be granted, conditioned upon compliance with the following:

That the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful atmosphere.

A copy of the decision is available for inspection by the public at the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: February 1, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-4498 Filed 2-8-79; 8:45 am]

[4510-43-M]

[Docket No. M-78-135-C]

CONSOLIDATION COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, RD #5, Cadiz, Ohio 43907, has filed a petition to modify the application of 30 CFR 75.1100 (fire protection) to its Rose Valley #06 Mine in Harrison County, Ohio. The petition is filed under the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. This petition concerns the slope belt waterline at the petitioner's mine.

2. Due to freezing conditions during the winter which could render the waterline useless for firefighting, the petitioner proposes to establish the following dryline system:

a. Water for the system is gravity fed from a 12,000 gallon tank in the mine wash house through a two inch steel pipe.

b. Firehose outlets with 150 feet of firehose each are located along the slope belt waterline. At the first firehose outlet downslope, the static pressure is about 44 pounds per square inch. The remaining outlets have higher pressures due to their lower elevations.

c. In the event of a fire on or near the slope belt, an existing automatic fire sensor system will provide audible and visual signals in the hoisthouse to the full-time attendant hoistman who will then manually open a valve to charge the dry-line system with water.

3. The petitioner contends that this alternative will achieve no less protection for miners than that provided by the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before March 12, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: February 1, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-4499 Filed 2-8-79; 8:45 am]

[4510-43-M]

[Docket No. M-78-52-C]

H & S COAL CO.

Final Action Granting a Petition for Modification of Application of Mandatory Safety Standard

The Mine Safety and Health Administration (MSHA) has granted the petition of H & S Coal Co. to modify the application of 30 CFR 75.301 to its Morgan Drift Mine located in Schuylkill County, PA, in accordance with Section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164. MSHA has determined that an alternative method exists that will guarantee at all times no less than the same measure of protection given miners of the mine by the standard.

MSHA based its determination on the following findings:

1. MSHA field investigators confirmed the petitioner's claims with the exception that extremely high air velocities in restricted airways and manways were not found to exist at the time of the investigation.

2. MSHA investigators found the quantity of air in the working faces and in the last open crosscut to be below the minimum requirements of 30 CFR 75.301.

3. Ventilation violation records revealed that the mine was not always in compliance with respect to the air quantity requirements in the last open crosscut. However, a hazardous condition due to methane, carbon dioxide, and other noxious or poisonous gases was not detected in the mine during the period of noncompliance. There was one Notice of violation cited against Section 75.301 CFR Part 75, of the implementing regulations for insufficient air in the last open crosscut.

4. Air sample analyses records and frequent onsite sampling confirm that harmful quantities of methane have not been detected in the mine.

5. The operator's records, as well as MSHA's, confirm that there were no ignitions, explosions, or mine fires in the mine since activation of the mine by the present operator.

6. Air sample analyses records and frequent onsite sampling indicate that harmful quantities of carbon dioxide and other noxious or poisonous gases are not present in the mine.

7. Respirable dust was not found to be in excess of the maximum standards as certified by dust sample records, which revealed an average concentration of 0.16 mg/m3, and which was well below the present maximum standard of 2.0 mg/m3. A high of 0.50 milligrams was recorded on an operator cycle of ten samples collected when the maximum limit was 20 milligrams.

8. When a study was conducted concerning dust concentration in anthracite mines, a representative mine regulated to simulate conditions with air quantities requested for this mine revealed there was no appreciable increase in dust concentrations.

9. The operator argues that high velocities and large air quantities cause extemely uncomfortable damp and cold conditions in the already uncomfortable cold mine. MSHA's investigation tends to substantiate this claim even though the investigation was conducted during the warmer months. The mine is wet; consequently, a damp atmosphere is ever present. This dampness coupled with the cold air induced into the mine during the winter months creates an unbearable damp, cold working environment.

10. MSHA investigators also found there was no electric face equipment or other electrically operated mechanical mining equipment used in this mine, thus futher minimizing any need for the quantities of air required by 30 CFR 75.301.

Because of these findings, the Administrator for Coal Mine Safety and Health, under authority delegated by the Secretary of Labor, ordered that the petition be granted, conditioned upon compliance with the following:

That the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful atmosphere.

A copy of the decision is available for inspection by the public at the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: February 1, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-4500 Filed 2-8-79; 8:45 AM]

[4510-43-M]

[Docket No. M-77-231]

K.R.K. COAL CO.

Final Action Granting a Petition for Modification of Application of Mandatory Safety Standard

The Mine Safety and Health Administration (MSHA) has granted the petition (42 FR 43680) of K.R.K. Coal Co. to modify the application of 30 CFR 75.301 to its K.R.K. Slope Mine located in Schuylkill County, PA, in accordance with Section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164. MSHA has determined that an alternative method exists that will guarantee at all times no less than the same measure of protection given miners of the mine by the standard.

MSHA based its determination on the following findings:

1. MSHA investigators found the quantity of air in the working faces and in the last open crosscut to be in excess of the minimum requirements of 30 CFR 75.301.

2. Ventilation records reveal that the mine had been in compliance with air quantity requirements since its activation in March 1976, and that a hazardous condition due to methane, carbon dioxide, and other noxious or poisonous gases had not been detected since its opening.

3. Air sample analyses records and frequent onsite sampling confirm that harmful quantities of methane have not been detected in the mine.

4. The operator's records, as well as MSHA's, confirm that there were no ignitions, explosions, or mine fires in the mine since activation of the mine by the present operator.

5. Air sample analyses records and frequent onsite sampling indicate that harmful quantities of carbon dioxide and other noxious or poisonous gases are not present in the mine.

6. Respirable dust samples collected by MSHA representatives revealed an average concentration of 0.40 mg/m3. Since the mine was operated intermittently, operator respirable dust data are not yet available for this mine. The operator is, however, in the process of establishing his original sampling cycle.

7. The operator contends that extremely high air volocities in restricted airways and manways present a very dangerous flying object hazard to the miners. Investigation has revealed that these conditions do not exist in this mine; consequently, MSHA does not agree that this is a problem in the mine.

8. The operator argues that high velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable cold mine. MSHA's investigation tends to substantiate this claim even though the investigation was conducted during the warmer months. The mine is wet; consequently, a damp atmosphere is ever present. This dampness coupled with the cold air induced into the mine during the winter months creates an unbearable damp, cold working environment.

9. Interviews with the miners also substantiated the petitioner's claim that the mine conditions caused in part by compliance with 30 CFR 75.301 contribute to difficulty in attracting and retaining mine employees.

10. MSHA investigators also found there was no electric face equipment or other electrically operated mechanical mining equipment used in this mine, thus further minimizing any need for the quantities of air required by 30 CFR 75.301.

Because of these findings, the Administrator for Coal Mine Safety and Health, under authority delegated by the Secretary of Labor, ordered that the petition be granted, conditioned upon compliance with the following:

That the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful atmosphere.

A copy of the decision is available for inspection by the public at the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: February 1, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-4501 Filed 2-8-79; 8:45 am]

[4510-43-M]

[Docket No. M-78-64-C]

KWY COAL CO.

Final Action Granting a Petition for Modification of Application of Mandatory Safety Standard

The Mine Safety and Health Administration (MSHA) has granted the petition (43 FR 19929) of KWY Coal Co. to modify the application of 30 CFR 75.301 to its No. 9½ Vein Mine located in Northumberland County, PA, in accordance with Section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164. MSHA has

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determined that an alternative method exists that will guarantee at all times no less than the same measure of protection given miners of the mine by the standard.

MSHA based its determination on the following findings:

1. MSHA investigators found the quantity of air in the working faces and in the last open crosscut to be in excess of the minimum requirements of 30 CFR 75.301.

2. Ventilation violation records revealed that the mine had been in compliance with air quantity requirements since its activation in December 1975, and that a hazardous condition due to methane, carbon dioxide, and other noxious or poisonous gases had not been detected since its opening.

3. Air samples analyses records and frequent onsite sampling confirm that harmful quantities of methane have not been detected in the mine.

4. The operator's records, as well as MSHA's, confirm that there were no ignitions, explosions, or mine fires in the mine since activation of the mine by the present operator.

5. Air samples analysis records and frequent onsite sampling indicate that harmful quantities of carbon dioxide and other noxious or poisonous gases are not present in the mine.

6. Respirable dust was not found to be in excess of the maximum standards as verified by dust sample records. These records revealed an average concentration of 0.13 mg/m³, well below the present maximum standard of 2.0 mg/m³. A high of 0.7 milligram was recorded on an operator cycle of ten samples collected when the maximum limit was 20 milligrams.

7. When a study was conducted concerning dust concentration in anthracite mines, a representative mine regulated to simulate conditions with air quantities requested for this mine revealed there was no appreciable increase in dust concentrations.

8. The operator contends that extremely high air velocities in restricted airways and manways present a very dangerous flying object hazard to the miners. Investigation has revealed that these conditions do not exist in this mine; consequently, MSHA does not agree that this is a problem in the mine.

9. The operator argues that high velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable cold mine. MSHA's investigation tends to substantiate this claim even though the investigation was conducted during the warmer months. The mine is wet; consequently, a damp atmosphere is ever present. This dampness coupled with the cold air induced into the mine during the winter months creates an unbearable damp, cold working environment.

10. Interviews with the miners also substantiated the petitioner's claim that the mine conditions caused in part by compliance with 30 CFR 75.301 contribute to difficulty in attracting and retaining mine employees.

11. MSHA investigators also found there was no electric face equipment or other electrically operated mechanical mining equipment used in this mine, thus further minimizing any need for the quantities of air required by 30 CFR 75.301.

Because of these findings the Administrator for Coal Mine Safety and Health, under authority delegated by the Secretary of Labor, ordered that the petition be granted, conditioned upon compliance with the following:

That the minimum quantity of air reaching each face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful atmosphere.

A copy of the decision is available for inspection by the public at the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: February 1, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-4502 Filed 2-8-79; 8:45 am]

[4510-43-M]

[Docket No. M-78-65-C]

NORTH MT. COAL CO.

Final Action Granting a Petition for Modification of Application of Mandatory Safety Standard

The Mine Safety and Health Administration (MSHA) has granted the petition (43 FR 19929) of North Mt. Coal Company to modify the application of 30 CFR 75.301 to its North Mt. Slope Mine located in Shamokin, Pa, in accordance with Section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164. MSHA has determined that an alternative method exists that will guarantee at all times no less than the same measure of protection given miners of the mine by the standard.

MSHA based its determination on the following findings:

1. MSHA field investigators confirmed the petitioner's claims with the exception that extremely high air velocities in restricted airways and manways were not found to exist at the time of the investigation.

2. MSHA investigators found the quantity of air in the working faces and in the last open crosscut to be in excess of the minimum requirements of 30 CFR 75.301.

3. Ventilation records revealed no notices of violation cited against Section 75.301 since the opening of the mine. A hazardous condition due to methane, carbon dioxide, or other noxious or poisonous gases was not detected in the mine since mining commenced in 1977. There have been no ignitions, explosions or mine fires since activation of the mine by the present mine operator.

4. Respirable dust samples collected by MSHA representatives revealed an average concentration of 0.50 mg/m3, well below the current maximum standard of 2.0 mg/m3.

5. When a study was conducted concerning dust concentration in anthracite mines, a representative mine regulated to simulate conditions with air quantities requested for this mine revealed there was no appreciable increase in dust concentrations.

6. The petitioner's claim that high velocities and large quantities of air cause extremely uncomfortable damp and cold conditions in the mine, particularly during the winter months is borne out by numerous studies conducted in the past. It should be noted that these studies also indicate a possible increase in accident likelihood caused by physical reactions of the body to cold and damp weather during strenuous physical activity.

7. Interviews with the miners also substantiated the petitioner's claim that the mine conditions caused in part by compliance with 30 CFR 75.301 contribute to difficulty in attracting and retaining mine employees.

8. MSHA investigators also found there was not electric face equipment or other electrically operated mechanical mining equipment used in this mine, thus further minimizing any need for the quantities of air required by 30 CFR 75.301.

Because of these findings, the Administrator for Coal Mine Safety and Health, under authority delegated by the Secretary of Labor, ordered that the petition be granted, conditioned upon compliance with the following:

That the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 5,000 cubic feet a minute, and/or whatever additional quantity

of air that may be required in any of these areas to maintain a safe and healthful atmosphere.

A copy of the decision is available for inspection by the public at the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: February 1, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-4503 Filed 2-8-79; 8:45 am]

[4510-43-M]

[Docket No. M-77-219]

ORCHARD COAL CO.

Final Action Granting a Petition for Modification of Application of Mandatory Safety Standard

The Mine Safety and Health Administration (MSHA) has granted the petition (42 FR 43681) of Orchard Coal Company to modify the application of 30 CFR 75.301 to its Orchard Slope Mine located in Schuylkill County, PA, in accordance with Section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164. MSHA has determined that an alternative method exists that will guarantee at all times no less than the same measure of protection given miners of the mine by the standard.

MSHA based its determination on the following findings:

1. MSHA investigators found the quantity of air in the working faces and in the last open crosscut to be in excess of the minimum requirements of 30 CFR 75.301.

2. Ventilation violation records revealed that the mine was not always in compliance with respect to the air quantity requirement in the face area. However, a hazardous condition due to methane, carbon dioxide, and other noxious or poisonous gases was not detected in the mine during the period of noncompliance.

3. Air sample analyses records and frequent onsite sampling confirm that harmful quantities of methane have not been detected in the mine.

4. The operator's records, as well as MSHA's, confirm that there were no ignitions, explosions, or mine fires in the mine since activation of the mine by the present operator.

5. Air samples analyses records and frequent onsite sampling indicate that harmful quantities of carbon dioxide and other noxious or poisonous gases are not present in the mine.

6. Respirable dust was not found to be in excess of the maximum standards as verified by dust sample records, which revealed an average concentration of 0.20 mg/m3, well below the present maximum standard of 2.0 mg/m3. A high of 1.8 milligrams was recorded on an operator cycle of ten samples collected when the maximum limit was 20 milligrams.

7. When a study was conducted concerning dust concentration in anthracite mines, a representative mine regulated to simulate conditions with air quantities requested for this mine revealed there was no appreciable increase in dust concentrations.

8. The operator contends that extremely high air velocities in restricted airways and manways present a very dangerous flying object hazard to the miners. Investigation has revealed that these conditions do not exist in this mine; consequently, MSHA does not agree that this is a problem in the mine.

9. The operator argues that high velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable cold mine. MSHA's investigation tends to substantiate this claim even though the investigation was conducted during the warmer months. The mine is wet; consequently, a damp atmosphere is ever present. This dampness coupled with the cold air induced into the mine during the winter months creates an unbearable damp, cold working environment.

10. Interviews with the miners also substantiated the petitioner's claim that the mine conditions caused in part by compliance with 30 CFR 75.301 contribute to difficulty in attracting and retaining mine employees.

11. MSHA investigators also found there was no electric face equipment or other electrically operated mechanical mining equipment used in this mine, thus further minimizing any need for the quantities of air required by 30 CFR 75.301.

Because of these findings, the Administrator for Coal Mine Safety and Health, under authority delegated by the Secretary of Labor, ordered that the petition be granted, conditioned upon compliance with the following:

That the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful atmosphere.

A copy of the decision is available for inspection by the public at the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: February 1, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-4504 Filed 2-8-79; 8:45 am]

[4510-43-M]

[Docket No. M-78-43]

P.S. & R. COAL CO.

Final Action Granting a Petition for Modification of Application of Mandatory Safety Standard

The Mine Safety and Health Administration (MSHA) has granted the petition (43 FR 26147) of the P.S. & R. Coal Co. to modify the application of 30 CFR 75.301 to its No. 2 Slope Mine located in Schuylkill County, PA, in accordance with Section 101(c) of the Federal Mine Safety and Health Act of 1977; Pub. L. 95-164. MSHA has determined that an alternative method exists that will guarantee at all times no less than the same measure of protection given miners of the mine by the standard.

MSHA based its determination on the following findings:

1. MSHA investigators found the quantity of air in the working faces and in the last open crosscut to be in excess of the minimum requirements of 30 CFR 75.301.

2. Ventilation violation records revealed that the mine had been in compliance with air quantity requirements since its activation in June, 1977, and that a hazardous condition due to methane, carbon dioxide, and other noxious or poisonous gases had not been detected since its opening.

3. Air sample analyses records and frequent onsite sampling confirm that harmful quantities of methane have not been detected in the mine.

4. The operator's records, as well as MSHA's, confirm that there were no ignitions, explosions, or mine fires in the mine since activation of the mine by the present opertor.

5. Air sample analyses records and frequent onsite sampling indicate that harmful quantities of carbon dioxide and other noxious or poisonous gases are not present in the mine.

6. Respirable dust was not found to be in excess of the maximum standards as verified by dust sample records, which revealed an average concentration of 0.22 mg/m3, well below the present maximum standard of 2.0 mg/m3. A high of 0.4 milligrams was recorded on an operator cycle of ten samples collected when the maximum limit was 20 milligrams.

7. When a study was conducted concerning dust concentration in anthra-

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cite mines, a representative mine regulated to simulate conditions with air quantities requested for this mine revealed there was no appreciable increase in dust concentrations.

8. The operator contends that extremely high air velocities in restricted airways and manways present a very dangerous flying object hazard to the miners. Investigation has revelaed that these conditions do not exist in this mine; consequently, MSHA does not agree that this is a problem in the mine.

9. The operator argues that high velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable cold mine. MSHA's investigation tends to substantiate this claim even though the investigation was conducted during the warmer months. The mine is wet; consequently, a damp atmosphere is ever present. This dampness coupled with the cold air inducted into the mine during the winter months creates an unbearable damp, cold working environment.

10. Interviews with the miners also substantiated the petitioner's claim that the mine conditions caused in part by compliance with 30 CFR 75.301 contribute to difficulty in attracting and retaining mine employees.

11. MSHA investigators also found there was no electric face equipment or other electrically operated mechanical mining equipment used in this mine, thus further minimizing any need for the quantities of air required by 30 CFR 75.301.

Because of these findings, the Administrator for Coal Mine Safety and Health, under authority delegated by the Secretary of Labor, ordered that the petition be granted, conditioned upon compliance with the following:

That the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful atmosphere.

A copy of the decision is available for inspection by the public at the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: February 1, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-4505 Filed 2-8-79; 8:45 am]

[4510-43-M]

[Docket No. M-79-7-C]

Y & O COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Y & O Coal Company, Route 1, Beallsville, Ohio 43716 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations) to its Allison Mine in Belmont County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. High humidity in the past and unfavorable roof conditions have caused numerous roof falls and excessive deterioration of the roof in the North and South return air courses and the Main East intake air course of the petitioner's mine.

2. These adverse conditions made weekly examinations of the air courses in their entirety extremely hazardous.

3. These air courses are not designated escape routes.

4. As an alternative to weekly examinations the petitioner proposes to examine the air courses twice a week at Outley 2 North and Outley 3 North.

5. Examinations will consist of tests to assure that ventilation is in the proper direction, a test for air velocity and volume and tests to assure that the ventilating current contains less than one percent methane.

6. The petitioner states that this alternative will achieve no less protection for miners than that provided by the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before March 12, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: February 1, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-4506 Filed 2-8-79; 8:45 am]

[4510-28-M]

Office of the Secretary

[TA-W-4436]

ALDON, INC., NEW BRAUNFELS, TEXAS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4436: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 29, 1978 in response to a worker petition received on November 8, 1978 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's full-fashioned knit sweater shirts and sweaters at Aldon's Incorporated, New Braunfels, Texas, a subsidiary of McGregor-Doniger, Incorporated. The investigation revealed that the name of the firm is Aldon, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56953). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Aldon, Incorporated, McGregor-Doniger, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased absolutely from 1976 and 1977 and from the first three quarters of 1977 to the same period in 1978.

All sweaters and sweater shirts producted at Aldon, Incorporated are sold by its parent company, McGregor-Doniger, Incorporated, McGregor-Doniger, Incorporated purchased imported men's full-fashioned knit sweaters for re-sale in the United States, beginning in June 1978. The company imports occurred in a period during which employment and production of full-fashioned sweaters at Aldon, Incorporated declined. Aldon, Incorporated is in the process of closing permanently.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's full-fashioned knit sweaters produced at Aldon, Incorporated, New Braunfels, Texas contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Aldon, Incorporated, New Braunfels, Texas who became totally or partially separated from employment on or after July 31, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4515 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4272; TA-W-4273]

APECO CORP., DES PLAINES, ILLINOIS, ELK GROVE VILLAGE, ILLINOIS

Notice of Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4272 and 4273: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on October 20, 1978 in response to a worker petition received on October 18, 1978 which was filed on behalf of workers and former workers of the corporate office of the Apeco Corporation, Des Plaines, Illinois, and on behalf of workers and former workers providing credit collection, marketing, receiving and distribution (shipment) and engineering at the Elk Grove Village, Illinois facility of the Apeco Corporation.

The notice of investigation was published in the FEDERAL REGISTER on October 31, 1978 (43 FR 50758). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Apeco Corporation and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The work of the corporate headquarters in Des Plaines, Illinois and of the distribution center in Elk Grove Village, Illinois of the Apeco Corporation is no longer integrated into the production of an article. Since April 1978 Apeco has not produced photocopier machines. Since November 1977 Apeco has not produced paper, and since December 1, 1978 Apeco has not produced toner. Since April 1978 Apeco has reorganized the company as a distributor of photocopiers and related paper and toner products. Apeco buys these products from unaffiliated domestic and foreign sources for resale to its customers. The reorganization of the business has progressed to such an extent that the separation of workers from the corporate office and the distribution center can no longer be related to the production of photocopiers. Furthermore, separations from employment at these facilities are not related to the closing of the toner plant on December 1, 1978.

CONCLUSION

After careful review, I determine that all workers of the Des Plaines, Illinois and the Elk Grove Village, Illinois facilities of the Apeco Corporation, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4537 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4554]

APEX HANDBAG DIVISION, OLLA INDUSTRIES, INC., WEEHAWKEN, NEW JERSEY

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4554: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 28, 1978 in response to a worker petition received on December 26, 1978 which was filed by the International Leather Goods, Plastics, and Novelty Workers Union on behalf of workers and former workers producing ladies' handbags at the Apex Handbag Division of Olla Industries, Incorporated, Weehawken, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on January 5, 1979 (44 FR 1485). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Olla Industries, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of handbags increased both absolutely and relative to domestic production in 1977 from 1976 and increased absolutely in January-September 1978 compared to the same period in 1977.

Olla Industries, Incorporated, the parent firm of Apex Handbags, imports ladies' handbags. Imports of handbags by the parent firm increased both absolutely and relative to sales by Apex Handbags in 1978 compared to 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the ladies' handbags produced at the Apex Handbags Division of Olla Industries, Incorporated, Weehawken, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Apex Handbag Division of Olla Industries, Incorporated, Weehawken, New Jersey who became totally or partially separated from employment on or after December 18, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-5338 Filed 2-8-79; 8:45 am]

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[4510-28-M]

[TA-W-4390]

BESTFORM FOUNDATIONS, INC. LONG ISLAND CITY, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4390: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 16, 1978 in response to a worker petition received on November 13, 1978 which was filed on behalf of workers and former workers producing ladies' undergarments at Bestform Foundations, Incorporated, Long Island City, New York. The investigation revealed that the plant primarily produces bras and girdles.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55011-12). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Bestform Foundations, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of brassieres, bralettes, and bandeaux increased absolutely in 1977 compared to 1976. The ratio of imports to domestic production increased from 51.7 percent in 1976 to 59.3 percent in 1977. Imports increased absolutely in the first nine months of 1978 compared to the same period of 1977.

U.S. imports of corsets and girdles increased absolutely and relative to domestic production in 1977 compared to 1976. Imports increased absolutely in the first nine months of 1978 compared to the same period of 1977.

Bestform Foundations, Incorporated increased its imports of bras and girdles in 1977 compared to 1976 and in 1978 compared to 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with bras and girdles produced at Bestform Foundations, Incorporated, Long Island City, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of Bestform Foundations, Incorporated, Long Island City, New York who became totally or partially separated from employment on or after October 27, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4516 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4464]

BROWN FURNITURE MANUFACTURING CO., PINE BLUFF, ARKANSAS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4464: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 6, 1978 in response to a worker petition received on November 28, 1978 which was filed by the United Furniture Workers of America on behalf of workers and former workers producing wood components for furniture, assembling, finishing, and packaging for shipment, at Brown Furniture Manufacturing Company, Pine Bluff, Arkansas. The investigation revealed that the plant primarily produced bedroom furniture.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59165-66). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Brown Furniture Manufacturing Company, its customers, the National Association of Furniture Manufactures, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of wood furniture (not upholstered) increased from $206.5 million in 1976 to $256.9 million in 1977, and increased from $184.5 million in the first nine months of 1977 to $249.6 million in the first nine months of 1978.

The Department conducted a survey of Brown Furniture Manufacturing Company's customers. The survey revealed some customers increased purchases of imported bedroom furniture and decreased purchases from Brown Furniture during the period 1976 to November 1978.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with bedroom furniture produced at Brown Furniture Manufacturing Company, Pine Bluff, Arkansas contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Brown Furniture Manufacturing Company, Pine Bluff, Arkansas who became totally or partially separeated from employment on or after November 20, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-4517 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4419]

BROWN SHOE CO., PIGGOTT, ARKANSAS

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4419: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 27, 1978 in response to a worker petition received on November 17, 1978 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing men's shoes and boots at the Piggott, Arkansas plant of the Brown Shoe Company.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56952). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Brown Shoe Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that average employment of production workers at the Piggott, Arkansas plant of Brown Shoe Company increased in the last two quarters of 1977 compared to the same period in 1976 and increased in the first eleven months of 1978 compared to the same period in 1977. Average weekly hours worked per employee did not change significantly during this period. There is no immediate threat of separation of workers at this plant.

CONCLUSION

After careful review, I determine that all workers of the Piggott, Arkansas plant of the Brown Shoe Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-4518 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4308]

CAROL LEE FASHIONS, SANTO MONICA, CALIF.

Notice of Negative Determination Regarding Application for Reconsideration

On January 3, 1979, the Los Angeles Joint Board of the International Ladies' Garment Workers' Union, AFL-CIO, requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers of Carol Lee Fashions' Plant at Santa Monica, California. The determination was published in the Federal Register on December 29, 1978, (43 FR 61042).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following curcumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneoues;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims that the statutory production and sales requirement for Carol Lee Fashions could be met if the Department adjusted Carol Lee's sales data to reflect three wage increases which took place in 1976 and 1977.

Areview of the case file indicates that Carol Lee is a woman's coat and jacket contractor whose workers were denied eligibility because the statutory sales or production requirement was not met.

Upon further investigation and according to company officials, production of women's coats and jackets increased, in quantity, in 1977 compared to 1976 and in 1978 compared to 1977. Since Carol Lee Fashions is a contractor in a basuc apparel contractor-manufacturer relationship, production is equal to sales. The statutory production or sales requirement, therefore, is not met.

In addition, average employment at Carol Lee was higher in the last quarter of 1977 than in the same quarter of 1976 and in the period January through October, 1978 compared to the same period in 1977.

CONCLUSION

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4519 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4364]

CLOVER KNITTING MILLS, INC., PHILADELPHIA, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4364: investigation regarding certifiction of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 13, 1978 in response to a worker petition received on November 6, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's sweater shirts at Clover Knitting Mills, Incorporated, Philadelphia, Pennsylvania. The investigation revealed that the plant primarily produces men's sweaters.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55012). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Clover Knitting Mills, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased from 20.4 million units in 1975 to 26.5 million units in 1976 and to 28.3 million units in 1977. Imports increased to 33.2 million units in the first three quarters of 1978 as compared to 22.6 million units in the first three quarters of 1977.

U.S. imports of men's and boys' knit sport and dress shirts, excluding T-shirts, increased from 66.2 million units in 1975 to 74.0 million units in 1976 and to 75.2 million units in 1977. U.S. imports increased to 82.5 million units in the first three quarters of 1978 as compared to 54.6 million units in the first three quarters of 1977.

A Departmental survey of the customers of Clover Knitting Mills, Incorporated revealed that several customers increased their purchases of imported men's sweaters and knit shirts and decreased their purchases from Clover in 1977 compared to 1976 and in January-October, 1978 as compared to the same period in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's sweaters and sweater shirts produced at Clover Knitting Mills, Incorporated, Philadelphia, Pennsylvania, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of

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the Act, I make the following certification:

All workers of Clover Knitting Mills, Incorporated, Philadelphia, Pennsylvania, who became totally or partially separated from employment on or after August 5, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-4520 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4376]

C. R. BARD, INC., BARD HOSPITAL DIVISION, MURRAY HILL, N.J.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4376: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 14, 1978 in response to a worker petition received on November 13, 1978 which was filed on behalf of workers and former workers producing medical products for hospital use at the Murray Hill, New Jersey plant of C. R. Bard, Incorporated. The investigation revealed that the Murray Hill plant is part of the Bard Hospital Division which primarily produces urological products.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55013). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of C. R. Bard, Incorporated, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that layoffs at the Murray Hill, New Jersey plant of C. R. Bard, Incorporated occurred when the Bard Hospital Division transferred its hand assembly operations from the Murray Hill plant to the division's Covington, Georgia plant.

The Hospital Division's sales and production increased in 1978 compared to 1977. The layoffs at the Murray Hill plant were not caused by any drop in demand for the Hospital Division's products, but resulted from a change in plant utilization within the division's three plants. These three plants are located in Fitzwilliam, New Hampshire; Covington, Georgia; and Murray Hill, New Jersey and are operated in an integrated manner.

Prior to October 1978, all three plants produced product components which were then hand assembled, along with components bought from outside sources, at either the Murray Hill plant or the Covington plant.

In order to control manufacturing costs and better utilize production facilities, the company decided to centralize hand assembly operations in the Covington, Georgia plant and shift component production previously performed at Covington to Murray Hill. All workers in the Murray Hill assembly department were laid off when the department closed in October 1978 as assembly operations were transferred to Covington.

CONCLUSION

After careful review, I determine that all workers of the Murray Hill, New Jersey plant of the Bard Hospital Division of C. R. Bard, Incorporated are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-4539 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4392]

CRESCENT KNITTING MILLS, INC., PHILADELPHIA, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4392: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 16, 1978 in response to a worker petition received on November 13, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's sweaters at Crescent Knitting Mills, Incorporated, Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55011-12). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Crescent Knitting Mills, Incorporated, its manufacturers, the U.S. Department of Commerce, the U.S. Internatinal Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased from 20.4 million units in 1975 to 26.5 million units in 1976 and to 28.3 million units in 1977. Imports increased to 33.2 million units in the first three quarters of 1978 as compared to 22.6 million units in the first three quarters of 1977.

The Office of Trade Adjustment Assistance conducted a survey of the manufacturers who contracted work to Crescent Knitting Mills, Incorporated. The survey indicated that the manufacturers who decreased business with Crescent were also faced with declining company sales, as their retail customers increased purchases of imported men's sweaters and decreased purchases from these manufacturers during the first ten months of 1978 compared to the same period of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's sweaters produced at Crescent Knitting Mills, Incorporated, Philadelphia, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Crescent Knitting Mills, Incorporated, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after September 29, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-4521 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4290]

DAN RIVER, INC., CLANTON, ALA.

Notice of Negative Determination Regarding Application for Reconsideration

By letter of January 11, 1979, the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance in the case of former workers of Dan River, Inc., Clanton, Alabama. The determination was published in the FEDERAL REGISTER on January 12, 1979, (44 FR 2729).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioners claim that workers at the Clanton, Alabama, plant had poor machinery and working conditions and that it was not their fault that they could not compete with imports. They also claimed that much of the machinery at Clanton was scrapped when the plant closed.

The Clanton, Alabama, plant closed in October, 1977 and was one of several Dan River plants which produced corduroy.

The Department's review revealed that the Trade Act criterion that increased imports contributed importantly to worker separations was not met. Company-wide production of corduroy increased, in quantity, after the closing of the Clanton plant indicating a domestic transfer of company production. Dan River, Inc., does not import corduroy fabric. U.S. imports of finished fabric decreased absolutely in 1977 compared to 1976 while the import-to-production ratio was less than 2 percent, increasing from 1.8 percent in 1976 to only 1.9 percent in 1977.

CONCLUSION

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4522 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4490]

FLORSHEIM SHOE CO., CHAFFEE, MO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4490: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 8, 1978 in response to a worker petition received on December 5, 1978 which was filed on behalf of workers and former workers producing men's shoes at the Chaffee, Missouri plant of the Florsheim Shoe Company.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59179-80). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Florsheim Shoe Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that average employment of production workers at the Chaffee, Missouri plant of Florsheim Shoe Company increased in the fourth quarter of 1977 compared to the same quarter of 1976 and increased in the first eleven months of 1978 compared to the same period in 1977. Average weekly hours worked per employee did not change significantly during this period. There is no immediate threat of separation of workers at this plant.

CONCLUSION

After careful review, I determine that all workers of the Chaffee, Missouri plant of the Florsheim Shoe Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4540 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4516]

FRANZEN SHOE COMPANY, INC., WORCESTER, MASS.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4516: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 14, 1978 in response to a worker petition received on December 11, 1978 which was filed on behalf of workers formerly producing women's street shoes at Franzen Shoe Company, Incorporated, Worcester, Massachusetts. The investigation revealed that the plant primarily produced comfort shoes for older women.

The Notice of Investigation was published in the FEDERAL REGISTER on December 26, 1978 (43 FR 60243). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Franzen Shoe Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have

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been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Department survey revealed that Franzen Shoe Company's leading customer did not import comfort shoes for older women during the 1976-1978 period. This customer indicated that Franzen Shoe Company was the only known domestic producer of this specialized line of shoes. The customer also stated that it would not have reduced business with Franzen Shoe had the company remained open. Franzen Shoe Company's other major customer reported that it had decreased purchases of imported women's nonrubber footwear in 1977 compared to 1976 and in the first three quarters of 1978 compared to the first three quarters of 1977.

CONCLUSION

After careful review, I determine that all workers of Franzen Shoe Company, Incorporated, Worcester, Massachusetts, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-4541 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4610]

GOULD NO. 1 SURFACE MINE, GOULD MINES, INC., GREENBRIER COUNTY, W. VA.

[TA-W-4611]

SURFACE MINE NO. 6, GOULD MINES, INC., GREENBRIER COUNTY, W. VA.

[TA-W-4612]

GRAM NO. 1 SURFACE MINE, GOULD MINES, INC., GREENBRIER COUNTY, W. VA.

[TA-W-4613]

VIKING NO. 5 SURFACE MINE, GOULD MINES, INC., GREENBRIER COUNTY, W. VA.

Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 8, 1979 in response to a worker petition received on January 2, 1979 which was filed by the United Mine Workers of America, in part on behalf of workers and former workers producing metallurgical coal at Gould #1 surface mine, Greenbrier County, West Virginia; surface mine #6, Greenbrier County, West Virginia;Gram #1 surface mine, Greenbrier County, West Virginia;and Viking #5 surface mine, Greenbrier County, West Virginia of Gould Mines, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on January 19, 1979 (44 FR 4029-30). No public hearing was requested and none was held.

The attorney for the petitioners requested termination of the investigation of the petititon insofar as it related to the operations and employees of Gould Mines, Incorporated. On the basis of this request, continuing the investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C. this 31st day of January 1979.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-4523 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-2244]

GREAT EASTERN TEXTILE PRINTING CO. MAHWAH, NEW JERSEY

Revised Determination of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 222 of the Trade Act of 1974, the Department of Labor issued a Revised Determination of Eligibility to Apply for Adjustment Assistance on February 17, 1978, applicable to all workers at the Great Eastern Textile Printing Company, Mahwah, New Jersey. The notice of Revised Determination was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8200).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the revised determination. The review and further investigation revealed that several layoffs have occurred at the New York sales office of the Great Eastern Textile Printing Company, Mahwah, New Jersey. The Great Eastern Textile Printing Company has closed its sales offices in New York and is winding down its printed textile fabric operations.

The intent of the certification is to cover all workers of Great Eastern Textile Printing Company who were affected by the decline in production of printed textile fabric at the Mahwah, New Jersey, plant related to import competition. The revised determination, therefore, is revised to include all workers at the New York City sales office of the Great Eastern Textile Printing Company, Mahwah, New Jersey.

The revised determination applicable to TA-W-2244 is hereby issued as follows:

All workers at the Great Eastern Textile Printing Company, Mahwah, New Jersey, and the New York sales office at 171 Madison Avenue, New York, New York, of the Great Eastern Textile Printing Company, Mahwah, New Jersey, who became totally or partially separated from employment on or after August 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4524 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4445]

HAMILTON WEB CO., NORTH KINGSTOWN, R.I.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4445: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 29, 1978 in response to a worker petition received on November 27, 1978 which was filed by the United Textile Workers of America on behalf of workers and former workers producing narrow woven fabrics for garment trim of the Hamilton Web Company, North Kingstown, Rhode Island.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56953). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Hamilton Web Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Results of a survey conducted by the Department of Labor indicated that customers of the Hamilton Web Company did not reduce their purchases of narrow woven fabric from Hamilton Web in favor of foreign suppliers. Hamilton Web's customers reported no purchases of imported narrow woven fabric in 1976, 1977, or 1978, or else declining purchases of imports of that product in the first 11 months of 1978 compared with the same period of 1977.

CONCLUSION

After careful review, I determine that all workers of the Hamilton Web Company, North Kingstown, Rhode Island are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4542 Filed 2-8-79; 8:45 am]

[4510-28-M]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II,Chapter 2, of the Act in Accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 23, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 23, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of February 1979.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
C. A. Baltz (ILGWU)	Salem, New York	1/30/79	1/22/79	TA-W-4,767	Contractor of ladies' loungewear and sleepwear.
Barker Manufacturing Company (United Furniture Workers).	Portland, Oregon	1/30/79	1/25/79	TA-W-4,768	Bedroom furniture.
Barlin Industrial Corp. (ILGWU)	Brooklyn, New York	1/30/79	1/24/79	TA-W-4,769	Knitted dresses, sweaters, pants, jackets.
Baroness Leather Products, Inc. (workers).	Perth Amboy, New Jersey.	1/29/79	1/25/79	TA-W-4,770	Ladies' vinyl handbags.
Connors Steel Company (U.S.W.A.)	Huntington, West Virginia.	1/30/79	1/25/79	TA-W-4,771	Carbon steel and carbon steel products including structural shapes.
Conseco, Inc. (Int'l Brotherhood of Boilermakers & Blacksmith).	San Leandro, California	1/22/79	1/17/79	TA-W-4,772	Various kinds of fabricated metal products.
Davis Casket Co. (workers)	Americus, Georgia	1/24/79	1/17/79	TA-W-4,773	Interior department of caskets.
Graniteville Co., Gregg Division (workers).	Graniteville, S.C	1/30/79	1/23/79	TA-W-4,774	Finishing of gray fabrics.
Gulf & Western, Engery Products, Taylor Forge Woodstock Div. (International Brotherhood of Boilermakers & Blacksmith).	Memphis, Tenn	1/29/79	1/24/79	TA-W-4,775	Various types of forged fittings, T's and L's.
Herley Shoe Corp. (workers)	Haverhill, Mass	1/29/79		TA-W-4,776	Men's leather slippers.
Industrial Service Center (workers)	Baltimore, Maryland	1/30/79	1/29/79	TA-W-4,777	Warehousing of steel, cutting of steel to customers specifications and resell the steel.
Songo Shoe Manufacturing Corp. (workers).	Lewiston, Maine	1/30/79	1/24/79	TA-W-4,778	Cutting and sewing of men's and women's boots, golf shoes, cross country ski shoes and athletic shoes.
Tobin Hamilton Co., Inc. (United Shoe Workers of America).	Mansfield, Missouri	1/30/79	1/16/79	TA-W-4,779	Children's shoes.
U.S. Steel Corp., New Orleans District Sales Office (workers).	New Orleans, La	1/30/79	1/26/79	TA-W-4,780	Sales Office.

[FR Doc. 79-4536 Filed 2-8-79; 8:45 am]

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[4510-28-M]

[TA-W-4409, 4409A, and 4409B]

JAY GARMENT CO., INC., CLARKSVILLE, TENNESSEE, PORTLAND, INDIANA

Notice of Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4409, TA-W-4409A and TA-W-4409B: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 21, 1978 in response to a worker petition received on November 15, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's work suits and men's work shirts at the Clarksville, Tennessee plant of the Jay Garment Company, Incorporated (TA-W-4409). The investigation was expanded to include workers and former workers producing work pants and jeans at the Portland, Indiana production plant (TA-W-4409A) and workers and former workers pressing and distributing all garments made by Jay Garment Company at the Portland, Indiana distribution center (TA-W-4409B) of Jay Garment Company, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56951-52). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Jay Garment Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Department of Labor survey revealed that none of the customers of Jay Garment had purchased imported one piece work suits, work pants or work shirts from 1976 through October, 1978. Concerning denim jeans, Jay Garment's customers decreased purchases of imported denim jeans both absolutely and relative to purchases from the subject firm in 1977 compared to 1976 and during the January to October period in 1978 compared to the same period in 1977. These customers increased purchases from other domestic sources.

CONCLUSION

After careful review, I determine that all workers of the Clarksville, Tennessee and the Portland, Indiana production plants and the Portland, Indiana distribution center of Jay Garment Company, Incorporated are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-4543 Filed 2-8-79; 8:45 am]

[4510-28—M]

[TA-W-4411]

M&S KNITWEAR CORP., NEWARK, NEW JERSEY

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of T-W-4411: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 21, 1978 in response to a worker petition received on November 15, 1978 which was filed on behalf of workers and former workers sewing knitted jackets, dresses, blouses, pants, etc. at M&S Knitwear Corporation, Newark, New Jersey. The investigation revealed that workers at M&S also produced ladies' skirts, suits and vests.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56951-2). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of M&S Knitwear Corporation, its customers, (manufacturers), the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

The Department surveyed manufacturers for which M&S Knitwear worked in the last half of 1977 and in the first half of 1978. These manufacturers did not employ any foreign contractors nor did they import any of the women's apparel produced by M&S in 1977 or 1978. The manufacturers also had increased sales during the period under consideration.

CONCLUSION

After careful review, I determine that all workers of the Newark, New Jersey plant of M&S Knitwear Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D. C. this 1st day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-4525 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4372]

QUALIFIED COAT COMPANY, INC., BROOKLYN, NEW YORK

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4372: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 13, 1978 in response to a worker petition received on November 3, 1978 which was filed on behalf of workers and former workers sewing ladies' coats, suits and rainwear at Qualified Coat Company, Incorporated. The investigation revealed that the plant primarily produces ladies' coats.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55012-13). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Qualified Coat Company, Incorporated, its customers, (manufacturers), customers of the manufacturers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Qualified Coat Company, Incorporated was engaged in contract work for manufacturers during the period under investigation. A Department survey revealed that these manufacturers did not employ any foreign contractors nor did they import any ladies' coats during the past two years. One of the manufacturers had decreased sales for the January-September period of 1978 compared to the corresponding period of 1977. A survey of this manufacturer's customers was conducted. This survey revealed that customers which decreased purchases of ladies' coats and increased purchases of imports in the first three quarters of 1978 compared to that of 1977 accounted for an insignificant portion of the manufacturer's decline in sales.

CONCLUSION

After careful review, I determine that all workers of Qualified Coat Company, Incorporated, Brooklyn, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-4526 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4476]

M. SHAPIRO CO., LOS ANGELES, CALIFORNIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4476: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 6, 1978 in response to a worker petition received on November 27, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats and jackets at M. Shapiro Company, Los Angeles, California.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59165). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of M. Shapiro Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of Women's, Misses', and Children's Coats and Jackets increased both absolutely and relative to domestic production in 1977 compared to 1976 and declined in the first three quarters of 1978 compared to the like period in 1977.

The Department conducted a survey of customers which decreased purchases from M. Shapiro Company in 1977 and 1978. Customers accounting for a significant percentage of the decline in Shapiro's sales in 1977 compared to 1976 and the first three quarters of 1978 compared to the first three quarters of 1977 increased purchases of imported ladies' coats and jackets during the same time periods.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with ladies' coats and jackets produced at M. Shapiro Company, Los Angeles, California contributed importantly to the decline in sales and to the separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of M. Shapiro Company, Los Angeles, California who became totally or partially separated from employment on or after December 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4545 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4536]

SACO TANNING CORP., SACO, MAINE

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4536: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 15, 1978 in response to a worker petition received on December 11, 1978 which was filed on behalf of workers and former workers engaged in employment related to the tanning of hide leather for shoes and garments at the Saco Tanning Corporation, Saco, Maine. A previous certification applicable to all workers at Saco Tanning Corporation was issued by the Department on December 2, 1976 (TA-W-1087).

The Notice of Investigation was published in the FEDERAL REGISTER on December 29, 1978 (43 FR 61038-61039). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Saco Tanning Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of tanned and finished cattlehide increased both absolutely and relative to domestic production during the first nine months of 1978 compared to the first nine months of 1977.

A survey of purchasers of leather produced at Saco was conducted by the United States Department of Commerce. Surveyed customers increased purchases of imported leather while decreasing purchases from Saco.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with

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tanned and finished leather from cattlehides produced at Saco Tanning Corporation, Saco, Maine contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certifcation:

All workers of Saco Tanning Corporation, Saco, Maine who became totally or partially separated from employment on or after December 2, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-4544 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4314]

SALANT & SALANT, INC., HENDERSON, TENNESSEE

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4314: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 30, 1978 in response to a worker petition received on October 26, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's jeans at the Henderson, Tennessee plant of Salant & Salant, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on November 7, 1978 (43 FR 51866). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Salant & Salant, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of Men's and Boys' Woven Cotton and Man-Made Jeans and Dungarees increased absolutely in 1977 compared to 1976 and continued to increase absolutely in the first nine months of 1978 compared to the first nine months of 1977.

The Department conducted a survey of customers of Salant & Salant. These customers' purchases are not separately identifiable as to which plant in Salant & Salant produced their order. The survey revealed that several customers had decreased purchases of men's jeans from Salant & Salant in 1978 and increased purchases of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's jeans produced at the Henderson, Tennessee plant of Salant & Salant, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Salant & Salant, Incorporated, Henderson, Tennessee engaged in employment related to the production of men's jeans who became totally or partially separated from employment on or after January 14, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4527 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4400]

SOMERSET KNITTING MILLS, INC., PHILADELPHIA, PENNSYLVANIA

Revised Notice of Determination of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on January 22, 1979, applicable to all workers at the Somerset Knitting Mills, Inc., Philadelphia, Pennsylvania. The Notice of Negative Determination was published in the FEDERAL REGISTER on January 30, 1979, (44 FR 5955).

On the basis of additional information supplied by the Knit Good Union, ILGWU, the Office of Trade Adjustment Assistance reviewed the Notice of Negative Determination. The new information revealed an absolute decrease in the production of sweaters at the Somerset Knitting Mills' plant in Philadelphia in the third and fourth quarters of 1978 compared to the same periods in 1977 and a decrease in employment at Somerset's Philadelphia plant during the third and fourth quarters of 1978 compared to the same periods in 1977. Company imports of sweaters increased in the first six months of 1978 compared to the same period in 1977.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased absolutely from 26,500,000 in 1976 to 28,300,000 in 1977 and increased absolutely from 22,600,000 in the first nine months of 1977 to 33,200,000 for the same period in 1978.

It is concluded, therefore, that a significant number or proportion of the workers of Somerset Knitting Mills, Inc., Philadelphia, Pennsylvania, were totally or partially separated at the Philadelphia, Pennsylvania, plant and increased imports of sweaters contributed importantly to their separations. The determination, therefore, is revised to include all workers at the Philadelphia, Pennsylvania, plant of the Somerset Knitting Mills, Inc.

The revised certification applicable to TA-W-4400 is hereby issued as follows:

All workers at the Philadelphia, Pennsylvania, plant of Somerset Knitting Mills, Inc., who became totally or partially separated from employment on or after August 1, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 5th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-4528 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4031]

STEINER-LOBMAN MANUFACTURING CO., MONTGOMERY, ALABAMA

Notice of Negative Determination Regarding Application for Reconsideration

By letter of January 10, 1979, counsel for the former workers requested administrative reconsideration of the Department of Labor's Negative Determation Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers of Steiner-Lobman Manufacturing Company, Montgomery, Alabama. The determination was published in the FEDERAL REGISTER on December 15, 1978, (43 FR 58652).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Counsel for the former workers claims that the Department during its investigation (1) did not consider the adverse impact of increased imports on the general market, and (2) made a mistake of facts by not considering all the products produced by Steiner-Lobman, Montgomery, Alabama; namely, skirts, vests and dress pants. Counsel further claims that the Department misinterpreted the facts by (1) overlooking the possibility that increased imports could have taken away market opportunities from Steiner-Lobman, and (2) not addressing the cause for the closing of the plant in March, 1978.

Counsel's claim of the adverse impact of increased imports on the general market served by Steiner-Lobman had already been examined in the Department's investigation. U.S. imports of men's and women's blue jeans increased from 1975 through 1977 both absolutely and relative to domestic production. U.S. imports increased in absolute terms in the first six months of 1978 compared to the same period in 1977. A review of the case file indicates that although workers of Steiner-Lobman met most of the group eligibility requirements they did not meet the "contributed importantly" test. Evidence based on the Department's survey of Steiner-Lobman's customers (which were garment manufacturers) indicates that sales by all of the manufacturers increased in 1977 from 1976 and in the first eight months of 1978 compared to the same period in 1977. Only one customer contracted with foreign sources, but decreased its purchases from foreign sources in 1977 and 1978.

High company officials of Steiner-Lobman indicated that Steiner-Lobman is a contractor of men's and women's blue jeans and indicated that the production of skirts and vests represented a de minimus amount—being appreciably less than one percent of total annual plant production. Company officials further stated that the Montgomery plant never produced dress pants but only blue jeans and a few other pants of jean-type construction.

The Department does not consider counsel's claim of lost market opportunities because of increased imports as relevant to the possible coverage of workers at the Montgomery, Alabama, plant. The "contributed importantly" test is not met by potential gains and market opportunities which were never realized. The Trade Act certification test only includes actual import increases which contribute importantly to actual worker separations and production or sales declines.

With respect to counsel's claim that the Department's denial notice did not address the cause for the Montgomery, Alabama, plant's closing, the Department has satisfied itself that increased imports of articles like or directly competitive with blue jeans did not contribute importantly to the separations of workers at that plant.

CONCLUSION

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4529 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4354]

TELEDYNE, INC., TELEDYNE-WAH CHANG, ALBANY DIVISION, ALBANY, OREGON

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4354: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 7, 1978 in response to a worker petition received on November 3, 1978 which was filed on behalf of workers and former workers engaged in the separation, reduction and fabrication of zirconium, hafnium, columbium, titanium and other rare metals at Teledyne-Wah Chang Albany Division of Teledyne, Incorporated, Albany, Oregon. The investigation revealed that the plant primarily produces zirconium.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1978 (43 FR 57692-57693). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Teledyne-Wah Chang Albany Division of Teledyne, Incorporated, Albany, Oregon, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Customers of Teledyne-Wah Chang Albany Division who were surveyed revealed that those that purchased imports and decreased purchase from the subject firm in 1977 compared to 1976 represented an insignificant proportion of sales. Customers did not increase imports of zirconium while decreasing purchases from the subject firm during the first three quarters of 1978 compared with the same period in 1977.

CONCLUSION

After careful review, I determine that all workers of Teledyne-Wah Chang, Albany Division, Teledyne, Incorporated, Albany, Oregon are denied eligibility to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-4546 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4324]

TITMUS OPTICAL, INC., PETERSBURG, VIRGINIA

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4324: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 31, 1978 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing eyeglass lenses, eyeglass frames, and safety eyewear at Titmus Optical, Incorporated, Petersburg, Virginia.

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The Notice of Investigation was published in the FEDERAL REGISTER on November 7, 1978 (43 FR 51865). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Titmus Optical, Incorporated, its customers, the Optical Manufacturers Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

With respect to workers producing eyeglass lenses, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of ophtalmic lenses decreased in quantity and value terms and decreased relative to domestic production in the first three quarters of 1978 compared to the like period in 1977. A Department survey revealed that customers that purchased imported lenses in 1977 constituted an insignificant proportion of Titmus Optical's sales and that customers who reduced purchases of lenses from Titmus Optical did not increase purchases of imported lenses in the first three quarters of 1978 compared to the same period in 1977.

With respect to workers producing eyeglass frames and safety eyewear, without regard to whether any of the other criteria have been met, the following criterion has not been met:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

Company sales and production of eyeglass frames and safety eyewear increased in 1977 from 1976 and in January-November 1978 compared to the same period in 1977.

CONCLUSION

After careful review, I determine that all workers of Titmus Optical, Incorporated, Petersburg, Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-4530 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4389]

TOBY FASHIONS, INC. UNION CITY, NEW JERSEY

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4389: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 14, 1978 in response to a worker petition received on November 13, 1978 which was filed on behalf of workers and former workers producing ladies' coats at Toby Fashions, Incorporated, Union City, New Jersey. The investigation revealed that the firm produced ladies' coats and raincoats.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55013). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Toby Fashions, Incorporated, Union City, New Jersey, its customers (manufacturers), the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, girls' and infants' raincoats decreased from 261 thousand dozen in 1976 to 242 thousand dozen in 1977. Imports increased from 180 thousand dozen in the first three quarters of 1977 to 331 thousand dozen in the like period of 1978. The ratio of imports to domestic production decreased from 45.0 percent in 1976 to 40.3 percent in 1977.

U.S. imports of women's, misses' and children's coats and jackets increased from 2,252 thousand dozen in 1976 to 2,723 thousand dozen in 1977. Imports decreased from 2,081 thousand dozen in the first three quarters of 1977 to 1,906 thousand dozen in the like period of 1978. The ratio of imports to domestic production increased from 48.3 percent in 1976 to 54.9 percent in 1977.

A survey by the Department revealed that customers of Toby Fashions, increased purchases of imports in 1977 compared to 1976. Customers representing a significant proportion of Toby Fashions' decline in sales increased purchases of imports in the first three quarters of 1978 compared to the same period of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the ladies' coats and raincoats produced at Toby Fashions, Incorporated, Union City, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Toby Fashions, Incorporated, Union City, New Jersey who became totally or partially separated from employment on or after December 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-4547 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-3417]

U.S. STEEL CORP., McKEES ROCKS, PENNSYLVANIA

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a certification of eligibility to apply for adjustment assistance on October 10, 1978, applicable to all workers at U.S. Steel Corporation, McKees Rocks, Pennsylvania, who became totally or partially separated from employment on or after January 1, 1978. The Notice of Certification was published in the FEDERAL REGISTER on October 20, 1978 (43 FR 49078).

At the request of the petitioner, a further investigation was made by the Director of the Office of Trade Adjustment Assistance. A review of the case revealed that a number of layoffs occurred shortly before the impact date originally set in the Department's certification. These layoffs were not covered by the original impact date.

The intent of the certification is to cover all workers producing railroad wheels at the McKees Rocks plant who were adversely affected by the decline in the production of railroad wheels related to import competition. The certification, therefore, is revised, providing a new impact date of November 10, 1976.

The revised certification applicable to TA-W-3417 is hereby issued as follows:

All workers engaged in employment related to the production of railroad wheels at the McKees Rocks, Pennsylvania, plant of U.S. Steel Corporation who became totally or partially separated from employment on or after November 10, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4531 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4485]

U.S. STEEL CORP., BUFFALO, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4485: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act. The investigation was initiated on December 6, 1978 in response to a worker petition received on November 27, 1978 which was filed on behalf of workers and former workers engaged in the sale of steel products at the Buffalo, New York sales office of the U.S. Steel Corporation. The investigation revealed that there are two separate operations: (1) Sales and (2) customer service.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 CFR 59165). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the U.S. Steel Corporation and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. With respect to employees engaged in sales operations, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the worker's firm, or an appropriate sub-division thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The number of sales personnel at the Buffalo office remained constant throughout 1977 and 1978. Hours worked remained constant in 1977 and 1978. The company currently has no plans to reduce the number of sales personnel at the Buffalo office.

With respect to employees engaged in customer service operations, without respect to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

All of the customer service operations performed at the Buffalo office were transferred in August 1978 to a company sales office in Cleveland, Ohio. The transfer was made to take advantage of a new computer system at the Cleveland office which would provide more efficient customer service. All of the employees at the Buffalo office were offered transfers to the Cleveland office. Those employees refusing the transfer were separated.

CONCLUSION

After careful review, I determine that all workers of the Buffalo, New York sales office of the U.S. Steel Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 5th day of February 1979

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-4548 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4513]

VITA COATS, INC., SOUTH EL MONTE, CALIF.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4513: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1978 in response to a worker petition received on December 8, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats for Vita Coats, Incorporated in South El Monte, California.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59180). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Vita Coats, Incorporated, its manufacturer, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

Imports of women's, misses', and children's coats and jackets decreased from January through September of 1978, when compared to the like period of 1977.

Vita Coats, Incorporated is engaged in production of ladies' coats, on a contractual basis, primarily for one manufacturer. The Department of Labor contacted this manufacturer. This manufacturer did not purchase imports in 1977 or 1978 nor did it utilize foreign production sources. Sales of this manufacturer increased from 1977 to 1978.

CONCLUSION

After careful review, I determine that all workers of Vita Coats, Incorporated, South El Monte, California are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-4532 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4065]

WALKER FORGE, INC., RACINE, WISCONSIN

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department

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of Labor herein presents the results of TA-W-4065: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 15, 1978 in response to a worker petition received on August 10, 1978 which was filed by the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers on behalf of workers and former workers producing forgings at Walker Forge, Incorporated, Racine, Wisconsin.

The investigation revealed that the plant primarily produces small steel forgings for the transportation and farm equipment industries.

The Notice of Investigation was published in the FEDERAL REGISTER on August 29, 1978 (43 FR 635). No public hearing was requested and none was held.

The determination was based upon the information obtained principally from officials of Walker Forge, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of some of the customers of Walker Forge, Incorporated. Customers which decreased purchases from Walker Forge, Incorporated and increased imports of steel forgings for the period January-August 1978 as compared to the like period of 1977 represented an insignificant proportion of the firm's decline in sales.

Furthermore, U.S. imports of forgings decreased relative to domestic production in 1977 compared to 1976 and in the first six months of 1978 compared to the first six months of 1977.

CONCLUSION

After careful review, I determine that all workers of Walker Forge, Incorporated, Racine, Wisconsin are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4549 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4497]

WASHINGTON STEEL CORP.

Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 8, 1978 in response to a worker petition received on December 6, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel sheets and coils at the Washington, Pennsylvania plant of Washington Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59179-59180). No Public hearing was requested and none was held.

In a letter dated January 24, 1979 the petitioner requested withdrawal of the petition. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C. this 2nd day of February, 1979.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-4533 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4498]

WASHINGTON STEEL CORP., WASHINGTON, PENNSYLVANIA

Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 8, 1978 in response to a worker petition received on December 6, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel sheets and strips at the Washington, Pennsylvania plant of Washington Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59179-59180). No Public hearing was requested and none was held.

In a letter dated January 24, 1979 the petitioner requested withdrawal of the petition. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C. this 2nd day of February, 1979.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-4534 Filed 2-8-79; 8:45 am]

[4510-28-M]

[TA-W-4569]

YOUNGSTOWN STEEL PRODUCTS CO., YOUNGSTOWN, OHIO

Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 2, 1979 in response to a worker petition received on December 28, 1978 on behalf of workers and former workers in the Pittsburgh, Pennsylvania District Sales Office of Youngstown Steel Products Company, Youngstown, Ohio.

The Notice of Investigation was published in the FEDERAL REGISTER on January 9, 1979 (44 FR 2033). No public hearing was requested and none was held.

The petitioning group of workers in this case is covered under certification TA-W-1464 issued on September 27, 1977. Since all workers separated, totally or partially, from the Pittsburgh District Sales Office of Youngstown Steel Products, Youngstown, Ohio on or after July 30, 1976 (impact date) and before September 27, 1979 (expiration date of the determination) are covered by an existing determination, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 2nd day of February, 1979.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-4535 Filed 2-8-79; 8:45 am]

[6820-41-M]

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

MEETING

FEBRUARY 5, 1979.

Pursuant to section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold a two-day meeting on March 12 and 13, 1979 at the Council office at 1725 K Street, N.W., (room 405), Washington, D.C. to discuss issues related to its 11th report. The meeting will begin at 9:30 a.m. and is open to the public.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Economic Opportunity Act of 1964, as amended, to advise the Director of the Community Services Administration on policy matters arising under the administration of the Act, to review the effectiveness and operations of programs under the Act and to make an annual report to the President.

Records shall be kept of all proceedings and shall be available for public inspection at the office of the National Advisory Council on Economic Opportunity.

WALTER B. QUETSCH,
Executive Director.

[FR Doc. 79-4465 Filed 2-8-79; 8:45 am]

[7537-01-M]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

LITERATURE ADVISORY PANEL

Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel to the National Council on the Arts will be held on March 2, 1979, from 9:00 a.m. to 5:50 p.m., and March 3, 1979, from 9:00 a.m. to 5:30 p.m., in room 1422, the columbia Plaza Office Building , 2401 E Street N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9 (B) of section 552 of Title 5, United States Code. Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

FEBRUARY 5, 1979.

[FR Doc. 79-4454 Filed 2-8-79; 8:45 am]

[7537-01-M]

VISUAL ARTS PANEL (VISUAL ARTS IN THE PERFORMING ARTS)

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Visual Arts in the performing Arts) to the National Council on the Arts will be held March 1, 1979, from 9:30 a.m. to 5:30 p.m., in room 1340, the Columbia Plaza Office Building, 2401 E Street. NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

FEBRUARY 5, 1979.

[FR Doc. 79-4455 Filed 2-8-79; 8:45 am]

[7555-01-M]

NATIONAL SCIENCE FOUNDATION

ADVISORY COUNCIL TASK GROUP #6

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Task Group #6 of the NSF Advisory Council.
Date and Time: Wednesday, February 28, 1979—9 a.m. to 5 p.m.
Place: Room 523, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of Meeting: Open.
Contact Person: Ms. Margaret L. Windus, Executive Secretary, NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, NW, Washington, D.C. 20550. Telephone (202) 632-4368.
Purpose of Task Group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.
Summary Minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Agenda: To examine the process that has been used by NSF in allocating its resoures to different fields and programs, and to make any suggestions it deems appropriate to modify or improve on existing procedures.

Dated: February 6, 1979.

M. REBECCA WINKLER,
Committee Management Coordinator.

[FR Doc. 79-4446 Filed 2-8-79; 8:45 am]

[7555-01-M]

DOE/NSF NUCLEAR SCIENCE ADVISORY COMMITTEE, 1979 FACILITIES SUBCOMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Facilities Subcommittee of the Nuclear Science Advisory Committee.
Date and Time: March 2, 1979, 9:00 am-10:00 pm; March 3, 1979, 9:00 am-5:00 pm.
Place: Conference Room 338, National Science Foundation, Washington, D.C. Telephone 202/632-4318.
Type of Meeting: March 2. 1979, closed; March 3, 1979, closed.
Contact Person: Dr. Howel G. Pugh, Head, Nuclear Science Section, Room 341, National Science Foundation, Washington, D.C. Telephone 202/632-4318.
Summary Minutes: May be obtained from the Committee Management Coordination Staff, Division of Financial and Administrative Management, National Science Foundation, Washington, D.C. 20550.
Purpose of Committee: To provide advice on a continuing basis to both DOE and NSF on support for basic nuclear science in the United States.
Agenda: March 2, 1979—Closed Session (9:00 am-10:00 pm). Discussion of projects under consideration for funding. March 3, 1979—Closed Session (9:00 am-5:00 pm). Discussion of projects under consideration for funding.
Reason for Closing: The projects being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority To Close Meeting: This determination was made by the Committee Management Officer, pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determina-

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tions by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

FEBRUARY 6, 1979.

[FR Doc. 79-4445 Filed 2-8-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON CELL BIOLOGY OF THE ADVISORY COMMITTEE FOR PHYSIOLOGY, CELLULAR AND MOLECULAR BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Cell Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.
Date and Time: February 26, 27 and 28, 1979—9 a.m. to 6 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Person: Dr. Lisolette Mezger-Freed, Program Director for Cell Biology, Room 331-B, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 634-4117.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in cell biology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: February 6, 1979.

M. REBECCA WINKLER,
Committee Management Coordinator.

[FR Doc. 79-4449 Filed 2-8-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE FOR GEOGRAPHY AND REGIONAL SCIENCE OF THE ADVISORY COMMITTEE FOR SOCIAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Geography & Regional Science.
Date and Time: February 26, 1979—8:30 a.m. to 5:00 p.m.
Place: Room 523, National Science Foundation, 1800 "G" Street, N.W., Washington, D.C.
Type of Meeting: Closed.
Contact Person: Ms. Patricia J. McWethy, Associate Program Director, Geography and Regional Science Program, Room 312, National Science Foundation, Washington, D.C. 20550, telephone (202) 634-6683.
Purpose of Panel: To provide advice and recommendations concerning support for research in Geography and Regional Science.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

FEBRUARY 6, 1979.

[FR Doc. 79-4444 Filed 2-8-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON MEMORY AND COGNITIVE PROCESSES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Memory and Cognitive Processes of the Advisory Committee for Behavioral and Neural Sciences.
Date and Time: February 26 and 27, 1979; 9:00 a.m. to 5:00 p.m. each day.
Place: Royal Inn of Point Loma, 4875 North Harbor Drive, Gold Room, San Diego, CA 92106.
Type of Meeting: Closed.
Contact Person: Dr. Joseph L. Young, Program Director, Memory and Cognitive Processes Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone 202-634-1583.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Memory and Cognitive Processes.
Agenda: To review and evaluate research proposals as part of the selection processes for awards.
Reason for Closing: The Proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

FEBRUARY 6, 1979.

[FR Doc. 4447 Filed 2-8-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON POLITICAL SCIENCE

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Political Science of the Advisory Committee for Social Sciences.
Date and Time: February 26 and 27, 1979.
Place: Room 421, National Science Foundation, 1800 G Street, N.W. Washington, D.C. 20550.
Type of Meeting: Closed—9:00 a.m. to 5:00 p.m. February 26, 1979 and 9:00 a.m. to 5:00 p.m. February 27, 1979.
Contact Person: Dr. Gerald C. Wright, Jr., Program Director, Political Science Program, Room 312, National Science Foundation, Washington, D.C. 20550, Telephone (202) 632-4348.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Political Science.
Agenda: Closed: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

FEBRUARY 6, 1979.

[FR Doc. 79-4448 Filed 2-8-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON THE WILLIAM H. ZIMMER NUCLEAR POWER STATION

Meeting Rescheduled

The January 17, 1979 meeting of the ACRS Subcommittee on the William H. Zimmer Nuclear Power Station has been rescheduled to be held on Tuesday, February 27, 1979, at 10:00 a.m. in Room 1046, 1717 H Street, N.W., Washington, DC 20555. The purpose of this meeting is to review the application of the Cincinnati Gas and Electric Company for a permit to operate Unit 1 of this station.

All items pertaining to this meeting remain the same as published on January 2, 1979 (44 FR 124).

Dated: February 5, 1979.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 79-4439 Filed 2-8-79; 8:45 am]

[7590-01-M]

[Docket No. 50-155]

CONSUMERS POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment changes certain provisions in Section 6 of the Technical Specifications to reflect an organizational structure which conforms to ANSI N18.7-1976 and to allow more efficient operation of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 27, 1978 and supplement thereto dated January 12, 1979, and (2) Amendment No. 22 to License No. DPR-6. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director: Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of January, 1979.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-4441 Filed 2-8-79; 8:45 am]

[7590-01-M]

[Docket Nos. STN 50-596 and STN 50-597]

NEW YORK STATE ELECTRIC AND GAS CORP. AND LONG ISLAND LIGHTING CO.

Receipt of Application for Construction Permits and Operating Licenses and Availability of Environmental Report

New York State Electric and Gas Corporation (NYSE&G) and Long Island Lighting Company (LILCO), (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, dated November 22, 1978 for licenses to construct and operate the proposed NYSE&G 1 and 2 Station. This application consists of general and financial information, a Preliminary Safety Analysis Report, and an Environmental Report. This application and Preliminary Safety Analysis Report were docketed on December 29, 1978 and the Environmental Report docketed on January 24, 1979. Docket Nos. STN 50-596 and STN 50-597 have been assigned to this application.

The application is for authorization to construct and operate two pressurized water reactors designated as NYSE&G 1 and 2 located at the New Haven site in the Town of New Haven, Oswego, County, New York, approximately 9 miles east of the City of Oswego, 30 miles north of Syracuse, and 2 miles south of Lake Ontario. The reactors will be designed to operate at a core power level of 3800 megawatts thermal, with an equivalent net electrical output of approximately 1250 megawatts.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants in accordance with 10 CFR Part 50 Appendix N. The application references the Combustion Engineering Standard Safety Analysis Report (CESSAR System 80), Docket No. 50-470. CESSAR System 80 received a Preliminary Design Approval (PDA-2) on December 31, 1975. This application also references the Stone and Webster Engineering Corporation Standard Safety Analysis Report (SWESSAR-P1), Docket No. 50-495. SWESSAR-P1 received a Preliminary Design Approval (PDA-6) on August 18, 1976.

A Notice of Hearing is being published separately, setting forth the radiological and environmental issues to be considered during the review. A date for submitting Petitions for Leave to Intervene, with specific contentions will be set forth in the Notice of Hearing.

Pursuant to 10 CFR 2.716, a portion of the hearing may be consolidated with a portion or all of the hearing held before the State of New York Board on Electric Generation Siting and the Environment (New York Siting Board) under Article VIII of the New York Public Service Law 140-149 (McKinney Supp. 1975) on environmental issues that are within the joint jurisdiction of the Commission and the New York Siting Board. Under that circumstance, that portion of the hearing would be conducted by a joint board made up of the Commission's Board and Presiding and Associate Examiners designed by the New York Siting Board. However, even if a consolidated hearing is held before a joint board, persons interested in participating in that hearing or in the Commission's radiological health and safety hearing must follow the procedures set forth in this notice for participating in the proceeding before the Commission.

The applicants have filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an Environmental Report, dated November 22, 1978. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities is being made available for public inspection at the State Clearinghouse, New York State Division of the Budget, State Capitol, Albany, New York 12224 and at the Central New York Regional Planning and Development Board, Midtown Plaza, 700 East Water Street, Syra-

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cuse, New York 13210, at the Commission's Public Document Room, located at 1717 H Street, N.W., Washington, D.C. 20555 and at the Commission's Local Public Document room at the Office of the Clerk of the Oswego County Legislature, Oswego County Office Building, 46 East Bridge Street, Oswego, New York 13126. The Preliminary Safety Analysis Report is also available for public inspection at the Commission's Public Document Room and at the Local Public Document Room.

After the Environmental Report has been analyzed by the Commission's Office of Nuclear Reactor Regulation, a Draft Environmental Statement will be prepared. Upon preparation of the Draft Environmental Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a notice of availability of the Draft Environmental Statement, with a request for comments from interested persons on this statement. The notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 2nd day of February, 1979.

For the Nuclear Regulatory Commission.

ALEXANDER W. DROMERICK,
Acting Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 79-4437 Filed 2-8-79; 8:45 am]

[7590-01-M]

[Docket Nos. STN 50-596 and STN 50-597]

NEW YORK STATE ELECTRIC AND GAS CORP. AND LONG ISLAND LIGHTING CO. (NYSE&G 1 AND 2)

Hearing of Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Domestic Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice for Domestic Licensing Proceedings," notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board, to consider the application filed under the Act by the New York State Electric and Gas Corporation (NYSE&G) and the Long Island Lighting Company (LILCO), applicants, for construction permits for two pressurized water nuclear reactors designated as NYSE&G 1 and 2 (the facilities), each of which will be designed to operate at a core power level of 3800 megawatts thermal, with an equivalent net electrical output of approximately 1250 megawatts. The proposed facilities are to be located on the New Haven site in the Town of New Haven, Oswego County, New York, approximately 9 miles east of the City of Oswego, 30 miles north of Syracuse, and 2 miles south of Lake Ontario.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants in accordance with Commission regulations 10 CFR Part 50 Appendix N. The application references the Combustion Engineering Standard Safety Anaylsis Report (CESSAR System 80), Docket No. 50-470. CESSAR System 80 received a Preliminary Design Approval (PDA-2) on December 31, 1975. This application also references the Stone and Webster Engineering Corporation Standard Safety Analysis Report (SWESSAR-P1), Docket No. 50-495. SWESSAR-P1 received a Preliminary Design Approval (PDA-6) on August 18, 1976.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chariman of the Atomic Safety and Licensing Board Panel. The Board consists of Dr. Oscar H. Paris, Member, Dr. Walter H. Jordan, Member, and Seymour Wenner, Esq., Chairman.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Reactor Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicants. In the event that a separate hearing is held with respect to a limited work authorization, Item 6 below describes the matters for consideration.

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilites, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be construed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the New York State Electric and Gas Corporation is technically qualified to design and construct the proposed facilities;

3. Whether New York State Electric and Gas Corporation and Long Island Lighting Company are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

ISSUES PURSUANT TO 10 CFR 2.761a (LIMITED WORK AUTHORIZATION)

6. Pursuant to 10 CFR 2.761a, a separate hearing and partial decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues.

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In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR 50.10(e) authorize the applicants to conduct certain onsite work entirely at their own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine without conducting a *de novo* evaluation of the application: (1) whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission's staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether construction permits should be issued to the applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with 10 CFR 51.52(c): (1) determine whether the requirements of Section 102(2) (A), (C), and (E) of NEPA and 10 CFR Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives whether construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2,752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement of position on the issues. A limited appearance may be made at any session of the hearing or at any prehearing conference subject to such limits and conditions as may be imposed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by April 10, 1979.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend a petition, without prior approval of the presiding officer at any time up to 15 days prior to the holding of the first prehearing conference, but such an amended petition must satisfy the specificity requirements described above. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to present evidence and cross-examine witnesses.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and § 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 must be filed by the applicants by March 1, 1979.

A request for a hearing or a petition for leave to intervene shall be filed by March 12, 1979 with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commision's Public Document Room 1717 H Street, N.W., Washington, D.C. by the above date. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Roderick Schutt, Esq., Huber, Magill, Lawrence & Farrell, 99 Park Avenue, New York, New York 10016, attorney for the applicants. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For further details, see the application for construction permits dated November 22, 1978 including site suitability information, and the applicants' Environmental Report, dated November 22, 1978, which along with any amendments or supplements thereto, are or will be available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. between the hours of 8:30 a.m and 5:00 p.m. on weekdays. Copies of these documents will also be available at the Office of the Clerk of Oswego County Legislature, Oswego County Office Building, 46 East Bridge Street, Oswego, New York 13126 for inspec-

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tion by members of the public between the hours of 9 a.m. and 5 p.m. on weekdays. As they become available, a copy of the Safety Evaluation Report by the Commission's staff, the Draft and Final Environmental Statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the proposed construction permits and the ACRS report may be obtained, when available, by request to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff Safety Evaluation Report and Final Environmental Statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Washington, D.C. this 5th day of February, 1979.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 79-4440 Filed 2-8-79; 8:45 am]

[7590-01-M]

STUDY OF NUCLEAR POWER PLANT CONSTRUCTION DURING ADJUDICATION

Establishment and Notice of Meetings

The Nuclear Regulatory Commission has established an advisory committee on nuclear power plant construction during adjudication. The study group's first meeting was held at NRC Headquarters, 1717 H Street, N.W., Washington, D.C. 20555 on Friday, February 2, 1979. At that meeting the group heard oral statements from members of the public and began work on its interim report to the Commission. That report, which is due 60 days after the first meeting, will discuss the group's view on the proper scope of the study, the data collection techniques to be used, the methods to be used to obtain public input and participation and any other issues the group believes should be called to the Commission's attention.

The membership of the group is as follows:

Gary Milhollin, Chairman, University of Wisconsin School of Law, Madison, Wisconsin.
John Cho, Atomic Safety and Licensing Appeal Board.
Paul F. Collins, Division of Project Management, Office of Nuclear Reactor Regulation.
John H. Frye, III, Atomic Safety and Licensing Board Panel.
Richard E. Ireland, Division of Systems Safety, Office of Nuclear Reactor Regulation.
William H. Lovelace, Office of Management and Program Analysis, Office of the Executive Director for Operations.
Stephen S. Ostrach, Office of the General Counsel.
William Parler, Office of the Executive Legal Director.
George Sege, Office of Policy Evaluation.
Miller B. Spangler, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

The second meeting of the study group will be at 9:00 A.M. on Friday, February 16, 1979 at NRC Headquarters, 1717 H Street, N.W., Washington, D.C., 20555. The purpose of the second meeting will be to continue work on the interim report. At this meeting there will be a limited amount of time available for members of the public to make oral statements to the study group. Written comments, addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Docketing and Service Branch, will be accepted for one week after the meeting. The group is particularly interested in comments as to the proper scope for the study and comments relating to how public participation in he study may be maximized. At the first meeting suggestions were made that a consultant could be employed to conduct a survey of public views and that one or more study group meetings could be held outside of the Washington area to aid members of the public in presenting their views to the group.

Future meetings of the group will be held at 9:00 A.M. on the first Friday of each month and at other times as necessary. The location of future meetings may change depending upon circumstances. The Chairman of the study group is empowered to conduct the meetings in a manner that, in his judgment, will facilitate the group's work, including, if necessary, continuing or rescheduling meetings to another day.

A file of documents relevant to the group's work including a complete transcript of each meeting, memoranda exchanged between group members, and other documents is available for inspection and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555. The Secretary of the NRC maintains a mailing list for persons interested in receiving notices of the group's meetings and actions. Anyone wishing to be on that list should write to: Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Docketing and Service Branch.

The study group will provide its final report to the Commission by November 1, 1979. For further information on the study group's mission please call Stephen S. Ostrach, Office of the General Counsel, Nuclear Regualtory Commission (202) 634-3224.

Dated at Washington, D.C. this 6th day of Febraury, 1979.

GARY MILHOLLIN,
Chairman.

[FR Doc. 79-4438 Filed 2-8-79; 8:45 am]

[7630-01-M]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

BOARD OF DIRECTORS

Meeting

The Pennsylvania Avenue Development Corporation will hold a meeting of its Board of Directors on Thursday, February 15, 1979, beginning at 9:00 a.m. The meeting will be in the fourth floor conference room of the National Gallery of Art—East Building, located between Pennsylvania Avenue and Madison Drive, NW. Access will be through the Administrative and Study Center Entrance of the East Building.

The Board will consider a full agenda requiring most of the day. Items scheduled for consideration include: public improvements for Pennsylvania Avenue and Western Sector between 13th and 15th Streets, NW.; approval of affirmative action regulations; and presentations of prospective developers for the interim use of the former Lansburgh's department store building. Most of the meeting will be open to the public, subject to available space. The Chairman has determined that the meeting will be closed to the public during selection of a developer for Lansburgh's and for the time during which business terms under negotiation with the Quadrangle/Marriott development group are to be discussed. It is expected that the closed proceedings will take place after 3:30 p.m.

A complete agenda for the meeting may be obtained by request to: Ms. Barbara S. Austin, Secretary to the Board, Pennsylvania Avenue Development Corporation, 425 13th Street, N.W., Suite 1148, Washington, D.C. 20004; or, by visiting the offices of the Corporation at the foregoing address.

Dated: February 1, 1979.

PETER T. MESZOLY,
General Counsel.

[FR Doc. 79-4552 Filed 2-8-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10574; 811-2609]

ACACIA FUND CORP.

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Applicant Has Ceased To Be an Investment Company

FEBRUARY 2, 1979.

In the Matter of Acacia Fund Corporation, 51 Louisiana Avenue NW., Washington, D.C. 20001.

Notice is hereby given that Acacia Fund Corporation, an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on November 20, 1978, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. Applicant has never made a public offering of its securities, and does not propose to make a public offering or engage in business of any kind. All interested persons are referred to the application on file with the Commission for a statement of the representations which are contained therein and further summarized below.

Applicant is a Maryland corporation which registered under the Act on December 4, 1975. Its registration statement under the Securities Act of 1933 was filed on December 4, 1975, and became effective on December 15, 1976. However, Applicant never made a public offering of its securities.

At a Special Meeting held on October 30, 1978, a majority of the outstanding shares of the Applicant voted in favor of its dissolution and liquidation. Applicant stated that it was not engaged, nor did it propose to engage, in any business activities other than those necessary for the winding-up of its affairs. Applicant concluded that it has ceased to be an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Accordingly, Applicant has requested the Commission to issue an order pursuant to Section 8(f) of the Act declaring that it has ceased to be an investment company.

Notice is further given that any interested person may, not later than February 28, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 28, 1979, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-4483 Filed 2-8-79; 8:45 am]

[8010-01-M]

[Release No. 10573; 811-2610]

ACACIA NATIONAL VARIABLE ANNUITY ACCOUNT A

Notice of Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Applicant Has Ceased To Be an Investment Company

FEBRUARY 2, 1979.

In the Matter of Acacia National Variable Annuity Account A, 51 Louisiana Avenue NW., Washington, D.C. 20001.

Notice is hereby given that Acacia National Variable Annuity Account A ("Applicant"), a unit investment trust registered under the Investment Company Act of 1940 (the "Act"), filed an application on November 20, 1978, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. Applicant has never made a public offering of its securities, and does not propose to make a public offering or engage in business of any kind. All interested persons are referred to the application on file with the Commission for a statement of the representations which are contained therein and further summarized below.

Applicant is a variable annuity separate account of Acacia National Life Insurance Company (the "Company") established pursuant to state law of Virginia on December 19, 1974. Applicant registered under the Act on December 4, 1975. Its registration statement under the Securities Act of 1933 was filed on December 4, 1975, and became effective on December 15, 1976. However, Applicant never made a public offering of its securities.

At a meeting of the Executive Committee of the Board of Directors of the Company held on November 13, 1978, a majority of such members voted in favor of the elimination of Applicant as a variable annuity separate account of the Company. At the same meeting, a majority of such members also voted that all outstanding shares of Acacia Fund Corporation, Applicant's underlying investment medium, owned by Applicant be submitted for redemption. Applicant currently has no assets, liabilities or security holders, and concludes that it has ceased to be an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Accordingly, Applicant has requested the Commission to issue an order pursuant to Section 8(f) of the Act declaring that it has ceased to be an investment company.

Notice is further given that any interested person may, not later than February 28, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 28, 1979, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive

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any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-4468 Filed 2-8-79; 8:45 am]

[8010-01-M]

[Release No. 10572; 812-4416]

INVESTORS' MUNICIPAL PENNSYLVANIA TRUST, FIRST SERIES, ET AL

Notice of filing of Application for an Order of the Commission Pursuant to Section 6(c) of the Act Granting Exemptions From the Provisions of Section 14(a) of the Act and From Rules 19b-1 and 22c-1 Under the Act.

FEBRUARY 1, 1979.

In the matter of Investors' Municipal Pennsylvania Unit Trust First Series (and subsequent series) and Butcher & Singer Inc. 1500 Walnut Street Philadelphia, Pennsylvania 19102, Elkins, Stroud, Suplee & Co. 1700 Market Street Philadelphia, Pennsylvania 19102, Loeb, Rhoades, Hornblower & Co. 30 South 17th Street Philadelphia, Pennsylvania 19103.

Notice is hereby given that Investors' Municipal Pennsylvania Unit Trust, First Series (and Subsequent Series) (the "Fund"), a unit investment trust registered under the Investment Company Act of 1940 (the "Act") and its sponsors, Butcher & Singer Inc., Elkins, Stroud, Suplee & Co. and Loeb, Rhoades, Hornblower & Co. (the "Sponsors") (hereinafter the Sponsors and the fund are collectively referred to as "Applicants"), filed an application on January 3, 1979, and an amendment thereto on January 31, 1979, pursuant to Section 6(c) of the Act for an order of the commission exempting the Applicants from the provisions of Section 14(a) of the Act and exempting the frequency of the capital gains distributions of the Fund and the secondary market operations of the Sponsors from the provisions of Rule 19b-1 and Rule 22c-1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Series 1 of the Fund ("Series 1") is a unit investment trust, and is the first of a series of similar but separate trusts that the Sponsors intend to form (hereinafter Series 1 and all such Subsequent Series are collectively referred to as the "Series"). The Series will be created under the laws of the State of New York pursuant to separate trust agreements. The Applicants represent that the investment objective of each Series will be to seek both the preservation of capital and current distributions of tax-exempt income through the investment in a portfolio of securities consisting of (1) interest-bearing obligations of counties, municipalties, political subdivisions or authorities of the Commonwealth of Pennsylvania or of the Commonwealth of Puerto Rico (the "Bonds"), and (2) subject to specific limitations, Units of previously issued Series of the fund (the Bonds and previously issued Units are collectively referred to herein as "Trust Securities"). The Trust Securities that will constitute the portfolio of each Series will be selected in advance and will be identifiable in respect of each Series on the date of deposit with the Trustee.

The Sponsors have filed a Form S-6 Registration Statement under the Securities Act of 1933 ("1933 Act") covering fractional undivided interests in Series 1 to be offered to investors at a public offering price to be set forth in the prospectus included in the S-6 Registration Statement. The 1933 Act Registration Statement has not yet become effective. The Sponsors have also filed a Form N-8B-2 Registration Statement under the Act relating to the Fund.

Each Series of the Fund will be governed by the provisions of a trust agreement (the"Agreement") to be entered into by the Sponsors and a banking corporation organized and doing business under the laws of the United States or any State, that is authorized to exercise corporate trust powers and having at all times an aggregate capital, surplus, and undivided profits of not less than $5,000,000 ("Trustee"). It is contemplated that United States Trust Company of New York will serve as Trustee for Series 1. Standard & Poor's Corporation will serve as Evaluator for Series 1. It is planned that a separate Agreement will be entered into each time a Series is created and activated and the Trust Securities that comprise its portfolio (or delivery statements relating to contracts for the purchase of such Trust Securities together with funds represented by cash, cash equivalents and/or an irrevocale letter of credit in the amount required for their purchase) are deposited with the Trustee. Each contemplated Series will be substantially identical except as to size, number of Units, the sales charge on such Units and the individual Trust Securities in the portfolio.

When a Series of the Fund is created, the Sponsors and the Trustee will enter into an Agreement and the Trust Securities to constitute such Series of the fund (or contracts or delivery statements relating thereto and funds for the purchase thereof as set forth above) will be delivered to an deposited with the Trustee by the Sponsors. Simultaneously with the deposit of the Trust Securities that will comprise the Fund's portfolio, the Trustee will deliver to the Sponsors for sale to the public registered certificates for units of fractional undivided interest in the Fund (the "Units"). These Units will be separately offered for sale to the public at prices equal to the then aggregate offering price of the Bonds in the portfolio of the Trust divided by the number of Units outstanding plus a sales charge, after the above 1933 Act registration statement has become effective.

The Applicants state that the Trust Securities will not be pledged or be in any other way subjected to any debt at any time after they are deposited with the Trustee. The assets of the Fund may consist of Bonds initially deposited, such Bonds as may continue to be held from time to time in exchange for or substitution of any of the Bonds, accrued and undistributed interest, undistributed cash and Units of previously issued Series of the fund. Certain of the Bonds may from time to time be sold under certain circumstances, or may be redeemed or will mature in accordance with - their terms. The proceeds from such dispositions will be distributed to Unitholders and will not be reinvested.

Each Unit of the Fund will represent a fractional undivided interest, the numerator of the fractional interest represented will be 1 and the denominator will be the number of Units issued and outstanding in any particular Series. Units are redeemable, and in the event that Units are redeemed, the fractional undivided interest represented by each Unit will increase accordingly. Units will remain outstanding until redeemed or until the termination of the Agreement. The Agreement may be terminated by 67% consent of the Unitholders or, by the Trustee in the event that the value of Trust Securities falls below a specified amount, and will be liquidated when Units not yet sold aggregating more than a certain number of Units are tendered for redemption by the Sponsors. The Agreement will also terminate on the earlier of the date of redemption, sale or other disposition of the last Bond held thereunder, or on a date approximately fifty years after the creation of Series 1. There is no provision in the Agreement for the issuance of any Units after the initial offering of Units (except to the extent that secondary trading in the Units by the Sponsors is deemed the issuance of Units under the Act).

The Sponsors, while under no obligation to do so, intend to maintain a market for whole Units of the Fund

and to offer to purchase such Units at prices in excess of the redemption price. In the absence of such a market, Unitholders may only be able to dispose of their Units by redemption.

The organization, operation and marketing of Units of Subsequent Series of the Fund may vary in that one or more additional investment banking firms may act as sponsor or underwriter in addition to Sponsors, and the trustee and evaluator may vary. With respect to the portfolio bonds in Subsequent Series of the Fund the principal amount of bonds deposited, the percentage of unrated bonds deposited, the number of Units issued, and the sales charge on such Units may vary in Subsequent Series.

SECTION 14(a)

Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

The Applicants seek an exemption from the provisions of Section 14(a) of the Act in order that a public offering of Units of the Fund as described above may be made. In connection with the requested exemption from Section 14(a) the Sponsor agrees (1) to refund, on demand and without deduction, all sales charges to purchasers of Units of a Series if, within ninety days from the time that a registration statement for a Series becomes effective under the 1933 Act, the net worth of the Series shall be reduced to less than $100,000, or if such Series is terminated; (2) to instruct the Trustee on the date Trust Securities are deposited in each Series that in the event that redemption by the Sponsor of Units constituting a part of the unsold Units shall result in that Series having a net worth of less than 40% of the principal amount of Trust Securities originally deposited for such Series, the Trustee shall terminate the Series in the manner provided in the Agreement and distribute any Trust Securities or other assets deposited with the Trustee pursuant to the Agreement as provided therein; and (3) in the event of termination for the reasons described in (2) above, to refund any sales charges to any purchasers of Units purchased from the Sponsor, on demand and without any deduction. Thus, the Applicants represent that it is highly unlikely that, except during the course of liquidation, the net worth of any Series would ever decline to $100,000 or less.

RULE 19b-1

Rule 19b-1 provides in substance that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year of such investment company. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within reasonable time after receipt.

Distributions of interest and principal on each Series will be made to Unitholders quarterly. The Applicants represent that distributions of principal on each Series constituting capital gains to Unitholders may arise in the following instances: (1) If an issuer calls or redeems an issue of Bonds held in the portfolio, the sums received by the Fund will be distributed on a pro-rata basis to each Unitholder on the next distribution date; (2) if Units are redeemed by the Trustee and Trust Securities from the portfolio are sold to provide the funds necessary for such redemption, each Unitholder will receive his pro-rata portion of the proceeds from the Trust Securities sold over the amount required to satisfy such redemption distribution; and (3) as Bonds mature by their terms, the sums received by the Fund will be distributed on a pro-rata basis to each Unitholder on the next distribution date. In some instances, a Unitholder may receive in his distribution funds that constitute capital gains, because in some cases the value of the Trust Securities redeemed or sold may have increased since the date of their acquisition by the Fund.

As noted above, Paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. The Applicants assert that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and that the operations of the Applicants in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, each Series of the Fund would be forced to hold any monies that would constitute capital gains upon distribution until the end of its taxable year. The application contends that such practice would clearly be to the detriment of the Unitholders.

In support of the requested exemption, the Applicants state that the dangers which Rule 19b-1 is intended to guard against do not exist in the situation at hand because neither the Sponsor nor the Fund has control over events which might trigger capital gains, e.g., the tendering of Units for redemption and the prepayment of portfolio Bonds by the issuers. In addition, it is contended that any capital gains distribution will be clearly indicated as capital gains in the accompanying report by the Trustee to the Unitholder. Finally, Applicants argue that the amounts which will be involved in a normal distribution of principal will be relatively small in comparison with normal interest distributions.

RULE 22c-1

The Applicants state that following the initial offering period, the Sponsor, while not obligated to do so, intends to offer to purchase whole Units in the secondary market at prices based on the offering side evaluation of the Trust Securities in any Series, determined on the last business day of each week, effective for all sales made during the following week.

The Applicants also state that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a formal evaluation. The Sponsor agrees that, in the case of the resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's price is not more than one-half point ($5.00 on a unit representing $1,000.00 principal amount of underlying Trust Securities) greater than the current offering price, a formal evaluation will be ordered. Under these circumstances the Applicants contend that the exemption of the Sponsor from the provisions of Rule 22c-1 will in no way affect the operations of the Fund and will benefit the Unitholders by providing a repurchase price for their Units that is in excess of the current net asset value of such Units as computed for redemption purposes.

Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such secu-

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rity for redemption or of an order to purchase or sell such security.

The Applicants state that Rule 22c-1 has two purposes: (1) to eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption or repurchase of such securities at prices other than their current net asset values; and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of the Sponsor and the manner for the acquisition by investors of new Units, may be deemed to violate Rule 22c-1 because of the absence of daily pricing. The Applicants contend, however, that the purposes of Rule 22c-1 will not be frustrated by the Sponsor in the proposed secondary market activities. The Applicants assert that the pricing of Units by the Sponsor in the secondary market will in no way dilute the assets of the Fund, and that Unitholders will benefit from the Sponsor's pricing procedure in the secondary market because they will normally receive a higher repurchase price for their Units than they could obtain by redeeming their Units at the current net asset value, and that this will be accomplished without the cost burden to the Fund of daily evaluations of the Units' redemption value.

The Applicants also contend that speculation in Units of any Series is unlikely because price changes are limited in respect to the kind of Trust Securities that will be held by such Series. In addition, the Applicants argue that because of the nature of the Trust Securities price changes are gradual and depend largely on general changes in interest rates. To avoid the Sponsors receiving more than the specified sales charge, the Sponsors have agreed that any Units held by them may be tendered to the Trustee for redemption, provided that the Sponsors not receive for Units purchased a higher price than they paid, plus accrued interest.

The Applicants therefore request an exemption from the provisions of Rule 22c-1 for Series 1 and for all subsequently created Series insofar as the Rule may apply after completion of the primary distribution of Units of such Series.

Section 6(c) of the act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 26, 1979, at 5:30 P.M., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-4476 Filed 2-8-79; 8:45 am]

[8010-01-M]

[Release No. 34-15546; File No. SR-NSCC-78-11]

NATIONAL SECURITIES CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 19 (June 4, 1975), notice is hereby given that on January 29, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

Section V (SPECIAL SERVICE FEES), subsection H.2 of National Securities Clearing Corporation's (NSCC) SCC Division Fee Schedule is proposed to be amended as follows (italics indicate material to be added, brackets indicate material to be deleted):

For each physical item deposited *by NSCC* to a participant's account in a depository [by NSCC] *for credit to the participant in the depository's day cycle processing for the next business day, $0.50.*

For each physical item deposited to a participant's account in a depository for credit in the depository's night cycle processing for the next business day, $0.70.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change establishes a fee to be charged in connection with NSCC's depository accommodation service in the situation wherein a participant requests that NSCC transport and deposit physical securities into the participant's depository account for credit in the depository's night cycle processing for the next business day. The proposed rule change does not impact the fees charged in connection with other depository handling services, including physical deliveries to a participant's account for credit in the depository's day cycle processing for the next business day.

The existing depository handling services regarding physical deliveries to a participant's account (i.e., $0.50 per item) are available to participants at all NSCC Regional Facilities. NSCC's regular courier agreements and operations are utilized to provide these services.

The (expedited) depository accommodation service will only be available to participants at certain NSCC Regional Facilities. The service, which provides for expedited handling and depository credit in the upcoming night cycle processing, carries a $0.70 per item fee and will only be available where NSCC has been able to enter into appropriate courier or local banking arrangements, on a cost basis equivalent to the $0.70 per item charge.

As with other fees, Transportation and Insurance expenses would be charged separately pursuant to Section VIII.

The proposed rule change relates to the equitable allocation of reasonable dues, fees and other charges among its participants by allocating the additional costs of processing the depository items specified herein only to those participants whose use of the NSCC depository accommodation service gives rise to such additional costs. As with all fees, NSCC will, on the basis of operational experience, include the fee established hereby in the updating and revising of its fee sched-

ule, as set forth in Securities Exchange Act Release No. 15222 (October 6, 1978).

No comments on the proposed rule change have been solicited or received.

NSCC does not perceive that the proposed rule change would constitute a burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 5, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 2, 1979.

[FR Doc. 79-4467 Filed 2-8-79; 8:45 am]

[Release No. 15545; SR-NYSE-79-1, SR-NYSE-79-2]

NEW YORK STOCK EXCHANGE, INC.

FEBRUARY 1, 1979.

Order Approving Proposed Rules Changes

In the Matter of New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005.

On January 19, 1979, the New York Stock Exchange, Inc. ("NYSE") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of proposed rules changes which modify existing NYSE Rules 410 (Records of Orders), 108 (Limitations of Members' Bids and Offers), and 112 (Restrictions of Registered Traders), and add new Rule 90 (Dealings by Members on the Exchange). The principal purpose of these amendments is to conform the NYSE Rules to the requirements of Section 11(a)(1) of the Act and the rules promulgated thereunder which become fully applicable to all members of national securities exchanges on February 1, 1979.

Notice of the proposed rules changes together with the terms of substance of the proposed rules changes was given by publication of Commission Releases (Securities Exchange Act Release Nos. 15534 and 15535 (January 29, 1979)) and by publication in the FEDERAL REGISTER (44 FR 6239 and 44 FR 6240 (January 31, 1979)). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any persons were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552) were made available to the public at the Commission's Public Reference Room.

DESCRIPTION OF PROPOSED RULES CHANGES

SR-NYSE-77-1 contains an amendment to NYSE Rule 410 which would require members (and member organizations) who transmit or carry orders to the floor to be executed in reliance upon the exemption to Section 11(a)(1) set forth in paragrah (G) thereunder (the so-called "business mix" exemption), to place an identifying notation on every such order. In addition, proposed new NYSE Rule 90 would provide, among other things, that (i) no bid or offer made by a member on an order for the account of such member, or any other member or member organization subject to Section 11(a)(1)(G) of the Act and Rule 11a1-1(T) [17 CFR 240.11a1-1(T)] thereunder shall be entitled to priority over, parity with, or precedence based on size over, any order which is for the account of a person who is not a member, member organization or an associated person thereof and that (ii) immediately before executing an order pursuant to Section 1(a)(1)(G) of the Act and Rule 11a1-1(T) thereunder, a member (other than the specialist in such security) shall clearly announce or otherwise indicate to the specialist and to other members then present in the trading crowd in such security that he is representing an order to be executed pursuant to Section 11(a)(1)(G) of the Act and Rule 11a1-1(T).

SR-NYSE-79-2 sets forth modifications to NYSE Rules 108 and 112. As amended, NYSE Rule 108 would allow a bid or offer made by a member or made on an order for stock originated by a member while on the NYSE floor to establish or increase a position in such stock for an account in which such member has an interest to maintain parity with (or precedence based on size over) a bid or offer made on an order originiated off the NYSE floor and being executed pursuant to Section 11(a)(1)(G) of the Act and Rule 11a1-1(T) thereunder. Absent this amendment of NYSE Rule 108, and the NYSE would have to require members to identify separately on and off-floor orders to be executed pursuant to the business-mix exemption to insure that the yielding of parity and precedence based on size among such orders would occur in accordance with the provisions of existing NYSE Rule 108. Neither Section 11(a)(1)(G) nor Rule 11a-1(T) impose yielding requirements between the on and off-orders of members executed pursuant to these provisions.

The proposals also would amend paragraph (c) of NYSE Rule 112 (governing registered traders) to provide that no registered trader shall, for an account in which he has an interest, while on the NYSE floor, retain priority over, parity with or precedence based on size over an off-floor order when establishing, increasing or liquidating a prosition except if the off-floor order is to be executed pursuant to Section 11(a)(1)(G) of the Act and Rule 11a1—1(T) thereunder. Amendments to the interpretive material pertaining to NYSE Rule 112 clarify that limitations governing a registered trader's execution of on-floor orders for an account in which any such member has an interest continue in effect even though such orders may be given to commission brokers or specialists for execution. Finally, the interpretive material to NYSE Rule 112 is amended to allow a specialist, if bidding for his own account, to establish or increase a position, to have parity with or precedence based on size over an off-floor order to be executed pursuant to Section 11(a)(1)(G) of the Act and Rule 11a1-1(T) thereunder.

COMMISSION FINDINGS

The Commission finds that the proposed rules changes are consistent with the requirements of the Act and the rules and regulations therunder applicable to registered national securities exchanges and in particular, the requirements of Sections 6, 11(a) and the rules and regulations thereunder.[1]

[1] This finding constitutes approval only of the specific additions and deletions made in the cited rules in File Nos. SR-NYSE-79-1 and 79-2 and thus should not be construed as a statement by the Commission that any such rule, as amended, has necessarily been brought into full compliance with the Act if

Footnotes continued on next page

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Section 19(b)(2) of the Act permits the Commission to approve a proposed rule change submitted by a self-regulatory organization prior to the thirtieth day after the date of publication of notice filing thereof if the Commission finds good cause for doing so and publishes its reasons for so finding.

The principal purpose of the instant rule proposals is to conform the NYSE rules to the requirements of Section 11(a)(1) of the Act, and the Commission's rules adopted thereunder and to assure that the NYSE has the capacity to enforce compliance with these provisions. Accordingly, since Section 11(a)(1) is to be fully effective on February 1, 1979, the Commission finds good cause for approving the proposed rules changes prior to the thirtieth day after the date of publication of the notices of their filing.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rules changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-4484 Filed 2-8-79; 8:45 am]

[8010-01-M]

[Release No. 20912; 70-6257]

SOUTHERN CO.

Notice of Proposed Issuance and Sale of Common Stock Pursuant to a Dividend Reinvestment Plan and an Employee Savings Plan

FEBRUARY 2, 1979.

In the matter of The Southern Company, Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a) (5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern proposes to issue and sell up to 6,000,000 shares of its authorized but unissued common stock, par value $5 per share, ("Additional Common Stock"), in addition to the balance of 867,289 shares at December 31, 1978 remaining in the authority granted by the Commission in File No. 70-6130, pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan"). It is anticipated that such shares will be issued and sold from time to time through April 30, 1981, the majority of such shares being sold on or prior to April 30, 1980. Southern proposes to apply the proceeds from the sale of the shares (such proceeds estimated to be approximately $87,750,000) to such further equity investments as will have been authorized by the Commission in a subsequent filing in respect of such investments and for other corporate purposes.

The Additional Common Stock will be offered to all holders of record of Southern's common stock pursuant to a voluntary plan whereby shareholders may elect to (1) have cash dividends on all of their shares of Southern common stock automatically reinvested in shares of common stock at a price equal to 95% of the average of the high and low sale prices of Southern's common stock, as published in The Wall Street Journal on the dividend payment date (or the next preceding day on which the New York Stock Exchange is open, if it is closed on the dividend payment date), such average of the high and low sale prices being hereinafter referred to as the "Market Price Average", or (2) reinvest less than all of their dividends in shares of common stock at a price equal to 95% of the Market Price Average, or (3) reinvest all or less than all of their dividends as described above and, in addition, make optional cash payments (not less than $25 per payment nor more than a total of $3,000 per quarter) to invest in shares of common stock at a price equal to 100% of the Market Price Average, or (4) continue to receive cash dividends on all shares registered in their names and invest only optional cash payments. All dividends on shares credited to a participant's account under the Dividend Plan will be reinvested in shares of common stock at a price equal to 95% of the Market Price Average. No shares will be sold under the Dividend Plan at less than the par value of such shares.

The First National bank of Atlanta currently administers the Dividend Plan and makes purchases of shares as agent for the participants. No service charge or commission will be paid by participants in connection with purchases under the Dividend Plan.

Participants will retain all voting rights relating to shares purchased under the Dividend Plan and credited to their accounts, and shares will be voted in accordance with the instructions of the participant to whose account they are credited.

A participant will be able to withdraw from the Dividend Plan at any time upon written notice. Upon withdrawal, the participant will be issued, without charge, a certificate for the number of shares credited to his account and will receive a cash payment for the value of any fractional share, which cash payment will be based on the closing sale price of Southern's common stock, as published in The Wall Street Journal on the next business day following the day the withdrawal reuest is received, less any related brokerage commisson and transfer tax. Without withdrawing from the Dividend Plan, a participant will be entitled to demand and receive a certificate representing the full shares of common stock credited to his account. Southern reserves the right to suspend, modify (subject to Commission approval) or terminate the Dividend Plan at any time.

All shareholders (both participants and non-participants in the Dividend Plan) will be mailed a copy of a prospectus describing the Plan and advising the non-participating shareholders as to the manner by which they may participate therein. A prospectus will also be sent to all those who become shareholders after the initial mailing thereof. The continued existence of the Dividend Plan will occasionally be brought to the attention of non-participants by a remailing of the prospectus.

Southern further proposes to issue and sell a maximum of 1,500,000 shares of its authorized but unissued common stock, par value $5 per share (the "New Stock"), in addition to the balance of 576,558 shares at December 31, 1978 remaining in the authority granted by this Commission in File No. 70-6130, pursuant to the Employee Savings Plan for The Southern Company System ("Savings Plan"). It is anticipated that the New Stock will be issued and sold from time to time through April 30, 1981. Southern proposes to apply proceeds from the sale of the New Stock (such proceeds estimated to be approximately $21,938,000) to such further equity investments as will have been authorized by the Commission in a subsequent filing in respect of such investments and for other corporated purposes.

The New Stock will be offered to employees of Southern's subsidiaries pursuant to a voluntary plan under which employees may contribute, through payroll deductions, not less than 2% nor more than 12% of their compensation (base salary or wages). Each employing company will contribute, on behalf of each of the Savings Plan members in its employ, an amount

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that rule is subject to the Commission's review pursuant to Section 31(b) of the Securities acts Amendments of 1975 (Pub. L. 94-29 (June 4, 1975)). *See* Securities Exchange Act release No. 13027 (December 1, 1976).

equal to 50% of such of the member's contributions as are not in excess of 6% of the member's compensation. The First National Bank of Atlanta acts as Trustee for the trust which is part of the Savings Plan, and the Savings Plan is administered by the Savings Plan Committee, the members of which are appointed by the Board of Directors of Southern Company Services, Inc.

Each Savings Plan member must direct that his contributions be invested in one or more of three funds: (1) Company Stock Fund—consisting of Southern's common stock; (2) Equity Fund—consisting of common or capital stocks and securities convertible into common or capital stock (other than securities issued by or convertible into securities issued by Southern or any of its subsidiaries), short-term investments, and investments in certain commingled trust funds; (3) Fixed Income Fund—consisting of direct obligations of the U.S. Government and its agencies, corporate bonds, debentures, notes, certificates of indebtedness, evidences of indebtedness of Southern or its subsidiaries or affiliates, savings account deposits and investments in certain commingled trust funds. All employing company contributions are invested in the Company Stock Fund.

An employee is eligible to participate in the Savings Plan if: (a) he is at least 21 years of age and (b) he has completed at least one year of service (in which he has completed at least 1,000 hours of service) with one or more Southern subsidiaries. Any employee represented by a collective bargaining agent may not participate in the Savings Plan unless the representatives of his bargaining unit and the employing company mutually agree to participation in the Savings Plan by members of the bargaining unit.

The amount of an employee's contributions may be changed by the employee if the employee gives at least sixty days notice of such change. By delivering at least thirty days prior notice, an employee may voluntarily suspend the making of contributions for a period of not less than six months. The member's direction as to the fund or funds in which his contributions are to be invested will continue in effect until changed by the member, and the member may change such investment direction once in each year. A separate account is established for each member, and each member is furnished a statement of his account annually and upon any distribution or withdrawal. The amount to the credit of a member's account attributable to his own contributions is fully vested in the member at all times. Amounts attributable to employing company contributions are fully vested in the member upon his death or retirement pursuant to the pension plan of his employing company. Prior to those events, the amount to the credit of a member's account attributable to employing company contributions is vested in the member in accordance with a schedule which begins with a 50% vesting after five years of service and increases by 5% with each year of service thereafter until, after 15 years of service, these amounts are fully vested. Any amounts not vested upon a member's termination of employment are forfeited and will be applied as a credit to reduce subsequent contributions of the employing company.

While remaining in employment, a member may, upon giving sixty days prior written notice to his employing company, withdraw all or certain portions of the amount to his credit, but, if such withdrawal is made other than under circumstances which the Savings Plan Committee determines to constitute a financial emergency in the affairs of the member, the member's contributions and those of his employing company will be suspended for certain periods of time as provided by the Savings Plan.

The Trustee will vote the shares of common stock of Southern held by it in accordance with written directions received from the individual members on whose behalf such shares are held and will not vote any such shares for which voting instructions are not received. The Trustee has the authority to vote all other securities in its discretion. No certificate or document evidencing participation in the Savings Plan is issued.

Brokerage fees, commissions, transfer taxes and other expenses incident to the purchase or sale of securities by the Trustee are deemed to be a part of the cost of such securities or deducted in computing the proceeds therefrom, as the case may be, and shall be paid from the trust fund. Any transfer taxes in connection with the distribution of Southern common stock to members or their beneficiaries will be borne by the accounts of the members as the Savings Plan Committee shall determine. Taxes, if any, payable with respect to the assets or income of the fund will be charged against the accounts of members. Other expenses of administering the Savings Plan will be paid by Southern Company Services, Inc. subject to reimbursement by the other employing companies of their proportionate shares of such expenses.

The Board of Directors of Southern Company Services, Inc. has the right to amend or terminate the Savings Plan in whole or in part. Any employing company may, by action of its board of directors and approval by the Board of Directors of Southern Company services, Inc., suspend or terminate the making of contributions of members in the employ of such employing company and of contributions by such employing company. In the event of termination or partial termination or upon complete discontinuance of contributions under the Savings Plan by all employing companies or by any one employing company, the amount to the credit of the accounts of each member whose employing company shall be affected by such termination or discontinuance shall become nonforfeitable and will be distributed to the member as soon as practicable after such termination or discontinuance.

Investment purchases by the Trustee for the funds may be made either on the open market or by private purchase, provided that no private purchase may be made of common stock of Southern at a price greater than the last sale price or current independent bid price, whichever is higher, for such stock on the New York Stock Exchange, plus an amount equal to the commission payable in a stock exchange transaction if such private purchase is not made from Southern. The Trustee may purchase common stock of Southern directly from Southern under the Dividend Plan or under any other similar plan made available to all holders of record of shares of common stock of Southern, at the purchase price provided for in such plan.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 1, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided

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in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-4469 Filed 2-8-79; 8:45 am]

[4910-06-M]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Emergency Order No. 11]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Emergency Order Limiting Movement of Hazardous Materials

The Federal Railroad Administration (FRA) of the Department of Transportation (DOT) has determined that considerations of public safety necessitate the issuance of an Emergency Order placing certain limitations on the movement of railroad freight cars containing materials required to be placarded in accordance with DOT regulations, 49 CFR Parts 170-189 (placarded hazardous materials cars), by the Louisville and Nashville Railroad Company (L&N), and by other railroads over L&N-owned or leased track.

On the basis of both the results of repeated safety inspections conducted by FRA throughout the L&N's system and the great number of accidents reported to FRA by the L&N over the past 3 years, FRA is convinced that serious safety deficiencies permeate all phases of L&N freight operations and create a substantial and constant risk to the health and safety of the public, particularly where those operations involve the transportation of placarded hazardous materials cars.

RECENT L&N HAZARDOUS MATERIALS ACCIDENTS

Within the last 3 months, the L&N has had numerous derailments of trains that were transporting placarded hazardous materials cars, several of which led to evacuations and releases of hazardous materials. On January 27, 1979, near Chef Menteur, Louisiana, 18 freight cars moving in an L&N freight train, including a placarded hazardous materials car containing propane, derailed as the result of a broken rail. On December 26, 1978, a placarded hazardous materials car containing propane gas derailed at the L&N's yard in Atala, Alabama, forcing the evacuation of approximately 1,000 people.

On December 13, 1978, an L&N freight train hauling three placarded hazardous materials cars containing sulfuric acid derailed near High Cliff, Tennessee. One of those cars ruptured as a result of the accident, and fumes created by that release of acid forced the evacuation of approximately 75 people. Preliminary investigation of that accident indicates that it was caused by a defective track condition (excessive change in cross level) on a curve. That condition was created as a result of improper repairs performed by the L&N to correct track damage caused by another L&N freight train derailment at approximately the same site on December 11, 1978. With blatant disregard for the safety of its employees and the public, the L&N accomplished these track rapairs hurriedly and haphazardly. As a consequence, L&N failed to bring such track back into compliance with certain Federal regulations (49 CFR 213.63). Despite the presence of that serious track deficiency, which would have been obvious to any qualified track inspector and which created a severe derailment hazard, the L&N reopened that section of track to traffic, including trains hauling placarded hazardous materials cars. This cavalier attitude by the L&N towards the safety of the public has been exhibited on numerous other occasions.

On November 27, 1978, near Appalachian, Tennessee, an L&N freight train hauling eight tank cars containing sulfuric acid derailed. As a result of the derailment, one of those cars released a portion of its contents, which spilled into a river and caused extensive damage to aquatic life. Preliminary investigation indicated that the derailment was caused by wide gage resulting from deteriorated ties. On November 30, 1978, another L&N freight train hauling three placarded hazardous materials cars containing liquefied petroleum gas derailed at the November 27 derailment site. A preliminary investigation indicated that the derailment was caused by an excessive rate of change in the cross level of the track at the derailment site, which was in violation of applicable Federal regulations.

Approximately 5 weeks (October 18, 1978) prior to the first Appalachian derailment, another L&N freight train hauling tank cars containing sulfuric acid derailed near Madisonville, Tennessee. One of those cars was punctured, and another developed a leak as a result of the derailment. Fumes resulting from the release of acid injured four people and necessitated the evacuation of approximately 3,550 people. Preliminary investigation indicated that the derailment was caused, at least in part, by a track condition (variation in cross level) that was not in compliance with applicable Federal regulations. More important, the condition of the track in the area of the defect indicated that the contributing conditions had been present for some time prior to the derailment and should have been obvious to any qualified track inspector. The L&N's track inspectors, however, failed to detect the defect (and take appropriate corrective action) during a number of track inspections conducted prior to that mishap. The L&N's failure to take appropriate steps either to correct that track defect or to reduce the safety risk that it created by ordering a speed reduction over that section of track illustrates a recurring flaw in the L&N's operating philosophy that has been largely responsible for its poor safety record. In many circumstances, L&N management has exhibited great reluctance to take any measures to ensure the safety of its operations if such measures were perceived by management to be detrimental to operational expediency.

As documented more fully below, the Chef Menteur, Atala, High Cliff, Appalachian, and Madisonville accidents are merely the most recent examples of a long series of L&N accidents that have occurred as a direct result of safety deficiencies in L&N operations involving placarded hazardous materials cars.

THIRTY-MONTH HISTORY OF L&N HAZARDOUS MATERIALS ACCIDENTS

During the period between January 1, 1976 and June 30, 1978, the L&N reported to FRA rail equipment accidents [1] that resulted in the release of hazardous materials from 42 placarded hazardous materials cars at various locations within seven different states (Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia and Florida). Those accidents resulted in 19 deaths, approximately 71 serious injuries, and necessitated the evacuation of approximately 7,280 people. The L&N's reported figures with respect to the number of deaths, injuries, and persons evacuated as a result of such accidents exceeded the totals reported in each of those categories by every other Class I line haul railroad in the nation.[2] In fact, the next highest

[1] Rail equipment accidents include collisions, derailments, fires, explosions, acts of God, or other events involving the operation of railroad on-track equipment (standing or moving) that result in more than $2,900 ($1,750 effective December 9, 1974 and $2,300 effective November 10, 1976) in damages to railroad on-track equipment, signals, track, track structures, or roadbed, including labor costs and all other costs for repair or replacement in kind.

[2] For calendar years 1976 and 1977, Class I line haul railroads included any line haul

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totals for deaths and injuries reported by any Class I line haul railroad during that period were 6 and 32, respectively.

As the foregoing statistics illustrate, any accident involving a placarded hazardous materials car presents a grave risk to the health and safety of persons in the immediate vicinity. A derailment of a train hauling placarded hazardous materials cars could result in a powerful explosion, the contamination of a city water supply, and the poisoning of persons along the right-of-way. Set forth below is a brief summary of the most significant rail equipment accidents involving placarded hazardous materials cars reported by the L&N during the 30-month period ending June 30, 1978. These accidents encompass virtually all areas served by the L&N, thus illustrating the breadth of the L&N's safety problems.

On February 22, 1978, near Waverly, Tennessee, an L&N freight train hauling five placarded hazardous materials cars derailed as a result of a broken wheel. Two days later, one of the involved placarded hazardous materials cars, loaded with liquefied petroleum gas, exploded and killed 16 people, seriously injured 46 people, and caused the evacuation of approximately 500 people. The force of the explosion was so great that it destroyed an entire two-block area of downtown Waverly. Subsequent investigation revealed that the broken wheel was caused by extreme heat generated either by a sticking air brake or an improperly applied hand brake. Statements by the train crew indicate that they failed to inspect the air brakes of the car that caused the derailment, which was added to the train en route, in the manner required by Federal regulations (49 CFR 232.13(d)). More important, during the Waverly accident investigation hearing conducted by the National Transportation Safety Board (NTSB), testimony revealed that the L&N manual "Special Rules Governing Train Handling, Air Brakes and Dynamic Brakes," which became effective on April 1, 1975, and was in effect at the time of the Waverly mishap, failed to mention the full air brake test that is required by Federal regulations when cars are added to a train en route.

On November 9, 1977, two of the hauling locomotives and the following 35 cars of a 128-car L&N freight train, including 17 placarded hazardous materials cars containing anhydrous ammonia, derailed on a 6°04' curve near Pensacola, Florida. Contents of three of those cars were released into the atmosphere as a result of the derailment. The released anhydrous ammonia created a toxic gas cloud that killed two people, seriously injured 46 others, and forced the evacuation of approximately 1,500 people. This tragic accident could have been averted if the L&N had complied with its own internal track standards.

The NTSB conducted an investigation of the accident and concluded that its probable cause was the overturning of the high rail of the curve, which caused track gage to widen. NTSB further concluded that the high rail tipped because the tight gage of the track at the derailment site did not enable it to withstand the lateral forces applied by the three 6-axle locomotives on the train and by a lightly loaded long car and an empty short car directly between the locomotives and the rest of the train with heavy trailing tonnage. The two cars were placed contrary to L&N's special rules governing train handling and the Association of American Railroad's Track Train Dynamics recommendations.

The NTSB's investigation further revealed that in June 1977, the L&N's track geometry vehicle had indicated that track gage and cross level conditions in the area of the derailment did not conform to the L&N's own track standards, and that no further action was taken by the L&N to correct those conditions. The NTSB also found that since 1975, no substantial maintenance had been performed on the track in the vicinity of the derailment, that the crosstles in that area had not been thorougly inspected since 1973, and that portions of track in the vicinity of the derailment were not maintained in accordance with FRA's Track Safety Standards (49 CFR Part 213).

In addition to the findings of its track geometry vehicle in June 1977, the L&N had more than adequate prior notice of serious track deficiencies in the area of the derailment. From January 1975 until the Pensacola accident, the L&N had reported to FRA 22 derailments caused by track conditions in its Mobile division (which includes Pensacola), 17 of which occurred within 50 miles of the Pensacola derailment.

Less than 1 month (October 15, 1977) prior to the Pensacola accident, referenced above, an L&N train hauling 33 placarded hazardous materials cars had derailed because of a worn wheel at a site within 6 miles of the later accident. As a result of that accident, one of those cars released its contents, forcing the evacuation of approximately 1,000 people.

On May 29, 1978, an L&N freight train hauling 38 placarded hazardous materials cars derailed near Mossy Head, Florida, because of a broken rail. As a result of the derailment, four of those cars released their contents, which necessitated the evacuation of an estimated 400 people. On August 4, 1976, an L&N freight train hauling three placarded hazardous materials cars derailed within 3 miles of the site of the May 29, 1978, derailment. This was also caused by a broken rail. As a result of the derailment, one of those cars released its contents, thereby forcing the evacuation of approximately 100 people.

On May 19, 1978, two placarded hazardous materials cars derailed on a curve in the L&N's Howell Yard in Evansville, Indiana, and released their contents. That released necessitated the evacuation of approximately 2,500 people.

On April 25, 1978, an L&N freight train hauling two placarded hazardous materials cars derailed near Bowling Green, Kentucky, because of a broken wheel. As a result of that accident, approximately 500 persons were evacuated.

On February 2, 1978, track irregularities caused the derailment of and a release of contents from, a placarded hazardous materials car in an L&N train near Castleberry, Alabama. Two people were injured and 50 were evacuated as a result of that accident.

On March 20, 1977, an L&N freight train hauling three placarded hazardous materials cars derailed near Kennesaw, Georgia. The L&N reported the cause of this accident as a "low rail." Two of those cars released their contents as a result of the derailment, which necessitated the evacuation of approximately 150 people. Approximately 6 months later (September 28, 1977), another L&N train hauling placarded hazardous materials cars derailed at approximately the same site. One of those cars released its contents as a result of the derailment, thereby forcing the evacuation of an estimated 200 people.

In the space of two days in February 1977, the L&N suffered two derailments that resulted in the release of hazardous materials and forced the evacuation of people from the derailment site. On February 18, 1977, near St. Matthews, Kentucky, an L&N train hauling one placarded hazardous materials car derailed because of a burned-off journal. The placarded hazardous materials car involved in that derailment released its contents, resulting in the evacuation of approximately 30 persons. One day prior to that derailment, an L&N train hauling six placarded hazardous materials cars derailed near Brownsville, Tennessee, because of a broken rail. Two of the cars released toxic materials, thereby necessitating the evacuation of approximately 75 people.

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railroad having annual operating revenues in excess of $10 million. Beginning in 1978, that term includes any line haul railroad having annual operating revenues of $50 million or more.

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On May 11, 1976, nine people suffered injuries from inhalation of fumes generated by hazardous materials that were released as a result of an L&N derailment near Wilcox, Alabama. That accident involved the derailment of an L&N train hauling four placarded hazardous materials cars. The L&N reported the cause of this mishap as "defective equipment." The contents of two of those cars were released as a result of that accident. Approximately 4 months prior to the Wilcox accident (January 4, 1976), 1 person was injured and an estimated 275 people were evacuated as a result of a release of hazardous materials caused by the derailment of an L&N train near Barth, Florida. That accident involved an L&N train hauling eight placarded hazardous materials cars that derailed because of a track defect.

The foregoing summary of major L&N accidents involving placarded hazardous materials cars clearly demonstrates that the L&N has serious and widespread safety deficiencies throughout its system with respect to the transportation of hazardous materials, and that these deficiencies create a constant and substantial risk to the health and safety of the public. As the following statistics will prove, the L&N currently has the worst safety record in the nation with respect to the transportation by rail of hazardous materials, and there is substantial reason to believe that its record will continue to worsen until appropriate remedial action is taken. For comparison purposes, the L&N's ranking among all reporting Class 1 line haul railroads with respect to each statistic is included in parentheses, a rank of first being the worst in each category.

Comparative Ranking

Through the first 6 months of 1978, the L&N reported 39 rail equipment accidents (3rd highest among 33 reporting) that involved trains hauling a total of 240 placarded hazardous materials cars (6th). Those accidents caused damage to 80 such cars (1st), 12 of which released some or all of their contents as a result (4th). Those accidents also resulted in 16 fatalities (1st), approximately 48 injuries (1st), and the evacuation of approximately 3,950 people (1st). The L&N's poor safety record with respect to the transportation of hazardous materials is highlighted by the fact that, exclusive of the L&N, Class I line haul railroads reported a total of only 4 fatalities and 61 injuries from rail equipment accidents involving hazardous materials during the first 6 months of 1978.

As the statistics for the years 1976 and 1977 demonstrate, the L&N's poor safety record during 1978 is not a statistical aberration, but rather an accurate mirror of the safety deficiencies in L&N hazardous materials operations that have been present at least for the last 3 years.

In 1977, the L&N reported 51 (4th among 40 reporting) rail equipment accidents that involved trains hauling a total of 278 (4th) placarded hazardous materials cars. Those accidents damaged 110 such cars (2nd), 19 of which released some or all of their contests (1st), resulting in 3 deaths (1st) and 12 injuries (1st), and necessitating the evacuation of approximately 2,955 people (1st). Although the L&N ranked only fourth with respect to the number of rail equipment accidents involving trains hauling placarded hazardous materials cars, it ranked first in total reported equipment damages resulting from those accidents. L&N's reported damages of $6,063,224 constitute 17.4 percent of total equipment damages suffered by all Class I line haul railroads in such accidents during 1977.

Reported statistics for 1976 confirm that the L&N's safety record with respect to the transportation of hazardous materials, while consistently poor during the last 3 years, has been progressively deteriorating during that period. In 1976, the L&N reported 30 rail equipment accidents (5th among 54 reporting) that involved trains hauling a total of 118 (8th) placarded hazardous materials cars. Those accidents damaged 68 such cars (3rd), 11 of which released some or all of their contents (4th), and resulted in 11 injuries (2nd) and the evacuation of approximately 375 persons (9th). Although the L&N ranked third in the number of placarded hazardous materials cars damaged in rail equipment accidents and fourth in the number of such cards that released their contents, it ranked only seventh in the nation among all railroads with respect to the estimated total number of such cars hauled during 1976.

As the foregoing statistics demonstrate, the number of L&N accidents involving trains hauling placarded hazardous materials cars has grown since 1976, and there is every reason to believe that they will increase in the future if the L&N is permitted to continue its present operating practices without additional restrictions. Because many of the placarded hazardous materials cars hauled by the L&N move through, or within, the immediate vicinity of a number of densely populated residential areas, a catastrophe is foreseeable unless appropriate remedial action is taken.

Scope of L&N Hazardous Materials Operations

The L&N operates over approximately 10,600 miles of track in 13 states (Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Tennessee, and Virginia). Trains operating over that track pass through, or in close proximity to, a great number of densely populated metropolitan and suburban areas. Those areas include the following cities and their immediate environs: Alabama—Mobile, Montgomery, Birmingham, Decatur, Alabama City, Gadsden; Florida—Pensacola; Georgia—Atlanta, Marietta, Dalton; Illinois—Chicago, Hoopeston, Danville; Indiana—Hammond, Terre Haute, Vincennes, Evansville, Bloomington, Bedford, Frankfurt, Indianapolis; Kentucky—Paducah, Henderson, Owensboro, Hopkinsville, Bowling Green, Louisville, Springfield, Frankfort, Lexington, Covington, Newport, Winchester; Louisiana—New Orleans; Mississippi—Gulfport, Biloxi, Pascagoula; Missouri—St. Louis; Ohio—Cincinnati; Tennessee—Memphis, Jackson, Clarksville, Nashville, Columbia, Murfreesboro, Chattanooga, Knoxville.

Large numbers of placarded hazardous materials cars are transported annually over L&N trackage passing through or in close proximity to all the above mentioned cities and towns, as well as numerous other locations within the L&N's system. In 1976, the L&N hauled an estimated 64,200 placarded hazardous materials cars, a total exceeded by only six other railroads. The total number of placarded hazardous materials cars hauled by the L&N during 1976 represented approximately 9.5 percent of the estimated total number of such cars hauled by rail in the United States during that year. In 1977, the L&N hauled an estimated 60,800 placarded hazardous materials cars, which represented approximately 8.9 percent of the estimated total number of such cars that were hauled by rail in the United States during that year. The L&N's volume and market share of such traffic was at substantially the same level during 1978.

The hazardous materials hauled by the L&N include numerous flammable liquids and solids, flammable and nonflammable compressed gases, Class A and Class B explosives, propellants, pesticides, fumigants, insecticides, oxidizers, corrosive materials, radioactive materials, and Class B poisons, including such dangerous and volatile substances as acetone, anhydrous ammonia, butane, ethylene oxide, methanol, xylene phosphorous, aluminum nitrate, calcium nitrate, carbolic acid, aniline oil, uranium hexafluoride, hydrofluoric acid, phosphoric acid, acetic acid, sodium hydroxide, liquefied petroleum gas, coal tar, sulfuric acid, acrylonitrile, petroleum asphalt, motor fuel antiknock compound, propane, vinyl chloride, butadiene, chlorine, nitric acid, hydrochloric acid, ammonium nitrate, sulfur dioxide, and hydrogen cyanide.

Release of any hazardous material creates a great degree of risk to the health and safety of all persons within the immediate area. Some of these materials are extremely toxic, and a number of the more widely transported hazardous materials, such as anhydrous ammonia and sulfuric acid, can severely burn and kill any person coming into contact with them. For example, the November 9, 1977, Pensacola derailment, referenced earlier, led to the release of anhydrous ammonia that formed a toxic gas cloud, killing two people and serious injuring 46 others.

FRA Enforcement Efforts

Extensive FRA inspections over the last three years have uncovered serious safety deficiencies in all phases of L&N freight operations that have led directly to numerous derailment of L&N trains. The enhanced risk of a derailment created by those deficiencies, coupled with the substantial volume of placarded hazardous materials cars annually transported by the L&N, combine to create a substantial and constant risk to the public of serious injury and death.

During the first 6 months of 1978, a total of 64 FRA inspectors conducted inspections of all phases of L&N operations to determine the extent of L&N's compliance with the various Federal rail safety status enforced by FRA. Those inspections involved an estimated 6,467 inspector-hours. In 1977, 40 FRA inspectors spent an estimated 6,223 inspector-hours inspecting the L&N, and during 1976, 41 FRA inspectors devoted an estimated 7,598 inspector-hours to such inspections. On the basis of the results of both those extensive past inspections and more recent inspections, FRA is convinced that the safety deficiencies that are discussed below continue to exist throughout the L&N's system.

One of the major safety deficiencies in L&N freight operations lies in its failure to comply with minimum Federal standards imposed by the Track Safety Standards (track standards) (49 CFR Part 213). Although the L&N is legally required to inspect for and repair all track conditions that are not in compliance with the track standards and has, in fact, been assessed significant civil penalties for failure to comply with those standards, there is abundant evidence that the L&N is not in compliance with either the track standards or, in some cases, its own track maintenance rules, at numerous locations within its system. That lack of concern for safety has had several tragic consequences, such as the November 9, 1977, Pensacola accident, discussed earlier.

Over the past several years, FRA has conducted numerous inspections of L&N track to determine the extent of its compliance with the track standards. During the first 6 months of 1978, 91 track inspections covering 854 miles of L&N track were conducted by FRA track inspectors. Those inspections disclosed 1,288 instances of noncompliance with the FRA track standards. Also, during February 1978, the FRA track geometry cars were used to inspect 108 miles of L&N track between Louisville and DeCoursey, Kentucky. Forty-five miles of that track were found to be in noncompliance with the requirements imposed by the track standards for the posted track class,[3] and 17 of these miles did not meet the minimal requirements imposed for Class I track, over which freight train speed is restricted to not more than 10 miles per hour.

In 1977, FRA track inspectors conducted 145 inspections covering 2,286 miles of L&N track. Those inspections uncovered 1,527 instances of noncompliance with the track standards. During July 1977, FRA track geometry cars were used to inspect 560 miles of L&N track between Cincinnati, Ohio, and Atlanta, Georgia. Of that total, 204 miles were found to be in noncompliance with the requirements imposed by the track standards for the posted track class. During 1976, FRA track inspectors conducted 203 track inspections covering 2,808 miles of L&N track. Those inspections disclosed 1,971 instances of noncompliance with the track standards.

As the foregoing statistics demonstrate, virtually every FRA inspection of L&N track during the past several years has disclosed numerous instances of noncompliance with the track standards, many of which were capable of causing a derailment. This is especially significant from a safety standpoint because the track standards prescribe only minimum safety requirements for track. On the basis of the results of both past and recent track inspections at a variety of locations within the L&N's system and the rapidly increasing number of rail equipment accidents reported to FRA by the L&N as caused by track conditions, FRA is convinced that track conditions at numerous locations within the L&N's system are currently deficient from the standpoint of safety. To cite a recent example, beginning on January 9, 1979, FRA track geometry cars were used to inspect 309 miles of L&N track between DeCoursey, Kentucky and Atlanta, Georgia. That inspection disclosed 175 miles of track not in compliance with the posted track class and 73 miles of track that were not in compliance with Class I track requirements. Although responsible L&N officials received immediate notification of the defects detected during that inspection, a return FRA inspection conducted 6 days later of portions of the track inspected earlier indicated that the L&N had not taken any action to correct certain of the most serious defects, such as wide gage, discovered during the earlier inspection.

As a result of its inadequate track inspection and repair program, over the past three years the L&N has suffered an increasing number of derailments caused by defective track conditions. In 1976, the L&N reported to FRA 317 derailments that were caused by track conditions. Four Class I line haul railroads reported more such derailments (among 66 reporting) during 1976. It should be noted that all four (Consolidated Rail Corporation (Conrail), Illinois Central Gulf (ICG), Chicago and North Western (CNW), and the Chicago, Rock Island and Pacific) had substantial deferred track maintenance because of recent histories of poor or marginal earnings, and all four operated over more track than the L&N. For 1977, the L&N reported to FRA 322 derailments caused by track conditions, a figure exceeded only by three (Conrail, ICG, CNW) other Class I line haul railroads (among 58 reporting). On the basis of data reports for the first 6 months of 1978, FRA projects that the L&N reported 350 derailments caused by track conditions during 1978, for an increase of 9 percent over 1977.

In addition to its poor safety record with respect to its track, the L&N has widespread safety deficiencies in the inspection and repair of equipment. This is reflected in the substantial number of rail equipment accidents that have been reported annually to FRA by the L&N, including the several discussed earlier which resulted in the release of hazardous materials.

On the basis of reported data for the first 6 months of 1978, FRA projects that for the entire year, the L&N reported 150 derailments caused by equipment. During 1977, the L&N reported 149 derailments caused by equipment, a figure that was exceeded only by 2 of the 58 Class I line haul railroads reporting (Conrail and Burlington Northern (BN)), and each of them hauled considerably more traffic than the L&N during that period. In 1976, the L&N's reported total of 141 derailments caused by equipment ranked fourth, behind Conrail, BN, and the Southern Pacific, each of

[3] The track standards recognize six separate track classes (the highest being Class 6, over which maximum operating speed for freight trains is 110 miles per hour), and prescribe progressively more stringent safety requirements for each such class (49 CFR 213.9).

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which hauled substantially more cars than the L&N during that year.

Statistics for the 30-month period ending June 30, 1978, with respect to rail equipment accidents reported by the L&N from all causes (human, track, equipment and miscellaneous) highlight the safety deficiencies that permeate L&N freight operations.

On the basis of reported data for the first 6 months of 1978, FRA projects that for the entire year, the L&N reported a total of 826 rail equipment acidents from all causes. The projected number of accidents represents an increase of 13 percent over the L&N's reported results in that category for 1977, when it ranked behind only two much larger carriers, Conrail and BN, among 58 reporting Class I line haul railroads. For 1977, the L&N reported 730 rail equipment accidents from all causes, an average of 25.8 accidents per million train-miles. For comparison purposes, the average accident rate per million train-miles for all Class I line haul railroads in 1977 was 13.6. The L&N's accidents in 1977 resulted in total reported damages of $25,006,153, exceeding by $3.3 million the next highest total reported by any Class I line haul railroad.

During 1976, the L&N reported a total of 700 rail equipment accidents from all causes, an average of 25.3 accidents per million train-miles. Among all Class I line haul railroads, the average accident rate per million train-miles was 12.9. Only three Class I line haul railroads (Conrail, BN, CNW), among 66 reporting, reported more such accidents during 1976.

The L&N's safety record demonstrates an apparent lack of dedication to railroad safety on the part of L&N management. The resultant poor safety record has been a matter of considerable concern to FRA, but all actions taken to date to foster improvement in the safety of L&N operations have proved fruitless.

Following its customary practice, FRA first attempted to achieve necessary safety improvements in L&N operations through informal meeting, correspondence, and the assessment and collection of civil penalties for those safety deficiencies that constituted violations of the minimum Federal safety standards imposed by Federal statute and regulation. During fiscal years 1976 and 1977, for example, the FRA transmitted to the L&N 442 alleged safety claims on which penalties of $301,450 were claimed. That course of action, however, did not result in any noticeable improvement in the L&N's safety record. Therefore, after a review of L&N's record and careful consideration of the matter, FRA decided that stonger action was required.

During the winter and spring of 1977–1978, FRA undertook an intesive program of safety inspections that was designed to ascertain the extent of L&N's compliance with minimum Federal safety standards and to advise the L&N of the safety deficiencies identified. Also, meetings were held between L&N officials and FRA representatives to discuss the L&N's safety problems and the necessary corrective action required. At one of those meetings, May 25, 1978, the L&N admitted that it was not in compliance with all FRA regulations and that its methods to ensure both the safety of operations and compliance with those regulations were wanting. At that meeting, the L&N presented a plan outlining the steps taken, and to be taken, in an effort to correct its safety deficiencies.

FRA hoped that its intensive inspection program, coupled with promised remedial action by the L&N, and a substantial increase in the civil penalties assessed and collected by FRA for Federal safety violations would lead to prompt and significant improvement in L&N's safety record. During fiscal year 1978, FRA settled a number of outstanding safety claims against the L&N for the total of $513,100 ($96,000 of which consisted of final assessments for 45 violations of Federal hazardous materials regulations), and transmitted to the L&N 860 alleged safety claims on which penalties of $781,600 were claimed. Despite these measures, L&N's safety record has not improved. Because of the failure of these measures to achieve their objective, FRA has determined that more drastic, action, in the form of this Emergency Order, is necessary. In FRA's judgment, continued transportation of placarded hazardous materials cars over L&N owned or leased track without certain additional restrictions to ensure the safety of those operations constitutes an unsafe condition and creates an emergency situation involving a hazard of death or injury to the general public.

Summary

As the previously cited statistics and hazardous materials train accident summaries demonstrate, the L&N's poor safety record is not due to any single factor, but results, rather, from a serious breakdown in all phases of its operations that affect safety. Severe safety deficiencies in the L&N's track system, equipment, and operating practices have all contributed to its poor safety record. Because of the breadth and complexity of the L&N's safety problems, the FRA questions whether the L&N is capable of expeditiously rectifying those problems to the point where its hazardous materials operations would not constitute an unsafe condition involving a hazard of death or injury to the public. Consequently, this Order imposes upon the L&N certain conditions designed to minimize the risk to the public from continuation of those operations, pending the L&N's institution of appropriate remedial action. In its determination of the restrictions to be placed on L&N hazardous materials operations, FRA was especially concerned with devising restrictions that would minimize the risk of derailments on track segments with curves and large variations in grade, because large portions of the L&N's system over which hazardous materials are transported have those physical characteristics.

Discussion of Restrictions

By analyzing the factual circumstances involved in previous train accidents and through applied research, FRA has identified a number of factors that have led, or contributed, to train derailments in the past, and which are inadequately dealth with by the L&N. Those factors include defective track, placement of empty TOFC (trailer on flatcar)/COFC (container on flatcar) flatcars and long cars (those with a length in excess of 70 feet) behind the hauling locomotives or in the front of a train with heavy trailing tonnage, and the operation of certain six-axel locomotives around curves. The restrictions set forth in this Order are designed to minimize the adverse impact of these factors on trains transporting placarded hazardous materials cars over L&N owned or leased track.

The FRA has also focused on restrictions that would minimize the possibility of a release of hazardous materials in the event of a drailment of a train hauling one or more placarded hazardous materials cars. Because statistical evidence (discussed below) indicates that the speed at which a train derails is often the most critical factor in determining whether a placarded hazardous materials car will release its contents, FRA is convinced that the public safety requires this Order to include a speed restriction on all trains hauling such cars over L&N owned or leased track.

Defective Track. As documented above, during the past 3 years the L&N has ranked among the top four railroads in the nation with respect to total reported derailments caused by track conditions. Defective track conditions were reported by the L&N as the cause of a substantial number of the train derailments involving placarded hazardous materials cars summarized earlier, including those occurring near High Cliff (December 13, 1978), Applachian (November 27 and 30, 1978), Madisonville (October 18, 1978), and Brownsville, (February 17, 1977), Tennessee, Pensacola (November 9, 1977) and Mossy Head (May 29, 1978, August 4, 1976), Florida, Castleberry, Alabama (February 2, 1978), and Kennesaw, Georgia (March 20, 1977). Those accidents collectively resulted in 2 deaths, 52 injuries and the evacuation of 6,900 people.

Although the L&N is legally required to inspect its track regularly for deviations from the track standards and to immediately initiate remedial action to correct deviations discovered during such inspections (49 CFR 213.233), the great number of L&N train accidents caused by track conditions over the past 3 years strongly suggests that the L&N's track inspection and repair program has been woefully inadequate. Consequently, FRA is convinced that extensive track inspections in addition to those now required by Federal regulations are necessary to remedy the results of the L&N's inadequate track inspection and repair program. The increased track inspections imposed by this Order are designed to accomplish two objectives. First, to ensure that the L&N discovers and corrects defects presently existing in its track. Second, to ensure that the L&N detects and repairs future track defects (or conditions that may develop over time into defects) before they cause accidents. In order to redress the former problem this Order requires the L&N, as soon as practicable, to inspect on foot all of its owned or leased track over which placarded hazardous materials cars are transported for compliance with the track standards, and to immediately institute remedial action with respect to any deviations from the track standards that are discovered during those inspections. This Order also requires the L&N to double the frequency of all track inspections it is currently required to perform under 49 CFR Part 213 with respect to all L&N owned or leased track over which placarded hazardous materials cars are transported.

Car Placement. Another factor that increases derailment risk is the placement of empty flatcars and long cars at the front of a train, particularly where such cars are placed directly behind the locomotives and next to shorter cars (as in the case of the November 9, 1977 Pensacola accident, referenced earlier), or in the front portion of the train with most of the train tonnage behind them (as in the case of an L&N derailment on January 1, 1978 near Campbellsville, Kentucky). In the Campbellsville derailment, the placement at the front of the train of empty long cars next to empty cars that were substantially shorter was deemed a contributing cause of the train's derailment on a curve. Significant lateral forces are generated (particularly during train braking) when such long empty cars, placed in the front of a train next to shorter cars, travel on an ascending or descending grade or through a curve. Those lateral forces are generated as a result of the cars being pulled by the hauling locomotives and restrained by the mass of the trailing cars, and tend to produce rail tipping and displacement or to cause the wheel flange to climb the high rail of the curve, all of which could cause a derailment. Because those forces can be significantly reduced by placing such cars further to the back of the train, this Order requires placement of such cars in the last half of trains transporting placarded hazardous materials cars over L&N owned or leased track.

Train Speed. In its analysis of past accidents involving trains transporting placarded hazardous materials cars, FRA has developed statistical evidence demonstrating that the speed at which such a train derails is often the most critical factor influencing whether one or more such cars will release their contents. The L&N's recent accident history is consistent with this finding. For example, during 1977, the L&N reported to FRA 38 accidents involving trains transporting placarded hazardous materials cars that occurred at speeds estimated by the L&N to be less than 30 miles per hour. Those accidents resulted in the release of hazardous materials from eight cars. During the same period, the L&N reported 14 accidents involving trains transporting placarded hazardous materials cars that occurred at speeds greater than 30 miles per hour. Those accidents resulted in releases of hazardous materials from 11 cars. For the first 9 months of 1978, the L&N reported to FRA 45 accidents involving trains hauling placarded hazardous materials cars that occurred at speeds less than 30 miles per hour. Those accidents resulted in releases from four cars. During that same period, the L&N reported nine accidents involving placarded hazardous materials cars that occurred at speeds greater than 30 miles per hour. Those accidents resulted in releases from nine cars. A number of the most serious L&N hazardous materials accidents, referenced earlier, occurred at speeds estimated to be greater than 30 miles per hour, including those at Wilcox, Alabama (May 11, 1976), Pensacola, Florida (November 9, 1977), Castleberry, Alabama (February 2, 1978), and Waverly, Tennessee (February 22, 1978), which collectively resulted in 103 injuries, 18 deaths, and the evacuation of approximately 2,050 people.

Placement of a limitation on the speed of trains transporting placarded hazardous materials cars is also important because it minimizes the risk created by certain other factors that could cause a derailment, such as train action and the operation of certain six-axle locomotives on curved track.

Train action, the forces generated by and among units of rolling stock in a moving train, is one of the major causes of derailments.[4] The magnitude of that force will increase directly with a number of factors, including the number of cars, tonnage and speed of the train involved. Consequently, the speed restriction imposed by this Order will reduce the magnitude of train action in many L&N trains transporting placarded hazardous materials cars, thereby lessening the derailment risk created by that factor.

The speed limitation imposed by this Order should also reduce the derailment risk, discussed below, created by the operation of certain types of six-axle locomotives at higher speeds around curves. As noted above, there are a substantial number of curves on many portions of the L&N's track system over which placarded hazardous materials cars are transported. For every curve, there is a particular speed, termed balance or equilibrium speed, which permits a train moving around that curve to maintain equal balance between the high and low rail of the curve. When balance speed on a curve is exceeded by certain types of six-axle locomotives, those locomotives generate lateral forces substantially in excess of those generated by four-axle locomotives moving around that curve at the same speed. When lateral forces reach a certain level for a fixed duration of time, a derailment may occur because of rail tipping and displacement, or by reason of a wheel climbing the high rail of the curve.[5] Because the rate at which the lateral forces generated on curves by certain six-axle locomotives greatly increases when the speed of a train exceeds the bal-

[4] The L&N has identified train action as the primary cause of three derailments reported to FRA within the last 2 years that involved trains transporting placarded hazardous materials cars and resulted in either the release of hazardous materials or the evacuation of private citizens from their homes. Those accidents occurred at Lebanon Junction, Kentucky (January 18, 1977), Acworth, Georgia, (December 24, 1977), and Bowling Green, Kentucky, (April 25, 1978).

[5] During the past 15 months, the L&N has reported a number of derailments to FRA involving trains being hauled by one or more six-axle locomoties that occurred as the trains moved around a curve in which the primary cause was identified as rail tipping and displacement or a wheel climbing the high rail of the curve. Those derailments include accidents occuring at Hanson (January 7, 1979), Simpsonville (January 6, 1979), and Rockhold (March 1, 1978), Kentucky, Cartersville, Georgia (March 13, 1978), Ellettsville, Indiana (January 15, 1978), and Pensacola, Florida (November 9, 1977).

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ance speed of the curve, the speed limitation contained in this Order should materially reduce the derailment risk created by the movement of such locomotives around certain curves.

Therefore, pursuant to authority contained in section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432), delegated to me by the Secretary of Transportation (49 CFR 1.49(n)), I hereby order that, effective 12:01 p.m., February 9, 1979:

1. No train containing a placarded hazardous materials car shall be operated at speeds greater than thirty (30) miles per hour over track owned or leased by the L&N.

2. The controlling locomotive unit in each train transporting a placarded hazardous materials car over track owned or leased by the L&N shall be equipped with an operational (accurate to within 5 miles per hour) speed indicator: *Provided, however,* That this requirement shall not become effective until 12:01 a.m., of the tenth (10th) calendar day following the effective date of this Order.

3. The L&N shall double the frequency of all track inspections that it is presently required to perform under 49 CFR Part 213 with respect to all L&N owned or leased track over which placarded hazardous materials cars are transported. For example, all inspections that are now required to be performed weekly shall be performed twice weekly, twice weekly inspections shall be performed four times weekly, and so forth.

4. As soon as practicable, the L&N shall inspect on foot all track that it is required to inspect under 49 CFR Part 213 over which placarded hazardous materials cars are transported for compliance with the requirements of that part, and shall immediately institute remedial action with respect to each deviation from the requirements of 49 CFR Part 213 discovered during such inspection. On the thirtieth (30th) day following the effective date of this Order, and every thirty (30) days thereafter until the inspection required by this paragraph is completed, the Vice President-Operations of the L&N shall transmit to FRA's Associate Administrator for Safety a report stating the status of the L&N's compliance with the requirements of this paragraph.

5. No empty TOFC (trailer on flatcar)/COFC (container on flatcar) flatcar and no empty railroad freight car with a length over the pulling face of its coupler in excess of seventy (70) feet shall be placed in the first half of a train transporting placarded hazardous materials cars that is operated over track owned or leased by the L&N. For the purposes of this paragraph, the term empty TOFC/COFC flatcar shall be deemed to include any such car transporting one or more empty trailers or containers.

6. The L&N shall conduct an investigation of each accident/incident (as that term is defined in 49 CFR 225.5(b)) that occurs on track that it owns or leases and involves a train transporting a placarded hazardous materials car and shall forward to FRA's Associate Administrator for Safety, within ten (10) calendar days after such accident/incident, a detailed analysis of the factual circumstances and probable cause(s) of that accident/incident. That detailed analysis shall be signed by each of the L&N's officials investigating the accident/incident and shall include a signed statement from each member of the operating crew involved regarding the factual circumstances of that accident.

7. The Vice President-Operations of the L&N shall prepare and transmit to the Chief Counsel of FRA, as soon as practicable, a written report, signed by the President of the L&N, detailing the remedial actions taken, and to be taken, by the L&N to improve the safety of its train operations involving placarded hazardous materials cars.

8. This Order shall remain in effect until FRA finds that the L&N has taken reasonable steps to improve the safety of its train operations involving placarded hazardous materials cars and an authorized representative of the Federal Railroad Administrator informs the President of the L&N that the Order is withdrawn. Dependent upon the L&N's progress in rectifying its safety deficiencies, FRA will consider gradual removal of the conditions set forth in this Order.

The provisions of this Order shall not apply to any train transporting a placarded hazardous materials car over track owned or leased by the L&N that started in transit prior to the effective date of this Order and that is in transit to its final terminal over such track upon the effective date of this Order.

For the purposes of this Order, the phrase "track owned by the L&N" shall be deemed to include all track as to which the L&N possesses legal or equitable title.

A civil penalty of $2,500 will be assessed for each violation of this Order (45 U.S.C. 438). The FRA may also petition the appropriate United States district court for such equitable and other relief as it deems necessary or advisable to safeguard the health and safety of the public.

This Order does not authorize the L&N or any other railroad to operate trains not containing placarded hazardous materials cars in a manner or over track that is not in compliance with the Track Safety Standards (49 CFR Part 213). Any such operation may subject each such railroad to the assessment of the penalties prescribed by the Federal Railroad Safety Act of 1970 (45 U.S.C. 438).

Opportunity for formal review of this Order will be provided in accordance with sections 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) and 554 of title 5 of the United States Code. Petition for such review must be submitted in writing to the Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590 in accordance with 49 CFR 211.47.

Issued in Washington, D.C., on February 7, 1979.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 79-4631 Filed 2-8-79; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CERTAIN STEEL I-BEAMS FROM BELGIUM

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of certain steel I-beams from Belgium are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market or to countries other than the United States, or less than the constructed value.

EFFECTIVE DATE: February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Kugelman, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202) 566-5492.

SUPPLEMENTARY INFORMATION: On January 2, 1979, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel on behalf of Connors Steel Company alleging that certain steel I-beams from Belgium are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*). Since there appear to have been no sales of such or similar merchandise in the home market, the petition alleges margins of dumping, based on a comparison with offers to third countries, ranging from 23 to 49 percent.

For purposes of this notice, the term "certain steel I-beams" means hot rolled, steel I-beams, with symmetrical flanges or with one or more flanges offset, less than six inches in height and weighing not over 4½ pounds per linear foot, provided for under item number 609.80 of the Tariff Schedules of the United States Annotated (TSUSA).

There is evidence on record concerning injury or likelihood of injury to the U.S. industry from the alleged less-than-fair-value imports. The petitioner's evidence indicates dramatically increased imports, a substantial increase in imports as a percent of domestic consumption, lost sales to Belgian imports, and declines in domestic employment and in the petitioner's profitability. Imports from Belgium increased by approximately 300 percent from 1977 to 1978. Belgian imports represented about 6 percent of domestic consumption in 1977, increasing to over 16 percent in 1978. Further, it appears that elimination of the alleged margins of dumping would result in elimination of margins by which petitioner is being undersold by Belgian imports.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the United States Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

FEBRUARY 5, 1979.

[FR Doc. 79-4473 Filed 2-8-79; 8:45 am]

[4810-22-M]

STAINLESS STEEL ROUND WIRE FROM JAPAN

Antidumping; Extension of Investigatory Period

AGENCY: United States Treasury Department.

ACTION: Extension of Antidumping Investigatory Period.

SUMMARY: This notice is to advise the public that the Secretary of the Treasury has determined that a tentative determination as to whether sales at less than fair value of stainless steel round wire from Japan have occurred cannot reasonably be made in 6 months. The tentative determination will be made in not longer than 9 months from the date of the initiation of the investigation.

Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market at prices at or above the cost of production.

EFFECTIVE DATE: February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen Nyschot, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On July 14, 1978, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26 and 153.27) from counsel acting on behalf of a number of American manufacturers, alleging that stainless steel round wire from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (hereinafter referred to as "the Act"). On the basis of this information, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER on July 28, 1978 (43 FR 32914).

For purposes of this notice, the term "stainless steel round wire" means stainless steel wire as defined and provided for in item 609.45, Tariff Schedules of the United States.

Pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)), notice is hereby given that the Secretary concludes that the determination provided for in section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) cannot reasonably be made within 6 months. The determination under section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) will, therefore, be made within no more than 9 months.

This determination is based upon the need to collect and further analyze information pertaining to the cost of production of this merchandise, and to further analyze price information pertaining to numerous sizes and specifications of this merchandise sold to the United States and in the Japanese home market.

This notice is published pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)).

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

FEBRUARY 5, 1979.

[FR Doc. 79-4474 Filed 2-8-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 357]

INCREASED FREIGHT RATES AND CHARGES NATIONWIDE—8 PERCENT

1-Percent Rate Increase Request Filed January 24, 1979

FEBRUARY 1, 1979.

The nation's railroads have filed a tariff supplement proposing to increase the rates on certain low rated commodities by 1 percent, effective February 25, 1979.[1] The railroads were authorized to file this increase by the Commission's decision in Ex Parte No. 357, served December 11, 1978. In that decision the Commission stated, in part, as follows:

> We recognize that the exceptions and holddowns ordered . . . [wheat and barley in Western territory; certain coal rates; recyclable commodities; plastic materials and heavy machinery] could have an adverse effect on the carriers, particularly in view of the one percent reduction proposed by the carriers to bring the increase into conformity with the anti-inflationary guidelines. The amendment to the tariff has been authorized in this decision. However, in view of the carriers' demonstrated needs, we hereby authorize respondent railroads to file an additional supplement on statutory notice proposing additional changes to offset the holddowns here imposed. In no instance shall the increase exceed the carriers' original proposal or shall further increases be proposed on commodities already moving at revenues substantially in excess of costs as disclosed by Schedule C filed in this proceeding by the carriers. On the contrary, we encourage the carriers to increase non-compensatory or marginally compensatory commodities. A justification statement shall be filed with any such supplement setting forth the revenue impact of the holddowns nationwide and by territories as well as the anticipated revenue yield, nationwide and by territory, of the proposed increases. While protests may be filed in connection with any new filing, it is our intention to permit the carriers to obtain additional revenues so long as the increases are equitably apportioned and follow the general guidelines above.

It is ordered:

Verified complaints, if any, contesting the lawfulness of the proposed 1-

[1] A copy of the proposal and verified statements submitted in support may be obtained from Charles C. Rettberg, Jr., 527 American Railroads Building, 1920 "L" Street, N.W., Washington, D.C. 20036.

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percent increase are due on or before February 13, 1979. The original and 20 copies, if possible, shall be addressed to the Secretary, and sent to the Office of Proceedings, Room 5356, Interstate Commerce Commission, Washington, D.C. 20423. All documents filed with the Commission relating to this matter shall contain the following notation on the envelope: Ex Parte No. 357.

One copy of each complaint, 20 copies if possible, shall be served upon the representative of railroads, Charles C. Rettberg, Jr., 527 American Railroads Building, 1920 "L" Street, N.W., Washington, D.C. 20036.

On or before February 20, 1979, the railroads may file replies in accordance with the procedure set forth in the November 6, 1978 decision (Authority to File Master Tariff) entered in this proceeding.

Notice of the railroad proposal to increase certain commodities by 1 percent will be given by sending a copy of this decision to each party of record, to the Governor and public utility regulatory body of each State, the Environmental Protection Agency, and by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by the filing with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER.

By the Commission. Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp, and Christian.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4495 Filed 2-8-79; 8:45 am]

[7035-01-M]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 6, 1979.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. on or before February 26, 1979.

FSA No. 43660, Southwestern Freight Bureau, Agent's No. B-803, annual volume rates on caprolactam, from Freeport, Tex., to Enka, N.C. and Lowland, Tenn., in Supp. 11 to its Tariff 11-J, ICC 5348 (effective March 1, 1979, this tariff designation is changed to ICC SWFB 4615). Rates to become effective February 28, 1979. Grounds for relief—market competition.

FSA No. 43661, Sea-Land Service, Inc., No. 103, intermodal rates on general commodities in containers, between rail carriers' terminal at Oakland, Calif., on the one hand, and ports in Central America and the Caribbean, on the other, via Newark, NJ in its Tariff No. 277, I.C.C. No. 114 and seven other tariffs, to become effective February 28, 1979. Grounds for relief—water and rail—water competition.

By the Commission.

H.G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4496 Filed 2-8-79; 8:45 am]

[7035-01-M]

[Notice No. 21]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 5, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 59680 (Sub-219TA), Republication, filed October 10, 1978. Applicant: STRICKLAND TRANSPORTATION CO., INC., 11353 Reed Hartman Highway, Cincinnati, OH 45241. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603 and Milton H. Bortz (same address as applicant). By decision of the Motor Carrier Board dated December 18, 1978, as corrected, applicant was granted temporary authority to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, articles of unusual value and classes A and B explosives), (A) between Baton Rouge, LA and its commercial zone, and Monroe, LA and its commercial zone, serving no intermediate points, from Baton Rouge over U.S. Hwy. 61 to Natchez, MS, thence over U.S. Hwy. 84 to Ferriday, LA, thence over U.S. Hwy. 65 to Clayton, LA, thence over LA Hwy. 15 to monroe, and return over the same route, and (B) between Baton Rouge, LA, and its commercial zone, and Junction U.S. Hwys. 71 and 190, serving no intermediate points and serving the junction of U.S. Hwys. 71 and 190 for purposes of joinder only, from Baton Rouge over U.S. Hwy. 190 to junction U.S. Hwy. 71, and return over the same route. The decision authorizes applicant to tack this authority with its existing regular route authority and to interline. The publication of November 21, 1978, failed to show that tacking and interlining were requested. Petitions for reconsideration may be filed on or before March 1, 1979.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4497 Filed 2-8-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

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[6320-01-M]

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[M-193 Amdt. 2, February 6, 1979]

CIVIL AERONAUTICS BOARD

Addition of item to the February 7, 1979 Agenda.

TIME AND DATE: 10 a.m., February 7, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

17a. Dockets 33346, 33347, and 34316: Northwest's application and motion for a show cause order to make its authority to serve Jamestown, N.D., permissive; Northwest's application and notice of intent to suspend service at Jamestown; Jamestown's petition for the establishment of essential air transportation level; Jamestown's emergency petition asking the Board to order Northwest to immediately provide essential air transportation. (Memo #8483, BPDA, OCCR, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Early action is warranted to find a replacement carrier and that the item should not be delayed for consideration until the next meeting, February 15, 1979. Accordingly, the following Members have voted that agency business requires the addition of Item 17a to the February 7, 1979 agenda and that no earlier announcement of this addition was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-278-79 Filed 2-7-79; 3:05 p.m.]

[6320-01-M]

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[M-193 Amdt. 3; February 6, 1979]

CIVIL AERONAUTICS BOARD

Deletion of item from the February 7, 1979 meeting agenda.

TIME AND DATE: 10 a.m., February 7, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

4. Amendment of Part 302 to set uniform 30-day answer period. (Memo No. 8456, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 4, draft notice of proposed rulemaking to amend Part 302 to set uniform 30-day answer period, requires further consultation among the staff to resolve a problem of the Bureau of Pricing and Domestic Aviation. Accordingly, agency business requires the deletion of Item 4 from the agenda and no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-279-79 Filed 2-7-79; 3:05 pm]

[6570-06-M]

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 am (Eastern Time), Tuesday, February 13, 1979.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW, Washington, DC 20506.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 1. Freedom of Information Act Appeal No. 78-12-FOIA-285, concerning a request by the husband of a party charging discrimination for copies of all paperwork pertaining to his wife's charge.

2. Proposed Designation of the Colorado State Personnel Board as a 706 Agency.

3. Office of Interagency Coordination Priority List.

4. Proposed Delegations of Authority to Perform Certain Functions Transferred from the Civil Service Commission.

5. Proposed Questions and Answers on Employee Selection Guidelines.

6. Report on Commission Operations by the Executive Director.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued February 6, 1979.

[S-274-79 Filed 2-7-79; 2:06 pm]

[6570-06-M]

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Thursday, February 8, 1979.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Proposed Office of Personnel Management Regulations for Federal Recruitment Program.

NOTE.—If action is not concluded, this matter may be carried over to a later meeting.

By a unanimous vote of the entire membership of the Commission, it was determined by recorded vote that the business of the Commission required that this meeting be held and that no earlier announcement was possible.

In favor of holding meeting: Eleanor Holmes Norton, Chair; Daniel E.

Leach, Vice Chair; Ethel Bent Walsh, Commissioner; Armando M. Rodriguez, Commissioner; and J. Clay Smith, Jr., Commissioners.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued February 6, 1979.

[S-276-79 Filed 2-7-79; 2:06 pm]

[6712-01-M]

5

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Tuesday, February 6, 1979.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

CHANGES IN THE MEETING: The following items have been deleted:

AGENDA, ITEM NUMBER, AND SUBJECT

Common Carrier—2—Provision of domestic facilities to International Record Carriers by AT&T (CC Docket No. 21499).

Common Carrier—3—Application of French Telegraph Cable Company seeking authority to establish facilities for the provision of its authorized international services from the gateways of San Francisco and Washington, D.C. in addition to its New York gateway.

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone number (202) 632-7260.

Issued: February 6, 1979.

[S-273-79 Filed 2-7-79; 11:28 am]

[6450-01-M]

6

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: February 7, 1979; 4:00 p.m.

PLACE: Room 9306, 825 North Capitol St., N.E., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: An additional item is added to this previous'y announced closed meeting relating to discussing a request by the staff for authorization to disclose nonpublic and confidential information and to participate in Grand Jury proceedings.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, Telephone (202) 275-4166.

The following members of the Commission voted that agency business requires the holding of a closed meeting on less than the one week's notice required by the Government in the Sunshine Act: Chairman Curtis, Commissioner Sheldon, Commissioner Holden, and Commissioner Hall.

[S-272-79 Filed 2-7-79; 11:22 am]

[6210-01-M]

7

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, February 14, 1979.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. Proposed revisions of the Board's regulations relating to Edge Corporations and foreign branches of member banks to implement the International Banking Act.

2. Proposals to implement Titles VIII and IX of the Financial Institutions Regulatory and Interest Rate Control Act.

3. Report to the Comptroller of the Currency regarding the competitive factors involved in the proposed merger of Caddo Trust and Savings Bank, Belcher, Louisiana, with The First National Bank of Shreveport, Shreveport, Louisiana.

4. Any agenda items carried forward from a previously announced meeting.

NOTE: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204.

[S-270-79 Filed 2-7-79; 11:22 am]

[7020-02-M]

8

UNITED STATES INTERNATIONAL TRADE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 6838-9, February 2, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Tuesday, February 13, 1979.

CHANGES IN THE MEETING: Additional agenda item—less than ten days' notice.

8. Certain attache cases (Inv. 337-TA-49)—consideration and possible vote.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, (202) 523-0161.

[S-271-79 Filed 2-7-79; 11:22 am]

[7590-01-M]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 5, 1979 (Changes).

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

TUESDAY, FEBRUARY 6, 1:30 P.M.

3. (Additional Item) Affirmation of paper "Hearing of Duke Power Co. re Transfer of Fuel." (approx 5 min) (Public meeting).

On February 6, 1979, the Commission voted 5-0 pursuant to 5 U.S.C. 552b(3)(1) and §9.107(a) of the Commission's Rules that Commission business requires that the above item be held on less than one week's notice to the public. Prompt discussion is required to permit immediate Board action on several pending actions.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

[S-275-79 Filed 2-7-79; 2:06 pm]

[8010-011-M]

10

SECURITIES AND EXCHANGE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (44 FR 6839, February 2, 1979)

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: January 30, 1979.

CHANGES IN MEETING: Additional items.

The following additional items will be considered at a closed meeting scheduled for

Thursday, February 8, 1979, immediately following the open meeting at 2:30 p.m.:

Institution of injunctive actions.
Formal order of investigation.
Litigation matters.

Chairman Williams and Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

FEBRUARY 7, 1979.

[S-277-79 Filed 2-7-79; 2:06 pm]

[8010-011-M]

11

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 12, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, February 13, 1979 at 10:00 a.m., and on Thursday, February 15, 1979, following the 10:00 a.m. open meeting. An open meeting will be held on Thursday, February 15, 1979, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402 (a)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 13, 1979, will be:

Settlement of administrative proceedings of an enforcement nature.
Settlement of injunctive actions.
Access to investigative files by Federal, state, or self-regulatory authories.
Chapter X proceeding.
Formal orders for investigation.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive actions.

The subject matter of the closed meeting scheduled for Thursday, February 15, will be:

Litigation matter.
No-action position.
Opinions.

The subject matter of the open meeting scheduled for Thursday, February 15, 1979, at 10:00 a.m. will be:

Consideration of an interpretative release setting forth the views and practices of the Division of Corportion Finance in administering existing disclosure requirements under the proxy rules in the context of certain novel, multi-step sale of assets transactions. For further information, contact Jennifer A. Sullivan at (202) 755-1750.

FOR FURTHER INFORMATION, CONTACT:

John Ketels at (202) 755-1129

FEBRUARY 6, 1979.

[S-269-79 Filed 2-7-79; 11:22 am]

V 44 / 29 FEB 9 79 UMI

V 44 / 29 FEB 79 UMI

Federal Register

FRIDAY, FEBRUARY 9, 1979

PART II



DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V 4 / 2 9 FEB 9 79 UMI

[4510-27-M]

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 224-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Government Contract Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original general wage determination decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Ohio.—OH79-2005.

MODIFICATION TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AR78-4116	Dec. 8, 1978.
Florida:	
FL77-1146	Mar. 24, 1977.
Iowa:	
IA78-4027	Apr. 7, 1978.
Kansas:	
KS78-4008; KS78-4009	Feb. 3, 1978.
Maryland:	
MD78-3046	May 19, 1978.
New Mexico:	
NM79-4021	Jan. 5, 1979.
North Dakota:	
ND78-5113	July 21, 1978.
ND78-5125	Sept. 22, 1978.
Pennsylvania:	
PA78-3012	Apr. 28, 1978.
PA78-3013; PA78-3018	Apr. 14, 1978.
PA78-3014	Mar. 24, 1978.
PA78-3017	May 5, 1978.
PA78-3015; PA78-3040; PA78-3044	May 12, 1978.
PA78-3064; PA78-3065; PA78-3066	Sept. 22, 1978.
PA78-3068; PA78-3070	Sept. 29, 1978.
PA78-3069; PA78-3071	Oct. 6, 1978.
PA78-3099	Dec. 15, 1978.
South Carolina:	
SC76-1008	Jan. 9, 1976.
SC78-1085	Sept. 29, 1978.
Virginia:	
VA78-3100	Dec. 8, 1978.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alaska:	
AK78-5131 (AK79-5105)	Dec. 29, 1978.
Arizona:	
AZ78-5114 (AZ79-5100)	Aug. 11, 1978.
Florida:	
FL77-1142 (FL79-1036)	Dec. 2, 1977
FL77-1152 (FL79-1030)	Dec. 9, 1977.
FL78-1055 (FL79-1028)	June 16, 1978.
FL78-1073 (FL79-1029)	Sept. 8, 1978.
Kentucky:	
KY77-1084 (KY79-1033)	June 24, 1977.
KY77-1107 (KY79-1035); KY77-1110 (KY79-1031)	Aug. 26, 1977.
KY77-1127 (KY79-1034)	Sept. 30, 1977.
KY78-1032 (KY79-1032)	Apr. 7, 1978.
Montana:	
MT78-5121 (MT79-5101)	Aug. 4, 1978.
Nebraska:	
NE78-4006 (NE79-4026)	Feb. 3, 1978.
Tennessee:	
TN77-1084 (TN79-1033)	June 24, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

NONE.

Signed at Washington, D.C., this 2nd day of February 1979.

DOROTHY P. COME,
Assistant Administrator
Wage and Hour Division.

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AR78-4116 - Mod. #2 (43 FR 57779 - December 8, 1978) Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE: SEBASTIAN AND CRAWFORD COUNTIES:					
LINE CONSTRUCTION:					
Linemen, operator	$9.81	.35	3%+.055		1/4%
Cable splicers	9.96	.35	3%+.055		1/4%
Powderman	90%JR	.35	3%+.055		1/4%
Truck drivers	75%JR	.35	3%+.055		1/4%
Groundman	65%JR	.35	3%+.055		1/4%
Groundman (1st 6 months)	50%JR	.35	3%+.055		1/4%
DECISION #FL77-1146 - Mod. #4 (43 FR 12534 - March 24, 1978) Orange County, Florida					
Change: Decision No. as reflected in Modification # 3 published in the Federal Register of January 26, 1979 from FL78-1055 to FL77-1146					

[4510-27-C]

NEW DECISION

STATE: OHIO
DECISION NO.: OH79-2005
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories

COUNTIES: *SEE BELOW
DATE: Date of Publication

*Jackson, Pike, Scioto, & Vinton

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$6.84				
BRICKLAYERS	5.50				
CARPENTERS	5.82				
CEMENT MASONS	5.57				
DRYWALL FINISHERS	5.60				
DRYWALL HANGERS	6.00				
ELECTRICIANS	5.71				
IRONWORKERS, ornamental	5.05				
LABORERS:					
Common	4.00				
Mason tenders	4.79				
PAINTERS	4.90				
PLUMBERS	6.34				
ROOFERS	5.40				
SHEET METAL WORKERS	5.79				
SOFT FLOOR LAYERS	6.03				
TILE SETTERS	5.25				
TRUCK DRIVERS	5.99				
POWER EQUIPMENT OPERATORS:					
Backhoes	6.00				
Bulldozers	6.81				
Front end loaders	6.00				

DECISION #IA78-4027 - Mod. #3
(43 FR - 14855 - April 7, 1978)
Statewide Iowa Heavy and Highway

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
City of Council Bluffs					
Carpenters & Piledrivermen	9.42	.45	.25		
Laborers:					
Group 1	7.20	.60	.45		
Group 2	7.31	.60	.45		
Group 3	7.41	.60	.45		
Group 4	7.52	.60	.45		
Group 5	7.47	.60	.45		
Group 6	7.87	.60	.45		
Linn & Polk Counties & the Cities of Ames & Dubuque					
Carpenters & Piledrivermen	9.42	.45	.25		
Laborers:					
Group 1	8.61	.30	.40		.05
Group 2	8.36	.30	.40		.05
Group 3	8.11	.30	.40		.05
Group 4	7.96	.30	.40		.05
Group 5	7.86	.30	.40		.05
Cities of Burlington & Clinton & Burlington Ordinance Plant					
Carpenters & Piledrivermen	9.42	.45	.25		
Laborers:					
Group 1	8.61	.30	.40		.05
Group 2	8.36	.30	.40		.05
Group 3	8.11	.30	.40		.05
Group 4	7.96	.30	.40		.05
Group 5	7.86	.30	.40		.05
City of Fort Dodge					
Carpenters & Piledrivermen	8.78	.45	.25		
Laborers:					
Group 1	8.26	.30	.40		.05
Group 2	8.01	.30	.40		.05
Group 3	7.76	.30	.40		.05
Group 4	7.61	.30	.40		.05
Group 5	7.51	.30	.40		.05

DECISION #IA78-4027 - Mod. #3

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
City of Iowa City					
Carpenters & Piledrivermen	9.42	.45	.25		
Laborers:					
Group 1	8.61	.30	.40		.05
Group 2	8.36	.30	.40		.05
Group 3	8.11	.30	.40		.05
Group 4	7.96	.30	.40		.05
Group 5	7.86	.30	.40		.05
City of Mason City					
Carpenters & Piledrivermen	8.78	.45	.25		
Laborers:					
Group 1	8.26	.30	.40		.05
Group 2	8.01	.30	.40		.05
Group 3	7.76	.30	.40		.05
Group 4	7.61	.30	.40		.05
Group 5	7.51	.30	.40		.05
Black Hawk County					
Carpenters & Piledrivermen	9.42	.45	.25		
Laborers:					
Group 1	8.61	.30	.40		.05
Group 2	8.35	.30	.40		.05
Group 3	8.11	.30	.40		.05
Group 4	7.96	.30	.40		.05
Group 5	7.86	.30	.40		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #KS78-4008-Mod. #3 (43 FR 4812-February 3,1978) Building Sedgwick County, Kansas					
CHANGE:					
Power Equipment Operators:					
Group 1	$10.25	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3					
(a)	8.80	.50	1.00	.75	.10
(b)	9.05	.50	1.00	.75	.10
Group 4					
(a)	8.25	.50	1.00	.75	.10
(b)	8.50	.50	1.00	.75	.10
Group 5	10.75	.50	1.00	.75	.10
Group 6	10.50	.50	1.00	.75	.10
Group 7	10.75	.50	1.00	.75	.10
Group 8	12.25	.50	1.00	.75	.10
Group 9	11.25	.50	1.00	.75	.10
Decision #KS78-4009-Mod. #5 (43 FR 4814-February 3,1978) Building Shawnee County, Kansas					
CHANGE:					
Power Equipment Operators:					
Group 1	$10.25	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3					
(a)	8.80	.50	1.00	.75	.10
(b)	9.05	.50	1.00	.75	.10
Group 4					
(a)	8.25	.50	1.00	.75	.10
(b)	8.50	.50	1.00	.75	.10
Group 5	10.75	.50	1.00	.75	.10
Group 6	10.50	.50	1.00	.75	.10
Group 7	10.75	.50	1.00	.75	.10
Group 8	11.25	.50	1.00	.75	.10
Group 9	12.25	.50	1.00	.75	.10

DECISION #MD78-3046 - Mod #3
(42 FR 21813 - May 19, 1978)
Baltimore City, Maryland

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians	11.00	.80	3%+.90		4%
Laborers	6.60	.30	.50		.075
Line Construction:					
Linemen, Cable Splicers, Diggin & Equipment Operators	12.20	.60	3%		
Winch Trucks and Trucks with pole or steel handling	8.14	.60	3%		
Trucks without winch	7.59	.60	3%		
Groundmen	7.65	.60	3%		
Truck Drivers:					
Pickups	7.05	1.05	.75	a+b	
Dumps	7.23	1.05	.75	a+b	
Drop frame, gooseneck, and trailer drivers	7.43	1.05	.75	a+b	
Euclids & Dumpsters	7.54	1.05	.75	a+b	
Add:					
Bricklayers	10.63	.70	.50		.07
Laborers:					
Power Tool Operators	6.70	.30	.50		.075
Pipelayers, wagon drill operator, air track driller, burners (demolition), concrete surfacer (curb only)	7.10	.30	.50		.075
Mason tenders & mortar mixers (brick and stone work only)	7.75	.30	.50		.075

DECISION NO. NM79-4021 - Mod #2 (44 FR 1652 - January 5, 1979) Statewide, New Mexico	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Educotion and/or Appr. Tr.
CHANGE:					
CEMENT MASONS:					
Area I	$ 9.22	.67	.55		.20
Area II					
Zone 1	9.22	.67	.55		.20
Zone 2	10.22	.67	.55		.20
Zone 3	10.75	.67	.55		.20
Cement masons (Heavy Const.)	9.22	.67	.55		.20
Cement masons (Residential)	6.00	.67	.55		.20
CEMENT MASONS-COMPOSITION AND MACHINE OPERATORS:					
Area I	9.47	.67	.55		.20
Area II					
Zone 1	9.47	.67	.55		.20
Zone 2	10.47	.67	.55		.20
Zone 3	10.97	.67	.55		.20
PLASTERERS:					
Statewide except Otero, Grant, Sierra, Dona Ana, Luna and Hidago Counties	10.26	.67	.55		.06
Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	8.25	.67	.55		.20

DECISION NO. ND78-5125 - MOD #1 (43 FR 43222 - Sept. 22, 1978) Statewide North Dakota	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Educotion and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Group 1	$9.50	.70	.55		
Group 2	9.35	.70	.55		
Group 3	9.20	.70	.55		
Group 4	9.15	.70	.55		
Group 5	8.90	.70	.55		
Group 6	8.67	.70	.55		
Group 7	7.74	.70	.55		
Group 8	7.59	.70	.55		
Group 9	7.49	.70	.55		
Group 10	7.15	.70	.55		
DECISION NO. ND78-5113 - Mod #2 (43 FR 31563 - July 21, 1978) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota					
CHANGE:					
POWER EQUIP OPER (BLDG)					
Group 1	10.30	.70	.55		
Group 2	9.35	.70	.55		
Group 3	8.75	.70	.55		
Group 4	7.75	.70	.55		
POWER EQUIP OPER (SITE PREP.)					
Group 1	9.50	.70	.55		
Group 2	9.35	.70	.55		
Group 3	9.20	.70	.55		
Group 4	9.15	.70	.55		
Group 5	8.90	.70	.55		
Group 6	8.67	.70	.55		
Group 7	7.74	.70	.55		
Group 8	7.59	.70	.55		
Group 9	7.49	.70	.55		
Group 10	7.15	.70	.55		

DECISION #PA78-3012 - Mod. #10 (43 FR 18476 - April 28, 1978) Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons					
Zone 1	9.90	.75	.90		.01
Zone 3	9.90	.70	.65		.015
Line Construction					
Zone 2					
Lineman dynamiteman, Heavy Equipment Operator	11.61	.50	3%		3/8 of 1%
Groundman	7.80	.50	3%		3/8 of 1%
Winch Truck Operator	8.16	.50	3%		3/8 of 1%
DECISION #PA78-3013 - Mod. #7 (43 FR 16097 - April 14, 1978) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford, & Venango Counties, Pennsylvania					
Change:					
Bricklayers:					
Zone 5	9.90	.75	.90		.01
Line Construction:					
Zone 2					
Class 1	11.61	.50	3%		3/8 of 1%
Class 2	8.16	.50	3%		3/8 of 1%
Class 3	7.80	.50	3%		3/8 of 1%

DECISION #PA78-3014 - Mod. #7 (43 FR 12603 - March 24, 1978) Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, & Westmoreland Counties Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction					
Zone 2					
Linemen, Dynamiteman, Heavy Equipment Operator	11.61	.50	3%		3/8%
Winch Truck Operator	8.16	.50	3%		3/8%
Groundman	7.80	.50	3%		3/8%
DECISION #PA78-3015 - Mod. #6 (43 FR 20697 - May 12, 1978) Greene, Somerset & Potter Counties, Pennsylvania					
Change:					
Line Construction					
Zone 1					
Linemen, Dynamiteman, Heavy Equipment Operator	11.61	.50	3%		3/8 of 1%
Winch Truck Operators	8.16	.50	3%		3/8 of 1%
Groundman	7.80	.50	3%		3/8 of 1%
DECISION #PA78-3016 - Mod. #6 (43 FR 16106 - April 14, 1978) Lehigh County, Pennsylvania					
Change:					
Soft Floor Layers	9.30	.44	.72	.45	
Plumbers	12.37	.81	1.30		.14
Steamfitters	12.26	.80	1.45		.11

MODIFICATIONS P. 10

DECISION #PA78-3017 - Mod. #8
(43 FR - May 5, 1978)
Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction					
Lineman, Dynamiteman, Heavy Equipment Operator	11.61	.50	3%		3/8 of 1%
Winch Truck Operator	8.16	.50	3%		3/8 of 1%
Groundman	7.80	.50	3%		3/8 of 1%

DECISION #PA78-3043 - Mod. #4
(43 FR 20707 - May 12. 1978)
Elk, Forest, Mckean, and Warren Counties, Pennsylvania

Change:

Ironworkers					
Zone 1					
Forest and Warren Cos.	12.00	1.86	1.01		.15
Electricains:					
Zone 1					
Elk, Forest & Warren Co,s	12.80	4.5%	3% +.406	.75	.067
Plumbers & Steamfitters:					
Zone 2					
Forest County Only	11.95	.70	1.00		.10
Line Construction					
Linemen, Dynamiteman, Heavy Equipment Operator	11.61	.50	3%		3/8 of 1%
Winch Truck Operator	8.16	.50	3%		3/8 of 1%
Groundman	7.80	.50	3%		3/8 of 1%

DECISION #PA78-3044 - Mod. #6
(43 FR 20711 - May 12, 1978)
Luzerne County Pennsylvania

Change:

Line Construction					
Lineman, Dynamiteman, Heavy Equipemnt Operator	11.61	.50	3%		3/8 of 1%
Winch Truck Operator	8.16	.50	3%		3/8 of 1%
Groundman	7.80	.50	3%		3/8 of 1%

MODIFICATIONS P. 11

DECISION #PA78-3064 - Mod. #3
(43 FR 43224 - September 22, 1978)
Schuylkill County, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
North Manheim, West Brunswick, Wayne, Washington, Pottsville, Schuylkill Haven Twps	11.59	.78	3% + .30		.03
Line Construction:					
Lineman, Heavy Equipment Operator	11.61	.50	3%		3/8%
Winch Truck Operator	8.16	.50	3%		3/8%
Groundman	7.80	.50	3%		3/8%

DECISION #PA78-3065 - Mod. #2
(43 FR 43226 - September 22, 1978)
Sullivan County, Pennsylvania

Change:

Line Construction:					
Lineman & Cable Splicer	11.61	.50	3%		3/8 of 1%
Winch Truck Operator	8.16	.50	3%		3/8 of 1%
Groundman	7.80	.50	3%		3/8 of 1%

DECISION #PA78-3066 - Mod. #4
(43 FR 43228 - September 22, 1978)
Columbia, Montour, & Snyder Counties, Pennsylvania

Change:

Line Construction:					
Lineman, Dynamiteman, Heavy Equipment Operator	11.61	.50	3%		3/8 of 1%
Winch Truck Operator	8.16	.50	3%		3/8 of 1%
Groundman	7.80	.50	3%		3/8 of 1%

DECISION #PA78-3068 - Mod. #3
(43 FR 45160 - September 29, 1978)
Lebanon County, Pennsylvania

Change:

Plumbers & Steamfitters					
East of Rte. 501	12.37	.81	1.30		.14

MODIFICATIONS P. 12

DECISION #PA78-3069 - Mod. #3
(43 FR 46475 - October 6, 1978)
Berks County, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Remainder of County	11.59	.78	3% +.30		.03
Plumbers	12.37	.81	1.30		.14
Steamfitters	12.26	.80	1.45		.11

DECISION #PA78-3070 - Mod #3
(43 FR 45162 - September 29, 1978)
Lancaster County, Pennsylvania

Change:

Electricians:					
W. Calico, E. Calico, Brecknock, E. Carl, & Caernarvon Twps.	11.59	.78	3% +.30		.03

DECISION #PA78-3071 - Mod. #1
(43 FR 46477 - October 6, 1978)
Erie County Pennsylvania

Change:

Ironworkers:					
Structural	12.00	1.86	1.01		.15
Ornamental	12.00	1.86	1.01		.15
Reinforcing	12.00	1.86	1.01		.15
Electricians	12.80	4.5%	3% +.406	.75	.067
Painters:					
Brush	9:50	.60	.50		.02
Structural Steel	10.25	.60	.50		.02
Spray	10.00	.60	.50		.02
Plumbers	11.92	.75	1.05		.06
Steamfitters	11.92	.75	1.05		.06
Line Construction:					
Linemen, Heavy Equipment Operators	11.61	.50	3%		3/8 of 1%
Winch Truck Operator	8.16	.50	3%		3/8 of 1%
Groundmen	7.80	.50	3%		3/8 of 1%

MODIFICATIONS P. 13

DECISION #PA78-3099 - Mod. #2
(43 FR 58729 - December 15, 1978)
Bradford, Tioga & Union Counties, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers & Stonemasons	9.90	.70	.65		.015
Line Construction:					
Lineman, Dynamiteman, Heavy Equipment Operator	11.61	.50	3%		3/8 of 1%
Winch Truck Operator	8.16	.50	3%		3/8 of 1%
Groundman	7.80	.50	3%		3/8 of 1%

DECISION #SC76-1008 - Mod.#5
(41 FR 1699 - January 9, 1976)
Sumter County, South Carolina

Change:
Mod. #3 published in the Federal Register on January 12, 1979 to:
Mod. #4

DECISION NO. SC78-1085 - Mod. #1
(43 FR 45164 - September 29, 1978)
Statewide, South Carolina

Change:
Description of Work to read:
Water and Sewer Construction; and
Heavy Construction excluding Dam Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #VA78-3100-Mod. #1 (43 FR-57794-December 8,1978) Highway:The Independent Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach					
CHANGE:					
Pipelayer	$4.00				
Add:					
Truck Driver, Single-rear Axle	3.08				

STATE: Alaska COUNTIES: Statewide
DECISION NUMBER: AK79-5105 DATE: Date of Publication
Supersedes Decision No. AK78-5131 dated December 29, 1978, in 43 FR 61191
DESCRIPTION OF WORK: Building Construction (including residential construction consisting of single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction and Dredging.

AREA 1 (North of the 63rd Parallel) AREA 2 (South of the 63rd Parallel and West of the 141st Meridian) AREA 3 (East of the 141st Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$21.60	.55	1.30		.10
BOILERMAKERS	18.22	1.075	1.00	1.00	.03
BRICKLAYERS; Blocklayers; Stonemasons	17.18	.90	2.45		.09
CARPENTERS:					
Area 1:					
Carpenters	16.85	.90	2.00		.10
Power actuated tool operator; DeWalt or similar type saw operator; Marlite and Acoustical; fire or Floor Repair work applicators; Nailing Machine Operator; Saw Filer	17.25	.90	2.00		.10
Millwrights	17.40	.90	2.00		.10
Piledrivermen	16.12	.90	2.00		.10
Areas 2 and 3:					
Journeyman Carpenters	16.51	.90	2.00		.25
Acoustical and Marlite Applicators; Floor Workers; Radical Air Saw Operators; Fire and Floor Workers	16.89	.90	2.00		.25
Millwrights	17.04	.90	2.00		.25
Piledrivermen	16.12	.90	2.00		.25
CEMENT MASONS:					
Area 1	15.63	.80	2.80		.15
Area 2	15.38	.80	2.80		.15
CULINARY WORKERS:					
Working Camp Manager; Head Cook; Baker; Cook/Baker	14.31	.50	2.25		.04
General Helper; Kitchen Helper Cook	12.31 13.95	.50 .50	2.25 2.25		.04 .04
ELECTRICIANS:					
Electricians; Technicians	18.95	1.05	3%+3.00		.15
Cable Splicers	20.70	1.05	3%+3.00		.15
Residential Construction	10.25	1.05			.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	$19.97	.895	3%+.69	a	.03
ELEVATOR CONSTRUCTORS' HELPERS	13.98	.895	3%+.69	a	.03
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	9.985				
GLAZIERS:					
Area 1	16.30	.70	1.00	1.00	
Areas 2 and 3	17.04	.70	1.00		.10
IRONWORKERS:					
Bender Operator; Bridge; Fence Erector; Machinery Mover; Ornamental; Reinforcing; Sheeter; Structural	17.85	1.05	3.00		.30
LATHERS	18.11	.80		1.08	.04
LINE CONSTRUCTION:					
Groundmen	16.95	1.05	3%+3.00		.15
Equipment Operators; Linemen; Technicians	18.95	1.05	3%+3.00		.15
Cable Splicers	20.70	1.05	3%+3.00		.15
Powderman	16.95	1.05	3%+3.00		.15
MARBLE SETTERS; Terrazzo Workers	17.18	.90	2.45		.09
PAINTERS:					
Area 1:					
Zone 1: Within a 10 mile radius of the Fairbanks Post Office including Ft. Wainwright					
Zone 2: Beyond 10 miles and up to 40 miles radius of the Fairbanks Post Office including Eielson Air Force Base and all the Sites within this territory					
Zone 3: Beyond 40 miles radius of the Fairbanks Post Office					
Zones 1 and 3:					
Brush; Roller; Paper; Vinyl	18.15	.70	2.00		.10
Utilidor; Swing; Sign; Bosun	18.40	.70	2.00		.10
Structural Steel, Pot Tender, Sandblaster	18.65	.70	2.00		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Epoxy; Tar; Finish Metal Spray	$19.15	.70	$ 2.00		.10
Spray Painter	20.25	.70	2.00		.10
Tapers, Hands	18.42	.70	2.00		.10
Tapers, Machine	19.42	.70	2.00		.10
Buffer Operator	18.68	.70	2.00		.10
Hardwood Finishers	18.90	.70	2.00		.10
Zone 2:					
Brush, Roller, Paper and Vinyl Hangers	19.00	.70	2.00		.10
Utilidor, Swing, Bosun, Sign	19.25	.70	2.00		.10
Structural Steel; Pot Tender-Sandblaster	19.35	.70	2.00		.10
Epoxy, Tar, Finish Metal Spray	20.00	.70	2.00		.10
Spray Painter	21.10	.70	2.00		.10
Tapers, Hand	19.27	.70	2.00		.10
Tapers, Machine	20.27	.70	2.00		.10
Buffer Operators	19.53	.70	2.00		.10
Hardwood Operators	19.53	.70	2.00		.10
Zones 1, 2 and 3:					
Height Pay: All work on any form of Scaffolding or Staging over 40 ft. will be paid $.25 more per hour and for every additional 20 ft. $.25 more per hour will be paid to the employee. The height of work shall be determined from the ground to the point of hook-up.					
AREAS 2 and 3:					
Brush, roller, sign	18.00	.70	2.00		.20
Paper and vinyl, Swing stage, Taper/Drywall, Structural Steel	18.40	.70	2.00		.20
Spray, Sandblast, Pot Tender	18.60	.70	2.00		.20
Epoxy and Tar Applicator	19.00	.70	2.00		.20
Steeple Jack and Tower	19.80	.70	2.00		.20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Height Pay: All classifications, with the exception of steeple jacks and tower painters, a $.25 hourly premium shall be paid for swing stage work on a structure with height in excess of 40 ft. an additional $.25 per hourly height pay shall be paid for each additional 50 ft. thereafter. Height pay on all towers and steeplejack work shall start at the 150 ft. level. $.50 per hour above the scale shall be paid for each additional 100 ft.					
PLASTERERS:					
Area 1	$16.75	.80	2.80		.15
Area 2	16.50	.80	2.80		.15
PLUMBERS; Steamfitters:					
Area 1	18.77	.95	2.10		.45
Area 2	18.65	.73	1.90		.15
Area 3	16.50	1.00	1.70		.10
Residential Construction:					
Area 1	14.32	.73	1.40		.15
ROOFERS:					
Area 1	15.60	1.40	2.20		.05
Areas 2 and 3	15.30	1.40	2.20		.05
SHEET METAL WORKERS:					
Area 1	19.54	.68	1.33		.18
Areas 2 and 3	19.21	.79	1.22		.21
SOFT FLOOR LAYERS:					
Area 1:					
Zones 1 and 3	18.17	.70	2.00		.15
Zone 2	19.02	.70	2.00		.15
Areas 2 and 3	18.90	.77	1.00		.20
SPRINKLER FITTERS	17.01	.65	.95		.08
SURVEY CREWS:					
Party Chief	15.29	4.74	.05		.20
Instrumentman	14.05	4.74	.05		.20
Head Chainman	13.50	4.74	.05		.20
Stakehop	13.50	4.74	.05		.20
Rear Chainman	13.07	4.74	.05		.20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS' and TILE SETTERS' HELPERS	$14.33	.90	$ 2.45		.09
TILE SETTERS	16.51	.90	2.45		.09

RIGGERS; WELDER: Receive rates for craft performing operation to which rigging or welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 8% of the basic hourly rate for over 5 years' service and 6% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Six Paid Holidays: A through F.

LABORERS					
Group 1	$14.17	.80	$ 2.75		.20
Group 2	14.42	.80	2.75		.20
Group 3	14.72	.80	2.75		.20
Group 4	14.92	.80	2.75		.20
Group 5	15.12	.80	2.75		.20
Group 6	15.34	.80	2.75		.20

LABORERS

Group 1: Window Cleaner; Building Laborers; Carpenter Tender; Material Handlers; Hook Tenders; Signal Man/Dumpman; Flagman; Sandblast, Pot tender; Saw Tenders; Pitman; Utiliwalk and Utilidor; Ditch Diggers; Monolithic Workers (sewers); Dryer Man (bridges, dams); Topman and Bull Gang (tunnel and Shaft); Brakeman (tunnel or shafts); General Laborer; Sandblaster; Oil Spill Clean Up

Group 2: Base and Floor Machine Man; Pneumatic or Power Tools; Compactor; Rigger; Hydroseeder Nozzleman; Choke Setter; Tank Cleaners; Stake Hopper; Grade Men; Concrete Labor (including Vibratorman, Power Buggy and Concrete power saw, curb and gutter man); Asphalt Worker (including plant crew); Tar Rubber - add $.25 per hour to scale; Steam Point or Water Jet Operator; Mucker and Laborers (tunnel and shaft); Nippers (tunnel or shafts); Monolithic Workers

Group 3: Jackhammer or Pavement Breakers; Catylist; Epoxie (tank cleaning); Chuck Tender (Wagon and Track Drills); Mason Tender and Mud Mixer (sewers); Insulators (foam gun operator)

Group 4: Bricklayers; Cement Finishers; Gunnite Operator; Burning and Cutting Torch; Pipelayer (culvert and multiplate); Plasterers Tenders; High Scaler; Stoper (over 20 ft.); Chain Saw and Power Saws (brush cutter); Rakers (asphalt crew); Tar rubber - add $.25 per hour to scale; Cement or Lime Dumper or Handler (sack or bulk); Pipelayers (sewer or water mains); Sewer Caulkers; Timberman (sewer); Pipe Builder (stove pipe crews); Sandblaster (bridges and dams); Monolithic workers; Powderman Helper

Group 5: Timber Faller; Wagon Driller; Air Trac Wagon Driller; Chain Saw Filer; Miners, tunnels or shafts

Group 6: High Rigger and Tree Topper; Powderman (tunnels or shafts - add $.30 per hour); Miners, Shafts and Raises (tunnel or shafts); Toxic Pay, add $.35 per hour; Scaffold Pay, add $.15 per hour over 10 ft., $.30 per hour over 40 ft. based on free-fall distance

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$16.00	$1.10	$ 3.00		.15
Group 1-A	17.13	1.10	3.00		.15
Group 1-B	15.70	1.10	3.00		.15
Group 2	15.51	1.10	3.00		.15
Group 2-A	15.11	1.10	3.00		.15
Group 3	15.05	1.10	3.00		.15
Group 3-A	14.65	1.10	3.00		.15
Group 4	14.03	1.10	3.00		.15

Group 1: "A" Frame Trucks, Helicopters; Transporters; Deck Winches; double power drum; Backfiller; Batch Plant Operator; batch and mixer over 200 yds. per hour; Belcrete with power pack and similar conveyors; Bending Machine; Bulldozer, Quad or HD 41 or similar; Cableways and Highlines, 3 yards and under; Cleaning Machine; Coating Machine; Cranes: Shovels, Backhoes, Dragline, Clamshells (Crawler, truck type, rubber-tired, creter, floating (locomotive, whirley, either 3 yds. or under or 150" boom, including jibs and under, Or 45 tons and under - Hydralifts or transporters, all track or truck type - Hyster Cat Cranes and attachments, Sidebooms under 45 tons); Derricks; Ditching or Trenching Machine (16" or over); Drilling Machines, Core, Cable, Rotary and Exploration; Hydro Ax and similar; Loaders (Forklifts with power boom and swing attachment; Overhead and Front End, 2½ yds. through 4 yds.; Loaders with forks or pipe clamps); Mechanics, Welders, Bodyman; Mixers (mobile type with hoist combination); Motor Patrol Grader (over Model 14 or similar types); Mucking Machines (mole, tunnel drill and/or shield); Operator on Dredges; Piledriver Engineers, L. B. Foster, Puller or similar, paving breaker; Power Plant, turbin operator, 300 K.W. and over (power plants or combination of power units over 300 K.W. on highway or airfield construction or quarry operations); Sauerman-Bagley; Scrapers, Tournapulls, Caterpillar, Euclid and similar type equipment over 25 yds. through 40 yds.; Shot Blast Machine; Sub Grader (Gurries, C.M.I. and C.M.I. Roto Mills and similar types); Tack Tractor; Truck mounted concrete pump; Wate Kote Machine; Hover Craft, Flex Craft, Loadmaster, Air Cushion, Terrain Vehicle, Helicopter Transporter, Cableways, Rollingon, Dredge Barge-cable, Highline or Cable Car, Camp Maintenance Engineer, Boat Coxswains

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 1-A: Cableways and Highlines, over 3 yds.; Cranes: shovels, backhoes, draglines, clamshells (crawler, truck type, floating locomotive, whirley, either over 3 yds. or over 150' boom, including jibs or over 45 tons; Tower cranes, Pecco, Lorain, Bucyrus and similar types; Hyster cat cranes and attachments, sidebooms 45 tons and over; Loaders over 4 yds.; Motor Patrol Grader (finish: when finishing to final grade, red, blue or similar hubs); Power Plants (1000 k.w. and over); Slip form paver, C.M.I. and similar types; Tournapulls, caterpillar, euclid scrapers and similar type equipment over 40 yds.

Group 1-B: Asphalt Roller; Bulldozers; Crushers; Finishing Machine Operator, concrete paving, sidewalk, curb and gutter machine; Loaders, elevating belt type, euclid and similar types; Motor Patrol grader 14 and under; Scrapers 25 yds. and under; Spreaders: Blaw Knox, Cedarapids, Barber Greene, Screed, Slurry Machine; Nodwell Sno Cat

Group 2: Batch Plant Operator: batch and mixer 200 yds. per hour and under; Cement Hogs and concrete pump operators; Compressors: Steel erection, including sand blasting, painting of same, piledriving; Conveyors (except as listed in group 1); Hoists on steel erection, Towermobiles and air tuggers; Loaders, elevating grader, dumor and similar; Locomotives: Rod and geared engines; Mixers Screening, washing plant; Sideboom (cradling rock drill); Skidder; Trenching Machine under 16"

Group 2-A: Service Oiler, Journeyman; Boiler-Fireman

Group 3: "A" Frame Trucks, Deck Winches; Single power drum; Bombardier (tack or tow rig); Boring Machine; Brooms, power Wayne, Saginaw and similar types; Bump Cutter (Concut, Christenson or similar types; Compressors, excavating; Farm Tractor; Forklift, industrial type; Gin Truck or winch truck with poles when used for hoisting; Hoists, air tuggers, elevators; Loaders (Elevating-Athey, Barber Greene and similar types; Forklifts or lumber carrier (on construction job sites); Forklifts with tower; Overhead and front end, under 2½ yds.); Locomotives: Dinkey (air, steam, gas and electric) speeders; Mechanics, light duty; Mixers: concrete mixers and batch, 200 yds. per hour and under; Oil, Blower Distributors; Pipeline Dream; Posthole diggers, mechanical; Pot Fireman (power agitated); Power Plant, turbine operator, under 300 k.w.; Pumps: Fuller Kenyon, Water; Rollers, Tampers, Vibrators, all except asphalt Saws, concrete; Straightening Machine; Tow Tractor;

Group 3-A: Grade Checker, Stake Hopper; Rig Oiler, over 45 ton, over 3 yards, or over 150' boom; Drill Helper

Group 4: Rig Oiler (Advances to Group 3-A if over 45 tons or 3 yards or 150' boom); Parts and Equipment Coordinator; Swamper (on trenching machines or shovel type equipment); Spotter; Steam Cleaner

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$14.06	$1.01	$ 3.00		.10
Group 2	14.12	1.01	3.00		.10
Group 3	13.59	1.01	3.00		.10
Group 4	14.44	1.01	3.00		.10
Group 5	14.84	1.01	3.00		.10
Group 6	15.15	1.01	3.00		.10
Group 7	15.44	1.01	3.00		.10
Group 8	15.75	1.01	3.00		.10
Group 9	16.06	1.01	3.00		.10
Group 10	16.37	1.01	3.00		.10
Group 11	16.88	1.01	3.00		.10
Group 12	16.99	1.01	3.00		.10
Group 13	17.29	1.01	3.00		.10
Group 14	14.58	1.01	3.00		.10
Group 15	13.31	1.01	3.00		.10
Group 16	13.74	1.01	3.00		.10
Group 17	14.42	1.01	3.00		.10
Group 18	14.68	1.01	3.00		.10
Group 19	14.95	1.01	3.00		.10
Group 20	15.22	1.01	3.00		.10
Group 21	15.39	1.01	3.00		.10
Group 22	14.36	1.01	3.00		.10
Group 23	13.48	1.01	3.00		.10

TRUCK DRIVERS

Group 1: Buggymobile; Hyster Operators (handling bulk aggregate), Lumber Carrier

Group 2: Semi or truck and trailer; Dumpsters; Batch Trucks over 5 yards; Dump Trucks, over 5 yards up to and including 10 yards; Fuel Truck; Greasers of Grease Trucks; Flat Beds, dual rear axle; Ready Mix: Over 3 yards up to and including 5 yards; Water Wagon, semi; Water wagon, dual axle Winch Trucks; Flat Bed including "A" Frame manufacturea rating over 5 tons; Bull Lift and Fork lifts over 5 tons; Front End Loader with Forks; Partsman and outside expeditor; Bus Operator, over 30 passengers, Track Truck Equipment; (All Terrain Vehicles, Form Distributor Truck, double axle; Loadmaster (air and water operations); Air cushion or similar type vehicle; Fire Trucks - double axle; Vacuum Truck; Vacuum Truck Sweepers - dual axle; Riggers; Combination Truck - fuel and grease; Greasers; Hydro Seeders - dual axle;

Group 3: Batch Truck up to and including 5 yards; Dump Truck (including Rockbuggy and Trucks with pumps) up to and including 5 yards; Flat beds, single rear axle; Water wagon, single axle Winch Truck, Flat bed including "A" Frame manufactured rating 5 tons and under; Bull Lifts and Fork lifts up to and including 5 tons; Bus Operator, up to 30 passengers; Form Distributor Truck, single axle, Hydro Seeder, single axle, team drivers (horses, mules and similar equipment); Vacuum trucks and Truck Sweepers single axle; Fire Trucks - single axle; Ambulance

Group 4: Dump Trucks over 10 yards up to and including 20 yards; Tire service Man; Lowbed heavy-duty Trailer; Oiler distributor drivers; Ready Mix: Compactor (when pulled by rubber-tired equipment); Lowboys including attached trailers and jeeps

Group 5: Dump Trucks over 20 yards up to and including 30 yards

Group 6: Dump Trucks over 30 yards up to and including 40 yards

Group 7: Dump Trucks over 40 yards up to and including 50 yards

Group 8: Dump trucks over 50 yards up to and including 60 yards

Group 9: Dump trucks over 60 yards up to and including 70 yards

Group 10: Dump Trucks over 70 yards up to and including 80 yards

Group 11: Dump Trucks over 80 yards up to and including 90 yards

TRUCK DRIVERS (Cont'd)

Group 12: Dump Trucks over 90 yards up to and including 100 yards

Group 13: Dump Trucks over 100 yards (above scales to be paid on actual water level measurements)

Group 14: Turn-O-Wagoner DW-10 when not self-loading

Group 15: Gravel Spreader Box Operator on Truck; Pickup (pilot Cats all light-duty vehicles); Warehouseman Class 2: Farm type rubber-tired tractor (material hauling or pulling wagons); Swampers

Group 16: Ready Mix: Up to and including 3 yards

Group 17: Ready Mix: Over 5 yards up to and including 7 yards

Group 18: Ready Mix: Over 7 yards up to and including 9 yards

Group 19: Ready Mix: Over 9 yards up to and including 12 yards

Group 20: Ready Mix: 13 yards and over

Group 21: Ready Mix, semi with double bowl mixer

Group 22: Water Wagon, when pulled by Euclid or similar type equipment

Group 23: Warehouse - Class 1

DREDGING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:					
Assistant Mate (deckhand)	$14.03	$1.10	$ 3.00		
Group 2:					
Fireman; Oiler	15.05	1.10	3.00		
Group 3:					
Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Assistant Engineer (Electric Generator Operator for Primary Pump, Power Barge or Dredge), Mates and Boatman, Engineer Welder, Craneman	15.51	1.10	3.00		
Group 4:					
Leverman (Hydraulic)	16.00	1.10	3.00		
Group 5:					
Leverman Dipper (5 yards and under, over 5 yards)	17.13	1.10	3.00		

SUPERSEDEAS DECISION

STATE: Arizona COUNTY: Statewide
DECISION NUMBER: AZ79-5100 DATE: Date of Publication
Supersedes Decision No. AZ78-5114 dated August 11, 1978, in 43 FR 35226.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.94	.50	$ 1.20		.02
BOILERMAKERS	14.36	1.075	1.00	1.00	.03
BRICKLAYERS; (Phoenix Area)					
Bricklayers; Manhole Builders; Stonemasons:					
Zone A: 0-25 miles from the City Hall in Phoenix Flagstaff and Yuma	11.77	.65	.90		.09
Zone B: 25-40 miles from the City Hall in Phoenix; and Williams AFB	12.71	.65	.90		.09
Zone C: 40-70 miles from the City Hall in Phoenix	13.30	.65	.90		.09
Zone D: 70-100 miles from City Hall in Phoenix	13.89	.65	.90		.09
Zone E: 100-200 miles from the City Hall in Phoenix	14.36	.65	.90		.09
Zone F: 200 miles and over from the City Hall in Phoenix	15.30	.65	.90		.09
BRICKLAYERS: (Tucson Area)					
Bricklayers; Stonemasons:					
Zone A: 0-15 miles from Tucson City limits	11.22	1.00	.90		.06
Zone B: Over 15 miles to 30 miles from Tucson City limits	11.59	1.00	.90		.06
Zone C: Over 30 miles to 40 miles from Tucson City limits	11.96	1.00	.90		.06
Zone D: Over 40 miles from Tucson City limits	12.72	1.00	.90		.06
Manhole Builders:					
Zone A: 0-15 miles from Tucson City limits	11.47	1.00	.90		.06
Zone B: Over 15 miles to 30 miles from Tucson City limits	11.84	1.00	.90		.06
Zone C: Over 30 miles to 40 miles from Tucson City limits	12.21	1.00	.90		.06
Zone D: Over 40 miles from Tucson City limits	12.97	1.00	.90		.06

CARPENTERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Central and Southern Areas:					
Carpenters; Drywall Applicators; Saw Filers; Shingler Floorlayers (finish); Pile-drivermen	$ 10.485	$ 1.045	$ 1.055		.05
Millwrights	10.77	1.045	1.055		.05
Northern Area:	10.90	1.045	1.055		.05
Carpenters; Drywall Applicator; Saw Filer; Shingler Floorlayers (finish); Pile-drivermen	12.36	1.045	1.055		.05
Millwrights	12.645	1.045	1.055		.05
CEMENT MASONS:	12.775	1.045	1.055		.05
Apache, Coconino, Gila, Mohave, Navajo, Yavapai, Yuma and the Northern portions of Graham, Greenlee, Maricopa and Pinal Counties					
Central and Southern Areas:					
Cement Masons	10.21	.95	1.30		.05
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	10.37	.95	1.30		.05
Northern Area:					
Cement Masons	12.085	.95	1.30		.05
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	12.245	.95	1.30		.05
Cochise, Pima, Santa Cruz and the southern portions of Graham, Greenlee, Maricopa and Pinal Counties					
Central and Southern Areas:					
Cement Masons	10.22	.85	.85		.05
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	10.385	.85	.85		.05
DRYWALL:					
From Court House in Phoenix, Mesa, including Luke and Williams Air Force Bases					
Tapers:					
Zone A: 0-40 miles	10.21	.59	.50		.07
Zone B: 41-60 miles	11.21	.59	.50		.07

DRYWALL: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Tapers: (Cont'd)					
Zone C: 61 miles and over	$12.46	.59	.50		.07
Texture Spraymen:					
Zone A: 0-40 miles	9.81	.59	.50		.07
Zone B: 41-60 miles	10.81	.59	.50		.07
Zone C: 61 miles and over	12.06	.59	.50		.07
ELECTRICIANS: (Flagstaff Area)					
Zone A: In the City of Flagstaff, that area lying in a square extending 20 miles north-south, east and west of the Post Office; For Williams, Winslow and Sedona that area covering a square extending 5 miles north-south, east and west of the Post Office in each town	12.80	.69	3%+.88		1/2%
Zone B: All territorial jurie-diction allotted outside of Zone A	15.35	.96	3%+.88		1/2%
ELECTRICIANS: (Gallup Area - Apache County north of Hwy. #66)					
Electricians	14.10	.60	3%+.70		1/2%
Cable Splicers	14.69	.60	3%+.70		1/2%
ELECTRICIANS: (Globe-Miami Area)					
Zone A: The area within 16 road miles beginning where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing)					
Electricians	13.93	.60	11%		1%
Cable Splicers	14.18	.60	11%		1%
Zone B: 16-28 miles from above-mentioned base point:					
Electricians	14.67	.60	11%		1/2%
Cable Splicers	14.92	.60	11%		1/2%
Zone C: 28-46 miles from above-mentioned base point					
Electricians	15.30	.60	11%		1/2%
Cable Splicers	15.55	.60	11%		1/2%
Zone D: 46 miles and over from above-mentioned base point					
Electricians	16.05	.60	11%		1/2%
Cable Splicers	16.30	.60	11%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Phoenix Area)					
Zone A: Beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; Southward to Baseline Road; west on Baseline Road to the intersection of Baseline Road and Ellsworth Road; South on Ellsworth Road to Hunt Highway; west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then northwest on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane, North on Cotton Lane to Beloat Road. West on Beloat Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane, North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersect with Bush Highway including Luke and Williams Air Force Bases.	$ 13.55	.96	3%+.88		3/4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Zone B: Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Power Road on the east, from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north; One mile south of Pinnacle Peak Road to Cotton Lane on the west; Cotton Lane to Pecos Road on the south. Pecos Road to Price Road and from Price Road to Hunt Highway on the south. Hunt Highway to Powers Road on the east	$ 15.55	.96	3%+.88		3/4%
Zone C: Outside edge of Zone B and extended to the outside limits of the Union's jurisdiction	16.55	.96	3%+.88		3/4%
ELECTRICIANS: (Kingman)					
Zone A: The area within the 16th road mile from the City Hall					
Electricians	12.04	.96	1%+.70		1/2%
Cable Splicers	12.64	.96	1%+.70		1/2%
Zone B: from the 16th road mile and extend up to and including the 32nd road mile					
Electricians	14.15	.96	1%+.70		1/2%
Cable Splicers	14.85	.96	1%+.70		1/2%
Zone C: From the 32nd road mile extending up to the outside limits of the union's jurisdiction					
Electricians	15.23	.96	%+.70		1/2%
Cable Splicers	15.99	.96	%+.70		1/2%
ELECTRICIANS: (Prescott)					
Zone A: The area within 20 road miles from the City Hall					
Electricians	12.04	.96	1%+.70		1/2%
Cable Splicers	12.64	.96	1%+.70		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Prescott) (Cont'd)					
Zone B: From the 20th road mile extending up to and including the 32nd road mile					
Electricians	$14.15	.96	1%+.70		1/2%
Cable Splicers	14.85	.96	1%+.70		1/2%
Zone C: From the 32nd road mile extending to the outside limits of the union's juriediction					
Electricians	15.23	.96	1%+.70		1/2%
Cable Splicers	15.99	.96	1%+.70		1/2%
ELECTRICIANS: (Tucson and Yuma Area)					
Zone A: Area within 16 road miles from the City Hall in Tucson, Yuma, Douglas; Area within 16 road miles from center of Town in Nogales, Sierra Vista; Area within the boundaries of the incorporated City limits of Parker, plus an area extending from the south City limits of Parker in a northeasterly direction to mile post No. 150 located on State Hwy. 95, northeast of Parker from the Colorado River on the west, an area mile wide paralleling the Colorado River					
Electricians	13.93	.60	11%		1/2%
Cable Splicers	14.18	.60	11%		1/2%
Zone B: Area from the outer limits of Zone A extending up to and including 12 road miles, excluding Douglas Area					
Electricians	14.67	.60	11%		1/2%
Cable Splicers	14.92	.60	11%		1/2%
Zone C: Area from the outer 1 limits of Zone B extending up to and including 18 road miles, excluding Douglas Area					
Electricians	15.30	.60	11%		1/2%
Cable Splicers	15.55	.60	11%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Tucson and Yuma Areas) (Cont'd)					
Zone D: Area outside of Zone C; in Douglas, the area outside of Zone A					
Electricians	$16.05	.60	11%		1/2%
Cable Splicers	16.30	.60	11%		1/2%
ELEVATOR CONSTRUCTORS	11.775	.745	.56	3%+a	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	3%+a	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	11.34	.85	.30		.01
IRONWORKERS:					
Central and Southern Areas	12.20	1.34	2.47		.11
Northern Area	14.33	1.34	2.57		.11
LATHERS: (Tucson Area)					
Zone A: 0-30 miles from Tucson	10.88	.50	.40		
Zone B: 30-40 miles from Tucson	11.38	.50	.40		
Zone C: 40-50 miles from Tucson	11.63	.50	.40		
Zone D: Area outside Zone C	12.38	.50	.40		
LINE CONSTRUCTION:					
Zone 1: Phoenix and Tucson 30 miles radius from center of town:					
Groundmen	9.97	8%	3%+9%		1/2%
Equipment Operator; Powdermen; Mechanics	11.47	8%	3%+9%		1/2%
Linemen; Technicians; Crane Operators	12.90	8%	3%+9%		1/2%
Cable splicers	13.30	8%	3%+9%		1/2%
Zone 1-A: Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 mile radius from center of town:					
Groundmen	10.81	8%	3%+9%		1/2%
Equipment Operators; Powdermen; Mechanics	12.24	8%	3%+9%		1/2%
Linemen; Technicians; Crane Operators	13.72	8%	3%+9%		1/2%
Cable Splicers	14.20	8%	3%+9%		1/2%
Zone 2: Other Areas:					
Groundmen	11.59	8%	3%+9%		1/2%
Equipment Operators; Powdermen; Mechanics	13.03	8%	3%+9%		1/2%
Linemen; Technicians; Crane Operators	14.52	8%	3%+9%		1/2%
Cable Splicers	14.95	8%	3%+9%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE WORKERS:					
Phoenix Area	$ 10.99	.65	.70		.19
PAINTERS: (Flagstaff Area)					
Zone A: From Flagstaff Court House to 20 miles					
Brush; Soft Floor Layers	10.70	.90	.60		.20
Brush, steel and bridge	11.20	.90	.60		.20
Spray	11.15	.90	.60		.20
Spray, steel and bridge	11.70	.90	.60		.20
Zone B: 20-35 miles from Court House in Flagstaff					
Brush; Soft Floor Layers	11.45	.90	.60		.20
Brush, steel and bridge	11.95	.90	.60		.20
Spray	11.85	.90	.60		.20
Spray, steel and bridge	12.45	.90	.60		.20
Zone C: 35-80 miles from Court House in Flagstaff					
Brush; Soft Floor layers	12.45	.90	.60		.20
Brush, steel and bridge	12.95	.90	.60		.20
Spray	12.85	.90	.60		.20
Spray, steel and bridge	13.45	.90	.60		.20
Zone D: 80 miles and over from Court House in Flagstaff					
Brush; Soft Floor Layers	12.70	.90	.60		.20
Brush, steel and bridge	13.20	.90	.60		.20
Spray	13.10	.90	.60		.20
Spray, steel and bridge	13.70	.90	.60		.20
PAINTERS: (Phoenix Area)					
Zone A: 0-40 miles from Court House in Phoenix, Mesa and including Luke and Williams Air Force Bases:					
Brush and Roller; Sandblaster (Nozzleman); Sandblast (pot Tender)	10.50	.60	.40		.08
Spray	10.75	.60	.40		.08
Creosote Applier	10.83	.60	.40		.08
Swing Stage:					
Brush, Sandblaster	10.90	.60	.40		.08
Spray	11.15	.60	.40		.08
Steeplejack	11.36	.60	.40		.08
Steel and bridge, Brush; Steel Sandblaster	11.43	.60	.40		.08
Steel and bridge, spray	11.63	.60	.40		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Phoenix Area) (Cont'd)					
Zone B: 41-60 miles from Court House in Phoenix					
Brush and Roller; Sandblaster (Nozzleman); Sandblaster (pot tender)	$ 11.50	.60	.40		.08
Spray	11.75	.60	.40		.08
Creosote Applier	11.83	.60	.40		.08
Swing Stage:					
Brush, Sandblaster	11.90	.60	.40		.08
Spray	12.15	.60	.40		.08
Steeplejack	12.36	.60	.40		.08
Steel and bridge, Brush; Steel Sandblaster	12.43	.60	.40		.08
Steel and bridge, spray	12.63	.60	.40		.08
Zone C: 60 miles and over from Court House in Phoenix					
Brush and Roller; Sandblaster (Nozzleman); Sandblaster (Pot tender)	12.75	.60	.40		.08
Spray	13.00	.60	.40		.08
Creosote Applier	13.08	.60	.40		.08
Swing Stage:					
Brush, Sandblaster	13.15	.60	.40		.08
Spray	13.40	.60	.40		.08
Steeplejack	13.61	.60	.40		.08
Steel and bridge, brush; Steel Sandblaster	13.68	.60	.40		.08
Steel and bridge, spray	13.88	.60	.40		.08
PAINTERS: (Tucson and Yuma Areas)					
Zone A: 0-30 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	9.43	.67	.40		.04
Spray and Sandblasters	9.93	.67	.40		.04
Swing Stage, under 40 ft.:					
Brush	9.73	.67	.40		.04
Spray	10.23	.67	.40		.04
Swing Stage, over 40 ft.:					
Brush	10.18	.67	.40		.04
Spray	10.68	.67	.40		.04
Structural Steel and Tanks:					
Brush	10.43	.67	.40		.04
Spray and Sandblasters	10.93	.67	.40		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Tucson and Yuma Areas) (Cont'd)					
Zone B: 31-40 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma					
Brush	$ 10.18	.67	.40		.04
Spray and Sandblasters	10.68	.67	.40		.04
Swing Stage, under 40 ft.:					
Brush	10.48	.67	.40		.04
Spray	10.98	.67	.40		.04
Swing Stage, over 40 ft.:					
Brush	10.93	.67	.40		.04
Spray	11.43	.67	.40		.04
Structural Steel and Tanks:					
Brush	11.18	.67	.40		.04
Spray and Sandblasters	11.68	.67	.40		.04
Zone C: 41-50 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma					
Brush	10.93	.67	.40		.04
Spray	11.43	.67	.40		.04
Swing Stage, under 40 ft.:					
Brush	11.23	.67	.40		.04
Spray	11.73	.67	.40		.04
Swing Stage, over 40 ft.:					
Brush	11.68	.67	.40		.04
Spray	12.18	.67	.40		.04
Structural Steel and Tanks:					
Brush	11.93	.67	.40		.04
Spray and Sandblasters	12.43	.67	.40		.04
Zone D: 51 miles and over from Stone and Congress in Tucson and from the County Courthouse in Yuma					
Brush	11.43	.67	.40		.04
Spray	11.93	.67	.40		.04
Swing Stage, under 40 ft.:					
Brush	11.73	.67	.40		.04
Spray	12.23	.67	.40		.04
Swing Stage, over 40 ft.:					
Brush	12.18	.67	.40		.04
Spray	12.68	.67	.40		.04
Structural Steel and Tanks:					
Brush	12.43	.67	.40		.04
Spray and Sandblasters	12.93	.67	.40		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS: (Phoenix Area)					
Zone A: 0-35 miles from Pheonix	$ 11.02	.95	$ 1.30		.06
Zone B: 35-60 miles from Phoenix	11.77	.95	1.30		.06
Zone C: 60 miles and over from Phoenix	12.895	.95	1.30		.06
PLASTERERS: (Tucson Area)					
Zone A: 0-30 miles from Tucson	8.57	.35	.60		
Zone B: 30-40 miles from Tucson	9.07	.35	.60		
Zone C: 40-50 miles from Tucson	9.32	.35	.60		
Zone D: 50 miles and over from Tucson	10.07	.35	.60		
PLASTERERS' TENDERS:					
Central and Southern Areas	9.16	.85	.85		.10
PLUMBERS; Steamfitters:					
FREE ZONE 0-15 miles					
The "Free Zone" (Zone I) shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones. Any work contracted for outside of these zones will be determined from the Phoenix and Tucson basing points.					
Zone 1: 0-15 miles	13.24	.75	1.35		.13
Zone 2: 15-30 miles	13.64	.75	1.35		.13
Zone 3: 30-40 miles	14.09	.75	1.35		.13
Zone 4: 40 miles and over	15.59	.75	1.35		.13
ROOFERS: (Tucson Area)					
Asbestos; Shinglers; Tile and Waterproofing:					
Zone A: 0-44 miles from Tucson	$ 9.77	.845	.20		.03
Zone B: over 44 miles from Tucson	11.52	.845	.20		.03
ROOFERS: (Phoenix Area)					
Roofers and Waterpfoofers	10.16	.845	.20		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Zone Bases: From the Administration Building or City Hall in Flagstaff, Kingman, Phoenix, Prescott and Yuma					
Zone 1: 0-25 miles excluding Luke and Williams Air Force Bases	$ 11.70	.90	$1.30		.10
Zone 2: 25-50 miles including Luke and Williams Air Force Bases	12.35	.90	1.30		.10
Zone 3: 50 miles and over	14.20	.90	1.30		.10
Zone Bases: From the Administration Building or City Hall in Douglas and Tucson					
Zone A: 0-22 miles	10.30	3% +1.14	1.91		.04
Zone B: 22-45 miles	11.25	3% +1.14	1.91		.04
Zone C: Over 45 miles	12.80	3% +1.14	1.91		.04
SOFT FLOOR LAYERS: (Phoenix Area)					
Zone A: 0-40 miles from Court House in Phoenix and Flagstaff including Luke and Williams Air Force Bases	9.21	.59	.12		.12
Zone B: 41-60 miles from Court House in Phoenix and Flagstaff	10.21	.59	.12		.12
Zone C: 61 miles and over from Court House in Phoenix and Flagstaff	10.71	.59	.12		.12
SOFT FLOOR LAYERS: (Tucson Area)	9.25	.38			
SPRINKLER FITTERS	12.74	.75	1.05		.08
TERRAZZO WORKERS; Tile Setters; Marble Masons:					
Tucson Area	9.27	.90	.85		
TERRAZZO WORKERS; TILE SETTERS:					
Phoenix Area	10.79	.65	.90		.16

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
LABORERS			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	C&S AREAS	N AREA				
Group 1:	$ 8.36	$ 9.985	.92	.98		.10
Group 2:	8.49	10.115	.92	.98		.10
Group 3:	8.63	10.255	.92	.98		.10
Group 4:	8.74	10.365	.92	.98		.10
Group 5:	8.91	10.535	.92	.98		.10
Group 6:	9.285	10.91	.92	.98		.10
Group 7:	9.915	11.54	.92	.98		.10
LABORERS (Tunnel and Shaft Work)						
Group 1:	8.605	10.23	.92	.98		.10
Group 2:	8.77	10.395	.92	.98		.10
Group 3:	8.90	10.525	.92	.98		.10
Group 4:	9.26	10.885	.92	.98		.10
Group 5:	9.435	11.06	.92	.98		.10
Group 5A:	9.685	11.31	.92	.98		.10
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)						
Group 1:	8.93	10.555	1.05	1.00		.08
Group 2:	9.30	10.925	1.05	1.00		.08
Group 3:	9.76	11.385	1.05	1.00		.08
Group 4:	10.29	11.915	1.05	1.00		.08
Group 5:	10.82	12.445	1.05	1.00		.08
Group 5A:	11.13	12.755	1.05	1.00		.08
Group 6:	11.46	13.085	1.05	1.00		.08
Group 7:	12.06	13.685	1.05	1.00		.08
TRUCK DRIVERS						
Group 1:	8.52	10.145	.92	.98		.08
Group 2:	8.65	10.275	.92	.98		.08
Group 3:	8.87	10.495	.92	.98		.08
Group 4:	9.22	10.845	.92	.98		.08
Group 5:	9.38	11.005	.92	.98		.08
Group 5A:	9.56	11.185	.92	.98		.08
Group 6:	9.70	11.325	.92	.98		.08
Group 7:	10.11	11.735	.92	.98		.08
Group 8:	10.625	12.25	.92	.98		.08
Group 8A:	11.28	12.905	.92	.98		.08
Group 8B:	10.97	12.595	.92	.98		.08
Group 8C:	9.08	10.705	.92	.98		.08

LABORERS

Group 1: All Helpers not herein separately classified; Cesspool Diggers and installers; Chat Box Man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer; Cleanup, Bull gang; Trackman-railroad

Group 2: Cement finisher tender; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - Tarman; Power type concrete buggy

Group 3: Bander; Chucktender (except tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spiker and wrenchers

Group 4: Cement dumpers (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders concrete; Hydraulic jacks, and similar mechanical tools not separately classified herein; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeline)

Group 5: Air and water wash-out nozzleman; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using Bos'ns chairs or safety belt); Tampers (mechanical - all types); Precast manhole erector

Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller, (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)

Group 7: Concrete Road Form Setter; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 220 Gardner-Denver, Hydrasonic; Powderman; Scaler (drillers); Welders and/or Pipelayers installing process piping; Form setter and/or builder

LABORERS
(Tunnel and Shaft Workers)

Group 1: Bull Gang, muckers, trackman; Dumpmen; Concrete crew (includes rodders and spreaders); Grout crew; Swamper (brakeman and switchmen on tunnel work); Change house man

Group 2: Nipper; Chucktender, Cabletender, Vibratorman, Jackhammer, Pneumatic tools (except driller)

Group 3: Grout Gunman

Group 4: Timberman, Retimberman - wood or steel blaster, driller powderman; Cherry pickerman; Powderman - primer house; Steel form raiser and setter; Kemper and other pneumatic concrete placer operator; Miner - finisher; Miners - Tunnel (hand or machine)

Group 5: Diamond Drill

Group 5A: Shaft and Raise Miner Welder

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator

Group 2: Conveyor operator; Generator operator - portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power

Group 3: Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment

Group 4: A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar type); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator

Group 5: Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machines operator; Concrete mechanical tamping, spreading or finishing machine (including Clary, Johnson or similar types); Concrete pumps operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or hsndler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classfied); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, with belt width 48" or over; Locomotive engineer (including Dinky - 20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator - on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator - all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil Cement road mixing machine operator - single pass type; Stationary Central generating plant operator - rated 300 K.W. or more; Surface hester and planer operator; Traveling pipewrapping machine operator

POWER EQUIPMENT OPERATORS (Cont'd)
(except Piledriving and Steel Erection)

Group 5-A: Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and including 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator

Group 6: Auto-Grade machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete Mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (truck mounted); Crane operator - crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Pile-driver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds., MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower and over); Tugger operator (two or more); Universal equipment operator - Shovel, Backhoe, Dragline, Clamshell, etc. up to 8 cu. yds.

Group 7: Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rated capacity of 8 cu. yds. or more; Universal equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS

Group 1: Teamsters; Pickups; Station Wagons; Manhaul driver

Group 2: Dump or flatrack (2 or 3 axle); Water truck (under 2500 gallons); Buggymobile (1 cu. yd. or less); Fireman; Bus drivers, ambulance driver, self-propelled street sweeper; Warehouseman

Group 3: Dump or flatrack (4 axle); Dumptor or dumpster (less than 7 cu. yds.); Water truck (2500 gallons but less than 4000 gallons)

Group 4: Dumptor or dumpster (7 cu. yds. but less than 16 cu. yds.); Dump or flatrack (5 axle); Water truck (4000 gallons and over); Slurry type equipment or leverman; Flaherty spreader or similar type equipment or leverman; Transit mix (8 cu. yds. or less)

Group 5: Dump or flatrack (6 axle); Transit mix (over 8 cu. yds. but less than 10.5 cu. yds.); Rock truck (i.e. Dart, Euclid and other similar type end dumps, single unit less than 16 cu. yds.)

Group 5-A: Oil Tanker or Spreader and/or Bootman, Retortman or Leverman

Group 6: Transit mix (over 10.5 cu. yds. but less than 14 cu. yds.); Ross carrier; Fork lift or lift truck; Hydro lift, Swedish crane Iowa 300 and similar types; Concrete pump (when integral part of transit mix truck); Dump or flatrack (7 axle)

Group 7: Dump or Flatrack (8 axles)

Group 8: Off-highway equipment driver including but not limited to: 2 or 4 wheel power unit, i.e., Cat, DW Series, Euclid, International and similar type equipment, transporting material when top loaded or by external means inlcuding pulling water tanks, fuel tanks or other applications under Teamster Classifications; Rock trucks (Dart, Euclid, or other similar end dump types) 16 cu. yds. and over; Ejectalls; Dumptor or dumpster (16 cu. yds. and over); Dump or flatrack (9 axles)

Group 8A: Heavy duty mechanic/welder; Body and fender man

Group 8B: Field equipment serviceman or fuel truck driver

Group 8C: Heavy duty mechanic/welder helper

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: Martin & Palm Beach
DECISION NUMBER: FL79-1028 DATE: Date of Publication
Supersedes Decision No.: FL78-1055 dated June 16, 1978 in 43 FR 26234
DESCRIPTION OF WORK: Building Construction (does not include single family homes or garden type apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.10	.55+.10	.65		.02
BOILERMAKERS	11.00	.75	1.10		.02
BRICKLAYERS:					
Bricklayers; Cement Masons; Marble Setters; Plasterers; Stonemasons; Tile & Terrazzo Workers	10.00	.65	.55		.02
CARPENTERS; Soft Floor Layers	9.40	.55	.70		.06
ELECTRICIANS:					
Wiremen	11.27	4.5%	3%+6%	6%	1.5%
Cable Splicers	12.48	4.5%	3%+6%	6%	1.5%
ELEVATOR CONSTRUCTORS:					
Mechanics	10.91	.745	.56	4%+a+b	.025
GLAZIERS	10.24	.55	.40		
IRONWORKERS	10.15	.45	.38	.50	.10
LABORERS:					
Air Tool Operators; Mason Tenders; Mortar Mixers; Pipelayers	6.70	1.10	.37		
Plasterer Tenders	6.88	1.10	.37		
Unskilled	6.60	1.10	.37		
LATHERS	9.73		.10		.025
LINEMEN:					
Linemen	11.17	3.5%	3%+6%		0.75%
Heavy Equipment Operators	11.17	3.5%	3%+6%		0.75%
Cable Splicers	11.47	3.5%	3%+6%		0.75%
Winch Truck Operators	8.90	3.5%	3%+6%		0.75%
Truck Drivers	7.31	3.5%	3%+6%		0.75%
Groundmen	6.07	3.5%	3%+6%		0.75%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MILLWRIGHTS	$ 9.70	.55	.70		.06
PAINTERS:					
Brush	8.33	.55	.30		.05
Paperhanger; Roller	8.58	.55	.30		.05
Spray; Taper	8.83	.55	.30		.05
PILEDRIVERS	9.45	.55	.70		.06
PLUMBERS: Pipefitters; Steamfitters:					
Commercial	10.25	.52	1.00		.16
Industrial	12.54	.52	1.00		.16
ROOFERS:					
Roofers	9.40	.40	.50		.015
Pot Firemen; Mud Mixers	6.10	.40	.50		.015
SHEET METAL WORKERS	10.70	.60	.33		.03
SPRINKLER FITTERS	10.61	.75	1.05		.10
WELDERS - Rate for craft to which welding is incidental					

PAID HOLIDAYS (Where Applicable)
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$ 9.95	.50	.80		.10
GROUP II	9.80	.50	.80		.10
GROUP III	9.30	.50	.80		.10
GROUP IV	8.85	.50	.80		.10
GROUP V	8.70	.50	.80		.10
GROUP VI	8.35	.50	.80		.10
GROUP VII	8.10	.50	.80		.10
GROUP VIII	8.00	.50	.80		.10
GROUP IX	7.60	.50	.80		.10

GROUP I:
All tower cranes, cranes with boom length over 250 ft., derricks, helicopters, All types of flying cranes, all nuclear powered equipment

GROUP II:
All cranes with boom length of 150 ft. to 250 ft., cranes of 150 tons and over with boom length of under 250 ft., gantry and overhead cranes.

GROUP III:
All hydro cranes, cranes with boom length of under 150 ft., clamshell, shovel, backhoe, gradall, cherrypicker, dragline, piledriver, drilling of piling, tugger hoist, motor grader (finish), mechanic, sideboom, tractor boom, concrete mixer, cableway.

GROUP IV:
Boring & drilling machine, concrete pump machine, batching plant, inside elevator, forklift with vert. lift of over 20 ft.

GROUP V:
Locomotive, motor mixing pump, winch-truck, A-frame truck, grease truck, front end loader, bulldozer, pan, motor grader, forklift.

GROUP VI:
Trenching and ditching machine, roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon vacumn pump, tractor, conveyor.

GROUP VII:
Utility operator (any combination of equipment up to and including 4 pieces listed in Group VIII), welding machine (3 or 4).

GROUP VIII:
Pump (over 2½ inches), compressor (over 125 c.f.m.)., generator (over 5 KW), welding machine (2).

GROUP IX:
Oiler, fuel truck, machine helper, boom hauling truck; lowboy truck

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Bay
DECISION NUMBER: FL79-1029 DATE: Date of Publication
Supersedeas Decision No.: FL78-1073 dated September 8, 1978 in 43 FR 40173.
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	5.00				
Carpenters	5.40				
Carpet layers	5.00				
Cement masons (finishers)	3.75				
Drywall hanger	6.00				
Electricians	10.97	.50	.3%		0.5%
Elevator constructors	8.65	.495	.32	4%+a+b	.02
Elevator constructors' helpers	6.04	.495	.32	4%+a+b	.02
Ironworkers	8.77	.30	.35		
Laborers:					
Laborers	2.98				
Plasterers tenders	3.50				
Painters	4.50				
Plasterers	6.00				
Plumbers & pipefitters	6.00				
Roofers	4.50				
Sheet metal workers	6.00				
Soft floor layers	3.50				
Sprinkler fitters	10.61	.75	1.05		.10
Tile setters	5.00				
Welders - rate for craft to which welding is incidental					
POWER EQUIPMENT OPERATORS:					
Bulldozers	3.25				
Crane	3.75				
Forklift	3.25				

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Broward
DECISION NUMBER: FL79-1030
Supersedeas Decision No.: FL77-1152 dated December 9, 1977 in 42 FR 62337.
DESCRIPTION OF WORK: Building Construction (does not include single family houses or garden type apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$ 11.10	.60	.65		.02
Boilermakers	11.00	.75	1.10		.02
Bricklayers; Stonemasons	9.65	.63	.55		.04
Carpenters; Soft floor layers	9.45	.88	.45		.06
Cement masons	9.65	.63	.55		.04
Electricians:					
Wiremen	10.96	.65	3%+.40		1%
Cable splicers	11.48	.65	3%+.40		1%
Elevator Constructors:					
Mechanics	10.91	.745	.56	4%+a+b	.025
Helpers	7.64	.745	.56	4%+a+b	.025
Probationary Helpers	5.455				
Glaziers	10.24	.55	.40		
Ironworkers	10.00	.75	.83		.04
Laborers:					
Air tool operators; Mason tenders; Mortar mixers; Pipelayers	6.70	1.10	.37		
Plasterer tenders	6.08	1.10	.37		
Unskilled	6.60	1.10	.37		
Lathers	9.85	.50	.30		.04
Line Construction:					
Linemen; Class 'A' Equipment Operators	10.54	.65	3%		0.75%
Class 'B' Equipment Operators	8.43	.65	3%		0.75%
Cable Splicers	10.79	.65	3%		0.75%
Groundmen	6.01	.65	3%		0.75%
Marble setters	9.65	.63	.55		.04
Millwrights	9.70	.88	.45		.06
Painters:					
Brush	9.15	.55	.50		.02
Drywall tapers; Paperhangers	9.40	.55	.50		.02
Spray; Sandblast	9.65	.55	.50		.02
Piledrivers	9.45	.88	.45		.06
Plasterers	9.65	.63	.55		.04
Plumbers; Pipefitters:					
Small Commercial: (Office bldgs. of 1 or 2 stories, not over 14 fixtures and restarts):	8.65	.60	.80		.10
All other work	11.05	.60	.80		.10

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Refrigeration & Air Conditioning Mechanics: Units of 15 tons or over	11.03	1.08	1.00		.09
Units of over 7.5 tons & under 15 tons	8.23	1.08	1.00		.09
Roofers	8.60	.45	.20	.85	
Sheet metal workers	10.55	.75	.50		.10
Sprinkler fitters	10.61	.75	1.05		.10
Tile & Terrazzo workers	9.65	.63	.55		.04
Welders - rate for craft to which welding is incidental.					

FOOTNOTES:

a. Six paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

b. Four per cent of basic hourly rate for employee who have worked in business more than five years; two percent for employees who have worked less than five years.

FL79-1030

OPERATING ENGINEERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$9.95	.50	.80		.10
GROUP II	9.80	.50	.80		.10
GROUP III	9.30	.50	.80		.10
GROUP IV	8.85	.50	.80		.10
GROUP V	8.70	.50	.80		.10
GROUP VI	8.35	.50	.80		.10
GROUP VII	8.10	.50	.80		.10
GROUP VIII	8.00	.50	.80		.10
GROUP IX	7.60	.50	.80		.10

OPERATING ENGINEERS:

Group I:
All tower cranes, cranes with boom length over 250 ft., derricks, helicopters, All types of flying cranes, all nuclear powered equipment.

Group II:
All cranes with boom length of 150 ft. to 250 ft., cranes of 150 tons and over with boom length of under 250 ft., gantry and overhead cranes.

Group III:
All hydro cranes, cranes with boom length of under 150 ft., clamshell, shovel, backhoe, gradall, cherrypicker, dragline, piledriver, drilling of piling, tugger hoist, motor grader (finish), mechanic, sideboom, tractor boom, concrete mixer, cableway.

Group IV:
Boring & drilling machine, concrete pump machine, batching plant, inside elevator, forklift with vert. lift of over 20 ft.

Group V:
Locomotive, motor mixing pump, winch truck, A-frame truck, grease truck, front end loader, bulldozer, pan, motor grader, forklift.

Group VI:
Trenching and ditching machine, roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon vacuum pump, tractor, conveyor.

Group VII:
Utility operator (any combination of equipment up to and including 4 pieces listed in Group VIII), welding machine (3 or 4).

Group VIII:
Pump (over 2½ inches), compressor (over 125 c.f.m.)., generator (over 5 KW), welding machine (2).

Group IX:
Oiler, fuel truck, machine helper, boom hauling truck; lowboy truck

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: *See below
DECISION NUMBER: FL79-1036 DATE: Date of Publication
Supersedes Decision No.: FL77-1142 dated December 2, 1977 in 42 FR 61435.
DESCRIPTION OF WORK: Building Construction (does not include single family homes or garden type apartments of four stories or less) ; Heavy Construction and Highway Construction.

* Cape Canaveral, Kennedy Space Flight Center, Patrick Air Force Base, and Melabar Radar Site, Florida	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	11.28	.50	.45		.06
Boilermakers	11.00	.75	1.10		.02
Bricklayers:					
Bricklayers	7.56	.40	.25		
Blocklayers	7.56	.40	.25		
Manhole bricklayers	7.56	.40	.25		
Plasterers	7.56	.40	.25		
Terrazzo workers	7.56	.40	.25		
Tile setters	7.56	.40	.25		
Cement masons	7.41	.40	.25		
Masonary cutting or grinding machine operator	7.71	.40	.25		
Carpenters:					
Carpenters	8.21	.50	.40		.05
Radial saw operators	8.51	.50	.40		.05
Soft floor layers	8.51	.50	.40		.05
Electricians:					
Base Zone (within 40 miles of Daytona Beach); Electrical contracts of under $100,000					
Electricians	8.65	.45	3%+.58		.1%
Cable splicers	8.90	.45	3%+.58		.1%
Electrical contracts of over over $100,000:					
Electricians	9.15	.45	3%+.58		.1%
Cable splicers	9.40	.45	3%+.58		.1%
All work in Zone 1 (beyond 40 miles from Daytona Beach):					
Electricians	9.60	.45	3%+.58		.1%
Cable splicers	9.85	.45	3%+.58		.1%
Elevator constructors:					
Mechanics	9.785	.745	.56	a+b	.025
Helpers	6.85	.745	.56	a+b	.025
Probationary helpers	4.89				
Glaziers	7.35		.10		.01
Ironworkers	9.33	.65	.60	.65	.05

FL79-1036 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Air tool operators; concrete laborers; Rod carriers; Mason tenders; Mortar mixers; kettlement (excl. roofing & water proofing); Pipelayers: Powdermen ; form setters (paving & curbing & gutter); Well point & dewatering system laborer	6.40	.45	.30		
Gunnite laborer	6.67	.45	.30		
Gunnite nozzlemen	7.07	.45	.30		
Unskilled	6.25	.45	.30		
Lathers	8.88	.35	.25		.15
Linemen:					
Linemen	10.00	.45	3%		3/4 of 1%
Cable splicers	10.15	.45	3%		3/4 of 1%
Class A operators	10.00	.45	3%		3/4 of 1%
Class B operators	7.00	.45	3%		3/4 of 1%
Groundmen - over 1 year	5.17	.45	3%		3/4 of 1%
Groundmen - under 1 year	4.29	.45	3%		3/4 of 1%
Millwrights	9.80	.55	.70		.08
Painters:					
Brush; roller	7.95		.30		.05
Spray	8.65		.30		.05
Mitten	8.65		.30		.05
Tar, bituminous, milar materials, asphalt (excl. asphalt base aluminum & varnish)	8.65		.30		.05
Paperhanging	8.65		.30		.05
Sandblasting	8.65		.30		.05
Piledrivers	8.51	.50	.40		.25
Plumbers; Pipefitters; Steamfitters:					
Commercial	10.50	.54	.56		.05
Industrial	12.29	.67	.64		.05

FL79-1036 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers:					
Roofers	7.90	.35	.25		
Kettlemen	6.45	.35	.25		
Sheet metal workers	10.42	.60	.33		.03
Sprinkler fitters	10.61	.75	1.05		.10
Welders - rate for craft to which welding is incidental.					

PAID HOLIDAY (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day
D-Labor Day; E-Thanksgiving Day; F- Christmas Day;

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

FL79-1036 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	9.60	.50	.35		.05
GROUP II	9.00	.50	.35		.05
GROUP III	8.50	.50	.35		.05
GROUP IV	8.10	.50	.35		.05
GROUP V	7.40	.50	.35		.05

GROUP I: Cranes, hydraulic or derrick on structural or reinforcing iron, cranes or derrick, clam shell, dragline, piledriver operator (including auger & boring machine operator for drilling in piling), backhoe (including hydraulic), hydraulic crane, gradall, shovell, motor patrol, mechanic heavy equipment, side boom cat & multi-drum hoist.

GROUP II: Bulldozer & trenching machine, bridge crane, highlift, straddle buggy, hoist, earth hauling scraper (regardless how powered), pump crete & front end loader

GROUP III: Winch truck, concrete/asphalt paver, fork lift engineer, boring machine, well drilling machine & mobile cleaning plant

GROUP IV: Tractor, well point pump & installation man, lubrication engineer equipment greaser, air compressor, & fireman

GROUP V: Motor boat, oiler, mechanic helper, pumpman (other than well point), roller (steel & rubber tires), self-propelled, conveyor, welding machine, three or more combustion engines & Pulver mixer

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTY: McCRACKEN
DECISION NO.: KY79-1031 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY77-1110, dated August 26, 1977, in 42 FR 43337.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.70	.45	1.00		.03
BOILERMAKERS	10.70	1.05	1.10		.02
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS	9.74	.40	.30		
CARPENTERS	9.80	.45	.25		.02
CEMENT MASONS	8.70	.85	.40		.05
ELECTRICIANS:					
Wiremen	10.95	.50	13%		½ of 1%
Cable splicers	11.20	.50	13%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.41	.745	.56	a + b	.025
Helpers	7.99	.745	.56	a + b	.025
Probationary helpers	5.705				
GLAZIERS	10.905	.48	.50	.25	
IRONWORKERS - Structural, Ornamental & Reinforcing	10.75	.55	.75		.05
LATHERS	9.31		.20	.75	.01
LINE CONSTRUCTION:					
Linemen & equipment operators	12.10	.45	3%		½ of 1%
Cable splicers	12.35	.45	3%		½ of 1%
Groundmen truck drivers	9.20	.45	3%		½ of 1%
Groundmen	8.87	.45	3%		½ of 1%
PAINTERS:					
Brush & roller	7.60	.45			
Sandblast & power tools	8.50	.45			
Steeple jack work	10.60	.45			
Free Fall Premium Rate:					
0 to 80' + 50¢ over base rate of work classification					
80' to 120' + 75¢ over base rate of work classification					
Over 120' + $1.00 over base rate of work classification					
PILEDRIVERMEN & MILLWRIGHTS	10.25	.45	.25		.02

DECISION NO. KY79-1031

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$ 9.26			.95	.01
PLUMBERS & PIPEFITTERS	11.50	.60	.65	.50	.08
ROOFERS	8.90		.10		
SHEET METAL WORKERS	11.65	1.102	1.05		.14
SOFT FLOOR LAYERS	9.80	.45	.25		.02
SPRINKLER FITTERS	12.10	.75	1.05		.08
TRUCK DRIVERS:					
Trucks up to but not including 5 tons, such as station wagons, autos, pick-up trucks, dump trucks, flat beds and stake bodies;	7.25		.55		
Trucks 5 tons and over, including special equipment such as Euclids, winch trucks, Dempster dumpsters, crawler-type trucks, tandem dump trucks, mechanics, all ready-mix trucks, tractor trailers, low boys, distributor trucks, water tank trucks, fork lifts;	7.90		.55		
Greasers, tire changers, materials checkers	7.85		.55		

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of the basic hourly rate of employees with 5 years or more of service, or 6% of the basic hourly rate of employees with 6 months to 5 years of service as Vacation Pay Credit.

DECISION NO. KY79-1031

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 6.98	.35	.47		
GROUP 2	7.18	.35	.47		
GROUP 3	7.48	.35	.47		

LABORERS' CLASSIFICATION DEFINITIONS

Group 1 - General laborers; wrecking labor on buildings, clearing right-of-way and building site; carpenter tenders; truck spotters and dumpers; axe and cross cut saw filer; concrete pudlers and form strippers.

Group 2 - All power driven tools; hod carriers; mason tenders; finisher tenders; mortar mixers; jack hammers; vibrators; wagon drill; core drill; test drill; well drill; concrete pump machine; tunnel boring machine; men in tunnel and crib ditch work; signal men; riprap rock setters and handlers; asphalt rakers; tampers and smoothers; pipelayers; grout pump men; chain saw; pipe clearing; doping and wrapping; swampers and straight cable hooking; cement guns; grade checkers machine excavating; batch plant scale man; sand hog free air; sand hog compressed air; cutting torch man on salvage work; road form setters; brick slingers; hand spikers; power buggy; handling of creosote material; sandblasters; curing of concrete and apply hardner; air and gas tampers; concrete saw; power posthole diggers and green cut men on concrete work.

Group 3 - Powdermen; blasters

DECISION NO. KY79-1031

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.00	.60	.50		.05
CLASS B	8.41	.60	.50		.05
CLASS C	7.69	.60	.50		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seedor, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTY: WARREN
DECISION NUMBER: KY79-1032 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY78-1032, dated April 7, 1978, in 43 FR 14862.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.55	.55	.65		.05
BOILERMAKERS	10.70	1.05	1.10		.02
BRICKLAYERS & STONE MASONS	9.05	.40	.30		
CARPENTERS & SOFT FLOOR LAYERS	9.30	.50	.50		.05
CEMENT MASONS & PLASTERERS	10.00				.03
ELECTRICIANS & CABLE SPLICERS	10.90		3%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.41	.745	.56	16%+a+b	.025
Helpers	7.99	.745	.56	16%+a+b	.025
GLAZIERS	8.05	.50	.50		.02
IRONWORKERS - Structural, Ornamental, & Reinforcing	10.40	.70	.65		.10
LATHERS	8.65		.20	.65	.01
LINE CONSTRUCTION:					
Linemen, line truck, hole digger, & cable splicers	10.90		3%		½ of 1%
Groundmen	8.72		3%		½ of 1%
MILLWRIGHTS	11.75	.50	.65		.05
PAINTERS:					
Brush & roller	9.40		.40		.10
Spray & drywall finishing	9.65		.40		.10
Paperhangers	9.90		.40		.10
Sandblasting	10.15		.40		.10
PILEDRIVERMEN	9.30	.50	.50		.05
PIPEFITTERS	12.77	.75	1.40		.10
PLUMBERS	12.06	.80	1.24	.77	.15
ROOFERS	8.00	.50	.35	.15	
SHEET METAL WORKERS	11.65	1.102	1.05		.14
SPRINKLER FITTERS	12.10	.75	1.05		.08
TILE & MARBLE WORKERS	9.05	.40	.30		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. KY79-1032

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 6.98	.35	.47		
Group 2	7.13	.35	.47		
Group 3	7.48	.35	.47		

LABORERS' CLASSIFICATION DEFINITIONS

Group 1 - General laborers; wrecking labor on buildings, clearing right-of-way and building site; carpenter tenders; truck spotters and dumpers; axe and cross cut saw filer; concrete pudlers and form strippers.

Group 2 - All power driven tools; hod carriers; mason tenders; finisher tenders; mortar mixers; jack hammers; vibrators; wagon drill; core drill; test drill; well drill; concrete pump machine; tunnel boring machine; men in tunnel and crib ditch work; signal men; riprap rock setters and handlers; asphalt rakers; tampers and smoothers; pipelayers; grout pump men; chain saw; pipe clearing; doping and wrapping; swampers and straight cable hooking; cement guns; grade checkers machine excavating; batch plant scale man; sand hog free air; sand hog compressed air; cutting torch man on salvage work; road form setters; brick slingers; hand spikers; power buggy; handling of creosote material; sandblasters; curing of concrete and apply hardner; air and gas tampers; concrete saw; power posthole diggers and green cut men on concrete work.

Group 3 - Powdermen; blasters

DECISION NO. KY79-1032

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.00	.60	.50		.05
CLASS B	8.41	.60	.50		.05
CLASS C	7.69	.60	.50		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

DECISION NO. KY79-1032

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck helper & warehouseman	$ 8.36	d	e	f	
Driver, 3 tons and under, greaser, tire changer and mechanic helper	8.48	d	e	f	
Driver, over 3 tons, semi-trailer or pole trailer, dump trucks, tandem axle, and farm tractor when used to pull building material or equipment	8.59	d	e	f	
Driver, concrete mixer trucks (all types, hauling only on jobsites)	8.66	d	e	f	
Driver, Euclid & other heavy earth moving equipment and low boy, winch truck and A-frame & Monorail truck when used to transport building materials	8.76	d	e	f	

DECISION NO. KY79-1032

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 1% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Employer contributes $21.00 per week per employee whose name appears on the payroll and has been employed a minimum of 20 work days within any 90 consecutive day period.

e. Employer contributes $20.00 per week per employee whose name appears on the payroll and has been employed a minimum of 20 work days within any 90 consecutive day period.

f. Employee who has been regularly employed on a project for one year and who has worked a minimum of 1200 hours during the year shall receive vacation and pay equal to 40 hours.

SUPERSEDEAS DECISION

STATES: Kentucky & Tennessee

LOCATION: Fort Campbell (Located in Christian County, Ky. and Montgomery County, Tn.)

DECISION NO.: KY79-1033

DATE: Date of Publication

Supersedes Decision Number KY77-1084, dated June 24, 1977, in 42 FR 32473.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.55	.55	.65		.05
BOILERMAKERS:					
Kentucky portion	10.70	1.05	1.10		.02
Tennessee portion	10.70	1.05	1.10		.02
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, TERRAZZO WORKERS, CEMENT MASONS & PLASTERERS	9.05	.40	.30		
CARPENTERS & SOFT FLOOR LAYERS	9.80	.45	.25		.02
ELECTRICIANS:					
Wiremen:					
Kentucky portion	10.95	.50	13%		½ of 1%
Tennessee portion	10.20	.55	3% + .25		½ of 1%
Cable Splicers:					
Kentucky portion	11.20	.50	13%		½ of 1%
Tennessee portion	10.45	.55	3% + .25		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	8.945	.745	.56	1b6+a+b	.025
Helpers	6.26	.745	.56	1b6+a+b	.025
Probationary Helpers	4.47				
GLAZIERS	8.05	.50	.50		.02
IRONWORKERS:					
Structural, Ornamental, Reinforcing, Machinery Mover, Rigger, Machinery Erector, & Fence Erector	10.40	.70	.65		.10
Sheeter	10.65	.70	.65		.10
LATHERS	8.65		.20	.65	.01
MILLWRIGHTS & PILEDRIVERS	10.25	.45	.25		.02
PAINTERS:					
Brush & Roller	9.40		.40		.10
Spray work, Drywall finishing	9.65		.40		.10
Structural steel, Swing stage & chair, & Motor stage	9.75		.40		.10
Paperhanger	9.90		.40		.10
Sandblasting	10.15		.40		.10
PLUMBERS & PIPEFITTERS	10.44	.55	.55		.07

DECISION NO. KY79-1033

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition, Slate, Tile, Asbestos, Asphalt Shingles	$ 8.00	.50	.35	.15	
SHEET METAL WORKERS	11.01	.53	.31		.04
SPRINKLER FITTERS:					
Kentucky portion	12.10	.75	1.05		.08
Tennessee portion	10.80	.75	1.05		.08

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 1% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

DECISION NO. KY79-1033

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 6.98	.35	.47		
Group 2	7.13	.35	.47		
Group 3	7.48	.35	.47		

LABORERS' CLASSIFICATION DEFINITIONS

Group 1 - General laborers; wrecking labor on buildings, clearing right-of-way and building site; carpenter tenders; truck spotters and dumpers; axe and cross cut saw filer; concrete pudlers and form strippers.

Group 2 - All power driven tools; hod carriers; mason tenders; finisher tenders; mortar mixers; jack hammers; vibrators; wagon drill; core drill; test drill; well drill; concrete pump machine; tunnel boring machine; men in tunnel and crib ditch work; signal men; riprap rock setters and handlers; asphalt rakers; tampers and smoothers; pipelayers; grout pump men; chain saw; pipe clearing; doping and wrapping; swampers and straight cable hooking; cement guns; grade checkers machine excavating; batch plant scale man; sand hog free air; sand hog compressed air; cutting torch man on salvage work; road form setters; brick slingers; hand spikers; power buggy; handling of creosote material; sandblasters; curing of concrete and apply hardner; air and gas tampers; concrete saw; power posthole diggers and green cut men on concrete work.

Group 3 - Powdermen; blasters

DECISION NO. KY79-1033

POWER EQUIPMENT OPERATORS: (KENTUCKY PORTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.00	.60	.50		.05
CLASS B	8.41	.60	.50		.05
CLASS C	7.69	.60	.50		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

DECISION NO. KY79-1033

POWER EQUIPMENT OPERATORS: (TENNESSEE PORTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$ 9.60	.40	.40		
CLASS B	9.06	.40	.40		
CLASS C	8.53	.40	.40		
CLASS D	8.10	.40	.40		

CLASS A: Shovels, backhoes, draglines, cranes, derricks, gantreys, gradall, winches with boom, motor patrol, trenching machines (18" or over), pile driver, tug boat operator, mechanic, forklift, central mixing plant, locomotive engineers, straddle carrier, core drills, tower cranes, hydro-cranes, austin western and all similar type cranes, drilling of piling (all types), tugger, hoist more than one drum, earth freezing equipment, sideboom, dredge operator & engineer, hopto, pump crete, mucking machine, cableway, finishing machine, central compressor, derrick boat, concrete pump, welders, helicopters, de-watering system (all types) sweeper, bulldozers, pans, pulls, scrapers, traxcavators, front end loaders, concrete placing machines, two tower cranes requiring three operators.

CLASS B: Trenching machines (18" or smaller), tandem rollers, pavers, mixer mobiles, backfillers, blade graders, dinkey operators, elevating graders, winches operated from trucks and tractors without booms, distributors bituminous surfaces, hoist (1) drum, mixers, grout pumps, motor boat, switchman, brake man, elevator earth compactors, tractors, conveyors.

CLASS C: Locomotive fireman on boilers, air compressor (stationary), earth drills, scale operators, motor crane driver and oiler, pumps 4" and larger, oilers on gantreys, greasers, drill helpers.

CLASS D: Air compressor, mechanic helper, firemen (low pressure pumps under 4") oilers, welding machine operators, deckhand.

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTY: HENDERSON
DECISION NO.: KY79-1034 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY77-1127, dated September 30, 1977, in 42 FR 53051.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.70	.45	1.00		.03
BOILERMAKERS	10.70	1.05	1.10		.02
BRICKLAYERS, STONE MASONS, MARBLE MASONS, PLASTERERS, TILE SETTERS, & TERRAZZO WORKERS	10.19	.40	.30		
CARPENTERS	10.47	.50	1.00		
CEMENT MASONS	10.60	.65	.55		
ELECTRICIANS:					
Wiremen	11.93	.50	3%		1/8 of 1%
Cable splicers	12.18	.50	3%		1/8 of 1%
GLAZIERS	10.905	.48	.50	.25	
IRONWORKERS:					
Structural, Ornamental, & Reinforcing	10.22	.55	.75		.025
MILLWRIGHTS	10.89	.50	.90		
PILEDRIVERMEN	10.72	.50	1.00		
PAINTERS:					
Brush & Rollers	9.65	.65	.30		
Drywall tapers, Paperhangers	9.90	.65	.30		
Sandblasters, Power tools	10.40	.65	.30		
Spray	10.65	.65	.30		
PLUMBERS & PIPEFITTERS	12.58	.75	.90		.10
ROOFERS	10.63	.60	.50		
SHEET METAL WORKERS	12.42	.55	.55		.03
SPRINKLER FITTERS	12.10	.75	1.05		.08
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. KY79-1034

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$ 8.30	.70	.50		.09
GROUP B	8.50	.70	.50		.09
GROUP C	8.60	.70	.50		.09
GROUP D	9.30	.70	.50		.09

GROUP A
Building & Construction Laborers, Scafold Builders other than for Mason or Plasterers, Ironworkers' Helpers, Mechanic Helpers, Mechanic Tenders, Window Washers & Cleaners, Roofers' Helpers, Railroad Laborer, Masonary Wall Washers (interior & exterior), Cement Finishers' Helpers, Carpenters helper, all portable water pumps with discharge up to 3".

GROUP B
Waterproofing Handling of Creeote Lumber on like treated material (excluding railroad material), Asphalt Rakers & Lutemen, Kettlemen, Air Tool Operating, Vibrators, Chipping Hammer Operator, Jackmen & Sheeting Men Working in ditches deeper than 6', Laborers working in ditches 6' in depth or deeper, assembly of Unicrete Pump, Chain Saw Operators, Tile Layers (sewer or field), Sewer Pipe Layers (metallic & non-metallic), Motor-driven Wheelbarrows & Concrete Buggies, Hyster Opera-pump Crete Assemblers, Conveyors Assemblers, Core Drill Operators, Cement, Lime, or Silica Clay Handlers (bulk or bag), Pneumatic Spikers, Deck, Engine & Winch Operator, Water Main & Cable Ducking (metallic & non-metallic)

GROUP C
Plaster Tenders, Mortar Mixers, Welders (acetylene or electric), Cutting Torch or Burner, Cement Nozzle Laborers, Cement Gun Operator, Scaffold Builders when working for Plasterer or Masons, Mason Tenders.

GROUP D
Dynamite Men

DECISION NO. KY79-1034

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.00	.60	.50		.05
CLASS B	8.41	.60	.50		.05
CLASS C	7.69	.60	.50		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steerman, hydraulic post driver, drill helper.

DECISION NO. KY79-1034

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 7.29	.35	.35		
GROUP 2	7.41	.35	.35		
GROUP 3	7.52	.35	.35		
GROUP 4	7.60	.35	.35		
GROUP 5	7.64	.35	.35		
GROUP 6	7.35	.35	.35		
GROUP 7	7.47	.35	.35		
GROUP 8	7.11	.35	.35		
GROUP 9	7.19	.35	.35		

GROUP 1
Single axle straigh truck, wet or dry, over 3(3/4E) batches

GROUP 2
Tandem trucks or dog-legs, trucks over 15 ton payload, single-axle semi-truck (3 axle unit) Low-boys single axle (3-axle unit) Low-boys single axle (3-axle unit), Winch trucks or A-frames when used to transport material; Batch truck wet or dry, over 3(3/4E) batches, farm tractors pulling trailers

GROUP 3
Tandem axle semi-trucks (4-axle unit), drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment 12 cu yds. & under; Low-Boys, Tandem axle (4 a le unit), drivers on pavement breakers

GROUP 4
Tandem-Tandem Semi-Trucks (5-axle unit Low Boys Tandem (5-axle unit)

GROUP 5
Drivers on equipment when not self-loaded or pusher loaded on such Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Toutnatrailers, Tounarockers or similar equipment over 12. cu. yds. Truck Mechanic Drivers on mixer trucks all types

GROUP 6
Drivers on bitumininous distributors two-man

GROUP 7
Drivers on bituminous distributors one-man

GROUP 8
Drivers of piokup trucks when hauling equip., supplies & material to & from & on the job site.

GROUP 9
Helpers, Greasers, Tire Men & Members tenders batch boards

SUPERSEDEAS DECISION

STATE: KENTUCKY

COUNTIES: BOONE, CAMPBELL, KENTON, PENDLETON

DECISION NO.: KY79-1035

DATE: DATE OF PUBLICATION

Supersedes Decision Number KY77-1107, dated August 26, 1977, in 42 FR 43331.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.16	.75	1.00		.02
BOILERMAKERS	10.70	1.05	1.10		.02
BRICKLAYERS & STONE MASONS	12.845	.65	.35		.02
CARPENTERS	12.20	.75	.85		.075
CEMENT MASONS	12.08	.80	.95		.20
ELECTRICIANS	12.90	.70	3% + .60		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.78	.745	.56	a + b	.035
Helpers	8.25	.745	.56	a + b	.035
Probationary helpers	5.89				
GLAZIERS	13.10		.60		.01
IRONWORKERS:					
Structural & Ornamental	12.33	.90	1.20		.03
Reinforcing	11.53	.90	2.00		.02
LATHERS	13.32		.25		.025
LINE CONSTRUCTION:					
Linemen & Machine operators	12.90	.70	3% + .60		½ of 1%
Groundmen	9.68	.70	3% + .60		½ of 1%
MARBLE SETTERS	12.285	.65	.35		
MARBLE SETTER FINISHERS	11.285				
MILLWRIGHTS	12.39	.50	1.10		.10
PAINTERS:					
Brush, roller, taping, paperhanging, wall covering, washing	12.35		.25		
Steamcleaning (40 ft. or over	12.50		.25		
Spray	12.75		.25		
Drywall machine operators	12.85		.25		
Sandblasting & waterblasting	13.15		.25		
PILEDRIVERMEN	12.20	.75	.85		.075
PIPEFITTERS	13.00	1.025	1.30		.08
PLASTERERS	12.845		.75		.02

DECISION NO. KY79-1035

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & GAS FITTERS	$12.82	1.05	1.20		.05
RESILIENT FLOOR LAYERS	10.55	.75	.85		.05
ROOFERS	13.32		.85		.01
SHEET METAL WORKERS	11.935	1.00	.81		.04
SPRINKLER FITTERS	12.10	.75	1.05		.08
TERRAZZO WORKERS	12.235	.65	.35		
TERRAZZO FINISHERS	11.235				
TILE SETTERS	12.235	.65	.35		
TILE FINISHERS	11.185				

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of the basic hourly rate of employees with 5 years or more of service, or 6% of the basic hourly rate of employees with 6 months to 5 years of service as Vacation Pay Credit.

DECISION NO. KY79-1035

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS - Boone, Campbell, & Kenton Counties:					
Group A	$10.50	.70	.70		.10
Group B	10.60	.70	.70		.10
Group C	10.65	.70	.70		.10
Group D	10.70	.70	.70		.10
Group E	10.85	.70	.70		.10
Group F	11.00	.70	.70		.10
Group G	11.25	.70	.70		.10

CLASSIFICATIONS DEFINITIONS

Group A - Common laborers, cement mason tenders, hand operated mechanical mule, mechanical sweeper, signal man;

Group B - Bottom man, pipe layers;

Group C - Burning torch operator, jack hammer, mechanical and air tamper operator, mechanical concrete buggies, power operated mechanicas mule, concrete pump hose man, vibrator man;

Group D - Plaster tender, mason tender, stone mason tender, bottom jackhammer man;

Group E - Plaster mixer pump operator;

Group F - Tunnel laborer;

Group G - Gunnite nozzle operator.

DECISION NO. KY79-1035

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: Pendleton County					
GROUP I	$ 7.60	.35	.47		
GROUP II	8.00	.35	.47		
GROUP III	8.20	.35	.47		
GROUP IV	8.30	.35	.47		
GROUP V	8.80	.35	.47		
GROUP VI	9.10	.35	.47		

LABORERS' CLASSIFICATIONS DEFINITIONS

GROUP I - General laborers, water boys, concrete pouring, concrete forms stripping and wrecking, hand digging and backfilling of ditches, clearing of right-of-ways and building sites, wood sheeting and shoring, signalman for concrete bucket, and general cleaning.

GROUP II - All air tool operators, air track drills, asphalt rakers, barco tampers, batcher plant and scale man, chain saw, concrete saw, electric hand grinder, all electric bush and chipping hammers, flagman, forklift operators, form setter (street or highway), gunnite laborers, hand spiker, Introflax burning rod, joint makers, mason tenders, pipe layers, plasterer tenders, powderman helpers, power driven Georgia Buggies, power posthole digger, railroad laborers, sandblaster laborers, scow man and deck hand, signal man, sweeper and cleaner machines, vibrator operators, walk behind trenching machines, mortar mixer machines, water pumpman.

GROUP III - Gunnite nozzleman and gunnite nozzle machine operator, sand blaster nozzleman, concrete or grout pumpman, plaster pumpman.

GROUP IV - Powderman and Blaster.

GROUP V - Caisson holes (6 ft. & over) pressure and free air including tools.

GROUP VI - Tunnel man and tunnel sand miner, cofferdam (pressure and free air) sand hog or mucker (pressure or free air.

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DECISION NO. KY79-1035

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$12.61	.66	1.00		.11
GROUP B	12.45	.66	1.00		.11
GROUP C	12.09	.66	1.00		.11
GROUP D	11.31	.66	1.00		.11
GROUP E	10.98	.66	1.00		.11
GROUP F	9.03	.66	1.00		.11

GROUP A: A-frame; Air compressor on steel erection; all rotary drills used on caisson work for foundations and substructure work; Boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation); Boom trucks (all types); Cableways; Cherry pickers; Combination concrete mixer and tower; Concrete pumps; Cranes (all types); Derricks (all types); Draglines; Dredge (dipper, clam or suction) 3 man crew; Elevating grader or euclid loader; Floating equipment; Gradalls; Helicopter operator, (hoisting builders materials); Helicopter winch operator (hoisting builders materials); Hoes (all types); Hoisting engines (two or more drums); Lift slab or panel jack operator; Locomotives (all types); Maintenance engineer (mechanic or welder); Mixer paving (multiple drum); Mobile concrete pumps with boom; Panelboard (all types on site); Pile driver; Power shovels; Side booms; Slip form pavers; Straddle carriers (building construction on site); Trench machines (over 24" wide); Tug boat

GROUP B: Asphalt paver; Bulldozer; CMI type equipment; End loaders; Kohlman type loaders (dirt loading); Mucking machines; Power grader; Power scoops; Power scrapers; Push cats; Lead greaseman

GROUP C: Air compressor, pressurizing shafts or tunnels; All asphalt rollers; Fork lifts; Hoist (one drum); House elevators; Man lift; Power boilers (over 15 lbs., pressure); Pump operator installing or operating well points or other type of dewatering system; Pumps (4" and over discharge); Submersible pumps (4" and over discharge); Trenchers (24" and under)

GROUP D: Compressors on building construction; Conveyors building material; Gunite machines; Mixers (cap., more than one bag); Mixers (one bag cap., side loader); Post driver; Post hole digger; Pavement breaker (hydraulic or cable); Road widening trencher; Rollers; Welder operator; Generators

GROUP E: Backfillers and tampers; Batch plant; Bar and joint installing machine; Bull floats; Burlap and curing machines; Clefplanes; Concrete spreading machines; Crushers; Drum fireman asphalt; Farm type tractors, pulling attachments; Finishing machines; Form trenchers; High pressure pumps (over ½" discharge); Hydro seeders; Self propelled powered spreader; Self propelled sub-grader; Tire repairman; Tractors (pulling sheep foot roller or grader); Vibratory compactors with integral power); Deckhand

GROUP F: Oiler, Helper, Signalman; Light plant operator; Power driven heaters (oil fired); Power boilers (less than 15 lbs., pressure); Pumps (under 4" discharge); Submersible pumps (under 4" discharge); Inboard, Outboard motor boat launch

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT79-5101 DATE : Date of Publication
Supersedes Decision MT78-5121 dated August 4, 1978, in 43 FR 34684
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$ 9.73	.70	.75		.02
Piledrivermen; Sawfilers, Carpenters on charred and creosote wood	9.88	.70	.75		.02
CEMENT MASONS:					
Cement Masons	8.90	.75	.25		
Grinder, Bush Hammer and Clipping Pan preparing finished surface; Epoxy	9.05	.75	.25		
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	11.65	.60	3%+.50		1/2%
Big Horn, Carter, Carbon, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wilbaux and Yellowstone Counties					
Electricians	11.82	.45	3%+.50		1/2%
Cable Splicers	12.27	.45	3%+.50		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Contracts over $150,000	11.60	.60	3%+.75		1/2%
Contracts under $150,000	11.00		3%+.75		1/2%
Broadwater, Lewis and Clark and Meagher Counties	11.05	.60	3%+.50		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	11.60	.60	3%+.75		1/2%
Cable Splicers	11.85	.60	3%+.75		1/2%
Custer and Garfield Counties	9.40		3%		1/2%
Daniels, McCone, Richland, Roosevelt, Sheridan and Valley Counties					
Electricians	10.15	.60	3%+.75		1/2%
Cable Splicers	10.40	.60	3%+.75		1/2%
Fergus, Petroleum and Wheatland Counties					
Contracts over $30,000	10.85	.45	3%+.50		1/2%
Contracts under $30,000	9.25	.45	3%+.50		1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	$ 11.25	.60	3%+.25		1/2%
Cable Splicers	11.85	.60	3%+.25		1/2%
Gallatin County	11.20	.45	3%		1/2%
Park and Sweetgrass Counties	10.45	.45	3%+.50		1/2%
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silver Bow Counties	11.26	.70	1.25		.05
Flathead, Glacier, Lake, Lincoln Mineral, Missoula and Sanders Counties	12.60	.93	1.45		.10
Remaining Counties (including Northern half of Lewis and Clark County)	11.26	.70	1.25		.05
PAINTERS:					
Silver Bow County, South part of Jefferson County, from a line running due west from the south limits of Tosten, south part of Broadwater County, from a line running east and west through the north limits of Tosten, the west part of Madison County, from a line running north and south through the west limits of Harrison - Beaverhead County	9.23	.42	.35		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweetgrass, Treasure, Wheatland (south of the City of Harlowtown), Wilbaux and Yellowstone Counties					
Brush, Roller	9.26	.56	.20		
Spray (not steel), Sandblaster	10.24	.56	.20		
Steel (brush or Roller	9.51	.56	.20		
Spray (structural steel and tanks), Sandblaster (structural steel and tanks)	10.49	.56	.20		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Philipsburg					
Painter	$ 9.02				
Paint Mitts	9.52				
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water sandblasting and steam cleaning; Stacks and steeples; Brushing of steel; Spraying and airless spraying; Work over 30 feet	11.80				
Cascade, Chouteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier, (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark (northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running East and West through the southern limits of Harlowtown) Counties:					
Painter, Brush, Preparatory work, Pot Tender, Parking lot and related work, Roller up to 9 inches	9.77	.56	.40		1%
Paperhanger, Brush on steel	10.27	.56	.40		1%
Water and sandblasting, Application of cold tar products, Epoxies, Polyurethanes and acid resistant paints, Spraying and airless spray	12.02	.56	.40		1%
Roller over 9" long	13.37	.56	.40		1%
Hand Taper	10.17	.56	.40		1%
Machine Taper	11.42	.56	.40		1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (cont'd)					
Broadwater, Gallatin, Jefferson (northern area from a line running east and west 5 miles south of the southern City limits of Boulder), Lewis and Clark (southern portion from a line running east and west thru the southern limits of Craig), Madison (east of the west City limits of Harrison), Meagher, Park, Powell (northern area from a line running east and west through the southern City limits of Helmsville)					
Brush, Preparatory work, Pot tender, Parking lot striping and related work	$ 9.27	.56	.40		1%
Spraying and Airless Spray	11.52	.56	.40		1%
Sandblating, Waterblasting	11.52	.56	.40		1%
Structural steel brush	9.77	.56	.40		1%
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Counties	8.40				
Flathead, Granite (northern area north limits of Phillipsburg), Lake southern area including the City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Counties	10.20	.44	.40		.04
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	12.93	.65	.70		.10
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties	12.60	.75	1.10		.14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties	$ 12.75	.70	.85		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	12.55	1.00	.90		.10
SHEET METAL WORKERS:					
Broadwater, Jefferson (including north half of the City of Boulder), Lewis and Clark and Meagher Counties	10.31	.77	.25		.10
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	12.12	.89	.25		.11
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	10.805	.68	3%+.725		.23
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	11.43	.66	.25		.08
Beaverhead, Deer Lodge, Granite, Jefferson (southern half), Madison, Powell and Silver Bow Counties	12.27	.44	.44		.03

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker	$ 8.85	.60	.50		.05
Axeman	8.60	.60	.50		.05
Burning Bar	8.76	.60	.50		.05
Car and Truck Loaders, Scissorman	8.60	.60	.50		.05
Caisson Workers (free air)	8.76	.60	.50		.05
Carpenter Tender	8.60	.60	.50		.05
Cement Handlers	8.76	.60	.50		.05
Cement Mason Tender	8.76	.60	.50		.05
Choker Setter	8.76	.60	.50		.05
Chuck Tender and Nipper (above ground)	8.60	.60	.50		.05
Concrete Laborers (wet or dry); Bucketman and Signalman	8.76	.60	.50		.05
Concrete or Asphalt Saw	8.70	.60	.50		.05
Concrete Vibrator (5" and over)	8.90	.60	.50		.05
Cosmolene applying and removing	8.60	.60	.50		.05
Core Drill	9.20	.60	.50		.05
Curb Machine	8.70	.60	.50		.05
Drills, Air-tract, self-propelled, cat or truck mounted air operated	8.86	.60	.50		.05
Drills, Air-tract, with dual mast	8.96	.60	.50		.05
Drills, Air-tract, self-propelled, Mustang type or similar	8.91	.60	.50		.05
Dumpman (spotter)	8.60	.60	.50		.05
Dumpman (grademan)	8.76	.60	.50		.05
Fence Erector and Installer (including installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers)	8.60	.60	.50		.05
Form Stripper	8.60	.60	.50		.05
Form Setter	8.70	.60	.50		.05
Grade Setter	8.95	.60	.50		.05
General Laborer	8.60	.60	.50		.05
Hand Faller	8.68	.60	.50		.05
High Scaler	8.96	.60	.50		.05
High Pressure Machine Nozzleman	8.80	.60	.50		.05
Heater Tender	8.60	.60	.50		.05

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Jackhammer, Pavement Breaker, Wagon Drills, Concrete Vibrator, Mechanic Tamper, Vibrating Roller, hand steered and other power tools	$ 8.76	.60	.50		.05
Landscape Laborers	8.60	.60	.50		.05
Nozzleman-air and water, gunite and Placo Machine	8.70	.60	.50		.05
Pipe Layer (all types)	8.76	.60	.50		.05
Pipe Wrapper	8.76	.60	.50		.05
Post Hole Digger (power auger)	8.70	.60	.50		.05
Power Saw, bucking	8.76	.60	.50		.05
Power saw, falling	8.86	.60	.50		.05
Powderman Helper	8.70	.60	.50		.05
Powderman	9.16	.60	.50		.05
Power Driven Wheelbarrow	8.70	.60	.50		.05
Riprapper	8.76	.60	.50		.05
Riprap Helper	8.60	.60	.50		.05
Scaleman	8.76	.60	.50		.05
Sandblaster	8.80	.60	.50		.05
Sandblaster Tail Hoseman, Pot Tender	8.60	.60	.50		.05
Sodcutter-hand operated	8.60	.60	.50		.05
Spike Driver, single or dual or hand	8.76	.60	.50		.05
Stake Jumper for Equipment	8.60	.60	.50		.05
Switchman	8.76	.60	.50		.05
Tar Pot	8.70	.60	.50		.05
Tool Checker, Tool Houseman	8.60	.60	.50		.05
Welder	9.60	.60	.50		.05

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 10.60	.55	.55	.45	.07
Air Compressor, single	10.29	.55	.55	.45	.07
Air Compressor, two or more	10.46	.55	.55	.45	.07
Air Doctor	10.76	.55	.55	.45	.07
Asphalt Paving Machine	10.76	.55	.55	.45	.07
Asphalt Paving Machine Screed	10.76	.55	.55	.45	.07
Automatic Finegrader, Gurries and other similar types	10.89	.55	.55	.45	.07
Belt Finish Machine	10.46	.55	.55	.45	.07
Bit Grinder	10.76	.55	.55	.45	.07
Bituminous Mixer Paving, Travel Plant	10.76	.55	.55	.45	.07
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	10.35	.55	.55	.45	.07
Boring Machine (large)	10.76	.55	.55	.45	.07
Broom, self-propelled	10.43	.55	.55	.45	.07
Cableway Highline	11.27	.55	.55	.45	.07
Cement Silo	10.55	.55	.55	.45	.07
Central Mixing Plants, Concrete dam and stationary	11.01	.55	.55	.45	.07
Chain Bucket Loader	10.48	.55	.55	.45	.07
Chip or Gravel Spreader, self-propelled	10.48	.55	.55	.45	.07
Concrete Batch Plant, one and two mixers	10.76	.55	.55	.45	.07
Concrete Batch Plant, three and four mixers	10.96	.55	.55	.45	.07
Concrete Batch Plant, five mixers and over	11.16	.55	.55	.45	.07
Concrete Batch Plant Oiler, up to and including two mixers	10.28	.55	.55	.45	.07
Concrete Batch Plant Oiler, three mixers and over	10.59	.55	.55	.45	.07
Concrete Bucket Dispatcher	10.76	.55	.55	.45	.07
Concrete Curing Machine	10.76	.55	.55	.45	.07
Concrete Finish Machine Paving	10.76	.55	.55	.45	.07
Concrete Float-Spreader	10.76	.55	.55	.45	.07
Concrete Mixer, three bags and under	10.35	.55	.55	.45	.07
Concrete Mixer, four bags and over	10.52	.55	.55	.45	.07

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Power Saw, self-propelled	$ 10.76	.55	.55	.45	.07
Concrete Travel Batcher	10.76	.55	.55	.45	.07
Concrete Conveyor under 40 ft.	10.34	.55	.55	.45	.07
Concrete Conveyor over 40 ft.	11.09	.55	.55	.45	.07
Concrete Pump	11.09	.55	.55	.45	.07
Conveyor Loader Operator, up to and including 42' belt	10.34	.55	.55	.45	.07
Conveyor Loader Operator over 42' belt	10.46	.55	.55	.45	.07
Crane, to and including 80' boom	10.92	.55	.55	.45	.07
Crane, 81 to 130' boom	11.07	.55	.55	.45	.07
Crane, 131' to 150' boom	11.12	.55	.55	.45	.07
Crane, 151' boom and over	11.17	.55	.55	.45	.07
Crane Oiler	10.33	.55	.55	.45	.07
Crane with jiba an additional $.15 per hour					
Crusher	10.76	.55	.55	.45	.07
Crusher Oiler and Helper	10.25	.55	.55	.45	.07
Crusher Conveyor, when required	10.22	.55	.55	.45	.07
Distributor	10.76	.55	.55	.45	.07
DW 10, 15, or 20 tractor pulling Roller	10.48	.55	.55	.45	.07
Electric Overhead Cranes	10.94	.55	.55	.45	.07
Elevating Grader	10.76	.55	.55	.45	.07
Farm type tractor up to and including 50 HP engine	10.22	.55	.55	.45	.07
Farm type tractor, over 50 HP engine	10.30	.55	.55	.45	.07
Field Equipment Serviceman	10.68	.55	.55	.45	.07
Field Equipment Serviceman Helper	10.25	.55	.55	.45	.07
Fireman	10.35	.55	.55	.45	.07
Forklift, on construction job site	10.57	.55	.55	.45	.07
Form Grader	10.53	.55	.55	.45	.07
Gradall	10.76	.55	.55	.45	.07
Grade Setter	10.22	.55	.55	.45	.07

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Heavy Duty Drill, all types	$ 10.76	.55	.55	.45	.07
Heavy Duty Driller Helper	10.35	.55	.55	.45	.07
Herman-Nelson Heaters and similar type	10.30	.55	.55	.45	.07
Hoist, two or more drums	10.76	.55	.55	.45	.07
Helicopter Hoist	11.26	.55	.55	.45	.07
Hot Plant	10.76	.55	.55	.45	.07
Hot Plant Fireman, when in operation	10.76	.55	.55	.45	.07
Hot Plant Oiler, 100 ton per hour or over	10.25	.55	.55	.45	.07
Hydra lift and similar types	10.66	.55	.55	.45	.07
Industrial Locomotive all classes	10.76	.55	.55	.45	.07
Mechanic and/or Welder on job	10.86	.55	.55	.45	.07
Mechanic and/or Welder Helper on job	10.25	.55	.55	.45	.07
Mechanic, Shop (Dec. 1 to April 1)	10.46	.55	.55	.45	.07
Mechanic Helper, Shop (Dec. 1 to April 1)	9.92	.55	.55	.45	.07
Mixermobile	10.84	.55	.55	.45	.07
Motor Patrol	10.89	.55	.55	.45	.07
Mountain Logger or similar type	10.76	.55	.55	.45	.07
Mucking Machine	10.76	.55	.55	.45	.07
Oiler-Driver, Rubber tired Cranes	10.33	.55	.55	.45	.07
Oilers, other than shovels and cranes	10.25	.55	.55	.45	.07
Oiler, Hoist House, Dams	10.66	.55	.55	.45	.07
Pavement Breaker, Emsco and similar	10.76	.55	.55	.45	.07
Paving and Mixing Machine	10.89	.55	.55	.45	.07
Power Auger, large truck or tractor mounted and punch	10.76	.55	.55	.45	.07
Power Mixer, single or double drum	10.76	.55	.55	.45	.07
Power Saw, multiple cut, self-propelled	10.76	.55	.55	.45	.07
Pumpcrete or Grout Machine	10.76	.55	.55	.45	.07
Pumpman	10.29	.55	.55	.45	.07
Push Tractor	10.76	.55	.55	.45	.07

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Quad Cat	$ 11.06	.55	.55	.45	.07
Quad Loader and similar type	11.34	.55	.55	.45	.07
Radiator Repairman	10.57	.55	.55	.45	.07
Raygo Gaint	11.34	.55	.55	.45	.07
Refrigeration Plant	10.76	.55	.55	.45	.07
Retort	10.35	.55	.55	.45	.07
Roller, on blade or hot mix oil paving	10.76	.55	.55	.45	.07
Roller, on other blade or hot mix paving	10.46	.55	.55	.45	.07
Roller, 25 ton or over	10.76	.55	.55	.45	.07
Ross and similar type Carriers, on construction site	10.76	.55	.55	.45	.07
Rubber-tired Dozer	10.76	.55	.55	.45	.07
Rubber-tired Front End Loader, 1 yard and under	10.47	.55	.55	.45	.07
Rubber-tired Front End Loader, 1 yard to and including 3 yards	10.76	.55	.55	.45	.07
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	10.88	.55	.55	.45	.07
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	10.98	.55	.55	.45	.07
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	11.08	.55	.55	.45	.07
Rubber-tired Front End Loader, over 15 yards	11.18	.55	.55	.45	.07
Scraper, DW 15, 20, 21 and similar type if power unit is not used	10.76	.55	.55	.45	.07
Scraper, single or twin engine pulling belly dump trailer	11.14	.55	.55	.45	.07
Scraper, single engine	10.89	.55	.55	.45	.07
Scraper, twin engine	10.99	.55	.55	.45	.07
Scraper, tandem engine or 3 engine	11.25	.55	.55	.45	.07
Self-propelled Sheepfoot and similar type	10.76	.55	.55	.45	.07

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Shovels, including all attachments, under 1 cu. yd.	$ 10.76	.55	.55	.45	.07
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	10.94	.55	.55	.45	.07
Shovels, including all attachments over 3 cu. yds. to and including 5 cu. yds.	11.21	.55	.55	.45	.07
Shovels, including all attachments over 5 cu. yds.	11.34	.55	.55	.45	.07
Shovel Oiler, 3 yards and under	10.25	.55	.55	.45	.07
Shovel Oiler, over 3 cu. yds.	10.66	.55	.55	.45	.07
Slip Form Paver	10.89	.55	.55	.45	.07
Stiff Leg Derrick and Guy Derrick	11.21	.55	.55	.45	.07
Track-type Front End Loaders, up to and including 5 cu. yds.	10.76	.55	.55	.45	.07
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	10.99	.55	.55	.45	.07
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	11.09	.55	.55	.45	.07
Track-type Front End Loaders, over 15 cu. yds.	11.19	.55	.55	.45	.07
Track-type Tractor w/wo attachments	10.76	.55	.55	.45	.07
Track-type Tractor, on Euclid Loader	10.94	.55	.55	.45	.07
Trenching Machine	10.76	.55	.55	.45	.07
Turnhead Conveyor, or Head Tower on Batch Plant	10.76	.55	.55	.45	.07
Wagner Roller and similar type	10.76	.55	.55	.45	.07
Whirley Crane	11.29	.55	.55	.45	.07
Whirley Crane Oiler	10.66	.55	.55	.45	.07
Water Pull when used for compaction	10.76	.55	.55	.45	.07
Washing and Screening Plant	10.76	.55	.55	.45	.07
Washing and Screening Plant Oiler	10.25	.55	.55	.45	.07
Yo-Yo Cat, both ends	10.96	.55	.55	.45	.07

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To and including 4 cu. yds.	$ 9.61	.65	.50		
Over 4 cu. yds. to and including 6 cu. yds.	9.69	.65	.50		
Over 6 cu. yds. to and including 8 cu. yds.	9.77	.65	.50		
Over 8 cu. yds. to and including 10 cu. yds.	9.85	.65	.50		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER and HELPER	9.59	.65	.50		
DRY BATCH TURCKS:					
3 Batch or under	9.36	.65	.50		
Over 3 Batch to and including 5 Batch	9.49	.65	.50		
Over 5 Batch to and including 10 Batch	9.65	.65	.50		
Over 10 Batch to and including 15 Batch	9.81	.65	.50		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	9.46	.65	.50		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters and Helpers	9.36	.65	.50		
WAREHOUSEMEN, Partsmen, Cardex Men, Warehouse Expediter	9.56	.65	.50		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS AND SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards:					
7 cu. yds. or less	$ 9.36	.65	.55		
Over 7 cu. yds. to and including 10 cu. yds.	9.49	.65	.55		
Over 10 cu. yds. to and including 15 cu. yds.	9.65	.65	.55		
Over 15 cu. yds. to and including 20 cu. yds.	9.79	.65	.50		
Over 20 cu. yds. to and including 25 cu. yds.	9.85	.65	.50		
Over 25 cu. yds. to and including 30 cu. yds.	9.91	.65	.50		
Over 30 cu. yds. to and including 35 cu. yds.	9.97	.65	.50		
Over 35 cu. yds. to and including 40 cu. yds.	10.03	.65	.50		
Over 40 cu. yds. to and including 45 cu. yds.	10.09	.65	.50		
Over 45 cu. yds. - additional $.10 per hour each additonal 5 cu. yds. increment					
DUMPSTERS	9.49	.65	.50		
SERVICEMEN	10.20	.65	.50		
POWER TRUCK DRIVER (bulk unloader type)	9.54	.65	.50		
FLAT TRUCKS:					
To and including 3 tons	9.51	.65	.50		
Over 3 tons Factory rating	9.71	.65	.50		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	9.95	.65	.50		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	9.61	.65	.50		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LUMBER CARRIERS, LIFT TRUCKS and FORK LIFTS	$ 9.61	.65	.50		
POWER BROOM	9.45	.65	.50		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	9.36	.65	.50		
Over 2,500 gallons to and including 4,500 gallons	9.65	.65	.50		
Over 4,500 gallons to and including 6,000 gallons	9.85	.65	.50		
Over 6,000 gallons to and including 8,000 gallons	9.91	.65	.50		
Over 8,000 gallons to and including 10,000 gallons	9.99	.65	.50		
Over 10,000 gallons - additional $.10 per hour each additional 2,000 gallons increment					
TRUCK WITH POWER EQUIPMENT IF UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete and combination mulching, seeding and fertilizing	9.61	.65	.50		
TRUCK MECHANIC	10.35	.65	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Flathead, Lake and Lincoln Counties					
All construction of "H" fixtures and steel tower transmission lines with capacity of 69 K.V. voltages and over, Switch yard and substation rated at 5000 K.V.A. and all work not covered by schedule "B".					
SCHEDULE "A"					
Lineman	$ 11.73	.45	3%+.25		1/2%
Cable Splicer	13.05	.45	3%+.25		1/2%
Powderman, Jackhammer, Compressorman	8.67	.45	3%+.25		1/2%
Line Equipment Operators	9.99	.45	3%+.25		1/2%
Groundman	7.01	.45	3%+.25		1/2%
Groundman (Experienced)	8.13	.45	3%+.25		1/2%
All work for power utilities except work covered under Schedule "A", all highway lighting, street lighting and motor traffic controlling.					
SCHEDULE "B"					
Lineman	10.55	.45	3%+.25		1/2%
Cable Splicers	11.73	.45	3%+.25		1/2%
Pole Sprayer	10.42	.45	3%+.25		1/2%
Line Equipment Operators	9.15	.45	3%+.25		1/2%
Powderman, Jackhammer, Compressorman	7.97	.45	3%+.25		1/2%
Groundman	7.48	.45	3%+.25		1/2%
Tree Trimmer	10.84	.45	3%+.25		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (Cont'd)					
Remaining Counties					
Lineman, Pole Sprayer	$ 10.10	.45	3%+.25		1/2%
Cable Splicer	10.60	.45	3%+.25		1/2%
Line Equipment Operators; Powderman	9.05	.45	3%+.25		1/2%
Groundman, Experienced	7.35	.45	3%+.25		1/2%
DREDGING					
Assistant Mate (Deckhand)	12.02	.85	1.00		.11
Fireman	12.12	.85	1.00		.11
Oiler	12.12	.85	1.00		.11
Assistant Engineer (Electric, Diesel, Steam or Booster Pump)	12.46	.85	1.00		.11
Mates and Boatman	12.46	.85	1.00		.11
Engineer Welder	12.51	.85	1.00		.11
Craneman	12.51	.85	1.00		.11
Assistant Engineer (Electric, Generator Operator for Primary Pump, Power Barge or Dredge)	12.56	.85	1.00		.11
Leverman, Dipper:					
(a) 5 yards and under	13.27	.85	1.00		.11
(b) Over 5 yards	13.82	.85	1.00		.11
Leverman, Hydraulic	12.88	.85	1.00		.11

SUPERSEDEAS DECISION

STATE: Nebraska

COUNTIES: Statewide (except Douglas, Cass, Sarpy, Washington and that portion of Saunders County East of Highway #109

DECISION NO.: NE79-4026 DATE: Date of Publication

Supersedes Decision No. NE78-4006 dated February 3, 1978 in 43 FR 4819

DESCRIPTION OF WORK: Heavy and Highway Construction (excluding bridges across navigable waterways).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenter	$6.90				
Carpenter Helper	4.90				
Cement Finisher	6.60				
Concrete Saw Operator	6.05				
Form Setter (road)	6.05				
Form Setter (structures)	5.40				
Laborer	4.40				
Manhole Builder	5.40				
Painter	4.40				
Pile Driver Leadsman	4.40				
Power Equipment Operators:					
All Purpose Spreader	5.15				
Asphalt Distributor	4.90				
Asphalt Distributor Helper	4.60				
Asphalt Heaterman	4.60				
Asphalt Paving Machine	6.60				
Asphalt Paving Machine Screedman	5.40				
Stationary Pl. (base or stabilization)	6.05				
Stationary Pl. (asphalt or concrete)	6.90				
Beginner Operator	5.40				
Bulldozer:					
Less than 115 Drawbar H.P.	6.15				
115 Drawbar H.P. and over	6.90				
Cement Handler	4.40				
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	7.00				
Concrete Mixer	4.40				
Concrete Paver	6.05				
Slip Form Paver	6.90				
Concrete Finishing Machine and Spreader	6.90				
Conveyor	4.40				
Crusher (incl. those with integral screening plant)	6.15				
Dredge Pump Under 10"	5.15				
Dredge Pump 10" and Over	6.05				
Fireman (boiler)	4.60				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Front End Loader:					
3½ Cu. Yds. or less	$6.05				
Over 3½ Cu. Yds.	6.60				
Mechanic	7.00				
Mechanic Helper	6.05				
Motor Grader	7.00				
Oiler or Greaser	6.05				
Roller or Compactor, Self-Propelled	6.15				
Scraper, Under 16 Cu. Yds	6.15				
Scraper 16 Cu. Yds. and Over	6.90				
Power Grade Machine (trimmer & profiler	6.90				
Tractor:					
Farm Type	5.15				
Less than 115 Drawbar H.P.	6.15				
115 Drawbar H.P. and Over	6.60				
Traveling Plant (stabilization)	6.15				
Traveling Plant Helper (stabilization)	5.15				
Trenching Machine	5.40				
Truck Driver:					
Single Axle	4.40				
Tandem Axle	5.15				
Semi-Trailer	5.15				
Transit Mix	5.15				
Lowboy	6.05				
Water Tanker, 6,000 Gal. & over	6.15				
Welder	6.60				
Hydrohammer	5.10				

[FR Doc. 79-4173 Filed 2-8-79; 8:45 am]

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FRIDAY, FEBRUARY 9, 1979

PART III



OFFICE OF PERSONNEL MANAGEMENT

STANDARDS FOR A MERIT SYSTEM OF PERSONNEL ADMINISTRATION

Final Rule; Revision

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[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—OFFICE OF PERSONNEL MANAGEMENT

PART 900—INTERGOVERNMENTAL PERSONNEL ACT PROGRAMS

Standards for a Merit System of Personnel Administration

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing revised Standards for a Merit System of Personnel Administration. These revised Standards incorporate in revised form regulations which have been transferred from 45 CFR Part 70 and material presently in 5 CFR Part 900, Subpart F. By this action and action taken elsewhere in this FEDERAL REGISTER, the Standards are removed from 45 CFR Part 70. Authority to prescribe the Standards was transferred to the United States Civil Service Commission from the Departments of Health, Education, and Welfare, Labor, and Agriculture by the Intergovernmental Personnel Act (IPA) of 1970, and under Reorganization Plan Number Two of 1978, was transferred to the Office of Personnel Management on January 1, 1979.

These revised regulations appeared in proposed form in the FEDERAL REGISTER on May 16, 1978, 43 FR 20996.

The Standards contain requirements and guides for establishing and maintaining a system of personnel administration on a merit basis in the grant-in-aid programs listed in Appendix A to this issuance. Their primary purpose is to help strengthen State and local personnel administration for those grant programs to assure their proper and efficient administration. They include criteria for establishing and maintaining a systematic approach to employing, advancing and retaining employees; for providing proper safeguards for fair treatment of employees; for assuring compliance with Federal equal employment requirements; for assuring effective employee management relations; and for sustaining proper administration of the Standards through evaluation, technical assistance, and where necessary, enforcement action.

EFFECTIVE DATE: February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Lawrence D. Greene, Intergovernmental Personnel Programs, Office of Personnel Management, 1900 E Street, NW., Room 2510, Washington, D.C. 20415—(202) 632-6044.

SUPPLEMENTARY INFORMATION:

BACKGROUND

A purpose of the IPA as expressed in Title II is "to assist State and local governments to strengthen their staffs by improving their personnel administration." In Title II, Section 208(a), the Congress provides one means of accomplishing this purpose—by the Office of Personnel Management prescribing, and in cooperation with Federal grantor agencies, administering personnel standards on a merit basis for State and local government personnel systems serving grant-aided programs. The IPA further provides in Section 208 that the personnel standards "shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration." Just before the IPA became effective in 1971, the Standards, which were administered at that time by the Department of Health, Education, and Welfare, were revised. They have continued to be in effect in that form until now.

In addition to the fact that the previous Standards were promulgated by Federal agencies not now having responsibility for their administration, a number of other changes since 1971 led to the decision to revise them. There have been, for example, major court decisions and legislative changes in the area of civil rights, the most important being the extension of the Civil Rights Act of 1964 to State and local governments by amendment in 1972, and several Supreme Court decisions. Employee-management relations, including collective negotiations programs, have undergone considerable growth in the public sector. Section 208(b) of the IPA was amended in 1978 to provide that the Standards "shall be prescribed in such a manner as to minimize Federal intervention in State and local personnel administration." It also provides that the Standards shall include the merit principles in section 2 of the IPA. The Standards have been revised to take account of these developments. The U.S. Civil Service Commission and the Office of Personnel Management have been particularly interested in improving the relationships between the Federal Government and State and local governments in applying the Standards to federally assisted programs. It is the intent of the Office of Personnel Management in prescribing these Standards to minimize Federal intervention in State and local personnel administration.

The revised Standards are intended to be consistent with the Civil Service Reform Act and therefore to enable State and local governments to reform or modernize their personnel systems along similar lines consistent with the Standards provisions. An extensive review process has given to every interested party assurance of opportunity to provide comments and recommendations on the revisions in the Standards.

By merging the Principles of the IPA and the Standards, the Federal regulatory experience in administering the Standards over the past 38 years has been combined with the congressionally adopted principles of personnel management on a merit basis.

RULEMAKING HISTORY

On November 30, 1976, the United States Civil Service Commission published an "Advance Notice of Proposed Rulemaking" which announced its intent to review the Standards and invite participation by interested parties. From the time of that announcement until a proposed set of revised Standards was published on May 16, 1978, the the United States Civil Service Commission undertook an extensive consultation process with State and local governments, public interest groups, other Federal agencies, employee organizations, professional membership organizations, civil rights organizations, and citizen interest groups. Additional written comments on the May 16 version of the proposed Standards have now been received and analyzed. At this time, a total of more than 400 letters of comment have been received. In addition, State and local government officials, representatives of public interest and other groups, and Federal officials throughout the country were invited to meet and discuss issues involved in revising the Standards. A public meeting was held by the United States Civil Service Commission in which the Commissioners personally heard testimony from a variety of individuals representing groups affected by the Standards. Also, the Equal Employment Opportunity Commission (EEOC) approved the Standards as provided under Executive Order 12067.

At the outset, the Commission aimed to involve as many interested parties as possible in the review process. This objective has been met. The revision that follows results from a major effort to be responsive to the comments and ideas contributed. In this instance, the policy formulation process required careful listening to opinions and recommendations from various points of view which were often widely divergent. The Office of Personnel Management believes this version of the Standards is now the best possible reconciliation of the various views put forward.

ANALYSIS OF FINAL REGULATIONS

This section gives an overview of the regulations, describes each section, discusses the comments, and explains the basis for changes from the proposed regulations issued in May 1978.

As stated above, the Standards have been incorporated into 5 CFR Part 900. They now comprise Subpart F. Separate regulations on administration of the Standards which formerly were in 5 CFR Part 900, Subpart F, have also been revised and are now incorporated in the Standards.

The Standards contain one section, § 900.601, which explains their purpose and applicability to covered grant programs and nine sections, § 900.602 through § 900.611 which contain regulations and guides. Explanation of the differences between regulations and guides can be found in § 900.601 (l), (m), and (n).

SECTION BY SECTION ANALYSIS

STATEMENT OF PURPOSE AND APPLICABILITY

Significant changes in the format of the Merit System Standards are outlined in the introduction. The Standards now have been merged with the six principles contained in section two of the Intergovernmental Personnel Act of 1970 (Pub. L. 91-648). Administrative provisions of the Standards are grouped under three sections entitled "Administration of State and local personnel systems," "Assuring conformity with the Standards," and "Establishing a merit requirement or policy."

Another significant change in format is the clear identification of those portions of the Standards which are considered enforceable, regulatory requirements. Guide material is clearly identified. it interprets the intent of the requirements and sets forth desirable methods for their implementation.

The introduction makes clear that the revised Standards provide State and local governments with greater flexibility, are performance oriented to the maximum extent possible, and avoid detailed procedural or technical requirements. It highlights new features in administration, including the involvement of chief executives, simplified approaches to the maintenance of State plans and new, simpler approaches for small local governments. The introduction outlines the role of the Office of Personnel Management and Federal grantor agencies in providing constructive technical advice and assistance and, as a last resort, taking enforcement actions in accordance with the regulations of the specific grant programs.

UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES (1978)

In order to assure a coordinated approach to Federal requirements regarding employee selection, the Uniform Selection Guidelines are incorporated as a requirement in the Standards.

MERIT PRINCIPLE I

Under the first merit principle there are sections on Recruitment, Selection and Appointment, and Career Advancement. Under Recruitment, efforts are required to assure open competition and to place special emphasis on attracting minorities, women, or other groups that are substantially underrepresented, in line with the provisions of the Equal Employment Opportunity Coordinating Council's Policy Statement on Affirmative Action for State and Local Governments. This section recommends the use of recruiting plans based on projected work force needs. It indicates recruitment should be tailored to labor market conditions. The requirement in the 1971 Standards for publicity in all appropriate media is eliminated.

The Selection and Appointment section requires selection procedures to be job related and to maximize validity, reliability, and objectivity. Selection normally will be through open competition but competition can be limited to facilitate the employment of handicapped and economically disadvantaged persons and participants in congressionally and related State authorized employment or rehabilitation programs.

Appointments will be made from among the most qualified persons on eligibility lists. In those occassional instances where there is evidence that this is not practical, noncompetitive appointments may be made. State and local governments are given wider latitude with regard to certification practices used, including broad-band certification, to provide appointing officials an appropriate number of eligible candidates.

State and local governments are encouraged to provide for entry through cooperative education, work study, internships and similar programs.

The Career Advancement requirement clearly indicates that State and local governments can use a wide variety of approaches in promoting employees as long as they are appropriately qualified. The interpretive guidance makes it clear that the determination of this eligibility can be delegated to operating agencies. It encourages systematic promotion systems and the bringing in of persons from outside the career service where this is in the best interest of the service or will contribute to improved employment opportunties for underrepresented groups.

MERIT PRINCIPLE II

A much simplified requirement on compensation and classification plans is provided. It calls simply for maintaining them on a current basis, assuring equal compensation for equal work, and taking into account the responsibility and difficulty of the work, the compensation needed to compete in the labor market and with other agencies of government, and other pertinent factors. The guidance suggests that classification plans based on job analysis should be used for a wide variety of personnel program activities. It also points out the authority of States with regard to local agency compensation.

MERIT PRINCIPLE III

A new requirement is established for training. A guide is provided recommending that State and local governments train as needed to prepare employees for career advancement and to implement equal employment opportunity. Systematic methods are encouraged.

MERIT PRINCIPLE IV

Layoffs, separations, and employee evaluations are grouped under this principle. The requirements provide that permanent employees will not be subject to separation except for cause or such reasons as curtailment of work or lack of funds. A new requirement is added for procedures for the separation of employees whose performance is still inadequate after corrective efforts have been made. The requirement on reduction in force is simplified to call for systematic consideration of types of appointments and other relevant factors.

The guide recommends that employees be evaluated on a systematic, job related basis so that the evaluations can be used for a variety of personnel actions.

MERIT PRINCIPLE V

To provide a better basis for further effective progress in equal employment opportunity in State and local agencies, the Standards include more specific requirements for affirmative action programs. The importance of affirmative measures to assure equal employment opportunity is further emphasized by a positive statement calling for measures to attract qualified minorities, women, and other appropriate groups to apply, especially when they are significantly underrepresented.

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The approach to prohibition against discrimination in the present Standards is continued but the language is brought into line with the Civil Rights Act of 1964 and other major national legislation on discrimination. Guidance is provided on that language, on exceptions based on bona fide occupational qualifications, and on use of work force data for problem identification. Where information on qualified candidates is not available, total labor force may be used for this purpose.

The Employee Management Relations section is more explicitly presented as a guide to desirable approaches. It has been recast to include a positive statement of the importance of effective communications with employees through giving them an opportunity to participate in the formulation of policies and priorities affecting the conditions of their employment. The requirement for maintenance of merit principles which is contained in the present Standards in the employee relations section remains there and is repeated in the subsection on the Policy Basis for Merit Systems in order to make clear that the maintenance of a system of personnel administration based on merit principles must be assured in all aspects of personnel administration, not just in the area of employee management relations. The guide will cover Federal, State, and local procedures to inform employee organizations on administration of the Standards.

The provisions on general and discrimination appeals have been grouped together and the language is clarified. A provision for appeal rights in case of demotion has been added. The concept of an "impartial process" is substituted for the more restrictive "impartial body" and the requirement that appeals from discrimination be resolved in a timely fashion is added. Guidance is provided on the acceptability of grievance procedures under this requirement.

MERIT PRINCIPLE VI

Recognizing that the Hatch Act is the major expression of national policy on the political activities of public employees, this section of the Standards is now primarily a guide containing information and recommendations. This is an important change because it means that while we continue to recommend that State and local governments adopt and enforce their own provisions on political activity consistent with the Federal Hatch Act, this is not a matter which the Federal Government would make a compliance issue under the Standards. This simplifies for State and local officials the Federal policy in this area. The section requires only that State and local governments inform their employees of their responsibilities under the Hatch Act.

ADMINISTRATION OF STATE AND LOCAL MERIT SYSTEMS

COVERAGE OF STANDARDS

Exemptions have been one of the most controversial aspects of the Merit System Standards Program. Some chief executives have felt that limitation of the top level political appointees to specifically designated types of jobs has hindered them in assuring responsiveness of the government to their overall policy direction. These Standards are more flexible. The list of specific types of top level positions which may be exempted has been recast as interpretive guidance. In its place is a broader requirement that recognizes the need to assure proper organizational responsiveness. In large multi-program agencies, officials who report directly to the head of a primary program component also may be exempted.

Finally, provision is made for the exemption of handicapped persons as defined in the Rehabilitation Act of 1973, as amended, from the merit system in order to facilitate their employment.

A new authority allowing for temporary waivers of one or more provisions of the Standards in order to carry out experimental or research projects has been added. This feature is consistent with the policy in the Intergovernmental Personnel Act of encouraging innovation and allowing for diversity in the management of State and local personnel systems.

ORGANIZATION

Wide latitude has always been permitted in the organization and management of merit systems where substantially all employees in the State and local government are covered by that system, but fairly detailed requirements were prescribed for approximately one-third of the States which establish cooperative interagency merit systems to meet the Federal requirement. This distinction is removed in these Standards and various types of personnel organizations are accepted as long as they provide for impartial administration of the personnel system.

Another significant change is a waiver of the Standards for small local governments not now covered by a State or local merit system, if the chief executive agrees to administer grant-aided programs consistent with the six merit principles in the Intergovernmental Personnel Act. This recognizes that in many small local governments it may not be cost effective to establish a merit personnel system solely in order to be eligible for Federal grants.

INTERGOVERNMENTAL COOPERATION

It is made clear that this section is a guide, not a requirement.

EXTENSION OF PERSONNEL SYSTEM

Guidance is provided showing that States have the additional option of blanketing in incumbents when the merit system is extended to a new program if they have a specified period of satisfactory service in the agency.

PERSONNEL RECORDS AND REPORTS

New guidance is provided indicating employees should have the right to review their personnel files, and access to such files should be limited to persons with a need to see them.

ASSURING CONFORMITY WITH THE STANDARDS

New sections on establishing merit requirements by Federal agencies, compliance and assistance, and roles of the chief executive have been added. The first two matters were the subjects of other regulations. For the first time all such Standards related regulations are now consolidated in one document.

SUMMARY OF COMMENTS

The most significant comment received as a result of publication of the proposed Standards centered around the following issues: selection and appointment, minimum qualifications, employee management relations, affirmative action and equal employment opportunity, equal employment opportunity data, work force analysis, layoffs, flexibility, exemption of top level jobs from merit coverage, supervision of local compliance. Following are summaries of the comments received in these areas and a discussion of changes based on these comments which were made in the final Standards.

Selection and Appointment. The main issues raised with regard to test validation and job-relatedness were whether the proposed language represented a diminishing concern on the part of the Federal Government regarding improvement in selection programs and whether the Uniform Guidelines on Employee Selection Procedures (1978) should be incorporated. The language was changed to assure that it is clear that the Office of Personnel Management's commitment to improving selection programs remains high. The Standards will call for "maximizing validity, reliability, and objectivity" and now incorporate the selection guidelines.

Those who commented on the revised provision on certification questioned whether it might be interpreted to mean that "broad band" certification was the preferred approach. The provision has been revised to include another example and to clarify the meaning of "broad band" certification and how it is used. Now the Standards make it clear; State and local governments may elect a wide variety of approaches to certification.

A number of comments were received that the provision permitting certain kinds of noncompetitive appointments was too liberal. The intent of this provision is to allow for such appointments only in unusual circumstances.

Many comments were addressed to the need to clarify the circumstances under which limited competition would be permitted. The language was revised to clarify that use of limited competition is limited to positions appropriate for improving employment opportunities for economically disadvantaged or handicapped persons.

In a related issue, some commenters raised the issue of how "handicapped" would be defined under the Standards and raised objections to the delineation of types of handicap in the proposed rules. The Office of Personnel Management acknowledges that the Standards should be consistent with the Rehabilitation Act of 1973 and has revised this section on both counts. The phrase "substantial physical or mental impairment" now replaces "severely handicapped" and all references to specific handicaps as examples have been deleted.

Minimum Qualifications. The phrase "wherever they are needed" referring to the requiring of minimum qualifications, resulted in a number of diverse interpretations or complaints of lack of clarity. Some recommended that the phrase be struck from the Standards. We feel that by substituting the term "practical" for "needed," most of the problems will be resolved.

Employee Management Relations. There were a number of expressions of concern over the relationship between collective negotiation and the merit principles. Aside from some minor changes in language for clarification purposes, no revisions were made in the section on employee management relations. The Office of Personnel Management believes that wide latitude must be afforded State and local governments regarding the development of their systems of employee management relations until such time as Congress may determine that it is appropriate to adopt a national policy with regard to employee management relations in the public sector. The Standards make it clear that negotiated agreements are to be treated just as State laws and regulations are in determining compliance with merit principles.

Affirmative Action and EEO. Many comments were received regarding affirmative action for EEO. A variety of questions were raised about such matters as terminology and methods of analysis but the main thrust of the revisions was not questioned. A number of clarifications have been made in the language without any changes in the substantive provisions.

EEO Data. The section on collection of EEO data received a number of comments. There were strong feelings that the provisions to grant waivers of the collection of EEO data on applicants should be deleted. This entire provision has been deleted. The Standards now incorporate the information provisions of the Uniform Guidelines on Employee Selection Procedures. EEO data must be collected in accordance with the terms of these Uniform Selection Guidelines. The Office of Personnel Management will continue to review EEO data as part of its evaluations and will focus on applicant data in those situations where underrepresentation appears to exist in employment.

Work Force Analysis. There were a number of comments on the need for more clarity in the language to eliminate multiple interpretations of certain words. A number of changes have been made to achieve clarity and uniformity of expression in the use of concepts such as agency work force and labor force.

Layoffs. A frequent comment on layoffs was that seniority should be restored as a relevant factor to be considered. The guide material has been modified to include a recommendation that both quality and length of service be taken into account in layoffs.

Flexibility. A large number of comments supporting the flexibility of the new Standards were received. The emphasis on executive responsibility and the opportunity for State and local governments to experiment with innovative systems were among the progressive changes that elicited enthusiastic comments. On the other hand, a few objected to the more permissive language, pointing to the potential for abuse and perhaps in the long run a return to the patronage system. The Office of Personnel Management has retained the liberalized features because of its conviction of the overriding need in the country for improvement and reform of civil service systems without endangering basic merit principles.

Exemption of Top Level Jobs from Merit Coverage. Several of those who commented favorably on flexibility in the proposed Standards were pleased with the proposed provisions on exemptions. A number of letters expressing concerns focused on what some believe to be the resulting tendency for exemptions to increase. These comments proposed more stringent requirements on exemptions. Some comments expressed problems with definitions.

In light of some serious concerns on the subject of exemptions, the views of one commenter seem to provide a better understanding of the intent of the provisions. According to this writer, many who are concerned about exemptions do not realize that these flexible provisions simply provide options for State and local governments. The Standards do not require top level positions to be exempt, but rather permit this.

Supervision of Local Compliance. A few States raised objections to the Standards provision on State supervision of local merit system agencies. Some reasons given centered on the imposition of additional burdens on the States, unwarranted intrusion into local affairs, and the possibility of inconsistent policy interpretations by the fifty States. These commenters believe that the Federal Government should have primary responsibility for local compliance with the Standards. Under grant statutes this responsibility has belonged to the States for many years, although it has not always been effectively implemented. The new Standards simply clarify the State's responsibility for local compliance, which has been theirs all along.

Accordingly, the regulation on Administration of the Standards for a Merit System of Personnel Administration in the present Subpart F of 5 CFR Part 900 is revoked and the following Subpart F will replace it.

OFFICE OF PERSONNEL MANAGEMENT,
JAMES C. SPRY,
Special Assistant to the Director.

PART 900—INTERGOVERNMENTAL PERSONNEL ACT PROGRAMS

Subpart F—Standards for a Merit System of Personnel Administration

Sec.

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900.611 Establishing a merit requirement of policy.
900.612-620 [Reserved]

AUTHORITY: 42 U.S.C. 4728, 4763: E.O. 11589, 3 CFR 557 (1971-1975 Compilation).

§ 900.601 Statement of purpose and applicability.

(a) The regulations and guides in §§ 900.602 through 900.620 incorporating the merit principles in section 2 of the Intergovernmental Personnel Act of 1970 (Pub. L. 91-648), are promulgated by the Office of Personnel Management (of the United States Government, hereinafter the "Office of Personnel Management") to prescribe intergovernmental personnel standards on a merit basis as a condition of eligibility in the administration of various grant-in-aid and other intergovernmental programs as provided in section 208(a) of the Intergovernmental Personnel Act.

(b) Proper and efficient administration of grant-in-aid and other intergovernmental programs is a mutual concern of the Federal, State and local agencies cooperating in the implementation of these programs. Proper and efficient administration requires clear definition of functions, employment of highly qualified personnel, and development of staff morale and individual efficiency. Adequate resources are needed to staff, develop, and implement effective personnel programs. Cooperative efforts by the central personnel organization and program agencies and their personnel offices are essential in providing comprehensive personnel services. Personnel programs which are planned and administered in a timely, expeditious manner will contribute to the effective accomplishment of program objectives and maintenance of merit principles.

(c) An integral part of the intergovernmental programs is the maintenance by the State and local governments of their own merit-based systems of personnel administration for their grant-aided agencies. Federal agencies are interested in the development and continued improvement of State and local personnel systems, but under the Intergovernmental Personnel Act, Social Security Act, and other grant statutes they may not exercise authority, direction, or control over selection, assignment, advancement, retention, compensation, or other personnel actions with respect to any individual State or local employee.

(d) There is a wide range of legal, administrative, and technical approaches available to State and local governments to implement these Standards. The choice among techniques or approaches which will accomplish the results called for in these Standards is a matter for State or local government determination.

(e) These Standards provide State and local governments the flexibility to pursue innovative and diverse approaches to strengthening personnel management. They are intended to be performance oriented to the maximum extent consistent with effective administration and to limit mandatory provisions to key areas.

(f) A key feature in the administration of these Standards is the cooperative involvement of chief executives in the maintenance of merit approaches to personnel administration and the improvement of their personnel management. This enables the Office of Personnel Management to use simplified approaches to assure merit-based personnel administration in the programs covered by the Standards.

(g) Continuing application of these Standards will give reasonable assurance of a proper basis for personnel administration, promote a career service, and result in increased operating efficiency and program effectiveness. Personnel systems based on these Standards will promote equal employment opportunity, assure the fair treatment of applicants and employees in all aspects of personnel administration, and contribute to the achievement of a representative agency work force.

(h) These Standards emphasize the need for inclusion of all groups in our society in State and local government employment. This emphasis is based upon a general government policy of initiatives to overcome any serious underrepresentation of minorities and women in employment under the grant programs and the specific obligation to take appropriate remedial action where there has been illegal discrimination. The Standards provide a basis for firm compliance action when discrimination is not eliminated voluntarily. State and local governments are subject to Title VII of the Civil Rights Act of 1964; the Intergovernmental Personnel Act of 1970; the State and local Fiscal Assistance Act of 1972, as amended and (in many cases) Executive Order 11246, as amended. Under all of those authorities, such governments are obliged to conduct their activities without discrimination and specifically are obligated to comply with the *Uniform Guidelines on Employee Selection Procedures* (1978), (43 FR 38290) (Friday, August 25, 1978). The *Uniform Guidelines* and therefore these Standards require that all selection procedures which have an adverse impact on any racial, sex or ethnic group must be validated, modified or changed in accordance with the *Guidelines* or otherwise be demonstrated to be in accord with Federal law. These Standards are consistent with the *Guidelines*, and with the *Policy Statement on Affirmative Action for State and Local Government Agencies*, adopted by the Equal Employment Opportunity Coordinating Council (41 FR 38814 September 13, 1976). The *Uniform Guidelines* are included in these regulations as Appendix B. State and local governments undertaking voluntary affirmative action are referred to the Equal Employment Opportunity Commission's (EEOC) *Affirmative Action Guidelines* (44 FR 4422 January 19, 1979).

(i) Within these Standards, means are provided for the implementation of national policies for structuring jobs, training and employing the handicapped and disadvantaged, and implementing Congressional and related State employment and rehabilitation programs.

(j) In conjunction with the Office of Personnel Management, the Federal grantor and other agencies are involved to the maximum extent feasible in the evaluation and maintenance of merit based personnel administration. In cases where elements of the personnel system or the administration of the system contain deviations from the Standards, the Office of Personnel Management provides consultation and technical assistance to State and local governments to obtain appropriate revisions. In matters involving serious deviations from the provisions of the Standards, the Office of Personnel Management submits recommendations to and coordinates necessary action by the Federal agencies. The Federal agencies attempt to avoid using the sanction of withdrawing Federal grant funds and place their emphasis on negotiation and technical assistance to achieve the required substantial conformity with these Standards. Where necessary, however, enforcement actions are taken in accordance with the regulations of the specific grant or other programs. (See § 900.610.)

(k) In order to assist State and local governments in maintaining their personnel systems under these Standards, technical consultation services will be provided to the extent resources are available.

(l) The provisions under §§ 900.602 through 900.620 identified as requirements are the regulatory provisions of these Standards.

(m) The general requirements are based on the six merit principles contained in section 2 of the Intergovernmental Personnel Act of 1970. They are followed by more explicit requirements which relate to individual provisions of the merit principles.

(n) There are two types of provisions in the "Guide" sections:

(1) Interpretations of the intent of the requirements. While these are not regulations, they explain policies, practices, or other actions needed to comply with the regulations.

(2) Recommendations for desirable methods of personnel administration and informational materials. These are printed in italics. State and local governments are encouraged to use these methods but they are not requirements of the Standards.

(o) The six merit principles enunciated by Congress in 1971 as the basic policy and objectives of Intergovernmental personnel programs are as follows:

(1) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) Providing equitable and adequate compensation;

(3) Training employees, as needed, to assure high-quality performance;

(4) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purposes of interfering with or affecting the result of an election or a nomination for office.

§ 900.602 Uniform guidelines on employee selection procedures (1978).

(a) *Requirement.* The Uniform Guidelines on Employee Selection Procedures (1978) are a requirement of these Standards. Where adverse impact results from selection procedures which are used as a basis for any employment decision, they must be validated, modified, or changed in accordance with the Guidelines or otherwise demonstrated to be in accord with Federal law.

§ 900.603 Merit principle I.

(a) *General requirement.* Recruiting, selecting, and advancing employees will be on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment.

§ 900.603-1 Recruitment.

(a) *Requirements.* Recruiting efforts will be planned and carried out in a manner that assures open competition. Special emphasis will be placed on recruiting efforts to attract minorities, women, or other groups that are substantially underrepresented in the agency work force to help assure they will be among the candidates from whom appointments are made.

(b) *Guide.* The recruiting program needs to be based upon planning to meet current and projected agency work force needs. Recruitment needs to be tailored to the number and type of positions to be filled and to labor market conditions. The recruiting efforts of the central personnel organization and the program agencies ought to be coordinated and carried out in a timely manner so as to permit successful competition with other employers.

§ 900.603-2 Selection and appointment.

(a) *Requirement.* (1) Selection procedures including appropriate ranking for entry to the career service will be job related and will maximize validity, reliability, and objectivity.

(2) Selection for entrance to the career service normally will be through open competition. Appointments to positions in the career service will be made on the basis of merit by selection from eligible lists established in accordance with the provisions of these Standards on recruitment, selection, and equal employment opportunity.

(3) Certification procedures will be established by State and local governments to insure that appointing officials review and give equitable consideration to an appropriate number of eligibles based on whatever ranking system is used on the list when making a selection for initial entry to the career service.

(4) Competition for appropriate positions may be limited to facilitate employment of those with a substantial physical or mental impairment, the economically disadvantaged or participants in employment or rehabilitation programs authorized by Congress or related programs authorized by State legislatures.

(5) In those occasional instances where there is evidence that open or limited competition is not practical, noncompetitive appointments may be made.

(6) Job related minimum requirements for entrance to a class will be established wherever they are practical. They will be met by all successful candidates examined, appointed, and promoted.

(7) Permanent appointment for entry to the career service will be contingent upon satisfactory performance by the employee during a reasonable, time limited probationary period.

(8) Temporary, provisional, or other nonstatus appointments will not be used as a way of defeating the purpose of the career service and will have a reasonable time limit. If lists of eligibles are available, they normally will be used for filling temporary positions. Short term emergency appointments may be made without regard to the other provisions of this section to provide for maintenance of essential services in an emergency situation where normal procedures are not practical.

(b) *Guide.* (1) More than one selection procedure should be used where that is necessary to measure the important skills, knowledges, and abilities needed for entry to a job. Any examination procedures including appropriate ranking utilized in career advancement or promotion programs need to be job related and to maximize validity, reliability and objectivity to the same extent as selection procedures for initial appointment. Adequate job analysis needs to be conducted to insure job relatedness of selection procedures.

(2) State and local governments have wide latitude in determining a manageable number of eligible candidates to refer for consideration for entrance to the career service. The procedures need to provide for selection based on relative ability, knowledge, and skills of the eligibles; for fair treatment without regard to an eligible's race, color, religion, sex, national origin, political affiliation, age, handicap, or other nonmerit factors except where provided for by Federal law; for the protection of the eligibles' privacy and constitutional rights; and for the equitable consideration of all eligibles.

(3) Provisions which would generally result in appointment from the whole list of eligibles or its equivalent would not meet the requirements of these Standards. Any one of a variety of approaches providing for appointment from among the most qualified available eligibles from lists meets the requirements of this section. For example, all candidates from a range of highest scores could be considered, or candidates could be ranked by broad groups, and appointments could be

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made first from a best qualified category, and when it is substantially depleted, from a well qualified category, and third, from a qualified category or according to an equivalent system.

(4) Handicapped persons who have, have had, or are regarded as having a physical or mental impairment which substantially limits one or more major life activities, may be hired through limited competition or noncompetitive procedures.

(5) Noncompetitive procedures may be used where job related ranking measures are not practical or are not appropriate. They may be used for classes where the method of selection would have minimum impact on proper and efficient administration of the program such as unskilled positions or types of positions frequently exempted from merit systems.

(6) Minimum qualification and performance requirements and duties may be appropriately modified to permit the appointment and promotion of trainees to positions normally filled at full proficiency level.

(7) State and local governments are encouraged to provide for entry through cooperative education, work study, internship, and similar programs.

§ 900.603–3 Career advancement.

(a) *Requirement.* State and local government personnel systems can use a wide variety of approaches in promoting employees to higher level positions so long as they consider the eligible permanent employees in the agency or the career service and adequately assure that all persons promoted are qualified for the position.

(b) *Guide.* (1) The central personnel agency needs to certify to the eligibility of persons selected for promotion, or if that authority is delegated to operating agencies, it should be subject to an appropriate post audit by the central personnel agency.

(2) Systematic promotion methods are encouraged. They need to provide for competition among qualified career employees at appropriate points in the career advancement system. In addition, provisions need to be made to bring persons into the career service through open competition at higher levels where this will provide abilities not available among career employees, enrich the career service, or contribute to improved employment opportunities for underrepresented groups.

(3) Systems need to be established to provide improved opportunities for upward mobility through training, education, and career development assignments.

§ 900.604 Merit principle II.

(a) *General requirement.* Equitable and adequate compensation will be provided.

§ 900.604–1 Classification and compensation.

(a) *Requirement.* Classification and compensation plans will be maintained on a current basis. To maintain a high quality public work force and to assure equitable compensation for comparable work, the compensation plan will take into account the responsibility and difficulty of the work, the compensation needed to compete in the labor market and to stay in proper alignment with other agencies of the government, and other pertinent factors.

(b) *Guide.* (1) Classification plans need to be based on job analysis and should be utilized for decision making on compensation, selection, employee development, career advancement, upward mobility, and other personnel program activities. State and local government personnel systems can use a wide variety of job evaluation methodologies.

(2) Collective negotiation or meeting and conferring with employee organizations to achieve equitable and adequate compensation can be consistent with these Standards.

(3) In those programs in which States are responsible for supervision of local administration, States may determine whether local agency compensation will be governed by: A plan of the local government which covers other local agencies; a plan of the State which covers local grant-aided agencies; or a plan of the State which covers the agency responsible for State administration of Federal grants.

§ 900.605 Merit principle III.

(a) *General requirement.* Employees will be trained as needed to assure high-quality performance.

§ 900.605–1 Training.

(a) *Guide.* In addition to providing training to improve performance, State and local governments should also provide training as needed to prepare employees for more responsible assignments and to implement affirmative action plans for equal employment opportunity. Training programs should include systematic methods for assessing training needs, providing training to meet priority needs, selecting personnel for training and evaluating the training provided.

§ 900.606 Merit principle IV.

(a) *General requirement.* Employees will be retained on the basis of the adequacy of their performance and provision will be made for correcting inadequate performance and separating employees whose inadequate performance cannot be corrected.

§ 900.606–1 Layoffs, separations, and employee evaluations.

(a) *Requirement.* Employees who have acquired permanent status will not be subject to separation except for cause or such reasons as curtailment of work or lack of funds. Procedures will be established to provide for the transfer, demotion, or separation of employees whose performance continues to be inadequate after reasonable efforts have been made to correct it. Retention of employees in classes affected by reduction in force will be based upon systematic consideration of type of appointment and other relevant factors.

(b) *Guide.* (1) Employees need to be evaluated periodically on a systematic and job related basis to provide needed information for supervisors to assess the adequacy of individual employee performance in relation to performance requirements, for employees to recognize their own performance improvement needs, and as a basis for personnel actions including promotion, recognizing or rewarding superior performance, and correcting inadequate performance or separating employees in cases where inadequate performance cannot be corrected.

(2) No employee should be subject to separation or other disciplinary action for disclosure, not prohibited by law, of violations of laws, rules, or regulations or other improper actions. Mechanisms to protect such employees should include procedures by which they may report wrong doing or inefficiency to an independent body, prohibitions and protections against reprisals, and an appeal procedure for employees who suffer reprisal because of their disclosures.

(3) Quality of performance and length of service should be taken into account in reduction in force systems.

§ 900.607 Merit principle V.

(a) *General requirement.* Fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age, handicap, or other nonmerit factors and with proper regard for their privacy and constitutional rights as citizens will be assured.

§ 900.607–1 Equal employment opportunity and affirmative action.

(a) *Requirement.* (1) equal employment opportunity will be assured for all persons by those actions appropriate to overcome the effects of past or present practices, policies or other barriers to equal employment opportunity. Affirmative action may include, but is not limited to, outreach recruitment to attract minorities, women, and other groups to apply, especially where they are substantially underrepresented; removal of artificial barriers to entry and advancement within the system; affirmative action to eliminate exclusion of any person from full and fair consideration for appointment or promotion; and enforcement of prohibitions of discrimination and impartial resolution of allegations of discrimination. (See the Equal Employment Opportunity Coordinating Council's *Policy Statement on Affirmative Action Programs for State and Local Government Agencies,* included in Appendix B.)

(2) Affirmative action programs consistent with merit principles will be developed and implemented for personnel services provided to and personnel administration within the grant-aided agencies. They will include identification and elimination of artificial barriers to equal employment opportunity. They will also include agency work force analyses to determine whether percentages of minorities and women employed in various job categories are substantially similar to percentages of those groups available in the relevant labor force who possess the basic job related qualifications. Where the percentages of minorities and women are not substantially similar, employment procedures will be analyzed to determine the cause of underrepresentation. The program will include development of a systematic action plan that is consistent with the merit principles and include the development of goals and timetables formulated to correct any substantial disparities or other problems identified in the analyses prescribed above.

(3) Periodic evaluation of results to assess the effectiveness of the affirmative action programs in achieving affirmative action goals on a timely basis will be undertaken.

(4) Prohibitions against discrimination consistent with the Civil Rights Act of 1964 as amended (42 U.S.C. 2000e *et seq.*), the Rehabilitation Act of 1973 as amended (29 U.S.C. 791 *et seq.*), the Age Discrimination in Employment Act of 1967 as amended (29 U.S.C. 621 *et seq.*), the Equal Pay Act of 1963 (29 U.S.C. 206(d)(1)) and other relevant statutes will be established by the State and local governments and enforced by them.

(b) *Guide.* (1) To help assure equal employment opportunity, a personnel system needs to prohibit the following practices where based on race, color, religion, sex, national origin, political affiliation, age, handicap or other nonmerit factors:

(i) Failing or refusing to hire or discharging any individual, or otherwise discriminating against any individual with respect to compensation, terms, conditions, or privileges of employment;

(ii) Limiting, segregation, or classifying employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or which would otherwise adversely affect an individual's status as an employee;

(iii) Failing or refusing to refer a candidate for employment;

(iv) Causing or attempting to cause an employer to discriminate against an individual;

(v) Discriminating against any individual in admission to, or employment in, any program established to provide training; or

(vi) Discriminating against an individual in any other aspect of personnel administration.

(2) Federal law provides for an exception from the general rule prohibiting discrimination in cases in which religion, sex, national origin, or age is a bona fide occupational qualification for employment. However, court cases and other interpretations indicate that there are few, if any, jobs to which this exception can be applied in programs covered by these Standards.

(3) Goals and timetables need to be flexible and include both numerical targets and action steps.

(4) Employment selection procedures need to reflect the job related knowledges, skills, abilities of handicapped applicants or employees rather than their impairments.

(5) In developing affirmative action plans, agency work force analyses and problem identification normally need to be based upon the percentage of qualified persons by race, sex, and ethnic group available in the relevant labor force where such data are available. Where these data are not available, total labor force may be used for this purpose. The Office of Personnel Management will review State or local government analyses of their organization's work forces by individual job classifications or by classification series or occupational groupings, as appropriate.

(6) Systems which collect data on race, sex, or ethnic group without self identification by employees or applicants are encouraged under Title VII of the Civil Rights Act. However, self identification may be necessary where all other means of gathering these data are not feasible, as in unassembled examinations. Disclosure of their own race, sex, or ethnic group by employees or applicants should be voluntary. The applicant or employee should be informed clearly of the nondiscriminatory purpose, necessity to comply with Federal and other recordkeeping requirements, and precautions which will be taken to assure nondiscriminatory use of such information. Data on race, sex, and national origin should be collected and maintained separately from individual application and personnel forms.

(7) State and local govenments are encouraged to involve employee organizations in the formulation of affirmative action plans.

§ 900.607–2 Employee management relations.

(a) *Guide.* (1) The proper and efficient administration of Federal grant-in-aid programs by State and local governments and the well-being of the employees of such programs require effective communication and an orderly and constructive relationship between employees and management officials. Collective negotiations, meeting and conferring with employee organizations, or other methods can make positive contributions to the communications process by providing employees an opportunity to participate in the formulation of policies and practices affecting the conditions of their employment.

(2) State and local government policies need to delineate the rights of employees of programs covered by these Standards to form, join, and assist an employee organization or to refrain from any such activity, freely and without fear of penalty or reprisal.

(3) To facilitate effective participation in formulation of personnel policies by employees, State and local governments which establish a formal framework need to address all aspects of the labor management relationship and ought to indicate the rights and obligations of both management officials and employees; subjects for negotiating or meeting and conferring; criteria for recognition of employee organizations, determination of units, and resolution of impasses; and unfair labor practices and standards of conduct.

(4) The objectives of these provisions may be achieved through legislative enactment, promulgation of an executive order by the chief executive, or through the rules and regulations of the agency directly responsible for administering a program covered by the Standards.

(5) The maintenance of a system of personnel administration based on merit principles needs to be assured in any collective negotiation or meet and confer system established.

(6) In the interest of effective administration of the Standards, the Office of Personnel Management has established procedures to insure that affected employee organizations are as fully informed of their administration as is feasible. State agencies which are responsible for supervising local compliance with these Standards should

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adopt similar procedures. State and local governments need to adopt their own internal procedures to insure that affected employee organizations are as fully informed as feasible on administration of the Standards.

§ 900.607–3 Appeals.

(a) *Requirement.* In the event of separation or demotion, State and local governments will provide permanent employees with the right to appeal through an impartial process that may be recommendatory to or enforceable on the appointing authority. In addition, State and local governments will provide for appeals of alleged discrimination in any personnel action on the basis of race, color, religion, sex, national origin, political affiliation, age, handicap or other nonmerit factors by any applicant or employee through an impartial process that will result in timely, enforceable decisions.

(b) *Guide.* An impartial grievance procedure may satisfactorily meet the above requirements but adequate appeal provisions need to be maintained for applicants and any employees not covered by the grievance procedure. State and local government personnel systems need to include an impartial procedure to process all types of employee grievances. To the maximum extent possible, grievance procedures should include steps to resolve discrimination and all other types of employee grievances without recourse to formal appeals procedures.

§ 900.608 Merit principle VI.

(a) *General requirement.* State and local governments will inform their employees of their political rights and prohibited practices under the Hatch Act.

§ 900.608–1 Political activity.

(a) *Guide.* (1) The Hatch Act, as amended, 5 U.S.C. 1501–1508, prohibits certain types of political activity on the part of State and local government employees whose principal employment is in a federally funded program, irrespective of whether their positions are covered by these Standards.

(2) State and local governments ought to adopt and themselves enforce provisions on political activity which are consistent with the Federal Hatch Act and which will facilitate their effective control of prohibited political activity by employees.

(3) State and local government policies on political activity need to insure that all employees have the right to express their views as citizens, to pursue their legitimate involvement in the political system, and to vote; that employees not engage in or be subject to coercion for political purposes, and not seek candidacy for public office in a partisan election.

§ 900.609 Administration of State and local personnel systems.

(a) *General.* This section consists of regulations and guides on the administration of State and local personnel systems.

§ 900.609–1 Coverage of the standards.

(a) *Requirement.* (1) These Standards are applicable to all State and local personnel, except those exempted in this section, engaged in the administration of grant-in-aid and other intergovernmental programs under Federal laws and regulations requiring the establishment and maintenance of personnel standards on a merit basis. To help assure the recruitment, selection, and advancement of highly qualified personnel and continuity of program administration, career coverage will be provided by State and local personnel systems for all non-exemptible management, supervisory, technical, and other positions in grant-aided programs, irrespective of their source of funds for the salaries.

(2) To assure proper organizational responsiveness, appropriate numbers of top level positions may be exempted if they determine and publicly advocate substantive program policy, provide legal counsel, or are required to maintain a direct confidential working relationship with a key exempt official. State and local governments have flexibility in determining whether top level policy positions will be filled on a career or exempt basis so long as the number of positions filled on an exempt basis does not exceed the number in the agency which may be exempt on the basis that they determine and publicly advocate substantive program policy. Unskilled laborers, bona fide part-time positions, temporary positions established for the purpose of conducting a special project, study, or investigation, and severely handicapped persons may be exempted if such exemption would not have an undesirable impact on proper and efficient administration or on the achievement of equal employment opportunity.

(b) *Guide.* (1) State and local governments may exempt from the application of these standards members of boards or similar bodies who do not perform administrative duties as individuals; officials serving ex officio and performing incidental administrative duties; the executive heads of agencies and positions reporting directly to them which are primarily responsible for both substantive program policy determination and its public advocacy; confidential assistants to the above positions; and attorneys serving as legal counsel or conducting litigation.

(2) Normally, positions involving only policy development may not be exempted. Generally, positions involving policy determination and public advocacy that are engaged in the direction of line operations may be exempted from the Standards only when they report directly to the executive head of an agency. An exception to this reporting relationship may be made within the primary components of large multiprogram agencies where the heads of such primary components and positions reporting directly to them may also be exempted.

(3) The exclusion of management positions from collective bargaining is not a basis for exemption of such positions from the merit system.

(4) Upon exemption of a position from the career service, incumbents with permanent status retain their career service tenure or are appropriately compensated for its loss.

(5) State and local governments are encouraged to develop systems for assigning career management employees to exempt policy determining and advocacy, confidential and other key positions without tenure in such a position but with reinstatement rights to a career service position. These systems allow chief executives to place highly qualified career employees in key jobs without sacrificing responsiveness to new program direction or to the chief executive.

(6) Job related qualification requirements should be established for positions exempted from these Standards.

§ 900.609–2 Organization.

(a) *Requirement.* (1) A State or local government's merit system organization will provide for impartial administration.

(2) At the option of the State, a local government which does not have a jurisdiction-wide personnel system meeting these Standards may elect one of the following:

(i) To cover grant-aided programs under a personnel system serving other grant-aided agencies covered by the Standards, such as a system serving State agencies, another city or county, or a group of local jurisdictions;

(ii) To cover grant-aided programs using a personnel system which is not jurisdiction-wide where this is warranted as the basis for future development of a jurisdiction-wide system.

(3) Where no State agency is responsible for local government administration, approval of the Office of Personnel Management will be required for coverage by a personnel system under paragraph (a)(2) (i) or (ii) of this section.

(b) *Guide.* (1) Any one of a variety of personnel system organizations covering substantially all employees in a State or local government or the State grant-aided agencies can meet the requirements of this section. Personnel

organizations need to be administered by a qualified executive responsible to the chief executive, a top official, or a board or commission. Staff ought to be appointed on the basis of merit and serve in accordance with the provisions of the personnel system.

(2) The personnel management function needs to be provided with sufficient staff and other resources to enable it to give effective personnel administration support to the grant-aided agencies.

(3) In the interest of economy, efficiency, and effectiveness, a single personnel system is needed to cover all of the grant-aided agencies in a jurisdiction subject to these Standards.

(4) Examples of methods which State governments may adopt to help maintain impartial administration include:

(i) Administration in accordance with laws, rules, and regulations open to public scrutiny;

(ii) Establishment of non-partisan or bipartisan boards or commissions with oversight, investigation, or appeal functions;

(iii) Maintenance of impartial grievance or appeal systems which provide for disqualification because of conflicts of interest of hearings examiners or others who decide appeals from employees;

(iv) Appointment of the staff of the personnel agency on the basis of merit with their service in accordance with the provisions of the merit system;

(v) Employment of the best professionally qualified director available after widespread recruitment;

(vi) Administration by a central personnel agency or by other agencies with a post audit by a central agency with effective enforcement authority to correct improper actions;

(vii) Prohibition of consideration of political opinions or affiliations in examination for or appointment to a position, promotion, or in any other personnel action.

§ 900.609–3 Intergovernmental cooperation.

(a) *Guide.* To facilitate public service mobility and maximum utilization of personnel resources, provisions should be made for: Cooperative interjurisdictional recruiting, examining, certifying, selection, training, research and development, and other personnel functions; adding to registers of eligibles the names of applicants with eligibility on comparable examinations in other jurisdictions; appointing employees on the basis of their permanent career status in another jurisdiction, with maximum protection of their retirement and other benefits.

§ 900.609–4 Extension of personnel system.

(a) *Requirement.* Employees with permanent status under a personnel system meeting these Standards will retain comparable status if the employing agency is placed under the jurisdiction of another personnel system.

(b) *Guide.* As determined by the State, upon the initial extension of the personnel system to a program, incumbents may obtain permanent status through an open competitive or qualifying examination, or if they have a specified period of satisfactory service in the agency, at its discretion, they may be granted permanent status. If they do not pass a required examination, employees may be retained in the positions in which they have incumbency preference without acquiring the rights of career status.

§ 900.609–5 Personnel records and reports.

(a) *Requirement.* (1) Appropriate personnel records will be maintained to assure the proper administration of the personnel system and covered agency personnel programs. Periodic reports, such as statistical reports on personnel administration, will be prepared as required by the Office of Personnel Management to indicate compliance with applicable State and local requirements and these Standards.

(2) Each covered State or local agency and each affected State or local merit system agency shall permit the Office of Personnel Management during normal business hours to review its books, records, and other sources of information as may be required to ascertain compliance with these Standards.

(3) Each covered State or local agency shall furnish annually to the Office of Personnel Management completed report OPM Form 1129, Review of Personnel Operations—Grant-Aided Agency, and other reports as may be required to show compliance with these Standards.

(4) Each affected State and local merit system agency shall furnish annually to the Office of Personnel Management completed report OPM Form 1128, Review of Personnel Operations—Merit System Agency.

(b) *Guide.* State and local governments should provide employees with opportunities to review information in their employee files to assure the accuracy of that information. Appropriate limitations on access to employee records should be established in order to protect the privacy of public employees.

§ 900.610 Assuring conformity with the Standards.

(a) *General.* This section consists of regulations on administration of these Standards.

§ 900.610–1 Role of chief executive.

(a) *Requirement.* (1) Certification of agreement by the chief executive of the jurisdiction (hereinafter "certification") to maintain a system of personnel administration in conformance with these Standards is an eligibility requirement in grant or other programs to which personnel standards on a merit basis are applicable.

(2) The Governor shall designate an agency or agencies which will be responsible for supervising local compliance with these Standards. This agency will obtain certifications from local chief executives. The States must maintain these certifications and make them available to the Office of Personnel Management on request.

(3) Where no State agency is responsible for local government administration, local governments can transmit all required certifications and applications for waiver provided for in these regulations directly to the appropriate regional office of the Office of Personnel Management.

(4) Certifications are to be submitted by the Governor to the Office of Personnel Management within six months of the effective date of issuance of these Standards.

(5) Subsequent certifications will be submitted within 90 days after they have been requested, to the appropriate Office of Personnel Management regional office or the State agency responsible for local administration for the following reasons:

(i) Upon change in incumbent chief executives;

(ii) Upon initial application for a Federal grant-in-aid or eligibility for other intergovernmental programs;

(iii) Upon passage of significant new personnel legislation affecting a State's merit system;

(iv) Upon major reorganization or restructuring of the personnel system of the jurisdiction; or,

(v) Upon determination that there exist major problems or apparent significant departures from the principles.

(6) A chief executive may indicate that grant-aided or other programs not previously covered by these Standards are not currently in compliance with the Standards and submit a specific action plan and reasonable timetable for achieving compliance for approval by the Office of Personnel Management or State agency responsible for compliance.

(7) Before signing a certification, a chief executive may request advice and assistance from the Office of Per-

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sonnel Management or State agency responsible for local administration in order to determine whether the agencies under the chief executive's jurisdiction are in compliance with the Standards. Such assistance and or negotiations may continue beyond the specified time requirement for the chief executive's certification. In the absence of such a certification, temporary assurance as to compliance with the Standards may be effected by:

(i) Obtaining certification from the heads of those State and local agencies which are required to have merit personnel systems as a condition of Federal grant-in-aid or other intergovernmental programs; or

(ii) The Office of Personnel Management regional office or State agency responsible for compliance may conduct an advance personnel management evaluation of those agencies subject to the Standards.

§ 900.610–2 Waiver of Standards for local government.

(a) *Requirement.* (1) Chief executives of local governments with fewer than twenty-five employees in all activities covered by these Standards may apply to the State agency designated by the Governor to supervise local compliance with the Standards for a waiver of the requirements in the Standards on the basis that compliance is impractical. Normally, if any State or local merit system meeting these Standards has jurisdiction over the local programs, it will be considered practical to continue to apply the Standards in those local programs. Applications for waivers are subject to approval by appropriate State grant-aided or other agencies responsible for local program administration, and if endorsed by them must be forwarded to the appropriate Office of Personnel Management regional office for final approval.

(2) The chief executive of a jurisdiction which requests a waiver as provided above must certify that personnel administration in the grant-aided programs will be consistent with the six merit principles in the Intergovernmental Personnel Act. Evaluation of local personnel administration in such agencies will be conducted by the State agency supervising local compliance with the Standards and will be initiated only when a complaint has been received alleging practices inconsistent with the merit principles. Where there is no such State agency, such evaluations will be conducted by the Office of Personnel Management. Subsequent certification may be required in accordance with the provisions of § 900.610–1.

§ 900.610–3 Waiver of standards for experimental or research projects.

(a) *Requirement.* (1) The Office of Personnel Management, at the request of the Governor or of the Governor's designee(s) on behalf of the State or its local governments, may waive for a State or local government for up to a two-year period, with the possibility of extension, any one or a combination of the provisions of these Standards, for experimental or research projects designed to improve merit systems or their operations. Upon completion, the project will be evaluated to determine whether its objectives have been achieved.

(2) Requests for such waivers should be sent to the appropriate regional office of the Office of Personnel Management. Requests for waivers from local jurisdictions will be submitted by the local chief executives to the State agency designated by the Governor to supervise local compliance with the Standards. Any recommendation by the State for approval of a waiver from a local government shall be submitted to the appropriate Office of Personnel Management regional office for approval before implementation.

§ 900.610–4 Policy basis for merit system.

(a) *Requirement.* (1) Laws, rules, regulations, policy statements and negotiated agreements impacting on a personnel system subject to these Standards must provide for a system of personnel administration based on merit. This policy basis and the administration of the personnel system will be subject to review for substantial conformity to the Standards.

(2) Changes in the policy basis will be made available promptly to the Office of Personnel Management or the State agency responsible for local administration, as appropriate, on an informational basis so that the jurisdiction may be advised regarding any problems which could affect the jurisdiction's ability to implement the certification of the chief executive.

§ 900.610–5 Review of personnel operations.

(a) *Requirement.* (1) The Office of Personnel Management, in cooperation with the appropriate Federal agency, shall make or arrange for onsite reviews of each State merit system agency and other affected State agencies to determine compliance with the Standards, except that reviews of the latter agencies by the State merit system agency or other appropriate organization, at the discretion of the Office of Personnel Management may be accepted in lieu of Office of Personnel Management reviews.

(2) The agency designated by the Governor to supervise local compliance with the Standards, in consultation with the appropriate regional office of the Office of Personnel Management, shall make or arrange for onsite reviews of the operations of the merit system for and personnel program of each local agency to determine compliance with the Standards and will take appropriate steps to insure corrective action when necessary.

§ 900.610–6 Compliance and assistance.

(a) *Requirement.* (1) The Office of Personnel Management, when corrective action is required, will negotiate with the appropriate State or local agency to achieve compliance and will coordinate its activities with the appropriate Federal agency.

(2) The Office of Personnel Management shall request the appropriate Federal agency to render assistance when required to achieve compliance.

(3) The Office of Personnel Management, when there is a question of substantial conformity with the Standards after negotiation or the rendering of necessary technical assistance, shall forward its findings to the appropriate Federal agency, recommending that grant termination procedures or other appropriate action be initiated, in accordance with that Federal agency's regulations.

§ 900.611 Establishing a merit requirement or policy.

(a) *Requirement.* (1) Federal agencies may adopt, only with prior approval of the Office of Personnel Management, regulations that require as a condition for receiving Federal financial or other assistance or otherwise participating in an intergovernmental program, that State and local agencies establish and maintain a personnel system that conforms with a Federal merit requirement or policy. To avoid inconsistent and conflicting approaches to State and local governments, normally such merit requirements or policies should consist of application of these Standards pursuant to Section 208 of the Intergovernmental Personnel Act of 1970 as amended by Section 602(a) of the Civil Service Reform Act of 1978.

(2) The following regulation shall be adopted by Federal agencies that wish to require that State and local agencies establish and maintain a personnel system that conforms with these Standards:

"Methods of personnel administration will be established and maintained in public agencies administering the program in conformity with the Standards for a Merit System of Personnel Administration, 5 CFR Part 900 which incorporate the Intergovernmental Personnel Act Merit Principles (Pub. L. 91-648 § 2, 84 Stat. 1909), prescribed by the Office of Personnel Management pursuant to Section 208 of the Intergovernmental Personnel Act of 1970 as amended."

(3) For grant or other programs that are State supervised and locally administered, insert the following after the word "administering" in the above: "or supervising the administration of."

(4) No variation from the language contained in paragraphs (a) (2) and (3) of this section may be used without approval by the Office of Personnel Management.

(5) The Office of Personnel Management shall provide, within available resources, consultation and technical advice and assistance to State and local jurisdictions to aid them in complying with the Standards. In the absence of available resources, the Office of Personnel Management may provide technical assistance on a reimbursable basis to Federal, State, and local agencies administering programs covered by these Standards to facilitate compliance with the Standards.

§ 900.612–620 [Reserved]

APPENDIX A TO THE STANDARDS FOR A MERIT SYSTEM OF PERSONNEL ADMINISTRATION

PART I: The following programs have a statutory requirement for the establishment and maintenance of personnel standards on a merit basis:

Program, Legislation, and Statutory Reference

Food Stamp, Food Stamp Act of 1964, as amended; 7 U.S.C. 2020(e)(6)(B).

Drug Abuse Prevention, Drug Abuse Office and Treatment Act of 1972, § 409, on March 21, 1972; 21 U.S.C. § 1176(e)(8).

National Health Planning and Resources Development, Public Health Service Act (Title XV), as amended by the National Health Planning and Resources Development Act of 1974 § 1522, on January 2, 1975, 42 U.S.C. § 300m-1(b)(4)(B).

Medical Facilities Assistance (Construction and Modernization), Public Health Service Act (Title XVI), as amended by the National Health Planning and Resources Development Act of 1974, § 1603, on January 2, 1975; 42 U.S.C. § 300o-2(b).

Old-Age Assistance*, Social Security Act (Title I), as amended by the Social Security Act Amendments of 1939, § 101, on August 10, 1939; 42 U.S.C. § 302(a)(5)(A).

Employment Security (Unemployment Insurance and Employment Service), Social Security Act (Title III), as amended by the Social Security Act Amendments of 1939, § 301, on August 10, 1939, and the Wagner-Peyser Act, as amended by Public Law 81-775, § 2, on September 8, 1950; 42 U.S.C. § 503(a)(1) and 29 U.S.C. § 49d(b).

Aid to Families with Dependent Children (AFDC), Social Security Act (Title IV-A), as amended by the Social Security Act Amendments of 1939, § 401, on August 10, 1939; 42 U.S.C. § 602(a)(5).

Maternal and Child Health Services/Crippled Children Services, Social Security Act (Title V), as amended by the Social Security Act Amendments of 1939, § 503, on August 10, 1939; 42 U.S.C. § 705(a)(3)(A).

Aid to the Blind*, Social Security Act (Title X), as amended by the Social Security Act Amendments of 1939, § 701, on August 10, 1939; 42 U.S.C. § 1202(a)(5)(A).

Aid to the Permanently and Totally Disabled*, Social Security Act (Title XIV), as amended by the Social Security Act Amendments of 1950, § 1402, on August 28, 1950, 42 U.S.C. § 1352(a)(5)(A).

Aid to the Aged, Blind or Disabled*, Social Security Act (Title XVI), as amended by the Public Welfare Amendments of 1962, § 1602, on July 25, 1962; 42 U.S.C. § 1382(a)(5)(A).

Medical Assistance (Medicaid), Social Security Act (Title XIX), as amended by the Social Security Amendments of 1965, § 1902, on July 30, 1965; 42 U.S.C. § 1396a(a)(4)(A).

Grants to States for Social Services, Social Security Act (Title XX), as amended by the Social Services Amendments of 1974, § 2003, on January 4, 1975; 42 U.S.C. § 1397b(d)(1)(D).

Comprehensive Mental Health Services (Services and Facilities), Community Mental Health Centers Act (Title II), as amended by the Community Mental Health Centers Amendments of 1975, § 303, on July 29, 1975; 42 U.S.C. § 2689t(a)(1)(D).

State and Community Programs on Aging (Older Americans), Older Americans Act of 1965 (Title III), as amended by the Comprehensive Older Americans Act Amendments of 1978, § 307 on October 18, 1978; 42 U.S.C. 3027(a)(4).

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Title III), § 303, on December 31, 1970; 42 U.S.C. § 4573(a)(5).

Civil Defense Personnel and Administrative Expenses, Civil Defense Act of 1950 (Title II), as amended by Public Law 94-361, § 804, on July 14, 1976; 50 U.S.C. App. 2286(a)(4).

PART II: The following programs have a regulatory requirement for the establishment and maintenance of personnel standards on a merit basis

Program, Legislation, and Regulatory Reference

Occupational Safety and Health Standards, Williams-Steiger Occupational Safety and Health Act of 1970; 29 CFR § 1902.3(h).

Occupational Safety and Health Statistics, Williams-Steiger Occupational Safety and Health Act of 1970; BLS Grant Application Kit, May 1, 1973, Supplemental Assurance No. 15A.

Child Welfare Services, Social Security Act (Title IV-B), especially as amended by the Social Security Amendments of 1967, on January 2, 1968; 45 CFR § 220.49(c).

Developmental Disabilities Services and Facilities Construction, Developmental Disabilities Services and Facilities Construction Act, as amended by Pub. L. 95-602, on November 6, 1978, 45 CFR 1386.21.

PART III: The following programs have a personnel requirement which may be met by a merit system which conforms to the Standards for a Merit System of Personnel Administration:

Program, Legislation, and Reference

Comprehensive Employment and Training Act, Comprehensive Employment and Training Act of 1973; 29 CFR § 98.14(a).

Vocational Rehabilitation Services, Rehabilitation Act of 1973 (Titles I), as amended; 45 CFR § 1361.15(b).

Disability Determination Services, Social Security Act (Title II and XVI), as amended; SSA Disability Insurance State Manual, Part IV, § 425.1.

Health Insurance for the Aged (Medicare), Social Security Act (Title XVIII), especially as amended by the Health Insurance for the Aged Act, on July 30, 1965; SSA State Operations Manual, Part IV, § 4510(a).

APPENDIX B TO THE STANDARDS FOR A MERIT SYSTEM OF PERSONNEL ADMINISTRATION

UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES (1978)

NOTE.—These guidelines are issued jointly by four agencies as follows: Civil Service Commission, Department of Justice, Equal Employment Opportunity Commission, Department of Labor.

For official citation see section 18 of these guidelines.

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General Principles

Section 1. *Statement of purpose.*—A. *Need for uniformity—Issuing agencies.* The Federal Government's need for a uniform set of principles on the question of the use of tests and other selection procedures has long been recognized. The Equal Employment Opportunity Commission, the Civil Service Commission, the Department of Labor, and the Department of Justice jointly have adopted these uniform guidelines to meet that need, and to apply the same principles to the Federal Government as are applied to other employers.

B. *Purpose of guidelines.* These guidelines incorporate a single set of principles which are designed to assist employers, labor organizations, employment agencies, and licensing and certification boards to comply with requirements of Federal law prohibiting employment practices which discriminate on grounds of race, color, religion, sex, and national origin. They are designed to provide a framework for determining the proper use of tests and other selection procedures. These guidelines do not require a user to conduct validity studies of selection procedures where no adverse impact results. However, all users are encouraged to use selection procedures which are valid, especially users operating under merit principles.

C. *Relation to prior guidelines.* These guidelines are based upon and supersede previously issued guidelines on employee selection procedures. These guidelines have been built upon court decisions, the previously issued guidelines of the agencies, and the practical experience of the agencies, as well as the standards of the psychological profession. These guidelines are intended to be consistent with existing law.

Sec. 2. *Scope.*—A. *Application of guidelines.* These guidelines will be applied by the Equal Employment Opportunity Commission in the enforcement of title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 (hereinafter "Title VII"); by the Department of Labor, and the contract compliance agencies until the transfer of authority contemplated by the President's Reorganization Plan No. 1 of 1978, in the administration and enforcement of Executive Order 11246, as amended by Executive Order 11375 (hereinafter "Executive Order 11246"); by the Civil Service Commission and other Federal agencies subject to section 717 of Title VII; by the Civil Service Commission in exercising its responsibilities toward State and local governments under section 208(b)(1) of the Intergovernmental-Personnel Act; by the Department of Justice in exercising its responsibilities under Federal law; by the Office of Revenue Sharing of the Department of the Treasury under the State and Local Fiscal Assistane Act of 1972, as amended; and by any other Federal agency which adopts them.

B. *Employment decisions.* These guidelines apply to tests and other selection procedures which are used as a basis for any employment decision. Employment decisions include but are not limited to hiring, promotion, demotion, membership (for example, in a labor organization), referral, retention, and licensing and certification, to the extent that licensing and certification may be covered by Federal equal employment opportunity law. Other selection decisions, such as selection for training or transfer, may also be considered employment decisions if they lead to any of the decisions listed above.

C. *Selection procedures.* These guidelines apply only to selection procedures which are used as a basis for making employment decisions. For example, the use of recruiting procedures designed to attract members of a particular race, sex, or ethnic group, which were previously denied employment opportunities or which are currently underutilized, may be necessary to bring an employer into compliance with Federal law, and is frequently an essential element of any effective affirmative action program; but recruitment practices are not considered by these guidelines to be selection procedures. Similarly, these guidelines do not pertain to the question of the lawfulness of a seniority system within the meaning of section 703(h), Executive Order 11246 or other provisions of Federal law or regulation, except to the extent that such systems utilize selection procedures to determine qualifications or abilities to perform the job. Nothing in these guidelines is intended or should be interpreted as discouraging the use of a selection procedure for the purpose of determining qualifications or for the purpose of selection on the basis of relative qualifications, if the selection procedure had been validated in accord with these guidelines for each such purpose for which it is to be used.

D. *Limitations.* These guidelines apply only to persons subject to Title VII, Executive Order 11246, or other equal employment opportunity requirements of Federal law. These guidelines do not apply to responsibilities under the Age Discrimination in Employment Act of 1967, as amended, not to discriminate on the basis of age, or under sections 501, 503, and 504 of the Rehabilitation Act of 1973, not to discriminate on the basis of handicap.

E. *Indian preference not affected.* These guidelines do not restrict any obligation imposed or right granted by Federal law to users to extend a preference in employment to Indians living on or near an Indian reservation in connection with employment opportunities on or near an Indian reservation.

Sec. 3. *Discrimination defined: Relationship between use of selection procedures and discrimination.*—A. *Procedure having adverse impact constitutes discrimination unless justified.* The use of any selection procedure which has an adverse impact on the hiring, promotion, or other employment or membership opportunities of members of any race, sex, or ethnic group will be considered to be discriminatory and inconsistent with these guidelines, unless the procedure has been validated in accordance with these guidelines, or the provisions of section 6 below are satisfied.

B. *Consideration of suitable alternative selection procedures.* Where two or more selection procedures are available which serve the user's legitimate interest in efficient and trustworthy workmanship, and which are substantially equally valid for a given purpose, the user should use the procedure which has been demonstrated to have the lesser adverse impact. Accordingly, whenever a validity study is called for by these guidelines, the user should include, as a part of the validity study, an investigation of suitable alternative selection procedures and suitable alternative methods of using the selection procedure which have as little adverse impact as possible, to determine the appropriateness of using or validating them in accord with these guidelines. If a user has made a reasonable effort to become aware of such alternative procedures and validity has been demonstrated in accord with these guidelines, the use of the test or other selection procedure may continue until such time as it should reasonably be reviewed for currency. Whenever the user is shown an alternative selection procedure with evidence of less adverse impact and substantial evidence of validity for the same job in similar circumstances, the user should investigate it to determine the appropriateness of using or validating it in accord with these guidelines. This subsection is not intended to preclude the combination of procedures into a significantly more valid procedure, if the use of such a combination has been shown to be in compliance with the guidelines.

Sec. 4. *Information on impact.*—A. *Records concerning impact.* Each user should maintain and have available for inspection records or other information which will disclose the impact which its tests and other selection procedures have upon employment opportunities of persons by identifiable race, sex, or ethnic group as set forth in subparagraph B below in order to determine compliance with these guidelines. Where there are large numbers of applicants and procedures are administered frequently, such information may be retained on a sample basis, provided that the sample is appropriate in terms of the applicant population and adequate in size.

B. *Applicable race, sex, and ethnic groups for recordkeeping.* The records called for by this section are to be maintained by sex, and the following races and ethnic groups: Blacks (Negroes), American Indians (including Alaskan Natives), Asians (including Pacific Islanders), Hispanic (including persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish origin or culture regardless of race), whites (Caucasians) other than Hispanic, and totals. The race, sex, and ethnic classifications called for by this section are consistent with the Equal Employment Opportunity Standard Form 100, Employer Information Report EEO-1 series of reports. The user should adopt safeguards to insure that the records required by this paragraph are used for appropriate purposes such as determining adverse impact, or (where required) for developing and monitoring affirmative action programs, and that such records are not used improperly. See sections 4E and 17(4), below.

C. *Evaluation of selection rates. The "bottom line."* If the information called for by sections 4A and B above shows that the total selection process for a job has an adverse impact, the individual components of the selection process should be evaluated for ad-

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verse impact. If this information shows that the total selection process does not have an adverse impact, the Federal enforcement agencies, in the exercise of their administrative and prosecutorial discretion, in usual circumstances, will not expect a user to evaluate the individual components for adverse impact, or to validate such individual components, and will not take enforcement action based upon adverse impact of any component of that process, including the separate parts of a multipart selection procedure or any separate procedure that is used as an alternative method of selection. However, in the following circumstances the Federal enforcement agencies will expect a user to evaluate the individual components for adverse impact and may, where appropriate, take enforcement action with respect to the individual components: (1) where the selection procedure is a significant factor in the continuation of patterns of assignments of incumbent employees caused by prior discriminatory employment practices, (2) where the weight of court decisions or administrative interpretations hold that a specific procedure (such as height or weight requirements or no-arrest records) is not job related in the same or similar circumstances. In unusual circumstances, other than those listed in (1) and (2) above, the Federal enforcement agencies may request a user to evaluate the individual components for adverse impact and may, where appropriate, take enforcement action with respect to the individual component.

D. *Adverse impact and the "four-fifths rule."* A selection rate for any race, sex, or ethnic group which is less than four-fifths (⅘) (or eighty percent) of the rate for the group with the highest rate will generally be regarded by the Federal enforcement agencies as evidence of adverse impact, while a greater than four-fifths rate will generally not be regarded by Federal enforcement agencies as evidence of adverse impact. Smaller differences in selection rate may nevertheless constitute adverse impact, where they are significant in both statistical and practical terms or where a user's actions have discouraged applicants disproportionately on grounds of race, sex, or ethnic group. Greater differences in selection rate may not constitute adverse impact where the differences are based on small numbers and are not statistically significant, or where special recruiting or other programs cause the pool of minority or female candidates to be atypical of the normal pool of applicants from that group. Where the user's evidence concerning the impact of a selection procedure indicates adverse impact but is based upon numbers which are too small to be reliable, evidence concerning the impact of the procedure over a longer period of time and/or evidence concerning the impact which the selection procedure had when used in the same manner in similar circumstances elsewhere may be considered in determining adverse impact. Where the user has not maintained data on adverse impact as required by the documentation section of applicable guidelines, the Federal enforcement agencies may draw an inference of adverse impact of the selection process from the failure of the user to maintain such data, if the user has an underutilization of a group in the job category, as compared to the group's representation in the relevant labor market or, in the case of jobs filled from within, the applicable work force.

E. *Consideration of user's equal employment opportunity posture.* In carrying out their obligations, the Federal enforcement agencies will consider the general posture of the user with respect to equal employment opportunity for the job or group of jobs in question. Where a user has adopted an affirmative action program, the Federal enforcement agencies will consider the provisions of that program, including the goals and timetables which the user has adopted and the progress which the user has made in carrying out that program and in meeting the goals and timetables. While such affirmative action programs may in design and execution be race, color, sex, or ethnic conscious, selection procedures under such programs should be based upon the ability or relative ability to do the work.

SEC. 5. *General standards for validity studies.*—A. *Acceptable types of validity studies.* For the purposes of satisfying these guidelines, users may rely upon criterion-related validity studies, content validity studies or construct validity studies, in accordance with the standards set forth in the technical standards of these guidelines, section 14 below. New strategies for showing the validity of selection procedures will be evaluated as they become accepted by the psychological profession.

B. *Criterion-related, content, and construct validity.* Evidence of the validity of a test or other selection procedure by a criterion-related validity study should consist of empirical data demonstrating that the selection procedure is predictive of or significantly correlated with important elements of job performance. See section 14B below. Evidence of the validity of a test or other selection procedure by a content validity study should consist of data showing that the content of the selection procedure is representative of important aspects of performance on the job for which the candidates are to be evaluated. See section 14C below. Evidence of the validity of a test or other selection procedure through a construct validity study should consist of data showing that the procedure measures the degree to which candidates have identifiable characteristics which have been determined to be important in successful performance in the job for which the candidates are to be evaluated. See section 14D below.

C. *Guidelines are consistent with professional standards.* The provisions of these guidelines relating to validation of selection procedures are intended to be consistent with generally accepted professional standards for evaluating standardized tests and other selection procedures, such as those described in the Standards for Educational and Psychological Tests prepared by a joint committee of the American Psychological Association, the American Educational Research Association, and the National Council on Measurement in Education (American Psychological Association, Washington, D.C., 1974) (hereinafter "A.P.A. Standards") and standard textbooks and journals in the field of personnel selection.

D. *Need for documentation of validity.* For any selection procedure which is part of a selection process which has an adverse impact and which selection procedure has an adverse impact, each user should maintain and have available such documentation as is described in section 15 below.

E. *Accuracy and standardization.* Validity studies should be carried out under conditions which assure insofar as possible the adequacy and accuracy of the research and the report. Selection procedures should be administered and scored under standardized conditions.

F. *Caution against selection on basis of knowledges, skills, or ability learned in brief orientation period.* In general, users should avoid making employment decisions on the basis of measures of knowledges, skills, or abilities which are normally learned in a brief orientation period, and which have an adverse impact.

G. *Method of use of selection procedures.* The evidence of both the validity and utility of a selection procedure should support the method the user chooses for operational use of the procedure, if that method of use has a greater adverse impact than another method of use. Evidence which may be sufficient to support the use of a selection procedure on a pass/fail (screening) basis may be insufficient to support the use of the same procedure on a ranking basis under these guidelines. Thus, if a user decides to use a selection procedure on a ranking basis, and that method of use has a greater adverse impact than use on an appropriate pass/fail basis (see section 5H below), the user should have sufficient evidence of validity and utility to support the use on a ranking basis. See sections 3B, 14B (5) and (6), and 14C (8) and (9).

H. *Cutoff scores.* Where cutoff scores are used, they should normally be set so as to be reasonable and consistent with normal expectations of acceptable proficiency within the work force. Where applicants are ranked on the basis of properly validated selection procedures and those applicants scoring below a higher cutoff score than appropriate in light of such expectations have little or no chance of being selected for employment, the higher cutoff score may be appropriate, but the degree of adverse impact should be considered.

I. *Use of selection procedures for higher level jobs.* If job progression structures are so established that employees will probably, within a reasonable period of time and in a majority of cases, progress to a higher level, it may be considered that the applicants are being evaluated for a job or jobs at the higher level. However, where job progression is not so nearly automatic, or the time span is such that higher level jobs or employees' potential may be expected to change in significant ways, it should be considered that applicants are being evaluated for a job at or near the entry level. A "reasonable period of time" will vary for different jobs and employment situations but will seldom be more than 5 years. Use of selection procedures to evaluate applicants for a higher level job would not be appropriate:

(1) If the majority of those remaining employed do not progress to the higher level job;

(2) If there is a reason to doubt that the higher level job will continue to require essentially similar skills during the progression period; or

(3) If the selection procedures measure knowledges, skills, or abilities required for advancement which would be expected to develop principally from the training or experience on the job.

J. *Interim use of selection procedures.* Users may continue the use of a selection procedure which is not at the moment fully supported by the required evidence of validity, provided: (1) The user has available substantial evidence of validity, and (2) the user has in progress, when technically feasible, a study which is designed to produce the additional evidence required by these guidelines within a reasonable time. If such a study is not technically feasible, see section 6B. If the study does not demonstrate validity, this provision of these guidelines for interim use shall not constitute a defense in any action, nor shall it relieve the user of any obligations arising under Federal law.

K. *Review of validity studies for currency.* Whenever validity has been shown in accord with these guidelines for the use of a particular selection procedure for a job or group of jobs, additional studies need not be performed until such time as the validity study is subject to review as provided in section 3B above. There are no absolutes in the area of determining the currency of a validity study. All circumstances concerning the study, including the validation strategy used, and changes in the relevant labor market and the job should be considered in the determination of when a validity study is outdated.

SEC. 6. *Use of selection procedures which have not been validated.*—A. *Use of alternate selection procedures to eliminate adverse impact.* A user may choose to utilize alternative selection procedures in order to eliminate adverse impact or as part of an affirmative action program. See section 13 below. Such alternative procedures should eliminate the adverse impact in the total selection process, should be lawful and should be as job related as possible.

B. *Where validity studies cannot or need not be performed.* There are circumstances in which a user cannot or need not utilize the validation techniques contemplated by these guidelines. In such circumstances, the user should utilize selection procedures which are as job related as possible and which will minimize or eliminate adverse impact, as set forth below.

(1) *Where informal or unscored procedures are used.* When an informal or unscored selection procedure which has an adverse impact is utilized, the user should eliminate the adverse impact, or modify the procedure to one which is a formal, scored or quantified measure or combination of measures and then validate the procedure in accord with these guidelines, or otherwise justify continued use of the procedure in accord with Federal law.

(2) *Where formal and scored procedures are used.* When a formal and scored selection procedure is used which has an adverse impact, the validation techniques contemplated by these guidelines usually should be followed if technically feasible. Where the user cannot or need not follow the validation techniques anticipated by these guidelines, the user should either modify the procedure to eliminate adverse impact or otherwise justify continued use of the procedure in accord with Federal law.

SEC. 7. *Use of other validity studies.*—A. *Validity studies not conducted by the user.* Users may, under certain circumstances, support the use of selection procedures by validity studies conducted by other users or conducted by test publishers or distributors and described in test manuals. While publishers of selection procedures have a professional obligation to provide evidence of validity which meets generally accepted professional standards (see section 5C above), users are cautioned that they are responsible for compliance with these guidelines. Accordingly, users seeking to obtain selection procedures from publishers and distributors should be careful to determine that, in the event the user becomes subject to the validity requirements of these guidelines, the necessary information to support validity has been determined and will be made available to the user.

B. *Use of criterion-related validity evidence from other sources.* Criterion-related validity studies conducted by one test user, or described in test manuals and the professional literature, will be considered acceptable for use by another user when the following requirements are met:

(1) *Validity evidence.* Evidence from the available studies meeting the standards of section 14B below clearly demonstrates that the selection procedure is valid;

(2) *Job similarity.* The incumbents in the user's job and the incumbents in the job or group of jobs on which the validity study was conducted perform substantially the same major work behaviors, as shown by appropriate job analyses both on the job or group of jobs on which the validity study was performed and on the job for which the selection procedure is to be used; and

(3) *Fairness evidence.* The studies include a study of test fairness for each race, sex, and ethnic group which constitutes a significant factor in the borrowing user's relevant labor market for the job or jobs in question. If the studies under consideration satisfy (1) and (2) above but do not contain an investigation of test fairness, and it is not technically feasible for the borrowing user to conduct an internal study of test fairness, the borrowing user may utilize the study until studies conducted elsewhere meeting the requirements of these guidelines show test unfairness, or until such time as it becomes technically feasible to conduct an internal study of test fairness and the results of that study can be acted upon. Users obtaining selection procedures from publishers should consider, as one factor in the decision to purchase a particular selection procedure, the availability of evidence concerning test fairness.

C. *Validity evidence from multiunit study.* If validity evidence from a study covering more than one unit

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within an organization satisfies the requirements of section 14B below, evidence of validity specific to each unit will not be required unless there are variables which are likely to affect validity significantly.

D. *Other significant variables.* If there are variables in the other studies which are likely to affect validity significantly, the user may not rely upon such studies, but will be expected either to conduct an internal validity study or to comply with section 6 above.

SEC. 8. *Cooperative studies.*—A. *Encouragement of cooperative studies.* The agencies issuing these guidelines encourage employers, labor organizations, and employment agencies to cooperate in research, development, search for lawful alternatives, and validity studies in order to achieve procedures which are consistent with these guidelines.

B. *Standards for use of cooperative studies.* If validity evidence from a cooperative study satisfies the requirements of section 14 below, evidence of validity specific to each user will not be required unless there are variables in the user's situation which are likely to affect validity significantly.

SEC. 9. *No assumption of validity.*—A. *Unacceptable substitutes for evidence of validity.* Under no circumstances will the general reputation of a test or other selection procedures, its author or its publisher, or casual reports of its validity be accepted in lieu of evidence of validity. Specifically ruled out are: assumptions of validity based on a procedures's name or descriptive labels; all forms of promotional literature; data bearing on the frequency of a procedure's usage; testimonial statements and credentials of sellers, users, or consultants; and other nonempirical or anecdotal accounts of selection practices or selection outcomes.

B. *Encouragement of professional supervision.* Professional supervision of selection activities is encouraged but is not a substitute for documented evidence of validity. The enforcement agencies will take into account the fact that a thorough job analysis was conducted and that careful development and use of a selection procedure in accordance with professional standards enhance the probability that the selection procedure is valid for the job.

SEC. 10. *Employment agencies and employment services.*—A. *Where selection procedures are devised by agency.* An employment agency, including private employment agencies and State employment agencies, which agrees to a request by an employer or labor organization to devise and utilize a selection procedure should follow the standards in these guidelines for determining adverse impact. If adverse impact exists the agency should comply with these guidelines. An employment agency is not relieved of its obligation herein because the user did not request such validation or has requested the use of some lesser standard of validation than is provided in these guidelines. The use of an employment agency does not relieve an employer or labor organization or other user of its responsibilities under Federal law to provide equal employment opportunity or its obligations as a user under these guidelines.

B. *Where selection procedures are devised elsewhere.* Where an employment agency or service is requested to administer a selection procedure which has been devised elsewhere and to make referrals pursuant to the results, the employment agency or service should maintain and have available evidence of the impact of the selection and referral procedures which it administers. If adverse impact results the agency or service should comply with these guidelines. If the agency or service seeks to comply with these guidelines by reliance upon validity studies or other data in the possession of the employer, it should obtain and have available such information.

SEC. 11. *Disparate treatment.* The principles of disparate or unequal treatment must be distinguished from the concepts of validation. A selection procedure—even though validated against job performance in accordance with these guidelines—cannot be imposed upon members of a race, sex, or ethnic group where other employees, applicants, or members have not been subjected to that standard. Disparate treatment occurs where members of a race, sex, or ethnic group have been denied the same employment, promotion, membership, or other employment opportunities as have been available to other employees or applicants. Those employees or applicants who have been denied equal treatment, because of prior discriminatory practices or policies, must at least be afforded the same opportunities as had existed for other employees or applicants during the period of discrimination. Thus, the persons who were in the class of persons discriminated against during the period the user followed the discriminatory practices should be allowed the opportunity to qualify under less stringent selection procedures previously followed, unless the user demonstrates that the increased standards are required by business necessity. This section does not prohibit a user who has not previously followed merit standards from adopting merit standards which are in compliance with these guidelines; nor does it preclude a user who has previously used invalid or unvalidated selection procedures from developing and using procedures which are in accord with these guidelines.

SEC. 12. *Retesting of applicants.* Users should provide a reasonable opportunity for retesting and reconsideration. Where examinations are administered periodically with public notice, such reasonable opportunity exists, unless persons who have previously been tested are precluded from retesting. The user may however take reasonable steps to preserve the security of its procedures.

SEC. 13. *Affirmative action.*—A. *Affirmative action obligations.* The use of selection procedures which have been validated pursuant to these guidelines does not relieve users of any obligations they may have to undertake affirmative action to assure equal employment opportunity. Nothing in these guidelines is intended to preclude the use of lawful selection procedures which assist in remedying the effects of prior discriminatory practices, or the achievement of affirmative action objectives.

B. *Encouragement of voluntary affirmative action programs.* These guidelines are also intended to encourage the adoption and implementation of voluntary affirmative action programs by users who have no obligation under Federal law to adopt them; but are not intended to impose any new obligations in that regard. The agencies issuing and endorsing these guidelines endorse for all private employers and reaffirm for all governmental employers the Equal Employment Opportunity Coordinating Council's "Policy Statement on Affirmative Action Programs for State and Local Government Agencies" (41 FR 38814, September 13, 1976). That policy statement is attached hereto as appendix, section 17.

TECHNICAL STANDARDS

SEC. 14. *Technical standards for validity studies.* The following minimum standards, as applicable, should be met in conducting a validity study. Nothing in these guidelines is intended to preclude the development and use of other professionally acceptable techniques with respect to validation of selection procedures. Where it is not technically feasible for a user to conduct a validity study, the user has the obligation otherwise to comply with these guidelines. See sections 6 and 7 above.

A. *Validity studies should be based on review of information about the job.* Any validity study should be based upon a review of information about the job for which the selection procedure is to be used. The review should include a job analysis except as provided in section 14B(3) below with respect to criterion-related validity. Any method of job analysis may be used if it provides the information required for the specific validation strategy used.

B. *Technical standards for criterion-related validity studies.*—(1) *Technical feasibility.* Users choosing to validate a selection procedure by a criterion-related validity strategy should determine whether it is technically feasible (as defined in section 16) to conduct such a study in the particular employment context. The determination of the number of persons necessary to permit the conduct of a meaningful criterion-related study should be made by the user on the basis of all relevant information concerning the selection procedure, the potential sample and the employment situation. Where appropriate, jobs with substantially the same major work behaviors may be grouped together for validity studies, in order to obtain an adequate sample. These guidelines do not require a user to hire or promote persons for the purpose of making it possible to conduct a criterion-related study.

(2) *Analysis of the job.* There should be a review of job information to determine measures of work behavior(s) or performance that are relevant to the job or group of jobs in question. These measures or criteria are relevant to the extent that they represent critical or important job duties, work behaviors or work outcomes as developed from the review of job information. The possibility of bias should be considered both in selection of the criterion measures and their application. In view of the possibility of bias in subjective evaluations, supervisory rating techniques and instructions to raters should be carefully developed. All criterion measures and the methods for gathering data need to be examined for freedom from factors which would unfairly alter scores of members of any group. The relevance of criteria and their freedom from bias are of particular concern when there are significant differences in measures of job performance for different groups.

(3) *Criterion measures.* Proper safeguards should be taken to insure that scores on selection procedures do not enter into any judgments of employee adequacy that are to be used as criterion measures. Whatever criteria are used should represent important or critical work behavior(s) or work outcomes. Certain criteria may be used without a full job analysis if the user can show the importance of the criteria to the particular employment context. These criteria include but are not limited to production rate, error rate, tardiness, absenteeism, and length of service. A standardized rating of overall work performance may be used where a study of the job shows that it is an appropriate criterion. Where performance in training is used as a criterion, success in training should be properly measured and the relevance of the training should be shown either through a comparison of the content of the training program with the critical or important work behavior(s) of the job(s), or through a demonstration of the relationship between measures of performance in training and measures of job performance. Measures of relative success in training include but are not limited to instructor evaluations, performance samples, or tests. Criterion measures consisting of paper and pencil tests will be closely reviewed for job relevance.

(4) *Representativeness of the sample.* Whether the study is predictive or concurrent, the sample subjects should insofar as feasible be representative of the candidates normally available in the relevant labor market for the job or group of jobs in question, and should insofar as feasible include the races, sexes, and ethnic groups normally available in the relevant job market. In determining the representativeness of the sample in a concurrent validity study, the user should take into account the extent to which the specific knowledges or skills which are the primary focus of the test are those which employees learn on the job.

Where samples are combined or compared, attention should be given to see that such samples are comparable in terms of the actual job they perform, the length of time on the job where time on the job is likely to affect performance, and other revelant factors likely to affect validity differences; or that these factors are included in the design of the study and their effects identified.

(5) *Statistical relationships.* The degree of relationship between selection procedure scores and criterion measures should be examined and computed, using professionally acceptable statistical procedures. Generally, a selection procedure is considered related to the criterion, for the purposes of these guidelines, when the relationship between performance on the procedure and performance on the criterion measure is statistically significant at the 0.05 level of significance, which means that it is sufficiently high as to have a probability of no more than one (1) in twenty (20) to have occurred by chance. Absence of a statistically significant relationship between a selection procedure and job performance should not necessarily discourage other investigations of the validity of that selection procedure.

(6) *Operational use of selection procedures.* Users should evaluate each selection procedure to assure that it is appropriate for operational use, including establishment of cutoff scores or rank ordering. Generally, if other factors remain the same, the greater the magnitude of the relationship (e.g., correlation coefficient) between performance on a selection procedure and one or more criteria of performance on the job, and the greater the importance and number of aspects of job performance covered by the criteria, the more likely it is that the procedure will be appropriate for use. Reliance upon a selection procedure which is significantly related to a criterion measure, but which is based upon a study involving a large number of subjects and has a low correlation coefficient will be subject to close review if it has a large adverse impact. Sole reliance upon a single selection instrument which is related to only one of many job duties or aspects of job performance will also be subject to close review. The appropriateness of a selection procedure is best evaluated in each particular situation and there are no minimum correlation coefficients applicable to all employment situations. In determining whether a selection procedure is appropriate for operational use the following considerations should also be taken into account: The degree of adverse impact of the procedure, the availability of other selection procedures of greater or substantially equal validity.

(7) *Overstatement of validity findings.* Users should avoid reliance upon techniques which tend to overestimate validity findings as a result of capitalization on chance unless an appropriate safeguard is taken. Reliance upon a few selection procedures or criteria of successful job performance when many selection procedures or criteria of performance have been studied, or the use of optimal statistical weights for selection procedures computed in one sample, are techniques which tend to inflate validity estimates as a result of chance. Use of a large sample is one safeguard: cross-validation in another.

(8) *Fairness.* This section generally calls for studies of unfairness where technically feasible. The concept of fairness or unfairness of selection procedures is a developing concept. In addition, fairness studies generally require substantial numbers of employees in the job or group of jobs being studied. For these reasons, the Federal enforcement agencies recognize that the obligation to conduct studies of fairness imposed by the guidelines generally will be upon users or groups of users with a large number of persons in a job class, or test developers; and that small users utilizing their own selection procedures will generally not be obligated to conduct such studies because it will be technically infeasible for them to do so.

(a) *Unfairness defined.* When members of one race, sex, or ethnic group

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characteristically obtain lower scores on a selection procedure than members of another group, and the differences in scores are not reflected in differences in a measure of job performance, use of the selection procedure may unfairly deny opportunities to members of the group that obtains the lower scores.

(b) *Investigation of fairness.* Where a selection procedure results in an adverse impact on a race, sex, or ethnic group identified in accordance with the classifications set forth in section 4 above and that group is a significant factor in the relevant labor market, the user generally should investigate the possible existence of unfairness for that group if it is technically feasible to do so. The greater the severity of the adverse impact on a group, the greater the need to investigate the possible existence of unfairness. Where the weight of evidence from other studies shows that the selection procedure predicts fairly for the group in question and for the same or similar jobs, such evidence may be relied on in connection with the selection procedure at issue.

(c) *General considerations in fairness investigations.* Users conducting a study of fairness should review the A.P.A. Standards regarding investigation of possible bias in testing. An investigation of fairness of a selection procedure depends on both evidence of validity and the manner in which the selection procedure is to be used in a particular employment context. Fairness of a selection procedure cannot necessarily be specified in advance without investigating these factors. Investigation of fairness of a selection procedure in samples where the range of scores on selection procedures or criterion measures is severely restricted for any subgroup sample (as compared to other subgroup samples) may produce misleading evidence of unfairness. That factor should accordingly be taken into account in conducting such studies and before reliance is placed on the results.

(d) *When unfairness is shown.* If unfairness is demonstrated through a showing that members of a particular group perform better or poorer on the job than their scores on the selection procedure would indicate through comparison with how members of other groups perform, the user may either revise or replace the selection instrument in accordance with these guidelines, or may continue to use the selection instrument operationally with appropriate revisions in its use to assure compatibility between the probability of successful job performance and the probability of being selected.

(e) *Technical feasibility of fairness studies.* In addition to the general conditions needed for technical feasibility for the conduct of a criterion-related study (see section 16, below) an investigation of fairness requires the following:

(i) An adequate sample of persons in each group available for the study to achieve findings of statistical significance. Guidelines do not require a user to hire or promote persons on the basis of group classifications for the purpose of making it possible to conduct a study of fairness; but the user has the obligation otherwise to comply with these guidelines.

(ii) The samples for each group should be comparable in terms of the actual job they perform, length of time on the job where time on the job is likely to affect performance, and other relevant factors likely to affect validity differences; or such factors should be included in the design of the study and their effects identified.

(f) *Continued use of selection procedures when fairness studies not feasible.* If a study of fairness should otherwise be performed, but is not technically feasible, a selection procedure may be used which has otherwise met the validity standards of these guidelines, unless the technical infeasibility resulted from discriminatory employment practices which are demonstrated by facts other than past failure to conform with requirements for validation of selection procedures. However, when it becomes technically feasible for the user to perform a study of fairness and such a study is otherwise called for, the user should conduct the study of fairness.

C. *Technical standards for content validity studies.*—(1) *Appropriateness of content validity studies.* Users choosing to validate a selection procedure by a content validity strategy should determine whether it is appropriate to conduct such a study in the particular employment context. A selection procedure can be supported by a content validity strategy to the extent that it is a representative sample of the content of the job. Selection procedures which purport to measure knowledges, skills, or abilities may in certain circumstances be justified by content validity, although they may not be representative samples, if the knowledge, skill, or ability measured by the selection procedure can be operationally defined as provided in section 14C(4) below, and if that knowledge, skill, or ability is a necessary prerequisite to successful job performance.

A selection procedure based upon inferences about mental processes cannot be supported solely or primarily on the basis of content validity. Thus, a content strategy is not appropriate for demonstrating the validity of selection procedures which purport to measure traits or constructs, such as intelligence, aptitude, personality, commonsense, judgment, leadership, and spatial ability. Content validity is also not an appropriate strategy when the selection procedure involves knowledges, skills, or abilities which an employee will be expected to learn on the job.

(2) *Job analysis for content validity.* There should be a job analysis which includes an analysis of the important work behavior(s) required for successful performance and their relative importance and, if the behavior results in work product(s), an analysis of the work product(s). Any job analysis should focus on the work behavior(s) and the tasks associated with them. If work behavior(s) are not observable, the job analysis should identify and analyze those aspects of the behavior(s) that can be observed and the observed work products. The work behavior(s) selected for measurement should be critical work behavior(s) and/or important work behavior(s) constituting most of the job.

(3) *Development of selection procedures.* A selection procedure designed to measure the work behavior may be developed specifically from the job and job analysis in question, or may have been previously developed by the user, or by other users or by a test publisher.

(4) *Standards for demonstrating content validity.* To demonstrate the content validity of a selection procedure, a user should show that the behavior(s) demonstrated in the selection procedure are a representative sample of the behavior(s) of the job in question or that the selection procedure provides a representative sample of the work product of the job. In the case of a selection procedure measuring a knowledge, skill, or ability, the knowledge, skill, or ability being measured should be operationally defined. In the case of a selection procedure measuring a knowledge, the knowledge being measured should be operationally defined as that body of learned information which is used in and is a necessary prerequisite for observable aspects of work behavior of the job. In the case of skills or abilities, the skill or ability being measured should be operationally defined in terms of observable aspects of work behavior of the job. For any selection procedure measuring a knowledge, skill, or ability the user should show that (a) the selection procedure measures and is a representative sample of that knowledge, skill, or ability; and (b) that knowledge, skill, or ability is used in and is a necessary prerequisite to performance of critical or important work behavior(s). In addition, to be content valid, a selection procedure measuring a skill or ability should either closely approximate an observable work behavior, or its product should closely approximate an observable work product. If a test purports to sample a work behavior or to provide a sample of a work product, the manner and setting of the selection procedure and its level and complexity should closely approximate the work situation. The closer the content and the context of the selection procedure are to work samples or work behaviors, the stronger is the basis for showing content validity. As the content of the selection procedure less resembles a work behavior, or the setting and manner of the administration of the selection procedure less resemble the work situation, or the result less resembles a work product, the less likely the selection procedure is to be content valid, and the greater the need for other evidence of validity.

(5) *Reliability.* The reliability of selection procedures justified on the basis of content validity should be a matter of concern to the user. Whenever it is feasible, appropriate statistical estimates should be made of the reliability of the selection procedure.

(6) *Prior training or experience.* A requirement for or evaluation of specific prior training or experience based on content validity, including a specification of level or amount of training or experience, should be justified on the basis of the relationship between the content of the training or experience and the content of the job for which the training or experience is to be required or evaluated. The critical consideration is the resemblance between the specific behaviors, products, knowledges, skills, or abilities in the experience or training and the specific behaviors, products, knowledges, skills, or abilities required on the job, whether or not there is close resemblance between the experience or training as a whole and the job as a whole.

(7) *Content validity of training success.* Where a measure of success in a training program is used as a selection procedure and the content of a training program is justified on the basis of content validity, the use should be justified on the relationship between the content of the training program and the content of the job.

(8) *Operational use.* A selection procedure which is supported on the basis of content validity may be used for a job if it represents a critical work behavior (i.e., a behavior which is necessary for performance of the job) or work behaviors which constitute most of the important parts of the job.

(9) *Ranking based on content validity studies.* If a user can show, by a job analysis or otherwise, that a higher score on a content valid selection procedure is likely to result in better job performance, the results may be used to rank persons who score above minimum levels. Where a selection procedure supported solely or primarily by content validity is used to rank job candidates, the selection procedure should measure those aspects of performance which differentiate among levels of job performance.

D. *Technical standards for construct validity studies.*—(1) *Appropriateness of construct validity studies.* Construct validity is a more complex strategy than either criterion-related or content validity. Construct validation is a relatively new and developing procedure in the employment field, and there is at present a lack of substantial literature extending the concept to employment practices. The user should be aware that the effort to obtain sufficient empirical support for construct validity is both an extensive and arduous effort involving a series of research studies, which include criterion-related validity studies and which may include content validity studies. Users choosing to justify use of a selection procedure by this strategy should therefore take particular care to assure that the validity study meets the standards set forth below.

(2) *Job analysis for construct validity studies.* There should be a job analysis. This job analysis should show the work behavior(s) required for successful performance of the job, or the groups of jobs being studied, the critical or important work behavior(s) in the job or group of jobs being studied, and an identification of the construct(s) believed to underlie successful performance of these critical or important work behaviors in the job or jobs in question. Each construct should be named and defined, so as to distinguish it from other constructs. If a group of jobs is being studied the jobs should have in common one or more critical or important work behaviors at a comparable level of complexity.

(3) *Relationship to the job.* A selection procedure should then be identified or developed which measures the construct identified in accord with subparagraph (2) above. The user should show by empirical evidence that the selection procedure is validly related to the construct and that the construct is validly related to the performance of critical or important work behavior(s). The relationship between the construct as measured by the selection procedure and the related work behavior(s) should be supported by empirical evidence from one or more criterion-related studies involving the job or jobs in question which satisfy the provisions of section 14B above.

(4) *Use of construct validity study without new criterion-related evidence.*—(a) *Standards for use.* Until such time as professional literature provides more guidance on the use of construct validity in employment situations, the Federal agencies will accept a claim of construct validity without a criterion-related study which satisfies section 14B above only when the selection procedure has been used elsewhere in a situation in which a criterion-related study has been conducted and the use of a criterion-related validity study in this context meets the standards for transportability of criterion-related validity studies as set forth above in section 7. However, if a study pertains to a number of jobs having common critical or important work behaviors at a comparable level of complexity, and the evidence satisfies subparagraphs 14B (2) and (3) above for those jobs with criterion-related validity evidence for those jobs, the selection procedure may be used for all the jobs to which the study pertains. If construct validity is to be generalized to other jobs or groups of jobs not in the group studied, the Federal enforcement agencies will expect at a minimum additional empirical research evidence meeting the standards of subparagraphs section 14B (2) and (3) above for the additional jobs or groups of jobs.

(b) *Determination of common work behaviors.* In determining whether two or more jobs have one or more work behavior(s) in common, the user should compare the observed work behavior(s) in each of the jobs and should compare the observed work product(s) in each of the jobs. If neither the observed work behavior(s) in each of the jobs nor the observed work product(s) in each of the jobs are the same, the Federal enforcement agencies will presume that the work behavior(s) in each job are different. If the work behaviors are not observable, then evidence of similarity of work products and any other relevant research evidence will be considered in determining whether the work behavior(s) in the two jobs are the same.

Documentation of Impact and Validity Evidence

Sec. 15. *Documentation of impact and validity evidence.*—A. *Required information.* Users of selection procedures other than those users complying with section 15A(1) below should maintain and have available for each job information on adverse impact of the selection process for that job and, where it is determined a selection process has an adverse impact, evidence of validity as set forth below.

(1) *Simplified recordkeeping for users with less than 100 employees.* In order to minimize recordkeeping burdens on employers who employ one hundred (100) or fewer employees, and other users not required to file EEO–1, et seq., reports, such users may satisfy

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the requirements of this section 15 if they maintain and have available records showing, for each year:

(a) The number of persons hired, promoted, and terminated for each job, by sex, and where appropriate by race and national origin;

(b) The number of applicants for hire and promotion by sex and where appropriate by race and national origin; and

(c) The selection procedures utilized (either standardized or not standardized).

These records should be maintained for each race or national origin group (see section 4 above) constituting more than two percent (2%) of the labor force in the relevant labor area. However, it is not necessary to maintain records by race and/or national origin (see § 4 above) if one race or national origin group in the relevant labor area constitutes more than ninety-eight percent (98%) of the labor force in the area. If the user has reason to believe that a selection procedure has an adverse impact, the user should maintain any available evidence of validity for that procedure (see sections 7A and 8).

(2) *Information on impact.*—(a) *Collection of information on impact.* Users of selection procedures other than those complying with section 15A(1) above should maintain and have available for each job records or other information showing whether the total selection process for that job has an adverse impact on any of the groups for which records are called for by section 4B above. Adverse impact determinations should be made at least annually for each such group which constitutes at least 2 percent of the labor force in the relevant labor area or 2 percent of the applicable workforce. Where a total selection process for a job has an adverse impact, the user should maintain and have available records or other information showing which components have an adverse impact. Where the total selection process for a job does not have an adverse impact, information need not be maintained for individual components except in circumstances set forth in subsection 15A(2)(b) below. If the determination of adverse impact is made using a procedure other than the "four-fifths rule," as defined in the first sentence of section 4D above, a justification, consistent with section 4D above, for the procedure used to determine adverse impact should be available.

(b) *When adverse impact has been eliminated in the total selection process.* Whenever the total selection process for a particular job has had an adverse impact, as defined in section 4 above, in any year, but no longer has an adverse impact, the user should maintain and have available the information on individual components of the selection process required in the preceding paragraph for the period in which there was adverse impact. In addition, the user should continue to collect such information for at least two (2) years after the adverse impact has been eliminated.

(c) *When data insufficient to determine impact.* Where there has been an insufficient number of selections to determine whether there is an adverse impact of the total selection process for a particular job, the user should continue to collect, maintain and have available the information on individual components of the selection process required in section 15(A)(2)(a) above until the information is sufficient to determine that the overall selection process does not have an adverse impact as defined in section 4 above, or until the job has changed substantially.

(3) *Documentation of validity evidence.*—(a) *Types of evidence.* Where a total selection process has an adverse impact (see section 4 above) the user should maintain and have available for each component of that process which has an adverse impact, one or more of the following types of documentation evidence:

(i) Documentation evidence showing criterion-related validity of the selection procedure (see section 15B, below).

(ii) Documentation evidence showing content validity of the selection procedure (see section 15C, below).

(iii) Documentation evidence showing construct validity of the selection procedure (see section 15D, below).

(iv) Documentation evidence from other studies showing validity of the selection procedure in the user's facility (see section 15E, below).

(v) Documentation evidence showing why a validity study cannot or need not be performed and why continued use of the procedure is consistent with Federal law.

(b) *Form of report.* This evidence should be compiled in a reasonably complete and organized manner to permit direct evaluation of the validity of the selection procedure. Previously written employer or consultant reports of validity, or reports describing validity studies completed before the issuance of these guidelines are acceptable if they are complete in regard to the documentation requirements contained in this section, or if they satisfied requirements of guidelines which were in effect when the validity study was completed. If they are not complete, the required additional documentation should be appended. If necessary information is not available the report of the validity study may still be used as documentation, but its adequacy will be evaluated in terms of compliance with the requirements of these guidelines.

(c) *Completeness.* In the event that evidence of validity is reviewed by an enforcement agency, the validation reports completed after the effective date of these guidelines are expected to contain the information set forth below. Evidence denoted by use of the word "(Essential)" is considered critical. If information denoted essential is not included, the report will be considered incomplete unless the user affirmatively demonstrates either its unavailability due to circumstances beyond the user's control or special circumstances of the user's study which make the information irrelevant. Evidence not so denoted is desirable but its absence will not be a basis for considering a report incomplete. The user should maintain and have available the information called for under the heading "Source Data" in sections 15B(11) and 15D(11). While it is a necessary part of the study, it need not be submitted with the report. All statistical results should be organized and presented in tabular or graphic form to the extent feasible.

B. *Criterion-related validity studies.* Reports of criterion-related validity for a selection procedure should include the following information:

(1) *User(s), location(s), and date(s) of study.* Dates and location(s) of the job analysis or review of job information, the date(s) and location(s) of the administration of the selection procedures and collection of criterion data, and the time between collection of data on selection procedures and criterion measures should be provided (Essential). If the study was conducted at several locations, the address of each location, including city and State, should be shown.

(2) *Problem and setting.* An explicit definition of the purpose(s) of the study and the circumstances in which the study was conducted should be provided. A description of existing selection procedures and cutoff scores, if any, should be provided.

(3) *Job analysis or review of job information.* A description of the procedure used to analyze the job or group of jobs, or to review the job information should be provided (Essential). Where a review of job information results in criteria which may be used without a full job analysis (see section 14B(3)), the basis for the selection of these criteria should be reported (Essential). Where a job analysis is required a complete description of the work behavior(s) or work outcomes(s), and measures of their criticality or importance should be provided (Essential). The report should describe the basis on which the behavior(s) or outcome(s) were determined to be cirtical or important, such as the proportion of time spent on the respective behaviors, their level of difficulty, their frequency of performance, the consequences of error, or other appropriate factors (Essential). Where two or more jobs are grouped for a validity study, the information called for in this subsection should be provided for each of the jobs, and the justification for the grouping (see section 14B(1)) should be provided (Essential).

(4) *Job titles and codes.* It is desirable to provide the user's job title(s) for the job(s) in question and the corresponding job title(s) and code(s) from U.S. Employment Service's Dictionary of Occupational titles.

(5) *Criterion measures.* The bases for the selection of the criterion measures should be provided, together with references to the evidence considered in making the selection of criterion measures (essential). A full description of all criteria on which data were collected and means by which they were observed, recorded, evaluated, and quantified, should be provided (essential). If rating techniques are used as criterion measures, the appraisal form(s) and instructions to the rater(s) should be included as part of the validation evidence, or should be explicitly described and available (essential). All steps taken to insure that criterion measures are free from factors which would unfairly alter the scores of members of any group should be described (essential).

(6) *Sample description.* A description of how the research sample was identified and selected should be included (essential). The race, sex, and ethnic composition of the sample, including those groups set forth in section 4A above, should be described (essential). This description should include the size of each subgroup (essential). A description of how the research sample compares with the relevant labor market or work force, the method by which the relevant labor market or work force was defined, and a discussion of the likely effects on validity of differences between the sample and the relevant labor market or work force, are also desirable. Descriptions of educational levels, length of service, and age are also desirable.

(7) *Description of selection procedures.* Any measure, combination of measures, or procedure studied should be completely and explicitly described or attached (essential). If commercially available selection procedures are studied, they should be described by title, form, and publisher (essential). Reports of reliability estimates and how they were established are desirable.

(8) *Techniques and results.* Methods used in analyzing data should be described (essential). Measures of central tendency (e.g., means) and measures of dispersion (e.g., standard deviations and ranges) for all selection procedures and all criteria should be reported for each race, sex, and ethnic group which constitutes a significant factor in the relevant labor market (essential). The magnitude and direction of all relationships between selection procedures and criterion measures investigated should be reported for each relevant race, sex, and ethnic group and for the total group (essential). Where groups are too small to obtain reliable evidence of the magnitude of the relationship, need not be reported separately. Statements regarding the statistical significance of results should be made (essential). Any statistical adjustments, such as for less then perfect reliability or for restriction of score range in the selection procedure or criterion should be described and explained; and uncorrected correlation coefficients should also be shown (essential). Where the statistical technique categorizes continuous data, such as biserial correlation and the phi coefficient, the categories and the bases on which they were determined should be described and explained (essential). Studies of test fairness should be included where called for by the requirements of section 14B(8) (essential). These studies should include the rationale by which a selection procedure was determined to be fair to the group(s) in question. Where test fairness or unfairness has been demonstrated on the basis of other studies, a bibliography of the relevant studies should be included (essential). If the bibliography includes unpublished studies, copies of these studies, or adequate abstracts or summaries, should be attached (essential). Where revisions have been made in a selection procedure to assure compatability between successful job performance and the probability of being selected, the studies underlying such revisions should be included (essential). All statistical results should be organized and presented by relevant race, sex, and ethnic group (essential).

(9) *Alternative procedures investigated.* The selection procedures investigated and available evidence of their impact should be identified (essential). The scope, method, and findings of the investigation, and the conclusions reached in light of the findings, should be fully described (essential).

(10) *Uses and applications.* The methods considered for use of the selection procedure (e.g., as a screening device with a cutoff score, for grouping or ranking, or combined with other procedures in a battery) and available evidence of their impact should be described (essential). This description should include the rationale for choosing the method for operational use, and the evidence of the validity and utility of the procedure as it is to be used (essential). The purpose for which the procedure is to be used (e.g., hiring, transfer, promotion) should be described (essential). If weights are assigned to different parts of the selection procedure, these weights and the validity of the weighted composite should be reported (essential). If the selection procedure is used with a cutoff score, the user should describe the way in which normal expectations of proficiency within the work force were determined and the way in which the cutoff score was determined (essential).

(11) *Source data.* Each user should maintain records showing all pertinent information about individual sample members and raters where they are used, in studies involving the validation of selection procedures. These records should be made available upon request of a compliance agency. In the case of individual sample members these data should include scores on the selection procedure(s), scores on criterion measures, age, sex, race, or ethnic group status, and experience on the specific job on which the validation study was conducted, and may also include such things as education, training, and prior job experience, but should not include names and social security numbers. Records should be maintained which show the ratings given to each sample member by each rater.

(12) *Contact person.* The name, mailing address, and telephone number of the person who may be contacted for further information about the validity study should be provided (essential).

(13) *Accuracy and completeness.* The report should describe the steps taken to asssure the accuracy and completeness of the collection, analysis, and report of data and results.

C. *Content validity studies.* Reports of content validity for a selection procedure should include the following information:

(1) *User(s), location(s) and date(s) of study.* Dates and location(s) of the job analysis should be shown (essential).

(2) *Problem and setting.* An explicit definition of the purpose(s) of the study and the circumstances in which the study was conducted should be provided. A description of existing selection procedures and cutoff scores, if any, should be provided.

(3) *Job analysis—Content of the job.* A description of the method used to analyze the job should be provided (essential). The work behavior(s), the associated tasks, and, if the behavior results in a work product, the work products should be completely described (essential). Measures of criticality and/or importance of the work behavior(s) and the method of determining these measures should be pro-

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vided (essential). Where the job analysis also identified the knowledges, skills, and abilities used in work behavior(s), an operational definition for each knowledge in terms of a body of learned information and for each skill and ability in terms of observable behaviors and outcomes, and the relationship between each knowledge, skill, or ability and each work behavior, as well as the method used to determine this relationship, should be provided (essential). The work situation should be described, including the setting in which work behavior(s) are performed, and where appropriate, the manner in which knowledges, skills, or abilities are used, and the complexity and difficulty of the knowledge, skill, or ability as used in the work behavior(s).

(4) *Selection procedure and its content.* Selection procedures, including those constructed by or for the user, specific training requirements, composites of selection procedures, and any other procedure supported by content validity, should be completely and explicitly described or attached (essential). If commercially available selection procedures are used, they should be described by title, form, and publisher (essential). The behaviors measured or sampled by the selection procedure should be explicitly described (essential). Where the selection procedure purports to measure a knowledge, skill, or ability, evidence that the selection procedure measures and is a representative sample of the knowledge, skill, or ability should be provided (essential).

(5) *Relationship between the selection procedure and the job.* The evidence demonstrating that the selection procedure is a representative work sample, a representative sample of the work behavior(s), or a representative sample of a knowledge, skill, or ability as used as a part of a work behavior and necessary for that behavior should be provided (essential). The user should identify the work behavior(s) which each item or part of the selection procedure is intended to sample or measure (essential). Where the selection procedure purports to sample a work behavior or to provide a sample of a work product, a comparison should be provided of the manner, setting, and the level of complexity of the selection procedure with those of the work situation (essential). If any steps were taken to reduce adverse impact on a race, sex, or ethnic group in the content of the procedure or in its administration, these steps should be described. Establishment of time limits, if any, and how these limits are related to the speed with which duties must be performed on the job, should be explained. Measures of central tendency (e.g., means) and measures of dispersion (e.g, standard deviations) and estimates of reliability should be reported for all selection procedures if available. Such reports should be made for relevant race, sex, and ethnic subgroups, at least on a statistically reliable sample basis.

(6) *Alternative procedures investigated.* The alternative selection procedures investigated and availabe evidence of their impact should be identified (essential). The scope, method, and findings of the investigation, and the conclusions reached in light of the findings, should be fully described (essential).

(7) *Uses and applications.* The methods considered for use of the selection procedure (e.g., as a screening device with a cutoff score, for grouping or ranking, or combined with other procedures in a battery) and available evidence of their impact should be described (essential). This description should include the rationale for choosing the method for operational use, and the evidence of the validity and utility of the procedure as it is to be used (essential). The purpose for which the procedure is to be used (e.g., hiring, transfer, promotion) should be described (essential). If the selection procedure is used with a cutoff score, the user should describe the way in which normal expectations of proficiency within the work force were determined and the way in which the cutoff score was determined (essential). In addition, if the selection procedure is to be used for ranking, the user should specify the evidence showing that a higher score on the selection procedure is likely to result in better job performance.

(8) *Contact person.* The name, mailing address, and telephone number of the person who may be contacted for further information about the validity study should be provided (essential).

(9) *Accuracy and completeness.* The report should describe the steps taken to assure the accuracy and completeness of the collection, analysis, and report of data and results.

D. *Construct validity studies.* Reports of construct validity for a selection procedure should include the following information:

(1) *User(s), location(s), and date(s) of study.* Date(s) and location(s) of the job analysis and the gathering of other evidence called for by these guidelines should be provided (essential).

(2) *Problem and setting.* An explicit definition of the purpose(s) of the study and the circumstances in which the study was conducted should be provided. A description of existing selection procedures and cutoff scores, if any, should be provided.

(3) *Construct definition.* A clear definition of the construct(s) which are believed to underlie successful performance of the critical or important work behavior(s) should be provided (essential). This definition should include the levels of construct performance relevant to the job(s) for which the selection procedure is to be used (essential). There should be a summary of the position of the construct in the psychological literature, or in the absence of such a position, a description of the way in which the definition and measurement of the construct was developed and the psychological theory underlying it (essential). Any quantitative data which identify or define the job constructs, such as factor analyses, should be provided (essential).

(4) *Job analysis.* A description of the method used to analyze the job should be provided (essential). A complete description of the work behavior(s) and, to the extent appropriate, work outcomes and measures of their criticality and/or importance should be provided (essential). The report should also describe the basis on which the behavior(s) or outcomes were determined to be important, such as their level of difficulty, their frequency of performance, the consequences of error or other appropriate factors (essential). Where jobs are grouped or compared for the purposes of generalizing validity evidence, the work behavior(s) and work product(s) for each of the jobs should be described, and conclusions concerning the similarity of the jobs in terms of observable work behaviors or work products should be made (essential).

(5) *Job titles and codes.* It is desirable to provide the selection procedure user's job title(s) for the job(s) in question and the corresponding job title(s) and code(s) from the United States Employment Service's dictionary of occupational titles.

(6) *Selection procedure.* The selection procedure used as a measure of the construct should be completely and explicitly described or attached (essential). If commercially available selection procedures are used, they should be identified by title, form and publisher (essential). The research evidence of the relationship between the selection procedure and the construct, such as factor structure, should be included (essential). Measures of central tendency, variability and reliability of the selection procedure should be provided (essential). Whenever feasible, these measures should be provided separately for each relevant race, sex and ethnic group.

(7) *Relationship to job performance.* The criterion-related study(ies) and other empirical evidence of the relationship between the construct measured by the selection procedure and the related work behavior(s) for the job or jobs in question should be provided (essential). Documentation of the criterion-related study(ies) should satisfy the provisions of section 15B above or section 15E(1) below, except for studies conducted prior to the effective date of these guidelines (essential). Where a study pertains to a group of jobs, and, on the basis of the study, validity is asserted for a job in the group, the observed work behaviors and the observed work products for each of the jobs should be described (essential). Any other evidence used in determining whether the work behavior(s) in each of the jobs is the same should be fully described (essential).

(8) *Alternative procedures investigated.* The alternative selection procedures investigated and available evidence of their impact should be identified (essential). The scope, method, and findings of the investigation, and the conclusions reached in light of the findings should be fully described (essential).

(9) *Uses and applications.* The methods considered for use of the selection procedure (e.g., as a screening device with a cutoff score, for grouping or ranking, or combined with other procedures in a battery) and available evidence of their impact should be described (essential). This description should include the rationale for choosing the method for operational use, and the evidence of the validity and utility of the procedure as it is to be used (essential). The purpose for which the procedure is to be used (e.g., hiring, transfer, promotion) should be described (essential). If weights are assigned to different parts of the selection procedure, these weights and the validity of the weighted composite should be reported (essential). If the selection procedure is used with a cutoff score, the user should describe the way in which normal expectations of proficiency within the work force were determined and the way in which the cutoff score was determined (essential).

(10) *Accuracy and completeness.* The report should describe the steps taken to assure the accuracy and completeness of the collection, analysis, and report of data and results.

(11) *Source data.* Each user should maintain records showing all pertinent information relating to its study of construct validity.

(12) *Contact person.* The name, mailing address, and telephone number of the individual who may be contacted for further information about the validity study should be provided (essential).

E. *Evidence of validity from other studies.* When validity of a selection procedure is supported by studies not done by the user, the evidence from the original study or studies should be compiled in a manner similar to that required in the appropriate section of this section 15 above. In addition, the following evidence should be supplied:

(1) *Evidence from criterion-related validity studies.*—a. *Job information.* A description of the important job behavior(s) of the user's job and the basis on which the behaviors were determined to be important should be provided (essential). A full description of the basis for determining that these important work behaviors are the same as those of the job in the original study (or studies) should be provided (essential).

b. *Relevance of criteria.* A full description of the basis on which the criteria used in the original studies are determined to be relevant for the user should be provided (essential).

c. *Other variables.* The similarity of important applicant pool or sample characteristics reported in the original studies to those of the user should be described (essential). A description of the comparison between the race, sex and ethnic composition of the user's relevant labor market and the sample in the original validity studies should be provided (essential).

d. *Use of the selection procedure.* A full description should be provided showing that the use to be made of the selection procedure is consistent with the findings of the original validity studies (essential).

e. *Bibliography.* A bibliography of reports of validity of the selection procedure for the job or jobs in question should be provided (essential). Where any of the studies included an investigation of test fairness, the results of this investigation should be provided (essential). Copies of reports published in journals that are not commonly available should be described in detail or attached (essential). Where a user is relying upon unpublished studies, a reasonable effort should be made to obtain these studies. If these unpublished studies are the sole source of validity evidence they should be described in detail or attached (essential). If these studies are not available, the name and address of the source, an adequate abstract or summary of the validity study and data, and a contact person in the source organization should be provided (essential).

(2) *Evidence from content validity studies.* See section 14C(3) and section 15C above.

(3) *Evidence from construct validity studies.* See sections 14D(2) and 15D above.

F. *Evidence of validity from cooperative studies.* Where a selection procedure has been validated through a cooperative study, evidence that the study satisfies the requirements of sections 7, 8 and 15E should be provided (essential).

G. *Selection for higher level job.* If a selection procedure is used to evaluate candidates for jobs at a higher level than those for which they will initially be employed, the validity evidence should satisfy the documentation provisions of this section 15 for the higher level job or jobs, and in addition, the user should provide: (1) a description of the job progression structure, formal or informal; (2) the data showing how many employees progress to the higher level job and the length of time needed to make this progression; and (3) an identification of any anticipated changes in the higher level job. In addition, if the test measures a knowledge, skill or ability, the user should provide evidence that the knowledge, skill or ability is required for the higher level job and the basis for the conclusion that the knowledge, skill or ability is not expected to develop from the training or experience on the job.

H. *Interim use of selection procedures.* If a selection procedure is being used on an interim basis because the procedure is not fully supported by the required evidence of validity, the user should maintain and have available (1) substantial evidence of validity for the procedure, and (2) a report showing the date on which the study to gather the additional evidence commenced, the estimated completion date of the study, and a description of the data to be collected (essential).

Definitions

Sec. 16. *Definitions.* The following definitions shall apply throughout these guidelines:

A. *Ability.* A present competence to perform an observable behavior or a behavior which results in an observable product.

B. *Adverse impact.* A substantially different rate of selection in hiring, promotion, or other employment decision which works to the disadvantage of members of a race, sex, or ethnic group. See section 4 of these guidelines.

C. *Compliance with these guidelines.* Use of a selection procedure is in compliance with these guidelines if such use has been validated in accord with these guidelines (as defined below), or if such use does not result in adverse impact on any race, sex, or ethnic group (see section 4, above), or, in unusual circumstances, if use of the procedure is otherwise justified in accord with Federal law. See section 6B, above.

D. *Content validity.* Demonstrated by data showing that the content of a selection procedure is representative of important aspects of performance

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on the job. See section 5B and section 14C.

E. *Construct validity.* Demonstrated by data showing that the selection procedure measures the degree to which candidates have identifiable characteristics which have been determined to be important for successful job performance. See section 5B and section 14D.

F. *Criterion-related validity.* Demonstrated by empirical data showing that the selection procedure is predictive of or significantly correlated with important elements of work behavior. See sections 5B and 14B.

G. *Employer.* Any employer subject to the provisions of the Civil Rights Act of 1964, as amended, including State or local governments and any Federal agency subject to the provisions of section 717 of the Civil Rights Act of 1964, as amended, and any Federal contractor or subcontractor or federally assisted construction contractor or subcontractor covered by Executive Order 11246, as amended.

H. *Employment agency.* Any employment agency subject to the provisions of the Civil Rights Act of 1964, as amended.

I. *Enforcement action.* For the purposes of section 4 a proceeding by a Federal enforcement agency such as a lawsuit or an administrative proceeding leading to debarment from or withholding, suspension, or termination of Federal Government contracts or the suspension or withholding of Federal Government funds; but not a finding of reasonable cause or a conciliation process or the issuance of right to sue letters under title VII or under Executive Order 11246 where such finding, conciliation, or issuance of notice of right to sue is based upon an individual complaint.

J. *Enforcement agency.* Any agency of the executive branch of the Federal Government which adopts these guidelines for purposes of the enforcement of the equal employment opportunity laws or which has responsibility for securing compliance with them.

K. *Job analysis.* A detailed statement of work behaviors and other information relevant to the job.

L. *Job description.* A general statement of job duties and responsibilities.

M. *Knowledge.* A body of information applied directly to the performance of a function.

N. *Labor organization.* Any labor organization subject to the provisions of the Civil Rights Act of 1964, as amended, and any committee subject thereto controlling apprenticeship or other training.

O. *Observable.* Able to be seen, heard, or otherwise perceived by a person other than the person performing the action.

P. *Race, sex, or ethnic group.* Any group of persons identifiable on the grounds of race, color, religion, sex, or national origin.

Q. *Selection procedure.* Any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques from traditional paper and pencil tests, performance tests, training programs, or probationary periods and physical, educational, and work experience requirements through informal or casual interviews and unscored application forms.

R. *Selection rate.* The proportion of applicants or candidates who are hired, promoted, or otherwise selected.

S. *Should.* The term "should" as used in these guidelines is intended to connote action which is necessary to achieve compliance with the guidelines, while recognizing that there are circumstances where alternative courses of action are open to users.

T. *Skill.* A present, observable competence to perform a learned psychomotor act.

U. *Technical feasibility.* The existence of conditions permitting the conduct of meaningful criterion-related validity studies. These conditions include: (1) An adequate sample of persons available for the study to achieve findings of statistical significance; (2) having or being able to obtain a sufficient range of scores on the selection procedure and job performance measures to produce validity results which can be expected to be representative of the results if the ranges normally expected were utilized; and (3) having or being able to devise unbiased, reliable and relevant measures of job performance or other criteria of employee adequacy. See section 14B(2). With respect to investigation of possible unfairness, the same considerations are applicable to each group for which the study is made. See section 14B(8).

V. *Unfairness of selection procedure.* A condition in which members of one race, sex, or ethnic group characteristically obtain lower scores on a selection procedure than members of another group, and the differences are not reflected in differences in measures of job performance. See section 14B(7).

W. *User.* Any employer, labor organization, employment agency, or licensing or certification board, to the extent it may be covered by Federal equal employment opportunity law, which uses a selection procedure as a basis for any employment decision. Whenever an employer, labor organization, or employment agency is required by law to restrict recruitment for any occupation to those applicants who have met licensing or certification requirements, the licensing or certifying authority to the extent it may be covered by Federal equal employment opportunity law will be considered the user with respect to those licensing or certification requirements. Whenever a State employment agency or service does no more than administer or monitor a procedure as permitted by Department of Labor regulations, and does so without making referrals or taking any other action on the basis of the results, the State employment agency will not be deemed to be a user.

X. *Validated in accord with these guidelines or properly validated.* A demonstration that one or more validity study or studies meeting the standards of these guidelines has been conducted, including investigation and, where appropriate, use of suitable alternative selection procedures as contemplated by section 3B, and has produced evidence of validity sufficient to warrant use of the procedure for the intended purpose under the standards of these guidelines.

Y. *Work behavior.* An activity performed to achieve the objectives of the job. Work behaviors involve observable (physical) components and unobservable (mental) components. A work behavior consists of the performance of one or more tasks. Knowledges, skills, and abilities are not behaviors, although they may be applied in work behaviors.

Appendix

17. *Policy statement of affirmative action* (see section 13B). The Equal Employment Opportunity Coordinating Council was established by act of Congress in 1972, and charged with responsibility for developing and implementing agreements and policies designed, among other things, to eliminate conflict and inconsistency among the agencies of the Federal Government responsible for administering Federal law prohibiting discrimination on grounds of race, color, sex, religion, and national origin. This statement is issued as an initial response to the requests of a number of State and local officials for clarification of the Government's policies concerning the role of affirmative action in the overall equal employment opportunity program. While the Coordinating Council's adoption of this statement expresses only the views of the signatory agencies concerning this important subject, the principles set forth below should serve as policy guidance for other Federal agencies as well.

(1) Equal employment opportunity is the law of the land. In the public sector of our society this means that all persons, regardless of race, color, religion, sex, or national origin shall have equal access to positions in the public service limited only by their ability to do the job. There is ample

evidence in all sectors of our society that such equal access frequently has been denied to members of certain groups because of their sex, racial, or ethnic characteristics. The remedy for such past and present discrimination is twofold.

On the one hand, vigorous enforcement of the laws against discrimination is essential. But equally, and perhaps even more important are affirmative, voluntary efforts on the part of public employers to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, racial, or ethnic characteristics. Without such efforts equal employment opportunity is no more than a wish. The importance of voluntary affirmative action on the part of employers is underscored by title VII of the Civil Rights Act of 1964, Executive Order 11246, and related laws and regulations—all of which emphasize voluntary action to achieve equal employment opportunity.

As with most management objectives, a systematic plan based on sound organizational analysis and problem identification is crucial to the accomplishment of affirmative action objectives. For this reason, the Council urges all State and local governments to develop and implement results oriented affirmative action plans which deal with the problems so identified.

The following paragraphs are intended to assist State and local governments by illustrating the kinds of analyses and activities which may be appropriate for a public employer's voluntary affirmative action plan. This statement does not address remedies imposed after a finding of unlawful discrimination.

(2) Voluntary affirmative action to assure equal employment opportunity is appropriate at any stage of the employment process. The first step in the construction of any affirmative action plan should be an analysis of the employer's work force to determine whether percentages of sex, race, or ethnic groups in individual job classifications are substantially similar to the percentages of those groups available in the relevant job market who possess the basic job-related qualifications.

When substantial disparities are found through such analyses, each element of the overall selection process should be examined to determine which elements operate to exclude persons on the basis of sex, race, or ethnic group. Such elements include, but are not limited to, recruitment, testing, ranking, certification, interview, recommendations for selection, hiring, promotion, etc. The examination of each element of the selection process should at a minimum include a determination of its validity in predicting job performance.

(3) When an employer has reason to believe that its selection procedures have the exclusionary effect described in paragraph 2 above, it should initiate affirmative steps to remedy the situation. Such steps, which in design and execution may be race, color, sex, or ethnic "conscious," include, but are not limited to, the following:

(a) The establishment of a long-term goal, and short-range, interim goals and timetables for the specific job classifications, all of which should take into account the availability of basically qualified persons in the relevant job market;

(b) A recruitment program designed to attract qualified members of the group in question;

(c) A systematic effort to organize work and redesign jobs in ways that provide opportunities for persons lacking "journeymen" level knowledge or skills to enter and, with appropriate training, to progress in a career field;

(d) Revamping selection instruments or procedures which have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;

(e) The initiation of measures designed to assure that members of the affected group who are qualified to perform the job are included within the pool of persons from which the selecting official makes the selection;

(f) A systematic effort to provide career advancement training, both classroom and on-the-job, to employees locked into dead end jobs; and

(g) The establishment of a system for regularly monitoring the effectiveness of the particular affirmative action program, and procedures for making timely adjustments in this program where effectiveness is not demonstrated.

(4) The goal of any affirmative action plan should be achievement of genuine equal employment opportunity for all qualified persons. Selection under such plans should be based upon the ability of the applicant(s) to do the work. Such plans should not require the selection of the unqualified, or the unneeded, nor should they require the selection of persons on the basis of race, color, sex, religion, or national origin. Moreover, while the Council believes that this statement should serve to assist State and local employers, as well as Federal agencies, it recognizes that affirmative action cannot be viewed as a standardized program which must be accomplished in the same way at all times in all places.

Accordingly, the Council has not attempted to set forth here either the minimum or maximum voluntary steps that employers may take to deal with their respective situations. Rather, the Council recognizes that under applicable authorities, State and local employers have flexibility to formulate affirmative action plans that are best suited to their particular situations. In this manner, the Council believes that affirmative action programs will best serve the goal of equal employment opportunity.

Respectfully submitted,

HAROLD R. TYLER, Jr.,
Deputy Attorney General and Chairman of the Equal Employment Coordinating Council.

MICHAEL H. MOSKOW,
Under Secretary of Labor.

ETHEL BENT WALSH,
Acting Chairman, Equal Employment Opportunity Commission.

ROBERT E. HAMPTON,
Chairman, Civil Service Commission.

ARTHUR E. FLEMMING,
Chairman, Commission on Civil Rights.

Because of its equal employment opportunity responsibilities under the State and Local Government Fiscal Assistance Act of 1972 (the revenue sharing act), the Department of Treasury was invited to participate in the formulation of this policy statement; and it concurs and joins in the adoption of this policy statement.

Done this 26th day of August 1976.

RICHARD ALBRECHT,
General Counsel, Department of the Treasury.

Section 18. *Citations.* The official title of these guidelines is "Uniform Guidelines on Employee Selection Procedures (1978)". The Uniform Guidelines on Employee Selection Procedures (1978) are intended to establish a uniform Federal position in the area of prohibiting discrimination in employment practices on grounds of race, color, religion, sex, or national origin. These guidelines have been adopted by the Equal Employment Opportunity Commission, the Department of Labor, the Department of Justice, and the Civil Service Commission.

The official citation is:

"Section ——, Uniform Guidelines on Employee Selection Procedures (1978); 43 FR —— (August 25, 1978)."

The short form citation is:

"Section ——, U.G.E.S.P. (1978); 43 FR —— (August 25, 1978)."

When the guidelines are cited in connection with the activities of one of the issuing agencies, a specific citation to the regulations of that agency can be added at the end of the above citation. The specific additional citations are as follows:

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Equal Employment Opportunity Commission
29 CFR Part 1607
Department of Labor
Office of Federal Contract Compliance Programs
41 CFR Part 60-3
Department of Justice
28 CFR 50.14
Civil Service Commission
5 CFR 300.103(c)

Normally when citing these guidelines, the section number immediately preceding the title of the guidelines will be from these guidelines series 1-18. If a section number from the codification for an individual agency is needed it can also be added at the end of the agency citation. For example, section 6A of these guidelines could be cited for EEOC as follows: "Section 6A, Uniform Guidelines on Employee Selection Procedures (1978); 43 FR —— (August 25, 1978); 29 CFR Part 1607, section 6A."

ELEANOR HOLMES NORTON,
Chair, Equal Employment Opportunity Commission.

ALAN K. CAMPBELL,
Chairman,
Civil Service Commission.

RAY MARSHALL,
Secretary of Labor.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 4258 Filed 2-8-79; 8:45 am]

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federal register

FRIDAY, FEBRUARY 9, 1979

PART IV



DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

FOOD STAMP PROGRAM

Monitoring and Reporting Program Performance

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[3410-30-M]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

PART 277—PAYMENT OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES FOOD STAMP PROGRAM

Monitoring and Reporting Program Performance

AGENCY: Food and Nutrition Service, USDA.

ACTION: Emergency Rulemaking.

SUMMARY: This action sets forth the procedures for temporarily modifying the Food Stamp Quality Control (QC) System pursuant to the Notice of Intent published in the Federal Register on August 11, 1978 (43 FR 35645). This action also modifies the provision in the August 11 Notice of Intent that regular Efficiency and Effectiveness (E&E) reviews resume with the beginning of the caseload conversion process and that regular quality control reviews resume upon completion of caseload conversion.

This action will provide the State and Federal agencies with timely management information to monitor the number of case actions and the quality of the caseload conversion to the provisions of the Food Stamp Act of 1977 and its regulations.

DATES:

Effective Date: March 1, 1979.

Comments must be received on or before April 10, 1979.

ADDRESS: Comments should be submitted to: Nancy Snyder, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, DC 20250. A final rulemaking will be issued after considering the comments. All written comments, suggestions or objections will be open to public inspection at the offices of the Food and Nutrition Service, USDA, during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 500 12th Street, SW, Washington, D.C., Room 650. A Draft Impact Analysis has been prepared and approved, and is available from Deputy Administrator Snyder. A copy will also be open for public inspection at the offices shown above.

FOR FURTHER INFORMATION CONTACT:

Nancy Snyder, Deputy Adminstrator for Family Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, DC 20250, 202-447-8982.

SUPPLEMENTARY INFORMATION: In implementing the Food Stamp Act of 1977, State agencies will be called upon to undertake major efforts to retrain staffs, redesign systems, convert approximately 5.3 million households to new eligibility and benefit rules, and change other program operations. It is critical that this implementation process be accomplished accurately, effectively and on schedule, thus establishing a sound operational base for future program performance. Beginning March 1, 1979, State agencies' modified QC Systems shall measure both the number of case actions and the quality of the caseload conversion to the new law and its regulations. These modified quality control reviews shall consist of a desk review of cases certified, converted, denied, and terminated under the October 17, 1978 (43 FR 47846), Food Stamp Program Regulations to ascertain whether certification policies and procedures are being implemented correctly. Each State agency shall submit to the Food and Nutrition Service (FNS) on a monthly basis a report of the results of these reviews. This review procedure will provide timely information for use by management at the State and Federal levels concerning progress and potential problems in converting caseloads. The modified QC System authorized in this notice is temporary and the procedures contained herein will not necessarily be reflected in final Performance Reporting System (PRS) Regulations.

It is the policy of the Department that the public be given the opportunity to participate in rulemaking before issuance. However, because of the need for timely implementation to assure accurate and effective implementation of the October 17 Regulations, Assistant Secretary Carol Tucker Foreman has determined that it is contrary to the public interest to give notice of proposed rulemaking. The publication of this amendment as an emergency rulemaking will give State agencies as much time as possible to prepare for implementation.

Accordingly, Part 277 of Chapter II, Title 7 of the Code of Federal Regulations is amended as follows:

In § 277.10 paragraphs (g) and (h) are added to read as follows:

§ 277.10 Monitoring and Program Performance.

* * * * *

(g) *E&E system.* The E&E System as outlined in the August 11, 1978 (43 FR 35465) Notice of Intent shall remain in force until regular E&E reviews resume under the implementation schedule to be published in final Performance Reporting System (PRS) regulations.

(h) *Modified QC system.* Notwithstanding any other provisions of § 277.10, the modified QC System and Exhibits 1 and 2 contained herein shall be implemented by each State agency no later than March 1, 1979. State agencies will continue operating the modified QC System until permenent QC System regulations are implemented, which shall not be later than September 1, 1979. Publication of permanent QC System regulations will include implementation timeframes for those regulations. State agencies shall conduct modified quality control reviews as follows:

(1) *Review process.* Modified quality control reviews shall be conducted in accordance with the program standards established in Part 273 of the Food Stamp Program Regulations published October 17, 1978 (43 FR 47846), in the FEDERAL REGISTER. The review of cases converted by desk review shall be conducted in accordance with the standards contained in § 272.1(g)(1)(iii). The reviewer shall use information in the case file, i.e., those records which include applications and supporting documentation. If supporting documentation is not maintained with the application file (such as work registration documents) then it, too, shall be provided for this review. Coupon allotment information shall also be made available.

(2) *Modified quality control review worksheet.* Form FNS-132, Modified Quality Control Review Worksheet, is the modified quality control review record and shall be completed for each case selected. This form contains space for entering certain identifying information regarding the household and a list of the review elements (program standards) to be examined with space available for pertinent comments by the reviewer. Exhibit 1 contains a copy of the form and instructions for its completion. As reviews are completed, the findings shall be assembled for data analysis and evaluation. Both active (certified and converted) and negative (denied and terminated) case files shall be desk reviewed to determine proper application of policy, verification, documentation and computation for each review element.

(3) *Deficiencies.* For purposes of this review, each deficiency shall be categorized by the applicable causal factor as defined below:

(i) *Policy application.* Policy application is adherence to the Food Stamp Program policies and procedures as set forth in Part 273 of the regulations except that the policy established in § 272.1(g)(1)(iii) shall be followed for cases converted by desk review. Examples of deficiencies in policy application include, but are not limited to:

(A) Incorrect application of eligibility standards to the certification process (e.g., certifying someone with $3,600 in resources, counting excludable income as income, failure to include certain income and deductions, etc.);

(B) Failure to send required notices or process information within timeframes given in the regulations (e.g., failure to send the Notice of Expiration when applicable or failure to send the Notice within the timeframes given in the regulations);

(C) Inclusion of ineligible or disqualified household members (Supplemental Security Income recipients in cash-out States, aliens whose status is unverified, students who are tax dependents of households ineligible for program benefits or who fail to register for work, etc.);

(D) Failure to work register all household members who are required to be registered for employment; and

(E) Failure to take timely action on reported changes.

(ii) *Verification.* Verification is the use of third party information or documentary evidence by the eligibility worker (EW) to establish the accuracy of statements on the application. Standards for vertification are contained in § 273.2(f) of the regulations. Verification standards for cases converted by desk review are contained in § 272.1(g)(1)(iii) of the regulations. Standards for verification of questionable information are contained in § 273.2(f)(2) of the regulations. Examples of deficiencies in verification include, but are not limited to:

(A) Failure to verify gross nonexempt income;

(B) Failure to verify whether household members identified as aliens are eligible aliens;

(C) Failure to verify questionable information regarding household composition, citizenship, tax dependency, and/or deductible expenses;

(D) Failure to verify resources and/or loans if information is questionable;

(E) Failure to offer assistance to households in obtaining verification;

(F) In cases of expedited service, failure to verify unverified information from the previous certification before recertification; and

(G) Verification where such verification is not required and/or warranted.

(iii) *Documentation.* Documentation is the recording of information in the case file by the EW to support eligibility, ineligibility, and benefit level determinations. Standards for documentation are contained in § 273.2(f)(6) of the regulations. Examples of deficiencies in documentation include, but are not limited to:

(A) Unexplained amounts of income and deductions making it impossible for the reviewer to determine the reasonableness and accuracy of the EW's determination;

(B) Failure to record how required verifications were obtained;

(C) Failure to record why information was considered questionable;

(D) Failure to record why a source of verification such as a collateral contact provided by the household was rejected and an alternate source was used;

(E) Failure to document reasons for work registration exemptions;

(F) Failure to record date of receipt of application (for 30-day processing);

(G) Failure to record date(s) of reported changes; and

(H) Failure to record the date of notices of adverse action (reductions in benefits, denials, terminations).

(iv) *Computation.* Computation includes both arithmetic and transcription processes. Examples of deficiencies in computation include, but are not limited to:

(A) Arithmetic is incorrect;

(B) Cents were not correctly dropped before and after each calculation (except for the computation of shelter costs) as required in § 273.10(e)(1)(ii) of the regulations;

(C) Incorrect conversion tables or numbers were used in converting income to monthly amounts or determining deductions;

(D) Information was incorrectly transcribed from verification forms or from the application onto the application worksheet; and

(E) Coupon allotment for the household size and income was based on the incorrect table or was incorrectly transcribed or entered onto the computer document or Household Issuance Record (HIR) card.

(4) *Review date.*

(i) *Active cases.* The review date for active cases is the date of the latest certification action under the October 17, 1978, regulations. However, in those cases in which a Notice of Expiration should have been sent (e.g., recertifications, and one- or two-month certification periods), the reviewer will determine that the Notice was sent and that it was sent within the timeframes given in the regulations.

(ii) *Negative cases.* The review date for negative cases is the date of the local agency's decision to deny or terminate program benefits under the October 17, 1978, regulations.

(5) *Identification of deficiencies.* Failure on the part of EW to follow the policies and procedures set forth in Part 273 and Section 272.1(g)(1)(iii) of the regulations as well as errors in computation shall constitute a deficiency. All deficiencies shall be recorded on Form FNS-132. It is recognized that the case file itself will not contain information on every program standard in the regulations. Thus, only selected program standards are listed on Form FNS-132. Should information on such unlisted standards become known to the reviewer and a deficiency be found to exist, the reviewer shall record that deficiency on Form FNS-132 under the subelement "Other" of the appropriate element, and identify the program standard and the deficiency in the "Comments" section.

(6) *Disposition of case reviews.* The desk review procedures contained herein should ensure a high completion rate once a case is identified for the modified quality control sample and the case file is located. Each case selected shall be accounted for and shall fall into one of the three categories decribed below:

(i) *Completed.* A review is considered completed if the reviewer has examined all applicable review elements in accordance with the provisions contained herein. However, inability to determine whether information in the case file is correct or incorrect on any particular standard shall not result in the review being coded as incomplete since inadequate documentation in itself is a deficiency and shall be reported.

(ii) *Not completed.* If the reviewer is unable to obtain the case file or the review is not processed before the reporting deadlines, code the review as not completed. However, every effort will be made to complete all reviews. States may be out of compliance with required modified QC System procedures if the number of incomplete reviews exceeds five percent.

(iii) *Not subject to review.* Certain types of cases are not to be included in the modified quality control sample. However, if such cases appear in the sample, code as not subject to review. Such cases include:

(A) Households not yet converted to the new program standards;

(B) Disaster certifications authorized by FNS or designated by the President;

(C) Households certified, converted, denied or terminated in other than the sample month; or

(D) A 60-day continuation of certification.

Cases which are not subject to review under the normal QC System because of the death of all members of the household, households moved out of State, households under investigation for fraud, etc., shall be reviewed since the modified system consists only of desk reviews.

(7) *Sampling procedures.* Cases which have been converted, certified, denied and terminated under the provisions of the Food Stamp Act of 1977 and its regulations shall be subject to review and sampled in accordance with the sampling procedures set forth herein. The sampling procedures de-

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scribed below are intended to yield Statewide estimates of the number of cases certified and converted to the program standards of the Food Stamp Act of 1977 and its regulations, and of the number of case actions with deficiences. State agencies may choose, however, to expand the monitoring effort to individual project areas in order to facilitate the corrective action process. Such an expansion shall generate Statewide estimates with the reliability specified below and shall be subject to approval by the appropriate FNS Regional Office.

(i) *Universe.* A universe consists of all units for which information is desired. During the transition to the program standards of the Food Stamp Act of 1977 and its regulations, interest is focused on households converted, certified, denied and terminated under the regulatory provisions of that Act. There are two universes each month for the modified QC System.

(A) *Universe for active cases.* The active universe consists of certification actions during the sample month in which a household is determined to be eligible for benefits, including approved new applications, recertifications and conversions of certified households to the standards of the Food Stamp Act of 1977 and its regulations. The active universe excludes households not yet converted to the new program standards, disaster certifications, certification actions in other than the sample month, and 60-day continuations of certification.

(B) *Universe for negative cases.* The negative universe includes certification actions during the sample month in which households are denied benefits or had their certification terminated under the standards of the Food Stamp Act of 1977 and its regulations.

(ii) *Sample frame.* (A) A frame is equal to or approximates the universe and consists of all units from which the sample is actually selected. Sampling frames shall be constructed for both the active and negative universes. The choice of a sampling frame will depend upon the criteria of data timeliness, data completeness and accuracy, population of interest, administrative burden and other considerations described in the sampling plan submitted by the State agency. States' sampling plans are subject to approval by the appropriate FNS Regional Office.

(B) FNS strongly recommends that States use lists of certification actions to select both the active and negative samples. Lists of certification actions during the sample month (approved new applications, recertifications, and conversions; denials and terminations) provide the closest match to the universe definitions described above. Lists of this type will provide the quickest access to the sampled case records and increase the time available to complete the reviews within FNS reporting deadlines. The negative case quality control sample has generally been selected from this type of frame in the past.

(C) States may elect to use lists of participating or certified eligible households. Participation lists generally consist of households who have redeemed Authorization to Participate (ATP) cards in the sample month. The compilation of a participation list can impose a substantial delay on the review process and may not be easily reconciled with FNS reporting requirements. Households certified to participate who do not redeem an ATP card are excluded from the participating sample frame but are still subject to review.

(D) Lists of certified eligible households are available earlier in the sample month than participation lists, but these lists need to be supplemented by new actions taken during the sample month.

(E) Use of participation or certified eligible lists will result in a sample which contains a mixture of households certified under old and new program standards. Households which have not been converted to the new standards are not subject to review. Thus, both of these two sampling frames require an overpull (i.e., selecting more sample cases than are indicated in the table below) to account for those cases selected in the sample which have not been converted to the new program standards.

(F) In addition, both of these lists contain households certified eligible to participate in earlier months as well as those certified in the sample month. Because the active universe is limited to certification actions during the sample month, households with certification periods in excess of one month are subject to review only in the month of the certification action. If selected in another month, these cases shall be coded not subject to review. Both of these sample methods provide an estimate of the number of unconverted households in the monthy caseload.

(iii) *Sample sizes.* (A) The following table contains the criteria for determining the sample sizes from both the active and negative universes. These criteria are to be applied separately to the active and negative universes.

Estimated monthly caseload	Reliability (95% confidence)	Monthly sample size (p = .20)
more than 50,000	±.035	450
10,000 to 50,000	±.050	250
less than 10,000	±.080	100

(B) To determine the sample size for the active universe, "estimated monthly caseload" refers to the total number of certified households for the month; for the negative sample, it refers to the number of monthly negative actions. Estimates of the monthly caseload may be based on data reported in the January–June 1978 quality control reporting period and need not be adjusted for the duration of the modified QC System.

(C) Estimates of the number of case actions with deficiencies shall be of the specified reliability. The monthly sample sizes in the table assume a systematic or simple random sample (with p = .20). Some States may be able to obtain results of equivalent or better reliability with a smaller sample and appropriate design. States shall have the option to propose and use an alternative sample design, subject to FNS Regional Office approval.

(D) The "monthly sample sizes" refers to case actions to certify, convert, deny and terminate under the eligibility standards of the Food Stamp Act of 1977 and its regulations. In order to assure proper completion of the required sample, an overpull is often desirable. The amount of overpull to compensate for cases selected for the sample and then found to be not subject to review will vary from State to State. In particular, the use of a participation or certified eligible sample frame would require a far larger overpull than would a frame of certification actions. The overpull should be sufficiently large to compensate for the cases selected which are not subject to review but not so large as to increase the workload unnecessarily.

(E) A potential source of bias lies in cases subject to review but not completed. If the number of incomplete reviews is small, any resulting bias will also probably be small. If the number of such cases is large, a considerable bias may be introduced, and there is no assurance that conclusions drawn from the sample apply to the total caseload. To minimize the potential bias of nonresponse, State agencies shall complete at least 95 percent of the required reviews. This percentage is the ratio of the number of completed reviews to the number of cases selected subject to review or to the minimum number of cases subject to review specified in the sample size table, whichever is larger.

(iv) *Selection of sample cases.* The selection of cases for the modified quality control sample is made separately for active and negative cases each month for the duration of the modified QC System. Once a household has been identified for inclusion in the sample by a predesigned sampling procedure, substitutions are not acceptable. If a household is selected more than once as the result of separate and distinct certification actions, the case record shall be reviewed each time. The need for timely information to State and Federal managers is critical during this period. The selection of sample cases shall be made promptly if reviews are to be completed as early as possible. The use of supplementary lists can expedite the selection of sample cases, and their use is recommended. A segment of the monthly frame might be compiled early in the sample month and sample cases could be selected and reviewed almost immediately. Later in the sample month, the frame would be extended by adding those households not included in the earlier segment, and the selection of sample cases would be continued.

(v) *Estimates.* Methods of estimating the number of cases certified and converted to the new program standards and the number of case actions with deficiencies are dependent upon the sample design and the administrative procedures in each State. Estimates of the case deficiency rate can rely on standard estimates of population proportions with appropriate extensions to more complicated sample designs. In those States which select the modified quality control sample from a list of participating or certified eligible households, the number of cases certified and converted to the new standards may be used to estimate the proportion of such households in the population. In some States, an actual count of the number of certification actions in the sample month may be available in the project and/or State office. Some State agencies may be able to provide comparable data by modifying computer files to indicate those households certified and converted to the new standards. A monthly search of those files would then yield the required count. The specific means of providing these estimates shall be included in each State agencies' sampling plan.

(vi) *Sampling plan.* All sampling procedures used by a State agency for the duration of the modified QC System shall be fully documented and available for review by FNS. Prior to March 1, 1979, State agencies shall submit a sampling plan to the appropriate FNS Regional Office for approval which shall include:

(A) Estimates of the average monthly number of certified households and the monthly number of negative cases used in determining sample size;

(B) A description of the sample frames for the active and negative universes;

(C) A description of the sample design for the active and negative samples; and

(D) Procedures for estimating the number of cases certified and converted to the new program standards and the number of case actions with deficiencies.

To receive approval, proposals of sample designs other than systematic or simple random sampling shall conform to the principles of probability sampling and provide population estimates with equivalent or or better precision than would be obtained by a simple random design with the specified sample size.

(8) *Analysis and evaluation of findings.* Modified quality control review results will provide timely information to management at the local, State and Federal levels concerning potential problems in converting caseloads under the provisions of the Food Stamp Act of 1977 and its regulations. State agencies are required to analyze and evaluate the data generated by the modified QC System on a Statewide basis and on an individual project area basis. Analyzing and evaluating these results will aid State agencies in formulating corrective action to eliminate pervasive deficiencies and enable the State agency to effect corrective action at the local level on a more timely basis. State agencies shall provide individual project areas in which cases were reviewed with a copy of Form FNS–132 for each review completed and a copy of the State agency's analysis for the individual project area. In addition, project areas will conduct their own analysis of project area deficiencies. Project areas are required to initiate action to correct individual cases and reduce pervasive deficiencies identified in their own and State agency's analysis. State agencies shall not consider the satisfaction of FNS reporting requirements without further data analysis as fulfilling their responsibilities for the modified QC System.

(9) *Corrective action.* The focus of the modified quality control reviews is on locating types of deficiencies made in applying the certification procedures and determining the causal factors. State agencies are required to take immediate corrective action upon discovery of major deficiencies through modified quality control reviews and maintain a rate of caseload conversion to ensure 100 percent conversion at the end of the caseload conversion period. State agencies shall address corrective action to major deficiencies specifying the timeframes when these corrective actions will be completed. This shall become a part of the State agency's targeted corrective action plan described in the August 11, 1978, Notice of Intent. While emphasis is placed on identifying and correcting areas with major deficiencies, deficiencies in individual cases must also be corrected.

(10) *Reporting requirements.* Exhibit 2 contains a copy of Form FNS–133, Status of Sample Cases Under the Modified Quality Control System, and instructions for its completion. This report includes the estimated number of active and negative case actions, a count of the cases selected and completed each month, and the number of case actions with deficiencies. State agencies shall submit Form FNS–133 reflecting activity for the previous month by the 15th of each month, e.g., cases certified, converted, denied and terminated in March shall be reviewed and the findings reported to FNS no later than April 15. Form FNS–133 shall be submitted as follows: Original to:

Director, Performance Reporting Division, Family Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, DC 20250.

Duplicate to the appropriate FNS Regional Office. A supply of preaddressed envelopes is available through the applicable FNS Regional Office.

(11) *Record retention.* In order to be readily accessible, Form FNS–132 and all other material supporting the review findings shall be retained and filed in an orderly sequence. Precaution shall be taken to assure that those records are retained without loss or destruction for the period required by Food Stamp Program Regulations. Information obtained on individual households for quality control purposes shall be safeguarded in accordance with FNS policies on disclosure of information for the Food Stamp program as contained in § 272.1(c) of the regulations. Upon request the State agency shall provide FNS photocopies of Form FNS–132 and any other materials supporting the review findings for cases selected in the sample for the duration of the modified QC System.

(12) *Monitoring.* FNS Regional Offices shall monitor the effectiveness of the State agencies' corrective action measures initiated as a result of the modified quality control reviews under the targeted E&E System and work with State agencies to resolve problems associated with the implementation process.

(91 Stat. 958, as amended (7 U.S.C., 2011-2027).)

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps.)

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

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Dated: February 5, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary.

EXHIBIT 1

INSTRUCTIONS FOR COMPLETION OF FORM FNS-132, MODIFIED QUALITY CONTROL REVIEW WORKSHEET

This form is to be completed for all active and negative cases selected in the sample. In Section I, Identifying Information, the reviewer shall enter information regarding the household. In Section II, Review Elements, the reviewer shall enter all deficiencies. In addition, the reviewer shall place a check in the "Reviewed" column to indicate that the element or subelement has been examined. If a deficiency exists in an element or subelement, the reviewer shall enter a check under the appropriate causal factor. If no deficiencies exist in an element or subelement, the reviewer shall make no entry under causal factors in Section II. If the reviewer is unable to determine whether deficiencies exist in an element or subelement, a deficiency shall be recorded under documentation; however, no other deficiencies shall be recorded for that element or subelement.

I IDENTIFYING INFORMATION

Item 1—*Case Name.* Enter the case name as it appears on the food stamp application worksheet.

Item 2—*County and State.* Enter the name of the county and State in which the case action took place.

Item 3—*Food Stamp Case Number.* Enter the food stamp case number as it appears on the food stamp application worksheet.

Item 4—*Certification Date.* For active cases record the date of the latest certification action. For negative cases record the date of the local agency's decision to deny or terminate the case.

Item 5—*Quality Control Review Number.* Enter the review number supplied by the State office.

Item 6—*Sample Month.* Enter the month for which the case was selected for review.

Item 7—*Sample Frame.* Check the appropriate box to indicate the sample frame from which the case action was selected.

Item 8—*Disposition.* Check the appropriate box to indicate the final disposition of each case selected in the sample to show whether the case is completed, not completed, or not subject to review.

Item 9—*Review Findings (Completed Cases Only).* Check the appropriate box to indicate whether a deficiency exists in the case. Leave this item blank if the case is not completed or not subject to review.

Item 10—*Type of Case (Completed Cases Only).* Check the appropriate box to indicate if the case is a new application, a recertification, a conversion, a denial or a termination.

Item 11—*Sample Case Characteristics (Completed Cases Only).* Check the appropriate box to indicate if the houshold receives an AFDC or GA, or an SSI grant. If the household does not receive one of these grants, leave this item blank.

Item 12—*Reviewer.* Enter the full name of the person conducting the review.

Item 13—*Date Assigned.* Enter the date (month, day and year) the case was assigned to the reviewer.

Item 14—*Dated Completed.* Enter the date (month, day and year) the review was completed. If the case was returned to the reviewer by the supervisor for further action also enter the revised completion date.

Item 15—*Supervisor.* Enter the full name of the reviewer's supervisor.

Item 16—*Date Cleared.* Enter the date the supervisor cleared the review for statistical processing.

II REVIEW ELEMENTS

Items 1-10—*Review Elements.* Items 1-10 are elements which are to be reviewed. Some of these elements are divided into subelements. For example: 1. Household Concept (element), c. Citizenship and alien status (subelement). Record deficiencies on the worksheet under the appropriate causal factor(s) (policy application, verification, documentation, or computation). Verification is divided into "required" and "not required" columns. A check shall be made in the "required" column whenever the reviewer determines that the EW did not verify information which is either required to be verified by the regulations or seemed questionable. A check shall be made in the "not required" column when the EW has gone beyond the bounds for verification, i.e. verified information when such verification is not required by the regulations or the information is not questionable. When it is determined that a deficiency exists, place a check under the appropriate causal factor next to the applicable element or subelement. In instances where a deficiency in an element or subelement has more than one cause, place a check in the appropriate columns to indicate each causal factor. For example, if misapplication of policy and a lack of documentation exist in Item 4.e. (Resources-vehicles-FMV), place a check by Item 4.e. under the columns for policy application and documentation. If a deficiency is discovered in a program standard not reflected on the worksheet, place a check next to the relative subelement "Other" under the appropriate causal factor and explain more fully in the "Comments" section.

Item 11—*Comments.* Enter in this space any pertinent comments on the case and identify those subelements which are included in the "Other" categories. In order to analyze deficiencies and plan corrective action, specific information will be needed on the categories of deficiencies. Therefore, when necessary the reviewer will also use the "Comments" section to specify the particular area of an element or subelement in which a deficiency exists. For example, every household member who is not exempted from work registration for the reasons listed in § 273.7(b) of the regulations is required to register for work. If the case file shows that a person receiving unemployment compensation is also registered for work, then a check will be placed under policy application for subelement 3(a) Work Registration, Exemptions. The specific area would be identified in the "Comments" section as "work registration of a person receiving unemployment compensation."

[3410-30-C]

EXHIBIT 1

FORM APPROVED OMB NO. 40-R4068

U.S. DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE

MODIFIED QUALITY CONTROL REVIEW WORKSHEET

PART I—IDENTIFYING INFORMATION

1. CASE NAME	2. COUNTY AND STATE	3. FOOD STAMP CASE NUMBER
4. CERTIFICATION DATE	5. QC REVIEW NUMBER	6. SAMPLE MONTH , 1979
7. SAMPLE FRAME ☐ ACTIVE ☐ NEGATIVE	Items 9, 10, and 11 to be checked for completed cases only. 9. REVIEW FINDINGS ☐ DEFICIENCY ☐ NO DEFICIENCY	
8. DISPOSITION ☐ REVIEW COMPLETED ☐ REVIEW NOT COMPLETED ☐ NOT SUBJECT TO REVIEW	10. TYPE OF CASE ACTIVE ☐ NEW APPLICATION ☐ RECERTIFICATION ☐ CONVERSION NEGATIVE ☐ DENIAL ☐ TERMINATION	11. CLASSIFICATION OF CASE ☐ AFDC OR GA ☐ SSI
12. REVIEWER	13. DATE ASSIGNED	14. DATE COMPLETED
15. SUPERVISOR		16. DATE CLEARED

PART II—REVIEW ELEMENTS

ITEMS	REVIEWED	CAUSAL FACTORS				
		POLICY APPLICATION	VERIFICATION R	VERIFICATION NR	DOCUMENTATION	COMPUTATION
1. HOUSEHOLD CONCEPT a. COMPOSITION						
b. NONHOUSEHOLD MEMBERS (1) BOARDERS						
(2) STUDENTS/TAX DEPENDENCY						
(3) DISQUALIFIED INDIVIDUALS						
(4) OTHER NONHOUSEHOLD MEMBERS						
c. CITIZENSHIP AND ALIEN STATUS						
d. OTHER						
2. RESIDENCY						
3. WORK REGISTRATION a. EXEMPTIONS						
b. STUDENTS						
c. OTHER						
4. RESOURCES a. MAXIMUM ALLOWABLE						
b. LIQUID						
c. NONLIQUID						
d. EXCLUSIONS						
e. VEHICLES—FAIR MARKET VALUE						
f. VEHICLES—EQUITY/VALUATION						
g. OTHER RESOURCES						

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PART II—REVIEW ELEMENTS (Continued)

ITEMS	REVIEWED	CAUSAL FACTORS				
		POLICY APPLICATION	VERIFICATION		DOCUMENTATION	COMPUTATION
			R	NR		
5. INCOME a. WAGES AND SALARIES						
b. SELF-EMPLOYMENT						
c. UNEARNED INCOME						
d. EDUCATIONAL GRANTS, SCHOLARSHIPS OR LOANS						
e. EXCLUSIONS (1) VENDOR PAYMENTS						
(2) DEFERRED EDUCATIONAL LOANS, SCHOLARSHIPS, ETC. USED FOR TUITION AND FEES						
(3) REIMBURSEMENTS						
(4) OTHER EXCLUSIONS						
f. OTHER INCOME						
6. DEDUCTIONS a. STANDARD						
b. EARNED INCOME						
c. DEPENDENT CARE						
d. SHELTER COSTS						
e. STANDARD UTILITY ALLOWANCE						
7. DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS a. MONTH OF APPLICATION						
b. DETERMINING INCOME (1) IN MONTH RECEIVED						
(2) ANTICIPATING						
(3) AVERAGING						
c. DETERMINING DEDUCTIONS (1) AS BILLED EXPENSES						
(2) AVERAGING						
(3) ANTICIPATING						
d. CALCULATING NET INCOME AND BENEFIT LEVELS (1) NET MONTHLY INCOME						
(2) MAXIMUM INCOME ELIGIBILITY STANDARD						
(3) THRIFTY FOOD PLAN FOR HOUSEHOLD SIZE REDUCED BY 30% OF NET INCOME						
(4) $10 MINIMUM ALLOTMENT						
e. CERTIFICATION PERIOD						

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PART II—REVIEW ELEMENTS (Continued)

ITEMS	REVIEWED	CAUSAL FACTORS				
		POLICY APPLICATION	VERIFICATION		DOCUMENTATION	COMPUTATION
			R	NR		
8. NOTICES a. ELIGIBILITY						
b. DENIAL						
c. PENDING						
d. ADVERSE ACTION						
e. EXPIRATION						
9. APPLICATION PROCESS a. OUT-OF-OFFICE SERVICE						
b. 30-DAY PROCESSING						
c. EXPEDITED SERVICE (1) ENTITLEMENT—ZERO NET MONTHLY INCOME						
(2) ENTITLEMENT—DESTITUTE DETERMINATION						
(3) DELIVERY STANDARDS						
d. PA AND GA APPLICATIONS						
e. RECERTIFICATION						
f. OTHER						
10. PROCESSING CHANGES a. INCREASES IN BENEFITS						
b. DECREASES IN BENEFITS						
c. OTHER						

11. COMMENTS

FORM FNS 132 (1-79) PAGE 3

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[3410-30-M]

EXHIBIT 2

INSTRUCTIONS FOR COMPLETION OF FORM FNS-133, STATUS OF SAMPLE CASES UNDER THE MODIFIED QUALITY CONTROL SYSTEM

The information to be submitted on this form refers to sample cases selected and reviews completed for active and negative cases during the month for which the report is prepared. In addition, this report shall include the estimated total active caseload, the estimated number of active and negative case actions, and the number of case deficiencies.

On the top portion of the form, enter the name of the State, the estimated total active caseload for the sample month, and the month for which the report is prepared.

I. MONTHLY CASE ACTIONS UNDER THE FOOD STAMP ACT OF 1977

Item A—*Estimated Monthly Case Actions.* Record the estimated number of new applications, recertifications, conversions, denials and terminations under the Food Stamp Act of 1977. Enter the total number of estimated monthly case actions for both active and negative cases.

Item B—*Sample Cases Selected: Total.* Record the total number of new applications, recertifications, conversions, denials and terminations selected for review. 1. *Not Subject to Review.* Record the total number of active and negative cases selected in the sample which were not subject to review. 2. *Not Completed.* Record the total number of active and negative cases selected for review which were not completed. All cases which are selected during the month, but not completed in time for inclusion in the FNS-133 report for that month are to be recorded as "not completed" rather than held over for completion in the following month. 3. *Completed/No Deficiency.* Record in the appropriate columns the numbers of cases which were selected for review and completed, and contained no deficiencies. 4. *Completed/Deficiency.* Record in the appropriate columns the number of cases which were selected for review and completed, and contained deficiencies.

Item C—*Sample Case Characteristics.* Record in the appropriate columns the number of completed cases with specific characteristics. 1. *AFDC or GA.* Record the number of cases with income from AFDC or GA grants. 2. *SSI.* Record the number of cases with income from SSI grants.

II. ANALYSIS OF CASE DEFICIENCIES

This section of the form is intended to reflect the number of deficiencies detected in each of the review elements. Record the total number of deficiencies under the appropriate causal factor on the line corresponding to each of the review elements and subelements.

Enter in the "Comments" section, items of significance as a result of the analysis of deficiencies on a Statewide and project area basis. This section is not intended to be a summation of the comments reflected on Forms FNS-132.

[3410-30-C]

EXHIBIT 2

FORM APPROVED OMB NO. 40—R4068

U.S. DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE

STATUS OF SAMPLE CASES UNDER THE MODIFIED QUALITY CONTROL SYSTEM

STATE	ESTIMATED TOTAL ACTIVE CASELOAD				FOR THE MONTH OF ,1979			
I. MONTHLY CASE ACTIONS UNDER THE FOOD STAMP ACT OF 1977	ACTIVE CASES				NEGATIVE CASES			
	TOTAL	NEW APPLICATIONS	RECERTIFICATIONS	CONVERSIONS	TOTAL	DENIALS	TERMINATIONS	
A. ESTIMATED MONTHLY CASE ACTIONS								
B. SAMPLE CASES SELECTED: TOTAL								
1. NOT SUBJECT TO REVIEW								
2. NOT COMPLETED								
3. COMPLETED/NO DEFICIENCY								
4. COMPLETED/DEFICIENCY								
C. SAMPLE CASE CHARACTERISTICS								
1. AFDC OR GA								
2. SSI								

II. ANALYSIS OF CASE DEFICIENCIES	CAUSAL FACTORS									
	POLICY APPLICATION	VERIFICATION		DOCUMENTATION	COMPUTATION	POLICY APPLICATION	VERIFICATION		DOCUMENTATION	COMPUTATION
		R	NR				R	NR		
1. HOUSEHOLD CONCEPT a. COMPOSITION										
b. NONHOUSEHOLD MEMBERS (1) BOARDERS										
(2) STUDENTS/TAX DEPENDENCY										
(3) DISQUALIFIED INDIVIDUALS										
(4) OTHER NONHOUSEHOLD MEMBERS										
c. CITIZENSHIP AND ALIEN STATUS										
d. OTHER										
2. RESIDENCY										
3. WORK REGISTRATION a. EXEMPTIONS										
b. STUDENTS										
c. OTHER										
4. RESOURCES a. MAXIMUM ALLOWABLE										
b. LIQUID										
c. NONLIQUID										
d. EXCLUSIONS										
e. VEHICLES—FAIR MARKET VALUE										
f. VEHICLES—EQUITY/VALUATION										
g. OTHER RESOURCES										

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II. ANALYSIS OF CASE DEFICIENCIES (Continued)	ACTIVE CASES — CAUSAL FACTORS					NEGATIVE CASES — CAUSAL FACTORS				
	POLICY APPLICATION	VERIFICATION R	VERIFICATION NR	DOCUMENTATION	COMPUTATION	POLICY APPLICATION	VERIFICATION R	VERIFICATION NR	DOCUMENTATION	COMPUTATION
5. INCOME a. WAGES AND SALARIES										
b. SELF-EMPLOYMENT										
c. UNEARNED INCOME										
d. EDUCATIONAL GRANTS, SCHOLARSHIPS OR LOANS										
e. EXCLUSIONS (1) VENDOR PAYMENTS										
(2) DEFERRED EDUCATIONAL LOANS, SCHOLARSHIPS, ETC. USED FOR TUITION AND FEES										
(3) REIMBURSEMENTS										
(4) OTHER EXCLUSIONS										
f. OTHER INCOME										
6. DEDUCTIONS a. STANDARD		■	■				■	■		
b. EARNED INCOME		■					■			
c. DEPENDENT CARE										
d. SHELTER COSTS										
e. STANDARD UTILITY ALLOWANCE		■	■				■	■		
7. DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS a. MONTH OF APPLICATION		■	■		■		■	■		■
b. DETERMINING INCOME (1) IN MONTH RECEIVED		■	■		■		■	■		■
(2) ANTICIPATING		■	■		■		■	■		■
(3) AVERAGING		■	■		■		■	■		■
c. DETERMINING DEDUCTIONS (1) AS BILLED EXPENSES		■			■		■			■
(2) AVERAGING		■	■		■		■	■		■
(3) ANTICIPATING		■	■		■		■	■		■
d. CALCULATING NET INCOME AND BENEFIT LEVELS (1) NET MONTHLY INCOME		■	■				■	■		
(2) MAXIMUM INCOME ELIGIBILITY STANDARD		■	■				■	■		
(3) THRIFTY FOOD PLAN FOR HOUSEHOLD SIZE REDUCED BY 30% OF NET INCOME		■	■				■	■		
(4) $10 MINIMUM ALLOTMENT		■	■				■	■		
e. CERTIFICATION PERIOD		■	■				■	■		

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II. ANALYSIS OF CASE DEFICIENCIES (Continued)	ACTIVE CASES — CAUSAL FACTORS					NEGATIVE CASES — CAUSAL FACTORS				
	POLICY APPLICATION	VERIFICATION R	VERIFICATION NR	DOCUMENTATION	COMPUTATION	POLICY APPLICATION	VERIFICATION R	VERIFICATION NR	DOCUMENTATION	COMPUTATION
8. NOTICES a. ELIGIBILITY		■	■		■		■	■		■
b. DENIAL		■	■		■		■	■		■
c. PENDING		■	■		■		■	■		■
d. ADVERSE ACTION		■	■		■		■	■		■
e. EXPIRATION		■	■		■		■	■		■
9. APPLICATION PROCESS a. OUT-OF-OFFICE SERVICE		■	■		■		■	■		■
b. 30-DAY PROCESSING		■	■		■		■	■		■
c. EXPEDITED SERVICE (1) ENTITLEMENT—ZERO NET MONTHLY INCOME		■	■				■	■		
(2) ENTITLEMENT—DESTITUTE DETERMINATION		■	■				■	■		
(3) DELIVERY STANDARDS		■	■		■		■	■		■
d. PA & GA APPLICATIONS		■	■				■	■		
e. RECERTIFICATION		■			■		■			■
f. OTHER										
10. PROCESSING CHANGES a. INCREASES IN BENEFITS										
b. DECREASES IN BENEFITS										
c. OTHER										

11. COMMENTS

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[FR Doc. 79-4493 Filed 2-8-79; 8:45 am]

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federal register

FRIDAY, FEBRUARY 9, 1979

PART V



DEPARTMENT OF ENERGY

Office of Hearings and Appeals

ADMINISTRATIVE PROCEDURES AND SANCTIONS

Special Procedures for Distribution of Refunds

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[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Subpart V—Special Procedures for Distribution of Refunds

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Final Rule.

SUMMARY: This rule adds a new Subpart V to the administrative procedure regulations of the Department of Energy (DOE). It establishes special procedures providing for the distribution of refunds paid by firms subject to the DOE regulatory program when those payments are required pursuant to a remedial order, remedial order for immediate compliance, order of disallowance, or consent order. The special procedures may be invoked when the DOE is unable to readily ascertain the identity of the persons injured by an overcharge or the amount of the refunds due such persons.

EFFECTIVE DATE: February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

George B. Breznay, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Room 8014, Washington, D.C. 20461. Telephone: (202) 254-9681.

Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Office of General Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, Telephone: (202) 633-9199.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND
II. DISCUSSION OF COMMENTS
A. Authority to Promulgate Refund Regulations
B. Payment of Refunds to the United States Treasury
C. Affiliated Entities
D. The Use of Presumptions
E. Expenses Incurred in Administering a Refund Proceeding
F. Methods of Guaranteeing Payment of Funds
G. Applications for Refunds on Behalf of a Class
H. Issues Not Directly Related to the Special Refund Regulations

I. BACKGROUND

On November 15, 1978 the DOE published a proposed rule that would add a new subpart, Subpart V, to Part 205 of Title 10 of the Code of Federal Regulations, the DOE procedural regulations. 43 FR 53,256 (1978). The new subpart provides a general framework pursuant to which the DOE Office of Hearings and Appeals may order refunds to be made to injured persons from funds remitted by regulated firms in connection with certain enforcement proceedings. A proceeding under this subpart would be initiated by the filing of a petition for the implementation of special refund procedures by the DOE Office of Special Counsel, the DOE Office of Enforcement or any other DOE enforcement official. Special procedures could then be implemented if (i) the DOE had issued a final remedial order, remedial order for immediate compliance or order of disallowance finding that an overcharge had occurred or had entered into a consent order authorizing the payment of funds to persons who may have been overcharged, and (ii) the DOE enforcement official responsible for the proceeding had been unable to ascertain the identity of the particular persons entitled to refunds or the precise amount of such refunds.

The FEDERAL REGISTER notice invited interested persons to submit written comments and to make oral presentations. A public hearing was held on December 12, 1978, and three industry groups and two major petroleum firms made presentations. Additional written comments were submitted by a total of 23 persons. The commenters included 5 industry groups, 14 petroleum firms, a cooperative, a group of municipal utilities, the Tennessee Valley Authority, and the New York State Energy Office. These comments have been reviewed and considered in preparing final regulations, and they are available for public inspection in the DOE Public Docket Room at 2000 M Street, N.W., Washington, D.C. The comments and the changes to the proposed rule made in response to the comments are discussed below. The final rule is quite similar to the proposed rule, however, and the explanation of the proposed regulations published in the Notice of Proposed Rulemaking is incorporated herein by reference.

II. DISCUSSION OF COMMENTS

A. AUTHORITY TO PROMULGATE REFUND REGULATIONS

A number of commenters have questioned the authority of the Department of Energy in general, and of the Office of Hearings and Appeals in particular, to promulgate regulations providing for the distribution of refunds.

The question of the authority of the Department of Energy to promulgate special refund rules was discussed at length in a decision issued in a refund proceeding concerning a consent order issued to Gulf Oil Corporation. *See Office of Special Counsel for Compliance*, 1 DOE Par. 82,586, 43 FR 38,548 (1978). In that decision the DOE observed that under certain circumstances it may be difficult to identify the particular persons entitled to refunds that a firm is directed by the DOE to make or to ascertain the precise amount of a refund that such persons are entitled to receive. As a consequence, it was further noted, the usual enforcement proceeding mechanisms, which are designed primarily to ascertain only the existence and total amount of a violation, might well be inadequate. If it were not able to identify the persons overcharged and to ascertain the specific refund amounts, the DOE concluded, its ability to maintain equitable prices at all levels of distribution in the petroleum industry and to ensure compliance in the industry with the DOE regulatory program could be seriously undermined. The DOE determined that a more formal and comprehensive procedure might therefore be necessary in certain cases to effectuate the objectives of its remedial authority. In the decision referred to, the DOE described the sources of its authority in this regard as follows:

> The authority of the FEA and the DOE to issue Remedial Orders requiring refunds to purchasers has been consistently sustained. *Shell Oil Company*, 3 FEA Par. 80,545 (January 6, 1976); *accord, Southwestern Exploration Consultants, Inc.*, 1 DOE Par. 80,257 (May 9, 1978); *MacKellar, Inc.*, 5 FEA Par. 80,655 (June 8, 1977). The basis for these holdings was expressed in *Shell Oil Company* in the following manner:
>
> The Congress was well aware of the fact that the Cost of Living Council had issued remedial orders requiring price rollbacks and refunds under the authority of the ESA [Economic Stabilization Act of 1970, as amended], and that this practice had been recognized as a legitimate exercise of regulatory authority by the Federal courts. *See, e.g., University of Southern California v. Cost of Living Council*, 472 F. 2d 1065 (T.E.C.A. 1972), *cert. denied*, 410 U.S. 928 (1973); and *De Rieux v. Five Smiths, Inc.*, 499 F. 2d 131 (T.E.C.A. 1974). As the successor to the Cost of Living Council with respect to the administration of price controls covering the petroleum industry, the FEO (and later the FEA) was also created to meet a national crisis and received the same broad discretionary powers for the enforcement of price controls. *See* Exec. Order No. 11748, 3 CFR 376 (1974); *see also* Note, *Phase V: The Cost of Living Council Reconsidered*, 62 Geo. L. J. 1663, 1665 (1974). In enacting the EPAA, the Congress authorized the FEA to promulgate a regulatory program in order to ensure, to the maximum extent feasible, that equitable prices would be charged for refined petroleum products throughout the United States. EPAA, Sections 4(a) and 4(b)(1).
>
> *Shell Oil Company*, 3 FEA at 80,690.

Moreover, Section 7(a) of the Federal Energy Administration Act of 1974 (FEAA), 15 USC 766(c), expressly authorizes the FEA Administrator to "promulgate such rules, regulations, and procedures as may be necessary to carry out the functions vested in him * * *." Those functions include a directive to "promote stability in energy prices to the consumer * * * [and] prevent unreasonable profits within various segments of the energy industry * * *." FEAA 5(b)(5), 15 USC 764(b)(5). The responsibilities involved also extend to promulgating regulations providing for the "equitable distribution of crude oil, residual fuel oil and refined petroleum products at equitable prices among all the regions and areas of the United States and sectors of the petroleum industry * * *." Emergency Petroleum Allocation Act of 1973, Section 4(b)(1)(F).

Pursuant to Section 301 of the Department of Energy Organization Act, 42 USC 7151, all the functions formerly vested by law in the FEA Administrator have been transferred to the Secretary of Energy. The regulation authorizing the issuance of the Proposed Consent Order, 10 CFR 205.199I, was promulgated pursuant to that authority. 43 FR. 3995, 4001 (January 31, 1978). The Proposed Consent Order was in turn issued pursuant to Section 205.199I and is designed to prevent the retention of revenues by a party who allegedly violated mandatory price regulations and to compensate the customers that have been overcharged. *See Shell Oil Company*, 3 FEA at 80,691.

Gulf is a major integrated petroleum firm engaged in the production, transportation, refining and marketing of crude oil and refined petroleum products. Gulf sells an extensive schedule of petroleum products.

Since it is one of the largest petroleum firms in the United States, the purchasers of its products number in the millions. Because of the nature of the particular pricing practices alleged in the NOPD, which concern a fundamental element in a refiner's calculation of maximum permissible prices, each purchaser of Gulf products was potentially affected. However, the flexibility accorded refiners under the refiner price rule of the Mandatory Petroleum Regulations makes it extremely difficult to allocate specific overcharges to any particular sales transaction or to identify the specific customers who were overcharged. That determination is further complicated in this case by the fact that the practices in question occurred as long ago as five years.

Under these circumstances it would appear necessary to implement an administrative claims procedure in order to ensure that the statutory objectives referred to above are fulfilled. It would, for example, be exceedingly difficult for the DOE to ensure that prices for petroleum products are established in an equitable manner unless an efficient and effective remedy exists for directing refunds to parties that have been overcharged. It would appear essential to do so in this case on the basis of a special claim procedure because of the difficulties discussed above which a particular claimant would otherwise experience in establishing the amount of overcharges that should properly be attributable to a purchase that he made. In other words, even though it is very likely that overcharges occurred, the discretion which Gulf possessed as to the manner in which it could determine its prices makes it very unlikely that any particular claimant could prove the nature and extent of its direct injuries. Unless a special claims procedure is adopted, there would appear to be little likelihood that individual purchasers and consumers would be able to obtain refunds. This situation would occur despite the fact that purchasers and consumers as a class are entitled to refunds. In view of these considerations we have concluded that the statutory provisions referred to above provide implicit authority for the DOE to implement an administrative claims procedure under the facts presented in this case.

Morever, even aside from this authority which derives from the statutory objectives which the DOE has been directed to fulfill, other recently enacted statutory provisions would appear to provide an even more direct expression of the Secretary's authority to establish and administer a claims procedure. Section 644 of the Department of Energy Organization Act (DEOA), 42 USC 7254, authorizes the Secretary to "prescribe such procedural and administrative rules and regulations as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him." Those functions certainly encompass the statutory objectives discussed above of ensuring that equitable prices are charged to consumers and to all sectors of the petroleum industry. The Secretary may in turn delegate the promulgation of procedures or rules for doing so to the Office of Hearings and Appeals. DEOA, Section 642, 42 USC 7252.

Office of Special Counsel for Compliance, 1 DOE at 85,274-75, 43 FR at 38,549-50.

For the reasons stated in the decision quoted above, we have concluded that the Department of Energy has, as part of its general remedial authority, statutory authority to implement special refund procedures in appropriate cases.

Another point made in several of the written and oral comments pertained to the specific authority of the Office of Hearings and Appeals to promulgate special refund regulations. These commenters maintained that the proposed regulations were not merely procedural regulations, but instead contained substantive rules, which the Office of Hearings and Appeals has not been delegated authority to promulgate.

We do not agree with this position. The special refund regulations are designed only to establish a procedural mechanism in a particular type of enforcement proceeding. The DOE's authority to require refunds is not in doubt, and the Office of Hearings and Appeals has already adopted similar procedural rules on a case-by-case basis in proceedings where the Office of Enforcement was unable to fashion a remedy sufficient to accomplish the objectives of the enforcement proceeding. *See, e.g. Office of Special Counsel for Compliance*, 1 DOE at 85,279-82; *Getty Oil Co.*, 1 DOE Par. 80,102 (1977) (payments ordered to the United States Treasury); *Gulf Oil Corp.*, 3 FEA Par. 85,013 (1976) (ordered establishment of escrow account). The general refund regulations do not prescribe any new substantive criteria for determining when a violation of regulatory requirements has occurred. Rather, they establish a general procedural framework within which the DOE may determine the manner in which applications for refunds should be submitted and the data that they should contain. The regulations contemplate that in each case the Office of Hearings and Appeals will conduct an adjudicatory proceeding and issue an order establishing specific procedures and standards on the basis of the circumstances present in the particular case.

In any event, the objections on this ground have no basis since the Office of Hearings and Appeals has been delegated specific authority to promulgate substantive rules in this area. The commenters are correct in pointing out that Paragraph 15 of Delegation Order No. 0204-24, the general delegation of authority from the Secretary of Energy to the Director of the Office of Hearings and Appeals, refers only to authority to promulgate regulations of a procedural nature. Paragraph 14 of that Order, however, specifies that additional authority may be conferred from time to time. Pursuant to Paragraph 14 of the Office of Hearings and Appeals Delegation Order, the Acting Secretary issued a memorandum order on November 2, 1978, authorizing the Director of the Office of Hearings and Appeals:

> to exercise the authority of the Secretary to issue rules pursuant to which:
>
> (1) the persons entitled to refunds specified in a Remedial Order, Proposed Consent Order or Consent Order are identified and the amount of the appropriate refunds are ascertained; and
>
> (2) the refunds specified are distributed.
>
> [The Director is] further authorized to adopt and administer a procedure for adjudicating claims to funds made available to the Department of Energy as a result of enforcement actions. These adjudications may occur on an *ad hoc* basis or pursuant to the general rules described above. In the course of administering the claims procedure [the Director] may take the measures [he deems] necessary or appropriate to reach equitable results in an expeditious manner.

The Office of Hearings and Appeals has, then, with regard to refunds ordered in enforcement proceedings, been delegated the authority of the Secretary to issue rules governing all the stages of the refund process. This broad delegation includes the power to promulgate substantive rules in order to ensure that the procedure operates in a fair and efficient manner.

B. PAYMENT OF REFUNDS TO THE UNITED STATES TREASURY

Several commenters have claimed that the DOE has no authority to require the payment of refunds to the United States Treasury. Others have objected to that provision of the proposed regulations on other grounds. The view was expressed that the pay-

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ment of refunds to the United States Treasury would unfairly expose a firm subject to the DOE's jurisdiction to double liability.

The commenters point out that a person who alleges that he has been injured as a result of an overcharge could decide to file an action in court under Section 210 of the Economic Stabilization Act of 1970 (ESA), Pub. L. 92-210, rather than an application for refund under the DOE administrative process. Because the amount specified in the DOE compliance order would not be subject to claims in the administrative process from persons electing to pursue their remedies solely in court actions, the amount refunded to overcharged purchasers could be less than the total amount of the refund obligation. The excess amount could, the commenters indicate, be remitted to the United States Treasury. However, if the firm was at the same time unsuccessful in defending the lawsuit brought against it for the same violation that led to the refund procedure, it would have to remit the overcharge involved to its purchaser in the judicial proceeding. Since the firm involved could not retrieve the funds that had already been deposited in the United States Treasury to meet the court judgment, it would be subject to a double liability.

Other commenters have also maintained that refunds paid to the Treasury would constitute a civil penalty that has not been authorized by statute. Finally, one commenter argued that such payments could not be approved for violations occurring before final promulgation of the refund regulations, because to do so would be to impose retroactively a new remedy that could injure the regulated persons by subjecting them to the type of additional liability already mentioned.

It should first be noted that the regulations do not require all or any portion of the refunds to be paid to the Treasury. That particular remedy is only one of the methods permitted under the regulations, and moreover, the double liability problem to which the commenters refer could be avoided in cases in which payments may ultimately be made to the Treasury simply by delaying payment of all refunds until the period in which court actions can be initiated based on the pertinent violation has ended. At that time the outcome of all pending court actions would be known and special arrangements could be made to reimburse the defendant firm for court judgments. Thus, a firm subject to a DOE compliance order would not have to compensate injured persons twice for the same violation. The amount of any administrative refunds made to persons who also initiate civil actions under Section 210 of the ESA would, of course, be applied to reduce the amount of their injuries and any subsequent court judgment in their favor, thereby eliminating the possibility of double liability.

The commenters taking the position that payment of refunds to the Treasury would constitute a civil penalty appeared to confuse the refunds accorded to overcharged purchasers under these regulations with statutory provisions that permit a court to assess penalties in addition to overcharges. The refunds contemplated in these regulations involve only overcharge amounts, not penalties, and consist only of revenues that the firm involved was never entitled to receive.

The argument that payments to the Treasury represent a completely new remedy, which may have only prospective effect and cannot be applied to pre-existing violations, does not withstand critical examination. As noted above, the remedy described in the refund regulations is not new, since the Office of Hearings and Appeals has previously developed it through the case-by-case adjudication process. Moreover, it does not impose a new substantive rule, because it does not deprive a violator of funds that he would otherwise have a legal right to retain. A firm that has violated the DOE regulations by charging improper prices would, of course, be unjustly enriched if it were permitted to retain the revenues it improperly obtained, and the remission of those revenues to the United States Treasury when individual purchasers do not file claims for the funds in no way imposes an improper retroactive sanction. It merely establishes an appropriate mechanism through which a firm that violated the law is required to disgorge the funds it unlawfully obtained.

C. AFFILIATED ENTITIES

Under § 205.286(c) of the proposed regulations, any person or firm owned or controlled by the firm that was the subject of the enforcement order was ineligible to receive a refund. Some of the commenters objected to this provision on the grounds that it is possible that part of the total refund that a firm is ordered to make will reflect overcharges to an affiliated entity, and it would be unfair in such a case to deny the affiliate that portion of the refund.

These objections are well-taken. The purpose of the original provision was to eliminate the possibility that a firm charged with violating the regulations would gain an unwarranted advantage by essentially dealing with itself. If indeed part of an overcharge cited in a compliance order reflects the amount by which an affiliate was overcharged, however, it might well be proper to refund that portion of the overcharge to the affiliate even if the firm charged with the violation might receive some benefit. In addition, an overcharge to an affiliate may have been passed through to customers of the affiliate, and if the disqualification in § 205.286(c) were applied it might make it more difficult to identify affected customers of the affiliate who are entitled to refunds. We further note that § 205.286(c) might have an unintended effect on cooperatives and owners of minority interests in an affiliate who received no benefit from the original overcharge and who thus might be unfairly deprived of a portion of a refund. In view of these considerations, § 205.286(c) has been deleted and the proper treatment of refunds to affiliates will be determined on a case-by-case basis.

D. THE USE OF PRESUMPTIONS

In response to several comments, the reference to "irrebuttable" presumptions in § 205.282(e) has been deleted. Some of the commenters objected strongly to the use of such presumptions, pointing out the adverse effects that such presumptions might have on the rights of affected parties.

We are cognizant of the dangers involved in adopting an irrebuttable presumption which could prevent a party from contesting a factual issue affecting substantive rights. For this reason irrebuttable presumptions will not be specified in the special refund regulations, and irrebuttable presumptions will not be favored as a tool for distributing refunds. It should nevertheless be noted that, while not favored, irrebuttable presumptions may be essential under certain circumstances. Their use, however, will be carefully limited to those instances in which it is shown that the objectives of the underlying statutory authority for taking remedial action against regulated firms would otherwise be frustrated.

E. CERTAIN EXPENSES INCURRED IN ADMINISTERING A REFUND PROCEEDING

The special refund regulations specifically permit the use of a portion of the funds remitted pursuant to a remedial order or consent order to pay expenses incurred in administering a refund proceeding. For example, § 205.284(a) authorizes the Office of Hearings and Appeals to appoint and compensate an administrator for performing clerical and other functions associated with evaluating refund applications. A portion of the funds may also be used to pay expenses associated with the maintenance of an escrow account. See § 205.287(b).

The principal objection that has been made to the provisions cited is that such payments necessarily result in a reduction in the amount that is available for refunds to injured persons. The commenters making this objection, however, overlook the fact that it is intended that such payments will be made only when the functions being performed are appropriate, and indeed necessary, for the efficient administration of the refund process. In addition, the amount of the total refund may be large, and appropriate safeguards, such as an escrow account, are part of an effort to protect the funds for the use of the ultimate beneficiaries.

The refund regulations require that all costs and charges paid from the total fund be expressly approved by the Office of Hearings and Appeals, and we note that payment of such costs from total funds for the benefit of a class of unidentified injured persons is an accepted practice in class actions filed under Rule 23 of the Federal Rules of Civil Procedure.

It is also argued that since the payment of administrative costs will reduce funds available to compensate injured persons and the firm making the refund may be subject to lawsuits under Section 210 of the ESA, it could be exposed to a potential liability in excess of the actual overcharges. As noted above, however, we expect that the amount that an injured person may recover in a civil damage action under Section 210 of the ESA will be reduced by the amount of any administrative refund with respect to the same matter. It would, in our view, also appear to be appropriate to reduce any such civil claim by a portion of the costs incurred for the benefit of such person in making the administrative award.

In any event, we believe that these provisions are a proper exercise of administrative discretion. As the DOE has stated in a number of decisions involving appeals of compliance orders, an important purpose of any remedial action is to ensure that persons injured by a regulatory violation are fully compensated for the injury that they have sustained. *See, e.g., Cities Service Co.*, 5 FEA Par. 80,627 (1977); *Quincy Oil, Inc.*, 5 FEA Par. 80,589 (1977); *Earl F. Wakefield*, 5 FEA Par. 80,550 (1977); *Atlantic Richfield Co.*, 4 FEA Par. 80,536 (1976). Consequently, Section 205.199I of the interim procedural regulations applicable to compliance actions authorizes, and the DOE regularly requires payment of interest on overcharges from the date of the violation. Similarly, discretion exists to assess against a firm that has violated the regulations the reasonable and necessary costs incurred in identifying and paying injured persons in order to ensure reasonable compensation to victims of overcharges.

Finally, a number of commenters have remarked that the refund regulations do not describe the manner in which the Office of Hearings and Appeals will appoint an administrator when it finds in a given case that the appointment of a person to perform the routine tasks involved is desirable. Those commenters point out that various regulations and statutes refer to the process by which government agencies in general and officials of the DOE in particular may contract with private persons on behalf of the government. Of course, the Office of Hearings and Appeals will comply fully with all applicable statutes and regulations in implementing the special refund procedures.

F. METHODS OF GUARANTEEING PAYMENT OF FUNDS

Section 205.287 of the proposed regulations specified that the Office of Hearings and Appeals could require a firm to establish an escrow account for the funds to be tendered pursuant to the Remedial Order or Consent Order. Several commenters suggested that firms be allowed to post a bond or other guarantee of payment to eliminate the expense of escrow agents. The final regulations provide that an order shall be issued by the Office of Hearings and Appeals in every refund proceeding to specify the manner in which payment of the funds is to be guaranteed. The methods may include the establishment of an escrow account, a segregated fund maintained by the firm, a bond, or merely a written guarantee of payment upon demand depending upon the particular circumstances. The order may further require that interest be accrued at a reasonable rate, regardless of the method of guarantee selected. Escrow agents and sureties may be specified in the order, or may be chosen by the firm subject to the approval of the Office of Hearings and Appeals.

Some commenters perceived a problem if an order were to require payment of funds prior to an appeal to the Federal Energy Regulatory Commission (FERC). Under the Department of Energy Organization Act, FERC does have jurisdiction over appeals of remedial orders. Department of Energy Organization Act, Section 503(c), Pub. L. 95-91. The orders issued under these refund regulations are different in nature, however, from remedial orders and are not appealable to FERC. In any event, in administering the refund procedures the Office of Hearings and Appeals does not contemplate taking any action until any appeal of a remedial order has been decided or the time within which an appeal can be filed has expired. Special circumstances presented in given cases may, however, require us to depart from this general operating procedure.

G. APPLICATIONS FOR REFUNDS ON BEHALF OF A CLASS

States and public interest groups have raised the possibility of permitting Applications for Refund to be filed on behalf of a class of purchasers whose claims would normally be too small to warrant individual attention. See § 205.286(b). The regulations in no way preclude the filing of an Application for Refund on behalf of a class. Such an Application filed on behalf of a class should state the method proposed for distributing in an equitable manner the refund applied for. Special procedures and public hearings could be established for such Applications on a case-by-case basis. We anticipate that States and nonprofit groups may file such class applications on behalf of their citizens and members who would otherwise have no incentive to file. Naturally, procedures would have to be devised to ensure that members of the class would be permitted to withdraw from the class and file individual applications.

H. ISSUES NOT DIRECTLY RELATED TO THE SPECIAL REFUND REGULATIONS

A number of comments and objections made in this rulemaking proceeding concern matters that relate in a general way to the distribution of refunds, but do not directly concern the special refund regulations themselves. Many of these comments relate, for example, to determinations that might be reached in specific refund adjudications.

The refund regulations, as we have previously indicated, are designed merely to provide a procedural framework within which the Department of Energy may distribute refunds to persons injured as a result of an overcharge or an alleged overcharge. Within that framework the DOE will determine on a case-by-case basis the most appropriate procedure for distributing refunds and will then implement that procedure. Undoubtedly in the course of the proceedings contemplated by the special refund regulations substantive issues will be presented with regard to the particular mechanism established in a given case for distributing refund amounts. It would not be appropriate in the context of a rulemaking proceeding of this nature to address such issues, and our consideration of them will therefore be deferred until they are properly raised in the context of a specific refund proceeding. However, we shall note three such issues for purposes of illustration.

Several commenters have observed that the DOE is not prohibited by the special refund regulations from distributing refunds to persons who did not purchase covered products directly from the firm required to make a

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refund by a remedial order or consent order. These commenters maintain that under their interpretation of the price regulations a customer has not been "overcharged" unless the firm from whom the customer purchased covered products itself violated the DOE regulations. Under this interpretation, if a refiner overcharged a reseller and the reseller passed on the higher price to an ultimate consumer, the consumer was not overcharged and therefore is not entitled to a refund. The Decision of the Supreme Court in *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), is cited in support of that proposition.

Other commenters have noted that the regulations permit a distribution of refunds to injured persons on a pro rata basis. Such a method of distribution, they note, might result in the refund to some purchasers of an amount that is less than the actual injury they incurred as a result of the overcharge. Consequently, the commenters maintain, some injured parties may not be fully compensated and, in addition, the firm that was required to make the refund might be exposed to a liability in excess of the actual overcharge because an injured person who is not fully compensated could, under Section 210 of the ESA, maintain a civil action for the uncompensated injury.

Finally, one commenter recommended other uses of funds that remain undistributed at the culmination of a refund proceeding, rather than deposit of the funds into the United States Treasury. It was suggested, for instance, that a trust fund could be established, and the funds devoted to various interests of consumers generally.

As stated above, we believe that issues of this nature can be best addressed in the context of specific adjudications.

(Economic Stabilization Act of 1970, Pub. L. 92-210; Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-91, Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 205 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective February 9, 1979.

Issued in Washington, D.C. February 5, 1979.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

1. The table of contents for Part 205 is amended by adding Subpart V, §§ 205.280 through 205.288, as follows:

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Subpart V—Special Procedures for Distribution of Refunds

. . . . . .

Sec.
205.280 Purpose and scope.
205.281 Petition for implementation of special refund procedures.
205.282 Evaluation of petition by the Office of Hearings and Appeals.
205.283 Applications for refund.
205.284 Processing of applications.
205.285 Effect of failure to file a timely application.
205.286 Limitations on amount of refunds.
205.287 Escrow accounts, segregated funds and other guarantees.
205.288 Interim and ancillary orders.

. . . . . .

2. Sections 205.280 through 205.288 are added as follows:

Subpart V—Special Procedures for Distribution of Refunds

§ 205.280 Purpose and scope.

This Subpart establishes special procedures pursuant to which refunds may be made to injured persons in order to remedy the effects of a violation of the regulations of the Department of Energy. This Subpart shall be applicable to those situations in which the Department of Energy is unable to readily identify persons who are entitled to refunds specified in a Remedial Order, a Remedial Order for Immediate Compliance, an Order of Disallowance or a Consent Order, or to readily ascertain the amounts that such persons are entitled to receive.

§ 205.281 Petition for implementation of special refund procedures.

(a) At any time after the issuance of a Remedial Order (including for purposes of this Subpart a Remedial Order for Immediate Compliance and an Order of Disallowance), or a Consent Order, the Special Counsel of the Department of Energy, the ERA Office of Enforcement, or any other enforcement official of the Department of Energy may file with the Office of Hearings and Appeals a Petition for the Implementation of Special Refund Procedures.

(b) The Petition shall state that the person filing it has been unable readily either to identify the persons who are entitled to refunds to be remitted pursuant to a Remedial Order or a Consent Order or to ascertain the amounts of refunds that such persons are entitled to receive. The Petition shall request that the Office of Hearings and Appeals institute appropriate proceedings under this Subpart to distribute the funds referred to in the enforcement documents.

(c) The Petition shall contain a copy of each relevant enforcement document, shall be filed in duplicate, and shall meet the requirements of Section 205.9 of this Part.

§ 205.282 Evaluation of Petition by the Office of Hearings and Appeals.

(a) After considering the Petition, the Director of the Office of Hearings and Appeals or his designee shall issue a Proposed Decision and Order. The Proposed Decision and Order shall generally describe the nature of the particular refund proceeding and shall set forth the standards and procedures that the Office of Hearings and Appeals intends to apply in evaluating refund claims.

(b) The Proposed Decision and Order shall be published in the FEDERAL REGISTER together with a statement that any member of the public may submit written comments to the Office of Hearings and Appeals with respect to the matter. At least 30 days following publication in the FEDERAL REGISTER shall be provided for the submission of comments.

(c) After considering the comments submitted, the Director of the Office of Hearings and Appeals or his designee shall issue a final Decision and Order which shall govern the disposition of the refunds. The final Decision and Order shall also be published in the FEDERAL REGISTER.

(d) The final Decision and Order shall set forth the standards and procedures that will be used in evaluating individual Applications for Refunds and distributing the refund amount. Those standards and procedures shall be consistent with the provisions of this Subpart.

(e) In establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

§ 205.283 Applications for refund.

(a) Any person entitled to a refund pursuant to a final Decision and Order issued pursuant to Section 205.282 may file an Application for Refund. All Applications must be signed by the applicant and specify the DOE order to which they pertain. Any Application for a refund in excess of $100 must be file in duplicate, and a copy of that Application will be available for

public inspection in the DOE Public Docket Room at 2000 M Street, N.W., Washington, D.C. Any applicant who believes that his Application contains confidential information must so indicate on the first page of his Application and submit two additional copies of his Application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential.

(b) The contents of an Application for Refund shall be specified in the final Decision and Order referred to in Section 205.282(c). A filing deadline for Applications shall also be specified in the final Decision and Order, and shall be no less than 90 days after the publication of the Order in the FEDERAL REGISTER.

(c) Each Application shall be in writing and signed by the applicant, and shall indicate whether the applicant or any person acting on his instructions has filed or intends to file any other Application or claim of whatever nature regarding the matters at issue in the underlying enforcement proceeding. Each Application shall also include a sworn statement by the applicant that all information in his Application is true and correct to the best of his knowledge and belief.

§ 205.284 Processing of applications.

(a) The Director of the Office of Hearings and Appeals may appoint an administrator to evaluate Applications under guidelines established by the Office of Hearings and Appeals. The administrator, if he is not a federal government employee, may be compensated from the funds referred to in the Remedial Order or Consent Order. The administrator may design and distribute an optional application form for the convenience of the applicants.

(b) The Office of Hearings and Appeals or its designee may initiate an investigation of any statement made in an Application and may require verification of any document submitted in support of a claim. In evaluating an Application, the Office of Hearings and Appeals or its designee may solicit and consider information obtained from any source and may on its own initiative convene a hearing or conference, if it determines that a hearing or conference will advance its evaluation of an Application.

(c) The Director of the Office of Hearings and Appeals or his designee shall conduct any hearing or conference convened with respect to an Application for Refund and shall specify the time and place for the hearing or conference and notify the applicant. The official conducting the hearing may administer oaths and affirmations, rule on the presentation of information, receive relevant information, dispose of procedural requests, determine the format of the hearing and otherwise regulate the course of the hearing. The provisions of § 205.8 of this Part which relate to subpoenas and witness fees shall apply to any hearing convened with respect to an application for refund, except that § 205.8(h) (2), (3) and (4) shall not apply.

(d) Upon consideration of an Application and other relevant information received during the course of a refund proceeding, the Director of the Office of Hearings and Appeals or his designee shall issue an order granting or denying the Application. The order shall contain a concise statement of the relevant facts and the legal basis for the order. A copy of the order, with such modification as is necessary to ensure the confidentiality of information protected from public disclosure by 18 U.S.C. 1905, may be obtained upon request by an applicant or any other person who participated in the proceeding.

§ 205.285 Effect of failure to file a timely application.

An Application for Refund must be filed no later than the date that the Office of Hearings and Appeals establishes pursuant to § 205.283(b). Any Application that is not filed on a timely basis may be summarily dismissed. The Office of Hearings and Appeals or its designee may, however, grant extensions of time for good cause shown. Any request for an extension of time must generally be submitted in writing prior to the deadline.

§ 205.286 Limitations on amount of refunds.

(a) The aggregate amount of all refunds approved by the Office of Hearings and Appeals or its designee in a given case shall not exceed the amount to be remitted pursuant to the relevant DOE enforcement order, plus any accumulated interest, reduced by the amount of any administrative costs approved by the Office of Hearings and Appeals. In the event that the aggregate amount of approved claims exceeds the aggregate amount of funds specified above, the Office of Hearings and Appeals may make refunds on a pro rata basis. The Office of Hearings and Appeals may delay payment of any refunds until all Applications have been processed.

(b) The Office of Hearings and Appeals may decline to consider Applications for refund amounts that, in view of the direct administrative costs involved, are too small to warrant individual consideration.

§ 205.287 Escrow accounts, segregated funds and other guarantees.

(a) In implementing the refund procedures specified in this Subpart, the Director of the Office of Hearings and Appeals or his designee shall issue an order providing for the custody of the funds to be tendered pursuant to the Remedial Order or Consent Order. This Order may require placement of the funds in an appropriate interest-bearing escrow account, retention of the funds by the firm in a segregated account under such terms and conditions as are specified by the DOE, or the posting of a sufficient bond or other guarantee to ensure payment.

(b) All costs and charges approved by the Office of Hearings and Appeals and incurred in connection with the processing of Applications for Refund or incurred by an escrow agent shall be paid from the amount of funds, including any accumulated interest, to be remitted pursuant to the Remedial Order or Consent Order.

(c) After the expenses referred to in subsection (b) have been satisfied and refunds distributed to successful applicants, any remaining funds remitted pursuant to the Remedial Order or Consent Order shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in Section 205.282(c).

(d) Funds contained in an escrow account, segregated fund, or guaranteed by other approved means shall be disbursed only upon written order of the Office of Hearings and Appeals.

§ 205.288 Interim and ancillary orders.

The Director of the Office of Hearings and Appeals or his designee may issue any interim or ancillary orders, or make any rulings or determinations to ensure that refund proceedings, including the actions of the administrator and the custodian of the funds involved in a refund proceeding, are conducted in an appropriate manner and are not unduly delayed.

[FR Doc. 79-4466 Filed 2-6-79; 2:28 pm]

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FRIDAY, FEBRUARY 9, 1979

PART VI



OFFICE OF PERSONNEL MANAGEMENT

ANTIDISCRIMINATION POLICY: SPECIAL FEDERAL RECRUITMENT PROGRAM

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[6325-01-M]

OFFICE OF PERSONNEL MANAGEMENT

[5 CFR Part 720]

ANTIDISCRIMINATION POLICY: SPECIAL FEDERAL RECRUITMENT PROGRAM

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management is proposing regulations to implement a special recruitment program, as required under 5 U.S.C. 7201, and in accordance with program guidelines established by the Equal Employment Opportunity Commission, which appear as an Appendix to this Part. These regulations are intended to provide a broad framework to ensure uniform, coherent and effective standards for the enforcement of government wide recruitment policies and programs, designed to eliminate the underrepresentation of minorities and women in Civil Service employment.

DATES: Comments must be received on or before March 21, 1979.

ADDRESS: Send written comments to the Director, Office of Affirmative Employment Programs, Office of Personnel Management, 1900 E Street N.W., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT:

Tom Dausch, 202-254-9470.

SUPPLEMENTARY INFORMATION: These regulations will be supplemented by further guidance developed by the Office of Personnel Management and issued through the Federal Personnel Manual system. Initial guidance will be issued at the same time final rules are published in the FEDERAL REGISTER.

The Office of Personnel Management has determined that it is not possible to give the public 60 days to comment on these proposed rules. The Civil Service Reform Act of 1978 requires publication of final regulations implementing the minority recruitment program, provided for in these proposed rules, not later than April 12, 1979. Within this constraint, the Office can provide only 40 days for public comment. The official who made this determination is Jule M. Sugarman, Deputy Director, Office of Personnel Management.

Section 7201 of title 5, U.S.C., referred to above was formerly section 7151. It was redesignated as section 7201 by section 703(a)(1) of the Civil Service Reform Act of 1978.

The Office of Personnel Management will hold a public hearing on these proposed rules at 2. p.m., Monday, February 26, 1979. Persons wishing to present testimony should contact Tom Dausch (202-254-9470) to be assigned a specific time on the agenda. The hearing will be held in Room 5H09, 1900 E Street N.W., Washington, D.C.

Accordingly, the Office of Personnel Management is proposing to add 5 CFR Part 720, as set forth below.

OFFICE OF PERSONNEL MANAGEMENT,
JAMES C. SPRY,
Special Assistant to the Director.

PART 720—ANTIDISCRIMINATION POLICY: SPECIAL RECRUITMENT PROGRAM

Subpart A—Principal Statutory Requirements

Sec.
720.101 Principal Statutory Requirements

Subpart B—Special Recruitment Program

720.201 Regulatory requirements.
720.202 Definitions.
720.203 Responsibilities of the Office of Personnel Management.
720.204 Agency programs.
720.205 Agency plans.
720.206 Selection guidelines.
720.207 Reports.
AUTHORITY: 5 U.S.C. 7201.

Subpart A—Principal Statutory Requirements

§ 720.101 Principal statutory requirements.

This subpart incorporates the statutory antidiscrimination policy and the requirements for establishing and conducting a special recruitment program within the Federal civil service. The policy in 5 U.S.C. 7201(b) reads as follows: "It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. The President shall use his existing authority to carry out this policy."

5 U.S.C. 7201(c) requires under regulations prescribed by the Office of Personnel Management:

(1) that each Executive agency conduct a continuing program for the recruitment of members of minorities for positions in the agency to carry out the [anti-discrimination] policy set forth in subsection (b) in a manner designed to eliminate underrepresentation of minorities in the various categories of civil service employment within the Federal service, with special efforts directed at recruiting in minority communities, in educational institutions, and from other sources from which minorities can be recruited; and

(2) that the Office conduct a continuing program of—

(A) assistance to agencies in carrying out programs under paragraph (1) of this subsection; and

(B) evaluation and oversight of such recruitment programs to determine their effectiveness in eliminating such minority underrepresentation.

This subpart is consistent with title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 *et seq.*

Subpart B—Special Recruitment Program

§ 720.201 Regulatory requirements.

This subpart contains the regulations of the Office of Personnel Management which implement the above provisions of title 5, United States Code, and are prescribed by the Office under authority of 5 U.S.C. 7201.

§ 720.202 Definitions.

For the purposes of this subpart:

(a) "underrepresentation" means a situation in which the number of women or members of a minority group within a category of civil service employment constitutes a lower percentage of the total number of employees within the employment category than the percentage women or the minority constitutes within the civilian labor force of the United States.

(b) "Category of civil service employment" means such groupings of Federal jobs by grades, pay systems and/or occupations as the Office or Personnel Mangagment deems appropriate.

(c) "Minority" refers only to those groups classified as "minority" for the purpose of data collection by the Office of Personnel Management and the Equal Employment Opportunity Commission in furtherance of Federal equal employment opportunity policies. Women include majority as well as minority women.

(d) "Civilian labor force" (CLF) includes all persons 16 years of age and over, except those in the armed forces, who are employed or who are unemployed and seeking work. CLF data are defined by the Bureau of the Census and the Bureau of Labor Statistics and are reported in the most recent decennial or mid-decade census, or current population survey, under Title 13 of the United States Code or other recognized government-conducted survey.

(e) "Recruitment" means the total process by which the Federal government and the Federal agencies locate, identify and assist in the employment or qualified or qualifiable applicants from underrepresented groups for job openings in categories of employment where underrepresentation has been determined and includes both internal placement and external recruitment actions.

(f) "Applicant pool" means all types of listings from which selections may be made, including (but not limited to) promotion lists, competitive certificates and inventories of eligibles, applicant supply files, and lists of eligibles for certain noncompetitive appointments.

§ 720.203 Responsibilities of the Office of Personnel Management.

(a) The Office of Personnel Management will provide appropriate data to assist Federal agencies in making determinations of underrepresentation. The process for making such determinations is described in the Appendix to this Part. The Office will develop and publish more specific criteria for statistical measurements to be used by individual agencies, and will develop further guidance on—

(1) agency employment statistics and civilian labor force statistics to be used is making determinations of underrepresentation, on a national, regional or other geographical basis as appropriate;

(2) the nature, size and location of agency components for which determinations and recruitment programs shall be developed;

(3) groupings of grades and/or other occupational categories to be used in implementing agency programs; and

(4) other factors which may be considered by the agency, in consultation with Office of Personnel Management, to make determinations of underrepresentation and to develop recruitment programs focused on specific occupational categories.

(b) The Office will assist agencies in carrying out their programs by—

(1) identifying major recruitment sources of women and members of minority groups and providing guidance on internal placement and external recruitment activities directed toward the solution of specific underrepresentation problems;

(2) identifying occupational categories and job series for which expanded *External* recruitment efforts are most appropriate, and those for which expanded and innovative *internal* recruitment is appropriate;

(3) supplementing agency recruitment efforts, utilizing existing network for dissemination of job information, and arranging the participation of minority group and women's organizations where practicable; and

(4) providing such other support, on agency request, as the Office deems appropriate.

(c) The Office will monitor and, in conjunction with the personnel management evaluation program of the Office, evaluate agency programs to determine their effectiveness in eliminating underrepresentation;

(d) The Office will conduct a continuing program of guidance and instruction to supplement these regulations.

(e) The Office will coordinate further activities to implement special recruitment programs under this subpart with the Equal Employment Opportunity Commission consistent with law, Executive Order 12067, and Reorganization Plan No. 1 of 1978.

§ 720.204 Agency programs.

(a) Each Executive agency, as defined in 5 U.S.C. 105, must conduct a continuing program for the recruitment of minorities and women for positions in the agency to carry out the policy of the United States to insure equal employment opportunities without discrimination because of race, color, religion, sex or national origin.

(b) Programs established under this subpart must be designed to cover recruitment for all positions, including part-time and temporary positions, in any category of civil service employment in the competitive, excepted, or Senior Executive Service where underrepresentation has been determined in the agency. On a determination by the Office of Personnel Management that additional component plans are needed to implement an agency's program effectively, the Office will instruct the agency to develop additional plans. Agencies must comply with such instructions.

(c) To the extent possible, agencies must determine whether the applicant pools used in filling jobs in a category of employment where underrepresentation exists include sufficient candidates from groups underrepresented in such category. Where an applicant pool does not include sufficient numbers of members of underrepresented groups, agencies must consider:

(1) Expansion or other redirection of their recruitment activities in ways designed to increase the number of candidates from underrepresented groups in that applicant pool;

(2) Use of selection methods involving other applicant pools which include sufficient numbers of underrepresented groups;

(3) Notifying and consulting with the office responsible for administering that applicant pool, and requesting its consideration of reopening application receipt in support of expanded recruitment activities; and

(4) Taking such other action which will contribute to the elimination of underrepresentation in the category of employment involved.

(d) Agencies must notify and seek advice and assistance from the Office of Personnel Management in cases where their special recruitment programs are not making measurable progress in eliminating identified underrepresentation in the agency work force.

§ 720.205 Agency plans.

(a) Each agency must have an up-to-date special recruitment program plan covering recruitment for positions at various organizational levels and geographic locations within the agency. Such plans must be available for review in appropriate offices of the agency and must be submitted to the Office of Personnel management on request. Such plans may be incorporated in the agency's equal employment opportunity plans required under section 717 of the Civil Rights Act of 1964, as amended, pursuant to regulations and instructions of the Equal Employment Opportunity Commission, provided they are separable parts of those plans for purposes of review by and submission to the Office of Personnel Management.

(b) Agency plans must include annual specific determinations of underrepresentation and must be accompanied by quantifiable indices by which progress toward eliminating underrepresentation can be measured.

(c) Where an agency or agency component is located in a geographical area where the percentage of underrepresented groups in the area civilian labor force is higher than their percentage in the national labor force, the agency or component must base its plans on the higher level of representation in the relevant civilian labor force.

(d) Where an agency or agency component is located in a geographical area where participation of a particular underrepresented group is significantly lower than its participation in the national labor force, the agency or component may, in consultation with the Office of Personnel Management, use the lower percentage in determining underrepresentation. An agency may not use a figure lower than the relevant regional or nationwide labor force percentage where recruitment on a regional or nationwide basis is feasible for particular categories of employment. Factors such as size of the agency or unit, nature of jobs and their wage or pay scale may be considered in focusing recruitment for various job categories.

(e) In addition to the underrepresentation determinations described in paragraphs (b), (c) and (d) of this section, agency plans must, at a minimum, include an assessment of:

(1) The number of jobs in each category to be filled in each of the next two years;

(2) The numbers estimated to be filled through;

(a) Internal recruitment only; and

(b) External recruitment or a combination of internal and external recruitment;

(3) Recruitment methods to be used;

(4) The size of the internal pool available to fill jobs with careful attention to currently underutilized personnel;

(5) Training and job development programs used to prepare employees for these job catergories;

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(6) Jobs which should be redesigned to improve opportunities for minorities and women including jobs requiring bilingual or bicultural capabilities or not requiring English fluency;

(7) Priorities;

(8) Help needed from OPM.

(f) Special recruitment program plans must be consistent with agency Upward Mobility program plans and should be developed with full consideration of the agency's overall recruiting and staffing planning objectives.

(g) Plans required under this subpart must be developed for the headquarters level of each Executive agency not later than July 1, 1979. Plans must be developed for other agency components not later than October 1, 1979.

§ 720.206 Selection guidelines.

All selection processes must be consistent with the *Uniform Guidelines on Employee Selection Procedures* (43 FR 38290; August 25, 1978) and the instructions of the Office of Personnel Management on implementing those Guidelines.

§ 720.207 Reports.

Not later than November 1 of each year, agencies must submit an annual report on their special recruitment programs to the Office of Personnel Management, in a form prescribed by the Office. The Office may require submission of any additional reports it considers necessary in carrying out its responsibilities under this subpart.

APPENDIX

Guidelines for the Development of a Federal Recruitment Program to Implement 5 U.S.C. Section 7201, as amended [1]

I. *Background Information*

A. In 1964 the Congress adopted a basic anti-discrimination policy for Federal employment, stating:

"It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex or national origin." [5 U.S.C. 7151] [2]

In 1978, Congress reaffirmed and amended this policy as part of the Civil Service Reform Act of 1978 [Sec. 310 of P.L. 95-454], requiring immediate development of a recruitment program designed to eliminate underrepresentation of minority groups in specific Federal job categories. Section 310 directs the Equal Employment Opportunity Commission:

1. to establish Guidelines proposed to be used for a program designed to eliminate such underrepresentation;

2. to make, in consultation with OPM, initial determinations of underrepresentation which are proposed to be used in this program; and

3. to transmit the determinations made under (2) above to the Executive Agencies, the Office of Personnel Management and the Congress, within 60 days of enactment.

The Office of Personnel Management (OPM) [3] is directed by this amendment:

1. to issue regulations to implement a program under EEOC Guidelines within 180 days after enactment, which shall provide that Executive agencies conduct continuing recruitment programs to carry out the anti-discrimination policy in a manner designed to eliminate underrepresentation in identified categories of civil service;

2. to provide continuing assistance to Federal agencies in carrying out such programs;

3. to conduct a continuing program of evaluation and oversight to determine the effectiveness of such programs;

4. to establish occupational, professional and other groupings within which appropriate recruitment will occur, based upon the determinations of underrepresentation pursuant to these Guidelines; and

5. to report annually to the Congress on this programs; not later than January 31 of each year.

Congress further directed that the recruitment program must be administered consistent with provisions of Reorganization Plan No. 1 of 1978.[4]

B. In framing these Guidelines and making its initial determinations of underrepresentation, the Equal Employment Opportunity Commission (Commission) is acting pursuant to its obligations and authority under 5 U.S.C. 7201, as amended; Section 717 of Title VII of the Civil Rights Act of 1964, as amended; Reorganization Plan No. 1 of 1978 (issued pursuant to 5 U.S.C. 901 et seq.) and Executive Order 12067, issued under this Plan (43 FR 28967, June 30, 1978). This Commission must develop and/or ensure the development of uniform, coherent and effective standards for administration and enforcement of all Federal anti-discrimination and equal employment opportunity laws, policies and programs, and to ensure the elimination of duplication and inconsistency in such programs.

C. A review of the legislative history of Federal equal employment opportunity policy provides further guidance on the scope and nature of determinations and guidelines to be issued for this program.

The basic policy statement on Federal equal employment policy enacted by the Congress in 1964 (5 U.S.C. § 7151, redesignated as § 7201) gave the President authority for implementation.

Executive Order 11246 (1966), expanded and superseded by Executive Order 11478 (1969) with respect to Federal employment, required Federal agencies to develop affirmative action programs designed to eliminate discrimination and assure equal employment opportunity.

In 1972, Congress found that serious discrimination persisted in Federal employment. It found that minorities and women were significantly absent at higher levels in Federal employment, and severely under- rep- resented in some Federal agencies and in some geographic areas where they constituted significant proportions of the population. After a detailed review of Federal employment practices and statistics, the Congress concluded that:

"the disproportionate distribution of minorities and women throughout the Federal bureaucracy and their exclusion from higher level policy-making and supervisory positions indicates the government's failure to pursue its policy of equal employment opportunity".[5]

Congress found that this exclusion resulted from overt and "systemic" discriminatory practices.

These findings, among others, led Congress to extend Title VII coverage to Federal employment in Section 717 of the Equal Employment Opportunity Act of 1972.

The Civil Service Reform Act of 1978 clearly states, for the first time, that "it is the policy of the United States . . . to provide . . . a Federal workforce reflective of the Nation's diversity. . . ." [6] The Act establishes in law as the first merit principle that recruitment should be designed to achieve a Federal workforce from "all segments of society." Among the personnel practices prohibited by the Act is discrimination prohibited under Title VII of the Civil Rights Act of 1964, as amended.[7] Therefore, the Civil Service Reform Act and its directive for a special recruitment program clearly unite requirements for basic Federal personnel policy with requirements for Federal equal employment policy.

It is clear from the legislative history of Federal equal employment policy that the legal standards of Title VII must be applied to Federal employment. Thus, guidelines for a recruitment program designed to eliminate underrepresentation in Federal agency employment must be developed consistent with the framework of affirmative action programs.

D. Guided by the review of the legislative history, and the responsibilities and authorities cited in I(B) above, the Commission is issuing these Guidelines to provide a framework for development of recruitment program regulations by OPM. The Commission may later provide more detailed guidance, through consultation with OPM, designed to achieve an overall Federal equal employment program which is consistent with, and which effectively implements Title VII requirements.

II. *Initial Determinations of Underrepresentation*

A. Pursuant to Section 7201, underrepresentation exists when the percentages of minority and female Federal employees in specific grades are less than their percentages in the civilian labor force. "Minority" refers only to those groups classified as "minority" for the purpose of data collection by the Commission and OPM in furtherance of Federal equal employment opportunity policies. The civilian labor force includes all persons 16 years of age and over except the armed forces, who are employed or seeking employment. Such a determination of underrepresentation is designated in these Guidelines as "below the Section 7201 level".

[1] This Section originally was Section 701(b) (2nd Proviso) of the Civil Rights Act of 1964 (P.L. 88-352, July 2, 1964), codified as 5 U.S.C. § 7151. Section 7151 was further amended by Section 310 of the Civil Service Reform Act of 1978. This Act also redesignated Section 7151 as Section 7201, effective January 11, 1979. [Sec. 703(a)(1) of the Act.]

[2] *Ibid.*

[3] This Office was created by Reorganization Plan No. 2, issued pursuant to 5 USC 901 *et seq.* It will assume personnel management functions of the present U.S. Civil Service Commission on January 1, 1979.

[4] *Conference Report on Civil Service Reform Act of 1978*, No. 95-1272, p. 145.

[5] *Legislative History of the Equal Employment Opportunity Act of 1972*, p. 83. See pp. 82-86 and 421-425 for Congressional Findings.

[6] Civil Service Reform Act of 1978, Section 3.

[7] Section 101(a) of the Act, 5 USC 2301(b)(1) and 2302(b)(1)(A), as amended.

B. The Commission has examined existing data on Federal employment and the civilian labor force and has made initial determinations of underrepresentation of groups by race, national origin and sex in specific grades of the major Federal pay systems, under the legal authorities cited in I(B), above.

C. The Table which follows shows the grades at which the percentage of each group in the Federal workforce falls below its percentage in the civilian labor force. The table covers four major Federal pay systems which account for more than 95 percent of Federal employees, including the Postal Service.[8]

Sex/Race/ National Origin	Percent of Civilian Labor Force	Grades Below the 7201 Level: Gen Sched and Equivalent	Non-spvsry Regular Wage	Leader Regular Wage	Spvsry Regular Wage
Number of Grades	--	18	15	15	19
Women	41.0	9+	2+	2+	All
White	34.0	9+	All	All	All
Black	4.6	11+	5+	5+	5+
Hispanic	1.7	6+	All	2,4+	All
As/Am/PacIs	.6	1,10+	2+	2+	All
Amln/AlNa	.1	13+	9+	1,5,6,9+	4,9,11+
Minority Men	8.9	3+	13+	11,14+	13+
Black	5.3	4,6+	12+	11+	11+
Hispanic	2.8	All	14+	1,15	13-15,17+
As/Am/PacIs	.7	1-8,10,16+	9,14+	1,3,8,9,12+	1,3,8,9,17+
Amln/AlNa	.2	None	14	1,13+	17+

NOTES.—1. Comparable data for white men shown below are for reference. White Men ——50.1 ——1-8 ——1-4 ——1-5 ——1-3

2. +means "and all grades above".

3. Detail may not add to total because of rounding.

SOURCES: Civilian Labor Force information based on data from the Current Population Survey, Bureau of Labor Statistics, *Employment and earnings*, Vol. 25, No. 1, January 1978.

Information on grades below 7201 level based on Civil Service Commission data from *Equal Opportunity Statistics*, November 20, 1977 (publication in process).

D. The initial determinations of underrepresentation were based upon average 1977 labor force data from the Current Population Survey published by the Bureau of Labor Statistics (*Employment and Earnings*, January 1978), and 1977 Federal workforce statistics from *Equal Employment Opportunity Statistics* (publication in process).

The labor force figures are published annually; the Federal employment statistics semiannually. These measures, and any modifications agreed upon by the Commission and OPM, will be updated annually.

Regional and area Federal employment statistics are available from the Civil Service Commission (as of January, 1979 the OPM). The latest reliable local labor force data by race, national origin, and sex is from the 1970 Census. The Commission and OPM will consult on appropriate labor force measures to be used for local analyses.

E. These initial determinations are based upon a preliminary analysis of the data, and may be further refined by the Commission, in consultation with OPM, to include geographic and occupational underrepresentation. It is further recognized that for the purpose of developing regulations, the OPM, in consultation with the Commission, will undertake more specific analyses of data use and applicability necessary to develop programs for the Federal agencies pursuant to Section 7201(a)(2)(C). The OPM may establish criteria for grouping agencies, for treating agency components separately and for grouping grades and pay systems. In addition, OPM may study other available data sources and use other techniques to assure statistically significant findings of underrepresentation. Based upon these studies, OPM may make recommendations to the Commission for future determinations of underrepresentation.

III. *Procedures for Developing Recruitment Programs*

A. The program developed and implemented on OPM under Section 7201 should be designed to result in applicant pools with sufficient qualified members of underrepresented groups. Where the supply of such groups initially appears to be low for specific occupational, professional and other groupings, the program should be designed so that recruitment efforts stimulate interest of underrepresented groups in those occupations where there are realistic projections of Federal employment opportunities.

B. In establishing groupings for determining underrepresentation, OPM should utilize broad occupational categories to the extent possible.

C. The Commission recognizes that OPM's regulations should allow flexibility in development and design of each Federal agency's recruitment program. However, all statistical comparisons must be computed in a manner consistent with the method utilized in II C.

The Commission recommends that each agency program meet several minimum requirements. The program should be based on a determination of underrepresentation in the agency's total workforce, in appropriate geographic components; by grade; by broad occupational, professional and other groupings in comparison to the national civilian labor force, according to the criteria developed by OPM under these guidelines.

Where an agency or major component thereof (such as Headquarters and Regional Offices) is located in a geographic area where the percentage of underrepresented groups in the area civilian labor force is *higher* than their percentage in the national labor force, the agency or appropriate component should conduct its recruitment program for that component on the basis of the higher level of representation in the relevant civilian labor force.

Where an agency or major component thereof is located in a geographic area where participation of a particular underrepresented group in the area labor force is significantly *lower* than their participation in the national labor force, such agency or component may, in consultation with OPM, utilize the lower applicable civilian labor force percentage in determining underrepresentation for the component. In no event, however, may the agency utilize a figure lower than the regional or nationwide Section 7201 level for positions where recruitment on a regional or nationwide basis is feasible. Factors such as size of the ageny or unit, nature of jobs and their wage or pay scale may be considered to set goals and to justify a recruitment program focused on various job categories.

IV. Scope of Actions Covered by This Program

A. "Recruitment" under this program is defined as the total process by which the Federal government and the Federal agencies locate, identify and assist in the employment of qualified or qualifiable applicants from underrepresented groups for job openings in grades and in occupational categories where underrepresentation has been determined. This process should include innovative internal, as well as targeted external, recruitment actions.

B. Prior to developing regulations, the Office should review data on personnel actions and other information, to identify those job categories for which internal recruitment and external recruitment is most appropriate and feasible, and to provide guidance to the Federal agencies for targeting their recruitment programs, based on this information. OPM should advise all agencies that all job qualifications, personnel procedures and criteria must be consistent with the *Uniform Guidelines on Employee Selection Procedures* (43 FR 38,290 August 25, 1978) OPM should consider the following in providing guidance to agencies:

1. *External Recruitment Programs*

a. Such programs should focus on grade levels and/or job categories where underrepresentation has been identified and where

[8] The initial determinations are based on data for only those agencies covered by the Civil Service Reform Act of 1978. The Commission will make subsequent determinations on other agencies covered by Title VII, e.g. the U.S. Postal Service, TVA, Central Intelligence Agency, Federal Reserve Board.

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external recruitment realistically will result in hiring opportunities.

Recruitment programs also should include a review of job functions to determine those jobs that may be better performed by persons who are bicultural and who have bilingual capabilities, and those jobs that can be performed by persons not fluent in English.

b. Where eligibility lists are used for filling jobs, it is recommended that the regulations require, an analysis by race, national origin and sex, to determine whether the list contains sufficient candidates from groups underrepresented in those jobs. OPM should require that where the list does not have such representation, expanded recruitment procedures be designed to assure that members of underrepresented groups qualified to perform the job(s) are included in the pool of applicants from which the selecting official makes the selection. Such expanded recruitment procedures may include additional external recruitment or various actions (such as described in 2. below) to reach members of these groups within the Federal workforce who are qualified or qualifiable for these jobs.

2. *Internal Recruitment Programs*

a. Internal recruitment programs should be designed by agencies to identify currently qualified or qualifiable persons for job categories and series where underrepresention prevails, according to the national determinations and the determinations made by each agency under these guidelines.

b. Further, OPM should work with Federal agencies to develop effective mechanisms for providing information on Federal job opportunities, targeted to reach Federal employees from underrepresented groups in all agencies in order to broaden the applicant pool.

V. *Consistency with Reorganization Plan No. 1 of 1978*

A. The Office shall develop regulations and implement this program in consultation with the Commission and with other affected agencies in such manner that their recruitment programs may be incorporated as a consistent and effective element of the agencies' national and regional equal employment opportunity plans. Each agency is required to implement such plans under the direction and guidance of the Commission in accordance with Section 717 of Title VII of the Civil Rights Act of 1964, as amended, and Executive Order 12067.

B. Procedures shall be established by OPM and the Commission to assure appropriate consultation in development of the regulations.

C. Pursuant to Reorganization Plan No. 1 and to Executive Order 12067 issued thereunder, the Commission will establish procedures to provide appropriate consultation and review of the program on a continuing basis, to maximize its effectiveness and eliminate any duplication, conflict or inconsistency in requirements for equal opportunity programs in the Federal agencies.

D. In preparing its annual report to the Congress pursuant to the Act, OPM should do so in consultation with the Commission.

NOTE.—Although the Equal Employment Opportunity Commission (EEOC) and the Office of Personnel Management (OPM) have consulted during the drafting of these proposed OPM regulations for a Federal Recruitment Program, as required by 5 U.S.C. 7201 and E.O. 12067, EEOC has not approved these regulations. The EEOC has further changes to propose, and the Commission will not consider these regulations for formal approval until comments from the public and other Federal agencies have been examined.

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BOOK 2 OF 2 BOOKS
FRIDAY, FEBRUARY 9, 1979
PART VII

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR PART 1926

Safety and Health Regulations for Construction with

29 CFR PART 1910

General Industry Safety and Health Regulations Identified as Applicable to Construction

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[4510-26-M]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1926—OCCUPATIONAL SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Identification of General Industry Safety and Health Standards (29 CFR Part 1910) Applicable to Construction Work

AGENCY: Occupational Safety and Health Administration (OSHA).

ACTION: Notice of Enforcement Policy and Republication of Standards.

SUMMARY: To provide a better public understanding and awareness of OSHA's enforcement policy regarding hazards in construction, the agency is reprinting in the FEDERAL REGISTER the entire text of 29 CFR Part 1926 (Safety and Health Regulations for Construction) together with certain General Industry Occupational Safety and Health Standards (29 CFR Part 1910) which have been identified as also applicable to construction work.

For some time, elements of both labor and management within the construction industry have petitioned the agency to develop a single set of OSHA regulations for the exclusive use of that industry. In response to the concerns of the affected parties and the need for a uniform enforcement policy within the agency, OSHA prepared this document with the advice of the Advisory Committee on Construction Safety and Health.

FOR FURTHER INFORMATION CONTACT:

Donald A. Shay, Director, Office of Compliance Programming, U.S. Department of Labor, OSHA, 200 Constitution Avenue NW., Room N3608, Washington, D.C. 20210, telephone: 202-523-8041.

SUPPLEMENTARY INFORMATION: The identification of general industry standards applicable to construction represents the first step in the agency's long range program to modify 29 CFR Part 1926 into a single comprehensive set of OSHA regulations for use on construction worksites. This document should not be construed as representing a permanent recodification since permanent recodification or so-called "verticalization" will be achieved in conjunction with the ongoing comprehensive revisions of the various subparts of part 1926.

To facilitate uniform enforcement, OSHA has issued Program Directive No. 200-88, Identification of General Industry Safety and Health Standards (29 CFR Part 1910) Applicable to Construction Work, outlining the agency's policy to its field personnel. This Program Directive will be made available to the public, and may be obtained from any OSHA Area or Regional Office, or by writing directly to the Office of Field Coordination, Occupational Safety and Health Administration, 3d and Constitution Avenue, Washington, D.C. 20210.

While every effort has been made to identify those part 1910 standards (General Industry) which are most likely to be applicable to construction work, it is to be recognized that there may be others which, under some circumstances, also may be applicable. A special procedure has been established by the National Office to review such situations should they occur.

If enforcement experience indicates that other part 1910 standards are applicable to construction but which have not been previously identified, the listing of such standards will be modified accordingly.

Therefore, in the public interest, OSHA is publishing the following:

Part 1926/1910 Construction Standards. An index and text of selected General Industry Safety and Health Standards (29 CFR Part 1910) identified as applicable to construction work placed with the text of relevant provisions of 29 CFR Part 1926 (Safety and Health Regulations for Construction); this includes all health standards from subpart Z of part 1910 except for the exposure limits contained in Tables Z-1, Z-2, and Z-3 of 29 CFR 1910.1000.

Supplement I. The text of other OSHA standards incorporated by reference in those part 1910 standards identified as applicable to construction work.

Supplement II. A table of "Threshold Limit Values of Airborne Contaminants for 1970" referenced in 29 CFR 1926.55(a) with administrative changes in footnotes and modifications to reflect subsequent OSHA rulemakings (health standards) issued pursuant to section 6(b) of the Act.

Supplement III. A list of standards (other Federal agencies, ANSI, NEC, NFPA, etc.) incorporated by reference in part 1926 and in those part 1910 standards identified as applicable to construction work.

Supplement IV. List of addresses and telephone numbers (where appropriate) of Federal agencies, private organizations, and other sources of standards referenced in OSHA standards applicable to construction work.

Signed this 17th day of October 1978, in Washington, D.C.

EULA BINGHAM,
Assistant Secretary of Labor.

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION [1]

Subpart A—General

1926.1 Purpose and scope.
1926.2 Variances from safety and health standards.
1926.3 Inspections—right of entry.
1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards.

Subpart B—General Interpretations [1]

1926.10 Scope of subpart.
1926.11 Coverage under section 103 of the act distinguished.
1926.12 Reorganization Plan No. 14 of 1950.
1926.13 Interpretations of statutory terms.
1926.14 Federal contracts for "mixed" types of performance.
1926.15 Relationship to the Service Contract Act; Walsh-Healey Public Contracts Act.
1926.16 Rules of construction.
1910.11 Scope and purpose.
1910.12 Construction work.
1910.16 Longshoring.
1910.19 Special provisions for air contaminants.

Subpart C—General Safety and Health Provisions [1]

1926.20 General safety and health provisions.
1926.21 Safety training and education.
1926.22 Recording and reporting of injuries. [Reserved]
1926.23 First aid and medical attention.
1926.24 Fire protection and prevention.
1926.25 Housekeeping.
1926.26 Illumination.

[1] Portions of the listed part 1910 standards have been identified as applicable to construction.

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1926.27 Sanitation.
1926.28 Personal protective equipment.
1910.132 General requirements (personal protective equipment).
1910.136 Occupational foot protection.
1926.29 Acceptable certifications.
1926.30 Shipbuilding and ship repairing.
1926.31 Incorporation by reference.
1926.32 Definitions.

Subpart D—Occupational Health and Environmental Controls [1]

1926.50 Medical services and first aid.
1926.51 Sanitation.
1910.141 Sanitation.
1910.151 Medical services and first aid.
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1926.54 Nonionizing radiation.
1926.55 Gases, vapors, fumes, dusts, and mists.
1910.161 Carbon dioxide extinguishing systems.
1926.56 Illumination.
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Subpart E—Personal Protective and Life Saving Equipment [1]

1926.100 Head protection.
1926.101 Hearing protection.
1926.102 Eye and face protection.
1926.103 Respiratory protection.
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1926.106 Working over or near water.
1926.107 Definitions applicable to this subpart.

Subpart F—Fire Protection and Prevention [1]

1926.150 Fire protection.
1926.151 Fire prevention.
1926.152 Flammable and combustible liquids.
1910.106 Flammable and combustible liquids.
1926.153 Liquefied petroleum gas (LP-Gas).
1910.110 Storage and handling of liquefied petroleum gases.
1926.154 Temporary heating devices.
1926.155 Definitions applicable to this subpart.

Subpart G—Signs, Signals, and Barricades

1926.200 Accident prevention signs and tags.
1926.201 Signaling.
1926.202 Barricades.
1926.203 Definitions applicable to this subpart.

Subpart H—Materials Handling, Storage, Use, and Disposal [1]

1926.250 General requirements for storage.
1910.30 Other working surfaces.
1910.176 Handling materials—general.
1926.251 Rigging equipment for material handling.
1910.184 Slings.
1926.252 Disposal of waste materials.

Subpart I—Tools—Hand and Power [1]

1926.300 General requirements.
1910.212 General requirements for all machines.
1926.301 Hand tools.
1926.302 Power operated hand tools.
1910.244 Other portable tools and equipment (abrasive blast cleaning nozzles).
1926.303 Abrasive wheels and tools.
1926.304 Woodworking tools.
1926.305 Jacks—lever and ratchet, screw and hydraulic.
1910.244 Other portable tools and equipment (jacks).

Subpart J—Welding and Cutting

1926.350 Gas welding and cutting.
1926.351 Arc welding and cutting.
1926.352 Fire prevention.
1926.353 Ventilation and protection in welding, cutting, and heating.
1926.354 Welding, cutting and heating in way of preservative coatings.

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1926.401 Grounding and bonding.
1926.402 Equipment installation and maintenance.
1926.403 Battery rooms and battery charging.
1926.404 Hazardous locations.
1926.405 Definitions applicable to this subpart.

Subpart L—Ladders and Scaffolding [1]

1926.450 Ladders.
1926.451 Scaffolding.
1910.21 Definitions.
1910.28 Safety requirements for scaffolding.
1910.29 Manually propelled mobile ladder stands and scaffolds (towers).
1926.452 Definitions applicable to this subpart.

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1910.21 Definitions.
1910.23 Guarding floor and wall openings and holes.
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1926.550 Cranes and derricks.
1926.551 Helicopters.
1926.552 Material hoists, personnel hoists, and elevators.
1926.553 Base-mounted drum hoists.
1926.554 Overhead hoists.
1926.555 Conveyors.
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Subpart O—Motor Vehicles, Mechanized Equipment, and Marine Operations [1]

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1910.169 Air receivers.
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1926.601 Motor vehicles.
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Subpart Q—Concrete, Concrete Forms, and Shoring

1926.700 General provisions.
1926.701 Forms and shoring.
1926.702 Definitions applicable to this subpart.

Subpart R—Steel Erection

1926.750 Flooring requirements.
1926.751 Structural steel assembly.
1926.752 Bolting, riveting, fitting-up, and plumbing-up.

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1926.801 Caissons.
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1926.900 General provisions.
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1910.410 Qualifications of dive team.
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Supplement II.—Table of "Threshold Limit Values of Airborne Contaminants for 1970" referenced in 29 CFR 1926.55(a) with administrative changes in footnotes and modifications to reflect subsequent OSHA rulemakings (Health Standards) issued pursuant to section 6(b) of the Act.

Supplement III.—List of standards (other Federal agency, ANSI, NEC, NFPA, etc.) incorporated by reference to those part 1910 standards identified as applicable to construction work.

Private standards—setting organizations.
Federal agencies.
Other governmental agencies.

Supplement IV.—List of addresses and telephone numbers (where appropriate) of Federal agencies, Private organizations, and other sources of standards referenced in OSHA standards applicable to construction work.

Addresses of standards organizations referenced.

Addresses of Federal agencies referenced.

AUTHORITY: Secs. 4(b)(2), 6, 8, 84 Stat. 1592, 1593, 1596, 1599 (29 U.S.C. 653, 655, 657); Sec. 107, 83 Stat. 96 (40 U.S.C. 333); Secretary of Labor's Order 8-76 (41 FR 25059); 29 CFR Part 1911;

[1] Portions of the listed Part 1910 standards have been identified as applicable to construction.

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart A—General

1926.1 Purpose and scope.
1926.2 Variances from safety and health standards.
1926.3 Inspections—right of entry.
1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards.

§ 1926.1 Purpose and scope.

(a) This part sets forth the safety and health standards promulgated by the Secretary of Labor under section 107 of the Contract Work Hours and Safety Standards Act. The standards are published in subpart C of this part and following subparts.

(b) Subpart B of this part contains statements of general policy and interpretations of section 107 of the Contract Work Hours and Safety Standards Act having general applicability.

§1926.2 Variances from safety and health standards.

(a) Variances from standards which are, or may be, published in this part may be granted under the same circumstances whereunder variances may be granted under section 6(b)(A) or 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 65). The procedures for the granting of variances and for related relief under this part are those published in part 1905 of this title.

(b) Any requests for variances under this section shall also be considered requests for variances under the Williams-Steiger Occupational Safety and Health Act of 1970, and any requests for variances under Williams-Steiger Occupational Safety and Health Act with respect to construction safety or health standards shall be considered to be also variances under the Construction Safety Act. Any variance from a construction safety or health standard which is contained in this part and which is incorporated by reference in part 1910 of this title shall be deemed a variance from the standard under both the Construction Safety Act and the Williams-Steiger Occupational Safety and Health Act of 1970.

§ 1926.3 Inspections—Right of entry.

(a) It shall be a condition of each contract which is subject to section 107 of the Contract Work Hours and Safety Standards Act that the Secretary of Labor or any authorized representative shall have a right of entry to any site of contract performance for the following purposes:

(1) To inspect or investigate the matter of compliance with the safety and health standards contained in sub-

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part C of this part and following subparts; and

(2) To carry out the duties of the Secretary under section 107(b) of the Act.

(b) For the purpose of carrying out his investigative duties under the Act, the Secretary of Labor may, by agreement, use with or without reimbursement the services, personnel, and facilities of any State or Federal agency. Any agreements with States under this section shall be similar to those provided for under the Walsh-Healey Public Contracts Act under 41 CFR Part 50-205.

§1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards.

(a) The rules of practice for administrative adjudications for the enforcement of the safety and health standards contained in subpart C of this part and the following subparts shall be the same as those published in part 6 of this title with respect to safety and health violations of the Service Contract Act of 1965 (69 Stat. 1035), except as provided in paragraph (b) of this section.

(b) In the case of debarment, the findings required by section 107(d) of the Act shall be made by the hearing examiner or the Assistant Secretary of Labor for Occupational Safety and Health, as the case may be.

Whenever, as provided in section 107(d)(2), a contractor requests termination of debarment before the end of the 3-year period prescribed in that section, the request shall be filed in writing with the Assistant Secretary of Labor for Occupational Safety and Health who shall publish a notice in the FEDERAL REGISTER that the request has been received and afford interested persons an opportunity to be heard upon the request, and thereafter the provisions of part 6 of this title shall apply with respect to prehearing conferences, hearings, and related matters, and decisions and orders.

Subpart B—General Interpretations [1]

1926.10 Scope of subpart.
1926.11 Coverage under section 103 of the act distinguished.
1926.12 Reorganization Plan No. 14 of 1950.
1926.13 Interpretations of statutory terms.
1926.14 Federal contracts for "mixed" types of performance.
1926.15 Relationship to the Service Contract Act; Walsh-Healey Public Contracts Act.
1926.16 Rules of construction.
1910.11 Scope and purpose.
1910.12 Construction work.
1910.16 Longshoring.
1910.19 Special provisions for air contaminats.

[1] Portions of the listed part 1910 standards have been identified as applicable to construction.

§1926.10 Scope of subpart.

(a) This subpart contains the general rules of the Secretary of Labor interpreting and applying the construction safety and health provisions of section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96). Section 107 requires as a condition of each contract which is entered into under legislation subject to Reorganization Plan No. 14 of 1950 (64 Stat. 1267), and which is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation.

§1926.11 Coverage under section 103 of the Act distinguished.

(a) *Coverage under section 103.* It is important to note that the coverage of section 107 differs from that for the overtime requirements of the Contract Work Hours and Safety Standards Act. The application of the overtime requirements is governed by section 103, which, subject to specific exemptions, includes (1) Federal contracts requiring or involving the employment of laborers or mechanics (thus including, but not limited to, contracts for construction), and (2) contracts assisted in whole or in part by Federal loans, grants, or guarantees under any statute "providing wage standards for such work." The statutes "providing wage standards for such work" include statutes for construction which require the payment of minimum wages in accordance with prevailing wage findings by the Secretary of Labor in accordance with the Davis-Bacon Act. A provision to section 103 excludes from the overtime requirements work where the Federal assistance is only in the form of a loan guarantee or insurance.

(b) *Coverage under section 107.* To be covered by section 107 of the Contract Work Hours and Safety Standards Act, a contract must be one which (1) is entered into under a statute that is subject to Reorganization Plan No. 14 of 1950 (64 Stat. 1247); and (2) is for "construction, alteration, and/or repair, including painting and decorating."

§1926.12 Reorganization Plan No. 14 of 1950.

(a) *General provisions.* Reorganization Plan No. 14 of 1950 relates to the prescribing by the Secretary of Labor of "appropriate standards, regulations, and procedures" with respect to the enforcement of labor standards under Federal and federally assisted contracts which are subject to various statutes subject to the Plan. The rules of the Secretary of Labor implementing the Plan are published in part 5 of this title. Briefly, the statutes subject to the Plan include the Davis-Bacon Act including its extension to Federal-aid highway legislation subject to 23 U.S.C. 113, and other statutes subject to the Plan by its original terms, statutes by which the Plan is expressly applied, such as the Contract Work Hours and Safety Standards Act by virtue of section 104(d) thereof.

(b) *The Plan.* (1) The statutes subject to Reorganization Plan No. 14 of 1950 are cited and briefly described in the remaining subparagraphs of this paragraph. These descriptions are general in nature and not intended to convey the full scope of the work to be performed under each statute. The individual statutes should be resorted to for a more detailed scope of the work.

(2) *Federal-Aid Highway Acts.* The provisions codified in 23 U.S.C. 113 apply to the initial construction, reconstruction, or improvement work performed by contractors or subcontractors on highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid system. As cited in 41 Op. A.G. 488, 496, the Attorney General ruled that the Federal-Aid Highway Acts are subject to Reorganization Plan No. 14 of 1950.

(3) *National Housing Act (12 U.S.C. 1713, 1715a, 1715e, 1715k, 1715l(d) (3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748, 1748h-2, 1750g, 1715l(h)(1), 1715z(j)(1), 1715z-1, 1715y(d), Subchapter 1z-A and 1 z-B, 1715z-7).* This act covers construction which is financed with assistance by the Federal Government through programs of loan and mortgage insurance for the following purposes:

(i) Rental housing: Section 1713 provides mortgage and insurance on rental housing of eight or more units and on mobile-home courts.

(ii) Section 1715a: Repealed.

(iii) Cooperative housing: Section 1715e authorizes mortgage insurance on cooperative housing of five or more units as well as supplementary loans for improvement of repair or resale of memberships.

(iv) Urban renewal housing: Section 1715k provides mortgage insurance on single family or multifamily housing in approved urban renewal areas.

(v) Low or moderate income housing: Section 1715l(d) (3) and (4) insures mortgages on low-cost single family or multifamily housing.

(vi) Housing for elderly: Section 1715v provides mortgage insurance on rental housing for elderly or handicapped persons.

(vii) Nursing homes: Section 1715w authorizes mortgage insurance on nursing home facilities and major equipment.

(viii) Experimental housing: Section 1715x provides mortgage insurance on single family or multifamily housing with experimental design of materials.

(ix) War housing insurance: Section 1743 not active.

(x) Yield insurance: Section 1747 insures investment returns on multifamily housing.

(xi) Armed services housing: Section 1748b to assist in relieving acute shortage and urgent need for family housing at or in areas adjacent to military installations.

(xii) Defense housing for impacted areas: Section 1748h-2 provides mortgage insurance on single family or multifamily housing for sale or rent primarily to military or civilian personnel of the Armed Services, National Aeronautics and Space Administration, or Atomic Energy Commission.

(xiii) Defense rental housing: Section 1750g provides for mortgage insurance in critical defense housing areas.

(xiv) Rehabilitation: Section 1715l(h)(1) provides mortgage insurance for nonprofit organizations to finance the purchase and rehabilitation of deteriorating or substandard housing for subsequent resale to low-income home purchasers. There must be located on the property five or more single family dwellings of detached, semidetached, or row construction.

(xv) Homeowner assistance: Section 1715z(j)(1) authorizes mortgage insurance to nonprofit organizations or public bodies or agencies executed to finance sale of individual dwellings to lower income individuals or families. Also includes the rehabilitation of such housing if it is deteriorating or substandard for subsequent resale to lower income home purchasers.

(xvi) Rental housing assistance: Section 1715z-1 authorizes mortgage insurance and interest reduction payments on behalf of owners of rental housing projects designed for occupancy by lower income families. Payments are also authorized for certain State or locally aided projects.

(xvii) Condominium housing: Section 1715y(d) provides mortgage insurance on property purchased for the development of building sites. This includes waterlines and water supply installations, sewer lines and sewage disposal installations, steam, gas, and electrical lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work.

(xviii) Group medical practice facilities: Subchapter LX-B authorizes mortgage insurance for the financing of construction and equipment, of facilities for group practice of medicine, optometry, or dentistry.

(xix) Nonprofit hospitals: 1715z-7 authorizes mortgage insurance to cover new and rehabilitated hospitals, including initial equipment.

(4) *Hospital Survey and Construction Act, as amended by the Hospital and Medical Facilities Amendments of 1964 (42 U.S.C. 291e).* The provisions of this Act cover construction contracts made by State or local authorities or private institutions under Federal grant-in-aid programs for the construction of hospitals and other medical facilities.

(5) *Federal Airport Act (49 U.S.C. 1114(b)).* The Act provides grant-in-aid funds for airport construction limited to general site preparation, runways, taxiways, aprons, lighting appurtenant thereto, and fire, rescue, and maintenance buildings. The Act excludes construction intended for use as a public parking facility for passenger automobiles and the cost of construction of any part of an airport building except such of those buildings or parts of buildings to house facilities or activities directly related to the safety of persons at the airport.

(6) *Housing Act of 1949 (42 U.S.C. 1459).* Construction contracts awarded by local authorities financed with the assistance of loans and grants from the Federal Government. The construction programs are for slum clearance and urban renewal which includes rehabilitation grants, neighborhood development programs, neighborhood renewal plans, community renewal, demolition projects, and assistance for blighted areas. See the Housing Act of 1964, No. 21 below, concerning financial assistance for low-rent housing for domestic farm labor.

(7) *School Survey and Construction Act of 1950 (20 U.S.C. 636).* This Act provides for a Federal grant-in-aid program to assist in the construction of schools in federally affected areas.

(8) *Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592i).* Inactive Program.

(9) *United States Housing Act of 1937 (42 U.S.C. 1416).* This statute covers the construction of low-rent public housing and slum clearance projects awarded by local authorities. These projects are financed with the assistance of loans and grants from the Federal Government. The slum clearance is the demolition and removal of buildings from any slum area to be used for a low-rent housing project.

(10) *Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281).* This Act provides for Federal assistance to the several States and their political subdivisions in the field of civil defense which includes procurement, construction, leasing, or renovating of materials and facilities.

(11) *Delaware River Basin Compact (sec. 15.1, 75 Stat. 714).* This joint resolution creates, by intergovernmental compact between the United States, Delaware, New Jersey, New York, and Pennsylvania, a regional agency for planning, conservation, utilization, development, management and control of the water and related sources of the Delaware River.

(12) *Cooperative Research Act (20 U.S.C. 332a(c)).* This Act provides Federal grants to a university, college, or other appropriate public or nonprofit private agency or institution for part or all of the cost of constructing a facility for research or for research and related purposes. Research and related purposes means research, research training, surveys, or demonstrations in the field of education, or the dissemination of information derived therefrom, or all of such activities, including (but without limitation) experimental schools, except that such term does not include research, research training, surveys, or demonstrations in the field of sectarian instruction or the dissemination of information derived therefrom. Construction includes new buildings, and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings and the equipping of new buildings and existing buildings.

(13) *Health Professions Educational Assistance Act of 1963 (42 U.S.C. 292d(c)(4), 293a(c)(5)).* The provisions of this Act provide for grants to assist public and nonprofit medical, dental, and similar schools for the construction, expansion, or renovation of teaching facilities.

(14) *Mental Retardation Facilities Construction Act (42 U.S.C. 295(a)(2)(d), 2662(5), 2675(a)(5)).* This Act authorizes Federal financial assistance in the construction of centers for research on mental retardation and related aspects of human development, of university-affiliated facilities for the mentally retarded and of facilities for the mentally retarded.

(15) *Community Mental Health Centers Act (42 U.S.C. 2685(a)(5)).* This Act authorizes Federal grants for the construction of public and other nonprofit community mental health centers.

(16) *Higher Education Facilities Act of 1963 (20 U.S.C. 753).* This Act authorized the grant or loan of Federal funds to assist public and other nonprofit institutions of higher education in financing the construction, rehabili-

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tation, or improvement of academic and related facilities in undergraduate and graduate schools.

(17) *Vocational Educational Act of 1963 (20 U.S.C. 35f).* This Act provides for Federal grants to the various States for construction of area vocational educational school facilities.

(18) *Library Services and Construction Act (20 U.S.C. 355e(a)(4)).* This Act provides for Federal assistance to the various States for the construction of public libraries.

(19) *Urban Mass Transportation Act of 1954 (49 U.S.C. 1609).* This Act provides for grants and loans to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas.

(20) *Economic Opportunity Act of 1964 (42 U.S.C. 2947).* This Act covers construction which is financed with assistance of the Federal Government for the following purposes:

(i) Authorizes Federal assistance for construction of projects, buildings and works which will provide young men and women in rural and urban residential centers with education, vocational training, and useful work experience (title I).

(ii) Authorizes financial assistance for construction work planned and carried out at the community level for antipoverty programs (title II):

(A) Authorizes loans to low income rural families by assisting them to acquire or improve real estate or reduce encumbrances or erect improvements thereon, and to participate in cooperative associations and/or to finance nonagricultural enterprises which will enable such families to supplement their income (title III);

(B) Authorizes loans to local cooperative associations furnishing essential processing, purchasing, or marketing services, supplies, or facilities predominantly to low-income rural families (title III);

(C) Authorizes financial assistance to States, political subdivisions of States, public and nonprofit agencies, institutions, organizations, farm associations, or individuals in establishing housing, sanitation, education, and child day-care programs for migrants and other seasonally employed agricultural employees and their families (title III).

(iii) Authorizes loans or guarantees loans to small businesses for construction work (title IV).

(iv) Authorizes the payment of the cost of experimental, pilot, or demonstration projects to foster State programs providing construction work experience or training for unemployed fathers and needy people (title V).

(21) *Housing Act of 1964 (42 U.S.C. 1486(f); 42 U.S.C. 1452(e)).* Provides financial assistance for low-rent housing for domestic farm labor. The Act further provides for loans, through public or private agencies, where feasible, to owners or tenants of property in urban renewal areas to finance rehabilitation required to conform the property to applicable code requirements or carry out the objectives of the urban renewal plan for the area.

(22) *The Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779e(b)).* This Act authorizes financial assistance to State agencies for construction projects designed for the research and development of the commercial fisheries resources of the Nation.

(23) *The Nurse Training Act of 1964 (42 U.S.C. 296a(b)(5)).* This Act provides for grants to assist in the construction of new facilities for collegiate, associate degree, and diploma schools of nursing, or replacement or rehabilitation of existing facilities of such schools.

(24) *Elementary and Secondary Education Act of 1965 (20 U.S.C. 241i, 848).* The purpose of the Act is to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families for construction in connection with the expansion or improvement of their educational programs.

(25) *Federal Water Pollution Control Act, as amended by the Water Quality Act of 1965 (3 U.S.C. 466e(g)).* Provides for financial assistance to States or municipalities for construction of facilities in connection with the prevention and control of water pollution. This includes projects that will control the discharge into any waters of untreated or inadequately treated sewage.

(26) *Appalachian Regional Development Act of 1965 (40 U.S.C. App. 402).* Authorizes Federal assistance in the construction of an Appalachian development highway system; construction of multicounty demonstration health facilities, hospitals, regional health, diagnostic and treatment centers, and other facilities for health; seal and fill voids in abandoned mines and to rehabilitate strip mine areas; construction of school facilities for vocational education; and to assist in construction of sewage treatment works.

(27) *National Technical Institute for the Deaf Act (20 U.S.C. 684(b)(5)).* Provides for financial assistance for institutions of higher education for the establishment, construction, including equipment and operation, of a National Institution for the Deaf.

(28) *Housing Act of 1959 (12 U.S.C. 1701(q)(c)(3)).* This Act authorizes loans to nonprofit corporations to be used for the construction of housing and related facilities for elderly families. Also, the provisions of the Act provide for rehabilitation, alteration, conversion or improvement of existing structures which are otherwise inadequate for proposed dwellings used by such families.

(29) *College Housing Act of 1950, as amended (12 U.S.C. 1749a(f)).* This Act provides for Federal loans to assist educational institutions in providing housing and other educational facilities for students and faculties.

(30) *Housing and Urban Development Act of 1965 (42 U.S.C. 1500c-3, 3107).* This Act provides for Federal assistance for the following purposes:

(i) Grants to States and local public bodies to assist in any construction work to be carried out under the open-space land and urban beautification provisions contained therein. It provides for parks and recreation areas, conservation of land and other natural resources, and historical and scenic purposes.

(ii) Grants to local public bodies and agencies to finance specific projects for basic public water facilities (including works for the storage, treatment, purification, and distribution of water), and for basic public sewer facilities (other than "treatment works" as defined in the Federal Water Pollution Control Act).

(iii) Grants to any local public body or agency to assist in financing neighborhood facilities. These facilities must be necessary for carrying out a program of health, recreational, social, or similar community service and located so as to be available for the use of the area's low or moderate income residents.

(31) *National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(k)).* The Act establishes the "National Foundation on the Arts and the Humanities" which may provide matching grants to groups (nonprofit organizations and State and other public organizations) and to individuals engaged in creative and performing arts for the entire range of artistic activity, including construction of necessary facilities.

(32) *Public Works and Economic Development Act of 1965 (42 U.S.C. 3222).* This Act provides for Federal assistance for the following purposes:

(i) Grants for the acquisition or development of land or improvements for public works or development facility usage in redevelopment areas. It authorizes loans to assist in financing the purchase or development of land for public works which will assist in the creation of long-term employment opportunities in the area.

(ii) Loans for the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage within redevelopment areas; guarantee of loans for working capital made to private borrowers by private lending institutions in connection with direct loan projects; and to contract to pay to, or on behalf of, business entities locating in redevelopment areas, a portion of the interest costs which they incur in financing their expansions from private sources.

(iii) Loans and grants to create economic development centers within designated country economic development districts.

(33) *High-Speed Ground Transportation Study (40 U.S.C. 1636(b)).* This Act provides for financial assistance for construction activities in connection with research and development of different forms of high-speed ground transportation and demonstration projects relating to intercity rail passenger service.

(34) *Heart Disease, Cancer and Stroke Amendments of 1965 (42 U.S.C. 299(b)(4)).* This Act provides for grants to public or nonprofit private universities, medical schools, research institutions, hospitals, and other public and nonprofit agencies and institutions, or associations thereof to assist in construction and equipment of facilities in connection with research, training, demonstration of patient care, diagnostic and treatment related to heart disease, cancer, stroke, and other major diseases.

(35) *Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965 (20 U.S.C. 613(g)).* These provisions provide for grants to institutions of higher education for construction of facilities for research or for research and related purposes relating to education for mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education.

(36) *Vocational Rehabilitation Act Amendments of 1965 (29 U.S.C. 41a(b)(4)).* This Act authorizes grants to assist in meeting the costs of construction of public or other nonprofit workshops and rehabilitation facilities.

(37) *Clean Air and Solid Waste Disposal Acts (42 U.S.C. 3256).* This Act provides for financial assistance to public (Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the construction of facilities for solid-waste disposal. The term construction includes the installation of initial equipment.

(38) *Medical Library Assistance Act of 1965 (42 U.S.C. 280b-3(b)(3)).* This Act provides for grants to public or private nonprofit agencies or institutions for the cost of construction of medical library facilities.

(39) *Veterans Nursing Home Care Act (38 U.S.C. 5035(a)(8)).* The construction industry health and safety standards do not apply to this Act since it is not subject to Reorganization Plan No. 14 of 1950.

(40) *National Capital Transportation Act of 1965 (40 U.S.C. 682(b)(4)).* This Act provides for Federal assistance to the National Capital Transportation Agency for construction of a rail rapid transit system and related facilities for the Nation's Capital.

(41) *Alaska Centennial—1967 (80 Stat. 82).* The program under this legislation has expired.

(42) *Model Secondary School for the Deaf Act (80 Stat. 1028).* This Act provides for funds to establish and operate, including construction and initial equipment of new buildings, expansion, remodeling, and alteration of existing buildings and equipment thereof, a model secondary school for the deaf to serve the residents of the District of Columbia and nearby States.

(43) *Allied Health Professions Personnel Training Act of 1966 (42 U.S.C. 295h(b)(2)(E)).* This Act provides for grants to assist in the construction of new facilities for training centers for allied health professions, or replacement or rehabilitation of existing facilities for such centers.

(44) *Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3310; 12 U.S.C. 1715c; 42 U.S.C. 1416).* This Act provides for Federal assistance for the following purposes:

(i) Grants to assist in the construction, rehabilitation, alteration, or repair of residential property only if such residential property is designed for residential use for eight or more families to enable city demonstration agencies to carry out comprehensive city demonstration programs (42 U.S.C. 3310).

(ii) Amends the National Housing Act (12 U.S.C. 1715c) and the Housing Act of 1937 (42 U.S.C. 1416). See these Acts for coverage.

(45) *Air Quality Act of 1967 (42 U.S.C 1857f-3).* This Act provides for Federal assistance to public or nonprofit agencies, institutions, and organizations and to individuals, and contracts with public or private agencies, institutions, or persons for construction of research and development facilities and demonstration plants relating to the application of preventing or controlling discharges into the air of various types of pollutants.

(46) *Elementary and Secondary Education Amendments of 1967 (Title VII—Bilingual Education Act) (20 U.S.C. 880b-6).* This Act provides for Federal assistance to local educational agencies or to an institution of higher education applying jointly with a local educational agency for minor remodeling projects in connection with bilingual education programs to meet the special needs of children with limited English-speaking ability in the United States.

(47) *Vocational Rehabilitation Amendments of 1967 (29 U.S.C. 42a(c)(3)).* This Act authorizes Federal assistance to any public or nonprofit private agency or organization for the construction of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind which shall be known as the National Center for Deaf-Blind Youths and Adults. Construction includes new buildings and expansion, remodeling, alteration and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings.

(48) *National Visitor Center Facilities Act of 1968 (40 U.S.C. 808).* This Act authorizes agreements and leases with the owner of property in the District of Columbia known as Union Station for the use of all or a part of such property for a national visitor center to be known as the National Visitor Center. The agreements and leases shall provide for such alterations of the Union Station Building as necessary to provide adequate facilities for visitors. They also provide for the construction of a parking facility, including necessary approaches and ramps.

(49) *Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3843).* This Act provides for Federal grants to State, county, municipal, or other public agency or combination thereof for the construction of facilities to be used in connection with rehabilitation services for the diagnosis, treatment, and rehabilitation of delinquent youths and youths in danger of becoming delinquent.

(50) *Housing and Urban Development Act of 1968 (including New Communities Act of 1968) (42 U.S.C. 3909).* This Act provides for Federal assistance for the following purposes:

(i) Guarantees, and commitments to guarantee, the bonds, debentures, notes, and other obligations issued by new community developers to help finance new community development projects.

(ii) Amends section 212(a) of the National Housing Act, adding section 236 for "Rental Housing for Lower Income Families" and section 242 "Mortgage Insurance for Nonprofit Hospitals" thereto.

(51) *Public Health Service Act Amendment (Alcoholic and Narcotic*

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Addict Rehabilitation Amendments of 1968) (42 U.S.C. 2681, et seq.). This Act provides for grants to a public and nonprofit private agency or organization for construction projects consisting of any facilities (including post-hospitalization treatment facilities for the prevention and treatment of alcoholism or treatment of narcotic addicts).

(52) *Vocational Education Amendments of 1968 (20 U.S.C. 1246).* This Act provides for grants to States for the construction of area vocational education school facilities. The Act further provides grants to public educational agencies, organizations, or institutions for construction of residential schools to provide vocational education for the purpose of demonstrating the feasibility and desirability of such schools. The Act still further provides grants to State boards, to colleges and universities, to public educational agencies, organizations or institutions to reduce the cost of borrowing funds for the construction of residential schools and dormitories..

(53) *Postal Reorganization Act (39 U.S.C. 410(d)(2)).* This Act provides for construction, modification, alteration, repair, and other improvements of postal facilities located in leased buildings.

(54) *Airport and Airway Development Act of 1970 (Pub. L. 91-258, sec. 52(b)(7)).* This Act provides for Federal financial assistance to States and localities for the construction, improvement, or repair of public airports.

(i) *Pub. L. 91-230.* This Act provides for Federal financial assistance to institutions of higher learning for the construction of a National Center on Educational Media and Materials for the Handicapped. The program under this statute expires on July 1, 1971. Pub. L. 91-230, section 662(1).

(ii) *Education of the Handicapped Act (20 U.S.C. 12326, 1404(a)).* This Act provides for financial assistance to States for construction, expansion, remodeling, or alteration of facilities for the education of handicapped children at the preschool, elementary school, and secondary school levels.

(56) *Housing and Urban Development Act of 1970 (Pub. L. 91-609, sec. 707(b)).* This Act provides for grants to States and local public agencies to help finance the development of open-space or other land in urban areas for open-space uses. This Act becomes effective on July 1, 1971.

(57) *Developmental Disabilities Services and Facilities Construction Amendments of 1970 (Pub. L. 91-517, sec. 135(a)(5)).* This Act authorizes grants to States for construction of facilities for the provision of services to persons with developmental disabilities who are unable to pay for such services.

(58) *Rail Passenger Service Act of 1970 (Pub. L. 91-518, sec. 405(d)).* This statute provides that the National Railroad Passenger Corporation may construct physical facilities necessary to intercity rail passenger operations within the basic national rail passenger system designated by the Secretary of Transportation.

(c) *VA and FHA housing.* In the course of the legislative development of section 107, it was recognized that section 107 would not apply to housing construction for which insurance was issued by the Federal Housing Authority and Veterans' Administration for individual home ownership. Concerning construction under the National Housing Act, Reorganization Plan No. 14 of 1950 applies to construction which is subject to the minimum wage requirements of section 212(a) thereof (12 U.S.C. 1715c).

§ 1926.13 Interpretation of statutory terms.

(a) The terms "construction," "alteration," and "repair" used in section 107 of the Act are also used in section 1 of the Davis-Bacon Act (40 U.S.C. 276a), providing minimum wage protection on Federal construction contracts, and section 1 of the Miller Act (40 U.S.C. 270a), providing performance and payment bond protection on Federal construction contracts. Similarly, the terms "contractor" and "subcontractor" are used in those statutes, as well as in Copeland (Anti-Kickback) Act (40 U.S.C. 276c) and the Contract Work Hours and Safety Standards Act itself, which apply concurrently with the Miller Act and the Davis-Bacon Act on Federal construction contracts and also apply to most federally assisted construction contracts. The use of the same or identical terms in these statutes which apply concurrently with section 107 of the Act have considerable precedential value in ascertaining the coverage of section 107.

(b) It should be noted that section 1 of the Davis-Bacon Act limits minimum wage protection to laborers and mechanics "employed directly" upon the "site of the work." There is no comparable limitation in section 107 of the Act. Section 107 expressly requires as a self-executing condition of each covered contract that no contractor or subcontractor shall require "any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety" as these health and safety standards are applied in the rules of the Secretary of Labor.

(c) The term "subcontractor" under section 107 is considered to mean a person who agrees to perform any part of the labor or material requirements of a contract for construction, alteration or repair. Cf. *MacEvoy Co. v. United States,* 322 U.S. 102, 108-9 (1944). A person who undertakes to perform a portion of a contract involving the furnishing of supplies or materials will be considered a "subcontractor" under this part and section 107 if the work in question involves the performance of construction work and is to be performed: (1) Directly on or near the construction site, or (2) by the employer for the specific project on a customized basis. Thus, a supplier of materials which will become an integral part of the construction is a "subcontractor" if the supplier fabricates or assembles the goods or materials in question specifically for the construction project and the work involved may be said to be construction activity. If the goods or materials in question are ordinarily sold to other customers from regular inventory, the supplier is not a "subcontractor." Generally, the furnishing of prestressed concrete beams and prestressed structural steel would be considered manufacturing, therefore a supplier of such materials would not be considered a "subcontractor." An example of material supplied "for the specific project on a customized basis" as that phrase is used in this section would be ventilating ducts, fabricated in a shop away from the construction jobsite and specifically cut for the project according to design specifications. On the other hand, if a contractor buys standard size nails from a foundry, the foundry would not be a covered "subcontractor." Ordinarily a contract for the supplying of construction equipment to a contractor would not, in and of itself, be considered a "subcontractor" for purposes of this part.

§ 1926.14 Federal contract for "mixed" types of performance.

(a) It is the intent of the Congress to provide safety and health protection of Federal, federally financed, or federally assisted construction. See, for example, H. Report No. 91-241, 91st Cong., first session, p. 1 (1969). Thus, it is clear that when a Federal contract calls for mixed types of performance, such as both manufacturing and construction, section 107 would apply to the construction. By its express terms, section 107 applies to a contract which is "for construction, alteration, and/or repair." Such a contract is not required to be exclusively for such services. The application of the section is not limited to contracts which permit an overall characterization as "construction contracts." The text of section 107 is not so limited.

(b) When the mixed types of performances include both construction and manufacturing, see also § 1926.15(b) concerning the relationship between

the Walsh-Healey Public Contracts Act and section 107.

§ 1926.15 Relationship to the Service Contract Act; Walsh-Healey Public Contracts Act.

(a) A contract for "construction" is one for nonpersonal service. See e.g., 41 CFR 1-1.208. Section 2(e) of the Service Contract Act of 1965 requires as a condition of every Federal contract (and bid specification therefor) exceeding $2,500, the "principal purpose" of which is to furnish services to the United States through the use of "service employees," that certain safety and health standards be met. See 29 CFR part 1925, which contains the Department rules concerning these standards. Section 7 of the Service Contract Act provides that the Act shall not apply to "any contract of the United States or District of Columbia for construction, alteration, and/or repair, including painting and decorating of public buildings or public works." It is clear from the legislative history of section 107 that no gaps in coverage between the two statutes are intended.

(b) The Walsh-Healey Public Contracts Act requires that contracts entered into by any Federal agency for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000 must contain, among other provisions, a requirement that "no part of such contract will be performed nor will any of the materials, supplies, articles or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract." The rules of the Secretary concerning these standards are published in 41 CFR Part 50-204, and express the Secretary of Labor's interpretation and application of section 1(e) of the Walsh-Healey Public Contracts Act to certain particular working conditions. None of the described working conditions are intended to deal with construction activities, although such activities may conceivably be a part of a contract which is subject to the Walsh-Healey Public Contracts Act. Nevertheless, such activities remain subject to the general statutory duty prescribed by section 1(e). Section 103(b) of the Contract Work Hours and Safety Standards Act provides, among other things, that the Act shall not apply to any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act.

§ 1926.16 Rules of construction.

(a) The prime contractor and any subcontractors may make their own arrangements with respect to obligations which might be more appropriately treated on a jobsite basis rather than individually. Thus, for example, the prime contractor and his subcontractors may wish to make an express agreement that the prime contractor or one of the subcontractors will provide all required first-aid or toilet facilities, thus relieving the subcontractors from the actual, but not any legal, responsibility (or, as the case may be, relieving the other subcontractors from this responsibility). In no case shall the prime contractor be relieved of overall responsibility for compliance with the requirements of this part for all work to be performed under the contract.

(b) By contracting for full performance of a contract subject to section 107 of the Act, the prime contractor assumes all obligations prescribed as employer obligations under the standards contained in this part, whether or not he subcontracts any part of the work.

(c) To the extent that a subcontractor of any tier agrees to perform any part of the contract, he also assumes responsibility for complying with the standards in this part with respect to that part. Thus, the prime contractor assumes the entire responsibility under the contract and the subcontractor assumes responsibility with respect to his portion of the work. With respect to subcontracted work, the prime contractor and any subcontractor or subcontractors shall be deemed to have joint responsibility.

(d) Where joint responsibility exists, both the prime contractor and his subcontractor or subcontractors, regardless of tier, shall be considered subject to the enforcement provisions of the Act.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926 Subpart B), in accordance with their respective scopes and definitions.

§ 1910.11 Scope and purpose.

(a) The provisions of this subpart B adopt and extend the applicability of, established Federal standards in effect on April 28, 1971, with respect to every employer, employee, and employment covered by the Act.

(b) It bears emphasis that only standards (i.e., substantive rules) relating to safety or health are adopted by any incorporations by reference of standards prescribed elsewhere in this chapter or this title. Other materials contained in the referenced parties are not adopted. Illustrations of the types of materials which are not adopted are these. The incorporations by reference of parts 1915, 1916, 1917, 1918 in §§ 1910.13, 1910.14, 1910.15, and 1910.16 are not intended to include the discussion in those parts of the coverage of the Longshoremen's and Harbor Workers' Compensation Act or the penalty provisions of the Act. Similarly, the incorporation by reference of Part 1926 in § 1910.12 is not intended to include references to interpretative rules having relevance to the application of the Construction Safety Act, but having no relevance to the application to the Occupational Safety and Health Act.

§ 1910.12 Construction work.

(a) *Standards.* The standards prescribed in part 1926 of this chapter are adopted as occupational safety and health standards under section 6 of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in construction work. Each employer shall protect the employment and places of employment of each of his employees engaged in construction work by complying with the appropriate standards prescribed in this paragraph.

(b) *Definition.* For purposes of this section, "construction work" means work for construction, alteration, and/or repair, including painting and decorating. See discussion of these terms in § 1926.13 of this title.

(c) *Construction Safety Act distinguished.* This section adopts as occupational safety and health standards under section 6 of the Act the standards which are prescribed in part 1926 of this chapter. Thus, the standards (substantive rules) published in subpart C and the following subparts of part 1926 of this chapter are applied. This section does not incorporate subparts A and B of part 1926 of this chapter. Subparts A and B have pertinence only to the application of section 107 of the Contract Work Hours and Safety Standards Act (the Construction Safety Act). For example, the interpretation of the term "subcontractor" in paragraph (c) of § 1926.13 of this chapter is significant in discerning the coverage of the Construction Safety Act and duties thereunder. However, the term "subcontractor" has no significance in the application of the Act, which was enacted under the

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Commerce Clause and which establishes duties for "employers" which are not dependent for their application upon any contractual relationship with the Federal Government or upon any form of Federal financial assistance.

§ 1910.16 Longshoring.

(a) *Adoption and extension of established safety and health standards for longshoring.* The standards prescribed by part 1504 of this title and in effect on April 28, 1971, are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in longshoring operations or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in a longshoring operation or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) *Definitions.* For purposes of this section:

(1) "Longshoring operation" means the loading, unloading, moving, or handling of, cargo, ship's stores, gear, etc., into, in, on, or out of any vessel;

(2) "Related employment" means any employment performed as an incident to or in conjunction with, longshoring operations including, but not restricted to, securing cargo, rigging, and employment as a porter, checker, or watchman; and

(3) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

§ 1910.19 Special provisions for air contaminants.

Section 1910.1001 shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by virtue of any of those sections.

Subpart C—General Safety and Health Provisions

1926.20 General safety and health provisions.
1926.21 Safety training and education.
1926.22 Recording and reporting of injuries. [Reserved]
1926.23 First aid and medical attention.
1926.24 Fire protection and prevention.
1926.25 Housekeeping.
1926.26 Illumination.
1926.27 Sanitation.
1926.28 Personal protective equipment.
1910.132 General requirements.
1910.136 Foot protection.
1926.29 Acceptable certification.
1926.30 Shipbuilding and ship repairing.
1926.31 Incorporation by reference.
1926.32 Definitions.

§ 1926.20 General safety and health provisions.

(a) *Contractor requirements.* (1) Section 107 of the Act requires that it shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan No. 14 of 1950 (64 Stat. 1267), as defined in § 1926.12, and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety.

(b) *Accident prevention responsibilities.* (1) It shall be the responsibility of the employer to initiate and maintain such programs as may be necessary to comply with this part.

(2) Such programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.

(3) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of this part is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.

(4) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

§ 1926.21 Safety training and education.

(a) *General requirements.* The Secretary shall, pursuant to section 107(f) of the Act, establish and supervise programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe conditions in employments covered by the Act.

(b) *Employer responsibility.* (1) The employer should avail himself of the safety and health training programs the Secretary provides.

(2) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

(3) Employees required to handle or use poisons, caustics, and other harmful substances shall be instructed regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required.

(4) In job site areas where harmful plants or animals are present, employees who may be exposed shall be instructed regarding the potential hazards, and how to avoid injury, and the first aid procedures to be used in the event of injury.

(5) Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in subparts D, F, and other applicable subparts of this part.

(6)(i) All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.

(ii) For purposes of subdivision (i) of this subparagraph, "confined or enclosed space" means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

§ 1926.22 Recording and reporting of injuries. [Reserved]

§ 1926.23 First aid and medical attention.

First aid services and provisions for medical care shall be made available by the employer for every employee covered by these regulations. Regulations prescribing specific requirements for first aid, medical attention, and emergency facilities are contained in subpart D of this part.

§ 1926.24 Fire protection and prevention.

The employer shall be responsible for the development and maintenance of an effective fire protection and prevention program at the job site throughout all phases of the construction, repair, alteration, or demolition work. The employer shall insure the availability of the fire protection and suppression equipment required by subpart F of this part.

§ 1926.25 Housekeeping.

(a) During the course of construction, alteration, or repairs, form and scrap lumber with protruding nails, and all other debris, shall be kept cleared from work areas, passageways, and stairs, in and around buildings or other structures.

(b) Combustible scrap and debris shall be removed at regular intervals during the course of construction. Safe means shall be provided to facilitate such removal.

(c) Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and other oily, flammable, or hazardous wastes, such as caustics, acids, harmful dusts, etc., shall be equipped with covers. Garbage and other waste shall be disposed of at frequent and regular intervals.

§ 1926.26 Illumination.

Construction areas, aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress shall be lighted with either natural or artificial illumination. The minimum illumination requirements for work areas are contained in subpart D of this part.

§ 1926.27 Sanitation.

Health and sanitation requirements for drinking water are contained in subpart D of this part.

§ 1926.28 Personal protective equipment.

(a) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees.

(b) Regulations governing the use, selection, and maintenance of personal protective and lifesaving equipment are described under subpart E of this part.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.28—Personal Protective Equipment).

§ 1910.132 General requirements.

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(b) *Employee-owned equipment.* Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(c) *Design.* All personal protective equipment shall be of safe design and construction for the work to be performed.

§ 1910.136 Occupational foot protection.

Safety-toe footwear for employees shall meet the requirements and specifications in American National Standard for Men's Safety-Toe Footwear, Z41.1-1967.

§ 1926.29 Acceptable certifications.

(a) *Pressure vessels.* Current and valid certification by an insurance company or regulatory authority shall be deemed as acceptable evidence of safe installation, inspection, and testing of pressure vessels provided by the employer.

(b) *Boilers.* Boilers provided by the employer shall be deemed to be in compliance with the requirements of this part when evidence of current and valid certification by an insurance company or regulatory authority attesting to the safe installation, inspection, and testing is presented.

(c) *Other requirements.* Regulations prescribing specific requirements for other types of pressure vessels and similar equipment are contained in subparts F and O of this part.

§ 1926.30 Shipbuilding and ship repairing.

(a) *General.* Shipbuilding, ship repairing, alterations, and maintenance performed on ships under Government contract, except naval ship construction, is work subject to the Act.

(b) *Applicable safety and health standards.* For the purpose of work carried out under this section, the safety and health regulations promulgated by the Secretary of Labor shall apply: Part 1915 of this title, Safety and Health Regulations for Ship Repairing, and Part 1916 of this title, Safety and Health Regulations for Shipbuilding.

§ 1926.31 Incorporation by reference.

(a) The specifications, standards, and codes of agencies of the U.S. Government and organizations which are not agencies of the U.S. Government, to the extent they are legally incorporated by reference in this part, have the same force and effect as other standards in this part. The locations where these specifications, standards, and codes may be examined are as follows:

(1) Offices of the Occupational Safety and Health Administration, U.S. Department of Labor, New Department of Labor Building, 200 Constitution Avenue., NW., Washington, D.C. 20210.

(2) The Regional and Field Offices of the Occupational Safety and Health Administration which are listed in the U.S. Government Manual 1978-79, at page 394.

(b) Any changes in the specifications, standards and codes incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (a) of this section. All questions as to the applicability of such changes should also be referred to these offices.

§ 1926.32 Definitions.

The following definitions shall apply in the application of the regulations in this part:

(a) "Act" means section 107 of the Contract Work Hours and Safety Standards Act, commonly known as the Construction Safety Act (86 Stat. 96; 40 U.S.C. 333).

(b) "ANSI" means American National Standards Institute.

(c) "Approved" means sanctioned, endorsed, accredited, certified, or accepted as satisfactory by a duly constituted and nationally recognized authority or agency.

(d) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the jobsite.

(e) "Administration" means the Occupational Safety and Health Administration.

(f) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

(g) "Defect" means any characteristic or condition which tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

(h) "Designated person" means "authorized person" as defined in paragraph (d) of this section.

(i) "Employee" means every laborer or mechanic under the Act regardless of the contractual relationship which may be alleged to exist between the laborer and mechanic and the contractor or subcontractor who engaged him. "Laborer and mechanic" are not defined in the Act, but the identical terms are used in the Davis-Bacon Act (40 U.S.C. 276a), which provides for minimum wage protection on Federal and federally assisted construction contracts. The use of the same term in a statute which often applies concurrently with section 107 of the Act has considerable precedential value in ascertaining the meaning of "laborer and mechanic" as used in the Act. "La-

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borer" generally means one who performs manual labor or who labors at an occupation requiring physical strength; "mechanic" generally means a worker skilled with tools. See 18 Comp. Gen. 341.

(i) "Employer" means contractor or subcontractor within the meaning of the Act and of this part.

(k) "Hazardous substance" means a substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury.

(l) "Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

(m) "Safety factor" means the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

(n) "Secretary" means the Secretary of Labor.

(o) "SAE" means Society of Automotive Engineers.

(p) "Shall" means mandatory.

(q) "Should" means recommended.

(r) "Suitable" means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

Subpart D—Occupational Health and Environmental Controls [1]

Sec.

1926.50 Medical services and first aid.
1926.51 Sanitation.
1910.141 Sanitation.
1910.151 Medical services and first aid.
1926.52 Occupational noise exposure.
1926.53 Ionizing radiation.
1926.54 Nonionizing radiation.
1926.55 Gases, vapors, fumes, dusts, and mists.
1910.161 Carbon dioxide use.
1926.56 Illumination.
1926.57 Ventilation.

§ 1926.50 Medical services and first aid.

(a) The employer shall insure the availability of medical personnel for advice and consultation on matters of occupational health.

(b) Provisions shall be made prior to commencement of the project for prompt medical attention in case of serious injury.

(c) In the absence of an infirmary, clinic, hospital, or physician, that is reasonably accessible in terms of time and distance to the worksite, which is available for the treatment of injured employees, a person who has a valid certificate in first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence, shall be available at the worksite to render first aid.

(d)(1) First-aid supplies approved by the consulting physician shall be easily accessible when required.

(2) The first-aid kit shall consist of materials approved by the consulting physician in a weatherproof container with individual sealed packages for each type of item. The contents of the first-aid kit shall be checked by the employer before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(e) Proper equipment for prompt transportation of the injured person to a physician or hospital, or a communication system for contacting necessary ambulance service, shall be provided.

(f) The telephone numbers of the physicians, hospitals, or ambulances shall be conspicuously posted.

§ 1926.51 Sanitation.

(a) *Potable water.* (1) An adequate supply of potable water shall be provided in all places of employment.

(2) Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.

(3) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(4) The common drinking cup is prohibited.

(5) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(b) *Nonpotable water.* (1) Outlets for nonpotable water, such as water for industrial or firefighting purposes only, shall be identified by signs meeting the requirements of Subpart G of this part, to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

(2) There shall be no cross-connection, open or potential, between a system furnishing potable water and a system furnishing nonpotable water.

(c) *Toilets at construction jobsites.* (1) Toilets shall be provided for employees according to the following table:

TABLE D-1

Number of employees	Minimum number of facilities
20 or less	1.
20 or more	1 toilet seat and 1 urinal per 40 workers.
200 or more.	1 toilet seat and 1 urinal per 50 workers.

(2) Under temporary field conditions, provisions shall be made to assure not less than one toilet facility is available.

(3) Job sites, not provided with a sanitary sewer, shall be provided with one of the following toilet facilities unless prohibited by local codes:

(i) Privies (where their use will not contaminate ground or surface water);

(ii) Chemical toilets;

(iii) Recirculating toilets;

(iv) Combustion toilets.

(4) The requirements of this paragraph (c) for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.

(d) *Food handling.* All employees' food service facilities and operations shall meet the applicable laws, ordinances, and regulations of the jurisdictions in which they are located.

(e) *Temporary sleeping quarters.* When temporary sleeping quarters are provided, they shall be heated, ventilated, and lighted.

(f) *Washing facilities.* The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.

(g) [Revoked.]

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.51 *Sanitation*), in accordance with their respective scope and definitions.

§ 1910.141 Sanitation.

(a)(1) *Scope.*—This section applies to permanent places of employment.

(2) • • •

(v) "Potable water" means water which meets the quality standards prescribed in the U.S. Public Health Service Drinking Water Standards, published in 42 CFR part 72, or water which is approved for drinking purposes by the State or local authority having jurisdiction.

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[1] Portions of the listed Part 1910 standards have been identified as applicable to construction.

(5) *Vermin control.* Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.

• • • • •

(g) • • •

(2) *Eating and drinking areas.* No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.• • •

(h) All employee food service facilities and operations shall be carried out in accordance with sound hygienic principles. in all places of employment where all or part of the food service is provided, the food dispensed shall be wholesome, free from spoilage, and shall be processed, prepared, handled, and stored in such a manner as to be protected against contamination.

§ 1910.151 Medical services and first aid.

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(c) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

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§ 1926.52 Occupational noise exposure.

(a) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table D-2 of this section when measured on the A-scale of a standard sound level meter at slow response.

(b) When employees are subjected to sound levels exceeding those listed in Table D-2 of this section, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of the table, personal protective equipment as required in Subpart E, shall be provided and used to reduce sound levels within the levels of the table.

(c) If the variations in noise level involve maxima at intervals of 1 second or less, it is to be considered continuous.

(d)(1) In all cases where the sound levels exceed the values shown herein, a continuing, effective hearing conservation program shall be administered.

TABLE D-2—PERMISSIBLE NOISE EXPOSURES

Duration per day, hours:	Sound level dBA slow response
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

(2)(i) When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. Exposure to different levels for various periods of time shall be computed according to the formula set forth in subdivision (ii) of this subparagraph.

(ii) $F_e=(T_1/L_1)+(T_2/L_2)+\cdots+(T_n/L_n)$

where:

F_e=The equivalent noise exposure factor.

T=The period of noise exposure at any essentially constant level.

L=The duration of the permissible noise exposure at the constant level (from Table D-2).

If the value of F_e exceeds unity (1) the exposure exceeds permissible levels.

(iii) A sample computation showing an application of the formula in subdivision (ii) of this paragraph is as follows. An employee is exposed at these levels for these periods:

110 dB A ¼ hour.
100 dB A ½ hour.
90 dB A 1½ hours.

$F_e=(¼/½)+(½/2)+(1½/8)$

$F_e=0.500+0.25+0.188$

$F_e=0.938$

Since the value of F_e does not exceed unity, the exposure is within permissible limits.

(e) Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

§ 1926.53 Ionizing radiation.

(a) In construction and related activities involving the use of sources of ionizing radiation, the pertinent provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive materials or X-rays, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

§ 1926.54 Nonionizing radiation.

(a) Only qualified and trained employees shall be assigned to install, adjust; and operate laser equipment.

(b) Proof of qualification of the laser equipment operator shall be available and in possession of the operator at all times.

(c) Employees, when working in areas in which a potential exposure to direct or reflected laser light greater than 0.005 watts (5 milliwatts) exists, shall be provided with antilaser eye protection devices as specified in Subpart E of this part.

(d) Areas in which lasers are used shall be posted with standard laser warning placards.

(e) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended for a substantial period of time, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off.

(f) Only mechanical or electronic means shall be used as a detector for guiding the internal alignment of the laser.

(g) The laser beam shall not be directed at employees.

(h) When it is raining or snowing, or when there is dust or fog in the air, the operation of laser systems shall be prohibited where practicable; in any event, employees shall be kept out of range of the area of source and target during such weather conditions.

(i) Laser equipment shall bear a label to indicate maximum output.

(j) Employees shall not be exposed to light intensities above:

(1) Direct staring: 1 micro-watt per square centimeter;

(2) Incidental observing: 1 milliwatt per square centimeter;

(3) Diffused reflected light: 2½ watts per square centimeter.

(k) Laser unit in operation should be set up above the heads of the employees, when possible.

(l) Employees shall not be exposed to microwave power densities in excess of 10 milliwatts per square centimeter.

§ 1926.55 Gases, vapors, fumes, dusts, and mists.

(a) Exposure of employees to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the "Threshold Limit Values of Airborne Contaminants for 1970" of the American Conference of Governmental Industrial Hygienists, shall be avoided.

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(b) To achieve compliance with paragraph (a) of this section, administrative or engineering controls must first be implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section. Any equipment and technical measures used for this purpose must first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with § 1926.103.

(c) Paragraphs (a) and (b) of this section do not apply to the exposure of employees to airborne asbestos dust. Whenever any employee is exposed to airborne asbestos dust, the requirements of § 1910.1001 of this title shall apply.

The following requirement from 29 CFR Part 1910 (General Industry) has been identified as applicable to construction (29 CFR 1926.55 *Gases, vapors, fumes, dusts and mists*).

§ 1910.161 Carbon dioxide extinguishing systems.

(a) * * *

(2) *Safety requirements.* In any use of carbon dioxide where there is a possibility that employees may be trapped in, or enter into atmospheres made hazardous by a carbon dioxide discharge, suitable safeguards shall be provided to insure prompt evacuation of and to prevent entry into such atmospheres and also to provide means for prompt rescue of any trapped personnel. Such safety items as personnel training, warning signs, discharge alarms, predischarge alarms, and breathing apparatus shall be considered.

§ 1926.56 Illumination.

(a) *General.* Construction areas, ramps, runways, corridors, offices, shops, and storage areas shall be lighted to not less than the minimum illumination intensities listed in Table D-3 while any work is in progress:

TABLE D-3—MINIMUM ILLUMINATION INTENSITIES IN FOOT-CANDLES

Foot-candles:	*Area or operation*
5	General construction area lighting.
3	General construction areas, concrete placement, excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas.
5	Indoors: warehouses, corridors, hallways, and exitways.
5	Tunnels, shafts, and general underground work areas: (Exception: minimum of 10 foot-candles is required at tunnel and shaft heading during drilling, mucking, and scaling. Bureau of Mines approved cap lights shall be acceptable for use in the tunnel heading.)
10	General construction plant and shops (e.g., batch plants, screening plants, mechanical and electrical equipment rooms, carpenter shops, rigging lofts and active storerooms, barracks or living quarters, locker or dressing rooms, mess halls, and indoor toilets and workrooms).
30	First aid stations, infirmaries, and offices.

(b) *Other areas.* For areas or operations not covered above, refer to the American National Standard A11.1-1965, R1970, Practice for Industrial Lighting, for recommended values of illumination.

§ 1926.57 Ventilation.

(a) *General.* Whenever hazardous substances such as dusts, fumes, mists, vapors, or gases exist or are produced in the course of construction work, their concentrations shall not exceed the limits specified in § 1926.55(a). When ventilation is used as an engineering control method, the system shall be installed and operated according to the requirements of this section.

(b) *Local exhaust ventilation.* Local exhaust ventilation when used as described in (a) shall be designed to prevent dispersion into the air of dusts, fumes, mists, vapors, and gases in concentrations causing harmful exposure. Such exhaust systems shall be so designed that dusts, fumes, mists, vapors, or gases are not drawn through the work area of employees.

(c) *Design and operation.* Exhaust fans, jets, ducts, hoods, separators, and all necessary appurtenances, including refuse receptacles, shall be so designed, constructed, maintained and operated as to ensure the required protection by maintaining a volume and velocity of exhaust air sufficient to gather dusts, fumes, vapors, or gases from said equipment or process, and to convey them to suitable points of safe disposal, thereby preventing their dispersion in harmful quantities into the atmosphere where employees work.

(d) *Duration of operations.* (1) The exhaust system shall be in operation continually during all operations which it is designed to serve. If the employee remains in the contaminated zone, the system shall continue to operate after the cessation of said operations, the length of time to depend upon the individual circumstances and effectiveness of the general ventilation system.

(2) Since dust capable of causing disability is, according to the best medical opinion, of microscopic size, tending to remain for hours in suspension in still air, it is essential that the exhaust system be continued in operation for a time after the work process or equipment served by the same shall have ceased, in order to ensure the removal of the harmful elements to the required extent. For the same reason, employees wearing respiratory equipment should not remove same immediately until the atmosphere seems clear.

(e) *Disposal of exhaust materials.* The air outlet from every dust separator, and the dusts, fumes, mists, vapors, or gases collected by an exhaust or ventilating system shall discharge to the outside atmosphere. Collecting systems which return air to work area may be used if concentrations which accumulate in the work area air do not result in harmful exposure to employees. Dust and refuse discharged from an exhaust system shall be disposed of in such a manner that it will not result in harmful exposure to employees.

Subpart E—Personal Protective and Life Saving Equipment [1]

Sec.
1926.100 Head protection.
1926.101 Hearing protection.
1926.102 Eye and face protection.
1926.103 Respiratory protection.
1910.94 Ventilation.
1910.134 Respiratory protection.
1926.104 Safety belts, lifelines, and lanyards.
1926.105 Safety nets.
1926.106 Working over or near water.
1926.107 Definitions applicable to this subpart.

§ 1926.100 Head protection.

(a) Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets.

(b) Helmets for the protection of employees against impact and penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection.

(c) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2-1971.

§ 1926.101 Hearing protection.

(a) Wherever it is not feasible to reduce the noise levels or duration of exposures to those specified in Table D-2, Permissible Noise Exposures, in § 1926.52, ear protective devices shall be provided and used.

(b) Ear protective devices inserted in the ear shall be fitted or determined individually by competent persons.

(c) Plain cotton is not an acceptable protective device.

[1] Portions of the listed Part 1910 standards have been identified as applicable to construction.

§ 1926.102 Eye and face protection.

(a) *General.* (1) Employees shall be provided with eye and face protection equipment when machines or operations present potential eye or face injury from physical, chemical, or radiation agents.

(2) Eye and face protection equipment required by this Part shall meet the requirements specified in American National Standards Institute, Z87.1-1968, Practice for Occupational and Educational Eye and Face Protection.

(3) Employees whose vision requires the use of corrective lenses in spectacles, when required by this regulation to wear eye protection, shall be protected by goggles or spectacles of one of the following types:

(i) Spectacles whose protective lenses provide optical correction;

(ii) Goggles that can be worn over corrective spectacles without disturbing the adjustment of the spectacles;

(iii) Goggles that incorporate corrective lenses mounted behind the protective lenses.

(4) Face and eye protection equipment shall be kept clean and in good repair. The use of this type equipment with structural or optical defects shall be prohibited.

(5) Table E-1 shall be used as a guide in the selection of face and eye protection for the hazards and operations noted.

TABLE E-1—EYE AND FACE PROTECTOR SELECTION GUIDE



1. GOGGLES, Flexible Fitting, Regular Ventilation
2. GOGGLES, Flexible Fitting, Hooded Ventilation
3. GOGGLES, Cushioned Fitting, Rigid Body
*4. SPECTACLES, Metal Frame, with Sideshields
*5. SPECTACLES, Plastic Frame, with Sideshields
*6. SPECTACLES, Metal-Plastic Frame, with Sideshields
** 7. WELDING GOGGLES, Eyecup Type, Tinted Lenses (Illustrated)
7A. CHIPPING GOGGLES, Eyecup Type, Clear Safety Lenses (Not Illustrated)
** 8. WELDING GOGGLES, Coverspec Type Tinted Lenses (Illustrated)
8A. CHIPPING GOGGLES, Coverspec Type, Clear Safety Lenses (Not Illustrated)
** 9. WELDING GOGGLES, Coverspec Type, Tinted Plate Lens
10. FACE SHIELD (Available with Plastic or Mesh Window)
**11. WELDING HELMETS

*Non-side shield spectacles are available for limited hazard use requiring only frontal protection.
**See Table E-2, in paragraph (b) of this section, Filter Lens Shade Numbers for Protection Against Radiant Energy.

APPLICATIONS

Operation	Hazards	Recommended Protectors: Bold Type Numbers Signify Preferred Protection
Acetylene—Burning, Acetylene—Cutting, Acetylene—Welding.	Sparks, harmful rays, molten metal, flying particles.	7, 8, 9.
Chemical Handling	Splash, acid burns, fumes.	2, 10 (For severe exposure add 10 over 2).
Chipping	Flying particles	1, 3, 4, 5, 6, 7A, 8A.
Electric (arc) welding	Sparks, intense rays, molten metal.	9, 11, (11 in combination with 4, 5, 6, in tinted lenses, advisable).
Furnace operations	Glare, heat, molten metal.	7, 8, 9 (For severe exposure add 10).
Grinding—Light	Flying particles	1, 3, 4, 5, 6, 10.
Grinding—Heavy	Flying particles	1 , 3, 7A, 8A (For severe exposure add 10).
Laboratory	Chemical splash, glass breakage.	2 (10 when in combination with 4, 5, 6).
Machining	Flying particles	1, 3, 4, 5, 6, 10.
Molten metals	Heat, glare, sparks, splash.	7, 8, (10 in combination with 4, 5, 6, in tinted lenses).
Spot welding	Flying particles, sparks	1, 3, 4, 5, 8, 10.

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(b) *Protection against radiant energy*—(1) *Selection of shade numbers for welding filter.* Table E-2 shall be used as a guide for the selection of the proper shade numbers of filter lenses or plates used in welding. Shades more dense than those listed may be used to suit the individual's needs.

TABLE E-2—FILTER LENS SHADE NUMBERS FOR PROTECTION AGAINST RADIANT ENERGY

Welding operation	*Shade number*
Shielded metal-arc welding 1/16-, 5/32-, 1/8-, 5/32-inch diameter electrodes	10
Gas-shielded arc welding (nonferrous) 1/16-, 5/32-, 1/8-, 5/32-inch diameter electrodes	11
Gas-shielded arc welding (ferrous) 1/16-, 5/32-, 1/8-, 5/32-inch diameter electrodes	12
Shielded metal-arc welding 5/32-, 1/8-, 5/32-inch diameter electrodes	12
5/32-, 1/4-inch diameter electrodes	14
Atomic hydrogen welding	10-14
Carbon-arc welding	14
Soldering	2
Torch brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Gas welding (light), up to 1/8-inch	4 or 5
Gas welding (medium), 1/8-inch to 1/4-inch	5 or 6
Gas welding (heavy), over 1/4-inch	6 or 8

(2) *Laser protection.* (i) Employees whose occupation or assignment requires exposure to laser beams shall be furnished suitable laser safety goggles which will protect for the specific wavelength of the laser and be of optical density (O.D.) adequate for the energy involved. Table E-3 lists the maximum power or energy density for which adequate protection is afforded by glasses of optical densities from 5 through 8.

TABLE E-3—SELECTING LASER SAFETY GLASS

INTENSITY	ATTENUATION	
CW maximum power density (watts/cm²)	Optical density (O.D.)	Attenuation factor
10^{-4}	5	10^5
10^{-3}	6	10^6
1.0	7	10^7
10.0	8	10^8

Output levels falling between lines in this table shall require the higher optical density.

(ii) All protective goggles shall bear a label identifying the following data:

(a) The laser wavelengths for which use is intended:

(b) The optical density of those wavelengths;

(c) The visible light transmission.

§ 1926.103 Respiratory protection.

(a) *General.* (1) In emergencies, or when controls required by Subpart D of this part either fail or are inadequate to prevent harmful exposure to employees, appropriate respiratory protective devices shall be provided by the employer and shall be used.

(2) Respiratory protective devices shall be approved by the U.S. Bureau of Mines or acceptable to the U.S. Department of Labor for the specific contaminant to which the employee is exposed.

(b) *Respirator selection.* (1) The chemical and physical properties of the contaminant, as well as the toxicity and concentration of the hazardous material, shall be considered in selecting the proper respirators.

(2) The nature and extent of the hazard, work requirements, and conditions, as well as the limitations and characteristics of the available respirators, shall also be factors considered in making the proper selection.

(3) The following table lists the types of respirators required for protection in dangerous atmospheres:

TABLE E-4.—SELECTION OF RESPIRATORS

Hazard	Respirator (See Note)
Oxygen deficiency	Self-contained breathing apparatus. Hose mask with blower. Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Gas and vapor contaminants immediately dangerous to life and health.	Self-contained breathing apparatus. Hose mask with blower. Air-purifying, full facepiece respirator with chemical canister (gas mask). Self-rescue mouthpiece respirator (for escape only). Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Not immediately dangerous to life and health	Air-line respirator. Hose mask without blower. Air-purifying, half-mask or mouthpiece respirator with chemical cartridge.
Particulate contaminants immediately dangerous to life and health.	Self-contained breathing apparatus. Hose mask with blower. Air-purifying, full facepiece respirator with appropriate filter. Self-rescue mouthpiece respirator (for escape only). Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Not immediately dangerous to life and health	Air-purifying, half-mask or mouthpiece respirator with filter pad or cartridge. Air-line respirator. Air-line abrasive-blasting respirator. Hose-mask without blower.
Combination gas, vapor, and particulate contaminants immediately dangerous to life and health.	Self-contained breathing apparatus. Hose mask with blower. Air-purifying, full facepiece respirator with chemical canister and appropriate filter (gas mask with filter). Self-rescue mouthpiece respirator (for escape only). Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Not immediately dangerous to life and health	Air-line respirator. Hose mask without blower. Air-purifying, half-mask or mouthpiece respirator with chemical cartridge and appropriate filter.

NOTE: For the purpose of this part, "immediately dangerous to life and health" is defined as a condition that either poses an immediate threat to life and health or an immediate threat of severe exposure to contaminants, such as radioactive materials, which are likely to have adverse delayed effects on health.

(c) *Selection, issuance, use and care of respirators.* (1) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.103 *Respiratory protection*), in accordance with their respective scope and definitions.

§ 1910.94 Ventilation.

(a) *Abrasive blasting.*—(1) *Definitions applicable to this paragraph* • • •

(ii) *Abrasive-blasting respirator.* A continuous flow air-line respirator constructed so that it will cover the wearer's head, neck, and shoulders to protect him from rebounding abrasive.

• • • • •

(5) *Personal protective equipment.* (i) Only respiratory protective equipment approved by the Bureau of Mines, U.S. Department of the Interior (see 30 CFR Part 11) shall be used for protection of personnel against dusts produced during abrasive-blasting operations.

(ii) Abrasive-blasting respirators shall be worn by all abrasive-blasting operators: • • •

(B) When using silica sand in manual blasting operations where the nozzle and blast are not physically separated from the operator in an exhaust ventilated enclosure.

• • • • •

(8) *Scope.* This paragraph (a) applies to all operations where an abrasive is forcibly applied to a surface by pneumatic or hydraulic pressure, or by centrifugal force. It does not apply to steam blasting, or steam cleaning, or hydraulic cleaning methods where work is done without the aid of abrasives.

• • • • •

§ 1910.134 Respiratory protection.

(a) *Permissible practice.* (1) In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example, enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to the following requirements.

(2) Respirators shall be provided by the employer when such equipment is necessary to protect the health of the employee. The employer shall provide the respirators which are applicable and suitable for the purpose intended. The employer shall be responsible for the establishment and maintenance of a respiratory protective program which shall include the requirements outlined in paragraph (b) of this section.

(3) The employee shall use the provided respiratory protection in accordance with instructions and training received.

(b) *Requirements for a minimal acceptable program.* (1) Written standard operating procedures governing the selection and use of respirators shall be established.

(2) Respirators shall be selected on the basis of hazards to which the worker is exposed.

(3) The user shall be instructed and trained in the proper use of respirators and their limitations.

(4) Where practicable, the respirators should be assigned to individual workers for their exclusive use.

(5) Respirators shall be regularly cleaned and disinfected. Those issued for the exclusive use of one worker should be cleaned after each day's use, or more often if necessary. Those used by more than one worker shall be thoroughly cleaned and disinfected after each use.

(6) Respirators shall be stored in a convenient, clean, and sanitary location.

(7) Respirators used routinely shall be inspected during cleaning. Worn or deteriorated parts shall be replaced. Respirators for emergency use such as self-contained devices shall be thoroughly inspected at least once a month and after each use.

(8) Appropriate surveillance of work area conditions and degree of employee exposure or stress shall be maintained.

(9) There shall be regular inspection and evaluation to determine the continued effectiveness of the program.

(10) Persons should not be assigned to tasks requiring use of respirators unless it has been determined that they are physically able to perform the work and use the equipment. The local physician shall determine what health and physical conditions are pertinent. The respirator user's medical status should be reviewed periodically (for instance, annually).

(11) Approved or accepted respirators shall be used when they are available. The respirator furnished shall provide adequate respiratory protection against the particular hazard for which it is designed in accordance with standards established by competent authorities. The U.S. Department of Interior, Bureau of Mines, and the U.S. Department of Agriculture are recognized as such authorities. Although respirators listed by the U.S. Department of Agriculture continue to be acceptable for protection against specified pesticides, the U.S. Department of the Interior, Bureau of Mines, is the agency now responsible for testing and approving pesticide respirators.

(c) *Selection of respirators.* Proper selection of respirators shall be made according to the guidance of American National Standard Practices for Respiratory Protection Z88.2-1969.

(d) *Air quality.* (1) Compressed air, compressed oxygen, liquid air, and liquid oxygen used for respiration shall be of high purity. Oxygen shall meet the requirements of the United States Pharmacopoeia for medical or breathing oxygen. Breathing air shall meet at least the requirements of the specification for Grade D breathing air as described in Compressed Gas Association Commodity Specification G-7.1-1966. Compressed oxygen shall not be used in supplied-air respirators or in open circuit self-contained breathing apparatus that have previously used compressed air. Oxygen must never be used with air line respirators.

(2) Breathing air may be supplied to respirators from cylinders or air compressors.

(i) Cylinders shall be tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 CFR Part 178).

(ii) The compressor for supplying air shall be equipped with necessary safety and standby devices. A breathing air-type compressor shall be used. Compressors shall be constructed and situated so as to avoid entry of contaminated air into the system and suitable in-line air purifying sorbent beds and filters installed to further assure breathing air quality. A receiver of sufficient capacity to enable the respirator wearer to escape from a contaminated atmosphere in event of compressor failure, and alarms to indicate compressor failure and overheating shall be installed in the system. If an oil-lubricated compressor is used, it shall have a

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high-temperature or carbon monoxide alarm, or both. If only a high-temperature alarm is used, the air from the compressor shall be frequently tested for carbon monoxide to insure that it meets the specifications in subparagraph (1) of this section.

(3) Air line couplings shall be incompatible with outlets for other gas systems to prevent inadvertent servicing of air line respirators with nonrespirable gases or oxygen.

(4) Breathing gas containers shall be marked in accordance with American National Standard Method of Marking Portable Compressed Gas Containers to Identify the Material Contained, Z48.1-1954; Federal Specification BB-A-1034a, June 21, 1968, Air, Compressed for Breathing Purposes; or Interim Federal Specification GG-B-00675b, April 27, 1965, Breathing Apparatus, Self-Contained.

(e) *Use of respirators.* (1) Standard procedures shall be developed for respirator use. These should include all information and guidance necessary for their proper selection, use, and care. Possible emergency and routine uses of respirators should be anticipated and planned for.

(2) The correct respirator shall be specified for each job. The respirator type is usually specified in the work procedures by a qualified individual supervising the respiratory protective program. The individual issuing them shall be adequately instructed to insure that the correct respirator is issued. Each respirator permanently assigned to an individual should be durably marked to indicate to whom it was assigned. This mark shall not affect the respirator performance in any way. The date of issuance should be recorded.

(3) Written procedures shall be prepared covering safe use of respirators in dangerous atmospheres that might be encountered in normal operations or in emergencies. Personnel shall be familiar with these procedures and the available respirators.

(i) In areas where the wearer, with failure of the respirator, could be overcome by a toxic or oxygen-deficient atmosphere, at least one additional man shall be present. Communications (visual, voice, or signal line) shall be maintained between both or all individuals present. Planning shall be such that one individual will be unaffected by any likely incident and have the proper rescue equipment to be able to assist the other(s) in case of emergency.

(ii) When self-contained breathing apparatus or hose masks with blowers are used in atmospheres immediately dangerous to life or health, standby men must be present with suitable rescue equipment.

(iii) Persons using air line respirators in atmospheres immediately hazardous to life or health shall be equipped with safety harnesses and safety lines for lifting or removing persons from hazardous atmospheres or other and equivalent provisions for the rescue of persons from hazardous atmospheres shall be used. A standby man or men with suitable self-contained breathing apparatus shall be at the nearest fresh air base for emergency rescue.

(4) Respiratory protection is no better than the respirator in use, even though it is worn conscientiously. Frequent random inspections shall be conducted by a qualified individual to assure that respirators are properly selected, used, cleaned, and maintained.

(5) For safe use of any respirator, it is essential that the user be properly instructed in its selection, use, and maintenance. Both supervisors and workers shall be so instructed by competent persons. Training shall provide the men an opportunity to handle the respirator, have it fitted properly, test its face-piece-to-face seal, wear it in normal air for a long familiarity period, and, finally, to wear it in a test atmosphere.

(i) Every respirator wearer shall receive fitting instructions including demonstrations and practice in how the respirator should be worn, how to adjust it, and how to determine if it fits properly. Respirators shall not be worn when conditions prevent a good face seal. Such conditions may be a growth of beard, sideburns, a skull cap that projects under the facepiece, or temple pieces on glasses. Also, the absence of one or both dentures can seriously affect the fit of a facepiece. The worker's diligence in observing these factors shall be evaluated by periodic check. To assure proper protection, the facepiece fit shall be checked by the wearer each time he puts on the respirator. This may be done by following the manufacturer's facepiece fitting instructions.

(ii) Providing respiratory protection for individuals wearing corrective glasses is a serious problem. A proper seal cannot be established if the temple bars of eye glasses extend through the sealing edge of the full facepiece. As a temporary measure, glasses with short temple bars or without temple bars may be taped to the wearer's head. Wearing of contact lenses in contaminated atmospheres with a respirator shall not be allowed. Systems have been developed for mounting corrective lenses inside full facepieces. When a workman must wear corrective lenses as part of the facepiece, the facepiece and lenses shall be fitted by qualified individuals to provide good vision, comfort, and a gas-tight seal.

(iii) If corrective spectacles or goggles are required, they shall be worn so as not to affect the fit of the facepiece. Proper selection of equipment will minimize or avoid this problem.

(f) *Maintenance and care of respirators.* (1) A program for maintenance and care of respirators shall be adjusted to the type of plant, working conditions, and hazards involved, and shall include the following basic services:

(i) Inspection for defects (including a leak check),

(ii) Cleaning and disinfecting,

(iii) Repair,

(iv) Storage.

Equipment shall be properly maintained to retain its original effectiveness.

(2)(i) All respirators shall be inspected routinely before and after each use. A respirator that is not routinely used but is kept ready for emergency use shall be inspected after each use and at least monthly to assure that it is in satisfactory working condition.

(ii) Self-contained breathing apparatus shall be inspected monthly. Air and oxygen cylinders shall be fully charged according to the manufacturer's instructions. It shall be determined that the regulator and warning devices function properly.

(iii) Respirator inspection shall include a check of the tightness of connections and the condition of the facepiece, headbands, valves, connecting tube, and canisters. Rubber or elastomer parts shall be inspected for pliability and signs of deterioration. Stretching and manipulating rubber or elastomer parts with a massaging action will keep them pliable and flexible and prevent them from taking a set during storage.

(iv) A record shall be kept of inspection dates and findings for respirators maintained for emergency use.

(3) Routinely used respirators shall be collected, cleaned, and disinfected as frequently as necessary to insure that proper protection is provided for the wearer. Each worker should be briefed on the cleaning procedure and be assured that he will always receive a clean and disinfected respirator. Such assurances are of greatest significance when respirators are not individually assigned to workers. Respirators maintained for emergency use shall be cleaned and disinfected after each use.

(4) Replacement or repairs shall be done only by experienced persons with parts designed for the respirator. No attempt shall be made to replace components or to make adjustment or repairs beyond the manufacturer's recommendations. Reducing or admission valves or regulators shall be returned to the manufacturer or to a trained technician for adjustment or repair.

(5) (i) After inspection, cleaning, and necessary repair, respirators shall be stored to protect against dust, sunlight, heat, extreme cold, excessive moisture, or damaging chemicals. Respirators placed at stations and work areas for emergency use should be quickly accessible at all times and should be stored in compartments built for the purpose. The compartments should be clearly marked. Routinely used respirators, such as dust respirators, may be placed in plastic bags. Respirators should not be stored in such places as lockers or tool boxes unless they are in carrying cases or cartons.

(ii) Respirators should be packed or stored so that the facepiece and exhalation valve will rest in a normal position and function will not be impaired by the elastomer setting in an abnormal position.

(iii) Instructions for proper storage of emergency respirators, such as gas masks and self-contained breathing apparatus, are found in "use and care" instructions usually mounted inside the carrying case lid.

(g) *Identification of gas mask canisters.* (1) The primary means of identifying a gas mask canister shall be by means of properly worded labels. The secondary means of identifying a gas mask canister shall be by a color code.

(2) All who issue or use gas masks falling within the scope of this section shall see that all gas mask canisters purchased or used by them are properly labeled and colored in accordance with these requirements before they are placed in service and that the labels and colors are properly maintained at all times thereafter until the canisters have completely served their purpose.

(3) On each canister shall appear in bold letters the following:

(i)—

Canister for _____
(Name for atmospheric contaminant)

or

Type N Gas Mask Canister

(ii) In addition, essentially the following wording shall appear beneath the appropriate phrase on the canister label: "For respiratory protection in atmospheres containing not more than _____ percent by volume of _____."

(4) Canisters having a special high-efficiency filter for protection against radionuclides and other highly toxic particulates shall be labeled with a statement of the type and degree of protection afforded by the filter. The label shall be affixed to the neck end of, or to the gray stripe which is around and near the top of, the canister. The degree of protection shall be marked as the percent of penetration of the canister by a 0.3-micron-diameter dioctyl phthalate (DOP) smoke at a flow rate of 85 liters per minute.

(5) Each canister shall have a label warning that gas masks should be used only in atmospheres containing sufficient oxygen to support life (at least 16 percent by volume), since gas mask canisters are only designed to neutralize or remove contaminants from the air.

(6) Each gas mask canister shall be painted a distinctive color or combination of colors indicated in Table I-1. All colors used shall be such that they are clearly identifiable by the user and clearly distinguishable from one another. The color coating used shall offer a high degree of resistance to chipping, scaling, peeling, blistering, fading, and the effects of the ordinary atmospheres to which they may be exposed under normal conditions of storage and use. Appropriately colored pressure sensitive tape may be used for the stripes.

TABLE I-1

Atmospheric contaminants to be protected against	*Colors assigned**
Acid gases	White.
Hydrocyanic acid gas	White with ½-inch green stripe completely around the canister near the bottom.
Chlorine gas	White with ½-inch yellow stripe completely around the canister near the bottom.
Organic vapors	Black.
Ammonia gas	Green.
Acid gases and ammonia gas	Green with ½-inch white stripe completely around the canister near the bottom.
Carbon monoxide	Blue.
Acid gases and organic vapors	Yellow.
Hydrocyanic acid gas and chloropicrin vapor	Yellow with ½-inch blue stripe completely around the canister near the bottom.
Acid gases, organic vapors, and ammonia gases.	Brown.
Radioactive materials, excepting tritium and noble gases.	Purple (Magenta).
Particulates (dusts, fumes, mists, fogs, or smokes) in combination with any of the above gases or vapors.	Canister color for contaminant, as designated above, with ½-inch gray stripe completely around the canister near the top.
All of the above atmospheric contaminants	Red with ½-inch gray stripe completely around the canister near the top.

*Gray shall not be assigned as the main color for a canister designed to remove acids or vapors.

NOTE: Orange shall be used as a complete body, or stripe color to represent gases not included in this table. The user will need to refer to the canister label to determine the degree of protection the canister will afford.

§ 1926.104 Safety belts, lifelines, and lanyards.

(a) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt, or lanyard actually subjected to in-service loading, as distinguished from static load testing, shall be immediately removed from service and shall not be used again for employee safeguarding.

(b) Lifelines shall be secured above the point of operation to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds.

(c) Lifelines used on rock-scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of ⅞-inch wire core manila rope. For all other lifeline applications, a minimum of ¾-inch manila or equivalent, with a minimum breaking strength of 5,400 pounds, shall be used.

(d) Safety belt lanyard shall be a minimum of ½-inch nylon, or equivalent, with a maximum length to provide for a fall of no greater than 6 feet. The rope shall have a nominal breaking strength of 5,400 pounds.

(e) All safety belt and lanyard hardware shall be drop forged or pressed steel, cadmium plated in accordance with type 1, Class B plating specified in Federal Specification QQ-P-416. Surface shall be smooth and free of sharp edges.

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(f) All safety belt and lanyard hardware, except rivets, shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

§ 1926.105 Safety nets.

(a) Safety nets shall be provided when workpieces are more than 25 feet above the ground or water surface, or other surfaces where the use of ladders, scaffolds, catch platforms, temporary floors, safety lines, or safety belts is impractical.

(b) Where safety net protection is required by this part, operations shall not be undertaken until the net is in place and has been tested.

(c)(1) Nets shall extend 8 feet beyond the edge of the work surface where employees are exposed and shall be installed as close under the work surface as practical but in no case more than 25 feet below such work surface. Nets shall be hung with sufficient clearance to prevent user's contact with the surfaces or structures below. Such clearances shall be determined by impact load testing.

(2) It is intended that only one level of nets be required for bridge construction.

(d) The mesh size of nets shall not exceed 6 inches by 6 inches. All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes shall provide a minimum breaking strength of 5,000 pounds.

(e) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(f) Connections between net panels shall develop the full strength of the net.

§ 1926.106 Working over or near water.

(a) Employees working over or near water, where the danger of drowning exists, shall be provided with U.S. Coast Guard-approved life jacket or buoyant work vests.

(b) Prior to and after each use, the buoyant work vests or life preservers shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(c) Ring buoys with at least 90 feet of line shall be provided and readily available for emergency rescue operations. Distance between ring buoys shall not exceed 200 feet.

(d) At least one lifesaving skiff shall be immediately available at locations where employees are working over or adjacent to water.

§ 1926.107 Definitions applicable to this subpart.

(a) "Contaminant" means any material which by reason of its action upon, within, or to a person is likely to cause physical harm.

(b) "Lanyard" means a rope, suitable for supporting one person. One end is fastened to a safety belt or harness and the other end is secured to a substantial object or a safety line.

(c) "Lifeline" means a rope, suitable for supporting one person, to which a lanyard or safety belt (or harness) is attached.

(d) "O.D." means optical density and refers to the light refractive characteristics of a lens.

(e) "Radiant energy" means energy that travels outward in all directions from its sources.

(f) "Safety belt" means a device, usually worn around the waist which, by reason of its attachment to a lanyard and lifeline or a structure, will prevent a worker from falling.

Subpart F—Fire Protection and Prevention [1]

Sec.

1926.150 Fire protection.
1926.151 Fire prevention.
1926.152 Flammable and combustible liquids.
1910.106 Flammable and combustible liquids.
1926.153 Liquefied petroleum gas (LP-Gas).
1910.110 Storage and handling of LGP's.
1926.154 Temporary heating devices.
1926.155 Definitions applicable to this subpart.

§ 1926.150 Fire protection.

(a) *General requirements.* (1) The employer shall be responsible for the development of a fire protection program to be followed throughout all phases of the construction and demolition work, and he shall provide for the firefighting equipment as specified in this subpart. As fire hazards occur, there shall be no delay in providing the necessary equipment.

(2) Access to all available firefighting equipment shall be maintained at all times.

(3) All firefighting equipment, provided by the employer, shall be conspicuously located.

(4) All firefighting equipment shall be periodically inspected and maintained in operating condition. Defective equipment shall be immediately replaced.

(5) As warranted by the project, the employer shall provide a trained and equipped firefighting organization (Fire Brigade) to assure adequate protection to life.

(b) *Water supply.* (1) A temporary or permanent water supply, of sufficient volume, duration, and pressure, required to properly operate the firefighting equipment shall be made available as soon as combustible materials accumulate.

(2) Where underground water mains are to be provided, they shall be installed, completed, and made available for use as soon as practicable.

(c) *Portable firefighting equipment—*(1) *Fire extinguishers and small hose lines.* (i) A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet of the protected building area, or major fraction thereof. Travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed 100 feet.

(ii) One 55-gallon open drum of water with two fire pails may be substituted for a fire extinguisher having a 2A rating.

(iii) A ½-inch diameter garden-type hose line, not to exceed 100 feet in length and equipped with a nozzle, may be substituted for a 2A-rated fire extinguisher, providing it is capable of discharging a minimum of 5 gallons per minute with a minimum hose stream range of 30 feet horizontally. The garden-type hose lines shall be mounted on conventional racks or reels. The number and location of hose racks or reels shall be such that at least one hose stream can be applied to all points in the area.

(iv) One or more fire extinguishers, rated not less than 2A, shall be provided on each floor. In multistory buildings, at least one fire extinguisher shall be located adjacent to stairway.

(v) Extinguishers and water drums, subject to freezing, shall be protected from freezing.

(vi) A fire extinguisher, rated not less than 10B, shall be provided within 50 feet of wherever more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas are being used on the jobsite. This requirement does not apply to the integral fuel tanks of motor vehicles.

(vii) Carbon tetrachloride and other toxic vaporizing liquid fire extinguishers are prohibited.

(viii) Portable fire extinguishers shall be inspected periodically and maintained in accordance with Maintenance and Use of Portable Fire Extinguishers, NFPA No. 10A-1970.

(ix) Fire extinguishers which have been listed or approved by a nationally recognized testing laboratory, shall be used to meet the requirements of this subpart.

(x) Table F-1 may be used as a guide for selecting the appropriate portable fire extinguishers.

[1] Portions of the listed Part 1910 standards have been identified as applicable to construction.

Table F-1 FIRE EXTINGUISHERS DATA

	WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL: SODIUM OR POTASSIUM BICARBONATE		DRY CHEMICAL: MULTI-PURPOSE ABC	
	STORED PRESSURE	CARTRIDGE OPERATED	PUMP TANK	SODA ACID	FOAM	CO2	CARTRIDGE OPERATED	STORED PRESSURE	STORED PRESSURE	CARTRIDGE OPERATED
CLASS A FIRES	YES	YES	YES	YES	YES	NO (BUT WILL CONTROL SMALL SURFACE FIRES)	NO (BUT WILL CONTROL SMALL SURFACE FIRES)	NO (BUT WILL CONTROL SMALL SURFACE FIRES)	YES	YES
CLASS B FIRES	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
CLASS C FIRES	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES	SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHOD OF OPERATION	PULL PIN—SQUEEZE HANDLE	TURN UPSIDE DOWN AND BANG	PUMP HANDLE	TURN UPSIDE DOWN	TURN UPSIDE DOWN	PULL PIN—SQUEEZE LEVER	RUPTURE CARTRIDGE—SQUEEZE LEVER	PULL PIN—SQUEEZE HANDLE	PULL PIN—SQUEEZE HANDLE	RUPTURE CARTRIDGE—SQUEEZE LEVER
RANGE	30'-40'	30'-40'	30'-40'	30'-40'	20'-40'	3'-8'	6'-20'	5'-20'	5'-20'	5'-20'
MAINTENANCE	CHECK AIR PRESSURE GAUGE MONTHLY	WEIGH GAS CARTRIDGE—SEE DATA ON NAMEPLATE ANNUALLY	DISCHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE AND RECHARGE ANNUALLY	DISCHARGE ANNUALLY RECHARGE	WEIGH SEMI ANNUALLY	WEIGH GAS CARTRIDGE—CHECK CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	WEIGH GAS CARTRIDGE—CHECK CONDITION OF DRY CHEMICAL ANNUALLY

(2) *Fire hose and connections.* (i) One hundred feet, or less, of 1½-inch hose, with a nozzle capable of discharging water at 25 gallons or more per minute, may be substituted for a fire extinguisher rated not more than 2A in the designated area provided that the hose line can reach all points in the area.

(ii) If fire hose connections are not compatible with local firefighting equipment, the contractor shall provide adapters, or equivalent, to permit connections.

(iii) During demolition involving combustible materials, charged hose lines, supplied by hydrants, water tank trucks with pumps, or equivalent, shall be made available.

(d) *Fixed firefighting equipment—*(1) *Sprinkler protection.* (i) If the facility being constructed includes the installation of automatic sprinkler protection, the installation shall closely follow the construction and be placed in service as soon as applicable laws permit following completion of each story.

(ii) During demolition or alterations, existing automatic sprinkler installations shall be retained in service as long as reasonable. The operation of sprinkler control valves shall be permitted only by properly authorized persons. Modification of sprinkler systems to permit alterations or additional demolition should be expedited so that the automatic protection may be returned to service as quickly as possible. Sprinkler control valves shall be checked daily at close of work to ascertain that the protection is in service.

(2) *Standpipes.* In all structures in which standpipes are required, or where standpipes exist in structures being altered, they shall be brought up as soon as applicable laws permit, and shall be maintained as construction progresses in such a manner that they are always ready for fire protection use. The standpipes shall be provided with Siamese fire department connections on the outside of the structure, at the street level, which shall be conspicuously marked. There shall be at least one standard hose outlet at each floor.

(e) *Fire alarm devices.* (1) An alarm system, e.g., telephone system, siren, etc., shall be established by the employer whereby employees on the site and the local fire department can be alerted for an emergency.

(2) The alarm code and reporting instructions shall be conspicuously posted at phones and at employee entrances.

(f) *Fire cutoffs.* (1) Fire walls and exit stairways, required for the completed buildings, shall be given construction priority. Fire doors, with automatic closing devices, shall be hung on openings as soon as practicable.

(2) Fire cutoffs shall be retained in buildings undergoing alterations or demolition until operations necessitate their removal.

§ 1926.151 Fire prevention.

(a) *Ignition hazards.* (1) Electrical wiring and equipment for light, heat, or power purposes shall be installed in compliance with the requirements of the National Electrical Code, NFPA 70-1971; ANSI C1-1971 (Rev. of 1968), and the requirements of Subpart K of this part.

(2) Internal combustion engine powered equipment shall be so located that the exhausts are well away from combustible materials. When the exhausts are piped to outside the building under construction, a clearance of at least 6 inches shall be maintained between such piping and combustible material.

(3) Smoking shall be prohibited at or in the vicinity of operations which constitute a fire hazard, and shall be conspicuously posted: "No Smoking or Open Flame."

(4) Portable battery powered lighting equipment, used in connection with the storage, handling, or use of flammable gases or liquids, shall be of the type approved for the hazardous locations.

(5) The nozzle of air, inert gas, and steam lines or hoses, when used in the cleaning or ventilation of tanks and vessels that contain hazardous concentrations of flammable gases or vapors, shall be bonded to the tank or vessel shell. Bonding devices shall not be attached or detached in hazardous concentrations of flammable gases or vapors.

(b) *Temporary buildings.* (1) No temporary building shall be erected where it will adversely affect any means of exit.

(2) Temporary buildings, when located within another building or structure, shall be of either noncombustible construction or of combustible construction having a fire resistance of not less than 1 hour.

(3) Temporary buildings, located other than inside another building and not used for the storage, handling, or use of flammable or combustible liquids, flammable gases, explosives, or blasting agents, or similar hazardous occupancies, shall be located at a distance of not less than 10 feet from another building or structure. Groups of temporary buildings, not exceeding 2,000 square feet in aggregate, shall, for the purposes of this part, be considered a single temporary building.

(c) *Open yard storage.* (1) Combustible materials shall be piled with due regard to the stability of piles and in no case higher than 20 feet.

(2) Driveways between and around combustible storage piles shall be at least 15 feet wide and maintained free from accumulation of rubbish, equipment, or other articles or materials. Driveways shall be so spaced that a maximum grid system unit of 50 feet by 150 feet is produced.

(3) The entire storage site shall be kept free from accumulation of unnecessary combustible materials. Weeds and grass shall be kept down and a regular procedure provided for the periodic cleanup of the entire area.

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(4) When there is a danger of an underground fire, that land shall not be used for combustible or flammable storage.

(5) Method of piling shall be solid wherever possible and in orderly and regular piles. No combustible material shall be stored outdoors within 10 feet of a building or structure.

(6) Portable fire extinguishing equipment, suitable for the fire hazard involved, shall be provided at convenient, conspicuously accessible locations in the yard area. Portable fire extinguishers, rated not less than 2A, shall be placed so that maximum travel distance to the nearest unit shall not exceed 100 feet.

(d) *Indoor storage.* (1) Storage shall not obstruct, or adversely affect, means of exit.

(2) All materials shall be stored, handled, and piled with due regard to their fire characteristics.

(3) Noncompatible materials, which may create a fire hazard, shall be segregated by a barrier having a fire resistance of at least 1 hour.

(4) Material shall be piled to minimize the spread of fire internally and to permit convenient access for firefighting. Stable piling shall be maintained at all times. Aisle space shall be maintained to safely accommodate the widest vehicle that may be used within the building for firefighting purposes.

(5) Clearance of at least 36 inches shall be maintained between the top level of the stored material and the sprinkler deflectors.

(6) Clearance shall be maintained around lights and heating units to prevent ignition of combustible materials.

(7) A clearance of 24 inches shall be maintained around the path of travel of fire doors unless a barricade is provided, in which case no clearance is needed. Material shall not be stored within 36 inches of a fire door opening.

§ 1926.152 Flammable and combustible liquids.

(a) *General requirements.* (1) Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. Approved metal safety cans shall be used for the handling and use of flammable liquids in quantities greater than one gallon, except that this shall not apply to those flammable liquid materials which are highly viscid (extremely hard to pour), which may be used and handled in original shipping containers. For quantities of one gallon or less, only the original container or approved metal safety cans shall be used for storage, use, and handling of flammable liquids.

(2) Flammable or combustible liquids shall not be stored in areas used for exits, stairways, or normally used for the safe passage of people.

(b) *Indoor storage of flammable and combustible liquids.* (1) No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet. For storage of liquefied petroleum gas, see § 1926.153.

(2) Quantities of flammable and combustible liquid in excess of 25 gallons shall be stored in an acceptable or approved cabinet meeting the following requirements:

(i) Acceptable wooden storage cabinets shall be constructed in the following manner, or equivalent: The bottom, sides, and top shall be constructed of an exterior grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under standard fire test conditions. All joints shall be rabbeted and shall be fastened in two directions with flathead wood screws. When more than one door is used, there shall be a rabbeted overlap of not less than 1 inch. Steel hinges shall be mounted in such a manner as to not lose their holding capacity due to loosening or burning out of the screws when subjected to fire. Such cabinets shall be painted inside and out with fire retardant paint.

(ii) Approved metal storage cabinets will be acceptable.

(iii) Cabinets shall be labeled in conspicuous lettering, "Flammable—Keep Fire Away."

(3) Not more than 60 gallons of flammable or 120 gallons of combustible liquids shall be stored in any one storage cabinet. Not more than three such cabinets may be located in a single storage area. Quantities in excess of this shall be stored in an inside storage room.

(4)(i) Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Test of Building Construction and Material, NFPA 251-1969.

(ii) Where an automatic extinguishing system is provided, the system shall be designed and installed in an approved manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid-tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench, inside of the room, which drains to a safe location. Where other portions of the building or other buildings are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1970, for Class E or F openings. Wood of at least 1-inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(iii) Materials which will react with water and create a fire hazard shall not be stored in the same room with flammable or combustible liquids.

(iv) Storage in inside storage rooms shall comply with Table F-2 following:

TABLE F-2

Fire protection provided	Fire resistance	Maximum Size	Total allowable quantities gals./sq.ft./floor area
Yes	2 hrs	500 sq. ft.	10
No	2 hrs	500 sq. ft.	4
Yes	1 hr	150 sq. ft.	5
No	1 hr	150 sq. ft.	2

NOTE: Fire protection system shall be sprinkler, water spray, carbon dioxide or other system approved by a nationally recognized testing laboratory for this purpose.

(v) Electrical wiring and equipment located in inside storage rooms shall be approved for Class I, Division 1, Hazardous Locations. For definition of Class I, Division 1, Hazardous Locations, see § 1926.404.

(vi) Every inside storage room shall be provided with either a gravity or a mechanical exhausting system. Such system shall commence not more than 12 inches above the floor and be designed to provide for a complete change of air within the room at least 6 times per hour. If a mechanical exhausting system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. An electric pilot light shall be installed adjacent to the switch if flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhausting outlet from the room, shall be on the exterior of the building in which the room is located.

(vii) In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other.

(viii) Flammable and combustible liquids in excess of that permitted in inside storage rooms shall be stored outside of buildings in accordance with paragraph (c) of this section.

(c) *Storage outside buildings.* (1) Storage of containers (not more than 60 gallons each) shall not exceed 1,100 gallons in any one pile or area. Piles or groups of containers shall be separated by a 5-foot clearance. Piles or groups of containers shall not be nearer than 20 feet to a building.

(2) Within 200 feet of each pile of containers, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(3) The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures, or shall be surrounded by a curb or earth dike at least 12 inches high. When curbs or dikes are used, provisions shall be made for draining off accumulations of ground or rain water, or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(4) Outdoor portable tank storage: (i) Portable tanks shall not be nearer than 20 feet from any building. Two or more portable tanks, grouped together, having a combined capacity in excess of 2,200 gallons, shall be separated by a 5-foot-clear area. Individual portable tanks exceeding 1,100 gallons shall be separated by a 5-foot-clear area.

(ii) Within 200 feet of each portable tank, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(5) Storage areas shall be kept free of weeds, debris, and other combustible material not necessary to the storage.

(6) Portable tanks, not exceeding 660 gallons, shall be provided with emergency venting and other devices, as required by chapters III and IV of NFPA 30-1969, The Flammable and Combustible Liquids Code.

(7) Portable tanks, in excess of 660 gallons, shall have emergency venting and other devices, as required by chapters II and III of The Flammable and Combustible Liquids Code, NFPA 30-1969.

(d) *Fire control for flammable or combustible liquid storage.* (1) At least one portable fire extinguisher, having a rating of not less than 20-B units, shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage of more than 60 gallons of flammable or combustible liquids.

(2) At least one portable fire extinguisher having a rating of not less than 20-B units shall be located not less than 25 feet, nor more than 75 feet, from any flammable liquid storage area located outside.

(3) When sprinklers are provided, they shall be installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13-1969.

(4) At least one portable fire extinguisher having a rating of not less than 20-B:C units shall be provided on all tank trucks or other vehicles used for transporting and/or dispensing flammable or combustible liquids.

(e) *Dispensing liquids.* (1) Areas in which flammable or combustible liquids are transferred at one time, in quantities greater than 5 gallons from one tank or container to another tank or container, shall be separated from other operations by 25-feet distance or by construction having a fire resistance of at least 1 hour. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided to maintain the concentration of flammable vapor at or below 10 percent of the lower flammable limit.

(2) Transfer of flammable liquids from one container to another shall be done only when containers are electrically interconnected (bonded).

(3) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or tanks within a building or outside only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container, or portable tanks, by gravity or pump, through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks is prohibited.

(4) The dispensing units shall be protected against collision damage.

(5) Dispensing devices and nozzles for flammable liquids shall be of an approved type.

(f) *Handling liquids at point of final use.* (1) Flammable liquids shall be kept in closed containers when not actually in use.

(2) Leakage or spillage of flammable or combustible liquids shall be disposed of promptly and safely.

(3) Flammable liquids may be used only where there are no open flames or other sources of ignition within 50 feet of the operation, unless conditions warrant greater clearance.

(g) *Service and refueling areas.* (1) Flammable or combustible liquids shall be stored in approved closed containers, in tanks located underground, or in aboveground portable tanks.

(2) The tank trucks shall comply with the requirements covered in the Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA No. 385-1966.

(3) The dispensing hose shall be an approved type.

(4) The dispensing nozzle shall be an approved automatic-closing type without a latch-open device.

(5) Underground tanks shall not be abandoned.

(6) Clearly identified and easily accessible switch(es) shall be provided at a location remote from dispensing devices to shut off the power to all dispensing devices in the event of an emergency.

(7)(i) Heating equipment of an approved type may be installed in the lubrication or service area where there is no dispensing or transferring of flammable liquids, provided the bottom of the heating unit is at least 18 inches above the floor and is protected from physical damage.

(ii) Heating equipment installed in lubrication or service areas, where flammable liquids are dispensed, shall be of an approved type for garages, and shall be installed at least 8 feet above the floor.

(8) There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids.

(9) Conspicuous and legible signs prohibiting smoking shall be posted.

(10) The motors of all equipment being fueled shall be shut off during the fueling operation.

(11) Each service or fueling area shall be provided with at least one fire extinguisher having a rating of not less than 20-B:C located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service area.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.152 *Flammable and combustible liquids*), in accordance with their respective scope and definitions.

§ 1910.106 Flammable and combustible liquids.

• • • • • •

(g) *Service stations*—(1) *Storage and handling*—(i) *General provisions.* • • •

(G) Accurate inventory records shall be maintained and reconciled on all class I liquid storage tanks for possible indication of leakage from tanks or piping.

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(4) *Marine service stations*—(1) *Dispensing.* (*a*) The dispensing area shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Dispensing units shall in all cases be at least 20 feet from any activity involving fixed sources of ignition.

(*b*) Dispensing shall be by approved dispensing units with or without integral pumps and may be located on open piers, wharves, or floating docks or on shore or on piers of the solid fill type.

(*c*) Dispensing nozzles shall be automatic-closing without a hold-open latch.

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(4) When there is a danger of an underground fire, that land shall not be used for combustible or flammable storage.

(5) Method of piling shall be solid wherever possible and in orderly and regular piles. No combustible material shall be stored outdoors within 10 feet of a building or structure.

(6) Portable fire extinguishing equipment, suitable for the fire hazard involved, shall be provided at convenient, conspicuously accessible locations in the yard area. Portable fire extinguishers, rated not less than 2A, shall be placed so that maximum travel distance to the nearest unit shall not exceed 100 feet.

(d) *Indoor storage.* (1) Storage shall not obstruct, or adversely affect, means of exit.

(2) All materials shall be stored, handled, and piled with due regard to their fire characteristics.

(3) Noncompatible materials, which may create a fire hazard, shall be segregated by a barrier having a fire resistance of at least 1 hour.

(4) Material shall be piled to minimize the spread of fire internally and to permit convenient access for firefighting. Stable piling shall be maintained at all times. Aisle space shall be maintained to safely accommodate the widest vehicle that may be used within the building for firefighting purposes.

(5) Clearance of at least 36 inches shall be maintained between the top level of the stored material and the sprinkler deflectors.

(6) Clearance shall be maintained around lights and heating units to prevent ignition of combustible materials.

(7) A clearance of 24 inches shall be maintained around the path of travel of fire doors unless a barricade is provided, in which case no clearance is needed. Material shall not be stored within 36 inches of a fire door opening.

§ 1926.152 Flammable and combustible liquids.

(a) *General requirements.* (1) Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. Approved metal safety cans shall be used for the handling and use of flammable liquids in quantities greater than one gallon, except that this shall not apply to those flammable liquid materials which are highly viscid (extremely hard to pour), which may be used and handled in original shipping containers. For quantities of one gallon or less, only the original container or approved metal safety cans shall be used for storage, use, and handling of flammable liquids.

(2) Flammable or combustible liquids shall not be stored in areas used for exits, stairways, or normally used for the safe passage of people.

(b) *Indoor storage of flammable and combustible liquids.* (1) No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet. For storage of liquefied petroleum gas, see § 1926.153.

(2) Quantities of flammable and combustible liquid in excess of 25 gallons shall be stored in an acceptable or approved cabinet meeting the following requirements:

(i) Acceptable wooden storage cabinets shall be constructed in the following manner, or equivalent: The bottom, sides, and top shall be constructed of an exterior grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under standard fire test conditions. All joints shall be rabbeted and shall be fastened in two directions with flathead wood screws. When more than one door is used, there shall be a rabbeted overlap of not less than 1 inch. Steel hinges shall be mounted in such a manner as to not lose their holding capacity due to loosening or burning out of the screws when subjected to fire. Such cabinets shall be painted inside and out with fire retardant paint.

(ii) Approved metal storage cabinets will be acceptable.

(iii) Cabinets shall be labeled in conspicuous lettering, "Flammable—Keep Fire Away."

(3) Not more than 60 gallons of flammable or 120 gallons of combustible liquids shall be stored in any one storage cabinet. Not more than three such cabinets may be located in a single storage area. Quantities in excess of this shall be stored in an inside storage room.

(4)(i) Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Test of Building Construction and Material, NFPA 251-1969.

(ii) Where an automatic extinguishing system is provided, the system shall be designed and installed in an approved manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid-tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench, inside of the room, which drains to a safe location. Where other portions of the building or other buildings are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1970, for Class E or F openings. Wood of at least 1-inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(iii) Materials which will react with water and create a fire hazard shall not be stored in the same room with flammable or combustible liquids.

(iv) Storage in inside storage rooms shall comply with Table F-2 following:

TABLE F-2

Fire protection provided	Fire resistance	Maximum Size	Total allowable quantities gals./sq.ft./floor area
Yes	2 hrs	500 sq. ft.	10
No	2 hrs	500 sq. ft.	4
Yes	1 hr	150 sq. ft.	5
No	1 hr	150 sq. ft.	2

NOTE: Fire protection system shall be sprinkler, water spray, carbon dioxide or other system approved by a nationally recognized testing laboratory for this purpose.

(v) Electrical wiring and equipment located in inside storage rooms shall be approved for Class I, Division 1, Hazardous Locations. For definition of Class I, Division 1, Hazardous Locations, see § 1926.404.

(vi) Every inside storage room shall be provided with either a gravity or a mechanical exhausting system. Such system shall commence not more than 12 inches above the floor and be designed to provide for a complete change of air within the room at least 6 times per hour. If a mechanical exhausting system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. An electric pilot light shall be installed adjacent to the switch if flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhausting outlet from the room, shall be on the exterior of the building in which the room is located.

(vii) In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other.

(viii) Flammable and combustible liquids in excess of that permitted in inside storage rooms shall be stored outside of buildings in accordance with paragraph (c) of this section.

(c) *Storage outside buildings.* (1) Storage of containers (not more than 60 gallons each) shall not exceed 1,100 gallons in any one pile or area. Piles or groups of containers shall be separated by a 5-foot clearance. Piles or groups of containers shall not be nearer than 20 feet to a building.

(2) Within 200 feet of each pile of containers, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(3) The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures, or shall be surrounded by a curb or earth dike at least 12 inches high. When curbs or dikes are used, provisions shall be made for draining off accumulations of ground or rain water, or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(4) Outdoor portable tank storage: (i) Portable tanks shall not be nearer than 20 feet from any building. Two or more portable tanks, grouped together, having a combined capacity in excess of 2,200 gallons, shall be separated by a 5-foot-clear area. Individual portable tanks exceeding 1,100 gallons shall be separated by a 5-foot-clear area.

(ii) Within 200 feet of each portable tank, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(5) Storage areas shall be kept free of weeds, debris, and other combustible material not necessary to the storage.

(6) Portable tanks, not exceeding 660 gallons, shall be provided with emergency venting and other devices, as required by chapters III and IV of NFPA 30-1969, The Flammable and Combustible Liquids Code.

(7) Portable tanks, in excess of 660 gallons, shall have emergency venting and other devices, as required by chapters II and III of The Flammable and Combustible Liquids Code, NFPA 30-1969.

(d) *Fire control for flammable or combustible liquid storage.* (1) At least one portable fire extinguisher, having a rating of not less than 20-B units, shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage of more than 60 gallons of flammable or combustible liquids.

(2) At least one portable fire extinguisher having a rating of not less than 20-B units shall be located not less than 25 feet, nor more than 75 feet, from any flammable liquid storage area located outside.

(3) When sprinklers are provided, they shall be installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13-1969.

(4) At least one portable fire extinguisher having a rating of not less than 20-B:C units shall be provided on all tank trucks or other vehicles used for transporting and/or dispensing flammable or combustible liquids.

(e) *Dispensing liquids.* (1) Areas in which flammable or combustible liquids are transferred at one time, in quantities greater than 5 gallons from one tank or container to another tank or container, shall be separated from other operations by 25-feet distance or by construction having a fire resistance of at least 1 hour. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided to maintain the concentration of flammable vapor at or below 10 percent of the lower flammable limit.

(2) Transfer of flammable liquids from one container to another shall be done only when containers are electrically interconnected (bonded).

(3) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or tanks within a building or outside only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container, or portable tanks, by gravity or pump, through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks is prohibited.

(4) The dispensing units shall be protected against collision damage.

(5) Dispensing devices and nozzles for flammable liquids shall be of an approved type.

(f) *Handling liquids at point of final use.* (1) Flammable liquids shall be kept in closed containers when not actually in use.

(2) Leakage or spillage of flammable or combustible liquids shall be disposed of promptly and safely.

(3) Flammable liquids may be used only where there are no open flames or other sources of ignition within 50 feet of the operation, unless conditions warrant greater clearance.

(g) *Service and refueling areas.* (1) Flammable or combustible liquids shall be stored in approved closed containers, in tanks located underground, or in aboveground portable tanks.

(2) The tank trucks shall comply with the requirements covered in the Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA No. 385-1968.

(3) The dispensing hose shall be an approved type.

(4) The dispensing nozzle shall be an approved automatic-closing type without a latch-open device.

(5) Underground tanks shall not be abandoned.

(6) Clearly identified and easily accessible switch(es) shall be provided at a location remote from dispensing devices to shut off the power to all dispensing devices in the event of an emergency.

(7)(i) Heating equipment of an approved type may be installed in the lubrication or service area where there is no dispensing or transferring of flammable liquids, provided the bottom of the heating unit is at least 18 inches above the floor and is protected from physical damage.

(ii) Heating equipment installed in lubrication or service areas, where flammable liquids are dispensed, shall be of an approved type for garages, and shall be installed at least 8 feet above the floor.

(8) There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids.

(9) Conspicuous and legible signs prohibiting smoking shall be posted.

(10) The motors of all equipment being fueled shall be shut off during the fueling operation.

(11) Each service or fueling area shall be provided with at least one fire extinguisher having a rating of not less than 20-B:C located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service area.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.152 *Flammable and combustible liquids*), in accordance with their respective scope and definitions.

§ 1910.106 Flammable and combustible liquids.

* * * * * *

(g) *Service stations*—(1) *Storage and handling*—(i) *General provisions.* * * *

(G) Accurate inventory records shall be maintained and reconciled on all class I liquid storage tanks for possible indication of leakage from tanks or piping.

* * * * * *

(4) *Marine service stations*—(i) *Dispensing.* (*a*) The dispensing area shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Dispensing units shall in all cases be at least 20 feet from any activity involving fixed sources of ignition.

(*b*) Dispensing shall be by approved dispensing units with or without integral pumps and may be located on open piers, wharves, or floating docks or on shore or on piers of the solid fill type.

(*c*) Dispensing nozzles shall be automatic-closing without a hold-open latch.

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(ii) *Tanks and pumps.* (*a*) Tanks, and pumps not integral with the dispensing unit, shall be on shore or on a pier of the solid fill type, except as provided in subdivision (b) and (c) of this subdivision.

(*b*) Where shore location would require excessively long supply lines to dispensers, tanks may be installed on a pier provided that applicable portions of paragraph (b) of this section relative to spacing, diking, and piping are complied with and the quantity so stored does not exceed 1,100 gallons aggregate capacity.

(c) Shore tanks supplying marine service stations may be located above ground, where rock ledges or high water table make underground tanks impractical.

(*d*) Where tanks are at an elevation which would produce gravity head on the dispensing unit, the tank outlet shall be equipped with a pressure control valve positioned adjacent to and outside the tank block valve specified in paragraph (b)(2)(ix)(*b*) of this section, so adjusted that liquid cannot flow by gravity from the tank in case of piping or hose failure.

(iii) *Piping.* (*a*) Piping between shore tanks and dispensing units shall be as described in paragraph (c) of this section, except that, where dispensing is from a floating structure, suitable lengths of oil-resistant flexible hose may be employed between the shore piping and the piping on the floating structure as made necessary by change in water level or shoreline.

(*b*) A readily accessible valve to shut off the supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each pipeline adjacent to the point where flexible hose is attached.

(c) Piping shall be located so as to be protected from physical damage.

(*d*) Piping handling Class I liquids shall be grounded to control stray currents.

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(j) *Scope.* This section applies to the handling, storage, and use of flammable and combustible liquids with a flash point below 200° F. This section does not apply to: (1) Bulk transportation of flammable and combustible liquids;

(2) Storage, handling, and use of fuel oil tanks and containers connected with oil burning equipment;

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§ 1910.106 Flammable and combustible liquids.

(a) *Definitions.* • • •

(22) Marine service station shall mean that portion of a property where flammable or combustible liquids used as fuels are stored and dispensed from fixed equipment on shore, piers, wharves, or floating docks into the fuel tanks of self-propelled craft, and shall include all facilities used in connection therewith.

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§ 1926.153 Liquefied petroleum gas (LP-Gas).

(a) *Approval of equipment and systems.* (1) Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators of an approved type.

(2) All cylinders shall meet the Department of Transportation specification identification requirements published in 49 CFR Part 178, Shipping Container Specifications.

(b) *Welding on LP-Gas containers.* Welding is prohibited on containers.

(c) *Container valves and container accessories.* (1) Valves, fittings, and accessories connected directly to the container, including primary shut off valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-Gas service.

(2) Connections to containers, except safety relief connections, liquid level gauging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(d) *Safety devices.* (1) Every container and every vaporizer shall be provided with one or more approved safety relief valves or devices. These valves shall be arranged to afford free vent to the outer air with discharge not less than 5 feet horizontally away from any opening into a building which is below such discharge.

(2) Shutoff valves shall not be installed between the safety relief device and the container, or the equipment or piping to which the safety relief device is connected, except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(3) Container safety relief devices and regulator relief vents shall be located not less than 5 feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(e) *Dispensing.* (1) Filling of fuel containers for trucks or motor vehicles from bulk storage containers shall be performed not less than 10 feet from the nearest masonry-walled building, or not less than 25 feet from the nearest building or other construction and, in any event, not less than 25 feet from any building opening.

(2) Filling of portable containers or containers mounted on skids from storage containers shall be performed not less than 50 feet from the nearest building.

(f) *Requirements for appliances.* (1) LP-Gas consuming appliances shall be approved types.

(2) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-Gas, and is in good condition, may be used with LP-Gas only after it is properly converted, adapted, and tested for performance with LP-Gas before the appliance is placed in use.

(g) *Containers and regulating equipment installed outside of buildings or structures.* Containers shall be upright upon firm foundations or otherwise firmly secured. The possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

(h) *Containers and equipment used inside of buildings or structures.* (1) When operational requirements make portable use of containers necessary, and their location outside of buildings or structures is impracticable, containers and equipment shall be permitted to be used inside of buildings or structures in accordance with subparagraphs (2) through (11) of this paragraph.

(2) "Containers in use" means connected for use.

(3) Systems utilizing containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets.

(4) Regulators shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP-Gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(5) Valves on containers having water capacity greater than 50 pounds (nominal 20 pounds LP-Gas capacity) shall be protected from damage while in use or storage.

(6) Aluminum piping or tubing shall not be used.

(7) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Design, construction, and performance of hose, and hose connections shall have their suitability determined by listing by a nationally recognized testing agency. The hose length shall be as short as practicable. Hoses shall be long enough to permit compliance with spacing provisions of subparagraphs (1)–(13) of this paragraph, without kinking or straining, or causing hose to be so close to a burner as to be damaged by heat.

(8) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the main burner, and pilot if used, in the event of flame failure. Such heaters, having inputs above 50,000 B.t.u. per hour, shall be equipped with either a pilot, which must be lighted and proved before the main burner can be turned on, or an electrical ignition system.

NOTE: The provisions of this subparagraph do not apply to portable heaters under 7,500 B.t.u. per hour input when used with containers having a maximum water capacity of 2½ pounds.

(9) Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(10) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located to minimize exposure to high temperatures or physical damage.

(11) Containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) connected for use shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(12) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity).

(13) For temporary heating, heaters (other than integral heater-container units) shall be located at least 6 feet from any LP-Gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the containers. Blower and radiant type heaters shall not be directed toward any LP-Gas container within 20 feet.

(14) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(15) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers, manifolded together for connection to a heater or heaters, shall not be greater than 735 pounds (nominal 300 pounds LP-Gas capacity). Such manifolds shall be separated by at least 20 feet.

(16) Storage of containers awaiting use shall be in accordance with paragraphs (j) and (k) of this section.

(i) *Multiple container systems.* (1) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system. This provision is not to be construed as requiring an automatic changeover device.

(2) Heaters shall be equipped with an approved regulator in the supply line between the fuel cylinder and the heater unit. Cylinder connectors shall be provided with an excess flow valve to minimize the flow of gas in the event the fuel line becomes ruptured.

(3) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, clyinders, supporting standards, the building walls, or otherwise rigidly secured, and shall be so installed or protected from the elements.

(j) *Storage of LPG containers.* Storage of LPG within buildings is prohibited.

(k) *Storage outside of buildings.* (1) Storage outside of buildings, for containers awaiting use, shall be located from the nearest building or group of buildings, in accordance with the following:

TABLE F-3

Quantity of LP-Gas stored:	Distance (feet)
500 lbs. or less	0
501 to 6,000 lbs	10
6,001 to 10,000 lbs	20
Over 10,000 lbs	25

(2) Containers shall be in a suitable ventilated enclosure or otherwise protected against tampering.

(l) *Fire protection.* Storage locations shall be provided with at least one approved portable fire extinguisher having a rating of not less than 20-B:C.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.153 *Liquid petroleum gas (LP-gas)*, in accordance with their respective scope and definitions.

§ 1910.110 Storage and handling of liquefied petroleum gases.

(a) *Definitions as used in this section.*

(1) API-ASME container—A container constructed in accordance with the requirements of *paragraph (b)(3)(iii) of this section.*

(2) ASME container—A container constructed in accordance with the requirements of *paragraph (b)(3)(i) of this section.*

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(4) Containers—All vessels, such as tanks, cylinders of drums, used for transportation or storing liquefied petroleum gases.

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(b) • • •

(5) • • •

(iii) When LP-Gas and one or more other gases are stored or used in the same area, the containers shall be marked to identify their content. Marking shall be in compliance with American National Standard Z48.1-1954, "Method of Marking Portable Compressed Gas Containers To Identify the Material Contained."

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(d) *Systems utilizing containers other than DOT containers*—(1) *Application.* This paragraph applies specifically to systems utilizing storage containers other than those constructed in accordance with DOT specifications. Paragraph (b) of this section applies to this paragraph unless otherwise noted in *paragraph (b) of this section.*

(2) *Design pressure and classification of storage containers.* Storage containers shall be designed and classified in accordance with Table H-31.

TABLE H-31

Container type	For gases with vapor press. Not to exceed lb. per sq. in. gage at 100° F. (37.8° C.)	Minimum design pressure of container, lb. per sq. in. gage: 1949 and earlier editions of ASME Code (Par. U-68, U-69)	Minimum design pressure of container, lb. per sq. in. gage: 1949 edition of ASME Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of ASME Code; All editions of API-ASME Code [2]
[1]80	[1]80	[1]80	[1]100
100	100	100	125
125	125	125	156
150	150	150	167
175	175	175	219
[1]200	215	200	250

[1] New storage containers of the 80 type have not been authorized since Dec. 31, 1947.

[2] Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) the 1949 ASME Code (Par. U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code, and (3) all editions of the API-ASME Code.

[3] Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

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(7) • • •

(vii) Containers with foundations attached (portable or semiportable containers with suitable steel "runners" or "skids" and popularly known in the industry as "skid tanks") shall be designed, installed, and used in accordance with these rules subject to the following provisions:

(*a*) If they are to be used at a given general location for a temporary period not to exceed 6 months they need not have fire-resisting foundations or saddles but shall have adequate ferrous metal supports.

(*b*) They shall not be located with the outside bottom of the container shell more than 5 feet above the surface of the ground unless fire-resisting supports are provided.

(*c*) The bottom of the skids shall not be less than 2 inches or more than 12 inches below the outside bottom of the container shell.

(*d*) Flanges, nozzles, valves, fittings, and the like, having communication with the interior of the container, shall be protected against physical damage.

(*e*) When not permanently located on fire-resisting foundations, piping connections shall be sufficiently flexible to minimize the possibility of breakage or leakage of connections if the container settles, moves, or is otherwise displaced.

(*f*) Skids, or lugs for attachment of skids, shall be secured to the container in accordance with the code or rules under which the container is designed and built (with a minimum factor of safety of four) to withstand loading in any direction equal to four times the weight of the container and attachments when filled to the maximum permissible loaded weight.

(viii) Field welding where necessary shall be made only on saddle plates or brackets which were applied by the manufacturer of the tank.

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(10) *Damage from vehicles.* When damage to LP-Gas systems from vehicular traffic is a possibility, precautions against such damage shall be taken.

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§ 1926.154 Temporary heating devices.

(a) *Ventilation.* (1) Fresh air shall be supplied in sufficient quantities to maintain the health and safety of workmen. Where natural means of fresh air supply is inadequate, mechanical ventilation shall be provided.

(2) When heaters are used in confined spaces, special care shall be taken to provide sufficient ventilation in order to ensure proper combustion, maintain the health and safety of workmen, and limit temperature rise in the area.

(b) *Clearance and mounting.* (1) Temporary heating devices shall be installed to provide clearance to combustible material not less than the amount shown in Table F-4.

(2) Temporary heating devices, which are listed for installation with lesser clearances than specified in Table F-4, may be installed in accordance with their approval.

TABLE F-4

Heating appliances	Minimum clearance, (inches)		
	Sides	Rear	Chimney connector
Room heater, circulating type ...	12	12	18
Room heater, radiant type.....	36	36	18

(3) Heaters not suitable for use on wood floors shall not be set directly upon them or other combustible materials. When such heaters are used, they shall rest on suitable heat insulating material or at least 1-inch concrete, or equivalent. The insulating material shall extend beyond the heater 2 feet or more in all directions.

(4) Heaters used in the vicinity of combustible tarpaulins, canvas, or similar coverings shall be located at least 10 feet from the coverings. The coverings shall be securely fastened to prevent ignition or upsetting of the heater due to wind action on the covering or other material.

(c) *Stability.* Heaters, when in use, shall be set horizontally level, unless otherwise permitted by the manufacturer's markings.

(d) *Solid fuel salamanders.* Solid fuel salamanders are prohibited in buildings and on scaffolds.

(e) *Oil-fired heaters.* (1) Flammable liquid-fired heaters shall be equipped with a primary safety control to stop the flow of fuel in the event of flame failure. Barometric or gravity oil feed shall not be considered a primary safety control.

(2) Heaters designed for barometric or gravity oil feed shall be used only with the integral tanks.

(3) [Revoked]

(4) Heaters specifically designed and approved for use with separate supply tanks may be directly connected for gravity feed, or an automatic pump, from a supply tank.

§ 1926.155 Definitions applicable to this subpart.

(a) "Approved", for the purpose of this subpart, means equipment that has been listed or approved by a nationally recognized testing laboratory such as Factory Mutual Engineering Corp., or Underwriters' Laboratories, Inc., or Federal agencies such as Bureau of Mines, or U.S. Coast Guard, which issue approvals for such equipment.

(b) "Closed container" means a container so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

(c) "Combustible liquids" mean any liquid having a flash point at or above 140° F. (60° C.), and below 200° F. (93.4° C.).

(d) "Combustion" means any chemical process that involves oxidation sufficient to produce light or heat.

(e) "Fire brigade" means an organized group of employees that are knowledgeable, trained, and skilled in the safe evacuation of employees during emergency situations and in assisting in fire fighting operations.

(f) "Fire resistance" means so resistant to fire that, for specified time and under conditions of a standard heat intensity, it will not fail structurally and will not permit the side away from the fire to become hotter than a specified temperature. For purposes of this part, fire resistance shall be determined by the Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969.

(g) "Flammable" means capable of being easily ignited, burning intensely, or having a rapid rate of flame spread.

(h) "Flammable liquids" means any liquid having a flash point below 140° F. and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F.

(i) "Flash point" of the liquid means the temperature at which it gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the vessel used as determined by appropriate test procedure and apparatus as specified below.

(1) The flash point of liquids having a viscosity less than 45 Saybolt Universal Second(s) at 100° F. (37.8° C.) and a flash point below 175° F. (79.4° C.) shall be determined in accordance with the Standard Method of Test for Flash Point by the Tag Closed Tester, ASTM D-56-69.

(2) The flash point of liquids having a viscosity of 45 Saybolt Universal Second(s) or more at 175° F. (79.4° C.) or higher shall be determined in accordance with the Standard Method of Test for Flash Point by the Pensky Martens Closed Tester, ASTM D-93-69.

(j) "Liquefied petroleum gases," "LPG" and "LP Gas" mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them, such as propane, propylene, butane (normal butane or iso-butane), and butylenes.

(k) "Portable tank" means a closed container having a liquid capacity more than 60 U.S. gallons, and not intended for fixed installation.

(l) "Safety can" means an approved closed container, of not more than 5 gallons capacity, having a flash-arresting screen, spring-closing lid and spout cover and so designed that it will safely relieve internal pressure when subjected to fire exposure.

(m) "Vapor pressure" means the pressure, measured in pounds per square inch (absolute), exerted by a volatile liquid as determined by the "Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method)." (ASTM D-323-58).

Subpart G—Signs, Signals, and Barricades

Sec.

1926.200 Accident prevention signs and tags.
1926.201 Signaling
1926.202 Barricades.
1926.203 Definitions applicable to this subpart.

§1926.200 Accident prevention signs and tags.

(a) *General.* Signs and symbols required by this subpart shall be visible at all times when work is being performed, and shall be removed or covered promptly when the hazards no longer exist.

(b) *Danger signs.* (1) Danger signs (see Figure G-1) shall be used only where an immediate hazard exists.

(2) Danger signs shall have red as the predominating color for the upper panel; black outline on the borders; and a white lower panel for additional sign wording.

(c) *Caution signs.* (1) Caution signs (see Figure G-2) shall be used only to warn against potential hazards or to caution against unsafe practices.

Figure G-1



Figure G-2



(2) Caution signs shall have yellow as the predominating color; black upper panel and borders; yellow lettering of "caution" on the black panel; and the lower yellow panel for additional sign wording. Black lettering shall be used for additional wording.

(d) *Exit signs.* Exit signs, when required, shall be lettered in legible red letters, not less than 6 inches high, on a white field and the principal stroke of the letters shall be at least three-fourths inch in width.

(e) *Safety instruction signs.* Safety instruction signs, when used, shall be white with green upper panel with white letters to convey the principal message. Any additional wording on the sign shall be black letters on the white background.

(f) *Directional signs.* Directional signs, other than automotive traffic signs specified in paragraph (g) of this section, shall be white with a black panel and a white directional symbol. Any additional wording on the sign shall be black letters on the white background.

(g) *Traffic signs.* (1) Construction areas shall be posted with legible traffic signs at points of hazard.

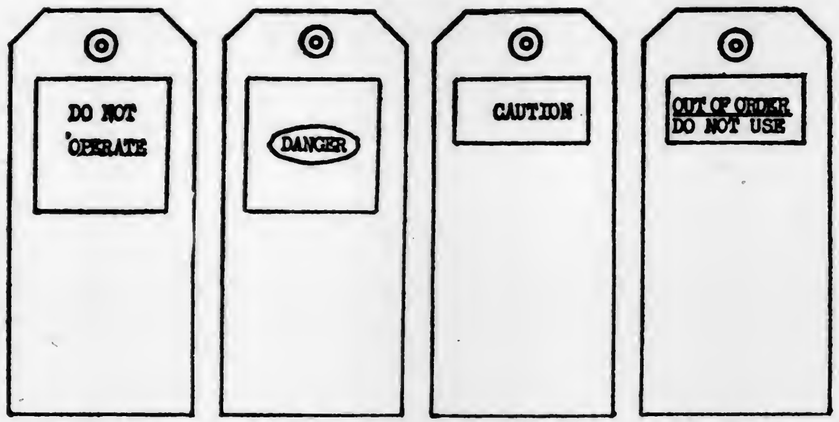
(2) All traffic control signs or devices used for protection of construction workmen shall conform to American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways.

(h) *Accident prevention tags.* (1) Accident prevention tags shall be used as a temporary means of warning employees of an existing hazard, such as defective tools, equipment, etc. They shall not be used in place of, or as a substitute for, accident prevention signs.

(2) Specifications for accident prevention tags similar to those in Table G-1 shall apply.

[4510-26-C]

Table C-1



White tag - White letters on red square

White tag - White letters on red oval with a black square

Yellow tag - Yellow letters on a black background

White tag - White letters on black background

Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White	Red	Do Not Operate
White	Black and Red	Danger
Yellow	Black	Caution
White	Black	Out of Order Do Not Use

[4510-26-M]

(i) *Additional rules.* American National Standards Institute (ANSI) Z35.1-1968, Specifications for Accident Prevention Signs, and Z35.2-1968, Specifications for Accident Prevention Tags, contain rules which are additional to the rules prescribed in this section. The employer shall comply with ANSI Z35.1-1968 and Z35.2-1968 with respect to rules not specifically prescribed in this subpart.

§ 1926.201 Signaling.

(a) *Flagmen.* (1) When operations are such that signs, signals, and barricades do not provide the necessary protection on or adjacent to a highway or street, flagmen or other appropriate traffic controls shall be provided.

(2) Signaling directions by flagmen shall conform to American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways.

(3) Hand signaling by flagmen shall be by use of red flags at least 18 inches square or sign paddles, and in periods of darkness, red lights.

(4) Flagmen shall be provided with and shall wear a red or orange warning garment while flagging. Warning garments worn at night shall be of reflectorized material.

(b) *Crane and hoist signals.* Regulations for crane and hoist signaling will be found in applicable American National Standards Institute standards.

§ 1926.202 Barricades.

Barricades for protection of employees shall conform to the portions of the American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways, relating to barricades.

§ 1926.203 Definitions applicable to this Subpart.

(a) "Barricade" means an obstruction to deter the passage of persons or vehicles.

(b) "Signs" are the warnings of hazard, temporarily or permanently affixed or placed, at locations where hazards exist.

(c) "Signals" are moving signs, provided by workers, such as flagmen, or by devices, such as flashing lights, to warn of possible or existing hazards.

(d) "Tags" are temporary signs, usually attached to a piece of equipment or part of a structure, to warn of existing or immediate hazards.

Subpart H—Materials Handling, Storage, Use, and Disposal [1]

Sec.

1926.250 General requirements for storage.
1910.30 Other working surfaces.
1910.176 Handling materials—general.
1926.251 Rigging equipment for material handling.
1910.184 Slings.
1926.252 Disposal of waste materials.

[1] Portions of the listed Part 1910 standards have been identified as applicable to construction.

(a) *General.* (1) All materials stored in tiers shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling or collapse.

(2) Maximum safe load limits of floors within buildings and structures, in pounds per square foot, shall be conspicuously posted in all storage areas, except for floor or slab on grade. Maximum safe loads shall not be exceeded.

(3) Aisles and passageways shall be kept clear to provide for the free and safe movement of material handling equipment or employees. Such areas shall be kept in good repair.

(4) When a difference in road or working levels exist, means such as ramps, blocking, or grading shall be used to ensure the safe movement of vehicles between the two levels.

(b) *Material storage.* (1) Material stored inside buildings under construction shall not be placed within 6 feet of any hoistway or inside floor openings, nor within 10 feet of an exterior wall which does not extend above the top of the material stored.

(2) Employees required to work on stored material in silos, hoppers, tanks, and similar storage areas shall be equipped with lifelines and safety belts meeting the requirements of Subpart E of this part.

(3) Noncompatible materials shall be segregated in storage.

(4) Bagged materials shall be stacked by stepping back the layers and cross-keying the bags at least every 10 bags high.

(5) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations.

(6) Brick stacks shall not be more than 7 feet in height. When a loose brick stack reaches a height of 4 feet, it shall be tapered back 2 inches in every foot of height above the 4-foot level.

(7) When masonry blocks are stacked higher than 6 feet, the stack shall be tapered back one-half block per tier above the 6-foot level.

(8) Lumber:

(i) Used lumber shall have all nails withdrawn before stacking.

(ii) Lumber shall be stacked on level and solidly supported sills.

(iii) Lumber shall be so stacked as to be stable and self-supporting.

(iv) Lumber piles shall not exceed 20 feet in height provided that lumber to be handled manually shall not be stacked more than 16 feet high.

(9) Structural steel, poles, pipe, bar stock, and other cylindrical materials, unless racked, shall be stacked and blocked so as to prevent spreading or tilting.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.250 *General Requirements for Storage*).

§ 1910.30 Other working surfaces.

(a) *Dockboards (bridge plates).* (1) Portable and powered dockboards shall be strong enough to carry the load imposed on them.

(2) Portable dockboards shall be secured in position, either by being anchored or equipped with devices which will prevent their slipping.

. . . . . .

(4) Handholds, or other effective means, shall be provided on portable dockboards to permit safe handling.

(5) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

. . . . . .

§ 1910.176 Handling materials—General.

. . . . . .

(c) *Housingkeeping.* Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion, or pest harborage. Vegetation control will be exercised when necessary.

§ 1926.251 Rigging equipment for material handling.

(a) *General.* (1) Rigging equipment for material handling shall be inspected prior to use on each shift and as necessary during its use to ensure that it is safe. Defective rigging equipment shall be removed from service.

(2) Rigging equipment shall not be loaded in excess of its recommended safe working load, as prescribed in Tables H-1 through H-20 in this subpart, following § 1926.252(e) for the specific equipment.

(3) Rigging equipment, when not in use, shall be removed from the immediate work area so as not to present a hazard to employees.

(4) Special custom design grabs, hooks, clamps, or other lifting accessories, for such units as modular panels, prefabricated structures and similar materials, shall be marked to indicate the safe working loads and shall be

V 4 4 / 2 9 F E 9 7 9 UMI

V 4 4 / 2 9 F E 9 7 9 UMI

proof-tested prior to use to 125 percent of their rated load.

(b) *Alloy steel chains.* (1) Welded alloy steel chain slings shall have permanently affixed durable identification stating size, grade, rated capacity, and sling manufacturer.

(2) Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links, or other attachments, when used with alloy steel chains, shall have a rated capacity at least equal to that of the chain.

(3) Job or shop hooks and links, or makeshift fasteners, formed from bolts, rods, etc., or other such attachments, shall not be used.

(4) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in Table H-1.

(5) Whenever wear at any point of any chain link exceeds that shown in Table H-2, the assembly shall be removed from service.

(c) *Wire rope.* (1) Tables H-3 through H-14 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications, and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than 5 is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Wire rope shall not be secured by knots, except on haul back lines on scrapers.

(4) The following limitations shall apply to the use of wire rope:

(i) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(ii) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(iii) Eyes in wire rope bridles, slings, or bull wires shall not be formed by wire rope clips or knots.

(iv) Wire rope shall not be used if, in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect.

(5) When U-bolt wire rope clips are used to form eyes, Table H-20 shall be used to determine the number and spacing of clips.

(i) When used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(d) *Natural rope, and synthetic fiber*—(1) *General.* When using natural or synthetic fiber rope slings, Tables H-15, 16, 17, and 18 shall apply.

(2) All splices in rope slings provided by the employer shall be made in accordance with fiber rope manufacturers recommendations.

(i) In manila rope, eye splices shall contain at least three full tucks, and short splices shall contain at least six full tucks (three on each side of the centerline of the splice).

(ii) In layed synthetic fiber rope, eye splices shall contain at least four full tucks, and short splices shall contain at least eight full tucks (four on each side of the centerline of the splice).

(iii) Strand end tails shall not be trimmed short (flush with the surface of the rope) immediately adjacent to the full tucks. This precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under 1-inch diameter, the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes 1-inch diameter and larger, the tails shall project at least 6 inches beyond the last full tuck. In applications where the projecting tails may be objectionable, the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck).

(iv) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60° at the splice when the eye is placed over the load or support.

(v) Knots shall not be used in lieu of splices.

(e) *Synthetic webbing (nylon, polyester, and polypropylene).* (1) The employer shall have each synthetic web sling marked or coded to show:

(i) Name or trademark of manufacturer.

(ii) Rated capacities for the type of hitch.

(iii) Type of material.

(2) Rated capacity shall not be exceeded.

(f) *Shackles and hooks.* (1) Table H-19 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than 5 is maintained.

(2) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.251(b), (c), (d) and (e) *Rigging Equipment for material handling*), in accordance with the scope noted below.

For 1926.251(b):

§ 1910.184 Slings.

* * * * *

(e) *Alloy steel chain slings.* * * *

(3) *Inspections.* (i) In addition to the inspection required by paragraph (d) of this section, a thorough periodic inspection of alloy steel chain slings in use shall be made on a regular basis, to be determined on the basis of—

(*a*) frequency of sling use;

(*b*) severity of service conditions;

(*c*) nature of lifts being made; and

(*D*) experience gained on the service life of slings used in similar circumstances. Such inspections shall in no event be at intervals greater than once every 12 months.

(ii) The employer shall make and maintain a record of the most recent month in which each alloy steel chain sling was thoroughly inspected, and shall make such record available for examination.

* * * * *

For 1926.251(c):

§ 1910.184 Slings.

* * * * *

(c) *Safe operating practices.* Whenever any sling is used, the following practices shall be observed. * * *

(2) Slings shall not be shortened with knots or bolts or other makeshift devices.

(3) Sling legs shall not be kinked.

(5) Slings used in a basket hitch shall have the loads balanced to prevent slippage.

* * * * *

(7) Slings shall be padded or protected from the sharp edges of their loads.

* * * * *

(10) Hands or fingers shall not be placed between the sling and its load while the sling is being tightened around the load.

(11) Shock loading is prohibited.

(12) A sling shall not be pulled from under a load when the load is resting on the sling.

* * * * *

(f) *Wire rope slings.* * * *

(2) *Minimum sling lengths.* (i) Cable laid and 6 × 19 and 6 × 37 slings shall have a minimum clear length of wire rope 10 times the component rope diameter between splices, sleeves or end fittings.

(ii) Braided slings shall have a minimum clear length of wore rope 40 times the component rope diameter between the loops or end fittings.

(iii) Cable laid grommets, strand laid grommets and endless slings shall have a minimum circumferential length of 96 times their body diameter.

(3) *Safe operating temperatures.* Fiber core wire rope slings of all grades shall be permanently removed from service if they are exposed to temperatres in excess of 200° F. When nonfiber core wire rope slings of any grade are used at temperatures above 400° F or below minus 60° F, recommendations of the sling manufacturer regarding use at that temperature shall be followed.

(4) *End attachments.* (i) Welding of end attachments, except covers to thimbles, shall be performed prior to the assembly of the sling.

(ii) All welded end attachments shall not be used unless proof tested by the manufacturer or equivalent entity at twice their rated capacity prior to initial use. The employer shall retain a certificate of the proof test, and make it available for examination.

For 1926.251(d):

§ 1910.184 Slings.

* * * * *

(h) *Natural and synthetic fiber rope slings.* * * *

(2) *Safe operating temperatures.* Natural and synthetic fiber rope slings, except for wet frozen slings, may be used in a temperature range from minus 20° F to plus 180° F without decreasing the working load limit. For operations outside this temperature range and for wet frozen slings, the sling manufacturer's recommendations shall be followed.

(3) *Splicing.* Spliced fiber rope slings shall not be used unless they have been spliced in accordance with the following minimum requirements and in accordance with any additional recommendations of the manufacturer: * * *

(iv) Fiber rope slings shall have a minimum clear length of rope between eye splices equal to 10 times the rope diameter.

(vi) Clamps not designed specifically for fiber ropes shall not be used for splicing.

(4) *End attachments.* Fiber rope slings shall not be used if end attachments in contact with rope have sharp edges or projections.

(5) *Removal from service.* Natural and synthetic fiber rope sling shall be immediately removed from service if any of the following conditions are present:

(i) Abnormal wear.

(ii) Powdered fiber between strands.

(iii) Broken or cut fibers.

(iv) Variations in the size or roundness of strands.

(v) Discoloration or rotting.

(vi) Distortion of hardware in the sling.

For 1926.251(e):

§ 1910.184 Slings.

* * * * *

(i) *Synthetic web slings.* * * *

(2) *Webbing.* Synthetic webbing shall be of uniform thickness and width and selvage edges shall not be split from the webbing's width.

(3) *Fittings.* Fittings shall be:

(A) Of a minimum breaking strength equal to that of the sling; and

(B) Free of all sharp edges that could in any way damage the webbing.

(4) *Attachment of end fittings to webbing and formation of eyes.* Stitching shall be the only method used to attach end fittings to webbing and to form eyes. The thread shall be in an even pattern and contain a sufficient number of stitches to develop the full breaking strength of the sling.

* * * * *

(6) *Environmental conditions.* When synthetic web slings are used, the following precautions shall be taken:

(i) Nylon web slings shall not be used where fumes, vapors, sprays, mists or liquids of acids or phenolics are present.

(ii) Polyester and polypropylene web slings shall not be used where fumes, vapors, sprays, mists or liquids of caustics are present.

(iii) Web slings with aluminum fittings shall not be used where fumes, vapors, sprays, mists or liquids of caustics are present.

(7) *Safe operating temperatures.* Synthetic web slings of polyester and nylon shall not be used at temperatures in excess of 180° F. Polypropylene web slings shall not be used at temperatures in excess of 200° F.

* * * * *

(9) *Removal from service.* Synthetic web slings shall be immediately removed from service if any of the following conditions are present:

(i) Acid or caustic burns;

(ii) Melting or charring of any part of the sling surface;

(iii) Snags, punctures, tears or cuts;

(iv) Broken or worn stitches; or

(v) Distortion of fittings.

* * * * *

§ 1910.184 Slings.

(a) *Scope.* This section applies to slings used in conjunction with other material handling equipment for the movement of material by hoisting, in employments covered by this Part. The types of slings covered are those made from alloy steel chain, wire rope, metal mesh, natural or synthetic fiber rope (conventional three strand construction), and synthetic web (Nylon, polyester, and polypropylene).

§ 1926.252 Disposal of waste materials.

(a) Whenever materials are dropped more than 20 feet to any point lying outside the exterior walls of the building, an enclosed chute of wood, or equivalent material, shall be used. For the purpose of this paragraph, an enclosed chute is a slide, closed in on all sides, through which material is moved from a high place to a lower one.

(b) When debris is dropped through holes in the floor without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than 42 inches high and not less than 6 feet back from the projected edge of the opening above. Signs warning of the hazard of falling materials shall be posted at each level. Removal shall not be permitted in this lower area until debris handling ceases above.

(c) All scrap lumber, waste material, and rubbish shall be removed from the immediate work area as the work progresses.

(d) Disposal of waste material or debris by burning shall comply with local fire regulations.

(e) All solvent waste, oily rags, and flammable liquids shall be kept in fire resistant covered containers until removed from worksite.

[4510-26-C]

Table H-1
RATED CAPACITY (WORKING LOAD LIMIT), FOR ALLOY STEEL CHAIN SLINGS*
RATED CAPACITY (WORKING LOAD LIMIT), POUNDS

Chain Size, Inches	Single Branch Sling — 90 degree Loading	Double Sling Vertical Angle (1) 30 degree / 45 degree / 60 degree Horizontal Angle (2) 60 degree / 45 degree / 30 degree			Triple and Quadruple Sling Vertical Angle (1) 30 degree / 45 degree / 60 degree Horizontal Angle (2) 60 degree / 45 degree / 30 degree		
1/4	3,250	5,560	4,550	3,250	8,400	6,600	4,900
3/8	6,600	11,400	9,300	6,600	17,000	14,000	9,900
1/2	11,250	19,500	15,900	11,250	29,000	24,000	17,000
5/8	16,500	28,500	23,300	16,500	43,000	35,000	24,500
3/4	23,000	39,800	32,500	23,000	59,500	48,500	34,500
7/8	28,750	49,800	40,600	28,750	74,500	61,000	43,000
1	38,750	67,100	54,800	38,750	101,000	82,000	58,000
1-1/8	44,500	77,000	63,000	44,500	115,500	94,500	66,500
1-1/4	57,500	99,500	81,000	57,500	149,000	121,500	86,000
1-3/8	67,000	116,000	94,000	67,000	174,000	141,000	100,500
1-1/2	80,000	138,000	112,500	80,000	207,000	169,000	119,500
1-3/4	100,000	172,000	140,000	100,000	258,000	210,000	150,000

(1) Rating of multileg slings adjusted for angle of loading measured as the included angle between the inclined leg and the vertical.

(2) Rating of multileg slings adjusted for angle of loading between the inclined leg and the horizontal plane of the load.

*Other grades of proof tested steel chain include Proof Coil, BBB Coil and Hi-Test Chain. These grades are not recommended for overhead lifting and therefore are not covered by this code.

TABLE H-2—MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size (inches)	Maximum allowable wear (inch)	Chain size (inches)	Maximum allowable wear (inch)
1/4	3/64	1	3/16
3/8	5/64	1 1/8	7/32
1/2	7/64	1 1/4	1/4
5/8	9/64	1 3/8	9/32
3/4	5/32	1 1/2	5/16
7/8	11/64	1 3/4	11/32

TABLE H-3—RATED CAPACITIES FOR SINGLE LEG SLINGS
6×19 and 6×37 Classification Improved Plow Steel Grade Rope with Fiber Core (FC)

Rope Dia (Inches)	Constr.	Rated Capacities, Tons (2,000 lb.) Vertical HT	Vertical MS	Vertical S	Choker HT	Choker MS	Choker S	Vertical Basket* HT	Vertical Basket* MS	Vertical Basket* S
1/4	6×19	0.49	0.51	0.55	0.37	0.38	0.41	0.99	1.0	1.1
5/16	6×19	0.76	0.79	0.85	0.57	0.59	0.64	1.5	1.6	1.7
3/8	6×19	1.1	1.1	1.2	0.80	0.85	0.91	2.1	2.2	2.4
7/16	6×19	1.4	1.5	1.6	1.1	1.1	1.2	2.9	3.0	3.3
1/2	6×19	1.8	2.0	2.1	1.4	1.5	1.6	3.7	3.9	4.3
9/16	6×19	2.3	2.5	2.7	1.7	1.9	2.0	4.6	5.0	5.4
5/8	6×19	2.8	3.1	3.3	2.1	2.3	2.5	5.6	6.2	6.7
3/4	6×19	3.9	4.4	4.8	2.9	3.3	3.6	7.8	8.8	9.5
7/8	6×19	5.1	5.9	6.4	3.9	4.5	4.8	10.0	12.0	13.0
1	6×19	6.7	7.7	8.4	5.0	5.8	6.3	13.0	15.0	17.0
1 1/8	6×19	8.4	9.5	10.0	6.3	7.1	7.9	17.0	19.0	21.0
1 1/4	6×37	9.8	11.0	12.0	7.4	8.3	9.2	20.0	22.0	25.0
1 3/8	6×37	12.0	13.0	15.0	8.9	10.0	11.0	24.0	27.0	30.0
1 1/2	6×37	14.0	16.0	17.0	10.0	12.0	13.0	28.0	32.0	35.0
1 5/8	6×37	16.0	18.0	21.0	12.0	14.0	15.0	33.0	37.0	41.0
1 3/4	6×37	19.0	21.0	24.0	14.0	16.0	18.0	38.0	43.0	48.0
2	6×37	25.0	28.0	31.0	18.0	21.0	23.0	49.0	55.0	62.0

*These values only apply when the D/d ratio for HT slings is 10 or greater, and for MS and S Slings is 20 or greater where:

D=Diameter of curvature around which the body of the sling is bent.
d=Diameter of rope.

HT=Hand Tucked Splice and Hidden Tuck Splice. For hidden tuck splice (IWRC) use values in HT columns.
MS=Mechanical Splice.
S=Swaged or Zinc Poured Socket.

TABLE H-4—RATED CAPACITIES FOR SINGLE LEG SLINGS
6×19 AND 6×37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE WITH INDEPENDENT WIRE ROPE CORE (IWRC)

Rope Dia. (Inches)	Constr.	Rated Capacities, Tons (2,000 lb.) Vertical HT	Vertical MS	Vertical S	Choker HT	Choker MS	Choker S	Vertical Basket* HT	Vertical Basket* MS	Vertical Basket* S
1/4	6×19	0.53	0.56	0.59	0.40	0.42	0.44	1.0	1.1	1.2
5/16	6×19	0.81	0.87	0.92	0.61	0.65	0.69	1.6	1.7	1.8
3/8	6×19	1.1	1.2	1.3	0.86	0.93	0.98	2.3	2.5	2.6
7/16	6×19	1.5	1.7	1.8	1.2	1.3	1.3	3.1	3.4	3.5
1/2	6×19	2.0	2.2	2.3	1.5	1.6	1.7	3.9	4.4	4.6
9/16	6×19	2.5	2.7	2.9	1.8	2.1	2.2	4.9	5.5	5.8
5/8	6×19	3.0	3.4	3.6	2.2	2.5	2.7	6.0	6.8	7.2
3/4	6×19	4.2	4.9	5.1	3.1	3.6	3.8	8.4	9.7	10.0
7/8	6×19	5.5	6.6	6.9	4.1	4.9	5.2	11.0	13.0	14.0
1	6×19	7.2	8.5	9.0	5.4	6.4	6.7	14.0	17.0	16.0
1 1/8	6×19	9.0	10.0	11.0	6.8	7.8	8.5	18.0	21.0	23.0
1 1/4	6×37	10.0	12.0	13.0	7.9	9.2	9.9	21.0	24.0	26.0
1 3/8	6×37	13.0	15.0	16.0	9.6	11.0	12.0	25.0	29.0	32.0
1 1/2	6×37	15.0	17.0	19.0	11.0	13.0	14.0	30.0	35.0	36.0
1 5/8	6×37	18.0	20.0	22.0	13.0	15.0	17.0	35.0	41.0	44.0
1 3/4	6×37	20.0	24.0	26.0	15.0	18.0	19.0	41.0	47.0	51.0
2	6×37	26.0	30.0	33.0	20.0	23.0	25.0	53.0	61.0	66.0

*These values only apply when the D/d ratio for HT slings is 10 or greater, and for MS and S Slings is 20 or greater where:

D=Diameter of curvature around which the body of the sling is bent.
d=Diameter of rope.

HT=Hand Tucked Splice: For hidden tuck splice (IWRC) use Table H-3 values in HT column.
MS=Mechanical Splice.
S=Swaged or Zinc Poured Socket.

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TABLE H-5—RATED CAPACITIES FOR SINGLE LEG SLINGS
Cable Laid Rope—Mechanical Splice Only
7×7×7 AND 7×7×19 Constructions Galvanized Aircraft Grade Rope
7×6×19 IWRC Construction Improved Plow Steel Grade Rope

Dia. (Inches)	Rope Constr.	Rated Capacities, Tons (2,000 lb) Vertical	Choker	Vert. Basket*
¼	7×7×7	0.50	0.38	1.0
⅜	7×7×7	1.1	0.81	2.2
½	7×7×7	1.8	1.4	3.7
⅝	7×7×7	2.8	2.1	5.5
¾	7×7×7	3.8	2.9	7.6
⅜	7×7×19	2.9	2.2	5.8
¾	7×7×19	4.1	3.0	8.1
⅞	7×7×19	5.4	4.0	11.0
1	7×7×19	6.9	5.1	14.0
1⅛	7×7×19	8.2	6.2	16.0
1¼	7×7×19	9.9	7.4	20.0
¾	7×6×19 IWRC	3.8	2.8	7.6
⅞	7×6×19 IWRC	5.0	3.8	10.0
1	7×6×19 IWRC	6.4	4.8	13.0
1⅛	7×6×19 IWRC	7.7	5.8	15.0
1¼	7×6×19 IWRC	9.2	6.9	18.0
1 5/16	7×6×19 IWRC	10.0	7.5	20.0
1⅜	7×6×19 IWRC	11.0	8.2	22.0
1½	7×6×19 IWRC	13.0	9.6	26.0

*These values only apply when the D/d ratio in 10 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

Table H-6
RATED CAPACITIES FOR SINGLE LEG SLINGS
8-PART AND 6-PART BRAIDED ROPE
6 x 7 AND 6 x 19 CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE
7 x 7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

Component Ropes Diameter (Inches)	Constr	Rated Capacities, Tons (2,000 lb) Vertical 8-Part	Vertical 6-Part	Choker 8-Part	Choker 6-Part	Basket Vertical to 30 degrees* 8-Part	Basket Vertical to 30 degrees* 6-Part
3/32	6 x 7	0.42	0.32	0.32	0.24	0.74	0.55
1/8	6 x 7	0.76	0.57	0.57	0.42	1.3	0.96
3/16	6 x 7	1.7	1.3	1.3	0.94	2.9	2.2
3/32	7 x 7	0.51	0.39	0.38	0.29	0.89	0.67
1/8	7 x 7	0.95	0.71	0.71	0.53	1.6	1.2
3/16	7 x 7	2.1	1.5	1.5	1.2	3.6	2.7
3/16	6 x 19	1.7	1.3	1.3	0.98	3.0	2.2
1/4	6 x 19	3.1	2.3	2.3	1.7	5.3	4.0
5/16	6 x 19	4.8	3.6	3.6	2.7	8.3	6.2
3/8	6 x 19	6.8	5.1	5.1	3.8	12.0	8.9
7/16	6 x 19	9.3	6.9	6.9	5.2	16.0	12.0
1/2	6 x 19	12.0	9.0	9.0	6.7	21.0	15.0
9/16	6 x 19	15.0	11.0	11.0	8.5	26.0	20.0
5/8	6 x 19	19.0	14.0	14.0	10.0	32.0	24.0
3/4	6 x 19	27.0	20.0	20.0	15.0	46.0	35.0
7/8	6 x 19	36.0	27.0	27.0	20.0	62.0	47.0
1	6 x 19	47.0	35.0	35.0	26.0	81.0	61.0

*These values only apply when the D/d ratio is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of component rope.

Table H-7
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
6 x 19 AND 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH FIBER CORE (FC)

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb) 2-Leg Bridle Slings: Vert 30 degree Horz 60 degree HT	MS	45 degree Angle HT	MS	Vert 60 degree Horz 30 degree HT	MS	3-Leg Bridle Slings: Vert 30 degree Horz 60 degree HT	MS	45 degree Angle HT	MS	Vert 60 degree Horz 30 degree HT	MS
1/4	6 x 19	0.85	0.88	0.70	0.72	0.49	0.51	1.3	1.3	1.0	1.1	0.74	0.7
5/16	6 x 19	1.3	1.4	1.1	1.1	0.76	0.79	2.0	2.0	1.6	1.7	1.1	1.2
3/8	6 x 19	1.8	1.9	1.5	1.6	1.1	1.1	2.8	2.9	2.3	2.4	1.6	1.7
7/16	6 x 19	2.5	2.6	2.0	2.2	1.4	1.5	3.7	4.0	3.0	3.2	2.1	2.3
1/2	6 x 19	3.2	3.4	2.6	2.8	1.8	2.0	4.8	5.1	3.9	4.2	2.8	3.0
9/16	6 x 19	4.0	4.3	3.2	3.5	2.3	2.5	6.0	6.5	4.9	5.3	3.4	3.7
5/8	6 x 19	4.8	5.3	4.0	4.4	2.8	3.1	7.3	8.0	5.9	6.5	4.2	4.6
3/4	6 x 19	6.8	7.6	5.5	6.2	3.9	4.4	10.0	11.0	8.3	9.3	5.8	6.6
7/8	6 x 19	8.9	10.0	7.3	8.4	5.1	5.9	13.0	15.0	11.0	13.0	7.7	8.9
1	6 x 19	11.0	13.0	9.4	11.0	6.7	7.7	17.0	20.0	14.0	16.0	10.0	11.8
1-1/8	6 x 19	14.0	16.0	12.0	13.0	8.4	9.5	22.0	24.0	18.0	20.0	13.0	14.0
1-1/4	6 x 37	17.0	19.0	14.0	16.0	9.8	11.0	25.0	29.0	21.0	23.0	15.0	17.0
1-3/8	6 x 37	20.0	23.0	17.0	19.0	12.0	13.0	31.0	35.0	25.0	28.0	18.0	20.0
1-1/2	6 x 37	24.0	27.0	20.0	22.0	14.0	16.0	36.0	41.0	30.0	33.0	21.0	24.0
1-5/8	6 x 37	28.0	32.0	23.0	26.0	16.0	18.0	43.0	48.0	35.0	39.0	25.0	28.0
1-3/4	6 x 37	33.0	37.0	27.0	30.0	19.0	21.0	49.0	56.0	40.0	45.0	28.0	32.0
2	6 x 37	43.0	48.0	35.0	39.0	25.0	28.0	64.0	72.0	52.0	59.0	37.0	41.0

HT = Hand Tucked Splice.
MS = Mechanical Splice

Table H-8
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
6 x 19 and 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH INDEPENDENT WIRE ROPE CORE (IWRC)

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb) 2-Leg Bridle Sling: Vert 30 degree Horz 60 degree HT	MS	45 degree Angle HT	MS	Vert 60 degree Horz 30 degree HT	MS	3-Leg Bridle Sling: Vert 30 degree Horz 60 degree HT	MS	45 degree Angle HT	MS	Vert 60 degree Horz 30 degree HT	MS
1/4	6 x 19	0.92	0.97	0.75	0.79	0.53	0.56	1.4	1.4	1.1	1.2	0.79	0.84
5/16	6 x 19	1.4	1.5	1.1	1.2	1.81	0.87	2.1	2.3	1.7	1.8	1.2	1.3
3/8	6 x 19	2.0	2.1	1.6	1.8	1.1	1.2	3.0	3.2	2.4	2.6	1.7	1.9'
7/16	6 x 19	2.7	2.9	2.2	2.4	1.5	1.7	4.0	4.4	3.3	3.6	2.3	2.5
1/2	6 x 19	3.4	3.8	2.8	3.1	2.0	2.2	5.1	5.7	4.2	4.6	3.0	3.3
9/16	6 x 19	4.3	4.8	3.5	3.9	2.5	2.7	6.4	7.1	5.2	5.8	3.7	4.1
5/8	6 x 19	5.2	5.9	4.2	4.8	3.0	3.4	7.8	8.8	6.4	7.2	4.5	5.1
3/4	6 x 19	7.3	8.4	5.9	6.9	4.2	4.9	11.0	13.0	8.9	10.0	6.3	7.3
7/8	6 x 19	9.6	11.0	7.8	9.3	5.5	6.6	14.0	17.0	12.0	14.0	8.3	9.9
1	6 x 19	12.0	15.0	10.0	12.0	7.2	8.5	19.0	22.0	15.0	18.0	11.0	13.0
1-1/8	6 x 19	16.0	18.0	13.0	15.0	9.0	10.0	23.0	27.0	19.0	22.0	13.0	16.0
1-1/4	6 x 37	18.0	21.0	15.0	17.0	10.0	12.0	27.0	32.0	22.0	26.0	16.0	18.0
1-3/8	6 x 37	22.0	25.0	18.0	21.0	13.0	15.0	33.0	38.0	27.0	31.0	19.0	22.0
1-1/2	6 x 37	26.0	30.0	21.0	25.0	15.0	17.0	39.0	46.0	32.0	37.0	23.0	26.0
1-5/8	6 x 37	31.0	35.0	25.0	29.0	18.0	20.0	46.0	53.0	38.0	43.0	27.0	31.0
1-3/4	6 x 37	36.0	41.0	29.0	33.0	20.0	24.0	53.0	61.0	43.0	50.0	31.0	36.0
2	6 x 37	46.0	53.0	37.0	43.0	26.0	30.0	68.0	79.0	56.0	65.0	40.0	46.0

HT = Hand Tucked Splice
MS = Mechanical Splice

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Table H-9
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
CABLE LAID ROPE – MECHANICAL SPLICE ONLY
7 × 7 × 7 AND 7 × 7 × 19 CONSTRUCTIONS GALVANIZED AIRCRAFT GRADE ROPE
7 × 6 × 19 IWRC CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE

Rope		Rated Capacities, Tons (2,000 lb)					
		2-Leg Bridle Sling			3-Leg Bridle Sling		
Dia (Inches)	Constr	Vert 90 deg Horz 60 deg	45 degree Angle	Vert 60 deg Horz 30 deg	Vert 90 deg Horz 60 deg	45 degree Angle	Vert 60 deg Horz 30 deg
1/4	7 × 7 × 7	0.87	0.71	0.50	1.3	1.1	0.75
3/8	7 × 7 × 7	1.9	1.5	1.1	2.8	2.3	1.6
1/2	7 × 7 × 7	3.2	2.6	1.8	4.8	3.9	2.8
5/8	7 × 7 × 7	4.8	3.9	2.8	7.2	5.9	4.2
3/4	7 × 7 × 7	6.6	5.4	3.8	9.9	8.1	5.7
5/8	7 × 7 × 19	5.0	4.1	2.9	7.5	6.1	4.3
3/4	7 × 7 × 19	7.0	5.7	4.1	10.0	8.6	6.1
7/8	7 × 7 × 19	9.3	7.6	5.4	14.0	11.0	8.1
1	7 × 7 × 19	12.0	9.7	6.9	18.0	14.0	10.0
1-1/8	7 × 7 × 19	14.0	12.0	8.2	21.0	17.0	12.0
1-1/4	7 × 7 × 19	17.0	14.0	9.9	26.0	21.0	15.0
3/4	7×6×19 IWRC	6.6	5.4	3.8	9.9	8.0	5.7
7/8	7×6×19 IWRC	8.7	7.1	5.0	13.0	11.0	7.5
1	7×6×19 IWRC	11.0	9.0	6.4	17.0	13.0	9.6
1-1/8	7×6×19 IWRC	13.0	11.0	7.7	20.0	16.0	11.0
1-1/4	7×6×19 IWRC	16.0	13.0	9.2	24.0	20.0	14.0
1-5/16	7×6×19 IWRC	17.0	14.0	10.0	26.0	21.0	15.0
1-3/8	7×6×19 IWRC	19.0	15.0	11.0	28.0	23.0	16.0
1-1/2	7×6×19 IWRC	22.0	18.0	13.0	33.0	27.0	19.0

Table H-10
RATED CAPACITIES FOR 2-LEG AND 3-LEG BRIDLE SLINGS
8-PART AND 6-PART BRAIDED ROPE
6 × 7 AND 6 × 19 CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE
7 × 7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

Component Rope		Rated Capacities, Tons (2,000 lb)											
		2-Leg Bridle Slings						3-Leg Bridle Slings					
		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree	
Dia (Inches)	Constr	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part
3/32	6 × 7	0.74	0.55	0.60	0.45	0.42	0.32	1.1	0.83	0.90	0.68	0.64	0.48
1/8	6 × 7	1.3	0.98	1.1	0.80	0.76	0.57	2.0	1.5	1.6	1.2	1.1	0.85
3/16	6 × 7	2.9	2.2	2.4	1.8	1.7	1.3	4.4	3.3	3.6	2.7	2.5	1.9
3/32	7 × 7	0.89	0.67	0.72	0.55	0.51	0.39	1.3	1.0	1.1	0.82	0.77	0.58
1/8	7 × 7	1.6	1.2	1.3	1.0	0.95	0.71	2.5	1.8	2.0	1.5	1.4	1.1
3/16	7 × 7	3.6	2.7	2.9	2.2	2.1	1.5	5.4	4.0	4.4	3.3	3.1	2.3
3/16	6 × 19	3.0	2.2	2.4	1.8	1.7	1.3	4.5	3.4	3.7	2.8	2.6	1.9
1/4	6 × 19	5.3	4.0	4.3	3.2	3.1	2.3	8.0	6.0	6.5	4.9	4.6	3.4
5/16	6 × 19	8.3	6.2	6.7	5.0	4.8	3.6	12.0	9.3	10.0	7.6	7.1	5.4
3/8	6 × 19	12.0	8.9	9.7	7.2	6.8	5.1	18.0	13.0	14.0	11.0	10.0	7.7
7/16	6 × 19	16.0	12.0	13.0	9.8	9.3	6.9	24.0	18.0	20.0	15.0	14.0	10.0
1/2	6 × 19	21.0	15.0	17.0	13.0	12.0	9.0	31.0	23.0	25.0	19.0	18.0	13.0
9/16	6 × 19	26.0	20.0	21.0	16.0	15.0	11.0	39.0	29.0	32.0	24.0	23.0	17.0
5/8	6 × 19	32.0	24.0	26.0	20.0	19.0	14.0	48.0	36.0	40.0	30.0	28.0	21.0
3/4	6 × 19	46.0	35.0	38.0	28.0	27.0	20.0	69.0	52.0	56.0	42.0	40.0	30.0
7/8	6 × 19	62.0	47.0	51.0	38.0	36.0	27.0	94.0	70.0	76.0	57.0	54.0	40.0
1	6 × 19	81.0	61.0	66.0	50.0	47.0	35.0	22.0	91.0	99.0	74.0	70.0	53.0

Table H-11
RATED CAPACITIES FOR STRAND LAID GROMMET – HAND TUCKED
IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	7 × 19	0.85	0.64	1.7
5/16	7 ×19	1.3	1.0	2.6
3/8	7 × 19	1.9	1.4	3.8
7/16	7 × 19	2.6	1.9	5.2
1/2	7 × 19	3.3	2.5	6.7
9/16	7 × 19	4.2	3.1	8.4
5/8	7 × 19	5.2	3.9	10.00
3/4	7 × 19	7.4	5.6	15.0
7/8	7 × 19	10.0	7.5	20.0
1	7 × 19	13.0	9.7	26.0
1-1/8	7 × 19	16.0	12.0	32.0
1-1/4	7 × 37	18.0	14.0	37.0
1-3/8	7 × 37	22.0	16.0	44.0
1-1/2	7 × 37	26.0	19.0	52.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which rope is bent.
d = Diameter of rope body.

Table H-12
RATED CAPACITIES FOR CABLE LAID GROMMET – HAND TUCKED
7 × 6 × 7 AND 7 × 6 × 19 CONSTRUCTIONS IMPROVED PLOW STEEL GRADE ROPE
7 × 7 × 7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
3/8	7 × 6 × 7	1.3	0.95	2.5
9/16	7 × 6 × 7	2.8	2.1	5.6
5/8	7 × 6 × 7	3.8	2.8	7.6
3/8	7 × 7 × 7	1.6	1.2	3.2
9/16	7 × 7 × 7	3.5	2.6	6.9
5/8	7 × 7 × 7	4.5	3.4	9.0
5/8	7 × 6 × 19	3.9	3.0	7.9
3/4	7 × 6 × 19	5.1	3.8	10.0
15/16	7 × 6 × 19	7.9	5.9	16.0
1-1/8	7 × 6 × 19	11.0	8.4	22.0
1-5/16	7 × 6 × 19	15.0	11.0	30.0
1-1/2	7 × 6 × 19	19.0	14.0	39.0
1-11/16	7 × 6 × 19	24.0	18.0	49.0
1-7/8	7 × 6 × 19	30.0	22.0	60.0
2-1/4	7 × 6 × 19	42.0	31.0	84.0
2-5/8	7 × 6 × 19	56.0	42.0	112.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which cable body is bent.
d = Diameter of cable body.

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Table H-13
RATED CAPACITIES FOR STRAND LAID ENDLESS SLINGS-MECHANICAL JOINT
IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	6 x 19 IWRC	0.92	0.69	1.8
3/8	6 x 19 IWRC	2.0	1.5	4.1
1/2	6 x 19 IWRC	3.6	2.7	7.2
5/8	6 x 19 IWRC	5.6	4.2	11.0
3/4	6 x 19 IWRC	8.0	6.0	16.0
7/8	6 x 19 IWRC	11.0	8.1	21.0
1	6 x 19 IWRC	14.0	10.0	28.0
1-1/8	6 x 19 IWRC	18.0	13.0	35.0
1-1/4	6 x 37 IWRC	21.0	15.0	41.0
1-3/8	6 x 37 IWRC	25.0	19.0	50.0
1-1/2	6 x 37 IWRC	29.0	22.0	59.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which rope is bent.
d = Diameter of rope body.

Table H-14
RATED CAPACITIES FOR CABLE LAID ENDLESS SLINGS-MECHANICAL JOINT
7 x 7 x 7 AND 7 x 7 x 19 CONSTRUCTIONS GALVANIZED AIRCRAFT GRADE ROPE
7 x 6 x 19 IWRC CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	7 x 7 x 7	0.83	0.62	1.6
3/8	7 x 7 x 7	1.8	1.3	3.5
1/2	7 x 7 x 7	3.0	2.3	6.1
5/8	7 x 7 x 7	4.5	3.4	9.1
3/4	7 x 7 x 7	6.3	4.7	12.0
5/8	7 x 7 x 19	4.7	3.5	9.5
3/4	7 x 7 x 19	6.7	5.0	13.0
7/8	7 x 7 x 19	8.9	6.6	18.0
1	7 x 7 x 19	11.0	8.5	22.0
1-1/8	7 x 7 x 19	14.0	10.0	28.0
1-1/4	7 x 7 x 19	17.0	12.0	33.0
3/4	7 x 6 x 19 IWRC	6.2	4.7	12.0
7/8	7 x 6 x 19 IWRC	8.3	6.2	16.0
1	7 x 6 x 19 IWRC	10.0	7.9	21.0
1-1/8	7 x 6 x 19 IWRC	13.0	9.7	26.0
1-1/4	7 x 6 x 19 IWRC	16.0	12.0	31.0
1-3/8	7 x 6 x 19 IWRC	18.0	14.0	37.0
1-1/2	7 x 6 x 19 IWRC	22.0	16.0	43.0

* These values only apply when the D/d value is 5 or greater where:
D = Diameter of curvature around which cable body is bent.
d = Diameter of cable body.

Table H-15
MANILA ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 5)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	7.5	2,650	550	250	1,100	900	750	550	950	500	1,900	1,700	1,400	950
9/16	10.4	3,450	700	350	1,400	1,200	1,000	700	1,200	600	2,500	2,200	1,800	1,200
5/8	13.3	4,400	900	450	1,800	1,500	1,200	900	1,600	800	3,200	2,700	2,200	1,600
3/4	16.7	5,400	1,100	550	2,200	1,900	1,500	1,100	2,000	950	3,900	3,400	2,800	2,000
13/16	19.5	6,500	1,300	650	2,600	2,300	1,800	1,300	2,300	1,200	4,700	4,100	3,300	2,300
7/8	22.5	7,700	1,500	750	3,100	2,700	2,200	1,500	2,800	1,400	5,600	4,800	3,900	2,800
1	27.0	9,000	1,800	900	3,600	3,100	2,600	1,800	3,200	1,600	6,500	5,600	4,600	3,200
1 1/16	31.3	10,580	2,100	1,100	4,200	3,600	3,000	2,100	3,800	1,900	7,600	6,600	5,400	3,800
1 1/8	36.0	12,000	2,400	1,200	4,800	4,200	3,400	2,400	4,300	2,200	8,600	7,500	6,100	4,300
1 1/4	41.7	13,500	2,700	1,400	5,400	4,700	3,800	2,700	4,900	2,400	9,700	8,400	6,900	4,900
1 5/16	47.9	15,000	3,000	1,500	6,000	5,200	4,300	3,000	5,400	2,700	11,000	9,400	7,700	5,400
1 1/2	59.9	18,500	3,700	1,850	7,400	6,400	5,200	3,700	6,700	3,300	13,500	11,500	9,400	6,700
1 5/8	74.6	22,500	4,500	2,300	9,000	7,800	6,400	4,500	8,100	4,100	16,000	14,000	11,500	8,000
1 3/4	89.3	26,500	5,300	2,700	10,500	9,200	7,500	5,300	9,300	4,800	19,000	16,500	13,500	9,500
2	107.5	31,000	6,200	3,100	12,500	10,500	8,800	6,200	11,000	8,600	22,500	19,500	16,000	11,000
2 1/3	125.0	36,000	7,200	3,600	14,500	12,500	10,000	7,200	13,000	8,500	26,000	22,500	18,500	13,000
2 1/4	146.0	41,000	8,200	4,100	16,500	14,000	11,500	8,200	15,000	7,400	29,500	25,500	21,000	15,000
2 1/2	166.7	46,500	9,300	4,700	18,500	16,000	13,000	9,300	16,500	8,400	33,500	29,000	23,800	16,500
2 5/8	190.8	52,000	10,500	5,200	21,000	18,000	14,500	10,500	18,500	9,500	37,500	32,500	26,500	18,500

Table H-16
NYLON ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 9)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	5.5	6,080	700	350	1,400	1,200	950	700	1,200	600	2,400	2,100	1,700	1,200
9/16	8.3	7,600	850	400	1,700	1,500	1,200	850	1,500	750	3,000	2,600	2,200	1,500
5/8	10.5	9,880	1,100	550	2,200	1,900	1,600	1,100	2,000	1,000	4,000	3,400	2,800	2,000
3/4	14.5	13,490	1,500	750	3,000	2,600	2,100	1,500	2,700	1,400	5,400	4,700	3,800	2,700
13/16	17.0	16,150	1,800	900	3,600	3,100	2,600	1,800	3,200	1,600	6,400	5,600	4,600	3,200
7/8	20.0	19,000	2,100	1,100	4,200	3,700	3,000	2,100	3,800	1,900	7,600	6,600	5,400	3,800
1	26.0	23,750	2,600	1,300	5,300	4,600	3,700	2,600	4,800	2,400	9,500	8,200	6,700	4,800
1 1/16	29.0	27,360	3,000	1,500	6,100	5,300	4,300	3,000	5,500	2,700	11,000	9,500	7,700	5,500
1 1/8	34.0	31,350	3,500	1,700	7,000	6,000	5,000	3,500	6,300	3,100	12,500	11,000	8,900	6,300
1 1/4	40.0	35,625	4,000	2,000	7,900	6,900	5,600	4,000	7,100	3,600	14,500	12,500	10,000	7,100
1 5/16	45.0	40,850	4,500	2,300	9,100	7,900	6,400	4,500	8,200	4,100	16,500	14,000	12,000	8,200
1 1/2	55.0	50,330	5,600	2,800	11,000	9,700	7,900	5,600	10,000	5,000	20,000	17,500	14,000	10,000
1 5/8	68.0	61,750	6,900	3,400	13,500	12,000	9,700	6,900	12,500	6,200	24,500	21,500	17,500	12,500
1 3/4	83.0	74,100	8,200	4,100	16,500	14,500	11,500	8,200	15,000	7,400	29,500	27,500	21,000	15,000
2	95.0	87,480	9,700	4,900	19,500	17,000	13,500	9,700	17,500	8,700	35,000	30,500	24,500	17,500
2 1/8	109.0	100,780	11,000	5,600	22,500	19,500	16,000	11,000	20,000	10,000	40,500	35,000	28,500	20,000
2 1/4	129.0	118,750	13,000	6,600	26,500	23,000	18,500	13,000	24,000	12,000	47,500	41,000	33,500	24,000
2 1/2	148.0	138,000	15,000	7,400	29,500	25,500	21,000	15,000	26,500	13,500	53,000	46,000	37,500	26,500
2 5/8	168.0	153,900	17,100	8,600	34,000	29,500	24,000	17,000	31,000	15,500	61,500	53,500	43,500	31,000

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Table H-17
POLYESTER ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 9)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	8.0	6,080	700	350	1,400	1,200	950	700	1,200	600	2,400	2,100	1,700	1,200
9/16	10.2	7,600	850	400	1,700	1,500	1,200	850	1,500	750	3,000	2,600	2,200	1,500
5/8	13.0	9,500	1,100	550	2,100	1,800	1,500	1,100	1,900	950	3,800	3,300	2,700	1,900
3/4	17.5	11,875	1,300	650	2,600	2,300	1,900	1,300	2,400	1,200	4,800	4,100	3,400	2,400
13/16	21.0	14,725	1,600	800	3,300	2,800	2,300	1,600	2,900	1,500	5,900	5,100	4,200	2,900
7/8	25.0	17,100	1,900	950	3,800	3,300	2,700	1,900	3,400	1,700	6,800	5,900	4,800	3,400
1	30.5	20,900	2,300	1,200	4,600	4,000	3,300	2,300	4,200	2,100	8,400	7,200	5,900	4,200
1 1/16	34.5	24,225	2,700	1,300	5,400	4,700	3,800	2,700	4,800	2,400	9,700	8,400	6,900	4,800
1 1/8	40.0	28,025	3,100	1,600	6,200	5,400	4,400	3,100	5,600	2,800	11,000	9,700	7,900	5,600
1 1/4	46.3	31,540	3,500	1,800	7,000	6,100	5,000	3,500	6,200	3,200	12,500	11,000	8,900	6,300
1 5/16	52.5	35,625	4,000	2,000	7,900	6,900	5,600	4,000	7,100	3,600	14,500	12,500	10,000	7,100
1 1/2	66.8	44,460	4,900	2,500	9,900	8,600	7,000	4,900	8,900	4,400	18,000	15,500	12,500	8,900
1 5/8	82.0	54,150	6,000	3,000	12,000	10,400	8,500	6,000	11,000	5,400	21,500	19,000	15,500	11,000
1 3/4	98.0	64,410	7,200	3,600	14,500	12,500	10,000	7,200	13,000	6,400	25,000	22,500	18,000	13,000
2	118.0	76,000	8,400	4,200	17,000	14,500	12,000	8,400	15,000	7,600	30,500	26,500	21,500	15,000
2 1/8	135.0	87,400	9,700	4,900	19,500	17,000	13,500	9,700	17,500	8,700	35,000	30,500	24,500	17,500
2 1/4	157.0	101,650	11,500	5,700	22,500	19,500	16,000	11,500	20,500	10,000	40,500	35,000	29,000	20,500
2 1/2	181.0	115,900	13,000	6,400	26,000	22,500	18,000	13,000	23,000	11,500	46,500	40,000	33,000	23,000
2 5/8	205.0	130,150	14,500	7,200	29,000	25,000	20,500	14,500	26,000	13,000	52,000	45,000	37,000	26,000

Table H-18
POLYPROPYLENE ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 6)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	4.7	3,990	650	350	1,300	1,200	950	650	1,200	600	2,400	2,100	1,700	1,200
9/16	6.1	4,845	800	400	1,600	1,400	1,100	800	1,500	750	2,900	2,500	2,100	1,500
5/8	7.5	5,890	1,000	500	2,000	1,700	1,400	1,000	1,800	900	3,500	3,100	2,500	1,800
3/4	10.7	8,075	1,300	700	2,700	2,300	1,900	1,300	2,400	1,200	4,900	4,200	3,400	2,400
13/16	12.7	9,405	1,600	800	3,100	2,700	2,200	1,600	2,800	1,400	5,600	4,900	4,000	2,800
7/8	15.0	10,925	1,800	900	3,600	3,200	2,600	1,800	3,300	1,600	6,600	5,700	4,600	3,300
1	18.0	13,300	2,200	1,100	4,400	3,800	3,100	2,200	4,000	2,000	8,000	6,900	5,600	4,000
1 1/16	20.4	15,200	2,500	1,300	5,100	4,400	3,600	2,500	4,600	2,300	9,100	7,900	6,500	4,600
1 1/8	23.7	17,385	2,900	1,500	5,800	5,000	4,100	2,900	5,200	2,600	10,500	9,000	7,400	5,200
1 1/4	27.0	19,950	3,300	1,700	6,700	5,800	4,700	3,300	6,000	3,000	12,000	10,500	8,500	6,000
1 5/16	30.5	22,325	3,700	1,900	7,400	6,400	5,300	3,700	6,700	3,400	13,500	11,500	9,500	6,700
1 1/2	38.5	28,215	4,700	2,400	9,400	8,100	6,700	4,700	8,500	4,200	17,000	14,500	12,000	8,500
1 5/8	47.5	34,200	5,700	2,900	11,500	9,900	8,100	5,700	10,300	5,100	20,500	18,000	14,500	10,500
1 3/4	57.0	40,850	6,800	3,400	13,500	12,000	9,600	6,800	12,500	6,100	24,500	21,000	17,500	12,500
2	69.0	49,400	8,200	4,100	16,500	14,500	11,500	8,200	15,000	7,400	29,500	25,500	21,000	15,000
2 1/8	80.0	57,950	9,700	4,800	19,500	16,500	13,500	9,700	17,500	8,700	35,000	30,100	24,500	17,500
2 1/4	92.0	65,350	11,000	5,500	22,000	19,000	15,500	11,000	19,500	9,900	39,500	34,000	28,000	19,500
2 1/2	107.0	76,000	12,500	6,300	25,500	22,000	18,000	12,500	23,000	11,500	45,500	39,500	32,500	23,000
2 5/8	120.0	85,500	14,500	7,100	30,500	24,500	20,000	14,500	25,500	13,000	51,500	44,500	36,500	25,500

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TABLE H-19—SAFE WORKING LOADS FOR SHACKLES

[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
½	⅝	1.4
⅝	¾	2.2
¾	⅞	3.2
⅞	1	4.3
1	1½	5.6
1½	1¼	6.7
1¼	1⅜	8.2
1⅜	1½	10.0
1½	1⅝	11.9
1¾	2	16.2
2	2¼	21.2

TABLE H-20—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter inches	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
½	3	4	3
⅝	3	4	3¾
¾	4	5	4½
⅞	4	5	5¼
1	5	6	6
1½	6	6	6¾
1¼	6	7	7½
1⅜	7	7	8¼
1½	7	8	9

Subpart I—Tools—Hand and Power [1]

Sec.
1926.300 General requirements.
1910.212 General requirements for all machines.
1926.301 Handtools.
1926.302 Power operated handtools.
1910.244 Other portable tools and equipment.
1926.303 Abrasive wheels and tools.
1926.304 Woodworking tools.
1926.305 Jacks—level and ratchet, screw and hydraulic.
1910.244 Other portable tools and equipment.

§ 1926.300 General requirements.

(a) *Condition of tools.* All hand and power tools and similar equipment, whether furnished by the employer or the employee, shall be maintained in a safe condition.

(b) *Guarding.* (1) When power operated tools are designed to accommodate guards, they shall be equipped with such guards when in use.

(2) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating or moving parts of equipment shall be guarded if such parts are exposed to contact by employees or otherwise create a hazard. Guarding shall meet the requirements as set forth in American National Standards Institute, B15.1-1953 (R1958), Safety Code for Mechanical Power-Transmission Apparatus.

(c) *Personal protective equipment.* Employees using hand and power tools and exposed to the hazard of falling, flying, abrasive, and splashing objects, or exposed to harmful dusts, fumes, mists, vapors, or gases shall be provided with the particular personal protective equipment necessary to protect them from the hazard. All personal protective equipment shall meet the requirements and be maintained according to Subparts D and E of this part.

(d) *Switches.* (1) All hand-held powered platen sanders, grinders with wheels 2-inch diameter or less, routers, planers, laminate trimmers, nibblers, shears, scroll saws, and jigsaws with blade shanks one-fourth of an inch wide or less may be equipped with only a positive "on-off" control.

(2) All hand-held powered drills, tappers, fastener drivers, horizontal, vertical, and angle grinders with wheels greater than 2 inches in diameter, disc sanders, belt sanders, reciprocating saws, saber saws, and other similar operating powered tools shall be equipped with a momentary contact "on-off" control and may have a lock-on control provided that turnoff can be accomplished by a single motion of the same finger or fingers that turn it on.

(3) All other hand-held powered tools, such as circular saws, chain saws, and percussion tools without positive accessory holding means, shall be equipped with a constant pressure switch that will shut off the power when the pressure is released.

(4) The requirements of this paragraph shall become effective on July 15, 1972.

(5) Exception: This paragraph does not apply to concrete vibrators, concrete breakers, powered tampers, jack hammers, rock drills, and similar hand operated power tools.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.300 *General requirements* (Tools-Hand and Power)).

§ 1910.212 General requirements for all machines.

(a) *Machine guarding.* • • •

(3) *Point of operation guarding.* (i) Point of operation is the area on a machine where work is actually performed upon the material being processed.

(ii) The point of operation of machines whose operation exposes an employee to injury, shall be guarded. The guarding device shall be in conformity with any appropriate standards therefor, or, in the absence of applicable specific standards, shall be so designed and constructed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

(iii) Special handtools for placing and removing material shall be such as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.

(iv) The following are some of the machines which usually require point of operation guarding:
(*a*) Guillotine cutters.
(*b*) Shears.
(*c*) Alligator shears.
(*d*) Power presses.
(*e*) Milling machines.
(*f*) Power saws.
(*g*) Jointers.
(*h*) Portable power tools.
(*i*) Forming rolls and calenders.

• • • • • •

(5) *Exposure of blades.* When the periphery of the blades of a fan is less than seven (7) feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one half (½) inch.

• • • • • •

(b) *Anchoring fixed machinery.* Machines designed for a fixed location shall be securely anchored to prevent walking or moving.

§ 1926.301 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including adjustable, pipe, end, and socket wrenches shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1926.302 Power-operated hand tools.

(a) *Electric power-operated tools.* (1) Electric power operated tools shall either be of the approved double-insulated type or grounded in accordance with Subpart K of this part.

(2) The use of electric cords for hoisting or lowering tools shall not be permitted.

(b) *Pneumatic power tools.* (1) Pneumatic power tools shall be secured to the hose or whip by some positive means to prevent the tool from becoming accidentally disconnected.

(2) Safety clips or retainers shall be securely installed and maintained on

[1] Portions of the listed Part 1910 standards have been identified as applicable to construction.

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pneumatic impact (percussion) tools to prevent attachments from being accidentally expelled.

(3) All pneumatically driven nailers, staplers, and other similar equipment provided with automatic fastener feed, which operate at more than 100 p.s.i. pressure at the tool shall have a safety device on the muzzle to prevent the tool from ejecting fasteners, unless the muzzle is in contact with the work surface.

(4) Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment which meets the requirements of Subpart E of this part. The 30 p.s.i. requirement does not apply for concrete form, mill scale and similar cleaning purposes.

(5) The manufacturer's safe operating pressure for hoses, pipes, valves, filters, and other fittings shall not be exceeded.

(6) The use of hoses for hoisting or lowering tools shall not be permitted.

(7) All hoses exceeding ½-inch inside diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure.

(8) Airless spray guns of the type which atomize paints and fluids at high pressures (1,000 pounds or more per square inch) shall be equipped with automatic or visible manual safety devices which will prevent pulling of the trigger to prevent release of the paint or fluid until the safety device is manually released.

(9) In lieu of the above, a diffuser nut which will prevent high pressure, high velocity release, while the nozzle tip is removed, plus a nozzle tip guard which will prevent the tip from coming into contact with the operator, or other equivalent protection, shall be provided.

(c) *Fuel powered tools.* (1) All fuel powered tools shall be stopped while being refueled, serviced, or maintained, and fuel shall be transported, handled, and stored in accordance with Subpart F of this part.

(2) When fuel powered tools are used in enclosed spaces, the applicable requirements for concentrations of toxic gases and use of personal protective equipment, as outlined in Subparts D and E of this part, shall apply.

(d) *Hydraulic power tools.* (1) The fluid used in hydraulic powered tools shall be fire-resistant fluids approved under Schedule 30 of the Bureau of Mines, U.S. Department of the Interior, and shall retain its operating characteristics at the most extreme temperatures to which it will be exposed.

(2) The manufacturer's safe operating pressures for hoses, valves, pipes, filters, and other fittings shall not be exceeded.

(e) *Powder-actuated tools.* (1) Only employees who have been trained in the operation of the particular tool in use shall be allowed to operate a powder-actuated tool.

(2) The tool shall be tested each day before loading to see that safety devices are in proper working condition. The method of testing shall be in accordance with the manufacturer's recommended procedure.

(3) Any tool found not in proper working order, or that develops a defect during use, shall be immediately removed from service and not used until properly repaired.

(4) Personal protective equipment shall be in accordance with Subpart E of this part.

(5) Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any employees. Hands shall be kept clear of the open barrel end.

(6) Loaded tools shall not be left unattended.

(7) Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, surface-hardened steel, glass block, live rock, face brick, or hollow tile.

(8) Driving into materials easily penetrated shall be avoided unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the other side.

(9) No fastener shall be driven into a spalled area caused by an unsatisfactory fastening.

(10) Tools shall not be used in an explosive or flammable atmosphere.

(11) All tools shall be used with the correct shield, guard, or attachment recommended by the manufacturer.

(12) Powder-actuated tools used by employees shall meet all other applicable requirements of American National Standards Institute, A10.3-1970, Safety Requirements for Explosive-Actuated Fastening Tools.

The following requirement from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.302(b), Pneumatic power tools).

§ 1910.244 Other Portable Tools and Equipment.

* * * * *

(b) *Abrasive blast cleaning nozzles.* The blast cleaning nozzles shall be equipped with an operating valve which must be held open manually. A support shall be provided on which the nozzle may be mounted when it is not in use.

§ 1926.303 Abrasive wheels and tools.

(a) *Power.* All grinding machines shall be supplied with sufficient power to maintain the spindle speed at safe levels under all conditions of normal operation.

(b) *Guarding.* Grinding machines shall be equipped with safety guards in conformance with the requirements of American National Standards Institute, B7.1-1970, Safety Code for the Use, Care and Protection of Abrasive Wheels, and paragraph (d) of this section.

(c) *Use of abrasive wheels.* (1) Floor stand and bench mounted abrasive wheels, used for external grinding, shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90°, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125°. In either case, the exposure shall begin not more than 65° above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(2) Floor and bench-mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept at a distance not to exceed one-eighth inch from the surface of the wheel.

(3) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the American National Standards Institute, B7.1-1970 Safety Code for the Use, Care, and Protection of Abrasive Wheels. All other portable abrasive wheels used for external grinding, shall be provided with safety guards (protection hoods) meeting the requirements of subparagraph (5) of this paragraph, except as follows:

(i) When the work location makes it impossible, a wheel equipped with safety flanges, as described in subparagraph (6) of this paragraph, shall be used;

(ii) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(4) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of subparagraph (6) of this paragraph, except as follows:

(i) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used;

(ii) If the wheel is entirely within the work being ground while in use.

(5) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180°.

(6) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges, of a type and design and properly assembled so as to ensure that the pieces of the wheel will be retained in case of accidental breakage, shall be used.

(7) All abrasive wheels shall be closely inspected and ring-tested before mounting to ensure that they are free from cracks or defects.

(8) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(9) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of Subpart E of this part, except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

(d) *Other requirements.* All abrasive wheels and tools used by employees shall meet other applicable requirements of American National Standards Institute, B7.1-1970, Safety Code for the Use, Care and Protection of Abrasive Wheels.

§ 1926.304 Woodworking tools.

(a) *Disconnect switches.* All fixed power driven woodworking tools shall be provided with a disconnect switch that can either be locked or tagged in the off position.

(b) *Speeds.* The operating speed shall be etched or otherwise permanently marked on all circular saws over 20 inches in diameter or operating at over 10,000 peripheral feet per minute. Any saw so marked shall not be operated at a speed other than that marked on the blade. When a marked saw is retensioned for a different speed, the marking shall be corrected to show the new speed.

(c) *Self-feed.* Automatic feeding devices shall be installed on machines whenever the nature of the work will permit. Feeder attachments shall have the feed rolls or other moving parts covered or guarded so as to protect the operator from hazardous points.

(d) *Guarding.* All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(e) *Personal protective equipment.* All personal protective equipment provided for use shall conform to Subpart E of this part.

(f) *Other requirements.* All woodworking tools and machinery shall meet other applicable requirements of American National Standards Institute, 01.1-1961, Safety Code for Woodworking Machinery.

§ 1926.305 Jacks—lever and ratchet, screw, and hydraulic.

(a) *General requirements.* (1) The manufacturer's rated capacity shall be legibly marked on all jacks and shall not be exceeded.

(2) All jacks shall have a positive stop to prevent overtravel.

(b) *Lift slab construction.* (1) Hydraulic jacks used in lift slab construction shall have a safety device which will cause the jacks to support the load in any position in the event the jack malfunctions.

(2) If lift slabs are automatically controlled, a device shall be installed which will stop the operation when the ½-inch leveling tolerance is exceeded.

(c) *Blocking.* When it is necessary to provide a firm foundation, the base of the jack shall be blocked or cribbed. Where there is a possibility of slippage of the metal cap of the jack, a wood block shall be placed between the cap and the load.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.305. Jacks—lever and ratchet, screw, and hydraulic).

§ 1910.244 Other portable tools and equipment.

(a) *Jacks.* * * *

(2) *Operation and maintenance.* * * *

(iii) After the load has been raised, it shall be cribbed, blocked, or otherwise secured at once.

(iv) Hydraulic jacks exposed to freezing temperatures shall be supplied with an adequate antifreeze liquid.

(v) All jacks shall be properly lubricated at regular intervals. The lubricating instructions of the manufacturer should be followed, and only lubricants recommended by him should be used.

(vi) Each jack shall be thoroughly inspected at times which depend upon the service conditions. Inspections shall be not less frequent than the following:

(A) For constant or intermittent use at one locality, once every 6 months,

(B) For jacks sent out of shop for special work, when sent out and when returned,

(C) For a jack subjected to abnormal load or shock, immediately before and immediately thereafter.

(vii) Repair or replacement parts shall be examined for possible defects.

(viii) Jacks which are out of order shall be tagged accordingly, and shall not be used until repairs are made.

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Subpart J—Welding and Cutting

Sec.

1926.350 Gas welding and cutting.
1926.351 Arc Welding and cutting.
1926.352 Fire prevention.
1926.353 Ventilation and protection in welding, cutting, and heating.
1926.354 Welding, cutting and heating in way of preservative coatings.

§ 1926.350 Gas welding and cutting.

(a) *Transporting, moving, and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secured.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard, or pallet. They shall not be hoisted or transported by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(4) When cylinders are transported by powered vehicles, they shall be secured in a vertical position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty, or when cylinders are moved at any time, the cylinder valve shall be closed.

(9) Compressed gas cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

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(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him, shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. All cylinders used shall meet the Department of Transportation requirements published in 49 CFR Part 178, Subpart C, Specification for Cylinders.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before a regulator to a cylinder valve is connected, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame, or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. For quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shutoff valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the work area. In the event that fuel gas should leak from the cylinder valve, rather than from the valve stem, and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the work area. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the work area.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the work area.

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least 1-inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe, well ventilated, and accessible locations. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 12 inches shall be covered by tape.

(3) All hose in use, carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion, or be in any way harmful to employees, shall be inspected at the beginning of each working shift. Defective hose shall be removed from service.

(4) Hose which has been subject to flashback, or which shows evidence of severe wear or damage, shall be tested to twice the normal pressure to which it is subject, but in no case less than 300 p.s.i. Defective hose, or hose in doubtful condition, shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the storage of gas hose shall be ventilated.

(7) Hoses, cables, and other equipment shall be kept clear of passageways, ladders and stairs.

(g) *Torches.* (1) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills, or other devices designed for such purpose.

(2) Torches in use shall be inspected at the beginning of each working shift for leaking shutoff valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(h) *Regulators and gauges.* Oxygen and fuel gas pressure regulators, including their related gauges, shall be in proper working order while in use.

(i) *Oil and grease hazards.* Oxygen cylinders and fittings shall be kept away from oil or grease. Cylinders, cylinder caps and valves, couplings, regulators, hose, and apparatus shall be kept free from oil or greasy substances and shall not be handled with oily hands or gloves. Oxygen shall not be directed at oily surfaces, greasy clothes, or within a fuel oil or other storage tank or vessel.

(j) *Additional rules.* For additional details not covered in this subpart, applicable technical portions of American National Standards Institute, Z49.1-1967, Safety in Welding and Cutting, shall apply.

§ 1926.351 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting, and are of a capacity capable of safely handling the maximum rated current required by the electrodes, shall be used.

(2) Any current-carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of 10 feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in need of repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tape or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current-carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Pipelines containing gases or flammable liquids, or conduits containing electrical circuits, shall not be used as a ground return. For welding on natural gas pipelines, the technical portions of regulations issued by the Department of Transportation, Office of Pipeline Safety, 49 CFR Part 192, Minimum Federal Safety Standards for Gas Pipelines, shall apply.

(3) When a structure or pipeline is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks, or heat at any point shall cause rejection of the structures as a ground circuit.

(4) When a structure or pipeline is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water; to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(5) Other requirements, as outlined in Article 630, National Electrical Code, NFPA 70-1971; ANSI C1-1971 (Rev. of 1968), Electric Welders, shall be used when applicable.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flameproof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

§ 1926.352 Fire prevention.

(a) When practical, objects to be welded, cut, or heated shall be moved to a designated safe location or, if the objects to be welded, cut, or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place, or otherwise protected.

(b) If the object to be welded, cut, or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks, and slag, and to protect the immovable fire hazards from them.

(c) No welding, cutting, or heating shall be done where the application of flammable paints, or the presence of other flammable compounds, or heavy dust concentrations creates a hazard.

(d) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed, and for a sufficient period of time after completion of the work to ensure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the firefighting equipment provided is to be used.

(f) When welding, cutting, or heating is performed on walls, floors, and ceilings, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent area, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(g) For the elimination of possible fire in enclosed spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the enclosed space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch period. Overnight and at the change of shifts, the torch and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas-consuming device.

(h) Except when the contents are being removed or transferred, drums, pails, and other containers, which contain or have contained flammable liquids, shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations or open flames.

(i) Drums, containers, or hollow structures which have contained toxic or flammable substances shall, before welding, cutting, or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested. For welding, cutting and heating on steel pipelines containing natural gas, the pertinent portions of regulations issued by the Department of Transportation, Office of Pipeline Safety, 49 CFR Part 192, Minimum Federal Safety Standards for Gas Pipelines, shall apply.

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(j) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

§ 1926.353 Ventilation and protection in welding, cutting, and heating.

(a) *Mechanical ventilation.* For purposes of this section, mechanical ventilation shall meet the following requirements:

(1) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(2) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits, as defined in Subpart D of this part.

(3) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits as defined in Subpart D of this part.

(4) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(5) All air replacing that withdrawn shall be clean and respirable.

(6) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust from clothing, or for cleaning the work area.

(b) *Welding, cutting, and heating in confined spaces.* (1) Except as provided in subparagraph (2) of this paragraph, and paragraph (c)(2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting, or heating is performed in a confined space.

(2) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of Subpart E of this part, and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting, or heating of metals of toxic significance.* (1) Welding, cutting, or heating in any enclosed spaces involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section:

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials;

(ii) Lead base metals;

(iii) Cadmium-bearing filler materials;

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting, or heating in any enclosed spaces involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section, or employees shall be protected by air line respirators in accordance with the requirements of Subpart E of this part:

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials;

(ii) Cadmium-bearing or cadmium-coated base metals;

(iii) Metals coated with mercury-bearing metals;

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter-type respirators in accordance with the requirements of Subpart E of this part, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of Subpart E of this part.

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *Inert-gas metal-arc welding.* (1) Since the inert-gas metal-arc welding process involves the production of ultra-violet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least 200 feet, unless shielded, from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Employees in the area not protected from the arc by screening shall be protected by filter lenses meeting the requirements of Subpart E of this part. When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type, meeting the requirements of Subpart E of this part, shall be worn under welding helmets. Hand shields to protect the welder against flashes and radiant energy shall be used when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of paragraph (c)(2) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(e) *General welding, cutting, and heating.* (1) Welding, cutting, and heating, not involving conditions or materials described in paragraph (b), (c), or (d) of this section, may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting, or heating shall be protected by suitable eye protective equipment in accordance with the requirements of Subpart E of this part.

§ 1926.354 Welding, cutting, and heating in way of preservative coatings.

(a) Before welding, cutting, or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable, they shall be stripped from the area to be heated to prevent ignition.

(c) Protection against toxic preservative coatings:

(1) In enclosed spaces, all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application, or the employees shall be protected by air line respirators, meeting the requirements of Subpart E of this part.

(2) In the open air, employees shall be protected by a respirator, in accordance with requirements of Subpart E of this part.

(d) The preservative coatings shall be removed a sufficient distance from

the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heating area may be used to limit the size of the area required to be cleaned.

Subpart K—Electrical

Sec.
1926.400 General requirements.
1926.401 Grounding and bonding.
1926.402 Equipment installation and maintenance.
1926.403 Battery rooms and battery charging.
1926.404 Hazardous locations.
1926.405 Definitions applicable to this subpart.

§ 1926.400 General Requirements.

(a) All electrical work, installation, and wire capacities shall be in accordance with the pertinent provisions of the National Electrical Code, NFPA 70-1971; ANSI C1-1971 (Rev. of C1-1968), unless otherwise provided by regulations of this part.

(b) *Applicability.* These regulations apply only to electrical installations used on the jobsite, both temporary and permanent. For power distribution and transmission lines, see Subpart V of this part.

(c) *Protection of employees.* (1) No employer shall permit an employee to work in such proximity to any part of an electric power circuit that he may contact the same in the course of his work unless the employee is protected against electric shock by deenergizing the circuit and grounding it or by guarding it by effective insulation or other means. In work areas where the exact location of underground electric power lines is unknown, workmen using jack-hammers, bars, or other hand tools which may contact a line shall be provided with insulated protective gloves.

(2) Before work is begun the employer shall ascertain by inquiry or direct observation, or by instruments, whether any part of an electric power circuit, exposed or concealed, is so located that the performance of the work may bring any person, tool, or machine into physical or electrical contact therewith. The employer shall post and maintain proper warning signs where such a circuit exists. He shall advise his employees of the location of such lines, the hazards involved and the protective measures to be taken.

(d) *Passageways and open spaces.* Suitable barriers or other means shall be provided to ensure that workspace for electrical equipment will not be used as a passageway during periods when energized parts of electrical equipment are exposed.

(e) *Workspace around equipment.* Sufficient space shall be provided and maintained in the area of electrical equipment to permit ready and safe operation and maintenance of such equipment. When parts are exposed, the minimum clearance for the workspace shall be not less than 6¼ feet high, nor less than a radius of 3 feet wide, and there shall be clearance sufficient to permit at least a 90° opening of all doors or hinged panels. All working clearances shall be maintained in accordance with Article 110-16, National Electrical Code, NFPA 70-1971; ANSI C1-1971 (Rev. of C1-1968).

(f) *Load ratings.* In existing installations no changes in circuit protection shall be made to increase the load in excess of the load rating of the circuit wiring, as specified in National Electrical Code, NFPA 70-1971; ANSI C1-1971 (Rev. of C1-1968), Article 310.

(g) *Lockout and tagging of circuits.* (1) Equipment or circuits that are deenergized shall be rendered inoperative and have tags attached at all points where such equipment or circuits can be energized.

(2) Controls that are to be deactivated during the course of work on energized or deenergized equipment or circuits shall be tagged.

(3) Tags shall be placed to identify plainly the equipment or circuits being worked on.

(h) *Ground-fault protection*—(1) *General.* Notwithstanding any other provision of this part, the requirement in section 210-7 of the 1971 National Electrical Code (NFPA 70-1971; ANSI C1-1971) that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites have approved ground-fault circuit protection for personnel does not apply. In lieu thereof, the employer shall use either ground-fault circuit interrupters as specified in paragraph (h)(2) of this section or an assured equipment grounding conductor program as specified in paragraph (h)(3) of this section, to protect employees on construction sites. These requirements are in addition to any other requirements for equipment grounding conductors.

(2) *Ground-fault circuit interrupters.* All 120-volt, single-phase, 15- and 20-ampere receptacle outlets on construction sites, which are not a part of the permanent wiring of the building or structure and which are in use by employees, shall have approved ground-fault circuit interrupters for personnel protection. Receptacles on a two-wire, single-phase portable or vehicle-mounted generator rated not more than 5kW, where the circuit conductors of the generator are insulated from the generator frame and all other grounded surfaces, need not be protected with ground-fault circuit interrupters.

(3) *Assured equipment grounding conductor program.* The employer shall establish and implement an assured equipment grounding conductor program on construction sites covering all cord sets, receptacles which are not a part of the permanent wiring of the building or structure, and equipment connected by cord and plug which are available for use or used by employees. This program shall comply with the following minimum requirements:

(i) A written description of the program, including the specific procedures adopted by the employer, shall be available at the jobsite for inspection and copying by the Assistant Secretary and any affected employee.

(ii) The employer shall designate one or more competent persons (as defined in § 1926.32(f)) to implement the program.

(iii) Each cord set, attachment cap, plug and receptacle of cord sets, and any equipment connected by cord and plug except cord sets and receptacles which are fixed and not exposed to damage, shall be visually inspected before each day's use for external defects, such as deformed or missing pins or insulation damage, and for indication of possible internal damage. Equipment found damaged or defective may not be used until repaired.

(iv) The following tests shall be performed on all cord sets, receptacles which are not a part of the permanent wiring of the building or structure, and cord- and plug-connected equipment required to be grounded:

(*a*) All equipment grounding conductors shall be tested for continuity and shall be electrically continuous.

(*b*) Each receptacle and attachment cap or plug shall be tested for correct attachment of the equipment grounding conductor. The equipment grounding conductor shall be connected to its proper terminal.

(v) All required tests shall be performed:

(*a*) Before first use;

(*b*) Before equipment is returned to service following any repairs;

(*c*) Before equipment is used after any incident which can be reasonably suspected to have caused damage (for example, when a cord set is run over); and

(*d*) At intervals not to exceed 3 months, except that cord sets and receptacles which are fixed and not exposed to damage shall be tested at intervals not exceeding 6 months.

(vi) The employer may not make available or permit the use by employees of any equipment which has not met the requirements of this paragraph (h)(3) of this section.

(vii) Tests performed as required in this paragraph shall be recorded. This test record shall identify each receptacle, cord set, and cord- and plug-connected equipment that passed the test, and shall indicate the last date it was

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tested or the interval for which it was tested. This record shall be kept by means of logs, color coding, or other effective means, and shall be maintained until replaced by a more current record. The record shall be made available on the jobsite for inspection by the Assistant Secretary and any affected employee.

§ 1926.401 Grounding and bonding.

(a) *Portable and/or cord and plug-connected equipment.* (1) The noncurrent-carrying metal parts of portable and/or plug-connected equipment shall be grounded.

(2) Portable tools and appliances protected by an approved system of double insulation, or its equivalent, need not be grounded. Where such an approved system is employed, the equipment shall be distinctively marked.

(b) *Fixed equipment.* Exposed noncurrent-carrying metal parts of fixed electrical equipment, including motors, generators, frames and tracks of electrically operated cranes, electrically driven machinery, etc., shall be grounded.

(c) *Effective grounding.* The path from circuits, equipment, structures, and conduit or enclosures to ground shall be permanent and continuous; have ample carrying capacity to conduct safely the currents liable to be imposed on it; and have impedance sufficiently low to limit the potential above ground and to result in the operation of the overcurrent devices in the circuit.

(d) *Ground resistance.* Driven rod electrodes shall, where practicable, have a resistance to ground not to exceed 25 ohms. Where the resistance is not as low as 25 ohms, two or more electrodes connected in parallel shall be used.

(e) *Testing of grounds.* Grounding circuits shall be checked to ensure that the circuit between the ground and the grounded power conductor has a resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(f) *Extension cords.* Extension cords used with portable electric tools and appliances shall be of three-wire type.

(g) *Bonding.* (1) Conductors used for bonding and grounding stationary and movable equipment shall be of ample size to carry the anticipated current.

(2) When attaching bonding and grounding clamps or clips, a secure and positive metal-to-metal contact shall be made. Such attachments shall be made before closures are opened and material movements are started and shall not be broken until after material movements are stopped and closures are made.

(h) *Temporary wiring.* All temporary wiring shall be effectively grounded in accordance with the National Electrical Code, NFPA 70-1971; ANSI C1-1971 (Rev. of C1-1968), Articles 305 and 310.

(i) *Construction site.* Precautions shall be taken to make any necessary open wiring inaccessible to unauthorized personnel.

(j) *Temporary lighting.* (1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall have insulation equal to that of the cable.

(3) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

(4) Portable electric lighting used in moist and/or other hazardous locations, as for example, drums, tanks, and vessels shall be operated at a maximum of 12 volts.

§ 1926.402 Equipment installation and maintenance.

(a) *Flexible cable and cords.* (1) Receptacles for attachment plugs shall be of approved, concealed contact type with a contact for extending ground continuity and shall be so designed and constructed that the plug may be pulled out without leaving any live parts exposed to accidental contact.

(2) Where different voltages, frequencies, or types of current (a.c. or d.c.) are to be supplied by portable cords, receptacles shall be of such design that attachment plugs used on such circuits are not interchangeable.

(3) Attachment plugs or other connectors supplying equipment at more than 300 volts shall be of the skirted type or otherwise so designed that arcs will be confined.

(4) Attachment plugs for use in work areas shall be so constructed that they will endure rough use and be equipped with a suitable cord grip to prevent strain on the terminal screws.

(5) Flexible cord shall be used only in continuous lengths without splice, except suitable molded or vulcanized splices may be used where properly made, and the insulation shall be equal to the cable being spliced and wire connections soldered.

(6) Trailing cables shall be protected from damage.

(7) Splices in trailing cable shall be mechanically strong components and insulated to retain the mechanical and dielectric strength of the original cable.

(8) Cable passing through work areas shall be covered or elevated to protect it from damage which would create a hazard to employees.

(9) Handlamps of the portable type shall be of the molded composition or other type approved for the purpose. Brass-shell, paper-lined lampholders shall not be used. Handlamps shall be equipped with a handle and a substantial guard over the bulb and attached to the lamphoider or the handle.

(10) Worn or frayed electric cables shall not be used.

(11) Extension cords shall be protected against accidental damage as may be caused by traffic, sharp corners, or projections and pinching in doors or elsewhere.

(12) Extension cords shall not be fastened with staples, hung from nails, or suspended by wire.

(b) *Overcurrent protection.* (1) Overcurrent protection shall be provided by fuses or circuit breakers for each feeder and branch circuit, and shall be based on the current-carrying capacity of the conductors supplied and the power load being used.

(2) No overcurrent device shall be placed in any permanently grounded conductor, except where the overcurrent device simultaneously opens all conductors of the circuit or for motor running protection.

(3) When fuses are installed or removed with one or both terminals energized, special tools insulated for the voltage shall be used.

(c) *Switches, circuit breakers, and disconnecting means.* (1) Each disconnecting means for motors and appliances, and each service feeder or branch circuit at the point where it originates, shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident.

(2) Disconnecting means shall be located or shielded so that employees will not be injured.

(3) Boxes for disconnecting means shall be securely and rigidly fastened to the surface upon which they are mounted and fitted with covers.

(4) Boxes and disconnecting means installed in damp or wet locations shall be waterproof to the extent that water does not enter or accumulate.

(d) *Transformers.* (1) Energized transformers and other related electrically energized equipment over 150 volts to ground shall be protected so as to prevent accidental contact with any person. Protection shall be provided by individual integrated housing or by an enclosure, such as an electrical substation fence, which accommodates a group of such equipment. Metallic enclosures shall be grounded.

(2) Access to energized equipment covered by subparagraph (1) of this paragraph shall be secured by lock or other fasteners requiring the use of tools to open them.

(3) Signs indicating danger and prohibiting unauthorized access shall be conspicuously displayed on the housing or other enclosure around the equipment.

(4) Transformers mounted on utility poles at a height of more than 12 feet from the ground are exempt from the requirements of this paragraph.

(e) *Welding and cutting equipment.* Welding and cutting equipment shall meet the requirements specified in Subparts F and J of this part.

§ 1926.403 Battery rooms and battery charging.

(a) *General requirements.* (1) Batteries of the nonseal type shall be located in enclosures with outside vents or in well ventilated rooms, so arranged as to prevent the escape of fumes, gases, or electrolyte spray into other areas.

(2) Ventilation shall be provided to ensure diffusion of the gases from the battery to prevent the accumulation of an explosive mixture.

(3) Racks and trays shall be substantial and treated to be resistant to the electrolyte.

(4) Floors shall be of acid resistant construction or be protected from acid accumulations.

(5) Face shields, aprons, and rubber gloves shall be provided for workmen handling acids or batteries.

(6) Facilities for quick drenching of the eyes and body shall be provided within 25 feet of the work area for emergency use.

(7) Facilities shall be provided for flushing and neutralizing spilled electrolyte, for fire protection, for protecting charging apparatus from damage by trucks, and for adequate ventilation for dispersal of fumes from gassing batteries.

(b) *Charging.* (1) Battery charging installations shall be located in areas designated for that purpose.

(2) When charging batteries, the vent caps shall be kept in place to avoid electrolyte spray. Care shall be taken to assure that vent caps are functioning.

§ 1926.404 Hazardous locations.

(a) General: For the purpose of this section, hazardous locations are defined as follows:

(1) Class I Locations—Class I Locations are those in which flammable gases or vapors are or may be present in quantities sufficient to produce explosive or ignitable mixtures.

(2) Class II Locations—Class II Locations are those which are hazardous because of the presence of combustible dust.

(3) Class III Locations—Class III Locations are those which are hazardous because of the presence of easily ignitable fibers or flyings, but in which such fibers or flyings are not likely to be in suspension in air in quantities sufficient to produce ignitable mixtures.

(4) See the National Electrical Code, NFPA 70-1971; ANSI C1-1971 (Rev. of C1-1968) for further definition of divisions 1 and 2 for each class.

(b) All components and utilization equipment used in a hazardous location shall be chosen from among those listed by a nationally recognized testing laboratory, such as Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corp., except custom-made components and utilization equipment.

(c) Equipment approved for a specific hazardous location shall not be installed or intermixed with equipment approved for another specific hazardous location.

(d) Employer shall ensure that all wiring components and utilization equipment are maintained as vapor, dust, or fiber tight as contemplated by their approvals. There shall be no loose or missing screws, gaskets, threaded connections, or other impairments to this tight condition.

§ 1926.405 Definitions applicable to this subpart.

(a) The definition of "approved" as set forth in § 1910.308(d) of this chapter shall apply.

(b) "Bonding jumper"—a conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(c) "Branch circuits"—that portion of a wiring system extending beyond the final overcurrent device protecting the circuit. (A device not approved for branch circuit protection, such as thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit.)

(d) "Circuit breaker"—a device designed to open and close a circuit by manual means, and to open the circuit automatically on a predetermined overload of current, without injury to itself when properly applied within its rating.

(e) "Exposed" (as applied to live parts)—means that a live part can be inadvertently touched or approached nearer than a safe distance by a person. This term applies to parts not suitably guarded, isolated, or insulated.

(f) "Ground"—a conducting connection, whether intentional or accidental, between an electrical circuit or equipment and earth, or to some conducting body which serves in place of the earth.

(g) "Grounded"—connected to earth or to some conducting body which serves in place of the earth.

(h) "Hazard" is considered to include casualty, fire, and shock when applicable.

(i) "Isolated" means not readily accessible to person unless special means of access are used.

(j) "Raceway"—any channel for loosely holding wires or cables in interior work which is designed expressly and used solely for this purpose. Raceways may be of metal, wood, or insulating material, and the term includes wood and metal moldings consisting of a backing and capping, and also metal ducts into which wires are to be pulled.

(k) "Shock hazard"—considered to exist at an accessible part in a circuit between the part and ground, or other accessible parts if the potential is more than 42.4 volts peak and the current through a 1,500-ohm load is more than 5 milliamperes.

(l) "Weatherproof"—so constructed or protected that exposure to the weather shall not interfere with successful operation.

Subpart L—Ladders and Scaffolding [1]

Sec.
1926.450 Ladders.
1926.451 Scaffolding.
1910.21 Definitions.
1910.28 Scaffolds.
1910.29 Manually propelled mobile ladder stands.
1926.452 Definitions applicable to this subpart.

§ 1926.450 Ladders.

(a) *General requirements.* (1) Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders described in this subpart shall be used to give safe access to all elevations.

(2) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end hollow rungs.

(3) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A 14.1-1968, Safety Code for Portable Wood Ladders.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American National Standards

[1] Portions of the listed Part 1910 standards have been identified as applicable to construction.

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Institute, A 14.2-1956, Safety Code for Portable Metal Ladders.

(5) Fixed ladders shall be in accordance with the provisions of the American National Standards Institute, A 14.3-1956, Safety Code for Fixed Ladders.

(6) Portable ladder feet shall be placed on a substantial base, and the area around the top and bottom of the ladder shall be kept clear.

(7) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(8) Ladders shall not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards.

(9) The side rails shall extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, shall be installed.

(10) Portable ladders in use shall be tied, blocked, or otherwise secured to prevent their being displaced.

(11) Portable metal ladders shall not be used for electrical work or where they may contact electrical conductors.

(b) *Job-made ladders.* (1) Job-made ladders shall be constructed for intended use. If a ladder is to provide the only means of access or exit from a working area for 25 or more employees, or simultaneous two-way traffic is expected, a double cleat ladder shall be installed.

(2) Double cleat ladders shall not exceed 24 feet in length.

(3) Single cleat ladders shall not exceed 30 feet in length between supports (base and top landing). If ladders are to connect different landings, or if the length required exceeds this maximum length, two or more separate ladders shall be used, offset with a platform between each ladder. Guardrails and toeboards shall be erected on the exposed sides of the platforms. (See § 1926.451(a)(5).)

(4) The width of single cleat ladders shall be at least 15 inches, but not more than 20 inches, between rails at the top.

(5) Side rails shall be parallel or flared top to bottom by not more than one-quarter of an inch for each 2 feet of length.

(6) Wood side rails of ladders having cleats shall be not less than 1½ inches thick and 3½ inches deep (2 inches by 4 inches nominal) when made of Group 2 or Group 3 woods (see Table L-1). Wood side rails of Group 4 woods (see Table L-1) may be used in the same cross-section of dimensions for cleat ladders up to 20 feet in length.

TABLE L-1

AVERAGE DENSITIES OF VARIOUS SPECIES OF WOOD FOR USE IN LADDERS

Species	Density (lbs./ft.³)
GROUP 1	
White ash	41
Beech	43
Birch	44
Rock elm	43
Hickory	50
Locust	47
Hard maple	42
Red maple	36
Red oak	43
White oak	46
Pecan	46
Persimmon	50
GROUP 2	
Douglas fir (coast region)	34
Western larch	38
Southern yellow pine	37
GROUP 3	
Red alder	28
Oregon ash	38
Pumpkin ash	37
Alaska cedar	31
Port Orford cedar	30
Cucumber	34
Cypress	32
Soft elm	36
Douglas fir (Rocky Mountain type)	30
Noble fir	27
Gum	34
West Coast hemlock	30
Magnolia	35
Oregon maple	34
Norway pine	31
Poplar	28
Redwood	25
Eastern spruce	28
Sitka spruce	28
Sycamore	35
Tamarack	37
Tupelo	35
GROUP 4	
Aspen	27
Basswood	25
Buckeye	25
Butternut	27
Incense cedar	25
Western red cedar	23
Black cottonwood	24
White fir	26
Hackberry	37
Eastern hemlock	28
Holly	39
Soft maple	33
Lodgepole pine	29
Idaho white pine	28
Northern white pine	25
Ponderosa pine	28
Sugar pine	26

(7) It is preferable that side rails be continuous. If splicing is necessary to attain the required length, however, the splice must develop the full strength of a continuous side rail of the same length.

(8) 2-inch by 4-inch lumber shall be used for side rails of single cleat ladders up to 16 feet long; 3-inch by 6-inch lumber shall be used for single cleat ladders from 16 to 30 feet in length.

(9) 2-inch by 4-inch lumber shall be used for side and middle rails of double cleat ladders up to 12 feet in length; 2-inch by 6-inch lumber for double cleat ladders from 12 to 24 feet in length.

(10) Wood cleats shall have the following minimum dimensions when made of Group 1 woods (see Table L-1):

TABLE L-2

Length of cleat (inches)	Thickness (inches)	Width (inches)
Up to and including 20	¾	3
Over 20 and up to and including 30	¾	3¾

(11) Cleats may be made of species of any other group of wood (see Table L-1) provided equal or greater strength is maintained.

(12) Cleats shall be inset into the edges of the side rails one-half inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength. Cleats shall be uniformly spaced, 12 inches top-to-top.

§ 1926.451 Scaffolding.

(a) *General requirements.* (1) Scaffolds shall be erected in accordance with requirements of this section.

(2) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.

(3) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(4) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats (see paragraphs (p) and (w) of this section). Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails installed on all open sides and ends of the platform.

(5) Guardrails shall be 2 x 4 inches, or the equivalent, approximately 42 inches high, with a midrail, when required. Supports shall be at intervals not to exceed 8 feet. Toeboards shall be a minimum of 4 inches in height.

(6) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire ½-inch mesh, or the equivalent.

(7) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(8) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(9) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (Stress Grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(10) All planking shall be Scaffold Grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in the following:

TABLE L-3

MATERIAL

	Full thickness undressed lumber			Nominal thickness lumber[1]	
Working load (p.s.f.)	25	50	75	25	50
Permissible span (ft.)	10	8	6	8	6

[1] Nominal thickness lumber not recommended for heavy duty use.

(11) The maximum permissible span for 1¼- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(12) All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement.

(13) An access ladder or equivalent safe access shall be provided.

(14) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(15) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(16) Overhead protection shall be provided for men on a scaffold exposed to overhead hazards.

(17) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(18) No welding, burning, riveting, or open flame work shall be performed on any staging suspended by means of fiber or synthetic rope. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in paragraphs (l) and (w) of this section.

(19) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(20) The use of shore or lean-to scaffolds is prohibited.

(21) Lumber sizes, when used in this subpart, refer to nominal sizes except where otherwise stated.

(b) *Wood pole scaffolds.* (1) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(2) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(3) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(4) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(5) Putlogs or bearers shall be set with their greater dimension vertical, long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(6) Every wooden putlog on single pole scaffolds shall be reinforced with a 5/16- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(7) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(8) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling.

(9) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(10) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(11) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(12) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(13) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(14) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(15) Guardrails, made of lumber not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section, when required.

(16) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables L-4 to 10. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and it shall be constructed and erected in accordance with such design.

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TABLE L-4—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS, LIGHT DUTY

	Maximum height of scaffold	
	20 ft.	60 ft.
Uniformly distributed load	Not to exceed 25 p.s.f.	
Poles or uprights	2x4 in	4x4 in.
Pole spacing (longitudinal)	6 ft. 0 in	10 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in	5 ft. 0 in.
Bearers or putlogs to 3 ft. 0 in. width	2x4 in	2x4 in.
Bearers or putlogs to 5 ft. 0 in. width	2x6 in. or 3x4 in	2x6 in. or 3x4 in. (rough).
Ledgers	1x4 in	1¼x9 in.
Planking	1¼x9 in. (rough)	2x10 in.
Vertical spacing of horizontal members	7 ft. 0 in	9 ft. 0 in.
Bracing, horizontal and diagonal	1x4 in	1x4 in.
Tie-ins	1x4 in	1x4 in.
Toeboards	4 in. high (minimum)	4 in. high (minimum).
Guardrail	2x4 in	2x4 in.

All members except planking are used on edge.

TABLE L-5—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS—MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 p.s.f.
Maximum height of scaffold.	60 ft.
Poles or uprights	4x4 in.
Pole spacing (longitudinal)	8 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.
Bearers or putlogs	2x10 in. or 3x4 in.
Spacing of bearers or putlogs.	8 ft. 0 in.
Ledgers	2x10 in.
Vertical spacing of horizontal members.	7 ft. 0 in.
Bracing, horizontal	1x6 in. or 1¼x4 in.
Bracing, diagonal	1x4 in.
Tie-ins	1x4 in.
Planking	2x10 in.
Toeboards	4-in. high (minimum).
Guardrail	2x4 in.

All members except planking are used on edge.

TABLE L-6—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS—HEAVY DUTY

Uniformly distributed load	Not to exceed 75 p.s.f.
Maximum height of scaffold.	60 ft.
Poles or uprights	4x6 in.
Pole spacing (longitudinal)	6 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.
Bearers or putlogs	2x10 in. or 3x5 in.
Spacing of bearers or putlog.	6 ft. 0 in.
Ledgers	2x10 in.
Vertical spacing of horizontal members.	6 ft. 6 in.
Bracing, horizontal and diagonal.	2x4 in.
Tie-ins	1x4 in.
Planking	2x10 in.
Toeboards	4-in. high (minimum).
Guardrail	2x4 in.

All members except planking are used on edge.

TABLE L-7—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLD—LIGHT DUTY

	Maximum height of scaffold	
	20 ft.	80 ft.
Uniformly distributed load	Not to exceed 25 p.s.f.	
Poles or uprights	2x4 in	4x4 in.
Pole spacing (longitudinal)	6 ft. 0 in	10 ft. 0 in.
Pole spacing (transverse)	6 ft. 0 in	10 ft. 0 in.
Ledgers	1¼x4 in	1¼x9 in.
Bearers to 3 ft. 0 in. span	2x4 in	2x4 in.
Bearers to 10 ft. 0 in. span	2x6 in. or 3x4 in	2x10 (rough) or 3x8 in.
Planking	1¼x9 in	2x10 in.
Vertical spacing of horizontal members	7 ft. 0 in	7 ft. 0 in.
Bracing, horizontal and diagonal	1x4 in	1x4 in.
Tie-ins	1x4 in	1x4 in.
Toeboards	4 in. high	4 in. high (minimum)
Guardrail	2x4 in	2x4 in.

All members except planking are used on edge.

TABLE L-8—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS—MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 p.s.f.
Maximum height of scaffold.	60 ft.
Poles or uprights	4x4 in.
Pole spacing (longitudinal)	8 ft. 0 in.
Pole spacing (transverse)	8 ft. 0 in.
Ledgers	2x10 in.
Vertical spacing of horizontal members.	6 ft. 0 in.
Spacing of bearers	8 ft. 0 in.
Bearers	2x10 in.
Bracing, horizontal	1x6 in. or 1¼x4 in.
Bracing, diagonal	1x4 in.
Tie-ins	1x4 in.
Planking	2x10 in.

TABLE L-8—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS—MEDIUM DUTY—Continued

Toeboards	4-in. high (minimum).
Guardrail	2x4 in.

All members except planking are used on edge.

TABLE L-9—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS—HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 p.s.f.
Maximum height of scaffold.	60 ft.
Poles or uprights	4x6 in.
Pole spacing (longitudinal)	6 ft. 0 in.
Pole spacing (transverse)	8 ft. 0 in.
Ledgers	2x10 in.

TABLE L-9—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS—HEAVY DUTY—Continued

Vertical spacing of horizontal members.	6 ft. 0 in.
Bearers	2x10 in. (rough).
Bracing, horizontal and diagonal.	2x4 in.
Tie-ins	1x4 in.
Planking	2x10 in.
Toeboards	4-in. high (minimum).
Guardrail	2x4 in.

All members except planking are used on edge.

(c) *Tube and coupler scaffolds.* (1) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(2) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2½-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(3) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet by 6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(4) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables L-10, 11, and 12. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables L-10, 11, and 12 shall be designed by a qualified engineer competent in this field.

(5) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables L-10, 11, and 12, or as set forth in the specifications by a licensed professional engineer competent in this field.

TABLE L-10—TUBE AND COUPLER SCAFFOLDS—LIGHT DUTY

Uniformly distributed load	Not to exceed 25 p.s.f.
Post spacing (longitudinal)	10 ft. 0 in.
Post spacing (transverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	4	125 ft.
3	0	91 ft. 0 in.

TABLE L-11—TUBE AND COUPLER SCAFFOLDS—MEDIUM DUTY

Uniformly distributed load	Not to exceed 50 p.s.f.
Post spacing (longitudinal)	8 ft. 0 in.
Post spacing (transverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	0	78 ft. 0 in.

TABLE L-12—TUBE AND COUPLER SCAFFOLDS—HEAVY DUTY

Uniformly distributed load	Not to exceed 75 p.s.f.
Post spacing (longitudinal)	6 ft. 8 in.
Post spacing (transverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	8	125 ft.

(6) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(7) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers.

(8) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(9) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing.

(10) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(11) Longitudinal diagonal bracing on the inner and outer rows of poles shall be installed at approximately a 45° angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(12) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(13) Guardrails, made of lumber not less than 2×4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail of 1×6 inch lumber (or other material providing equivalent protection), and toeboard shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(d) *Tubular welded frame scaffolds.* (1) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed, constructed, and erected to safely support four times the maximum rated load.

(2) Spacing of panels or frames shall be consistent with the loads imposed.

(3) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and aline vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(4) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.

(5) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.

(6) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(7) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(8) Maximum permissible spans or planking shall be in conformity with paragraph (a)(10) of this section.

(9) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer.

(10) Guardrails made of lumber, not less than 2×4 inches (or other material providing equivalent protection), and approximately 42 inches high, with a midrail of 1×6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(e) *Manually propelled mobile scaffolds.* (1) When free-standing mobile scaffold towers are used, the height shall not exceed four times the minimum base dimension.

(2) Casters shall be properly designed for strength and dimensions to support four times the maximum intended load. All casters shall be provided with a positive locking device to hold the scaffold in position.

(3) Scaffolds shall be properly braced by cross bracing and horizontal bracing conforming with paragraph (d)(3) of this section.

(4) Platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening. Platforms shall be secured in place.

(5) A ladder or stairway shall be provided for proper access and exit and shall be affixed or built into the scaffold and so located that when in use it will not have a tendency to tip the scaffold. A landing platform must be provided at intervals not to exceed 35 feet.

(6) The force necessary to move the mobile scaffold shall be applied near or as close to the base as practicable and provision shall be made to stabilize the tower during movement from one location to another. Scaffolds shall only be moved on level floors, free of obstructions and openings.

(7) The employer shall not allow employees to ride on manually propelled scaffolds unless the following conditions exist:

(i) The floor or surface is within 3° of level, and free from pits, holes, or obstructions;

(ii) The minimum dimension of the scaffold base when ready for rolling, is at least one-half of the height. Outriggers, if used, shall be installed on both sides of staging;

(iii) The wheels are equipped with rubber or similar resilient tires;

(iv) All tools and materials are secured or removed from the platform before the mobile scaffold is moved.

(8) Scaffolds in use by any persons shall rest upon a suitable footing and shall stand plumb. The casters or wheels shall be locked to prevent any movement.

(9) Mobile scaffolds constructed of metal members shall also conform to applicable provisions of paragraphs (b), (c), or (d) of this section, depending on the material of which they are constructed.

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(10) Guardrails made of lumber, not less than 2×4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, of 1×6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(f) *Elevating and rotating work platforms.* Applicable requirements of American National Standards Institute A92.2-1969, Vehicle Mounted Elevating and Rotating Work Platforms, shall be complied with for such equipment, as required by the provisions of § 1926.556.

(g) *Outrigger scaffolds.* (1) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to anchorage point, shall be not less than 1½ times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(2) The inboard ends of outrigger beams shall be securely anchored either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary. The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(3) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall be constructed and erected in accordance with Table L-13. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design.

TABLE L-13—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF OUTRIGGER SCAFFOLDS

Maximum scaffold load	Light duty	Medium duty
	25 p.s.f.	50 p.s.f.
Outrigger size	2×10 in	3×10 in.
Maximum outrigger spacing.	10 ft. 0 in	6 ft. 0 in.
Planking	2×10 in	2×10 in.
Guardrail	2×4 in	2×4 in.
Guardrail uprights	2×4 in	2×4 in.
Toeboards	4 in. (minimum).	4 in. (minimum).

(4) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(5) Guardrails made of lumber, not less than 2×4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail of 1×6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(h) *Masons' adjustable multiple-point suspension scaffolds.* (1) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(2) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories or Factory Mutual Engineering Corporation.

(3) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(4) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(5) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(6) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(7) All outrigger beams shall be set and maintained with their webs in a vertical position.

(8) A stop bolt shall be placed at each end of every outrigger beam.

(9) The outrigger beam shall rest on suitable wood bearing blocks.

(10) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall at all times remain on the drum. The use of fiber rope is prohibited.

(11) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(12) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see paragraph (a)(11) of this section.)

(13) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

(14) Each scaffold shall be installed or relocated under the supervision of a competent person.

(15) Guardrails made of lumber, not less than 2×4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(i) *(Swinging scaffolds) two-point suspension.* (1) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(2) The hangers of two-point suspension scaffolds shall be made of mild steel, or other equivalent materials, having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(3) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories or Factory Mutual Engineering Corporation.

(4) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. Tiebacks of ¾-inch manila rope, or the equivalent, shall serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(5) Two-point suspension scaffolds shall be suspended by wire, synthetic, or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.

(6) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used.

(7) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(8) On suspension scaffolds designed for a working load of 500 pounds, no more than two men shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three men shall be permitted to work at one time. Each employee shall be protected by an approved safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the lifeline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the lifeline shall be appropriately changed as the work progresses.

(9) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from swaying. Window cleaners' anchors shall not be used for this purpose.

(10) The platform of every two-point suspension scaffold shall be one of the following types:

(i) *Ladder-type platforms.* The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1⅛ inch in diameter, with ⅞-inch tenons mortised into the side stringers at least seven-eighths inch. The stringers shall be tied together with tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table L-14.

TABLE L-14—SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14 and 16	18 and 20	22 and 24	28 and 30
Side Stringers, minimum cross section (finished sizes):					
At ends (inches)	1¾ x 2¾	1¾ x 2¾	1¾ x 3	1¾ x 3	1¾ x 3½.
At middle (inches)	1¾ x 3¾	1¾ x 3¾	1¾ x 4	1¾x 4½	1¾ x 5.
Reinforcing strip (minimum)	A ½ x ¾-inch steel reinforcing strip or its equivalent shall be attached to the side or underside, full length.				
Rungs	Rungs shall be 1¼-inches minimum diameter with at least ⅝-inch diameter tenons, and the maximum spacing shall be 12 inches center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6.
Diameter (minimum	¼ in	¼ in	¼ in	¼ in	¼ in.
Flooring, minimum finished size (inches)	½ x 2¾	½ x 2¾	½ x 2¾	½ x 2¾	½ x 2¾.

(ii) *Plank-type platforms.* Plank-type platforms shall be composed of not less than nominal 2- x 10-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.

(iii) *Beam-type platforms.* Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6-inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) *Light metal-type platforms,* when used, shall be tested and listed according to Underwriters' Laboratories or Factory Mutual Engineering Corporation.

(11) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(j) *Stone setters' adjustable multiple-point suspension scaffolds.* (1) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(2) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corporation.

(3) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see subdivision (ii) of paragraph (i)(10), Plank-Type Platforms, and Table L-14 of this section.)

(4) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(5) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(6) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(7) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain at the drum at all times.

(8) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other, but shall be maintained at even height with platforms abutting closely.

(9) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(k) *Single-point adjustable suspension scaffolds.* (1) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corporation.

(2) The power units may be either electrically or air motor driven.

(3) All power-operated gears and brakes shall be enclosed.

(4) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(5) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(6) The units may be combined to form a two-point suspension scaffold. Such scaffold shall then comply with paragraph (i) of this section.

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(7) The supporting cable shall be vertical for its entire length, and the basket shall not be swayed nor the cable fixed to any intermediate points to change the original path of travel.

(8) Suspension methods shall conform to applicable provisions of paragraphs (h) and (i) of this section.

(9) Guards, midrails, and toeboards shall completely enclose the cage or basket. Guardrails shall be no less than 2 x 4 inches or the equivalent, approximately 42 inches above the platform. Midrails shall be 1 x 6 inches or the equivalent, installed equidistant between the guardrail and the platform. Toeboards shall be a minimum of 4 inches in height.

(10) For additional details not covered in this paragraph, applicable technical portions of American National Standards Institute, A120.1–1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(l) *Boatswain's chairs.* (1) The chair seat shall not be less than 12 x 24 inches, and 1-inch thickness. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting.

(2) The two fiber rope seat slings shall be of ⅝-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(3) Seat slings shall be of at least ⅜-inch wire rope when an employee is conducting a heat-producing process, such as gas or arc welding.

(4) The employee shall be protected by a safety belt and lifeline in accordance with § 1926.104. The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(5) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced ⅝-inch diameter first-grade manila rope, or equivalent.

(6) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks, when used, shall be installed at right angles to the face of the building and securely fastened.

(m) *Carpenters' bracket scaffolds.* (1) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(2) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than five-eighths inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(3) The brackets shall be spaced no more than 8 feet apart.

(4) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(5) The platform shall consist of not less than two 2- x 10-inch nominal size planks extending not more than 12 inches or less than 6 inches beyond each end support.

(6) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(n) *Bricklayers' square scaffolds.* (1) The squares shall not exceed 5 feet in width and 5 feet in height.

(2) Members shall be not less than those specified in Table L–15.

TABLE L–15—MINIMUM DIMENSIONS FOR BRICKLAYERS' SQUARE SCAFFOLD MEMBERS

Members	*Dimensions*
Bearers or horizontal members	2 x 8 in.
Legs	2 x 6 in.
Braces at corners	1 x 6 in.
Braces diagonally from center frame.	1 x 8 in.

(3) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(4) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(5) Platform planks shall be at least 2- x 10-inch nominal size. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares.

(6) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(7) Scaffolds shall be level and set upon a firm foundation.

(o) *Horse scaffolds.* (1) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(2) The members of the horses shall be not less than those specified in Table L–16.

TABLE L–16—MINIMUM DIMENSIONS FOR HORSE SCAFFOLD MEMBERS

Members	*Dimensions*
Horizontal members or bearers	3 x 4 in.
Legs	1¼ x 4½ in.
Longitudinal brace between legs	1 x 6 in.
Gusset brace at top of legs	1 x 8 in.
Half diagonal braces	1¼ x 4½ in.

(3) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(4) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(5) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(6) Horses or parts which have become weak or defective shall not be used.

(7) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail, of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(p) *Needle beam scaffold.* (1) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to paragraphs (a)(8) and (10) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(2) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4-x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(3) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(4) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(5) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For

spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(6) When needle beam scaffolds are used, the planks shall be secured against slipping.

(7) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(8) One end of a needle beam scaffold may be supported by a permanent structural member conforming to paragraphs (a)(8) and (10) of this section.

(9) Each employee working on a needle beam scaffold shall be protected by a safety belt and lifeline in accordance with § 1926.104.

(q) *Plasterers', decorators', and large area scaffolds.* (1) Plasterers', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See paragraph (b) and Tables L–7, 8, and 9 of this section.)

(2) All platform planks shall be laid with the edges close together.

(3) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(4) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed on all open sides and ends of all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(r) *Interior hung scaffolds.* (1) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.

(2) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.

(3) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 10 inches on edge;

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(4) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(5) Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), approximately 42 inches high, with a midrail of 1 x 6 inch lumber (or other material providing equivalent protection), and toeboards, shall be installed at all open sides and ends on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(s) *Ladder jack scaffolds.* (1) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(2) All ladders used in connection with ladder jack scaffolds shall be heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A 14.1–1968, Safety Code for Portable Wood Ladders, and A 14.2–1968, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(3) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(4) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(5) The wood platform planks shall be not less than 2 inches nominal in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(6) Not more than two employees shall occupy any given 8 feet of any ladder jack scaffold at any one time.

(t) *Window jack scaffolds.* (1) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(2) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(3) Window jack scaffolds shall be provided with guardrails unless safety belts with lifelines are attached and provided for employee.

(4) Not more than one employee shall occupy a window jack scaffold at any one time.

(u) *Roofing brackets.* (1) Roofing brackets shall be constructed to fit the pitch of the roof.

(2) Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-grade manila of at least ¾-inch diameter, or equivalent.

(3) A catch platform shall be installed below the working area of roofs more than 16 feet from the ground to eaves with a slope greater than 4 inches in 12 inches without a parapet. In width, the platform shall extend 2 feet beyond the protection of the eaves and shall be provided with a guardrail, midrail; and toeboard. This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.

(v) *Crawling boards or chicken ladders.* (1) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 × 1½ inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall b be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(2) A firmly fastened lifeline of at least ¾-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

(3) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.

(w) *Float or ship scaffolds.* (1) Float or ship scaffolds shall not be used to support more than three men and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subparagraph (s)(2) through (6) of this paragraph unless substitute designs and materials provide equivalent strength, stability, and safety.

(2) The platform shall be not less than 3 feet wide and 6 feet long, made of ¾-inch plywood, equivalent to American Plywood Association Grade B–B, Group I, Exterior, or other similar material.

(3) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch, rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(4) An edging of wood not less than ¾ x 1½ inches or equivalent shall be

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placed around all sides of the platform to prevent tools from rolling off.

(5) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(6) Each employee shall be protected by an approved safety lifebelt and lifeline, in accordance with § 1926.104.

(x) *Form scaffolds.* (1) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(2) All scaffold planking shall be a minimum of 2- x 10-inch nominal Scaffold Grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(3) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(4) Figure-four form scaffolds: (i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table L–17.

TABLE L–17—MINIMUM DESIGN CRITERIA FOR FIGURE-FOUR FORM SCAFFOLDS

Members	*Dimensions*
Uprights	2 x 4 in. or 2 x 6 in.
Outriggers ledgers (two)	1 x 6 in.
Braces	1 x 6 in.
Guardrails	2 x 4 in.
Guardrail height	Approximately 42 in.
Intermediate guardrails	1 x 6 in.
Toeboards	4 in. (minimum).
Maximum length of ledgers	3 ft. 6 in. (unsupported).
Planking	2 x 10 in.
Upright spacing	6 ft. 0 in. (on centers).

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(5) Metal bracket form scaffolds: (i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table L–18. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

(6) Wooden bracket form scaffolds: (i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table L–19 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

TABLE L–18—MINIMUM DESIGN CRITERIA FOR METAL BRACKET FORM SCAFFOLDS

Members	*Dimensions*
Uprights	2 x 4 in.
Guardrails	2 x 4 in.
Guardrail height	Approximately 42 in.
Intermediate guardrails	1 x 6 in.
Toeboards	4 in. (minimum).
Planking	2 x 9 in.

TABLE L–19—MINIMUM DESIGN CRITERIA FOR WOODEN BRACKET FORM SCAFFOLDS

Members	*Dimensions*
Uprights	2 x 4 in. or 2 x 6 in.
Support ledgers	2 x 6 in.
Maximum scaffold width	3 ft. 6 in.
Braces	1 x 6 in.
Guardrails	2 x 4 in.
Guardrail height	Approximately 42 in.
Intermediate guardrails	1 x 6 in.
Toeboards	4 in. (minimum).
Upright spacing	8 ft. 0 in. (on centers).

(iii) Guardrails and toeboards shall be installed on all open sides and ends of platforms and scaffolding over 10 feet above floor or ground. Guardrails shall be made of lumber 2 x 4 inch nominal dimension (or other material providing equivalent protection), approximately 42 inches high, supported at intervals not to exceed 8 feet. Guardrails shall be equipped with midrails constructed of 1 x 6 inch nominal lumber (or other material providing equivalent protection). Toeboards shall extend not less than 4 inches above the scaffold plank.

(y) *Pump jack scaffolds.* (1) Pump jack scaffolds shall:

(i) Not carry a working load exceeding 500 pounds; and

(ii) Be capable of supporting without failure at least four times the maximum intended load.

(iii) The manufactured components shall not be loaded in excess of the manufacturer's recommended limits.

(2) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(3) The platform bracket shall be fully decked and the planking secured. Planking, or equivalent, shall conform with paragraph (a) of this section.

(4)(i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this paragraph (y), pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.

(5) All poles shall bear on mud sills or other adequate firm foundations.

(6) Pole lumber shall be two 2 x 4's, of Douglas fir, or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

(7) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.

(8) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member.

(9) A ladder, in accordance with § 1926.450, shall be provided for access to the platform during use.

(10) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(11) Pump jacks scaffolds shall be provided with standard guardrails as defined in § 1926.451(a)(15), but no guardrail is required when safety belts with lifelines are provided for employees.

(12) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(13) Employees shall not be permitted to use a work bench as a scaffold platform.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.451 *Scaffolding*), in accordance with their respective scope and definitions.

§ 1910.21 Definitions.

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(g) • • •

(9) *Ladder stand.* A mobile fixed size self-supporting ladder consisting of a wide flat tread ladder in the form of stairs. The assembly may include handrails.

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§ 1910.28 Safety requirements for scaffolding.

(a) • • •

(15) Materials being hoisted onto a scaffold shall have a tag line.

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(18) Employees shall not work on scaffolds during storms or high winds.

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(20) Tools, materials, and debris shall not be allowed to accumulate in quantities to cause a hazard.

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§ 1910.29 Manually propelled mobile ladder stands and scaffolds (towers).

(a) *General requirements.*—(1) *Application.* This section is intended to prescribe rules and requirements for the design, construction, and use of mobile work platforms (including ladder stands but not including aerial ladders) and rolling (mobile) scaffolds (towers). This standard is promulgated to aid in providing for the safety of life, limb, and property, by establishing minimum standards for structural design requirements and for the use of mobile work platforms and towers.

(2) *Working loads.* (i) Work platforms and scaffolds shall be capable of carrying the design load under varying circumstances depending upon the conditions of use. Therefore, all parts and appurtenances necessary for their safe and efficient utilization must be integral parts of the design.

(ii) Specific design and construction requirements are not a part of this section because of the wide variety of materials and design possibilities. However, the design shall be such as to produce a mobile ladder stand or scaffold that will safely sustain the specified loads. The material selected shall be of sufficient strength to meet the test requirements and shall be protected against corrosion or deterioration.

(a) The design working load of ladder stands shall be calculated on the basis of one or more 200-pound persons together with 50 pounds of equipment each.

(b) The design load of all scaffolds shall be calculated on the basis of:

Light—Designed and constructed to carry a working load of 25 pounds per square foot.

Medium—Designed and constructed to carry a working load of 50 pounds per square foot.

Heavy—Designed and constructed to carry a working load of 75 pounds per square foot.

All ladder stands and scaffolds shall be capable of supporting at least four times the design working load.

(iii) The materials used in mobile ladder stands and scaffolds shall be of standard manufacture and conform to standard specifications of strength, dimensions, and weights, and shall be selected to safely support the design working load.

(iv) Nails, bolts, or other fasteners used in the construction of ladders, scaffolds, and towers shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails shall be driven full length. (All nails should be immediately withdrawn from dismantled lumber.)

(v) All exposed surfaces shall be free from sharp edges, burrs or other safety hazards.

(3) *Work levels.* (i) The maximum work level height shall not exceed four (4) times the minimum or least base dimensions of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames shall be employed to achieve this least base dimension, or provisions shall be made to guy or brace the unit against tipping.

(ii) The minimum platform width for any work level shall not be less than 20 inches for mobile scaffolds (towers). Ladder stands shall have a minimum step width of 16 inches.

(iii) The supporting structure for the work level shall be rigidly braced, using adequate cross bracing or diagonal bracing with rigid platforms at each work level.

(iv) The steps of ladder stands shall be fabricated from slip resistant treads.

(v) The work level platform of scaffolds (towers) shall be of wood, aluminum, or plywood planking, steel or expanded metal, for the full width of the scaffold, except for necessary openings. Work platforms shall be secured in place. All planking shall be 2-inch (nominal) scaffold grade minimum 1,500 *f.* (stress grade) construction grade lumber or equivalent.

(vi) All scaffold work levels 10 feet or higher above the ground or floor shall have a standard (4-inch nominal) toeboard.

(vii) All work levels 10 feet or higher above the ground or floor shall have a guardrail of 2- by 4-inch nominal or the equivalent installed no less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch nominal lumber or equivalent.

(viii) A climbing ladder or stairway shall be provided for proper access and egress, and shall be af-

fixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold. A landing platform shall be provided at intervals not to exceed 30 feet.

(4) *Wheels or casters.* (i) Wheels or casters shall be properly designed for strength and dimensions to support four (4) times the design working load.

(ii) All scaffold casters shall be provided with a positive wheel and/or swivel lock to prevent movement. Ladder stands shall have at least two (2) of the four (4) casters and shall be of the swivel type.

(iii) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height shall be provided in the base section of each mobile unit.

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(c) *Mobile tubular welded sectional folding scaffolds.*—(1) *General.* Units including sectional stairway and sectional ladder scaffolds shall be designed to comply with the requirements of paragraph (a) of this section.

(2) *Stairway.* An integral stairway and work platform shall be incorporated into the structure of each sectional folding stairway scaffold.

(3) *Bracing.* An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform shall be incorporated into the structure of each sectional folding ladder scaffold.

(4) *Sectional folding stairway scaffolds.* Sectional folding stairway scaffolds shall be designed as medium duty scaffolds except for high clearance. These special base sections shall be designed as light duty scaffolds. When upper sectional folding stairway scaffolds are used with a special high clearance base, the load capacity of the entire scaffold shall be reduced accordingly. The width of a sectional folding stairway scaffold shall not exceed 4½ feet. The maximum length of a sectional folding stairway scaffold shall not exceed 6 feet.

(5) *Sectional folding ladder scaffolds.* Sectional folding ladder scaffolds shall be designed as light duty scaffolds including special base (open end) sections which are designed for high clearance. For certain special applications the six-foot (6') folding ladder scaffolds, except for special high clearance base sections, shall be designed for use as medium duty scaffolds. The width of a sectional folding ladder scaffold shall not exceed 4½ feet. The maximum length of a sectional folding ladder scaffold shall not exceed 6 feet 6 inches for a six-foot (6') long unit, 8 feet 6 inches for an eight-foot (8') unit or 10 feet 6 inches for a ten-foot (10') long unit.

(6) *End frames.* The end frames of sectional ladder and stairway scaffolds shall be designed so that the horizontal bearers provide supports for multiple planking levels.

(7) *Erection.* Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer.

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§ 1926.452 Definitions applicable to this subpart.

(a) *"Ladders"*—(1) "Cleats"—Ladder crosspieces of rectangular cross section placed on edge on which a person may step in ascending or descending.

(2) "Single cleat ladder"—One which consists of a pair of side rails, usually parallel, but with flared side rails permissible, connected together with cleats that are joined to the side rails at regular intervals.

(3) "Double cleat ladder"—One that is similar to a single cleat ladder, but is wider, with an additional center rail which will allow for two-way traffic for workmen in ascending and descending.

(b) *"Scaffolding"*—(1) "Bearer"—A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(2) "Boatswain's chair"—A seat supported by slings attached to a suspended rope, designed to accommodate one workman in a sitting position.

(3) "Brace"—A tie that holds one scaffold member in a fixed position with respect to another member.

(4) "Bricklayers' square scaffold"—A scaffold composed of framed wood squares which support a platform, limited to light and medium duty.

(5) "Carpenters' bracket scaffold"—A scaffold consisting of wood or metal brackets supporting a platform.

(6) "Coupler"—A device for locking together the component parts of a tubular metal scaffold. (The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron, or structural grade aluminum.)

(7) "Crawling board or chicken ladder"—A plank with cleats spaced and secured at equal intervals, for use by a worker on roofs, not designed to carry any material.

(8) "Double pole or independent pole scaffold"—A scaffold supported from the base by a double row of uprights, independent of support from the walls and constructed of uprights, ledgers, horizontal platform bearers, and diagonal bracing.

(9) "Float or ship scaffold"—A scaffold hung from overhead supports by means of ropes and consisting of a substantial platform having diagonal bracing underneath, resting upon and securely fastened to two parallel plank bearers at right angles to the span.

(10) "Guardrail"—A rail secured to uprights and erected along the exposed sides and ends of platforms.

(11) "Heavy duty scaffold"—A scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.

(12) "Horse scaffold"—A scaffold for light or medium duty, composed of horses supporting a work platform.

(13) "Interior hung scaffold"—A scaffold suspended from the ceiling or roof structure.

(14) "Ladder jack scaffold"—A light duty scaffold supported by brackets attached to ladders.

(15) "Ledgers (stringers)"—A horizontal scaffold member which extends from post to post and which supports the putlogs or bearers forming a tie between the posts.

(16) "Light duty scaffold"—A scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.

(17) "Manually propelled mobile scaffold"—A portable rolling scaffold supported by casters.

(18) "Masons' adjustable multiple-point suspension scaffold"—A scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports, so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(19) "Maximum rated load"—The total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated.

(20) "Medium duty scaffold"—A scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.

(21) "Midrail"—A rail approximately midway between the guardrail and platform, secured to the uprights erected along the exposed sides and ends of platforms.

(22) "Needle beam scaffold"—A light duty scaffold consisting of needle beams supporting a platform.

(23) "Outrigger scaffold"—A scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside of such building or structure.

(24) "Putlog"—A scaffold member upon which the platform rests.

(25) "Roofing or bearer bracket"—A bracket used in slope roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.

(26) "Runner"—The lengthwise horizontal bracing or bearing members or both.

(27) "Scaffold"—Any temporary elevated platform and its supporting structure used for supporting workmen or materials, or both.

(28) "Single-point adjustable suspension scaffold"—A manually or power-operated unit designed for light duty use, supported by a single wire rope from an overhead support so arranged and operated as to permit the raising or lowering of platform to desired working positions.

(29) "Single-pole scaffold"—Platforms resting on putlogs or cross beams, the outside ends of which are supported on ledgers secured to a single row of posts or uprights, and the inner ends of which are supported on or in a wall.

(30) "Stone setters' adjustable multiple-point suspension scaffold"—A swinging type scaffold having a platform supported by hangers suspended at four points so as to permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.

(31) "Toeboard"—A barrier secured along the sides and ends of a platform to guard against the falling of material.

(32) "Tube and coupler scaffold"—An assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.

(33) "Tubular welded frame scaffold"—A sectional panel or frame metal scaffold substantially built up of prefabricated welded sections which consists of posts and horizontal bearer with intermediate members.

(34) "Two-point suspension scaffold (swinging scaffold)"—A scaffold, the platform of which is supported by hangers (stirrups) at two points, suspended from overhead supports so as to permit the raising or lowering of the platform to the desired working position by tackle or hoisting machines.

(35) "Window jack scaffold"—A scaffold, the platform of which is supported by a bracket or jack which projects through a window opening.

(36) "Working load"—Load imposed by men, materials, and equipment.

Subpart M—Floor and Wall Openings, and Stairways [1]

Sec.
1926.500 Guardrails, handrails, and covers.
1910.23 Guarding floor and wall openings and holes.
1910.21 Definitions.
1926.501 Stairways.
1926.502 Definitions applicable to this subpart.

§ 1926.500 Guardrails, handrails, and covers.

(a) *General provision.* This subpart shall apply to temporary or emergency conditions where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways or runways.

(b) *Guarding of floor openings and floor holes.* (1) Floor openings shall be guarded by a standard railing and toeboards or cover, as specified in paragraph (f) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways.

(2) Ladderway floor openings or platforms shall be guarded by standard railings with standard toeboards on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(3) Hatchways and chute floor openings shall be guarded by one of the following:

(i) Hinged covers of standard strength and construction and a standard railing with only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;

(ii) A removable standard railing with toe board on not more than two sides of the opening and fixed standard railings with toeboards on all other exposed sides. The removable railing shall be kept in place when the opening is not in use and should preferably be hinged or otherwise mounted so as to be conveniently replaceable.

(4) Wherever there is danger of falling through a skylight opening, it shall be guarded by a fixed standard railing on all exposed sides or a cover capable of sustaining the weight of a 200-pound person.

(5) Pits and trap-door floor openings shall be guarded by floor opening covers of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.

(6) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover is not in place, the manhole opening shall be protected by standard railings.

(7) Temporary floor openings shall have standard railings.

(8) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard railing with standard toeboard on all exposed sides, or a floor hole cover of standard strength and construction that is secured against accidental displacement. While the cover is not in place, the floor hole shall be protected by a standard railing.

(9) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width of the platform to less than 20 inches.

(c) *Guarding of wall openings.* (1) Wall openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:

(i) When the height and placement of the opening in relation to the working surface is such that either a standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;

(ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toeboard or an enclosing screen either of solid construction or as specified in paragraph (f)(7)(ii) of this section.

(2) An extension platform outside a wall opening onto which materials can be hoisted for handling shall have side rails or equivalent guards of standard specifications. One side of an extension platform may have removable railings in order to facilitate handling materials.

(3) When a chute is attached to an opening, the provisions of paragraph (c)(1) of this section shall apply, except that a toeboard is not required.

(d) *Guarding of open-sided floors, platforms, and runways.* (1) Every open-sided floor or platform 6 feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in paragraph (f)(1) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a standard toeboard wherever, beneath the open sides, persons can pass, or there is moving machinery, or there is equipment with which falling materials could create a hazard.

(2) Runways shall be guarded by a standard railing, or the equivalent, as specified in paragraph (f) of this section, on all open sides, 4 feet or more

[1] Portions of the listed Part 1910 standards have been identified as applicable to construction.

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above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toeboard shall also be provided on each exposed side.

(3) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway not less than 18 inches wide.

(4) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.

(5) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards shall be guarded with a standard railing and toeboard.

(e) *Stairway railings and guards.* (1) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified below, the width of the stair to be measured clear of all obstructions except handrails:

(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending;

(ii) On stairways less than 44 inches wide having one side open, at least one stair railing on the open side;

(iii) On stairways less than 44 inches wide having both sides open, one stair railing on each side;

(iv) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side;

(v) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(2) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(f) *Standard specifications.* (1) A standard railing shall consist of top rail, intermediate rail, toeboard, and posts, and shall have a vertical height of approximately 42 inches from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard. Minimum requirements for standard railings under various types of construction are specified in the following paragraphs:

(i) For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 8 feet; the toprail shall be of at least 2-inch by 4-inch stock; the intermediate rail shall be of at least 1-inch by 6-inch stock.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1½ inches nominal diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by ⅜-inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.

(iv) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.

(v) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.

(vi) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

(*a*) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of approximately 42 inches;

(*b*) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;

(*c*) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(*d*) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.

(2) A stair railing shall be of construction similar to a standard railing, but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

(3) (i) A standard toeboard shall be 4 inches minimum in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than ¼-inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(ii) Where material is piled to such height that a standard toeboard does not provide protection, paneling or screening from floor to intermediate rail or to top rail shall be provided.

(4) (i) A standard handrail shall be of construction similar to a standard railing except that it is mounted on a wall or partition, and does not include an intermediate rail. It shall have a smooth surface along the top and both sides of the handrail. The handrail shall have an adequate handhold for any one grasping it to avoid falling. Ends of the handrail shall be constructed so as not to constitute a projection hazard.

(ii) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread, in line with face of riser or to surface of ramp.

(iii) All handrails and railings shall be provided with a clearance of approximately 3 inches between the handrail or railing and any other object.

(5) Floor opening covers shall be of any material that meets the following strength requirements:

(i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles, shall be designed to carry a truck rear-axle load of at least 2 times the maximum intended load;

(ii) The floor opening cover shall be capable of supporting the maximum intended load and so installed as to prevent accidental displacement.

(6) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accordance with paragraph (5)(ii) of this paragraph.

(7) Wall opening protection shall meet the following requirements:

(i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum of deflection at any point on the top rail or corresponding member.

(ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.

The following requirement from 29 CFR Part 1910 (General Industry) has been identified as applicable to construction (29 CFR 1926.500 *Guardrails, Handrails, and Covers*), *in accordance with the definition noted below.*;

§ 1910.23 Guarding floor and wall openings and holes.

• • • • •

(b) • • •

(5) Where there is a hazard of materials falling through a wall hole, and the lower edge of the near side of the hole is than 4 inches above the floor, and the far side of the hole more than 5 feet above the next lower level, the hole shall be protected by a standard toeboard, or an enclosing screen either of solid construction, or as specified in paragraph (e)(11) of this section.

• • • • •

§ 1910.21 Definitions.

(a) • • •

(10) *Wall hole.* An opening less than 30 inches but more than 1 inch high, of unrestricted width, in any wall or partition; such as a ventilation hole or drainage scupper.

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§ 1926.501 Stairways.

(a) On all structures, two or more floors (20 feet or over) in height, stairways, ladders, or ramps shall be provided for employees during the construction period.

(b) Stairway railings and guardrails shall meet the requirements of § 1926.500 (e) and (f).

(c) All parts of stairways shall be free of hazardous projections, such as protruding nails.

(d) Debris, and other loose materials, shall not be allowed on or under stairways.

(e) Slippery conditions on stairways shall be eliminated as soon as possible after they occur.

(f) Permanent steel or other metal stairways, and landings with hollow pan-type treads that are to be filled with concrete or other materials, when used during construction, shall be filled to the level of the nosing with solid material. The requirement shall not apply during the period of actual construction of the stairways themselves.

(g) Wooden treads for temporary service shall be full width.

(h) Metal landings shall be secured in place before filling.

(i) Temporary stairs shall have a landing not less than 30 inches in the direction of travel at every 12 feet of vertical rise.

(j) Stairs shall be installed at angles to the horizontal of between 30° and 50°.

(k) Rise height and tread width shall be uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs.

(l) All stairs shall be lighted in accordance with Subpart D of this part.

(m) Spiral stairways shall not be permitted except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway.

§ 1926.502 Definitions applicable to this subpart.

(a) "Floor hole"—An opening measuring less than 12 inches but more than 1 inch in its least dimension in any floor, roof, or platform through which materials but not persons may fall, such as a belt hold, pipe opening, or slot opening.

(b) "Floor opening"—An opening measuring 12 inches or more in its least dimension in any floor, roof, or platform through which persons may fall.

(c) "Handrail"—A bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.

(d) "Nose, nosing"—That portion of a tread projecting beyond the face of the riser immediately below.

(e) "Platform"—A working space for persons, elevated above the surrounding floor or ground, such as a balcony or platform for the operation of machinery and equipment.

(f) "Runway"—A passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

(g) "Rise"—The vertical distance from the top of a tread to the top of the next higher tread.

(h) "Stair platform"—An extended step or landing breaking a continuous run of stairs.

(i) "Stair railing"—A vertical barrier erected along exposed sides of a stairway to prevent falls of persons.

(j) "Stairs, stairways"—A series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees or only occasionally by specific individuals. For the purpose of this subpart, a series of steps and landings having three or more rises constitutes stairs or stairway.

(k) "Standard railing"—A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

(l) "Standard strength and construction"—Any construction of railings, covers, or other guards that meets the requirements of this subpart.

(m) "Toeboard"—A vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

(n) "Tread width"—The horizontal distance from front to back of tread, including nosing, when used.

(o) "Wall opening"—An opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall, such as a yard-arm doorway or chute opening.

Subpart N—Cranes, Derricks, Hoists, Elevators, and Conveyors

Sec.
1926.550 Cranes and derricks.
1926.551 Helicopters.
1926.552 Material hoists and personel hoists and elevators.
1926.553 Base-mounted drum hoists.
1926.554 Overhead hoists.
1926.555 Conveyors.
1926.556 Aerial lifts.

§ 1926.550 Cranes and derricks.

(a) *General requirements.* (1) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer competent in this field and such determinations will be appropriately documented and recorded. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(2) Rated load capacities, and recommended operating speeds, special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while he is at his control station.

(3) [Revoked]

(4) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

(5) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and during use, to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(6) A thorough, annual inspection of the hoisting machinery shall be made by a competent person, or by a government or private agency recognized by the U.S. Department of Labor. The employer shall maintain a record of the dates and results of inspections for each hoisting machine and piece of equipment.

(7) Wire rope shall be taken out of service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or

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three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than one-sixty-fourth inch for diameters up to and including five-sixteenths inch, one-thirty-second inch for diameters three-eighths inch to and including one-half inch, three-sixty-fourths inch for diameters nine-sixteenths inch to and including three-fourths inch, one-sixteenth inch for diameters seven-eighths inch to 1⅛ inches inclusive, three-thirty-seconds inch for diameters 1¼ to 1½ inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(vi) Wire rope safety factors shall be in accordance with American National Standards Institute B30.5-1968 or SAE J959-1966.

(8) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of the American National Standards Institute B15.1-1958 Rev., Safety Code for Mechanical Power Transmission Apparatus.

(9) Accessible areas within the swing radius of the rear of the rotating superstructure of the crane, either permanently or temporarily mounted, shall be barricaded in such a manner as to prevent an employee from being struck or crushed by the crane.

(10) All exhaust pipes shall be guarded or insulated in areas where contact by employees is possible in the performance of normal duties.

(11) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres.

(12) All windows in cabs shall be of safety glass, or equivalent, that introduces no visible distortion that will interfere with the safe operation of the machine.

(13) (i) Where necessary for rigging or service requirements, a ladder, or steps, shall be provided to give access to a cab roof.

(ii) Guardrails, handholds, and steps shall be provided on cranes for easy access to the car and cab, conforming to American National Standards Institute B30.5.

(iii) Platforms and walkways shall have anti-skid surfaces.

(14) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Subpart F of this part. When fuel is transported by vehicles on public highways, Department of Transportation rules contained in 49 CFR Parts 177 and 393 concerning such vehicular transportation are considered applicable.

(15) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kV., and 10 feet for voltages over 50 kV., up to and including 345 kV., and 16 feet for voltages up to and including 750 kV.

(iv) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter towers where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be de-energized or tests shall be made to determine if electrical charge is induced on the crane. The following precautions shall be taken when necessary to dissipate induced voltages:

(*a*) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(*b*) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(c) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(16) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(17) The employer shall comply with Power Crane and Shovel Association Mobile Hydraulic Crane Standard No. 2.

(18) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a-1964.

(b) *Crawler, locomotive, and truck cranes.* (1) All jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this rule.

(2) All crawler, truck, or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-1968, Safety Code for Crawler, Locomotive and Truck Cranes.

(c) *Hammerhead tower cranes.* (1) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(2) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by safety belts and lanyards attached to lifelines in conformance with Subpart E of this part.

(3) Buffers shall be provided at both ends of travel of the trolley.

(4) Cranes mounted on rail tracks shall be equipped with limit switches

[4510-26-M]

limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(5) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(d) *Overhead and gantry cranes.* (1) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(2) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(3) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(4) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in the ANSI B30.2.0-1967, Safety Code for Overhead and Gantry Cranes.

(e) *Derricks.* All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standards Institute B30.6-1969, Safety Code for Derricks.

(f) *Floating cranes and derricks*—(1) *Mobile cranes mounted on barges.* (i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.

(2) *Permanently mounted floating cranes and derricks.* (i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed by the manufacturer.

(3) *Protection of employees working on barges.* The employer shall comply with the applicable requirements for protection of employees working onboard marine vessels specified in § 1926.605.

§ 1926.551 Helicopters.

(a) *Helicopter regulations.* Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(b) *Briefing.* Prior to each day's operation a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(c) *Slings and tag lines.* Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(d) *Cargo hooks.* All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(e) *Personal protective equipment.* (1) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps.

(2) Loose-fitting clothing likely to flap in the downwash, and thus be snagged on hoist line, shall not be worn.

(f) *Loose gear and objects.* Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within 100 feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(g) *Housekeeping.* Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(h) *Operator responsibility.* The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(i) *Hooking and unhooking loads.* When employees are required to perform work under hovering craft, a safe means of access shall be provided for employees to reach the hoist line hook and engage or disengage cargo slings. Employees shall not perform work under hovering craft except when necessary to hook or unhook loads.

(j) *Static charge.* Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(k) *Weight limitation.* The weight of an external load shall not exceed the manufacturer's rating.

(l) *Ground lines.* Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(m) *Visibility.* When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(n) *Signal systems.* Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure N-1.

[4510-26-C]

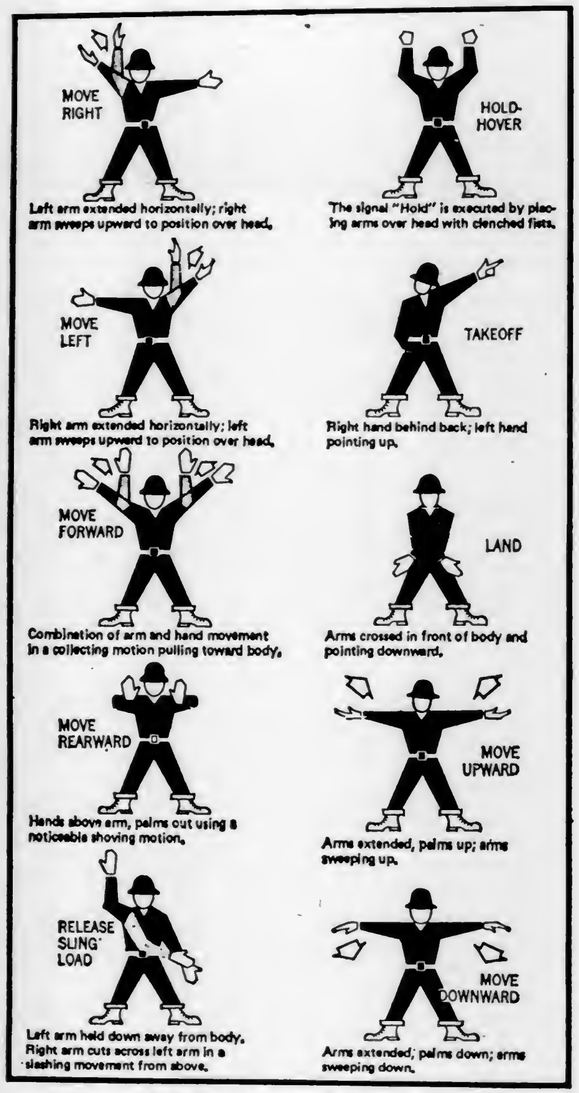


FIGURE N-1 HELICOPTER HAND SIGNAL

(o) *Approach distance.* No unauthorized person shall be allowed to approach within 50 feet of the helicopter when the rotor blades are turning.

(p) *Approaching helicopter.* Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(q) *Personnel.* Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(r) *Communications.* There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalman during the period of loading and unloading. This signalman shall be distinctly recognizable from other ground personnel.

(s) *Fires.* Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

§ 1926.552 Material hoists, personnel hoists, and elevators.

(a) *General requirements.* (1) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of all hoists and elevators. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a professional engineer competent in the field.

(2) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be posted on cars and platforms.

(3) Wire rope shall be removed from service when any of the following conditions exists:

(i) In hoisting ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay;

(ii) Abrasion, scrubbing, flattening, or peening, causing loss of more than one-third of the original diameter of the outside wires;

(iii) Evidence of any heat damage resulting from a torch or any damage caused by contact with electrical wires;

(iv) Reduction from nominal diameter of more than three sixty-fourths inch for diameters up to and including three-fourths inch; one-sixteenth inch for diameters seven-eights to 1⅛ inches; and three thirty-seconds inch for diameters 1¼ to 1½ inches.

(4) Hoisting ropes shall be installed in accordance with the wire rope manufacturers' recommendations.

(5) The installation of live booms on hoists is prohibited.

(6) The use of endless belt-type manlifts on construction shall be prohibited.

(b) *Material hoists.* (1)(i) Operating rules shall be established and posted at the operator's station of the hoist. Such rules shall include signal system and allowable line speed for various loads. Rules and notices shall be posted on the car frame or crosshead in a conspicuous location, including the statement "No Riders Allowed."

(ii) No person shall be allowed to ride on material hoists except for the purposes of inspection and maintenance.

(2) All entrances of the hoistways shall be protected by substantial gates or bars which shall guard the full width of the landing entrance. All hoistway entrance bars and gates shall be painted with diagonal contrasting colors, such as black and yellow stripes.

(i) Bars shall be not less than 2- by 4-inch wooden bars or the equivalent, located 2 feet from the hoistway line. Bars shall be located not less than 36 inches nor more than 42 inches above the floor.

(ii) Gates or bars protecting the entrances to hoistways shall be equipped with a latching device.

(3) Overhead protective covering of 2-inch planking, ¾-inch plywood, or other solid material of equivalent strength, shall be provided on the top of every material hoist cage or platform.

(4) The operator's station of a hoisting machine shall be provided with overhead protection equivalent to tight planking not less than 2 inches thick. The support for the overhead protection shall be of equal strength.

(5) Hoist towers may be used with or without an enclosure on all sides. However, whichever alternative is chosen, the following applicable conditions shall be met:

(i) When a hoist tower is enclosed, it shall be enclosed on all sides for its entire height with a screen enclosure of ½-inch mesh, No. 18 U.S. gauge wire or equivalent, except for landing access.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with ½-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading. A 6-foot high enclosure shall be provided on the unused sides of the hoist tower at ground level.

(6) Car arresting devices shall be installed to function in case of rope failure.

(7) All material hoist towers shall be designed by a licensed professional engineer.

(8) All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists.

(c) *Personnel hoists.* (1) Hoist towers outside the structure shall be enclosed for the full height on the side or sides used for entrance and exit to the structure. At the lowest landing, the enclosure on the sides not used for exit or entrance to the structure shall be enclosed to a height of at least 10 feet. Other sides of the tower adjacent to floors or scaffold platforms shall be enclosed to a height of 10 feet above the level of such floors or scaffolds.

(2) Towers inside of structures shall be enclosed on all four sides throughout the full height.

(3) Towers shall be anchored to the structure at intervals not exceeding 25 feet. In addition to tie-ins, a series of guys shall be installed. Where tie-ins are not practical the tower shall be anchored by means of guys made of wire rope at least one-half inch in diameter, securely fastened to anchorage to ensure stability.

(4) Hoistway doors or gates shall be not less than 6 feet 6 inches high and shall be provided with mechanical locks which cannot be operated from the landing side, and shall be accessible only to persons on the car.

(5) Cars shall be permanently enclosed on all sides and the top, except sides used for entrance and exit which have car gates or doors.

(6) A door or gate shall be provided at each entrance to the car which shall protect the full width and height of the car entrance opening.

(7) Overhead protective covering of 2-inch planking, ¾-inch plywood or other solid material or equivalent strength shall be provided on the top of every personnel hoist.

(8) Doors or gates shall be provided with electric contacts which do not allow movement of the hoist when door or gate is open.

(9) Safeties shall be capable of stopping and holding the car and rated load when traveling at governor tripping speed.

(10) Cars shall be provided with a capacity and data plate secured in a conspicuous place on the car or crosshead.

(11) Internal combustion engines shall not be permitted for direct drive.

(12) Normal and final terminal stopping devices shall be provided.

(13) An emergency stop switch shall be provided in the car and marked "Stop."

(14) Ropes: (i) The minimum number of hoisting ropes used shall be three for traction hoists and two for drum-type hoists.

(ii) The minimum diameter of hoisting and counterweight wire ropes shall be ½-inch.

(iii) Safety factors:

MINIMUM FACTORS OF SAFETY FOR SUSPENSION WIRE ROPES

Rope speed in feet per minute:	*Minimum factor of safety*
50	7.60
75	7.75
100	7.95
125	8.10
150	8.25
175	8.40
200	8.60
225	8.75
250	8.90
300	9.20
350	9.50
400	9.75
450	10.00
500	10.25
550	10.45
600	10.70

(15) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than 3-month intervals. Records shall be maintained and kept on file for the duration of the job.

(16) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4-1963, Safety Requirements for Workmen's Hoists. The requirements of this subparagraph (16) do not apply to cantilever type personnel hoists.

(17) (i) Personnel hoists used in bridge tower construction shall be approved by a registered professional engineer and erected under the supervision of a qualified engineer competent in this field.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with ¾-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading.

(iii) These hoists shall be inspected and maintained on a weekly basis. Whenever the hoisting equipment is exposed to winds exceeding 35 miles per hour it shall be inspected and put in operable condition before reuse.

(iv) Wire rope shall be taken out of service when any of the following conditions exist:

(*a*) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(*b*) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

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(c) Evidence of any heat damage from any cause;

(d) Reductions from nominal diameter of more than three-sixty-fourths inch for diameters to and including three-fourths inch, one-sixteenth inch for diameters seven-eights inch to 1⅛ inches inclusive, three-thirty-seconds inch for diameters 1¼ to 1½ inches inclusive;

(e) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(d) Permanent elevators under the care and custody of the employer and used by employees for work covered by this Act shall comply with the requirements of American National Standards Institute A17.1-1965 with addenda A17.1a-1967, A17.1b-1968, A17.1c-1969, A17.1d-1970, and inspected in accordance with A17.2-1960 with addenda A17.2a-1965, A17.2b-1967.

§ 1926.553 Base-mounted drum hoists.

(a) *General requirements.* (1) Exposed moving parts such as gears, projecting screws, setscrews, chain, cables, chain sprockets, and reciprocating or rotating parts, which constitute a hazard, shall be guarded.

(2) All controls used during the normal operation cycle shall be located within easy reach of the operator's station.

(3) Electric motor operated hoists shall be provided with:

(i) A device to disconnect all motors from the line upon power failure and not permit any motor to be restarted until the controller handle is brought to the "off" position;

(ii) Where applicable, an overspeed preventive device;

(iii) A means whereby remotely operated hoists stop when any control is ineffective.

(4) All base-mounted drum hoists in use shall meet the applicable requirements for design, construction, installation, testing, inspection, maintenance, and operations, as prescribed by the manufacturer.

(b) *Specific requirements.* [Reserved]

§ 1926.554 Overhead hoists.

(a) *General requirements.* (1) The safe working load of the overhead hoist, as determined by the manufacturer, shall be indicated on the hoist, and this safe working load shall not be exceeded.

(2) The supporting structure to which the hoist is attached shall have a safe working load equal to that of the hoist.

(3) The support shall be arranged so as to provide for free movement of the hoist and shall not restrict the hoist from lining itself up with the load.

(4) The hoist shall be installed only in locations that will permit the operator to stand clear of the load at all times.

(5) Air hoists shall be connected to an air supply of sufficient capacity and pressure to safely operate the hoist. All air hoses supplying air shall be positively connected to prevent their becoming disconnected during use.

(6) All overhead hoists in use shall meet the applicable requirements for construction, design, installation, testing, inspection, maintenance, and operation, as prescribed by the manufacturer.

(b) *Specific requirements.* [Reserved]

§ 1926.555 Conveyors.

(a) *General requirements.* (1) Means for stopping the motor or engine shall be provided at the operator's station. Conveyor systems shall be equipped with an audible warning signal to be sounded immediately before starting up the conveyor.

(2) If the operator's station is at a remote point, similar provisions for stopping the motor or engine shall be provided at the motor or engine location.

(3) Emergency stop switches shall be arranged so that the conveyor cannot be started again until the actuating stop switch has been reset to running or "on" position.

(4) Screw conveyors shall be guarded to prevent employee contact with turning flights.

(5) Where a conveyor passes over work areas, aisles, or thoroughfares, suitable guards shall be provided to protect employees required to work below the conveyors.

(6) All crossovers, aisles, and passageways shall be conspicuously marked by suitable signs, as required by Subpart G of this part.

(7) Conveyors shall be locked out or otherwise rendered inoperable, and tagged out with a "Do Not Operate" tag during repairs and when operation is hazardous to employees performing maintenance work.

(8) All conveyors in use shall meet the applicable requirements for design, construction, inspection, testing, maintenance, and operation, as prescribed in the ANSI B20.1-1957, Safety Code for Conveyors, Cableways, and Related Equipment.

§ 1926.556 Aerial lifts.

(a) *General requirements.* (1) Unless otherwise provided in this section, aerial lifts acquired for use on or after the effective date of this section shall be designed and constructed in conformance with the applicable requirements of the American National Standard for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969, including appendix. Aerial lifts acquired before the effective date of this section, which do not meet the requirements of ANSI A92.2-1969, may not be used after January 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969. Aerial lifts include the following types of vehicle-mounted aerial devices used to elevate personnel to jobsites above ground:

(i) Extensible boom platforms;
(ii) Aerial ladders;
(iii) Articulating boom platforms;
(iv) Vertical towers; and
(v) A combination of any of the above.

Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material; may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(2) Aerial lifts may be "field modified" for uses other than those intended by the manufacturer provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in conformity with all applicable provisions of ANSI A92.2-1969 and this section and to be at least as safe as the equipment was before modification.

(b) *Specific requirements*—(1) *Ladder trucks and tower trucks.* Aerial ladders shall be secured in the lower traveling position by the locking device on top of the truck cab, and the manually operated device at the base of the ladder before the truck is moved for highway travel.

(2) *Extensible and articulating boom platforms.* (i) Lift controls shall be tested each day prior to use to determine that such controls are in safe working condition.

(ii) Only authorized persons shall operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift shall not be permitted.

(iv) Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift.

(vi) Boom and basket load limits specified by the manufacturer shall not be exceeded.

(vii) The brakes shall be set and when outriggers are used, they shall be positioned on pads or a solid surface. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(viii) An aerial lift truck shall not be moved when the boom is elevated in a working position with men in the basket, except for equipment which is specifically designed for this type of operation in accordance with the provisions of subparagraphs (1) and (2) of paragraph (a) of this section.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within easy reach of the operator. Lower controls shall provide for overriding the upper controls. Controls shall be plainly marked as to their function. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(x) Climbers shall not be worn while performing work from an aerial lift.

(xi) The insulated portion of an aerial lift shall not be altered in any manner that might reduce its insulating value.

(xii) Before moving an aerial lift for travel, the boom(s) shall be inspected to see that it is properly cradled and outriggers are in stowed position except as provided in subdivision (viii) of this subparagraph.

(3) *Electrical tests.* All electrical tests shall conform to the requirements of ANSI A92.2-1969 section 5. However equivalent d.c. voltage tests may be used in lieu of the a.c. voltage specified in A92.2-1969; d.c. voltage tests which are approved by the equipment manufacturer or equivalent entity shall be considered an equivalent test for the purpose of this subparagraph (3).

(4) *Bursting safety factor.* The provisions of the American National Standards Institute standard ANSI A92.2-1969, section 4.9 Bursting Safety Factor shall apply to all critical hydraulic and pneumatic components. Critical components are those in which a failure would result in a free fall or free rotation of the boom. All noncritical components shall have a bursting safety factor of at least 2 to 1.

(5) *Welding standards.* All welding shall conform to the following standards as applicable:

(i) Standard Qualification Procedure, AWS B3.0-41.

(ii) Recommended Practices for Automotive Welding Design, AWS D8.4-61.

(iii) Standard Qualification of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-69.

(iv) Specifications for Welding Highway and Railway Bridges, AWS D2.0-69.

Subpart O—Motor Vehicles, Mechanized Equipment, and Marine Operations [1]

Sec.
1926.600 Equipment.
1910.176 Handling materials—general.
1910.169 Air receivers.
1926.601 Motor vehicles.
1926.602 Material handling equipment.
1926.603 Pile driving equipment.
1926.604 Site clearing.
1926.605 Marine operations and equipment.
1926.606 Definitions applicable to this subpart.

§ 1926.600 Equipment.

(a) *General requirements.* (1) All equipment left unattended at night, adjacent to a highway in normal use, or adjacent to construction areas where work is in progress, shall have appropriate lights or reflectors, or barricades equipped with appropriate lights or reflectors, to identify the location of the equipment.

(2) A safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims, or rims equipped with locking rings or similar devices.

(3) (i) Heavy machinery, equipment, or parts thereof, which are suspended or held aloft by use of slings, hoists, or jacks shall be substantially blocked or cribbed to prevent falling or shifting before employees are permitted to work under or between them. Bulldozer and scraper blades, end-loader buckets, dump bodies, and similar equipment, shall be either fully lowered or blocked when being repaired or when not in use. All controls shall be in a neutral position, with the motors stopped and brakes set, unless work being performed requires otherwise.

(ii) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set.

(4) The use, care and charging of all batteries shall conform to the requirements of Subpart K of this part.

(5) All cab glass shall be safety glass, or equivalent, that introduces no visible distortion affecting the safe operation of any machine covered by this subpart.

(6) All equipment covered by this subpart shall comply with the requirements of § 1518.550(a)(15) when working or being moved in the vicinity of power lines or energized transmitters.

(b) *Specific requirements.* [Reserved]

[1] Portions of the listed Part 1910 standards have been identified as applicable to construction.

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.600 *Equipment*), an accordance with the scope noted below.

§ 1910.176 Handling materials—general.

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(f) *Rolling railroad cars.* Derail and/or bumper blocks shall be provided on spur railroad tracks where a rolling car could contact other cars being worked, enter a building, work or traffic area.

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§ 1910.169 Air receivers.

(a) *General requirements*—(1) *Application.* This section applies to compressed air receivers, and other equipment used in providing and utilizing compressed air for performing operations such as cleaning, drilling, hoisting, and chipping. On the other hand, however, this section does not deal with the special problems created by using compressed air to convey materials nor the problems created when men work in compressed air as in tunnels and caissons. This section is not intended to apply to compressed air machinery and equipment used on transportation vehicles such as steam railroad cars, electric railway cars, and automotive equipment.

(2) ***New and existing** equipment* (i) All new air receivers installed after the effective date of these regulations shall be constructed in accordance with the 1968 edition of the A.S.M.E. Boiler and Pressure Vessel Code Section VIII.

(ii) All safety valves used shall be constructed, installed, and maintained in accordance with the A.S.M.E. Boiler and Pressure Vessel Code, Section VIII Edition 1968.

(b) *Installation and equipment requirements*—(1) *Installation.* Air receivers shall be so installed that all drains, handholes, and manholes therein are easily accessible. Air receivers should be supported with sufficient clearance to permit a complete external inspection and to avoid corrosion of external surfaces. Under no circumstances shall an air receiver be buried underground or located in an inaccessible place. The receiver should be located as close to the compressor or aftercooler as is possible in order to keep the discharge pipe short.

(2) *Drains and traps.* A drain pipe and valve shall be installed at

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the lowest point of every air receiver to provide for the removal of accumulated oil and water. Adequate automatic traps may be installed in addition to drain valves. The drain valve on the air receiver shall be opened and the receiver completely drained frequently and at such intervals as to prevent the accumulation of excessive amounts of liquid in the receiver.

(3) *Gages and valves.* (i) Every air receiver shall be equipped with an indicating pressure gage (so located as to be readily visible) and with one or more spring-loaded safety valves. The total relieving capacity of such safety valves shall be such as to prevent pressure in the receiver from exceeding the maximum allowable working pressure of the receiver by more than 10 percent.

(ii) No valve of any type shall be placed between the air receiver and its safety valve or valves.

(iii) Safety appliances, such as safety valves, indicating devices and controlling devices, shall be constructed, located, and installed so that they cannot be readily rendered inoperative by any means, including the elements.

(iv) All safety valves shall be tested frequently and at regular intervals to determine whether they are in good operating condition.

§ 1926.601 Motor vehicles.

(a) *Coverage.* Motor vehicles as covered by this part are those vehicles that operate within an off-highway jobsite, not open to public traffic. The requirements of this section do not apply to equipment for which rules are prescribed in § 1926.602.

(b) *General requirements.* (1) All vehicles shall have a service brake system, an emergency brake system, and a parking brake system. These systems may use common components, and shall be maintained in operable condition.

(2)(i) Whenever visibility conditions warrant additional light, all vehicles, or combinations of vehicles, in use shall be equipped with at least two headlights and two taillights in operable condition.

(ii) All vehicles, or combination of vehicles, shall have brake lights in operable condition regardless of light conditions.

(3) All vehicles shall be equipped with an adequate audible warning device at the operator's station and in an operable condition.

(4) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:

(i) The vehicle has a reverse signal alarm audible above the surrounding noise level; or

(ii) The vehicle is backed up only when an observer signals that it is safe to do so.

(5) All vehicles with cabs shall be equipped with windshields and powered wipers. Cracked and broken glass shall be replaced. Vehicles operating in areas or under conditions that cause fogging or frosting of the windshields shall be equipped with operable defogging or defrosting devices.

(6) All haulage vehicles, whose pay load is loaded by means of cranes, power shovels, loaders, or similar equipment, shall have a cab shield and/or canopy adequate to protect the operator from shifting or falling materials.

(7) Tools and material shall be secured to prevent movement when transported in the same compartment with employees.

(8) Vehicles used to transport employees shall have seats firmly secured and adequate for the number of employees to be carried.

(9) Seat belts and anchorages meeting the requirements of 49 CFR Part 571 (Department of Transportation, Federal Motor Vehicle Safety Standards) shall be installed in all motor vehicles.

(10) Trucks with dump bodies shall be equipped with positive means of support, permanently attached, and capable of being locked in position to prevent accidental lowering of the body while maintenance or inspection work is being done.

(11) Operating levers controlling hoisting or dumping devices on haulage bodies shall be equipped with a latch or other device which will prevent accidental starting or tripping of the mechanism.

(12) Trip handles for tailgates of dump trucks shall be so arranged that, in dumping, the operator will be in the clear.

(13) (i) All rubber-tired motor vehicle equipment manufactured on or after May 1, 1972, shall be equipped with fenders. All rubber-tired motor vehicle equipment manufactured before May 1, 1972, shall be equipped with fenders not later than May 1, 1973.

(ii) Mud flaps may be used in lieu of fenders whenever motor vehicle equipment is not designed for fenders.

(14) All vehicles in use shall be checked at the beginning of each shift to assure that the following parts, equipment, and accessories are in safe operating condition and free of apparent damage that could cause failure while in use: service brakes, including trailer brake connections; parking system (hand brake); emergency stopping system (brakes); tires; horn; steering mechanism; coupling devices; seat belts; operating controls; and safety devices. All defects shall be corrected before the vehicle is placed in service. These requirements also apply to equipment such as lights, reflectors, windshield wipers, defrosters, fire extinguishers, etc., where such equipment is necessary.

§ 1926.602 Material handling equipment.

(a) *Earthmoving equipment; General* (1) These rules apply to the following types of earthmoving equipment: scrapers, loaders, crawler or wheel tractors, bulldozers, off-highway trucks, graders, agricultural and industrial tractors, and similar equipment. The promulgation of specific rules for compactors and rubber-tired "skid-steer" equipment is reserved pending consideration of standards currently being developed.

(2) *Seat belts.* (i) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386-1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors shall meet the seat belt requirements of Society of Automotive Engineers J333a-1970, Operator Protection for Agricultural and Light Industrial Tractors.

(ii) Seat belts need not be provided for equipment which is designed only for standup operation.

(iii) Seat belts need not be provided for equipment which does not have roll-over protective structure (ROPS) or adequate canopy protection.

(3) *Access roadways and grades.* (i) No employer shall move or cause to be moved construction equipment or vehicles upon any access roadway or grade unless the access roadway or grade is constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.

(ii) Every emergency access ramp and berm used by an employer shall be constructed to restrain and control runaway vehicles.

(4) *Brakes.* All earthmoving equipment mentioned in this § 1926.602(a) shall have a service braking system capable of stopping and holding the equipment fully loaded, as specified in Society of Automotive Engineers SAE-J237, Loader Dozer-1971, J236, Graders-1971, and J319b, Scrapers-1971. Brake systems for self-propelled rubber-tired off-highway equipment manufactured after January 1, 1972 shall meet the applicable minimum performance criteria set forth in the following Society of Automotive Engineers Recommended Practices:

Self-Propelled Scrapers	SAE J319b-1971
Self-Propelled Graders	SAE J236-1971
Trucks and Wagons	SAE J166-1971
Front End Loaders and Dozers	SAE J237-1971

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(5) *Fenders.* Pneumatic-tired earthmoving haulage equipment (trucks, scrapers, tractors, and trailing units) whose maximum speed exceeds 15 miles per hour, shall be equipped with fenders on all wheels to meet the requirements of Society of Automotive Engineers SAE J321a-1970, Fenders for Pneumatic-Tired Earthmoving Haulage Equipment. An employer may, of course, at any time seek to show under § 1926.2, that the uncovered wheels present no hazard to personnel from flying materials.

(6) *Rollover protective structures (ROPS).* See Subpart W of this part for requirements for rollover protective structures and overhead protection.

(7) *Rollover protective structures for off-highway trucks.* The promulgation of standards for rollover protective structures for off-highway trucks is reserved pending further study and development.

(8) *Specific effective dates—brakes and fenders.* (i) Equipment mentioned in subparagraphs (4) and (5) of this paragraph, and manufactured after January 1, 1972, which is used by any employer after that date, shall comply with the applicable rules prescribed therein concerning brakes and fenders. Equipment mentioned in subparagraph (4) and (5) of this paragraph, and manufactured before January 1, 1972, which is used by any employer after that date, shall meet the applicable rules prescribed herein not later than June 30, 1973. It should be noted that, as permitted under § 1926.2, employers may request variations from the applicable brakes and fender standards required by this subpart. Employers wishing to seek variations from the applicable brakes and fenders rules may submit any requests for variations after the publication of this document in the FEDERAL REGISTER. Any statements intending to meet the requirements of § 1926.2(b)(4), should specify how the variation would protect the safety of the employees by providing for any compensating restrictions on the operation of equipment.

(ii) Notwithstanding the provisions of paragraph (a)(8)(i) of this section, the requirement that fenders be installed on pneumatic-tired earthmoving haulage equipment manufactured before January 1, 1972, shall take effect on January 2, 1974.

(9) *Audible alarms.* (i) All bidirectional machines, such as rollers, compacters, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

(10) *Scissor points.* Scissor points on all front-end loaders, which constitute a hazard to the operator during normal operation, shall be guarded.

(b) *Excavating and other equipment.* (1) Tractors covered in paragraph (a) of this section shall have seat belts as required for the operators when seated in the normal seating arrangement for tractor operation, even though back-hoes, breakers, or other similar attachments are used on these machines for excavating or other work.

(2) For the purposes of this subpart and of Subpart N of this part, the nomenclatures and descriptions for measurement of dimensions of machinery and attachments shall be as described in Society of Automotive Engineers 1970 Handbook, pages 1088 through 1103.

(3) The safety requirements, ratios, or limitations applicable to machines or attachment usage covered in Power Crane and Shovel Associations Standards No. 1 and No. 2 of 1968, and No. 3 of 1969, shall be complied with, and shall apply to cranes, machines, and attachments under this part.

(c) *Lifting and hauling equipment (other than equipment covered under Subpart N of this part).* (1) Industrial trucks shall meet the requirements of § 1926.600 and the following:

(i) Lift trucks, stackers, etc., shall have the rated capacity clearly posted on the vehicle so as to be clearly visible to the operator. When auxiliary removable counterweights are provided by the manufacturer, corresponding alternate rated capacities also shall be clearly shown on the vehicle. These ratings shall not be exceeded.

(ii) No modifications or additions which affect the capacity or safe operation of the equipment shall be made without the manufacturer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(iii) If a load is lifted by two or more trucks working in unison, the proportion of the total load carried by any one truck shall not exceed its capacity.

(iv) Steering or spinner knobs shall not be attached to the steering wheel unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(v) All high lift rider industrial trucks shall be equipped with overhead guards which meet the configuration and structural requirements as defined in paragraph 421 of American National Standards Institute B56.1-1969, Safety Standards for Powered Industrial Trucks.

(vi) All industrial trucks in use shall meet the applicable requirements of design, construction, stability, inspection, testing, maintenance, and operation, as defined in American National Standards Institute B56.1-1969, Safety Standards for Powered Industrial Trucks.

§ 1926.603 Pile driving equipment.

(a) *General requirements.* (1) Boilers and piping systems which are a part of, or used with, pile driving equipment shall meet the applicable requirements of the American Society of Mechanical Engineers, Power Boilers (section I).

(2) All pressure vessels which are a part of, or used with, pile driving equipment shall meet the applicable requirements of the American Society of Mechanical Engineers, Pressure Vessels (section VIII).

(3) Overhead protection, which will not obscure the vision of the operator and which meets the requirements of Subpart N of this part, shall be provided. Protection shall be the equivalent of 2-inch planking or other solid material of equivalent strength.

(4) Stop blocks shall be provided for the leads to prevent the hammer from being raised against the head block.

(5) A blocking device, capable of safely supporting the weight of the hammer, shall be provided for placement in the leads under the hammer at all times while employees are working under the hammer.

(6) Guards shall be provided across the top of the head block to prevent the cable from jumping out of the sheaves.

(7) When the leads must be inclined in the driving of batter piles, provisions shall be made to stabilize the leads.

(8) Fixed leads shall be provided with ladder, and adequate rings, or similar attachment points, so that the loft worker may engage his safety belt lanyard to the leads. If the leads are provided with loft platforms(s), such platform(s) shall be protected by standard guardrails.

(9) Steam hose leading to a steam hammer or jet pipe shall be securely attached to the hammer with an adequate length of at least ¼-inch diameter chain or cable to prevent whipping in the event the joint at the hammer is broken. Air hammer hoses shall be

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provided with the same protection as required for steam lines.

(10) Safety chains, or equivalent means, shall be provided for each hose connection to prevent the line from thrashing around in case the coupling becomes disconnected.

(11) Steam line controls shall consist of two shutoff valves, one of which shall be a quick-acting lever type within easy reach of the hammer operator.

(12) Guys, outriggers, thrustouts, or counterbalances shall be provided as necessary to maintain stability of pile driver rigs.

(b) *Pile driving from barges and floats.* Barges or floats supporting pile driving operations shall meet the applicable requirements of § 1926.605.

(c) *Pile driving equipment.* (1) Engineers and winchmen shall accept signals only from the designated signalmen.

(2) All employees shall be kept clear when piling is being hoisted into the leads.

(3) When piles are being driven in an excavated pit, the walls of the pit shall be sloped to the angle of repose or sheet-piled and braced.

(4) When steel tube piles are being "blown out", employees shall be kept well beyond the range of falling materials.

(5) When it is necessary to cut off the tops of driven piles, pile driving operations shall be suspended except where the cutting operations are located at least twice the length of the longest pile from the driver.

(6) When driving jacked piles, all access pits shall be provided with ladders and bulkheaded curbs to prevent material from falling into the pit.

§ 1926.604 Site clearing.

(a) *General requirements.* (1) Employees engaged in site clearing shall be protected from hazards of irritant and toxic plants and suitably instructed in the first aid treatment available.

(2) All equipment used in site clearing operations shall be equipped with rollover guards meeting the requirements of this subpart. In addition, rider-operated equipment shall be equipped with an overhead and rear canopy guard meeting the following requirements:

(i) The overhead covering on this canopy structure shall be of not less than ⅛-inch steel plate or ¼-inch woven wire mesh with openings no greater than 1 inch, or equivalent.

(ii) The opening in the rear of the canopy structure shall be covered with not less than ¼-inch woven wire mesh with openings no greater than 1 inch.

(b) *Specific requirements.* [Reserved]

§ 1926.605 Marine operations and equipment.

(a) *Material handling operations.* (1) Operations fitting the definition of "material handling" shall be performed in conformance with applicable requirements of Part 1918, "Safety and Health Regulations for Longshoring" of this chapter. The term "longshoring operations" means the loading, unloading, moving, or handling of construction materials, equipment and supplies, etc. into, in, on, or out of any vessel from a fixed structure or shore-to-vessel, vessel-to-shore or fixed structure or vessel-to-vessel.

(b) *Access to barges.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained, and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp, meeting the requirements of subparagraph (1) of this paragraph, or a safe walkway, shall be provided.

(3) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(4) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

(5) When the upper end of the means of access rests on or is flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial hand rail approximately 33 inches in height, shall be provided between the top of the bulwark and the deck.

(6) Obstructions shall not be laid on or across the gangway.

(7) The means of access shall be adequately illuminated for its full length.

(8) Unless the structure makes it impossible, the means of access shall be so located that the load will not pass over employees.

(c) *Working surfaces of barges.* (1) Employees shall not be permitted to walk along the sides of covered lighters or barges with coamings more than 5 feet high, unless there is a 3-foot clear walkway, or a grab rail, or a taut handline is provided.

(2) Decks and other working surfaces shall be maintained in a safe condition.

(3) Employees shall not be permitted to pass fore and aft, over, or around deckloads, unless there is a safe passage.

(4) Employees shall not be permitted to walk over deckloads from rail to coaming unless there is a safe passage. If it is necessary to stand at the outboard or inboard edge of the deckload where less than 24 inches of bulwark, rail, coaming, or other protection exists, all employees shall be provided with a suitable means of protection against falling from the deckload.

(d) *First-aid and lifesaving equipment.* (1) Provisions for rendering first aid and medical assistance shall be in accordance with Subpart D of this part.

(2) The employer shall ensure that there is in the vicinity of each barge in use at least one U.S. Coast Guard-approved 30-inch lifering with not less than 90 feet of line attached, and at least one portable or permanent ladder which will reach the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that he is working the barge.

(3) Employees walking or working on the unguarded decks of barges shall be protected with U.S. Coast Guard-approved work vests or buoyant vests.

(e) *Diving operations.* Commercial diving operations shall be subject to Subpart T of Part 1910, §§ 1910.401–1910.441, of this chapter.

NOTE: See Subpart T, reprinted immediately following the Part 1926 standards.

§ 1926.606 Definitions applicable to this subpart.

(a) "Apron"—The area along the waterfront edge of the pier or wharf.

(b) "Bulwark"—The side of a ship above the upper deck.

(c) "Coaming"—The raised frame, as around a hatchway in the deck, to keep out water.

(d) "Jacob's ladder"—A marine ladder of rope or chain with wooden or metal rungs.

(e) "Rail", for the purpose of § 1926.605, means a light structure serving as a guard at the outer edge of a ship's deck.

Subpart P—Excavations, Trenching, and Shoring

1926.650 General protection requirements.
1926.651 Specific excavation requirements.
1926.652 General trenching requirements.
1926.653 Definitions applicable to this subpart.

§ 1926.650 General protection requirements.

(a) Walkways, runways, and sidewalks shall be kept clear of excavated material or other obstructions and no sidewalks shall be undermined unless shored to carry a minimum live load of one hundred and twenty-five (125) pounds per square foot.

(b) If planks are used for raised walkways, runways, or sidewalks, they shall be laid parallel to the length of the walk and fastened together against displacement.

(c) Planks shall be uniform in thickness and all exposed ends shall be provided with beveled cleats to prevent tripping.

(d) Raised walkways, runways, and sidewalks shall be provided with plank steps on strong stringers. Ramps, used in lieu of steps, shall be provided with cleats to insure a safe walking surface.

(e) All employees shall be protected with personal protective equipment for the protection of the head, eyes, respiratory organs, hands, feet, and other parts of the body as set forth in Subpart E of this part.

(f) Employees exposed to vehicular traffic shall be provided with and shall be instructed to wear warning vests marked with or made of reflectorized or high visibility material.

(g) Employees subjected to hazardous dusts, gases, fumes, mists, or atmospheres deficient in oxygen, shall be protected with approved respiratory protection as set forth in Subpart D of this part.

(h) No person shall be permitted under loads handled by power shovels, derricks, or hoists. To avoid any spillage employees shall be required to stand away from any vehicle being loaded.

(i) Daily inspections of excavations shall be made by a competent person. If evidence of possible cave-ins or slides is apparent, all work in the excavation shall cease until the necessary precautions have been taken to safeguard the employees.

§ 1926.651 Specific excavation requirements.

(a) Prior to opening an excavation, effort shall be made to determine whether underground installations; i.e., sewer, telephone, water, fuel, electric lines, etc., will be encountered, and if so, where such underground installations are located. When the excavation approaches the estimated location of such an installation, the exact location shall be determined and when it is uncovered, proper supports shall be provided for the existing installation. Utility companies shall be contacted and advised of proposed work prior to the start of actual excavation.

(b) Trees, boulders, and other surface encumbrances, located so as to create a hazard to employees involved in excavation work or in the vicinity thereof at any time during operations, shall be removed or made safe before excavating is begun.

(c) The walls and faces of all excavations in which employees are exposed to danger from moving ground shall be guarded by a shoring system, sloping of the ground, or some other equivalent means.

(d) Excavations shall be inspected by a competent person after every rainstorm or other hazard-increasing occurrence, and the protection against slides and cave-ins shall be increased if necessary.

(e) The determination of the angle of repose and design of the supporting system shall be based on careful evaluation of pertinent factors such as: Depth or cut; possible variation in water content of the material while the excavation is open; anticipated changes in materials from exposure to air, sun, water, or freezing; loading imposed by structures, equipment, overlying material, or stored material; and vibration from equipment, blasting, traffic, or other sources.

(f) Supporting systems; i.e., piling, cribbing, shoring, etc., shall be designed by a qualified person and meet accepted engineering requirements. When tie rods are used to restrain the top of sheeting or other retaining systems, the rods shall be securely anchored well back of the angle of repose. When tight sheeting or sheet piling is used, full loading due to ground water table shall be assumed, unless prevented by weep holes or drains or other means. Additional stringers, ties, and bracing shall be provided to allow for any necessary temporary removal of individual supports.

(g) All slopes shall be excavated to at least the angle of repose except for areas where solid rock allows for line drilling or presplitting.

(h) The angle of repose shall be flattened when an excavation has water conditions, silty materials, loose boulders, and areas where erosion, deep frost action, and slide planes appear.

(i)(1) In excavations which employees may be required to enter, excavated or other material shall be effectively stored and retained at least 2 feet or more from the edge of the excavation.

(2) As an alternative to the clearance prescribed in subparagraph (1) of this paragraph, the employer may use effective barriers or other effective retaining devices in lieu thereof in order to prevent excavated or other materials from falling into the excavation.

(j) Sides, slopes, and faces of all excavations shall meet accepted engineering requirements by scaling, benching, barricading, rock bolting, wire meshing, or other equally effective means. Special attention shall be given to slopes which may be adversely affected by weather or moisture content.

(k) Support systems shall be planned and designed by a qualified person when excavation is in excess of 20 feet in depth, adjacent to structures or improvements, or subject to vibration or ground water.

(l) Materials used for sheeting, sheet piling, cribbing, bracing, shoring, and underpinning shall be in good serviceable condition, and timbers shall be sound, free from large or loose knots, and of proper dimensions.

(m) Special precations shall be taken in sloping or shoring the sides of excavations adjacent to a previously backfilled excavation or a fill, particularly when the separation is less than the depth of the excavation. Particular attention also shall be paid to joints and seams of material comprising a face and the slope of such seams and joints.

(n) Except in hard rock, excavations below the level of the base of footing of any foundation or retaining wall shall not be permitted, unless the wall is underpinned and all other precautions taken to insure the stability of the adjacent walls for the protection of employees involved in excavation work or in the vicinity thereof.

(o) If the stability of adjoining buildings or walls is endangered by excavations, shoring, bracing, or underpinning shall be provided as necessary to insure their safety. Such shoring, bracing, or underpinning shall be inspected daily or more often, as conditions warrant, by a competent person and the protection effectively maintained.

(p) Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation and to provide adequate drainage of the area adjacent to the excavation. Water shall not be allowed to accumulate in an excavation.

(q) If it is necessary to place or operate power shovels, derricks, trucks, materials, or other heavy objects on a level above and near an excavation, the side of the excavation shall be sheet-piled, shored, and braced as necessary to resist the extra pressure due to such superimposed loads.

(r) Blasting and the use of explosives shall be performed in accordance with Subpart U of this part.

(s) When mobile equipment is utilized or allowed adjacent to excavations, substantial stop logs or barricades shall be installed. If possible, the grade should be away from the excavation.

(t) Adequate barrier physical protection shall be provided at all remotely located excavations. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be backfilled.

(u) If possible, dust conditions shall be kept to a minimum by the use of water, salt, calcium chloride, oil, or other means.

(v) In locations where oxygen deficiency or gaseous conditions are possible, air in the excavation shall be tested. Controls, as set forth in Subparts D and E of this part, shall be established to assure acceptable atmospheric conditions. When flammable gases are present, adequate ventilation

shall be provided or sources of ignition shall be eliminated. Attended emergency rescue equipment, such as breathing apparatus, a safety harness and line, basket stretcher, etc., shall be readily available where adverse atmospheric conditions may exist or develop in an excavation.

(w) Where employees or equipment are required or permitted to cross over excavations, walkways or bridges with standard guardrails shall be provided.

(x) Where ramps are used for employees or equipment, they shall be designed and constructed by qualified persons in accordance with accepted engineering requirements.

(y) All ladders used on excavation operations shall be in accordance with the requirements of Subpart L of this part.

§ 1926.652 Specific trenching requirements.

(a) Banks more than 5 feet high shall be shored, laid back to a stable slope, or some other equivalent means of protection shall be provided where employees may be exposed to moving ground or cave-ins. Refer to Table P-1 as a guide in sloping of banks. Trenches less than 5 feet in depth shall also be effectively protected when examination of the ground indicates hazardous ground movement may be expected.

(b) Sides of trenches in unstable or soft material, 5 feet or more in depth, shall be shored, sheeted, braced, sloped, or otherwise supported by means of sufficient strength to protect the employees working within them. See Tables P-1, P-2 (following paragraph (g) of this section).

(c) Sides of trenches in hard or compact soil, including embankments, shall be shored or otherwise supported when the trench is more than 5 feet in depth and 8 feet or more in length. In lieu of shoring, the sides of the trench above the 5-foot level may be sloped to preclude collapse, but shall not be steeper than a 1-foot rise to each ½-foot horizontal. When the outside diameter of a pipe is greater than 6 feet, a bench of 4-foot minimum shall be provided at the toe of the sloped portion.

(d) Materials used for sheeting and sheet piling, bracing, shoring, and underpinning, shall be in good serviceable condition, and timbers used shall be sound and free from large or loose knots, and shall be designed and installed so as to be effective to the bottom of the excavation.

(e) Additional precautions by way of shoring and bracing shall be taken to prevent slides or cave-ins when excavations or trenches are made in locations adjacent to backfilled excavations, or where excavations are subjected to vibrations from railroad or highway traffic, the operation of machinery, or any other source.

(f) Employees entering bell-bottom pier holes shall be protected by the installation of a removable-type casing of sufficient strength to resist shifting of the surrounding earth. Such temporary protection shall be provided for the full depth of that part of each pier hole which is above the bell. A lifeline, suitable for instant rescue and securely fastened to a shoulder harness, shall be worn by each employee entering the shafts. This lifeline shall be individually manned and separate from any line used to remove materials excavated from the bell footing.

(g)(1) Minimum requirements for trench timbering shall be in accordance with Table P-2.

(2) Braces and diagonal shores in a wood shoring system shall not be subjected to compressive stress in excess of values given by the following formula:

$$S = 1300 - 20L/D$$

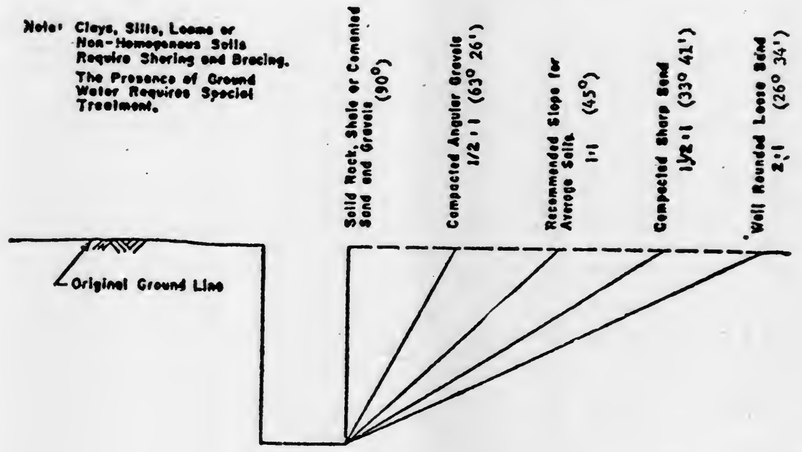
Maximum ratio $L/D = 50$

Where:
L = Length, unsupported, in inches.
D = Least side of the timber in inches.
S = Allowable stress in pounds per square inch of cross-section.

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Table P - 1

APPROXIMATE ANGLE OF REPOSE
FOR SLOPING OF SIDES OF EXCAVATIONS



1926.652(g)(2)

TABLE P-2

TRENCH SHORING—MINIMUM REQUIREMENTS

Depth of trench	Kind or condition of earth	Size and spacing of members										
		Uprights		Stringers		Cross braces [1]				Maximum spacing		
						Width of trench						
		Minimum dimension	Maximum spacing	Minimum dimension	Maximum spacing	Up to 3 feet	3 to 6 feet	6 to 9 feet	9 to 12 feet	12 to 15 feet	Vertical	Horizontal
Feet		Inches	Feet	Inches	Feet	Inches	Inches	Inches	Inches	Inches	Feet	Feet
5 to 10	Hard, compact	3 x 4 or 2 x 6	6			2 x 6	4 x 4	4 x 6	6 x 6	6 x 8	4	6
	Likely to crack	3 x 4 or 2 x 6	3	4 x 6	4	2 x 6	4 x 4	4 x 6	6 x 6	6 x 8	4	6
	Soft, sandy, or filled	3 x 4 or 2 x 6	Close sheeting	4 x 6	4	4 x 4	4 x 6	6 x 6	6 x 8	8 x 8	4	6
	Hydrostatic pressure	3 x 4 or 2 x 6	Close sheeting	6 x 8	4	4 x 4	4 x 6	6 x 6	6 x 8	8 x 8	4	6
10 to 15	Hard	3 x 4 or 2 x 6	4	4 x 6	4	4 x 4	4 x 6	6 x 6	6 x 8	8 x 8	4	6
	Likely to crack	3 x 4 or 2 x 6	2	4 x 6	4	4 x 4	4 x 6	6 x 6	6 x 8	8 x 8		6
	Soft, sandy, or filled	3 x 4 or 2 x 6	Close sheeting	4 x 6	4	4 x 6	6 x 6	6 x 8	8 x 8	8 x 10	4	6
	Hydrostatic pressure	3 x 6	Close sheeting	8 x 10	4	4 x 6	6 x 6	6 x 8	8 x 8	8 x 10	4	6
15 to 20	All kinds or conditions	3 x 6	Close sheeting	4 x 12	4	4 x 12	6 x 8	8 x 8	8 x 10	10 x 10	4	6
Over 20	All kinds or conditions	3 x 6	Close sheeting	6 x 8	4	4 x 12	8 x 8	8 x 10	10 x 10	10 x 12	4	

[1] Trench jacks may be used in lieu of, or in combination with, cross braces.
Shoring is not required in solid rock, hard shale, or hard slag.
Where desirable, steel sheet piling and bracing of equal strength may be substituted for wood.

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V 4 4 / 2 9 F E 9 7 9 UMI

[4510-26-M]

(h) When employees are required to be in trenches 4 feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided and located so as to require no more than 25 feet of lateral travel.

(i) Bracing or shoring of trenches shall be carried along with the excavation.

(j) Cross braces or trench jacks shall be placed in true horizontal position, be spaced vertically, and be secured to prevent sliding, falling, or kickouts.

(k) Portable trench boxes or sliding trench shields may be used for the protection of personnel in lieu of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than the sheeting or shoring required for the trench.

(l) Backfilling and removal of trench supports shall progress together from the bottom of the trench. Jacks or braces shall be released slowly and, in unstable soil, ropes shall be used to pull out the jacks or braces from above after employees have cleared the trench.

§ 1926.653 Definitions applicable to this subpart.

(a) "Accepted engineering requirements (or practices)"—Those requirements or practices which are compatible with standards required by a registered architect, a registered professional engineer, or other duly licensed or recognized authority.

(b) "Angle of repose"—The greatest angle above the horizontal plane at which a material will lie without sliding.

(c) "Bank"—A mass of soil rising above a digging level.

(d) "Belled excavation"—A part of a shaft or footing excavation, usually near the bottom and bell-shaped; i.e., an enlargement of the cross section above.

(e) "Braces (trench)"—The horizontal members of the shoring system whose ends bear against the uprights or stringers.

(f) "Excavation"—Any manmade cavity or depression in the earth's surface, including its sides, walls, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

(g) "Faces"—See paragraph (k) of this section.

(h) "Hard compact soil"—All earth materials not classified as running or unstable.

(i) "Kickouts"—Accidental release or failure of a shore or brace.

(j) "Sheet pile"—A pile, or sheeting, that may form one of a continuous interlocking line, or a row of timber, concrete, or steel piles, driven in close contact to provide a tight wall to resist the lateral pressure of water, adjacent earth, or other materials.

(k) "Sides", "Walls", or "Faces"—The vertical or inclined earth surfaces formed as a result of excavation work.

(l) "Slope"—The angle with the horizontal at which a particular earth material will stand indefinitely without movement.

(m) "Stringers" (wales)—The horizontal members of a shoring system whose sides bear against the uprights or earth.

(n) "Trench"—A narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

(o) "Trench jack"—Screw or hydraulic type jacks used as cross bracing in a trench shoring system.

(p) "Trench shield"—A shoring system composed of steel plates and bracing, welded or bolted together, which support the walls of a trench from the ground level to the trench bottom and which can be moved along as work progresses.

(q) "Unstable soil"—Earth material, other than running, that because of its nature or the influence of related conditions, cannot be depended upon to remain in place without extra support, such as would be furnished by a system of shoring.

(r) "Uprights"—The vertical members of a shoring system.

(s) "Wales"—See paragraph (m) of this section.

(t) "Walls"—See paragraph (k) of this section.

Subpart Q—Concrete, Concrete Forms, and Shoring

Sec.
1926.700 General provisions.
1926.701 Forms and shoring.
1926.702 Definitions applicable to this subpart.

§ 1926.700 General provisions.

(a) *General.* All equipment and materials used in concrete construction and masonry work shall meet the applicable requirements for design, construction, inspection, testing, maintenance and operations as prescribed in ANSI A10.9-1970, Safety Requirements for Concrete Construction and Masonry Work.

(b) *Reinforcing steel.* (1) Employees working more than 6 feet above any adjacent working surfaces, placing and tying reinforcing steel in walls, piers, columns, etc., shall be provided with a safety belt, or equivalent device, in accordance with Subpart E of this part.

(2) Employees shall not be permitted to work above vertically protruding reinforcing steel unless it has been protected to eliminate the hazard of impalement.

(3) Guying: Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed and supported to prevent collapse.

(4) Wire mesh rolls: Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(c) *Bulk concrete handling.* Bulk storage bins, containers, or silos shall have conical or tapered bottoms with mechanical or pneumatic means of starting the flow of material.

(d) *Concrete placement*—(1) *Concrete mixers.* Concrete mixers equipped with 1-yard or larger loading skips shall be equipped with a mechanical device to clear the skip of material.

(2) *Guardrails.* Mixers of 1-yard capacity or greater shall be equipped with protective guardrails installed on each side of the skip.

(3) *Bull floats.* Handles on bull floats, used where they may contact energized electrical conductors, shall be constructed of nonconductive material, or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

(4) *Powered concrete trowels.* Powered and rotating-type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the operator removes his hands from the equipment handles.

(5) *Concrete buggies.* Handles of buggies shall not extend beyond the wheels on either side of the buggy. Installation of knuckle guards on buggy handles is recommended.

(6) *Pumpcrete systems.* Pumpcrete or similar systems using discharge pipes shall be provided with pipe supports designed for 100 percent overload. Compressed air hose in such systems shall be provided with positive failsafe joint connectors to prevent separation of sections when pressurized.

(7) *Concrete buckets.* (i) Concrete buckets equipped with hydraulic or pneumatically operated gates shall have positive safety latches or similar safety devices installed to prevent aggregate and loose material from accumulating on the top and sides of the bucket.

(ii) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.

(8) When discharging on a slope, the wheels of ready-mix trucks shall be

blocked and the brakes set to prevent movement.

(9) Nozzlemen applying a cement, sand, and water mixture through a pneumatic hose shall be required to wear protective head and face equipment, as prescribed in Subpart E of this part.

(e) *Vertical shoring*—(1) *General requirements.* (i) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be strengthened to meet the intended loads.

(ii) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load.

(iii) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout. Any equipment found to be damaged shall not be used for shoring.

(iv) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after the placement of concrete. Any shoring equipment that is found to be damaged or weakened shall be immediately reinforced or reshored.

(v) Reshoring shall be provided when necessary to safely support slabs and beams after stripping, or where such members are subjected to superimposed loads due to construction work done.

(2) *Tubular welded frame shoring.* (i) Metal tubular frames used for shoring shall not be loaded beyond the safe working load recommended by the manufacturer.

(ii) All locking devices on frames and braces shall be in good working order; coupling pins shall align the frame or panel legs; pivoted cross braces shall have their center pivot in place; and all components shall be in a condition similar to that of original manufacture.

(iii) When checking the erected shoring frames with the shoring layout, the spacing between towers and cross brace spacing shall not exceed that shown on the layout, and all locking devices shall be in the closed position.

(iv) Devices for attaching the external lateral stability bracing shall be securely fastened to the legs of the shoring frames.

(v) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form.

§ 1926.701 Forms and shoring.

(a) *General provisions.* (1) Formwork and shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during placement of concrete.

(2) Drawings or plans showing the jack layout, formwork, shoring, working decks, and scaffolding, shall be available at the jobsite.

(3) Stripped forms and shoring shall be removed and stockpiled promptly after stripping, in all areas in which persons are required to work or pass. Protruding nails, wire ties, and other form accessories not necessary to subsequent work shall be pulled, cut, or other means taken to eliminate the hazard.

(4) Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.

(b) *Vertical slip forms.* (1) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be specifically designed for the purpose. Such rods shall be adequately braced where not encased in concrete.

(2) Jacks and vertical supports shall be positioned in such a manner that the vertical loads are distributed equally and do not exceed the capacity of the jacks.

(3) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to provide protection in case of failure of the power supply or the lifting mechanism.

(4) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift.

(5) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the jacking operation.

(6) During jacking operations, the form structure shall be maintained in line and plumb.

(7) All vertical lift forms shall be provided with scaffolding or work platforms completely encircling the area of placement.

(c) *Tube and coupler shoring.* (1) Couplers (clamps) shall not be used if they are deformed, broken, or have defective or missing threads on bolts, or other defects.

(2) The material used for the couplers (clamps) shall be of a structural type such as drop-forged steel, malleable iron, or structural grade aluminum. Gray cast iron shall not be used.

(3) When checking the erected shoring towers with the shoring layout, the spacing between posts shall not exceed that shown on the layout, and all interlocking of tubular members and tightness of couples shall be checked.

(4) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material and shall be snug against the posts.

(d) *Single post shores.* (1) For stability, single post shores shall be horizontally braced in both the longitudinal and transverse directions, and diagonal bracing shall also be installed. Such bracing shall be installed as the shores are being erected.

(2) All baseplates or shore heads of single post shores shall be in firm contact with the footing sill and the form materials.

(3) Whenever single post shores are used in more than one tier, the layout shall be designed and inspected by a structural engineer.

(4) When formwork is at an angle, or sloping, or when the surface shored is sloping, the shoring shall be designed for such loading.

(5) Adjustment of single post shores to raise formwork shall not be made after concrete is in place.

(6) Fabricated single post shores shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects. If they contain timber, they shall not be used if timber is split, cut, has sections removed, is rotted, or otherwise structurally damaged.

(7) All timber and adjusting devices to be used for adjustable timber single post shores shall be inspected before erection.

(8) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.

(9) Adjusting devices shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects.

(10) All nails used to secure bracing or adjustable timber single post shores shall be driven home and the point of the nail bent over if possible.

§ 1926.702 Definitions applicable to this subpart.

(a) "Bull float"—A tool used to spread out and smooth the concrete.

(b) "Formwork" or "falsework"—The total system of support for freshly placed concrete, including the mold or sheathing which contacts the concrete as well as all supporting members, hardware, and necessary bracing.

(c) "Guy"—A line that steadies a high piece or structure by pulling against an off-center load.

(d) "Shore"—A supporting member that resists a compressive force imposed by a load.

(e) "Vertical slip forms"—Forms which are jacked vertically and continuously during placing of the concrete.

Subpart R—Steel Erection

Sec.
1926.750 Flooring requirements.
1926.751 Structural steel assembly.
1926.752 Bolting, riveting, fitting-up, and plumbing-up.

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§ 1926.750 Flooring requirements.

(a) *Permanent flooring—skeleton steel construction in tiered buildings.* (1) The permanent floors shall be installed as the erection of structural members progresses, and there shall be not more than eight stories between the erection floor and the uppermost permanent floor, except where the structural integrity is maintained as a result of the design.

(2) At no time shall there be more than four floors or 48 feet of unfinished bolting or welding above the foundation or uppermost permanently secured floor.

(b) *Temporary flooring—skeleton steel construction in tiered buildings.* (1) (i) The derrick or erection floor shall be solidly planked or decked over its entire surface except for access openings. Planking or decking of equivalent strength, shall be of proper thickness to carry the working load. Planking shall be not less than 2 inches thick full size undressed, and shall be laid tight and secured to prevent movement.

(ii) On buildings or structures not adaptable to temporary floors, and where scaffolds are not used, safety nets shall be installed and maintained whenever the potential fall distance exceeds two stories or 25 feet. The nets shall be hung with sufficient clearance to prevent contacts with the surface of structures below.

(iii) Floor periphery—safety railing. A safety railing of ½-inch wire rope or equal shall be installed, approximately 42 inches high, around the periphery of all temporary-planked or temporary metal-decked floors of tier buildings and other multifloored structures during structural steel assembly.

(2) (i) Where skeleton steel erection is being done, a tightly planked and substantial floor shall be maintained within two stories or 30 feet, whichever is less, below and directly under that portion of each tier of beams on which any work is being performed, except when gathering and stacking temporary floor planks on a lower floor, in preparation for transferring such planks for use on an upper floor. Where such a floor is not practicable, paragraph (b)(1)(ii) of this section applies.

(ii) When gathering and stacking temporary floor planks, the planks shall be removed successively, working toward the last panel of the temporary floor so that the work is always done from the planked floor.

(iii) When gathering and stacking temporary floor planks from the last panel, the employees assigned to such work shall be protected by safety belts with safety lines attached to a catenary line or other substantial anchorage.

(c) *Flooring—other construction.* (1) In the erection of a building having double wood floor construction, the rough flooring shall be completed as the building progresses, including the tier below the one on which floor joists are being installed.

(2) For single wood floor or other flooring systems, the floor immediately below the story where the floor joists are being installed shall be kept planked or decked over.

§ 1926.751 Structural steel assembly.

(a) During the final placing of solid web structural members, the load shall not be released from the hoisting line until the members are secured with not less than two bolts, or the equivalent at each connection and drawn up wrench tight.

(b) Open web steel joists shall not be placed on any structural steel framework unless such framework is safely bolted or welded.

(c) (1) In steel framing, where bar joists are utilized, and columns are not framed in at least two directions with structural steel members, a bar joist shall be field-bolted at columns to provide lateral stability during construction.

(2) Where longspan joists or trusses, 40 feet or longer, are used, a center row of bolted bridging shall be installed to provide lateral stability during construction prior to slacking of hoisting line.

(3) No load shall be placed on open web steel joists until these security requirements are met.

(d) Tag lines shall be used for controlling loads.

§ 1926.752 Bolting, riveting, fitting-up, and plumbing-up.

(a) *General requirements.* (1) Containers shall be provided for storing or carrying rivets, bolts, and drift pins, and secured against accidental displacement when aloft.

(2) Pneumatic hand tools shall be disconnected from the power source, and pressure in hose lines shall be released, before any adjustments or repairs are made.

(3) Air line hose sections shall be tied together except when quick disconnect couplers are used to join sections.

(4) Eye protection shall be provided in accordance with Subpart E of this part.

(b) *Bolting.* (1) When bolts or drift pins are being knocked out, means shall be provided to keep them from falling.

(2) Impact wrenches shall be provided with a locking device for retaining the socket.

(c) *Riveting.* (1) Riveting shall not be done in the vicinity of combustible material unless precautions are taken to prevent fire.

(2) When rivet heads are knocked off, or backed out, means shall be provided to keep them from falling.

(3) A safety wire shall be properly installed on the snap and on the handle of the pneumatic riveting hammer and shall be used at all times. The wire size shall be not less than No. 9 (B&S gauge), leaving the handle and annealed No. 14 on the snap, or equivalent.

(d) *Plumbing-up.* (1) Connections of the equipment used in plumbing-up shall be properly secured.

(2) The turnbuckles shall be secured to prevent unwinding while under stress.

(3) Plumbing-up guys related equipment shall be placed so that employees can get at the connection points.

(4) Plumbing-up guys shall be removed only under the supervision of a competent person.

(e) Wood planking shall be of proper thickness to carry the working load, but shall be not less than 2 inches thick full size undressed, exterior grade plywood, at least ¾-inch thick, or equivalent material.

(f) Metal decking of sufficient strength shall be laid tight and secured to prevent movement.

(g) Planks shall overlap the bearing on each end by a minimum of 12 inches.

(h) Wire mesh, exterior plywood, or equivalent, shall be used around columns where planks do not fit tightly.

(i) Provisions shall be made to secure temporary flooring against displacement.

(j) All unused openings in floors, temporary or permanent, shall be completely planked over or guarded in accordance with Subpart M of this part.

(k) Employees shall be provided with safety belts in accordance with § 1926.104 when they are working on float scaffolds.

Subpart S—Tunnels and Shafts, Caissons, Cofferdams, and Compressed Air

Sec.
1926.800 Tunnels and shafts.
1926.801 Caissons.
1926.802 Cofferdams.
1926.803 Compressed air.
1926.804 Definitions applicable to this subpart.

§ 1926.800 Tunnels and shafts.

(a) *General.* (1) The specific requirements of this Subpart S, Tunnels, Shafts, Caissons, Cofferdams, and Compressed Air, shall be complied with as well as the applicable provisions of all other subparts of this part.

(2) Safe means of access shall be provided and maintained to all working places.

(3) When ladders and stairways are provided in shafts and steep inclines, they shall meet the requirements of Subparts L and M of this part.

(4) Access to unattended underground openings shall be restricted by gates or doors. Unused chutes, manways, or other openings shall be tightly covered, bulkheaded, or fenced off, and posted. Conduits, trenches, and manholes shall meet the requirements of Subparts M and P of this part.

(5) Subsidence areas that present hazards shall be fenced and posted.

(6) Each operation shall have a check-in and check-out system that will provide positive identification of every employee underground. An accurate record and location of the employees shall be kept on the surface.

(b) *Emergency provisions.* (1) Evacuation plans and procedures shall be developed and made known to the employees.

(2) Emergency hoisting facilities shall be readily available at shafts more than 50 feet in depth, unless hoisting facilities are provided that are independent of electrical power failures. A boatswain's chair shall meet the requirements of Subpart L of this part.

(3) Bureau of Mines approved self-rescuers shall be available near the advancing face to equip each face employee. Such equipment shall be on the haulage equipment and in other areas where employees might be trapped by smoke or gas, and shall be maintained in good condition.

(4) Telephone or other signal communication shall be provided between the work face and the tunnel portal, and such systems shall be independent of the tunnel power supply.

(c) *Air Quality and Ventilation*—(1) *Air quality and quantity.* (i) Instruments shall be provided to test the atmosphere quantitatively for carbon monoxide, nitrogen dioxide, flammable, or toxic gases, dusts, mists, and fumes that occur in the tunnel or shaft. Tests shall be conducted as frequently as necessary to assure that the required quality and quantity of air is maintained. A record of all tests shall be maintained and be kept available.

(ii) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(iii) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible excursions referred to in subdivisions (iv) and (v) of this subparagraph, if such employee wears a respiratory protective device approved by the Bureau of Mines as protection against the particular hazards involved.

(iv) The exposure to airborne contaminants of an employee working in a tunnel or shaft shall not exceed the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1970 edition of "Threshold Limit Values of Airborne Contaminants."

(v) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the threshold limit value listed for that contaminant.

(vi) Atmospheres in all active areas shall contain at least 20 percent oxygen.

(2) *Ventilation.* (i) Tunnels shall be provided with mechanically induced primary ventilation in all work areas. The direction of airflow shall be reversible.

(ii) Ventilation doors, not operated mechanically, shall be designed and installed so that they are self-closing and will remain closed regardless of the direction of the air movement.

(iii) When there has been a failure of ventilation, and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated shall be examined by a competent person and determined to be free of flammable gas before power is restored and work resumed.

(iv) When the main fan or fans have been shut down with all employees out of the adit, tunnel or shaft, no employee, other than those qualified to examine the adit, tunnel, or shaft, or other authorized employee, shall go underground until the fans have been started, the work areas examined for gas and other hazards, and declared safe.

(v) The supply of fresh air shall not be less than 200 cubic feet per minute for each employee underground. The linear velocity of the air flow in the tunnel bore shall not be less than 30 feet per minute in those tunnels where blasting or rock drilling is conducted or where there are other conditions that are likely to produce dusts, fumes, vapors, or gases in harmful quantities.

(vi) If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground working place or places, the employees shall be withdrawn and the power cut off to the portion of the area endangered by such flammable gas until the concentration of such gas is reduced to 1 percent or less.

(vii) Internal combustion engines other than mobile diesel shall not be used underground. Mobile diesel-powered equipment used underground shall be certified by the Bureau of Mines, U.S. Department of the Interior according to the Bureau of Mines publication "Mechanical Equipment for Mines—tests for permissibility and suitability, Part 32, Mobile Diesel Power Equipment for Non-Coal Mines, Schedule 24" of March 23, 1965.

(d) *Illumination.* (1) Sufficient lighting shall be provided, in accordance with the requirements of Table D-3 of Subpart D of this part, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(e) *Fire prevention and control*—(1) *General.* (i) The requirements for fire prevention and protection specified in Subpart F of this part shall be complied with in all tunnel and shaft operations.

(ii) Signs warning against smoking and open flames shall be posted so that they can be readily seen in areas or places where fire or explosion hazards exist.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(iv) Not more than a 1 day's supply of diesel fuel shall be stored underground.

(v) Gasoline or liquefied petroleum gases shall not be taken, stored, or used underground.

(vi) Oil, grease, or fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas, at safe distances from explosives magazines, electrical installations, and shaft stations.

(vii) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(viii) Approved fire-resistant hydraulic fluids shall be used in hydraulically actuated underground machinery and equipment.

(ix) Fires shall not be built underground.

(x) Noncombustible barriers shall be installed below welding or burning operations in or over a shaft or raise.

(xi) Fire extinguishers or equivalent protection shall be provided at the head and tail pulleys of underground belt conveyors and at 300-foot intervals along the belt line.

(xii) At tunnel operations, employing 25 or more employees at one time underground at least two rescue crews (10 employees divided between shifts) shall be trained annually in rescue procedures, in the use, care, and limi-

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tations of oxygen breathing apparatus, and the use and maintenance of firefighting equipment. Not less than one crew (5 employees) shall be trained at smaller operations.

(f) *Personal protective equipment.* Protective clothing or equipment shall be worn as specified in Subparts D and E of this part.

(g) *Noise.* (1) Permissible noise exposures shall conform to those specified in Subpart D of this part.

(h) *Ground support*—(1) *Tunnel portal area.* Portals shall be protected and supported where loose soil or rock or fractured material is encountered.

(2) *Tunnel area.* (i) The employer shall examine and test the roof, face, and walls of the work area at the start of each shift, and frequently thereafter.

(ii) Loose ground shall be taken down or supported. Ground conditions along haulage ways and travelways shall be examined periodically and scaled or supported as necessary.

(iii) Torque meters and torque wrenches shall be available at tunnels where rock bolts are used for ground support. Frequent tests shall be made to determine if bolts meet the required torque. The test frequency shall be determined by rock conditions and distance from vibration sources.

(iv) Damaged or dislodged tunnel supports, whether steel sets or timber, shall be repaired or replaced. New supports shall be installed whenever possible before removing the damaged supports.

(v) All sets, including horseshoe-shaped or arched rib steel sets, shall be designed and installed so that the bottoms will have required anchorage to prevent pressures from pushing them inward into the excavation. Lateral bracing shall be provided between sets to further stabilize the support.

(3) *Shafts.* (i) Small diameter shafts, which employees are required to enter, shall be provided with a steel casing, concrete pipe, timber, or other material of required strength to support the surrounding earth.

(ii) The casing and bracing shall be provided the full depth of the shaft, or at least 5 feet into solid rock if possible, and shall extend at least 1 foot above ground level.

(iii) All wells or shafts over 5 feet in depth shall be retained with lagging, spiling, or casing.

(iv) In shafts, the employer shall inspect the walls, ladders, timbers, blocking, and wedges of the last set to determine if they have loosened following blasting operations. Where found unsafe, corrections shall be made before shift operations are started.

(v) Safety belts shall be worn on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within 1 foot of the sides of the shaft, unless guardrails or cages are provided.

(i) *Drilling.* (1) Equipment that is to be used during a shift shall be inspected each shift by a competent person. Equipment defects affecting safety shall be corrected before the equipment is used.

(2) The drilling area shall be inspected for hazards before starting the drilling operation.

(3) Employees shall not be allowed on a drill mast while the drill bit is in operation.

(4) When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured, and the mast placed in a safe position.

(5) Receptacles or racks shall be provided for drill steel stored on jumbos.

(6) Before drilling cycle is started, warning shall be given to men working below jumbo decks.

(7) Drills on columns shall be anchored firmly before drilling is started and shall be retightened frequently thereafter.

(8) The employer shall provide mechanical means for lifting drills, roof bolts, mine straps, and other unwieldy heavy material to the top decks of jumbos over 10 feet in height.

(9) The employer shall provide stair access to jumbo decks wide enough to accommodate two persons if the deck is over 10 feet in height.

(10) On jumbo decks over 10 feet in height, guardrails which are removable (pipe in sockets with chain handrail), or equal, shall be provided on all sides and back platforms.

(11) Scaling bars shall be in good condition at all times, and blunted and severely worn bars shall not be used.

(12) When jumbos are being removed, riders will not be allowed on the jumbo unless they are assisting the driver.

(13) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Lifters shall not be drilled through blasted rock (muck) or water.

(14) Air lines that are buried in the invert shall be identified by signs posted nearby, warning all personnel.

(j) *Blasting.* All blasting and explosives-handling operations shall be conducted in compliance with Subpart U of this part.

(k) *Haulage.* (1) Equipment that is to be used during a shift shall be inspected by a competent person each shift. Equipment defects affecting safety shall be corrected before the equipment is used.

(2) Powered mobile equipment shall be provided with adequate brakes.

(3) Powered mobile haulage equipment shall be provided with audible warning devices. Lights shall be provided at both ends.

(4) Cab windows shall be of safety glass, or equivalent, in good condition, and shall be kept clean.

(5) Adequate backstops or brakes shall be installed on inclined conveyor drive units to prevent conveyors from running in reverse and creating a hazard to employees.

(6) No employees shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the conveyor is specifically designed for the transportation of employees.

(7) The employer shall not permit employees to ride in dippers, shovel buckets, forks, clamshells, or in the beds of dump trucks, or on haulage equipment not specifically designed or adapted for the transportation of employees.

(8) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set, or other equivalent precautions are taken against rolling.

(9) When dumping cars by hand, the car dumps shall be provided with tie-down chains or bumper blocks to prevent cars from overturning.

(10) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices.

(11) Equipment which is to be hauled shall be so loaded and protected as to prevent sliding or spillage.

(12) Parked railcars shall be blocked securely.

(13) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

(14) Where necessary, bumper blocks, or the equivalent, shall be provided at all track dead ends.

(15) Supplies, materials, and tools, other than small handtools, shall not be transported with employees in mantrip cars.

(l) *Electrical equipment.* (1) Electrical equipment shall conform to the requirements of Subpart K of this part.

(2) Powerlines shall be well separated or insulated from water lines, telephone lines, and air lines.

(3) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure and surrounded by a dike to contain the contents of the transformers in event of a rupture.

(m) *Hoisting.* (1) Hoisting machines, either powered or hand operated, shall be worm-geared or powered both ways. The design must be such that when the power is stopped, the load cannot move.

(2) Controls for powered hoists shall be of the deadman type with a nonlocking switch or control.

(3) A device to shut off the power shall be installed ahead of the operating control.

(4) Hand-operated release mechanisms, which can permit the load to descend faster than the speed rating, shall not be used.

(5) Hoist machines with cast metal parts shall not be used.

(6) Every hoist shall be tested with twice the maximum load before being put into operation, and annually thereafter.

(7) All anchorages of hoists shall be inspected at the beginning of each shift.

(8) An enclosed covered metal cage shall be used to raise and lower persons in the shaft. The cage shall be designed with a safety factor of 4 and shall be load-tested prior to use. The exterior of the cage shall be free of projections or sharp corners. Only closed shackles shall be used in the cage rigging.

(9) If the cage is equipped with a door, a positive locking device shall be installed to prevent the door from opening accidentally while the cage is being lowered or raised while hoisting or lowering employees.

§ 1926.801 Caissons.

(a) Wherever, in caisson work in which compressed air is used, and the working chamber is less than 11 feet in length, and when such caissons are at any time suspended or hung while work is in progress so that the bottom of the excavation is more than 9 feet below the deck of the working chamber, a shield shall be erected therein for the protection of the employees.

(b) Shafts shall be subjected to a hydrostatic or air-pressure test, at which pressure they shall be tight. The shaft shall be stamped on the outside shell about 12 inches from each flange to show the pressure to which they have been subjected.

(c) Whenever a shaft is used, it shall be provided, where space permits, with a safe, proper, and suitable staircase for its entire length, including landing platforms, not more than 20 feet apart. Where this is impracticable, suitable ladders shall be installed with landing platforms located about 20 feet apart to break the climb.

(d) All caissons having a diameter or side greater than 10 feet shall be provided with a man lock and shaft for the exclusive use of employees.

(e) In addition to the gauge in the locks, an accurate gauge shall be maintained on the outer and inner side of each bulkhead. These gauges shall be accessible at all times and kept in accurate working order.

(f) In caisson operations where employees are exposed to compressed air working environments, the requirements contained in § 1926.803 shall be complied with.

§ 1926.802 Cofferdams.

(a) If overtopping of the cofferdam by high waters is possible, means shall be provided for controlled flooding of the work area.

(b) Warning signals for evacuation of employees in case of emergency shall be developed and posted.

(c) Cofferdam walkways, bridges, or ramps with at least two means of rapid exit shall be provided with guardrails as specified in Subpart M of this part.

(d) Cofferdams located close to navigable shipping channels shall be protected from vessels in transit, where possible.

§ 1926.803 Compressed air.

(a) *General provisions.* (1) There shall be present, at all times, at least one competent person designated by and representing the employer, who shall be familiar with this subpart in all respects, and responsible for full compliance with these and other applicable subparts.

(2) Every employee shall be instructed in the rules and regulations which concern his safety or the safety of others.

(b) *Medical attendance, examination, and regulations.* (1) There shall be retained one or more licensed physicians familiar with and experienced in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. He shall be available at all times while work is in progress in order to provide medical supervision of employees employed in compressed air work. He shall himself be physically qualified and be willing to enter a pressurized environment.

(2) No employee shall be permitted to enter a compressed air environment until he has been examined by the physician and reported by him to be physically qualified to engage in such work.

(3) In the event an employee is absent from work for 10 days, or is absent due to sickness or injury, he shall not resume work until he is reexamined by the physician, and his physical condition reported, as provided in this paragraph, to be such as to permit him to work in compressed air.

(4) After an employee has been employed continuously in compressed air for a period designated by the physician, but not to exceed 1 year, he shall be reexamined by the physician to determine if he is still physically qualified to engage in compressed air work.

(5) Such physician shall at all times keep a complete and full record of examinations made by him. The physician shall also keep an accurate record of any decompression illness or other illness or injury incapacitating any employee for work, and of all loss of life that occurs in the operation of a tunnel, caisson, or other compartment in which compressed air is used.

(6) Records shall be available for the inspection of the Secretary or his representatives, and a copy thereof shall be forwarded to OSHA within 48 hours following the occurrence of the accident, death, injury, or decompression illness. It shall state as fully as possible the cause of said death or decompression illness, and the place where the injured or sick employee was taken, and such other relative information as may be required by the Secretary.

(7) A fully equipped first aid station shall be provided at each tunnel project regardless of the number of persons employed. An ambulance or transportation suitable for a litter case shall be at each project.

(8) Where tunnels are being excavated from portals more than 5 road miles apart, a first aid station and transportation facilities shall be provided at each portal.

(9) A medical lock shall be established and maintained in immediate working order whenever air pressure in the working chamber is increased above the normal atmosphere.

(10) The medical lock shall:

(i) Have at least 6 feet of clear headroom at the center, and be subdivided into not less than two compartments;

(ii) Be readily accessible to employees working under compressed air;

(iii) Be kept ready for immediate use for at least 5 hours subsequent to the emergence of any employee from the working chamber;

(iv) Be properly heated, lighted and ventilated;

(v) Be maintained in a sanitary condition;

(vi) Have a nonshatterable port through which the occupant(s) may be kept under constant observation;

(vii) Be designed for a working pressure of 75 p.s.i.g.;

(viii) Be equipped with internal controls which may be overridden by external controls;

(ix) Be provided with air pressure gauges to show the air pressure within each compartment to observers inside and outside the medical lock;

(x) Be equipped with a manual type sprinkler system that can be activated inside the lock or by the outside lock tender;

(xi) Be provided with oxygen lines and fittings leading into external tanks. The lines shall be fitted with check valves to prevent reverse flow.

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The oxygen system inside the chamber shall be of a closed circuit design and be so designed as to automatically shut off the oxygen supply whenever the fire system is activated;

(xii) Be in constant charge of an attendant under the direct control of the retained physician. The attendant shall be trained in the use of the lock and suitably instructed regarding steps to be taken in the treatment of employee exhibiting symptoms compatible with a diagnosis of decompression illness;

(xiii) Be adjacent to an adequate emergency medical facility;

(xiv) The medical facility shall be equipped with demand-type oxygen inhalation equipment approved by the U.S. Bureau of Mines;

(xv) Be capable of being maintained at a temperature, in use, not to exceed 90° F. nor be less than 70° F.; and

(xvi) Be provided with sources of air, free of oil and carbon monoxide, for normal and emergency use, which are capable of raising the air pressure in the lock from 0 to 75 p.s.i.g. in 5 minutes.

(11) Identification badges shall be furnished to all employees, indicating that the wearer is a compressed air worker. A permanent record shall be kept of all identification badges issued. The badge shall give the employee's name, address of the medical lock, the telephone number of the licensed physician for the compressed air project, and contain instructions that in case of emergency of unknown or doubtful cause or illness, the wearer shall be rushed to the medical lock. The badge shall be worn at all times—off the job, as well as on the job.

(c) *Telephone and signal communication.* (1) Effective and reliable means of communication, such as bells, whistles, or telephones, shall be maintained, at all times between all the following locations:

(i) The working chamber face;

(ii) The working chamber side of the man lock near the door;

(iii) The interior of the man lock;

(iv) Lock attendant's station;

(v) The compressor plant;

(vi) The first-aid station;

(vii) The emergency lock (if one is required); and

(viii) The special decompression chamber (if one is required).

(d) *Signs and records.* (1) The time of decompression shall be posted in each man lock as follows:

TIME OF DECOMPRESSION FOR THIS LOCK

—— pounds to —— pounds in ——minutes.

—— pounds to —— pounds in —— minutes.

(Signed by) ——————(Superintendent)

This form shall be posted in the Man Lock at all times.

(2) Any code of signals used shall be conspicuously posted near workplace entrances and such other locations as may be necessary to bring them to the attention of all employees concerned.

(3) For each 8-hour shift, a record of employees employed under air pressure shall be kept by an employee who shall remain outside the lock near the entrance. This record shall show the period each employee spends in the air chamber and the time taken from decompression. A copy shall be submitted to the appointed physician after each shift.

(e) *Compression.* (1) Every employee going under air pressure for the first time shall be instructed on how to avoid excessive discomfort.

(2) During the compression of employees, the pressure shall not be increased to more than 3 p.s.i.g. within the first minute. The pressure shall be held at 3 p.s.i.g. and again at 7 p.s.i.g. sufficiently long to determine if any employees are experiencing discomfort.

(3) After the first minute the pressure shall be raised uniformly and at a rate not to exceed 10 p.s.i. per minute.

(4) If any employee complains of discomfort, the pressure shall be held to determine if the symptoms are relieved. If, after 5 minutes the discomfort does not disappear, the lock attendant shall gradually reduce the pressure until the employee signals that the discomfort has ceased. If he does not indicate that the discomfort has disappeared, the lock attendant shall reduce the pressure to atmospheric and the employee shall be released from the lock.

(5) No employee shall be subjected to pressure exceeding 50 pounds per square inch except in emergency.

(f) *Decompression.* (1) Decompression to normal condition shall be in accordance with the Decompression Tables in Exhibit A of this subpart.

(2) In the event it is necessary for an employee to be in compressed air more than once in a 24-hour period, the appointed physician shall be responsible for the establishment of methods and procedures of decompression applicable to repetitive exposures.

(3) If decanting is necessary, the appointed physician shall establish procedures before any employee is permitted to be decompressed by decanting methods. The period of time that the employees spend at atmospheric pressure between the decompression following the shift and recompression shall not exceed 5 minutes.

(g) *Man locks and special decompression chambers*—(1) *Man locks.* (i) Except in emergency, no employees employed in compressed air shall be permitted to pass from the working chamber to atmospheric pressure until after decompression, in accordance with the procedures in this subpart.

(ii) The lock attendant in charge of a man lock shall be under the direct supervision of the appointed physician. He shall be stationed at the lock controls on the free air side during the period of compression and decompression and shall remain at the lock control station whenever there are men in the working chamber or in the man lock.

(iii) Except where air pressure in the working chamber is below 12 p.s.i.g., each man lock shall be equipped with automatic controls which, through taped programs, cams, or similar apparatus, shall automatically regulate decompressions. It shall also be equipped with manual controls to permit the lock attendant to override the automatic mechanism in the event of an emergency, as provided in subdivision (viii) of this subparagraph.

(iv) A manual control, which can be used in the event of an emergency, shall be placed inside the man lock.

(v) A clock, thermometer, and continuous recording pressure gauge with a 4-hour graph shall be installed outside of each man lock and shall be changed prior to each shift's decompression. The chart shall be of sufficient size to register a legible record of variations in pressure within the man lock and shall be visible to the lock attendant. A copy of each graph shall be submitted to the appointed physician after each shift. In addition, a pressure gauge, clock, and thermometer shall also be installed in each man lock. Additional fittings shall be provided so that test gauges may be attached whenever necessary.

(vi) Except where air pressure is below 12 p.s.i.g. and there is no danger of rapid flooding, all caissons having a working area greater than 150 square feet, and each bulkhead in tunnels of 14 feet or more in diameter, or equivalent area, shall have at least two locks in perfect working condition, one of which shall be used exclusively as a man lock, the other, as a materials lock.

(vii) Where only a combination man-and-materials lock is required, this single lock shall be of sufficient capacity to hold the employees constituting two successive shifts.

(viii) Emergency locks shall be large enough to hold an entire heading shift and a limit maintained of 12 p.s.i.g. There shall be a chamber available for oxygen decompression therapy to 28 p.s.i.g.

(ix) The man lock shall be large enough so that those using it are not compelled to be in a cramped position, and shall not have less than 5 feet clear head room at the center and a

minimum of 30 cubic feet of air space per occupant.

(x) Locks on caissons shall be so located that the bottom door shall be not less than 3 feet above the water level surrounding the caisson on the outside. (The water level, where it is affected by tides, is construed to mean high tide.)

(xi) In addition to the pressure gauge in the locks, an accurate pressure gauge shall be maintained on the outer and inner side of each bulkhead. These gauges shall be accessible at all times and shall be kept in accurate working order.

(xii) Man locks shall have an observation port at least 4 inches in diameter located in such a position that all occupants of the man lock may be observed from the working chamber and from the free air side of the lock.

(xiii) Adequate ventilation in the lock shall be provided.

(xiv) Man locks shall be maintained at a minimum temperature of 70° F.

(xv) When locks are not in use and employees are in the working chamber, lock doors shall be kept open to the working chamber, where practicable.

(xvi) Provision shall be made to allow for rescue parties to enter the tunnel if the working force is disabled.

(xvii) A special decompression chamber of sufficient size to accommodate the entire force of employees being decompressed at the end of a shift shall be provided whenever the regularly established working period requires a total time of decompression exceeding 75 minutes.

(2) *Special decompression chamber.* (i) The headroom in the special decompression chamber shall be not less than a minimum 7 feet and the cubical content shall provide at least 50 cubic feet of airspace for each employee. For each occupant, there shall be provided 4 square feet of free walking area and 3 square feet of seating space, exclusive of area required for lavatory and toilet facilities. The rated capacity shall be based on the stated minimum space per employee and shall be posted at the chamber entrance. The posted capacity shall not be exceeded, except in case of emergency.

(ii) Each special decompression chamber shall be equipped with the following:

(*a*) A clock or clocks suitably placed so that the attendant and the chamber occupants can readily ascertain the time;

(*b*) Pressure gauges which will indicate to the attendants and to the chamber occupants the pressure in the chamber;

(*c*) Valves to enable the attendant to control the supply and discharge of compressed air into and from the chamber;

(*d*) Valves and pipes, in connection with the air supply and exhaust, arranged so that the chamber pressure can be controlled from within and without;

(*e*) Effective means of oral intercommunication between the attendant, occupants of the chamber, and the air compressor plant; and

(*f*) An observation port at the entrance to permit observation of the chamber occupants.

(iii) Seating facilities in special decompression chambers shall be so arranged as to permit a normal sitting posture without cramping. Seating space, not less than 18 inches by 24 inches wide, shall be provided per occupant.

(iv) Adequate toilet and washing facilities, in a screened or enclosed recess, shall be provided. Toilet bowls shall have a built-in protector on the rim so that an air space is created when the seat lid is closed.

(v) Fresh and pure drinking water shall be available. This may be accomplished by either piping water into the special decompression chamber and providing drinking fountains, or by providing individual canteens, or by some other sanitary means. Community drinking vessels are prohibited.

(vi) No refuse or discarded material of any kind shall be permitted to accumulate, and the chamber shall be kept clean.

(vii) Unless the special decompression chamber is serving as the man lock to atmospheric pressure, the special decompression chamber shall be situated, where practicable, adjacent to the man lock on the atmospheric pressure side of the bulkhead. A passageway shall be provided, connecting the special chamber with the man lock, to permit employees in the process of decompression to move from the man lock to the special chamber without a reduction in the ambient pressure from that designated for the next stage of decompression. The passageway shall be so arranged as to not interfere with the normal operation of the man lock, nor with the release of the occupants of the special chamber to atmospheric pressure upon the completion of the decompression procedure.

(h) *Compressor plant and air supply.* (1) At all times there shall be a thoroughly experienced, competent, and reliable person on duty at the air control valves as a gauge tender who shall regulate the pressure in the working areas. During tunneling operations, one gauge tender may regulate the pressure in not more than two headings: *Provided,* That the gauge and controls are all in one location. In caisson work, there shall be a gauge tender for each caisson.

(2) The low air compressor plant shall be of sufficient capacity to not only permit the work to be done safely, but shall also provide a margin to meet emergencies and repairs.

(3) Low air compressor units shall have at least two independent and separate sources of power supply and each shall be capable of operating the entire low air plant and its accessory systems.

(4) The capacity, arrangement, and number of compressors shall be sufficient to maintain the necessary pressure without overloading the equipment and to assure maintenance of such pressure in the working chamber during periods of breakdown, repair, or emergency.

(5) Switching from one independent source of power supply to the other shall be done periodically to ensure the workability of the apparatus in an emergency.

(6) Duplicate low-pressure air feedlines and regulating valves shall be provided between the source of air supply and a point beyond the locks with one of the lines extending to within 100 feet of the working face.

(7) All high- and low-pressure air supply lines shall be equipped with check valves.

(8) Low-pressure air shall be regulated automatically. In addition, manually operated valves shall be provided for emergency conditions.

(9) The air intakes for all air compressors shall be located at a place where fumes, exhaust gases, and other air contaminants will be at a minimum.

(10) Gauges indicating the pressure in the working chamber shall be installed in the compressor building, the lock attendant's station, and at the employer's field office.

(i) *Ventilation and air quality.* (1) Exhaust valves and exhaust pipes shall be provided and operated so that the working chamber shall be well ventilated, and there shall be no pockets of dead air. Outlets may be required at intermediate points along the main low-pressure air supply line to the heading to eliminate such pockets of dead air. Ventilating air shall be not less than 30 cubic feet per minute.

(2) The air in the workplace shall be analyzed by the employer not less than once each shift, and records of such tests shall be kept on file at the place where the work is in progress. The test results shall be within the threshold limit values specified in Subpart D of this part, for hazardous gases, and within 10 percent of the lower explosive limit of flammable gases. If these limits are not met, immediate action to correct the situation shall be taken by the employer.

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(3) The temperature of all working chambers which are subjected to air pressure shall, by means of after-coolers or other suitable devices, be maintained at a temperature not to exceed 85° F.

(4) Forced ventilation shall be provided during decompression. During the entire decompression period, forced ventilation through chemical or mechanical air purifying devices that will ensure a source of fresh air shall be provided.

(5) Whenever heat-producing machines (moles, shields) are used in compressed air tunnel operations, a positive means of removing the heat build-up at the heading shall be provided.

(j) *Electricity.* (1) All lighting in compressed-air chambers shall be by electricity exclusively, and two independent electric-lighting systems with independent sources of supply shall be used. The emergency source shall be arranged to become automatically operative in the event of failure of the regularly used source.

(2) The minimum intensity of light on any walkway, ladder, stairway, or working level shall be not less than 10 foot-candles, and in all workplaces the lighting shall at all times be such as to enable employees to see clearly.

(3) All electrical equipment, and wiring for light and power circuits, shall comply with requirements of the National Electrical Code, ANSI C1-1971 (Rev. of 1968) for use in damp, hazardous, high temperature, and compressed air environments.

(4) External parts of lighting fixtures and all other electrical equipment, when within 8 feet of the floor, shall be constructed of noncombustible, nonabsorptive, insulating materials, except that metal may be used if it is effectively grounded.

(5) Portable lamps shall be equipped with noncombustible, nonabsorptive, insulating sockets, approved handles, basket guards, and approved cords.

(6) The use of worn or defective portable and pendant conductors is prohibited.

(k) *Sanitation.* (1) Sanitary, heated, lighted, and ventilated dressing rooms and drying rooms shall be provided for all employees engaged in compressed air work. Such rooms shall contain suitable benches and lockers. Bathing accommodations (showers at the ratio of one to 10 employees per shift), equipped with running hot and cold water, and suitable and adequate toilet accommodations, shall be provided. One toilet for each 15 employees, or fractional part thereof, shall be provided.

(2) When the toilet bowl is shut by a cover, there should be an air space so that the bowl or bucket does not implode when pressure is increased.

(3) All parts of caissons and other working compartments shall be kept in a sanitary condition.

(l) *Fire prevention and protection.* (1) Firefighting equipment shall be available at all times and shall be maintained in working condition.

(2) While welding or flame-cutting is being done in compressed air, a fire-watch with a fire hose or approved extinguisher shall stand by until such operation is completed.

(3) Shafts and caissons containing flammable material of any kind, either above or below ground, shall be provided with a waterline and a fire hose connected thereto, so arranged that all points of the shaft or caisson are within reach of the hose stream.

(4) Fire hose shall be at least 1½ inches in nominal diameter; the water pressure shall at all times be adequate for efficient operation of the type of nozzle used; and the water supply shall be such as to ensure an uninterrupted flow. Fire hose, when not in use, shall be located or guarded to prevent injury thereto.

(5) The power house, compressor house, and all buildings housing ventilating equipment, shall be provided with at least one hose connection in the water line, with a fire hose connected thereto. A fire hose shall be maintained within reach of structures of wood over or near shafts.

(6) Tunnels shall be provided with a 2-inch minimum diameter water line extending into the working chamber and to within 100 feet of the working face. Such line shall have hose outlets with 100 feet of fire hose attached and maintained as follows: One at the working face; one immediately inside of the bulkhead of the working chamber; and one immediately outside such bulkhead. In addition, hose outlets shall be provided at 200-foot intervals throughout the length of the tunnel, and 100 feet of fire hose shall be attached to the outlet nearest to any location where flammable material is being kept or stored or where any flame is being used.

(7) In addition to fire hose protection required by this subpart, on every floor of every building not under compressed air, but used in connection with the compressed air work, there shall be provided at least one approved fire extinguisher of the proper type for the hazard involved. At least two approved fire extinguishers shall be provided in the working chamber as follows: One at the working face and one immediately inside the bulkhead (pressure side). Extinguishers in the working chamber shall use water as the primary extinguishing agent and shall not use any extinguishing agent which could be harmful to the employees in the working chamber. The fire extinguisher shall be protected from damage.

(8) Highly combustible materials shall not be used or stored in the working chamber. Wood, paper, and similar combustible material shall not be used in the working chamber in quantities which could cause a fire hazard. The compressor building shall be constructed of non-combustible material.

(9) Man locks shall be equipped with a manual type fire extinguisher system that can be activated inside the man lock and also by the outside lock attendant. In addition, a fire hose and portable fire extinguisher shall be provided inside and outside the man lock. The portable fire extinguisher shall be the dry chemical type.

(10) Equipment, fixtures, and furniture in man locks and special decompression chambers shall be constructed of noncombustible materials. Bedding, etc., shall be chemically treated so as to be fire resistant.

(11) Head frames shall be constructed of structural steel or open framework fireproofed timber. Head houses and other temporary surface buildings or structures within 100 feet of the shaft, caisson, or tunnel opening shall be built of fire-resistant materials.

(12) No oil, gasoline, or other combustible material shall be stored within 100 feet of any shaft, caisson, or tunnel opening, except that oils may be stored in suitable tanks in isolated fireproof buildings, provided such buildings are not less than 50 feet from any shaft, caisson, or tunnel opening, or any building directly connected thereto.

(13) Positive means shall be taken to prevent leaking flammable liquids from flowing into the areas specifically mentioned in the preceding paragraph.

(14) All explosives used in connection with compressed air work shall be selected, stored, transported, and used as specified in Subpart U of this part.

(m) *Bulkheads and safety screens.* (1) Intermediate bulkheads with locks, or intermediate safety screens or both, are required where there is the danger of rapid flooding.

(2) In tunnels 16 feet or more in diameter, hanging walkways shall be provided from the face to the man lock as high in the tunnel as practicable, with at least 6 feet of head room. Walkways shall be constructed of noncombustible material. Standard railings shall be securely installed throughout the length of all walkways on open sides in accordance with Subpart M of this part. Where walkways are ramped under safety screens, the walkway surface shall be skidproofed by cleats or by equivalent means.

(3) Bulkheads used to contain compressed air shall be tested, where practicable, to prove their ability to resist the highest air pressure which may be expected to be used.

§ 1926.804 Definitions applicable to this subpart.

(a) "Bulkhead"—An airtight structure separating the working chamber from free air or from another chamber under a lesser pressure than the working pressure.

(b) "Caisson"—A wood, steel, concrete or reinforced concrete, air- and water-tight chamber in which it is possible for men to work under air pressure greater than atmospheric pressure to excavate material below water level.

(c) "Decanting"—A method used for decompressing under emergency circumstances. In this procedure, the employees are brought to atmospheric pressure with a very high gas tension in the tissues and then immediately recompressed in a second and separate chamber or lock.

(d) "Emergency locks"—A lock designed to hold and permit the quick passage of an entire shift of employees.

(e) "High air"—Air pressure used to supply power to pneumatic tools and devices.

(f) "Low air"—Air supplied to pressurize working chambers and locks.

(g) "Man lock"—A chamber through which men pass from one air pressure environment into another.

(h) "Materials lock"—A chamber through which materials and equipment pass from one air pressure environment into another.

(i) "Medical lock"—A special chamber in which employees are treated for decompression illness. It may also be used in preemployment physical examinations to determine the adaptability of the prospective employee to changes in pressure.

(j) "Normal condition"—One during which exposure to compressed air is limited to a single continuous working period followed by a single decompression in any given 24-hour period; the total time of exposure to compressed air during the single continuous working period is not interrupted by exposure to normal atmospheric pressure, and a second exposure to compressed air does not occur until at least 12 consecutive hours of exposure to normal atmospheric pressure has elapsed since the employee has been under pressure.

(k) "Pressure"—A force acting on a unit area. Usually shown as pounds per square inch. (p.s.i.)

(l) "Absolute pressure" (p.s.i.a.)—The sum of the atmospheric pressure and gauge pressure (p.s.i.g.).

(m) "Atmospheric pressure"—The pressure of air at sea level, usually 14.7 p.s.i.a. (1 atmosphere), or 0 p.s.i.g.

(n) "Gauge pressure" (p.s.i.g.)—Pressure measured by a gauge and indicating the pressure exceeding atmospheric.

(o) "Safety screen"—An air- and water-tight diaphragm placed across the upper part of a compressed air tunnel between the face and bulkhead, in order to prevent flooding the crown of the tunnel between the safety screen and the bulkhead, thus providing a safe means of refuge and exit from a flooding or flooded tunnel.

(p) "Special decompression chamber"—A chamber to provide greater comfort of employees when the total decompression time exceeds 75 minutes.

(q) "Working chamber"—The space or compartment under air pressure in which the work is being done.

EXHIBIT A—DECOMPRESSION TABLES

1. *Explanation.* The decompression tables are computed for working chamber pressures from 0 to 14 pounds, and from 14 to 50 pounds per square inch gauge inclusive by 2-pound increments and for exposure times for each pressure extending from one-half to over 8 hours inclusive. Decompressions will be conducted by two or more stages with a maximum of four stages, the latter for a working chamber pressure of 40 pounds per square inch gauge or over.

Stage 1 consists of a reduction in ambient pressure ranging from 10 to a maximum of 16 pounds per square inch, but in no instance will the pressure be reduced below 4 pounds at the end of stage 1. This reduction in pressure in stage 1 will always take place at a rate not greater than 5 pounds per minute.

Further reduction in pressure will take place during stage 2 and subsequent stages as required at a slower rate, but in no event at a rate greater than 1 pound per minute.

Decompression Table No. 1 indicates in the body of the table the total decompression time in minutes for various combinations of working chamber pressure and exposure time.

Decompression Table No. 2 indicates for the same various combinations of working chamber pressure and exposure time the following:

a. The number of stages required;

b. The reduction in pressure and the terminal pressure for each required stage;

c. The time in minutes through which the reduction in pressure is accomplished for each required stage;

d. The pressure reduction rate in minutes per pound for each required stage;

IMPORTANT NOTE: The Pressure Reduction in Each Stage is Accomplished at a Uniform Rate. Do Not Interpolate Between Values Shown on the Tables. Use the Next Higher Value of Working Chamber Pressure or Exposure Time Should the Actual Working Chamber Pressure or the Actual Exposure Time, Respectively, Fall Between Those for Which Calculated Values Are Shown in the Body of the Tables.

Examples:	Minutes
Example No. 1:	
4 hours working period at 20 pounds gauge.	
Decompression Table No. 1:	
20 pounds for 4 hours, total decompression time	43
Decompression Table No. 2:	
Stage 1: Reduce pressure from 20 pounds to 4 pounds at the uniform rate of 5 pounds per minute.	
Elapsed time stage 1: 16/5	3
Stage 2 (final stage): Reduce pressure at a uniform rate from 4 pounds to 0-pound gage over a period of 40 minutes.	
Rate—0.10 pound per minute or 10 minutes per pound.	
Stage 2 (final) elapsed time	40
Total time	43
Example No. 2:	
5-hour working period at 24 pounds gage.	
Decompression Table No. 1:	
24 pounds for 5 hours, total decompression time	117
Decompression Table No. 2:	
Stage 1: Reduce pressure from 24 pounds to 8 pounds at the uniform rate of 5 pounds per minute.	
Elapsed time stage 1: 16/5	3
Stage 2: Reduce pressure at a uniform rate from 8 pounds to 4 pounds over a period of 4 minutes. Rate, 1 pound per minute elapsed time, stage 2	4
Transfer men to special decompression chamber maintaining the 4-pound pressure during the transfer operation.	
Stage 3 (final stage): In the special decompression chamber, reduce the pressure at a uniform rate from 4 pounds to 0-pound gage over a period of 110 minutes. Rate, 0.037 pound per minute or 27.5 minutes per pound. Stage 3 (final) elapsed time	110
Total time	117

DECOMPRESSION TABLE NO. 1—TOTAL DECOMPRESSION TIME

Work pressure	Working period hours										
p.s.i.g.	½	1	1½	2	3	4	5	6	7	8	Over 8
9–12	3	3	3	3	3	3	3	3	3	3	3
14	6	6	6	6	6	6	6	6	16	16	33
16	7	7	7	7	7	7	17	33	48	48	62
18	7	7	7	8	11	17	48	63	63	73	87
20	7	7	8	15	15	43	63	73	83	103	113
22	9	9	16	24	36	68	93	103	113	126	133
24	11	12	23	27	52	92	117	122	127	137	151
26	13	14	29	34	69	104	126	141	142	142	163
28	15	23	31	41	98	127	143	153	153	165	183
30	17	28	38	62	105	143	165	168	178	188	204
32	19	35	43	85	126	163	178	193	203	213	226
34	21	39	58	98	151	178	195	218	223	233	248
36	24	44	63	113	170	196	223	233	243	253	273
38	28	49	73	128	178	203	223	238	253	263	278
40	31	49	84	143	183	213	233	248	256	278	288

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DECOMPRESSION TABLE NO. 1—TOTAL DECOMPRESSION TIME—Continued

Work pressure	Working period hours										
p.s.i.g.	½	1	1½	2	3	4	5	6	7	8	Over 8
42	37	56	102	144	189	215	245	260	263	268	293
44	43	64	118	154	199	234	254	264	269	269	293
46	44	74	139	171	214	244	269	274	289	299	318
48	51	89	144	189	229	269	299	309	319	319	
50	58	94	164	209	249	279	309	329			

DECOMPRESSION TABLE NO. 2

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period hours	Decompression data					
		Stage No	Pressure reduction P.s.i.g. From	Pressure reduction P.s.i.g. To	Time in stage minutes	Pressure reduction rate Min/pound	Total time decompress minutes
14	½	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	1	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	1½	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	2	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	3	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	4	1	14	0	2	0.20	6
		2	4	0	4	1.00	6
	5	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	6	1	14	4	2	0.20	
		2	4	0	4	1.00	6
	7	1	14	4	2	0.20	
		2	4	0	14	3.50	16
	8	1	14	4	2	0.20	
		2	4	0	14	3.50	16
	Over 8	1	14	4	2	0.20	
		2	4	0	30	7.50	32
16	½	1	16	4	3	0.20	
		2	4	0	4	1.00	7
	1	1	16	4	3	0.20	7
		2	4	0	4	1.00	7
	1½	1	16	4	3	0.20	
		2	4	0	4	1.00	7
	2	1	16	4	3	0.20	
		2	4	0	4	1.00	7
	3	1	16	4	3	0.20	
		2	4	0	4	1.00	7
	4	1	14	4	3	0.20	
		2	4	0	4	1.00	7
	5	1	14	4	3	0.20	7
		2	4	0	4	3.50	17
	6	1	14	4	3	0.20	
		2	4	0	30	7.50	33
	7	1	14	4	3	0.20	
		2	4	0	45	11.25	48
	8	1	14	4	3	0.20	
		2	4	0	45	11.25	48
	Over 8	1	14	4	3	0.20	
		2	4	0	60	15.00	63
18	½	1	18	4	3	0.20	
		2	4	0	4	1.00	7
	1	1	18	4	3	0.20	
		2	4	0	4	1.00	7
	1½	1	18	4	3	0.20	
		2	4	0	4	1.00	7
	2	1	18	4	3	0.20	
		2	4	0	5	1.25	8
	3	1	18	4	3	0.20	
		2	4	0	8	2.00	11
	4	1	18	4	3	0.20	
		2	4	0	14	3.50	17
	5	1	18	4	3	0.20	
		2	4	0	45	11.25	48
	6	1	18	4	3	0.20	
		2	4	0	60	15.00	63
	7	1	18	4	3	0.20	
		2	4	0	60	15.00	63
	8	1	18	4	3	0.20	
		2	4	0	70	17.50	73

DECOMPRESSION TABLE NO. 2—Continued

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period hours	Decompression data					
		Stage No	Pressure reduction P.s.i.g. From	Pressure reduction P.s.i.g. To	Time in stage minutes	Pressure reduction rate Min/pound	Total time decompress minutes
	Over 8	1	18	4	3	0.20	
		2	4	0	84	21.00	87
20	½	1	20	4	3	0.20	
		2	4	0	4	1.00	7
	1	1	20	4	3	0.20	
		2	4	0	4	1.00	7
	1½	1	20	4	3	0.20	
		2	4	0	5	1.25	8
	2	1	20	4	3	0.20	
		2	4	0	12	3.00	15
	3	1	20	4	3	0.20	
		2	4	0	12	3.00	15
	4	1	20	4	3	0.20	
		2	4	0	40	10.00	43
	5	1	20	4	3	0.20	
		2	4	0	60	15.00	63
	6	1	20	4	3	0.20	
		2	6	0	70	17.50	73
	7	1	20	4	3	0.20	
		2	4	0	80	20.00	83
	8	1	20	4	3	0.20	
		2	4	0	100	25.00	103
	Over 8	1	20	4	3	0.20	
		2	4	0	110	27.50	113
22	½	1	22	6	3	0.20	
		2	6	0	6	1.00	9
	1	1	22	6	3	0.20	
		2	6	0	6	1.00	9
	1½	1	22	6	3	0.20	
		2	6	0	13	2.20	16
	2	1	22	6	3	0.20	
		2	6	0	21	3.50	24
	3	1	22	6	3	0.20	
		2	6	0	35	5.85	38
	4	1	22	6	3	0.20	
		2	6	0	65	10.83	68
	5	1	22	6	3	0.20	
		2	6	0	90	15.00	93
	6	1	22	6	3	0.20	
		2	6	0	100	16.67	103
	7	1	22	6	3	0.20	
		2	6	0	110	18.35	113
	8	1	22	6	3	0.20	
		2	6	0	125	20.80	128
	Over 8	1	22	6	3	0.20	
		2	6	0	130	21.70	
24	½	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	4	1.00	11
	1	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	5	1.25	12
	1½	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	16	4.00	23
	2	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	20	5.00	27
	3	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	45	11.25	52
	4	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	85	21.25	92
	5	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	110	27.50	117
	6	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	115	28.80	122
	7	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	120	30.00	127
	8	1	24	8	3	0.20	
		2	8	4	4	1.00	
		3	4	0	130	32.50	137
	Over 8	1	24	8	3	0.20	
		2	8	4	8	2.00	
		3	4	0	140	35.00	151

DECOMPRESSION TABLE No. 2—Continued

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period hours	Stage No	Decompression data: Pressure reduction P.s.i.g. From	To	Time in stage minutes	Pressure reduction rate Min/pound	Total time decompress minutes
26	½	1	26	10	3	0.20	
		2	10	4	6	1.00	
		3	4	0	4	1.00	13
	1	1	26	10	3	0.20	
		2	10	4	6	1.00	
		3	4	0	5	1.25	14
	1½	1	26	10	3	0.20	
		2	10	4	6	1.00	
		3	4	0	20	5.00	29
	2	1	26	10	3	0.20	
		2	10	4	6	1.00	
		3	4	0	25	6.25	34
	3	1	26	10	3	0.20	
		2	10	4	6	1.00	
		3	4	0	60	15.00	69
	4	1	26	10	3	0.20	
		2	10	4	6	1.00	
		3	4	0	95	23.75	104
	5	1	26	10	3	0.20	
		2	10	4	8	1.33	
		3	4	0	115	28.80	126
	6	1	26	10	3	0.20	
		2	10	4	8	1.33	
		3	4	0	130	32.50	141
	7	1	26	10	3	2.20	
		2	10	4	9	1.50	
		3	4	0	130	32.50	142
	8	1	26	10	3	0.20	
		2	10	4	9	1.50	
		3	4	0	130	32.50	142
	Over 8	1	26	10	3	0.20	
		2	10	4	30	5.00	
		3	4	0	130	32.50	163
28	½	1	28	12	3	0.20	
		2	12	4	8	1.00	
		3	4	0	4	1.00	15
	1	1	28	12	3	0.20	
		2	12	4	8	1.00	
		3	4	0	12	3.00	23
	1½	1	28	12	3	0.20	
		2	12	4	8	1.00	
		3	4	0	20	5.00	31
	2	1	28	12	3	0.20	
		2	12	4	8	1.00	
		3	4	0	30	7.50	41
	3	1	28	12	3	0.20	
		2	12	4	10	1.25	
		3	4	0	85	21.20	98
	4	1	28	12	3	0.20	
		2	12	4	14	1.75	
		3	4	0	110	27.50	127
	5	1	28	12	3	0.20	
		2	12	4	20	2.50	
		3	4	0	120	30.00	143
	6	1	28	12	3	0.20	
		2	12	4	20	2.50	
		3	4	0	130	32.50	153
	7	1	28	12	3	0.20	
		2	12	4	20	2.50	
		3	4	0	120	32.50	153
	8	1	28	12	3	0.20	
		2	12	4	32	4.00	
		3	4	0	130	32.50	165
	Over 8	1	28	12	3	0.20	
		2	12	4	50	6.25	
		3	4	0	130	32.50	183
30	½	1	30	14	3	0.20	
		2	14	4	10	1.00	
		3	4	0	4	1.00	17
	1	1	30	14	3	0.20	
		2	14	4	10	1.00	
		3	4	0	15	3.75	28
	1½	1	30	14	3	0.20	
		2	14	4	10	1.00	
		3	4	0	25	6.25	38
	2	1	30	14	3	0.20	
		2	14	4	14	1.40	
		3	4	0	45	11.25	62
	3	1	30	14	3	0.20	

DECOMPRESSION TABLE No. 2—Continued

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period hours	Stage No	Decompression data: Pressure reduction P.s.i.g. From	To	Time in stage minutes	Pressure reduction rate Min/pound	Total time decompress minutes
		2	14	4	17	1.70	
		3	4	0	85	21.20	105
	4	1	30	14	3	0.20	
		2	14	4	30	3.00	
		3	4	0	110	27.50	143
	5	1	30	14	3	0.20	
		2	14	4	35	3.50	
		3	4	0	130	32.50	165
	6	1	30	14	3	0.20	
		2	14	4	35	3.50	
		3	4	0	130	32.50	168
	7	1	30	14	3	0.20	
		2	14	4	45	4.50	
		3	4	0	130	32.50	178
	8	1	30	14	3	0.20	
		2	14	4	55	5.50	
		3	4	0	130	32.50	188
	Over 8	1	30	14	3	0.20	
		2	14	4	71	7.10	
		3	4	0	130	32.50	204
32	½	1	32	16	3	0.20	
		2	16	4	12	1.00	
		3	4	0	4	1.00	19
	1	1	32	16	3	0.20	
		2	16	4	12	1.00	
		3	4	0	20	5.00	35
	1½	1	32	16	3	0.20	
		2	16	4	15	1.25	
		3	4	0	25	6.25	43
	2	1	32	16	3	0.20	
		2	16	4	22	1.83	
		3	4	0	60	15.00	85
	3	1	32	16	3	0.20	
		2	16	4	28	2.33	
		3	4	0	95	23.75	126
	4	1	32	16	3	0.20	
		2	16	4	40	3.33	
		3	4	0	120	30.00	163
	5	1	32	16	3	0.20	
		2	16	4	45	3.75	
		3	4	0	130	32.50	178
	6	1	32	16	3	0.20	
		2	16	4	60	5.00	
		3	4	0	130	32.50	193
	7	1	32	16	3	0.20	
		2	16	4	70	5.83	
		3	4	0	130	32.50	203
	8	1	32	16	3	0.20	
		2	16	4	80	6.67	
		3	4	0	130	32.50	213
	Over 8	1	32	16	3	0.20	
		2	16	4	93	7.75	
		3	4	0	130	32.50	226
34	½	1	34	18	3	0.20	
		2	18	4	14	1.00	
		3	4	0	4	1.00	21
	1	1	34	18	3	0.20	
		2	18	4	14	1.00	
		3	4	0	22	5.50	39
	1½	1	34	18	3	0.20	
		2	18	4	25	1.80	
		3	4	0	30	7.50	58
	2	1	34	18	3	0.20	
		2	18	4	35	2.50	
		3	4	0	60	15.00	98
	3	1	34	18	3	0.20	
		2	18	4	43	3.10	
		3	4	0	105	26.25	151
	4	1	34	18	3	0.20	
		2	18	4	55	3.93	
		3	4	0	120	30.00	178
	5	1	34	18	3	0.20	
		2	18	4	62	4.43	
		3	4	0	130	32.50	195
	6	1	34	18	3	0.20	
		2	18	4	85	6.07	
		3	4	0	130	32.50	218
	7	1	34	18	3	0.20	
		2	18	4	90	6.43	

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DECOMPRESSION TABLE NO. 2—Continued

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period hours	Decompression data: Stage No	Pressure reduction P.s.i.g. From	To	Time in stage minutes	Pressure reduction rate Min/pound	Total time decompress minutes
		3	4	0	130	32.50	223
	8	1	34	18	3	0.20	
		2	18	4	100	7.15	
		3	4	0	130	32.50	233
	Over 8	1	34	18	3	0.20	
		2	18	4	115	8.23	
		3	4	0	130	32.50	246
36	½	1	36	20	3	0.20	
		2	20	4	16	1.00	
		3	4	0	5	1.25	24
	1	1	36	20	3	0.20	
		2	20	4	16	1.00	
		3	4	0	25	6.25	44
	1½	1	36	20	3	0.20	
		2	20	4	30	1.88	
		3	4	0	30	7.50	63
	2	1	36	20	3	0.20	
		2	20	4	40	2.50	
		3	4	0	70	17.50	113
	3	1	36	20	3	0.20	
		2	20	4	52	3.25	
		3	4	0	115	28.75	170
	4	1	36	20	3	0.20	
		2	20	4	65	4.06	
		3	4	0	130	32.50	196
	5	1	36	20	3	0.20	
		2	20	4	90	5.63	
		3	4	0	130	32.50	223
	6	1	36	20	3	0.20	
		2	20	4	100	6.25	
		3	4	0	130	32.50	233
	7	1	36	20	3	0.20	
		2	20	4	110	6.88	
		3	4	0	130	32.50	243
	8	1	36	20	3	0.20	
		2	20	4	120	7.50	
		3	4	0	130	32.50	253
	Over 8	1	36	20	3	0.20	
		2	20	4	140	8.75	
		3	4	0	130	32.50	273
38	½	1	38	22	3	0.20	
		2	22	6	16	1.00	
		3	6	0	9	1.50	28
	1	1	38	22	3	0.20	
		2	22	6	16	1.00	
		3	6	0	30	5.00	49
	1½	1	38	22	3	0.20	
		2	22	6	20	1.25	
		3	6	0	50	6.34	73
	2	1	38	22	3	0.20	
		2	22	6	30	1.88	
		3	6	0	95	15.83	128
	3	1	38	22	3	0.20	
		2	22	6	35	2.19	
		3	6	0	140	23.35	178
	4	1	38	22	3	0.20	
		2	22	6	50	3.12	
		3	6	0	150	25.00	203
	5	1	38	22	3	0.20	
		2	22	6	55	3.44	
		3	6	0	165	27.50	223
	6	1	38	22	3	0.20	
		2	22	6	70	4.38	
		3	6	0	165	27.50	238
	7	1	38	22	3	0.20	
		2	22	6	85	5.32	
		3	6	0	165	27.50	253
	8	1	38	22	3	0.20	
		2	22	6	95	5.93	
		3	6	0	165	27.50	263
	Over 8	1	38	22	3	0.20	
		2	22	6	110	6.88	
		3	6	0	165	27.50	276
40	½	1	40	24	3	0.20	
		2	24	6	16	1.00	
		3	6	4	4	1.00	
		4	4	0	6	2.00	31
	1	1	40	24	3	0.20	
		2	24	6	16	1.00	

DECOMPRESSION TABLE NO. 2—Continued

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period hours	Decompression data: Stage No	Pressure reduction P.s.i.g. From	To	Time in stage minutes	Pressure reduction rate Min/pound	Total time decompress minutes
		3	8	4	5	1.25	
		4	4	0	25	6.25	49
	1½	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	20	5.00	
		4	4	0	45	11.25	84
	2	2	40	24	3	0.20	
		1	24	8	25	1.56	
		3	8	4	20	5.00	
		4	4	0	95	23.75	143
	3	1	40	24	3	0.20	
		2	24	8	30	1.88	
		3	8	4	30	7.50	
		4	4	0	120	30.00	183
	4	1	40	24	3	0.20	
		2	24	8	45	2.81	
		3	8	4	35	8.75	
		4	4	0	130	32.50	213
	5	1	40	24	3	0.20	
		2	24	8	47	2.94	
		3	8	4	53	13.25	
		4	4	0	130	32.50	233
	6	1	40	24	3	0.20	
		2	24	8	55	3.44	
		3	8	4	60	15.00	
		4	4	0	130	32.50	248
	7	1	40	24	3	0.20	
		2	24	8	65	4.06	
		3	8	4	60	15.00	
		4	4	0	130	32.50	256
	8	1	40	24	3	0.20	
		2	24	8	75	4.70	
		3	8	4	60	15.00	
		4	4	0	130	32.50	268
	Over 8	1	40	24	3	0.20	
		2	24	8	95	5.93	
		3	8	4	60	15.00	
		4	4	0	130	32.50	288
42	½	1	42	26	3	0.20	
		2	26	10	16	1.00	
		3	10	4	6	1.00	
		4	4	0	12	3.00	37
	1	1	42	26	3	0.20	
		2	26	10	16	1.00	
		3	10	4	12	2.00	
		4	4	0	25	6.25	56
	1½	1	42	26	3	0.20	
		2	26	10	16	1.00	
		3	10	4	23	3.83	
		4	4	0	60	15.00	102
	2	1	42	26	3	0.20	
		2	26	10	16	1.00	
		3	10	4	30	5.00	
		4	4	0	95	23.75	144
	3	1	42	26	3	0.20	
		2	26	10	16	1.00	
		3	10	4	50	6.34	
		4	4	0	120	30.00	189
	4	1	42	26	3	0.20	
		2	26	10	17	1.06	
		3	10	4	65	10.83	
		4	4	0	130	32.50	215
	5	1	42	26	3	0.20	
		2	26	10	27	1.69	
		3	10	4	85	14.18	
		4	4	0	130	32.50	245
	6	1	42	26	3	0.20	
		2	26	10	27	1.69	
		3	10	4	100	16.67	
		4	4	0	130	32.50	260
	7	1	42	26	3	0.20	
		2	26	10	30	1.88	
		3	10	4	100	16.67	
		4	4	0	130	32.50	263
	8	1	42	26	3	0.20	
		2	26	10	35	2.19	
		3	10	4	100	16.67	
		4	4	0	130	32.50	268
	Over 8	1	42	26	3	0.20	
		2	26	10	60	3.75	

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DECOMPRESSION TABLE NO. 2—Continued

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period hours	Decompression data					
		Stage No	Pressure reduction P.s.i.g. From	To	Time in stage minutes	Pressure reduction rate Min/pound	Total time decompress minutes
		3	10	4	100	16.67	
		4	4	0	130	32.50	293
44	½	1	44	28	3	0.20	
		2	28	12	18	1.00	
		3	12	4	8	1.00	
		4	4	0	16	4.00	43
	1	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	20	2.50	
		4	4	0	25	6.25	64
	1½	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	27	3.38	
		4	4	0	72	18.00	118
	2	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	40	5.00	
		4	4	0	95	23.75	154
	3	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	60	7.50	
		4	4	0	120	30.00	199
	4	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	85	10.62	
		4	4	0	130	32.50	234
	5	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	105	13.13	
		4	4	0	130	32.50	254
	6	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	115	14.38	
		4	4	0	130	32.50	264
	7	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	120	15.00	
		4	4	0	130	32.50	269
	8	1	44	28	3	0.20	
		2	28	12	16	1.00	
		3	12	4	120	15.00	
		4	4	0	130	32.50	269
	Over 8	1	44	28	3	0.20	
		2	28	12	40	2.50	
		3	12	4	120	15.00	
		4	4	0	130	32.50	293
46	½	1	46	30	3	0.20	
		2	30	14	18	1.00	
		3	14	4	10	1.00	
		4	4	0	15	3.75	44
	1	1	46	30	3	0.20	
		2	30	14	18	1.00	
		3	14	4	25	2.50	
		4	4	0	30	7.50	74
	1½	1	46	30	3	0.20	
		2	30	14	18	1.00	
		3	14	4	35	3.50	
		4	4	0	85	21.20	139
	2	1	46	30	3	0.20	
		2	30	14	18	1.00	
		3	14	4	47	4.70	
		4	4	0	105	26.25	171
	3	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	65	6.50	
		4	4	0	130	32.50	214
	4	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	95	9.50	
		4	4	0	130	32.50	244
	5	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	120	12.00	
		4	4	0	130	32.50	269
	6	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	125	12.50	
		4	4	0	130	32.50	274
	7	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	140	14.00	

DECOMPRESSION TABLE NO. 2—Continued

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period hours	Decompression data					
		Stage No	Pressure reduction P.s.i.g. From	To	Time in stage minutes	Pressure reduction rate Min/pound	Total time decompress minutes
		4	4	0	130	32.50	289
	8	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	150	15.00	
		4	4	0	130	32.50	299
	Over 8	1	46	30	3	0.20	
		2	30	14	25	1.56	
		3	14	4	160	16.00	
		4	4	0	130	32.50	318
48	½	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	12	1.00	
		4	4	0	20	5.00	51
	1	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	35	2.92	
		4	4	0	35	8.75	89
	1½	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	45	3.75	
		4	4	0	50	20.00	144
	2	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	60	5.00	
		4	4	0	110	27.50	189
	3	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	90	7.50	
		4	4	0	120	30.00	229
	4	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	120	10.00	
		4	4	0	130	32.50	269
	5	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	140	11.67	
		4	4	0	130	32.50	299
	6	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	160	13.33	
		4	4	0	130	32.50	309
	7	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	170	14.17	
		4	4	0	130	32.50	319
	8	1	48	32	3	0.20	
		2	32	16	16	1.00	
		3	16	4	170	14.17	
		4	4	0	130	32.50	319
50	½	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	14	1.00	
		4	4	0	25	8.25	58
	1	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	40	2.86	
		4	4	0	35	8.75	94
	1½	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	55	3.93	
		4	4	0	90	22.50	164

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DECOMPRESSION TABLE No. 2—Continued

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period hours	Decompression data					
		Stage No	Pressure reduction P.s.i.g. From	Pressure reduction P.s.i.g. To	Time in stage minutes	Pressure reduction rate Min/pound	Total time decompress minutes
	2	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	70	5.00	
		4	4	0	120	30.00	209
	3	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	100	7.15	
		4	4	0	130	32.50	249
	4	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	130	8.58	
		4	4	0	130	32.50	279
	5	1	50	34	3	0.20	
		2	34	18	18	1.00	
		3	18	4	160	11.42	
		4	4	0	130	32.50	309
	6	1	50	34	3	0.20	
		2	34	18	18	1.00	
		3	18	4	180	12.85	
		4	4	0	130	32.50	329

Subpart T—Demolition

Sec.
1926.850 Preparatory operations.
1926.851 Stairs, passageways, and ladders.
1926.852 Chutes.
1926.853 Removal of materials through floor openings.
1926.854 Removal of walls, masonry sections, and chimneys.
1926.855 Manual removal of floors.
1926.856 Removal of walls, floors, and material with equipment.
1926.857 Storage.
1926.858 Removal of steel construction.
1926.859 Mechanical demolition.
1926.860 Selective demolition by explosives.

§ 1926.850 Preparatory operations.

(a) Prior to permitting employees to start demolition operations, an engineering survey shall be made, by a competent person, of the structure to determine the condition of the framing, floors, and walls, and possibility of unplanned collapse of any portion of the structure. Any adjacent structure where employees may be exposed shall also be similarly checked. The employer shall have in writing evidence that such a survey has been performed.

(b) When employees are required to work within a structure to be demolished which has been damaged by fire, flood, explosion, or other cause, the walls or floor shall be shored or braced.

(c) All electric, gas, water, steam, sewer, and other service lines shall be shut off, capped, or otherwise controlled, outside the building line before demolition work is started. In each case, any utility company which is involved shall be notified in advance.

(d) If it is necessary to maintain any power, water or other utilities during demolition, such lines shall be temporarily relocated, as necessary, and protected.

(e) It shall also be determined if any type of hazardous chemicals, gases, explosives, flammable materials, or similarly dangerous substances have been used in any pipes, tanks, or other equipment on the property. When the presence of any such substances is apparent or suspected, testing and purging shall be performed and the hazard eliminated before demolition is started.

(f) Where a hazard exists from fragmentation of glass, such hazards shall be removed.

(g) Where a hazard exists to employees falling through wall openings, the opening shall be protected to a height of approximately 42 inches.

(h) When debris is dropped through holes in the floor without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than 42 inches high and not less than 6 feet

back from the projected edge of the opening above. Signs, warning of the hazard of falling materials, shall be posted at each level. Removal shall not be permitted in this lower area until debris handling ceases above.

(i) All floor openings, not used as material drops, shall be covered over with material substantial enough to support the weight of any load which may be imposed. Such material shall be properly secured to prevent its accidental movement.

(j) Except for the cutting of holes in floors for chutes, holes through which to drop materials, preparation of storage space, and similar necessary preparatory work, the demolition of exterior walls and floor construction shall begin at the top of the structure and proceed downward. Each story of exterior wall and floor construction shall be removed and dropped into the storage space before commencing the removal of exterior walls and floors in the story next below.

(k) Employee entrances to multistory structures being demolished shall be completely protected by sidewalk sheds or canopies, or both, providing protection from the face of the building for a minimum of 8 feet. All such canopies shall be at least 2 feet wider than the building entrances or openings (1 foot wider on each side thereof), and shall be capable of sustaining a load of 150 pounds per square foot.

§ 1926.851 Stairs, passageways, and ladders.

(a) Only those stairways, passageways, and ladders, designated as means of access to the structure of a building, shall be used. Other access ways shall be entirely closed at all times.

(b) All stairs, passageways, ladders and incidental equipment thereto, which are covered by this section, shall be periodically inspected and maintained in a clean safe condition.

(c) In a multistory building, when a stairwell is being used, it shall be properly illuminated by either natural or artificial means, and completely and substantially covered over at a point not less than two floors below the floor on which work is being performed, and access to the floor where the work is in progress shall be through a properly lighted, protected, and separate passageway.

§ 1926.852 Chutes.

(a) No material shall be dropped to any point lying outside the exterior walls of the structure unless the area is effectively protected.

(b) All materials chutes, or sections thereof, at an angle of more than 45° from the horizontal, shall be entirely enclosed, except for openings equipped with closures at or about floor level for the insertion of materials. The openings shall not exceed 48 inches in height measured along the wall of the chute. At all stories below the top floor, such openings shall be kept closed when not in use.

(c) A substantial gate shall be installed in each chute at or near the discharge end. A competent employee shall be assigned to control the operation of the gate, and the backing and loading of trucks.

(d) When operations are not in progress, the area surrounding the discharge end of a chute shall be securely closed off.

(e) Any chute opening, into which workmen dump debris, shall be protected by a substantial guardrail approximately 42 inches above the floor or other surface on which the men stand to dump the material. Any space between the chute and the edge of openings in the floors through which it passes shall be solidly covered over.

(f) Where the material is dumped from mechanical equipment or wheelbarrows, a securely attached toeboard or bumper, not less than 4 inches thick and 6 inches high, shall be provided at each chute opening.

(g) Chutes shall be designed and constructed of such strength as to eliminate failure due to impact of materials or debris loaded therein.

§ 1926.853 Removal of materials through floor openings.

Any openings cut in a floor for the disposal of materials shall be no larger in size than 25 percent of the aggregate of the total floor area, unless the lateral supports of the removed flooring remain in place. Floors weakened or otherwise made unsafe by demolition operations shall be shored to carry safely the intended imposed load from demolition operations.

§ 1926.854 Removal of walls, masonry sections, and chimneys.

(a) Masonry walls, or other sections of masonry, shall not be permitted to fall upon the floors of the building in such masses as to exceed the safe carrying capacities of the floors.

(b) No wall section, which is more than one story in height, shall be permitted to stand alone without lateral bracing, unless such wall was originally designed and constructed to stand without such lateral support, and is in a condition safe enough to be self-supporting. All walls shall be left in a stable condition at the end of each shift.

(c) Employees shall not be permitted to work on the top of a wall when weather conditions constitute a hazard.

(d) Structural or load-supporting members on any floor shall not be cut or removed until all stories above such a floor have been demolished and removed. This provision shall not prohibit the cutting of floor beams for the disposal of materials or for the installation of equipment, provided that the requirements of §§ 1926.853 and 1926.855 are met.

(e) Floor openings within 10 feet of any wall being demolished shall be planked solid, except when employees are kept out of the area below.

(f) In buildings of "skeleton-steel" construction, the steel framing may be left in place during the demolition of masonry. Where this is done, all steel beams, girders, and similar structural supports shall be cleared of all loose material as the masonry demolition progresses downward.

(g) Walkways or ladders shall be provided to enable employees to safely reach or leave any scaffold or wall.

(h) Walls, which serve as retaining walls to support earth or adjoining structures, shall not be demolished until such earth has been properly braced or adjoining structures have been properly underpinned.

(i) Walls, which are to serve as retaining walls against which debris will be piled, shall not be so used unless capable of safely supporting the imposed load.

§ 1926.855 Manual removal of floors.

(a) Openings cut in a floor shall extend the full span of the arch between supports.

(b) Before demolishing any floor arch, debris and other material shall be removed from such arch and other adjacent floor area. Planks not less than 2 inches by 10 inches in cross section, full size undressed, shall be provided for, and shall be used by employees to stand on while breaking down floor arches between beams. Such planks shall be so located as to provide a safe support for the workmen should the arch between the beams collapse. The open space between planks shall not exceed 16 inches.

(c) Safe walkways, not less than 18 inches wide, formed of planks not less than 2 inches thick if wood, or of equivalent strength if metal, shall be provided and used by workmen when necessary to enable them to reach any point without walking upon exposed beams.

(d) Stringers of ample strength shall be installed to support the flooring planks, and the ends of such stringers shall be supported by floor beams or girders, and not by floor arches alone.

(e) Planks shall be laid together over solid bearings with the ends overlapping at least 1 foot.

(f) When floor arches are being removed, employees shall not be allowed in the area directly underneath, and

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such an area shall be barricaded to prevent access to it.

(g) Demolition of floor arches shall not be started until they, and the surrounding floor area for a distance of 20 feet, have been cleared of debris and any other unnecessary materials.

§ 1926.856 Removal of walls, floors, and material with equipment.

(a) Mechanical equipment shall not be used on floors or working surfaces unless such floors or surfaces are of sufficient strength to support the imposed load.

(b) Floor openings shall have curbs or stop-logs to prevent equipment from running over the edge.

(c) Mechanical equipment used shall meet the requirements specified in Subparts N and O of this part.

§ 1926.857 Storage.

(a) The storage of waste material and debris on any floor shall not exceed the allowable floor loads.

(b) In buildings having wooden floor construction, the flooring boards may be removed from not more than one floor above grade to provide storage space for debris, provided falling material is not permitted to endanger the stability of the structure.

(c) When wood floor beams serve to brace interior walls or free-standing exterior walls, such beams shall be left in place until other equivalent support can be installed to replace them.

(d) Floor arches, to an elevation of not more than 25 feet above grade, may be removed to provide storage area for debris: *Provided,* That such removal does not endanger the stability of the structure.

(e) Storage space into which material is dumped shall be blocked off, except for openings necessary for the removal of material. Such openings shall be kept closed at all times when material is not being removed.

§ 1926.858 Removal of steel construction.

(a) When floor arches have been removed, planking in accordance with § 1926.855(b) shall be provided for the workers engaged in razing the steel framing.

(b) Cranes, derricks, and other hoisting equipment used shall meet the requirements specified in Subpart N of this part.

(c) Steel construction shall be dismantled column length by column length, and tier by tier (columns may be in two-story lengths).

(d) Any structural member being dismembered shall not be overstressed.

§ 1926.859 Mechanical demolition.

(a) No workers shall be permitted in any area, which can be adversely affected by demolition operations, when balling or clamming is being performed. Only those workers necessary for the performance of the operations shall be permitted in this area at any other time.

(b) The weight of the demolition ball shall not exceed 50 percent of the crane's rated load, based on the length of the boom and the maximum angle of operation at which the demolition ball will be used, or it shall not exceed 25 percent of the nominal breaking strength of the line by which it is suspended, whichever results in a lesser value.

(c) The crane boom and loadline shall be as short as possible.

(d) The ball shall be attached to the loadline with a swivel-type connection to prevent twisting of the loadline, and shall be attached by positive means in such manner that the weight cannot become accidentally disconnected.

(e) When pulling over walls or portions thereof, all steel members affected shall have been previously cut free.

(f) All roof cornices or other such ornamental stonework shall be removed prior to pulling walls over.

(g) During demoliton, continuing inspections by a competent person shall be made as the work progresses to detect hazards resulting from weakened or deteriorated floors, or walls, or loosened material. No employee shall be permitted to work where such hazards exist until they are corrected by shoring, bracing, or other effective means.

§ 1926.860 Selective demolition by explosives.

Selective demolition by explosives shall be conducted in accordance with the applicable sections of Subpart U of this part.

Subpart U—Blasting and the Use of Explosives[1]

Sec.

1926.900 General provisions.
1910.109 Explosives and blasting agents.
1926.901 Blaster qualifications.
1926.902 Surface transportation of explosives.
1926.903 Underground transportation of explosives.
1926.904 Storage of explosives and blasting agents.
1926.905 Loading of explosives or blasting agents.
1910.109 Explosives and blasting agents.
1926.906 Initiation of explosive charges—electric blasting.
1926.907 Use of safety fuse.
1926.908 Use of detonating cord.
1926.909 Firing the blast.
1926.910 Inspection after blasting.
1926.911 Misfires.
1926.912 Underwater blasting.
1926.913 Blasting in excavation work under compressed air.
1926.914 Definitions applicable to this subpart.

§ 1926.900 General provisions.

(a) The employer shall permit only authorized and qualified persons to handle and use explosives.

(b) Smoking, firearms, matches, open flame lamps, and other fires, flame or heat producing devices and sparks shall be prohibited in or near explosive magazines or while explosives are being handled, transported or used.

(c) No person shall be allowed to handle or use explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs.

(d) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives. Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(e) No explosives or blasting agents shall be abandoned.

(f) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(g) Original containers, or Class II magazines, shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(h) When blasting is done in congested areas or in proximity to a structure, railway, or highway, or any other installation that may be damaged, the blaster shall take special precautions in the loading, delaying, initiation, and confinement of each blast with mats or other methods so as to control the throw of fragments, and thus prevent bodily injury to employees.

(i) Employees authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution including, but not limited to, visual and audible warning signals, flags, or barricades, to ensure employee safety.

(j) Insofar as possible, blasting operations above ground shall be conducted between sunup and sundown.

(k) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(1) Detonators shall be short-circuited in holes which have been primed and shunted until wired into the blasting circuit.

[1] Portions of the listed Part 1910 standards have been identified as applicable to construction.

(2) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm;

(3) (i) The prominent display of adequate signs, warning against the use of mobile radio transmitters, on all roads within 1,000 feet of blasting operations. Whenever adherence to the 1,000-foot distance would create an operational handicap, a competent person shall be consulted to evaluate the particular situation, and alternative provisions may be made which are adequately designed to prevent any premature firing of electric blasting caps. A description of any such alternatives shall be reduced to writing and shall be certified as meeting the purposes of this subdivision by the competent person consulted. The description shall be maintained at the construction site during the duration of the work, and shall be available for inspection by representatives of the Secretary of Labor.

(ii) Specimens of signs which would meet the requirements of subdivision (i) of this subparagraph (3) are the following:



About 48" x 48"



About 42" x 36"

(4) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, in other than original containers, shall be deenergized and effectively locked;

(5) Compliance with the recommendations of The Institute of the Makers of Explosives with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps, IME Publication No. 20, March 1971.

(l) Empty boxes and paper and fiber packing materials, which have previously contained high explosives, shall not be used again for any purpose, but shall be destroyed by burning at an approved location.

(m) Explosives, blasting agents, and blasting supplies that are obviously deteriorated or damaged shall not be used.

(n) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling areas.

(o) Blasting operations in the proximity of overhead power lines, communication lines, utility services, or other services and structures shall not be carried on until the operators and/or owners have been notified and measures for safe control have been taken.

(p) The use of black powder shall be prohibited.

(q) All loading and firing shall be directed and supervised by competent persons thoroughly experienced in this field.

(r) All blasts shall be fired electrically with an electric blasting machine or properly designed electric power source, except as provided in § 1926.906 (a) and (r).

The following requirements from 29 CFR Part 1910 (General Industry) habe been identified as applicable to construction (29 CFR 1916.900 *General provisions* (Explosives and Blasting Agents)).

§ 1910.109 Explosives and blasting agents.

* * * * *

(g) * * *

(2) * * *

(ii) Buildings used for the mixing of blasting agents shall conform to the requirements of this section.

(*a*) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(*b*) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(*c*) All fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.

(*d*) The building shall be well ventilated.

(*e*) Heating units which do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be provided exclusively from units located outside the mixing building.

(*f*) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a firewall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

* * * * *

(h) * * *

(3) * * *

(ii) Buildings used for the mixing of water gels shall conform to the requirements of this subdivision.

(*a*) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(*b*) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(*c*) Where fuel oil is used all fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.

(*d*) The building shall be well ventilated.

(*e*) Heating units that do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be provided exclusively from units located outside of the mixing building.

(*f*) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a firewall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

* * * * *

§ 1926.901 Blaster qualifications.

(a) A blaster shall be able to understand and give written and oral orders.

(b) A blaster shall be in good physical condition and not be addicted to narcotics, intoxicants, or similar types of drugs.

(c) A blaster shall be qualified, by reason of training, knowledge, or experience, in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of State and local laws and regulations which pertain to explosives.

(d) Blasters shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required.

(e) The blaster shall be knowledgeable and competent in the use of each type of blasting method used.

§ 1926.902 Surface transportation of explosives.

(a) Transportation of explosives shall meet the provisions of Department of Transportation regulations contained in 14 CFR Part 103, Air Transportation; 46 CFR Parts 146-149, Water Carriers; 49 CFR Parts 171-179, Highways and Railways; 49 CFR Part 180, Pipelines; and 49 CFR Parts 390-397, Motor Carriers.

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(b) Motor vehicles or conveyances transporting explosives shall only be driven by, and be in the charge of, a licensed driver who is physically fit. He shall be familiar with the local, State, and Federal regulation governing the transportation of explosives.

(c) No person shall smoke, or carry matches or any other flame-producing device, nor shall firearms or loaded cartridges be carried while in or near a motor vehicle or conveyance transporting explosives.

(d) Explosives, blasting agents, and blasting supplies shall not be transported with other materials or cargoes. Blasting caps (including electric) shall not be transported in the same vehicle with other explosives.

(e) Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty, and shall be in good mechanical condition.

(f) When explosives are transported by a vehicle with an open body, a Class II magazine or original manufacturer's container shall be securely mounted on the bed to contain the cargo.

(g) All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood, or other nonsparking material, to prevent contact with containers of explosives.

(h) Every motor vehicle or conveyance used for transporting explosives shall be marked or placarded on both sides, the front, and the rear with the word "Explosives" in red letters, not less than 4 inches in height, on white background. In addition to such marking or placarding, the motor vehicle or conveyance may display, in such a manner that it will be readily visible from all directions, a red flag 18 inches by 30 inches, with the word "Explosives" painted, stamped, or sewed thereon, in white letters, at least 6 inches in height.

(i) Each vehicle used for transportation of explosives shall be equipped with a fully charged fire extinguisher, in good condition. An Underwriters' Laboratory-approved extinguisher of not less than 10-ABC rating will meet the minimum requirement. The driver shall be trained in the use of the extinguisher on his vehicle.

(j) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(k) No motor vehicle transporting explosives shall be left unattended.

§ 1926.903 Underground transportation of explosives.

(a) All explosives or blasting agents in transit underground shall be taken to the place of use or storage without delay.

(b) The quantity of explosives or blasting agents taken to an underground loading area shall not exceed the amount estimated to be necessary for the blast.

(c) Explosives in transit shall not be left unattended.

(d) The hoist operator shall be notified before explosives or blasting agents are transported in a shaft conveyance.

(e) Trucks used for the transportation of explosives underground shall have the electrical system checked weekly to detect any failures which may constitute an electrical hazard. A written record of such inspections shall be kept on file.

(f) The installation of auxiliary lights on truck beds, which are powered by the truck's electrical system, shall be prohibited.

(g) Explosives and blasting agents shall be hoisted, lowered, or conveyed in a powder car. No other materials, supplies, or equipment shall be transported in the same conveyance at the same time.

(h) No one, except the operator, his helper, and the powderman, shall be permitted to ride on a conveyance transporting explosives and blasting agents.

(i) No person shall ride in any shaft conveyance transporting explosives and blasting agents.

(j) No explosives or blasting agents shall be transported on any locomotive. At least two car lengths shall separate the locomotive from the powder car.

(k) No explosives or blasting agents shall be transported on a man haul trip.

(l) The car or conveyance containing explosives or blasting agents shall be pulled, not pushed, whenever possible.

(m) The powder car or conveyance especially built for the purpose of transporting explosives or blasting agents shall bear a reflectorized sign on each side with the word "Explosives" in letters, not less than 4 inches in height; upon a background of sharply contrasting color.

(n) Compartments for transporting detonators and explosives in the same car or conveyance shall be physically separated by a distance of 24 inches or by a solid partition at least 6 inches thick.

(o) Detonators and other explosives shall not be transported at the same time in any shaft conveyance.

(p) Explosives, blasting agents, or blasting supplies shall not be transported with other materials.

(q) Explosives or blasting agents, not in original containers, shall be placed in a suitable container when transported manually.

(r) Detonators, primers, and other explosives shall be carried in separate containers when transported manually.

§ 1926.904 Storage of explosives and blasting agents.

(a) Explosives and related materials shall be stored in approved facilities required under the applicable provisions of the Internal Revenue Service regulations contained in 26 CFR 181, Commerce in Explosives.

(b) Blasting caps, electric blasting caps, detonating primers, and primed cartridges shall not be stored in the same magazine with other explosives or blasting agents.

(c) Smoking and open flames shall not be permitted within 50 feet of explosives and detonator storage magazine.

(d) No explosives or blasting agents shall be permanently stored in any underground operation until the operation has been developed to the point where at least two modes of exit have been provided.

(e) Permanent underground storage magazines shall be at least 300 feet from any shaft, adit, or active underground working area.

(f) Permanent underground magazines containing detonators shall not be located closer than 50 feet to any magazine containing other explosives or blasting agents.

§ 1926.905 Loading of explosives or blasting agents.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(c) Tamping shall be done only with wood rods or plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(g) No explosives or blasting agents shall be left unattended at the blast site.

(h) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes before explosives are delivered. Equipment shall not be operated within 50 feet of loaded holes.

(i) No activity of any nature other than that which is required for loading holes with explosives shall be permitted in a blast area.

(j) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out by the blaster.

(k) Holes shall be checked prior to loading to determine depth and conditions. Where a hole has been loaded with explosives but the explosives have failed to detonate, there shall be no drilling within 50 feet of the hole.

(l) When loading a long line of holes with more than one loading crew, the crews shall be separated by practical distance consistent with efficient operation and supervision of crews.

(m) No explosive shall be loaded or used underground in the presence of combustible gases or combustible dusts.

(n) No explosives other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

(o) All blast holes in open work shall be stemmed to the collar or to a point which will confine the charge.

(p) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background.

(q) A bore hole shall never be sprung when it is adjacent to or near a hole that is loaded. Flashlight batteries shall not be used for springing holes.

(r) Drill holes which have been sprung or chambered, and which are not water-filled, shall be allowed to cool before explosives are loaded.

(s) No loaded holes shall be left unattended or unprotected.

(t) The blaster shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

The following requirement from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.905 *Loading of explosives or blasting agents*), in accordance with the definition noted below.

§ 1910.109 Explosives and blasting agents.

(a) * * *

(12) *Semiconductive hose.* Semiconductive hose—a hose with an electrical resistance high enough to limit flow of stray electric currents to safe levels, yet not so high as to prevent drainage of static electric charges to ground; hose of not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

* * * * * * *

(e) * * *

(3) * * *

(iii) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

* * * * *

§ 1926.906 Initiation of explosive charges—electric blasting.

(a) Electric blasting caps shall not be used where sources of extraneous electricity make the use of electric blasting caps dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the blaster shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same style or function, and of the same manufacture.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations, or an approved contractor or his designated representative.

(e) When firing a circuit of electric blasting caps, care must be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(f) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity.

(g) Bus wires shall be solid single wires of sufficient current-carrying capacity.

(h) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(i) A power circuit used for firing electric blasting caps shall not be grounded.

(j) In underground operations when firing from a power circuit, a safety switch shall be placed in the permanent firing line at intervals. This switch shall be made so it can be locked only in the "Off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(k) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(l) When firing from a power circuit, the firing switch shall be locked in the open or "Off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "Off" position. Keys to this switch shall be entrusted only to the blaster.

(m) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(n) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(o) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(p) The blaster shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(q) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers equipped with a silver chloride cell especially designed for this purpose.

(r) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a nonelectric system shall be used.

(s) In electrical firing, only the man making leading wire connections shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(t) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

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§ 1926.907 Use of safety fuse.

(a) Safety fuse shall only be used where sources of extraneous electricity make the use of electric blasting caps dangerous. The use of a fuse that has been hammered or injured in any way shall be forbidden.

(b) The hanging of a fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and destroyed.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) No one shall be permitted to carry detonators or primers of any kind on his person.

(h) The minimum length of safety fuse to be used in blasting shall be as required by State law, but shall not be less than 30 inches.

(i) At least two men shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is forbidden.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

§ 1926.908 Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) The line of detonating cord extending out of a bore hole or from a charge shall be cut from supply spool before loading the remainder of the bore hole or placing additional charges.

(d) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(e) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(f) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(g) All detonating cord connections shall be inspected before firing the blast.

(h) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(i) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(j) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

§ 1926.909 Firing the blast.

(a) A code of blasting signals equivalent to Table U-1, shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(b) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(c) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(d) It shall be the duty of the blaster to fix the time of blasting.

(e) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

TABLE U-1

WARNING SIGNAL—A 1-minute series of long blasts 5 minutes prior to blast signal.
BLAST SIGNAL—A series of short blasts 1 minute prior to the shot.
ALL CLEAR SIGNAL—A prolonged blast following the inspection of blast area.

§ 1926.910 Inspection after blasting.

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, not less than 15 minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the blaster to determine if all charges have been exploded before employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

§ 1926.911 Misfires.

(a) If a misfire is found, the blaster shall provide proper safeguards for excluding all employees from the danger zone.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refiring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least 1 hour. Misfires shall be handled under the direction of the person in charge of the blasting. All wires shall be carefully traced and a search made for unexploded charges.

(e) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

§ 1926.912 Underwater blasting.

(a) A blaster shall conduct all blasting operations, and no shot shall be fired without his approval.

(b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant blasting caps and detonating cords shall be used for all marine blasting. Loading shall be done through a nonsparking metal loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any person is in the water.

(f) Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

(h) When more than one charge is placed under water, a float device shall be attached to an element of each charge in such manner that it will be released by the firing. Misfires shall be handled in accordance with the requirements of § 1926.911.

§ 1926.913 Blasting in excavation work under compressed air.

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chamber before the connecting wires are connected up.

(b) When detonators or explosives are brought into an air lock, no employee except the powderman, blaster, lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No other material, supplies, or equipment shall be locked through with the explosives.

(c) Detonators and explosives shall be taken separately into pressure working chambers.

(d) The blaster or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each low air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

§ 1926.914 Definitions applicable to this subpart.

(a) "American Table of Distances" (also known as Quantity Distance Tables) means American Table of Distances for Storage of Explosives as revised and approved by the Institute of the Makers of Explosives, June 5, 1964.

(b) "Approved storage facility"—A facility for the storage of explosive materials conforming to the requirements of this part and covered by a license or permit issued under authority of the Internal Revenue Service. (See 26 CFR Part 181.)

(c) "Blast area"—The area in which explosives loading and blasting operations are being conducted.

(d) "Blaster"—The person or persons authorized to use explosives for blasting purposes and meeting the qualifications contained in § 1926.901.

(e) "Blasting agent"—A blasting agent is any material or mixture consisting of a fuel and oxidizer used for blasting, but not classified an explosive and in which none of the ingredients is classified as an explosive provided the furnished (mixed) product cannot be detonated with a No. 8 test blasting cap when confined. A common blasting agent presently in use is a mixture of ammonium nitrate (NH_4NO_3) and carbonaceous combustibles, such as fuel oil or coal, and may either be procured, premixed and packaged from explosives companies or mixed in the field.

(f) "Blasting cap"—A metallic tube closed at one end, containing a charge of one or more detonating compounds, and designed for and capable of detonation from the sparks or flame from a safety fuse inserted and crimped into the open end.

(g) "Block holing"—The breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

(h) "Conveyance"—Any unit for transporting explosives or blasting agents, including but not limited to trucks, trailers, rail cars, barges, and vessels.

(i) "Detonating cord"—A flexible cord containing a center core of high explosives which when detonated, will have sufficient strength to detonate other cap-sensitive explosives with which it is in contact.

(j) "Detonator"—Blasting caps, electric blasting caps, delay electric blasting caps, and nonelectric delay blasting caps.

(k) "Electric blasting cap"—A blasting cap designed for and capable of detonation by means of an electric current.

(l) "Electric blasting circuitry"—(1) Bus wire. An expendable wire, used in parallel or series, in parallel circuits, to which are connected the leg wires of electric blasting caps.

(2) Connecting wire. An insulated expendable wire used between electric blasting caps and the leading wires or between the bus wire and the leading wires.

(3) Leading wire. An insulated wire used between the electric power source and the electric blasting cap circuit.

(4) Permanent blasting wire. A permanently mounted insulated wire used between the electric power source and the electric blasting cap circuit.

(m) "Electric delay blasting caps"—Caps designed to detonate at a predetermined period of time after energy is applied to the ignition system.

(n) "Explosives"—(1) Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the U.S. Department of Transportation.

(2) All material which is classified as Class A, Class B, and Class C Explosives by the U.S. Department of Transportation.

(3) Classification of explosives by the U.S. Department of Transportation is as follows:

Class A Explosives. Possessing detonating hazard, such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

Class B Explosives. Possessing flammable hazard, such as propellant explosives, including some smokeless propellants.

Class C Explosives. Include certain types of manufactured articles which contain Class A or Class B explosives, or both, as components, but in restricted quantities.

(o) "Fuse lighters"—Special devices for the purpose of igniting safety fuse.

(p) "Magazine"—Any building or structure, other than an explosives manufacturing building, used for the storage of explosives.

(q) "Misfire"—An explosive charge which failed to detonate.

(r) "Mud-capping" (sometimes known as bulldozing, adobe blasting, or dobying). The blasting of boulders by placing a quantity of explosives against a rock, boulder, or other object

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without confining the explosives in a drill hole.

(s) "Nonelectric delay blasting cap"—A blasting cap with an integral delay element in conjunction with and capable of being detonated by a detonation impulse or signal from miniaturized detonating cord.

(t) "Primary blasting"—The blasting operation by which the original rock formation is dislodged from its natural location.

Subpart V—Power Transmission and Distribution

Sec.

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§ 1926.950 General requirements.

(a) *Application.* The occupational safety and health standards contained in this Subpart V shall apply to the construction of electric transmission and distribution lines and equipment.

(1) As used in this Subpart V the term "construction" includes the erection of new electric transmission and distribution lines and equipment, and the alteration, conversion, and improvement of existing electric transmission and distribution lines and equipment.

(2) Existing electric transmission and distribution lines and electrical equipment need not be modified to conform to the requirements of applicable standards in this Subpart V, until such work as described in subparagraph (1) of this paragraph is to be performed on such lines or equipment.

(3) The standards set forth in this Subpart V provide minimum requirements for safety and health. Employers may require adherence to additional standards which are not in conflict with the standards contained in this Subpart V.

(b) *Initial inspections, tests, or determinations.* (1) Existing conditions shall be determined before starting work, by an inspection or a test. Such conditions shall include, but not be limited to, energized lines and equipment, conditions of poles, and the location of circuits and equipment, including power and communication lines, CATV and fire alarm circuits.

(2) Electric equipment and lines shall be considered energized until determined to be deenergized by tests or other appropriate methods or means.

(3) Operating voltage of equipment and lines shall be determined before working on or near energized parts.

(c) *Clearances.* The provisions of subparagraph (1) or (2) of this paragraph shall be observed.

(1) No employee shall be permitted to approach or take any conductive object without an approved insulating handle closer to exposed energized parts than shown in Table V-1, unless:

(i) The employee is insulated or guarded from the energized part (gloves or gloves with sleeves rated for the voltage involved shall be considered insulation of the employee from the energized part), or

(ii) The energized part is insulated or guarded from him and any other conductive object at a different potential, or

(iii) The employee is isolated, insulated, or guarded from any other conductive object(s), as during live-line bare-hand work.

(2) (i) The minimum working distance and minimum clear hot stick distances stated in Table V-1 shall not be violated. The minimum clear hot stick distance is that for the use of live-line tools held by linemen when performing live-line work.

(ii) Conductor support tools, such as link sticks, strain carriers, and insulator cradles, may be used: *Provided,* That the clear insulation is at least as long as the insulator string or the minimum distance specified in Table V-1 for the operating voltage.

TABLE V-1

ALTERNATING CURRENT—MINIMUM DISTANCES

Voltage range (phase to phase) kilovolt	*Minimum working and clear hot stick distance*
2.1 to 15	2 ft. 0 in.
15.1 to 35	2 ft. 4 in.
35.1 to 46	2 ft. 6 in.
46.1 to 72.5	3 ft. 0 in.
72.6 to 121	3 ft. 4 in.
138 to 145	3 ft. 6 in.
161 to 169	3 ft. 8 in.
230 to 242	5 ft. 0 in.
345 to 362	[1]7 ft. 0 in.
500 to 552	[1]11 ft. 0 in.
700 to 765	[1]15 ft. 0 in.

[1] NOTE: For 345-362 kv., 500-552 kv., and 700-765 kv., the minimum working distance and the minimum clear hot stick distance may be reduced provided that such distances are not less than the shortest distance between the energized part and a grounded surface.

(d) *Deenergizing lines and equipment.* (1) When deenergizing lines and equipment operated in excess of 600 volts, and the means of disconnecting from electric energy is not visibly open or visibly locked out, the provisions of subdivisions (i) through (vii) of this subparagraph shall be complied with:

(i) The particular section of line or equipment to be deenergized shall be clearly identified, and it shall be isolated from all sources of voltage.

(ii) Notification and assurance from the designated employee shall be obtained that:

(a) All switches and disconnectors through which electric energy may be supplied to the particular section of line or equipment to be worked have been deenergized;

(b) All switches and disconnectors are plainly tagged indicating that men are at work;

(c) And that where design of such switches and disconnectors permits, they have been rendered inoperable.

(iii) After all designated switches and disconnectors have been opened, rendered inoperable, and tagged, visual inspection or tests shall be conducted to insure that equipment or lines have been deenergized.

(iv) Protective grounds shall be applied on the disconnected lines or equipment to be worked on.

(v) Guards or barriers shall be erected as necessary to adjacent energized lines.

(vi) When more than one independent crew requires the same line or equipment to be deenergized, a prominent tag for each such independent crew shall be placed on the line or equipment by the designated employee in charge.

(vii) Upon completion of work on deenergized lines or equipment, each designated employee in charge shall determine that all employees in his crew are clear, that protective grounds installed by his crew have been removed, and he shall report to the designated authority that all tags protecting his crew may be removed.

(2) When a crew working on a line or equipment can clearly see that the means of disconnecting from electric energy are visibly open or visibly locked-out, the provisions of subdivisions (i), and (ii) of this subparagraph shall apply:

(i) Guards or barriers shall be erected as necessary to adjacent energized lines.

(ii) Upon completion of work on deenergized lines or equipment, each designated employee in charge shall determine that all employees in his crew are clear, that protective grounds installed by his crew have been removed, and he shall report to the designated authority that all tags protecting his crew may be removed.

(e) *Emergency procedures and first aid.* (1) The employer shall provide training or require that his employees are knowledgeable and proficient in:

(i) Procedures involving emergency situations, and

(ii) First-aid fundamentals including resuscitation.

(2) In lieu of paragraph (e)(1) of this section the employer may comply with the provisions of § 1926.50(c) regarding first-aid requirements.

(f) *Night work.* When working at night, spotlights or portable lights for emergency lighting shall be provided as needed to perform the work safely.

(g) *Work near and over water.* When crews are engaged in work over or near water and when danger of drowning exists, suitable protection shall be provided as stated in § 1926.104, or § 1926.105, or § 1926.106.

(h) *Sanitation facilities.* The requirements of § 1926.51 of Subpart D of this part shall be complied with for sanitation facilities.

(i) *Hydraulic fluids.* All hydraulic fluids used for the insulated sections of derrick trucks, aerial lifts, and hydraulic tools which are used on or around energized lines and equipment shall be of the insulating type. The requirements for fire resistant fluids of § 1926.302(d)(1) do not apply to hydraulic tools covered by this paragraph.

§ 1926.951 Tools and protective equipment.

(a) *Protective equipment.* (1)(i) Rubber protective equipment shall be in accordance with the provisions of the American National Standards Institute (ANSI), ANSI J6 series, as follows:

Item	*Standard*
Rubber insulating gloves	J6.6-1971.
Rubber matting for use around electric apparatus.	J6.7-1935 (R1971).
Rubber insulating blankets	J6.4-1971.
Rubber insulating hoods	J6.2-1950 (R1971).
Rubber insulating line hose	J6.1-1950 (R1971).
Rubber insulating sleeves	J6.5-1971.

(ii) Rubber protective equipment shall be visually inspected prior to use.

(iii) In addition, an "air" test shall be performed for rubber gloves prior to use.

(iv) Protective equipment of material other than rubber shall provide equal or better electrical and mechanical protection.

(2) Protective hats shall be in accordance with the provisions of ANSI Z89.2-1971 Industrial Protective Helmets for Electrical Workers, Class B, and shall be worn at the jobsite by employees who are exposed to the hazards of falling objects, electric shock, or burns.

(b) *Personal climbing equipment.* (1) Body belts with straps or lanyards shall be worn to protect employees working at elevated locations on poles, towers, or other structures except where such use creates a greater hazard to the safety of the employees, in which case other safeguards shall be employed.

(2) Body belts and safety straps shall meet the requirements of § 1926.959. In addition to being used as an employee safeguarding item, body belts with approved tool loops may be used for the purpose of holding tools. Body belts shall be free from additional metal hooks and tool loops other than those permitted in § 1926.959.

(3) Body belts and straps shall be inspected before use each day to determine that they are in safe working condition.

(4)(i) Life lines and lanyards shall comply with the provisions of § 1926.104.

(ii) Safety lines are not intended to be subjected to shock loading and are used for emergency rescue such as lowering a man to the ground. Such safety lines shall be a minimum of one-half-inch diameter and three or four strand first-grade manila or its equivalent in strength (2,650 lb.) and durability.

(5) Defective ropes shall be replaced.

(c) *Ladders.* (1) Portable metal or conductive ladders shall not be used near energized lines or equipment except as may be necessary in specialized work such as in high voltage substations where nonconductive ladders might present a greater hazard than conductive ladders. Conductive or metal ladders shall be prominently marked as conductive and all necessary precautions shall be taken when used in specialized work.

(2) Hook or other type ladders used in structures shall be positively secured to prevent the ladder from being accidentally displaced.

(d) *Live-line tools.* (1) Only live-line tool poles having a manufacturer's certification to withstand the following minimum tests shall be used:

(i) 100,000 volts per foot of length for 5 minutes when the tool is made of fiberglass; or

(ii) 75,000 volts per foot of length for 3 minutes when the tool is made of wood; or

(iii) Other tests equivalent to subdivision (i) or (ii) of this subparagraph as appropriate.

(2) All live-line tools shall be visually inspected before use each day. Tools to be used shall be wiped clean and if any hazardous defects are indicated such tools shall be removed from service.

(e) *Measuring tapes or measuring ropes.* Measuring tapes or measuring ropes which are metal or contain conductive strands shall not be used when working on or near energized parts.

(f) *Handtools.* (1) Switches for all powered hand tools shall comply with § 1926.300(d).

(2) All portable electric handtools shall:

(i) Be equipped with three-wire cord having the ground wire permanently connected to the tool frame and means for grounding the other end; or

(ii) Be of the double insulated type and permanently labeled as "Double Insulated"; or

(iii) Be connected to the power supply by means of an isolating transformer, or other isolated power supply.

(3) All hydraulic tools which are used on or around energized lines or equipment shall use nonconducting hoses having adequate strength for the normal operating pressures. It should be noted that the provisions of § 1926.302(d)(2) shall also apply.

(4) All pneumatic tools which are used on or around energized lines or equipment shall:

(i) Have nonconducting hoses having adequate strength for the normal operating pressures, and

(ii) Have an accumulator on the compressor to collect moisture.

§ 1926.952 Mechanical equipment.

(a) *General.* (1) Visual inspections shall be made of the equipment to determine that it is in good condition each day the equipment is to be used.

(2) Tests shall be made at the beginning of each shift during which the equipment is to be used to determine that the brakes and operating systems are in proper working condition.

(3) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:

(i) The vehicle has a reverse signal alarm audible above the surrounding noise level or;

(ii) The vehicle is backed up only when an observer signals that it is safe to do so.

(b) *Aerial lifts.* (1) The provisions of § 1926.556, Subpart N of this part, shall apply to the utilization of aerial lifts.

(2) When working near energized lines or equipment, aerial lift trucks shall be grounded or barricaded and considered as energized equipment, or the aerial lift truck shall be insulated for the work being performed.

(3) Equipment or material shall not be passed between a pole or structure and an aerial lift while an employee working from the basket is within reaching distance of energized conductors or equipment that are not covered with insulating protective equipment.

(c) *Derrick trucks, cranes and other lifting equipment.* (1) All derrick trucks, cranes and other lifting equipment shall comply with Subpart N and O of this part except:

(i) As stated in § 1926.550(a)(15) (i) and (ii) relating to clearance (for clearances in this subpart see Table V-1) and

(ii) Derrick truck (electric line trucks) shall not be required to comply with § 1926.550(a)(7)(vi), (a)(17), (b)(2), and (e).

(2) With the exception of equipment certified for work on the proper voltage, mechanical equipment shall not be operated closer to any energized line or equipment than the clearances set forth in § 1926.950(c) unless:

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(i) An insulated barrier is installed between the energized part and the mechanical equipment, or

(ii) The mechanical equipment is grounded, or

(iii) The mechanical equipment is insulated, or

(iv) The mechanical equipment is considered as energized.

§ 1926.953 Material handling.

(a) *Unloading.* Prior to unloading steel, poles, cross arms and similar material, the load shall be thoroughly examined to ascertain if the load has shifted, binders or stakes have broken or the load is otherwise hazardous to employees.

(b) *Pole hauling.* (1) During pole hauling operations, all loads shall be secured to prevent displacement and a red flag shall be displayed at the trailing end of the longest pole.

(2) Precautions shall be exercised to prevent blocking of roadways or endangering other traffic.

(3) When hauling poles during the hours of darkness, illuminated warning devices shall be attached to the trailing end of the longest pole.

(c) *Storage.* (1) No materials or equipment shall be stored under energized bus, energized lines, or near energized equipment, if it is practical to store them elsewhere.

(2) When materials or equipment are stored under energized lines or near energized equipment, applicable clearances shall be maintained as stated in Table V-1; and extraordinary caution shall be exercised when moving materials near such energized equipment.

(d) *Tag line.* Where hazards to employees exist tag lines or other suitable devices shall be used to control loads being handled by hoisting equipment.

(e) *Oil filled equipment.* During construction or repair of oil filled equipment the oil may be stored in temporary containers other than those required in § 1926.152, such as pillow tanks.

(f) *Framing.* During framing operations, employees shall not work under a pole or a structure suspended by a crane, A-frame or similar equipment unless the pole or structure is adequately supported.

(g) *Attaching the load.* The hoist rope shall not be wrapped around the load. This provision shall not apply to electric construction crews when setting or removing poles.

§ 1926.954 Grounding for protection of employees.

(a) *General.* All conductors and equipment shall be treated as energized until tested or otherwise determined to be deenergized or until grounded.

(b) *New construction.* New lines or equipment may be considered deenergized and worked as such where:

(1) The lines or equipment are grounded, or

(2) The hazard of induced voltages is not present, and adequate clearances or other means are implemented to prevent contact with energized lines or equipment and the new lines or equipment.

(c) *Communication conductors.* Bare wire communication conductors on power poles or structures shall be treated as energized lines unless protected by insulating materials.

(d) *Voltage testing.* Deenergized conductors and equipment which are to be grounded shall be tested for voltage. Results of this voltage test shall determine the subsequent procedures as required in § 1926.950(d).

(e) *Attaching grounds.* (1) When attaching grounds, the ground end shall be attached first, and the other end shall be attached and removed by means of insulated tools or other suitable devices.

(2) When removing grounds, the grounding device shall first be removed from the line or equipment using insulating tools or other suitable devices.

(f) Grounds shall be placed between work location and all sources of energy and as close as practicable to the work location, or grounds shall be placed at the work location. If work is to be performed at more than one location in a line section, the line section must be grounded and short circuited at one location in the line section and the conductor to be worked on shall be grounded at each work location. The minimum distance shown in Table V-1 shall be maintained from undergrounded conductors at the work location. Where the making of a ground is impracticable, or the conditions resulting therefrom would be more hazardous than working on the lines or equipment without grounding, the grounds may be omitted and the line or equipment worked as energized.

(g) *Testing without grounds.* Grounds may be temporarily removed only when necessary for test purposes and extreme caution shall be exercised during the test procedures.

(h) *Grounding electrode.* When grounding electrodes are utilized, such electrodes shall have a resistance to ground low enough to remove the danger of harm to personnel or permit prompt operation of protective devices.

(i) *Grounding to tower.* Grounding to tower shall be made with a tower clamp capable of conducting the anticipated fault current.

(j) *Ground lead.* A ground lead, to be attached to either a tower ground or driven ground, shall be capable of conducting the anticipated fault current and shall have a minimum conductance of No. 2 AWG copper.

§ 1926.955 Overhead lines.

(a) *Overhead lines.* (1) When working on or with overhead lines the provisions of subparagraphs (2) through (8) of this section shall be complied with in addition to other applicable provisions of this subpart.

(2) Prior to climbing poles, ladders, scaffolds, or other elevated structures, an inspection shall be made to determine that the structures are capable of sustaining the additional or unbalanced stresses to which they will be subjected.

(3) Where poles or structures may be unsafe for climbing, they shall not be climbed until made safe by guying, bracing, or other adequate means.

(4) Before installing or removing wire or cable, strains to which poles and structures will be subjected shall be considered and necessary action taken to prevent failure of supporting structures.

(5)(i) When setting, moving, or removing poles using cranes, derricks, gin poles, A-frames, or other mechanized equipment near energized lines or equipment, precautions shall be taken to avoid contact with energized lines or equipment, except in barehand live-line work, or where barriers or protective devices are used.

(ii) Equipment and machinery operating adjacent to energized lines or equipment shall comply with § 1926.952(c)(2).

(6)(i) Unless using suitable protective equipment for the voltage involved, employees standing on the ground shall avoid contacting equipment or machinery working adjacent to energized lines or equipment.

(ii) Lifting equipment shall be bonded to an effective ground or it shall be considered energized and barricaded when utilized near energized equipment or lines.

(7) Pole holes shall not be left unattended or unguarded in areas where employees are currently working.

(8) Tag lines shall be of a nonconductive type when used near energized lines.

(b) *Metal tower construction.* (1) When working in unstable material the excavation for pad- or pile-type footings in excess of 5 feet deep shall be either sloped to the angle of repose as required in § 1926.652 or shored if entry is required. Ladders shall be provided for access to pad- or pile-type footing excavations in excess of 4 feet.

(2) When working in unstable material provision shall be made for cleaning out auger-type footings without requiring an employee to enter the footing unless shoring is used to protect the employee.

(3)(i) A designated employee shall be used in directing mobile equipment adjacent to footing excavations.

(ii) No one shall be permitted to remain in the footing while equipment is being spotted for placement.

(iii) Where necessary to assure the stability of mobile equipment the location of use for such equipment shall be graded and leveled.

(4)(i) Tower assembly shall be carried out with a minimum exposure of employees to falling objects when working at two or more levels on a tower.

(ii) Guy lines shall be used as necessary to maintain sections or parts of sections in position and to reduce the possibility of tipping.

(iii) Members and sections being assembled shall be adequately supported.

(5) When assembling and erecting towers the provisions of subdivisions (i), (ii) and (iii) of this subparagraph shall be complied with:

(i) The construction of transmission towers and the erecting of poles, hoisting machinery, site preparation machinery, and other types of construction machinery shall conform to the applicable requirements of this part.

(ii) No one shall be permitted under a tower which is in the process of erection or assembly, except as may be required to guide and secure the section being set.

(iii) When erecting towers using hoisting equipment adjacent to energized transmission lines, the lines shall be deenergized when practical. If the lines are not deenergized, extraordinary caution shall be exercised to maintain the minimum clearance distances required by § 1926.950(c), including Table V-1.

(6)(i) Erection cranes shall be set on firm level foundations and when the cranes are so equipped outriggers shall be used.

(ii) Tag lines shall be utilized to maintain control of tower sections being raised and positioned, except where the use of such lines would create a greater hazard.

(iii) The loadline shall not be detached from a tower section until the section is adequately secured.

(iv) Except during emergency restoration procedures erection shall be discontinued in the event of high wind or other adverse weather conditions which would make the work hazardous.

(v) Equipment and rigging shall be regularly inspected and maintained in safe operating condition.

(7) Adequate traffic control shall be maintained when crossing highways and railways with equipment as required by the provisions of § 1926.200(g) (1) and (2).

(8) A designated employee shall be utilized to determine that required clearance is maintained in moving equipment under or near energized lines.

(c) *Stringing or removing deenergized conductors.* (1) When stringing or removing deenergized conductors, the provisions of subparagraphs (2) through (12) of this paragraph shall be complied with.

(2) Prior to stringing operations a briefing shall be held setting forth the plan of operation and specifying the type of equipment to be used, grounding devices and procedures to be followed, crossover methods to be employed, and the clearance authorization required.

(3) Where there is a possibility of the conductor accidentally contacting an energized circuit or receiving a dangerous induced voltage buildup, to further protect the employee from the hazards of the conductor, the conductor being installed or removed shall be grounded or provisions made to insulate or isolate the employee.

(4)(i) If the existing line is deenergized, proper clearance authorization shall be secured and the line grounded on both sides of the crossover or, the line being strung or removed shall be considered and worked as energized.

(ii) When crossing over energized conductors in excess of 600 volts, rope nets or guard structures shall be installed unless provision is made to isolate or insulate the workman or the energized conductor. Where practical the automatic reclosing feature of the circuit interrupting device shall be made inoperative. In addition, the line being strung shall be grounded on either side of the crossover or considered and worked as energized.

(5) Conductors being strung in or removed shall be kept under positive control by the use of adequate tension reels, guard structures, tielines, or other means to prevent accidental contact with energized circuits.

(6) Guard structure members shall be sound and of adequate dimension and strength, and adequately supported.

(7)(i) Catch-off anchors, rigging, and hoists shall be of ample capacity to prevent loss of the lines.

(ii) The manufacturer's load rating shall not be exceeded for stringing lines, pulling lines, sock connections, and all load-bearing hardware and accessories.

(iii) Pulling lines and accessories shall be inspected regularly and replaced or repaired when damaged or when dependability is doubtful. The provisions of § 1926.251(c)(4)(ii) (concerning splices) shall not apply.

(8) Conductor grips shall not be used on wire rope unless designed for this application.

(9) While the conductor or pulling line is being pulled (in motion) employees shall not be permitted directly under overhead operations, nor shall any employee be permitted on the crossarm.

(10) A transmission clipping crew shall have a minimum of two structures clipped in between the crew and the conductor being sagged. When working on bare conductors, clipping and tying crews shall work between grounds at all times. The grounds shall remain intact until the conductors are clipped in, except on dead end structures.

(11)(i) Except during emergency restoration procedures, work from structures shall be discontinued when adverse weather (such as high wind or ice on structures) makes the work hazardous.

(ii) Stringing and clipping operations shall be discontinued during the progress of an electrical storm in the immediate vicinity.

(12)(i) Reel handling equipment, including pulling and braking machines, shall have ample capacity, operate smoothly, and be leveled and aligned in accordance with the manufacturer's operating instructions.

(ii) Reliable communications between the reel tender and pulling rig operator shall be provided.

(iii) Each pull shall be snubbed or dead ended at both ends before subsequent pulls.

(d) *Stringing adjacent to energized lines.* (1) Prior to stringing parallel to an existing energized transmission line a competent determination shall be made to ascertain whether dangerous induced voltage buildups will occur, particularly during switching and ground fault conditions. When there is a possibility that such dangerous induced voltage may exist the employer shall comply with the provisions of subparagraphs (2) through (9) of this paragraph in addition to the provisions of paragraph (c) of this § 1926.955, unless the line is worked as energized.

(2) When stringing adjacent to energized lines the tension stringing method or other methods which preclude unintentional contact between the lines being pulled and any employee shall be used.

(3) All pulling and tensioning equipment shall be isolated, insulated, or effectively grounded.

(4) A ground shall be installed between the tensioning reel setup and the first structure in order to ground each bare conductor, subconductor, and overhead ground conductor during stringing operations.

(5) During stringing operations, each bare conductor, subconductor, and overhead ground conductor shall be grounded at the first tower adjacent

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to both the tensioning and pulling setup and in increments so that no point is more than 2 miles from a ground.

(i) The grounds shall be left in place until conductor installation is completed.

(ii) Such grounds shall be removed as the last phase of aerial cleanup.

(iii) Except for moving type grounds, the grounds shall be placed and removed with a hot stick.

(6) Conductors, subconductors, and overhead ground conductors shall be grounded at all dead-end or catch-off points.

(7) A ground shall be located at each side and within 10 feet of working areas where conductors, subconductors, or overhead ground conductors are being spliced at ground level. The two ends to be spliced shall be bonded to each other. It is recommended that splicing be carried out on either an insulated platform or on a conductive metallic grounding mat bonded to both grounds. When a grounding mat is used, it is recommended that the grounding mat be roped off and an insulated walkway provided for access to the mat.

(8)(i) All conductors, subconductors, and overhead ground conductors shall be bonded to the tower at any isolated tower where it may be necessary to complete work on the transmission line.

(ii) Work on dead-end towers shall require grounding on all deenergized lines.

(iii) Grounds may be removed as soon as the work is completed: *Provided*, That the line is not left open circuited at the isolated tower at which work is being completed.

(9) When performing work from the structures, clipping crews and all others working on conductors, subconductors, or overhead ground conductors shall be protected by individual grounds installed at every work location.

(e) *Live-line bare-hand work.* In addition to any other applicable standards contained elsewhere in this subpart all live-line bare-hand work shall be performed in accordance with the following requirements:

(1) Employees shall be instructed and trained in the live-line bare-hand technique and the safety requirements pertinent thereto before being permitted to use the technique on energized circuits.

(2) Before using the live-line bare-hand technique on energized high-voltage conductors or parts, a check shall be made of:

(i) The voltage rating of the circuit on which the work is to be performed;

(ii) The clearances to ground of lines and other energized parts on which work is to be performed; and

(iii) The voltage limitations of the aerial-lift equipment intended to be used.

(3) Only equipment designed, tested, and intended for live-line bare-hand work shall be used.

(4) All work shall be personally supervised by a person trained and qualified to perform live-line bare-hand work.

(5) The automatic reclosing feature of circuit interrupting devices shall be made inoperative where practical before working on any energized line or equipment.

(6) Work shall not be performed during the progress of an electrical storm in the immediate vicinity.

(7) A conductive bucket liner or other suitable conductive device shall be provided for bonding the insulated aerial device to the energized line or equipment.

(i) The employee shall be connected to the bucket liner by use of conductive shoes, leg clips, or other suitable means.

(ii) Where necessary, adequate electrostatic shielding for the voltage being worked or conductive clothing shall be provided.

(8) Only tools and equipment intended for live-line bare-hand work shall be used, and such tools and equipment shall be kept clean and dry.

(9) Before the boom is elevated, the outriggers on the aerial truck shall be extended and adjusted to stabilize the truck and the body of the truck shall be bonded to an effective ground, or barricaded and considered as energized equipment.

(10) Before moving the aerial lift into the work position, all controls (ground level and bucket) shall be checked and tested to determine that they are in proper working condition.

(11) Arm current tests shall be made before starting work each day, each time during the day when higher voltage is going to be worked and when changed conditions indicate a need for additional tests. Aerial buckets used for bare-hand live-line work shall be subjected to an arm current test. This test shall consist of placing the bucket in contact with an energized source equal to the voltage to be worked upon for a minimum time of three (3) minutes. The leakage current shall not exceed 1 microampere per kilo-volt of nominal line-to-line voltage. Work operations shall be suspended immediately upon any indication of a malfunction in the equipment.

(12) All aerial lifts to be used for live-line bare-hand work shall have dual controls (lower and upper) as required by subdivisions (i) and (ii) of this subparagraph.

(i) The upper controls shall be within easy reach of the employee in the basket. If a two basket type lift is used access to the controls shall be within easy reach from either basket.

(ii) The lower set of controls shall be located near base of the boom that will permit over-ride operation of equipment at any time.

(13) Ground level lift control shall not be operated unless permission has been obtained from the employee in lift, except in case of emergency.

(14) Before the employee contacts the energized part to be worked on, the conductive bucket liner shall be bonded to the energized conductor by means of a positive connection which shall remain attached to the energized conductor until the work on the energized circuit is completed.

(15) The minimum clearance distances for live-line bare-hand work shall be as specified in Table V-2. These minimum clearance distances shall be maintained from all grounded objects and from lines and equipment at a different potential than that to which the insulated aerial device is bonded unless such grounded objects or other lines and equipment are covered by insulated guards. These distances shall be maintained when approaching, leaving, and when bonded to the energized circuit.

TABLE V-2

MINIMUM CLEARANCE DISTANCES FOR LIVE-LINE BARE-HAND WORK (ALTERNATING CURRENT)

Voltage range (phase-to-phase) kilovolts	Distance in feet and inches for maximum voltage	
	Phase to ground	Phase to phase
2.1–15	2'0"	2'0"
15.1–35	2'4"	2'4"
35.1–46	2'6"	2'6"
46.1–72.5	3'0"	3'0"
72.6–121	3'4"	4'6"
138–145	3'6"	5'0"
161–169	3'8"	5'6"
230–242	5'0"	8'4"
345–362	[1] 7'0"	[1] 13'4"
500–552	[1] 11'0"	[1] 20'0"
700–765	[1] 15'0"	[1] 31'0"

[1] NOTE: For 345–362kv., 500–552kv., and 700–765kv., the minimum clearance distance may be reduced provided the distances are not made less than the shortest distance between the energized part and a grounded surface.

(16) When approaching, leaving, or bonding to an energized circuit the minimum distances in Table V-2 shall be maintained between all parts of the insulated boom assembly and any grounded parts (including the lower arm or portions of the truck).

(17) When positioning the bucket alongside an energized bushing or insulator string, the minimum line-to-ground clearances of Table V-2 must be maintained between all parts of the bucket and the grounded end of the bushing or insulator string.

(18)(i) The use of handlines between buckets, booms, and the ground is prohibited.

(ii) No conductive materials over 36 inches long shall be placed in the bucket, except for appropriate length jumpers, armor rods, and tools.

(iii) Nonconductive-type handlines may be used from line to ground when not supported from the bucket.

(19) The bucket and upper insulated boom shall not be overstressed by attempting to lift or support weights in excess of the manufacturer's rating.

(20)(i) A minimum clearance table (as shown in table V-2) shall be printed on a plate of durable nonconductive material, and mounted in the buckets or its vicinity so as to be visible to the operator of the boom.

(ii) It is recommended that insulated measuring sticks be used to verify clearance distances.

§ 1926.956 Underground lines.

(a) *Guarding and ventilating street opening used for access to underground lines or equipment.* (1) Appropriate warning signs shall be promptly placed when covers of manholes, handholes, or vaults are removed. What is an appropriate warning sign is dependent upon the nature and location of the hazards involved.

(2) Before an employee enters a street opening, such as a manhole or an unvented vault, it shall be promptly protected with a barrier, temporary cover, or other suitable guard.

(3) When work is to be performed in a manhole or unvented vault:

(i) No entry shall be permitted unless forced ventilation is provided or the atmosphere is found to be safe by testing for oxygen deficiency and the presence of explosive gases or fumes;

(ii) Where unsafe conditions are detected, by testing or other means, the work area shall be ventilated and otherwise made safe before entry;

(iii) Provisions shall be made for an adequate continuous supply of air.

(b) *Work in manholes.* (1) While work is being performed in manholes, an employee shall be available in the immediate vicinity to render emergency assistance as may be required. This shall not preclude the employee in the immediate vicinity from occasionally entering a manhole to provide assistance, other than emergency. This requirement does not preclude a qualified employee, working alone, from entering for brief periods of time, a manhole where energized cables or equipment are in service, for the purpose of inspection, housekeeping, taking readings, or similar work if such work can be performed safely.

(2) When open flames must be used or smoking is permitted in manholes, extra precautions shall be taken to provide adequate ventilation.

(3) Before using open flames in a manhole or excavation in an area where combustible gases or liquids may be present, such as near a gasoline service station, the atmosphere of the manhole or excavation shall be tested and found safe or cleared of the combustible gases or liquids.

(c) *Trenching and excavating.* (1) During excavation or trenching, in order to prevent the exposure of employees to the hazards created by damage to dangerous underground facilities, efforts shall be made to determine the location of such facilities and work conducted in a manner designed to avoid damage.

(2) Trenching and excavation operations shall comply with §§ 1926.651 and 1926.652.

(3) When underground facilities are exposed (electric, gas, water, telephone, etc.) they shall be protected as necessary to avoid damage.

(4) Where multiple cables exist in an excavation, cables other than the one being worked on shall be protected as necessary.

(5) When multiple cables exist in an excavation, the cable to be worked on shall be identified by electrical means unless its identity is obvious by reason of distinctive appearance.

(6) Before cutting into a cable or opening a splice, the cable shall be identified and verified to be the proper cable.

(7) When working on buried cable or on cable in manholes, metallic sheath continuity shall be maintained by bonding across the opening or by equivalent means.

§ 1926.957 Construction in energized substations.

(a) *Work near energized equipment facilities.* (1) When construction work is performed in an energized substation, authorization shall be obtained from the designated, authorized person before work is started.

(2) When work is to be done in an energized substation, the following shall be determined:

(i) What facilities are energized, and

(ii) What protective equipment and precautions are necessary for the safety of personnel.

(3) Extraordinary caution shall be exercised in the handling of busbars, tower steel, materials, and equipment in the vicinity of energized facilities. The requirements set forth in § 1926.950(c), shall be complied with.

(b) *Deenergized equipment or lines.* When it is necessary to deenergize equipment or lines for protection of employees, the requirements of § 1926.950(d) shall be complied with.

(c) *Barricades and barriers.* (1) Barricades or barriers shall be installed to prevent accidental contact with energized lines or equipment.

(2) Where appropriate, signs indicating the hazard shall be posted near the barricade or barrier. These signs shall comply with § 1926.200.

(d) *Control panels.* (1) Work on or adjacent to energized control panels shall be performed by designated employees.

(2) Precaution shall be taken to prevent accidental operation of relays or other protective devices due to jarring, vibration, or improper wiring.

(e) *Mechanized equipment.* (1) Use of vehicles, gin poles, cranes, and other equipment in restricted or hazardous areas shall at all times be controlled by designated employees.

(2) All mobile cranes and derricks shall be effectively grounded when being moved or operated in close proximity to energized lines or equipment, or the equipment shall be considered energized.

(3) Fenders shall not be required for lowboys used for transporting large electrical equipment, transformers, or breakers.

(f) *Storage.* The storage requirements of § 1926.953(c) shall be complied with.

(g) *Substation fences.* (1) When a substation fence must be expanded or removed for construction purposes, a temporary fence affording similar protection when the site is unattended, shall be provided. Adequate interconnection with ground shall be maintained between temporary fence and permanent fence.

(2) All gates to all unattended substations shall be locked, except when work is in progress.

(h) *Footing excavation.* (1) Excavation for auger, pad and piling type footings for structures and towers shall require the same precautions as for metal tower construction (see § 1926.955(b)(1)).

(2) No employee shall be permitted to enter an unsupported auger-type excavation in unstable material for any purpose. Necessary clean-out in such cases shall be accomplished without entry.

§ 1926.958 External load helicopters.

In all operations performed using a rotorcraft for moving or placing external loads, the provisions of § 1926.551 of Subpart N of this part shall be complied with.

§ 1926.959 Lineman's body belts, safety straps, and lanyards.

(a) *General requirements.* The requirements of paragraphs (a) and (b) of this section shall be complied with for all lineman's body belts, safety straps and lanyards acquired for use after the effective date of this subpart.

(1) Hardware for lineman's body belts, safety straps, and lanyards shall

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be drop forged or pressed steel and have a corrosive resistive finish tested to American Society for Testing and Materials B117-64 (50-hour test). Surfaces shall be smooth and free of sharp edges.

(2) All buckles shall withstand a 2,000-pound tensile test with a maximum permanent deformation no greater than one sixty-fourth inch.

(3) D rings shall withstand a 5,000-pound tensile test without failure. Failure of a D ring shall be considered cracking or breaking.

(4) Snaphooks shall withstand a 5,000-pound tensile test without failure. Failure of a snaphook shall be distortion sufficient to release the keeper.

(b) *Specific requirements.* (1)(i) All fabric used for safety straps shall withstand an A.C. dielectric test of not less than 25,000 volts per foot "dry" for 3 minutes, without visible deterioration.

(ii) All fabric and leather used shall be tested for leakage current and shall not exceed 1 milliampere when a potention of 3,000 volts is applied to the electrodes positioned 12 inches apart.

(iii) Direct current tests may be permitted in lieu of alternating current tests.

(2) The cushion part of the body belt shall:

(i) Contain no exposed rivets on the inside;

(ii) Be at least three (3) inches in width;

(iii) Be at least five thirty-seconds (5/32) inch thick, if made of leather; and

(iv) Have pocket tabs that extended at least 1½ inches down and three (3) inches back of the inside of circle of each D ring for riveting on plier or tool pockets. On shifting D belts, this measurement for pocket tabs shall be taken when the D ring section is centered.

(3) A maximum of four (4) tool loops shall be so situated on the body belt that four (4) inches of the body belt in the center of the back, measuring from D ring to D ring, shall be free of tool loops, and any other attachments.

(4) Suitable copper, steel, or equivalent liners shall be used around bar of D rings to prevent wear between these members and the leather or fabric enclosing them.

(5) All stitching shall be of a minimum 42-pound weight nylon or equivalent thread and shall be lock stitched. Stitching parallel to an edge shall not be less than three-sixteenths (3/16) inch from edge of narrowest member caught by the thread. The use of cross stitching on leather is prohibited.

(6) The keeper of snaphooks shall have a spring tension that will not allow the keeper to begin to open with a weight of 2½ pounds or less, but the keeper of snaphooks shall begin to open with a weight of four (4) pounds, when the weight is supported on the keeper against the end of the nose.

(7) Testing of lineman's safety straps, body belts and lanyards shall be in accordance with the following procedure:

(i) Attach one end of the safety strap or lanyard to a rigid support, the other end shall be attached to a 250-pound canvas bag of sand:

(ii) Allow the 250-pound canvas bag of sand to free fall 4 feet for (safety strap test) and 6 feet for (lanyard test); in each case stopping the fall of the 250-pound bag;

(iii) Failure of the strap or lanyard shall be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the strap or lanyard. The entire "body belt assembly" shall be tested using one D ring. A safety strap or lanyard shall be used that is capable of passing the "impact loading test" and attached as required in subdivision (i) of this subparagraph. The body belt shall be secured to the 250-pound bag of sand at a point to simulate the waist of a man and allowed to drop as stated in subdivision (ii) of this subparagraph. Failure of the body belt shall be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the body belt.

§ 1926.960 Definitions applicable to this subpart.

(a) *Alive or live (energized).* The term means electrically connected to a source of potential difference, or electrically charged so as to have a potential significantly different from that of the earth in the vicinity. The term "live" is sometimes used in place of the term "current-carrying," where the intent is clear, to avoid repetition of the longer term.

(b) *Automatic circuit recloser.* The term means a self-controlled device for automatically interrupting and reclosing an alternating current circuit with a predetermined sequence of opening and reclosing followed by resetting, hold closed, or lockout operation.

(c) *Barrier.* The term means a physical obstruction which is intended to prevent contact with energized lines or equipment.

(d) *Barricade.* The term means a physical obstruction such as tapes, screens, or cones intended to warn and limit access to a hazardous area.

(e) *Bond.* The term means an electrical connection from one conductive element to another for the purpose of minimizing potential differences or providing suitable conductivity for fault current or for mitigation of leakage current and electrolytic action.

(f) *Bushing.* The term means an insulating structure including a through conductor, or providing a passageway for such a conductor, with provision for mounting on a barrier, conducting or otherwise, for the purpose of insulating the conductor from the barrier and conducting current from one side of the barrier to the other.

(g) *Cable.* The term means a conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable) or a combination of conductors insulated from one another (multiple-conductor cable).

(h) *Cable sheath.* The term means a protective covering applied to cables.

NOTE: A cable sheath may consist of multiple layers of which one or more is conductive.

(i) *Circuit.* The term means a conductor or system of conductors through which an electric current is intended to flow.

(j) *Communication lines.* The term means the conductors and their supporting or containing structures which are used for public or private signal or communication service, and which operate at potentials not exceeding 400 volts to ground or 750 volts between any two points of the circuit, and the transmitted power of which does not exceed 150 watts. When operating at less than 150 volts no limit is placed on the capacity of the system.

NOTE: Telephone, telegraph, railroad signal, data, clock, fire, police-alarm, community television antenna, and other systems conforming with the above are included. Lines used for signaling purposes, but not included under the above definition, are considered as supply lines of the same voltage and are to be so run.

(k) *Conductor.* The term means a material, usually in the form of a wire, cable, or bus bar suitable for carrying an electric current.

(l) *Conductor shielding.* The term means an envelope which encloses the conductor of a cable and provides an equipotential surface in contact with the cable insulation.

(m) *Current-carrying part.* The term means a conducting part intended to be connected in an electric circuit to a source of voltage. Non-current-carrying parts are those not intended to be so connected.

(n) *Dead (deenergized).* The term means free from any electrical connection to a source of potential difference and from electrical charges: Not having a potential difference from that of earth.

NOTE: The term is used only with reference to current-carrying parts which are sometimes alive (energized).

(o) *Designated employee.* The term means a qualified person delegated to perform specific duties under the conditions existing.

(p) *Effectively grounded.* The term means intentionally connected to earth through a ground connection or connections of sufficiently low impedance and having sufficient current-carrying capacity to prevent the buildup of voltages which may result in undue hazard to connected equipment or to persons.

(q) *Electric line trucks.* The term means a truck used to transport men, tools, and material, and to serve as a traveling workshop for electric power line construction and maintenance work. It is sometimes equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material or men.

(r) *Enclosed.* The term means surrounded by a case, cage, or fence, which will protect the contained equipment and prevent accidental contact of a person with live parts.

(s) *Equipment.* This is a general term which includes fittings, devices, appliances, fixtures, apparatus, and the like, used as part of, or in connection with, an electrical power transmission and distribution system, or communication systems.

(t) *Exposed.* The term means not isolated or guarded.

(u) *Electric supply lines.* The term means those conductors used to transmit electric energy and their necessary supporting or containing structures. Signal lines of more than 400 volts to ground are always supply lines within the meaning of the rules, and those of less than 400 volts to ground may be considered as supply lines, if so run and operated throughout.

(v) *Guarded.* The term means protected by personnel, covered, fenced, or enclosed by means of suitable casings, barrier rails, screens, mats, platforms, or other suitable devices in accordance with standard barricading techniques designed to prevent dangerous approach or contact by persons or objects.

NOTE: Wires, which are insulated but not otherwise protected, are not considered as guarded.

(w) *Ground. (Reference).* The term means that conductive body, usually earth, to which an electric potential is referenced.

(x) *Ground (as a noun).* The term means a conductive connection whether intentional or accidental, by which an electric circuit or equipment is connected to reference ground.

(y) *Ground (as a verb).* The term means the connecting or establishment of a connection, whether by intention or accident of an electric circuit or equipment to reference ground.

(z) *Grounding electrode (ground electrode).* The term grounding electrode means a conductor embedded in the earth, used for maintaining ground potential on conductors connected to it, and for dissipating into the earth current conducted to it.

(aa) *Grounding electrode resistance.* The term means the resistance of the grounding electrode to earth.

(bb) *Grounding electrode conductor (grounding conductor).* The term means a conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode.

(cc) *Grounded conductor.* The term means a system or circuit conductor which is intentionally grounded.

(dd) *Grounded system.* The term means a system of conductors in which at least one conductor or point (usually the middle wire, or neutral point of transformer or generator windings) is intentionally grounded, either solidly or through a current-limiting device (not a current-interrupting device).

(ee) *Hotline tools and ropes.* The term means those tools and ropes which are especially designed for work on energized high voltage lines and equipment. Insulated aerial equipment especially designed for work on energized high voltage lines and equipment shall be considered hot line.

(ff) *Insulated.* The term means separated from other conducting surfaces by a dielectric substance (including air space) offering a high resistance to the passage of current.

NOTE: When any object is said to be insulated, it is understood to be insulated in suitable manner for the conditions to which it is subjected. Otherwise, it is within the purpose of this subpart, uninsulated. Insulating covering of conductors is one means of making the conductor insulated.

(gg) *Insulation (as applied to cable).* The term means that which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

(hh) *Insulation shielding.* The term means an envelope which encloses the insulation of a cable and provides an equipotential surface in contact with cable insulation.

(ii) *Isolated.* The term means an object that is not readily accessible to persons unless special means of access are used.

(jj) *Manhole.* The term means a subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating, and maintaining equipment and/or cable.

(kk) *Pulling tension.* The term means the longitudinal force exerted on a cable during installation.

(ll) *Qualified person.* The term means a person who by reason of experience or training is familiar with the operation to be performed and the hazards involved.

(mm) *Switch.* The term means a device for opening and closing or changing the connection of a circuit. In these rules, a switch is understood to be manually operable, unless otherwise stated.

(nn) *Tag.* The term means a system or method of identifying circuits, systems or equipment for the purpose of alerting persons that the circuit, system or equipment is being worked on.

(oo) *Unstable material.* The term means earth material, other than running, that because of its nature or the influence of related conditions, cannot be depended upon to remain in place without extra support, such as would be furnished by a system of shoring.

(pp) *Vault.* The term means an enclosure above or below ground which personnel may enter and is used for the purpose of installing, operating, and/or maintaining equipment and/or cable.

(qq) *Voltage.* The term means the effective (rms) potential difference between any two conductors or between a conductor and ground. Voltages are expressed in nominal values. The nominal voltage of a system or circuit is the value assigned to a system or circuit of a given voltage class for the purpose of convenient designation. The operating voltage of the system may vary above or below this value.

(rr) *Voltage of an effectively grounded circuit.* The term means the voltage between any conductor and ground unless otherwise indicated.

(ss) *Voltage of a circuit not effectively grounded.* The term means the voltage between any two conductors. If one circuit is directly connected to and supplied from another circuit of higher voltage (as in the case of an autotransformer), both are considered as of the higher voltage, unless the circuit of lower voltage is effectively grounded, in which case its voltage is not determined by the circuit of higher voltage. Direct connection implies electric connection as distinguished from connection merely through electromagnetic or electrostatic induction.

Subpart W—Rollover Protective Structures; Overhead Protection

Sec.

1926.1000 Rollover protective structures (ROPS) for material handling equipment.
1926.1001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors.
1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction.
1926.1003 Overhead protection for operators of agricultural and industrial tractors.

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§ 1926.1000 Rollover protective structures (ROPS) for material handling equipment.

(a) *Coverage.* (1) This section applies to the following types of material handling equipment: To all rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, wheel-type agricultural and industrial tractors, crawler tractors, crawler-type loaders, and motor graders, with or without attachments, that are used in construction work. This requirement does not apply to sideboom pipelaying tractors.

(2) The promulgation of specific standards for rollover protective structures for compactors and rubber-tired skid-steer equipment is reserved pending consideraton of standards currently being developed.

(b) *Equipment manufactured on or after September 1, 1972.* Material handling machinery described in paragraph (a) of this section and manufactured on or after September 1, 1972, shall be equipped with rollover protective structures which meet the minimum performance standards prescribed in §§ 1926.1001 and 1926.1002, as applicable.

(c) *Equipment manufactured before September 1, 1972.* (1) All material handling equipment described in paragraph (a) of this section and manufactured or placed in service (owned or operated by the employer) prior to September 1, 1972, shall be fitted with rollover protective structures no later than the dates listed below:

(i) Machines manufactured on or after January 1, 1972, shall be fitted no later than April 1, 1973.

(ii) Machines manufactured between July 1, 1971, and December 31, 1971, shall be fitted no later than July 1, 1973.

(iii) Machines manufactured between July 1, 1970, and June 30, 1971, shall be fitted no later than January 1, 1974.

(iv) Machines manufactured between July 1, 1969, and June 30, 1970, shall be fitted no later than July 1, 1974.

(v) Machines manufactured before July 1, 1969: Reserved pending further study, development, and review.

(2) Rollover protective structures and supporting attachment shall meet the minimum performance criteria detailed in §§ 1926.1001 and 1926.1002, as applicable or shall be designed, fabricated, and installed in a manner which will support, based on the ultimate strength of the metal, at least two times the weight of the prime mover applied at the point of impact.

(i) The design objective shall be to minimize the likelihood of a complete overturn and thereby minimize the possibility of the operator being crushed as a result of a rollover or upset.

(ii) The design shall provide a vertical clearance of at least 52 inches from the work deck to the ROPS at the point of ingress or egress.

(d) *Remounting.* ROPS removed for any reason, shall be remounted with equal quality, or better, bolts or welding as required for the original mounting.

(e) *Labeling.* Each ROPS shall have the following information permanently affixed to the structure:

(1) Manufacturer or fabricator's name and address;

(2) ROPS model number, if any;

(3) Machine make, model, or series number that the structure is designed to fit.

(f) *Machines meeting certain existing governmental requirements.* Any machine in use, equipped with rollover protective structures, shall be deemed in compliance with this section if it meets the rollover protective structure requirements of the State of California, the U.S. Army Corps of Engineers, or the Bureau of Reclamation of the U.S. Department of the Interior in effect on April 5, 1972. The requirements in effect are:

(1) State of California: Construction Safety Orders, issued by the Department of Industrial Relations pursuant to Division 5, Labor Code, § 6312, State of California.

(2) U.S. Army Corps of Engineers: General Safety Requirements, EM-385-1-1 (March 1967).

(3) Bureau of Reclamation, U.S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971).

§ 1926.1001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors.

(a) *General.* This section prescribes minimum performance criteria for rollover protective structures (ROPS) for rubber-tired self-propelled scrapers; rubber-tired front-end loaders and rubber-tired dozers; crawler tractors, and crawler-type loaders, and motor graders. The vehicle and ROPS as a system shall have the structural characteristics prescribed in paragraph (f) of this section for each type of machine described in this paragraph.

(b) The static laboratory test prescribed herein will determine the adequacy of the structures used to protect the operator under the following conditions:

(1) For rubber-tired self-propelled scrapers, rubber-tired front-end loaders, and rubber-tired dozers: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 30° maximum.

(2) For motor graders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to 360° down a slope of 30° maximum.

(3) For crawler tractors and crawler-type loaders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 45°.

(c) *Facilities and apparatus.* (1) The following material is necessary:

(i) Material, equipment, and tiedown means adequate to insure that the ROPS and its vehicle frame absorb the applied energy.

(ii) Equipment necessary to measure and apply loads to the ROPS. Adequate means to measure deflections and lengths should also be provided.

(iii) Recommended, but not mandatory, types of test setups are illustrated in Figure W-1 for all types of equipment to which this section applies; and in Figure W-2 for rubber-tired self-propelled scrapers; Figure W-3 for rubber-tired front-end loaders, rubber-tired dozers, and motor graders; and Figure W-4 for crawler tractors and crawler-type loaders.

(2) Table W-1 contains a listing of the required apparatus for all types of equipment described in paragraph (a) of this section.

TABLE W-1

Means to measure	*Accuracy*
Deflection of ROPS, inches	±5% of deflection measured.
Vehicle weight, pounds	±5% of the weight measured.
Force applied to frame, pounds.	±5% of force measured.
Dimensions of critical zone, inches.	±0.5 in.

(d) *Vehicle condition.* The ROPS to be tested must be attached to the vehicle structure in the same manner as it will be attached during vehicle use. A totally assembled vehicle is not required. However, the vehicle structure and frame which support the ROPS must represent the actual vehicle installation. All normally detachable windows, panels, or nonstructural fittings shall be removed so that they do not contribute to the strength of the ROPS.

(e) *Test procedure.* The test procedure shall include the following, in the sequence indicated:

(1) Energy absorbing capabilities of ROPS shall be verified when loaded laterally by incrementally applying a distributed load to the longitudinal outside top member of the ROPS, as shown in Figure W-1, W-2, or W-3, as applicable. The distributed load must be applied so as to result in approximately uniform deflection of the ROPS. The load increments should correspond with approximately 0.5 in. ROPS deflection increment in the direction of the load application, measured at the ROPS top edge. Should the operator's seat be offcenter, the load shall be applied on the offcenter side. For each applied load increment, the total load (lb.) versus corresponding deflection (in.) shall be plotted, and the area under the load-deflection curve shall be calculated. This area is equal to the energy (in.-lb.) absorbed by the ROPS. For a typical load-deflection curve and calculation method, see Figure W-5.

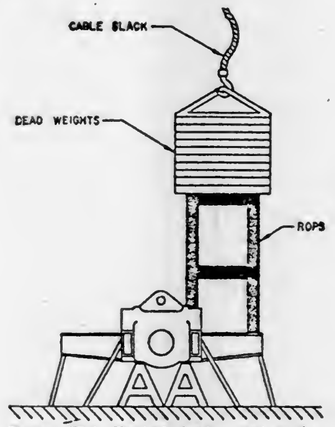


FIGURE W-1—Vertical loading setup for all types of equipment described in § 1518.1001(a).

Incremental loading shall be continued until the ROPS has absorbed the amount of energy and the minimum applied load specified under paragraph (f) of this section has been reached or surpassed.

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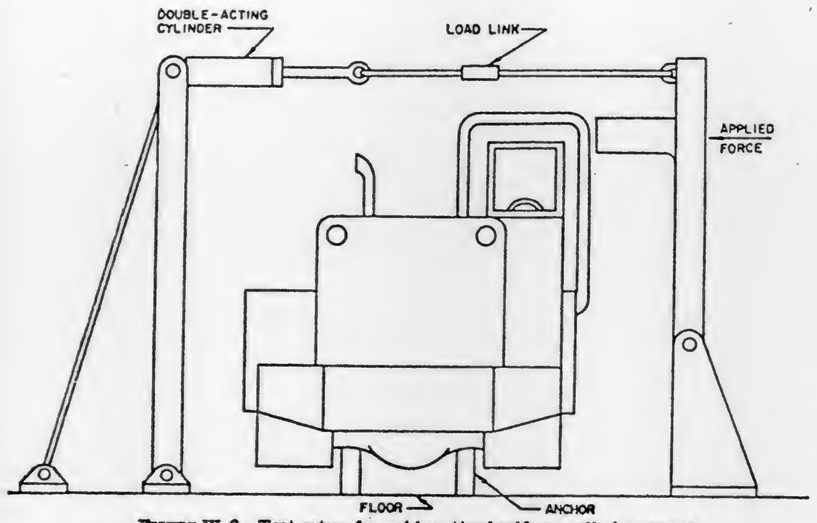


FIGURE W-2—Test setup for rubber-tired self-propelled scrapers.

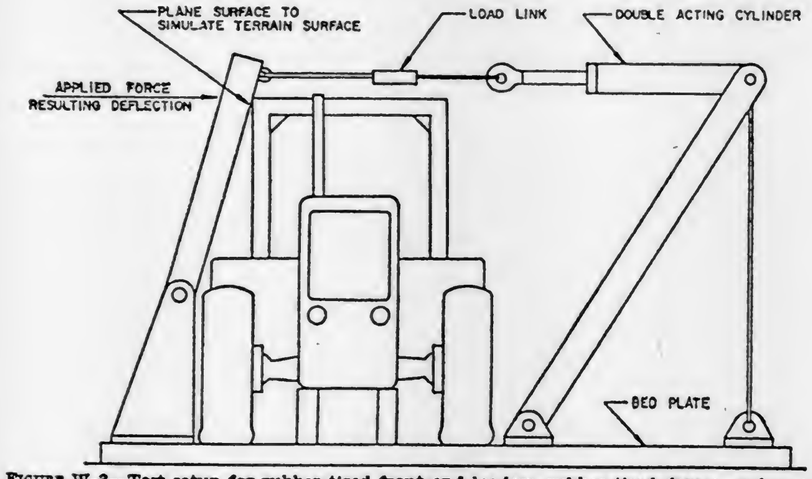


FIGURE W-3—Test setup for rubber-tired front-end loaders, rubber-tired dozers, and motor graders.

(2) To cover the possibility of the vehicle coming to rest on its top, the support capability shall be verified by applying a distributed vertical load to the top of the ROPS so as to result in approximately uniform deflection (see Figure W-1). The load magnitude is specified in paragraph (f)(2)(iii) of this section.

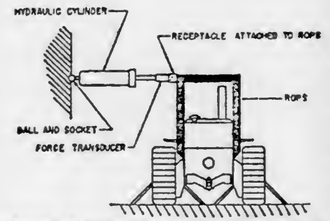


FIGURE W-4—Side-loading setup for crawler tractors and crawler loaders.

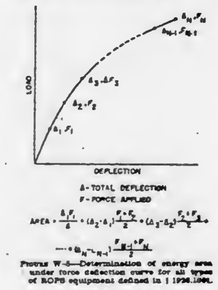


FIGURE W-5—Determination of energy area under force deflection curve for all types of ROPS equipment defined in § 1926.1001.

(3) The low temperature impact strength of the material used in the ROPS shall be verified by suitable material tests or material certification (see paragraph (f)(2)(iv) of this section).

(f) *Performance requirements*—(1) *General performance requirements.* (i) No repairs or straightening of any member shall be carried out between each prescribed test.

(ii) During each test, no part of the ROPS shall enter the critical zone as detailed in SAE J397 (1969). Deformation of the ROPS shall not allow the plane of the ground to enter this zone.

(2) *Specific performance requirements.* (i) The energy requirement for purposes of meeting the requirements of paragraph (e)(1) of this section is to be determined by referring to the plot of the energy versus weight of vehicle (see Figure W-6 for rubber-tired self-propelled scrapers; Figure W-7 for rubber-tired front-end loaders and rubber-tired dozers; Figure W-8 for crawler tractors and crawler-type loaders; and Figure W-9 for motor graders). For purposes of this section, force and weight are measured as pounds (lb.); energy (U) is measured as inch-pounds.

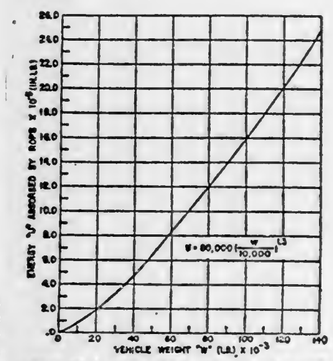


FIGURE W-6—Energy absorbed versus vehicle weight.

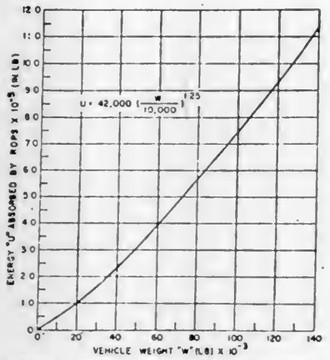


FIGURE W-7—Energy absorbed versus vehicle weight.

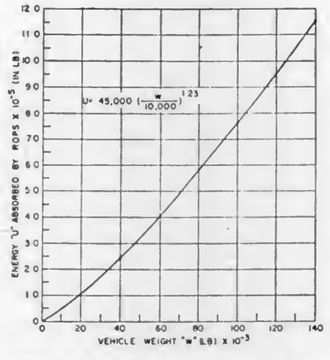


FIGURE W-8—Energy absorbed versus vehicle weight.

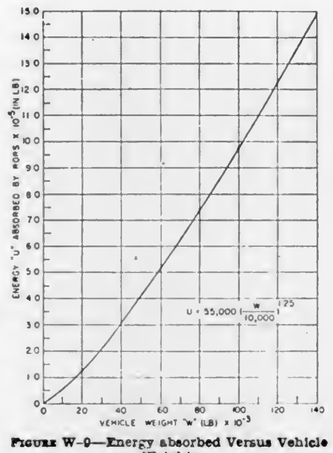


FIGURE W-9—Energy absorbed Versus Vehicle Weight.

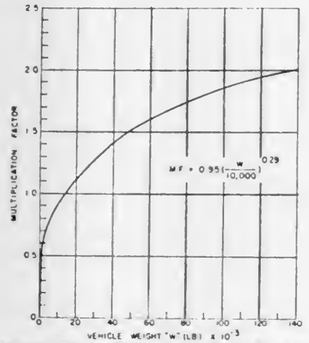


FIGURE W-10—Minimum horizontal load factor for self-propelled scrapers.

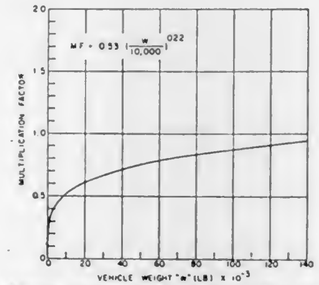


FIGURE W-11—Minimum horizontal load factor for rubber-tired loaders and dozers.

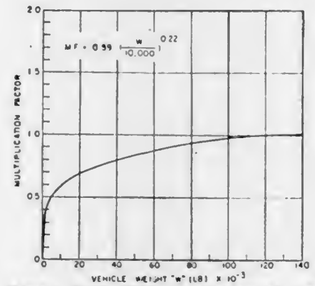


FIGURE W-12—Minimum horizontal load factor for crawler tractors and crawler-type loaders.

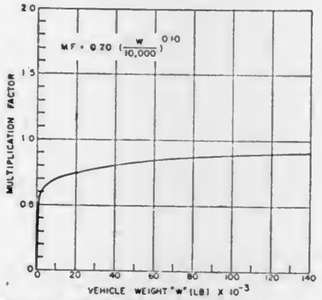


FIGURE W-13—Minimum horizontal load factor for motor graders.

(ii) The applied load must attain at least a value which is determined by multiplying the vehicle weight by the corresponding factor shown in Figure W-10 for rubber-tired self-propelled scrapers; in Figure W-11 for rubber-tired front-end loaders and rubber-tired dozers; in Figure W-12 for crawler tractors and crawler-type loaders; and in Figure W-13 for motor graders.

(iii) The load magnitude for purposes of compliance with paragraph (e)(2) of this section is equal to the vehicle weight. The test of load magnitude shall only be made after the requirements of subparagraph (2)(i) of this paragraph are met.

(iv) Material used in the ROPS must have the capability of performing at zero degrees Fahrenheit, or exhibit Charpy V notch impact strength of 8 foot-pounds at minus 20° Fahrenheit. This is a standard Charpy specimen as described in American Society of Testing and Materials A 370, Methods and Definitions for Mechanical Testing of Steel Products (available at each Regional Office of the Occupational Safety and Health Administration). The purpose of this requirement is to reduce the tendency of brittle fracture associated with dynamic loading, low temperature operation, and stress raisers which cannot be entirely avoided on welded structures.

(g) *Definitions.* For purposes of this section, "vehicle weight" means the manufacturer's maximum weight of the prime mover for rubber-tired self-propelled scrapers. For other types of equipment to which this section applies, "vehicle weight" means the manufacturer's maximum recommended weight of the vehicle plus the heaviest attachment.

(h) *Source of standard.* This standard is derived from, and restates, the following Society of Automotive Engineers Recommended Practices: SAE J320a, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired, Self-Propelled Scrapers; SAE J394, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired Front End Loaders and Rubber-Tired Dozers; SAE J395, Minimum Performance Criteria for Roll-Over Protective Structure for Crawler Tractors and Crawler-Type Loaders; and SAE J396, Minimum Performance Criteria for Roll-Over Protective Structure for Motor Graders. These recommended practices shall be resorted to in the event that questions of interpretation arise. The recommended practices appear in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

§ 1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction.

(a) *General.* (1) The purpose of this section is to set forth requirements for frames for the protection of operators of wheel type agricultural and industrial tractors to minimize the possibility of operator injury resulting from accidental upsets during normal operation. With respect to agricultural and industrial tractors, the provisions of §§ 1926.1001 and 1926.1003 for rubber-tired dozers and rubber-tired loaders may be utilized in lieu of the requirements of this section.

(2) The protective frame which is the subject of this standard is a structure mounted to the tractor that extends above the operator's seat and conforms generally to Figure W-14.

(3) If an overhead weather shield is attached to the protective frame, it may be in place during tests: *Provided,* That it does not contribute to the strength of the protective frame. If such an overhead weather shield is attached, it must meet the requirements of paragraph (i) of this section.

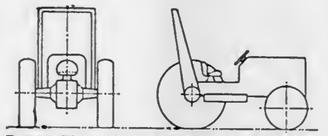


FIGURE W-14—Typical frame configuration.

(4) For overhead protection requirements, see § 1926.1003.

(5) If protective enclosures are used on wheel-type agricultural and industrial tractors, they shall meet the requirements of Society of Automotive Engineers Standard J168 (July 1970), Protective Enclosures, Test Procedures, and Performance Requirements. This standard appears in the 1971 SAE Handbook and may be examined in each Regional Office of the Occupational Safety and Health Administration.

(b) *Applicability.* The requirements of this section apply to wheel-type agricultural tractors used in construction work and to wheel-type industrial tractors used in construction work. See paragraph (j) of this section for definitions of agricultural tractors and industrial tractors.

(c) *Performance requirements.* (1) Either a laboratory test or a field test is required in order to determine the performance requirements set forth in subdivision (i) of this subparagraph.

(2) A laboratory test may be either static or dynamic. The laboratory test must be under conditions of repeatable and controlled loading in order to permit analysis of the protective frame.

(3) A field upset test, if used, shall be conducted under reasonably controlled conditions, both rearward and sideways to verify the effectiveness of the protective frame under actual dynamic conditions.

(d) *Test procedures—general.* (1) The tractor used shall be the tractor with the greatest weight on which the protective frame is to be used.

(2) A new protective frame and mounting connections of the same design shall be used for each test procedure.

(3) Instantaneous and permanent frame deformation shall be measured and recorded for each segment of the test.

(4) Dimensions relative to the seat shall be determined with the seat unloaded and adjusted to its highest and most rearward latched position provided for a seated operator.

(5) If the seat is offset, the frame loading shall be on the side with the least space between the centerline of the seat and the upright.

(6) The low temperature impact strength of the material used in the protective structure shall be verified by suitable material tests or material certifications in accordance with § 1926.1001 (f)(2)(iv).

(e) *Test procedure for vehicle overturn.*—(1) *Vehicle weight.* The weight of the tractor, for purposes of this section, includes the protective frame, all fuels, and other components required for normal use of the tractor. Ballast must be added if necessary to achieve a minimum total weight of 130 lb. (59 kg.) per maximum power takeoff horsepower at rated engine speed. The weight of the front end must be at least 33 lb. (15 kg.) per maximum power takeoff horsepower. In case power takeoff horsepower is unavailable, 95 percent of net engine flywheel horsepower shall be used.

(2) Agricultural tractors shall be tested at the weight set forth in subparagraph (1) of this paragraph.

(3) Industrial tractors shall be tested with items of integral or mounted equipment and ballast that are sold as standard equipment or approved by the vehicle manufacturer for use with the vehicle where the protective frame is expected to provide protection for the operator with such equipment installed. The total vehicle weight and front end weight as tested shall not be less than the weights established in subparagraph (1) of this paragraph.

(4) The test shall be conducted on a dry, firm soil bank as illustrated in Figure W-15. The soil in the impact area shall have an average cone index in the 0-6 in. (153 mm.) layer not less than 150 according to American Society of Agricultural Engineers Recom-

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mendation ASAE R313, Soil Cone Penetrometer (available in each Regional Office of the Occupational Safety and Health Administration). The path of travel of the vehicle shall be 12°±2° to the top edge of the bank.

(5) The upper edge of the bank shall be equipped with an 18 in. (457 mm.) high ramp as described in Figure W-15 to assist in tipping the vehicle.

(6) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used.

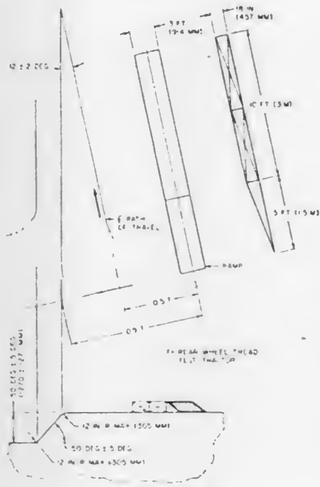


FIGURE W-15.

(7) *Vehicle Overturn Test—Sideways and Rearward.* (i) The tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 m.p.h. (16 km./hr.) or maximum vehicle speed if under 10 m.p.h. (16 km./hr.) up the ramp as described in subparagraph (5) of this paragraph to induce sideways overturn.

(ii) Rear upset shall be induced by engine power with the tractor operating in gear to obtain 3-5 m.p.h. (4.8-8 km./hr.) at maximum governed engine r.p.m. preferably by driving forward directly up a minimum slope of two vertical to one horizontal. The engine clutch may be used to aid in inducing the upset.

(f) *Other test procedures.* When the field upset test is not used to determine ROPS performance, either the static test or the dynamic test, contained in paragraph (g) or (h) of this section, shall be made.

(g) *Static test—(1) Test conditions.* (i) The laboratory mounting base shall include that part of the tractor chassis to which the protective frame is attached including the mounting parts.

(ii) The protective frame shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions specified in Figures W-16, W-17, and W-18.

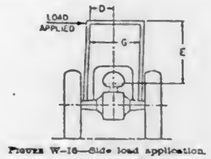


FIGURE W-16—Side load application.

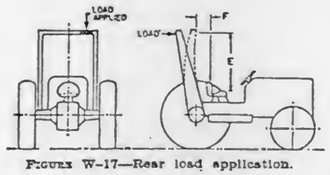


FIGURE W-17—Rear load application.

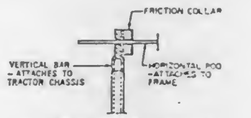


FIGURE W-18—Method of measuring instantaneous deflection.

(iii) The protective frame and mounting connections shall be instrumented with the necessary recording equipment to obtain the required load-deflection data to be used in calculating FSB (see paragraph (j)(3) of this section). The gauges shall be placed on mounting connections before the installation load is applied.

(2) *Test procedure.* (i) The side load application shall be at the upper extremity of the frame upright at a 90° angle to the centerline of the vehicle. The side load "L" shall be applied according to Figure W-16. "L" and "D" shall be recorded simultaneously. The test shall be stopped when:

(A) The strain energy absorbed by the frame is equal to the required input energy (E_{ir}) or

(B) Deflection of the frame exceeds the allowable deflection, or

(C) The frame load limit occurs before the allowable deflection is reached in the side load.

(ii) The L-D diagram, as shown by means of a typical example in Figure W-19, shall be constructed, using the data obtained in accordance with subdivision (i) of this subparagraph.

(iii) The modified L_m-D_m diagram shall be constructed according to subdivision (ii) of this subparagraph and according to Figure W-20. The strain energy absorbed by the frame (E_u) shall then be determined.

(iv) E_{ir}, FER, and FSB shall be calculated.

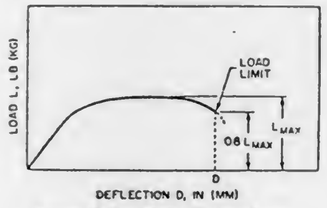


FIGURE W-19—Typical L-D diagram.

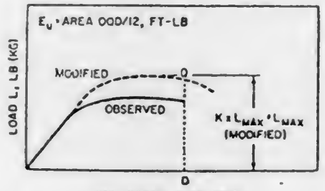


FIGURE W-20—Typical modified L_m-D_m diagram.

(v) The test procedure shall be repeated on the same frame utilizing L (rear input; see FIGURE W-18) and E_{ir}. Rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 sq. in. (1,032 sq. cm.) normal to the direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(h) *Dynamic test—(1) Test conditions.* (i) The protective frame and tractor shall meet the requirements of paragraphs (e)(2) or (3) of this section, as appropriate.

(ii) The dynamic loading shall be produced by use of a 4,410 lb. (2,000 kg.) weight acting as a pendulum. The impact face of the weight shall be 27 plus or minus 1 in. by 27 plus or minus 1 in. (686+ or −25 mm.) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm.) of its geometric center. The weight shall be suspended from a pivot point 18-22 ft. (5.5-6.7 m.) above the point of impact on the frame and shall be conveniently and safely adjustable for height. (See Figure W-21.)

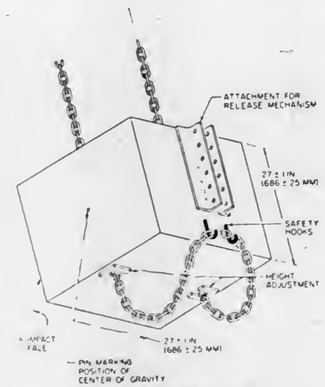


FIGURE W-21—Pendulum.

(iii) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall be of 0.5-0.63 in. (12.5-16 mm.) steel cable and points of attaching restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15°-30° angle between a restraining cable and the horizontal. The restraining member shall either be in the plane in which the center gravity of the pendulum will swing or more than one restraining cable shall give a resultant force in this plane. (See Figure W-22.)

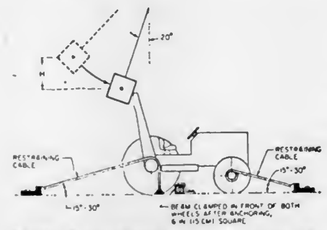


FIGURE W-22—Method of impact from rear

(iv) The wheel tread setting shall comply with the requirements of paragraph (e)(6) of this section. The tires shall have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the tire manufacturer. With specified tire inflation, the restraining cables shall be tightened to provide tire deflection of 6-8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam 6 × 6 in. (15 × 15 cm.) shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the floor so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that when it is positioned against the wheel rim, it is at an angle of 25°-40° to the horizontal. It shall have a length 20-25 times its depth and a width two to three times its depth. (See Figures W-22 and W-23.)

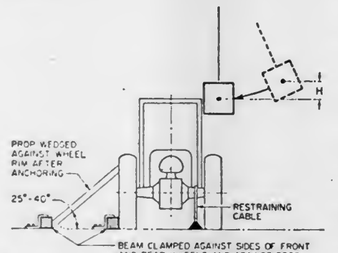


FIGURE W-23—Method of impact from side.

(v) Means shall be provided indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Figure W-23.

(vi) No repair or adjustments may be carried out during the test.

(vii) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(2) *Test procedure—(i) General.* The frame shall be evaluated by imposing dynamic loading to rear followed by a load to the side on the same frame. The pendulum dropped from the height (see definition "H" in paragraph (j)(3) of this section) imposes the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the frame shall be in line with the arc of travel of the center of gravity of the pendulum. A quick release mechanism should be used but, if used, shall not influence the attitude of the block.

(ii) *Impact at rear.* The tractor shall be properly restrained according to subparagraphs (1) (iii) and (iv) of this paragraph. The tractor shall be positioned with respect to the pivot point of the pendulum such that the pendulum is 20° from the vertical prior to impact, as shown in Figure W-22. The impact shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright of a new frame.

(iii) *Impact at side.* The block and restraining shall conform to subparagraphs (1) (iii) and (iv) of this paragraph. The point of impact shall be that structural member of the protective frame likely to hit the ground first in a sideways accidental upset. The side impact shall be applied to the side opposite that used for rear impact.

(i) *Performance requirements—(1) General.* (i) The frame, overhead weather shield, fenders, or other parts in the operator area may be deformed but shall not shatter or leave sharp edges exposed to the operator, or violate dimensions as shown in Figures W-16 and W-17 as follows:

D=2 in. (51 mm.) inside of frame upright to vertical centerline of seat.
E=30 in. (762 mm.).
F=Not less than 0 in. and not more than 12 in. (305 mm.), measured at centerline front of seat backrest to crossbar along the line of load application as shown in Figure W-17.
G=24 in. (610 mm.).

(ii) The material and design combination used in the protective structure must be such that the structure can meet all prescribed performance tests at zero degrees Fahrenheit in accordance with § 1926.1001(f)(2)(iv).

(2) *Vehicle overturn performance requirements.* The requirements of this paragraph (i) must be met in both side and rear overturns.

(3) *Static test performance requirements.* Design factors shall be incorporated in each design to withstand an overturn test as prescribed in this paragraph (i). The structural requirements will be generally met if FER is greater than 1 and FSB is greater than K-1 in both side and rear loadings.

(4) *Dynamic test performance requirements.* Design factors shall be incorporated in each design to withstand the overturn test prescribed in this paragraph (i). The structural requirements will be generally met if the dimensions in this paragraph (i) are adhered to in both side and rear loads.

(j) *Definitions applicable to this section.* (1) SAE J333a, Operator Protection for Wheel-Type Agricultural and Industrial Tractors (July 1970) defines "agricultural tractor" as a "wheel-type vehicle of more than 20 engine horse-

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power designed to furnish the power to pull, carry, propel, or drive implements that are designed for agricultural usage." Since this Part 1926 applies only to construction work, the following definition of "agricultural tractor" is adopted for purposes of this subpart: "Agricultural tractor" means a wheel-type vehicle of more than 20 engine horsepower, used in construction work, which is designed to furnish the power to pull, propel, or drive implements.

(2) "Industrial tractor" means that class of wheeled type tractor of more than 20 engine horsepower (other than rubber-tired loaders and dozers described in § 1926.1001), used in operations such as landscaping, construction services, loading, digging, grounds keeping, and highway maintenance.

(3) The following symbols, terms, and explanations apply to this section:

E_{is} = Energy input to be absorbed during side loading. $E_{is} = 723 + 0.4$ W ft.-lb. ($E'_s = 100 + 0.12W$', m.-kg.).

E_{ir} = Energy input to be absorbed during rear loading. $E_{ir} = 0.47$ W ft.-lb. ($E'_r = 0.14$ W', m.-kg.).

W = Tractor weight as prescribed in § 1926.1002 (e)(1) and (e)(3), in lb. (W', kg.).

L = Static load, lb. (kg.).

D = Deflection under L, in. (mm.).

L-D = Static load-deflection diagram.

L_m-D_m = Modified static load-deflection diagram (Figure W-20). To account for increase in strength due to increase in strain rate, raise L in plastic range to L×K.

K = Increase in yield strength induced by higher rate of loading (1.3 for hot rolled low carbon steel 1010-1030). Low carbon is preferable; however, if higher carbon or other material is used, K must be determined in the laboratory. Refer to Charles H. Norris, et al., Structural Design for Dynamic Loads (1959), p.3.

L_{max} = Maximum observed static load.

Load Limit = Point on L-D curve where observed static load is 0.8 L_{max} (refer to Figure W-19).

E_u = Strain energy absorbed by the frame, ft.-lb. (m.-kg.) area under L_m-D_m curve.

FER = Factor of energy ratio, $FER = E_u/E_{is}$; also $= E_u/E_{ir}$.

P_s = Maximum observed force in mounting connection under static load, L, lb. (kg.).

FSB = Design margin for mounting connection $FSB = (P_s/P_s) - 1$.

H = Vertical height of lift of 4,410 lb. (2,000 kg.) weight, in. (H', mm.). The weight shall be pulled back so that the height of its center of gravity above the point of impact is defined as follows: $H = 4.92 + 0.00190$ W or ($H' = 125 + 0.107$ W') (Figure W-24).

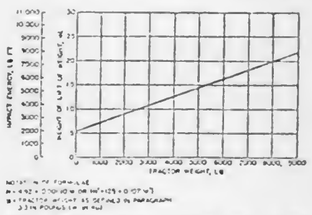


FIGURE W-24—Impact energy and corresponding lift height of 4,410 lb. (2,000 kg.) weight.

(k) *Source of standard.* The standard in this section is derived from, and restates, Society of Automotive Engineers Standard J334a (July 1970), Protective Frame Test Procedures and Performance Requirements. This standard shall be resorted to in the event that questions of interpretation arise. The standard appears in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

§ 1926.1003 Overhead protection for operators of agricultural and industrial tractors.

(a) *General*—(1) *Purpose.* When overhead protection is provided on wheel-type agricultural and industrial tractors, the overhead protection shall be designed and installed according to the requirements contained in this section. The provisions of § 1926.1001 for rubber-tired dozers and rubber-tired loaders may be used in lieu of the standards contained in this section. The purpose of the standard is to minimize the possibility of operator injury resulting from overhead hazards such as flying and falling objects, and at the same time to minimize the possibility of operator injury from the cover itself in the event of accidental upset.

(2) *Applicability.* This standard applies to wheel-type agricultural tractors used in construction work and to wheel-type industrial tractors used in construction work. See § 1926.1002 (b) and (j). In the case of machines to which § 1926.604 (relating to site clearing) also applies, the overhead protection may be either the type of protection provided in § 1926.604 or the type of protection provided by this section.

(b) *Overhead protection.* When overhead protection is installed on wheel-type agricultural or industrial tractors used in construction work, it shall meet the requirements of this paragraph. The overhead protection may be constructed of a solid material. If grid or mesh is used, the largest permissible opening shall be such that the maximum circle which can be inscribed between the elements of the grid or mesh is 1.5 in. (38 mm.) in diameter. The overhead protection shall not be installed in such a way as to become a hazard in the case of upset.

(c) *Test procedures—general.* (1) The requirements of § 1926.1002 (d), (e), and (f) shall be met.

(2) Static and dynamic rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.^{2} (1,032 cm.^{2}) normal to the direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(3) The static and dynamic side load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.^{2} (1,032 cm.^{2}) normal to the direction of load application. The direction of load application is the same as in § 1926.1002 (g) and (h). To simulate the characteristics of the structure during an upset, the center of load application may be located from a point 24 in. (610 mm.) (K) forward to 12 in. (305 mm.) (L) rearward of the front of the seat backrest to best utilize the structural strength. See Figure W-25.

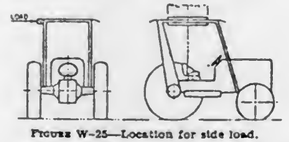


FIGURE W-25—Location for side load.

(d) *Drop test procedures.* (1) The same frame shall be subjected to the drop test following either the static or dynamic test.

(2) A solid steel sphere or material of equivalent spherical dimension weighing 100 lb. (45.4 kg.) shall be dropped once from a height 10 ft. (3,048 mm.) above the overhead cover.

(3) The point of impact shall be on the overhead cover at a point within the zone of protection as shown in Figure W-26, which is furthest removed from major structural members.

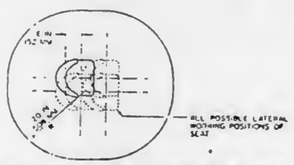


FIGURE W-26—Zone of protection for drop test.

(e) *Crush test proccdure.* (1) The same frame shall be subjected to the crush test following the drop test and static or dynamic test.

(2) The test load shall be applied as shown in Figure W-27 with the seat positioned as specified in § 1926.1002(d)(4). Loading cylinders shall be pivotally mounted at both ends. Loads applied by each cylinder shall be equal within 2 percent, and the sum of the loads of the two cylinders shall be two times the tractor weight as set forth in § 1926.1002(e)(1). The maximum width of the beam illustrated in Figure W-27 shall be 6 in. (152 mm.).

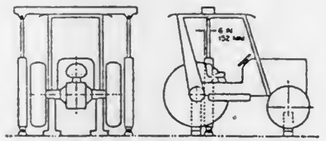


FIGURE W-27—Method of load application for crush test.

(f) *Performance requirements*—(1) *General.* The performance requirements set forth in § 1926.1002(i) (2), (3), and (4) shall be met.

(2) *Drop test performance requirements.* (i) Instantaneous deformation due to impact of the sphere shall not enter the protected zone as illustrated in Figures W-25, W-26, and W-28.

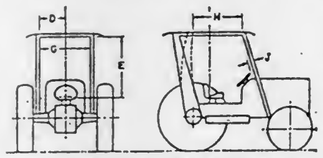


FIGURE W-28—Protected zone during crush and drop tests.

(ii) In addition to the dimensions set forth in § 1926.1002(i)(1)(i), the following dimensions apply to Figure W-28:

H = 17.5 in. (444 mm.)

J = 2 in. (50.8 mm.) measured from the outer periphery of the steering wheel.

(3) *Crush test performance requirements.* The protected zone as described in Figure W-28 must not be violated.

(g) *Source of standard.* This standard is derived from, and restates, the portions of Society of Automotive Engineers Standard J167 which pertain to overhead protection requirements. The full title of the SAE standard is: Protective Frame with Overhead Protection—Test Procedures and Performance Requirements. The SAE standard shall be resorted to in the event that questions of interpretation arise. The SAE standard appears in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

Subpart X—Effective Dates

Sec.
1926.1050 Effective dates (general).
1926.1051 Effective dates (specific).

Subpart X—Effective Dates

§ 1926.1050 Effective dates (general).

Except where different effective dates are specifically provided in § 1926.1051, the safety and health standards published in Subparts C through U of this part shall become effective on April 24, 1971, for all Federal and federally assisted advertised contracts subject thereto which are advertised after that date and on April 27, 1971, for all such negotiated contracts for which negotiations begin after that date.

§ 1926.1051 Effective dates (specific).

(a) With respect to standards concerning brakes and fenders prescribed in § 1926.602, the rules contained therein specify the applicable effective dates.

(b)(1) To the extent that the standards in this part apply to light residential construction, their application is delayed until September 27, 1971, whereupon the standards shall apply to contracts subject to the Contract Work Hours and Safety Standards Act which are advertised on or after that date and to such contracts which may be negotiated when the negotiations commence on or after that date.

(2) For the purpose of this paragraph, the term "light residential construction" is limited to the construction of homes and apartments which do not exceed three stories in height, and which do not have an elevator.

SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

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Abrasive Wheels and Tools	.303.
Accident Prevention Responsibilities	.20(b).

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Electrical Tests	.556(b)(3).
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Alarms, Audible	.602(a)(9).
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Atomic Energy Commission	.53.
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Authorized Person (Definition)	.32(d).
Automatic Circuit Recloser (Definition)	.960(b).
B	
Barges:	
Access	.605(b).
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Mobile Cranes	.550(f).
Pile Driving	.603(b).
Working Surfaces	.605(c).
Barricades	.202.
Cranes	.550(a)(9).
Definition	.203(a), 960(c).
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Motor Vehicle Equipment	.600(a).
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Definition	.107(f).
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Body Belts, Safety Straps and Lanyards	.959.
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SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION—Continued
SUBJECT INDEX FOR 29 CFR PART 1926

Subject term	Section No.
Hardware	.959(a)(1).
Snap Hooks	.959(a)(4).
Keepers	.959(b)(8).
Stitching	.959(b)(5).
Testing	.959(b)(1), (7).
Boilers	.29(b).
Pile-Driving Equipment	.603(a).
Bolting, Bolts	.752(b).
Rock	.800(h)(2).
Bond (Definition)	.960(e).
Boom Platforms	.556(b)(2).
Brackets, Roofing	.451(u).
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The following requirements from Subpart T of 29 CFR 1910 (General Industry Standards) have been identified as applicable to construction (29 CFR Part 1926).

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart T—Commercial Diving Operations

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Appendix A—Examples of Conditions Which May Restrict or Limit Exposure to Hyperbaric Conditions.

Subpart T—Commercial Diving Operations

GENERAL

§ 1910.401 Scope and application.

(a) *Scope.* (1) This subpart (standard) applies to every place of employment within the waters of the United States, or within any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, Wake Island, Johnston Island, the Canal Zone, or within the Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act (67 Stat. 462, 43 U.S.C. 1331), where diving and related support operations are performed.

(2) This standard applies to diving and related support operations conducted in connection with all types of work and employments, including general industry, construction, ship repairing, shipbuilding, shipbreaking and longshoring. However, this standard does not apply to any diving operation:

(i) Performed solely for instructional purposes, using open-circuit, compressed-air SCUBA and conducted within the no-decompression limits;

(ii) Performed solely for search, rescue, or related public safety purposes by or under the control of a governmental agency; or

(iii) Governed by 45 CFR Part 46 (Protection of Human Subjects, U.S. Department of Health, Education, and Welfare) or equivalent rules or regulations established by another federal agency, which regulate research, development, or related purposes involving human subjects.

(b) *Application in emergencies.* An employer may deviate from the requirements of this standard to the extent necessary to prevent or minimize a situation which is likely to cause death, serious physical harm, or major environmental damage, provided that the employer:

(1) Notifies the Area Director, Occupational Safety and Health Administration within 48 hours of the onset of the emergency situation indicating the nature of the emergency and extent of the deviation from the prescribed regulations; and

(2) Upon request from the Area Director, submits such information in writing.

(c) *Employer obligation.* The employer shall be responsible for compliance with:

(1) All provisions of this standard of general applicability; and

(2) All requirements pertaining to specific diving modes to the extent diving operations in such modes are conducted.

§ 1910.402 Definitions.

As used in this standard, the listed terms are defined as follows:

"Acfm": Actual cubic feet per minute.

"ASME Code or equivalent": ASME (American Society of Mechanical Engineers) Boiler and Pressure Vessel Code, Section VIII, or an equivalent code which the employer can demonstrate to be equally effective.

"ATA": Atmosphere absolute.

"Bell": An enclosed compartment, pressurized (closed bell) or unpressurized (open bell), which allows the diver to be transported to and from the underwater work area and which may be used as a temporary refuge during diving operations.

"Bottom time": The total elapsed time measured in minutes from the time when the diver leaves the surface in descent to the time that the diver begins ascent.

"Bursting pressure": The pressure at which a pressure containment device would fail structurally.

"Cylinder": A pressure vessel for the storage of gases.

"Decompression chamber": A pressure vessel for human occupancy such as a surface decompression chamber, closed bell, or deep diving system used to decompress divers and to treat decompression sickness.

"Decompression sickness": A condition with a variety of symptoms which may result from gas or bubbles in the tissues of divers after pressure reduction.

"Decompression table": A profile or set of profiles of depth-time relationships for ascent rates and breathing mixtures to be followed after a specific depth-time exposure or exposures.

"Dive location": A surface or vessel from which a diving operation is conducted.

"Dive-location reserve breathing gas": A supply system of air or mixed-gas (as appropriate) at the dive location which is independent of the primary supply system and sufficient to support divers during the planned decompression.

"Dive team": Divers and support employees involved in a diving operation, including the designated person-in-charge.

"Diver": An employee working in water using underwater apparatus which supplies compressed breathing gas at the ambient pressure.

"Diver-carried reserve breathing gas": A diver-carried supply of air or mixed gas (as appropriate) sufficient under standard operating conditions to allow the diver to reach the surface, or another source of breathing gas, or to be reached by a standby diver.

"Diving mode": A type of diving requiring specific equipment, procedures and techniques (SCUBA, surface-supplied air, or mixed gas).

"Fsw": Feet of seawater (or equivalent static pressure head).

"Heavy gear": Diver-worn deep-sea dress including helmet, breastplate, dry suit, and weighted shoes.

"Hyperbaric conditions": Pressure conditions in excess of surface pressure.

"Inwater stage": A suspended underwater platform which supports a diver in the water.

"Liveboating": The practice of supporting a surfaced-supplied air or mixed gas diver from a vessel which is underway.

"Mixed-gas diving": A diving mode in which the diver is supplied in the water with a breathing gas other than air.

"No-decompression limits": The depth-time limits of the "no-decompression limits and repetitive dive group designation table for no-decompression air dives", U.S. Navy Diving Manual or equivalent limits which the employer can demonstrate to be equally effective.

"Psi(g)": Pounds per square inch (gauge).

"SCUBA diving": A diving mode independent of surface supply in which the diver uses open circuit self-contained underwater breathing apparatus.

"Standby diver": A diver at the dive location available to assist a diver in the water.

"Surface-supplied air diving": A diving mode in which the diver in the water is supplied from the dive location with compressed air for breathing.

"Treatment table": A depth-time and breathing gas profile designed to treat decompression sickness.

"Umbilical": The composite hose bundle between a dive location and a diver or bell, or between a diver and a bell, which supplies the diver or bell with breathing gas, communications, power, or heat as appropriate to the diving mode or conditions, and includes a safety line between the diver and the dive location.

"Volume tank": A pressure vessel connected to the outlet of a compressor and used as an air reservoir.

"Working pressure": The maximum pressure to which a pressure containment device may be exposed under standard operating conditions.

PERSONNEL REQUIREMENTS

§ 1910.410 Qualifications of dive team.

(a) *General.* (1) Each dive team member shall have the experience or training necessary to perform assigned tasks in a safe and healthful manner.

(2) Each dive team member shall have experience or training in the following:

(i) The use of tools, equipment and systems relevant to assigned tasks;

(ii) Techniques of the assigned diving mode; and

(iii) Diving operations and emergency procedures.

(3) All dive team members shall be trained in cardiopulmonary resuscitation and first aid (American Red Cross standard course or equivalent).

(4) Dive team members who are exposed to or control the exposure of others to hyperbaric conditions shall be trained in diving-related physics and physiology.

(b) *Assignments.* (1) Each dive team member shall be assigned tasks in accordance with the employee's experience or training, except that limited additional tasks may be assigned to an employee undergoing training provided that these tasks are performed under the direct supervision of an experienced dive team member.

(2) The employer shall not require a dive team member to be exposed to hyperbaric conditions against the employee's will, except when necessary to complete decompression or treatment procedures.

(3) The employer shall not permit a dive team member to dive or be otherwise exposed to hyperbaric conditions for the duration of any temporary physical impairment or condition which is known to the employer and is likely to affect adversely the safety or health of a dive team member.

(c) *Designated person-in-charge.* (1) The employer or an employee designated by the employer shall be at the dive location in charge of all aspects of the diving operation affecting the safety and health of dive team members.

(2) The designated person-in-charge shall have experience and training in the conduct of the assigned diving operation.

§ 1910.411 Medical requirements.

(a) *General.* (1) The employer shall determine that dive team members who are, or are likely to be, exposed to hyperbaric conditions are medically fit to perform assigned tasks in a safe and healthful manner.

(2) The employer shall provide each dive team member who is, or is likely to be, exposed to hyperbaric conditions with all medical examinations required by this standard.

(3) All medical examinations required by this standard shall be performed by, or under the direction of, a physician at no cost to the employee.

(b) *Frequency of medical examinations.* Medical examinations shall be provided:

(1) Prior to initial hyperbaric exposure with the employer, unless an equivalent medical examination has been given within the preceding 12 months and the employer has obtained the results of the examination and an opinion from the examining physician of the employee's medical fitness to dive or to be otherwise exposed to hyperbaric conditions;

(2) At one-year intervals from the date of initial examination or last equivalent examination; and

(3) After an injury or illness requiring hospitalization of more than twenty-four (24) hours.

(c) *Information provided to examining physician.* The employer shall provide the following information to the examining physician:

(1) A copy of the medical requirements of this standard; and

(2) A summary of the nature and extent of hyperbaric conditions to which the dive team member will be exposed, including diving modes and types of work to be assigned.

(d) *Content of medical examinations.* (1) Medical examinations conducted initially and annually shall consist of the following:

(i) Medical history;

(ii) Diving-related work history;

(iii) Basic physical examination;

(iv) The tests required by Table I; and

(v) Any additional tests the physician considers necessary.

(2) Medical examinations conducted after an injury or illness requiring hospitalization of more than 24 hours shall be appropriate to the nature and extent of the injury or illness as determined by the examining physician.

TABLE I.—*Tests for diving medical examination*

Test	Initial examination	Annual reexamination
Chest X-ray	X	
Visual acuity	X	X
Color blindness	X	
EKG: Standard 12L [1]		
Hearing test	X	X
Hematocrit or hemoglobin	X	X
Sickle cell index	X	
White blood count	X	X
Urinalysis	X	X

[1] To be given to the employee once, at age 35 or over.

(e) *Physician's written report.* (1) After any medical examination required by this standard, the employer shall obtain a written report prepared

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by the examining physician containing:

(i) The results of the medical examination; and

(ii) The examining physician's opinion of the employee's fitness to be exposed to hyperbaric conditions, including any recommended restrictions or limitations to such exposure (see Appendix B).

(2) The employer shall provide the employee with a copy of the physician's written report.

(f) *Determination of employee fitness.* (1) The employer shall determine the extent and nature of the dive team member's fitness to engage in diving or be otherwise exposed to hyperbaric conditions consistent with the recommendations in the examining physician's report.

(2) If the examining physician has recommended a restriction or limitation on the dive team member's exposure to hyperbaric conditions, and the affected employee does not concur, a second physician selected by the employee shall render a medical opinion on the nature and extent of the restriction or limitation, if any.

(3) If the recommendation of the second opinion differs from that of the examining (first) physician, and if the employer and employee are unable to agree on the nature and extent of the restriction or limitation, an opinion from a third physician selected by the first two physicians shall be obtained. The employer's determination of the dive team member's fitness shall be consistent with the medical opinion of the third physician, unless the employer and employee reach an agreement which is otherwise consistent with the recommendation or opinion of at least two of the physicians involved.

(4) Nothing in this procedure shall be construed to prohibit either a dive team member from accepting, or an employer from offering, an assignment which is otherwise consistent with at least one medical opinion while a final determination on the employee's fitness is pending.

General Operations Procedures

§ 1910.420 Safe practices manual.

(a) *General.* The employer shall develop and maintain a safe practices manual which shall be made available at the dive location to each dive team member.

(b) *Contents.* (1) The safe practices manual shall contain a copy of this standard and the employer's policies for implementing the requirements of this standard.

(2) For each diving mode engaged in, the safe practices manual shall include:

(i) Safety procedures and checklists for diving operations;

(ii) Assignments and responsibilities of the dive team members;

(iii) Equipment procedures and checklists; and

(iv) Emergency procedures for fire, equipment failure, adverse environmental conditions, and medical illness and injury.

§ 1910.421 Pre-dive procedures.

(a) *General.* The employer shall comply with the following requirements prior to each diving operation, unless otherwise specified.

(b) *Emergency aid.* A list shall be kept at the dive location of the telephone or call numbers of the following:

(1) An operational decompression chamber (if not at the dive location);

(2) Accessible hospitals;

(3) Available physicians;

(4) Available means of transportation; and

(5) The nearest U.S. Coast Guard Rescue Coordination Center.

(c) *First aid supplies.* (1) A first aid kit appropriate for the diving operation and approved by a physician shall be available at the dive location.

(2) When used in a decompression chamber or bell, the first aid kit shall be suitable for use under hyperbaric conditions.

(3) In addition to any other first aid supplies, an American Red Cross standard first aid handbook or equivalent, and a bag-type manual resuscitator with transparent mask and tubing shall be available at the dive location.

(d) *Planning and assessment.* Planning of a diving operation shall include an assessment of the safety and health aspects of the following:

(1) Diving mode;

(2) Surface and underwater conditions and hazards;

(3) Breathing gas supply (including reserves);

(4) Thermal protection;

(5) Diving equipment and systems;

(6) Dive team assignments and physical fitness of dive team members (including any impairment known to the employer);

(7) Repetitive dive designation or residual inert gas status of dive team members;

(8) Decompression and treatment procedures (including altitude corrections); and

(9) Emergency procedures.

(e) *Hazardous activities.* To minimize hazards to the dive team, diving operations shall be coordinated with other activities in the vicinity which are likely to interfere with the diving operation.

(f) *Employee briefing.* (1) Dive team members shall be briefed on:

(i) The tasks to be undertaken;

(ii) Safety procedures for the diving mode;

(iii) Any unusual hazards or environmental conditions likely to affect the safety of the diving operation; and

(iv) Any modifications to operating procedures necessitated by the specific diving operation.

(2) Prior to making individual dive team member assignments, the employer shall inquire into the dive team member's current state of physical fitness, and indicate to the dive team member the procedure for reporting physical problems or adverse physiological effects during and after the dive.

(g) *Equipment inspection.* The breathing gas supply system including reserve breathing gas supplies, masks, helmets, thermal protection, and bell handling mechanism (when appropriate) shall be inspected prior to each dive.

(h) *Warning signal.* When diving from surfaces other than vessels in areas capable of supporting marine traffic, a rigid replica of the international code flag "A" at least one meter in height shall be displayed at the dive location in a manner which allows all-round visibility, and shall be illuminated during night diving operations.

§ 1910.422 Procedures during dive.

(a) *General.* The employer shall comply with the following requirements which are applicable to each diving operation unless otherwise specified.

(b) *Water entry and exit.* (1) A means capable of supporting the diver shall be provided for entering and exiting the water.

(2) The means provided for exiting the water shall extend below the water surface.

(3) A means shall be provided to assist an injured diver from the water or into a bell.

(c) *Communications.* (1) An operational two-way voice communication system shall be used between:

(i) Each surface-supplied air or mixed-gas diver and a dive team member at the dive location or bell (when provided or required); and

(ii) The bell and the dive location.

(2) An operational, two-way communication system shall be available at the dive location to obtain emergency assistance.

(d) *Decompression tables.* Decompression, repetitive, and no-decompression tables (as appropriate) shall be at the dive location.

(e) *Dive profiles.* A depth-time profile, including when appropriate any breathing gas changes, shall be maintained for each diver during the dive including decompression.

(f) *Hand-held power tools and equipment.* (1) Hand-held electrical tools and equipment shall be de-energized before being placed into or retrieved from the water.

(2) Hand-held power tools shall not be supplied with power from the dive location until requested by the diver.

(g) *Welding and burning.* (1) A current supply switch to interrupt the current flow to the welding or burning electrode shall be:

(i) Tended by a dive team member in voice communication with the diver performing the welding or burning; and

(ii) Kept in the open position except when the diver is welding or burning.

(2) The welding machine frame shall be grounded.

(3) Welding and burning cables, electrode holders, and connections shall be capable of carrying the maximum current required by the work, and shall be properly insulated.

(4) Insulated gloves shall be provided to divers performing welding and burning operations.

(5) Prior to welding or burning on closed compartments, structures or pipes, which contain a flammable vapor or in which a flammable vapor may be generated by the work, they shall be vented, flooded, or purged with a mixture of gases which will not support combustion.

(h) *Explosives.* (1) Employers shall transport, store, and use explosives in accordance with this section and the applicable provisions of § 1910.109 and § 1926.912 of Title 29 of the Code of Federal Regulations.

(2) Electrical continuity of explosive circuits shall not be tested until the diver is out of the water.

(3) Explosives shall not be detonated while the diver is in the water.

(i) *Termination of dive.* The working interval of a dive shall be terminated when:

(1) A diver requests termination;

(2) A diver fails to respond correctly to communications or signals from a dive team member;

(3) Communications are lost and can not be quickly re-established between the diver and a dive team member at the dive location, and between the designated person-in-charge and the person controlling the vessel in live-boating operations; or

(4) A diver begins to use diver-carried reserve breathing gas or the dive-location reserve breathing gas.

§ 1910.423 Post-dive procedures.

(a) *General.* The employer shall comply with the following requirements which are applicable after each diving operation, unless otherwise specified.

(b) *Precautions.* (1) After the completion of any dive, the employer shall:

(i) Check the physical condition of the diver;

(ii) Instruct the diver to report any physical problems or adverse physiological effects including symptoms of decompression sickness;

(iii) Advise the diver of the location of a decompression chamber which is ready for use; and

(iv) Alert the diver to the potential hazards of flying after diving.

(2) For any dive outside the no-decompression limits, deeper than 100 fsw or using mixed gas as a breathing mixture, the employer shall instruct the diver to remain awake and in the vicinity of the decompression chamber which is at the dive location for at least one hour after the dive (including decompression or treatment as appropriate).

(c) *Recompression capability.* (1) A decompression chamber capable of recompressing the diver at the surface to a minimum of 165 fsw (6 ATA) shall be available at the dive location for:

(i) Surface-supplied air diving to depths deeper than 100 fsw and shallower than 220 fsw;

(ii) Mixed gas diving shallower than 300 fsw; or

(iii) Diving outside the no-decompression limits shallower than 300 fsw.

(2) A decompression chamber capable of recompressing the diver at the surface to the maximum depth of the dive shall be available at the dive location for dives deeper than 300 fsw.

(3) The decompression chamber shall be:

(i) Dual-lock;

(ii) Multiplace; and

(iii) Located within 5 minutes of the dive location.

(4) The decompression chamber shall be equipped with:

(i) A pressure gauge for each pressurized compartment designed for human occupancy;

(ii) A built-in-breathing system with a minimum of one mask per occupant;

(iii) A two-way voice communication system between occupants and a dive team member at the dive location;

(iv) A viewport; and

(v) Illumination capability to light the interior.

(4) Treatment tables, treatment gas appropriate to the diving mode, and sufficient gas to conduct treatment shall be available at the dive location.

(5) A dive team member shall be available at the dive location during and for at least one hour after the dive to operate the decompression chamber (when required or provided).

(d) *Record of dive.* (1) The following information shall be recorded and maintained for each diving operation:

(i) Names of dive team members including designated person-in-charge;

(ii) Date, time, and location;

(iii) Diving modes used;

(iv) General nature of work performed;

(v) Approximate underwater and surface conditions (visibility, water temperature and current); and

(vi) Maximum depth and bottom time for each diver.

(2) For each dive outside the no-decompression limits, deeper than 100 fsw or using mixed gas, the following additional information shall be recorded and maintained:

(i) Depth-time and breathing gas profiles;

(ii) Decompression table designation (including modification); and

(iii) Elapsed time since last pressure exposure if less than 24 hours or repetitive dive designation for each diver.

(3) For each dive in which decompression sickness is suspected or symptoms are evident, the following additional information shall be recorded and maintained:

(i) Description of decompression sickness symptoms (including depth and time of onset); and

(ii) Description and results of treatment.

(e) *Decompression procedure assessment.* The employer shall:

(1) Investigate and evaluate each incident of decompression sickness based on the recorded information, consideration of the past performance of decompression table used, and individual susceptibility;

(2) Take appropriate corrective action to reduce the probability of recurrence of decompression sickness; and

(3) Prepare a written evaluation of the decompression procedure assessment, including any corrective action taken, within 45 days of the incident of decompression sickness.

Specific Operations Procedures

§ 1910.424 SCUBA diving.

(a) *General.* Employers engaged in SCUBA diving shall comply with the following requirements, unless otherwise specified.

(b) *Limits.* SCUBA diving shall not be conducted:

(1) At depths deeper than 130 fsw;

(2) At depths deeper than 100 fsw or outside the no-decompression limits unless a decompression chamber is ready for use;

(3) Against currents exceeding one (1) knot unless line-tended; or

(4) In enclosed or physically confining spaces unless line-tended.

(c) *Procedures.*

(1) A standby diver shall be available while a diver is in the water.

(2) A diver shall be line-tended from the surface, or accompanied by another diver in the water in continuous visual contact during the diving operations.

(3) A diver shall be stationed at the underwater point of entry when diving

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is conducted in enclosed or physically confining spaces.

(4) A diver-carried reserve breathing gas supply shall be provided for each diver consisting of:

(i) A manual reserve (J valve); or

(ii) An independent reserve cylinder with a separate regulator or connected to the underwater breathing apparatus.

(5) The valve of the reserve breathing gas supply shall be in the closed position prior to the dive.

§ 1910.425 Surface-supplied air diving.

(a) *General.* Employers engaged in surface-supplied air diving shall comply with the following requirements, unless otherwise specified.

(b) *Limits.* (1) Surface-supplied air diving shall not be conducted at depths deeper than 190 fsw, except that dives with bottom times of 30 minutes or less may be conducted to depths of 220 fsw.

(2) A decompression chamber shall be ready for use at the dive location for any dive outside the no-decompression limits or deeper than 100 fsw.

(3) A bell shall be used for dives with an inwater decompression time greater than 120 minutes, except when heavy gear is worn or diving is conducted in physically confining spaces.

(c) *Procedures.* (1) Each diver shall be continuously tended while in the water.

(2) A diver shall be stationed at the underwater point of entry when diving is conducted in enclosed or physically confining spaces.

(3) Each diving operation shall have a primary breathing gas supply sufficient to support divers for the duration of the planned dive including decompression.

(4) For dives deeper than 100 fsw or outside the no-decompression limits:

(i) A separate dive team member shall tend each diver in the water;

(ii) A standby diver shall be available while a diver is in the water;

(iii) A diver-carried reserve breathing gas supply shall be provided for each diver except when heavy gear is worn; and

(iv) A dive-location reserve breathing gas supply shall be provided.

(5) For heavy-gear diving deeper than 100 fsw or outside the no-decompression limits:

(i) An extra breathing gas hose capable of supplying breathing gas to the diver in the water shall be available to the standby diver.

(ii) An inwater stage shall be provided to divers in the water.

(6) Except when heavy gear is worn or where physical space does not permit, a diver-carried reserve breathing gas supply shall be provided whenever the diver is prevented by the configuration of the dive area from ascending directly to the surface.

§ 1910.426 Mixed-gas diving.

(a) *General.* Employers engaged in mixed-gas diving shall comply with the following requirements, unless otherwise specified.

(b) *Limits.* Mixed-gas diving shall be conducted only when:

(1) A decompression chamber is ready for use at the dive location; and

(i) A bell is used at depths greater than 220 fsw or when the dive involves inwater decompression time of greater than 120 minutes, except when heavy gear is worn or when diving in physically confining spaces; or

(ii) A closed bell is used at depths greater than 300 fsw, except when diving is conducted in physically confining spaces.

(c) *Procedures.* (1) A separate dive team member shall tend each diver in the water.

(2) A standby diver shall be available while a diver is in the water.

(3) A diver shall be stationed at the underwater point of entry when diving is conducted in enclosed or physically confining spaces.

(4) Each diving operation shall have a primary breathing gas supply sufficient to support divers for the duration of the planned dive including decompression.

(5) Each diving operation shall have a dive-location reserve breathing gas supply.

(6) When heavy gear is worn:

(i) An extra breathing gas hose capable of supplying breathing gas to the diver in the water shall be available to the standby diver; and

(ii) An inwater stage shall be provided to divers in the water.

(7) An inwater stage shall be provided for divers without access to a bell for dives deeper than 100 fsw or outside the no-decompression limits.

(8) When a closed bell is used, one dive team member in the bell shall be available and tend the diver in the water.

(9) Except when heavy gear is worn or where physical space does not permit, a diver-carried reserve breathing gas supply shall be provided for each diver:

(i) Diving deeper than 100 fsw or outside the no-decompression limits; or

(ii) Prevented by the configuration of the dive area from directly ascending to the surface.

§ 1910.427 Liveboating.

(a) *General.* Employers engaged in diving operations involving liveboating shall comply with the following requirements.

(b) *Limits.* Diving operations involving liveboating shall not be conducted:

(1) With an inwater decompression time of greater than 120 minutes;

(2) Using surface-supplied air at depths deeper than 190 fsw, except that dives with bottom times of 30 minutes or less may be conducted to depths of 220 fsw;

(3) Using mixed gas at depths greater than 220 fsw;

(4) In rough seas which significantly inpede diver mobility or work function; or

(5) In other than daylight hours.

(d) *Procedures.* (1) The propeller of the vessel shall be stopped before the diver enters or exits the water.

(2) A device shall be used which minimizes the possibility of entanglement of the diver's hose in the propeller of the vessel.

(3) Two-way voice communication between the designated person-in-charge and the person controlling the vessel shall be available while the diver is in the water.

(4) A standby diver shall be available while a diver is in the water.

(5) A diver-carried reserve breathing gas supply shall be carried by each diver engaged in liveboating operations.

Equipment Procedures and Requirements

§ 1910.430 Equipment.

(a) *General.* (1) All employers shall comply with the following requirements, unless otherwise specified.

(2) Each equipment modification, repair, test, calibration or maintenance service shall be recorded by means of a tagging or logging system, and include the date and nature of work performed, and the name or initials of the person performing the work.

(b) *Air compressor systems.* (1) Compressors used to supply air to the diver shall be equipped with a volume tank with a check valve on the inlet side, a pressure gauge, a relief valve, and a drain valve.

(2) Air compressor intakes shall be located away from areas containing exhaust or other contaminants.

(3) Respirable air supplied to a diver shall not contain:

(i) A level of carbon monoxide (CO) greater than 20 ppm;

(ii) A level of carbon dioxide (CO_2) greater than 1,000 ppm;

(iii) A level of oil mist greater than 5 milligrams per cubic meter; or

(iv) A noxious or pronounced odor.

(4) The output of air compressor systems shall be tested for air purity every 6 months by means of samples taken at the connection to the distribution system, except that non-oil lubricated compressors need not be tested for oil mist.

(c) *Breathing gas supply hoses.* (1) Breathing gas supply hoses shall:

(i) Have a working pressure at least equal to the working pressure of the total breathing gas system;

(ii) Have a rated bursting pressure at least equal to 4 times the working pressure;

(iii) Be tested at least annually to 1.5 times their working pressure; and

(iv) Have their open ends taped, capped or plugged when not in use.

(2) Breathing gas supply hose connectors shall:

(i) Be made of corrosion-resistant materials;

(ii) Have a working pressure at least equal to the working pressure of the hose to which they are attached; and

(iii) Be resistant to accidental disengagement.

(3) Umbilicals shall:

(i) Be marked in 10-ft. increments to 100 feet beginning at the diver's end, and in 50 ft. increments thereafter;

(ii) Be made of kink-resistant materials; and

(iii) Have a working pressure greater than the pressure equivalent to the maximum depth of the dive (relative to the supply source) plus 100 psi.

(d) *Buoyancy control.* (1) Helmets or masks connected directly to the dry suit or other buoyancy-changing equipment shall be equipped with an exhaust valve.

(2) A dry suit or other buoyancy-changing equipment not directly connected to the helmet or mask shall be equipped with an exhaust valve.

(3) When used for SCUBA diving, a buoyancy compensator shall have an inflation source separate from the breathing gas supply.

(4) An inflatable flotation device capable of maintaining the diver at the surface in a face-up position, having a manually activated inflation source independent of the breathing supply, an oral inflation device, and an exhaust valve shall be used for SCUBA diving.

(e) *Compressed gas cylinders.* Compressed gas cylinders shall:

(1) Be designed, constructed and maintained in accordance with the applicable provisions of 29 CFR 1910.166-171;

(2) Be stored in a ventilated area and protected from excessive heat;

(3) Be secured from falling; and

(4) Have shut-off valves recessed into the cylinder or protected by a cap, except when in use or manifolded, or when used for SCUBA diving.

(f) *Decompression chambers.* (1) Each decompression chamber manufactured after the effective date of this standard, shall be built and maintained in accordance with the ASME Code or equivalent.

(2) Each decompression chamber manufactured prior to the effective date of this standard shall be maintained in conformity with the code requirements to which it was built, or equivalent.

(3) Each decompression chamber shall be equipped with:

(i) Means to maintain the atmosphere below a level of 25 percent oxygen be volume;

(ii) Mufflers on intake and exhaust lines, which shall be regularly inspected and maintained;

(iii) Suction guards on exhaust line openings; and

(iv) A means for extinguishing fire, and shall be maintained to minimize sources of ignition and combustible material.

(g) *Gauges and timekeeping devices.* (1) Gauges indicating diver depth which can be read at the dive location shall be used for all dives except SCUBA.

(2) Each depth gauge shall be deadweight tested or calibrated against a master reference gauge every 6 months, and when there is a discrepancy greater than two percent (2%) of full scale between any two equivalent gauges.

(3) A cylinder pressure gauge capable of being monitored by the diver during the dive shall be worn by each SCUBA diver.

(4) A timekeeping device shall be available at each dive location.

(h) *Masks and helmets.* (1) Surface-supplied air and mixed-gas masks and helmets shall have:

(i) A non-return valve at the attachment point between helmet or mask and hose which shall close readily and positively; and

(ii) An exhaust valve.

(2) Surface-supplied air masks and helmets shall have a minimum ventilation rate capability of 4.5 acfm at any depth at which they are operated or the capability of maintaining the diver's inspired carbon dioxide partial pressure below 0.02 ATA when the diver is producing carbon dioxide at the rate of 1.6 standard liters per minute.

(i) *Oxygen safety.* (1) Equipment used with oxygen or mixtures containing over forty percent (40%) by volume oxygen shall be designed for oxygen service.

(2) Components (except umbilicals) exposed to oxygen or mixtures containing over forty percent (40%) by volume oxygen shall be cleaned of flammable materials before use.

(3) Oxygen systems over 125 psig and compressed air systems over 500 psig shall have slow-opening shut-off valves.

(j) *Weights and harnesses.* (1) Except when heavy gear is worn, divers shall be equipped with a weight belt or assembly capable of quick release.

(2) Except when heavy gear is worn or in SCUBA diving, each diver shall wear a safety harness with:

(i) A positive buckling device;

(ii) An attachment point for the umbilical to prevent strain on the mask or helmet; and

(iii) A lifting point to distribute the pull force of the line over the diver's body.

Recordkeeping

§ 1910.440 Recordkeeping requirements.

(a) *Recording and Reporting.* (1) The employer shall record and report occupational injuries and illnesses in accordance with requirements of 29 CFR Part 1904.

(2) The employer shall record the occurrence of any diving-related injury or illness which requires any dive team member to be hospitalized for 24 hours or more, specifying the circumstances of the incident and the extent of any injuries or illnesses.

(b) *Availability of records.* (1) Upon the request of the Assistant Secretary of Labor for Occupational Safety and Health, or the Director, National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare or their designees, the employer shall make available for inspection and copying any record or document required by this standard.

(2) Upon request of any employee, former employee or authorized representative, the employer shall make available for inspection and copying any record or document required by this standard which pertains to the individual employee or former employee.

(3) Records and documents required by this standard shall be retained by the employer for the following period:

(i) Dive team member medical records (physician's reports) (§ 1910.411)—5 years;

(ii) Safe practices manual (§ 1910.420)—current document only;

(iii) Depth-time profile (§ 1910.422)—until completion of the recording of dive, or until completion of decompression procedure assessment where there has been an incident of decompression sickness;

(iv) Recording of dive (§ 1910.423)—1 year, except 5 years where there has been an incident of decompression sickness;

(v) Decompression procedure assessment evaluations (§ 1910.423)—5 years;

(vi) Equipment inspections and testing records (§ 1910.430)—current entry or tag, or until equipment is withdrawn from service;

(vii) Records of hospitalizations (§ 1910.440)—5 years.

(4) After the expiration of the retention period of any record required to be kept for 5 years, the employer shall forward such records to the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare.

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(5) In the event the employer ceases to do business:

(i) The successor employer shall receive and retain all dive and employee medical records required by this standard; or

(ii) If there is no successor employer, dive and employee medical records shall be forwarded to the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare.

§ 1910.141 Effective date.

This standard shall be effective on October 20, 1977, except that for provisions where decompression chambers or bells are required and such equipment is not yet available, employers shall comply as soon as possible thereafter but in no case later than 6 months after the effective date of the standard.

APPENDIX A—EXAMPLES OF CONDITIONS WHICH MAY RESTRICT OR LIMIT EXPOSURE TO HYPERBARIC CONDITIONS

The following disorders may restrict or limit occupational exposure to hyperbaric conditions depending on severity, presence of residual effects, response to therapy, number of occurrences, diving mode, or degree and duration of isolation.

History of seizure disorder other than early febrile convulsions.

Malignancies (active) unless treated and without recurrence for 5 yrs.

Chronic inability to equalize sinus and/or middle ear pressure.

Cystic or cavitary disease of the lungs.

Impaired organ function caused by alcohol or drug use.

Conditions requiring continuous medication for control (e.g., antihistamines, steroids, barbiturates, moodaltering drugs, or insulin).

Meniere's disease.

Hemoglobinopathies.

Obstructive or restrictive lung disease.

Vestibular end organ destruction.

Pneumothorax.

Cardiac abnormalities (e.g., pathological heart block, valvular disease, intraventricular conduction defects other than isolated right bundle branch block, angina pectoris, arrhythmia, coronary artery disease).

Juxta-articular osteonecrosis.

The following requirements from Subpart Z of 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR Part 1926).

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

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Sec.

1910.1001 Asbestos.
1910.1002 Coal tar pitch volatiles; interpretation of term.
1910.1003 4-Nitrobiphenyl.
1910.1004 alpha-Naphthylamine.
1910.1005 [Reserved]
1910.1006 Methyl chloromethyl ether.
1910.1007 3,3'-Dichlorobenzidine (and its salts).
1910.1008 bis-Chloromethyl ether.
1910.1009 beta-Naphthylamine.
1910.1010 Benzidine.
1910.1011 4-Aminodiphenyl.
1910.1012 Ethyleneimine.
1910.1013 beta-Propiolactone.
1910.1014 2-Acetylaminofluorene.
1910.1015 4-Dimethylaminoazobenzene.
1910.1016 N-Nitrosodimethylamine.
1910.1017 Vinyl chloride.
1910.1018 Inorganic arsenic.
1910.1028 Benzene.
1910.1029 Coke oven emissions.
1910.1043 Cotton dust.
1910.1044 1,2-dibromo-3-chloropropane.
1910.1045 Acrylonitrile.
1910.1046a Exposure to cotton dust in cotton gins.

§ 1910.1001 Asbestos.

(a) *Definitions.* For the purpose of this section: (1) "Asbestos" includes chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

(2) "Asbestos fibers" means asbestos fibers longer than 5 micrometers.

(b) *Permissible exposure to airborne concentrations of asbestos fibers*—(1) *Standard effective July 7, 1972.* The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed five fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(2) *Standard effective July 1, 1976.* The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(3) *Ceiling concentration.* No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in paragraph (e) of this section.

(c) *Methods of compliance*—(1) *Engineering methods*—(i) *Engineering controls.* Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in paragraph (b) of this section.

(ii) *Local exhaust ventilation.* (a) Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971, which is incorporated by reference herein.

(b) See § 1910.6 concerning the availability of ANSI Z9.2-1971, and the maintenance of a historic file in connection therewith. The address of the American National Standards Institute is given in § 1910.100.

(iii) *Particular tools.* All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with subdivision (ii) of this subparagraph.

(2) *Work practices*—(i) *Wet methods.* Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in paragraph (b) of this section, unless the usefulness of the product would be diminished thereby.

(ii) *Particular products and operations.* No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in paragraph (b) of this section.

(iii) *Spraying, demolition, or removal.* Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with paragraph (d)(2)(iii) of this section and with special clothing in accordance with paragraph (d)(3) of this section.

(d) *Personal protective equipment*—(1) Compliance with the exposure limits prescribed by paragraph (b) of this section may not be achieved by the use of respirators or shift rotation of employees, except:

(i) During the time period necessary to install the engineering controls and to institute the work practices required by paragraph (c) of this section;

(ii) In work situations in which the methods prescribed in paragraph (c) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by paragraph (b) of this section; or

(iii) In emergencies.

(iv) Where both respirators and personnel rotation are allowed by subdivisions (i), (ii), or (iii) of this subparagraph and both are practicable, personnel rotation shall be preferred and used.

(2) Where a respirator is permitted by subparagraph (1) of this paragraph, it shall be selected from among those approved by the Bureau of Mines, Department of the Interior, or the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare, under the provisions of 30 CFR Part 11 (37 F.R. 6244, Mar. 25, 1972), and shall be used in accordance with subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(i) *Air purifying respirators.* A reusable or single use air purifying respirator, or a respirator described in subdivision (ii) or (iii) of this subparagraph, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than 10 times those limits.

(ii) *Powered air purifying respirators.* A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in subdivision (iii) of this subparagraph, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section, when the ceiling or the 8-hour time-weighted average concentrations of asbestos fibers are reasonably expected to exceed 10 times, but not 100 times, those limits.

(iii) *Type "C" supplied-air respirators, continuous flow or pressure-demand class.* A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in paragraph (b) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed 100 times those limits.

(iv) *Establishment of a respirator program. (a) The employer shall establish a respirator program in accordance with the requirements of the American National Standards Practices for Respiratory Protection, ANSI Z88.2-1969, which is incorporated by reference herein.*

(b) See § 1910.6 concerning the availability of ANSI Z88.2-1969 and the maintenance of a historic file in connection therewith. The address of the American National Standards Institute is given in § 1910.100.

(c) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.

(3) *Special clothing.* The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed the ceiling level prescribed in paragraph (b) of this section.

(4) *Change rooms.* (i) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section, the employer shall provide change rooms for employees working regularly at the place.

(ii) *Clothes lockers.* The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

(iii) *Laundering.* (a) Laundering of asbestos contaminated clothing shall be done so as to prevent the release of air-borne asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section.

(b) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in (a) of this subdivision to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section.

(c) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with paragraph (g) of this section.

(e) *Method of measurement.* All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400–450 × (magnification) (4 millimeter objective) with phase contrast illumination.

(f) *Monitoring*—(1) *Initial determinations.* Within 6 months of the publication of this section, every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in paragraph (b) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with paragraph (c) of this section.

(2) *Personal monitoring*—(i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) *Sampling frequency and patterns.* After the initial determinations required by subparagraph (1) of this paragraph, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than 6 months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by paragraph (b) of this section.

(3) *Environmental monitoring*—(i) samples shall be collected from areas of a work environment which are representative of the airborne concentrations of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) *Sampling frequency and patterns.* After the initial determinations required by subparagraph (1) of this paragraph, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than 6 months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in paragraph (b) of this section.

(4) *Employee observation of monitoring.* Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this paragraph and shall have access to the records thereof.

(g) *Caution signs and labels*—(1) *Caution signs*—(i) *Posting.* Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in paragraph (b) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before

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entering the area marked by the signs. Signs shall be posted at all approaches to areas containing excessive concentrations of airborne asbestos fibers.

(ii) *Sign specifications.* The warning signs required by subdivision (i) of this subparagraph shall conform to the requirements of 20" × 14" vertical format signs specified in § 1910.145(d)(4), and to this subdivision. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

Legend	*Notation*
Asbestos	1" Sans Serif, Gothic or Block.
Dust Hazard	¾" Sans Serif, Gothic or Block
Avoid Breathing Dust	¼" Gothic.
Wear Assigned Protective Equipment.	¼" Gothic.
Do Not Remain In Area Unless Your Work Requires It.	¼" Gothic.
Breathing Asbestos Dust May Be Hazardous To Your Health.	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(2) *Caution labels*—(i) *Labeling.* Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section will be released.

(ii) *Label specifications.* The caution labels required by subdivision (i) of this subparagraph shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION

Contains Asbestos Fibers

Avoid Creating Dust

Breathing Asbestos Dust May Cause Serious Bodily Harm

(h) *Housekeeping*—(1) *Cleaning.* All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers if, with their dispersion, there would be an excessive concentration.

(2) *Waste disposal.* Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, which may produce in any reasonably foreseeable use, handling, storage, processing, disposal, or transportation airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in paragraph (b) of this section shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(i) *Recordkeeping*—(1) *Exposure records.* Every employer shall maintain records of any personal or environmental monitoring required by this section. Records shall be maintained for a period of at least 20 years and shall be made available upon request to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of the National Institute for Occupational Safety and Health, and to authorized representatives of either.

(2) *Employee access.* Every employee and former employee shall have reasonable access to any record required to be maintained by subparagraph (1) of this paragraph, which indicates the employee's own exposure to asbestos fibers.

(3) *Employee notification.* Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in paragraph (b) of this section shall be notified in writing of the exposure as soon as practicable but not later than 5 days of the finding. The employee shall also be timely notified of the corrective action being taken.

(j) *Medical examinations*—(1) *General.* The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this paragraph.

(2) *Preplacement.* The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 × 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(3) *Annual examinations.* On or before January 31, 1973, and at least annually thereafter, every employer shall provide, or make available, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 × 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(4) *Termination of employment.* The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 × 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

(5) *Recent examinations.* No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this paragraph within the past 1-year period.

(6) *Medical records*—(i) *Maintenance.* Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 20 years.

(ii) *Access.* The contents of the records of the medical examinations required by this paragraph shall be made available, for inspection and copying, to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of NIOSH, to authorized physicians and medical consultants of either of them, and, upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by this paragraph shall furnish to the employer of the examined employee all the information specifically required by this paragraph, and any other medical information related to occupational exposure to asbestos fibers.

§ 1910.1002 Coal tar pitch volatiles; interpretation of term.

As used in § 1910.1000 (Table Z-1), coal tar pitch volatiles include the fused polycyclic hydrocarbons which volatilize from the distillation residues of coal, petroleum, wood, and other organic matter.

§ 1910.1003 4-Nitrobiphenyl.

(a) *Scope and application.* (1) This section applies to any area in which 4-Nitrobiphenyl, Chemical Abstracts Service Registry Number 92933 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of 4-Nitrobiphenyl.

(b) *Definitions.* For the purposes of this section:

(1) "Absolute filter aerosol" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4-Nitrobiphenyl. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 4-Nitrobiphenyl where containment prevents the release of 4-Nitrobiphenyl into regulated areas, non-regulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 4-Nitrobiphenyl or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4-Nitrobiphenyl from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4-Nitrobiphenyl which may result in exposure to or contact with 4-Nitrobiphenyl.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of 4-Nitrobiphenyl, which is impervious to the passage of 4-Nitrobiphenyl, and which would prevent the entry of 4-Nitrobiphenyl into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4-Nitrobiphenyl within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 4-Nitrobiphenyl in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4-Nitrobiphenyl into regulated areas, non-regulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4-Nitrobiphenyl.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) "Requirements for areas containing 4-Nitrobiphenyl." A regulated area shall be established by an employer where 4-Nitrobiphenyl is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 4-Nitrobiphenyl within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 4-Nitrobiphenyl is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 4-Nitrobiphenyl is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 4-Nitrobiphenyl is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 4-Nitrobiphenyl handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4-Nitrobiphenyl could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* [Deleted]

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

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(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this paragraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted with 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with 4-Nitrobiphenyl such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, materials, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 4-Nitrobiphenyl from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 4-Nitrobiphenyl and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4-Nitrobiphenyl and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4-Nitrobiphenyl contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance; *Provided*, That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of 4-Nitrobiphenyl, including local and systemic toxicity;

(*b*) The specific nature of the operation involving 4-Nitrobiphenyl which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4-Nitrobiphenyl;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports.*—(1) *Operations.* Not later than March 1, 1974, the information required in subparagraphs (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of

4-Nitrobiphenyl in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 4-Nitrobiphenyl is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 4-Nitrobiphenyl into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1004 Alpha-Naphthylamine

(a) *Scope and application.* (1) This section applies to any area in which alpha-Naphthylamine, Chemical Abstracts Service Registry Number 134327 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of alpha-Naphthylamine.

(3) This section will not apply to operations involving the destructive distillation of carbonaceous materials, such as occurs in coke ovens.

(b) *Definitions.* For the purposes of this section:

(1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of alpha-Naphthylamine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving alpha-Naphthylamine where containment prevents the release of alpha-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of alpha-Naphthylamine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of alpha-Naphthylamine from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of alpha-Naphthylamine which may result in exposure to or contact with alpha-Naphthylamine.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of alpha-Naphthylamine, which is impervious to the passage of alpha-Naphthylamine, and which would prevent the entry of alpha-Naphthylamine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving alpha-Naphthylamine within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving alpha-Naphthylamine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of alpha-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to alpha-Naphthylamine.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing alpha-Naphthylamine.* A regulated area shall be established by an employer where alpha-Naphthylamine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for

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the following category or categories describing the operation involved:

(1) *Isolated systems.* Employees working with alpha-Naphthylamine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where alpha-Naphthylamine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while alpha-Naphthylamine is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where alpha-Naphthylamine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), and shoe covers and gloves prior to entering a regulated area.

(iv) Employees engaged in alpha-Naphthylamine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exist of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with alpha-Naphthylamine could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood.

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* [Deleted]

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this paragraph shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with alpha-Naphthylamine, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove alpha-Naphthylamine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training.* (1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of alpha-Naphthylamine and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of alpha-Naphthylamine and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have alpha-Naphthylamine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance; provided that no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of alpha-Naphthylamine, including local and systemic toxicity;

(*b*) The specific nature of the operation involving alpha-Naphthylamine which could result in exposure;

(*c*) The purpose for the application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of alpha-Naphthylamine;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subparagraphs (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of alpha-Naphthylamine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which alpha-Naphthylamine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of alpha-Naphthylamine into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician desig-

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nated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1006 Methyl chloromethyl ether.

(a) *Scope and application.* (1) This section applies to any area in which methyl chloromethyl ether, Chemical Abstracts Service Registry Number 107302 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of methyl chloromethyl ether.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of methyl chloromethyl ether. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving methyl chloromethyl ether where containment prevents the release of methyl chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of methyl chloromethyl ether or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of methyl chloromethyl ether from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of methyl chloromethyl ether which may result in exposure to or contact with methyl chloromethyl ether.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of methyl chloromethyl ether, which is impervious to the passage of methyl chloromethyl ether, and which would prevent the entry of methyl chloromethyl ether into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving methyl chloromethyl ether within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving methyl chloromethyl ether in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of methyl chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to methyl chloromethyl ether.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing methyl chloromethyl ether.* A regulated area shall be established by an employer where methyl chloromethyl ether is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(1) *Isolated systems.* Employees working with methyl chloromethyl ether within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where methyl chloromethyl ether is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while methyl chloromethyl ether is contained within. Access shall be restricted to authorized employees only.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where methyl chloromethyl ether is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), and gloves prior to entering the regulated area.

(iv) Employees engaged in methyl chloromethyl ether handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with § 1910.124.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with methyl chloromethyl ether could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this paragraph shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with methyl chloromethyl ether, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees wear protective clothing and equipment, clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(iii) Where toilets are in regulated areas, such toilets shall be in a separate room.

(iv) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(v) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove methyl chloromethyl ether from the surfaces of materials, equipment and the decontamination facility.

(e) *Signs, information and training.* (1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of methyl chloromethyl ether and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of methyl chloromethyl ether and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have methyl chloromethyl ether contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance; *provided* that no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of methyl chloromethyl ether, including local and systemic toxicity;

(*b*) The specific nature of the operation involving methyl chloromethyl ether which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of methyl chloromethyl ether;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

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(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in paragraphs (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of methyl chloromethyl ether in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which methyl chloromethyl ether is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of methyl chloromethyl ether into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances be taken, with specific completion dates, of the incident, and measures taken or to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1007 3,3'-Dichlorobenzidine (and its salts).

(a) *Scope and application.* (1) This section applies to any area in which 3,3'-Dichlorobenzidine (or its salts), Chemical Abstracts Service Registry Number 91941 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1 percent by weight or volume of 3,3'-Dichlorobenzidine (or its salts).

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 3,3'-Dichlorobenzidine (or its salts). The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 3,3'-Dichlorobenzidine (or its salts) where containment prevents the release of 3,3'-Dichlorobenzidine (or its salts) into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 3,3'-Dichlorobenzidine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 3,3'-Dichlorobenzidine (or its salts) from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 3,3'-Dichlorobenzidine (or its salts) which may result in exposure to or contact with 3,3'-Dichlorobenzidine (or its salts).

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment, of 3,3'-Dichlorobenzidine (or its salts), which is impervious to the passage of 3,3'-Dichlorobenzidine (or its salts) and which would prevent the entry of 3,3'-Dichlorobenzidine (or its salts) into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 3,3'-Dichlorobenzidine (or its salts) within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 3,3'-Dichlorobenzidine (or its salts) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 3,3'-Dichlorobenzidine (or its salts) into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 3,3'-Dichlorobenzidine (or its salts).

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 3,3'-Dichlorobenzidine (or its salts).* A regulated area shall be established by an employer where 3,3'-Dichlorobenzidine (or its salts) is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 3,3'-Dichlorobenzidine (or its salts) within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 3,3'-Dichlorobenzidine (or its salts) is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 3,3'-Dichlorobenzidine (or its salts) is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 3,3'-Dichlorobenzidine (or its salts) is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 3,3'-Dichlorobenzidine (or its salts) handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 3,3'-Dichlorobenzidine (or its salts) could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* [Deleted]

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this paragraph shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with 3,3'-Dichlorobenzidine (or its salts), such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 3,3'-Dichlorobenzidine (or

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its salts) from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 3,3'-Dichlorobenzidine (or its salts) and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 3,3'-Dichlorobenzidine (or its salts) and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 3,3'-Dichlorobenzidine (or its salts) contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance; provided that no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of 3,3'-Dichlorobenzidine (or its salts), including local and systemic toxicity;

(*b*) The specific nature of the operation involving 3,3'-Dichlorobenzidine (or its salts) which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 3,3'-Dichlorobenzidine (or its salts);

(*h*) *The purpose for and application of specific first aid procedures and practices;*

(i) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subparagraphs (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 3,3'-Dichlorobenzidine (or its salts) in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 3,3'-Dichlorobenzidine (or its salts) is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 3,3'-Dichlorobenzidine (or its salts) into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids of cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1008 bis-Chloromethyl ether.

(a) *Scope and application.* (1) This section applies to any area in which bis-Chloromethyl ether, Chemical Abstracts Service Registry Number 542881 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of bis-Chloromethyl ether.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of bis-Chloromethyl ether. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving bis-Chloromethyl ether where containment prevents the release of bis-Chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of bis-Chloromethyl ether or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of bis-Chloromethyl ether from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of bis-Chloromethyl ether which may result in exposure to or contact with bis-Chloromethyl ether.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment, of bis-Chloromethyl ether, which is impervious to the passage of, bis-Chloromethyl ether and which would prevent the entry of bis-Chloromethyl ether into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving bis-Chloromethyl ether within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving bis-Chloromethyl ether in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of bis-Chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to bis-Chloromethyl ether.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing bis-Chloromethyl ether.* A regulated area shall be established by an employer where bis-Chloromethyl ether is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with bis-Chloromethyl ether within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where bis-Chloromethyl ether is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while bis-Chloromethyl ether is contained within. Access shall be restricted to authorized employees only.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where bis-Chloromethyl ether is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), and gloves prior to entering the regulated area.

(iv) Employees engaged in bis-Chloromethyl ether handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with § 1910.134.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Drinking fountains are prohibited in the regulated area.

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(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with bis-Chloromethyl ether could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* [Deleted]

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this paragraph shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with bis-Chloromethyl ether such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(iii) Where toilets are in regulated areas, such toilets shall be in a separate room.

(iv) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(v) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove bis-Chloromethyl ether from the surfaces of materials, equipment and the decontamination facility.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identifications.* (i) Containers of bis-Chloromethyl ether and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of bis-Chloromethyl ether and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have bis-Chloromethyl ether contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance; provided, that no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of bis-Chloromethyl ether, including local and systemic toxicity;

(*b*) The specific nature of the operation involving bis-Chloromethyl ether which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of bis-Chloromethyl ether;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subparagraphs (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of bis-Chloromethyl ether in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which bis-Chloromethyl ether is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of bis-Chloromethyl ether into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1009 beta-Naphthylamine.

(a) *Scope and application.* (1) This section applies to any area in which beta-Naphthylamine, Chemical Abstracts Service Registry Number 91598 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of beta-Naphthylamine.

(3) This section will not apply to operations involving the destructive distillation of carbonaceous materials, such as occurs in coke ovens.

(b) *Definitions.* For the purposes of this section:

(1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of beta-Naphthylamine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving beta-Naphthylamine where containment prevents the release of beta-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of beta-Naphthylamine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of beta-Naphthylamine from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of beta-Naphthylamine which may result in exposure to or contact with beta-Naphthylamine.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of beta-Naphthylamine, which is impervious to the passage of beta-Naphthylamine, and which would prevent the entry of beta-Naphthylamine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an

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operation involving beta-Naphthylamine within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving beta-Naphthylamine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of beta-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to beta-Naphthylamine.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing beta-Naphthylamine.* A regulated area shall be established by an employer where beta-Naphthylamine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with beta-Naphthylamine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where beta-Naphthylamine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while beta-Napthylamine is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where beta-Naphthylamine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this paragraph shall apply.

(i) Access shall be restricted to authorized employees only.

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in beta-Naphthylamine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with beta-Naphthylamine could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* [Deleted]

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this section shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with beta-Napthylamine, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove beta-Naphthylamine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
EXPOSED IN THIS AREA

IMPERVIOUS SUITS INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of beta-Naphthylamine and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of beta-Naphthylamine and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with paragraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have beta-Naphthylamine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of beta-Naphthylamine, including local and systemic toxicity;

(*b*) The specific nature of the operation involving beta-Naphthylamine which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of beta-Naphthylamine;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subparagraphs (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of beta-Naphthylamine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which beta-Naphthylamine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of beta-Naphthylamine into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination;

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

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(iii) In all physical examinations the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1010 Benzidine.

(a) *Scope and application.* (1) This section applies to any area in which Benzidine, Chemical Abstracts Service Registry Number 92875 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixutures containing less than 0.1 percent by weight or volume of Benzidine.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono dispense aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of Benzidine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving Benzidine where containment prevents the release of Benzidine into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of Benzidine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of Benzidine from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of Benzidine which may result in exposure to or contact with Benzidine.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of Benzidine, which is impervious to the passage of Benzidine, and which would prevent the entry of Benzidine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving Benzidine within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving Benzidine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of Benzidine into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to Benzidine.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing Benzidine.* A regulated area shall be established by an employer where Benzidine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with Benzidine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where Benzidine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while Benzidine is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where Benzidine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in Benzidine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with Benzidine could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* [Deleted]

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this paragraph shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with Benzidine such employee shall be required to shower as soon as possible unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910:141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove Benzidine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of Benzidine and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of Benzidine and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry Number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have Benzidine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance; *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination

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program including, but not necessarily limited to:

(a) The nature of the carcinogenic hazards of Benzidine, including local and systemic toxicity;

(b) The specific nature of the operation involving Benzidine which could result in exposure;

(c) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(d) The purpose for and application of decontamination practices and purposes;

(e) The purpose for and significance of emergency practices and procedures;

(f) The employee's specific role in emergency procedures;

(g) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of Benzidine;

(h) The purpose for and application of specific first aid procedures and practices;

(i) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports.* (1) *Operations.* Not later than March 1, 1974, the information required in subparagraphs (i), (ii), (iii), and (iv) of this section shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of Benzidine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which Benzidine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of Benzidine into any area where employees may be potentially exposed shall be reported in accordance with this paragraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(a) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(b) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(c) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(d) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1011 4-Aminodiphenyl.

(a) *Scope and application.* (1) This section applies to any area in which 4-Aminodiphenyl, Chemical Abstracts Service Registry Number 92671 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of 4-Aminodiphenyl.

(b) *Definitions.* For the purposes of this section:

(1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4-Aminodiphenyl. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 4-Aminodiphenyl where containment prevents the release of 4-Aminodiphenyl into regulated areas, nonregulated area, or the external environment.

(5) "Decontamination" means the inactivation of 4-Aminodiphenyl or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4-Aminodiphenyl from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4-Aminodiphenyl which may result in exposure to or contact with 4-Aminodiphenyl.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of 4-Aminodiphenyl, which is impervious to the passage of 4-Aminodiphenyl, and which would prevent the entry of 4-Aminodiphenyl into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4-Aminodiphenyl within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 4-Aminodiphenyl in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4-Aminodiphenyl into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4-Aminodiphenyl.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 4-Aminodiphenyl.* A regulated area shall be established by an employer where 4-Aminodiphenyl is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 4-Aminodiphenyl within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 4-Aminodiphenyl is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 4-Aminodiphenyl is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel sytem operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 4-Aminodiphenyl is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 4-Aminodiphenyl handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with 4-Aminodiphenyl could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* [Deleted]

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters, or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this paragraph shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with 4-Aminodiphenyl such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the

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number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, materials, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 4-Aminodiphenyl from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 4-Aminodiphenyl and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4-Aminodiphenyl and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4-Aminodiphenyl contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of 4-Aminodiphenyl, including local and systemic toxicity;

(*b*) The specific nature of the operation involving 4-Aminodiphenyl which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4-Aminodiphenyl;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subparagraphs (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 4-Aminodiphenyl in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 4-Aminodiphenyl is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 4-Aminodiphenyl into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1012 Ethyleneimine.

(a) *Scope and application.* (1) This section applies to any area in which Ethyleneimine, Chemical Abstracts Service Registry Number 151564 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of Ethyleneimine.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of Ethyleneimine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving Ethyleneimine where containment prevents the release of Ethyleneimine into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of Ethyleneimine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of Ethyleneimine from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of Ethyleneimine which may result in exposure to or contact with Ethyleneimine.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of Ethyleneimine, which is impervious to the passage of Ethyleneimine, and which would prevent the entry of Ethyleneimine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving Ethyleneimine within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving Ethyleneimine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of Ethyleneimine into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to Ethyleneimine.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing Ethyleneimine.* A regulated area shall be established by an employer where Ethyleneimine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(1) *Isolated systems.* Employees working with Ethyleneimine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where Ethyleneimine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while Ethyleneimine is contained within: Access shall be restricted to authorized employees only.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where Ethyleneimine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), and gloves prior to entering the regulated area.

(iv) Employees engaged in Ethyleneimine handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with § 1910.134.

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(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with Ethyleneimine could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* [Deleted]

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this paragraph shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with Ethyleneimine, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(vi) Emergency deluge showers and eyewash fountains supplied with running potable water shall be located near, within sight of, and on the same level with locations where a direct exposure of Ethyleneimine would be most likely as a result of equipment failure, or improper work practices.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(iii) Where toilets are in regulated areas, such toilets shall be in a separate room.

(iv) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(v) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove Ethyleneimine from the surfaces of materials, equipment and the decontamination facility.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA
IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES
AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of Ethyleneimine and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of Ethyleneimine and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have Ethyleneimine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of Ethyleneimine, including local and systemic toxicity;

(*b*) The specific nature of the operation involving Ethyleneimine which could result in exposure;

(c) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of Ethyleneimine;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subparagraphs (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change:

(i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of Ethyleneimine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which Ethyleneimine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of Ethyleneimine into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(c) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1013 beta-Propiolactone.

(a) *Scope and application.* (1) This section applies to any area in which beta-Propiolactone, Chemical Abstracts Service Registry Number 57578 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of beta-Propiolactone.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 um particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of beta-Propiolactone. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving beta-Propiolactone where containment prevents the release of beta-Propiolactone into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of beta-Propiolactone or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of beta-Propiolactone from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of beta-Propiolactone which may result in exposure to or contact with beta-Propiolactone.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of beta-Propio-

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lactone, which is impervious to the passage of beta-Propiolactone, and which would prevent the entry of beta-Propiolactone into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving beta-Propiolactone within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving beta-Propiolactone in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of beta-Propiolactone into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to beta-Propiolactone.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing beta-Propiolactone.* A regulated area shall be established by an employer where beta-Propiolactone is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(1) *Isolated systems.* Employees working with beta-Propiolactone within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where beta-Propiolactone is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while beta-Propiolactone is contained within. Access shall be restricted to authorized employees only.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where beta-Propiolactone is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in beta-Propiolactone handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with § 1910.134.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with beta-Propiolactone could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* [Deleted]

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this section shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with beta-Propiolactone, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(vi) Emergency deluge showers and eyewash fountains supplied with running potable water shall be located near, within sight of, and on the same level with locations where a direct exposure to beta-Propiolactone would be most likely as a result of equipment failure, or improper work practice.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(iii) Where toilets are in regulated areas, such toilets shall be in a separate room.

(iv) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2) (ii) through (vii).

(v) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove beta-Propiolactone from the surfaces of materials, equipment and the decontamination facility.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of beta-Propiolactone and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of beta-Propiolactone and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have beta-Propiolactone contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* that no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of beta-Propiolactone, including local and systemic toxicity;

(*b*) The specific nature of the operation involving beta-Propiolactone which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of beta-Propiolactone;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subparagraphs (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of beta-Propiolactone in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which beta-Propiolactone is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of beta-Propiolactone into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee,

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family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agent, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1014 2-Acetylaminofluorene.

(a) *Scope and application.* (1) This section applies to any area in which 2-Acetylaminofluorene, Chemical Abstracts Service Registry Number 53963 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of 2-Acetylaminofluorene.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 2-Acetylaminofluorene. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 2-Acetylaminofluorene where containment prevents the release of 2-Acetylaminofluorene into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 2-Acetylaminofluorene or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 2-Acetylaminofluorene from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 2-Acetylaminofluorene which may result in exposure to or contact with 2-Acetylaminofluorene.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of 2-Acetylaminofluorene, which is impervious to the passage of 2-Acetylaminofluorene, and which would prevent the entry of 2-Acetylaminofluorene into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 2-Acetylaminoflourene within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 2-Acetylaminofluorene in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 2-Acetylaminofluorene into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 2-Acetylaminofluorene.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 2-Acetylaminofluorene.* A regulated area shall be established by an employer where 2-Acetylaminofluorene is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 2-Acetylaminofluorene within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 2-Acetylaminofluorene is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 2-Acetylaminofluorene is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 2-Acetylaminofluorene is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 2-Acetylaminofluorene handling operations

shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with 2-Acetylaminofluorene could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities*—[deleted]

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this paragraph shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with 2-Acetylaminofluorene, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, materials, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 2-Acetylaminofluorene from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 2-Acetylaminofluorene and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification, limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 2-Acetylaminofluorene and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(b), and (c)(6)(viii)(b) of this section which are accessible to, or handled by, employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 2-Acetylaminofluorene contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance; *Provided,* That no such required lettering need be more than 1 inch in height.

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(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of 2-Acetylaminofluorene, including local and systemic toxicity;

(*b*) The specific nature of the operation involving 2-Acetylaminofluorene which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 2-Acetylaminofluorene;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in paragraphs (f)(1) (i), (ii), (iii), and (iv) of this section shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 2-Acetylaminofluorene in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 2-Acetylaminofluorene is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 2-Acetylaminofluorene into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph. (i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1015 4-Dimethylaminoazobenzene.

(a) *Scope and application.* (1) This section applies to any area in which 4-Dimethylaminoazobenzene, Chemical Abstracts Service Registry Number 60117 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of 4-Dimethylaminoazobenzene.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4-Dimethylaminoazobenzene. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 4-Dimethylaminoazobenzene where containment prevents the release of 4-Dimethylaminoazobenzene into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 4-Dimethylaminoazobenzene or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4-Dimethylaminoazobenzene from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4-Dimethylaminoazobenzene which may result in exposure to or contact with 4-Dimethylaminoazobenzene.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of 4-Dimethylaminoazobenzene, which is impervious to the passage of 4-Dimethylaminoazobenzene which would prevent the entry of 4-Dimethylaminoazobenzene into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4-Dimethylaminoazobenzene within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 4-Dimethylaminoazobenzene in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4-Dimethylaminoazobenzene into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4-Dimethylaminoazobenzene.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 4-Dimethylaminoazobenzene.* A regulated area shall be established by an employer where 4-Dimethylaminoazobenzene is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 4-Dimethylaminoazobenzene within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 4-Dimethylaminoazobenzene is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 4-Dimethylaminoazobenzene is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 4-Dimethylaminoazobenzene is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers, and gloves prior to entering the regulated area.

(iv) Employees engaged in 4-Dimethylaminoazobenzene handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exist of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with 4-Dimethylaminoazobenzene could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* [Deleted]

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this paragraph shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with 4-Dimethylamino- azobenzene, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

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(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change room shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 4-Dimethylamino- azobenzene from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 4-Dimethylaminoazobenzene and containers required under paragraphs (c)(4)(v) and (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4-Dimethylaminoazobenzene and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4-Dimethylaminoazobenzene contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance; provided that no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinoginic hazards of 4-Dimethylamino-azobenzene, including local and sytemic toxicity;

(*b*) The specific nature of the operation involving 4-Dimethylaminoazobenzene which could result in exposure;

(c) The purpose for the application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4-Dimethylaminoazobenzene;

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subparagraphs (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 4-Dimethylaminoazobenzene in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 4-Dimethyaminoazobenzene is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 4-Dimethylaminoazobenzene into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director

within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(c) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examination. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1016 N-Nitrosodimethylamine.

(a) *Scope and application.* (1) This section applies to any area in which N-Nitrosodimethylamine, Chemical Abstracts Service Registry Number 62759 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0% by weight or volume of N-Nitrosodimethylamine.

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of N-Nitrosodimethylamine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving N-Nitrosodimethylamine where containment prevents the release of N-Nitrosodimethylamine into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of N-Nitrosodimethylamine or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of N-Nitrosodimethylamine from the work environment.

(8) "Emergency" means circumstance or set of circumstances resulting in the release of N-Nitrosodimethylamine which may result in exposure to or contact with N-Nitrosodimethylamine.

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment of N-Nitrosodimethylamine, which is impervious to the passage of N-Nitrosodimethylamine, and which would prevent the entry of N-Nitrosodimethylamine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving N-Nitrosodimethylamine within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving N-Nitrosodimethylamine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of N-Nitrosodimethylamine into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to N-Nitrosodimethylamine.

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing N-Nitrosodimethylamine.* A regulated area shall be established by an employer where N-Nitrosodimethylamine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with N-Nitrosodimethylamine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where N-Nitrosodimethylamine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while N-Nitrosodimethylamine is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as de-

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fined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where N-Nitrosodimethylamine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers, and gloves prior to entering the regulated area.

(iv) Employees engaged in N-Nitrosodimethylamine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with N-Nitrosodimethylamine could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (d)(2) (i), (ii), (iii), (iv), and (v) of this paragraph shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f)(2) of this section.

(iv) Where an employee has a known contact with N-Nitrosodimethylamine, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f)(2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean make-up air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove N-Nitrosodimethylamine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c)(5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES BOOTS AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of N-Nitrosodimethylamine and containers required under paragraphs (c)(4)(v) and (c)(6)(vii) (*b*), and (c)(6)(viii)(*b*) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of N-Nitrosodimethylamine and containers required under paragraphs (c)(4)(v), (c)(6)(vii)(*b*), and (c)(6)(viii)(*b*) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph (5) of this paragraph, shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry Number as listed in paragraph (a)(1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have N-Nitrosodimethylamine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance: *Provided,* That no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(*a*) The nature of the carcinogenic hazards of N-Nitrosodimethylamine, including local and systemic toxicity;

(*b*) The specific nature of the operation involving N-Nitrosodimethylamine which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose of and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of N-Nitrosodimethylamine;

(*h*) The purpose for and application of specific first aid procedures and practices.

(i) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subparagraphs (i), (ii), (iii), and (iv) of this paragraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of N-Nitrosodimethylamine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which N-Nitrosodimethylamine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of N-Nitrosodimethylamine into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include:

(*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of an employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director, and, upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

§ 1910.1017 Vinyl chloride.

(a) *Scope and application.* (1) This section includes requirements for the control of employee exposure to vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75014.

(2) This section applies to the manufacture, reaction, packaging, repackaging, storage, handling or use of vinyl chloride or polyvinyl chloride, but does not apply to the handling or use of fabricated products made of polyvinyl chloride.

(3) This section applies to the transportation of vinyl chloride or polyvinyl chloride except to the extent that the Department of Transportation may regulate the hazards covered by this section.

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(b) *Definitions.* (1) "Action level" means a concentration of vinyl chloride of 0.5 ppm averaged over an 8-hour work day.

(2) "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or his designee.

(3) "Authorized person" means any person specifically authorized by the employer whose duties require him to enter a regulated area or any person entering such an area as a designated representative of employees for the purpose of exercising an opportunity to observe monitoring and measuring procedures.

(4) "Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or his designee.

(5) "Emergency" means any occurrence such as, but not limited to, equipment failure, or operation of a relief device which is likely to, or does, result in massive release of vinyl chloride.

(6) "Fabricated product" means a product made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride.

(7) "Hazardous operation" means any operation, procedure, or activity where a release of either vinyl chloride liquid or gas might be expected as a consequence of the operation or because of an accident in the operation, which would result in an employee exposure in excess of the permissible exposure limit.

(8) "OSHA Area Director" means the Director for the Occupational Safety and Health Administration Area Office having jurisdiction over the geographic area in which the employer's establishment is located.

(9) "Polyvinyl chloride" means polyvinyl chloride homopolymer or copolymer before such is converted to a fabricated product.

(10) "Vinyl chloride" means vinyl chloride monomer.

(c) *Permissible exposure limit.* (1) No employee may be exposed to vinyl chloride at concentrations greater than 1 ppm averaged over any 8-hour period, and

(2) No employee may be exposed to vinyl chloride at concentrations greater than 5 ppm averaged over any period not exceeding 15 minutes.

(3) No employee may be exposed to vinyl chloride by direct contact with liquid vinyl chloride.

(d) *Monitoring.* (1) A program of initial monitoring and measurement shall be undertaken in each establishment to determine if there is any employee exposed, without regard to the use of respirators, in excess of the action level.

(2) Where a determination conducted under paragraph (d)(1) of this section shows any employee exposures, without regard to the use of respirators, in excess of the action level, a program for determining exposures for each such employee shall be established. Such a program:

(i) Shall be repeated at least monthly where any employee is exposed, without regard to the use of respirators, in excess of the permissible exposure limit.

(ii) Shall be repeated not less than quarterly where any employee is exposed, without regard to the use of respirators, in excess of the action level.

(iii) May be discontinued for any employee only when at least two consecutive monitoring determinations, made not less than 5 working days apart, show exposures for that employee at or below the action level.

(3) Whenever there has been a production, process or control change which may result in an increase in the release of vinyl chloride, or the employer has any other reason to suspect that any employee may be exposed in excess of the action level, a determination of employee exposure under paragraph (d)(1) of this section shall be performed.

(4) The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, and plus or minus 25 percent over 1.0 ppm. (Methods meeting these accuracy requirements are available in the "NIOSH Manual of Analytical Methods").

(5) Employees or their designated representatives shall be afforded reasonable opportunity to observe the monitoring and measuring required by this paragraph.

(e) *Regulated area.* (1) A regulated area shall be established where:

(i) Vinyl chloride or polyvinyl chloride is manufactured, reacted, repackaged, stored, handled or used; and

(ii) Vinyl chloride concentrations are in excess of the permissible exposure limit.

(2) Access to regulated areas shall be limited to authorized persons. A daily roster shall be made of authorized persons who enter.

(f) *Methods of compliance.* Employee exposures to vinyl chloride shall be controlled to, at, or below the permissible exposure limit provided in paragraph (c) of this section by engineering, work practice, and personal protective controls as follows:

(1) Feasible engineering and work practice controls shall immediately be used to reduce exposures to, at, or below the permissible exposure limit.

(2) Wherever feasible engineering and work practice controls which can be instituted immediately are not sufficient to reduce exposures to, at, or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by respiratory protection in accordance with paragraph (g) of this section. A program shall be established and implemented to reduce exposures to, at, or below the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering and work practice controls, as soon as feasible.

(3) Written plans for such a program shall be developed and furnished upon request for examination and copying to authorized representatives of the Assistant Secretary and the Director. Such plans shall be updated at least every six months.

(g) *Respiratory protection.* Where respiratory protection is required under this section:

(1) The employer shall provide a respirator which meets the requirements of this paragraph and shall assure that the employee uses such respirator, except that until April 1, 1976, wearing of respirators shall be at the discretion of each employee for exposures not in excess of 25 ppm, measured over any 15-minute period. Until April 1, 1976, each employee who chooses not to wear an appropriate respirator shall be informed at least quarterly of the hazards of vinyl chloride and the purpose, proper use, and limitations of respiratory devices.

(2) Respirators shall be selected from among those jointly approved by the Mining Enforcement and Safety Administration, Department of the Interior, and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(3) A respiratory protection program meeting the requirements of § 1910.134 shall be established and maintained.

(4) Selection of respirators for vinyl chloride shall be as follows:

Atmospheric concentration of vinyl chloride	*Required apparatus*
(i) Unknown, or above 3,600 ppm	Open-circuit, self-contained breathing apparatus, pressure demand type, with full facepiece.
(ii) Not over 3,600 ppm	(A) Combination type C supplied air respirator, pressure demand type, with full or half facepiece, and auxiliary self-contained air supply; or
(iii) Not over 1,000 ppm	(B) Combination type C, supplied air respirator continuous flow type, with full or half facepiece, and auxiliary self-contained air supply. Type C, supplied air respirator, continuous flow type, with full or half facepiece, helmet or hood.
(iv) Not over 100 ppm	(A) Combination type C supplied air respirator demand type, with full facepiece, and auxiliary self-contained air supply; or (B) Open-circuit self-contained breathing apparatus with full facepiece, in demand mode; or (C) Type C supplied air respirator, demand type, with full facepiece.
(v) Not over 25 ppm	(A) A powered air-purifying respirator with hood, helmet, full or half facepiece, and a canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm, or (B) Gas mask, front- or back-mounted canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm.
(vi) Not over 10 ppm	(A) Combination type C supplied-air respirator, demand type, with half facepiece, and auxiliary self-contained air supply; or (B) Type C supplied-air respirator, demand type, with half facepiece; or (C) Any chemical cartridge respirator with an organic vapor cartridge which provides a service life of at least 1 hour for concentrations of vinyl chloride up to 10 ppm.

(5)(i) Entry into unknown concentrations or concentrations greater than 36,000 ppm (lower explosive limit) may be made only for purposes of life rescue; and

(ii) Entry into concentrations of less than 36,000 ppm, but greater than 3,600 ppm may be made only for purposes of life rescue, firefighting, or securing equipment so as to prevent a greater hazard from release of vinyl chloride.

(6) Where air-purifying respirators are used:

(i) Air-purifying canisters or cartridges shall be replaced prior to the expiration of their service life or the end of the shift in which they are first used, whichever occurs first, and

(ii) A continuous monitoring and alarm system shall be provided where concentrations of vinyl chloride could reasonably exceed the allowable concentrations for the devices in use. Such system shall be used to alert employees when vinyl chloride concentrations exceed the allowable concentrations for the devices in use.

(7) Apparatus prescribed for higher concentrations may be used for any lower concentration.

(h) *Hazardous operations.* (1) Employees engaged in hazardous operations, including entry of vessels to clean polyvinyl chloride residue from vessel walls, shall be provided and required to wear and use;

(i) Respiratory protection in accordance with paragraphs (c) and (g) of this section; and

(ii) Protective garments to prevent skin contact with liquid vinyl chloride or with polyvinyl chloride residue from vessel walls. The protective garments shall be selected for the operation and its possible exposure conditions.

(2) Protective garments shall be provided clean and dry for each use.

(i) *Emergency situations.* A written operational plan for emergency situations shall be developed for each facility storing, handling, or otherwise using vinyl chloride as a liquid or compressed gas. Appropriate portions of the plan shall be implemented in the event of an emergency. The plan shall specifically provide that:

(1) Employees engaged in hazardous operations or correcting situations of existing hazardous releases shall be equipped as required in paragraph (h) of this section;

(2) Other employees not so equipped shall evacuate the area and not return until conditions are controlled by the methods required in paragraph (f) of this section and the emergency is abated.

(j) *Training.* Each employee engaged in vinyl chloride or polyvinyl chloride operations shall be provided training in a program relating to the hazards of vinyl chloride and precautions for its safe use.

(1) The program shall include: (i) The nature of the health hazard from chronic exposure to vinyl chloride including specifically the carcinogenic hazard;

(ii) The specific nature of operations which could result in exposure to vinyl chloride in excess of the permissible limit and necessary protective steps;

(iii) The purpose for, proper use, and limitations of respiratory protective devices;

(iv) The fire hazard and acute toxicity of vinyl chloride, and the necessary protective steps;

(v) The purpose for and a description of the monitoring program;

(vi) The purpose for, and a description of, the medical surveillance program;

(vii) Emergency procedures;

(viii) Specific information to aid the employee in recognition of conditions which may result in the release of vinyl chloride; and

(ix) A review of this standard at the employee's first training and indoctrination program, and annually thereafter.

(2) All materials relating to the program shall be provided upon request to the Assistant Secretary and the Director.

(k) *Medical surveillance.* A program of medical surveillance shall be instituted for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level. The program shall provide each such employee with an opportunity for examinations and tests in accordance with this paragraph. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(1) At the time of initial assignment, or upon institution of medical surveillance;

(i) A general physical examination shall be performed, with specific attention to detecting enlargement of liver, spleen or kidneys, or dysfunction in these organs, and for abnormalities in skin, connective tissues and the pulmonary system (See Appendix A).

(ii) A medical history shall be taken, including the following topics:

(A) Alcohol intake;

(B) Past history of hepatitis;

(C) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals;

(D) Past history of blood transfusions; and

(E) Past history of hospitalizations.

(iii) A serum specimen shall be obtained and determinations made of:

(A) Total bilirubin;

(B) Alkaline phosphatase;

(C) Serum glutamic oxalacetic transaminase (SGOT);

(D) Serum glutamic pyruvic transaminase (SGPT); and

(E) Gamma glustamyl transpeptidase.

(2) Examinations provided in accordance with this paragraph shall be performed at least:

(i) Every 6 months for each employee who has been employed in vinyl chloride or polyvinyl chloride manufacturing for 10 years or longer; and

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(ii) Annually for all other employees.

(3) Each employee exposed to an emergency shall be afforded appropriate medical surveillance.

(4) A statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators, shall be obtained from the examining physician promptly after any examination. A copy of the physician's statement shall be provided each employee.

(5) If any employee's health would be materially impaired by continued exposure, such employee shall be withdrawn from possible contact with vinyl chloride.

(6) Laboratory analyses for all biological specimens included in medical examinations shall be performed in laboratories licensed under 42 CFR Part 74.

(7) If the examining physician determines that alternative medical examinations to those required by paragraph (k)(1) of this section will provide at least equal assurance of detecting medical conditions pertinent to the exposure to vinyl chloride, the employer may accept such alternative examinations as meeting the requirements of paragraph (k)(1) of this section, if the employer obtains a statement from the examining physician setting forth the alternative examinations and the rationale for substitution. This statement shall be available upon request for examination and copying to authorized representatives of the Assistant Secretary and the Director.

(l) *Signs and labels.* (1) Entrances to regulated areas shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT AREA
AUTHORIZED PERSONNEL ONLY

(2) Areas containing hazardous operations or where an emergency currently exists shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT IN THIS AREA
PROTECTIVE EQUIPMENT. REQUIRED
AUTHORIZED PERSONNEL ONLY

(3) Containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride shall be legibly labeled:

CONTAMINATED WITH VINYL CHLORIDE
CANCER-SUSPECT AGENT

(4) Containers of polyvinyl chloride shall be legibly labeled:

POLYVINYL CHLORIDE (OR TRADE NAME)
Contains
VINYL CHLORIDE
VINYL CHLORIDE IS A CANCER-SUSPECT AGENT

(5) Containers of vinyl chloride shall be legibly labeled either: (i)

VINYL CHLORIDE
EXTREMELY FLAMMABLE GAS UNDER PRESSURE
CANCER SUSPECT AGENT

or (ii) In accordance with 49 CFR Parts 170-189, with the additional legend:

CANCER-SUSPECT AGENT

applied near the label or placard.

(6) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of, any required warning, information or instruction.

(m) *Records.* (1) All records maintained in accordance with this section shall include the name and social security number of each employee where relevant.

(2) Records of required monitoring and measuring, medical records, and authorized personnel rosters, shall be made and shall be available upon request for examination and copying to authorized representatives of the Assistant Secretary and the Director.

(i) Monitoring and measuring records shall:

(A) State the date of such monitoring and measuring and the concentrations determined and identify the instruments and methods used;

(B) Include any additional information necessary to determine individual employee exposures where such exposures are determined by means other than individual monitoring of employees; and

(C) Be maintained for not less than 30 years.

(ii) Authorized personnel rosters shall be maintained for not less than 30 years.

(iii) Medical records shall be maintained for the duration of the employment of each employee plus 20 years, or 30 years, whichever is longer.

(3) In the event that the employer ceases to do business and there is no successor to receive and retain his records for the prescribed period, these records shall be transmitted by registered mail to the Director, and each employee individually notified in writing of this transfer.

(4) Employees or their designated representatives shall be provided access to examine and copy records of required monitoring and measuring.

(5) Former employees shall be provided access to examine and copy required monitoring and measuring records reflecting their own exposures.

(6) Upon written request of any employee, a copy of the medical record of that employee shall be furnished to any physician designated by the employee.

(n) *Reports.* (1) Not later than 1 month after the establishment of a regulated area, the following information shall be reported to the OSHA Area Director. Any changes to such information shall be reported within 15 days.

(i) The address and location of each establishment which has one or more regulated areas; and

(ii) The number of employees in each regulated area during normal operations, including maintenance.

(2) Emergencies, and the facts obtainable at that time, shall be reported within 24 hours to the OSHA Area Director. Upon request of the Area Director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of similar nature.

(3) Within 10 working days following any monitoring and measuring which discloses that any employee has been exposed, without regard to the use of respirators, in excess of the permissible exposure limit, each such employee shall be notified in writing of the results of the exposure measurement and the steps being taken to reduce the exposure to within the permissible exposure limit.

(o) *Effective dates.* (1) Until April 1, 1975, the provisions currently set forth in § 1910.93q of this Part shall apply.

(2) Effective April 1, 1975, the provisions set forth in § 1910.93q of this Part shall apply.

APPENDIX A—SUPPLEMENTARY MEDICAL INFORMATION

When required tests under paragraph (k)(1) of this section show abnormalities, the tests should be repeated as soon as practicable, preferably within 3 to 4 weeks. If tests remain abnormal, consideration should be given to withdrawal of the employee from contact with vinyl chloride, while a more comprehensive examination is made.

Additional tests which may be useful:

A. For kidney dysfunction: urine examination for albumin, red blood cells, and exfoliative abnormal cells.

B. Pulmonary system: Forced vital capacity, Forced expiratory volume at 1 second, and chest roentgenogram (posterior-anterior, 14 × 17 inches).

C. Additional serum tests: Lactic acid dehydrogenase, lactic acid dehydrogenase isoenzyme, protein determination, and protein electrophoresis.

D. For a more comprehensive examination on repeated abnormal serum tests: Hepatitis B antigen, and liver scanning.

§ 1910.1018 **Inorganic arsenic.**

(a) *Scope and application.* This section applies to all occupational exposures to inorganic arsenic except that this section does not apply to employee exposures in agriculture or resulting from pesticide application, the treatment of wood with preservatives or the utilization of arsenically preserved wood.

(b) *Definitions.* "Action level" means a concentration of inorganic arsenic of 5 micrograms per cubic meter of air (5 $\mu g/m^3$) averaged over any eight (8) hour period.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under paragraph (e) of this section.

"Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education and Welfare, or designee.

"Inorganic arsenic" means copper aceto- arsenite and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(c) *Permissible exposure limit.* The employer shall assure that no employee is exposed to inorganic arsenic at concentrations greater than 10 micrograms per cubic meter of air (10 $\mu g/m^3$), averaged over any 8-hour period.

(d) *Notification of use.* (1) By October 1, 1978 or within 60 days after the introduction of inorganic arsenic into the workplace, every employer who is required to establish a regulated area in his workplaces shall report in writing to the OSHA area office for each such workplace:

(i) The address of each such workplace;

(ii) The approximate number of employees who will be working in regulated areas; and

(iii) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposures.

(2) Whenever there has been a significant change in the information required by paragraph (d)(1) of this section the employer shall report the changes in writing within 60 days to the OSHA area office.

(e) *Exposure monitoring*—(1) *General.* (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to inorganic arsenic over an eight (8) hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(iii) The employer shall collect full shift (for at least 7 continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(2) *Initial monitoring.* Each employer who has a workplace or work operation covered by this standard shall monitor each such workplace and work operation to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed.

(3) *Frequency.* (i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in paragraph (e)(4) of this section.

(ii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the permissible exposure limit, the employer shall repeat monitoring at least quarterly.

(iii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the action level and below the permissible exposure limit the employee shall repeat monitoring at least every six months.

(iv) The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven (7) days apart, are below the action level at which time the employer may discontinue monitoring for that employee until such time as any of the events in paragraph (e)(4) of this section occur.

(4) *Additional monitoring.* Whenever there has been a production, process, control or personal change which may result in new or additional exposure to inorganic arsenic, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to inorganic arsenic, additional monitoring which complies with paragraph (e) of this section shall be conducted.

(5) *Employee notification.* (i) Within five (5) working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposures.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure to or below the permissible exposure limit.

(6) *Accuracy of measurement.* (i) The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for concentrations of inorganic arsenic greater than or equal to 10 $\mu g/m^3$.

(ii) The employer shall use a method of monitoring and measurement which has an accuracy (with confidence level of 95 percent) of not less than plus or minus 35 percent for concentrations of inorganic arsenic greater than 5 $\mu g/m^3$ but less than 10 $\mu g/m^3$.

(f) *Regulated area*—(1) *Establishment.* The employer shall establish regulated areas where worker exposures to inorganic arsenic, without regard to the use of respirators, are in excess of the permissible limit.

(2) *Demarcation.* Regulated areas shall be demarcated and segregated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to inorganic arsenic.

(3) *Access.* Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto to enter such areas.

(4) *Provision of respirators.* All persons entering a regulated area shall be supplied with a respirator, selected in accordance with paragraph (h)(2) of this section.

(5) *Prohibited activities.* The employer shall assure that in regulated areas, food or beverages are not consumed, smoking products, chewing tobacco and gum are not used and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under paragraph (m) of this section. Drinking water may be consumed in the regulated area.

(g) *Methods of compliance*—(1) *Controls.* (i) The employer shall institute at the earliest possible time but not later than December 31, 1979, engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(ii) Where engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls and shall be supplemented by the use of respirators in accordance with paragraph (h) of this section and other necessary personal protective equipment. Employee rotation is not required as a control strategy before respiratory protection is instituted.

(2) *Compliance Program.* (i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure

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limit by means of engineering and work practice controls.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which inorganic arsenic is emitted; e.g. machinery used, material processed, controls in place, crew size, operating procedures and maintenance practices;

(B) Engineering plans and studies used to determine methods selected for controlling exposure to inorganic arsenic;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data;

(E) A detailed schedule for implementation of the engineering controls and work practices that cannot be implemented immediately and for the adaption and implementation of any additional engineering and work practices necessary to meet the permissible exposure limit;

(F) Whenever the employer will not achieve the permissible exposure limit with engineering controls and work practices by December 31, 1979, the employer shall include in the compliance plan an analysis of the effectiveness of the various controls, shall install engineering controls and institute work practices on the quickest schedule feasible, and shall include in the compliance plan and implement a program to minimize the discomfort and maximize the effectiveness of respirator use; and

(G) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the Assistant Secretary and the Director, and shall be available at the worksite for examination and copying by the Assistant Secretary, Director, any affected employee or authorized employee representatives.

(iv) The plans required by this paragraph shall be revised and updated at least every 6 months to reflect the current status of the program.

(h) *Respiratory protection*—(1) *General.* The employer shall assure that respirators are used where required under this section to reduce employee exposures to below the permissible exposure limit and in emergencies. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering or work practice controls;

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations in which engineering controls and supplemental work practice controls are not yet sufficient to reduce exposures to or below the permissible exposure limit; or

(iv) In emergencies.

(2) *Respirator selection.* (i) Where respirators are required under this section the employer shall select, provide at no cost to the employee and assure the use of the appropriate respirator or combination of respirators from Table I below for inorganic arsenic compounds without significant vapor pressure, or Table II below for inorganic arsenic compounds which have significant vapor pressure.

(ii) Where employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for particular gasses such as sulfur dioxide, any air purifying respirator supplied to the employee as permitted by this standard must have a combination high efficiency filter with an appropriate gas sorbent. (See footnote in Table 1)

TABLE I—*Respiratory protection for inorganic arsenic particulate except for those with significant vapor pressure*

Concentration of inorganic arsenic (as As) or condition of use	Required respirator
(i) Unknown or greater or lesser than 20,000 $\mu g/m^3$ (20 mg/m^3) or firefighting.	(A) Any full facepiece self-contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu g/m^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece, hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu g/m^3$ (10 mg/m^3)	(A) Powered air-purifying respirators in all inlet face coverings with high efficiency filters.[1] (B) Half-mask supplied air respirators operated in positive pressure mode.
(iv) Not greater than 500 $\mu g/m^3$	(A) Full facepiece air-purifying respirator equipped with high-efficiency filter.[1] (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu g/m^3$	(A) Half-mask air-purifying respirator equipped with high-efficiency filter.[1] (B) Any half-mask supplied air respirator.

[1]High-efficiency filter—99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

TABLE II—*Respiratory protection for inorganic arsenicals (such as arsenic trichloride[2] and arsenic phosphide) with significant vapor pressure*

Concentration of inorganic arsenic (as As) or condition of use	Required respirator
(i) Unknown or greater or lesser than 20,000 $\mu g/m^3$ (20 mg/m^3) or firefighting.	(A) Any full facepiece self-contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu g/m^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece, hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu g/m^3$ (10 mg/m^3)	(A) Half-mask[2] supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 $\mu g/m^3$	(A) Front or back mounted gas mask equipped with high-efficiency filter[1] and acid gas canister. (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu g/m^3$	(A) Half-mask[2] air-purifying respirator equipped with high-efficiency filter[1] and acid gas cartridge. (B) Any half-mask supplied air respirator.

[1]High efficiency filter—99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

[2]Half-mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.

(iii) The employer shall select respirators from among those approved for protection against dust, fume, and mist by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(3) *Respirator usage.* (i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall perform qualitative fit tests at the time of initial fitting and at least semi-annually thereafter for each employee wearing respirators, where quantitative fit tests are not required.

(iii) Employers with more than 20 employees wearing respirators shall perform a quantitative face fit test at the time of initial fitting and at least semi-annually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table I or II.

(iv) If an employee has demonstrated difficulty in breathing during the fitting test or during use, he or she shall be examined by a physician trained in pulmonary medicine to determine whether the employee can wear a respirator while performing the required duty.

(4) *Respirator program.* (i) The employer shall institute a respiratory protection program in accordance with 29 CFR 1910.134 (b), (d), (e) and (f).

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece to prevent skin irritation associated with respirator use.

(5) *Commencement of respirator use.* (i) The employer's obligation to provide respirators commences on August 1, 1978 for employees exposed to over 500 $\mu g/m^3$ of inorganic arsenic, as soon as possible but not later than October 1, 1978 for employees exposed to over 50 $\mu g/m^3$ of inorganic arsenic, and as soon as possible but no later than December 1, 1978 for employees exposed to between 10 and 50 $\mu g/m^3$ of inorganic arsenic.

(ii) Employees with exposures below 50 $\mu g/m^3$ of inorganic arsenic may choose not to wear respirators until December 31, 1979.

(iii) After December 1, 1978 any employee required to wear respirators may choose, and if so chosen the employer must provide, if it will give proper protection, a powered air purifying respirator and in addition if necessary a combination dust and acid gas respirator for times where exposures to gases are over the relevant exposure limits.

(j) *Protective work clothing and equipment*—(1) *Provision and use.* Where the possibility of skin or eye irritation from inorganic arsenic exists, and for all workers working in regulated areas, the employer shall provide at no cost to the employee, and assure that employees use, appropriate and clean protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, and shoes or coverlets;

(iii) Face shields or vented goggles when necessary to prevent eye irritation, which comply with the requirements of § 1910.133(a)(2)(a)(6); and

(iv) Impervious clothing for employees subject to exposure to arsenic trichloride.

(2) *Cleaning and replacement.* (i) The employer shall provide the protective clothing required in paragraph (j)(1) of this section in a freshly laundered and dry condition at least weekly, and daily if the employee works in areas where exposure are over 100 $\mu g/m^3$ of inorganic arsenic or in areas where more frequent washing is needed to prevent skin irritation.

(ii) The employer shall clean, launder, or dispose of protective clothing required by paragraph (j)(1) of this section.

(iii) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in paragraph (m)(1) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of inorganic arsenic outside the container.

(vi) The employer shall inform in writing any person who cleans or launders clothing required by this section, of the potentially harmful affects including the carcinogenic effects of exposure to inorganic arsenic.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labelled as follows:

CAUTION: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking; Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, State or Federal regulations.

(viii) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.

(k) *Housekeeping*—(1) *Surfaces.* All surfaces shall be maintained as free as practicable of accumulations of inorganic arsenic.

(2) *Cleaning floors.* Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other relevant methods have been tried and found not to be effective.

(3) *Vacuuming.* Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner

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to minimize the reentry of inorganic arsenic into the workplace.

(4) *Housekeeping plan.* A written housekeeping and maintenance plan shall be kept which shall list appropriate frequencies for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be available for inspection by the Assistant Secretary.

(5) *Maintenance of equipment.* Periodic cleaning of dust collection and ventilation equipment and checks of their effectiveness shall be carried out to maintain the effectiveness of the system and a notation kept of the last check of effectiveness and cleaning or maintenance.

(l) [Reserved]

(m) *Hygiene facilities and practices*—(1) *Change rooms.* The employer shall provide for employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic, clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment in accordance with 29 CFR 1910.141(e).

(2) *Showers.* (i) The employer shall assure that employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with § 1910.141(d)(3).

(3) *Lunchrooms.* (i) The employer shall provide for employees working in regulated areas, lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(ii) The employer shall assure that employees working in the regulated area or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic wash their hands and face prior to eating.

(4) *Lavatories.* The employer shall provide lavatory facilities which comply with § 1910.141(d) (1) and (2).

(5) *Vacuuming clothes.* The employer shall provide facilities for employees working in areas where exposure, without regard to the use of respirators, exceeds 100 $\mu g/m^3$ to vacuum their protective clothing and clean or change shoes worn in such areas before entering change rooms, lunchrooms or shower rooms required by paragraph (j) of this section and shall assure that such employees use such facilities.

(6) *Avoidance of skin irritation.* The employer shall assure that no employee is exposed to skin or eye contact with arsenic trichloride, or to skin or eye contact with liquid or particulate inorganic arsenic which is likely to cause skin or eye irritation.

(n) *Medical surveillance*—(1) *General*—(i) *Employees covered.* The employer shall institute a medical surveillance program for the following employees:

(A) All employees who are or will be exposed above the action level, without regard to the use of respirators, at least 30 days per year; and

(B) All employees who have been exposed above the action level, without regard to respirator use, for 30 days or more per year for a total of 10 years or more of combined employment with the employer or predecessor employers prior to or after the effective date of this standard. The determination of exposures prior to the effective date of this standard shall be based upon prior exposure records, comparison with the first measurements taken after the effective date of this standard, or comparison with records of exposures in areas with similar processes, extent of engineering controls utilized and materials used by that employer.

(ii) *Examination by physician.* The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(2) *Initial examinations.* By December 1, 1978, for employees initially covered by the medical provisions of this section, or thereafter at the time of initial assignment to an area where the employee is likely to be exposed over the action level at least 30 days per year, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include a smoking history and the presence and degree of respiratory symptoms such as breathlessness, cough, sputum production and wheezing.

(ii) A medical examination which shall include at least the following:

(A) A 14" by 17" posterior-anterior chest X-ray and International Labor Office UICC/Cincinnati (ILO U/C) rating;

(B) A nasal and skin examination;

(C) A sputum cytology examination; and

(D) Other examinations which the physician believes appropriate because of the employees exposure to inorganic arsenic or because of required respirator use.

(3) *Periodic examinations.* (i) The employer shall provide the examinations specified in paragraphs (n)(2)(i) and (n)(2)(ii) (A), (B), and (D) at least annually for covered employees who are under 45 years of age with fewer than 10 years of exposure over the action level without regard to respirator use.

(ii) The employer shall provide the examinations specified in paragraphs (n)(2)(i) and (n)(2)(ii) of this section at least semi-annually for other covered employees.

(iii) Whenever a covered employee has not taken the examinations specified in paragraphs (n)(2)(i) and (n)(2)(ii) of this section within six (6) months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(4) *Additional examinations.* If the employee for any reason develops signs or symptoms commonly associated with exposure to inorganic arsenic the employer shall provide an appropriate examination and emergency medical treatment.

(5) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(6) *Physician's written opinion.* (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and tests performed;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to inorganic arsenic;

(C) Any recommended limitations upon the employee's exposure to inorganic arsenic or upon the use of protective clothing or equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further explanation or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(o) *Employee information and training*—(1) *Training program.* (i) The employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic arsenic. The employer shall assure that those employees participate in the training program.

(ii) The training program shall be provided by October 1, 1978, for employees covered by this provision, at the time of initial assignment for those subsequently covered by this provision, and shall be repeated at least quarterly for employees who have optional use of respirators and at least annually for other covered employees thereafter; and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendix A;

(B) The quantity, location, manner of use, storage, sources of exposure, and the specific nature of operations which could result in exposure to inorganic arsenic as well as any necessary protective steps;

(C) The purpose, proper use, and limitation of respirators;

(D) The purpose and a description of the medical surveillance program as required by paragraph (n) of this section;

(E) The engineering controls and work practices associated with the employee's job assignment; and

(F) A review of this standard.

(2) *Access to training materials.* (i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide; upon request, all materials relating to the employee information and training program to the Assistant Secretary and the Director.

(p) *Signs and labels*—(1) *General.* (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this paragraph.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this paragraph which contradicts or detracts from the meaning of the required sign or label.

(2) *Signs.* (i) The employer shall post signs demarcating regulated areas bearing the legend;

DANGER

INORGANIC ARSENIC

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

NO SMOKING OR EATING

RESPIRATOR REQUIRED

(ii) The employer shall assure that signs required by this paragraph are illuminated and cleaned as necessary so that the legend is readily visible.

(3) *Labels.* The employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic except when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass). The label shall bear the following legend:

DANGER

CONTAINS INORGANIC ARSENIC

CANCER HAZARD

HARMFUL IF INHALED OR SWALLOWED

USE ONLY WITH ADEQUATE VENTILATION OR RESPIRATORY PROTECTION

(q) *Recordkeeping*—(1) *Exposure monitoring.* (i) The employer shall establish and maintain an accurate record of all monitoring required by paragraph (e) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employees monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of the employee's exposure.

(ii) The employer shall maintain these monitoring records for at least 40 years or for the duration of employment plus 20 years, whichever, is longer.

(2) *Medical surveillance.* (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by paragraph (n) of this section.

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(ii) This record shall include:

(A) The name, social security number, and description of duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to inorganic arsenic.

(iii) The employer shall in addition keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under paragraph (n) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(C) The initial X-ray;

(D) The X-rays for the most recent 5 years;

(E) Any X-rays with a demonstrated abnormality and all subsequent X-rays;

(F) The initial cytologic examination slide and written description;

(G) The cytologic examination slide and written description for the most recent 5 years; and

(H) Any cytologic examination slides with demonstrated atypia, if such atypia persists for 3 years, and all subsequent slides and written descriptions.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least 40 years, or for the duration of employment plus 20 years whichever is longer.

(3) *Availability.* (i) The employer shall make available upon request all records required to be maintained by paragraph (m) of this section to the Assistant Secretary and the Director for examination and copying.

(ii) The employer shall make available upon request records of employee exposure monitoring required by paragraph (q)(1) of this section for inspection and copying to affected employees, former employees and their designated representatives.

(iii) The employer shall make available upon request an employee's medical records and exposure records representative of that employee's exposure required to be maintained by paragraph (q) of this section to the affected employee or former employee or to a physician designated by the affected employee or former employee.

(4) *Transfer of records.* (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the Director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the Director at least 3 months prior to the disposal of such records and shall transmit those records to the Director if he requests them within that period.

(r) *Observation of monitoring*—(1) *Employee observation.* The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to inorganic arsenic conducted pursuant to paragraph (e) of this section.

(2) *Observation procedures.* (i) Whenever observation of the monitoring of employee exposure to inorganic arsenic requires entry into an area where the use of respirators, protective clothing, or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing, and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of inorganic arsenic performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(s) *Effective date.* This standard shall become effective August 1, 1978.

(t) *Appendices.* The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(u) *Startup dates*—(1) *General.* The startup dates of requirements of this standard shall be the effective date of this standard unless another startup date is provided for either in other paragraphs of this section or in this paragraph.

(2) *Monitoring.* Initial monitoring shall be commenced on August 1, 1978, and shall be completed by September 15, 1978.

(3) *Regulated areas.* Regulated areas required to be established as a result of initial monitoring shall be set up as soon as possible after the results of that monitoring is known and no later than October 1, 1978.

(4) *Compliance program.* The written program required by paragraph (g)(4) as a result of initial monitoring shall be made available for inspection and copying as soon as possible and no later than December 1, 1978.

(5) *Hygiene and lunchroom facilities.* Construction plans for changerooms, showers, lavatories, and lunchroom facilities shall be completed no later than December 1, 1978, and these facilities shall be constructed and in use no later than July 1, 1979. However, if as part of the compliance plan it is predicted by an independent engineering firm that engineering controls and work practices will reduce exposures below the permissible exposure limit by December 31, 1979, for affected employees, then such facilities need not be completed until 1 year after the engineering controls are completed or December 31, 1980, whichever is earlier, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limit.

(6) *Summary of startup dates set forth elsewhere in this standard.*

STARTUP DATES

August 1, 1978—Respirator use over 500 $\mu g/m^3$.

AS SOON AS POSSIBLE BUT NO LATER THAN

September 15, 1978—Completion of initial monitoring.

October 1, 1978—Complete establishment of regulated areas. Respirator use for employees exposed above 50 $\mu g/m^3$. Completion of initial training. Notification of use.

December 1, 1978—Respirator use over 10 $\mu g/m^3$. Completion of initial medical. Completion of compliance plan.

July 1, 1979—Completion of lunch rooms and hygiene facilities.

December 31, 1979—Completion of engineering controls.

All other requirements of the standard have as their startup date August 1, 1978.

APPENDIX A—INORGANIC ARSENIC SUBSTANCE INFORMATION SHEET

I. SUBSTANCE IDENTIFICATION

A. *Substance.* Inorganic Arsenic.

B. *Definition.* Copper acetoarsenite, arsenic and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

C. *Permissible Exposure Limit.* 10 micrograms per cubic meter of air as determined as an average over an 8-hour period. No employee may be exposed to any skin or eye contact with arsenic trichloride or to skin or eye contact likely to cause skin or eye irritation.

D. *Regulated Areas.* Only employees authorized by your employer should enter a regulated area.

II. HEALTH HAZARD DATA

A. *Comments.* The health hazard of inorganic arsenic is high.

B. *Ways in which the chemical affects your body.* Exposure to airborne concentrations of inorganic arsenic may cause lung cancer, and can be a skin irritant. Inorganic arsenic may also affect your body if swallowed. One compound in particular, arsenic trichloride, is especially dangerous because it can be absorbed readily through the skin. Because inorganic arsenic is a poison, you should wash your hands thoroughly prior to eating or smoking.

III. PROTECTIVE CLOTHING AND EQUIPMENT

A. *Respirators.* Respirators will be provided by your employer at no cost to you for routine use if your employer is in the process of implementing engineering and work practice controls or where engineering and work practice controls are not feasible or insufficient. You must wear respirators for non-routine activities or in emergency situations where you are likely to be exposed to levels of inorganic arsenic in excess of the permissible exposure limit. Since how well your respirator fits your face is very important, your employer is required to conduct fit tests to make sure the respirator seals properly when you wear it. These tests are simple and rapid and will be explained to you during training sessions.

B. *Protective clothing.* If you work in a regulated area, your employer is required to provide at no cost to you, and you must wear, appropriate, clean, protective clothing and equipment. The purpose of this equipment is to prevent you from bringing to your home arsenic-contaminated dust and to protect your body from repeated skin contact with inorganic arsenic likely to cause skin irritation. This clothing should include such items as coveralls or similar full-body clothing, gloves, shoes or coverlets, and aprons. Protective equipment should include face shields or vented goggles, where eye irritation may occur.

IV. HYGIENE FACILITIES AND PRACTICES

You must not eat, drink, smoke, chew gum or tobacco, or apply cosmetics in the regulated area, except that drinking water is permitted. If you work in a regulated area your employer is required to provide lunchrooms and other areas for these purposes.

If you work in a regulated area, your employer is required to provide showers, washing facilities, and change rooms. You must wash your face, and hands before eating and must shower at the end of the work shift. Do not take used protective clothing out of change rooms without your employer's permission. Your employer is required to provide for laundering or cleaning of your protective clothing.

V. SIGNS AND LABELS

Your employer is required to post warning signs and labels for your protection. Signs must be posted in regulated areas. The signs must warn that a cancer hazard is present, that only authorized employees may enter the area, and that no smoking or eating is allowed, and that respirators must be worn.

VI. MEDICAL EXAMINATIONS

If your exposure to arsenic is over the Action Level (5 $\mu g/m^3$)—(including all persons working in regulated areas) at least 30 days per year, or you have been exposed to arsenic for more than 10 years over the Action Level, your employer is required to provide you with a medical examination. The examination shall be every 6 months for employees over 45 years old or with more than 10 years exposure over the Action Level and annually for other covered employees. The medical examination must include a medical history; a chest x-ray; skin examination; nasal examination and sputum cytology exam for the early detection of lung cancer. The cytology exams are only included in the initial exam and examinations given after you are either 45 years or older or have 10 or more years employment over the Action Level. The examining physician will provide a written opinion to your employer containing the results of the medical exams. You should also receive a copy of this opinion. The physician must not tell your employer any conditions he detects unrelated to occupational exposure to arsenic but must tell you those conditions.

VII. OBSERVATION OF MONITORING

Your employer is required to monitor your exposure to arsenic and you or your representatives are entitled to observe the monitoring procedure. You are entitled to receive an explanation of the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you must also be provided with and must wear the protective clothing and equipment.

VIII. ACCESS TO RECORDS

You or your representative are entitled to records of your exposure to inorganic arsenic upon request to your employer. Your medical examination records can be furnished to your physician if you request your employer to provide them.

IX. TRAINING AND NOTIFICATION

Additional information on all of these items plus training as to hazards of exposure to inorganic arsenic and the engineering and work practice controls associated with your job will also be provided by your employer. If you are exposed over the permissible exposure limit, your employer must inform you of that fact and the actions he is taking to reduce your exposures.

APPENDIX B—SUBSTANCE TECHNICAL GUIDELINES

ARSENIC, ARSENIC TRIOXIDE, ARSENIC TRICHLORIDE (THREE EXAMPLES)

I. Physical and chemical properties

A. Arsenic (metal).

1. Formula: As.
2. Appearance: Gray metal.
3. Melting point: Sublimes without melting at 613C.
4. Specific Gravity: (H20=1):5.73.
5. Solubility in water: Insoluble.

B. Arsenic Trioxide.

1. Formula: As203, (As406).
2. Appearance: White powder.
3. Melting point: 315C.
4. Specific Gravity (H20=1):3.74.
5. Solubility in water: 3.7 grams in 100cc of water at 20c.

C. Arsenic Trichloride (liquid).

1. Formula: AsC13.
2. Appearance: Colorless or pale yellow liquid.
3. Melting point: −8.5C.
4. Boiling point: 130.2C.
5. Specific Gravity (H20=1):2.16 at 20C.
6. Vapor Pressure: 10mm Hg at 23.5C.
7. Solubility in Water: Decomposes in water.

II. Fire, explosion and reactivity data.

A. Fire: Arsenic, arsenic Trioxide and Arsenic Trichloride are nonflammable.

B. Reactivity:

1. Conditions Contributing to instability: Heat.
2. Incompatibility: Hydrogen gas can react with inorganic arsenic to form the highly toxic gas arsine.

III. Monitoring and Measurement Procedures

Samples collected should be full shift (at least 7-hour) samples. Sampling should be done using a personal sampling pump at a flow rate of 2 liters per minute. Samples should be collected on 0.8 micrometer pore size membrane filter (37mm diameter). Volatile arsenicals such as arsenic trichloride can be most easily collected in a midget bubbler filled with 15 ml. of 0.1 N NaOH.

The method of sampling and analysis should have an accuracy of not less than ±25 percent (with a confidence limit of 95 percent) for 10 micrograms per cubic meter of air (10 $\mu g/m^3$) and ±35 percent (with a confidence limit of 95 percent) for concentrations of inorganic arsenic between 5 and 10 $\mu g/m^3$.

APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES

I. GENERAL

Medical examinations are to be provided for all employees exposed to levels of inorganic arsenic above the action level (5 $\mu g/m^3$) for at least 30 days per year (which would include among others, all employees, who work in regulated areas). Examinations are also to be provided to all employees who have had 10 years or more exposure above the action level for more than 30 days per year while working for the present or predecessor employer though they may no longer be exposed above the level.

An initial medical examination is to be provided to all such employees by December 1, 1978. In addition, an initial medical examination is to be provided to all employees who are first assigned to areas in which worker exposure will probably exceed 5 $\mu g/m^3$ (after the effective date of this standard) at the time of initial assignment. In addition to its immediate diagnostic usefulness, the initial examination will provide a baseline for comparing future test results. The initial examination must include as a minimum the following elements:

(1) A work and medical history, including a smoking history, and presence and degree of respiratory symptoms such as breathlessness, cough, sputum production, and wheezing;

(2) A 14" by 17" posterior-anterior chest X-ray and an International Labor Office UICC/Cincinnati (ILO U/C) rating;

(3) A nasal and skin examination;

(4) A Sputum Cytology examination; and

(5) Other examinations which the physician believes appropriate because of the employee's exposure to inorganic arsenic or because of required respirator use.

Periodic examinations are also to be provided to the employees listed above. The periodic examinations shall be given annually for those covered employees 45 years of age or less with fewer than 10 years employment in areas where employee exposure exceeds the action level (5 $\mu g/m^3$). Periodic examinations need not include sputum cytology and only an updated medical history is required.

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Periodic examinations for other covered employees, shall be provided every six (6) months. These examinations shall include all tests required in the initial examination, except that the medical history need only be updated.

The examination contents are minimum requirements. Additional tests such as lateral and oblique X-rays or pulmonary function tests may be useful. For workers exposed to three arsenicals which are associated with lymphatic cancer, copper acetoarsenite, potassium arsenite, or sodium arsenite the examination should also include palpation of superficial lymph nodes and complete blood count.

II. NONCARCINOGENIC EFFECTS

The OSHA standard is based on minimizing risk of exposed workers dying of lung cancer from exposure to inorganic arsenic. It will also minimize skin cancer from such exposures.

The following three sections quoted from "Occupational Diseases: A Guide to Their Recognition", Revised Edition, June 1977, National Institute for Occupational Safety and Health is included to provide information on the nonneoplastic effects of exposure to inorganic arsenic. Such effects should not occur if the OSHA standards are followed.

A. *Local*—Trivalent arsenic compounds are corrosive to the skin. Brief contact has no effect but prolonged contact results in a local hyperemia and later vesicular or pustular eruption. The moist mucous membranes are most sensitive to the irritant action. Conjunctiva, moist and macerated areas of skin, the eyelids, the angles of the ears, nose, mouth, and respiratory mucosa are also vulnerable to the irritant effects. The wrists are common sites of dermatitis, as are the genitalia if personal hygiene is poor. Perforations of the nasal septum may occur. Arsenic trioxide and pentoxide are capable of producing skin sensitization and contact dermatitis. Arsenic is also capable of producing keratoses, especially of the palms and soles.

B. *Systemic*—The acute toxic effects of arsenic are generally seen following ingestion of inorganic arsenical compounds. This rarely occurs in an industrial setting. Symptoms develop within ½ to 4 hours following ingestion and are usually characterized by constriction of the throat followed by dysphagia, epigastric pain, vomiting, and watery diarrhea. Blood may appear in vomitus and stools. If the amount ingested is sufficiently high, shock may develop due to severe fluid loss, and death may ensue in 24 hours. If the acute effects are survived, exfoliative dermatitis and peripheral neuritis may develop.

Cases of acute arsenical poisoning due to inhalation are exceedingly rare in industry. When it does occur, respiratory tract symptoms—cough, chest pain, dyspnea—giddiness, headache, and extreme general weakness precede gastrointestinal symptoms. The acute toxic symptoms of trivalent arsenical poisoning are due to severe inflammation of the mucous membranes and greatly increased permeability of the blood capillaries.

Chronic arsenical poisoning due to ingestion is rare and generally confined to patients taking prescribed medications. However, it can be a concomitant of inhaled inorganic arsenic from swallowed sputum and improper eating habits. Symptoms are weight loss, nausea and diarrhea alternating with constipation, pigmentation and eruption of the skin, loss of hair, and peripheral neuritis. Chronic hepatitis and cirrhosis have been described. Polyneuritis may be the salient feature, but more frequently there are numbness and parasthenias of "glove and stocking" distribution. The skin lesions are usually melanotic and keratotic and may occasionally take the form of an intradermal cancer of the squamous cell type, but without infiltrative properties. Horizontal white lines (striations) on the fingernails and toenails are commonly seen in chronic arsenical poisoning and are considered to be a diagnostic accompaniment of arsenical polyneuritis.

Inhalation of inorganic arsenic compounds is the most common cause of chronic poisoning in the industrial situation. This condition is divided into three phases based on signs and symptoms.

First Phase: The worker complains of weakness, loss of appetite, some nausea, occasional vomiting, a sense of heaviness in the stomach, and some diarrhea.

Second Phase: The worker complains of conjunctivitis, a catarrhal state of the mucous membranes of the nose, larynx, and respiratory passage. Coryza, hoarseness, and mild tracheobronchitis may occur. Perforation of the nasal septum is common, and is probably the most typical lesion of the upper respiratory tract in occupational exposure to arsenical dust. Skin lesions, eczematoid and allergic in type, are common.

Third Phase: The worker complains of symptoms of peripheral neuritis, initially of hands and feet, which is essentially sensory. In more severe cases, motor paralyses occur; the first muscles affected are usually the toe extensors and the peronel. In only the most severe cases will paralysis of flexor muscles of the feet or of the extensor muscles of hands occur.

Liver damage from chronic arsenical poisoning is still debated, and as yet the question is unanswered. In cases of chronic and acute arsenical poisoning, toxic effects to the myocardium have been reported based on EKG changes. These findings, however, are now largely discounted and the EKG changes are ascribed to electrolyte disturbances concomitant with arsenicalism. Inhalation of arsenic trioxide and other inorganic arsenical dusts does not give rise to radiological evidence or pneumoconiosis. Arsenic does have a depressant effect upon the bone marrow, with disturbances of both erythropoiesis and myelopoiesis.

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III. SPUTUM CYTOLOGY

Sputum can be collected by aerosol inhalation during the medical exam or by spontaneous early morning cough at home. Sputum is induced by transoral inhalation of an aerosolized solution of eight per cent (8 percent) sodium chloride in water. After inhaling as few as three to five breaths the subject usually yields an adequate sputum. All sputum should be collected directly into sixty percent (60 percent) alcohol.

Scientific evidence suggests that chest X-rays and sputum cytology should be used together as screening tests for lung tests for lung cancer in high risk populations such as workers exposed to inorganic arsenic. The tests are to be performed every six months on workers who are 45 years of age or older or have worked in the regulated area for 10 or more years. Since the tests seem to be complementary, it may be advantageous to alternate the test procedures. For instance, chest X-rays could be obtained in June and December and sputum cytologies could be obtained in March and September. Facilities for providing necessary diagnostic investigation should be readily available as well as chest physicians, surgeons, radiologists, pathologists and immunotherapists to provide any necessary treatment services.

(Pub. L. 91-596; Secs. 4, 6, 8, 84 Stat. 1592, 1593, 1599 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 8-76 (41 FR 25059); 29 CFR Part 1911).

§ 1910.1028 Benzene.

(a) *Scope and application.* (1) This section applies to each place of employment where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled, or used.

(2) This section does not apply to: (i) The storage, transportation, distribution, dispensing, sale or use as fuel of gasoline, motor fuels, or other fuels subsequent to discharge from bulk terminals; or

(ii) The storage, transportation, distribution or sale of benzene in intact containers sealed in such a manner as to contain benzene vapors or liquid, except for the requirements of paragraph (k) (2), (3), (4), and (5), and paragraph (j) of this section.

(b) *Definitions.* "Action level" means an airborne concentration of benzene of 0.5 ppm, averaged over an 8-hour work day.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"Authorized person" means any person required by his duties to enter a regulated area and authorized to do so by his employer, by this section or by the Occupational Safety and Health Act of 1970. "Authorized person" includes a representative of employees who is designated to observe monitoring and measuring procedures under paragraph (m) of this section.

"Benzene" (C_6H_6) (CAS Registry No. 00071432) means solid, liquefied or gaseous benzene. It includes mixtures of liquids containing benzene and the vapors released by these liquids.

"Bulk terminal" means a facility which is used for the storage and distribution of gasoline, motor fuels or other fuels and which receives its petroleum products by pipeline, barge or marine tanker.

"Director" means the Director of the National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or designee.

"Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may, or does, result in a massive release of benzene.

"OSHA Area Office" means the office of the Occupational Safety and Health Administration having jurisdiction over the geographic area where the affected workplace is located.

(c) *Permissible exposure limits*—(1) *Inhalation*—(i) *Time-weighted average limit (TWA).* The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 1 part benzene per million parts of air (1 ppm) as an 8-hour time-weighted average.

(ii) *Ceiling limit.* The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any 15 minute period.

(2) *Dermal and eye exposure limit.* The employer shall assure that no employee is exposed to eye contact with liquid benzene; or to skin contact with liquid benzene, unless the employer can establish that the skin contact is an isolated instance.

(d) *Regulated areas.* (1) The employer shall establish, within each place of employment, regulated areas where benzene concentrations are in excess of the permissible airborne exposure limit.

(2) The employer shall limit access to regulated areas to authorized persons.

(3) *Notification of regulated areas.* Within 30 days following the establishment of a regulated area, the employer shall report the following information to the OSHA Area Office:

(i) The address of each establishment which has one or more regulated areas;

(ii) The locations, within the establishment, of each regulated area;

(iii) A brief description of each process or operation which results in employee exposure to benzene in regulated areas; and

(iv) The number of employees engaged in each process or operation within each regulated area which results in exposure to benzene, and an estimate of the frequency and degree of exposure within each regulated area.

(e) *Exposure monitoring and measurements*—(1) *General.* (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to benzene over an eight (8) hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(2) *Initial monitoring.* (i) Each employer, who has a place of employment where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used shall monitor each of these workplaces and work operations to accurately determine the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under paragraph (e)(2)(i) of this section shall be conducted and the results obtained within 30 days of the effective date of this section. Where the employer has monitored after January 4, 1977 and the monitoring satisfies the accuracy requirements of paragraph (e)(6) of the section, the employer may rely on such earlier monitoring to satisfy the requirements of paragraph (e)(2)(i) of this section, unless there has been a production, process, personnel or control change which may have resulted in new or additional exposures to benzene or the employer has any other reason to suspect a change which may have resulted in new or additional exposures to benzene; and provided that the employer maintains a record of the monitoring in accordance with paragraph (l)(1) and notifies each employee in accordance with paragraph (e)(5).

(3) *Frequency*—(i) *Measurements below the action level.* If the measurements conducted under paragraph (e)(2)(i) of this section reveal employee exposure to be below the action level, the measurements need not be repeated, except as otherwise provided in paragraph (e)(4) of this section.

(ii) *Measurements at or above the action level.* If the measurements reveal employee exposure to be at or in excess of the action level, but below the permissible exposure limit, the employer shall repeat the monitoring at least quarterly. The employer shall continue these quarterly measurements until at least two consecutive measurements, taken at least seven (7) days apart, are below the action level, and thereafter the employer may discontinue monitoring, except as provided in paragraph (e)(4) of this section.

(iii) *Measurements above the permissible exposure limit.* If the measurements reveal employee exposure to be in excess of the permissible exposure limits, the employer shall repeat the measurements at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven (7) days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(4) *Additional monitoring.* (i) Whenever there has been a production, process, personnel or control change which may result in new or additional exposure to benzene or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to benzene, the employer shall repeat the monitoring which is required by paragraph (e)(2)(i) of this section.

(ii) Whenever spills, leaks, ruptures or other breakdowns occur, the employer shall repeat the monitoring which is required by paragraph (e)(2)(i) after cleanup of the spill or repair of the leak, rupture or other breakdown.

(5) *Employee notification.* (i) Within 5 working days after the receipt of the measurement results, the employer shall notify each employee in writing of the exposure measurements which represent that employee's exposures.

(ii) Where the results indicate that the employee's exposure exceeds the permissible exposure limits, the notification shall also include the corrective action being taken or to be taken by the employer to reduce exposure to or below the permissible exposure limit.

(6) *Accuracy of measurement.* The employer shall use a method of measurement which has an accuracy, to a confidence level of 95 percent, of not less than plus or minus 25 percent for concentrations of benzene greater than or equal to 1 ppm.

(f) *Methods of compliance*—(1) *Priority of compliance methods.* The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to benzene at or below the permissible exposure limits, except to the extent that the employer establishes that these controls are not feasible. Where feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls, and shall supplement them by the use of respiratory protection.

(2) *Compliance program.* (i) The employer shall establish and implement a

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written program to reduce exposures to or below the permissible exposure limits solely by means of engineering and work practice controls required by paragraph (f)(1) of this section.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be revised at least every six months to reflect the current status of the program.

(iii) Written plans for these compliance programs shall be submitted, upon request, to the Assistant Secretary and the Director, and shall be available at the worksite for examination and copying by the Assistant Secretary, the Director, and the employees or their authorized representatives.

(iv) The employer shall institute and maintain at least the controls described in his most recent written compliance program.

(g) *Respiratory protection*—(1) *General.* Where respiratory protection is required under this section, the employer shall select, provide and assure the use of respirators. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering and work practice controls;

(ii) During maintenance and repair activities in which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(2) *Respirator selection.* (i) Where respiratory protection is required under this section, the employer shall select and provide, at no cost to the employee, the appropriate respirator from Table 1 below and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health under the program of 30 CFR Part 11.

(3) *Respirator program.* The employer shall institute a respiratory protection program in accordance with § 1910.134 (b), (d), (e) and (f).

(4) *Respirator use.* (i) Where air purifying respirators (cartridge, canister, or gas mask) are used, the employer shall, except as provided in paragraph (g)(4)(ii) of this section, replace the air-purifying canisters or cartridges prior to the expiration of their service life or the end of shift in which they are first used, whichever occurs first.

TABLE I.—*Respiratory protection for benzene*

Airborne concentration of benezene or condition of use	*Respirator type*
(a) Less than or equal to 10 p/m.	(1) Any chemical cartridge respirator with organic vapor cartridge; or (2) Any supplied air respirator.
(b) Less than or equal to 50 p/m.	(1) Any chemical cartridge respirator with organic vapor cartridge and full facepiece; (2) Any supplied air respirator with full facepiece; (3) Any organic vapor gas mask; or (4) Any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 1,000 p/m.	(1) Supplied air respirator with half mask in positive pressure mode.
(d) Less than or equal to 2,000 p/m.	(1) Supplied air respirator with full facepiece, helmet, or hood, in positive pressure mode.
(e) Less than or equal to 10,000 p/m.	(1) Supplied air respirator and auxiliary self-contained facepiece in positive pressure mode; or (2) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.

(ii) Where a cartridge or canister of an air purifying respirator has an end of service life indicator certified by the National Institute for Occupational Safety and Health for benzene, the employer may permit its use until such time as the indicator shows the end of service life.

(iii) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is properly fitted

(iv) The employer shall allow each employee who wears a respirator to wash his or her face and respirator facepiece to prevent skin irritation associated with respirator use.

(h) *Protective clothing and equipment.* Where eye or dermal exposure may occur, the employer shall provide, at no cost to the employee, and assure that the employee wears impermeable protective clothing and equipment to protect the area of the body which may come in contact with liquid benzene. Eye and face protection shall meet the requirements of § 1910.133 of this Part.

(i) *Medical Surveillance*—(1) *General.* (i) The employer shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level and employees who are subjected to an emergency.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and provided without cost to the employee.

(2) *Initial examinations.* (i) Within thirty days of the effective date of this section, or before the time of initial assignment, the employer shall provide each employee who is or may be exposed to benzene at or above the action level with a medical examination, including at least the following elements:

(*a*) A history which includes past work exposure to benzene or any other hematologic toxins; a family history of blood dyscrasias including hematological neoplasms; a history of blood dyscrasias including genetically related hemoglobin alterations, bleeding abnormalities, abnormal function of formed blood elements; a history of renal or liver dysfunction; a history of drugs routinely taken, alcoholic intake and systemic infections; a history of exposure to marrow toxins outside of the current work situation, including volatile cleaning agents and insecticides;

(*b*) Laboratory tests, including a complete blood count with red cell count, white cell count with differential, platelet count, hematocrit, hemoglobin and red cell indices (MCV, MCH, MCHC), serum bilirubin and reticulocyte count; and

(*c*) Additional tests where, in the opinion of the examining physician, alterations in the components of the blood are related to benzene exposure.

(ii) No medical examination is required to satisfy the requirements of paragraph (i)(2)(i) of this section if adequate records show that the employee has been examined in accordance with the procedures of paragraph (i)(2)(i) of this section within the previous six months.

(3) *Information provided to the physician.* The employer shall provide the following information to the examining physician for each examination under this section:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physican.

(4) *Physician's written opinions.* (i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion containing the following:

(*a*) The results of the medical examination and tests;

(*b*) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at increased risk of material impairment from exposure to benzene;

(*c*) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposures.

(5) *Periodic examinations.* (i) The employer shall provide each employee covered under paragraph (i)(2) of this section with a medical examination at least semi-annually following the initial examination. These periodic examinations shall include at least the following elements:

(*a*) A brief history regarding any new exposure to potential marrow toxins, changes in drug and alcohol intake and the appearance of physical symptoms relating to blood disorders;

(*b*) A complete blood count with red cell count, white cell count with differential, platelet count, hemoglobin, hematocrit and red cell indices (MCV, MCH, MCHC); and

(*c*) Additional tests where in the opinion of the examining physician, alterations in the components of the blood are related to benzene exposure.

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with a medical examination which shall include those elements considered appropriate by the examining physician.

(6) *Emergency situations.* If the employee is exposed to benzene in an emergency situation, the employer shall provide the employee with a urinary phenol test at the end of the employee's shift. The urine specific gravity shall be corrected to 1.024. If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required. If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the employer shall provide the employee with a complete blood count including a red cell count, white cell count with differential, and platelet count as soon as practicable, and shall provide these same counts one month later.

(7) *Special examinations.* (i) Where the results of any tests required by this section reveal that any of the following conditions exist, the employer shall have the test results of the employee evaluated by a hematologist:

(*a*) The red cell count, hemoglobin or platelet count varies more than 15 percent above or below the employee's most recent values;

(*b*) The red cell count is below 4.4 million or above 6.3 million per mm^3, (for males), or below 4.2 million or above 5.5 million per mm^3 (for females);

(*c*) The hemoglobin is below 14 grams percent or above 18 grams percent (for males) or below 12 grams percent or above 16 grams percent (for females);

(*d*) The white cell count is below 4,200 or above 10,000/mm^3;

(*e*) The thrombocyte count is below 140×10^3 cells per mm^3 or above 440×10^3 cells per mm^3.

(ii) In addition to the information required to be provided to the physician under paragraph (i)(3) of this section, the employer shall provide the hematologist with the medical record required to be maintained by paragraph (l)(2) of this section.

(iii) The hematologist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(j) *Employee information and training*—(1) *Training program.* (i) The employer shall institute a training program for all employees assigned to workplaces where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used and shall assure that each employee assigned to these workplaces is informed of the following:

(*a*) The information contained in Appendices A and B of this section;

(*b*) The quantity, location, manner of use, release, or storage of benzene and the specific nature of operations which could result in exposure above the permissible exposure limits as well as necessary protective steps;

(*c*) The purpose, proper use, and limitations of personal protective equipment and clothing required by paragraph (h) of this section and of respiratory devices required by paragraph (g) of this section and § 1910.134 (b), (d), (e), and (f);

(*d*) The purpose and a description of the medical surveillance program required by paragraph (i) of this section and the information contained in Appendix C of this section; and

(*e*) The contents of this standard.

(ii) The training program required under paragraph (j)(1)(i) of this section shall be provided within 90 days of the effective date of this section or at the time of initial assignment to workplaces where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used, and at least annually thereafter.

(2) *Access to training materials.* (i) The employer shall make a copy of this standard and its Appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Assistant Secretary and the Director.

(k) *Signs and labels.* (1) The employer shall post signs in regulated areas bearing the following legend:

DANGER

BENZENE

CANCER HAZARD

FLAMMABLE—NO SMOKING

AUTHORIZED PERSONNEL ONLY

RESPIRATOR REQUIRED

(2) The employer shall assure that caution labels are affixed to all containers of benzene and of products containing any amount of benzene, except:

(i) Pipelines, and

(ii) Transport vessels or vehicles carrying benzene or benzene products in sealed intact containers.

(3) The employer shall assure that the caution labels remain affixed when the benzene or products containing benzene are sold, distributed or otherwise leave the employer's workplace.

(4) The caution labels required by paragraph (k)(2) of this section shall be readily visible and legible. The labels shall bear the following legend:

CAUTION

CONTAINS BENZENE

CANCER HAZARD

(5) The employer shall assure that no statement which contradicts or detracts from the information required by paragraphs (k)(1) and (k)(4) of this section appears on or near any required sign or label.

(l) *Recordkeeping*—(1) *Exposure measurements.* (i) The employer shall establish and maintain an accurate record of all measurements required by paragraph (e) of this section.

(ii) This record shall include:

(*a*) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(*b*) A description of the sampling and analytical methods used;

(*c*) Type of respiratory protective devices worn, if any; and

(*d*) Name, social security number, and job classification of the employee

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monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(2) *Medical surveillance.* (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by paragraph (i) of this section.

(ii) This record shall include:

(*a*) The name, and social security number of the employee;

(*b*) A copy of the physicians' written opinions, including results of medical examinations and all tests, opinions and recommendations;

(c) The peripheral blood smear slides of the initial test, the most recent test, and any test demonstrating hematological abnormalities related to benzene exposure;

(*d*) Any employee medical complaints related to exposure to benzene;

(*e*) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and its appendices for all employees provided that he references the standard and its appendices in the medical surveillance record of each employee;

(*f*) A copy of the information provided to the physician as required by paragraphs (i)(3)(ii) through (i)(3)(v) of this section; and

(*g*) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least 40 years or for the duration of employment plus 20 years, whichever is longer.

(3) *Availability.* (i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the Assistant Secretary and the Director for examination and copying.

(ii) The employer shall assure that employee exposure measurement records as required by this section be made available for examination and copying to affected employees or their designated representatives.

(iii) The employer shall assure that former employees and the former employees' designated representatives have access to such records as will indicate the former employee's own exposure to benzene.

(iv) The employer shall assure that employee medical records required to be maintained by this section be made available upon request for examination and copying to the employee or former employee or to a physician or other individual designated by the affected employee or former employee.

(4) *Transfer of records.* (i) When the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by paragraph (l) of this section for the prescribed period.

(ii) When the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall transmit these records by mail to the Director.

(iii) At the expiration of the retention period for the records required to be maintained under paragraph (l) of this section, the employer shall transmit these records by mail to the Director.

(m) *Observation of monitoring*—(1) *Employee observation.* The employer shall provide affected employees, or their designated representatives, an opportunity to observe any measuring or monitoring of employee exposure to benzene conducted pursuant to paragraph (e) of this section.

(2) *Observation procedures.* (i) When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the measurement, observers shall be entitled to:

(*a*) Receive an explanation of the measurement procedures;

(*b*) Observe all steps related to the measurement of airborne concentrations of benzene performed at the place of exposure; and

(c) Record the results obtained.

(n) *Appendices.* The information contained in the appendices is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

Appendix A—Substance Safety Data Sheet, Benzene

I. SUBSTANCE IDENTIFICATION

A. *Substance.* Benzene.

B. *Permissible Exposure:* Except as to the use as fuels of gasoline, motor fuels and other fuels subsequent to discharge from bulk terminals.

1. *Airborne.* 1 part of benzene vapor per million parts of air (1 ppm); time-weighted average (TWA) for an 8-hour workday for a 40-hour week, with a 15 minute ceiling concentration of 5 ppm.

2. *Dermal.* Eye contact and skin contact with liquid benzene shall be prohibited.

C. *Appearance and odor.* Benzene is a clear, colorless liquid with a pleasant, sweet odor. The odor of benzene does not provide adequate warning of its hazard.

II. HEALTH HAZARD DATA

A. *Ways in which benzene affects your health.* Benzene can affect your health if you inhale it, or if it comes in contact with your skin or eyes. Benzene is also harmful if you happen to swallow it.

B. *Effects of overexposure.* 1. Short-term (acute) overexposure: If you are overexposed to high concentrations of benzene, well above the levels where its odors are first recognizable, you may feel breathless, irritable, euphoric, or giddy; you may experience irritation in eyes, nose, and respiratory tract. You may develop a headache, feel dizzy, nauseous, or experience unsteadiness in walking. Severe exposures may lead to convulsions.

2. *Long-term (chronic) exposure.* Repeated or prolonged exposure to benzene, even at relatively low concentrations, may result in various blood disorders, ranging from anemia to leukemia, an irreversible, fatal disease. Many blood disorders associated with benzene exposure may occur without physical symptoms.

III. PROTECTIVE CLOTHING AND EQUIPMENT

A. *Respirators.* Respirators are required for those operations in which engineering controls or work practice controls are not feasible to reduce exposure to the permissible level. If respirators are worn, they must have a National Institute for Occupational Safety and Health (NIOSH) seal of approval, and cartridges or canisters must be replaced before the end of their service life, or the end of the shift, whichever occurs first. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. *Protective Clothing.* You must wear impervious protective clothing (such as boots, gloves, sleeves, aprons, etc.) over any parts of your body that could be exposed to liquid benzene.

C. *Eye and Face Protection.* You must wear splash proof safety goggles if it is possible that benzene may get into your eyes. In addition, you must wear a face shield if your face could be splashed with benzene liquid.

IV. EMERGENCY AND FIRST AID PROCEDURES

A. *Eye and face exposure.* If benzene is splashed in your eyes, wash it out immediately with large amounts of water. Call a doctor as soon as possible.

B. *Skin exposure.* If benzene is spilled on your clothing or skin, remove the contaminated clothing and wash the exposed skin with large amounts of water and soap immediately. Wash contaminated clothing before you wear it again.

C. *Breathing.* If you or any other person breathes in large amounts of benzene, get the exposed person to fresh air at once. Apply artificial respiration if breathing has stopped. Call for medical assistance or a doctor as soon as possible.

D. *Swallowing.* If benzene has been swallowed and the patient is conscious, do not induce vomiting. Call for medical assistance or a doctor immediately.

V. MEDICAL REQUIREMENTS

If you are exposed to benzene at a concentration at or above 0.5 ppm on an 8-hour time-weighted average, your employer is required to provide a medical history and laboratory tests within 30 days of the effective date of this standard and semiannually thereafter if you are continually exposed at or above 0.5 ppm. These tests shall be provided without cost to you. In addition, if you are accidentally exposed to benzene (either by ingestion, inhalation, or skin/eye contact) under conditions known or suspected to be toxic exposure to benzene, your employer is required to make special tests available to you.

VI. OBSERVATION OF MONITORING

Your employer is required to perform measurements that are representative of your exposure to benzene and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to receive an explanation of the measurement procedure, observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear the protective clothing and equipment.

VII. ACCESS TO RECORDS

You or your representative are entitled to see the records of measurements of your exposure to benzene upon request to your employer. Your medical examination records can be furnished to your physician or designated representative upon request to your employer.

VIII. PRECAUTIONS FOR SAFE USE, HANDLING AND STORAGE

Benzene liquid is highly flammable. It should be stored in tightly closed containers in a cool, well ventilated area. Benzene vapor may form explosive mixtures in air. All sources of ignition must be controlled. Use nonsparking tools when opening or closing benzene containers. Ground or bond metal benzene containers. Fire extinguishers, where provided, must be readily available. Know where they are located and how to operate them. Smoking is prohibited in areas where benzene is used or stored. Ask your supervisor where benzene is used in your work area and for additional plant safety rules.

Appendix B—Substance Technical Guidelines, Benzene

I. PHYSICAL AND CHEMICAL DATA

A. *Substance identification.*

1. Synonyms: Benzol, benzole, coal naptha, cyclohexatriene, phene, phenyl hydride, pyrobenzol. (Benzin, petroleum benzin, and Benzine do not contain benzene.)

2. Formula: C_6H_6 (CAS Registry Number: 000071432)

B. *Physical data.*

1. Boiling Point (760 mm Hg): 80.1C (176F)

2. Specific Gravity (water = 1): 0.879

3. Vapor Density (air = 1): 2.7

4. Melting Point: 5.5C (42F)

5. Vapor Pressure at 20 C (68F): 75 mm Hg

6. Solubility in Water: .06%

7. Evaporation Rate (ether = 1): 2.8

8. Appearance and Odor: Clear, colorless liquid with a distinctive sweet odor.

II. FIRE, EXPLOSION, AND REACTIVITY HAZARD DATA

A. *Fire.*

1. Flash Point (closed cup): −11 C (12F)

2. Autoignition Temperature: 580 C (1076F)

3. Flammable Limits in Air, % by Volume: Lower 1.3%, Upper: 7.5%

4. Extinguishing Media: Carbon dioxide, dry chemical, or foam.

5. Special Fire-Fighting Procedures: Do not use solid stream of water, since stream will scatter and spread fire. Water spray can be used to keep fire exposed containers cool.

6. Unusual fire and explosion hazards: Benzene is a flammable liquid. Its vapors can form explosive mixtures. All ignition sources must be controlled when benzene is used, handled, or stored. Where liquid or vapor may be released, such areas shall be considered as hazardous locations. Benzene vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which benzene is handled.

7. Benzene is classified as a *1 B flammable liquid* for the purpose of conforming to the requirements of 29 CFR 1910.106. A concentration exceeding *3250 ppm* is considered a potential fire explosion hazard. Locations where benzene may be present in quantities sufficient to produce explosive or ignitable mixtures are considered *Class I Group D* for the purposes of conforming to the requirement of 29 CFR 1910.309.

B. *Reactivity.*

1. Conditions contributing to instability: Heat.

2. Incompatibility: Heat and oxidizing materials.

3. Hazardous decomposition products: Toxic gases and vapors (such as carbon monoxide).

III. SPILL AND LEAK PROCEDURES

A. *Steps to be taken if the material is released or spilled.* As much benzene as possible should be absorbed with suitable materials, such as dry sand or earth. That remaining must be flushed with large amounts of water. Do not flush benzene into a confined space, such as a sewer, because of explosion danger. Remove all ignition sources. Ventilate enclosed places.

B. *Waste disposal method.* Disposal methods must conform to other jurisdictional regulations. If allowed, benzene may be disposed of: (a) Absorbing it in dry sand or earth and disposing in a sanitary land fill; (b) if small quantities, by removing it to a safe location from buildings or other combustible sources, pouring it in dry sand or earth and cautiously igniting it; (c) if large quantities, by atomizing it in a suitable combustion chamber.

IV. MONITORING AND MEASUREMENT PROCEDURES

A. *Normal monitoring program:* Measurements taken from the purpose of determining employee exposure are best taken so that the representative average 8-hour exposure may be determined from a single 8-hour sample or two (2) 4-hour samples. Short-time interval samples (or grab samples) may also be used to determine average exposure level if a minimum of five measurements are taken in a random manner over the 8-hour work shift. Random sampling means that any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken on one work shift is an estimate of an employee's average level of exposure for that work shift. Air samples should be taken in the employee's breathing zone (air that would nearly represent that inhaled by the employee). Sampling must be performed by gas absorption tubes or alternative methods meeting the requirements of the standard with subsequent chemical analysis, by gas chromatography. Methods meeting the prescribed accuracy and precision and requirements are available in the "NIOSH Manual of Analytical Methods."

V. MISCELLANEOUS PRECAUTIONS

A. High exposures to benzene can occur when transferring the liquid from one container to another. Such operations should be well ventilated and good work practices must be established to avoid spills.

B. Use non-sparking tools to open benzene containers which are effectively grounded and bonded prior to opening and pouring.

C. Employers must advise employees of all plant areas and operations where exposure to benzene could occur. Common operations in which high exposures to benzene may be encountered are: the primary production and utilization of benzene, and transfer of benzene.

Appendix C—Medical Surveillance Guidelines for Benzene

I. ROUTE OF ENTRY

Inhalation; possible skin absorption.

II. TOXICOLOGY

Benzene is primarily an inhalation hazard. Systemic absorption may cause depression of the hematopoietic system and leukemia. Inhalation of high concentrations can affect the central nervous system function. Aspiration of small amounts of liquid benzene immediately causes pulmonary edema and hemorrhage of pulmonary tissue. The extent of absorption through the skin is unknown. However, absorption may be accelerated in the case of injured skin, and benzene may be more readily absorbed if it is present in a mixture or as a contaminant in solvents which are readily absorbed. Defatting action of benzene may produce primary irritation upon repeated or prolonged contact with the skin. High concentrations are irritating to the mucous membranes of the eyes, nose, and respiratory tract.

III. SIGNS AND SYMPTOMS

It is not clear to what extent benzene is absorbed through the skin, however, direct contact may cause erythema or blistering. Repeated or prolonged contact may result in drying, scaling dermatitis, or precipitate development of secondary skin infections. Local effects of benzene vapor or liquid on the eye are slight. Only at very high concentrations is there any smarting sensation in the eye. Inhalation of high concentrations of benzene may have an initial stimulatory effect on the central nervous system characterized by exhilaration, nervous excitation, and/or giddiness, followed by a period of depression, drowsiness, fatigue, or vertigo. There may be sensation of tightness in the chest accompanied by breathlessness and ultimately the victim may lose consciousness. Convulsions and tremors occur frequently, and death may follow from respiratory paralysis or circulatory collapse in a few minutes to several hours following severe exposures.

The insidious effect on the blood-forming system of prolonged exposure to small

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quantities of benzene vapor is of extreme importance. The hematopoietic system is the chief target for benzene's toxic effects which are manifested by alterations in the levels of formed elements in the peripheral blood. These effects have been noted to occur at concentrations of benzene which may not cause irritation of mucous membranes, or any unpleasant sensory effects. Early signs and symptoms of benzene morbidity are varied and often not overtly apparent and not specific for benzene exposure. Subjective complaints of headache, dizziness, and loss of appetite may precede or follow clinical symptomology. Bleeding from the nose, gums, or mucous membranes and the development of purpuric spots may occur as the condition progresses. Rapid pulse and low blood pressure in addition to a physical appearance of anemia may accompany a subjective complaint of shortness of breath. Clinical evidence of leukopenia, anemia, and thrombocytopenia, singly or in combination, have been frequently reported.

Bone marrow may appear normal, aplastic, or hyperplastic and may not in all situations correlate with peripheral blood forming tissues. There are great variations in the susceptibility to benzene morbidity which prohibits the identification of "typical" blood picture. The onset of effects of prolonged benzene exposure may be significantly delayed after the actual exposure has ceased.

IV. TREATMENT OF ACUTE TOXIC EFFECTS

Remove from exposure immediately, give oxygen or artificial resuscitation if indicated. Flush eyes and wash contaminated skin. Symptoms of non-specific nervous disturbances may persist following severe exposures. Recovery from mild exposures is usually rapid and complete.

V. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS

A. GENERAL

The principal effects of benzene exposure forming the basis for this regulation are alterations of the hematopoietic system as reflected by changes in the peripheral blood and leukemia. Consequently, the medical surveillance protocol is designed to observe on a regular basis, blood indices for early signs of these effects.

Tests must be performed frequently enough to discover individuals who may be unusually sensitive and likely to develop marrow abnormalities, to monitor those who experience accidental overexposure and to provide early detection of delayed evidence of toxicity.

All workers who are or will be exposed to 0.5 parts per million (ppm) or greater benzene as an eight-hour time-weighted average are to be given the opportunity for a medical examination. Initial examinations are to be provided within 30 days of the effective date of this standard or at the time of initial assignment and interval examinations semiannually thereafter. There are special provisions for medical tests in the event of hematolgic abnormalities or for emergency situations.

F. HEMATOLOGY GUIDELINES

The following information excerpted from the analysis of Dr. Jandl, Chief of Hematology, Harvard School of Medicine, may be useful to physicians in conducting the medical surveillance program.

"A minimum battery of tests is to be performed by strictly standardized methods in the circumstances described above.

1. Red cell, white cell, and platelet counts must be performed using an automated (Coulter) counter. The normal range for the red cell count is approximately 4.4 to 6.0 million cells/mm³, the values for women being about 0.4 million cells lower than for men. A decline from a normal to a subnormal value, or a rise to a supra-normal value, are indicative of potential toxicity, particularly should there be a decline. The normal total white blood count is approximately 6,200 plus or minus 2,000/mm³. For cigarette smokers and white count will be higher, the upper range of "normal" being approximately 1,000 cells higher than 8,200. Either a decline from normal to subnormal or a rise from normal to supra-normal, should be regarded as a potential indication of benzene toxicity. The normal platelet count is 250,000 with a range of 140,000 to (at most) 400,000/mm³. A decline to below 140,000 or a rise to above 400,000 should be regarded as possible evidence of benzene toxicity.

The reticulocyte count is performed by technical assistants using a cover-slip smear (see below). In my opinion, the preferred technique for this purpose is the so-called "dry-method" employing brilliant cresyl blue (BCB) for staining the filaments of reticulum within red cell, and counter-staining with Wright's stain. The extreme range of normal for reticulocytes is 0.4 to 1.5 percent of the red cells, the usual range being 0.5 to 1.2 percent of the red cells, but the typical value is in the range of 0.8 to 1.0 percent. There is an advantage of using the BCB reticulocyte staining technique (followed by counter-staining with Wright's stain) in that visible evidence (i.e., the stained, mounted reticulocyte smears) may be stored, and if kept filed in the dark may later be retrieved for reexamination and comparisons. A decline in reticulocytes to levels of less than 0.4 percent is to be regarded as possible evidence (unless another specific cause is found) of benzene toxicity requiring accelerated surveillance. An increase in reticulocyte levels to above 1.5 percent may also be consistent with (but is not as characteristic of) benzene toxicity.

2. The single most important routine surveillance test is an expert technician's careful examination of the peripheral blood smear. As with the reticulocyte count, the smear should be with fresh uncoagulated blood obtained from a needle tip following venipuncture or from a drop of earlobe blood (capillary blood). If necessary, the smear may under certain limited conditions be made from a blood sample anticoagulated with EDTA (but never with oxalate or heparin). When the smear is to be prepared from a specimen of venous blood which has been collected by a commercial Vacutainer® type tube containing neutral EDTA, the smear should be made as soon as possible after the venesection. A delay of up to 12 hours is permissible between the drawing of the blood specimen into EDTA and the preparation of the smear if the blood is stored at refrigerator (not freezing) temperature. As with the reticulocyte preparations, the smear should be made on cover slips only. Under no circumstances should peripheral blood (or bone marrow aspirate) intended for examination be smeared on microscope slides, a technique which produces artifacts in blood cells and distorts the white cell differential count by severely maldistributing them. Dry blood smears should be stained with Wright's stain which should be filtered at least weekly to remove precipated dye (saturated completely by methylene blue-eosinate derivates).

3. The minimum mandatory observations to be made from the smear and a discussion of their significance now follows. The observations are four:

a. The differential white blood cell count.

b. Description of abnormalities in the appearance of red cells.

c. Description of any abnormalities in the platelets.

d. A careful search must be made by the technician throughout the better areas of every blood smear for immature white cells such as band forms (in more than normal proportion), any number of metamyelocytes, myelocytes. Any nucleated or multinucleated red blood cells should be reported. Very large "giant" platelets of fragments of megakaryocytes must be recognized. Should only a single one of these abnormalities be found, it should be reported.

An increase in the proportion of band forms among the neutrophilic granulocytes is an abnormality deserving special mention for it represents a very early change which should be considered as an early warning of benzene toxicity in the absence of other causative factors (most commonly infection). Likewise, the appearance of metamyelocytes in the absence of other probable cause is to be considered a possible indication of benzene-induced injury.

An upward trend in the number of basophils, which normally do not exceed about 2.0 percent of the total white cells, is to be regarded as possible evidence of benzene toxicity. A rise in the eosinophil count is less specific but also may be suspicious of toxicity if it rises above 6.0 percent of the total white count.

The normal range of monocytes is from 2.0 to 8.0 percent of the total white count with an average of about 5.0 percent. About 20 percent of individuals reported to have mild but persisting abnormalities caused by exposure to benzene show a persisting monocytosis which is sometimes striking. The findings of a monocyte count which persists at more than 10 to 12 percent of the normal white cell count (when the total count is normal) or persistence of an absolute monocyte count in excess 800/mm³ should be regarded as a possible sign of benzene-induced injury.

A less frequent but more serious indication of benzene-induced injury to the bone marrow is the findings in the peripheral blood of the so-called "pseudo" (or acquired) Pelger-Huet anomaly. In this anomaly many, or sometimes the majority, of the neutrophilic granulocytes possess two round nuclear segments—less often one or three round segments—rather than three normally elongated segments. When this anomaly is not hereditary, it is often but not invariably predictive of subsequent leukemia. However, only about two percent of patients who ultimately develop acute myelogenous leukemia show the acquired Pelger-Huet anomaly.

An uncommon but ominous sign, one which cannot be detected from the smear, but can be suspected easily by a "sucrose water test" or peripheral blood, is transient paroxysmal nocturnalhemoglobinuria (PNH), which may first occur insidiously during a period of established aplastic anemia and maybe followed within one to a few years by the appearance of rapidly fatal acute myelogenous leukemia. Clinical detection of PHH, which occurs in perhaps only one or two percent of those destined to have acute myelogenous leukemia, may be difficult; if the presumptive "sucrose water test" for it is positive, the technician may perform the somewhat more definitive Ham test, also known as the acid-serum hemolysis test.

e. Individuals documented to have developed acute myelogenous leukemia years after initial exposure to benzene, have (see above) progressed through preliminary phases of hematologic abnormality. In many instances pancytopenia (i.e., a lowering in the counts of all circulating blood cells of bone marrow origin—but not to the extent implied by the term "aplastic anemia") preceded leukemia for many years. Seldom does relative scarcity of a single type blood cell (or of platelets) represent a harbinger of imminent acute leukemia. However, the finding of two or more cytopenias, or of pancytopenia, must be regarded as highly suspicious of more advanced although still reversible, benzene toxicity. When "pancytopenia" develops and becomes associated with the apearance of immature cells (myelocytes, myeloblasts, erythroblasts, etc.), with abnormal cells (pseudo Pelger-Huet anomaly, atypical nuclear heterochromatin, etc.), or with inappropriate elevations of monocytes, basophils, or eosinophils, the findings must be regarded as evidence of benzene overexposure unless proved other-wise. These and other aggregates of alterations are frequently termed "preleukemia," a term whose meaning is good when used retrospectively, but less appropriate when used prospectively where it has only inferential value. Many severely aplastic patients manifested the ominous finding of 5-10 percent myeloblasts in the marrow, occasional myeloblasts and myelocytes in the blood and 20-30% monocytes; these represented the beginning of recovery rather than the early stage of overt AML. Thus, a considerable proportion of "preleukemias" in benzene poisioning fail to progress to leukemia. Indeed, some have been observed to revert to normal after withdrawal of the afflicted person from toxic exposure. Nonetheless, the chance that "preleukemic" will evolve to leukemia is considerable: at least 20 to 40 percent of persons (only a few of whom were benzene-exposed) with these blood changes develop acute myelogenous leukemia. Certain tests may substantiate the person's prospects for progression or regression. One such test would be an examination of patient's bone marrow. But the decision to perform a bone marrow aspiration or needle biopsy is one that should be made by the hematologist. The findings to be sought there would be: hypoplasia or aplasia; an excess of immature forms; vacuolation in erythroblasts and myelocytes—a phenomenon induced by many toxins apart from benzene, including chloramphenicol and alcohol; and by infections.

The findings of basophilic stippling in circulating red blood cells (usually found in 1 to 5% of red cell during marrow injury), and detection in the bone marrow of what are termed "ringed sideroblasts" must be taken seriously, as they have been noted in recent years to be frequent premonitory signs of subsequent acute leukemia.

In several recent reports dealing with relatively few patients, peroxidase-staining of circulating or marrow neutrophil granules, employing benzidine dihydrochloride, has revealed as a "preleukemic" finding the disappearance of, or diminution in, perosidase in a sizable proportion of the granulocytes. Granulocyte granules are normally strongly peroxidase positive. A steady decline in leukocyte alkaline phosphatase is also suggestive of early acute leukemia. Exposure to benzene commonly causes an early rise in serum iron, often but not always associated with a fall in the reticulocyte count. Thus serial measurements of serum iron levels provide a means of determining whether or not there is a trend representing sustained suppress of erythropoiesis.

Measurement of serum iron, determination of peroxidase and of alkaline phosphatase activity in peripheral granulocytes can be performed by technical assistants.

§ 1910.1029 Coke oven emissions.

(a) *Scope and application.* This section applies to the control of employee exposure to coke oven emissions, except that this section shall not apply to working conditions with regard to which other Federal agencies exercise statutory authority to prescribe or enforce standards affecting occupational safety and health.

(b) *Definitions.* For the purpose of this section:

"Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring and measuring procedures under paragraph (n) of this section.

"Beehive oven" means a coke oven in which the products of carbonization other than coke are not recovered, but are released into the ambient air.

"Coke oven" means a retort in which coke is produced by the destructive distillation or carbonization of coal.

"Coke oven battery" means a structure containing a number of slot-type coke ovens.

"Coke oven emissions" means the benzene-soluble fraction of total particulate matter present during the destructive distillation or carbonization of coal for the production of coke.

"Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or his or her designee.

"Emergency" means any occurence such as, but not limited to, equipment failure which is likely to, or does, result in any massive release of coke oven emissions.

"Existing coke oven battery" means a battery in operation or under construction on January 20, 1977, and which is not a rehabilitated coke oven battery.

"Green push" means coke which when removed from the oven results in emissions due to the presence of unvolatilized coal.

"Pipeline charging" means any apparatus used to introduce coal into an oven which uses a pipe or duct permanently mounted onto an oven and through which coal is charged.

"Rehabilitated coke oven battery" means a battery which is rebuilt, overhauled, renovated, or restored such as from the pad up, after January 20, 1977.

"Secretary" means the Secretary of Labor, U.S. Department of Labor, or his or her designee.

"Stage charging" means a procedure by which a predetermined volume of coal in each larry car hopper is introduced into an oven such that no more than two hoppers are discharging simultaneously.

"Sequential charging" means a procedure, usually automatically timed, by which a predetermined volume of coal in each larry car hopper is introduced into an oven such that no more than two hoppers commence or finish discharging simultaneously although, at some point, all hoppers are discharging simultaneously.

(c) *Permissible exposure limit.* The employer shall assure that no employee in the regulated area is exposed to coke oven emissions at concentrations greater than 150 micrograms per cubic meter of air (150 $\mu g/m^3$), averaged over any 8-hour period.

(d) *Regulated areas.* (1) The employer shall establish regulated areas and shall limit access to them to authorized persons.

(2) The employer shall establish the following as regulated areas:

(i) The coke oven battery including topside and its machinery, pushside and its machinery, coke side and its machinery, and the battery ends; the wharf; and the screening station;

(ii) The beehive oven and its machinery.

(e) *Exposure monitoring and measurement*—(1) *Monitoring program.* (i) Each employer who has a place of employment where coke oven emissions are present shall monitor employees employed in the regulated area to measure their exposure to coke oven emissions.

(ii) The employer shall obtain measurements which are representative of each employee's exposure to coke oven emissions over an eight-hour period. All measurements shall determine exposure without regard to the use of respiratory protection.

(iii) The employer shall collect full-shift (for at least seven continuous hours) personal samples, including at least one sample during each shift for

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each battery and each job classification within the regulated areas including at least the following job classifications:

(*a*) Lidman;
(*b*) Tar chaser;
(*c*) Larry car operator;
(*d*) Luterman;
(*e*) Machine operator, coke side;
(*f*) Benchman, coke side;
(*g*) Benchman, pusher side;
(*h*) Heater;
(*i*) Quenching car operator;
(*j*) Pusher machine operator;
(*k*) Screening station operator;
(*l*) Wharfman;
(*m*) Oven patcher;
(*n*) Oven repairman;
(*o*) Spellman; and
(*p*) Maintenance personnel.

(iv) The employer shall repeat the monitoring and measurements required by this paragraph (e)(1) at least every three months.

(2) *Redetermination.* Whenever there has been a production, process, or control change which may result in new or additional exposure to coke oven emissions, or whenever the employer has any other reason to suspect an increase in employee exposure, the employer shall repeat the monitoring and measurements required by paragraph (e)(1) of this section for those employees affected by such change or increase.

(3) *Employee notification.* (i) The employer shall notify each employee in writing of the exposure measurements which represent that employe's exposure within five working days after the receipt of the results of measurements required by paragraphs (e)(1) and (e)(2) of this section.

(ii) Whenever such results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall, in such notification, inform each employee of that fact and of the corrective action being taken to reduce exposure to or below the permissible exposure limit.

(4) *Accuracy of measurement.* The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95%) of not less than plus or minus 35% for concentrations of coke oven emissions greater than or equal to 150 $\mu g/m^3$.

(f) *Methods of compliance.* The employer shall control employee exposure to coke oven emissions by the use of engineering controls, work practices and respiratory protection as follows:

(1) *Priority of compliance methods—*(i) *Existing coke oven batteries.* (*a*) The employer shall institute the engineering and work practice controls listed in paragraphs (f)(2), (f)(3) and (f)(4) of this section in existing coke oven batteries at the earliest possible time, but not later than January 20, 1980, except to the extent that the employer can establish that such controls are not feasible. In determining the earliest possible time for institution of engineering and work practice controls, the requirement, effective August 27, 1971, to implement feasible administrative or engineering controls to reduce exposures to coal tar pitch volatiles, shall be considered. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

(*b*) The engineering and work practice controls required under paragraphs (f)(2), (f)(3) and (f)(4) of this section are minimum requirements generally applicable to all existing coke oven batteries. If, after implementing all controls required by paragraphs (f)(2), (f)(3) and (f)(4) of this section, or after January 20, 1980, whichever is sooner, employee exposures still exceed the permissible exposure limit, employers shall research, develop and implement any other engineering and work practice controls necessary to reduce exposure to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

(ii) *New or rehabilitated coke oven batteries.* (*a*) The employer shall institute the best available engineering and work practice controls on all new or rehabilitated coke oven batteries to reduce and maintain employee exposures at or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

(*b*) If after implementing all the engineering and work practice controls required by paragraph (f)(1)(ii)(*a*) of this section, employee exposures still exceed the permissible exposure limit, the employer shall research, develop and implement any other engineering and work practice controls necessary to reduce exposure to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

(iii) *Beehive ovens.* (*a*) The employer shall institute engineering and work practice controls on all beehive ovens at the earliest possible time to reduce and maintain employee exposures at or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible. In determining the earliest possible time for institution of engineering and work practice controls, the requirement, effective August 27, 1971, to implement feasible administrative or engineering controls to reduce exposures to coal tar pitch volatiles, shall be considered. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

(*b*) If, after implementing all engineering and work practice controls required by paragraph (f)(1)(iii)(*a*) of this section, employee exposures still exceed the permissible exposure limit, the employer shall research, develop, and implement any other engineering and work practice controls necessary to reduce exposures to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

the requirements of paragraph (g) of this section.

(2) *Engineering controls*—(i) *Charging.* The employer shall equip and operate existing coke oven batteries with all of the following engineering controls to control coke oven emissions during charging operations:

(*a*) One of the following methods of charging:

(*1*) Stage charging as described in paragraph (f)(3)(i)(*b*) of this section; or

(*2*) Sequential charging as described in paragraph (f)(3)(i)(*b*) of this section except that paragraph (f)(3)(i)(*b*)(*3*)(*iv*) of this section does not apply to sequential charging; or

(*3*) Pipeline charging or other forms of enclosed charging in accordance with paragraph (f)(2)(i) of this section, except that paragraphs (f)(2)(i)(*b*), (*d*), (*e*), (*f*) and (*h*) of this section do not apply;

(*b*) Drafting from two or more points in the oven being charged, through the use of double collector mains, or a fixed or moveable jumper pipe system to another oven, to effectively remove the gases from the oven to the collector mains;

(*c*) Aspiration systems designed and operated to provide sufficient negative pressure and flow volume to effectively move the gases evolved during charging into the collector mains, including sufficient steam pressure, and steam jets of sufficient diameter;

(*d*) Mechanical volumetric controls on each larry car hopper to provide the proper amount of coal to be charged through each charging hole so that the tunnel head will be sufficient to permit the gases to move from the oven into the collector mains;

(*e*) Devices to facilitate the rapid and continuous flow of coal into the oven being charged, such as stainless steel liners, coal vibrators or pneumatic shells;

(*f*) Individually operated larry car drop sleeves and slide gates designed and maintained so that the gases are effectively removed from the oven into the collector mains;

(*g*) Mechanized gooseneck and standpipe cleaners;

(*h*) Air seals on the pusher machine leveler bars to control air infiltration during charging; and

(*i*) Roof carbon cutters or a compressed air system or both on the pusher machine rams to remove roof carbon.

(ii) *Coking.* The employer shall equip and operate existing coke oven batteries with all of the following engineering controls to control coke oven emissions during coking operations:

(*a*) A pressure control system on each battery to obtain uniform collector main pressure;

(*b*) Ready access to door repair facilities capable of prompt and efficient repair of doors, door sealing edges and all door parts;

(*c*) An adequate number of spare doors available for replacement purposes;

(*d*) Chuck door gaskets to control chuck door emissions until such door is repaired, or replaced; and

(*e*) Heat shields on door machines.

(3) *Work practice controls.* (i) *Charging.* The employer shall operate existing coke oven batteries with all of the following work practices to control coke oven emissions during the charging operation:

(*a*) Establishment and implementation of a detailed, written inspection and cleaning procedure for each battery consisting of at least the following elements:

(*1*) Prompt and effective repair or replacement of all engineering controls;

(*2*) Inspection and cleaning of goosenecks and standpipes prior to each charge to a specified minimum diameter sufficient to effectively move the evolved gases from the oven to the collector mains;

(*3*) Inspection for roof carbon buildup prior to each charge and removal of roof carbon as necessary to provide an adequate gas channel so that the gases are effectively moved from the oven into the collector mains;

(*4*) Inspection of the steam aspiration system prior to each charge so that sufficient pressure and volume is maintained to effectively move the gases from the oven to the collector mains;

(*5*) Inspection of steam nozzles and liquor sprays prior to each charge and cleaning as necessary so that the steam nozzles and liquor sprays are clean;

(*6*) Inspection of standpipe caps prior to each charge and cleaning and luting or both as necessary so that the gases are effectively moved from the oven to the collector mains; and

(*7*) Inspection of charging holes and lids for cracks, warpage and other defects prior to each charge and removal of carbon to prevent emissions, and application of luting material to standpipe and charging hole lids where necessary to obtain a proper seal.

(*b*) Establishment and implementation of a detailed written charging procedure, designed and operated to eliminate emissions during charging for each battery, consisting of at least the following elements:

(*1*) Larry car hoppers filled with coal to a predetermined level in accordance with the mechanical volumetric controls required under paragraph (f)(2)(i)(*d*) of this section so as to maintain a sufficient gas passage in the oven to be charged;

(*2*) The larry car aligned over the oven to be charged, so that the drop sleeves fit tightly over the charging holes; and

(*3*) The oven charged in accordance with the following sequence of requirements:

(*i*) The aspiration system turned on;

(*ii*) Coal charged through the outermost hoppers, either individually or together depending on the capacity of the aspiration system to collect the gases involved;

(*iii*) The charging holes used under paragraph (f)(3)(i)(*b*)(*3*)(*ii*) of this section relidded or otherwise sealed off to prevent leakage of coke oven emissions;

(*iv*) If four hoppers are used, the third hopper discharged and relidded or otherwise sealed off to prevent leakage of coke oven emissions;

(*v*) The final hopper discharged until the gas channel at the top of the oven is blocked and then the chuck door opened and the coal leveled;

(*vi*) When the coal from the final hopper is discharged and the leveling operation complete, the charging hole relidded or otherwise sealed off to prevent leakage of coke oven emissions; and

(*vii*) The aspiration system turned off only after the charging holes have been closed.

(*c*) Establishment and implementation of a detailed written charging procedure, designed and operated to eliminate emissions during charging of each pipeline or enclosed charged battery.

(ii) *Coking.* The employer shall operate existing coke oven batteries pursuant to a detailed written procedure established and implemented for the control of coke oven emissions during coking, consisting of at least the following elements:

(*a*) Checking oven back pressure controls to maintain uniform pressure conditions in the collecting main;

(*b*) Repair, replacement and adjustment of oven doors and chuck doors and replacement of door jambs so as to provide a continuous metal-to-metal fit;

(*c*) Cleaning of oven doors, chuck doors and door jambs each coking cycle so as to provide an effective seal;

(*d*) An inspection system and corrective action program to control door emissions to the maximum extent possible; and

(*e*) Luting of doors that are sealed by luting each coking cycle and reluting, replacing or adjusting as necessary to control leakage.

(iii) *Pushing.* The employer shall operate existing coke oven batteries with the following work practices to control coke oven emissions during pushing operations:

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(a) Coke and coal spillage quenched as soon as practicable and not shoveled into a heated oven; and

(b) A detailed written procedure for each battery established and implemented for the control of emissions during pushing consisting of the following elements:

(1) Dampering off the ovens and removal of charging hole lids to effectively control coke oven emissions during the push;

(2) Heating of the coal charge uniformly for a sufficient period so as to obtain proper coking including preventing green pushes;

(3) Prevention of green pushes to the maximum extent possible;

(4) Inspection, adjustment and correction of heating flue temperatures and defective flues at least weekly and after any green push, so as to prevent green pushes;

(5) Cleaning of heating flues and related equipment to prevent green pushes, at least weekly and after any green push.

(iv) *Maintenance and repair.* The employer shall operate existing coke oven batteries pursuant to a detailed written procedure of maintenance and repair established and implemented for the effective control of coke oven emissions consisting of the following elements:

(a) Regular inspection of all controls, including goosenecks, standpipes, standpipe caps, charging hold lids and castings, jumper pipes and air seals for cracks, misalignment or other defects and prompt implementation of the necessary repairs as soon as possible;

(b) Maintaining the regulated area in a neat, orderly condition free of coal and coke spillage and debris;

(c) Regular inspection of the damper system, aspiration system and collector main for cracks or leakage, and prompt implementation of the necessary repairs;

(d) Regular inspection of the heating system and prompt implementation of the necessary repairs;

(e) Prevention of miscellaneous fugitive topside emissions;

(f) Regular inspection and patching of oven brickwork;

(g) Maintenance of battery equipment and controls in good working order;

(h) Maintenance and repair of coke oven doors, chuck doors, door jambs and seals; and

(i) Repairs instituted and completed as soon as possible, including temporary repair measures instituted and completed where necessary, including but not limited to:

(1) Prevention of miscellaneous fugitive topside emissions; and

(2) Chuck door gaskets, which shall be installed prior to the start of the next coking cycle.

(4) *Filtered air.* (i) The employer shall provide positive-pressure, temperature controlled filtered air for larry car, pusher machine, door machine, and quench car cabs.

(ii) The employer shall provide standby pulpits on the battery topside, at the wharf, and at the screening station, equipped with positive-pressure, temperature controlled filtered air.

(5) *Emergencies.* Whenever an emergency occurs, the next coking cycle may not begin until the cause of the emergency is determined and corrected, unless the employer can establish that it is necessary to initiate the next coking cycle in order to determine the cause of the emergency.

(6) *Compliance program.* (i) Each employer shall establish and implement a written program to reduce exposures solely by means of the engineering and work practice controls required in paragraph (f) of this section.

(ii) The written program shall include at least the following:

(a) A description of each coke oven operation by battery, including work force and operating crew, coking time, operating procedures and maintenance practices;

(b) Engineering plans and other studies used to determine the controls for the coke battery;

(c) A report of the technology considered in meeting the permissible exposure limit;

(d) Monitoring data obtained in accordance with paragraph (e) of this section;

(e) A detailed schedule for the implementation of the engineering and work practice controls specified in paragraph (f) of this section; and

(f) Other relevant information.

(iii) If, after implementing all controls required by paragraphs (f)(2)-(f)(4) of this section, or after January 20, 1980, whichever is sooner, or after completion of a new or rehabilitated battery the permissible exposure limit is still exceeded, the employer shall develop a detailed written program and schedule for the development and implementation of any additional engineering controls and work practices necessary to reduce exposure to or below the permissible exposure limit.

(iv) Written plans for such programs shall be submitted, upon request, to the Secretary and the Director, and shall be available at the worksite for examination and copying by the Secretary, the Director, and the authorized employee representative. The plans required under paragraph (f)(6) of this section shall be revised and updated at least every six months to reflect the current status of the program.

(7) *Training in compliance procedures.* The employer shall incorporate all written procedures and schedules required under this paragraph (f) in the information and training program required under paragraph (k) of this section and, where appropriate, post in the regulated area.

(g) *Respiratory protection*—(1) *General.* (i) Where respiratory protection is required under this section, the employer shall provide and assure the use of respirators which comply with the requirements of this paragraph (g). Compliance with the permissible exposure limit may not be achieved by the use of respirators except:

(a) During the time period necessary to install or implement feasible engineering and work practice controls; or

(b) In work operations such as maintenance and repair activity in which engineering and work practice controls are technologically not feasible; or

(c) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limit; or

(d) *In emergencies.*

(ii) Notwithstanding any other requirement of this section, until January 20, 1978, the wearing of respirators shall be at the discretion of each employee where the employee is not in the vicinity of visible emissions.

(2) *Selection.* (i) Where respirators are required under this section, the employer shall select, provide and assure the use of the appropriate respirator or combination of respirators from Table I below.

TABLE I

RESPIRATORY PROTECTION FOR COKE OVEN EMISSIONS

Airborne concentration of coke oven emissions	Required respirator
(a) Any concentration	(1) A Type C supplied air respirator operated in pressure demand or other positive pressure or continuous flow mode; or (2) A powered air-purifying particulate filter respirator for dust, and mist; or (3) A powered air-purifying particulate filter respirator or combination chemical cartridge and particulate filter respirator for coke oven emissions.
(b) Concentrations not greater than 1500 $\mu g/m^3$.	(1) Any particulate filter respirator for dust and mist, except single-use respirator; or (2) Any particulate filter respirator or combination chemical cartridge and particulate filter respirator for coke oven emissions; or

TABLE I—Continued

RESPIRATORY PROTECTION FOR COKE OVEN EMISSIONS

Airborne concentration of coke oven emissions	Required respirator
	(3) Any respirator listed in paragraph (g)(2)(i)(a) of this section.

(ii) Not later than January 20, 1978, whenever respirators are required by this section for concentrations not greater than 1500 $\mu g/m^3$, the employer shall provide, at the option of each affected employee, either a particulate filter respirator as provided in paragraph (g)(2)(i)(b) of this section, or a powered air-purifying respirator as provided in paragraph (g)(2)(i)(a) of this section.

(iii) The employer shall select respirators from among those approved for protection against dust and mist by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11, except that not later than January 20, 1979, the employer shall select respirators from among those approved by NIOSH for protection against coke oven emissions.

(3) *Respirator program.* The employer shall institute a respiratory protection program in accordance with § 1910.134 of this part.

(4) *Respirator usage.* (i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly. The employer shall perform quantitative fit tests annually for each employee who uses a non-powered, particulate filter respirator.

(ii) The employer shall allow each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall allow employees who wear respirators to wash their face and respirator facepiece to prevent skin irritation associated with respirator use.

(h) *Protective clothing and equipment*—(1) *Provision and use.* The employer shall provide and assure the use of appropriate protective clothing and equipment, such as but not limited to:

(i) Flame resistant jacket and pants;

(ii) Flame resistant gloves;

(iii) Face shields or vented goggles which comply with § 1910.133(a)(2) of this part;

(iv) Insulation from hot surfaces for footwear;

(v) Safety shoes which comply with § 1910.136 of this part; and

(vi) Protective helmets which comply with § 1910.135 of this part.

(2) *Cleaning and replacement.* (i) The employer shall provide the protective clothing required by paragraphs (h)(1) (i) and (ii) of this section in a clean and dry condition at least weekly.

(ii) The employer shall clean, launder, or dispose of protective clothing required by paragraphs (h)(1) (i) and (ii) of this section.

(iii) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in paragraph (i)(1) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closable container in the change room.

(vi) The employer shall inform any person who cleans or launders protective clothing required by this section, of the potentially harmful effects of exposure to coke oven emissions.

(i) *Hygiene facilities and practices*—(1) *Change rooms.* The employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear protective clothing and equipment in accordance with paragraph (h)(1) of this section.

(2) *Showers.* (i) The employer shall assure that employees working in the regulated area shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with § 1910.141(d)(3) of this Part.

(3) *Lunchrooms.* The employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in the regulated area.

(4) *Lavatories.* (i) The employer shall assure that employees working in the regulated area wash their hands and face prior to eating.

(ii) The employer shall provide lavatory facilities in accordance with § 1910.141(d) (1) and (2) of this Part.

(5) *Prohibition of activities in the regulated area.* (i) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under paragraphs (i)(1)-(i)(3) of this section.

(ii) Drinking water may be consumed in the regulated area.

(j) *Medical surveillance*—(1) *General requirements.* (i) Each employer shall institute a medical surveillance program for all employees who are employed in a regulated area at least 30 days per year.

(ii) This program shall provide each employee covered under paragraph (j)(1)(i) of this section with an opportunity for medical examinations in accordance with this paragraph (j).

(iii) The employer shall inform any employee who refuses any required medical examination of the possible health consequences of such refusal and shall obtain a signed statement from the employee indicating that the employee understands the risk involved in the refusal to be examined.

(iv) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided without cost to the employee.

(2) *Initial examinations.* At the time of initial assignment to a regulated area or upon the institution of the medical surveillance program, the employer shall provide a medical examination for employees covered under paragraph (j)(1)(i) of this section including at least the following elements:

(i) A work history and medical history which shall include smoking history and the presence and degree of respiratory symptoms, such as breathlessness, cough, sputum production, and wheezing;

(ii) A 14" x 17" posterior-anterior chest x-ray and International Labour Office UICC/Cincinnati (ILO U/C) rating;

(iii) Pulmonary function tests including forced vital capacity (FVC) and forced expiratory volume at one second (FEV 1.0) with recording of type of equipment used;

(iv) Weight;

(v) A skin examination;

(vi) Urinalysis for sugar, albumin, and hematuria;

(vii) A sputum cytology examination; and

(viii) A urinary cytology examination.

(3) *Periodic examinations.* (i) The employer shall provide the examinations specified in paragraphs (j)(2) (i)-(vi) of this section at least annually for employees covered under paragraph (j)(1)(i) of this section.

(ii) The employer shall provide the examinations specified in paragraphs (j)(2) (i)-(viii) of this section at least semi-annually for employees 45 years of age or older or with five (5) or more years employment in the regulated area.

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(iii) Whenever an employee who is 45 years of age or older or with five (5) or more years employment in the regulated area transfers or is transferred from employment in a regulated area, the employer shall continue to provide the examinations specified in paragraphs (j)(2) (i)-(viii) of this section semi-annually, as long as that employee is employed by the same employer or a successor employer.

(iv) Whenever an employee has not taken the examinations specified in paragraphs (j)(3) (i)-(iii) of this section with the six (6) months preceding the termination of employment the employer shall provide such examinations to the employee upon termination of employment.

(4) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its Appendixes;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's exposure level or estimated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(5) *Physician's written opinion.* (i) The employer shall obtain a written opinion from the examining physician which shall include:

(*a*) The results of the medical examinations;

(*b*) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to coke oven emissions;

(*c*) Any recommended limitations upon the employee's exposure to coke oven emissions or upon the use of protective clothing or equipment such as respirators; and

(*d*) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further explanation or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(k) *Employee information and training*—(1) *Training program.* (i) The employer shall institute a training program for employees who are employed in the regulated area and shall assure their participation.

(ii) The training program shall be provided as of January 27, 1977 for employees who are employed in the regulated area at that time or at the time of initial assignment to a regulated area.

(iii) The training program shall be provided at least annually for all employees who are employed in the regulated area, except that training regarding the occupational safety and health hazards associated with exposure to coke oven emissions and the purpose, proper use, and limitations of respiratory protective devices shall be provided at least quarterly until January 20, 1978.

(iv) The training program shall include informing each employee of:

(*a*) The information contained in the substance information sheet for coke oven emissions (Appendix A);

(*b*) The purpose, proper use, and limitations of respiratory protective devices required in accordance with paragraph (g) of this section;

(*c*) The purpose for and a description of the medical surveillance program required by paragraph (j) of this section including information on the occupational safety and health hazards associated with exposure to coke oven emissions;

(*d*) A review of all written procedures and schedules required under paragraph (f) of this section; and

(*e*) A review of this standard.

(2) *Access to training materials.* (i) The employer shall make a copy of this standard and its appendixes readily available to all employees who are employed in the regulated area.

(ii) The employer shall provide upon request all materials relating to the employee information and training program to the Secretary and the Director.

(l) *Precautionary signs and labels*—(1) *General.* (i) The employer may use labels or signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs and labels required by this paragraph.

(ii) The employer shall assure that no statement appears on or near any sign required by this paragraph which contradicts or detracts from the effects of the required sign.

(iii) The employer shall assure that signs required by this paragraph are illuminated and cleaned as necessary so that the legend is readily visible.

(2) *Signs.* (i) The employer shall post signs in the regulated area bearing the legends:

DANGER

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

NO SMOKING OR EATING

(ii) In addition, not later than January 20, 1978, the employer shall post signs in the areas where the permissible exposure limit is exceeded bearing the legend:

DANGER

RESPIRATOR REQUIRED

(3) *Labels.* The employer shall apply precautionary labels to all containers of protective clothing contaminated with coke oven emissions bearing the legend:

CAUTION

CLOTHING CONTAMINATED WITH COKE EMISSIONS

DO NOT REMOVE DUST BY BLOWING OR SHAKING

(m) *Recordkeeping*—(1) *Exposure measurements.* The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to coke oven emissions required in paragraph (e) of this section.

(i) This record shall include:

(*a*) Name, social security number, and job classification of the employees monitored;

(*b*) The date(s), number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(*c*) The type of respiratory protective devices worn, if any;

(*d*) A description of the sampling and analytical methods used and evidence of their accuracy; and

(*e*) The environmental variables that could affect the measurement of employee exposure.

(ii) The employer shall maintain this record for at least 40 years or for the duration of employment plus 20 years, whichever is longer.

(2) *Medical surveillance.* The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by paragraph (j) of this section.

(i) The record shall include:

(*a*) The name, social security number, and description of duties of the employee;

(*b*) A copy of the physician's written opinion;

(*c*) The signed statement of any refusal to take a medical examination under paragraph (j)(1)(ii) of this section; and

(*d*) Any employee medical complaints related to exposure to coke oven emissions.

(ii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(*a*) A copy of the medical examination results including medical and work history required under paragraph (j)(2) of this section;

(*b*) A description of the laboratory procedures used and a copy of any standards or guidelines used to interpret the test results;

(*c*) The initial x-ray;

(*d*) The x-rays for the most recent five (5) years;

(*e*) Any x-ray with a demonstrated abnormality and all subsequent x-rays;

(*f*) The initial cytologic examination slide and written description;

(*g*) The cytologic examination slide and written description for the most recent 10 years; and

(*h*) Any cytologic examination slides with demonstrated atypia, if such atypia persists for 3 years, and all subsequent slides and written descriptions.

(iii) The employer shall maintain medical records required under paragraph (m)(2) of this section for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.

(3) *Availability.* (i) The employer shall make available upon request all records required to be maintained by paragraph (m) of this section to the Secretary and the Director for examination and copying.

(ii) The employer shall make available upon request records of employee exposure measurements required by paragraph (m)(1) of this section for inspection and copying to affected employees and their designated representatives.

(iii) The employer shall make available upon request employee medical records required to be maintained by paragraph (m)(2) of this section to a physician designated by the affected employee or former employee.

(iv) The employer shall make available upon request records of employee exposure measurements required by paragraph (m)(1) of this section for inspection and copying to former employees and their designated representatives which indicate the former employees own exposures.

(4) *Transfer of records.* (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by paragraph (m) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted by registered mail to the Director.

(iii) At the expiration of the retention period for the records required to be maintained under paragraphs (m)(1) and (m)(2) of this section, the employer shall transmit these records by registered mail to the Director or shall continue to retain such records.

(n) *Observation of monitoring*—(1) *Employee observation.* The employer shall provide affected employees or their representatives an opportunity to observe any measuring or monitoring of employee exposure to coke oven emissions conducted pursuant to paragraph (e) of this section.

(2) *Observation procedures.* (i) Whenever observation of the measuring or monitoring of employee exposure to coke oven emissions requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such equipment and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the measurement, observers shall be entitled to:

(*a*) An explanation of the measurement procedures;

(*b*) Observe all steps related to the measurement of coke oven emissions performed at the place of exposure; and

(*c*) Record the results obtained.

(o) *Effective date.* This standard shall become effective January 20, 1977.

(p) *Appendixes.* The information contained in the appendixes to this section is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

Appendix A—Coke Oven Emissions Substance Information Sheet

I. SUBSTANCE IDENTIFICATION

A. *Substance:* Coke Oven Emissions

B. *Definition:* The benzene-soluble fraction of total particulate matter present during the destructive distillation or carbonization of coal for the production of coke.

C. *Permissible Exposure Limit:* 150 micrograms per cubic meter of air determined as an average over an 8-hour period.

D. *Regulated areas:* Only employees authorized by your employer should enter a regulated area. The employer is required to designate the following areas as regulated areas: the coke oven battery, including topside and its machinery, pushside and its machinery, cokeside and its machinery, and the battery ends; the screening station; and the wharf; and the beehive ovens and their machinery.

II. HEALTH HAZARD DATA

Exposure to coke oven emissions is a cause of lung cancer, and kidney cancer, in humans. Although there have not been an excess number of skin cancer cases in humans, repeated skin contact with coke oven emissions should be avoided.

III. PROTECTIVE CLOTHING AND EQUIPMENT

A. *Respirators:* Respirators will be provided by your employer for routine use if your employer is in the process of implementing engineering and work practice controls or where engineering and work practice controls are not feasible or insufficient to reduce exposure to or below the PEL. You must wear respirators for non-routine activities or in emergency situations where you are likely to be exposed to levels of coke oven emissions in excess of the permissible exposure limit. Until January 20, 1978, the routine wearing of respirators is voluntary. Until that date, if you choose not to wear a respirator you do not have to do so. You must still have your respirator with you and you must still wear it if you are near visible emissions. Since how well your respirator fits your face is very important, your employer is required to conduct fit tests to make sure the respirator seals properly when you wear it. These tests are simple and rapid and will be explained to you during your training sessions.

B. *Protective clothing:* Your employer is required to provide, and you must wear, appropriate, clean, protective clothing and equipment to protect your body from repeated skin contact with coke oven emissions and from the heat generated during the coking process. This clothing should include such items as jacket and pants and flame resistant gloves. Protective equipment should include face shield or vented goggles, protective helmets and safety shoes, insulated from hot surfaces where appropriate.

IV. HYGIENE FACILITIES AND PRACTICES

You must not eat, drink, smoke, chew gum or tobacco, or apply cosmetics in the regulated area, except that drinking water is permitted. Your employer is required to provide lunchrooms and other areas for these purposes.

Your employer is required to provide showers, washing facilities, and change rooms. If you work in a regulated area, you must wash your face, and hands before eating. You must shower at the end of the work shift. Do not take used protective clothing out of the change rooms without your employer's permission. Your employer is required to provide for laundering or cleaning of your protective clothing.

V. SIGNS AND LABELS

Your employer is required to post warning signs and labels for your protection. Signs must be posted in regulated areas. The signs must warn that a cancer hazard is present, that only authorized employees may enter the area, and that no smoking or eating is allowed. In regulated areas where coke oven emissions are above the permissible exposure limit, the signs should also warn that respirators must be worn.

VI. MEDICAL EXAMINATIONS

If you work in a regulated area at least 30 days per year, your employer is required to provide you with a medical examination every year. The medical examination must include a medical history, a chest x-ray; pulmonary function test; weight comparison; skin examination; a urinalysis and a urine and sputum cytology exam for the early detection of urinary or lung cancer. The cytol-

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ogy exams are only included in the intial exam until you are either 45 years or older or have 5 or more years employment in the regulated areas when the medical exams including these tests are to be given every six months. The examining physician will provide a written opinion to your employer containing the results of the medical exams. You should also receive a copy of this opinion.

VII. OBSERVATION OF MONITORING

Your employer is required to monitor your exposure to coke oven emissions and you are entitled to observe the monitoring procedure. You are entitled to receive an explanation of the measurement procedure, observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you must also be provided with and must wear the protective clothing and equipment.

VIII. ACCESS TO RECORDS

You or your representative are entitled to records of your exposure to coke oven emissions upon request to your employer. Your medical examination records can be furnished to your physician upon request to your employer.

IX. TRAINING AND EDUCATION

Additional information on all of these items plus training as to hazards of coke oven emissions and the engineering and work practice controls associated with your job will also be provided by your employer.

APPENDIX B—INDUSTRIAL HYGIENE AND MEDICAL SURVEILLANCE GUIDELINES

I. INDUSTRIAL HYGIENE GUIDELINES

A. *Sampling* (Benzene-Soluble Fraction Total Particulate Matter).

Samples collected should be full shift (at least 7-hour) samples. Sampling should be done using a personal sampling pump with pulsation damper at a flow rate of 2 liters per minute. Samples should be collected on 0.8 micrometer pore size silver membrane filters (37 mm diameter) preceded by Gelman glass fiber type A-E filters encased in three-piece plastic (polystyrene) field monitor cassettes. The cassette face cap should be on and the plug removed. The rotameter should be checked every hour to ensure that proper flow rates are maintained.

A minimum of three full-shift samples should be collected for each job classification on each battery, at least one from each shift. If disparate results are obtained for particular job classification, sampling should be repeated. It is advisable to sample each shift on more than one day to account for environmental variables (wind, precipitation, etc.) which may affect sampling. Differences in exposures among different work shifts may indicate a need to improve work practices on a particular shift. Sampling results from different shifts for each job classification should not be averaged. Multiple samples from the same shift on each battery may be used to calculate an average exposure for a particular job classification.

B. *Analysis.*

1. All extraction glassware is cleaned with dichromic acid cleaning solution, rinsed with tap water, then dionized water, acetone, and allowed to dry completely. The glassware is rinsed with nanograde benzene before use. The Teflon cups are cleaned with benzene then with acetone.

2. Pre-weigh the 2 ml Teflon cups to one hundredth of a milligram (0.01 mg) on a autobalance AD 2 Tare weight of the cups is about 50 mg.

3. Place the silver membrane filter and glass fiber filter into a 15 ml test tube.

4. Extract with 5 ml of benzene for five minutes in an ultrasonic cleaner.

5. Filter the extract in 15 ml medium glass fritted funnels.

6. Rinse test tube and filters with two 1.5 ml aliquots of benzene and filter through the fritted glass funnel.

7. Collect the extract and two rinses in a 10 ml Kontes graduated evaporative concentrator.

8. Evaporate down to 1 ml while rinsing the sides with benzene.

9. Pipet 0.5 ml into the Teflon cup and evaporate to dryness in a vacuum oven at 40° C for 3 hours.

10. Weigh the Teflon cup and the weight gain is due to the benzene soluble residue in half the Sample.

II. MEDICAL SURVEILLANCE GUIDELINES

A. *General.*

The minimum requirements for the medical examination for coke oven workers are given in paragraph (j) of the standard.

The initial examination is to be provided to all coke oven workers who work at least 30 days in the regulated area. The examination includes at 14" X 17" posterior-anterior chest x-ray and a ILO/UC rating to assure some standardization of x-ray reading, pulmonary function tests (FVC and FEV 1.0), weight, urinalysis, skin examination and a sputum and urinary cytologic examination. These tests are to serve as the baseline for comparing the employee's future test results. Periodic exams include all the elements of the initial exams except that the cytologic tests need be performed only on those employees who are 45 years of age or older or who have worked for 5 or more years in the related area; periodic exams are to be performed semiannually for this group instead of annually. The examination contents are minimum requirements, additional tests such as lateral and oblique x-rays or additional pulmonary function tests may be performed if deemed necessary.

B. *Pulmonary function tests.*

Pulmonary function tests should be performed in a manner which minimizes subject and operator bias. There has been shown to be learning effects with regard to the results obtained from certain tests, such as FEV 1.0. Best results can be obtained by multiple trials for each subject. The best of three trials or the average of the last three of five trials may be used in obtaining reliable results. The type of equipment used (manufacturer, model, etc.) should be recorded with the results as reliability and accuracy varies and such information may be important in the evaluation of test results. Care should be exercised to obtain the best possible testing equipment.

C. *Sputum cytology.*

Sputum can be collected by aerosol inhalation during the medical exam or by spontaneous early morning cough at home. Sputum is induced by transoral inhalation of an aerosolized solution of eight percent (8%) sodium chloride in water. After inhaling as few as three to five breaths the subject usually yields an adequate sputum specimen. A minimum of three samples should be collected by the subject at home. All sputum should be collected directly into sixty percent (60%) alcohol.

Scientific evidence suggests that chest x-rays and sputum cytology should be used together as screening tests for lung cancer in high risk populations, such as coke oven workers. The tests are to be performed every six months on workers who are 45 years of age or older or have worked in the regulated area for 5 or more years. Since the tests seem to be complementary, it may be advantageous to alternate the test procedures. For instance, chest x-rays could be obtained in June and December and sputum cytologys should be obtained in March and September. Facilities for providing necessary diagnostic investigation should be readily available as well as chest physicians, surgeons, radiologists, pathologists and immunotherapists to provide any necessary treatment services.

§ 1910.1043 Cotton dust.

(a) *Scope and application.* (1) This section applies to the control of employee exposure to cotton dust in all workplaces, except as provided in paragraph (a)(2).

(2) This section does not apply to: (i) The harvesting of cotton; (ii) the ginning of cotton (Exposure to cotton dust in cotton ginning is covered by § 1910.1046); (iii) maritime operations covered by 29 CFR Parts 1915, 1916, 1917, 1918; (iv) the handling or processing of woven or knitted materials; and (v) the handling or processing of washed cotton.

(3) This section provides mandatory requirements for the control of employee exposure to cotton dust. The mandatory nature of these requirements is not intended, however, to discourage or inhibit the development of different, equally effective means of providing the required protection. The variance provisions of section 6(d) of the Act, and the implementing regulations in Part 1905 of this Title, provide a mechanism for employers to obtain variances from the provisions of this section where the employer has developed alternative procedures which are "safe and healthful as" those required by this section. As implemented by the procedural regulations in Part 1905 of this Title, the variance provisions of the Act permit the flexibility which contributes to efficient compliance with the standard. To aid in the expeditious processing of variance applications, the procedures allow, where appropriate, for the grant of interim orders pending a decision on the merits of the variance as well as for the consideration of variances applicable to groups of employers. OSHA encourages interested employers to utilize the variance provisions of the Act where equally safe and healthful protective means are available.

(b) *Definitions.* For the purpose of this section:

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor or designee;

"Blow down" means the cleaning of equipment and surfaces with compressed air.

"Cotton dust" means dust present in the air during the handling or processing of cotton, which may contain a mixture of many substances including ground up plant matter, fiber, bacteria, fungi, soil, pesticides, non-cotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods. Any dust present during the handling and processing of cotton through the weaving or knitting of fabrics, and dust present in other operations or manufacturing processes using new or waste cotton fibers or cotton fiber by-products from textile mills are considered cotton dust.

"Director" means the Director of the National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education, and Welfare, or designee;

"Lint-free respirable cotton dust" means particles of cotton dust of approximately 15 microns or less aerodynamic equivalent diameter;

"Vertical elutriator cotton dust sampler" means a dust sampler which has a particle size cut-off at approximately 15 microns aerodynamic equivalent diameter when operating at the flow rate of 7.4±0.2 liters per minute;

"Yarn manufacturing" means all textile mill operations from opening to, but not including, slashing and weaving;

"Washed cotton" means cotton which has been thoroughly washed in hot water and is known in the cotton textile trade as purified or dyed. Washed cotton does not include steamed, autoclaved cotton or cotton washed solely in solvents.

(c) *Permissible exposure limits.* (1) The employer shall assure that no employee who is exposed to cotton dust in yarn manufacturing is exposed to airborne concentrations of lint-free respirable cotton dust greater than 200 ug/m³ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(2) The employer shall assure that no employee who is exposed to cotton dust in the textile processes known as slashing and weaving is exposed to airborne concentrations of lint-free respirable cotton dust greater than 750 ug/m³ mean concentration, averaged over an eight hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(3) The employer shall assure that no employee who is exposed to cotton dust (except for exposures in yarn manufacturing and slashing and weaving covered by paragraphs (c)(1) and (c)(2)) is exposed to airborne concentrations of lint-free respirable cotton dust greater than 500 ug/m³ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(d) *Exposure monitoring and measurement*—(1) *General.* (i) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) The sampling device to be used shall be either the vertical elutriator cotton dust sampler or a method of equivalent accuracy and precision.

(iii) If an alternative to the vertical elutriator cotton dust sampler is used, the employer shall establish equivalency by demonstrating that the alternative sampling devices;

(*a*) Collect respirable particulates in the same range as the vertical elutriator (approximately 15 microns);

(*b*) Replicates exposure data in side-by-side field comparisons; and

(*c*) Are equivalent within an accuracy and precision range of plus or minus 25 percent for 95 percent of the samples over the range of 0.5 to 2 times the permissible exposure limit.

(2) *Initial monitoring.* Each employer who has a place of employment in which cotton dust is present, shall conduct monitoring by obtaining measurements which are representative of the exposure of all employees to airborne concentrations of lint-free respirable cotton dust over an eight-hour period. The sampling program shall include at least one determination during each shift for each work area.

(3) *Periodic monitoring.* (i) The employer shall repeat the measurements required by paragraph (d)(2) at least every six months.

(ii) Whenever there has been a production, process, or control change which may result in new or additional exposure to cotton dust, or whenever the employer has any other reason to suspect an increase in employee exposure, the employer shall repeat the monitoring and measurements required by paragraph (d)(2) for those employees affected, by the change or increase.

(4) *Employee notification.* (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the exposure measurements which represent that employee's exposure.

(ii) Whenever the results indicate that the employee's exposure exceeds the applicable permissible exposure limit specified in paragraph (c) the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure below the permissible exposure limit.

(e) *Methods of compliance*—(1) *Engineering and work practice controls.* The employer shall institute engineering and work practice controls to reduce and maintain employee exposure to cotton dust at or below the permissible exposure limit specified in paragraph (c), except to the extent that the employer establishes that such controls are not feasible.

(2) Whenever feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless institute these controls to immediately reduce exposure to the lowest feasible level, and shall supplement these controls with the use of respirators which shall comply with the provisions of paragraph (f).

(3) *Compliance program.* (i) Each employer shall establish and implement a written program sufficient to reduce exposures as soon as possible to or below the permissible exposure limit solely by means of engineering controls and work practices as required by paragraph (e)(1) of this section.

(ii) The written program shall include at least the following:

(*a*) A description of each operation or process resulting in employee exposure to cotton dust;

(*b*) Engineering plans and other studies used to determine the controls for each process;

(*c*) A report of the technology considered in meeting the permissible exposure limit;

(*d*) Monitoring data obtained in accordance with paragraph (d) of this section;

(*e*) A detailed schedule for development and implementation of engineering and work practice controls, including exposure levels projected to be achieved by such controls;

(*f*) Work practice program; and

(*g*) Other relevant information.

(iii) The employer's schedule as set forth in the compliance program, shall project completion no later than September 4, 1982,

(iv) The employer shall complete the steps set forth in this program by the dates in the schedule.

(v) Written programs shall be submitted, upon request, to the Assistant Secretary and the Director, and shall be available at the worksite for examination and copying by the Assistant Secretary, the Director, and any affected employee or their designated representatives.

(vi) The written programs required under paragraph (e)(3) of this section shall be revised and updated at least every six months to reflect the current status of the program and current exposure levels.

(4) *Mechanical ventilation.* When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system to control exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every six months. Measurements of the system's effectiveness to control exposures shall also be made within five days of any change in production, process or control which may result in any increase in airborne concentrations of cotton dust.

(f) *Use of respirators*—(1) *General.* Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this paragraph (f). Respirators shall be used in the following circumstances:

(i) During the time periods necessary to install or implement feasible engineering controls and work practice controls;

(ii) During maintenance and repair activities in which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limit; and

(iv) In operations specified under paragraph (g)(1).

(v) Whenever an employee requests a respirator.

(2) *Respirator selection.* (i) Where respirators are required under this section, the employer shall select the appropriate respirator from Table 1 below and shall assure that the employee uses the respirator provided.

TABLE I

Cotton dust concentration	Required respirator
Not greater than—	
(a) 5 × the applicable permissible exposure limit.	1. Any dust respirator, including single use
(b) 10 × the applicable permissible exposure limit.	1. Any dust respirator, except single use or quarter mask; or 2. Any supplied air respirator; or 3. Any self-contained breathing apparatus.
(c) 50 × the applicable permissible exposure limit.	1. High efficiency particulate filter respirator with a full facepiece; or 2. Any supplied air respirator with full-facepiece, helmet or hood; or 3. Any self-contained breathing apparatus with full-facepiece.
(d) Greater than 50 × the applicable permissible exposure limit.	1. A powered air-purifying respirator with high efficiency particulate filter; or 2. A self-contained breathing apparatus with a full facepiece operated in pressure demand or other positive pressure mode; or 3. A type "C" supplied air respirator operated in pressure demand or other positive pressure mode; or 4. A combination respirator which includes a type C supplied-air respirator with a full facepiece operated in pressure or continuous-flow mode and an auxiliary self-contained breathing apparatus operated in pressure demand or other positive pressure mode.

(ii) The employer shall select respirators from those tested and approved for protection against dust by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(iii) Whenever respirators are required by this section for concentrations not greater than 50 × the applicable permissible exposure limit, the employer shall provide and permit the employee to use, at the employee's option, single use dust respirator in preference to any respirator specified in paragraph (a) of Table 1.

(iv) Whenever respirators are required by this section for concentrations not greater than 50 x the applicable permissible exposure limit, the employer shall, upon the request of the employee, provide a powered air purifying respirator with a high efficiency particulate filter in lieu of the respirator specified in paragraphs (a), (b), or (c) of Table I.

(v) Whenever a physician determines that an employee is unable to wear any form of respirator, including a power air purifying respirator, the employee shall be given the opportunity to transfer to another position which is available or which later becomes available having a dust level at or below the PEL. The employer shall assure than an employee who is transferred due to an inability to wear a respirator suffers no loss of earnings or other employment rights or benefits as a result of the transfer.

(vi) Until March 4, 1979, the employer shall provide any dust respirator, including single use, to all employees exposed to cotton dust, unless the employer has conducted the monitoring required by paragraph (d)(2) of this section or otherwise has monitored employee exposure. As soon as monitoring has been conducted, the employer shall select the appropriate respirator from Table I.

(3) *Respirator program.* The employer shall institute a respirator program in accordance with § 1910.134 (b), (d), (e), and (f) of this part.

(4) *Respirator usage.* (i) The employer shall assure that the respirator used by each employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall allow each employee who uses a filter respirator, to change the filter elements whenever an increase in breathing resistance is detected by the employee. The employer shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall allow employees who wear respirators to wash their faces and respirator face pieces to prevent skin irritation associated with respirator use.

(g) *Work practices.* Each employer shall, regardless of the level of employee exposure, immediately establish and implement a written program of work practices, which shall minimize cotton dust exposure for each specific job. Where applicable, the following work practices shall be included in the work practices program:

(1) Compressed air "blow down" cleaning shall be prohibited, where alternative means are feasible. Where compressed air "blow down" is done, respirators shall be worn by the employees performing the "blow down", and employees in the area whose presence is not required to perform the "blow down" shall be required to leave the area during this cleaning operation.

(2) Cleaning of clothing or floors with compressed air shall be prohibited.

(3) Floor sweeping shall be performed with a vacuum or with methods designed to minimize dispersal of dust.

(4) Cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means, except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which reduces exposure to the lowest level feasible.

(5) The employer shall inspect, clean maintain, and repair, all engineering control equipment and ventilation systems including power sources, ducts, and filtration units of the equipment.

(h) *Medical surveillance.* (1) *General.* (i) Each employer who has a place of employment in which cotton dust is present shall institute a program of

medical surveillance for all employees exposed to cotton dust.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and are provided without cost to the employee.

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section shall complete a NIOSH approved training course in spirometry.

(2) *Initial examinations.* The employer shall provide each employee who is or may be exposed to cotton dust with an opportunity for medical surveillance. For new employees, this examination shall be provided prior to initial assignment. The medical surveillance shall include at least the following:

(i) A medical history;

(ii) The standardized questionnaire contained in Appendix B; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in 1 second (FEV_1), and the percentage that the measured values of FEV and FVC differ from the predicted values, using the standard tables in Appendix C.

These determinations shall be made for each employee before the employee enters the workplace on the first day of the work week, following at least 35 hours after previous exposure to cotton dust. The tests shall be repeated during the shift, no sooner than 4 and no more than 10 hours after the beginning of the work shift; and, in any event, no more than one hour after cessation of exposure.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(3) *Periodic examinations.* (i) The employer shall provide annual medical surveillance for all employees exposed to cotton dust which shall include at least an update of the medical history and standardized questionnaire and the pulmonary function measurements in paragraph (h)(2).

(ii) Medical surveillance as required in paragraph (h)(3)(i) shall be provided every six months for all employees in the following categories:

(*a*) An FEV_1 of greater than 80 percent of predicted, but with an FEV_1 decrement of 5 percent or 200 ml. on a first working day;

(*b*) An FEV_1 of less than 80 percent of the predicted value; or

(*c*) Where, in the opinion of the physician, any significant change in questionnaire findings, pulmonary function results, or other diagnostic tests has occurred.

(iii) An employee whose FEV_1 is less than 60 percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

(iv) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(4) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its Appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(5) *Physician's written opinion.*

(i) The employer shall obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

(*a*) The results of the medical examination and tests;

(*b*) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to cotton dust;

(*c*) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators including a determination of whether an employee can wear a negative pressure respirator, and he cannot, a determination of the employee's ability to wear a powered air purifying respirator; and,

(*d*) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(i) *Employee education and training.*

(1) *Training program.* (i) The employer shall provide a training program for all employees in all workplaces where cotton dust is present, and shall assure that each employee in these workplaces is informed of the following:

(*a*) The specific nature of the operations which could result in exposure to cotton dust at or above the permissible exposure limit;

(*b*) The measures, including work practices required by paragraph (g) of this section, necessary to protect the employee from exposures in excess of the permissible exposure limit;

(*c*) The purpose, proper use and limitations of respirators required by paragraph (f) of this section;

(*d*) The purpose for and a description of the medical surveillance program required by paragraph (h) of this section and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(*e*) The contents of this standard and its appendices.

(i) The training program shall be provided prior to initial assignment and shall be reported and shall be repeated at least annually.

(2) *Access to training materials.* (i) Each employer shall post a copy of this section with its appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

(ii) The employer shall provide all materials relating to the employee training and information program to the Assistant Secretary and the Director upon request.

(iii) In addition to the information required by paragraph (i)(1), the employer shall include as part of the training program, and shall distribute to employees, any materials, pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to that Act, and this cotton dust standard, which are made available to the employer by the Assistant Secretary.

(j) *Signs.* The employer shall post the following warning signs in each work area where the permissible exposure limit for cotton dust is exceeded:

WARNING

COTTON DUST WORK AREA

May Cause Acute or Delayed Lung Injury

(Byssinosis)

RESPIRATORS

REQUIRED IN THIS AREA

(k) *Recordkeeping.* (1) *Exposure measurements.* (i) The employer shall establish and maintain an accurate record of all measurements required by paragraph (d) of this section.

(ii) The record shall include: (*a*) A log containing the items listed in paragraph IV(a) of Appendix A, and the dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(*b*) The type of protective devices worn, if any, and length of time worn; and

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(c) The names, social security numbers, job classifications, and exposure levels of employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 20 years.

(2) *Medical surveillance.* (i) The employer shall establish and maintain an accurate medical record for each employee subject to medical surveillance required by paragraph (h) of this section.

(ii) The record shall include:

(*a*) The name and social security number and description of the duties of the employee;

(*b*) A copy of the medical examination results including the medical history, questionnaire responses, results of all tests, and the physician's recommendation;

(*c*) A copy of the physician's written opinion;

(*d*) Any employee medical complaints related to exposure to cotton dust;

(*e*) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and the appendices for all employees, provided that he references the standard and appendices in the medical surveillance record of each employee; and

(*f*) A copy of the information provided to the physician as required by paragraph (h)(4) of this section.

(iii) The employer shall maintain this record for at least 20 years.

(3) *Availability.* (i) The employer shall make all records required to be maintained by paragraph (k) of this section available to the Assistant Secretary and the Director for examination and copying.

(ii) The employer shall make employee exposure measurement records required by this section available to affected employees or their designated representatives for examination and copying.

(iii) The employer shall make all records as will indicate a former employee's own exposure to cotton dust available to the former employee or his designated representative for examination and copying.

(iv) The employer shall make an employee's medical records required to be maintained by this section, available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees, for examination and copying.

(4) *Transfer of records.* (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by paragraph (k) of this section.

(ii) Whenever the employer ceases to do business, and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the Director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the Director at least 3 months prior to the disposal of such records and shall transmit those records to the Director if he requests them within that period.

(l) *Observation of monitoring.* (1) The employer shall provide affected employees or their designated representatives an opportunity to observe any measuring or monitoring of employee exposure to cotton dust conducted pursuant to paragraph (d) of this section.

(2) Whenever observation of the measuring or monitoring of employee exposure to cotton dust requires entry into an area where the use of personal protective equipment is required, the employer shall provide the observer with and assure the use of such equipment and shall require the observer to comply with all other applicable safety and health procedures.

(3) Without interfering with the measurement, observers shall be entitled to:

(i) An explanation of the measurement procedures;

(ii) An opportunity to observe all steps related to the measurement of airborne concentrations of cotton dust performed at the place of exposure; and

(iii) An opportunity to record the results obtained.

(m) *Effective date*—(1) *General.* This section is effective September 4, 1978, except as otherwise provided below.

(2) *Startup dates.* (i) *Initial monitoring.* The initial monitoring required by paragraph (d)(2) of this section shall be completed as soon as possible but no later than March 4, 1979.

(ii) *Methods of compliance: Engineering and work practice controls.* The engineering and work practice controls required by paragraph (e) of this section shall be implemented no later than September 4, 1982.

(iii) *Compliance program.* The compliance program required by paragraph (e)(3) of this section shall be established no later than September 4, 1979.

(iv) *Respirators.* The respirators required by paragraph (f) of this section shall be provided no later than October 4, 1978. Until September 4, 1979, the provisions of paragraph (f)(2)(vi) apply.

(v) *Work practices.* The work practices required by paragraph (g) of this section shall be implemented no later than December 4, 1978.

(iv) *Medical surveillance.* This initial medical surveillance required by paragraph (h) of this section shall be completed no later than September 4, 1979.

(vii) *Employee education and training.* The initial education and training required by paragraph (i) of this section shall be completed as soon as possible but no later than December 4, 1978.

(n) *Appendices.* (i) Appendices B, C, and D to this section are incorporated as part of this section and the contents of these appendices are mandatory.

(ii) Appendix A contains information which is not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

Appendix A—Air Sampling and Analytical Procedures for Determining Concentrations of Cotton Dust

I. SAMPLING LOCATIONS

The sampling procedures must be designed so that samples of the actual dust concentrations are collected accurately and consistently and reflect the concentrations of dust at the place and time of sampling. Sufficient number of 6-hour area samples in each distinct work area of the plant should be collected at locations which provide representative samples of air to which the worker is exposed. In order to avoid filter overloading, sampling time may be shortened when sampling in dusty areas. Samples in each work area should be gathered simultaneously or sequentially during a normal operating period. The daily time-weighted average (TWA) exposure of each worker can then be determined by using the following formula:

Summation of hours spent in each location and the dust concentration in that location.

Total hours exposed

A time-weighted average concentration should be computed for each worker and properly logged and maintained on file for review.

II. SAMPLING EQUIPMENT

(a) Sampler. The instrument selected for monitoring is the Lumsden-Lynch vertical elutriator. It should operate at a flow rate of 7.4±0.2 liters/minute.

The samplers should be cleaned prior to sampling. The pumps should be monitored during sampling.

(b) Filter Holder. A three-piece cassette constructed of polystyrene designed to hold a 37-mm diameter filter should be used. Care must be exercised to insure that an adequate seal exists between elements of the cassette.

(c) Filers and Support Pads. The membrane filters used should be polyvinyl chloride with a 5-um pore size and 37-mm diameter. A support pad, commonly called a backup pad, should be used under the filter membrane in the field monitor cassette.

(d) Balance. A balance sensitive to 10 micrograms should be used.

III. INSTRUMENT CALIBRATION PROCEDURE

Samplers shall be calibrated when first received from the factory, after repair, and after receiving any abuse. The samplers should be calibrated in the laboratory both before they are used in the field and after they have been used to collect a large number of field samples. The primary standard, such as a spirometer or other standard calibrating instruments such as a wet test meter or a large bubble meter or dry gas meter, should be used. Instructions for calibration with the wet test meter follow. If another calibration device is selected, equivalent procedures should be used:

(a) Level wet test meter. Check the water level which should just touch the calibration point at the left side of the meter. If water level is low, add water 1-2° F. warmer than room temperature of till point. Run the meter for 30 minutes before calibration;

(b) Place the polyvinyl chloride membrane filter in the filter cassette;

(c) Assemble the calibration sampling train;

(d) Connect the wet test meter to the train.

The pointer on the meter should run clockwise and a pressure drop of not more than 1.0 inch of water indicated. If the pressure drop is greater than 1.0, disconnect and check the system;

(e) Operate the system for ten minutes before starting the calibration;

(f) Check the vacuum gauge on the pump to insure that the pressure drop across the orifice exceeds 16 inches of mercury;

(g) Record the following on calibration data sheets:

(1) Wet test meter reading, start and finish;

(2) Elapsed time, start and finish (at least two minutes);

(3) Pressure drop at manometer;

(4) Air temperature;

(5) Barometric pressure; and

(6) Limiting orifice number;

(h) Calculate the flow rate and compare against the flow of 7.4±0.2 liters/minute. If flow is between these limits, perform calibration again, average results, and record orifice number and flow rate. If flow is not within these limits, discard or modify orifice and repeat procedure;

(i) Record the name of the person performing the calibration, the date, serial number of the wet test meter, and the number of the critical orifices being calibrated.

IV. SAMPLING PROCEDURE

(a) Sampling data sheets should include a log of:

(1) The date of the sample collection;

(2) The time of sampling;

(3) The location of the sampler;

(4) The sampler serial number;

(5) The cassette number;

(6) The time of starting and stopping the sampling and the duration of sampling;

(7) The weight of the filter before and after sampling;

(8) The weight of dust collected (corrected for controls);

(9) The dust concentration measured;

(10) Other pertinent information; and

(11) Name of person taking sample

(b) Assembly of filter cassette should be as follows:

(1) Loosely assemble 3-piece cassette;

(2) Number cassette;

(3) Place absorbant pad in cassette;

(4) Weigh filter to an accuracy of 10 μg;

(5) Place filter in cassette;

(6) Record weight of filter in log, using cassette number for identification;

(7) Fully assemble cassette, using pressure to force parts tightly together;

(8) Install plugs top and bottom;

(9) Put shrink band on cassette, covering joint between center and bottom parts of cassette; and

(10) Set cassette aside until shrink band dries thoroughly.

(c) Sampling collection should be performed as follows:

(1) Clean lint out of the motor and elutriator;

(2) Install vertical elutriator in sampling locations specified above with inlet 4½ to 5½ feet from floor (breathing zone height);

(3) Remove top section of cassette;

(4) Install cassette in ferrule of elutriator;

(5) Tape cassette to ferrule with masking tape or similar material for air-tight seal;

(6) Remove bottom plug of cassette and attach hose containing critical orifice;

(7) Start elutriator pump and check to see if gauge reads above 14 in. of Hg vacuum;

(8) Record starting time, cassette number, and sampler number;

(9) At end of sampling period stop pump and record time; and

(10) Controls with each batch of samples collected, two additional filter cassettes should be subjected to exactly the same handling as the samples, except that they are not opened. These control filters should be weighed in the same manner as the sample filters.

Any difference in weight in the control filters would indicate that the procedure for handling sample filters may not be adequate and should be evaluated to ascertain the cause of the difference, whether and what necessary corrections must be made, and whether additional samples must be collected.

(d) Shipping. The cassette with samples should be collected, along with the appropriate number of blanks, and shipped to the analytical laboratory in a suitable container to prevent damage in transit.

(e) Weighing of the sample should be achieved as follows:

(1) Remove shrink band;

(2) Remove top and middle sections of cassette and botton plug;

(3) Remove filter from cassette and weigh to an accuracy of 10 μg; and

(4) Record weight in log against original weight

(f) Calculation of volume of air sampled should be determined as follows:

(1) From starting and stopping times of sampling period, determine length of time in minutes of sampling period; and

(2) Multiply sampling time in minutes by flow rate of critical orifice in liters per minute and divide by 1000 to find air quantity in cubic meters.

(g) Calculation of Dust Concentrations should be made as follows:

(1) Substract weight of clean filter from dirty filter and apply control correction to find actual weight of sample. Record this weight (in μg) in log; and

(2) Divide mass of sample in μg by air volume in cubic meters to find dust concentration in μg/m. Record in log.

[4510-26-C]

APPENDIX B-1
RESPIRATORY QUESTIONNAIRE

A. IDENTIFICATION DATA

PLANT_____ SOCIAL SECURITY NO. _____
DAY MONTH (figures) YEAR (last 2 digits)

NAME_____ DATE OF INTERVIEW_____
(Surname)

_____ DATE OF BIRTH_____
(First Names) M F

ADDRESS_____ AGE _____ (8,9) SEX _____ (10)

_____ RACE | W | N | IND. | OTHER | (11)

INTERVIEWER: 1 2 3 4 5 6 7 8 (12)

WORK SHIFT: 1st_____ 2nd_____ 3rd_____ (13) STANDING HEIGHT_____ (14,15)

PRESENT WORK AREA WEIGHT_____ (16,18)

If working in more than one specified work area, X area where most of the work shift is spent. If "other," but spending 25% of the work shift in one of the specified work areas, classify in that work area. If carding department employee, check area within that department where most of the work shift is spent (if in doubt, check "throughout"). For work areas such as spinning and weaving where many work rooms may be involved, be sure to check the specific work room to which the employee is assigned – if he works in more than one work room within a department classify as 7 (all) for that department.

	Workroom Number	(19) Open	(20) Pick	Area	(21) Card #1	(22) #2	(23) Spin	(24) Wind	(25) Twist	(26) Spool	(27) Warp	(28) Slash	(29) Weave	(30) Other
AT RISK (cotton & cotton blend)	1			Cards										
	2			Draw										
	3			Comb										
	4			Rove										
	5			Thru Out										
	6													
	7 (all)													
Control (synthetic & wool)	8													
Ex-Worker (cotton)	9													

Use actual wording of each question. Put X in appropriate square after each question. When in doubt record 'No'. When no square, circle appropriate answer.

B. COUGH

Do you usually cough first thing in the morning? (on getting up)† _____ Yes___ No___ (31)
(Count a cough with first smoke or on "first going out of doors." Exclude clearing throat or a single cough.)

Do you usually cough during the day or at night? _____ Yes___ No___ (32)
(Ignore an occasional cough.)

If 'Yes' to either question (31-32):

Do you cough like this on most days for as much as three months a year? _____ Yes___ No___ (33)

Do you cough on any particular day of the week? Yes___ No___ (34)

(1) (2) (3) (4) (5) (6) (7)

If 'Yes': Which day? Mon. Tues. Wed. Thur. Fri. Sat Sun. (35)

C. PHLEGM or alternative word to suit local custom.

Do you usually bring up any phlegm from your chest first thing in the morning? (Count phlegm with the first smoke or on "first going out of doors." Exclude phlegm from the nose. Count swallowed phlegm.) (on getting up)† _____ Yes___ No___ (36)

Do you usually bring up any phlegm from your chest during the day or at night? (Accept twice or more.) _____ Yes___ No___ (37)

If 'Yes' to either question (36) or (37):

Do you bring up phlegm like this on most days for as much as three months each year? _____ Yes___ No___ (38)

If 'Yes' to question (33) or (38):

How long have you had this phlegm? (cough) (Write in number of years

(1) ☐ 2 years or less (39)
(2) ☐ More than 2 years-9 years
(3) ☐ 10-19 years
(4) ☐ 20+ years

†These words are for subjects who work at night

D. CHEST ILLNESSES

In the past three years, have you had a period of (increased) †cough and phlegm lasting for 3 weeks or more? _____

(1) ☐ No (40)
(2) ☐ Yes, only one period
(3) ☐ Yes, two or more periods

†For subjects who usually have phlegm

During the past 3 years have you had any chest illness which has kept you off work, indoors at home or in bed? (For as long as one week, flu?) Yes___ No___ (41)

If 'Yes' to (41): Did you bring up (more) phlegm than usual in any of these illnesses? Yes___ No___ (42)

If 'Yes' to (42): During the past three years have you had:
Only one such illness with increased phlegm? (1) ☐ (43)

More than one such illness: (2) ☐ (44)

Br. Grade_____

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E. TIGHTNESS

Does your chest ever feel tight or your breathing become difficult?_____Yes_____ No_____(45)

Is your chest tight or your breathing difficult on any particular day of the week? (after a week or 10 days away from the mill)_____Yes_____No_____(46)

If 'Yes': Which day? Mon. (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun. (47)
(1) Sometimes (2) Always

If 'Yes' Monday: At what time on Monday does your chest feel tight or your breathing difficult? (48)
1 ☐ Before entering the mill
2 ☐ After entering the mill

(Ask only if NO to Question (45)

In the past, has your chest ever been tight or your breathing difficult on any particular day of the week?_____Yes_____No_____(49)

If 'Yes': Which day? Mon. (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun. (50)
(1) Sometimes (2) Always

F. BREATHLESSNESS

If disabled from walking by any condition other than heart or lung disease put "X" here and leave questions (52-60) unasked. ☐ (51)

Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill?_____Yes_____No_____(52)

If 'No', grade is 1. If 'Yes', proceed to next question

Do you get short of breath walking with other people at an ordinary pace on the level?_____Yes_____No_____(53)

If 'No', grade is 2. If 'Yes', proceed to next question

Do you have to stop for breath when walking at your own pace on the level?_____Yes_____No_____(54)

If 'No', grade is 3. If 'Yes', proceed to next question

Are you short of breath on washing or dressing?_____Yes_____No_____(55)

If 'No', grade is 4. If 'Yes', grade is 5.

Dyspnea Grd. _____(56)

ON MONDAYS:

Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill?_____Yes_____No_____(57)

If 'No', grade is 1. If 'Yes', proceed to next question

Do you get short of breath walking with other people at an ordinary pace on the level?_____Yes_____No_____(58)

If 'No', grade is 2. If 'Yes', proceed to next question

Do you have to stop for breath when walking at your own pace on the level?_____Yes_____No_____(59)

If 'No', grade is 3. If 'Yes', proceed to next question

Are you short of breath on washing or dressing?_____Yes_____No_____(60)

If 'No', grade is 4. If 'Yes', grade is 5

B. Grd. _____(61)

G. OTHER ILLNESSES AND ALLERGY HISTORY

Do you have a heart condition for which you are under a doctor's care?_____Yes_____No_____(62)

Have you ever had asthma? Yes No (63)

If 'Yes', did it begin: (1) ☐ Before age 30
(2) ☐ After age 30

If 'Yes' before 30: did you have asthma before ever going to work in a textile mill?_____Yes_____No_____(64)

Have you ever had hay fever or other allergies (other than above)?_____Yes_____No_____(65)

H. TOBACCO SMOKING*

Do you smoke?

Record 'Yes' if regular smoker up to one month ago. (Cigarettes, cigar or pipe)_____Yes_____No_____(66)

If 'No' to (63).

Have you ever smoked? (Cigarettes, cigars, pipe. Record 'No' if subject has never smoked as much as one cigarette a day, or 1 oz. of tobacco a month, for as long as one year.)_____Yes_____No_____(67)

If 'Yes' to (63) or (64); what have you smoked and for how many years? (Write in specific number of years in the appropriate square)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
Years	(<5)	(5-9)	(10-14)	(15-19)	(20-24)	(25-29)	(30-34)	(35-39)	(>40)	
Cigarettes										(68)
Pipe										(69)
Cigars										(70)

If cigarettes, how many packs per day? (Write in number of cigarettes)
(1) ☐ less than 1/2 pack (71)
(2) ☐ 1/2 pack, but less than 1 pack
(3) ☐ 1 pack, but less than 1-1/2 packs
(4) ☐ 1-1/2 packs or more

Number of pack years: _____(72,73)

If an ex-smoker (cigarettes, cigar or pipe), how long since you stopped? _____(74)
(Write in number of years)

(1) ☐ 0-1 year
(2) ☐ 1-4 years
(3) ☐ 5-9 years
(4) ☐ 10+ years

*Have you changed your smoking habits since last interview? If yes, specify what changes.

I. OCCUPATIONAL HISTORY**

Have you ever worked in: A foundry? (As long as one year)_____Yes_____No_____(75)

Stone or mineral mining, quarrying or processing? (As long as one year)_____Yes_____No_____(76)

Asbestos milling or processing? (Ever)_____Yes_____No_____(77)

Other dusts, fumes or smoke? If yes, specify:_____Yes_____No_____(78)

Type of exposure _____

Length of exposure_____

**Ask only on first interview.

At what age did you first go to work in a textile mill? (Write in specific age in appropriate square).

(1)	(2)	(3)	(4)	(5)	(6)
<20	20-24	25-29	30-34	35-39	40+

When you first worked in a textile mill, did you work with (1) ☐ Cotton or cotton blend (79)
(2) ☐ Synthetic or wool (80)

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APPENDIX B-II

Respiratory Questionnaire for Non-Textile Workers for the Cotton Industry

Identification No.	Interviewer Code
	1
Location	**Date of Interview**

A. IDENTIFICATION

1. NAME (Last) (First) (Middle Initial)	3. PHONE NUMBER AREA CODE ( ) NO.	4. SOCIAL SECURITY # (optional see below)
2. CURRENT ADDRESS (Number, Street, or Rural Route, City or Town, County, State, Zip Code)	5. BIRTHDATE (Mo., Day, Yr.)	6. AGE LAST BIRTHDAY
	7. SEX 1 ☐ Male 2 ☐ Female	
	8. ETHNIC GROUP OR ANCESTRY 1. ☐ White, not of Hispanic Origin 2. ☐ Black, not of Hispanic Origin 3. ☐ Hispanic 4. ☐ American Indian or Alaskan Native 5. ☐ Asian or Pacific Islander 6. ☐ Other: _____	
9. STANDING HEIGHT _____ (cm)	10. WEIGHT _____	11. WORK SHIFT 1st ☐ 2nd ☐ 3rd ☐

12. PRESENT WORK AREA

Please indicate primary assigned work area and percent of time spent at that site. If at other locations, please indicate and note percent of time for each.

PRIMARY WORK AREA	
SPECIFIC JOB	

13. APPROPRIATE INDUSTRY

1 ☐ Garnetting
2 ☐ Cottonseed Oil Mill
3 ☐ Cotton Warehouse
4 ☐ Utilization
5 ☐ Cotton Classification
6 ☐ Cotton Ginning

(Furnishing your Social Security number is voluntary. Your refusal to provide this number will not affect any right, benefit, or privilege to which you would be entitled if you did provide your Social Security number. Your Social Security number is being requested since it will permit use in future determinations in statistical research studies.)

B. OCCUPATIONAL HISTORY TABLE

Complete the following table showing the entire work history of the individual from present to initial employment. Sporadic, part-time periods of employment, each of no significant duration, should be grouped if possible.

INDUSTRY AND LOCATION	TENURE OF EMPLOYMENT FROM 19__ TO 19__	SPECIFIC OCCUPATION	AVERAGE NO. DAYS WORKED PER WEEK	HAZARDOUS HEALTH EXPOSURE ASSOCIATED WITH WORK YES	NO	IF YES, DESCRIBE

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C. SYMPTOMS

Use actual wording of each question. Put X in appropriate square after each question. When in doubt record "No".

COUGH

1. Do you usually cough first thing in the morning? (on getting up)* (Count a cough with first smoke or on "first going out of doors". Exclude clearing throat or a single cough.) 1 ☐ Yes 2 ☐ No

2. Do you usually cough during the day or at night? (Ignore an occasional cough.) 1 ☐ Yes 2 ☐ No

If YES to either question 1 or 2:

3. Do you cough like this on most days for as much as three months a year? 1 ☐ Yes 2 ☐ No 9 ☐ NA

4. Do you cough on any particular day of the week? 1 ☐ Yes 2 ☐ No

If YES:

5. Which day? Mon. Tue. Wed. Thur. Fri. Sat. Sun. _____

PHLEGM

6. Do you usually bring up any phlegm from your chest first thing in the morning? (on getting up)* (Count phlegm with the first smoke or on "first going out of doors." Exclude phlegm from the nose. Count swallowed phlegm.) 1 ☐ Yes 2 ☐ No

7. Do you usually bring up any phlegm from your chest during the day or at night? (Accept twice or more.) 1 ☐ Yes 2 ☐ No

If YES to either question 6 or 7:

8. Do you bring up phlegm like this on most days for as much as three months each year? 1 ☐ Yes 2 ☐ No

If YES to question 3 or 8:

9. How long have you had this phlegm? (cough) (Write in number of years)
(1) ☐ 2 years or less
(2) ☐ More than 2 years - 9 years
(3) ☐ 10-19 years
(4) ☐ 20+ years

*These words are for subjects who work at night

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CHEST ILLNESS

10. In the past three years, have you had a period of (increased) cough and phlegm lasting for 3 weeks or more?
(1) ☐ No
(2) ☐ Yes, only one period
(3) ☐ Yes, two or more periods

For subjects who usually have phlegm:

11. During the past 3 years have you had any chest illness which has kept you off work, indoors at home or in bed? (For as long as one week, flu?) 1 ☐ Yes 2 ☐ No

If YES to 11:

12. Did you bring up (more) phelgm than usual in any of these illnesses? 1 ☐ Yes 2 ☐ No

If YES to 12: During the past three years have you had:

13. Only one such illness with increased phelgm? 1 ☐ Yes 2 ☐ No

14. More than one such illness: 1 ☐ Yes 2 ☐ No

Br. Brade _____

TIGHTNESS

15. Does your chest ever feel tight or your breathing become difficult? 1 ☐ Yes 2 ☐ No

16. Is your chest tight or your breathing difficult on any particular day of the week? (after a week or 10 days away from the mill) 1 ☐ Yes 2 ☐ No

17. If YES, Which day? Mon. (1) Sometimes (2) Always (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun.

18. If YES Monday: At what time on Monday does your chest feel tight or your breathing difficult?
☐ Before entering mill
☐ After entering mill

(ASK ONLY IF NO TO QUESTION 15)

19. In the past, has your chest ever been tight or your breathing difficult on any particular day of the week? 1 ☐ Yes 2 ☐ No

20. If YES, Which day? Mon. (1) Sometimes (2) Always (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun.

BREATHLESSNESS

21. If disabled from walking by any condition other than heart or lung disease put "X" in the space and leave questions (22-30) unasked. ☐

22. Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill? 1 ☐ Yes 2 ☐ No

If NO, grade is 1. If YES, proceed to next question

23. Do you get short of breath walking with other people at an ordinary pace on the level? 1 ☐ Yes 2 ☐ No

If NO, grade is 2. If YES, proceed to next question

24. Do you have to stop for breath when walking at your own pace on the level? 1 ☐ Yes 2 ☐ No

If NO, grade is 3. If YES, proceed to next question

25. Are you short of breath on washing or dressing? 1 ☐ Yes 2 ☐ No

If NO, grade is 4. If YES, grade is 5.

26. Dyspnea Grd. _____

ON MONDAYS:

27 Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill? 1 ☐ Yes 2 ☐ No

If NO, grade is 1. If YES, proceed to next question

28. Do you get short of breath walking with other people at an ordinary pace on the level? 1 ☐ Yes 2 ☐ No

If NO, grade is 2, If YES, proceed to next question

29. Do you have to stop for breath when walking at your own pace on the level? 1 ☐ Yes 2 ☐ No

If NO, grade is 3. If YES, proceed to next question

30. Are you short of breath on washing or dressing? 1 ☐ Yes 2 ☐ No

If NO, grade is 4. If YES, grade is 5

31. B. Grd. _____

OTHER ILLNESSES AND ALLERGY HISTORY

32. Do you have a heart condition for which you are under a doctor's care? 1 ☐ Yes 2 ☐ No

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OTHER ILLNESSES AND ALLERGY HISTORY CONTINUED:

33. Have you ever had asthma? 1 ☐ Yes 2 ☐ No

If yes, did it begin: (1) Before age 30 ☐

(2) After age 30 ☐

34. If yes before 30: did you have asthma before ever going to work in a textile mill? 1 ☐ Yes 2 ☐ No

35. Have you ever had hay fever or other allergies (other than above)? 1 ☐ Yes 2 ☐ No

TOBACCO SMOKING

36. Do you smoke? Record Yes if regular smoker up to one month ago. (Cigarettes, cigar or pipe) 1 ☐ Yes 2 ☐ No

If NO to (33).

37. Have you ever smoked? (Cigarettes, cigars, pipe. Record NO if subject has never smoked as much as one cigarette a day, or 1 oz. of tobacco a month, for as long as one year.) 1 ☐ Yes 2 ☐ No

If Yes to (33) or (34); what have you smoked for how many years? (Write in specific number of years in the appropriate square)

	Years	(1) (<5)	(2) (5-9)	(3) (10-14)	(4) (15-19)	(5) (20-24)	(6) (25-29)	(7) (30-34)	(8) (35-39)	(9) (>40)
38.	Cigarettes									
39.	Pipe									
40.	Cigars									

41. If cigarettes, how many packs per day? Write in number of cigarettes _____

☐ Less than 1/2 pack
☐ 1/2 pack, but less than 1 pack
☐ 1 pack, but less than 1 1/2 packs
☐ 1-1/2 packs or more

42. Number of pack years: _____

43. If an ex-smoker (cigarettes, cigar or pipe), how long since you stopped? (Write in number of years.) _____

☐ 0-1 year
☐ 1-4 years
☐ 5-9 years
☐ 10+ years

OCCUPATIONAL HISTORY

Have you ever worked in:

44. A foundry? (As long as one year) 1 ☐ Yes 2 ☐ No

45. Stone or mineral mining, quarrying or processing? (As long as one year) 1 ☐ Yes 2 ☐ No

46. Asbestos milling or processing? (Ever) 1 ☐ Yes 2 ☐ No

47. Cotton or cotton blend mill? (For controls only) 1 ☐ Yes 2 ☐ No

48. Other dusts, fumes or smoke? If yes, specify. 1 ☐ Yes 2 ☐ No

Type of exposure _____

Length of exposure _____

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APPENDIX B-III

ABBREVIATED RESPIRATORY QUESTIONNAIRE

A. IDENTIFICATION DATA

PLANT _____ SOCIAL SECURITY NO. _____
DAY MONTH (figures) YEAR (last 2 digits)

NAME _____ DATE OF INTERVIEW _____
(Surname)

_____ DATE OF BIRTH _____
(First Names) M F

ADDRESS _____ AGE _____ (8,9) SEX _____ (10)

_____ RACE | W | N | IND. | OTHER | (11)

INTERVIEWER: 1 2 3 4 5 6 7 8 (12)

WORK SHIFT: 1st _____ 2nd _____ 3rd _____ (13) STANDING HEIGHT _____ (14,15)

PRESENT WORK AREA WEIGHT _____ (16,18)

If working in more than one specified work area, X area where most of the work shift is spent. If "other," but spending 25% of the work shift in one of the specified work areas, classify in that work area. If carding department employee, check area within that department where most of the work shift is spent (if in doubt, check "throughout"). For work areas such as spinning and weaving where many work rooms may be involved, be sure to check the specific work room to which the employee is assigned — if he works in more than one work room within a department classify as 7 (all) for that department.

	Workroom Number	(19) Open	(20) Pick	Area	(21) Card #1	(22) #2	(23) Spin	(24) Wind	(25) Twist	(26) Spool	(27) Warp	(28) Slash	(29) Weave	(30) Other
AT RISK (cotton & cotton blend)	1			Cards										
	2			Draw										
	3			Comb										
	4			Rove										
	5			Thru Out										
	6													
	7 (all)													
Control (synthetic & wool)	8													
Ex-Worker (cotton)	9													

Use actual wording of each question. Put X in appropriate square after each question. When in doubt record "No". When no square, circle appropriate answer.

B. COUGH

Do you usually cough first thing in the morning? (on getting up)† _____ Yes ___ No ___ (31)
(Count a cough with first smoke or on "first going out of doors." Exclude clearing throat or a single cough.)

Do you usually cough during the day or at night? _____ Yes ___ No ___ (32)
(Ignore an occasional cough.)

If 'Yes' to either question (31-32):

Do you cough like this on most days for as much as three months a year? _____ Yes ___ No ___ (33)

Do you cough on any particular day of the week? Yes ___ No ___ (34)

(1) (2) (3) (4) (5) (6) (7)

If 'Yes': Which day? Mon. Tues. Wed. Thur. Fri. Sat Sun. (35)

C. PHLEGM or alternative word to suit local custom.

Do you usually bring up any phlegm from your chest first thing in the morning? (on getting up)† (Count phlegm with the first smoke or on "first going out of doors." Exclude phlegm from the nose. Count swallowed phlegm.) _____ Yes ___ No ___ (36)

Do you usually bring up any phlegm from your chest during the day or at night? (Accept twice or more.) _____ Yes ___ No ___ (37)

If 'Yes' to either question (36) or (37):

Do you bring up phlegm like this on most days for as much as three months each year? _____ Yes ___ No ___ (38)

If 'Yes' to question (33) or (38):

How long have you had this phlegm? (cough)
(Write in number of years

(1) ☐ 2 years or less
(2) ☐ More than 2 years-9 years
(3) ☐ 10-19 years
(4) ☐ 20+ years

†These words are for subjects who work at night

D. TIGHTNESS

Does your chest ever feel tight or your breathing become difficult? _____ Yes ___ No ___ (39)

Is your chest tight or your breathing difficult on any particular day of the week? (after a week or 10 days away from the mill) _____ Yes ___ No ___ (40)

If 'Yes': Which day? Mon. (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun. (41)
(1) Sometimes (2) Always

If 'Yes' Monday: At what time on Monday does your chest feel tight or your breathing difficult? 1 ☐ Before entering the mill 2 ☐ After entering the mill (42)

(Ask only if NO to Question (45)

In the past, has your chest ever been tight or your breathing difficult on any particular day of the week? _____ Yes ___ No ___ (43)

If 'Yes': Which day? Mon. (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun. (44)
(1) Sometimes (2) Always

E. TOBACCO SMOKING

*Have you changed your smoking habits since last interview? If yes, specify what changes.

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APPENDIX C - SPIROMETRY PREDICTION TABLES FOR NORMAL MALES AND FEMALES

TABLE 1. PREDICTED FVC FOR MALES (HUDSON, ET AL.: AM REV RESPIR DIS. 1976, 113, 587.)

HT	AGE 17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	47	49	51	53	55	57	59	61	63	65
60.0	3.44	3.59	3.75	3.91	3.72	3.66	3.61	3.55	3.49	3.43	3.37	3.32	3.26	3.20	3.14	3.08	3.03	2.97	2.91	2.85	2.79	2.74	2.68	2.62	2.56
60.5	3.50	3.66	3.81	3.97	3.80	3.75	3.69	3.63	3.57	3.51	3.46	3.40	3.34	3.28	3.22	3.17	3.11	3.05	2.99	2.93	2.88	2.82	2.76	2.70	2.64
61.0	3.56	3.72	3.88	4.03	3.89	3.83	3.77	3.71	3.66	3.60	3.54	3.48	3.42	3.37	3.31	3.25	3.19	3.13	3.08	3.02	2.96	2.90	2.84	2.79	2.73
61.5	3.63	3.78	3.94	4.10	3.97	3.91	3.85	3.80	3.74	3.68	3.62	3.56	3.51	3.45	3.39	3.33	3.27	3.22	3.16	3.10	3.04	2.98	2.93	2.87	2.81
62.0	3.69	3.85	4.00	4.16	4.05	3.99	3.94	3.88	3.82	3.76	3.70	3.65	3.59	3.53	3.47	3.41	3.36	3.30	3.24	3.18	3.12	3.07	3.01	2.95	2.89
62.5	3.76	3.91	4.07	4.22	4.13	4.08	4.02	3.96	3.90	3.84	3.79	3.73	3.67	3.61	3.55	3.50	3.44	3.38	3.32	3.26	3.21	3.15	3.09	3.03	2.97
63.0	3.82	3.97	4.13	4.29	4.22	4.16	4.10	4.04	3.99	3.93	3.87	3.81	3.75	3.70	3.64	3.58	3.52	3.46	3.41	3.35	3.29	3.23	3.17	3.12	3.06
63.5	3.88	4.04	4.19	4.35	4.30	4.24	4.18	4.13	4.07	4.01	3.95	3.89	3.84	3.78	3.72	3.66	3.60	3.55	3.49	3.43	3.37	3.31	3.26	3.20	3.14
64.0	3.95	4.10	4.26	4.41	4.38	4.32	4.27	4.21	4.15	4.09	4.03	3.98	3.92	3.86	3.80	3.74	3.69	3.63	3.57	3.51	3.45	3.40	3.34	3.28	3.22
64.5	4.01	4.17	4.32	4.48	4.46	4.41	4.35	4.29	4.23	4.17	4.12	4.06	4.00	3.94	3.88	3.83	3.77	3.71	3.65	3.59	3.54	3.48	3.42	3.36	3.30
65.0	4.07	4.23	4.39	4.54	4.55	4.49	4.43	4.37	4.32	4.26	4.20	4.14	4.08	4.03	3.97	3.91	3.85	3.79	3.74	3.68	3.62	3.56	3.50	3.45	3.39
65.5	4.14	4.29	4.45	4.60	4.63	4.57	4.51	4.46	4.40	4.34	4.28	4.22	4.17	4.11	4.05	3.99	3.93	3.88	3.82	3.76	3.70	3.64	3.59	3.53	3.47
66.0	4.20	4.36	4.51	4.67	4.71	4.65	4.60	4.54	4.48	4.42	4.36	4.31	4.25	4.19	4.13	4.07	4.02	3.96	3.90	3.84	3.78	3.73	3.67	3.61	3.55
66.5	4.26	4.42	4.58	4.73	4.80	4.74	4.68	4.62	4.56	4.51	4.45	4.39	4.33	4.27	4.22	4.16	4.10	4.04	3.98	3.93	3.87	3.81	3.75	3.69	3.64
67.0	4.33	4.48	4.64	4.80	4.88	4.82	4.76	4.70	4.65	4.59	4.53	4.47	4.41	4.36	4.30	4.24	4.18	4.12	4.07	4.01	3.95	3.89	3.83	3.78	3.72
67.5	4.39	4.55	4.70	4.86	4.96	4.90	4.84	4.79	4.73	4.67	4.61	4.55	4.50	4.44	4.38	4.32	4.26	4.21	4.15	4.09	4.03	3.97	3.92	3.86	3.80
68.0	4.45	4.61	4.77	4.92	5.04	4.98	4.93	4.87	4.81	4.75	4.69	4.64	4.58	4.52	4.46	4.40	4.35	4.29	4.23	4.17	4.11	4.06	4.00	3.94	3.88
68.5	4.52	4.67	4.83	4.99	5.13	5.07	5.01	4.95	4.89	4.84	4.78	4.72	4.66	4.60	4.55	4.49	4.43	4.37	4.31	4.26	4.20	4.14	4.08	4.02	3.97
69.0	4.58	4.74	4.89	5.05	5.21	5.15	5.09	5.03	4.98	4.92	4.86	4.80	4.74	4.69	4.63	4.57	4.51	4.45	4.40	4.34	4.28	4.22	4.16	4.11	4.05
69.5	4.64	4.80	4.96	5.11	5.29	5.23	5.17	5.12	5.06	5.00	4.94	4.88	4.83	4.77	4.71	4.65	4.59	4.54	4.48	4.42	4.36	4.30	4.25	4.19	4.13
70.0	4.71	4.86	5.02	5.18	5.37	5.32	5.26	5.20	5.14	5.08	5.02	4.97	4.91	4.85	4.79	4.74	4.68	4.62	4.56	4.50	4.44	4.39	4.33	4.27	4.21
70.5	4.77	4.93	5.08	5.24	5.46	5.40	5.34	5.28	5.22	5.17	5.11	5.05	4.99	4.93	4.88	4.82	4.76	4.70	4.64	4.59	4.53	4.47	4.41	4.35	4.30
71.0	4.83	4.99	5.15	5.30	5.54	5.48	5.42	5.36	5.31	5.25	5.19	5.13	5.07	5.02	4.96	4.90	4.84	4.78	4.73	4.67	4.61	4.55	4.49	4.44	4.38
71.5	4.90	5.05	5.21	5.37	5.62	5.56	5.50	5.45	5.39	5.33	5.27	5.21	5.16	5.10	5.04	4.98	4.92	4.87	4.81	4.75	4.69	4.63	4.58	4.52	4.46
72.0	4.96	5.12	5.27	5.43	5.70	5.65	5.59	5.53	5.47	5.41	5.36	5.30	5.24	5.18	5.12	5.07	5.01	4.95	4.89	4.83	4.78	4.72	4.66	4.60	4.54
72.5	5.03	5.18	5.34	5.49	5.79	5.73	5.67	5.61	5.55	5.50	5.44	5.38	5.32	5.26	5.21	5.15	5.09	5.03	4.97	4.92	4.86	4.80	4.74	4.68	4.63
73.0	5.09	5.24	5.40	5.56	5.87	5.81	5.75	5.69	5.64	5.58	5.52	5.46	5.40	5.35	5.29	5.23	5.17	5.11	5.06	5.00	4.94	4.88	4.82	4.77	4.71
73.5	5.15	5.31	5.46	5.62	5.95	5.89	5.83	5.78	5.72	5.66	5.60	5.54	5.49	5.43	5.37	5.31	5.25	5.20	5.14	5.08	5.02	4.96	4.91	4.85	4.79
74.0	5.22	5.37	5.53	5.68	6.03	5.98	5.92	5.86	5.80	5.74	5.69	5.63	5.57	5.51	5.45	5.40	5.34	5.28	5.22	5.16	5.11	5.05	4.99	4.93	4.87
74.5	5.28	5.44	5.59	5.75	6.12	6.06	6.00	5.94	5.88	5.83	5.77	5.71	5.65	5.59	5.54	5.48	5.42	5.36	5.30	5.25	5.19	5.13	5.07	5.01	4.96
75.0	5.34	5.50	5.65	5.81	6.20	6.14	6.08	6.02	5.97	5.91	5.85	5.79	5.73	5.68	5.62	5.56	5.50	5.44	5.39	5.33	5.27	5.21	5.15	5.10	5.04
75.5	5.41	5.56	5.72	5.87	6.28	6.22	6.17	6.11	6.05	5.99	5.93	5.88	5.82	5.76	5.70	5.64	5.59	5.53	5.47	5.41	5.35	5.30	5.24	5.18	5.12
76.0	5.47	5.63	5.78	5.94	6.36	6.31	6.25	6.19	6.13	6.07	6.02	5.96	5.90	5.84	5.78	5.73	5.67	5.61	5.55	5.49	5.44	5.38	5.32	5.26	5.20
76.5	5.53	5.69	5.85	6.00	6.45	6.39	6.33	6.27	6.21	6.16	6.10	6.04	5.98	5.92	5.87	5.81	5.75	5.69	5.63	5.58	5.52	5.46	5.40	5.34	5.29
77.0	5.60	5.75	5.91	6.06	6.53	6.47	6.41	6.35	6.30	6.24	6.18	6.12	6.06	6.01	5.95	5.89	5.83	5.77	5.72	5.66	5.60	5.54	5.48	5.43	5.37
77.5	5.66	5.82	5.97	6.13	6.61	6.55	6.50	6.44	6.38	6.32	6.26	6.21	6.15	6.09	6.03	5.97	5.92	5.86	5.80	5.74	5.68	5.63	5.57	5.51	5.45
78.0	5.72	5.88	6.04	6.19	6.69	6.64	6.58	6.52	6.46	6.40	6.35	6.29	6.23	6.17	6.11	6.06	6.00	5.94	5.88	5.82	5.77	5.71	5.65	5.59	5.53
78.5	5.79	5.94	6.10	6.26	6.78	6.72	6.66	6.60	6.54	6.49	6.43	6.37	6.31	6.25	6.20	6.14	6.08	6.02	5.96	5.91	5.85	5.79	5.73	5.67	5.62
79.0	5.85	6.01	6.16	6.32	6.86	6.80	6.74	6.68	6.63	6.57	6.51	6.45	6.39	6.34	6.28	6.22	6.16	6.10	6.05	5.99	5.93	5.87	5.81	5.76	5.70
79.5	5.91	6.07	6.23	6.38	6.94	6.88	6.83	6.77	6.71	6.65	6.59	6.54	6.48	6.42	6.36	6.30	6.25	6.19	6.13	6.07	6.01	5.96	5.90	5.84	5.78
80.0	5.98	6.13	6.29	6.45	7.02	6.97	6.91	6.85	6.79	6.73	6.68	6.62	6.56	6.50	6.44	6.39	6.33	6.27	6.21	6.15	6.10	6.04	5.98	5.92	5.86
80.5	6.04	6.20	6.35	6.51	7.11	7.05	6.99	6.93	6.87	6.82	6.76	6.70	6.64	6.58	6.53	6.47	6.41	6.35	6.29	6.24	6.18	6.12	6.06	6.00	5.95
81.0	6.10	6.26	6.42	6.57	7.19	7.13	7.07	7.02	6.96	6.90	6.84	6.78	6.73	6.67	6.61	6.55	6.49	6.44	6.38	6.32	6.26	6.20	6.15	6.09	6.03
81.5	6.17	6.32	6.48	6.64	7.27	7.21	7.16	7.10	7.04	6.98	6.92	6.87	6.81	6.75	6.69	6.63	6.58	6.52	6.46	6.40	6.34	6.29	6.23	6.17	6.11
82.0	6.23	6.39	6.54	6.70	7.35	7.30	7.24	7.18	7.12	7.06	7.01	6.95	6.89	6.83	6.77	6.72	6.66	6.60	6.54	6.48	6.43	6.37	6.31	6.25	6.19
82.5	6.30	6.45	6.61	6.76	7.44	7.38	7.32	7.26	7.20	7.15	7.09	7.03	6.97	6.91	6.86	6.80	6.74	6.68	6.62	6.57	6.51	6.45	6.39	6.33	6.28
83.0	6.36	6.51	6.67	6.83	7.52	7.46	7.40	7.35	7.29	7.23	7.17	7.11	7.06	7.00	6.94	6.88	6.82	6.77	6.71	6.65	6.59	6.53	6.48	6.42	6.36
83.5	6.42	6.58	6.73	6.89	7.60	7.54	7.49	7.43	7.37	7.31	7.25	7.20	7.14	7.08	7.02	6.96	6.91	6.85	6.79	6.73	6.67	6.62	6.56	6.50	6.44
84.0	6.49	6.64	6.80	6.95	7.68	7.63	7.57	7.51	7.45	7.39	7.34	7.28	7.22	7.16	7.10	7.05	6.99	6.93	6.87	6.81	6.76	6.70	6.64	6.58	6.52
84.5	6.55	6.71	6.86	7.02	7.77	7.71	7.65	7.59	7.53	7.48	7.42	7.36	7.30	7.24	7.19	7.13	7.07	7.01	6.95	6.90	6.84	6.78	6.72	6.66	6.61
85.0	6.61	6.77	6.92	7.08	7.85	7.79	7.73	7.68	7.62	7.56	7.50	7.44	7.39	7.33	7.27	7.21	7.15	7.10	7.04	6.98	6.92	6.86	6.81	6.75	6.69

TABLE 2. PREDICTED FEV1 FOR MALES (HUDSON, ET AL.: AM REV RESPIR DIS. 1976, 113, 587.)

HT	AGE 17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	47	49	51	53	55	57	59	61	63	65
60.0	2.97	3.06	3.15	3.24	3.05	2.99	2.94	2.88	2.83	2.78	2.72	2.67	2.61	2.56	2.51	2.45	2.40	2.34	2.29	2.24	2.18	2.13	2.07	2.02	1.97
60.5	3.03	3.12	3.21	3.30	3.11	3.06	3.00	2.95	2.90	2.84	2.79	2.73	2.68	2.63	2.57	2.52	2.46	2.41	2.36	2.30	2.25	2.19	2.14	2.09	2.03
61.0	3.08	3.17	3.26	3.35	3.18	3.12	3.07	3.02	2.96	2.91	2.85	2.80	2.75	2.69	2.64	2.58	2.53	2.48	2.42	2.37	2.31	2.26	2.21	2.15	2.10
61.5	3.14	3.23	3.32	3.41	3.24	3.19	3.14	3.08	3.03	2.97	2.92	2.87	2.81	2.76	2.70	2.65	2.60	2.54	2.49	2.43	2.38	2.33	2.27	2.22	2.16
62.0	3.20	3.29	3.38	3.47	3.31	3.26	3.20	3.15	3.09	3.04	2.99	2.93	2.88	2.82	2.77	2.72	2.66	2.61	2.55	2.50	2.45	2.39	2.34	2.28	2.23
62.5	3.26	3.35	3.44	3.53	3.38	3.32	3.27	3.22	3.16	3.11	3.05	3.00	2.95	2.89	2.84	2.78	2.73	2.68	2.62	2.57	2.51	2.46	2.41	2.35	2.30
63.0	3.32	3.41	3.50	3.59	3.44	3.39	3.34	3.28	3.23	3.17	3.12	3.07	3.01	2.96	2.90	2.85	2.80	2.74	2.69	2.63	2.58	2.53	2.47	2.42	2.36
63.5	3.38	3.47	3.56	3.65	3.51	3.46	3.40	3.35	3.29	3.24	3.19	3.13	3.08	3.02	2.97	2.92	2.86	2.81	2.75	2.70	2.65	2.59	2.54	2.48	2.43
64.0	3.43	3.52	3.61	3.70	3.58	3.52	3.47	3.41	3.36	3.31	3.25	3.20	3.14	3.09	3.04	2.98	2.93	2.87	2.82	2.77	2.71	2.66	2.60	2.55	2.50
64.5	3.49	3.58	3.67	3.76	3.64	3.59	3.53	3.48	3.43	3.37	3.32	3.26	3.21	3.16	3.10	3.05	2.99	2.94	2.89	2.83	2.78	2.72	2.67	2.62	2.56
65.0	3.55	3.64	3.73	3.82	3.71	3.65	3.60	3.55	3.49	3.44	3.38	3.33	3.28	3.22	3.17	3.11	3.06	3.01	2.95	2.90	2.84	2.79	2.74	2.68	2.63
65.5	3.61	3.70	3.79	3.88	3.77	3.72	3.67	3.61	3.56	3.50	3.45	3.40	3.34	3.29	3.23	3.18	3.13	3.07	3.02	2.96	2.91	2.86	2.80	2.75	2.69
66.0	3.67	3.76	3.85	3.94	3.84	3.79	3.73	3.68	3.62	3.57	3.52	3.46	3.41	3.35	3.30	3.25	3.19	3.14	3.08	3.03	2.98	2.92	2.87	2.81	2.76
66.5	3.73	3.82	3.91	4.00	3.91	3.85	3.80	3.74	3.69	3.64	3.58	3.53	3.47	3.42	3.37	3.31	3.26	3.20	3.15	3.10	3.04	2.99	2.93	2.88	2.83
67.0	3.79	3.88	3.97	4.06	3.97	3.92	3.86	3.81	3.76	3.70	3.65	3.59	3.54	3.49	3.43	3.38	3.32	3.27	3.22	3.16	3.11	3.05	3.00	2.95	2.89
67.5	3.84	3.93	4.02	4.11	4.04	3.98	3.93	3.88	3.82	3.77	3.71	3.66	3.61	3.55	3.50	3.44	3.39	3.34	3.28	3.23	3.17	3.12	3.07	3.01	2.96
68.0	3.90	3.99	4.08	4.17	4.10	4.05	4.00	3.94	3.89	3.83	3.78	3.73	3.67	3.62	3.56	3.51	3.46	3.40	3.35	3.29	3.24	3.19	3.13	3.08	3.02
68.5	3.96	4.05	4.14	4.23	4.17	4.12	4.06	4.01	3.95	3.90	3.85	3.79	3.74	3.68	3.63	3.58	3.52	3.47	3.41	3.36	3.31	3.25	3.20	3.14	3.09
69.0	4.02	4.11	4.20	4.29	4.24	4.18	4.13	4.07	4.02	3.97	3.91	3.86	3.80	3.75	3.70	3.64	3.59	3.53	3.48	3.43	3.37	3.32	3.26	3.21	3.16
69.5	4.08	4.17	4.26	4.35	4.30	4.25	4.19	4.14	4.09	4.03	3.98	3.92	3.87	3.82	3.76	3.71	3.65	3.60	3.55	3.49	3.44	3.38	3.33	3.28	3.22
70.0	4.14	4.23	4.32	4.41	4.37	4.31	4.26	4.21	4.15	4.10	4.04	3.99	3.94	3.88	3.83	3.77	3.72	3.67	3.61	3.56	3.50	3.45	3.40	3.34	3.29
70.5	4.19	4.28	4.37	4.46	4.43	4.38	4.33	4.27	4.22	4.16	4.11	4.06	4.00	3.95	3.89	3.84	3.79	3.73	3.68	3.62	3.57	3.52	3.46	3.41	3.35
71.0	4.25	4.34	4.43	4.52	4.50	4.45	4.39	4.34	4.28	4.23	4.18	4.12	4.07	4.01	3.96	3.91	3.85	3.80	3.74	3.69	3.64	3.58	3.53	3.47	3.42
71.5	4.31	4.40	4.49	4.58	4.57	4.51	4.46	4.40	4.35	4.30	4.24	4.19	4.13	4.08	4.03	3.97	3.92	3.86	3.81	3.76	3.70	3.65	3.59	3.54	3.49
72.0	4.37	4.46	4.55	4.64	4.63	4.58	4.52	4.47	4.42	4.36	4.31	4.25	4.20	4.15	4.09	4.04	3.98	3.93	3.88	3.82	3.77	3.71	3.66	3.61	3.55
72.5	4.43	4.52	4.61	4.70	4.70	4.64	4.59	4.54	4.48	4.43	4.37	4.32	4.27	4.21	4.16	4.10	4.05	4.00	3.94	3.89	3.83	3.78	3.73	3.67	3.62
73.0	4.49	4.58	4.67	4.76	4.76	4.71	4.66	4.60	4.55	4.49	4.44	4.39	4.33	4.28	4.22	4.17	4.12	4.06	4.01	3.95	3.90	3.85	3.79	3.74	3.68
73.5	4.54	4.63	4.72	4.81	4.83	4.78	4.72	4.67	4.61	4.56	4.51	4.45	4.40	4.34	4.29	4.24	4.18	4.13	4.07	4.02	3.97	3.91	3.86	3.80	3.75
74.0	4.60	4.69	4.78	4.87	4.90	4.84	4.79	4.73	4.68	4.63	4.57	4.52	4.46	4.41	4.36	4.30	4.25	4.19	4.14	4.09	4.03	3.98	3.92	3.87	3.82
74.5	4.66	4.75	4.84	4.93	4.96	4.91	4.85	4.80	4.75	4.69	4.64	4.58	4.53	4.48	4.42	4.37	4.31	4.26	4.21	4.15	4.10	4.04	3.99	3.94	3.88
75.0	4.72	4.81	4.90	4.99	5.03	4.97	4.92	4.87	4.81	4.76	4.70	4.65	4.60	4.54	4.49	4.43	4.38	4.33	4.27	4.22	4.16	4.11	4.06	4.00	3.95
75.5	4.78	4.87	4.96	5.05	5.09	5.04	4.99	4.93	4.88	4.82	4.77	4.72	4.66	4.61	4.55	4.50	4.45	4.39	4.34	4.28	4.23	4.18	4.12	4.07	4.01
76.0	4.84	4.93	5.02	5.11	5.16	5.11	5.05	5.00	4.94	4.89	4.84	4.78	4.73	4.67	4.62	4.57	4.51	4.46	4.40	4.35	4.30	4.24	4.19	4.13	4.08
76.5	4.90	4.99	5.08	5.17	5.23	5.17	5.12	5.06	5.01	4.96	4.90	4.85	4.79	4.74	4.69	4.63	4.58	4.52	4.47	4.42	4.36	4.31	4.25	4.20	4.15
77.0	4.95	5.04	5.13	5.22	5.29	5.24	5.18	5.13	5.08	5.02	4.97	4.91	4.86	4.81	4.75	4.70	4.64	4.59	4.54	4.48	4.43	4.37	4.32	4.27	4.21
77.5	5.01	5.10	5.19	5.28	5.36	5.30	5.25	5.20	5.14	5.09	5.03	4.98	4.93	4.87	4.82	4.76	4.71	4.66	4.60	4.55	4.49	4.44	4.39	4.33	4.28
78.0	5.07	5.16	5.25	5.34	5.42	5.37	5.32	5.26	5.21	5.15	5.10	5.05	4.99	4.94	4.88	4.83	4.78	4.72	4.67	4.61	4.56	4.51	4.45	4.40	4.34
78.5	5.13	5.22	5.31	5.40	5.49	5.44	5.38	5.33	5.27	5.22	5.17	5.11	5.06	5.00	4.95	4.90	4.84	4.79	4.73	4.68	4.63	4.57	4.52	4.46	4.41
79.0	5.19	5.28	5.37	5.46	5.56	5.50	5.45	5.39	5.34	5.29	5.23	5.18	5.12	5.07	5.02	4.96	4.91	4.85	4.80	4.75	4.69	4.64	4.58	4.53	4.48
79.5	5.25	5.34	5.43	5.52	5.62	5.57	5.51	5.46	5.41	5.35	5.30	5.24	5.19	5.14	5.08	5.03	4.97	4.92	4.87	4.81	4.76	4.70	4.65	4.60	4.54
80.0	5.30	5.39	5.48	5.57	5.69	5.63	5.58	5.53	5.47	5.42	5.36	5.31	5.26	5.20	5.15	5.09	5.04	4.99	4.93	4.88	4.82	4.77	4.72	4.66	4.61
80.5	5.36	5.45	5.54	5.63	5.75	5.70	5.65	5.59	5.54	5.48	5.43	5.38	5.32	5.27	5.21	5.16	5.11	5.05	5.00	4.94	4.89	4.84	4.78	4.73	4.67
81.0	5.42	5.51	5.60	5.69	5.82	5.77	5.71	5.66	5.60	5.55	5.50	5.44	5.39	5.33	5.28	5.23	5.17	5.12	5.06	5.01	4.96	4.90	4.85	4.79	4.74
81.5	5.48	5.57	5.66	5.75	5.89	5.83	5.78	5.72	5.67	5.62	5.56	5.51	5.45	5.40	5.35	5.29	5.24	5.18	5.13	5.08	5.02	4.97	4.91	4.86	4.81
82.0	5.54	5.63	5.72	5.81	5.95	5.90	5.84	5.79	5.74	5.68	5.63	5.57	5.52	5.47	5.41	5.36	5.30	5.25	5.20	5.14	5.09	5.03	4.98	4.93	4.87
82.5	5.60	5.69	5.78	5.87	6.02	5.96	5.91	5.86	5.80	5.75	5.69	5.64	5.59	5.53	5.48	5.42	5.37

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TABLE 3. PPEDICTED FVC FOR FEMALES (KNUDSON, ET AL., AM REV RESPIR DIS., 1976, 113, 587.)

AGE / HT	17	19	21	23	25	27	29	31	33	35	37
52.0	2.45	2.64	2.65	2.61	2.56	2.52	2.47	2.43	2.39	2.34	2.30
52.5	2.50	2.69	2.70	2.65	2.61	2.57	2.52	2.48	2.43	2.39	2.35
53.0	2.54	2.72	2.74	2.70	2.66	2.61	2.57	2.52	2.48	2.44	2.39
53.5	2.58	2.76	2.79	2.75	2.70	2.66	2.62	2.57	2.53	2.48	2.44
54.0	2.62	2.81	2.84	2.79	2.75	2.71	2.66	2.62	2.57	2.53	2.48
54.5	2.66	2.85	2.89	2.84	2.80	2.75	2.71	2.67	2.62	2.58	2.53
55.0	2.71	2.89	2.93	2.89	2.84	2.80	2.76	2.71	2.67	2.62	2.58
55.5	2.75	2.93	3.00	2.94	2.89	2.85	2.80	2.76	2.72	2.67	2.63
56.0	2.79	2.97	3.03	2.99	2.94	2.89	2.85	2.81	2.76	2.72	2.67
56.5	2.83	3.01	3.07	3.03	2.99	2.94	2.90	2.85	2.81	2.77	2.72
57.0	2.87	3.06	3.12	3.08	3.03	2.99	2.94	2.90	2.85	2.81	2.77
57.5	2.91	3.10	3.17	3.12	3.08	3.04	2.99	2.95	2.90	2.86	2.82
58.0	2.96	3.14	3.21	3.17	3.13	3.08	3.04	2.99	2.95	2.91	2.86
58.5	3.00	3.18	3.26	3.22	3.17	3.13	3.08	3.04	2.99	2.95	2.91
59.0	3.04	3.22	3.31	3.26	3.22	3.18	3.13	3.09	3.04	3.00	2.96
59.5	3.08	3.27	3.36	3.31	3.27	3.22	3.18	3.14	3.09	3.05	3.00
60.0	3.12	3.31	3.40	3.36	3.31	3.27	3.23	3.18	3.14	3.09	3.05
60.5	3.17	3.35	3.45	3.41	3.36	3.32	3.27	3.23	3.19	3.14	3.10
61.0	3.21	3.39	3.50	3.45	3.41	3.36	3.32	3.28	3.23	3.19	3.14
61.5	3.25	3.43	3.54	3.50	3.46	3.41	3.37	3.32	3.28	3.24	3.19
62.0	3.29	3.48	3.59	3.55	3.50	3.46	3.41	3.37	3.33	3.28	3.24
62.5	3.33	3.52	3.64	3.59	3.55	3.51	3.46	3.42	3.37	3.33	3.29
63.0	3.38	3.56	3.68	3.64	3.60	3.55	3.51	3.46	3.42	3.38	3.33
63.5	3.42	3.60	3.73	3.69	3.64	3.60	3.56	3.51	3.47	3.42	3.38
64.0	3.46	3.64	3.78	3.73	3.69	3.65	3.60	3.56	3.51	3.47	3.43
64.5	3.50	3.69	3.83	3.78	3.74	3.69	3.65	3.61	3.56	3.52	3.47
65.0	3.54	3.73	3.87	3.83	3.78	3.74	3.70	3.65	3.61	3.56	3.52
65.5	3.59	3.77	3.92	3.88	3.83	3.79	3.74	3.70	3.66	3.61	3.57
66.0	3.63	3.81	3.97	3.92	3.88	3.83	3.79	3.75	3.70	3.66	3.61
66.5	3.67	3.85	4.01	3.97	3.93	3.88	3.84	3.79	3.75	3.71	3.66
67.0	3.71	3.89	4.06	4.02	3.97	3.93	3.88	3.84	3.80	3.75	3.71
67.5	3.75	3.94	4.11	4.06	4.02	3.98	3.93	3.89	3.85	3.80	3.76
68.0	3.79	3.98	4.15	4.11	4.07	4.02	3.98	3.93	3.89	3.85	3.80
68.5	3.84	4.02	4.20	4.16	4.11	4.07	4.03	3.98	3.94	3.89	3.85
69.0	3.88	4.06	4.25	4.20	4.16	4.12	4.07	4.03	3.98	3.94	3.89
69.5	3.92	4.10	4.30	4.25	4.21	4.16	4.12	4.08	4.03	3.99	3.94
70.0	3.96	4.15	4.34	4.30	4.25	4.21	4.17	4.12	4.08	4.03	3.99
70.5	4.00	4.19	4.39	4.35	4.30	4.26	4.21	4.17	4.13	4.08	4.04
71.0	4.05	4.23	4.44	4.39	4.35	4.30	4.26	4.22	4.17	4.13	4.08
71.5	4.09	4.27	4.48	4.44	4.40	4.35	4.31	4.26	4.22	4.18	4.13
72.0	4.13	4.31	4.53	4.49	4.44	4.40	4.35	4.31	4.27	4.22	4.18
72.5	4.17	4.36	4.58	4.53	4.49	4.45	4.40	4.36	4.31	4.27	4.23
73.0	4.21	4.40	4.62	4.58	4.54	4.49	4.45	4.40	4.36	4.32	4.27
73.5	4.26	4.44	4.67	4.63	4.58	4.54	4.50	4.45	4.41	4.36	4.32
74.0	4.30	4.48	4.72	4.67	4.63	4.59	4.54	4.50	4.45	4.41	4.37
74.5	4.34	4.52	4.77	4.72	4.68	4.63	4.59	4.55	4.50	4.46	4.41
75.0	4.38	4.57	4.81	4.77	4.72	4.68	4.64	4.59	4.55	4.50	4.46
75.5	4.42	4.61	4.86	4.82	4.77	4.73	4.68	4.64	4.60	4.55	4.51
76.0	4.47	4.65	4.91	4.86	4.82	4.77	4.73	4.69	4.64	4.60	4.55
76.5	4.51	4.69	4.95	4.91	4.87	4.82	4.78	4.73	4.69	4.65	4.60
77.0	4.55	4.73	5.00	4.96	4.91	4.87	4.82	4.78	4.74	4.69	4.65

TABLE 4. PPEDICTED FEV1 FOR FEMALES (KNUDSON, ET AL., AM REV RESPIR DIS. 1976, 113, 587.)

AGE / HT	17	19	21	23	25	27	29	31	33	35	37
52.0	2.31	2.48	2.33	2.29	2.25	2.21	2.16	2.12	2.08	2.04	2.00
52.5	2.34	2.51	2.37	2.32	2.28	2.24	2.20	2.16	2.11	2.07	2.03
53.0	2.38	2.55	2.40	2.36	2.32	2.27	2.23	2.19	2.15	2.11	2.06
53.5	2.41	2.58	2.43	2.39	2.35	2.31	2.27	2.22	2.18	2.14	2.10
54.0	2.45	2.62	2.47	2.43	2.38	2.34	2.30	2.26	2.22	2.17	2.13
54.5	2.48	2.65	2.50	2.46	2.42	2.38	2.33	2.29	2.25	2.21	2.17
55.0	2.51	2.68	2.54	2.49	2.45	2.41	2.37	2.33	2.28	2.24	2.20
55.5	2.55	2.72	2.57	2.53	2.49	2.45	2.40	2.36	2.32	2.28	2.24
56.0	2.58	2.75	2.61	2.56	2.52	2.48	2.44	2.40	2.35	2.31	2.27
56.5	2.62	2.79	2.64	2.60	2.56	2.51	2.47	2.43	2.39	2.35	2.30
57.0	2.65	2.82	2.67	2.63	2.59	2.55	2.51	2.46	2.42	2.38	2.34
57.5	2.69	2.86	2.71	2.67	2.62	2.58	2.54	2.50	2.46	2.42	2.37
58.0	2.72	2.89	2.74	2.70	2.66	2.62	2.57	2.53	2.49	2.45	2.41
58.5	2.75	2.92	2.78	2.73	2.69	2.65	2.61	2.57	2.52	2.48	2.44
59.0	2.79	2.96	2.81	2.77	2.73	2.69	2.64	2.60	2.56	2.52	2.48
59.5	2.82	2.99	2.85	2.80	2.76	2.72	2.68	2.64	2.59	2.55	2.51
60.0	2.86	3.03	2.88	2.84	2.80	2.75	2.71	2.67	2.63	2.59	2.55
60.5	2.89	3.06	2.91	2.87	2.83	2.79	2.75	2.70	2.66	2.62	2.58
61.0	2.93	3.10	2.95	2.91	2.86	2.82	2.78	2.74	2.70	2.65	2.61
61.5	2.96	3.13	2.98	2.94	2.90	2.86	2.81	2.77	2.73	2.69	2.65
62.0	2.99	3.16	3.02	2.97	2.93	2.89	2.85	2.81	2.76	2.72	2.68
62.5	3.03	3.20	3.05	3.01	2.97	2.93	2.88	2.84	2.80	2.76	2.72
63.0	3.06	3.23	3.09	3.04	3.00	2.96	2.92	2.88	2.83	2.79	2.75
63.5	3.10	3.27	3.12	3.08	3.04	2.99	2.95	2.91	2.87	2.83	2.78
64.0	3.13	3.30	3.15	3.11	3.07	3.03	2.99	2.94	2.90	2.86	2.82
64.5	3.17	3.34	3.19	3.15	3.10	3.06	3.02	2.98	2.94	2.89	2.85
65.0	3.20	3.37	3.22	3.18	3.14	3.10	3.05	3.01	2.97	2.93	2.88
65.5	3.23	3.40	3.26	3.21	3.17	3.13	3.09	3.05	3.00	2.96	2.92
66.0	3.27	3.44	3.29	3.25	3.21	3.17	3.12	3.08	3.04	3.00	2.96
66.5	3.30	3.47	3.33	3.28	3.24	3.20	3.16	3.12	3.07	3.03	2.99
67.0	3.34	3.51	3.36	3.32	3.28	3.24	3.19	3.15	3.11	3.07	3.03
67.5	3.37	3.54	3.39	3.35	3.31	3.27	3.23	3.18	3.14	3.10	3.06
68.0	3.41	3.58	3.43	3.39	3.34	3.30	3.26	3.22	3.18	3.13	3.09
68.5	3.44	3.61	3.46	3.42	3.38	3.34	3.29	3.25	3.21	3.17	3.12
69.0	3.47	3.64	3.50	3.46	3.41	3.37	3.33	3.29	3.25	3.20	3.16
69.5	3.51	3.68	3.53	3.49	3.45	3.41	3.36	3.32	3.28	3.24	3.20
70.0	3.54	3.71	3.57	3.52	3.48	3.44	3.40	3.36	3.31	3.27	3.23
70.5	3.58	3.75	3.60	3.56	3.52	3.47	3.43	3.39	3.35	3.31	3.27
71.0	3.61	3.78	3.63	3.59	3.55	3.51	3.47	3.42	3.38	3.34	3.30
71.5	3.65	3.82	3.67	3.63	3.58	3.54	3.50	3.46	3.42	3.38	3.34
72.0	3.68	3.85	3.70	3.66	3.62	3.58	3.53	3.49	3.45	3.41	3.37
72.5	3.71	3.89	3.74	3.70	3.65	3.61	3.57	3.53	3.49	3.44	3.40
73.0	3.75	3.92	3.77	3.73	3.69	3.65	3.60	3.56	3.52	3.48	3.44
73.5	3.78	3.95	3.81	3.76	3.72	3.68	3.64	3.60	3.55	3.51	3.47
74.0	3.82	3.99	3.84	3.80	3.76	3.71	3.67	3.63	3.59	3.55	3.51
74.5	3.85	4.02	3.87	3.83	3.79	3.75	3.71	3.66	3.62	3.58	3.54
75.0	3.89	4.06	3.91	3.87	3.82	3.78	3.74	3.70	3.66	3.61	3.57
75.5	3.92	4.09	3.94	3.90	3.86	3.82	3.77	3.73	3.69	3.65	3.61
76.0	3.95	4.12	3.98	3.94	3.89	3.85	3.81	3.77	3.73	3.68	3.64
76.5	3.99	4.16	4.01	3.97	3.93	3.89	3.84	3.80	3.76	3.72	3.68
77.0	4.02	4.19	4.05	4.00	3.96	3.92	3.88	3.84	3.79	3.75	3.71

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APPENDIX D—PULMONARY FUNCTION STANDARDS FOR COTTON DUST STANDARD

The spirometric measurements of pulmonary function shall conform to the following minimum standards, and these standards are not intended to preclude additional testing or alternate methods which can be determined to be superior.

I. APPARATUS

a. The instrument shall be accurate to within ±50 milliliters or within ±3 percent of reading, whichever is greater.

b. The instrument should be capable of measuring vital capacity from 0 to 7 liters BTPS.

c. The instrument shall have a low inertia and offer low resistance to airflow such that the resistance to airflow at 12 liters per second must be less than 1.5 cm H_2O/(liter/sec).

d. The zero time point for the purpose of timing the FEV, shall be determined by extrapolating the steepest portion of the volume time curve back to the maximal inspiration volume (1, 2, 3, 4) or by an equivalent method.

e. Instruments incorporating measurements of airflow to determine volume shall conform to the same volume accuracy stated in (a) of this section when presented with flow rates from at least 0 to 12 liters per second.

f. The instrument or user of the instrument must have a means of correcting volumes to body temperature saturated with water vapor (BTPS) under conditions of varying ambient spirometer temperatures and barometric pressures.

g. The instrument used shall provide a tracing or display of either flow versus volume or volume versus time during the entire forced expiration. A tracing or display is necessary to determine whether the patient has performed the test properly. The tracing must be stored and available for recall and must be of sufficient size that hand measurements may be made within requirement of paragraph (a) of this section. If a paper record is made it must have a paper speed of at least 2 cm/sec and a volume sensitivity of at least 10.0 mm of chart per liter of volume.

h. The instrument shall be capable of accumulating volume for a minimum of 10 seconds and shall not stop accumulating volume before (1) the volume change for a 0.5 second interval is less than 25 milliliters, or (2) the flow is less than 50 milliliters per second for a 0.5 second interval.

i. The forced vital capacity (FVC) and forced expiratory volume in 1 second ($FEV_{1.0}$) measurements shall comply with the accuracy requirements stated in paragraph (a) of this section. That is, they should be accurately measured to within ±50 ml or within ±3 percent of reading, whichever is greater.

j. The instrument must be capable of being calibrated in the field with respect to the FEV, and FVC. This calibration of the FEV, and FVC may be either directly or indirectly through volume and time base measurements. The volume calibration source should provide a volume displacement of at least 2 liters and should be accurate to within ±30 milliliters.

II. TECHNIQUE FOR MEASUREMENT OF FORCED VITAL CAPACITY MANEUVER

a. Use of a nose clip is recommended but not required. The procedures shall be explained in simple terms to the patient who shall be instructed to loosen any tight clothing and stand in front of the apparatus. The subject may sit, but care should be taken on repeat testing that the same position be used and, if possible, the same spirometer. Particular attention shall be given to insure that the chin is slightly elevated with the neck slightly extended. The patient shall be instructed to make a full inspiration from a normal breathing pattern and then blow into the apparatus, without interruption, as hard, fast, and completely as possible. At least three forced expirations shall be carried out. During the maneuvers, the patient shall be observed for compliance with instruction. The expirations shall be checked visually for reproducibility from flow-volume or volume-time tracings or displays. The following efforts shall be judged unacceptable when the patient:

1. Has not reached full inspiration preceding the forced expiration,

2. Has not used maximal effort during the entire forced expiration,

3. Has not continued the expiration for at least 5 seconds or until an obvious plateau in the volume time curve has occurred,

4. Has coughed or closed his glottis,

5. Has an obstructed mouthpiece or a leak around the mouthpiece (obstruction due to tongue being placed in front of mouthpiece, false teeth falling in front of mouthpiece, etc.)

6. Has an unsatisfactory start of expiration, one characterized by excessive hesitation (or false starts), and therefore not allowing back extrapolation of time 0 (extrapolated volume on the volume time tracing must be less than 10 percent of the FVC.)

7. Has an excessive variability between the three acceptable curves. The variation between the two largest FVC's and FEV_1's of the three satisfactory tracings should not exceed 10 percent or ± 100 milliliters, whichever is greater.

b. Periodic and routine recalibration of the instrument or method for recording FVC and $FEV_{1.0}$ should be performed using a syringe or other volume source of at least 2 liters.

III. INTERPRETATION OF SPIROGRAM

a. The first step in evaluating a spirogram should be to determine whether or not the patient has performed the test properly or as described in II above. From the three satisfactory tracings, the forced vital capacity (FVC) and forced expiratory volume in 1 second ($FEV_{1.0}$) shall be measured and recorded. The largest observed FVC and largest observed FEV_1 shall be used in the analysis regardless of the curve(s) on which they occur.

b. The following guidelines are recommended by NIOSH for the evaluation and management of workers exposed to cotton dust. It is important to note that employees who show reductions in FEV_1/FVC ratio below .75 or drops in Monday FEV_1 of 5 percent or greater on their initial screening exam, should be re-evaluated within a month of the first exam. Those who show consistent decrease in lung function, as shown on the following table, should be managed as recommended.

IV. QUALIFICATIONS OF PERSONNEL ADMINISTERING THE TEST

Technicians who perform pulmonary function testing should have the basic knowledge required to produce meaningful results. Training consisting of approximately 16 hours of formal instruction should cover the following areas. Persons who successfully complete the course will be certified by OSHA or their designee.

a. Basic physiology of the forced vital capacity maneuver and the determinants of airflow limitation with emphasis on the relation to reproducibility of results.

b. Instrumentation requirements including calibration procedures, sources of error and their correction.

c. Performance of the testing including subject coaching, recognition of improperly performed maneuvers and corrective actions.

d. Data quality with emphasis on reproducibility.

e. Actual use of the equipment under supervised conditions.

f. Measurement of tracings and calculations of results.

§ 1910.1044 1,2-dibromo-3-chloropropane.

(a) *Scope and application.* (1) This section applies to occupational exposure to 1,2-dibromo-3-chloropropane (DBCP).

(2) This section does not apply to:

(i) Exposure to DBCP which results solely from the application and use of DBCP as a pesticide; or

(ii) The storage, transportation, distribution or sale of DBCP in intact containers sealed in such a manner as to prevent exposure to DBCP vapors or liquid, except for the requirements of paragraphs (i), (n) and (o) of this section.

(b) *Definitions.* "Authorized person" means any person required by his duties to be present in regulated areas and authorized to do so by his employer, by this section, or by the Act. "Authorized person" also includes any person entering such areas as a designated representative of employees exercising an opportunity to observe employee exposure monitoring.

"DBCP" means 1,2-dibromo-3-chloropropane, Chemical Abstracts Service Registry Number 96-12-8, and includes all forms of DBCP.

"Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education and Welfare, or designee.

"Emergency" means any occurrence such as, but not limited to equipment failure, rupture of containers, or failure of control equipment which may, or does, result in an unexpected release of DBCP.

"OSHA Area Office" means the Area Office of the Occupational Safety and Health Administration having jurisdiction over the geographic area where the affected workplace is located.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

(c) *Permissible exposure limit*—(1) *Inhalation.* The employer shall assure that no employee is exposed to an airborne concentration of DBCP in excess of 1 part DBCP per billion parts of air (ppb) as an 8-hour time-weighted average.

(2) *Dermal and eye exposure.* The employer shall assure that no employee is exposed to eye or skin contact with DBCP.

(d) *Notification of use.* Within ten (10) days following the introduction of DBCP into the workplace, every employer who has a workplace where DBCP is present, shall report the following information to the nearest OSHA Area Office for each such workplace;

(1) The address and location of the workplace:

(2) A brief description of each process or operation which may result in employee exposure to DBCP;

(3) The number of employees engaged in each process or operation who may be exposed to DBCP and an estimate of the frequency and degree of exposure that occurs; and

(4) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to DBCP.

(e) *Regulated areas.* (1) The employer shall establish, within each place of employment, regulated areas wherever DBCP concentrations are in excess of the permissible exposure limit.

(2) The employer shall limit access to regulated areas to authorized persons.

(f) *Exposure monitoring*—(1) *General.* (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to DBCP over an 8-hour period.

(ii) For the purposes of this paragraph, employee exposure is that exposure which would occur if the employee were not using a respirator.

(2) *Initial.* Each employer who has a place of employment in which DBCP is present, shall monitor each workplace and work operation to accurately determine the airborne concentrations of DBCP to which employees may be exposed.

(3) *Frequency.* (i) If the monitoring required by this section reveals employee exposures to be below the permissible exposure limit, the employer shall repeat these measurements at least quarterly.

(ii) If the monitoring required by this section reveals employee exposures to be in excess of the permissible exposure limit, the employer shall repeat these measurements for each such employee at least monthly. The employer shall continue monthly monitoring until at least two consecutive measurements, taken at least seven (7) days apart, are below the permissible exposure limit. Thereafter the employer shall monitor at least quarterly.

(4) *Additional.* Whenever there has been a production, process, control, or personnel change which may result in any new or additional exposure to DBCP, or whenever the employer has any reason to suspect new or additional exposures to DBCP, the employer shall monitor the employees potentially affected by such change for the purpose of redetermining their exposure.

(5) *Employee notification.* (i) Within five (5) working days after the receipt of monitoring results, the employer shall notify each employee in writing of the measurements which represent the employee's exposure.

(ii) Whenever the results indicate that employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limit.

(6) *Accuracy of measurement.* The employer shall use a method of measurement which has an accuracy, to a confidence level of 95 percent, of not less than plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limit.

(g) *Methods of compliance*—(1) *Priority of compliance methods.* The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to DBCP at or below the permissible exposure limit, except to the extent that the employer establishes that such controls are not feasible. Where feasible engineering and work practice controls are not sufficient to reduce employee exposures to within the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls, and shall supplement them by use of respiratory protection.

(2) *Compliance program.* (i) The employer shall establish and implement a written program to reduce employee exposures to DBCP to or below the permissible exposure limit solely by means of engineering and work practice controls as required by paragraph (g)(1) of this section.

(ii) The written program shall include a detailed schedule for development and implementation of the engineering and work practice controls. These plans shall be revised at least every six months to reflect the current status of the program.

(iii) Written plans for these compliance programs shall be submitted upon request to the Assistant Secretary and the Director, and shall be available at the worksite for examination and copying by the Assistant Secretary, the Director, and any affected employee or designated representative of employees.

(iv) The employer shall institute and maintain at least the controls described in his most recent written compliance program.

(h) *Respirators*—(1) *General.* Where respiratory protection is required under this section, the employer shall select, provide and assure the proper use of respirators. Respirators shall be used in the following circumstances:

(i) During the period necessary to install or implement feasible engineering and work practice controls; or

(ii) During maintenance and repair activities in which engineering and work practice controls are not feasible; or

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limit; or

(iv) In emergencies.

(2) *Respirator selection.* (i) Where respirators are required under this section, the employer shall select and provide, at no cost to the employee, the appropriate respirator from Table 1 below and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

TABLE 1.—*Respiratory protection for DBCP*

Airborne concentration of DBCP or condition of use	Respirator type
(a) Less than or equal to 10 ppb.	(1) Any supplied-air respirator or (2) any self-contained breathing apparatus.
(b) Less than or equal to 50 ppb.	(1) Any supplied-air respirator with full facepiece, helmet, or hood; or (2) any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 1,000 ppb.	(1) A Type C supplied-air respirator operated in pressure-demand or other positive pressure or continuous flow mode.
(d) Less than or equal to 2,000 ppb.	(1) A Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure mode, or with full facepiece, helmet, or hood operated in continuous flow mode.

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TABLE 1.—*Respiratory protection for DBCP*—Continued

Airborne concentration of DBCP or condition of use	Respirator type
(e) Greater than 2,000 ppb or entry and escape from unknown concentrations.	(1) A combination respirator which includes a Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure or continuous flow mode and an auxiliary self-contained breathing apparatus operated in pressure-demand or positive pressure mode; or (2) a self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.
(f) Firefighting	(1) A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.

(3) *Respirator program.* (i) The employer shall institute a respiratory protection program in accordance with 29 CFR 1910.134 (b), (d), (e), and (f).

(ii) Employees who wear respirators shall be allowed to wash their faces and respirator facepieces as needed to prevent potential skin irritation associated with respirator use.

(l) *Emergency situations*—(1) *Written plan.* (i) A written plan for emergency situations shall be developed for each workplace in which DBCP is present.

(ii) Appropriate portions of the plan shall be implemented in the event of an emergency.

(2) Employees engaged in correcting emergency conditions shall be equipped as required in paragraphs (h) and (j) of this section until the emergency is abated.

(3) *Evacuation.* Employees not engaged in correcting the emergency shall be removed and restricted from the area and normal operations in the affected area shall not be resumed until the emergency is abated.

(4) *Alerting employees.* Where there is a possibility of employee exposure to DBCP due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(5) *Medical surveillance.* For any employee exposed to DBCP in an emergency situation, the employer shall provide medical surveillance in accordance with paragraph (m)(6) of this section.

(6) *Exposure monitoring.* (i) Following an emergency, the employer shall conduct monitoring which complies with paragraph (f) of this section.

(ii) In workplaces not normally subject to periodic monitoring, the employer may terminate monitoring when two consecutive measurements indicate exposures below the permissible exposure limit.

(j) *Protective clothing and equipments*—(1) *Provision and use.* Where there is any possibility of eye or dermal contact with liquid or solid DBCP, the employer shall provide, at no cost to the employee, and assure that the employee wears impermeable protective clothing and equipment to protect the area of the body which may come in contact with DBCP. Eye and face protection shall meet the requirements of § 1910.133 of this part.

(2) *Removal and storage.* (i) The employer shall assure that employees remove DBCP contaminated work clothing only in change rooms provided in accordance with paragraph (l)(1) of this section.

(ii) The employer shall assure that employees promptly remove any protective clothing and equipment which becomes contaminated with DBCP-containing liquids and solids. This clothing shall not be reworn until the DBCP has been removed from the clothing or equipment.

(iii) The employer shall assure that no employee takes DBCP contaminated protective devices and work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, of disposal.

(iv) DBCP-contaminated protective devices and work clothing shall be placed and stored in closed containers which prevent dispersion of the DBCP outside the container.

(v) Containers of DBCP contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for cleaning, maintenance or disposal, shall bear labels in accordance with paragraph (o)(3) of this section.

(3) *Cleaning and replacement.* (i) The employer shall clean, launder, repair, or replace protective clothing and equipment required by this paragraph to maintain their effectiveness. The employer shall provide clean protective clothing and equipment at least daily to each affected employee.

(ii) The employer shall inform any person who launders or cleans DBCP-contaminated protective clothing or equipment of the potentially harmful effects of exposure to DBCP.

(iii) The employer shall prohibit the removal of DBCP from protective clothing and equipment by blowing or shaking.

(k) *Housekeeping*—(1) *Surfaces.* (i) All workplace surfaces shall be maintained free of visible accumulations of DBCP.

(ii) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces is prohibited where DBCP dusts or liquids are present.

(iii) Where vacuuming methods are selected to clean floors and other surfaces, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that DBCP is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by paragraph (o)(3) of this section.

(iv) Cleaning of floors and other surfaces contaminated with DBCP-containing dusts shall not be performed by washing down with a hose, unless a fine spray has first been laid down.

(2) *Liquids.* Where DBCP is present in a liquid form, or as a resultant vapor, all containers or vessels containing DBCP shall be enclosed to the maximum extent feasible and tightly covered when not in use.

(3) *Waste disposal.* DBCP waste scrap, debris, containers or equipment, shall be disposed of in sealed bags or other closed containers which prevent dispersion of DBCP outside the container.

(l) *Hygiene facilities and practices*—(1) *Change rooms.* The employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear protective clothing and equipment in accordance with paragraphs (h) and (j) of this section.

(2) *Showers.* (i) The employer shall assure that employees working in the regulated area shower at the end of the work shift.

(ii) The employer shall assure that employees whose skin becomes contaminated with DBCP-containing liquids or solids immediately wash or shower to remove any DBCP from the skin.

(iii) The employer shall provide shower facilities in accordance with 29 CFR 1910.141(d)(3).

(3) *Lunchrooms.* The employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(4) *Lavatories.* (i) The employer shall assure that employees working in the regulated area remove protective clothing and wash their hands and face prior to eating.

(ii) The employer shall provide a sufficient number of lavatory facilities which comply with 29 CFR 1910.141(d) (1) and (2).

(5) *Prohibition of activities in regulated areas.* The employer shall assure that, in regulated areas, food or beverages are not present or consumed, smoking products and implements are not present or used, and cosmetics are not present or applied.

(m) *Medical surveillance*—(1) *General.* (i) The employer shall make available a medical surveillance program for employees who work in regulated areas and employees who are subjected to DBCP exposures in an emergency situation.

(ii) All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(2) *Frequency and content.* At the time of initial assignment, and annually thereafter, the employer shall provide a medical examination for employees who work in regulated areas, which includes at least the following:

(i) A medical and occupational history including reproductive history.

(ii) A physical examination, including examination of the genito-urinary tract, testicle size and body habitus, including a determination of sperm count.

(iii) A serum specimen shall be obtained and the following determinations made by radioimmunoassay techniques utilizing National Institutes of Health (NIH) specific antigen or one of equivalent sensitivity:

(A) Serum follicle stimulating hormone (FSH);

(B) Serum luteinizing hormone (LH); and

(C) Serum total estrogen (females).

(iv) Any other tests deemed appropriate by the examining physician.

(3) *Additional examinations.* If the employee for any reason develops signs or symptoms commonly associated with exposure to DBCP, the employer shall provide the employee with a medical examination which shall include those elements considered appropriate by the examining physician.

(4) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The level of DBCP to which the employee is exposed; and

(iv) A description of any personal protective equipment used or to be used.

(5) *Physician's written opinion.* (i) For each examination under this section, the employer shall obtain and provide the employee with a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of health from exposure to DBCP; and

(C) Any recommended limitations upon the employee's exposure to DBCP or upon the use of protective clothing and equipment such as respirators.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(6) *Emergency situations.* If the employee is exposed to DBCP in an emergency situation, the employer shall provide the employee with a sperm count test as soon as practicable, or, if the employee has been vasectionized or is unable to produce a semen specimen, the hormone tests contained in paragraph (m)(2)(iii) of this section. The employer shall provide these same tests three months later.

(n) *Employee information and training*—(1) *Training program.* (i) The employer shall institute a training program for all employees who may be exposed to DBCP and shall assure their participation in such training program.

(ii) The employer shall assure that each employee is informed of the following:

(a) The information contained in Appendix A;

(b) The quantity, location, manner of use, release or storage of DBCP and the specific nature of operations which could result in exposure to DBCP as well as any necessary protective steps;

(c) The purpose, proper use, and limitations of respirators;

(d) The purpose and description of the medical surveillance program required by paragraph (m) of this section; and

(e) A review of this standard, including appendices.

(2) *Access to training materials.* (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Assistant Secretary and the Director.

(o) *Signs and labels*—(1) *General.* (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with, signs and labels required by this paragraph.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this paragraph which contradicts or detracts from the required sign or label.

(2) *Signs.* (i) The employer shall post signs to clearly indicate all regulated areas. These signs shall bear the legend:

DANGER

1,2-Dibromo-3-chloropropane

(Insert appropriate trade or common names)

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

RESPIRATOR REQUIRED

(3) *Labels.* (i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP in the workplace, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this paragraph need not be affixed.

(ii) The employer shall assure that the precautionary labels required by this paragraph are readily visible and legible. The labels shall bear the following legend:

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

(p) *Recordkeeping*—(1) *Exposure monitoring.* (i) The employer shall establish and maintain an accurate record of all monitoring required by paragraph (f) of this section.

(ii) This record shall include:

(A) The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

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(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(2) *Medical surveillance.* (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by paragraph (m) of this section.

(ii) This record shall include:

(*a*) The name and social security number of the employee;

(*b*) A copy of the physician's written opinion;

(*c*) Any employee medical complaints related to exposure to DBCP;

(*d*) A copy of the information provided the physician as required by paragraphs (m)(4)(ii) through (m)(4)(iv) of this section; and

(*e*) A copy of the employee's medical and work history.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(3) *Availability.* (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the Assistant Secretary and the Director for examination and copying.

(ii) The employer shall assure that all employee exposure monitoring records required by this section be made available for examination and copying to affected employees or their designated representatives.

(iii) The employer shall assure that former employees and former employee's designated representatives have access to such records as will indicate the former employee's own exposure to DBCP.

(iv) The employer shall assure that employee medical records required to be maintained by this section be made available, upon request, for examination and copying to the employee or former employee and to a physician or other individual designated by the affected employee or former employee.

(4) *Transfer of records.* (i) If the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by paragraph (p) of this section for the prescribed period.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall transmit these records by mail to the Director.

(iii) At the expiration of the retention period for the records required to be maintained under paragraph (p) of this section, the employer shall transmit these records by mail to the Director.

(q) *Observation of monitoring*—(1) *Employee observation.* The employer shall provide affected employees, or their designated representatives, with an opportunity to observe any monitoring of employee exposure to DBCP required by this section.

(2) *Observation procedures.* (i) Whenever observation of the measuring or monitoring of employee exposure to DBCP requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring or measurement, observers shall be entitled to:

(*a*) Receive an explanation of the measurement procedures;

(*b*) Observe all steps related to the measurement of airborne concentrations of DBCP performed at the place of exposure; and

(*c*) Record the results obtained.

(r) *Appendices.* The information contained in the appendices is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

Appendix A—Substance Safety Data Sheet For DBCP

I. SUBSTANCE IDENTIFICATION

A. Synonyms and trades names: DBCP; Dibromochloropropane; Fumazone (Dow Chemical Company TM); Nemafume; Nemagon (Shell Chemical Co. TM); Nemaset; BBC 12; and OS 1879.

B. Permissible exposure:

1. *Airborne.* 1 part DBCP vapor per billion parts of air (1 ppb); time-weighted average (TWA) for an 8-hour workday.

2. *Dermal.* Eye contact and skin contact with DBCP are prohibited.

C. Appearance and odor: Technical grade DBCP is a dense yellow or amber liquid with a pungent odor. It may also appear in granular form, or blended in varying concentrations with other liquids.

D. Uses: DBCP is used to control nematodes, very small worm-like plant parasites, on crops including cotton, soybeans, fruits, nuts, vegetables and ornamentals.

II. HEALTH HAZARD DATA

A. Routes of entry: Employees may be exposed:

1. Through inhalation (breathing);
2. Through ingestion (swallowing);
3. Skin contact; and
4. Eye contact.

B. Effects of exposure:

1. *Acute exposure.* DBCP may cause drowsiness, irritation of the eyes, nose, throat and skin, nausea and vomiting. In addition, overexposure may cause damage to the lungs, liver or kidneys.

2. *Chronic exposure.* Prolonged or repeated exposure to DBCP has been shown to cause sterility in humans. It also has been shown to produce cancer and sterility in laboratory animals and has been determined to constitute an increased risk of cancer in man.

3. *Reporting Signs and Symptoms.* If you develop any of the above signs or symptoms that you think are caused by exposure to DBCP, you should inform your employer.

III. EMERGENCY FIRST AID PROCEDURES

A. *Eye exposure.* If DBCP liquid or dust containing DBCP gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. Get medical attention immediately. Contact lenses should not be worn when working with DBCP.

B. *Skin exposure.* If DBCP liquids or dusts containing DBCP get on your skin, immediately wash using soap or mild detergent and water. If DBCP liquids or dusts containing DBCP penetrate through your clothing, remove the clothing immediately and wash. If irritation is present after washing get medical attention.

C. *Breathing.* If you or any person breathe in large amounts of DBCP, move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Do not use mouth-to-mouth. Keep the affected person warm and at rest. Get medical attention as soon as possible.

D. *Swallowing.* When DBCP has been swallowed and the person is conscious, give the person large amounts of water immediately. After the water has been swallowed, try to get the person to vomit by having him touch the back of his throat with his finger. Do not make an unconscious person vomit. Get medical attention immediately.

E. *Rescue.* Notify someone. Put into effect the established emergency rescue procedures. Know the locations of the emergency rescue equipment before the need arises.

IV. RESPIRATORS AND PROTECTIVE CLOTHING

A. *Respirators.* You may be required to wear a respirator in emergencies and while your employer is in the process of reducing DBCP exposures through engineering controls. If respirators are worn, they must have a National Institute for Occupational Safety and Health (NIOSH) approval label (Older respirators may have a Bureau of Mines Approval label). For effective protection, a respirator must fit your face and head snugly. The respirator should not be loosened or removed in work situations where its use is required. DBCP does not have a detectable odor except at 1,000 times or more above the permissible exposure limit. If you can smell DBCP while wearing a respirator, the respirator is not working correctly; go immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. *Protective clothing.* When working with DBCP you must wear for your protection impermeable work clothing provided by your employer. (Standard rubber and neoprene protective clothing do not offer adequate protection).

DBCP must never be allowed to remain on the skin. Clothing and shoes must not be allowed to become contaminated with DBCP, and if they do, they must be promptly removed and not worn again until completely free of DBCP. Turn in impermeable clothing that has developed leaks for repair or replacement.

C. *Eye protection.* You must wear splash-proof safety goggles where there is any possibility of DBCP liquid or dust contacting your eyes.

V. PRECAUTIONS FOR SAFE USE, HANDLING, AND STORAGE

A. DBCP must be stored in tightly closed containers in a cool, well-ventilated area.

B. If your work clothing may have become contaminated with DBCP, or liquids or dusts containing DBCP, you must change into uncontaminated clothing before leaving the work premises.

C. You must promptly remove any protective clothing that becomes contaminated with DBCP. This clothing must not be reworn until the DBCP is removed from the clothing.

D. If your skin becomes contaminated with DBCP, you must immediately and thoroughly wash or shower with soap or mild detergent and water to remove any DBCP from your skin.

E. You must not keep food, beverages, cosmetics, or smoking materials, nor eat or smoke, in regulated areas.

F. If you work in a regulated area, you must wash your hands thoroughly with soap or mild detergent and water, before eating, smoking or using toilet facilities.

G. If you work in a regulated area, you must remove any protective equipment or clothing before leaving the regulated area.

H. Ask your supervisor where DBCP is used in your work area and for any additional safety and health rules.

VI. ACCESS TO INFORMATION

A. Each year, your employer is required to inform you of the information contained in this Substance Safety Data Sheet for DBCP. In addition, your employer must instruct you in the safe use of DBCP, emergency procedures, and the correct use of protective equipment.

B. Your employer is required to determine whether you are being exposed to DBCP. You or your representative have the right to observe employee exposure measurements and to record the result obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he is required to inform you of the actions which are being taken to reduce your exposure.

C. Your employer is required to keep records of your exposure and medical examinations. Your employer is required to keep exposure and medical data for at least 40 years or the duration of your employment plus 20 years, whichever is longer.

D. Your employer is required to release exposure and medical records to you, your physician, or other individual designated by you upon your written request.

Appendix B—Substance Technical Guidelines for DBCP

I. PHYSICAL AND CHEMICAL DATA

A. Substance Identification

1. Synonyms: 1,2-dibromo-3-chloropropane; DBCP, Fumazone; Nemafume; Nemagon; Nemaset; BBC 12; OS 1879. DBCP is also included in agricultural pesticides and fumigants which include the phrase "Nema——" in their name.
2. Formula: $C_3H_5Br_2Cl$.
3. Molecular Weight: 236.

B. Physical Data:

1. Boiling point (760 mm HG): 195C (383F)
2. Specific gravity (water=1): 2.093.
3. Vapor density (air=1 at boiling point of DBCP): Data not available.
4. Melting point: 6C (43F).
5. Vapor pressure at 20C (68F): 0.8 mm Hg
6. Solubility in water: 1000 ppm.
7. Evaporation rate (Butyl Acetate=1): very much less than 1.
8. Appearance and odor: Dense yellow or amber liquid with a pungent odor at high concentrations. Any detectable odor of DBCP indicates overexposure.

II. FIRE EXPLOSION AND REACTIVITY HAZARD DATA

A. Fire

1. Flash point: 170F (77C)
2. Autoignition temperature: Data not available.
3. Flammable limits in air, percent by volume: Data not available.
4. Extinguishing media: Carbon dioxide, dry chemical.
5. Special fire-fighting procedures: Do not use a solid stream of water since a stream will scatter and spread the fire. Use water spray to cool containers exposed to a fire.
6. Unusual fire and explosion hazards: None known.
7. For purposes of complying with the requirements of § 1910.106, liquid DBCP is classified as a Class III A combustible liquid.
8. For the purpose of complying with § 1910.309, the classification of hazardous locations as described in article 500 of the National Electrical Code for DBCP shall be Class I, Group D.
9. For the purpose of compliance with § 1910.157, DBCP is classified as a Class B fire hazard.
10. For the purpose of compliance with § 1910.178, locations classified as hazardous locations due to the presence of DBCP shall be Class I, Group D.
11. Sources of ignition are prohibited where DBCP presents a fire or explosion hazard.

B. Reactivity

1. Conditions contributing to instability: None known.
2. Incompatibilities: Reacts with chemically active metals, such as aluminum, magnesium and tin alloys.
3. Hazardous decomposition products: Toxic gases and vapors (such as HBr, HCl and carbon monoxide) may be released in a fire involving DBCP.
4. Special precautions: DBCP will attack some rubber materials and coatings.

III. SPILL, LEAK AND DISPOSAL PROCEDURES

A. If DBCP is spilled or leaked, the following steps should be taken:

1. The area should be evacuated at once and re-entered only after thorough ventilation.
2. Ventilate area of spill or leak.
3. If in liquid form, collect for reclamation or absorb in paper, vermiculite, dry sand, earth or similar material.
4. If in solid form, collect spilled material in the most convenient and safe manner for reclamation or for disposal.

B. Persons not wearing protective equipment must be restricted from areas of spills or leaks until cleanup has been completed.

C. Waste Disposal Methods:

1. For small quantities of liquid DBCP, absorb on paper towels, remove to a safe place (such as a fume hood) and burn the paper. Large quantities can be reclaimed or collected and atomized in a suitable combustion chamber equipped with an appropriate effluent gas cleaning device. If liquid DBCP is absorbed in vermiculite, dry sand, earth or similar material and placed in sealed containers it may be disposed of in a State-approved sanitary landfill.
2. If in solid form, for small quantities, place on paper towels, remove to a safe place (such as a fume hood) and burn. Large quantities may be reclaimed. However, if this is not practical, dissolve in a flammable solvent (such as alcohol) and atomize in a suitable combustion chamber equipped with an appropriate effluent gas cleaning device. DBCP in solid form may also be disposed in a state-approved sanitary landfill.

IV. MONITORING AND MEASUREMENT PROCEDURES

A. Exposure above the permissible exposure limit.

1. *Eight Hour Exposure Evaluation:* Measurements taken for the purpose of determining employee exposure under this section are best taken so that the average 8-hour exposure may be determined from a single 8-hour sample or two (2) 4-hour samples. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee).
2. *Monitoring Techniques:* The sampling and analysis under this section may be performed by collecting the DBCP vapor on petroleum based charcoal absorption tubes with subsequent chemical analyses. The method of measurement chosen should determine the concentration of airborne DBCP at the permissible exposure limit to an accuracy of plus or minus 25 percent. If charcoal tubes are used, a total volume of 10 liters should be collected at a flow rate of 50 cc. per minute for each tube. Analyze the resultant samples as you would samples of halogenated solvent.

B. Since many of the duties relating to employee protection are dependent on the results of monitoring and measuring procedures, employers should assure that the evaluation of employee exposures is performed by a competent industrial hygienist or other technically qualified person.

V. PROTECTIVE CLOTHING

Employees should be required to wear appropriate protective clothing to prevent any possibility of skin contact with DBCP. Because DBCP is absorbed through the skin, it is important to prevent skin contact with both liquid and solid forms of DBCP. Protective clothing should include impermeable coveralls or similar fullbody work clothing, gloves, headcoverings, and workshoes or shoe coverings. Standard rubber and neoprene gloves do not offer adequate protection and should not be relied upon to keep DBCP off the skin. DBCP should never be allowed to remain on the skin. Clothing and shoes should not be allowed to become contaminated with the material, and if they do, they should be promptly removed and not worn again until completely free of the material. Any protective clothing which has developed leaks or is otherwise found to be defective should be repaired or replaced. Employees should also be required to wear splash-proof safety goggles where there is any possibility of DBCP contacting the eyes.

VI. HOUSEKEEPING AND HYGIENE FACILITIES

1. The workplace must be kept clean, orderly and in a sanitary condition;

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2. Dry sweeping and the use of compressed air is unsafe for the cleaning of floors and other surfaces where DBCP dust or liquids are found. To minimize the contamination of air with dust, vacuuming with either portable or permanent systems must be used. If a portable unit is selected, the exhaust must be attached to the general workplace exhaust ventilation system, or collected within the vacuum unit equipped with high efficiency filters or other appropriate means of contamination removal and not used for other purposes. Units used to collect DBCP must be labeled.

3. Adequate washing facilities with hot and cold water must be provided, and maintained in a sanitary condition. Suitable cleansing agents should also be provided to assure the effective removal of DBCP from the skin.

4. Change or dressing rooms with individual clothes storage facilities must be provided to prevent the contamination of street clothes with DBCP. Because of the hazardous nature of DBCP, contaminated protective clothing must be stored in closed containers for cleaning or disposal.

VII. MISCELLANEOUS PRECAUTIONS

A. Store DBCP in tightly closed containers in a cool, well ventilated area.

B. Use of supplied-air suits or other impervious clothing (such as acid suits) may be necessary to prevent skin contact with DBCP. Supplied-air suits should be selected, used, and maintained under the supervision of persons knowlegeable in the limitations and potential life-endangering characteristics of supplied-air suits.

C. The use of air-conditioned suits may be necessary in warmer climates.

D. Advise employees of all areas and operations where exposure to DBCP could occur.

VIII. COMMON OPERATIONS

Common operations in which exposure to DBCP is likely to occur are: during its production; and during its formulation into pesticides and fumigants.

APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES FOR DBCP

I. ROUTE OF ENTRY

Inhalation; skin absorption

II. TOXICOLOGY

Recent data collected on workers involved in the manufacture and formulation of DBCP has shown that DBCP can cause sterility at very low levels of exposure. This finding is supported by studies showing that DBCP causes sterility in animals. Chronic exposure to DBCP resulted in pronounced necrotic action on the parenchymatous organs (i.e., liver, kidney, spleen) and on the testicles of rats at concentrations as low as 5 ppm. Rats that were chronically exposed to DBCP also showed changes in the composition of the blood, showing low RBC, hemoglobin, and WBC, and high reticulocyte levels as well as functional hepatic disturbance, manifesting itself in a long prothrombin time. Reznik et al. noted a single dose of 100 mg produced profound depression of the nervous system of rats. Their condition gradually improved. Acute exposure also resulted in the destruction of the sex gland activity of male rats as well as causing changes in the estrous cycle in female rats. Animal studies have also associated DBCP with an increased incidence of carcinoma. Olson, et al. orally administered DBCP to rats and mice 5 times per week at experimentally predetermined maximally tolerated doses and at half those doses. As early as ten weeks after initiation of treatment, DBCP induced a high incidence of squamous cell carcinomas of the stomach with metastases in both species. DBCP also induced mammary adenocarcinomas in the female rats at both dose levels.

III. SIGNS AND SYMPTOMS

A. Inhalation: Nausea, eye irritation, conjunctivitis, respiratory irritation, pulmonary congestion or edema, CNS depression with apathy, sluggishness, and ataxia.

B. Dermal: Erythema or inflammation and dermatitis on repeated exposure.

IV. SPECIAL TESTS

A. *Semen analysis:* The following information excerpted from the document "Evaluation of Testicular Function", submitted by the Corporate Medical Department of the Shell Oil Company (exhibit 39-3), may be useful to physicians conducting the medical surveillance program;

In performing semen analyses certain minimal but specific criteria should be met;

1. It is recommended that a minimum of three valid semen analyses be obtained in order to make a determination of an individual's average sperm count.

2. A period of sexual abstinence is necessary prior to the collection of each masturbatory sample. It is recommended that intercourse or masturbation be performed 48 hours before the actual specimen collection. A period of 48 hours of abstinence would follow; then the masturbatory sample would be collected.

3. Each semen specimen should be collected in a clean, widemouthed, glass jar (not necessarily pre-sterilized) in a manner designated by the examining physician. Any part of the seminal fluid exam should be initialed *only after liquifaction* is complete, i.e., 30 to 45 minutes after collection.

4. Semen volume should be measured to the nearest $\frac{1}{10}$ of a cubic centimeter.

5. Sperm density should be determined using routine techniques involving the use of a white cell pipette and a hemocytometer chamber. The immobilizing fluid most effective and most easily obtained for this process is distilled water.

6. Thin, dry smears of the semen should be made for a morphologic classification of the sperm forms and should be stained with either hematoxalin or the more difficult, yet more precise, Papanicolaou technique. Also of importance to record is obvious sperm agglutination, pyospermia, delayed liquifaction (greater than 30 minutes), and hyperviscosity. In addition, pH, using nitrazine paper, should be determined.

7. A total morphology evaluation should include percentages of the following:

a. Normal (oval) forms,

b. Tapered forms,

c. Amorphous forms (include large and small sperm shapes),

d. Duplicated (either heads or tails) forms, and

e. Immature forms.

8. Each sample should be evaluated for sperm *viability* (percent viable sperm moving at the time of examination) as well as sperm *motility* (subjective characterization of "purposeful forward sperm progression" of the majority of those viable sperm analyzed) within two hours after collection, ideally by the same or equally qualified examiner.

B. *Serum determinations:* The following serum determinations should be performed by radioimmuno-assay techniques using National Institutes of Health (NIH) specific antigen or antigen preparations of equivalent sensitivity:

1. Serum follicle stimulating hormone (FSH);

2. Serum luteinizing hormone (LH); and

3. Serum total estrogen (females only).

V. TREATMENT

Remove from exposure immediately, give oxygen or artificial resuscitation if indicated. Contaminated clothing and shoes should be removed immediately. Flush eyes and wash contaminated skin. If swallowed and the person is conscious, induce vomiting. Recovery from mild exposures is usually rapid and complete.

VI. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS

A. *Other considerations.* DBCP can cause both acute and chronic effects. It is important that the physician become familiar with the operating conditions in which exposure to DBCP occurs. Those with respiratory disorders may not tolerate the wearing of negative pressure respirators.

B. *Surveillance and screening.* Medical histories and laboratory examinations are required for each employee subject to exposure to DBCP. The employer should screen employees for history of certain medical conditions (listed below) which might place the employee at increased risk from exposure.

1. *Liver disease.* The primary site of biotransformation and detoxification of DBCP is the liver. Liver dysfunctions likely to inhibit the conjugation reactions will tend to promote the toxic actions of DBCP. These precautions should be considered before exposing persons with impaired liver function to DBCP.

2. *Renal disease.* Because DBCP has been associated with injury to the kidney it is important that special consideration be given to those with possible impairment of renal function.

3. *Skin desease.* DBCP can penetrate the skin and can cause erythema on prolonged exposure. Persons with pre-existing skin disorders may be more susceptible to the effects of DBCP.

4. *Blood dyscrasias.* DBCP has been shown to decrease the content of erythrocytes, hemoglobin, and leukocytes in the blood, as well as increase the prothrombin time. Persons with existing blood disorders may be more susceptible to the effects of DBCP.

5. *Reproductive disorders.* Animal studies have associated DBCP with various effects on the reproductive organs. Among these effects are atrophy of the testicles and changes in the estrous cycle. Persons with pre-existing reproductive disorders may be at increased risk to these effects of DBCP.

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§ 1910.1045 Acrylonitrile.

(a) *Scope and application.* (1) This section applies to all occupational exposures to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in paragraph (a)(2) of this section.

(2) This section does not apply to the processing, use, and handling of products fabricated from polyacrylonitrile (PAN) where objective data is reasonably relied upon as to one of the following conditions:

(i) That the material to be processed is not capable of releasing AN in airborne concentrations in excess of 1 ppm under expected conditions of processing, use, and handling which will cause the greatest possible release; or

(ii) That the material to be processed is not a latex or other liquid mixture and will not be heated or melted during the fabrication process.

(3) Where the processing, use and handling of products fabricated from PAN are exempted under this paragraph the employer shall maintain records of the objective data supporting that exemption, as provided in paragraph (q) of this section.

(b) *Definitions.* "Acrylonitrile" or "AN" means acrylonitrile monomer, chemical formula $CH_2=CHCN$.

"Action level" means a concentration of AN of 1 ppm averaged over any eight (8)-hour period.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"Authorized person" means any person specifically authorized by the employer and whose duties require the person to be present in areas where AN concentrations exceed the permissible exposure limit and any person entering this area as a designated representative of employees exercising an opportunity to observe employee exposure monitoring under paragraph (r) of this section.

"Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or designee.

"OSHA Area Office" means the Area Office of the Occupational Safety and Health Administration having jurisdiction over the geographic area where the affected workplace is located.

"Polyacrylonitrile" or "PAN" means polyacrylonitrile homopolymer or copolymer, except for materials as exempted under paragraph (a)(2) or of this section.

(c) *Permissible exposure limit.*—(1) *Inhalation.*—(i) *Time-weighted average limit (TWA).* As soon as possible, but no later than thirty (30) days from the effective date of this emergency temporary standard, the employer shall assure that no employee is exposed to an airborne concentration in excess of 2 parts AN per million parts of air (2 ppm), as an 8-hour time-weighted average.

(ii) *Ceiling limit.* As soon as possible, but no later than thirty (30) days from the effective date of this emergency temporary standard, the employer shall assure that no employee is exposed to an airborne concentration in excess of 10 parts AN per million parts of air (10 ppm) as averaged over any 15 minutes during the working day.

(2) *Dermal and eye exposure.* As soon as possible, but no later than thirty (30) days from the effective date of this emergency temporary standard, the employer shall assure that no employee is exposed to skin contact or eye contact with liquid AN, or with PAN.

(d) *Notification of use.* Within thirty (30) days of the effective date of this section or within fifteen (15) days following the introduction of AN into the workplace, every employer who has a workplace where AN is present shall report the following information to the nearest OSHA Area Office for each such workplace: (1) The address and location of each workplace in which AN is present;

(2) A brief description of each process or operation which may result in employee exposure to AN;

(3) The number of employees engaged in each process or operation who may be exposed to AN and an estimate of the frequency and degree of exposure that occurs; and

(4) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to AN.

(e) *Exposure monitoring.*—(1) *General.* Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an 8-hour period. (For the purposes of this section, employee exposure is that which would occur if the employee were not using a respirator.)

(2) *Initial monitoring.* As soon as possible, but not later than thirty (30) days after the effective date of this section, each such employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed. Such monitoring may be done on a representative basis, provided that the employer can demonstrate that these determinations are representative of employee exposures.

(3) *Frequency.* (i) If the monitoring required by this section reveals employee exposure to be below the action level, the employer may discontinue monitoring for that employee.

(ii) If the monitoring required by this section reveals employee exposure to be at or above the action level but below the permissible exposure limits, the employer shall repeat such monitoring for each such employee within three months.

(iii) If the monitoring, required by this section, reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven (7) days apart, are below the permissible exposure limits, and thereafter the employer shall monitor within three months.

(4) *Additional monitoring.* Whenever there has been a production, process, control, or personnel change which may result in new or additional exposures to AN, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to AN, additional monitoring which complies with this paragraph shall be conducted.

(5) *Employee notification.* (i) Within five (5) working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(6) *Accuracy of measurement.* The method of measurement shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of AN at or above the permissible exposure limits, and to within plus or minus 35 percent for concentrations between the action level and the permissible exposure limits.

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(f) *Regulated areas.* [Reserved]

(g) *Methods of compliance.*—(1) *General.* Employee exposures to AN shall be controlled to or below the permissible exposure limits by any practicable combination of engineering controls, work practices, and personal protective devices and equipment, during the effective period of this emergency temporary standard.

NOTE.—Where engineering controls or work practices can reduce employee exposures to AN, it is recommended that they be implemented where practicable, even where they do not themselves reduce employee exposures to, or below the permissible exposure limits. Work practices which can be implemented by the employer to help reduce employee exposures to AN include limiting access to work areas to authorized personnel, prohibiting smoking and consumption of food and beverages in work areas, and establishing good maintenance and housekeeping practices, including the prompt clean-up of spills and repair of leaks.

(2) *Engineering and work-practice control plan.* (i) Within ninety (90) days of the effective date of this emergency temporary standard, the employer shall develop a written plan describing proposed means to reduce employee exposures to AN to the lowest feasible level solely by means of engineering and work-practice controls.

(ii) Written plans required under this paragraph shall be submitted upon request to the Secretary and the Director, and shall be available at the worksite for examination and copying by the Assistant Secretary, Director, and any affected employee or designated representative.

(h) *Respiratory protection.*—(1) *Required use.* The employer shall assure that respirators are used where required under this section to reduce employee exposure to within the permissible exposure limits, and in emergencies.

(2) *Respirator selection.* (i) Where respiratory protection is required or permitted under this section, the employer shall select and provide at no cost to the employee, the appropriate respirator from Table I below, and shall assure that the employee wears the respirator provided. Respirators assigned for higher concentrations may also be used for lower concentrations.

(ii) The employer shall select respirators from among those approved for use with organic vapors by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

TABLE 1.—*Respiratory protection for acrylonitrile (AN)*

Concentration of AN or condition of use	*Respirator type*
(a) Less than or equal 20 p/m.	(1) Any chemical cartridge respirator with organic vapor cartridge and half-mask; or (2) Any supplied air respirator with half-mask.
(b) Less than or equal to 100 p/m.	(1) Any organic vapor gas mask; or (2) Any supplied air respirator with full facepiece; or (3) Any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 4,000 p/m.	(1) Supplied air respirator in positive pressure mode with full facepiece, helmet, hood, or suit.
(d) Less than or equal to 20,000 p/m.	(1) Supplied air respirator and auxiliary self-contained full facepiece in positive pressure mode; or (2) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(e) Emergency entry into unknown concentrations or fire fighting.	(1) Any self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.

(3) *Respirator program.* (i) The employer shall institute a respiratory protection program in accordance with 29 CFR 1910.134(b), (d), (e), and (f).

(ii) Where air-purifying respirators (chemical cartridge or canister-type gas mask) are used, the air-purifying canister or cartridge(s) shall be replaced prior to the expiration of their service life or at the beginning of each shift, whichever occurs first. A label shall be attached to the cartridge or canister to indicate the date and time at which it is first installed on the respirator.

(iii) The employer shall allow each employee who uses a filter respirator (cartridge or canister) to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iv) Employees who wear respirators shall be allowed to wash their faces and respirator facepieces to prevent potential skin irritation associated with respirator use.

(i) *Emergency situation.* [Reserved]

(j) *Protective clothing and equipment.*—(1) *Provision and use.* Where eye or skin contact with liquid AN or with PAN may occur, the employer shall provide at no cost to the employee, and assure that employees wear, appropriate protective clothing or other equipment in accordance with §§ 1910.132 and 1910.133 to protect any area of the body which may come in contact with liquid AN or with PAN.

(2) *Cleaning and replacement.* (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this paragraph as needed to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(ii) The employer shall assure that the employee removes all protective clothing and equipment at the completion of a workshift, and that an employee whose protective clothing becomes wet with liquid AN removes that clothing promptly to avoid skin contact with the liquid AN.

(iii) The employer shall assure that AN-contaminated protective work clothing and equipment is placed and stored in closable containers which prevent dispersion of AN outside the container.

(iv) The employer shall inform any person who launders or cleans AN-contaminated protective clothing or equipment of the potentially harmful effects of exposure to AN.

(v) The employer shall assure that the containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with paragraph (p)(3)(ii) of this section and that such label remains affixed when such containers leave the employer's workplace.

(k) *Housekeeping.*—(1) *Surface.* (i) All surfaces shall be maintained free of accumulations of liquid of AN and of PAN.

(ii) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where liquid AN and PAN are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable vacuum unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that AN is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect AN may not be used for other cleaning purposes and shall be labeled as prescribed by paragraph (p)(3)(ii) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(2) *Liquids.* Where AN is present in a liquid form, or as a resultant vapor, all containers or vessels containing AN shall be enclosed to the maximum

extent feasible and tightly covered when not in use, with adequate provision made to avoid any resulting potential explosion hazard.

(l) *Waste disposal.* AN and PAN waste, scrap, debris, bags, containers or equipment shall be disposed of in sealed bags or other closed containers which prevent dispersion of AN outside the container, and labelled as prescribed in paragraph (p)(3)(ii) of this section.

(m) *Hygiene facilities and practices.* Where employees are exposed to airborne concentrations of AN above the permissible exposure limits, or where employees are required to wear protective clothing or equipment pursuant to paragraph (j) of this section, or where otherwise found to be appropriate, the facilities required by 29 CFR 1910.141 shall be provided by the employer for the use of those employees, and the employer shall assure that the employees use the facilities provided. Change rooms as specified in § 1910.141(c) are not required where the employer can demonstrate that such facilities, if not already available, cannot be feasibly provided before the expiration of this standard. This provision does not in any way diminish pre-existing obligations to provide change rooms.

(n) *Medical surveillance.*—(1) *General.* (i) The employer shall institute a program of medical surveillance for each employee who is or will be exposed to AN above the action level. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this paragraph.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(2) *Initial examinations.* Within thirty (30) days of the effective date of this section, or thereafter at the time of initial assignment, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and medical history with special attention to skin, respiratory, and gastrointestinal systems, and those non-specific symptoms, such as headache, nausea, vomiting, dizziness, weakness, or other central nervous system dysfunctions that may be associated with acute or with chronic exposure to AN.

(ii) A physical examination giving particular attention to the central nervous system, gastrointestinal system, respiratory system, skin, and thyroid.

(iii) A 14" x 17" posteroanterior chest X-ray.

(iv) Further tests of the intestinal tract, including fecal occult blood and proctosigmoidoscopy, on all workers 40 years of age or older and to any other affected employees for whom, in the opinion of the physician, such testing would be appropriate.

(3) *Periodic examinations.* [Reserved]

(4) *Interim examinations.* If the employee for any reason develops signs or symptoms commonly associated with exposure to AN, the employer shall provide appropriate examination and emergency medical treatment.

(5) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this emergency temporary standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level; and

(iv) A description of any personal protective equipment used or to be used.

(6) *Physician's written opinion.* (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical test performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to AN;

(C) Any recommended limitations upon the employee's exposure to AN or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to AN.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(o) *Employee information and training.*—(1) *Training program.* (i) As soon as possible but no later than thirty (30) days from the effective date of this standard, the employer shall institute a training program for all employees where there is occupational exposure to AN and shall assure their participation in the training program.

(ii) The employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C;

(B) The quantity, location, manner of use, release or storage of AN and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program required by paragraph (n) of this section; and

(E) A review of this standard.

(2) *Access to training materials.* (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Assistant Secretary and the Director.

(p) *Signs and labels.*—(1) *General.* (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this paragraph.

(ii) The employer shall assure that no statement appears on or near any sign or label, required by this paragraph, which contradicts or detracts from such effects of the required sign or label.

(2) *Signs.* (i) The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

DANGER

ACRYLONITRILE (AN)

CANCER HAZARD

AUTHORIZED PERSONS ONLY

RESPIRATORS REQUIRED

(ii) The employer shall assure that signs required by this paragraph are illuminated and cleaned as necessary so that the legend is readily visible.

(3) *Labels.* (i) The employer shall assure that precautionary labels are affixed to all containers of AN, and to containers of PAN and products fabricated from PAN except for those materials for which objective data is provided as to the conditions specified in (a)(2) of this section. The employer shall assure that these labels remain affixed when the AN, PAN and products fabricated from PAN are sold, distributed or otherwise leave the employer's workplace.

(ii) The employer shall assure that the precautionary labels required by this paragraph are readily visible and legible. The labels shall bear the following legend:

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DANGER

CONTAINS ACRYLONITRILE (AN)

CANCER HAZARD

(q) *Recordkeeping.*—(1) *Objective data for exempted operations.* (i) Where the processing, use, and handling of products fabricated from PAN are exempted pursuant to paragraph (a)(2) of this section, the employer shall establish and maintain an accurate record of all objective data reasonably relied upon in support of the exemption.

(ii) This record shall include the following information:

(A) The relevant condition in paragraph (a)(2) upon which exemption is based;

(B) The source of the objective data;

(C) The results of testing and analysis of the material being processed;

(D) A description of the operation exempted; and

(E) Other data relevant to the operation, materials, and processing covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(2) *Exposure monitoring.* (i) The employer shall establish and maintain an accurate record of all monitoring required by paragraph (e) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for the effective period of this emergency temporary standard, and for any additional period required by the permanent standard.

(3) *Medical surveillance.* (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by paragraph (n) of this section.

(ii) This record shall include:

(A) A copy of the physicians' written opinions;

(B) Any employee medical complaints related to exposure to AN;

(C) A copy of the information provided to the physician as required by paragraph (n)(6) of this section; and

(D) A copy of the employee's work history.

(iii) The employer shall assure that this record be maintained for the effective period of this emergency temporary standard, and for any additional period required by the permanent standard.

(4) *Availability.* (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the Assistant Secretary and the Director for examination and copying.

(ii) The employer shall assure that employee exposure measurement records, as required by this section, be made available, upon request, for examination and copying to the affected employee, former employee, or designated representative.

(iii) The employer shall assure that employee medical records required to be maintained by this section, be made available, upon request, for examination and copying to the affected employee or former employee, or to a physician designated by the affected employee, former employee, or designated representative.

(r) *Observation of monitoring.*—(1) *Employee observation.* The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to AN conducted pursuant to paragraph (e) of this section.

(2) *Observation procedures.* (i) Whenever observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled:

(A) To receive an explanation of the measurement procedures;

(B) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure; and

(C) To record the results obtained.

(s) *Effective date.* This section shall become effective immediately.

(t) *Appendices.* The information contained in the appendices is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

APPENDIX A—SUBSTANCE SAFETY SHEET FOR ACRYLONITRILE

I. SUBSTANCE IDENTIFICATION

A. Substance: Acrylonitrile ($CH_2=CHCN$).

B. Synonyms: Propenenitrile; vinyl cyanide; cyanoethylene; AN; VCN; acrylon; carbacryl; fumigrain; ventox.

C. Acrylonitrile can be found as a liquid or vapor, and can also be found in polymer resins, plastics, polyols, and other polymers having acrylonitrile as a raw or intermediate material.

D. AN is used in the manufacture of acrylic and modacrylic fibers, acrylic plastics and resins, specialty polymers, nitrile rubbers, and other organic chemicals. It has also been used as a fumigant.

E. Appearance and Odor: Colorless to pale yellow liquid with a pungent odor which can only be detected at concentrations above the permissible exposure level, in a range of 13-19 parts AN per million parts of air (13-19 ppm).

F. Permissible Exposure: Exposure may not exceed either:

1. 2 parts AN per million parts of air (2 ppm) averaged over the eight-hour workday; or

2. 10 parts AN per million parts of air (10 ppm) averaged over any 15-minute period in the workday.

3. In addition, skin and eye contact with liquid AN is prohibited.

II. HEALTH HAZARD DATA

A. Acrylonitrile can affect your body if you inhale the vapor (breathing) if it comes in contact with your eyes or skin, or if you swallow it. It may enter your body through your skin.

B. Effects of Overexposure:

1. Short-term Exposure: Acrylonitrile causes eye irritation, nausea, vomiting, headache, sneezing, weakness, and lightheadedness. At high concentrations, the effects of exposure may go on to loss of consciousness and death. When acrylonitrile is held in contact with the skin after being absorbed into shoe leather or clothing, it may produce blisters following several hours of no apparent effect. Unless the shoes or clothing are removed immediately and the area washed, blistering will occur. Usually there is no pain or inflammation associated with blister formation.

2. Long-term Exposure: Acrylonitrile has been shown to cause cancer in laboratory animals and has been associated with higher incidences of cancer in humans. Repeated or prolonged exposure of the skin to acrylonitrile may produce irritation and dermatitis.

3. Reporting Signs and Symptoms: You should inform your employer if you develop any signs or symptoms which may be caused by exposure to acrylonitrile.

III. EMERGENCY FIRST AID PROCEDURES

A. Eye Exposure: If acrylonitrile gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. Get medical attention immediately. Contact lenses should not be worn when working with this chemical.

B. Skin Exposure: If acrylonitrile gets on your skin, immediately wash the contaminated skin with water. If acrylonitrile soaks through your clothing, especially your shoes, remove the clothing immediately and wash the skin with water. If symptoms occur after washing, get medical attention immediately. Thoroughly wash the clothing before re-using. Contaminated leather shoes or other leather articles should be discarded.

C. Inhalation: If you or any other person breathes in large amounts of acrylonitrile, move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Keep the affected person warm and at rest. Get medical attention as soon as possible.

D. Swallowing: When acrylonitrile has been swallowed, give the person large quantities of water immediately. After the water has been swallowed, try to get the person to vomit by having him touch the back of his throat with his finger. Do not make an unconscious person vomit. Get medical attention immediately.

E. Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, notify someone else and put into effect the established emergency procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the locations of the emergency equipment before the need arises.

F. Special First Aid Procedures: First aid kits containing an adequate supply (at least two dozen) of amyl nitrite pearls (ampules), each containing 0.3 ml, should be maintained at each site where acrylonitrile is used. When a person is suspected of receiving an overexposure to acrylonitrile, immediately remove that person from the contaminated area using established rescue procedures. Contaminated clothing must be removed and the acrylonitrile washed from the skin immediately. Artificial respiration should be started at once if breathing has stopped. If the person is unconscious, amyl nitrite may be used as an antidote by a properly trained individual in accordance with established emergency procedures. Medical aid should be obtained immediately.

IV. RESPIRATORS AND PROTECTIVE CLOTHING

A. Respirators: You may be required to wear a respirator for non-routine activities, in emergencies, and while your employer is in the process of reducing acrylonitrile exposures through engineering controls. If respirators are worn, they must have a Mining Enforcement and Safety Administration (MESA) or National Institute for Occupational Safety and Health (NIOSH) approval label. (Older respirators may have a Bureau of Mines approval label.) For effective protection, respirators must fit your face and head snugly. Respirators should not be loosened or removed in work situations where their use is required.

Acrylonitrile does not have a detectable odor except at levels above the permissible exposure limit. Do not depend on odor to warn you when a respirator cartridge or canister is exhausted. Cartridges or canisters must be changed daily. Reuse of these may allow acrylonitrile to gradually filter through the cartridge and cause exposures which you cannot detect by odor. If you can smell acrylonitrile while wearing a respirator, the respirator is not working correctly. Go immediately to fresh air. If you experience difficulty breathing while wearing a respirator tell your employer.

B. Supplied-air Suits: In some work situations, the wearing of supplied-air suits may be necessary. Your employer should instruct you in their proper use and operation.

C. Protective Clothing: You must wear impervious clothing, gloves, face shield, or other appropriate protective clothing to prevent skin contact with liquid acrylonitrile. Replace or repair impervious clothing that has developed leaks. Where protective clothing is required, your employer is required to provide clean garments to you weekly.

Acrylonitrile should never be allowed to remain on the skin. Clothing and shoes should not be allowed to become contaminated with acrylonitrile, and if they do, the clothing should be promptly removed and laundered or discarded, and the shoes should be discarded. Once acrylonitrile penetrates shoe leather, or other leather articles, the article should not be worn again.

D. Eye Protection: You must wear splashproof safety goggles in areas where liquid acrylonitrile may contact your eyes. In addition, contact lenses should not be worn in areas where eye contact with acrylonitrile can occur.

V. PRECAUTIONS FOR SAFE USE, HANDLING, AND STORAGE

A. Acrylonitrile is a flammable liquid and its vapors can easily form explosive mixtures in air.

B. Acrylonitrile must be stored in tightly-closed containers in a cool, well-ventilated area, away from heat, sparks, flames, strong oxidizers (especially bromine), strong bases, copper, copper alloys, ammonia, and amines.

C. Sources of ignition such as smoking and open flames are prohibited wherever acrylonitrile is handled, used, or stored in a manner that could create a potential fire or explosion hazard.

D. You should use non-sparking tools when opening or closing metal containers of acrylonitrile, and containers must be bonded and grounded when pouring or transferring liquid acrylonitrile.

E. You must immediately remove any non-impervious clothing that becomes contaminated with acrylonitrile, and this clothing must not be reworn until the acrylonitrile is removed from the clothing.

F. Clothing wet with liquid acrylonitrile can be easily ignited. You must promptly remove this clothing, and it must not be reworn until the acrylonitrile is removed from the clothing.

G. If your skin becomes wet with liquid acrylonitrile, you must promptly and thoroughly wash or shower with soap or mild detergent to remove any acrylonitrile from your skin.

H. You must not keep food, beverages, or smoking materials in areas where acrylonitrile is handled, processed, or stored, nor are you permitted to eat or smoke in these areas.

I. If you handle acrylonitrile, you must wash your hands thoroughly with soap or mild detergent and water before eating, smoking, or using toilet facilities.

J. Fire extinguishers and quick drenching facilities must be readily available, and you should know where they are and how to operate them.

K. Ask your supervisor where acrylonitrile is used in your work area and for any additional plant safety and health rules.

VI. ACCESS TO INFORMATION

A. Each year, your employer is required to inform you of the information contained in this Substance Safety Data Sheet for acrylonitrile. In addition, your employer must instruct you in the proper work-practices for using acrylonitrile, emergency procedures, and the correct use of protective equipment.

B. Your employer is required to determine whether you are being exposed to acrylonitrile. You or your representative has the right to observe employee exposure measurements and to record the results obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he or she is required to inform you of the actions which are being taken to reduce your exposure to within permissible exposure limits.

C. Your employer is required to keep records of your exposures and medical examinations. These records must be kept by the employer for at least the effective period of this emergency temporary standard.

D. Your employer is required to release exposure and medical records to your physician upon your written request.

APPENDIX B—SUBSTANCE TECHNICAL GUIDELINES FOR ACRYLONITRILE

I. PHYSICAL AND CHEMICAL DATA

A. Substance identification:

1. Synonyms: **AN**; VCN; Vinyl Cyanide; Propenenitrile; **Cyanoethylene**; Acrylon; Carbacryl; **Fumigrain**; Ventox.

2. Formula: **$CH_2=CHCN$**.

3. Molecular Weight: 53.1.

B. Physical Data:

1. Boiling Point (760 mm Hg): 77.3° C (171° F).

2. Specific Gravity (water=1): 0.81 (at 20° C or 68° F).

3. Vapor Density (air=1 at boiling point of acrylonitrile): 1.83.

4. Melting Point: −83° F (−117° F).

5. Vapor Pressure at 20° C (68° F): 83 mm Hg.

6. Solubility in Water. Percent by weight at 20° C (68° F): 7.35.

7. Evaporation Rate (Butyl Acetate=1): 4.54.

8. Appearance and Odor: Colorless to pale yellow liquid with a pungent odor at concentrations above the permissible exposure level. Any detectable odor of acrylonitrile may indicate overexposure.

II. FIRE, EXPLOSION, AND REACTIVITY HAZARD DATA

A. Fire:

1. Flash Point: −1° C (30° F) (open cup).

2. Autoignition Temperature: 481° C (898° F).

3. Flammable limits in air, Percent by volume: Lower: 3; Upper: 17.

4. Extinguishing media: Alcohol foam, carbon dioxide, dry chemical.

5. Special fire-fighting procedures: Do not use a solid stream of water, since the stream will scatter and spread the fire. Use water spray to cool containers exposed to a fire.

6. Unusual fire and explosion hazards: Acrylonitrile is a flammable liquid. Its vapors can easily form explosive mixtures with air. All ignition sources must be controlled where acrylonitrile is handled, used, or stored in a manner that could create a potential fire or explosion hazard. Acrylonitrile vapors are heavier than air and may travel along the ground and be ignited by open flames or sparks at locations remote

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from the site at which acrylonitrile is being handled.

7. For purposes of compliance with the requirements of 29 CFR 1910.106, acrylonitrile is classified as a Class IB flammable liquid. For example, 7500 ppm, approximately one-fourth of the lower flammable limit, would be considered to pose a potential fire and explosion hazard.

8. For purposes of compliance with 29 CFR 1910.157, acrylonitrile is classified as a Class B fire hazard.

9. For purposes of compliance with 29 CFR 1910.309, locations classified as hazardous due to the presence of acrylonitrile shall be Class I Group D.

B. Reactivity.

1. Conditions contributing to instability: Acrylonitrile will polymerize when hot, and the additional heat liberated by the polymerization may cause containers to explode. Pure AN may self-polymerize with a rapid build-up of pressure resulting in an explosion hazard. Inhibitors are added to the commercial product to prevent self-polymerization.

2. Incompatibilities: Contact with strong oxidizers (especially bromine) and strong bases may cause fires and explosions. Contact with copper, copper alloys, ammonia, and amines may start serious decomposition.

3. Hazardous decomposition products: Toxic gases and vapors (such as hydrogen cyanide, oxides of nitrogen, and carbon monoxide) may be released in a fire involving acrylonitrile and certain polymers made from acrylonitrile.

4. Special precautions: Liquid acrylonitrile will attack some forms of plastics, rubbers, and coatings. Acrylonitrile monomer should be checked at least weekly to determine inhibitor content.

III. SPILL, LEAK, AND DISPOSAL PROCEDURES

A. If acrylonitrile is spilled or leaked, the following steps should be taken:

1. Remove all ignition sources.

2. The area should be evacuated at once and re-entered only after thorough ventilation.

3. If liquid acrylonitrile, collect for reclamation or absorb in paper, vermiculite, dry sand, earth, or similar material.

4. If acrylonitrile polymer, collect spilled material in the most convenient and safe manner for reclamation or for disposal.

B. Persons not wearing protective equipment should be restricted from areas of spills or leaks until clean-up has been completed.

C. Waste disposal methods: Waste material shall be disposed of in a manner that is not hazardous to employees or to the general population. Spills of acrylonitrile and flushing of such spills shall be channeled for appropriate treatment or collection for disposal. They shall not be channeled directly into the sanitary sewer system. Containers of AN and PAN wastes shall be appropriately labelled. In selecting the method of waste disposal, applicable local, state, and federal regulations should be consulted.

IV. MONITORING AND MEASUREMENT PROCEDURES

A. Exposure above the Permissible Exposure Limit:

1. Eight-hour exposure evaluation: Measurements taken for the purpose of determining employee exposure under this section are best taken so that the average eight-hour exposure may be determined from a single 8-hour sample or two (2) 4-hour samples. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee).

2. Ceiling evaluation: Measurements taken for the purpose of determining employee exposure under this section must be taken during periods of maximum expected airborne concentrations of acrylonitrile in the employee's breathing zone. A minimum of three (3) measurements should be taken on one work shift. The highest of all measurement taken is an estimate of the employee's ceiling exposure.

3. Monitoring techniques: The sampling and analysis under this section may be performed by collecting the acrylonitrile vapor on charcoal adsorption tubes or other composition adsorption tubes, with subsequent chemical analysis. Sampling and analysis may also be performed by instruments such as detector tubes certified by NIOSH under 42 CFR Part 84, portable direct-reading instruments, or passive dosimeters, as well as by gas and vapor adsorption tubes. The method of measurement chosen should determine the airborne levels of acrylonitrile to an accuracy of plus or minus 25 percent for concentrations of AN at or above the permissible exposure limit, and to within plus or minus 35 percent for concentrations between the action level and the permissible exposure limits.

4. Survey of operations. OSHA suggests that the employer use a direct-reading instrument, such as a portable infra-red analyzer, or equivalent points-monitoring system, to survey weekly, all operations involving liquid AN to determine points at which AN vapor or liquid may be released into the workplace. A listing of points monitored, together with levels of acrylonitrile detected, if any, shall be prepared from this survey, and the listing shall be displayed prominently in the workplace. As an alternative survey method, grab samples, utilizing vapor collection bags, with subsequent gas chromatographic analysis, can be used for this survey.

B. Since many of the duties relating to employee exposure are dependent on the results of monitoring and measuring procedures, employers shall assure that the evaluation of employee exposures is performed by a competent industrial hygienist or other technically qualified person.

V. PROTECTIVE CLOTHING

Employees shall be provided with, and required to wear appropriate protective clothing to prevent any possibility of skin contact with liquid AN or PAN. Because acrylonitrile is absorbed through the skin, it is important to prevent skin contact with the liquid. Protective clothing shall include impermeable coveralls or similar full-body work clothing, gloves, head-coverings, and workshoes or shoe coverings, as appropriate to protect areas of the body which may come in contact liquid AN or PAN.

Employers should ascertain that the protective garments are impermeable to acrylonitrile. Non-impermeable clothing and shoes should not be allowed to become contaminated with acrylonitrile. If permeable clothing does become contaminated, it should be promptly removed and not worn again until completely free of the material. If leather footwear or other leather garments become wet from acrylonitrile, they should be replaced and not worn again, due to the ability of leather to absorb acrylonitrile and hold it against the skin. Since there is no pain associated with the blistering, it is essential that the employee be informed of this hazard so that he or she can be protected.

Any protective clothing which has developed leaks or is otherwise found to be defective should be repaired or replaced. Clean protective clothing shall be provided weekly to the employee, and whenever the clothing becomes wet with liquid AN or PAN. Employees are also required to wear splash-proof safety goggles where there is any possibility of acrylonitrile contacting the eyes.

VI. HOUSEKEEPING AND HYGIENE FACILITIES

For purposes of complying with 29 CFR 1910.141, the following items should be emphasized:

A. The workplace should be kept clean, orderly, and in a sanitary condition;

B. Dry sweeping and the use of compressed air is unsafe for the cleaning of floors and other surfaces where liquid AN or PAN may be found;

C. Adequate washing facilities with hot and cold water should be provided, and maintained in a sanitary condition. Suitable cleansing agents should also be provided to assure the effective removal of acrylonitrile from the skin;

D. Change or dressing rooms with individual clothes-storage facilities should be provided to prevent the contamination of street clothes with acrylonitrile. Because of the hazardous nature of acrylonitrile, contaminated protective clothing should be stored in closed containers for cleaning or disposal.

VII. MISCELLANEOUS PRECAUTIONS

A. Store acrylonitrile in tightly-closed containers in a cool, well-ventilated area, and take the necessary precautions to avoid an explosion hazard.

B. High exposure to acrylonitrile can occur when transferring the liquid from one container to another.

C. Non-sparking tools must be used to open and close metal acrylonitrile containers. These containers must be effectively grounded and bonded prior to pouring.

D. Never store uninhibited acrylonitrile. The inhibitor content shall be determined weekly.

E. Acrylonitrile vapors are not inhibited. They may form polymers and clog vents of storage tanks.

F. Use of supplied-air suits or other impervious coverings may be necessary to prevent skin contact and provide respiratory protection from with acrylonitrile where the concentration of acrylonitrile is unknown or is above the ceiling limit. Supplied-air suits should be selected, used, and maintained under the immediate supervision of persons knowledgeable in the limitations and potential life-endangering characteristics of supplied-air suits.

G. Employers shall advise employees of all areas and operations where exposure to acrylonitrile could occur.

VIII. COMMON OPERATIONS

Common operations in which exposure to acrylonitrile is likely to occur include the following: Manufacture of the acrylonitrile monomer; synthesis of acrylic fibers, ABS and SAN plastics, resins, nitrile rubber, surface coatings, specialty chemicals, use as a chemical intermediate, use as a fumigant and in the cyanoethylation of cotton.

APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES FOR ACRYLONITRILE

I. ROUTE OF ENTRY

Inhalation; skin and absorption; ingestion.

II. TOXICOLOGY

Acrylonitrile vapor is an asphyxiant due to its inhibitory action on metabolic enzyme systems. Animals exposed to 75 or 100 ppm for 7 hours have shown signs of anoxia; in some animals which died at the higher level, cyanomethemoglobin was found in the blood. Two human fatalities from accidental poisoning have been reported; one was caused by inhalation of an unknown concentration of the vapor, and the other was thought to be caused by skin absorption or inhalation. Most cases of intoxication from industrial exposure have been mild, with rapid onset of eye irritation, headache, sneezing, and nausea. Weakness, lightheadedness, and vomiting may also occur. Exposure to high concentrations may produce profound weakness, asphyxia, and death. The vapor is a severe eye irritant. Prolonged skin contact with the liquid may result in absorption with systemic effects, and in the formation of large blisters after a latent period of several hours. Although there is usually little or no pain or inflammation, the affected skin resembles a second-degree thermal burn. Solutions spilled on exposed skin, or on areas covered only by a light layer of clothing, evaporate rapidly, leaving no irritation, or, at the most, mild transient redness. Repeated spills on exposed skin may result in dermatitis due to solvent effects.

Results after one year of a planned two-year animal study on the effects of exposure to acrylonitrile have indicated that rats ingesting as little as 35 ppm in their drinking water develop tumors of the central nervous system. The interim results of this study have been supported by a similar study being conducted by the same laboratory, involving exposure of rats by inhalation of acrylonitrile vapor, which has shown similar types of tumors in animals exposed to 80 ppm.

In addition, the preliminary results of an epidemiological study being performed by duPont on a cohort of workers in their Camden, South Carolina acrylic fiber plant indicate a statistically significant increase in the incidence of colon and lung cancer among employees exposed to acrylonitrile.

III. SIGNS AND SYMPTOMS OF ACUTE OVEREXPOSURE

Asphyxia and death can occur from exposure to high concentrations of acrylonitrile. Symptoms of overexposure include eye irritation, headache, sneezing, nausea and vomiting, weakness, and light-headedness. Prolonged skin contact can cause blisters on the skin, with the appearance of a second degree thermal burn, but with little or no pain. Repeated skin contact may produce scaling dermatitis.

IV. TREATMENT OF ACUTE OVEREXPOSURE

Remove employee from exposure. Immediately flush eyes with water and wash skin with soap or mild detergent and water. If AN has been swallowed and person is conscious, induce vomiting. Give artificial resuscitation if indicated. More severe cases, such as those associated with loss of consciousness, may be treated by the intravenous administration of sodium nitrite, followed by sodium thiosulfate, although this is not as effective for acrylonitrile poisoning as for inorganic cyanide poisoning.

V. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS

A. As noted above, exposure to acrylonitrile has been linked to increase incidence of cancers of the colon and lung in employees of the duPont acrylic fiber plant in Camden, S.C. In addition, the animal testing of acrylonitrile has resulted in the development of cancers of the central nervous system in rats exposed by either inhalation or ingestion. The physician should be aware of the findings of these studies in evaluating the health of employees exposed to acrylonitrile.

Most reported acute effects of occupational exposure to acrylonitrile are due to its ability to cause tissue anoxia and asphyxia. The effects are similar to those caused by hydrogen cyanide. Liquid acrylonitrile can be absorbed through the skin upon prolonged contact. The liquid readily penetrated leather, and will produce burns of the feet if footwear contaminated with acrylonitrile is not removed.

It is important for the physician to become familiar with the operating conditions in which exposure to acrylonitrile may occur. Those employees with skin diseases may not tolerate the wearing of whatever protective clothing may be necessary to protect them from exposure. In addition, those with chronic respiratory disease may not tolerate the wearing of negative-pressure respirators.

B. Surveillance and screening. Medical histories and laboratory examinations are required for each employee subject to exposure to acrylonitrile above the action level. The employer must screen employees for history of certain medical conditions which might place the employee at increased risk from exposure.

1. *Central nervous system dysfunction.* Acute effects of exposure to acrylonitrile generally involve the central nervous system. Symptoms of acrylonitrile exposure include headache, nausea, dizziness, and general weakness. The animal studies cited above suggest possible carcinogenic effects of acrylonitrile on the central nervous system, since rats exposed by either inhalation or ingestion have developed similar CNS tumors.

2. *Respiratory disease.* The duPont data indicate an increased risk of lung cancer among employees exposed to acrylonitrile.

3. *Gastrointestinal disease.* The duPont data indicate an increased risk of cancer of the colon among employees exposed to acrylonitrile. In addition, the animal studies show possible tumorogenic effects on the stomachs of the rats in the ingestion study.

4. *Skin disease.* Acrylonitrile can cause skin burns when prolonged skin contact with the liquid occurs. In addition, repeated skin contact with the liquid can cause dermatitis.

5. *General.* The purpose of the medical procedures outlined in the standard is to establish a baseline for future health monitoring. Persons unusually susceptible to the effects of anoxia or those with anemia would be expected to be at increased risk. In addition to emphasis on the CNS, respiratory and gastrointestinal systems, the cardiovascular system, liver and kidney function should also be stressed.

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§ 1910.1046a Exposure to cotton dust in cotton gins.

(a) *Scope and application.* This section applies to the control of employee exposure to cotton dust in cotton gins.

(b) *Definitions.* For the purpose of this section:

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee;

"Blow down" means the cleaning of equipment and surface with compressed air;

"Cotton dust" means dust present in the air during the handling or processing of cotton which may contain a mixture of many substances including ground-up plant matter, fiber, bacteria, fungi, soil, pesticides, non-cotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods.

"Director" means the Director of the National Institute for Occupational Safety and Health (NIOSH), U.S.

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Department of Health, Education, and Welfare, or designee.

(c) *Work practices.* Each employer shall immediately establish and implement a written program of work practices, which shall minimize cotton dust exposure for each specific job. Where applicable, the following work practices shall be included in the written work practices program:

(1) *General.* (i) All surfaces shall be maintained as free as practicable of accumulations of cotton dust.

(ii) The employer shall inspect, clean, maintain and repair, all engineering control equipment, production equipment and ventilation systems including power sources, ducts, and filtration units of the equipment, and at a minimum, tape or cover leaks in valves, flashing, elbows, and bands on air lines.

(iii) Cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which most effectively reduces exposure to the lowest level feasible.

(2) *Specific.* (i) Floors and other accessible surfaces contaminated with cotton dust may not be cleaned by the use of compressed air.

(ii) Cleaning of clothing with compressed air is prohibited.

(iii) Floor sweeping shall be performed by a vacuum or with methods designed to minimize dispersal of dust;

(iv) Compressed air "blow-down" cleaning shall be prohibited, except where alternative means are not feasible. Where compressed air "blow-down" is done, respirators shall be worn by the employees performing the "blow-down," and employees in the area whose presence is not required to perform the "blow-down" shall be required to leave the area during this cleaning operation.

(3) *Workpractice plan.* A written workplace plan shall be kept which shall list appropriate schedules for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be made available for inspection by the Assistant Secretary.

(d) *Use of Respirators*—(1) *General.* Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this paragraph (d).

(2) *Use of respirators.* Respirators shall be used in the following circumstances:

(i) By workers identified by medical surveillance under paragraph (e)(6)(i)(*d*) of this section; or

(ii) During operations such as maintenance and repair activities, in which work practice controls are not feasible; or

(iii) In operations specified under paragraph (c)(2)(iv) of this section.

(3) *Availability upon request.* Respirators shall be made available upon request, to any employee exposed to cotton dust

(4) *Respirator selection.* (i) Where respirators are required under this section, the employer shall select, provide and assure the use of any respirator tested and approved for protection against dust by the National Institute of Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(ii) Where respirators are required by this paragraph, the employer shall provide either any NIOSH approved respirator or at the option of each affected worker, a NIOSH approved powered air purifying respirator with a high efficiency filter.

(5) *Respirator program.* The employer shall institute a respirator program in accordance with § 1910.134 (b), (d), (e), and (f).

(6) *Respirator usage.* (i) The employer shall assure that the respirator used by each employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall allow each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected by the employee, and shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall allow employees who wear respirators to wash their face and respirator facepiece to prevent skin irritation associated with respirator use.

(e) *Medical surveillance*—(1) *General.* (i) Each employer who has an operating gin in which cotton dust is present shall institute a program of medical surveillance for all employees exposed to cotton dust.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided without cost to the employee.

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section, shall complete a NIOSH approved training course in spirometry.

(2) *Initial examinations.* For each ginning season, at the time of initial assignment, the employer shall provide each employee who is or may be exposed to cotton dust, with an opportunity for medical surveillance that shall include:

(i) A medical history;

(ii) The standardized questionnaire in Appendix B; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in 1 second (FEV_1), and the percentage that the measured values of FEV and FVC differ from the predicted values, using the standard tables in Appendix C.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(3) *Mid-season retest.* The determinations required under paragraph (e)(2) of this section shall be made again for each employee after at least 14 days of employment and before the termination of employment for the season. The determinations shall be made following at least 24 hours or 1 working day after previous exposure to cotton dust. The pulmonary function tests shall be repeated during the shift, no sooner than 4 and no more than 10 hours after the beginning of the work shift; and, in any event, no more than 1 hour after cessation of exposure.

(4) *Periodic examinations.* (i) The employer shall provide the medical surveillance under this paragraph (e) annually.

(ii) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(iii) An employee whose FEV_1 is less than 60 percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

(5) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its Appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) A description of any personal protective equipment used or to be used; and

(iv) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(6) *Physician's written opinion.* (i) The employer shall obtain and furnish the employee with a copy of the written opinion from the examining physician containing the following:

(*a*) The results of the medical examination and tests, including any determinations made under paragraph (e)(4)(ii) of this section.

(*b*) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to cotton dust;

(*c*) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators;

(*d*) The physician's recommendations for the employee's use of a respirator where dust effects could be suppressed by respirator use;

(*e*) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(7) *Spanish speaking employees.* An employer whose workforce consists of a significant percentage of Spanish speaking workers who cannot communicate effectively in English shall provide bi-lingual administration of the medical surveillance requirements, including use of the Spanish questionnaire provided in Appendix B.

(8) *Non-duplication of medical surveillance.* (i) During any one ginning season, an employer is not required to provide medical surveillance as described in this paragraph (f) of this section for any employee who can demonstrate that both the background medical surveillance and the mid-season retest required by paragraph (e) of this section were administered during that ginning season while in the employment of another gin employer.

(ii) If an employee can demonstrate that the background medical surveillance has been administered but not the mid-season retest, the employer shall provide the mid-season medical retest of paragraph (e)(3) of this section, and comply with provisions of paragraphs (e)(4)—(e)(6) of this section. Where the employer is administering only the mid-season retest, the employer shall provide the mid-season retest after at least 14 days of employment in his gin and before termination of employment for the season.

(iii) For purposes of this section, where the employer does not administer any medical surveillance, the employer shall be satisfied that an employee has undergone the medical surveillance required under paragraphs (e)(1) to (e)(3) of this section upon receipt of written notification from the employer who administered the test, or upon receipt by the physician supervising the program, of a copy of the results of medical surveillance.

(f) *Employee education and training.*—(1) *Training program.* (i) Each employer who operates an active gin shall institute a training program for all his employees, prior to initial assignment, and shall assure that each employee is informed of the following:

(*a*) The specific nature of the operations which could result in exposure to cotton dust;

(*b*) The measures, including work practices, required by paragraph (c) of this section, necessary to protect the employee from excess exposures;

(*c*) The purpose, proper use and limitations of respirators required by paragraph (d) of this section;

(*d*) The purpose for and a description of the medical surveillance program required by paragraph (e) of this section; and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(*e*) The contents of this standard and its appendices.

(2) *Access to training materials.* (i) Each employer shall post a copy of this section with its Appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

(ii) The employer shall provide all materials relating to the employee training and information program to the Assistant Secretary and the Director upon request.

(iii) An employer whose workforce consists of a significant percentage of Spanish speaking employees who cannot communicate effectively in English shall provide bi-lingual administration of the provisions of this section.

(iv) In addition to the information required by paragraph (f)(1), the employer shall include as part of his training program and distribute to employees any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to that Act, and to this cotton dust standard which are made available by the Assistant Secretary.

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(g) *Signs.*—(1) The employer shall post the following warning sign in each work area where there is potential exposure to cotton dust:

WARNING:
COTTON DUST WORK AREA MAY CAUSE ACUTE OR DELAYED LUNG INJURY (BYSSINOSIS).

(2) An employer whose workforce consists of a significant percentage of Spanish-speaking employees who cannot communicate effectively in English shall provide bilingual versions of the sign required by paragraph (g)(1) of this section.

(h) *Recordkeeping.*—(1) *Medical surveillance.* (i) The employer shall establish and maintain an accurate medical record for each employee subject to medical surveillance required by paragraph (e) of this section.

(ii) The record shall include:

(*a*) The name, social security number and description of the duties of the employee;

(*b*) A copy of the medical surveillance results including the medical history, questionnaire responses, results of all tests and the physician's recommendation;

(*c*) A copy of the physician's written opinion;

(*d*) Any employee medical complaints related to exposure to cotton dust;

(*e*) The type of protective devices worn, and length of time worn;

(*f*) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and its appendices for all employees: *Provided,* That he references the standard in the medical surveillance records of each employee.

(iii) The employer shall maintain this record for at least 10 years.

(2) *Availability.* (i) The employer shall make available upon request all records required to be maintained by paragraph (h) of this section to the Assistant Secretary and the Director for examination and copying.

(ii) The employer shall make available an employee's medical records required by this section, for examination and copying, to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employee.

(3) *Transfer of records.* (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by paragraph (h) of this section.

(ii) Whenever the employer ceases to do business, and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the Director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the Director at least 3 months prior to the disposal of such records and shall transmit those records to the Director if he requests them within that period.

(i) *Effective date.* This standard shall become effective on September 4, 1978 except for provisions requiring medical surveillance and respirators for employees who are at an increased exposure to cotton dust which shall become effective on September 4, 1979.

(j) *Appendices.* (1) Appendices to this section are incorporated as part of this section and the contents of these appendices are mandatory.

APPENDIX A.—RECOMMENDATIONS FOR CLASSIFICATION AND RESPIRATORY USE OF WORKERS EXPOSED TO COTTON DUST IN GINS

Functional severity	FEV 1 (percent of predicted)	FEV 1 (percent)
F0	Greater than 80 (no evidence of chronic ventilatory impairment).	(a) −4 to 0; or more. (b) −9 to −5 or more. (c) −10 or more.
F1	60-79 (evidence of slight to moderate irreversible impairment of ventilatory capacity).	(a) −4 to 0; or more. (b) −5 or more.
F2	Less than 60 (evidence of moderate to severe irreversible impairment of ventilatory capacity).	....

NOTE.—These recommendations are generally accepted criteria for classification and management of workers exposed to cotton dust. Since medical removal provisions are not included in the standard, OSHA believes them to constitute equally useful criteria for the physician to use in determining whether a gin worker is suffering any degree of functional severity which calls for respiratory protection.

Although these criteria are advisory, a worker who falls in the F2 category of functional severity shall be sent to a pulmonary physician according to § 1910.1046a(e)(4)(iii).

[4510-26-C]

APPENDIX B-1
RESPIRATORY QUESTIONNAIRE

A. IDENTIFICATION DATA

PLANT _____ SOCIAL SECURITY NO. _____

DAY MONTH (figures) YEAR (last 2 digits)

NAME _____ DATE OF INTERVIEW _____
(Surname)

_____ DATE OF BIRTH _____
(First Names) M F

ADDRESS _____ AGE _____ (8,9) SEX _____ (10)

_____ RACE [W] [N] [IND.] [OTHER] (11)

INTERVIEWER: 1 2 3 4 5 6 7 8 (12)

WORK SHIFT: 1st _____ 2nd _____ 3rd _____ (13) STANDING HEIGHT _____ (14,15)

PRESENT WORK AREA WEIGHT _____ (16,18)

If working in more than one specified work area, X area where most of the work shift is spent. If "other," but spending 25% of the work shift in one of the specified work areas, classify in that work area. If carding department employee, check area within that department where most of the work shift is spent (if in doubt, check "throughout"). For work areas such as spinning and weaving where many work rooms may be involved, be sure to check the specific work room to which the employee is assigned — If he works in more than one work room within a department classify as 7 (all) for that department.

	Workroom Number	(19) Open	(20) Pick	Area	(21) Card #1	(22) #2	(23) Spin	(24) Wind	(25) Twist	(26) Spool	(27) Warp	(28) Slash	(29) Weave	(30) Other
AT RISK (cotton & cotton blend)	1			Cards										
	2			Draw										
	3			Comb										
	4			Rove										
	5			Thru Out										
	6													
	7 (all)													
Control (synthetic & wool)	8													
Ex-Worker (cotton)	9													

7 9 UMI

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Use actual wording of each question. Put X in appropriate square after each question. When in doubt record 'No'. When no square, circle appropriate answer.

B. COUGH

(on getting up)†

Do you usually cough first thing in the morning?_____ Yes___ No___ (31)
(Count a cough with first smoke or on "first going out of doors." Exclude clearing throat or a single cough.)

Do you usually cough during the day or at night?_____ Yes___ No___ (32)
(Ignore an occasional cough.)

If 'Yes' to either question (31-32):

Do you cough like this on most days for as much as three months a year?_____ Yes___ No___ (33)

Do you cough on any particular day of the week? Yes___ No___ (34)

(1) (2) (3) (4) (5) (6) (7)

If 'Yes': Which day? Mon. Tues. Wed. Thur. Fri. Sat Sun. (35)

C. PHLEGM or alternative word to suit local custom.

(on getting up)†

Do you usually bring up any phlegm from your chest first thing in the morning? (Count phlegm with the first smoke or on "first going out of doors." Exclude phlegm from the nose. Count swallowed phlegm.)_____ Yes___ No___ (36)

Do you usually bring up any phlegm from your chest during the day or at night? (Accept twice or more.)_____ Yes___ No___ (37)

If 'Yes' to either question (36) or (37):

Do you bring up phlegm like this on most days for as much as three months each year?_____ Yes___ No___ (38)

If 'Yes' to question (33) or (38):

(cough) How long have you had this phlegm? (Write in number of years

(1) ☐ 2 years or less (39)
(2) ☐ More than 2 years-9 years
(3) ☐ 10-19 years
(4) ☐ 20+ years

†These words are for subjects who work at night

D. CHEST ILLNESSES

In the past three years, have you had a period of (increased) †cough and phlegm lasting for 3 weeks or more?_____

(1) ☐ No (40)
(2) ☐ Yes, only one period
(3) ☐ Yes, two or more periods

†For subjects who usually have phlegm

During the past 3 years have you had any chest illness which has kept you off work, indoors at home or in bed? (For as long as one week, flu?) Yes___ No___ (41)

If 'Yes' to (41): Did you bring up (more) phlegm than usual in any of these illnesses? Yes___ No___ (42)

If 'Yes' to (42): During the past three years have you had:
Only one such illness with increased phlegm? (1) ☐ (43)
More than one such illness: (2) ☐ (44)

Br. Grade_____

E. TIGHTNESS

Does your chest ever feel tight or your breathing become difficult?_____ Yes___ No___ (45)

Is your chest tight or your breathing difficult on any particular day of the week? (after a week or 10 days away from the mill)_____ Yes___ No___ (46)

If 'Yes': Which day? Mon. (1) Sometimes (2) Always (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun. (47)

If 'Yes' Monday: At what time on Monday does your chest feel tight or your breathing difficult?
1 ☐ Before entering the mill (48)
2 ☐ After entering the mill

(Ask only if NO to Question (45)

In the past, has your chest ever been tight or your breathing difficult on any particular day of the week?_____ Yes___ No___ (49)

If 'Yes': Which day? Mon. (1) Sometimes (2) Always (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun. (50)

F. BREATHLESSNESS

If disabled from walking by any condition other than heart or lung disease put "X" here and leave questions (52-60) unasked. ☐ (51)

Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill?_____ Yes___ No___ (52)

If 'No', grade is 1. If 'Yes', proceed to next question

Do you get short of breath walking with other people at an ordinary pace on the level?_____ Yes___ No___ (53)

If 'No', grade is 2. If 'Yes', proceed to next question

Do you have to stop for breath when walking at your own pace on the level?_____ Yes___ No___ (54)

If 'No', grade is 3. If 'Yes', proceed to next question

Are you short of breath on washing or dressing?_____ Yes___ No___ (55)

If 'No', grade is 4. If 'Yes', grade is 5.

Dyspnea Grd._____ (56)

ON MONDAYS:

Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill?_____ Yes___ No___ (57)

If 'No', grade is 1. If 'Yes', proceed to next question

Do you get short of breath walking with other people at an ordinary pace on the level?_____ Yes___ No___ (58)

If 'No', grade is 2. If 'Yes', proceed to next question

Do you have to stop for breath when walking at your own pace on the level?_____ Yes___ No___ (59)

If 'No', grade is 3. If 'Yes', proceed to next question

Are you short of breath on washing or dressing?_____ Yes___ No___ (60)

If 'No', grade is 4. If 'Yes', grade is 5

B. Grd._____ (61)

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G. OTHER ILLNESSES AND ALLERGY HISTORY

Do you have a heart condition for which you are under a doctor's care?_____Yes_____No____(62)

Have you ever had asthma? Yes No (63)

If 'Yes', did it begin: (1) ☐ Before age 30
(2) ☐ After age 30

If 'Yes' before 30: did you have asthma before ever going to work in a textile mill?_____Yes_____No____(64)

Have you ever had hay fever or other allergies (other than above)?_____Yes_____No____(65)

H. TOBACCO SMOKING*

Do you smoke?

Record 'Yes' if regular smoker up to one month ago. (Cigarettes, cigar or pipe)_____Yes_____No____(66)

If 'No' to (63).

Have you ever smoked? (Cigarettes, cigars, pipe. Record 'No' if subject has never smoked as much as one cigarette a day, or 1 oz. of tobacco a month, for as long as one year.)_____Yes_____No____(67)

If 'Yes' to (63) or (64); what have you smoked and for how many years? (Write in specific number of years in the appropriate square)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
Years	(<5)	(5-9)	(10-14)	(15-19)	(20-24)	(25-29)	(30-34)	(35-39)	(>40)	
Cigarettes										(68)
Pipe										(69)
Cigars										(70)

If cigarettes, how many packs per day? (Write in number of cigarettes)
(1) ☐ less than 1/2 pack (71)
(2) ☐ 1/2 pack, but less than 1 pack
(3) ☐ 1 pack, but less than 1-1/2 packs
(4) ☐ 1-1/2 packs or more

Number of pack years:_____(72,73)

If an ex-smoker (cigarettes, cigar or pipe), how long since you stopped?_____(74)
(Write in number of years)

(1) ☐ 0-1 year
(2) ☐ 1-4 years
(3) ☐ 5-9 years
(4) ☐ 10+ years

*Have you changed your smoking habits since last interview? If yes, specify what changes.

I. OCCUPATIONAL HISTORY**

Have you ever worked in: A foundry? (As long as one year)_____Yes_____No____(75)

Stone or mineral mining, quarrying or processing? (As long as one year)_____Yes_____No____(76)

Asbestos milling or processing? (Ever)_____Yes_____No____(77)

Other dusts, fumes or smoke? If yes, specify._____Yes_____No____(78)

Type of exposure_____

Length of exposure_____

**Ask only on first interview.

At what age did you first go to work in a textile mill? (Write in specific age in appropriate square).

(1)	(2)	(3)	(4)	(5)	(6)
<20	20-24	25-29	30-34	35-39	40+

When you first worked in a textile mill, did you work with (1) ☐ Cotton or cotton blend (79)
(2) ☐ Synthetic or wool (80)

APPENDIX. B-II

Respiratory Questionnaire

Non-Textile Workers for the Cotton Industry

Identification No. Interviewer Code

Location Date of Interview

V 4 4 / 2 9 FEDERAL REGISTER 7 9 UMI

A. IDENTIFICATION

1. NAME (Last) (First) (Middle Initial)	3. PHONE NUMBER AREA CODE ( ) NO.	4. SOCIAL SECURITY # (optional see below)
2. CURRENT ADDRESS (Number, Street, or Rural Route, City or Town, County, State, Zip Code)	5. BIRTHDATE (Mo., Day, Yr.)	6. AGE LAST BIRTHDAY
	7. SEX 1 ☐ Male 2 ☐ Female	
	8. ETHNIC GROUP OR ANCESTRY 1. ☐ White, not of Hispanic Origin 2. ☐ Black, not of Hispanic Origin 3. ☐ Hispanic 4. ☐ American Indian or Alaskan Native 5. ☐ Asian or Pacific Islander 6. ☐ Other: _____	
9. STANDING HEIGHT _____ (cm)	10. WEIGHT _____	11. WORK SHIFT 1st ☐ 2nd ☐ 3rd ☐

12. PRESENT WORK AREA

Please indicate primary assigned work area and percent of time spent at that site. If at other locations, please indicate and note percent of time for each.

PRIMARY WORK AREA	
SPECIFIC JOB	

13. APPROPRIATE INDUSTRY

1 ☐ Garnetting 3 ☐ Cotton Warehouse 5 ☐ Cotton Classification
2 ☐ Cottonseed Oil Mill 4 ☐ Utilization 6 ☐ Cotton Ginning

(Furnishing your Social Security number is voluntary. Your refusal to provide this number will not affect any right, benefit, or privilege to which you would be entitled if you did provide your Social Security number. Your Social Security number is being requested since it will permit use in future determinations in statistical research studies.)

B. OCCUPATIONAL HISTORY TABLE

Complete the following table showing the entire work history of the individual from present to initial employment. Sporadic, part-time periods of employment, each of no significant duration, should be grouped if possible.

INDUSTRY AND LOCATION	TENURE OF EMPLOYMENT FROM 19__ TO 19__	SPECIFIC OCCUPATION	AVERAGE NO. DAYS WORKED PER WEEK	HAZARDOUS HEALTH EXPOSURE ASSOCIATED WITH WORK YES	NO	IF YES, DESCRIBE

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C. SYMPTOMS

Use actual wording of each question. Put X in appropriate square after each question. When in doubt record "No".

COUGH

1. Do you usually cough first thing in the morning? (on getting up)* (Count a cough with first smoke or on "first going out of doors". Exclude clearing throat or a single cough.) 1 ☐ Yes 2 ☐ No

2. Do you usually cough during the day or at night? (Ignore an occasional cough.) 1 ☐ Yes 2 ☐ No

If YES to either question 1 or 2:

3. Do you cough like this on most days for as much as three months a year? 1 ☐ Yes 2 ☐ No 9 ☐ NA

4. Do you cough on any particular day of the week? 1 ☐ Yes 2 ☐ No

If YES:

5. Which day? Mon. Tue. Wed. Thur. Fri. Sat. Sun. _____

PHLEGM

6. Do you usually bring up any phlegm from your chest first thing in the morning? (on getting up)* (Count phlegm with the first smoke or on "first going out of doors." Exclude phlegm from the nose. Count swallowed phlegm.) 1 ☐ Yes 2 ☐ No

7. Do you usually bring up any phlegm from your chest during the day or at night? (Accept twice or more.) 1 ☐ Yes 2 ☐ No

If YES to either question 6 or 7:

8. Do you bring up phlegm like this on most days for as much as three months each year? 1 ☐ Yes 2 ☐ No

If YES to question 3 or 8:

9. How long have you had this phlegm? (cough) (Write in number of years)
   (1) ☐ 2 years or less
   (2) ☐ More than 2 years - 9 years
   (3) ☐ 10-19 years
   (4) ☐ 20+ years

*These words are for subjects who work at night

CHEST ILLNESS

10. In the past three years, have you had a period of (increased) cough and phlegm lasting for 3 weeks or more?
    (1) ☐ No
    (2) ☐ Yes, only one period
    (3) ☐ Yes, two or more periods

For subjects who usually have phlegm:

11. During the past 3 years have you had any chest illness which has kept you off work, indoors at home or in bed? (For as long as one week, flu?) 1 ☐ Yes 2 ☐ No

If YES to 11:

12. Did you bring up (more) phelgm than usual in any of these illnesses? 1 ☐ Yes 2 ☐ No

If YES to 12: During the past three years have you had:

13. Only one such illness with increased phelgm? 1 ☐ Yes 2 ☐ No

14. More than one such illness: 1 ☐ Yes 2 ☐ No

Br. Brade _____

TIGHTNESS

15. Does your chest ever feel tight or your breathing become difficult? 1 ☐ Yes 2 ☐ No

16. Is your chest tight or your breathing difficult on any particular day of the week? (after a week or 10 days away from the mill) 1 ☐ Yes 2 ☐ No

17. If YES, Which day? Mon. (1) Sometimes / (2) Always Tues. (3) Wed. (4) Thur. (5) Fri. (6) Sat. (7) Sun (8)

18. If YES Monday: At what time on Monday does your chest feel tight or your breathing difficult?
    ☐ Before entering mill
    ☐ After entering mill

(ASK ONLY IF NO TO QUESTION 15)

19. In the past, has your chest ever been tight or your breathing difficult on any particular day of the week? 1 ☐ Yes 2 ☐ No

20. If YES, Which day? Mon. (1) Sometimes / (2) Always Tues. (3) Wed. (4) Thur. (5) Fri. (6) Sat. (7) Sun. (8)

BREATHLESSNESS

21. If disabled from walking by any condition other than heart or lung disease put "X" in the space and leave questions (22-30) unasked. ☐

22. Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill? 1 ☐ Yes 2 ☐ No

If NO, grade is 1. If YES, proceed to next question

23. Do you get short of breath walking with other people at an ordinary pace on the level? 1 ☐ Yes 2 ☐ No

If NO, grade is 2. If YES, proceed to next question

24. Do you have to stop for breath when walking at your own pace on the level? 1 ☐ Yes 2 ☐ No

If NO, grade is 3. If YES, proceed to next question

25. Are you short of breath on washing or dressing? 1 ☐ Yes 2 ☐ No

If NO, grade is 4. If YES, grade is 5.

26. Dyspnea Grd. _____

ON MONDAYS:

27. Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill? 1 ☐ Yes 2 ☐ No

If NO, grade is 1. If YES, proceed to next question

28. Do you get short of breath walking with other people at an ordinary pace on the level? 1 ☐ Yes 2 ☐ No

If NO, grade is 2, If YES, proceed to next question

29. Do you have to stop for breath when walking at your own pace on the level? 1 ☐ Yes 2 ☐ No

If NO, grade is 3. If YES, proceed to next question

30. Are you short of breath on washing or dressing? 1 ☐ Yes 2 ☐ No

If NO, grade is 4. If YES, grade is 5

31. B. Grd. _____

OTHER ILLNESSES AND ALLERGY HISTORY

32. Do you have a heart condition for which you are under a doctor's care? 1 ☐ Yes 2 ☐ No

OTHER ILLNESSES AND ALLERGY HISTORY CONTINUED:

33. Have you ever had asthma? 1 ☐ Yes 2 ☐ No

If yes, did it begin: (1) Before age 30 ☐

(2) After age 30 ☐

34. If yes before 30: did you have asthma before ever going to work in a textile mill? 1 ☐ Yes 2 ☐ No

35. Have you ever had hay fever or other allergies (other than above)? 1 ☐ Yes 2 ☐ No

TOBACCO SMOKING

36. Do you smoke? Record Yes if regular smoker up to one month ago. (Cigarettes, cigar or pipe) 1 ☐ Yes 2 ☐ No

If NO to (33).

37. Have you ever smoked? (Cigarettes, cigars, pipe. Record NO if subject has never smoked as much as one cigarette a day, or 1 oz. of tobacco a month, for as long as one year.) 1 ☐ Yes 2 ☐ No

If Yes to (33) or (34); what have you smoked for how many years? (Write in specific number of years in the appropriate square)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Years	(<5)	(5-9)	(10-14)	(15-19)	(20-24)	(25-29)	(30-34)	(35-39)	(>40)
38. Cigarettes									
39. Pipe									
40. Cigars									

41. If cigarettes, how many packs per day? Write in number of cigarettes _____

☐ Less than 1/2 pack
☐ 1/2 pack, but less than 1 pack
☐ 1 pack, but less than 1 1/2 packs
☐ 1-1/2 packs or more

42. Number of pack years: _____

43. If an ex-smoker (cigarettes, cigar or pipe), how long since you stopped? (Write in number of years.) _____

☐ 0-1 year
☐ 1-4 years
☐ 5-9 years
☐ 10+ years

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OCCUPATIONAL HISTORY

Have you ever worked in:

44. A foundry? (As long as one year) 1 ☐ Yes 2 ☐ No

45. Stone or mineral mining, quarrying or processing? (As long as one year) 1 ☐ Yes 2 ☐ No

46. Asbestos milling or processing? (Ever) 1 ☐ Yes 2 ☐ No

47. Cotton or cotton blend mill? (For controls only) 1 ☐ Yes 2 ☐ No

48. Other dusts, fumes or smoke? If yes, specify. 1 ☐ Yes 2 ☐ No

Type of exposure _____

Length of exposure _____

APPENDIX B-III

ABBREVIATED RESPIRATORY QUESTIONNAIRE

A. IDENTIFICATION DATA

PLANT _____ SOCIAL SECURITY NO. _____ DAY MONTH (figures) YEAR (last 2 digits)

NAME _____ (Surname) DATE OF INTERVIEW _____

_____ (First Names) DATE OF BIRTH _____ M F

ADDRESS _____ AGE _____ (8,9) SEX _____ (10)

_____ RACE W N IND. OTHER (11)

INTERVIEWER: 1 2 3 4 5 6 7 8 (12)

WORK SHIFT: 1st _____ 2nd _____ 3rd _____ (13) STANDING HEIGHT _____ (14,15)

PRESENT WORK AREA WEIGHT _____ (16,18)

If working in more than one specified work area, X area where most of the work shift is spent. If "other," but spending 25% of the work shift in one of the specified work areas, classify in that work area. If carding department employee, check area within that department where most of the work shift is spent (if in doubt, check "throughout"). For work areas such as spinning and weaving where many work rooms may be involved, be sure to check the specific work room to which the employee is assigned — if he works in more than one work room within a department classify as 7 (all) for that department.

	Workroom Number	(19) Open	(20) Pick	Area	(21) Card #1	(22) #2	(23) Spin	(24) Wind	(25) Twist	(26) Spool	(27) Warp	(28) Slash	(29) Weave	(30) Other
AT RISK (cotton & cotton blend)	1			Cards										
	2			Draw										
	3			Comb										
	4			Rove										
	5			Thru Out										
	6													
	7 (all)													
Control (synthetic & wool)	8													
Ex-Worker (cotton)	9													

F E 9 7 9 UMI

Use actual wording of each question. Put X in appropriate square after each question. When in doubt record 'No'. When no square, circle appropriate answer.

B. COUGH

Do you usually cough first thing in the morning? (on getting up)† _____ Yes ___ No ___ (31)
(Count a cough with first smoke or on "first going out of doors." Exclude clearing throat or a single cough.)

Do you usually cough during the day or at night? _____ Yes ___ No ___ (32)
(Ignore an occasional cough.)

If 'Yes' to either question (31-32):

Do you cough like this on most days for as much as three months a year? _____ Yes ___ No ___ (33)

Do you cough on any particular day of the week? Yes ___ No ___ (34)

(1) (2) (3) (4) (5) (6) (7)

If 'Yes': Which day? Mon. Tues. Wed. Thur. Fri. Sat Sun. (35)

C. PHLEGM or alternative word to suit local custom.

Do you usually bring up any phlegm from your chest first thing in the morning? (Count phlegm with the first smoke or on "first going out of doors." Exclude phlegm from the nose. Count swallowed phlegm.) (on getting up)† _____ Yes ___ No ___ (36)

Do you usually bring up any phlegm from your chest during the day or at night? (Accept twice or more.) _____ Yes ___ No ___ (37)

If 'Yes' to either question (36) or (37):

Do you bring up phlegm like this on most days for as much as three months each year? _____ Yes ___ No ___ (38)

If 'Yes' to question (33) or (38):

How long have you had this phlegm? (cough)
(Write in number of years

(1) ☐ 2 years or less
(2) ☐ More than 2 years-5 years
(3) ☐ 10-19 years
(4) ☐ 20+ years

†These words are for subjects who work at night

D. TIGHTNESS

Does your chest ever feel tight or your breathing become difficult? _____ Yes ___ No ___ (39)

Is your chest tight or your breathing difficult on any particular day of the week? (after a week or 10 days away from the mill) _____ Yes ___ No ___ (40)

If 'Yes': Which day? Mon. (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun.
(1) Sometimes (2) Always (41)

If 'Yes' Monday: At what time on Monday does your chest feel tight or your breathing difficult? 1 ☐ Before entering the mill
2 ☐ After entering the mill (42)

(Ask only if NO to Question (45)

In the past, has your chest ever been tight or your breathing difficult on any particular day of the week? _____ Yes ___ No ___ (43)

If 'Yes': Which day? Mon. (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun.
(1) Sometimes (2) Always (44)

E. TOBACCO SMOKING

*Have you changed your smoking habits since last interview? If yes, specify what changes.

APPENDIX B-IV
Cuestionario Medico

1. Nótese: ¿Muestra el sujeto señales de resfraido o síntomas de grave infección respiratoria? ☐ Sí ☐ No (1)

2. Caso núm. _____ (2-6)

A. DATOS DE IDENTIFICACION

3. Desmotadora: _____ (7-11)

4. Nombre: _____ (Apellido)
_____ (Nombre de pila)

5. Dirección: _____
_____ (Ciudad)

6. Entreviatador: 1 2 3 4 5 6 7 8 (12-13)

7. Turno de Trabajo: 1 ____ 2 ____ (14)

8. Sitio de Trabajo Actual: (15)
   a. Balancero
   b. Corralero
   c. Succionero
   d. Desmotador
   e. Ayudante de desmotador
   f. Comprimidor
   g. Desemillador
   h. Basurero
   i. Quitahilachas
   j. Embalador

9. Número de Seguro Social
___-___-___ (16-24)

10. Fecha de Entrevista:
Mes Día Año
___/ ___/ ___/ (25-30)

11. Hora: _____ de la mañana de la tarde

12. Fecha de Nacimiento:
Mes Día Año
___/ ___/ ___/

13. Edad: _____ (31-32)

14. Sexo: Varón ___ Hembra ___ (33)

15. Raza: B___ N___ M___ O___ (34)

16. Altura Medida: ____(Pulgadas) (35-37)

17. Peso Medido: _____(Libras) (38-40)

SINTOMAS RESPIRATORIAS

EMPLÉENSE LAS PALABRAS EXACTAS DE CADA PREGUNTA. PÓNGASE UNA "X" EN LA CASILLA QUE SIGUE CADA PREGUNTA. EN CASO DE DUDA, PÓNGASE "NO". DONDE NO HAY CASILLA, PÓNGASE UN CÍRCULO ALREDEDOR DE LA RESPUESTA APROPIADA.

INTRODUCCIÓN: LE VOY A HACER UNAS PREGUNTAS, POR LA MAYOR PARTE ACERCA DE LOS PULMONES. QUIERO QUE CONTESTE CON "SÍ" O "NO" CUANDO SEA POSIBLE.

B. LA TOS

18. ¿Tose Ud. ordinariamente al levantarse por la mañana? ☐ Sí ☐ No (41)

19. ¿Tose Ud. ordinariamente de día o de noche? ☐ Sí ☐ No (42)

20. Si se contesta "Sí" a la pregunta 18 o 19, pregúntese: ¿Ha tosido así la mayoría de los días por un periodo de 3 meses durante el año pasado? ☐ Sí ☐ No ☐ NR (43)

21. Si se contesta "Sí" a 20, pregúntese: ¿Cuántos años hace que tose de esta manera?

Menos de 2 años	Más de 2 años	NR	
_____	_____	_____	(44-45)

(Page 2)

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C. LA FLEMA (u otra palabra de uso local):

22. ¿Se arranca Ud. flema del pecho ordinariamente al levantarse? (Tenga en cuenta la flema arrancada al fumar o al salir de la casa por primera vez. No tenga en cuenta los mucos nasales. Tenga en cuenta la flema que se traga.) ☐ Sí ☐ No (46)

23. ¿Se arranca Ud. alguna flema del pecho ordinariamente de día o de noche? (Nótense sólo 2 veces o más) ☐ Sí ☐ No (47)

24. Si se contesta "Sí" a la pregunta 22 o 23, pregúntese: ¿Se ha arrancado flemas la mayoría de los días por un período de 3 meses durante el año pasado? ☐ Sí ☐ No ☐ NR (48)

25. Si se contesta "Sí" a 24, pregúntese: ¿Cuántos años hace que se arranca flemas así? _____Años

Menos de 2 años	Mas de 2 años	NR	
____	____	____	(49-50)

D. ENFERMEDADES PULMONARIAS

26. ¿Durante los tres años pasados, ha pasado algún período de tos* (aumentada) y flemas que duró 3 semanas o más?

* Sujetos que ordinariamente se arrancan flemas

☐ No
☐ Sí, uno solo
☐ Sí, dos o más (51)

27. ¿Ha tenido Ud. durante los 3 años pasados alguna enfermedad del pecho que le haya impedido a trabajar o le haya obligado a permanecer en casa, en cama por tanto como una semana? (Por ejemplo: ¿la gripe?) ☐ Sí ☐ No (52)

28. Si se contesta "Sí" a 27, pregúntese: ¿se arrancó Ud. más flemas que lo general durante alguno de estos ataques? ☐ Sí ☐ No ☐ NR (53)

29. Si se contesta "Sí" a 28, pregúntese: ¿Ha tenido durante los tres anos pasados:

Sólo un tal ataque con aumento de flemas? ____
Más de uno? ____
No cabe ____ (54)

30. Br. Grade
0_____(0)
1_____(1)
2_____(2)
3_____(3) (55)

31. ¿Resuella ruidosamente o tiene silbidos alguna vez en el pecho? ☐ Sí ☐ No (56)

32. Si se contesta "Sí" a 31, pregúntese: ¿Cuántas veces por año pasa eso? _____Veces

Menos de 50	Más de 50	NR	
____	____	____	(57-58)

E. LA DISPNEA (desaliento)

33. Sufre Ud. ataques de desaliento que no se relacionan con ningún esfuerzo físico? ☐ Sí ☐ No (59)

34. Si se contesta "Sí" a 33, pregúntese: Cuántos de tales ataques ha sufrido durante el año pasado? _____Ataques

Menos de 50	Mas de 50	NR	
____	____	____	(60-61)

35. Si se inhabilita de caminar a causa de cualquier condicion que no sea enfermedad del corazón o del pecho, ponga una "X" y especifique: ____ (62)

36. ¿Lo aflige un desaliento al caminar aprisa en terreno llano o al subir una pequeña cuesta? ☐ Sí ☐ No (63)

(Si "No," el grado es 1. Si es "Sí," siga a la pregunta siguiente.)

37. ¿Lo aflige un desaliento al caminar con otros de su propia edad a su paso ordinario en terreno llano? ☐ Sí ☐ No ☐ NR (64)

(Si "No," el grado es 2. Si es "Sí," prosiga)

38. ¿Tiene que detenerse porque se ahoga al caminar a paso ordinario en terreno llano? ☐ Sí ☐ No ☐ NR (65)

(Si "No," el grado es 3. Si es "Sí," prosiga)

39. ¿Se desalienta al lavarse o vestirse? ☐ Sí ☐ No ☐ NR (66)

(Si "No," el grado es 4. Si es "Sí," el grado es 5)

40. Dyspnea Grd._____ (67)

Introducción para las preguntas 40-43:

EL PRIMER DIA DE VUELTA AL TRABAJO DESPUES DE SUS DIAS LIBRES:

41. ¿Lo aflige un desaliento al caminar aprisa en terreno llano o al subir una pequeña cuesta? ☐ Sí ☐ No (68)

(Si "No," el grado es 1. Si es "Sí," siga a la pregunta siguiente.)

42. ¿Lo aflige un desaliento al caminar con otros de su propia edad a su paso ordinario en terreno llano? ☐ Sí ☐ No ☐ NR (69)

(Si "No," el grado es 2. Si es "Sí," prosiga)

43. ¿Tiene que detenerse porque se ahoga al caminar a paso ordinario en terreno llano? ☐ Sí ☐ No ☐ NR (70)

(Si "No," el grado es 3. Si es "Sí," prosiga)

44. ¿Se desalienta al lavarse o vestirse? ☐ Sí ☐ No ☐ NR (71)

(Si "No," el grado es 4. Si es "Sí," el grado es 5)

V 4 4 / 2 9 F E 9 7 9 UMI

45. B. Grd. 0_____(0)
1/2_____(1)
1_____(2)
2_____(3)
3_____(4) (72)

46. ¿Ha tosido más que lo usual durante la semana pasada? Fecha / Sí / No (73)

47. ¿Se ha arrancado flemas del pecho o de día o de noche durante la semana pasada? Sí / No (74)

48. ¿Ha tenido un "resfriado del pecho" durante la semana pasada? Fecha / Sí / No (75)

F. LA OPRESION EN EL PECHO

49. ¿Tiene Ud. alguna vez opresión en el pecho o dificultad de respirar? Sí / No (76)

50. ¿Se le oprime el pecho o se le hace difícil respirar algún día de la semana en particular? Sí / No (77)

51. Si se contesta "Sí" a 50, pregúntese: ¿Cuál día?

D / L / Mar. / Mier. / J / V / S / Siempre / A veces / NR (78-85)

52. ¿Se le oprime el pecho o se le hace difícil respirar:

a. ¿El primer día de vuelta al trabajo después de un día libre o más?

b. ¿El segundo día de vuelta al trabajo después de un día libre o más?

c. ¿El último día de trabajo antes de un día libre?

d. No cabe ninguna de las preguntas de arriba.

Fecha (86-89)

53. Si se contesta "Sí" a 52, pregúntese: ¿Siente opresión en el pecho o se le hace difícil respirar:

a. En todas tales ocasiones?
b. Sólo a veces.
c. No cabe.

Fecha (90-92)

54. Si se contesta "Sí" a la pregunta 50 o 52, pregúntese: ¿A qué hora del día indicado siente opresión en el pecho o dificultad de respirar?

a. Antes de entrar en la desmotadora.
b. Después de entrar en la desmotadora.
c. Después de salir de la desmotadora.
d. No cabe.

Fecha (93-96)

55. Si la respuesta a 54 "b" o "c" es afirmativa, pregúntese: ¿Cuántas horas después de empezar un turno comienza esto?

Horas_____
No cabe_____ (97-98)

56. Si la respuesta a 54 "b" o "c" es afirmativa, pregúntese: ¿Cuánto tiempo dura esta opresión o dificultad de respirar?

Horas_____
No cabe_____ (99-100)

57. (Pregúntese sólo si se contesta "No" a 50) En el pasado, ha sentido alguna vez opresión en el pecho o dificultad de respirar algún día de la semana en particular? ☐ Sí ☐ No ☐ NR (101)

58. Si se contesta "Sí" a 57, pregúntese: Cuál día?

D_____
L_____
Mar._____
Mier._____
J_____ Siempre___
V_____ A veces___
S_____ NR_____ (102)

59. (Pregúntese sólo si se contesta "No" a 52) ¿En el pasado, ha sentido alguna vez opresión en el pecho o dificultad de respirar?

a. El primer día de vuelta al trabajo después de un día libre o más. a._____

b. El segundo día de vuelta al trabajo después de un día libre o más. b._____

c. El último día de trabajo antes de un día libre. c._____ (103)

d. No cabe nada de lo de arriba. d._____

e. NR. e._____

V 4 4 / 2 9 FEB 9 7 9 UMI

60. Si se contesta "Sí" a 59, preguntese: ¿ Sentía Ud. opresión en el pecho o dificultad de respirar?

a. En toda (o casi toda) ocasion a____
b. Sólo a veces b____ (104)
c. No cabe c____

61. Si se contesta "Sí" a 50, 52, 57, 0 59, pregúntese: ¿ Cuantos años hace que siente opresión en el pecho o dificultad de respirar? ____ Años ☐ NR (105-106)

G. HISTORIA LABORAL

62. ¿ Qué clase de trabajo hace Ud. cuando no desmote el algodón (Especifique)? _____ (107)

Introducción para las preguntas 63 a 69: ¿ Ha trabajado Ud. alguna vez en:

63. Una fundición (por tanto como un año)? ☐ Sí ☐ No (108)

64. La minería o elaboración de piedra o metales (por tanto como un año)? ☐ Sí ☐ No (109)

65. En una planta de asbesto (alguna vez)? ☐ Sí ☐ No (110)

66. En una fábrica de textil de algodón, de mezclado de algondon o de aceite de semilla de algodón? ☐ Sí ☐ No (111)

67. En el cosecho de algodón o cereales? ☐ Sí ☐ No (112)

68. En una desmotadora de algodón (sólo para el grupo de control)? ☐ Sí ☐ No (113)

69. En proximidad de otros polvos, emanaciones o humos? Si se contesta "Sí," especifíquese: ☐ Sí ☐ No (114)
Clase de contacto_____
Duración de contacto_____

70. ¿ Cuántos años tenía cuando empezó a trabajar por primera vez en una desmotadora de algodón? (Escríbase su edad exacta)_____ (115-116)

71. ¿ Cuántos años hace que trabaja en una desmotadora de algodón? (Número total de años)_____ (117-118)

72. ¿ Cuántos meses por año trabaja ordinariamente en una desmotadora de algodón?_____ (Núm. de meses) (119-120)

73. ¿ En qué otras regiones del estado o del país ha trabajado (desmotando el algodón)?_____ (121-122)

H. OTRAS ENFERMEDADES

74. ¿ Tiene Ud. una condición del corazón que requiere los servicios de un médico? ☐ Sí ☐ No (123)

75. Si se contesta "Sí" a 74, especifíquense la condición_____.
la medicacion:_____
No cabe:_____

76. ¿ Ha tenido alguna vez asma? ☐ Sí ☐ No (124)

77. Si se contesta "Si" a 76, pregúntese si empezó: ___Antes de los 30 anos
___Despues de los 30 anos
___NR

78. Si se contèsta "Sí" a 76, pregúntese: Tenía asma antes de trabajar en una desmotadora de algodón? ☐ Sí ☐ No ☐ NR (125)

79. ¿ Le ha dicho alguna vez un medico que Ud. Tenía alguna de las condiciones que siguen?

a. Bronquitis cronica ☐ Sí ☐ No (126)
b. Enfisema ☐ Sí ☐ No (127)
c. Infección fungoso de los pulmones ☐ Sí ☐ No (128)
d. Tisis (tuberculosis) ☐ Sí ☐ No (129)
e. Cualquier condición crónica de los pulmones ☐ Sí ☐ No (130)

Si se contesta "Sí," especifíquese:_____

I. CONSUMO DE TABACO

80. ¿ Ha fumado Ud. alguna vez cigarrillos? ☐ Sí ☐ No (131)

(Si se contesta "Sí" a 80, pregúntese 81. Si "No," omítase lo que no quepa.)

81. ¿ Fuma cigarrillos actualmente? ☐ Sí ☐ No ☐ NR (132)

(Si se contesta "Sí" a 81, pregúntese 82 a 84. Si "No," pregúntese 85 a 87.)

82. ¿ Aproximadamente cuántos cigarrillos fuma ordinariamente por día? ____ Número ☐ NR (133-134)

83. ¿ Inhala (aspira), digo, traga el humo? ☐ Sí ☐ No ☐ NR (135)

84. ¿ Cuántos años hace que fuma cigarrillos? ____ Años ☐ NR (136-137)

(Omítase hasta 88)

85. ¿ Cuando fumaba, cuántos cigarrillos consumía por día? ____ Número ☐ NR (138-139)

V 4 4 / 2 9 F E 9 7 9 9 UMI

86. ¿Inhalaba (aspiraba), digo, tragaba el humo? ☐ Sí ☐ No ☐ NR (140)

87. ¿Aproximadamente cuántos años hacía que fumaba cigarrillos? ___ Años ☐ NR (141-142)

88. ¿Ha fumado alguna vez puros? ☐ Sí ☐ No (143)

(Si se contesta "Sí" a 88, pregúntese 89 a 91. Si "No," omítase hasta 92.)

89. ¿Fuma puros actualmente? ☐ Sí ☐ No ☐ NR (144)

(Si se contesta "Sí" a 89, pregúntese 90 a 91. Si "No," omítase hasta 92.)

90. ¿Aprximadamente cuántos puros fuma ordinariamente por día? ___ Número ☐ NR (145-146)

91. ¿Aproximadamente cuántos años hace que fuma puros? ___ Años ☐ NR (147-148)

92. ¿Ha fumado alguna vez en pipa? ☐ Sí ☐ No (149)

(Si se contesta "Sí" a 92, pregúntese 93 a 95. Si "No," terminese la entrevista.)

93. Fuma en pipa actualmente? ☐ Sí ☐ No ☐ NR (150)

(Si se contesta "Sí" a 93, preguntese 94 a 95. Si "No," terminese la entrevista.)

94. ¿Aproximadamente cuántas pipadas de tabaco fuma ordinariamente por día? ___ Número ☐ NR (151-152)

95. ¿Aproximadamente cuántos años hace que fuma en pipa? ___ Años ☐ NR (153-154)

APPENDIX C - SPIROMETRY PREDICTION TABLES FOR NORMAL MALES AND FEMALES

TABLE 1. PREDICTED FVC FOR MALES (THOUSAND, ET AL.) FEV RESPIR. DIS. 1976, 113, 587.)

HT	AGE 17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	47	49	51	53	55	57	59	61	63	65
60.0	3.44	3.58	3.75	**3.91**	**3.72**	**3.66**	**3.61**	**3.55**	**3.49**	**3.43**	**3.37**	**3.32**	**3.26**	**3.20**	**3.14**	**3.08**	**3.03**	**2.97**	**2.91**	**2.85**	**2.79**	**2.74**	**2.68**	**2.62**	**2.56**
60.5	3.50	3.66	3.81	**3.97**	**3.80**	**3.75**	**3.69**	**3.63**	**3.57**	**3.51**	**3.46**	**3.40**	**3.34**	**3.28**	**3.22**	**3.17**	**3.11**	**3.05**	**2.99**	**2.93**	**2.88**	**2.82**	**2.76**	**2.70**	**2.64**
61.0	3.56	3.72	**3.88**	**4.03**	**3.85**	**3.83**	**3.77**	**3.71**	**3.66**	**3.60**	**3.54**	**3.48**	**3.42**	**3.37**	**3.31**	**3.25**	**3.19**	**3.13**	**3.08**	**3.02**	**2.96**	**2.90**	**2.84**	**2.79**	**2.73**
61.5	3.63	3.78	**3.94**	**4.10**	**3.97**	**3.91**	**3.85**	**3.79**	**3.74**	**3.68**	**3.62**	**3.56**	**3.50**	**3.45**	**3.39**	**3.33**	**3.27**	**3.22**	**3.16**	**3.10**	**3.04**	**2.98**	**2.93**	**2.87**	**2.81**
62.0	3.69	3.85	4.00	4.16	4.05	3.99	3.94	3.88	3.82	3.77	3.71	3.65	3.59	3.53	3.47	3.41	3.36	3.30	3.24	3.18	3.12	3.07	3.01	2.95	2.89
62.5	3.76	3.91	4.07	4.22	4.13	4.08	4.02	3.96	3.90	3.84	3.78	3.72	3.66	3.60	3.55	3.49	3.44	3.38	3.32	3.26	3.21	3.15	3.09	3.03	2.97
63.0	3.82	3.97	4.13	4.29	4.22	4.16	4.10	4.04	3.99	3.93	3.87	3.81	3.75	3.70	3.64	3.58	3.52	3.46	3.41	3.35	3.29	3.23	3.17	3.12	3.06
63.5	3.88	4.04	4.19	4.35	4.30	4.24	4.18	4.13	4.07	4.01	3.95	3.89	3.84	3.78	3.72	3.66	3.60	3.55	3.49	3.43	3.37	3.31	3.26	3.20	3.14
64.0	3.95	4.10	4.26	4.41	4.38	4.32	4.27	4.21	4.15	4.09	4.03	3.98	3.92	3.86	3.80	3.74	3.69	3.63	3.57	3.51	3.45	3.40	3.34	3.28	3.22
64.5	4.01	4.17	4.32	4.48	4.46	4.41	4.35	4.29	4.23	4.17	4.12	4.06	4.00	3.94	3.88	3.83	3.77	3.71	3.65	3.59	3.54	3.48	3.42	3.36	3.30
65.0	4.07	4.23	4.39	4.54	4.53	4.49	4.43	4.37	4.32	4.26	4.20	4.14	4.08	4.03	3.97	3.91	3.85	3.79	3.74	3.68	3.62	3.56	3.50	3.45	3.39
65.5	4.14	4.29	4.45	4.60	4.63	4.57	4.51	4.46	4.40	4.34	4.28	4.22	4.16	4.11	4.05	3.99	3.93	3.88	3.82	3.76	3.70	3.64	3.59	3.53	3.47
66.0	4.20	4.36	4.51	4.67	4.71	4.65	4.60	4.54	4.48	4.42	4.36	4.30	4.25	4.19	4.13	4.07	4.02	3.96	3.90	3.84	3.78	3.73	3.67	3.61	3.55
66.5	4.26	4.42	4.58	4.73	4.80	4.74	4.68	4.62	4.56	4.50	4.44	4.39	4.33	4.27	4.22	4.16	4.10	4.04	3.98	3.93	3.87	3.81	3.75	3.69	3.64
67.0	4.33	4.48	4.64	4.80	4.88	4.82	4.76	4.70	4.65	4.59	4.53	4.47	4.41	4.36	4.30	4.24	4.18	4.12	4.07	4.01	3.95	3.89	3.83	3.78	3.72
67.5	4.39	4.55	4.70	4.86	4.96	4.90	4.84	4.78	4.73	4.67	4.61	4.55	4.49	4.44	4.38	4.32	4.26	4.21	4.15	4.09	4.03	3.97	3.92	3.86	3.80
68.0	4.45	4.61	4.77	4.92	5.04	4.98	4.92	4.87	4.81	4.75	4.69	4.63	4.58	4.52	4.46	4.40	4.35	4.29	4.23	4.17	4.11	4.06	4.00	3.94	3.88
68.5	4.52	4.67	4.83	4.99	5.13	5.07	5.01	4.95	4.89	4.83	4.78	4.72	4.66	4.61	4.55	4.49	4.43	4.37	4.31	4.26	4.20	4.14	4.08	4.02	3.97
69.0	4.58	4.74	4.89	5.05	5.21	5.15	5.09	5.03	4.98	4.92	4.86	4.80	4.74	4.69	4.63	4.57	4.51	4.45	4.40	4.34	4.28	4.22	4.16	4.11	4.05
69.5	4.64	4.80	4.96	5.11	5.29	5.23	5.17	5.11	5.06	5.00	4.94	4.88	4.82	4.77	4.71	4.65	4.59	4.54	4.48	4.42	4.36	4.30	4.25	4.19	4.13
70.0	4.71	4.86	5.02	5.18	5.37	5.32	5.25	5.20	5.14	5.08	5.02	4.96	4.91	4.85	4.79	4.74	4.68	4.62	4.56	4.50	4.44	4.39	4.33	4.27	4.21
70.5	4.77	4.93	5.08	5.24	5.46	5.40	5.34	5.28	5.22	5.16	5.11	5.04	4.98	4.92	4.87	4.81	4.76	4.70	4.64	4.59	4.53	4.47	4.41	4.35	4.30
71.0	4.83	4.99	5.15	5.30	5.54	5.48	5.42	5.36	5.31	5.25	5.19	5.13	5.07	5.01	4.95	4.89	4.83	4.78	4.73	4.67	4.61	4.55	4.49	4.44	4.38
71.5	4.90	5.05	5.21	5.37	5.62	5.56	5.50	5.45	5.39	5.33	5.27	5.21	5.15	5.09	5.03	4.97	4.92	4.86	4.80	4.74	4.68	4.63	4.58	4.52	4.46
72.0	4.96	5.12	5.27	5.43	5.70	5.65	5.59	5.73	5.67	5.61	5.75	5.69	5.63	5.58	5.52	5.46	5.40	5.34	5.29	5.23	5.17	5.11	5.06	5.00	4.94
72.5	5.03	5.18	5.34	5.49	5.79	5.73	5.67	5.81	5.75	5.69	5.63	5.58	5.52	5.46	5.40	5.34	5.28	5.22	5.16	5.11	5.05	4.99	4.93	4.87	4.82
73.0	5.09	5.24	5.40	5.56	5.87	5.81	5.75	5.69	5.63	5.58	5.52	5.46	5.40	5.34	5.28	5.22	5.16	5.11	5.05	4.99	4.93	4.87	4.82	4.76	4.70
73.5	5.15	5.31	5.46	5.62	5.95	5.89	5.83	5.78	5.72	5.66	5.60	5.54	5.48	5.42	5.36	5.31	5.25	5.20	5.14	5.08	5.02	4.96	4.91	4.85	4.79
74.0	5.22	5.37	5.53	5.68	6.03	5.98	5.92	5.86	5.80	5.74	5.68	5.62	5.57	5.51	5.45	5.40	5.34	5.28	5.22	5.16	5.11	5.05	4.99	4.93	4.87
74.5	5.28	5.44	5.59	5.75	6.12	6.06	6.00	5.94	5.88	5.82	5.77	5.71	5.65	5.59	5.54	5.48	5.42	5.36	5.31	5.25	5.20	5.14	5.08	5.02	4.96
75.0	5.34	5.50	5.65	5.81	6.20	6.14	6.08	6.02	5.96	5.91	5.85	5.79	5.73	5.67	5.62	5.56	5.50	5.44	5.39	5.33	5.27	5.21	5.15	5.10	5.04
75.5	5.41	5.56	5.72	5.87	6.28	6.22	6.17	6.11	6.05	5.99	5.93	5.87	5.81	5.75	5.70	5.64	5.59	5.53	5.47	5.41	5.35	5.30	5.24	5.18	5.12
76.0	5.47	5.63	5.78	5.94	6.36	6.31	6.25	6.19	6.13	6.07	6.02	5.96	5.90	5.84	5.78	5.73	5.67	5.61	5.55	5.49	5.44	5.38	5.33	5.26	5.20
76.5	5.53	5.69	5.85	6.00	6.45	6.39	6.33	6.27	6.21	6.16	6.10	6.04	5.98	5.92	5.87	5.81	5.75	5.69	5.63	5.58	5.52	5.46	5.40	5.34	5.29
77.0	5.60	5.75	5.91	6.06	6.53	6.47	6.41	6.35	6.30	6.24	6.18	6.12	6.06	6.01	5.95	5.89	5.83	5.78	5.72	5.66	5.60	5.54	5.48	5.43	5.37
77.5	5.66	5.82	5.97	6.13	6.61	6.55	6.50	6.44	6.38	6.32	6.26	6.20	6.14	6.08	6.02	5.96	5.91	5.85	5.79	5.73	5.67	5.63	5.57	5.51	5.45
78.0	5.72	5.88	6.04	6.19	6.69	6.64	6.58	6.52	6.46	6.40	6.34	6.29	6.23	6.17	6.11	6.06	6.00	5.94	5.88	5.82	5.77	5.71	5.65	5.59	5.53
78.5	5.79	5.94	6.10	6.26	6.78	6.72	6.66	6.60	6.54	6.49	6.43	6.37	6.31	6.25	6.20	6.14	6.08	6.02	5.96	5.91	5.85	5.79	5.73	5.67	5.62
79.0	5.85	6.01	6.16	6.32	6.86	6.80	6.74	6.68	6.63	6.57	6.51	6.45	6.39	6.34	6.28	6.22	6.16	6.10	6.05	5.99	5.93	5.87	5.81	5.76	5.70
79.5	5.91	6.07	6.23	6.38	6.94	6.88	6.83	6.77	6.71	6.65	6.59	6.53	6.48	6.42	6.36	6.30	6.25	6.19	6.13	6.07	6.01	5.96	5.90	5.84	5.78
80.0	5.98	6.13	6.29	6.45	7.02	6.97	6.91	6.85	6.79	6.73	6.67	6.62	6.56	6.50	6.44	6.39	6.33	6.27	6.21	6.15	6.10	6.04	5.98	5.92	5.86
80.5	6.04	6.20	6.35	6.51	7.11	7.05	6.99	6.93	6.87	6.81	6.76	6.70	6.64	6.58	6.53	6.47	6.41	6.35	6.29	6.24	6.18	6.12	6.06	6.00	5.95
81.0	6.10	6.26	6.42	6.57	7.19	7.13	7.07	7.02	6.96	6.90	6.84	6.79	6.73	6.67	6.62	6.56	6.50	6.44	6.38	6.32	6.26	6.20	6.15	6.09	6.03
81.5	6.17	6.32	6.48	6.64	7.27	7.21	7.16	7.10	7.04	6.98	6.92	6.87	6.81	6.76	6.70	6.64	6.59	6.53	6.47	6.41	6.35	6.29	6.23	6.17	6.11
82.0	6.23	6.39	6.54	6.70	7.35	7.30	7.24	7.18	7.12	7.06	7.01	6.95	6.89	6.83	6.77	6.72	6.66	6.60	6.54	6.48	6.43	6.37	6.31	6.25	6.19
82.5	6.30	6.45	6.61	6.76	7.44	7.38	7.32	7.26	7.20	7.15	7.09	7.03	6.97	6.91	6.86	6.80	6.74	6.68	6.62	6.57	6.51	6.45	6.39	6.33	6.28
83.0	6.36	6.51	6.67	6.83	7.52	7.46	7.40	7.35	7.29	7.23	7.17	7.11	7.06	7.00	6.94	6.88	6.82	6.77	6.71	6.65	6.59	6.53	6.48	6.42	6.36
83.5	6.42	6.58	6.73	6.89	7.60	7.54	7.49	7.43	7.37	7.31	7.25	7.20	7.14	7.08	7.02	6.96	6.91	6.85	6.79	6.73	6.67	6.62	6.56	6.50	6.44
84.0	6.49	6.64	6.80	6.95	7.68	7.63	7.57	7.51	7.45	7.39	7.34	7.28	7.22	7.16	7.10	7.05	6.99	6.93	6.87	6.81	6.76	6.70	6.64	6.58	6.52
84.5	6.55	6.71	6.86	7.02	7.77	7.71	7.65	7.59	7.53	7.48	7.42	7.36	7.30	7.24	7.19	7.13	7.07	7.01	6.95	6.90	6.84	6.78	6.72	6.66	6.61
85.0	6.61	6.77	6.92	7.08	7.85	7.79	7.73	7.68	7.62	7.56	7.50	7.44	7.39	7.33	7.27	7.21	7.15	7.10	7.04	6.98	6.92	6.86	6.81	6.75	6.69

V 4 4 / 2 9 FEB 79 UMI

V 4 4 \ 2 9 F E 9 7 9 UMI

TABLE 2. PREDICTED FEV1 FOR MALES (HUDSON, ET AL. AM REV RESPIR DIS. 1976, 113, 587.)

HT	AGE 17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	47	49	51	53	55	57	59	61	63	65
60.0	2.97	3.05	3.15	3.24	3.05	2.99	2.94	2.88	2.82	2.76	2.70	2.64	2.58	2.52	2.46	2.40	2.34	2.29	2.24	2.19	2.13	2.08	2.02	1.97	1.92
60.5	3.03	3.12	3.21	3.30	3.11	3.05	2.99	2.93	2.87	2.81	2.75	2.69	2.63	2.57	2.51	2.45	2.40	2.34	2.28	2.23	2.17	2.12	2.07	2.02	1.97
61.0	3.08	3.17	3.26	3.35	3.18	3.12	3.05	2.99	2.93	2.87	2.81	2.75	2.69	2.63	2.57	2.51	2.45	2.40	2.34	2.28	2.23	2.17	2.12	2.07	2.02
61.5	3.14	3.23	3.32	3.41	3.24	3.19	3.14	3.08	3.02	2.96	2.90	2.84	2.78	2.72	2.66	2.60	2.54	2.49	2.43	2.38	2.33	2.27	2.22	2.17	2.12
62.0	3.20	3.29	3.38	3.47	3.31	3.26	3.20	3.14	3.08	3.02	2.96	2.90	2.84	2.78	2.72	2.66	2.61	2.55	2.50	2.45	2.39	2.34	2.28	2.23	2.18
62.5	3.26	3.35	3.44	3.53	3.38	3.32	3.27	3.21	3.14	3.08	3.02	2.97	2.91	2.85	2.78	2.72	2.68	2.62	2.57	2.51	2.46	2.41	2.35	2.30	2.25
63.0	3.32	3.41	3.50	3.59	3.44	3.39	3.33	3.27	3.20	3.14	3.08	3.03	2.97	2.91	2.85	2.80	2.74	2.69	2.63	2.58	2.53	2.47	2.42	2.36	2.31
63.5	3.38	3.47	3.56	3.65	3.51	3.46	3.40	3.34	3.27	3.22	3.16	3.11	3.05	3.00	2.94	2.89	2.83	2.78	2.72	2.65	2.59	2.54	2.48	2.43	2.38
64.0	3.43	3.52	3.61	3.70	3.58	3.52	3.47	3.41	3.34	3.29	3.24	3.18	3.13	3.07	3.01	2.96	2.89	2.83	2.78	2.72	2.66	2.60	2.55	2.50	2.44
64.5	3.49	3.58	3.67	3.76	3.64	3.59	3.53	3.48	3.41	3.35	3.29	3.24	3.18	3.13	3.07	3.02	2.96	2.90	2.84	2.79	2.74	2.67	2.62	2.56	2.50
65.0	3.55	3.64	3.73	3.82	3.71	3.65	3.60	3.55	3.49	3.42	3.36	3.31	3.25	3.19	3.13	3.07	3.02	2.96	2.90	2.84	2.79	2.74	2.68	2.62	2.56
65.5	3.61	3.70	3.79	3.88	3.77	3.72	3.67	3.61	3.56	3.50	3.44	3.38	3.32	3.26	3.20	3.14	3.09	3.03	2.96	2.91	2.85	2.80	2.75	2.69	2.63
66.0	3.67	3.76	3.85	3.94	3.84	3.79	3.73	3.68	3.62	3.56	3.50	3.44	3.38	3.32	3.26	3.20	3.15	3.09	3.03	2.98	2.92	2.86	2.81	2.75	2.69
66.5	3.73	3.82	3.91	4.00	3.91	3.85	3.80	3.74	3.68	3.62	3.57	3.51	3.45	3.39	3.33	3.27	3.22	3.16	3.11	3.05	2.99	2.93	2.87	2.81	2.76
67.0	3.79	3.88	3.97	4.06	3.97	3.92	3.86	3.81	3.75	3.69	3.63	3.58	3.52	3.46	3.40	3.34	3.29	3.24	3.18	3.12	3.06	3.01	2.95	2.89	2.83
67.5	3.84	3.93	4.02	4.11	4.04	3.98	3.93	3.87	3.81	3.75	3.70	3.64	3.58	3.53	3.47	3.41	3.36	3.31	3.25	3.20	3.14	3.08	3.03	2.97	2.91
68.0	3.90	3.99	4.08	4.17	4.10	4.05	4.00	3.94	3.88	3.82	3.77	3.71	3.66	3.61	3.55	3.49	3.44	3.38	3.33	3.28	3.22	3.17	3.11	3.06	3.00
68.5	3.96	4.05	4.14	4.23	4.17	4.12	4.06	4.01	3.95	3.89	3.83	3.78	3.72	3.67	3.61	3.56	3.50	3.45	3.39	3.34	3.28	3.23	3.17	3.12	3.06
69.0	4.02	4.11	4.20	4.29	4.24	4.18	4.13	4.07	4.02	3.96	3.90	3.85	3.79	3.73	3.68	3.62	3.57	3.51	3.46	3.40	3.35	3.29	3.24	3.18	3.13
69.5	4.08	4.17	4.26	4.35	4.30	4.25	4.19	4.14	4.09	4.03	3.97	3.92	3.86	3.81	3.75	3.70	3.64	3.59	3.53	3.48	3.42	3.37	3.32	3.26	3.21
70.0	4.14	4.23	4.32	4.41	4.37	4.31	4.26	4.20	4.15	4.09	4.04	3.98	3.93	3.87	3.82	3.77	3.71	3.66	3.61	3.55	3.49	3.44	3.38	3.33	3.28
70.5	4.19	4.28	4.37	4.46	4.43	4.38	4.33	4.27	4.22	4.16	4.11	4.05	4.00	3.94	3.89	3.83	3.78	3.73	3.67	3.62	3.57	3.51	3.46	3.40	3.34
71.0	4.25	4.34	4.43	4.52	4.50	4.45	4.39	4.34	4.28	4.22	4.17	4.12	4.06	4.01	3.95	3.90	3.84	3.79	3.73	3.68	3.62	3.57	3.52	3.46	3.41
71.5	4.31	4.40	4.49	4.58	4.57	4.51	4.46	4.40	4.34	4.29	4.23	4.18	4.13	4.07	4.02	3.96	3.91	3.85	3.80	3.74	3.69	3.64	3.58	3.53	3.47
72.0	4.37	4.46	4.55	4.64	4.63	4.58	4.52	4.47	4.42	4.36	4.31	4.26	4.20	4.15	4.10	4.04	3.98	3.93	3.88	3.82	3.77	3.71	3.66	3.61	3.55
72.5	4.43	4.52	4.61	4.70	4.70	4.64	4.59	4.53	4.48	4.42	4.37	4.31	4.26	4.20	4.15	4.10	4.04	3.98	3.93	3.88	3.82	3.77	3.71	3.66	3.61
73.0	4.49	4.58	4.67	4.76	4.76	4.71	4.66	4.60	4.55	4.49	4.44	4.38	4.33	4.27	4.22	4.16	4.11	4.05	4.00	3.94	3.89	3.83	3.78	3.72	3.67
73.5	4.54	4.63	4.72	4.81	4.83	4.78	4.72	4.67	4.61	4.55	4.50	4.44	4.39	4.33	4.28	4.22	4.17	4.12	4.06	4.01	3.95	3.90	3.85	3.79	3.74
74.0	4.60	4.69	4.78	4.87	4.90	4.84	4.79	4.73	4.68	4.62	4.57	4.51	4.46	4.40	4.35	4.29	4.24	4.18	4.13	4.07	4.02	3.96	3.91	3.85	3.80
74.5	4.66	4.75	4.84	4.93	4.96	4.91	4.85	4.80	4.74	4.68	4.63	4.57	4.52	4.46	4.41	4.35	4.30	4.24	4.19	4.13	4.08	4.02	3.97	3.91	3.86
75.0	4.72	4.81	4.90	4.99	5.03	4.97	4.92	4.86	4.81	4.75	4.69	4.64	4.58	4.52	4.47	4.41	4.36	4.30	4.25	4.19	4.14	4.08	4.03	3.97	3.92
75.5	4.78	4.87	4.96	5.05	5.09	5.04	4.99	4.93	4.87	4.82	4.76	4.70	4.65	4.59	4.53	4.48	4.42	4.37	4.31	4.26	4.20	4.15	4.09	4.04	3.98
76.0	4.84	4.93	5.02	5.11	5.16	5.10	5.05	4.99	4.93	4.88	4.82	4.76	4.71	4.65	4.59	4.54	4.48	4.43	4.37	4.31	4.26	4.20	4.14	4.09	4.03
76.5	4.90	4.99	5.08	5.17	5.23	5.17	5.12	5.05	5.00	4.94	4.88	4.82	4.77	4.71	4.65	4.60	4.54	4.49	4.43	4.37	4.32	4.26	4.20	4.15	4.09
77.0	4.95	5.04	5.13	5.22	5.29	5.24	5.18	5.13	5.06	5.00	4.95	4.89	4.83	4.78	4.72	4.66	4.60	4.55	4.49	4.44	4.38	4.32	4.27	4.21	4.15
77.5	5.01	5.10	5.19	5.28	5.36	5.30	5.25	5.19	5.12	5.06	5.01	4.95	4.89	4.84	4.78	4.72	4.67	4.61	4.56	4.50	4.44	4.39	4.33	4.27	4.21
78.0	5.07	5.16	5.25	5.34	5.42	5.37	5.32	5.26	5.19	5.13	5.07	5.01	4.96	4.90	4.84	4.78	4.72	4.67	4.61	4.56	4.50	4.45	4.40	4.34	4.28
78.5	5.13	5.22	5.31	5.40	5.49	5.44	5.38	5.33	5.27	5.20	5.14	5.08	5.02	4.97	4.91	4.85	4.79	4.74	4.68	4.63	4.57	4.52	4.46	4.41	4.34
79.0	5.19	5.28	5.37	5.46	5.56	5.50	5.45	5.39	5.34	5.27	5.21	5.15	5.09	5.03	4.98	4.92	4.86	4.81	4.75	4.69	4.63	4.58	4.53	4.47	4.41
79.5	5.25	5.34	5.43	5.52	5.62	5.57	5.51	5.46	5.41	5.34	5.28	5.22	5.16	5.10	5.05	4.99	4.93	4.87	4.81	4.76	4.70	4.65	4.60	4.54	4.48
80.0	5.30	5.39	5.48	5.57	5.69	5.63	5.57	5.52	5.46	5.40	5.34	5.28	5.23	5.17	5.12	5.06	5.01	4.95	4.90	4.85	4.79	4.74	4.68	4.62	4.57
80.5	5.36	5.45	5.54	5.63	5.75	5.70	5.63	5.58	5.52	5.46	5.40	5.34	5.29	5.24	5.18	5.13	5.07	5.01	4.96	4.90	4.85	4.79	4.74	4.68	4.63
81.0	5.42	5.51	5.60	5.69	5.82	5.77	5.71	5.66	5.60	5.53	5.47	5.41	5.35	5.30	5.24	5.18	5.13	5.07	5.02	4.96	4.91	4.85	4.80	4.74	4.68
81.5	5.48	5.57	5.66	5.75	5.89	5.82	5.77	5.71	5.66	5.60	5.54	5.48	5.42	5.37	5.31	5.25	5.19	5.13	5.08	5.02	4.97	4.91	4.86	4.80	4.74
82.0	5.54	5.63	5.72	5.81	5.95	5.90	5.84	5.79	5.74	5.66	5.61	5.55	5.49	5.43	5.37	5.32	5.26	5.21	5.15	5.09	5.03	4.98	4.92	4.87	4.81
82.5	5.60	5.69	5.78	5.87	6.02	5.96	5.91	5.86	5.80	5.73	5.67	5.61	5.56	5.50	5.44	5.38	5.33	5.27	5.22	5.15	5.10	5.05	4.99	4.93	4.87
83.0	5.65	5.74	5.83	5.92	6.00	6.03	5.98	5.92	5.86	5.79	5.73	5.67	5.62	5.56	5.50	5.44	5.38	5.33	5.27	5.22	5.17	5.11	5.06	5.00	4.94
83.5	5.71	5.80	5.89	5.98	6.15	6.10	6.04	5.99	5.93	5.86	5.80	5.74	5.68	5.62	5.56	5.50	5.45	5.39	5.34	5.29	5.23	5.18	5.12	5.07	
84.0	5.77	5.86	5.95	6.04	6.22	6.16	6.11	6.05	5.99	5.93	5.87	5.81	5.75	5.69	5.62	5.57	5.51	5.46	5.41	5.35	5.30	5.24	5.19	5.14	
84.5	5.83	5.92	6.01	6.10	6.28	6.23	6.17	6.12	6.07	6.00	5.94	5.88	5.82	5.75	5.69	5.63	5.58	5.53	5.47	5.42	5.36	5.31	5.26	5.20	
85.0	5.89	5.98	6.07	6.16	6.35	6.29	6.24	6.19	6.13	6.06	6.00	5.94	5.88	5.81	5.75	5.70	5.65	5.59	5.54	5.48	5.43	5.38	5.32	5.27	

TABLE 3. PREDICTED FVC FOR FEMALES (HUDSON, ET AL. AM REV RESPIR DIS. 1976, 113, 587.)

HT	AGE 17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	47	49	51	53	55	57	59	61	63	65
52.0	2.45	2.64	2.65	2.61	2.56	2.52	2.47	2.43	2.39	2.34	2.30	2.25	2.21	2.17	2.12	2.08	2.03	1.99	1.95	1.90	1.86	1.81	1.77	1.73	1.68
52.5	2.50	2.68	2.70	2.65	2.61	2.57	2.52	2.48	2.43	2.39	2.34	2.30	2.26	2.21	2.17	2.13	2.08	2.04	2.00	1.95	1.91	1.86	1.82	1.78	1.73
53.0	2.54	2.72	2.74	2.70	2.66	2.61	2.57	2.52	2.48	2.43	2.39	2.35	2.30	2.26	2.22	2.17	2.13	2.08	2.04	2.00	1.95	1.91	1.86	1.82	1.78
53.5	2.58	2.76	2.79	2.75	2.70	2.66	2.62	2.57	2.53	2.48	2.44	2.39	2.35	2.31	2.26	2.22	2.18	2.13	2.09	2.04	2.00	1.96	1.91	1.87	1.82
54.0	2.62	2.81	2.84	2.79	2.75	2.71	2.66	2.62	2.57	2.53	2.48	2.44	2.40	2.35	2.31	2.27	2.22	2.18	2.13	2.09	2.04	2.00	1.96	1.91	1.87
54.5	2.66	2.85	2.89	2.84	2.80	2.75	2.71	2.67	2.62	2.58	2.53	2.49	2.45	2.40	2.36	2.32	2.27	2.23	2.18	2.14	2.09	2.05	2.00	1.96	1.92
55.0	2.71	2.89	2.93	2.88	2.84	2.80	2.76	2.71	2.67	2.62	2.58	2.53	2.49	2.45	2.40	2.36	2.32	2.28	2.23	2.19	2.14	2.10	2.05	2.01	1.96
55.5	2.75	2.93	2.98	2.94	2.89	2.85	2.80	2.76	2.72	2.67	2.62	2.58	2.54	2.50	2.45	2.41	2.36	2.32	2.28	2.23	2.19	2.14	2.10	2.06	2.01
56.0	2.79	2.97	3.03	2.98	2.94	2.89	2.85	2.81	2.76	2.72	2.67	2.63	2.59	2.54	2.50	2.45	2.41	2.37	2.32	2.28	2.23	2.19	2.15	2.10	2.06
56.5	2.83	3.01	3.07	3.03	2.99	2.94	2.90	2.85	2.81	2.76	2.72	2.68	2.63	2.59	2.55	2.50	2.46	2.41	2.37	2.33	2.28	2.24	2.19	2.15	2.11
57.0	2.87	3.06	3.12	3.08	3.03	2.99	2.94	2.90	2.85	2.81	2.77	2.72	2.68	2.64	2.59	2.55	2.50	2.46	2.42	2.37	2.33	2.28	2.24	2.20	2.15
57.5	2.91	3.10	3.17	3.12	3.08	3.04	2.99	2.95	2.90	2.86	2.82	2.77	2.73	2.68	2.64	2.60	2.55	2.51	2.46	2.42	2.38	2.33	2.29	2.24	2.20
58.0	2.96	3.14	3.21	3.17	3.13	3.08	3.04	2.99	2.95	2.90	2.86	2.82	2.77	2.73	2.69	2.64	2.60	2.55	2.51	2.47	2.42	2.38	2.33	2.29	2.25
58.5	3.00	3.18	3.26	3.22	3.17	3.13	3.09	3.04	3.00	2.95	2.91	2.86	2.82	2.78	2.73	2.69	2.65	2.60	2.56	2.51	2.47	2.43	2.38	2.34	2.29
59.0	3.04	3.22	3.31	3.26	3.22	3.18	3.13	3.09	3.04	3.00	2.95	2.91	2.87	2.82	2.78	2.74	2.69	2.65	2.60	2.56	2.52	2.47	2.43	2.38	2.34
59.5	3.08	3.27	3.36	3.31	3.27	3.22	3.18	3.14	3.09	3.04	3.00	2.96	2.92	2.87	2.83	2.78	2.74	2.70	2.65	2.61	2.56	2.52	2.48	2.43	2.39
60.0	3.12	3.31	3.40	3.36	3.31	3.27	3.23	3.18	3.14	3.09	3.04	3.00	2.96	2.92	2.87	2.83	2.79	2.74	2.70	2.65	2.61	2.57	2.52	2.48	2.43
60.5	3.17	3.35	3.45	3.41	3.36	3.32	3.27	3.23	3.19	3.14	3.09	3.05	3.01	2.97	2.92	2.88	2.83	2.79	2.75	2.70	2.66	2.61	2.57	2.53	2.48
61.0	3.21	3.39	3.50	3.45	3.41	3.36	3.32	3.28	3.23	3.19	3.14	3.10	3.06	3.01	2.97	2.92	2.88	2.84	2.79	2.75	2.70	2.66	2.62	2.57	2.53
61.5	3.25	3.43	3.54	3.50	3.46	3.41	3.37	3.32	3.28	3.23	3.19	3.15	3.10	3.06	3.02	2.97	2.93	2.88	2.84	2.80	2.75	2.71	2.66	2.62	2.58
62.0	3.29	3.48	3.59	3.55	3.50	3.46	3.41	3.37	3.33	3.28	3.24	3.19	3.15	3.11	3.06	3.02	2.97	2.93	2.89	2.84	2.80	2.75	2.71	2.67	2.62
62.5	3.33	3.52	3.64	3.59	3.55	3.51	3.46	3.42	3.37	3.33	3.29	3.24	3.20	3.15	3.11	3.07	3.02	2.98	2.93	2.89	2.85	2.80	2.76	2.71	2.67
63.0	3.38	3.56	3.68	3.64	3.60	3.55	3.51	3.46	3.42	3.37	3.33	3.29	3.25	3.20	3.16	3.11	3.07	3.02	2.98	2.94	2.89	2.85	2.80	2.76	2.72
63.5	3.42	3.60	3.73	3.69	3.64	3.60	3.56	3.51	3.47	3.42	3.38	3.33	3.29	3.25	3.21	3.16	3.12	3.07	3.03	2.98	2.94	2.90	2.85	2.81	2.76
64.0	3.46	3.64	3.78	3.73	3.69	3.65	3.60	3.56	3.51	3.47	3.43	3.38	3.34	3.30	3.25	3.21	3.17	3.12	3.08	3.03	2.99	2.94	2.90	2.85	2.81
64.5	3.50	3.69	3.83	3.78	3.74	3.69	3.65	3.61	3.56	3.51	3.47	3.43	3.39	3.34	3.30	3.26	3.21	3.17	3.12	3.08	3.03	2.99	2.95	2.90	2.86
65.0	3.54	3.73	3.87	3.83	3.78	3.74	3.70	3.65	3.61	3.56	3.52	3.48	3.43	3.39	3.35	3.30	3.26	3.22	3.17	3.13	3.08	3.04	2.99	2.95	2.90
65.5	3.59	3.77	3.92	3.88	3.83	3.79	3.74	3.70	3.66	3.61	3.57	3.52	3.48	3.44	3.39	3.35	3.31	3.26	3.22	3.17	3.13	3.09	3.04	3.00	2.95
66.0	3.63	3.81	3.97	3.92	3.88	3.83	3.79	3.74	3.70	3.66	3.61	3.57	3.53	3.48	3.44	3.40	3.35	3.31	3.27	3.22	3.18	3.13	3.09	3.04	3.00
66.5	3.67	3.85	4.01	3.97	3.93	3.88	3.84	3.79	3.75	3.70	3.66	3.62	3.57	3.53	3.49	3.44	3.40	3.35	3.31	3.27	3.22	3.18	3.13	3.09	3.05
67.0	3.71	3.89	4.06	4.02	3.97	3.93	3.88	3.84	3.80	3.75	3.71	3.67	3.62	3.58	3.53	3.49	3.44	3.40	3.36	3.32	3.27	3.23	3.18	3.14	3.09
67.5	3.75	3.94	4.11	4.06	4.02	3.98	3.93	3.89	3.84	3.80	3.76	3.71	3.67	3.63	3.58	3.54	3.49	3.45	3.41	3.36	3.32	3.27	3.23	3.19	3.14
68.0	3.79	3.98	4.15	4.11	4.07	4.02	3.98	3.93	3.89	3.84	3.80	3.76	3.72	3.67	3.63	3.59	3.54	3.50	3.45	3.41	3.37	3.32	3.28	3.23	3.19
68.5	3.84	4.02	4.20	4.16	4.11	4.07	4.03	3.98	3.94	3.89	3.85	3.80	3.76	3.72	3.67	3.63	3.59	3.54	3.50	3.46	3.41	3.37	3.32	3.28	3.24
69.0	3.88	4.06	4.25	4.20	4.16	4.12	4.07	4.03	3.98	3.94	3.89	3.85	3.81	3.76	3.72	3.68	3.63	3.59	3.54	3.50	3.46	3.41	3.37	3.33	3.28
69.5	3.92	4.10	4.30	4.25	4.21	4.16	4.12	4.08	4.03	3.99	3.94	3.90	3.86	3.81	3.77	3.73	3.68	3.64	3.59	3.55	3.50	3.46	3.42	3.37	3.33
70.0	3.96	4.15	4.34	4.30	4.25	4.21	4.17	4.12	4.08	4.03	3.99	3.95	3.90	3.86	3.82	3.77	3.73	3.68	3.64	3.59	3.55	3.51	3.46	3.42	3.37
70.5	4.00	4.19	4.39	4.35	4.30	4.26	4.21	4.17	4.13	4.08	4.04	4.00	3.95	3.91	3.86	3.82	3.78	3.73	3.69	3.64	3.60	3.55	3.51	3.47	3.42
71.0	4.05	4.23	4.44	4.39	4.35	4.30	4.26	4.22	4.17	4.13	4.08	4.04	4.00	3.95	3.91	3.87	3.82	3.78	3.74	3.69	3.65	3.60	3.56	3.51	3.47
71.5	4.09	4.27	4.48	4.44	4.40	4.35	4.31	4.26	4.22	4.17	4.13	4.09	4.04	4.00	3.96	3.91	3.87	3.83	3.78	3.74	3.69	3.65	3.60	3.56	3.52
72.0	4.13	4.31	4.53	4.49	4.44	4.40	4.35	4.31	4.27	4.22	4.18	4.13	4.09	4.05	4.00	3.96	3.91	3.87	3.83	3.78	3.74	3.69	3.65	3.61	3.56
72.5	4.17	4.36	4.58	4.53	4.49	4.45	4.40	4.36	4.31	4.27	4.22	4.18	4.14	4.10	4.05	4.01	3.96	3.92	3.88	3.83	3.79	3.74	3.70	3.65	3.61
73.0	4.21	4.40	4.62	4.58	4.54	4.49	4.45	4.40	4.36	4.31	4.27	4.23	4.18	4.14	4.10	4.05	4.01	3.96	3.92	3.88	3.83	3.79	3.74	3.70	3.66
73.5	4.26	4.44	4.67	4.63	4.59	4.54	4.50	4.45	4.41	4.36	4.32	4.28	4.23	4.19	4.14	4.10	4.06	4.01	3.97	3.92	3.88	3.84	3.79	3.75	3.70
74.0	4.30	4.48	4.72	4.67	4.63	4.59	4.54	4.50	4.45	4.41	4.37	4.32	4.28	4.23	4.19	4.15	4.10	4.06	4.01	3.97	3.93	3.88	3.84	3.79	3.75
74.5	4.34	4.52	4.77	4.72	4.68	4.63	4.59	4.55	4.50	4.46	4.41	4.37	4.33	4.28	4.24	4.20	4.15	4.11	4.06	4.02	3.98	3.93	3.89	3.84	3.79
75.0	4.38	4.57	4.81	4.77	4.72	4.68	4.64	4

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TABLE 4. PREDICTED FEV1 FOR FEMALES (CHANGE, ET AL., AM REV RESPIR DIS., 1976, 113, 587.)

HT	AGE 17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	47	49	51	53	55	57	59	61	63	65
52.0	2.31	2.40	2.33	2.29	2.25	2.21	2.16	2.12	2.08	2.04	2.00	1.95	1.91	1.87	1.83	1.79	1.74	1.70	1.66	1.62	1.58	1.53	1.49	1.45	1.41
52.5	2.31	2.41	2.37	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.04	1.99	1.95	1.90	1.86	1.82	1.78	1.74	1.69	1.65	1.61	1.57	1.53	1.48	1.44
53.0	2.32	2.42	2.38	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.05	2.00	1.96	1.92	1.88	1.84	1.80	1.76	1.72	1.68	1.64	1.60	1.56	1.52	1.48
53.5	2.33	2.43	2.39	2.35	2.31	2.27	2.22	2.18	2.14	2.10	2.06	2.01	1.97	1.93	1.89	1.85	1.80	1.76	1.72	1.68	1.64	1.59	1.55	1.51	1.47
54.0	2.34	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.03	1.99	1.94	1.90	1.86	1.82	1.78	1.74	1.70	1.66	1.62	1.58	1.54	1.50
54.5	2.35	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.05	2.01	1.96	1.92	1.88	1.84	1.80	1.76	1.72	1.68	1.63	1.59	1.55	1.51
55.0	2.36	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.06	2.02	1.98	1.94	1.90	1.86	1.82	1.78	1.74	1.70	1.65	1.61	1.57	1.53
55.5	2.37	2.47	2.43	2.39	2.35	2.31	2.27	2.23	2.19	2.15	2.11	2.07	2.03	1.99	1.95	1.91	1.87	1.83	1.79	1.75	1.70	1.66	1.62	1.58	1.54
56.0	2.38	2.48	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.04	2.00	1.96	1.92	1.88	1.84	1.80	1.76	1.72	1.68	1.63	1.59	1.55
56.5	2.39	2.49	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.05	2.01	1.97	1.93	1.89	1.85	1.81	1.77	1.72	1.68	1.64	1.60	1.56
57.0	2.40	2.50	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.06	2.02	1.98	1.94	1.90	1.86	1.82	1.78	1.74	1.69	1.65	1.61	1.57
57.5	2.41	2.51	2.47	2.43	2.39	2.35	2.31	2.27	2.23	2.19	2.15	2.11	2.07	2.03	1.99	1.95	1.91	1.87	1.83	1.79	1.75	1.70	1.66	1.62	1.58
58.0	2.42	2.52	2.48	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.04	2.00	1.96	1.92	1.88	1.84	1.80	1.76	1.71	1.67	1.63	1.59
58.5	2.43	2.53	2.49	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.05	2.01	1.97	1.93	1.89	1.85	1.81	1.77	1.72	1.68	1.64	1.60
59.0	2.44	2.54	2.50	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.06	2.02	1.98	1.94	1.90	1.86	1.82	1.78	1.73	1.69	1.65	1.61
59.5	2.45	2.55	2.51	2.47	2.43	2.39	2.35	2.31	2.27	2.23	2.19	2.15	2.11	2.07	2.03	1.99	1.95	1.91	1.87	1.83	1.79	1.74	1.70	1.66	1.62
60.0	2.46	2.56	2.52	2.48	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.04	2.00	1.96	1.92	1.88	1.84	1.80	1.75	1.71	1.67	1.63
60.5	2.47	2.57	2.53	2.49	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.05	2.01	1.97	1.93	1.89	1.85	1.81	1.76	1.72	1.68	1.64
61.0	2.48	2.58	2.54	2.50	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.06	2.02	1.98	1.94	1.90	1.86	1.82	1.77	1.73	1.69	1.65
61.5	2.49	2.59	2.55	2.51	2.47	2.43	2.39	2.35	2.31	2.27	2.23	2.19	2.15	2.11	2.07	2.03	1.99	1.95	1.91	1.87	1.83	1.78	1.74	1.70	1.66
62.0	2.50	2.60	2.56	2.52	2.48	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.04	2.00	1.96	1.92	1.88	1.84	1.79	1.75	1.71	1.67
62.5	2.51	2.61	2.57	2.53	2.49	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.05	2.01	1.97	1.93	1.89	1.85	1.80	1.76	1.72	1.68
63.0	2.52	2.62	2.58	2.54	2.50	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.06	2.02	1.98	1.94	1.90	1.86	1.81	1.77	1.73	1.69
63.5	2.53	2.63	2.59	2.55	2.51	2.47	2.43	2.39	2.35	2.31	2.27	2.23	2.19	2.15	2.11	2.07	2.03	1.99	1.95	1.91	1.87	1.82	1.78	1.74	1.70
64.0	2.54	2.64	2.60	2.56	2.52	2.48	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.04	2.00	1.96	1.92	1.88	1.83	1.79	1.75	1.71
64.5	2.55	2.65	2.61	2.57	2.53	2.49	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.05	2.01	1.97	1.93	1.89	1.84	1.80	1.76	1.72
65.0	2.56	2.66	2.62	2.58	2.54	2.50	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.06	2.02	1.98	1.94	1.90	1.85	1.81	1.77	1.73
65.5	2.57	2.67	2.63	2.59	2.55	2.51	2.47	2.43	2.39	2.35	2.31	2.27	2.23	2.19	2.15	2.11	2.07	2.03	1.99	1.95	1.91	1.86	1.82	1.78	1.74
66.0	2.58	2.68	2.64	2.60	2.56	2.52	2.48	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.04	2.00	1.96	1.92	1.87	1.83	1.79	1.75
66.5	2.59	2.69	2.65	2.61	2.57	2.53	2.49	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.05	2.01	1.97	1.93	1.88	1.84	1.80	1.76
67.0	2.60	2.70	2.66	2.62	2.58	2.54	2.50	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.06	2.02	1.98	1.94	1.89	1.85	1.81	1.77
67.5	2.61	2.71	2.67	2.63	2.59	2.55	2.51	2.47	2.43	2.39	2.35	2.31	2.27	2.23	2.19	2.15	2.11	2.07	2.03	1.99	1.95	1.90	1.86	1.82	1.78
68.0	2.62	2.72	2.68	2.64	2.60	2.56	2.52	2.48	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.04	2.00	1.96	1.91	1.87	1.83	1.79
68.5	2.63	2.73	2.69	2.65	2.61	2.57	2.53	2.49	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.05	2.01	1.97	1.92	1.88	1.84	1.80
69.0	2.64	2.74	2.70	2.66	2.62	2.58	2.54	2.50	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.06	2.02	1.98	1.93	1.89	1.85	1.81
69.5	2.65	2.75	2.71	2.67	2.63	2.59	2.55	2.51	2.47	2.43	2.39	2.35	2.31	2.27	2.23	2.19	2.15	2.11	2.07	2.03	1.99	1.94	1.90	1.86	1.82
70.0	2.66	2.76	2.72	2.68	2.64	2.60	2.56	2.52	2.48	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.04	2.00	1.95	1.91	1.87	1.83
70.5	2.67	2.77	2.73	2.69	2.65	2.61	2.57	2.53	2.49	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.05	2.01	1.96	1.92	1.88	1.84
71.0	2.68	2.78	2.74	2.70	2.66	2.62	2.58	2.54	2.50	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.06	2.02	1.97	1.93	1.89	1.85
71.5	2.69	2.79	2.75	2.71	2.67	2.63	2.59	2.55	2.51	2.47	2.43	2.39	2.35	2.31	2.27	2.23	2.19	2.15	2.11	2.07	2.03	1.98	1.94	1.90	1.86
72.0	2.70	2.80	2.76	2.72	2.68	2.64	2.60	2.56	2.52	2.48	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.04	1.99	1.95	1.91	1.87
72.5	2.71	2.81	2.77	2.73	2.69	2.65	2.61	2.57	2.53	2.49	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.05	2.00	1.96	1.92	1.88
73.0	2.72	2.82	2.78	2.74	2.70	2.66	2.62	2.58	2.54	2.50	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.06	2.01	1.97	1.93	1.89
73.5	2.73	2.83	2.79	2.75	2.71	2.67	2.63	2.59	2.55	2.51	2.47	2.43	2.39	2.35	2.31	2.27	2.23	2.19	2.15	2.11	2.07	2.02	1.98	1.94	1.90
74.0	2.74	2.84	2.80	2.76	2.72	2.68	2.64	2.60	2.56	2.52	2.48	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.08	2.03	1.99	1.95	1.91
74.5	2.75	2.85	2.81	2.77	2.73	2.69	2.65	2.61	2.57	2.53	2.49	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.09	2.04	2.00	1.96	1.92
75.0	2.76	2.86	2.82	2.78	2.74	2.70	2.66	2.62	2.58	2.54	2.50	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.05	2.01	1.97	1.93
75.5	2.77	2.87	2.83	2.79	2.75	2.71	2.67	2.63	2.59	2.55	2.51	2.47	2.43	2.39	2.35	2.31	2.27	2.23	2.19	2.15	2.11	2.06	2.02	1.98	1.94
76.0	2.78	2.88	2.84	2.80	2.76	2.72	2.68	2.64	2.60	2.56	2.52	2.48	2.44	2.40	2.36	2.32	2.28	2.24	2.20	2.16	2.12	2.07	2.03	1.99	1.95
76.5	2.79	2.89	2.85	2.81	2.77	2.73	2.69	2.65	2.61	2.57	2.53	2.49	2.45	2.41	2.37	2.33	2.29	2.25	2.21	2.17	2.13	2.08	2.04	2.00	1.96
77.0	2.80	2.90	2.86	2.82	2.78	2.74	2.70	2.66	2.62	2.58	2.54	2.50	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.09	2.05	2.01	1.97

[4510-26-M]

APPENDIX D—PULMONARY FUNCTION STANDARDS FOR COTTON DUST STANDARD

The spirometric measurements of pulmonary function shall conform to the following minimum standards, and these standards are not intended to preclude additional testing or alternate methods which can be determined to be superior.

I. APPARATUS

a. The instrument shall be accurate to within ±50 milliliters or within ±3 percent of reading, whichever is greater.

b. The instrument should be capable of measuring vital capacity from 0 to 7 liters BTPS.

c. The instrument shall have a low inertia and offer low resistance to airflow such that the resistance to airflow at 12 liters per second must be less than 1.5 cm H_2O/(liter/sec).

d. The zero time point for the purpose of timing the FEV, shall be determined by extrapolating the steepest portion of the volume time curve back to the maximal inspiration volume (1, 2, 3, 4) or by an equivalent method.

e. Instruments incorporating measurements of airflow to determine volume shall conform to the same volume accuracy stated in (a) of this section when presented with flow rates from at least 0 to 12 liters per second.

f. The instrument or user of the instrument must have a means of correcting volumes to body temperature saturated with water vapor (BTPS) under conditions of varying ambient spirometer temperatures and barometric pressures.

g. The instrument used shall provide a tracing or display of either flow versus volume or volume versus time during the entire forced expiration. A tracing or display is necessary to determine whether the patient has performed the test properly. The tracing must be stored and available for recall and must be of sufficient size that hand measurements may be made within requirement of paragraph (a) of this section. If a paper record is made it must have a paper speed of at least 2 cm/sec and a volume sensitivity of at least 10.0 mm of chart per liter of volume.

h. The instrument shall be capable of accumulating for a minimum of 10 seconds and shall not stop accumulating volume before (1) the volume change for a 0.5 second interval is less than 25 milliliters, or (2) the flow is less than 50 milliliters per second for a 0.5 second interval.

i. The forced vital capacity (FVC) and forced expiratory volume in 1 second ($FEV^{1.0}$) measurements shall comply with the accuracy requirements stated in paragraph (a) of this section. That is, they should be accurately measured to within ±50 ml or within ±3 percent of reading, whichever is greater.

j. The instrument must be capable of being calibrated in the field with respect to the FEV, and FVC. This calibration of the FEV, and FVC may be either directly or indirectly through volume and time base measurements. The volume calibration source should provide a volume displacement of at least 2 liters and should be accurate to within ±30 milliliters.

II. TECHNIQUE FOR MEASUREMENT OF FORCED VITAL CAPACITY MANEUVER

a. Use of a nose clip is recommended but not required. The procedures shall be explained in simple terms to the patient who shall be instructed to loosen any tight clothing and stand in front of the apparatus. The subject may sit, but care should be taken on repeat testing that the same position be used and, if possible, the same spirometer. Particular attention shall be given to insure that the chin is slightly elevated with the neck slightly extended. The patient shall be instructed to make a full inspiration from a normal breathing pattern and then blow into the apparatus, without interruption, as hard, fast, and completely as possible. At least three forced expirations shall be carried out. During the maneuvers, the patient shall be observed for compliance with instructions. The expirations shall be checked visually for reproducibility from flow-volume or volume-time tracings or displays. The following efforts shall be judged unacceptable when the patient:

1. Has not reached full inspiration preceding the forced expiration,

2. Has not used maximal effort during the entire forced expiration,

3. Has not continued the expiration for at least 5 seconds or until an obvious plateau in the volume time curve has occurred,

4. Has coughed or closed his glottis,

5. Has an obstructed mouthpiece or a leak around the mouthpiece (obstruction due to tongue being placed in front of mouthpiece, false teeth falling in front of mouthpiece, etc.),

6. Has an unsatisfactory start of expiration, one characterized by excessive hesitation (or false starts), and therefore not allowing back extrapolation of time 0 (extrapolated volume on the volume time tracing must be less than 10 percent of the FVC).

7. Has an excessive variability between the three acceptable curves. The variation between the two largest FVC's and FEV_1's of the three satisfactory tracings should not exceed 10 percent or ± 100 milliliters, whichever is greater.

b. Periodic and routine recalibration of the instrument or method for recording FVC and $FEV_{1.0}$ should be performed using a syringe or other volume source of at least 2 liters.

III. INTERPRETATION OF SPIROGRAM

a. The first step in evaluating a spirogram should be to determine whether or not the patient has performed the test properly or as described in II above. From the three satisfactory tracings, the forced vital capacity (FVC) and forced expiratory volume in 1 second ($FEV_{1.0}$) shall be measured and recorded. The largest observed FVC and largest observed FEV, shall be used in the analysis regardless of the curve(s) on which they occur.

b. The following guidelines are recommended by NIOSH for the evaluation and management of workers exposed to cotton dust. It is important to note that employees who show reductions in FEV_1/FVC ratio below .75 or drops in Monday FEV, of 5 percent or greater on their initial screening exam, should be re-evaluated within a month of the first exam. Those who show consistent decrease in lung function, as shown on the following table, should be managed as recommended.

IV. QUALIFICATIONS OF PERSONNEL ADMINISTERING THE TEST

Technicians who perform pulmonary function testing should have the basic knowledge required to produce meaningful results. Training consisting of approximately 16 hours of formal instruction should cover the following areas. Persons who successfully complete the course will be certified by OSHA or their designee.

a. Basic physiology of the forced vital capacity maneuver and the determinants of airflow limitation with emphasis on the relation to reproducibility of results.

b. Instrumentation requirements including calibration procedures, sources of error and their correction.

c. Performance of the testing including subject coaching, recognition of improperly performed maneuvers and corrective actions.

d. Data quality with emphasis on reproducibility.

e. Actual use of the equipment under supervised conditions.

f. Measurement of tracings and calculations of results.

Supplement I—Text of other OSHA standards incorporated by reference in those Part 1910 standards identified as applicable to construction work

SAFETY STANDARDS

Sec.
1910.23(e)(11) Wall opening screens.
1910.106(b) Tank storage.
1910.106(c) Piping, valves and fittings.
1910.110(b) Basic rules (LPG's).

§ 1910.23 Guarding floor and wall openings and holes.

* * * * * * *

(e) * * *

(11) Wall opening screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grillwork with openings not more than 8 inches long, or of slatwork with openings not more than 4 inches wide with length unrestricted.

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§ 1910.106 Flammable and combustible liquids.

(b) *Tank storage*—(1) *Design and construction of tanks*—(i) *Materials.* (*a*) Tanks shall be built of steel except as provided in (*b*) through (*e*) of this subdivision.

(*b*) Tanks may be built of materials other than steel for installation underground or if required by the properties of the liquid stored. Tanks located above ground or inside buildings shall be of noncombustible construction.

(*c*) Tanks built of materials other than steel shall be designed to specifications embodying principles recognized as good engineering design for the material used.

(*d*) Unlined concrete tanks may be used for storing flammable or combus-

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tible liquids having a gravity of 40° API or heavier. Concrete tanks with special lining may be used for other services provided the design is in accordance with sound engineering practice.

(e) Tanks may have combustible or noncombustible linings.

(f) Special engineering consideration shall be required if the specific gravity of the liquid to be stored exceeds that of water or if the tanks are designed to contain flammable or combustible liquids at a liquid temperature below 0° F.

(ii) *Fabrication.* (a) Tanks may be of any shape or type consistent with sound engineering design.

(b) Metal tanks shall be welded, riveted, and caulked, brazed, or bolted, or constructed by use of a combination of these methods. Filler metal used in brazing shall be nonferrous metal or an alloy having a melting point above 1000° F. and below that of the metal joined.

(iii) *Atmospheric tanks.* (a) Atmospheric tanks shall be built in accordance with acceptable good standards of design. Atmospheric tanks may be built in accordance with:

(1) Underwriters' Laboratories, Inc., Subjects No. 142, Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, 1968; No. 58, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, Fifth Edition, December 1961; or No. 80, Standard for Steel Inside Tanks for Oil-Burner Fuel, September 1963.

(2) American Petroleum Institute Standards No. 12A, Specification for Oil Storage Tanks with Riveted Shells, Seventh Edition, September 1951, or No. 650, Welded Steel Tanks for Oil Storage, Third Edition, 1966.

(3) American Petroleum Institute Standards No. 12B, Specification for Bolted Production Tanks, Eleventh Edition, May 1958, and Supplement 1, March 1962; No. 12D, Specification for Large Welded Production Tanks, Seventh Edition, August 1957; or No. 12F, Specification for Small Welded Production Tanks, Fifth Edition, March 1961. Tanks built in accordance with these standards shall be used only as production tanks for storage of crude petroleum in oil-producing areas.

(b) Tanks designed for underground service not exceeding 2,500 gallons capacity may be used aboveground.

(c) Low-pressure tanks and pressure vessels may be used as atmospheric tanks.

(d) Atmospheric tanks shall not be used for the storage of a flammable or combustible liquid at a temperature at or above its boiling point.

(iv) *Low pressure tanks.* (a) The normal operating pressure of the tank shall not exceed the design pressure of the tank.

(b) Low-pressure tanks shall be built in accordance with acceptable standards of design. Low-pressure tanks may be built in accordance with:

(1) American Petroleum Institute Standard No. 620, Recommended Rules for the Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Third Edition, 1966.

(2) The principles of the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessels Code, 1968.

(c) Atmospheric tanks built according to Underwriters' Laboratories, Inc., requirements in subdivision (iii)(a) of this subparagraph may be used for operating pressures not exceeding 1 p. s. i.g. and shall be limited to 2.5 p.s.i.g. under emergency venting conditions.

(d) Pressure vessels may be used as low-pressure tanks.

(v) *Pressure vessels.* (a) The normal operating pressure of the vessel shall not exceed the design pressure of the vessel.

(b) Pressure vessels shall be built in accordance with the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code 1968.

(vi) *Provisions for internal corrosion.* When tanks are not designed in accordance with the American Petroleum Institute, American Society of Mechanical Engineers, or the Underwriters' Laboratories, Inc.'s, standards, or if corrosion is anticipated beyond that provided for in the design formulas used, additional metal thickness or suitable protective coatings or linings shall be provided to compensate for the corrosion loss expected during the design life of the tank.

(2) *Installation of outside aboveground tanks—(i) Location with respect to property lines and public ways.* (a) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable liquids, operating at pressures not in excess of 2.5 p.s.i.g. and equipped with emergency venting which will not permit pressures to exceed 2.5 p.s.i.g. shall be located in accordance with Table H-5.

(b) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable flammable or combustible liquids, operating at pressures exceeding 2.5 p.s.i.g. or equipped with emergency venting which will permit pressures to exceed 2.5 p.s.i.g. shall be located in accordance with Table H-6.

(c) Every aboveground tank for the storage of flammable or combustible liquids with boil-over characteristics shall be located in accordance with Table H-7.

(d) Every aboveground tank for the storage of unstable liquids shall be located in accordance with Table H-8.

(e) Reference minimum distances for use in Tables H-5 to H-8, inclusive.

(f) Where end failure or horizontal pressure tanks and vessels may expose property, the tank shall be placed with the longitudinal axis parallel to the nearest important exposure.

(ii) *Spacing (shell-to-shell) between aboveground tanks.* (a) The distance between any two flammable or combustible liquid storage tanks shall not be less than 3 feet.

(b) Except as provided in subdivision (c) of this subdivision, the distance between any two adjacent tanks shall not be less than one-sixth the sum of their diameters. When the diameter of one tank is less than one-half the diameter of the adjacent tank, the distance between the two tanks shall not be less than one-half the diameter of the smaller tank.

(c) Where crude petroleum in conjunction with production facilities are located in noncongested areas and have capacities not exceeding 126,000 gallons (3,000 barrels), the distance between such tanks shall not be less than 3 feet.

(d) Where unstable flammable or combustible liquids are stored, the distance between such tanks shall not be less than one-half the sum of their diameters.

(e) When tanks are compacted in three or more rows or in an irregular pattern, greater spacing or other means shall be provided so that inside tanks are accessible for firefighting purposes.

(f) The minimum separation between a liquefied petroleum gas container and a flammable or combustible liquid storage tank shall be 20 feet, except in the case of flammable or combustible liquid tanks operating at pressures exceeding 2.5 p.s.i.g. or equipped with emergency venting which will permit pressures to exceed 2.5 p.s.i.g. in which case the provisions of subdivisions (a) and (b) of this subdivision shall apply. Suitable means shall be taken to prevent the accumulation of flammable or combustible liquids under adjacent liquefied petroleum gas containers such as by diversion curbs or grading. When flammable or combustible liquid storage tanks are within a diked area, the liquefied petroleum gas containers shall be outside the diked area and at least 10 feet away from the centerline of the wall of the diked area. The foregoing provisions shall not apply when liquefied petroleum gas containers of 125 gallons or less capacity are installed adjacent to fuel oil supply tanks of 550 gallons or less capacity.

withdrawal can be made, the vent size shall be based on the maximum anticipated simultaneous flow.

(e) Unless the vent is designed to limit the internal pressure 2.5 p.s.i. or less, the outlet of vents and vent drains shall be arranged to discharge in such a manner as to prevent localized overheating of any part of the tank in the event vapors from such vents are ignited.

(f) Tanks and pressure vessels storing Class IA liquids shall be equipped with venting devices which shall be normally closed except when venting to pressure or vacuum conditions. Tanks and pressure vessels storing Class IB and IC liquids shall be equipped with venting devices which shall be normally closed except when venting under pressure or vacuum conditions, or with approved flame arresters.

Exemption: Tanks of 3,000 bbls. capacity or less containing crude petroleum in crude-producing areas; and, outside aboveground atmospheric tanks under 1,000 gallons capacity containing other than Class IA flammable liquids may have open vents. (See subdivision (vi)(b) of this subparagraph.)

(g) Flame arresters or venting devices required in subdivision (f) of this subdivision may be omitted for Class IB and IC liquids where conditions are such that their use may, in case of obstruction, result in tank damage.

(v) *Emergency relief venting for fire exposure for aboveground tanks.* (a) Every aboveground storage tank shall have some form of construction or device that will relieve excessive internal pressure caused by exposure fires.

(b) In a vertical tank the construction referred to in subdivision (a) of this subdivision may take the form of a floating roof, lifter roof, a weak roof-to-shell seam, or other approved pressure relieving construction. The weak roof-to-shell seam shall be constructed to fail preferential to any other seam.

(c) Where entire dependence for emergency relief is placed upon pressure relieving devices, the total venting capacity of both normal and emergency vents shall be enough to prevent rupture of the shell or bottom of the tank if vertical, or of the shell or heads if horizontal. If unstable liquids are stored, the effects of heat or gas resulting from polymerization, decomposition, condensation, or self-reactivity shall be taken into account. The total capacity of both normal and emergency venting devices shall be not less than that derived from Table H-10 except as provided in subdivision (e) or (f) of this subdivision. Such device may be a self-closing manhole cover, or one using long bolts that permit the cover to lift under internal pressure, or an additional or larger relief valve or valves. The wetted area of the tank shall be calculated on the basis of 55 percent of the total exposed area of a sphere or spheroid, 75 percent of the total exposed area of a horizontal tank and the first 30 feet above grade of the exposed shell area of a vertical tank.

TABLE H-10—WETTED AREA VERSUS CUBIC FEET FREE AIR PER HOUR

(14.7 psia and 60° F.)

Square feet	CFH	Square feet	CFH	Square feet	CFH
20	21,100	200	211,000	1,000	524,000
30	31,600	250	239,000	1,200	557,000
40	42,100	300	265,000	1,400	587,000
50	52,700	350	288,000	1,600	614,000
60	63,200	400	312,000	1,800	639,000
70	73,700	500	354,000	2,000	662,000
80	84,200	600	392,000	2,400	704,000
90	94,800	700	428,000	2,800	742,000
100	105,000	800	462,000	and	
120	126,000	900	493,000	over	
140	147,000	1,000	524,000		
160	168,000				
180	190,000				
200	211,000				

(d) For tanks and storage vessels designed for pressure over 1 p.s.i.g., the total rate of venting shall be determined in accordance with Table H-10, except that when the exposed wetted area of the surface is greater than 2,800 square feet, the total rate of venting shall be calculated by the following formula:

$$CFH = 1{,}107A^{0.82}$$

Where:

CFH = Venting requirement, in cubic feet of free air per hour.

A = Exposed wetted surface, in square feet.

NOTE: The foregoing formula is based on $Q = 21{,}000^{0.82}$.

(e) The total emergency relief venting capacity for any specific stable liquid may be determined by the following formula:

$$V = 1337 \div L\sqrt{M}$$

V = Cubic feet of free air per hour from Table H-10.

L = Latent heat of vaporization of specific liquid in B.t.u. per pound.

M = Molecular weight of specific liquids.

(f) The required airflow rate of subdivision (c) or (e) of this subdivision may be multiplied by the appropriate factor listed in the following schedule when protection is provided as indicated. Only one factor may be used for any one tank.

0.5 for drainage in accordance with subdivision (vii)(b) of this subparagraph for tanks over 200 square feet of wetted area.

0.3 for approved water spray.

0.3 for approved insulation.

0.15 for approved water spray with approved insulation.

(iii) *Location of outside aboveground tanks with respect to important buildings on same property.* Every outside aboveground tank shall be separated from important buildings on the same property by distances not less than those specified in subdivisions (i) (*a*), (*b*), (*c*), and (*d*) of this subparagraph, whichever is applicable. The appropriate distance column in Tables H-5, H-6, H-7, H-8, or H-9, that shall be used shall be the one reading: "Minimum Distance in Feet from Nearest Side of Any Public Way or From Nearest Important Building."

TABLE H-5

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building and shall be not less than 5 feet.
Floating roof	Protection for exposures.	½ times diameter of tank but need not exceed 90 ft.	⅙ times diameter of tank but need not exceed 30 ft.
	None	Diameter of tank but need not exceed 175 ft.	⅙ times diameter of tank but need not exceed 30 ft.
Vertical with weak roof to shell seam.	Approved foam or inerting system on the tank.	½ times diameter of tank but need not exceed 90 ft. and shall not be less than 5 ft.	⅙ times diameter of tank but need not exceed 30 ft.
	Protection for exposures	Diameter of tank but need not exceed 175 ft.	⅓ times diameter of tank but need not exceed 60 ft.
	None	2 times diameter of tank but need not exceed 350 ft.	⅓ times diameter of tank but need not exceed 60 ft.
Horizontal and vertical, with emergency relief venting to limit pressures to 2.5 p.s.i.g.	Approved inerting system on the tank or approved foam system on vertical tanks.	½ times Table H-9 but shall not be less than 5 ft.	½ times Table H-9
	Protection for exposures.	Table H-9	Table H-9
	None	2 times Table H-9	Table H-9

TABLE H-6

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
Any type	Protection for exposures.	1½ times Table H-9 but shall not be less than 25	1½ times Table H-9 but shall not be less than 25 ft.
	None	3 times Table H-9 but shall not be less than 50 ft.	1½ times Table H-9 but shall not be less than 25 ft.

TABLE H-7

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
Floating roof	Protection for exposures.	Diameter of tank but need not exceed 175 ft.	⅓ times diameter of tank but need not exceed 60 ft.
	None	2 times diameter of tank but need not exceed 350 ft.	⅓ times diameter of tank but need not exceed 60 ft.
Fixed roof	Approved foam or inerting system.	Diameter of tank but need not exceed 175 ft.	⅓ times diameter of tank but need not exceed 60 ft.
	Protection for exposures.	2 times diameter of tank but need not exceed 350 ft.	⅔ times diameter of tank but need not exceed 120 ft.
	None	4 times diameter of tank but need not exceed 350 ft.	⅔ times diameter of tank but need not exceed 120 ft.

TABLE H-8

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
Horizontal and vertical tanks with emergency relief venting to permit pressure not in excess of 2.5 p.s.i.g.	Tank protected with any one of the following: Approved water spray, approved inerting, approved insulation and refrigeration, approved barricade.	See table H-9, but the distance may be not less than 25 ft.	Not less than 25 ft.
	Protection for exposures	2½ times table H-9 but not less than 50 ft.	Not less than 50 ft.
	None	5 times table H-9 but not less than 100 ft.	Not less than 100 ft.
Horizontal and vertical tanks with emergency relief venting to permit pressure over 2.5 p.s.i.g.	Tank protected with any one of the following: Approved water spray, approved inerting, approved insulation and refrigeration, approved barricade.	2 times table H-9 but not less than 50 ft.	Not less than 50 ft.
	Protection for exposures	4 times table H-9 but not less than 100 ft.	Not less than 100 ft.
	None	8 times table H-9 but not less than 150 ft.	Not less than 150 ft.

(iv) *Normal venting for aboveground tanks.* (*a*) Atmospheric storage tanks shall be adequately vented to prevent the development of vacuum or pressure sufficient to distort the roof of a cone roof tank or exceeding the design pressure in the case of other atmospheric tanks, as a result of filling or emptying, and atmospheric temperature changes.

(*b*) Normal vents shall be sized either in accordance with: (*1*) The American Petroleum Institute Standard 2000 (1968), Venting Atmospheric and Low-Pressure Storage Tanks; or (*2*) other accepted standard; or (*3*) shall be at least as large as the filling or withdrawal connection, whichever is larger but in no case less than 1¼ inch nominal inside diameter.

TABLE H-9

Capacity tank gallons	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
275 or less	5	5
276 to 750	10	5
751 to 12,000	15	5
12,001 to 30,000	20	5
30,001 to 50,000	30	10
50,001 to 100,000	50	15
100,001 to 500,000	80	25
500,001 to 1,000,000	100	35
1,000,001 to 2,000,000	135	45
2,000,001 to 3,000,000	165	55
3,000,001 or more	175	60

(c) Low-pressure tanks and pressure vessels shall be adequately vented to prevent development of pressure or vacuum, as a result of filling or emptying and atmospheric temperature changes, from exceeding the design pressure of the tank or vessel. Protection shall also be provided to prevent overpressure from any pump discharging into the tank or vessel when the pump discharge pressure can exceed the design pressure of the tank or vessel.

(*d*) If any tank or pressure vessel has more than one fill or withdrawal connection and simultaneous filling or

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(g) The outlet of all vents and vent drains on tanks equipped with emergency venting to permit pressures exceeding 2.5 p.s.i.g. shall be arranged to discharge in such a way as to prevent localized overheating of any part of the tank, in the event vapors from such vents are ignited.

(h) Each commercial tank venting device shall have stamped on it the opening pressure, the pressure at which the valve reaches the full open position, and the flow capacity at the latter pressure, expressed in cubic feet per hour of air at 60° F. and at a pressure of 14.7 p.s.i.a.

(i) The flow capacity of tank venting devices 12 inches and smaller in nominal pipe size shall be determined by actual test of each type and size of vent. These flow tests may be conducted by the manufacturer if certified by a qualified impartial observer, or may be conducted by an outside agency. The flow capacity of tank venting devices larger than 12 inches nominal pipe size, including manhole covers with long bolts or equivalent, may be calculated provided that the opening pressure is actually measured, the rating pressure and corresponding free orifice area are stated, the word "calculated" appears on the nameplate, and the computation is based on a flow coefficient of 0.5 applied to the rated orifice area.

(vi) *Vent piping for aboveground tanks.* (a) Vent piping shall be constructed in accordance with paragraph (c) of this section.

(b) Where vent pipe outlets for tanks storing Class I liquids are adjacent to buildings or public ways, they shall be located so that the vapors are released at a safe point outside of buildings and not less than 12 feet above the adjacent ground level. In order to aid their dispersion, vapors shall be discharged upward or horizontally away from closely adjacent walls. Vent outlets shall be located so that flammable vapors will not be trapped by eaves or other obstructions and shall be at least five feet from building openings.

(c) When tank vent piping is manifolded, pipe sizes shall be such as to discharge, within the pressure limitations of the system, the vapors they may be required to handle when manifolded tanks are subject to the same fire exposure.

(vii) *Drainage, dikes, and walls for aboveground tanks*—(a) *Drainage and diked areas.* The area surrounding a tank or a group of tanks shall be provided with drainage as in subdivision (b) of this subdivision, or shall be diked as provided in subdivision (c) of this subdivision, to prevent accidental discharge of liquid from endangering adjoining property or reaching waterways.

(b) *Drainage.* Where protection of adjoining property or waterways is by means of a natural or manmade drainage system, such systems shall comply with the following:

(1) A slope of not less than 1 percent away from the tank toward the drainage system shall be provided.

(2) The drainage system shall terminate in vacant land or other area or in an impounding basin having a capacity not smaller than that of the largest tank served. This termination area and the route of the drainage system shall be so located that, if the flammable or combustible liquids in the drainage system are ignited, the fire will not seriously expose tanks or adjoining property.

(3) The drainage system, including automatic drainage pumps, shall not discharge to adjoining property, natural water courses, public sewers, or public drains unless the discharge of flammable or combustible liquids would not constitute a hazard, or the system is so designed that it will not permit flammable or combustible liquids to be released.

(c) *Diked areas.* Where protection of adjoining property or waterways is accomplished by retaining the liquid around the tank by means of a dike, the volume of the diked area shall comply with the following requirements:

(1) Except as provided in subdivision (2) of this subdivision, the volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. The capacity of the diked area enclosing more than one tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike.

(2) For a tank or group of tanks with fixed roofs containing crude petroleum with boilover characteristics, the volumetric capacity of the diked area shall be not less than the capacity of the largest tank served by the enclosure, assuming a full tank. The capacity of the diked enclosure shall be calculated by deducting the volume below the height of the dike of all tanks within the enclosure.

(3) Walls of the diked area shall be of earth, steel, concrete or solid masonry designed to be liquidtight and to withstand a full hydrostatic head. Earthen walls 3 feet or more in height shall have a flat section at the top not less than 2 feet wide. The slope of an earthen wall shall be consistent with the angle of repose of the material of which the wall is constructed.

(4) The walls of the diked area shall be restricted to an average height of 6 feet above interior grade.

(5) Where provision is made for draining water from diked areas, drainage shall be provided at a uniform slope of not less than 1 percent away from tanks toward a sump, drainbox, or other safe means of disposal located at the greatest practical distance from the tank. Such drains shall normally be controlled in a manner so as to prevent flammable or combustible liquids from entering natural water courses, public sewers, or public drains, if their presence would constitute a hazard. Control of drainage shall be accessible under fire conditions.

(6) No loose combustible material, empty or full drum or barrel, shall be permitted within the diked area.

(7) Each diked area containing two or more tanks shall be subdivided preferably by drainage channels or at least by intermediate curbs in order to prevent spills from endangering adjacent tanks within the diked area as follows:

(i) When storing normally stable liquids in vertical cone roof tanks constructed with weak roof-to-shell seam or approved floating roof tanks or when storing crude petroleum in producing areas in any type of tank, one subdivision for each tank in excess of 10,000 bbls. and one subdivision for each group of tanks (no tank exceeding 10,000 bbls. capacity) having an aggregate capacity not exceeding 15,000 bbls.

(ii) When storing normally stable flammable or combustible liquids in tanks not covered in subdivision (i) of this subdivision, one subdivision for each tank in excess of 100,000 gallons (2,500 bbls.) and one subdivision for each group of tanks (no tank exceeding 100,000 gallons capacity) having an aggregate capacity not exceeding 150,000 gallons (3,570 bbls.).

(iii) When storing unstable liquids in any type of tank, one subdivision for each tank except that tanks installed in accordance with the drainage requirements of NFPA 15-1969, Standard for Water Spray Fixed Systems for Fire Protection shall require no additional subdivision.

(iv) The drainage channels or intermediate curbs shall be located between tanks so as to take full advantage of the available space with due regard for the individual tank capacities. Intermediate curbs, where used, shall be not less than 18 inches in height.

(viii) *Tank openings other than vents for aboveground tanks.* (a) Connections for all tank openings shall be vaportight and liquidtight. Vents are covered in subdivisions (iv) through (vi) of this subparagraph.

(b) Each connection to an aboveground tank through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses, and temperatures involved, including fire exposures.

(c) Each connection below the liquid level through which liquid does not normally flow shall be provided with a liquidtight closure. This may be a valve, plug, or blind, or a combination of these.

(d) Openings for gaging shall be provided with a vaportight cap or cover.

(e) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity. A fill pipe entering the top of a tank shall terminate within 6 inches of the bottom of the tank and shall be installed to avoid excessive vibration.

(f) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. Such connection shall be closed and liquidtight when not in use. The connection shall be properly identified.

(3) *Installation of underground tanks*—(i) *Location.* Excavation for underground storage tanks shall be made with due care to avoid undermining of foundations of existing structures. Underground tanks or tanks under buildings shall be so located with respect to existing building foundations and supports that the loads carried by the latter cannot be transmitted to the tank. The distance from any part of a tank storing Class I liquids to the nearest wall of any basement or pit shall be not less than 1 foot, and to any property line that may be built upon, not less than 3 feet. The distance from any part of a tank storing Class II or Class III liquids to the nearest wall of any basement, pit or property line shall be not less than 1 foot.

(ii) *Depth and cover.* Underground tanks shall be set on firm foundations and surrounded with at least 6 inches of noncorrosive, inert materials such as clean sand, earth, or gravel well tamped in place. The tank shall be placed in the hole with care since dropping or rolling the tank into the hole can break a weld, puncture or damage the tank, or scrape off the protective coating of coated tanks. Tanks shall be covered with a minimum of 2 feet of earth, or shall be covered with not less than 1 foot of earth, on top of which shall be placed a slab of reinforced concrete not less than 4 inches thick. When underground tanks are, or are likely to be, subject to traffic, they shall be protected against damage from vehicles passing over them by at least 3 feet of earth cover, or 18 inches of well-tamped earth, plus 6 inches of reinforced concrete or 8 inches of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least 1 foot horizontally beyond the outline of the tank in all directions.

(iii) *Corrosion protection.* Corrosion protection for the tank and its piping shall be provided by one or more of the following methods:

(a) Use of protective coatings or wrappings;

(b) Cathodic protection; or,

(c) Corrosion resistant materials of construction.

(iv) *Vents.* (a) Location and arrangement of vents for Class I liquids. Vent pipes from tanks storing Class I liquids shall be so located that the discharge point is outside of buildings, higher than the fill pipe opening, and not less than 12 feet above the adjacent ground level. Vent pipes shall discharge only upward in order to disperse vapors. Vent pipes 2 inches or less in nominal inside diameter shall not be obstructed by devices that will cause excessive back pressure. Vent pipe outlets shall be so located that flammable vapors will not enter building openings, or be trapped under eaves or other obstructions. If the vent pipe is less than 10 feet in length, or greater than 2 inches in nominal inside diameter, the outlet shall be provided with a vacuum and pressure relief device or there shall be an approved flame arrester located in the vent line at the outlet or within the approved distance from the outlet.

(b) Size of vents. Each tank shall be vented through piping adequate in size to prevent blow-back of vapor or liquid at the fill opening while the tank is being filled. Vent pipes shall be not less than 1¼ inch nominal inside diameter.

TABLE H-11—VENT LINE DIAMETERS

Maximum flow GPM	Pipe length*		
	50 feet	100 feet	200 feet
	Inches	*Inches*	*Inches*
100	1¼	1¼	1¼
200	1¼	1¼	1¼
300	1¼	1¼	1½
400	1¼	1½	2
500	1½	1½	2
600	1½	2	2
700	2	2	2
800	2	2	3
900	2	2	3
1,000	2	2	3

*Vent lines of 50 ft., 100 ft., and 200 ft. of pipe plus 7 ells.

(c) Location and arrangement of vents for Class II or Class III liquids. Vent pipes from tanks storing Class II or Class III flammable liquids shall terminate outside of the building and higher than the fill pipe opening. Vent outlets shall be above normal snow level. They may be fitted with return bends, coarse screens or other devices to minimize ingress of foreign material.

(d) Vent piping shall be constructed in accordance with paragraph (c) of this section. Vent pipes shall be so laid as to drain toward the tank without sags or traps in which liquid can collect. They shall be located so that they will not be subjected to physical damage. The tank end of the vent pipe shall enter the tank through the top.

(e) When tank vent piping is manifolded, pipe sizes shall be such as to discharge, within the pressure limitations of the system, the vapors they may be required to handle when manifolded tanks are filled simultaneously.

(v) *Tank openings other than vents.* (a) Connections for all tank openings shall be vapor or liquid tight.

(b) Openings for manual gaging, if independent of the fill pipe, shall be provided with a liquid-tight cap or cover. If inside a building, each such opening shall be protected against liquid overflow and possible vapor release by means of a spring loaded check valve or other approved device.

(c) Fill and discharge lines shall enter tanks only through the top. Fill lines shall be sloped toward the tank.

(d) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within 6 inches of the bottom of the tank.

(e) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. Such connection shall be closed and liquidtight when not in use. The connection shall be properly identified.

(4) *Installation of tanks inside of buildings*—(i) *Location.* Tanks shall not be permitted inside of buildings except as provided in paragraphs (e), (g), (h), or (i) of this section.

(ii) *Vents.* Vents for tanks inside of buildings shall be as provided in subparagraphs (2)(iv), (v), (vi)(b), and (3)(iv) of this paragraph, except that emergency venting by the use of weak roof seams on tanks shall not be permitted. Vents shall discharge vapors outside the buildings.

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(iii) *Vent piping.* Vent piping shall be constructed in accordance with paragraph (c) of this section.

(iv) *Tank openings other than vents.* (*a*) Connections for all tank openings shall be vapor or liquidtight. Vents are covered in subdivision (ii) of this subparagraph.

(*b*) Each connection to a tank inside of buildings through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses, and temperatures involved, including fire exposures.

(*c*) Flammable or combustible liquid tanks located inside of buildings, except in one-story buildings designed and protected for flammable or combustible liquid storage, shall be provided with an automatic-closing heat-actuated valve on each withdrawal connection below the liquid level, except for connections used for emergency disposal, to prevent continued flow in the event of fire in the vicinity of the tank. This function may be incorporated in the valve required in (*b*) of this subdivision, and if a separate valve, shall be located adjacent to the valve required in (*b*) of this subdivision.

(*d*) Openings for manual gaging, if independent of the fill pipe (see (*f*) of this subdivision), shall be provided with a vaportight cap or cover. Each such opening shall be protected against liquid overflow and possible vapor release by means of a spring loaded check valve or other approved device.

(*e*) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within 6 inches of the bottom of the tank.

(*f*) The fill pipe inside of the tank shall be installed to avoid excessive vibration of the pipe.

(*g*) The inlet of the fill pipe shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. The inlet of the fill pipe shall be closed and liquidtight when not in use. The fill connection shall be properly identified.

(*h*) Tanks inside buildings shall be equipped with a device, or other means shall be provided, to prevent overflow into the building.

(5) *Supports, foundations, and anchorage for all tank locations*—(i) *General.* Tank supports shall be installed on firm foundations. Tank supports shall be of concrete, masonry, or protected steel. Single wood timber supports (not cribbing) laid horizontally may be used for outside aboveground tanks if not more than 12 inches high at their lowest point.

(ii) *Fire resistance.* Steel supports or exposed piling shall be protected by materials having a fire resistance rating of not less than 2 hours, except that steel saddles need not be protected if less than 12 inches high at their lowest point. Water spray protection or its equivalent may be used in lieu of fire-resistive materials to protect supports.

(iii) *Spheres.* The design of the supporting structure for tanks such as spheres shall receive special engineering consideration.

(iv) *Load distribution.* Every tank shall be so supported as to prevent the excessive concentration of loads on the supporting portion of the shell.

(v) *Foundations.* Tanks shall rest on the ground or on foundations made of concrete, masonry, piling, or steel. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation.

(vi) *Flood areas.* Where a tank is located in an area that may be subjected to flooding, the applicable precautions outlined in this subdivision shall be observed.

(*a*) No aboveground vertical storage tank containing a flammable or combustible liquid shall be located so that the allowable liquid level within the tank is below the established maximum flood stage, unless the tank is provided with a guiding structure such as described in (*m*), (*n*), and (*o*) of this subdivision.

(*b*) Independent water supply facilities shall be provided at locations where there is no ample and dependable public water supply available for loading partially empty tanks with water.

(*c*) In addition to the preceding requirements, each tank so located that more than 70 percent, but less than 100 percent, of its allowable liquid storage capacity will be submerged at the established maximum flood stage, shall be safeguarded by one of the following methods: Tank shall be raised, or its height shall be increased, until its top extends above the maximum flood stage a distance equivalent to 30 percent or more of its allowable liquid storage capacity: *Provided, however,* That the submerged part of the tank shall not exceed two and one-half times the diameter. Or, as an alternative to the foregoing, adequate noncombustible structural guides, designed to permit the tank to float vertically without loss of product, shall be provided.

(*d*) Each horizontal tank so located that more than 70 percent of its storage capacity will be submerged at the established flood stage, shall be anchored, attached to a foundation of concrete or of steel and concrete, of sufficient weight to provide adequate load for the tank when filled with flammable or combustible liquid and submerged by flood waters to the established flood stage, or adequately secured by other means.

(*e*) Spherical and spheroidal tanks shall be protected by applicable methods as specified for either vertical or horizontal tanks.

(*f*) At locations where there is no ample and dependable water supply, or where filling of underground tanks with liquids is impracticable because of the character of their contents, their use, or for other reasons, each tank shall be safeguarded against movement when empty and submerged by high ground water or flood waters by anchoring, weighting with concrete or other approved solid loading material, or securing by other means. Each such tank shall be so constructed and installed that it will safely resist external pressures due to high ground water or flood waters.

(*g*) At locations where there is an ample and dependable water supply available, underground tanks containing flammable or combustible liquids, so installed that more than 70 percent of their storage capacity will be submerged at the maximum flood stage, shall be so anchored, weighted, or secured by other means, as to prevent movement of such tanks when filled with flammable or combustible liquids, and submerged by flood waters to the established flood stage.

(*h*) Pipe connections below the allowable liquid level in a tank shall be provided with valves or cocks located as closely as practicable to the tank shell. Such valves and their connections to tanks shall be of steel or other material suitable for use with the liquid being stored. Cast iron shall not be permitted.

(*i*) At locations where an independent water supply is required, it shall be entirely independent of public power and water supply. Independent source of water shall be available when flood waters reach a level not less than 10 feet below the bottom of the lowest tank on a property.

(*j*) The self-contained power and pumping unit shall be so located or so designed that pumping into tanks may be carried on continuously throughout the rise in flood waters from a level 10 feet below the lowest tank to the level of the potential flood stage.

(*k*) Capacity of the pumping unit shall be such that the rate of rise of water in all tanks shall be equivalent to the established potential average rate of rise of flood waters at any stage.

(*l*) Each independent pumping unit shall be tested periodically to insure that it is in satisfactory operating condition.

(*m*) Structural guides for holding floating tanks above their foundations shall be so designed that there will be no resistance to the free rise of a tank, and shall be constructed of noncombustible material.

(*n*) The strength of the structure shall be adequate to resist lateral movement of a tank subject to a horizontal force in any direction equivalent to not less than 25 pounds per square foot acting on the projected vertical cross-sectional area of the tank.

(*o*) Where tanks are situated on exposed points or bends in a shoreline where swift currents in flood waters will be present, the structures shall be designed to withstand a unit force of not less than 50 pounds per square foot.

(*p*) The filling of a tank to be protected by water loading shall be started as soon as flood waters reach a dangerous flood stage. The rate of filling shall be at least equal to the rate of rise of the floodwaters (or the established average potential rate of rise).

(*q*) Sufficient fuel to operate the water pumps shall be available at all times to insure adequate power to fill all tankage with water.

(*r*) All valves on connecting pipelines shall be closed and locked in closed position when water loading has been completed.

(*s*) Where structural guides are provided for the protection of floating tanks, all rigid connections between tanks and pipelines shall be disconnected and blanked off or blinded before the floodwaters reach the bottom of the tank, unless control valves and their connections to the tank are of a type designed to prevent breakage between the valve and the tank shell.

(*t*) All valves attached to tanks other than those used in connection with water loading operations shall be closed and locked.

(*u*) If a tank is equipped with a swing line, the swing pipe shall be raised to and secured at its highest position.

(*v*) Inspections. The Assistant Secretary or his designated representative shall make periodic inspections of all plants where the storage of flammable or combustible liquids is such as to require compliance with the foregoing requirements, in order to assure the following:

(*1*) That all flammable or combustible liquid storage tanks are in compliance with these requirements and so maintained.

(*2*) That detailed printed instructions of what to do in flood emergencies are properly posted.

(*3*) That station operators and other employees depended upon to carry out such instructions are thoroughly informed as to the location and operation of such valves and other equipment necessary to effect these requirements.

(vii) *Earthquake areas.* In areas subject to earthquakes, the tank supports and connections shall be designed to resist damage as a result of such shocks.

(6) *Sources of ignition.* In locations where flammable vapors may be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition. Sources of ignition may include open flames, lightning, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, and mechanical), spontaneous ignition, chemical and physical-chemical reactions, and radiant heat.

(7) *Testing*—(i) *General.* All tanks, whether shop built or field erected, shall be strength tested before they are placed in service in accordance with the applicable paragraphs of the code under which they were built. The American Society of Mechanical Engineers (ASME) code stamp, American Petroleum Institute (API) monogram, or the label of the Underwriters' Laboratories, Inc., on a tank shall be evidence of compliance with this strength test. Tanks not marked in accordance with the above codes shall be strength tested before they are placed in service in accordance with good engineering principles and reference shall be made to the sections on testing in the codes listed in subparagraphs (1) (iii) (*a*), (iv) (*b*), or (v) (*b*) of this paragraph.

(ii) *Strength.* When the vertical length of the fill and vent pipes is such that when filled with liquid the static head imposed upon the bottom of the tank exceeds 10 pounds per square inch, the tank and related piping shall be tested hydrostatically to a pressure equal to the static head thus imposed.

(iii) *Tightness.* In addition to the strength test called for in subdivisions (i) and (ii) of this subparagraph, all tanks and connections shall be tested for tightness. Except for underground tanks, this tightness test shall be made at operating pressure with air, inert gas, or water prior to placing the tank in service. In the case of field-erected tanks the strength test may be considered to be the test for tank tightness. Underground tanks and piping, before being covered, enclosed, or placed in use, shall be tested for tightness hydrostatically, or with air pressure at not less than 3 pounds per square inch and not more than 5 pounds per square inch.

(iv) *Repairs.* All leaks or deformations shall be corrected in an acceptable manner before the tank is placed in service. Mechanical caulking is not permitted for correcting leaks in welded tanks except pinhole leaks in the roof.

(v) *Derated operations.* Tanks to be operated at pressures below their design pressure may be tested by the applicable provisions of subdivisions (i) or (ii) of this subparagraph, based upon the pressure developed under full emergency venting of the tank.

(c) *Piping, valves, and fittings*—(1) *General*—(i) *Design.* The design (including selection of materials) fabrication, assembly, test, and inspection of piping systems containing flammable or combustible liquids shall be suitable for the expected working pressures and structural stresses. Conformity with the applicable provisions of Pressure Piping, ANSI B31 series and the provisions of this paragraph, shall be considered prima facie evidence of compliance with the foregoing provisions.

(ii) *Exceptions.* This paragraph does not apply to any of the following:

(*a*) Tubing or casing on any oil or gas wells and any piping connected directly thereto.

(*b*) Motor vehicle, aircraft, boat, or portable or stationary engines.

(*c*) Piping within the scope of any applicable boiler and pressures vessel code.

(iii) *Definitions.* As used in this paragraph, piping systems consist of pipe, tubing, flanges, bolting, gaskets, valves, fittings, the pressure containing parts of other components such as expansion joints and strainers, and devices which serve such purposes as mixing, separating, snubbing, distributing, metering, or controlling flow.

(2) *Materials for piping, valves, and fittings*—(i) *Required materials.* Materials for piping, valves, or fittings shall be steel, nodular iron, or malleable iron, except as provided in paragraph (c) (2) (ii), (iii) and (iv) of this section.

(ii) *Exceptions.* Materials other than steel, nodular iron, or malleable iron may be used underground, or if required by the properties of the flammable or combustible liquid handled. Material other than steel, nodular iron, or malleable iron shall be designed to specifications embodying principles recognized as good engineering practices for the material used.

(iii) *Linings.* Piping, valves, and fittings may have combustible or noncombustible linings.

(iv) *Low-melting materials.* When low-melting point materials such as aluminum and brass or materials that soften on fire exposure such as plas-

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tics, or nonductile materials such as cast iron, are necessary, special consideration shall be given to their behavior on fire exposure. If such materials are used in above ground piping systems or inside buildings, they shall be suitably protected against fire exposure or so located that any spill resulting from the failure of these materials could not unduly expose persons, important buildings or structures or can be readily controlled by remote valves.

(3) *Pipe joints.* Joints shall be made liquid tight. Welded or screwed joints or approved connectors shall be used. Threaded joints and connections shall be made up tight with a suitable lubricant or piping compound. Pipe joints dependent upon the friction characteristics of combustible materials for mechanical continuity of piping shall not be used inside buildings. They may be used outside of buildings above or below ground. If used above ground, the piping shall either be secured to prevent disengagement at the fitting or the piping system shall be so designed that any spill resulting from such disengagement could not unduly expose persons, important buildings or structures, and could be readily controlled by remote valves.

(4) *Supports.* Piping systems shall be substantially supported and protected against physical damage and excessive stresses arising from settlement, vibration, expansion, or contraction.

(5) *Protection against corrosion.* All piping for flammable or combustible liquids, both aboveground and underground, where subject to external corrosion, shall be painted or otherwise protected.

(6) *Valves.* Piping systems shall contain a sufficient number of valves to operate the system properly and to protect the plant. Piping systems in connection with pumps shall contain a sufficient number of valves to control properly the flow of liquid in normal operation and in the event of physical damage. Each connection to pipelines, by which equipments such as tankcars or tank vehicles discharge liquids by means of pumps into storage tanks, shall be provided with a check valve for automatic protection against backflow if the piping arrangement is such that backflow from the system is possible.

(7) *Testing.* All piping before being covered, enclosed, or placed in use shall be hydrostatically tested to 150 percent of the maximum anticipated pressure of the system, or pneumatically tested to 110 percent of the maximum anticipated pressure of the system, but not less than 5 pounds per square inch gage at the highest point of the system. This test shall be maintained for a sufficient time to complete visual inspection of all joints and connections, but for at least 10 minutes.

§ 1910.110 Storage and handling of liquefied petroleum gases.

* * * * *

(b) *Basic rules*—(1) *Odorizing gases.* (i) All liquefied petroleum gases shall be effectively odorized by an approved agent of such character as to indicate positively, by distinct odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of flammability. Odorization, however, is not required if harmful in the use of further processing of the liquefied petroleum gas, or if odorization will serve no useful purpose as a warning agent in such use or further processing.

(ii) The odorization requirement of subdivision (i) of this subparagraph shall be considered to be met by the use of 1.0 pounds of ethyl mercaptan, 1.0 pounds of thiophane or 1.4 pounds of amyl mercaptan per 10,000 gallons of LP-Gas. However, this listing of odorants and quantities shall not exclude the use of other odorants that meet the odorization requirements of subdivision (i) of this subparagraph.

(2) *Approval of equipment and systems.* (i) Each system utilizing DOT containers in accordance with 49 CFR Part 178 shall have its container valves, connectors, manifold valve assemblies, and regulators approved.

(ii) Each system for domestic or commercial use utilizing containers of 2,000 gallons or less water capacity, other than those constructed in accordance with 49 CFR Part 178, shall consist of a container assembly and one or more regulators, and may include other parts. The system as a unit or the container assembly as a unit, and the regulator or regulators, shall be individually listed.

(iii) In systems utilizing containers of over 2,000 gallons water capacity, each regulator, container valve, excess flow valve, gaging device, and relief valve installed on or at the container, shall have its correctness as to design, construction, and performance determined by listing by Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corp.

(3) *Requirements for construction and original test of containers.* (i) Containers used with systems embodied in paragraphs (d), (e), (g), and (h) of this section, except as provided in paragraphs (e)(3)(iii) and (g)(2)(i) of this section, shall be designed, constructed, and tested in accordance with the Rules for Construction of Unfired Pressure Vessels, section VIII, Division 1, American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, 1968 edition.

(ii) Containers constructed according to the 1949 and earlier editions of the ASME Code do not have to comply with paragraphs U-2 through U-10 and U-19 thereof. Containers constructed according to paragraph U-70 in the 1949 and earlier editions are not authorized.

(iii) Containers designed, constructed, and tested prior to July 1, 1961, according to the Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1951 edition with 1954 Addenda, of the American Petroleum Institute and the American Society of Mechanical Engineers shall be considered in conformance. Containers constructed according to API-ASME Code do not have to comply with section I or with appendix to section I. Paragraphs W-601 to W-606 inclusive in the 1943 and earlier editions do not apply.

(iv) The provisions of subdivision (i) of this subparagraph shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the standard for the Storage and Handling of Liquefied Petroleum Gases NFPA No. 58 in effect at the time of fabrication.

(v) Containers used with systems embodied in paragraph (b), (d)(3)(iii), and (f) of this section, shall be constructed, tested, and stamped in accordance with DOT specifications effective at the date of their manufacture.

(4) *Welding of containers.* (i) Welding to the shell, head, or any other part of the container subject to internal pressure, shall be done in compliance with the code under which the tank was fabricated. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the tank manufacturer.

(ii) Where repair or modification involving welding of DOT containers is required, the container shall be returned to a qualified manufacturer making containers of the same type, and the repair or modification made in compliance with DOT regulations.

(5) *Markings on containers.* (i) Each container covered in subparagraph (3)(i) of this paragraph, except as provided in subparagraph (3)(iv) of this paragraph shall be marked as specified in the following:

(*a*) With a marking identifying compliance with, and other markings required by, the rules of the reference under which the container is constructed; or with the stamp and other markings required by the National Board of Boiler and Pressure Vessel Inspectors.

(*b*) With notation as to whether the container is designed for underground or aboveground installation or both. If intended for both and different style hoods are provided, the marking shall indicate the proper hood for each type of installation.

(*c*) With the name and address of the supplier of the container, or with the trade name of the container.

(*d*) With the water capacity of the container in pounds or gallons, U.S. Standard.

(*e*) With the pressure in p.s.i.g., for which the container is designed.

(*f*) With the wording "This container shall not contain a product having a vapor pressure in excess of — p.s.i.g. at 100° F.," see subparagraph (14)(viii) of this paragraph.

(*g*) With the tare weight in pounds or other identified unit of weight for containers with a water capacity of 300 pounds or less.

(*h*) With marking indicating the maximum level to which the container may be filled with liquid at temperatures between 20° F. and 130° F., except on containers provided with fixed maximum level indicators or which are filled by weighing. Markings shall be increments of not more than 20° F. This marking may be located on the liquid level gaging device.

(*i*) With the outside surface area in square feet.

(ii) Markings specified shall be on a metal nameplate attached to the container and located in such a manner as to remain visible after the container is installed.

(iii) When LP-Gas and one or more other gases are stored or used in the same area, the containers shall be marked to identify their content. Marking shall be in compliance with American National Standard Z48.1-1954, "Method of Marking Portable Compressed Gas Containers To Identify the Material Contained."

(6) *Location of containers and regulating equipment.* (i) Containers, and first stage regulating equipment if used, shall be located outside of buildings, except under one or more of the following:

(*a*) In buildings used exclusively for container charging, vaporization pressure reduction, gas mixing, gas manufacturing, or distribution.

(*b*) When portable use is necessary and in accordance with paragraph (c)(5) of this section.

(*c*) LP-Gas fueled stationary or portable engines in accordance with paragraph (e) (11) or (12) of this section.

(*d*) LP-Gas fueled industrial trucks used in accordance with paragraph (e)(13) of this section.

(*e*) LP-Gas fueled vehicles garaged in accordance with paragraph (e)(14) of this section.

(*f*) Containers awaiting use or resale when stored in accordance with paragraph (f) of this section.

(ii) Each individual container shall be located with respect to the nearest important building or group of buildings or line of adjoining property which may be built in accordance with Table H-23.

TABLE H-23

Water capacity per container	Minimum distances: Containers: Underground	Containers: Aboveground	Between aboveground containers
Less than 125 gals. [1]	10 feet	None	None.
125 to 250 gals	10 feet	10 feet	None.
251 to 500 gals	10 feet	10 feet	3 feet.
501 to 2,000 gals	25 feet [2]	25 feet [2]	3 feet.
2,001 to 30,000 gals.	50 feet	50 feet	5 feet.
30,001 to 70,000 gals.	50 feet	75 feet	¼ of sum of diameters of adjacent containers.
70,001 to 90,000 gals.	50 feet	100 feet	¼ of sum of diameters of adjacent containers.

[1] If the aggregate water capacity of a multi-container installation at a consumer site is 501 gallons or greater, the minimum distance shall comply with the appropriate portion of this table, applying the aggregate capacity rather than the capacity per container. If more than one installation is made, each installation shall be separated from another installation by at least 25 feet. Do not apply the MINIMUM DISTANCES BETWEEN ABOVEGROUND CONTAINERS to such installations.

[2] NOTE: The above distance requirements may be reduced to not less than 10 feet for a single container of 1,200 gallons water capacity or less, providing such a container is at least 25 feet from any other LP-Gas container of more than 125 gallons water capacity.

(iii) Containers installed for use shall not be stacked one above the other.

(iv) In industrial installations involving containers of 180,000 gallons aggregate water capacity or more, where serious mutual exposures between the container and adjacent properties prevail, firewalls or other means of special protection designed and constructed in accordance with good engineering practices are required.

(v) In the case of buildings devoted exclusively to gas manufacturing and distributing operations, the distances required by Table H-23 may be reduced provided that in no case shall containers of water capacity exceeding 500 gallons be located closer than 10 feet to such gas manufacturing and distributing buildings.

(vi) Readily ignitible material such as weeds and long dry grass shall be removed within 10 feet of any container.

(vii) The minimum separation between liquefied petroleum gas containers and flammable liquid tanks shall be 20 feet, and the minimum separation between a container and the centerline of the dike shall be 10 feet. The foregoing provision shall not apply when LP-Gas containers of 125 gallons or less capacity are installed adjacent to Class III flammable liquid tanks of 275 gallons or less capacity.

(viii) Suitable means shall be taken to prevent the accumulation of flammable liquids under adjacent liquified petroleum gas containers, such as by diking, diversion curbs, or grading.

(ix) When dikes are used with flammable liquid tanks, no liquefied petroleum gas containers shall be located within the diked area.

(7) *Container valves and container accessories.* (i) Valves, fittings, and accessories connected directly to the container including primary shutoff valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-Gas service. Cast iron shall not be used for container valves, fittings, and accessories. This does not prohibit the use of container valves made of malleable or nodular iron.

(ii) Connections to containers, except safety relief connections, liquid level gaging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(iii) Excess flow valves, where required shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections or line including valves, fittings, etc., being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve.

(iv) Liquid level gaging devices which are so constructed that outward flow of container contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(v) Openings from container or through fittings attached directly on container to which pressure gage connection is made, need not be equipped with shutoff or excess flow valves if such openings are restricted to not larger than No. 54 drill size opening.

(vi) Except as provided in paragraph (c)(5)(i)(*b*) of this section, excess flow and back pressure check valves where required by this section shall be located inside of the container or at a point outside where the line enters the container; in the latter case, installation shall be made in such manner that any undue strain beyond the excess flow or back pressure check valve will not cause breakage between the container and such valve.

(vii) Excess flow valves shall be designed with a bypass, not to exceed a No. 60 drill size opening to allow equalization of pressures.

(viii) Containers of more than 30 gallons water capacity and less than 2,000 gallons water capacity, filled on a volumetric basis, and manufactured after

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December 1, 1962, shall be equipped for filling into the vapor space.

(8) *Piping—including pipe, tubing, and fittings.* (i) Pipe, except as provided in paragraphs (e)(6)(i) and (g)(10)(iii), of this section shall be wrought iron or steel (black or galvanized), brass, copper, or aluminum alloy. Aluminum alloy pipe shall be at least Schedule 40 in accordance with the specifications for Aluminum Alloy Pipe, American National Standards Institute (ANSI) H38.-7-1969 (ASTM, B241-69), except that the use of alloy 5456 is prohibited and shall be suitably marked at each end of each length indicating compliance with American National Standards Institute Specifications. Aluminum Alloy pipe shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by such liquids as water (except rain water), detergents, sewage, or leaking from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum nominal pipe size for aluminum pipe shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy pipe shall not be installed within 6 inches of the ground.

(*a*) Vapor piping with operating pressures not exceeding 125 p.s.i.g. shall be suitable for a working pressure of at least 125 p.s.i.g. Pipe shall be at least Schedule 40 (ASTM A-53-69, Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal).

(*b*) Vapor piping with operating pressures over 125 p.s.i.g. and all liquid piping shall be suitable for a working pressure of at least 250 p.s.i.g. Pipe shall be at least Schedule 80 if joints are threaded or threaded and back welded. At least Schedule 40 (ASTM A-53-69 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal) shall be used if joints are welded, or welded and flanged.

(ii) Tubing shall be seamless and of copper, brass, steel, or aluminum alloy. Copper tubing shall be of type K or L or equivalent as covered in the Specification for Seamless Copper Water Tube, ANSI H23.1-1970 (ASTM B88-69). Aluminum alloy tubing shall be of Type A or B or equivalent as covered in Specification ASTM B210-68 and shall be suitably marked every 18 inches indicating compliance with ASTM Specifications. The minimum nominal wall thickness of copper tubing and aluminum alloy tubing shall be as specified in Table H-24 and Table H-25.

TABLE H-24—WALL THICKNESS OF COPPER TUBING[1]

NOTE: The standard size by which tube is designated is ⅛-inch smaller than its nominal outside diameter.

Standard size (inches)	Nominal O.D. (inches)	Nominal wall thickness (inches)	
		Type K	Type L
¼	0.375	0.035	0.030
⅜	0.500	0.049	0.035
½	0.625	0.049	0.040
¾	0.750	0.049	0.042
⅞	0.875	0.065	0.045
1	1.125	0.065	0.050
1¼	1.375	0.065	0.055
1½	1.625	0.072	0.060
2	2.125	0.083	0.070

[1]Based on data in Specification for Seamless Copper Water Tube, ANSI H23.1-1970 (ASTM B-88-69).

TABLE H-25—WALL THICKNESS OF ALUMINUM ALLOY TUBING[1]

Outside diameter (inches)	Nominal wall thickness (inches)	
	Type A	Type B
⅜	0.035	0.049
½	0.035	0.049
⅝	0.042	0.049
¾	0.049	0.058

[1]Based on data in Standard Specification for Aluminum-Alloy Drawn Seamless Coiled Tubes for Special Purpose Applications, ASTM B210-68.

Aluminum alloy tubing shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by liquids such as water (except rainwater), detergents, sewage, or leakage from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum outside diameter for aluminum alloy tubing shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy tubing shall not be installed within 6 inches of the ground.

(iii) In systems where the gas in liquid form without pressure reduction enters the building, only heavy walled seamless brass or copper tubing with an internal diameter not greater than three thirty-seconds inch, and a wall thickness of not less than three sixty-fourths inch shall be used. This requirement shall not apply to research and experimental laboratories, buildings, or separate fire divisions of buildings used exclusively for housing internal combustion engines, and to commercial gas plants or bulk stations where containers are charged, nor to industrial vaporizer buildings, nor to buildings, structures, or equipment under construction or undergoing major renovation.

(iv) Pipe joints may be screwed, flanged, welded, soldered, or brazed with a material having a melting point exceeding 1,000° F. Joints on seamless copper, brass, steel, or aluminum alloy gas tubing shall be made by means of approved gas tubing fittings, or soldered or brazed with a material having a melting point exceeding 1,000° F.

(v) For operating pressures of 125 p.s.i.g. or less, fittings shall be designed for a pressure of at least 125 p.s.i.g. For operating pressures above 125 p.s.i.g., fittings shall be designed for a minimum of 250 p.s.i.g.

(vi) The use of threaded cast iron pipe fittings such as ells, tees, crosses, couplings, and unions is prohibited. Aluminum alloy fittings shall be used with aluminum alloy pipe and tubing. Insulated fittings shall be used where aluminum alloy pipe or tubing connects with a dissimilar metal.

(vii) Strainers, regulators, meters, compressors, pumps, etc., are not to be considered as pipe fittings. This does not prohibit the use of malleable, nodular, or higher strength gray iron for such equipment.

(viii) All materials such as valve seats, packing, gaskets, diaphragms, etc., shall be of such quality as to be resistant to the action of liquefied petroleum gas under the service conditions to which they are subjected.

(ix) All piping, tubing, or hose shall be tested after assembly and proved free from leaks at not less than normal operating pressures. After installation, piping and tubing of all domestic and commercial systems shall be tested and proved free of leaks using a manometer or equivalent device that will indicate a drop in pressure. Test shall not be made with a flame.

(x) Provision shall be made to compensate for expansion, contraction, jarring, and vibration, and for settling. This may be accomplished by flexible connections.

(xi) Piping outside buildings may be buried, above ground, or both, but shall be well supported and protected against physical damage. Where soil conditions warrant, all piping shall be protected against corrosion. Where condensation may occur, the piping shall be pitched back to the container, or suitable means shall be provided for revaporization of the condensate.

(9) *Hose specifications.* (i) Hose shall be fabricated of materials that are resistant to the action of LP-Gas in the liquid and vapor phases. If wire braid is used for reinforcing the hose, it shall be of corrosion-resistant material such as stainless steel.

(ii) Hose subject to container pressure shall be marked "LP-Gas" or "LPG" at not greater than 10-foot intervals.

(iii) Hose subject to container pressure shall be designed for a bursting pressure of not less than 1,250 p.s.i.g.

(iv) Hose subject to container pressure shall have its correctness as to design construction and performance determined by being listed (see § 1910.110(a)(15)).

(v) Hose connections subject to container pressure shall be capable of withstanding, without leakage, a test pressure of not less than 500 p.s.i.g.

(vi) Hose and hose connections on the low-pressure side of the regulator or reducing valve shall be designed for a bursting pressure of not less than 125 p.s.i.g. or five times the set pressure of the relief devices protecting that portion of the system, whichever is higher.

(vii) Hose may be used on the low-pressure side of regulators to connect to other than domestic and commercial gas appliances under the following conditions:

(*a*) The appliances connected with hose shall be portable and need a flexible connection.

(*b*) For use inside buildings the hose shall be of minimum practical length, but shall not exceed 6 feet except as provided in paragraph (c)(5)(i)(*g*) of this section and shall not extend from one room to another, nor pass through any walls, partitions, ceilings, or floors. Such hose shall not be concealed from view or used in a concealed location. For use outside of buildings, the hose may exceed this length but shall be kept as short as practical.

(c) The hose shall be approved and shall not be used where it is likely to be subjected to temperatures above 125° F. The hose shall be securely connected to the appliance and the use of rubber slip ends shall not be permitted.

(*d*) The shutoff valve for an appliance connected by hose shall be in the metal pipe or tubing and not at the appliance end of the hose. When shutoff valves are installed close to each other, precautions shall be taken to prevent operation of the wrong valve.

(*e*) Hose used for connecting to wall outlets shall be protected from physical damage.

(10) *Safety devices.* (i) Every container except those constructed in accordance with DOT specifications and every vaporizer (except motor fuel vaporizers and except vaporizers described in subparagraph (11)(ii)(c) of this paragraph and paragraph (d)(4)(v)(*a*) of this section) whether heated by artificial means or not, shall be provided with one or more safety relief valves of spring-loaded or equivalent type. These valves shall be arranged to afford free vent to the outer air with discharge not less than 5 feet horizontally away from any opening into the building which is below such discharge. The rate of discharge shall be in accordance with the requirements of subdivision (ii) of this subparagraph or subdivision (iii) of this subparagraph in the case of vaporizers.

(ii) Minimum required rate of discharge in cubic feet per minute of air at 120 percent of the maximum permitted start to discharge pressure for safety relief valves to be used on containers other than those constructed in accordance with DOT specification shall be as follows:

Surface area (sq. ft.)	*Flow rate CFM air*
20 or less	626
25	751
30	872
35	990
40	1,100
45	1,220
50	1,330
55	1,430
60	1,540
65	1,640
70	1,750
75	1,850
80	1,950
85	2,050
90	2,150
95	2,240
100	2,340
105	2,440
110	2,530
115	2,630
120	2,720
125	2,810
130	2,900
135	2,990
140	3,080
145	3,170
150	3,260
155	3,350
160	3,440
165	3,530
170	3,620
175	3,700
180	3,790
185	3,880
190	3,960
195	4,050
200	4,130
210	4,300
220	4,470
230	4,630
240	4,800
250	4,960
260	5,130
270	5,290
280	5,450
290	5,610
300	5,760
310	5,920
320	6,080
330	6,230
340	6,390
350	6,540
360	6,690
370	6,840
380	7,000
390	7,150
400	7,300
450	8,040
500	8,760
550	9,470
600	10,170
650	10,860
700	11,550
750	12,220
800	12,880
850	13,540
900	14,190
950	14,830
1,000	15,470
1,050	16,100
1,100	16,720
1,150	17,350
1,200	17,980
1,250	18,570
1,300	19,180
1,350	19,780
1,400	20,380
1,450	20,980
1,500	21,570
1,550	22,160
1,600	22,740
1,650	23,320
1,700	23,900
1,750	24,470
1,800	25,050
1,850	25,620
1,900	26,180
1,950	26,750
2,000	27,310

Surface area=total outside surface area of container in square feet.

When the surface area is not stamped on the nameplate or when the marking is not legible, the area can be calculated by using one of the following formulas:

(1) Cylindrical container with hemispherical heads:

Area=Overall length×outside diameter×3.1416.

(2) Cylindrical container with other than hemispherical heads:

Area=Overall length+0.3 outside diameter ×outside diameter×3.1416.

NOTE: This formula is not exact, but will give results within the limits of practical accuracy for the sole purpose of sizing relief valves.

(3) Spherical container:

Area=Outside diameter squared×3.1416.

Flow Rate-CFM Air=Required flow capacity in cubic feet per minute of air at standard conditions, 60 F. and atmospheric pressure (14.7 p.s.i.a.).

The rate of discharge may be interpolated for intermediate values of surface area. For containers with total outside surface area greater than 2,000 square feet, the required flow rate can be calculated using the formula, Flow Rate-CFM Air=53.632 $A^{0.82}$.

A=total outside surface area of the container in square feet.

Valves not marked "Air" have flow rate marking in cubic feet per minute of liquefied petroleum gas. These can be converted to ratings in cubic feet per minute of air by multiplying the liquefied petroleum gas ratings by factors listed below. Air flow ratings can be converted to ratings in cubic feet per minute of liquefied petroleum gas by dividing the air ratings by the factors listed below.

AIR CONVERSION FACTORS

Container type	100	125	150	175	200
Air conversion factor	1.162	1.142	1.113	1.078	1.010

(iii) Minimum Required Rate of Discharge for Safety Relief Valves for Liquefied Petroleum Gas Vaporizers (Steam Heated, Water Heated, and Direct Fired).

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The minimum required rate of discharge for safety relief valves shall be determined as follows:

(a) Obtain the total surface area by adding the surface area of vaporizer shell in square feet directly in contact with LP-Gas and the heat exchanged surface area in square feet directly in contact with LP-Gas.

(b) Obtain the minimum required rate of discharge in cubic feet of air per minute, at 60° F. and 14.7 p.s.i.a. from subdivision (ii) of this subparagraph, for this total surface area.

(iv) Container and vaporizer safety relief valves shall be set to start-to-discharge, with relation to the design pressure of the container, in accordance with Table H-26.

TABLE H-26

Containers	Minimum (percent)	Maximum (percent)
ASME Code; Par. U-68, U-69—1949 and earlier editions	110	[1]125
ASME Code; Par. U-200, U-201—1949 edition	88	[1]100
ASME Code—1950, 1952, 1956, 1959, 1962, 1965 and 1968 (Division I) editions	88	100
API—ASME Code—all editions	88	[1]100
DOT—As prescribed in 49 CFR Chapter I		

[1]Manufacturers of safety relief valves are allowed a plus tolerance not exceeding 10 percent of the set pressure marked on the valve.

(v) Safety relief devices used with systems employing containers other than those constructed according to DOT specifications shall be so constructed as to discharge at not less than the rates shown in subdivision (ii) of this subparagraph, before the pressure is in excess of 120 percent of the maximum (not including the 10 percent referred to in subdivision (iv) of this subparagraph) permitted start to discharge pressure setting of the device.

(vi) In certain locations sufficiently sustained high temperatures prevail which require the use of a lower vapor pressure product to be stored or the use of a higher designed pressure vessel in order to prevent the safety valves opening as the result of these temperatures. As an alternative the tanks may be protected by cooling devices such as by spraying, by shading, or other effective means.

(vii) Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If pressure setting or adjustment is external, the relief valves shall be provided with approved means for sealing adjustment.

(viii) Shutoff valves shall not be installed between the safety relief devices and the container, or the equipment or piping to which the safety relief device is connected except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(ix) Safety relief valves shall have direct communication with the vapor space of the container at all times.

(x) Each container safety relief valve used with systems covered by paragraphs (d), (e), (g), and (h) of this section, except as provided in paragraph (e)(3)(iii) of this section shall be plainly and permanently marked with the following: "Container Type" of the pressure vessel on which the valve is designed to be installed; the pressure in p.s.i.g. at which the valve is set to discharge; the actual rate of discharge of the valve in cubic feet per minute of air at 60° F. and 14.7 p.s.i.a.; and the manufacturer's name and catalog number, for example: T200-250-4050 AIR—indicating that the valve is suitable for use on a Type 200 container, that it is set to start to discharge at 250 p.s.i.g.; and that its rate of discharge is 4,050 cubic feet per minute of air as determined in subdivision (ii) of this subparagraph.

(xi) Safety relief valve assemblies, including their connections, shall be of sufficient size so as to provide the rate of flow required for the container on which they are installed.

(xii) A hydrostatic relief valve shall be installed between each pair of shutoff valves on liquefied petroleum gas liquid piping so as to relieve into a safe atmosphere. The start-to-discharge pressure setting of such relief valves shall not be in excess of 500 p.s.i.g. The minimum setting on relief valves installed in piping connected to other than DOT containers shall not be lower than 140 percent of the container relief valve setting and in piping connected to DOT containers not lower than 400 p.s.i.g. Such a relief valve should not be installed in the pump discharge piping if the same protection can be provided by installing the relief valve in the suction piping. The start-to-discharge pressure setting of such a relief valve, if installed on the discharge side of a pump, shall be greater than the maximum pressure permitted by the recirculation device in the system.

(xiii) The discharge from any safety relief device shall not terminate in or beneath any building, except relief devices covered by subparagraphs (6)(i)(a)–(e) of this paragraph or paragraphs (c) (4)(i) or (5) of this section.

(xiv) Container safety relief devices and regulator relief vents shall be located not less than five (5) feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(11) *Vaporizer and housing.* (i) Indirect fired vaporizers utilizing steam, water, or other heating medium shall be constructed and installed as follows:

(a) Vaporizers shall be constructed in accordance with the requirements of subparagraph (3) (i)–(iii) of this paragraph and shall be permanently marked as follows:

(1) With the code marking signifying the specifications to which the vaporizer is constructed.

(2) With the allowable working pressure and temperature for which the vaporizer is designed.

(3) With the sum of the outside surface area and the inside heat exchange surface area expressed in square feet.

(4) With the name or symbol of the manufacturer.

(b) Vaporizers having an inside diameter of 6 inches or less exempted by the ASME Unfired Pressure Vessel Code, Section VIII of the ASME Boiler and Pressure Vessel Code—1968 shall have a design pressure not less than 250 p.s.i.g. and need not be permanently marked.

(c) Heating or cooling coils shall not be installed inside a storage container.

(d) Vaporizers may be installed in buildings, rooms, sheds, or lean-tos used exclusively for gas manufacturing or distribution, or in other structures of light, noncombustible construction or equivalent, well ventilated near the floor line and roof.

When vaporizing and/or mixing equipment is located in a structure or building not used exclusively for gas manufacturing or distribution, either attached to or within such a building, such structure or room shall be separated from the remainder of the building by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipe or conduit passing through it. Such structure or room shall be provided with adequate ventilation and shall have a roof or at least one exterior wall of lightweight construction.

(e) Vaporizers shall have, at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with subparagraph (10)(iii) of this paragraph, except as provided in paragraph (d)(4)(v)(a), of this section.

(f) The heating medium lines into and leaving the vaporizer shall be provided with suitable means for preventing the flow of gas into the heat systems in the event of tube rupture in the vaporizer. Vaporizers shall be provided with suitable automatic means to prevent liquid passing through the vaporizers to the gas discharge piping.

(g) The device that supplies the necessary heat for producing steam, hot water, or other heating medium may be installed in a building, compartment, room, or lean-to which shall be

ventilated near the floorline and roof to the outside. The device location shall be separated from all compartments or rooms containing liquefied petroleum gas vaporizers, pumps, and central gas mixing devices by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipes or conduit passing through it. This requirement does not apply to the domestic water heaters which may supply heat for a vaporizer in a domestic system.

(h) Gas-fired heating systems supplying heat exclusively for vaporization purposes shall be equipped with automatic safety devices to shut off the flow of gas to main burners, if the pilot light should fail.

(i) Vaporizers may be an integral part of a fuel storage container directly connected to the liquid section or gas section or both.

(j) Vaporizers shall not be equipped with fusible plugs.

(k) Vaporizer houses shall not have unprotected drains to sewers or sump pits.

(ii) Atmospheric vaporizers employing heat from the ground or surrounding air shall be installed as follows:

(a) Buried underground, or

(b) Located inside the building close to a point at which pipe enters the building provided the capacity of the unit does not exceed 1 quart.

(c) Vaporizers of less than 1 quart capacity heated by the ground or surrounding air, need not be equipped with safety relief valves provided that adequate tests demonstrate that the assembly is safe without safety relief valves.

(iii) Direct gas-fired vaporizers shall be constructed, marked, and installed as follows:

(a)(1) In accordance with the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code—1968 that are applicable to the maximum working conditions for which the vaporizer is designed.

(2) With the name of the manufacturer; rated BTU input to the burner; the area of the heat exchange surface in square feet; the outside surface of the vaporizer in square feet; and the maximum vaporizing capacity in gallons per hour.

(b)(1) Vaporizers may be connected to the liquid section or the gas section of the storage container, or both; but in any case there shall be at the container a manually operated valve in each connection to permit completely shutting off when desired, of all flow of gas or liquid from container to vaporizer.

(2) Vaporizers with capacity not exceeding 35 gallons per hour shall be located at least 5 feet from container shutoff valves. Vaporizers having capacity of more than 35 gallons but not exceeding 100 gallons per hour shall be located at least 10 feet from the container shutoff valves. Vaporizers having a capacity greater than 100 gallons per hour shall be located at least 15 feet from container shutoff valves.

(c) Vaporizers may be installed in buildings, rooms, housings, sheds, or lean-tos used exclusively for vaporizing or mixing of liquefied petroleum gas. Vaporizing housing structures shall be of noncombustible construction, well ventilated near the floorline and the highest point of the roof. When vaporizer and/or mixing equipment is located in a structure or room attached to or within a building, such structure or room shall be separated from the remainder of the building by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipes or conduit passing through it. Such structure or room shall be provided with adequate ventilation, and shall have a roof or at least one exterior wall of lightweight construction.

(d) Vaporizers shall have at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with subparagraph (10)(iii) of this paragraph. The relief valve shall be so located as not to be subjected to temperatures in excess of 140° F.

(e) Vaporizers shall be provided with suitable automatic means to prevent liquid passing from the vaporizer to the gas discharge piping of the vaporizer.

(f) Vaporizers shall be provided with means for manually turning off the gas to the main burner and pilot.

(g) Vaporizers shall be equipped with automatic safety devices to shut off the flow of gas to main burners if the pilot light should fail. When the flow through the pilot exceeds 2,000 B.t.u. per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(h) Pressure regulating and pressure reducing equipment if located within 10 feet of a direct fire vaporizer shall be separated from the open flame by a substantially airtight noncombustible partition or partitions.

(i) Except as provided in (c) of this subdivision, the following minimum distances shall be maintained between direct fired vaporizers and the nearest important building or group of buildings or line of adjoining property which may be built upon:

Ten feet for vaporizers having a capacity of 15 gallons per hour or less vaporizing capacity.

Twenty-five feet for vaporizers having a vaporizing capacity of 16 to 100 gallons per hour.

Fifty feet for vaporizers having a vaporizing capacity exceeding 100 gallons per hour.

(j) Direct fired vaporizers shall not raise the product pressure above the design pressure of the vaporizer equipment nor shall they raise the product pressure within the storage container above the pressure shown in the second column of Table H-31.

(k) Vaporizers shall not be provided with fusible plugs.

(l) Vaporizers shall not have unprotected drains to sewers or sump pits.

(iv) Direct gas-fired tank heaters shall be constructed and installed as follows:

(a) Direct gas-fired tank heaters, and tanks to which they are applied, shall only be installed above ground.

(b) Tank heaters shall be permanently marked with the name of the manufacturer, the rated B.t.u. input to the burner, and the maximum vaporizing capacity in gallons per hour.

(c) Tank heaters may be an integral part of a fuel storage container directly connected to the container liquid section, or vapor section, or both.

(d) Tank heaters shall be provided with a means for manually turning off the gas to the main burner and pilot.

(e) Tank heaters shall be equipped with an automatic safety device to shut off the flow of gas to main burners, if the pilot light should fail. When flow through pilot exceeds 2,000 B.t.u. per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(f) Pressure regulating and pressure reducing equipment if located within 10 feet of a direct fired tank heater shall be separated from the open flame by a substantially airtight noncombustible partition.

(g) The following minimum distances shall be maintained between a storage tank heated by a direct fired tank heater and the nearest important building or group of buildings or line of adjoining property which may be built upon:

Ten feet for storage containers of less than 500 gallons water capacity.

Twenty-five feet for storage containers of 500 to 1,200 gallons water capacity.

Fifty feet for storage containers of over 1,200 gallons water capacity.

(h) No direct fired tank heater shall raise the product pressure within the storage container over 75 percent of the pressure set out in the second column of Table H-31.

(v) The vaporizer section of vaporizer-burners used for dehydrators or dryers shall be located outside of buildings; they shall be constructed and installed as follows:

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(a) Vaporizer-burners shall have a minimum design pressure of 250 p.s.i.g. with a factor of safety of five.

(b) Manually operated positive shut-off valves shall be located at the containers to shut off all flow to the vaporizer-burners.

(c) Minimum distances between storage containers and vaporizer-burners shall be as follows:

Water capacity per container (gallons)	*Minimum distances (feet)*
Less than 501	10
501 to 2,000	25
Over 2,000	50

(d) The vaporizer section of vaporizer-burners shall be protected by a hydrostatic relief valve. The relief valve shall be located so as not to be subjected to temperatures in excess of 140° F. The start-to-discharge pressure setting shall be such as to protect the components involved, but not less than 250 p.s.i.g. The discharge shall be directed upward and away from component parts of the equipment and away from operating personnel.

(e) Vaporizer-burners shall be provided with means for manually turning off the gas to the main burner and pilot.

(f) Vaporizer-burners shall be equipped with automatic safety devices to shut off the flow of gas to the main burner and pilot in the event the pilot is extinguished.

(g) Pressure regulating and control equipment shall be located or protected so that the temperatures surrounding this equipment shall not exceed 140° F. except that equipment components may be used at higher temperatures if designed to withstand such temperatures.

(h) Pressure regulating and control equipment when located downstream of the vaporizer shall be designed to withstand the maximum discharge temperature of the vapor.

(i) The vaporizer section of vaporizer-burners shall not be provided with fusible plugs.

(j) Vaporizer coils or jackets shall be made of ferrous metal or high temperature alloys.

(k) Equipment utilizing vaporizer-burners shall be equipped with automatic shutoff devices upstream and downstream of the vaporizer section connected so as to operate in the event of excessive temperature, flame failure, and, if applicable, insufficient airflow.

(12) *Filling densities.* (i) The "filling density" is defined as the percent ratio of the weight of the gas in a container to the weight of water the container will hold at 60° F. All containers shall be filled according to the filling densities shown in Table H-27.

TABLE H-27—MAXIMUM PERMITTED FILLING DENSITY

Specific gravity at 60° F. (15.6° C.)	Above ground containers: 0 to 1,200 U.S. gals. (1,000 imp. gal., 4,550 liters) total water cap.	Above ground containers: Over 1,200 U.S. gals. (1,000 imp. gal., 4,550 liters) total water cap.	Under ground containers, all capacities
	Percent	*Percent*	*Percent*
0.496–0.503	41	44	45
.504– .510	42	45	46
.511– .519	43	46	47
.520– .527	44	47	48
.528– .536	45	48	49
.537– .544	46	49	50
.545– .552	47	50	51
.553– .560	48	51	52
.561– .568	49	52	53
.569– .576	50	53	54
.577– .584	51	54	55
.585– .592	52	55	56
.593– .600	53	56	57

(ii) Except as provided in subparagraph (iii) of this subparagraph, any container including mobile cargo tanks and portable tank containers regardless of size or construction, shipped under DOT jurisdiction or constructed in accordance with 49 CFR Chapter I Specifications shall be charged according to 49 CFR Chapter I requirements.

(iii) Portable containers not subject to DOT jurisdiction (such as, but not limited to, motor fuel containers on industrial and lift trucks, and farm tractors covered in paragraph (e) of this section, or containers recharged at the installation) may be filled either by weight, or by volume using a fixed length dip tube gaging device.

(13) *LP-Gas in buildings.* (i) Vapor shall be piped into buildings at pressures in excess of 20 p.s.i.g. only if the buildings or separate areas thereof, (a) Are constructed in accordance with this section; (b) Are used excusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard; (c) Buildings, structures, or equipment under construction or undergoing major renovation.

(ii) Liquid may be permitted in buildings as follows:

(a) Buildings, or separate areas of buildings, used exclusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard; and when such buildings, or separate areas thereof are constructed in accordance with this section.

(b) Buildings, structures, or equipment under construction or undergoing major renovation provided the temporary piping meets the following conditions:

(1) Liquid piping inside the building shall conform to the requirements of subparagraph (8) of this paragraph, and shall not exceed three-fourths iron pipe size. Copper tubing with an outside diameter of three-fourths inch or less may be used provided it conforms to Type K of Specifications for Seamless Water Tube, ANSI H23.1-1970 (ASTM B88-69) (see Table H-24). All such piping shall be protected against construction hazards. Liquid piping inside buildings shall be kept to a minimum. Such piping shall be securely fastened to walls or other surfaces so as to provide adequate protection from breakage and so located as to subject the liquid line to lowest ambient temperatures.

(2) A shutoff valve shall be installed in each intermediate branch line where it takes off the main line and shall be readily accessible. A shutoff valve shall also be placed at the appliance end of the intermediate branch line. Such shutoff valve shall be upstream of any flexible connector used with the appliance.

(3) Suitable excess flow valves shall be installed in the container outlet line supplying liquid LP-Gas to the building. A suitable excess flow valve shall be installed immediately downstream of each shutoff valve. Suitable excess flow valves shall be installed where piping size is reduced and shall be sized for the reduced size piping.

(4) Hydrostatic relief valves shall be installed in accordance with subparagraph (10)(xii) of this section.

(5) The use of hose to carry liquid between the container and the building or at any point in the liquid line, except at the appliance connector, shall be prohibited.

(6) Where flexible connectors are necessary for appliance installation, such connectors shall be as short as practicable and shall comply with subparagraph (8)(ii) or (9) of this paragraph.

(7) Release of fuel when any section of piping or appliances is disconnected shall be minimized by either of the following methods:

(i) Using an approved automatic quick-closing coupling (a type closing in both directions when coupled in the fuel line), or

(ii) Closing the valve nearest to the appliance and allowing the appliance to operate until the fuel in the line is consumed.

(iii) Portable containers shall not be taken into buildings except as provided in subparagraph (6)(i) of this paragraph.

(14) *Transfer of liquids.* The employer shall assure that—(i) at least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of the product.

(ii) Containers shall be filled or used only upon authorization of the owner.

(iii) Containers manufactured in accordance with specifications of 49 CFR Part 178 and authorized by 49 CFR Chapter 1 as a "single trip" or "nonrefillable container" shall not be refilled or reused in LP-Gas service.

(iv) Gas or liquid shall not be vented to the atmosphere to assist in transferring contents of one container to another, except as provided in paragraph (e)(5)(iv) of this section and except that this shall not preclude the use of listed pump utilizing LP-Gas in the vapor phase as a source of energy and venting such gas to the atmosphere at a rate not to exceed that from a No. 31 drill size opening and provided that such venting and liquid transfer shall be located not less than 50 feet from the nearest important building.

(v) Filling of fuel containers for industrial trucks or motor vehicles from industrial bulk storage containers shall be performed not less than 10 feet from the nearest important masonry-walled building or not less than 25 feet from the nearest important building or other construction and, in any event, not less than 25 feet from any building opening.

(vi) Filling of portable containers, containers mounted on skids, fuel containers on farm tractors, or similar applications, from storage containers used in domestic or commercial service, shall be performed not less than 50 feet from the nearest important building.

(vii) The filling connection and the vent from the liquid level gages in containers, filled at point of installation, shall not be less than 10 feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(viii) Fuel supply containers shall be gaged and charged only in the open air or in buildings especially provided for that purpose.

(ix) The maximum vapor pressure of the product at 100° F. which may be transferred into a container shall be in accordance with paragraphs (d)(2) and (e)(3) of this section. (For DOT containers use DOT requirements.)

(x) Marketers and users shall exercise precaution to assure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

(xi) Pumps or compressors shall be designed for use with LP-Gas. When compressors are used they shall normally take suction from the vapor space of the container being filled and discharge to the vapor space of the container being emptied.

(xii) Pumping systems, when equipped with a positive displacement pump, shall include a recirculating device which shall limit the differential pressure on the pump under normal operating conditions to the maximum differential pressure rating of the pump. The discharge of the pumping system shall be protected so that pressure does not exceed 350 p.s.i.g. If a recirculation system discharges into the supply tank and contains a manual shutoff valve, an adequate secondary safety recirculation system shall be incorporated which shall have no means of rendering it inoperative. Manual shutoff valves in recirculation systems shall be kept open except during an emergency or when repairs are being made to the system.

(xiii) When necessary, unloading piping or hoses shall be provided with suitable bleeder valves for relieving pressure before disconnection.

(xiv) Agricultural air moving equipment, including crop dryers, shall be shut down when supply containers are being filled unless the air intakes and sources of ignition on the equipment are located 50 feet or more from the container.

(xv) Agricultural equipment employing open flames or equipment with integral containers, such as flame cultivators, weed burners, and, in addition, tractors, shall be shut down during refueling.

(15) *Tank car or transport truck loading or unloading points and operations.* (i) The track of tank car siding shall be relatively level.

(ii) A "Tank Car Connected" sign, as covered by DOT rules, shall be installed at the active end or ends of the siding while the tank car is connected.

(iii) While cars are on sidetrack for loading or unloading, the wheels at both ends shall be blocked on the rails.

(iv) The employer shall insure that an employee is in attendance at all times while the tank car, cars, or trucks are being loaded or unloaded.

(v) A backflow check valve, excess-flow valve, or a shutoff valve with means of remote closing, to protect against uncontrolled discharge of LP-Gas from storage tank piping shall be installed close to the point where the liquid piping and hose or swing joint pipe is connected.

(vi) Except as provided in subdivision (vii) of this subparagraph, when the size (diameter) of the loading or unloading hoses and/or piping is reduced below the size of the tank car or transport truck loading or unloading connections, the adaptors to which lines are attached shall be equipped with either a backflow check valve, a properly sized excess flow valve, or shutoff valve with means of remote closing, to protect against uncontrolled discharge from the tank car or transport truck.

(vii) The requirement of subdivision (vi) of this subparagraph shall not apply if the tank car or transport is equipped with a quick-closing internal valve that can be remotely closed.

(viii) The tank car or transport truck loading or unloading point shall be located with due consideration to the following:

(a) Proximity to railroads and highway traffic.

(b) The distance of such unloading or loading point from adjacent property.

(c) With respect to buildings on installer's property.

(d) Nature of occupancy.

(e) Topography.

(f) Type of construction of buildings.

(g) Number of tank cars or transport trucks that may be safely loaded or unloaded at one time.

(h) Frequency of loading or unloading.

(ix) Where practical, the distance of the unloading or loading point shall conform to the distances in subparagraph (6)(ii) of this paragraph.

(16) *Instructions.* Personnel performing installation, removal, operation, and maintenance work shall be properly trained in such function.

(17) *Electrical equipment and other sources of ignition.* (i) Electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with Subpart S of this part, for ordinary locations except that fixed electrical equipment in classified areas shall comply with subparagraph (18) of this paragraph.

(ii) Open flames or other sources of ignition shall not be permitted in vaporizer rooms (except those housing direct-fired vaporizers), pumphouses, container charging rooms or other similar locations. Direct-fired vaporizers shall not be permitted in pumphouses or container charging rooms.

(iii) Liquefied petroleum gas storage containers do not require lightning protection.

(iv) Since liquefied petroleum gas is contained in a closed system of piping and equipment, the system need not be electrically conductive or electrically bonded for protection against static electricity.

(v) Open flames (except as provided for in subparagraph (11) of this paragraph), cutting or welding, portable electric tools, and extension lights capable of igniting LP-Gas, shall not be permitted within classified areas speci-

fied in Table H-28 unless the LP-Gas facilities have been freed of all liquid and vapor, or special precautions observed under carefully controlled conditions.

(18) *Fixed electrical equipment in classified areas.* Fixed electrical equipment and wiring installed within classified areas specified in Table H-28 shall comply with Table H-28 and shall be installed in accordance with Subpart S of this part. This provision does not apply to fixed electrical equipment at residential or commercial installations of LP-Gas systems or to systems covered by paragraph (e) or (g) of this section.

TABLE H-28

Part	Location	Extent of classified area [1]	Equipment shall be suitable for National Electrical Code, Class 1, Group D [2]
A	Storage containers other than DOT cylinders.	Within 15 feet in all directions from connections, except connections otherwise covered in Table H-28.	Division 2.
B	Tank vehicle and tank car loading and unloading. [3]	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade. (See Figure H-1).	Division 2.
C	Gage vent openings other than those on DOT cylinders.	Within 5 feet in all directions from point of discharge.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from point of discharge.	Division 2.
D	Relief valve discharge other than those on DOT cylinders.	Within direct path of discharge.	Division 1. *Note*— Fixed electrical equipment should preferably not be installed.
		Within 5 feet in all directions from point of discharge.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from point of discharge except within the direct path of discharge.	Division 2.
E	Pumps, compressors, gas-air mixers and vaporizers other than direct fired.	.....	
	Indoors without ventilation.	Entire room and any adjacent room not separated by a gastight partition.	Division 1.
		Within 15 feet of the exterior side of any exterior wall or roof that is not vaportight or within 15 feet of any exterior opening.	Division 2.
	Indoors with adequate ventilation. [4]	Entire room and any adjacent room not separated by a gastight partition.	Division 2.
	Outdoors in open air at or abovegrade.	Within 15 feet in all directions from this equipment and within the cylindrical volume between the horizontal equator of the sphere and grade. See Figure H-1.	Division 2.
F	Service Station Dispensing Units.	Entire space within dispenser enclosure, and 18 inches horizontally from enclosure exterior up to an elevation 4 ft. above dispenser base. Entire pit or open space beneath dispenser.	Division 1.
		Up to 18 inches abovegrade within 20 ft. horizontally from any edge of enclosure.	Division 2.
		NOTE: For pits within this area, see Part F of this table.	
G	Pits or trenches containing or located beneath LP-Gas valves, pumps, compressors, regulators, and similar equipment.	.....	
	Without mechanical ventilation.	Entire pit or trench.....	Division 1.
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.
		Within 15 feet in all directions from pit or trench when located outdoors.	Division 2.
	With adequate mechanical ventilation.	Entire pit or trench.....	Division 2.
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.
		Within 15 feet in all directions from pit or trench when located outdoors.	Division 2.

TABLE H-28—Continued

Part	Location	Extent of classified area [1]	Equipment shall be suitable for National Electrical Code, Class 1, Group D [2]
H	Special buildings or rooms for storage of portable containers.	Entire room	Division 2.
I	Pipelines and connections containing operational bleeds, drips, vents or drains.	Within 5 ft. in all directions from point of discharge.	Division 1.
		Beyond 5 ft. from point of discharge, same as Part E of this table.	
J	Container filling:		
	Indoors without ventilation.	Entire room	Division 1.
	Indoors with adequate ventilation. [4]	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Beyond 5 feet and entire room	Division 2.
	Outdoors in open air	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade. (See Figure H-1)	Division 2.

[1] The classified area shall not extend beyond an unpierced wall, roof, or solid vaportight partition.

[2] See Subpart S of this part.

[3] When classifying extent of hazardous area, consideration shall be given to possible variations in the spotting of tank cars and tank vehicles at the unloading points and the effect these variations of actual spotting point may have on the point of connection.

[4] Ventilation, either natural or mechanical, is considered adequate when the concentration of the gas in a gas-air mixture does not exceed 25 percent of the lower flammable limit under normal operating conditions.

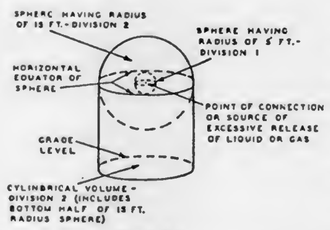


Figure H-1

(19) *Liquid-level gaging device.* (i) Each container manufactured after December 31, 1965, and filled on a volumetric basis shall be equipped with a fixed liquid-level gage to indicate the maximum permitted filling level as provided in subdivision (v) of this subparagraph. Each container manufactured after December 31, 1969, shall have permanently attached to the container adjacent to the fixed level gage a marking showing the percentage full that will be shown by that gage. When a variable liquid-level gage is also provided, the fixed liquid-level gage will also serve as a means for checking the variable gage. These gages shall be used in charging containers as required in subparagraph (12) of this section.

(ii) All variable gaging devices shall be arranged so that the maximum liquid level for butane, for a 50-50 mixture of butane and propane, and for propane, to which the container may be charged is readily determinable. The markings indicating the various liquid levels from empty to full shall be on the system nameplate or gaging device or part may be on the system nameplate and part on the gaging device. Dials of magnetic or rotary gages shall show whether they are for cylindrical or spherical containers and whether for aboveground or underground service. The dials of gages intended for use only on aboveground containers of over 1,200 gallons water capacity shall be so marked.

(iii) Gaging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube, and slip tube, shall be designed so that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

(iv) Gaging devices shall have a design working pressure of at least 250 p.s.i.g.

(v) Length of tube or position of fixed liquid-level gage shall be designed to indicate the maximum level to which the container may be filled for the product contained. This level shall be based on the volume of the product at 40° F. at its maximum permitted filling density for aboveground containers and at 50° F. for underground containers. The employer shall calculate the filling point for which the fixed liquid level gage shall be designed according to the method in this subdivision.

(a) It is impossible to set out in a table the length of a fixed dip tube for various capacity tanks because of the varying tank diameters and lengths and because the tank may be installed either in a vertical or horizontal position. Knowing the maximum permitted filling volume in gallons, however, the length of the fixed tube can be determined by the use of a strapping table obtained from the container manufacturer. The length of the fixed tube should be such that when its lower end touches the surface of the liquid in the container, the contents of the container will be the maximum permitted volume as determined by the following formula:

(b) Formula for determining maximum volume of liquefied petroleum gas for which a fixed length of dip tube shall be set:

[(Water capacity (gals.) of container* × filling density**) ÷ (Specific gravity of LP-Gas* × volume correction factor† × 100)] = Maximum volume of LP-Gas

*Measured at 60° F.

**From subparagraph (12) of this paragraph "Filling Densities."

†For aboveground containers the liquid temperature is assumed to be 40° F. and for underground containers the liquid temperature is assumed to be 50° F. To correct the liquid volumes at these temperatures to 60° F. the following factors shall be used:

TABLE H-29—VOLUME CORRECTION FACTORS

Specific gravity	Aboveground	Underground
0.500	1.033	1.017
.510	1.031	1.016
.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

(c) The maximum volume of LP-Gas which can be placed in a container when determining the length of the dip tube expressed as a percentage of total water content of the container is calculated by the following formula.

(d) The maximum weight of LP-Gas which may be placed in a container *for determining the length of a fixed dip tube* is determined by multiplying the maximum volume of liquefied petroleum gas obtained by the formula in (b) of this subdivision by the pounds of liquefied petroleum gas in a gallon at 40° F. for abovegound and at 50° F. for underground containers. For example, typical pounds per gallon are specified below:

Example: Assume a 100-gallon total water capacity tank for aboveground storage of propane having a specific gravity of 0.510 of 60° F.

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[(100 (gals.)×42 (filling density from subparagraph (12) of this paragraph))÷(0.510×1.031 (correction factor from Table H-29)×100)]=(4200÷52.6)

(4200÷52.6)=79.8 gallons propane, the maximum amount permitted to be placed in a 100-gallon total water capacity aboveground container equipped with a fixed dip tube.

[(Maximum volume of LP-Gas (from formula in subdivision *(b)* of this subdivision) ×100)÷Total water content of container in gallons]=Maximum percent of LP-Gas

	Aboveground, pounds per gallon	Underground, pounds per gallon
Propane	4.37	4.31
N Butane	4.97	4.92

(vi) Fixed liquid-level gages used on containers other than DOT containers shall be stamped on the exterior of the gage with the letters "DT" followed by the vertical distance (expressed in inches and carried out to one decimal place) from the top of container to the end of the dip tube or to the centerline of the gage when it is located at the maximum permitted filling level. For portable containers that may be filled in the horizontal and/or vertical position the letters "DT" shall be followed by "V" with the vertical distance from the top of the container to the end of the dip tube for vertical filling and with "H" followed by the proper distance for horizontal filling. For DOT containers the stamping shall be placed both on the exterior of the gage and on the container. On aboveground or cargo containers where the gages are positioned at specific levels, the marking may be specified in percent of total tank contents and the marking shall be stamped on the container.

(vii) Gage glasses of the columnar type shall be restricted to charging plants where the fuel is withdrawn in the liquid phase only. They shall be equipped with valves having metallic handwheels, with excess flow valves, and with extra-heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun. Gage glasses of the columnar type are prohibited on tank trucks, and on motor fuel tanks, and on containers used in domestic, commercial, and industrial installations.

(viii) Gaging devices of the float, or equivalent type which do not require flow for their operation and having connections extending to a point outside the container do not have to be equipped with excess flow valves provided the piping and fittings are adequately designed to withstand the container pressure and are properly protected against physical damage and breakage.

(20) *Requirements for appliances.* (i) Except as provided in subdivision (ii) of this subparagraph, new commercial and industrial gas consuming appliances shall be approved.

(ii) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-Gas and is in good condition may be used with LP-Gas only after it is properly converted, adapted, and tested for performance with LP-Gas before the appliance is placed in use.

(iii) Unattended heaters used inside buildings for the purpose of animal or poultry production or care shall be equipped with an approved automatic device designed to shut off the flow of gas to the main burners, and pilot if used, in the event of flame extinguishment.

(iv) All commercial, industrial, and agricultural appliances or equipment shall be installed in accordance with the requirements of this section and in accordance with the following:

(*a*) Domestic and commercial appliances—NFPA 54-1969, Standard for the Installation of Gas Appliances and Gas Piping.

(*b*) Industrial appliances—NFPA 54A-1969, Standard for the Installation of Gas Piping and Gas Equipment on Industrial Premises and Certain Other Premises.

(*c*) Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines—NFPA 37-1970.

(*d*) Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment, NFPA 96-1970.

HEALTH STANDARDS

Sec.
1910.6 Incorporation by reference.
1910.100 Standards organizations.
1910.133 Eye and face protection.
1910.135 Occupational head protection.
1910.136 Occupational foot protection.
1910.141(d) Washing facilities.
1910.141(e) Change rooms.
1910.145(d)(4) Caution signs.
1910.184(d) Inspections (slings).

§ 1910.6 Incorporation by reference.

(a) The standards of agencies of the U.S. Government and organizations which are not agencies of the U.S. Government which are legally incorporated by reference in this part, have the same force and effect as other standards in this part.

(b) Copies of the standards which are incorporated by reference may be examined at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210, or at any of its regional offices. Copies of such private standards may be obtained from the issuing organizations. Their names and addresses are listed in the pertinent subparts of this part.

(c) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 202110.

§ 1910.100 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the standards may be obtained from the issuing organization.

American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, OH 45202.
American National Standards Institute, 1430 Broadway, New York, NY 10018.
National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.

§ 1910.133 Eye and face protection.

(a) *General.* (1) Protective eye and face equipment shall be required where there is a reasonable probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. No unprotected person shall knowingly be subjected to a hazardous environmental condition. Suitable eye protectors shall be provided where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards.

(2) Protectors shall meet the following minimum requirements:

(i) They shall provide adequate protection against the particular hazards for which they are designed.

(ii) They shall be reasonably comfortable when worn under the designated conditions.

(iii) They shall fit snugly and shall not unduly interfere with the movements of the wearer.

(iv) They shall be durable.

(v) They shall be capable of being disinfected.

(vi) They shall be easily cleanable.

(vii) Protectors should be kept clean and in good repair.

(3) Persons whose vision requires the use of corrective lenses in spectacles, and who are required by this standard to wear eye protection, shall wear goggles or spectacles of one of the following types:

(i) Spectacles whose protective lenses provide optical correction.

(ii) Goggles that can be worn over corrective spectacles without disturbing the adjustment of the spectacles.

(iii) Goggles that incorporate corrective lenses mounted behind the protective lenses.

(4) Every protector shall be distinctly marked to facilitate identification only of the manufacturer.

(5) When limitations or precautions are indicated by the manufacturer, they shall be transmitted to the user and care taken to see that such limitations and precautions are strictly observed.

(6) Design, construction, testing, and use of devices for eye and face protection shall be in accordance with American National Standard for Occupational and Educational Eye and Face Protection, Z87.1-1968.

§ 1910.135 Occupational head protection.

Helmets for the protection of heads of occupational workers from impact and penetration from falling and flying objects and from limited electric shock and burn shall meet the requirements and specifications established in American National Standard Safety Requirements for Industrial Head Protection, Z89.1-1969.

§ 1910.136 Occupational foot protection.

Safety-toe footwear for employees shall meet the requirements and specifications in American National Standard for Men's Safety-Toe Footwear, Z41.1-1967.

§ 1910.141 Sanitation.

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(d) *Washing facilities*—(1) *General.* Washing facilities shall be maintained in a sanitary condition.

(2) *Lavatories.* (i) Lavatories shall be made available in all places of employment in accordance with the requirements for lavatories as set forth in table J-2 of this section. In a multiple-use lavatory, 24 lineal inches of wash sink or 20 inches of a circular basin, when provided with water outlets for each space, shall be considered equivalent to one lavatory. The requirements of this subdivision do not apply to mobile crews or to normally unattended work locations if employees working at these locations have transportation readily available to nearby washing facilities which meet the other requirements of this paragraph.

TABLE J-2

Type of employment	Number of employees	Minimum number of lavatories
Nonindustrial—office buildings, public buildings, and similar establishments.	1-15	1.
	16-35	2.
	36-60	3.
	61-90	4.
	91-125	5.
	Over 125	1 additional fixture for each additional 45 employees.
Industrial—factories, warehouse, loft buildings, and similar establishments.	1-100	1 fixture for each 10 employees.
	Over 100	1 fixture for each additional 15 employees.

(ii) Each lavatory shall be provided with hot and cold running water, or tepid running water.

(iii) Hand soap or similar cleansing agents shall be provided.

(iv) Individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

(v) Receptacles shall be provided for disposal of used towels.

(vi) Warm air blowers shall provide air at not less than 90° F. and shall have means to automatically prevent the discharge of air exceeding 140° F.

(vii) Electrical components of warm air blowers shall meet the requirements of Subpart S of this part.

(3) *Showers.* (i) Whenever showers are required by a particular standard, the showers shall be provided in accordance with subdivisions (ii) through (v) of the subparagraph.

(ii) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(iii) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in paragraph (d)(2)(iii) of this section.

(iv) Showers shall be provided with hot and cold water feeding a common discharge line.

(v) Employees who use showers shall be provided with individual clean towels.

(e) *Change rooms.* Whenever employees are required by a particular standard to wear protective clothing because of the possibility of contamination with toxic materials, change rooms equipped with storage facilities for street clothes and separate storage facilities for the protective clothing shall be provide

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§ 1910.145 Specifications for accident prevention signs and tags.

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(d) *Sign design and colors* . . .

(4) *Caution signs.* (i) Standard color of the background shall be yellow; and the panel, black with yellow letters. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1967.

§ 1910.184 Slings.

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(d) *Inspections.* Each day before being used, the sling and all fastenings and attachments shall be inspected for damage or defects by a competent person designated by the employer. Additional inspections shall be performed during sling use, where service conditions warrant. Damaged or defective slings shall be immediately removed from service.

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Supplement II—Threshold Limit Values of Airborne Contaminants for 1970

This is the table of "Threshold Limit Values of Airborne Contaminants for 1970" that is referenced in 29 CFR 1926.55(a). It contains administrative changes in footnotes, and it has been modified to reflect subsequent OSHA rulemakings (health standards issued pursuant to section 6(b) of the Act).

	Substance	ppm (Note 1)	mg/M³ (Note 2)
	Abate		15
	Acetaldehyde	200	360
	Acetic acid	10	25
	Acetic anhydride	5	20
	Acetone	1,000	2,400
	Acetonitrile	40	70
	Acetylene (note 3)		
	Acetylene dichloride, see 1, 2-Dichloroethylene		
	Acetylene tetrabromide	1	14
	Acrolein	0.1	0.25
	Acrylamide-Skin		0.3
	Acrylonitrile—see § 1910.1045		
	Aldrin-Skin		0.25
	Allyl alcohol-Skin	2	5
	Allyl chloride	1	3
C	Allyl glycidyl ether (AGE)	10	45
	Allyl propyl disulfide	2	12
	Alundum (Al_2O_3) (Note 4)		
	2-Aminoethanol, see Ethanolamine		
	2-Aminopyridine	0.5	2
	Ammonia	50	35
	Ammonium sulfamate (Ammate)		15
	n-Amyl acetate	100	525
	sec-Amyl acetate	125	650

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	Substance	ppm (Note 1)	mg/M³ (Note 2)
	Aniline-Skin	5	19
	Anisidine (o,p-isomers)-Skin		0.5
	Antimony & compounds (as Sb)		0.5
	ANTU (alpha naphthyl thiourea)		0.3
	Argon (Note 3)		
	Arsenic, and inorganic arsenic compounds except Arsine.—see § 1910.1018		
	Arsenic compounds, organic		0.5
	Arsine	0.05	0.2
	Azinphos-methyl-Skin		0.2
	Barium (soluble compounds)		0.5
	Benzene—see § 1910.1028		
	Benzidine-Skin (Note 5)		
	p-Benzoquinone, see Quinone		
	Benzoyl peroxide		5
	Benzyl chloride	1	5
	Beryllium		0.002
	Biphenyl, see Diphenyl		
	Bisphenol A, see Diglycidyl ether		
	Boron oxide		15
	Boron tribromide	1	10
C	Boron trifluoride	1	3
	Bromine	0.1	0.7
	Bromine pentafluoride	0.1	0.7
	Bromoform-Skin	0.5	5
	Butadiene (1, 3-butadiene)	1,000	2,200
	Butanethiol, see Butyl mercaptan		
	2-Butanone	200	590
	2-Butoxy ethanol (Butyl Cellosolve)-Skin	50	240
	Butyl acetate (n-butyl acetate)	150	710
	sec-Butyl acetate	200	950
	tert-Butyl acetate	200	950
	Butyl alcohol	100	300
	sec-Butyl alcohol	150	450
	tert-Butyl alcohol	100	300
C	Butylamine-Skin	5	15
C	tert-Butyl chromate (as CrO_3)-Skin		0.1
	n-Butyl glycidyl ether (BGE)	50	270
	Butyl mercaptan	0.5	1.5
	p-tert-Butyltoluene	10	60
	Cadmium (Metal dust and soluble salts)		0.2
C	Cadmium oxide fume (as Cd)		0.1
	Calcium carbonate (Note 4)		
	Calcium arsenate—See § 1910.1018		
	Calcium oxide		5
	Camphor (Synthetic)	2	
	Carbaryl (Sevin)		5
	Carbon black		3.5
	Carbon dioxide	5,000	9,000
	Carbon disulfide-Skin	20	60
	Carbon monoxide	50	55
	Carbon tetrachloride-Skin	10	65
	Cellulose (paper fiber)		
	Chlordan-Skin		0.5
	Chlorinated camphene-Skin		0.5
	Chlorinated diphenyl oxide		0.5
	Chlorine	1	3
	Chlorine dioxide	0.1	0.3
C	Chlorine trifluoride	0.1	0.4
C	Chloroacetaldehyde	1	3
	oo-Chloroacetophenone (phenacylchloride)	0.05	0.3
	Chlorobenzene (monochlorobenzene)	75	350
	o-Chlorobenzylidene malononitrile (OCBM)	0.05	0.4
	Chlorobromomethane	200	1,050
	2-Chloro-1, 3-butadiene, see Chloroprene		
	Chlorodiphenyl (42% Chlorine)-Skin		1
	Chlorodiphenyl (54% Chlorine)-Skin		0.5
	1-Chloro, 2, 3-epoxypropane, see Epichlorhydrin		
	2-Chloroethanol, see Ethylene chlorohydrin		
	Chloroethylene—See § 1910.1017		
C	Chloroform (trichloromethane)	50	240
	1-Chloro-1-nitropropane	20	100
	Chloropicrin	0.1	0.7
	Chloroprene (2-chloro-1, 3-butadiene)-Skin	25	90
	Chromic acid and chromates (as CrO_3)		0.1
	Chromium, sol, chromic, chromous salts as Cr		0.5
	Metal & insol. salts		1
	Coal tar pitch volatiles (benzene soluble fraction) anthracene, BaP phenanthrene, acridene, chrysene, pyrene) (Note 6)		0.2
	Cobalt, metal fume & dust		0.1
	Copper fume		0.1
	Dusts and Mists		1
	Corundum (Note 4)		
	Cotton dust, raw—See § 1910.1043 and (Note 7)		1
	Crag herbicide		
	Cresol (all isomers)-Skin	5	22
	Crotonaldehyde	2	6
	Cumene-Skin	50	245
	Cyanide (as CN)-Skin		5
	Cyanogen	10	
	Cyclohexane	300	1,050
	Cyclohexanol	50	200
	Cyclohexanone	50	200
	Cyclohexene	300	1,015
	Cyclopentadiene	75	200
	2, 4-D		10
	DDT-Skin		1
	DDVP, see Dichlorvos		
	Decaborane-Skin	0.05	0.3
	Demeton-Skin		0.1
	diacetone alcohol (4-dydroxy-4-methyl-2-pentanone)	50	240
	1, 2-Diaminoethane, see Ethylene-diamine		
	Diazomethane	0.2	0.4
	Diborane	0.1	0.1
C	1, 2-Dibromoethane (ethylene dibromode)-Skin	25	190
	Dibutyl phosphate	1	5
	Dubutylphthalate		5
C	Dichloroacetylene	0.1	0.4
C	o-Dichlorobenzene	50	300
	p-Dichlorobenzene	75	450
	Dichlorodifluoromethane	1,000	4,950
	1,3-Dichloro-5, 5-dimethyl hydantoin		0.2
	1, 1-Dichloroethane	100	400
	1, 2-Dichloroethane	50	200
	1, 2-Dichloroethylene	200	790
C	Dichloroethyl ether-Skin	15	90
	Dichloromethane, see Methylene-chloride		
	Dichloromonofluoromethane	1,000	4,200
C	1, 1-dichloro-1-nitroethane	10	60
	1, 2-Dichloropropane, see Propylenedichloride		
	Dichlorotetrafluoroethane	1,000	7,000
	Dichlorvos (DDVP)-Skin		1
	Dieldrin-Skin		0.25
	Diethylamine	25	75
	Diethylamino ethanol-Skin	10	50
C	Diethylene triamine-Skin	10	42
	Diethylether, see Ethyl ether		
	Difluorodibromomethane	100	860
C	Diglycidyl ether (DGE)	0.5	2.8
	Dihydroxybenzene, see Hydroquinone		
	Diisobutyl ketone	50	290
	Diisopropylamine-Skin	5	20
	Dimethoxymethane, see Methylal		
	Dimethyl acetamide-Skin	10	35
	Dimethylamine	10	18
	Dimethylaminobenzene, see Xylidene		
	Dimethylaniline (N-dimethylaniline)-Skin	5	25
	Dimethylbenzene, see Xylene		
	Dimethyl 1, 2-dibromo-2, 2-dichloroethyl phosphate, (Dibrom)		3
	Dimethylformamide-Skin	10	30
	2, 6-Dimethylheptanone, see Diisobutyl ketone		
	1, 1-Dimethylhydrazine-Skin	0.5	1
	Dimethylphthalate		5
	Dimethylsulfate-Skin	1	5
	Dinitrobenzene (all isomers)-Skin		1
	Dinitro-o-cresol-Skin		0.2
	Dinitrotoluene-Skin		1.5
	Dioxane (Diethylene dioxide-Skin	100	360
	Diphenyl	0.2	1
	Diphenyl amine		10
	Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate MDI)		
	Dipropylene glycol methyl ether-Skin	100	600
	Di-sec, octyl phthalate (Di-2-ethylhexylphathalate)		5
	Emery Note 4)		
	Endosulfan (Thiodan) -Skin		0.1
	Endrin-Skin		0.1
	Epichlorhydrin-Skin	5	19
	EPN-Skin		0.5
	1, 2-Epoxypropane, see Propylene-oxide		
	2, 3-Epoxy-1-propanol, see Glycidol		
	Ethane (Note 3)		
	Ethanethiol, see Ethylmercaptan		
	Ethanolamine	3	6
	2-Ethoxyethanol-Skin	200	740
	2-Ethoxyethylacetate (Cellosolve acetate)-Skin	100	540
	Ethyl acetate	400	1,400
	Ethyl acrylate-Skin	25	100
	Ethyl alcohol (ethanol)	1,000	1,900
	Ethylamine	10	18
	Ethyl sec-amyl ketone (5-methyl-3-heptanone)	25	130
	Ethyl benzene	100	435
	Ethyl bromide	200	890
	Ethyl butyl ketone (3-Heptanone)	50	230
	Ethyl chloride	1,000	2,600
	Ethyl ether	400	1,200
	Ethyl formate	100	300
	Ethyl mercaptan	0.5	1
	Ethyl silicate	100	850
	Ethylene (Note 3)		
	Ethylene chlorohydrin-Skin	5	16
	Ethylenediamine	10	25
	Ethylene dibromide, see 1, 2- Dibromoethane		
	Ethylene dichloride, see 1, 2- Dichloroethane		
C	Ethylene glycol dinitrate and/or Nitroglycerine-Skin (Note 8)	0.2	
	Ethylene glycol monomethyl ether acetate, see Methyl cellosolve acetate		
	Ethylene imine-Skin	0.5	1
	Ethylene oxide	50	90
	Ethylidine chloride, see 1, 1-Dichloroethane		
	N-Ethylmorpholine-Skin	20	94
	Ferbam		15
	Ferrovanadium dust		1

	Substance	ppm (Note 1)	mg/M³ (Note 2)
	Fibrous glass (Note 5)		
	Fluoride (as F)		2.5
	Fluorine	0.1	0.2
	Fluorotrichloromethane	1,000	5,600
C	Formaldehyde	5	6
	Formic acid	5	9
	Furfural-Skin	5	20
	Furfuryl alcohol	50	200
	Gasoline (Note 9)		
	Glycerine mist (Note 4)		
	Glycidol (2, 3-Epoxy-1-propanol)	50	150
	Glycol monoethyl ether, see 2-Ethoxyethanol		
	Graphite, (Synthetic) (Note 4)		
	Guthion, see Azinphosmethyl		
	Gypsum (Note 4)		
	Hafnium		0.5
	Helium (Note 3)		
	Heptachlor-Skin		0.5
	Heptane (n-heptane)	500	2,000
	Hexachloroethane-Skin	1	10
	Hexachloronaphthalene-Skin		0.2
	Hexane (n-hexane)	500	1,800
	2-Hexanone	100	410
	Hexone (Methyl isobutyl ketone)	100	410
	sec-Hexyl acetate	50	300
	Hydrazine-Skin	1	1.3
	Hydrogen (Note 3)		
	Hydrogen bromide	3	10
C	Hydrogen chloride	5	7
	Hydrogen cyanide-Skin	10	11
	Hydrogen fluoride	3	2
	Hydrogen peroxide	1	1.4
	Hydrogen selenide	0.05	0.2
	Hydrogen sulfide	10	15
	Hydroquinone		2
	Indene	10	45
	Indium and compounds, as In		0.1
C	Iodine	0.1	1
	Iron oxide fume		10
	Iron salts, soluble, as Fe		1
	Isoamyl acetate	100	525
	Isoamyl alcohol	100	360
	Isobuty acetate	150	700
	Isobuty alcohol	100	300
	Isophorone	25	140
	Isopropyl acetate	250	950
	Isopropyl alcohol	400	980
	Isopropylamine	5	12
	Isopropylether	500	2,100
	Isopropyl glycidyl ether (IGE)	50	240
	Kaolin (Note 4)		
	Ketene	0.5	0.9
	Lead—See § 1910.1025		
	Lead arsenate—See § 1910.1018		
	Limestone (Note 4)		
	Lindane-Skin		0.5
	Lithium hydride		0.025
	L.P.G. (Liquified petroleum gas)	1,000	1,800
	Magnesite (Note 4)		
	Magnesium oxide fume		15
	Malathion-Skin		15
	Maleic anhydride	0.25	1
C	Manganese and compounds, as M		5
	Marble (Note 4)		
	Mercury-Skin		0.1
	Mercury (organic compounds)-Skin		0.01
	Mesityl oxide	25	100
	Methane (Note 3)		
	Methanethiol, see Methyl mercaptan		
	Methoxychlor		15
	2-Methoxyethanol, see Methyl cellosolve		
	Methyl acetate	200	610
	Methyl acetylene (propyne)	1,000	1,650
	Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
	Methyl acrylate-Skin	10	35
	Methylal (dimethoxymethane)	1,000	3,100
	Methyl alcohol (methanol)	200	260
	Methylamine	10	12
	Methyl amyl alcohol, see Methyl isobutyl carbinol		
	Methyl isoamyl ketone	100	475
	Methyl (n-amyl) ketone (2-Heptanone)	100	465
C	Methyl bromide-Skin	20	80
	Methyl butyl ketone, see 2-Hexanone		
	Methyl cellosolve-Skin	25	80
	Methyl cellosolve acetate-Skin	25	120
C	Methyl chloride	100	210
	Methyl chloroform	350	1,900
	Methylcyclohexane	500	2,000
	Methylcyclohexanol	100	470
	o-Methylcyclohezanone-Skin	100	460
	Methyl ethyl ketone(MEK), see 2-Butanone		
	Methyl formate	100	250
	Methyl iodide-Skin	5	28
	Methyl isobutyl carbinol-Skin	25	100
	Methyl isobutyl ketone, seeHexone		
	Methyl isocyanate - Skin	0.02	0.05
	Methy mercaptan	0.5	1
	Methyl methacrylat	100	410
	Methyl propyl ketone,see 2-Pentanone		
C	Methyl silicate	5	30
C	Methyl styrene	100	480
C	Methylene bisphenyl isocyanate (MDI)	0.02	0.2
	Methylene chloride (dichloromethane)	500	1,740
	Molybdenum (soluble compounds)		5
	(insoluble compounds)		15
	Monomethyl aniline Skin	2	9
C	Monomethyl hydrazine-Skin	0.2	0.35
	Morpholine-Skin	20	70
	Naphtha (coal tar)	100	400
	Naphthalene	10	50
	beta-Naphthylamine (Note 5)		
	Neon (Note 3)		
	Nickel carbonyl	0.001	0.007
	Nickel, metal and soluble cmpds, as Ni		1
	Nicotine-Skin		0.5
	Nitric acid	2	5
	Nitric oxide	25	30
	p-Nitroaniline-Skin	1	6
	Nitrobenzene-Skin	1	5
	p-Nitrochlorobenzene-Skin	1	1
	Nitroethane	100	310
	Nitrogen (Note 3)		
C	Nitrogen dioxide	5	9
	Nitrogen trifluoride	10	29
	Nitroglycerin-Skin	0.2	2
	Nitromethane	100	250
	1-Nitropropane	25	90
	2-Nitropropane	25	90
	N-Nitrosodimethylamine (dimethylnitrosamine)-Skin (Note 5)		
	Nitrotoluene-Skin	5	30
	Nitrotrichloromethane, see Chloropicrin		
	Nitrous oxide (Note 3)		
	Octachloronaphthalene-Skin		0.1
	Octane	400	1,900
	Oil mist, particulate (Note 10)		
	Oil mist, vapor (Note 11)		
	Osmium tetroxide		0.002
	Oxalic acid		1
	Oxygen difluoride	0.05	0.1
	Ozone	0.1	0.2
	Paraquat-Skin		0.5
	Parathion-Skin		0.1
	Pentaborane	0.005	0.01
	Pentachloronaphthalene-Skin		0.5
	Pentachlorophenol-Skin		0.5
	Pentaerythritol (Note 4)		
	Pentane	500	1,500
	2-Pentanone	200	700
	Perchloroethylene	100	670
	Perchloromethyl mercaptan	0.1	0.8
	Perchloryl fluoride	3	13.5
	Petroleum distillates (naphtha) (Note 11)		
	Phenol-Skin	5	19
	p-Phenylene diamine-Skin		0.1
	Phenyl ether (vapor)	1	7
	Phenyl ether-Biphenyl mixture (vapor)	1	7
	Phenylethylene, see Styrene		
	Phenyl glycidyl ether (PGE)	10	60
	Phenylhydrazine-Skin	5	22
	Phosdrin (Mevinphos) -Skin		0.1
	Phosgene (carbonyl chloride)	0.1	0.4
	Phosphine	0.3	0.4
	Phosphoric acid		1
	Phosphorus (yellow)		0.1
	Phosphorus pentachloride		1
	Phosphorus pentasulfide		1
	Phosphorus trichloride	0.5	3
	Phthalic anhydride	2	12
	Picric acid-Skin		0.1
	Pival (2-Pivalyl-1, 3-indandione)		0.1
	Plaster of Paris (Note 4)		
	Platinum (Soluble Salts) as Pt		0.002
	Polytetrafluoroethylene decomposition products (Note 12)		
	Propane (Note 3)		
	beta-Propiolactone (Note 5)		
	Propargyl alcohol-Skin	1	
	n-Propyl acetate	200	840
	Propyl alcohol	200	500
	n-Propyl nitrate	25	110
	Propylene dichloride	75	350
	Propylene imine-Skin	2	5
	Propylene oxide	100	240
	Propyne, see Methylacetylene		
	Pyrethrum		5
	Pyridine	5	15
	Quinone	0.1	0.4
	RDX-Skin		1.5
	Rhodium, Metal fume and dusts, as Rh		0.1
	Soluble salts		0.001
	Ronnel		10
	Rotenone (commercial)		5
	Rouge (Note 4)		
	Selenium compounds (as Se)		0.2
	Selenium hexafluoride	0.05	0.4
	Silicon carbide (Note 4)		
	Silver, metal and soluble compounds		0.01
	Sodium fluoroacetate (1080)-Skin		0.05
	Sodium hydroxide		2
	Stibine	0.1	0.5
	Starch (Note 4)		
	Stoddard solvent	200	1,150
	Strychnine		0.15
C	Styrene monomer (phenylethylene)	100	420
	Sucrose (Note 4)		
	Sulfur dioxide	5	13
	Sulfur hexafluoride	1,000	6,000
	Sulfuric acid		1
	Sulfur monochloride	1	6
	Sulfur pentafluoride	0.025	0.25
	Sulfuryl fluoride	5	20
	Systox, see Demeton		
	Tantalum		5
	TEDP-Skin		0.2
	Teflon decomposition products (Note 12)		

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Substance	ppm (Note 1)	mg/M³ (Note 2)
Tellurium		0.1
Tellurium hexafluoride	0.02	0.2
TEPP-Skin		0.05
C Terphenyls	1	9
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	500	4,170
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	500	4,170
1, 1, 2, 2-Tetrachloroethane-Skin	5	35
Tetrachloroethylene, see Perchloroethylene		
Tetrachloromethane, see Carbon tetrachloride		
Tetrachloronaphthalene-Skin		2
Tetraethyl lead (as Pb)-Skin (Note 13)		
Tetrahydrofuran	200	590
Tetrametyl lead (as Pb)-Skin (Note 13)		
Tetramethyl succinonitrile-Skin	0.5	3
Tetranitromethane	1	8
Tetryl (2, 4, 6-trinitrophenylmethylnitramine)-Skin		1.5
Thallium (soluble compounds)-Skin as Tl		0.1
Thiram		5
Tin (inorganic cmpds, except SnH_4 and SnO_2)		2
Tin (organic cmpds)		0.1
Tin oxide (Note 4)		
Titanium dioxide (Note 4)		
Toluene (toluol)	200	750
C Toluene-2, 4-diisocyanate	0.02	0.14
o-Toluidine-Skin	5	22
Toxaphene, see Chlorinated camphene		
Tributyl phosphate		5
1, 1, 1-Trichloroethane, see Methyl chloroform		
1, 1, 2-Trichloroethane-Skin	10	45
Trichloroethylene	100	535
Trichloromethane, see Chloroform		
Trichloronaphthalene-Skin		5
1, 2, 3-Trichloropropane	50	300
1, 1, 2-Trichloro 1, 2, 2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromonobromomethane	1,000	6,100
Trimethyl benzene	25	120
2, 4, 6-Trinitrophenol, see Picric acid		
2, 4, 6-Trinitrophenylmethylnitramine, see Tetryl		
Trinitrotoluene-Skin		1.5
Triorthocresyl phosphate		0.1
Triphenyl phosphate		3
Tungsten & compounds, as W		
Soluble		1
Insoluble		5
Turpentine	100	560
Uranium (natural) sol. & insol. compounds as U		0.2
C Vanadium (V_2O_5 dust)		0.5
(V_2O_5 fume)		0.1
Vinyl benzene, see Styrene		
Vinyl chloride—See §1910.1017		
Vinylcyanide, see Acrylonitrile		
Vinyl toluene	100	480
Warfarin		0.1
Xylene (xylol)	100	435
Xylidine-Skin	5	25
Yttrium		1
Zinc chloride fume		1
Zinc oxide fume		5
Zirconium compounds (as Zr)		5

Mineral Dusts

Substance	m.p.p.c.f. (Note 14)
SILICA	
Crystalline	
Quartz, Threshold Limit calculated from the formula	250
	%SiO_2 + 5 (Note 15)
Cristobalite	
Amorphous, including natural diatomaceous earth	20
SILICATES (less than 1% crystalline silica)	
Asbestos—See § 1910.1001	
Mica	20
Portland Cement	50
Soapstone	20
Talc (non-asbestiform)	20
Talc (fibrous), use asbestos limit	
Tremolite, see asbestos	
Graphite (natural)	15
"Inert" or Nuisance Particulates	50 (or 15 mg/M³ whichever is the smaller) of total dust <1% SiO_2

Conversion factors

mppcf - 35.3 = million particles per cubic meter
= particles per c.c.

Table Notes

(1) Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg pressure.

(2) Approximate milligrams of particulate per cubic meter of air.

(3) Simple asphxyiant—See 1970 Threshold Limit Value pamphlet, Preface and Appendix E.

(4) "Nuisance" or "Inert" dust—See Mineral Dusts table and 1970 Threshold Limit Value pamphlet, Preface and Appendix D.

(5) Carcinogen—See Threshold Limit Value pamphlet, Appendix A³.

(6) Not applicable to coke oven emissions; see § 1910.1029.

(7) The standard of 1 mg/m³ applies in cotton yarn manufacturing until compliance with § 1910.1043 is achieved.

(8) An atmospheric concentration of not more than 0.02 ppm, or personal protection may be necessary to avoid headache.

(9) Substance has variable composition—see Threshold Limit Value pamphlet Appendix A³ to determine Threshold Limit Value.

(10) As sampled by method that does not collect vapor.

(11) According to analytically determined composition. See 1970 Threshold Limit Value pamphlet Appendix A³ to determine Threshold Limit Value.

(12) See 1970 Threshold Limit Value pamphlet Appendix A³.

(13) For control of general room air, biologic monitoring is essential for personnel control.

(14) Millions of particles per cubic foot of air, based on impinger samples counted by light-field technics.

(15) Th percentage of crystalline silica in the formula is the amount determined from airborne samples, except in those instances in which other methods have been shown to be applicable.

Supplement III—List of Standards (Other Federal Agency, ANSI, NEC, NFPA, etc.) Incorporated by Reference in Part 1926 and Those Part 1910 Standards Identified as Applicable to Construction Work

Private Standards Setting Organizations

ACGIH AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS

1970 THRESHOLD LIMIT VALUES OF AIRBORNE CONTAMINANTS

ANSI AMERICAN NATIONAL STANDARDS INSTITUTE, INC.

A10.3-1970 Explosive-Actuated Fastening Tools, Safety Requirements for
A10.4-1963 Workmen's Hoists, Safety Requirements for
A10.5-1969 Material Hoists, Safety Requirements for
A10.9-1970 Concrete Construction and Masonry Work, Safety Requirements for
A11.1-1965 (R1970) Industrial Lighting, Practices for (IES RP7-1965)
A14.1-1968 Portable Wood Ladders, Safety Code for
A14.2-1956 Portable Metal Ladders, Safety Code for
A14.3-1956 Fixed Ladders, Safety Code for
A17.1-1965 Elevators, Dumbwaiters and Moving Walks, Safety Code for
A17.1a-1967 Supplement to A17.1-1965
A17.1b-1968 Supplement to A17.1-1965 and A17.1a-1967
A17.1c-1969 Supplement to A17.1-1965, A17.1a-1967, and A17.1b-1968
A17.1d-1970 Supplement to A17.1-1965, A17.1a-1967, and A17.1b-1968 and A17.1c-1969
A17.2-1960 Elevators, Practice for the Inspection of (Inspector's Manual)
A17.2a-1965 Addenda to A17.2-1960
A17.2b-1967 Supplement to A17.2-1960
A92.2-1969 Vehicle Mounted Elevating and Rotating Work Platforms
A120.1-1970 Power-Operated Platforms Used for Exterior Building Maintenance, Safety Code for
B7.1-1970 Use, Care and Protection of abrasive Wheels, Safety Code for the
B15.1-1953 (R1958) Mechanical Power-Transmission Apparatus, Safety Code for
B20.1-1957 Conveyors, Cableways, and Related Equipment, Safety Code for
B30.2.0-1967 Overhead and Gantry Cranes, Safety Code for (Partial Revision of B30.2-1943)
B30.5-1968 Crawler, Locomotive and Truck Cranes, Safety Code for (Partial Revision of B30.2-1943)
B30.6-1969 Derricks, Safety Code for (Partial Revision of B30.2-1943)
B56.1-1969 Powered Industrial Trucks, Safety Standards for (ISO R1074)
D6.1-1971 Manual on Uniform Traffic Control Devices for Streets and Highways
J6.6-1971 Rubber Insulating Gloves
J6.7-1935 (R1971) Rubber Matting for Use Around Electrical Apparatus
J6.4-1971 Rubber Insulating Blankets
J6.2-1950 (R1971) Rubber Insulating Hoods
J6.1-1950 (R1971) Rubber Insulating Line Hose
J6.5-1971 Rubber Insulating Sleeves
O1.1-1961 Woodworking Machinery, Safety Code for

Z35.1-1968 Accident Prevention Signs, Specifications for
Z35.2-1968 Accident Prevention Tags, Specifications for
Z49.1-1967 Welding and Cutting, Safety in
Z87.1-1968 Occupational and Educational Eye and Face Protection, Practice for (Partial Revision of Z2.1-1959)
Z89.1-1969 Industrial Head Protection, Safety Requirements for
Z89.2-1971 Industrial Protective Helmets for Electrical Workers, Class B, Safety Requirements for

AMERICAN RED CROSS (INSTRUCTION IN FIRST AID)

ASAE AMERICAN SOCIETY OF AGRICULTURAL ENGINEERS

ASAE R313 SOIL CONE PENETROMETER, 1971

ASME AMERICAN SOCIETY OF MECHANICAL ENGINEERS

AMERICAN WELDING SOCIETY

AWS B3.0-41
AWS D8.4-61
AWS D10.9-69
AWS D2.0-69
Power Boilers (Section I), 1968
Pressure Vessels (Section VIII), 1968

ASTM AMERICAN SOCIETY FOR TESTING AND MATERIALS

A370-68 Mechanical Testing of Steel Products, Standard Methods and Definitions for
B117-64 (50-hour test)
D56-69 Flash Point by the Tag Closed Tester, Standard Method of Test for
D93-69 Flash Point by the Pensky-Martens Closed Tester, Standard Method of Test for
D323-58 (R-68) Vapor Pressure of Petroleum Products (Reid Method), Standard Method of Test for

FACTORY MUTUAL ENGINEERING CORP.

IME INSTITUTE OF MAKERS OF EXPLOSIVES

Publication No. 2, June 5, 1964, American Table of Distances for Storage of Explosives
Publication No. 20, March 1968, Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps

NFPA NATIONAL FIRE PROTECTION ASSOCIATION

NOTE: The National Electrical Code may be found in both ANSI and NFPA standards. Although, in this listing, reference is made to the standard under both ANSI and NFPA, only one source need be maintained.

NFPA 100-1970 Recommended Good Practice for the Maintenance and Use of Portable Fire Extinguishers
NFPA 13-1969 Installation of Sprinkler Systems, Standards for the
NFPA 30-1969 Flammable and Combustible Liquid Code, Chapters III and IV
NFPA 70-1971 National Electrical Code (ANSI C1-1971)*
NFPA 80-1970 Fire Doors and Windows, Standards for
NFPA 251-1969 Fire Tests of Building Construction and Materials, Standard Methods of
NFPA 385-1966 Recommended Regulatory Standards for Tank Vehicles and Flammable and Combustible Liquids

PCSA POWER CRANE AND SHOVEL ASSOCIATION

Standard No. 1-1968 Mobile Power Crane and Excavator Standards
Standard No. 2-1968 Mobile Hydraulic Crane Standards
Standard No. 3-1968 Mobile Hydraulic Excavator Standards

SAE SOCIETY OF AUTOMOTIVE ENGINEERS

SAE Handbook—1971
SAE Handbook—1970, pages 1088-1103 (Nomenclature and Descriptions)
SAE J166-1971 Minimum Performance Criteria for Brake Systems for Off-Highway Trucks and Wagons
SAE J167-1971 Protective Frame With Overhead Protection—Test Procedures and Performance Requirements
SAE J168 (July 1970) Protective Enclosures—Test Procedures and Performance Requirements
SAE J236-1971 Minimum Performance Criteria for Brake Systems for Rubber-Tired, Self-Propelled Graders
SAE J237-1971 Minimum Performance Criteria for Brake Systems for Off-Highway, Rubber-Tired, Front End Loaders and Dozers
SAE J319b-1971 Minimum Performance Criteria for Brake Systems for Off-Highway, Rubber-Tired, Self-Propelled Scrapers
SAE J320a-1971 Minimum Performance Criteria for Roll-Over Protective Structures for Rubber-Tired, Self-Propelled Scrapers
SAE J321a-1970 Fenders for Pneumatic-Tired Earthmoving Haulage Equipment
SAE J333a-1970 Operation Protection for Wheel-Type Agricultural and Industrial Tractors
SAE J334a-1970 Protective Frame Tests Procedures and Performance Requirements
SAE J386-1969 Seat Belts for Construction Equipment
SAE J394-1971 Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired Front End Loaders and Rubber-Tired Dozers
SAE J395-1971 Minimum Performance Criteria for roll-Over Protective Structure Crawler Tractors and Crawler-Type Loaders
SAE J396-1971 Minimum Performance Criteria for Roll-Over Protective Structure for Motor Graders
SAE J397-1969 Critical Zone-Characteristics and Dimensions for Operators of Construction and Industrial Machinery
SAE J743a-1964 Tractor Mounted Side Boom
SAE J959-1966 Lifting Crane, Wire-Rope Strength Factors

UNDERWRITERS LABORATORIES, INC.

Federal Agencies

ATOMIC ENERGY COMMISSION (NOW DEPARTMENT OF ENERGY)

10 CFR Part 20, Protection Against Radiation, Standards for Bureau of Mines (Department of Interior) (now Mine Safety & Health Administration, Department of Labor)
30 CFR Part 32, Mobile Diesel Power Equipment for Non-Coal Mines, Schedule 24—March 23, 1965

BUREAU OF RECLAMATION (DEPARTMENT OF INTERIOR)

Safety and Health Regulations for Construction, Part II (September 1971)

GENERAL SERVICES ADMINISTRATION

QQ-P-416 Federal Specification, Plating, Cadmium (Electrodeposited)

INTERNAL REVENUE SERVICE (DEPARTMENT OF THE TREASURY)

20 CFR Part 181, Commerce in Explosives

NATIONAL BUREAU OF STANDARDS (DEPARTMENT OF COMMERCE)

PS 1-66 American Plywood Association, 1966
PS 20-70 American Softwood Lumber Association, 1970

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (DEPARTMENT OF LABOR)

29 CFR Part 1915 Safety & Health regulations for Ship Repairing
29 CFR Part 1916 Safety & Health regulations for Shipbuilding
29 CFR Part 1918 Safety & Health regulations for Longshoring

TRANSPORTATION, DEPARTMENT OF

49 CFR Part 171-179 Highways and Railroads
49 CFR Part 180 Pipelines
49 CFR Part 192 Gas Pipelines
49 CFR Part 390-397 Motor Carriers
49 CFR Part 571 Motor Vehicle Safety Standards
46 CFR Part 146-148 Water Carriers
14 CFR Part 103 Air Transportation

U.S. COAST GUARD

U.S. ARMY CORPS OF ENGINEERS

EM-385-1-1 (March 1967) General Safety Requirements

Other Governmental Agencies

State of California: Construction Safety Orders
Department of Industrial Relations; Division 5, Labor Code, Section 6312, State of California

Supplement IV—Addresses and Telephone Numbers (Where Appropriate) of Federal Agencies, Private Organizations, and Other Sources of Standards Referenced in OSHA Standards Applicable to Construction Work

Standards Organizations

ACGIH American Conference Governmental Industrial Hygienists, 2205 South Road, Cincinnati, Ohio 45238, Telephone: 513-941-6332.
ANSI American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018, Telephone: 212-354-3300.
ASAE American Society of Agricultural Engineers, 2950 Niles Avenue, P.O. Box 410, St. Joseph, Mich. 49085, Telephone: 616-429-0300.
ASME American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017, Telephone: 212-644-7722.
ASTM American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103, Telephone: 215-299-5400.

IME Institute of Makers of Explosives, 420 Lexington Avenue, New York, N.Y. 10017, Telephone: 212-986-6920.

NFPA National Fire Protection Association, 470 Atlantic Avenue, Boston, Mass. 02110, Telephone: 617-482-8755.

State of California, Departments of Industrial Relations; Division 5, Labor Code, Section 6312, State of California, 455 Golden Gate, San Francisco, Calif. 94102, Telephone: 415-557-2037.

The American National Red Cross, 17 Street, between D and E Streets NW., Washington, D.C. 20006, Telephone: 202-737-8300.

APA American Plywood Association, Room 203, 4121 Chatelain Road, Annandale, Va. 22003, Telephone: 703-750-3993.

AWS American Welding Society, 2501 Northwest 7th Street, Miami, Fla. 33125, Telephone: 305-642-7090.

FM Factory Mutual Engineering Research Corp., 1151 Boston Providence Highway, Norwood, Mass. 02062, Telephone: 617-762-4300.

PCSA Power Crane and Shovel Association, Suite 1700, Marine Plaza, 111 East Wisconsin Avenue, Milwaukee, Wis. 53202, Telephone: 414-272-0943.

SAE Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pa. 15096, Telephone: 412-776-4841.

UL Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Telephone: 312-642-6969.

FEDERAL AGENCIES

AEC Atomic Energy Commission (now defunct). Functions absorbed in Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C. 20545, Telephone: 202-252-5000 and Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 202-492-7000.

BOM Bureau of Mines, Department of the Interior, 2401 E Street NW., Washington, D.C. 20241, Telephone: 202-634-1001. (Functions absorbed by the U.S. Department of Labor, Mine Safety and Health Administration.)

BuRec Bureau of Reclamation, Department of the Interior, C Street between 18th and 19th Streets NW., Washington, D.C. 20240, Telephone: 202-343-4662.

COE U.S. Army Corps of Engineers, Department of the Army, Office of the Chief of Engineers, Washington, D.C. 20314, Telephone: 202-693-6456.

DOT Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, Telephone: 202-426-4000.

FAA Federal Aviation Administration, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: 202-426-4000.

GSA General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, Telephone: 202-472-1082.

IRS Internal Revenue Service, Department of the Treasury, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220, Telephone: 202-566-2000.

MSHA U.S. Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 516, Arlington, Va. 22203, Telephone: 703-235-8647.

NIOSH National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md. 20857, Telephone: 301-443-1646.

OSHA Occupational Safety and Health Administration, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, Telephone: 202-523-8165.

USCG U.S. Coast Guard, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, Telephone: 202-426-4000.

**Any referenced documents which have been updated and the specific referenced standard is not currently available from the source may be reviewed and copied at all OSHA Regional and Area Offices.

[FR Doc. 79-4608 Filed 2-8-79; 8:45 am]

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federal register

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
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CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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Title 3—
The President

Proclamation 4638 of February 8, 1979

National Poison Prevention Week, 1979

By the President of the United States of America

A Proclamation

Since the first Poison Prevention Week was observed in 1962, we have seen a 75 percent drop in childhood accidental fatal poisonings, according to the latest figures from the National Center for Health Statistics.

Ingestions by youngsters of household products sold in safety packaging were down as well. But, because not all substances can be packaged safely, it is up to everyone responsible for child care to guard against these dangers in the way we store, handle, and dispose of potentially hazardous household products.

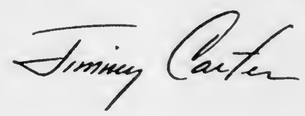
Accordingly, by joint resolution of September 26, 1961 (75 Stat. 681, 36 U.S.C. 165), Congress has requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, designate the week beginning March 18, 1979, as National Poison Prevention Week. It is particularly important during this International Year of the Child that we become aware of this specific need for child protection.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

[FR Doc 79-4741
Filed 2-8-79; 4:32 pm]

Billing code 3195-01-M



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Memorandum of February 8, 1979

Determination Under Section 202(b) of the Trade Act; Clothespins

Memorandum for the Special Representative for Trade Negotiations

Pursuant to section 202(b)(1) of the Trade Act of 1974 (P.L. 93–618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the United States International Trade Commission (USITC), transmitted to me on December 12, 1978, concerning the results of its investigation of import injury which was established on its own motion. The investigation was initiated as an outgrowth of information collected in conjunction with Commission investigations Nos. TA–406–2, TA–406–3, and TA–406–4, conducted under section 406(a) of the Trade Act of 1974 and concerning clothespins from the People's Republic of China, the Polish People's Republic, and the Socialist Republic of Romania. All four investigations have concerned clothespins imported under items 790.05, 790.07, and 790.08 of the TSUS.

After considering all relevant aspects of the case, including those considerations set forth in section 202(c) of the Trade Act of 1974, I have decided to accept a variation of the injury relief recommendation made by the USITC. Within 15 days, I will issue a Presidential Proclamation authorizing that a three-year global import quota be established on wood and plastic clothespins (TSUS item 790.05) with a dutiable value not over $1.70 per gross in the amount of two million gross pins. The quota, administered quarterly on a *pro rata* basis, will be allocated as follows:

Category	*Yearly quota allocation*
Valued not over 80 cents per gross	500,000 gross
Valued over 80 cents per gross but not over $1.35 per gross	600,000 gross
Valued over $1.35 per gross but not over $1.70 per gross	900,000 gross
Total	2,000,000 gross

During the course of each year, as it becomes apparent that the quota for any price bracket will not be filled for the year, then the remainder of the allocation may be reapportioned among the brackets whose quotas have been filled.

Relief is warranted for the following reasons:

1. The social costs of denying relief would be very high, since producers are located in isolated regions in the Northeast where alternative employment is scarce.

2. Assistance will not be costly and will not impose an inflationary burden on the economy. The major clothespin manufacturers have provided commitments to comply with the Administration's anti-inflation program.

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3. Major clothespin producers have given their assurances that the relief period will be used to modernize facilities, improve distributional channels and promote their product. These steps should put them in a better competitive position once relief is lifted.

This determination is to be published in the FEDERAL REGISTER.

Jimmy Carter

THE WHITE HOUSE,
Washington, February 8, 1979.

[FR Doc 79-4742
Filed 2-8-79; 4:33 pm]

Billing code 3195-01-M

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Docket No. AO-353-A2]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This decision amends the Federal marketing order regulating handling of fresh grapefruit grown in the Interior District in Florida. Growers approved the amendment in a referendum held November 13-22, 1978. The amendment provides for selection of an administrative committee separate from Order 905, for a public member on such committee, changes the definition of the standard unit of measure, and authorizes including export shipments in the computation of handlers' prorate bases.

EFFECTIVE DATE: March 14, 1979.

FOR FURTHER INFORMATION OR A FINAL IMPACT STATEMENT CONTACT:

Charles R. Brader, Fruit & Vegetable Division, AMS, USDA, Washington, D.C. 20250. (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings and determinations*—The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et. seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of grapefruit grown in the Interior District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Interior District in Florida is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "MARKETING AGREEMENT, AS FURTHER AMENDED, REGULATING THE HANDLING OF GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA" [1] upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping grapefruit covered by the said order, as amended, and as hereby further amended) who, during the period August 1, 1977, through July 31, 1978, handled not less than 50 percent of the volume of such grapefruit covered by the said order, as amended, and as hereby further amended, and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1977, through July 31, 1978, (which has been deemed to be a representative period), have been engaged within the Interior District in Florida, in the production of grapefruit for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of grapefruit grown in the Interior District in Florida, shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. Section 913.6 is revised to read:

§ 913.6 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit in the current of commerce between the regulation area and any point outside thereof.

2. Section 913.7 is revised to read:

§ 913.7 Carton or standard packed carton.

"Carton or standard packed carton" means a unit of measure equivalent to four-fifths (⅘) of a U.S. bushel of grapefruit, whether in bulk or in any container.

3. Sections 913.8 through 913.11 are redesignated as §§ 913.9 through 913.12 and new § 913.8 is inserted reading as follows:

§ 913.8 Producer.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of grapefruit in the Interior District

[1] Filed as part of the original document.

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and who has a proprietary interest in the grapefruit so produced.

§§ 913.9 through 913.12 [Redesignated from §§ 913.8 through 913.11]

§ 913.12 [Redesignated from § 913.11 and Amended]

4. Section 913.11 *Interior district or district* (herein redesignated as § 913.12 *Interior district or district*) contains two erroneous references to "Township 18"; such references are corrected to read "Township 15".

5. Section 913.20 is redesignated as § 913.15 and the following two new sections are inserted:

§ 913.13 Grower districts.

(a) "Grower District 1" shall include the Counties of Hillsborough, Pinellas, Pasco, Hernando, Citrus, Sumter, and Lake.

(b) "Grower District 2" shall include the Counties of Osceola, Orange, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, and Suwannee, and County Commissioner's Districts 1, 2, and 3 of Volusia County, and that part of the Counties of Indian River and Brevard which is included in the Interior District.

(c) "Grower District 3" shall include the Counties of Manatee, Sarasota, Hardee, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Monroe, Dade, Broward, and the parts of the Counties of Palm Beach and Martin which are included in the Interior District.

(d) "Grower District 4" shall include the County of Polk.

§ 913.14 Redistricting.

(a) The committee may, with the approval of the Secretary, redefine the grower districts into which the Interior District is divided or reapportion or otherwise change the grower membership of grower districts, or both: *Provided*, That the membership shall consist of at least six but not more than seven grower members, and any such change shall be based, so far as practicable, upon the respective averages for the immediately preceding five fiscal periods of (1) the volume of grapefruit shipped from each grower district; (2) the total number of acres of grapefruit in each such district; and (3) the volume of grapefruit produced in each such district.

(b) The committee shall consider such redistricting and reapportionment during the 1980–81 fiscal period, and only in each fifth fiscal period thereafter, and each such redistricting or reapportionment shall be announced on or before March 1 of the then current fiscal period.

6. Redesignated § 913.15 is revised to read as follows:

§ 913.15 Establishment and membership.

(a) There is hereby established an Interior Grapefruit Marketing Committee consisting of at least 6 but not more than 7 grower members, and 6 shipper members. Grower members shall be persons who are not shippers or employees of shippers. Shipper members shall be shippers or employees of shippers. The committee may be increased by one non-industry member nominated by the committee and selected by the Secretary. The committee, with the approval of the Secretary, shall prescribe qualifications, term of office, and the procedure for nominating the non-industry member.

(b) Each member shall have an alternate who shall have the same qualifications as the member for whom he or she is an alternate.

7. Insert the following new sections:

§ 913.16 Term of office.

The term of office of members and alternate members shall begin on the first day of August and continue for 1 year and until their successors are selected and have qualified. The consecutive terms of members shall be limited to three terms. The consecutive terms of office of alternate members shall not be so limited. Members, their alternates, and their respective successors shall be nominated and selected by the Secretary as provided in § 913.17.

§ 913.17 Nominations.

(a) *Grower members.* (1) The committee shall give public notice of a meeting of producers in each grower district to be held not later than July 10 of each year, for the purpose of making nominations for grower members and alternate grower members. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern such meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated, and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Each nominee shall be a producer in the grower district from which he is nominated. In voting for nominees, each producer shall be entitled to cast one vote for each nominee in each of the districts in which he or she is a producer. At least two of the nominees for member and their alternates shall be affiliated with a bona fide cooperative marketing organization, and at least two member nominees and their alternates shall not be so affiliated.

(b) *Shipper members.* (1) The committee shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers who are not so affiliated, to be held not later than July 10 of each year, for the purpose of making nominations for shipper members and their alternates. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern each such meeting and balloting thereat. The chairman of each such meeting shall publicly announce at the meeting the names of the persons nominated and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes cast, the weight by volume of those shipments voted, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Nominations of at least two members and their alternates shall be made by bona fide cooperative marketing organizations which are handlers. Nominations of at least two members and their alternates shall be made by handlers who are not so affiliated. In voting for nominees, each handler or his or her authorized representative shall be entitled to cast one vote, which shall be weighted by the volume of fruit shipped by such handler during the then current fiscal period.

§ 913.18 Selection.

(a) The initial members of the committee and their respective alternates shall be the members and alternates of the Citrus Administrative Committee under Order No. 905 (7 CFR Part 905) who are representing the Interior District and who are serving on the effective date of this amendment. Each member and alternate shall serve until a successor has been selected and qualified.

(b) *Successor grower members.* From the nominations made pursuant to § 913.17(a) or from other qualified persons, the Secretary shall select one member and one alternate member each to represent Grower Districts 2 and 3, two members and two alternates to represent Grower District 1, three members and three alternates to represent Grower District 4, or such other number of members and alternate members from each district as may be prescribed pursuant to § 913.14. At least two such members and their alternates shall be affiliated with bona fide cooperative marketing organizations, and at least two such members and their alternates shall not be so affiliated.

(c) *Successor shipper members.* From the nominations made pursuant to § 913.17(b) or from other qualified persons, the Secretary shall select members and alternates of the committee. At least two members and their alternates shall represent bona fide cooperative marketing organizations which are handlers, and at least two members and their alternates shall represent handlers who are not so affiliated.

§ 913.19 Failure to nominate.

In the event nominations for a member or alternate member of the committee are not made pursuant to the provisions of § 913.17, the Secretary may select such member or alternate member without regard to nominations.

§ 913.20 Acceptance of membership.

Any person selected by the Secretary as a member or alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 913.20 [Redesignated as § 913.15]

8. Section 913.21 is revised to read:

§ 913.21 Inability of members to serve.

(a) An alternate for a member of the committee shall act in the place and stead of such member (1) in his or her absence, or (2) in the event of his or her removal, resignation, disqualification, or death, and until a successor for his or her unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee, a successor for the unexpired term of such person shall be selected by the Secretary. Such selection may be made without regard to the provisions of this part as to nominations.

9. Section 913.31 is revised to read:

§ 913.31 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period: *Provided*, That if the computation of the prorate bases of handlers includes all fruit handled as specified pursuant to § 913.43(e), each handler's pro rata share shall be the proportion his or her total shipments bear to the total shipments of all handlers. The Secretary shall fix the rate of assessment per standard packed carton of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped to the applicable destinations during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

10. Sections 913.41 and 913.42 are revised to read:

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during the next succeeding week: *Provided*, That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 14 weeks during any fiscal period.

(b) In making its recommendation, the committee shall give due consideration to the following factors:

(1) Market prices for grapefruit;

(2) Supply, maturity, and conditions of grapefruit in the production area;

(3) Market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits;

(4) Trend and level in consumer income; and

(5) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 913.42, has fixed the quantity of grapefruit which may be so handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments for more than 14 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price of grapefruit specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

11. Section 913.43 is revised to read:

§ 913.43 Prorate bases.

(a) Each person who desires to handle grapefruit shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 913.44.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit to destinations outside the regulation area in the 48 contiguous

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States of the United States (including the District of Columbia), Canada, or Mexico in the current season and his shipments to such destinations in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler so shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51 week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

(e) If the committee determines that it is desirable and appropriate to include in the computation of prorate bases of handlers all grapefruit handled during the representative period by each handler applicant, it may, upon the approval of the Secretary, include all such fruit in such computation.

§ 913.45 [Amended]

12. In § 913.45 *Overshipment* the references to "500 boxes" and "1,000 boxes", respectively, are changed to "1,000 cartons" and "2,000 cartons", respectively.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: March 14, 1979.

Signed at Washington, D.C., on: February 2, 1979.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing Services.

[FR Doc. 79-4635 Filed 2-9-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8992-o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Coca-Cola Bottling Co., of New York, Inc.

AGENCY: Federal Trade Commission.

ACTION: Dismissal Order.

SUMMARY: This order dismisses a complaint issued against a New York City producer and marketer of various products, including soft drinks and wine, for alleged violations of Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The Commission, in dismissing the complaint, held that evidence failed to establish that the firm's merger with Franzia Bros. Winery would substantially lessen competition.

DATES: Complaint issued Sept. 10, 1974. Dismissal order issued Jan. 23, 1979.*

FOR FURTHER INFORMATION CONTACT:

Joseph S. Brownman, FTC/CSH, Washington, D.C. (202) 724-1679.

SUPPLEMENTARY INFORMATION: In the Matter of Coca-Cola Bottling Company of New York, Inc., a corporation.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

The final order of dismissal is as follows:

FINAL ORDER

This matter has been heard by the Commission upon the appeal of complaint counsel from the initial decision and upon briefs and oral argument in support of and in opposition to the appeal. For the reasons stated in the accompanying Opinion, the Commission has denied the appeal. Therefore,

It is ordered, That pp. 1-99 of the Initial Decision of the administrative law judge be adopted as the Findings of Fact of the Commission, except for Finding 65, final two sentences; Findings 210-211; Finding 237; Finding 332; and after changing in Finding 145, line 4, "two" to "one" and deleting "(1) That there are many actual or potential distributors available for wine producers and * * *". In addition, these findings and initial decision, pp. 100-112 are not adopted to the extent inconsistent with the accompanying opinion,

It is further ordered, That the complaint be dismissed.

By the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4568 Filed 2-9-79; 8:45 am]

[6750-01-M]

[Docket No. C-2951]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Zayre Corp.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Framingham, Mass. discount department store chain to cease inducing or receiving discriminatory promotional allowances, services or facilities from its suppliers; and would prohibit the firm from boycotting or decreasing its purchases from recalcitrant suppliers. The company is also required to maintain specified records for a five-year period; and bear all costs of any trade show it sponsors, organizes or directs.

DATES: Complaint and order issued January 19, 1979.[1]

FOR FURTHER INFORMATION CONTACT:

Harry Garfield, Acting Director, 2R, Boston Regional Office, Federal Trade Commission, 150 Causeway St., Rm. 1301, Boston, Mass. 02114. (617) 223-6621.

SUPPLEMENTARY INFORMATION: On Tuesday, September 12, 1978, there was published in the FEDERAL REGISTER, 43 FR 40537, a proposed consent agreement with analysis In the Matter of Zayre Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Boycotting Seller-Suppliers: § 13.302 Boycotting seller-suppliers. Subpart—Coercing and Intimidating: § 13.370 Suppliers and sellers. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records. Subpart—Discriminating In Price Under Section 5, Federal Trade Commission Act: § 13.892 Knowingly inducing or receiving discriminating payments. Subpart—Enforcing Dealings or Payments Wrongfully: § 13.1045 Enforcing dealings or payments wrongfully.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45))

By the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4606 Filed 2-9-79; 8:45 am]

*Copies of the Complaint, Initial Decision, Opinion of the Commission and Final Order are filed with the original document.

[1]Copies of the Complaint and Decision and Order filed with the original document.

[7040-01-M]

Title 18—Conservation of Power, Water Resources

CHAPTER VIII—SUSQUEHANNA RIVER BASIN COMMISSION

PART 803—REVIEW OF PRODUCTS

Water Conservation Policy and Stanaards for the Susquehanna River Basin

AGENCY: Susquehanna River Basin Commission.

ACTION. Final rule.

SUMMARY: The Commission by this action establishes a water conservation policy requiring new users and suppliers to maximize their water use efficiency by using available, feasible water conservation technology. Existing water users and suppliers would also have to comply with the conservation requirement within a reasonable time. In conjunction with adoption of the policy, the Commission by this action also amends its regulations governing review of projects.

DATE: Effective January 11, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert J. Bielo, Executive Director, Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, Pa, 17102, (717) 238-0422.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and public hearing was published in the FEDERAL REGISTER on October 12, 1978 (43 FR 46980).

COMMENTS RECEIVED AND RESPONSES: Several comments were received in regard to the proposed policy and standards. A summary of the comments and the Commission's responses follow:

1. *Comment:* Water meters are not always practical measuring devices of industrial water use within an industrial manufacturing or processing system.

Response: The Commission amended Section 803.63(b)(2) by deleting the words, "Install meters as necessary * * *," and substituting the words, "Install meters or other suitable devices or utilize acceptable flow measuring methods * * *"

2. *Comment:* The standards are vague and undefined, or the standards are too specific for certain users and suppliers.

Response: There is a need to retain flexibility, and, therefore, many requirements were purposely left in general form. This is recognition on the part of the Commission that conservation methods must be molded to fit the individual needs and systems of public water suppliers, industrial users and agricultural users, and gives the Commission the flexibility to accept proposals from sponsors which introduce new ideas and concepts. The Commission will study each applicant's situation to assure that the regulation's application is reasonable in the light of the objectives the Commission seeks to achieve.

3. *Comment:* Regulations are unnecessary because consumptive use is the real concern which the Commission has already addressed in other regulations.

Response: Even if a particular use is not consumptive, there is a potential for loss in the withdrawal and circulation system due to leakage and evaporation. Certainly not all of the water lost through such occurrences finds its way back into the basin.

More importantly, the temporary withdrawal of water from the system makes that much less available for use within the system. Water may not always be returned at the point of taking, placing a hardship on the reach of stream in between taking and discharge. Further, water returning may not be of the same quality or usability. It may be returned at a higher temperature or it may contain chemical or biological pollutants. All of these considerations as well as the need to save energy and reduce treatment costs favor the implementation of a water conservation policy applicable to nonconsumptive uses.

4. *Comment:* There is no need for regulation of industrial water use since there is sufficient economic incentive for conservation.

Response: The Commission recognizes that economic incentives, brought about primarily by rising energy costs, have prompted water conservation by many users, particularly industrial users. To the extent this has occurred, the Commission's policy will be complementary, and it does not argue against adoption of the proposed policy. Further energy savings may be experienced as incidental to implementation of water conservation programs and techniques by all users.

5. *Comment:* Costs of installing water conservation devices will exceed savings. New pricing structures will affect municipal revenues. Business and industries will be driven out by new water pricing structures based on conservation.

Response: The water supplier is not asked to directly bear the cost of installing certain water saving devices, but only to require that customers install such devices. As to water conservation pricing, innovative pricing schemes such as "seasonal" or "peak-responsibility" pricing can reduce peaks while requiring peak users to bear the full burden of their consumption pattern. Rather than being arbitrary, such pricing mechanisms bring about a closer relationship between the costs to the users and the benefits received than does either a declining block rate or a flat rate. Additionally, the price charged other systems would more accurately reflect true costs of supplying that water. Second, because of the acknowledged low price elasticity of demand for most classes of water users, modest rate increases will offset most, if not all, of the revenues lost through decreased consumption. Third, from our review of economic development literature, we found no indication that the price (as opposed to the availability) of water is a key variable in all industrial decisions regarding plant location.

6. *Comment:* Energy conservation and wastewater treatment costs are not legitimate concerns of the Commission and are not, therefore, justification for imposing regulations.

Response: Use of energy and the cost of treatment could impinge upon the quality and quantity of the basin's water resources making these legitimate ancillary concerns of the Commission. If more energy is used, then generating facilities in the basin take more water for cooling in order to produce more electricity. Reduction of treatment costs by reducing wastewater flows is a desirable incidental benefit from water conservation.

7. *Comment:* SRBC does not have the statutory authority to promulgate such a policy and standards.

Response: Article 3, Section 3.5(1) of the Susquehanna River Basin Compact, Pub. L. 91-575, 84 Stat. 1509 et seq., provides, inter alia, that, "The

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commission shall develop and effectuate plans, policies, and projects relating to water resources, adopt, promote and coordinate policies and standards for water resources conservation, control, utilization, and management." Article 3, Section 3.10 requires that the Commission review and approve projects affecting the water resources of the basin, and the Commission will use these standards to evaluate proposed projects pursuant to this review requirement. Article 15, Section 15.2 gives the Commission the authority to "make and enforce rules and regulations for the effectuation, application and enforcement of the Compact."

8. *Comment:* As applied to existing groundwater users in Pennsylvania, the policy and standards are violative of the due process and just compensation clauses of the fifth and fourteenth amendments of the U.S. Constitution.

Response: Pennsylvania, a common law jurisdiction, applies a doctrine of law to groundwaters which is generally recognized as the American Rule, or reasonable use doctrine of percolating groundwaters. This doctrine recognizes a landowner's right to percolating water in his land to the amount necessary for useful and beneficial purposes on the land from which the water is withdrawn. It does not, however, condone wasting water.

Underlying the Commission's water conservation policy is the management principle of efficient use of water. It is an effort by the Commission to assure continued and future availability of water; not to deny water when and where needed. The Commission's policy would not interfere with existing rights and may, in fact, enhance them.

The water conservation policy adopted by the Commission is as follows:

Now therefore be it resolved that:

1. The Commission hereby adopts a water conservation policy (a) to require new industrial, commercial, municipal and agricultural water users in the Susquehanna River Basin to maximize their water use efficiency by utilizing available, feasible water conservation technologies including the reuse of water, metering, pressure control and other use reduction techniques and (b) to require within reasonable time and as may be feasible existing users adopt similar water conservation practices.

2. To implement this policy, the Commission shall develop a water conservation program consisting of appropriate standards, economic incentives, and measures to promote the public understanding of conservation benefits and costs.

3. The Commission shall coordinate implementation of its conservation program with the appropriate signatory agencies to take full advantage of their ongoing programs and capabilities.

18 CFR Part 803, Subpart D is amended by adding a new section, § 803.63, to read as follows:

* * * * *

§ 803.63 Water Conservation Requirements.

Any project sponsor proposing to withdraw water from surface or groundwater sources or both shall comply with the following requirements:

(a) Public water supply utilities. As circumstances warrant, the utility shall:

(1) Reduce distribution system losses to a level not exceeding 20 percent of the gross withdrawal.

(2) Install meters for all users and/or otherwise establish a program of water conservation that will include:

(i) The installation of water conservation devices, as applicable, by all classes of users;

(ii) Preparation and distribution of literature to customers describing available water conservation techniques; and

(iii) Implementation of a water pricing structure which encourages conservation.

(b) Industrial water users. Industrial users shall:

(1) Establish a company representative to manage plant water use.

(2) Install meters or other suitable devices or utilize acceptable flow measuring methods for accurate determination of water use by various parts of the company operation.

(3) Install flow control devices, which match the needs of the equipment being used for production.

(4) Evaluate and implement applicable recirculation and reuse practices.

(c) Agricultural irrigation. Water users for irrigation purposes shall:

(1) Utilize irrigation systems properly designed for the farm's respective soil characteristics, topography, and cropping systems.

(2) Irrigate for food crops only as necessary to achieve optimum crop production, except in periods of prolonged drought when irrigation is applied to protect against crop failure.

Dated: January 31, 1979.

ROBERT. J. BIELO,
Executive Director.

[FR Doc. 79-4567 Filed 2-9-79; 8:45 am]

[4410-01-M]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 816-79]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart M—Land and Natural Resources Division

ASSIGNMENT OF LITIGATION RESPONSIBILITIES

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order reassigns responsibility for civil and criminal litigation involving enforcement of certain federal statutes from the Civil and Criminal Divisions to the Land and Natural Resources Division.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

James W. Moorman, Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, (202-633-2701).

By virtue of the authority vested in me by 28 U.S.C. 509 and 510 and 5 U.S.C. 301, Subpart M of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding a new paragraph (j) to § 0.65 to read as follows:

§ 0.65 General functions.

* * * * *

(j) Criminal suits and civil penalty and forfeiture actions relating to wildlife law enforcement under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543); the Lacey Act and related provisions (18 U.S.C. 41-44, 47); the Black Bass Act (16 U.S.C. 851-856); the Airborne Hunting Act (16 U.S.C. 742j-1); the Migratory Bird Act (16 U.S.C. 701, *et seq.*); the Wild Horses and Wild Burros Act (16 U.S.C. 1331-1340); the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d); and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Dated: February 1, 1979.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 79-4566 Filed 2-9-79; 8:45 am]

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 7-79-1R]

PART 127—SECURITY ZONES

Security Zone—Vicinity of Kennedy Space Center, Merritt Island, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Security Zone regulations establishes the specified area in the vicinity of the Kennedy Space Center, Merritt Island, Florida as a security zone. The security zone is established to prevent interference with or sabotage to any space vehicles landing or being launched from the Kennedy Space Center and to safely control vessel movement within the immediate vicinity of Kennedy Space Center prior to, during, and immediately after the launching or landing of a space vehicle.

EFFECTIVE DATES: This amendment becomes effective March 1, 1979 and is effective until further notice.

FOR FURTHER INFORMATION CONTACT:

LTJG C. T. SCHMINCKE or LTJG S. D. HEATH, c/o Commanding Officer, USCG Marine Safety Office; Room 213, 2831 Talleyrand Avenue, Jacksonville, Florida 32206; Telephone: (904) 791-2648.

SUPPLEMENTARY INFORMATION: Beginning in March 1979, tests will be conducted at Cape Kennedy, FL on the Orbital Lander, Test flights and landings will be conducted periodically during the period between March 1979 and September 1980.

As a result of considerable public interest shown in California and Texas when the Orbital Lander was being tested, it is anticipated that similar interest will exist for the test launchings and landings at Cape Kennedy. Due to this public interest and in the interest of safety during these tests, Kennedy Space Center Security has requested that the existing security zone be expanded. This security zone will be enforced by representatives of the Captain of the Port, Jacksonville, FL. The Captain of the Port will be assisted in enforcing this security zone by the Brevard County Sheriffs Department and the Kennedy Space Center security division.

Prohibited Acts. As provided in the General Security Zone Regulations (33 CFR 127.15) no person or vessel may enter a security zone unless authorized by the Captain of the Port or District Commander.

Penalties. Violation of this security zone will be prosecuted under the authority of 50 USC 191, which provides for the seizure and forfeiture of vessels and imprisonment for up to 10 years and a fine of up to $10,000.

Drafting Information: the principal persons involved in the drafting of the rule making are LTJG C. T. SCHMINCKE, Project Officer, LTJG S. D. HEATH, Port Operations Officer, Marine Safety Office, Jacksonville, Florida 32206; telephone (904) 791-2648; The project attorney is LT. J. M. GRIESBAUM, c/o Commander, Seventh Coast Guard District, 51 SW 1st Avenue, Miami, Florida 33130; telephone (305) 350-5653.

In consideration of the above, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.701 to read as follows:

§ 127.701 Vicinity, Kennedy Space Center, Merritt Island, FL.

All land, water, and land and water bounded by and within the perimeter commencing at the intersection of the Cape Canaveral Barge Canal and Banana River at position 28-24.55N, 80-39.8W, due West along the Northern shoreline of the Barge Canal for thirteen hundred (1,300) yards, thence due North to position 28-28.7N, 80-40.5W, on Merritt Island, thence on an irregular line from this position to the Eastern shoreline of the Indian River to a position thirteen hundred (1,300) yards South of NASA Causeway at position 28-30.9N, 80-43.7W, (the line from the Barge Canal to the Eastern shoreline of the Indian River is marked by a three (3) strand barbed wire fence), thence North on the shoreline of the Indian River to the NASA Causeway at position 28-31.5N, 80-43.8W. The line will continue West on the Southern shoreline of the NASA Causeway to NASA gate number three (3) (permanent) then North to the Northern shoreline of NASA Causeway and East on the Northern shoreline of the Causeway back to the shoreline on Merritt Island at position 28-31.6N, 80-43.7W, thence Northwesterly along the shoreline to position 28-41.02N, 80-47.17W (Blackpoint), thence due North to Channel marker #6 on the Intracoastal Waterway, thence North Easterly along the Southern edge of Intracoastal Waterway to the Western entrance to Haulover Canal; thence Northeasterly along the Southern edge of Haulover Canal to the Eastern entrance to the Canal, thence due East to a point in the Atlantic Ocean three (3) miles off shore at position 28-44.7N, 80-37.85W, thence Southerly along a line three (3) miles from the coast to wreck buoy "WR6" thence to Port Canaveral Channel lighted Buoy "10" thence Westerly along the Northern edge of the Port Canaveral Channel to the Northeast corner of the intersection of the Cape Canaveral Barge Canal and Intracoastal Waterway in the Banana River at Position 28-24.6N, 80-38.7W Northerly along the east side of the Intracoastal Waterway to NASA Causeway East (Orsino Causeway), thence Westerly along the Southern shoreline of NASA Causeway East to the shoreline on Merritt Island at position 28-31.2N, 80-37.4W, thence South on the shoreline to the starting point. The area designated herein shall be closed to all vessels and persons, except those vessels and persons authorized by Commander, Seventh Coast Guard District, or Captain of the Port, Jacksonville, Florida, whenever space vehicles are to be launched by the United States Government. Closure of the Security Zone, or specified portions of it, will be as specified by Captain of the Port, Jacksonville, FL, in locally promulgated announcements. The closing of the area will be signified by the display of a red ball from a 90-foot pole near the shoreline at approximately 28-35N, 80-34.6W, and from a 90-foot pole near the shoreline at approximately 28-25.3N, 80-35W. Appropriate local Notice to Mariners will also be broadcast on 2670 KHZ.

(40 Stat. 220 as amended (50 U.S.C. 191), Sect. 1; 63 Stat. 503 (14 U.S.C. 91), sec. 6(b)(1); 80 Stat. 937 (49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR 1949-1953 Comp. 356, 778, 873; 3 CFR 1964-1965 Comp. 349; 33 CFR Part 6; 49 CFR 1.46(b)).

Dated: January 9, 1979.

J. C. HANSON,
Captain, U.S. Coast Guard, Captain of the Port, Jacksonville, Florida.

[FR Doc. 79-4601 Filed 2-9-79; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Gen. Docket No. 78-208; FCC 79-67]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

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PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Providing for the use of single sideband emission A3J (suppressed carrier) on the maritime mobile service radiotelephone frequency 2182 kHz

AGENCY: Federal Communications Commission.

ACTION: Final Order.

SUMMARY: Amendment of the rules to provide for the use of single sideband emission A3J (suppressed carrier) on the maritime mobile service radiotelephone frequency 2182 kHz, effective permissively immediately and mandatorily on May 1, 1979. This action completes a Commission program to shift from double sideband (DSB) to single sideband emission in the band 2000-2850 kHz, initiated in 1968. This amendment also provides improvements in the maritime mobile service distress system.

EFFECTIVE DATE: March 16, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Walter E. Weaver, Safety & Special Radio Services Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 81 and 83—to provide for the use of single sideband emission A3J (suppressed carrier) on the maritime mobile service radiotelephone frequency 2182 kHz; Report and Order (Proceeding Terminated).

Adopted: January 31, 1979.

Released: February 7, 1979.

By the Commission:

1. The Notice of Proposed Rule Making in this proceeding was released on July 21, 1978 (FCC 78-487) and was published in the FEDERAL REGISTER on July 28, 1978 (43 FR 32835). The dates for filing comments and replies have passed.

BACKGROUND

2. In the Notice of Proposed Rule Making we included a comprehensive discussion of the circumstances which caused the Commission to:

—initiate (in 1967 and 1968) its two phase program of (1) shifting short range communications to VHF and (2) converting radiotelephone communications in the 2000-2850 kHz band from double sideband (DSB) to single sideband (SSB) emission;

—provide for the use of full carrier SSB (A3H), particularly on the frequency 2182 kHz, during the transition from DSB to SSB; and

—provide for completion of the transition to SSB by January 1, 1977.

3. In the Notice of Proposed Rule Making we also gave comprehensive consideration to technical and operational matters involved, on the frequency 2182 kHz, in the termination of use of full carrier (A3H) SSB and initiation of service by suppressed carrier (A3J) SSB. It was our intent and we think we did make clear: (1) that a shift to A3J emission on 2182 kHz would support a substantial improvement in safety system communications between vessels at sea and between vessels and shore; (2) that we recognized there would be a small minority of vessels, generally of foreign registry, which would be unable to employ A3J emission; (3) that, however, the inabilities of a small minority should not impede enhancement of the safety system for the large majority. Further, it is our understanding that the U.S. Coast Guard, who favor this rule making, can communicate with foreign vessels on 2182 kHz.

COMMENTS

4. Comments were filed by: American Institute of Merchant Shipping (AIMS), American Telephone and Telegraph Company (AT&T), Bartell Marine Electronics, Beacon Marine Corporation, Bibbins & Rice Electronics, Central Committee on Telecommunications of the American Petroleum Institute (API), CME Incorporated, Communications Associates, Inc., Communications, Inc., Connecticut Marine Electronics, Inc., Dolphin Electronics, Inc., DuBose Marine Radio, Inc., Electronic Services, Inc., Florida Diesel & Marine Service, Inc., Gulf Radiotelephone & Electronics, Inc., Hull Electronics Company, Jerry's Marine Electronics, Jensen Communications, Inc., Konel Corporation, Larry Smith Electronics, Inc., MacDougalls Cape Cod Marine Service, Inc., Marine Electronics and Hardware, Inc., RADCOM, Inc., Radio Technical Committee of the United States Power Squadrons (USPS), R. H. Sassaman Co., Inc., Rockwell International Corporation (Rockwell), Seacoast Electronics, Inc., SGC, Inc., and Technical Electronics Corp.

SUMMARY OF COMMENTS

5. Of the twenty-nine persons filing comments, twenty-six strongly support the proposed rule amendments and urge that they be finalized quickly. AT&T, USPS and Rockwell support the rule making in principle, and offer no objection to the shift of 2182 kHz to A3J emission if that shift is on a permissive basis effective November 1, 1978. Alternatively, if the Commission intends that the shift be on a mandatory basis effective November 1, 1978, AT&T, USPS and Rockwell address practical difficulties which they would face in compliance on such short notice. If the shift is to be made on a mandatory basis, AT&T, USPS and Rockwell suggest:

—AT&T: (1) If the emission on 2182 kHz is to be limited to suppressed carrier (A3J), postpone the effective deadline date for 120 days; and (2) In regard to working frequencies, permit public coast class II-B stations to use either reduced carrier (A3A) or suppressed carrier (A3J).

—USPS: Provide a transition period which, preferably, ends after the winter lay up.

—Rockwell: Provide a transition period of one to two years.

6. *AT&T.* The Notice of Proposed Rule Making did not take into consideration and, thus, did not directly treat the two matters raised by AT&T. We overlooked the fact that the Public Coast Class II-B stations operated by the Bell System companies maintain a watch on 2182 kHz [1] by means of a special function [2] receiver. AT&T states, quite reasonably, that they require 120 days to make changes so that those receivers will operate with A3J emission. As to the second matter, the proposed rules when applied to Public Coast Class II-B stations, inadvertently affect the emission employed on working frequencies used for public correspondence.

7. *USPS.* comments fully support the conversion from emission A3J to emission A3J on 2182 kHz. With regard to a final date after which only emission A3J will be permitted on 2182 kHz, the USPS states that in order to complete a conversion involving a large number of vessels, it is essential that time be provided in which to permit the present users to have their transmitters modified as a part of regular servicing or during at least one winter lay up. On the other hand, if vessels, on a permissive basis, may commence use of emission A3J on 2182 kHz on November 1, 1978, the USPS offers no objection to the program commencing on that date.

8. *ROCKWELL,* [3] in their comments support the conversion from emission

[1] For calls from ship stations desiring to establish communications on the Public Coast Class II-B public correspondence working frequencies.

[2] Designated "CODAN", which for proper operation requires that the transmitting (ship) station provide either a full or a reduced carrier.

[3] Rockwell International acquired Collins Radio Company in 1973. Collins Radio was one of the leaders in the development and marketing of viable single sideband equip-

Footnotes continued on next page

A3H to emission A3J on 2182 kHz, but urge, in regard to a mandatory date for completion of this conversion, that a period of one and preferably two years be provided. On the other hand, Rockwell does not oppose a date such as November 1, 1979, after which emission A3J will be permitted as the preferred (primary) emission to be employed for radiotelephone communications on the frequency 2182 kHz. Rockwell is the only manufacturer of marine equipment which expresses the need for time in which to modify their transmitters in order to convert from emission A3H to emission A3J on 2182 kHz.

9. Rockwell advises that some modification is required to each Rockwell transmitter now in service and, further, advises that it will be necessary to issue instructions and perhaps change kits to effect these modifications. Rockwell suggests, as a means of expediting the transition, that the Commission consider including in this Report and Order a blanket approval of, as relates to type acceptance requirements, these transmitter modifications. Rockwell does not, however, identify the nature of these modifications or provide guidance as to the extent of modification required.

DISPOSITION OF COMMENTS

10. As stated in paragraph 5, above, twenty-six of the commenters strongly supported the proposed rule amendments and urged that they be finalized quickly. The other (3) commenters offered no objection to the proposed amendments if initiated on a permissive basis. We are, therefore, authorizing coast and ship stations to use emission A3J on 2182 kHz effective immediately, as set forth in the attached Appendix. The date for termination of use of emission A3H on 2182 kHz is treated in paragraph 15, below.

11. As summarized above: AT&T advises that they require 120 days in which to modify the receivers with which they guard 2182 kHz at Public Coast II-B stations; USPS advises a transition ending after the winter lay up is preferred; and Rockwell urges a transition of one to two years be provided. The requirements of AT&T and USPS can be satisfied if the transition to A3J emission on 2183 kHz is terminated on April 30, 1979.

Footnotes continued from last page

ments for use by Government and non-Government stations in the fixed, aviation and maritime services. Collins for many years was, and may still be, one of the stronger advocates of use of the suppressed carrier mode of single sideband. Collins fully supported the Commission's (1968) program to convert maritime radiotelephone communications in the 2000-2850 kHz band from double sideband to single sideband emission. In that proceeding they urged that upon completion, the program result in the use of suppressed carrier emission.

12. With regard to the transition requested by Rockwell, we are not persuaded that a transition of one to two years is necessary. While fitted with Rockwell SSB equipment, we would expect that number, relative to the total users of 2182 kHz, to be comparatively small. It seems reasonable to expect that many of those vessels could be converted by April 30, 1979, which would leave an even smaller number of unconverted after April 30, 1979. Rather than provide an extended transition period to accommodate a relatively few vessels, we prefer that Rockwell advise us, for example, during March 1979, of the vessels which will be unconverted on April 30, 1979, and to request a waiver, for a reasonable period of time, beyond that date.

13. Accordingly, as set forth in the attached Appendix, we are adopting the date of April 30, 1979, as the final date for transition from emission A3H to emission A3J on the frequency 2182 kHz by public coast stations and U.S. vessels operating in waters of the United States. This requirement does not change the present and continuing requirement that United States registry vessels transiting international waters, national waters of other countries, or for communication with foreign ship and coast stations, have the capability to employ emission A3H on 2182 kHz.

14. We are not adopting Rockwell's suggestion that we extend a blanket authorization to modify their transmitters to operate emission A3J on 2182 kHz. It is not necessary that we treat that matter in a rule making proceeding. We will, therefore, await receipt from Rockwell of a more detailed description of the nature of these modifications.

15. With regard to AT&T's request that Public Coast II-B stations be permitted to continue to employ emission A3A on their working frequencies, we concur. It is noted that AT&T recently completed extensive modifications, which are based on the use of emission A3A, to improve service at these stations. This rule making was not intended to extend to emissions employed on working frequencies of Public Coast II-B stations. The concerned rules have been amended to correct this inadvertence, as set forth in the attached Appendix.

16. In Appendix B to their comments, AT&T suggests [4] that A3A emission be included aboard vessels mandatorily fitted with a radio-telephone installation pursuant to Subparts S and T of the rules (to comply with Parts II and II of Title III of the Communications Act of 1934, as amended). We are not adopting this suggestion on the basis: (1) that use of emission A3A is limited to ship station transmissions on the working frequencies received by Public Coast Class II-B stations; (2) that the primary safety watch in the 2000-2850 kHz band is provided by the United States Coast Guard on the frequency 2182 kHz where emission A3J is specified; (3) that the guard by Public Coast Class II-B stations on the frequency 2182 kHz will be with emission A3J effective May 1, 1979; (4) that we are continuing the requirement that ship stations provide a capability to transmit and receive with emission A3H; however, this is necessary to assure that the vessel can communicate with foreign coast stations and with vessels of foreign registry; and (5) we do not require that vessels fitted pursuant to Subpart T of the rules communicate with or have the capability to communicate with Public Coast Class II-B stations on their working frequencies. It is our view that an inadequate basis exists to additionally require that the concerned vessels provide the capability to transmit and to receive with emission A3A.

17. In reviewing Parts 81 and 83 as a follow-on of the Notice of Proposed Rule Making in this matter, we note that there are a number of places where changes are required in order to provide uniformity in the rules based on the decisions reached in this proceeding. These changes are of an editorial nature and are included in the attached Appendix.

18. In adopting the change from A3H to A3J on 2182 kHz it is recognized that vessels going on international voyages will have to use A3H on 2182 kHz to communicate with foreign coast stations and foreign ship stations. Such use is permitted by § 83.171.

19. Regarding questions on matters covered by this document contact Walter E. Weaver, (202) 632-7197.

20. Accordingly, *it is ordered,* That pursuant to the authority contained in Section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 of the Commission's rules ARE AMENDED, as set forth in the attached Appendix, effective March 16, 1979.

21. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

[4] The proposed amendments would be to §§ 83.484, 83.514 and 83.517 of the rules.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. § 81.104, paragraphs (b) and (d) are amended to read as follows:

§ 81.104 Facilities required for coast stations.

• • • • •

(b) Each coast station using telephony on frequencies in the band 1605–3500 kHz shall be equipped and licensed to transmit on the frequency 2182 kHz and at least one working frequency in that band.

• • • • •

(d) Each coast station licensed to transmit on frequencies in the band 1605–3500 kHz shall be capable of receiving A3J [1] emission on the frequency 2182 kHz and receiving A3A or A3J on at least one working frequency in that band.

• • • • •

[1]Transition to A3J to be completed on or before April 30, 1979.

2. In § 81.132, paragraphs (a)(2)(i) and (a)(3) are amended to read as follows:

§ 81.132 Authorized classes of emission.

• • • • •

Frequency band	*Classes of emission*
(a)(2) Coast stations using radiotelephony: (i) For frequencies below 23 MHz in § 81.304(a):	
2182 kHz	A3J as specified in 81.304(c).
• • • • •	
(a)(3) Marine fixed and marine receiver-test stations:	
2000 to 2850 kHz except for 2182 kHz.	A3A and A3J.
2182 kHz	A3J [1].

[1]Transition to A3J to be completed on or before April 30, 1979.

• • • • •

3. In § 81.134, the table and footnote 1 of paragraph (c)(1) and paragraphs (e) and (g) are amended to read as follows:

§ 81.134 Transmitter power.

• • • • •

(c)(1) • • •

Frequency band (kHz)	Class of Station	Class of emission	Transmitter power
2000 to 4000 [1]	Any	A3A, A3J	800 watts by day. 400 watts by night.
4000 to 27500	Class I	A3A, A3J	50 kilowatts.
	Class II	A3A, A3J	1000 watts.

[1]When using 2182 kHz for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 50 watts for A3J emission.

• • • • •

(e) For marine fixed and marine receiver-test stations, transmitter power shall not exceed 150 watts for A3A and A3J emissions and 50 watts for F3 emissions.

• • • • •

(g) For coast stations in the Alaska area, transmitter power in the bands below 12,000 kHz shall not exceed the indicated values:

Frequency band (kHz)	Class of emission	Transmitter power (watts)
400–525	A1 and A3, or A3H.	265
1605–12,000 [1]	A1, A3A and A3J	150

[1]When using 2182 kHz for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 50 watts for A3J emission.

4. In § 81.191, paragraph (c)(1) is amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

• • • • •

(c)(1) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 1605 to 3500 kHz shall, during its hours of service for telephony, maintain an efficient watch for reception of A3J [1] emission on the carrier frequency 2182 kHz whenever such station is not being used for transmission on that frequency: *Provided*, That the Commission may exempt any coast station from compliance with this requirement if it considers that the frequency 2182 kHz is adequately guarded by other stations or that circumstances relative to the operation or location of the involved coast stations are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph. The watch referred to in this subparagraph will not be deemed "efficient" unless the coast station is capable of normally receiving A3J [1] emission on 2182 kHz for mobile stations within the associated working frequency service area of the coast station, including periods of time when the coast station is transmitting on any other authorized frequency.

[1]The transition from emission A3H to emission A3J shall be completed on or before April 30, 1979.

• • • • •

5. In § 81.304, paragraph (c) is amended to read as follows and paragraph (d) is deleted and designated Reserved.

§ 81.304 Frequencies available.

• • • • •

(c) Except as provided in Section 81.142(d) and 81.191(c)(1), public coast stations are required to have the capabilities of using A3A, A3H, and A3J emission.

• • • • •

(d) [Reserved]

• • • • •

6. In § 81.360, paragraph (a)(1)(v) is amended to read as follows:

§ 81.360 Frequencies available below 4000 kHz.

• • • • •

(a)(1)(v) On 2182 kHz, limited coast stations are required to have the capability to receive A3J [1] emission.

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PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

§ 83.104 [Amended]

1. In § 83.104, subparagraph (l) is deleted.

2. In § 83.106, paragraph (a) is amended to read as follows:

§ 83.106 Required frequencies for radiotelephony.

(a) Each ship radiotelephone station licensed to operate in the band 1605 to 3500 kHz shall be able to receive and transmit the emission A3J [2] on the carrier frequency 2182 kHz. Ship stations are, additionally, authorized to receive and transmit using emission A3H for communications with foreign coast stations and with vessels of foreign registry. If the station is used for other than safety communications, it shall be capable also of receiving and transmitting the emission A3A and A3J on at least two other frequencies in that band. For ship stations on vessels operating (1) exclusively on the Mississippi River and its connecting waterways, and (2) also on high frequency bands above 3500 kHz, such stations may be equipped with only one, instead of two, other frequencies within the band 1605–3500 kHz in addition to the frequency 2182 kHz.

[1]The transition from A3H emission to A3J emission shall be completed on or before April 30, 1979.

[2]Capability for A3J emission 2182 kHz shall be completed on or before April 30, 1979.

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3. In § 83.132, paragraph (a)(2)(i) is amended to read as follows:

§ 83.132 Authorized classes of emission.

• • • • •

Frequency band	*Classes of emission*
• • • • •	
(a)(2) Stations using radiotelephony: (i) For frequencies below 23 MHz designated in § 83.351:	
2182 kHz	A3J [1] [2].
All other frequencies	A3A, A3J [3].

[1]Ship stations are, additionally, authorized to receive and transmit using emission A3H for communication with foreign coast stations and with vessels of foreign registry.

[2]The transition to emission A3J shall be completed on or before April 30, 1979.

[3]Additionally, emission A3H is authorized on 3023.5 and 5680 kHz until February 1, 1982.

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4. In § 83.201, paragraph (b) is amended to read as follows:

§ 83.201 Watch required during silence periods.

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(b) Except for stations on board vessels required by law to be fitted with radiotelegraph equipment, each ship station licensed to transmit by telephony on one or more frequencies within the band 1605–3500 kHz shall, during its hours of service for telephony, maintain an efficient watch on the authorized carrier frequency 2182 kHz, whenever such station is not being used for transmission on that frequency or for communication on other frequencies in this band. Such watch shall, insofar as possible, be maintained at least twice each hour for 3 minutes commencing at x h. 00 and x h. 30, Greenwich mean time. Except for messages of distress, urgency and vital navigational warnings, ship stations shall not transmit on 2182 kHz during the silence periods.

5. In § 83.233, the table is amended to read as follows:

§ 83.233 Frequencies for use in distress.

In case of distress, mobile stations shall, in the bands set forth below, use the frequencies specified when requesting assistance from the maritime service. The preferred types of emission are shown. When a ship station cannot transmit on the designated frequency, it shall use any available frequency on which attention might be attracted.

Frequency band	Emission	Carrier frequency
405–535 kHz	A2	500 kHz [2].
1605–3500 kHz	A3J [1]	2182 kHz.
118–135 MHz	A2, A3, A9	121.5 MHz.
	A3	123.1 MHz.
156–162 MHz	F3	156.8 MHz.
225–399.9 MHz	A9	243 MHz.

[1]Capability for A3J emission on 2182 kHz shall be completed on or before April 30, 1979.

[2]The maximum transmitter power obtainable shall be used.

6. In § 83.242, paragraph (b) is amended to read as follows:

§ 83.242 Transmission of distress message by a station not itself in distress.

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(b) The transmission of a distress message under the conditions prescribed in paragraph (a) of this section shall be made on either or all of the international distress frequencies (500 kHz radiotelegraph; 2182 kHz or 156.8 MHz radiotelephone) or on any other available frequency on which attention might be attracted.

• • • • •

7. In § 83.248, paragraph (a) is amended to read as follows:

§ 83.248 Urgency message.

(a) The urgency signal and call, and the message following it, shall be sent on one of the international distress frequencies (500 kHz radiotelegraph; 2182 kHz or 156.8 MHz radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

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8. In § 83.249, paragraph (d) is amended to read as follows:

§ 83.249 Safety signals.

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(d) The safety signal and call shall be sent on one of the international distress frequencies (500 kHz radiotelegraph; 2182 kHz or 156.8 MHz radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

9. In § 83.365, paragraph (a)(4) is amended to read as follows:

§ 83.365 Procedure in testing.

• • • • •

(a)(4) Testing of transmitters shall, insofar as practicable, be confined to working frequencies without two way communications. However, 2182 kHz and 156.8 MHz may be used to contact other ship or coast stations when signal reports are necessary. U.S. Coast Guard stations may be contacted on 2182 kHz for test purposes only:

(i) When tests are being conducted during inspections by Commission representatives or when qualified radio technicians are installing equipment or correcting deficiencies in the station radiotelephone equipment. In these cases the test shall be identified as "FCC" or "technical" and logged accordingly; or

(ii) (As an interim measure pending final resolution in Docket No. 21089.) When short tests, by vessels which continue to rely upon the use of DSB equipment for distress and safety purposes, are required as a means to evaluate the compatibility of that equipment with an SSB emission A3J system.

• • • • •

10. § 83.484, paragraphs (a) and (d)(2) are amended to read as follows:

§ 83.484 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of A3H and A3J [1] emissions on 2182 kHz, 2638 kHz,

[1]Capability for A3J emission on 2182 kHz shall be completed on or before April 30, 1979.

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in accordance with § 83.351, and at least two other frequencies within the band 1605 to 3500 kHz available for ship-to-shore or ship-to-ship communication.

• • • • • •

(d) • • •

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 50 watts peak envelope power for A3H and A3J [1] emissions on each of the frequencies 2182 and 2638 kHz into either an artificial antenna consisting of a series network of 10 Ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 Ohms nominal impedance; *Provided, however,* That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

• • • • • •

11. In § 83.488, paragraph (a) is amended to read as follows:

§ 83.488 Radiotelephone receivers.

(a) The receiver used for maintaining the watch required by §§ 83.202(b) and 83.203(b) shall be capable of effective reception of A3H and A3J [1] emissions, shall be connected to the antenna system specified by § 83.494, and shall be preset to, and capable of accurate and convenient selection of, the frequencies 2182 kHz, 2638 kHz, and the receiving frequencies associated with the transmitting frequencies provided pursuant to § 83.484(a).

• • • • • •

12. In § 83.514, paragraph (a)(1) is amended to read as follows:

§ 83.514 Radiotelephone installation.

(a)(1) The radiotelephone installation shall include a transmitter capable of effective transmission of A3H and A3J [1] emissions and a receiver capable of effective reception of A3H and A3J emissions within the band 1605 to 2850 kHz; or alternatively, if the vessel is within communication range of a public coast station or U.S. Coast Guard station operating in the band 156 to 162 MHz which maintains an efficient watch for the reception of F3 emission on 156.8 MHz at all times while the vessel is navigated in waters specified in § 83.511, and the vessel while so navigated is never more than 20 nautical miles from a 156.800 MHz receiving location of such station, the radiotelephone installation may, in lieu of medium frequency equipment, including a transmitter and receiver capable of effective transmission and reception of F3 emission within the band 156 to 162 MHz.

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13. In § 83.517, paragraphs (a) and (c)(2) are amended to read as follows:

§ 83.517 Medium frequency transmitter.

(a) The transmitter shall have a peak envelope output power of at least 50 watts for A3H and A3J [1] emissions on 2182 kHz, in accordance with § 83.351, and at least one ship-to-shore working frequency within the band 1605 to 2850 kHz enabling communication with a public coast station serving the region in which the vessel is navigated.

• • • • • •

(c)(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 50 watts peak envelope power for A3H and A3J emissions on each of the frequencies 2182 and 2638 kHz into either an artificial antenna consisting of a series network of 10 Ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 Ohms nominal impedance; *Provided, however,* That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

14. In § 83.519, paragraph (a) is amended to read as follows:

§ 83.519 Radiotelephone receivers.

(a) If a medium frequency radiotelephone installation is provided, the receiver used for maintaining the watch required by § 83.202(c) shall be capable of effective reception of A3H and A3J emissions, shall be connected to the antenna system specified by § 83.526, and shall be preset to, and capable of accurate and convenient selection of, the frequencies 2182 kHz, 2638 kHz, and the receiving frequency(s) associated with the ship-to-shore transmitting frequency(s) provided pursuant to § 83.517(a).

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[FR Doc. 79-4586 Filed 2-9-79; 8:45 am]

[1] Capability for A3J emission of 2182 KHz shall be completed on or before April 30, 1979.

[6712-01-M]

[Docket No. 19665; FCC 79-66]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Providing Frequencies, Standards and Procedures for On-Board Communications in the Industrial and Maritime Services

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: This rulemaking provides for the use of non-voice communications on on-board frequencies in the maritime mobile radio service. Provisions for non-voice on-board communications (communications within the confines or immediate vicinity of a vessel) were requested in comments filed in response to the initial Notice of Proposed Rule Making in this proceeding. The additional communications capability is intended to provide for actuation of certain remote devices on-board ships.

EFFECTIVE DATE: March 16, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Walter E. Weaver, Safety and Special Radio Services Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION: In the matter of amendments of Parts 2, 81, 83 and 91—to provide frequencies, standards and procedures for on-board communications in the Industrial and Maritime Services; Second Report and Order (Proceeding Terminated).

Adopted: January 31, 1979.

Released: February 7, 1979.

By the Commission:

1. A tabulation of the documents released by the Commission in this proceeding is set forth below:

Classification	Released date	FCC No.	Federal Register reference No.	Federal Register date
Notice of Proposed Rule Making	Jan. 9, 1973	FCC 73-6	38 FR 1513	Jan. 15, 1973.
First Report and Order	Sept. 6, 1973	FCC 73-884 (42 FCC 2d 746).	38 FR 25177	Sept. 12, 1973.
Further Notice of Proposed Rule Making.	Sept. 6, 1973	FCC 73-885 (42 FCC 2d 781).	38 FR 25196	Sept. 12, 1973.

Classification		Released date	FCC No.	Federal Register reference No.	Federal Register date
Order		Oct. 18, 1973 [1]		38 FR 29818	Oct. 29, 1973.
Memorandum Order.	Opinion and	Jan. 27, 1978 [2]	FCC 78-29	43 FR 4260	Feb. 1, 1978.

[1] A 2 week extension was requested on Oct. 10, 1973, by the Central Committee on Communication Facilities of the American Petroleum Institute, which was granted in this Order.
[2] Requests for Reconsideration were filed on Oct. 10, 1973, by the Central Committee on Communication Facilities of the American Petroleum Institute and on Oct. 12, 1973, by the American Institute of Merchant Shipping, which were considered and treated in this Memorandum Opinion and Order.

Background

2. The rulemaking in this proceeding was initiated to fulfill the recommendations of Special Committee 62 of the Radio Technical Commission for Marine Services (RTCM). RTCM is an Industry/Government advisory group of persons associated with the maritime services. Special Committee 62 (SC 62) was formed to consider and to make recommendations in regard to operational and technical matters involved in the use of on-board communications aboard ship. The first meeting of SC 62 was held on April 30, 1969, and the final meeting was held on June 2, 1972. The Report of SC 62 is dated January 18, 1973.

3. In general, on-board communications are those which occur within the confines of a vessel, or are within the immediate vicinity of that vessel. They involve voice communications for the most part however, there is a requirement to also use those same frequencies for non-voice communications (emission F2), intended primarily to provide a radio signalling facility which will actuate remote devices from a central location. Such uses include those functions having to do with operational maneuvering and navigation of the vessel. Because these functions can have major impact upon the safety of life and property, it is agreed that the transmitted control signals must be unambiguous and distinctive, in order that their effect is limited to the vessel for which they are intended.

4. The Further Notice of Proposed Rule Making is directed to the coded information for an F2 transmittal signal which is unambiguous and distinctive. To attain that objective, it is, in our view, necessary to prescribe the coding and technical standards applicable to this signalling system. New Section 83.835, set forth in the attached Appendix, is limited to technical considerations having to do with assuring that the transmitted control signals are unambiguous and distinctive and, thereby, to assure that the functional directives transmitted are limited to the vessel for which they are intended.

Commenters

5. Timely comments were filed by the Central Committee on Communication Facilities of the American Petroleum Institute (API) and the American Institute of Merchant Shipping (AIMS). No other comments were filed.

Discussion and Disposition

6. API and AIMS, in response to the Notice of Proposed Rule Making (FCC 73-6), urged the Commission to also authorize the use of emission F2 for certain intraship non-voice functions. To comply with that request the Commission released its Further Notice of Proposed Rule Making to promulgate the proposed rules and to afford the public opportunity to comment thereon.

7. In their comments, API states, "The Central Committee is not thoroughly convinced that rigid rules and standards to govern the use of non-voice emission with on-board stations should be adopted at this time." API also states, "The Commission is urged to adopt at an early date those rules it has proposed to govern the use of non-voice emissions with on-board stations." Since API does not suggest or request any changes to the proposed rules, but does urge that they be adopted as proposed, we are construing API's comments as support for adoption of the proposed rules without change.

8. In their comments, AIMS expresses their continued support of the rulemaking, that is, that "The use of non-voice (F2) emissions on the frequencies allocated for on-board communications is a vital and necessary additional facility to the on-board communication service." Further, AIMS states their agreement "with the Commission that the coded information for the F2 transmitted signal must be unambiguous and distinctive." In their comments in response to the Notice of Proposed Rule Making (FCC 73-6), concerning the industry need that the Commission provide for non-voice emissions, AIMS set forth only one function, that we provide for the use of a radio-controlled anchor drop system. Provision for this system was included in the Further Notice of Proposed Rule Making.

9. In their comments to the Further Notice of Proposed Rule Making, AIMS summarizes their view of the major requirements and features of the new non-voice facility, that is: "in principle, non-voice communications are intended primarily to provide a radio signalling facility which will actuate remote devices from a central location. (A secondary use is to actuate a centrally located device from various remote locations; this is considered to be essentially identical to the primary use.)" Within that framework, AIMS expands the radio-control non-voice functions to include the following:

a. Shirt pocket indicators (i.e., radio pagers);

b. Five or six different commands (i.e., crane controls);

c. Devices requiring perhaps 50 commands (automated cargo transfer operation); and

d. Devices requiring commands and other information (e.g., monitoring system containing data readouts).

10. To assure that we do not lose sight of the original industry need for and purpose for which the Commission provided frequencies for on-board communications, we refer to the report prepared by the Radio Technical Commission for Marine Services (Special Committee 62) on On-Board Communications, dated January 18, 1973, and therein to that part of the report which sets forth the points of communication, in particular, to paragraph 7.0, which reads:

7.0 There was unanimous agreement in the Committee that "on-board" communications should be available to meet all of the voice communication needs for internal communication *within* the confines of a vessel. There was less than complete agreement in regard to use of "on-board" communications for various purposes beyond the limits of a vessel.

11. We refer, further, to paragraphs 7.4 and 7.4.1 of the same part of that report, which read:

7.4 There was general agreement that "on-board facilities should be available for other vessel internal communications of brief duration," such as paging, cordless microphone and radio remote supervisory control transmissions.

7.4.1 With regard to radio remote supervisory control transmissions, the Committee discussions were directed, for the most part, to the function of dropping the anchor. It was recognized that with overlapping signal levels in restricted waters, such as ports, harbors, and waterways, that transmission would have to employ a system of coding distinctive for each vessel, in order to avoid the dropping of anchors of other vessels. It was anticipated that as the system of radio remote control developed there could be a larger number of functions carried out aboard ship, tugs and barges

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by such a system, possibly causing undue interference.

12. It is our opinion that the basic requirement for on-board communications is for a two-way voice system. While we are firmly of the view that the limited number of channels available for on-board communications should not be opened up for on-board telemetry or radio remote control applications, we feel that the public interest requires that provision be included in the rules for the execution, by radio remote control, of operational commands relating to the maneuvering or navigation of a vessel. In that regard, the comments of both API and AIMS, in response to the Notice of Proposed Rule Making (FCC 73-6), specifically urged provision be included in the rules to permit the use of a radio remote controlled anchor-drop system. Our general concurrence with this approach is discussed in paragraphs 11 through 14 of the First Report and Order (FCC 73-884). More specifically, in the Further Notice of Proposed Rule Making (FCC 73-885) we proposed a system permitting the use of the on-board channels, through a radio remote control system, for a multiplicity of vessel operational commands, which includes the use of radio remote control anchor-drop systems as urged by API and AIMS.

13. In the Notice of Proposed Rule Making (FCC 73-6) we did not include provisions for the use of radio paging or for cordless microphones. In the comments filed in response thereto, no person requested that provision be made for the use of either of these devices. In the First Report and Order (FCC 73-884) we did not include provision for the use of either or both of these two devices. There are two reasons why provision for the use of these devices was not included in the Notice of Proposed Rule Making (FCC 73-6) or in the First Report and Order (FCC 73-884). First, experience in the Land Mobile Services has brought us to the conclusion that two-way communications and radio paging on the same frequency are not satisfactory.[1] Second, the work of RTCM Special Committee 62 extended over a period of four years, was participated in by all segments of the industry, did develop a need for voice paging (F3), but did not develop a need for a signalling system (F2) for paging.

14. We recognize, of course, that the types of uses set forth in the RTCM Report on On-Board Communications will change as the needs of the industry change. If there is an industry need for an (F2) signalling system for paging, it will have to be documented in a convincing manner. We will at that time examine further the matter of compatibility of two-way communications and paging, together with the impact which the use of (F2) paging would have upon on-board communications. We are, therefore, not adopting at this time AIMS recommendation that provision be included in the rules for the use of (F2) radio pagers.

15. As listed in paragraph 9, above, AIMS also urges that the permitted uses of radio remote control on on-board channels be expanded to include devices for "crane controls" and for "automated cargo transfer operation." As stated in paragraph 9, above, it is our view that these channels should not be opened up for radio remote control. With regard to these two uses, we have no basis to presume that these uses, singly or together, would be compatible with a two-way voice communication system. Further, we discussed in detail in the First Report and Order (FCC 73-884) the reasons why we did not propose to authorize use of the on-board channels for the loading or unloading of cargo. Accordingly, we are rejecting AIMS recommendation that provision be included in the rules permitting the use of F2 emission for radio remote control for "crane controls" and for "automated cargo transfer operation."

16. The fourth use of F2 emission urged by AIMS is listed, also, in paragraph 9, above. This F2 use appears to be for the purpose of telemetry, however, it could include, in addition, radio remote control. AIMS describes this F2 use as being for "devices requiring commands and other information (monitoring system containing data readouts, for instance)." We presume that such F2 transmissions would be coded and would contain information in either analog or digital form. Regardless of whether this F2 use is one of telemetry or of radio remote control, or contains information in analog or digital form, such F2 use is, in our view, clearly not compatible with a two-way voice system. The two-way voice use would have to be carried out at those times when the on-board channel was not in use for F2. This would relegate the two-way voice use to a secondary status, which would be contrary to the primary purpose for which the on-board channels were made available. For these reasons, we are not adopting AIMS recommendation that provision be included in the rules for the use of F2 emission for "devices requiring commands and other information."

17. We turn now to our proposed rules for the use of non-voice emissions and AIMS comments regarding the proposed digital code structure. Two categories of ships are hypothesized by AIMS, those fitted for proper recognition of the six characters (documentation number) and those which are not so fitted. In the example given, AIMS presumes that both of these categories of ships employ the same actuation instruction (AA through ZZ). AIMS points out "that a burst of interference in this particular time slot of the code could cause incorrect operation of a device on an unaddressed ship." Although not mentioned, it appears that AIMS also assumes: that the on-board frequencies are the same; the frequency shift (tones) of both categories are the same; the demodulation/decoder is adequately similar to that aboard the addressed ship; and the decoder is the same as that on the addressed ship except that it will pass the actuation instruction without being addressed. AIMS comments are silent with regard to the three characters providing company operational or secrecy control, which follow the documentation number and precede the actuation instruction.

18. In the Further Notice of Proposed Rule Making we stated that the radio remote control for maneuvering and navigation, because of the potential loss of life and/or large amounts of property damage, must be unambiguous and distinctive in order that the actuating instructions are limited to the vessel concerned. From the Further Notice of Proposed Rule Making it is clear that the two groups of characters (6 + 3) which precede the actuation instructions must be received in satisfactory condition before the decoder will accept the actuation instruction. That is, the two groups of characters (6 + 3) must be received in satisfactory condition; must precede the actuation instruction; and the actuation instruction must be in synchronization with the two groups of characters, or no actuation occurs. A "burst of interference" at any time during this sequence would, therefore, result in no actuation taking place.

19. AIMS comments that "the proposed code only contains 26 commands, whereas the operational requirements of a complex system could require 50 commands." In the Further Notice of Proposed Rule Making we propose that "AA through ZZ" be employed for actuation instruction. The number of available commands from this arrangement is: AA through AZ is 26; BA through BZ is 26; etc.; and ZA through ZZ is 26. Thus, the number of commands is 26 times 26, or 676. The 50 commands to which AIMS refers are those developed in their comments for an automated oil transfer operation.

20. AIMS comments that the proposed digital technique would require a 15 dB higher signal level than with a tone system and, therefore the service area obtained using the digital technique would be considerably less than that obtained using a tone system. The system proposed in the Further Notice of Proposed Rule Making employs two tones to modulate the transmitted carrier. Those tones are processed in the receiver up to the demodulator (Modem), where they are converted to two-level direct current (binary). Both of these tones are in the middle of the voice band. The voice tests conducted aboard ship by RTCM Special Committee 62 indicate that satisfactory voice communication was obtained. We are unable to identify that part of the system to which AIMS is applying the 15 dB difference. Taken at face value, that is, that the signal at the input terminals of a receiver must be 15 dB greater for the satisfactory reception of the tones 1070/1270 Hz than for the satisfactory reception of voice (350/2500 Hz), we are unable to confirm or to agree that such is the case.

21. AIMS comments that the digital code is too complicated for a simple shirt-pocket paging system. We presume that what AIMS means is that if paging were to be authorized for use on on-board frequencies and the decoder were constructed using standard integrated circuitry in dual inline packages, that the size of the decoder would be too great to be contained within the case of the shirt-pocket paging receiver. Since we are not authorizing the use of paging on on-board frequencies (see paragraphs 9 through 14, above), the question of excessive size or complexity of the digital technique, with or without small, medium or large scale integration, is moot.

22. From a system planning point of view, as well as from a practical and economic point of view it is desirable to minimize the number of different systems employed aboard ship to perform similar functions, particularly as concerns the maintenance of equipment and the test equipment required to perform such maintenance. Different systems are, of course, introduced where a superior operational or other benefit is derived. Failing such benefit, however, the introduction of a different technique complicates the maintenance and is difficult to justify economically. RTCM has for years continued its studies of new maritime communications systems. These studies include the development of a selective calling system for use on radiotelegraph and radiotelephone channels and a radioteleprinter system for use on radiotelegraph channels. In both cases the RTCM selected the digital technique over a tone system. Further, the sequential single frequency code (SSFC) selective calling system, which is a multitone system employing 11 tones, has been found unsatisfactory by the United States maritime industry. In conclusion, we know of no operational or other benefit which would accrue from use of a multitone system on the on-board channels, as recommended by AIMS. Accordingly, for the reasons set forth hereinabove, we are adopting the digital system proposed in the Further Notice of Proposed Rule Making.

23. AIMS expresses the view that the subject matter of the Further Notice of Proposed Rule Making should be thoroughly researched by a technical body such as the RTCM. We do not agree. As we explained above in paragaraph 2, these amendments to our rules are being made in response to recommendations made by Special Committee 62 of RTCM and are in substantial agreement with those recommendations. RTCM has not indicated that further study of these recommendations is required, and we see no need for further study.

24. In the Further Notice of Proposed Rule Making, paragraph 9, it was suggested that if there was a requirement in this system for confirmation of command, such requirement should be expressed in the responding comments. Since no such requirement was expressed, provision for confirmation has not been included in the rule amendments set forth in the attached Appendix. We will, however, reopen the matter of inclusion in the rules of provision for confirmation of command at such time as the industry develops a need for that function.

25. We are advised, informally, that there will be vessels which do not have a documentation number that will be fitted with radio remote anchor-drop devices. In specifying the use of the documentation number, it was assumed that any vessel large enough to economically justify the use of a radio remote anchor-drop device would be documented. It appears this assumption may be in error, at least in part. This does not, however, change the requirement that the F2 transmitted signal be unambiguous and distinctive. Accordingly, as an alternative for those vessels which are not documented, we are including in the rules provision for the use of the call sign of the on-board station in lieu of the documentation number. Further, we are amending Section 83.39, Part 83, to preclude the assignment of a single call sign to more than one on-board station.

26. Regarding questions on matters covered by this document contact Walter E. Weaver, Telephone 202-632-7197.

27. In view of the foregoing, *it is ordered*, That pursuant to the authority contained in Sections 4(i) and 303(a), (b), (c), (d), (e), (f) and (r) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules, is amended, effective March 16, 1979, as set forth below.

28. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.39, a new paragraph (c) is added to read as follows:

§ 83.39 One application for a plurality ship station license.

* * * * *

(c) A plurality station license will not be granted in the case of an on-board station.

2. A new § 83.835 is added to read as follows:

§ 83.835 Remote control for maneuvering or navigation.

(a) An on-board communication channel may be used for remote control of maneuvering or navigational control systems aboard the same vessel or, where that vessel is towing a second vessel, aboard the towed vessel. The remote control system shall be unambiguous and distinctive and shall conform to the standards set forth in this section.

(b) The transmitted signal shall be composed of the following: a synchronization signal; the documentation number group; the company control group; the actuation instruction group; and a termination of transmission signal, as follows:

(1) The synchronization signal, composed of the control character "SYN", shall be transmitted twice to establish system synchronization.

(2) The documentation number group shall be composed of:

(i) For documented vessels, the documentation number assigned to that vessel by the United States Coast Guard, taken from the groups 200000-299999 and 500000-599999; or

(ii) For non-documented vessels, the call sign of the on-board station.

(iii) The documentation number group shall be transmitted one time.

(3) The company control group, composed of three letters taken from AAA through ZZZ, shall be transmitted one time to provide company operational or secrecy control information.

(4) The actuation instruction group, composed of two letters taken from AA through ZZ, shall be transmitted

[1] Docket No. 19643, FCC 72-1040, released November 29, 1972.

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one time to direct the actuation instruction desired.

(5) The termination of transmission signal, composed of the control character "EM", shall be transmitted twice to indicate the termination of transmission.

(c) The receiving system (logic decoder) shall:

(1) Reject any actuation instruction until and unless it first recognizes and accepts the company control group.

(2) Reject any company control group until and unless it first recognizes and accepts the documentation number group.

(d) The emission employed shall be F2. The provisions in this part applicable to the use of F3 emission are also applicable to the use of F2 emission. The transmitter must be adjusted and operated so that the instantaneous frequency deviation for F2 emission does not exceed the maximum value allowed for F3 emission.

(e) The binary information shall be applied to the carriers as modulation by frequency-shift keying (FSK) of the standard tones 1070 and 1270 Hz. Expressed in terms of positive logic, "0" (low) shall correspond to 1070 Hz and "1" (high) shall correspond to 1270 Hz. The signalling rate shall be 300 bits per second.

(f) The alphabet employed shall be the United States of America Standard Code for Information Interchange (USASCII), set forth in the United States of America Standards Institute publication USAS X3.4-1968.

(1) The bit sequence shall be least significant bit first to most significant bit (bit 1 through bit 7) in ascending (consecutive) order.

(2) The character structure shall consist of 8 bits (seven bits plus one character parity bit) having equal time intervals.

(3) The character parity bit shall be transmitted and shall follow the most significant bit, bit 7, of the character to which it applies.

(4) The sense of character parity shall be odd over the eight bits, i.e., an odd number of "1" bits.

[FR Doc. 79-4585 Filed 2-9-79; 8:45 am]

[6712-01-M]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Implementing a System of Temporary Authorization for Ship Stations in the Maritime Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Errata.

SUMMARY: The Order in this matter inadvertently reinstated two sections of our rules which were deleted by another action. This action will correct this error.

EFFECTIVE DATE: April 1, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Kemp J. Beaty, Safety and Special Radio Services Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION:

Released: February 1, 1979.

In the matter of amendment of Parts 1, 81 and 83 of the Commission's rules and to implement a system of temporary authorizations for ship stations in the Maritime Services.

1. In the Order (FCC 78-846; 44 FR 3288), released January 11, 1979, we established a system of temporary authorizations for ship stations, made certain editorial changes and renumbered certain sections of our rules.

2. Inadvertently, this Order contained two sections of our rules (§ 83.50 and § 83.70 which were redesignated § 83.58 and § 83.59 respectively) which were deleted by the Report and Order in SS Docket No. 78-146 (FCC 79-5; 44 FR 4488; released January 18, 1978). Since the effective date of this Order is after that of the Report and Order in SS Docket No. 78-146, this would effectively reinstate these sections into our rules.

§§ 83.58 and 83.59 [Revoked]

3. Accordingly, §§ 83.58 and 83.59 are revoked.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 79-4622 Filed 2-9-79; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1355]

PART 1033—CAR SERVICE

Burlington Northern Inc. Authorized To Place Fewer Empties and To Forward Unit-Coal-Trains of Less Than Number of Cars Required by Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order; Service Order No. 1355.

SUMMARY: Burlington Northern Inc. is authorized to place for coal loading fewer hopper cars than required by unit-coal-train tariffs, and to forward loaded unit-coal-trains comprising fewer cars than required by applicable tariffs. Because of extreme cold weather BN is presently unable to move unit-coal-trains comprising the number of cars required by applicable tariffs.

DATES: Effective 2:00 p.m., February 2, 1979. Expires 11:59 p.m., February 28, 1979.

FOR FURTHER INFORMATION CONTACT:

J. Kenneth Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION:

Decided: February 2, 1979.

Certain tariffs authorize Burlington Northern Inc. (BN) to operate unit-coal-trains requiring the use of 100 to 110 hopper cars in each train. Because of extreme cold weather BN is unable to move this number of cars in one train. BN can operate the unit-coal-trains by reducing the number of cars operated in each train. This means the BN would place less than the required number of empties for loading, would forward loaded unit-coal-trains with less than the required number of cars, and these trains would be placed for unloading with less than the required number of cars required by the tariffs. The delays to cars caused by these conditions further aggravate existing car shortages and contribute to loss of utilization of hopper cars.

It is the opinion of the Commission that an emergency exists and that there is good cause to authorize the application of unit-coal-train rates requiring the use of one hundred (100) to one hundred-ten (110) to shipments of fewer cars when the BN is unable to place or forward *all* of the cars required by applicable tariffs; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, § 1033.1355 *Burlington Northern Inc. authorized to place fewer empties and to forward unit-coal-trains of less than number of cars required by tariffs*

(a) Burlington Northern Inc. (BN) is authorized to place fewer hopper cars for loading unit-coal-trains than required by applicable tariffs and is authorized to operate loaded unit-coal-trains comprising fewer cars than required by applicable tariffs.

(b) If a unit-coal-train is operated which is required by tariff provisions to be one of two or more consecutive unit train movements the deficit tonnage may, with the consent of the carrier, be added to the tonnage transported in one or more of the subsequent trips required by the tariffs. If the carrier fails to give its consent or if the shipper notifies the carrier that it will be impossible to add the deficit tonnage to subsequent consecutive shipments, the total volume required to be shipped will be reduced by that amount.

(c) Nothing in this order shall be deemed to authorize any change in minimum weights required by the applicable tariffs to be loaded into each car nor to authorize the loading of any car in excess of its stencilled load limit.

(d) *Consent of Shipper Required.* The consent of the shipper is required before any unit-coal-train is operated with a reduced number of cars as authorized by Section (a) of this order.

(e) *Billing to be Endorsed.* The bills of lading and the master way bills of each unit-coal-train authorized by this order to operate with fewer than the required number of cars shall bear the following endorsement:

Unit-coal-train comprising ( ) cars. Reduction of train from ( ) cars authorized by ICC Service Order No. 1355.

(f) *Unit-Coal-Train Defined.* The term "unit-coal-train" as used in this order means a multiple-car shipment of coal subject to a tariff provision which requires the use of fifty (50) or more hopper cars in a single shipment, on one bill of lading, on one day.

(g) *Application.* (1) The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(2) All tariff provisions not specifically modified by this order shall remain in effect.

(3) The application of all other rules and regulations, insofar as they conflict with the provisions of this order, is suspended.

(4) This order applies to movements of empty or loaded hopper cars of railroad ownership, of private ownership, or of mixed ownerships of railroad and private ownerships.

(h) *Effective date.* This order shall become effective at 2:00 p.m., February 2, 1979.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Robert S. Turkington, Leonard J. Schloer and William F. Sibbald. Member Leonard J. Schloer not participating.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4644 Filed 2-9-79; 8:45 am]

[1505-01-M]

[Ex Parte No. 293 (Sub No. 3)]

PART 1126—SUBMISSION OF COST DATA TO JUSTIFY REIMBURSEMENT FOR DIRECTED SERVICE

Implementation of Regional Rail Reorganization Act of 1973

CORRECTION

In FR Doc. 79-3182, which appeared at pages 6156-6166 of the Proposed Rules Section of the FEDERAL REGISTER for Wednesday, January 31, 1979 was published in that section by mistake. That document is a final rule document and should have been published in the Final Rule section of the FEDERAL REGISTER.

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-382]

MELONS GROWN IN SOUTH TEXAS

Recommended Decision and Opportunity To File Written Exceptions to Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This recommended decision proposes a marketing agreement and order regulating the handling of melons grown in South Texas. It provides interested persons with the opportunity to file written exceptions concerning the recommendations made therein. The proposed order would authorize regulations to fix the grade, size, quality, maturity, pack, container and markings for melons, except watermelons, grown in 19 designated counties in South Texas. The primary objective is to improve the quality of melons shipped to markets. This should reduce marketing losses and result in improved returns to growers.

DATE: Written exceptions to this recommended decision may be filed by February 27, 1979.

ADDRESSES: Written exceptions should be filed in duplicate with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, DC. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR-1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 447-6393.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued October 26, 1978, and published October 31, 1978 (43 FR 50685).

PRELIMINARY STATEMENT: Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of melons grown in South Texas.

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The proposed marketing agreement and order were formulated on the record of a public hearing held at Edinburg, Texas, November 28–December 1, 1978. Notice of the hearing was published in the October 31, 1978, issue of the FEDERAL REGISTER. The notice set forth a proposed order submitted by the South Texas Melon Steering Committee on behalf of melon producers and handlers in the proposed production area.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) Is the handling of melons in the proposed production area in the current of interstate commerce, or does it directly burden, obstruct, or affect interstate commerce;

(2) Do the marketing conditions show the need for the issuance of a marketing agreement and order which will tend to effectuate the declared policy of the act;

(3) The definition of the commodity and the determination of the production area to be covered by the proposed order;

(4) The identity of the persons and the marketing transactions to be regulated; and

(5) The specific terms and provisions of the proposed order including:

(a) The definitions of the terms used herein which are necessary and incidental to attain the declared policy and objectives of the act;

(b) The establishment, maintenance, composition, procedures, powers, duties and operation of a committee which shall be the local administrative agency for assisting the Secretary in the administration of the proposed order;

(c) The authority to incur expenses and the procedure to levy assessments on handlers to obtain revenue for paying such expenses;

(d) The authority to establish production and marketing research, and market development projects;

(e) The method of regulating the handling of melons grown in the production area;

(f) The authority for inspection and certification of shipments;

(g) The establishment of requirements for reporting and recordkeeping upon handlers;

(h) The requirements of compliance with all provisions of the proposed order and with regulations issued under it; and

(i) Additional terms and conditions as set forth in section .82 through section .92 of the Notice of Hearing published in the FEDERAL REGISTER of October 31, 1978 (43 FR 50685) which are common to marketing agreements and marketing orders and other terms and conditions published as section .93 through section .95 which are common to marketing agreements only.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of the hearing:

The proposed marketing agreement and order (hereinafter collectively referred to as the "order") should regulate the handling of melons grown in South Texas by authorizing requirements for grades, sizes, maturities, qualities, packs, containers and markings thereon, or combinations of such requirements, with which such shipments should comply.

(1) Melons are an agricultural commodity within the group named in the act to which its marketing regulatory authority may be applied. They are an important commercial vegetable crop in Texas. Data published by the U.S. Department of Agriculture (USDA) show that Texas growers produced a spring-season cantaloup crop in 1978 of 1.5 million hundredweight which had a gross value of $14.1 million, f.o.b. shipping point. The State's output that year of spring-crop honeydew melons amounted to 508,000 hundredweight and had a gross value of $7.8 million. Smaller amounts of other melons such as persians and casabas also are grown each spring, but production and marketing data for such melons are not compiled.

The Texas spring crop of melons is primarily grown in the production area, as defined in the proposed order. The area includes the Lower Rio Grande Valley, and the Laredo and Coastal Bend Districts.

Melon harvest in the production area typically begins in mid-April and continues into mid-June, although weather conditions result in some variation in harvest timing. The peak harvest period is usually from mid-May through early June. The record shows that production area melons move to nearby wholesale and retail outlets within the production area, and to such outlets in other parts of Texas, and in other States and countries.

A major portion of the melons grown in the production area is marketed outside of the production area. USDA Market News reports show that in 1977 there were 3,023 carlots of Texas cantaloups unloaded in the leading 46 major U.S. and Canadian terminal markets. Houston, Dallas, San Antonio, and Fort Worth, all of which are outside of the production area, accounted for 43 percent of the total reported Texas cantaloup unloads. However, substantial quantities were reported in numerous markets in other States, such as Miami and Atlanta in the Southeast, New York City and Baltimore in the East, and Chicago in the Midwest. Some melons also moved to west coast markets, including Los Angeles, Portland and Seattle. Texas cantaloups were unloaded in the major terminal markets in Texas and other States during each month of the spring-crop marketing season.

Unloads in the leading markets of honeydew and miscellaneous (including casaba and persian) melons grown in Texas amounted to 1,344 carlots in 1977. As with cantaloups, unloads of Texas honeydew melons were reported in markets in cities both in and out of the State during each month of the spring-crop season.

Record evidence shows that South Texas usually is the first domestic supplier of cantaloups and honeydew melons each year, and for a brief period early in the season there is virtually no competition from other domestic areas. However, Texas producers encounter early season competition from melons imported from Mexico, where the harvest begins before that in South Texas. Record evidence indicates that in calendar 1977 cantaloup imports from Mexico amounted to nearly 1.8 million hundredweight. The most active period for the importation of Mexican melons is March through May.

Shipments of melons from California and Arizona are in large volume during much of the South Texas marketing period and usually provide strong competition in most markets, both within Texas and in other States.

Record evidence shows that the South Texas melon industry's domestic market is the entire United States and its members are in daily contact with buyers across the Nation. With modern communication and transportation systems, melon supplies or prices in any one location are promptly known elsewhere and have a direct effect on melon supplies and prices in all other locations.

There are few differences in sales between melons for use within the production area as compared with melons sold for use in other parts of the United States or other countries. If a program regulating only interstate and foreign commerce in melons were to be made effective, the market for melons within the production area would be overburdened with the unregulated melons, resulting in unduly lower prices in the area. In turn, this would affect prices in other parts of Texas and in other States. The evidence of record is that all movement of melons in marketing channels is inextricably intermingled and in direct competition, and hence it is concluded that the handling of melons within the production area directly burdens, obstructs or affects shipments to all other markets to such an extent as to make necessary the regulation of intrastate commerce in melons as well as the interstate and foreign commerce in melons.

It is concluded, therefore, that the right to exercise Federal jurisdiction in the marketing of melons grown in the production area hereinafter defined is proper and appropriate under the act and the order hereinafter set forth.

(2) The need for the proposed regulatory program for South Texas melons is supported by substantial evidence in the record of hearing. The salient features of this evidence are set forth in this recommended decision.

Production of melons in the proposed production area, as indicated by USDA data for the Texas spring melon crop, has trended upward. The combined output of cantaloups and honeydew melons averaged 1.5 million hundredweight in 1974-78, slightly more than double the average 743,000 hundredweight produced in 1959-63. Increasing acreage was primarily responsible for the expansion that took place during the 1960's. More recently, higher yields contributed most to the rise in production.

Record evidence shows that about 70 to 80 percent of the South Texas melon crop is shipped to market in cartons or similar small containers, while the remainder is shipped in bulk loads. Melons in cartons are prepared for marketing by typical commercial practices such as grading to eliminate inferior quality, sizing to achieve uniformity, washing to eliminate decay-causing organisms and improve appearance, and cooling to preserve the quality.

Bulk load shipments of South Texas melons are of two basic types; i.e., packinghouse culls or fieldrun melons. Packinghouse culls account for a substantial majority of the bulk load shipments. They are melons which are sorted during the normal grading process because they are damaged or have such defects as irregular shape or size, blemishes, or overmaturity. In addition to their less attractive appearance, such melons generally are more perishable than the packaged melons and less able to tolerate the normal handling that occurs during marketing.

Bulk fieldrun melons are those loaded on trucks parked at the edge of the field. Some sorting may be done, but the typical fieldrun lots have a wider range of sizes, qualities and maturities. The quality of such melons generally is below that of commercially graded and packaged melons. In addition, fieldrun melons are more susceptible to deterioration during shipment because irregular maturity and the weight of the load causes breakage of individual melons. While some loads may be top-iced, many are not. And even with such icing, interior load temperatures may be unduly high, resulting in greater perishability.

Because of their deficiency in marketability, distribution of both packinghouse culls and fieldrun melons is mainly to nearby markets. However, several witnesses testified that due to the improvement in transportation systems in recent years, bulk loaded melons can be and are shipped 1,000 miles or more in interstate commerce.

Receivers testified that although they prefer to handle only packaged melons, at times competition from other receivers forces them to handle a few bulk loads. Although initially cheaper at shipping point, this advantage of bulk melons is offset by losses from higher deterioration in transit and higher labor costs at destination where they must be individually placed in containers for unloading. Thus the margin tends to disappear as it moves through the marketing chain, with the consumer paying almost as much for this poorer quality melon as she would for a high quality packaged melon. One trucker alleged that elimination of bulk shipments would put him out of business. However, record evidence indicates that there is nearly always a need for trucks in the production area during the season for transporting packaged melons. Therefore, it would be unusual for a truck owner or operator to be deprived of his livelihood during the season.

Record evidence shows that melons shipped in cartons or similar containers are regarded by the industry—

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growers, shippers, and receivers alike—as relatively high quality melons which can be marketed in an orderly manner, in contrast to the market disruptive character of the lower quality melons marketed in bulk loads.

Although some packaged melons are shipped on consignment, handlers generally do not ship them until they have a confirmed buyer and some agreement on price for the product. Because only the better quality melons are packaged and such melons are cleaned and treated to retard decay and protected by the container against damage during shipment, the overall quality is high and the melons have an extended shelf-life. This relative stability in quality, together with uniformity in quality, size, and maturity, results in an attractive product which can be merchandised and promoted, thereby increasing sales of Texas melons.

On the other hand, bulk melons are shipped on a highly speculative basis. Such melons usually are sold at the packinghouse or field to handlers who then transport the melons to terminal markets where they search for buyers. Official price data for packinghouse culls and fieldrun melons in the production area are not available. However, one expert witness indicated typical prices for cull cantaloups at a packinghouse may begin at about a cent per pound and slide lower as volume increases seasonally. This compares with a 1976–78 season average price of 12.2 cents per pound for graded, packaged cantaloups loaded on a vehicle at the packinghouse door. Approximately 5 of the 12.2 cents represents costs for additional materials and services incurred for handling the packaged melons. Similar data are not available regarding prices and costs for fieldrun melons. However, growers' sales of such melons generally are regarded as salvage operations, at relatively low prices, to be resorted to only when the quality of the crop is such that it is not suitable for grading and packing in a shipper's facilities.

Few retailers, and particularly the chains, have facilities for handling bulk loads. Eventually, the presence of bulked melons on a market leads to declining prices for the better quality packaged product. This results not only because of any increase in total supply which may be associated with bulk melons, but also due to the effect of such melons on overall demand for production area melons.

Several witnesses attested to the damage caused to the reputation of South Texas melons by the practice of shipping packinghouse culls and ungraded fieldrun melons in bulk loads. The generally low quality, and irregularity in grade, size, and maturity of these melons has had a negative effect on demand at retail which is carried back through distributive channels to shippers and growers. The damaged reputation of Texas melons is reflected in lower wholesale prices for such melons compared with prices for melons grown in other areas.

Melons grown in California and Arizona and shipped in interstate commerce must meet minimum quality standards imposed under their fruit and vegetable standardization laws.

All are graded at shipping point and all are packed in cartons, wooden crates, or similar containers. In the terminal markets where they compete directly with Texas melons, the graded, packaged California-Arizona commodity nearly always receives a premium which may range from $0.50 to $2.50 per carton. The competitive advantage for western melons, according to expert witnesses, stemmed almost entirely from the better marketing practices used in the western areas.

During the 1969–78 period, prices received by Texas growers for spring-crop melons, which are representative of production area prices, were moderately to substantially below parity in most years. Season average prices for cantaloups equalled parity in 1975 but otherwise ranged from 48 to 95 percent of parity and averaged 87 percent for the period. During the same decade, prices for spring-crop honeydew melons were 137 percent of parity in 1975, ranged from 55 to 99 percent otherwise, and averaged 86 percent. For both types of melons, prices have trended downward relative to parity in the last few years.

Without a mandatory industry-wide quality control program, it has been possible for some members of the production area industry to offer and sell melons of poor or irregular quality in bulk loads at low prices, thereby having a detrimental effect upon the market and the price structure for all production area melons. Such disorderly marketing practices have been damaging to the industry, even though only a relatively small quantity of the inferior melons have been marketed each year.

Record evidence shows that the position of production area growers in the melon market is dependent upon the quality of melons shipped, and that any improvement in such growers competitive economic situation will require the adoption of improved marketing practices. Therefore, the need exists to regulate marketings through quality, pack, or container standards, thereby improving quality, promoting more orderly marketing conditions, and tending to improve returns to producers, with due regard to interests of consumers.

(3) The definition of the commodity and determination of the production area to be covered by the proposed order.

The term "melons" is defined to specify the commodity covered by the proposed order and with respect to which the terms and provisions of the proposed order are applicable. The agricultural commodity botanically known as *Cucumis melo* is commonly known to producers and handlers in the production area as "muskmelons." Such term is defined to include, but not be limited to varieties *reticulatus* and *inodorus*. Melons which have netted, green and yellow-green rinds of the botanical variety *reticulatus* are commonly called cantaloups by the public, growers, and the marketing trade. The botanical variety *inodorus* includes melons which are commonly called Honeydews, Casabas, Crenshaws and some Persians.

Watermelons (*Sitrullaus lanatus*) are excluded from this definition.

The term "production area" should be defined to include the counties of Bee, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Webb, Willacy and Zapata in the State of Texas.

The proponents believe that the production area should include all of that section of the State of Texas where spring-crop melons are or could be raised and marketed at approximately the same time of the year. The proposed area is a contiguous area and comprises generally the most southerly counties in the State. Melons can be produced in all parts of these counties. The varieties of melons grown in the area are similar and several growers and handlers operate in more than one county within the production area. Because of uniform growing conditions, all parts of the area market melons at about the same time. There is no direct competition from other areas although early marketings from the Texas Winter Garden area overlap marketings in the proposed production area.

Record evidence shows that the Winter Garden area should not be included in the production area. The Winter Garden area's soils and climatic conditions are different from those of the production area and a portion of the Winter Garden's crop is marketed later than the crop of the proposed production area. Melon output in the Winter Garden area is substantially smaller than that of the production area and the exclusion of the Winter Garden area from the production area would not impair the effective operation of the order.

It is therefore determined that all territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable and this production area should be defined as hereinafter set forth.

(4) The term "handler" is synonymous with the term "shipper". It should be defined in the order to identify the persons who would be subject to regulation under the order. Therefore, the term should apply to all persons who perform any of the activities within the scope of the term "handler" as hereinafter defined. The definition includes persons who are responsible for meeting requirements of the order and the regulations issued thereunder, such as packing, meeting grade and size requirements, paying assessments, and submitting reports. More than one handler may be involved in the handling of a given lot of melons and each such person should be responsible for complying with the terms of the order.

Common or contract carriers transporting melons which are owned by another person are performing a handling function. Such handling, however, should be exempted from the proposed order since such carriers are not responsible for the grade, size, quality or pack of the melons being transported. Neither are they the persons who cause the introduction of such melons into the stream of commerce. The only interest of common or contract carriers in such melons is to transport them for a service charge to destinations given by others. The person or persons delivering melons to a common or contract carrier, or causing such delivery, should be responsible for compliance under the proposed order.

A grower who handlers the melons he has produced would be considered a handler when he performs the handling function on such melons.

Growers who sell or otherwise market melons directly from the field would be handles under the order. Any person who purchases melons from growers and performs any other handling function such as transporting such melons to market or grading and packing such melons would be a handler.

The term "handle" is defined in the proposed order to establish the specific marketing functions which primarily place melons in the current of commerce within the production area, or between the production area and any point outside thereof, and to provide a basis for determining which functions are subject to regulation under authority of the proposed order. "Handle" and "ship" are used synonymously and the definition should so indicate.

The act provides that no order shall be applicable to any producer in his capacity as a producer. Growing melons, which involves the planting and care of melons in the field through growth to a commercially marketable product that is turned over to a handler by sale, contract, or other means, is a producer function within the above exception.

Production area melons are usually picked by hand, placed in bags, and carried to the ends of the fields where they are loaded into trucks or trailers. In some field operations, melons are placed on self-propelled conveyor belts moving through the field. The majority of harvested melons are transported to packing sheds where they are graded, brushed to remove dirt, sized, and packed into cartons or crates. The melons are usually run through a hot water bath to remove fungus spores that may attack the fruit in transit. The packaged melons are either precooled before being loaded into rail cars or trucks, or cooled during transit by refrigeration units or ice in the vehicle.

South Texas producers sell their melons in various ways. Most production area melons are handled by shippers for the grower's account. Under customary arrangements, producers turn their fields over to shippers who supervise the harvesting, then grade, pack, and sell the melons, and pay the producer the net proceeds after deducting handling charges. In such dealings, the shipper charges for every functon he performs. The grower retains title to the melons until they are sold for him by the shipper. Settlement is made with the grower on the net proceeds of the sale, whether the sale is made at shipping point or at a subsequent point in the marketing process.

The shipper or packinghouse operator is responsible for preparing the melons for market. He determines the grade, size, quality, and container to be used for the melons entering market channels. He packages the melons, thus making them a part of the visible marketable supply which is the subject of offer, acceptance, and sale in the current of the commerce in the commodity. He also ships the melons, thus transporting them in the current of commerce. Packinghouse operators sometime sell melons that have been picked out or discarded in grading, sizing, and packaging operations. Sale of any melons, either grades and sizes customarily acceptable in established terminal markets, or those of less or unacceptable grades and sizes, constitutes and act of handling.

Occasionally, producers sell melons in the field for a fixed price to a handler prior to harvest. The producer may harvest such melons on behalf of the handler, or harvesting may be done by the buyer. The harvested melons may either be transported to a packinghouse for preparation for marketing, or transported directly to receiving markets with little or no additional preparation. In the latter case the producer become the first handler, since he is the one who first places the melons in the stream of commerce.

Some producers have their own packing facilities; they grow, harvest, grade, pack, sell, and ship their own melons. Some perform all of the foregoing functions except sell, which is done by a broker for a fee.

Each of the foregoing activities by itself is a handling operation and, as such, makes the person responsible for it a handler, subject to the rules and regulations issued under the order. However, the sale, transportation, or delivery of fieldrun melons to a packinghouse located in the production area, according to record evidence, should be excepted from the definition of "handle." In this case the melons have not yet been prepared for market nor are they in their existing condition being transported to market. Most sellers and buyers do not consider them as yet suitable or appropriate for commercial transactions in the commodity, and as such, they have not yet entered the stream of commerce.

(5) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

(a) "Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for such programs, but also, to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the legal citations for the statute pursuant to which the proposed regulatory program would be operative and avoids the need for referring to this citation throughout the order.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

"Grower" is synonymous with "producer" and should mean any person engaged in a proprietary capacity in the production of melons for market. The term is used specifically to indicate those individuals eligible to vote for or qualify as producer members or alternates on the South Texas Melon

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Committee and those who have the right to vote in referendum.

"Grower" should include any person who owns or shares in the ownership of melons such as a landowner, landlord, tenant or sharecropper. The person who owns and farms land resulting in his ownership of the melons produced on such land should clearly be considered a grower. The same is true with respect to the person who rents and farms land resulting in his ownership of all or a part of the melons produced thereon. Likewise, a person who owns land, which he does not farm, but as rental for such land obtains the ownership of a portion of the melons produced thereon, should be regarded as a producer of that portion received as rent, and the tenant on such land should be regarded as a producer for the remaining portion produced on such land. In each of the above situations the person involved in production, regardless of whether an individual, partnership, joint venture, association, corporation, or other business unit should be considered as one producer entitled to one vote. A joint venture is one whereby several persons contribute resources to a single endeavor to produce and market a melon crop. In such ventures, one party may be the farmer who contributes one or more factors such as his labor, time, production facilities, or cultural skills and the other party may be a handler who contributes money and cultural, harvesting and marketing supervision. The joint venture is entitled to one vote. Normally, a husband and wife operation would be considered a partnership and be entitled to one vote. The chief test of a producer is whether or not the individual or other business unit has title to the melons that are produced.

South Texas growers occasionally sell their melons shortly before harvest to packing shed operators or others. While title may actually pass, agreements in most instances include additional requirements that the producer will care for the crop until it is harvested. In such cases even though title passes to the handler at the time of purchase, the buyer should not be classified or qualified as a producer since the buyer does not actually perform customary producer functions with regard to growing the crop.

Some producers in South Texas own or operate packing sheds. A producer who owns or operates a packing shed should not be precluded from qualifying as a producer under the provisions of the proposed order provided that under § ——.22(c) he packs or handles only his own melons.

The definition of "committee" is incorporated in the marketing order to identify the administrative agency, as authorized by the act, responsible for local administration of the program. The term "South Texas Melon Committee" is a proper identification of the agency and reflects the character thereof.

"Fiscal period" should be defined to mean the period beginning and ending on the dates recommended by the committee and approved by the Secretary. This would provide sufficient flexibility to authorize the committee and Secretary to set the beginning of the fiscal period close to the beginning of the shipping season. At the same time, it would permit subsequent changes in the dates in the event operational experience indicates such changes are needed.

Definitions of "grade," "size," and "maturity" are incorporated in the proposed order to enable persons affected thereby to determine the basis for application of grade and size limitations to the product they handle. "Grade," "size" and "maturity," essential terms in which regulations are issued, should be defined as encompassing the meanings assigned these terms in the various official U.S. standards for melons issued by the U.S. Department of Agriculture. Also, the definition includes modifications or amendments to such standards, and any variations from such standards in regulations issued under the proposed order. Regulations can then incorporate such terms (grade, size and maturity) with the constant meaning given them in the standards. Also, the use of these terms in regulations may be varied by prescribing, for example, a percentage of a grade such as "85 percent U.S. No. 1." Federal and Federal-State inspectors are qualified to certify the grade, size, and maturity of melons grown in the production area under the terms of the aforesaid standards, or as such standards may be amended or modified.

"Grading" is synonymous with "preparing melons for commerical market" and should be defined to mean the sorting or separation of melons into grades, sizes, maturities, or packs, or any combination thereof for handling. It should include the sorting of melons by hand or mechanical means. Such classifications are determined by the handler who directs in person, or through his agent, how and in what number of grades, sizes or packs a particular lot of melons shall be separated. Grading may vary from an operation performed entirely by hand in which certain melons are discarded when they are being loaded in the field, to a production line operation whereby melons are carried by mechanical conveyor to be graded, sized, and packaged so that the melons which are to go to preferred price outlets are separated from those going to discounted price outlets or discarded as culls. Grading, or preparation for market, is an operation which applies to all melons grown in the production area even though the extent to which melons are separated into market classes may vary considerably among the different outlets.

The term "pack" is commonly used in the melon trade and should be defined as the basis for distinguishing among the various units in which melons are marketed. It refers to one or more of the factors relating to grade, size, weight or count and type or conditions of container, or a combination of all of these factors. "Size" refers to the diameter of the melon, "count" means the number of melons in a carton, and "type of container" refers to its construction. "Conditions of container" means whether it is clean or used and dirty. The term "85% U.S. No. 1 quality" is considered by the trade as a specific pack, although it is far more common for handlers to ship what the industry calls a "good commerical" pack. In the latter case it is the individual handler who defines the term "good commerical" pack according to the needs of his customers as well as the need to protect his own label. With respect to melons, however, size is an integral part of the definition of pack. Record evidence indicates that cantaloup cartons, or more appropriately half cartons, are generally of one standard size. The melons are sorted according to size and all melons of a specific size designation are placed in cartons. The size designations refer to the actual number of melons packed in the carton. Preferred sizes in the proposed production area are 23's, 18's and 15's, referring to 23, 18 and 15 melons per carton respectively. It is essential that the committee have the authority to recommend, and the Secretary to approve, regulations in terms of packs, and define and establish such packs in terms of size tolerances, grades allowed, weight of contents, etc. The definition of the term "pack" should, therefore, be as set forth in the proposed order.

The term "container" should be defined in the proposed order to mean a carton, box, bag, crate, hamper, basket, package, bulk load or any other receptacle used in the packaging, transportation, sale, or other handling of melons. This definition is sufficiently broad to include each of the various shipping receptacles in which South Texas melons are sold, or moved to market, and for which different regulations could be applicable.

The term "varieties" is included in the proposed order so that the committee may consider the differences in the characteristics of different varieties of melons in connection with its recommendations for regulations. The

principal varieties grown in the production area at the present time are the *reticulatus* and *inodorus*. However, new varieties or hybrids are introduced from time to time and may become commerically important. The definition of varieties as set forth in the proposed order is appropriate for determining the different varieties, or types, of melons grown in the production area so that a basis for regulating some and not regulating others may be established.

The term "export" means shipment of melons to any destination which is not within the 48 contiguous States or the District of Columbia of the United states. separate treatment for export shipments may be necessary because the requirements of certain export markets may differ from those of the domestic market. Therefore different or special regulations, or even no regulations, may be justified with respect to such shipments.

"District" should be defined in the proposed order to provide a basis for the nomination and selection of committee members. It means each of the geographic sections, or divisions of the production area, as initially established or as later reestablished. The proposed division into districts is adequate and equitable and should provide a practical basis for the purpose intended.

"Part" and "subpart" mean those subdivisions of the Code of Federal Regulations in which the proposed order would be codified and published. Subpart means the Order Regulating Handling; part means the Order Regulating Handling along with all other subparts such as the Rules and Regulations, Budget and Rate of Assessment, and Handling Regulation.

(b) Section 608c(7)(C) of the act provides for an administrative agency for effective operation of an order. A South Texas Melon Committee consisting of 10 members (six producers, three handlers, and one public member) is the administrative agency sponsored by the industry to aid the Secretary in administering the proposed order and in carrying out the declared policy of the act. A committee composed of 10 members, with a like number of alternates, should provide adequate representation and assure reasonable judgment and deliberation with respect to recommendations made to the the Secretary, and in the discharge of other committee duties. Because marketing orders are intended primarily for the benefit of producers, it is appropriate that there be more producers than handlers on the proposed committee. However, since regulations under the proposed order would be at the handler level, it is also appropriate and prudent for handlers to have representation on the committee.

The number of members from each district, as well as the total number of committee members, and members' distribution within districts, were given thorough consideration by proponents of the proposed order. In determining the number of producer representatives on the committee from each of the districts, consideration was given to melon acreage shown by the latest census figures in each county within a district. Thus, the number of producer representatives for each district is related to such district's portion of the total melon acreage in the production area. similar methods were applied in apportioning handlers on the committee from each district. This should be a practicable and equitable method of providing producer and handler representatives on the committee. They will be familar with supply and demand factors particularly affecting the sale of their melons and the effect of regulation upon such sales.

Each member and alternate selected to represent producers in a particular district should be an individual who is a producer, or an officer or employee of a corporate producer or other type of business unit engaged in producing melons in such district and he should also be a resident of the production area.

Such a person could be expected to have a strong interest in the effect of committee decisions on all melon producers and especially those in the proposed production area. As a resident of the production area such person would be familiar with the problems and concerns of producers. Record evidence shows that in the event a producer owns, or has an interest in, a packing shed handling melons for others, other than as a member of a marketing cooperative, he should be disqualified to be selected as a producer member or alternate. However, if a producer grades and sells only his own melons, he should not lose his status as a producer and may be selected to represent producers.

Each member or alternate selected to represent handlers in a particular district should be an individual who is a handler, or an officer or employee of a corporate handler or other type of businsess unit, engaged in handling such district's melons, and he should be a resident in the production area.

Inasmuch as handlers would be the persons actually regulated under the proposed order, the handler member should be one whose chief interest is in the handling of melons. Moreover, as a member of the production area he could be expected to be familiar with the local problems encountered by the industry.

Record evidence supports public representation on the administrative committee. While the influence of consumers would be implicitly present in the deliberations of the producer and handler committee members and all meetings would be public, the appointment of a public member would offer many advantages. One would be the direct communication between industry members and the public member who would have no connection with the industry and whose opinions on regulatory standards would represent the general public. Another would be to afford the industry an opportunity to discuss their problems and concerns with someone who would view these problems and concerns from outside the melon industry.

Public representatives should not be permitted to have either a direct financial interest or be closely associated with the commercial production, processing, financing, buying, packing, or marketing of melons except as a consumer, nor be a director, officer or employee of any firm so engaged. Such public representatives should be able to devote sufficient time and express a willingness to attend committee activities regularly and to familiarize themself with the background and economics of the industry. Residence in the production area is not deemed close association with the production or marketing of melons and would not preclude such person from nomination as a public member or alternate. On the contrary, a public member from the production area could be expected to be more familiar with and knowledgeable about industry problems and practices.

To insure that all portions of the production area are adequately represented in the conduct of the committee's business and that the continuity of operation is not interrupted, the proposed order should provide for alternate members with the same qualifications as their respective members. They would act in the place and stead of their respective member during his temporary absence, or in the case of his death, removal, resignation, or disqualification. The alternate should serve as member until a new member is selected and has qualified. Also, the committee should be permitted to request the attendance of alternates at any or all meetings regardless of whether the members are present or not. This would be desirable especially when the committee is considering important matters and when it is necessary to have a greater expression of industry opinion.

The proponents request authority for a procedure which will insure the proper and efficient operation of the committee under any unusual circumstances where if neither the member

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nor the alternate for a particular committee position is present the members attending should be empowered to designate by majority vote one of the other alternates from the same group who is present to act in the place of the absent member.

The effective date of the proposed order, if issued, may not coincide with the specified beginning and ending dates for the terms of office of the committee members and alternate members. Therefore, provision should be made for adjusting the initial terms of office. These should begin as soon as possible after the effective date of the order and half of the terms should end on the last day of the following February and the other half the year thereafter, as determined by nominees drawing lots.

Two districts, each of which includes a well known producing section, are established in the proposed order to provide a geographical basis for the selection of committee membership. Producers and handlers within the production area commonly recognize and accept the districts as set forth and customarily consider melon supplies and marketing problems in terms of these districts.

Redistricting authority is necessary in the proposed order to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement may be made. Future shifts or other changes in melon production in South Texas cannot be foreseen at the present time, since rather quick shifts may occur in the acreage of the various commodities produced from one year to another. Therefore, it is desirable to provide flexibility of operations so that if it would be in the best interests of the industry to readjust districts or reapportion membership, the committee may so recommend and the Secretary may approve such action.

The guides and limitations set forth in the proposed order which should be considered in making changes in districts or reapportionment of members are appropriate and desirable. Recommendations for such changes should be made well in advance of the intended effective date. Also, changes should not be made effective less than 30 days prior to the date on which terms of office begin, and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date. These safeguards are desirable so that producers and handlers may become well acquainted with any redistricting or reapportionment of members prior to the nominations.

The Secretary has the legal authority for the selection of the members and alternates of the committee, but the industry should have the responsibility for recommending proper and appropriate nominees to the Secretary so that he may select from such nominees or from other eligible persons. The nomination procedure outlined in the proposed order will provide a means of making available to the Secretary the names of prospective members and alternates desired by the industry to serve on the committee.

The order should provide that the Secretary may conduct the nominations for initial committee members.

All growers and handlers should receive notice of such meetings and it is the hope of the proponents and anticipated that the initial meeting or meetings will be attended by all interested growers and handlers within the production area.

Sufficient notice of said meetings should be given to all growers and handlers within the production area. Nominations will be received and voted upon at such meeting or meetings.

The nominations resulting from these meetings, for each of the initial six grower and three handler members and their alternates shall be submitted to the Secretary if and when he issues a final decision that the proposed order should go to referendum.

Record evidence indicates it would be in the industry's interests to regulate as soon as possible. If the Secretary issues the order as proposed, there would not be sufficient time for the nomination and selection of the committee prior to the beginning of the 1979 season. For this reason, nomination meetings should be held by the Department as soon as possible after the signing of a favorable Secretary's Decision, the names of nominees immediately forwarded to the Secretary with the committee appointment to be effective upon issuance of the order. There would be, therefore, a degree of urgency in nominating the initial committee members so that the committee would be in a position to begin operations soon after the effective date of the order.

The responsibility for calling subsequent nomination meetings should be with the committee as one of its administrative duties. The committee may work with other existing organizations in conducting such nomination meetings.

Meetings for nominating members of subsequent committees and their alternates should be held or caused to be held by the committee not later than January 15 of each year. Inasmuch as the term of office begins March 1 of each year, nomination meetings should be held in sufficient time to assure that nominations for members and alternates will be supplied the Secretary so he may select members and alternates prior to the beginning of each new term of office. At least one nominee should be designated for each position which is to be filled the following March 1.

Nominations should be supplied in such manner and form as the Secretary may prescribe. The industry, through the committee, should provide enough information about each nominee so the Secretary may be able to determine if such person is qualified for the particular position.

Only producers should participate in designating nominees for producer members and alternates and only handlers should participate in designating handler nominees. Such persons should be actively engaged in the production or handling of melons within the district in which they so participate. If a person is engaged in producing or handling melons in more than one district such person should elect the district within which he wishes to participate in electing nominees for committee members and alternates. Each grower or handler would thereby have the same voice in the nomination of committee members.

Regardless of the number of districts in which a person produces or handles melons each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries and affiliates and representatives in nominating members and alternates for the committee. This provision is deemed necessary as an appropriate safeguard for the protection of all growers and handlers participating in their respective meetings irrespective of the size of an individual's operations. This limitation, however, is construed to mean that one vote may be cast for each position which is to be filled.

To provide an administrative agency at all times to administer the proposed order, the Secretary should be allowed to select committee members and alternates without regard to nominations if, for any reason, nominations are not submitted to him in conformance with the procedures prescribed therein. Such selection should be on the basis of the representation provided in the proposed order to insure that all producers and handlers in the production area are fairly and adequately represented on the committee.

Provision also must be made for the selection and nomination of a public member and alternate. The record indicates that nominees for the public member and alternate shall be selected by the incumbent committee and should be forwarded to the Secretary no later than January 15 prior to beginning of term of office. The nominees would be selected under procedures recommended by the committee and approved by the Secretary. It is

also reasonable to require that the names of nominees for the initial public member and alternate be submitted to the Secretary as soon as possible but not later than 90 days after the first regular meeting of the producers and handlers on the initial South Texas Melon Committee.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed within ten days after notification of such selection, or by such other time as the Secretary prescribes. This requirement is necessary so that the Secretary may be in a position to promptly select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to properly qualify or indicate his willingness and intention to serve on the committee.

It is also desirable and necessary that the Secretary be authorized to fill vacancies on the committee without regard to nominations if the names of nominees to fill such vacancies are not made available to him within 30 days after such vacancy occurs. This requirement is necessary to maintain continuity of the committee operations and to insure that all groups of the industry are adequately represented in the conduct of committee business.

Committee members and alternates while on committee business will necessarily incur some expenses. Reasonable expenses, which may include travel and living expenses, should be reimbursed so as to avoid personal financial loss to members which might otherwise occur because of their service to the committee. These provisions should also extend to alternate members when performing official duties.

The committee should be given those specific powers which are set forth in Section 608c(7)(C) of the act because such powers are granted by the enabling statutory authority and they are necessary for an administrative agency, such as the South Texas Melon Committee, to carry out its proper functions.

The committee's duties as set forth in the proposed order are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under other programs of this nature. They are reasonable and necessary if the committee is to function in the manner prescribed under the act and the proposed order. It should be recognized that the duties specified are not necessarily all inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to, and not inconsistent with, these specified duties.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and legitimate and are incidental to the proper administration of the proposed order. Authorized expenses should include such items as salaries for the committee manager and staff, office equipment, supplies and maintenance, as well as travel expenses for the committee staff, members, and alternates incurred in connection with committee activities. However, the authority to incur expenses should not be confined to a predetermined list.

Expenses incurred by the committee in operating the proposed order must, under the act, be borne by handlers. The fairest and most practical way of distributing the costs of the program among handlers is to require each handler who first handles melons to pay his pro rata share of such expenses on the basis of the ratio of his total melon shipments to the total shipments by all first handlers during each fiscal period. The first handler is most generally the person who is the applicant for inspection on each shipment. In addition, such person is usually the one who starts the commodity on its way to market. For melons which are not inspected, the handler responsible for assessment should continue to be the handler who first handles the melons and should be so designated by the committee. The requirement that first handlers pay assessments will preclude multiple assessments on melons that are handled more than once.

The committee should be required to prepare a budget prior to or at the beginning of each fiscal period showing estimates of income and expenditures necessary for the administration of the order for such period. The budget should be presented to the Secretary with an analysis of its components and an explanation thereof in the form of a report. No increase should be made in the total budget without prior recommendation of the committee and approval of the Secretary.

The committee should be authorized to recommend a rate of assessment to the Secretary which is designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee.

The rate of assessment should be established by the Secretary on the committee's recommendation, which should be based on estimated expenses and the volume of shipments during a fiscal period. Such rate should be applied on a fair and equitable unit basis, such as per carton, hundredweight, carload or truckload.

Each handler, therefore, who ships melons as the first handler thereof, should pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the program's expenses, so that the committee may have adequate funds to carry out its operations on a current basis.

Should developments indicate that assessments collected, or to be collected, during any fiscal period will not provide sufficient income to cover committee expenses, the committee should be authorized to recommend that the Secretary approve an amended budget and fix an increased rate of assessment. If such a revised budget is approved, together with an increased rate of assesement, such increased rate should be retroactive to the beginning of the fiscal period, so as to avoid inequities among handlers.

Record evidence shows that the committee should have authority to continue assessments for the maintenance and functioning of the committee even though grade, size, or other regulations may not be in effect for a certain period, inasmuch as there might be administrative work being carried on that would require financing, and to maintain managerial continuity.

If, at the close of a fiscal period the committee has a carryover of funds in excess of expenses, and such funds are not retained in a reserve, handlers should be entitled to a proportionate refund. Such refund should be credited to each contributing handler against his operations for the following fiscal period, unless payment should be demanded, in which event the proportionate refund should be paid.

Good business practice requires provision for contingencies. The committee should be authorized with approval of the Secretary, to set aside excess funds in a reserve to be used for specific purposes. Such funds could be used to allow the committee to function at the beginning of a season prior to the time assessment income is available or to cover any deficits during a fiscal period in which assessment income is not sufficient to cover expenses. In order that reserve funds not be accumulated beyond a reasonable amount, however, a maximum in the reserve fund of an amount sufficient to operate for two fiscal periods should be authorized.

Any balance remaining after liquidation should be prorated, to the extent practical, to the persons from whom such funds were collected.

All funds received by the committee may be used only for administration of the proposed order. The committee should be required to maintain books and records clearly reflecting the operations of its affairs, so that its administration may be subject to inspection at any time by the Secretary. This is

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merely a sound business practice. Also, persons who will have anything to do with committee funds should be adequately bonded by a bonding company with a permit to do business in the State of Texas.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting.

Whenever any person ceases to be a member or alternate of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such person would also be required to execute assignments or such other instruments as may be appropriate to vest in his successor, or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the marketing order should be suspended, or if no regulations should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee during such period. This would provide a practical method for taking care of the committee's business affairs during periods of inactivity and would permit resumption of operations with a minimum of delay.

(d) The record indicates that one of the important functions of the South Texas Melon Committee would be to provide for production and marketing research and marketing development projects designed to improve or promote the production and marketing of melons. The act, as amended, permits such projects and such authorization should be included in the proposed order.

Research into production, transportation, methods of handling, containers, and studies on the relative merits of different stages at which melons should be marketed are other examples which the committee may deem worthy of investigation.

As the industry and the committee become more aware of the value of and need for production and marketing research and market development, projects will undoubtedly be initiated, the need for which cannot be foreseen. Therefore, the committee should have the authority to recommend and the Secretary should have the authority to approve the establishment of appropriate projects. After approval, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for melons, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of melons by grade, size, quality, or container, or any combination thereof, as authorized in the proposed order, provides a means of carrying out such policy.

The procedures and methods outlined in the proposed order for the development of marketing policies provide a practical basis for the committee to obtain appropriate and adequate information relating to melon marketing problems. As a prerequisite to making recommendations with respect to limitations of shipments in accordance with the proposed order, the committee should be required to consider and develop a marketing policy for the handling of melons.

A marketing policy should set forth the over-all plan for the committee for orderly marketing of melons during the ensuing season, including, to the extent practical, the kinds of regulations that may be desirable. Such marketing policy should be made available through the various news media to producers and handlers in the production area as soon as possible at the beginning of each season in order to give them ample time to familiarize themselves with proposed regulations and plan their individual operations in accordance therewith. It should also be made available to the Secretary to aid him in evaluating the recommendations of the committee for regulations.

The factors set forth in the proposed order which the committee should consider in developing its marketing policy are necessary for a proper evaluation of the market outlook. The committee should have available all of the latest supply and price information for its area and competing areas. It should know, from information available and from the informed members themselves, the condition and quality of the crop in its area as well as in competing areas. The committee members themselves will be informed concerning problems peculiar to the area, such as prospective quality and maturity of the crop, and will be able to consider these factors in determining the marketing policy.

If the marketing policy should need amending or modifying during a season, the committee should be authorized to do so and the Secretary should receive a report regarding the revised policy. The committee should give the same publicity to each revised policy report as is given to the initial report in order to notify producers and handlers of the changes.

The South Texas Melon Committee, as the local administrative agency under the proposed order, should be authorized to recommend such grade, container, pack, size, and quality regulations, as well as any other regulations and amendments thereto authorized by the proposed order, as will tend to effectuate the declared policy of the act. It is essential to successful operation of the proposed marketing program that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions so as to improve growers' returns for production area melons. The committee should, therefore, have authority to recommend such regulations as are authorized whenever such regulations will, in the judgment of the committee, tend to improve returns to producers.

The proposed order authorizes the Secretary, on the basis of committee recommendations or other available information to issue various grade, size, quality, pack, container, and other appropriate regulations which are necessary for the improvement of marketing conditions for production area melons. The Secretary should not be precluded from using such information which he may have, and which may or may not be available to the committee for consideration, in issuing such regulations. Also, when he determines that any regulation no longer tends to effectuate the declared policy of the act, the proposed order obviously should provide authority to amend or terminate the regulation.

The grade, size, quality, container or pack of melons which are shipped to market at any particular time have a direct effect on returns to producers. Record evidence shows that the marketing of low quality unpackaged melons harms the reputation of production area melons, thus decreasing the demand for them. The result is less money to all producers, even for the packaged better grades and sizes.

Cull melons shipped in bulk are the most serious cause of price decline and are the principal disruption to orderly marketing, especially in the nearby markets. If regulations are issued then the act requires that cull melons be prohibited from entering the fresh market. The only economically feasible alternative sales outlet for such melons is for livestock feed. The most

efficient and least cost safeguard to assure they would not enter the prohibited fresh market channels is to require they roll over spikes or be otherwise marred as they leave the packing house.

By having authority to regulate shipment of melons by grade, size, quality, pack, and container during any period, the shipment of low quality melons can be restricted to the extent deemed necessary by the committee and in accord with the particular preference for quality, sizes, or packs during any period. This should enhance the reputation of South Texas melons and result in higher returns for production area melons.

The committee may also have a need to prescribe rules and regulations, subject to approval by the Secretary, whereby any or all melons inspected shall be identified by appropriate seals, stamps, or tags affixed to the containers by the handler. In areas where warehouse or lot inspections are used, compliance problems under a marketing order program can be more difficult than in other areas where all lots are inspected at the time of loading. Also, in areas where truck movement is relatively important, compliance can be a problem. Both of these situations apply to the production area.

The marking requirement could be used if it was found that uninspected lots were being substituted for inspected warehouse lots, or if trucks were moving out of the production area with uninspected melons when check stations are not being operated. Therefore, it is concluded that the provision for identifying shipments or containers by marking or labeling under appropriate rules and regulations recommended by the committee and approved by the Secretary would be necessary and incidental to successful operation of the proposed order, and should be included therein.

The proposed order should provide for prompt notification of the committee by the Secretary whenever he takes action with respect to regulations and the committee should promptly notify the industry of any such actions. This requirement is appropriate and necessary for the proper and efficient administration of the program.

The proposed order should provide for the amendment, modification, suspension or terminatin of regulations whenever such action is warranted upon recommendation of the committee or other available information. The need for this authority is obvious in that flexibility will oftentimes be required to adjust regulations to effectuate the declared policies of the act. Likewise, it is obvious that if regulations no longer tend to effectuate the declared policy of the act they should be terminated.

The proposed order is intended to improve marketing conditions with respect to commercial shipments, mainly carlots or truck lots, of melons going into the markets. However, some smaller shipments are occasionally made which constitute a very minor percentage of the total movement and are much smaller in volume than what is normally considered a commercial shipment. It may be an accommodation sale which most handlers deal in from time to time, or they may give their product to friends. Such handling would be in a nuisance category insofar as requirements under the order would be concerned. Therefore, authority should be contained in the proposed order to relieve such shipments from regulations, assessments, or inspection when such is in the best interest of the program.

The Secretary should be authorized upon the basis of the recommendations and information submitted by the committee to modify, suspend or terminate regulations with respect to the handling of melons for purposes other than for disposition in normal trade channels. Melons moving to or serving such outlets are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs and containers, or different prices are returned, or combinations of such considerations may apply. Such shipments usually do not have any appreciable effect on the marketing of the great bulk of melons handled in commercial markets. The proposed order should provide authority for the committee to give appropriate consideration to the handling of melons for such purposes so that every opportunity may be taken to improve marketing conditions for melons thereby tending to increase total returns to melon growers in the production area.

Such outlets would be for relief, charity, experimental purposes, export, or other purposes which may become apparent in the future and which would be specified by the committee and approved by the Secretary. Most shipments intended for relief of charity are usually by the way of donation, and the committee should have authority to recommend waiving of the requirements in regard to these shipments since they do not interfere with regular commercial movement. Shipments are sometimes made for experimental purposes such as to study improved varieties or improved shipping containers, or in order to develop new markets for melons. Since these studies are intended to benefit the industry as a whole, no particular purpose would be served by the application of all the requirements of the proposed order to such shipments. Some export markets accept or prefer certain grades or sizes which normally are discounted for domestic markets. The proposed order should provide for appropriate modification, suspension or termination of regulations with respect to movement of melons to export outlets so that these demands can be met and the sale of the melons grown in the production area will continue to such markets.

Other outlets or special purposes may arise that are not known at this time. If such outlets are found not competitive with fresh market channels the committee may recommend and the Secretary may approve such movement under modified, suspended or terminated regulations.

The authority for modifying, suspending or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by additional administrative authority for the committee to recommend, and the Secretary to prescribe, adequate safeguards to prevent shipments for such purposes from entering market channels contrary to provisions of such special regulations. Authority for the establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental for proper and efficient administration of the proposed order.

Inspection of melons grown in the production area by the Federal or Federal-State Inspection Service is necessary for the purpose of determining officially whether shipments meet requirements effective under marketing regulations issued pursuant to the proposed order. The Federal or Federal-State Inspection Service has operated in Texas for many years and melon producers and handlers throughout the production area are well acquainted with the service and with the inspection which it offers on shipments of melons. The service is available at melon packing sheds throughout the entire production area and reasonably prompt inspection can be given at all such points. Provision is made in the proposed order for inspection of melons grown in the production area by the Federal or Federal-State Inspection Service during any period in which the handling of melons is regulated under the program. Inspection and certification requirements should apply to all melons shipped under regulations issued under the proposed order except when relieved thereform pursuant to rules and regulations applicable to minimum quantities or special purpose shipments.

Inspection and certification requirements are necessary so that the shipper as well as subsequent handlers, the committee, and other interested par-

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ties may determine if shipments comply with the regulations in effect and applicable to such shipments. Effective regulation of the handling of melons grown in the production area requires evidence that each shipment is in compliance with regulations under the order and the provision for inspection and certification affords the practical means of establishing the fact that the shipments do comply and can be so identified.

Responsibility for obtaining inspection should fall primarily on the handler who first handles regulated melons after they have prepared for market since he is usually the person responsible for the grade, size, quality, pack and container in which the melons are being shipped or handled. However, each handler, regardless of whether the first or subsequent handler, should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification is essential to proper administration of the order so that a determination may be made as to whether each shipment accords with regulations issued thereunder. The handler who first handles melons should be required to obtain such inspection. Subsequent handlers should not be permitted to handle melons unless a properly issued inspection certificate, valid under the terms of the order, applies to such melons. If a handler should receive melons which have not been inspected, he should be responsible for having them inspected before selling or transporting them. This procedure avoids the potential shift of responsibility which would be expected to occur in the absence of making each handler responsible for inspection and certification of any uninspected melons handled by him. This requirement is also necessary so that the committee can obtain evidence in the form of inspection certificates to determine whether the requirements of regulations in effect are being met.

Whenever any shipments of melons subject to regulation have been inspected, but are later dumped from the containers in which they were inspected, or the lot on which the inspection certificate was issued is broken up, such melons can no longer be specifically identified with reference to the inspection certificate. If any such lot of melons should thereafter be repacked, the repacked melons have a new identity. Any subsequent handling of such melons should be in compliance with regulations in effect. Otherwise, effective regulation will not be obtained. Therefore, the order should provide that the committee may require the person who handles melons after they have be repacked, resorted, or regraded to have such melons reinspected and recertified prior to further handling so that the shipper thereof as well as subsequent handlers and the committee may determine that such shipments comply with regulations in effect and applicable to melons that have been repacked or regraded.

The committee with the approval of the Secretary should be authorized to determine the length of time an inspection certificate is valid insofar as the requirements of the proposed order are concerned. Such requirement is appropriate and necessary especially with respect to floor lot or platform inspections which might be administratively desirable to accommodate handlers and truckers. Like most of the more perishable fruits and vegetables, the character of South Texas melons changes during marketing. In a relatively short time the quality of melons may be appreciably different from that indicated at time of inspection. It would not be practical and feasible for the committee to rely upon inspection certificates which are not reasonably current.

Copies of inspection certificates issued pursuant to the requirements of the proposed order should be supplied by the Inspection Service to the committee promptly so it can discharge its administrative responsibilities under the program.

The committee should be authorized to recommend, and the Secretary to issue regulations requiring that melons transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon or by other approved evidence of inspection. These requirements may include the surrender of such documents to such authority or agency as designated by the Secretary upon committee recommendation. The committee is authorized under the proposed order to administer its terms and provisions and this procedure enables the committee to enforce regulations in connection with the movement of melons passing through compliance check stations which may be set up along the production area boundary. Since nearly all melons produced in the production area move by truck such authority is necessary to effectuate the other provisions of the proposed order.

The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the proposed order. The standards to be followed by the committee in requesting handlers to furnish reports should follow principles included in the rules incorporated in § .80 of the proposed order and such reports should be those necessary for operation of the committee in carrying out its responsibilities under the order. Reports furnished to the committee should be submitted in such manner and at such times as the committee, with approval of the Secretary, may designate. Such reporting procedures should be in accord with the needs and requirements of the committee which are essential to administration of the order because changing conditions may warrant changes in the forms and methods of reporting. The right to approve, and also to modify, change, or rescind, any requests by the committee for information is retained by the Secretary in order to protect handlers from unreasonable requests for reports.

Since it is possible that a question may arise with respect to compliance with the proposed order, each handler should maintain complete records of his handling and disposition of melons for a period of not less than two years after the end of each crop year.

In order to determine handlers' compliance with the proposed order and regulations issued thereunder, the committee with approval of the Secretary should be authorized to prescribe through rules and regulations, the type records and documents which shall be maintained by each handler with respect to each sale of melons. Such authorization should include authority for requiring proof or evidence of sale for each lot of melons sold, including the date of sale, the name of the buyer, the quantity, price, grade and size, the buyer's confirmation and record of payment, and other pertinent information which may be required by the committee. This information should be available for inspection by an authorized agent of the committee or the Secretary.

Any or all reports and records submitted for committee use by handlers shall remain under appropriate protective classification and be disclosed to none other than persons authorized by the Secretary. Such reports would become part of the committee's and the Secretary's records. Any reported information released to the industry should be on a composite basis, and no such release of information should disclose either the identity of the handlers or their operations.

Except as provided in the proposed order, no handler should be permitted to handle melons, the handling of which is prohibited by the proposed order or pursuant to regulations issued under the proposed order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of melons handled by him, such action would, in any appreciable aggregate, tend to impair operation of the program and otherwise render it ineffective.

The provisions of §§ .82 through .92 as published in the FEDERAL REGISTER of October 31, 1978 (43 FR 50685), and as hereinafter set forth, are common to marketing agreements and orders now operating. Also, the provisions of §§ .93 through .95 as hereinafter set forth, are included in other marketing agreements now operating. Each of these sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order. These provisions are incidental to, and not inconsistent with, subsections 608c (6) and (7) of the act, and are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the Act. The substance of such provisions, therefore, should be included in the proposed order.

The provisions of §§ .82 through .95 as hereinafter set forth, are generally similar to those which are included in marketing agreements and orders now operating.

Such provisions, identified by section numbers and headings as follows: § .82 Right of the Secretary; § .83 Effective time; § .84 Termination, § .85 Proceedings after termination; § .86 Effect of termination or amendments; § .87 Duration of immunities; § .88 Agents; § .89 Derogation; § .90 Personal liability; § .91 Separability and § .92 Amendments, are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the order and to effectuate the declared policy of the Act.

The hearing record supports the inclusion of each such provision in the order. Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § .93 Counterparts; § .94 Additional parties; and § .95 Order with marketing agreement. Such provisions are also included in marketing agreements now in effect and the record supports inclusion of such provisions in the marketing agreement.

Rulings on briefs of interested parties. At the conclusion of the hearing the Administrative Law Judge fixed December 29, 1978, as the final date for interested parties to file proposed findings and conclusions and written agreements or briefs based upon the evidence received at the hearing.

One brief was filed on behalf of the South Texas Melon Steering Committee. Every point in the brief was carefully considered along with record evidence in making the findings and conclusions contained herein.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of melons grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) All handling of melons grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the foregoing conclusions may be carried out.

DEFINITIONS

§ .1 *Secretary.*

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ .2 *Act.*

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ .3 *Person.*

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ .4 *Production area.*

"Production area" means the counties of Bee, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kelleberg, La Salle, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Webb, Willacy, and Zapata in the State of Texas.

§ .5 *Melons.*

"Melons" means all varieties of *Cucumis melo*, commonly called muskmelons and including but not limited to varieties *reticulatus* and *inodorus*, grown in the production area. Such varieties include cantaloupes, honeydew and honey ball melons. Watermelons (*Sitrullaus lanatus*) are not included in the foregoing definition.

§ .6 *Handler.*

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of melons owned by another person) who handles melons or causes melons to be handled.

§ .7 *Handle.*

"Handle" or "ship" means to harvest, grade, package, sell, transport, or in any other way to place melons grown in the production area, or cause such melons to be placed, in the current of commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery within the production area of field-run melons to a person for the purpose of having such melons prepared for market.

§ .8 *Grower.*

"Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the production of melons for market.

§ .9 *Committee.*

"Committee" means the South Texas Melon Committee established pursuant to § .22.

§ .10 *Fiscal period.*

"Fiscal period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ .11 *Grade, size, and maturity.*

"Grade," "size," and "maturity" mean, respectively, any of the officially established grade, size, or maturity definitions as set forth in the U.S. Standards for Grades of Cantaloupes (§§ 2851.475-2851.494(c) of this title) or U.S. Standards for Grades of Honey Dew and Honey Ball Type Melons (§§ 2851.3740-2851.3749 of this title), including amendments, modifications, or variations thereof, or, such other grades, sizes, and maturities as may be recommended by the committee and approved by the Secretary.

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§ .12 *Grading.*

"Grading" is synonymous with "preparing melons for commercial market" and means sorting or separation of melons into grades, sizes, maturities, or packs or any combination thereof, for handling.

§ .13 *Pack.*

"Pack" means a quantity of melons specified by grade, size, weight, or count, or by type or conditions of container, or any combination of these recommended by the committee and approved by the Secretary.

§ .14 *Container.*

"Container" means any carton, crate, box, bag, hamper, pallet bin, package, basket, bulk load, or any other type of receptacle used in handling melons.

§ .15 *Varieties.*

"Varieties" means and includes all classifications, subdivisions, or types or melons according to those definitive characteristics now and hereinafter recognized by the U.S. Department of Agriculture or recommended by the committee, and approved by the Secretary.

§ .16 *Export.*

"Export" means shipment of melons to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

§ .17 *District.*

"District" means each of the geographic divisions of the production area initially established pursuant to § .24 or as reestablished pursuant to § .25.

§ .18 *Part an subpart.*

"Part" means the Order Regulating the handling of Melons in South Texas and all rules and regulations, and supplementary orders issued thereunder. The aforesaid Order Regulating the Handling of Melons Grown in South Texas shall be a "subpart" of such "part."

COMMITTEE

§ .22 *Establishment and membership.*

(a) There is hereby established a South Texas Melon Committee, consisting of ten (10) members, to administer the terms and provisions of this part. Six members shall be growers, three members shall be handlers, and one shall be a public member. Each shall have an alternate who shall have the same qualifications as the member.

(b) Each member, other than the public member, shall be an individual who is, prior to his selection and during his term of office (1) a resident of the production area, and (2) a grower or handler, or an officer or employee of a grower or handler, or of growers' cooperative marketing organization.

(c) Five members shall be growers from District No. 1 and one member shall be a grower from District No. 2. No person, if he handles melons, shall be eligible for selection as a grower member on the committee unless at least 100 percent of the melons handled by him during the fiscal period immediately preceding his proposed selection to the committee were his own production or unless such person is an officer or employee of a growers' cooperative marketing association. Three members shall be handlers from District No. 1.

(d) The public member and alternate shall be a resident of the production area and be neither a grower nor a handler and shall have no direct financial interest in the commercial production, financing, buying, packing or marketing of melons, except as a consumer, nor shall such person be a director, officer or employee of any firm so engaged.

§ .23 *Term of office.*

(a) Except as otherwise provided in paragraph (b) of this section, the term of office of committee members and their respective alternates shall be for two years and shall begin as of March 1 and end the last day of February or for such other two year period as the committee may recommend and the Secretary approve. The terms shall be so determined that approximately one-half of the total committee membership shall terminate each year. Members and alternates shall serve in such capacity for the portion of the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified;

(b) The term of office of the initial members and alternates shall begin on the effetive date of this subpart. Approximately one-half the initial committee members and alternates shall serve for a 1 year term.

§ .24 *Districts.*

To determine a basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1: (Valley) the counties of Cameron, Hidalgo, Starr, Brooks, Kleberg, Jim Hogg, Kenedy, and Willacy in the State of Texas.

District No. 2: (Laredo-Coastal Bend) the counties of Zapata, Webb, Duval, Jim Wells, Nueces, San Patricio, La Salle, McMullen, Live Oak, Bee, and Refugio in the State of Texas.

§ .25 *Redistricting.*

The committee may recommend, and the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to:

(a) Shifts in melon acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts; and

(d) Other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than 6 months prior to such date.

§ .26 *Nominations.*

(a) Initial members. For nominations to the initial committee, the meeting or meetings may be sponsored by the U.S. Department of Agriculture or by any agency or group requested to do so by the Department. The nominations, resulting from these meetings, for each of the six initial grower and three initial handler members of the committee, together with nomination for the initial alternate members for each position shall be submitted to the Secretary prior to the effective date of this subpart.

(b) Successor members. (1) The committee shall hold or cause to be held, not later than January 15 of each year, or such other date as may be specified by the Secretary, a meeting or meetings of growers and handlers in each district for the purpose of designating at least one nominee for each position as member and for each position as alternate member of the committee which is vacant, or which is about to become vacant;

(2) The names of nominees shall be supplied to the Secretary at such time and in such manner and form as he may prescribe;

(3) Only growers may participate in designat- ing grower nominees and only handlers may participate in designating handler nominees to the committee;

(4) Only growers and handlers who are present at such nomination meetings, or represented at such meetings by a duly authorized employee, may participate in the nomination and election of nominees for members and their alternates.

(c) Each person, whether grower or handler, is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote shall be construed to permit a voter to cast one vote for each position to be filled;

(d) The public member and alternate member shall be nominated by the members of the committee. The public member and alternate member shall not be growers or handlers, or employees of growers or handlers. The committee shall recommend rules for receiving names of persons to be considered for nomination to the public member and alternate positions. Rules shall also be recommended for establishing eligibility of persons nominated to the public member and alternate positions. The persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by January 15, or such other date recommended by the committee and approved by the Secretary, of the years the terms expire together with information deemed pertinent by the committee or as requested by the Secretary. The names of the nominees for the initial public member and alternate shall be submitted to the Secretary not later than 90 days after the first regular meeting of the initial South Texas Melon Committee.

§ .27 *Selection.*

Committee members and alternates shall be selected by the Secretary on the basis of representation provided for in § .22 from nominations made pursuant to § .26.

§ .28 *Failure to nominate.*

If nominations, including initial nominations, are not made within the time and manner prescribed in § .26, the Secretary may, without regard to nominations, select the members and alternates on the basis of the representation provided for in § .22.

§ .29 *Acceptance.*

Any person selected by the Secretary as member or as an alternate member of the committee shall, prior to serving as such, qualify by filing a written acceptance with the Secretary within the time period specified by the Secretary.

§ .30 *Vacancies.*

To fill committee vacancies, the Secretary may select members or alternates from nominees on the latest nomination reports or from nominations made in the manner specified in § .26 or from other eligible persons. If the names of nominees to fill any such vacancy are not made available to the Seretary within 30 days after such vacancy occurs, the vacancy may be filled without regard to nomination, but such selection shall be made on the basis of representation provided for in § .22.

§ .31 *Alternate member.*

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by such member. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or his alternate or the committee, in that order, may designate another alternate from the same district and the same group (handler or grower) to serve in such member's stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ .32 *Procedure.*

(a) Seven members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee actions.

(b) In assembled meetings all votes shall be cast in person. However, the committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such meetings shall be promptly confirmed in writing and recorded in the minutes of each meeting so as to reflect how each member voted.

§ .33 *Expenses.*

Members and alternates, when serving as members of the committee, shall serve without compensation but shall be reimbursed for such expenses authorized by the committee and necessarily incurred by them in attending committee meetings and in the performance of their duties under this part: *Provided,* That the committee at its discretion may request the attendance of one or more alternates at any or all meetings notwithstanding the expected or actual presence of the respective members and may pay expenses as aforesaid.

§ .34 *Powers.*

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ .35 *Duties.*

The committee shall have, among others, the following duties:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees, and to adopt such rules, regulations, and bylaws for the conduct of its business as it deems necessary, and to recommend nominees for the public member and alternate;

(b) To act as intermediary between the Secretary and any grower or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary, to determine the compensation and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to melons;

(f) To recommend research projects to the Secretary in accordance with this part;

(g) To notify handlers of each meeting of the committee to consider recommendations for regulations and of all regulatory actions taken which might affect growers or handlers and to provide such notification to producers through appropriate news releases or such other means as may be available to the committee;

(h) To give the Secretary the same notice of meetings of the committee and its subcommittee as is given to its members;

(i) To prepare a marketing policy;

(j) To recommend marketing regulations to the Secretary;

(k) To recommend rules and procedures for, and to make determination in connection with appropriate safeguards;

(l) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(m) Prior to or at the beginning of each fiscal period, to prepare a budget of anticipated expenses for such fiscal period, together with a report thereon;

(n) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers

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and handlers for examination at the office of the committee;

(o) To prepare and forward to the Secretary, prior to the last day of each fiscal period, an annual report, and make a copy available to each handler and grower who requests it. This annual report shall contain at least:

(1) A complete review of the regulatory operations during the fiscal period;

(2) An appraisal of the effect of such regulatory operations upon the melon industry; and

(3) Any recommendations for changes in the program.

(p) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period and at such other times as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by growers and handlers; and

(q) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ .40 *Expenses.*

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred during each fiscal period by the committee for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each first handler's pro rata share of such expenses shall be proportionate to the ratio between the total quantity of melons handled by him as the first handler thereof during a fiscal period and the total quantity of melons so handled by all handlers as first handlers thereof during such fiscal period.

§ .41 *Budget.*

Prior to or at the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ .42 *Assessments.*

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided for in this subpart. Each handler who first handles melons shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses;

(b) Assessments shall be levied during each fiscal period upon handlers at a rate per unit established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information;

(c) At any time during or after a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment in conformance with § .41. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the assessment rate. Such increase shall be applicable to all melons which were handled by each first handler thereof during such fiscal period;

(d) The payment of assessments for the maintenance and functioning of the committee may be required irrespective of whether particular provisions of this part are suspended or become inoperative;

(e) To provide funds for the administration of the provisions of this part the committee may accept the payment of assessments in advance;

(f) If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be increased by a late payment charge or an interest charge at rates prescribed by the committee with the approval of the Secretary.

§ .43 *Accounting.*

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part. At the end of the fiscal period an annual financial audit shall be conducted by a competent accountant and two copies sent to the Secretary;

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds, and property (including but not limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the successor, the committee, or person designated by the Secretary, the right to all such property and funds and all claims vested in such person;

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations under this part are not in effect, and, if the Secretary determines such action appropriate, he may direct that such person or persons may act as such trustee or trustees.

§ .44 *Excess funds.*

(a) If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of any such assessments which represent payments by the handler in excess of his pro rata share, shall be credited with such refund against his operations of the following fiscal period or such excess shall be accounted for in accordance with one of the following:

(1) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established, except funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (i) to defray any expenses authorized under this part, (ii) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (iii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iv) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (v) to cover necessary expenses of liquidation in the event of termination of this part. Any funds remaining after termination should be refunded to handlers on a pro rata basis. If it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate;

(2) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided for in subparagraph (1) of this paragraph, it shall be refunded proportionately to the handlers from whom collected, except any sum paid by any handler in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of

such fiscal period to any outstanding obligations due the committee from such handler.

RESEARCH AND DEVELOPMENT

§ .48 *Research and development.*

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of melons. The expenses of such projects shall be paid from funds collected pursuant to § .42.

REGULATIONS

§ .50 *Marketing policy.*

(a) Prior to or at the same time initial recommendations in any fiscal period are made pursuant to § .51, and as the Secretary may require, the committee shall prepare a marketing policy statement. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available at the committee office to all interested parties;

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to melon supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies of melons in competing areas;

(3) Estimates of supplies of other competing commodities;

(4) Market prices by grades, sizes, containers, and packs;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

§ .51 *Recommendations for regulations.*

Upon complying with requirements of § .50, the committee may recommend regulations to the Secretary when it finds that such regulations as are authorized in this order will tend to effectuate the declared policy of the act.

§ .52 *Issuance of regulations.*

(a) The Secretary shall limit by regulation the handling of melons when he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(1) Limit the handling of particular grades, sizes, maturities, qualities, or packs, or any combination thereof, of any or all varieties of melons during any period;

(2) Limit the handling of particular grades, sizes, naturities, qualities, or packs of melons differently for different varieties, for different markets, for different containers, or any combination of the foregoing, during any period;

(3) Fix the size, capacity, weight, dimension, or pack of the container, or containers, which may be used in the packaging or handling of melons, including appropriate container markings to identify the contents thereof.

(c) The regulations or any portions of such regulations issued hereunder may be amended, modified, suspended, or terminated by the Secretary whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder obstruct or no longer tend to effectuate the declared policy of the act.

§ .54 *Handling for special purposes.*

Regulations in effect pursuant to § .42, § .52, or § .60 may be modified, suspended, or terminated by the Secretary, upon recommendation of the committee, to facilitate handling of melons for: (a) Relief or charity, (b) experimental purposes, (c) exports, and (d) other special purposes, which may be recommended by the committee and approved by the Secretary.

§ .55 *Safeguards.*

The committee, with the approval of the Secretary, may establish, through rules and regulations, the requirements with respect to proof that shipments made pursuant to § .54 were handled and used for the purpose stated.

§ .56 *Notification of regulation.*

The Secretary shall promptly notify the committee of regulations issued and of any modification, suspension, or termination thereof. The committee shall give notice thereof to all handlers of melons in the production area. In addition, the committee shall make the information available to growers through appropriate news releases or such other means as may be available.

INSPECTION

§ .60 *Inspection and certification.*

(a) Whenever the handling of melons is regulated pursuant to § .52 or at other times when recommended by the committee and approved by the Secretary, no handler shall handle melons unless they are inspected by an authorized representative of the Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § .52(c), or § .54, or paragraph (b) of this section. The cost of such inspection shall be borne by the applicant.

(b) Regrading, resorting, repacking any lot of melons, or breaking any lot (without continuing identification of applicable inspection or subcertification thereof) shall invalidate any applicable inspection certificate insofar as the requirements of this section are concerned. No handler shall handle melons after a lot has been broken, regraded, repacked, or resorted, or in any other way additionally prepared for market, unless such melons are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, repacked, or broken lots of melons may be modified, suspended or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When melons are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the Inspection Service.

(e) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of melons by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or such other documents as may be required by the committee. Such certificates or documents shall be surrendered to proper authorities at such time and in such manner as may be designated by the committee, with the approval of the Secretary.

REPORTS

§ .80 *Reports.*

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and form and at such time as it may prescribe, such reports and other information as

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may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The number of acres of melons and the approximate dates planted, for all melons which will be handled by each handler;

(2) The quantities of melons received by a handler;

(3) Identification of the inspection certificates relating to the melons which were handled pursuant to § .52 or § .54 or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least 2 succeeding years such records and documents on melons received by him as may be necessary to verify reports submitted to the committee pursuant to this section.

(d) For the purpose of assuring compliance with recordkeeping requirements and certifying reports of handlers, the Secretary and the committee, through their duly authorized employees or agents, shall have access to any premises where applicable records are located, and where melons are handled, and at any time during reasonable business hours shall be permitted to inspect such handler's premises and examine any and all records of such persons with respect to matters within the purview of this part.

(e) Any person filing a report, record, or application that is willfully misrepresented shall be subject to the legal penalties for such misrepresentation of Government reports.

COMPLIANCE

§ .81 *Compliance.*

Except as provided in this subpart, no handler shall handle melons, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle melons except in conformity with the provisions of this part.

MISCELLANEOUS PROVISIONS

§ .82 *Right of the Secretary.*

The members of the committee (including successors and alternates) and any agents or employees appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order regulation, decisions, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ .83 *Effective time.*

The provisions of this subpart or any amendment thereto shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ .84 *Termination.*

(a) The Secretary shall, whenever he finds that any or all provisions of this subpart obstruct or do not tend to effectuate the declared policy of this act, terminate or suspend the operation of this subpart or such provision thereof.

(b) The Secretary shall terminate the provisions of this subpart at the end of the then current fiscal period whenever he finds that such termination is favored by a majority of the growers who, during a representative period determined by the Seretary, have been engaged in the production for market of melons within the production area: *Provided*, That such majority has during such representative period, produced for market more than 50 percent of the volume of such melons produced for market.

(c) The provisions for this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ .85 *Proceedings after termination.*

(a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ .86 *Effect of termination or amendments.*

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ .87 *Duration of immunities.*

The benefits, privileges and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ .88 *Agents.*

The Secretary may, by designation in writing, name any person, including any officer or employee of the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ .89 *Derogation.*

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ .90 *Personal liability.*

No member or alternate member of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others in any way whatever, to any handler or to any person for errors in judgment, mistakes or other acts, either of commission or omission, as such member, alternate, agent or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ .91 *Separability.*

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ .92 *Amendments.*

Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

§ .93 *Counterparts.*

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ .94 *Additional parties.*

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ .95 *Order with marketing agreement.*

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of melons in the same manner as is provided for in this agreement.[1]

A Draft Impact Analysis is available from Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Phone (202) 447-4722.

Copies of this Recommended Decision are being mailed to known interested persons. Others may obtain copies from Mr. Brader or David B. Fitz, Marketing Field Office, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, 320 North Main, Room A-103, McAllen Texas 78501.

Signed at Washington, D.C., on February 6, 1979.

WILLIAM T. MANLEY,
Marketing Program Operations.

[FR Doc. 79-4588 Filed 2-9-79; 8:45 am]

[1] Applicable only to the proposed marketing agreement.

[3410-02-M]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Order Directing That a Referendum Be Conducted; Determination of Representative Period for Voter Eligibility; and Designation of Referendum Agents To Conduct the Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among growers of olives grown in California to determine whether they favor continuance of the marketing agreement and order program.

DATES: Referendum period March 31 through April 16, 1979.

ADDRESSES: See information contained in supplementary information.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Pursuant to § 932.68 of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted within the period March 31, 1979, through April 16, 1979, among the growers who, during the period September 1, 1978, through December 1, 1978 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of California, in the production of olives covered by the amended marketing agreement and order to ascertain whether continuance of the amended marketing order is favored by the growers.

O. C. Fuqua and Richard Van Diest, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Federal Building, 1130 "O" Street, Room 3114, Fresno, California 93721, are hereby designated as referendum agents of the Secretary of Agriculture to conduct said referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR 900.400 et seq.).

Copies of the text of the amended marketing order may be examined in the office of the referendum agents or of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum will be mailed to all known olive growers and may also be obtained from the referendum agents.

Dated: February 5, 1979.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing Services.

[FR Doc. 79-4637 Filed 2-9-79; 8:45 am]

[3410-02-M]

[7 CFR Part 1133]

MILK IN THE INLAND EMPRIE MARKETING AREA

Proposed Termination of Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of proposed termination of rulemaking proceeding.

SUMMARY: This notice invites written comments from interested parties on a proposal by the Department to terminate the current rulemaking proceeding for the Inland Empire milk market. The single issue in this proceeding is a request by a dairy farmer cooperative to relax the limit on the amount of milk that handlers and cooperative associations may "divert" off the fluid market to manufacturing outlets. A public hearing on the request was held July 28, 1978. Recently, the cooperative association informed the Department that since the hearing it has been making certain changes in the marketing of its members' milk. Because of these changes, the cooperative believes that there is no longer a need for relaxing the diversion limits as proposed and supported at the hearing. This situation suggests that there is no basis for completing the proceeding.

DATE: Comments are due on or before February 27, 1979.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

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SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing—Issued July 10, 1978, published July 13, 1978 (43 FR 30066).

Order suspending certain provisions—Issued September 1, 1978, published September 8, 1978 (43 FR 39955).

Order suspending certain provisions—Issued December 7, 1978, published December 12, 1978 (43 FR 58079).

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et. seq.*), termination of the proceeding as set forth in a notice of hearing on proposals to amend certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered. The aforesaid notice of hearing was issued July 10, 1978 (43 FR 30066) and the hearing was held on July 28, 1978.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than February 27, 1979. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Cleark during regular business hours (7 CFR 1.27(b)).

STATEMENT OF CONSIDERATION

This proposed action would terminate a rulemaking proceeding which began July 10, 1978, on a proposal that would have increased the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during each month. The hearing, which was held on July 28, 1978, was requested by a cooperative association that supplies the market with a substantial part of its fluid needs and handles much of the market's reserve milk supplies.

The proponent cooperative, Northwest Dairymen's Association, through its agent, Consolidated Dairy Products Company, recently notified the Department of certain changes that it is making in the marketing of its members' milk under the order. Because of these changes, the cooperative believes that there is no longer a need for relaxing the diversion limits as proposed and supported at the hearing.

On the basis of available information, it is clear that marketing conditions have changed significantly since the hearing, thereby making the record evidence out of date. In view of proponent's recent indication that it does not need the order changes it proposed, it appears that the proceeding should be terminated.

Signed at Washington, D.C., on: Feburary 5, 1979.

WILLIAM T. MANLEY,
Deputy administrator,
Marketing Program Operations.

[FR Doc. 79-4587 Filed 2-9-79; 8:45 am]

[3410-07-M]

Farmers Home Administration

[7 CFR Part 1951]

SERVICING AND COLLECTIONS

Recapture of Section 502 Rural Housing Subsidy

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to add regulations regarding the recapture of subsidies granted on section 502 Rural Housing loans approved after October 30, 1978. The intended effect of this action is to reduce profits attributable to a government subsidy as a result of sale of the home and to reduce program costs and enable FmHA to serve additional families. This action is required by recently enacted legislation.

DATES: Comments must be received on or before April 13, 1979.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Mathias (Matt) J. Felber, 202-447-4295.

SUPPLEMENTARY INFORMATION: On November 3, 1978, FmHA added § 1822.15(b)(1)(iii) and paragraph 12, Exhibit E to Subpart A, Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (43 FR 51385); to provide for securing the recapture of any interest credits or subsidies to be granted borrower(s) by the Government.

FmHA proposes to add a new Part 1951, Servicing and Collections, to 7 CFR Chapter XVIII. At this time, Part 1951 consists of Subpart I, which contains more detailed regulations on the method of recapture of section 502 Rural Housing Subsidies.

This proposal contributes to the implementation of Pub. L. 95-557 by providing for the recapture of all or a portion of the subsidy granted a borrower as interest credits or homeownership assistance and an incentive for borrowers to maintain the property. The regulation will apply only to section 502 Rural Housing loans approved after October 30, 1978. A copy of the Draft Impact Analysis is available in the Program Analysis Branch, Farmers Home Administration (FmHA), South Agriculture Building, Washington, DC 20250. This regulation has been determined significant under the USDA procedure implementing Executive Order 12044.

FmHA proposes to add the following Part 1951 to 7 CFR Chapter XVIII:

PART 1951—SERVICING AND COLLECTIONS

Subpart I—Recapture of Section 502 Rural Housing Subsidy

Sec.

1951.401 Purpose.
1951.402 Policy.
1951.403 1951.405 [Reserved]
1951.406 Recapture of subsidy.
1951.407 Determining amount of subsidy to recapture.
1951.408 [Reserved]
1951.409 Finance office responsibility.
1951.410 Transfer of real estate security.
1951.411-1951.450 [Reserved]

Exhibit A—Subsidy Repayment agreement.

Exhibit B—Subsidy Repayment Fact Sheet.

AUTHORITY: 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart I—Recapture of Section 502 Rural Housing Subsidy

§ 1951.401 Purpose.

This procedure outlines the policies and procedures for the recapture of interest credits or Homeownership Assistance Program (HOAP) subsidy granted on initial and subsequent section 502 Rural Housing (RH) loans, transfers, and credit sales approved after October 30, 1978.

§ 1951.402 Policy.

The policy of FmHA is to recapture all or a portion of the Interest Credit and HOAP Assistance (hereafter known as subsidy) granted, while providing incentive for the borrower to occupy and maintain the property in marketable condition. The amount of subsidy to be repaid by the borrower is based on the amount of subsidy granted by the Government as compared to the real estate equity when the loan is repaid. The real estate that secures the RH loan is the only security for the subsidy granted the borrower.

§§ 1951.403-1951.405 [Reserved]

§ 1951.406 Recapture of subsidy.

Subsidy granted on section 502 RH initial and subsequent loans, assumption on same or new terms, and credit sales are subject to recapture if the loan, assumption or credit sale is approved after October 30, 1978. The subsidy is to be repaid when:

(a) The borrower sells, transfers, or without the Government's consent does not occupy the property or requests a release of the Government's lien on the property, or

(b) The government forecloses the mortgage securing the loan or the property is voluntarily conveyed to the government.

§ 1951.407 Determining amount of subsidy to be recaptured.

The amount of subsidy to be repaid to the Government will be based on the amount of subsidy granted on the loan, the appreciation in property value between the closing date of the loan and the date the account is satisfied, the method by which the loan is satisfied, and the period of time the loan is outstanding.

(a) *Voluntary conveyance or foreclosure.* The unpaid balance of loans being liquidated by voluntary conveyance or foreclosure is the sum of unpaid principal, interest, and total subsidy granted on the loan. In case of foreclosure, no deficiency judgment will be sought to recover any subsidy. The Finance Office, if requested by the County Office, will determine the unpaid principal, interest, and amount of subsidy granted.

(b) *Sale, transfer, refinancing, graduation or offer to pay in full.* The unpaid balance of loans being liquidated by sale, transfer, refinancing, graduation or offer to pay in full is the sum of unpaid principal, interest, and a share of the subsidy. The amount of subsidy to be repaid by the borrower will be determined by the Finance Office based on provisions of Form FmHA ——, "Subsidy Repayment Agreement," (Exhibit A incorporated as a part hereof) executed by the borrower at the same time the first Interest Credit Agreement is signed after October 30, 1978. (Borrowers who signed an Interest Credit Agreement with subsidy subject to recapture between October 30, 1978 and receipt of this Instruction will execute a Subsidy Repayment Agreement as soon as possible but no later than the date renewal interest credits are granted.) The County Supervisor will compile and submit the following information to the Finance Office when the loan is to be repaid.

(1) The appraised value of the security property when the loan(s), subject to recapture, was approved.

(2) The unpaid balance of any prior lien.

(3) The selling expense to be paid by the borrower.

(4) The market value of the property on the date the loan is to be paid in full determined by:

(i) An appraisal in the case of a transfer, refinancing or graduation to other credit, voluntary conveyance, or foreclosure, or

(ii) The reported selling price, unless the County Supervisor believes the amount is substantially below the property value. In such cases, an appraisal of the security property will be made. If the appraised value is 5 percent or more above the reported selling price, recapture will be based on the appraised value rather than the selling price.

(5) The date and amount of all outstanding FmHA RH loans on the subject property made to, or assumed by the present borrower.

(6) The date and amount of all loans subject to recapture.

§ 1951.408 [Reserved]

§ 1951.409 Finance Office responsibility.

The Finance Office shall keep a cumulative record of interest credits and HOAP assistance granted after October 30, 1978, on each loan and the amount of payment made by the borrower. When requested by the County Office, the Finance Office will determine the amount owed.

§ 1951.410 Transfer of real estate security.

An RH loan, with subsidy subject to recapture, may be assumed in the same manner as any other loan. In such cases the amount of subsidy to be repaid by the borrower may be assumed and amortized with principal and interest in lieu of making a subsequent loan to repay the subsidy.

§§ 1951.411-1951.450 [Reserved]

EXHIBIT A

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

Subsidy Repayment Agreement

Date of Note—— Amount of Note——
Date of mortgage
Date of Note—— Amount of Note——
Date or mortgage
Type of assistance:
1. Interest credit ☐
2. Homeownership Assistance Program ☐
Address of Property:
BORROWER: —— ADDRESS:
CO-BORROWER: —— ADDRESS:

1. This agreement entered into pursuant to 7 CFR 1951-I, between the United States of America, acting through the Farmers Home Administration (herein called "the Government") pursuant to section 521 of Title V of the Housing Act of 1949 and the borrower(s) whose name(s) and addresses appear above (herein called "borrower") supplements note(s) from borrower to the Government as described above, and any promissory note(s) for loans made to Borrower(s) in the future by the "Government." Such future notes, when executed, will be listed below the signature line of this Subsidy Repayment Agreement.

2. This agreement sets forth the conditions under which interest credits or Homeownership Assistance Program (HOAP) assistance (hereinafter called subsidy) granted by the Government on the loan(s) is to be repaid by the borrower.

3. The borrower(s) agree that the real property described in the mortgage(s) listed above is pledged as security for the subsidy received or to be received and such subsidy is due and payable upon the transfer of title, or payment of the debt evidenced by the note(s) described herein.

4. The borrower(s) agree that Paragraph 5 of this agreement is null and void should the property described in the mortgage(s) be foreclosed by the Government or voluntarily conveyed to the Government.

5. When the debt is satisfied by other than voluntary conveyance of the property to the Government or by foreclosure, the borrower and the Government agree that sale proceeds will be divided between the borrower and Government in the following order:

(a) Unpaid principal and interest due at the time of sale or transfer will be paid to the government and any lender holding a prior mortgage.

(b) Advances made by FmHA which were not subsidy and still due and payable will be paid to the Government.

(c) Reasonable and necessary sales expenses, actually incurred, will be paid to the borrower. This may include real estate sales commission, transfer fees and other expenses typically paid by the seller in the area.

(d) The amount of principal reduced from the loan calculated at the promissory note interest rate will be paid to the borrower.

(e) Any principal reduction attributed to subsidized interest calculations will be paid to the Government.

(f) The difference between the market value of the security, as determined by appraisal at the time the loan was made and the amount of the FmHA loan and any prior lien will be paid to the borrower. It should reflect item such as "sweat equity," borrower downpayment, value of lot and dwelling owned by the applicant when the loan was made. This amount is ——.

(g) The remaining balance after the payments described above have been paid is called value appreciation. Value appreciation will be divided between the Government and the borrower according to the following formula:

$$(1)\ \frac{.5\ (\text{Value Appreciation}) \times \text{Borrower Payments}}{\text{Total Cost}} = (\text{Payment to the Borrower})$$

(i) In case of HOAP: Borrower Payment is cumulative amount borrower paid to principal, interest, taxes, insurance, and allowance for utilities and maintenance (PITIUM) and Total Cost is Borrower Payment and Government contribution and allowance to PITIUM during the period the loan was outstanding.

(ii) In case of Interest Credits: Borrower Payment is the cumulative amount the borrower paid to Principal and Interest and Total Cost is the Principal and Interest at

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the note rate over the period the loan was outstanding.

(2) Value Appreciation minus (−) Payment to the to Borrower = Amount of subsidy repayment to Government

(3) Subsidy repayment to the government will be reduced by a percentage factor which will add incentive for borrower(s) to occupy and maintain the dwelling. Net subsidy repayment to the government will be the amount determined in (g)(2) as reduced by the percentage factor listed below. The amount reduced in the payment to the government will be paid to the borrower.

No. of years property is held after loan closing	Percent factor
0–4	(1)
5	3
6–10	7
11–15	12
16–20	18
21–25	25
26–30	33
31–33	40

[1] No reduction.

(h) If this agreement is for a subsequent loan(s) only, the amount of repayment determined by (g)(2) above will be reduced by a ratio of the amount of subsequent loan(s) subject to recapture to the original amount of total 502 RH loans.

6. In no case can the amount recaptured by the Government, as determined in Paragraph 5(g) of this exhibit exceed the amount of the subsidy granted by the Government.

7. When a FmHA RH loan is repaid by other than sale of property, the amount of subsidy to be repaid the Government will be determined in the same manner as described in 5 but based on an appriased value determined by FmHA instead of sales price. In such cases, the subsidy due the government will remain a lien on the property until paid. It must be paid upon non occupancy, sale or other transfer of title to the property.

8. I (we) have read and agree to the provisions of this agreement.

———— Borrower By ————
(FmHA official) ———— Co-Borrower
————(Title) ————Date signed.

EXHIBIT B

SUBSIDY REPAYMENT FACT SHEET

Subsidy granted by FmHA to Section 502 Rural Housing borrowers on loans approved after October 30, 1978, are subject to recapture. This means that when a borrower's home is sold, transferred or otherwise disposed of FmHA may claim repayment of all or part of the interest credit or home ownership assistance subsidy. FmHA will recapture on the basis of a formula that permits the borrower to retain a portion of the value appreciation available when the home is sold or the mortgage otherwise paid-off.

The purpose for granting a housing subsidy is to assist a borrower to obtain decent, safe, and sanitary housing. Housing subsidy costs have risen dramatically in recent years. Through the use of a subsidy repayment agreement, the borrower and the Government share this cost. Borrower's contribution to subsidy cost will be from equity acquired through appreciation of the mortgaged property. Therefore, the longer the borrower lives in and maintains the property, the greater the portion of the subsidy the borrower may retain.

How will it work?

1. The Mortgages, or Deeds of Trust, signed by those receiving interest credit or home ownership assistance subsidy, contain a provision making the amount of subsidy a lien against the property.

2. When a house is sold, transferred or the mortgage is refinanced, the amount to be recaptured will be due and payable.

3. When a borrower pays off the loan, but continues to live in the dwelling, recapture will be calculated, at the time of pay off for repayment upon transfer or nonoccupancy. This protects the borrowers from being forced to sell their home just because of recapture.

4. A formula, printed on the subsidy repayment agreement and available for all to view, will be used to calculate the borrower and FmHA shares of any value appreciation.

Dated: February 5, 1979.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 79-4652 Filed 2-9-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 281]

[Docket No. RM 79-13]

NATURAL GAS REQUIRED FOR ESSENTIAL AGRICULTURAL USES

Natural Gas Policy Act of 1978; Interstate Pipeline Curtailment Plans; Extention of Time

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Extension of time.

SUMMARY: The notice of proposed rulemaking issued in this docket on January 10, 1979, 44 FR 3052, stated that interstate pipelines would be required to file tariff sheets by February 6, 1979 (10 CFR 281.104). The Commission will not be able to issue a final rule by February 6. When the final rule is issued, it will set a date for the filing of any tariff sheets that may be required.

FOR FURTHER INFORMATION CONTACT:

Romulo L. Diaz, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275-3771, or

Martin A. Burless, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. (202) 275-4349.

KENNETH F. PLUMB,
Secretary.

FEBRUARY 2, 1979.

[FR Doc. 79-4677 Filed 2-9-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. R-79-622]

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Minimum Leasehold Terms

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: The proposed rule would permit property improvement loans financing "built-in" kitchen appliances and carpeting to be made to lessees who hold the property to be improved under a renewable long term lease having a minimum original term of 25 years.

The present regulation requires that such leases have an original term of not less than 99 years and be renewable.

DATE: Comments must be received on or before April 16, 1979.

ADDRESS: Interested persons are invited to submit written comments, suggestions or data regarding the proposed rule to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. All relevant material received on or before April 16, 1979, will be considered before adoption of a final rule. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

William B. Stansbery, Title I Loan Insurance Division, Dept. Housing & Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-8686.

SUPPLEMENTARY INFORMATION: A significant number of properties in the State of Hawaii are subject to renewable long-term leases having original terms of less than 99 years but more than 25 years and consequently many borrowers in that State have been unable to obtain FHA Title I Property Improvement loans for carpeting or kitchen renovations. The proposed rule would remove this restriction.

Accordingly, the Department proposes to amend 24 CFR as follows:

§ 201.6 Eligible loans.

* * * * * *

(d) *Use of proceeds—"built-in" kitchens.* * * *

(5) Individuals whose interest in the property to be improved is derived under a lease shall not be considered eligible borrowers unless the lease has an original term of not less than 25 years which is renewable.

(6) * * *

(i) * * * or a lessee under a lease which has an original term of not less than 25 years which is renewable * * *

* * * * * *

(g) *Use of proceeds—carpeting.* * * *

(3) The improved property is a residential structure owned by the borrower or is held under a lease having an original term of not less than 25 years which is renewable.

(4) * * * under a lease which has an original term of not less than 25 years which is renewable * * *

* * * * * *

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703, as amended.)

Issued at Washington, D.C. February 7, 1979.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc. 79-4636 Filed 2-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 280]

[Docket No. R-78-617]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Use of Copper Clad Aluminum Conductors

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed Rule.

SUMMARY: The Department is proposing to amend the Federal Mobile Home Construction and Safety Standards to accept certain sizes of copper clad aluminum conductors for use in the branch circuit wiring of mobile homes. This action is being taken as a result of a request received by the Department to approve copper clad aluminum conductors in accordance with section 280.801(e) of the Federal standards. This amendment would permit the use of #10 and #12 AWG copper clad aluminum conductors when installed in accordance with applicable provisions of the National Electrical Code and connected with terminations suitable for use with aluminum wire.

DATES: Comments must be received on or before April 16, 1979.

ADDRESS: Comments shall be addressed to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Richard A. Mendlen, Chief, Standards Branch; Mobile Home Standards Division, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 426-1872.

SUPPLEMENTARY INFORMATION: Section 280.801(e) of the Federal mobile home construction and safety standards prohibits the use of aluminum conductors in mobile home branch circuit wiring unless they are specifically approved by the Department after examination of proposed systems for individual cases. As discussed in the Preamble to the standards as they were published on September 2, 1975, at 40 FR 40261, the Department prohibited the use of aluminum wire based on the opinion of the Consumer Product Safety Commission that the wire presented an unreasonable risk of injury. The Department also explained that among the types of aluminum wiring systems that it would consider approving under § 280.801(e) were "systems . . . using copper-clad aluminum conductors with appropriate connectors."

Pursuant to a request from manufacturers of copper clad aluminum conductors and based on laboratory test data, the Department now proposes to allow the use of #10 and #12 AWG copper clad aluminum conductors under certain conditions. The Department is also adding appropriate definitions to clarify the applicability of the proposed rule. Because the safety of aluminum conductors remains a controversial issue, the Department believes that any decision to allow their use should be subject to public comment.

The Department proposes this action based on a comparison between copper clad aluminum conductors and other aluminum conductors that indicates that the copper clad conductors can be used safely when subjected to certain requirements. The reasons for the concern about the hazards of aluminum wire and a comparison with copper clad aluminum conductors follow:

1. *Oxidation.* The aluminum oxide that forms on the surface of aluminum conductors under normal operating temperatures inhibits the conduction of electrical current from the wire to the terminal. This problem may be accentuated when the wire is subject to corrosion as a result of exposure to moisture. With the increased resistance, higher than normal voltages are required to provide a conduction path for the electricity. The result is a build up of excessive heat at the terminal and arcing of the current from the conductor to the terminal, both of which constitute fire hazards.

Unlike aluminum oxide, the copper oxide that coats copper wire does not increase the resistance at the terminal and does not result in a fire hazard. Because copper clad aluminum conductors are coated with copper except at the ends or where the copper has been scraped or cut off, the copper clad should not have the same oxidation problem as the aluminum. The test data received by the Department support this conclusion. However, the Department remains concerned that aluminum oxide may form at the ends of the wire and where the copper coating is somehow penetrated so that the aluminum is exposed.

2. *Creep.* Creep is the term used to describe the relaxation of the conductor away from the terminal when the conductor is simply loosening itself away from the connection at the terminal. At temperatures and stresses which commonly occur at electrical terminations, the creep rate for copper conductors is neglible while the rate for aluminum conductors is significant. The result of creep is an increase in resistance and possible overheating of the electrical connection and arcing. The test data indicate that copper clad aluminum conductors have creep characteristics similar to those of copper and would ordinarily stabilize without degrading the continuity of a connection.

While the available test data indicate that copper clad conductors have much the same characteristics as copper conductors under laboratory conditions, the Department is not yet satisfied that they are the same as copper when in actual use. As a result of transportation vibration or improper installation, the copper clad conductors may become loose at the terminals and may lose their copper coating through cutting or nicking of the wire. If this occurs, the aluminum conduc-

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tor will be subject to both oxidation and corrosion. In any of these cases, overheating and arcing may occur. The only vibration test of copper clad aluminum conductors of which the Department is aware was not extensive enough to simulate actual transportation conditions, so the Department is unable to conclude that the copper clad conductor will operate acceptably after actual transportation.

As a result of these unanswered concerns, the Department proposed to allow the use of copper clad aluminum conductors only with devices and connectors listed as suitable for use with aluminum wire, commonly referred to as CO/ALR devices. The reason for this is that CO/ALR devices will provide greater assurance that electrical connections made with copper clad aluminum conductors are equivalent to copper wire connections made with non-CO/ALR rated devices. This assurance is provided by the vibration, humidity and torque testing required for certification of a CO/ALR device which are not required for a non-CO/ALR device.

Since the Department believes that copper clad aluminum conductor terminations corrode when located in areas subject to moisture, the proposed rule would prohibit the use of these conductors when they are terminated in wet or damp locations as defined in the National Electrical Code. It would also require that the contact surfaces of CO/ALR devices be made of materials that are not subject to corrosion.

This acceptance of the use of copper clad aluminum conductors is limited to sizes #10 and #12 AWG since the available data related only to those sizes. The Department will consider including other sizes in this acceptance if adequate supporting data are submitted.

A Finding of Inapplicability of Section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. It is available for public inspection in the Office of the Rules Docket Clerk, Room 5218, U.S. Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, during normal business hours.

These proposed amendments are being signed by two Assistant Secretaries because the standards were originally codified in the Federal Regulations Chapter assigned to the Assistant Secretary of Housing and Mortgage Credit, but the substantive authority for the program has been transferred to the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

Accordingly, the Department proposes to amend 24 CFR Part 280 as follows:

1. By revising paragraph (e) of § 280.801 to read as follows:

§ 280.801 Scope.

* * * * *

(e) With the exception of copper clad aluminum conductors in size #10 and #12 AWG, aluminum conductors are not acceptable in branch circuit wiring in mobile homes except as specifically approved by the Department after examination of proposed systems for individual cases.

2. By adding new paragraphs (a)(42) and (a)(43) to § 280.802 as follows:

§ 280.802 Definitions.

* * * * *

(a) * * *

(42) "Aluminum conductor" means any conductor or material designed or used to conduct electricity that is made in whole or in part of aluminum.

(43) "Copper clad aluminum conductors" means aluminum conductors that are drawn from copper clad aluminum rods with the copper metallurgically bonded to an aluminum core and of which copper forms a minimum 10 percent of the cross sectional area of a solid conductor or of each strand of a stranded conductor.

3. By adding a new paragraph (q) to § 280.808 as follows:

§ 280.808 Wiring methods and materials.

* * * * *

(q) Copper clad aluminum conductors shall:

(1) only be connected to devices listed for use with aluminum conductors which have electrical contact surfaces that are not subject to corrosion, and

(2) not be terminated in wet or damp locations.

* * * * *

(Secs. 604 and 625, National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5403 and 5424, and Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., February 7, 1979.

GENO C. BARONI,
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 79-4642 Filed 2-9-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 77-028]

MISSISSIPPI RIVER BELOW BATON ROUGE, LA., INCLUDING SOUTH AND SOUTHWEST PASSES

Proposed Anchorage Ground Regulations; Extension of Comment Period

AGENCY: Coast Guard, DOT.

ACTION: Extending of comment period for proposed rules.

SUMMARY: In the FEDERAL REGISTER of December 21, 1978 (43 FR 59521) the Coast Guard proposed amendments to the anchorage regulations for the Lower Mississippi River. This notice extends the comment period for the proposal to March 5, 1979. The original closing date was February 5, 1979. The American Waterways Operators Association has requested an extension of the comment period in order to allow additional time for a thorough review of the proposal.

DATES: As explained above, comments must be received on or before March 5, 1979.

ADDRESSES: Comments should be submitted to and will be available for examination at the Office of the Commander, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA. 70130.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Howard E. Snow, Office of Marine Environment and Systems (G-WLE/73), Room 7315, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-1934.

DRAFTING INFORMATION

The principal persons involved in drafting this notice are: lieutenant Commander Howard E. Snow, Office of Marine Environment and Systems, and Lieutenant John W. Salter, Project Attorney, Office of the Chief Counsel.

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); sec. 6 (g)(1)(A) 80 Stat. 937, (49 U.S.C. 1655 (g)(1)(A)); 49 CFR 1.48 (c)(1))

Dated: February 5, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard Acting Commandant.

[FR Doc. 79-4600 Filed 2-9-79; 8:45 am]

[4910-14-M]

[33 CFR Part 117]

[CGD 78-171]

DRAWBRIDGE OPERATION REGULATIONS

Gulf Intracoastal Waterway, Pinellas County, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is considering amending the regulations governing the operation of the Clearwater Memorial, Welsh Causeway, Corey Causeway, and Treasure Island Causeway drawbridges across the GIWW, Pinellas County, to provide restricted periods which may assist the flow of vehicular traffic. This action may accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before March 16, 1979.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Seventh Coast Guard District, 51 S.W. First Avenue, Miami, Florida 33130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr. Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-0942).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING IMFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

A significant increase in vehicular traffic in this area has aggravated traffic problems. The Welsh Causeway, Corey Causeway, and Treasure Island Causeway drawbridges are contributing to this problem because they are presently permitted to open on signal and the Clearwater Memorial drawbridge opens on signal except on weekends. In an effort to alleviate this problem, the Florida Department of Transportation has requested the Coast Guard to impose restrictions for opening these bridges during peak vehicular traffic periods. The Coast Guard is requesting comments from interested and affected parties regarding this proposal.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.466 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.466 Gulf Intracoastal Waterway (GIWW), Pinellas County, FL.

(a) Clearwater Harbor, GIWW, mile 136.0, Clearwater Memorial Causeway, S.R. 60, Clearwater, FL. From 9 a.m. to 7 p.m., the draw need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(b) Boca Ciega Bay, GIWW, mile 122.8, Welch Causeway bridge, S.R. 699, Madiera Beach, FL. From 9:30 a.m. to 6 p.m., on Saturdays, Sundays, and legal holidays, the draw need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(c) Boca Ciega Bay, GIWW, mile 117.7, Corey Causeway bridge, S.R. 693, South Pasadena, FL. From 8 a.m. to 7 p.m., Monday through Friday, and 10 a.m. to 7 p.m., Saturdays, Sundays, and legal holidays, the draws need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(d) Boca Ciega Bay, GIWW, mile 119.0, Treasure Island Causeway bridge, Central Avenue, Treasure Island, FL. From 3 p.m. to 6 p.m., Monday through Friday, and from 11 a.m. to 6 p.m., Saturdays, Sundays, and legal holidays, the draws need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(e) The draws of these bridges shall open at any time for the passage of public vessels of the United States, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, other sound producing device, or by shouting.

(f) The owner of or agency controlling the bridges shall post notices containing the substance of these regulations both upstream and downstream, on the bridges or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5)).

Dated: February 2, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 79-4561 Filed 2-9-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 79-7; RM-3217]

FM BROADCAST STATION IN BIG PINE KEY, FLA.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM channel to Big Pine Key, Florida. Petitioner, Lower Keys Broadcasting Corporation, states the proposed station could render a first local aural broadcast service to Big Pine Key and the Lower Keys Division of Monroe County.

DATES: Comments must be filed on or before April 2, 1979, and reply comments on or before April 23, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Big Pine Key, Florida); *Notice of Proposed Rulemaking.*

Adopted: February 1, 1979.

Released: February 5, 1979.

By the Chief, Broadcast Bureau:

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1. *Petitioner, Proposal and Comments:*

(a) *Notice of Proposed Rule Making* is given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) as it relates to Big Pine Key, Florida.

(b) Petition for rule making [1] was filed on behalf of Lower Keys Broadcasting Corporation ("petitioner"), seeking the assignment of Channel 228A to Big Pine Key, Florida, as its first FM assignment. No responses to the petition were received.

(c) Channel 228A could be assigned to Big Pine Key in conformity with the minimum distance separation requirements.

(d) Petitioner states it will promptly apply for and build a station serving Big Pine Key, if the channel is assigned.

2. *Community Data:* (a) *Location:* Big Pine Key is one of the islands in the Lower Keys Division of Monroe County, approximately 201 kilometers (125 miles) southwest of Miami and 48 kilometers (30 miles) northeast of Key West. It is not incorporated.

(b) *Population:* Big Pine Key—4,254; [2] Lower Keys Division—10,352; Monroe County—52,856.[3]

(c) *Local Aural Broadcast Service:* There is no local aural broadcast service in Big Pine Key. It receives service from WKIZ(AM) and WKWF(AM), Key West, and WFFG(AM), Marathon.

3. *Preclusive Impact:* Petitioner claims that preclusion would occur on the co-channel affecting only two communities with over 1,000 population: Key West (29,312) and Marathon (4,397). However, this is not a concern since both of these communities have AM stations and FM assignments.

4. *Community Status:* Petitioner states that Big Pine Key has its own post office and maintains its own fire department. We are told that a community youth center and medical clinic are located at Big Pine Key as well as the Lower Keys Chamber of Commerce, several churches and civic and other organizations. These include a Jaycees, Lions Club, Botanical Society and Civic Association. Various governmental offices are also located there.

5. Petitioner states that no daily newspapers is printed in the Lower Keys Division, although home delivery of the Miami newspaper is available. It adds that the proposed station could serve the needs and interests of Big Pine Key and the Lower Keys Division of Monroe County.

6. Although the information on hand suggests that Big Pine Key is a community, there is some question about its size. Apparently, in 1970 its population was under 1,000 since it does not appear in the 1970 Census which lists all unincorporated communities having a population of a least 1,000. Petitioner asserts that the population has reached 4,254, but it has not explained this dramatic increase. Further information in this regard is needed.

7. In order to consider the possibility of assigning an FM channel to Big Pine Key, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Rules), as it pertains to Big Pine Key, Florida, as follows:

City	Channel No.	
	Present	Proposed
Big Pine Key, Florida		228A

8. Authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before April 2, 1979, and reply comments on or before April 23, 1979.

10. For further information concerning this proceeding, contact Mildred Nesterak, Broadcast Bureau, (202-632-7792). However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involves channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

FEDERAL COMMUNICATION COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 02.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* above.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making above. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleading. Comments shall be served on the petitioner by the person filing comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-4584 Filed 2-9-79; 8:45 am]

[1] Public Notice of the petition was given on October 13, 1978, Report No. 1145.

[2] There is no Census figure listed for Big Pine Key. As of June, 1977, the Monroe County Department of Waste Control estimated the population of Big Pine Key to be 4,254.

[3] 1970 U.S. Census.

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 258]

FISHERMEN'S PROTECTIVE ACT

Proposed Rulemaking

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Proposed Rulemaking.

SUMMARY: The National Marine Fisheries Service (NMFS) proposes regulations to implement Section 10 ("Section 10") of the Fishermen's Protective Act of 1967, as amended by Pub. L. 95-376 (the "Act"). Section 10 establishes a program to compensate United States fishermen who have suffered vessel damage, loss, or destruction in any fishery subject to the exclusive management authority of the United States, because of foreign fishing vessels and fishing gear damage, loss, or destruction which is attributable to any other vessel or acts of God.

DATES: Comments must be received no later than April 9, 1979.

ADDRESS: Comments should be sent to: Mr. Michael L. Grable, Chief, Financial Services Division, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235. All comments submitted will be available for examination by interested persons. Please mark "Section 10" on the envelope.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, or Kathryn E. Hensley, Financial Services Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, Telephone 202-634-7496.

SUPPLEMENTARY INFORMATION: This is a proposal to add a new Subpart C to 50 CFR Part 258. This new subpart is being proposed to implement part of Pub. L. 95-376 which established a system for compensating U.S. fishermen whose fishing vessels or fishing gear have been lost, damaged or destroyed while operating in a fishery subject to the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 et seq.) Eligible fishermen would receive compensation for loss, damage, or destruction of their fishing vessels which is attributable to any foreign vessel (or its crew or fishing gear) and for any fishing gear whose loss, damage or destruction is attributable to the activity of any other vessel, whether or not it is a vessel of the United States, or to an act of God. Thus, the inability of U.S. fishermen to establish the precise identify of the vessel causing the damage to its fishing gear would no longer bar compensation under Section 10 of the Fishermen's Protective Act (22 U.S.C. 1980). Pub. L. 95-376 provides that a claimant be compensated for the depreciated replacement cost or the repair cost of the gear involved, whichever is less. Criminal penalties of up to $25,000 and one year imprisonment or both, may be imposed for any false or misleading statements on the part of any person seeking compensation under this program.

Section 10 is funded primarily by a surcharge levied against foreign fishing vessels operating within the Fishery Conservation Zone. Revenues are also received from subrogated rights, investments of fund balances, administrative fees, and borrowings.

BACKGROUND

The present Section 10 program allows the Secretary to make loans to domestic fishermen whose vessels or gear are damaged by foreign fishing vessel operations in the U.S. Fishery Conservation Zone. These loans are cancellable if it is determined that the applicant was not at fault in the casualty for which the loan had been made. Rules governing the administration of the present Section 10 program are codified as Subpart B of 50 CFR Part 258.

Pub. L. 95-376 amended Section 10 to broaden the type of casualties eligible for compensation, change the method of compensation, and provide a new source of program funding. Since Pub. L. 95-376 substantially amended the present Section 10 program, NMFS proposes to rewrite the program rules in their entirety.

All eligible casualties occurring before January 1, 1979 are governed by the present Section 10 program and will be acted upon in accordance with the rules now governing the present Section 10 program. Casualties occurring after January 1, 1979 are governed by the new Section 10 program and will be governed by these proposed rules.

The Assistant Administrator for Fisheries has made initial determination that these proposed regulations are not significant under Executive Order 12044. The Assistant Administrator has also determined that these proposed regulations do not require the preparation of an environmental impact statement under the National Environmental Policy Act.

Dated: February 6, 1979.

TERRY L. LEITZELL,
Assistant Administrator for Fisheries.

50 CFR Part 258 is proposed to be amended by adding the following Subpart C:

Subpart C—Compensation for Fishing Vessel or Gear Damage in a U.S. Fishery Attributable to Other Vessels or Acts of God.

Sec.
258.20 Purpose and scope.
258.21 Definitions.
258.22 Eligibility.
258.23 Applications.
258.24 Burden of proof and presumptions.
258.25 Amount of compensation.
258.26 Initial determination.
258.27 Final determination.
258.28 Subrogation.
258.29 Payment.
258.30 Penalties.

AUTHORITY: Pub. L. 95-376, 92 Stat. 715 (22 U.S.C. 1980).

Subpart C—Compensation for Fishing Vessel or Gear Damage in a U.S. Fishery Attributable to Vessels or Acts of God.

§ 258.20 Purpose and scope.

(a) This subpart contains the regulations for compensating the owners or operators of United States fishing vessels for casualties occurring after January 1, 1979. Eligible vessel casualties are those which are attributable to any foreign vessel (or its crew or fishing gear). Eligible fishing gear casualties are those which are attributable to acts of God or any other vessel (or its crew or fishing gear), whether or not that vessel is a United States vessel.

(b) For regulations govering casualties occuring before January 1, 1979 see Subpart B.

§ 258.21 Definitions.

Unless the context otherwise requires, in this subpart:

(a) "Act of God" means any act, event, or circumstance:

(1) Which is occasioned exclusively by natural causes; and

(2) Whose effect could not reasonably have been prevented, avoided, or ameliorated by human care, skill, or foresight (either before or after the act, event, or circumstance) of a type, degree, and timeliness which would normally be expected from an ordinarily prudent person in the same situation and under the prevailing circumstances.

(b) "Assistant Administrator" means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

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(c) "Casualty(ies)" means loss, damage, or destruction of fishing vessel(s) or fishing gear.

(d) "Fishery" means:

(1) One or more stocks of fish which can be treated as a unit for purposes of conservation, management, and utilization and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(2) Any fishing for such stocks.

(e) "Fishery conservation zone" means the fishery conservation zone established by section 101 of the Fishery Conservation and Management Act of 1976, as amended.

(f) "Fishing" means:

(1) The catching, taking, or harvesting of fish;

(2) The attempted catching, taking, or harvesting of fish;

(3) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(4) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (1) through (3) of this definition. Fishing does not include any scientific research activity conducted by a scientific research vessel.

(g) "Fishing gear" means any equipment or appurtenance which is: (1) Used for, or of a type which is normally used for, fishing by a fishing vessel, whether or not attached to the vessel, and (2) not considered a part of the fishing vessel for the purpose of recovery under a commercial policy of full hull and machinery and protection and indemnity insurance.

(h) "Fishing vessel" means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(1) Fishing; or

(2) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

(i) "Foreign vessel" means a vessel other than a vessel of the United States, regardless of such vessel's trade or use.

(j) "United States fishery" means any fishery subject to the exclusive fishery management authority of the United States under the Fishery Conservation and Management Act of 1976, as amended.

(k) "United States fishing vessel" means any fishing vessel which is a vessel of the United States.

(l) "Vessel of the United States" means any vessel documented under the laws of the United States or registered under the laws of any State, regardless of such vessel's trade or use.

§ 258.22 Eligibility.

(a) *Applicants.* Only the owner or operator of a United States fishing vessel or fishing gear is eligible for compensation under this subpart.

(b) *Dates.* Casualties occurring after January 1, 1979, are eligible for compensation under this subpart. See Subpart B of this part for regulations governing casualties occurring before January 1, 1979.

(c) *Casualty to fishing vessels.* A casualty to a United States fishing vessel is eligible for compensation under this subpart if it occurred in a United States fishery and is attributable to any foreign vessel.

(d) *Casualty to fishing gear.* A casualty to fishing gear is eligible for compensation under this subpart if it occurred in a United States fishery and is attributable to an act of God or any other vessel, whether or not such vessel is a foreign vessel.

(e) *Reporting requirement.* A casualty to fixed fishing gear attributable to any other vessel is not eligible for compensation unless the location of the gear, prior to the casualty, had been reported to the U.S. Coast Guard for broadcasting to foreign vessels.

(f) *Insurance.* To be eligible for compensation under this subpart, a casualty may not involve a risk which is insurable under a commercial policy of full hull and machinery and protection and indemnity insurance, regardless of whether or not the insurance was in effect at the time the casualty occurred.

(g) *Commercial shipping lanes.* No casualty occurring in a commercial shipping lane is eligible for compensation under this subpart. A "commercial shipping lane", for purposes of this paragraph, is any area commonly recognized as such.

§ 258.23 Applications.

(a) *Who may apply.* Applications under this subpart shall be submitted by the owner or operator whose United States fishing vessel or fishing gear suffered the casualty for which compensation is sought.

(b) *Where to apply.* Applications shall be submitted to the Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235.

(c) *Time requirement.* Applications must be submitted to the Financial Services Division (NMFS) within 60 calendar days of the date the casualty occurred or was first noticed by the applicant. Applications sent by mail must be postmarked during that 60 day period.

(d) *Contents.* (1) Applications may be submitted on forms provided by the Financial Services Division when such forms are available. Until such forms are available applications shall include the information required by paragraphs (d) through (j) of this section.

(2) Each application shall be signed by the applicant and shall set forth facts sufficient to establish that the applicant meets the eligibility requirements set forth in § 258.22.

(3) Each application shall include as attachments the affidavits and estimates required by this section. For the purposes of this section, an affidavit is a written statement sworn to or affirmed before a notary public.

(e) *Affidavit of vessel master.* Each application shall include an affidavit of the master of the United States fishing vessel which suffered, or whose fishing gear suffered, the casualty for which compensation is sought. If more than one master was involved at any material time before, during, or after the casualty, the application shall include an affidavit from each master. The affidavit shall set forth a full statement of all facts and circumstances before, during, and after the incident resulting in the casualty for which compensation is sought including:

(1) A full description of the nature of the fishing operations which involved the casualty. The description of casualties to fixed fishing gear shall include a diagram and accompanying explanation showing what the various components of the gear involved in the casualty were and how they were arranged while operating.

Example. The description for a casualty to fixed gear would describe: (i) How the gear was fixed, anchored, or otherwise prevented from drifting and with what size, weight, type, material of construction, and number of anchors or other means of affixation; (ii) how many pots, traps, or other units of gear of what size, weight, type, and material of construction were affixed to the gear, how they were affixed, and at what intervals; (iii) how the gear was buoyed, with what size, shape, type, and material of construction buoys, and how many buoys were used at what intervals on the gear set; (iv) what size, weight, type, grade, and material of construction lines, ropes, or cables were used; (v) what provisions were made for the gear having been visible to other vessels; (vi) what provisions were made for the gear having been made capable of relocation and retrieval; (vii) at what depth the gear operated, its length, what area it covered; (viii) what weather or sea conditions the gear was designed to withstand; and (ix) any other relevant details of the casualty.

(2) A full description of the nature and extent of loss, damage, or destruction involved in the casualty, including photographs of the damage where possible.

(3) The time, date, and locational coordinates (in latitude and longitude) of the incident resulting in the casualty. For fixed fishing gear casualties where actual occurrence of the casualty was not observed by witnesses, this shall include: (i) The time, date, and locational coordinates for when the gear was first deployed; (ii) the time, date, and locational coordinates for when the gear was last observed to be in a sound state (if different from the time and date of its deployment); (iii) the time, date, and locational coordinates for when knowledge of the fishing gear casualty first became known; and (iv) a full statement (to the best of applicant's knowledge) of the weather and sea conditions (or any other conditions which could be construed as an act of God) which existed during the period after deployment and before first knowledge of the casualty.

(4) If the casualty was observed during its occurrence, a full description of the act of God or vessel alleged to have caused the casualty (for instance, unusual weather conditions if the cause alleged is an act of God or the other vessel's size, type, flag, name, number, color of house or hull, and other identifying characteristics if the cause alleged is the action of another vessel, and a full description of such vessel's, and/or its crew's, actions before, during, and after its alleged causing of the casualty).

(5) A full description of the actions of the applicant's fishing vessel and its crew before, during, and after the casualty, including all circumstances involving deployment of any gear involved in the casualty and its relocation and retrieval or all attempts at its relocation and retrieval.

(6) A full statement of the reasons for belief that the casualty was caused by another vessel or by an act of God rather than by natural conditions constituting less than an act of God ("act of God" is defined in § 258.21) or by other ineligible causes (for example, defective deployment, defective retrieval, or other circumstances which constitute normal operating contingencies).

(7) A full inventory of all property involved in the casualty, including: Enumeration of all components lost, damaged, or destroyed; their size, type, grade and material of construction; their age; their useful economic life; whether the loss was total or repairable (and, if a combination of both, what components were totally lost, what components were retrieved in what condition, etc.).

(f) *Affidavit of the owner.* Each application shall include an affidavit of the owner of the property involved in the casualty. A single affidavit may be submitted if the vessel master is also the owner of the property concerned. Each affidavit shall include:

(1) A complete inventory of all fishing gear owned by the applicant of a type similar to any gear involved in the casualty for which a claim for compensation is being made. The inventory shall be current as of a date immediately preceding the casualty (the lost, damaged, or destroyed gear must be included in the inventory). The age and remaining useful economic life of each unit of gear on the inventory shall be specified;

(2) The date, place, and cost of acquisition of all fishing gear and components lost, damaged, or destroyed in the casualty. Purchase invoices for such gear and all components shall be submitted if available.

(g) *Estimates.* Each application shall include three estimates, from commercial sources acceptable to the Assistant Administrator, of the present replacement cost of the property lost, damaged, or destroyed and its repair cost if it is repairable.

(h) *Witnesses.* Each application shall include:

(1) The name, address, and telephone number of each known witness to the casualty; and

(2) An affidavit from any material witness to the casualty setting forth any material information possessed by such witness.

(i) *Other evidence.* The Assistant Administrator may, in his or her discretion, require an applicant to submit affidavits, information, explanations, or estimates in addition to those specified in this section.

(j) *Filing fee.* Each application shall include a check or money order made payable to National Marine Fisheries Service for the filing fee. The filing fee is one percent (1%) of the replacement and/or repair (whichever is applicable) cost of the property lost, damaged, or destroyed in the casualty (but in no event shall the filing fee exceed $1,000). The replacement and/or repair cost used to calculate the filing fee is the lowest of the three estimates required by § 258.23(g) to be included in the application. The filing fee is non-refundable.

(k) *Incomplete and abandoned applications.* As soon as practicable after receipt of an incomplete or improperly completed application, the Assistant Administrator shall notify the applicant of the deficiency in the application. The 60-day processing time, within which an Initial Determination shall be made under § 258.26, does not begin to run until an application is determined by the Assistant Administrator to be both proper and complete in all respects. If the applicant fails to correct a deficiency within 60 calendar days following the date of notification of the deficiency the application shall be considered abandoned.

(l) *Amendment of applications.* An application may be amended any time after submission, but prior to the Initial Determination specified in § 258.26. The Assistant Administrator shall make an Initial Determination on the application, as amended, within 60 days from the receipt of the amendment.

§ 258.24 Burden of proof and presumptions.

(a) *Burden of proof.* The applicant has the burden to prove by a preponderance of the evidence the cause of the casualty. An applicant seeking compensation for a casualty to fishing gear has the burden to prove that the gear was deployed, and attempts to retrieve it were, in conformance with customary usage and practice and otherwise constituted the actions of an ordinarily prudent person.

(b) *Presumptions.* (1) *Unobserved fishing gear casualties.*—(i) *Foreign vessels.* (A) Upon the filing of an application for compensation for an unobserved fishing gear casualty, the Assistant Administrator shall compile available data and information concerning foreign vessel activity in the vicinity of the casualty between the date of the gear's deployment (or the date the gear was last seen in a sound state) and the date upon which knowledge of the casualty was first gained.

(B) There is a presumption that a casualty was attributable to a foreign vessel if the Assistant Administrator determines that the data and information compiled under paragraph (A) show that a foreign vessel was in close enough proximity to the fishing gear, or a sufficient number of foreign vessels were in the general vicinity of the fishing gear, between the time of the gear's deployment, and the time of its retrieval or attempted retrieval.

(ii) *Acts of God.* (A) The Assistant Administrator, in cooperation with the National Weather Service, shall attempt to compile a historical average of the means and extremes of weather and sea conditions encompassing the United States Fisheries. This historical average shall be used to determine whether the actual weather or sea conditions prevailing in the vicinity, and at the time of the casualty would constitute an act of God (as opposed to normal weather and sea conditions for that area at that time).

(B) There is a presumption that a casualty was caused by an act of God if the National Weather Service records (and judgments based upon those records) available to the Assistant Administrator show that there were extreme or possibly extreme weather or sea conditions in the vicinity of the gear at the time of its casualty.

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(iii) *Non-qualifying casualties.* There is no presumption for casualties alleged to have been caused by domestic vessels. Unobserved fixed fishing gear casualties which do not qualify for the presumptions of § 258.24(b) shall be judged upon the available evidence. If the presumptions in § 258.24(b) are not met because of the inability of the Assistant Administrator to collect the necessary information, the Assistant Administrator shall make a determination based upon the available evidence.

(2) *Observed casualties.* The presumptions for unobserved fishing gear casualties shall not apply to observed casualties.

§ 258.25 Amount of compensation.

(a) *General.* The amount of compensation under this subpart is the amount of casualty under paragraph (b) of this section minus the sum of any deduction for the negligence of the applicant under (e) of this section and any insurance proceeds under paragraph (f) of this section.

(b) *Amount of casualty.* If the property concerned is determined by the Assistant Administrator to be repairable at a cost less than its depreciated replacement cost, the amount of the casualty is the repair cost. The amount of the casualty for property which is totally (actually or constructively) lost or destroyed is its depreciated replacement cost.

(c) *Depreciated replacement cost.* For purposes of this section the depreciated replacement cost is the present replacement cost of the property (at the time the claim is submitted) which has been lost or destroyed, depreciated on a straightline basis over the useful economic life of the property remaining as of the time immediately prior to the casualty.

(d) *Multiple losses.* (1) If multiple units of fishing gear are involved in the casualty and the age, condition, and value of individual units cannot be established to the satisfaction of the Assistant Administrator, the Assistant Administrator may use the average remaining useful economic life for all units identified in the inventory required by § 258.23 in calculating the depreciated replacement cost.

(2) If the average remaining useful economic life of the property involved in the casualty is less than the average remaining useful economic life of all the property in the inventory required by § 258.23, the average remaining useful economic life of the property involved in the casualty shall be used as the basis for calculating the depreciated replacement cost.

Example No. 1. (i) Applicant claims to have lost 100 crab pots with variously remaining useful economic lives averaging 3.5 years. The applicant's gear inventory shows that the applicant owns 500 crab pots (including the 100 involved in the casualty) with variously remaining useful economic lives averaging 2.5 years.

(ii) The replacement cost of the 100 pots involved in the casualty will be depreciated as if they each had a useful economic life of 2.5 years, rather than 3.5 years.

(iii) If the present replacement cost of the pots is $500 each and they have a useful economic life when new of 5 years, the depreciated replacement cost of each pot will be $250 or one-half of the replacement cost (since 2.5 years, or one-half their new useful economic life, was regarded as being remaining at the time of the casualty).

(iv) Thus, the compensation would be 100 pots at a depreciated replacement cost of $250 each, for a total of $25,000.

Example No. 2. If the 100 crab pots described in Example No. 1 had a remaining useful economic life of 1.5 years (instead of 3.5 years), 1.5 years would be the basis for depreciating the cost of the replacement pots, rather than the 2.5 year average remaining useful economic life of the inventory property. Since 1.5 years is 30% of the useful economic life of new pots (1.5 years—5 years) the compensation would be $15,000 (100 pots at a depreciated replacement cost of $150 each).

(e) *Comparative negligence.* In calculating the amount of compensation under this subpart, the amount of casualty under paragraph (b) of this section will be reduced proportionally to the extent that any negligence of the applicant (or the applicant's agents) contributed to the cause or extent of the casualty.

Examples. If 10 percent (10%) of the $25,000 in damages suffered was the result of the applicant's negligence, the applicant would receive $22,500 in compensation. If the negligence of the applicant had caused 90% of the loss, $2,500 in compensation would be received.

(f) *Insurance proceeds.* For purposes of calculating the amount of compensation, the amount of casualty under paragraph (b) of this section will be reduced by the amount the applicant has received, will receive, or would have received from a commercial policy of full hull and machinery and protection and indemnity insurance, whether or not such insurance was in effect at the time the casualty occurred.

§ 258.26 Initial determination.

(a) *Time.* Within 60 days of the receipt of a properly completed application (see § 258.23 (k)), the assistant Administrator shall make an initial determination of the amount of any compensation to be paid the applicant.

(b) *Contents.* An initial determination shall state:

(1) If the application is disapproved, the reasons therefor; and

(2) If the application is approved, the amount of compensation and the basis upon which the amount was determined.

(c) *Notice.* The initial determination shall be mailed to the applicant.

§ 258.27 Final determination.

(a) *Appeal.* Any applicant may, within 30 days after the date of the issuance of an initial determination under § 258.26, file a written request for review of the initial determination with the Assistant Administrator.

(b) *Additional evidence.* The applicant may submit to the Assistant Administrator written information or data relating to the initial determination no later than 30 calendar days after the filing of a petition under paragraph (a) of this section.

(c) *Final determination.* The Assistant Administrator shall issue a final determination on an application within 60 days of the submission of any written information or data by the applicant under paragraph (b) of this section. A copy of the final determination shall be mailed to the applicant.

§ 258.28 Subrogation.

After approval of an applicant's claim, but before compensation is disbursed, the applicant shall execute a subrogation agreement in a form satisfactory to the Assistant Administrator which: (a) Assigns to the Secretary all rights which the applicant may have to proceed against any party who may be liable for damages with respect to any part of a casualty for which compensation is being made hereunder, and; (b) gives, as a condition of continuing to retain the compensation, the applicant's undertaking to assist the Assistant Administrator in any reasonable way to pursue collection of the subrogated rights.

§ 258.29 Payment.

(a) *Amount.* The Assistant Administrator shall compensate the applicant in the amount calculated under § 258.25, minus the approval fee as determined according to paragraph (b) of this section. Payment shall be made to the applicant upon receipt of a properly executed subrogation agreement under § 258.28.

(b) *Approval fee.* The approval fee is 4 percent (4%) of the amount of compensation calculated under § 258.25, but in no case shall the total of the approval fee and the filing fee under § 258.23 (j) exceed $1,000.

§ 258.30 Penalties.

Persons who willfully make any false or misleading statement or representation for the purpose of obtaining compensation under this subpart are subject to criminal prosecutions pursuant to the provisions of 22 U.S.C. 1980 (g), which provides penalties, upon conviction, of a fine of not more than $25,000, or imprisonment for not more than one year, or both.

[FR Doc. 79-4654 Filed 2-9-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 81]

[FRL 1026-5]

NATIONAL VISIBILITY GOAL FOR FEDERAL CLASS I AREAS

Identification of Mandatory Class I Federal Areas Where Visibility Is an Important Value

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed action.

SUMMARY: Section 169A(a)(2) of the Clean Air Act requires EPA to promulgate, after consultation with the Secretary of the Interior, a list of mandatory Class I Federal areas where visibility is an important value. On February 24, 1978, the Secretary of the Interior published a list of such areas. 43 FR 7721. EPA is proposing to promulgate that list without change in order to meet the requirement of Section 169A(a)(2). This notice contains the list and a description of the process and criteria used by the Secretary of the Interior in the identification process.

DATES: Written public comments must be received no later than March 14, 1979.

ADDRESS: All comments should be sent to: Environmental Protection Agency, Control Programs Development Division (MD-15), Research Triangle Park, North Carolina 27711, Attn: Mr. Darryl D. Tyler. Comments received on this proposal will be available for public inspection and copying at the Public Information Reference Unit (EPA Library), Room 2922, 401 M Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Darryl D. Tyler, Chief, Standards Implementation Branch, Control Programs Development Division, Office of Air Quality Planning and Standards, Environmental Protection Agency (MD-15), Research Triangle Park, North Carolina 27711. Phone: (919) 541-5425.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Clean Air Act Amendments of 1977 added Section 169A to the Clean Air Act. In this section, Congress established, as a national goal, "the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory [C]lass I Federal areas which impairment results from manmade air pollution." Section 162(a) of the Act classifies as mandatory Class I areas all international parks, all national wilderness areas which exceed 5,000 acres in size, all national memorial parks which exceed 5,000 acres in size, and all national parks which exceed 6,000 acres in size. This mandatory designation applies only to areas which were in existence on the date of enactment of the 1977 amendments. These areas may not be redesignated.

The Act requires the following of the Federal Government:

(1) The Department of the Interior, in consultation with other Federal land managers, must review all mandatory Class I Federal areas and identify by February, 1978, those areas where visibility is an important value. By August, 1978, the EPA Administrator, after consulting with Interior, must promulgate a list of mandatory Class I Federal areas in which he determines visibility is an important value.

(2) By February, 1979, EPA must prepare a report to Congress on methods for implementing the national visibility goal. "Such report shall include recommendations for—

"(A) Methods for identifying, characterizing, determining, quantifying, and measuring visibility impairment in Federal areas . . ., and

"(B) Modeling techniques (or other methods) for determining the extent to which manmade air pollution may reasonably be anticipated to cause or contribute to such impairment, and

"(C) Methods for preventing and remedying such manmade air pollution and resulting visibility impairment.

Such report shall also identify the classes or categories of sources and the types of air pollutants which, alone or in conjunction with other sources or pollutants may, reasonably be anticipated to cause or contribute significantly to impairment of visibility." Section 169A(a)(3).

(3) By August, 1979, EPA must promulgate regulations which will (a) provide guidelines to the States for identifying, evaluating, and assessing, and preventing and remedying manmade visibility impairment in State Implementation Plans (SIPs) where needed, and (b) require SIPs for affected States to include emission limits, schedules for compliance, and other measures as may be necessary to make reasonable progress toward meeting the national visibility goal.

These regulations must require major sources in operation 15 years or less on August 7, 1977, which emit any air pollutant which may reasonably be anticipated to impair visibility in the identified Federal mandatory Class I areas to procure, install, and operate the best available retrofit technology (BART) no later than five years after SIP approval. The regulations must also require the SIP to include a long-term (10-15 years) strategy for making reasonable progress toward meeting the national visibility goal.

Examination of the legislative history of the visibility provision indicates that Congress was concerned about evidence submitted by environmental groups, such as the National Parks and Conservation Association, indicating "there is evidence that some areas that in the past had 100-mile visibility, now have only an average of 30-mile visibility. Much of this can probably be attributed to emissions from powerplants, such as the Navaho and Four Corners plants." H. Rept. No. 95-294, at 204 (1977). In addition to the recognized threat of power plants to long-range visibility in the western United States, Congress also was concerned about a report that the hazes found in high vegetation areas of the Southeast "are not dominated by natural organic compounds, but by sulfate aerosol particles probably from the oxidation of SO_x emitted from regionally distributed sources." *Id.* The Conference Report states that "[a] major concern which prompted the House to adopt a visibility protection provision was the need to remedy existing pollution in Federal mandatory Class I areas from existing sources." H. Rept. No. 95-564, at 155 (1977).

Congress noted that the current national ambient air quality standards were not adequate to protect visibility in Federal mandatory Class I areas. Congress also recognized that it would be inequitable and impractical for a national ambient air quality standard to require the same standard of visibility protection in cities such as New York or Los Angeles as should be required in areas such as the Grand Canyon or Yellowstone National Park. H. Rept. No. 95-294, at 205. In requiring an analysis of the visibility values in various Class I regions before determining whether visibility protection would be necessary, Congress recognized that it would be unreasonable to have uniform visibility even in all national parks or other Class I areas.

While it seems reasonable that visibility is probably an important value in almost every Federal mandatory Class I area, it does not follow that the definition of visibility objectives or what constitutes visibility impairment

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would be the same for all Federal mandatory Class I areas. Clearly, the visual values which must be protected in the Grand Canyon National Park are different in quantity and quality from those in, for example, the Great Smokies or Mammoth Cave National Park.

In carrying out the provisions of Section 169A, including the requirement to promulgate regulations to assure progress toward meeting the national visibility goal, the Administrator will solicit wide and extensive public participation. EPA recognizes the importance of developing more detailed information for determining the impact a major stationary source may have on the visibility of a Federal mandatory Class I area. EPA also recognizes the need for the development of criteria for determining the "significance" of visibility impairment related to the specific visibility objectives of each area, as well as the need to define existing visibility values in each Class I area. To develop more definitive visibility regulations, EPA has requested the Department of the Interior and the Forest Service to conduct an analysis which identifies area specific visibility values. This analysis would address the range of scenic vistas, the nature of visual values, and an estimation of the degree of existing natural and manmade visibility impairment. The future proposal of visibility regulations will address these issues and seek public comments on them at that time.

In today's FEDERAL REGISTER, EPA is proposing a list of the mandatory Federal Class I areas where visibility is an important value. Although the Administrator has determined that this list is not a regulation under Sections 307(d)(1)(I) and 317, he is treating promulgation of it as an action under Section 307(d)(1)(N). Several reasons support this determination.

As to the Section 307(d)(1)(I) inclusion, the visibility section, 169A, distinguishes the "regulations" due in August, 1979, from the "list" of areas that the Administrator is required to promulgate. It therefore is more appropriate to characterize this list as an "action" under Section 307(d)(1)(N), than as a "regulation" under 307(d)(1)(I).

As to Section 317, even assuming that the list may be termed a visibility "regulation," Section 317 does not appear to apply. Section 317 (a)(4) speaks of regulations under part C of title I relating to prevention of significant deterioration (PSD) of air quality. Where Congress intended to include the visibility provisions in part C, however, it said so directly. For example, Sections 307(d)(1)(I) also speaks of regulations under part C of title I relating to PSD, but adds: "and protection of visibility."

Moreover, even if Section 317 were thought to be applicable, compliance at this stage with Section 317 would be impracticable. Section 317 requires an economic assessment of the regulations' compliance costs and potential inflationary or recessionary effects, its impact on energy use, and its effects on competition with respect to small business. Obviously, only speculation on these effects is possible at this stage in the development of the Section 169A regulations since no requirement yet exists to assess.

IDENTIFICATION OF MANDATORY CLASS I FEDERAL AREAS WHERE VISIBILITY IS AN IMPORTANT VALUE

The Secretary of the Interior assigned responsibility for the visibility area identification study to the Assistant Secretary for Fish and Wildlife and Parks. The National Park Service was assigned the responsibility for leading a task force including representatives from the USDA Forest Service and the U.S. Fish and Wildlife Service. The Bureau of Land Management provided assistance to the task force. EPA was a consulting member of the task force from its initial stages. The task force identified relevant criteria and applied them to make a preliminary identification that 153 of the 158 mandatory Class I Federal areas possessed visibility as an important value.

The process by which the criteria was applied to each Federal mandatory Class I area involved (1) the participation of the individual park superintendents and forest supervisors who surveyed each area, and (2) a review of the park superintendents' and forest rangers' recommendations by the regional staffs responsible for the Class I areas in their region, and by the Washington, D.C. staff who consulted with the regional staffs. Through this consultation process, each of the 158 mandadory Class I Federal areas was evaluated and tested against the criteria. Notice of the preliminary findings of the task force, an announcement about related public hearings, and an invitation for public comment appeared in the FEDERAL REGISTER on October 14, 1977 (42 FR 55280).

Reassessment of the legislative history of Section 169A and the Department's preliminary findings, together with consideration of the public comment received, produced one change in the criteria used to identify whether visibility is an important value. The Character of the Scenic Values (Step 3) was changed so that only those areas which possess no sweeping view of backgroung features, panoramas, or views of middleground or background features would fail be be identified to possess visibility as an important value in this step. Under the preliminary criteria, an area was identified as not possessing visibility as an important value if views were primarily, or mostly, of foreground features less than one mile distant, although one or more background or middleground view or panorama was present. The one-mile cutoff is used because it is the shortest distance at which a broad perception of an area is possible, i.e., it allows an individual to observe overall patterns, shapes, and textures of the area. The one-mile cutoff is consistent with definitions of foreground, middleground, and background presented in the USDA, Forest Service Landscape Management Book, Volume I.

The application of the revised criteria identified three areas which possess visibility as an important value in addition to the 153 areas so identified in the preliminary findings. The three additional areas are: Mammoth Cave National park, Kentucky; Moosehorn Wilderness, Maine; and Medicine Lake Wilderness, Montana.

The final analysis report sheet which sets forth the revised criteria used in the final identification by the Secretary of the Interior is found in Appendix 2 to the "Final Identification of Mandatory Class I Federal Areas where Visibility is an Important Value." 43 FR 7721. Workbooks for each of the 158 mandatory Class I Federal areas, containing the final analysis report, were reviewed by EPA and are available for inspection at the office of the National Park Service, Room 1210, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, as well as the Environmental Protection Agency, Central Docket Section, Room 2903-B, Waterside Mall, 401 M Street, S.W., Washington, D.C.

IDENTIFICATION CRITERIA

In the final identification, the following revised criteria were applied to each mandatory Class I Federal area to identify whether visibility is an important value:

"1. Does the legislation for the area indicate that scenic value was an important consideration for establishing the area? or,

Is the area possessed of scenic values that are important to public enjoyment?

2. Are any sweeping views of background features, panoramas, or views of middleground or background features present, as opposed to only views of foreground features less than one-mile distant, e.g., streamside, trailside?

3. Do natural sources of visibility impairment seriously affect the ability of the public to appreciate visibility as an important value?

4. For those areas in which natural sources of visibility impairment seriously affect public appreciation of scenic values, is the magnitude of the scenic value sufficient to warrant protection from man-caused sources?" 43 FR 7721, 7722 (February 24, 1978).

FINAL IDENTIFICATION

The Secretary of the Interior identified the mandatory Class I Federal areas where visibility is an important value and, on February 8, 1978, forwarded the findings to the Administrator of EPA. These findings were published in the FEDERAL REGISTER, without change, on February 24, 1978 (43 FR 7721). Of the 158 mandatory Class I Federal areas, 156 were identified in the final analysis as possessing visibility as an important value. The negative identifications were two national wilderness areas—Bradwell Bay, Florida; and Rainbow Lake, Wisconsin.

EPA REVIEW

From the earliest stages of development, EPA followed the Department of the Interior's progress in developing and applying the criteria by which the list of Class I visibility protection areas was produced. In addition, EPA reviewed the criteria and the public reactions at the public meetings held around the country. Finally, the workbooks were reviewed with particular attention to the application of the criteria to each Federal mandatory Class I area and taking into consideration the extensive public comment. It is the Administrator's judgment that the Secretary of the Interior has submitted a thorough, logically developed and well documented rationale for the list of areas in which visibility is an important value. There are no other relevant criteria and the application of the criteria to each of the Class I areas could not have been improved. The open participatory process by which the list was developed and the resulting determinations carry through the intent of Congress conscientiously. For these reasons, the Administrator proposes to promulgate the list exactly as submitted to him by the Secretary of the Interior, and seeks comment on this proposed action.

REQUEST FOR COMMENTS AND PUBLIC PARTICIPATION

The action proposed in today's FEDERAL REGISTER provides an opportunity for additional public comment on the 156 Federal Mandatory Class I areas identified by the Secretary of Interior as possessing visibility as an important value. The Administrator intends to promulgate the list of 156 areas submitted to EPA by the Secretary of the Interior unless compelling objections to the identifications are raised during this comment period. There already has been broad public participation since the Secretary of the Interior's October 14, 1977, FEDERAL REGISTER notice (42 FR 55280). Nationwide public meetings were held in Portland, Oregon; San Francisco, California; Lakewood, Colorado; Minneapolis, Minnesota; Atlanta, Georgia; and Washington, D.C., from November 9, 1977, through November 16, 1977. There has been a thorough review and analysis of 157 written public comments, including comments from individuals, State and Federal officials, 17 businesses, and more than 30 organizations. A final notice was published by the Secretary of the Interior in the February 24, 1978 FEDERAL REGISTER (43 FR 7721).

Interested parties are encouraged to participate in this proposed action by submitting written comments. Comments are invited on the process and criteria used to identify the Federal mandatory Class I areas where visibility is an important value, as well as the application of the criteria to each area. All comments received no later than March 14, 1979.

Since EPA is treating promulgation of the list as an action under Section 307(d)(1)(N) of the Act, it has established a rulemaking docket. The docket number is OAQPS 79-9. The docket is located at the Evironmental Protection Agency, Public Information Reference Unit (EPA Library), Room 2922, 401 M St., S.W., Washington, D.C. 20460. It will be open to public inspection during normal business hours.

It should be noted that EPA would consider no substantive issue relating to this list to be ripe for judicial review until EPA promulgates the regulations required under Section 169A(a)(4) since the effect of the identifications will remain largely uncertain until then.

(Sections 101(b)(1), 110, 169A(a)(2), and 301(a) of the Clean Air Act as amended (42 USC 7401(b), 7410, 7491(a)(2), 7601(a)).

Dated February 2, 1979.

BARBARA BLUM,
Acting Administrator.

It is proposed to amend Part 81 of Chapter I, Title 40 of the Code of Federal Regulations by adding Subpart D as follows:

Subpart D—Identification of Mandatory Class I Federal Areas Where Visibility is an Important Value

Sec.
81.400 Scope.
81.401 Alabama.
81.402 Alaska.
81.403 Arizona.
81.404 Arkansas.
81.405 California.
81.406 Colorado.
81.407 Florida.
81.408 Georgia.
81.409 Hawaii.
81.410 Idaho.
81.411 Kentucky.
81.412 Louisiana.
81.413 Maine.
81.414 Michigan.
81.415 Minnesota.
81.416 Missouri.
81.417 Montana.
81.418 Nevada.
81.419 New Hampshire.
81.420 New Jersey.
81.421 New Mexico.
81.422 North Carolina.
81.423 North Dakota.
81.424 Oklahoma.
81.425 Oregon.
81.426 South Carloina.
81.427 South Dakota.
81.428 Tennessee.
81.429 Tasas.
81.430 Utah.
81.431 Vermont.
81.432 Virgin Islands.
81.433 Virginia.
81.434 Washington.
81.435 West Virginia.
81.436 Wyoming.
81.437 New Brunswick, Canada.

Subpart D—Identification of Mandatory Class I Federal Areas Where Visibility is an Important Value

§ 81.400 Scope.

Subpart D, Section 81.401 through 81.436 list those mandatory Federal Class I areas, established under the Clean Air Act Amendments of 1977, where the Administrator, in consultation with the Secretary of the Interior, has determined visibility to be an important value.

The following listing of areas where visibility is an important value represents an evaluation of all international parks (IP), national wilderness areas (Wild) exceeding 5,000 acres, national memorial parks (NMP) exceeding 5,000 acres, and national parks (NP) exceeding 6,000 acres, in existence on August 7, 1977. Consultation by EPA with the Federal Land Managers involved: the Department of Interior (USDI), National Park Service (NPS), and Fish and Wild Life Service (FWS); and the Department of Agriculture (USDA), Forest Service (FS).

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§ 81.401 Alabama.

Area name	Acreage	Public Law establishing	Federal land manager
Sipsey Wild	12,646	93-622	USDA-FS

§ 81.402 Alaska.

Area name	Acreage	Public Law establishing	Federal land manager
Bering Sea Wild	41,113	91-622	USDI-FWS
Mount McKinley NP	1,949,493	84-353	USDI-NPS
Simeonof Wild	25,141	94-557	USDI-FWS
Turedni Wild	6,402	91-504	USDI-FWS

§ 81.403 Arizona.

Area name	Acreage	Public Law establishing	Federal land manager
Chiricahua National Monument Wild	9,440	94-567	USDI-NPS
Chiricahua Wild	18,000	88-577	USDA-FS
Galiuro Wild	52,717	88-577	USDA-FS
Grand Canyon NP	1,176,913	85-277	USDI-NPS
Mazatzal Wild	205,137	88-577	USDA-FS
Mount Baldy Wild	6,975	91-504	USDA-FS
Petrified Forest NP	93,493	85-358	USDI-NPS
Pine Mountain Wild	20,081	92-230	USDA-FS
Saguaro Wild	71,400	94-567	USDI-NPS
Sierra Ancha Wild	20,850	88-577	USDA-FS
Superstition Wild	124,117	88-577	USDA-FS
Sycamore Canyon Wild	47,757	92-241	USDA-FS

§ 81.404 Arkansas.

Area name	Acreage	Public Law establishing	Federal land manager
Caney Creek Wild	14,344	93-622	USDA-FS
Upper Buffalo Wild	9,912	93-622	USDA-FS

§ 81.405 California.

Area name	Acreage	Public Law establishing	Federal land manager
Agua Tibia Wild	15,934	93-632	USDA-FS
Caribou Wild	19,080	88-577	USDA-FS
Cucamonga Wild	9,022	88-577	USDA-FS
Desolation Wild	63,469	91-82	USDA-FS
Dome Land Wild	62,206	88-577	USDA-FS
Emigrant Wild	104,311	93-632	USDA-FS
Hoover Wild	47,916	88-577	USDA-FS
John Muir Wild	484,673	88-577	USDA-FS
Joshua Tree Wild	429,690	94-567	USDI-NPS
Kaiser Wild	22,500	94-577	USDA-FS
Kings Canyon NP	459,994	76-424	USDI-NPS
Lassen Volcanic NP	105,800	84-184	USDI-NPS
Lava Beds Wild	28,640	92-493	USDI-NPS
Marble Mountain Wild	213,743	88-577	USDA-FS
Mokelumne Wild	50,400	88-577	USDA-FS
Pinnacles Wild	12,952	94-567	USDI-NPS
Point Reyes Wild	25,370	94-544, 94-567	USDI-NPS
Redwood NP	27,792	90-545	USDI-NSP
San Gabriel Wild	36,137	90-318	USDA-FS
San Gorgonio Wild	34,644	88-577	USDA-FS
San Jacinto Wild	20,564	88-577	USDA-FS
San Rafael Wild	142,722	90-271	USDA-FS
Sequoia NP	386,642	26 Stat. 478 (51st Cong.).	USDI-NPS
South Warner Wild	68,507	88-577	USDA-FS
Thousand Lakes Wild	15,695	88-577	USDA-FS
Ventana Wild	95,152	91-58	USDA-FS
Yolla-Bolly-Middle-Eel Wild	109,091	88-577	USDA-FS
Yosemite NP	759,172	58-49	USDI-NPS

§ 81.406 Colorado.

Area name	Acreage	Public Law establishing	Federal land manager
Black Canyon of the Gunnison Wild	11,180	94-567	USDI-NPS
Eagles Nest Wild	133,910	94-352	USDA-FS
Flat Tops Wild	235,230	94-146	USDA-FS
Great Sand Dunes Wild	33,450	94-567	USDI-NPS
La Garita Wild	48,486	88-577	USDA-FS
Maroon Bells-Snowmass Wild	71,060	88-577	USDA-FS
Mesa Verde NP	51,488	59-353	USDI-NPS
Mount Zirkel Wild	72,472	88-577	USDA-FS
Rawah Wild	26,674	88-577	USDA-FS
Rocky Mountain NP	263,138	83-238	USDI-NPS
Weminuche Wild	400,907	93-632	USDA-FS
West Elk Wild	61,412	88-577	USDA-FS

§ 81.407 Florida.

Area name	Acreage	Public Law establishing	Federal land manager
Chassahowitzka Wild	23,360	94-557	USDI-FWS
Everglades NP	1,397,429	73-267	USDI-NPS
St. Marks Wild	17,745	93-632	USDI-FWS

§ 81.408 Georgia.

Area name	Acreage	Public Law establishing	Federal land manager
Cohotta Wild	33,776	93-622	USDA-FS
Okefenokee Wild	343,850	93-429	USDI-FWS
Wolf Island Wild	5,126	93-632	USDI-FWS

§ 81.409 Hawaii.

Area name	Acreage	Public Law establishing	Federal land manager
Haleakala NP	27,208	87-744	USDI-NPS
Hawaii Volcanoes	217,029	64-171	USDI-NPS

§ 81.410 Idaho.

Area name	Acreage	Public Law establishing	Federal land manager
Craters of the Moon Wild	43,243	91-504	USDI-NPS
Hells Canyon Wild [a]	83,800	94-199	USDA-FS
Sawtooth Wild	216,383	92-400	USDA-FS
Selway-Bitterroot Wild [b]	988,770	88-577	USDA-FS
Yellowstone NP [c]	31,488	17 Stat. 32 (42nd Cong.).	USDI-NPS

[a] Hells Canyon Wilderness, 192,700 acres overall, of which 108,900 acres are in Oregon and 83,800 acres are in Idaho.

[b] Selway Bitterroot Wilderness, 1,232,310 acres overall, of which 963,417 acres are in Idaho and 248,893 acres are in Montana.

[c] Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.

§ 81.411 Kentucky.

Area name	Acreage	Public Law establishing	Federal land manager
Mammoth Cave NP	51,303	69-283	USDI-NPS

§ 81.412 Louisiana.

Area Name	Acreage	Public Law establishing	Federal land manager
Breton Wild	5,000+	93-632	USDI-FWS

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§ 81.413 Maine.

Area Name	Acreage	Public Law establishing	Federal land manager
Acadia NP	37,503	65-278	USDI-NPS
Moosehorn Wild	7,501		USDI-FWS
(Edmunds Unit)	(2,782)	91-504	
(Baring Unit)	(4,719)	93-632	

§ 81.414 Michigan.

Area Name	Acreage	Public Law establishing	Federal land manager
Isle Royale NP	542,428	71-835	USDI-NPS
Seney Wild	25,150	91-504	USDI-FWS

§ 81.415 Minnesota.

Area Name	Acreage	Public Law establishing	Federal land manager
Boundary Waters Canoe Area Wild	747,840	99-577	USDA-FS
Voyageurs NP	114,964	99-261	USDI-NPS

§ 81.415 Missouri.

Area name	Acreage	Public Law establishing	Federal land manager
Hercules-Glades Wild	12,315	94-557	USDA-FS
Mingo Wild	8,000	94-557	USDI-FWS

§ 81.417 Montana.

Area name	Acreage	Public Law establishing	Federal land manager
Anaconda-Pintlar Wild	157,803	88-577	USDA-FS
Bob Marshall Wild	950,000	88-577	USDA-FS
Cabinet Mountains Wild	94,272	88-577	USDA-FS
Gates of the Mtn Wild	28,562	88-577	USDA-FS
Glacier NP	1,012,599	61-171	USDI-NPS
Medicine Lake Wild	11,366	94-557	USDI-FWS
Mission Mountain Wild	73,877	93-632	USDA-FS
Red Rock Lakes Wild	32,350	94-557	USDI-FWS
Scapegoat Wild	239,295	92-395	USDA-FS
Selway-Bitterroot Wild [a]	251,930	88-577	USDA-FS
U.L. Bend Wild	20,890	94-557	USDI-FWS
Yellowstone NP [b]	167,624	17 Stat. 32 (42nd Cong.).	USDI-NPS

[a] Selway-Bitterroot Wilderness, 1,232,310 acres overall, of which 983,417 acres are in Idaho and 248,893 acres are in Montana.

[b] Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.

§ 81.418 Nevada.

Area name	Acreage	Public Law establishing	Federal land manager
Jarbidge Wild	64,667	88-577	USDA-FS

§ 81.419 New Hampshire.

Area name	Acreage	Public Law establishing	Federal land manager
Great Gulf Wild	5,552	88-577	USDA-FS
Presidential Range-Dry River Wild	20,000	93-622	USDA-FS

§ 81.420 New Jersey.

Area name	Acreage	Public Law establishing	Federal land manager
Brigantine Wild	6,663	93-632	USDI-FWS

§ 81.421 New Mexico.

Area name	Acreage	Public Law establishing	Federal land manager
Bandelier Wild	23,267	94-567	USDI-NPS
Bosque del Apache Wild	80,850	93-632	USDI-FWS
Carlsbad Caverns NP	46,435	71-216	USDI-NPS
Gila Wild	433,690	88-577	USDA-FS
Pecos Wild	167,416	88-577	USDA-FS
Salt Creek Wild	8,500	91-504	USDI-FWS
San Pedro Parks Wild	41,132	88-577	USDA-FS
Wheeler Peak Wild	6,027	88-577	USDA-FS
White Mountain Wild	31,171	88-577	USDA-FS

§ 81.422 North Carolina.

Area name	Acreage	Public Law establishing	Federal land manager
Great Smoky Mountains NP [a]	273,551	89-268	USDI-NPS
Joyce Kilmer-Slickrock Wild [b]	10,201	93-622	USDA-FS
Linville Gorge Wild	7,575	88-577	USDA-FS
Shining Rock Wild	13,350	88-577	USDA-FS
Swanguarter Wild	9,000	94-557	USDI-FWS

[a] Great Smoky Mountains National Park, 514,758 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres are in Tennessee.

[b] Joyce Kilmer-Slickrock Wilderness, 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.

§ 81.423 North Dakota.

Area name	Acreage	Public Law establishing	Federal land manager
Lostwood Wild	5,557	93-632	USDI-FWS
Theodore Roosevelt, NMP	69,675	80-38	USDI-NPS

§ 81.424 Oklahoma.

Area name	Acreage	Public Law establishing	Federal land manager
Wichita Mountains Wild	8,900	91-504	USDI-FWS

§ 81.425 Oregon.

Area name	Acreage	Public Law establishing	Federal land manager
Crater Lake NP	160,290	57-121	USDI-NPS
Diamond Peak Wild	36,637	88-577	USDA-FS
Eagle Cap Wild	293,476	88-577	USDA-FS
Gearhart Mountain Wild	18,709	88-577	USDA-FS
Hells Canyon Wild [a]	108,900	94-199	USDA-FS
Kalmiopsis Wild	76,900	88-577	USDA-FS
Mountain Lakes Wild	23,071	88-577	USDA-FS
Mount Hood Wild	14,160	88-577	USDA-FS
Mount Jefferson Wild	100,208	90-548	USDA-FS
Mount Washington Wild	46,116	88-577	USDA-FS
Strawberry Mountain Wild	33,003	88-577	USDA-FS
Three Sisters Wild	199,902	88-577	USDA-FS

[a] Hells Canyon Wilderness, 192,700 acres overall, of which 108,900 acres are in Oregon, and 83,800 acres are in Idaho.

§ 81.426 South Carolina.

Area name	Acreage	Public Law establishing	Federal land manager
Cape Romain Wild	28,000	93-632	USDI-FWS

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§ 81.427 South Dakota.

Area name	Acreage	Public Law establishing	Federal land manager
Badlands Wild	64,250	94-567	USDI-NPS
Wind Cave NP	28,060	57-16	USDI-NPS

§ 81.428 Tennessee.

Area name	Acreage	Public Law establishing	Federal land manager
Great Smoky Mountains NP *	241,207	89-268	USDI-NPS
Joyce Kilmer-Slickrock Wild '	3,832	93-622	USDA-FS

* Great Smoky Mountains National Park, 514,758 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres are in Tennessee.
' Joyce Kilmer-Slickrock Wilderness, 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.

§ 81.429 Texas.

Area name	Acreage	Public Law establishing	Federal land manager
Big Bend NP	708,118	74-157	USDI-NPS
Guadalupe Mountains NP	76,292	89-667	USDI-NPS

§ 81.430 Utah.

Area name	Acreage	Public Law establishing	Federal land manager
Arches NP	65,098	92-155	USDI-NPS
Bryce Canyon NP	35,832	68-277	USDI-NPS
Canyonlands NP	337,570	88-590	USDI-NPS
Capitol Reef NP	221,896	92-507	USDI-NPS
Zion NP	142,462	68-83	USDI-NPS

§ 81.431 Vermont.

Area name	Acreage	Public Law establishing	Federal land manager
Lyle Brook Wild	12,430	93-622	USDA-FS

§ 81.432 Virgin Islands.

Area name	Acreage	Public Law establishing	Federal land manager
Virgin Islands NP	12,295	84-925	USDI-NPS

§ 81.433 Virginia.

Area name	Acreage	Public law establishing	Federal land manager
James River Face Wild	8,703	93-622	USDA-FS
Shenandoah NP	190,535	69-268	USDI-NPS

§ 81.434 Washington.

Area name	Acreage	Public Law establishing	Federal land manager
Alpine Lakes Wild	303,508	94-357	USDA-FS
Glacier Peak Wild	464,258	88-577	USDA-FS
Goat Rocks Wild	82,680	88-577	USDA-FS
Mount Adams Wild	32,356	88-577	USDA-FS
Mount Rainier NP	235,259	30 Stat. 993 (55th Cong.).	USDI-NPS
North Cascades NP	503,277	90-554	USDI-NPS
Olympic NP	892,578	75-778	USDI-NPS
Pasayten Wild	505,524	90-544	USDA-FS

§ 81.435 West Virginia.

Area name	Acreage	Public Law establishing	Federal land manager
Dolly Sods Wild	10,215	93-622	USDA-FS
Otter Creek Wild	20,000	93-622	USDA-FS

§ 81.436 Wyoming.

Area name	Acreage	Public Law establishing	Federal land manager
Bridger Wild	392,160	88-577	USDA-FS
Fitzpatrick Wild	191,103	94-567	USDA-FS
Grand Teton NP	305,504	81-787	USDI-NPS
North Absaroka Wild	351,104	88 577	USDA-FS
Teton Wild	557,211	88-577	USDA-FS
Washakie Wild	686,584	92-476	USDA-FS
Yellowstone NP *	2,020,625	17 Stat. 32 (42nd. Cong.).	USDI-NPS

* Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167, 624 acres are in Montana, and 31,488 acres are in Idaho.

§ 81.437 New Brunswick, Canada.

Area name	Acreage	Public Law establishing	Federal land manager
Roosevelt Campobello International Park.	2,721	88-363	Not applicable

[FR Doc. 79-4558 Filed 2-9-79; 8:45 am]

[1505-01-M]

[40 CFR Part 250]

[FRL 1014-5]

HAZARDOUS WASTE GUIDELINES AND REGULATIONS

Proposed Rules; Correction

In FR Doc 78-34903, appearing at page 58946 in the issue for Monday, December 18, 1978, make the following changes:

1. The equation in § 250.45-1 (d)(2) should read as follows:

$$CE = \frac{C_{co_2}}{C_{co_2} + C_{co}} \times 100$$

Where:

CE = combustion efficiency

C_{co_2} = concentration of CO_2 in exhaust gas

C_{co} = concentration of CO in exhaust gas

2. In the 5th line of § 250.45-1 (d) (3), a comma should be inserted after "flame".

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

OFFICIAL AGENCY DESIGNATION

Official Designations of Nine State Departments of Agriculture and Proposals of Geographic Areas

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the designation of the Connecticut, Georgia, Montana, Maine, Oregon, North Carolina, Louisiana, Wyoming, and Missouri Departments of Agriculture as official agencies to perform grain inspection services under the authority of the United States Grain Standards Act, as amended. This notice also proposes geographic areas within which each State agency will operate.

DATE: Comments by March 29, 1979.

FOR FURTHER INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, Delegation and Designation Branch, 1400 Independence Ave., SW., Room 2405, Auditors Building, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 et seq., hereinafter the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act (7 U.S.C. 79 and 79a), the Administrator of the Federal grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such a designation shall terminate triennially (7 U.S.C. 79(g)(1) and 79a(c)).

The Connecticut, Georgia, Montana, Maine, Oregon, North Carolina, Louisiana, Wyoming, and Missouri Departments of Agriculture, all existing official agencies, made application to be officially designated under the Act, as amended, to perform official inspection functions, not including official weighing.

This is to announce that the FGIS has conducted the required investigations of the nine State departments of agriculture which included onsite reviews of their inspection points (specified service points). All nine State agencies were deemed eligibile for designation to perform official inspection functions (other than appeal inspection), not including official weighing. Documents designating the nine States were signed as follows: Connecticut Department of Agriculture, September 30; Georgia Department of Agriculture, October 20; Montana Department of Agriculture, October 25; Maine Department of Agriculture, October 31; Oregon Department of Agriculture, November 5; North Carolina Department of Agriculture, November 10; Louisiana Department of Agriculture, November 16; Wyoming Department of Agriculture, November 20; and Missouri Department of Agriculture, November 20; all in 1978.

NOTE.—Section 7(f)(2) of the Act (7 U.S.C. 79(f)(2)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Said designations also included interim assignments of geographic areas within which the official State agencies shall officially inspect grain. These geographic areas assigned on an interim basis pending final determination in this matter are: In Connecticut, the entire State; in Georgia, the entire State; in Montana, the entire State; in Maine, the entire State; in Oregon, the entire state except those export port locations within the State; in North Carolina, the entire State; in Louisiana, the entire State except those export port locations within the State; in Wyoming, the entire State, excluding Goshen and Platte Counties to be serviced by the Denver Grain Exchange Association, Inc., and Albin, Burns, Carpenter, Egbert, and Pine Bluffs, which are service locations within the State of Wyoming to be serviced by the Denver Grain Exchange Association, Inc.; and in Missouri, the entire State.

The specified service points of these agencies are:

Connecticut: Connecticut Department of Agriculture, 10 Apel Place, Manchester, Connecticut 06040;

Georgia: Georgia Department of Agriculture, Room 604, Capitol Square, Atlanta, Georgia 30334; Georgia Department of Agriculture, State Highway 118, General Delivery, Bronwood, Georgia 31726; Georgia Department of Agriculture, Emanuel County Office Building, Swainsboro, Georgia 30401; Georgia Department of Agriculture, 1500 South Patterson Street, Valdosta, Georgia 31601; Georgia Department of Agriculture, Old Hospital Road, P.O. Box 1931, Westside Branch, Gainsville, Georgia 30501, all located within Georgia's proposed geographic area;

Montana: Montana Department of Agriculture, 821 17th Street North, Box 1397, Great Falls, Montana 59401;

Maine: Maine Department of Agriculture, Cony Road, Augusta, Maine 04330;

Oregon: Oregon Department of Agriculture, 700 S.E. Emigrant Street, P.O. Box 594, Pendleton, Oregon 97801;

North Carolina: North Carolina Department of Agriculture, Off Old Highway 421, Bonlee, North Carolina 27213; North Carolina Department of Agriculture, Route 1, Fayetteville, North Carolina 28301; North Carolina Department of Agriculture, 1304 Broad Street, Greenville, North Carolina 27834; North Carolina Department of Agriculture, North Carolina Department of Agriculture Building, Halifax and Edenton Streets, Raleigh, North Carolina 27611, all located within North Carolina's proposed geographic area;

Louisiana: Louisiana Department of Agriculture, Corner of Sylvester and Lee, Alexandria, Louisiana 71301; Louisiana Department of Agriculture, Highway 13 South, Eunice, Louisiana 70535; Louisiana Department of Agiculture, Highway 190 West, Kinder, Louisiana 70648; Louisiana Department of Agriculture, Highway 65, Lake Providence, Louisiana 71254; Louisiana Department of Agriculture, West Highway 90, Mermentau, Louisiana 70556, all located within Louisiana's proposed geographic area;

Wyoming: Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, Wyoming 82001; and

Missouri: Missouri Department of Agriculture, 4800 Main Street G-29, Kansas City, Missouri 64112; Missouri Department of Agriculture, 104 East Promenade Street, Mexico, Missouri 65265; Missouri Department of Agriculture, 209 Corby Building Annex, Fifth and Felix, St. Joseph, Missouri 64501; Missouri Department of Agriculture, 102 Merchants Exchange Building, 5100 Oakland Avenue, St. Louis, Missouri 63110, all located within Missiouri's proposed geographic area. A specified service point where services will be provided only on an intermittent basis as requested by the applicant is: Missouri Department of Agriculture, 435 West Malone, Sikeston, Missouri 63801.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. A service location for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection functions other than official grading where no license inspectors are located. These designation documents provide for the inclusion of additional specified service points and service locations which may be established in the future, within these nine State agencies' geographic areas.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic areas proposed for assignment to these agencies. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 1400 Independence Avenue, SW., Room 2405, Auditors Building, Washington, D.C. 20250. All materials should be mailed to Director not later than March 29, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before a final determination of the assignment of geographic areas is made with respect to this matter.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 889 (7 U.S.C. 74 note))

Done in Washington, D.C., on January 19, 1979.

L. E. MALONE,
Acting Administrator.

[FR Doc. 79-4623 Filed 2-9-79; 8:45 am]

[3410-02-M]

OFFICIAL AGENCY DESIGNATION

Cancellation of the Fremont Grain Exchange, Inc.—Official Designation of the Fremont Grain Inspection Department, Inc., Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the cancellation of designation of the Fremont Grain Exchange, Inc., Fremont, Nebraska, and the designation of the Fremont Grain Inspection Department, Inc., owned by Mr. Eldon L. Davis, as an official agency at Fremont, Nebraska, to perform grain inspection services under the U.S. Grain Standards Act, as amended, effective October 20, 1978. This notice also proposes a geographic area within which the agency will operate.

DATE: Comments by March 29, 1979.

FOR ADDITIONAL INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, 201 14th Street, S.W., Room 2405, Auditors Building, Delegation and Designation Branch, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (hereinafter the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act (7 U.S.C. 79 and 79a), the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such designation shall terminate triennially (7 U.S.C. 79(g)(1) and 79a(c)).

On June 23, 1978, a notice was published in the FEDERAL REGISTER (43 FR 27218-27219) announcing that (1) the stock of the Fremont Grain Exchange, Inc. (Exchange), Fremont, Nebraska, was sold to Mr. Eldon L. Davis, the Chief Inspector thereof; (2) Mr. Eldon L. Davis applied for designation in accordance with Section 7(f)(1) of the Act (7 U.S.C. 79(f)(1)) to operate as an official agency at Fremont, Nebraska, to be known as the Fremont Grain Inspection Department, Inc.; and (3) the Fremont Grain Inspection Department, Inc., was given an interim designation as the official agency at Fremont, Nebraska.

Interested persons were given until July 24, 1978, to submit written views and comments with respect to the requested transfer of designation and/or to apply for designation to operate as an official agency at Fremont, Nebraska. No comments were received regarding the June 23, 1978, notice. No additional applications were received, other than the application from Mr. Davis.

The FGIS has conducted the required investigation of the Fremont Grain Inspection Department, Inc., which included an onsite review of the inspection point at Fremont (specified service point).

NOTE.—Section 7(f)(2) of the Act (7 U.S.C. 79(f)(2)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

As a result of this investigation and after due consideration of the request for transfer, the Fremont Grain Inspection Department, Inc., owned by Mr. Eldon L. Davis, was designated to perform official inspection functions (other than appeal inspection), not including official weighing, and the designation of the Exchange was canceled effective December 19, 1977.

A document designating the Fremont Grain Inspection Department, Inc., as an official agency was signed on October 20, 1978. Said designation also included an interim assignment of geographic area within which the official agency shall officially inspect grain. The geographic area assigned on an interim basis to the Fremont Grain Inspection Department, Inc., pending final determination in this matter is:

In Nebraska, the area shall be bounded on the North by: U.S. Route 20 from U.S. Route 81 east to the Eastern Pierce County line; the Pierce County line south; the northern Wayne County line east; the western Dixon County line north to U.S. Route 20; U.S. Route 20 east to the western Dakota County line; the Dakota County line north; the northern Dakota County line east to the Missouri River;

Bounded on the East by: The Missouri River south-southeast to State Route 91; State Route 91 west to the eastern Dodge County line; the Dodge County line south; the southern Dodge County line west to U.S. Route 77; U.S. Route 77 south including Wahoo, Nebraska, to the southern Saunders County line;

Bounded on the South by: The Saunders County line west; the southern Butler County line west; the southern Polk County line west;

Bounded on the West by: The western Polk County line north to the Platte River; the Platte River northeast to the western Platte County line; the Platte County line north; the northern Platte County line east to U.S. Route 81; U.S. Route 81 north to U.S. Route 20.

In Iowa, the area shall be bounded on the North by: The northern Crawford County line; the northern Carroll County line from Crawford County east to U.S. Route 71;

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Bounded on the East by: U.S. Route 71 south, including Carroll, Iowa, to the southern Carroll County line; the Carroll County line west; the eastern Shelby County line south;

Bounded on the South by: The southern Shelby County line west; the southern Harrison County line west to State Route 183;

Bounded on the West by: State Route 183 north, including Missouri Valley, Iowa, to the northern Harrison County line; the Harrison County line east to the western Crawford County line; the Crawford County line north to the northern Crawford County line.

Exceptions to this designated geographic area are the following service locations inside the area which are serviced by other official agencies: Columbus, Nebraska, in Platte County to be serviced by Hastings Grain Inspection, Inc.; Shelby, Nebraska, in Polk County to be serviced by Omaha Grain Inspection Service, Inc.; Rising City, Nebraska, in Butler County to be serviced by Omaha Grain Exchange; and Charter Oak, Iowa, in Crawford County to be serviced by Sioux City Grain Exchange.

Interested persons may obtain maps of the proposed geographic area for this agency from the Compliance Division, Delegation and Designation Branch.

The specified service point of the Fremont Grain Inspection Department, Inc., is 603 East Dodge Street, Fremont, Nebraska 68025, and is located within the agency's proposed geographic area. A specified service point for the purpose of this notice is a city, town, or other location specifed by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. A service location for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection functions other than official grading where no licensed inspector is located. The designation document provides for the inclusion of additional specified service points and service locations which may be established in the future within the agency's assigned geographic area.

Publication of this notice does not preclude future amendment of this designation, consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to the Fremont Grain Inspection Department, Inc. All views or comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 201 14th Street, S.W., Room 2405, Auditors Building, Washington, D.C. 20250. All materials submitted should be mailed to the Director not later than March 29, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made with respect to this matter.

(Sec. 4, Pub. L. 94-582, 90 Stat. 2868 (7 U.S.C. 75a); sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note))

Done in Washington, D.C. on: February 6, 1979.

L. E. BARTELT,
Administrator.

[FR Doc. 79-4581 Filed 2-9-79; 8:45 am]

[3410-02-M]

TERMINATION OF OFFICIAL SERVICES

Replacement Agency Will Not Be Designated for the State of Delaware

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that a replacement agency will not be designated to provide official services in the State of Delaware. The Department of Agriculture of the State of Delaware, the agency formerly designated to provide official inspection services in Delaware, elected not to request official designation under the United States Grain Standards Act, as amended, and thus allowed its official agency status to terminate midnight, November 19, 1978.

EFFECTIVE DATE: February 12, 1979.

FOR ADDITIONAL INFORMATION CONTACT:

Edith A. Christensen, U.S. Department of Agriculture, Federal Grain Inspection Service, Compliance Division, Delegation and Designation Branch, 1400 Independence Avenue, S.W., Room 2405, Auditors Building, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: Pub. L. 94-582, enacted in 1976 to amend the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (hereinafter the "Act"), provides in Section 27 that any interior inspection agency providing service on November 20, 1976, the date on which the amended Act became effective could continue to do so without a designation under the Act until the expiration of a period as determined by the Administrator, but not to exceed 2 years after the Act's effective date (7 U.S.C. 74 note).

The November 1, 1978, issue of the FEDERAL REGISTER (43 FR 50952) announced that the Department of Agriculture of the State of Delaware, Dover, Delaware (State), notified the Federal Grain Inspection Service (FGIS) that it had elected not to request official designation under the terms of the Act and thus would allow its designation to terminate midnight, November 19, 1978.

Members of the grain trade and other interested persons were given until December 1, 1978, to comment on the need for continuing official inspection services in the State of Delaware and, subject to a final determination by the Administrator as to the need, make application for designation to operate as an official agency in Delaware.

No comments were received on the need for continuing official inspection service. However, the FGIS has received information from the State that indicates that there has been a limited number of requests received for full inspection service during the last fiscal year. Of the total number of inspections performed by the State during the last fiscal year, less than 3% were performed as a full grade service, indicating that nearly 98% of all inspections were for one or two grading factors only; i.e. moisture or foreign material, and not for an official U.S. grade. A survey taken by FGIS of interested parties in the State of Delaware's grain industry indicates that applicants will be able to secure the factor analyses they require for grain trade in Delaware from sources other than an officially designated agency.

One request for an application form was made, however, no application was submitted regarding the November 1, 1978, notice.

By reason thereof and after due consideration of all relevant matters and information available to the U.S. Department of Agriculture, the Administrator, FGIS, has determined that, at this time, a replacement agency will not be designated to provide official services in Delaware.

This action does not preclude the State of Delaware or any private agency or person from making future application for designation as an official agency if it can be established that there is a need for official services in Delaware.

(Sec. 27, Pub. L. 94-582, 90 Stat. 2889, (7 U.S.C. 74 note))

Done in Washington, D.C. on: February 6, 1979.

L. E. BARTELT,
Administrator.

[FR Doc. 79-4582 Filed 2-9-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket Nos. 34176, etc.; Order 79-2-46]

ALLEGHENY AIRLINES, INC.

Order Concerning Termination of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of February 1979.

Notice of Allegheny Airlines, Inc., under sections 401(j)(1), 401(j)(2) and 419(a)(3) of the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978, concerning termination of service at Plattsburgh, Massena, Watertown, Saranac Lake/Lake Placid, Ogdensburg, New York and Rutland, Vermont, Dockets 34176, 34177, 34178, 34180, 34181, 34182; Interim Essential Air Transportation at Plattsburgh, Massena, Watertown, Saranac Lake/Lake Placid, Ogdensburg, New York and Rutland, Vermont, Docket 34681.

On December 6, 1978, Allegheny Airlines, Inc., filed notices under sections 401(j)(1), 401(j)(2) and 419(a)(3) of the Act of its intent to suspend all air service on March 7, 1979; at Plattsburgh, New York (Docket 34176); Massena, New York (Docket 34177); Watertown, New York (Docket 34178); Saranac Lake/Lake Placid, New York (Docket 34180); Rutland, Vermont (Docket 34181); and Ogdensburg, New York (Docket 34182). Allegheny is presently the only air carrier certificated at these points. In Order 75-4-67, April 11, 1975, the Board suspended for ten years Allegheny's authority under its certificate for Route 97 to serve each of these points, contingent upon the provision of a minimum level of replacement service by Air North, Inc., an Allegheny Commuter.[1]

Answers in response to Allegheny's notice have been received from Air North and Members of the New York State Delegation.[2] Air North states that it seeks certificated authority under sections 401 and 419 of the Act to provide air transportation to each of the points Allegheny seeks to terminate and to receive subsidy for such service pursuant to section 419(a)(5), and requests the Board to consider its application in conjunction with its consideration of Allegheny's notices to terminate service. Furthermore, it urges the Board to do so without a hearing. Concurrently with its answer, Air North filed an amendment to its 401 application, filed May 26, 1978, in Docket 32747, and a petition for an order to show cause why its application should not be granted.[3] Answers in support of Air North's show cause petition have been filed by the Members of the New York delegation and the Watertown International Airport Commission.

We are very concerned about the air service needs of these communities, and we are prepared to take steps to see that these service needs are adequately met. Prior to relieving Allegheny of its certificate obligations, however, the Board must determine that essential air transportation will be provided in the absence of Allegheny's service responsibilities. Allegheny, the only air carrier certificated at these points, is meeting its certificate obligations under a replacement agreement approved by the Board in Order 75-4-67, in which Air North is providing the required minimum level of service as set forth in the Board's order.

We intend to make an interim essential air transportation determination for Massena, Ogdensburg, Plattsburgh, Rutland, Saranac Lake/Lake Placid and Watertown, but only after considering the views of the communities and state officials of the State in which each community is located.[4] Once this interim determination is made, we will formally invite interested applicants to submit service proposals indicating the communities they would desire to serve and the service-pattern and equipment type to be operated.[5] In addition, we will also inquire whether subsidy would be necessary and, if so, the amount which would be required.

We believe that we have a statutory responsibility to insure that communities are directly involved in the process of determining their essential level of air transportation, and that reponsible community and state officials should have the opportunity to respond directly on this issue. Therefore, before we can make an interim determination and formally invite carriers to submit service proposals, we must find out from the communities and the appropriate state officials of New York and Vermont their views concerning the interim level of essential air transportation that should be provided each of these communities. We are aware that a number of the communities and the New York State Delegation have expressed their support of Air North's application and service proposal. However, a community's support of a particular carrier's service proposal is not necessarily the same as a community's own views as to what should be its level of essential air service.

Therefore, we are instituting an investigation into the interim level of essential air transportation that should be provided each of these communities, and are requesting each of the communities and the appropriate state officials of New York and Vermont to submit to the Board in that docket within 30 days of the service date of this order the following information:

(1) The affected point's principal communities of interest for air service,

(2) The appropriate size and characteristics of aircraft to be operated at the community, and

(3) The minimum level of frequencies which would provide essential service.

After this information is provided, we will make an interim determination and formally invite interested carriers to submit service proposals to provide this service. Once we have determined that a qualified carrier (or carriers) will be able to inaugurate and maintain the level of essential air transportation at a point that Allegheny seeks to terminate, we will then relieve Alle-

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[1] The minimum level of replacement service required by the Board in Paragraph 5, Order 75-4-67, is (1) Two daily round trips (except one round trip on Saturdays, Sundays, and holidays) between Massena and Syracuse; (2) Two daily round trips (except one round trip on Saturdays, Sundays, and holidays) between Ogdensburg and Syracuse; (3) Three daily round trips (except two round trips on Saturdays, Sundays and holidays between Plattsburgh and Albany; (4) Two daily round trips (except Saturday) between Rutland and Albany; (5) Two daily round trips (except one round trip on Saturdays, Sundays, and holidays) between Saranac Lake/Lake Placid and Albany; and (6) Three daily round trips (except two round trips on Saturdays, Sundays, and holidays) between Watertown and Syracuse.

[2] United States Senators Jacob K. Javits and Daniel Patrick Moynihan; Members of Congress Robert C. McEwen, Samuel S. Stratton, James M. Hanley and Matthew F. McHugh. Their late answer was accompanied by a motion for leave to file an otherwise unauthorized document. We will grant the motion.

[3] In its petition for an order to show cause, the carrier stated that it would serve the communities with 16-seat Twin Otters and 30-seat Shorts SD3-30; it has ordered its first two SD3-30 aircraft from Shorts Brothers and claimed that if the carrier does not receive CAB certification and a commitment for adequate subsidy compensation by March 31, 1979, the guaranteed price and delivery positions will be lost. In its exhibits it projected a subsidy need of $1,554,000, and indicated that in FY 1978 it received a subsidy from Allegheny amounting to $637,000 to operate its present service-pattern. The carrier stated the larger aircraft is necessary in order to provide essential air transportation because of peaking problems associated with its linear route system and the lack of passenger comfort inherent in the Twin Otters.

[4] We will make a final determination of each community's essential air transportation requirements before October 24, 1979. *See* section 419(a)(2)(A) of the Airline Deregulation Act of 1978 (Pub. L. 95-504).

[5] We are serving a copy of this order on all commuter air carriers which operate at a point in either New York or New England.

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gheny of its certificate obligations at that point.

Furthermore, we are giving Allegheny notice of the possibility that a suitable replacement carrier(s) may not be found prior to March 7, the final day of its 90-day notice. In that event, its certificate obligations will remain in force for an additional 30-day period or until another air carrier, which is operating independently of Allegheny's service requirements, has begun to provide essential air transportation to such point, whichever occurs first. During the additional 30-day period Allegheny may continue its present arrangement with Air North as approved by the Board in Order 75-4-67 in order to be in compliance with its certificate obligations. We urge Allegheny to contact our staff to discuss the carrier's ability to continue to provide service to these points after March 7, and to specify any compensation for losses which may be required.

We will not at this time consider Air North's 401 application and its 419 service proposal.[6] Such a course of action would be premature before we receive the views of the communities and states involved or the service proposals of other carriers. However, we will grant the carrier's request that its application and service proposal be considered at the same time that we consider those received by the other carriers.

Accordingly,

1. We institute an investigation entitled *Interim Essential Air Transportation at Massena, Ogdenburg, Plattsburgh, Saranac Lake/Lake Placid, Watertown, New York and Rutland, Vermont*, Docket 34681, under sections 204 and 419 of the Federal Aviation Act of 1958, as amended;

2. We request the cities of Lake Placid, Massena, Ogdensburg, Plattsburgh, Saranac Lake, Watertown, New York, and Rutland, Vermont, the States of New York and Vermont, the New York State Department of Transportation and the Vermont Agency of Transportation to submit by March 9, 1979, their views regarding the level of essential air transportation that the Board should determine for each point;

3. We require Allegheny Airlines to continue to abide by its certificate obligations at Massena, New York; Ogdensburg, New York; Plattsburgh, New York; Saranac Lake/Lake Placid, New York; Watertown, New York; and Rutland, Vermont, for an additional 30-day period, until April 6, 1979, or until a fit, willing, and able replacement carrier is found by the Board to be capable to inaugurate and maintain essential air transportation at any such point, whichever first occurs;

4. We consolidate Dockets 34176, 34177, 34178, 34180, 34181 and 34182 into the investigation instituted by paragraph 1 above;

5. We grant the motion of the New York State Delegation to file an otherwise unauthorized document;

6. We will serve a copy of the order on all those persons who have filed documents or who appear on the service lists of Dockets 34747, 34176, 34177, 34178, 34180, 34181 and 34182, the New York State Department of Transportation, the Vermont Agency of Transportation and on all commuter air carriers registered with the Board, which operate scheduled air transportation at any point in the State of New York or New England; and

7. This order may be amended or revoked at any time at the discretion of the Board without a hearing.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[7]
Secretary.

[FR Doc. 79-4603 Filed 2-9-79; 8:45 am]

[6320-01-M]

[Docket No. 33068]

TRANSPACIFIC LOW-FARE ROUTE INVESTIGATION

Hearing

The hearing in this proceeding will be held on March 6, 1979 at 9:30 a.m. (local time) in Room 1003, Hearing Room A, 1875 Connecticut Avenue, NW., Washington, D.C.

For discussion of the issues in this proceeding see Orders 78-7-114, 78-12-128, 79-1-176 and the report of the prehearing conference in this proceeding.

Dated at Washington, D.C., February 6, 1979.

STEPHEN J. GROSS,
Administrative Law Judge.

[FR Doc. 79-4602 Filed 2-9-79; 8:45 am]

[3510-15-M]

DEPARTMENT OF COMMERCE

Maritime Administration

FIREFIGHTING TRAINING SITE PROPOSALS

In anticipation of U.S. Coast Guard (USCG) regulations requiring that certain waterborne commerce personnel undergo practical firefighting training, and recognizing the value of this training, the Maritime Administration (MARAD), in coordination with the USCG has been developing plans to expand the number of facilities available to provide hands-on firefighting training to qualified American merchant seamen. Accordingly, MARAD is proposing to establish a marine firefighting facility on the West Coast to serve the need for providing such training in that area, and is interested in receiving site proposals from public and private non-profit parties. The following minimum requirements are mandatory with respect to any site offered.

1. Unencumbered, accessible level land (approximately 3 acres) available for use by the Federal Government, including terms most favorable to the Government;

2. All necessary burn permits—all Federal, State, and local pollution and environmental clearances, including an environmental impact statement to be provided by the proposer; and

3. Provision of all required utilities (power, adequate water under pressure, sewage etc.) at the site.

MARAD has established the ensuing weighted criteria for determining site selection:

Criteria and Weight

1. Accessibility to U.S. merchant marine personnel who require firefighting training as part of the USCG licensing or certification process, 10.

2. Regular service by air and other modes of transportation. The following ranges of mileage distance shall be used in determining relative proximity to major transportation systems; (0-20)(20-50)(50-100)(100-200)(200+miles), 9.

3. Availability of adequate overnight housing and dining facilities near the proposed field facility (not to exceed 30 minutes driving time), 9.

4. Buildings on the proposed land site that are suitable to house administrative offices, an assembly room (30/40 capacity), adequate separate toilet/shower facilities, locker space and areas for drying firefighting gear and storing spares and consumables—pre-fab or cinderblock type, functional but not pretentious, 6.

5. Proximity of a facility that might be utilized for conducting a MARAD/USCG approved course in marine firefighting, the completion of which is a prerequisite for attendance at the field exercise facility. The classroom portion of the training will not be conducted nor financed by MARAD. However, a facility suitable for industry classroom training (30/40 minimum capacity), within a reasonable distance of the field site, is a requisite, 5.

6. Proximity to an office in the Western Region of MARAD for administrative purposes, 4.

7. The offer of equipment and/or construction assistance by local interests, 4.

Letters of interest indicating intent to submit proposals shall be submitted by February 28, 1979 to the Office of Maritime Manpower, maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

MARAD will consider proposals of suitable sites received on or before April 2, 1979.

Further information may be obtained by contacting the Office of Maritime Manpower, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone A/C 202/377-5379.

Dated: February 6, 1979.

So ordered by Assistant Secretary of Commerce for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 79-4643 Filed 2-9-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

NATIONAL PETROLEUM COUNCIL

Committee on Refinery Flexibility Meeting

Notice is hereby given that the National Petroleum Council's Committee on Refinery Flexibility will meet in the Mount Vernon Room of the Madison Hotel, 15th and M Streets, NW, Washington, DC, on Wednesday, March 7, 1979, beginning at 1:30 p.m.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee.

The tentative agenda for the meeting is as follows:

1. Opening remarks.
a. Jerry McAfee, Chairman
b. Hon. Alvin L. Alm, Government Cochairman.
2. Review and discuss progress of working groups.
a. Refinery Capability Task Group—John R. Hall, Chairman.
b. Oil Supply, Demand, and Logistics Task Group—S. E. Watterson, Jr., Chairman.
c. Coordinating Subcommittee—Warren B. Davis, Chairman.
3. Review and discuss timetable for completion of the study.
4. Review and discuss Committee's progress report to be presented to the National Petroleum Council.
5. Discuss any other matters pertinent to the overall assignment of the Committee.

All meetings are open to the public. The Chairmen of the Committee are empowered to conduct the meeting in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Mr. Frank Verrastro, U.S. Department of Energy, (202) 252-5688, prior to the meeting, and reasonable provision will be made for their appearance on the agenda. Transcripts of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, Department of Energy, Forrestal Bldg., 1000 Independence Avenue, SW, Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on February 1, 1979.

ALVIN L. ALM,
Assistant Secretary, Policy and Evaluation.

[FR Doc. 79-4570 Filed 2-9-79; 8:45 am]

[6450-01-M]

NATIONAL PETROLEUM COUNCIL, TASK GROUP OF THE COMMITTEE ON UNCONVENTIONAL GAS SOURCES

Meeting

Notice is hereby given that a task group of the Committee on Unconventional Gas Sources will meet in February 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee or Unconventional Gas Sources will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Task Group on Tight Gas Reservoirs. The time, location and agenda of the task group meeting follows:

The third meeting of the Tight Gas Reservoirs Task Group will be on Tuesday, February 27, 1979, starting at 8:30 a.m. in Room 1118 of the Mobil Corporation offices, Prudential Plaza Building, 1645 Curtis Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of the study methodology to be employed by the Tight Gas Reservoirs Task Group.
3. Discussion of the timetable of the Tight Gas Reservoirs Task Group.
4. Discussion of any other matters pertinent to the overall assignment of the Tight Gas Reservoirs Task Group.

The meeting is open to the public. The chairman of the task group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lucio A. D'Andrea, Office of Resource Applications, 202/633-9482, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 2, 1979.

GEORGE S. MCISAAC,
Assistant Secretary for Resource Applications.

FEBRUARY 2, 1979.

[FR Doc. 79-4632 Filed 2-9-79; 8:45 am]

[1505-01-M]

COMMODITY FUTURES TRADING COMMISSION

PUBLICATION OF AND REQUEST FOR COMMENT ON PROPOSED RULES HAVING MAJOR ECONOMIC SIGNIFICANCE

Trade Rule 25 of the New York Cocoa Exchange, Inc. Rules 1404-A and B of the Chicago Mercantile Exhange

Correction

In FR Doc. 79-4150, appearing at page 7791, in the issue of Wednesday, February 7, 1979, on page 7792 in the last column, the first full paragraph, the comments date should read "March 9, 1979".

[6] Air North's petition for an order to show cause will be dealt with in a separate order.

[7] All Members concurred.

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[6450-01-M]

Federal Energy Regulatory Commission

[Project No. 2818]

CITY AND BOROUGH OF SITKA

Availability of Environmental Impact Statement for Inspection

FEBRUARY 2, 1979.

Notice is hereby given that on or about February 5, 1979, as required by the Commission Rules and Regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190) was placed in the public filed of the Federal Energy Regulatory Commission. This statement deals with the environmental impact of the issuance of a Federal Energy Regulatory Commission license to the City and Borough of Sitka for the construction, operation, and maintenance of the proposed Green Lake Dam, reservoir, power tunnel, powerhouse, switchyard, transmission line, and access road. The project would have an installed capacity of 16,500 kW.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and its San Francisco Regional Office located at 555 Battery Street, San Francisco, California 94111. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4609 Filed 2-9-79; 8:45 am]

[6450-01-M]

FORT WORTH BASIN AREA, TEX.

Inspection

FEBRUARY 6, 1979.

Notice is hereby given that on February 10, 1979, Commissioner George R. Hall will visit certain natural gas production and processing facilities in the Fort Worth Basin area, Texas. The visit is being arranged by the Texas Independent Producers and Royalty Owners (TIPRO). Commissioner Hall will be departing from Love Field, Texas at 9:00 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4616 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket No. CP66-110]

GREAT LAKES GAS TRANSMISSION CO.

Petition To Amend

FEBRUARY 2, 1979.

Take notice that on December 5, 1978, Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP66-110 a Petition to amend further the certificate of public convenience and necessity issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act to authorize Applicant to sell natural gas to Midwestern Gas Transmission Company (Midwestern) and to render a related transportation service for Midwestern, all as more fully set forth in the petition on file with the Commission and open for public inspection.[1]

The following numbered paragraphs relate statements made in the application:

(1) On November 17, 1978, Great Lakes entered into a gas purchase agreement with Midwestern, pursuant to which Great Lakes would resell to Midwestern, on a best efforts basis, up to 18,000,000 Mcf of natural gas which it had purchased from Transcanada Pipe Lines Limited (Transcanada). Midwestern would take title to the gas at the existing interconnection between Transcanada and Great Lakes, at the international border near Emerson, Manitoba.

(2) The sales price for the gas would be the same price that Great Lakes paid to Transcanada for the gas, currently $2.16 per MM Btu, plus a charge for a compression service by Transcanada.

(3) 18,000,000 Mcf of natural gas is approximately the quantity which Great Lakes has been unable to take under existing import authorizations and which Great Lakes could not make up because of certain import and export restrictions.

(4) Great Lakes and Midwestern also entered into a transportation contract on November 17, 1978. Pursuant to this contract, Great Lakes would transport for Midwestern, on an interruptible basis:

(a) The gas referred to in paragraph (1) above, and

(b) The gas imported by Midwestern from Transcanada under an amendatory agreement dated November 16, 1978, providing for the importation of an additional 114,000,000 Mcf of gas.

(5) Midwestern's gas would be transported by Great Lakes from the international border, as follows:

(a) to Northern National Gas Company, at Carlton, Minnesota;

(b) to Michigan Wisconsin Pipe Line Company, for the accounts of Natural Gas Pipeline Company of America and Tennessee Gas Pipeline Company, a Division of Tenneco Inc., at Fortune Lake and Farwell, Michigan.

(6) The transportation fee charged by Great Lakes would be the current 100 percent load factor rate (including Purchase Gas Adjustments, if any) chargeable to Transcanada from time to time under Great Lakes' Rate Schedule T-4 of its FERC Gas Tariff, Original Volume No. 2, plus a charge of 2.0 cents per Mcf of gas transported.

(7) No new facilities would be required to effect delivery of the volumes involved in the instant Petition to Amend.

(8) In order for Great Lakes to have the capacity to transport the volumes referred to herein, Transcanada and Great Lakes have agreed, on November 17, 1978, to provide for the reduction in deliveries in Great Lakes' transportation service for Transcanada when Transcanada can do so, on the condition that Great Lakes give full demand and commodity credit to Transcanada for all reductions in the transportation volume.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4610 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket No. RP79-22]

TENNESSEE GAS PIPELINE CO.

Rate Increase

FEBRUARY 2, 1979.

Take notice that on January 29, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing proposed changes in its FERC Gas Tariff to be effective March 1, 1979, consisting of the following revised tariff sheets:

Ninth Revised Volume No. 1: Twenty-Fourth Revised Sheet Nos. 12A and 12B; First Revised Sheet Nos. 66 and 71;

Sixth Revised Volume No. 2: First Revised Sheet Nos. 266J, 268C, 277B, 285E, 286E, 287E, 297D, and 297E; Second Revised Sheet Nos. 264H, 266I, and 274E; Third Revised Sheet No. 141A; Fourth Revised Sheet Nos. 246D, 247D, 248D, 249H, and 249I; Fifth Revised Sheet No. 245D; Sixth Revised Sheet Nos. 76 and 215; Seventh Revised Sheet Nos. 53, 54, and 77; Eighth Revised Sheet No. 141; and Tenth Revised Sheet Nos. 11 and 12.

The proposed changes would increase revenues from jurisdictional sales and services by $13,649,675 based on a test period consisting of the twelve months ended September 30, 1978, adjusted for known changes through June 30, 1979.

Tennessee states that the increased rates are required to reflect an increase in rate of return and related income taxes, increased plant and related expenses, and increases in the cost of materials, supplies, wages, taxes and the transportation of gas by others. Tennessee states that the proposed increase is within President Carter's guidelines for price increases.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 21, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4614 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket No. CP78-4]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Intent To Act

JANUARY 30, 1979.

On December 26, 1978, Guilford Mills, Inc. (Guilford), filed in Docket No. CP78-4 a Petition to Modify Commission Order on Basis of Newly Arisen Facts (i.e., National Energy Legislation). Guilford requests the Commission to modify the order of September 25, 1978, issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations to Transcontinental Gas Pipe Line Corporation (Transco) authorizing the transportation of natural gas in interstate commerce for Guilford for two years. Said order limits authorization to transportation of gas purchased by Guilford at rates consistent with prevailing intrastate rates as reflected in Commission Form No. 45. Said limitation would have the effect of permitting transportation during the second year only if Guilford should pay a rate to the producer of the gas less than that rate provided by the gas purchase contract. Rehearing of the order of September 25, 1978, was denied by order issued November 24, 1978.

In the instant petition Guilford submits that in view of the promulgation of the Natural Gas Policy Act of 1978 on November 9, 1978, the Commission should modify its limitation on transportation of gas purchased at the second year contract price. Considering the major changes in policy and scope of regulation made, required, and permitted by the Natural Gas Policy Act of 1978, and the novelty of the questions raised by the instant petition, notice is hereby given that the Commission does intend to act on the issues presented by the instant petition.[1]

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 79-4615 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-150]

SOUTHERN CALIFORNIA EDISON CO.

Proposed Tariff Change

FEBRUARY 2, 1979.

Take notice that Southern California Edison Company (SCE) on January 15, 1979, tendered for filing proposed changes in its FERC Electric Service Tariffs, R-1 and R-2. SCE states that such tariff changes would increase revenues from base rates and fuel adjustment applicable to jurisdictional sales and service by an estimated $5,481,000 if applicable during the 12-month period ending December 31, 1979.

SCE further states that the increase in charges averages an estimated 2.9% for customers served on the prior R-1 schedule and an estimated 4.0% for customers served on the prior R-2 schedule.

SCE indicates that the reasons for the proposed increase are the following: the inadequacy of existing rates to cover present and projected levels of operating costs including a return component commensurate with present and projected cost of capital.

SCE proposes an effective date of March 16, 1979.

Copies of the filing were served upon the utility's jurisdictional customers, the California Public Utilities Commission, and upon the Arizona Corporation Commission, according to SCE.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 79-4612 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket Nos. RP64-31, *et al.*]

SOUTHERN NATURAL GAS CO.

Filing of Pipeline Refund Reports and Refund Plans

FEBRUARY 2, 1979.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concern-

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

[1] The instant petition is stated to be filed pursuant to Section 1.34(b) of the Commission's Rules of Practice and Procedure which, *inter alia*, sets forth the procedure in part for applications for rehearing based upon matters that have arisen since hearing and decision. Since rehearing has heretofore been denied, the instant petition will not and cannot be entertained as an application for rehearing.

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ing the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C 20426, on or before February 20, 1979. Copies of the respective filings are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
12/4/78	Southern Natural	RP64-31	Report.
1/8/79	Cities	AR70-1	Report.
1/12/79	Northern Natural	G-9279, *et al.*	Plan.
1/15/79	Consolidated	RP72-157	Plan.
1/18/79	Columbia Gas	RP73-47	Report & Plan.
1/19/79	Texas Gas	RP77-139	Report.

[FR Doc. 79-4613 Filed 2-9-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1057-8]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Agency Comments

Pursuant to the requirements of section 102(2) (C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of January 1, 1978 and January 31, 1978.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI. Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI. Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the sources for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the source of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: January 29, 1979.

WILLIAM N. HEDEMAN, Jr.,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
D-COE-C34001-NJ	Permit to construct a Tidal Barrier and Dredge, Hackensack River, Bergen County, New Jersey.	EU3	C
D-COE-E30007-FL	Beach Erosion Control Study, St. Johns County, Florida.	LO2	E
D-COE-E34008-GA	Metropolitan Atlanta Water Resources Study, Lake Sidney Lanier Restudy, Georgia.	LO2	E
D-COE-E34010-MS	Operation and Maintenance, Arkabutla, Enid, Grenada and Sardis Lakes, Mississippi.	LO2	E
D-COE-K32015-HI	Pohoiki Bay Navigation Improvements, Pohoiki Bay, Hawaii.	LO1	J
D-COE-K36024-CA	Sweetwater River Flood Control Channel, San Diego County, California.	ER2	J
DEPARTMENT OF AGRICULTURE			
D-AFS-E65019-KY	Management of the Licking River Unit, Daniel Boone National Forest, Bath, Menifee, Morgan, and Rowan Counties, Kentucky (USDA-FS-R8-DES-ADM-78-04).	LO2	E
D-AFS-F65002-MI	Timber Resource Plan, Hiawatha National Forest, Alger and Delta Counties, Michigan.	LO2	F

APPENDIX I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
D-AFS-J65068-00	Beartooth Face Planning Unit, Custer, Gallatin and Shoshone National Forest, Montana and Wyoming.	ER1	I
D-AFS-K40054-CA	Gasquet and Orleans Road, Chimney Rock Section, Six Rivers National Forest, California.	LO1	J
D-AFS-K61019-CA	Trubuco Planning Unit, Cleveland National Forest, San Diego County, California.	LO1	J
D-AFS-K65023-CA	Big Bear Basin Planning Unit, San Bernardino National Forest, California.	ER2	J
D-AFS-K65023-CA	South Park Mountain, Shasta-Trinity National Forest, California.	LO2	J
D-AFS-L61099-OR	Elgin Planning Unit, Land Management, Umatilla and Wallow-Whitman National Forest, Union and Wallowa Counties, Oregon (USDA-FS-R6-DES (ADM) (78-2).	LO1	K
D-SCS-D36027-WV	Upper Mud River Watershed, Lincoln and Boone Counties, West Virginia.	LO1	D
D-SCS-E36050-MS	Union Creek Channel Improvements, Neshoba and Newton Counties, Mississippi (USDA-SCS-EIS-RCD-ADM-78-1-(D)-MS).	LO2	E
D-SCS-E36051-AL	Factory Creek Watershed, Sumter County, Alabama.	LO1	E
DEPARTMENT OF COMMERCE			
D-EDA-E28027-TN	Water and Sewerage Facilities, Bradley and McMinn Counties, Tennessee (Joint EPA-EDA EIS).	LO2	E
D-NOA-B90001-RI	Rhode Island Coastal Management Program.	LO1	B
S-NOA-B91006-00	Fishery Management Plan for Atlantic Groundfish, Haddock, Cod and Yellowtail Flounder.	LO1	B
D-NOA-L90014-00	Fishery Management Plan for the Northern Anchovy Fishery, Off the Pacific Coast.	LO2	K
DEPARTMENT OF TRANSPORTATION			
D-DOT-A52124-00	Standards for Nonpassenger Automobiles, Average Fuel Economy Model Years 1980-1981.	LO1	A
D-FAA-F51011-OH	Akron and Canton Regional Airport, North Canton, Summit County, Ohio.	LO2	F
D-FAA-F51012-MN	Construct New Runway 13-31 and Land Acquisition, Fergus Falls Municipal Airport, Ottertail County, Minnesota.	LO2	F
S-FHW-A42425-KS	I-435 Extension, Kansas City Loop, Johnson and Wyandotte Counties, Kansas (FHWA-KANS-EIS-DS-3) (see also FS-DOT-A41101-KS).	3	H
D-FHW-B40029-VT	Burlington Southern Connector, I-89 to Battery Street, Burlington, Chittenden County, Vermont (FHWA-VT-EIS-77-02-D.	ER2	B
D-FHW-C40033-NJ	NJ-152, Bay Avenue to JFK Bridge, Somers Point, Egg Harbor Township, Atlantic County, New Jersey.	ER2	C
D-FHW—C40034-NY	US 219, Southern Expressway, Section III and IV Erie County, New York.	ER2	C
D-FHW-D40058-VA	Berkley Avenue Improvement, Norfolk, Virginia.	ER2	D
D-FHW-E40126-AL	US 98, Mississippi State Line to East of Wilmer, Mobile County, Alabama (FHWA-ALA-EIS-77-03D).	LO2	E
D-FHW-E40127-KY	Kentucky Turnpike, I-65, Elizabethtown to the Watterson Expressway, Louisville, Jefferson, Bullitt and Hardin Counties, Kentucky (FHWA-KY-EIS-77-01-D).	LO1	E
D-FHW-E40128-NC	I-40, Raleigh Beltline to I-95, Wake, Harnett and Johnston Counties, North Carolina.	LO2	E
D-FHW-E40131-SC	Twelfth Steet Extension, City of Cayce, Lexington County, South Carolina (FHWA-SC-EIS-77-04-D).	ER2	E
D-FHW-F40102-IL	Federal Aid Primary Route 789, IL-143, Madison County, Illinois.	ER2	F
D-FHW-F40103-WI	Tri-County Expressway, Winnebago, Calumet, and Outagamie Counties, Wisconsin.	EU2	F
D-FHW-H40078-IA	State Arterial 518 Highway, IA-518, Lee County, Iowa (FHWA-LOWA-EIS-77-05-D).	LO2	H
ENERGY RESEARCH & DEVELOPMENT ADMINISTRATION			
D-ERD-A00136-00	Rocky Flats Plant at Golden, Jefferson County, Colorado.	ER2	A
D-ERD-A07014-00	Coal Research Development and Demonstration Program (ERDA-1557—D).	ER2	D

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APPENDIX I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
FEDERAL ENERGY ADMINISTRATION			
D-FEA-D03003-MD	Allocation of Petroleum Fuelstock, Baltimore Gas and Electric, Soliers Point, Baltimore County, Maryland.	ER2	D
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-C85019-PR	Residential Covadonga Development, Toa Baja, Puerto Rico.	LO2	C
D-HUD-D20001-WV	Green Acres to Merricks Creek Water Line, Cabell County, West Virginia.	LO2	D
D-HUD-F85035-MN	West Park Hills and Countryside Housing Development, Bloomington, Hennepin County, Minnesota.	LO1	F
D-HUD-G85078-TX	Clayton Subdivision, Harris County, Texas.	LO2	G
D-HUD-G85082-TX	Chimney Hill Subdivision, Harris County, Texas.	LO1	G
D-HUD-G85083-TX	Westcreek Subdivision, Travis County, Texas.	LO1	G
D-HUD-G85085-TX	Westland Creek Village Subdivision, Harris County, Texas.	LO1	G
TENNESSEE VALLEY AUTHORITY			
D-TVA-G01002-NM	Dalton Pass Uranium Mine, McKinley County, Texas.	ER2	G

APPENDIX II.—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary detemination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-C85004-NJ	Stoeco Homes, Inc., Residential Lagoon Development, Ocean City, Cape May County, New Jersey.	EPA's concerns were adequately addressed in the final EIS.	C
PA-COE-F30006-MI	Mitigation of Shore Damage, Ludington Harbor, Michigan.	EPA's concerns were adequately addressed in the final EIS. EPA suggested the Corps conduct an analysis on the success of the proposed project and its effects on the open water and beach ecosystems.	F
F-COE-F35016-MI	Beadle Bay Development, Saginaw Bay, Huron County, Michigan.	EPA's concerns were adequately addressed in the final EIS.	F

APPENDIX III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-L39009-AK	Port Loins Small Boat Harbor, Port Loins, Alaska.	EPA's review of the final EIS indicates the COE was not responsive to comments made by EPA on the draft EIS. Specifically, EPA's comments included: (1) Adequate verification of the Corp's hydrological model, and (2) a thorough analysis of increased waste water discharges and its impact on the harbor's water quality.	K
DEPARTMENT OF AGRICULTURE			
F-AFS-K61013-CA	Big Sur Coastal Planning Unit, Los Padres National Forest, California.	EPA's concerns were adequately addressed in the final EIS.	J
F-AFS-K65015-CA	Voleanouille Planning Unit, Eldorado National Forest, California.	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF INTERIOR			
F-BIA-K6700-AZ	Vekol Hills Project, Papago Indian Reservation, Pinal County, Arizona.	EPA's concerns were adequately considered in the final EIS.	J
DEPARTMENT OF TRANSPORTATION			
F-DOT-A41432-IL	Lemont Road Bridge Replacement, IL-143, Cook and Dupage Counties, Illinois.	EPA's review of the final EIS indicated that the comments by EPA on the draft EIS have been adequately addressed.	P
F-DOT-A41598-VA	VA-265, Danville Bypass Expressway, Pittsylvania County, Virginia.	EPA's concerns were adequately addressed in the final EIS.	D
F-CGD-K61014-CA	Arden Bar Park and C. M. Goethe Park Land Use Plans, Sacramento County, California.	EPA's concerns were adequately addressed in the final EIS.	J
FS-FHW-A42231-WI	Dodgeville-Mount Horeb Roads US 18 and US 151, Iowa and Dane Counties, Wisconsin.	EPA's review of the supplement to the final EIS indicated its concerns were adequately addressed.	P
P-FHW—F40030-WI	County Trunk Highway "Q", Kenosha County, Wisconsin.	The EPA has determined the project as proposed to be environmentally unsatisfactory from the standpoint of environmental quality, health and welfare and has referred the matter to the CEQ for review pursuant to section 309(b) of the CAA. EPA's determination is based upon the impacts which would result from destruction of wetlands in the proposed high Q corridor.	A

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APPENDIX III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-F39003-MN	Barge Terminal Expansion, Packer River Terminal, Dakota County, Minnesota.	The EPA has determined the project as proposed to be environmentally unsatisfactory from the standpoint of environmental quality, health and welfare and has referred the project to the CEQ for review pursuant to section 309(B) of the CAA. EPA's objections result from the proposed filling of 23 acres of wetlands for the expansion of the existing large terminal without an adequate examination of alternatives and the potential for contributing to an already existing air quality problem.	A
F-FHW-J40028-CO	I-76, I-25 to I-70 at Wadsworth Boulevard, Adams County, Colorado.	EPA continues to have environmental reservations over the project as proposed. Specifically, EPA believes that air quality improvement would be better served if the funds for the proposed highway segment were used for transportation systems management projects like priority treatment for high occupancy vehicles and for mass transit.	I
F-FHW-K40048-NV	McCarran Boulevard, Ring Road, Sparks and Reno, Washoe County, Nevada.	Generally, EPA's concerns were adequately addressed in the final EIS.	J
F-UMT-C54002-NY	Buffalo Light Rail Rapid Transit Project, Erie and Niagara Counties, New York.	EPA's concerns were adequately addressed in the final EIS. Furthermore, the proposed project would have beneficial impacts on air quality, transportation efficiency and energy conservation.	C
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-D85014-MD	Piney Ridge, Carroll County, Maryland.	EPA's concerns were adequately addressed in the final EIS.	D
NUCLEAR REGULATORY COMMISSION			
F-NRC-E06007-MS	Yellow Creek Nuclear Plant Units 1 and 2, Tishomingo County, Mississippi, (NUREG-0365).	EPA's concerns were adequately addressed in the final EIS.	E

APPENDIX IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Jan. 1, 1978 and Jan. 31, 1978*

Identifying No.	Title	Source of review
CORPS OF ENGINEERS		
F-COE-G32023-AR	Poteau River Small Navigation Project, Fort Smith, Arkansas	G
F-COE-H34014-KS	Operation and Maintenance, Wilson Lake, Russell and Lincoln Counties, Kansas.	H
DEPARTMENT OF AGRICULTURE		
F-AFS-B61007-VT	Timber Management Plan, Green Mountain National Forest, Vermont	B
F-AFS-J65045-MT	Big Hole Planning Unit, Lolo National Forest, Sanders County, Montana	I
F-REA-D08001-MD	230kv Transmission Line, Chalk Point to Lexington Park, Marylnad (USDA-REA-MD).	
F-SCS-G36052-OK	Kickapoo Nations Watershed, Oklahoma and Lincoln Counties, Oklahoma.	G
F-SCS-G36059-TX	Tehuacana Creek Watershed, McLennan, Hill and Limestone Counties, Texas.	G

APPENDIX IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Jan. 1, 1978 and Jan. 31, 1978*—Continued

Identifying No.	Title	Source of review
DEPARTMENT OF DEFENSE		
F-USA-J10002-00	Transportation of Chemical Material, Operation RMT, Rocky Mountain Arsenal, Colorado to Tooele Army Depot, South Area, Utah.	I
DEPARTMENT OF INTERIOR		
F-BOR-D61006-MD	Seneca State Park, Land Acquisition, Montgomery County, Maryland	D
DEPARTMENT OF TRANSPORTATION		
F-FAA-C51002-NY	Runway 34 Improvements, Westchester County Airport, Newport, New York.	C
F-FHW-H40068-NB	Benkelman East, FAS Route 1270, Dundy County, Nebraska	H
F-FHW-L40018-AK	Taylor Highway, Tetlin Junction to Canadian Border, Alaska (FHWA-AK-EIS-77-01-F).	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-B89008-MA	Kendall Square Urban Renewal Project, Cambridge, Middlesex County, Massachusetts (HUD-RO1-EIS-77-01-F).	B
F-HUD-E28026-AL	Boykin Water System and Road Improvement, Wilcox County, Alabama	E
F-HUD-G85031-TX	Big Country Subdivision, Bexar County, Texas	G
F-HUD-G85054-TX	Riveria East Subdivision, Harris County, Texas	G
F-HUD-G85057-TX	Camden Park Subdivision, Harris County, Texas	G
F-HUD-G85059-TX	Greensbrook and Kings Lake Forest Subdivision, Harris County, Texas	G
F-HUD-L85003-WA	Proposed Plat, Megan Heights, Kitsap County, Washington	K
DEPARTMENT OF LABOR		
RF-OSH-A99130-00	Standard For Occupational Exposure, Cotton Dust	A

APPENDIX V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Jan. 1 1978 and Jan. 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF INTERIOR			
R-IGS-A00117-00	30, CFR Part 211, Coal Mining Operating Regulations, Mining on Federal Lands.	EPA suggested the inclusion of several environmental safe guards relating to the proposed rulemaking. EPA specifically requested the opportunity to review assessments on modification requests of existing cooperative agreements for States electing to continue certain regulatory operations in Federal mineral lands.	A
A-SFW-A90032-00	Classification of Wetlands and Deep Water Habitats of the United States, Notices (42 FR 62432).	EPA considered the proposed classification system to be a useful convention for its primary purposes, mapping and inventorying the wetlands and deep-water habitats of the Nation.	A

APPENDIX VI.—SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

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G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Office of External Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94108.

K. Director of Public Affairs, Region, 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 79-4553 Filed 2-9-79; 8:45 am]

[6820-12-M]

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Limited Authorization to Executive Director To Sign Orders Disposing of Motions

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Announcement of limited authorization to Executive Director to sign Commission orders disposing of motions.

SUMMARY: The Federal Mine Safety and Health Review Commission announces a limited authorization to its Executive Director to sign Commission orders disposing of motions after he has ascertained, orally or in writing, the votes of each participating Commissioner.

DATES: The delegation is effective February 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald Terry, Executive Director, Federal Mine Safety and Health Review Commission, 1730 K Street, NW., Washington, D.C. 20006; (202) 653-5644.

SUPPLEMENTARY INFORMATION: The limited authorization attached to this announcement authorizes the Executive Director of the Commission to sign on its behalf, orders disposing of motions. The authorization does *not* delegate to the Executive Director the authority to rule on motions; this authority remains with the Commission. The Commission expects to codify this authorization in its procedural rules.

Dated: February 6, 1979.

JEROME R. WALDIE,
Chairman.

LIMITED AUTHORIZATION AND DIRECTION FOR THE EXECUTIVE DIRECTOR

The Federal Mine Safety and Health Review Commission authorizes its Executive Director to sign, on its behalf, orders of the Commission disposing of motions. The Executive Director shall ascertain either orally or in writing the vote of each participating Commissioner. His signature on a Commission order is a certification that a quorum of Commissioners has participated in the matter, and that a majority of the participating Commissioners voted to dispose of the motion in the manner indicated by the order. The Executive Director shall note on the order dissenting votes if requested to do so by the dissenting Commissioner. A person aggrieved by an order signed by the Executive Director may move within 10 days of the date of the order that the order be signed or initialed by the participating Commissioners.

This authorization extends to action on the following motions: motions for extensions of time; motions for permission to file briefs in excess of page limits; motions to accept late filed briefs; motions to consolidate; motions to expedite proceedings; and motions for oral argument.

JEROME R. WALDIE,
Chairman.

RICHARD V. BACKLEY,
Commissioner.

FRANK F. JESTRAB,
Commissioner.

A. E. LAWSON,
Commissioner.

MARIAN PEARLMAN NEASE,
Commissioner.

[FR Doc. 79-4569 filed 2-9-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. section 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 7, 1979.

A. *Federal Reserve Bank of New York*, 33 Liberty Street, New York, New York 10045:

1. BANKERS TRUST NEW YORK CORPORATION, New York, New York (trust company and investment advisory activities; Florida): to engage, through its subsidiary, Bankers Trust Company of Florida, in activities that may be carried on by a trust company, including activities of a fiduciary, investment advisory, agency, or custodian nature. These activities would be conducted from an office in Palm Beach, Florida, and the geographic area to be served is Palm Beach County, Florida.

2. CITICORP, New York, New York (commercial lending and leasing activities; California, Colorado, Hawaii, Idaho, Kansas, Nevada, Oregon, Utah, Washington): to engage, through its subsidiary, Citicorp (USA), Inc., in commercial lending activities for its own account (with the intention that Citibank, N.A., Citibank (New York State), N.A., and other commercial banks may participate in the loans); and leasing personal or real property or acting as agent, broker, or advisor in leasing such property in accordance with the Board's Regulation Y. These activities would be conducted from an office in San Francisco, California, and the geographic areas to be served encompass 27 counties in California, six counties in Washington and six in Oregon, Boise and Lewis Counties, Idaho, Humboldt County, Nevada, Wichita County, Kansas, Denver County, Colorado, Salt Lake County, Utah, and Honolulu County, Hawaii.

B. *Federal Reserve Bank of Philadelphia*, 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. FIRST PENNSYLVANIA CORPORATION, Philadelphia, Pennsylvania (industrial banking, financing, and insurance activities; Colorado): to engage, through its subsidiary, East Continental Industrial Bank, in operating an industrial bank as authorized

by Colorado law, including the acceptance of time and savings deposits; making, acquiring and servicing loans and other extensions of credit; and selling life, accident and health, and property damage and liability insurance directly related to its extensions of credit. These activities would be conducted from an office in Aurora, Colorado, and the geographic area to be served in southeast Aurora, Colorado. This application is for the relocation of an office within the same city.

2. PHILADELPHIA NATIONAL CORPORATION, Philadelphia, Pennsylvania (investment advisory activities; national, international): to engage, through its subsidiaries, Charter Atlantic Corporation and Fischer, Francis, Trees & Watts, Inc., in providing investment advisory and investment management services for portfolios of fixed-income securities of domestic and foreign customers wherever located. These activities would be conducted from an office in New York, New York.

C. *Federal Reserve Bank of Atlanta*, 104 Marietta Street, N.W., Atlanta, Georgia 30303:

DEPOSIT GUARANTY CORP., Jackson, Mississippi (mortgage financing and insurance activites; Mississippi): to engage, through its subsidiary, Deposit Guaranty Mortgage Company, in making or acquiring loans and other extensions of credit; and selling and participating in the proceeds of the sale of life (mortgage cancellation) and accident and health insurance directly related to its extensions of credit. These activities would be conducted from offices in Natchez, Greenwood, and Laurel, Mississippi, and the geographic areas to be served are the Natchez, Greenwood, and Laurel, Mississippi metropolitan areas.

D. *Federal Reserve Bank of Chicago*, 230 South LaSalle Street, Chicago, Illinois 60690:

FIRST CHICAGO CORPORATION, Chicago, Illinois (mortgage banking activities; District of Columbia, Maryland, Texas, Virginia): to engage, through its subsidiary, First Chicago Realty Services Corporation, in making, acquiring, and servicing loans and other extensions of credit secured by real estate mortgages. These activities would be conducted from offices in Houston, Texas, and Washington, D.C., and the geographic areas to be served are Texas and the Washington, D.C. metropolitan area.

E. *Federal Reserve Bank of Kansas City*, 925 Grand Avenue, Kansas City, Missouri 64198:

1. MIDLAND CAPITAL CO., Oklahoma City, Oklahoma (mortgage banking activities; California): to engage, through its subsidiary, Midland Mortgage Co., in mortgage banking, including origination and servicing of all types of residential and commercial mortgage loans. These activities would be conducted from an office in La Palma, California, and the geographic areas to be served are the Long Beach, Downey, Cerritos, and La Habra, California areas.

2. NEW MEXICO BANCORPORATION, INC., Santa Fe, New Mexico (insurance activities; New Mexico): to act as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to extensions of credit by it or its subsidiary banks, and acting as agent or broker in the sale of any insurance for its subsidiary banks. These activities would be conducted from the main offices of Applicant's subsidiary banks in Santa Fe, Albuquerque, and Taos, New Mexico, and the geographic areas to be served are New Mexico (extensions of credit by Applicant), 16 counties of northern and central New Mexico (extensions of credit by subsidiary banks), and Santa Fe, Bernallillo, and Taos Counties, New Mexico (insurance for subsidiary banks).

F. *Other Federal Reserve Banks: None.*

Board of Governors of the Federal Reserve System, February 6, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4617 Filed 2-9-79; 8:45 am]

[6210-01-M]

HIGH PLAINS BANCORPORATION, INC.

Formation of Bank Holding Company

High Plains Bancorporation, Inc., Forgan, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90.25 per cent of the voting shares of The First State Bank, Forgan, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 5, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4618 Filed 2-9-79; 8:45 am]

[6210-01-M]

PARK RAPIDS BANCSHARES, INC.

Formation of Bank Holding Company

Park Rapids Bancshares, Inc., Park Rapids, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 82.67 per cent of the voting shares of Citizens National Bank of Park Rapids, Park Rapids, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 27, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 31, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4619 Filed 2-9-79; 8:45 am]

[6210-01-M]

SOCIETY CORP.

Acquisition of Bank Holding Company

Society Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire Harter BanCorp, Canton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Society Corporation, Cleveland, Ohio, is also indirectly engaged in the nonbank activities of leasing personal property and providing credit life insurance directly related to extensions of credit. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's non-banking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

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The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 6, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 6, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc 79-4620 Filed 2-9-79; 8:45 am]

[6210-01-M]

SWANVILLE BANCSHARES, INC.

Formation of Bank Holding Company

Swanville Bancshares, Inc., Swanville, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.82 per cent of the voting shares of First State Bank of Swanville, Swanville, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 5, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4621 Filed 2-9-79; 8:45 am]

[4110-87-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

PERMISSIBLE LIMITS FOR LIFTING LOADS IN INDUSTRY

Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Center for Disease Control and will be open to the public for observation and participation, limited only by the space available:

Date: February 22, 1979.

Time: 10 a.m. to 4:30 p.m.

Place: Room 160, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: To discuss the details of planned contract research concerned with establishing permissible limits for one-handed manipulation of loads.

Additional information may be obtained from:

Dr. Donald W. Badger, Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513-684-8469.

Dated: February 5, 1979.

WILLIAM B. FOEGE,
Director, Center for Disease Control.

[FR Doc. 79-4595 Filed 2-9-79; 8:45 am]

[OS 4110-12-M]

Office of the Secretary

FAMILY POLICY TASK FORCE OF THE SECRETARY'S ADVISORY COMMITTEE ON THE RIGHT AND RESPONSIBILITIES OF WOMEN

Meeting Cancellation

This notice is to cancel the Family Policy Task Force meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women on Wednesday, February 14, 1979, from 2:00 to 6:00 P.M., as listed in the January 31 FEDERAL REGISTER, page 6208. It will be rescheduled at a later date.

Dated: February 6, 1979.

SUSAN C. LUBICK,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 79-4573 Filed 2-9-79; 8:45]

[4310-10-M]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OFFICE OF THE SECRETARY PROCUREMENT ACTIONS

Requirement for Legal Review

Notice is hereby given that, pursuant to Interior Procurement Regulations 41 CFR 14-1.352, the following policy and procedures for legal review of Office of the Secretary procurement related documents is established:

As used herein, the term "legal review" means review of pertinent procurement documents for legal sufficiency by the Office of the Solicitor.

Legal review shall be requested a sufficient time in advance of taking the action indicated, five working days is established as the normal time for legal review in addition to the time required for the transmittal of documents. However, this time may be increased or decreased by agreement of the appropriate attorney and contracting officer, depending upon the urgency or the complexity of the particular case.

Legal review shall be requested prior to issuance of solicitations (Invitations for Bids and Requests for Proposals) and resulting contracts for the procurement of supplies or services estimated to cost in excess of the amounts set forth below:

a. Formally advertised procurements (including small business restricted advertised procurements) and modifications to resulting contracts in excess of $50,000.

b. Negotiated procurements (including those negotiated under section 8(a) of the Small Business Act) in excess of $25,000, and modifications to resulting contracts in excess of $25,000.

c. Procurments of amounts less than those stated in a and b above when the Contracting Officer considers legal review to be desirable.

Legal review shall be requested of pertinent documents in the following circumstances:

a. When there are apparent or suspected irregularities in precontract documents such as bids, proposals, or bonds; or when there are any unusual circumstances which might affect the legality of the proposed action.

b. Prior to acceptance of a novation or change of name agreement, or of a notice of assignment, an assignment, or a release of assignment, pursuant to the Assignment of Claims Act of 1940, as amended.

c. Prior to release of any communications or contracting officer's report relative to a protest, or an alleged mistake in bid, or a determination of bidder nonresponsibility.

d. Prior to execution of findings of fact and final decisions, made pursuant to the Disputes clause, notices of termination, cure notices, show cause letters, suspension orders, or other documents which may have special legal effect.

Employees of the Office of administrative Services are encouraged to seek the advise of the Solicitor's Office on other procurement related matters.

For additional information contact Gregory D. Rothwell, Chief, Branch of Procurement Management, Office of Administrative Services, Department of the Interior, Washington; D.C. 20240. Telephone: 202-343-2105.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

FEBRUARY 5, 1979.

[FR Doc. 79-4599 Filed 2-9-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-364]

BABCOCK AND WILCOX CO., NUCLEAR MATERIALS DIVISION, PLUTONIUM PLANT—PARKS TOWNSHIP SITE

Negative Declaration

The Nuclear Regulatory Commission (the Commission) has renewed Materials License No. SNM-414 for the Babcock and Wilcox Company, Nuclear Materials Division, Plutonium Plant located on the Parks Township Site near Leechburg, Pennsylvania. The license renewal authorizes continued operation of plutonium fuel fabrication activities.

The Commission's Division of Fuel Cycle and Material Safety prepared an environmental impact appraisal for the license renewal. On the basis of this appraisal, the staff concluded that an environmental impact statement for this particular license renewal was not warranted because there will be no significant environmental impact attributable to the licensing action. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and at the Local Public Document Room established at Apollo Memorial Library, 219 North Pennsylvania Avenue, Apollo, Pennsylvania 15613.

Dated at Silver Spring, Md., this 2nd day of February 1979.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Acting Chief, Fuel Reprocessing and Recycle Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 79-4590 Filed 2-9-79; 8:45 am]

[7590-01-M]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977 42 FR 62052), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section Nos. 17.1, "Quality Assurance During the Design and Construction Phases" and 17.2, "Quality Assurance During the Operations Phase" of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Virginia 22161. The domestic price is $70.00, including first-year supplements. Annual subscriptions for supplements alone are $30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to §§ 17.1 or 17.2 is $4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan, including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda this 2nd day of February, 1979.

For the U.S. Nuclear Regulatory Commission.

ROGER S. BOYD,
Director, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 79-4593 Filed 2-9-79; 8:45 am]

[7590-01-M]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977 42 FR 62052), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 3 to Section No. 6.2.1.1.C (Pressure-Suppression Type BWR Containments) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Virginia 22161. The domestic price is $70.00, including first-year supplements. Annual subscriptions for supplements alone are $30.00. Individual sections are available at current prices. The domestic price for Revision No. 3 to Section No. 6.2.1.1.C is $4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 (5 U.S.C. 552 (a)).

Dated at Bethesda this 1st day of February, 1979.

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For the U.S. Nuclear Regulatory Commission.

R. J. MATTSON,
Director, Division of Systems Safety, Office of Nuclear Reactor Regulation.

[FR Doc 79-4594 Filed 2-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Provisional Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation which revised the Technical Specifications for operation of the R. E. Ginna Plant located in Wayne County, New York. The amendment is effective as of the date of issuance.

The amendment modifies the Appendix A Technical Specifications to allow a change in the sampling frequency for secondary coolant, and to reduce the limit on iodine activity in the secondary coolant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 30, 1976, (2) Amendment No. 23 to License No. DPR-18, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of January, 1979.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-4592 Filed 2-9-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

AGENCY FORMS UNDER REVIEW

BACKGROUND

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

LIST OF FORMS UNDER REVIEW

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The Agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

COMMENTS AND QUESTIONS

Copies of the proposed forms may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

The timing an format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

Department of Agriculture

(AGENCY CLEARANCE OFFICER—DONALD W. BARROWMAN—447-6202)

NEW FORMS

ECONOMICS, STATISTICS, AND COOPERATIVES SERVICE
CO-OP TRUCK COORDINATION STUDY
SINGLE TIME
FARMER COOPERATIVES
125 RESPONSES; 62 HOURS
OFFICE OF FEDERAL STATISTICAL POLICY & STANDARD, 673-7977

ECONOMICS, STATISTICS, AND COOPERATIVES SERVICE
COOPERATIVE RAIL TRANSPORTATION STUDY
SINGLE TIME
FARMER COOPERATIVES IN 5 STATES
950 RESPONSES; 475 HOURS
OFFICE OF FEDERAL STATISTICAL POLICY AND STANDARD, 673-7977

FOOD AND NUTRITION SERVICE
CONVERSION REVIEW
FNS 132 & 133
MONTHLY
STATE AGENCIES
324 RESPONSES; 112,362 HOURS
ELLETT, C. A., 395-5080

FOOD AND NUTRITION SERVICE
ADMINISTRATIVE REVIEW REPORT-SCHOOLS AND INSTITUTIONS
FNS-168
ON OCCASION
SCHOOLS AND INSTITUTIONS
2,178 RESPONSES; 3,267 HOURS
ELLETT, C. A., 395-5080

Department of Commerce

(AGENCY CLEARANCE OFFICER—EDWARD MICHAELS—377-4217)

NEW FORMS

*BUREAU OF THE CENSUS
RUBBER AND PLASTICS HOSE AND BELTING (PRODUCTION AND SHIPMENTS)
MA-30B
ANNUALLY
RUBBER AND PLASTICS HOSE MANUFACTURERS
150 RESPONSES; 75 HOURS
CAYWOOD, D. P., 395-6140

NATIONAL BUREAU OF STANDARDS
STANDARD ECONOMIC REFERENCE DATA SYSTEM USER QUESTIONNAIRE
NBS-1111A & 1111B
SINGLE TIME
BUS., GOV., & ACADEMIC PER. WHO ARE MEMBERS OF PROF. ASSOC.
2,000 RESPONSES; 1,000 HOURS
CAYWOOD, D. P., 395-6140

Department of Defense

(AGENCY CLEARANCE OFFICER—JOHN V. WENDEROTH—697-1195)

REVISIONS

DEPARTMENTAL AND OTHER
DOD INDUSTRIAL PLANT EQUIPMENT REQUISITION
DD 1419
ON OCCASION
DOD COMPONENTS & DOD CONTRACTORS
9,000 RESPONSES; 9,000 HOURS
CAYWOOD, D. P., 395-6140

EXTENSIONS

*DEPARTMENT OF THE AIR FORCE
TURBINE WHEEL HISTORICAL RECORD
AFTO 44
ON OCCASION
AF DEPOT CONTRACTOR
6,000 RESPONSES; 2,000 HOURS
CAYWOOD, D. P., 395-6140

Department of Energy

(AGENCY CLEARANCE OFFICER—ALBERT H. LINDEN—566-9021)

EXTENSIONS

COMPLAINTANT'S REPORT
ERA-140
ON OCCASION
ANY PER. OR FIRM WHICH BEL. ACT. OF ANOTHER ARE NOT IN COMP. W/PET.
7,500 RESPONSES; 7,500 HOURS
*ULL, JEFFERSON B., 395-5867

Department of Health, Education, and Welfare

(AGENCY CLEARANCE OFFICER—PETER GNESS—245-6478)

EXTENSIONS

*HEALTH SERVICES ADMINISTRATION
MIGRANT HOSPITALIZATION PROGRAM REFERRAL FORM
HSA-50
ON OCCASION
CLIENTS OF MIGRANT HEALTH CENTERS NEEDING HOSPITALIZATION
3,000 RESPONSES 480 HOURS
EISINGER, RICHARD 395-3214

Department of Housing and Urban Development

(AGENCY CLEARANCE OFFICER—JOHN KALAGHER—755-5184)

EXTENSIONS

HOUSING MANAGEMENT
REPORT ON FAMILY CHARACTERISTICS FOR THE SECTION 8 HOUSING ASSISTANCE PAYMENTS
HUD 52675
SEMI-ANNUALLY
PHA'S OPERATING SECTION EXISTING PROJECTS
2,800 RESPONSES; 4,200 HOURS
STRASSER, A., 395-5080

HOUSING PRODUCTION AND MORTGAGE CREDIT
SCHEDULE OF LAND DEVELOPMENT LOTS—TITLE X
FHA-3554
ON OCCASION MORTGAGE INSURANCE FOR LAND DEVELOPMENT
30 RESPONSES; 30 HOURS
STRASSER, A, 395-5080

Department of Labor

(AGENCY CLEARANCE OFFICER—PHILIP M. OLIVER—523-6341)

NEW FORMS

EMPLOYMENT AND TRAINING ADMINISTRATION
CONTINUOUS WAGE AND BENEFIT HISTORY (CWBH) EVALUATION
ETA-18A
SINGLE TIME
UNEMPLOYMENT INSURANCE CLAIMANTS
3,000 RESPONSES; 750 HOURS
STRASSER, A. 395-50-80

REVISIONS

*EMPLOYMENT STANDARDS ADMINISTRATION
APPLICATION FOR A FARM LABOR CONTRACTOR CERTIFICATE OF REGISTRATION
WH-410
ANNUALLY
AGRICULTURAL WORKERS
13,000 RESPONSES; 6,500 HOURS
STRASSER, A., 395-5080

Environmental Protection Agency

(AGENCY CLEARANCE OFFICER—JOHN J. STANTON—245-3064)

NEW FORMS

*EPA ASBESTOS SURVEY REPORT (SURVEY OF ACTIVITIES TO CONTROL SPRAYED ASBESTOS-CONTAINING MATERIALS IN SCHOOL BUILDINGS)
ON OCCASION
SCHOOL DISTRICT SUP'TS
11,000 RESPONSES; 5,500 HOURS
CLARKE, EDWARD H. 395-5867

Executive Office of the President, Other

(AGENCY CLEARANCE OFFICER—ROY NIERENBERG—456-6570)

REVISION

COUNCIL ON WAGE AND PRICE STABILITY
6 CFR PART 706—VOLUNTARY PAY AND PRICE STANDARDS
ON OCCASION
BUSINESS FIRMS (NON-FARM)
1,350 RESPONSES; 66,250 HOURS
STRASSER, A., 395-5080

U.S. Commission on Civil Rights

(AGENCY CLEARANCE OFFICER—RUTH M. FORD—254-6274)

NEW FORMS

LETTER REQUESTING EMPLOYMENT INFORMATION
SINGLE TIME
BANKS, HOSPITALS, COLLEGES, AND UNIVERSITIES
64 RESPONSES; 32 HOURS
COLLINS, L. V. 395-3214

Veterans Administration

(AGENCY CLEARANCE OFFICER—R. C. WHITT—389-2282)

REVISIONS

CLAIM FOR DISABILITY INSURANCE BENEFITS
29-357
ON OCCASION
INSURED VETERANS
25,000 RESPONSES; 43,750 HOURS
CAYWOOD, D.P. 395-6140

STANLEY E. MORRIS,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-4436 Filed 2-9-79; 8:45 am]

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[3170-01-M]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

SCIENCE, TECHNOLOGY AND DEVELOPMENT ADVISORY COMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Science, Technology and Development Advisory Committee.

DATE: February 26 and 27, 1979.

TIME: 9:00 a.m. to 5:00 p.m.

PLACE: Room 2008, New Executive Office Building, 726 Jackson Place, N.W. Washington, D.C.

CONTACT PERSON: Mr. William J. Montgomery, Executive Officer, Office of Science and Technology Policy, 17th & Pennsylvania Ave. N.W., Washington, D.C. 20500 (telephone: 202/395-4692). Anyone who plans to attend the meeting should contact Mr. Montgomery by February 22, 1979.

SUMMARY MINUTES: May be obtained from Mr. William J. Montgomery at the address listed above.

PURPOSE OF ADVISORY COMMITTEE: In March 1978, the President decided to create a Foundation for International Technological Cooperation in the reorganized foreign aid structure. To develop detailed plans for the Foundation, a Planning Office has been established reporting to Governor Gilligan, Chairman of the Development Coordination Committee. OSTP has been instrumental in developing the concept of the Foundation and the Planning Office; the Advisory Committee being established will advise the Director of OSTP on the concept and early planning of the Foundation, as well as on related policy issues and programs of the U.S. Government.

TENTATIVE AGENDA:

MONDAY, FEBRUARY 26

0930-1200 Report on Current Status of FITC.
1200-1330 Lunch.
1330-1700 Discussion of Bill to Create FITC.
1700 Adjourn.

TUESDAY, FEBRUARY 27

0900 Discussion of Draft Items.
1700 Adjourn.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc. 79-4673 Filed 2-9-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5144]

COTTON BELT INVESTMENT CORP.

Issuance of License to Operate as a Small Business Investment Company

On August 29, 1978, a notice was published in the FEDERAL REGISTER (43 FR 38654), stating that Cotton Belt Investment Corporation, located at 4542 Memorial Drive, Decatur, Georgia 30032, had filed an application with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1978); for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until close of business September 13, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and all other pertinent information, SBA issued License No. 04/04-5155 to Cotton Belt Investment Corporation on January 17, 1979, to operate as a small business investment company, pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 2, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4577 Filed 2-9-79; 8:45 am]

[8025-01-M]

FINAL REPORT ON IMPROVING GOVERNMENT REGULATIONS AND AGENDA OF REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT, JANUARY-JULY 1979

AGENCY: Small Business Administration.

ACTION: Final Report on SBA Procedures; Semiannual Regulations Agenda.

SUMMARY: The Small Business Administration is issuing this final report on its procedures to implement Executive Order No. 12044 of March 23, 1978 (43 FR 12661). The procedures provide for developing SBA regulations; analyzing alternatives and cost and benefit impacts; revising and improving existing regulations to increase their clarity and effectiveness and reduce their burden; and increasing public participation in regulations development.

This document also lists SBA regulations that are scheduled for review or development during the six-month period January 31, 1979, through July 31, 1979. This should increase public awareness of the Agency's regulatory activity and result in more effective public participation.

EFFECTIVE DATE: January 31, 1979.

FOR FURTHER INFORMATION CONTACT:

George M. Grant, Jr., Associate General Counsel, 202-653-6662, 1441 L Street, N.W., Washington, D.C. 20416.

SUPPLEMENTARY INFORMATION: The President in issuing Executive Order No. 12044 emphasized its importance to ensure that Government regulations are written clearly in plain English; are developed through a process having early and broad public involvement; and are reviewed by agency heads to see that feasible alternatives have been carefully examined and regulatory burdens reduced to the maximum extent possible. Additionally, agencies are to comprehensively examine existing agency regulations to revise and reform them to make them clearer, more cost-effective and less burdensome.

On May 25, 1978, the Small Business Administration published for public comments (43 FR 22605) our plans for implementing Executive Order 12044. We requested that comments be submitted by July 30, 1978. Two comments were received. One suggested a 60 day public comment period on all SBA rules. The other expressed concern regarding possible additional delays and complexities in SBA regulations issuance.

This SBA procedure generally provides a 60 day comment period on proposed significant SBA rules and rule changes. However, SBA believes it is adequate to allow a lesser time period for public comments regarding nonsignificant rulemaking proposals.

A number of changes have been made in the SBA procedure to allow more expedited and efficient coordination. There is no longer a general requirement for SBA formal working groups in regulations development, though these may be utilized when deemed appropriate. The Office of the Associate General Counsel for Legislation would serve as the administrative office facilitating compliance with the Executive Order and SBA implementing procedures. The program office responsible for developing the regulation would work with other interested SBA offices in analyzing and evaluating the regulations proposals and alternatives. SBA believes the procedures will substantially improve the SBA rulemaking process.

The Major Features of the SBA System Under the Executive Order are:

DEVELOPMENT OF SIGNIFICANT REGULATIONS

Before proceeding to the development of a significant SBA regulation or regulation change SBA would prepare a work plan for submittal to the Administrator. The work plan would set forth the need for and the objectives of the regulations proposal, the major issues to be considered and the alternative approaches to be explored.

The purpose of the work plan is to disclose the major issues raised by the regulation proposal. Consideration would be given to related SBA regulations and effects on other SBA programs; small business, competition and major Federal programs and policies would also be considered. Consideration would focus on major issues to be resolved, assignment of responsibilities, coordination to meet requirements for timely and adequate regulations, and plans for public involvement in the development of the regulation.

After approval of the work plan, SBA would draft a proposed regulation. Particular attention would be given to a clear and adequate explanatory preamble to the proposed regulation to be published in the FEDERAL REGISTER.

The proposed regulation would be reviewed to ascertain compliance with the Executive Order, including cost and benefit analysis, plain English writing, optimum selection from among regulatory alternatives, and public participation.

In determining whether a regulation proposal would have major economic consequences so that a formal regulatory analysis is required, consideration would be given to effects on productivity and efficiency, practicable alternatives, direct and indirect compliance costs, administrative costs, and distribution of costs among industries and regions. A formal regulatory analysis would be made if the regulation is likely to impose gross economic costs of $100 million per year on the economy; cause a major increase in costs or prices for individual industries, levels of government or geographic regions; or if the Administrator determines in other cases that a regulatory analysis is appropriate.

Public comment period upon a significant proposed regulation published in the FEDERAL REGISTER would generally be at least 60 days. SBA would also give the public early and meaningful opportunity to participate in the development of the regulation, including possible public hearings, direct distribution of the proposed regulation to interested persons and organizations, and other appropriate means.

After receipt of public comments, the regulation would be reviewed to make any appropriate revisions, and the final regulation would be published with an explanation of how the comments of the public were considered and treated.

SBA minor, routine and technical regulations would be subject to the general policies of the Executive Order and these procedures.

REVIEW OF EXISTING REGULATIONS

Existing SBA regulations would be reviewed to determine whether they are achieving the policy goals of the Executive Order and to follow the same SBA procedures as apply for the development of new regulations.

In selecting existing regulations or portions thereof to be reviewed, SBA would consider—

(1) The nature and extent of complaints received,

(2) The potential for removing or improving burdensome or ineffective requirements,

(3) The need for eliminating conflicts and inconsistencies,

(4) The need for simplification and clarification,

(5) Opportunity for consolidation and better organization of regulations,

(6) Changes since the regulation was issued and the length of time since the regulation was last reviewed.

SBA REGULATIONS AGENDA

SBA will publish in the FEDERAL REGISTER in January and July of each year the SBA Regulations Agenda. The Agenda would list existing SBA regulations being considered for review and possible revocation or revision and would summarize each proposed or final regulation or advance notice of proposed rulemaking which SBA has under development or review. The Agenda would also state whether the regulations are significant or nonsignificant, the need for and legal basis of the action being taken, estimated target dates for completion of steps in the development or review of such regulations, and the status of regulations previously listed on the Agenda. The name and telephone number of a knowledgeable agency official would be provided for each item in the Agenda.

OPPORTUNITY FOR PUBLIC PARTICIPATION

SBA would take effective steps to assure that the public has early and meaningful opportunity to participate in each significant agency regulation development, revision or amendment, including as appropriate advance notices published in the FEDERAL REGISTER, sending notices of such regulations proposal to publications likely to be read by those affected, and wide notifying of interested parties directly. This would include notification to State and local government and to minority media and organizations. Similar notification would also be made of proposed and final regulation issuance. Consideration would be given to hearings to help narrow or clarify issues and provide additional information.

SBA's procedures for implementation of Executive Order 12044 follow.

CHAPTER 1—AUTHORITY AND GENERAL SCOPE

1. AUTHORITY

a. Executive Order 12044 issued March 23, 1978, directing all agencies to adopt procedures to improve existing and future regulations; and the Small Business Act and Small Business Investment Act of 1958.

b. Section 1 of Executive Order 12044 provides that:

"• • • Regulations shall be as simple and clear as possible. They shall achieve legislative goals effectively and efficiently. They shall not impose unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments. To achieve these objectives, regulations shall be developed through a process which ensures that:

(a) The need for and purpose of the regulation are clearly established.

(b) Heads of agencies and policy officials exercise effective oversight.

(c) Opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, organizations and individual members of the public.

(d) Meaningful alternatives are considered and analyzed before the regulation is issued; and

(e) Compliance costs, paperwork and other burdens on the public are minimized."

2. SCOPE

In accordance with the provisions of EO 12044, this SOP provides guidelines and procedures for implementation of the Regulations Development and Review (RDR) Program in SBA, which will be administered by the Office of the Associate General Counsel for Legislation.

4. RESPONSIBILITIES

All SBA offices shall assist as required and as set forth throughout this SOP in implementing its procedures. Administrative functions under this SOP of the Office of the Associate General Counsel for Legislation are to:

a. Provide staff support on regulations matters, including the coordination of the staffing, analysis and review of regulation work plans, significant proposed regulations and final regulations.

b. Keep current records on the progress of regulations development by

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SBA offices, including all regulations changes in process through their final promulgation, and information on the progress of agency plans to evaluate regulations after their final issuance.

c. Monitor the programs of SBA offices for reviewing and revising their existing regulations.

d. Make reports regarding adherence to schedules by SBA offices and working groups on regulations matters.

e. Develop the material for the SBA Semiannual Agenda of Regulations to be approved by the Administrator and published in the FEDERAL REGISTER pursuant to section 2(a) of Executive Order 12044.

f. Assist SBA offices in regulations writing and in training personnel for regulation writing functions.

g. Maintain SBA rulemaking dockets, including copies of all proposed and final SBA regulations, public comments and agency studies, which dockets shall be available for public inspection.

h. Make recommendations to SBA regulations writing offices regarding resources, priorities and coordination of SBA regulations development, including efficient time periods and procedures.

i. Upon request, provide comments regarding SBA compliance with the purpose and provisions of Executive Order 12044.

j. Maintain liaison with interested offices and organizations concerning SBA regulations process, and possible improvements.

4. OBJECTIVE

SBA, as the agency with primary responsibility for assisting small business, will revise and reform its own procedures and regulations to make them clearer, more cost-effective and less burdensome, so that the purposes of the Executive Order are carried out, and the regulations of this agency will be more useful to small business concerns, Agency personnel and the public.

5. COVERAGE AND INTERPRETATION

a. This SOP applies to SBA regulations published in or amending Title 13 of the code of Federal Regulations, Chapter 1. It shall be applied to SBA regulations which are being developed, amended or revised. However, with respect to proposed regulations which have been published in the FEDERAL REGISTER prior to the effective date of this SOP, its requirements may be waived insofar as permitted by the Executive Order.

b. The provisions of this SOP shall be interpreted in accordance with the purposes of Executive Order 12044, to implement procedures to make SBA regulations more useful to the public and to Agency administering personnel, and to emphasize the important issues and real alternatives in the regulation development process. It is not intended to create delay in the process or provide new grounds for judicial review. It is intended to make SBA regulations clearer, less burdensome and more cost-effective, and to provide greater opportunity for public input into the SBA regulations development process.

c. The procedures in this SOP shall be in addition to the requirements of SOP 00 03 regarding preparation of FEDERAL REGISTER documents.

CHAPTER 2—PROCEDURES FOR DEVELOPMENT OF REGULATIONS

6. DEFINITIONS

a. *"Significant"* SBA regulations and changes to regulations are those which:

(1) Require a Regulatory Analysis (see paragraph 10) or otherwise impose substantial direct or indirect compliance costs.

(2) Concern a matter on which there is substantial public interest or controversy.

(3) Have significant impact on small business, the public, SBA, the Federal Government, or State and local governments; or

(4) Involve important SBA policy.

b. "Nonsignificant" SBA regulations and changes to regulations are those not covered above, for example:

(1) Regulations which reduce the burden on the public through easing of minor Agency requirements.

(2) Editorial changes.

(3) Minor organizational changes involving a title, etc.

PART I—SIGNIFICANT REGULATIONS

7. WORK PLAN—SCOPE

Before proceeding with the development of a significant SBA regulation or change to a regulation a Work Plan shall be prepared for the purpose of disclosing the major issues raised by the proposal for the regulation. The work plan shall be prepared as an SBA Form 606 report and recommendation to the Administrator. The work plan also should note major effects on closely related SBA regulations and on other SBA programs, as well as the immediate issues involved in the regulation proposal.

Other effects on small business, competition and major Federal programs and policies should also be considered in the preparation of the work plan (e.g., community development, efficient coordination of Government programs). Consideration should focus on major issues to be resolved, assignment of responsibilities and coordination to meet requirements for timely and adequate regulations. A work plan may recommend particular policies and procedures for incorporation in the proposed regulations to be developed and may note alternative possible approaches.

8. WORK PLAN—PROCEDURES

The work plan shall be prepared by the appropriate program office with the assistance of the Office of General Counsel and other interested offices. It shall set forth:

a. The need for and the objectives of the regulation proposal

b. The major issues and alternative approaches

c. Minimization of reporting and recordkeeping requirements

d. Plans for public involvement in the development of the regulation. The Chief Counsel for Advocacy shall be consulted regarding the plans for early and meaningful public participation.

e. Plans for coordination with other SBA offices and other agencies.

f. Schedules and target dates

g. Possible issue papers to be prepared

h. Possible need for policy guidance and a regulatory analysis (see paragraph 10). The work plan shall be coordinated with other interested SBA offices and approved by the Associate or Assistant Administrator or Special Assistant to the Administrator having responsibility for the program, and then submitted to the Administrator for approval. Until the work plan is reviewed by the Administrator, development of the regulation shall not proceed.

9. REGULATION DEVELOPMENT

Generally, significant agency regulations shall be developed by the appropriate program office with assistance from the General Counsel's office and the other interested offices. After approval of the work plan, the pertinent offices will develop and draft a proposed regulation or alternative provisions for such regulation and develop any supporting material and analysis. Position papers, circulation of preliminary drafts, meetings and consultations should be utilized if deemed necessary or helpful. Particular attention should be given to a clear and adequate explanatory preamble to the proposed regulation to be published in the FEDERAL REGISTER. The proposed regulation shall be approved by the Associate or Assistant Administrator or Special Assistant to the Administrator having responsibility for the program, as well as by other interested SBA offices, prior to its submittal to the Administrator.

The proposed regulation should comply with the requirements of Section 2(d) of EO 12044, including cost and benefit consideration, plain English writing, optimum selection from among regulatory alternatives, and public participation. The aspects set forth in Section 2(e) of the Order should be reviewed in relation to the proposed regulation. Consideration should also be given to whether a Regulatory Analysis is appropriate, see paragraph 10 below.

10. REGULATORY ANALYSIS

In determining whether a regulation proposal, revision or amendment would amendment would have major economic consequences so that a formal regulatory analysis under Section 3 of the Executive Order is required or appropriate, consideration will be given to how the costs and benefits of the proposed regulation can be quantified, in dollar terms or otherwise. Related regulations should be viewed together. Effects on productivity and efficiency, effective and practicable alternatives, direct and indirect compliance costs, administrative costs, and distribution of costs among industries and regions will be considered in evaluating whether a regulatory analysis should be made, and the preferable regulatory approach. A regulatory analysis will be made if:

a. The regulation is likely to impose gross economic costs of $100 million per year on the economy,

b. The regulation would cause a major increase in costs or prices for individual industries, levels of government or geographic regions, or

c. The Administrator determines in other cases that a regulatory analysis is appropriate.

Even if a full regulatory analysis is not deemed necessary, to the extent feasible, quantified estimates of costs and burdens will be made to assist policy officials and the Administrator. Consultants may be utilized to make necessary studies if SBA or other Government resources are not available if a regulatory analysis or evaluation is required. Of course, responsible SBA officials must weigh the validity and relevance of such studies and information. Any regulatory analysis will be initially made available in draft form for public comment, and a final regulatory analysis will be prepared and made available to the public when the final regulation is published in the FEDERAL REGISTER. If a regulatory analysis is made, the urban and community impact analysis required by OMB Circular No. A-116 (August 16, 1978) should be incorporated into the economic analysis.

11. OPPORTUNITY FOR PUBLIC PARTICIPATION

SBA shall take effective steps to assure that the public has early and meaningful opportunity to participate in the development and revision of agency regulations, utilizing the FEDERAL REGISTER, publications likely to be read by those affected, wide direct notification of interested parties, including State and local government and minority media and organizations. Consideration should also be given to hearings to help narrow and clarify issues and provide additional information.

The following measures will be taken by this Agency to provide greater opportunity for public participation:

a. Each office shall review and study additional steps which can be taken to notify interested organizations and individuals that a regulation is under development and to seek their advice and reaction. The Chief Counsel for Advocacy will assist in such review and study and will have general responsibility for recommending particular procedures which can be adopted to encourage more public participation in the SBA regulations development process, including consideration of measures which have been utilized by other Federal agencies.

b. When approved by the Administrator a proposal for a significant regulation or regulation change will be published in the FEDERAL REGISTER, generally with a public comment period of at least 60 days. Other appropriate methods of public communications will also be utilized.

c. All final regulations will be published in the FEDERAL REGISTER and public notice will be distributed to interested organizations and media.

d. In connection with allowing State and local government officials, or their representatives, opportunity to participate in the development of any SBA regulations having major intergovernmental significance, the SBA will facilitate the submission of comments by such officials or representatives in accord with the President's Memorandum of March 23, 1978.

e. The Federal Advisory Committee Act applies to advisory committee recommendations to SBA on proposed SBA regulations.

12. FINAL REGULATION

After receipt of public comments, the regulation shall be resubmitted to the appropriate offices for final consideration and drafting and forwarded for approval through interested offices to the Administrator with any appropriate revisions and explanations of how the comments of the public were considered and treated. The final regulation shall be approved by the Associate or Assistant Administrator or Special Assistant to the Administrator having responsibility for the program prior to its submittal to the Administrator. With respect to those regulations which are the primary program responsibility of the General Counsel's Office, the final regulation shall similarly be approved by the General Counsel, prior to its submittal to the Administrator.

PART II—NONSIGNIFICANT REGULATIONS

13. DEVELOPMENT

Minor, routine and technical regulations and regulation changes are also subject to the general policy set forth in Section 1 of Executive Order 12044, as follows:

a. They shall be as simple and clear as possible.

b. They shall achieve legislative goals effectively and efficiently.

c. They shall not impose unnecessary burdens on the economy, individuals, public or private organizations, or State and local governments.

The appropriate program office shall prepare such proposed and final nonsignificant regulations with the assistance of the Office of General Counsel and other interested offices. The Office of the Associate General Counsel for Legislation shall be kept informed of the scope, coordination and progress of all such development of nonsignificant regulations and shall be provided copies of such proposed and final regulations. A clear explanation of the purpose and effect of each such proposed and final regulation shall be published with it in the FEDERAL REGISTER, along with discussion of alternatives considered and response to any public comments received.

In the event any member of the Management Board or the Office of the Associate General Counsel for Legislation has reason to believe that a regulation or regulation change is significant, but is not being so handled under the provisions of this SOP, the matter may be brought before the Deputy Administrator or the Administrator for determination, and if determined to be significant, it shall be treated accordingly under this SOP. Proposed regulations not deemed significant by SBA shall be accompanied by a statement to that effect at the time of their publication in the Federal Register for public comment.

PART III—EMERGENCY REGULATIONS

14. "TEMPORARY" ISSUANCES

In unusual cases, significant regulations or amendments requiring prompt issuance without full compliance with the provisions of this SOP shall be published as "temporary" regulations. Pursuant to Section 6(b)(6) of Executive Order 12044 any such emergency regulation which is not in compliance with the Order shall be published in the FEDERAL REGISTER containing a statement of why it is impracticable or contrary to the public interest to fully comply with the provisions of the

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Order, giving the name of the SBA policy official responsible for such determination. As soon as possible after issuance action must be instituted to comply with any procedures omitted from such temporary regulations.

CHAPTER 3—REVIEW OF EXISTING REGULATIONS

15. CRITERIA FOR REVIEW

Section 4 of EO 12044 requires agencies to periodically review their existing regulations to determine whether they are achieving the policy goals of the Order. This review shall follow the same procedural steps outlined for the development of the new regulations.

In selecting regulations to be reviewed, the office having program responsibility shall consider:

a. The nature and extent of the complaints received.

b. The potential for removing or improving burdensome or ineffective requirements.

c. The need for eliminating conflicts and inconsistencies.

d. The need for simplification and clarification.

e. Opportunity for consolidation and better organization of regulations.

f. Changes since the regulation was issued and the length of time since the regulation was last reviewed.

16. PROCEDURE FOR REVIEW

Revisions and changes of existing SBA regulations shall be developed under the requirements set forth for new regulations in the prior chapters of this SOP. Work plans should specify the purpose and scope of particular regulation revision projects.

CHAPTER 4—REPORTING

17. REPORTING REQUIREMENTS

a. Each office shall submit a semiannual Regulations Report to the Office of the Associate General Counsel for Legislation summarizing each proposed or final regulation or advance notice of proposed rulemaking which that office has under development or review. The report shall be submitted to the Office of the Associate General Counsel for Legislation no later than the last working day of June and December each year, and supplemented with a bimonthly updating report not later than the last working day of August, October, February and April. Each report shall describe the regulations being considered, whether they are significant or nonsignificant, the need for and legal basis of the action being taken, estimated target dates for completion of steps in the development of such regulations, and the status of regulations previously listed on the agenda.

The name and telephone number of a knowledgeable agency official shall also be provided for each item in the Report and, if possible, whether a regulatory analysis will be required.

b. Each office shall submit to the Office of the Associate General Counsel for Legislation a list of the existing regulations, or portions thereof, which it is recommending for review and possible revocation or revision together with a brief description of the reasons for such selection. The list of existing regulations being recommended shall be submitted as part of the office's semiannual Regulations Report and bimonthly supplement.

c. In addition to the above information relating to the SBA Regulations Agenda required by the Executive Order to be published in the FEDERAL REGISTER, the Office of the Associate General Counsel for Legislation may request offices to provide reports or appropriate information necessary in the performance of its functions under this SOP.

d. The SBA Regulations Agenda will be approved by the Administrator prior to its publication in the FEDERAL REGISTER. Copies of the SBA Regulations Agenda will be distributed on a regular basis to interested organizations and members of the public. The Agenda will be published in January and July of each year, and supplements may be published at other times if deemed necessary.

Existing Regulations which SBA is considering for initial review and revision or amendment are published herewith in the Agency's Semiannual Regulations Agenda.

Dated: February 1, 1979.

A. VERNON WEAVER,
Administrator.

SMALL BUSINESS ADMINISTRATION REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT JANUARY 1979, THROUGH JULY 1979

The following Small Business Administration regulations are scheduled for review or development during the six-month period January 31, 1979, through July 31, 1979. This should increase public awarenenss of the Agency's regulatory activity and result in more effective public participation.

Publication of this Agenda does not impose any binding obligation on SBA with regard to any specific item on the Agenda. Additional regulatory action not listed on the Agenda is not precluded.

For further information on Agenda items, the public is encouraged to contact the individual listed for the particular item.

Comments or inquiries about the Agenda itself should be addressed to the Associate General Counsel for Legislation, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, 2020-653-6662.

SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA

SIGNIFICANT REGULATIONS

Title of regulation	Summary	Knowledgeable official	Target date
Procurement and Technical Assistance The Small Business and Capital Ownership Development Program—proposed as—13 CFR Part 124.1-1 through 124.4-1.	A. *Description:* Establishes assistance available and eligibility under SBA's new Small Business and Capital Ownership Development Program which will provide under §§ 8(a) and 7(j) of the Small Business Act contract, financial, technical and management assistance to socially and economically disadvantaged individuals. B. *Why Significant:* Extensive public interest in the new statutorily-created minority enterprise programs and SBA's implementation. C. *Need:* Mandated by Pub. L. 95-507. D. *Legal Basis:* Pub. L. 95-507. § 5(b)(6) of Small Business Act, 15 U.S.C. 634(b)(6). E. *Regulatory Analysis:* Not required.	Richard Philbin, 202-653-6475.	Notice of Proposed Rulemaking January 25, 1979

SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA—Continued

Title of regulation	Summary	Knowledgeable official	Target date
Procurement and Technical Assistance 13 CFR Part 124. Research and Development Assistance 13 CFR Part 125.	A. *Description:* Proposed regulation would rewrite and combine Parts 124 and 125 and would establish SBA policy and procedure for the Certificate of Competency Program and the Prime Contracting Assistance, Property Sales Assistance, Subcontracting Assistance and Technology Assistance Programs. B. *Why Significant:* Substantial Public and Government interest in a major redrafting of legislation providing SBA procurement assistance. C. *Need:* New and expanded statutory authority and transfer of the 8(a) program responsibility, make this revision necessary. D. *Legal Basis:* Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6) and Pub. L. 95-507. E. *Regulatory Analysis:* Will not be required.	Ed Odell, 202-653-6332.	Notice of Proposed Rulemaking February 1979
Small Business Investment Companies 13 CFR Part 107.	A. *Description:* Amendments to several sections of Part 107 have been developed as a result of the enactment of Pub. L. 95-507. The proposed changes are:. (1) Section 107.3, *Definition of a Section 301(d) Licensee,* is changed to allow for the formation of a 301(d) SBIC as a limited partnership. (2) Section 107.4(a), *Limited Partnership SBIC,* is changed to allow for the formation of a 301(d) SBIC as a limited partnership. (3) Section 107.101(d)(1) and (2), *Operational Requirement,* raises the amount of private capital necessary for licensing of an SBIC after October 1, 1979, from $150,000 to $500,000. (4) Section 107.205, *Leverage for Section 301(d) Licensees,* is changed to clarify the reduced interest rate on debentures issued by 301(d) SBICs and the removal of SBA's discretionary right to insist on repayment of any interest subsidy on debentures or any dividend subsidy on preferred stock of a 301(d) SBIC. The additional tier of preferred stock which is now available to certain Section 301(d) SBIC is explained. (5) Section 107.808, *Idle Funds,* is changed to reflect that an SBIC's funds which are not invested in small concerns and not necessary for the day-to-day operations must be invested in direct obligations, of, or obligations guaranteed as to principal and interest by the United States; or in certificates of deposit, maturing within one year or less, issued by any institution whose accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or in savings accounts of such institutions. B. *Why Significant:* Public interest and important policy considerations. C. *Need:* Mandated by Pub. L. 95-507. D. *Legal Basis:* Section 306 of the Small Business Investment Act of 1958 and Pub. L. 95-507. E. *Regulatory Analysis:* Will not be required.	Peter McNeish, 202-653-6584.	Notice of Proposed Rulemaking February 1979

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SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA—Continued

Title of regulation	Summary	Knowledgeable official	Target date
Surety Bond Guarantee 13 CFR Part 115.	A. *Description:* Pub. L. 95-507 made significant changes in policy governing SBA's program to assist small businesses in obtaining certain bid payment or performance bonds. Regulations being considered:. (1) Broadening of definition of "surety." (2) New definition of surety bonds eligible for guarantee. (3) Notification that SBA may vary the terms of guarantee from surety to surety, based upon the experience of a particular surety. (4) Broadening of terms of guarantee to permit payment by SBA for expenses incurred by surety upon its discovery of "imminent breach" of contract. (5) Establishment of ceiling on SBA's guarantee obligation including new "imminent breach" authority. (6) Notification of explicit rulemaking authority (formerly only incorporated by reference to another Act—the Small Business Act) and power to require sureties to meet SBA standards for underwriting, claim practices, and loss ratios. (7) Establishing specific basis for denying liability under bond guarantee. (8) Notification of authority to make reasonable audit of sureties. B. *Why Significant:* Public and congressional interest in new program policies. C. *Need:* Mandated by Pub. L. 95-507. D. *Legal Basis:* Section 308(c) of the Small Business Investment Act of 1958, 15 U.S.C. 687, and Title IV Part B of the Small Business Investment Act of 1958, 15 U.S.C. 694a, 694b. E. *Regulatory Analysis:* Not required.	Earl Chambers, 202-653-6803.	Notice of Proposed Rulemaking February 1979
Pollution Control 13 CFR Part 111.	A. *Description:* Redefine eligibility for guaranteed financing for acquisition of pollution control facilities including solid and liquid waste and to modify the program's application processing and administrative fee structure. B. *Why Significant:* Public interest and important new policy considerations. C. *Need:* Reflect new SBA Policy on pollution control financing. D. *Legal Basis:* Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6), § 20(b)(8) and (9) of the Small Business Act, and 15 U.S.C. 694-1 and 694-2. E. *Regulatory Analysis:* Not required.	Earl Chambers, 202-653-6803.	Notice of Proposed Rulemaking February 1979
Small Business Size Standards 13 CFR Part 121.	SBA is considering raising the size standards contained in Section 121-3-11, *Definition of small business for assistance by SBICs or by development companies.*	Peter McNeish, 202-653-6584.	Notice of Proposed Rulemaking March 1979
Small Business Investment Companies 13 CFR Part 107.	SBA is considering amending Section 107.4 to specify that SBA will make non-recourse loans to SBICs formed as limited partnerships..	Peter McNeish, 202-653-6584.	Notice of Proposed Rulemaking March 1979

SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA—Continued

Title of regulation	Summary	Knowledgeable official	Target date
Small Business Investment Companies 13 CFR Part 107.	Section 107.101(d)(2), governs the ratio of private to non-private capital required for SBA leverage to SBICs. SBA is considering changing rules governing ratio of purely private to non-private capital which a small business investment company (SBIC) must have in order to be eligible for leverage from SBA. The question has arisen because of the recent proliferation of non-private (Government) funds for capitalization of SBICs.	Peter McNeish, 202-653-6584.	Notice of Proposed Rulemaking March 1979
Administration 13 CFR Part 101.	This is a comprehensive review to update all regulations governing the organization and functions of the Agency.	Thomas Leydon, 202-653-6225.	Notice of Proposed Rulemaking June 1979
Administration 13 CFR Part 101.	Rules of Practice for Adjudicative Proceedings regarding termination of participation or completion of participation in the section 8(a) program. Published as final rule under mandate Pub. L. 95-507.	Martin Teckler, 202-653-6797.	Final Rule Published January 24, 1979
Procurement and Technical Assistance 13 CFR Part 124.	Final Rule clarifying the procedures by which SBA will determine that a small business concern participating in its section 8(a) program has completed participation or should be terminated. This rule is published as final under the mandate of Pub. L. 95-507.	Richard Philbin, 202-653-6475.	Final Rule Published January 24, 1979
Business Loan Policy 13 CFR Part 120.3.	SBA contemplates a new Guaranty Agreement for short term loans (SBA 750B). New rules will be necessary for the implementation of this new form.	Edwin Holloway, 202-653-6860.	Notice of Proposed Rulemaking April 1979
Loans to State and Local Development Companies 13 CFR Part 107.	Rules governing the participation of the development company are being revised to reflect changes mandated by Pub. L. 95-507.	Wendell Hulcher, 202-653-6620.	Notice of Proposed Rulemaking January 1979
Disaster Loans 13 CFR Part 123.	Procedure for requesting disaster declarations and time limit for request.	Richard Wray, 202-653-6470.	Proposed rule Published September 19, 1978
Business Loan Policy 13 CFR Part 120.	Reflects changes mandated by Pub. L. 95-89; broadens the category of eligible small contractors, extends the maturity of small contractor financing and makes other program changes.	Richard Wray, 202-653-6470.	Proposed rule Published October 17, 1978
Nondiscrimination in Federally Assisted Programs of SBA 13 CFR 113.	Proposed revision to implement section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in employment or receipt of services.	J. Arnold Feldman, 202-653-6054.	Proposed rule Published March 8, 1978. Comment period closed May 8, 1978.
Business Loan Policy 13 CFR Part 120.	Implements section 211 of Pub. L. 95-507 which changed SBA's policy of not making loans to concerns owned and controlled by Indian tribes.	Evelyn Cherry, 202-653-6696.	Final Rule Published February 1979

[FR Doc. 79-4142 Filed 2-9-79; 8:45 am]

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[8025-01-M]

[Application No. 04/04-5161]

FIRST FLORIDA CAPITAL CORP.

Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by The First Florida Capital Corporation (applicant) with the Small Business Administration pursuant to 13 CFR 107.102 (1978).

The officers, directors and stockholders are as follows:

Stanley L. Seligman, President, Director & 40% Stockholder, 125 North 46th Avenue, Hollywood, Florida 33021.

Sol Klein, Secretary, Treasurer, Director & 8.57% Stockholder, 4052 Estepona Avenue, Miami, Florida 33166.

Joel Pinsky, Vice-President, Director & 17.14% Stockholder, 1 Westmount Square, Suite 1212, Montreal, Quebec, Canada.

Norman Zavalkoff, Vice President, Director & 25.50% Stockholder, 6767 Cote Des Neiges, Suite 207, Montreal, Quebec, Canada.

Peter Shapiro, 4.50% Stockholder, 5803 Glenarden Avenue, Cote St-Luc, Quebec, Canada.

Naomi Davine, 4.29% Stockholder, 15 Albion Road, Hampstead, Quebec, Canada.

The applicant will maintain its principal place of business at 125 North 46th Avenue, Hollywood, Florida 33021. It will begin operations with $500,000 of private capital derived from the sale of 50,500 shares to stockholders shown above.

The applicant will conduct its operations in the Dade and Broward Counties of Florida.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given by any person may, not later than February 27, 1979, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Hollywood, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: February 5, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4576 Filed 2-9-79; 8:45 am]

[8025-01-M]

MARWIT CAPITAL CORP.

[License No. 09/02-0175]

Filing of Application for Approval of Conflict of Interest Transaction between Associates

Notice is hereby given that Marwit Capital Corporation (Marwit), Union Bank Building, Suite 480, 610 Newport Center, Newport Beach, California 92660, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to §107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004(1979)), for approval of a conflict of interest transaction.

Mr. Carl Minton, a Director and an attorney at law regularly serving Marwit, is deemed an Associate of Marwit pursuant to Section 107.3 of the Small Business Administration Rules and Regulations.

Mr. Minton is a Director and 15 percent shareholder of Triple A Accessories, Inc. (Triple A), 16200 South Maple Avenue, Gardena, California 90248.

Marwit proposes to lend Triple A $111,120 for a period of five years. In addition, Marwit will purchase warrants to acquire 18 percent of Triple A's common stock (after exercise of the warrants).

Since Mr. Minton is a Director and 10 or more percent shareholder of Triple A, Triple A is an Associate of Marwit, and the financing falls within the purview of Section 107.1004(b)(1) of the SBA's Regulations and requires a written exemption from SBA.

Notice is further given that any person may, not later than February 27, 1979, submit to SBA written comments on the proposed transaction. Any such comments should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, Washington, D.C. 20416.

A copy of this Notice shall be published in newspapers of general circulation in Newport Beach and Gardena, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 1, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4574 Filed 2-9-79; 8:45 am]

[8025-01-M]

[Proposed License No. 02/02-0361]

WOOD RIVER CAPITAL CORP.

Application for a License to Operate as Small Business Investment Company

Notice is hereby given that a application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1978)), under the name of Wood River Capital Corporation, 645 Madison Avenue, New York, New York 10022, for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended, (Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholders are as follows:

Name and Title

Stanley R. Rawen, Jr., Chairman, Director, 30 Benenson Drive, Cos Cob, Connecticut 06807.

Edward B. Ory, President, Asst. Executive, Director, 200 East 66th Street, New York, New York 10021.

Peter A. Banker, Executive Vice President, Director 136 E. 64th Street, New York, New York 10021.

Seymour L. Wane, Secretary Treasurer, Director, 25 Clive Hill Road, Short Hills, New Jersey 07078.

Cyril F. O'Neil, Director, 161 Buxton Road, Bedford Hills, New York 10507.

Herbert M. Friedman, Director, 230 Elk Avenue, New Rochelle, New York 11230.

Louis Max, Jr., Owns 100% of the voting stock of Marline Resources Company, Inc., 230 Elk Avenue, New Rochelle, New York 11230.

Marline Resources Company, Inc., 100% owner of stock of applicant, 767 Fifth Avenue, New York, New York 10022.

The above individuals have actively been associated for a number of years with the development and management of small business enterprises. Some have had wide experience in venture capital and other small business entities as well as having been actively engaged in selecting and supervising venture capital investments. It will be the general policy of the applicant to work closely with its clients. The applicant proposes to begin operations with $4,000,000 of paid-in capital and paid-in surplus derived from the sale of 100 shares of common stock for $100 and a $3,999,900 capital contribution by Marline Resources Company, Inc. (Marline). The Securities to be sold by the applicant will represent less than 10% of Marline's total assets.

The applicant will conduct its business primarily in New York City. The applicant intends to provide financial assistance to small business concerns combining both debt and equity features. It will also make long-term loans.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Any person may, on or before February 27, 1978, submit to SBA written comments on the proposed Licensee. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in New York City.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 5, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4475 Filed 2-8-79; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority Nos. 5.12, 38.10, 99.18, and 112.8]

MISSION DIRECTOR, USAID SRI LANKA

Redelegation of Authority; Amendment

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority Nos. 5, 38, 99, and 112, A.I.D. Redelegation of Authority No. 162-7 is amended as follows:

1. The introductory Paragraph is amended to read as follows:

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511), with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Mission Director, USAID/Sri Lanka, and to any person acting in that official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

2. Subparagraph 2(b) is amended by deleting all that follows after the word "agreements" and inserting in lieu thereof a semicolon.

3. Subparagraph 2(c) is amended by deleting the word "and" after the semicolon at the end of the sentence.

4. Subparagraph 2(d) is amended by deleting all that follows after the words "Implementation Orders" and inserting in lieu thereof the words "(PIO's); and".

5. Paragraph 2 is further amended by adding a new subsection (e) to read as follows:

"(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements."

This amendment to Redelegation of Authority No. 162-7 is effective immediately.

Dated: February 2, 1979.

JOHN H. SULLIVAN,
Assistant Administrator, Bureau for Asia.

[FR Doc. 79-4596 Filed 2-9-79; 8:45 am]

[4710-02-M]

[Nos. 5.23, 38.21, 99.17, and 112.11]

MISSION DIRECTOR, USAID NEPAL

Redelegation of Authority

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511), with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Mission Director, USAID/Nepal, and to any person acting in that official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membership consisting primarily of such foreign governments;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act to the following extent:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders—(PIO's); and

(e) Authority to approve contractors, review and approve the terms of contracts, amendments and mondifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements.

The authorities enumerated above may be redelegated by the individual listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph 1 with respect to execution of loan and grant agreements and amendments may not be redelegated.

The authority enumerated above in paragraph 1 with respect to execution of loan and grant agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Nepal.

The authorities enumerated above may be exercised only after appropriate consulation with A.I.D. technical and legal staff.

The unpublished Redelegation of Authority to the Mission Director, USAID Nepal, dated November 11,

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1977, is hereby revoked. Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

This Redelegation of Authority is effective immediately.

Dated: February 2, 1979.

JOHN H. SULLIVAN,
Assistant Administrator,
Bureau for Asia.

[FR Doc. 79-4597 Filed 2-9-79; 8:45 am]

[4910-59-M]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

FIAT 850 AND 124 MODELS FOR MODEL YEARS 1970-1974 IMPORTED BY FIAT MOTORS OF NORTH AMERICA, INC.

Public Proceeding Rescheduled

A public proceeding scheduled for 10:00 A.M. on February 21, 1979 with respect to undercarriage corrosion in the 850 and 124 modles of the Fiat automobile for model years 1970 through 1974 has been rescheduled for 10:00 A.M., March 21, 1979, Room 6332, Department of Transportation Headquarters, 400 Seventh Street S.W., Washington, D.C. 20590.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Joan Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, telephone 202-426-2850, before the close of business on March 14, 1979.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 6, 1979.

FRANK BERNDT,
Associate Administrator
for Enforcement.

[FR Doc. 79-4627 Filed 2-9-79; 8:45 am]

[4910-59-M]

[Docket No. IP77-22; Notice 2]

HUNG-A INDUSTRIAL CO., LTD.

Denial of Petition for Inconsequential Noncompliance

This notice denies the petition by Hung-A Industrial Co., Ltd. of Pusan, Korea, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for two noncompliances with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition was that the noncompliances are inconsequential as they relate to motor vehicle safety.

Notice of the petition was published on March 2, 1978, and an opportunity afforded for comment (43 FR 8609).

Paragraph S6.4 of Standard No. 119 requires that each tire shall have treadwear indicators enabling a person inspecting the tire to determine visually whether the tire has worn to a tread depth of one-sixteenth of an inch. Hung-A has shipped approximately 28,000 tires without treadwear indicators to the United States for use on boat trailers. Hung-A argues that this noncompliance is inconsequential as "the treadwear can be easily noticed because of the saw rib tread pattern of the tires. With this type of pattern, the wearing of the tire can easily be seen by the consumer, in order that he may determine the replacement time for safety measures."

Paragraph S6.5(d) of Standard No. 119 requires tires to be marked with maximum load rating and corresponding inflation pressure of the tire when cold. This information was omitted from Hung-A tires although they did comply with the requirements S6.5(j) that the letter designating the tire load range be marked on the tire. Hung-A argues that the classification gives "a very similar effect for the safety of the consumer", and that its tires otherwise meet all Federal and Association requirements. The company reports that in the 2 year period that these tires have been available "there have been no reports of accident or safety malfunction by the consumer or supplier". It has shipped an additional 11,000 nonconforming tires out of the United States and is now producing conforming tires.

Ten comments were received from tire dealers and consumers, all supporting Hung-A. Typical was that of Dale Trew of "Ranch P.V.", California. He supported Hung-A's claim that "tread can be seen easily just by taking a close look at the tread because of saw rib pattern of the tire". While he agreed that it is better to have the maximum load limit on the tire, Mr. Trew argued that "load range B or C is sufficient for a small boat trailer because consumers can easily find out load rate B or C range to any tire dealer". Other commenters referred to the lack of accidents or safety problems associated with the tires.

The NHTSA has decided to deny Hung-A's petition. The purpose of the treadwear indicator is to provide a positive sign that the tire should be replaced, rather than requiring a subjective determination by the owner. The exposure of wear indicators is a warning that the wet traction capability of the tire has been decreased and that the likelihood of blow-outs or flats has been increased.

In addition, the absence of maximum load/inflation pressure information cannot be considered inconsequential. The standard's requirement is intended to relieve the user of the burden of obtaining access to a tire and rim manual to obtain information which is so vital to preventing overloading and underinflating the tire, two factors that are among the major contributors to tire failure on the road.

Accordingly, petitioner has failed to meet its burden of persuasion that the noncompliances with Standard No. 119 herein described are inconsequential as they relate to motor vehicle safety, and its petition is hereby denied.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on February 5, 1979.

MICHAEL M. FINKELSTEIN,
Associate Administrator
for Rulemaking.

[FR Doc. 79-4443 Filed 2-9-79; 8:45 am]

[4910-59-M]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. I), notice is hereby given of a meeting of the National Highway Safety Advisory Committee's Safe Utilization of Commercial Vehicles Task Force. The meeting will be held from 8 a.m. to 5 p.m. on February 28 and from 8 a.m. to 3 p.m. on March 1, 1979 at the CABELL Federal Building, Room 9E25, 1100 Commercial Street, Dallas, Texas 75201.

The Task Force will be discussing issues related to the safe utilization of commercial vehicles and preparing a report to the Secretary of Transportation on Commercial Vehicles Maintenance and Safety Inspection Programs.

Attendance is open to the interested public but limited to the space available.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on February 7, 1979.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 79-4628 Filed 2-9-79; 8:45 am]

[4810-31-M]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 79-10; Reference: ATF O 1100.107]

DELEGATION TO THE ASSISTANT DIRECTOR (REGULATORY ENFORCEMENT) OF AUTHORITIES OF THE DIRECTOR IN 27 CFR PART 194, LIQUOR DEALERS

Delegation Order

1. *Purpose.* This order delegates certain authorities, now vested in the Director by regulations in 27 CFR Part 194, to the Assistant Director (Regulatory Enforcement), and permits redelegation to Regulatory Enforcement personnel, Headquarters and field.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to the special taxes imposed on wholesale and retail dealers in liquors, wholesale and retail dealers in beer, and limited retail dealers, and to operations of such dealers. It has been administratively determined that certain authorities now vested in the Director by regulations in 27 CFR Part 194, Liquor Dealers, belong at and should be delegated to a lower organizational level.

3. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701-9, there is hereby delegated to the Assistant Director (Regulatory Enforcement) the authority to take final action on the following matters relating to 27 CFR Part 194, Liquor Dealers:

a. To prescribe:

(1) All forms required by 27 CFR Part 194, under 27 CFR 194.41.

(2) The format of ATF F 52A (5170.9), Wholesale Liquor Dealer's Report of Receipts, ATF F 52B (5170.9), Wholesale Liquor Dealer's Report of Disposals, and ATF F 338 (5110.48), Wholesale Liquor Dealer's Semiannual Report, which are provided by users at their own expense, under 27 CFR 194.244.

b. To approve written applications for variations in the type and format of records of receipt and disposition, or in the methods of preparing such records, in order to use data processing equipment, other business machines, or existing accounting systems, under 27 CFR 194.229.

c. To approve the reproduction of records of the same class by the process described by the applicant and the provisions for the preserving, examining, viewing, and using of the reproductions are satisfactory, under 27 CFR 194.243.

d. To approve applications, filed pursuant to 27 CFR 194.229, to modify ATF forms 52A (5170.9), 52B (5170.9), and 338 (5110.48) for use in tabulating or other mechanical equipment, under 27 CFR 194.244.

4. *Redelegation.* a. The authority in paragraph 3a above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of branch chief.

b. The authorities in paragraphs 3b through 3d above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of ATF specialist.

c. The authorities in paragraphs 3c and 3d above may be redelegated to regional regulatory administrators to approve, without submission to Headquarters for approval, applications for variations or the reproduction of records which are identical to previous approvals by Bureau Headquarters. Regional regulatory administrators may redelegate these authorities to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, or area supervisor.

Effective date. This order becomes effective on February 6, 1979.

Signed: February 6, 1979.

JOHN G. KROGMAN,
Acting Director.

[FR Doc. 79-4624 Filed 2-9-79; 8:45 am]

[4810-22-M]

Office of the Secretary

SUGAR FROM BELGIUM, FRANCE, AND THE FEDERAL REPUBLIC OF GERMANY

Antidumping: Withholding of Appraisement and Determinations of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Withholding of Appraisement and Determinations of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that antidumping investigations have resulted in determinations that sugar from Belgium, France, and the Federal Republic of Germany (FRG) is being sold at less than fair value under the Antidumping Act, 1921. Appraisement of entries of this merchandise from these three countries will be suspended for 3 months. These cases are being referred to the U.S. International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: February 12, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Kugelman, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On July 10, 1978, a petition in proper form was received from counsel for Florida Sugar Marketing and Terminal Association, Inc. (FSM), alleging that sugar from Belgium, Denmark, the Federal Republic of Germany, France, and the United Kingdom is being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, an industry in the United States within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). On August 8, 1978, FSM withdrew its petition as it related to sugar imported from the United Kingdom and Denmark. On the basis of this information, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of August 18, 1978 (43 FR 36746-36747).

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. However, the notice also indicated that there was substantial doubt that imports of such merchandise from these countries were causing, or were likely to cause, injury. Accordingly, the United States Inter-

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national Trade Commission was advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

On September 25, 1978, the United States International Trade Commission determined it could not find "no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established", by reason of the importation of sugar from Belgium, France, or the FRG. Therefore, the investigation proceeded.

For purposes of these investigations, the sugar under consideration includes raw and refined sugar provided for in item numbers 155.20 and 155.30 of the Tariff Schedules of the United States (TSUS).

DETERMINATIONS OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, sugar from Belgium, France, and the FRG is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THESE DETERMINATIONS ARE BASED

The reasons and bases for the above determinations are as follows:

a. *Scope of the Investigations.* The investigations encompassed all imports of the subject merchandise originating in France, Belgium or the FRG. All imports during the investigatory period were of raw sugar.

b. *Bases of Comparisons.* For purposes of these determinations, the proper bases of comparison are between the purchase prices and the home market prices of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales to the United States of sugar from these three countries were made to unrelated purchasers in the United States prior to the dates of exportation. Home market prices, as defined in § 153.2, Customs Regulations (19 CFR 153.2), were used since such or similar merchandise was sold in the home markets in sufficient quantities to provide an adequate basis for comparisons.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was requested concerning U.S. import and home market sales during the period March 1, 1978, through August 31, 1978. No substantive responses were received from any of the involved exporters. Therefore, resort was made to such information as was available, pursuant to § 153.31(a), Customs Regulations (19 CFR 153.31(a)).

c. *Purchase Prices.* For the purposes of these determinations, purchase prices have been calculated on the bases of the prices to United States purchasers, after deducting ocean freight, marine insurance, loading and handling costs, United States duty and Customs brokerage charges, when any of the above items were included in the selling prices. This information was obtained from Customs entry documents with respect to shipments to the U.S. during the investigatory period.

d. *Home Market Prices.* For purposes of these determinations, home market prices have been calculated on the basis of the European Community 1977/78 raw sugar intervention price per pound, as published in the *Official Journal of the European Communities.* The intervention price for raw sugar is established under the European Communities Common Agricultual Policy and represents the minimum price below which the price of sugar sold within the Community is not permitted to fall. The Customs Service has ascertained that the prices at which actual transactions are made within the EC (which includes the countries subject to this investigation) are at least at or above the published intervention prices.

A Countervailing Duty Order was issued on this merchandise on July 31, 1978 (43 FR 33327). As all sales of sugar examined during these antidumping investigations were entered prior to the effective date of that order, no countervailing duties were collected and therefore no adjustment was necessary to reflect additional duties assessed pursuant to the CVD Order. In the event of the issuance of a "Finding of Dumping" with respect to this product from France, Belgium or the FRG, such countervailing duties paid on future shipments would be considered as a circumstance of sale for dumping duty assessment purposes.

e. *Results of Fair Value Comparisons.* Using the above criteria, comparisons were made on 100 percent of the sales of sugar to the United States during the period of investigation. These comparisons indicate that the purchase prices were less than the home market prices of such or similar merchandise in all instances. Margins were found ranging from approximately 88 to 128 percent on 100 percent of the sales of French sugar, 62 to 131 percent on 100 percent of the sales of Belgian sugar, and 121 percent on 100 percent of the sales of West German sugar. The weighted-average margins on these sales amounted to 102, 103 and 121 percent on French, Belgian and West German sugar, respectively.

The Secretary has provided an opportunity to known interested parties to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40). No views were received, and no requests were received for a 6-month withholding of appraisement.

Customs officers are being directed to withhold appraisement of sugar originating in France, Belgium and the FRG in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisement notice, which is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 3 months from the date of this publication unless previously revoked.

The United States International Trade Commission is being advised of these determinations.

These determinations are being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 6, 1979.

[FR Doc. 79-4604 Filed 2-9-79; 8:45 am]

[4810-40-M]

Office of the Secretary

[Supplemental to Dept. Circular Public Debt Series—No. 2-79]

TREASURY NOTES OF SERIES B-1987

Interest Rate

FEBRUARY 7, 1979.

The Secretary announced on February 6, 1979, that the interest rate on the notes designated Series B-1987, described in Department Circular—Public Debt Series—No. 2-79, dated February 1, 1979, will be 9 percent. Interest on the notes will be payable at the rate of 9 percent per annum.

SUPPLEMENTARY STATEMENT: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

PAUL H. TAYLOR,
Fiscal Assistant Secretary.

[FR Doc. 79-4589 Filed 2-9-79; 8:46 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 25]

ASSIGNMENT OF HEARINGS

FEBRUARY 7, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111545 (Sub-250F), Home Transportation Company, Inc., now assigned February 6, 1979, at Tampa, Florida, is cancelled transfered to Modified Procedure.

MC 144887 (Sub-1F), Northern Dutchess Taxi, Inc., now assigned for hearing on April 16, 1979, (2 days), at Poughkeepsie, NY. in a hearing room to be later designated.

MC 101134 (Sub-8F), Arco Coaches, Inc., now assigned for hearing on April 18, 1979, (3 days), at New York, NY., in a hearing room to be later designated.

MC 87909 (Sub-28F), Kroblin Transportation Systems, Inc., now assigned for hearing on March 26, 1979, (10 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 71593 (Sub-10F), Forwarders Transport, Inc., now assigned for hearing on April 17, 1979, (1 day), at New York, NY., in a hearing room to be later designated.

MC 93649 (Sub-22F), Gaines Motor Lines, Inc., now assigned for hearing on April 18, 1979, (3 days), at New York, NY., in a hearing room to be later designated.

MC 107295 (Sub-873F), Pre-Fab Transit Co., now assigned for hearing on April 23, 1979, (1 day), at Boston, Massachusetts, in a hearing room to be later designated.

MC 142887 (Sub-1), New England Bulk Terminal, Inc., now assigned for hearing on April 2, 1979, (1 day), at Boston, Massachusetts, in a hearing room to be later designated.

MC 68908 (Sub-8F), Mullen Bros., of North Adams, Mass. Downing Inc., now assigned for hearing on April 25, 1979, (3 days), at Boston, Massachusetts, in a hearing room to be later designated.

MC 144011, Hall Systems, Inc., now assigned continued hearing February 14, 1979, (3 days), in the Sheraton Motor Inn Downtown 300 N. 10th Street, Birmingham, Ala.

MC 144678 (Sub-3F), American Freight System, Inc., now assigned for hearing on March 19, 1979, (5 days), at Des Moines, Iowa, in a hearing room to be later designated.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4640 Filed 2-9-79; 8:45 am]

[7035-01-M]

[Notice No. 19]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, of its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifiying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interestate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 41406 (Sub-108TA), filed January 3, 1979., Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, IN 46323. *Iron and steel articles,* from the plant site of Inland Steel Company at East Chicago, IN to the Milwaukee, WI Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Bruce A. Klimek, Staff Asst., Inland Steel Company, 30 W. Monroe St., Chicago, IL 60603. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., I.C.C., Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 41406 (Sub-109TA), filed January 3, 1979., Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, IN 46323. *Iron and steel articles,* from the plantsites of United States Steel Corporation located at or near Gary, IN, Joliet and South Chicago, IL, to points in Kenosha, Milwaukee and Racine Counties, WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): J. H. Dodgson, Mgr. Traffic Central Area, United States Steel Corporation, 1000 East 80th Place, Merrillville, IN 46410. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., I.C.C., Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 41406 (Sub-110TA), filed January 3, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, Indiana 46323. *Aluminum and aluminum articles,* from the facilities of Kaiser Aluminum & Chemical Corporation at or near Ravenswood, WV to points in AL, AR, FL, GA, LA, MS, NC, SC, IN, and TX, for 180 days. SUPPORTING SHIPPER(S): R. E. Nowell, Mgr. Trans. Services, Kaiser Aluminum & Chemical Corporation, P.O. Box 98, Ravenswood, WV 26164. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., I.C.C., Everett McKinley Dirksen Building, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 41915 (Sub-43TA), filed December 24, 1978. Applicant: MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, York, Pennsylvania 17405. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street NW., Washington, D.C. 20005. (1) *petroleum, petroleum products, vehicle body sealer* and/or *sound deadener compounds,* (except in bulk, in tank vehicles), and *filters* from points in Warren County, MS to points in AL, CT, DE, FL, GA, KY, LA, MD, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV and DC; and (2) *petroleum, petro-*

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leum products, vehicle body sealer and/or *sound deadener compounds, filters, materials, supplies,* and *equipment* as are used in the manufacture, sale and distribution of the commodities named in (1) above (except in bulk, in tank vehicles) from points in AL, GA, KY, NY, OH, PA, RI, SC, VA, and WV to points in Warren County, MS, restricted in parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS for 180 days. Supporting shipper; Quaker State Oil Refining Corp., P.O. Box 989, Oil City PA 16301. Send protests to Charles F. Myers, I.C.C., P.O. Box 869, Federal Square Station, 228 Walnut St., Harrisburg, PA 17108.

MC 41951 (Sub-34TA), filed December 29, 1978. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. *Foodstuffs,* (1) from Cheriton, VA, to points in CT, DE, FL, GA, IL, IN, KY, MA, MD, MI, NC, NJ, NY, OH, PA, RI, SC, TN, VA, WV, and DC; and (2) from Queen Anne, MD, to points in DE, FL, GA, IL, IN, KY, MD, MI, NC, OH, SC, TN, VA, WV, and DC., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): K.M.C. Foods, Inc., P.O. Box 298, Queen Anne, MD 21657. SEND PROTESTS TO: Theresa M. Esposito Transportation Asst., ICC, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 52704 (Sub-202TA), filed December 27, 1978. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Lafayette, AL 36862. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. (1) *Plastic containers,* from the facilities of Sewell Plastics, Inc., located at or near Greenville, SC and Pittsburgh, PA, to points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA, WV, MD and the District of Columbia; (2) *Plastic preforms or plastic base cups for plastic containers,* from the facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, and Coats and Clark, Inc., at or near Seneca, SC, to the facilities of Sewell Plastics, Inc., located at or near Greenville, SC and Pittsburgh, PA; and (3) *Materials, equipment and supplies* used in the manufacture and distribution of plastic containers or parts thereof, (except commodities in bulk) from points in the destination states named in (1) above, to the facilities of Sewell Plastics, Inc., located at or near Greenville, SC and Pittsburgh, PA for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Sewell Plastics, Inc., 5111 Phillip Lee Drive, Atlanta, GA 30336. SEND PROTESTS TO: Mable E. Holston Transp. Asst., Room 1616, 2121 8th Avenue, North, Birmingham, AL 35203.

MC 100666 (Sub-419TA), filed December 21, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-E, The Oil Center, 2601 N.W. Expressway, Oklahoma City, OK 73112. (1) *Petroleum, petroleum products, vehicle body and sealer and/or sound deadener compounds,* (except in bulk, in tank vehicles), *and filters,* from points in Warren County, MS, to points in AR, IL, IA, KS, LA, MO, OK, and TX; (2) *Petroleum, petroleum products, vehicle body sealer, and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in (1) above,* except in bulk, in tank vehicles) from points in IL, KY, and OK, to points in Warren County, MS, restricted in (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Connie A. Guillory DS, ICC, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, LA 70113.

MC 111812 (Sub-608TA), filed January 3, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, P.O. Box 1233, Sioux Falls, SD 57101. (1) *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk); and (2) *Foodstuffs when moving in mixed loads with articles listed in (1) above* from the facility of Oscar Mayer & Co., Inc. at or near Beardstown, IL to the state of CA for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: J. L. Hammond, I.C.C., Rm. 455, Federal Bldg., Pierre, SD 57501.

MC 114457 (Sub-465TA), filed December 27, 1978. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 5514. Representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. *Containers, container ends, and container closures and materials, equipment and supplies* used in the manufacture, sale, and distribution of containers, from the facilities of Crown, Cork & Seal Company at Baltimore and Fruitland, MD; Lawrence, MA; North Bergen, NJ; Philadelphia, PA; and Winchester, VA to points in the United States in and east of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper(s): Crown Cork & Seal Co., Inc., 9300 Ashton Rd., Philadelphia, PA 19136. Send protests to: Delores A. Poe Transp. Asst., ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 115762 (Sub-11TA), filed December 28, 1978. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Highway 41-A North, Hopkinsville, KY 42240. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. (1) *Malt beverages and related advertising materials,* from Evansville, IN., to Hopkinsville, KY, and (2) *Empty malt beverage containers, pallets, and rejected shipments of malt beverages,* from Hopkinsville, KY to Evansville, IN, for 180 days. Supporting shipper(s): Mike K. Carter President, King Kole Bottling, Inc., P.O. Box 525, 25th & Beltline, Hopkinsville, KY 42240. Send protests to: Linda H. Sypher DS, ICC, 426 Post Office Building, Lousville, KY 40202.

MC 118202 (Sub-100TA), filed January 4, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Eugene Schultz, P.O. Box 406, Winona, MN 55987. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds (except in bulk, in tank vehicles), and filters* from points in Warren County, MS to points in and east of ND, SD, NE, CO, OK and TX, and (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadner compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in Part 1 above (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA and WV to points in Warren County, MS. Restricted in Parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Delores A. Poe, Trans. Asst., I.C.C., 414 Federal Bldg. and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 119489 (Sub-54TA), filed December 26, 1978. Applicant: PAUL ABLER, d.b.a. CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, NE 68701. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Propane,* in bulk, in tank vehicles, from the Mid America Pipe Line Terminal at or near Greenwood, NE, to points in SD, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Tfwy., Kansas City, MO 64116. Send protests to: Carroll Russell, I.C.C., Suite 620, Union Pacific Plaza, 110 North 14th St., Omaha, NE 68102.

MC 123255 (Sub-194TA), filed December 21, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, Ohio 43055. Representative: C. F. Schnee, Jr., 1984 Coffman Road, Newark, Ohio 43055. *Borate rock* in bulk, from Money Point, VA to Barrington, NJ, for 180 days. Supporting shipper(s): Owens-Corning Fiberglas Corp., Director of Trans., Fiberglas Tower, Toledo, OH 43659. Send protests to: Frank L. Calvary, I.C.C., 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Blvd., Columbus, OH 43215.

MC 123819 (Sub-74TA), filed December 21, 1978. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, 3359 Cazassa Road, Memphis, TN 38116. Representative: Mr. Bill R. Davis, Suite 101-Emerson Center, 2814 New Spring Road Atlanta, GA 30339. *Canned goods* (except frozen and in bulk), from the facilities of the Joan of Arc Company (1) at or near Belledeau and St. Francisville, LA to points in IL, WI and MO, and (2) at Turkey, NC to points in ME, VT, NH, MA, CT, RI, NY, NJ, PA, IL and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joan of Arc Company, 2231 West Altorfer Drive, Peoria, IL 61614. Send protests to: Floyd A. Johnson, I.C.C., 100 North Main Bldg., Suite 2006, 100 North Main St., Memphis, TN 38103.

MC 124078 (Sub-919TA), filed December 11, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Bentonite Clay, Foundry Sand Additives and Ingredients, Foundry Facings, Foundry Sand, Graphite Ore, Coke Breeze, Calcined Petroleum Coke & Carbon Scrap or any mixture of these products,* in bulk, in bags from Green Bay, WI to points in IL, IN, IA, MI & MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Carpenter Brothers, Inc., 606 West Wisconsin Avenue, Milwaukee, WI 53202, Bradley H. Booth, President. Send protests to: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. and Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-920TA), filed December 27, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601 Milwaukee, WI 53201. *Petroleum and Petroleum Products* in bulk, in tank vehicles from Memphis, TN and West Memphis, AR to points in AR, AL, MS, MO, & TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Belcher Co. of Tennessee, Box 2048, West Memphis, AR 72301, Benny Webb, Supply and Distribution Mgr. Send protests to: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. and Courthouse, 517 East Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 124211 (Sub-351TA), filed December 21, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 DTS, Omaha, NE 68101. Representative: Thomas L. Hilt, (same address as applicant). (1) *Such commodities as are manufactured, processed, distributed, or dealt in by manufacturers or converters of paper and paper products, (except commodities in bulk),* from the plantsite and storage facilities of The Mead Corporation located at or near Chillicothe and Schooleys, OH to points in AZ, CA, OR, and WA. (2) *Paper and paper articles,* (except in bulk), from the plantsite and storage facilities of the Mead Corporation located at or near Kingsport and Gray, TN to points in AZ, CA, OR, and WA., for 180 days. Supporting shipper(s): M. E. Flynn Traffic Analyst-Motor, The Mead Corporation, Courthouse Plaza, N.E., Dayton, OH 45463. Send protests to: Carroll Russell DS, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124711 (Sub-74TA), filed December 6, 1978. Applicant: BECKER CORPORATION, P.O. Box 1540, Edmond, OK 73034. Representative: Norman A. Cooper, P.O. Box 1050, El Dorado, KS 67042. *Sulphuric Acid,* in bulk, in tank vehicles, from Tulsa, OK, to points in AR, IA, KS, LA, MO, NE, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ozark-Mahoning Company, 1870 South Boulder, Tulsa, OK 74119. Send protests to: M. E. Taylor, I.C.C., 101 Litwin Bldg., Wichita, KS 67202.

MC 124711 (Sub-No. 75TA), filed December 2, 1978. Applicant: BECKER CORP., P.O. Box 1540, Edmond, OK 73034. Representative: Norman A. Cooper, P.O. Box 1050, El Dorado, KS 67042. *Anhydrous ammonia,* in bulk, in tank vehicles, from Mapco Pipeline Terminal near Mocane, Oklahoma, to points in Kansas, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Olin Corp., P.O. Box 991, Little Rock, AR 72203. Send protests to: M. E. Taylor, I.C.C., 101 Litwin Bldg., Wichita, KS 67202.

MC 126305 (Sub-108TA), filed December 27, 1978. Applicant: BOYD BROTHERS TRANSPORTATION COMPANY, INC., R.D. 1, Clayton, Alabama 36016. Representatalve: George A. Olsen, P.O. Box 357, Gadstone, N.J. 07934. *Iron and Steel Fabricated Pipe,* from the facilities of Baumann Coatings, Inc., Bessemer, Alabama, to Rockport and Jefferson County, Indiana, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Baumann Coatings, Inc., 2095 4th Avenue, S.W., Bessemer, AL 35020. Send protests to: Mabel E. Holston, Trans. Asst., I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 133154 (Sub-8 TA), filed December 29, 1978. Applicant: BELL TRANSPORT COMPANY, 16036 Valley Boulevard, Fontana, CA 92335. Representative: Jerry I. Michael, Traffic Manager, 16036 Valley Boulevard, Fontana, CA 92335. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plate* or *Sheet Steel in bundles* from plant sites of Natter Manufacturing, a Division of VSI Corporation at or near Covina, CA and/or Temple City, CA to new plant site at or near Salt Lake City, UT, and (2) *Computer Panels and Parts thereof* from new plant site at or near Salt Lake City, UT to points in AZ, CA, and CO, originating at or destined to the facilities of Natter Manufacturing, a Division of VSI Corporation at or near Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Natter Manufacturing, a Division of VSI Corp., 9449 Gidley St., Temple City, CA 91780. Send protests to: Irene Carlos, Trans. Asst., I.C.C., Rm. 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, CA 90012.

MC 134064TA, filed December 18, 1978. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Highway, Gainesville, GA 80501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Petroleum products* (except in bulk), from the facilities of Witco Chemical Corporation, at or near Bradford, PA, to points in AL, FL, GA, and SC, for 180 days. Supporting shipper(s): Witco Chemical Corp., 77 North Kendall Ave., Bradford, PA 16701. Send protests to: Sara K. Davis, Trans. Asst., I.C.C., 1252 West Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 134105 (Sub-41TA), filed December 28, 1978. Applicant: CELERYVALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, Tennessee 37404. Representative: Daniel O. Hands, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Meat, meat products, meat by-*

products and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the facilities of John Morrell & Co., at or near Montgomery, AL to points in the United States in and east of TX, OK, KS, NE, SD, and ND, restricted to traffic originating at the named origin and destined to the named destinations for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, Illinois 60604. Send protests to: Glenda Kuss, Trans. Asst., I.C.C., Suit A-422, U.S. Courthouse 801 Broadway, Nashville, TN 37203.

MC 134134 (Sub-33TA), filed December 20, 1978. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, P.O. Box 7439, Omaha, Nebraska 68107. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, Nebraska 68501. *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) from the facilities of Armour Food Company at or near Omaha, NE, to points in OH and Washington D.C. and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Armour Food Company, D. W. Long, Transportation-Distribution Manager, 5024 South 33rd Street, Omaha, NE. Send protests to: Carroll Russell, I.C.C., Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 134404 (Sub-42TA), filed December 21, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier,* by motor vehicle over irregular routes transporting: *Cleaning products, toilet preparations, nutritional foods, and materials, supplies and equipment* used in the manufacture, distribution or sale of the above named commodities (except commodities in bulk), from Dayton, OH and Nashville, TN to Denver, CO, Jacksonville, FL, Atlanta, GA, Bedford Park, Chicago and Peoria, IL, Kansas City, KS, Baltimore, MD, Detroit, MI, St. Louis, MO, Elizabeth, NJ, Syracuse, NY, Charlotte, NC, Columbus and Cincinnati, OH, East Stroudsburg, Philadelphia and Pittsburgh, PA, Saylesville, RI, Dallas, TX and Richmond, VA, under a continuing contract or contracts with The Drackett Products Company, Division of Bristol Meyers Company of Cincinnati, OH for 180 days. Supporting shipper(s): The Dracket Products Company, 5020 Spring Grove Avenue, Cincinnati, OH 45232. Send protests to: Robert E. Johnston, I.C.C., 9 Clinton St., Newark, NJ 07102.

MC 134755 (Sub-166TA), filed January 5, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, and filters,* from points in Warren County, MS, to points in AR, AZ, CA, CO, IA, IL, IN, KS, MI, MN, MO, NE, NV, NM, OK, OR, TX, UT, WA and WI, (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part (1) above,* from points in IL, IN and OK, to points in Warren County, MS. Restriction: (1) and (2) restricted against the transportation of commodities in bulk, in tank vehicles, and to shipments originating at or destined to the facilities of Quaker State Refining Corporation in Warren County, MS, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: John V. Barry, I.C.C., 600 Federal Bldg., 910 Walnut St., Kansas City, MO 64106.

MC 135078 (Sub-36TA), filed December 8, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Such commodities* as are dealt in, sold and used by retail department stores and mail order houses, (except foodstuffs, plumbing fixtures and supplies, and commodities in bulk), From (a) the commercial zones of Boston, MA, and New York, NY, to the facilities of P. N. Hirsch & Company at Vandalia, IL, and Kansas City, MO, and (b) said facilities of Vandalia, IL, to the said facilities at Kansas City, MO, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Walter B. Hanson, Traffic Manager, P. N. Hirsch & Company, a Division of Interco, 2001 Walton Road, St. Louis, MO 63114. SEND PROTESTS TO: Carroll Russell DS, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135410 (Sub-37TA), filed December 19, 1978. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Animal and poultry feed* (except in bulk), from the facilities of Doane Products Company at Muscatine, IA to points in CT, IL, IN, KY, MD, MA, MI, NJ, NY, OH, PA, VA, WV and WI, restricted to traffic originating at the named origin and destined to the named destinations for 180 days. An underlying ETA has been filed for 90 days authority. SUPPORTING SHIPPER(S): Doane Products Company, P.O. Box 879, Joplin, MO 64801. SEND PROTESTS TO: Charles Little, 414 Leland Office Building, 527 E. Capitol Avenue, Springfield, IL 62701.

MC 135633 (Sub-15TA), filed January 2, 1979. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 140 Sylvan Avenue, Englewood Cliffs, NJ 07532. Representative: Allen F. Herman, 140 Sylvan Avenue, Englewood Cliffs, NJ 07632. *Trucks, in drive-away service in secondary or subsequent movements,* between points in the U.S. including AK, but excluding HI, for 180 days. An underlying ETA seeks 90 days authority. There are approximately 40 statements of support that can be examined at the Commission's office. SEND PROTESTS TO: Joel Morrows, I.C.C., 9 Clinton Street, Newark, NJ 07102.

MC 135874 (Sub-152TA), filed January 4, 1979. Applicant: LTL PERISHABLES, INC. 550 East 5th Street, South St Paul, MN 55075. Representative: K. O. Petrick, 550 East 5th Street, South St Paul, MN 55075. *Alcoholic beverages* (except commodities in bulk), from New York, Canandaigua, Hammondsport, and Greenwich, NY, Little Ferry, NJ, Bardstown, Louisville, KY, Schaefferstown, PA, St. Louis, MO, Lawrenceburg, IN, Allen Park and Detroit, MI, and Lynchburg, TN to Sioux Falls, SD. Restricted to traffic originating at the named origins of in foreign commerce and destined to Sioux Falls, SD, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Sioux Falls Wholesale Company, P.O. Box 925, Sioux Falls, SD 57101. SEND PROTESTS TO: Delores A. Poe, Trans. Asst., I.C.C., 414 Federal Bldg. & U.S. Courthouse, 110 South 4th St., Minneapolis, MN 55401.

MC 136605 (Sub-84TA), filed December 28, 1978. Applicant: DAVIS BROS. DIST., INC., 216 Trade St., Missoula, MT 59807. Representative: Allen P. Felton, 216 Trade St., Missoula, MT 59807. *Lumber, lumber products, wood, wood products and forest products* from points in MT to points in ND, SD, MN, WI, IL, CA, NE, KS, MO, IA, UT, WY, NM, NV, TX and OK, for 180

days. An underlying ETA seeks 90 days authority. There are approximately (12) statements of support attached to this application which may be examined at the I.C.C., in Wash. D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Paul J. Labane, I.C.C., 2602 1st Ave. North, Billings, MT 59101.

MC 140166 (Sub-7TA), filed December 14, 1978. Applicant: JOHN B. McNABB d.b.a. McNABB FARMS, P.O. Box 4366, Pocatello, Idaho 83201. Representative: Dennis M. Olsen, 485 "E" Street, Idaho Falls, Idaho 83401. *Animal and poultry feed and feed ingredients,* between Pocatello, Idaho and points in Wheatland, Bighorn, Golden Valley, Musselshell, Treasure, Yellowstone, Stillwater and Sweetgrass in MT. SUPPORTING SHIPPER(S): Ralston Purina Company, 835 South 8th Street, St. Louis, MO 63188. Applicant has filed an underlying ETA seeking up to ninety days of operating authority. SEND PROTESTS TO: Barney L. Hardin, I.C.C. Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 140563 (Sub-18TA), filed December 21, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Fibrous glass products and materials, mineral wool, mineral wool products and materials insulated air ducts, insulating products and materials; glass fibre rovings; yarn and strands; glass fibre mats and mattings; flexible air ducts,* (except commodities in bulk), and (2) *Materials, equipment and supplies* used in the manufacture of commodities named in (1) above, (except in bulk), between the facilities of CertainTeed Corporation located at or near Williamstown Junction, NJ, and in Camden and Cumberland Counties, NJ, on the one hand, and, on the other, points in AL, GA, IN, KY, MI, NC, OH, SC, TN, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): CertainTeed Corporation, Insulation Group, P.O. Box 860, Valley Forge, PA 19482. SEND PROTESTS TO: Sara K. Davis Transp. Asst., ICC, 1252 West Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 140563 (Sub-22TA), filed December 19, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 220 Century Parkway, Atlanta, GA 30345. (1) *Waste newspapers, cores, and other supplies, materials, and equipment used in the manufacture or distribution of newsprint paper* (except commodities in bulk), from points in AL, FL, NC, SC, and TN to Laurens County, GA, and (2) Newsprint paper, from Laurens County, GA to points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Southeast Paper Manufacturing Co., P.O. Box 1169, Dublin, GA 31021. SEND PROTESTS TO: Sara K. Davis, Trans. Asst., I.C.C., 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 140829 (Sub-174TA), filed December 14, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. *Canned and preserved foodstuffs,* from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA, to points in the states of AR, NM, OK, and TX, restricted to traffic originating at the named facilities and destined to points in the named destination states, for 180 days. SUPPORTING SHIPPER(S): William L. Reeder, Coordinator-Distribution Planning, Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. SEND PROTESTS TO: Carroll Russell, I.C.C., Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140859 (Sub-8TA), filed December 28, 1978. Applicant: WESTERN KENTUCKY TRUCKING, INC., 1245 Center Street, P.O. Box 1072, Henderson, KY 42420. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *Foodstuffs,* (except frozen), *materials, equipment, and supplies* used in the manufacture, sale or distribution of foodstuffs, (except frozen), between Owensboro and Henderson, KY, on the one hand, and, on the other, points in IL, IN, MO, KY, TN, and that part of OH on and south of Interstate Highway 70, for 180 days. SUPPORTING SHIPPER(S): Charles H. Powell, Divisional Traffic Mgr., Ragu Foods, Inc., 33 Benedict Place, Greenwich, CT 06830. SEND PROTESTS TO: Linda H. Sypher DS, ICC, 426 Post Office Building, Louisville, KY 40202.

MC 142941 (Sub-21TA), filed December 28, 1978. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Avenue, Phoenix, AZ 85009. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Powered lawn mowers, powered snow throwers, and powered turf equipment,* From the facilities of Trade Winds Company, Inc., at Manawa, WI, and the facilities of Outboard Marine Corporation at Galesburg, IL, to points in the United States, (except Alaska and Hawaii), for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Outboard Marine Corporation, 100 Sea-Horse Drive, Waukegan, IL 60085. SEND PROTESTS TO: Andrew V. Baylor DS, ICC, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 143027 (Sub-5TA) filed December 18, 1978. Applicant: MICHAEL J. RESUDEK, d.b.a. CAPITAL AIR FREIGHT, 3533 International Lane, Madison, Wisconsin 53704. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, Wisconsin 53703. *General commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, articles of unusual value, and commodities which because of size or weight require the use of special equipment), between points in Iowa, Marquette and Sauk Counties, WI, on the one hand, and, on the other, Dane County Regional Airport, at or near Madison, WI, restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Approximately 6 shipper support statements are attached. Send protests to: John E. Ryden, District Supervisor, Room 619, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.

MC 143267 (Sub-41TA), filed December 26, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th Street, N.W., Washington, D.C. 20005. *Aluminum and aluminum articles* from the facilities of Kaiser Aluminum & Chemical Corporation, at or near Ravenswood, WV, to points in the United States in and east of MN, IA, MO, AR and LA for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical Corporation, P.O. Box 98, Ravenswood, WV 26164. Send protests to: Mary Wehner, DS, I.C.C., 731 Federal Bldg., Cleveland, OH 44199.

MC 143701 (Sub-5TA), filed January 5, 1979. Applicant: WILLIAM OBERSTE, INC., 628 Walnut, P.O. Box 394, Blue Springs, MO 64015. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. *Sugar,* from the facilities of Godchaux-Henderson Sugar Co., Inc. at or near Reserve and Kenner, Louisiana to the states of AL, AR, FL, GA, IL, IA, KY, MS, MO, NC, OH, OK, SC, TN, TX, VA, WV, WI, IN, KS, MI and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Godchaux-Henderson Sugar Company, Inc., P.O. Drawer AM, Reserve, LA 70084. Send protests to: Vernon V. Coble, I.C.C., 600 Feder-

al Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 143868 (Sub-6TA), filed December 13, 1978. Applicant: R.E.T.E.N.O. CARRIERS, INC., 2001 North Tuler, Suite H, So. El Monte, CA 91733. Representative: William J. Monheim, P.O. Box 756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheets or sheeting, with or without backing*, from Long Beach, CA, to Tupelo, MS, Hickory, NC, Morristown, TN and South Boston, VA and to points in IL, IN, MA, MI, NJ, NY, OH, PA and WI, for 180 days. Supporting shipper(s): Formosa Plastics Group (USA), Inc., 4130 Santa Fe Avenue, P.O. Box 1440, Long Beach, CA 90801. Send protests to: Irene Carlos, Trans. Asst., I.C.C., Rm. 321 Federal Bldg., 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 143995 (Sub-12TA), filed December 19, 1978. Applicant: SLOAN TRANSPORTATION, INC., 6522 West River Drive, Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* from the facilities of Heinz U.S.A., Div., of H. J. Heinz Co., at or near Iowa City, IA, to points in MO, and points in IL on and south of Interstate 70, under a continuing contract(s) with J. J. Heinz Co., restricted to traffic originating at the named facilities and destined to the named states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 144438 (Sub-4 TA), filed December 4, 1978. Applicant: COUNTY LINE TRUCKING, INC., 224 N. Defiance St., Archbold, OH 43502. Representative: Michael M. Briley, 300 Madison Ave., 12th Fl., Toledo, OH 43604. *Meats, meat products, meat by-products and commodities distributed by meat packinghouses* (except in cans or bottles and except commodities in bulk in tank vehicles), from the facilities of Dinner Bell Foods, Inc. at Archbold, OH to Windsor Locks, CT; Baltimore, MD; Boston, MA; Buffalo, New York and Rochester, NY (and points within the respective commercial zones of each city), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dinner Bell Foods, Inc., P.O. Box 388, Defiance OH 43512. Send protests to: District Supervisor, 313 Federal Building, 234 Summit Street, Toledo, Ohio 43604.

MC 144572 (Sub-8 TA), filed December 27, 1978. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO 80202. *General commodities* (except classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Universal Car Loading and Distribution, Inc. in the commercial zones of North Haven, CT; Boston, MA; Baltimore, MD; Newark, NJ; New York, NY; and Philadelphia, PA to the commercial zones of Phoenix, AZ; Los Angeles and San Francisco, CA; Denver, CO; Chicago, IL; Minneapolis, MN; Kansas City and St. Louis, MO; Portland, OR; Memphis, TN; and Seattle, WA, for 180 days. Restriction: Restricted to shipments which are at the time moving on bills of lading issued by Universal Car Loading and Distribution, Inc., a freight forwarder operating under part IV of the Interstate Commerce Act for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Car Loading and Distributing, Inc., 345 Hudson St., New York, NY 10014. Send protests to: Roger L. Buchanan, I.C.C., 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 144865 (Sub-2 TA), filed December 27, 1978. Applicant: JASCO TRUCKING, INC., 202 94th Street, S.W., Albuquerque, NM 87105. Representative: Campbell, Cherpelis & Pica, Suite 405, 20 First Plaza, Albuquerque, NM 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, From the Chimney Rock Mine located approximately 10 miles south of Chimney Rock, near Highway 151, Archuleta County, CO, to the Ideal Basic Industries, Inc., plant, Tijeras, Bernalillo County, NM., under a continuing contract, or contracts, with The Ideal Basic Industries, Inc., plant for 90 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ideal Basic Industries, Cement Division, P.O. Box 8789, 950 17th Street, Denver, CO. 80201. Send protests to: DS, ICC, 1106 Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, NM 87101.

MC 145150 (Sub-5 TA), filed December 26, 1978. Applicant: HAYNES TRANSPORT CO., INC., P.O. Box 9, R. R. No. 2, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Building, Suite 110L, 1010 Tyler, Topeka, KS 66612. *Dry fertilizer*, (in bulk), (a) from Tulsa, OK, to points in KS and MO; (b) from Joplin, MO, to points in KS; and (c) from points in Cherokee County, KS, to points in MO, and OK, for 180 days. Applicant states it does not intend to tack or interline. An underlying ETA seeks 90 days authority. Supporting shipper(s): C & S Trading and Brokerage, dba CSTB, Inc., 78A Parsons Plaza, Parsons, KS 67357. (2) Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: Thomas P. O'Hara, DS, ICC, 256 Federal Building & U.S. Courthouse, 444 S.E. Quincy, Topeka, KS 66683.

MC 145726 (Sub-2TA), filed December 27, 1978. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 South Lawrence Street, Montgomery, AL 36104. *Meat, meat products, meat by-products, and articles distributed by meat-packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the facilities of John Morrell & Co., at Montgomery, AL, to all points in all States in and east of TX, OK, KS, NE, SD and ND., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPERS(S): John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. SEND PROTESTS TO: Mabel E. Holston Transp. Asst., ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145802 (Sub-1TA), filed December 28, 1978. Applicant: RONALD E. REED, d/b/a TRIPLE R TRUCKING, RFD, Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corporation at or near Storm Lake and Cherokee, IA, to points in FL, GA, IL, LA, and MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219. SEND PROTESTS TO: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 145870 (Sub-1TA), filed December 28, 1978. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. *Coal*, (1) from Allen, KY and Harlan, KY to points in VA, and (2) from Roanoke, VA to points in FL, GA, and SC for 180 days. Applicant has also filed an underlying application seeking up to 90 days of emergency temporary authority. SUPPORTING SHIPPER: J. P. Gardner Coal Co., 705 Campbell Ave., S.E., Roanoke, VA. SEND PROTESTS TO: Paul D. Collins, I.C.C., 110-502, Federal Bldg., 400 North Eighth St., Richmond, VA 23240.

MC 145870 (Sub-2TA), filed December 28, 1978. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. *Fabricated steel, kiln cars, and mining equipment*, from the facilities of Enterprise Fabricators, Inc., at Bristol, VA to points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NC, OH, PA, SC, TN, VA and WV, for 180 days. Applicant has also filed an underlying application seeking up to 90 days of emergency temporary authority. SUPPORTING SHIPPER: Enterprise Fabricators, Inc., P.O. Box 151, Bristol, VA 24201. SEND PROTESTS TO: Paul D. Collins, I.C.C. 10-502 Federal Bldg., 400 North Eighth St., Richmond, VA 23240.

MC 145882 (Sub-1TA), filed December 26, 1978. Applicant: KUVASZOK TRANSPORT, INC., 1630 Rhonda Road, St. Joseph, MI 49085. Representative: J. Joseph Daly, P.O. Box 558, St. Joseph, MI 49085. (1) *Sand*, in bulk, from points in LaSalle County, IL and Berrien County, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI, (2) *Dry fertilizer, fertilizer material, and dry urea*, all in bulk or in bags, from the plant sites of C. F. Industries, Inc., at or near Terre Haute, IN, and Mapleton, IL, to points in MI, for 180 days. Supporting shipper(s): Manley Bros., P.O. Box 538, Chesterton, IN 46304. Farm Bureau Services, Inc., 7373 West Saginaw Highway, Lansing, MI 48917. Send protests to: C. R. Flemming, I.C.C., 225 Federal Bldg., Lansing, MI 48933.

MC 145918 (Sub-1TA), filed December 28, 1978. Applicant: 1st O & D, INC., 2035 South Halsted, Chicago, IL 60608. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor oil and such commodities as are dealt in by automotive departments of retail stores*, (except commodities in bulk), from Chicago, IL to points in AL, AR, CO, CT, DE, GA, IN, IA, KS, KY, LA, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, VA, WV and WI under a continuing contract or contracts, with Sovereign Oil Company, Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Richard A. Stiefel, President, Sovereign Oil Company, 6801 West 66th Place, Chicago, IL 60638. Send protests to: Lois M. Stahl Transp. Asst., ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145926 (Sub-1TA), filed December 29, 1978. Applicant: HALL BROS. TRANSPORTATION CO., INC., State Road 37 North, Orleans, IN 47452. Representative: Alki E. Scopelitis, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: (1) *Automobile parts*, from Bedford, IN, to Detroit, MI, and Chicago, IL, and (2) *Materials, equipment and supplies*, used in the manufacture and distribution of automobile parts (except commodities in bulk), from Detroit and Fowlerville, MI; Chicago, IL; and Milwaukee, WI, to Bedford, IN, restricted to a contract or continuing contracts with Ford Aerospace & Communications Corporation, Division of Ford Motor Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Ford Aerospace & Communications Corporation, Division of Ford Motor Company, 3120 West 16th Street, Bedford, IN 46421. Send protests to: Beverly Williams, Trans. Asst., I.C.C., Federal Bldg. & U.S. Courthouse, 46 East Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 146033TA, filed January 9, 1979. Applicant: LARRY H. WINEBARGER, d/b/a WINEBARGER TRUCK LINES, P.O. Box 244, Lenoir, NC 28645. Representative: Jon F. Hollengreen, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Lenoir, NC, to CA, ID, NV, OR, UT and WA, and (2) *new furniture parts, and materials, equipment and supplies* used in the manufacture and distribution of new furniture, from CA, OR, MO and WA, to Lenoir, NC, under a continuing contract or contracts with Singer Furniture Division, for 180 days. Supporting Shipper(s): Singer Furniture Division, P.O. Box 1588, Lenor, NC 28645. Send protests to: Terrell Price, I.C.C., 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, NC, 28205.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-4639 Filed 2-9-79; 8:45 am]

[7035-01-M]

[Notice No. 20]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

February 5, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 2900 (Sub-351TA), filed December 20, 1978. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr., P.O. Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, those requiring special equipment, those of unusual value, and household goods as defined by the Commission)—

1. Between Helena, AR and Minden, LA: From Helena over U.S. Highway 49 to Junction U.S. Highway 79, then

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over U.S. Highway 79 to Minden and return.

2. Between Little Rock, AR and Tallulah, MS: From Little Rock over U.S. Highway 65 to Vicksburg and return.

3. Between Little Rock, AR and Ruston, LA. From Little Rock over U.S. Highway 167 to Ruston and return.

4. Between Little Rock, AR and the junction of U.S. Highway 67 and 290 near Ft. Stockton, TX: From Little Rock over U.S. Highway 67 to the junction U.S. Highway 290 and return.

5. Between Little Rock, AR and DeQueen, AR: From Little Rock over U.S. Highway 70 to DeQueen and return.

6. Between the junction of U.S. Highway 65 and 165 and Monroe, LA: From the junction of U.S. Highway 65 and 165 over U.S. Highway 165 to Monroe and return.

7. Between the junction of U.S. Highway 70 and 71 and Alexandria, LA: From the junction of U.S. Highway 70 and 71 over U.S. Highway 71 to Alexandria and return.

8. Between Shreveport, LA and Alexandria, LA: From Shreveport over LA Highway 1 to Alexandria and return.

9. Between Lake Village, AR and Lubbock, TX: From Lake Village over U.S. Highway 82 to Lubbock and return.

10. Between Shreveport, LA and Lake Charles, LA: From Shreveport over U.S. Highway 171 to Lake Charles and return.

11. Between Texarkana, AR and Houston, TX: From Texarkana over U.S. Highway 59 to Houston and return.

12. Between the junction of U.S. Highway 84 and LA 1 and Lubbock, TX: From the junction of U.S. Highway 84 and LA 1 over U.S. Highway 84 to Lubbock and return.

13. Between Idabel, OK and the junction of U.S. Highway 59 and 259 near Nacogdoches, TX: From Idabel over U.S. Highway 259 to the junction of U.S. Highway 59 and return.

14. Between Shreveport, LA and Round Rock, TX: From Shreveport over U.S. Highway 79 to Round Rock and return.

15. Between Shreveport, LA and El Paso, TX: From Shreveport over U.S. Highway 80 (also over Interstate Highway 20) to El Paso and return.

16. Between Hugo, OK and Tyler, TX: From Hugo over U.S. Highway 271 to Tyler and return.

17. Between Denison, TX and Beaumont, TX: From Denison over U.S. Highway 69 to Beaumont and return.

18. Between Tyler, TX and Corsicana, TX: From Tyler over TX Highway 31 to Corsicana and return.

19. Between Dallas, TX and Houston, TX: From Dallas over U.S. Highway 75 to Houston and return.

20. Between Kinder, LA and Brady, TX: From Kinder over U.S. Highway 190 to Brady and return.

21. Between Kinder, LA and Iowa, LA: From Kinder over U.S. Highway 165 to Iowa and return.

22. Between Houston, TX and Austin, TX: From Houston over U.S. Highway 290 to Austin and return.

23. Between Waco, TX and Hempstead, TX: From Waco over TX Highway 6 to Hempstead and return.

24. Between Perry, OK and Giddings, TX: From Perry over U.S. Highway 77 to Giddings and return.

25. Between Ponca City, OK and Bartlesville, OK: From Ponca City over U.S. Highway 60 to Bartlesville and return.

26. Between Ponca City, OK and Warwick, OK: From Ponca City over U.S. Highway 177 to Warwick and return.

27. Between Tulsa, OK and Amarillo, TX: From Tulsa over U.S. Highway 64 to Enid, OK, then over U.S. Highway 60 to Amarillo and return.

28. Between Enid, OK and Austin, TX: From Enid over U.S. Highway 81 to Austin and return.

29. Between Seiling, OK and Austin, TX: From Seiling over U.S. Highway 183 to Austin and return.

30. Between Oklahoma City, OK and Amarillo, TX: From Oklahoma City over U.S. Highway 66 to Amarillo and return.

31. Between Arnett, OK and Brady, TX: From Arnett over U.S. Highway 283 to Brady and return.

32. Between the junction U.S. Highway 60 and 83 south of Canadian, TX and Junction, TX: From the junction of U.S. Highways 60 and 83 over U.S. 83 to junction and return.

33. Between Oklahoma City, OK and San Antonio, TX: From Oklahoma City over H. E. Bailey Turnpike to Lawton, OK (also from Oklahoma City over T.S. Highway 277 to Lawton), then over U.S. Highway 281 to San Antonio and return.

34. Between Amarillo, TX and Ft. Worth, TX: From Amarillo over U.S. Highway 287 to Ft. Worth and return.

35. Between Dumas, TX and San Antonio, TX: From Dumas over U.S. Highway 87 to San Antonio and return.

36. Between Dumas, TX and Pampa, TX: From Dumas over TX Highway 152 to Pampa and return.

37. Between Amarillo, TX and Borger, TX: From Amarillo, over U.S. Highway 136 to Borger and return.

38. Between Lubbock, TX and McCamey, TX: From Lubbock over U.S. Highway 82 to junction U.S. Highway 385, then over U.S. Highway 385 to McCamey and return.

39. Between Greenville, TX and Brownfield, TX: From Greenville over U.S. Highway 380 to Brownfield and retun.

40. Between Wichita Falls, TX and Sonora, TX: From Wichita Falls over U.S. 277 to Sonora and return.

41. Between Durant, OK and Davidson, OK: From Durant over U.S. 70 to Davidson and return.

42. Between Denton, TX and Stephenville, TX: From Denton over U.S. 377 to Stephenville and return.

43. Between Brownwood, TX and Brady, TX: From Brownwood over U.S. Highway 377 to Brady and return.

44. Between San Antonio, TX and El Paso, TX: From San Antonio over Interstate Highway 10 to the junction of U.S. Highway 290, then over Interstate 10 (also portions of U.S. Highway 290) to El Paso and return.

45. Between Fredericksburg, TX and the junction of U.S. Highway 290 and Interstate Highway 10: From Fredericksburg over U.S. Highway 290 to its junction with Interstate Highway 10 and return.

46. Between Houston, TX and San Antonio, TX: From Houston over U.S. 90 to San Antonio and return.

47. Service on routes 1 through 45 above is authorized to and from all intermediate points. Also, serving Sheerin and Sunray, TX as off route points, for 180 days.

Applicant seeks (a) to serve all places in the commercial zone of each authorized point, (b) to tack this authority with that issued in MC-2900 and subs thereto, and (c) to interline. Supporting shippers: There are approximately 449 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 2900 (Sub-352TA), filed January 5, 1979. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: R. E. Allish (same as above). *General commodities* (except those of unusual value, commodities in bulk, those requiring special equipment, household goods as defined by the Commission and Classes A and B explosives) between the facilities of Mercury Marine, Division Brunswick Corp., at or near Stillwater, OK and points in the states of AR, FL, GA, IL, IN, IA, KS, KY, MI, MN, MO, NE, NY, NC, OH, PA, SC, TN, TX, and WI, for 180 days. SUPPORTING SHIPPER(S): Mercury Marine Div. Brunswick, Corp., 1939 Pioneer Road, Fond Du Lac, WI 54935. SEND PROTESTS TO: G. H. Fauss, Jr., ICC, Box 35008, 400 West Bay St., Jacksonville, FL 32202.

MC 18738 (Sub-48TA), filed December 27, 1978. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 W. 138th Street, Riverdale, IL 60627. Representative: Eugene Cohn, One North LaSalle Street, Chicago, IL 60606. *Iron and steel products*, between the following points or areas: between Chicago, IL and Kenosha, WI and Racine Counties in WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Central Steel and Wire Co., 3000 W. 51st Street, Chicago, IL 60632. SEND PROTESTS TO: Lois M. Stahl, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 18738 (Sub-49TA), filed December 27, 1978. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 W. 138th Street, Riverdale, IL 60627. Representative: Eugene Cohn, One North LaSalle Street, Chicago, IL 60606. *Iron and steel products*, between the following points or areas: facilities of A. M. Castle & Co., Franklin Park, IL to facilities of A. M. Castle, Wauwatosa, WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): A. M. Castle & Co., 3400 N. Wolf Road, Franklin Park, IL 60131. SEND PROTESTS TO: Lois M. Stahl, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 36918 (Sub-11TA), filed January 2, 1979. Applicant: FASTWAY TRANSPORTATION, INC., 151 Morristown Road, Matawan, NJ 07747. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. *Carpets, carpet padding, and materials and supplies* used in the manufacture of carpets and carpet padding, between the facilities of General Felt Industries, Inc., at or near Camden, Trenton, NJ and Eddystone and Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, RI, DC, Charlottesville, Hampton, Norfolk, Richmond and Virginia Beach, VA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): General Felt Industries, Inc., Park 80 Plaza W.-1, Saddlebrook, NJ 07662. SEND PROTESTS TO: ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 41432 (Sub-159TA), filed December 8, 1978. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, 2355 Stemmons Freeway, Dallas, TX 75207. Representative: Eldon E. Bresee, P.O. Box 10125, 2355 Stemmons Freeway, Dallas, TX 75207. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular* routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all points within the commercial zones of the service points in Routes (1) through (16) below. Applicant requests authority to operate from, to or between the following points or described areas.

(1) Between Memphis, TN and junction TN Hwy. 88 and U.S. Hwy. 79 serving all intermediate points: From Memphis over U.S. Hwy. 51 to junction TN Hwy. 88, then over TN Hwy. 88 to junction U.S. Hwy. 79 and return over the same route.

(2) Between Memphis, TN and Nashville, TN serving the intermediate points between Memphis, TN and Huntingdon, TN including Huntingdon, TN: From Memphis over U.S. Hwy. 70 to junction U.S. Hwy. Alt. 70, then over U.S. Hwy. Alt. 70 to junction U.S. Hwy. 70, then over U.S. Hwy. 70 to Nashville and return over the same route.

(3) Between Brownsville, TN and Huntingdon, TN serving the intermediate point of Jackson, TN and the off-route point of Lexington, TN: From Brownsville over U.S. Hwy. 70 to Huntingdon and return over the same route.

(4) Between Nashville, TN and Knoxville, TN serving the intermediate point of Cookeville, TN and the off-route point of Sparta, TN: From Nashville over Interstate Hwy. 40 to Knoxville and return over the same route.

(5) Between Nashville, TN and Chattanooga, TN serving the intermediate points between Nashville, TN and Murfreesboro, TN including Murfreesboro, TN: From Nashville over U.S. Hwy. 41 to Chattanooga and return over the same route.

(6) Between Memphis, TN and Chattanooga, TN serving no intermediate points: From Memphis over U.S. Hwy. 72 to junction U.S. Hwy. Alt. 72, then over U.S. Hwy. Alt. 72 to junction U.S. Hwy. 72, then over U.S. Hwy. 72 to junction Interstate Hwy. 24, then over Interstate Hwy. 24, to Chattanooga and return over the same route.

(7) Between Chattanooga, TN and Knoxville, TN serving all intermediate points, and the off-route point of Etowah, TN: From Chattanooga over U.S. Hwy. 11 to Knoxville and return over the same route.

(8) Between Knoxville, TN and Maryville, TN serving the intermediate point of Alcoa, TN: From Knoxville over U.S. Hwy. 129 to junction TN Hwy. 73, then over TN Hwy. 73 to junction U.S. Hwy. 411, then over U.S. Hwy. 411 to Maryville and return over the same route.

(9) Between Knoxville, TN and Bristol, VA serving all intermediate points: From Knoxville over U.S. Hwy. 11W and return over the same route.

(10) Between Knoxville, TN and Bristol, VA serving all intermediate points: From Knoxville over U.S. Hwy. 11E to Bristol and return over the same route.

(11) Between Knoxville, TN and Greenville, TN serving the intermediate points of Dandridge, TN and Newport TN: From Knoxville over U.S. Hwy. 70 to junction U.S. Hwy. 411, then over U.S. Hwy. 411 to Greenville and return over the same route.

(12) Between Johnson City, TN and junction U.S. Hwy. 23 and U.S. Hwy. 19 serving the intermediate point of Erwin, TN: From Johnson City over U.S. Hwy. 23 to junction U.S. Hwy. 19 and return over the same route.

(13) Between Johnson City, TN and junction U.S. Hwy. 421 and U.S. Hwy. 70 (U.S. Hwy. 158) serving the intermediate point of Elizabethton, TN: From Johnson City over U.S. Hwy. 321 to junction U.S. Hwy. 421, then over U.S. Hwy. 421 to junction U.S. Hwy. 70 (U.S. Hwy. 158) and return over the same route.

(14) Between Newport, TN and junction Interstate Hwy. 40 and U.S. Hwy. 23 serving no intermediate points: From Newport over Tennessee Hwy. 32 to junction Interstate Hwy. 40, then over Interstate Hwy. 40 to junction U.S. Hwy. 23 and return over the same route.

(15) Between Chattanooga, TN and Atlanta, GA serving no intermediate points: From Chattanooga over U.S. Hwy. 41 to Atlanta and return over the same route.

(16) Between Chattanooga, TN and Birmingham, AL serving no intermediate points: From Chattanooga over U.S. Hwy. 11 to Birmingham and return over the same route.

(17) Between junction U.S. Hwy. Alt. 70 and U.S. Hwy. 45W and junction U.S. Hwy. 45, and U.S. Hwy. 70 serving no intermediate points as an alternate route for operting convenience only: From junction U.S. Hwy. Alt. 70, and U.S. Hwy. 45W over U.S. Hwy. 45W to junction U.S. Hwy. 45, then over U.S. Hwy. 45 to junction U.S. Hwy. 70, and return over the same route.

(18) Between junction U.S. Hwy. Alt. 70 and U.S. Hwy. 45E and junction U.S. Hwy. 45, and U.S. Hwy. 70 serving no intermediate points as an alternate route for operating convenience only: From junction U.S. Hwy. Alt. 70, and U.S. Hwy. 45E over U.S. Hwy. 45E to junction U.S. Hwy. 45, then over U.S. Hwy. 45 to junction U.S. Hwy. 70, and return over the same route.

(19) Between junction U.S. Hwy. 11W and U.S. Hwy. 25E and junction U.S. Hwy. 25E and U.S. Hwy. 70 serving no intermediate points and serving junction U.S. Hwy. 11E and U.S. Hwy. 25E for purposes of joinder only: From junction U.S. Hwy. 11W and U.S. Hwy. 25E over U.S. Hwy. 25E to junction

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U.S. Hwy. 70 and return over the same route, for 180 days.

RESTRICTED in routes (1) through (19) above against the handling of shipments (1) originating at points in TN (except Memphis, TN and its Commercial Zone) destined to points in NC, SC, GA, and AL and (2) originating at points in NC, SC, GA, and AL destined to points in TN (except Memphis, TN and its Commercial Zone). An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately 338 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Opal M. Jones, ICC, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 52704 (Sub-203TA), filed December 27, 1978. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H" LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Paper and paper products*, from the facilities of Union Camp Corporation at or near Savannah, GA, to points in MO; and (2) *materials, equipment and supplies used in the manufacture or distribution of paper and paper products* (except commodities in bulk), from points in MO to the facilities of Union Camp Corporation at or near Savannah, GA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. SEND PROTESTS TO: Mabel E. Holston, ICC, Room 1616-2121 Building, Birmingham, AL 35203.

MC 52861 (Sub-49TA), filed January 4, 1979. Applicant: WILLS TRUCKING, INC., 4500 Rockside Road, Cleveland, OH 44131. Representative: John A. Wilson, 3185 Columbia Road, Richfield, OH 44286. *Scrap metals*, in dump vehicles, from South Bend, Fort Wayne, Richmond, and Muncie, IN, to Defiance, OH, and Charlotte, MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Superior Companies, Inc., 1610 N. Calhoun Street, Fort Wayne, IN 46804. SEND PROTESTS TO: Mary Wehner, ICC, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 69116 (Sub-217TA), filed January 3, 1979. Applicant: SPECTOR FREIGHT SYSTEM, d.b.a. SPECTOR INDUSTRIES, INC., 1050 Kingery Highway, Bensenville, IL 60106. Representative: Joel E. Steiner, 39 South La Salle Street, Chicago, IL 60603. *Railway car and locomotive wheels, loose or attached to axles, with or without bearings*, Keokuk, IA to points in OH, PA and WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Amsted Industries, Inc., Griffin Wheel Company, 200 West Monroe Street, Chicago, IL 60606. SEND PROTESTS TO: Lois M. Stahl, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 83292 (Sub-1TA), filed December 27, 1978. Applicant: FLANAGIN BROS. INC., 1805 Bernice Rd., Lansing, IL 60438, P.O. Box 3014, Munster, IN. Representative: Larry Flanagin, 1805 Bernice Road, Lansing, IL 60438. *Salt in dump trucks, building materials in dump trucks, stone, sand, asphalt, gravel and slag in dump trucks* (in bulk), between IN, IL and MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately five (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Lois M. Stahl, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 98964 (Sub-16TA), filed December 22, 1978. Applicant: P.B.I. FREIGHT SERVICE, 960 North 1200 West, Orem, UT 84057. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Electrical appliances* originating at the facilities of General Electric co. in Clearfield, UT; from Page, AZ, to Phoenix, AZ, and its commercial zone, serving the intermediate point of Flagstaff, AZ; from Page, AZ, over U.S. Highway 89 to Flagstaff, AZ, then over Hwy I-17 to Phoenix, AZ, for 180 days. Applicant requests authority to tack at Page, AZ, with its existing authority in MC-98964, Base Certificate and Sub No. 10, authorizing service between Salt Lake City, UT, and Page, AZ. Applicant requests authority to interline at Phoenix, AZ. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): General Electric Co., 1051 S. Freeport Ind. Pkwy., Clearfield, UT 84015. SEND PROTESTS TO: L.D. Helfer, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 101075 (Sub-124TA), filed December 27, 1978. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, MN 56560. Representative: Ronald B. Pitsenbarger (same as above). *Liquified petroleum gas*, in bulk, from the facilities of the Cochin Pipeline Co. located at or near Carrington, ND, and Benson, MN, to points in MN, ND and SD, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Farmers Union Central Exchange, Inc., P.O. Box 43089, St. Paul, MN 55164. SEND PROTESTS TO: Ronald R. Mau, ICC, Room 268 Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 105375 (Sub-84TA), filed December 26, 1978. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr. (same as above). *Sugar*, in bulk, from the plantsite or storage facility of American Crystal Sugar Company located at Chaska, MN to Chicago and Kankakee, IL; Lafayette, IN; and Battle Creek, MI, for 180 days. SUPPORTING SHIPPER(S): General Foods Corporation, 250 North Street, White Plains, NY 10625. SEND PROTESTS TO: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 106674 (Sub-355TA), filed December 22, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Hwy. 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same as above). *Plasterboard joint system and materials, supplies, and products* used in the installation, application and distribution thereof, from the facilities of Georgia-Pacific Corporation at or near Akron, NY, to OH, PA and MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Georgia-Pacific Corporation, 1062 Lancaster Avenue, Rosemont, PA 19010. SEND PROTESTS TO: J. H. Gray, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 108973 (Sub-16TA), filed December 26, 1978. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul, MN 55114. Representative: Joseph I. Dudley, W-1260 First National Bank Building, St. Paul, MN 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the plantsite of Champion International Corporation at or near Ontonagon, MI over irregular routes to Joliet, IL, Minneapolis/St. Paul and St. Cloud, MN; St. Joseph, MO; Omaha, NE; Sioux Falls, SD; and Beloit and Milwaukee, WI, under a continuing contract or contracts with Champion International Corporation, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

SEND PROTESTS TO: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 109238 (Sub-11TA), filed January 4, 1979. Applicant: DEHART MOTOR LINES, INC., Highway 64-70 West, P.O. Box 368, Conover, NC 28613. Representative: Joe W. Flowers (same as above). *Foods or foodstuffs*, from Jersey City, NJ to points in NC and SC, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): C. F. Mueller Company, 180 Baldwin Avenue, Jersey City, NJ 07306. SEND PROTESTS TO: Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 111045 (Sub-159TA), filed December 26, 1978. Applicant: REDWING CARRIERS, INC., 8515 Palm River Road, P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same as above). *Sand*, in bulk, in tank vehicles, from Pacific, MO to Marion, AL, for 180 days. There is no environmental impact involved in this application. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Cast South, Inc., P.O. Box 336, Marion, AL 36756. SEND PROTESTS TO: Donna M. Jones, ICC, Monterey Building, Room 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 111274 (Sub-35TA), filed December 20, 1978. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain drying, handling and storage equipment, steel buildings, feed processing and distributing equipment and fertilizer spreaders and materials and components*, between Mackinaw, IL, Westerville, OH, Taylorville, IL, Dodge City, KS, Bluffton, IN, Salina, KS, Pender, NE, Corydon, IA, on the one hand, and Olds, Alberta on the other, for 180 days. (Through points of entry on the U.S. Canadian Boundary in Sweetgrass, MT). An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Stirling Enterprises Ltd., Olds, Alberta, Canada. SEND PROTESTS TO: Charles D. Little, ICC, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 113908 (Sub-459TA), filed January 5, 1979. Applicant: ERICKSON TRANSPORT, P.O. Box 3180, Springfield, MO 65804. Representative: B. B. Whitehead (same as above). *Frying oil*, in bulk, from Fayetteville, AR and Milwaukee, WI, and their respective commerical zones, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Campbell Soup Company, Fayetteville, AR 72701. SEND PROTESTS TO: John V. Barry, Room 600, 911 Walnut, Kansas City, MO 64106.

MC 116457 (Sub-39TA), filed December 21, 1978. Applicant: GENERAL TRANSPORTATION INCORPORATED, 1710 S. 27th Avenue (P.O. Box 6484), Phoneix, AZ 85005. Representative: D. Parker Crosby, 1804 S. 27th Avenue (P.O. Box 6484), Phoneix, AZ 85005. *Gypsum wallboard, gypsum lath, gypsum wallboard systems, gypsum products, plaster and products, tools, equipment, and supplies used in the installation thereof* (except in bulk or in tank vehicles), from points in TX and MM to AZ, CA, UT, CO, ID, NV, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Andrew V. Baylor, ICC, Room 2020, Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

MC 124692 (Sub-261TA), filed December 20, 1978. Applicant: SENTINEL TRANSPORTATION COMPANY, P.O. Box 4347, Missoula, Mt 59806. Representative: James B. Hovland, P.O. Box 1680, Fargo, ND 58107, *Aluminum plate and sheet*, from the Trentwood Works plantsite of Kaiser Aluminum & Chemical Corporation, at or near Spokane, WA to points in CA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Kaiser Aluminum & Chemical Corporation, 300 Lakeside Drive, Oakland, CA 94643. SEND PROTESTS TO: Paul J. Labane, ICC, 2602 — 1st Avenue North, Billings, MT 59101.

MC 124896 (Sub-80TA), filed January 8, 1979. Applicant: WILLIAMSON TRUCK LINES, INC., Corner Thorne & Ralston Street, P.O. Box 3485, Wilson, NC 27893. Representative: Larry Knox, 600 Hubbell Building, Des Moines, IA 50309. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds* (except in bulk, in tank vehicles), *and* filters, from points in Warren County, MS to points in AL, AZ, CA, CO, FL, GA, IN, IA, KS, KY, MD, MI, MN, MO, NE, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WI, and WV; and (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in part (1) above, (except in bulk, in tank vehicles), from points in AL, GA, KY, NY, OH, PA, RI, SC, VA, and WV to points in Warren County, MS, for 180 days. Restricted in parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS. SUPPORTING SHIPPER(S): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. SEND PROTESTS TO: Archie W. Andrews, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 124949 (Sub-4TA), filed December 26, 1978. Applicant: HI-LINE TRUCKING, INC., P.O. Box 628, Sidney, MT 59270. Representative: Joe Gerbase, 100 Transwestern Building, 404 North 31st Street, Billings, MT 59101. *Oil field equipment and supplies* used in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between Sidney and Glendive, MT and Divide, Burke, Renville, Bottineau, Williams, Mountrail, Ward, McKenzie, Mercer, Billings, Dunn, Oliver, Golden, Valley, Stark, Morton, Burleigh, Slope, Hettinger, Grant, Bowman, Adams, McLean, McHenry, Sioux and Emmons Counties, ND, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Gas Production Enterprise, Houston, TX. SEND PROTESTS TO: Paul J. Labane, ICC, 2602—1st Avenue North, Billings, MT 59101.

MC 125916 (Sub-7TA), filed December 26, 1978. Applicant: NORWOOD TRANSPORTATION, INC., 2330 South 4200 West, Magna, UT 84044. Representative: Macoy A. McMurray, 800 Beneficial Life Tower, 26 South State Street, Salt Lake City, UT 84111. *Salt, salt products or salt plus additives*, in bulk or package, *or block salt, or mixed shipments thereof; and mineral mixtures* in packages moving in mixed shipments with salt or salt products, from points in Salt Lake and Tooele Counties, UT, to points in Delores, Delta, Garfield, LaPlata, Moffat, Montezuma, Montrose, Mesa, Ouray, Rio Blanco, San Juan, and San Miguel Counties, CO; and Carbon, Fremont, Lincoln, Natrona, Sublette, Sweetwater, and Unita Counties, WY, for 180 days. SUPPORTING SHIPPER(S): Leslie Salt Co., 866 West 2600 South, Salt Lake City, UT 84119. Utah Salt Company, Inc., 1865 South Main, Suite 25, Salt Lake City, UT 84115. Lake Point Salt Company, 1428 Hardy Road, Lake Point, UT 84074. SEND PROTESTS TO: L. D. Helfer, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 127840 (Sub-86TA), filed December 27, 1978. Applicant: MONTGOM-

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ERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Petroleum products, vehicle body sealers, sound deadening compounds and accoustical control items,* in bulk, in tank vehicles, from Warren County, MS, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MN, MO, MS, NE, NC, ND, OH, OK, RI, SD and TX, for 180 days. Restricted to shipments originating at the facilities of Quaker State Oil Refining Corp. located at Warren County, MS. SUPPORTING SHIPPER(S): Quaker State Oil Refining Corp., P. O. Box 989, Oil City, PA 16301. SEND PROTESTS TO: Lois M. Stahl, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 129484 (Sub-5TA), filed November 30, 1978. Applicant: MELVIN WANG, dba MELVIN WANG TRUCKING, Fertile, MN 56540. Representative: Gene P. Johnson, P. O. Box 2471, Fargo, ND 58108. Authority sought operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients,* in bulk, in tank vehicles, from Port Neal Industrial Complex near Sioux City, IA, to points in ND and those in MN on and west of U.S. Hwy 59 and north of MN Hwy 55, under a continuing contract or contracts with Fert-L-Flow, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Fert-L-Flow, Inc., 1226 South Main, Crookston, MN 56716. SEND PROTESTS TO: Ronald R. Mau, ICC, Room 268 Federal Building and U. S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 136123 (Sub-3TA), filed December 27, 1978. Applicant: MEAT DISPATCH, INC., 2103 17th Street, Palmetto, FL 33561. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. *Floor tile and related flooring accessories,* from Houston, TX to Rutherford, NJ, restricted to the transportation of traffic originating at and destined to the facilities of Uvalde Rock Asphalt Co. at or near the above named origin and destination, for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): Uvalde Rock Asphalt Company, P.O. Box 531, San Antonio, TX 78292. Send protests to: Donna M. Jones, ICC, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 141914 (Sub-49TA), filed December 20, 1978. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same as above). *Molded paper and expanded plastic products,* (1) from the facilities of Keyes Fibre Company at or near Waterville, ME to points in MI, IN, IL, WI, MO, KY and CA, (2) from the facilities of Keyes Fibre Company at or near Hammond and Gary, IN to points in VT, CT, RI, NJ, DE, MD, VA, NC, SC and FL, and (3) from the facilities of Keyes Fibre Company at or near Albertsville, AL to points in AR, CA, CO, CT, DE, ID, ME, MD, MA, MI, MT, NE, NV, NH, NJ, NM, NY,OR, PA, RI, SD, UT, VT, WA, WV, WI and WY, for 180 days. Supporting shipper(s): Keyes Fibre Company, Waterville, ME 04901. Send protests to: Connie Stanley, ICC, Room 240 Old Post Office and Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 143318 (Sub-1TA), filed December 20, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 246, Motley, MN 56466. Representative: Finley & Hoekstra, P.A., 301 Midwest Federal Building, St. Paul, MN 55101. *Sugar beet pulp pellets,* from Moorhead, Crookston, East Grand Forks, MN and Hillsboro and Drayton, ND to all points in ND, SD, NE, MN, IA, MO, WI and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westway Trading Corporation, 6600 France Avenue South, Minneapolis, MN 55435. Send protests to: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144470 (Sub-2TA), filed December 21, 1978. Applicant: COBB TRUCKING SERVICE, Route 3, Box 177, Bryan, TX 77801. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, Dallas, TX 75245. (1) *Plastic pipe, water pipe, industrial pipe and plastic fittings* (except in bulk, in tank vehicles); and (2) *equipment, materials and supplies* utilized in the installation of plastic pipe and plastic fittings when moving in mixed loads with the commodities in (1) above from (1) Corsicana and Dallas, TX to points in the United States (except AK and HI); and (2) from Frisco, TX to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nipak, Inc., 1810 Commerce Street, Suite 601, Dallas, TX 75221. Send protests to: John F. Mensing, ICC, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 145013TA, filed December 27, 1978. Applicant: D.O.T. TRUCKING, INC., 104 W. Marlin, Suite 320, McPherson, KS 67469. Representative: Clyde N. Christey, Kansas Credit Union Building, 1010 Tyler, Suite 110L, Topeka, KS 66612. *Oil field drilling mud and chemicals, in bags,* from Sidney, MT; to Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Casper, WY; to Sidney, MT; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Fort Smith, AR; to Sidney, MT; Casper, WY; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Oklahoma City, OK; to Sidney, MT; Casper, WY; Fort Smith, AR; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Roosevelt, UT; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Woodward, OK; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Liberal KS, Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Liberal, KS; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Medicine Lodge, KS; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt; UT; Woodward, OK; Liberal, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Great Bend, KS; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Casper, WY; to Sidney, MT; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Fort Smith, AR; to Sidney, MT; Casper, WY; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; and McCook, NE. From McCook, NE; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Hays, KS; and Great Bend, KS; and *Bentonite mud,* from Belle Fourche, SD; and Upton and Quaker, WY; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Hays, KS; Medicine Lodge, KS; Great Bend, KS; and McCook, NE; and *Walnut hulls,* from Osceola and Helena, AR; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OH; Liberal, KS; Hays, KS; Medicine Lodge, KS; Great Bend, KS; and McCook, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Davis Mud & Chemical, Inc., Box 108, Great Bend, KS 67530. Send protests to: M. E. Taylor, ICC, 101 Litwin Building, Wichita, KS 67202.

MC 145620 (Sub-1TA), filed December 27, 1978. Applicant: INDUSTRIAL HEAVY TRANSPORT, 12151 West 44th Avenue, Wheatridge, CO 80033. Representative: William W. Selman, 18500 John F. Kennedy Boulevard, Houston, TX 77205. *Lumber mill and wood products,* from in and near the vicinity of Conroe, TX commercial zone and within 20 miles of that area to all points in the states of AL, AK, CO, CT, FL, GA, IL, KS, LA, MA, MD, MI, MN, NJ, NY, NC, SC, OH, OK, PA, TN, TX, MO, NH, NV, CA, AZ, IA and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens Handle Co., Inc., 4200 N. Frazier, Conroe, TX 77301. Send protests to: Roger L. Buchanan, ICC, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 145900 (Sub-1TA), filed December 26, 1978. Applicant: THREE RIVERS TRUCKING, INC., Legionville Road, Ambridge, PA 15003. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Iron and steel articles* (except commodities in bulk), from the facilities of The Levinson Steel Company at Pittsburgh and Ambridge, PA to points in WV on and north of U.S. Highway Route 50 and points in OH on and east of U.S. Highway Route 23 from the OH-KY state line to the intersection of U.S. Highway Route 23 and State Highway Route 4 and points on and east of State Highway Route 4 from said intersection to Sandusky, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Levinson Steel Company, South 20th and Wharton Streets, Pittsburgh, PA 15203. Send protests to: John J. England, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 145921TA, filed December 26, 1978. Applicant: AIR COURIERS, INC., 9338 Woodson Terrace Industrial Court, Woodson Terrace, MO 63134. Representative: Clyde W. Jenkins (same as above). *General commodities,* except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring special equipment, restricted to the transportation of traffic having a prior or subsequent movement by air, between Lambert Field, St. Louis, MO; O'Hare International Airport, Chicago, IL; and points in Adams, Brown, Schuyler, Pike, Cook, Scott, Morgan, Cass, Mason, Menard, Logan, DeWitt, Macon, Piatt, Champaign, Vermillion, Sangamon, Christian, Moultrie, Douglas, Edgar, Coles, Shelby, Clark, Cumberland, Montgomery, Macoupin, Greene, Calhoun, Jersey, Bond, Madison, Fayette, Effingham, Jasper, Crawford, Clay, Richland, Lawrence, Marion, Clinton, St. Clair, Monroe, Randolph, Washington, Jefferson, Wayne, Edwards, Wabash, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac Counties in IL, and Warren, St. Louis, St. Charles, Franklin, Jefferson, Ste. Genevieve, St. Francois, Perry, Iron, Reynolds, Madison, Bollinger, Cape Girardeau, Wayne, Stoddard, Scott, Mississippi, New Madrid, Dunkin, Pemiscot, Butler, Ripley, Carter, Washington, Crawford, Phelps, Maries, Miller, Gasconade, Osage, Cole, Morgan, Moniteau, Callaway, Cooper, Boone, Montgomery, Lincoln, Pike, Audrain, Saline, Howard, Chariton, Macon, Randolph, Shelby, Monroe, Marion, Ralls, Lewis, Jackson, Platte, Clay, Lafayette, Clark Counties in MO, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately 116 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Peter E. Binder, ICC, 210 N. 12th Street, Room 1465, St. Louis, MO 63101.

MC 145935 (Sub-1TA), filed January 2, 1979. Applicant: ALL STATES TRANSPORTATION, INC., Route 1, Box 27, Fort Worth, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. (1) *Extruded or injection molded rubber and plastic products,* and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of extruded or injection molded rubber and plastic products, (1) from the facilities of Entek Corporaton of America at Irving, TX to all points in the U.S. (excluding AK and HI), and (2) from all points in the U.S. (excluding AK and HI) to Irving, TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Entek Corporation of America, 104 County Line Road, Irving, TX 75060. SEND PROTESTS TO: Martha A Powell, ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 145941 (Sub-1TA), filed January 5, 1979. Applicant: FREDRICKS & REESE, INC., 71-36 Myrtle Avenue, Glendale, NY 11727. Representative: Michael R. Werner, 167 Fairfield Road, Fairfield, NJ 07006. *Stock market printed materials,* from New York, NY to Hartford, CT, Philadelphia, PA, Chicago, IL, Washington, DC, Baltimore, MD, and Boston, MA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately nine (9) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Maria B. Kejss, ICC, 26 Federal Plaza, New York, NY 10007.

MC 145950 (Sub 1TA), filed December 29, 1978. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 8155, Waco, Texas 76710. Representative: E. Stephen Heisley, 805 McLocklen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. (1) *Rubber articles, plastic articles, and rubber and/or plastic products* (except commodities in bulk), from the facilities of ENTEK Corp. of America at or near Irving, Texas to points in the United States (except Alaska and Hawaii). (2) *Materials and equipment* used in the manufacturing and distribution of rubber and plastic articles (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to the facilities of ENTEK Corp. of America at or near Irving, Texas for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): ENTEK Corporation, 104 County Line Road, P.O. Box 61048, Dallas, TX 75261. SEND PROTESTS TO: Martha A. Powell, ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 145957TA, filed December 27, 1978. Applicant: THOMAS M. PETTIS, d.b.a. PETTIS TRUCKING COMPANY, Route 4, Box 249-B, Brewton, AL 36426. Representative: Thomas M. Pettis (same as above). *Road building materials, sand, gravel, pea gravel and clay,* from Wallace, AL, to Milton, FL, for 180 days. SUPPORTING SHIPPER(S): Santa Rosa Concrete Company Group, Inc., P.O. Box 461, Milton, FL 32570. SEND PROTESTS TO: Mabel E. Holston, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 145958TA, filed December 27, 1978. Applicant: STELLA AND WRIGHT, INC., d.b.a. M & M WAREHOUSE, 1655 West 31st Place, Hialeah, FL 33010. Representative: Richard B. Austin, 5255 N.W. 87th Avenue, Miami, FL 33178. *New crated furniture and new crated household fixtures and new uncrated furniture and new uncrated fixtures* when moving in mixed shipments with new crated furniture and fixtures between the warehousing facilities of M & M Warehouse located at or near Miami, FL, and points and places in Dade, Broward and Palm Beach Counties, FL, for 180 days. There is no environmental impact involved in this application. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are

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approximately five (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Donna M. Jones, ICC, Monterey Building, Room 101, 8410 N.W. 53rd Terrace, Miami, Fl 33166.

MC 145964TA, filed December 22, 1978. Applicant: MELBA S. POWELL, d.b.a., C.B.M. TRANSPORT, 922 South 2300 East, Salt Lake City, UT 84108. Representative: Harry D. Pugsley—Watkiss & Campbell, 310 South Main Street, Suite 1200, Salt Lake City, UT 84101. *Soda ash* (bagged and bulk), from facilities of F.M.C. near Green River, WY, to points in CA; and *water heaters*, from Los Angeles County, CA, to points in UT, CO, ID, OR, WA, and MT, for 180 days. SUPPORTING SHIPPER(S): Western Chemical & Mfg., Co., 3270 E. Washington Boulevard, Los Angeles, CA 90023. American Appl. Corp., 2625 Michigan Avenue, Santa Monica, CA. SEND PROTESTS TO: L. D. Helfer, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 14596TA, filed December 21, 1978. Applicant: TOMORROW TRANSPORTS, INC., 1257 Central Avenue, Hamilton, OH 45011. Representative: Jerry B. Sellman, Muldoon, Pemberton & Ferris, 50 W. Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper boxes*, other than corrugated, knocked down flat or folded flat; (2) *cans, fiberboard, paper or paperboard*, straight sided, set up not exceeding 15 united inches; and (3) *boxes, fiberboard, paper or pulp board*, NOI, without wooden frames, from Buffalo, NY, to Santa Cruz, CA, under a continuing contract or contracts with F. N. Burt Company, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): F. N. Burt Company, Inc., P.O. Box 1089, Buffalo, NY 14240. SEND PROTESTS TO: Paul J. Lowry, ICC, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

PASSENGER CARRIER

MC 145961TA, filed December 21, 1978. Applicant: BAYARD LIMOUSINE SERVICE, INC., 22B Bowery, New York, NY 10013. Representative: Sidney J. Leshin, 575 Madison Avenue, New York, NY 10022. *Passengers* in special operations, in vehicles having a seating capacity for no more than sixteen passengers, beginning and ending in the Borough of Manhattan, south of Houston Street, New York, NY, and extending to the Meadowlands Sporting Complex, East Rutherford, NJ, for 180 days. SUPPORTING SHIPPER(S): There twenty (20) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Maria B. Kejss, ICC, 26 Federal Plaza, New York, NY 10007.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 4638 Filed 2-9-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

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Federal Energy Regulatory Commission	2
Federal Reserve System	3
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[6714-01-M]

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:55 p.m. on Wednesday, February 7, 1979, the Board of Directors of the Corporation met in open session, by telephone conference call, to elect Honorable Irvine H. Sprague, Chairman of the Board of Directors of the Federal Deposit Insurance Corporation.

In calling the meeting, the Board determined, on motion of Acting Chairman John G. Heimann, seconded by Director William M. Isaac (Appointive), that Corporation business required its election of a permanent Chairman of the Board of Directors on less than seven days' notice to the public and that no earlier notice of the meeting was practicable.

Dated: February 7, 1979.

FEDERAL DEPOSIT INSURANCE CORPORATION,
HOYLE L. ROBINSON,
Assistant Executive Secretary.

[S-282-79 2-8-79; 1:44 pm]

[6740-02-M]

2

FEBRUARY 7, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: February 14, 1979, 10 a.m.

PLACE: 825 North Capitol Street NE., Washington, D.C., Room 9306.

STATUS: Open

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

POWER AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING (10 A.M.)

CAP-1. Docket No. ER78-67, Public Service Company of Oklahoma.
CAP-2. Docket No. ES79-22, Gulf States Utilities Company
CAP-3. Docket No. ER79-124, Appalachian Power Company

GAS AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

CAG-1. Docket No. RP72-134, Eastern Shore Natural Gas Company.
CAG-2. Docket No. G-4310, et al., Cities Services Compay (Successor to Cities Service Oil Company), et al.
CAG-3. Docket No. RI77-129, Coastal States Gas Producing Company.
CAG-4. Docket No. RI66-117, H. N. Burnett V. Panhandle Producing Company et al.
CAG-5. Docket No. CI65-974, et al., George Despot, Agent (Operator), et al.
CAG-6. Docket No. CI79-137, Aminoil, U.S.A. Docket No. CI79-171, Aminoil Development, Inc. Docket No. CI77-443 and CI79-10, General American Oil Company of Texas. Docket No. CI78-1240, Harper Oil Company. Docket No. CI78-1277, Caroline Hunt Trust Estate. Docket No. CI79-117, Kerr-McGee Corporation. Docket No. CI78-1046 and CI78-1262, Mesa Petroleum Company. Docket No. CI78-932 and CI79-160, Ocean Production Company. Docket No. CI77-360, Placid Oil Company. Docket No. CI79-11, Southland Royalty Company. Docket No. CI79-198 and CI78-892, Sun Oil Company. Docket No. CI77-481, Tenneco Oil Company. Docket No. CI78-928, Pioneer Production Company. Docket No. CI78-294, Atlantic Richfield Company. Docket No. CI78-1065, Gas Producing Enterprises, Inc. Docket No. CI78-1275, The Rosewood Corporation.
CAG-7. Docket No. CP79-37, Texas Gas Transmission Corporation.
CAG-8. Docket No. CP77-551, Cities Service Gas Co.
CAG-9. Docket No. CP79-48, Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation.
CAG-10. Docket No. CP79-126, Northern Natural Gas Company.
CAG-11. Docket No. CP79-81, Tennessee Gas Pipeline Company.
CAG-12. Docket No. CP79-94, Southern Natural Gas Company.
CAG-13. Docket No. CP77-363, Columbia Gas Transmission Corporation and National Fuel Gas Supply Corporation.

MISCELLANEOUS AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

CAM-1. Valley Gas Transmission Company.

POWER AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

I. LICENSED PROJECT MATTERS

P-1. Project 1971, Idaho Power Company (Hells Canyon Project).

II. ELECTRIC RATE MATTERS

ER-1. Docket No. ER76-304, et al., New England Power Company.

GAS AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

I. PIPELINE RATE MATTERS

RP-1. Docket No. RM78-23, State of Louisiana first use tax in pipeline rate cases.

II. PRODUCER MATTERS

CI-1. Docket No. CI75-45, et al., Tenneco Oil Company, et al.
CI-2. Docket No. CI78-892, Sun Oil Company.
CI-3. Docket No. CI78-1179, Dorchester Gas Producing Company.

III. PIPELINE CERTIFICATE MATTERS

CP-1. Docket Nos. CP71-88, et al., Columbia LNG Corporation, et al.

MISCELLANEOUS AGENDA—246TH MEETING, FEBRUARY 14, 1979, Regular Meeting

M-1. Docket No. RM77-2, Change in Public Availability of FPC Form 423 Data.
M-2. Staff Recommendations on the Revenue Act of 1978 which reduces the Statutory Corporate Federal Income Tax Rate from 48% to 46%.
M-3. Docket No. RM79-13, Interim Regulations for the Implementation of Section 401 of the Natural Gas Policy Act of 1978.

KENNETH F. PLUMB,
Secretary.

[S-281-79 Filed 2-8-79; 11:23am]

[6210-01-M]

3

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Friday, February 16, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

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1. Request by the General Accounting Office for Board comment on a draft report entitled, "A Comparison of Selected Policies and procedures of the Three Bank Regulatory Agencies."

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 8, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-283-79 Filed 2-8-79; 3:45 pm]

[4910-58-M]

4

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 6262, January 31, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Wednesday, February 7, 1979, 9 a.m. [NM-79-4].

CHANGE IN MEETING: This meeting was cancelled and the item added to the agenda for meeting of February 8, 1979.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 6584, February 1, 1979.

CHANGE IN MEETING: The business of the Board requires revising the agenda of this meeting and no earlier announcement was possible. The agenda as now revised is set forth below.

TIME AND DATE: 9 a.m., Thursday, February 8, 1979.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first five items will be open to the public; the sixth item will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report*—Louisville and Nashville Railroad Company freight train derailment and rupture of the LPG tank car at Waverly, Tenn., February 24, 1978.

2. *Aircraft Accident Report*—Allegheny Airlines, Inc., BAC-1-11, N1550, Rochester, N.Y., July 9, 1978.

3. *Letter* to Mr. Allan Light re reconsideration of probable cause, Aero Commander 112A, Georgia, Vt., December 20, 1975.

4. *Briefing* by NTSB Staff on Federal Aviation Administration proposed "Controlled Visual Flight" Rules.

5. *Discussion* of the responsibilities of the Chairman under the Independent Safety Board Act with respect to personnel, administrative, and resource matters.

6. *Opinion and Order*—Petition of Bomkamp, Dkt. SE-2107; disposition of Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-280-79 Filed 2-8-79; 10:38 am]

federal register

MONDAY, FEBRUARY 12, 1979

PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

SECTION 202 LOANS FOR HOUSING FOR THE ELDERLY AND HANDICAPPED

Announcement of Fund Availability for Fiscal Year 1979

V 4 / 30 F E 12 79 UMI

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-79-913]

SECTION 202 LOANS FOR HOUSING FOR THE ELDERLY AND HANDICAPPED

Announcement of Fund Availability Fiscal Year 1979

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: The Department is announcing the availability of Fiscal Year 1979 loan authority under the Section 202 Housing for the Elderly or Handicapped Direct Loan Program. The loan authority will be used to provide direct Federal loans for a maximum term of 40 years under Section 202 of the Housing Act of 1959, as amended, to assist private nonprofit corporations and consumer cooperatives in the development of new or substantially rehabilitated housing and related facilities to serve the elderly or handicapped.

FOR FURTHER INFORMATION CONTACT:

The HUD Field Office for your jurisdiction.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Title 24, Code of Federal Regulations, Part 885, as amended on March 1, 1978 (see 43 FR 8491), that the Department of Housing and Urban Development will be accepting Applications for Fund Reservations from eligible Borrowers (see Section 885.5 for the definition of "Borrower" and other terms used herein) for the provision of direct loans for the construction or substantial rehabilitation of Housing and Related Facilities (as defined) for dwelling use by Elderly or Handicapped Families (as defined) under the provisions of Section 202 of the Housing Act of 1959, as amended.

The Assistant Secretary for Housing already has assigned Section 202 loan fund authority for Fiscal Year 1979 to the ten HUD Regional Offices in conformance with the provisions of Section 213(d) of the Housing and Community Development Act of 1974 as provided at 24 CFR Part 891, Subpart D, published in the FEDERAL REGISTER, dated October 30, 1978.

While the precise number of units to be funded depends upon actual applications received and approved, the following distribution plan shows the approximate numbers of units and loan authority available for new applications in each field office jurisdiction for Fiscal Year 1979.

FISCAL YEAR 1979 SECTION 202 DISTRIBUTION PLAN BY HUD FIELD OFFICE JURISDICTION

	Estimated number of units	Estimated loan authority*
Boston Regional Office:		
Boston	365	$17,022,400
Manchester (Bangor, Burlington)	200	6,952,000
Providence	85	3,270,400
Hartford	230	8,947,200
Total	900	36,192,000
New York Regional Office:		
Buffalo (Albany)	540	18,852,800
Caribbean	545	15,585,600
Newark (Camden)	560	23,457,600
New York	1,225	60,542,400
Total	2,870	118,438,400
Philadelphia Regional Office:		
Baltimore	145	5,369,600
Philadelphia (Wilmington)	665	24,350,400
Pittsburgh	360	13,704,000
Charleston	160	5,609,600
Richmond	200	7,326,400
Washington, D.C.	95	4,113,800
Total	1,625	60,473,600
Atlanta Regional Office:		
Atlanta	365	10,939,200
Birmingham	240	8,995,200
Columbia	190	4,987,200
Greensboro	400	10,617,600
Jackson	215	6,604,800
Jacksonville (Coral Gables, Tampa)	940	26,395,200
Knoxville	140	4,288,000
Nashville (Memphis)	230	6,546,800
Louisville	225	8,940,800
Total	2,945	90,316,800
Chicago Regional Office:		
Chicago (Springfield)	855	35,332,800
Columbus (Cincinnati)	265	9,520,000
Cleveland	275	10,084,800
Detroit	445	14,844,800
Grand Rapids	220	7,099,200
Indianapolis	460	14,340,800
Milwaukee	355	12,740,800
Minn.-St. Paul	505	19,201,600
Total	3,380	123,164,800
Dallas Regional Office:		
Dallas (Albuquerque, Fort Worth, Lubbock)	605	17,350,400
Little Rock	240	6,876,800
New Orleans (Shreveport)	310	10,443,200
Oklahoma City (Tulsa)	280	8,640,000
Houston	290	8,323,200
San Antonio	240	6,886,400
Total	1,975	58,520,000
Kansas City Regional Office:		
Kansas City (Topeka)	405	13,441,600
Omaha	135	4,497,600
Des Moines	325	10,134,400
St. Louis	225	8,579,200
Total	1,090	36,652,800
Denver Regional Office:		
Denver (Helena, Fargo, Sioux Falls, Salt Lake City, Casper)	335	11,736,000
Total	335	11,736,000
San Francisco Regional Office:		
Honolulu	50	2,272,000
Los Angeles (Phoenix, San Diego, Santa Ana)	1,285	50,803,200
San Francisco (Fresno, Reno, Las Vegas)	685	27,620,800
Sacramento	115	4,593,600
Total	2,135	85,289,600
Seattle Regional Office:		
Portland (Boise)	260	9,438,400
Seattle (Spokane)	235	9,777,600
Total	515	19,216,000

*Pursuant to Section 213(d) of the Housing and Community Development Act of 1974, as amended, the estimated loan authority is subject to further breakdown into "metropolitan" and "nonmetropolitan" areas.

The distribution plan set forth above is provided as a guide for prospective Borrowers. It indicates the estimated loan authority that can be expected to be made available for applications for new units in each HUD field office jurisdiction. However, these unit and loan estimates are subject to change upon the Regional and/or field office determinations. Such changes may be necessary in order to assure that there is enough loan authority in each field office to support feasible housing projects. Each HUD field office receiving Fiscal Year 1979 loan authority will prepare and publish a single Invitation for Applications for Section 202 Fund Reservation (Invitation) for its jurisdiction which indicates the amount of such authority and the maximum number of units this amount is expected to assist. The Invitation will also designate, based on the field office allocation plan, those allocation areas where additional housing for the elderly or handicapped would be consistent with Housing Assistance Plan (HAP) goals, Areawide Housing Opportunity Plans (AHOPs), and for communities not having HAPs or subject to AHOPs, needs determined by the field office.

LIMITATIONS ON FUND AVAILABILITY TO CERTAIN AREAS

Prospective Borrowers interested in applying should be aware of the requirements governing the allocation of loan authority as set forth in § 885.200 of the Regulations. In determining the number of units for housing for the elderly or handicapped to be provided to a specific allocation area, each field office will allocate the Section 202 "fair share" assignment consistent with the Section 8 Public Housing Allocation Plan. To the maximum extent practicable, the number of units in the allocation plan (Section 8, Section 202 and Public Housing) shall reflect the distribution by housing type (new construction, substantial rehabilitation, existing) in the annual housing action programs and be in the same proportion as the household type (elderly, family and large family) in the three year goals as determined from applicable Housing Assistance Plans (HAPs) and estimates for non-HAP areas with the objective of achieving the proportionality by household type established in the first three-year goal by the end of the three-year period. Because of previous years' program selections, in many allocation areas a greater proportion of newly constructed housing for the elderly has been provided than would otherwise have occured, and as a result it may not be possible to approve Section 202 applications in such areas. The field office Invitation will clearly indicate the allocation areas designated for priority evaluation of Section 202 applications. Pursuant to § 885.205c(2) and (3) of the Regulations, Borrowers may submit applications in areas not so designated by the field office Invitations under the following conditions:

(a) Applications for projects in areas designated by the field office Invitation and applications for projects in any area which are designed wholly for the nonelderly disabled or handicapped will be accepted and evaluated first; and

(b) Other applicants (excluding nonelderly disabled or handicapped) for projects in areas not designated in the Invitation will be considered for approval only if an insufficient number of approvable applications are received for projects in the designated allocation areas and provided that the proposal is consistent with the HAP.

As mentioned above, interested Section 202 Borrowers will be notified of the designated allocation areas by an Invitation prepared and advertised by the HUD field office. Because of the exceptions set forth above, any eligible Borrower may apply for areas outside the designated allocation areas established by the field office. As it is anticipated that demand from acceptable Borrowers from designated allocation areas will be far in excess of available loan authority, prospective applicants from other areas should recognize that their prospects for allocations might be very limited and unlikely to warrant the investment required in developing and submitting such applications.

SCHEDULE FOR SECTION 202 INVITATIONS, WORKSHOPS, AND APPLICATION DEADLINE

All applications for Section 202 Fund Reservations by eligible Borrowers must be filed with the appropriate field office and must contain all exhibits and additional information as required by Section 885.210 of the Regulations. HUD field offices will publish an Invitation in newspapers of general circulation serving the field office jurisdiction once a week for two consecutive weeks commencing no earlier than December 15, 1978, but no later than January 30, 1979. Field offices will accept Applications anytime after publication of the Invitation, but no Applications will be accepted after the regular closing time of the appropriate field office on Monday, April 30, 1979, unless said final date for submission of Applications is extended by the Assistant Secretary by publication of an extension notice in the Federal Register.

Borrowers interested in applying for a Fund Reservation under Section 202 are encouraged to provide the appropriate field office with the name, address and telephone number of the Sponsor and/or Borrower organization(s), to advise the field office whether they wish to attend the workshop described in the following paragraph, and to secure the program handbook and Application Package.

Workshops will be conducted by field offices during the months of February and March 1979 to explain the regulations and instructions governing the Section 202 and Section 106(b) Seed Money loan programs, to distribute Application Packages, and to discuss the application procedures and required exhibits. More detailed information covering the time and place of the particular workshops will be indicated in the field office Invitation. Arrangements will be made by the field office, if necessary, to assure that handicapped persons are able to attend and participate in the workshop. Such persons should contact the field office, so that appropriate arrangements can be made.

ADDITIONAL INFORMATION

Pursuant to § 885.205(a)(4), this is to serve further notice that:

(1) Religious bodies may serve as sponsors of Section 202 projects, but the Borrower corporation must be a separate legal entity in order to comply with Constitutional requirements for separation of Church and State.

(2) Where the Sponsor and the Borrower are not the same legal entity, the Sponsor must show evidence of exemption from Federal income taxes and the Borrower corporation must have applied for an exemption ruling from the Internal Revenue Service prior to the deadline date for filing applications. Where the Sponsor and the Borrower are the same, evidence of exemption of the Sponsor/Borrower from Federal income taxes must be submitted prior to the deadline date.

(3) Applications may be submitted only by the eligible Borrowers. The Borrower must be an eligible corporation as defined in § 885.5 of the Section 202 Regulations and must have been legally incorporated at the time its application is filed with the appropriate HUD Field Office.

(4) Based on the recently enacted Housing and Community Development Amendments of 1978, the term "corporation", for purposes of the Section 202 program, must, in addition to the current requirements set forth in § 885.5 (definition of Borrower), have a governing board selected in a manner to assure significant representation of the views of the community in which the project is to be located, and which board is responsible for the operation of the housing project. To this end, the exhibit required in § 885.210(1) must be accompanied by a statement which provides evidence that the Borrower's board meets these requirements or that it will have taken such steps to the satisfaction of the appropriate field office prior to initial closing.

(5) No single Borrower shall receive a reservation of loan funds in excess of that necessary to finance the construction of substantial rehabilitation of three hundred (300) units of Housing and Related Facilities in any single HUD Region.

(6) HUD will make contract authority under Section 8 of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, available for successful Borrowers.

(7) Section 202 Fund Reservations will be distributed among successful Borrowers in accordance with the requirements of § 885.220 (Review of Application of Fund Reservation) and on the basis of all of the information furnished by the Borrowers as set forth in the Application Package and pursuant to § 885.225 (Approval of Applications) of the Regulations. To be considered responsive to the Invitation, among other requirements, any application for a designated allocation area cannot request a larger number of units than advertised.

(8) Approvable applications which cannot be funded due to insufficient Fiscal Year 1979 Section 202 loan authority may be held for possible future funding without the need to reapply when Fiscal Year 1980 loan authority becomes available, subject

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to a redetermination of site availability, conformance to any applicable housing assistance plan, and any other outstanding requirements at that time.

(9) The Assistant Secretary has established one-half of 1 percent (0.5%), not to exceed $10,000 of the total HUD-approved Section 202 mortgage amount, to be the minimum capital investment for Section 202 Borrowers. This requirement applies to all Section 202 Borrowers receiving HUD field office approval of an application for Section 202 fund reservation (under the provisions of § 885.400 et. seq.). Said minimum capital investment shall apply to all Section 202 projects receiving fund reservations in Fiscal Year 1979 and shall remain in effect unless altered by the Assistant Secretary by the publication in the FEDERAL REGISTER of a revision to the minimum capital investment requirement. Section 106(b) funds, pursuant to Part 271, may not be used to satisfy the minimum capital investment requirement.

Borrowers are invited to submit applications for Section 202 fund reservations in accordance with this Announcement and Part 885. Additional information regarding the Section 202 program may be found in Part 885.

A finding of inapplicability respecting the, National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of the finding of inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

(Section 202, Housing Act of 1959 (12 U.S.C. 1701q), as amended; Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., February 1, 1979.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-4478 Filed 2-9-79; 8:45 am]

federal register

MONDAY, FEBRUARY 12, 1979

PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF TRANSPORTATION

Coast Guard

TANK VESSELS OF 10,000 GROSS TONS OR MORE AND TANK VESSELS OF 20,000 DWT OR MORE CARRYING OIL IN BULK

Proposed Design, Equipment, Operating, and Personnel Standards, Improved Steering Gear Standards and Inert Gas and Deck Foam Systems

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[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 157]

[CGD 77-058b]

TANK VESSELS OF 20,000 DWT OR MORE CARRYING OIL IN BULK

Proposed Design, Equipment, Operating, and Personnel Standards.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules; withdrawal of previous proposal.

SUMMARY: The Coast Guard proposes to add to the rules for tank vessels carrying oil in bulk, standards for segregated ballast tanks, dedicated clean ballast tanks, and crude oil washing systems, and to withdraw a previous proposal (42 FR 24868) for double bottoms and segregated ballast tanks for certain tank vessels. The proposed standards are essentially the same as the standards and recommendations contained in the *Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973* which are reflected in the Port and Tanker Safety Act of 1978. Adoption of the proposal would reduce the probability of spillage of oil into the navigable waters of the United States from vessel accidents, reduce the amount of operational discharges to the oceans by deballasting and tank cleaning, and contribute to the conservation of oil.

DATES: 1. Written comments must be received on or before April 16, 1979. 2. The hearings will be held on March 21, 1979 and on March 28, 1979.

ADDRESSES: Written comments should be submitted to Commandant (G-CMC/81) (CGD 77-058b), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. A copy of the Regulatory Analysis and Evironmental Impact Statement relating to this amendment, the *Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974* and the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973* (MARPOL Protocol) are also available for examintation at this address. The Coast Guard will hold 2 public hearings concerning this proposal. The first will be held on March 21, 1979, beginning at 9:30 a.m., in Room 2230, 400 7th Street, SW., Washington, DC 20590. The second will be held on March 28, 1979, beginning at 9:30 a.m., in the Jack Tar Hotel, Garden Room, Van Ness at Geary, San Francisco, CA 94101.

FOR FURTHER INFORMATION CONTACT:

Commander George F. Ireland, Merchant Marine Technical Division (G-MMT-1/82), Room 8207, U.S. Coast Guard, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-4431).

SUPPLEMENTARY INFORMATION: 1: Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 77-058b) and the specific section of the proposed regulations to which their comments apply, and give reasons for the comments. The regulations may be changed in the light of comments received. All comments received before expiration of the comment period will be considered before final action is taken on these proposed regulations.

2. Interested persons are invited to attend the hearings and present oral or written statements on these proposed regulations. It is requested that anyone desiring to make oral comments at a public hearing notify Captain Philip J. Danahy at the address listed under ADDRESSES, at least 10 days before the scheduled date of the hearing and specify the approximate length of time needed for the presentation. It is urged that a written summary or copy of the oral presentation be included with the notification.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Commander George F. Ireland, Project Manager, Office of Merchant Marine Safety, and Mr. Stanley Colby, Project Attorney, Office of Chief Counsel.

BACKGROUND

During the Winter of 1976/1977 several tanker casualties occurred in or near U.S. waters which demonstrated the need for a global effort to improve both the levels of safety and degree of pollution prevention from oil tankers. This series of casualties resulted in great public concern within the United States over the risks associated with the marine transportation of oil. Demands for the Federal government to take additional steps to improve tanker safety and pollution prevention were evident.

Both the Executive Branch of the Federal govervent and the Congress responded to these demands. An Interagency Oil Pollution Task Force was established to review the problem and make recommendations. As a result, on March 17, 1977, President Carter announced a series of desired Federal government actions to deal with the problem of marine oil pollution caused by oil tankers.

These Presidential Initiatives included a diverse but interrelated group of measures designed to reduce the risks associated with the marine transportation of oil. These measures, both international and domestic in nature and scope, aimed toward achieving a number of objectives, including reform of ship construction and equipment standards for all U.S. and foreign tankers over 20,000 deadweight tons entering U.S. ports.

Specifically, the Secretary of Transportation was directed to develop new rules within 60 days which would include:

- Double bottoms on all new tankers;
- Segregated ballast on all tankers;
- Inert gas systems on all tankers;
- Backup radar and collision avoidance equipment on all tankers;
- Improved emergency steering standards for all tankers;
- Where technological improvements and alternatives could be shown to achieve the same degree of protection against pollution or safety benefits, the proposed rules could allow their use.

In response to these initiatives the Coast Guard published proposed rules in the May 16, 1977 issue of the FEDERAL REGISTER (42 FR 24868) to incorporate the recommended changes to ship construction and equipment standards. As a result of public interest generated by these proposals, the period for public comments was extended from September 1, 1977 to November 15, 1977. Over 200 written comments were received during this period, most of which indicated support for more stringent tanker standards.

At the same time, the United States proposed changes to the international standards for tanker construction and equipment and the international system of inspection and certification of tankers. These proposals, together with various alternatives, were considered at the International Conference on Tanker Safety and Pollution Prevention (TSPP) held under the auspices of the Intergovernmental Maritime Consultative Organization (IMCO) in London, February 6-17, 1978. IMCO is the specialized agency of the United Nations which considers maritime safety and pollution prevention matters. A draft environmental impact statement was prepared regarding the effects of U.S. participation in the February Conference and was made available to the Presidents Council on Environmental Quality and the public on February 3, 1978.

The Coast Guard waited until the International Conference was concluded before taking any further action on the proposal made on May 16, 1977.

WITHDRAWAL OF PROPOSAL OF MAY 16, 1977

The Conference adopted two important instruments; the *Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea, 1974,* and the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973.* Because the standards adopted by the Conference are at least equivalent and in some cases are more stringent than the Presidential Initiatives, and realizing that pollution of the seas by oil is a global problem which requires a global solution, the Coast Guard intends to propose the TSPP standards instead of the rules for double bottoms and segregated ballast proposed in the FEDERAL REGISTER of May 16, 1977. Accordingly, that proposal is hereby withdrawn.

NEW PROPOSAL

On April 20, 1978 the Coast Guard issued a Notice in the FEDERAL REGISTER (43 FR 16886) of a plan to implement the results of the TSPP Conference. The dates for implementation were subsequently amended by another notice published in the FEDERAL REGISTER of September 21, 1978 (43 FR 42833). The proposal in this document is issued in accordance with that plan and adopts the substance of the TSPP requirements. This proposal also implements certain minimum standards contained in Section 5 of the Port and Tanker Safety Act of 1978 (PTSA) which are the same as standards adopted by the TSPP Conference. Other provisions of the new Act will be the subject of future rulemaking proposals in the FEDERAL REGISTER.

DISCUSSION OF THE PROPOSED REGULATIONS

The proposed regulations would require the following:

1. A crude oil tank vessel of 20,000 DWT or more that is contracted for after June 1, 1979 or delivered after June 1, 1982 would be required to have protectively located segregated ballast tanks (SBT) and crude oil washing (COW) system.

2. All other crude oil tank vessels of 40,000 DWT or more would be required to have either SBT, COW, or dedicated clean ballast tanks (CBT) not later than June 1, 1981. The CBT option ceases on June 1, 1983 for crude oil tank vessels of 70,000 DWT or more, and on June 1, 1985 for crude oil tank vessels between 40,000 DWT and 70,000 DWT.

3. A tank vessel of 30,000 DWT or more that carries oil other than crude oil, that is contracted for after June 1, 1979 or delivered after June 1, 1982 would be required to have protectively located SBT.

4. All other tank vessels of 40,000 DWT or more that carry oil other than crude oil would be required to have either SBT or CBT not later than June 1, 1981.

The definition of tank vessel has been expanded to include integrated tug barges. This is because for purposes of this propsed rulemaking the level of safety and pollution prevention of these vessels should be the same as self propelled tankships.

SBT are tanks which are completely separated from cargo oil and fuel oil systems and which are permanntly allocated to the carriage of water ballast. Protectively located (PL) SBT are segregated ballast tanks which are located within the cargo tank length of a tanker, outboard of or below the cargo tanks, which would provide protection against oil outflow in the event of a collision or grounding.

COW is a tank cleaning procedure that utilizes crude oil as the washing medium. Crude oil is discharged through fixed tank washing machines positioned so that oil is sprayed on internal tank bulkheads and structures to remove the oil residue which remains after cargo discharge. The spray action of the thixotropic crude oil and the subsequent rundown place the oil residue back into suspension so that the combination of remaining cargo and residue can be collected and discharged ashore through installed piping. Due to the solvent action of the crude oil, the amount of oil and sludge recovered and pumped ashore is increased significantly over that which is removed by other washing techniques. The potential for pollution is reduced because less oil and sludge remains in the empty tanks to be mixed with ballast water which is subsequently discharged.

Dedicated CBT are cargo tanks dedicated solely to the carriage of clean ballast water and no longer carry cargo. The associated piping systems and pumps may be common for both cargo and ballast systems provided they are flushed prior to handling clean ballast.

In interpreting the term "Major conversion", as used in the PTSA, the Coast Guard has determined that the installation of only segregated ballast tanks, dedicated clean ballast tanks, or a crude oil washing system would not be considered a major conversion. This determination is consistent with the use of that term in the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973.*

These proposed regulations would implement the Standards contained in the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973.* Proposed implementation dates and application of these standards are consistent with the Protocol. It is proposed that final rules be published before June 1, 1979, in order to meet the fixed date requirements contained in the Protocol.

The Coast Guard evaluated alternatives to, and standards in addition to, the standards adopted by the TSPP Conference. These included:

- The original TSPP proposals by the United States
- Increase in applicability of PL/SBT for new vessels
- Deletion of COW option for existing crude carriers
- Increased applicability of CBT and SBT options

The environmental and cost impacts of these measures, together with the reasons why the Coast Guard chose to implement the standards adopted by the TSPP Conference are set forth in the Environmental Impact Statement and Regulatory Analysis prepared as a part of this rulemaking proposal.

ENVIRONMENTAL IMPACT

The proposed regulations are aimed at reducing accidental and operational oil pollution and improving the safety of tank vessels, as were the measures proposed on May 16, 1977. For new crude oil carriers and tank vessels that carry oil other than crude oil (product carrier) the original proposal for double bottoms and SBT is being replaced by a proposal for protective location of SBT and, on new crude oil carriers, COW would also be required.

Protective location of SBT is the selective location of SBT along ths sides and bottom of the cargo tanks to provide a measure of protection against hull penetration produced by collision, ramming, or grounding. The proposed regulations would require 45% hull protection for tank vessels of 20,000 DWT linearly interpolated to 30% for 200,000 DWT tank vessels. Most of the tankers to which this rule applies and that operate within U.S. waters are in the size range that would require 40-45% protection of the cargo tanks. Protective location of SBT, together with COW for new crude oil tankers, is expected to provide at least the same level of protection of U.S. waters from operational pollution as would double bottoms.

Side damaging accidents (collisions and rammings) resulting in oil outflow within 50 miles of the U.S., occur more frequently than bottom damaging accidents. Thus SBT distributed to selectively protect 40-45% of the side and bottom shell area would have approxi-

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mately the same effect in reducing accidental oil outflows in U.S. waters as would a requirement for double bottoms.

All tankers that have COW would be required to have an inert gas system that must be in proper operation during the washing process. The proposed dates for implementation of requirements for inert gas systems are also contained in the September 21, 1978 notice.

For existing vessels (defined in § 157.03(j) as any vessel that is not a new vessel) the May 16, 1977 proposed requirement for SBT is being replaced. The new proposal would give existing crude oil carriers the option of SBT or COW with CBT as an interim measure. Existing product carriers would have the option of SBT or CBT. Where SBT or CBT are located against the shell of the tank vessel, they provide defense against accidental oil outflow in the event of a collision, ramming, or grounding, in which case the added benefits of protective location of SBT previously discussed would apply.

Operational pollution from tank vessels occurs from deballasting, tank cleaning, and sludge removal prior to shipyard entry. SBT eliminates oil pollution generated during deballasting but does not reduce oil pollution from the other two operations. COW, however, reduces pollution from all of these operations. In addition, COW provides an economic benefit because a greater amount of cargo may be discharged ashore from each tank that has been crude oil washed.

It is estimated that SBT on all existing crude oil tank vessels of 40,000 DWT or more which call at U.S. ports would reduce by about 28% the estimated amount of operational oil inputs to the world's oceans from those vessels. COW, installed on these vessels and operated in accordance with the proposed regulations in lieu of SBT, would reduce the same estimated oil input figure by about 38%. In view of this comparison, the Coast Guard considers COW an equivalent environmental protection substitute for SBT.

CBT nearly eliminates the oil/water mixture created by ballasting and deballasting but, like SBT, has little or no effect on oil pollution caused by normal tank cleaning and tank cleaning prior to shipyard entry. For crude oil carriers CBT would be an interim measure before SBT or COW would be required. For product carriers, tank cleaning operations often take place after each cargo discharge to ensure purity of the next cargo to be loaded. This results in very little oil remaining in the cargo tanks and piping system. For this reason the Coast Guard considers CBT to have about the same effect as SBT on reduction of operational oil pollution from product carriers.

These new measures are expected to prevent approximately 49,000 metric tons of oil per year from entering the navigable waters of the United States and the world's oceans.

Effective operation of COW and CBT systems would depend upon adherence to a detailed operating procedure. For this reason an approved operating manual would be required for each vessel with a COW or CBT system. Being tailored for each vessel, these manuals would be expected to enhance performance of these operations as well as provide specific information for crew members.

The environmental impact of this proposal is discussed in greater detail in the Draft Environmental Impact Statement prepared as a part of this rulemaking proposal.

Economic Impact

The Coast Guard estimates that this proposed amendment will affect between 589 and 655 existing foreign crude oil carriers and between 138 and 156 foreign product carriers, depending upon options chosen by ship owners. Approximately 90 existing U.S. product carriers and crude oil carriers would be affected. To achieve greater utility, some shipowners will choose to outfit their vessels to satisfy the requirements for both crude and product carriers. The number of tank vessels expected to be outfitted in this manner cannot be predicted with any degree of certainty because it is a choice to be made by individual owners. There were about 150 tankers over 40,000 DWT engaged in both crude and product service to the United States in 1976. These estimates do not account for any market compression that could result from this amendment.

Because of the current worldwide tanker surplus and the expected increase in domestic pipeline transportation of oil, very few new tankers are expected to be constructed between now and 1985. Tanker construction beyond 1985 is unknown at this time. For these reasons, the economic data assumes zero cost for new tank vessel construction.

Depending upon options chosen by shipowners, the projected initial capital cost for SBT, COW, and/or CBT, on all existing U.S. tank vessels and foreign tank vessels which call at U.S. ports, is estimated to be between $375 and $650 million. The total outlays which will be passed on to the consumer as a result of higher freight rates is estimated to be between $700 million and $1.225 billion at an expected annual cost between $50 and $85 million each subsequent year until 1985. The cost of this proposed amendment on a per ship basis, is between $0.0 and $2 million for a product carrier and between $0.5 and $2 million for a crude oil carrier, depending upon the option chosen and the size of the vessel. After 1985 the cost effect of this amendment on new tanker construction, which is unknown at this time, would be in addition to the above costs.

The economic impact is discussed in greater detail in the Draft regulatory Analysis prepared as a part of this rulemaking proposal.

Other Impacts

These proposals are also expected to increase the level of safety of tankers because SBT and CBT, when located along the sides of a vessel, reduce the risk of fire or explosion following a collision or ramming. In this regard, COW, because it will be installed with an inert gas system, is also expected to reduce the risk from fire and explosions within cargo tanks.

Proposed Regulations

Amendments to Part 157 of Title 33, Code of Federal Regulations, are proposed in this document as follows:

Division I contains proposed amendments to specific sections in Part 157 that require modification because of standards contained in the MARPOL Protocol and to conform the applicability to that prescribed in Section 5 of the Port and Tanker Safety Act of 1978 (Pub. L. 95-474).

Division II below contains the complete text of Resolution 14 to the MARPOL Protocol (Specifications for Oil tankers With Dedicated Clean Ballast Tanks) on the left side of the page and immediately to the right, the Coast Guard's interpretation of Resolution 14 in the form of proposed regulations or, in place of a proposal, and explanation of why the specification was not adopted.

Division III below contains the complete text of Resolution 15 to the MARPOL Protocol (Specifications for the Design, Operation and Control of Crude Oil Washing Systems) on the left side of the page and immediately to the right, the Coast Guard's interpretation of Resolution 15 in the form of proposed regulations or, in place of a proposal, an explanation of why the specification was not adopted.

The two column format is used to simplify reference to the MARPOL Protocol. The proposed regulations of Division II and III would be rearranged in a regulatory format and published as Subpart E and D, respectively, to Part 157 of Title 33.

This proposal has been reviewed under the Department of Transportation's "Polices and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). A draft evaluation of the proposal has been prepared, and has been included in the public docket.

In consideration of the foregoing, the Coast Guard proposes to amend Part 157 of Title 33, Code of Federal Regulations as follows:

Division I

1. By revising § 157.01 to read as follows:

§ 157.01 Applicability.

(a) This part prescribes design, equipment, and operation requirements for each tank vessel of 150 gross tons or more carrying oil in bulk that—

(1) Is documented under the laws of the United States (U.S. vessel); or

(2) Is a foreign vessel that—

(i) Calls at a port or place subject to the jurisdiction of the United States; or

(ii) Otherwise enters or operates in the navigable waters of the United States.

(b) This part does not apply to vessels listed in subsections (4) and (5) of Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a).

2. By amending § 157.03 by revising paragraphs (k), (n), and (v) and by adding paragraphs (bb), (cc), (dd), and (ee) to read as follows:

§ 157.03 Definitions.

• • • • •

(k) "Major conversion" means a conversion of an existing vessel that—

(1) Substantially alters the dimensions or carrying capacity of the vessel;

(2) Changes the type of vessel; or

(3) Substantially prolongs the vessel's service life.

Installation of only segregated ballast tanks, dedicated clean ballast tanks, or a crude oil washing system does not constitute a substantial alteration of carrying capacity.

• • • • •

(n) "Oil" means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

• • • • •

(v) "Tank vessel" means a vessel that is constructed or converted to carry liquid bulk oil cargoes in tanks and includes tankers, tankships, tank barges, combination carriers, and integrated tug barges.

• • • • •

(bb) "Crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(cc) "Product" means any oil except crude oil.

(dd) "Dedicated clean ballast tank" means a cargo tank that is allocated solely for the carriage of clean ballast.

(ee) "Integrated tug barge" means a tug and a tank barge with a mechanical system that allows the connection of the propulsion unit (the tug) to the stern of the cargo carrying unit (the tank barge) so that the two vessels function as a single self-propelled vessel.

3. By revising the title of Subpart B to read as follows:

Subpart B—Design, Equipment, and Installation

4. By adding § 157.08(f) to read as follows:

§ 157.08 Applicability of Subpart B.

• • • • •

(f) Sections §§ 157.09 and 157.10a do not apply to a new vessel that—

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(3) Is delivered after June 1, 1982; or

(4) Has undergone a major conversion for which—

(i) The contract is awarded after June 1, 1979;

(ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(iii) Conversion is completed after June 1, 1982.

5. By adding a new § 157.10 to read as follows:

§ 157.10 Protective location of segregated ballast tanks and crude oil washing systems for certain new vessels.

(a) This section applies to a new vessel that—

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(3) Is delivered after June 1, 1982; or

(4) Has undergone a major conversion for which—

(i) The contract is awarded after June 1, 1979;

(ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(iii) Conversion is completed after June 1, 1982.

(b) Each vessel under this section of 20,000 DWT or more that carries crude oil and of 30,000 DWT or more that carries only products must have segregated ballast tanks that have a total capacity to allow the vessel to meet the draft and trim requirements in paragraph (c) of this section without recourse to the use of oil tanks for water ballast.

(c) In any ballast condition during any part of a voyage, including that of lightweight with only segregated ballast, each vessel under paragraph (b) of this section must have the capability of meeting each of the following:

(1) The molded draft amidship (dm) in meters, without taking into account vessel deformation, must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship under paragraph (c)(1) of this section, in association with a trim by the stern of no more than 0.015L.

(3) The minimum draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(d) Segregated ballast tanks under paragraph (b) of this section, voids, and other spaces that do not carry cargo which are within the cargo tank length must be distributed as determined under the procedure contained in Appendix C of this part.

(e) Each vessel under this section of 20,000 DWT or more that carries crude oil must have a crude oil washing system that meets the design, equipment, and installation requirements in Subpart D of this part.

(f) Each vessel under this section may be designed to carry ballast water in cargo tanks as allowed under § 157.35.

6. By adding a new § 157.10a to read as follows:

§ 157.10a Segregated ballast tanks, crude oil washing systems, and dedicated clean ballast tanks for certain new and existing vessels.

(a) Not later than June 1, 1981, except as allowed in paragraph (b) of this section, an existing vessel of 40,000 DWT or more that carries crude oil and a new vessel of 40,000 DWT or more but less than 70,000 DWT that carries crude oil must have—

(1) Segregated ballast tanks with a total capacity to meet the draft and trim requirements in paragraph (d) of this section; or

(2) A crude oil washing system that meets the design, equipment, and in-

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stallation requirements of Subpart D of this part.

(b) Each vessel otherwise subject to paragraph (a) of this section does not have to meet the requirements of paragraph (a) of this section until June 1, 1983, for an existing vessel of 70,000 DWT or more, or until June 1, 1985, for a new or existing vessel of 40,000 DWT or more but less than 70,000 DWT, if the vessel has—

(1) Dedicated clean ballast tanks with the total capacity to meet the draft and trim requirements under paragraph (d) of this section; and

(2) The equipment under Subpart E of this part.

(c) Not later than June 1, 1981, an existing vessel of 40,000 DWT or more that carries only products and a new vessel of 40,000 DWT or more but less than 70,000 DWT that carries only products must have—

(1) Segregated ballast tanks with a total capacity to meet the draft and trim requirements in paragraph (d) of this section; or

(2) Dedicated clean ballast tanks with a total capacity to meet the draft and trim requirements in paragraph (d) of this section; and

(3) The equipment required under Subpart E of this part.

(d) In any ballast condition during any part of a voyage, including that of lightweight with either segregated ballast in segregated ballast tanks or clean ballast in dedicated clean ballast tanks, each vessel under paragraphs (a)(1), (b), and (c) (1) and (2) of this section must have the capability of meeting each of the following:

(1) The molded draft amidship (dm) in meters, without taking into account vessel deformation, must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship under paragraph (d)(1) of this section, in association with a trim by the stern of no more than 0.015L.

(3) The minimum draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(e) Each vessel that meets paragraph (a)(1), (b), or (c) of this section may be designed to carry ballast water in cargo tanks as allowed under § 157.35.

7. By adding § 157.11 (d) and (e) to read as follows:

§ 157.11 Pumping, piping, and discharge arrangements.

• • • • • •

(d) Each vessel under § 157.10 must have—

(1) Oil piping lines that are designed and installed to minimize oil retention in those lines;

(2) Equipment that drains each cargo pump and oil piping line of oil residue;

(3) Oil piping lines for the draining of oil residue from cargo pumps and other oil piping lines to a cargo tank or a slop tank; and

(4) An oil piping line that terminates on the weather deck at the extreme breadth of the deck for the draining of oil residue from cargo pumps and other oil piping lines to a receptacle on the shore.

(e) Each vessel under §§ 157.09 and 157.10a must have—

(1) Equipment that drains each cargo pump and oil piping line of oil residue;

(2) Oil piping lines for the draining of oil residue from cargo pumps and other oil piping lines to a cargo tank or a slop tank; and

(3) An oil piping line that terminates on the weather deck at the extreme breadth of the deck for the draining of oil residue from cargo pumps and other oil piping lines to a receptacle on the shore.

8. By revising § 157.15(b)(1) to read as follows:

§ 157.15 Slop tanks in tank vessels.

• • • • • •

(b) • • •

(1) Segregated ballast tanks that meet the requirements in § 157.09, § 157.10, or § 157.10a; or

• • • • • •

9. By revising § 157.24(c) to read as follows:

§ 157.24 Submission of calculations, plans, and specifications.

• • • • • •

(c) Calculations to substantiate compliance with the segregated ballast distribution requirements in § 157.09(d) or § 157.10(d).

• • • • • •

10. By revising § 157.35 to read as follows:

§ 157.35 Ballast added to cargo tanks.

The master of a tank vessel that meets § 157.09, § 157.10, § 157.10a(a)(1), § 157.10a(b), or § 157.10a(c) shall ensure that ballast water is carried in segregated ballast tanks or dedicated clean ballast tanks, except additional ballast water may be carried in a cargo tank if—

(a) The vessel encounters abnormally severe weather conditions;

(b) More ballast water than can be carried in segregated ballast tanks or dedicated clean ballast tanks in necessary for the safety of the vessel;

(c) The ballast water is processed and discharged in compliance with § 157.37; and

(d) On a new vessel under § 157.10 that carries crude oil, the ballast water is only carried in a cargo tank that was crude oil washed in accordance with Subpart D of this part during the most recent discharge of crude oil from that tank.

11. By adding Appendix C to Part 157 to read as follows:

APPENDIX C—PROCEDURE FOR DETERMINING DISTRIBUTION OF SEGREGATED BALLAST TANKS TO PROVIDE PROTECTION AGAINST OIL OUTFLOW IN THE EVENT OF GROUNDING OR COLLISION

1. *Source.* The procedure for determining the distribution of segregated ballast tanks contained in this appendix conforms to Regulation 13E of the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973,* done at London on February 17, 1978.

2. *Procedure.* protective location of segregated ballast tanks, voids, and other spaces that do not carry cargo which are within the cargo tank length is determined from the following:

$$\epsilon PA_c + \epsilon PA_s \geq J\,[L_t(B+2D)]$$

Where—

PA_c=the side shell area in square meters based on projected molded dimensions for each segregated ballast tank, void, or other space that does not carry cargo which complies with paragraph 2(b) of this appendix;

PA_s=the bottom shell area in square meters based on projected molded dimensions for each segregated ballast tank, void, or other space that does not carry cargo which complies with paragraph 2(b) of this appendix;

L_t=the length in meters between the forward and after extremities of the cargo tanks;

B=the maximum breadth of the ship in meters measured amidship to the molded line of the frame; and

D=the molded depth in meters measured vertically from the top of the keel plate to the top of the freeboard deck beam at the side amidships. In tank vessels having rounded gunwales, the molded depth is measured from the top of the keel plate to the point of intersection of the molded lines of the deck and side shell plating, the lines being extended as though the gunwale were of angular design.

(a) *Method of determining a value for J.*

(1) For tank vessels of 20,000 DWT, J=0.45.

(2) For tanks vessels of 200,000 DWT or more—

(A) J=0.30; or

(B) J=the greater of 0.20, or

$$0.30 - [a - (0_c + 0_s)/4\ 0_A],$$

where:

a=0.25 for tank vessels of 200,000 DWT.
a=0.40 for tank vessels of 300,000 DWT.
a=0.50 for tank vessels of 420,000 DWT.

For values of DWT between 200,000 and 300,000 DWT, 300,000 and 420,000 DWT, and greater than 420,000 DWT, the value of "a" is determined by linear interpolation.

0_c=as calculated in Appendix A of this part.

0_s=as calculated in Appendix A of this part.

0_A=the allowable oil outflow meeting § 157.19(b)(1) of this part.

(3) For values of DWT between 20,000 DWT and 200,000 DWT, the value of "J" is determined by linear interpolation between 0.45 and 0.30 respectively.

(b) PA_c and PA_s: Criteria for determining the segregated ballast tanks, voids, and other spaces that do not carry cargo.

The following criteria are to be met for a segregated ballast tank, void, or space that does not carry cargo to be used in determining PA_c and PA_s:

(i) The minimum width of each wing tank or space, either of which extends for the full depth of the vessel's side or from the main deck to the top of the double bottom is 2 meters or more. The width is measured inboard from the vessel's side shell plating at right angles to the vessel's center line. If a wing tank or space has a width anywhere within it that is less than 2 meters, that wing tank or space is not to be used when calculating PA_c.

(ii) The minimum vertical depth of each double bottom tank or space is B/15 or 2 meters, whichever is smaller. If a double bottom tank or space has a depth less than 2 meters or B/15 anywhere within it, the double bottom tank or space is not to be used when calculating PA_s.

(iii) The minimum width of a wing tank or space is not measured in the way of—

(A) The turn of the bilge area; or

(B) A rounded gunwale area.

(iv) The minimum depth of a double bottom tank or space is not measured in the way of the turn of the bilge area.

12. The following is reprinted from the

ANNEX TO RESOLUTION 14 OF THE INTERNATIONAL CONFERENCE ON TANKER SAFETY AND POLLUTION PREVENTION, 1978:

SPECIFICATIONS FOR OIL TANKERS WITH DEDICATED CLEAN BALLAST TANKS

12. The following is the Coast Guard interpretation and proposed implementat of Resolution 14:

Subpart E Dedicated Clean Ballast Tanks: Design and Operation

PROPOSED RULES

1. PURPOSE

The purpose of these Specifications is to define:

(a) the proper on board arrangements, and

(b) the operational procedures

for the dedicated clean ballast tanks (CBT) concept. These Specifications are intended to be used by shipowners when developing and by Administrations when approving detailed arrangements and procedures for each individual tanker.

[Paragraph 1 of the Annex is a statement of general policy and would not be included in this proposed subpart.]

2. APPLICATION

These Specifications apply to oil tankers intended to be operated under the CBT concept in accordance with Regulation 13A of Annex I of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol).

[Applicability statements are in proposed §157.10a.]

3. ON BOARD ARRANGEMENTS

The selection of tanks dedicated solely to the carriage of clean ballast and the pumping and piping arrangements shall be developed by the shipowner and be approved and certified by the Administration on the basis of these specifications.

(a) Each owner of a U.S. tank vessel under §157.10a(b) or §157.10a(c)(2 must submit to the Commandant (G-MMT), U.S. Coast Guard, Washington D.C. 20590, plans that include -

(1) the dedicated clean ballast tanks arrangement; and

(2) the pumping and piping arrangements for the dedicated clean ballast tanks.

(b) If the plans submitted under paragraph (a) of this section show that the dedicated clean ballast tank system meets this subpart, the Commandant informs the owner by letter that the plans are accepted.

(c) If the owner of a foreign tank vessel under §157.10a(b) or §157.10a(c)(2) desires the Coast Guard letter under [paragraph (b)(2) opposite Annex paragraph 6.], the owner must submit to the Commandant (G-MMT), U.S. Coast Guard, Washington D.C. 20590, plans that include -

(1) the dedicated clean ballast tanks arrangement; and

(2) the pumping and piping arrangements for the dedicated clean ballast tanks.

(d) If the plans submitted under paragraph (c) of this section show that the dedicated clean ballast tank system meets this subpart the Commandant informs the owner by letter that the plans are accepted.

PROPOSED RULES

3.1 Selection of tanks

The selection of clean ballast tanks shall be made to achieve the best overall result from operational and pollution prevention points of view, having regard to the following aspects;

[The introductory sentence of Annex Resolution 3.1 is broad and vague and would not be adopted in the proposed subpart.]

(a) Tanks shall be so selected as to provide adequate capacity to enable the tanker to meet the minimum draught and trim requirements specified in Regulation 13(2) of Annex I of the MARPOL Prototol.

[This requirement is addressed in proposed §157.10a(d).]

(b) Hull stress must be within acceptable limits in the resulting ballast and loaded conditions.

[Under 46 CFR 31.10-1, each tank vessel must meet the current standards of the American Bureau of Shipping relating to the material and construct of its hull. Consequently the requirement in Annex paragraph 3.1(b) is redundant and would not be included in this proposed subpart.]

(c) Tanks shall be so selected as to require a minimum of involvement of the cargo piping and pumping system.	(a) Dedicated clean ballast tanks must be those cargo tanks that - (1) have the least amount of oil conveyed through the pumping and piping system; (2) allow the vessel to meet the draft and trim requirements under §157.10a(d)(1), (2), and (3), when filled with ballast water; and (3) are wing tanks or are center tanks that are accepted by the Commandant.
(d) While wing tanks are preferable from the damage protection point of view for carriage of clean ballast, centre tanks are acceptable, if they offer a significantly better overall arrangement with regard to tank volume and piping arrangements.	
(e) If a slop tank is not included in the original tank arrangement, a tank of sufficient capacity shall be designated as the slop tank to receive the pipe flushing water.	[Slop tanks on tank vessels are required under 33 CFR 157.15; therefore it is unnecessary to include the Annex requirement in this subpart.]
3.2 Pumping and piping In the overall arrangement the following points should also be kept in mind:	[The introductory sentence of Annex paragraph 3.2 implies that the subparagraphs following it are advisory. The Coast Guard, however, regards most as mandatory.]
(a) All ballast tanks should, whenever possible, be served by a single pump with a minimum of piping involved, in order to reduce the risk of contamination.	(a) Dedicated clean ballast tanks must be connected only to one pump using the least practicable amount of piping.
(b) The piping system required for ballast handling should be arranged to flush without depositing oily water in the clean ballast tanks. Flushing may be done from a sea chest through the piping to a slop tank or from the clean ballast tanks to the slop tank. If separate ballast lines are used, these lines need not be flushed.	(b) Each piping system that is arranged to convey clean ballast and cargo must be designed to be flushed to the slop tank with water. (c) The piping system of each dedicated clean ballast tank must be arranged so that oily water does not enter any dedicated clean ballast tank when the tank piping system is flushed.

	[The Coast Guard regards the second sentence of Annex paragraph 3.2(b) as a operating requirement which would read as follows: The master shall ensure that flushing water is pumped from a sea chest or a dedicated clean ballast tank through the dedicated clean ballast piping system and then to a slop tank.]
(c) "Dead end" pipe sections should be avoided as far as possible but where necessary means shall be provided to drain such sections by connexion to a stripping device.	[The requirement of Annex paragraph 3.2(c) is included in proposed §157.11(e).]
(d) Double valve separation of ballast and cargo spaces should always be maintained during the voyage and to the maximum extent possible during cargo and ballast operations.	(d) Each dedicated clean ballast tank must be isolated from each cargo tank by at least two valves in the piping system. [The following operating requirements would be added to read: The master of each U.S. tank vessel under §157.10a(b) or §157.10a(c)(2) shall ensure that the valves isolating each dedicated clean ballast tank from each cargo tank remain closed during a voyage. The master of each foreign tank vessel under §157.10a(b) or §157.10a(c)(2) shall ensure that the valves isolating each dedicated clean ballast tank from each cargo tank remain closed when the vessel operates in the navigable waters of the United States.]
(e) When an oil content meter is installed as required by Regulation 13A(3) of the MARPOL Protocol, sampling points should be arranged to enable sampling of all discharges of clean ballast water, as well as regular load on top (LOT) discharges. When possible a sampling point should be arranged to enable sampling of the pipe flushing water routed to the slop tank.	[Requirements for approval, installation and operation of cargo monitors that would meet Annex paragraph 3.2(e) are in proposed 33 CFR 157.11 and proposed 46 CFR Subpart 162.050 which were published as CGD 76-088b and CGD 76-088a in the Federal Register of June 27, 1977 (42 FR 32684 and 32686).] (e) The dedicated clean ballast piping system must have a sample point that is -

(1) located in a vertical section of piping; and

(2) of the type shown in 46 CFR Figure 162.050-17(e) (proposed on page 32690 of the June 27, 1977 Federal Register).

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4. OPERATIONAL PROCEDURES

A Clean Ballast Tank Operation Manual, which includes a check list, shall be developed by the shipowner for each individual tanker and shall be approved by the Administration on the basis of these Specifications.

[New paragraphs (c) and (e) would be added to §157.23 to read as follows:

§157.23 Cargo and ballast system information.

* * * * *

(c) Each tank vessel under §157.10a(b) or §157.10a(c)(2) must have a manual entitled Dedicated Clean Ballast Tank Operation Manual approved by the Coast Guard or the government of the vessel's flag state that includes -

(1) a procedure for clean ballast tank operations. (Appendix D is an example of such a procedure.); and

(2) the text of the Annex of Resolution 14 of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on February 17, 1978.

* * * * *

(e) [Procedures for submittal and approval similar to that contained in 46 CFR Subpart 50.20 and in 43 FR 49440 would appear here.]

4.1 In loading port

Prior to the tanker's arrival at loading port, the clean ballast quantity may be reduced to berthing condition, using a pipe that has

(a) Before clean ballast in a dedicated clean ballast tank is discharged or transferred, the master of each vessel under §157.10a(b)

been cleaned during the ballast voyage. A CBT tanker is never loaded to its full cargo carrying capacity, and is normally capable of carrying a full cargo together with the normal quantity of port ballast, i.e. quantity of clean ballast for arrival purposes. This enables the tanker to operate, draught permitting, without handling any ballast water in port.

After any discharge of clean ballast in port the affected pipe system should be drained, and all valves to clean ballast tanks should be closed. If the pipe flushing procedure requires water to be available in the ballast tanks, the proper quantity is left in these tanks before they are closed off from the piping system. Thereafter, the piping system is used for normal cargo loading operations.

4.2 Loaded voyage

During the voyage in loaded condition pump and pipe flushing is carried out. Any resulting oily mixtures are to be settled in a slop tank. Overboard discharges from the slop tank are to be controlled in accordance with the requirements of the MARPOL Protocol.

When convenient after departure, the pumping and piping system to be used for clean ballast handling is flushed to a slop tank. The quantity of flushing water available should be at least 10 times the affected pipe volume. If ballast in excess of the necessary flushing water quantity is retained on board during loading, the remaining quantity can be discharged overboard using the clean piping.

When an oil content meter is installed in accordance with the requirements of Regulation 13A(3) of Annex I of the MARPOL Protocol, all discharges shall be monitored by this equipment. Where possible, the oil content in the pipe flushing water shall also be monitored to assist in controlling the efficiency of the flushing and for the detection of any abnormalities in the operation.

or §157.10a(c)(2) shall ensure that the pump and piping system for conveying the clean ballast are flushed.

(b) Before the piping system under [paragraph (b) opposite Annex paragraph 3.2(b)] of this section is used for cargo transfer operations the master shall ensure that -

(1) the volume of water in the dedicated clean ballast tanks for flushing the piping system, is equal to at least 10 times the volume of the pipe to be flushed;

(2) the piping system is drained of fluid; and

(3) the valves under [paragraph (d) opposite Annex paragraph 3.2(d)] are closed.

(c) The master of a U.S. tank vessel under §157.10a(b) or (c)(2) during a voyage, and the master of a foreign tank vessel under §157.10a(b) or (c)(2) when operating in the navigable waters of the United States or calling at a port or place subject to the jurisdiction of the United States, shall ensure each of the following:

(1) If the pumps and piping system for clean ballast are flushed, they are flushed to the slop tank.

(2) If clean ballast water is discharged, it is discharged through a piping system that has been flushed before the water is discharged.

(3) Clean ballast from each dedicated clean ballast tank is discharged in accordance with §157.43.

(4) When the piping system is being flushed -

(i) the oil content of the flushing water in the piping system is monitored by the cargo monitor under §157.11(b) (proposed on page 32685 of the June 27, 1977 Federal Register); and

(ii) the piping system is flushed until the oil content of the flushing water in the piping stabilizes.

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4.3 In unloading port

Prior to berthing in an unloading port, a quantity of clean ballast, adequate for flushing the piping designated for handling clean ballast, shall be taken on board through that piping which has remained clean throughout the voyage. If port draught limitations permit, it is recommended that more ballast be taken on board within the deadweight limit, up to the normal quantity for departure condition, thereby eliminating the need for further handling of ballast during the unloading. If it is expected that further ballasting during the unloading is necessary, the required pump and pipe section is initially left clean. The desired ballast is taken on as soon as draught conditions permit, whereupon the unloading can continue with all pumps available.

Upon completion of the unloading or at departure, the pump and piping is flushed to the slop tank, followed by ballasting of the clean ballast tanks to normal sea conditions.

(5) If a pump or piping system that is flushed is used to convey cargo during an emergency, it is reflushed as prescribed in paragraph (c)(1) of this section before it is used to convey clean ballast.

(6) Dedicated clean ballast tanks are not ballasted during the loading or unloading of cargo.

4.4 Ballast voyage

During the ballast voyage the pumping and piping system used for handling clean ballast shall be kept clean and, after any handling of oily water, be reflushed as necessary in preparation for ballast handling in the loading port. Overboard discharges from the slop tank are to be controlled in accordance with the requirements of the MARPOL Protocol.

[The first sentence of Annex section 4.4 is proposed in the paragraph opposite Annex paragraph 4.1. The second sentence is not proposed because it would be redundant to 33 CFR 157.37 as amended by CGD 76-088b published in the Federal Register of June 27, 1977.]

4.5 Check list

The approved operational procedures should be supplemented by a check list. The list in the Appendix to these Specifications applies generally to all tankers operating under the CBT concept. When the check list for a specific tanker is prepared, it should be expanded to include any other step of relevance and be completed with appropriate identification of pumps, valves, etc.

[The check list in Annex section 4.5 would be included as Appendix D to 33 CFR Part 157.]

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5. SURVEY AND CERTIFICATION

5.1 Every oil tanker intended to be operated with dedicated clean ballast tanks in accordance with Regulation 13A of Annex I of the MARPOL Protocol, shall be subject to the survey required by Regulation 4 of Annex I of that Protocol and carried out in accordance with these Specifications.

[U.S. tank vessels would be inspected in accordance with 46 CFR Part 31. Foreign tank vessels would be boarded as the enter U.S. ports or waters to determine if they comply with this subpart. A document would be issued by the Coast Guard to evidence compliance.]

5.2 Such survey should be made prior to the date of coming into force of the MARPOL Protocol in order to enable issue of the International Pollution Prevention Certificate before compliance with the MARPOL Protocol requirements becomes mandatory.

[International Pollution Prevention Certificates will not be issued by the Coast Guard until after the MARPOL Protocol comes into effect. When a vessel complies with this subpart during inspection opposite Annex paragraph 5.1, it is proposed that a letter showing compliance with this subpart be issued to the vessel. When certificates come into effect, it is proposed that a certificate showing compliance with 33 CFR 157 be issued to the vessel.]

5.3 The survey shall verify the appropriateness of:

- the selection of ballast tanks and pumping and piping arrangements, in accordance with Section 3 above;
- the CBT Operation Manual, i.e. the detailed operational procedures including check list, in accordance with Section 4 above.

[The survey requirements of Annex paragraph 5.3 are inherent in the requirement of the paragraph opposite Annex paragraph 6 that the vessel meet the approved plans and have an instruction manual in order to receive a letter.]

5.4 Upon approval in the respects mentioned in Section 5.3 above, the International Pollution Prevention Certificate shall be issued by the Administration. The wording in the Certificate shall state which tanks are approved solely for the carriage of dedicated clean ballast. It shall also state that the Master has been supplied with information concerning approved operational procedures (CBT Operation Manual).

[A letter under paragraph (b) or (d) opposite Annex paragraph 3 will be issued instead of the Certificate until the MARPOL Protocol comes into effect.]

5.5 Alterations to a CBT tanker which affect its capability to be operated under the CBT concept require the approval of the Administration and shall be reflected in the International Pollution Prevention Certificate and, if appropriate, in the CBT Operation Manual.

(a) The master shall ensure that no person alters the dedicated clean ballast tanks or equipment of a tank vessel that has a letter under [paragraph (b) or (d) opposite Annex paragraph 3] so that they no longer meet the plans accepted under [paragraph (a) or (c) opposite Annex paragraph 3] unless -

(1) The owner submits plans to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20590, that show the alterations;

(2) the owner submits to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20590, changes to the manual under §157.23(c) that describes the alterations; and

(3) the Commandant informs the owner by letter that he accepts the plans submitted under paragraph (a) of this section and the description of the alterations submitted under paragraph (b) of this section.

6. DOCUMENTS

The International Pollution Prevention Certificate and the CBT Operation Manual shall at all times be available on board the tanker.

(a) On and after June 1, 1981, the master of a U.S. tank vessel under §157.10a(b) or §157.10a(c)(2) shall ensure that the vessel does not engage in a voyage unless the vessel has on board -

(1) the letter from the Commandant under [paragraph (b) opposite Annex paragraph 3]; and

(2) the Coast Guard approved manual entitled Dedicated Clean Ballast Tank Operation Manual under [paragraph (c) opposite Annex paragraph 4].

(b) On and after June 1, 1981, no foreign tank vessel under §157.10a(b) or §157.10a(c)(2) may enter the navigable waters of the U.S. or call at a port or place subject to the jurisdiction of the U.S. unless the vessel has on board a manual entitled Dedicated Clean Ballast Tank Operation Manual that is approved by the U.S. Coast Guard or the government of the vessel's flag state and -

(1) A document from the government of the vessel's flag state that certifies the vessel's compliance with Resolution 14 of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on February 17, 1978; or

(2) A letter under [paragraph (d) opposite Annex paragraph 3] from the Commandant accepting the plans under [paragraph (c) opposite Annex paragraph 3].

APPENDIX

CBT OPERATIONAL PROCEDURES - CHECK LIST

[The appendix to the Annex would be included as Appendix D to 33 CFR Part 157 as an example of a check list.]

I. Prior to arrival at the loading port

1. Transfer all remaining slop to a cargo tank.
2. Ensure that the pumping and piping designated for clean ballast operation have been properly cleaned to accommodate simultaneous discharge of clean ballast while loading.
3. Ensure that all valves to the slop tank and the cargo tanks are closed.
4. Perform visual inspection of all clean ballast tanks and their contents, if any, for signs of contamination.
5. Discharge a sufficient amount of clean ballast water to ensure that remaining ballast water and cargo to be loaded will not exceed the permissible deadweight or draught. Leave a sufficient amount of water for flushing the piping, and as a minimum, a quantity equal to 10 times the volume of the affected piping.
6. Ensure that all valves to the clean ballast tanks are closed.
7. If no further ballast discharge is anticipated, drain the clean ballast piping.

II. In the loading port

1. Perform normal loading operations of cargo tanks.
2. Ensure sufficient slop tank capacity is available for subsequent reception of cargo pump and pipe flushings.

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3. When applicable, discharge remaining clean ballast before entire piping system is used for loading. Leave the required minimum quantity of flushing water in ballast tanks.
4. Ensure that all valves to the clean ballast tanks are closed.
5. Ensure that all valves to the cargo tanks are closed upon completion of loading.

III. After departure from the loading port

1. Flush appropriate pumping and piping with sufficient water from clean ballast tanks into a slop tank.
2. Ensure that valves to the slop tank are closed before pumping the remaining clean water overboard and monitoring oil content of the water, either visually or by a content meter.
3. Ensure that all valves in the clean ballast tanks are closed.

IV. Prior to arrival at the unloading port

1. Ensure that all valves to the slop tank and the cargo tanks are closed.
2. Recheck that the pumping and piping designated for clean ballast operation have been properly cleaned.
3. Ballast as required through clean cargo pumps and pipes, considering port draught requirements.
4. Ensure that all valves in the clean ballast tanks are closed.

V In the unloading port

1. Allocate pumping and piping intended for clean ballast operation.
2. Perform normal unloading operations.
3. As soon as draught conditions permit, complete ballasting as required to departure condition.
4. Ensure that all valves to the clean ballast tanks are closed.
5. Complete unloading.

VI. After departure from the unloading port

1. Flush pumping and piping serving the clean ballast tanks into the slop tank.
2. Top up clean ballast tanks as required.
3. Process the slop tank content in accordance with LOT procedures.

DIVISION III - CRUDE OIL WASHING

13. The following is reprinted from the ANNEX TO RESOLUTION 15 OF THE INTERNATIONAL CONFERENCE ON TANKER SAFETY AND POLLUTION PREVENTION, 1978:

13. The following is the Coast Guard interpretation and proposed implementation of Resolution 15:

SPECIFICATION FOR THE DESIGN, OPERATION AND CONTROL OF CRUDE OIL WASHING SYSTEMS

Subpart D - Crude Oil Washing

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1. PURPOSE

The purpose of these Specifications is to provide specific design criteria, operational requirements and control and enforcement procedures for the crude oil washing of cargo tanks of crude oil carriers as specified in Section 2.

[Paragraph 1 of the Annex is a statement of purpose and would not be included in this proposed subpart.]

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2. APPLICATION

2.1 These Specifications apply to:

(a) existing crude oil tankers of 40,000 tons deadweight and above in accordance with Regulation 13(8) of the Protocol 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol); and

(b) new crude oil tankers of 20,000 tons deadweight and above in accordance with Regulation 13(6) of the MARPOL Protocol, with the changes listed in Appendix I.

[Applicability statements are proposed in §§157.10 and 157.10a.]

Compliance of these ships with these Specifications shall be shown on the International Oil Pollution Prevention Certificate as modified by the MARPOL Protocol.

[The Coast Guard does not plan to issue an International Oil Pollution Prevention Certificate until after the MARPOL Protocol comes into effect In the interim the Coast Guard will issue two letters instead of the Certificate, one letter being issued upon acceptance of the plans for the Crude Oil Washing (COW) system, and the second being issued after the vessel passes the inspection under Annex paragraph 4.2.10. Operating requirements would be included to read as follows:

(a) On and after June 1, 1981, the master of a U.S. tank vessel under §157.10 or §157.10a(a)(2) shall ensure that the vessel does not engage in a voyage unless the vessel has on board -

(1) the letter from the Commandant under [paragraph (d) opposite Annex paragraph 4.2.9];

(2) the letter from the Commandant under [paragraph (c) opposite Annex paragraph 4.2.10]; and

(3) the Coast Guard approved manual under [paragraph (d) opposite Annex paragraph 7].

(b) On and after June 1, 1981, no foreign tank vessel under §157.10 or §157.10a(a)(2) may enter the navigable waters of the U.S. or call at a port or place subject to the jurisdiction of the U.S. unless the vessel has on board a manual entitled Crude Oil Washing Operation and Equipment Manual approved by the Coast Guard or the government of the vessel's flag state and -

(1) a document from the government of the vessel's flag state that certifies the vessel's compliance with Resolution 15 of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on February 17, 1978; or

(2) two letters issued by the Commandant as follows:

(i) The letter under [paragraph (d) opposite Annex paragraph 4.2.9].

(ii) The letter under [paragraph (c) opposite Annex paragraph 4.2.10].

(c) The Commandant may waive the requirements of paragraph (a)(2) and (b)(2)(ii) of this section for the purpose of complying with [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].

2.2 If a crude oil that is not suitable for crude oil washing is intended to be carried as a cargo in a ship that is provided with only a crude oil washing system, then that ship must comply with segregated ballast tank requirements in accordance with Regulation 13(7) or dedicated

[Annex Paragraph 2.2 would be adopted by adding the following paragraph:

(a) The master of a tank vessel under §157.10a(a)(2) shall ensure the following:

clean ballast tank requirements in accordance with Regulation 13(9) of Annex I of the MARPOL Protocol.

(1) If the vessel carries crude oil that cannot be used for COW, the vessel meets §157.10a(a)(1) or §157.10a(b).

(2) If the vessel has a COW system and does not have segregated ballast tanks or dedicated clean ballast tanks that meet §157.10a(d), the vessel carries only the grades of crude oil that can be used for COW.]

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3. GENERAL PROVISIONS

3.1 Definition

For the purpose of these Specifications,
"Arrival ballast" means clean ballast as defined in Regulation 1(16) of Annex I of the MARPOL Protocol; and
"Departure ballast" means ballast other than arrival ballast.

[The definitions in Annex Section 3.1 are unnecessary. The following definition would be added to §157.03:

"Ballast voyage" means the voyage after the tank vessel leaves the port of final cargo discharge.]

3.2 Check Lists

The initial survey referred to in Regulation 4 of Annex I of the MARPOL Protocol shall include a complete inspection of the crude oil washing equipment and arrangements and shall include, except for the cases specified in paragraph 4.2.11 an examination of the tanks after they have been crude oil washed and the additional controls as specified in paragraph 4.2.10 to ensure the washing system efficiency is in accordance with these Specifications.

[U.S. tank vessels would be inspected in accordance with 46 CFR Part 31. Foreign tank vessels would be boarded as they enter U.S. ports or waters to determine if they comply with this subpart. A document would be issued by the Coast Guard to evidence compliance.]

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4. DESIGN CRITERIA

4.1 Piping

4.1.1 The crude oil washing pipes and all valves incorporated in the supply piping system shall be of steel or other equivalent material and

(a) The piping, valves, and fittings of each COW system and each stripping system must -

shall be of adequate strength having regard to the pressure to which they may be subjected; and shall be properly jointed and supported.

(1) meet 46 CFR Part 56; and

(2) be of steel or an equivalent metal.

4.1.2 The crude oil washing system shall consist of permanent pipework and shall be independent of the fire mains or any system other than for tank washing except that sections of the ship's cargo system may be incorporated into the crude oil washing system provided that they meet the requirements as applied to crude oil pipework. Notwithstanding the requirements of this paragraph, in combination carriers the arrangements should allow removal of the equipment, if necessary, when carrying non-liquid cargoes and be such that when reinstated the system is as originally fitted and tested for oil tightness.

(b) The piping of each COW system must be permanently installed. [The requirements in Annex paragraph 4.1.2 concerning reinstallation and testing of removed COW piping on combination carriers are operating requirements and would be added as an operating requirement in this proposed subpart to read as follows:

If the equipment for the COW system is removed from the tank for the carriage of cargoes other than oil and then reinstalled, the master shall ensure that, before COW operations are conducted, the system has no crude oil leakage.]

(c) The COW piping system must be separate from other piping systems on the vessel, except that a section of the vessel's cargo piping system may be a part of the COW piping if that piping meets this subpart.

4.1.3 Provision shall be made to prevent overpressure in the tank washing supply piping. Any relief device fitted to prevent overpressure shall discharge into the suction side of the supply pump. Alternative methods to the satisfaction of the Administrations may be accepted provided an equivalent degree of safety and environmental protection is provided.

(d) Each COW piping system must have overpressure relief valves unless the maximum allowable working pressure of the system is greater than the shut-off head of each pump under [paragraph (a) opposite Annex paragraph 4.3].

(e) Each overpressure relief valve must discharge into the suction side of a pump under [paragraph (a) opposite Annex paragraph 4.3]

4.1.4 Where hydrant valves are fitted for water washing purposes on tank washing lines, all such valves shall be of adequate strength and provisions made for such connections to be blanked off when washing lines may contain crude oil.

(f) Each hydrant valve in a COW piping system for water washing must -

(1) have adequate strength, in accordance with 46 CFR Part 56, for the working pressure for which the system is designed; and

(2) be capable of being blanked off.

4.1.5 All connexions for pressure gauges or other instrumentation shall be provided with isolating valves adjacent to the lines or the fitting shall be of the sealed type.

(g) Each sensing instrument must have an isolating valve at its connection to the COW piping system, unless the opening to that connection

is equivalent to the diameter of a number 54 drill size (0.055 inches) or smaller.

4.1.6 No part of the crude oil washing system shall enter the machinery spaces. Where the tank washing system is fitted with a steam heater for use when water washing, the heater must be effectively isolated during crude oil washing by double shut-off valves or by clearly identifiable blanks.

(h) The piping and equipment of a COW system may not be in machinery spaces.

(i) If the washing system for cargo tanks has a steam heater for use when water washing, this heater must be capable of being isolated from the COW piping by –

(1) at least two shut-off valves; or

(2) blank flanges identifiable as being closed (e.g., spectacle flanges).

[The following would be included in this proposed subpart as an operating requirement:

The Master shall ensure that during COW operations –

(a) the valves under [paragraph (i)(1) opposite Annex paragraph 4.1.6] are shut off; or

(b) the blanks under [paragraph (i)(2) opposite Annex paragraph 4.1.6] are installed.].

PROPOSED RULES

4.1.7 Where a combined oil-water supply piping is provided the piping shall be so designed that it can be drained so far as is practicable of crude oil, before water washing is commenced, into spaces designated in the Operations and Equipment Manual. These spaces may be the slop tank or other cargo space.

(j) If the oil washing system is combined with the water washing system, the piping of the combined system must be designed to drain the crude oil into a slop tank or a cargo tank.

[The following paragraph would be added to this proposed subpart as an operating requirement:

Before water washing the cargo tanks, the master shall ensure that the COW piping system is drained of crude oil.]

4.1.8 The piping system shall be of such a diameter that the greatest number of tank cleaning machines required, as specified in the Operations and Equipment Manual, can be operated simultaneously at the designed pressure and throughput. The arrangement of the piping shall be such that the required number of tank cleaning machines to each cargo compartment as specified in the Operations and Equipment Manual referred to in these Specifications can be operated simultaneously.

(k) The COW piping system must be designed and arranged for sufficient pressure and flow to allow the number of COW machines needed to pass the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10] to operate simultaneously.

4.1.9 The piping system shall be tested to one and one-half times the working pressure after it has been installed on the ship.

[The following requirement would be added after paragraph (h) opposite Annex paragraph 4.2.11:

(i) Before the inspection under paragraph (a) of this section is conducted, the owner of a tank vessel having a COW system shall present to the Coast Guard inspector evidence that the COW piping system has passed a test of 1 1/2 times the design working pressure.]

4.1.10 The crude oil washing supply piping shall be anchored (firmly attached) to the ship's structure at appropriate locations, and means shall be provided to permit freedom of movement elsewhere to accommodate thermal expansion and flexing of the ship. The anchoring shall be such that any hydraulic shock can be absorbed without undue movement of the supply piping. The anchors should normally be situated at the ends furthest from the entry of the crude oil supply to the supply piping. If tank washing machines are necessary to anchor the ends of branch pipes then special arrangements are necessary to anchor these sections when the machines are removed for any reason.

(l) The COW system piping must be anchored to the tank vessel's structure with pipe anchors.

(m) When COW machines are used as anchors, there must be other means for anchoring the piping if these machines are removed.

(n) There must be a means to allow movement of the COW system piping as a result of thermal expansion and flexing of the tank vessel.

PROPOSED RULES

4.2 Tank washing machines

4.2.1 The tank washing machines for crude oil washing shall be permanently mounted and shall be of a design acceptable to the Administration.

(a) COW machines must be permanently attached to the insides of each cargo tank.

4.2.2 The performance characteristic of a tank washing machine is governed by nozzle diameter, working pressure and the movement pattern and timing. Each tank cleaning machine fitted shall have a characteristic such that the sections of the cargo tank covered by that machine will be effectively cleaned within the time specified in the Operations and Equipment Manual.	(b) Each COW machine must have nozzles with a large enough diameter, a working pressure, and a movement pattern and timing to allow the tank vessel to pass the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].
4.2.3 Tank washing machines shall be mounted in each cargo tank and the method of support shall be to the satisfaction of the Administration. Where the tank washing machines are positioned well below the deck level to cater for protuberances in the tank consideration may need to be given to additional support for the machine and its supply piping.	(c) Each COW machine and its supply piping must be supported to withstand vibration and pressure surges.
4.2.4 Each machine shall be capable of being isolated by means of stop valves in the supply line. If a deck mounted tank washing machine is removed for any reason provision shall be made to blank off the oil supply line to the machine for the period the machine is removed. Similarly provision shall be made to close the tank opening with a plate or equivalent means.	(d) The supply piping attached to each COW machine must have a shut-off valve. [The second sentence of Annex paragraph 4.2.4 would become an operating requirement to read as follows: Whenever a deck mounted COW machine is removed from the tank, the master shall ensure that - (1) the supply piping to that machine is blanked off; and (2) the tank opening is sealed by a fixed steel plate.]
4.2.5 Where the drive units for the tank cleaning machines are not integral with the tank cleaning machine sufficient drive units shall be provided to ensure that no drive unit need be moved more than twice from its original position during cargo discharge to accomplish the washing programs as specified in the Operations and Equipment Manual.	(e) If the drive units for the COW machines are portable, there must be a sufficient number of drive units so that no unit is moved more than twice from its original location when COW the cargo tanks under [paragraph (a)(2) and (3) opposite Annex paragraph 6.1]. [The following operating requirement would be added to read as follows: The master shall ensure that no portable drive unit for the COW machines is moved more than twice from its original location when COW the cargo tanks under [paragraph (a)(2) and (3) opposite Annex paragraph 6.1.]

4.2.6 The number and location of the tank washing machines shall be to the satisfaction of the Administration. 4.2.7 The location of the machines is dependent upon the characteristics detailed in paragraph 4.2.2 and upon the configuration of the internal structure of the tank. 4.2.8 The number and location of the machines shall be such that all horizontal and vertical areas are washed by direct impingement or effectively by deflection or splashing of the impinging jet. In assessing an acceptable degree of jet deflection and splashing, particular attention shall be paid to the washing of upward facing horizontal areas and the following parameters shall be used.	(f) Each cargo tank must have a sufficient number of COW machines that are located to wash the entire surface area of the tank by direct impingment to allow the tank vessel to pass the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10], except the following may be washed by jet deflection or splashing:
(i) For horizontal areas of a tank bottom and the upper surfaces of a tank's stringers and other large primary structural members, the total area shielded from direct impingement by deck or bottom transverses, main girders, stringers or similar large primary structural members shall not exceed 10 per cent of the total horizontal area of tank bottom, the upper surface of stringers, and other large primary structural members.	(1) 10 percent or less of the total horizontal area of the tank bottom and the upper surfaces of structural members.
(ii) For vertical areas of the sides of a tank, the total area of the tank's sides shielded from direct impengement by deck or bottom transverses, main girders, stringers or similar large primary structural members shall not exceed 15 percent of the total area of the tank's sides.	(2) 15 percent or less of the total vertical area of the tank sides.
In some installations it may be necessary to consider the fitting of more than one type of tank washing machine in order to effect adequate coverage.	Note. The designer should consider whether or not one or more types of COW machine should be used to allow the tank vessel to pass the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].

4.2.9 At the design stage the following minimum procedures shall be used to determine the area of the tank surface covered by direct impingement:

(i) Using suitable structural plans, lines are set out from the tips of each machine to those parts of the tank within the range of the jets.

(ii) Where the configuration of the tanks is considered by the Administration to be complicated, a pinpoint of light simulating the tip of the tank washing machine in a scale model of the tank, shall be used.

(a) The owner, builder, or designer of a U.S. tank vessel under §157.10 or §157.10a(a)(2) must submit to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20590, plans that include -

(1) the arrangement of the COW pumping and piping system;

(2) the design of each COW machine;

(3) the arrangement, location, and installation of the COW machines; and

(4) except as allowed in paragraph (c) of this section, the projected direct impingement pattern of the crude oil from the COW machines nozzles to the surfaces of each tank, showing those areas of the surfaces that are not reached by direct impingement.

(b) If the owner of a foreign tank vessel under §157.10 or §157.10a(a)(2) desires the letter from the Commandant under [paragraph (b)(2) opposite Annex paragraph 2.1] accepting the plans under this paragraph, the owner, builder, or designer must submit to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C., 20590 plans that include -

(1) the arrangement of the COW pumping and piping system;

(2) the design of each COW machine;

(3) the arrangement, location, and installation of the COW machines; and

(4) except as allowed in paragraph (c) of this section, the projected direct impingement pattern of the crude oil from the COW machines nozzles to the surfaces of each tank, showing those areas of the surfaces that are not reached by direct impingement.

(c) If the pattern under paragraph (a)(4) or (b)(4) of this section cannot be shown on a plan, a scale model of each tank must be built for Coast Guard inspection to simulate, by a pinpoint of light, the projected direct impingement pattern on the surfaces of the tank.

(d) The Commandant informs the owner by letter that the plans submitted under paragraph (a) or (b) of this section are accepted if -

(1) the plans submitted under paragraph (a) or (b) of this section show that the COW system meets this subpart;

(2) the plans submitted under paragraphs (a)(1), (2) and (3) and the scale model under paragraph (c) of this section show that the COW system meets this subpart; or

(3) the plans submitted under paragraphs(b)(1), (2) and (3) and the scale model under paragraph (c) of this section show that the COW system meets this subpart.

4.2.10 (i) To confirm the cleanliness of the tanks and to verify the design in respect of the number and location of the tank washing machines, a visual inspection shall be made by entry to the tanks after a crude oil wash but prior to any water rinse which may be specified in the Operations and Equipment Manual. The bottom of the tank to be inspected may, however, be flushed with water and stripped in order to remove any heel of crude oil before gas freeing for entry. This inspection shall ensure that the tank is essentially free of oil clingage and deposits. If the flushing procedure is adopted, a similar but unflushed tank must be used for the test specified in sub-paragraph (ii) below.

(a) Before issuing a letter that states that the vessel complies with this subpart, the Coast Guard makes an initial inspection of each U.S. tank vessel under §157.10 and §157.10a(a)(2) and each foreign tank vessel whose owner submitted the plans under [paragraph (b) opposite Annex paragraph 4.2.9] to determine whether or not the cargo tanks that carry crude oil when entering the port that are to be used as ballast tanks when leaving the port meet the following:

(1) After each tank is crude oil washed but not water rinsed, except the bottom of the tank may be flushed with water and stripped, each tank does not have oil clingage or deposits of oil, or both.

(ii) To verify the effectiveness of the stripping and drainage arrangements a measurement shall be made of the amount of oil floating on top of the departure ballast. The ratio, volume of oil on top of the total departure ballast water upon volume of tanks that contain this water shall not exceed 0.00085. This test shall be carried out after crude oil washing and stripping in a tank similar in all relevant respects to the tank examined in accordance with sub-paragraph (i), which has not been subjected to a water rinse nor to the intervening water flushing permissible in sub-paragraph (i) above.

(2) After each tank is crude oil washed and stripped but not water rinsed, each tank is filled with water. The total volume of crude oil floating on top of the water in these tanks is not more than 0.0085 percent of the total volume of these tanks.

(iii) The arrival ballast after a typical ballast voyage before which the arrival ballast tanks have been crude oil washed and during which the tasks have been water rinsed in accordance with the programs set out in the Operations and Equipment Manual shall be totally discharged to the loading port harbour through an oil discharge monitoring and control system approved by the Administration, and the oil content of the effluent shall not exceed 15 ppm.	(b) Except on a tank vessel under §157.10, if the initial inspection under paragraph (a) of this section has been passed and the vessel arrives at the first cargo loading port after completing a ballast voyage, the Coast Guard monitors through the oil discharge monitoring and control system under §157.11 (proposed on page 32685 of the June 27, 1977 Federal Register) the discharge of effluent from those tanks that have been crude oil washed, water rinsed, stripped and filled with ballast water to determine whether or not the oil content of the effluent is 15 ppm or less. (c) If the inspections of paragraphs (a) and (b) of this section are passed, the Coast Guard issues to the tank vessel a letter that states that the vessel complies with this subpart.
4.2.11 Where an Administration is satisfied that ships are similar in all relevant respects the requirements of paragraph 4.2.10 need only be applied to one such ship. Furthermore where a ship has a series of tanks that are similar in all relevant respects then, for that series of tanks, the requirements of sub-paragraph 4.2.10(1) need only be applied to one tank of that series.	(d) If more than one tank vessel is constructed from the same plans, an owner may submit a written request to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C., 20590, for only one of those tank vessels to be inspected under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10]. (e) Only one tank vessel is inspected by the Coast Guard, if the Commandant accepts the request under paragraph (d) of this section. (f) If a tank vessel has tanks similar in dimensions and internal structure, the owner may submit a written request to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20590, for only one of those tanks be inspected under [paragraph (a)(1) opposite Annex paragraph 4.2.10]. (g) Only one tank of a group of tanks similar in dimensions and internal structure is inspected by the Coast Guard, if the Commandant accepts the request under paragraph (f) of this section. (h) Before the inspection under paragraph (a) of this section is conducted, the owner of a foreign tank vessel having a COW system shall present to the Coast Guard inspector evidence that the COW system has been installed in accordance with the plans accepted under [paragraph (d) opposite Annex paragraph 4.2.9].

4.2.12 The design of the deck mounted tank washing machines shall be such that means are provided external to the cargo tank which when crude oil washing would indicate the rotation and arc of the movement of the machine.	(g) Each COW machine that is attached to the deck must have an indicator located outside of the cargo tank that shows the rotation and arc of the movement of the COW machine during COW operations.
4.2.13. Where submerged machines are required they should be non-programmed and in order to comply with the requirements of paragraph 4.2.8 it must be possible to verify their rotation either by indicators external to the tank or by checking their characteristic sound pattern. Where verification by sound pattern is the only method of checking the operation of bottom machines, then the operation of those machines shall be verified towards the end of each wash cycle. The method of verification by sound pattern shall be provided in the Operations and Equipment Manual.	(h) Each COW machine attached at or close to the bottom of each tank must not be programmable. [The following would be added to the operating requirements: (a) Near the completion of each crude oil wash cycle, the master shall ensure that rotation of each COW machine without an external indicator is verified by audio inspection. (b) The master shall ensure that during the inspection under paragraph (a) of this section, no other COW machine is operating in the same tank.]
4.3 Pumps	
4.3.1 The pumps supplying crude oil to the tank cleaning machines shall be either the cargo pumps or pumps specifically provided for the purpose.	(a) Crude oil must be supplied to the COW machines by COW system pumps or cargo pumps.
4.3.2 The capacity of the pumps shall be sufficient to provide the necessary throughput at the required pressure for the maximum number of tank cleaning machines required to be operated simultaneously as specified in the Operations and Equipment Manual. In addition to the above requirement the pumps shall, if an eductor system is fitted for tank stripping, be capable of supplying the eductor driving fluid sufficient to meet the requirements of paragraph 4.4.2.	(b) The pumps under paragraph (a) of this section must be designed and arranged with sufficient capacity to meet the following: (1) A sufficient pressure and flow to allow the number of COW machines needed to meet [paragraphs (a) and (b) opposite Annex paragraph 4.2.10] to operate simultaneously. (2) If an eductor is used for tank stripping, enough driving fluid is provided by the pumps to the eductor to allow the tank vessel to pass the inspection under [paragraph (a)(2) opposite Annex paragraph 4.2.10].
4.3.3 The capacity of the pumps shall be such that the requirements of paragraphs 4.3.2 can be met with one pump inoperative. The pumping and piping arrangements shall be such that the crude oil washing system can be effectively operated with one pump out of use.	(c) The COW system must have two or more pumps supplying oil to the COW machines. (d) The COW system must be designed to meet the requirements of this subpart with any one pump not operating.

4.3.4 The carriage of more than one grade of cargo shall not prevent crude oil washing of tanks.	(a) If a tank vessel carries more than one grade of crude oil, the COW system must be designed to allow COW with the grades of crude oil that the vessel carries.
4.3.5 To permit crude oil washing to be effectively carried out where the back pressure presented by the shore terminal is below the pressure required for crude oil washing, provision shall be made such that an adequate pressure to the washing machines can be maintained in accordance with paragraph 4.3.2 This requirement shall be met with any one cargo pump out of action. The minimum supply pressure required for crude oil washing shall be listed in the Operations and Equipment Manual. Should this minimum supply pressure not be obtainable crude oil washing operations shall not be carried out.	(e) There must be means on the tank vessel to maintain the pressure under [paragraph (b) opposite Annex paragraph 4.3.2] when shore terminal back pressure is less than the pressure under [paragraph (b) opposite Annex paragraph 4.3.2]. (f) The COW system must be designed to meet the requirements of paragraph (e) with any one pump not operating. [The requirement to prohibit COW if the minimum supply pressure is not obtained is opposite Annex paragraph 7.3.]
4.4 Stripping System	
4.4.1 The design of the system for stripping crude oil from the bottom of every cargo tank shall be to the satisfaction of the Administration.	(a) Each tank vessel must have a stripping system that is designed to remove crude oil from each cargo tank at a rate of 1.25 times the rate at which all the COW machines operating simultaneously are spraying crude oil into the tank.
4.4.2 The design and capacity of the tank stripping system shall be such that the bottom of the tank being cleaned is kept free of accumulations of oil and sediment towards completion of the tank washing process.	(b) The COW stripping system must be designed to clean the bottom of the tank to allow the tank vessel to pass the inspection under [paragraph (a)(2) opposite Annex paragraph 4.2.10].
4.4.3 The stripping system shall be capable of removing oil at a rate of 1.25 times the total throughput of all the tank cleaning machines to be operated simultaneously when washing the bottom of the cargo tank(s) as described in the ship's Operations and Equipment Manual.	
4.4.4 Means such as level gauges, hand dipping, and stripping system performance gauges as referred to in paragraph 4.4.8 shall be provided for checking that the bottoms or cargo tanks are dry after the crude oil washing. Suitable arrangements for hand dipping must be provided at the	(c) Each cargo tank must be designed for sounding the dryness of the tank by hand dipping at the aftermost portion of the tank and three other locations.

aftermost portion of a cargo tank and in three other suitable locations. For the purpose of this paragraph "dry" means a small quantity of oil near the stripping suction with the tank dry everywhere else.	[In addition to the above, an operating requirement would be included to read as follows: The master shall ensure that, after each stripping operation is completed, each tank - (1) Is examined by hand dipping at the four locations under [paragraph (c) opposite Annex paragraph 4.4.4]; and (2) contains no oil except a minimal quantity near the stripping suction.]
4.4.5 Means shall be provided to drain all cargo pumps and lines at the completion of cargo discharge, where necessary, by connexion to a stripping device. The line and pump drainings shall be capable of being discharged both to a cargo tank and ashore. For discharge ashore a special small diameter line shall be provided for that purpose and connected outboard of the ship's manifold valves.	[The requirements of Annex paragraph 4.4.5 are in proposed §157.11(d) and (e).]
4.4.6 The means for stripping oil from the cargo tanks shall be by positive displacement pump, self-priming centrifugal pump or eductor or other methods to the satisfaction of the Administration. Where a stripping line is connected to a number of tanks means shall be provided for isolating each tank not being stripped at that particular time.	(d) Each stripping system must have at least one of the following suction devices: (1) A positive displacement pump. (2) A self-priming centrifugal pump. (3) An eductor. (e) There must be a means in the stripping system piping between the suction device and each cargo tank to isolate each tank from the device.
4.4.7 The carriage of more than one grade of cargo shall not prevent crude oil washing of tanks.	[Annex paragraph 4.4.7 is proposed opposite Annex paragraph 4.3.4.]
4.4.8 Equipment shall be provided for monitoring the efficiency of the stripping system. All such equipment shall have remote read out facilities in the cargo control room or in some other safe and convenient place	(f) If the stripping system has a positive displacement pump or a self-priming centrifugal pump, the stripping system must have the following

easily accessible to the officer in charge of cargo and operations. Where a stripping pump is provided the monitoring equipment shall include either a flow indicator, or a stroke counter or revolution counter as appropriate, and pressure gauges at the inlet and discharge connexions of the pump or equivalent. Where eductors are provided the monitoring equipment shall include pressure gauges at the driving fluid intake and at the diacharge and a pressure/vacuum gauge at the suction intake.	(f) In the stripping system piping - (1) a pressure gauge at the inlet connection to the pump; and (ii) a pressure gauge at the discharge connection to the pump. (2) At least one of the following monitoring devices: (i) Flow indicator. (ii) Stroke counter. (iii) Revolution counter. (g) If the stripping system has an eductor, the stripping system must have - (1) a pressure gauge at each driving fluid intake and at each discharge; and (2) a pressure/vacuum gauge at each suction intake. (h) The equipment required under paragraphs (f) and (g) of this section must have read-out devices in the cargo control room or other locations that are accepted by the Commandant.
4.4.9 The internal structure of the tank shall be such that drainage of oil to the tank suctions of the stripping system is satisfactory to meet the requirements of paragraphs 4.4.2 and 4.4.4. Care shall be taken that both longitudinal and transverse drainage is satisfactory and shall be verified during the inspection required by paragraphs 3.2 and 4.2.10.	(a) Each cargo tank must be designed for longitudinal and transverse drainage of crude oil to allow the tank vessel to pass the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].
4.4.10 The trim conditions for crude oil washing given in the Operations and Equipment Manual shall be adhered to. In general trim by the stern is only important during the final stages of tank discharge and shall be the maximum possible compatible with operational constraints, but in no case less than that recorded during the crude oil washing prior to the inspection required by paragraphs 3.2 and 4.2.10.	[An operating requirement would be added to read as follows: The master shall ensure that during stripping operations the trim conditions as specified in the Crude Oil Washing Operation and Equipment Manual under [paragraph 11 opposite Annex paragraph 7.4(iii)], are met or exceeded.]
4.4.11 The stripping lines and associated fittings shall be in accordance with the requirements of paragraph 4.1.1.	[Annex paragraph 4.4.11 is proposed opposite Annex paragraph 4.1.1.]

4.5 Ballast lines	
4.5.1 Where a separate ballast water system for ballasting cargo tanks is not provided the arrangement shall be such that the cargo pump, manifolds and pipes used for ballasting can be safely and effectively drained of oil before ballasting.	[The following paragraph would be included as an operating requirement in this proposed subpart to read as follows: Before ballasting cargo tanks, the master shall ensure that - (1) each cargo pump, manifold, and piping that is used for ballasting cargo tanks is drained of all crude oil; and (2) the cargo piping that is used for ballasting cargo tanks is water washed.]
5. QUALIFICATION OF PERSONNEL	
5.1 The training requirements of ships' personnel engaged in the crude oil washing of tankers shall be to the satisfaction of the Administration.	[Annex paragraph 5.1 is proposed in paragraph (a)(3)(ii) below.]
5.2 When a person such as the Master, the Chief Officer or the Cargo Control Officer assumes overall charge of a crude oil wash he shall: (i) have at least one year's experience on oil tankers where his duties have included the discharge of cargo and associated crude washing. Where his duties have not included crude oil washing operations he shall have completed a training programme in crude oil washing in accordance with Appendix I to those Specifications and satisfactory to the Administration. (ii) have participated at least twice in crude oil wash programmes one of which shall be in the particular ship for which he is required to undertake the responsibility of cargo discharge. Alternatively this latter participation may be acceptable if undertaken on a ship that is similar in all relevant respects; and (iii) be fully knowledgable of the contents of the Operations and Equipment Manual.	(a) The master of a tank vessel under §157.10 and §157.10a(a)(2) shall ensure that the person in charge of each COW operation - (1) knows the contents in the Coast Guard approved Crude Oil Washing Operation and Equipment Manual under §157.23; (2) on at least two occasions, has participated in COW of cargo tanks, one of those occasions occurring on - (i) the tank vessel on which the person assumes duties as the person in charge of COW operations; or (ii) a tank vessel that is constructed from the same plans as the tank vessel on which the person assumes duties as the person in charge of COW operations; and (3) in addition to meeting paragraphs (a)(1) and (2) of this section, has - (i) 365 days or more of tank vessel duty that includes - (A) crude oil discharge operation; and (B) COW of cargo tanks; or

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(ii) completed a Coast Guard approved training program in COW cargo tanks (standards of the Coast Guard approved training program to be proposed in a future Federal Register).

5.3 Where other nominated persons are intended to have particular responsibilities as defined in the Operations and Equipment Manual they shall have at least 6 month's experience on oil tankers where in the course of their duties they should have been involved in the cargo discharge operation. In addition they should have been instructed in the crude oil washing operation in the particular ship they are required to undertake this responsibility and by fully knowledgable of the contents of the Operations and Equipment Manual. Appendix II to those specifications should be used as guidance in establishing the content of such instruction.

(a) The master of a tank vessel under §157.10 and §157.10a(a)(2) shall ensure that each member of the crew that participates in COW of cargo tanks -

(1) has 180 days or more of tank vessel duty that includes crude oil discharge operations;

(2) has been instructed in the COW operation of the vessel; and

(3) is familiar with the contents of the Coast Guard approved Crude Oil Washing Operation and Equipment Manual under §157.23.

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6. OPERATIONS

6.1 Tankage to be Crude Oil Washed

Before departure on a ballast voyage, after the complete discharge of cargo, sufficient tanks shall have been crude oil washed, in accordance with the procedures specified in the Operations and Equipment Manual to ensure that:

(i) as a minimum, sufficient tanks have been washed to permit compliance with the draught and trim requirements of Regulation 13(2)(a), (b) and (c) of Annex I of the MARPOL Protocol during all phases of the ballast voyage; and

(ii) account is taken of the ship's trading pattern and the expected weather conditions so that additional ballast-water is not put into tanks which have not been crude oil washed.

(a) The master of a tank vessel under §157.10a(a)(2) shall ensure that -

(1) ballast water is only carried in a cargo tank that is crude oil washed during the most recent discharge of crude oil from that tank;

(2) before each ballast voyage a sufficient number of cargo tanks have been crude oil washed during the most recent discharge of crude oil from those tanks to allow ballast water to be carried in cargo tanks -

(i) with a total capacity to meet the draft and trim requirements in §157.10a(d)(1), (2), and (3); and

(ii) for the ship's trading pattern and expected weather conditions;

(3) for sludge control, at least 25 percent of the cargo tanks not used for carrying ballast water under paragraph (a)(2)(i) of this section are crude oil washed before each ballast voyage, and that each cargo tank is crude oil washed at least once in every four times crude oil is discharged from the tank, but no tank need be crude oil washed more than once during each 120 day period;

In addition to the tanks referred to in sub-paragraph (i) above, approximately one-quarter of all remaining tanks shall be crude oil washed for sludge control, but these additional tanks may include the tanks referred to in sub-paragraph (ii) above. However for sludge control purposes, no tank need be crude oil washed more than once in every four months. Crude oil washing shall not be conducted between the final discharge and loading ports, that is to say, no crude oil washing shall be undertaken during the ballast voyage. Ballast water shall not be put into tanks that have not been crude oil washed. Water that is put into a tank which has been crude oil washed but not water rinsed shall be regarded as dirty ballast.

(4) cargo tanks are not crude oil washed during a ballast voyage; and

(5) ballast water in a cargo tank that is crude oil washed but not water rinsed during the most recent discharge of crude oil from that tank is discharged in accordance with §157.37(a).

[See Appendix I "List of Changes when applying the Specifications to New Crude Oil Tankers of 20,000 tons deadweight and above."]

(a) The master of a tank vessel under §157.10 shall ensure that -

(1) ballast water is only carried in a cargo tank as allowed under §157.35;

(2) for sludge control, at least 25 percent of the cargo tanks are crude oil washed before each ballast voyage and that each cargo tank is crude oil washed at least once in every four times crude oil is discharged from the tank, but no tank need be crude oil washed more than once during each 120 day period;

(3) ballast water in a cargo tank that is crude oil washed but not water rinsed during the most recent discharge of crude oil from that tank is discharged in accordance with §157.37(a); and

(4) cargo tanks are not crude oil washed during a ballast voyage.

6.2 Drainage and Discharge Ashore of Cargo Lines

At the end of cargo discharge all cargo main and stripping lines shall be drained and stripped and the drainings and strippings passed to the shore via the special small diameter line required by paragraph 4.4.5.

(a) After each crude oil cargo discharge, the master shall ensure that each cargo main, stripping, and COW piping is drained of crude oi and the drainings are conveyed ashore through the piping under §157.11(d)(4) or §157.11(e)(1).

6.3 Filling of Departure Ballast Tanks

Care shall be taken at the completion of crude oil washing of any departure ballast tank to strip the tank as completely as possible. Where departure ballast is filled through cargo lines and pumps, these must be drained and stripped of oil as required by paragraph 4.4.5 before ballast is loaded.

[Annex paragraph 6.3 is proposed in the operating requirements opposite Annex 4.5.1 and 4.4.4].

6.4 Crude Oil Washing at Sea

All crude oil washing must be completed before the ship leaves its final port of discharge. Where any tank is crude oil washed while the ship is at sea between multiple discharge ports, the tank shall be left empty and available for inspection at the next discharge port before commencing the next ballast voyage. This inspection may consist of multiple sounding/dipping of the bottom of the tank when the tank is empty. Departure ballast tanks shall be ballasted prior to departure from port so that examination of the surface of the ballast water could be made. In the latter case the guidance given in sub-paragraph 4.2.10(ii) is relevant to the inspection.

(a) The master shall ensure that each cargo tank that is crude oil washed during a voyage other than a ballast voyage -

(1) remains empty so that the tank may be inspected upon arrival at the next discharge port; and

(2) that is to be used for ballasting, is ballasted before the vessel departs from that discharge port so that the tank may be inspected to determine compliance with [paragraph (a)(2) opposite Annex paragraph 4.2.10].

6.5 Discharge of Oily Water Effluents on Ballast Voyage

The discharge of departure ballast and any other water effluent discharged during the ballast voyage shall comply with the requirements of Regulation 9 of Annex I of the MARPOL Protocol.

[The requirement of Annex paragraph 6.5 is included in §157.37.]

6.6 Use and Control of Inert Gas

On ships to which these Specifications apply, no tank shall be crude oil washed unless the inert gas system required by Regulation 13B(3) of Annex I of the MARPOL Protocol is in proper operation. Before

(a) The master shall ensure the following:

(1) Before a cargo tank is crude oil washed, the oxygen content in the tank is measured to determine whether or not it is 8 percent or less by

each tank is crude oil washed, the oxygen level shall be determined at a point 1 metre from the deck and at the middle region of the ullage space and neither of these determinations shall exceed 8 per cent by volume. Where tanks have complete or partial wash bulkheads, the determinations should be taken from similar levels in each section of the tank. The oxygen level of the inert gas being delivered during the washing process shall be continuously monitored. If during crude oil washing:

(i) the oxygen level of the inert gas being delivered exceeds 8 per cent by volume; or

(ii) the pressure of the atmosphere at the tanks is no longer positive, then the washing must be stopped until satisfactory conditions are restored.

volume at locations in the tank -

(i) one meter from the deck

(ii) in the center of the ullage space.

(2) For tanks with partial bulkheads, paragraph (a)(1) of this section applies to each section formed by the partial bulkhead.

(3) No cargo tank is crude oil washed unless the oxygen content is 8 percent or less by volume at the locations under paragraph (a)(1) of this section.

(4) No cargo tank is crude oil washed unless the inert gas system under 46 CFR Subpart 32.53 -

(i) is supplying the cargo tank with a gas or a mixture of gases that has an oxygen content of 8 percent or less by volume; and

(ii) maintains a positive atmospheric pressure in the cargo tank.

(5) During COW operations, a crew member monitors the instrumentation under 46 CFR 32.53-60(a)(1) for the oxygen content of the gas or mixture of gases being delivered to the cargo tank.

(b) If the inert gas system does not meet paragraph (a)(4) of this section, the master shall terminate COW of the cargo tank and not resume COW until the requirements of paragraph (a) of this section are met.

6.7 Precautions against Electrostatic Generation

To avoid excessive electrostatic generation in the washing process due to the presence of water in the crude oil washing fluid, any tank to be used as a source of crude oil washing fluid must first be discharged by at least 1 meter before being so used. Any tank used as a slop tank on the previous ballast voyage shall be completely discharged and refilled with dry crude if that tank is to be used as a source of washing fluid.

(a) Before COW any cargo tank, the master shall ensure that the level in each cargo tank with crude oil that is used as a source for COW is lowered at least one meter.

(b) The master shall ensure that a tank last used as a slop tank is not used as a source for COW until -

(1) its contents are discharged ashore or to another tank; and

(2) the tank contains only crude oil.

6.8 Vapour Emission

On ships to which these Specifications apply there shall be means to avoid vapor emission during the filling of departure ballast wherever local conditions require it. The method of preventing the emission of hydrocarbon vapour into the atmosphere shall be:

(a) by the use of permanent ballast tanks wherever these are sufficient to provide the minimum departure draught; or

(b) by the containment in empty cargo tanks by the simultaneous ballasting and cargo discharge.

Alternative methods to the satisfaction of the Administrations may be accepted provided an equivalent degree of environmental protection is provided.

(a) In order to meet the National primary and secondary ambient air quality standards under 40 CFR Part 50, issued under the Clean Air Act, as amended (42 U.S.C. 1857), the master of a tank vessel under §157.10a(a)(2) without sufficient segregated ballast tanks or dedicated clean ballast tanks to allow the vessel to depart from each U.S. port without ballasting cargo tanks may not ballast cargo tanks unless the hydrocarbon vapor in those tanks are discharged by the means under [design requirement opposite Annex paragraph 6.8] to a cargo tank that is discharging crude oil.

[A design requirement would be added to read as follows:

(a) Each tank vessel under §157.10a(a)(2) without sufficient segregated ballast tanks or dedicated clean ballast tanks to allow the vessel to depart from each U.S. port without ballasting cargo tanks must have a means to discharge hydrocarbon vapors from each cargo tank that is to be ballasted to a cargo tank that is discharging crude oil.]

7. OPERATIONS AND EQUIPMENT MANUAL

The Operations and Equipment Manual must be to the satisfaction of the Administration and shall contain the following information and operational instructions:

[Paragraphs (d) and (e) would be added to §157.23 to read as follows:

§157.23 Cargo and ballast system information.

* * * * *

(d) Each tank vessel under §157.10 and §157.10a(a)(2) must have a manual entitled Crude Oil Washing Operation and Equipment Manual approved by the Coast Guard or the government of the vessel's flag state that includes the information under [paragraph (a) opposite Annex paragraph 7.1].

(e) [Procedures for submittal and approval similar to that contained in 46 CFR Subpart 50.20 and in 43 FR 49440 would appear here.]

(a) Each manual under [paragraph (d) opposite Annex paragraph 7] must include the following:

7.1 The complete text of the "Specifications for the Design, Operation and Control of Crude Oil Washing Systems."

(1) The text of the Annex of Resolution 15 of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on February 17, 1978.

7.2 A line drawing of the crude oil washing system showing the respective position of pumps, lines and washing machines which relates to the crude oil washing system.

(2) A line drawing of the COW system showing the locations of pumps, piping, and COW machines.

7.3 A description of the system and a listing of procedures for checking that equipment is working properly during crude oil washing operations. This shall include a listing of the system and equipment parameters to be monitored, such as line pressure, oxygen level, machine revolutions, duration of cycles, etc. The established values for these parameters shall be included. The results of the tests carried out in accordance with paragraph 4.2.10 and the values of all parameters monitored during such tests shall also be included.

(3) A description of the COW system.

(4) The procedure for the inspection of the COW system during COW operations.

(5) A list of design characteristics of the COW system that includes as least the following:

(i) Pressure and flow of the crude oil pumped to the COW machines.

(ii) Revolutions, number of cycles, and length of cycles of each COW machine.

(iii) Pressure and flow of the stripping suction device.

(iv) Number and location of COW machines operating simultaneously in each cargo tank.

(6) The design oxygen content of the gas or mixture of gases that is supplied by the inert gas system to each cargo tank.

(7) The results recorded when passing the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].

(8) A list of characteristics of the COW system recorded during the COW operations when passing the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10] that includes at least the following:

(i) Pressure and flow of the crude oil pumped to the COW machines.

(ii) Revolutions, number of cycles, and length of cycles of each COW machine.

(iii) Pressure and flow of the stripping suction device.

(iv) Number and location of COW machines operating simultaneously in each cargo tank.

(9) The oxygen content of the gas or mixture of gases that is supplied by the inert gas system to each cargo tank during COW operations when passing the inspections under [paragraph (a) opposite Annex paragraph 4.2.10].

(10) The volume of water used for water rinsing during COW operations when passing the inspection under [paragraph (b) opposite Annex paragraph 4.2.10].

(11) The trim conditions of the tank vessel during COW operations when passing the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].

[Operating requirements would be added to read as follows:

(a) The master shall record the following characteristics in the Coast Guard approved Crude Oil Washing Operation and Equipment Manual during COW operations when passing the inspections under paragraphs (a) and (b) opposite Annex paragraph 4.2.10]:

(1) Pressure and flow of the crude oil pumped to the COW machines.

(2) Revolutions, number of cycles, and length of cycles of each COW machine.

(3) Pressure and flow of the stripping suction device.

(4) Number and location of COW machines operating simultaneously in each cargo tank.

(5) Volume of water used for water rinsing.

(6) Trim conditions of the tank vessel.

(7) Results of the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10].

(8) Oxygen content of the gas or mixture of gases that is supplied by the inert gas system to each cargo tank.

(b) The master shall ensure that during COW operations the characteristics as recorded in the Coast Guard approved Crude Oil Washing Operation and Equipment Manual under paragraph (a) of this section are met.

(c) The master shall ensure that no person operates the COW system of each tank vessel that is issued a letter under [paragraph (c) opposite Annex paragraph 4.2.10] if the characteristics are less than the recorded characteristics under [paragraphs (a)(8), (10), and (11) opposite Annex paragraph 7.3] unless –

(1) the tank vessel passes the inspections under [paragraphs (a) and (b) opposite Annex paragraph 4.2.10] with the new characteristics;

(2) the characteristics used to pass the inspections are recorded in the Coast Guard approved Crude Oil Washing Operation and Equipment Manual; and

(3) the Coast Guard issues to the tank vessel a new letter that states that the vessel complies with this subpart.]

7.4 Details of the requirements of Section 6 of these Specifications together with advice and instructions, where appropriate, in meeting these requirements such as:	(b) In addition to the information under paragraph (a) of this section, each manual under [paragraph (d) opposite Annex paragraph 7] on a vessel under §157.10a(a)(2) must include the following:
(i) Recommended methods and programmes of crude oil washing in order to accord with all forseeable circumstances of cargo discharge restraints and in obtaining maximum trim during the completion of washing and draining of each tank.	[The procedure for COW cargo tanks is included in paragraph (a) (14) opposite Annex paragraph 7.4(v).]
(ii) The procedure on ships to avoid vapour emission in accordance with paragraph 6.8.	(1) The procedure to meet [paragraph (a) opposite Annex paragraph 6.8]. (2) The procedure for water washing the cargo piping that is used for ballasting cargo tanks.
	[The following is a continuation of requirements under proposed paragraph (a) of this section.]
(iii) The method of draining tanks which shall include information on optimum trim conditions as required by paragraph 4.4.10.	(12) The procedure for stripping cargo tanks of crude oil.
(iv) The method of draining cargo pumps, cargo lines, crude oil washing lines and stripping lines, and spaces into which they may be drained, together with the final discharge ashore via the small discharge line on completion of discharge.	(13) The procedure for draining and stripping the pumps and piping of the COW system, cargo system, and stripping system after each crude oil cargo discharge.
(v) Typical washing programmes under various conditions of loading specifying:	(14) The procedure for COW cargo tanks that includes at least the following:
(1) the tanks to be washed in accordance with paragraph 6.1;	(i) The tanks to be washed to meet [paragraphs opposite Annex paragraph 6.1 (§157.10a) or 6.1 (§157.10)].
(2) the method for washing each tank, that is single or multi-stage;	

(3) the number of tank washing machines to be used simultaneously;	(ii) The order in which those tanks are washed.
(4) the duration of the crude oil wash and water rinse where the latter is appropriate;	(iii) The method of washing each tank (single or multi-stage). (iv) The number of COW machines that are operated simultaneously. (v) The duration of the crude oil wash and water rinse.
(5) the volume of water used for water rinse, which shall be at least equal to that used in the water rinse prior to the inspection required by paragraphs 3.2 and 4.2.10; and	(vi) The volume of water to be used for water rinse in each tank.
(6) the preferred order in which the tanks are to be washed.	
(vi) The procedure for draining and stripping, where appropriate, cargo lines and pumps before being used for the loading of departure ballast.	[Annex paragraph 7.4(vi) is included in paragraph (a)(13) of this proposed section.]
(vii) The procedure for water washing lines before discharge of departure ballast and the loading and final discharge of arrival ballast.	[Annex paragraph 7.4(vii) is included in proposed paragraph (b)(2) opposite Annex paragraph 7.4(ii)].
(viii) The procedure for verifying by sound patterns that bottom mounted machines are operating shall be carried out towards the end of the wash cycle for each tank. When carrying out such verification all other machines shall be shut down as necessary.	(15) The procedures to meet [paragraphs opposite Annex paragraph 4.2.13].
(ix) Precise details of procedure to ensure compliance with Regulation 9 of Annex I of the MARPOL Protocol in the discharge of departure ballast, the water flushing of lines and the decanting of the slop tank(s) at sea.	[Annex paragraph 7.4(ix) is included in proposed paragraph (a)(22) opposite Annex paragraph 7.9.]
7.5 The dangers of leakage from the crude oil washing system and the precautions necessary to prevent leakage and the action to be taken in the event of a leakage. Guidance shall be given on how the crude oil	(16) The procedures and equipment needed to prevent leakage of crude oil from the COW system.

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washing system is to be operationally tested for leakage before each discharge.	(17) The procedures and equipment needed if leakage of crude oil from the COW system occurs.
	(18) The procedure for testing and inspecting the COW system for leakage of crude oil before operating the system.
7.6 The method of excluding oil from the engine room through steam heaters as required by paragraph 4.1.6.	(19) The procedures and equipment needed to prevent leakage of crude oil from the steam heater under [paragraph (i) opposite Annex paragraph 4.1.6] to the engine room.
7.7 The personnel required at all times to conduct the dual operation of discharging cargo and crude oil washing. The numbers of such personnel shall include: (i) the person meeting the requirements of paragraph 5.2 who will have overall control of the crude oil washing process; (ii) those person meeting the requirements of paragraph 5.3 who will be expected to undertake the actual operation; and (iii) at least one person on deck at all times during washing to keep watch for leaks and malfunctioning of equipment, to test the oxygen content of tanks before washing, to check tank atmosphere pressure, to sound tank bottoms if required, to lift ullage floats if necessary and to change drive units when this is necessary. The duties of such persons are not necessarily mutually exclusive.	(20) The number of crew members needed to conduct the discharge of cargo, the COW of cargo tanks, and both operations simultaneously. (21) A description of the duties of each crew member under paragraph (a)(20) of this section. [An operating requirement would be added to read as follows: During COW operations the master shall ensure that at least one crew member who meets the requirements under [paragraph (a) opposite Annex paragraph 5.3] is on the main deck at all times.
7.8 An effective means of communications between the watchkeeper on deck and the cargo control position so that in the event of a leak in or malfunctioning of the crude oil washing system the washing may be stopped as soon as possible.	[The following paragraph would be added under the equipment requirements of this subpart: Each tank vessel must have a means that enables two-way voice communication between the crew member on the main deck required under [operating requirement opposite Annex paragraph 7.7] and each cargo discharge control station.]

7.9 The typical procedures for ballasting.	(22) The procedures for ballasting and deballasting cargo tanks.
7.10 A pre-crude oil wash operational checklist for the use of the crew at each discharge which shall include the checking and calibration of all instruments.	(23) The step by step procedure for the inspection of the COW system before COW operations begin that includes the procedure for inspecting and calibrating each instrument.
7.11 The recommended intervals for on board inspection and maintenance of crude oil washing equipment in addition to statutory surveys. Reference should be made to technical manuals supplied by the manufacturers of the equipment.	(24) The intervals for on board inspection and maintenance of the COW equipment. Informational references to technical manuals supplied by the manufacturers may be included.
7.12 A list of crude oils unsuitable for the crude oil washing process and their origin.	(25) A list of crude oils that are not to be used in the COW operation.

APPENDIX I

LIST OF CHANGES WHEN APPLYING THE SPECIFICATIONS TO NEW CRUDE OIL TANKERS OF 20,000 TONS DEADWEIGHT AND ABOVE

[The requirements of Appendix I are included in the preceding proposal.]

Paragraph Number	List of Changes
4.2.5	This paragraph is not applicable
4.2.10	Sub-paragraph (iii) is not applicable

6.1 Replace by the following:

6.1.1 Before departure on a ballast voyage:

(i) approximately one quarter of the cargo tanks shall be crude oil washed for sludge control purposes on a rotational basis and in accordance with the procedures specified in the Operations and Equipment Manual. However, for these purposes, no tank need be crude oil washed more than once in every four months; and

(ii) if it is considered that additional ballast in a cargo tank or tanks may be required during the ballast voyages under the conditions and provisions specified in Regulation 13(3) Annex I of the MARPOL Protocol, the tank or tanks which may be used for this ballast shall be crude oil washed in accordance with the procedures specified in the Operations and Equipment Manual.

6.1.2 Ballast water shall not be put into cargo tanks that have not been crude oil washed. Water that is put into a tank which has been crude oil washed but not water rinsed shall be regarded as dirty ballast.

6.1.3 Crude oil washing shall not be conducted between the final discharge and loading ports; that is to say no crude oil washing shall be undertaken during the ballast voyage.

6.3 Replace by the following:

6.3 Filling of Additional Ballasting Cargo Tanks

Care shall be taken at the completion of crude oil washing of any cargo tank that might contain ballast to strip the tank as completely as possible. Where this ballast is filled through cargo lines and pumps, these must be drained and stripped of oil as required by paragraph 4.4.5.

6.4 The last two sentences are not applicable.

6.5 Replace by the following:

6.5 Discharge of Oily Water Effluents on Ballast Voyage

The discharge of additional ballast from cargo tanks and any other water effluent discharged during the ballast voyage shall comply with the requirements of Regulation 9 of Annex I of the MARPOL Protocol.

6.8 This paragraph is not applicable.

7.4 This paragraph is not applicable.

APPENDIX II

TRAINING FOR PERSONS INTENDED TO ASSUME OVERALL CHARGE OF CRUDE OIL WASHING

[It is proposed to include the crew training requirements of Appendix II in a document to be published in a future issue of the Federal Register.]

INTRODUCTION

Any required training shall be by supervised instruction, conducted in a shore-based facility or aboard a suitably equipped ship having training facilities and instructors for this purpose, dealing with the principles involved and the application of these principles to ship operation.

In drawing up an Administration-approved syllabus of training, the Specifications for the Design, Operation and Control of Crude Oil Washing Systems of tankers adopted by the Conference shall be taken into account.

Such training shall include but not necessarily be limited to:

(a) An introduction to the principles of Crude Oil Washing which shall include:

- the characteristics of crude oil as a washing fluid and its contrast with water washing;
- top washing;
- bottom washing;
- trim requirements;
- methods of bleeding off from the cargo discharge;
- maintenance of required washing fluid pressure;
- washing at sea between discharge ports;
- recirculatory washing;
- relative priorities and requirements for the departure ballast tanks, arrival ballast tanks and cargo only tanks;

(b) Equipment and Design

(i) Location of washing machines;

(ii) Washing machines, deck mounted and submerged:

- types;
- characteristics;
- features of construction;
- operating parameters;

(iii) Drive units;

(iv) Washing fluid supply and distribution systems;

(v) Stripping systems;

(vi) Means of sound tanks;

(vii) Inert gas requirements;

(c) Generalized Crude Oil Washing procedures

(i) Traditional pipeline ship/free flow ship/partial free flow ship;

(ii) Single/multi parcel cargoes;

(iii) Optimization of procedure to wash with minimum extra berth time;

(iv) Ballasting for departure with various ship and pipeline configurations;

(v) Procedure for washing at sea between discharge ports.

(d) Associated Procedure

(i) Means for minimizing residues on board

- Stripping of cargo tanks;
- Draining and stripping of cargo lines;
- Final discharge of cargo ashore;

(ii) Water rinsing of arrival ballast tanks;

(iii) Filling and ultimate discharge of arrival ballast;

(iv) Discharge of departure ballast;

(v) Build-up and decanting of slop tank;

(vi) Requirements of Regulation 9 of Annex I of the MARPOL Protocol;

(vii) Avoidance of venting in port during ballasting operations.

(e) Safety

(i) Inert gas procedure;

(ii) Maintenance and monitoring of inert gas quality and pressure;

(iii) Stopping of washing/discharge under abnormal inert gas conditions;

(iv) Electrostatic generation and the precautions required to avoid it;

(v) Pipework integrity;

(vi) Avoidance of surge pressures;

(vii) Spillage.

(f) Check Lists

(i) Before entering port;

(ii) Before commencing crude oil washing;

(iii) After crude oil washing;

(iv) After sailing.

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(g) Regulatory Enforcement Procedure:
(i) Operations and Equipment Manual;
(ii) Oil Record Book;
(iii) Sounding of tanks;
(iv) Measurement of oil on top of departure ballast.
(h) Maintenance of Plant and Equipment
(i) Maintenance of equipment in accordance with manufacturers' instructions;
(ii) Additional maintenance items.

Administrations shall ensure that the training facility issue an appropriate document to those qualified in accordance with Appendix to serve as an officer primarily responsible for crude oil washing.

FEDERAL REGISTER, VOL. 44, NO. 30—MONDAY, FEBRUARY 12, 1979

(R.S. 4417a, as amended by Sec. 5, Pub. L. 95-474 (46 U.S.C. 391a); 49 CFR 1.46(n)(4))

Dated: February 5, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 79-4512 Filed 2-9-79; 8:45 am]

[4910-14-M]

[33 CFR Part 164]

[CGD 77-063]

TANK VESSELS OF 10,000 GROSS TONS OR MORE

Improved Steering Gear Standards

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules; withdrawal of previous proposal.

SUMMARY: The Coast Guard proposes to adopt improved steering gear standards for tank vessels of 10,000 gross tons or more. These proposals are essentially the same as the steering gear standards adopted by the 1978 International Conference on Tanker Safety and Pollution Prevention. Adoption of the regulations in this proposal would reduce the probability of collision and grounding of tankers caused by steering failure and, as a result, would reduce the risk of property damage, personal injury and death, and pollution of the oceans and U.S. waters. The regulations would apply both to U.S. tank vessels and to foreign tank vessels that call at U.S. ports.

This notice of proposed rule making also withdraws a previous Coast Guard proposal to imporve steering gear standards. The previous proposal was published in the FEDERAL REGISTER of May 16, 1977.

DATES: 1. Comments on these proposed regulations must be received on or before: April 16, 1979.

2. Public hearing: The Coast Guard will hold public hearings on March 21, 1979 and March 28, 1979.

ADDRESSES: 1. Comments should be submitted to Commandant (G-CMC/81) (CGD 77-063), U.S. Coast Guard, Washington, D.C. 20590.

2. The hearings will be held at the following locations:

a. March 21, 1979, Room 2230, 400 7th Street S.W., Washington, D.C. 20590, Starting at 9:30 a.m.

b. March 28, 1979, Jack Tar Hotel, Garden Room, Van Ness at Geary, San Francisco, CA. 94101, Starting at 9:30 a.m.

3. The following are available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street S.W., Washington, D.C. 20590:

a. Comments received on the proposed regulations.

b. Protocol of 1978 Relating to the International Convention For the Safety of Life at Sea, 1974. (This protocol contains, among other things, the requirements for steering gear that were adopted by the International Conference on Tanker Safety and Pollution Prevention.)

c. Draft Regulatory Analysis for CGD 77-063 and related projects.

d. Coast Guard notice of proposed rule making of May 16, 1977, on improved steering standards for oil tankers.

e. Comments received on the notice of proposed rule making of May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Commander Robert G. Williams, Office of Merchant Marine Safety (G-MMT/83), Room 8221, U.S. Coast Guard, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2206).

SUPPLEMENTARY INFORMATION:

1. Interested persons are invited to participate in this proposed rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 77-063) and the specific section of the proposed regulations to which their comments apply, and give reasons for the comments. The regulations may be changed in light of comments received. All comments received before the expiration of the public comment period will be considered before final action is taken on these proposed regulations.

2. Interested persons are invited to attend the public hearings and present oral or written statements on the proposed regulations. It is requested that persons desiring to submit comments at a hearing notify the Executive Secretary of the Marine Safety Council (202-426-1477) at least 10 days before the scheduled date of the hearing and specify the approximate length of time needed for the presentation. It is urged that a written summary or copy of the oral presentation be included with the notification.

DRAFTING INFORMATION

The principal persons involved in drafting these proposed regulations are: Gordon Sims, Office of Merchant Marine Safety, and William R. Register, Office of the Chief Counsel.

BACKGROUND

1. During the winter of 1976-77, several tanker casualties occurred in or near U.S. waters. These casualties demonstrated the need for a global effort to improve the level of safety of tank vessels and to decrease their pollution potential. The President in his message to Congress of March 17, 1977, proposed a series of initiatives to be taken both nationally and internationally. These initiatives were broad in scope and included, among several things, a proposal to improve steering standards on oil tankers.

2. Based upon the Presidential initiatives, the Coast Guard published proposed rules for improving steering standards in the FEDERAL REGISTER on May 16, 1977 (42 FR 24869-71). The proposed rules contained requirements for oil tankers of 20,000 deadweight tons or more to have the following:

(a) A steering failure alarm that would activate upon rudder malfunction.

(b) The capability to recover rudder control within 45 seconds after failure of the steering gear control system in use.

The proposed regulations further provided that the capability for recovering rudder control could consist of either the following combinations of equipment and procedures:

(c) Two separate and independent steering gear control systems that have separate differential control units, and established procedures for operating the equipment.

(d) Procedures and associated equipment for manning steering gear spaces and emergency steering stations as necessary to recover rudder control within the prescribed time.

3. More than 130 comments were received on the May 16, 1977 notice of proposed rule making. Most comments were favorable, although some commenters also recommended additional requirements or asked questions concerning the meaning of particular provisions. The public comment period on the May 16, 1977 notice closed on November 15, 1977. Because of subsequent international developments discussed in the following paragraphs, however, a determination has been made not to finalize the proposed rules. Accordingly, the May 16, 1977 notice is withdrawn.

4. In February 1978, an International Conference on Tanker Safety and Pollution Prevention (TSPP) was held under the auspices of the Intergovernmental Maritime Consultative Organization (IMCO). The United States participated in this Conference. The Conference considered and adopted, among several items, requirements relating to control, communication, testing, and local operation of steering gear for tank vessels of 10,000 gross tons or more. Several of the TSPP requirements are based upon recommendations in IMCO Resolution A-325(IX) of November 12, 1975, entitled "Recommendation Concerning Regulations for Machinery and Electrical Installations in Passenger and Cargo Ships."

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5. The principal TSPP requirements for steering gear are as follows:

a. All tankers of 10,000 gross tons and above must have two remote steering gear control systems, each operable separately from the navigating bridge.

b. The main steering gear of new tankers of 10,000 gross tons and above must have two or more identical power units, and must be capable to operating with one or more of these power units.

The TSPP requirements, and the proposed rules in this notice, do not include the proposed rules in the May 16, 1977 notice concerning (i) the steering failure alarm described in that notice, (ii) two separate differential control units, and (iii) manning of steering gear spaces. These three provisions are discussed as alternatives in the Draft Regulatory Analysis. As explained in the draft analysis, designing or retrofitting vessels in order to provide for a second differential control unit would be extremely difficult and could possibly result in control systems that are less reliable than existing systems. Also, there was a lack of support at the TSPP Conference for imposing a manning requirement (primarily because enforcing the requirement would be difficult) and a requirement to have the steering failure alarm was not adopted on the basis that use of the alarm would be no more effective than an independent rudder angle indicator. The Coast Guard in separate rule making, however, is preparing regulations that would require most new U.S. vessels to have a steering failure alarm.

6. On April 20, 1978, the Coast Guard published a notice in the FEDERAL REGISTER (42 FR 16886-16891) of a plan to implement the agreements reached at the TSPP Conference. The target dates for implementing the plan were recently updated in a notice issued in the FEDERAL REGISTER of September 21, 1978 (43 FR 42833-34). The proposals in this notice of proposed rule making are issued in accordance with that plan, and they adopt, with minor modification, the substance of the TSPP requirements. The proposals also implement Section 5 of the Port and Tanker Safety Act of 1978 (PTSA) which requires, among other things, that the minimum steering gear standards set out in that Act be adopted as U.S. regulations. Section 5 PTSA revises existing provisions in, and adds new provisions to, R.S. 4417a (46 U.S.C. 391a). The minimum steering gear standards in PTSA are essentially the same as corresponding TSPP requirements.

DISCUSSION OF PROPOSED REGULATIONS

1. Several TSPP requirements adopted as proposals in this rule making are the same as or similar to other existing Coast Guard regulations. Table I below shows which of the proposed regulations are new and which are comparable to existing Coast Guard regulations. Vessels in compliance with the existing regulations in Table I would also comply with the comparable proposed regulations and TSPP requirements. The Coast Guard intends, as a part of the ongoing effort to review and revise existing Coast Guard regulations, to remove redundant requirements from the regulations in Table I.

TABLE I

Proposed regulations	Comparable existing regulations in Title 33 and Title 46, CFR
1. § 164.39(a)	1. New.
2. § 164.39(b)(1)	2. 46 CFR 30.10-69 and 33 CFR 157.03(v).
3. § 164.39(b)(2) through (b)(6)	3. New.
4. § 164.39(c)	4. 46 CFR 58.25-55(a).
5. § 164.39(d)(1)	5. 46 CFR 58.25-55(b)(3).
6. § 164.39(d)(2)	6. 46 CFR 111.80-70(e).
7. § 164.39(d)(3)	7. New.
8. § 164.39(e)	8. New.
9. § 164.39(f)(1)	9. New.
10. § 164.39(f)(2)	10. 46 CFR 111.80-70(e).
11. § 164.39(f)(3)	11. 46 CFR 113.30-5.
12. § 164.39(f)(4)	12. 46 CFR 58.25-5(d), 46 CFR 113.40, and 33 CFR 164.35(f).
13. § 164.39(f)(5)	13. New.
14. § 164.39(g)(1)	14. 46 CFR 56.25-25.
15. § 164.39(g)(2)	15. New.
16. § 164.39(g)(3)	16. 46 CFR 58.25-10(a).
17. § 164.39(h)(1)	17. 46 CFR 58.25-25, except the reference to proposed § 164.39(g)(2).
18. § 164.39(h)(2)	18. 46 CFR 58.25-10(a).
19. § 164.39(i)	19. New.
20. § 164.39(j)(1)(i)	20. New.
21. § 164.39(j)(1)(ii)	21. 46 CFR 111.80-70(d)(2) and (3).
22. § 164.39(j)(2)	22. New.
23. § 164.39(k) through (u)	23. New.

2. The proposed revisions to § 164.01(a) add a reference to the foreign vessel exception in proposed § 164.02, and a reference to the differing applicability of proposed § 164.39. Proposed § 164.02 is new. This section restates the foreign vessel exception in Section 2 of PTSA, which is the new legal authority for the regulations in 33 CFR Part 164.

3. As provided in proposed § 164.39(a)(1) and (a)(2)(i), the regulations in this notice of proposed rule making would apply to tank vessels of 10,000 gross tons or more that are documented under the laws of the United States (U.S. vessels), or that call at a port or place subject to the jurisdiction of the United States (foreign vessels). As further provided in proposed § 164.39(a)(2)(ii), the regulations would also apply to certain other foreign vessels that operate in U.S. navigable waters. The exceptions for public vessels in proposed § 164.39(a) is also contained in Section 5 of PTSA. It is emphasized that the proposals would apply to both oil tankers and tankers carrying other types of hazardous liquid cargo in bulk.

4. The definition in § 164.39(b) are essentially the same as corresponding definitions in Section 5 of PTSA and the TSPP requirements. The TSPP requirements also adopt the concept of "maximum service speed." This term is defined in IMCO Resolution A.325(IX) and is included in the proposed regulations as § 164.39(b)(8).

5. As mentioned previously, the principal requirements adopted by the TSPP Conference include the requirement to have two remote steering gear control systems and the requirement to have two or more identical steering gear power units. These requirements are in proposed § 164.39 (c), (d), (g), and (h).

6. Proposed § 164.39(g)(3) provides that each new foreign tank vessel must have a main steering gear that can, while operating with one or more power units, move the rudder as required by that regulation. The TSPP requirements contain this same provision. Proposed § 164.39(h)(2) also adopts this provision for new U.S. tank vessels, except in one respect. Proposed § 164.39(h)(2) requires that only one steering gear power unit may be used to comply with that regulation and, thus, imposes a more rigorous standard than the corresponding standard in proposed § 164.39(g)(3). However, current practice in design and construction of U.S. tank vessels is to provide steering gear power units that would meet proposed § 164.39(h)(2).

7. Proposed § 164.39(k) requires that the power supply of at least one steering gear power unit on a new tank vessel, and its associated remote steering gear control system, be the vessel's main source of electrical power. Although the TSPP provisions do not contain a similar requirement, current practice in design and construction of tank vessels is to supply steering gear power units from the main source of electrical power. Proposed § 164.39(k) has been included to ensure that on a new tank vessel the alternative source of power required by proposed § 164.39(l) will not be the sole source of electrical power to the steering gear installation.

8. The effective date in proposed § 164.39(u) and the postponed compliance date in proposed § 164.39(s) for existing tank vessels would be the target dates recommended by the TSPP Conference. The Coast Guard gave notice of the intention to adopt these dates in the Regulatory Implementation Plan published in the FEDERAL REGISTER of April 20, 1978 (43 FR 16886-16891).

9. To the maximum extent possible, the wording used in the TSPP requirements has been retained in the proposed regulations. Also the proposed regulations are arranged, as much as possible, in the same order as the TSPP requirements to facilitate comparing one set of requirements with the other.

10. The proposed regulations do not contain most of the TSPP requirements for testing steering equipment. These requirements are already covered, although not in as much detail, in 33 CFR 164.11(q) and 164.25. The TSPP requirements for drills and operation of steering equipment, and the TSPP testing requirement that is not already in 33 CFR Part 164, are included in the proposed rules as § 164.39 (o) through (r).

REGULATORY ANALYSIS

1. A Draft Regulatory Analysis has been prepared for these proposed regulations in accordance with Department of Transportation Notice 78-1 entitled "Improving Government Regulations" (43 FR 9582-9584). The analysis was conducted in conjunction with the other TSPP regulatory projects proposed in this issue of the FEDERAL REGISTER.

2. The draft analysis discusses the economic impact of the proposed rules as follows:

The cost of the improved steering requirement is a one-time cost that, for the most part, is independent of vessel size. The cost of the second steering gear control system and required alarm on existing vessels is estimated to be approximately $30,000 per vessel. It is estimated that approximately 40 percent of the foreign vessels entering U.S. ports and 30 percent of U.S. flag vessels will require another steering gear control system. Further, it is estimated that 90 percent of the foreign flag vessels and 70 percent of the U.S. flag vessels will need the additional alarm and/or circuit arrangement modifications * * *.

Most of the economic impact will be on existing tank vessels since, as explained in the draft analysis, few new tank vessels are expected to be built within the next five years. The number of existing tank vessels that would have to comply with the steering gear regulations is approximately 1,650. The total capital cost for existing vessels is expected to be approximately $20,000,000.

3. The ultimate benefits and impact of the regulations would be a reduction in the probability of collision and grounding of tankers caused by steering failure and a resulting reduction in risk of property damage, personal injury and death, and pollution of the oceans and U.S. waters.

In consideration of the foregoing, the Coast Guard proposed to amend Part 164 of Title 33, Code of Federal Regulations, as follows:

PART 164—TANK VESSELS OF 10,000 GROSS TONS OR MORE

1. By revising the authority citation for Part 164 to read as follows:

AUTHORITY: Sec. 2, Port and Tanker Safety Act of 1978 (Pub. L. 95-474); 49 CFR 1.46(n)(4), except as otherwise noted.

2. By revising § 164.01 to read as follows:

§ 164.01 Applicability.

(a) This part (except § 164.39) applies to each self-propelled vessel of 1600 or more gross tons (except foreign vessels described in § 164.02) when it is operating in the navigable waters of the United States (except the Panama Canal or St. Lawrence Seaway).

3. By adding a new § 164.02 to read as follows:

§ 164.02 Applicability exception for foreign vessels.

(a) This part (including § 164.39) does not apply to foreign vessels that—

(1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2) Are in—

(i) Innocent passage through the territorial sea of the United States; or

(ii) Transit through navigable waters of the United States which form a part of an international strait.

4. By adding a new § 164.39 to read as follows:

§ 164.39 Steering gear: tank vessels.

(a) This section applies to each tank vessel of 10,000 gross tons or more, except a public vessel, that—

(1) Is documented under the laws of the United States (U.S. vessel); or

(2) Is a foreign vessels that—

(i) Calls at a port or place subject to the jurisdiction of the United States; or

(ii) Otherwise enters or operates in the navigable waters of the United States, except vessels described in § 164.02.

(b) *Definitions.* (1) "Tank vessel" means a vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in cargo spaces.

(2) "New tank vessel" means a tank vessel—

(i) For which the building contract is placed after June 1, 1979; or

(ii) In the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction after January 1, 1980; or

(iii) The delivery of which is after June 1, 1982; or

(iv) Which has undergone a major conversion, which is contracted for after June 1, 1979, or construction work of which is begun after January 1, 1980, or completed after June 1, 1982.

(3) "Major conversion" means, for the purpose of this paragraph, a conversion of an existing tank vessel which substantially alters the dimensions or carrying capacity of the vessel, or changes the type of vessel, or substantially prolongs its life, or which otherwise so alters the vessel that it is essentially a new tank vessel. A major conversion does not include, however, any alteration or modification made to meet the requirements of this section.

(4) "Public vessel", "oil", "hazardous materials", "foreign vessel", and "existing", as used in this section, have the same meanings provided for these terms in Section 5 of the Port and Tanker Safety Act of 1978 (46 U.S.C. 391a).

(5) "Main steering gear" means the steering gear power units (if any) and their ancillary equipment, and the machinery that can apply enough torque to the rudder stock, tiller, or quadrant to effect movement of the rudder and steer the vessel under normal operating conditions.

(6) "Steering gear power unit" means—

(i) In the case of electric steering gear, an electric motor and its associated electrical equipment such as the motor controller and disconnect switch;

(ii) In the case of electro-hydraulic steering gear, an electric motor and its associated electrical equipment and connected pump; and

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(iii) In the case of other hydraulic steering gear, a driving engine and connected pump.

(7) "Remote steering gear control system" means a system by which orders for rudder movements are transmitted from the navigating bridge to the steering gear power unit controls.

(8) "Maximum service speed" means the greatest speed that a vessel is designed to maintain at its deepest seagoing draft.

(c) Each tank vessel must have two remote steering gear control systems, except that separate steering wheels or steering levers are not required.

(d) Each remote steering gear control system required by paragraph (c) of this section must—

(1) Be arranged so that if the system in operation fails, the other system can be brought into immediate operation from a position on the navigating bridge;

(2) If electric, be supplied with power by a circuit that is—

(i) Used for no other purpose; and

(ii) Is connected in the steering gear compartment to the circuit that supplies power to the steering gear power unit controlled by the steering gear control system; and

(3) Have an audible and visual alarm that activates on the navigating bridge upon loss of power to the system.

(e) The visual alarm required by paragraph (d) of this section must be placed in a location on the navigating bridge where it can be readily seen.

(f) Each tank vessel must have—

(1) A means in the steering gear compartment for controlling the main steering gear;

(2) A means in the steering gear compartment to disconnect each remote steering gear control system from its power supply;

(3) A means to communicate between the navigating bridge and the steering gear compartment;

(4) A rudder angle indicator system that is—

(i) Located on the navigating bridge, and

(ii) Independent of each remote steering gear control system; and

(5) A means for indicating in the steering gear compartment the angular position of the rudder.

(g) Each new foreign tank vessel must have a main steering gear that—

(1) Has two or more identical steering gear power units;

(2) To the extent practicable, is arranged so that a failure in its piping or a steering gear power unit will not impair operation of the remaining part of the steering gear; and

(3) Can, while the vessel is operating at maximum service speed in its deepest seagoing draft with one or more power units—

(i) Put the rudder over from 35 degrees on one side of the vessel to 35 degrees on the other side; and

(ii) Put the rudder over from 35 degrees on either side of the vessel to 30 degrees on the other side is not more than 28 seconds.

(h) Each new U.S. tank vessel must have a main steering gear that—

(1) Meets the requirments for a main steering gear in paragraphs (g)(1) and (g)(2) of this section; and

(2) Can, while the vessel is operating at maximum service speed in its deepest seagoing draft with only one power unit, move the rudder in the manner described in paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

(i) Mechanical couplings, including mechanical connections with a remote steering gear control system, on a new tank vessel must be of sound construction and designed for reliable performance.

(j) Each steering gear power unit on a new tank vessel must—

(1) Be designed so that—

(i) When operating at the time of power failure, it will start automatically after power is restored unless it is manually shut off during the power failure; and

(ii) It can be brought into operation from a position on the navigating bridge;

(2) Have an alarm that activates on the navigating bridge upon loss of power to the power unit.

(k) The power supply of at least one steering gear power unit on a new tank vessel, and one remote steering gear control system, must be the vessel's main source of electrical power.

(l) Each new tank vessel must have an alternative power supply that can automatically supply power to a steering gear power unit, its associated remote steering gear control system, and the rudder angle indicator system within 45 seconds after loss of the vessel's main source of electrical power.

(m) The alternative power supply required by paragraph (l) of this section must be—

(1) The emergency source of electrical power on the vessel; or

(2) An independent source of power that—

(i) Is located in the steering gear compartment;

(ii) Is not used for any purpose other than as an alternative power supply; and

(iii) Has sufficient capacity for at least one half hour of continous operation.

(n) A steering gear power unit on a new tank vessel, when supplied by the alternative power supply, must be capable of putting the rudder over from 15 degrees on one side of the vessel to 15 degrees on the other side within 60 seconds when the vessel is operating in its deepest seagoing draft at ½ maximum service speed or 7 knots, whichever is greater.

(o) Each tank vessel must have operating instructions and a block diagram that clearly and simply explain the change-over procedures for the remote steering gear control systems and steering gear power units on the vessel. The instructions and block diagram must be permanently displayed both on the navigating bridge and in the steering gear compartment on the vessel.

(p) No tank vessel may enter or be operated in confined or congested waters described in § 164.16 unless—

(1) When underway in those waters, at least two of the steering gear power units on the vessel are in operation if simultaneous operation of the units is practicable; and

(2) Within one hour before entering those waters the steering wheel or lever on the navigating bridge is operated to determine whether the steering equipment is operating properly under manual control.

(q) The master of a U.S. tank vessel shall conduct an emergency steering drill at least once every 3 months and have the results of the drill logged in the vessel's log book. The drill must include at a minimum the following:

(1) Operation of the main steering gear from within the steering gear compartment.

(2) Operation of the means of communication required by paragraph (f)(3) of this section.

(3) Operation of the alternative power supply if the vessel is so equipped.

(r) No tank vessel may enter or be operated in U.S. navigable waters unless the emergency steering drill described in paragraph (q) of this section has been—

(1) Conducted within three months prior to entry; and

(2) Logged in the vessel's log book.

(s) Compliance with the requirements in paragraphs (c) through (f) of this section is not required until June 1, 1981.

(t) This section is issued under the authority of Section 5 of The Port and Tanker Safety Act of 1978 (Sec. 5, Pub. L. 95-474) (46 U.S.C. 391a)).

(u) These regulations become effective on June 1, 1979.

(Sec. 5, Pub. L. 95-474 (46 U.S.C. 391a); 49 CFR 1.46).

Dated: February 5, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 79-4513 Filed 2-9-79; 8:45 am]

[4910-14-M]

[46 CFR Parts 30, 32, 34]

[CGD 77-057a]

INERT GAS AND DECK FOAM SYSTEMS

Proposed Rule; Withdrawal of Previous Proposed Rule

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; withdrawal of previous proposed rule.

SUMMARY: This proposed amendment to the tank vessel regulations requires all new crude oil tankers and product carriers which enter U.S. ports, both foreign and domestic, which are of 20,000 deadweight tons and above to be fitted with an inert gas system. New foreign flag vessels of 20,000 DWT and greater would be required to be fitted with a fixed deck foam system. Additionally, all existing vessels greater than 20,000 DWT for crude carriers and 40,000 DWT for product carriers will have to be fitted with an inert gas system. Dates for implementation are specified in the rule.

DATES: Comments must be received on or before: April 16, 1979.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 77-057a), U.S. Coast Guard, Room 8117, 400 Seventh Street, S.W., Washington, D.C. 20590. Comments will be made available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Daniel F. Sheehan, Office of Merchant Marine Safety (G-MMT/82), Room 8225, U.S. Coast Guard, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-2197.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each comment should include the docket number (CGD 77-057a), the name and address of the person submitting the comments, the specific section of the proposal to which each comment is addressed, and give the reasons for the comment. All comments received before the expiration of the comment period will be fully considered before final action is taken on this proposal.

On May 16, 1977, the Coast Guard published a notice (CGD 77-057) requiring the fitting of an Inert Gas System (IGS) on all tankers 20,000 deadweight tons and above. New vessels would be required to comply after the effective date of the rulemaking and existing vessels would have 60 months from that date.

On April 20, 1978, the Coast Guard published a notice (CGD 78-053) outlining the results of the International Conference on Tanker Safety and pollution Prevention (TSPP Conference). In that notice there was specific discussion of the time tables that the Coast Guard proposed for implementation of the results.

A new notice is being published because the Port and Tanker Safety Act of 1978 (Pub. L. 95-474) requires a different approach, particularly with regard to effective dates and the concept of a "new" vessel than that detailed in CGD 77-057, which is hereby withdrawn.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Daniel F. Sheehan, Project Manager, Office of Merchant Marine Safety; and Michael N. Mervin, Project Attorney, Office of Chief Counsel.

BACKGROUND

During the winter of 1976-77, several tanker casualties occurred in or near U.S. waters. These casualties demonstrated the need for a global effort to improve the level of safety of tank vessels and to decrease their pollution potential. The President, in his message to Congress of March 17, 1977, proposed a series of initiatives to be taken both nationally and internationally. These initiatives were broad in scope and included, among several things, a proposal to require an IGS on all tankers of 20,000 deadweight tons and over.

On the basis of the Presidential initiatives, the Coast Guard published proposed rules in the FEDERAL REGISTER of May 16, 1977. The proposed rules contained requirementss for oil tankers of 20,000 deadweight tons or more to have an IGS. New tankers constructed after the effective date of the rulemaking would be required to be fitted with an IGS and those existing tankers which were not currently required by regulations to have an IGS would be given 60 months after the effective date of the rule to comply.

More than 200 comments were received on the May 16, 1977 notice of proposed rulemaking. Most comments were favorable, although some suggested specific proposals which would have deviated from the notice with respect to scope and extent of application. The results of the TSPP Conference, which are described in the following paragraphs, do restrict to some degree the extent and scope of the rulemaking.

At the TSPP Conference, the following was agreed to with respect to fitting of inert gas systems:

All new tankers (crude and product) of 20,000 deadweight tons and above must be fitted with an IGS.

All existing crude carriers of 20,000 deadweight tons and above must be fitted with an IGS. It should be noted that each administration may grant exemptions from this requirement if fitting is deemed unreasonable and impracticable.

All existing product carriers of 40,000 deadweight tons and above must be fitted with an IGS.

All existing tankers of greater than 20,000 deadweight tons that either—

(1) Have fixed high capacity washing machines (60 cubic meters per hour), or

(2) Operate a crude oil washing system, must be fitted with an IGS.

"New vessel" is defined as a vessel that—

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980; or

(3) Is delivered after June 1, 1982.

(4) Which has undergone a major conversion, which is contracted for after June 1, 1979, or construction work of which is begun after January 1, 1980, or completed after June 1, 1982.

Existing vessels are vessels which are not new vessels. It should be noted that U.S. flag vessels affected by CGD 74-127, published January 26, 1976 (41 FR 3838) would still have to comply with that rule.

Contained in the results of the conference are resolutions which address the subject of target dates for the coming into force of the SOLAS 1974 protocol. On the basis of the resolution and the stated intention of the Coast Guard, 43 FR 16886 (April 20, 1978), to utilize these dates, the following is a description of the time period of implementation of the IGS requirements:

Existing Crude and Product Carriers of 70,000 deadweight tons and over will be required to be fitted with IGS by June 1, 1981.

Existing Crude Carriers between 20,000 and 70,000 deadweight tons will be required to be fitted with IGS by June 1, 1983.

Existing Product Carriers between 40,000 and 70,000 deadweight tons will be required to be fitted with IGS by June 1, 1983.

The conference also specified fitting a fixed deck foam system on all new tank vessels of 20,000 deadweight tons and above. U.S. flag tank vessels are currently required to be fitted with fixed deck foam systems, therefore, this proposal addresses new foreign flag tank vessels.

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis and Review of Regulations" (43 FR 9582, March 8, 1978). A Draft Evaluation has been prepared and is included in the public docket.

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DISCUSSION OF COMMENTS.

In response to CGD 77-057, there were over two hundred comments concerning either the Presidential Initiatives in general as reflected in the rulemaking or a discussion of specific items contained in that rulemaking. The great majority of commentators did not provide technical comments but rather general support for the approach.

The technical comments can be divided into the following general categories:

Justification for IGS.
Applicability of IGS to Product Carriers.
Retrofitting of IGS in vessels below 100,000 tons deadweight.
Evnironmental and Miscellaneous issues.

Each section will be addressed separately.

JUSTIFICATION FOR IGS

Several commentators felt that there was inadequate justification for the retrofitting of inert gas systems. Points were raised that the number of serious explosions had decreased in the last several years and that this should be attributed to safer operating procedures and the fitting of an IGS on the majority of vessels over 100,000 DWT. It is true that the gross number of explosions has gone down over the last several years.

It is agreed that a large portion of vessels over 100,000 DWT have been fitted with an IGS and that this has had an impact. Serious explosions have occurred on vessels smaller than 100,000 DWT and these have tended to occur in port or in close proximity to port. This coupled with the potential that exists for tank vessel explosions dictated the initial proposals.

The TSPP Conference protocols reflect this in that the base starting point for most vessels is 20,000 DWT. The singular exception is that portion which requires existing product carriers to start at 40,000 DWT. This will be discussed in the next section.

Other commentators felt that the proposal did not go far enough and that the requirement should be extended to all barges and to all tank vessels greater than 1600 gross tons. On balance the scope and extent this proposal is judged adequate by the Coast Guard.

One commentator stated that the initial reason that inert gas systems were required for large vessels was related to the problems associated with high capacity washing machines. It was the opinion of the commentator that this should be addressed in the rulemaking. In accordance with this comment, the rulemaking has been revised to include vessels equipped with high capacity washing machines. These are defined as machines which have a capacity of 60 cubic meters per hour or more.

APPLICABILITY OF INERT GAS SYSTEMS TO PRODUCT CARRIERS

Several commentators felt that inert gas systems should not be required for existing product carriers. Others felt that they should not be required for new product carriers, while others felt that there was no problem in retrofitting product carriers with inert gas systems.

Those objecting to fitting of IGS on product carriers did so on the basis of concern for product contamination.

CONCERN FOR PRODUCT CONTAMINATION

Potential product contamination is a problem that must be considered by a product tanker operator. Products are often formulated with special additives that impart a certain quality to that product. Contamination by water, particulate matter, incompatible chemicals or by another product can serve to diminish product quality. In practice tanker operators exercise a great deal of care to prevent product or cargo contamination.

The potential for product contamination via the IGS is twofold. First, if the IGS is not operating efficiently and the system scrubbers do not remove adequate amounts of sulphur or other particulate matter, these may be carried over to the cargo and subsequently contaminate the cargo. A second possibility exists if the piping system for the inert gas system is inappropriately managed. Inert gas system piping is often common to a number of tanks. Through this system of piping it is possible, through inattention or mismanagement of cargo vapor, to have one cargo contaminate another.

Both of these problems were thoroughly aired at the TSPP Conference and its preparatory sessions. Product carriers have been inerted since 1935 by one U.S. tanker operator and since 1963 by a company in the United Kingdom. Recent tests by a major oil company have not indicated product contamination with properly scrubbed inert gas, a conclusion verified by experience. The problem of vapor line inert gas management is one which will require the same diligence that product tanker operators currently practice. It should be noted that the TSPP Conference recognized that product carriers between 20,000 deadweight tons and 40,000 deadweight tons generally contain a greater number of tanks and associated piping than a crude oil vessels of comparable size. Taking this into account it was decided to restrict retrofit installation of IGS on vessels in this size range because an additional hazard due to inherent system/cargo complexity could be introduced. In summary, the problems of product contamination are controllable if proper attention is given to IGS maintenance and cargo management. The incentives of safety and economics play an equal role.

INSTALLATION OF IGS IN VESSELS BELOW 20,000 DWT

One commentator suggested that an IGS should be required on all barges and all tank vessels greater than 1600 gross registered tons; additionally, that integrated tug barges should be covered by the regulations. Utilizing 20,000 deadweight tons as a lower limit for mandatory fitting of an IGS was based on the assessment that this would include the majority of foreign flag tankers that trade in U.S. ports. Smaller tankers and barges do not have a significant history of fires and explosions and further those that trade in U.S. waters are primarily U.S. flag vessels subject to stringent design, operation, and certification standards.

For the purposes of this rulemaking integrated tug barges which carry grades A, B, C, or D cargo in bulk and have a combined deadweight tonnage above the applicable tonnage base will be treated as tank ships.

It should be pointed out that several commentators felt that an IGS should be required only on vessels of 100,000 deadweight tons and over.

ENVIRONMENTAL ISSUES

Two commentators wrote of possible environmental aspects of inert gas systems. The first comment concerned the production of sulfurous acid when flue gases containing sulfur are scrubbed. Water is used to scrub sulfur and particulate matter from the flue gas and it is subsequently pumped overboard. In some instances, the water contains a mixture of sulfurous acid. This condition has been investigated by several major oil companies and by Det Norske Veritas, a Norwegian classification society. In each instance, measurements were made of the pH of the water at various distances from the underwater outlet. The measurements indicated that the sea water safely neutralized the acid mixture without apparent ill effects. Further, particulate matter in flue gas enters the water after stack gases cool. The scrubbing process has the same end effect.

The second issue raised was whether or not the fitting of an IGS increased hydrocarbon emission into the atmosphere. The question contained no boundary conditions with respect to what part of the ships operational cycle the comment applied to. As a result an examination of a vessel normal operating cycle of-Loading-Loaded voyage-discharge of cargo-Ballasting-Ballast Voyage-was examined.

Inert gas systems, by virtue of functional requirements, provide a system where cargo tanks are not normally open to the atmosphere. This is done to maintain a proper inert gas mixture in the tanks. Discharge of hydrocarbon vapors into the atmosphere in a vessel equipped with an IGS would occur when the vessel ballasted, during any tank breathing through the Pressure/Vacuum Valves due to atmospheric changes, and when the vessel was being loaded. A vessel not equipped with an IGS would also release hydrocarbons into the atmosphere under these circumstances. On this basis vessels equipped with IGS should not increase hydrocarbon emissions into the atmosphere.

EQUIVALENCE

SOLAS 74 and the 1978 Protocol to the 1974 Safety Life at Sea Convention permit alternative systems for the protection of cargo tanks as long as certain principles are met. When the Coast Guard promulgated rules and regulations to make Regulation 60 of Chapter II-2 of SOLAS 74 mandatory for U.S.-flag vessels it was considered unnecessary to develop specific guidelines to permit alternatives. The general equivalency clause in the base regulation (46 CFR Subchapter D) permits "equivalent systems" if an equivalent degree of safety is maintained. This approach permits sufficient latitude with appropriate safeguards.

EXEMPTIONS

The 1978 Protocol to the 1974 Safety of Life at Sea Conference and the Port and Tanker Safety Act of 1978 permits the Coast Guard to exempt the fitting of an IGS on existing crude oil carriers between 20,000 DWT and 40,000 DWT if fitting of such a system is deemed unreasonable and impractical. Petitions will be scrutinized carefully to ensure that the stringent criteria for obtaining an exemption are satisfied. The existence of independent inert gas generating systems weakens the argument, for example, that onboard boiler capacity is insufficient to provide inert gas.

The Port and Tanker Safety Act of 1978 provides that where a deck foam system or an IGS would be incompatible with the cargo carried, that the vessel owner may request an exemption from the specific requirement as long as no alternative protection is provided. Deck foam systems do not present a problem with regard to this, in that they are utilized during emergency conditions when the cargo is on fire and cargo contamination is not the primary concern. Of course, foam would not be required on a vessel carrying only cargo which reacts violently with the water in the foam.

The effectiveness of deck foam systems can be affected by the type of cargo carried. Specifically, polar solvents destroy regular foams. If a cargo is a polar solvent hydrocarbon, a polar solvent foam must be used if firefighting effectiveness is to be achieved. This is taken into account during the design phase of the vessel and is not judged to be a problem.

Certain products may prove to be incompatible with shipboard produced inert gas. The Port and Tanker Safety Act provides that a ship owner may request an exemption from the requirement for an IGS on a particular cargo as long as an alternative arrangement is provided that is accepted by the Commandant. Owners may make application in accordance with the provisions detailed in the regulations. These applications will be reviewed on a case-by-case basis. The owner must provide laboratory proof that the cargo is indeed incompatible with good quality inert gas.

Accordingly, the Coast Guard proposes the following amendments to Title 46, Code of Federal Regulations:

PART 30—GENERAL PROVISIONS

1. By adding a new § 30.01-5(e)(2) as follows:

§ 30.01-5 Application of regulations—TB/ALL.

. . . . . .

(e) . . .

(2) A foreign flag vessel, except a public vessel, which operates on or enters the navigable waters of the United States, or which transfers oil in any port or place subject to the jurisdiction of the United States, must comply with the provisions of Subparts 32.53 and 34.05 of this chapter, as applicable.

. . . . . .

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

2. By revising § 32.53-1 to read as follows:

§ 32.53-1 Application—T/ALL.

(a) Except as provided in paragraph (b) of this section, this subpart applies to:

(1) A U.S. crude oil tanker or product carrier of 100,000 DWT tons (metric) or more or combination carrier of 50,000 DWT tons (metric) or more, that has a keel laying date on or after January 1, 1975.

(2) A new (as defined in 46 U.S.C. 391a(2)) crude oil tanker or product carrier, or foreign flag crude oil tanker or product carrier of 20,000 DWT tons or more entering the navigable waters of the U.S.

(3) A crude oil tanker that is equipped with a cargo tank cleaning system that uses crude oil washing.

(4) An existing product carrier of 20,000 deadweight tons (metric) or more that has tank washing machines with a capacity of more than 60 cubic meters per hour after May 31, 1983.

(5) Any other U.S. or foreign flag—

(i) Crude oil tanker or product carrier of 70,000 deadweight tons (metric) and over after May 31, 1981;

(ii) Crude oil tanker between 20,000 and 70,000 deadweight tons (metric) after May 31, 1983;

(iii) Product carrier between 40,000 and 70,000 deadweight tons (metric) after May 31, 1983.

(b) This subpart does not apply to vessels designed to carry only—

(1) Liquefied gas cargo; or

(2) Grade E cargo that is carried at a temperature lower than 50°C below its flash point.

3. Adding a new § 32.53 as follows:

§ 32.53-3 Exemptions.

(a) The Chief, Office of Merchant Marine Safety grants exemptions for crude oil tankers of less than 40,000 deadweight tons not fitted with high capacity tank washing machines, if the vessel's owner can show that compliance would be unreasonable and impracticable due to the vessel's design characteristics.

(b) Requests for exemptions must be submitted in writing to:

Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590.

(c) Each request must be supported by documentation showing that—

(1) The system would be detrimental to the safe operation of the vessel;

(2) It is physically impracticable to install the system; or

(3) Adequate maintenance of the system would be impossible.

(d) The vessel's owner may request a conference. The exemption request file will be available for use in the conference and additional arguments or evidence in any form may be presented. The conference will be recorded. The presiding officer summarizes the material presented at the conference and submits written recommendations to the Chief, Office of Merchant Marine Safety.

(e) The Chief, Office of Merchant Marine Safety reviews the exemption request file and decides whether to grant or deny the exemption. The decision shall include an explanation of the basis on which the exemption is granted or denied, and constitutes final agency action.

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PART 34—FIREFIGHTING EQUIPMENT

4. By adding a new sentence to § 34.05-5(a)(2) as follows:

§ 34.05-5 Fire-extinguishing systems—T/ALL.

• • • • •

(a) • • •

(2) • • • new foreign flag tankers of 20,000 DWT and over as defined in subsection (2) of 46 U.S.C. 391a must be fitted with a fixed deck foam system complying with Regulation 61, Chapter II-2 of SOLAS 1974.

• • • • •

5. By adding a new § 34.20-1(c) as follows:

§ 34.20-1 Application—T/ALL.

• • • • •

(c) Foreign flag crude oil tankers and product carriers required to have fixed deck foam systems by this subpart must have systems that are designed and installed in accordance with Regulation 61 of Chapter II-2 of SOLAS 1974. (Senate Document, 57-1180, GPO, Washington, 1976; "Message from the President of the United States transmitting, the International Convention for the Safety of Life at Sea, 1974, Done at LONDON, November 1, 1974").

(46 U.S.C. 391a; 49 CFR 1.46(n)(4))

Dated: February 5, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 79-4514 Filed 2-8-79; 8:45 am]

register

federal

MONDAY, FEBRUARY 12, 1979
PART IV



DEPARTMENT OF ENERGY

Industrial Energy Conservation Program

IDENTIFICATION OF CORPORATIONS FOR PURPOSES OF INDUSTRIAL ENERGY REPORTING AND RECOVERED MATERIALS REPORTING

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[6450-01-M]

DEPARTMENT OF ENERGY

INDUSTRIAL ENERGY CONSERVATION PROGRAM

Identification of Corporations for Purposes of Industrial Energy Reporting and Recovered Materials Reporting

AGENCY: Department of Energy.

ACTION: Notice of Corporate Identification.

SUMMARY: The Department of Energy (DOE) is identifying corporations which consumed at least one trillion British thermal units (Btu's) of energy in calendar year 1977 in any of the 20 major energy-consuming manufacturing industries identified by DOE, as required by the National Energy Conservation Policy Act (NECPA) which amended the Energy Policy and Conservation Act. DOE is also notifying the identified corporations in four manufacturing industries of the requirements of section 461 of the NECPA and is advising them that DOE will shortly specify the format for the first report on the use of recovered materials. The identified corporations are listed alphabetically by industry in the appendix to this notice.

FOR FURTHER INFORMATION CONTACT:

On Industrial Energy Reporting: Robert G. Massey or Theodore C. Collins, Industrial Programs, Office of Assistant Secretary, Conservation and Solar Applications, U.S. Department of Energy, 666 11th Street, NW., Suite 735, Washington, D.C. 20001, 202-724-3459.

On Recovered Materials Reporting: Lewis G. Newman, Industrial Programs, Office of Assistant Secretary, Conservation and Solar Applications, U.S. Department of Energy, 20 Massachusetts Avenue, NW., Room 5114, Washington, D.C. 20545, 202-376-1757.

SUPPLEMENTARY INFORMATION: In a FEDERAL REGISTER notice issued on January 4, 1979 (44 FR 1770, January 8, 1979) as corrected by notice issued on January 16, 1979 (44 FR 4008, January 19, 1979), the Department of Energy (DOE) described the implementation of energy reporting for the Industrial Energy Conservation Program (program) under Part E (formerly Part D) of Title III of the Energy Policy and Conservation Act (42 U.S.C. 6341-6346) (EPCA), and the changes and additions to the program mandated by the recently enacted National Energy Conservation Policy Act (Pub. L. 95-619) (NECPA). These changes and additions include the requirement of section 601 of the NECPA that DOE identify each corporation which consumed at least one trillion British thermal units (Btu's) per year in any of the major energy-consuming industries identified by DOE and the requirement of section 461 of the NECPA that DOE notify the identified corporations in the four industries subject to section 461 of the requirements of section 461.

To implement these requirements of the NECPA, DOE in the January 8, 1979 FEDERAL REGISTER notice required all corporations which consumed at least one trillion Btu's of energy in calendar year 1977 in any of the 20 major energy-consuming industries identified by DOE to file a certified statement to that effect with DOE. The deadline for filing such a report with DOE was January 29, 1979. Based on the reports filed in response to this information filing requirement, DOE identifies pursuant to section 373 of the EPCA, as amended, the corporations listed in the appendix to this notice.

DOE requested information from corporations on energy consumption on two bases, including and excluding the energy represented in petroleum and natural gas and their derivatives used as feedstocks. The distribution of responses to the FEDERAL REGISTER notice is shown in the following table:

SIC and industry		No. of corporations	
		Including feedstock	Excluding feedstock
20	Food and kindred products	93	97
21	Tobacco products	4	4
22	Textile mill products	45	45
23	Apparel and other textile products	0	0
24	Lumber and wood products	16	16
25	Furniture and fixtures	2	2
26	Paper and allied products	73	73
27	Printing and publishing	1	1
28	Chemicals and allied products	145	145
29	Petroleum and coal products	65	63
30	Rubber, misc. plastics products	28	28
31	Leather and leather products	1	1
32	Stone, clay and glass products	100	100
33	Primary metal industries	94	94
34	Fabricated metal products	42	42
35	Machinery, except electrical	34	34
36	Electric, electronic equipment	18	18
37	Transportation equipment	33	33
38	Instruments and related products	10	10
39	Miscellaneous manufacturing industries	1	1

DOE is currently preparing and will issue for public comment regulations for the expanded program. These regulations will establish whether those identified corporations which, excluding feedstocks, consumed less than one trillion Btu's, will be required to report under the program and will establish procedures for modification and approval of DOE's identification of a corporation. These regulations will require covered corporations to report on energy consumption either directly or, if exempted, through an adequate voluntary reporting program, as provided in Sections 375 and 376 of the EPCA, as amended. They also will prescribe revised exemption criteria for adequate voluntary reporting programs pursuant to section 376(g) of the EPCA. However, the corporations which have been identified prior to the issuance of this notice under the already implemented reporting aspects of the program should continue to file reports with DOE either directly or through an adequate voluntary reporting program, as appropriate, for their energy consumption through calendar year 1978.

In addition, DOE is notifying all identified corporations in SIC codes 22, 26, 30 and 33 that pursuant to section 374A of the EPCA, as established by section 461 of the NECPA, each such corporation will be required to report to DOE as follows: initially, on the volume of energy-saving recovered materials the corporation is using in each of its manufacturing operations located in the United States and any plans it has to increase the utilization of such materials in those operations in each of the next ten years; and thereafter annually, on the progress it has made to increase the utilization of energy-saving recovered materials to reach targets established by DOE for its industry. DOE intends to inform these corporations of the time and format of the first report on the use of recovered materials very shortly. No report is required until those requirements are provided by DOE.

DOE received several comments on the January 29, 1979 deadline for responding to the January 8, 1979 FEDERAL REGISTER notice. The short response time was due to the statutory deadline for identifying corporations contained in the NECPA. However DOE will at a future time identify those corporations which respond after the deadline and will publish a list of the identified corporations in the FEDERAL REGISTER. Moreover, any corporation which meets the criteria set forth in the January 8, 1979 notice and has not responded to the notice must still respond to DOE as required by that notice; failure to respond to the January 8 notice will not relieve any corporation otherwise required to report from the reporting requirements of the program.

(Energy Policy and Conservation Act (Pub. L. 94-163), as amended by the National Energy Conservation Policy Act (Pub. L. 95-619); Federal Energy Administration Act of 1974 (Pub. L. 93-275), as amended; E.O. 11790 (39 FR 23185); The Department of Energy Organization Act (Pub. L. 95-91); E.O. 12009 (42 FR 46267)).

Issued in Washington, D.C., February 7, 1979.

OMI WALDEN,
Assistant Secretary, Conservation and Solar Applications.

APPENDIX

SIC 20 FOOD AND KINDRED PRODUCTS

A. E. Staley Manufacturing Co.
Adolph Coors Company
American Brands, Inc.
American Crystal Sugar Co.
American Home Products Corp.
American Maize Products Co.
Ampco Foods, Inc.
Amstar Corporation
Anderson Clayton
Anheuser-Busch, Inc.
Archer Daniels Midland Company
Beatrice Foods Co.
Borden, Inc.
California & Hawaiian Sugar Co.
California Canners & Growers, Inc.
Campbell Soup Company
Cargill, Inc.
Carnation Company
Castle & Cooke, Inc.
Central Soya Co., Inc.
Coca Cola Company
Conagra, Inc.
Consolidated Foods Corporation
Continental Grain Company
CPC International, Inc.
Curtice-Burns, Inc.
Dawson Mills, Inc.
Del Monte Corporation
Dillion Companies, Inc.
Dubuque Packing Company
Eli Lilly & Company
Entenmann's, Inc.
Farmland Industries, Inc.
Federal Company
Flowers Industries, Inc.
Foremost-McKesson, Inc.
General Foods Corporation
General Mills, Inc.
Geo. A. Hormel & Co.
Gerber Products Company
Gold Kist, Inc.
Great A. & P. Tea Co., Inc.
H. J. Heinz Company
Henkel Corporation
Hershey Foods Corporation
Heublein, Inc.
Holly Sugar Corporation
Hunt Intl. Resources Corp.
IC Industries, Inc.
Interstate Brands Corporation
Iowa Beef Processors, Inc.
ITT Continental Baking Company
J. R. Simplot Company
Jim Walter Corporation
Jos. Schlitz Brewing Company
Joseph E. Seagram & Sons, Inc.
Keebler Company
Kellogg Company
Kraft, Inc.
Ladish Malting Co.
Lauhoff Grain Company
Lever Brothers Company
Liggett Group, Inc.
Lykes Bros, Inc.
MBPXL Corporation
Michigan Sugar Company
Monitor Sugar Company
Moorman Manufacturing Company
National Starch & Chemical Corp.
*Natl. Distillers & Chemical Corp.
Nestle Enterprises, Inc.
Norton Simon, Inc.
Olympia Brewing Company
Oscar Mayer & Co.
Pabst Brewing Company
Pepsico, Inc.
Perdue, Inc.
Philip Morris, Incorporated
Pillsbury Company
Procter & Gamble Co.
PVO International, Inc.
Quaker Oats Company
R. J. Reynolds Industries, Inc.
R. T. French Company
Ralston Purina Co.
Rapid American Corporation
Rath Packing Company
Riceland Foods, Inc.
Safeway Stores, Incorporated
SCM Corporation
Standard Brands, Incorporated
Stokely-Van Camp, Inc.
Swift & Company
Thomas J. Lipton, Inc.
Twin City Foods, Inc.
U. & D. I., Incorporated
United Brands Company
Universal Foods Corporation

SIC 21 TOBACCO PRODUCTS

American Brands, Inc.
Brown & Williamson Tobacco Corp.
Gulf & Western Industries, Inc.
Philip Morris, Incorporated

SIC 22 TEXTILE MILL PRODUCTS

Abney Mills, Inc.
American Hoechst Corporation
American Thread Company
Armstrong Cork Company
Avondale Mills, Inc.
Badische Corporation
Bibb Company
Borden, Inc.
Burlington Industries, Inc.
Cannon Mills Company
Coats & Clark, Inc.
Colgate Palmolive Company
Collins & Aikman Corporation
Cone Mills Corporation
Cranston Print Works Company
Crompton Company, Inc.
Dan River, Inc.
Dixie Yarns, Inc.
Fieldcrest Mills, Inc.
General Tire & Rubber Co.
Goodyear Tire & Rubber Co.
Graniteville Company
Greenwood Mills, Inc.
Gulf & Western Industries, Inc.
Hanes Corporation
High Voltage Engineering Corp.
J. P. Stevens & Co., Inc.
Johnson & Johnson International, Inc.
Milliken & Company
Mohasco Corporation
Northwest Industries, Inc.
Reeves Brothers, Inc.
Riegel Textile Corporation
Spartan Mills, Inc.
Sperry & Hutchinson Co.
Springs Mills, Inc.
Standard Oil Company (Indiana)
Standard-Coosa-Thatcher Co.
Texfi Industries, Inc.
Thomaston Mills, Inc.
Ti-Caro, Inc.
Trend Company
Union Underwear Company, Inc.
United Merchants & Manufacturers, Inc.
West Point-Pepperell, Inc.

SIC 23 APPAREL AND OTHER TEXTILE PRODUCTS

No companies.

SIC 24 LUMBER AND WOOD PRODUCTS

Bendix Corporation
Boise Cascade Corporation
Champion International Corp.
Evans Products Company
Georgia-Pacific Corporation
Jim Walter Corporation
Koppers Company, Inc.
Louisiana-Pacific Corporation
MacMillan Bloedel, Inc.
Masonite Corporation
Owens-Corning Fiberglas Corp.
Potlatch Corporation
Southwest Forest Industries
Time, Inc.
Weyerhaeuser Company
Willamette Industries, Inc.

SIC 25 FURNITURE AND FIXTURES

Roper Corporation
Time, Inc.

SIC 26 PAPER AND ALLIED PRODUCTS

Abitibi Corporation
Abitibi Southern Corporation
Alton Box Board Company
American Can Company
American Home Products Corp.
Appleton Papers, Inc.
Armstrong Cork Company
Bell Fibre Products Corp.
Bird & Son, Inc.
Blandin Paper Company
Boise Cascade Corporation
Bowater Incorporated
Champion International Corp.
Chesapeake Corporation
Clevepak Corporation
Collins & Aikman Corporation
Consolidated Papers, Inc.
Continental Group, Inc.
Dexter Corporation
Erving Paper Mills, Inc.
Federal Paper Board Co., Inc.
Finch Pruyn & Co., Inc.
Flintkote Company
Fraser Paper, Limited
GAF Corporation
Gardern State Co., Inc.
Georgia-Pacific Corporation
Gilman Paper Company
Great Northern Nekoosa Corp.
Gulf & Western Industries, Inc.
Gulf States Paper Corp.
Hammermill Paper Company
Hudson Pulp & Paper Corp.
International Paper Company
Interstate Paper Corporation
James River Corporation of Va.
Jim Walter Corporation
Johns-Manville Sales Corp.
Johnson & Johnson International, Inc.
Keyes Fibre Co.
Litton Industries, Inc.
Longview Fibre Company
Louisiana-Pacific Corporation
MacMillan Bloedel, Inc.
Masonite Corporation
Mead Corporation
Menasha Paperboard Mill
Minnesota Mining & Mfg. Co.
Mobil Oil Corporation
National Gypsum Company
Owens-Illionis, Inc.
P. H. Glatfelter Co.
Pineville Kraft Corporation
Port Huron Paper Company
Potlatch Corporation

* Energy consumption was less than one trillion Btu's in 1977 when feedstocks were excluded.

V 4 4 / 3 0 F E 1 2 7 9

Proctor & Gamble Co.
SCM Corporation
Scott Paper Company
Simpson Paper Company
Southwest Forest Industries, Inc.
Stone Container Corporation
Tenneco, Inc.
Time, Inc.
Times Mirror Company
Union Camp Corporation
United States Gypsum Company
Wausau Paper Mills Company
Westvaco Corporation
Weyerhaeuser Company
Willamette Industries, Inc.

SIC 27 PRINTING AND PUBLISHING

R. R. Donnelley & Sons Company

SIC 28 CHEMICALS AND ALLIED PRODUCTS

Abbott Laboratories, Inc.
Agrico Chemical Company
Air Products & Chemicals, Inc.
Akzona, Inc.
Alcon Laboratories, Inc.
Allegheny Ludlum Industries, Inc.
Allied Chemical Corporation
Aluminum Company of America
American Can Company
American Cyanamid Company
American Hoechst Corporation
American Home Products Corp.
American Petrofina, Inc.
American Synthetic Rubber Corp.
Arizona Chemical Company
Asarco, Incorporated
Ashland Oil, Inc.
Atlantic Richfield Company
Avtex Fiber, Inc.
B. F. Goodrich Company
Badische Corporation
BASF Wyandotte Corporation
Bordern, Inc.
Borg-Warner Corporation
Bristol-Myers Company
C. F. Industries, Inc.
Cabot Corporation
Cargill, Inc.
Celanese Corporation
Ciba-Geigy Corporation
Cities Service Company
Coastal States Corporation
Columbia Nitrogen Corporation
Cominco American, Incorporated
Commonwealth Oil Refining Co.
Continental Oil Company
Copolymer Rubber & Chem. Corp.
Dart Industries, Inc.
Diamond Crystal Salt Company
Diamond Shamrock Corporation
Dow Chemical Company
Dow Corning Corporation
E. I. du Pont de Nemours & Co.
Eagle Picher Industries, Inc.
Eastman Kodak Company
El Paso Products Company
Eli Lilly & Company
Emery Industries, Inc.
Ethyl Corporation
Exxon Company, U.S.A.
Farmland Industries, Inc.
Firestone Tire & Rubber Co.
First Mississippi Corporation
FMC Corporation
Freeport Minerals Company
GAF Corporation
Gardinier Big River, Inc.
General Electric Company
General Tire & Rubber Co.
Georgia-Pacific Corporation
Getty Chemical Company
Goodyear Tire & Rubber Co.
Gulf & Western Industries, Inc.
Gulf Oil Corporation
Gulf Resources & Chemical Corp.
Hawkeye Chemical Company
Henkel Corporation
Hercules, Incorporated
Hoffmann-La Roche, Inc.
ICI Americas, Inc.
International Minerals & Chemical Corp.
J. R. Simplot Company
Johnson-Johnson
Kaiser Aluminum & Chemical Corp.
Knoll Pharmaceutical Co.
Koppers Company, Inc.
Kraft, Inc.
Lever Brothers Company
Linden Chemicals & Plastics, Inc.
Lubrizol Corporation
Mallinckrodt, Inc.
Martin Marietta Corporation
Melamine Chemicals, Inc.
Merck & Co., Inc.
Merichem Company
Miles Laboratories, Inc.
Minnesota Mining & Mfg., Co.
Mississippi Chemical Corp.
Mobay Chemical Corporation
Mobil Oil Corporation
Monsanto Company
Morton-Norwich Products, Inc.
Nalco Chemical Company
National Distillers & Chemical Corp.
Nipro, Inc.
NL Industries, Inc.
Northern Natural Gas Company
Northwest Industries, Inc.
Olin Corporation
Oxirane Corporation
Pfizer, Inc.
Phillips Petroleum Company
PPG Industries, Inc.
PQ Corporation
Procter & Gamble Co.
Publicker Industries, Inc.
PVO International, Inc.
Quaker Oats Company
Rangaire Corporation
Reilly Tar & Chemical Corp.
Reynolds Metals Company
Rhone-Poulenc, Inc.
Richardson-Merrell, Inc.
Rohn & Haas Company
SCM Corporation
Shell Oil Company
Sherex Chemical Company
Sherwin-Williams Company
Signal Companies, Inc.
Soltex Polymer Corporation
Squibb Corporation
Standard Oil Company
Standard Oil Company (Indiana)
Standard Oil Company of California
Stauffer Chemical Company
Sterling Drug, Inc.
Superior Oil Company
Tenneco, Inc.
Terra Chemicals International, Inc.
Texaco, Inc.
Texas Gulf, Inc.
Union Camp Corporation
Union Carbide Corporation
Union Oil Company of California
Uniroyal, Inc.
United States Borax & Chem., Corp.
United States Steel Corp.
Upjohn Company
Valley Nitrogen Producers, Inc.
Vulcan Material Company
W. R. Grace & Co.
Warner-Lambert Company
Westivaco Corporation
Willamette Industries, Inc.

Witco Chemical Corporation

SIC 29 PETROLEUM AND COAL PRODUCTS

American Home Products Corp.
American Petrofina, Inc.
Ashland Oil, Inc.
Atlantic Richfield Company
Beacon Oil Company
Belridge Oil Company
Bird & Son, Inc.
Certainteed Corporation
Champlin Petroleum Co.
Charter International Oil Co.
Cities Service Company
Clark Oil & Refining Corp.
Coastal States Gas Corporation
Commonwealth Oil Refining Co.
Continental Oil Company
Crown Central Petroleum Corp.
Crystal Oil Company
Diamond Shamrock Corporation
Energy Cooperative, Inc.
Exxon Company, U.S.A.
Farmers Union Central Exchange, Inc.
Farmland Industries, Inc.
GAF Corporation
Getty Refining & Marketing Company
Great Lakes Carbon Corporation
Guam Oil G. Refining Co., Inc.
Gulf Oil Corporation
Holly Corp.
Hunt Oil Company
Husky Oil Company
Jim Walter Corporation
Johns-Manville Sales Corp.
Kern County Refinery, Inc.
Koppers Company, Inc.
Louisiana Land & Exploration Co.
Marathon Oil Company
Mobil Oil Corporation
Murphy Oil Corporation
National Coop Refinery Association, Inc.
Owens-Corning Fiberglas Corp.
Pacific Resources, Inc.
Petrolite Corp.
Phillips Petroleum Company
Powerine Oil Company
Pride Refining, Inc.
Quaker State Oil Refining Corp.
R. J. Reynolds Industries, Inc.
Rock Island Refining Corp.
Shell Oil Company
Southland Oil Company
Standard Oil Company
Standard Oil Company (Indiana)
Standard Oil Company of California
Standard Products Co.
Superior Oil Company
Tenneco, Inc.
Texaco, Inc.
Time Oil Company
Tosco Corporation
Union Oil Company of California
Uniroyal, Inc.
* United Refining Company
Vickers Petroleum Corporation
Winston Refining Company
Witco Chemical Corporation

SIC 30 RUBBER, MISC. PLASTICS PRODUCTS

Amerace Corporation
American Cyanamid Company
Armstrong Rubber
B. F. Goodrich Company
Budd Company
Colgate-Palmolive Company
Continental Group, Inc.
Cooper Tire & Rubber Company
Dart Industries, Inc.
Dayco Corporation
Eagle Picher Industries Co.
Ethyl Corporation
Firestone Tire & Rubber Co.
Gates Rubber Company
General Electric Company
General Motors Corporation
General Tire & Rubber Co.
Goodyear Tire & Rubber Co.
High Voltage Engineering Corp.
Michelin Tire Corporation
Minnesota Mining & Mfg. Co.
Mobay Chemical Corporation
Rhone-Pluienc, Inc.
Roper Corporation
Union Carbide Corporation
Uniroyal, Inc.
W. R. Grace & Co.
Westinghouse Electric Corp.

SIC 31 LEATHER AND LEATHER PRODUCTS

Roper Corporation

SIC. 32 STONE, CLAY AND GLASS PRODUCTS

Adolph Coors Company
AFG Industries, Inc.
Amcord, Inc.
Amsted Industries, Incorporated
Anchor Hocking Corporation
Arkansas Louisiana Gas Company
Armco, Inc.
Armstrong Cork Company
Ash Grove Cement Company
Babcock & Wilcox Company
Ball Corporation
Basic, Incorporated
Belden Brick Company
Bethlehem Steel Corporation
Bickerstaff Clay Products Co., Inc.
Boren Clay Products Company
Brockway Glass Company, Inc.
Can-Am Corporation
Capitol Aggregates, Inc.
Centex Corporation
CertainTeed Corporation
CLM Corporation
Combustion Engineering, Inc.
Crane Co.
Dart Industries, Inc.
Delta Macon Brick & Tile Co.
Dickey Company
Dorsey Corporation
Eagle Picher Industries, Inc.
Edw. C. Levy Company
Eltra Corporation
Federal Paper Board Co., Inc.
Filtrol Corporation
Flintkote Company
Ford Motor Company
GAF Corporation
General Telephone & Electronic Corp.
General Dynamics
General Electric Company
General Shale Products Corp.
Georgia-Pacific Corporation
Giant Portland & Masonry Cement Co.
Gifford-Hill & Company, Inc.
Glen-Gery Corporation
Glenshaw Glass Company, Inc.
Guardian Industries Corp.
Gulf & Western Industries, Inc.
Harsco Corporation
Ideal Basic Industries, Inc.
Illinois Cement Company
J. E. Baker Company
Jim Walter Corporation
Johns-Manville Sales Corp.
Justin Industries, Inc.
Kaiser Aluminum & Chemical Corp.
Kaiser Cement & Gypsum Corp.
Kennecott Copper Corporation

* Energy consumption was less than one trillion Btu's in 1977 when feedstocks were excluded.

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Kerr Glass Manufacturing Corp.
Keystone Portland Cement Co.
Kohler Company
Kraft, Inc.
Lancaster Colony Corporation
Latchford Glass Company
Lehigh Portland Cement Company
Liberty Glass Company
Martin Marietta Corporation
McDonough Co.
Minnesota Mining & Manufacturing Co.
Mississippi Lime Company
Missouri Portland Cement Co.
Monarch Cement Company
National Bottle Manufacturing Company
National Can Corporation
National Cement Company
National Gypsum Company
Nevada Cement Company
Newmont Mining Corporation
Northwestern States Portland Cement Co.
Norton Company
Norton Simon, Inc.
Oregon Portland Cement Company
Owens-Corning Fiberglas Corp.
Owens-Illinois, Inc.
Penn-Dixie Industries, Inc.
Pfizer, Inc.
Portland Cement Co. of Utah
PPG Industries, Inc.
Raybestos Manhattan, Inc.
Republic Steel Corp.
Rockwool Industries, Inc.
Solite Corporation
Southdown, Inc.
St. Clair Lime Company
Texas Industries, Inc.
United States Gypsum Company
United States Steel Corp.
Vulcan Materials Company
Warner Company
Weyerhaeuser Company
Whitehall Cement Manufacturing Co.

SIC 33 PRIMARY METAL INDUSTRIES

Alcan Aluminum Corporation
Allegheny Ludlum Industries, Inc.
Allied Chemical Corporation
Aluminum Company of America
Amax, Inc.
American Can Company
American Cast Iron Pipe Co.
American Home Products Corp.
American Telephone & Telegraph Co.
Amsted Industries, Incorporated
Armco, Inc.
Asarco, Incorporated
Atlantic Richfield Company
Atlantic Steel Company
Babcock & Wilcox Company
Bethlehem Steel Corporation
Budd Company
Cargill, Inc.
Carpenter Technology Corp.
Caterpillar Tractor Co.
Ceco Corp.
Century Brass Products, Inc.
Chromium Mining & Smelting Corp.
Clow Corporation
Colt Industries, Inc.
Connors Steel Company
Consolidated Aluminum Corp.
Crane Company
Cyprus Mines Corporation
Dayton Malleable, Inc.
Dow Chemical Company
Eaton Corp.
Ethyl Corporation
Evans Products Company
Florida Steel Corporation
Ford Motor Company
General Cable Corporation
General Electric Company
General Motors Corporation
Great Lakes Carbon Corporation
Grede Foundries, Inc.
Gulf & Western Industries, Inc.
Gulf Resources & Chemical Corp.
Hayes-Albion Corp.
IC Industries, Inc.
Inland Steel Company
Interlake, Inc.
International Minerals & Chemical Corp.
Jim Walter Corporation
Jones & Laughlin Steel Company
Kaiser Aluminum & Chemical Corp.
Kaiser Steel Corporation
Kennecott Copper Corporation
Keystone Consolidated Industries, Inc.
Koppers Company, Inc.
Korf Industries, Inc.
Laclede Steel Company
Louisiana Land & Exploration Co.
Lukens Steel Company
Martin Industries
Martin Marietta Corporation
McLouth Steel Corporation
Mead Corporation
Midland-Ross Corporation
National Steel Corporation
National-Standard Company
National Distillers & Chemical Corp.
Newmont Mining Corporation
NL Industries, Inc.
Noranda Aluminum, Inc.
Northwest Industries, Inc.
Northwestern Steel & Wire Co.
Ohio Ferro-Alloys Corporation
Olin Corporation
Pacific States Steel Corp.
Pechiney Ugine Kuhlmann Corp.
Phelps Dodge Corporation
Phoenix Steel Corporation
Quanex Corporation
Republic Steel Corp.
Revere Copper & Brass, Inc.
Reynolds Metals Company
Roane Electric Furnace Co., Inc.
Shenango, Incorporated
Sundstrand Corporation
Teledyne, Inc.
Timken Company
Union Carbide Corporation
United States Steel Corp.
United Technologies Corp.
Vulcan Materials Company
Wean United, Inc.
Wheeling Pittsburgh Steel Corp.
White Consolidated Industries, Inc.

SIC 34 FABRICATED METAL PRODUCTS

Adolph Coors Company
Allegheny Ludlum Industries, Inc.
Aluminum Company of America
American Can Company
American Home Products Corp.
Amsted Industries, Incorporated
Babcock & Wilcox Company
Bethlehem Steel Corporation
Budd Company
Cameron Iron Works, Inc.
Century Brass Products, Inc.
Chrysler Corporation
Combustion Engineering, Inc.
Continental Group, Inc.
Crown Cork & Seal Company, Inc.
E. I. du Pont de Nemours & Co.
Ford Motor Company
General Motors Corporation
Gulf & Western Industries, Inc.
Harsco Corporation
Inland Steel Company
Kaiser Aluminum & Chemical Corp.
Keystone Consolidated Industries, Inc.

Kohler Company
Ladish Co.
Martin Marietta Corporation
Moorman Mfg. Co.
National Can Corporation
National Steel Corporation
NL Industries, Inc.
Olin Corporation
Raybestos Manhattan, Inc.
Reynolds Metals Company
Rockwell International Corporation
Roper Corporation
Signal Companies, Inc.
Stanley Works, Inc.
Stokely-Van Camp, Inc.
Sundstrand Corporation
TRW, Inc.
United States Steel Corp.
Wyman-Gordon Company

SIC 35 MACHINERY, EXCEPT ELECTRICAL

American Home Products Corp.
Borg-Warner Corporation
Briggs & Stratton Corporation
Caterpillar Tractor Co.
Chrysler Corporation
Clark Equipment Company
Colt Industries, Inc.
Cummins Engine Company, Inc.
Deere & Company
Eaton Corp.
Emhart Corporation
FMC Corporation
Ford Motor Company
General Electric Company
General Motors Corporation
Harnischfeger Corporation
International Business Machines Corporation
IC Industries, Inc.
Ingersoll-Rand Company
International Harvester Company
Litton Industries, Inc.
Mobay Chemical Corporation
Raybestos Manhattan, Inc.
Rockwell International Corporation
Roper Corporation
Sperry Rand Corporation
Sundstrand Corporation
Teledyne, Inc.
Tenneco, Inc.
Timken Company
Trane Co.
TRW, Inc.
Westinghouse Electric Corp.
White Consolidated Industries, Inc.

SIC 36 ELECTRIC, ELECTRONIC EQUIPMENT

A. O. Smith Corporation
American Telephone & Telegraph Co.
Emerson Electric Co.
General Telephone & Electronic Corp.
General Cable Corporation
General Electric Company
General Motors Corporation
Great Lakes Carbon Corporation
High Voltage Engineering Corp.
Hughes Aircraft Company
Johnson Controls, Inc.
Raytheon Company
Rockwell International Corporation
Roper Corporation
Union Carbide Corporation
Westinghouse Electric Corp.
Whirlpool Corporation
White Consolidated Industries, Inc.

SIC 37 TRANSPORTATION EQUIPMENT

A. O. Smith Corporation
American Motors Corporation
AMF, Incorporated
Avco Corporation
Bendix Corporation
Bethlehem Steel Corporation
Boeing Company
Borg-Warner Corporation
Budd Company
Chryler Corporation
Eaton Corp.
Ford Motor Company
General Dynamics
General Electric Company
General Motors Corporation
Goodyear Tire & Rubber Co.
Grumman Corporation
Hercules, Incorporated
Hughes Aircraft Company
International Harvester Company
Litton Industries, Inc.
Lockheed Corporation
Martin Marietta Corporation
McDonnell Douglas Crop.
Northrop Corporation
Rockwell International Corporation
Roper Corporation
Signal Companies, Inc.
Sundstrand Corporation
Tenneco, Inc.
TRW, Inc.
United Technologies Corp.
Vought Corporation

SIC 38 INSTRUMENTS AND RELATED PRODUCTS

American Home Products Corp.
Eastman Kodak Company
Gaf Corporation
Johnson & Johnson International, Inc.
Johnson Controls, Inc.
Minnesota Mining & Manufacturing Co.
Polaroid Corporation
Roper Corporation
Sundstrand Corporation
Warner-Lambert Company

SIC 39 MISCELLANEOUS MANUFACTURING INDUSTRIES

Armstrong Cork Company

[FR Doc. 79-4607 Filed 2-8-79; 8:45 am]

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BOOK 2 OF 2 BOOKS
MONDAY, FEBRUARY 12, 1979
PART V



DEPARTMENT OF ENERGY

Economic Regulatory Administration

POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

Proposed Forms for Petitioning for Exemptions; Request for Comment

V 4 4 / 3 0 F E 1 2 7 9 UMI

[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

PROPOSED FORMS FOR THE PETITIONING FOR EXEMPTIONS FROM THE PROHIBITIONS OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

Request for Public Comment

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Request for Public Comment on the following Economic Regulatory Administration (ERA) Forms:

General Form for New Powerplant Exemption Petition (ERA—301A)
General Form for New Installation Exemption Petition (ERA-301B)
Temporary Exemption for Future Use of Synthetic Fuels for New Powerplants and New Installations (ERA-302)
Temporary Public Interest Exemption for New Powerplants and New Installations (ERA-303)
Exemption Due to a Lack of Alternate Fuel for New Powerplants and New Installations (ERA-303)
Temporary and Permanent Site Limitation Exemption for New Powerplants and New Installations (ERA-305)
Exemption Due to an Inability to Comply with Applicable Environmental Requirements (ERA-306)
Permanent Exemption for Inability to Obtain Adequate Capital (ERA-307)
Permanent Exemption for New Powerplants and New Installations due to Certain State or Local Requirements (ERA-308)
Permanent Exemption for Cogeneration for New Powerplants and New Installations (ERA-309)
Permanent Exemption for Fuel Mixtures for New Powerplants and New Installations (ERA-310)
Permanent Exemption for Emergency Purposes for New Powerplants and New Installations (ERA-311)
Permanent Exemption for New Powerplants Necessary to Maintain Reliability of Service (ERA-312)
Permanent Exemption for Peakload Powerplants (ERA-313)
Permanent Exemption for Exemption for Intermediate Load Powerplants (ERA-314)
Permanent Exemption for New Installations Necessary to Meet Scheduled Outages (ERA-315)
Temporary Public Interest Exemption for Use of Natural Gas by Existing Powerplants (ERA-316)
Schedule A—General and Special Cost Tests for New Powerplants (ERA-317)
Schedule B—General and Special Cost Tests for New Installations (ERA-318)
Schedule C—No Alternative Power Supply (ERA-319)
Schedule D—Use of Fuel Mixtures (ERA-320)
Schedule E—General Requirement for Alternative Sites (Powerplants) (ERA-321)

SUMMARY: In preparation for the implementation of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has developed forms for use in petitioning ERA for exemptions from the prohibitions of FUA. Potential Petitioners, interested parties and members of the public are invited to submit comments on the proposed forms which are reproduced herein.

DATES: Comments received not later than March 2, 1979, will be given full consideration.

ADDRESSES: All comments to: Robert C. Gillette, Department of Energy, Economic Regulatory Administration, ERA Docket ERA-R-79-4, 2000 M Street, NW., Room 2313, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Alfred C. Metz, Department of Energy, Economic Regulatory Administration, Office of Fuels Regulation, Room 7219C, 2000 M Street, NW., Washington, D.C. 20461 (202) 254-5436.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Comments Invited on Proposed Forms.
III. Comment Procedure.

I. Background

In the Proposed Rules for Implementation of the Powerplant and Industrial Fuel Use Act of 978 (FUA) (43 FR 53974, November 17, 1978), ERA stated that proposed forms which must be submitted as part of a petition for exemption from any of the prohibitions of FUA, and any other forms, will be published in the FEDERAL REGISTER and public comments solicited.

The proposed forms reproduced herein are: (a) General Forms for New Powerplants and New Installations which serve to identify the petitioning company and facility and provide information required by FRA that is common to all types of exemptions, (b) forms for each exemption, and (c) schedules which are designed to provide in a specific format certain data required in the Fuels Decision Report. (The Fuels Decision Report was discussed in the above cited FEDERAL REGISTER Notice.)

Under the Federal Reports Act, the ERA Forms must be approved by the Office of Management and Budget (OMP). As a part of the approval process, ERA hereby solicits comments concerning these forms. An advance copy of the forms will be forwarded to OME concurrently with the publication of this FEDERAL REGISTER Notice. Comments submitteed to EPA concerning the proposed forms will be considered by ERA and also forwarded to OMB for use in its considerations.

II. Comments Invited on Proposed Forms

Review comments should address the following areas of concern:

- Is the overall layout and general format of the forms easy to understand and follow?
- How many person-hours will be required to provide the information required for submitting a petition?
- What is your estimate of the cost to your firm for completing and submitting the proposed forms?
- Are the instructions for the forms clear? Which instructions should be clarified or expanded?
- Are the units of measure specified in the forms consistent with those generally used by your firm for record-keeping purposes?

ERA is cognizant of the burden that the filing of a petition for exemption from the prohibitions of FUA imposes on the petitioner. These proposed forms were designed with the intent to minimize the complexities of the petitioning process by providing specific outlines of the data required by ERA for each type of exemption. ERA encourages potential respondents to submit comments that will help us to develop comprehensive petitioning forms and at the same time fulfill our common objective of facilitating the petitioning process.

III. Comment Procedure

You are invited to participate in the development of Petitioning Forms by submitting your views or arguments, suggestions, and ideas with respect to the proposed forms reproduced in this Notice. Written comments should be submitted to the address indicated in the "ADDRESSES" section of this Notice and should be identified on the outside envelope and on documents submitted with the designation "FUA—Docket No. ERA-R-79-4. All comments received will be available for public inspection in the DOE Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

You should identify separately any information or data you consider to be confidential and submit it in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

Issued at Washington, D.C. on January 31, 1979.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

ERA-

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

Form Approved
OMB No.

GENERAL FORM FOR NEW POWERPLANT EXEMPTION PETITION

DRAFT

This General Form for Exemption Petition must accompany all Petitions for Temporary or Permanent Exemption(s).

A separate General Form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name, mailing address, city, state and zip code for the Facility, the Operating Company and the Parent company ?

1.1 Facility Information (Site) DOE USE ONLY

(a) Name of unit

(b) Generating Station

(c) Address

(d) City, State, Zip Code DOE USE ONLY

(e) County

(f) Unit Identification

1.2 Utility Company DOE USE ONLY

(a) Name

(b) Address

(c) City, State, Zip Code

1.3 Parent Company or Holding Company (Complete if applicable) DOE USE ONLY

(a) Name

(b) Address

(c) City, State, Zip Code

1.4 Enter the name of the person in your company to whom questions regarding this petition may be directed:

(a) Name

(b) Title

(c) Address

(d) City, State, Zip

(e) ( ) Telephone

2.0 FACILITY INFORMATION

2.1 What type of Utility is this?

(a) ☐ Investor Owned
(b) ☐ Cooperative
(c) ☐ Federal
(d) ☐ State
(e) ☐ Municipal
(f) ☐ Other _____

2.2 In what electric region are you located? (See instructions for coding.)

(a) ☐ APS	(k) ☐ TVA	(u) ☐ MOKAN
(b) ☐ AEP	(l) ☐ VACAR	(v) ☐ OG
(c) ☐ NEPOOL	(m) ☐ CAPCO	(w) ☐ TIS
(d) ☐ NYPP	(n) ☐ CCD	(x) ☐ RMPP
(e) ☐ PJM	(o) ☐ KG	(y) ☐ NWPP
(f) ☐ CEC	(p) ☐ IG	(z) ☐ A/NMG
(g) ☐ FCG	(q) ☐ ILLMO	(a') ☐ SCNV
(h) ☐ MSU	(r) ☐ MECS	(b') ☐ NCNV
(i) ☐ SC	(s) ☐ WUMS	(c') ☐ AK
(j) ☐ GSG	(t) ☐ MAPP	

2.3 Indicate to which Statutory Prohibition this Petition pertains:

(a) ☐ Prohibition of the use of petroleum or natural gas as a primary energy source.

(b) ☐ Prohibition of the construction of an electrical powerplant without the capability to use an alternate fuel as a primary energy source.

2.4 What is the type of unit you are seeking an exemption for:

(a) ☐ Boiler (b) ☐ Combustion Turbine (c) ☐ Combined Cycle

2.5 What is the design capacity of your new Unit?

(a) _____ MMBTU's/Hour Heat Input Rate
(b) _____ Megawatts Output
(c) (If a boiler) _____ Pounds of Steam Per Hour

2.6 Are there other electric generating units at the site of this new unit which individually have a design heat input capacity of 50 million BTU's per hour, or greater?

(a) ☐ Yes...Answer 2.7 (b) ☐ No...Skip to 2.8

2.7 What is the total design heat input capacity at the site (counting the new unit and those other units considered in Question 2.6 above)?

_____ MMBTU's per hour.

2.8 Have you filed a petition with ERA for classification of this Unit as "EXISTING?"

(a) ☐ Yes...What is the Docket Number? _____ (b) ☐ No...Answer 2.9

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2.9 Indicate the appropriate classification for your filing as a New Powerplant:

(a) ☐ As of April 20, 1977, unit was not operational

(b) ☐ Since April 20, 1977, unit has been either reconstructed or added to, and the cost of such reconstruction, refurbishment, or addition equals or exceeds 50% of the price of a replacement unit..

(c) ☐ Since November 9, 1978, unit was moved from one site to another.

2.10 Indicate the status of development for this unit be placing an "X" in the milestones accomplished as of the date of this Petition.

(a) / / Conceptual Stage
(b) / / Planning Stage
(c) / / Preliminary Design Stage
(d) / / Final Design Stage
(e) / / Proposals Requested
(f) / / Contract Executed
(g) / / Construction Started
(h) / / Construction Completed
(i) / / Unit Operational

2.11.1 What is the date the unit became operational or the date it is projected to become operational? _____

3.0 EXEMPTION INFORMATION

Place an "X" in the appropriate box(es) to indicate the type of exemption(s) you are petitioning for. If you have previously submitted a petition for exemption(s) for this unit, enter the docket number in the space provided.

3.1 Temporary exemptions for new installations

	Type of Exemption	Docket Number
(a) ☐	Lack of alternate fuel supply	
(b) ☐	Site limitations	
(c) ☐	Inability to comply with applicable environmental requirements	
(d) ☐	Future use of synthetic fuels	
(e) ☐	Public interest exemption	

3.2 Permanent exemptions for new installations

	Type of Exemption	Docket Number
(a) ☐	Lack of alternate fuel supply for the first ten years of useful life	
(b) ☐	Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using petroleum	
(c) ☐	Site limitations	
(d) ☐	Inability to comply with applicable environmental requirement	
(e) ☐	Inability to obtain adequate capital	
(f) ☐	State or local requirements	
(g) ☐	Cogeneration	
(h) ☐	Permanent exemption for certain fuel mixtures, containing natural gas or petroleum	
(i) ☐	Emergency purposes	
(j) ☐	Product and process requirements	
(k) ☐	Scheduled equipment outages	
(l) ☐	Intermediate load powerplant	

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GENERAL FORM FOR NEW POWERPLANT PETITION

4.0 FUEL DATA

Complete the following information for the unit for which you are requesting an exemption:

FUEL TYPE	What fuels are used or proposed to be used as a "Primary Energy Source."? (Check all fuels that apply.) Capability (a)	Proposed (b)	What is your annual estimated fuel consumption? (10 Year Average) (c)	What is the percentage of heat input required for ignition, start-up, flame stabilization and control? (10 Year Average) (d)
4.1 SOLID FUELS				
4.1.1 Coal			tons	%
4.1.2 Petroleum Coke			tons	%
4.1.3 Municipal Waste			tons	%
4.1.4 Industrial Waste			tons	%
4.1.5 Agricultural Waste			tons	%
4.1.6 Wood			tons	%
4.1.7 Solid Refinery Waste			tons	%
4.1.8 Biomass			tons	%
4.1.9 Solid Renewable Waste			tons	%
4.1.10 other:			tons	%
4.2 LIQUID FUELS				
4.2.1 Residual Oil #6			Bls	%
4.2.2 Distillate Oil #2			Bls	%
4.2.3 Synthetic Oil			Bls	%
4.2.4 Liquid Refinery Waste			Bls	%
4.2.5 Shale Oil			Bls	%
4.2.6 Crude Oil			Bls	%
4.2.7 Other:			Bls	%
4.3 GASEOUS FUELS				
4.3.1 Industrial Gas			Mcf	%
4.3.2 Synthetic Gas From Petroleum			Mcf	%
4.3.3 Synthetic Gas From Alternate Fuel			Mcf	%
4.3.4 Gaseous Refinery Waste			Mcf	%
4.3.5 Gaseous Industrial Waste			Mcf	%
4.3.6 Other:			Mcf	%
4.3.7 Other:			Mcf	%
4.3.8 Other:			Mcf	%
4.4 SOLAR				

4.5 What is the estimate annual capacity factor (10 years) use in the calculation of (c)? _____ Percent.

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5.0 SUPPORTING DOCUMENTATION INFORMATION

5.1 The following issues must be addressed in all petitions for exemptions (except as noted). Check the appropriate boxes below to indicate these issues are discussed in your Fuels Decision Report and enter the page and chapter number were appearing.

(a) Is Fluidized Bed Combustion of Coal or another alternate fuel addressed in the FDR?

(1) ☐ Yes . . . FDR Page _____ Chapter _____

(2) ☐ No . . Not applicable. Petition is for exemption base on Fuel Mixtures or Peakload Powerplant only, or is for Temporary Exemption(s) only.

(b) ☐ State Approvals for Construction and Use of this Unit are discussed in the FDR.

.... FDR Page _____ Chapter _____

(1) Are all required State Approvals listed in the FDR?

(a) ☐ Yes (b) ☐ No

(2) Have all required State Approvals been obtained?

(a) ☐ Yes (b) ☐ No

(3) Is the status of outstanding required State Approvals discussed in the FDP?

(a) ☐ Yes (b) ☐ No

5.2 You must submit the following documents in support of your petition for exemptions(s). Enter an "X" in the boxes below to indicate that the documents are attached.

(a) ☐ Transmittal Letter

(b) ☐ Fuels Decision Report (FDR)

(c) ☐ Reliability of Service Exemption Form [Required for all Permanent Exemptions]

(d) ☐ Schedule A - Cost Calculations for New Powerplants

(e) ☐ Schedule C - No Alternative Power Supply

Schedules A and C are not required if your Petition is for Exemption based on:

. . . . Cogeneration
. . . . Peakload Powerplant
. . . . . or for all Temporary Exemptions except Lack of Alternate Fuel Supply

5.2 (Continued)

(f) ☐ Schedule D - Fuel Mixtures

Not required if your Petition is for Exemption based on:

. . . . Fuel Mixtures
. . . . Peakload Powerplant

(g) ☐ Schedule E - Alternative Sites

Not required for a Petition for Temporary Exemption(s) only, or if your Petition for a Permanent Exemption is based on:

. . . . Cogeneration
. . . . Fuel Mixtures
. . . . Emergency Purposes
. . . . Reliability of Service
. . . . Peakload Powerplant

(h) ☐ Exemption Form for each exemption being petitioned for

5.3 Indicate by entering an "X" in the box below if additional (discretionary) documentation in support of your petition is attached. List the additional documents in the space provided. If no additional documentation is attached, skip to 6.0.

☐ Additional Documentation attached and listed below

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

6.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

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DRAFT

INSTRUCTIONS - GENERAL FORM FOR NEW POWERPLANT EXEMPTION PETITION - ERA FORM 301A

1.0 IDENTIFICATION INFORMATION

1.1 Facility Information (Site): This information pertains to the site where your new powerplant (unit) is located.

(a) Enter the name by which the unit is identified.

(b) Enter the name of the generating station where the unit is located.

(c) Enter the street address of the facility site.

(d) Enter the City and State where the facility site is located and the ZIP code of the address.

(e) Enter the County in which the facility site is located.

(f) Enter the specific identification of the new unit. For example, Boiler #234.

1.2 Utility Company Identification: This information relates to the utility company which has the actual responsibility for the operation of the new electric powerplant. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the utility company.

(b) Enter the street address of the utility company.

(c) Enter the City and State where the company is located and the ZIP code for the address.

1.3 Parent Company or Holding Company Data: Complete this section only if there is an entity which controls, wholly or partially owns, or is responsible for the operating company.

(a) Enter the name of the entity.

(b) Enter the street address of the entity.

(c) Enter the City and State where the entity is located and the ZIP code of the address.

1.4 Contact Person Identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the street address of the individual.

(d) Enter the city and state where the individual is located and the ZIP code for the address.

(e) Enter the area code and the telephone number at which the individual may be reached during normal working hours.

2.0 FACILITY INFORMATION

2.1 Check the appropriate box that indicates the type of utility owning the new generating unit.

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2.2 Check the Electric Region Code in which the new generating unit is located.

(a)	APS	Allegheny Power System
(b)	AEP	American Electric Power System
(c)	NEPOOL	New England Power Pool
(d)	NYPP	New York Power Pool
(e)	PJM	Pennsylvania-New Jersey-Maryland Interconnection
(f)	CEC	Commonwealth Edison Company
(g)	FCG	Florida Coordination Group
(h)	MSU	Middle South Utilities
(i)	SC	Southern Company
(j)	GSG	Gulf States Group
(k)	TVA	Tennessee Valley Authority
(l)	VACAR	Virginia-Carolina Group
(m)	CAPCO	Central Area Power Coordination Group
(n)	CCD	Cincinnati, Columbus, Dayton Group
(o)	KG	Kentucky Group
(p)	IG	Indiana Group
(q)	ILLMO	Illinois-Missouri Group
(r)	MECS	Michigan Electric Coordinated Systems
(s)	WUMS	Wisconsin-Upper Michigan Group
(t)	MAPP	Mid-Continent Area Power Pool

(u)	MOKAN	Missouri-Kansas Group
(v)	OG	Oklahoma Group
(w)	TIS	Texas Interconnected Systems
(x)	RMPP	Rocky Mountain Power Pool
(y)	NWPP	Northwest Power Pool
(z)	A/NMG	Arizona-New Mexico Group
(a')	SCNV	Southern California-Nevada
(b')	NCNV	Northern California-Nevada
(c')	AK	Alaska

2.3 Indicate the Statutory Prohibition under the Powerplant and Industrial Fuel Use Act of 1978 for which you are petitioning for exemption.

2.4 Check the box that indicates the type of generating unit for which you are requesting an exemption(s).

2.5 Provide the design capacities of the generating unit by:

(a) Fuel heat input rate in millions of British Thermal Units (MMBTU's) per hour.

(b) Megawatts output.

(c) If a boiler, the pounds of steam per hour output.

2.6 Indicate whether or not there are other generating units at the same site having individually a design heat input rate capacity of 50 million British Thermal Units (BTU's) per hour or greater. (Units within 10 miles of each other will be considered by ERA to be at the same site.)

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2.7 If your answer to Question 2.6 is "Yes," indicate the total design heat input rate capacity per hour in millions of British Thermal Units (MMBTU's per hour) at the site. Count the unit for which this petition is being submitted and the other units at the site considered in answering Question 2.6.

2.8 Indicate whether or not you have petitioned ERA for classification of this unit as an Existing Facility. If "Yes," provide the Docket Number assigned.

2.9 Check the box that describes the basis for the classification of this unit as a New Powerplant.

2.10 As of the date of certification of this petition, indicate by checking the appropriate boxes the milestones accomplished in the construction of this powerplant:

(a) Check this block if the powerplant is at or beyond the conceptual stage.

(b) If this powerplant is at or beyond the planning stage, check this block.

(c) If at or beyond the preliminary design stage, check this block.

(d) Check this block if the powerplant is at or beyond the final design stage.

(e) If bids for the construction or purchase of this powerplant have been requested, check this block.

(f) If a contract for the construction or purchase of this powerplant has been executed, check this block.

(g) Check this block if the construction of this powerplant has started.

(h) If construction of this powerplant is completed, check this block.

(i) Check this block if the powerplant is now operational.

(Construction means substantial physical onsite construction which constitutes more than clearance of the site or installation of foundation pilings.)

2.10.1 Enter the date the powerplant became operational, or the date you expect it to become operational.

3.0 EXEMPTION INFORMATION

3.1 Check the box for each type of temporary exemption for which you are petitioning.

3.2 Check the box for each type of permanent exemption for which you are petitioning.

If you have previously petitioned ERA for an exemption(s) for this unit, enter in the space provided beside the type of exemption the Docket Number assigned by ERA.

4.0 FUEL DATA

For the unit that you are petitioning for exemption(s), provide the following fuel data:

(a) Check all fuel types that the unit is capable of burning as a Primary Energy Source.

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(b) Check what fuel type(s) you propose to burn in this unit as a Primary Energy Source.

(For (a) and (b), Primary Energy Source is defined as the fuel or fuels used for normal operation, but it does not include the minimum amounts of fuel required for unit ignition, startup, testing, flame stabilization and control uses.)

(c) Provide the estimated ten year average of annual fuel consumption by fuel type.

(d) Provide by fuel type the average percent of annual heat input which you expect will be devoted to ignition, startup, testing, flame stabilization and control uses for this powerplant (unit) over a ten year period.

4.5 Provide the estimated annual capacity factor (averaged for ten years) that was used in the calculation of estimated fuel consumption in (c) above.

5.0 SUPPORTING DOCUMENTATION INFORMATION

5.1 Except as noted, certain general issues must be addressed in your Fuels Decision Report for all petitions for exemptions.

(a) Unless your petition is for an exemption(s) based on Fuel Mixtures or Peakload Powerplant only, or for temporary exemption(s) only, you must demonstrate in your Fuels Decision Report that a method of Fluidized Bed Combustion of an alternate fuel has been considered for this generating unit and that such a method is not economically or technically feasible.

(1) If discussion of Fluidized Bed Combustion is applicable, check this block to indicate it has been addressed in your Fuels Decision Report, and provide the page and chapter numbers where it appears.

(2) If you are petitioning for temporary exemption(s) only, or if your petition is for permanent exemption(s) based on Fuel Mixtures or Peakload Powerplant only, check this block.

(b) Your Fuels Decision Report must contain a description of all State approvals required in conjunction with the construction of this generating unit and their status as of the date of filing of this petition. Check this block to indicate that you have addressed State approvals in your Fuels Decision Report, citing the page and chapter number where the discussion appears. Questions (1) through (3) are intended to serve as a checklist for what should be included in your discussion of State approvals.

(1) Indicate whether or not all required State approvals are listed in the Fuels Decision Report.

(2) Indicate whether or not all required State approvals have been obtained.

(3) Indicate if the status of outstanding required State approvals are discussed.

5.2 This section serves as a guide and checklist to insure that all mandatory supporting documentation has been completed and attached to your petition.

(a) Check this box to indicate that your petition for exemption(s) is forwarded by a transmittal letter.

(b) Check this box to indicate that you have developed and attached a Fuels Decision Report.

(c) All petitions for permanent exemption must include a completed Reliability of Service Exemption Form. If your petition is for any permanent exemption, check this block to indicate that a Reliability of Service Exemption Form is attached.

(d) and (e) Schedule A (Cost Calculations for New Powerplants) and Schedule C (No Alternative Power Supply) must be attached to your petition except if you are only petitioning for:

- o An exemption based on Cogeneration or Peakload Powerplant, or
- o All temporary exemptions except Lack of Alternative Fuel Supply.

As applicable, check the boxes for (d) and (e) to indicate that Schedules A and C are attached.

(f) Schedule D (Fuel Mixtures) must be submitted except if your petition for exemption is based on Fuel Mixtures or Peakload Powerplant only. If applicable, check the box to indicate that Schedule D is attached.

(g) Schedule E (Alternative Sites) must be submitted for all permanent exemptions except:

- o Cogeneration
- o Fuel Mixtures

- o Emergency Purposes
- o Reliability of Service
- o Peakload Powerplant

If applicable, check the box to indicate that Schedule E is attached.

(h) For each type of exemption you indicated in Question 3.0 that you are petitioning for, the applicable Exemption Form must be prepared and submitted. Check this box to indicate that the required Exemption Forms are attached.

5.3 At your discretion you may submit other documentation in support of your petition. Check this block to indicate if such documentation is attached and list the attachments in the space provided.

6.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to the petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

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(3) If you are filing on behalf of an entity other than a corporation, the Chief Management Officer shall attest in writing to the accuracy of all information contained in or appended to the petition.

ERA-

U.S. DEPARTMENT OF ENERGY
Washington, D.C.

Form Approved
OMB No. _____

DRAFT

GENERAL FORM FOR NEW INSTALLATION EXEMPTION PETITION

This General Form for Exemption Petition must accompany all Petitions for Temporary or Permanent Exemption(s).

A separate General Form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name, mailing address, city, state and zip code for the Facility, the Operating Company and the Parent Company?

1.1 Facility Data (Site)

(a) _____ Name
(b) _____ Address
(c) _____ City, State, Zip Code
(d) _____ County
(e) _____ Unit Identification

1.2 Operating Company

(a) _____ Name
(b) _____ Address
(c) _____ City, State, Zip Code

1.3 Parent Company (Complete if applicable)

(a) _____ Name
(b) _____ Address
(c) _____ City, State, Zip Code

1.4 Enter the name of the person in your company to whom questions regarding this petition may be directed:

(a) _____ Name
(b) _____ Title
(c) _____ Address
(d) _____ City, State, Zip
(e) ( ) _____ Area Code, Telephone Number

2.0 FACILITY INFORMATION

2.1 What is the name and Standard Industrial Classification (SIC) for the primary end product(s) manufactured utilizing the energy output of this facility? If the SIC is unknown, enter the product only and DOE will enter the SIC.

	(a)	(b)	(c)	(d)
(1) Name of Product				
(2) Four Digit SIC	____	____	____	____

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2.2 For what type of installation are you seeking an exemption? (Check one)

(a) ☐ Package Boiler (b) ☐ Field Erected Boiler (c) ☐ Internal Combustion Engine
(d) ☐ Combustion Turbine (e) ☐ Combined Cycle Unit

2.3 What is the design capacity of your new installation (unit)?

(a) _____ MMBTU's/Hour Heat Input Rate (b) (If a boiler:) _____ Pounds of steam per hour

2.4 Are there other units at the site of the new installation (unit) which individually have a design heat input capacity of 50 million BTU's per hour, or greater?

(a) ☐ Yes...Answer 2.5 (b) ☐ No...Skip to 2.6

2.5 What is the total designed heat input capacity at the site (counting the new installation and those other units at the site considered in Question 2.4 above only)?

_____ MMBTU's per hour

2.6 Have you filed a petition with ERA for classification of this installation (unit) as "EXISTING?"

(a) ☐ Yes...What is the Docket Number? _____
(b) ☐ No...Answer 2.7

2.7 Indicate the appropriate classification for your filing as a New Installation

(a) ☐ As of April 20, 1977, unit was not operational.

(b) ☐ Since April 20, 1977, unit has been either reconstructed, refurbished, or added to, and the cost of such reconstruction, refurbishment, or addition equals or exceeds 50% of the price of a replacement unit..

(c) ☐ Since November 9, 1978, unit was moved from one site to another.

2.8 Indicate the status of development for this Installation (unit) by placing an "X" in the milestones accomplished as of the date of this Petition.

(a) ☐ Conceptual stage (f) ☐ Contract executed
(b) ☐ Planning stage (g) ☐ Construction started
(c) ☐ Preliminary design stage (h) ☐ Construction completed
(d) ☐ Final Design Stage (i) ☐ Facility operational
(e) ☐ Proposals Requested

2.8.1 What is the date the installation became operational or the date it is projected to become operational? _____

3.0 EXEMPTION INFORMATION

Place an "X" in the appropriate box(es) to indicate the type of exemption(s) you are petitioning for. If you have previously submitted a petition for exemption(s) for this unit, enter the docket number in the space provided.

3.1 Temporary exemptions for new installations

	Type of Exemption	Docket Number
(a) ☐	Lack of alternate fuel supply	
(b) ☐	Site limitations	
(c) ☐	Inability to comply with applicable environmental requirements	
(d) ☐	Future use of synthetic fuels	
(e) ☐	Public interest exemption	

3.2 Permanent exemptions for new installations

	Type of Exemption	Docket Number
(a) ☐	Lack of alternate fuel supply for the first ten years of useful life	
(b) ☐	Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using petroleum	
(c) ☐	Site limitations	
(d) ☐	Inability to comply with applicable environmental requirement	
(e) ☐	Inability to obtain adequate capital	
(f) ☐	State or local requirements	
(g) ☐	Cogeneration	
(h) ☐	Permanent exemption for certain fuel mixtures, containing natural gas or petroleum	
(i) ☐	Emergency purposes	
(j) ☐	Product and process requirements	
(k) ☐	Scheduled equipment outages	

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GENERAL FORM FOR NEW INSTALLATION PETITION:

4.0 FUEL DATA Complete the following information for the unit for which you are requesting an exemption				
	What fuels are used or proposed to be used as a "Primary Energy Source."? (Check all fuels that apply.)		What is your annual estimated fuel consumption? (10 Year Average) (c)	What is the percentage of heat input required for ignition, start-up, flame stabilization and control? (10 Year Average) (d)
FUEL TYPE	Capability (a)	Proposed (b)		
4.1 SOLID FUELS				%
4.1.1 Coal			tons	%
4.1.2 Petroleum Coke			tons	%
4.1.3 Municipal Waste			tons	%
4.1.4 Industrial Waste			tons	%
4.1.5 Agricultural Waste			tons	%
4.1.6 Wood			tons	%
4.1.7 Solid Refinery Waste			tons	%
4.1.8 Biomass			tons	%
4.1.9 Solid Renewable Waste			tons	%
4.1.10 other:			tons	%
4.2 LIQUID FUELS				%
4.2.1 Residual Oil #6			Bls	%
4.2.2 Distillate Oil #2			Bls	%
4.2.3 Synthetic Oil			Bls	%
4.2.4 Liquid Refinery Waste			Bls	%
4.2.5 Shale Oil			Bls	%
4.2.6 Crude Oil			Bls	%
4.2.7 Other:			Bls	%
4.3 GASEOUS FUELS				%
4.3.1 Industrial Gas			Mcf	%
4.3.2 Synthetic Gas From Petroleum			Mcf	%
4.3.3 Synthetic Gas From Alternate Fuel			Mcf	%
4.3.4 Gaseous Refinery Waste			Mcf	%
4.3.5 Gaseous Industrial Waste			Mcf	%
4.3.6 Other:			Mcf	%
4.3.7 Other:			Mcf	%
4.3.8 Other:				%
4.4 SOLAR				%
4.5 What is the estimate annual capacity factor (10 years) for use in the calculation of (c)?				Percent.

5.0 SUPPORTING DOCUMENTATION INFORMATION

5.1 Unless your petition is for an exemption based on Fuel Mixture, or is for Temporary Exemption(s) only, you must address in your Fuels Decision Report (FDR) the feasibility of using a method of Fluidized Bed Combustion of an alternate fuel in this unit. As applicable, indicate below that: Fluidized Bed Combustion is discussed in your FDR, citing the FDR Page and Chapter where appearing, or that the issue is not applicable to this petition.

(a) ☐ Fluidized Bed Combustion of Coal or another alternate fuel is addressed in the FDR.

(b) FDR Page _____ Chapter _____

(c) ☐ Not applicable. Petition is for Fuel Mixture Exemption or for Temporary Exemption(s) only.

5.2 You must submit the following documents in support of your petition for exemption(s). Enter an "X" in the boxes below to indicate that the documents are attached.

(a) ☐ Transmittal Letter

(b) ☐ Fuels Decision Report

(c) ☐ Schedule D (Fuel Mixture)
[Not required if Petition is for exemption based on Fuel Mixture]

(d) ☐ All other required Schedules as indicated on each Exemption Form you are submitting.

(e) ☐ Exemption Form for each exemption being petitioned for

5.3 Indicate by entering an "X" in the box below if additional (discretionary) documentation in support of your petition is attached. List the additional documents in the space provided. If no additional documentation is attached, skip to 6.0.

☐ Additional Documentation Attached and listed below

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

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6.0 CERTIFICATION			
I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.			
Name	Title	Signature	Date
Name	Title	Signature	Date
Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.			
Enter any additional remarks in this space:			

DRAFT

INSTRUCTIONS - GENERAL FORM FOR NEW INSTALLATION EXEMPTION PETITION - ERA FORM 301-B

1.0 IDENTIFICATION INFORMATION

1.1 Facility Data (Site): This information pertains to the site where your new installation (unit) is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the street address of the facility site.

(c) Enter the City and State where the facility site is located and the ZIP code of the address.

(d) Enter the County in which the facility site is located.

(e) Enter the specific identification of the new unit. For example, boiler #234.

1.2 Operating Company Identification: This information relates to the company which has the actual responsibility for the operation of the new installation. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the company.

(b) Enter the street address of the company.

(c) Enter the City and State where the company is located and the ZIP code for the address.

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1.3 Parent Company Data: Complete this section only if there is an entity which controls, wholly or partially owns, or is responsible for the operating company.

(a) Enter the name of the entity.

(b) Enter the street address of the entity.

(c) Enter the City and State where the entity is located and the ZIP code of the address.

1.4 Contact Person Identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the street address of the individual.

(d) Enter the City and State where the individual is located and the ZIP code of the address.

(e) Enter the area code and the telephone number at which the individual may be reached during normal working hours.

2.0 FACILITY INFORMATION

2.1 Name of Product and Standard Industrial Classification (SIC): This information pertains to the end product(s) which will be produced using the energy output of the new installation (unit). Columns (a), (b), (c) and (d) are provided to list the name and SIC for each end product produced.

(1) Enter the common name of each end product produced.

(2) If known, enter the four digit Standard Industrial Classification (SIC) for each end product produced. If unknown, leave blank.

2.2 Check the appropriate box that indicates the type of installation (unit) for which you are petitioning for exemption(s).

2.3 Provide the design capacities of the installation (unit) by:

(a) Fuel heat input rate in millions of British Thermal Units (MMBTU's) per hour.

(b) If the unit is a boiler, the pounds of steam per hour (output).

2.4 Indicate whether or not there are other units at the same site having individually a design heat input rate capacity of 50 million British Thermal Units (BTUs) per hour or greater. (Units within 10 miles of each other will be considered by ERA to be at the same site.)

(a) If "Yes" answer question 2.5.

(b) If "No" go on to question 2.6.

2.5 If your answer to Question 2.4 is "Yes", indicate the total design heat input rate capacity per hour in millions of British Thermal Units (MMBTU's per hour) at the site. Count the unit for which this petition is being submitted and the other units at the site considered in answering Question 2.4.

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2.6 Indicate whether or not you have petitioned ERA for classification of this unit as an Existing Facility. If "Yes," provide the Docket Number assigned.

2.7 Check the box that describes the basis for the classification of this unit as a New Installation.

2.8 As of the date of certification of this petition, indicate by checking the appropriate boxes, the milestones accomplished in the construction of this installation (unit):

(a) Check this block if the installation is at or beyond the conceptual stage.

(b) If this installation is at or beyond the planning stage, check this block.

(c) If at or beyond the preliminary design stage, check this block.

(d) Check this block if the installation is at or beyond the final design stage.

(e) If bids for the construction or purchase of this installation have been requested, check this block.

(f) If a contract for the construction or purchase of this installation has been executed, check this block.

(g) Check this block if the construction of this installation has started.

(h) If construction of this installation is completed, check this block.

(i) Check this block if the installation is now operational.

(Construction means substantial physical onsite construction which constitutes more than clearance of the site or installation of foundation pilings.)

2.8.1 Enter the date the installation became operational, or the date you expect it to become operational.

3.0 EXEMPTION INFORMATION

3.1 Check the box for each type of temporary exemption for which you are petitioning.

3.2 Check the box for each type of permanent exemption for which you are petitioning.

If you have previously petitioned ERA for an exemption(s) for this unit, enter in the space provided beside the type of exemption the Docket Number assigned by ERA.

4.0 FUEL DATA

For the unit that you are petitioning for exemption(s), provide the following fuel data:

(a) Check all fuel types that the unit is capable of burning as a Primary Energy Source.

(b) Check what fuel type(s) you propose to burn in this unit as a Primary Energy Source.

(For (a) and (b), Primary Energy Source is defined as the fuel or fuels used by a major fuel burning installation for

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normal operation, but it does not include the minimum amounts of fuel required for unit ignition, startup, testing, flame stabilization and control uses.)

(c) Provide the estimated ten year average of annual fuel consumption for this unit by fuel type.

(d) Provide by fuel type the average percent of annual heat input which you expect will be devoted to ignition, startup, testing, flame stabilization and control uses for this unit over a ten year period.

4.5 Provide the estimated annual capacity factor (averaged for ten years) that was used in the calculation of estimated fuel consumption in (c) above.

5.0 SUPPORTING DOCUMENTATION INFORMATION

5.1 If you are petitioning for any permanent exemption except Fuel Mixtures, you must demonstrate in your Fuels Decision Report that a method of Fluidized Bed Combustion of coal or another alternate fuel has been considered for this unit and that such a method is not economically or technically feasible.

(a) If discussion of Fluidized Bed Combustion is applicable, check this box to indicate that it has been addressed in your Fuels Decision Report.

(b) If Fluidized Bed Combustion is addressed in your Fuels Decision Report, provide the page and chapter numbers where it appears.

(c) If your petition is for an exemption based on Fuel Mixtures, or if you are petitioning for temporary exemption(s) only, check this box to indicate that discussion of Fluidized Bed Combustion in your Fuels Decision Report is not applicable.

5.2 This section serves as a guide and checklist to insure that all mandatory supporting documentation has been completed and attached to your petition.

(a) Check this box to indicate that your petition for exemption(s) is forwarded by a transmittal letter.

(b) Check this box to indicate that you have developed and attached a Fuels Decision Report,

(c) Unless you are petitioning for an exemption for Fuel Mixtures, Schedule D - Fuel Mixtures, must be completed and attached.

(d) Each Exemption Form lists specific Schedule Forms required for that particular exemption. Check this box to indicate that all required Schedule Forms for the type of exemption(s) you are petitioning for are completed and attached.

(e) For each type of exemption you indicated in Question 3.0 that you are petitioning for, the applicable Exemption Form must be prepared and submitted. Check this box to indicate that the required Exemption Forms are attached.

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5.3 At your discretion you may submit other documentation in support of your petition. Check this block to indicate if such documentation is attached and list the attachments in the space provided.

6.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to the petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Management Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

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U.S. DEPARTMENT OF ENERGY
Washington, D. C. 20461

Form Approved
OMB No._____

DRAFT

TEMPORARY EXEMPTION FOR FUTURE USE OF SYNTHETIC FUELS FOR NEW POWERPLANTS AND NEW INSTALLATIONS

If you are petitioning for a Temporary Exemption for future use of synthetic fuels for a new powerplant or a new major fuel burning installation, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, the appropriate schedules, this form, and all pertinent fees.

A separate Temporary Exemption form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (site):

(a) _____ Name

(b) _____ Unit Identification

1.2 Operating Company Identification:

(a) _____ Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____ Name

(b) _____ Title

(c) ( ) _____ Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 SYNTHETIC FUEL INFORMATION

3.1 Is the application for a new unit at a currently operating facility?

(a) ☐ Yes...Answer 3.2 (b) ☐ No...Skip to 3.3

3.2 What fuels are currently being burned at the site? (Check all applicable fuels.)

(a)	Solid Fuels
1	Coal
2	Petroleum Coke
3	Municipal Waste
4	Industrial Waste
5	Agricultural Waste
6	Wood
7	Solid Refinery Waste
8	R 10 Pass
9	Solid Renewable Waste
10	Other:_____

(b)	Liquid Fuels
1	Residual Oil #6
2	Distillate Oil #2
3	Synthetic Oil
4	Liquid Refinery Waste
5	Shale Oil
6	Crude Oil
7	Other:_____

(c)	Gaseous Fuels
1	Natural Gas
2	Synthetic Gas From Petroleum
3	Synthetic Gas From Alternate Fuel
4	Gaseous Refinery Waste
5	Gaseous Industrial Waste
6	Other:_____

(d) Solar ☐

3.3 Will the synthetic fuel be used only for the new unit or the existing units?

(a) ☐ New Unit...Skip to 4.0 (b) ☐ Existing Units...Answer 3.4

3.4 What is the total annual volume of fuel that will be replaced annually by the synthetic fuel including the new unit?

(a) Fuel type:_____

(b) Volume:_____

4.0 EXEMPTION DATA

4.1 When will the synthetic fuel become available for use at the facility?

Month_____ Year_____

5.0 AVAILABILITY OF SYNTHETIC PRODUCT

5.1 Is the synthetic fuel to be developed:

(a) ☐ by applicant, at site being applied for?...Skip to 7.0

(b) ☐ by applicant, at another facility?...Answer 6.0

(c) ☐ by another company?...Answer 6.0

6.0 SYNTHETIC FUEL PRODUCER INFORMATION

6.1 What is the name of the syntnetic fuel?_____

6.2 What is the producer's name and address?

Name_____

Street Address_____

City_____ State_____ Zip Code_____

6.3 What is the name, title and telephone number of a contact person for this producer?

_____
Name

_____
Title

( ) -
_____
Telephone

7.0 SUPPORTING DOCUMENTATION

In support of your Petition for a Temporary Exemption for Future use of Synthetic Fuels, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report (FDR).

As part of your Fuels Decision Report have you provided the following:

7.1 copies of economic and technical feasibility studies pertaining to the use of synthetic fuels by your proposed unit?

(a) ☐ Yes (b) ☐ No (c) FDR Page_____ Chapter_____

7.2 reliable evidence of the financial commitments you have made to construct, operate and maintain equipment which will use synthetic fuel as the primary energy source at the end of the proposed exemption period?

(a) ☐ Yes (b) ☐ No (c) FDR Page_____ Chapter_____

7.3 copies of bid requests, advertisements, contracts and/or other agreements relating to the production, purchase, and transportation of synthetic fuel?

(a) ☐ Yes (b) ☐ No (c) FDR Page_____ Chapter_____

7.4 information with regard to permits that may be required by Federal or State agencies for the construction and operation of a powerplant using synthetic fuels?

(a) ☐ Yes (b) ☐ No (c) FDR Page_____ Chapter_____

Enter any additional remarks in this space:

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TEMPORARY EXEMPTION FOR FUTURE USE OF SYNTHETIC FUELS
FOR
NEW POWERPLANTS AND NEW INSTALLATIONS

Instructions

I. Authority/Purpose

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Parts 503.24 and 505.14, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA) to be filed with the Economic Regulatory Administration (ERA) for any company seeking a temporary exemption for Future Use of Synthectic Fuels for new powerplants or new installations. If you are petitioning for a Temporary Exemption for use of synthetic fuels for new powerplants or new installations your filing requirements include the appropriate General Form, a Fuels Decision Report, the appropriate schedules, this form, and all pertinent fees. The information provided in this form will be used by ERA to perform an evaluation of powerplants and installations seeking a temporary exemption.

II. Where to submit the temporary exemption form:

Submit Form ERA-302 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N. W. Room
Washington, D. C. 20461

III. Temporary Exemptions for use of Synthetic Fuels Form

Section 1.0 Identification Information

1.1 Facility Data (Site). This information pertains to the site where the new Synthetic Fuels Powerplant (Unit) or New Synthetic Fuels Major Fuel Burning Installation (Unit) is located.

(a) Enter the name of the facility where the unit is located.
(b) Enter the specific identification of the unit.

1.2 Operating Company Identification.

(a) Enter the name of the company that has the responsibility for the operation of the unit. Included under the meaning of company is any individual corporation, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

1.3 Name of person responsible for this application. The information should relate to an individual who can be contacted if there are any questions regarding the information contained in this Synthetic Fuels Form.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the area code and telephone number at which the individual may be reached during normal working hours.

Section 2.0 CERTIFICATION

(1) If you filing a petition for an exemption on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to the petition.

(2) If you are filing a petition for an exemption on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to the petition.

Section 3.0

3.1 Check (a) "yes" if the application is for a new unit at a currently operating facility. If you check "yes," answer question 3.2. Check (b) "no" if it is not a new unit at a currently operating facility. If you check "no," skip to question 3.3.

3.2 If you checked (a) "yes" in question 3.1, check what fuel (or fuels) is currently being burned at the site (operating facility).

3.3 Indicate whether or not the synthetic fuel will be used for:

a. the new unit only; if you check "a," skip to question 4.0.
b. existing units also; if you check "b," answer question 3.4.

3.4 If you checked (b) in question 3.3; that is, that synthetic fuel will be used in existing units also, indicate (a) the fuel type and (b) the total annual volume of fuel that will be replaced annually by synthetic fuel.

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Section 4.0 Exemption Data.

4.1 Indicate the month and year when the synthetic fuel will become available for use at the facility.

Section 5.0 Availability of Synthetic Product.

5.1 Indicate how the synthetic fuel is to be developed by checking (a) if it will be developed by the applicant at the proposed site.

If you check "a," skip to question 7.0. Check (b) if it will be developed by the applicant at another facility, other than that being applied for and answer question 6.0. Check (c) if the synthetic fuel will be developed by another company and answer question 6.0.

Section 6.0 If you checked (b) or (c) in item 5.1; that is, that the synthetic fuel will be developed (b) by the applicant at another site, or (c) by another company, further information is required:

6.1 Indicate the name of the synthetic fuel

6.2 Indicate the street address, City, State and ZIP Code of the synthetic fuel producer.

6.3 Indicate the name of the contact person of the synthetic fuel producer, including his or her title and phone number including area code.

Section 7.0 Supporting Documentation.

In support of your Petition for the Future Use of Synthetic Fuels Exemption, you are required to address specific issues of your Fuels Decision Report. In completing the questions in Section 7.0, provide ERA with a summary of your responses and/or indicate that such specific issues have been addressed. As appropriate, indicate the page and chapter (or attachment number) where the issues are discussed in the Fuels Decision Report.

7.1 through 7.4 Check "yes" or "no" and indicate the chapter and page.

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OMB No. _____

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U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

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TEMPORARY PUBLIC INTEREST EXEMPTION
FOR NEW POWERPLANTS AND NEW INSTALLATIONS

If you are petitioning for a temporary Public Interest Exemption for a new powerplant or a new major fuel burning installation, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, the appropriate schedules, this form and all pertinent fees.

A separate temporary Public Interest Exemption form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (site):

(a) _____
Name

(b) _____
Unit Identification

1.2 Operating Company Identification:

(a) _____
Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____
Name

(b) _____
Title

(c) ( ) _____
Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 For what reason are you seeking a temporary public interest exemption?

(a) ☐	Economic	(g) ☐	Historical
(b) ☐	Transportation	(h) ☐	Health/Safety
(c) ☐	Unemployment	(i) ☐	Environmental
(d) ☐	Waste Disposal	(j) ☐	State or local requirement
(e) ☐	Waste Treatment	(k) ☐	Other, specify:
(f) ☐	Available Water		_____

4.0 If granted a temporary "public interest" exemption, in which year do you expect to achieve your goal to utilize an alternate fuel as a primary energy source

(a) ☐	1st year	(d) ☐	4th year
(b) ☐	2nd year	(e) ☐	5th year
(c) ☐	3rd year		

5.0 SUPPORTING DOCUMENTATION INFORMATION

In support of your Petition for Public Interest Exemption, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report (FDR).

	FDR Page (a)	Chapter
5.1 Are you unable to comply with the applicable prohibitions imposed by the Act, except in extraordinary circumstances during the period for which exemption is requested, but that you will be capable of complying at the end of the proposed exemption period?		
5.2 Would the granting of the petition be in accord with the purposes of the Act and in the public interest?		
5.3 Are you eligible for a temporary exemption based on either lack of alternate fuel supply, site limitations, or environmental requirements, if you are petitioning for a new powerplant?		
5.4 Are you eligible for any other temporary exemption contained in Section 211 of the Act, if you are petitioning for a new installation?		

Enter any additional remarks in this space:

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TEMPORARY PUBLIC INTEREST EXEMPTION
FOR
NEW POWERPLANTS AND NEW INSTALLATIONS

Instructions

I. Authority/Purpose

This form is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.25, and 505.15 Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration for powerplants and installations seeking a temporary exemption from the prohibitions of the Fuel Use Act.

II. Where to submit the temporary exemption form.

Submit Form ERA- 303 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W. Room
Washington, D. C. 20461

If you are representing an installation file the General installation form. If you are representing a powerplant, you must file the General Powerplant Form. In addition, you must file a Fuels Decision Report, this form and any pertinent fees. The information provided in this Form will be used by ERA to perform an evaluation of powerplants and installations seeking a temporary exemption. A separate exemption form must be submitted for each unit for which you are seeking an exemption.

III. Temporary Public Interest Form

Section 1.0 Identification Information.

1.1 Facility Data (Site). This information pertains to the site where the New Public Interest Powerplant (Unit) or Public Interest Installation (Unit) is located.

(a) Enter the name of the facility where the unit is located

(b) Enter the specific identification of the unit. For example: Boiler #21.

1.2 Operating Company Identification.

(a) Enter the name of the company that has the responsibility for the operation of the unit. Included under the meaning of company is any individual corporation, partnership, association, firm, institution, society, trust, joint venture,

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stock company, or County, State or Federal entity.

1.3 Name of person responsible for this application. The information should relate to an individual who can be contacted if there are any questions regarding the information contained in this Public Interest Form.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the area code and telephone number at which the individual may be reached during normal working hours.

Section 2.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures maybe required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to the petition.

Section 3.0. Reason for Temporary Public Interest Exemption.

Check the line which best describes the reason for the Temporary Public Interest Exemption.

Section 4.0. Indicate the year in which you expect to achieve your goal if granted the Temporary Public Interest Exemption.

Section 5.0. Supporting Documentation.

In support of your petition for the Public Interest Exemption, you are required to address specific issues in your Fuels Decision Report. In completing the questions in Section 5.0, provide ERA with a summary of your responses and/or indicate that such specific issues have been addressed. As appropriate, indicate the chapter and page (or attachment number) where the issues are discussed in the Fuels Decision Report.

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U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

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EXEMPTION DUE TO A LACK OF ALTERNATE FUEL FOR NEW POWERPLANTS AND NEW INSTALLATIONS

If you are petitioning for a permanent or a temporary exemption for a new power plant or a new installation due to lack of alternate fuel, you must file the appropriate General Form, a Fuels Decision Report, this form, and the appropriate schedules.

A separate Lack of Alternate Fuel Exemption Form must be submitted for each unit and alternate fuel for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (Site):

(a) _____ Name

(b) _____ Unit Identification

1.2 Operating Company Identification

(a) _____ Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____ Name

(b) _____ Title

(c) ( ) _____ Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

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3.0 SCHEDULES REQUIRED FOR LACK OF ALTERNATE FUEL EXEMPTION

Note: (1) If this is a permanent exemption, answer 3.1 below.

(2) If this is a temporary exemption, skip to 3.2.

3.1 Check the appropriate boxes for the attached Exemption application and schedules.

(1) ☐ Lack of Alternate Fuel Supply for hte first ten years of useful life - You must complete this form plus the general exemption form mentioned previously, and the following:

(a) ☐ Schedule (C) Alternate Power Supply (Power plants only)

(b) ☐ Schedule (D) Fuel Mixtures

(c) ☐ Schedule (E) Alternative Site

(2) ☐ Lack of Alternate Fuel Supply at a Cost Which Does Not Substantially Exceed the Cost of Using Imported Petroleum During the Life of the Unit. In addition to the above forms required in (1) you must complete the following:

(a) ☐ Schedule (A) Cost Test (Power plants only)

(b) ☐ Schedule (B) Cost Test (Installations only)

(Skip to 4.0)

3.2 Check the appropriate boxes for the attached Exemption application and schedules.

☐ Temporary Exemption. Lack of Alternate Fuel Supply at a Cost which does not Substantially Exceed the Cost of using Imported Petroleum During the Period of the Exemption. You must complete this form in its entirety plus the general exemption form mentioned previously and the following:

(1) ☐ Schedule (A) Cost Test (Power plants only)

(2) ☐ Schedule (B) Cost Test (Installations only)

(3) ☐ Schedule (C) Alternate Power Supply (Power plants only)

(4) ☐ Schedule (D) Fuel Mixtures

(5) ☐ Schedule (E) Alternative Site

4.0 SUPPORTING DOCUMENTATION AND GENERAL DATA

To support your Petition for exemption you are required to address specific issues in your Fuels Decision Report. For each of the following issues, indicate the Chapter and Page (or Attachment Number) where the issues are discussed in the Fuels Decision Report:	Fuels Decision Report Page	Chapter
4.1 (a) A description of the specific fuel characteristics of the alternate fuel you considered in good faith effort to comply with the applicable prohibition and for which this exemption is submitted.		
(b)		
4.2 (a) A description of the alternate unit designs you considered in a good faith effort to comply with the applicable prohibitions:		
4.3 A description of the detailed design requirements for the new power plant as specified by the purchaser, including capacity, alternate fuel capability, and all other specifications.		
4.4 A description of the specific fuel characteristics of all the fuels which can be used by the new unit.		
4.5 You made a good faith effort to obtain an adequate and reliable supply of an alternate fuel of the quality necessary to conform to design and operational requirements of the new unit.		

Type Fuel	BTU's/Unit

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4.6 Which of the following alternate fuels have you (1) considered for use as a primary energy source, and (2) which have you submitted an exemption based on lack of alternate fuel?

LIQUID FUELS	Considered	Submitted an Exemption	SOLID FUELS	Considered	Submitted an Exemption
Synthetic Oil			Petroleum Coke		
Liquid Refinery Wastes			Municipal, Industrial, and Agricultural Wastes		
Shale Oil			Wood		
Other; Specify: _____ _____			Solid Refinery Wastes		
GASEOUS FUEL			Biomass		
Gaseous Refinery Wastes			Solid Renewable; Specify: _____		
Gaseous Industrial Wastes			Other; Specify: _____ _____ _____ _____ _____		
Other; Specify: _____ _____ _____					

Note: (1) If you are requesting a temporary exemption, answer section 5.0 below.

(2) If you are requesting a permanent exemption based on cost, skip to section 6.0.

(3) If neither (1) or (2) above is applicable, skip to section 7.0

5.0 TEMPORARY EXEMPTION FOR LACK OF ALTERNATE FUEL

Indicate the page and chapter (or Attachment Number) where these issues are discussed in the Fuels Decision Report (FDR).	FDR Page	FDR Chapter
5.1 Demonstrate that an adequate and reliable supply of an alternate fuel of the quality necessary to conform to the design and operational requirements of the new power plant will not be available for the period of the proposed exemption.		
5.2 The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source as defined in Section 503.5 (cost calculation) of the FUA regulations (see Schedule (A) (B)).		

5.0 TEMPORARY EXEMPTION (Continued)

Indicate the page and chapter (or Attachment Number) where these issues are discussed in the Fuels Decision Report (FDR).	FDR Page	FDR Chapter
5.3 You will be able to comply with the applicable prohibitions of these regulations at the end of the proposed exemption period.		
5.4 Evidence that you sought to obtain the full range of alternate fuels and fuel characteristics which could be used by the new power plant, including bid requests, and/or advertisements for supply contracts and all responses thereto, as well as any other arrangements you attempted to make to secure supplies.		
5.5 Evidence of the contracts or other arrangements you have made to insure a reliable and adequate supply of an alternate fuel at the end of the proposed exemptions.		
5.6 All data required by cost calculations of section 5.6 of FUA regulations necessary for computing the cost calculation formula.		
5.7 A description of the approach and methodology you used to search for and evaluate the use of the alternate fuel you considered. (Skip to 7.0)		

6.0 PERMANENT EXEMPTION FOR LACK OF ALTERNATE FUEL AT A COST WHICH DOES NOT SUBSTANTIALLY EXCEED THE COST OF USING IMPORTED PETROLEUM

Indicate page and chapter (or Attachment Number) where these issues are discussed in the Fuels Decision Report (FDR).	FDR Page	FDR Chapter
6.1 Demonstrate that the cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the new unit as defined in cost calculation Section of FUA regulations.		
6.2 All data required by Section 503.5 of these regulations (Cost Calculation) necessary for computing the cost calculation formula (See Section 6.0 of the regulations).		

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PERMANENT EXEMPTION DUE TO A LACK OF ALTERNATE FUEL
FOR
NEW POWERPLANTS AND NEW INSTALLATIONS

I. Authority/Purposes. This form is required, pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.31, 503.32, 505.21, 505.22, and Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to complete a petition to the Economic Regulatory Administration (ERA) for any exemptions from the prohibitions imposed under Title II, Section 212(a)(1)(A), of FUA. The information provided by this Form will be used by ERA to perform an evaluation of the petitioner's eligibility for an exemption.

II. Who may submit. Form ERA-304 must be submitted by owners of powerplants and installations who are petitioning for any exemptions under Title II for units classified "New" under the definition of Section 103 of FUA, and for those units which, upon petitioning to ERA for classification were not classified "Existing."

III. To Whom. Submit Form ERA-304and all accompanying documents in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

IV. Labeling. "Petition for Permanent Exemption - for New Installation," or "New Powerplant" should be clearly labeled, both on the petition and on the outside of the envelope in which the petition is transmitted.

V. When to File. A petition for exemption(s) may be filed at any time after May 8, 1979 .

1.0 IDENTIFICATION INFORMATION.

1.1 Facility Data (Site): This information pertains to the site where the new facility is located.

(a) Enter the name by which the unit is identified.
(b) Enter the specific identification of the new unit. For example, Boiler #6, Unit #3, etc.

1.2 Operation Company Identification: This information relates to the company which has the actual responsibility for the operation of the new unit. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company or County, State or Federal entity. Enter the complete name of the company.

1.3 Contact Person Identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the area code and the telephone number at which the individual may be reached during normal working hours.

2.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 SCHEDULES REQUIRED FOR LACK OF ALTERNATE FUEL EXEMPTION.

3.1 This section is to be completed only if you are requesting a permanent exemption and serves as a guide and checklist to insure that all mandatory supporting documentation has been completed and attached to your petition.

(1) Check this box to indicate that you are applying for a permanent exemption for Lack of Alternate Fuel Supply for the first ten years of useful life.

(a) Check this box to indicate that you have attached Schedule (C) Alternate Power Supply (Powerplants only)
(b) Check this box to indicate that you have attached Schedule (D) Fuel Mixtures.
(c) Check this box to indicate that you have attached Schedule (E) Alternative Site.

(2) Check this box to indicate that you are applying for a permanent exemption for Lack of Alternate Fuel Supply at a Cost Which does not Substantially Exceed the Cost of Using Imported Petroleum During the Life of the Unit.

(a) Check this box to indicate that you have attached Schedule (A) Cost Test (Powerplants only)
(b) Check this box to indicate that you have attached Schedule (B) Cost Test (Installations only)

3.2 This Section is to be completed only if you are requesting a temporary exemption and serves as a guide and checklist to insure that all mandatory supporting documentation has been completed and attached to your petition.

(1) Check this box to indicate that you are applying for a temporary exemption for Lack of Alternate Fuel Supply at a Cost Which Does Not Substantially Exceed the Cost of Using Imported Petroleum During the Period of the Exemption.

(a) Check this box to indicate that you have attached Schedule (A) Cost Test (Powerplants only)
(b) Check this box to indicate that you have attached Schedule (B) Cost Test (Installations only)
(c) Check this box to indicate that you have attached Schedule (C) Alternate Power Supply (Powerplants only)
(d) Check this box to indicate that you have attached Schedule (D) Fuel Mixtures
(e) Check this box to indicate that you have attached Schedule (E) Alternative Site

4.0 SUPPORTING DOCUMENTATION AND GENERAL DATA

To support your petition for exemption, you are required to address specific issues in your Fuels Decision Report. For each of the following issues, indicate the chapter and page (or attachment number) where the issues are discussed in the Fuels Decision Report.

4.1(a) Indicate where in your Fuels Decision Report you have provided a description of the specific fuel characteristics of the alternate fuels you considered in a good faith effort to comply with the applicable prohibitions and for which this exemption is submitted.

(b) Indicate the types of alternate fuels you have considered. For example, coal, shale oil, etc.

Indicate the British Thermal Units (BTU's) per unit of the alternate fuel you considered. For example BTU's/lb., BTU's/gallon, etc.

4.2 - 4.5 These questions are self-explanatory.

4.6 Indicate which of the alternate fuels you have considered by placing a check mark in the appropriate column.

Indicate if you have submitted a request for an exemption based on a Lack of Alternate Fuel for each of the fuels that you have considered by placing a check mark in the appropriate column.

5.0 - 6.2 These questions are self-explanatory.

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Form Approved
OMB No.

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

TEMPORARY AND PERMANENT SITE LIMITATION EXEMPTION
FOR NEW POWERPLANTS AND NEW INSTALLATIONS

DRAFT

If you are petitioning for a permanent or temporary exemption for a new powerplant or a new installation, your filing requirements include the appropriate General Form, a Fuels Decision Report, Schedule (D) for temporary exemptions, Schedules (A), (C), (D), (E) for permanent powerplant exemptions, Schedules (B), (D) for permanent installation exemptions, this form, and all pertinent fees.

A separate Site Limitation Exemption Form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (Site):

(a) _____ Name

(b) _____ Unit Identification

1.2 Operating Company Identification:

(a) _____ Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____ Name

(b) _____ Title

(a) ( ) _____ Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and, accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 Is this a site limitation because: (Check all that apply.)	1 ☐ Alternate fuels would be inacessible. 2 ☐ Transportation facilities for alternate fuels would be unavailable. 3 ☐ Adequate facilities for handling, using, or storing an alternate fuel would be unavailable. 4 ☐ Adequate means for controlling or disposing of wastes would be unavailable. 5 ☐ Adequate and reliable supply of water would be unavailable. 6 ☐ Other site limitations exist which would not permit the location or operation of the proposed powerplant using the alternate fuel.

4.0 In support of your petition for exemption for site limitation, you are required to address specific issues in your Fuels Decision Report. For each of the following issues, indicate where it is addressed in your Fuels Decision Report:	Fuels Decision Report	
	Page	Chapter
4.1 Evidence that the site limitation is a physical limitation, and not a requirement at Federal, State, or local law which could be the basis for an exemption for state and local requirements.		
4.2 Evidence that alternative means for overcoming the site limitation were considered, with a detailed description of the efforts made to overcome the site limitation.		
4.3 Evidence of the equipment or space requirements for which the site limitation is claimed.		

Note: (1) If you are applying for a temporary site limitation exemption, answer 4.4 below.

(2) If you are applying for a permanent site limitation exemption, skip to the instruction box on the next page.

4.4 Evidence of contracts or other arrangements you have made to ensure that the site limitation will be overcome and that you will comply with the prohibitions at the end of the proposed exemption period.		

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Examples of evidence relevent to establishing a site limitation are shown in Questions 4.5 through 4.16. For each of these examples indicate where it is addressed in your Fuels Decision Report (FDR).	FDR	
	Page	Chapter
4.5 Detailed documentation of impediments, including right of way problems, site diagrams, maps of the surrounding areas and other items essential to the showing of a site limitation.		
4.6 Identification of transportation facilities relevant to the specific site of the powerplant and demonstration why the existing facilities cannot be used or new facilities constructed.		
4.7 Copies of bid requests, advertisements and general efforts made to secure alternative transportation facilities.		
4.8 Identification of potential alternate fuel storage locations within a reasonable geographic area surrounding the proposed powerplant.		
4.9 Detailed scale site plans of the entire facility including those areas not directly involved with the specific boiler.		
4.10 A specific listing of all equipment necessary and not currently available to properly handle alternate fuel.		
4.11 Copies of bid requests, advertisements, and general efforts made to secure alternative fuel storage facilities.		
4.12 Copies of quotes from bona fide suppliers, indicating lead times for purchase and installation of required ancillary storage and handling equipment.		
4.13 Specific listing of any equipment necessary and not currently available to properly control and dispose of waste.		
4.14 Identification of potential alternate waste disposal locations within a reasonable geographic area surrounding the proposed powerplant.		
4.15 A description of efforts made to secure off-site disposal areas, including the cost of acquisition, transportation facilities, and waste handling costs.		
4.16 Copies of bid requests, advertisements, and general efforts made to secure waste control and disposal equipment.		

5.0 Can your site limitations be overcome by expenditure of capital?	1 ☐ Yes 2 ☐ No

Enter any additional remarks here:

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TEMPORARY AND PERMANENT SITE LIMITATION EXEMPTION
FOR NEW POWERPLANTS AND NEW INSTALLATIONS

Instructions

I. Authority/Purpose

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Parts 503.22, 503.33, 505.12 and 505.23, Public Law 95-620, Powerplant and Industrial Fuel Use Act (FUA) of 1978, to be filed with the Economic Regulatory Administration (ERA) for powerplants and installations seeking a temporary or permanent exemption for site limitations. If you represent a powerplant or installation seeking a temporary or permanent site limitation exemption, you must file the appropriate General Form, a Fuels Decision Report, Schedules (B) and (D) for Temporary and permanent exemptions for installations, and Schedules (A), (C), (D) and (E) for permanent powerplant exemptions, this form, and all pertinent fees. The information provided by the petitioner will be used by ERA to determine the eligibility for powerplants or installations seeking either a temporary or permanent exemption due to certain site limitations.

II. Where to submit Site Limitation Form

Submit Form ERA-305 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

III. Site Limitation Form

Section 1.0 IDENTIFICATION DATA.

1.1 Facility Location Data (site):

This information pertains to the site where your facility is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, boiler #234.

1.2 Operating Company Identification:

This information relates to the company which has actual responsibility for the operation of the facility. Included under the meaning of company, is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or county, State or Federal entity.

Enter the complete name of the company.

1.3 Contact Person Identification:

This information should relate to person who should be contacted if there are questions regarding the information contained in this Form.

(a) Enter the name of the individual

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

Section 2.0 Certification.

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures are required.)

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(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

Section 3.0 [Why] is this a site limitation?

Check all possible reasons in 1 thru 6 of Section 3.0 that identify or relate to your reasons for seeking a site limitation exemption.

Section 4.0 For Sections 4.1 through 4.16, you must clearly identify the page and chapter in your Fuels Decision Report where specific information is located in support of your request for a site limitation exemption.

4.1 Evidence that the site limitation is a physical limitation. A bona fide physical limitation, ERA's opinion, would be lack of a rail spur line within a reasonable distance of any proposed site or lack of a port or docking facility for a coal barge, etc. State and local laws such as building codes, nuisance laws or zoning laws will not be considered a site limitation by ERA.

4.2 Efforts to overcome a site limitation. Give a detailed description in your Fuels Decision Report where, despite good faith efforts, you were unable to overcome the site limitation for each alternate means you considered.

4.3 Evidence of limited space requirement or equipment. An example of such equipment or space limitation would be lack of adequate land or facilities for the control or disposal of wastes from such powerplant or installation, including lack of pollution control equipment or devices necessary to assure compliance with applicable environmental requirements.

4.4 Give evidence that the arrangements of contracts you have made to overcome your site limitation will not exceed the temporary exemption period. If you are seeking a temporary site limitation exemption, your Fuels Decision Report should include documentary evidence such as a contract or payment for services and work performed to insure you

do not exceed the temporary exemption period granted [up to five (5) years]. If you are seeking a permanent exemption write "N/A."

4.5 Give examples which show site limitation impediments such as site diagrams, and maps of the surrounding area that show the site limitation(s) for which you are seeking an exemption. Provide diagrams or maps of the site limitation by outlining or using color variations to offset impacted areas, i.e., physical limitations, right-of-ways, etc.

4.6 Identify why existing transportation facilities cannot be used or constructed. Identify and describe in your Fuels Decision Report alternative transportation modes you considered for each alternate fuel you examined, providing a clear, competent and concise explanation why facilities cannot be constructed to overcome a transportation limitation or constraint.

4.7 Have you provided copies of bid requests, advertisements, and general efforts made to secure alternative transportation facilities? With respect to Section 4.6, have you included copies of bid requests or advertisements in support of your efforts to secure alternate transportation? Cite the page and chapter in your Fuels Decision Report where this appears.

4.8 Identify potential alternate fuel storage locations within a reasonable distance of your proposed unit. Provide a description of each alternate fuel storage location you considered if your site limitation is for lack of adequate fuel storage facilities. Your Fuels Decision Report should also fully detail reasons why existing storage areas are inadequate or unavailable for alternate fuel storage.

4.9 Provide detailed scale site plans that include areas not directly involved with the specific boiler. Show in your site diagram all areas of the site facility including those not directly used as part of the powerplant or installation site.

4.10 List all equipment necessary and currently not available to handle the alternate fuels. For the alternate fuels you considered in your Fuel Mixtures Schedule (D), fully describe the reasons why the specific alternate fuel handling equipment you require is unavailable. Your Fuels Decision Report should explain why alternate fuel

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equipment could not be purchased for all possible combinations of the alternate fuels you gave in Sechedule (D) - Fuel Mixtures.

4.11 Provide copies of bid requests, advertisements and general efforts to secure alternative fuel storage facilities. With respect to Section 4.10, have you included copies of bid requests or advertisements in support of your effort to secure alternate fuel handling equipment? Cite the page and chapter in your Fuels Decision Report where this appears.

4.12 Have you provided copies of quotes from bona fide suppliers indicating lead times for purchase and installation of required ancillary storage and handling equipment? Give the page and chapter in your Fuels Decision Report detailing evidence of quotes from alternate fuel equipment suppliers of lead times to purchase and install alternate fuel equipment. If lead time and installation exceed a five year period, you should apply for a permanent exemption.

4.13 Have you listed any ash disposal equipment that is currently not available as a site limitation? Have the page and chapter in your Fuels Decision Report where you address this site limitation as a constraint to burning alternate fuels.

4.14 Identify waste disposal locations within a reasonable distance of the proposed unit that may be a potential alternate site. Give the page and chapter in your Fuels Decision Report where viable and possible alternate waste disposal sites may exist. Provide a map or diagram of areas proximus to the proposed unit site that show potential off-site disposal locations.

4.15 Give a description of efforts made to secure off-site waste disposal areas. Give the page and chapter in your Fuels Decision Report where you provide evidence of your attempt to acquire potential off-site ash disposal areas. Describe the methodology you used to select alternative ash disposal sites and copies or summaries of any studies you performed in support of your search for an alternate ash disposal site.

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4.16 Provide copies of bid requests, advertisements and general efforts made to secure waste control and disposal equipment. With respect to Sections 4.13 and 4.15, have you included copies of bid requests or advertisements in support of your efforts to secure control and disposal equipment? Cite the page and chapter in your Fuels Decision Report where this is addressed.

5.0 Can your site limitation be overcome by expenditures of capital? Answer yes or no. If you conclude that the site limitation you contend can be overcome by expenditure of capital, simply check "yes" without providing in-depth analysis or documentation. If you check "no," describe in the "remarks" section below 5.0 your analysis that it is technically infeasible to overcome your site limitation by capital expenditure. Provide engineering evidence that your site limitation(s) constraint(s) imposes significant technical or operational problems that could not be corrected by expenditures of capital.

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U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

Form Approved
OMB No.

DRAFT

EXEMPTION DUE TO AN INABILITY TO COMPLY
WITH APPLICABLE ENVIRONMENTAL REQUIREMENTS

If you are petitioning for a permanent or a temporary exemption for a new powerplant or a new installation due to an inability to comply with applicable environmental requirements, you must file the appropriate General Exemption Form, a Fuels Decision Report, this form, and the appropriate schedules.

A separate Environmental Exemption Form must be submitted for each unit for which you are seeking an exemption.

What type of exemption is this? ☐ Temporary ☐ Permanent

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company, and the person responsible for this form?

1.1 Facility Data (Site):

(a) _____ Name

(b) _____ Street Address

(c) _____ City, County, State

1.2 Operating Company Identification:

(a) _____ Name

(b) _____ Street Address

(c) _____ City, County, State

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____ Name

(b) _____ Title

(c) ( ) _____ Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 SUPPORTING DOCUMENTATION

In support of your Petition for a temporary or permanent exemption due to your inability to comply with applicable environmental requirements, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report (FDR).

As a part of your Fuels Decision Report have you provided:

3.1 A copy of any application which has been filed with EPA or a state agency for a permit to construct or operate a new powerplant or new installation and all supporting documents filed with or subsequent to the application?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

3.2 A copy of the decision or action taken by EPA or a State agency with respect to the application for a permit to construct or operate the new installation or powerplant?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

3.3 A detailed synopsis of the administrative record of the proceedings by EPA or the State agency for a construction or operation permit?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

3.4 Copies of all technical studies that you have relied upon with regard to consideration of alternate fuels, pollution control equipment, offsets, variances, State Implementation Plan revisions, redesignations of Class 2 areas to Class 3. Copies of requests for bids and responses received for fuel supply, and pollution control equipment and copies of correspondence on offsets, variances, SIP revisions and redesignations. Technical evaluations on the implementation of the offset policy should include the Lowest Achievable Emission Rate (LAER), projected pollution control equipment and its operating efficiency, and the amount of emissions which will be offset by each source. Technical evaluations regarding implementation of Prevention of Significant Deterioration regulations should include the Best Available Control Technology (BACT), projected pollution control equipment and its operating efficiency.

(a) Alternate Fuels (i) ☐ Yes...FDR Page ____ Chapter ____ (ii) ☐ No

(b) Pollution Control Equipment (i) ☐ Yes...FDR Page ____ Chapter ____ (ii) ☐ No

(c) Offset (i) ☐ Yes...FDR Page ____ Chapter ____ (ii) ☐ No

(d) Variances (i) ☐ Yes...FDR Page ____ Chapter ____ (ii) ☐ No

(e) State Implementation Plan Revision (i) ☐ Yes...FDR Page ____ Chapter ____ (ii) ☐ No

(f) Redesignation of Class 2 areas (i) ☐ Yes...FDR Page ____ Chapter ____ (ii) ☐ No

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(g) Fuel Supply Bids and Responses (i) ☐ Yes...FDR Page ____ Chapter ____ (ii) ☐ No

(h) Best Available Control Technology (BACT) (i) ☐ Yes...FDR Page ____ Chapter ____ (ii) ☐ No

Note: (1) If you are applying for a temporary exemption, answer 3.5 and 3.6.

(2) If you are applying for a permanent exemption, skip to 3.7.

3.5 Copies of requests for bids, all responses received, and contracts signed, if any, for an alternate fuel supply and for the purchase and installation of pollution control equipment?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

3.6 Copies of agreements made by you with the State or other companies for the acquisition of appropriate "offsets"? For those agreements conditioned upon the grant of a variance, State Implementation Plan revision or redesignation of a Class 2 area, have you submitted a letter from the State agency indicating when a proceeding to effectuate the agreement will take place?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

(Skip to 4.0)

3.7 For a new powerplant, evidence that there is no reasonable alternative site as specified in the Section 2003.11 of the regulations?

(a) ☐ Yes...FDR Page _____ Chapter _____ (b) ☐ No

4.0 GENERAL INFORMATION	Federal (a) (i) Air	Federal (a) (ii) Water	Federal (a) (iii) Solid Waste	Federal (a) (iv) Other:	State (b) (i) Air	State (b) (ii) Water	State (b) (iii) Solid Waste	State (b) (iv) Other:	
4.1 What is the applicable environmental requirement with which powerplant or installation cannot comply by construction of/or operation with coal or alternate fuel capability?	☐	☐	☐	☐	☐	☐	☐	☐	
4.1.1 Indicate construction or operational constraints. Construction:	☐	☐	☐	☐	☐	☐	☐		
Operational:	☐	☐	☐	☐	☐	☐	☐		
4.2 What are the environmental regulations (i.e., emission limitation) for the items checked in 4.1?									

4.3 Have you applied to EPA or State pollution control agency(ies) for appropriate construction or operating permits for those standards with which applicant projects violation?

(a) ☐ Yes...Answer 4.4.1 (b) ☐ No...Skip to 4.4.2

4.3.1 Did EPA or State pollution control agency approve or deny permit?

Permit (Indicate whether EPA or State approval is required.)	Application Date	Agency Action (a) Approved	(b) Denied	Pending	(c) What is anticipated date of final action?
(1)		☐	☐	☐	
(2)		☐	☐	☐	
(3)		☐	☐	☐	
(4)		☐	☐	☐	
(5)		☐	☐	☐	
(6)		☐	☐	☐	
(7)		☐	☐	☐	
(8)		☐	☐	☐	
(9)		☐	☐	☐	
(10)		☐	☐	☐	

(Skip to 4.5)

4.3.2 When will the application be made?

Permit	(a) Date
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	

4.4 Have you obtained all appropriate permits for compliance with other applicable environmental standards, with which applicant does not project violation?

(a) ☐ Yes (b) ☐ No...Skip to 4.5.0

(c) Not Applicable...Skip to 4.6

	(a) Air	(b) Water	(c) Solid Waste	(d) Other
4.5.0 What are the appropriate permits that must be obtained?				
4.5.1 What is the reason(s) for not acquiring the appropriate permits?				
(1) Appropriate regulations now being revised	☐	☐	☐	☐
(2) Projected fuel uncertain	☐	☐	☐	☐
(3) Projected violation precludes further application for other permits	☐	☐	☐	☐
(4) New Source Review requirements for non-attainment areas cannot be met	☐	☐	☐	☐
(5) Other, specify and document in appropriate column	☐	☐	☐	☐

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4.6 EXISTING FACILITY DATA

4.6.1 Are existing units at this, or other facilities owned by petitioner in same air quality control region, operating in compliance with applicable environmental regulations?

(a) ☐ Yes...Skip to 5.0 (b) ☐ No...Answer 4.6.1.1

4.6.1.1 What is the name, size, location and type of fuel now being used by each unit in violation of environmental regulations?

(a) Unit Name	(b) Unit Size	(c) Unit Location	(d) Type of Fuel Used
(1)			
(2)			
(3)			
(4)			
(5)			

	(a) Federal	(b) State
4.6.2 What are the regulations now being violated?		

	(a) Variance	(b) Delayed Compliance Order	(c) Notice of Violation	(d) Enforcement Order	(e) Other: ____
4.6.3 What are the current administrative actions now applicable to units in violation of applicable environmental regulations?	☐	☐	☐	☐	☐
4.6.4 What is the expiration date of each action? (Attach a copy of the appropriate variance(s), delayed compliance order(s), notice(s) of violation, and/or Enforcement Order.)					

4.6.5 Have you proposed a compliance plan for these units to the State or EPA?

(a) ☐ Yes...Answer 4.6.7 (b) ☐ No...Skip to 4.6.8

4.6.6 What is the effective "end date" of this plan? _____

4.6.7 Has the State (or EPA) approved or disapproved your proposed compliance plan?

(a) ☐ Approved...Attach copy of approved compliance plan and letter approving compliance plan.

(b) ☐ Disapproved...Attach copy of letter disapproving compliance plan.

(c) ☐ Pending...What is the anticipated agency action?

☐ Approved ☐ Disapproved Date of anticipated action: _____

(Skip to "Note" below.)

4.6.8 Indicate those reasons listed below but not excluding other reasons why you have not submitted a proposed compliance plan.

(a) ☐ Company now internally determining proposed compliance plan.

(b) ☐ Deadline for plan's submittal still pending.

Note: Answer all of the appropriate sections pertaining to those environmental requirements which will be violated if coal or alternative fuel capability were constructed or operated.

(1) If you would be violating the air pollution requirements, answer section 5.0

(2) If you would be violating the water requirements, answer section 6.0.

(3) If you would be violating the solid waste requirements, answer section 7.0.

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5.0 AIR POLLUTION REQUIREMENT DATA

5.1 What is the time period during which the standard will be violated after commencement of operation if coal or alternate fuel is used as a primary energy source? (Submit documentation substantiating such projections if this information is not included in the FDR. This should include data on the volume and quality of the solid waste.)

(a) ☐ Less than 5 years (b) ☐ 5 years (c) ☐ More than 5 years

5.2 New Source Performance Standards (NSPS)

5.2.1 What are the NSPS applicable to your proposed facility?

(a) _____ (b) _____ (c) _____ (d) _____ (e) _____ (f) _____

5.2.2 Will you be able to burn coal or an alternate fuel in compliance with NSPS? (If answer is no, submit documentation and/or reference your FDR to substantiate your answer.)

(a) ☐ Yes (b) ☐ No (c) FDR Page _____ Chapter _____

5.2.3 Will you be able to install FGD capability to meet the sulfur NSPS? (Submit documentation and /or reference your FDR to substantiate your answer.)

(a) ☐ Yes (b) ☐ No (c) FDR Page _____ Chapter _____

5.3 Prevention of Significant Deterioration

5.3.1 What are the Air Quality Control Region numbers as designated by the U.S. Environmental Protection Agency in which proposed facility would be located or which would be impacted by the source's emissions?

(a) _____ (b) _____ (c) _____ (d) _____ (e) _____ (f) _____

5.3.2 What is the attainment status of the area as designated by the U.S. Environmental Protection Agency in which proposed facility would be located or which would be impacted by the proposed facility's emissions. (See Definitions section for attainment and non-attainment.)

(a) ☐ Attainment...Skip to 5.3.4 (b) ☐ Nonattainment...Answer 5.3.3

5.3.3 What are the pollutants that are in violation of the standards?

(a) ☐ SO_2 (b) ☐ TSP (c) ☐ HC (d) ☐ NO_X (e) ☐ Photo Chemical Oxidants

(Skip to 5.4)

5.3.4 Have you applied to EPA or State air pollution control agency for appropriate PSD permit?

(a) ☐ Yes (b) ☐ No

5.3.5 Have you notified the EPA or State air pollution control agency regarding the available increment for your facility?

(a) ☐ Yes (b) ☐ No...Submit studies indicating your efforts to determine the available increment.

5.3.6 Have you submitted a proposed plan for compliance with the existing increment with the best available control technology and modeling studies to substantiate your projections to the EPA or state air pollution control agency?

(a) ☐ Yes...Submit copy of the proposed compliance plan. This should indicate type of pollution control equipment and removal efficiency necessary to meet BACT requirements.)

(b) ☐ No...What is the anticipated date for submission of such plan?

5.3.7 What is the emission limitation applicable to source, for each criteria pollutant?

(a) SO_2: _____ (b) TSP: _____ (c) HC: _____

(d) NO_2: _____ (e) Photo Chemical Oxidants: _____

5.3.8 Has EPA or State air pollution control agency approved or denied your PSD permit application?

(a) ☐ Approved (b) ☐ Denied

5.3.9 What is the status of your intentions to meet BACT requirements?

(a) ☐ Will locate low sulfur coal or other alternate fuel.

(b) ☐ Will locate other pollution control equipment.

(c) ☐ New Plan to meet BACT has been resubmitted to EPA or State Agency.

5.3.10 Will the new facility impact a Significant Deterioration Class I, Class II, or Class III area?

(a) ☐ Class I...Answer 5.3.11 (b) ☐ Class II...Skip to 5.3.12

(c) ☐ Class III...Skip to 5.5

5.3.11 Have you applied for a variance from the definition as a Class I area? (Submit documentation, including modeling studies, substantiating your answer if this information is not found in the FDR.)

(a) ☐ Yes (b) ☐ No

(Skip to 5.4)

5.3.12 Have you requested a redesignation of the area? (Submit documentation, including modeling studies substantiating your answer if this information is not found in the FDR?)

(a) ☐ Yes (b) ☐ No

Note: (1) If the proposed facility will be located in a nonattainment area of have an impact on a nonattainment area, answer section 5.4 below.

(2) If the proposed facility will be located in an attainment area of will not have an impact on a nonattainment area, skip to section 5.5.

5.4 Offset Policy Data

5.4.1 What are the National primary ambient air quality standards which are not being violated in the AQCR?

	(a) SO_2	(b) TSP	(c) NO_x	(d) Photo Chemical Oxidants
(1) One-hour standard				
(2) Three-hour standard				
(3) 24-hour standard				
(4) Annual				

5.4.2 What are the National secondary ambient air quality standards which are now being violated in the AQCR?

	(a) SO_2	(b) TSP
(1) Three-hour standard		
(2) 24-hour standard		
(3) Annual		

5.4.3 Are existing units at the proposed facility, or at other facilities owned by your company in the affected Air Quality Control Region, in compliance with or on an approved compliance schedule with the mission's limitations under the Clean Air Act?

(a) ☐ Yes (b) ☐ No...Submit modeling studies indicating your contribution to violation in the AQCR.

5.4.4 Has the Lowest Achievable Emission Rate (LAER) been determined?

(a) ☐ Yes (b) ☐ No

5.4.5 Have you determined what offsets would be required?

(a) ☐ Yes (b) ☐ No

5.4.6 What have you determined LAER for the proposed facility to be?

(a) SO_2: _____ lbs. per _____ MMBTU (d) NO_x: _____ lbs. per _____ MMBTU

(b) TSP: _____ lbs. per _____ MMBTU (e) Photo Chemical Oxidants:

(c) HC: _____ lbs. per _____ MMBTU _____ lbs. per _____ MMBTU

5.4.7 Has this projection been concurred with by EPA or the State air pollution control agency? (Submit documentation substantiating your answer if this information is not found in the FDR.)

(a) ☐ Yes (b) ☐ No

5.4.8 What are the remaining emissions after application of LAER on a pollutant specific basis which need to be offset?

(a) SO_2: _____ (d) NO_x: _____

(b) TSP: _____ (e) Photo Chemical Oxidants:

(c) HC: _____ _____

5.4.9 Have you located sources which will provide the appropriate offsets?

(a) ☐ Yes (b) ☐ No

5.4.10 Have you negotiated agreements with such sources for the acquisition of the offsets?

(a) ☐ Yes (b) ☐ No

5.4.11 How will such offsets be accomplished?

(a) ☐ Shut down of existing units (d) ☐ Pollution control equipment

(b) ☐ Curtail hours of operation of existing units (e) ☐ Other: _____

(c) ☐ Low sulfur coal

5.4.12 Has EPA or State air pollution control agency approved or disapproved your proposal for acquisition of the offsets?

(a) ☐ Approved (b) ☐ Denied (c) ☐ Pending

5.4.13 Have you determined if other sources in the AQCR can meet RACT (Reasonably Available Control Technology)? (Submit documentation substantiating your answer if this information is not found in the FDR.)

(a) ☐ Yes (b) ☐ No

5.5 Applicable control measures

5.5.1 Would the projected violation occur if lower sulfur coal or more stringent pollution control equipment were used?

(a) ☐ Yes...Skip to 5.5.3 (b) ☐ No...Answer 5.5.2

FDR Page _____ Chapter _____

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5.5.2 What is the required equipment or procedures?

	(a) Type of Control	(b) Manufacturer, If Applicable	(c) Size	(d) Design Efficiency	(e) Operational Efficiency	(f) Alternating Fuels	(g) Lead Time for Installation of Such Equipment
(1)							
(2)							
(3)							
(4)							

5.5.3 Have you attempted to locate appropriate pollution control equipment?

(a) ☐ Yes...Skip to 5.5.5 (b) ☐ No...Answer 5.5.4

5.5.4 What are the reasons for not locating such equipment?

(a) ☐ Other contractural obligations.

(b) ☐ Pending revisions to existing environmental requirements will determine nature of control equipment.

(c) ☐ Other: _____

Note: (1) If you are requesting a temporary exemption, answer 5.5.5 below.

(2) If you are requesting a permanent exemption, skip to 6.0.

5.5.5 Will installation and operation of such control equipment permit you to burn coal or alternate fuel in compliance with applicable environmental requirements at expiration of temporary exemption?

(a) ☐ Yes (b) ☐ No

6.0 APPLICABLE WATER REQUIREMENTS

6.1 What is the time period during which the standard will be violated after commencement of operation if coal or alternate fuel is used as a primary energy source? (Submit documentation substantiating such projections if this information is not included in the FDR).

(a) ☐ Less than 5 years (b) ☐ 5 years

(c) ☐ More than 5 years

6.2 What are the bodies of water, including underground aquifers, which would be affected by the powerplant or installation for which you are seeking an exemption?

	(a) Name	(b) EIA or State Classification (Effluent Limited, Water Quality Limited)	(c) Number of Outfalls at Proposed Facility	(d) Briefly Indicate Location of such Outfalls	(e) Standards That Would be Violated		(f) Estimated Annual Exceedances of Projected Violation(s)	
					Federal	State	Federal	State
(1)								
(2)								
(3)								
(4)								
(5)								
(6)								

6.3 What is the name of water pollution control agency consulted in determining projected violation(s)?

(a) _____
Agency Name Street City

(b) _____
Contact Person at

(c) ( )
Area Code, Telephone Number

6.4 Are the requirements with which applicant projects a violation being violated at present by other sources? (Submit documentation substantiating your answer if this information is not in the FDR.)

(a) ☐ Yes (b) ☐ No

6.5 Have you applied to the EPA or State water pollution control agency for a National Pollutant Discharge Elimination System Permit?

(a) ☐ Yes (b) ☐ No...When will application for NADES permit be made?

_____

6.6 Does permit application include proposed compliance with Best Available Technology and Best Conventional Treatment requirements?

(a) ☐ Yes (b) ☐ No

6.7 Has EPA or State water pollution control agency approved or denied the NPDES permit application?

(a) ☐ Approved...Answer 6.7.1 (b) ☐ Denied...Skip to 6.8

(c) ☐ Pending...What is the anticipated date of final action? _____
Answer 6.7.1

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6.7.1 Does the permit include discharge caused by coal or alternate fuel combustion?

(a) ☐ Yes (b) ☐ No...Submit documentation substantiating your answer if this information is not in the FDR.

(Skip to 6.9)

6.8 What is the reason for permit denial?

_____

_____

_____

_____

6.9 Have you included in your Fuels Decision Report the location of existing monitoring stations for the affected water bodies?

(a) ☐ Yes...Page ____ Chapter ____ (b) ☐ No...Answer 6.9.1

6.9.1 Indicate location of existing monitoring stations for the affected water bodies.

_____ _____

7.0 SOLID WASTE REQUIREMENTS

7.1 What is the time period during which the standard will be violated after commencement of operation if coal or alternate fuel is used as a primary energy source? (Submit documentation substantiating such projections. This should include data on the volume and quality of the solid waste.)

(a) ☐ Less than 5 years (b) ☐ 5 years (c) ☐ More than 5 years

7.2 What is the name of the pollution control agency consulted in determining projected violation(s)?

(a) _____
Agency Name Street City

(b) _____
Contact Person at Agency

(c) ( ) _____
Area Code, Telephone Number

7.3 Is acreage for landfills available? (Submit documentation substantiating your answer if this information is not found in the FDR.)

(a) ☐ Yes (b) ☐ No

7.4 Have you selected a disposal site for the solid waste?

(a) ☐ Yes...Answer 7.5 (b) ☐ No...Skip to 7.6

7.5 (a) What are the design characteristics of the disposal site?

_____

(b) What is the size of the disposal site? _____

(c) What is the depth? _____

(d) What is the compaction? _____

(e) What are liners? _____

(f) What is the location? _____

(g) Is there ground water monitoring? (1) ☐ Yes (2) ☐ No

(h) What type of ground water monitoring is there? _____

_____

(Skip to 7.7)

7.6 What are the reasons for not selecting a site?

_____

_____

_____

_____

7.7 Have you analyzed expected solid wastes and scrubber sludge by the Extraction Procedure ?

(a) ☐ Yes...Submit copies of the studies if this information in the FDR.

(b) ☐ No...Why were such studies not conducted? _____

7.8 Is the plant of the disposal facility located in one of the following areas?

(a) ☐ Wetlands

(b) ☐ Floodplain (once in 100-year flood)

(c) ☐ Permafrost

(d) ☐ Active Fault Zone

(e) ☐ Karst Terrain

(f) ☐ Critical Habitat for any rare or endangered species

(g) ☐ Recharge zone for drinking water aquifer

(h) ☐ None of these

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7.9 If you have checked one of (a) to (g) above, have you applied to EPA or the appropriate agency for the required permits? (Submit documentation substantiating your answer if this information is not in the FDR.)

(a) ☐ Yes (b) ☐ No

Enter any additional remarks in this space:

ERA-

Form Approved
OMB No.

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

EXEMPTION DUE TO AN INABILITY TO COMPLY
WITH APPLICABLE ENVIRONMENTAL REQUIREMENTS

DRAFT

Definitions for use in completing this form:

(1) Compliance Plan is defined as that schedule which has been proposed to bring units now in violation of applicable environmental regulations into compliance with such regulations. "End date" refers to that date by which the unit(s) will be in compliance with the regulation(s). "Determination" refers to the EPA or State agency's decision to approve or disapprove the proposed compliance plan.

(2) Attainment AQCR is defined as an AQCR in which emissions from the sources are not causing a violation of National Ambient Air Quality Standards. Standards have been set for 4 pollutants - SO_2, NO_x, TSP and photochemical oxidants. An AQCR may be an attainment AQCR for one pollutant and a nonattainment AQCR for another pollutant.

(3) Non-Attainment AQCR is defined as an AQCR in which emissions from the sources are causing a violation of National Ambient Air Quality Standards.

(4) The increment is defined as that amount of space between the actual current emissions of all sources in the AQCR and the point at which increases of these emissions would cause a violation of National Ambient Air Quality Standards. The "available" increment for your facility is that margin of the increment for which increased emissions from your proposed facility will contribute to overall emissions in the AQCR but will not cause a violation of standards. ERA assumes it is your responsibility to project such an "available increment" and notify EPA or the State air pollution control agency of your determinations.

(5) Lowest Achievable Emission Rate (LAER) is defined as that minimum amount of pollutants which can be emitted by your proposed facility if you utilize the maximum number of control mechanisms with the maximum efficiency. ERA assumes that you must determine the LAER for your proposed facility and then submit this LAER to EPA or the State air pollution control agency for their approval.

Under the offset policy you must determine the appropriate LAER and then negotiate agreements whereby the remaining emissions from your proposed facility will be offset by reductions in emissions of those pollutants from other units owned by your company or other companies in the AQCR.

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(6) Permit refers to any letter of approval regarding your compliance with an environmental requirement which must be issued by a Federal or State agency before you can construct or operate your proposed facility.

DRAFT

Department of Energy
Economic Regulatory Administration
Petition for Exemption Due to
Inability to Comply with
Applicable Environmental Requirements

I. Authority/Purposes

This petition form is required, pursuant to the provisions of Title 10 of the Code of Federal Regulations, Parts 503.23 and 505.13 and Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to complete a petition to the Economic Regulatory Administration (ERA) from the requirements of FUA due to an inability to comply with applicable environmental requirements. The information provided by the petition form will be used by ERA to perform the evaluation for ERA's grant or denial of the petition.

II. Who May Submit

Form ERA 306 must be submitted by owners of facilities subject to FUA requirements if they want an exemption from the FUA requirements due to an inability to simultaneously comply with FUA and applicable environmental requirements regulations.

III. To Whom

Submit Form ERA 306 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N. W., Room
Washington, D. C. 20461

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IV. When to Report

The Form ERA 306 must be submitted to ERA when you submit your petition for exemption.

V. Section 1.0 IDENTIFICATION DATA

1.1 Facility Data (site):

This information pertains to the site where your facility will be located.

(a) Enter the name by which the facility is identified.

(b) Enter the projected street address of the unit.

(c) Enter the City, County and State in which the facility will be located and the ZIP Code of the address.

(d) Enter the specific identification of the proposed unit. For example, Boiler #234.

1.2 Operating Company Identification:

This information relates to the company which has the actual responsibility for the operation of the proposed unit. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or municipal, County, State or Federal entity.

(a) Enter the complete name of the company.

(b) Enter the street address of the company.

(c) Enter the City and State where the company is located and the ZIP Code for the address.

1.3 Contact Person Identification:

This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

Sections 2.0 and 3.0-3.7 are self-explanatory.

VI. Section 4.0 - General Information

4.1 Self-explanatory

4.2 Enter the specific regulation(s) which were promulgated to ensure compliance with the standard(s) indicated in 4.1 and which would be violated by construction or use of coal or alternate fuel capability. This would include emissions limitations, NPDES permit parameters, etc.

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4.3 Self-explanatory.

4.3.1 The question must be answered by completing the Table. In the "Permit" column, enter the general name of the Permit. Example: Prevention of Significant Deterioration Permit, Offset Permit. Indicate whether the U.S.E.P.A. or the appropriate State pollution control agency must issue the permit.

4.3.2 - 4.4 Self-explanatory.

4.5 Check the column which indicates the environmental medium for which permits must be obtained. Example: (Air, PSD permit)

4.5.1 You must indicate a reason for not acquiring the appropriate permit(s). If the correct explanation is not indicated on the Form, enter a brief explanation next to "Other."

4.6 - 4.6.1.1. Self-explanatory.

4.6.2 Indicate the regulation(s) which are now being violated -- i.e., emission limitations.

4.6.3 - 4.6.4 Self-explanatory.

4.6.5 If EPA or the State agency has not finalized action on the units now in violation, indicate if you have proposed a compliance plan for these units to the State or EPA.

VII. Section 5.0 - Air Pollution Requirements

5.1 - 5.2 Self-explanatory.

5.3 If the area is an attainment area for certain pollutants and a nonattainment area for other pollutants, you are required to complete Section 5.3 regarding compliance with PSD regulations.

5.3.2 ERA assumes it is your responsibility to determine the available increment for your facility.

5.3.3 Compliance with PSD regulations and the permitted existing increment requires the source to install Best Available Control Technology. ERA assumes it is your responsibility to determine how you will comply with these requirements and to submit a proposed compliance plan to EPA or the State air pollution control agency.

5.3.4 Self-explanatory.

Section 5.4 - 5.5. Self-explanatory.

IX. Section 6.0 - Applicable Water Requirements

6.1 Self-explanatory.

6.2 - Indicate on a pollutant specific basis the projected annual number of exceedances of each standard that would be violated. Submit modeling studies to substantiate your determinations.

6.3 - 6.9.1 Self-explanatory.

X. Section 7.0 Solid Waste Requirements.

7.1 - 7.9 Self-explanatory.

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Form Approved
OMB No.

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

DRAFT

INABILITY TO RAISE ADEQUATE CAPITAL EXEMPTION

If you are petitioning for a permanent exemption for a new powerplant or installation, your filing requirements include the General Exemption Form, a Fuels Decision Report (FDR), and this schedule.

A separate Inability to Raise Adequate Capital Exemption must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Date (Site):

(a) _____ Name

(b) _____ Unit Identification

1.2 Operating Company Identification

(a) _____ Name

1.3 Name of person responsible for this application:

(a) _____ Name

(b) _____ Title

(c) ( ) _____ Area Code, Telephone Number

1.4 Is the petitioner a subsidiary of a consolidated corporation?

(a) __ Yes . . . answer 1.5 and 1.6 (b) __ No . . . skip to 2.0

1.5 What is the name of the consolidated corporation?

_____

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1.6 What are the other subsidiaries or affiliates of the parent company?

	(a)	(b)	(c)
(1) Name:			
(2) Address:			
(3) Name and Title of a contact person:			
(4) Telephone:			

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 Please list the alternate site/fuel Combinations considered and the page and chapter in the FDR where these combinations are addressed.

(a) Cost Case	(b) Installation/Powerplant type and fuel Combinations	(c) Location and Site No.	(d) FDR Page	FDR Chapter
Base	Proposed Oil or Gas Installation or Powerplant			
Alternate Cases:				
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				

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3.0 Con't.

(a) Cost Case	(b) Installation/Powerplant type and fuel Combinations	(c) Location and Site No.	(d) FDR Page	(d) FDR Chapter
Alternate cases: (8)				
(9)				
(10)				
(11)				
(12)				

Throughout this form please use the above cost case numbers as a reference to the fuel combination addressed.

Note: (1) In support of your Petition for Exemption you are required to address specific issues in your Fuels Decision Report (FDR). Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. Indicate the page and chapter number where these issues are discussed in the FDR.
(2) If you are petitioning for an exemption for a new powerplant, answer section 4.0 below.
(3) If you are petitioning for an exemption for a new installation, skip to section 5.0.

4.0 SUPPORTING DOCUMENTATION FOR THE PROPOSED NEW POWERPLANT

As part of your Fuels Decision Report, where have you provided:	FDR Page	FDR Chapter
4.1 A statement of the State regulatory authority's policies on utility capital structure and formation, on the recognition of allowance for funds used during construction (in the utility's net plant) and of construction work in progress (in the utility's rate base), and on the accounting procedure for recognizing tax credits (flow-through or normalized)?		
4.2 Relevant records pertaining to the utility's specific efforts to raise capital associated with the proposed powerplant?		
4.3 A five year history of the utility's capital structure recognizing specific security issues and their yields and investment ratings? Indicate where an issued security has specific ties to an on-line or scheduled generating unit?		

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4.0 Con't.

As part of your Fuels Decision Report, where have you provided:	FDR Page	FDR Chapter
4.4 A five year summary of the utility's financial record as indicated by the standard financial indicators including cash earnings and dividend records, time interest coverage ratios, price-earnings ratios, and market to book value ratios?		
4.5 Projected changes in the utility's capital structure and financial indicators where the powerplant burns alternate fuel and oil or natural gas?		
Cost Case No. ____ Oil or natural gas		
Cost Case No. ____ Alternate Fuel		
Cost Case No. ____ Alternate Fuel		
Cost Case No. ____ Alternate Fuel		
Cost Case No. ____ Alternate Fuel		
4.6 A discussion of the changes to be made to the current FERC forms 1, 12 and/or 4?		

	Is there a change to this form? Yes	No		
(1) FERC Form 1				
(2) FERC Form 12				
(3) FERC Form 4				

4.7 A profit and loss statement and balance sheet as submitted to the State Public Utility Commission? Provide this data for both the petitioner and where applicable, the Consolidated Corporated (or Parent Company)		
(1) Petitioner		
(2) Consolidated Corporated (or Parent Company)		
4.8 A discussion on the number of rate increases you have applied for over the last five years, including the percent increase requested and the portion of the requested increase granted?		

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4.0 Con't.		
As part of your Fuels Decision Report, where have you provided:	FDP Page	Chapter
4.9 A discussion on the petitioner's expectations of the cost of debt and cost of equity during the construction period for the proposed plant, including the expectation of general inflation?		
(1) What is the cost of equity? _____		
(2) What is the cost of debt? _____		
(3) What is expectation of inflation? _____ (Skip to section 6.0)		
5.0 SUPPORTING DOCUMENTATION FOR THE PROPOSED NEW INSTALLATION		
As part of your Fuels Decision Report, where have you provided:	FDR Page	Chapter
5.1 If you are part of an existing consolidated corporation, a three year summary of the financial record of the consolidated corporation, as indicated by the standard financial indicators including cash earnings and dividend records, time interest coverage ratios, price-earnings ratios, market to book value ratios?		
5.2 If you are part of an existing consolidated corporation, a list of the corporation's annual investment expenditures for each of the last three years beginning with the most recent year for construction and non-construction?		

Year	(a) Construction	(b) Non-construction	(c) Total
(1) Most Recent Year			
(2) Year 2			
(3) Year 3			
(4) Average			

5.3 If you are a new business firm, the relevant records, including the financial statements, pertaining to your specific efforts to raise capital associated with your proposed facility?		
5.4 A discussion on the revisions, if any, to the most recent Form 10K, submitted to the Securities Exchange Commission?		
Are there revisions to Form 10K? __ Yes __ No		

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5.0 Con't.		
As part of Your Fuels Decision Report, where have you provided:	FDR Page	Chapter
5.5 A profit and loss statements and balance sheets for the past five years as submitted to the Securities Exchange Commission where applicable? This discussion should include data for both the petitioner and, where applicable, the Consolidated Corporated. If the most recent Form 10K submitted the SEC has the necessary information, a reference to indicate such is sufficient.		
(1) Petitioner		
(2) Consolidated Corporated (or Parent Company)		
5.5.1 Form 10K has necessary data (a) __ Yes (b) __ No		
5.6 A discussion on the petitioner's expectations of the marginal (nominal) weighted cost of capital, the marginal nominal cost of debt, the marginal nominal cost of equity, and the expectation of general inflation?		
(1) What is the marginal (nominal) weighted cost of capital? _____		
(2) What is the marginal (nominal) cost of equity? _____		
(3) What is the marginal (nominal) cost of debt? _____		
(4) What is the expectation of general inflation? _____		

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UMI

6.0 Capital Outlays-INVESTMENT COST DATA Check Appropriate Box ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Calendar Year of Outlay	(c) Investment Tax Credit Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Fuels Decision Report Page	Chapter
A. COST OF PURCHASED EQUIPMENT							
1. Boilers.							
2. Waste Heat Boilers.							
3. Combustion Turbines.							
4. Internal Combustin Engines.							
5. Steam Turbines.							
6. Generators.							
7. Flue Gas Desulfurization (FGD) System.							
a. Scrubber modules and ductwork.							
b. FGD system make up water pumps and motors.							
c. Reheaters, booster fans and motors.							
d. Sludge thickening and pumping equipment.							
e. Stack Lining.							
f. Electrical.							
g. Lime unloading equipment.							

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6.0 Capital Outlays-INVESTMENT COST DATA Check Appropriate Box ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Calendar Year of Outlay	(c) Investment Tax Credit Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Fuels Decision Report Page	Chapter
8. Electrostatic Precipitators.							
a. Precipitator.							
b. Ductwork.							
c. Power Supply.							
9. Fabric filters.							
a. Baghouse.							
b. Ductwork.							
c. Fans and Motors.							
10. Steam Condensers.							
11. Condensate Pumps.							
12. Feed Water Treatment and Storage Equipment.							
13. Mechanical Draft Cooling Towers.							
a. Tower.							
b. Cooling tower circulating pumps.							

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6.0 Capital Outlays _INVESTMENT COST DATA Check Appropriate Box ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Calendar Year of Outlay	(c) Investment Tax Credit Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Fuels Decision Report Page	Chapter
14. Wastewater Treatment.							
a. Bottom Ash Sludge System.							
b. Coal pile runoff collection system.							
c. Recycle water pumping.							
d. Sludge lagoon.							
e. Electrical.							
15. Fuel Oil Storage Tanks and Pumps.							
16. Land Costs.							
17. Fly Ash Disposal System.							
18. Stack.							

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6.0 Capital Outlays _INVESTMENT COST DATA Check Appropriate Box ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Calendar Year of Outlay	(c) Investment Tax Credit Amount Expressed in Non-inflated $(000)	Amount Expressed in inflated $(000)	Fuels Decision Report Page	Chapter
19. Coal Handling System							
a. Rail System							
b. Barge System							
c. Car and Barge Unloading System							
d. Conveyors							
e. Silos or Bunkers							
f. Pulverizers							
General Structural and Civil Costs							
1. Site Work							
2. Coal Supply System							
3. Flue Gas Desulfurization System							
4. Site Utilities							
5. Buildings and Enclosures							
6. Precipitator and Bag House Installation							
7. Ductwork and Stack							
8. Mechanical Piping							
9. Condensor Cooling System							
10. Bottom Ash Disposal System							
11. Fly Ash Disposal System							

6.0 Capital Outlays - INVESTMENT COST DATA

Check Appropriate Box 6.1 ☐ Base Case ☐ Alternate Fuel Case ____

(a) COST ITEM CATEGORIES	(b) Net Capital Outlay: Amount Expressed in Non-inflated $(000)	(b) Net Capital Outlay: Amount Expressed in Inflated $(000)	(b) Net Capital Outlay: Calendar Year of Outlay	(c) Investment Tax Credit: Amount Expressed in Non-inflated $(000)	(c) Investment Tax Credit: Amount Expressed in Inflated $(000)	Fuels Decision Report: Page	Fuels Decision Report: Chapter
12. Electrical Work							
13. Equipment Foundations							
C. Indirect Costs							
D. Engineering Costs							
E. Contingency Costs							
F. Interest During Construction							
TOTAL Capital Outlays							

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6.0 Con't.

	Cost $	FDR Page	FDR Chapter
6.2 What is the cost of the annual operation and maintenance of the Non-Air Pollution Control Equipment (NON-APCE)?			
(I) Operating Cost (Itemize, such as Labor) _____ _____ _____	____	____	____
(2) Maintenance (Itemize) _____ _____ _____	____	____	____
6.2.I What is the total cost of Operation and Maintenance?	____	____	____
6.3 What is the cost of the annual operation and maintenance of the Air Pollution Control Equipment (APCE)?			
(I) Operating Cost (Itemize) _____ _____ _____	____	____	____
(2) Maintenance (Itemize) _____ _____ _____	____	____	____
6.3.I What is the total cost of Operation and Maintenance?	____	____	____
6.4 What is the annual Fuel Cost? (Itemize)			
(I) Fuel: _____	____	____	____
(2) Fuel: _____	____	____	____
(3) Fuel: _____	____	____	____
6.4.I What is the total annual Fuel Cost?	____	____	____

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6.0a Con't.			
6.2 What is the cost of the annual operation and maintenance of the Non-Air Pollution Control Equipment (NON-APCE)?	Cost $____	FDR Page	FDR Chapter
(I) Operating Cost (Itemize, such as Labor) _____ _____ _____	____	____	____
(2) Maintenance (Itemize) _____ _____ _____	____	____	____
6.2.I What is the total cost of Operation and Maintenance?	____	____	____
6.3 What is the cost of the annual operation and maintenance of the Air Pollution Control Equipment (APCE)?			
(I) Operating Cost (Itemize) _____ _____ _____	____	____	____
(2) Maintenance (Itemize) _____ _____ _____	____	____	____
6.3.I What is the total cost of Operation and Maintenance?	____	____	____
6.4 What is the annual Fuel Cost? (Itemize)			
(I) Fuel: _____	____	____	____
(2) Fuel: _____	____	____	____
(3) Fuel: _____	____	____	____
6.4.I What is the total annual Fuel Cost?	____	____	____

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6.0b INVESTMENT COST DATA FOR PROPOSED FACILITY AND ALTERNATE FUEL BURNING CASES (For any cases not discussed in schedules A or B) Cost Case No. _____			
6.I What is the cost for the New Facility?	Cost $____	FDR Page	FDR Chapter
(I) Feasibility Study	____	____	____
(2) Land and Land Rights	____	____	____
(3) Fuel Handling System	____	____	____
(4) Facility Building Superstructure	____	____	____
(5) Steam Turbine	____	____	____
(6) Generator	____	____	____
(7) Boiler	____	____	____
(8) Internal Combustion Engine	____	____	____
(9) Transformer and Switchyard	____	____	____
(I0) Air Pollution Control Equipment	____	____	____
(II) Other Pollution Control Equipment	____	____	____
(I2) Electrical	____	____	____
(I3) Other Structual Parts and Material	____	____	____
(I4) Engineering	____	____	____
(I5) Design and Construction	____	____	____
(I6) Overhead	____	____	____
(I7) Interest During Construction	____	____	____
(I8) Other Major Costs (Itemize) _____ _____ _____ _____	____	____	____
(I9) Miscellaneous Costs (Itemize) _____ _____ _____	____	____	____
6.I.I What is total cost of the new facility?	____	____	____

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6.0b Con't.

6.2 What is the cost of the annual operation and maintenance of the Non-Air Pollution Control Equipment (NON-APCE)?	Cost $____	FDR Page	FDR Chapter
(I) Operating Cost (Itemize, such as Labor)			
(2) Maintenance (Itemize)			
6.2.I What is the total cost of Operation and Maintenance?			
6.3 What is the cost of the annual operation and maintenance of the Air Pollution Control Equipment (APCE)?			
(I) Operating Cost (Itemize)			
(2) Maintenance (Itemize)			
6.3.I What is the total cost of Operation and Maintenance?			
6.4 What is the annual Fuel Cost? (Itemize)			
(I) Fuel:			
(2) Fuel:			
(3) Fuel:			
6.4.I What is the total annual Fuel Cost?			

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7.0 ESTIMATION OF HOW CAPITAL WILL BE RAISED AND WHAT PERCENTAGE EACH FINANCING METHOD WILL CONTRIBUTE TO PAYING FOR THE INVESTMENT

Cost Case No. _____

	Percentage of Financing	Marginal Cost of Capital	FDR Reference Page	FDR Reference Chapter
(I) Bonds	____%	____%		
(2) Perfered Stock	____%	____%		
(3) Common Stock	____%	____%		
(4) Retained Earnings	____%	____%		
(5) Other, specify:	____%	____%		
(6) Total:	100%	____%		
7.I What is the Moody rating for the bonds?	____			
7.2 What is the Moody rating for the preferred stock?	____			

7.0a ESTIMATION OF HOW CAPITAL WILL BE RAISED AND WHAT PERCENTAGE EACH FINANCING METHOD WILL CONTRIBUTE TO PAYING FOR THE INVESTMENT

Cost Case No. _____

	Percentage of Financing	Marginal Cost of Capital	FDR Reference Page	FDR Reference Chapter
(I) Bonds	____%	____%		
(2) Perfered Stock	____%	____%		
(3) Common Stock	____%	____%		
(4) Retained Earnings	____%	____%		
(5) Other, specify:	____%	____%		
(6) Total:	100%	____%		
7.I What is the Moody rating for the bonds?	____			
7.2 What is the Moody rating for the preferred stock?	____			

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7.0b ESTIMATION OF HOW CAPITAL WILL BE RAISED AND WHAT PERCENTAGE EACH FINANCING METHOD WILL CONTRIBUTE TO PAYING FOR THE INVESTMENT

Cost Case No. _____

	Percentage of Financing	Marginal Cost of Capital	FDR Reference Page	FDR Reference Chapter
(I) Bonds	_____%	_____%	_____	_____
(2) Perfered Stock	_____%	_____%	_____	_____
(3) Common Stock	_____%	_____%	_____	_____
(4) Retained Earnings	_____%	_____%	_____	_____
(5) Other, specify: _____	_____%	_____%	_____	_____
(6) Total:	I00%	_____%	_____	_____
7.I What is the Moody rating for the bonds?		_____	_____	_____
7.2 What is the Moody rating for the preferred stock?		_____	_____	_____

7.0c ESTIMATION OF HOW CAPITAL WILL BE RAISED AND WHAT PERCENTAGE EACH FINANCING METHOD WILL CONTRIBUTE TO PAYING FOR THE INVESTMENT

Cost Case No. _____

	Percentage of Financing	Marginal Cost of Capital	FDR Reference Page	FDR Reference Chapter
(I) Bonds	_____%	_____%	_____	_____
(2) Perfered Stock	_____%	_____%	_____	_____
(3) Common Stock	_____%	_____%	_____	_____
(4) Retained Earnings	_____%	_____%	_____	_____
(5) Other, specify: _____	_____%	_____%	_____	_____
(6) Total:	I00%	_____%	_____	_____
7.I What is the Moody rating for the bonds?		_____	_____	_____
7.2 What is the Moody rating for the preferred stock?		_____	_____	_____

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8.0 INFORMATION ON THE TAXES FOR ALTERNATE FUEL BURNING CASE

Cost Case No. _____

8.I What is the estimated marginal tax rate associated with this investment?		FDR Page	FDR Chapter
(I) Federal Taxes	_____%	_____	_____
(2) State Taxes	_____%	_____	_____
(3) Local Taxes	_____%	_____	_____
8.2 What is the estimation of the annual cost of insurance, property taxes, and miscellaneous expenses as a percentage of total investment?			
(I) Insurance	_____%	_____	_____
(2) Property Taxes	_____%	_____	_____
(3) Misc. Taxes	_____%	_____	_____

8.0a INFORMATION ON THE TAXES FOR ALTERNATE FUEL BURNING CASE

Cost Case No. _____

8.I What is the estimated marginal tax rate associated with this investment?		FDR Page	FDR Chapter
(I) Federal Taxes	_____%	_____	_____
(2) State Taxes	_____%	_____	_____
(3) Local Taxes	_____%	_____	_____
8.2 What is the estimation of the annual cost of insurance, property taxes, and miscellaneous expenses as a percentage of total investment?			
(I) Insurance	_____%	_____	_____
(2) Property Taxes	_____%	_____	_____
(3) Misc. Taxes	_____%	_____	_____

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8.0b INFORMATION ON THE TAXES FOR ALTERNATE FUEL BURNING CASE Cost Case No. _____		
8.1 What is the estimated marginal tax rate associated with this investment?	FDR Page	Chapter
(1) Federal Taxes _____ %		
(2) State Taxes _____ %		
(3) Local Taxes _____ %		
8.2 What is the estimation of the annual cost of insurance, property taxes, and miscellaneous expenses as a percentage of total investment?		
(1) Insurance _____ %		
(2) Property Taxes _____ %		
(3) Misc. Taxes _____ %		

8.0c INFORMATION ON THE TAXES FOR ALTERNATE FUEL BURNING CASE Cost Case No. _____		
8.1 What is the estimated marginal tax rate associated with this investment?	FDR Page	Chapter
(1) Federal Taxes _____ %		
(2) State Taxes _____ %		
(3) Local Taxes _____ %		
8.2 What is the estimation of the annual cost of insurance, property taxes, and miscellaneous expenses as a percentage of total investment?		
(1) Insurance _____ %		
(2) Property Taxes _____ %		
(3) Misc. Taxes _____ %		

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9.0 FINANCIAL STATEMENT INFORMATION FOR COMPANY IN THE CONSOLIDATED CORPORATION OWNING FACILITY				
9.1 From Latest Annual Report (Year End) From Balance Sheet (Net of Accumulated Depreciation)			FDR Reference	
	Amount	% of Total Capitalization	Page	Chapter
(1) Long Term Debt				
(2) Preferred Stock				
(3) Common Stock				
(4) Retained Earnings				
(5) Total Capitalization				
(6) Common Shares Outstanding at Year End				
(7) Current Assets				
(8) Current Liabilities				
(9) Working Capital				

9.2 From Statement of Changes in Financial Position			
	Cost $ _____	FDR Page	Chapter
(1) Investments in Property and Plant During Year			
(Data from income statement which is summarized into the following format:) (2) Operating Revenues			
(3) Fuel Costs			
(4) Other Operating Expenses			
(5) Depreciation			
(6) Federal Income Taxes			
(7) Interest Charges			
(8) Allowance for Funds used During Construction			
(9) Net Income			
(10) Preferred Dividends			
(a) Earnings Available for Common			

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9.0 Con't.		
9.2 From Statement of Changes in Financial Position	Cost $ _____	FDR Page _____ Chapter _____
(I1) Common Dividends	_____	_____ _____
(I2) Other Changes	_____	_____ _____
(a) Increase (Decrease) in Retained Earnings	_____	_____ _____
(I3) Weighted Average Common Shares Outstanding	_____	_____ _____
(I4) Earnings per Common Share	_____	_____ _____
9.3 (For Powerplants only:) From Elsewhere in Annual Report		
Kilowatt Hour Sales (in thousands)	_____	_____ _____

Notes: (I) If you have considered additional alternate site/fuel combinations from those in Part 2.I of Schedule A or B (the additiona. combinations used in section 3.0 of this form), answer section I0.0 below.
(2) If you have not considered additional alternate site/fuel combinations from those in Part 2.I of Schedule A or B, skip to section II.0.

I0.0 ADDITIONAL ALTERNATE SITE/FUEL COMBINATION INFORMATION

Where in your Fuels Decision Report have you provided:	FDR Page	Chapter
I0.I A discussion on the useful life for the power plant?	_____	_____
I0.I.I Are you assuming a useful life other than 35 years? (a) __ Yes (b) __ No		
I0.2 A detailed accounting of all major construction and equipment, including all critical assumptions and sufficient data to support your estimates?	_____	_____
I0.3 A detailed accounting of all delivered fuel expenditures, including critical assumptions and sufficient data to support your estimates?	_____	_____
I0.4 The power plant design capacity and the heat input rate for each fuel considered?	_____	_____
I0.5 The timing of capital outlays?	_____	_____
I0.6 The engineering details?	_____	_____

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11.0 TOTAL INVESTMENT CAPITAL DATA

11.1 Capital Requirements

*Cost Case Number	Description	Alternate Fuel Facility ($ 000) (a)	Proposed Facility ($ 000) (b)	Additional Capital Required ($ 000) (c)

*Cost Case Number=Case x compared to base case.

Note: (1) If you are a subsidiary or part of an existing consolidated corporation, answer section 11.2 below.
(2) If you are not a subsidiary or part of an existing consolidated corporation, skip to section 11.3.

11.2 Total Annual Capital Budget Expenditures

Name of your consolidated corporation	Total Annual Expenditures for the past 3 Years			
	Prior Year	2nd Prior Year	3rd Prior Year	Average of past 3 years

11.3 Annual Capital Expenditures for Construction

Name of Entity Expenditures	Occuring Total Annual Expenditures for the Past 3 Years			
	Prior Year	2nd Prior Year	3rd Prior Year	Average of past 3 years

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12.0 ANNUAL ESTIMATED CAPITAL OUTLAYS FOR POWERPLANT/INSTALLATION FACILITY (Actual or Burden)

Cost Case Number	Case Description	Annual Construction Expenditures ($ 000)							
		19__	19__	19__	19__	19__	19__	19__	Total
Base	Proposed Plant								

13.0 ANNUAL ESTIMATED ADDITIONAL CAPITAL REQUIRED FOR AN ALTERNATE FUEL FACILITY BEYOND REQUIRED FOR PROPOSED FACILITY

Cost Case Number*	Description	Additional Annual Construction Expenditures** ($ 000)							
		19__	19__	19__	19__	19__	19__	19__	Total

* Cost case=case x compared to base case

**Additional annual construction expenditures (AACE)=alternate case ACE–base case ACE

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13.1 Estimated Total Capital Required by the Financing Entity

Annual Capital Expenditures ($ 000)							
19__	19__	19__	19__	19__	19__	19__	19__

13.2 Estimated Total Construction Capital Required by the Financing Entity

Annual Capital Expenditures ($ 000)							
19__	19__	19__	19__	19__	19__	19__	19__

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14.0 ESTIMATED ADDITIONAL CAPITAL FINANCING REQUIRED FOR ALTERNATE FUEL FACILITY BEYOND FINANCING REQUIRED FOR PROPOSED FACILITY

Financing Entity	Financing Instrument	Total Annual Capital Financing/Year Occurs ($ 000)							
		19___	19___	19___	19___	19___	19___	19___	Total
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

14.0a ESTIMATED ADDITIONAL CAPITAL FINANCING REQUIRED FOR ALTERNATE FUEL FACILITY BEYOND FINANCING REQUIRED FOR PROPOSED FACILITY

Financing Entity	Financing Instrument	Total Annual Capital Financing/Year Occurs ($ 000)							
		19___	19___	19___	19___	19___	19___	19___	Total
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

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Cost Case Number _____

14.0b ESTIMATED ADDITIONAL CAPITAL FINANCING REQUIRED FOR ALTERNATE FUEL FACILITY BEYOND FINANCING REQUIRED FOR PROPOSED FACILITY

Financing Entity	Financing Instrument	Total Annual Capital Financing/Year Occurs ($ 000)							
		19__	19__	19__	19__	19__	19__	19__	Total
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

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Cost Case Number _____

15.0 ESTIMATED CAPITAL FINANCING FOR ALTERNATE FUEL FACILITY

Financing Entity	Financing Instrument	Total Annual Capital Financing Occurs/Year Occurs ($ 000)							
		19__	19__	19__	19__	19__	19__	19__	19__
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

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Cost Case Number _____

15.0a ESTIMATED CAPITAL FINANCING FOR ALTERNATE FUEL FACILITY

Financing Entity	Financing Instrument	Total Annual Capital Financing Occurs/Year Occurs ($ 000)							
		19__	19__	19__	19__	19__	19__	19__	19__
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

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Cost Case Number _____

15.0b ESTIMATED CAPITAL FINANCING FOR ALTERNATE FUEL FACILITY

Financing Entity	Financing Instrument	Total Annual Capital Financing Occurs/Year Occurs ($ 000)							
		19__	19__	19__	19__	19__	19__	19__	19__
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

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16.0 ESTIMATED CAPITAL FINANCING FOR PROPOSED FACILITY

($ 000)

(Base Case)

Financing Entity	Financing Instrument	Total Annual Capital Financing Occurs/Year Occurs							
		19__	19__	19__	19__	19__	19__	19__	Total
Consolidated Corporation/parent									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other:_____								
Company Owning Facility									
	Debt/Bonds								
	Prepared Stock								
	Common Stock								
	Retained Earnings								
	Other Financing Instrument								
	Total								

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EPA-

Form Approved
OMB No._____

U.S. DEPARTMENT OF ENERGY
Washington, D. C. 20461

DRAFT

PERMANENT EXEMPTION FOR NEW POWERPLANTS
AND NEW INSTALLATIONS DUE TO CERTAIN STATE OR LOCAL REQUIREMENTS

If you are petitioning for a Permanent Exemption due to certain state or local requirements for a new powerplant or a new installation, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, the appropriate schedules and this form. All evidence required for an Alternative Site Requirement must accompany the petition in the case of powerplants.

A separate permanent exemption form for new powerplants and new installations must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (site):

(a) _____
Name

(b) _____
Unit Identification

1.2 Operating Company Identification:

(a) _____
Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____
Name

(b) _____
Title

(c) ( )
Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date

Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

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3.0 What is the Title, Citation and Date of Enactment of the pertinent State or local requirement that you believe makes infeasible the operation or construction of your proposed facility using an alternate fuel? (Attach a copy of the requirement and a copy of the legislative history, if applicable, relating to this requirement.)	a. Title _____ b. Citation _____ c. Date of Enactment _____ d. Effective Data _____ FDR REFERENCE e. Page _____ f. Chapter _____
4.0 What is the name and location of the administrative body which implements this requirement?	a. Name _____ b. Street _____ c. City _____ d. State _____ e. Zip _____ f. Telephone _____
5.0. Are there any provisions in the requirement you have identified in 3.0 above which establish procedures for obtaining waivers or variances from the provisions that you believe make the operation or construction of your facility using an alternate fuel infeasible?	a. ☐ YES - Answer 5.0.b ☐ NO - Skip to 5.0.c
5.1 What is the subparagraph for that provision?	Citation _____ FDR REFERENCE
5.2 What is the page and chapter number in your Fuels Decision Report where you address all the efforts you have made to obtain a waiver or variance from the pertinent state or local authority or have attempted to change the law?	a. Page _____ b. Chapter _____
5.3. Have you applied for a waiver or variance under the provision identified in 3.0 above?	a. ☐ YES - Answer 5.0 e, 5.0 f and 5.0 g below. b. ☐ NO - Do not continue with this form.
5.4 What is the status of that waiver application?	a. ☐ Granted b. ☐ Denied c. ☐ Pending
5.5. What is the date for a decision on the waiver or variance?	Date _____
5.6 What administrative body is handling the case?	a. Name _____ b. Contact Person _____ c. Phone _____

6.0 What is the page and chapter in your Fuels Decision Report where you address the following:	a. Page	b. Chapter
6.1 Description of any activities you were involved in pertaining to the enactment of the requirement.		
6.2 Description of equipment, procedures, advance planning time and costs necessary to comply with the requirement.		
6.3 Detailed description of why compliance is infeasible.		
6.4 The impact upon you and/or your local community, if any, should your petition be denied.		
6.5 An explanation of why granting this exemption would be in the public interest.		
6.6 An analysis of why you cannot qualify for any of the following Permanent Exemptions: o Lack of alternate Fuel Supply for 10 years. o Lack of Alternate Fuel Supply at a Reasonable Cost o Site Limitations o Environmental Requirements o Adequate Capital		

NOTES:

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DRAFT

DEPARTMENT OF ENERGY ECONOMIC REGULATORY ADMINISTRATION PERMANENT EXEMPTION FOR NEW POWERPLANTS AND NEW INSTALLATIONS DUE TO CERTAIN STATE OR LOCAL REQUIREMENTS

INSTRUCTIONS

I. Authority/Purposes. This form is required, pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.36 and 505.26, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to complete a petition to the Economic Regulatory Administration (ERA) for exemption from the prohibitions imposed under Title II of FUA due to Certain State or Local Requirements and will be used by ERA to evaluate a petitioner's eligibility for such exemption.

II. Who may submit. Form ERA-308 may be submitted by owners of new powerplants and new installations, or for units classified as "new," where the petitioner maintains that:

a. With respect to the proposed site of the new powerplant or new installation, the construction or operations of such a facility using coal or any other alternate fuel is infeasible because of a State or local requirements (other than a building code or a nuisance or zoning law);

b. In the case of a new powerplant, there is no reasonable alternate site for such powerplant which meets the criteria set forth in Title II, Subtitle B of FUA; and

c. The granting of the exemption would be in the public interest and would be consistent with the purposes of this Act.

III. To Whom. Submit Form ERA-308 and all accompanying docuements in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D.C. 20461

(b) If you are filing a petition under this part on behalf of a wholly-owned subsidiary, then the requirements of (a) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be requiried.)

3.0 The State or local requirement preventing the use of alternate fuel(s):

(a) and (b) Provide a copy of the pertinent State or local requirement and its legislative history.

(c) Give the date this State or local law was passed and (d), the date it becamse effective.

(e) and (f) Give the page and chapter numbers in your Fuels Decision Report where this State or local law that you cited and your discussion of how it prevents you from using coal or alternate fuels appears.

4.0 Give name and location of the administrative body which implements this requirement.

(a) Give the exact name of the State or local regulatory body, agency, or office that is responsible for implementing this law.

(b)(c)(d)(e) and (f) Enter the full name of the street, City, State, Zip Code and the telephone number of this administrative body.

5.0 Obtaining waivers/variances from a State or local requirement.

5.1 (a) If there is a provision for a waiver or variance that would allow you to use coal or other alternate fuels, check "yes." If there is none, check "no."

(b) If you checked "yes" in 5.1, cite the name of the provision which pertains to a waiver/variance to burn alternate fuels.

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IV. Labeling. "Exemption for New Powerplant" or "Exemption for New Installation," as the case may be, should be clearly labeled on the outside of the envelope in which the petition is transmitted.

V. When to file. A petition for exemption(s) may be filed at any time after May 8, 1979.

VI. Section 1.0 Identification Information.

1.1 Facility Data (Site):

(a) Enter the name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, boiler #234.

1.2 Operating Company Identification:

This information relates to the company which had the actual responsibility for the operation of the facility. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

1.3 Contact Person Identification:

This information should relate to the individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

2.0 Certification:

(a) If you file a petition under this part on behalf of a corporation, the Chief Executive Officer of the company and the Chairman of the Board shall attest in writing to the accuracy of all information contained in or appended to your petition.

5.2 Cite the page and chapter numbers in your Fuels Decision Report where you demonstrate your good faith efforts to obtain a waiver/variance from the provisions of the State or local requirement which prevents you from burning alternate fuels. This section should include all methods you undertook in order to obtain a waiver/variance.

5.3 Check (a) "yes" if you have applied for a waiver/variance from the provisions of the State or local requirement.

5.4 Indicate the status of your request for waiver/variance by checking either (a) "granted," (b) "denied," or (c) "pending." If your request for a waiver/variance was denied, cite the page and chapter numbers in your FDR where you have provided full documentation, citing all reasons or circumstances under which your application was denied, including the name and address of the administrative body responsible for the denial and the name of a contact and phone number.

5.5 Provide the date the application for waiver/variance was initially filed.

5.6 Give (a), the name, (b), the contact person, and (c), the phone number of the administrative body handling your application for waiver/variance.

6.0 Cite the page and chapter numbers in your Fuels Decision Report where you provided information to the following questions:

6.1 Report any involvement you may have had relating to the passage/enactment of the State or local law preventing you from burning coal or another alternate fuel.

6.2 Specify what equipment, procedures, leadtimes and costs are necessary to comply with this State or local law.

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6.3 Specify why compliance with this State or local requirement makes it infeasible to construct and/or operate with coal or other alternate fuels.

6.4 Address the impact upon you and/or your local community, if any, if your petition is denied. This section of your Fuels Decision Report should fully describe any environmental impacts, engineering problems, site limitations or other technical considerations that may cause an adverse impact upon you or your local community if you burn coal or other alternate fuels.

6.5 Explain why the granting of this exemption would be in the "public interest." The reason you cite should include a full explanation as to how this State or local requirement affects the general public such as: health and safety, available water, waste disposal, severe economic problems or any other problems that would affect the general public in a severe or adverse manner if such facility is denied an exemption.

6.6 Demonstrate that you are ineligible for a permanent exemption based on lack of alternate fuel supply, site limitations, environmental requirements, or inability to obtain adequate capital. If applicable, cite in your FDR other exemptions applied for and whether granted or denied.

ERA- U.S. DEPARTMENT OF ENERGY Form Approved
Washington, D.C. 20461 OMB No. _____

DRAFT

PERMANENT EXEMPTION FOR COGENERATION
FOR
NEW POWERPLANTS AND NEW INSTALLATIONS

If you are petitioning for a Permanent Exemption for a new powerplant or a new installation, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, this form, and the appropriate schedules.
A separate Cogeneration Exemption form must be submitted for each unit for which you are seeking an exemption.

1.0 Identification Information

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (Site):
(a) Name: _____
(b) Unit Identification: _____

1.2 Operating Company Identification
(a) Name: _____

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) Name: _____

(b) Title: _____

(c) Telephone number: ( ) -

2.0 Certification

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

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2.0 FACILITY INFORMATION

2.1 What type of Utility is this?

(a) ☐ Investor Owned
(b) ☐ Cooperative
(c) ☐ Federal
(d) ☐ State
(e) ☐ Municipal
(f) ☐ Other _____

2.2 In what electric region are you located? (See instructions for coding.)

(a) ☐ APS
(b) ☐ AEP
(c) ☐ NEPOOL
(d) ☐ NYPP
(e) ☐ PJM
(f) ☐ CEC
(g) ☐ FCG
(h) ☐ NSU
(i) ☐ SC
(j) ☐ GSG
(k) ☐ TVA
(l) ☐ VACAR
(m) ☐ CAPCO
(n) ☐ CCD
(o) ☐ KG
(p) ☐ IG
(q) ☐ ILLMO
(r) ☐ MECS
(s) ☐ WUMS
(t) ☐ MAPP
(u) ☐ MOKAN
(v) ☐ OG
(w) ☐ TIS
(x) ☐ RMPP
(y) ☐ NWPP
(z) ☐ A/RMS
(a') ☐ SCNV
(b') ☐ NCNV
(c') ☐ AK

2.3 Indicate to which Statutory Prohibition this Petition pertains:

(a) ☐ Prohibition of the use of petroleum or natural gas as a primary energy source.

(b) ☐ Prohibition of the construction of an electrical powerplant without the capability to use an alternate fuel as a primary energy source.

2.4 What is the type of unit you are seeking an exemption for:

(a) ☐ Boiler (b) ☐ Combustion Turbine (c) ☐ Combined Cycle

2.5 What is the design capacity of your new Unit?

(a) _____ MMBTU's/Hour Heat Input Rate
(b) _____ Megawatts Output
(c) (If a boiler) _____ Pounds of Steam Per Hour

2.6 Are there other electric generating units at the site of this new unit which individually have a design heat input capacity of 50 million BTU's per hour, or greater?

(a) ☐ Yes...Answer 2.7 (b) ☐ No...Skip to 2.8

2.7 What is the total design heat input capacity at the site (counting the new unit and those other units considered in Question 2.6 above)?

_____ MMBTU's per hour.

2.8 Have you filed a petition with ERA for classification of this Unit as "EXISTING?"

(a) ☐ Yes...What is the Docket Number? _____ (b) ☐ No...Answer 2.9

2.9 Indicate the appropriate classification for your filing as a New Powerplant:

(a) ☐ As of April 20, 1977, unit was not operational.

(b) ☐ Since April 20, 1977, unit has been either reconstructed, refurbished, or added to, and the cost of such reconstruction, refurbishment, or addition equals or exceeds 50% of the price of a replacement unit..

(c) ☐ Since November 9, 1978, unit was moved from one site to another.

2.10 Indicate the status of development for this unit by placing an "X" in the milestones accomplished as of the date of this Petition.

(a) ☐ Conceptual stage
(b) ☐ Planning stage
(c) ☐ Preliminary design stage
(d) ☐ Final Design Stage
(e) ☐ Proposals requested
(f) ☐ Contract executed
(g) ☐ Construction started
(h) ☐ Construction completed
(i) ☐ Unit operational

2.10.1 What is the date the unit became operational or the date it is projected to become operational? _____

3.0 EXEMPTION INFORMATION

Place an "X" in the appropriate box to indicate the type of exemption request(s) you have submitted with this exemption request. If you have previously submitted an exemption for this unit, enter the docket number in the space provided.

3.1 Temporary exemptions for new powerplants

	Type of Exemption	Docket Number
(a) ☐	Lack of alternate fuel supply	
(b) ☐	Site limitations	
(c) ☐	Inability to comply with applicable environmental requirements	
(d) ☐	Future use of synthetic fuels	
(e) ☐	Public interest exemption	

3.2 Permanent exemptions for new powerplants

	Type of Exemption	Docket Number
(a) ☐	Lack of alternate fuel supply for the first ten years of useful life	
(b) ☐	Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using petroleum	
(c) ☐	Site limitations	
(d) ☐	Inability to comply with applicable environmental requirement	
(e) ☐	Inability to obtain adequate capital	
(f) ☐	State or local requirements	
(g) ☐	Cogeneration	
(h) ☐	Permanent exemption for certain fuel mixtures, containing natural gas or petroleum	
(i) ☐	Emergency purposes	
(j) ☐	Reliability of service	
(k) ☐	Peakload powerplant	
(l) ☐	Intermediate load powerplant	

GENERAL FORM FOR NEW POWERPLANT PETITION

4.0 FUEL DATA				
Complete the following information for the unit for which you are requesting an exemption.				
Fuel Type (a)	Capability (b)	What fuels are used or proposed to be used as a "Primary Energy Source"? (Check all that apply.) Proposed (b)	What is your annual estimated fuel consumption? (10 year avg.) (c)	What is the percentage of heat input required for ignition, start-up, flame stabilization and control? (10 year avg.) (d)
4.1 Solid Fuels				
4.1.1 Coal			tons	%
4.1.2 Petroleum Coke			tons	%
4.1.3 Municipal Waste			tons	%
4.1.4 Industrial Waste			tons	%
4.1.5 Agricultural Waste			tons	%
4.1.6 Wood			tons	%
4.1.7 Solid Refinery Waste			tons	%
4.1.8 Biomass			tons	%
4.1.9 Solid Recoverable Waste			tons	%
4.1.10 Other:			tons	%
4.2 Liquid Fuels			BLS	%
4.2.1 Residual Oil #6			BLS	%
4.2.2 Distillate Oil #2			BLS	%
4.2.3 Synthetic Oil			BLS	%
4.2.4 Liquid Refinery Waste			BLS	%
4.2.5 Shale Oil			BLS	%
4.2.6 Crude Oil			BLS	%
4.2.7 Other:			BLS	%
4.3 Gaseous Fuels			Mcf	%
4.3.1 Natural Gas			Mcf	%
4.3.2 Synthetic Gas From Petroleum			Mcf	%
4.3.3 Synthetic Gas from Alternate Fuel			Mcf	%
4.3.4 Gaseous Refinery Waste			Mcf	%
4.3.5 Gaseous Industrial Waste			Mcf	%
4.3.6 Other:			Mcf	%
4.3.7 Other:			Mcf	%
4.3.8 Other:				
4.3.9 Other:				
4.4 Solar				

4.5 What is the estimated annual capacity factor (10 years average) use in the calculation of (c)?

(a) _____ percent.

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3.0 Supporting Documentation

In support of your Petition for a Permanent Exemption for Cogeneration, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report (FDR).

As part of your Fuels Decision Report, where have you provided:

	FDR Page (a)	FDR Chapter (b)
3.1 Documentary evidence which demonstrates that you considered the use of alternate fuels, including a description of the fuel alternatives you examined and the factors important in your decision to reject the use of alternate fuels? Such factors would include lack of alternate fuel supply, site limitations, enviromental requirements, or inability to raise adequate capital.		
3.2 Purchaser's design specifications for the new unit?		
3.3 An engineering description of the system, including proposed output and uses thereof, with sufficient detail to insure that the unit qualifies as a cogeneration facility?		
3.4 A detailed economic and engineering analysis demonstrating the the benefits of cogenerating with petroleum or natural gas and demonstrating that these genefits are not obtainable through the use of alternate fuels?		
3.5 A comparison of the total oil and gas consumption by the proposed cogeneration project and the best feasible alternative, including the effect on oil or gas used by the installation or by other affected parties?		
3.6 An analysis of the immediate and long-term economic impacts on parties not directily involved in the project?		
3.7 Evidence that an exemption could be justified on the grounds of:		
(i) technical innovation		
(ii) urban impacts		
(iii) other special benefits or public interest		

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4.0 Description of System

4.1 Descibe briefly the type of cogeneration arrangement you have, referring to attached diagrams and specifications, or to sections (and pages) of the Fuels Decision Report.

_____

_____

_____

_____

4.2.1 What is the net dependable electric generation capacity of this facility?

_____ MW

4.2.2 What is the maximum useable thermal output of the facility (excluding reject heat)?

(a) Media	(b) Per Cent %	(c) Pounds of Steam per Hour	(d) Degrees Fahrenheit °F	(e) Pounds per square inch PSI	(f) Gallons per hour gph

4.3 (a) What percent of annual electric output will be received by the local utility for sale to its customers or to other utilities?

_____ percent

(b) Is this expected to vary significantly over the first ten years of the project?

__ Yes . . . answer 4.3 (c) __ No . . . skip to 4.4

(c) Describe the variation you expect.

_____

_____

_____

_____

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4.4 (a) Will companies other than the Petitioner share in the output (other than that fed into the electric utility system) of this facility?

Electrical __ Yes __ No

Thermal __ Yes __ No

Answer (b), (c), (d), (e), (f), and (g) below only if you checked yes in (a) above.

	(b) What is the name of the firm?	(c) What is the type of output used?	(d) What is the quantity of output used?	(e) What is the manufacturing process?	(f) What is the product?	(g) What is the name, title and telephone number of a contact person for this firm?
(1)						Name Title ( ) Phone
(2)						Name Title ( ) Phone
(3)						Name Title ( ) Phone

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4.5 Is the applicant a utility?

__ Yes . . . . skip to 5.0

__ No . . . . answer 4.6

4.6 (a) Does the proposed project involve a contract with a utility regarding?

(i) Joint ownership facility? __ Yes __ No

(ii) Utility ownership of specific parts of facility? __ Yes __ No

(iii) Utility purchase of surplus power? __ Yes __ No

(iv) Utility supply of stand-by power? __ Yes __ No

(v) Other utility involvement, specify: _____? __ Yes __ No

(b) If the answer to any of the above is Yes, where in your Fuels Decision Report is a summary of the current status and key features of the contract for each item checked, including obligations of each part under curtailment or emergency conditions? Page _____ Chapter _____

5.0 Describe briefly the best feasible alternative for accomplishing all of the functions performed by the proposed facility if the use of petroleum or natural gas is denied. (This alternative may or may not involve cogeneration.) Where have you included a more detailed description of this alternative in your Fuels Decision Report? Page _____ Chapter _____

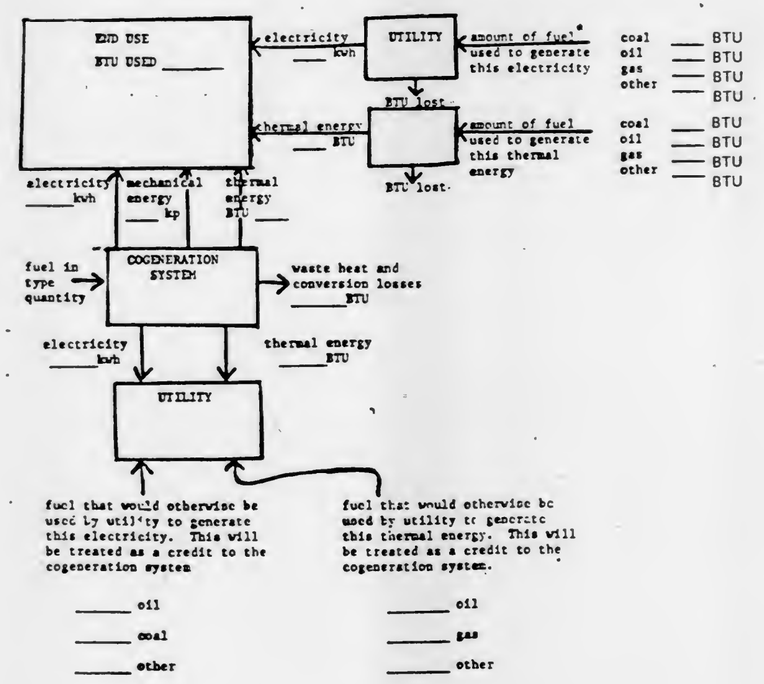
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FRA-

6.0 The purpose of this section is to compare the total energy consumption (and the types of fuels consumed) between the proposed cogeneration facility and its best alternative. This requires that a heat balance of each system, based on annual consumptions, be performed.

In order to complete this heat balance, use the heat balance flow charts provided in items 6.1 and 6.2. Enter on the lines provided the quantities, types of fuels used, and BTU amounts where applicable for your cogeneration system and/or the interacting end user and utility systems. Enter NA wherever the quantities, types of fuels used and BTU amounts are not applicable.

6.1 Proposed Cogeneration System

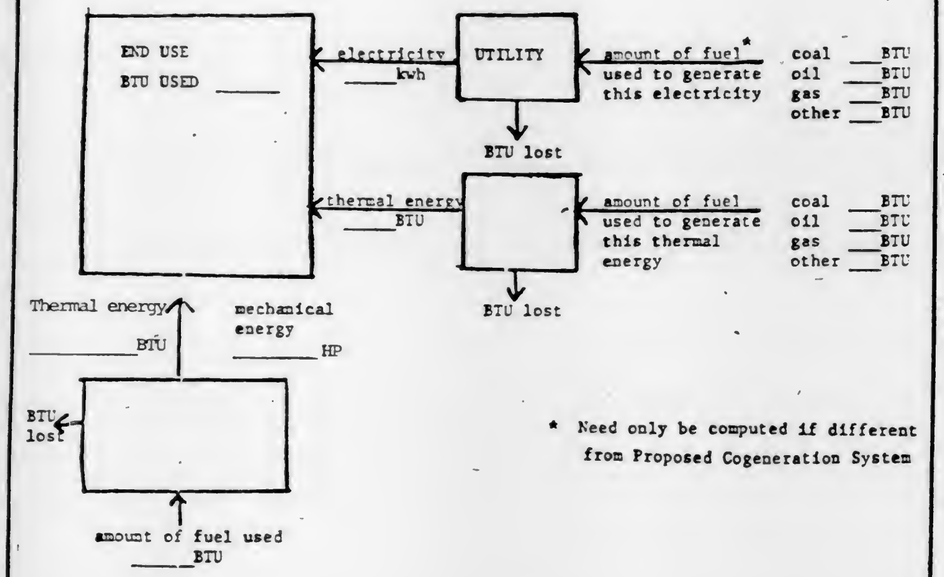


* Need only be computed if different from Best Alternative

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6.2 Best Alternative System



* Need only be computed if different from Proposed Cogeneration System

	(a) Coal _____ BTU	(b) Residual Oil _____ BTU	(c) Distillate Oil _____ BTU	(d) Gas _____ BTU	(e) Other: _____ _____ BTU
6.3 What is the net amount of fuel consumed annually (by type) by the system employing cogeneration?					
6.4 What is the net amount of fuel consumed annually (by type) for the Best Alternative?					

7.0 Using the Cost Test, determine how the proposed cogeneration facility compares economically with the alternative discussed in 6.0. See the instructions for direction as to how the Cost Test implies.

NOTE:
(1) If these comparisons are expected to change within the first ten years of the proposed project, fill in the appropriate tables in Schedules A and/or B.
(2) State all costs in dollars of the year the petition is submitted.
(3) A "utility" in this form means either a non-electric utility (e.g., a gas utility) or an "electric utility" as defined in the proposed regulations (Sec. 500.2 (a) (28)), except that a person is not considered an electric utility if he sells no electric power other than the sale for resale of the power from the proposed cogeneration facility or from other cogeneration facilities.
(4) If you are a non-utility, answer 7.0 (a).
(5) If you are a utility, answer 7.0 (b).
(6) If the project is jointly owned by a utility and a non-utility, answer both 7.0 (a) and 7.0 (b).

	Proposed Cogeneration Facility	Least Cost Alternative
(a) For the non-utility participants, what is the: (i) Total capital investment (Excluding sunk costs and net of revenues from sales of facilities)?	$_____	$_____
(ii) Discounted cost from Schedule B	$_____	$_____
(b) For the utility participants, what is the: (i) Total capital investment (Excluding sunk costs and net of revenues from sales of facilities)?	$_____	$_____
(ii) Discounted cost from Schedule A?	$_____	$_____
(c) For all participants, what is the: (i) Total Capital Investments?	$_____	$_____
(ii) Total discounted Cost (Sum of a and b)?	$_____	$_____
(d) Where in your Fuels Decision Report are the Capital, Fuel and O&M Costs itemized? Chapter	_____	_____
Page	_____	_____

(e) What is the ratio of the cost associated with the Proposed Cogeneration Facility to the cost associated with the least cost alternative (from c.ii)? _____

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PERMANENT EXEMPTION FOR COGENERATION
NEW POWERPLANTS AND NEW INSTALLATIONS - DRAFT

Instructions

I. Authority/Purpose

This form is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.37 and 505.27, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration for new powerplants and new installations seeking a permanent exemption from the prohibitions of the Fuel Use Act.

If you are representing a Major Fuel Burning Installation, you must file the General MFBI form. If you are representing a Powerplant, you must file the General Powerplant Form. In addition, file a Fuels Decision Report, this form and any pertinent fees. The information provided in this form will be used by ERA to perform an evaluation of powerplants and major fuel burning installations seeking a permanent exemption. A separate exemption form must be submitted for each unit for which you are seeking an exemption.

II. Where to submit the Permanent Exemptions Form.

Submit Form ERA-309 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

III. Permanent Exemption for Cogeneration Form

Section 1.0 Identification Information.

1.1 Facility Data (Site). This information pertains to the site where the new electric powerplant or installation is located.

(a) Enter the name of the facility where the unit is located.
(b) Enter the specific identification of the unit. For example, boiler #234.

1.2 Operating Company Identification

(a) Enter the name of the company which has the actual responsibility for the operation of the powerplant or installations. Included under the meaning of company is any individual corporation, society, trust, joint venture, stock company, County, State or Federal entity.

1.3 Name of person responsible for this application. This information should relate to someone who can be contacted if there are questions regarding the information contained in this Cogeneration Exemption Form.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual may be reached during the normal working hours.

Section 2.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

Section 3.0 SUPPORTING DOCUMENTATION

This section serves as a guide and a checklist to insure that all mandatory supporting documentation has been completed in your Fuels Decision Report and that the location of this information is clearly identified for evaluation. Identify the page and chapter where in your Fuels Decision Report you have addressed the issues.

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Section 4.0 DESCRIPTION OF SYSTEM

4.1 Includes a one paragraph description of the key features of your proposed system. Attach a diagram showing the parties involved in the cogeneration operations, direction(s) of energy flow, and ownership and operational control of system components. Attach heat balance diagrams representative of peak, average, and minimum hourly energy flows. A heat balance diagram summarizing annual energy transfers between key components of the cogeneration systems is required to answer question 6.1 and your own version can at your discretion be attached here. A substantial portion of the answers to the remaining questions in this schedule can be derived from these diagrams.

4.2.1 Enter answer from equipment specifications.

4.2.2 Enter answers from heat balance diagrams.

4.3 (a) Make a reasonable estimate of the percent annual electric output produced by your cogeneration facility that will be fed into the utility grid during a typical year of operation. This should be obtainable from your heat balance diagram summarizing annual energy transfers between key components in your system.

(b) Significantly is defined as a variation of more than 20% between the "typical year" and any other year during the first ten years of operation.

(c) Make estimates of substantial variations, citing key reasons leading to the variations.

4.4 Enter answers from your diagram showing the parties involved in the cogeneration operations. Groups of small users can be consolidated and the name of a representative party included here. Parts (e) and (f) apply only to manufacturing firms.

4.5 An electric utility is defined in paragraph 500.2 of the regulations.

4.6 If the answer to question 4.5 is NO, answer the applicable parts of this question.

Section 5.0 DESCRIPTION OF BEST FEASIBLE ALTERNATE SYSTEM

In one paragraph describe the basic structure of the best feasible alternative. Make reference to the appropriate parts of your FDR where your best feasible alternative is described in detail. Also list assumptions and references to key sources of data if not already in the FDR.

Section 6.0 ENERGY AND FUEL USE COMPARISON

6.1 Fill in the appropriate blanks of the diagram heat balance. Some of the information requested (such as the amount and type of fuel used by the utility to generate electricity supplied to the affected end user or the fuel otherwise used by the utility to generate the electricity displaced by the input from the cogenerator) may not be readily available. If this is the case, make reasonable estimates. Clearly state assumptions, approach, and references to key data used in your determination.

6.2 Follow the same procedure as with question 6.1. Be consistent with assumptions, approach and key data used in your heat balance.

6.3 Summarize the information from part 6.1.

6.4 Summarize the information from part 6.2.

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Section 7.0

The "least cost alternative" in this cost comparison should be the most favorable to the petitioner of all the feasible alternatives examined in the Fuels Decision Report. The two alternatives being compared should provide the same thermal, electrical, and mechanical products over the lifetime of the proposed project.

The "total capital investment" means the new capital that must be raised to implement either the proposed or alternative project. If either option would involve the sale of existing equipment or facilities, the proceeds should be subtracted from the total investment in new equipment or facilities.

The "discounted cost" is the present value of the total cost of providing the thermal, electrical, and mechanical functions over the lifetime of the proposed project. It is calculated in Schedule A (for utilities) or in Schedule B (for MFBIs). It includes new capital expenses, operation and maintenance, and fuel. It should also take account of purchase or sales of electric or thermal energy by debiting or crediting them against operation and maintenance costs and itemizing them in an attachment to Schedule A or B.

The regulations contain different cost formulas for powerplants and MFBI's reflecting the different financial factors affecting utilities and non-regulated industries. In some cogeneration projects, part of the facilities may be owned by a utility and part by a non-utility. In such cases, both cost formulas must be used (items a(ii) and b(ii)) and the results added. If the joint ownership is undifferentiated, all cost items, including fuel, should be split in proportion to the fraction of ownership. If each participant owns specific portions of the facility, the costs associated with each portion would be assigned accordingly. For example, if the utility owns the generator and steam turbine, while the non-utility owns the boiler, then the capital and operating costs of the boilers, as well as all the fuel costs, would be included in (a), while the capital and maintenance costs of the turbine and generator would be included in (b). Such assignments should be consistent with the contractural arrangements among the participants.

ERA-310 DRAFT U. S. DEPARTMENT OF ENERGY Form Approved
Washington, D. C. 20461 OMB No._____

FUELS MIXTURES PERMANENT EXEMPTION FORM
FOR NEW POWERPLANTS AND NEW INSTALLATIONS

If you are petitioning for a Permanent Exemption for Fuels Mixtures for new installations and new powerplants, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, the appropriate schedules (A), (C), this form, and all pertinent fees.

A separate form must be submitted for each unit for which you are seeking an exemption.

1.0 Identification Information

What is the name of the facility, operating company, and the person responsible for this form?

1.1 Facility Data (site):
(a) Name:_____
(b) Unit Identification_____

1.2 Operating Company Identification:
(a) Name:_____

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:
(a) Name:_____
(b) Title:_____
(c) Telephone Number:_____

2.0 Certification

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18 USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

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3.0 Answer each of the following questions for the fuel mixture proposed:

(a) What are the fuels to be used in the proposed mixture?	(b) What is the total annual quantity of fuel? (By fuel unit.)	(c) What is the heating value in BTU per fuel unit?	(d) What is the total BTU input per year in millions of BTU's?	(e) What is the percent of fuel to be used?
3.1				
3.2				
3.3				
3.4				
			Total Million BTUs	100%

Notes

4.0 What are the design specification characteristics of all the fuels this powerplant or installation is capable of firing? For fuels this powerplant or installation is not capable of firing, enter "N/A" across the line for that fuel.

Fuels	Design Specifications										
Solid Fuels:	% Sulfur by Wt.		% Ash by Wt.		% Moisture		BTU/lb.		Grindability (Pargrove)	% Carbon	
	(a) max.	(b) min.	(c) max.	(d) min.	(e) max.	(f) min.	(g) max.	(h) min.	(i) minimum	(j) max.	(k) min.
4.1 Coal											
4.2 Petroleum Coke											
4.3 Municipal Wastes											
4.4 Industrial Wastes											
4.5 Agricultural Wastes											
4.6 Wood											
4.7 Solid Refinery Wastes											
4.8 Solid Renewable—Specify _____											
4.9 Biomass											
4.10 Other—Specify _____											

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4.0 Continued

Liquid Fuels:	% Sulfur by Wt.		Pour Point °F		API Gravity °		B.S.&W %		Initial Boiling Point °F		BTU's/gallon	
	(a) max.	(b) min.	(a) max.	(b) min.	(a) max.	(b) min.	(a) max.	(b) min.	(a) max.	(b) min.	(a) max.	(b) min.
4.11 Residual Oil #6	—	—	—	—	—	—	—	—	—	—	—	—
4.12 Distillate Oil	—	—	—	—	—	—	—	—	—	—	—	—
4.13 Synthetic Oil	—	—	—	—	—	—	—	—	—	—	—	—
4.14 Liquid Refinery Wastes	—	—	—	—	—	—	—	—	—	—	—	—
4.15 Shale Oil	—	—	—	—	—	—	—	—	—	—	—	—
4.16 Other Specify	—	—	—	—	—	—	—	—	—	—	—	—

Gaseous Fuels:	BTU's/Cubic Foot (a) Maximum	(b) Minimum
4.17 Natural Gas		
4.18 Synthetic Gas from Alternate Fuel		
4.19 Synthetic Gas from Petroleum		
4.20 Gaseous Refinery Wastes		

4.0 Continued Gaseous Fuels:	BTU's/Cubic Foot (a) Maximum	(b) Minimum
4.21 Gaseous Industrial Wastes		
4.22 Other Specify		
4.23 Solar		

5.0 (a) Will the fuels be simultaneously fired or alternately burned?

(1) ☐ Simultaneously fired

(2) ☐ Alternately burned

NOTES:

6.0 SUPPORTING DOCUMENTATION

In support of your Petition for a Permanent Exemption for Use of a Fuels Mixture, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report.

Where in your Fuels Decision Report have you provided the following:

	FUELS DECISION REPORT PAGE	CHAPTER
6.1 A complete description of the fuel mixture, component elements of the mixture, and percentage of each component to be utilized?		
6.2 The purchaser's design specifications for the unit for which you are requesting an exemption?		
6.3 An engineering assessment of the proportions of petroleum or natural gas needed to maintain operational reliability and an adequate level of fuel efficiency?		
6.4 Documentary evidence which demonstrated that you have considered the use of alternate fuels as a primary energy source. You must include a description of the supply alternatives you considered, the cost and availability of each alternate fuel considered and the factors important in your decision to reject the use of an alternate fuel as a primary energy source.		

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PERMANENT EXEMPTION FOR FUEL MIXTURES FOR NEW POWERPLANTS AND NEW INSTALLATIONS

Instructions

I. Authority/Purposes

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.38 and 505.28, Public Law 95-620 Powerplant and Industrial Fuel Use Act (FUA) to be filed with the Economic Regulatory Administration for powerplants and installations seeking a permanent exemption for the use of certain fuel mixtures of petroleum and natural gas. Powerplants and installations seeking a permanent exemption for fuel mixtures must file the appropriate General Form, A Fuels Decision Report, Schedules (A) and (C), this form, and all pertinent fees. The information provided by the petitioner will be used by ERA to determine the eligibility for powerplants and installations seeking a permanent exemption for use of a fuels mixture.

II. Where to Submit Fuel Mixtures Form

Submit Form ERA-310 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D.C. 20461

III. Fuel Mixtures Exemption Form

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site):

This information pertains to the site where your Facility is located.

(a) Enter the Name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, Boiler # 234.

1.2 Operating Company Identification:

This information relates to the company which has the actual responsibility for the operation of the facility. Included under the meaning of company, is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company or municipal, county, state or Federal entity.

(a) Enter the Complete Name of the compay.

1.3 Contact Person Identification:

This information should relate to someone who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the Name of the individual.

(b) Enter the Title by which the individual is identified in the company.

(c) Enter the Area Code and the Telephone Number at which the individual can be reached during normal working hours.

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2.0 CERTIFICATION

1) If you file a Fuel Mixtures Permanent Exemption Form on behalf of a corportion, the duly authorized officer of the corporation shall attest in writing to the accuracy of all information contained in or appended to your petition.

2) If you are filing this petition on behalf of a wholly-owned subsidiary, then the requirements of Paragraph (1) shall apply to the subsidiary, and to the parent corporation as well. (Two signatures required.)

3) If you are filing on behalf of an entity other than a corporation, the duly authorized officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 FUELS MIXTURES INFORMATION

Answer questions in columns (a), (b), (c) and (d) for the proposed mixtures under column (a) which you considered.

(a) What are the fuels to be used in the proposed mixture for the exempted unit? Here, you must list the proposed mixture of fuels that are technically feasible for use during the proposed temporary exemption period, or for a permanent exemption.

(b) What is the total quantity of fuel by unit? For solid fuels such as coal, municipal waste or coal, give the total amount of solid fuel used on an annual basis in tons. For liquid fuels such as residual oil or liquid refinery waste, give the total amount to be used on an annual basis in gallons. For gaseous fuels such as natural gas or synthetic gas from coal or oil, give the total amount of gas in Mcf or thousand of cubic feet.

(c) What is the heating value in BTU's per fuel unit?

(1) For solid fuels use: Total number of BTU's per lb.
(2) For liquid fuels use: Total number of BTU's per gal.
(3) For gaseous fuels use: Total number of BTU's per cubic ft.

(d) What is the total BTU input per year in millions of ETU's?

(1) For solid fuels, multiply the BTU's per lb. heating value (X) 2000 to obtain total BTU's per ton. Multiply that number (X) the total proposed number of tons of solid fuel (to be used annually) to find total BTU's. Divide the total number of BTU's by 1,000,000 to find the total millions of BTU's used per year.

(2) For liquid fuels, multiply the BTU's heating value per gallon (X) the total number of gallons of liquid fuels you propose to use annually. Divide that number by 1,000,000 to find the total million of BTU's used per year.

(3) For gaseous fuels, multiply the BTU's heating value per cubic foot (X) 1000. Multiply this number (X) the total proposed number of MCF to be used annually and divide by 1,000,000 to obtain millions of BTU's used per year.

(4) Take the total value of the millions of BTU's for all fuels in your proposed fuel mixture and add into the bottom of (c).

(e) What is the percent of the fuel to be used? For each fuel in your proposed fuel mixture, take the total millions of BTU's for each fuel in column (d) and divide by the sum total millions of BTU's of all fuels at the bottom of (d). This figure will be the % (percentage) of total millions of BTU's input which must be entered to the right to the nearest whole number, the percentage of BTU's for all fuels in column (e) should total 100% of the total millions of BTU's at the bottom of column (d).

4.0 What are the design specification characteristics for all the fuels this powerplant or installation is capable of firing? Write 'N/A' across the line for fuels that cannot be used. Give the burning characteristics for all fuels this unit can use with respect to ash, sulfur, mixture, BTU value by weight or cubic foot, grindability amount of fixed carbon, etc. for the design specification of all solid, liquid or gaseous fuels you can use - including the minimum and maximum ranges that can be used.

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5.0 Would the mixture(s) you considered be fired alternately or simultaneously? If petroleum or natural gas will not consistently be used in combination with the alternate fuels in the fuel mixtures proposed in 3.0 of this schedule, you should check "alternately." If you do plan to consistently burn petroleum or natural gas in combination with the alternate fuel listed in your fuel mixtures, you should check "simultaneously."

6.0 Supporting Documentation.

In support of your petition for a permanent exemption to use a fuels mixture, provide the page and chapter in your Fuels Decision Report where you address the specific issues in 6.1 thru 6.4.

6.1 Have you provided a complete description of the fuel mixture, elements of the mixture, and percentage of each component to be utilized?

If you responded "No", provide documentary evidence of all reasons and circumstances that prevented you from answering or fully responding to the question in your Fuels Decision Report.

If your response was "yes", you must provide the page and chapter and where you identify and describe the alternate fuels you considered, including mixtures, petroleum and natural gas. Specify the types of fuels you considered, their fuel characteristics, types of units (boiler, combined cycle, etc.) and equipment needed for each fuel, quality and quantities of fuel, and other relevant considerations. This section of your Fuels Decision Report should also provide a clear, competent and concise explanation of why you selected each fuel for consideration as well as a brief discussion of why you did not consider other alternate fuels that would allow you to use a fuels mixture.

6.2 Have you provided the purchaser's design specification for the unit for which you are requesting an exemption?

If you responded "no", provide documentary evidence of all reasons and circumstances that prevented you from answering or fully responding to the question in your Fuels Decision Report. If you responded "yes", outline and discuss in your Fuels Decision Report the technical or engineering considerations which would require the use of petroleum or of natural gas rather than alternate fuel. Specific considerations which might be addressed include product or process problems, state of the art considerations, derating, and operational reliability problems.

6.3 Have you provided an engineering assessment of the proportions of petroleum or natural gas needed to maintain operational reliability and an adequate level of efficiency? If you responded "no", provide documentary evidence of all reasons and circumstances that prevented you from answering or fully responding to the question in your Fuels Decision Report. If you responded "yes", give the page and chapter in your Fuels Decision Report where you provide your current and projected petroleum and natural gas consumption for the unit for which you are requesting an exemption, and for the facility at which the unit is located by providing the following information: (powerplants and installations).

(a) The number of units you have at the facility under consideration which burn petroleum or natural gas, (including the unit for which the exemption is requested), their nameplate and net dependable capacity and current level of annual fuel consumption;

(b) Your retirement plans for your existing oil and gas units at the facility under consideration;

(c) Your projected (through 1990) annual levels of consumption of petroleum and natural gas (by fuel type and barrel or Mcf per year) for

(1) the unit under consideration:
(2) all existing oil and gas units at the facility under consideration; and

(d) Identifying, describing and documenting any conservation measures you have taken or intend to take to minimize the use of oil or gas if this exemption is granted. Outline the conservation measures you intend to take, and the conservation goals you have set for yourself, for the unit uinder consideration, for the facility at which the unit is or will be located, and for your company. Conservation measures entail either reduction in consumption of oil and gas or increased efficiency in the utilization of oil and gas. Such measures can range from housekeeping measures to replacement of inefficient units. Such measures also could include the use of mixtures of gas or oil and alternate fuels, and new more efficient technologies. Your description of the measures you intend to use should be detailed and should include comparative consumption figures, identification of conservation equipment or techniques, proposed manner of use, proposed date of use, cost, etc.

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6.4 Have you provided documentary evidence which demonstrated that you have considered the use of alternate fuels as a primary energy source?

If you responded "No", provide documentary evidence of all reasons and circumstances that prevented you from answering or fully responding to the question in your Fuels Decision Report. If you answered "yes", give the page and chapter in your Fuels Decision Reporet where you provide analyses that addresss the use of alternate fuels as a primary source with respect to:

a. Engineering capabilities;
b. availability of alternate fuels;
c. cost/benefit and economic considerations for use of alternate fuels as a primary source;
d. site limitations that relate to transportation, storage and available water and your effort to locate alternate sites, and
e. Any significant environmental problems that would prevent the use of available alternate fuels ir. lieu of petroleum or natural gas.

U.S. DEPARTMENT OF ENERGY
Washington, B.C. 20461

DRAFT

PERMANENT EXEMPTION FOR EMERGENCY PURPOSES
FOR NEW POWERPLANTS AND NEW INSTALLATIONS

If you are petitioning for a Permanent Exemption for Emergency Purposes for a new powerplant or a new installation, your filing requirements include the appropriate General Exemption Form, a Fuels Decision Report, this form, appropriate schedules and all pertinent fees.

A separate form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION DATA

What is the name of and unit identification number for this facility, the name of the operating company, and the name, title and telephone number of the person responsible for this form?

1.1 Facility (Site) Data

(a) _____ Name

(b) _____ Unit Identification

1.2 Name of Operating Company: _____

1.3 Contact Person

_____ (a) Name _____ (b) Title ( ) _____ (c) Area Code, Telephone

1.4 Will you operate this powerplant or installation for emergency purposes only?

(a) ☐ Yes (b) ☐ No

2.0 DOCUMENTATION OF CONSIDERATION OF ALTERNATE FUEL USE

What is the page and chapter number in your Fuels Decision Report where you have provided documentary evidence which demonstrates that you considered the use of alternate fuels, including a description of the fuel alternatives you examined and the factors important in your decision to reject the use of alternate fuels. Such factors would include lack of alternate fuel supply, site limitations, environmental requirements, inability to raise adequate capital, certain State or local requirements, or other reasons which would preclude the use of an alternate fuel.

(a) _____ Page (b) _____ Chapter

3.0 POWERPLANT DATA

Will your proposed powerplant be operated only when the utility which operates the unit has been required to curtail its industrial customers by 10 percent or more from expected noninterruptible demand?

(a) ☐ Yes...Skip to 5.0 (b) ☐ No...Skip to 5.0

4.0 NEW INSTALLATION DATA

Complete the following questions only if you are petitioning for a Permanent Exemption for Emergency Purposes for a new installation.

4.1 Will the installation be operated for:

(a) ☐ Plant protection...Skip to 5.3 (b) ☐ Preservation of human health

4.2 If your emergency purposes consit of preservation of human health, what is the basis for this consideration?

(a) ☐ Service to hospitals (b) ☐ Public transporation facilities

(c) ☐ Sanitation (d) ☐ Water supply and pumping (e) ☐ Other essential services

4.3 Where in your Fuels Decision Report have you provided a detailed description of your plant protection and/or preservation of human health needs?

(a) _____ Page (b) _____ Chapter

4.4 For the emergency need that you cited in question 5.1, how much capacity is required for each of the first three twelve month periods of exempt operation? (Units of energy may be expressed in Megawatts, pounds of steam per hour or millions of British thermal units per hour.)

	Amount (a)	Units (b)
1. First 12-month period	_____	_____
2. Second 12-month period	_____	_____
3. Third 12-month period	_____	_____

4.5 What is the page number and chapter in your Fuels Decision Report where this is addressed?

(a) _____ Page (b) _____ Chapter

4.6 Have you previously been granted an emergency exemption?

(a) ☐ Yes...Answer questions 4.7 and 4.8 (b) ☐ No...Skip to 5.0

4.7 If you answered yes to question 5.6, what is the amount of design capacity for which you have previously been granted an emergency exemption?

(a) _____ Total capacity (b) _____ Number of units

4.8 What is the page number and chapter in your Fuels Decision Report where this is addressed?

(a) _____ Page (b) _____ Chapter

5.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date

Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

Enter any additional remarks in this space:

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PERMANENT EXEMPTION FOR EMERGENCY PURPOSES

FOR NEW POWERPLANTS AND NEW INSTALLATIONS

DRAFT

Instructions

I. Authority/Purpose

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.39 and 505.29, Public Law 95-620 Powerplant and Industrial Fuel Use Act of 1978 (FUA) to be filed with the Economic Regulatory Administration for new powerplants and new installations seeking a permanent exemption for emergency purposes. Powerplants and installations seeking a permanent exemption for emergency purposes must file the appropriate General Form, a Fuels Decision Report, Schedules (A), (C) and (D) for powerplants, Schedules (B) and (D) for installations, this form, and all pertinent fees. The information provided by the petitioner will be used by ERA to determine the eligibility for powerplants and installations seeking a permanent exemption for emergency purposes.

II. Where to Submit Emergency Form

Submit Form ERA - 311 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

III. Emergency Exemption Form

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site).

This information pertains to the site where your Facility is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, Boiler #234.

1.2 Operating Company Identification.

This information relates to the company which has the actual responsibility of the facility. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company or municipal, county, state or Federal entity.

(a) Enter the complete name of the company.

1.3 Contact Person Identification:

This information should relate to someone who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during the normal working hours.

1.4 Indicate your response by checking "yes" or "no."

Section 2.0 SUPPORTING DOCUMENTATION

In support of your petition for the Emergency Purposes Exemption, you are required to address specific issues in your Fuels Decision Report. In completing the questions in Section 2.0, provide ERA with a summary of your responses and/or indicate that such specific issues have been addressed. As appropriate, indicate the chapter and page (or attachment number) where the issues are discussed in the Fuels Decision Report.

Section 3.0 POWERPLANT DATA

Only complete Section 3.0 if you are petitioning for a permanent exemption for emergency purposes for a new powerplant.

Complete the question by checking "yes" or "no."

Section 4.0 NEW INSTALLATION DATA

Complete this Section only if you are applying for an exemption for a new installation.

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4.1 Indicate the purpose(s) for which the emergency unit will be used:

(a) Check this block if the unit will be used for Plant Protection and/or check block (b) if the emergency use of this unit will be for the Preservation of Human Health.

4.2 (a)(b)(c)(d)(e) If you have indicated that the emergency use of this unit will be for the Preservation of Human Health, indicate the type of essential service it will provide.

4.3 Indicate the page and chapter of your Fuels Decision Report where a detailed description of your Plant Protection and/or Preservation of Human Health requirements for this unit are addressed.

4.4 (a)(b) In the spaces provided, state your estimates of the emergency capacity that will be required of this unit for the first three 12 month periods of exempt operation. Units of energy may be reported in Megawatts (MW), Pounds of Steam Per Hour, or Million of British Thermal Units (BTUs) Per Hour.

4.5 Indicate the page and chapter of your Fuels Decision Report where your discussion of the estimated emergency requirements for this unit appear.

4.6 Check "yes" or "no," as to whether or not you previously have been granted an emergency exemption. If you check "yes", answer questions 4.7 and 4.8. If you check "no," skip to Section 5.0.

4.7 If you have previously been granted a permanent exemption for Emergency Purposes for any other unit at this site, provide (a) the amount of design capacity for which you have been granted an emergency exemption and (b) indicate the number of units involved.

4.8 Identify by page and chapter where in your Fuels Decision Report you have discussed previously granted permanent exemptions for Emergency Purposes.

Section 5.0 CERTIFICATION

1) If you file an Emergency Permanent Exemption Form on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the corporation shall attest in writing to the accuracy of all information contained in or appended to your petition.

2) If you are filing this petition on behalf of a wholly-owned subsidiary, then the requirements of Paragraph (1) shall apply to the subsidiary, and to the parent corporation as well. (Four signatures may be required.)

3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

ERA- 312

Form Approved
OMB No.

U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

PERMANENT EXEMPTION FOR NEW POWERPLANTS NECESSARY TO MAINTAIN RELIABILITY OF SERVICE

DRAFT

If you are petitioning for a Permanent Exemption for a New Powerplant to Maintain Reliability of Service, your filing requirements include the General Powerplant Exemption Form, a Fuels Decision Report, Schedules A, C, and D and this form.

A separate form must be filed for each unit for which you are requesting an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name and unit identification of this facility, the name of the operating company and the name of the person responsible for this form?

1.1 Facility Data (Site): (a) Name; (b) Unit Identification	1.2 Operating Company Name

1.3 Name of person in your company to whom questions regarding this petition may be directed:

(a) Name	(b) Title	(c) Telephone Number

What is the Loss of Load Probability (LOLP) you have calculated for the first 12-month period that your proposed powerplant would operate?

(a) LOLP without the proposed plant_____

(b) Time Period Covered by the Calculation_____

2.0 INELIGIBILITY FOR EXEMPTION

Have you explained in your Fuels Decision Report why you cannot demonstrate eligibility for the following exemptions in the time required to prevent impairment of service?

Type of Exemption (a)	Yes (b)	No (c)	Location in Fuels Decision Report Page (d)	Chapter (e)
2.1 Lack of Alternate Fuel Supply for the first 10 years				
2.2 Lack of Alternate Fuel Supply At a Reasonable Cost				
2.3 Site Limitations				
2.4 Environmental Requirements				
2.5 Lack of Adequate Capital				
2.6 State or Local Requirements				

3.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name Title Signature

Name Title Signature

Title 18, USC 1001 makes a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

PART 1 - Electrical Region Data

1.0 IDENTIFICATION DATA

1.1 Name of Facility	1.2 Unit Identification

2.0 Power System Identification

What are the names of all the power systems within the electric region you identified in the general form?

2.1_____	2.6_____
2.2_____	2.7_____
2.3_____	2.8_____
2.4_____	2.9_____
2.5_____	2.10_____

3.0 DISPATCHING GENERATION

3.1 Who is responsible for dispatching the generation in the applicant system?_____

3.2 Who is responsible for dispatching the generation for this unit?_____

4.0 INTERCONNECTION DATA

What are the interconnections between the Electric Region and all other regions?

Interconnections between the Electric Region & all Other Regions (a)	Voltage for This Inter-Connection (KV) (b)	Capacity for Normal Operations (MW) (c)	Emergency Capacity (MW) (d)	Capacity Committed (MW) (e)
4.1				
4.2				
4.3				
4.4				
4.5				
4.6				
4.7				
4.8				
4.9				
4.10				

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Part 2 - ESTIMATED OUTAGES

1.0 IDENTIFICATION DATA	
1.1 Name of Facility	1.1 Unit Identification

2.0 OUTAGE DATA

2.1 For each of the new units not yet on line in your electric region and for the proposed unit for which you are requesting an exemption, complete the following data items.

Unit ID (a)	Capacity (b)	Fuel (c)	Type (d)	Est. Equivalent Forced Outage Rate (%) (e)	Est. Maintenance Outage Rate (%) (f)	Est. Planned Outage Rate (%) (g)
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

2.2 For each existing unit in your electric region complete the following data items for the last four years.

Unit ID (a)	Capacity (b)	Fuel (c)	Type (d)	Equivalent Forced Outage Rate(%) (e)	Maintenance Outage Rate(%) (f)	Planned Outage Rate (%) (g)
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

Part 3 - HEAT RATE DATA

1.0 IDENTIFICATION DATA	
1.1 Name of Facility	1.2 Unit Identification

2.0 HEAT RATE CAPACITY DATA

For each existing unit and each of the new units scheduled but not yet on line in your electric region, including the proposed unit for which you are requesting an exemption, complete the following data items.

Unit ID (a)	Unit Status (b)	Primary Fuel (c)	Alternate Fuel (d)	Alternate Fuel (e)	Alternate Fuel (f)	Avg. Heat Rate At Minimum Capacity (Btu/KWhr) (g)	Incremental Heat Rate at Minimum Capacity (Btu/KWhr) (h)	Incremental Heat Rate at Max. Capacity (Btu/KWhr) (i)
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								

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Part 4- TEN YEAR ENERGY AND PEAK LOAD FORECAST

1.0 IDENTIFICATION DATA		
1.1 Name of Facility	1.2 Unit Identification	
1.3 Name of Electric Region	1.4 System Code	1.5 As of Date

2.0 CALENDAR YEAR ENERGY FORECAST

Year (a)	Megawatt-Hours (b)	Year (a)	Megawatt-Hours (b)
2.1		2.6	
2.2		2.7	
2.3		2.8	
2.4		2.9	
2.5		2.10	

3.0 SEASONAL PEAK LOAD FORECAST

Season (a)	Year-Month (b)	Megawatts (c)	Season (a)	Year-Month (b)	Megawatts (c)
3.1 SUMMER			3.11 SUMMER		
3.2 WINTER			3.12 WINTER		
3.3 SUMMER			3.13 SUMMER		
3.4 WINTER			3.14 WINTER		
3.5 SUMMER			3.15 SUMMER		
3.6 WINTER			3.16 WINTER		
3.7 SUMMER			3.17 SUMMER		
3.8 WINTER			3.18 WINTER		
3.9 SUMMER			3.19 SUMMER		
3.10 WINTER			3.20 WINTER		

4.0 INSTALLED CAPACITY

What is the installed capacity as of the date of this petition for your electric region?

_____ MW

NOTES: 1 MWH = 1000 KWh
1 MW = 1000 kW

Part 5 - SUPPLEMENTAL/DOCUMENTARY DATA

1.0 IDENTIFICATION DATA	
1.1 Name of Facility	1.2 Unit Identification

2.0 SUPPLEMENTAL DATA

Place an "X" in the appropriate box to indicate whether you have submitted the following documents:

	Yes (a)	No (b)
2.1 Have you submitted with this petition, for all systems in your Electric Region the		
1. FPC Form 1, page 431, Monthly Peaks and Output	☐	☐
2. FPC Form 1, page 432, Steam-Electric Generating Plant Statistics (Large Plants)	☐	☐
3. FPC Form 1, page 433, Hydroelectric Generating Plant Statistics	☐	☐
4. FPC Form, Page 434, Generating Plant Statistics (small plants)	☐	☐
2.2 Have you submitted with this petition for 1975 and every year thereafter for all of the existing generating units in your Electric Region the FPC Form 12 -	Yes (a)	No (b)
1. Schedule 3	☐	☐
2. Schedule 4	☐	☐
3. Schedule 4-A	☐	☐
4. Schedule 5	☐	☐
5. Schedule 7	☐	☐
6. Schedule 8	☐	☐
2.3 Have you submitted a copy for all systems in your Electric Region FPC Form 12E2	Yes (a)	No (b)
1. Schedule 1	☐	☐
2. Schedule 3	☐	☐
2.4 Have you submitted the hourly loads for the week of each month for the 12 months of the last calendar year using the format of FPC Form 2, Schedule 15 for all systems in your Electric Region?	Yes (a) ☐	No (b) ☐

3.0 FUELS DECISION REPORT DATA

Where in your Fuels Decision Report have you . . .	Page	Chapter
3.1 Included the equations used for calculating the loss of load probability?		
3.2 Discussed your plans for meeting projected customer electrical demand?		
3.3 Provided an explanation of the method and data you employ in calculating that demand?		
3.4 If your proposed new powerplant is not to be a combustion turbine powerplant provided an explanation of the reasons why the construction of a combustion turbine powerplant would not resolve your reliability of service problem?		

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PERMANENT EXEMPTION FOR NEW POWERPLANTS NECESSARY TO MAINTAIN RELIABILITY OF SERVICE

I. Authority/Purposes. This form is required, pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.40 and Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to complete a petition to the Economic Regulatory Administration (ERA) for any exemptions from the prohibitions imposed under Title II, Sec. 212(f), of FUA. The information provided by this Form will be used by ERA to perform an evaluation of the petitioner's eligibility for any exemption.

II. Who may Submit. Form ERA-312 must be submitted by owners of electric powerplants who are petitioning for any exemptions under Title II for units classified "NEW" under the definition of Section 103 of FUA, and for those units which, upon petitioning to ERA for classification were not classified "EXISTING."

III. To Whom. Submit Form ERA-312 and all accompanying documents in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D.C. 20461

IV. Labeling. "Petition for Permanent Exemption - for New Powerplant," should be clearly labeled, both on the petition and on the outside of the envelope in which the petition is transmitted.

V. When to File. A petition for exemption(s) may be filed at anytime after May 8, 1979.

General

It is the intent of the ERA to have the capability to analyze, on a uniform basis, and evaluate the ability of each of the electric regions, as defined for the purposes of this Act, to maintain an acceptable level of reliability of electric service in the years ahead.

Frequent reference is made to pages and schedules of FPC forms which are currently being submitted to the Energy Information Administration (EIA). The instructions ask whether copies of the pertinent pages and schedules are submitted with this application. If all of the information now on file with EIA is current as of the appropriate date, then no submission is necessary and may be so indicated. It is the responsibility of the petitioner to determine that this is in fact the case.

In most cases, the information to be supplied goes well beyond the system of the applicant. To perform the reliability analysis, it is necessary to have rather detailed information on neighboring and/or interconnected systems. A letter has been addressed to each of the nine Regional Electric Reliability Councils of the industry, and to the National Electric Reliability Council, asking the Councils to take the lead in assuring that information on each electric region within that Reliability Region is available to an applicant as required to permit his compliance. Thus, if the applicant does not have the data already available for this purpose, the question should be raised with the Reliability Council.

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Page 1

1.0 Identification Information.
1.1 Facility Data (Site): This information pertains to the site where the new electric generating unit is located.

(a) Enter the name by which the unit is identified.
(b) Enter the specific identification of the new unit. For example, Boiler #6, Unit #3, etc.

1.2 Utility Company Identification: This information relates to the utility company which has the actual responsibility for the operation of the new electric powerplant. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity. Enter the complete name of the utility company.

1.3 Contact Person Identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual may be reached during normal working hours.

1.4.a Give the Loss of Load Probability you have calculated for the first 12-month period that this unit is scheduled to be in operation.

b. Cite the time when this 12-month period is expected to occur.

2.0 Ineligibility for Exemption.

The Fuel Use Act requires that the petitioner show that he is not able to make the demonstration necessary to obtain an exemption under Sec. 212, subsections (a) and (b). The requirements for an exemption under these subsections are listed on the form.

(b) and (c) Please indicate opposite each type of exemption whether you have explained why you cannot demonstrate eligibility for that exemption.

(d) and (e) If the answer is "yes," cite the chapter and page number in your Fuels Decision Report where the explanation is presented.

3.0 Certification

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the Company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing do the accuracy of all information contained in or appended to your petition.

Part 1 - Electrical Region Data

2.0 Power System Identification
List all power systems in the electric region. As explained in the Regulations, the electric regions to be used for the purposes of this Act are based on the Power Supply Areas defined by the Federal Power Commission some years ago. Although they have continued in use for other purposes, they have not generally provided a governmental reporting service. Thus, this listing will serve as a confirmation and perhaps updating of existing Federal records. In case any ambiguities are found in regional assignments, consult with ERA to reach an official determination.

3.0 Dispatching Generation
It is necessary to know the method of operation and control of the applicant's system as well as the plans for the proposed unit.

3.1 Show who is responsible for dispatching the systems generation. Does the system operate as a part of a centrally dispatched area or does it operate its own control center?

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If the latter, does the system center dispatch any generation other than its own?

3.2 Show who will dispatch the generation for this unit. Is it planned that the proposed unit will be operated in the existing dispatch system or will there be changes made for the operation of this unit?

4.0 Interconnection Data

List all interconnections between the electric region and all systems in it with any other electric regions and systems. For each:

a. Identify the line by listing terminals in order of the normal flow of power.
b. Provide the nominal voltage of the line in kV.
c. Give the rated capacity of the line for normal operations.
d. Give the emergency capacity of the line.
e. Of the normal capacity of the line, show what part is committed by contractual or other obligations.

Part 2 - Estimated Outages

2.0 Outage Data

2.1 List each of the new units planned for this electric region, including this unit, which are scheduled to become operational between this date and the end of the first 12 months of operation of the proposed unit. If this information is not available to the applicant, contact the Regional Electric Reliability Council. For each unit, provide:

a. Identification.
b. Capacity in megawatts.
c. Primary fuel. Note if there is an alternate primary fuel.
d. Type, i.e., whether steam-turbine, combustion turbine, internal combustion engine, etc.
e. Estimated equivalent forced outage rate.
f. Estimated maintenance outage rate.
g. Estimated planned outage rate.

Estimated outage rates should be calculated in accordance with the Edison Electric Institute definitions which are quoted in 2.2 below.

2.2 List all generating units in the electric region. If this information is not available to the applicant, contact the Regional Electric Reliability Council. For each unit, provide:

a. Identification.
b. Capacity in megawatts.
c. Primary fuel. Note if there is an alternate fuel.
d. Type, i.e., whether steam-turbine, combustion turbine, internal combustion engine, etc.
e. Equivalent forced outage rate.
f. Maintenance outage rate.
g. Planned outage rate.

The outage rates for the existing units should be the experience with the units for the last 4 years or for the life of the unit if it has been in service less than 4 years. Outage rates should be calculated as specified in the Edison Electric Institute definitions given below:

Equivalent Forced Outage Rate equals:

$$\frac{\text{Forced Outage Hours plus Equivalent Forced Outage Hours}}{\text{Forced Outage Hours plus Service Hours}}$$

(for each forced partial outage, an equivalent full load outage duration is calculated to include the effect of partial as well as full forced outages on the forced outage rate).

Forced Outage - The occurrence of a component failure or other condition which requires that the unit be removed from service immediately or up to and including the very next weekend.

Forced Outage Hours - The time in hours during which a unit or major equipment is unavailable due to a forced outage.

Equivalent Forced Outage Hours - Forced Partial Outage Hours x Size of Reduction/MDC.

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Service Hours - The total number of hours the unit was actually operated with breakers closed to the station bus.

Maintenance Hours - The removal of a unit from service to perform work on specific components which could have been postponed past the very next weekend. This is work done to prevent a potential forced outage and which could not be postponed from season to season.

Maximum Dependable Capacity - The dependable main-unit capacity winter or summer, whichever is smaller.

Planned Outage - The removal of a unit from service for inspection and/or general overhaul of one or more major equipment groups. This is work which is usually scheduled well in advance (e.g., annual boiler overhaul, five-year turbine overhaul).

Part 3 - Heat Rate Data

2.0 Heat Rate Data

The heat rates are required for all existing and planned units in the electric region. If this information is not available, contact the Regional Electric Reliability Council. For each unit, provide:

a. Identification.
b. Status. Enter P to designate the unit for which an exemption is being rquested, E for existing units and N for new units.
c. Show primary fuel.
d.,e. & f. In these columns, list any other fuels the unit is capable of using as a primary fuel. Use a separate column and a separate line for each.

g. h. i. Heat rates.

For each fuel listed in columns c, d, e, and f give the following average heat rates in Btu's per kilowatt-hour.

g. At minimum capacity.
h. Incremental at minimum capacity.
i. Incremental at maximum capacity.

Part 4 - Ten Year Energy and Peak Load Forecast

It should be noted that this schedule follows the format of Schedule 5 of FPC Form 12E-2. If there are Schedule 5's of 12E-2 on file that are current as of the appropriate date and that provide the necessary information on all the power systems in the electric region, then no further submission is required. If this should be the case, so indicate on the form and leave the rest of the form blank.

2.0 Calendar Year Energy Forecast.

a. Enter the calendar year for each of the ten years of the forecast period.
b. Enter the energy forecast for each of the ten years. Energy quantities should be based on "new energy for load" and expressed in megawatt-hours.

3.0 Seasonal Peak Load Forecast

b. Enter the year and two-digit month code of the forecasted peak summer and winter load periods.
c. Enter the projected seasonal peak loads for the ten year forecast period expressed in megawatts.

4.0 Installed Capacity

Give the installed capacity in your electric region as of the date of this petition.

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Part 5 - Supplemental/Documentary Data

2.0 Supplemental Data

The purpose of this section is to assure that there is sufficient information available on generating units, existing and planned, load patterns, energy transfers, etc., in the electric region to permit the performance of reliability analyses including loss-of-load probability studies. The pages and schedules listed from the FPC Forms provide more information than needed but all the information that is needed can be obtained from them.

In 2 1, 2.2 and 2.3, you are to indicate whether you are submitting with this form copies of the pages and schedules designated. If these are on file for all systems in the electric region and are current as of the date of this application, no further submission is necessary. However, in case there have been changes in any of the information on any of the pages or schedules, an up-dated version should be submitted. Information on other systems in the electric region should be obtained as needed through the Regional Electric Reliability Council.

It should be noted that 2.4 requires additional information beyond that included in the FPC Form. Schedule 15 of that Form provides the hourly load (i.e., the load curves) for the first full week in the months of April, August and December. In this case, you must submit the same information in the same format for a typical full week for the other nine months of the same calendar year.

3.0 Fuels Decision Report Data

3.1 Regarding your calculation of the loss of load probabilities, there must be a sufficient description of the methodology and equations used to permit evaluation and comparison of the method and of the results included in your Fuels Decision Report. Cite the chapter and page number where this subject is addressed.

3.2 and 3.3 Demand Projection and Supply Planning
The discussion to be included in the Fuels Decision Report of the project of electric demand and the plans to supply it must cover not only those of the applicant's system, but also those of the electric region as a whole. Describe the joint planning and coordination on these matters that is normally carried on within the region and explain methods and data used in projecting the demand. If the necessary information for the electric region is not already available, contact the Regional Electric Reliability Council.

Indicate where in your Fuels Decision Report you have discused your plans for meeting projected electrical demand and the data used in estimating that demand.

3.4 If this unit is not a combustion turbine, where in your Fuels Decision Report is there an explanation of the reasons why the construction of a combustion turbine would not resolve any reliability of service questions.

ERA

U. S. DEPARTMENT OF ENERGY

Form Approved
OMB No._____

DRAFT

Washington, D. C. 20461

PERMANENT EXEMPTION FOR PEAKLOAD POWERPLANT

If you are petitioning for a Permanent Exemption for a new Peakload Powerplant, your filing requirements include the General Powerplant Exemption Form, a Fuels Decision Report, this Form, and the Reliability of Service Exemption Form, and all pertinent fees.

A separate Peakload Exemption Form must be submitted for each unit for which you are seeking an exemption.

1.0 Identification Information

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (site):

a. Name:_____

b. Unit Identification:_____

1.2 Operating Company Identification:
(a) Name:_____

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) Name:_____

(b) Title:_____

(c) Telephone Number:_____

2.0 Certification

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

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3.0	Do you plan to use natural gas?	a.☐ Yes-Answer 4.0, 4.1 and 4.2 b.☐ No-Skip to 5.0	
3.1	Have you obtained an air quality certification from the EPA Administrator or the Director of the appropriate State air pollution control agency which certifies that the use of alternate fuels as a primary energy source will cause or contribute to a concentration, in an Air Quality Control Region, or any area within the Region of a pollutant for which any national ambient air quality standard is or would be exceeded?	a.☐ Yes b.☐ No	
		Fuels Decision Report	
		Page	Chapter
3.2	Where in your Fuels Decision Report is 3.1 addressed?		
3.3	Where in your Fuels Decision Report have you included a copy of your application and supporting documents for an air quality certification?		
5.0	POWERPLANT DATA		
5.1	What is your projected electrical generation for any 12 calendar month period? _____ kWh		
5.2	What is the design generating capacity in kW of the peakload powerplant? . . _____kW		
5.3	What is the design generating capacity multiplied by 1500 hours? . . _____kWh		
6.0	Have you attached a certification executed by the Chief Executive Officer of the Utility which will operate the powerplant certifying that the power plant is to be operated solely as a peakload plant?	a.☐ Yes b.☐ No	

Notes

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PERMANENT EXEMPTION
FOR
PEAKLOAD POWERPLANT

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Instructions

I. Authority/Purposes

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.41, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA) to be filed with the Economic Regulatory Administration (ERA) for powerplants seeking a permanent exemption(s) from the prohibitions of the Fuel Use Act. If you represent a powerplant seeking a permanent exemption for a peakload powerplant, you must at least file a General Powerplant Form, a Fuels Decision Report, this Form, and the Reliability of Service Exemption Form and all pertinent fees. The information provided by the petitioner will be used by ERA to determine the eligibility of powerplants seeking a permanent exemption for a peakload unit.

II. Where to submit Peakload Powerplant Form.

Submit Form ERA-313 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

III. Peakload Powerplant Form.

Section 1.0 Identification Information

1.1 Facility Data (Site) This information pertains to the site where the new Peakload Powerplant (Unit) is located.

(a) Enter the name of the facility where the Unit is located.
(b) Enter the specific identification of the Unit. For example: Boiler #234.

1.2 Operating Company Identification

(a) Enter the name of the company which has the actual responsibility for the operation of the Unit. Included under the meaning of company is any individual corporation, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

1.3 Name of person responsible for this application. The information should relate to an individual who can be contacted if there are any questions regarding the information contained in this Peakload Powerplant Form.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the area code and telephone number at which the individual may be reached during normal working hours.

Section 2.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 Do you plan to use natural gas? If you check "yes," answer all remaining questions. If you check "no," do not answer 3.1, 3.2 and 3.3 and continue to 5.0

3.1 If natural gas will be used as a primary energy source in this Peakload Powerplant (Unit), you must have included as part of your Fuels Decision Report an Air Quality Certification obtained from the Administrator of the Environmental Protection Agency (EPA), or the Director of the appropriate State air pollution control agency, which certifies that the use of available alternate fuels as a primary energy source in this Unit will cause or contribute to a concentration in an Air Quality Control Region or any area within the Region, of a pollutant for which any National Ambient Air Quality Standard is or would be exceeded.

(a), (b) Check the appropriate box to indicate whether or not an Air Quality Certification and all supporting documents are included with this petition.

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SUPPORTING DOCUMENTATION FOR 4.1 THRU 5.3

In support of your Petition for a Permanent Exemption for Peakload Powerplants, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report.

4.1 The Air Quality Certification must describe all fuels considered in making the certification. In addition, you must include a copy of your application for the Air Quality Certification and all supporting documents filed with or subsequent to the application. ERA may determine that your application for the Air Quality Certification is deficient if EPA or the appropriate State air pollution control agency failed to consider all available alternative fuels. Where in the Fuels Decision Report is this addressed?

4.2 Indicate the page number and chapter of the Fuels Decision Report where the Air Quality Certification is included with supporting documentation.

POWERPLANT DATA

5.0 This Section provides for summation of the information in your Fuels Decision Report which supports the qualification of the Unit as a Peakload Powerplant.

5.1 Provide the projected electrical generation for this Unit in kilowatt hours (kW-hrs) for any 12 calendar-month period. Indicate page number and chapter where this appears in your Fuels Decision Report.

5.2 Indicate the Unit's designed generating capacity in kilowatts (kWs). Enter page number and chapter where this appears in your Fuels Decision Report.

5.3 Multiply the Unit's designed generating capacity (kWs) [4.2 above] by 1,500 hours. Indicate page number and chapter where this appears in your Fuels Decision Report.

6.0 In support of your petition for a permanent exemption for a new Peakload Powerplant, the Fuels Decision Report must contain a certification executed by the Chief Executive Officer of the operating company certifying that the Unit is to be operated solely as a Peakload Powerplant.

(a), (b) Check the appropriate box to indicate whether or not such certification is included in your Fuels Decision Report.

ERA- U.S. DEPARTMENT OF ENERGY Form Approved
Washington, D.C. 20461 OMB No. _____

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PERMANENT EXEMPTION FOR INTERMEDIATE LOAD POWERPLANT

If you are petitioning for a Permanent Exemption for a new intermediate load powerplant, your filing requirements include the General Powerplant Exemption Form, the Exemption for Reliability of Service Form, a Fuels Decision Report, Schedules A, C, D, and E, this form and all pertinent fees.

A separate Intermediate Exemption form must be submitted for each unit for which you are seeking an exemption.

1.0 Identification Information

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (Site):
(a) Name: _____
(b) Unit Identification: _____

1.2 Operating Company Identification
(a) Name: _____

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) Name: _____

(b) Title: _____

(c) Telephone number: ( ) -

2.0 Certification

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 POWERPLANT DATA

Provide the following information on the proposed Intermediate Load Powerplant for which you are requesting an Exemption and the existing powerplant(s) which it will replace. Indicate the Page and Chapter numbers in your Fuels Decision Report (FDR) where the information is discussed and supported. Should you be replacing more than three existing powerplants, use additional copies of this Section as necessary to list all units being replaced.

	(a) New Powerplant	(b) Existing Powerplant	(c) Existing Powerplant	(d) Existing Powerplant	(e) FDR Page	(e) FDR Chapter
3.1 Name of the Generating Station						
3.2 Unit Identification Number						
3.3 Location (City and State)						
3.4 Do you own these Powerplants?		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		
3.5 Are the existing Powerplants coal capable?		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		
3.6 What are the Types of Fuel consumed for the previous two years?		☐ Tons ☐ Bbls ☐ MCF	☐ Tons ☐ Bbls ☐ MCF	☐ Tons ☐ Bbls ☐ MCF		
3.7 What are the Volumes of Fuel burned for the previous two calendar years		☐ KW	☐ KW	☐ KW		
3.8 What is the Design Generating Capacity in Kilowatts (KW)	KW					
3.9 What is the Design Heat Input Rate in BTU's per Kilowatt Hour?	BTU's KW-hr					
3.10 What is the Design Generating Capacity multiplied by 3,500 hours?	KW-hours					
3.11 What is the projected electrical generation for any 12-calendar month period?	KW-hours					
3.12 What is the date you proposed to cease operations?		M D Y	M D Y	M D Y		
3.13 Would operation of existing powerplants using coal as a primary energy source, cause or contribute to a concentration in an air quality control region, or an area within such region, of a pollutant for which any national air quality standard is or would be exceeded?		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		

4.0 SUPPORTING DOCUMENTATION

Indicate where in your Fuels Decision Report (FDR) you have discussed and/or included affidavits and documentation in support of the following.

	FDR Page	FDR Chapter
4.1 Air Quality Certification from the Administrator of the Environmental Protection Agency or the Director of the appropriate State air pollution control agency which certifies the use of any available alternate fuel as a primary energy source in the new powerplant will cause or contribute to a conentration of a pollutant in an Air Quality Control Region or any area within such a Region, for which any National Ambient Air Quality Standard is or would be exceeded. (Included with the Certification should be a copy of your application for certification and a copy of all supporting documentation filed with or subsequent to your application.) (1) What is the date the Air Quality Certification was issued? _____		
4.2 An affidavit executed by the Chief Executive Officer of the electric utility which will operate the proposed powerplant certifying that the powerplant shall be operated at all times in the future only as an intermediate load powerplant. The certification shall set forth the design capacity of the proposed powerplant and the maximum allowable generation of the proposed powerplant in kilowatt hours for its first 12 months of operation as an intermediate load powerplant.		
4.3 An affidavit executed by the Chief Executive Officer and a qualified engineer of the operating utility which certifies that the powerplant can operate at a heat rate of 9,500 Btu's per kilowatt hour or less throughout the useful life of the powerplant.		
4.4 An affidavit executed by the Chief Executive Officer and a qualified engineer of the operating utility certifying that the powerplant will be constructed with the capability to use a synthetic fuel derived from an alternate fuel as a primary energy source. (The affidavit must include a description of the specific characteristics that make the intermediate load powerplant capable of using the synthetic fuels which it is being designed to use.)		
4.5 The identification and description with appropriate documentation of the synthetic fuels you have selected and a description of the basis for your decision to select that particular fuel, including any marketing studies, contracts or other documents relating to that selection.		

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PERMANENT EXEMPTION FOR INTERMEDIATE LOAD POWERPLANT

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Instructions

I. Authority/Purposes

This exemption is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.42, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration (ERA) for any company seeking a permanent exemption for Intermediate Load Powerplants. If you are petitioning for a permanent exemption for a new intermediate load powerplant, your filing requirements include the General Form for New Powerplant Exemption Petition, the Exemption for Reliability of Service Form, a Fuels Decision Report, Schedules (A) (C), (D) and (E), this form and all pertinent fees. The information provided by the petitioner will be used by ERA to determine the eligibility of powerplants seeking a permanent exemption for intermediate load use.

II. Where to submit the Intermediate Load Exemption Form.

Submit Form ERA - 314 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D.C. 20461

III. Intermediate Load Exemption Form.

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site):
This information pertains to the site where your facility is located.

(a) Enter the name by which the facility site is identified.
(b) Enter the street address of the facility site.

1.2 Operating Company Identification

This information relates to the company which has the actual responsibility for the operation of the facility. Included under the meaning of company is any individual corporation, company, partnership,

association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the company.

1.3 Contact Person Identification:

This information should relate to an individual who can be contacted if there are questions regarding the information contained in this schedule.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

2.0 CERTIFICATION

1) If you file an Intermediate Load Permanent Exemption Form on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the corporation shall attest in writing to the accuracy of all information contained in or appended to your petition.

2) If you are filing this petition on behalf of a wholly-owned subsidiary, then the requirements of Paragraph (1) shall apply to the subsidiary, and to the parent corporation as well. (Four signatures may be required.)

3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 POWERPLANT DATA. The questions in this Section pertain to the proposed Intermediate Load Powerplant (new powerplant) and the existing powerplant(s) which it will replace. They serve to outline the evidence you should develop in your Fuels Decision Report to corroborate your eligibility for exemption of this unit as an Intermediate Load Powerplant and to provide ERA with a summary of your responses to those evidentiary requirements. Indicate in column (e) the page and chapter number in your Fuels Decision Report (FDR) where your discussion of each question appears.

3.1 Enter the name of the generating station of which each existing powerplant will be replaced by the new unit.
3.2 Enter the unit identification number of each powerplant being replaced.

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3.3 Enter the City and State where each powerplant being replaced is located.

3.4 Check the appropriate box to indicate whether or not each powerplant being replaced is owned by the same company which will operate the new powerplant.

3.5 Indicate whether or not each powerplant being replaced is capable of burning coal as a primary energy source.

3.6 Provide the types of fuel consumed for the past two years in each powerplant being replaced.

3.7 Enter the volume of each type of fuel consumed in each powerplant being replaced for the previous years.

3.8 For the new powerplant and each existing powerplant being replaced, provide the Design Generating Capacity in Kilowatts (KW).

3.9 For the new powerplant provide the Design Heat Input Rate in British Thermal Units (BTU's) per Kilowatt hour (KW-hr).

3.10 Multiply the Design Generating Capacity (KW) of the new powerplant [3.8(a) above] by 3,500 hours and enter the product (KW-hours).

3.11 Provide in Kilowatt Hours (KW-hours) the projected electrical generation of the new powerplant for any 12-calendar month period.

3.12 Enter the month, day and year you propose to permanently cease operation of each existing powerplant being replaced by the new powerplant.

3.13 For each "Yes" answer, you are indicating that the existing powerplant cannot be operated while burning coal as a primary energy source without causing or contributing to a pollutant concentration. Include the reasons for such claim and state the page and chapter in your Fuels Decision Report.

4.0 SUPPORTING DOCUMENTATION. In addition to the corroborating evidence outlined in Section 3.0, certain other discussions and/or affidavits and documentation must be included in the Fuels Decision Report.

4.1 Indicate where in your Fuels Decision Report there is a copy of the Air Quality Certification obtained from the Administrator of the Environmental Protection Agency (EPA) or the Director of the appropriate State air pollution control agency certifying that the use of any available alternate fuel as a primary energy source in the new Intermediate Load Powerplant will cause or contribute to a pollutant concentration. Included with the Certification should be a copy of your application for Certification and a copy of all supporting documentation filed with or subsequent to your application.

(1) Enter the date that the Air Quality Certification was issued.

The Air Quality Certification is an essential part of a petition for Intermediate Load Powerplant exemption and ERA will not consider

your petition complete without it. The Certification should include at least a specification of each alternate fuel considered by EPA or the appropriate State air pollution control agency in reaching its decision regarding the Certification.

4.2 Provide the page and chapter number in your Fuels Decision Report which includes an affidavit executed by the Chief Executive Officer of the electric utility which will operate the proposed powerplant, certifying that it will be operated at all times in the future only as an Intermediate Load Powerplant.

4.3 Indicate where in the Fuels Decision Report, you have provided an affidavit executed by the Chief Executive Officer and a qualified engineer of the operating utility which certifies that the proposed Intermediate Load Powerplant can operate at a heat rate of 9,500 BTU's per Kilowatt hour or less throughout the useful life of the powerplant.

4.4 Provide the page and chapter number in your Fuels Decision Report that includes an affidavit executed by the Chief Executive Officer and a qualified engineer of the operating utility certifying that the Intermediate Load Powerplant will be constructed with the capability to use a synthetic fuel derived from an alternate fuel as a primary energy source.

4.5 Cite the page and chapter number in your Fuels Decision Report where you have discussed the identification and description of the syntnetic fuels you have selected, and the basis for your decision to select that particular fuel. Supporting documentation such as marketing studies, contracts or other documents relating to your selection of a particular fuel should be provided.

ERA-

Form Approved
OMB No._____

U.S. DEPARTMENT OF ENERGY
Washington, D. C. 20461

PERMANENT EXEMPTION FOR NEW INSTALLATIONS
NECESSARY TO MEET SCHEDULED OUTAGES

DRAFT

If you are petitioning for a Permanent Exemption to meet Scheduled Equipment Outages, your filing requirements include the General Form for New Installation Petition, a Fuels Decision Report, this form) Schedule D and all pertinent fees.

A separate form must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION DATA

What is the name of and unit identification number for this facility, the name of the operating company, and the name, title and telephone number of the person responsible for this form?

1.1 Facility (Site) Data

(a) _____
Name

(b) _____
Unit Identification

1.2 Name of Operating Company:

(a) _____
Name

1.3 Contact Person

(a) _____ (b) _____ (c) ( ) _____
Name Title Area Code, Telephone #

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 SUPPORTING DOCUMENTATION INFORMATION

In support of your Petition for Scheduled Equipment Outages, you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the Fuels Decision Report (FDR).

	Fuels Decision Report	
	Page (a)	Chapter (b)
3.1 Your routine maintenance schedule does not permit continuing operation unless ERA grants this exemption and the reasons for this contention?		
3.2 Documentary evidence which demonstrates that you considered the use of alternate fuels, including a description of the fuel alternatives you examined and the factors important in your decision to reject the use of alternate fuels. Such factors would include lack of alternate fuel supply, site limitations, environmental requirements, inability to raise adequate capital, or certain State or local requirements.		

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4.0 EXEMPTION UNIT DATA

Enter for the appropriate month, the projected type and amount of fuel consumed by the proposed unit for which you are seeking an exemption.

4.1 Exemption Unit Identification

(a) Identification Number _____ (b) Initial month and year of operation ////

4.2 New Installation Operating Data

Enter twelve consecutive months beginning with the month entered in 4.1(b)	Fuel Consumed				Hours of Operation
	Residual Fuel Oil (BBLS) (a)	Distillate Fuel Oil (BBLS) (b)	Natural Gas (MCF) (c)	Other, Specify _____( ) (d)	(e)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

4.3 Site Data

Complete for all other units at the site which will be out of service for scheduled maintenance.

Unit Identification Number (a)	Design Capacity (Complete as appropriate for unit specified)		Total Annual Hours of Scheduled Maintenance (d)
	BTU/hour Heat Input (b)	Pounds of Steam/hour (c)	
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

4.4 Units Scheduled for Outage

Month/Year (a)	Unit Id_____ Fuel Type (b)	Hours of Outage (c)	Unit Id_____ Fuel Type (d)	Hours of Outage (e)	Unit Id_____ Fuel Type (f)	Hours of Outage (g)
1						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						

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PERMANENT EXEMPTION FOR NEW INSTALLATIONS
NECESSARY TO MEET SCHEDULED OUTAGES

I. Authority/Purposes. This form is required, pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 505.31, and Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to complete a petition to the Economic Regulatory Administration (ERA) for any exemptions from the prohibitions imposed under Title II, Section 212(j), of FUA. The information provided by this Form will be used by ERA to perform an evaluation of the petitioner's eligibility for an exemption.

II. Who may submit. Form ERA-315 must be submitted by owners of installations who are petitioning for any exemptions under Title II for units classified "New" under the definition of Section 103 of FUA, and for those units which, upon petitioning to ERA for classification were not classified "Existing."

III. To whom. Submit Form ERA-315 and all accompanying documents in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

IV. Labeling. "Petition for Permanent Exemption - for New Installation," should be clearly labeled, both on the petition and on the outside of the envelope in which the petition is transmitted.

V. When to File. A petition for exemption(s) may be filed at any time after May 8, 1979.

1.0 Identification Information.

1.1 Facility Data (Site): This information pertains to the site where the new installation is located.

(a) Enter the name by which the unit is identified.

(b) Enter the specific identification of the new unit. For example, Boiler #6, Unit #3, etc.

1.2 Operation Company Identification: This information relates to the company which has the actual responsibility

for the operation of the new installation. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company or County, State or Federal entity. Enter the complete name of the company.

1.3 Contact Person Identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual may be reached during normal working hours.

2.0 Certification.

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the Company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required).

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 Supporting Documentation.

In addition to the corroborating evidence outlined in Section 4.0, certain other discussions and/or evidence and documentation must be included in the Fuels Decision Report.

3.1 Indicate where in your Fuels Decision Report there is a discription of your routine maintenance schedule that does not permit continuing operation unless ERA grants this exemption and the reasons for this condition.

3.2 Indicate where in your Fuels Decision Report there is documentary evidence which demonstrates that you considered the use of alternate fuels, including a description of the fuel alternatives you examined and the factors important in your decision to reject the use of alternate fuels. Such factors would include lack of alternate fuel supply, site limitations, environmental requirements, inability to raise adequate capital, or certain State or local requirements.

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4.0 Exemption Unit Data.

The questions in this Section pertain to the proposed installation(s) necessary to meet scheduled outages and serve to outline the evidence that you should develop in your Fuels Decision Report. They indicate the schedule of operation for the pertinent unit estimating the number of hours per year and fuel consumption for projected use during the first 12 months of operation after commencement of operation.

4.1 Exemption Unit Identification.

(a) Enter the name by which the unit is identified.

(b) Enter the initial month and year of operation.

4.2 New Installation Operating Data.

(a) Enter the consumption by month of residual oil in barrels of the proposed installation(s) necessary to meet scheduled outages.

(b) Enter the consumption by month of distillate fuel oil in barrels of the proposed installation(s) necessary to meet scheduled outages.

(c) Enter the consumption by month of natural gas in thousands of cubic feet of the proposed installation(s) necessary to meet scheduled outages.

(d) Enter the consumption by month of other fuel in the appropriate units of the proposed installation(s) necessary to meet scheduled outages.

(e) Enter the number of hours of operation by month of the proposed installation(s) necessary to meet scheduled outages.

5.0 Site Data.

The questions in this Section pertain to existing units, and serve to outline the evidence that you should develop in your Fuels Decision Report. They relate to a decription of the maintenance schedule for all units located at the facility which will be out of service for scheduled maintenance at times when the unit for which the exemption is requested, is operating.

(a) Enter the name or number by which the unit is identified.

(b) Enter the total design heat input rate capacity per hour in millions of British Thermal Units (MMBTU's per hour) of the unit.

(c) Enter the total design output of the unit in thousands of pounds of steam per hour.

(d) Enter the total annual hours of scheduled maintenance.

5.1 Units Scheduled for Outage.

(a) Enter the month and year for the scheduled maintenance.

(b) Enter the name or number by which the unit is identified. Enter the type of fuel burned in the unit. For example; coal, #2 distillate, natural gas, etc.

(c) Enter the number of hours for the indicated month and year that the unit will be out of service for maintenance.

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ERA-316 U. S. DEPARTMENT OF ENERGY Washington, D. C. 20461 Form Approved OMB No.

TEMPORARY PUBLIC INTEREST EXEMPTION FOR USE OF NATURAL GAS BY EXISTING POWERPLANTS

DRAFT

This Exemption Form must be accompanied by a transmittal letter.

A separate Temporary Public Interest Exemption for use of Natural Gas must be submitted for each unit for which you are seeking an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name, mailing address, city, state and zip code for the Facility, the Operating Company and the Parent company, if applicable?

1.1 Facility Information [DOE USE ONLY]

(a) Name of unit

(b) Generating Station

(c) Address

(d) City, State, Zip Code [DOE USE ONLY]

(e) County

(f) Unit Identification

1.2 Utility Company [DOE USE ONLY]

(a) Name

(b) Address

(c) City, State, Zip Code

1.3 Parent Company or Holding Company [DOE USE ONLY]

(a) Name

(b) Address

(c) City, State, Zip Code

1.4 Enter the name of the person in your company to whom questions regarding this petition may be directed:

(a) Name

(b) Title

(c) Address

(d) City, State, Zip Code

(e) ( ) Telephone

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2.0 FACILITY INFORMATION

2.1 What type of Utility is this?

(a) /7/ Investor Owned (d) /7/ State

(b) /7/ Co-Operative (e) /7/ Municipal

(c) /7/ Federal (f) /7/ Other: _____

2.2 Indicate the type of unit you are seeking an exemption for.

(a) /7/ Boiler (b) /7/ Combustion Turbine (c) /7/ Combined Cycle

2.3 What is the designed capacity of your Unit?

(a) _____ MMBTU's/Hour Heat Input

(b) _____ Megawatts Output

(c) (If a boiler:) _____ Pounds of Steam Per Hour

2.4 What is the amount of natural gas that was burned in this powerplant in each of following years in terms of thousands of cubic feet (MCF)?

(a) 1974: _____ MCF (c) 1976: _____ MCF

(b) 1975: _____ MCF (d) 1977: _____ MCF

2.5 In what year did this powerplant become operational? _____

2.6 What is the primary energy source that will be replaced if this temporary exemption is granted?

(a) /7/ Middle Distillates

(b) /7/ Residual Oil

(c) /7/ Coal

(d) /7/ Other alternate Fuel, Specify: _____

2.7 What is the amount of natural gas in thousands of cubic feet (MCF) that you will burn in this powerplant each year of the next five years if the temporary exemption is granted?

Year	Amount
(a) 1st year:	MCF
(b) 2nd year:	MCF
(c) 3rd year:	MCF
(d) 4th year:	MCF
(e) 5th year:	MCF

2.8 Indicate the following information for each of your proposed natural gas suppliers.

	Supplier #1 (a)	Supplier #2 (b)	Supplier #3 (c)	Supplier #4 (d)
(1) Name:				
(2) Street:				
City:				
State:				
Zip Code:				
(3) Contact Person:				
Phone:	( )	( )	( )	( )

2.9 Have you attached a copy of your proposed contract, or letter of intent to purchase natural gas, with each of your natural gas suppliers?

(a) /7/ Yes (b) /7/ No

3.0 If you are requesting a temporary exemption for more than one year, have you demonstrated in your Fuels Decision Report why it would be in the public interest for ERA to grant your petition for more than one year?

(a) /7/ Yes - Where in the FDR is this addressed? Page ____ Chapter ____

(b) /7/ No

4.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

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TEMPORARY PUBLIC INTEREST EXEMPTION
FOR USE OF NATURAL GAS
BY
EXISTING POWERPLANTS

DRAFT

Instructions

I. Authority/Purpose

This form is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 508, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration for those who are petitioning for a Temporary Public Interest Exemption for use of Natural Gas by Existing Powerplants.

II. Where to submit

Submit Form ERA - 316 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W. Room _____
Washington, D.C. 20461

1.0 IDENTIFICATION INFORMATION

1.1 Facility Information (Site): This information pertains to the site where your powerplant (unit) is located.

(a) Enter the name by which the unit is identified.
(b) Enter the name of the generating station at which the unit is located.
(c) Enter the street address of the facility site.
(d) Enter the City and State where the facility site is located and the ZIP code of the address.
(e) Enter the County in which the facility site is located.
(f) Enter the specific identification of the new unit. For example, Boiler #234.

1.2 Utility Company Identification: This information relates to the utility company which has the actual responsibility for the operation of the powerplant. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the utility company.
(b) Enter the street address of the utility company.
(c) Enter the City and State where the company is located and the ZIP code for the address.

1.3 Parent Company or Holding Company Data: Complete this section only if there is an entity which controls, wholly or partially owns, or is responsible for the operating company.

(a) Enter the name of the entity.
(b) Enter the street address of the entity.
(c) Enter the City and State where the entity is located and the ZIP code of the address.

1.4 Contact Person identification: This information should relate to an individual who can be contacted if there are questions regarding the information contained in this petition.

(a) Enter the name of the individual.
(b) Enter the title by which the individual is identified in the company.
(c) Enter the street address of the individual
(d) Enter the City and State where the individual is located and the ZIP code for the address.
(e) Enter the area code and the telephone number at which the individual may be reached during the normal working hours.

2.0 FACILITY INFORMATION

2.1 Check the appropriate box that indicates the type of utility owning the new generating unit.

2.2 Check the box that indicates the type of generating unit for which you are requesting an exemption(s).

2.3 Provide the design capacities of the generating unit by:

(a) Fuel heat input rate in millions of British Thermal Units (MMBTU's) per hour.
(b) Megawatts output.
(c) If a boiler, the pounds of steam per hour output.

2.4 Provide the amount of natural gas in thousands of cubic feet (MCF) that was burned in the powerplant (unit) for each of the years indicated.

2.5 Enter the date that the powerplant (unit) became operational.

2.6 For the unit which you are petitioning for exemption, check all fuel types that the unit is capable of burning as a Primary Energy Source.

2.7 Provide the estimated amount of natural gas in thousands of cubic feet (MCF) that will be burned in this powerplant (unit) for each year for the next five years from the date of this petition.

2.8 This information pertains to the proposed natural gas suppliers for the unit for which you are requesting an exemption.

(1) Enter the name of the proposed natural gas supplier.
(2) Enter the street and address, City, State and ZIP code.
(3) Contact Person: This information should relate to an individual who can be contacted in the company of the natural gas supplier who can answer questions relating to the supply contract. Enter the telephone number of the gas supplier contact.

2.9 Provide copies of your proposed contracts or letters of intent to purchase natural gas from each of your proposed gas suppliers.

3.0 Indicate in your Fuels Decision Report where you have demonstrated why it would be in the public interest for ERA to grant your petition for more than one year.

4.0 CERTIFICATION

(1) If you are filing a petition for an exemption on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the company shall attest in writing to the accuracy of of all information contained in or appended to the petition.

(2) If you are filing a petition for an exemption on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required.)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to the petition.

DRAFT

ERA -

Form Approved
OMB No._____

UNITED STATES DEPARTMENT OF ENERGY

Washington D. C. 20461

Schedule (A) General and Special Cost Tests for New Powerplants

If you are petitioning for an exemption for a new powerplant based on the lack of available alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, or any other exemption requiring a general or special cost calculation, you must complete this schedule.

1.0 Identification Information.

What is the name of the facility operating company and the person responsible for this form?

1.1 Facility Data

(a) Name: _____
(b) Unit Identification _____

1.2 Operating Company Identification
(a) Name:_____

1.3 Name of the person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) Name: _____

(b) Title: _____

(c) Telephone number ( ) -

2.0 Certification.

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

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3.0 Please list the proposed site/fuel combination cases and the page and chapter in the Fuels Decision Report (FDR) where these are addressed. The base case is your proposed powerplant and site/ fuel cases 1, 2, 3 . . . are cases for which you are claiming the cost of using such alternate fuel substantially exceeds the cost of using imported petroleum.

CASE	POWERPLANT DESCRIPTION (Type &Fuel)	LOCATION and/or Site No.	FDR	
			Page	Chapter
BASE CASE				
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Throughout this form please use the above case number as a reference to the fuel combination addressed.

4.0 SUMMARY OF COST RATIOS, NEW POWERPLANTS

Check Type ☐ General ☐ Special Cost Test

COST CASE COMPARISON	COST RATIOS* When completing form for General Cost Test enter cost ratios for all years (including year zero). For Special Cost Test enter ratios for the period of request exemption.										
	No Delay	Successive Years Delays in Starting to Use An Alternate Fuel									
	0	1	2	3	4	5	6	7	8	9	10
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											

Instructions and Definitions: (General & Special)

The cost is calculated by:

$$R = \frac{\text{Cost Case (1, 2, 3...)}}{\text{Base Cost Case (oil or natural gas)}}$$

This is referred to as "equation #1" in the FUA regulations. The results are to be entered in the section above.

COST (General) - The total discounted cost in dollars of constructing and operating the powerplant for its useful life.

COST (Special) - The total discounted COST in dollars of constructing and operating the powerplant for the period of the exemption.

NOTE: Express total cost amount in real (prices in effect at the time the petition is submitted) uninflated dollars discounted to present value, year by a factor of 3.5%.

*The cost to use an alternate fuel will be deemed to be substantially in excess of the cost to use imported petroleum where the ratio of the former to the latter is greater than 1.5. To be eligible for a permanent exemption, the ratio must be greater than 1.5 for each year's delay. A permanent exemption will not be granted if the ratios do not exceed 1.5; you will only be eligible for a temporary exemption for the minimum period where the ratio is greater than 1.5.

5.0 SUMMARY OF BASE AND ALTERNATE FUEL COST CASES

Check Type Cost Test ☐ General ☐ Special

COST CASE	TOTAL COST $(000)										
	No Delay in Use of Alt. Fuel	When completing this form for the General Cost Test enter cost in only year ø for Base Case and all successive years for Alternate Fuel Case(s) (including year ø). For the Special Cost Test enter cost for the period of requested exemption. Successive Years Delays in Use of Alternate Fuel									
	ø	1	2	3	4	5	6	7	8	9	10
Base											
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											

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5.1 Instructions and Definitions: (General only)

The cost, which is the sum of capital outlays, O&M, and fuel costs for each alternative and the oil fired installation discounted to present is calculated by:

$$COST = I + \frac{OM_1 + FL_1}{(1+K)^1} + \frac{OM_2 + FL_2}{(1+K)^2} + \ldots + \frac{OM_N + FL_N}{(1+K)^N} - \frac{S_p}{(1+K)^p}$$

Where I = Discounted total net capital outlay in dollars, excluding investment tax credits and "Advances in Aid of Construction" (as per FERC system of accounts). May include investment in additional transmission facilities to deliver power to your service area. (ERA will not consider investment tax credits for oil or gas fired powerplants.)

Calculate investment in the above equation with the following equation:

$$\text{Where } I = I_o + \frac{I_1}{(1+K)^1} + \frac{I_2}{(1+K)^2} + \ldots + \frac{I_N}{(1+K)^N}$$

Where:

I_o = Net captial outlay in dollars up to the time the powerplant goes into operation or the alternate power supply becomes available.

$I_1 \ldots I_N$ = Yearly net capital outlay from first year of operation through the life of the plant.

OM = Annual cost in dollars of operating and maintaining the unit. May include expenditures for wheeling power to your service area.

S = Salvage value of equipment rendered useless by changing the fuel from oil or natural gas to alternate fuel in year p, if the fuel is changed.

The cost is computed with successive starting dates for alternate fuel use for the first 10 years of operation. Capital investmnet, operating and maintenance and fuel expenditures should reflect postponed use of alternate fuel (e.g., installation of scrubber when used).

5.2 Instructions and Definitions (Special Only): The cost which is the sum capital outlays, O&M and fuel cost for each alternative and the oil fired powerplant discounted to present, is calculated by:

$$COST = I + \frac{OM_1 + FL_1}{(1+K)^1} + \frac{OM_2 + FL_2}{(1+K)^2} + \ldots + \frac{OM_p + FL_p}{(1+K)^p} - \frac{S_p}{(1+K)^p}$$

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Where I = Discounted total net capital outlay in dollars excluding investment tax credits and "Advance in Aid of Construction" (as per FERC system of accounts) to use oil or natural gas as a primary energy source during the period of the proposed exemption in a dual fired powerplant.

The investment in the basic powerplant (that which would be required if oil-or natural gas-fired powerplants.)

Calculate Investment(I), for the equation above using the following equation:

$$I = I_o + \frac{I_1}{(1+K)^1} + \frac{I_2}{(I+K)^2} + \ldots + \frac{I_p}{(1+K)^p}$$

Where I_o = Net capital outlay in dollars up to the time the powerplant goes into operation to use oil or natural gas as a primary energy source during the period of the proposed exemption in a dual-fired powerplant.

$I_1 \ldots I_p$ = Yearly net capital outlay from first year of operation up to the change to alternate fuel to use oil or natural gas as a primary energy source during the period of the proposed exemption in a dual-fired powerplant.

NOTE: All other terms used in the special cost test equation are the same as those used in the General Cost Test Equation (e.g. OM, FG, p, etc.)

Fuels Decision Report — Page — Chapter

6.0 Capital Outlays - New Powerplants

Check Appropriate Boxes: ☐☐☐ ☐ General Cost Test Base Case / Alternate Fuel Case ☐ Special Cost Test

6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay: Amount Expressed in Non-inflated $(000)	(b) Net Capital Outlay: Calendar Year of Outlay	(c) Investment Tax Credit: Amount Expressed in Non-inflated $(000)	(d) Salvage Value: Amount Expressed in Non-inflated $(000)	(d) Salvage Value: Calendar Year of Salvage
A. COST OF PURCHASED EQUIPMENT					
1. Boilers.					
2. Waste Heat Boilers.					
3. Combustion Turbines.					
4. Internal Combustin Engines.					
5. Steam Turbines.					
6. Generators.					
7. Flue Gas Desulfurization (FGD) System.					
a. Scrubber modules and ductwork.					
b. FGD system make up water pumps and motors.					
c. Reheaters, booster fans and motors.					
d. Sludge thickening and pumping equipment.					
e. Stack Lining.					
f. Electrical.					
g. Lime unloading equipment.					

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6.0 Capital Outlays - New Powerplants Check Appropriate Boxes: ☐ General Cost Test ☐ Special Cost Test ☐ Base Case ☐ Alternate Fuel Case 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay Amount Expressed in Non-inflated ($000)	(b) Net Capital Outlay Calendar Year of Outlay	(c) Investment Tax Credit Amount Expressed in Non-inflated $(000)	(d) Salvage Value Amount Expressed in Non-inflated $(000)	(d) Salvage Value Calendar Year of Salvage	Fuels Decision Report Page	Fuels Decision Report Chapter
8. Electrostatic Precipitators.							
a. Precipitator.							
b. Ductwork.							
c. Power Supply.							
9. Fabric filters.							
a. Baghouse.							
b. Ductwork.							
c. Fans and Motors.							
10. Steam Condensers.							
11. Condensate Pumps.							
12. Feed Water Treatment and Storage Equipment.							
13. Mechanical Draft Cooling Towers.							
a. Tower.							
b. Cooling tower circulating pumps.							

6.0 Capital Outlays - New Powerplants Check Appropriate Boxes: ☐ General Cost Test ☐ Special Cost Test ☐ Base Case ☐ Alternate Fuel Case 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay Amount Expressed in Non-inflated $(000)	(b) Net Capital Outlay Calendar Year of Outlay	(c) Investment Tax Credit Amount Expressed in Non-inflated $(000)	(d) Salvage Value Amount Expressed in Non-inflated $(000)	(d) Salvage Value Calendar Year of Salvage	Fuels Decision Report Page	Fuels Decision Report Chapter
14. Wastewater Treatment.							
a. Bottom Ash Sludge System.							
b. Coal pile runoff collection system.							
c. Recycle water pumping.							
d. Sludge lagoon.							
e. Electrical.							
15. Fuel Oil Storage Tanks and Pumps.							
16. Land Costs.							
17. Fly Ash Disposal System.							
18. Stack.							
19. Coal Handling System.							
a. Rail System.							
b. Barge System.							

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6.0 Capital Outlays - New Powerplants Check Appropriate Boxes: ☐ General Cost Test ☐ Special Cost Test ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Salvage Value		Fuels Decision Report	
	Amount Expressed in Non-inflated ($000)	Calendar Year of Outlay	Amount Expressed in Non-inflated ($000)	Amount Expressed in Non-inflated ($000)	Calendar Year of Salvage	Page	Chapter
c. Car and Barge Unloading System							
d. Conveyors							
e. Silos or Bunkers							
f. Pulverizers							
B. GENERAL STRUCTURAL AND CIVIL COSTS							
1. Site Work							
2. Coal Supply System							
3. Flue Gas Desulfurization System							
4. Site Utilities							
5. Buildings and Enclosures							
6. Precipitator and Bag House Installation							
7. Ductwork and Stack							
8. Mechanical Piping							
9. Condensor Cooling System							
10. Bottom Ash Disposal System							
11. Fly Ash Disposal System							

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6.0 Capital Outlays - New Powerplants Check Appropriate Boxes: ☐ General Cost Test ☐ Special Cost Test ☐ Base Case ☐ Alternate Fuel Case _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Salvage Value		Fuels Decision Report	
	Amount Expressed in Non-inflated ($000)	Calendar Year of Outlay	Amount Expressed in Non-inflated ($000)	Amount Expressed in Non-inflated ($000)	Calendar Year of Salvage	Page	Chapter
12. Electrical Work							
13. Equipment Foundations							
C. Indirect Costs							
D. Engineering Costs							
E. Contingency Costs							
F. Interest During Construction							

FEDERAL REGISTER, VOL. 44, NO. 30—MONDAY, FEBRUARY 12, 1979

6.1 Instructions and Definitions.

Capital Equipment Section.

a. Cost Item Categories - Check appropriate case (base or alternate fuel and case number) and General Cost test or Special Cost test. (Section 6.1 must be completed for the base case and each alternate fuel case.) Enter this data in columns to the right for each cost item category. (Items A.1 through F).

b. Net Capital Outlays - Total capital outlay minus investment tax credit. Enter amount in thousands of dollars expressed in real (uninflated) terms using the prices in effect at the time the petition is submitted. Enter calendar year outlays and made.

c. Investment Tax Credit - Enter the amount in thousands of dollars in real (uninflated) terms, using the prices in effect at the time the petition is submitted.

d. Salvage value - Enter the estimated salvage value expressed in thousands of dollars in real (uninflated) terms using the prices in effect at the time the petition is submitted. Enter the calendar year. The salvage value is recognized.

e. Fuels Decision Report - Enter page and chapter of your FDR where cost item categories are discussed and amounts estimated.

NOTE: This Section is for the basecase, alternate fuel cases which require no changes in capital outlay timing. Where alternate fuel use is delayed year by year requiring changes in capital timing, complete Section 6.2.

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6.2 CAPITAL OUTLAYS, NEW POWERPLANT											Check Type Cost Test ☐ General ☐ Special
Changes in timing of net capital outlays due to delayed use of alternate fuel											
ALT. FUEL CASE NO.	Cost item categories (enter item no. from section 6.1 which changes and year no. in column to right)	CHANGE IN YEARS OUTLAYS ARE MADE Enter under columns below the number of the year (from the proposed powerplant's operational date) that outlays will be made. Example: If the delaying of burning of an alternate fuel for four years causes a required net capital outlay to be made in year two then the number 2 would be entered under Column 4, etc. SUCCESSING YEARS DELAYS IN STARTING TO USE AN ALTERNATE FUEL									
		1	2	3	4	5	6	7	8	9	10

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6.3 CAPITAL SALVAGE, NEW POWERPLANT											Check Type Cost Test ☐ General ☐ Special
Changes in years equipment would be salvaged due to delayed use of alternate fuel											
ALT. FUEL CASE NO.	Cost item categories (enter item no. from section 6.1 which changes and year no. in column to right)	CHANGE IN YEARS EQUIPMENT IS SALVAGED Enter under columns below the year number (from the proposed powerplant's operational date) that equipment would be salvaged. Example: If the burning of an alternate fuel delayed four years causes equipment to be salvaged in year two then the number 2 would be entered under column 4. SUCCESSING YEARS DELAYS IN STARTING TO USE AN ALTERNATE FUEL									
		1	2	3	4	5	6	7	8	9	10

7.0 Instructions.

This table is constructed under the assumption that O&M outlays will remain constant. If O&M does not remain constant, complete Section 7.1 for the periods of change. All outlays should be expressed in thousands of dollars in real (uninflated) terms using the prices in affect at the time the petition is submitted.

a. Enter annual O&M expenditures (less fuel cost) for each case while burning petroleum or natural gas.

b. Enter annual O&M expenditures (less fuel costs) for each alternate fuel case while burning the alternate fuel.

c. Annual O&M expenditures will be calculated with the following equation:

$$OM = 8760 \times ACF \times 0 \times C$$

Where: ACF = Annual capacity factor of the powerplant (0.70) expressed as a fraction

0 = Operations and maintenance in dollars per Kwh at 70% annual capacity factor ($/Kwh).

C = Design capacity of the plant in kW.

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7.1 OPERATION AND MAINTENANCE OUTLAYS, NEW POWERPLANTS										Check Type Cost Test ☐ General ☐ Special
Changes in Annual Operation and Maintenance Expenditures										
COST CASE (a)	Year(s) Delay of Use of Alternate Fuel (b)	For use only if O&M expenditures are not constant with the amounts indicated in Sec. 7.0. Enter only periods and annual amounts which differ from those reported in the above mentioned section. year(from,to) refer to beginning & ending calendar yr for period amounts change.								
		ANNUAL O&M EXPENDITURES AND PERIODS OF YEARS INCURRED								
		From Year (c)	To Year (c)	Annual O&M $(000) (d)	From Year (c)	To Year (c)	Annual O&M $(000) (d)	From Year (c)	To Year (c)	Annual O&M $(000) (d)

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8.0 ANNUAL FUEL EXPENDITURES, NEW POWERPLANTS		Check Type ☐ General ☐ Special Cost Test
COST CASE	Annual Outlay(s) for Fuel Expenditures During the Period the Powerplant Burns Petroleum and/or Natural Gas	Annual Outlay(s) for Fuel Expenditures During the Period the Powerplant Burns Alternate Fuel
	Expressed in Non-Inflated $(000)	Expressed in Non-Inflated $(000)
BASE		
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

8.0 Instructions.

This table is constructed under the assumption that fuel outlays will remain constant. If fuel outlays do not remain constant, complete Section 8.1 for the periods of change. All outlays should be expressed in thousands of dollars in real (uninflated) terms using the prices in effect at the time the petition is submitted.

a. Enter annual fuel expenditures for each case while burning petroleum or natural gas.

b. Enter annual fuel expenditures for each alternate fuel case while burning the alternate fuel.

8.0 Instructions (Con't).

		Fuels Decision Report Page	Chapter
(a) Oil or Natural Gas Data: This data is to be submitted for each change of price or BTU content for each case.			
(1) Price imported crude oil (Federal Register reference _____)	$_____ per BBL	____	_____
(2) Price of composite crude oil (Federal Register reference _____)	$_____ per BBL	____	_____
(3) Price of your fuel* (Fuels Decision Report reference _____)	$_____ per BBL	____	_____
(4) BTU's per barrel of oil	_____ 10^6 per BBL	____	_____

*If you use natural gas, this term will be the price of No. 2 distillate fuel oil.

(b) Alternate Fuel Data _____ of Fuel			
(1) Price of delivered alternate fuel.	$_____ per unit	____	_____
(2) BTU's per unit	_____ 10^6 per unit	____	_____
(3) What is the unit (BBL, Tons, Etc.).	_____		

Annual delivered fuel expenditures (FL) will be calculated by the following equation:

$$FL = 8760 \times ACF \times C \times C \times f \times H$$

Where:

ACF = Annual capacity factor of the powerplant (0.70) expressed as a fraction.

C = Design capacity of the plant in kW.

f = Delivered fuel expenditures to the plant expressed in dollars per Btu.

H = Heat input rate for the plant in Btu per KWH.

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8.1 FUEL OUTLAYS, NEW POWERPLANT										Check Type Cost Test ☐ General ☐ Special
Changes in Annual Fuel Expenditures										
COST CASE	Year(s) Delay of Use of Alternate Fuel	For use only if fuel expenditures are not constant with the amounts indicated in Sec. 8.0. Enter only periods and annual amounts which differ from those reported in the above mentioned section. ear (from,to) efer to the beginning & ending calendar year for the period amounts change.								
		ANNUAL FUEL EXPENDITURES AND PERIOD OF YEARS INCURRED								
		From Year	To Year	Annual Fuel	From Year	To Year	Annual Fuel	From Year	To Year	Annual Fuel
(a)	(b)	(c)	(c)	$(000) (d)	(c)	(c)	$(000) (d)	(c)	(c)	$(000) (d)

9.0 Miscellaneous Data.

	Fuels Decision Report	
	Page	Chapter
9.1 Enter date that your proposed powerplant will become operational.	___	_____

___/___/___
Month Day Year

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OMB No. ____

Schedule (B) General and Special Cost Tests for New Installations

If you are petitioning for an exemption for a new installation based on the lack of available alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, or any other exemption requiring a general or special cost calculation, you must complete this Schedule.

1.0 Identification Information.

What is the name of the facility operating company and the person responsible for this form?

1.1 Facility Data
(a) Name: _____
(b) Unit Identification _____

1.2 Operating Company Identification
(a) Name: _____

1.3 Name of the person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) Name: _____
(b) Title: _____
(c) Telephone number (___) ___-____

2.0 Certification.

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statrments as to any matter within its jurisdiction.

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3.0 Please list the fuel/type of installation cases and the page and chapter in the Fuels Decision Report (FDR) where these are addressed. The base case is your proposed facility and fuel case 1, 2, 3... are alternate fuel/type of installation combinations for which you are claiming the cost of using such alternate fuel substantially exceeds the cost of using imported petroleum.

CASE	Installation Description (Type & Fuel)	FDR	
		Page	Chapter
BASE CASE			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			

Throughout this form please use the above case number as a reference to the fuel combination addressed.

4.0 SUMMARY OF COST RATIOS, NEW INSTALLATIONS

Check Type Cost Test ☐ General ☐ Special

COST CASE COMPARISON:	COST RATIOS* When completing form for General Cost Test enter cost ratios for all years (including year zero). For Special Cost Test enter ratios for the period of request exemption.										
	No Delay	Successive Years Delays in Starting to Use An Alternate Fuel									
	0	1	2	3	4	5	6	7	8	9	10
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											

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4.1 INSTRUCTIONS AND DEFINITIONS: (General & Special)

The Cost Ratios (R) are calculated by the formula:

$$R = \frac{\text{Cost Case (1, 2, 3, . .)}}{\text{Base Cost Case (Oil or Natural Gas)}}$$

This is referred to as "Equation #1" in the FUA Regulations. The results are to be entered in the section above.

COST (General) The total discounted after tax cost in dollars of constructing and operating the installation for its useful life.

COST (Special) The total discounted after tax cost in dollars of constructing and operating the installation for the period of the exemption.

Note: Express total cost amounts in real (prices in effect at the time the petition is submitted) uninflated dollars discounted to present value, by a factor of 7.0%.

*The cost to use an alternate fuel will be deemed to be substantially in excess of the cost to use imported petroleum where the ratio of the former to the latter is greater than 1.5. To be eligible for a permanent exemption, the ratio must be greter than 1.5 for each year's delay. A permanent exemption will not be granted if the ratios do not always exceed 1.5; you will only be eligible for a temporary exemption for the minimum period where the ratio is greater than 1.5.

5.0 SUMMARY OF BASE AND ALTERNATE FUEL COST CASES

Check Type Cost Test ☐ General ☐ Special

COST CASE	TOTAL COST $(000)										
	No Delay in Use of Alt. Fuel	When completing this form for the General Cost Test enter cost in only year ø for Base Case and all successive years for Alternate Fuel Case(s) (including year ø). For the Special Cost Test enter cost for the period of requested exemption. Successive Years Delays in Use of Alternate Fuel									
	ø	1	2	3	4	5	6	7	8	9	10
Base											
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											

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5.1 INSTRUCTIONS AND DEFINITIONS: (General only)

The cost which is the sum of capital outlays, O&M, and fuel costs for each alternative and the oil fired installation discounted to present, is calculated by:

$$\text{COST} = I + \frac{(1-t)(OM_1 + FL_1) - t \cdot DPR_1}{(1+K)^1} + \frac{(1-t)(OM_2 + FL_2) - t \cdot DPR_2}{(1+K)^2} + \ldots + \frac{(1-t)(OM_N + FL_N) - t \cdot DPR_N}{(1+K)^N} - \frac{Sp}{(1+K)^p}$$

Where I = Discounted total net capital outlay in dollars excluding investment tax creditrs.

Calculate investment (I) for the equation above using the following equation:

$$I = I_o + \frac{I_1}{(1+K)^1} + \frac{I_2}{(1+K)^2} + \ldots + \frac{I_N}{(1+K)^N}$$

Where I_o = Net capital outlay in dollars up to the time the installation goes into operation, and

$I_1 \ldots I_n$ = Yearly net capital outlays from first year of operation through the life of the installation.

OM = Annual cost in dollars of operating and maintaining an installateion.

5.2 INSTRUCTIONS AND DEFINITIONS: (Special only)

The cost which is the sum of capital outlays, O&M, and fuel costs for each alternative and the oil fired installation discounted to present value, is calculated by:

$$\text{COST} = I + \frac{(1-t)(OM_1 + FL_1) - t \cdot DPR_1}{(1+K)^1} + \frac{(1-t)(OM_2 + FL_2) - t \cdot DPR_2}{(1+K)^2} + \ldots + \frac{(1-t)(OM_p + FL_p) - t \cdot DPR_p}{(1+K)^p} - \frac{Sp}{(1+K)^p}$$

WHERE: I = Discounted total next capital outlay in dollars excluding investment tax credit to use oil or natural gas as a primary energy source during the period of the proposed exemption, in a dual fired installation. The investment in the basic installation (that which would be required if oil or natural gas was not used) itself is not included in this comparison as it is irrelevant. (ERA will not consider investment tax credits for oil and gas fired installations.)

Calculate Investment (I), for the equation above using the following equation:

$$I = I_o + \frac{I_1}{(1+K)^1} + \frac{I_2}{(1+K)^2} + \ldots \frac{I_p}{(1+K)^p}$$

Where: I_o = Net capital outlay in dollars up to the time the installation goes into operation to use oil or natural gas as a primary energy source during the period of the proposed exemption, in a dual fired installation, and

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$I_{1} \ldots I_{p}$ = Yearly net capital outlay from first year of operation up to the change to alternate fuel to oil or natural gas as a primary energy source during the period of the proposed exemption, in a dual fired installation.

All other terms used in the Special Cost Test are the same as those used in the General Cost Test (e.g. OM, FL, p . . . . etc).

FL = Annual delivered fuel expenditures in dollars.

S_{p} = Salvage value of equipment rendered useless by changing the fuel from oil or natural gas to alternate fuel in year p, if the fuel is changed.

K = The real cost of capital expressed as a fraction.

N = The useful life of the installation.

p = Year fuel is changed from oil or natural gas to alternate fuel.

t = Federal income tax rate.

DPR = Annual depreciation using the method which depreciates the asset as quickly as allowed by law. You cannot use accelerated depreciation for oil and gas fired boilers.

The cost is computed with successive starting dates for alternate fuel use for the first 10 years of operation. Capital investment, operating and maintenance and fuel expenditures should reflect postponed use of alternate fuel (e.g., installation of scrubber when used.

6.0 Capital Outlays - New Installations Check Appropriate Box: ☐ General Cost Test ☒ Alternate Fuel Case ☐ Base Case ☐ Special Cost Test _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay: Amount Expressed in Non-Inflated $(000)	(b) Net Capital Outlay: Calendar Year of Outlay	(c) Investment Tax Credit: Amount Expressed in Non-inflated $(000)	(d) Tax Life: Years From Time Placed in Service	(e) Depreciation Method: Enter Number(s) From Section 6.2	(f) Salvage Value: Amount Expressed in Non-Inflated $(000)	(f) Salvage Value: Calendar Year of Salvage	Fuels Decision Report: Page	Fuels Decision Report: Chapter
A. COST OF PURCHASED EQUIPMENT									
1. Boilers.									
2. Waste Heat Boilers.									
3. Combustion Turbines.									
4. Internal Combustin Engines.									
5. Steam Turbines.									
6. Generators.									
7. Flue Gas Desulfurization (FGD) System.									
a. Scrubber modules and ductwork.									
b. FGD system make up water pumps and motors.									
c. Reheaters, booster fans and motors.									
d. Sludge thickening and pumping equipment.									
e. Stack Lining.									
f. Electrical.									
g. Lime unloading equipment.									

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6.0 Capital Outlays - New Installations Check Appropriate Box: ☐ General Cost Test ☒ Alternate Fuel Case ☐ Base Case ☐ Special Cost Test _____ 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay: Amount Expressed in Non-Inflated $(000)	(b) Net Capital Outlay: Calendar Year of Outlay	(c) Investment Tax Credit: Amount Expressed in Non-inflated $(000)	(d) Tax Life: Years From Time Placed in Service	(e) Depreciation Method: Enter Number(s) From Section 6.2	(f) Salvage Value: Amount Expressed in Non-Inflated $(000)	(f) Salvage Value: Calendar Year of Salvage	Fuels Decision Report: Page	Fuels Decision Report: Chapter
8. Electrostatic Precipitators.									
a. Precipitator.									
b. Ductwork.									
c. Power Supply.									
9. Fabric filters.									
a. Baghouse.									
b. Ductwork.									
c. Fans and Motors.									
10. Steam Condensers.									
11. Condensate Pumps.									
12. Feed Water Treatment and Storage Equipment.									
13. Mechanical Draft Cooling Towers.									
a. Tower.									
b. Cooling tower circulating pumps.									

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6.0 Capital Outlays - New Installations Check Appropriate Box: ☐ General Cost Test ☐ Alternate ☐ Base Case Fuel Case ☐ Special Cost Test 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Tax Life	(e) Depreciation Method	(f) Salvage Value		Fuels Decision Report	
	Amount Expressed in Non-Inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Years From Time Placed in Service	Enter Number(s) From Section 6.2	Amount Expressed in Non-Inflated $(000)	Calendar Year of Salvage	Page	Chapter
14. Wastewater Treatment.									
a. Bottom Ash Sludge System.									
b. Coal pile runoff collection system.									
c. Recycle water pumping.									
d. Sludge lagoon.									
e. Electrical.									
15. Fuel Oil Storage Tanks and Pumps.									
16. Land Costs.									
17. Fly Ash Disposal System.									
18. Stack.									
19. Coal Handling System.									
a. Rail System.									
b. Barge System.									

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6.0 Capital Outlays, New Installations Check Appropriate Box: ☐ General Cost Test ☐ Alternate ☐ Base Case Fuel Case ☐ Special Cost Test 6.1 (a) COST ITEM CATEGORIES	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Tax Life	(e) Depreciation Method	(f) Salvave Value		Fuels Decision Report	
	Amount Expressed in Non-Inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Years From Time Placed in Service	Enter Number(s) From Section 6.2	Amount Expressed in Non-Inflated $(000)	Calendar Year of Salvage	Page	Chapter
c. Car and Barge Unloading System									
d. Conveyors									
e. Silos or Bunkers									
f. Pulverizers									
B. GENERAL STRUCTURAL AND CIVIL COSTS									
1. Site Work									
2. Coal Supply System									
3. Flue Gas Desulfurization System									
4. Site Utilities									
5. Buildings and Enclosures									
6. Precipitator and Bag House Instailation									
7. Ductwork and Stack									
8. Mechanical Piping									
9. Condensor Cooling System									
10. Bottom Ash Disposal System									
11. Fly Ash Disposal System									

6.0 Capital Outlays, New Installations Check Appropriate Box: ☐ General Cost Test ☐ Special Cost Test ☐ Alternate Fuel Case 6.1	(b) Net Capital Outlay		(c) Investment Tax Credit	(d) Tax Life	(e) Depreciation Method	(f) Salvage Value		Fuels Decision Report	
	Amount Expressed in Non-Inflated $(000)	Calendar Year of Outlay	Amount Expressed in Non-inflated $(000)	Years From Time Placed in Service	Enter Number(s) From Section 6.2	Amount Expressed in Non-Inflated $(000)	Calendar Year of Salvage	Page	Chapter
(a) COST ITEM CATEGORIES									
12. Electrical Work									
13. Equipment Foundations									
C. Indirect Costs									
D. Engineering Costs									
E. Contingency Costs									
F. Interest During Construction									

6.1 INSTRUCTIONS AND DEFINITIONS. Capital Equipment Section.

a. Cost Item Categories - Check appropriate case (Base or Alternate Fuel and case number) and general cost cost test or special cost test. (Section 6.1 must be completed for base and each alternate fuel case.) For each cost item category enter data request in columns to the right. (Item A. 1 through F.)

b. Net capital outlays - Total capital outlay minus investment tax credit. Enter amount in thousand of dollars expressed in real (uninflated) terms using the prices in effect at the time the petition is submitted. Enter calendar year outlays are made.

c. Investment tax credit - Enter the amount in thousand of collars expressed in real (uninflated) terms using the prices in effect at the time the petition is submitted.

d. Tax Life - Enter the IRS tax life of the equipment.

e. Depreciation method - Enter method number from section 6.2.

f. Salvage Value - Enter the estimated salvage value expressed in thousands of dollars in real (uninflated) terms, using the prices in effect at the time the petition is submitted, and the calendar year the salvage value is recognized.

g. Fuels Decision Report - enter page and chapter of your FDR where cost item categories are discussed and amounts estimated.

Note: This section is for the Base case and Alternate Fuel Cases which begin operation in year zero or require no changes in capital outlay timing. In those cases where Alternate Fuel Use is delayed year by year and require changes in capital timing complete section 6.3 and Section 6.4, as necessary.

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6.2 In the table below, describe each depreciation method used and list the page and chapter in the Fuels Decision Report where it is addressed. The method number shall be entered under depreciation method in section 6.1 (capital equipment) for each cost item category.

Method No.	Depreciation Description	Fuels Decision Report	
		Page	Chapter
1.			
2.			
3.			
4.			

6.3 CAPITAL OUTLAYS, NEW INSTALLATIONS — Check Type Cost Test ☐ General ☐ Special

Changes in Timing of Net Capital Outlays Due to Delayed Use of Alternate Fuel

ALT. FUEL CASE NO.	Cost Item Categories (Enter Item No. From Section 6.1 which changes and year no. in Column to rr)	CHANGE IN YEARS OUTLAYS ARE MADE. Enter under columns below the number of the year (from the proposed installation's operational date) that outlays will be made. Example: If the delaying of burning of an alternate fuel for four years causes a required net capital outlay to be made in year two then the number 2 would be entered under Column 4, etc. SUCCESSING YEARS DELAYS IN STARTING TO USE AN ALTERNATE FUEL									
		1	2	3	4	5	6	7	8	9	10

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6.3 INSTRUCTIONS AND DEFINITIONS. Changes in Capital Outlays

a. Alternate Fuel Cost Case Number. Enter all case from section 3.0 which have changes in the capital timing of cost item categories listed on 6.1.

b. Cost Item Categories. List all items as defined in a. above (enter only item number and letter).

c. Changes in year outlays are made. Enter under each successive year of delay in starting to use an Alternate Fuel columr the calendar year in which the capital outlay would be incurred for that delay. (The changes from that reported in section 6.1 is due to the delay in use of alternate fuel.)

6.4 CAPITAL SALVAGE, NEW INSTALLATIONS — Check Type Cost Test ☐ General ☐ Special

Changes in Years Equipment Would be Salvaged Due to delayed use of alternate fuel

ALT. FUEL CASE NO.	Cost item categories (enter item no. from section 6.1 which changes and year no. in column to right)	CHANGE IN YEARS EQUIPMENT IS SALVAGED. Enter under columns below the year number (from the proposed installation's operational date) that equipment would be salvaged. Example: If the burning of an alternate fuel delayed four years causes equipment to be salvaged in year two then the number 2 would be entered under Column 4. SUCCESSING YEARS DELAYS IN STARTING TO USE AN ALTERNATE FUEL									
		1	2	3	4	5	6	7	8	9	10

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6.4 INSTRUCTIONS AND DEFINITIONS - Changes in years equipment would be salvaged.

a. Alternate Fuel Cost Case Number. Enter all cases from Section 3.0 which have changes, relative to in section 6.1, in their salvage schedule.

b. Cost Item Categories. List all items which have changes in their salvage schedules (enter only item number and letter.)

c. Successive years of delay in starting to use an Alternate Fuel. Enter the calendar year in which equipment would be salvaged. (The change from that reported in Section 6.1, being caused by the uses of Alternate Fuel.)

7.0 ANNUAL OPERATION AND MAINTENANCE EXPENDITURES, NEW INSTALLATION		Check Type Cost Test ☐ General ☐ Special
COST CASE	(a) Annual outlay(s) for O&M expenditures during the period the installation burns petroleum and natural gas	(b) Annual outlay(s) for O&M expenditures during the period the installation burns alternate fuel
	Expressed in Non-Inflated $(000)	Expressed in Non-Inflated $(000)
BASE		
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

7.1 OPERATION AND MAINTENANCE OUTLAYS, NEW INSTALLATIONS											Check Type Cost Test ☐ General ☐ Special
Changes in Annual Operation and Maintenance Expenditures											
COST CASE	Year(s) Delay of Use of Alternate Fuel	For use only if O&M expenditures are not constant with the amounts indicated in Sec.7.0. Enter only periods and annual amounts which differ from those reported in the above mentioned Section ear (from,to) efer to the beginning and ending calendar year for the period amounts change.									
		ANNUAL O&M EXPENDITURES AND PERIODS OF YEARS INCURRED									
		From Year	To Year	Annual O&M	From Year	To Year	Annual O&M	From Year	To Year	Annual O&M
(a)	(b)	(c)	(c)	$(000)(d)	(c)	(c)	$(000)(d)	(c)	(c)	$(000)(d)

7.0 INSTRUCTIONS

This section is structured on the assumption that O&M expenditures will remain constant. If they do not remain constant, complete section 7.1 for the periods of change. All expenditures should be expressed in thousands of dollars in real (uninflated) terms using the prices in effect at the time the petition is submitted.

(a) Annual O&M expenditures while burning petroleum and natural gas. Enter annual O&M expenditures (less fuel cost) for each case while burning petroleum or natural gas.

(b) Annual O&M ependitures while burning alternate fuel. Enter annual O&M expenditures (less fuel cost) for each alternate fuel case while burning the alternate fuel.

7.1 INSTRUCTIONS AND DEFINITIONS - Changes in annual operation and maintenance expenditures.

(a) Cost Case. Enter cases from section 3.0 which have changes, in amounts of O&M from the amounts listed in Section 7.0

(b) Year delay of use of alternate fuel. Enter calendar year in which alternate fuel is first used.

(c) From year to year. Enter the calendar year when the change of O&M begins and ends.

(d) Annual O&M. Enter the amount in thousands of dollars in real (uninflated) terms using the price in effect at the time the petition is submitted.

Note: For each line there is space for three periods of O&M expenditures. If there are more than three changes, repeat (a) through (d) as necessary.

8.0 INSTRUCTIONS

This section is structured on the assumption that fuel expenditures will remain constant. If they do not remain constant, complete section 8.1 for the periods of change. All expenditures should be expressed in thousands of dollars in real (uninflated) terms using the prices in effect at the time the petition is submitted.

(a) Annual fuel expenditures while burning petroleum and natural gas. Enter annual fuel expenditures for each case while burning oil or natural gas.

(b) Annual fuel expenditures while burning alternate fuel. Enter annual fuel expenditures for each alternate fuel case while burning the alternate fuel.

	Fuels Decision Report Page	Chapter
(c) Oil or Natural Gas Data: (This data is to be submitted for each change of price or Btu content)		
Price imported crude oil $____ per BBL (Federal Register reference_____)	_____	_____
Price of composite crude oil $____ per BBL (Federal Register reference_____)	_____	_____
Price of your fuel* $____per BBL (Fuels Decision Report reference _____)	_____	_____
BTU's per Barrel of oil	_____	_____
*If you use natural gas, this item will be the price of No. 2 distillate fuel oil		
(d) Alternate Fuel Data: Name of Fuel____	_____	_____
(1) Price of delivered Alternate Fuel $_____per unit	_____	_____

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8.0 (cont'd)

Fuels Decision Report
Page Chapter

(2) BTU's per unit _____ 10^6 per unit _____ _____

(3) What is the unit (Bbl, ton, etc.)

_____

8.1 FUEL OUTLAYS, NEW INSTALLATIONS

Check Type Cost Test
☐ General ☐ Special

Changes in Annual Fuel Expenditures

For use only if fuel expenditures are not constant with the amounts indicated in Sec.8.0. Enter only periods and annual amounts which differ from those reported in the above mentioned section ear (from,to) efer to the beginning and ending calendar year for the period amounts change.

COST CASE (a)	Year(s) Delay of Use of Alternate Fuel (b)	ANNUAL FUEL EXPENDITURES AND PERIOD OF YEARS INCURRED								
		From Year (c)	To Year (c)	Annual Fuel $(000) (d)	From Year (c)	To Year (c)	Annual Fuel $(000) (d)	From Year c)	To Year (c)	Annual Fuel $(000) (d)

8.1 INSTRUCTIONS AND DEFINITIONS. Changes in Annual Fuel Expenditures

(a) Cost Case. Enter Case Number of all cases from section 3.0 which have changes in amounts of fuel expenditures from the amounts listed in section 8.0

(b) Year delay of use of alternate fuel. Enter number of years delay in burning alternate fuel.

(c) From year to year. Enter the calendar years when the change of fuel expenditures begins and ends.

(d) Annual Fuel Expenditures. Enter the amount in thousands of dollars in real (uninflated) terms using the price in effect at the time the petition is submitted.

Note: For each line there is space for three periods of changes of Fuel Expenditures. If more room is needed enter the case number on the next line and repeat the process described in (a) throug (c).

9.0 MISCELLANEOUS DATA

9.1 Are you assuming a useful life for the installation other than 40 years? Yes / No

FDR Page	FDR Chapter
____	____

9.2 What is your marginal federal income tax rate? ____

FDR Page	FDR Chapter
____	____

9.3 Enter date that your proposed installaltion will become operational

Month	Day	Year

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U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

Form Approved
OMB No. _____

DRAFT

SCHEDULE (C)
NO ALTERNATIVE POWER SUPPLY

If you are petitioning for a permanent exemption for a new powerplant because there is no alternative power your filing requirements include the General Exemption Form for Powerplants, a Fuels Decision Report, this schedule (unless you are petitioning for a Peakload and Cogeneration Exemption) Schedule A (General and Special Cost Test for New Powerplants) and the appropriate exemption forms.

A separate No Alternative Power Supply Schedule (C) must be submitted for each unit for which you are seeking an exemption.

1.0 Identification Information

What is the name of the facility, operating company and the person responsible for this form?

1.1 Facility Data (site):

a. Name:_____

b. Unit Identification:_____

1.2 Operating Company Identification:
(a) Name:_____

1.3 Name of person responsible for this application:

(a) Name:_____

(b) Title:_____

(c) Telephone Number:_____

2.0 Certification

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

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GENERAL INFORMATION ON PARAMETERS

The parameter values must be used when calculating the total cost and ratio cost data found on this form. These values are the same as those used in the General Cost calculations.

(1) The delivered price of oil or natural gas must reflect the price of imported oil in the following way:

$$PFE = \frac{PICO}{PCCO} \times PF \qquad \text{where}$$

PICO = Price of imported crude oil. The most recent refiner acquisition cost of imported crude oil as reported in the Federal Register monthly notice for the DOE Domestic Crude Oil Allocation (Entitlements) Program.

PCCO = Price of composite crude oil. The most recent weighted average cost of total reported crude oil receipts as reported in the Federal Register notice for the DOE Entitlements Programs.

PF = Price of your fuel. The most recent actual weighted average cost of your fuel oil (other than natural gas). Alternatively, if no purchases of fuel oil occurred, or you used natural gas during that month, you should use a simple average of the industrial price of fuel oil (capable of being burned in your facility) sold in your area by at least three suppliers. For proposed natural gas users, you should use the price of No. 2 distillate fuel oil in this calculation.

PFE = Price of fuel for equation. The cost of oil for use in "Equation #1" in the regulations.

(2) All other estimated expenditures are expressed in real (uninflated) dollars using the prices in effect at the time the petition is submitted.

(3) The annual capacity factor is 70 percent of design capacity.

(4) The useful life of a coal, nuclear, oil or natural gas fired powerplant is 35 years. The useful life of other alternate fuels powerplants shall be presumed to be 35 years. You may rebut the presumption with suitable engineering evidence.

(5) The cost comparisons shall be made over a 35 year period--the the useful life of the oil or natural gas fired powerplant.

(6) The cost of capital (discount rate) used in all present or future value computations shall be 3.5%.

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3.0 Supporting Documentation	
In support of your Petition for this exemption you are required to address specific issues in you Fuels Decision Report (FDR). Complete the following questions to provide ERA with a summary of your responses and/or to indicate the page and chapter number in the FDR where the issues are discussed. Where requested, please use the alternate site-fuel combination cost case numbers you designated in part 2.1 of Schedule A (General and Special Cost Test for New Powerplants).	
As part of your Fuels Decision Report, where have you provided:	FDR Page _____ Chapter _____
3.1 A detailed description of your methodology to compute the annual cost of purchased electricity in the situation where you are only purchasing power.	_____ _____
3.2 A description of your efforts to purchase electricity in the situation where you would only purchase power. Include letters of intent if any?	_____ _____
3.3 Where relevant, the FERC Tarrif Identifications which are intended as bases for the purchased power contracts under negotiation, including those service schedules and/or exhibits which would apply to these contracts in the situation where you would only purchase power?	(a) __ Not Applicable (b) _____ _____
3.4 A detailed description of your methodology to compute the annual cost of purchased electricity in the situation where you would purchase power and build an alternate power.	_____ _____
3.5 A description of your efforts to purchase electricity in the situation where you would purchase power and build an alternate plant. Include letters of intent, if any?	_____ _____
3.6 Where relevant, the FERC Tariff Identifications which are intended as bases for the purchased power contracts under negotiation, including those service schedules and/or exhibits which would apply to these contracts in the situation where you would purchase power and build an alternate plant?	_____ _____
3.7 A detailed description of why you cannot meet load requirements with existing facilities by improving the performance of existing facilities, employing system conservation, assisting end use customers to conserve electricity including installing insulation and implementing load techniques?	_____ _____

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As part of your Fuels Decision Report, where have you provided:	FDR Page _____ Chapter _____
3.8 A detailed description of each of the methods you considered as required by subsection 503.7(a) (4) of the Regulations, together with an estimate of the cost of implementing each of the methods?	_____ _____
3.9 An estimate of the kilowatt hour savings or additional kilowatt hour potential, as applicable, for each of the methods you considered as required by subsection 503.7(a) (4) of the Regulations?	_____ _____
4.0 Proposed Plant Cost Information	
4.1 Are you assuming a useful life for the powerplant other than 35 years? (a) ___ Yes How many years? ___ (b) ___ No	FUELS DECISION REPORT Page _____ Chapter _____
4.2 Referring to Schedule A, what is the total cost (present-valved) of producing electricity with the proposed plant over its useful life? $ _____	
5.0 If you were to purchase power in lieu of using the proposed plant's generated power, what would be its total cost (present-valued) over the useful life of the proposed plant, as computed with Equation A below? $ _____	

Instructions and Definitions: (Continued on page 5)

These instructions supplement the instructions in Schedule A

The cost of purchasing power, discounted to the present, is computed with equation A:

EQ. A $$\text{Cost} = \sum_{i=1}^{N} \frac{PU_i}{(1+K)^i}$$ where:

(1) $i = 0$ time before the proposed plant becomes operational

(2) $i = 1, \ldots, N$ years of operation of the proposed plant

(3) Pu_i = the cost of purchasing the same power, on the same schedule as would be met by the proposed plant, in the ith year following the year the exemption would become effective. The estimates for the first few years should reflect contractural arrangements potentially available to you. The re-

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5.0 Continued

maining years should be forecasted on the basis of conditions expected to prevail in your electrical region. The basis of the estimated costs for all years should be documented in your FDR.

6.0 Referring to Schedule A, what is the least total cost (present-valued) of producing electricity with an alternate plant over the useful life of the proposed plant?

(a) Cost Case Number	(b) Amount
_____	$ _____

Use this space for computations:

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7.0 What is the total discounted cost of purchasing power and building and operating an alternate fuel capable plant delaying the operational date of this plant one year at a time?

Use Equation B given below to compute this cost. If an additional alternate site-fuel combination is considered please provide a description in section 9.0.

(a) Alternate Site Fuel Combination Cost Case Number*	Total Cost ($ 000's) Last Year Purchased Power is Used (Q in Equation B): (b) 1	(c) 2	(d) 3	(e) 4	(f) 5	(g) 6	(h) 7	(i) 8	(j) 9
(1)									
(2)									
(3)									
(4)									
(5)									
(6)									
(7)									
(8)									
(9)									
(10)									
(11)									
(12)									

*This case number should be the same as that used in Part 2.1 of Schedule A.

Instructions and Definitions: (Continued on page 7)

The total present-valued cost of purchasing power and building and operating an alternate fuel capable powerplant is computed with Equation B.

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7.0 Continued

Equation B:

$$\text{Cost} = \sum_{i=1}^{Q} \frac{PU_i}{(1+K)^i}$$

$$+ \left[\frac{\left[\sum_{i}^{Q} I_i \right] (1+K)^{-Q} \quad \sum_{i=Q+1}^{N+Q} (T_i + OM_i + FL_i)(1+K)^{-i}}{\sum_{i=1}^{N} (1+K)^{-i}} \right] \times \sum_{i=1}^{N-Q} (1+K)^{-i}$$

where Q = the last year that the purchased power is used

Use this space for your computations:

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8.0 Cost Ratio Information

8.1 What is the ratio of Purchased Power Cost to Proposed Plant Cost?

_____

8.2 What is the ratio of Alternate Plant Cost to Proposed Plant Cost?

_____

8.3 What is the ratio of the total discounted Purchased Power Cost and Alternate Plant Cost to the total discounted Proposed Plant Cost delaying the operational date of the alternate fuel capable plant one year at a time?

(a) Cost Case Number**	Cost Ratios — Last Year Purchased Power is Used: (Q in Equation B)								
	(b) 1	(c) 2	(d) 3	(e) 4	(f) 5	(g) 6	(h) 7	(i) 8	(j) 9
(1)									
(2)									
(3)									
(4)									
(5)									
(6)									
(7)									
(8)									
(9)									
(10)									
(11)									
(12)									

** Cost Case for X = Cost Case No. x compared to Base Cost Case

Instructions and Definitions:

(1) Cost Ratio $X = \frac{\text{Cost of Case No. } x}{\text{Cost of Proposed Plant}}$

(2) See General Information on Parameters, page 2

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Note: (1) If you used different alternate site-fuel combinations in Section 7.0 than you used in Schedule A, complete 9.0 below for each different alternate site/ fuel combination.

(2) If you used the same alternate site-fuel combinations in both Schedule A and Section 7.0, you have completed all of the required information on this form.

9.0 Alternate Site-Fuel Combination Information

9.1 Briefly describe the different alternate site-fuel combinations used in section 7.0.

(a) Cost Case Number	(b) Description	(c) Where in the FDR have you addressed this? Page	Chapter
(1)			
(2)			
(3)			
(4)			
(5)			

9.2 Are you assuming a useful life for the powerplant other than 35 years?

(a) __ Yes (b) __ No (c) _____ _____

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9.3 Where in your Fuels Decision Report have you provided a detailed accounting of all major construction and equipment, including all critical assumptions and sufficient data to support your estimates?	Plant Case No. _____ Page _____ Chapter _____
9.4 Provide the Cost of Purchased Equipment	ESTIMATED COST
(1) Boilers	
(2) Waste Heat Boilers	
(3) Combustion Turbines	
(4) Steam Turbines	
(5) Internal Combustion Engines (Except combustion turbines)	
(6) Turbine Generators	
(7) Flue Gas Desulfurization (FGD) System	
(a) Scrubber modules and ductwork	
(b) FGD System make up water pumps and motors	
(c) Reheaters and booster fans and motors	
(d) Sludge thickening and pumping equipment	
(e) Stack lining	
(f) Electrical	
(g) Lime unloading equipment	
(8) Electrostatic Precipitators	
(a) Precipitator	
(b) Ductwork	
(c) Power supply	

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	ESTIMATED COST
9.4. Continued	
(9) Fabric Filters	
(a) Bagnouse	_____
(b) Ductwork	_____
(c) Fans and motors	_____
(10) Steam Condensers	_____
(11) Condensate Pumps	_____
(12) Feed Water Treatment & Storage Equip	_____
(13) Mechanical Draft Cooling Towers	_____
(a) Tower	_____
(b) Cooling Tower circulating pumps	_____
(14) Wastewater Treatment	
(a) Bottom Ash Sludge System	_____
(b) Coal pile runoff collection system	_____
(c) Recycle water pumping	_____
(d) Sludge lagoon	_____
(e) Electrical	_____
(15) Fuel Oil Storage Tanks and Pumps	_____
(16) Land Costs	_____
(17) Fly Ash Disposal System	_____
(18) Stack	_____
(19) Coal Handling System	_____
(a) Rail System	_____
(b) Barge System	_____
(c) Car and Barge Unloading System	_____
(d) Conveyors	_____
(e) Silos or Bunkers	_____
(f) Pulverizers	_____

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	ESTIMATED COST
9.4. Continued	
(19) Continued	
(g) Stokers	_____
9.4. General Structural and Civil Costs	
(1) Site Work	_____
(2) Coal Supply System	_____
(3) Flue Gas Desulfurization System	_____
(4) Site Utilities	_____
(5) Buildings and Enclosures	_____
(6) Precipitator and Bag House Installation	_____
(7) Ductwork and Stack	_____
(8) Mechanical Piping	_____
(9) Consenor Cooling System	_____
(10) Bottom Ash Disposal System	_____
(11) Fly Ash Disposal System	_____
(12) Electrical Work	_____
(13) Equipment Foundations	_____
9.4.1 Provide the Indirect Costs	
9.4.2 Provide the Engineering Costs	
9.4.3 Provide Contingency Costs	
9.4.4 Provide interest during construction	
9.4.5 Where in your Fuels Decision Report have you provided a detailed accounting of all delivered fuel expenditures, including critical assumptions and sufficient data to support your estimates?	Page_____ Chapter_____
9.4.6 Where in your Fuels Decision Report have you provided a discussion on the powerplant design capacity and the heat input rate for each fuel considered?	Page____ Chapter_____

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	FDR	
	Page___ Chapter___	
9.4.7 Where in your Fuels Decision Report have you provided a discussion on engineering details for this plant?	____ ____	

Enter any additional Remarks in this space:

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SCHEDULE (C)

NO ALTERNATIVE POWER SUPPLY - PERMANENT EXEMPTION

(POWERPLANTS)

Instructions

I. Authority/Purpose

This schedule is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.7, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration for powerplants seeking a permanent exemption from the prohibitions of the Fuel Use Act. If you represent a powerplant seeking a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inability to obtain adequate capital, State or local requirements, fuel mixtures, emergency purposes, reliability of service or intermediate load, you must file the General Powerplant Form, the appropriate permanent exemption form, a Fuels Decision Report, this Schedule and any pertinent fees. The information provided in Schedule (C) will be used by ERA to perform an evaluation of powerplants seeking any of the permanent exemptions above. A separate Schedule (C) must be submitted for each unit for which you are seeking an exemption.

II. Where to submit Schedule (C).

Submit Form ERA - 319 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N. W. Room
Washington, D. C. 20461

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III. Schedule (C) Form

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site):

This information pertains to the site where your facility is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, boiler #234.

1.2 Operating Company Identification:

This information relates to the company which has the actual responsibility for the operation of the facility. Included under the meaning of company, is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

Enter the complete name of the company.

1.3 Contact Person Identification:

This information should relate to an individual who should be contacted if there are questions regarding the information contained in this Schedule.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

2.0 CERTIFICATION

1) If you file a Schedule (C) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the corporation shall attest in writing to the accuracy of all information contained in or appended to the Schedule.

2) If you are filing a Schedule (C) on behalf of a wholly-owned subsidiary, then the requirements of Paragraph (1) shall apply to the subsidiary, and to the parent corporation as well. (Four signatures may be required.)

3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your schedule (C).

3.0 SUPPORTING DOCUMENTATION

In support of your petition for this exemption you are required to address specific issues in your Fuels Decision Report (FDR). Complete the following questions to provide ERA with a summary of your responses and/or to indicate the page and chapter number in the FDR where the issues are discussed. Where requested, please use the alternate site-fuel combination cost case numbers you designated in part 2.1 of Schedule A (General and Special Cost Test for New Powerplants).

As part of your Fuels Decision Report, give the page and chapter where you have provided:

3.1 A detailed description of your methodology to compute the annual cost of purchased electricity in the situation where you are only purchasing power.

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Refer to Cost Schedule (A) to determine the cost of producing electricity over the useful life of the proposed plant. Compute the total discounted cost of producing electricity for the life of the proposed plant using petroleum or natural gas for a 35 year period. See Section 503.5 of the Regulations.

3.2 A detailed description of your efforts to purchase electricity, including letters of intent. Provide evidence that you sought the full range of alternative power supplies available, including a description of the approach and methodology you used to search for and evaluate all possible electrical power which is accessible or obtainable within a reasonable distance of your proposed plant. Any letters of intent you provide, should clearly demonstrate your request to purchase power and show where you made a bona fide effort to solicit the services of firms engaged in the commercial sale of electrical power.

3.3 Where relevant, the FERC Tariff Identifications which are intended as basis for the purchase power contracts under negotiation, including those service schedules and/or exhibits which would apply to these contracts.

Indicate where relevant FERC Tariff Identifications are intended as a basis for the contracts under negotiation. If your purchasing agreemert under negotiation is contingent upon the FERC granting a rate increase for the interstate sale of electricity, fully detail this in your Fuels Decision Report. If service schedules and/or exhibits applied to the contracts under negotiation are provided, give the page and chapter in your Fuels Decision Report where this is addressed.

3.4 A detailed description of your methodology to compute the annual cost of purchased electricity in the situation where you would purchase power and build an alternate plant. Give the total estimated cost for purchasing

power within the 10 years from the date you submit your petition to the date the alternate plant would become fully operational. Your methodology for computing purchase power cost should include supporting documentation where available. Such evidence would be any contract under negotiation or recently quoted KWH price in your electric region.

3.5 A description of your efforts to purchase electricity for the situation where you would purchase power and build an alternate plant. Include any letters of intent. Provide evidence that you sought the full range of alternative power supplies available, including a description of the approach and methodology you used to search for and evaluate all possible electrical power which is accessible or obtainable within a reasonable distance of your proposed plant. Any letters of intent you provide should clearly demonstrate your request to purchase power and show where you made a bona fide effort to solicit the services of firms engaged in the commercial sale of electrical power.

3.6 Where relevant, the FERC Tariff Identifications which are intended as basis for the purchased power contracts under negotiation, including those service schedules and/or exhibits which would apply to these contracts in the situation where you would purchase power and build an alternate plant.

Indicate where relevant FERC Tariff Identifications are intended as a basis for the contracts under negotiation. If your purchasing agreement under negotiation is contingent upon the FERC granting a rate increase for the interstate sale of electricity, fully detail this in your Fuels Decision Report. If service schedules and/or exhibits applied to the contracts under negotiation are provided, give the page and chapter in your Fuels Decision Report where this is addressed.

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3.7 A detailed description of why you cannot meet load requirements with existing facilities by improving the performance of existing facilities, employing system conservation, assisting end use customers to conserve electricity including installing insulation and implementing load techniques.

This section of your Fuels Decision Report should identify, describe and document any conservation measures you have taken or intend to take to minimize the use of oil or gas if this exemption is granted. Outline the conservation goals you have set for yourself, for the unit under consideration, for the facility at which the unit is or will be located, and for your company. Conservation measures entail either reduction in consumption of oil and gas or increased efficiency in the utilization of oil and gas. Such measures can range from housekeeping measures to replacement of inefficient units. Such measures also could include the use of mixtures of gas or oil and alternate fuels, and new more efficient technologies. Your description of the measures you intend to use should be detailed and should include comparative consumption figures, identification of conservation equipment or techniques, proposed manner of use, proposed date of use, cost, etc.

3.8 A detailed description of each of the methods you considered as required by subsection 503.7(a) (4) of the Regulations, together with an estimate of the cost of implementing each of the methods.

An estimate of the kilowatt hour savings or additional kilowatt hour potential, as applicable, for each of the methods you considered as required by subsection 503.7(a) (4) of the Regulations.

For cost calculations, describe your approach and methodology for analyzing the relative economic benefits and costs of the alternate fuels, including petroleum and natural gas, you considered, and your findings. Include all costs relating to the alternate sources of electric power you considered. Detail the economic analyses you performed to determine whether use of a fuel is economically feasible. Economic considerations include capital costs, the ability to raise capital, operation and maintenance costs, fuel costs, transportation costs, and environmental costs.

4.0 Proposed Plant Cost Information.

4.1 Are you assuming a useful life for the powerplant other than 35 years?

Answer yes or no. If you answered "no," you may rebut the presumption that the useful life of the alternate fuel-fired plant is 35 years by providing the page and chapter in your Fuels Decision Report where you provide engineering evidence that specifically identifies the technical or operational considerations that prevent you from attaining a 35 year useful life.

4.2 Referring to Schedule A, what is the total cost (present - valued) of producing electricity with the proposed plant over its useful life? Assuming that the useful life of the proposed plant is 35 years, include items (1 thru 3) from Evidence Supporting the Comparative Cost Test, Schedule (A), to determine the cost of the proposed powerplant, use total discounted dollars for constructing and operating the plant for the period of the exemption or life of the plant.

5.0 If you were to purchase power in lieu of the proposed plant's generated power, what would be its total cost (present - valued) over the useful life of the proposed plant, as computed with Equation A below?

$ _____

Give the total cost. Costs must be expressed in real terms discounted to present value. The cost calculation that ERA uses for this purpose requires that real uninflated discount rates be used. We have tentatively set discount rates for new powerplants at 3.5 percent per annum (over and above the annual rate of inflation). To determine the cost of purchasing power discounted to the present, use cost formula provided in Equation A.

6.0 Referring to Schedule A, what is the least total cost (present - valued) of producing electricity with an alternate plant over the life of the proposed plant? Compute the cost of building and operating the alternate fuel-capable plants you propose in 7.0 for the lifetime of the plant. Compare the cost of using the alternate fuels mixture you propose in 7.0 to the cost of using imported petroleum for the proposed plant over the life of the plants.

7.0 What is the total discounted cost of purchasing power and building and operating an alternate fuel-capable plant delaying the operational date of this plant one year at a time?

Use Equation B below to compute this cost. If an additional alternate site-fuel combination is considered, please provide a description in Section 9.0.

Compute the total discounted cost of purchasing power and building and operating an alternate fuel-capable plant delaying the operational date of the alternate fuel-capable plant one year at a time with Equation B. By using the formula for calculating the cost of building an alternate fuel-fired plant in Equation B (attached), you must compute the ratios (R) of the cost of using an alternate fuel plant at the beginning of operation, and successively at the end of the first through tenth year to the cost of purchased power throughout the life of the powerplant.

8.0 Cost Ratio Information.

8.1 What is the ratio of purchased power cost to proposed plant cost? Here you must compare the discounted total cost of purchasing power to the discounted total cost of building and operating the proposed plant using imported petroleum for the useful life of the proposed plant.

8.2 What is the ratio of Alternate Plant Cost to proposed plant cost?

Give the ratio of the alternate plant cost to proposed plant cost. Compare the total discounted cost of building and operating the least total discounted cost alternate fuel plant to the total discounted cost of building and operating the proposed oil- or gas-fired plant.

8.3 What is the ratio of total discounted purchased power cost and alternate plant cost to the total discounted proposed plant cost delaying the operational date of the alternate fuel-capable plant one year at a time?

Give the ratio of total discounted purchased power cost and alternate plant cost to the total discounted cost of the proposed plant delaying the operational date of the proposed plant one year at a time. Enter the results in Section 8.3.

9.0 Alternate Site-fuel Combination Information.

9.1 Briefly describe the different alternate site-fuel combinations used in Section 7.0. Starting with the least cost case you gave in 7.0, describe the type of alternate fuel mixtures you considered for each site(s) for each alternate fuel capable plant. Provide the page and chapter for each alternate fuel plant you list in 9.1 that is discussed in your Fuels Decision Report.

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9.2 Are you assuming a useful life for the power-plant other than 35 years?

Answer yes or no. If you answered "no," you may rebut the presumption that the useful life of the alternate fuel-fired plant is 35 years by providing the page and chapter in your Fuels Decision Report where you provide engineering evidence that specifically identifies the technical or operational considerations that prevent you from attaining a 35 year useful life. Provide such evidence in your Fuels Decision Report for each cost case number that you assume less than a 35 year useful life.

9.3 Give the page and chapter in your Fuels Decision Report where you have provided a detailed account of all major construction and equipment, including all critical assumptions and sufficient data to support your cost estimates.

For each alternate site-fuel combination you listed in Column A of 9.1, provide an accurate and reasonable estimate for all equipment and construction cost associated with completing each plant, the cost estimates used for each cost case number in 9.1 should include:

(1) A detailed accounting of all capital outlays including a description of all major construction and equipment. All critical assumption should be stated and sufficient data should be included to support your estimates;

(2) A detailed accounting of all operations and maintenance expenditures including a description of all major elements. All critical assumptions should be stated and sufficient data included to support your estimates; and

(3) A detailed accounting of all delivered fuel expenditures including transportation. All critical assumptions should be stated and sufficient data included to support your estimates. The fuel characteristics for each alternate fuel should be included.

9.4 Where have you provided in your Fuels Decision Report a discussion of the following cost items for each alternate site-fuel combination considered? Give the page and chapter in your Fuels Decision Report where you provide itemized cost schedules for each proposed plant. Give the estimated cost for each item listed in Items 1 thru 17 under purchased equipment and Items 1 thru 13 under General Structural and Civil Cost for 9.4. Where the cost is unknown, write "unknown." Where item is not applicable for a cost case, write "N/A" next to the item.

9.4.1 Where have you provided in your Fuels Decision Report indirect cost for constructing each plant proposed in Column A of 9.1? Estimate the indirect cost you will incur for heat, lighting, power and water, etc. during construction for each proposed plant in Column A of 9.1.

9.4.2 Where in your Fuels Decision Report have you provided for engineering cost? Give the page and chapter in your Fuels Decision Report where you estimate the engineering cost for systems design and supervisory control for each proposed plant listed in Column A of 9.1.

9.4.3 Where in your Fuels Decision Report have you provided for contingency cost? Give the page and chapter in your Fuels Decision Report where you provide funds or reserve capital for contingency cost or unexpected cost associated with building each of the proposed plants in Column A of 9.1.

9.4.4 Where in your Fuels Decision Report have you provided for interest during construction? Give the page and chapter in your Fuels Decision Report where you estimate the total amount of interest to be paid during the time the proposed plants in Column A of 9.1 are under construction.

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9.4.5 Where in your Fuels Decision Report have you provided a detailed accounting of all delivered fuel expenditures, including critical assumptions and sufficient data to support your estimates?

You must give the page and chapter in your Fuels Decision Report where you detailed expenditures for the alternate fuels you considered, including mixtures, petroleum and natural gas. Specify the types of fuels you considered, their fuel characteristics, types of units (boiler, combined cycle, etc.) and equipment needed for each fuel, quality and quantities of fuel, and other relevant considerations. Provide a clear, competent and concise explanation of why you selected each fuel for consideration as well as a brief discussion of why you did not consider other alternate fuels.

9.4.6 Where have you provided in your Fuels Decision Report a discussion on the powerplant design capacity and the heat input rate for each fuel considered?

Give the page and chapter in your Fuels Decision Report where you provide the powerplant design capacity and the heat input rate for each fuel considered. For each plant case, provide the design capacity for each unit and the BTU heat value for all solid, liquid or gaseous fuels you considered as a primary fuel or mixture.

The FERC has proposed that certain rules be used to determine a powerplant's design capacity. There are a number of powerplant capacity ratings used by the electric power industry. However, these are used principally for operational purposes, reflecting seasonal weather conditions, degradation of a powerplant, or other factors, and may be substantially different from a powerplant's design capacity. The Commission has established

criteria that the design rating should be (1) determinable unequivocably from the manufacturer's data and ordinarily not changed during a powerplant's physical life, unless there is substantial modification of the unit; (2) a familiar and recognizable quantity throughout the electric power industry; and (3) a published value readily available to any party interested in obtaining it. These criteria and the proposed rules evolving therefrom were developed in consultation with the staff of the Secretary of Energy. The proposed rules are summarized below:

(1) The design capacity of a steam-electric generating unit shall be its maximum generator nameplate rating which has been reported to the Energy Information Administration on EIA Form _____ (formerly FPC Form 12).

(2) The design capacity of a combustion turbine shall be its peak load rating as defined by both the American National Standards Institute (ANSI) and by the International Standards Organization (ISO). This peak load rating, which applies to units operating for peaking service with a maximum of 2,000 hours per year operation, is based on an ambient temperature of 59 degrees Fahrenheit (15 degrees Celsius) and a pressure of 14.696 psia (sea level). This should be the capacity rating reported to the Energy Information Administration on EIA Form _____ (formerly FPC Form 12). If those reported ratings are based on different conditions, they will be adjusted to ISO standard conditions for the purpose of the Powerplant and Industrial Fuel Use Act.

(3) The design capacity of a combined cycle unit shall be the sum of its combustion turbine peak load rating, based on ANSI/ISO standard conditions, and the maximum generator nameplate rating of the steam turbine portion of the unit.

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(4) The design capacity of an internal combustion engine shall be the capacity rating which has been reported to the Energy Information Administration on EIA Form _____ (formerly FPC Form 12).

9.4.7 Where have you provided in your Fuels Decision Report a discussion on the engineering details (for plants in Column A of 9-1)?

Provide the page and chapter in your Fuels Decision Report where you provide engineering details that outline your approach and methodology for determining whether use of the alternate fuels you considered is technically feasible. Address the alternative unit designs you considered and the unit specifications required, etc. Indicate which fuels are not technically feasible and why you made that determination. Also outline and discuss any technical or engineering considerations which would require the use of petroleum or of natural gas rather than an alternate fuel. Specific considerations which might be addressed include product or process problems, state of the art considerations, derating, and operational reliability problems. This analysis should be performed for each plant listed in Column (A) of 9.1.

ERA- U. S. DEPARTMENT OF ENERGY
Washington, D. C. 20461

Form Approved
OMB No.

SCHEDULE (D)

USE OF MIXTURES - GENERAL REQUIREMENT FOR TEMPORARY AND PERMANENT EXEMPTIONS

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If you are petitioning for either a temporary exemption or for a permanent exemption due to lack of alternate fuel supply, site limitations, environmental requirements, inability to obtain adequate capital, state or local requirements, cogeneration, emergency purposes, reliability of service, intermediate load, product or process requirements or scheduled equipment outages, you must file this schedule.

A separate Schedule (D) must be submitted for each unit for which you are seeking such an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company, and the person responsible for this form?

1.1 Facility Data (site):
(a) _____ Name
(b) _____ Unit Identification

1.2 Operating Company Identification:
(a) _____ Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:
(a) _____ Name
(b) _____ Unit Identification
(c) ( ) _____ Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18 USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 FUELS MIXTURE INFORMATION

Answer each of the following questions for the fuels mixture you considered.

(a) What are the fuels to be used in the proposed mixture?	(b) What is the total annual quantity of fuel (by fuel unit)?	(c) What is the heating value in BTU per fuel unit?	(d) What is the total BTU input per year in millions of BTU's?	(e) What is the percent of fuel to be used?
3.1				
3.2				
3.3				
3.4				
		Total BTU's	Total BTU's	100%

4.0 What are the design specification characteristics of all fuels this powerplant or installation is capable of firing? For fuels this powerplant or installation is not capable of firing, enter "NA" across the line for that fuel.

Fuels	Design Specifications										
SOLID FUELS	% Sulfur by Weight		% Ash by Weight		% Moisture		BTU/lb.		Grindability (Pargrove)	% Carbon	
	(a) max	(b) min	(c) max	(d) min	(e) max	(f) min	(g) max	(h) min	(i) minimum	(j) max	(k) min
4.1 Coal											
4.2 Petroleum Coke											
4.3 Municipal Wastes											
4.4 Industrial Wastes											
4.5 Agricultural Wastes											
4.6 Wood											
4.7 Solid Refinery Wastes											
4.8 Solid Renewable; Specify: _____											
4.9 Biomass											
4.10 Other; Specify: _____											

4.0 Continued

Fuels	Design Specifications											
LIQUID FUELS	% Sulfur by Weight		Pour Point (degrees F.)		API Gravity (degrees)		B.S.&W. %		Initial Boiling Point °F.		BTU's/ gallon	
	(a) max	(b) min	(a) max	(b) min	(a) max	(b) min	(a) max	(b) min	(a) max	(b) min	(a) max	(b) min
4.11 Residential Oil #6												
4.12 Distillate Oil												
4.13 Synthetic Oil												
4.14 Liquid Refinery Wastes												
4.15 Shale Oil												
4.16 Other; Specify: _____												

GASEOUS FUELS	BTU's Cubic Foot	
	(a) Maximum	(b) Minimum
4.17 Natural Gas		
4.18 Synthetic Gas from Alternate Fuel		
4.19 Synthetic Gas from Petroleum		
4.20 Gaseous Refinery Wastes		
4.21 Gaseous Industrial Wastes		
4.22 Solar		
4.23 Other; Specify: _____		

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5.0 Would the mixture(s) you considered be fired alternately or simultaneously?

(a) ☐ Alternately (b) ☐ Simultaneously

6.0 SUPPLEMENTAL INFORMATION

In support of this schedule, you are required to address specific issues in your Fuels Decision Report (FDR). Complete the following questions to provide ERA with a summary of your responses to indicate that such issues have been addressed. As appropriate, indicate the page and chapter number where the issues are discussed in the FDR.	Where in your Fuels Decision Report do you address this? Page _____	Chapter _____
6.1 Is the use of the mixture(s) you considered economically feasible? (a) ☐ Yes (b) ☐ No	(c)	
6.2 Is the use of mixture(s) you considered technically feasible? (a) ☐ Yes (b) ☐ No	(c)	

Note: (1) If you are requesting a temporary exemption and you contend that the use of a mixture is technically or economically feasible, you have answered all of the necessary information to complete this schedule and are now finished.

(2) If you are requesting a permanent exemption and you contend that the use of a mixture is not technically or economically feasible, answer section 7.0 below.

7.0 PERMANENT EXEMPTION REQUEST

7.1 Is the use of a fuels mixture required?

(a) ☐ Yes...Answer 7.2 (b) ☐ No...Skip to 7.5

7.2 Which exemption would you be eligible for? (Check one.)

(a) ☐ Lack of alternate fuel supply for the first ten years of useful life.

(b) ☐ Lack of alternate fuel supply at a cost which does not exceed the cost of using imported petroleum.

(c) ☐ Site limitations.

(d) ☐ Environmental requirements.

(e) ☐ Inability to raise adequate capital.

(f) ☐ State or local requirements.

7.3 Have you submitted the appropriate exemption form and schedules to support the above contention?

(a) ☐ Yes (b) ☐ No

7.4 Where in your Fuels Decision Report do you demonstrate your eligibility for the permanent exemption you checked in 7.2 above? Page _____ Chapter _____

7.5 Briefly describe the design or special circumstances which make the use of a mixture in your specific unit economically or technically infeasible.

7.6 What is the page and chapter number in your Fuels Decision Report where this is more fully addressed? Page _____ Chapter _____

Enter any additional comments in this space:

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SCHEDULE (D)

USE OF MIXTURES -- GENERAL REQUIREMENTS FOR TEMPORARY AND PERMANENT EXEMPTIONS

Instructions

I. Authority/Purposes

This schedule is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.9 and 505.6, Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration for powerplants seeking a permanent exemption(s) and installations seeking either a temporary or permanent exemption(s) from the prohibition of the Fuel Use Act. If you represent a powerplant seeking a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inability to obtain adequate capital, State or local requirements, cogeneration, emergency purposes, reliability or intermediate load, you must file a Schedule (D) - Use of Mixtures. Powerplants seeking a permanent exemption for peakload or fuel mixtures are not required to file this schedule. If you are filing a petition for an installation, you must file a Schedule (D) with all temporary exemptions and all permanent exemptions except the permanent exemption for certain fuel mixtures. The information provided in Schedule (D) will be used by ERA to perform an evaluation of powerplants and installations seeking any of the temporary or permanent exemptions above.

II. where to submit Schedule (D).

Submit Form ERA - 320 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D.C. 20461

III. Schedule (D) Form

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site):

This information pertains to the site where your facility is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the specific identification of the unit. For example, Boiler #234.

1.2 Operating Company Identification:

This information relates to the company which has the actual responsibility for the operation of the facility. Included under the meaning of company, is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the company.

1.3 Contact Person Identification:

This information should relate to an individual who can be contacted if there are questions regarding the information contained in this schedule.

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(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

2.0 CERTIFICATION

(1) If you are filing a petition for exemption(s) on behalf of a corporation, the Chief Executive Officer and Chairman of the Board of the company shall attest in writing to the accuracy of all information contained in or appended to your petition.

(2) If you are filing a petition for exemption(s) on behalf of a wholly-owned subsidiary, then the requirements of (1) above shall apply to the subsidiary and to the parent corporation as well. (Four signatures may be required)

(3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your petition.

3.0 FUELS MIXTURE INFORMATION

Answer questions in columns (a), (b), (c) and (d) for the proposed mixtures under column (a) which you considered.

(a) What are the fuels to be used in the proposed mixture for the exempted unit? List the proposed mixture of fuels that are technically feasible for use during the proposed temporary exemption period, or for a permanent exemption in 3.1 thru 3.4. Provide a continuation sheet if you propose using more than four (4) types of mixtures.

(b) What is the total quantity of fuel by unit? For solid fuels such as coal, and municipal waste, give the total amount of solid fuel used on an annual basis in tons. For liquid fuels such as residual oil or liquid refinery waste, give the total amount to be used on an annual basis in gallons. For gaseous fuels such as natural gas or synthetic gas from coal or oil, give the total amount of gas in Mcf or thousands of cubic feet.

(c) What is the heating value in BTU's per fuel unit?

(1) For solid fuels use: total number of BTU's per lb.

(2) For liquid fuels use: total number of BTU's per gal.

(3) For gaseous fuels use: total number of BTU's per cubic feet.

(d) What is the total BTU input per year in millions of BTU's?

(1) For solid fuels, multiply the BTU's per lb. heating value (X) 2000 to obtain total BTU's per ton. Multiply that number (X), the total proposed number of tons of solid fuel (to be used annually), to find total BTU's. Divide the total number of BTU's by 1,000,000 to find the total millions of BTU's used per year.

(2) For liquid fuels, multiply the BTU's heating value per gallon (X) the total number of gallons of liquid fuels you propose to use annually. Divide that number by 1,000,000 to find the total millions of BTU's used per year.

(3) For gaseous fuels, multiply the BTU's heating value per cubic foot (X) 1000. Multiply this number (X), the total proposed number of MCF to be used annually, and divide by 1,000,000 to obtain millions of BTU's used per year.

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(4) Take the total value of the millions of BTU's for all fuels in your proposed fuel mixture and add into the bottom column of (d).

(e) What is the percent of the fuel to be used? For each fuel in your proposed fuel mixture, take the total millins of BTU's for each fuel in column (d) and divide by the sum total millons of BTU's of all fuels at the bottom of (d). This figure will be the % (percentage) of total millions of BTU's input which must be entered to the right of each proposed fuel in column (e). By rounding to the nearest whole number, the percentage of BTU's for all fuels in column (e) should total 100% of the total millions of BTU's at the bottom of column (d).

4.0 What are the design specification characteristics for all the fuels this powerplant or installation is capable of firing? Write 'N/A' across the line for fuels that cannot be used. Give the burning characteristics for all fuels this unit can use with respect to ash, sulfur, moisture, BTU value by weight or cubic foot, grindability, amount of fixed carbon, etc., for the design specification of all solid, liquid or gaseous fuels you can use - including the minimum and maximum ranges that can be used.

5.0 Would the mixture(s) you considered be fired alternately or simultaneously? If petroleum or natural gas will not consistently be used in combination with the alternate fuels in the fuels mixture proposed in 3.0 of this Schedule, you should check "alternately." If you do plan to consistently burn petroleum or natural gas in combination with the alternate fuels listed in your fuels mixture, you should check "simultaneously."

6.0 Supplemental Information

6.1 Is the use of the mixture(s) you considered economically feasible?

(a) Economic considerations include capital costs, the ability to raise capital, operation and maintenance costs, fuel costs, transportation costs, and environmental costs. Present your assessment using the methodology

for cost comparison calculations provided in Sections 503.5 and 505.5 of the Fuel Use Act regulations. Also present the approach, methodology and calculations that you traditionally use to make economic decisions, and the results based on that methodology. If you conclude that use of a particular fuel is economically feasible, you may simply state this without providing in-depth analysis by checking (a) "yes."

(b) If, after making cost calculations based on Sections 503.5 [Cost Schedule (A)]and 505.5 [Cost Schedule (B)] of the regulations and you determine a fuels mixture not to be economically feasible, check (b) "no."

(c) Cite the page and chapter in your Fuels Decision Report where the economic feasibility of using a fuels mixture is addressed. This section of your Fuels Decision Report should describe your approach and methodology for analyzing the relative economic benefits and costs of the alternate fuels, including petroleum and natural gas that you considered, and your findings. If you are requesting a permanent exemption for a powerplant (except for fuel mixtures or peakload), also address the economic considerations relating to the alternate sources of electric power that you considered. Detail here the economic analyses you performed to determine why use of a fuels mixture is not economically feasible.

6.2 Is the use of the mixture(s) you considered technically feasible?

(a) If you concluded that there are no significant technical or engineering problems associated with the use of a particular fuel, check (a) "yes."

(b) If you checked (b) "no," your Fuels Decision Report should outline your approach and methodology for determining why use of the alternate fuels you considered is not technically feasible.

Address the alternative unit designs that you considered and the unit specification required, etc. Indicate which fuels are not technically feasible and why you made that determination. Also outline and discuss any technical or engineering considerations which would require the use of petroleum or natural gas rather than an alternate fuel. Specific considerations which might be addressed include product or process problems, state of the art considerations, derating, and operational reliability problems. If you are requesting a permanent exemption for a new powerplant relating to lack of alternate fuel supply, site Limitations, environmental requirements, adequacy of capital, State or local requirements, co-generation emergency purposes, reliability of service or intermediate load powerplant, address the apprpriate technical and engineering considerations pertaining to each alternative site examined for alternate fuel that you considered in your Fuels Decision Report.

(c) Cite the page and chapter in your Fuels Decision Report where you address the technical feasibility of fuels mixtures. If you concluded mixtures were not technically feasible, give the page and chapter in (a) above where this is determined.

7.0 Permanent Exemption Request

7.1 If you are requesting a permanent exemption and contend that the use of fuels mixture is technically and economically feasible, check (a) and answer 7.2. If a fuels mixture is not feasible check (b) and go to section 7.5.

7.2 Check all permanent exemptions listed in (a) thru (f) that you would be eligible for if you were able to use fuels mixture.

7.3 Have you submitted the appropriate exemption form(s) and schedules to support your contention that you are eligible for any of the permanent exemptions in (a) thru (f) adove? Check "yes" or "no." If you filed either a Powerplant or Installation General Form, a Fuels Decision Report, this schedule and a completed petition for any of the permanent exemptions (a) thru (f) in g.2 above, check "yes." If use of a fuels mixture would not qualify you for any of the permanent exemptions listed in 7.2, simply check "no."

7.4 Where in your Fuels Decision Report do you demonstrate your eligibility for any permanent exemptions listed in 7.2 above. This section must provide the page and chapter where you identify and describe the alternate fuels you considered, including mixtures, petroleum and natural gas. Specify the types of fuels you considered, their fuel characteristics, types of units (boiler, combined cycle, etc.) and equipment needed for each fuel, quality and quantities of fuel, and other relevant considerations. This section of your Fuels Decision Report should also provide a clear, competent and concise explanation of why you selected each fuel for consideration as well as a brief discussion of why you did not consider other alternate fuels that would allow you to use a fuels mixture.

7.5 Special Circumstances.

Briefly list any special or extraordinary circumstances that economically or technically preclude the use of a fuels mixture. Attach supplementary documentation if necessary.

7.6 Cite the page and chapter in your Fuels Decision Report where design problems or other special circumstances listed in 7.5 are addressed. List the page and chapter in your Fuels Decision Report of all information that supports your contention that special circumstances do prevent the use of a fuels mixture for technical/design or economic reasons.

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U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20461

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SCHEDULE (E)
GENERAL REQUIREMENT FOR ALTERNATIVE SITES
(POWERPLANTS)

If you are petitioning for a lack of alternate fuel supply, site limitations, environmental requirements, inability to obtain adequate capital, state or local requirements, intermediate load, or permanent exemption for a new powerplant, you must file this schedule.

A separate Schedule (E) must be submitted for each unit for which you are seeking such an exemption.

1.0 IDENTIFICATION INFORMATION

What is the name of the facility, operating company, and the person responsible for this form?

1.1 Facility Data (site):

(a) _____ Name

(b) _____ Unit Identification

1.2 Operating Company Identification:

(a) _____ Name

1.3 Name of person in your company to whom questions regarding this petition may be directed if different from the General Form:

(a) _____ Name

(b) _____ Title

(c) ( ) _____ Area Code, Telephone Number

2.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name	Title	Signature	Date
Name	Title	Signature	Date

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

3.0 Identify each of the alternate sites you considered and check all of the alternate fuels you considered for each site.

	(a) Alternate Site #1	(b) Alternate Site #2	(c) Alternate Site #3	(d) Alternate Site #4
Name and Location of Alternate Sites:				
SOLID FUELS: 3.1 Coal				
3.2 Petroleum Coke				
3.3 Municipal Wastes				
3.4 Industrial Wastes				
3.5 Agricultural Wastes				
3.6 Wood				
3.7 Solid Refinery Wastes				
3.8 Solid Renewable; Specify: _____				
3.9 Biomass				
3.10 Other; Specify: _____				
LIQUID FUELS: 3.11 Residual Oil #6				
3.12 Distillate Oil				
3.13 Synthetic Oil				
3.14 Liquid Refinery Wastes				
3.15 Shale Oil				
3.16 Other; Specify: _____				

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(3.0 Continued)	(a) Alternate Site #1	(b) Alternate Site #2	(c) Alternate Site #3	(d) Alternate Site #4
Name and location of Alternate Sites:				
GASEOUS FUELS: 3.17 Natural Gas				
3.18 Synthetic Gas from Coal				
3.19 Synthetic Gas from Oil				
3.20 Gaseous Refinery Wastes				
3.21 Gaseous Industrial Wastes				
3.22 Other; Specify: _____				

4.0 SUPPORTING DOCUMENTATION

In support of your Petition for Exemption you are required to address specific issues in your Fuels Decision Report. Complete the following questions to provide ERA with a summary of your responses and/or to indicate that such issues have been addressed. Indicate the page and chapter number where the issues are discussed in the Fuels Decision Report.

Where have you provided in your Fuels Decision Report:	FDR Page	FDR Chapter
4.1 A map indicating your proposed site and each of the alternative sites you considered?		
4.2 A detailed description of the criteria you used to select the alternative sites you considered and to select the alternative fuels you examined for use at each alternative site?		
4.3 Copies of summaries of any studies you performed as part of, or in support of, your search for reasonable alternative sites?		
4.4 That you are unable to use alternative fuels ar any of the alternative sites you considered at a cost which does not substantially exceed the cost of using imported petroleum, or, in special circumstances, for any other reasons? (Using cost schedule A.)		

Where have you provided in your Fuels Decision Report:	FDR Page	FDR Chapter
4.5 All data required by section 503.5 of the regulations (Schedule A - cost calculations) supporting any contentions you make pertaining to the cost of using alternate fuels at alternative sites?		
4.6 A detailed explanation of any contention you make concerning other reasons which would preclude use of alternative sites?		

Enter any additional remarks in this space:

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DRAFT

Schedule (E)
General Requirement for Alternative Sites
(Powerplants)

Instructions

I. Authority/Purposes

This schedule is required pursuant to the provisions of Title 10 of the Code of Federal Regulations, Part 503.11 , Subpart B, and Public Law 95-620, Powerplant and Industrial Fuel Use Act of 1978 (FUA), to be filed with the Economic Regulatory Administration (ERA) by any powerplant seeking a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inability to obtain adequate capital, State or local requirements or intermediate load. The information provided in Schedule (E) will be used by ERA to perform an evaluation of powerplants seeking any of the permanent exemptions above.

II. Where to submit Schedule (E).

Submit Form ERA- 321 in triplicate (3) to:

Department of Energy
Economic Regulatory Administration
2000 M Street, N.W., Room _____
Washington, D. C. 20461

III. Schedule (E) Form

Section 1.0 IDENTIFICATION DATA

1.1 Facility Location Data (site):
This information pertains to the site where your facility is located.

(a) Enter the name by which the facility site is identified.

(b) Enter the street address of the facility site.

1.2 Operating Company Identification:

This information relates to the company which has the actual responsibility for the operation of the facility. Included under the meaning of company is any individual corporation, company, partnership, association, firm, institution, society, trust, joint venture, stock company, or County, State or Federal entity.

(a) Enter the complete name of the company.

1.3 Contact Person Identification:
This information should relate to an individual who can be contacted if there are questions regarding the information contained in this schedule.

(a) Enter the name of the individual.

(b) Enter the title by which the individual is identified in the company.

(c) Enter the area code and the telephone number at which the individual can be reached during normal working hours.

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2.0 CERTIFICATION

1) If you file a Schedule (E) on behalf of a corporation, the Chief Executive Officer and the Chairman of the Board of the corporation shall attest in writing to the accuracy of all information contained in or appended to the petition.

2) If you are filing this schedule on behalf of a wholly-owned subsidiary, then the requirements of Paragraph (1) shall apply to the subsidiary, and to the parent corporation as well. (4 signatures may be required.)

3) If you are filing on behalf of an entity other than a corporation, the Chief Managerial Officer shall attest in writing to the accuracy of all information contained in or appended to your Schedule (E).

3.0 Identify each of the alternate sites you considered and check each of the alternate fuels you considered for each site. Site considerations could include accessibility of fuel, the adequacy of transportation facilities and land for storage, use, and handling of fuel, the adequacy of facilities and land for disposal of wastes from fuel, the availability and adequacy of water, and other potential site limitations. After analyzing all possible or potential fuels which can be used at each site, you should check each fuel (under the appropriate site number) which you determined could be used as an alternate fuel (3.1 thru 3.22).

4.0 Supporting Documentation/Fuels Decision Report Data. You must give the page and chapter in your Fuels Decision Report where you fully discuss issues in questions 4.1 thru 4.6.

4.1 Give the page and chapter in your Fuels Decision Report where you provided a map of your proposed site and each of the alternate sites considered. The map(s) which you reference should provide a clear, concise and detailed description of your proposed site and all alternate sites. All proposed and alternate site areas should be offset by either outlining the boundaries or by use of shading and color variations.

4.2 Give the page and chapter in your Fuels Decision Report where you give a detailed description of alternative sites you considered and alternate fuels you examined for each alternative site. This section of your Fuels Decision report should include:

(a) A detailed explanation of any contention you make concerning other reasons which would preclude use of alternative sites or alternate fuels other than petroleum or natural gas; and

(b) Your methodology for selecting alternative sites and use of alternate fuels other than petroleum or natural gas wherever it is technically or economically feasible.

4.3 Give the page and chapter in your Fuels Decision Report where you provide summaries in support of your search for alternative sites and use of alternate fuels. This section of your Fuels Decision Report should include all technical and engineering studies or considerations you used for determining whether use of alternative sites and alternate fuels other than petroleum or natural gas is technically and economically feasible. This section should also indicate which fuels are not technically feasible and why you made that determination. If you concluded that there were no significant technical or engineering problems associated with the use of a particular fuel, you may merely state your conclusion and the reasons for it without providing in-depth analysis and documentation. Also outline and discuss any technical or engineering considerations which would require the use of petroleum or natural gas rather than an alternate fuel.

4.4 Give the page and chapter in your Fuels Decision Report where you demonstrate you were unable to use alternate fuels at any of the alternative sites you considered at a cost which does not substantially exceed the cost of using imported petroleum. This section of your Fuels Decision Report should include:

(a) evidence that you sought the full range of alternate fuels and fuel characteristics which could be used by the new powerplant, including bid requests and/or advertisements for supply contracts, all proposals and responses thereto, as well as any other arrangements you attempted to make to secure supplies; and

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(b) a decription of the approach and methodology you used to search for and evaluate the use of the alternate fuel you considered.

4.5 Cite the page and chapter in your Fuels Decision Report where you present your cost assessment for using alternate fuels by using the cost comparson calculations provided in Section 503.5 of the regulations - Schedule (A) Cost Calculations for New Powerplants. In your cost calculation you must:

(a) Compute: the cost (COST) of using an alternate fuel in an alternate fuel-fired powerplant from the start of operation with equation (2);

(b) Compute the cost (COST) of using an alternate fuel in a dual-fired powerplant (alternate fuel and oil or natural gas) with equation (2) assuming an alternate fuel is not used as the primary energy source until the end of the first year of operation and that oil or natural gas is used for the first year of operation. Capital investment, operating and maintenance and fuel (e.g., installation of scrubber when used); and

(c) Successively compute the cost (COST) of using an alternate fuel in a dual-fired powerplant with equation (2) assuming alternate fuel is postponed until the end of the second through tenth year of operation (and oil or natural gas is used in the years preceeding alternate fuel use).

4.6 Cite the page and chapter in your Fuels Decision Report where you give a detailed explanation of any contention you make concerning the reasons which would preclude the use of alternative sites. This section of your Fuels Decision Report must include:

(a) A description of each alternate fuel you considered for use at each alternative site you considered;

(b) A detailed description of the criteria you used to select the alternative sites you considered and to select the alternate fuels you examined for use at each alternative site;

(c) Copies or summaries of any studies you performed as part of, or in support of your search for reasonable alternative sites; and

(d) All data required by Section 503.5 [Schedule (A)] supporting any contentions you make pertaining to the cost of using alternate fuels at alternative sites. This section of your Fuels Decision Report must demonstrate that you rigorously explored and objectively evaluated all reasonable alternative sites and alternatives to oil or gas. It must clearly and concisely describe the process and methodology you used to search for, analyze, and evaluate each fuel and site you considered, including documentation of feasibility reports, experts and sources used.

(e) Compute the cost (COST) of using oil or natural gas in an oil or natural gas-fired powerplant as the primary energy source with equation (2) throughout the useful life of the unit.

If you are comparing the use of an alternate power supply with the use of imported petroleum, compute the ratio of the cost of using the alternate power supply to the cost of using oil or natural gas both for the lifetime of the powerplant. Otherwise, compute the ratio (R) of the cost of using an alternate fuel at the beginning of operation, and successively at the end of the first through tenth year to the cost of using oil or natural gas throughout the life of the powerplant with equation (1).

If all the ratios (R) are greater than, for illustrative purposes, 1.5 (an index to be set periodically by ERA), your proposed powerplant would meet the cost criteria for a permanent exemption. If one or more of the ratios (R) is equal to or less than 1.5 and a series of ratios (R), starting with the case where alternate fuel is used from the start of operation, are all greater than 1.5, a temporary exemption would be granted for the minimum peroid in which the cost of starting to use alternate fuel, deferred year by year, always exceeds 1.5.

[FR Doc. 79-4300 Filed 2-9-79 8:45 am]

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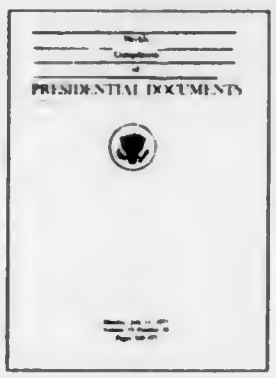
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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA//FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list, has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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Title 3—
The President

Proclamation 4639 of February 9, 1979

National Defense Transportation Day and National Transportation Week, 1979

By the President of the United States of America

A Proclamation

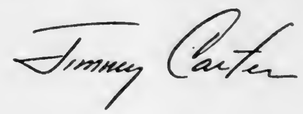
Transportation is a vital force in our society. It moves the Nation's goods, delivers the products of our farms and factories, and enables us to live and work where we choose and travel where we please. Transportation enriches our economy and strengthens our defense.

Because of transportation's importance, and to encourage greater safety and efficiency in the ways we develop and use it, Congress has requested the President to proclaim annually the third Friday in May as National Defense Transportation Day, and the week in which that day falls as National Transportation Week (71 Stat. 30, 36 U.S.C. 160; 76 Stat. 69, 36 U.S.C. 166).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, designate Friday, May 18, 1979, as National Defense Transportation Day, and the week beginning May 13, 1979, as National Transportation Week.

I urge the Governors of our States and other appropriate officials, organizations concerned with transportation, and the people of the United States to join with the Department of Transportation in observing this day and week.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.



[FR Doc. 79-4932
Filed 2-12-79; 11:41 am]

Billing code 3195-01-M

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01-10]

Title 5—Administrative Personnel

CHAPTER I—OFFICE OF PERSONNEL MANAGEMENT

PART 213—EXCEPTED SERVICE

Department of Energy

AGENCY: Office of Personnel Management.

ACTION: Correction to final rule.

SUMMARY: This amendment corrects the document published in FR 1360 dated January 5, 1979, for a position in the Department of Energy which was erroneously listed.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3331(a)(2) is amended and (a)(8) is corrected as set out below:

§ 213.3331 Department of Energy.

(a) *Office of the Secretary.* • • •

(2) Two Confidential Secretaries, one Motor Vehicle Operator, and one Executive Assistant to the Deputy Secretary. • • •

(8) One Confidential Assistant (Secretary) to the Deputy Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL MANAGEMENT
JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-4690 Filed 2-12-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Energy

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment reflects that the position, Confidential Assistant to the Administrator, Bonneville Power Administration, is transferred from the Office of the Secretary to the organization headed by the Assistant Secretary for Resource Applications. This position was originally excepted under Schedule C at the Department of Interior and transferred to the Department of Energy on September 30, 1977. This position was never published in the FEDERAL REGISTER under the Department of Energy prior to this time.

EFFECTIVE DATE: January 29, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3331(j)(3) is added as set out below:

§ 213.3331 Department of Energy.

• • • • • •

(j) *Office of the Assistant Secretary for Resource Applications.* • • •

(3) One Confidential Assistant to the Administrator, Bonneville Power Administration.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL MANAGEMENT
JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-4689 Filed 2-12-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

International Trade Commission, Civil Aeronautics Board, Agency for International Development

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the International Trade Commission, Civil Aeronautics Board and the Agency for International Development because they are confidential in nature. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATES: International Trade Commission—January 24, 1979; Civil Aeronautics Board and Agency for International Development—January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3339(d) is amended and 213.3340(j) and 213.3368(a)(6) are added as set out below:

§ 213.3339 U.S. International Trade Commission.

• • • • • •

(d) One Staff Assistant (Legal), two Staff Assistants, and one Secretary (Steno) to a Commissioner.

• • • • • •

§ 213.3340 Civil Aeronautics Board.

• • • • • •

(j) One Program Analysis Officer to the Director, Bureau of Consumer Protection.

• • • • • •

§ 213.3368 Agency for International Development.

(a) *Office of the Administrator.* • • •

(6) One Special Assistant to the Director, Office of Public Affairs.

(5 USC 3301, 3302, EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL MANAGEMENT
JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-4688 Filed 2-12-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Merit Systems Protection Board

AGENCY: Office of Personnel Management.

ACTION: Final rule.

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SUMMARY: This amendment changes the titles of certain positions at the Merit Systems Protection Board from two Special Assistants to the Chairperson to two Attorney-Advisors (General) to the Chairperson and from Administrative Assistant to the Chairperson to Staff Assistant (Steno) to the Chairperson. These title changes more appropriately reflect the duties of the positions.

EFFECTIVE DATES: Attorney-Advisors (General)—January 29, 1979; Administrative Assistant (Steno)—February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3390(a) is amended as set out below:

§ 213.3390 Merit Systems Protection Board.

(a) Two Attorney-Advisors (General) and one Staff Assistant (Steno) to the Chairperson.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL MANAGEMENT,
JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-4687 Filed 2-12-79; 8:45 am]

[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 911—LIMES GROWN IN FLORIDA

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Subpart—Rules and Regulations

PUBLIC MEMBER ELIGIBILITY REQUIREMENTS AND NOMINATING PROCEDURES

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This action establishes eligibility requirements and procedures for nominating a public member and alternate to serve on the Florida Lime Administrative Committee established under Marketing Order No. 911, and the Avocado Administrative Committee established under Marketing Order No. 915.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the Marketing Order Nos. 911 and 915, each as amended (7 CFR Part 911; 43 FR 39319), and (7 CFR Part 915; 43 FR 39321), regulating the handling of limes and avocados grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, and the Avocado Administrative Committee, it is found that amendments of Subpart—Rules and Regulations (§§ 911.110 *et seq.*), and (§§ 915.110 *et seq.*), as hereafter set forth, are in accordance with the provisions of these orders and will tend to effectuate the declared policy of the act. This action has not been determined significant under the USDA criteria for implementing Executive Order 12044.

Sections 911.20 and 915.20, of these amended orders provide that each of these committees may be increased by one public member and alternate nominated by the respective committees and selected by the Secretary. These actions further provide that these committees, with the approval of the Secretary, shall prescribe qualifications, term of office, and the procedure for nominating these public members and alternates.

These eligibiliy requirements specify that the public member shall not represent an agricultural interest and shall not have a financial interest in, or be associated with the production, processing, financing or marketing of the particular fruit covered by the marketing order under which they would be nominated. These provisions also provide that public members and alternates must be residents of the production area, and that they should attend committee activities regularly and familiarize themselves with the background and economics of the particular fruit industry that the committee, on which they are selected to serve, represents. These provisions further specify that the public members and alternates shall serve for a one-year term of office on each of these committees, which would coincide with the term of office of grower and handler members on these committees.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which these actions are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on this matter at an open meeting. It is necessary to effectuate the declared purposes of the act to make these actions effective when specified, since they establish eligibility requirements for a public member and alternate member on each committee, and these committees plan to meet February 14, 1979, to consider nomination of the public member and alternate in accordance with prescribed procedures.

Accordingly, said rules and regulations are hereby amended by adding new § 911.160 and § 915.160, reading as follows:

§ 911.160 Public member eligibility requirements and nomination procedures.

(a) Public member and alternate member candidates shall not represent an agricultural interest and shall not have a financial interest in, or be associated with the production, processing, financing, or marketing of limes.

(b) Public member and alternate member candidates should be able to devote sufficient time to attend committee activities regularly and to familiarize themselves with the background and economics of the lime industry.

(c) The public member and alternate member shall be a resident of the production area.

(d) The public member and alternate member should be nominated by the Florida Lime Administrative Committee, and shall serve a one-year term which coincides with the term of the producer and handler members of the committee.

§ 915.160 Public member eligibility requirements and nomination procedures.

(a) Public member and alternate member candidates shall not represent an agricultural interest, and shall not have a financial interest in, or be associated with the production, processing, financing, or marketing of avocados.

(b) Public member and alternate member candidates should be able to devote sufficient time to attend committee activities regularly and to familiarize themselves with the background and economics of the avocado industry.

(c) The public member and alternate member shall be a resident of the production area.

(d) The public member and alternate member should be nominated by the Avocado Administrative Committee, and shall serve a one-year term which coincides with the term of the producer and handler members of the committee.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).)

Dated: February 8, 1979.

WILLIAM J. HIGGINS,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-4798 Filed 2-12-79; 8:45 am]

[3410-05-M]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., Grain Reserve Program Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Regulations Governing the Grain Reserve Program for 1976 and Subsequent Crops; Corrections

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Correction of final rule.

SUMMARY: This action corrects a previous FEDERAL REGISTER document (FR Doc. 78-11194), beginning at page 17461 of the issue for Tuesday, April 25, 1978, which provided the General Regulations Governing the Grain Reserve Program for the 1976 and Subsequent Crops. Subdivisions (i) and (ii) of paragraph 1421.543 (b) were incorrectly cited which necessitates this correction.

EFFECTIVE DATE: April 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Harold L. Jamison, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7973.

SUPPLEMENTARY INFORMATION: The Commodity Credit Corporation issued a final rule with an effective date of April 25, 1978. Subdivisions of § 1421.543 (b) were incorrectly cited.

In FR Doc. 78-11194 appearing at pages 17463 and 17464 in the FEDERAL REGISTER of April 25, 1978, subdivisions (i) and (ii) of § 1421.543 (b) are corrected to read (1) and (2), respectively, where they appear.

Dated: February 5, 1979.

S. N. SMITH,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-4699 Filed 2-12-79; 8:45 am]

[3410-37-M]

CHAPTER XXVIII—FOOD SAFETY AND QUALITY SERVICE (FRUIT AND VEGETABLE QUALITY DIVISION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 2880—FRESH IRISH POTATOES

Subpart—Fresh Irish Potatoes—Livestock Feed Diversion Program

METHODS OF FEEDING

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends that portion of the regulations dealing with payments by USDA to Irish potato growers participating in the Livestock Feed Diversion Program. Rather than make full payment after determining adequate livestock pasturing has taken place, USDA will now make 50 percent of the payment prior to such determination. This action is necessary to relieve economic pressures which diverters are encountering while meeting Federal requirements for the Livestock Feed Diversion Program.

EFFECTIVE DATE: The date of this amendment, February 8, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. D. A. Thibeault, Chief, Commodity Procurement Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2781.

SUPPLEMENTARY INFORMATION: A final rulemaking notice was published in the November 24, 1978, FEDERAL REGISTER (43 FR 54921-54923) which set forth the terms and conditions of the Irish potato diversion program. Among other things, the rule stated the manner of payment to diverters by USDA which was to be made after USDA determined that adequate pasturing of livestock took place. It has been brought to the Department's attention that this manner of payment has caused economic hardship upon diverters due to the costs involved in fulfilling Federal requirements for the potato diversion program. Therefore, the Acting Administrator is amending § 2880.13(c)(3) of the regulations (7 CFR 2880.13(c)(3)) to state that only 50 percent of payment will be held by USDA until adequate livestock pasturing has taken place.

Dr. D. L. Houston, Acting Administrator, Food Safety and Quality Service, has determined that, because of these circumstances, this is an emergency situation requiring immediate program action without a notice and comment period, that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest, and in accordance with the provisions of Executive Order 12044 (43 FR 12661, March 24, 1978), that it is not possible to publish these regulations in proposed form and allow 60 days for public comment.

FINAL RULE

Section 2880.13(c)(3) is amended to read as follows:

§ 2880.13 Methods of feeding.

. . . . . .

(c) . . .

(3) Diversion payments will be computed at the rate in effect at the time of initial processing but 50 percent of payment to diverters by USDA will not be made until it is determined by USDA that adequate pasturing by livestock has taken place.

(Sec. 32, 49 Stat. 774, as amended (7 U.S.C. 612c))

An approved Final Impact Statement has been prepared and is available from Mr. D. A. Thibeault, Chief, Commodity Procurement Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2781.

Done at Washington, D.C., on February 8, 1979.

D. L. HOUSTON,
Acting Administrator, Food Safety and Quality Service.

[FR Doc. 79-4753 Filed 2-12-79; 8:45 am]

[3410-37-M]

Title 9—Animals and Animal Products

CHAPTER III—FOOD SAFETY AND QUALITY SERVICE, MEAT AND POULTRY PRODUCTS INSPECTION, DEPARTMENT OF AGRICULTURE

V 4 / 3 1 F E 1 3 7 9

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS, REINSPECTION AND PREPARATION OF PRODUCTS

Acid Producing Micro-Organisms in Meat Products for Nitrite Dissipation

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the Federal meat inspection regulations by allowing the use of acid producing micro-organisms such as lactobacilli, which are naturally present on the surface of meat and meat products as well as other foods, in the processing of bacon for the purpose of lowering the pH in order to dissipate residual nitrite and reduce nitrosamine formation.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Irwin Fried, Acting Director, Product Labels and Standards Division, Food Safety and Quality Service, U.S. Department of Agriculture, Room 202, Annex Building, Washington, DC 20250, Area Code (202) 447-6042.

SUPPLEMENTARY INFORMATION: Acid producing micro-organisms such as lactobacilli are naturally present on the surface of all meats as well as other food products. They have also been deliberately added to a wide variety of foods in quantities and under conditions where they outgrow other organisms and produce acid flavors that are desirable to consumers as well as giving added protection against spoilage. Examples of such products are cheeses, yogurt, summer sausage, lebanon bologna, and a wide variety of dry sausages.

The safety and suitability of these micro-organisms have been established and their use approved under the Federal Meat Inspection Act in dry and semi-dry sausages (9 CFR 318.7). They are also on the list prepared by the Federal Food and Drug Administration of substances generally recognized as safe. An application has been made to the Department to permit the use of these harmless bacteria lactic acid starter cultures of the Lactobacillus and Pediococcus types in bacon. The request is based upon recent experiments showing that the amount of acid generated by the culture rapidly lowers the pH of the bacon. The amount of residual nitrite is dissipated by the increased acid, and the nitrosamine formation is sharply reduced without increasing the risk of botulism. There is a correlation between the accounts of residual nitrite and the formulation of nitrosamines which have been found to be carcinogenic in laboratory animals.

The Secretary of Agriculture has expressed, as a goal of the Department, the elimination of nitrosamines from bacon, thus eliminating the risk of adulterated product reaching consumers and affording consumers the maximum protection possible. Since starter cultures of lactobacilli are now approved for use in many foods and their safety has been established, and since their use in bacon promises to further lower or eliminate nitrosamines, thereby adding an additional safety factor for consumers, Donald L. Houston, Acting Administrator, Food Safety and Quality Service, has determined that their use should be permitted in bacon and that this added factor of safety should be made available immediately to accomplish its intended purpose in the public interest.

Therefore, the Federal meat inspection regulations are amended as set forth below.

§ 318.7 [Amended]

In the table in § 318.7(c)(4) (9 CFR 318.7(c)(4)) under the "Class of substance" "Flavoring agents; protectors and developers," the "Substance" column reading "Harmless bacteria starters of the acidophilus type, lactic acid starter or culture of *Pediococcus cere visiae*" is amended to read as follows:

Class of substance	Substance	Purpose	Products	Amount
. .	. .	. .	. .	.
Flavoring agents; protectors and developers.	Harmless bacteria starters of the acidophilus type, lactic acid starter or culture of *Pediococcus cere visiae*.	To develop flavor.	Dry sausage, pork roll, thuringer, lebanon bologna, cervelat, and salami.	0.5 percent.
		To dissipate nitrite.	Bacon	Sufficient for purpose.
. .	. .	. .	. .	.

(Sec. 21, 34 Stat. 1264, 21 U.S.C. 621; 42 FR 35625, 35626, 35631)

This final rulemaking is being published under emergency procedures as authorized by Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Donald L. Houston, Acting Administrator, Food Safety and Quality Service, that the emergency nature of this rule warrants the publication without waiting for public comment. This amendment, as well as the complete regulation, will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum 1955. The review will include preparation of an Impact Analysis Statement which will be available from Mr. Fried, Acting Director, Product Labels and Standards Division, Food Safety and Quality Service, U.S. Department of Agriculture, Room 202, Annex Building, Washington, DC 20250.

Done at Washington, DC, on February 9, 1979.

DONALD L. HOUSTON,
Acting Administrator,
Food Safety and Quality Service.

[FR Doc. 79-4773 Filed 2-12-79; 8:45 am]

[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

[Docket No. ERA-R-79-5]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Amendment to Allocated Crude Oil Pricing Rule Effective February 1, 1979

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule and notice of continuation of rulemaking.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") hereby amends, on an emergency basis, the Mandatory Petroleum Price Regulations in Subpart F of Part 212 by the addition of Special Rule No. 2 to the Appendix to that subpart. Special Rule No. 2 provides for a change in the method of pricing allocated crude oil for deliveries beginning February 1, 1979 pursuant to the Mandatory Crude Oil Allocation Program (the "buy/sell program"), to take into account the five percent price increase announced by the Organization of Petroleum Exporting Countries effective January 1, 1979. This Special Rule is effective February 1, 1979 because any delay in its effective date would result in sale prices for refiner-sellers that would be unrepresentatively low based on their current landed costs, and would also result in feedstock cost disparities among small refiners, depending on their relative access to allocated crude oil.

This notice also continues the present rulemaking and requests public comments on a proposal to adopt the emergency rule or a variation thereof as a permanent amendment to the buy/sell program pricing regulations.

DATES: This final rule is effective February 1, 1979. A hearing on this rule and the proposal to adopt a permanent rule will be held on March 20, 1979 in Washington, D.C. Written comments on the final rule and on the further proposed amendment must be received by April 13, 1979. Requests to speak must be received by March 9, 1979. Copies of oral statements must be received by March 19, 1979.

ADDRESSES: All comments, copies of oral statements and requests to speak to: Public Hearing Management, ERA Docket No. ERA-R-79-5, Department of Energy, Room 2313, 2000 M Street, NW., Washington, D.C. 20461. Hearing: Room 2105, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, Room 2222A, 2000 M Street, NW., Washington, D.C. 20461 (202) 254-5201.

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B110, 2000 M Street, NW., Washington, D.C. 20461 (202) 634-2170.

Robert J. Kane (Regulations and Emergency Planning), Economic Regulatory Administration, Room 2314, 2000 M Street, NW., Washington, D.C. 20461 (202).254-7200.

Robert G. Bidwell, Jr. (Fuels Regulations), Economic Regulatory Administration, Room 6128, 2000 M Street, NW., Washington, D.C. 20461 (202) 254-8464.

Samuel M. Bradley (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-6739.

SUPPLEMENTARY INFORMATION:

I. Background
II. Special Rule No. 2 to Subpart F, Part 212
III. Request for Comments on Further Amendments to Section 212.94
IV. Waivers of Comment Periods
V. Comment Procedures
A. Written Comments
B. Public Hearing

I. BACKGROUND

At its conference held in Abu Dhabi, United Arab Emirates, from December 16 to 18, 1978, the Organization of Petroleum Exporting Countries (OPEC) decided to increase the price of the marker crude from $12.70 per barrel to $13.34 per barrel or 5%, as of January 1, 1979. OPEC also announced that three other increases will be forthcoming on April 1, 1979 (3.809%), July 1, 1974 (2.295%), and October 1, 1979 (2.691%), respectively. If all of these price increases are given effect, in October 1979 the official price of marker crude oil will be approximately $14.54 per barrel, or approximately 14.5% higher than the December 1978 official marker crude oil price per barrel. OPEC members indicated that the price of all other crudes will be increased accordingly. The OPEC participants further announced that high quality crude oils will be offered at premiums over the newly announced increases for the marker crude oil.

Crude oil sold pursuant to the buy/sell program set forth in § 211.65 of the Mandatory Petroleum Allocation Regulations is currently required (under § 212.94 of the Mandatory Petroleum Price Regulations) to be sold at not more than the weighted average per barrel landed cost to the seller of its imported crude oil, less the average per barrel cost of transporting imported crude oil to the seller's refineries, plus a handling fee and certain quality and transportation adjustments. The period over which the seller's weighted average landed cost is to be determined is the three-month period ending with the month in which the sale is made. In light of the OPEC price increase effective January 1, 1979, if no change were made in this rule, the lower prices prevailing during the months prior to February 1979, (when sellers will begin to receive deliveries of imported crude oil reflecting the OPEC price increase) would result in a sales price for refiner-sellers that would be significantly below the world market prices for imported crude oil. This would cause certain distortions that are contrary to the intended objectives of the pricing provisions of the buy/sell program at the time they were adopted. For example, it would have the potential for placing small refiners that are not eligible to purchase allocated crude oil under the buy/sell program at a competitive disadvantage relative to other small refiners that are able to purchase under the program significant volumes of the lower-priced allocated crude oil. It could also result in refiner-sellers increasing their prices for products subject to price controls, since the net effect of requiring them to sell crude oil at prices substantially below replacement costs is to increase the amount of crude oil costs they can pass through in their own product prices. And, finally, requiring refiner-sellers to sell at prices substantially below replacement costs of crude oil creates a major disincentive for refiners to participate willingly in the program. Although the program is mandatory, past experience has demonstrated that the program operates efficiently and smoothly only if it is fair to all parties concerned.

II. SPECIAL RULE NO. 2 TO SUBPART F, PART 212

For these reasons, we are adopting on an emergency basis Special Rule No. 2 to Subpart F, Part 212. Special Rule No. 2 is essentially identical to Special Rule No. 1 to Subpart F, which the Federal Energy Administration (FEA) adopted on an emergency basis two years ago to take account of the OPEC price increase effective January 1, 1977 (42 FR 1036, January 5, 1977). Thus, Special Rule No. 2 provides that, effective for the month of February 1979, each refiner-seller's sales of allocated crude oil must be priced at not higher than the weighted average per barrel landed cost of imported crude oil for that particular sulfur content category delivered to that refiner-seller in the month of delivery to the buyer (plus the usual handling fee and transportation and quality adjustments currently set out in § 212.94). Thus, for example, in February 1979, the maximum selling price for refiner-sellers will be computed on the basis of the weighted average per barrel landed cost of imported crude oil for the particular sulfur content category concerned delivered to refiner-sellers in the month of February 1979.

III. REQUEST FOR COMMENTS ON FURTHER AMENDENTS TO § 212.94

In light of the probability of further scheduled OPEC increase in 1979 and a general tightening of world crude oil supplies that may cause imported crude oil prices to fluctuate significantly, we have tentatively concluded that the provisions of § 212.94(b)(1) should be amended on a permanent

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basis to avoid the necessity of emergency amendments each time there is a sudden increase in imported crude oil prices. Accordingly, we invite comments through April 13, 1979 on the alternative amendments to § 212.94 set forth below. You also are encouraged to offer other alternative provisions which you believe would be preferable to those discussed below. In the event we determine on the basis of the comments received in this proceeding to adopt one of these alternatives (or a variation thereof), we intend to adopt appropriate regulatory language amending the current provisions of § 212.94(b)(1). These alternatives are as follows:

a. Amend § 212.94(b)(1) to specify a one-month period for calculation of refiner-seller' prices, as provided under the special rule adopted today.

b. Amend § 212.94(b)(1) to specify a two-month period for calculation of refiner-sellers' prices.

c. Amend § 212.94(b)(1) to permit the Administrator of ERA to determine by notice that there has been a significant and sudden increase in imported crude oil prices and the length of the period to be used in calculating a refiner-sellers' weighted average per barrel landed cost of imported crude oil.

d. Amend § 212.94(b)(1) to permit the Administrator of ERA to establish on a monthly basis standard per barrel prices for high and low sulfur crude oil for all refiner-sellers' on the basis of major refiners' weighted average per barrel landed costs of high and low sulfur crude oil in the preceding month as reported to ERA.

It is our intention to make a decision on whether to make a permanent change in the pricing provisions by May 1979. In the meantime, the emergency rule adopted today will remain in effect until a decision on a permanent rule is announced.

IV. Waivers of Comment Periods

Section 501(e) of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91) allows waiver of the requirements of section 501(b)(1) of the DOE Act as to notice and opportunity to comment prior to promulgation of regulations where strict compliance with such requirements would cause serious harm or injury to the public health, safety, or welfare. We have determined for the reasons outlined above that compliance with the requirements of section 501(b)(1) of the DOE Act would cause serious price distortions among refiners, would frustrate the purpose of the pricing provisions of the buy/sell program, and would cause serious harm and injury to the public welfare. In addition, providing the normal public comment period before this rule is effective would totally frustrate the purpose of the special rule, since the rationale for adoption of the rule requires that the rule be made effective immediately. Accordingly, these requirements are waived and the amendment adopted hereby is made effective February 1, 1979, prior to opportunity to comment thereon.

The 60-day public comment period required for proposed rulemakings pursuant to Executive Order 12044, entitled "Improving Government Regulations" (43 FR 12661, March 24, 1978), and DOE's implementing Order 2030 (44 FR 1040, January 3, 1979) has been waived for the same reasons by the Deputy Secretary.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are soliciting public comments and will hold a pubiic hearing as outlined below on both the emergency rule adopted today and the proposal to adopt a permanent rule. Based on the comments received, we will determine whether revisions to the amendment adopted today, retroactive to the effective date of February 1, 1979, are needed.

V. Comment Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data, views, or arguments with respect to the special rule adopted today and on the proposals outlined in Section III of this Notice by no later than April 13, 1979. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Special Rule No. 2" or "Further Amendments to Buy/Sell Price Rule", as appropriate. Fifteen copies should be submitted. All comments that we receive will be available for public inspection in the DOE freedom of Information Office, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

You should identify separately any information or data you consider to be confidential and submit it in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearing

1. *Procedure to request participation.* The time and place for the public hearing are indicated in the "ADDRESSES" and "DATES" sections of this Notice. If necessary to present all testimony, the public hearing will be continued to 9:30 a.m. of the first business day following the hearing date shown above.

You may make a written request for an opportunity to make an oral presentation at the hearing. The request should contain a phone number where you may be contacted through the day before the hearing.

We will notify each person selected to be heard before 4:30 p.m., March 13, 1979. Persons scheduled to speak at the hearing must send 50 copies of their statement to the address indicated in the "ADDRESSES" section of this notice by 4:30 p.m., March 19, 1979.

2. *Conduct of the hearing.* We reserve the right to limit the number of persons to be heard at the hearing if necessary in the interests of time, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing, which will not be a judicial or evidentiary-type hearing. Questions may be asked only by those officials conducting the hearing. Each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing. Such questions must be submitted to the same address indicated above for requests to speak, three days before the hearing. In addition, if you decide at a hearing to ask a question, you may submit the question, in writing, to the presiding officer. He or she will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made, and we will retain the entire record of the hearing, including the transcript, which will be made available for inspection at the DOD Freedom of Information Office, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of the hearing from the reporter.

In the event that it becomes necessary for us to cancel the hearing, we will make every effort to publish advance notice in the Federal Register of such cancellation. Moreover, we will notify all persons scheduled to testify

at the hearing. However, it is not possible to give actual notice of cancellations or schedule changes to persons not identified to us as participants. Accordingly, persons desiring to attend the hearing are advised to contact us on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

Executive Order 12044 (43 FR 12661, March 24, 1978) requires that a regulatory analysis be prepared for all significant regulations which will result in "an annual effect on the economy of $100 million or more" or will result in "a major increase in costs or prices for individual industries, levels of government or geographic regions." This emergency special rule is designed to prevent crude oil price discrepancies which would occur if the present price rule in § 212.94 was used in buy/sell transactions for the next few months. In this regard, if this special rule were not adopted and § 212.94 continued to govern buy/sell transactions, the increased costs to refiner-sellers for the three months in question would be approximately $1.6 million. Inasmuch as this emergency rule merely averts these inequitable cost increases to refiner-sellers, we have determined that none of the threshold criteria for the preparation of a regulatory analysis have been met and therefore a regulatory analysis is not required.

As required by section 7(a)(1) of the Federal Energy Administration Act of 1974 (FEAA, Pub. L. 93-275), a copy of this emergency amendment was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of the proposal on the quality of the environment. The Administrator had no comments.

In accord with section 404 of the DOE Act, the Federal Energy Regulatory Commission received a copy of this rule and notified DOE that it did not determine that the rule may significantly affect any function within its jurisdiction pursuant to sections 402(a)(1), (b), and (c)(1) of the DOE Act.

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below effective February 1, 1979.

Issued in Washington, D.C. February 7, 1979.

Hazel R. Rollins,
Acting Administrator,
Economic
Regulatory Administration.

Part 212 is amended by adding to the Appendix to Subpart F a new Special Rule No. 2 to read as follows:

Special Rule No. 2.

1. *Scope.* This Special Rule provides for an alteration in the method of allocated crude oil pricing under § 212.94 effective February 1, 1979.

2. Notwithstanding the general rules described in § 212.94(b)(1), effective February 1, 1979, the price at which low sulfur and high sulfur crude oil, respectively, shall be sold by a refiner-seller, when required pursuant to § 211.65 of Part 211 of this chapter, shall not exceed the refiner-seller's weighted average per barrel landed cost (as defined in § 212.82, but utilizing the volumes of imported crude oil at the time of importation thereof into the United States), less the average cost of domestic transportation to the refiner-seller's refinery(ies) of all low sulfur or high sulfur imported crude oil, respectively (other than crude oil imported from Canada), delivered to the refiner-seller in the month in which the sale is made, plus a handling fee of five cents per barrel, and any transportation, gravity and sulfur content adjustments as specified in subparagraphs (2) through (4), respectively, of paragraph (b) of § 212.94. Each refiner-seller making such a sale shall maintain records, which shall be made available to the ERA upon request, listing the volumes and costs of all imported low sulfur and high sulfur crude oil delivered to it.

3. *Provisions of Subpart F.* The provisions of Subpart F of Part 212 shall remain in full force and effect except as expressly modified by the provisions of this Special Rule.

Appendix

WAIVER OF THE PROVISIONS OF EXECUTIVE ORDER NO. 12044 ON "IMPROVING GOVERNMENT REGULATIONS" AND THE DEPARTMENT OF ENERGY'S IMPLEMENTING ORDER 2030

Pursuant to the authority vested in me by the Department of Energy Organization Act (Pub. L. 95-91) and the Department's Order 2030 which implements the terms of Executive Order No. 12044 on "Improving Government Regulations", I hereby waive all of the rulemaking procedures contained in the Executive Order and the Department's Order with respect to a rule which amends the price rule contained in 10 CFR 212.94 for sales of crude oil pursuant to 10 CFR 211.65 beginning February 1, 1979 to reflect the price increase for imported crude oil announced by the Organization of Petroleum Exporting Countries ("OPEC") effective January 1, 1979. I base this waiver on the following public interest considerations:

On December 18, 1978 OPEC announced an increase in the price of imported crude oil effective January 1, 1979. Pursuant to 10 CFR 211.65, certain major refiners ("refiner-seller's") are required to sell crude oil to eligible small refiners ("refiner-buyers") which have a demonstrated need for allocations based on lack of access to adequate supplies of domestic and foreign crude oil. Allocated crude oil is currently priced under 10 CFR 212.94 at the weighted-average landed cost of imported crude oil to each refiner-seller over a three-month period, the month of delivery and the two preceding months. If no change were made in this rule until the end of the 60-day comment period, the lower prices prevailing in the months prior to February 1979 (when sellers will begin receiving deliveries of imported crude oil that reflect the January 1 OPEC price increase) would result in per barrel sale prices to refiner-sellers that would be below the world market price for imported crude oil in these months. This would result in higher prices on products subject to price controls for refiner-sellers and in feedstock cost disparities among small refiners, depending upon their relative access to allocated crude oil.

This discrepancy between the world market price of crude oil and the price of allocated crude oil would be contrary to the current pricing rule's objective of assuring that sales of allocated crude oil are made at prices representative of crude oil prices in the world market.

Issued in Washington, D.C., February 7, 1979.

John F. O'Leary,
Deputy Secretary,
Department of Energy.

[FR Doc. 79-4697 Filed 2-12-79; 8:45 am]

[1505-01-M]]

PART 456—RESIDENTIAL ENERGY CONSERVATION PROGRAM

Interpretation of the National Energy Conservation Policy Act

Correction

In FR Doc. 79-3621 appearing at page 6378 in the issue for Thursday, February 1, 1979, on page 6379, second column, subparagraph (b)(2) of § 456.00 should read as follows:

"• • •(2) with respect to which that utility had, by November 9, 1978, completed substantial preparations for undertaking such activities,

until 30 days after the effective date of the procedures promulgated by the Secretary of Energy to implement sections 216(d)(1) and 216(d)(2) of that Act."

[6450-01-M]

PART 790—GEOTHERMAL ENERGY RESEARCH DEVELOPMENT, DEMONSTRATION AND PRODUCTION

Federal Guarantees on Loans

AGENCY: Department of Energy.

ACTION: Final Rule.

SUMMARY: The Department of Energy hereby amends 10 CFR Part 790.6(k) to remove dollar restrictions on the amount of a loan guaranty for a project. In the future, the Department of Energy will utilize that dollar restriction contained in Title V, Sec. 508 of Pub. L. 95-238. This action is necessary to permit the Department of Energy to make a final determination on pending applications involving guarantees on loans in excess of $25,000,000. Written comments from interested parties are invited.

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DATE: Written comments must be received on or before March 15, 1979. The rule will become effective 15 days following the closing date for the submission of comments.

ADDRESS: Written comments should be addressed to Department of Energy, Public Hearing Management, Box TX, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Lawrence Falick, Department of Energy, Room 7112, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461 (202) 633-8912.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

On October 1, 1977, the Department of Energy (DOE) assumed the responsibility of the Energy Research and Development Administration (ERDA) for the Geothermal Loan Guaranty Program pursuant to Section 301 of the Department of Energy Organization Act (Pub. L. 95-91). The Geothermal Loan Guaranty Program was implemented by ERDA (10 CFR Part 790) on May 26, 1976 in accordance with authority contained in Title II of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (Pub. L. 93-410). Sec. 201(e) of Pub. L. 93-410, before amendment, provided that the amount of a guaranty for any loan for a project shall not exceed $25,000,000. In implementing the Geothermal Loan Guaranty Program, ERDA adopted that statutory limitation which is presently contained in 10 CFR Part 790.6(k).

On February 25, 1978 the Department of Energy Act of 1978—Civilian Applications was enacted (Pub. L. 95-238). Title V of Pub. L. 95-238 contains amendments to Pub. L. 93-410. One amendment contained in Sec. 508(1) of Pub. L. 95-238 removes the dollar restriction in Sec. 201(e) of Pub. L. 93-410 and establishes higher dollar limitations on individual loan guarantees for any project.

DOE has received and is considering two guaranty applications each involving loans in excess of $25,000,000. Should these applications prove to meet conditions and criteria governing approval by the Secretary of Energy, such approval could not be made because of the dollar restriction presently set forth in 10 CFR Part 790.6(k) which is based on Sec. 201(e) of Pub. L. 93-410 prior to amendment. In order to act favorably on these applications, and others that may be received by DOE, this final rule is being issued.

B. DISCUSSION

When ERDA initially adopted 10 CFR Part 790, it included in § 790.6(k) the statutory limitation of $25,000,000 then existing in Sec. 201(e) of Pub. L. 93-410. This limitation has been increased to $100,000,000 by Sec. 508(1) of Pub. L. 95-238. Since the $25,000,000 limitation in Sec. 201(e) no longer exists, DOE is issuing this final rule to remove the existing $25,000,000 limitation in 10 CFR Part 790.6(k) and will abide by the applicable statutory requirement until 10 CFR Part 790 is otherwise amended.

This final rule conforms to a change authorized by statute and DOE has therefore determined that it is an interpretative rule not requiring the publication of a proposed rulemaking. However, in conformance with the spirit of public policy set forth in 5 U.S.C. 553, DOE solicits comments on this amendment from interested parties. Therefore, the effective date of this amendment is being delayed for a total of 45 days to provide 30 days for public comment and 15 days for evaluation of any comments received. In evaluating the comments, DOE will determine whether the effective date should be suspended, and, if it is so determined, a notice to that effect will be published in the FEDERAL REGISTER.

On January 5, 1978, DOE published in the FEDERAL REGISTER (44 FR 1568) a proposed amendment for public comment to 10 CFR Part 790 to (1) implement amendments to Pub. L. 93-410 that are contained in Title V of Pub. L. 95-238, (2) remove certain ambiguities identified during the past two years, and (3) incorporate DOE program and financial policies. Until the proposed amendments in 44 FR 1568 are published as a final rule guaranty applications submitted to DOE will be considered under the provisions of 10 CFR Part 790 as amended only by this rule.

C. COMMENT PROCEDURES

Interested parties are invited to submit written comments with respect to this rule to Department of Energy, Box TX, Public Hearing Management, Room 2313, 2000 M Street, NW., Washington, D.C. 20461. The outside of the envelope and documents submitted should be identified with the designation "Geothermal Loan Guarantees." Five copies of all written comments and related information should be submitted in time to be received by DOE 30 days after publication of this rule in order to ensure consideration.

Any information or data considered by the person furnishing it to be confidential must be identified. However, only one copy of confidential material need be submitted. Any material not identified as confidential will be considered by DOE to be non-confidential. DOE reserves the right to determine the confidential status of information or data received and to treat it according to its determination.

In consideration of the foregoing, 10 CFR Part 790 is amended as set forth below.

Issued in Washington, D.C., February 6, 1979.

GEORGE S. MCISAAC,
Assistant Secretary,
Resource Applications.

§ 790.6 [Amended]

1. Section 790.6(k) is a amended by deleting this section and substituting the following: "(Reserved)"

[FR Doc. 79-4698 Filed 2-12-79; 8:45 am]

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATION

[Reg. ER-1102; Amdt. No. 16]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Prohibited Advertising; Deletion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 7, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In response to a petition from Trans International Airlines and World Airways, the Board amends its rules to eliminate the requirements that supplemental air carriers (now called "charter air carriers") include the words "supplemental air carrier" in their advertisements, and conduct business in the name set forth in their certificate.

DATES: Effective: March 15, 1979. Adopted: February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Richard B. Dyson, Associate General Counsel, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5444.

SUPPLEMENTARY INFORMATION: Part 208 of the Board's Economic Regulations sets forth the terms, conditions, and limitations of certificates to engage in supplemental air transportation. Subsection 208.30(a) requires a supplemental air carrier to include the words "supplemental air carrier" in all advertising in which it holds out its services to the public as an authorized air carrier.

The Airline Deregulation Act of 1978, Pub. L. 95-504, amended section 401(e)(6) of the Federal Aviation Act of 1958, redesignating supplemental air carriers as "charter air carriers." The change in terminology does not, however, affect the action taken by this amendment.

Trans International Airlines (TIA) and World Airways filed a petition for rulemaking to delete the advertising requirement of § 208.30(a). Petitioners argued that not only does the requirement unfairly stigmatize supplemental air carriers in the minds of the public, but also places U.S.-flag supplementals at a competitive disadvantage relative to their foreign counterparts.

Trans World Airlines (TWA) argued in answer to the petition that an important distinction exists between scheduled and supplemental air carriers, and that § 208.30(a) serves a "real and present purpose in denoting the statutory role of the supplemental air carrier."

In response to the petition, the Board proposed (EDR-355, 43 FR 22378, May 25, 1978) to amend its rules to eliminate the requirements that supplemental air carriers include the words "supplemental air carrier" in their advertisements, and conduct business in the name set forth in their certificate. Comments were filed in general support of the proposed amendments by Overseas National Airways and National Air Carrier Association (NACA). Comments generally opposed to the changes were filed by American Automobile Association (AAA), to which reply comments were filed by NACA.

The comments in favor of revocation of the requirements of Part 208 generally stated that; (1) Because the reason for the rule had evaporated the rule should be eliminated; and (2) elimination of the adverse requirement would remove adverse discrimination against the supplemental air carriers as compared to the treatment of foreign charter-only air carriers. AAA, on the other hand, although it favored the elimination of the name requirement, questioned the desirability of removing the requirement to identify supplementals as such. It argued that equity would be best served by requiring foreign supplemental (charter-only) air carriers to place the words "supplemental air carrier" in their advertisements, saying that the public has the right to know when it is dealing with a carrier that does not provide scheduled service. In reply to AAA's position NACA stated that charter services are subject to contractual obligations under Board regulations that ensure that leaving the business is not easy.

The Board agrees with the position of the petitioners and supporting comments on both issues in this proceeding. No one has presented any persuasive reason why the public needs special notice of the fact that it is dealing with a supplemental or "charter" airline. In fact, the former line between supplemental and scheduled airlines is no longer clear as the Board grants scheduled authority to a wider variety of airlines, including some that were exclusively supplemental.

As for the use of the carrier's name, the purpose of preventing the confusing use of names by all carriers, including charter carriers is adequately met by the provisions of 14 CFR Part 215. Section 215.2 specifically prohibits air carriers from holding themselves out to the public under any name except that in which they received Board authorization. Since that general prohibition applies to supplementals, the specific prohibition in § 208.30(b) is no longer necessary.

Accordingly, 14 CFR Part 208 is amended as follows:

1. The Table of Contents is amended by deleting and reserving § 208.30 of Subpart A, as follows:

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Subpart A—General Provisions

Sec.

. . . . .

208.30 [Reserved]

. . . . .

§ 208.30 [Reserved]

2. Section 208.30 is revoked and reserved.

(Secs. 204, 401, 411, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 769 (49 U.S.C. 1324, 1371, 1381).)

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4745 Filed 2-12-79; 8:45 am]

[6320-01-M]

[Reg. ER-1105; Amdt. No. 5]

PART 223—FREE AND REDUCED-RATE TRANSPORTATION

Directors, Officers, Employees and Retirees (Members of Their Immediate Families) of Intrastate Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 7, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This rule allows carriers to provide free and reduced-rate transportation to directors, officers, employees and retirees (and members of their immediate families) of intrastate carriers.

DATES: Effective: February 7, 1979. Adopted: February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Judith E. Retchin, Bureau of Pricing and Domestic Aviation, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5009.

SUPPLEMENTARY INFORMATION: The Board issued Notice of Proposed Rulemaking, EDR-364, dated October 20, 1978 (43 FR 49992, October 26, 1978), proposing a blanket exemption from section 403(b) of the Act and Part 221 of the Economic Regulations to allow air carriers to provide free and reduced-rate transportation to directors, officers, employees and retirees (and members of their immediate families) of intrastate carriers. The supplementary information in EDR-364 cited the encouragement of interlining as one of the benefits of free and reduced-rate transportation.

Subsequent to our issuance of EDR-364, Congress enacted the Airline Deregulation Act of 1978, Pub. L. No. 95-504. Two sections of the new Act, sections 401(d)(4)(A) and 416(b)(1), specifically affect the proposed rule. Section 401 firmly endorses interlining and expands the category of eligible intrastate carriers which may engage in interlining. Section 416 expands the class of persons who can receive exemptions and liberalizes the criteria for granting them. Both of these statutory amendments support the rationale behind and the substance of EDR-364.

Comments have been received from Aeroamerica, Inc., Southwest Airlines Co., Great Northern Airlines, Inc., and Lufthansa German Airlines. All the comments expressed support for the proposed rule. Additionally, Southwest, Great Northern and Lufthansa suggest that the rule should be clarified so that it clearly authorizes foreign air carriers engaged in foreign air transportation to enter into similar ar-

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rangements with intrastate carriers. They point out that the reasons propounded for adoption of EDR-364 are equally applicable to holders of foreign air carrier permits.

We agree that the proposed rule should be modified as suggested above, and we will change "any air carrier" to "any carrier," as that term is defined in 14 CFR 223.1. Accordingly, the Board amends Part 223 of its Economic Regulations, *Free and Reduced Rate Transportation* (14 CFR Part 223) as follows:

Amend § 223.2 by adding a new paragraph (h) to read:

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

In addition to the persons specified in Subparts B and C of this part:

. . . . . .

(h) Carriers are exempted from section 403(b) of the Act and Part 221 of the Board's Economic Regulations to the extent necessary to enable them to provide free or reduced-rate transportation to directors, officers, employees and retirees (and members of their immediate families) of intrastate carriers.

(Secs. 102, 204(a), 403(b), Federal Aviation Act of 1958, as amended; 92 Stat. 1706, 72 Stat. 743, 758; (49 U.S.C. 1302, 1324, 1373))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4755 Filed 2-12-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Docket 9078. National Systems Corp., Et Al.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, dismisses the complaint against National Systems Corporation and individually named corporate officers, and requires North American Correspondence Schools, a Newport, Calif. firm offering correspondence courses in various fields, to cease misrepresenting enrollment prerequisites; school accreditation; testimonials; and the potential earnings, employment opportunities, and demand for its graduates. Prior to contracting, customers would have to be furnished with information regarding the employment success of former students; informed of their right to cancellation and refund; and provided with a seven-day cooling-off period. The order would additionally require the company to make restitution to former eligible students, in a specified manner; maintain records; and institute a surveillance program designed to ensure compliance with the terms of the order.

DATES: Complaint issued March 25, 1976. Decision issued Jan. 11, 1979.[1]

FOR FURTHER INFORMATION CONTACT:

Harvey Saferstein, Director, 7R, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Blvd., Los Angeles, Calif. 90024, (213) 824-7575.

SUPPLEMENTARY INFORMATION: On Monday, Oct. 30, 1978, there was published in the FEDERAL REGISTER, 43 FR 50446, a proposed consent agreement with analysis In the Matter of National Systems Corporation, a corporation, North American Correspondence Schools, a corporation doing business as North American School of Conservation, North American School of Advertising, North American School of Drafting, North American School of Travel, North American School of Systems and Procedures, North American School of Recreation and Park Management, North American School of Surveying and Mapping, North American School of Accounting, North American School of Motorcycle Repair, North American School of Hotel-Motel Management, and John J. McNaughton, individually and as chairman of the board of directors of National Systems Corporation, Maurice H. Sherman, individually and as an officer of North American Correspondence Schools, Eugene Auerbach and Richard C. Parsons, individually and as employees of North American Correspondence Schools, and Wallace O. Laub, individually and as a member of the board of directors of North American Correspondence Schools, for the purpose of soliciting public comment. Interested parties were given until April 16, 1979 in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.15 Business status, advantages or connections; § 13.15-20 Business methods and policies; § 13.15-155 Institutional connections; § 13.15-225 Personnel or staff; § 13.15-245 Prospects; § 13.15-255 Reputation, success, or standing; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.85 Government approval, action, connection or standards; § 13.85-5 Accreditation of correspondence courses, etc.; § 13.90 History of product or offering; § 13.110 Endorsements, approval and testimonials; § 13.143 Opportunities; § 13.160 Promotional sales plans; § 13.175 Quality of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.250 Success, use or standing; § 13.285 Value. Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; § 13.330-94 Users, in general. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-35 Employment of independent agencies; § 13.533-45 Maintain records; § 13.533-55 Refunds, rebates and/or credits. Subpart—Furnishing Means and Instrumentalities of Misrepresentation or Deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1365 Authorities and personages connected with; § 13.1370 Business methods, policies and practices; § 13.1435 History; § 13.1520 Personnel or staff; § 13.1525 Qualifications; § 13.1540 Reputation, success or standing.—Goods; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1650 History of product; § 13.1665 Endorsements; § 13.1670 Jobs and employment; § 13.1710 Qualities or properties; § 13.1715 Quality; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use or standing; § 13.1760 Terms and conditions; § 13.1760-50 Sales contract; § 13.1775 Value.—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1854 History of products; § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1892 Sales contract, right-to-cancel provision; § 13.1892-2 Commencing contractual obligations prior to end of cooling-off period; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; § 13.1905-50 Sales contract. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.1930 "Degrees," "certificates," etc.; § 13.1935 Earnings and profits; § 13.1995 Job guarantees and employment; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4746 Filed 2-12-79; 8:45 am]

[1] Copies of the Complaint and Decision and Order filed with the original document.

[4910-22-M]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 140—REIMBURSEMENT

Reimbursement for Railroad Work; Authority Citation

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 27518, June 26, 1978, the Federal Highway Administration updated the allowable rates for labor surcharge and payroll taxes for railroad employees. This document adds the authority citation under which the amendment was issued.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Howard Bander, Office of Fiscal Services, 202-426-0575; or Lee Burstyn, Office of the Chief Counsel, 202-426-0786.

SUPPLEMENTARY INFORMATION: The proper authority citation for the rule document 78-17601 which amended 23 CFR Part 140, Subpart I, Appendix A, published at 43 FR 27518 is as follows:

(23 U.S.C. 315; 49 CFR 1.48(b))

Issued on February 6, 1979.

LORENZO CASANOVA,
Chief Counsel,
Federal Highway Administration.

[FR Doc. 79-4754 Filed 2-12-79; 8:45 am]

[4410-01-M]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Directive No. 90-79]

PART 15—DEFENSE OF CERTAIN SUITS AGAINST FEDERAL EMPLOYEES AND CERTIFICATION AND DEFENSE OF CERTAIN SUITS AGAINST PROGRAM PARTICIPANTS UNDER THE NATIONAL SWINE FLU IMMUNIZATION PROGRAM OF 1976

Civil Division Directive

AGENCY: Justice.

ACTION: Issuance of Directive 90-79.

SUMMARY: This Appendix delegates the authority of the Assistant Attorney General of the Civil Division to make certifications, to withdraw certifications, and to file appropriate motions, as to all certifications set forth in § 15.3 of Title 28 of the Code of Federal Regulations.

EFFECTIVE DATE: January 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Jeffrey Axelrod, (202) 724-6810.

SUPPLEMENTARY INFORMATION: The following Directive is inserted as the Appendix following 28 CFR 15.3:

CIVIL DIVISION

DIRECTIVE NO. 90-79; JANUARY 22, 1979

1. By virtue of the authority vested in me by Part 15 of Title 28 of the Code of Federal Regulations, particularly § 15.3(b), it is hereby ordered as follows:

2. The authority delegated to the Assistant Attorney General in charge of the Civil Division to make the certifications provided for in 10 U.S.C. 1089(c), 22 U.S.C. 817(c), 28 U.S.C. 2679(d), 38 U.S.C. 4116(c), and 42 U.S.C. 233(c) and 2458a(c) with respect to civil actions or proceedings brought against Federal employees and to certify the status of program participants under the National Swine Flu Immunization Program of 1976, as that term is defined in 42 U.S.C. 247b(k)(2)(B), and as required under 42 U.S.C. 247b(k)(4)-(5), is hereby delegated to any Deputy Assistant Attorney General of the Civil Division and to any Director of the Torts Branch, any one of whom may individually exercise the authority in any given instance. This delegation also includes the authority to withdraw the certification and file appropriate motions as set forth in § 15.3(b) of Title 28 of the Code of Federal Regulations.

3. Civil Division Directive No. 90-77 is hereby revoked.

BARBARA ALLEN BABCOCK,
Assistant Attorney General.

[FR Doc. 79-4771 Filed 2-12-79; 8:45 am]

[4510-43-M]

Title 30—Mineral Resources

CHAPTER I—MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Coal Mine Safety and Health; Administrative Amendments

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Final rule.

SUMMARY: These amendments accomplish the transfer of certain functions relating to administration of training requirements for coal miners under 30 CFR Parts 75 and 77. MSHA Training Center Chiefs will now perform functions previously delegated to Coal Mine Safety and Health District Managers.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Harry Schell, Room 516, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235-1385.

SUPPLEMENTARY INFORMATION:

I. ANALYSIS

Authority to approve mine safety and health training plans and develop and administer programs for the education and training of operators and miners in mine safety and health has been transferred from MSHA District Managers to MSHA Training Center Chiefs in order to centralize administration of MSHA training and education functions.

II. EFFECT ON EXISTING RULES

In order to provide for conforming word changes pursuant to this transfer, Parts 75 and 77, Subchapter O of Chapter I, Title 30, Code of Federal

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Regulations (CFR) are amended. These amendments do not affect the substantive requirements of the regulations. An earlier amendment changed the names and addresses of various MSHA organizational units pursuant to the Mine Safety and Health Amendments Act of 1977. (43 FR. 12312, March 24, 1978).

III. RULEMAKING PROCEDURE

These amendments involve nonsubstantive matters relating to agency organization and procedures. Therefore, these amendments are exempt from the notice and comment procedures of 5 U.S.C. section 553 by 5 U.S.C. section 553(a)(2) and (b)(3)(A). These rules are effective February 13, 1979.

NOTE.—It has been determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under Executive Order 12044.

IV. DRAFTING INFORMATION

The principal person responsible for the drafting of this final rule is: Manuel R. Lopez, Attorney Advisor, Office of the Solicitor, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235-1157.

Parts 75 and 77 of 30 CFR are amended as follows:

§ 75.153 [Amended]

1. In 30 CFR 75.153 in paragraph (c) delete the words "District Manager of any Coal Mine Health and Safety District" and substitute the words "Training Center Chief of the Training District." Also delete the words "Coal Mine Health and Safety Districts" and substitute the words "MSHA Training Districts."

2. In 30 CFR 75.153 in paragraph (g) delete the words "District Manager of the Coal Mine Health and Safety District" and substitute the words "Training Center Chief of the Training District."

§ 75.160-1 [Amended]

3. In 30 CFR 75.160-1 in the first sentence delete the words "District Manager" and substitute the words "Training Center Chief."

§ 75.1713-3 [Amended]

4. In 30 CFR 75.1713-3 in the first sentence delete the words "District Manager" and substitute the words "Training Center Chief." Also in 30 CFR 75.1713-3 in the second sentence delete the words "District Manager" and substitute the words "Training Center Chief."

5. 30 CFR 75.1721 is revised to read as follows:

§ 75.1721 Opening of new underground coal mines, or reopening and reactivating of abandoned or deactivated coal mines, notification by the operator; requirements.

(a) Each operator of a new underground coal mine, and a mine which has been abandoned or deactivated and is to be reopened or reactivated, shall prior to opening, reopening or reactivating the mine notify the Coal Mine Health and Safety District Manager for the district in which the mine is located of the approximate date of the proposed or actual opening of such mine. Thereafter, and as soon as practicable, the operator of such mine shall submit all preliminary plans in accordance with paragraphs (b) and (c) of this section to the District Manager or Training Center Chief as appropriate, and the operator shall not develop any part of the coalbed in such mine unless and until all preliminary plans have been approved.

(b) The preliminary plans required to be submitted by the operator to the District Manager shall be in writing and shall contain the following:

(1) The name and location of the proposed mine and the Mine Safety and Health Administration mine identification number, if known;

(2) The name and address of the mine operator(s);

(3) The name and address of the principal official designated by the operator as the person who is in charge of health and safety at the mine;

(4) The identification and approximate height of the coalbed to be developed;

(5) The system of mining to be employed;

(6) A proposed roof control plan containing the information specified in § 75.200-5;

(7) A proposed ventilation plan and methane and dust control plan containing the information specified in §§ 75.316-1 and 75.316-2;

(8) A proposed plan for sealing abandoned areas containing the information specified in § 75.330-1;

(9) A proposed program for searching miners for smoking materials in accordance with the provisions of § 75.1702; and,

(10) A proposed plan for emergency medical assistance and emergency communication in accordance with the provisions of §§ 75.1713-1 and 75.1713-2.

(c) The preliminary plans required to be submitted by the operator to the Training Center Chief shall be in writing and shall contain the following:

(1) The proposed training plan containing the information specified in §§ 48.3 and 48.23 of this chapter, and

(2) A proposed plan for training and retraining certified and qualified persons containing the information specified in § 75.160-1.

§ 77.103 [Amended]

6. In 30 CFR 77.103 in paragraph (c) delete the words "the District Manager of any Coal Mine Health and Safety District" and substitute the words "Training Center Chief of any Training District." Also delete the words "Coal Mine Health and Safety Districts" and substitute the words "MSHA Training Districts."

7. In 30 CFR 77.103 in paragraph (g) delete the words "District Manager of the Coal Mine Health and Safety District" and substitute the words "Training Center Chief of the Training District."

§ 77.107-1 [Amended]

8. In 30 CFR 77.107-1 in the first sentence delete the words "District Manager of the Coal Mine Health and Safety District" and substitute the words "Training Center Chief of the Training District."

§ 77.1703 [Amended]

9. In 30 CFR 77.1703 in the first sentence delete the words "District Manager" and substitute the words "Training Center Chief." Also, in 30 CFR 77.1703 in the second sentence delete the words "Coal Mine Health and Safety District Manager" and substitute the words "Training Center Chief."

Dated: February 2, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-4713 Filed 2-12-79; 8:45 am]

[3510-15-M]

Title 32A—National Defense Appendix

CHAPTER XIX—NATIONAL SHIPPING AUTHORITY

Control and Utilization of Ports

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This final rule revises Chapter XIX of Title 32A, Code of Federal Regulations, applicable during emergencies affecting the national security to the utilization of port facilities and appointment of Federal Port Controllers. The caption of Chapter XIX has been revised to more accurately reflect the contents of this chapter. Part 1901 has been restructured for purposes of clarity and to present more information with respect to the control to be exercised by the National Shipping Authority over port facilities required for emergency use. Part 1902 has been revised completely to describe the stand-by contract of appointment, as well as the compensation and responsibilities of Federal Port Controllers. New Part 1903 prescribes the arrangements and standard form of a marine terminal contract to be negotiated with terminal operators on a stand-by basis.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Armour S. Armstrong, Director of Port and Intermodal Development, Department of Commerce, Room 4888, Maritime Administration, Washington D.C., 20230, (202) 377-4124.

SUPPLEMENTARY INFORMATION: On July 3, 1978 the Maritime Administration published in the FEDERAL REGISTER a proposed rule (43 FR 12818) revising Chapter XIX of Title 32A Code of Federal Regulations. The purpose was to provide comprehensive regulations relating to the control to be exercised by the National Shipping Authority over port facilites required for emergency use, and the control and utilization of ports during emergencies affecting national security. The agency invited comments on the proposed rule.

Comments were received from one port authority and two federal agencies. Comments relating to omissions and errors in terminology in the text are not discussed, and appropriate corrections along with editorial changes, have been made.

DISCUSSION OF MAJOR COMMENTS

The port authority submitted two major comments which are reflected in this final rule. One comment related to Part 1902 expressed concern over the provision contained in Article 9 of Section 4. This provision required the contractor to take "affirmative action" including, but not limited to, employment, promotion, demotion, transfer, payoff or termination, selection for training, and direct or indirect compensation with respect to employment of personnel. It was recommended that this article be modifed to provide exception in those cases where such requirements are administered by State civil service commissions or comparable local government agencies. The second comment recommended that since some port authorities operate as landlords, while others perform or act as operating ports, Part 1903, paragraph 1(a) of Section 3, (Part 1 of the Contract) be modified to provide that operators, as independent contractors, agree to perform or arrange for the performance of all the customary duties and functions of a terminal operator.

The Department of Defense submitted two major proposed modifications. One proposal, which has been adopted in the final rule, is the addition of a provision in Section 4 of Part 1902 to assure that no unnecessary costs are charged to the government. Subdivision (a)(2), Article 12 of that section has been amended to add a sentence at the end stating "No compensation will accrue to the contractor during a stand-by period." The other comment recommended that Section 2 of Part 1903 be amended at the end to provide notice that the Department of Defense (DOD) will continue to utilize its procedures and to contract directly for services necessary to move DOD cargo through civilian facilities, allocated to DOD for long term exclusive use, and that contractors at other facilities used intermittently for DOD cargo will be required to provide unique services required by DOD under special contractual obligations specified by DOD.

The recommendation was not adopted because DOD will ordinarily be able to contract directly for terminal services necessary to move DOD cargo through civilian commercial marine facilities allocated to DOD for long term exclusive use. Where the facility owner or operator is already providing terminal operating services, any unique requirements for marine terminal services by DOD or any other agency can be procured contractually.

Several U.S. Coast Guard recommendations have been adopted in the final rule which are intended to clarify the respective responsibilities of the Coast Guard and Maritime Administration in time of national emergency.

The Assistant Secretary of Commerce for Maritime Affairs has approved the determination that these amendments will not result in any major economic consequences that would require the preparation of a regulatory analysis pursuant to EO 12044 (43 FR 12661); Department of Commerce Administration Order 218-7 (44 FR 2082, January 9, 1979).

Accordingly, Chapter XIX of Title 32A, Code of Federal Regulations is revised to read as follows:

CHAPTER XIX—NATIONAL SHIPPING AUTHORITY, CONTROL AND UTILIZATION OF PORTS

PART 1901—RESTRICTIONS UPON THE TRANSFER OR CHANGE IN USE OR IN TERMS GOVERNING UTILIZATION OF PORT FACILITIES

Sec.
1. Definitions.
2. Effective date.
3. Federal control of port facilities.
4. Port facilities predesignated for emergency use.
5. Restrictions on the transfer, change in use or terms; governing utilization of port facilities.
6. Application for approval; place of filing; investigation; disposition by Federal Port Controller; request for review; disposition by the National Shipping Authority:
7. Exemptions.
8. Applicability.
9. Communications.

AUTHORITY: The Defense Production Act of 1950, as amended (50 app. U.S.C. 2061 et seq.); the Federal Civil Defense Act of 1950 as amended (50 app. U.S.C. 2251 et seq.); Reorganization Plan No. 1 of 1958 (72 Stat. 1799) and No. 1 of 1973 (87 Stat. 1089); EO 11490 (34 FR 17567, 3 CFR 1966-1970 Comp., p. 820) and E.O. 11921 (41 FR 24294, 3 CFR 1976 Comp.); and Department of Commerce Organization Order 10-8 (38 FR 19707 July 23, 1973).

Sec. 1 Definitions.

As used in this part or any other part of this Chapter XIX the term:

(a) "National Shipping Authority (NSA)," means the emergency shipping operations activity of the Maritime Administration established by the Secretary of Commerce, when specifically activated during an emergency affecting national security in accordance with existing statutory authority.

(b) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department, agency, or corporation of the United States, any State, or any political, governmental, or legal entity.

(c) "Federal Port Controller" means a person designated as such in accordance with part 1902 of this chapter XIX, under a standard form of service agreement to exercise delegated authorities of the Director, NSA, in the control of operations of a designated port or group of ports in time of national emergency.

(d) "Port" or "port area" includes any zone contiguous to or a part of the traffic network of an ocean or Great Lakes port, or outport location, including beach loading sites, within which facilities exist for transshipment of persons and property between domestic carriers and carriers engaged in coastal, intercoastal and overseas transportation.

(e) "Port facility" means a specific location in a port where passengers or commodities are transferred between land and water carriers or between two water carriers, specifically including: wharves, piers, sheds, warehouses, yards, and docks.

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(f) "Port equipment" means mechanical and other devices used for loading and unloading passengers and commodities, including fork lifts, towmotors, jitneys, straddle carriers, floating cranes, etc.

(g) "Transfer" means to sell, lease, trade, lend, give, relinquish title or possession to, or to physically transfer in any other way.

Sec. 2 Effective date.

The provisions of this part are effective during the existence of a state of civil defense or national emergency proclaimed by the President of the United States in accordance with existing statutory authority or by concurrent resolution of the Congress.

Sec. 3 Federal control of port facilities.

During any period when the provisions of this part are in effect the NSA shall exercise such control of ports in the United States and its territories or possessions as may be necessary to meet the requirements of the national security. Control shall be consistent with the orders of the Coast Guard Captain of the Port relating to the safety and security of the port.

Sec. 4 Port facilities predesignated for emergency use.

(a) Certain port facilities selected for standby contracts or agreements for use by Government agencies shall be controlled directly by the NSA.

(b) Facilities which are not required by the United States immediately on the effective date of this part will be released. The Director, NSA shall have the discretion to approve contracts for subsequent exclusive use by the United States of port facilities in lieu of formal requisitioning of such properties.

Sec. 5 Restrictions on the transfer or change in use or in terms governing utilization of port facilities.

Except as otherwise provided in this part, and irrespective of the terms of any contract or other commitment, whether or not the facility has been designated for emergency use in accordance with section 3 of this part:

(a) No person shall transfer, and no person shall accept transfer of any port facility unless such transfer has been approved by the NSA.

(b) No person shall use any port facility for any purpose or use other than that for which it was being used on the day, preceding the effective date of this part, unless such change in purpose or use has been approved by the NSA.

(c) No person shall change or alter the terms or conditions under which any port facility was being operated or used on the day preceding the effective date of this part, unless such change has been approved by the NSA: *Provided*, That this restriction shall not relate to the filing of tariffs with the Federal Maritime Commission as required by applicable law.

Sec. 6 Application for approval; place of filing; investigation; disposition by Federal Port Controller; request for review; disposition by the NSA.

(a) Application for approval of a transfer of, or change in use of, or change in terms governing utilization of any port facility shall be in writing, and shall contain the following information:

(1) Name, address, and principal place of business of applicant;

(2) Specific description and location of port facility involved;

(3) Name, address, and principal place of business of owner and/or operator of such port facility;

(4) Present use of such port facility;

(5) Proposed use of such port facility; and

(6) A statement of the reasons why such transfer, change in use, or change in terms, is in the interests of the war effort, national defense, or the maintenance of the essential civilian economy.

(b) The application shall be signed by the applicant or by any lawfully authorized agent or representative of the applicant who is familiar with the facts stated therein.

(c) The application and two clear copies thereof shall be filed in the office of the Federal Port Controller of the port in which the port facility is located, when a Federal Port Controller has been designated for the port. For all other ports, the application and copies shall be filed in the office of the Maritime Administration Region Director for the area where the port is located.

(d) The Federal Port Controller or Region Director may require the applicant to submit reasonable proof of statements made in support of the application, and may make such investigation as may be necessary for proper disposition of the application. The Federal Port Controller or Region Director shall not be required to make any disposition of the application unless and until such reasonable proof has been submitted: *Provided*, That the disposition of any such application by the Federal Port Controller or Region Director shall not be delayed for more than 60 days from the date of the filing thereof for the purpose of completing any such investigation.

(e) The Federal Port Controller, or Maritime Administration's Region Director or Area Officer may approve the application in whole or in part when the action covered by the application to the extent approved, is in the interests of the war effort, national defense, or the maintenance of the essential civilian economy.

(f) Any applicant aggrieved by the action of the Federal Port Controller or Region Director in disapproving in whole or in part his application may request, in writing, that such action be reviewed by the Director, NSA. The written request shall contain a statement of reasons why the decision of the Federal Port Controller should be reversed or modified. The Director, NSA, or a designee, will review the application on the record made before the Federal Port Controller and will dispose of the application on its merits in accordance with the standards set forth above.

Sec. 7 Exemptions.

The provisions of this part shall not apply to any port facility owned by, or organic to, any agency or department of the United States as of the effective date of this order.

Sec. 8 Applicability.

This part shall apply to the States of the United States, Puerto Rico, and the Virgin Islands.

Sec. 9 Communications.

Communications concerning this part should refer to 32A CFR Part 1901 and should be addressed to the Assistant Secretary for Maritime Affairs, Department of Commerce, Washington, D.C. 20230.

PART 1902—FEDERAL PORT CONTROLLERS

Sec.
1. Purpose.
2. Definitions.
3. Stand-by agreements.
4. Service agreements.

AUTHORITY: The Defense Production Act of 1950, as amended (50 app. U.S.C. 2061 et seq.); the Federal Civil Defense Act of 1950 as amended (50 app. U.S.C. 2251 et seq.); Reorganization plans No. 1 of 1958 (72 Stat. 1799) and No. 3 of 1973 (87 Stat. 1089); EO 11490 (34 FR 17567, 3 CFR 1966-1970 Comp., p. 820) and EO 11921 (41 FR 24294, 3 CFR 1976 Comp.); and Department of Commerce Organization Order 10-8 (38 FR 19707 July 23, 1973).

Sec. 1 Purpose.

This part prescribes the standard form of the service agreement to be entered into by the United States of America, acting by and through the Director, National Shipping Authority (NSA) of the Maritime Administration, U.S. Department of Commerce, with State or municipal port authorities or, private corporations, covering the appointment of individuals within their organizations as Federal Port Controllers, and providing the required supporting staff and resources.

Sec. 2 Definitions.

(a) "Federal control of use of port facilities" means the exercise of jurisdiction over the use of port facilities, as defined in section 1(e) of 32A CFR Part 1901, equipment and services (other than port facilities, equipment and services owned by, or organic to any agency or department of the United States) in time of emergency to meet the needs of the national defense and maintain the essential civilian economy.

(b) "Federal Port Controller" means a person designated as such under a standard form of service agreement to exercise delegated authorities of the Director, NSA, in the use of port facilities of a designated port or group of ports in time of national emergency.

Sec. 3 Standby agreements.

The Director, NSA, may negotiate the standard form of service agreement, specified in section 4, with port authorities on a standby basis prior to the declaration of a war or national emergency. In such cases the contractor accepts the obligation to maintain a qualified incumbent in the position specified in article 1 of the service agreement and to be prepared to furnish the resources specified in articles 4 and 5.

Sec. 4 Service agreements.

Contract MA ————

SERVICE AGREEMENT, FEDERAL PORT CONTROLLER

This agreement, made as of ————, 19—, between the United States of America (herein called the "United States"), acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, and ————, a ————, organized and existing under the laws of ———— (herein called the "Contractor").

WITNESSETH

It is this day mutually agreed between the parties as follows:

Article 1. *Appointment of Federal Port Controller.* The United States appoints the incumbent of the position of ————, an employee of the Contractor, as Federal Port Controller, to serve as the agent of the United States and not as an independent contractor, to exercise delegated authority of the Director, NSA, in the control of port operations in time of national emergency.

Article 2. *Acceptance of appointment.* (a) The contractor agrees to the appointment and undertakes and promises to maintain a qualified incumbent in the position specified in articles 4 and 5 and otherwise required by the Federal Port Controller and agreed to by the United States. Maintaining the equivalent of such specified positions under any subsequent reorganization of port staff is deemed to be in compliance with this article.

(b) The contractor undertakes and promises to ensure that the Federal Port Controller and agreed supporting staff will be relieved of other staff duties and responsibilities during any period in which the arrangements provided for in this agreement are in effect, to the extent necessary to enable them to exercise diligently the authority delegated by the Director, NSA, in accordance with such directions, orders, or regulations not inconsistent with this agreement as the United States (NSA) has by that time prescribed or may from time to time subsequently prescribe to the satisfaction of the director, NSA.

Article 3. *Scope of Control.* The Federal Port Controller shall exercise the authorities delegated with respect to port operations in the prescribed area of————.

Article 4. *Responsibilities and functions of the Federal Port Controller—(a) Responsibilities.* The Federal Port Controller, acting as an agent of the United States (NSA), is charged with exercising due diligence to protect the interests of the United States in support of any war effort or declared national emergency including maintenance of the essential civilian economy and be responsible for insuring the efficient and effective utilization of the port in accordance with such directions, orders, regulations, supervision, and inspections as the United States (NSA) may prescribe (or in the absence of such directions, orders, forms, and methods of supervision and inspection, in accordance with customary commercial practice). Responsibilities generally include:

(1) Formulation of port coordination and support policy and assurance of adherence thereto:

(2) Expediting of ship turnaround and prevention of congestion of ships and cargo in port;

(3) Correlation of arrangements for rapid clearance and rapid transit of commodities through the port;

(4) Correlation of arrangements for berthing ships and their loading and discharging;

(5) Provision through port control agency channels, of advice on daily port capacities and workload; and

(6) Disposition of frustrated cargo to prevent reduction of port capacity.

(b) *Functions.* Subject to the direction and control of the NSA, in accordance with such policies, programs, allocations, and priorities as may be adopted or established, the Federal Port Controller will:

(1) Furnish the NSA necessary information based upon the local situation and conditions, for establishment by the NSA, of periodic maximum quotas of cargo ocean lift for the port. As appropriate such information shall include but not be limited to estimates of port capacity; the port work load; and availability of berths, vessels, cargoes, labor, and equipment.

(2) Recommend changes of destination of ships or cargo to appropriate representatives of the NSA.

(3) Coordinate port operations to accommodate ships diverted in emergencies by naval authorities.

(4) Coordinate through the Federal agency responsible for land transportation, movement of traffic to and from port areas and, as necessary, exercise controls in coordination with said agency, over the movement of traffic into, within, and out of port areas in accordance with requirements and available port capacity for transshipment.

(5) Administer priorities for the movement of traffic through port areas.

(6) Provide guidance for the coordination of port terminal and forwarding operations; exercise control over the utilization of port facilities, port equipment, and port services, public and private, except those owned by, or organic to any agency or department of the United States and promote maximum efficiency.

(7) Coordinate and make recommendations with respect to the development of port facilities and rehabilitation of substandard port facilities; recommend restoration or replacement of damaged or destroyed port facilities and direct, coordinate and control the activities of Federal, State, local and private agencies in carrying out such restoration or replacement work as may be authorized by proper authority.

(8) Furnish the NSA with pertinent information and data with respect to local port operations in order to assist the NSA in performing its responsibilities at the national level.

(9) Handle "claimant" requests and problems arising at the local level within authorities delegated by the NSA.

(10) As directed, furnish current information to the Federal agency responsible for land transportation in order that it may approve and issue block releases for port bound traffic to the Department of Defense with respect to military traffic and to the NSA with respect to all other oceangoing traffic, in accordance with firm cargo ocean lift schedules for the port. Shipper agencies may provide individual permits to shippers and depots for specific movements to the port areas. Advise the Federal agency responsible for land transportation where circumstances warrant institution of control by the latter agency over traffic-bound inland from the port area in order to minimize congestion in the port.

Article 5. *Federal Port Controller staff.* The contractor shall provide, in support of the Federal Port Controller, the staff personnel necessary to coordinate actions to overcome any constraints on the effective and efficient conduct of port operations as well as clerical staff to meet the administrative requirements of the Federal Port Controller. The numbers of staff will be determined and agreed to from time to time by the United States (NSA) and the contractor and entered in schedule A attached to this service agreement.

Article 6. *Office Facilities.* The contractor shall provide or arrange for necessary office facilities for the Federal Port Controller activity, including office space, furniture, communications equipment, supplies, utilities, transportation, and other normal administrative support and support services, as necessary and agreed to from time to time by the United States (NSA) and the contractor and recorded in schedule B attached to this service agreement.

Article 7. *Compensation.* (a) At least once a month, the United States (NSA) shall pay to the contractor compensation for the Federal Port Controller's services, the costs of his organization, and the costs of office facilities, administrative support services, as follows:

(1) Compensation for services of the Federal Port Controller and his staff shall be in accordance with salary levels plus monetary items directly related thereto (employee service expenses) in force at the time this agreement comes into force: *Provided*, That subsequent cost of living increases authorized under labor agreements and in accord-

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ance with Federal or State regulations will apply: *And provided,* That part-time services will be compensated for on a prorated basis. Any adjustments in compensation after the contract comes into force will be negotiated, if appropriate. Employee service expenses will include the employer contributions for social security and pensions, as well as life/health and workmen's compensation insurance.

(2) Compensation for support other than salaries and related expenses (see art. 6) shall be in accordance with published schedules of charges of the contractor; and if schedules of charges have not been published by the contractor, in such fair and reasonable amount as the United States shall from time to time determine and publish in addendums to this service agreement: *Provided,* That, when facilities and support services are shared by the Federal Port Controller and other agencies and activities compensation shall be prorated on a schedule acceptable to the United States and the contractor.

(b) The contractor shall also be entitled to payment or credit for any service, loss, cost, or expense, whether or not specifically provided for or excepted herein, if, and to the extent that such payment or credit is determined within the sole discretion of the Director, NSA, to be fair and equitable and in accordance with the basic principles or intent of this agreement.

Article 8. *Warranty against contingent fees.* The contractor warrants that it has not employed any person to solicit or secure this agreement upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the United States the right to annul this agreement or in its discretion to deduct from any amount payable hereunder the amount of such commission, percentage, brokerage, or contingent fee.

Article 9. *Equal opportunity.* During the performance of this agreement, the contractor agrees that the contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age or national origin. The contractor will take affirmative action to insure that all action related to employment is taken without regard to race, color, religion, sex, age, or national origin. Such action shall include, but not be limited to, employment, promotion, layoff or termination, direct or indirect compensation and selection for training, except where such provisions are governed by State civil service commissions or comparable government agencies. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the NSA setting forth the provisions of this nondiscrimination clause.

Article 10. *Officials not to benefit.* No persons elected or appointed as members of or delegates to Congress, themselves or by any other persons in trust for them, or for their use or account shall hold or enjoy this agreement in whole or in part, except as provided in Section 433, Title 18, United States Code. The operator shall not employ any member of Congress, either with or without compensation as an attorney, agent, officer, or director.

Article 11. *Right of Comptroller General to Examine Books and Records.* The Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers, and records of the contractor related to this agreement.

Article 12. *Effective Date, Duration and Termination.* (a) This agreement may be negotiated either for immediate execution or on a standby basis.

(1) If negotiated for immediate execution, the agreement is effective as of the day and year set forth above.

(2) If negotiated on a standby basis, the agreement will be effective as of the day and year when the United States notifies the contractor that the services specified in this agreement are required during a civil defense emergency or national emergency, and the operational date will be recorded in an addendum to this agreement: *Provided,* That, during the standby period, the contractor will carry out the obligation specified in paragraph (a) of article 2. No compensation will accrue to the contractor during a stand-by period.

(3) Unless sooner terminated, the agreement shall extend until 6 months after termination of the emergency.

(b) This agreement may be terminated upon thirty (30) days written notice either party to the other party hereto: *Provided, however,* That, notwithstanding any such termination, the contractor shall, at the option of the United States, continue to be responsible for the completion of any work which the contractor is performing on the effective date of termination. Termination or expiration of this agreement shall neither affect nor relieve any party of any liability or obligation that may have accrued prior thereto.

(c) This agreement may be amended, modified or supplemented in writing at any time by mutual consent of the parties hereto. This agreement may not be amended, modified or supplemented otherwise than in writing.

Article 13. *Renegotiation.* This contract shall be deemed to contain all the provisions required by section 104 of the Renegotiation Act of 1951.

Article 14. *Headnotes.* The use of headnotes at the beginning of the articles of this agreement is for the purpose of description only and shall not be construed as limiting or in any other manner affecting the substance of the articles themselves.

In witness whereof, the parties hereto have executed this agreement in triplicate as of this —— day of —, 19—.

UNITED STATES OF AMERICA, DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION

(Seal)
Attest:

Secretary ————
Director, National Shipping Authority ——
(Corporate Seal)
Attest:
Secretary ————

By: ————————————————

Approved as to Form:
General Counsel ————, Maritime Administration.

PART 1902. FEDERAL PORT CONTROLLER

Schedule A
Agreed positions.
Schedule B
Agreed office facilities, furniture and support resources.

PART 1903—OPERATING CONTRACT

Sec.
1. Purpose.
2. Stand-by agreements.
3. Terminal operating contract.

AUTHORITY: The Defense Production Act of 1950, as amended (50 app. U.S.C. 2061 et. seq.); the Federal Civil Defense Act of 1950 as amended (50 app. U.S.C. 2251 et. seq.); Reorganization Plan No. 1 of 1958 (72 Stat. 1799) and No. 1 of 1973 (87 Stat. 1089); EO 11490 (34 FR 17567, CFR 1966-1970 Comp., p. 820) and EO 11921 (41 FR 2494, 3 CFR 1976 Comp.); and Department of Commerce Organization Order 10-8 (38 FR 19707 July 23, 1973).

Section 1 Purpose.

This part prescribes the standard form of marine terminal contract to be entered into by the United States of America, acting by and through the Director, National Shipping Authority (NSA) of the Maritime Administration, U.S. Department of Commerce, with State or municipal authorities or private terminal operators for the provision of terminal operating services during civil defense emergencies or national emergencies declared by the President of the United States in accordance with existing statutory authority or by concurrent resolution of the Congress.

Sec. 2 Stand-by agreements.

The Director NSA, Maritime Administration, in advance of an emergency, may negotiate the standard form of terminal operating contract specified in Section 3, with terminal operators on a stand-by basis. Stand-by arrangements establish the framework of rapid initiation of government shipping operations at the outset of an emergency.

At port facilities, (as defined in section 1(e) of 32A CFR Part 1901) under the control of the Maritime Administration and allocated for long term exclusive use by the Department of Defense (DOD), provisions will ordinarily be made for the use of contractors under DOD contracts to move DOD cargo through selected ports, to perform such services as pre-stowing, receipt, intransit storage and loading of cargo under DOD procedures for the Defense Transportation System. When it becomes necessary to move DOD cargo through marine terminals under the control of the Maritime Administration, but not allocated for long term exclusive use by DOD, contractors will be required to perform such services as DOD requires for handling cargo and documenting shipments under the Defense Transportation System, with corresponding contractual obligations.

Sec. 3 Terminal operating contract.

Contract MA ————————————

TERMINAL OPERATING CONTRACT

This agreement, made as of ——, 19—, between the United States of America (herein called the "United States"), acting by and through the Director, National Shipping Authority (NSA) of the Maritime Administration, Department of Commerce, and ———— ————, a ——— organized and existing under the laws of ——— (herein called the "operator").

WITNESSETH

That in consideration of the covenants and agreements of the parties hereinafter contained and set forth, the parties here to do mutually covenant and agree as follows:

Part. 1.

1. *Relationship of parties.* (a) The United States engages the operator as an independent contractor to do and perform or arrange for the performance of all the customary duties and functions of a terminal operator, subject to the terms, covenants and conditions of this agreement and to such rules, regulations and orders as may be issued by the United States from time to time, with respect to such cargo and vessels as the United States may from time to time direct or designate, and at the following terminals: ————, more specifically described in Schedule A hereto attached and made a part hereof by reference, and at such other terminals as the United States may from time to time designate, which the operator may use under temporary assignment in order to expedite the loading and discharging of vessels under jurisdiction of the NSA.

(b) The operator hereby accepts such engagement and agrees to do and perform all the work required by it to be performed under this agreement in an economical and efficient manner and in accordance with the best operating practices, to exercise due diligence to protect and safeguard the interests of the United States in all respects and seek to avoid any delay, loss or damage whatsoever to United States shipping. The operator represents and warrants that it is the ———— of the hereinbefore specified terminals.

2. *Compensation.* (a) As full and complete compensation for the work done and performed by the operator, the United States agrees to pay to the operator, as soon as practicable after the completion of each calendar month's work under the provisions of this agreement the following:

(1) For terminal services, an amount calculated on the basis of rates and charges contained in tariffs on file with the Federal Maritime Commission during the time this agreement is in effect: *Provided, however,* That the operator will be compensated, as a minimum, the amount per month set forth for each terminal in schedule A attached: *And provided further,* That, when the operator, with the approval of the Director, NSA, utilizes the terminal for cargo not controlled by the Director, NSA (that is, for commercial cargo), the compensation received by the operator for handling such cargo shall apply against the minimum compensation; and

(2) For stevedoring services provided or arranged for by the operator and any related contractual services not specified in the terminal tariff such as handling lines or additional lashing or carpentry required for proper stowage or discharge activities, reimbursement for all direct costs of labor as well as those directly related or allocable to the provision of such labor and employee service expenses and costs of materials and equipment, an allowance of 15 percent for GAE is authorized except for those items which are ordinarily provided by the contractor and the basis for charges for which already includes GAE.

(3) An additional amount in payment or credit for any service, loss, cost of expense, whether or not specifically provided for or excepted herein; if, and to the extent that, such payment or credit is found by the Director, NSA, or his designated agent, in his sole discretion, to be fair and equitable and in accordance with the basic principles or intent of this agreement.

(b) Monies due and owing to the operator shall be paid to it only upon the submission of vouchers properly and duly supported and certified. All such vouchers under this agreement shall refer to the date and number of this agreement.

(c) In the event a voucher submitted for payment for the work, or any portion thereof, is not properly supported or certified, the United States may nevertheless make partial payment thereof or payments on account of such voucher as has been properly supported or certified. Such partial payment or payments on account shall not be deemed or held to be a waiver of the right of the United States to revise or adjust such partial payment or payments on account upon the basis of any data or information later received or submitted by the operator.

(d) No payment will be made for handling ship stores or providing services properly billed under vessel contracts or agency agreements related to vessel operations and repairs.

3. *Duration of agreement.* (a) This agreement is effective:

(1) As of the day and year set forth above and, unless sooner terminated, shall extend until 6 months after the termination of the emergency; or

(2) If this agreement is negotiated on a stand-by basis, as of the day and year when the United States notifies the operator that the services specified in this agreement are required, during a civil defense emergency or national emergency; in which case, the effective date will be recorded in an addendum of this agreement.

(b) This agreement may be terminated upon thirty (30) days written notice by either party to the other party hereto: *Provided, however,* That notwithstanding any such termination, the operator shall, at the option of the United States, continue to be responsible for the completion of any work which the operator is performing on the effective date of termination. Termination or expiration of this agreement shall neither affect nor relieve any party of any liability of obligation that may have accrued prior thereto.

(c) This agreement may be amended, modified or supplemented in writing at any time by mutual consent of the parties hereto. This agreement may not be amended, modified or supplemented otherwise than in writing.

4. *Contract documents.* This agreement consists of part I, part II, and schedule A (the latter being hereto attached and made a part hereof by reference) and such other schedules or writing as may be made by the parties in accordance with the provisions of this agreement. Each and every one of the provisions of said part II, schedules and writings are part of this agreement as though hereinbefore set out at length.

In witness whereof, the parties hereto have duly executed this agreement in triplicate as of the day and year first above written.

(Seal)
Attest:

UNITED STATES OF AMERICA, DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION

Secretary ————, Maritime Administration.
By: ————————————————
Director, National Shipping Authority ——
(Corporate Seal)
Attest:

Secretary ————
Approved as to Form:
By: ————————————————
General Counsel ————, Maritime Administration.

TERMINAL OPERATING CONTRACT

PART II.

1. *Definitions,* (a) "Cargo" as used in this agreement means all general freight and commodities in bulk (including those damaged or solidified), merchandise, material, mail, baggage, express, ship's and subsistence stores, explosives, petroleum products, petroleum and other similar liquid cargo.

(b) "Terminal Work" as used in this agreement means the operation of the terminals specified in schedule A, as terminals and not for any other purpose, including the handling, receiving, delivering, assembling, checking, sorting, storing, coopering, protecting, and shifting of cargo at the said terminals; stowing and snugging cargo in the space on the terminal; issuing and receiving proper receipts for cargo; loading and discharging boxcars, lighters, scows, barges, carfloats, containers, trailers, and chasis; handling vessel's lines on docking and undocking; doing maintenance, and repair in accordance with the terms of this agreement; any and all other services, operations and functions usually or customarily done or performed by a terminal operator; and any and all other duties, services, operations or functions required by the terms of this agreement to be done or performed by the operator.

(c) "Port Terminal Facilities" as used in this agreement means piers, wharves, warehouses, covered and/or open storage space, cold storage plants, grain elevators and/or bulk loading and/or unloading structures, landings and receiving stations, used for the transmission, care and convenience of cargo and/or passengers in the interchange of same between land and water carriers or between two water carriers.

2. *Duties of the operator.* The operator shall:

(a) If lessee or licensee of the terminals, perform, comply with and abide by all applicable terms, covenants and conditions of the lease or license under which it occupies and uses said terminals;

(b) Make available and operate for the requirements of the United States (which requirements include all cargo and vessels designated by the NSA, whether or not owned by the United States all terminals hereinabove described;

(c) Perform the terminal work as defined and furnish all labor of every nature and description and furnish and use all gear and mechanical devices or other equipment necessary for the most efficient performance;

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(d) When requested to do so by the NSA or when incident to its terminal operations, perform or arrange for the shifting of lighters, barges, scows, rail cars and/or carfloats and load and discharge the same;

(e) Insure that the terminals are maintained and kept in proper condition and all berths suitably dredged;

(f) Supply all telephone service, clerical work, light, heat, power, fuel, water and other supplies and services connected with or incidental to the work, within the limits imposed by national resource allocation and priorities systems in effect at the time.

(g) Insure that sub-contractors engaged are experienced and competent to perform adequately in their respective functional field, e.g., handling lines; directing tug operations for docking vessels; planning and conducting cargo stowage with ship or quayside gear and fully complying with all documentation requirements and safety, health and sanitation regulations.

3. *General labor and other provisions.* (a) The operator shall comply with the Social Security Act, the unemployment insurance laws of any State in which work is done, and the provisions of applicable collective bargaining agreements.

(b) The operator recognizes the relation of trust and confidence established between it and the United States by this agreement, and agrees to furnish its best skill and judgment in planning, supervising and performing the work, to make every effort to complete the work in the shortest time practicable, and to cooperate fully with the United States in furthering the interests of the United States. The operator agrees to furnish efficient business administration and superintendence in performing the work.

(c) Upon the execution of this agreement the operator shall immediately furnish to the Regional Office, NSA, written schedules of the wages and contractual working conditions, (including overtime, pay, insurance benefits and other compensation and employment benefits) payable by the operator in performing the work, and whenever requested from time to time thereafter, the operator shall furnish similar written schedules to the Regional Office, NSA, covering the then existing conditions. The operator shall notify the NSA concerning any proposed or actual change, modifications or alteration in such schedules as soon as knowledge thereof is available to the operator.

(d) The operator shall, if required by the NSA, employ identification cards with individual photograph affixed, or other methods of identification, as issued by the United States Coast Guard or other responsible Government authorities.

(e) Overtime work under this agreement shall be incurred or performed by the operator only when required. However, the operator whenever requested by the NSA, shall work overtime.

4. *Notice of labor disputes.* Whenever any actual potential labor dispute is delaying or threatens to delay the timely and efficient performance of the work, the operator will immediately give written notice thereof to the NSA.

5. *Liability of the operator.* (a) While performing the work, the operator shall, except as provided in paragraph 6(c) of part II hereof, be responsible for any and all loss, damage or injury, including death to persons, cargo, vessels, their stores, apparel or equipment, wharves, docks, piers, lighters, elevators, cars, carfloats or other property or thing, arising through the negligence or fault of the operator, its employees or terminals: *Provided*, That, to the extent not covered by insurance, the operator shall not be responsible to the NSA, for any loss, damage or injury resulting from the negligence or wrongful acts of the NSA; or from acts of the operator and its employees performed only because specifically so directed by the NSA; or from defects or other gear supplied by the United States.

(b) The operator shall be under no liability to the United States in the event that the operator should fail to perform any work hereunder by reason of any labor shortage, dispute or difficulty, or any strike or lockout or any shortage of material or any act of God or peril of the sea or any other cause beyond the control of the operator, whether or not of the same or similar nature; or shall do or fail to do any act in reliance upon instructions of military or naval authorities.

6. *Insurance requirements and indemnification.* (a) The operator shall procure, and maintain during the term of this agreement, pay for one or more policies of insurance insuring it as follows, as the basis for calculating compensation payable under paragraph 5(a) above:

(1) Coverage of all piers, wharves, buildings, structures, facilities and equipment, as owner or in accordance with terms of lease.

(2) Standard workman's compensation insurance and employer's liability insurance, including longshoremen and harbor worker's compensation insurance, or such of these as may be proper under applicable State or Federal statutes. Such insurance shall, unless otherwise required by applicable State or Federal statutes, be subject to $50,000/100,000 limits and shall be full coverage with occupational disease endorsement. The operator may, however, be a self-insurer against the risks in this subparagraph, if it has obtained the prior approval of the Director, NSA, such approval to be given upon the submission of satisfactory evidence that the operator has duly qualified as a self-insurer under applicable provisions of law.

(3) Public liability insurance with limits of at least $1,000,000 for the death or bodily injuries to one person and at least $5,000,000 for the death or bodily injuries to more than one person in any one accident or occurrence.

(4) Property damage liability insurance covering damage to or loss of property resulting from the negligence of the operator with a limit of $1,000,000 for each occurrence.

(b) All liability insurance obtained by the operator as provided in paragraph (a)(3) of this section above shall name the United States as additional insured or provided for a waiver or subrogation.

(c) The operator's work is incident to war activities of the United States and will involve risks and hazards far in excess of those normally incident to peacetime commercial operations. To induce the operator to undertake the performance of the work for the compensation herein provided, and thus obtain for the United States the resulting benefit of such reduced compensation, the United States undertakes to and does indemnify the operator and hold it harmless against any loss or damage to the terminals (whether owned, leased or occupied under license) and against expense (including expense of litigation), liability to and claims of third persons because of loss, damage or injury to persons, cargo, vessels, their stores, apparel or equipment, wharves, piers, docks, lighters, barges, scows, elevators, rail cars, carfloats, or other property or thing, arising through the negligence or fault of the operator, its employees, gear or equipment, or otherwise, all subject, however, to the following conditions and limitations:

(1) The undertaking of the United States shall be applicable only and limited to:

(a) For public liability the amount such loss, expense, or liability arising from any single catastrophe, accident or occurrence exceeds the sum of $1,000,000 each person and $5,000,000 per accident or the sum of insurance approved or required to be carried in excess of these limits, whichever sum is greater and

(b) For property damage liability the amount such loss, expense or liability arising from any single catastrophe, accident or occurrence exceeds the sum of $1,000,000 per accident or the sum of insurance approved or required to be carried in excess of these limits whichever sum is greater.

(2) The undertaking of the United States shall not be applicable and the United States shall have no obligation or liability in respect of such undertaking or otherwise, in situations in which such loss, expense or liability is due in whole or in part to willful and deliberate disregard of instructions of the Administrator or the personal failure to exercise good faith or insofar as the character of the work permits under wartime operations that degree of care normally exercised under like conditions in the performance of the operator's peacetime commercial operations, by the elected corporate officers of the operator or by the representative of the operator having supervision and direction of all operations at any terminal where the operator may perform services hereunder.

(3) As soon as practicable after occurrence of any event from which the obligation of the United States to hold the operator harmless against loss, expense and liability might arise, written notice of such event shall be given by the operator to the United States, which notice shall contain full particulars of the event. If claim is made or suit is brought thereafter against the operator as a result or because of such event, the operator shall immediately deliver to the United States every demand, notice, summons or other process received by it or its representatives, and the United States shall provide appropriate attachment or appeal bonds or undertakings where required in the course of such litigation.

(4) The operator shall cooperate with the United States and, upon the request of the United States, shall assist in effecting settlements, securing and giving evidence, obtaining the attendance of witnesses and in the conduct (including defense) of suits; and the United States shall reimburse the operator for reasonable out-of-pocket expenses, other than loss of earnings, incurred in so doing. The operator shall not voluntarily, except at its own cost, make any payment, assume any obligation or incur any expense, other than for such immediate medical and surgical relief to others as shall be imperative at the time of said occurrence of such event.

(5) This undertaking of the United States to hold the operator harmless against loss, expense and liability as herein provided, shall not create or give rise to any right,

privilege or power in any person or organization, except the operator, nor shall any person or organization be or become entitled to join the United States as a co-defendent in any action against the operator brought to determine the operator's liability or for any other purpose; *Provided, however*, That as to any risk borne or assumed by the United States through the undertaking set above, the United States shall be and hereby is subrogated by the operator to any claim, demand or cause of action against third persons or organizations which exists or may arise in favor of the operator, and the operator shall, if so required, forthwith execute a formal assignment or transfer of such claim, demand or cause of action.

(6) This undertaking of the United States shall not apply against any loss or expense resulting from enemy attack upon the United States.

7. *Covenant against assignment or sublease of terminals.* The operator shall not assign or sublet the terminals or any portion therof nor grant any license with respect thereto, except in the ordinary course of terminal operations and subject to the approval of the NSA.

8. *Custom of the port.* No rule or custom of the port in conflict with any provision or term of this agreement will be binding upon the United States, unless the operator is legally obligated to comply with the same pursuant to the laws of the United States or laws of any State thereof or pursuant to the terms, provisions, covenants and conditions of any lease covering the terminals and entered into between the operator and its lessor or licensor thereof.

9. *Extra work.* The United States will neither compensate nor make any payments to the operator for any extra work in connection with the operation of terminals which it may render in addition to the work specifically required by this agreement, except as provided in paragraph 3(e) of part II hereof.

10. *Status of employees.* All employees of the operator or of any other person or organization employed in performance of the work shall at all times be the employees of the operator or of such other person or organization, as the case may be, and are not employees of the United States.

11. *Delegation of authority.* Wherever and whenever any right, power or authority herein is granted or given to the United States, such right, power or authority may be exercised by the NSA or such agent or agents as the United States may appoint, and the act or acts of such agent or agents when taken shall constitute the act of the United States hereunder. In performing the work, the operator may rely upon the instructions and directions of the Director, NSA, his officers and responsible employees, or any person or agency authorized by him. Whenever practicable, instructions and directions to the operator shall be in writing and oral instructions or directions given shall be confirmed promptly in writing. No Director's orders or regulations shall have retroactive effect without the written consent of the General Counsel, Maritime Administration.

12. *Warranty against contingent fees.* The operator warrants that it has not employed any person to solicit or secure this agreement upon any agreement for a commission, percentage, brokerage or contingent fee. Breach of this warranty shall give the United States the right to annul this agreement or in its discretion to deduct from any amount payable hereunder the amount of such commission, percentage, brokerage, or contingent fee.

13. *Equal opportunity.* During the performance of this agreement, the operator agrees as follows:

(a) The operator will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age or national origin. The contractor will take affirmative action to insure that all action related to employment is taken without regard to race, color, religion, sex, age or national origin. Such action shall include, but not be limited to, employment, promotion, layoff or termination, direct or indirect compensation and selection for training, except where such provisions are governed by State civil service commissions or comparable government agencies. The contractor agrees to post in conspicuous places, available to employees and applicants, notices to be provided by the NSA setting forth the provisions of this nondiscrimination clause.

(b) The operator will, in all solicitations or advertisements for employees placed by or on behalf of the operator, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, or national origin.

(c) The operator will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the NSA, advising the labor union or worker's representative of the operator's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, as amended, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The operator will compy with all provisions of Executive Order No. 11246, as amended, and by the rules, regulations and orders of the Secretary of Labor.

(e) The operator will furnish all information and reports required by Executive Order No. 11246, as amended, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the NSA and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(f) In the event of the operator's noncompliance with the nondiscrimination clauses of this agreement or with any of such rules, regulations or orders, this agreement may be cancelled, terminated or suspended in whole or in part, and the operator may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246, as amended, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

(g) The operator will include the provisions of this paragraph in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246, as amended, so that such provisions will be binding upon each subcontractor or vendor. The operator will take such action with respect to any subcontract or purchase order as the NSA may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the operator becomes involved in or is threatened with litigation with a subcontractor or vendor as a result of such direction by the NSA, the operator may request the United States to enter into such litigation to protect the interests of the United States.

14. *Officials not to benefit.* No persons elected or appointed as members of or delegates to Congress, themselves or by any other persons in trust for them, or for their use or account shall hold or enjoy this agreement in whole or in part, except as provided in Section 433, Title 18, United States Code. The operator shall not employ any member of Congress, either with or without compensation, as an attorney, agent, officer or director.

15. *Right of Controller General to examine books and records.* The Controller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the operator or any of its subcontractors engaged in the performance of the work under this agreement.

16. *Renegotiation.* This agreement shall be deemed to contain all the provisions required by section 104 of the Renegotiation Act of 1951. The operator shall, in compliance with said section 104, insert the provisions of this paragraph in each subcontract and purchase order made or issued in carrying out this agreement.

17. *Headnotes.* The use of headnotes at the beginning of the articles of this agreement is for the purpose of description only and shall not be construed as limiting or in any other manner affecting the substance of the articles themselves.

SCHEDULE A—TERMINAL OPERATING CONTRACT

Description of Terminal(s) and the agreed minimum dollars per month for each.

AUTHORITY: The Defense Production Act of 1950, as amended (50 app. U.S.C. 2061 et seq.); the Federal Civil Defense Act of 1950 as amended (50 app. U.S.C. 2251 et. seq.); Reorganization Plan No. 1 of 1958 (72 Stat. 1799) and No. 1 of 1973 (87 Stat. 1089); E. O. 11490 (34 FR 17567, CFR 1966-1970 Comp., p. 820) and E. O. 11921 (41 FR 2494, 3 CFR 1976 Comp.); and Department of Commerce Organization Order 10-8 (38 FR 19707 July 23, 1973).

Dated: February 2, 1978.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc. 4651 Filed 2-12-79; 8:45 am]

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[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 1042-2]

PART 418—FERTILIZER MANUFACTURING POINT SOURCE CATEGORY

Revocation of Regulations

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Revocation of regulations.

SUMMARY: The United States Environmental Protection Agency today is revoking regulations under the Clean Water Act which establish pH parameters for fertilizer manufacturing plants producing urea and ammonium nitrate. This agency action is based upon a request for reconsideration of the pH regulations submitted by some affected companies. Based upon a preliminary evaluation of the request EPA has concluded that these pH regulations should be withdrawn until the industry petition can be fully evaluated.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division, United States Environmental Protection Agency 401 M Street SW., Room 911, WSME (WH-552), Washington, D.C. 20460, (202) 426-2560.

SUPPLEMENTARY INFORMATION: On April 26, 1978, EPA promulgated amended regulations establishing effluent limitations and guidelines and new source performance standards for fertilizer manufacturing plants producing ammonium nitrate (AN) and urea (43 FR 17821). To examine pH practices and performance of those plants, EPA evaluated permit compliance monitoring data and made a phone survey of the AN and urea plants that continuously measure and record pH. In the phone survey, EPA confirmed and updated its compliance monitoring data, and noted the treatment method that was being used at each plant. Using those data the Agency established the pH limitations for plants producing ammonium nitrate and urea. The regulations require that pH be maintained within 6.0 to 9.0 at all times.

On July 11, 1978, counsel for eleven companies which manufacture nitrogen fertilizer submitted to EPA a request for reconsideration of the pH regulations for the ammonium nitrate and urea subcategories. The companies also filed four petitions for review of these regulations all of which are now before the U.S. Court of Appeals for the Sixth Circuit.

The request for reconsideration asserts that EPA's data do not support the Agency's position that ammonium nitrate and urea plants can control pH within the range of 6.0 to 9.0 on a continuous basis. Along with the request for reconsideration the industries submitted a two-volume study on pH control of industrial effluents which they believe supports their contention that pH within the range of 6.0 to 9.0 cannot be achieved 100% of the time over an extended period.

Based on a preliminary evaluation of the request for reconsideration and the accompanying study on pH control, EPA has concluded that these pH regulations for AN and urea plants should be withdrawn until the Agency can fully evaluate the industry contractor's study on pH control of industrial effluents and perform its own study.

STATEMENT OF REVOCATION

In consideration of the foregoing:

40 CFR Chapter I, Subchapter N, Part 418, Fertilizer Manufacturing Point Source Category, Subpart C—Urea Subcategory and Subpart D—Ammonium Nitrate is amended by deleting from the tables in §§ 418.32, 418.35, 418.42 and 418.45 the entries which read "pH.....within the range of 6.0 to 9.0.....", and by revoking §§ 418.37 and 418.47, in their entirety.

Dated: February 2, 1979.

BARBARA BLUM,
Acting Administrator.

[FR Doc. 79-4653 Filed 2-12-79; 8:45 am]

[1505-01-M]

Title 45—Public Welfare

CHAPTER 1—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Correction

In FR Doc. 79-2291, appearing at page 5258, in the issue of Thursday, January 25, 1979, on page 5265 in the third column, paragraph(b)(2) of § 190.64 should be corrected to read as follows:

• • • • • •

(b) • • •

(2) Multiplying the Scheduled Basic Grant by:

the number of credit or clock hours the student is expected to take in a payment period

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the number of credit or clock hours that a full-time student would take in an academic year

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-05-M]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO ACREAGE ALLOTMENT AND MARKETING QUOTA REGULATIONS

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture is considering amending the regulations governing the lease and transfer of acreage allotments and marketing quotas, reporting requirements and marketing of flue-cured tobacco. Experience gained during the 1978-79 marketing season indicates a need for some changes in the regulations that would discourage the overproduction of flue-cured tobacco. Some of the rules currently in effect have encouraged growers, dealers, and warehousemen to violate program regulations. Many of the proposed changes were requested by producers to prevent program abuses. The proposed rule would (1) establish May 1 as the final date to file requests for lease and transfer with provisions for approving late-filed requests; (2) provide that producers on farms with excess acres will not be eligible to lease and transfer quotas (after June 14); (3) require producers to file reports of tobacco on hand at end of season; (4) expand the reporting requirements for dealers and buyers by requiring them to file supplemental reports to include tobacco acquired by them not previously reported in their seasonal report on February 1; and (5) make the provisions for storing carryover tobacco through marketing agents inapplicable to 1979 and subsequent crops of tobacco.

DATES: Comments must be received on or before February 28, 1979, in order to be sure of consideration.

ADDRESSES: Mail written comments to Director, Production Adjustment Division, USDA-ASCS, P.O. Box 2415, Washington, D. C. 20013.

FOR FURTHER INFORMATION CONTACT:

Maurice E. Reddick, Program Specialist, Production Adjustment Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20013. ((202) 447-7935)

SUPPLEMENTARY INFORMATION: The Agricultural Stabilization and Conservation Service is considering amendments to the flue-cured tobacco regulations (7 CFR Part 725), as follows:

1. Section 725.72 would be amended to:

a. Establish May 1 as the final date to file requests for lease and transfer of quotas. Provisions would also be made for approving late-filed requests for transfer provided the county committee, with State committee approval, determines that the lease was agreed upon no later than May 1 and that the late filing was caused by a condition beyond the control of the lessee or lessor. Current rules make the ending lease and transfer date the same as the reporting date for planted acreage. The change would permit leases to be entered into before normal planting time and would authorize county committees to approve bona fide late filed transfer requests.

b. Provide that producers who plant tobacco in excess of their farm acreage allotments will not be eligible to lease and transfer quotas after June 14. The current rule provides loss of price support as the only deterrent to overplanting the acreage allotment. Indications are that loss of price support is no longer a deterrent to the planting of excess acreage. Most producers who overplant their allotments expect to lease sufficient quota to cover their excess planting; however, this magnifies the current problem of high leasing costs.

2. Section 725.98 would be changed to require producers to file a report of tobacco on hand after completion of marketings. An increasing number of growers produce tobacco in excess of their effective marketing quotas. The tobacco on hand oftentimes gets into the channels of trade with no payment of marketing quota penalties. Requiring a report of tobacco on hand provides an administrative tool that can be used to more effectively monitor the production and disposition of excess tobacco.

3. Section 725.102 would be amended to require dealers and buyers who currently file a seasonal report of purchases with the Department to file supplemental reports to reflect tobacco acquired by them which is not included in the seasonal report filed on or before February 1. Reports of additional purchases are needed to reconcile warehouse and dealer accounts and to ensure that marketing quota penalties are collected on excess tobacco.

4. Sections 725.103 and 104 would be made inapplicable to the 1979 and subsequent flue-cured crops but would remain in effect for prior year crops of tobacco placed in storage through marketing agents for marketing in the next marketing year. These provisions for handling carryover tobacco were promulgated in 1973 to provide a convenient means for storage of overproduction due to good growing conditions and other reasons beyond the control of the producer.

Prior to 1973, individual producers of excess tobacco (that in excess of 110 percent of the farm marketing quota) were responsible for storing such excess tobacco if it was to be carried over into the next marketing year, or, if not to be carried over to the next marketing year for satifactorily explaining its disposition to the local county ASC committee.

A report of unmarketed tobacco for the farm was required at the end of the marketing season (this requirement was revoked for the 1975 crop, but is proposed to be reinstated when these rules are finally adopted). For the most part, only small quantities of excess tobacco were reported on hand by producers at the end of the marketing season to be carried over for marketing in the next marketing year. This proposal would not prohibit producers from carrying over for marketing in the next marketing year any excess production of the current year for the farm, provided such excess production is not commingled with the production from other farms prior to marketing or prior to being otherwise disposed of to the satisfaction of the local county ASC committee.

The objective of the carryover program is being abused in that many growers now intentionally produce flue-cured tobacco in excess of their current marketing quotas. This overproduction, collectively, is in excess of the national marketing quota and, even though carryover tobacco cannot be marketed without penalty until the next marketing year, it serves to depress the auction market prices re-

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ceived by producers for within quota tobacco during the current marketing year. In addition, some producers of excess tobacco have been able to move undetermined quantities of this surplus tobacco into trade channels during the current year without the payment of marketing quota penalties and without the reduction of future quotas established for their farms to reflect such excess production. Widespread publicity of these practices serves to impair the effectiveness of the marketing quota program.

Further, the carryover program, which has stimulated the production of excess tobacco, has also increases the ever rising costs for leasing quota and has put a greater strain on the limited processing facilities during the marketing season.

Prior to making any determinations, the Department will give consideration to comments, views, and recommendations submitted in writing to the Director, Production Adjustment Division. All written submissions made pursuant to the notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 3630-South Building, 14th and Independence Avenue, S.W., Washington, D.C.

Because these proposed changes would affect acreage planting and lease and transfer decisions by producers, and since producers will shortly be making final plans for land preparation, seedbeds and may begin transplanting tobacco seedlings into fields in March, it is hereby found and determined that compliance with the 60-day comment period required by Executive Order 12044 is not possible. Accordingly, comments must be received by February 28, 1979 in order to be assured of consideration.

This proposal has been determined not significant under the USDA criteria implementing Executive Order 12044.

Draft Impact Analyses are available from J. A. Wells, Director, Production Adjustment Division, USDA-ASCS, Room 3630-South Building, P.O. Box 2415, Washington, D.C. 20013. Telephone: 202-447-7641.

PROPOSED RULE

It is proposed that 7 CFR Part 725 be amended as follows:

1. In § 725.72, paragraphs (c) (1), (2) and (4) are amended and new subparagraphs (3) (vi) and (vii) are added to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quotas.

• • • • •

(c) *Filing and approval of transfer agreement.*

(1) *General.* The approval or disapproval of an agreement to transfer all or any part of an effective farm marketing quota shall be the responsibility of the country committee, except for late-filed transfers approved under subparagraph (4) of this paragraph. The county committee may redelegate authority to approve transfers to the county executive director or other county office employees.

(2) *Filing transfer agreements.* No lease of any quota under this section shall become effective until a record of transfer, determined by the county committee to be in compliance with the provisions of this section, has been executed on Form ASCS-375 and filed within the time periods prescribed in this section, with the county committee in the county where the farms are administratively located.• • •

(3) *Approval of transfer agreement filed after June 14.*• • •

• • • • •

(vi) Not be made if the record of transfer is filed with the county committee after November 30 of the current crop year.

(vii) Not be made if the planted acreage on the receiving or transferring farm exceeds the effective farm acreage allotment or exceeds 110 percent of the effective farm acreage allotment if the farm is a participant in the program for which the farm operator executes an agreement to destroy four leaves of downstalk tobacco.

(4) *Transfers not to be approved.* Except for transfers filed after June 14 under the conditions prescribed in paragraph (c)(3) of this section, a transfer shall not be approved:

(i) If the record of transfer is filed after May 1 of the current crop year except that a record of transfer filed after May 1 but prior to June 15 shall be considered timely filed if the county committee, with approval of the State committee, finds that (a) the lease was agreed upon no later than May 1 of the current crop year, and (b) the record of transfer was not timely filed with the county committee because of conditions beyond the control of the lessee or lessor.

(ii) If after the transfer the lessee farm acreage allotment, plus the acres obtained by dividing the pounds transferred to the lessee farm by the current year's farm yield for such farm, would exceed 50 percent of the cropland on such farm.

(iii) If it is determined that the primary purpose of the transfer for a farm is to pyramid (leasing to and from the farm for a period of two or more years to maintain the quota with no satisfactory evidence of plans for producing the quota during such period) the quota on the farm.

2. In § 725.98, paragraph (f) is revised by inserting a new sentence immediately after the period in the first sentence and revising the current second sentence as follows:

RECORDS AND REPORTS

§ 725.98 Producer's records and reports.

• • • • •

(f) *Report of production and disposition.*• • •

The operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall, upon written request from the county committee, furnish on Form MQ-108-1, Report of Unmarketed Tobacco, a written report of the amount and location of tobacco produced on the farm which is unmarketed at the end of the marketing season and the amount of tobacco produced by such operator or producer on any other farm, which is unmarketed at the end of the marketing season and which is stored on the farm, by sending the report to the county committee within 15 days after the request was mailed to such person at his last known address. Failure to file the MQ-108 or MQ-108-1 as requested, the filing of an MQ-108 or MQ-108-1 which is found by the State or county committee to be incomplete or incorrect shall, to the extent that it involves tobacco produced on the farm, constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county or State committee that failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided,* That (i) such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the quota is being established caused, aided, or acquiesced in the failure to furnish such proof.

• • • • •

3. In § 725.102, paragraph (b) is amended to read as follows:

§ 725.102 Dealers exempt from regular records and reports on MQ-79; and season report for dealers.

• • • • •

(b) For the 1973-74 and subsequent marketing years, each dealer or buyer shall also make a report not later than February 1 of each year to the Director, Production Adjustment Division, showing by States where acquired, source and pounds of all tobacco, in the form normally marketed by producers, purchased at auction or non-auction including tobacco received which was not billed to the dealer or buyer. Any acquisition of tobacco in the form normally marketed by producers by the dealer or buyer during the marketing year (July 1 through June 30) which is not included in the February 1 report shall be reported in like manner no later than the end of the calendar week following the week in which the tobacco was acquired. The report shall show:• • •

• • • • •

4. Section 725.103 paragraph (a) is amended by inserting a new sentence at the beginning.

§ 725.103 Recordkeeping and reporting requirements for processed producer carryover tobacco.

(a) *General.* This section shall not be applicable to 1979 and subsequent crops of tobacco.• • •

• • • • •

5. Section 725.104 paragraph (a) is amended by inserting a new sentence at the beginning.

§ 725.104 Recordkeeping and reporting requirements for unprocessed producer carryover tobacco.

(a) *General.* This section shall not be applicable to 1979 and subsequent crops of tobacco.• • •

• • • • •

AUTHORITY: Section 301, 313, 314, 316, 317, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48 as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65-66, as amended, 72 Stat. 995; section 401, 63 Stat. 1054, as amended, sections 106, 112, 125, 70 Stat. 191, 195, 198, as amended, section 16(e), 76 Stat. 606; (7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372-1375, 1377, 1378, 1421, 1813, 1824, 1836), (16 U.S.C. 590p(e)).

Signed at Washington, D.C., on February 9, 1979.

STEWART N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-4789 Filed 2-12-79; 8:45 am]

[3410-05-M]

[7 CFR Part 726]

BURLEY TOBACCO MARKETING QUOTA REGULATIONS

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture is considering amending the regulations governing the lease and transfer of marketing quotas, reporting requirements, and marketing of burley tobacco. Indications are that some provisions of current regulations are having the effect of encouraging the production of surplus tobacco. Invariably, overproduction makes program administration more difficult. The proposed rule would make the provisions for storing of tobacco through marketing agents inapplicable to the 1979 and subsequent crops of tobacco; provide that lease and transfer provisions be more restrictive to prevent speculation by producers and warehousemen; and would require producers to file reports of tobacco on hand at the end of the marketing season.

DATES: Comments must be received on or before February 28, 1979 to be sure of consideration.

ADDRESS: Mail comments to Director, Production Adjustment Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Raymond S. Fleming, Program Specialist, Production Adjustment Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20013, (202) 447-7935.

SUPPLEMENTARY INFORMATION: The Department of Agriculture is considering amendments to the burley tobacco regulations (7 CFR Part 726), as follows:

1. Section 726.68 would be amended to provide that lease and transfers can be made either to or from a farm during the marketing season but not both, with one exception. A farm that previously received leased quota may transfer quota from the farm if the producers so certify and the county committee determines that (1) the acreage planted on such farm was equal to 80 percent of the acreage determined by dividing the effective farm marketing quota by the current farm yield and (2) the production was limited to less than the effective farm marketing quota because of conditions beyond the control of the producer. Current regulations provide that the county committee may approve a transfer (filed for the current year) after July 31 either to or from the same farm (but not both) irrespective of whether any transfer filed before August 1 is in effect for the farm. This has caused widespread speculation on burley quota by farmers and warehousemen. Many producers lease burley quotas to the farm during the planting season (usually when the prices paid for leased quota are low) with no intention of planting any additional acreage but rather intending to sublease the quota away from the farm during the marketing season (usually when prices are higher) thereby making a profit. This practice has magnified the current problem of high leasing costs.

2. Section 726.92 would be changed to require producers to file reports of tobacco on hand after completion of marketings. An increasing number of growers produce tobacco in excess of their effective marketing quotas. The tobacco on hand oftentimes gets into the channels of trade with no payment of marketing quota penalties. Requiring a report of tobacco on hand provides an administrative tool that can be used to more effectively monitor the production and disposition of excess tobacco.

3. Section 726.95 would be amended to require dealers and buyers who currently file a seasonal report of purchases with the Department to file supplemental reports to reflect tobacco acquired by them which is not included in the seasonal report filed on or before April 1. Reports of additional purchases are needed to reconcile warehouse accounts and to ensure that marketing quota penalties are collected on excess tobacco.

4. Sections 726.105 and 106 would be made inapplicable to the 1979 and subsequent burley crops but would remain in effect for prior year crops of tobacco placed in storage through marketing agents for marketing in the next marketing year. These provisions for handling of excess carryover tobacco were promulgated in 1973 to provide a convenient means for storage of excess tobacco inadvertently produced.

Prior to 1973, individual producers of excess tobacco (that in excess of 110 percent of the farm marketing quota) were responsible for storing such excess tobacco if it was to be carried over into the next marketing year, or, if not to be carried over to the next marketing year, for satisfactorily explaining its disposition to the local county ASC committee. A report of unmarketed tobacco for the farm was required at the end of the marketing season (this requirement was revoked for the 1975 crop, but is proposed to be reinstated when these rules are finally adopted). For the most part, only small quantities of excess tobacco were reported on hand by producers at the

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end of the marketing season to be carried over for marketing in the next marketing year. This proposal would not prohibit producers from carrying over for marketing in the next marketing year any excess production of the current year for the farm, provided such excess production is not commingled with the production from other farms prior to marketing or prior to being otherwise disposed of to the satisfaction of the local county ASC committee.

The objective of the carryover program is being abused in that many growers now intentionally produce burley tobacco in excess of their current marketing quotas. This overproduction, collectively is in excess of the national marketing quota and, even though carryover tobacco cannot be marketed without penalties until the next marketing year, it serves to depress the auction market prices received by producers for within quota tobacco during the current marketing year. In addition, some producers of excess tobacco have been able to move undetermined quantities of this surplus tobacco into trade channels during the current year without the payment of marketing quota penalties and without the reduction of future quotas, established for their farms, to reflect such excess production. Widespread publicity of these practices serves to impair the effectiveness of the marketing quota program.

Further, the carryover program which has stimulated the production of excess tobacco, has also increased the ever rising costs for leasing quota and has put a greater strain on the limited processing facilities during the marketing season.

Prior to making any determinations, the Department will give consideration to comments, views, and recommendations submitted in writing to the Director, Production Adjustment Division. All written submissions made pursuant to the notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 3630—South Building, 14th and Independence Avenue, S.W., Washington, D.C.

Because these proposed changes would affect acreage planting and lease and transfer decisions by producers, and since producers will shortly be making final plans for land preparation, seed beds and may begin transplanting tobacco seedlings into fields in March, it is hereby found and determined that compliance with the 60-day comment period required by Executive Order 12044 is not possible. Accordingly, comments must be received by February 28, 1979 in order to be assured of consideration.

This proposal has been determined not significant under the USDA criteria implementing Executive Order 12044.

Draft Impact Analyses are available from J. A. Wells, Director, Production Adjustment Division, USDA-ASCS, Room 3630-South Building, P.O. Box 2415, Washington, D.C. 20013, telephone 202-447-7641.

PROPOSED RULE

It is proposed that 7 CFR Part 726 be amended as follows:

1. Section 726.68(n) is revised to read as follows:

§726.68 Transfer of Burley Tobacco Farm Marketing Quota by Lease or by Owner.

• • • • • •

(n) *Limitation on transfer to and from a farm (subleasing).* The county committee shall not approve any transfer filed for the current year if, after approval, a transfer would be in effect both to and from the same farm, except as follows:

(1) A transfer may be approved if the quota is temporarily transferred from a farm subsequently combined with another farm that is otherwise eligible to receive quota by transfer.

(2) After October 1 a transfer may be approved for a farm that previously received leased quota for the current year provided the producers so certify and the county committee determines that the (i) acreage of burley tobacco planted on the farm was equal to at least 80 percent of the acreage determined by dividing the effective marketing quota by the current farm yield for the farm, and (ii) the production of tobacco was limited to less than the effective farm marketing quota because of conditions beyond control of the producer.

• • • • • •

2. Section 726.92 paragraph (e) is amended by inserting a new sentence immediately after the period in the first sentence and revising the current second sentence as follows:

RECORDS AND REPORTS

§ 726.92 Producer records and reports.

• • • • • •

(e) *Report of production and disposition.* • • •

The operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall, upon written request from the county committee, furnish on Form MQ-108-1, Report of Unmarketed Tobacco, a written report of the amount and location of tobacco produced on the farm which is unmarketed at the end of the marketing season and the amount of tobacco produced by such operator or producer on any other farm, which is unmarketed at the end of the marketing season and which is stored on the farm, by sending the report to the county committee within 15 days after the request was mailed to such person at his last known address. Failure to file the MQ-108 or MQ-108-1 as requested, the filing of an MQ-108 or MQ-108-1 which is found by the State or county committee to be incomplete or incorrect shall, to the extent that it involves tobacco produced on the farm, constitute failure of the producer to account for disposition of tobacco produced on the farm and the quota next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county or State committee that failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided*, That (i) such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the quota is being established caused, aided or acquiesced in the failure to furnish such proof.

• • • • • •

3. Section 726.95, paragraph (b), is revised as follows:

§ 726.95 Dealers exempt from regular records and reports on MQ-79; and season reports from dealers.

• • • • • •

(b) For the 1971-72 and subsequent marketing years, each dealer or buyer shall also make a report not later than April 1 of each year to the Director, Production Adjustment Division, showing by States were acquired, source and pounds of all tobacco, in the form normally marketed by producers, purchased at auction or nonauction including tobacco received which was not billed to the dealer or buyer. Any acquisitions of tobacco in the form normally marketed by producers by the dealer or buyer during the marketing year (October 1 through September 30) which is not included in the April 1 report shall be reported in like manner no later than the end of the calendar week following the week in which the tobacco was acquired. The report shall show • • •

4. Section 726.105, paragraph (a), is amended by inserting a new sentence at the beginning.

§ 726.105 Recordkeeping and reporting requirements for processed producer carryover tobacco.

(a) *General.* This section shall not apply to burley tobacco produced in the 1979 and subsequent crop years. • • •

5. Section 726.106, paragraph (a), is amended by inserting a new sentence at the beginning.

§ 726.106 Recordkeeping and reporting requirements for unprocessed producer carryover tobacco.

(a) *General.* This section shall not apply to burley tobacco produced in the 1979 and subsequent crop years. • • •

• • • • • •

AUTHORITY: (Secs. 301, 312, 313, 314, 316, 318, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 80 Stat. 120, as amended, 52 Stat. 63, as amended, 65, as amended, 66, as amended, 70 Stat. 206 as amended, 72 Stat. 995, as amended, 7 U.S.C. 1301 1312, 1314, 1314b, 1314d, 1363, 1372-1375, 1377, 1378, Public Law 92-10 approved April 14, 1971)

Signed at Washington, D.C., on February 9, 1979.

STEWART N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-4790 Filed 2-12-79; 8:45 am]

[3410-05-M]

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO LOAN PROGRAM

Proposed 1979 Price Support Levels and Program Procedures

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation is preparing to determine and announce the levels of support and the procedures for making price support available to producers of 1979 crop tobacco. The levels of support must, if practicable, be announced prior to the planting season. This proposal would also: (1) Continue the method of supporting tobacco through loans to producer associations and through purchases of Puerto Rican tobacco; (2) Reduce the acreage limitation for flue-cured tobacco when the 4 lower leaves are not harvested and (3) Terminate price support eligibility on 1979 and subsequent crops of flue-cured and burley tobacco which are packed for a producer's account by a loan association and carried over from one marketing year to another. You are invited to submit views and recommendations with respect to this proposal.

DATE: Written comments must be received by February 28, 1979, in order to be sure of consideration.

ADDRESS: Send comments to Acting Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Thomas A. VonGarlem, (202) 447-3391.

SUPPLEMENTARY INFORMATION: The Agricultural Act of 1949, as amended, (the "Act") requires the Secretary through loans, purchases and other operations, to make price support available on any crop of tobacco for which marketing quotas are in effect, or for which marketing quotas have not been disapproved by producers. Under section 106 of the Act, the level of support in cents-per-pound for each crop of each kind of tobacco for which marketing quotas are in effect, or for which marketing quotas are not disapproved, is mandatory at the support level for the 1959 crop of such kind of tobacco, multiplied by the ratio of (i) the average of the index of prices paid by farmers for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (ii) the average index of prices paid by farmers for the 1959 calendar year. The average of the index of such prices paid for calendar years 1976-78 will be used in computing the 1979 tobacco support levels. The average is 695. The average index of prices paid for the calendar year 1959 is 298. The resulting ratio is 2.33. Thus, the support level for the 1979 crop of each eligible kind of tobacco will be 233 percent of the 1959 level, effective upon approval by Commodity Credit Corporation.

Prior to the beginning of the marketing season for each eligible kind of tobacco, pursuant to section 403 of the Act, Commodity Credit Corporation will issue proposed loan rates for the various types and grades of tobacco, and comments on such rates may be made at that time.

Tobacco would continue to be supported through loans on all eligible kinds of tobacco except Puerto Rican tobacco, and Puerto Rican tobacco would continue to be supported through purchases. Regulations currently in effect with respect to the tobacco price support program are set forth in 7 CFR Part 1464. The Commodity Credit Corporation is considering changes in those regulations as follows:

Under current regulations, flue-cured tobacco producers' eligibility for price support is, among other things, conditioned on the tobacco being produced on (i) the farm acreage allotment or (ii) 120 percent of the farm acreage allotment if the 4 lower leaves (usually consisting of low quality tobacco for which there is little demand) are not harvested. The less restrictive acreage limitation for producers who do not harvest the 4 lower leaves was put in effect in 1978 to accommodate increased production of upper stalk tobacco with offsetting decreases in the production of the lower stalk tobacco. Comments have been received which indicate that in the production of the 1978 crop, producers generally found that additional acreage of only 10 percent is necessary to offset the reduced yields per acre which result from not harvesting the 4 lower leaves. It is therefore proposed to reduce to 110 percent the acreage limitation applicable when the 4 lower leaves are not harvested.

Under current regulations, eligible producers of flue-cured and burley tobacco may obtain price support on eligible tobacco which has been packed for their account by an association and carried over from the previous marketing year to avoid marketing in excess of farm marketing quota. This provision was designed to provide a convenient means for a producer to carry over tobacco for marketing the following year, when unusually high yields resulted in production in excess of the current year's farm marketing quota. It now appears that the carryover provision is encouraging producers to deliberately produce tobacco in excess of their marketing quotas. Such overproduction burdens the marketing facilities and tends to escalate the cost of leasing tobacco quotas. This proposal would terminate the carryover provision under which price support may be obtained on 1979 and subsequent crops of tobacco produced and packed by a marketing agent in the previous year. However, this amendment would not prevent an eligible producer from obtaining price support on otherwise eligible tobacco, carried over by the producer from one year to the next.

This regulation has been determined not significant under the USDA criteria for implementing Executive Order 12044.

Because these proposed changes in regulations would have substantial impact on acreage planting intentions of producers, and since producers will shortly be finalizing plans for land preparation and seed beds and may begin transplanting tobacco seedlings into fields in March, it is hereby found and determined that compliance with the 60-day comment period required

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by Executive Order 12044 is contrary to the public interest. Accordingly, comments must be received by February 28, 1979 in order to be assured of consideration.

PROPOSED RULE

It is proposed that 7 CFR Part 1464 be amended by adding a new sentence at the beginning of paragraph (e)(3)(ii) of § 1464.2, as amended paragraph (e)(3)(ii) reads as follows:

§ 1464.2 Availability of price support.

* * * * *

(e)(3) * * *

(ii) This paragraph shall not apply to the 1979 and subsequent crops of flue-cured and burley tobacco. Eligible producers of flue-cured and burley tobacco may, subject to the provisions of this subdivision, obtain price support on eligible tobacco which has been packed for their account by the association and carried over from one marketing year to another to avoid marketing in excess of the farm marketing quota. Price support advances obtained on such packed tobacco shall be at the rates in effect at the time of tender for loan, and on the basis of grades and quantities of the tobacco as determined at the time of delivery to the association for packing and carryover. If all the tobacco packed from the tobacco delivered to the association for packing and carryover is not tendered for price support, or if the packed tobacco tendered for price support is commingled tobacco of different producers, the price support advances will be computed as follows: For each packed grade of tobacco, the loan value will be computed on the basis of (*a*) the total pounds of each green grade used in processing the packed quantity and (*b*) the grade loan rates applicable to such green grades. Loan advances may by obtained on the quantity of each packed grade tendered for price support in an amount equal to the loan value so determined, multiplied by the percentage which the pounds of the packed grade tendered is of the total packed weight of such grade. An individual producer's share of the loan advance obtained on the tender of any quantity of a packed grade shall be a percentage of such advance equal to the percentage which the loan value of all the tobacco delivered by the producer for packing and carryover is of the loan value of all the tobacco delivered by all producers for packing and carryover. Packed tobacco tendered for price support shall be in sound and merchantable condition and shall have been processed and packed under the standards and specifications which were applied to the tobacco received for price support during the immediately preceding crop year.

Prior to tendering packed tobacco for price support, the association shall determine what percentage of the tobacco which was received for packing and carryover is eligible.

The packed tobacco tendered for price support shall not be a greater percentage of the total quantity packed than the percentage so determined.

(4) * * *

It is proposed to revise subparagraph (2), (2)(i) and (2)(ii) of § 1464.7(a) as follows:

§ 1464.7 Eligible producers.

(a) * * * (2) all the tobacco produced on his/her farm is produced on acreage which does not exceed the acreage allotment, or if flue-cured tobacco, does not exceed: (i) The acreage allotment established for his/her farm; or (ii) 110 percent of the acreage allotment established for his/her farm in instances where the producer has left unharvested the 4 lower leaves, exclusive of plant bed leaves, on each stalk of tobacco produced on his/her farm and has previously entered into agreement to do so with the local ASC county committee in accordance with procedures to be established by the Deputy Administrator, State and County Operations, ASCS; and (3) * * *

Prior to making any determination, the Department will give consideration to comments, views, and recommendations submitted in writing to the Acting Director, Price Support and Loan Division. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday in Room 3741-South Building, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20013.

Draft Impact Analysis Statements are available from Thomas A. VonGarlem, Acting Director, Price Support and Loan Division, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

Signed at Washington, D.C. on: February 9, 1979.

STEWART N. SMITH,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-4788 Filed 2-12-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-286-A, Docket No. 28082, dated February 7, 1979]

TERMINATION OF A PROPOSED RULE TO REQUIRE REPORTING OF AVAILABLE SEAT-MILES BASED ON CAB SEATING STANDARDS

AGENCY: Civil Aeronautics Board.

ACTION: Notice of termination of rulemaking.

SUMMARY: The Board is terminating a Notice of Proposed Rulemaking dated July 15, 1975, which proposed to establish specific numbers of seats for different aircraft types based upon the carriers' actual percentage mix of first class and coach seats. The proposal would also have required trunk carriers to report available seat-miles based on the prescribed number of seats in addition to available seat-miles based on the actual number of seats installed on air carrier aircraft which these carriers were already reporting. The Board will not be incorporating the proposed rule into its Economic Regulations because the Airline Deregulation Act of 1978 makes it unnecessary to consider aircraft seating configurations in regulating air fares.

DATED: February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Carrier Accounts and Audits, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5270.

SUPPLEMENTARY INFORMATON: In EDR-286, dated July 15, 1975 (40 FR 30497, July 21 1975), the Board proposed to implement reporting of available seat-miles based on specific numbers of aircraft seats for different aircraft types. Aircraft manufacturer's designs were used as a starting point for developing specific numbers of seats in conformity with seat pitch and abreast seating standards established by the Board in Phase 6A of the *Domestic Passenger Fare Investigation* (Docket 21866-6A). Within this framework, different numbers of seats were developed for each aircraft type according to the percentage mix of first class and coach seats actually being used by the reporting carrier.

The comments received raised theoretical and practical questions; first as to whether the Board should prescribe specific numbers of seats and second as to the methodology employed in developing the numbers. It might be added that alternatives, in those cases where they were offered by respondents, tended to cloud the path to a solution which would be widely accepted.

At the time the proposed rule was issued, the ratemaking implications of less productive seating configurations being operated by some carriers were already being taken into consideration in ratemaking adjustments made by the Bureau of Economics (now the Bureau of Pricing and Domestic Aviation). Since there was no urgent need for the refinements the proposed rule would establish, further action on the proposal was delayed while staff consideration continued and other alternatives were explored.

In 1977, carriers were granted greater freedom to engage in competitive pricing with a more liberal Board policy toward discount fares. This acted as more natural incentive for carriers to move from the posture of nonprice competition which tended to encourage more spacious accommodations than needed for adequate and efficient service.

Now, with the enactment of the Airline Deregulation Act of 1978 (Pub L. 95-504) on October 24, 1978, detailed considerations of aircraft configurations have become unnecessary.

The new law is quite specific in its amendment of Section 1002 of the Federal Aviation Act that the standard industry fare level in effect on July 1, 1977, shall be increased or decreased by * * * the percentage change from the last previous period in the *actual* operating cost per available seat-mile for interstate and overseas transportation combined"[1] (emphasis added). Further, the same subsection of the amended Act states that in determining the standard, the Board shall make no adjustment to costs actually incurred.

There is, therefore, no need for the seating standards or the reporting proposed in EDR-286.

Accordingly, the Board terminates the rulemaking proceeding in Docket 28082 without amending Part 241 of its Economic Regulations.

(Sec. 204(a), 407, Federal Aviation Act of 1978, as amended, 72 Stat. 743, 766; (49 U.S.C. 1324(a), 1377).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4757 Filed 2-12-79; 8:45 am]

[1] Section 1002(d)(6)(B) of the Federal Aviation Act of 1958, as amended.

[6320-01-M]

[14 CFR Part 302]

[PDR-62; Docket No. 34679, Dated February 7, 1979]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Notice to Alaskan Field Office

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The proposed action would amend the Rules of Practice in Economic Proceedings to require an additional copy of any document filed with the Civil Aeronautics Board in a route proceeding that affects a point in Alaska to be sent to the Alaskan field office.

DATES: Comments by March 16, 1979.

ADDRESSES: Comments should be sent to Docket 34679, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Richard B. Dyson, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: The Alaskan field office of the Civil Aeronautics Board has asked the Board to take action to ease the problems that arise from the amount of time it takes for copies of documents filed with the Board to be transmitted to Alaska. The field office frequently does not get its copy in time to post the document in a public place to allow local interested individuals, businesses, and community groups to review the document and submit comments before the deadline set by the Board.

The proposed amendment to the rules will state that any person filing documents with the Board in a route proceeding that affects a point in Alaska will be required to send an additional copy to the Alaskan field office.

PROPOSED RULE

The Board proposes to amend § 302.3 of 14 CFR Part 302, *Rules of Practice in Economic Proceedings* by adding a new sentence in paragraph (c) so that it reads as follows:

§ 302.3 Filing of documents.

* * * * *

(c) *Number of copies.* Unless otherwise specified, an executed original and nineteen (19) true copies of each document required or permitted to be filed under these rules shall be filed with the Docket Section. In any route proceeding that affects a point in Alaska, the person filing shall send an additional copy to: Civil Aeronautics Board Field Office, Anchorage, Alaska 99501. The copies need not be signed but the name of the person signing the document, as distinguished from the firm or organization he represents, shall also be typed or printed on all copies below the space provided for signature.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324(a)).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4758 Filed 2-12-79; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 761 0007]

APPLIANCE DEALERS COOPERATIVE, ET AL.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Newark, N.J. appliance dealers cooperative, its executive director, 22 member companies, and five affiliated firms to cease harassing, intimidating or otherwise attempting to control or interfere with retailers resale pricing; advertising; sale and distribution of consumer products; selection of customers; or their right to locate and operate businesses in any geographic area. The cooperative would further be required to supply its members, on an equal and timely basis, with all relevant information relating to its purchase and sale of merchandise; and cause its by-laws to be adjusted so as to be consistent with the terms of the order.

DATE: Comments must be received on or before April 14, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and

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Pennsylvania Ave., NW, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007. (212) 264-1207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[Document No. 88800001; File No. 7610007]

APPLICANCE DEALERS COOPERATIVE, ET AL.

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the matter of Appliance Dealers Cooperative, a corporation, and Murray Gidseg, individually and as Executive Director of said corporation, and Ace Electronic Service Co., Inc., a corporation, and Solar Appliance Centers, Inc., a corporation, and Ajay Appliance Sales & Service, Inc., a corporation, and Apex Appliance Distributors, Inc., a corporation, and Bell Appliance Co., Inc., a corporation, and Paul Bergman, an individual trading and doing business as Brown's Appliance Co., and Charles Stein, an individual trading and doing business as Economy Stove & Plumbing Supply Co., and Flynn Appliances, Inc., a corporation, and Frank Schwartz, an individual trading and doing business as Franks Sales & Service Co., and Goldklang's Appliance City, Inc., a corporation, and Town Appliance, Inc., a corporation, and Harvey's of New Milford, Inc., a corporation, and Karl's Sales & Service Co., Inc., a corporation, and Keystone Appliance Co., Inc., a corporation, and Lichtman Bros. Inc., a corporation, and Mrs. G. Inc., a corporation, and Paul's Home Furnishings Co., Inc., a corporation, and Rooney Appliance, Inc., a corporation, and Schenck Appliance Corporation, a corporation, and Summerton Appliance, Inc., a corporation, and Les Turchin, Inc., a corporation, and Tru-Home Sales Co. Inc., a corporation, and Turchin's Department Stores, Inc., a corporation, and Turchin's-Rex, Inc., a corporation, and Uneeda Appliance Co., Inc., a corporation, and Uneeda Brook's, Inc., a corporation, and Uneeda Appliance Company of Bayonne, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of the persons and firms named in the caption hereof, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated;

It is hereby agreed by and between Appliance Dealers Cooperative, a corporation by its duly authorized officer, and Murray Gidseg, individually and as Executive Director of said corporation and Ace Electronic Service Co., Inc., Solar Appliance Centers, Inc., Ajay Appliance Sales & Service, Inc., Apex Appliance Distributors, Inc., Bell Appliance Co., Inc., Flynn Appliances, Inc., Goldklang's Appliance City, Inc., Town Appliance, Inc., Harvey's of New Milford, Inc., Karl's Sales & Service Co., Inc., Keystone Appliance Co., Inc., Lichtman Bros. Inc., Mrs. G. Inc., Paul's Home Furnishings Co., Inc., Rooney Appliance, Inc., Schenck Appliance Corporation, Summerton Appliance, Inc., Les Turchin, Inc., Tru-Home Sales Co. Inc., Turchin's Department Stores, Inc., Turchin's-Rex, Inc., Uneeda Appliance Co., Inc., Uneeda Brook's, Inc., and Uneeda Appliance Company of Bayonne, Inc., corporations, by their duly authorized officers and Paul Bergman, an individual trading and doing business as Brown's Appliance Co., Charles Stein, an individual trading and doing business as Economy Stove & Plumbing Supply Co., Frank Schwartz, an individual trading and doing business as Franks Sales & Service Co., and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Appliance Dealers Cooperative is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey with its home office and principal place of business located at 84 Lockwood Street, Newark, New Jersey.

Proposed respondent Murray Gidseg is Executive Director of Appliance Dealers Cooperative and as such is the chief executive officer of the corporation. He cooperates and acts together with other respondents to formulate, direct and control the policies, acts and practices of said corporation, and his address is the same as that of said corporation.

Proposed respondents Ace Electronic Service Co., Inc., (hereinafter Ace) and Solar Appliance Centers, Inc. (hereinafter Solar) are corporations organized, existing and doing business under and by virtue of the laws of the State of New Jersey. Ace maintains its home office and principal place of business at 69 Highway 35, Neptune City, New Jersey 07753. Solar maintains its home office and principal place of business at 2114 Route 88, Bricktown, New Jersey 08723.

Proposed respondent Ajay Appliance Sales & Service, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 1021 Route 37 West, Toms River, New Jersey 08753.

Proposed respondent Apex Appliance Distributors, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 700 Rahway Avenue, Elizabeth, New Jersey 07202.

Proposed respondent Bell Appliance Co., Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at Highway 22, Union, New Jersey 07083.

Proposed respondent Paul Bergman is an individual trading and doing business as Brown's Appliance Co. with its home office and principal place of business located at 276 Main Street, Paterson, New Jersey 07505.

Proposed respondent Flynn Charles Stein is an individual trading and doing business as Economy Stove & Plumbing Supply Co. with its home office and principal place of business located at 1047 Elizabeth Avenue, Elizabeth, New Jersey 07201.

Proposed respondent Appliances, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 44 Grand Avenue, Englewood, New Jersey 07631.

Proposed respondent Frank Schwartz is an individual trading and doing business as Franks Sales & Service Co. with its home office and principal place of business located at 739 Main Avenue, Passaic, New Jersey 07055.

Proposed respondents Goldklang's Appliance City, Inc. (hereinafter Goldklang's) and Town Appliance, Inc. (hereinafter Town) are corporations organized, existing and doing business under and by virtue of the laws of the State of New Jersey. Goldklang's maintains its home office and principal place of business at 462 Broadway, Bayonne, New Jersey 07002. Town maintains its home office and principal place of business at Route 46, Rockaway, New Jersey 07866.

Proposed respondent Harvey's of New Milford, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 690 River Road, New Milford, New Jersey 07646.

Proposed respondent Karl's Sales & Service Co., Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 111 Washington Avenue, Belleville, New Jersey 07109.

Proposed respondent Keystone Appliance Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 4237 Bergen Turnpike, North Bergen, New Jersey 07047.

Proposed respondent Lichtman Bros. Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 101-105 Smith Street, Perth Amboy, New Jersey 08861.

Proposed respondent Mrs. G. Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 2960 Brunswick Pike, Trenton, New Jersey 08638.

Proposed respondent Paul's Home Furnishings Co., Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 121 New York Avenue, Newark, New Jersey 07105.

Proposed respondent Rooney Appliance, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 500 Market Street, Saddle Brook, New Jersey 07662.

Proposed respondent Schenck Appliance Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at Route 88 and Laurelton Circle, Bricktown, New Jersey 08723.

Proposed respondent Summerton Appliance, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 300 Route 9, Englishtown, New Jersey 07726.

Proposed respondent Les Turchin, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 98-100 Albany Street, New Brunswick, New Jersey 08901.

Proposed respondent Tru-Home Sales Co. Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business at 321-16th Avenue, Newark, New Jersy 07103.

Proposed respondents Turchin's Department Stores, Inc. (hereinafter Turchin's) and Turchin's-Rex, Inc. (hereinafter Turchin's-Rex) are corporations organized, existing and doing business under and by virtue of the laws of the State of New Jersey. Turchin's maintains its home office and principal place of business at 116 N. Wood Avenue, Linden, New Jersey 07036. Turchin's-Rex maintains its home office and principal place of business at 2385 Kennedy Boulevard, Jersey City, New Jersey 07304.

Proposed respondents Uneeda Appliance Co., Inc. (hereinafter Uneeda), Uneeda Brook's, Inc. (hereinafter Uneeda Brook's) and Uneeda Appliance Company of Bayonne, Inc. (hereinafter Uneeda Bayonne) are corporations organized, existing and doing business under and by virtue of the laws of the State of New Jersey. Uneeda maintains its home office and principal place of business at 2973 Kennedy Boulevard, Jersey City, New Jersey 07306. Uneeda Brook's maintains its home office and principal place of business at 9 West Main Street, Somerville, New Jersey 08876. Uneeda Bayonne maintains its home office and principal place of business at 432 Broadway, Bayonne, New Jersey 07002.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contains a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to-order to proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they wil be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondent Appliance Dealers Cooperative, a corporation, (hereinafter referred to as ADC) and respondent Murray Gidseg, individually and as Executive Director of ADC and said respondents' agents, representatives, employees, successors and assigns, directly or indirectly, through any corporate or other device in connection with the advertising, offering for sale, sale or distribution of consumer appliances and products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, cease and desist from either individually doing, engaging in or performing any of the following acts, practices or policies or entering into, carrying out, cooperating or acquiescing in any common course of action, understanding, agreement or combination, whether express or implied, between said respondents or between any one or more of them and any other person or firm to do or perform any of the following:

1. Establish, tamper with, maintain, raise, stabilize or control the prices at which consumer appliances and products may be advertised, offered for sale or sold by any retailer.

2. Restrict, limit or otherwise interfere with the right of any retailer of consumer appliances and products to sell such products to any other person or firm.

3. Agree with any other person or firm to refuse to resell consumer appliances and products to any member of ADC unless the member is approved, authorized or franchised by suppliers to receive their merchandise.

4. Restrict, limit or otherwise interfere with the right of any retailer to locate and operate retail stores in any geographic area or territory.

5. Harass, intimidate, coerce or otherwise interfere with any person or firm if an actual or potential effect of such conduct would be to cause or permit any of the acts, practices or policies prohibited by paragraphs one (1) through four (4) of this order.

6. Knowingly withhold or hold back from members or other customers of ADC any purchase price information or any information relating to the amounts of rebates, allowances or discounts due said members or other customers of ADC for merchandise purchased from or through ADC, or take or withhold any other action which has, or may have, the effect of impeding or preventing members or other customers of ADC from determining their net cost for consumer appliances and products at the time of purchase.

7. Communicate, circulate or exchange any information or material which has the purpose or effect of causing any of the acts, practices or policies prohibited by paragraphs one (1) through six (6) of this order.

II

It is further ordered, That Ace Electronic Service Co., Inc., Solar Appliance Centers, Inc., Ajay Appliance Sales & Service, Inc., Apex Appliance Distributors, Inc., Bell Appliance Co., Inc., Paul Bergman, an individual trading and doing business as Brown's Appliance Co., Charles Stein, an individual trading and doing business as Economy Stove & Plumbing Supply Co., Flynn Appliances, Inc., Frank Schwartz, an individual trading and doing business as Franks Sales & Service Co., Goldklang's Appliance City, Inc., Harvey's of New Milford, Inc., Karl's Sales & Service Co., Inc., Keystone Appliance Co., Inc., Lichtman Bros. Inc., Mrs. G. Inc., Paul's Home Furnishings Co., Inc., Town Appliance, Inc., Rooney Appliance, Inc., Schenck Appliance Corporation, Summerton Appliance, Inc., Les Turchin, Inc., Tru-Home Sales Co. Inc., Turchin's Department Stores, Inc., Turchin's-Rex, Inc., Uneeda Appliance Co., Inc., Uneeda Brook's, Inc., Uneeda Appliance Company of Bayonne,Inc. (hereinafter referred to as respondent retailers) and said respondent retailers' successors, assigns, officers, representatives, agents and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with the offering for sale, sale or distribution of consumer appliances and products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, shall not, either individually or collectively:

Engage in, carry out, cooperate, or acquiesce in any act, practice or policy or any common course of action, understanding, agreement or combination between any two or more of said respondent retailers or between any one or more of them and respondent ADC or respondent Murray

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Gidseg, their representatives, agents, designees, successors and assigns, if an effect would be to restrict, interfere, or tamper with the purchase, advertising, pricing, offering for sale, sale or distribution of consumer appliances and products, the selection of customers, or the location of places of business by any person or firm, or between any one or more of said respondent retailers and any other person or firm, if any effect would be to restrict, interfere, or tamper with the purchase, advertising, or pricing of consumer appliances and products, or the location of places of business by any person or firm.

III

It is further ordered, That respondent ADC, either directly or through its representatives, designees, successors and assigns, shall disclose to ADC members on an equal and timely basis all material matters considered and actions taken at all board, committee, membership and subgroup meetings or by the membership, or any board, committee or subgroup which affect, or may affect, the business of ADC including, without limitation, all information relating to the purchase or sale by ADC of consumer appliances and products purchased or to be purchased by or on behalf of ADC, its agents, representatives or designees.

IV

It is further ordered, That respondent ADC, either directly or through its representatives, designees, successors and assigns, shall provide adequate and equal prior notice to each ADC member, of all meetings (except as to meetings of committees or subgroups provided for in paragraph V below) at which merchandise matters are to, or may, be discussed or considered. If any member of ADC shall be permitted to attend any such meeting, then all members of ADC shall be provided with an opportunity to attend and participate in such meeting and related discussions and matters.

V

It is further ordered, That the officers and directors of ADC, annually, shall appoint the representatives of members of ADC to serve as members of committees or subgroups, including committees and subgroups involved in dealings with manufacturers, distributors or suppliers. Such appointments shall be made on a fair, impartial and non-discriminatory basis, shall be determined on the basis of the trade experience and expressed desires of the respective members of ADC and shall not be determined, directly or indirectly, on the basis of the size or volume of purchases of any member or such member's status as an officer or director of ADC. If any member of ADC has expressed a desire to have its representative serve as a member of a committee or subgroup involved in dealings with manufacturers, distributors or suppliers and has been denied such membership for a particular year, such member shall have the right to have a representative attend, in a non-voting capacity, all meetings and activities of such committee or subgroup, and shall be entitled to receive timely notices thereof to the extent possible in the normal course of business. All notices of meetings and activities shall be communicated on an equal basis to all members of ADC which are entitled to have a representative attend such meetings or activities.

VI

It is further ordered, That respondent ADC notify the Commission at least thirty (30) days prior to any proposed corporate change, such as dissolution, assignment, sale, or reorganization resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change which may affect compliance obligations arising out of this order.

VII

It is further ordered, That at the next meeting of the Board of Directors of respondent ADC, which shall in no event be later than thirty (30) days from the date of service of this order, said Board of Directors shall cause the by-laws of ADC to be amended to include each of the paragraphs of this order and shall terminate and cancel any rule, articles, resolution, regulation or by-law of ADC which is contrary to or inconsistent with any provision of this order.

VIII

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

APPLIANCE DEALERS COOPERATIVE ET AL.

[File No. 781-0007]

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has provisionally accepted an agreement to a proposed consent order from Appliance Dealers Cooperative, Murray Gidseg, its executive director, twenty-two member companies and five additional companies that are affiliated with member companies through common ownership.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that ADC, acting through its executive director and certain of its members: tampered and otherwise interfered with the retail prices at which the members and their affiliates (hereinafter respondent retailers) sold consumer appliances and products; prevented or inhibited transshipping of said products by the respondent retailers to other dealers; allocated geographic territories in which members could operate retail stores; and harassed, intimidated and coerced members who failed to adhere to the aforementioned restrictive policies and practices.

The proposed order prohibits respondents from engaging in individual acts or agreements among themselves or with others to: Control or tamper with the retail prices of the proposed respondent retailers; interfere with the right of any retailer to sell products to any other person or firm; refuse to sell products to certain members; restrict the right of any retailer to locate and operate retail stores in any geographic area and harass or intimidate any person or firm in order to cause or effectuate such restrictive practices.

The proposed order contains provisions which insure that the proposed respondent retailers are free to price and market the products which they purchase from ADC as they see fit. In addition, the order contains provisions that will insure that all members of ADC will receive, on an equal and timely basis, all material information relating to the business of ADC including all information relating to the purchase or sale of merchandise by ADC.

The purpose of this analysis is to facilitate public comment on the proposed order and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4750 Filed 2-12-79; 8:45 am]

[6750-01-M]

[16 CFR Part 13]

[File No. 782 3000]

INTERMATIC, INC.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Spring Grove, Ill., manufacturer and distributor of electrical devices to cease misrepresenting energy or cost savings that may be realized through the use of its water heater timer without disclosing that use of the timer would decrease the quantity and temperature of hot water used, and adversely affect dishwasher operations. The firm would be required to make relevant disclosure statements in product advertising, labeling and instructions; and recall all previously disseminated material which fails to conform with the terms of the order. Additionally, the firm would be required to continue its existing refund policy; and maintain specified records for designated time periods.

DATE: Comments must be received on or before April 14, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

William C. Erxleben, Director, 10R, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174. (206) 442-4655.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the Matter of Intermatic Incorporated, a corporation; (File No. 782 3000) agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Intermatic Incorporated ("Intermatic"), it now appears that proposed respondent Intermatic is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Intermatic, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent is a Delaware corporation which has its office and principal place of business located at Intermatic Plaza, Spring Grove, Illinois 60081.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to the agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of the complaint, will be placed on the public record for a period of sixty days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the draft complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives all rights to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that proposed respondent may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

This order applies to respondent Intermatic Incorporated ("Intermatic"), its successors, assigns, officers, agents and employees, whether acting directly or through any corporation subsidiary, division or other device. Order provisions apply to any acts taken in connection with Intermatic's advertising, displaying, offering for sale, sale or distribution of electric water heater timers except that paragraphs I.C., X., XI., and XII. also apply to any other electric appliance or device which is promoted, displayed, offered for sale or distributed directly or indirectly to consumers, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended.

I. *It is ordered* that Intermatic cease and desist from representing, directly or by implication, that:

A. Use of Intermatic's water heater timers will result in substantial savings on hot water heating bills without significant reduction in the temperature or quantity of hot water used, except where the savings would be attributable to the consumer's use of the timer to take advantage of utilities' discount or time-of-day rates.

B. Significant cost savings from the use of the water heater timer are attributable to saving energy used by water heaters during periods when no hot water is being drawn off. This subparagraph does not prohibit respondent from making any respresentation that meets the requirements of subparagraph I.C., below.

C. Any energy or cost savings can be realized by any electric appliance or device unless Intermatic has a reasonable basis in valid scientific studies or tests from which to conclude that typical consumers, in the areas in which the representations are disseminated, will achieve those savings under expectable and usual consumer usage.

II. *It is further ordered* that Intermatic make the following affirmative disclosures in any advertisement or promotional, labeling, or packaging material for its water heater timer:

A. That cost savings are accompanied by a decrease in the quantity and temperature of hot water available.

B. That dishwashers should be used during certain periods of the timer's cycle in order to operate properly.

The above affirmative disclosures shall be made clearly and conspicuously. The disclosure required in subparagraph II.A. shall be in close conjunction with and in type size at least as large as any reference to cost savings. In the case of packaging materials these disclosures need be made only once; the disclosure required in subparagraph II.A shall be on the most prominent face of each packaging material.

The above affirmative disclosures need not be made in any advertisement: (1) which is disseminated only in areas where some form of discount or time-of-day rates are offered by local utilities or where such rates are reasonably foreseeable; and (2) where no cost savings claim is made except a claim that the water heater timer provides savings by turning the water heater off during periods of higher rates.

The affirmative disclosure contained in subparagraph II.B. need not be made in advertising prepared by customers of respondent and for which respondent pays only part of the cost; provided that the advertising appears as part of a multi-product advertisement the portion of which advertisement relating to the Intermatic water heater timer is no greater than eleven (11) square inches and the purpose of which is only to make the availability of the product at the retail outlet known.

III. *It is further ordered* that Intermatic's instructions or directions for use of its water heater timer contain the following information in clear lay language:

A. The affirmative disclosures in paragraph II above. Type size shall be the same as (or larger than) that of the rest of the instructions or directions.

B. A statement that when the timer is off, the temperature of the water in the tank will decline. An explanation that if the consumer increases the amount of water drawn from the hot water tank as the temperature drops (such as by adjusting the hot/cold mix at a faucet) or uses any hot water during the "off" periods of the timer the temperature of available hot water will be decreased.

C. A method for using a dishwasher in order to have hot water available at the maximum temperature.

D. That the local electrical utility should be contacted to determine how to use timers on water heaters to avoid or minimize peak load demand problems for the utility.

E. A statement that in the event that the electrical utility serving the consumer introduces lower rates for "off peak" electrical consumption, the consumer should contact the utility to determine the "off-peak" periods so as to take advantage of lower rates.

IV. *It is further ordered* that Intermatic immediately recall from all persons and entities that have engaged in the advertising, promotion, sale or distribution of the Intermatic water heater timer since January 1, 1977 (or request the disposal of) all advertising mats and promotional materials which contain a representation prohibited by this Order or which omit a disclosure required by this Order.

V. *It is further ordered* that Intermatic prepare and distribute to all Intermatic customers who may reasonably be expected to have remaining stocks of the Intermatic water heater timer on hand, replacement packaging materials and instructions to con-

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form with the terms of this Order. Intermatic shall ask its customers to replace the packaging materials and instructions with the new ones provided, prior to making a further sale of the Intermatic water heater timer. In lieu of replacing the packaging materials Intermatic may provide its customers with self-adhesive labels to cover existing packaging materials.

VI. *It is further ordered* that Intermatic distribute a copy of this order to each of its customers to which it has shipped five or more water heater timers at any time since January 1, 1977.

VII. *It is further ordered* that Intermatic continue its present policy of refunding the purchase price and installation cost for the Intermatic water heater timer.

VIII. *It is further ordered* that Intermatic prepare a point-of-sale display, in a form to be approved by authorized representatives of the FTC, which clearly and conspicuously (1) refers to the Intermatic "Little Gray Box" water heater timer; (2) contains the affirmative disclosures in paragraph II above; and (3) contains a statement of the refund policy required by paragraph VII above. Intermatic shall provide copies of the display, directly or through its distributors, to all retail stores which have sold the Intermatic water heater timer at any time since January 1, 1977, and request that the stores post the display for at least 30 days.

IX. *It is further ordered* that respondent maintain complete business records relative to the manner and form of its compliance with this Order. Respondent shall retain each record for at least three years, and shall retain substantiation and other documentation at least two years beyond the last dissemination of any representation contingent thereon under the provisions of this Order. Upon reasonable notice, respondent shall make any and all the records available for inspection and photocopying by authorized representatives of the Federal Trade Commission.

X. *It is further ordered* that respondent forthwith deliver a copy of this Order to each operating division and affiliated business, to all present and future franchisees and licensees, and to all employees or agents now or hereafter engaged in the sale or offering for sale of respondent's products or in any aspect of the preparation, creation or placing of advertising on behalf of respondent; and that respondent secure from each such person a signed statement acknowledging receipt of this Order. In the case of persons or entities not involved with respondent's water heater timers, this paragraph shall be satisfied by delivery of a statement including, verbatim, the Order preamble and Paragraph I.C., above.

XI. *It is further ordered* that respondent notify the Commission at least thirty days prior to any proposed change in a corporate respondent in which the respondent is not a surviving entity, such as dissolution, assignment or sale resulting in the emergence of any successor corporation or corporations, or any other change in said corporations which may affect compliance obligations arising out of the Order.

XII. *It is further ordered* that respondent shall, within sixty days after service upon it of this Order, file with the Commission a report setting forth in detail the manner and form in which it has complied with this Order.

INTERMATIC INC.; (FILE NO. 782 3000)

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Intermatic Incorporated.

The agreement and order have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Intermatic Incorporated is a Delaware corporation which manufactures, sells and distributes a variety of electric appliances (primarily electrical timing and switching devices) for home and business usage. The complaint alleges that Intermatic disseminates promotional material for the Intermatic "little gray box" water heater timer which violates Section 5 of the Federal Trade Commission Act in several respects. First, Intermatic represents that its water heater timer will save the consumer money by eliminating previously wasted energy rather than by simply reducing the temperature and quantity of hot water available. Second, Intermatic misrepresents the amount of time during which the water heater must remain "on" in order to provide adequate hot water for the average consumer, and fails to disclose that use of the timer will require a change in life style, especially that some household appliances such as the dishwasher will only function properly during certain periods of the timer's cycle. Finally, widespread use of the water heater timer in the manner suggested by Intermatic could cause significant problems for local utilities. The Intermatic timer used as Intermatic suggests operates not so much to conserve energy as to defer consumption of electricity previously consumed during the off-peak hours to periods of high electricity demand, i.e., morning and early evening.

The proposed consent order deals with each of these problems. First, the allegedly deceptive claims are prohibited. Second, future ads, labels and instructions must contain certain information necessary for consumers to understand how the timer functions. For example, Intermatic is required to disclose in its advertising and packaging materials that the timer functions by reducing the quantity and temperature of hot water available and that dishwashers must be used during certain periods of the timer's cycle in order to operate properly. Intermatic is required to include in the instructions for use and installation of the timer, enclosed with each timer sold, that use of the timer as suggested could create peak load demand problems for the local utility. Finally, Intermatic's existing policy of refund to any dissatisfied customer was considered sufficient protection for previous customers who might have been misled by Intermatic's promotional materials. The order requires Intermatic to continue to honor its refund policy.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4749 Filed 2-12-79; 8:45 am]

[6750-01-M]

[16 CFR Part 13]

[File No. 792 3035]

RENAULT U.S.A., INC.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require an Englewood Cliffs, N.J. seller and distributor of automobiles to cease limiting the duration of implied warranties; make available to purchasers who had been issued incorrect written limited warranties all relief provided by applicable state law, and refrain from raising any defense relating to the limitation of implied warranties in law suits brought by such purchasers. Additionally, the firm would be required to notify all purchasers who had received incorrect written limited warranties that they have an implied warranty on the drive train of their vehicle for as long as four years, depending on state law; and furnish them with an explanation of how implied warranties protect consumers. The firm would also be required to advise their dealers of their servicing obligations to purchasers who had been issued improper written limited warranties.

DATE: Comments must be received on or before April 14, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

FTC/PS, Michael E. K. Mpras, Washington, D.C. 20580. (202) 523-1642.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

In the matter of Renault U.S.A., Inc., a corporation, File No. Agreement Containing Consent order To Cease and Desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Renault U.S.A., Inc., a corporation, and it now appearing that said corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

IT IS HEREBY AGREED by and between Renault U.S.A., Inc., a corporation, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey with its office and principal place of business located at 100 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with related materials pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondent, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding. The Commission may, at any time pending issue of this order, require hearings on the relief requirements provided by this order.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission, pursuant to the provisions of section 2.34 of the Commission's Rule, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

ORDER

I. DEFINITIONS

For the purposes of this Order the definitions of (1) the terms "written warranty" and "consumer product" as defined in section 101 of the Warranty Act shall apply, and (2) "incorrect limitation" shall mean the attempted limitation of the duration of the implied warranties on the internal engine, internal transmission (manual or automatic) and internal differential parts to 12,000 miles or 12 months, whichever comes first, as set forth in Paragraph Five of the complaint.

II.

IT IS ORDERED that respondent Renault U.S.A., Inc., a corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or indirectly, through any corporation, subsidiary, division or any other device in connection with the advertising, offering for sale and sale of motor vehicles shall do the following:

A. Shall not limit the duration of the implied warranties with respect to any motor vehicle or part of such vehicle for a period which is shorter than the period of the express written warranty applicable to such motor vehicle or part.

B. For the period allowed by applicable state law:

1. Shall not raise any defenses pertaining to the limitation or modification of implied warranties as they relate to the internal engine, internal transmission and internal differential parts, in any case, suit or other proceeding brought against respondent by consumers who have purchased any of respondent's warranted motor vehicles manufactured after July 3, 1975 and were issued a written limited warranty stating the incorrect limitation.

2. Provide, in good faith, all consumers who have purchased any of respondent's warranted motor vehicles manufactured after July 3, 1975 and were issued a written limited warranty stating the incorrect limitation and which motor vehicles do not comply with all of the implied warranties as they relate to the internal engine, internal transmission and internal differential parts, with all relief available to them by applicable state laws.

C. Notify all consumers who have purchased any of respondent's warranted motor vehicles manufactured after July 3, 1975 and were issued a written limited warranty stating the incorrect limitation, by mailing to each such consumer the notice set forth in Appendix A of this complaint and order. In order to comply with this paragraph, respondent must ascertain who are registered under state law as the owners of such vehicles, and whose names and addresses are reasonably ascertainable through such state records by a commercial locator engaged by respondent.

D. Notify, by letter, all of its authorized Renault dealerships that respondent may be liable to all Renault owners who purchased Renault vehicles manufactured after July 3, 1975 and were issued a written limited warranty stating the incorrect limitation for breach of the implied warranties, including the implied warranty of merchantability and the implied warranty of fitness for a particular purpose for the period of time allowed by applicable state law. This notice shall, also, instruct the dealerships as to their servicing obligations, procedure for warranty claims by affected Renault owners and compensation of dealerships by respondent for work done pursuant to respondent's amended warranties and service manuals, and this order.

E. Notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any change in the corporation which may affect compliance obligations arising out of the order.

F. Deliver instructions, pursuant to this order, or a copy of this order, to all present and future personnel, agents and representatives of respondent, located in national or regional distribution offices, who review and approve warranty claims, and provide technical assistance regarding warranty claims, service and performance.

G. Maintain, for a period of three (3) years from the effective date of the order, complete business records of the manner and form of respondent's continuing compliance with all the terms and provisions of this order, to be furnished, upon request to the staff of the Federal Trade Commission during normal business hours and upon reasonable advance notice.

H. Shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

APPENDIX A

DEAR RENAULT OWNER: Following a review of our written Limited Warranty by the Federal Trade Commission, it was pointed out to us that we had made an error in part of our written Limited Warranty. We have voluntarily agreed with the FTC to write you this letter as part of a way to correct that error. [FTC Docket No. —— and date of order]

When you bought your Renault car you also received a copy of our Limited Warranty. That warranty was for 12 months or 12,000 miles from the date of delivery or first use, whichever comes first, with addi-

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tional coverage for 24 months or 24,000 miles on the drive train (which covers internal engine, internal transmission and internal differential parts). Included in that warranty, found in your warranty and maintenance guide, is a paragraph labeled "Implied Warranties Limitation" in which we incorrectly limited your implied warranties to 12 months or 12,000 miles on the drive train.

The Federal Warranty Law, the Magnuson-Moss Warranty Act, does not allow the implied warranties to run for a period shorter than the express written limited warranty. Because of our error, you now have implied warranties on the drive train of you car for as long as four years, depending on what your state law provides.

Implied warranties are rights created by state law, not by Renault or any other company. All states have them and they are in addition to the protection you get from written warranties (like our Limited Warranty). The most common implied warranty is the warranty of merchantability. This means that we promise that the car you bought is fit for the ordinary uses of the car, which include safe, efficient driving.

Another implied warranty is the warranty of fitness for a particular purpose. If you bought your car relying on our advice or statements in our advertisements that it can be used for a special purpose, then this advice may create a warranty.

The above discussion refers only to *implied warranties. Renault reminds you that in no event is your written warranty on the drive train extended beyond 24 months or 24,000 miles.*

If you feel that your car has a defect that is covered by either of these implied warranties, please contact your dealer, or call us at (telephone number) (this is a toll-free number for you).

If you have sold your car, please tell the new owner about this, or tell us and we will write to him/her.

Sincerely,

RENAULT U.S.A., INC.,
Customer Relations Department.

RENAULT U.S.A., INC., FILE No. DH8 0069

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Renault U.S.A. Inc., a corporation, with its principal place of business in Englewood Cliffs, New Jersey.

The proposed consent order has been placed on the public record for sixty (60) days for the receipt of comments by interested persons. Comments received during this period will become a part of the public record. After sixty (60) days, the Commission will again review the consent order and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The proposed complaint alleges that Renault distributes and sells automobiles to the general public. In connection with the distribution and sale of its automobiles, Renault offers a written limited warranty on the drive train of its vehicles for 24 months or 24,000 miles, whichever comes first.

The proposed complaint also alleges that Renault has violated Section 108(b) of the Magnuson-Moss Warranty Act and Section 5 of the Federal Trade Commission Act by incorrectly attempting to limit the implied warranties on the drive train of its vehicles to 12 months or 12,000 miles, whichever comes first.

Implied warranties are created by state law, not by Renault. All states have them, and they are in addition to the protection consumers receive from written warranties. They give consumers protection that promises a car will be fit for ordinary use, and, under certain circumstances, that a car purchased for a specific purpose will be useful for that purpose. Under Federal warranty law, warrantors cannot limit implied warranties to a period shorter than the written "limited" warranty.

The agreement to the proposed consent order requires Renault to:

(1) Cease and desist from the prohibited practice.

(2) Make available to all purchasers all relief available to them under applicable state law, and refrain from raising any defense relating to the limitation of implied warranties on the drive train.

(3) Notify all purchasers: (a) that they have implied warranties on the drive train of their vehicles for as long as 4 years, depending on state law; and (b) an explanation of implied warranties, and how they protect consumers.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way the terms of the proposed order.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4748 Filed 2-12-79; 8:45 am]

[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 182, 186]

[Docket No. 78N-0111]

SULFAMIC ACID

Affirmation of GRAS Status as an Indirect Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of sulfamic acid as an indirect human food ingredient. The safety of this ingredient has been evaluated under the comprehensive safety review being conducted by the agency. The proposal would list the ingredient as an indirect food substance affirmed as GRAS.

DATES: Written comments by April 13, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration is conducting a comprehensive safety review of direct and indirect human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposals (see the FEDERAL REGISTER of July 26, 1973 (38 FR 20040)) initiating this review. The safety of sulfamic acid has been evaluated under this review. In accordance with the provisions of § 170.35 (21 CFR 170.35), the Commissioner proposes to affirm the GRAS status of this ingredient.

Sulfamic acid (NH_2SO_3H, CAS Reg. No. 5329-14-6), the monoamide of sulfuric acid, is a white crystalline solid. Sulfamic acid is not found in nature. It is prepared commercially from urea, sulfur trioxide, and sulfuric acid. It is soluble in water and is highly ionized, the pH of a 1-percent solution being 1.18. Sulfamic acid is listed in § 182.90 (21 CFR 182.90) as GRAS for use in paper and paperboard food-packaging materials, under a regulation published in the FEDERAL REGISTER of June 17, 1961 (26 FR 5421).

The approximate amounts of sulfuric acid imported in recent years, in milions of pounds, were reported to be 9.2 in 1970, 5.4 in 1971, and 5.2 in 1972. No comparable data are available for sulfamic acid production in the United States. Additionally, there is no information available concerning the amount of sulfamic acid used annually in food-packaging materials. It is known, however, that sulfuric acid is widely used for industrial purposes, such as acid cleaning, electroplating, bleaching, corrosion inhibiting, etc., and the ammonium salt of sulfuric acid is used for agricultural purposes as a herbicide. After reviewing available food-packaging data, the Select Committee on GRAS Substances has expressed the opinion that the amount of sulfamic acid entering the human food supply as a migrant from food-packaging materials is minute.

Sulfuric acid has been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 71 abstracts on sulfuric acid was reviewed, and 35 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Two of a group of ten rats given oral doses of a 4 percent solution of sulfamic acid at levels of 1.6 g sulfamic acid per kilogram of body weight died in 12 to 20 hours; in similar tests eight of a group of eight rats survived without toxic signs as much as 1.6 g per kilogram of orally administered ammonium sulfamate given in a 4 percent solution. It has been noted that Spencer indicated the oral LD_{50} of sulfamic acid in rats to be 1.6 mg per kg. The author believes that this figure is in error and that it should have been 1.6 g per kg. The acute oral LD_{50} of ammonium sulfamate in rats is reported as 3.9 g per kg and 1.6 g to 4.4 g per kg.

Based on a rating of sulfamic acid and its salts as moderately toxic substances, the lethal oral dose of sulfamic acid in man is probably between 0.5 and 5.0 g per kg body weight and may be as much as 5 to 15 g per kg body weight for technical grade ammonium sulfamate. The Environmental Protection Agency has established a tolerance of 5 ppm for ammonium sulfamate on apples and pears and has recently announced that ammonium sulfamate is one of the substances for which they are seeking additional toxicological data for purposes of re-registration of this herbicide.

Sulfamic acid or ammonium sulfamate in the diet of rats for 15 weeks retarded growth at the 2 percent level but not at 1 percent (estimated intakes varied between 0.5 and 1.0 g per kg per day for the 1 percent level and 1.5 and 2.5 g per kg per day for the 2 percent level). Neither substance was toxic to dogs in oral doses of 100 mg per kg daily over a period of 6 days. When fed to cattle at a concentration of one percent in silage, sulfamic acid induced severe diarrhea, but no effect was noted at 0.5 percent of the diet (doses estimated to be 150 mg per kg per day and 75 mg per kg per day, respectively). Sulfamic acid was irritating to human skin when applied as a 4 percent solution. The effect was probably due to the high acidity of the solution since ammonium sulfamate does not have the same effect. The dosages used in these studies and in the acute toxicity studies noted above far exceeded the possible levels of human ingestion that might result from the migration of sulfamic acid from paper and paperboard packaging materials.

Sulfamate ion from sulfamic acid or ammonium sulfamate fed orally to dogs (1 g daily for 6 days) gave no systemic toxic effects, was not metabolized, and was excreted unchanged in the urine. Sulfamic acid exerts moderate germicidal activity against gram-negative bacteria and less activity against gram-positive forms.

No long-term toxicity studies or studies of possible carcinogenicity, mutagenicity, or teratogenicity of sulfamic acid were available to the Select Committee.

All the available information pertaining to sulfamic acid has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

It seems most unlikely that more than minute amounts of sulfamic acid might occasionally enter foods by migration or abrasion from packaging materials. The acute toxicity of sulfamic acid is relatively low; it does not appear to be metabolized but is excreted unchanged in the urine.

The Select Committee concludes that there is no evidence in the available information on sulfamic acid that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used in food-packaging materials as now practiced or as it might be expected to be used for such purpose in the future. The Federation of American Societies for Experimental Biology evaluated the data on both sulfamic acid and ammonium sulfate and concluded that sulfamic acid is GRAS. Based on his own evaluation of available information on sulfamic acid and ammonium sulfamate, the Commissioner concurs with this conclusion. The Environmental Protection Agency (EPA) has requested additional data on ammonium sulfamate for direct herbicide use on apples and pears as part of its re-registration program. However, EPA's concern about the direct application of ammonium sulfamate to fruit does not raise a substantial question about the GRAS status of sulfamic acid used in food-packaging materials because of the minute amounts of sulfamic acid expected to enter the food as a result of such use. The Commissioner therefore concludes that no change in the current GRAS status of sulfamic acid is justified.

Copies of the scientific literature review on sulfamic acid and the report of the Select Committee are available for review at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22151, as follows:

Title	Order No.	Price Code	Price*
Sulfamic acid (scientific literature review)	PB 228-552/AS	A 03	$4.50
Sulfamic acid (Select Committee report)	PB 262-664/AS	A 02	4.00

*Price subject to change.

This proposed action does not affect the present use of sulfamic acid for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 182 and 186 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.90 [Amended]

1. In Part 182, § 182.90 *Substances migrating to food from paper and paperboard products* is amended by deleting "Sulfamic acid" from the list of substances.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. In Part 186, by adding new § 186.1093, to read as follows:

§ 186.1093 **Sulfamic acid.**

(a) Sulfamic acid (NH_2SO_3H, CAS Reg. No. 5329-14-6) is a white crystalline solid manufactured from urea, sulfur trioxide, and sulfuric acid. It is soluble and highly ionized in water.

(b) The ingredient meets the following specifications:

(1) *Assay.* Not less than 98 percent. Dissolve about 2 grams, accurately weighed, in 40 milliliters of water, add bromothymol blue T.S., and titrate with 1 *N* sodium hydroxide. Each milliliter of 1 *N* sodium hydroxide is equivalent to 97.09 milligrams of NH_2SO_3H.

(2) *Limits of impurities*—(i) *Heavy metals (as Pb).* Not more than 20 ppm (0.002 percent) (Food Chemical Codex (FCC), 2d Ed. (1972),[1] Method II).

(ii) *Residue on ignition.* Not more than 0.05 percent (FCC test).

(c) The ingredient is used as a constituent of paper and paperboard used for food packaging.

(d) the ingredient is used at levels not to exceed good manufacturing practice in accordance with § 186.1(b)(1).

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[1]Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

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The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a wavier of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisons, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before April 13, 1979 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: February 5, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

NOTE.—Incorporation by reference approved by the Director of the Office of the Federal Register on July 10, 1973 and is on file in the Federal Register Library.

[FR Doc. 79-4660 Filed 2-12-79; 8:45 am]

[4110-03-M]

[21 CFR PART 436]

[Docket No. 76N-0123]

ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS; GRAMICIDIN AND TYROTHRICIN POTENCY ASSAY

Proposed Addition of New Medium; Withdrawal

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Commissioner of Food and Drugs is withdrawing a proposal to establish a new medium to be used in the potency assay of gramicidin and tyrothricin. The proposal is being withdrawn for further consideration.

EFFECTIVE DATE: February 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Joan M. Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of May 12, 1976 (41 FR 19348), the Commissioner proposed to amend §§ 436.102 and 436.103 (21 CFR 436.102 and 436.103) to establish a new medium to be used in the potency assay of gramicidin and tyrothricin.

Because of comments received and the length of time since the proposal was published, the Commissioner has decided to withdraw the proposal and reconsider the matter. If it is concluded that further action is required, a new proposal will be issued.

Therefore, the proposal published in the FEDERAL REGISTER of May 12, 1976 (41 FR 19348) is hereby withdrawn. This withdrawal is issued under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: February 6, 1979.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 79-4658 Filed 2-12-79; 8:45 am]

[1505-01-M]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1 and 7]

[LR-165-76]

HOMEOWNERS ASSOCIATIONS

Proposed Rulemaking

Correction

In the third line of the third highlight (INCOME TAX) appearing on the cover page of the issue of Tuesday, January 9, 1979, the hearing request date of 4-9-79 for FR Doc. 79-699 which appeared at page 1985 is incorrect. For the convenience of the reader, the correct date and the highlight is being republished.

INCOME TAX

Treasury/IRS proposes regulation to determine whether an organization qualifies as a homeowners association; comments and hearing request by 3-12-79..... 1985

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1058-6]

STATE OF DELAWARE

Proposed Revision of Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Delaware has submitted a proposed revision of the State Implementation Plan (SIP) consisting of: (1) Court of Chancery injunction for the Phoenix Steel Corporation's (Phoenix) plant located in Claymont, Delaware; (2) amendments to Delaware Regulations No. V, XIV, and XVII as they apply to emissions from electric arc furnaces; and (3) a newly adopted Regulation No. XXIII entitled "Standards of Performance for Steel Plants: Electric Arc Furnaces". The injunction replaces a one-year variance granted by the State on December 2, 1977, for charging and tapping operations of the electric arc furnaces at the Company's plant in Claymont, Delaware. The injunction requires Phoenix to comply on or before December 5, 1980 with regulations promulgated by Delaware's Department of Natural Resources and Environmental Control ("the Department") which apply to electric arc furnaces. Prior to achieving final compliance, Phoenix Steel Corporation shall not exceed the emission rates identified in the dispersion modeling analysis in support of the revision.

DATE: Comments must be submitted on or before April 16, 1979.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Bernard E. Turlinski.

State of Delaware, Department of Natural Resources, Division of Environmental Control—Air Resources, P.O. Box 1401, Lockerman Street and Legislative Avenue, Dover, Delaware 19901, ATTN: Robert R. French.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW. (Waterside Mall), Washington, D.C. 20460.

All comments on the proposed revision submitted before April 16, 1979, will be considered and should be directed to:

Mr. Howard Heim, Chief, Air Programs Branch, Air & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: AH008DE.

FOR FURTHER INFORMATION CONTACT:

Bernard E. Turlinski, Regional Energy Coordinator (3AH13), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone number (215) 597-8176.

SUPPLEMENTARY INFORMATION: The Secretary of the Department of Natural Resources and Environmental Control applied to the Court of Chancery of the State of Delaware for a permanent injunction against Phoenix Steel Corporation concerning compliance with the applicable provisions of Regulation No. V, Section 4 (Particulate Emissions from Industrial Process Operations) and Regulation XIV, Section 2 (Visible Emissions) and was issued said injunction by the Court on January 5, 1977. The injunction provided 57 months for compliance. Those regulations were part of Delaware's Implementation Plan pursuant to section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

On June 1, 1977, Phoenix Steel Corporation requested a variance from the provisions of Regulation V, Section 4 and Regulation XIV, Section 2, of the Department's Regulations Governing the Control of Air Pollution with respect to particulate and visible emissions during charging and tapping operations of the electric arc furnaces at its plant in Claymont, Delaware. A public hearing on the variance request was held on September 20 and continued on September 26 and 27, 1977. By order of the Secretary, the Department of Natural Resources and Environmental Control granted Phoenix Steel Corporation a one-year variance from the provisions of Regulation XIV, Section 2 and denied the request for variance from Regulation V, Section 4.

On December 2, 1977, the Secretary submitted the visible emissions variance to the Environmental Protection Agency (EPA) for consideration as a revision of the Delaware SIP. On the same date the Department adopted amendments to Regulations No. V and XIV and a new Regulation No. XXIII "Standards of Performance for Steel Plants: Electric Arc Furnaces" and submitted the amendments and the new regulation to EPA as revisions of the SIP.

In parallel with the activities involving the above variance request, the parties to the original injunction also requested that the Court issue a superseding injunction reducing the time for compliance from the Order under the prior injunction. The amended injunction now requires compliance with the provisions of Regulation No. XXIII on or before December 5, 1980.

A public hearing was held on July 6, 1978, in accordance with 40 CFR Section 51.4, to consider the amended injunction as a revision to the Delaware SIP.

The amended injunction was adopted by the Department of Natural Resources and Environmental Control on September 26, 1978, and submitted to the EPA for approval on October 5, 1978. In the letter dated October 5, the Secretary requested that the one-year variance granted by the Department to Phoenix Steel Corporation and submitted as a revision to the SIP on December 2, 1977, be withdrawn in favor of the Court of Chancery amended injunction. The Secretary further requested that the EPA continue consideration of the amendments to Regulations No. V and XIV and the new Regulation No. XXIII.

In the succeeding paragraphs the key provisions of the revision are summarized.

A. Court of Chancery injunction—the purpose of the injunction is to resolve alleged violations by Phoenix of the provisions of Regulation V, Section 4 and Regulation XIV, Section 2, by requiring that Phoenix select and install air pollution abatement equipment according to the following schedule:

1. On or before April 5, 1978, Phoenix shall select the type of system to be used to control charging and tapping emissions from its electric arc furnaces. (Completed)

2. On or before April 15, 1978, Phoenix shall complete the design and general specifications for the system. (Completed)

3. On or before May 15, 1978, Phoenix shall place the order for equipment of the system applicable to the first phase of the design. (Completed)

4. On or before May 15, 1978, Phoenix shall transmit to the Secretary the date on which Phoenix will place the order for equipment of the system applicable to the second phase of the design. (Completed)

5. On or before November 5, 1980, Phoenix shall complete installation of the balance of the system.

6. On or before December 5, 1980, Phoenix shall operate the system in compliance with the Department's regulations applicable to electric arc furnaces.

7. Item 6 above also is subject to possible extension as stated in Paragraph 16 of the injunction which reads as follows:

"The dates for compliance by Phoenix set forth in this Order shall be extended in the event and to the extent that such compliance by Phoenix shall be prevented or delayed by strikes, force majeure, acts of God or other events beyond the control of Phoenix (when concurred in by the Department, provided such concurrence shall not be unreasonably withheld)."

B. The interim emission levels applicable to Phoenix Steel Corporation prior to achieving final compliance are as follows:

1. Charging and Tapping Operations=3 lbs of particulate matter/ton of steel produced.

2. Electric Arc Furnaces (baghouse)=.05 lbs of particulate matter/ton of steel produced.

3. Argon Lancing=0.2 lbs of particulate matter/ton of steel produced.

4. Production Rate=70 tons of steel/hour.

C. Regulations No. V, & XIV and Regulation No. XVII (Source Monitoring, Record Keeping and Reporting).—The proposed revision exempts from compliance with these provisions, electric arc furnaces, and their associated dust-handling equipment, with a capacity of more than 100 tons.

D. Regulation No. XXIII.—This is a new regulation created expressly for electric arc furnaces with a capacity of over 100 tons. The regulation establishes emission rates for particulate matter, opacity limits during charging and tapping operations, monitoring operations, and describes test methods and procedures.

It is the tentative decision of the Administrator to approve the proposed revision of the Delaware State Implementation Plan.

The public is invited to submit, to the address stated above, comments on

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whether the Court of Chancery injunction and the regulation amendments should be approved as a revision of the Delaware State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination whether the revision meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

(Authority: 42 U.S.C. 7401)

Dated: January 29, 1979.

JACK J. SCHRAMM,
Regional Administrator.

[FR Doc. 79-4649 Filed 2-12-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1058-4]

DELAYED COMPLIANCE ORDERS

Administrative Order Issued By the Puget Sound Air Pollution Control Agency to Lone Star Industries, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Puget Sound Air Pollution Control Agency (PSAPCA) to Lone Star Industries, Inc. The order requires the company to bring air emissions from its cement plant in Seattle, Washington into compliance with certain regulations contained in the federally approved Washington State Implementation Plan (SIP) by July 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before March 15, 1979.

ADDRESSEES: Comments should be submitted to Director, Enforcement Division, EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth D. Brooks, Environmental Protection Agency, M/S 513, 1200 Sixth Avenue, Seattle, Washington 98101, telephone (206) 442-1387.

SUPPLEMENTARY INFORMATION: Lone Star Industries, Inc. operates a cement plant at Seattle, Washington. The order under consideration addresses emissions from the clinker storage at the facility, which are subject to section 9.15 of Regulation I of the Puget Sound Air Pollution Control Agency. The regulations limit the emissions of particulate matter and is part of the federally approved Washington State Implementation Plan. The order requires final compliance with the regulation by July 1, 1979 through expansion and enclosure of the clinker storage building. The source has consented to the terms of the order and has satisfied the first increment contained in the order.

Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA proposes to approve the order because it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the sources for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Washington SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

(Authority: 42 U.S.C. 7413, 7601.)

DONALD P. DUBOIS,
Regional Administrator,
Region 10.

FEBRUARY 1, 1979.

In the matter of: Lone Star Industries, Inc., Seattle, Washington.

[Variance Application No. 212]

WHEREAS, the Congress of the United States amended Section 113(d) of the Federal Clean Air Act by 42 U.S.C. 7401, etc., to procure the attainment of emission standards by noncomplying sources in the United States and the procedure outlined is for the local air pollution agencies to prepare a "Delayed Compliance Order" which would be reviewed and approved by the Department of Ecology and the Environmental Protection Agency, and

WHEREAS, Lone Star Industries, Inc., Seattle, Washington, operates a clinker storage facility that is presently in noncompliance with the emission standards and this Order is being issued pursuant to Section 113(d) of the Clean Air Act and RCW 70.94.141; .155; and .221 and Regulation I of the Puget Sound Air Pollution Control Agency, and

WHEREAS, this Order, pursuant to the Federal Clean Air Act and state law, contains a schedule for compliance, interim requirements and reporting requirements, and

WHEREAS, Puget Sound Air Pollution Control Agency has issued public notice of this Order and of a public hearing before the Board of Directors of the Agency to consider the Order, pursuant to Section 113(d) of the Federal Clean Air Act and the requirements of the Washington State Implementation Plan (WSIP), and

WHEREAS, the Board has considered the entire record and the statements made for and against the Compliance Order and the Board being fully advised in the premises; makes the following:

FINDINGS

I

On May 16, 1978, the U. S. Environmental Protection Agency issued a Notice of Violation pursuant to Section 113(a)(1) of the Clean Air Act, to Lone Star Industries, Inc., upon the finding that the clinker storage facility is in violation of Section 9.15 of Regulation I of the Puget Sound Air Pollution Control Agency, a part of the applicable WSIP, as defined in Section 110(d) of the Act.

II

The observations of violations of Section 9.15 of Regulation I were made by the air pollution inspectors employed by the Puget Sound Air Pollution Control Agency and said observations are of record and on file in the office of the Puget Sound Air Pollution Control Agency.

Based upon the above findings, the Board does hereby enter the following:

ORDER

It is hereby determined that the schedule for compliance is as expeditious as practicable and that the terms of this Order are in compliance with Section 113(d) of the Act and are in furtherance of the public health, safety and welfare of the inhabitants of the Puget Sound area. Therefore, it is hereby ordered:

1. That the Lone Star Industries, Inc., will comply with Puget Sound Air Pollution Control Agency Regulation I, Section 9.15 in accordance with the following schedule on or before the date specified therein:

a. Expansion and enclosure of the Clinker Storage Building.

(1) Submit Notice of Construction—12/29/78.
(2) Procurement (Bids)—2/28/79.
(3) Start Construction—3/1/79.
(4) Complete Construction—6/25/79.
(5) Source in Compliance—7/1/79.

b. Quarterly Progress Reports.

Due Date	Quarter Ending
(1) Apr. 16, 1979	Mar. 31, 1979
(2) June 30, 1979	June 30, 1979

2. That Lone Star Industries, Inc., shall comply with the following interim requirements:

a. That Lone Star Industries, Inc., shall take all precautions to minimize the emissions of clinker dust particulate matter from the subject's storage facility to the maximum degree practicable.

b. That Lone Star Industries, Inc., shall handle the clinker as carefully as possible during transfer of the material in the storage area to minimize clinker dust entrainment as much as practicable.

c. That Lone Star Industries, Inc., shall hold outside storage to a minimum.

These requirements are determined to be the best reasonable and practicable interim system of the emission control and necessary to assure compliance with the Puget Sound Air Pollution Control Agency Regulation I. Section 9.15 insofar as the Lone Star Industries, Inc., is able to comply during the period this order is in effect.

3. That Lone Star Industries, Inc., is not relieved by this Order from any requirements imposed by the Washington State Implementation Plan and/or the courts pursuant to RCW 70.94.710 and RCW 70.94.715, during any period of imminent and substantial endangerment to the health of persons.

4. That Lone Star Industries, Inc., shall comply with the following reporting requirements specified below:

a. Monitoring.

(1) No additional monitoring or record keeping shall be required as a part of this Order.

b. Reporting Requirements.

(1) No later than five (5) days after any date for achievement of an incremental or final compliance, specified in Section 1 of this Compliance Order, Lone Star Industries, Inc., shall notify the Agency in writing of its compliance or noncompliance (state reasons for noncompliance) with such requirement. If delay is anticipated in meeting any requirement of this Order, Lone Star Industries, Inc., shall immediately notify the Agency in writing of the anticipated delay and reason therefore. Notification to the Agency of any anticipated delay does not preclude the Agency from taking enforcement action.

(2) All submittals and reports pursuant to this Order shall be made to: Mr. A. R. Dammkoehler, Air Pollution Control Officer, Puget Sound Air Pollution Control Agency, 410 West Harrison Street, P.O. Box 9863, Seattle, WA 98109, Area Code: (206) 344-7330.

5. That nothing in this Order is to be construed in any way as to prevent enforcement and/or abatement action for any violation of any applicable law, rule or regulation of any other governmental agency.

6. That Lone Star Industries, Inc. is hereby notified that its failure to achieve final compliance by July 1, 1979, may result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act. In the event of such failure, Lone Star Industries, Inc., will be formally notified by the U. S. Environmental Protection Agency or its delegate of its noncompliance pursuant to Section 120(b)(3) of the Act and to any applicable regulation promulgated thereunder.

7. That this Order shall be terminated by the Board of Directors, if it is determined on the record, after notice and hearing, that an inability to comply with PSAPCA Regulation I, Section 9.15 no longer exists.

8. That failure to comply with any condition and/or complete any specific action by its related date without prior written approval of the Agency, shall subject Lone Star Industries, Inc., to appropriate penalties and/or legal remedies as provided in RCW 70.94, for any violation of Regulation I; provided further that this Order does not prevent the Agency, during the term of the Order, from issuing to Lone Star Industries, Inc., Notice of Violation of any violation of Regulation I.

9. That this Order is issued by the PSAPCA Board of Directors effective January 11, 1979, pursuant to Puget Sound Air Pollution Control Agency Regulation I, Section 3.11 and RCW 7094.141; .155 and .221, which are part of the Washington State Implementation Plan.

PASSED AND APPROVED at a regular meeting of the Board of Directors of the Puget Sound Air Pollution Control Agency held this 11th day of January, 1979.

PUGET SOUND AIR POLLUTION CONTROL AGENCY.

GENE LOBE,
Chairman.

Attest:

ARTHUR R. DAMMKOEHLER,
Air Pollution Control Office.

Approved as to Form:

KEITH D. MCCOFFIN,
Agency Attorney.

[FR Doc. 79-4650 Filed 2-12-79; 8:45 am]

[6560-01-M]

[40 CFR Part 250]

[FRL 1054-3]

HAZARDOUS WASTE GUIDELINES AND REGULATIONS

Correction

AGENCY: United States Environmental Protection Agency ("EPA").

ACTION: Correction.

SUMMARY: The following corrections should be made in EPA's December 18, 1978, proposed regulations implementing Sections 3001, 3002, and 3004 of the Resource Conservation and Recovery Act of 1976 (RCRA), published at 43 FR 58946-59022, and its December 18, 1978, advance notice of proposed rulemaking under Section 3001 of RCRA, published at 43 FR 59022-59028:

FOR FURTHER INFORMATION CONTACT:

Hazardous Waste Management Division (WH-565), Office of Solid Waste, U.S. Environmental Protection Agency, Washington, D.C. 20460; Section 3001—Alan Corson, 202/755-9187, Section 3002—Harry Trask, 202/755-9187, Section 3003—Timothy Fields 202/755-9206.

CORRECTIONS

In FR Doc. 78-34904 and 78-34903, make the following changes:

	Column and line	Correction
Page:		
58946	Col. 3—23	Change "202-755-9296" to "202-755-9206".
58948	Col. 1—4-5	Change "compiled over 400 case studies" to "information on over 400 cases".
58948	Col. 2—38	Insert after "hazardous": "waste".
58956	Col. 1—65	Change "(1)" to "(|)".
58956	Col. 2—69	Insert after "Nuclepore": "420800 142 mm filter holder (Nuclepore".
58956	Col. 3—4	Change "(5 ml)" to "<5ml)".
58956	Col. 3—12	Change "cm2" to "(cm²".
58956	Col. 3—26	Delete "GLASS CENTRIFUGE BOTTLES".
58957	Col. 1—70	Change "250.13(b)(1)" to "250.13(d)(1)".
58958	Col. 2—20	Change "2819-2874" to "2819, 2874".
58958	Col. 2—25	Change "(Y,O)" to "(T,O)".
58959	Col. 1—15	Change "dithacarbamates" to "dithiocarbamates".
58959	Col. 1—18	Change "p-chlorobenzene" to "p-dichlorobenzene".
58964	Col. 3—64	Insert "be" after "reported to either".
58966	Col. 1—29-30	Change "explosure" to "exposure".
58966	Col. 3—73	Change "P 3.0" to "P>3.5".
58976	Col. 2—65	Change "an" to "and".
58977	Col. 1—29	Change "§ 250.2(c)" to "§ 250.22(c)".
58982	Col. 2—38	Change "activities" to "facilities".
58986	Col. 1—42	Change "§ 250.43-5" to "§ 250.45-5".
58987	Col. 1—22	Delete "closure and".
58988	Col. 2—31	Change "(§ 240.44)" to "(§ 250.44)".
	Col. 3—71	Change "wate" to "waste".
58989	Col. 2—46	Change "10^{-7}" to "10^{-18}".
58991	Col. 3—33	Change "which" to "would".

	Column and line	Correction
Page:		
58992	Col. 2—10 of "Special Waste" table.	Change "~¹ billion" to "~2 billion".
58994	Col. 2—46	Change "entirely" to "entirety".
58995	Col. 1—55	Change "and m" to "m, and n".
58995	Col. 3—72	Insert after "compliance": "with the permit conditions is not achieving or cannot achieve compliance".
59001	Col. 3—30	Change "250.45-1(b)(4)" to "250.45-1(d)(3)".
59002	Col. 3—13	Change "disposal or" to "disposal of".
59003	Col. 2—62	Change "iv" to "vi".
59004	Col. 2—31	Change "250.43-4(1)(4)" to "250.43-3(b)(6)".
59004	Col. 3—55	Change "(m)(1)(i)" to "(n)(1)".
59005	Col. 1—28	Delete "of".
59005	Col. 2—52	Change "2(b)(12)" to "2(b)(13)".
59009	Col. 1—15 (excluding equation).	Change "(b)(1)" to "(d)(1)".
59010	Col. 2—43	Change "(iii)" to "(ii)".
59010	Col. 2—69	Change "(b)(17)" to "(b)(15)".
59011	Col. 2—13	Change "or" to "of".
59011	Col. 2—34-35	Delete second "and collect and analyze samples from these systems".
59013	Col. 2—65	Change "landfill" to "landfarm".
59015	Col. 1—4	Change "food" to "feed".
59015	Col. 1—48	Change "(b)(6-7)" to "(b)(6)".
59015	Col. 2—4	Change "(b)(6-7)" to "(b)(6)".
59015	Col. 2—39	Change "(b)(6-7)" to "(b)(6)".
59015	Col. 3—34	Change "(b)(6-7)" to "(b)(6)".
59016	Col. 2—8	Change "(b)(6-7)" to "(b)(6)".
59018	Col. 2—33	Change "(b)(6-7)" to "(b)(6)".
59015	Col. 1—52	Change "250.43-7(k), (l), and (m)" to "250.43-7 (l), (m), and (n)".
59015	Col. 2—8	Change "250.43-7(k), (l), and (m)" to "250.43-7 (l), (m), and (n)".
59015	Col. 2—43	Change "250.43-7(k), (l), and (m)" to "250.43-7 (l), (m), and (n)".
59015	Col. 3—38	Change "250.43-7(k), (l), and (m)" to "250.43-7 (l), (m), and (n)".
59016	Col. 2—12	Change "250.43-7(k), (l), and (m)" to "250.43-7 (l), (m), and (n)".
59016	Col. 2—37	Change "250.43-7(k), (l), and (m)" to "250.43-7 (l), (m), and (n)".
59015	Col. 1—70	Change "250.43(f)(h)" to "250.43(f)".
59015	Col. 2-23-25	Change "Overburden, slimes (phosphoric clays) and tailings from phosphate rock mining" to "Overburden and slimes (phosphatic clays) from phosphate rock mining".
59015	Col. 3—14, 17	Change "gram" to "liter".
59016	Col. 1—10, 13-16	Change "gram" to "liter".
59019	Col. 1—43	Change "AIRBONE" to "AIRBORNE".
59025	Col. 3—20	Change "P 3.5" to "P>3.5"

Dated: January 30, 1979.

THOMAS C. JORLING,
Assistant Administrator
for Water and Waste Management.

[FR Doc. 79-4629 Filed 2-12-79; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-05-M]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NAVAJO INDIAN TRIBE IN ARIZONA, NEW MEXICO, AND UTAH

Feed Grain Donations

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Navajo Indian Tribe in Arizona, New Mexico, and Utah has been materially increased and become acute because of severe and prolonged rain and snow creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock owners who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through March 14, 1979, or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on February 2, 1979.

RAY FITZGERALD,
Administrator.

[FR Doc. 79-4692 Filed 2-12-79; 8:45 am]

[3410-15-M]

Rural Electrification Administration

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 STAT. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $439,100,000 to Colorado-Ute Electric Association, Inc., of Montrose, Colorado. These loan funds will be used to finance a project consisting of a 400 MW coal-fired generating unit and additional transmission substation facilities. Also, funds will be used to purchase a larger proportionate share of existing generation and transmission facilities of which Colorado-Ute now holds partial ownership.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. John J. Bugas, Manager, Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colorado 81401.

In order to be considered, proposals must be submitted (within 30 days from the date of this notice) to Mr. Bugas. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Colorado-Ute Electric and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 4th day of February 1979.

ROBERT W. FERAGEN,
Administrator, Rural
Electrification Administration.

[FR Doc. 79-4626 Filed 2-12-79; 8:45 am]

[3410-15-M]

COOPERATIVE POWER ASSOCIATION & UNITED POWER ASSOCIATION

Informational Supplement to the Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared an Informational Supplement to the Final Environmental Impact Statement (FEIS) relating to the installation of two 450 MW steam generating units near Underwood, North Dakota, and associated ± kV dc transmission lines, and other related transmission facilities. These facilities are to be installed by Cooperative Power Association of Minneapolis, Minnesota, and United Power Association of Elk River, Minnesota. The Informational Supplement to the Final Environmental Impact Statement discusses certain modifications to routing of the Dickinson-Wilmarth (originally Dean Lake to Mankato) 345 kV ac transmission line as originally proposed in the FEIS. These modifications were prescribed by the Minnesota Environmental Quality Council.

This information supplements the material presented in the Final Environmental Impact Statement which was made available to the Council on Environmental Quality and the public on August 6, 1974. Supplements to the Final Environmental Impact Statement were made available to the Council on Environmental Quality and the public on January 4, 1977, and March 18, 1977.

Additional information may be secured on request, submitted to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., or at the borrowers' addresses indicated above.

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Final REA action with respect to this matter (including any release of construction funds for the Dickinson-Wilmarth 345 kV transmission line) may be taken after thirty (30) days and after all requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 5th day of February 1979.

ROBERT W. FERAGEN,
Administrator, Rural Electrification Administration.

[FR Doc. 79-4625 Filed 2-12-79; 8:45 am]

[3410-30-M]

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that the National Advisory Council on Child Nutrition, established by Section 15 of the National School Lunch Act to make a continuing study of the child nutrition programs of the U.S. Department of Agriculture, has scheduled a meeting on March 8 and 9, 1979, from 9 a.m. to 5 p.m. daily, in room 645, GHI Building, 500 12th Street SW., Washington, D.C. 20250. The final agenda for the meeting, which will include individual work sessions concerning current issues related to the National School Lunch, School Breakfast, Special Milk, Child Care Food, and Summer Food Service Programs, will be available 15 days prior to the meeting. While direct participation will be limited to Council members, the meeting will be open to the general public for observation. Comments on this notice should be addressed to the Executive Secretary, Mr. Gene P. Dickey, U.S. Department of Agriculture, FNS, 500 12th Street SW., Washington, D.C. 20250 (202) 447-5548. A copy of the agenda and additional information may also be obtained from the Executive Secretary.

Dated: February 8, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary and Chairperson, National Advisory Council on Child Nutrition.

[FR Doc. 79-4772 Filed 2-12-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Order No. 79-2-45, Docket No. 33346]

NORTHWEST AIRLINES, INC. ET AL.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of February 1979. Application of Northwest Airlines, Inc. for amendment of its certificate for Route 3 to make authority at Jamestown, North Dakota, permissive. Docket 33346. Application and Notice of Intent of Northwest Airlines, Inc. to suspend at Jamestown, North Dakota. Docket 33347. Petition of Jamestown, North Dakota under sections 419(a)(2) and (10) of the Federal Aviation Act, as amended. Docket 33346 and 33347. Emergency Petition of Jamestown, North Dakota under section 419(a)(10) of the Federal Aviation act, as amended, for provision of essential air service. Docket 34316.

The Board has received a number of pleadings related to air service at Jamestown, North Dakota. Northwest Airlines now provides the only certificated service at the point. On September 1, 1978, Northwest filed applications seeking: (1) to make its certificate authority to serve Jamestown permissive by show-cause procedures (Docket 33346) and (2) to suspend service at the point pending final action on its certificate amendment request (Docket 33347). On November 13, 1978, Northwest filed a notice of intent to suspend service at Jamestown and asked that its notice relate back to September 1, 1978, when it originally applied for suspension authority. This last pleading was filed in response to section 19 of the Airline Deregulation Act of 1978, P.L. 95-504, enacted October 24, 1978. This provision amended section 401(j) of the Federal Aviation Act, as amended, in its entirety, and substantially altered the rights and obligations of certificated carriers, communities, and the government in matters involving the suspension of air service.

The Northwest filings have generated a number of responsive pleadings, certain of which are repetitive and have not been discussed in the text of the order. Summaries of them are included as Appendix A. We have considered all pleadings in reaching our decision, even those which seek relief under sections of the statute which have been struck from the Act. However, our decision is based upon the new law, especially sections 401(j) and 419.

The State of North Dakota [1] and the community opposed Northwest's original requests for a certificate amendment and a temporary suspension and asked for dismissal, or alternatively, an evidentiary hearing on these applications. Northwest filed a consolidated reply to these answers.

The North Dakota Aeronautics Commission filed an answer to Northwest's notice of intent and complained that the carrier's five-day-a-week service pattern at Jamestown was a reduction without the required notice (see Appendix B). The Commission asked the Board to deny Northwest's request to have its notice back-dated to September 1 and to order the carrier to provide Jamestown with one round trip daily, seven days a week, or two round trips, five days per week. On December 22, 1978, Jamestown [2] filed an emergency petition in Docket 34316 asking that the Board act expeditiously and order Northwest to begin providing service to Jamestown at the level guaranteed by section 419 of the Act (*i.e.*, one daily round trip) pending a final determination of essential air transportation for Jamestown and the replacement of Northwest by a willing carrier. Both civic parties maintained that the five-flights-a-week pattern than provided by Northwest at Jamestown violated both sections 401 and 419 of the Act by providing service substantially less than the minimum lawful level and that its eastbound flight was scheduled too late to provide access to the air transportation system. Northwest answered stating that as of January 11, 1979, Jamestown would receive service seven days a week and that it had rescheduled flight 62 to arrive at Jamestown from the west about mid-afternoon going beyond to Fargo and Minneapolis arriving in time to take advantage of early evening connecting flights.

Jamestown later filed a separate petition under section 419(a)(10) asking the Board to establish essential air transportation at one of the following levels and to deny Northwest's certificate amendment application for permissive authority to serve Jamestown.

	Number of daily round trips [3]	
	Bismarck	Minneapolis
Jet Equipment:		
Alternative No. 1 (nonstop)	1	1
Alternative No. 2 (nonstop)	2	2
Commuter Equipment, Pressurized, 18-seat aircraft:		
Alternative No. 3 (nonstop)	2	3
Alternative No. 4 (nonstop)	2	4

[3] The civic parties have stated that weekend reductions is service would be all right. Jamestown also asks that, if replacement service were provided by a commuter air carrier, that it meet further stipulations (see Appendix A, 3).

Jamestown maintains that the level of essential air transportation must be set to accommodate at least 32,596

[1] Governor Arthur A. Link, the Governor's Commission of Commercial Air Transportation and the North Dakota Aeronautics Commission.

[2] The city of Jamestown, North Dakota, Stutsman County, North Dakota, Jamestown Chamber of Commerce and the Jamestown Municipal Airport Authority.

passengers a year and tie into connecting banks at both hubs. Northwest responded stating that the city's jet proposals would be prohibitively costly if they were required on Northwest; that the public would be better served by a smaller carrier, and that Northwest would not object to the deletion of Jamestown from its certificate.[4]

DISPOSITION

We are very concerned about the air service needs of Jamestown and we are prepared to take steps to see that its service needs are adequately met. We have determined, on an interim basis, the essential air transportation needs of Jamestown at a level we are confident will accommodate the traffic likely to be generated at Jamestown in the near future and will insure reasonably convenient access to the air transportation system. We will defer the petition of Jamestown for a final determination of the necessary level of essential air transportation.[5] We invite all carriers interested in providing essential air transportation at Jamestown to file applications by February 27, 1979. Our interim determination is just that. We are not precluded from later finding that the city's essential air transportation needs are different from those described in the interim findings which we make today.

We will dismiss without prejudice Jamestown's emergency petition in Docket 34316 requesting immediate provision of essential air transportation. On January 11, 1978, Northwest upgraded its service from a five-day-a-week pattern to a seven-day-a-week pattern and changed its eastbound service to a flight arriving at Jamestown from Billings in the early afternoon and continuing on to Minneapolis via Fargo (see Appendix B). We believe the new schedule pattern is comparable to the service Northwest provided in 1977 an gives the city better access than previously to connecting banks at various hubs. We expect Northwest to continue this schedule or a similar schedule until a replacement is in place. We will act as quickly as possible under the new statute to locate a replacement carrier to provide essential air transportation, and we will release Northwest as soon as we have done so. See section 419(a)(6).

We will dismiss as moot Northwest's initial suspension application in Docket 33347 since the Airline Deregulation Act amendments eliminate the requirement that carriers apply for authority to suspend service. Airline Deregulation Act of 1978, P.L. 95-504, section 19. We will also dismiss Northwest's application and motion for an order to show cause why its authority at Jamestown should not be made permissive. The new Act blurs the distinction between mandatory and permissive authority. *Iowa/Illinois-Atlanta Route Proceeding*, Order 78-12-35, December 7, 1978.

ESSENTIAL AIR TRANSPORTATION

Jamestown is a relatively small city[6] located equidistant (about 100 miles) from Bismarck on the west and Fargo on the east. It is 299 miles from Minneapolis. Northwest has served the point since 1934. During 1977, Northwest provided one daily round trip in the Jamestown-Bismarck/Minneapolis markets with the eastbound flight stopping at Fargo. Northwest was shut down by strike in mid-1978; it resumed service to Jamestown on November 15, 1978, with one Bismarck-Jamestown-Minneapolis round trip, five days per week. On January 11, 1979, Northwest improved the timing and the number of flights at Jamestown.

The city has petitioned that the Board find essential air transportation is daily nonstop, round-trip service to two hubs, Bismarck and Minneapolis, with either jet or 18-seat, pressurized aircraft. While we do not foreclose the possibility that service with jet or pressurized aircraft is essential for Jamestown, we have not made that finding now.

On an interim basis, we find that essential air transportation for Jamestown is at least two daily round trips in each direction between Jamestown, on the one hand, and Bismarck and Minneapolis, on the other, with aircraft having 15 seats or more. This service must be nonstop to Bismarck and either nonstop or one-stop to Minneapolis. The equipment used must be at least twin-engine aircraft meeting all Federal Aviation Administration requirements (with or without pressurization).[7] Whatever the equipment used, we expect the carrier providing the essential air transportation to offer well-timed and well-spaced service and additional capacity adequate for the amount of traffic generated. Finally, we will include a price element in our interim determination of essential air transportation to assure that local passenger fares not exceed the DPFI (*Domestic Passenger-Fare Investigation*) fares which Northwest could charge for travel between Jamestown and the above hubs.[8]

We believe that this level of service will provide Jamestown with reasonable access not only to its major community of interest, Minneapolis, but also to connecting opportunities both there and at a western hub. Further, it would allow an interested carrier with non-pressurized equipment to provide service with its present fleet and to graduate to larger equipment, if the demand appears to warrant such service. On the whole, we feel that the elevation of the terrain does not require pressurized equipment.

APPLICATIONS TO PROVIDE ESSENTIAL AIR TRANSPORTATION

We invite carriers interested in providing essential air transportation to Jamestown to file applications within 20 days from the date of adoption of this order (*i.e.*, February 27, 1979). Applicants willing to provide greater levels of service than our essential level are, of course, welcome, although subsidy will not be available for the extra service. Applications should include the following detailed information: (1) full service proposals—schedules, connecting opportunities, aircraft type and routings, and (2) fitness data—balance sheet, profit and loss statement, and proof of compliance with FAA rules and possession of necessary operating authority. Applicants willing to provide service *only* with compensation must also submit a detailed estimate of subsidy need based on representative costs and revenues.[9] [10]

Accordingly,

1. We defer the petition of Jamestown in Dockets 33346 and 33347 which requests that the Board determine the essential air transportation needs of the community;

[4] Northwest's answer was accompanied by a motion for leave to file a late document. We will grant the motion.

[5] We will make a final determination following our regional meetings and the establishment of regulations.

[6] Jamestown estimates that its population will reach 16,308 persons in 1980. See Jamestown's Petition to Establish Guaranteed Essential Air Transportation.

[7] Should no acceptable applications offering service with 15-seat aircraft be received, we will consider but not necessarily approve applications to provide service with aircraft having 14 or less seats. The number of frequencies to be provided must be greater to keep total capacity properly proportional.

[8] The *Airline Deregulation Act of 1978* amended section 1002 of the Federal Aviation Act to require that any joint-fare formula established by the Board be available to commuters. Effective January 22, 1979, the Board included commuter airlines under the uniform method of establishing and dividing joint fares for passengers traveling on two or more domestic airlines (Order 79-1-111). The joint fares will also be available in markets served only by commuters.

[9] If a carrier has historic operating data, it should base its estimate of subsidy need on actual costs and revenues.

[10] On January 26, 1979, Air Wisconsin filed a response to Jamestown's petition for essential air transportation indicating that, contemporaneously, it had filed a certificate amendment application and a petition for an order to show cause why it should not be granted authority to provide scheduled service between Jamestown, on the one hand, and Minneapolis and Bismarck, on the other (Docket 34584). It proposes three daily nonstop round trips in the Jamestown-Minneapolis market and two daily nonstop round trips in the Jamestown-Bismarck market, with 19-passenger Swearingen Metro aircraft beginning April 1, 1979.

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2. We find that, at a minimum, the essential air transportation requirements of Jamestown, North Dakota, are as follows: nonstop service to and from Bismarck and nonstop or one-stop service to and from Minneapolis, at fares no higher than those which a trunkline carrier could charge under the DPFI formula, with twin-engine aircraft having 15 or more seats at a frequency level of two daily round trips to both Bismarck and Minneapolis;

3. We dismiss as moot Northwest's suspension application filed on September 1, 1978, in Docket 33347, and the emergency petition of Jamestown for a Board order requiring immediate provision of essential air transportation at Jamestown, in Docket 34316;

4. We request carriers interested in providing essential air service to Jamestown to file applications by February 27, 1979, including the data detailed on page 7 of this order;

5. We dismiss Northwest's certificate amendment application and motion for an order to show cause, in Docket 33346;

6. We order Northwest to continue to provide at least its current service level at Jamestown after February 11, 1979, for an additional 30 days;[11]

7. We grant Northwest's motion in Dockets 33346 and 33347 to file a late document; and

8. We shall serve this order on all persons listed in the service lists of Dockets 33346, 33347, and 34316, and all commuter air carriers registered with the Board from the following states: Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[12]

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A.—SUMMARY OF PLEADINGS

DOCKETS 33346 AND 33347

On September 1, 1978, Northwest applied for an amendment to its certificate for Route 3 to make its authority to serve Jamestown N. Dak., permissive rather than mandatory (Docket 33346). It asked that its certificate amendment be accomplished by an order to show cause.

Contemporaneously, Northwest filed an application in Docket 33347 for suspension authority at Jamestown pending final Board decision on its application in Docket 33346. In support, the carrier claimed that it has attempted to serve and promote its Jamestown service, but its operations hae proven uneconomic resulting in a $1.1 million loss during the year ended March 31, 1978; that the point is better suited to subsidized local service or commuter operations; that alternative service is available to Jamestown passengers at Bismarck and Fargo—95 and 92 miles away via interstate highway; and that permitting Northwest to suspend and ultimately to convert its authority from mandatory to permissive comports with current Board policy.

On September 11, 1978, the State of North Dakota filed an answer opposing Northwest's suspension and certificate amendment applications and a motion calling for the dismissal of, or alternatively, a hearing on Northwest's applications. The State alleged that by its actions Northwest had in fact already suspended service at Jamestown in violation of its certificate; that Northwest had not exhausted its efforts to encourage and increase passenger boardings at Jamestown; and that, contrary to the carrier's statement, North Dakota does not believe Northwest is losing money by serving Jamestown. It also submits that the carrier's application does not meet the criteria for conversion from mandatory to permissive authority and the fact that Northwest is the only airline serving Jamestown, are ample justification for an evidentiary hearing.

Similarly on September 12, 1978, Jamestown [1] filed an answer opposing both the suspension and certificate amendment applications, asking for a dismissal of, or alternatively, a hearing on Northwest's applications and incorporating by reference the answer of the State of North Dakota. It also asked that the Board issue an order requiring Northwest to immediately restore air service to Jamestown, in accordance with its certificate and denying both Northwest's petition for an order to show cause and its suspension application. The civic parties maintain that passenger enplanements have fluctuated because of schedule changes not because of community growth and the way to stimulate traffic would be to implement a favorable schedule.

On September 18, 1978, Northwest filed a consolidated reply to the above answers. It submitted that the arguments advanced in opposition to its applications are either based on faulty assumptions or are legally unpersuasive in light of Board policies favoring permissive authority and free entry and exit in the marketplace. Northwest therefore requested that an order to show cause be issued and its suspension be granted.

On October 2, 1978, Jamestown filed a supplement number 1 to its answer in opposition correcting statements made about Jamestown's airport capability, and showing that a projection of potential passenger enplanements versus a projection of passenger enplanements assuming no service improvements from Northwest service existing before the strike (for example, 28,800 vs. 10,300 enplanements for 1983), and announcing that a new contract awarded Western Gear will result in 250 new jobs.

On November 13, 1978, Northwest filed a notice of intent to suspend service under new section 401(j) of the Act. The carrier further stated that it was not withdrawing its applications for temporary suspension or to make its authority at Jamestown permissive, that it would resume Jamestown service on November 15, and that its notice to suspend should relate back to September 1, when it filed its original suspension application.

On November 27, 1978, the North Dakota State Aeronautics Commission filed an answer to Northwest's notice to suspend and a complaint on the five-day-a-week service pattern Northwest had inaugurated at Jamestown asking the Board to deny Northwest's request to have its notice back-dated to September 1 and to order the carrier to provide Jamestown with seven-day-a-week service, either one round trip daily (the level of air service provided during 1977) or two round trips five days per week. In support the Commission maintained it is legally impossible to make Northwest's notice to suspend under the new act retroactive to September and that the reduction of service from a seven-day-a-week pattern offered in 1977 to a five-day-a-week pattern inaugurated at Jamestown after the strike violates both sections 401 and 419 of the Act by providing service substantially less than the minimum level.

On December 13, 1978, Northwest filed a letter giving 60 days notice to all cities which would lose nonstop or single-plane service if the Board allows it to suspend Jamestown service.

On December 29, 1978, Jamestown filed a petition asking the Board to establish essential air transportation at one of the following levels and to deny Northwest's application for permissive authority to serve Jamestown.

	Daily nonstop round trips	
	Bismarck	Minneapolis
Jet Equipment:		
Alternative No. 1	1	1
Alternative No. 2	2	2
18-seat, pressurized aircraft:		
Alternative No. 3	2	3
Alternative No. 4	2	4

Jamestown states that the level of essential air transportation must be set to accommodate at least 32,596 passengers a year and tie into connecting banks at both hubs. The city also maintains that Northwest's presence as a potential competitor will dissuade smaller carriers from serving Jamestown.

On January 4, 1979, at a meeting, the city passed out addenda to its petition to establish essential air transportation including correspondence from affected citizens and businesses. It also asked that: (1) the replacement carrier have interline ticketing and baggage handling agreements with all carriers serving Minneapolis and Bismarck and computerized reservations capability, (2) all schedules and tariffs are published in the OAG, and (3) local fares be compatible with the overall industry fares and joint fares be required with connecting air carriers. These addenda were later filed with the Board on January 18, 1979.

On January 11, 1979, Northwest filed an answer to Jamestown's petition. It states that the jet alternatives suggested by the community would be prohibitively costly for Northwest to provide; that Northwest takes no position on the legality of any attempt to require it to provide those service levels, at this time; and that the public would be better served by having service provided by a smaller carrier. The carrier also submitted that it would not oppose the deletion of Jamestown from its certificate.

DOCKET 34316

On December 22, 1978, Jamestown filed an emergency petition asking the Board to act expeditiously and order Northwest to begin providing service at Jamestown at the level guaranteed by section 419 of the Act pending a final determination of essential air transportation for Jamestown and the replacement of Northwest by a willing carrier. Jamestown maintained that the minimum reasonable level of essential air transportation on an interim basis should consist of an eastbound morning flight and a westbound evening flight provided seven days a week. In support of its petition, Jamestown alleged that Northwest's five-day-a-week service pattern violated both sections 401 and 419 of the Act. The city further submitted that the eastbound service was unusable with an arrival in Minneapolis at 1:08 a.m. and no service on Wednesday and Thursday; that the westbound service failed to provide connecting service at Bismarck and was not operated on Tuesday and Wednesday; that when Northwest resumed service to Jamestown, it failed to have the Jamestown flights printed in the OAG or put as its own reservations computer; and that Northwest has refused to ship freight to Jamestown and, on at least one occasion, its eastbound flight overflew Jamestown even though it was a scheduled stop and there were Jamestown-destined passengers on board.

On January 4, 1979, Northwest filed an answer in opposition to Jamestown's emergency petition claiming its petition is now moot since Northwest would adjust its Jamestown schedules on January 11, 1979, to give Jamestown service seven days per week and good eastbound and westbound access to numerous single-plane and connecting opportunities. Specifically, Northwest's flight 62 would arrive at Jamestown at 2:49 p.m., depart at 2:59, and after a brief stop in Fargo arrive in Minneapolis at 4:35 p.m.

APPENDIX B.—*Calendar Year 1977 Service*

			Frequency
Eastbound service, 7 days per week:			
Leave Bismarck	7:00 a.m.	NW Flight 420	Daily
Arrive Jamestown	7:29 a.m.	NW Flight 420	Daily
Leave Jamestown	7:45 a.m.	NW Flight 420	Daily
Arrive Fargo	8:14 a.m.	NW Flight 420	Daily
Leave Fargo	8:40 a.m.	NW Flight 420	Daily
Arrive Minneapolis	9:25 a.m.	NW Flight 420	Daily
Westbound service, 7 days per week:			
Leave Minneapolis	12:35 p.m.	NW Flight 701	Daily
Arrive Jamestown (nonstop)	1:35 p.m.	NW Flight 701	Daily
Leave Jamestown	1:50 p.m.	NW Flight 701	Daily
Arrive Bismarck	2:20 p.m.	NW Flight 701	Daily

SERVICE BETWEEN NOV. 15, 1978 AND JAN. 11, 1979

Eastbound service, 5 days per week:			
Leave Bismarck	11:35 p.m.	NW Flight 40	Except Wed/Thurs
Arrive Jamestown	12:04 a.m.	NW Flight 40	Except Wed/Thurs
Leave Jamestown	12:15 a.m.	NW Flight 40	Except Wed/Thurs
Arrive Minneapolis	1:08 a.m.	NW Flight 40	Except Wed/Thurs
Westbound service, 5 days per week:			
Leave Minneapolis	6:45 p.m.	NW Flight 235	Except Tues/Wed
Arrive Jamestown	7:47 p.m.	NW Flight 235	Except Tues/Wed
Leave Jamestown	8:00 p.m.	NW Flight 235	Except Tues/Wed
Arrive Bismarck	8:30 p.m.	NW Flight 235	Except Tues/Wed

SERVICE SINCE JAN. 11, 1979

Eastbound service, 7 days per week:			
Leave Billings	12:40 p.m.	NW Flight 62	Daily
Arrive Jamestown	2:49 p.m.	NW Flight 62	Daily
Leave Jamestown	2:59 p.m.	NW Flight 62	Daily
Arrive Fargo	3:28 p.m.	NW Flight 62	Daily
Leave Fargo	3:50 p.m.	NW Flight 62	Daily
Arrive Minneapolis	4:35 p.m.	NW Flight 62	Daily

Westbound service, 7 days per week:
Same as service between November 15, 1978 and January 11, 1979, except service is operated daily.

[FR Doc. 79-4605 Filed 2-12-79; 8:45 am]

[11] We may continue to renew this mandate for additional 30-day periods until replacement service is supplied.

[12] All members concurred.

[1] The City of Jamestown, North Dakota, Stutsman County, North Dakota, Jamestown Chamber of Commerce and the Jamestown Municipal Airport Authority.

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Bluefish Factfinding Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Factfinding Meetings.

SUMMARY: The Mid-Atlantic Council is currently considering preparation of a fishery management plan for bluefish. The Council needs information from all participants in the fishery to determine if it should prepare such a plan and, if a plan is necessary, to help in preparing the plan.

The purpose of the factfinding meetings is to elicit information from the industry and public about this fishery. Reliable information on this fishery and scientific data on this species are in most cases very scarce. The Council would greatly appreciate any information on the operations of this fishery and industry from any member of the public, either through these meetings or mailed to the Council's office.

Any information which relates to an individual's or company's business operations that is identified as confidential will be held in the strictest confidence and will not be released except in aggregate form without individual identification.

DATES AND ADDRESSES: The Mid-Atlantic Fishery Management Council will hold its public hearings in accordance with the following schedule:

March 5—Cannon Building, University of Delaware, Lewes, Delaware, 7:30–10:30 P.M.

March 6—Holiday Inn, Route 25, Riverhead, New York 11901, 7:30–10:30 P.M.

March 7—Quality Inn Lake Wright, 6280 North Hampton Boulevard, Virginia Beach, Virginia, 7:00–10:00 P.M.

Hearings will be tape recorded and the tapes filed as an official formal transcript of proceedings. Summary minutes will be prepared on each hearing.

Written comments should be submitted to the contact person listed below by April 30, 1979, to receive full consideration in the plan development process.

FOR FURTHER INFORMATION CONTACT:

Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901. Telephone: 302-674-2331.

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Dated: February 8, 1979.

WINFRED H. MEIBOHM,
Executive Director,
National Marine Fisheries Service.

[FR Doc. 79-4752 Filed 2-12-79; 8:45 am]

[3510-24-M]

Office of the Secretary

[Department Organization Order 45-1]

ECONOMIC DEVELOPMENT ADMINISTRATION

JANUARY 11, 1979.

This order effective January 11, 1979 supersedes the material appearing at 43 FR 3604 of January 28, 1978 and 43 FR 6127 of February 13, 1978.

Section 1. PURPOSE.

.01 This Order prescribes the organization and assignment of functions within the Economic Development Administration (EDA). Department Organization Order 10-4, "Assistant Secretary for Economic Development," prescribes the scope of authority of the Assistant Secretary for Economic Development and the functions of EDA.

.02 This revision reflects an extensive reorganization of EDA. The major changes include (1) the transfer of the Investigations and Inspections Staff to the Office of the Inspector General, (2) changes in the responsibilities and organization of the Deputy Assistant Secretary for Economic Development (Section 4.), (3) changes in the responsibilities and organization of the Deputy Assistant Secretary for Economic Development Policy and Planning (Section 5.), (4) changes in the responsibilities and organization of the Deputy Assistant Secretary for Economic Development Operations (Section 6.), (5) changing of the title of the former Office of Administration and Program Analysis to the Office of Management and Administration and prescribing the new organization and functions of that Office, (6) changes in the responsibilities and organization of the Regional Directors (paragraph 12.02), (7) incorporating the outstanding amendment, and changing gender indicative language in the Order.

Sec. 2. ORGANIZATION STRUCTURE.

The principal organization structure and line of authority of the Economic Development Administration shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document on file in the Office of the Federal Register.

Sec. 3. OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT.

.01 The *Assistant Secretary* directs the programs and is responsible for the conduct of all activities, including overall direction and coordination of the Regional offices of EDA, subject to the policies and directives prescribed by the Secretary of Commerce.

a. The *Office of Special Projects* shall serve as a principal staff office of the Assistant Secretary. The Office shall provide advice, direction and coordination for the development and implementation of selected innovative economic development programs and projects to assist selected urban areas, special areas such as the Mexican-American border and Puerto Rico, and special groups identified by the Assistant Secretary. In accomplishing these functions the Office shall develop necessary implementation plans, strategies, and procedures and coordinate, as appropriate, with other Federal, State, and local organizations. The Office shall be headed by a director who shall report and be responsible to the Assistant Secretary.

b. The *Executive Secretariat* reports to the Assistant Secretary and shall receive all correspondence addressed to the Office of the Assistant Secretary, and assign it to the appropriate office for action; record controlled and non-controlled correspondence, maintain prompt follow-up of replies to insure that deadlines are met, maintain correspondence and policy files; and provide a selective reference service to files as requested by EDA officials.

Sec. 4. OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT.

.01 The *Deputy Assistant Secretary* shall serve as Executive Secretary and provide or arrange for staff support, as required, for the National Public Advisory Committee on Regional Economic Development; represent the Administration on international organizations when so designated; establish uniform overview standards and procedures to be followed by the Regional Offices' Environmental Specialists in their review of projects under Sections 101 and 201 of the Public Works and Economic Development Act of 1965, as amended, (the "Act"); supervise the activities of the Indian Program Staff; assist the Assistant Secretary in all matters affecting EDA; and perform the duties of the Assistant Secretary during the latter's absence.

.02 The *Office of Operational Planning and Control* shall manage and coordinate the linkage between headquarters in Washington and the regional Offices. It shall oversee the implementation, administration, management, evolution and further development of the Operational Planning and Control System (OPCS). It shall also function as a central point of information and reference for substantive communication between EDA headquarters and the Regional Offices; and shall serve as an advocate and point of contact to identify the information and policy needs of the Regional Offices and shall coordinate headquarters initiatives which impose a significant burden on regional personnel and financial resources. The Office shall also manage and oversee the process for allocating funds to the Regional Offices.

.03 The *Indian Program Staff* shall administer the Indian economic development program and advise the Deputy Assistant Secretary concerning its general effectiveness. It shall recommend approval or denial of projects proposed for Indian areas except all projects under Sections 101 and 201 of the Act which do not require special action; and negotiate and monitor interagency agreements relating to Indian economic development. (Projects requiring special action are those which are called to Washington for purposes of monitoring, involve controversial aspects, or—for example—require an environmental impact statement which must be approved by the Special Assistant for Environmental Affairs.)

Sec. 5. DEPUTY ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT POLICY AND PLANNING.

.01 The Deputy Assistant Secretary for Economic Development Policy and Planning is the principal advisor to the Assistant Secretary on matters of overall EDA policy and program development, including the development, recommendation, and formulation of EDA policy, strategies, and program initiatives. In addition, the Deputy Assistant Secretary is responsible for the development and direction of an effective program of institutional capacity building to improve the ability of State and local governments and other subnational development agencies to plan and carry out economic development programs, and shall:

a. Define and formulate EDA policy and program development issues and direct the process of EDA policy review, coordination and evaluation.

b. Exercise responsibility for EDA's interagency and intergovernmental relations and its relations with those quasi-public and private agencies interested in economic development for districts and areas.

c. Conduct programs of research, program evaluation and demonstration and assure that their findings are integrated within EDA's policy and program development processes.

d. Exercise responsibility for EDA's institutional capacity building efforts and for all policies, procedures and criteria related to the development and approval of Overall Economic Development Programs (OEDPs), investment strategies and other planning documents.

e. Guide, train, monitor, and evaluate the Regional Offices in their management of EDA's capacity building and planning grant programs and their implementation of EDA's planning and investment strategy policies.

f. Direct the eligibility determination function of EDA and the data collection and analysis activity which supports this function.

g. Direct the conduct of studies related to industry and industrial sector needs, growth trends, problems, and other issues.

.02 The Deputy Assistant Secretary for Economic Development Policy and Planning shall direct and supervise the following organizational elements:

a. The *Office of Development Organizations and Planning* shall:

1. Have responsibility for policy and program development related to EDA's subnational economic development planning and capacity building programs under the Office of Development Organizations and Planning.

2. Manage and oversee the administration of all EDA institutional capacity building and planning grant programs for States, cities, Districts, counties, neighborhoods, metropolitan areas, and Indian tribes.

3. Oversee the implementation of policies and procedures for developing, processing, and monitoring planning grants to States, cities, Districts, counties, neighborhoods, metropolitan organizations, and Indian tribes, and provide appropriate guidance to the Regional Offices in carrying out these functions.

4. Develop policies, procedures, and allocation strategies for all EDA planning grant programs, including program guidelines, objectives and performance criteria for EDA's Operational Planning and Control System.

5. Provide assistance to the Regional Offices in linking EDA supported planning to the investment decision process of EDA and its State and local clientele.

6. Develop policies and procedures related to establishing and strengthening subnational economic development institutions and organizations.

7. Establish policies and criteria which must be followed by EDA grantees in developing their economic development planning processes and documents.

8. Provide guidelines concerning the need for specific skills in the planning function and provide advice, as requested, regarding the selection of Regional Offices' staff capabilities responsible for EDA planning and capacity building activities.

9. Provide guidance and necessary training for Regional Office personnel in the management of EDA's planning and institutional capacity building efforts.

10. Provide advice and guidance to the Regional Offices on problems encountered in interpreting and applying EDA policies related to institutional capacity building, planning, and OEDPs/investment strategies.

11. Advise the Regional Offices in the development of procedures to monitor and evaluate the planning activities and outputs of States, cities and towns, counties, Districts, neighborhoods, metropolitan organizations, and Indian tribes.

12. Monitor and evaluate the Regional Offices for their effective implementation of EDA policies related to institutional capacity building and the development of OEDP's, investment strategies and other economic development planning documents, including objectives established through EDA's Operational Planning and Control System.

13. Advise the Deputy Assistant Secretary for Economic Development Policy and Planning concerning approval of OEDP's, investment strategies, and other planning documents originating at the Regional Office level.

14. Exercise responsibility for activities related to interagency coordination of policies, programs, and requirements related to economic development planning.

b. The *Office of Policy, Evaluation and Research* shall:

1. Define EDA policy and program development issues and coordinate the formulation and preparation of such issues for consideration by the Assistant Secretary.

2. Exercise principal staff responsibility within EDA for policy development, review and evaluation.

3. Exercise principal responsibility for EDA's interagency policy development and intergovernmental coordination activities.

4. Conduct a program of internal and external research that is concerned with subnational economic development problems and opportunities, and that is designed to meet the needs of EDA and its clientele.

5. Review, evaluate, integrate and disseminate the results of EDA sponsored research as well as other research findings that are relevant to EDA objectives.

6. Conduct evaluations of EDA's policies, programs and projects to determine their effectiveness in terms of goals and objectives, and develop cost benefit studies to aid the Assistant Secretary in making choices and decisions between alternative programs, projects or activities for economic development.

7. Assist other EDA units in identifying program evaluation needs, designing evaluation studies, and making effective use of evaluation findings, including developing and implementing measures of resource utilization for programming and budgeting purposes.

8. Develop, direct and oversee a demonstration program designed to formulate, test, and evaluate innovative approaches to subnational economic development.

9. Assure that the findings and results of EDA's research, evaluation, policy analysis, and demonstration functions are integrated and effectively applied to EDA's policy decision-making process.

c. The *Office of Eligibility and Industry Studies* shall:

1. Assemble, analyze, evaluate and maintain statistical data on unemployment, income, migration, and other criteria for the purpose of determining eligibility of geographic areas and private businesses for assistance under the PWEDA of 1965 and the Trade Act of 1974.

2. Collect and analyze socio-economic data necessary for effective EDA program development and resource allocation, and provide general statistical support for EDA program management activity.

3. Conduct studies for the economic problems of industries and industrial sectors; analyze industrial growth trends and work force characteristics; and design and maintain an industrial location system which can match growth industry needs to destressed area resources.

4. Undertake all activities assigned to EDA that pertain to the certification of firms and communities under the Trade Act of 1974.

5. Obtain from other Federal agencies data and analytic support necessary to fulfill EDA's statutory eligibility determinations, data collection and analysis, industry studies, and import monitoring responsibilities.

Sec. 6. DEPUTY ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT OPERATIONS.

.01 The Deputy Assistant Secretary for Economic Development Operations shall:

a. Provide coordinated direction of all EDA activities related to financial and technical assistance projects which will improve local economies and for the integration of EDA's investment and planning activities.

b. Develop policies and procedures for the implementation of the following program authorities:

1. Public Works;
2. Technical Assistance;
3. Title IX Special Adjustment Assistance;
4. Title IX Long-Term Economic Deterioration;
5. Business Development;
6. Local Public Works; and

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7. Section 304 State Grant Program.

c. Develop policies and procedures for the implementation of the Comprehensive Economic Development Strategies process to integrate various EDA program authorities.

d. Recommend standards, policies, and criteria for the technical evaluation and processing of project applications for assistance under the above program authorities.

e. Review and recommend when procedures require, approval or denial of project applications to the Assistant Secretary and approve amendments to existing grants, loans, and loan guarantees.

f. Evaluate activities of the Regional Offices in applying policies, standards, and procedures for processing project applications to assure efficient and effective accomplishment of approved projects.

.02 The Deputy Assistant Secretary for Economic Dvelopment Operations shall direct and supervise the activities of the following organizational elements:

a. *The Office of Public Investments* shall be responsible for the implementation of EDA's Public Works (Titles I, II and IV); Long-Term Economic Deterioration (Title IX); Revolving Loan Fund (Title IX); and Section 304 programs. The functions of the Office are to:

1. Develop policies and procedures for the implementation of above cited public investment programs.

2. Direct and oversee the specific program authorities to assure timely and uniform implementation nationwide.

3. Coordinate the public investment programs with other EDA programs as well as those of other agencies.

4. Oversee post-approval management of all public investments, including special adjustment assistance, construction and revolving loan projects.

5. Provide guidance and direction to the Regional Offices regarding implementation of the public investment programs.

6. Oversee and coordinate the Section 304 program for the Deputy Assistant Secretary for Economic Development Operations.

7. Develop, in coordination with the Office of the Inspector General, criteria for audits of the public investment programs, including adherence to EDA policy and programmatic requirements.

8. Provide special reports and briefing materials in the various public investment programs. Provide information to prospective applicants, Congressional offices, and public interest groups.

b. The *Office of Private Sector Investments* shall:

1. Direct, develop and recommend policies, standards, and procedures for administering the private sector investment programs as provided for by the Public Works and Economic Development Act of 1965, as amended, and the Trade Act of 1974.

2. Advise Regional Offices' personnel, Economic Development Representatives, members of the banking and industrial community, and the public of the uses of private sector financial assistance programs.

3. Direct the development and processing of special investment, national and prototype projects in conjunction with the development of OPCS standards and measurements.

4. Direct, coordinate and provide guidance and direction to the field to ensure uniform implementation of comprehensive economic development strategies and investment tracking systems.

5. When appropriate, review recommendations of the Regional Offices for the approval of applications for financial assistance consisting of direct loans and/or guarantees, and other forms of assistance as they are authorized, and advise the Deputy Assistant Secretary for Econcomic Development Operations on such recommendtions.

6. Monitor, coordinate and conduct training for the implementation by Regional Offices of policies, standards, and procedures related to processing applications for financial assistance to assure efficient, effective and economic accomplishment of the private sector investment programs.

7. Develop and implement EDA-approved agreements with other Federal agencies to obtain support for the private sector investment programs.

8. Monitor, coordinate and conduct training for the administration and servicing of EDA financial assistance to the private sector, including loans for projects approved under provisions of the Area Redevelopment Administration (ARA), and the Trade Act assistance program (TAA), and prepare reports of accomplishments.

9. Arrange for, or provide, needed specialized assistance to all recipients of financial assistance.

10. Conduct special servicing of distressed direct loans and guarantees transferred to the Office by the Regional Offices.

11. Develop policies, plans and procedures to improve or terminate projects in default of loan conditions.

12. Conduct, or arrange for, the orderly liquidation of defaulted loans.

13. Direct all activities relating to the care and preservation of collateral and security position in loans and guarantees.

14. Direct program promotion (outreach) efforts to generate knowledge and utilization of EDA's private sector financing programs.

c. The *Office of Technical Assistance* oversees and directs the technical assistance programs administered through the Regional Offices, and technical assistance for economic development capacity building, trade adjustment assistance and developmental investments using a variety of National organizations, University Centers, and other public and private agencies as appropriate, and shall:

1. Develop, recommend and implement uniform technical assistance policies, standards, and procedures for accepting, processing, reviewing, approving monitoring, and evaluating the operation of technical assistance projects of local and National scope consistent with the Act, its amendments, Office of Management and Budget Circulars, Federal Management Circulars, Executive Orders and appropriate laws.

2. Direct the administration of the Technical Assistance Program through all of its phases; coordinate all Technical Assistance activities with other EDA offices and programs.

3. Provide appropriate technical, program, and policy guidance to Regional Office personnel; oversee and monitor technical assistance activities in Washington and Regional Offices.

4. Provide training and development of technical assistance personnel in every facet of the program.

5. Maintain a central library of completed technical assistance reports; develop reports and information distribution system.

6. Maintain operating liaison with other Federal agencies where their programs affect economic development and which may supplement EDA projects.

d. The *Office of Special Adjustment Assistance* shall:

1. Direct and oversee the operation of the title IX economic dislocation program to assure timely and uniform implementation nationwide.

2. Develop policies and procedures for implementation of the program.

3. Coordinate EDA's economic adjustment assistance activities with other Federal Departments and Agencies, e.g., Department of Defense (Economic Adjustment Committee), HUD (FDAA), Coastal Zone Management.

4. Provide immediate technical assistance to an area when a dislocation occurs (assessment of the problem, possible solutions, etc.) and direct assistance to potential applicants in preparing proposals.

5. Review proposals and prepare recommendations to the Deputy Assistant Secretary for Economic Development Operations prior to authorization of formal applications.

6. Conduct final processing and review of projects.

7. Assist Regional Offices on individual projects, both during the application development phase and after project approval. Post approval assistance will include project oversight taking into account program and policy compliance and appropriate measures to correct noncompliance.

8. Evaluate program performance.

9. Ensure that sudden and severe economic dislocation (SSED) projects are coordinated with other Federal assistance to impacted areas.

10. Prepare special reports, briefings, briefing materials and other information for Congressional offices, prospective applicants, public interest groups, etc.

e. The *Office of Program Operations* shall:

1. Develop and oversee policy and procedure to assure that EDA's program tools are used in a coordinated and integrated manner in support of a place oriented approach to development.

2. Develop policy and procedures for preparation, review, acceptance and monitoring of local Investment Strategies that can serve as the basis for investment decisions by EDA and other public and private entities.

3. Work closely with all EDA program offices and other administrative offices as appropriate in development and implementation of policies and procedures which govern Office of Program Operations activity; and provide a liaison between these offices and the Deputy Assistant Secretary for Economic Development Operations on all other matters related to place oriented approaches to development.

4. Work with other Federal, State and regional agencies involved in local development activities in the development of policies and procedures which will facilitate the coordinated implementation of multi-agency investments at the local level; and carry on liaison between the organizations under the Deputy Assistant Secretary for Economic Development Operations in implementation of its program responsibilities, obtaining their support for local Investment Strategies and assuring their input into EDA policy development as appropriate.

5. Serve as liaison between Regional Office Directors and the Deputy Assistant Secretary for Economic Development Operations on matters related to the integrated use of EDA tools on a place oriented basis, including the review of Regional Investment Strategies; and provide guidance to the Reginal Directors in implementing policies and programs reflecting a place oriented approach to development.

6. Serve as liaison between the organizations under the Deputy Assistant Secretary for Economic Development Operations and public interest groups and other private sector organizations on all matters concerned with a place oriented approach to development.

Sec. 7. OFFICE OF MANAGEMENT AND ADMINISTRATION.

The Office of Management and Administration shall be responsible for providing the full range of administrative services and for management and organization analysis and evaluation functions. These functions shall be carried out through the principal organizational elements of the Office, as prescribed below, except that personnel management services, accounting for administrative funds, and in-house equal opportunity staff services shall be obtained from the appropriate Departmental offices.

.01 The *Management Analysis Division* shall:

Conduct organization and management studies and surveys; plan and conduct a program for achieving maximum economy, effectiveness, and efficiency, and for obtaining optimum personnel utilization; develop and conduct a program for the efficient management of all official records, including an issuance system for administrative and program orders, and the design and control of official forms; and develop and administer a report control system for all administrative and operational reports.

.02 The *Budget Division* shall:

Develop and manage an integrated financial management and budgeting system for EDA. It shall develop and prepare the annual budget for EDA; be responsible for the total financial program of EDA, and for the fiscal aspects of EDA programs entrusted to other Federal agencies; and operate a fiscal control system for both program and administrative expenses consistent with the requirements of the Anti-Deficiency Act, which shall include but not be restricted to, allotment of funds, operating budgets, employment limitations, and analyses of reports and proposed actions relating thereto.

.03 The *Accounting Division* shall:

Develop and maintain accounting systems and prepare financial reports for internal and external use, according to the needs of management, the requirements of laws or regulations, and established policies; analyze financial and operating data to assure that financial and management policies are being followed; and serve as the liaison with the Office of the Secretry and other Federal agencies in all accounting matters.

.04 The *Information Systems and Services Division* shall:

Plan, develop, acquire, and coordinate the use of automatic data processing systems and equipment for EDA; provide data processing services, including the conduct of feasibility studies and the development of systems and programs for the applications of automatic data processing techniques; develop and maintain a comprehensive information and data base system to meet specified requirements for administrative, planning, operational, program management, and program evaluation purposes; and provide periodic and special summary reports on current optional trends and performance comparisons to planned goals.

.05 The *Office Services Division* shall:

Provide or arrange for office services for EDA's headquarters and, as required, for the Regional Offices, including the procurement of administrative supplies, vehicle hire, furniture, equipment, and the distribution of printed and bound materials; evaluate, report on, and make recommendations on the utilization of space, supplies, equipment, communications, and related services within EDA; and serve as liaison with the Office of the Secretary on office services matters.

Sec. 8. OFFICE OF THE CHIEF COUNSEL.

The Office of the Chief Counsel shall:

a. Render all necessary legal services, subject to the provisions of Department Organization Order 10-6;

b. Have primary responsibility for the preparation, coordination, and clearance of all legislation, regulations, and external orders subject to the provisions of applicable Department orders; and

c. Establish uniform overview standards and procedures to be followed by the Regional Offices' legal staffs in their review of projects under Sections 101 and 201 of the Act.

Sec. 9. OFFICE OF PUBLIC AFFAIRS.

The Office of Public Affairs shall:

a. Advise on all public information matters;

b. Conduct a public information program under the policy guidance of the Assistant Secretary in collaboration with the Departmental Office of Public Affairs; and

c. Provide assistance in the editing, printing or reproduction, and distribution of technical materials and publications.

SEC. 10. *OFFICE OF CONGRESSIONAL RELATIONS.*

The Office of Congressional Relations shall:

a. Advise on all Congressional matters pertinent to the activities under the direction of the Assistant Secretary; and

b. Serve as the primary point of coordination for continuing liaison with the Congress in collaboration with the

Assistant Secretary for Congressional Affairs.

SEC. 11. *OFFICE OF CIVIL RIGHTS.* The Office of Civil Rights shall:

a. Advise the Assistant Secretary in the development and implementation of policy and guidance affecting equality of opportunity connected with economic development programs;

b. Maintain liaison with Federal, State and local governmental organizations and with non-governmental organizations to coordinate and assist in planning operations aimed at achieving nondiscrimination and equality of opportunity;

c. Provide leadership, staff services and advice in matters affecting nondiscrimination to economic development program units, to organizations obligated as participants in an economic development program to achieve nondiscrimination, and to ultimate beneficiaries of economic development program activities;

d. Conduct, sponsor, or coordinate meetings, conferences, and training courses for equal employment specialists, program managers, and executives to achieve nondiscrimination in economic development programs;

e. Establish effective systems throughout EDA to obtain and monitor reports concerning the program of equality of opportunity and assure conformance thereto;

f. Establish report requirements to insure equality or opportunity by participants in economic development programs, conduct on-site inspections, and receive, investigate, and adjust complaints;

g. Receive, investigate, review, adjust complaints, and evaluate EDA experience relating to the Equal Employment Opportunity program and make recommendations to the Assistant Secretary for improvement of employment practices within EDA; and

h. Establish uniform overview standards and procedures to be followed by the Regional Offices' Civil Rights staff in their reviews of projects under Sections 101 and 201 of the Act.

SEC. 12. *ECONOMIC DEVELOPMENT REGIONAL OFFICES.*

.01 The Economic Development Regional Offices, headed by Regional Directors, are as follows:

Name	Located at	Serves
Atlantic	Philadelphia, Pa.	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia.
Southeastern	Atlanta, Ga.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Midwestern	Chicago, Ill.	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Rocky Mountain	Denver, Colo.	Colorado, Kansas, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.
Southwestern	Austin, Tex.	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Western	Seattle, Wash.	Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington.

02. Each Regional Director, for the EDA programs in his region, shall:

a. Assist designated areas and districts in organizing, staffing, and funding for economic planning through the development of OEDPs;

b. Assist local communities in the development of applications for finanical assistance to meet the needs of areas and districts serviced by the Regional Office;

c. Process applications for economic development assistance, monitor and service approved projects, including appropriate public works construction projects and, when appropriate, liquidate projects.

d. Forward appropriate processed public works projects documents to EDA headquarters with recommendations to the Assistant Secretary for approval or denial. On projects which require special action, Washington staff offices will review the project file and recommend approval or disapproval to the Assistant Secretary.

ROBERT T. HALL,
Assistant Secretary for Economic Development.

Approved:

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 79-4711 Filed 2-12-79; 8:45 am]

[3510-16-M]

[Department Organization Order 30-3B; Amdt. 2]

PATENT AND TRADEMARK OFFICE

JANUARY 12, 1979.

This order effective January 12, 1979 further amends the material appearing at 41 FR 37831 of August 19, 1976 and 42 FR 44832 of September 7, 1977.

Department Organization Order 30-3B, dated August 19, 1976, is hereby further amended as shown below. The purpose of this amendment is to (1) establish the Office of Equal Employment Programs (paragraph 4.05), (2) change gender-indicative wording and designate the Deputy Commissioner to direct the Office of Equal Employment Programs (section 3), and (3) remove responsibility for equal opportunity programs from the Office of Personnel (paragraph 8.06).

1. *SEC. 3. COMMISSIONER OF PATENTS AND TRADEMARKS.* a. In pen and ink, remove the word "He" appearing in the fourth line and substitute the words "The Commissioner."

b. Paragraph 3.a. is revised to read as follows:

"a. The *Deputy Commissioner* shall assist the Commissioner in the direction of the Patent and Trademark Office; shall perform the duties of the Commissioner in the latter's absence; and shall direct the Office of Equal Employment Programs."

c. In pen and ink, remove the word "He" appearing in the fourth line of paragraph 3.b., and substitute the words "The Assistant Commissioner for Patents."

d. In pen and ink, remove the word "He" appearing in the fourth and seventh lines of paragraph 3.d., and substitute the words "the Solicitor" (capitalize "The" in the seventh line).

e. In pen and ink, remove the word "He" appearing in the fifth and seventh lines of paragraph 3.e., and substitute the words "the Assistant Commissioner for Administration" (capitalize "The" in the seventh line).

2. *SEC. 4. ORGANIZATIONS REPORTING TO THE COMMISSIONER.* A new paragraph .05 is added to read as follows:

".05 The *Office of Equal Employment Programs*, under the immediate direction of the Deputy Commissioner, shall be responsible for the design, development, implementation, review, and maintenance of all Patent and Trademark Office Equal Employment Opportunity (EEO) programs; including EEO complaint processes, the Affirmative Action Plan, upward mobility programs and other special emphasis programs such as those for women, Hispanic-Americans, the handicapped, and all protected groups and classes of employees."

3. *SEC. 8. OFFICES REPORTING TO THE ASSISTANT COMMISSIONER FOR ADMINISTRATION.* Paragraph .06 is revised to read as follows:

".06 The *Office of Personnel* shall administer activities relating to recruitment, placement, employee relations, training and career development, incentive awards, performance rating, position classification and wage administration, group-management relations, and various employee benefit programs."

4. The organization chart attached to this amendment, supersedes the organization chart dated August 11, 1977. A copy of the organization chart is on file with the original of this document in the Office of the FEDERAL REGISTER.

DONALD W. BANNER,
Commissioner of Patents and Trademarks.
JORDAN BARUCH,
Assistant Secretary for Science and Technology.

Approved:

GUY W. CHAMBERLIN, Jr.,
Deputy Assistant Secretary.

[FR Doc. 79-4710 Filed 2-12-79; 8:45 am]

[6330-01-M]

COMMISSION OF FINE ARTS

MEETING

Amendment

The Commission of Fine Arts will meet in open session on Tuesday, February 20, 1979, at 10:00 a.m. in the Commission's offices at 708 Jackson Place NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

This is an amendment to the notice appearing in the January 5, 1979 issue of the FEDERAL REGISTER (44 FR 1442) announcing the calendar year 1979 meeting schedule.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., February 5, 1979.

CHARLES H. ATHERTON,
Secretary.

[FR Doc. 79-4655 Filed 2-12-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1058-7; OPP-30160]

PESTICIDE PROGRAMS

Receipt of Application To Register Pesticide Product Containing New Active Ingredient

Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro, NC 27409, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product CGA-48988 TECHNICAL (EPA File Symbol 100-ANR) containing 90% of the active ingredient *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester which has not been included in any previously registered pesticide products. The applicant proposes that this product be used as a technical chemical for formulating fungicides.

Notice of receipt of this application does not indicate a decision by the Agency on the application. Interested persons are invited to submit written comments on this application to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St., SW, Washington DC 20460. The comments must be received on or before March 15, 1979, and should bear a notation indicating the EPA File Symbol "100-ANR." Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this application and the data submitted should be directed to Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, at the above address or by telephone at 202/755-2562. The label furnished by Ciba-Geigy Corp., as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Notice of approval or denial of this application to register CGA-48988 TECHNICAL will be announced in the FEDERAL REGISTER. Except for such material protected by Section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136), the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the FEDERAL REGISTER if an application is approved.

Dated: February 1, 1979.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 79-4648 Filed 2-12-79; 8:45 am]

[6560-01-M]

[FRL 1059-7]

AVAILABILITY OF ENVIRONMENTAL IMPACT STATEMENTS

AGENCY: Office of Federal Activities, Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of January 22 to February 2, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from February 9, 1979 and will end on March 26, 1979. The 30-day wait period for final EIS's will be computed from the date of receipt by EPA and commenting parties.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA for further information.

BACK COPIES OF EIS's: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Kathi Weaver Wilson, Office of Federal Activities, A-104, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-0780.

SUMMARY OF NOTICE: Appendix I sets forth a list of EIS's filed with

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EPA during the week of January 29 to February 2, 1979, the Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number if available. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the FEDERAL REGISTER and the extended date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agencies.

Appendix V set forth a list of reports or additional supplemental information on previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: February 8, 1979.

WILLIAM N. HEDEMAN, Jr.,
Director,
Office of Federal Activities.

APPENDIX I

EIS'S FILED WITH EPA DURING THE WEEK OF JANUARY 29 TO FEBRUARY 2, 1979

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Encampment River Wild and Scenic River Study, Jackson County, Colorado, February 2: Proposed is the inclusion in the National Wild and Scenic River, the Colorado Portion of the Encampment River along with 6,240 acres of adjacent lands in Routt National Forest, Jackson County, Colorado. The statement also discusses Rare II, the development of a Mt. Zirkel Wilderness management plan and the development of a forest land and resource management plan for the Medicine Bow National Forest. Four alternatives are considered. (DES-02-11-79-01-IFG). (EIS order No. 90134.)

Piedmont Block Timber Management Plan, Sumter National Forest, several counties in South Carolina, January 30: Proposed is the implementation of a 10-year timber management plan for the Piedmont Block of the Sumter National Forest in the counties of Abbeville, Chester, Edgefield, Fairfield, Greenwood, Laurens, McCormick, Newberry, Saluda, and Union, South Carolina. The plan proposes to continue even-aged management for sustained yield timber production, with modifications for areas with special importance for other uses. Other features include: (1) Thinning and regeneration, (2) reforestation, (3) precommercial thinning, (4) release treatment and (5) noncommercial thinning/fertilization/burning. (USDA-FS-R8-DES-ADM1N-79-01.) (EIS order No. 90112.)

Final

Logan Planning Unit, Flathead National Forest, Flathead and Lincoln Counties in Montana, January 31: This project concerns a land management plan for the Logan Planning Unit, Flathead National Forest in Flathead and Lincoln Counties, Montana. The proposed action will affect 89,200 acres of land which is divided into six management units of similar resource potentials and problems. The major features of the plan provide for: (1) Recreation, (2) visual corridors, (3) high output of wood products, (4) wildlife habitat, (5) protection of trout habitat, and (6) roadless areas. (USDA-FS-RI-(10)-FES-ADM-78-10.) Comments made by: DOE, DOI, USDA, State agencies, groups. (EIS order No. 90119.)

E. Shore Flathead Lake Planning Unit, Flathead National Forest, Flathead and Lake Counties in Montana, January 31: Proposed is a revised multiple use plan for east shore Flathead Lake Planning Unit in Flathead National Forest. The action affects 16,400 acres of national forest land. The recommended plan calls for 5,560 acres maximum timber production, 4,500 acres low intensive timber management, 4,070 acres low intensity timber management, 2,180 acres elk and deer winter range dispersed recreation, and 90 acres for intensive recreation. (USDA-FS-RI-(10)-FES-ADM-78-2.) Comments made by: DOI, USDA, DOT, State and local agencies, groups, individuals and businesses. (EIS order No. 90118.)

River of No Return Wilderness, several counties in Idaho, February 2: Proposed is the designation of 1,889,288 acres of national forest lands as part of the National Wilderness Preservation System. The designation area is located in Boise, Challis, Payette, Salmon, Bitterroot, and Nezperce National Forests in the Counties of Custer, Idaho, Lemhi, and Valley, Idaho State and includes parts of the Idaho Primitive Area and Salmon River Breaks Primitive Area. The plan also recommends: (1) The area be named the River of No Return Wilderness, and (2) primitive area status be rescinded from 15,957 acres, and another 15,765 acres recommended for designation under the Wild and Scenic Rivers Act. The DEIS was entitled Salmon River & Idaho Wilderness Area. Comments made by: DOI, DOC, State and local agencies. (EPA order No. 90133.)

Satsop Block land management plan, Olympic National Forest, Grays Harbor and Mason Counties, Wash., January 31: The proposed action is to develop a comprehensive land management plan for the Satsop Block planning unit. The proposal affects 14,329 acres of land and water administered by the Forest Service in the Shelton Ranger District located in Grays Harbor and Mason Counties, Washington. The conditions existing within the planning unit are the result of a long-term timber sale, as such, 85% of the area has been harvested using the clear-cutting system. The unit is completely surrounded by Forest Service and Simpson Timber Company land committed to the Shelton Cooperative sustained yield unit. (USDA-FS-R6-FES-(ADM)-78-12.) Comments made by: EPA, USDA, DOI, State agencies, groups and businesses. (EIS order No. 90117.)

SOIL CONSERVATION SERVICE

Draft

Trinity River watershed, project completion, several counties, Texas, January 29: Proposed is the completion of the Trinity River watershed project which involves several counties in Texas. The remaining work to be completed includes: (1) Applying conservation land treatment on 299,000 acres and critical area treatment on 27,000 acres of agricultural lands; (2) installing 134 floodwater retarding structures; (3) 3 multipurpose structures with basic recreational development areas; (4) 10 riprap structures, and (5) 15.93 miles of channel work. (USDA-SCS-EIS-WS-(ADM)-79-1-(D)-TX.) (EIS order No. 90107.)

Final

Southeast Choctawhatchee River watershed, Dale, Houston, Geneva Counties, Ala., Janauary 31: Proposed is a project for watershed protection, land stabilization, and recreation to be implemented under authority of the Watershed Protection and Flood Prevention Act. The planned works of improvement include accelerated conservation land treatment, critical area treatment and roadside stabilization, stabilization of about 609 gullies, and construction of a 780-acre single-purpose recreation lake and recreational facilities. The project is located in the counties of Dale, Houston, and Geneva, Alabama. (USDA-SCS-EIS-WS-(ADM)-77-2-(F)-AL.) Comments made by: USDA, USA, DOC, DOI, EPA, State agencies (EIS order No. 90116.)

CIVIL AERONAUTICS BOARD

Contact: Mr. Steve Rothenburg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5205.

Final

Oakland Air Service Case, Docket 30699, several counties, Calif., February 2: Proposed by the CAB is new and improved authority in following Oakland markets: Albuquerque, Atlanta, Boston, Chicago, Dallas/Ft. Worth, Denver, Detroit, Houston, Kansas City, Minneapolis/St. Paul, Philadelphia, Phoenix, Portland, Salt Lake City, and Seattle. This will be considered through the Oakland service case. The Board has tentatively decided to adopt a policy of awarding permissive, subsidy-ineligible authority in each market where a need for new authority is shown to every fit, willing and able applicant whose illustrative service proposal indicates that it is prepared to satisfy any part of that need. Comments made by: EPA, USDA, COE, State and local agencies (EIS order No. 90130.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, (202) 693-6795.

Draft

Pipeline and wastewater outfall in Mobile Bay, Mobile County, Ala., January 31: Proposed is the installation, operation and maintenance of a 30-inch outside diameter pipeline that would carry waste from the Theodore Industrial Park near Theodore, Mobile County, Alabama, in a site in west-central Mobile Bay. The landward portion of the pipeline would pass beneath three small tributaries of the Deer River and would be buried six feet deep in the bottom near shore and three feet deep for the rest of the distance. Placement of the pipeline in the bay would be by jetting or excavation and backfill. (Mobile District) (EIS Order No. 90115.)

Grove Isle (Fair Isle) Marina, Miami, Dade County, February 2: Proposed is the construction of a concrete fixed-pier marina and appurtenant facilities with a docking capacity of about 98 boats on the west side of Grove Isle (formerly Fair Isle), Dade County, Florida. Construction will consist of three concrete fixed piers extending a maximum of 250 feet into Biscayne Bay, and another extending 150 feet into the bay. About 44 finger piers would be constructed as slips for the five piers. (Jacksonville District) (EIS Order No. 90135.)

Louisville Lake, Little Wabash River Basin, Clay and Effingham Counties, Ill., January 29: Proposed is the development of Louisville Lake as a multipurpose project for flood control, water supply, general recreation, and fish/wildlife related recreation. The lake will be located in the counties of Clay and Effingham, Illinois, on the Little Wabash River. The project would control storm runoff from an area of 661 square miles. The total project land requirements would be approximately 20,950 acres. (Louisville District) (EIS Order No. 90106.)

Port Ontario, Harbor of Refuge, Mexico Bay, Oswego County, N.Y., January 30: Proposed is a harbor of refuge plan for Port Ontario in the Mexican Bay, Oswego County, New York. The plan will include: (1) A south breakwater about 1,450 feet long, (2) a north breakwater about 350 ft. in length, (3) dredging of the lake entrance channel to eight feet below LWD where necessary, (4) dredging of a short river channel, and (5) boating facilities. Seven alternate plans are considered. The COE filed a draft EIS, No. 80229, dated 3-9-78 which is replaced by this revised statement. (Buffalo District) (EIS Order No. 90111.)

Final

Weston Generating Unit 3, Wausau, Permit, Marathon County, Wis., February 1: The proposed action is the issuance of Federal permits relating to the construction and operation of a 300 MW coal-fired steam generating unit at the Weston Generating Station located on a 144-acre tract in Marathon County, Wisconsin about 8 miles south of the city of Wausau in a combined agricultural, residential, and industrial area. The Weston 3 Generating Station is proposed to meet projected growth in electrical demand beginning in the early 1980's. The size and type of the proposed plant is determined by analysis which considers: (1) The level of system reliability desired; (2) the cost of constructing and operation. (St. Paul District), comments made by: EPA, USDA, DOC, HEW, DOI, USCG, DOT, State agencies (EIS Order No. 90127.)

Draft Supplement

Snake River Interstate Bridge, Nes Perce County, Idaho and Asotin County, Wash., January 29: This statement supplements a final EIS filed in July 1975 concerning the Lower Granite Lock and Dam project. This statement proposes the construction of a four-lane highway bridge and approaches crossing the Snake River, connecting the towns of Lewiston in Nez Perce County, Idaho and Clarkston in Asotin County, Washington. The present lift span bridge is felt to be unreliable which could cause serious delays of the inter-city emergency services. (Walla Walla District) (EIS Order No. 90108.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Virgin Islands coastal management program, Virgin Islands, February 1: Proposed is a coastal zone management program for the Virgin Islands. Approval would permit implementation of the proposed program, allow program administration grants to be awarded to the territory, and require that Federal actions be consistent with the program. The program addresses general areas of particular concern and site. Specific recommendations. (EIS Order No. 90129.)

Final

Stone Crab, fishery managment plan, Gulf of Mexico, January 30: Proposed is a fishery management plan for the Stone Crab Fishery in the Gulf of Mexico conservation zone from the Florida-Alabama line southwest to and including the Florida Keys. The basic objectives of the management plan are: (1) Orderly conduct of the fishery to reduce conflict between other fisheries in the area, (2) establishment of a fishery statistical reporting system for monitoring the Stone Crab Fishery, (3) full utilization of the Stone Crab resource in the management area, and (4) promote uniformity of regulation throughout the management area. Comments made by: DOI, EPA, MMC, and businesses. (EIS Order No. 90113.)

DEPARTMENT OF ENERGY

Contact: Mr. Robert Stern, Acting Director, Division of NEPA Affairs, Department of Energy, Mail Station E-201 GIN, Washington, D.C. 20545, (202) 376-5998.

Final

Motor gasoline deregulation, regulatory, January 30: Proposed is the deregulation exemption of motor gasoline from price and allocation controls. All 50 States, the District of Columbia, Puerto Rico, the Virgin Islands and Guam would be affected by the action. The purpose of this action is to remove Government regulation which, in the case of allocation controls, was initiated during the 1973-74 petroleum embargo and in the case of price controls, has antecedents in the 1970 economic stabilization program. Other proposed and completed Federal actions discussed include the recently issued gasoline tilt and rent pass through regulations and the proposed petroleum product allocation and price regulation. (DOE/EIS-0039-D.) Comments made by: CIA, EPA, GSA, HEW, FTC, DOJ, NRC, TREA, State and local agencies, groups, individuals, and businesses. (EIS Order No. 90114.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Clinton Spotts, Region VI, Environmental Protection Agency, First International Bldg., 1202 Elm Street, Dallas, Texas 75270, (214) 767-2716.

Draft

Fayette power project, NPDES permit, Fayette County, Tex., February 2: Proposed is the issuance of a NPDES permit for wastewater discharge from the Fayette power project into Cedar Creek in the County of Fayette, Texas. The applicant has initiated construction on a coal-fired steam electric station on a site located seven miles from La Grange. Some features of the project include: (1) Two 600 MWE fossil-fueled steam electric generating units, (2) associated coal handling and storage areas, and (3) 121 miles of new or widened transmission corridor. (EIS Order No. 90132.)

Contact: Mr. Ed Vest, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108, (816) 374-2921.

Final

Proposed expansion of existing WWT facilities, Scotts Bluff County, Nebr., February 2: The proposed project is the granting of financial assistance for the improvements of publicly owned sewage threatment plants in Scotts Bluff County, Nebraska. The municipalities which own and operate these facilities are Gering, Scotts Bluff, and Terrytown, Nebraska. Together these municipalities constitute the major trade and manufacturing center in the Nebraska panhandle. This EIS was prepared to evaluate the potential effects of these proposed actions upon the North Platte River, Scotts Bluff County, and the surrounding area. (EPA-907/9-79-001.) Comments made by: HEW, DOI, State agencies, groups, and individuals. (EIS Order No. 90136.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6306.

Draft

Sugarmill Subdivision, Fort Bend County, Tex., January 31: Proposed is the issuance of HUD home mortgage insurance for the Sugarmill subdivision in Fort Bend County, Texas. The development will encompass approximately 370 acres. When completed the project will contain approximately 1,250 single-family homes plus some shopping and

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recreational facilities. (HUD-R06-EIS-2D.) (EIS Order No. 90124.)

Final

Terrestria planned unit development, Stone Bridge, Camden County, N.J., January 31: The proposed action concerns the issuance of land acquisition/development, and subdivision feasibility mortgage insurance for the residential development of Terrestria (Stone Bridge Run), Gloucester Township, Camden County, New Jersey. The development will consist of mixed residential uses with 2,765 dwelling units of a variety of types including single-family detached, townhouses, duplexes, and high rise apartments. Seven acres are to be used for shopping and 81 acres of flood plain will be left undeveloped. (HUD-R02.) Comments made by: HEW, DOC, HUD, AHP, EPA, VA, GSA, DOT, DOI, State and local agencies. (EIS Order No. 90121.)

Section 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Marina/Columbia residential development, San Diego County, Calif., February 1: Proposed is the Marina/Columbia residential development in the core of downtown San Diego in San Diego County, California. The project is currently being planned as a residential community, containing between 2,000 and 3,000 multilevel, multifamily dwelling units. Neighborhood convenience and commercial development will be incorporated into the development. (EIS Order No. 90128.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF LAND MANAGEMENT

Final

OCS Sale No. 48, Offshore Southern California, several counties in California, January 31: Proposed is the leasing action for 217 (1,141,818 acres) of OCS lands in southern California. The tracts are located in the following six general offshore areas: Santa Barbara, Channel, Santa Rosa, Santa Barbara Island, San Pedro Ray, Tanner-Cortes, Dana Point-San Diego. Five alternatives are considered which include: (1) Hold the sale in modified form, (2) alternate development scenarios, (3) delay sale, (4) withdraw the sale, and (5) alternate local government stipulations. Comments made by: EPA, DOI, DOC, MMC, DOT, USN, COE, State and local agencies, groups, individuals, and businesses. (EIS Order No. 90120.)

Seven Lakes grazing management program, Fremont, Sweetwater, and Carbon County, Wyo., January 31: The action proposed concerns the Seven Lakes area located in Fremont, Sweetwater and Carbon Counties, Wyoming. The proposal recommends that three allotment management plans (AMPS) be fully implemented. These AMPS would consist of deferred rotation or deferred grazing systems for 15 livestock operators. Recommended use of the area is 54,869 winter sheep animal unit months (AUMS) for livestock: 1,325 winter sheep AUMS for wildlife; and 464 winter sheep AUMS for wild horses. Livestock rotation would be accomplished by fencing, herding and selected water developments. (USDI-FES-79-5.) Comments made by: EPA, NRC, AHP, USDA, DOI, State and local agencies, and groups. (EIS Order No. 90122.)

A 15-day waiver has been granted for the following EIS (see FR 2/5/79, Appendix III).

BUREAU OF MINES

Final

Surface Mining Control and Reclamation Act, 501(b), Regulatory, January 29: Proposed is the promulgation of a permanent regulatory program, under section 501(b) of the Surface Mining Control and Reclamation Act of 1977. The three major components which comprise this proposal are: (1) Regulations concerning environmental performance standards, permit applications, and bonding requirements; (2) procedure regulations for submission of State programs and for review criteria used for approval; and (3) regulations governing development and implementation of a Federal program for a State. (FES-79-3.) Comments made by: CWPS, DOC, USDA, HEW, HUD, EPA, State and local agencies, groups and businesses. (EIS Order No. 90109.)

NATIONAL PARK SERVICE

Draft

Badlands National Park master plan, Pennington, Jackson, and Shannon Counties, S. Dak., February 1: Proposed is a conceptual master plan for the development, interpretation, and management of the Badlands National Park (formerly known as the Badlands National Monument), located in the counties of Pennington, Jackson, and Shannon, South Dakota. The plan includes development of a system of roads and motor nature trails, construction of campgrounds, picnic areas, concession facilities, interpretive centers, and administrative facilities. (DES-79-7.) (EIS Order No. 90125.)

Draft Supplement

Haleakala National Park, boundary expansion, Maui County, Hawaii, January 29: This statement supplements a final EIS filed in February 1973 concerning the Haleakala National Park in Maui, Hawaii. This program proposes to extend the park boundaries to include buffer zones for existing use areas and to provide needed trail access. Total additions proposed are about 952 acres, plus about 8 acres for the Kaupo Trail right-of-way and parking at the lower trail terminus. Changes in facilities are limited to replacement of some outdated facilities, campground expansion on the west crater rim, and provision of minimal visitor and management facilities in the Ohea area. (DES-79-6.) (EIS Order No. 90110.)

NATIONAL CAPITAL PLANNING COMMISSION

Contact: Ms. Patricia Spillenkothen, Chief, Office of Environmental Affairs, National Capitol Planning Commission, Washington, D.C. 20576, (202) 382-7200.

Draft Supplement

Washington, D.C., Civic Center, site location, District of Columbia, February 2: this statement supplements a final EIS filed in November 1977. Proposed are site locations and the program for the Washington, D.C., Civic Center and the transfer of jurisdiction over reservation 174 from the National park Service to the District of Columbia. The basic purpose of the Civic Center will be to provide a large meeting and exhibition facility. Amendments to the final EIS include: (1) Air quality, (2) natural features, (3) transportation, (4) energy/resource conservation, (5) the physical/economic character, and (6) social/demographic character. (EIS Order No. 90131.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

TN-33, bypass of Maryville, TN-115/TN-95 to TN-73, Blount County, Tenn., February 2: Proposed is the construction of a four-lane divided highway which would serve as the southern section of a bypass for the cities of Maryville and Alcoa, to be known as the bypass of Maryville, in Blount County, Tenn. The lengths for the various alternatives considered range from approximately 5.7 miles to approximately 11.4 miles. The bypass will begin near the intersection of TN-115 and TN-95 on the west side of Maryville to TN-73 east of the city. (FHWA-TN-EIS-78-07-D.) (EIS Order No. 90137.)

VA-220, construction, VA-43 to VA-60, Alleghany and Botetrourt Counties, Va., January 29: Proposed is the construction of a four-lane controlled access arterial highway beginning approximately 3 miles north of Route 43 and running in a northerly direction, terminating at its intersection with Route 60 for a total average length of 12.7 miles, known as VA-220, in Alleghany and Botetourt Counties, Va. Nine alternatives are considered. (FHWA-VA-EIS-79-01-D.) (EIS Order No. 90105.)

U.S. COAST GUARD

Final

Puget Sound vessel traffic/radar surveillance, several counties in Washington, January 31: The proposed action consists of improving the existing Puget Sound vessel traffic service (PSVTS) current consisting of a vessel traffic separation scheme (TSS) and a vessel movement reporting system (VMRS) for the Strait of Juan of Fuca, Rosario Strait, and Puget Sound from Admiralty Inlet to Tacoma. The PSVTS also provides for radar surveillance from Admiralty Inlet to Seattle and mandatory vessel control. The proposal entails the expansion and upgrading of the existing PSVTS radar surveillance system and extending the radar coverage to include the Strait of Juan de Fuca, Rosario Strait, Puget Sound south 10 North Vashom Island. Comments made by: EPA, DOI, USDA, DOC, DOT, State and local agencies, individuals. (EIS Order No. 90123.)

[FR Doc. 79-4740 Filed 2-12-79; 8:45 am]

[6560-01-C]

APPENDIX II

EXTENSION/WAIVER OF REVIEW PERIODS ON EIS'S FILED WITH EPA

FEDERAL AGENCY CONTACT	TITLE OF EIS	FILING STATUS ACCESSION NO.	DATE NOTICE OF AVAILABILITY PUBLISHED IN FR	WAIVER EXTENSION	DATE REVIEW TERMINATES
DEPARTMENT OF TRANSPORTATION					
R. MARTIN CONVISSER, DIRECTOR OFFICE OF ENVIRONMENTAL AFFAIRS U.S. DEPARTMENT OF TRANSPORTATION 400 7TH STREET, S.W. WASHINGTON, D.C. 20590 (202) 426-4357	I-97, BALTIMORE - ANNAPOLIS CORRIDOR	DRAFT 90008	01/15/79	EXTENSION	03/26/79
DEPARTMENT OF AGRICULTURE					
R. BARRY FLAMM COORDINATOR ENVIRONMENTAL QUALITY ACTIVITIES US DEPARTMENT OF AGRICULTURE ROOM 412A WASHINGTON, D.C. 20250 (202) 447-3965	RARE II, ROADLESS AREA REVIEW AND EVALUATION	FINAL 90030	01/15/79	EXTENSION	03/15/79

APPENDIX III

EIS'S FILED WITH EPA WHICH HAVE BEEN OFFICIALLY WITHDRAWN BY THE ORIGINATING AGENCY

FEDERAL AGENCY CONTACT	TITLE OF EIS	FILING STATUS ACCESSION NO.	DATE NOTICE OF AVAILABILITY PUBLISHED IN FR	DATE OF WITHDRAWAL
NONE				

APPENDIX IV

NOTICE OF OFFICIAL RETRACTION

FEDERAL AGENCY CONTACT	TITLE OF EIS	STATUS NUMBER	DATE NOTICE PUBLISHED IN FR	REASON FOR RETRACTION
US ARMY CORPS OF ENGINEERS				
DR. C. GRANT ASH OFFICE OF ENVIRONMENTAL POLICY ATTN: DAEN-CWR-P OFFICE OF THE CHIEF OF ENGINEERS U.S. ARMY CORPS OF ENGINEERS 1000 INDEPENDENCE AVENUE, S.W. WASHINGTON, D.C. 20314 (202) 693-6795	HARBORS AND RIVERS OF GUAM	FINAL 81255	12/04/1978	DISTRIBUTION OF THE FINAL EIS WAS NOT MADE WHEN THE NOTICE OF AVAILABILITY WAS PUBLISHED BY EPA. THE RETRACTION WAS PUBLISHED IN FR 12/18/1978 AND THE FEIS WAS REFILED JANUARY 10, 1979.
	SMALL BOAT HARBOR KODIAK, ALASKA	FINAL 81272	12/11/1978	DISTRIBUTION OF THE FINAL EIS WAS NOT MADE WHEN THE NOTICE OF AVAILABILITY WAS PUBLISHED BY EPA. THEREFORE, THE NOTICE OF THE FEIS IS RETRACTED AND REFILED AS OF JANUARY 26, 1979.
	CHETCO RIVER JETTY EXTENSION, OREGON	FINAL 81269	12/11/1978	DISTRIBUTION OF THE FINAL EIS WAS NOT MADE WHEN THE NOTICE OF AVAILABILITY WAS PUBLISHED BY EPA. THEREFORE, THE NOTICE OF THE FEIS IS RETRACTED AND REFILED AS OF JANUARY 24, 1979.

APPENDIX V

AVAILABILITY OF REPORTS/ADDITIONAL INFORMATION RELATING TO EIS'S PREVIOUSLY FILED WITH EPA

FEDERAL AGENCY CONTACT	TITLE OF REPORT	DATE MADE AVAILABLE TO EPA	ACCESSION NO.
NONE			

APPENDIX VI

OFFICIAL CORRECTION

FEDERAL AGENCY CONTACT	TITLE OF EIS	FILING STATUS ACCESSION NO.	DATE NOTICE OF AVAILABILITY PUBLISHED IN FR	CORRECTION
NONE				

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[6560-01-M]

[FRL 1059-4]

IMPLEMENTATION PLAN REVISIONS FOR NONATTAINMENT AREAS IN GEORGIA AND SOUTH CAROLINA

Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA announces today that the Georgia and South Carolina implementation plan revisions due for submittal by January 1, 1979, under the Clean Air Act Amendments of 1977 have been received and are available for public inspection. The public is invited to submit written comments. A notice of proposed rulemaking describing the revisions will be published in the FEDERAL REGISTER later; the period for the submittal of written comments will extend for 30 days after the publication of the Notice of Proposed Rulemaking.

ADDRESSES: The Georgia and South Carolina submittals may be examined during normal business hours at the following EPA offices:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308.

In addition, the Georgia revisions may be examined at the offices of the Georgia Air Protection Branch, Environmental Protection Division, Department of Natural Resources, 270 Washington Street, S.W., Atlanta, Georgia 30334; and the South Carolina revisions, at the office of the South Carolina Bureau of Air Quality Control, Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

Comments should be addressed to the EPA Region IV Air Programs Branch, 345 Courtland St., N.E., Atlanta, Georgia 30308.

FOR FURTHER INFORMATION CONTACT:

Harriet Smith (Georgia) or Melvin Russell (South Carolina) of EPA's Region IV Air Programs Branch. Ms. Smith may be reached by telephone at 404/881-3286 (FTS 257-3286); Mr. Russell, at 404/881-2864 (FTS 257-2864).

SUPPLEMENTARY INFORMATION: Section 172 of the Clean Air Act, as amended 1977, requires that States submit revisions in their implementation plans by January 1, 1979, to provide for the attainment of the national ambient air quality standards in areas designated nonattainment. On March 3, 1978, the Administrator designated a number of areas in Georgia and South Carolina as nonattainment (43 FR 8962). These States have responded by preparing implementation plan revisions as required by the Clean Air Act. The purpose of this notice is to call the public's attention to the fact that these have been formally submitted and are available for public inspection. Also, the public is encouraged to submit written comments on them. A description of the revisions will be published in the FEDERAL REGISTER at a later date as part of a notice of proposed rulemaking.

(Sections 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: January 31, 1979.

JOHN C. WHITE,
Regional Administrator, Region IV.

[FR Doc. 79-4743 Filed 2-12-79; 8:45 am]

[6560-01-M]

[FRL 1059-8]

WATER PROGRAMS

Determination of Primary Enforcement Responsibility; State of Ohio

This public notice is issued under section 1413 of the Safe Drinking Water Act of 1977, Pub. L. 95-190, (Amending 42 U.S.C. 300f et seq.), and 40 CFR 142.10, National Interim Primary Drinking Water Regulations, published at 41 FR 2918 (January 20, 1976).

An application, dated December 21, 1977, has been received from the Director of the Ohio Environmental Protection Agency, requesting that the Ohio Environmental Protection Agency be granted primary enforcement responsibility for public water systems in the State of Ohio, in accordance with the provisions of this Act.

In response, I have determined, as Regional Administrator of the U.S. Environmental Protection Agency, Region V, that the Ohio Environmental Protection Agency has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the State of Ohio.

The State—

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) Will issue variances and exemptions in accordance with the provisions of the National Interim Primary Drinking Water Regulations; and

(5) Has adopted and can implement an adequate lan for the provision of safe drinking water under emergency circumstances.

All documents relating to this determination are available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Office of Public Water Supply, Ohio Environmental Protection Agency, 361 E. Broad Street, Columbus, Ohio 43216.

Water Supply Branch, U.S. Environmental Protection Agency, Region ' ., 230 South Dearborn Street, Chicago, Illinois 60604.

All interested parties are invited to submit written comments on this determination. Written comments must be received within 30 days after this notice is issued.

Further information may be obtained by writing the Water Supply Branch of the U.S. Environmental Protection Agency, Region V, or the Office of Public Water Supply, Ohio Environmental Protection Agency or by calling Joseph F. Harrison at (312) 353-2151 or James Kneale (614) 466-8310.

A public hearing may be requested by any interested person. Frivolous or insubstantial requests for a public hearing may be denied; however, if a substantial request is received on or before March 15, 1979, a public hearing will be held and notice will given in the FEDERAL REGISTER and newspapers of general circulation. Such requests shall be addressed to me, Regional Administrator, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois, 60604, and shall include the following information:

(1) The name, address, and telephone number of the individual, organization or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in my determination and information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If no timely request for a hearing is received, my determination shall become effective March 15, 1979.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: February 6, 1979.

VALDAS V. ADAMKUS,
Regional Administrator, U.S. Environmental Protection Agency, Region V.

[FR Doc. 79-4744 Filed 2-12-79; 8:45 am]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

NEGOTIABLE ORDERS OF WITHDRAWAL

The Federal Home Loan Bank Board, by action taken on January 4, 1979, has authorized all Federal savings and loan associations which are permitted to issue Negotiable Orders of Withdrawal (NOW), to participate in check verification and check guarantee programs for their NOW accountholders. Any Federal association proposing to participate in any such program is required to give written notice to the appropriate Bank Board Supervisory Agent thirty days prior to becoming an active participant.

RONALD A. SNIDER
Assistant Secretary.

[FR Doc. 79-4702 Filed 2-12-79; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 5, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-2623-2.

Filing party: E. F. Brimo, Treasurer, Global Terminal & Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No. T-2623-2, between Global Terminal & Container Services, Inc., (Global) and Dart Containerline Company, Ltd., (Dart), modifies the parties' basic agreement providing that Global will furnish Dart container terminal and stevedoring services at its facility at New York harbor. The purpose of the modification is to make certain changes to Global's liability at the leased facilities.

Agreement No. T-2625-1.

Filing party: E. F. Brimo, Treasurer, Global Terminal & Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No. T-2625-1, between Global Terminal & Container Services, Inc., (Global) and Dr. August Oetker Schiffahrts Und Beteiligungs-Ges MBH (Columbus), modifies the parties' basic agreement providing that Global will furnish Columbus Container terminal and stevedoring services at its facility at New York harbor. The purpose of the modification is to make certain changes to Global's liability at the leased facilities.

Agreement No. Y-3775.

Filing party: Albert B. Dearden, Deputy Chief, Leases & Operating Agreements Division, The Port Authority of NY & NJ, One World Trade Center, New York, New York 10048.

Summary: Agreement No. T-3775, between the Port Authority of New York and New Jersey (Port) and Farrell Lines, Inc. (Farrell), provides for the month-to-month lease of Pier 11 at the Brooklyn-Port Authority Marine Terminal, New York, New York, for use by Farrell as a public marine terminal facility. As compensation, Farrell will pay the Port the greater of $2 multiplied by the revenue tons handled at the facility, or $375,000 per annum, not to exceed a maximum annual payment of $750,000. Farrell will be subject to all Port rules and regulations, including tariffs, and will have the exclusive right to collect wharfage and dockage from all vessels calling at the facility.

Agreement No. T-3376-2.

Filing party: Randall V. Adams, Traffic, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Summary: Agreement No. T-3376-2, between the Port of Palm Beach District (Port) and Caribbean Lines Corporation (CLC), modifies the parties' basic agreement providing for the lease of CLC of premises located in Palm Beach, Florida. This second modification to the basic agreement also serves the purpose of extending the term of the agreement for an additional one-year period, as well as revising the rental.

By order of the Federal Maritime Commission.

Dated: February 7, 1979.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-4739 Filed 2-12-79; 8:45 am]

[6325-01-M]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

CANCELLATION OF MEETING

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463) notice was published in 44 FR 12 of January 17, 1979, that a meeting of the Federal Prevailing Rate Committee would be held on February 15, 1979. Notice is hereby given that the meeting scheduled for Thursday, February 15, 1979, has been cancelled.

JEROME H. ROSS,
Chairman, Federal Prevailing Rate Advisory Committee.

FEBRUARY 9, 1979.

[FR Doc. 79-4846 Filed 2-12-79; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

WORMALD INTERNATIONAL, LTD.

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Wormald International Limited is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of The Ansul Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Wormald International. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20480 (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976,

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requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4751 Filed 2-12-79; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 6, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 2, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL COMMUNICATIONS COMMISSION

The FCC requests clearance of a new Form 506, Application for Ship Radio Station License and Temporary Permit. Form 506 will be required to be filed when applying for a new, modified, or renewed ship station license. The Commission is initiating a system of temporary permits for ship stations in the maritime services which will eliminate the present procedure of requiring licensees or their agents to appear in person at the FCC Field Office to request a temporary permit while their applications are being processed. As part of Form 506, a temporary permit has been included (Form 506-A) which constitutes a permit not to exceed 60 days, once applicants have determined whether they have met all the requirements for holding such a permit. The new Form 506 will eliminate the use of FCC Form 501, Application for Ship Radio Station License, and FCC Form 502, Application for Shiptelephone and/or Radionavigation Station License. The FCC estimates respondent burden will average 45 minutes per application and that approximately 72,000 applications will be received yearly.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 79-4728 Filed 2-12-79; 8:45 am]

[1610-01-M]

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 6, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 5, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

NUCLEAR REGULATORY COMMISSION

The NRC requests an extension without change clearance of Form NRC-396, Certification of Medical Examination-Facility Operators License. Form NRC-396 implements 10 CFR Part 55, section 55.11, which requires the Commission to make a finding that the physical condition and general health of applicants for both Operator's and Senior Operator's Licenses are not such as might cause operational errors endangering public health and safety. Each form submitted is reviewed by the NRC physician and licenses are issued to individuals with, or without, conditions, or the application is denied based on physical conditions. The NRC estimates that the burden for licensees per physical is approximately 5 hours and that 1,500 forms are submitted annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 79-4729 Filed 2-12-79; 8:45 am]

[4110-87-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

SAFETY AND OCCUPATIONAL HEALTH STUDY SECTION

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Safety and Occupational Health Study Section.
Date: March 5-6-7-8, 1979.
Time and Place: Open March 5, 9 a.m. to 5:30 p.m., Conference Room East-505, Health Science Center, U. of Texas School of Public Health, 6905 Bertner Avenue, Houston, Texas 77030.
Time and Place: Closed March 6-7-8, 8 a.m. to 5 p.m., Coronado Room, Sheraton Houston, 777 Polk Avenue, Houston, Texas 77002.
Contact Person: Harvey P. Stein, Ph.D., Executive Secretary, 5600 Fishers Lane, Parklawn Building, Room 8-63, Rockville, Maryland 20857, Telephone: 301-443-4493.
Purpose: The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.
Agenda: Agenda items for the open portion of the meeting, March 5, 1979, 9 a.m. to 5:30 p.m., will include consideration of minutes of previous meeting, administrative and staff reports, status of National Institute for Occupational Safety and Health (NIOSH) safety research program, overview of nationwide Educational Resource Centers (ERCs), and report on the University of Texas ERC and its safety research component. Beginning at 8 a.m., March 6, 1979, through adjournment on March 8, 1979, the Study Section will be performing the initial review of research grant and training grant applications for Federal Assistance, and will not be open to the public, in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination of the Director, Center for Disease Control, pursuant to Pub. L. 92-463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: February 5, 1979.

WILLIAM H. FOEGE,
Director, Center for Disease Control.

[FR Doc. 79-4700 Filed 2-12-79; 8:45 am]

[4110-08-M]

National Institutes of Health

ANIMAL RESOURCES REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Animal Resources Review Committee, Division of Research Resources, February 28 and March 1, 1979, Room 4A, Building 31, National Institutes of Health, Bethesda, Maryland 20014.

The meeting will be open to the public on February 28 from 1:00 p.m. to recess, during which time there will be a brief staff presentation on the current status of the Animal Resources Program, and on March 1 from 8:30 a.m. to 5:00 p.m., during which time there will be a workshop on pasteurellosis in rabbits. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 28 from 8:00 a.m. to 12:00 noon for the review, discussion, and evaluation of individual grant applications submitted to the Laboratory Animal Sciences Program. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health)

Dated: February 5, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-4662 Filed 2-12-79; 8:45 am]

[4110-08-M]

ARTERIOSCLEROSIS AND HYPERTENSION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Arteriosclerosis and Hypertension Advisory Committee, National Heart, Lung, and Blood Institute, April 23-24, 1979, Conference Room 6C-01, 6th Floor, Federal Building, 7550 Wisconsin Avenue, Bethesda, MD. The entire meeting will be open to the public from 9:00 am to 5:00 pm on Monday, April 23 and on Tuesday, April 24 to evaluate program support in Arteriosclerosis and Hypertension. Attendance by the public will be limited on a space available basis.

Mr. York Onnen, chief, Public Inquiries and Reports Branch, NHLBI, Room 5A-03, Building 31, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496-4236, will provide summaries of the meeting and rosters of committee members.

Dr. Gardner C. McMillan, Associate Director for Etiology of Arteriosclerosis and Hypertension Program, NHLBI, Room 516, Federal Building, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496-1613, will furnish substantive program information.

Dated: February 5, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-4670 Filed 2-12-79; 8:45 am]

[4110-08-M]

BOARD OF SCIENTIFIC COUNSELORS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCT, National Cancer Institute, March 26-28, 1979, Building 31, 6th floor, "C" wing, Conference Room 10, National Institutes of Health. This meeting will be open to the public on March 26 and 27, 1979, from 8:30 a.m. to 5:30 p.m., and again on March 28, 1979, from 8:30 a.m. until recess, to review program plans, followup on status of budget and a review of the clinical trials program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 27, 1979, from 6:30 p.m. to 9:30 p.m., for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Vincent T. DeVita, Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A-52, National Institutes of Health, Bethesda, Maryland 20014 (301-496-4291) will furnish summaries of meetings, rosters of committee members, and substantive program information.

Dated: February 5, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-4668 Filed 2-12-79; 8:45 am]

[4110-08-M]

CANCER CONTROL GRANT REVIEW COMMITTEE

Change in Meeting Date and Time

Notice is hereby given of a change in meeting date and time for the Cancer Control Grant Review Committee, National Cancer Institute, March 5-6, 1979, which was published in the FEDERAL REGISTER on January 24, 1979 (44 FR 5004).

The meeting will now be held three days, March 4-6, 1979, starting at 3:00 p.m., on March 4, Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Maryland 20014. The meeting will be open to the public from 3:00 p.m.-3:30 p.m. and closed to the public from 3:30 p.m. to 7:00 p.m. on March 4 and all day March 5 and 6 to review research grant applications, as stated in the notice. Attendance by the public will be limited to space available.

For further information, please contact Dr. Robert F. Browning, Westwood Building, Room 806, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7413).

Dated: February 5, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-4663 Filed 2-12-79; 8:45 am]

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[4110-08-M]

CELLULAR AND MOLECULAR BASIS OF DISEASE REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, March 12-13, 1979, at the National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on March 12, 1979, from 8:30 a.m. until 9:00 a.m. for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(6) the meeting will be closed to the public on March 12, 1979, from 9:00 a.m. until 5:00 p.m. and on March 13, 1979, from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications could reveal personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, National Institutes of Health, Room 9A05, Westwood Building, Bethesda, Maryland 20014, Telephone: 301/496-7301, will provide a summary of the meeting and a roster of committee members.

Dr. Lee Van Lenten, Executive Secretary, Cellular and Molecular Basis of Disease Review Committee, NIGMS, National Institutes of Health, Room 907, Westwood Building, Bethesda, Maryland 20014 (Telephone: 301/496-7621) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, General Medical Sciences)

Dated: February 5, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4666 Filed 2-12-79; 8:45 am]

[4110-08-M]

GENERAL RESEARCH SUPPORT REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, March 8-9, 1979, from 9:00 a.m. to 5:00 p.m. in Building 31, Conference Room 7, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public from 9:00 a.m. to 1:30 p.m. on March 8, 1979, to discuss administrative matters relating to the programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 8, 1979, from 1:30 p.m. to 5:00 p.m., and on March 9, 1979, from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Maryland 20014, telephone AC 301-496-5545, will provide summaries of meetings and rosters of committee members. Dr. Sidney A. McNairy, Jr., Executive Secretary of the General Research Support Review Committee, Building 31, Room 5B33, Bethesda, Maryland 20014, telephone AC 301-496-6743 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, National Institutes of Health).

Dated: February 5, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4664 Filed 2-12-79;8:45 am]

[4110-08-M]

HEART, LUNG, AND BLOOD RESEARCH REVIEW COMMITTEE B

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, March 30, 1979, Conference Room 6, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on March 30, 1979, from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 30, 1979, from 9:30 AM until the adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Henry G. Roscoe, Executive Secretary, NHLBI, NIH, Room 554, Westwood Building, Bethesda, Maryland 20014, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, 13.839, National Institutes of Health)

Dated: February 5, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4669 Filed 2-12-79; 8:45 am]

[4110-08-M]

NATIONAL DIABETES ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of meetings of the National Diabetes Advisory Board on March 13, and 14, 1979, at the Old Town Holiday Inn, 480 King Street, Alexandria, Virginia.

The Executive Committee meeting will be held on March 13, 1979, 3:00 p.m. The Board meeting will be held on March 14, 1979, 9:00 a.m.

The meetings, which will be open to the public, are being held to continue review of the status and implementation of national diabetes programs. Attendance by the public will be limited to space available.

Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Maryland 20014, (301) 496-6045, will provide summaries of the meetings and a roster of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: February 5, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4667 Filed 2-12-79; 8:45 am]

[4110-08-M]

NIH PUBLIC ADVISORY COMMITTEES

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees: National Arthritis Advisory Board; National Diabetes Advisory Board.

Authority for the above committees will expire on September 30, 1980.

Dated February 1, 1979.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 79-4661 Filed 2-12-79; 8:45 am]

[4110-08-M]

PHARMACOLOGY-TOXICOLOGY REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pharmacology-Toxicology Review Committee, National Institute of General Medical Sciences, March 8-9, 1979, National Institutes of Health, Building 31C, Conference Room 9, Bethesda, Maryland.

This meeting will be open to the public on March 8 from 9:00 a.m. to 10:30 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(6), the meeting will be closed to the public on March 8 from 10:30 a.m. to 5:00 p.m. and on March 9 from 9:00 a.m. to 5:00 p.m. or adjournment for the review, discussion and evaluation of individual grant applications. These applications could reveal personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 9A05, Bethesda, Maryland 20014, Telephone: 496-7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Martha Panitch, Executive Secretary, Pharmacology-Toxicology Review Committee, Westwood Building, Room 953, Bethesda, Maryland, Telephone: 301, 496-7585.

(Catalog of Federal Domestic Assistant Program 13-859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health).

Dated: February 5, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4665 Filed 2-12-79; 8:45 am]

[4110-08-M]

SOMATIC CELL GENETICS WORKSHOP

Meeting

Notice is hereby given of the workshop on Mutation and Gene Transfer in Somatic Cells, sponsored by the National Cancer Institute's Division of Cancer Biology and Diagnosis, April 23, 24, 25, 1979, Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. until adjournment each day. Subjects to be discussed include the nature of mutations in somatic cells in culture, and various means of transferring genes and chromosomes between somatic cells. Attendance by the public will be limited to space available.

Dr. Michael Gottesman, senior investigator, National Cancer Institute, Building 37, Room 2E22, Bethesda, Maryland (301/496-1530) will provide additional information.

Dated: February 5, 1979.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 79-4671 Filed 2-12-79; 8:45 am]

[4110-08-M]

REPORT ON BIOASSAY OF 2, 7 - DICHLORODIBENZO - P - DIOXIN (DCDD) FOR POSSIBLE CARCINOGENICITY

Availability

2,7-dichlorodibenzo-p-dioxin (DCDD) (CAS 33857-26-0) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of 2,7,-dichlorodibenzo-p-dioxin (DCDD) for possible carcinogenicity was conducted by administering the test chemical in feed to Osborne-Mendel rats and B6C3F1 mice. The chemical is formed as a by-product in the synthesis of chlorophenol and is a contaminant in the herbicide 2,4,5-T and the pesticide pentachlorophenol.

It is concluded that under the conditions of this bioassay, DCDD was not carcinogenic for Osborne-Mendel rats of either sex or for female B6C3F1 mice. The marginal increased incidences of combinations of leukemias and lymphomas, of hemangiosarcomas and hemangiomas, and of hepatocellular carcinomas and adenomas in male B6C3F1 mice, however, provided evidence which was suggestive but under the conditions of the experiment was insufficient to establish the carcinogenicity of 2,7-dichlorodibenzo-p-dioxin in these animals.

Single copies of the report, Bioassay of 2,7-Dichlorodibenzo-p-dioxin (DCDD) for Possible Carcinogenicity (T.R. 123), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: February 2, 1979.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 79-4156 Filed 2-12-79; 8:45 am]

[4110-08-M]

REPORT ON BIOASSAY OF P,P'-ETHYL-DDD FOR POSSIBLE CARCINOGENICITY

Availability

p,p'-ethyl-DDD (CAS 72-56-0) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of p,p'-ethyl-DDD for possible carcinogenicity was conducted by administering the test chemical in feed to F344 rats and B6C3F1 mice. Applications of the chemical include use as an insecticide.

It is concluded that under the conditions of this bioassay, p,p'-ethyl-DDD was not carcinogenic for male or female F344 rats or male B6C3F1 mice. However, the occurrence of hepatocellular carcinomas and adenomas in female mice provided evidence which was suggestive but under the conditions of the experiment was insufficient to establish a carcinogenic effect.

Single copies of the Bioassay of p,p'-Ethyl-DDD for Possible Carcinogenicity (T.R.156), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

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Dated: February 2, 1979.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 79-4157 Filed 2-12-79; 8:45 am]

[4110-85-M]

Office of the Assistant Secretary for Health

HEALTH MAINTENANCE ORGANIZATIONS

November Listing

AGENCY: Public Health Service, HEW.

ACTION: Notice, November list of qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations. In addition, the service area of a previously qualified HMO has been amended to reflect changes in zip code desinations. This additional information follows the listing of this month's qualified HMOs.

FOR FURTHER INFORMATION CONTACT:

Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building—3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended (42 CFR 110.605(b), require that a list and description of all newly qualified HMOs be published on a monthly basis in the FEDERAL REGISTER. The following entities have been determined to be qualified HMOs under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

Name, address, service area, and date of qualification

(Operational Qualified Health Maintenance Organizations: 42 CFR § 110.603(a))

1. The Toledo Plan/dba Health Plus, (Staff Model, see Section 1310(b)(1) of the Public Health Service Act) 4346 Secor Road, Suite #105, Toledo, Ohio 43623. Service area: Lucas County, Perrysburg and Rossford in Wood County and the following zip codes in Ohio:

43601-43624	43571	43504
43460	43465	43560
43551	43558	43537
43566	43528	43542

Date of qualification: October 31, 1978. (Achieved preoperational qualification on October 31, 1978, see 43 FR 60366 dated 12/27/78.)

2. Fallon Community Health Plan, Inc., (Group Model, see Section 1310(b)(1) of the Public Health Service Act), 630 Plantation Street, Worcester, Massachusetts 01605. Service area: Municipalities of Worcester County, Massachusetts: Auburn, Berlin, Boylston, Clinton, Grafton, Holden, Leicester, Millbury, Northboro, Northbridge, Oxford, Paxton, Princeton, Rutland, Shewsbury, Spencer, Sterling, Sutton, Upton, Webster, West Boylston, Westboro, and Worcester. Date of qualification: November 21, 1978.

AMENDED SERVICE AREA

A service area listed in the annual cumulative list of qualified HMOs and published on April 7, 1978, in the FEDERAL REGISTER (43 FR 14908-13) is amended as follows:

1. California Medical Group Health Plan, Inc., 1880 Century Park East, Suite 1500, Los Angeles, California 90067. Service area:

[4110-85-C]

Change from:

Los Angeles County California

90001	90028	90061	90250	90501	90723	91016
90002	90029	90062	90254	90502	90731	91020
90003	90031	90063	90255	90503	90732	91024
90004	90032	90064	90260	90504	90744	91030
90005	90033	90065	90262	90505	90745	91040
90006	90034	90066	90265	90506	90746	91042
90007	90035	90067	90266	90601	90747	91046
90008	90036	90068	90270	90602	90801	91101
90010	90037	90069	90272	90603	90802	91103
90011	90038	90071	90274	90604	90803	91104
90012	90039	90201	90277	90605	90804	91105
90013	90040	90210	90278	90606	90805	91106
90014	90041	90211	90280	90638	90806	91107
90015	90042	90212	90290	90640	90807	91108
90016	90043	90220	90291	90650	90808	91201
90017	90044	90221	90301	90660	90810	91301
90018	90045	90222	90302	90670	90812	91302
90019	90046	90230	90303	90701	90813	
90020	90047	90240	90304	90706	90814	
90021	90048	90241	90305	90710	90815	
90022	90049	90242	90401	90712	90840	
90024	90056	90245	90402	90713	91001	
90025	90057	90247	90403	90715	91006	
90026	90058	90248	90404	90716	91010	
90027	90059	90249	90405	90717	91011	
91303	91342	91406	91605	91733	91770	93532
91304	91343	91411	91606	91738	91773	93534
91306	91344	91423	91607	91740	91775	93543
91307	91350	91436	91608	91744	91776	93544
91310	91351	91501	91702	91745	91780	93550
91311	91352	91502	91706	91746	91789	93553
91316	91355	91504	91711	91750	91790	93563
91321	91364	91505	91722	91754	91791	
91324	91401	91506	91723	91765	91792	
91331	91402	91601	91724	91766	91801	
91335	91403	91602	91731	91767	91803	
91340	91405	91604	91732	91768	93510	

Orange County California

90620	90743	92631	92646	92660	92669	92683	92707
90621	92621	92632	92647	92661	92670	92686	92708
90623	92624	92633	92648	92662	92672	92687	92709
90630	92625	92640	92649	92664	92675	92701	92801
90631	92626	92641	92650	92665	92676	92703	92802
90720	92627	92643	92651	92666	92677	92704	92804
90740	92629	92644	92653	92667	92678	92705	92805
90742	92630	92645	92655	92668	92680	92706	92806
							92807

Riverside County California*

91720	91752	91760	92330	92370	92388	92501
92503	92504	92505	92506	92507	92508	92509

*Zip codes included a 30 mile radius of the health center.

Santa Barbara County California

93013	93017	93067	93101	93103	93105	93108
93109	93110	93111	93427	93441	93460	93463

San Bernardino County California

91701	91710	91730	91739	91743	91761	91762
91763	91764	91786	92316	92318	92324	92335
92346	92354	92369	92373	92376	92401	92404
92405	92407	92408	92409	92410	92411	

San Diego County California

92001	92021	92045	92077	92108	92118	92127	92145
92002	92024	92050	92078	92109	92119	92128	92154
92007	92025	92064	92101	92110	92120	92129	92155
92008	92027	92065	92102	92111	92121	92131	92162
92010	92032	92067	92103	92113	92122	92133	
92011	92035	92069	92104	92114	92123	92135	
92014	92037	92071	92105	92115	92124	92137	
92017	92040	92073	92106	92116	92125	92139	
92020	92041	92075	92107	92117	92126	92140	

Ventura County California

91320	91361	93010	93021	93042	93065
91360	91362	93015	93040	93063	

Change to:

Los Angeles County California

90001	90028	90061	90250	90501	90723	91016
90002	90029	90062	90254*	90502	90731	91020
90003	90031	90063	90255	90503	90732	91024
90004	90032	90064	90260	90504	90744	91030
90005	90033	90065	90261*	90505	90745	91040
90006	90034	90066	90262	90506	90746	91042
90007	90035	90067	90265	90601	90747	91046
90008	90036	90068	90270	90602	90748*	91101
90009*	90037	90069	90272	90603	90749*	91103
90010	90038	90071	90274	90604	90801	91104
90011	90039	90201	90277	90605	90804	91105
90012	90040	90210	90278	90606	90805	91106
90013	90041	90211	90280	90631*	90806	91107
90014	90042	90212	90290	90638	90807	91108
90015	90043	90220	90291	90640	90808	91201
90016	90044	90221	90301	90650	90810	91209*
90017	90045	90222	90302	90660	90812	91301
90018	90046	90230	90303	90701	90813	91302
90019	90047	90240	90304	90706	90814	91303
90020	90048	90241	90305	90710	90815	91304
90021	90049	90242	90401	90712	90840	91306
90022	90054*	90245	90402	90713	91001	91307
90023*	90056	90246*	90403	90715	91006	91310
90024	90057	90247	90404	90716	91010	91311
90025	90058	90248	90405	90717	91011	91316
90026	90059	90249				

91321	91350	91423	91606	91733	91767	91801
91324	91351	91436	91607	91738	91768	91802*
91325*	91352	91501	91608	91740	91770	91803
91326*	91355	91502	91702	91744	91773	93510
91331	91364	91504	91706	91745	91775	93532
91335	91401	91505	91711	91746	91776	93534
91340	91402	91506	91722	91748*	91780	93543
91342	91403	91601	91723	91750	91789	93544
91343	91405	91602	91724	91754	91790	93550
91344	91406	91604	91731	91765	91791	93553
91345*	91411	91605	91732	91766	91792	93563

*added zip codes

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Orange County California

90620	90742	92632	92644	92655	92669	92687
90621	90743	92633	92645	92660	92670	92701
90622*	92621	92634*	92646	92661	92672	92702*
90623	92624	92636*	92647	92662	92675	92703
90624*	92625	92637*	92648	92663*	92676	92704
90630	92626	92638*	92649	92664	92677	92705
90631	92627	92640	92650	92665	92678	92706
90680*	92629	92641	92651	92666	92680	92707
90720	92630	92642*	92652*	92667	92683	92708
90740	92631	92643	92653	92668	92686	92709
92710*	92713*	92715*	92717*	92802	92805	92807
92711*	92714*	92716*	92801	92804	92806	

Riverside County California

91720	91752	91760	92330	92370	92388	92501	92502*
92503	92504	92505	92506	92507	92508	92509	

Santa Barbara County California

93013	93017	93067	93101	93103	93105	93108
93109	93110	93111	93427	93441	93460	93463

San Bernardino County California

91701	91710	91730	91739	91743	91761	91762
91763	91764	91786	92316	92318	92324	92335
92346	92354	92369	92373	92376	92401	92404
92405	92407	92408	92409	92410	92411	

San Diego County California

92001	92021	92045	92077	92108	92118	92127	92145
92002	92024	92050	92078	92109	92119	92128	92154
92007	92025	92064	92101	92110	92120	92129	92155
92008	92027	92065	92102	92111	92121	92131	92162
92010	92032	92067	92103	92113	92122	92133	
92011	92035	92069	92104	92114	92123	92135	
92014	92037	92071	92105	92115	92124	92137	
92017	92040	92073	92106	92116	92125	92139	
92020	92041	92075	92107	92117	92126	92140	

*added zip codes

Ventura County California

91320	91361	93010	93021	93042	93065
91360	91362	93016	93040	93063	

[4110-85-M]

Date of qualification: Transitionally qualified—July 19, 1977.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Park Building, 3rd Floor, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified HMOs should be sent to the same office.

Dated: February 5, 1979.

HOWARD R. VEIT,
Director, Office of Health Maintenance Organizations.

[FR Doc. 79-4706 Filed 2-12-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 35958]

NEW MEXICO

Notice of Application

FEBRUARY 6, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 28 E.,
Sec. 25, NE¼SW¼ and S½SW¼;
Sec. 35, E½NE¼ and N½SE¼.

This pipeline will convey natural gas across 1.077 miles of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be processing with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Rosewell, New Mexico 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4707 Filed 2-12-79; 8:45 am]

[4310-55-M]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Greater Baton Rouge Zoo, Greenwood Park, P.O. Box 60, Baker, Louisiana 70714.

The applicant requests a permit to purchase in interstate commerce two (2) male cotton-topped tamarins (*Saguinus oedipus*) from the Overton Park Zoo, Memphis, Tennessee, for enhancement of propagation.

The tamarins are presently located at the Greater Baton Rouge Zoo on breeding loan from the Overton Park Zoo.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3751. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 15, 1979. Please refer to the file number when submitting comments.

Dated: February 7, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-4732 Filed 2-12-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: International Animal Exchange, 570 Livernois, Ferndale, Michigan 48220.

The applicant requests a permit to deliver in foreign commerce between South West Africa (Namibia) and Taiwan five male and five female cheetahs (*Acinonyx jubatus*) for the purpose of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3786. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 15, 1979. Please refer to the file number when submitting comments.

Dated: February 8, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-4737 Filed 2-12-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: National Biocentric, Inc., 2233 Hamline Ave., North, St. Paul, Minnesota 55113.

The applicant requests a permit to conduct a survey and to take up to two specimens of Higgin's eye mussels (*Lampsilis higginsi*) at seven bridge sites on the Minnesota and Mississippi Rivers in Minnesota in order to determine the presence and distribution of the species.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3772. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 15, 1979. Please refer to the file number when submitting comments.

Dated: February 5, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-4731 Filed 2-13-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: National Zoological Park, Washington, D.C. 20008.

The applicant requests a permit to import one male maned wolf (*Chrysocyon brachyurus*) from and export one female maned wolf to the Rotterdam Zoo, Netherlands, in breeding exchange for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal

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business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3687. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 15, 1979. Please refer to the file number when submitting comments.

Dated: February 8, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and wildlife Service.

[FR Doc. 79-4736 Filed 2-12-79; 8:45 am]

[4310-55-M]

ENDANGERED AND THREATENED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Dr., West, Atlanta, Georgia 30329.

The applicant requests a permit to take or import up two specimens each of Atlantic ridley (*Lepidochelys kempi*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), green (*Chelonia mydas*), and loggerhead (*Caretta caretta*), and olive ridley (*Ledpidochelys olivacea*) sea turtles for the purpose of scientific research. The animals will be sacrificed for analysis to identify specific characteristics of parts and products for each species.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3768. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 15, 1979. Please refer to the file number when submitting comments.

Dated: February 7, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-4734 Filed 2-12-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Zoological Society of Philadelphia, 34th and Girard Ave., Philadelphia, Pennsylvania 19104.

The applicant requests a permit to purchase in interestate commerce one (1) male and one (1) female mandrill (*Papio sphinx*) from the Cheyenne Mountain Zoological Park, Colorado Springs, Colorado, for enhancement of propagation.

The mandrills are presently held by the Zoological Society of Philadelphia on breeding loan from the Cheyenne Mountain Zoological Park.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3623. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 15, 1979. Please refer to the file number when submitting comments.

Dated: February 7, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-4735 Filed 2-12-79; 8:45 am]

[4310-55-M]

THREATENED SPECIES PERMIT

Notice of Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of cats listed in 50 CFR Section 17.11 as T(C/P). Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, USFWS, WPO, Washington, D.C. 20240. Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address.

Applicant: Soco Gardens Zoo, Route No. 1 Box 355, Maggie Valley, North Carolina; PRT 2-3756; Species: all cats.

Applicant: Alfonso Magana, 2621 Mall Dr., Sarasota, Florida 33581; PRT 2-3774; Species: Leopard (*Panthera pardus*).

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: February 7, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-4733 Filed 2-12-79; 8:45 am]

[4310-55-M]

THREATENED SPECIES PERMIT

Notice of Receipt of Application

Applicant: James E. Coffey & Sons, 4843 Greenwood Terrace, Cincinnati, Ohio 45226.

The applicant wishes to apply for a Captive-Self Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of education, all species of animals listed in 50 CFR Section 17.11 as T(C/P). The applicant wishes to buy and sell preserved specimens only.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

This application has been assigned file number PRT 2-3511. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 15, 1979. Please refer to the file number when submitting comments.

Dated: February 1, 1979.

LARRY LAROCHELLE,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-4738 Filed 2-12-79; 8:45 am]

[4310-55-M]

SEA WORLD

Notice of Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take walrus as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 18).

1. Applicant:
a. Name: Sea World.
b. Address: 1720 So. Shores Rd., San Diego, California 92109.
2. Type of Permit: Public Display.

3. Name and Number of Animals: Walrus (*Odobenus rosmarus*), 8.
4. Type of Activity: Capture.
5. Location of Activity: Offshore water of St. Lawrence Island, Little Diomede Island and mainland Alaska.
6. Period of Activity: March 1, 1979 through December 31, 1981.

The purpose of this application is to receive authorization to capture 8 walrus for use in public displays in Sea World facilities in California, Florida and Ohio and to collect behavioral data on courtship, breeding and other stages of development.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-3542. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, on or before March 15, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United State Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia.

Dated: February 2, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 79-4730 Filed 2-12-79; 8:45 am]

[4310-03-M]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before February 2, 1979. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, DC 20240. Written comments or a request for additional time to prepare comments should be submitted by February 23, 1979.

WILLIAM J. MURTAGH,
Keeper of the National Register.

CONNECTICUT

Litchfield County

Norfolk, *Norfolk Historic District*, U.S. 44 and CT 272.

New London County

Lebanon, *Lebanon Green Historic District*, CT 87 and W. Town St., Stonington, *Stonington.*

ILLINOIS

Cook County

Arlington Heights, *Muller House*, 500 N. Vail Ave.
Barrington, *Octagon House*, 223 W. Main St.
Chicago, *Notre Dame de Chicago*, 1338 W. Flournoy St.
Chicago, *Reebie Storage and Moving Company*, 2325—33 N. Clark St.
Palatine, *Clayson, George, House*, 224 E. Palatine Rd.

DeKalb County

DeKalb, *Gurler, George H., House*, 205 Pine St.

Kane County

Batavia vicinity, *Campana Factory*, N of Batavia on N. Batavia Ave.

Menard County

Athens vicinity, *North Sangamon United Presbyterian Church*, N of Athens on SR 2.

INDIANA

Porter County

Beverly Shores, *1933 World's Fair and Lustron District*, 104 State Park Rd., 103, 204, 208, 210, 212, 214, and 215 Lake Front Dr.

MARYLAND

Baltimore (independent city)

Walters Bath No. 2, 900 Washington Blvd.

Cecil County

Providence vicinity, *Hopewell*, NW of Providence.
Providence vicinity, *Little Elk Farm*, NW of Providence.

Dorchester County

Cambridge vicinity, *Dale's Right*, S of Cambridge.

Harford County

Joppatowne vicinity, *Old Joppa Site*, off U.S. 40.

MASSACHUSETTS

Essex County

Peabody, *Peabody Central Fire Station*, 41 Lowell St.

Middlesex County

Waltham, *Boston Manufacturing Company*, 144 Moody St.

MISSISSIPPI

Yazoo County

Yazoo City, *Yazoo City Town Center Historic District*, irregular pattern along Main, Madison, and Broadway Sts.

NEW HAMPSHIRE

Rockingham County

Rye, *Isles of Shoals*, Appledore Island and environs (also in York County, ME).

NEW JERSEY

Middlesex County

East Brunswick, *Kearney, Edward S., House*, NJ 18.
Perth Amboy, *Simpson United Methodist Church*, High and Jefferson Sts.

NEW MEXICO

De Baca County

Fort Sumner vicinity, *Fort Sumner Railroad Bridge*, 2 mi. (3.2 km) W of Fort Sumner over Pecos River.

NEW YORK

Erie County

West Seneca, *Eaton Site.*

Onondaga County

Syracuse, *Hawley-Green Street Historic District*, Green St. and Hawley Ave.

Suffolk County

Mastic Beach, *Floyd, William, House (Old Mastic House)* 20 Washington Ave.

OREGON

Clackamas County

Oregon City, *Milne, James, House*, 504 3rd St.

Jackson County

Medford, *South Oakdale Historic District*, irregular pattern along S. Oakdale Ave. from Stewart Ave. to W. 10th St.

Linn County

Albany, *Flinn Block*, 222 SW. 1st Ave.
Albany, *United Presbyterian Church and Rectory*, 510 SW. 5th Ave.

Multnomah County

Portland, *Ambassador Apartments*, 1209 SW. 6th Ave.
Portland, *Ashley, Mark A. M., House*, 2847 NW. Westover Rd.
Portland, *Brainard, William E., House*, 5332 SE. Morrison St.
Portland, *Cotillion Hall*, 406 SW. 14th Ave.
Portland, *Nicholas-Lang House*, 2030 SW. Vista Ave.
Portland, *Railway Exchange Building*, 320 SW. Stark St.

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Union County

LaGrande vicinity, *Hot Lake Resort*, SE of LaGrande on OR 203.

TENNESSEE

Davidson County

Nashville, *Utopia Hotel*, 206 4th Ave. North.

Montgomery County

Clarksville vicinity, *Riverview*, W of Clarksville on Cumberland Heights Rd.

Weakley County

Gardner, *Caldwell, William Parker, House*, off TN 22.

TEXAS

Freestone County

Teague, *Trinity and Brazos Valley Railroad Depot and Office Building*, 208 S. 3rd Ave.

Galveston County

Galveston, *Galveston Orphans Home*, 1315 21st St.

UTAH

San Juan County

Bluff, *Bluff City Historic District*, UT 47.

WISCONSIN

Jefferson County

Watertown, *Chicago and Northwest Railroad Passenger Station*, 725 W. Main St.

Winnebago County

Oshkosh, *Buckstaff Observatory*, 2119 N. Main St.

[FR Doc. 79-4405 Filed 2-12-79; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[AA1921-Inq.-24]

CERTAIN 45 R.P.M. ADAPTORS FROM THE UNITED KINGDOM

Inquiry and Hearing

The United States International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) on January 30, 1979, that during the course of determining, in accordance with section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)) whether to institute an investigation with respect to certain 45 R.P.M. adaptors from the United Kingdom, Treasury had concluded from the information available to it that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. Therefore, the Commission on February 7, 1979, instituted inquiry No. AA1921-Inq.-24, under section 201(c)(2) of the act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Treasury advised the Commission as follows:

DEAR MR. CHAIRMAN: In accordance with section 201(c) of the Antidumping Act of 1921, as amended, an antidumping investigation is being initiated with respect to 45 R.P.M. flat and round spindle adaptors from the United Kingdom. Pursuant to section 201(c)(2) of the Act, you are hereby advised that the information developed during our preliminary investigation has led me to the conclusion that there is a substantial doubt that an industry in the United States is being, or is likely to be, injured by reason of the importation of this merchandise into the United States.

The basis for my determination are summarized in the attached copy of the Antidumping Proceeding Notice in this case. Additional information will be provided by the U.S. Customs Service.

Some of the information involved in this case is regarded by Treasury to be of a confidential nature. It is therefore requested that the Commission consider all the information provided for its investigation to be for the official use of ITC only and not to be disclosed to others without prior clearance from the Treasury Department.

Sincerely,

ROBERT H. MUNDHEIM.

Hearing.—A public hearing in connection with the inquiry will be held in Washington, D.C., at 10:00 a.m., e.s.t., on Thursday, February 15, 1979, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. All parties will be given an opportunity to be present, to produce information, and to be heard at such hearing. Requests to appear at the public hearing should be received in writing in the office of the Secretary to the Commission not later than Friday, February 9, 1979.

Written statements.—Interested parties may submit statements in writing in lieu of, or in addition to, appearance at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such statements should be received no later than Friday, February 9, 1979.

By order of the Commission.

Issued: February 8, 1979.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-4769 Filed 2-12-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

NORTHERN NINTH CIRCUIT PANEL OF THE U.S. CIRCUIT JUDGE NOMINATING COMMISSION

Meeting

The Northern Ninth Circuit Panel of the U.S. Circuit Judge Nominating Commission will have its second meeting commencing March 1 at 9:30 a.m., and if necessary, will be carried over to March 2 and 3. This meeting will be held in the Conference Room of Souther, Spaulding, Kinsey, Williamson & Schwabe, Twelfth Floor, Standard Plaza, 1100 S.W. Sixth Avenue, Portland, Oregon.

This meeting will be closed to the public pursuant to Pub. L. 92-463, Section 10(D) as amended. (CF. 5 U.S.C. 552b (c)(6).)

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

FEBRUARY 7, 1979.

[FR Doc. 79-4705 Filed 2-12-79; 8:45 am]

[4401-01-M]

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Solicitation

The National Institute of Law Enforcement and Criminal Justice plans to initiate a program of research, the ultimate goal of which is the rational and consistent prioritization of prosecutors' information requirements and police departments' investigative procedures in order both to facilitate informed and just prosecution decisions and to maximize convictable arrests. The purpose of this solicitation is to invite researchers with a particular interest in this topic area to compete for the initial research grant. The intent of this grant is to conceptualize the problem of prosecutorial information requirements for various types of criminal cases, and police acquisition of this information in order to allow a systematic empirical investigation of the subject. Also anticipated within this effort is limited collection and/or analysis of relevant data.

The solicitation asks for the submission of preliminary proposals rather than formal grant applications. Formal proposals will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than March 19, 1979. The grant is planned for award in May 1979 with funding support not to exceed $150,000 and a grant period of 18 months in duration.

Further information and copies of the solicitation can be obtained by contacting: William E. Saulsbury or David J. Farmer, Office of Research Programs, NILECJ, 633 Indiana Avenue, N.W. Washington, D.C. 20531 301-492-9110.

BLAIR G. EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 79-4656 Filed 2-12-79; 8:45 am]

[4410-18-M]

NATIONAL MINORITY ADVISORY COUNCIL ON CRIMINAL JUSTICE

Meeting

This is to provide notice of meeting of the National Minority Advisory Council on Criminal Justice (NMACCJ).

The National Minority Advisory Council will hold its regular quarterly meeting and work session on February 23 through 26, 1979. The meeting will be held at the Sheraton Silver Spring, 8727 Colesville Road, Silver Spring, Maryland 20910. The meeting is scheduled to run from 9:00 a.m. until 6:00 p.m. on each day. The four sessions will center on review of the Council's final report on the national needs assessment of minorities and their relationship with the criminal justice system. The meeting is open to the public.

Anyone wishing additional information should contact Lewis Taylor, Project Monitor, 633 Indiana Ave., N.W., Washington, D.C. 20531. Telephone number (202) 633-2215.

LEWIS W. TAYLOR,
Project Monitor, National Minority Advisory Council on Criminal Justice.

[FR Doc. 79-4657 Filed 2-12-79; 8:45 am]

[4510-43-M]

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-78-134-C]

YOUGHIOGHENY & OHIO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

The Youghiogheny and Ohio Coal Company, 6 North 4th Street, Martins Ferry, Ohio 43935, has filed a petition to modify the application of 30 CFR 75.1100 (fire protection) to its Nelms Mine in Harrison County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition follows:

1. This petition concerns the slope belt waterline at the petitioner's mine.

2. Due to freezing conditions during the winter which could render the waterline useless for firefighting and to the tendency of standing water to corrode the waterline, the petitioner proposes to establish the following dry-line system:

a. Water for the system will be fed from a 10,000 gallon tank through a two-inch pipe to firehose outlets at 300-foot intervals along the belt.

b. A by-pass system with a manual valve will be installed at the electric pump so that the water line can be charged during the emergency.

c. All employees who work in the vicinity of the hoist or supply house will be instructed in the location and operation of the manual valve. A hoistman will be in the building at all times when employees are underground.

d. An automatic sensor system will be inspected weekly and a functional test of the complete system will be made at least once annually.

3. The petitioner states that this alternative will achieve no less protection for miners than that provided by the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before March 15, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: February 1, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-4714 Filed 2-12-79; 8:45 am]

[4510-26-M]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health will meet on March 2, 1979, at the New Department of Labor Building, Third Street and Constitution Avenue NW., Washington, D.C. The Committee will meet in room N-4437. The meeting will begin at 9:30 a.m. The public is invited to attend.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596) to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

Following the swearing in of the new members, the Committee will hear reports on the recent activities of OSHA and NIOSH from the respective heads of these agencies, Dr. Eula Bingham and Dr. Anthony Robbins. Benjamin Mintz, Associate Solicitor for Occupational Safety and Health, will present an update of legal developments affecting OSHA. After these reports, the Committee will discuss and outline plans for the coming year.

FOR ADDITIONAL INFORMATION CONTACT:

Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3635, Third Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-8024.

Official records of the meeting will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C., this 9th day of February 1979.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 79-4843 Filed 2-12-79; 8:45 am]

[4510-29-M]

Office of Pension and Welfare Benefit Programs

PROPOSED EXEMPTIONS FOR CERTAIN TRANSACTIONS INVOLVING SOUTHERN NEVADA CULINARY AND BARTENDERS PENSION TRUST (APPLICATION NO. D-1219)

AGENCY: Department of Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of two proposed exemptions from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemptions were requested in an application filed on behalf of Thomas L. Karsten Associates (Karsten) for transactions involving the Southern Nevada Culinary and Bartenders Pension Trust (the Pension Trust). The proposed exemptions, if granted, would affect participants and beneficiaries of the Pension Trust, their employers, the Pension Trust's investment managers, and other per-

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sons participating in the described transactions.

DATES: Written comments must be received by the Department of Labor on or before March 15, 1979.

ADDRESS: All written comments (at least six copies) should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-1219. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Robert R. Bitticks of the Department of Labor (202) 523-8620. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of proposed exemptions from the restrictions of sections 406(a) and 407(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemptions were requested in an application filed on behalf of Karsten, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722. The applications were filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978 (44 FR 1065, January 3, 1979), section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

BACKGROUND

Karsten has made representations applicable to each proposed exemption which are summarized below. Interested persons are referred to the application for the complete representations of Karsten.

On June 30, 1978, the Department and the Internal Revenue Service granted exemptions to permit the Upper Avenue Bank (the Bank) as investment manager of the Pension Trust to engage in transactions with certain parties in interest and disqualified persons. The Bank has given notice of its desire to resign its position as investment manager as soon as possible, and the trustees of the Pension Trust have designated Karsten as the successor investment manager with respect to real estate related assets. The proposed exemptions are identical to the exemptions granted to the Bank.

The Pension Trust was established in 1971 to provide pension benefits to members of the Culinary Workers Union Local 226 and the Bartenders Union Local 165. The Pension Trust is maintained jointly by these two unions and various employers located in southern Nevada. As of January 27, 1978, there were 31,553 participants in the Pension Trust and 253 employers of participants. As of December 31, 1976 the Pension Trust had assets of approximately $41,500,000.

The Pension Trust has entered into various financial transactions with entities owned by Mr. Morris A. Shenker, including Sierra Charter Corporation ("Sierra") and Murrieta Hot Springs ("Murrieta"). Mr. Shenker, through various entities, owns more than 10 percent of, and is an officer of, the Dunes Hotel in Las Vegas, Nevada. The Dunes Hotel is a contributing employer with respect to the Pension Trust. Among the transactions entered into by the Pension Trust with entities owned by Mr. Shenker are loans made to Murrieta and Sierra, repayment of which is guaranteed by Mr. Shenker. Payments on these loans are not current. As of January 30, 1978, Murrieta and Sierra owed the Pension Trust, in the aggregate, approximately $28 million. The loans were made to finance real estate development activities of Sierra and Murrieta and are primarily secured by real estate and real estate related assets.

On March 30, 1977, the Secretary of Labor commenced litigation—*Marshall, et al. v. Schmoutey, et al.*, No. CV-LV-77-47-RDF (D. Nev.)—against certain past and present trustees of the Pension Trust, Mr. Shenker, Sierra, Murrieta, and others, alleging that the Pension Trust's financial involvement with Sierra, Murrieta, Mr. Shenker and others violated certain fiduciary responsibility and prohibited transaction provisions of the Act. Pursuant to a stipulation entered into on August 30, 1977 by the parties to this litigation, the Bank was appointed investment manager of the Pension Trust to take control of all of the Pension Trust's real estate and real estate related assets (including all loans secured by real estate) and certain cash and cash equivalent assets. The Bank is presently acting as investment manager pursuant to the stipulation and the Asset Management Plan approved by the United States District Court, District of Nevada, where the above litigation is pending.

Karsten and its affiliate, the Karsten Real Estate Group (Karsten Group), both located at 10960 Wilshire Boulevard, Los Angeles, California 90024, have been engaged in real estate development and related asset management for the past ten years. Karsten is registered as an investment adviser pursuant to Section 203 of the Investment Advisers Act of 1940.

Karsten has represented that Karsten and Karsten Group have developed a number of real estate projects for some of the largest businesses in the country, have consulted on a broad range of real estate problems and strategies, and have become one of the most active enterprises in the United States in the workout of distressed or problem real estate. Their clients have included banks and other financial institutions, for which they have taken over assets under distressed circumstances, applied their management, development and financing skills, and disposed of the assets at advantageous market prices. Prior to June 15, 1978 at which time Karsten began to provide services to the Pension Trust, neither Karsten nor Karsten Group, nor any officer, director or 5% or more shareholder of either, had any affiliation or relationship with the Pension Trust or any of the defendants in the litigation. In addition, neither Karsten nor Karsten Group nor any officer, director or 5% or more shareholder has any financial interest in any business entity which, based on reasonable inquiry, is known to them to have any affiliation or relationship with the Pension Trust or any of the defendants in the litigation.

The contract between Karsten and the Trustees of the Pension Trust for Karsten's employment as investment manager provides that Karsten's appointment will not become effective unless and until the proposed exemptions are granted. The contract further provides that as investment manager Karsten will have the power to manage, acquire, or dispose of any of the Pension Trust's real estate related assets and a working fund of cash or cash equivalents, and to take whatever action with respect to such assets as the Pension Trust's trustees would have the power or authority to take had an investment manager not been appointed. Karsten will have no authority to delegate its fiduciary responsibilities with respect to the Pension Trust assets under its management. Karsten will have the power to make claims and demands on behalf of the Pension Trust, to foreclose on its security interests, to deny claims against the Pension Trust, to defend against actions in law or equity against the Pension Trust, and to compromise and settle claims for and against the Pension Trust. However, Karsten will not be authorized to pursue claims the Pension Trust may have against present or former trustees of the Pension Trust, and of its agents, consultants, or representatives, or the Bank. Karsten will be required to act in accordance with the Asset Management Plan, and will be subject to the terms of a new stipulation which will be entered into by the parties to the litigation, and which will be similar to the August 30, 1977, stipulation. Under the terms of the new stipulation, however, Karsten will manage only the Pension Trust's real estate related assets and a cash working fund. The trustees have retained and will continue to retain an additional investment manager to manage the Pension Trust's non-real estate related assets which have been under the management of the Bank.[1]

Karsten will be required, under the new stipulation, within 120 days of the formal commencement of its duties as investment manager, to assess the Asset Management Plan in light of current developments and seek approval for any new or materially revised aspects of such Plan which Karsten may deem prudent and necessary.

The terms of the contract between Karsten and the trustees of the Pension Trust provide that Karsten is to be paid an annual fee of $450,000 (payable quarterly) and, from November 7, 1978 until the effective date of its appointment as investment manager, a fee of $20,833.33 per month, prorated on the basis of a 30 day month. Karsten is also to be reimbursed for reasonable out-of-pocket costs and expenses. Karsten may retain the experts it believes are reasonably necessary for the proper fulfillment of its duties, and Karsten is to be reimbursed at least monthly for all reasonable and customary fees and expenses of such experts. The fee arrangements for such experts and professionals are to be subject to the approval of the trustees. If no objection is made within a ten-day period after receipt of a request for approval, the trustees will be deemed to have confirmed such arrangement.

During the pendency of the aforementioned litigation, Karsten may be removed as investment manager only for cause, either by agreement of all parties to the litigation or by the court on noticed motion of such a party. Karsten's appointment as investment manager is effective during the pendency of the aforementioned litigation, subject only to the foregoing removal procedure and to Karsten's right to resign.

Karsten will report to the Department certain transactions undertaken pursuant to the proposed exemptions. The Department will review these reports and, if circumstances warrant, take appropriate action to protect the interests of the Pension Trust and its participants and beneficiaries. For example, see section 9.02 and 9.03 of Rev. Proc. 75-26 and ERISA Procedure 75-1.

[1] Under the August 30, 1977 stipulation, the Bank was, with a minor exception, appointed investment manager of all the Pension Trust's assets.

PROPOSED EXEMPTIONS

The application contains certain representations which are specifically applicable to each of the proposed exemptions which are summarized below. Each part set forth below contains a summary of the specific representations which are applicable to the particular proposed exemption followed by the proposed exemption.

PART I.—CONTINUATION OR ADJUSTMENT OF EXISTING TRANSACTIONS

Summary of Representations. The existing transactions consist of a number of loans to corporations (including Murrieta and Sierra) controlled by Mr. Shenker, who is alleged to be a party in interest and disqualified person with respect to the Pension Trust. Some of these loans are inadequately secured or are encumbered by prior or subordinate liens. Several of the loans are in default. A number of the loans have been guaranteed by Mr. Shenker.

The principal objective of Karsten, in managing these real estate related assets, is to obtain the best possible financial results for the Pension Trust consistent with prudent investment management. To attain that objective, Karsten may decide that it is necessary to hold property for an extended period of time, to invest additional capital in such property or to modify the terms of an existing arrangement. Because these transactions would be with or involve Mr. Shenker or entities controlled by Mr. Shenker, if an administrative exemption were not granted to permit Karsten to engage in such transactions, Karsten believes that it would not be able to negotiate modifications or adjustments which would be in the best interests of plan participants and beneficiaries. All such modifications or adjustments would be made under the terms of the Asset Management Plan as approved by the U.S. District Court (D. Nev.).

Proposed Exemption. Based on the application described herein, the Department has under consideration the granting of an exemption, to be effective from the date of grant, under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26 and ERISA Procedure 75-1, so that the taxes imposed by sections 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (D) of the Code and the restrictions of section 406(a) and 407(a) of the Act shall not apply to:

(1) The continuation of any loan, lease, agreement, or other arrangement, or the continued holding of any employer security or real property, which is or relates to a plan asset of the Pension Trust; or

(2) The reconfirmation of deeds, or adjustment of the terms of any loan, lease, agreement, assignment or other arrangement (and all acts necessary and proper to the carrying out of such arrangment in accordance with its terms as adjusted), which is or relates to a plan asset of the Pension Trust, with any person who was on August 30, 1977, a party to such loan or other arrangement;

Provided, That any such continuation, reconfirmation or adjustment is made pursuant to a court order or pursuant to a written agreement executed or authorized by Karsten on behalf of the Pension Trust under the terms of the Asset Management Plan and during the pendency of the aforementioned litigation.

If granted, the proposed exemption would apply to the following persons:

(A) Karsten acting as investment manager of the Pension Trust's real estate related assets, to the extent that Karsten causes the Pension Trust to engage in any continuation, adjustment or reconfirmation described above; and

(B) Any party in interest or disqualified person involved in the transaction:

Provided, That

(i) Karsten determines that such continuation reconfirmation or adjustment is in the interests of the Pension Trust and its participants and beneficiaries and protective of the rights of the participants and beneficiaries of the Pension Trust;

(ii) Karsten communicates in writing to the Department within 30 days after making such continuation, reconfirmation or adjustment, a detailed description of the transaction and detailed explanation of why the transaction is in the interest of the Pension Trust and its participants and beneficiaries and protective of the rights of participants and beneficiaries of the Pension Trust; and

(iii) Any continuation or adjustment is no less favorable to the Pension Trust than the terms that would be obtained in an arm's-length transaction with an unrelated party.

PART II—TRANSACTIONS WITH CERTAIN PARTIES IN INTEREST AND DISQUALIFIED PERSONS

Summary of Representations. As of January 27, 1978, there were 31,553

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participants in the Pension Trust and 253 employers of participants. The gambling resort industry is one of the largest employers in southern Nevada. As of December 31, 1977, 10 entities provided services to the Pension Trust. Because of the precarious status of many of the existing loans of the Pension Trust, time is critical to the execution of transactions under the terms of the Asset Management Plan. In the absence of the type of exemption proposed herein, Karsten would be unable to deal with a large number of persons in the southern Nevada area (many of whom are parties in interest or disqualified persons with respect to the Pension Trust) without first seeking exemptions on a transaction-by-transaction basis, subject to the notice and waiting periods attendant to the exemption process required by statute. Such a process of seeking individual transaction exemptions would, in the view of Karsten, effectively deprive the Pension Trust of advantageous investment opportunities essential to an efficient and favorable working out of the troubled loans which are the subject of the Asset Management Plan.

Under the terms of the proposed exemption, Karsten may cause the Pension Trust to engage in a transaction with (1) a service provider with respect to the Pension Trust; (2) a contributing employer whose contributions to the Pension Trust which were required for the preceding plan year did not exceed five percent of the total employer contributions to the Pension Trust for that year; or (3) any other person who is a party in interest or disqualified person solely by virtue of a relationship to such service provider or contributing employer.[2] The proposed exemption, however, would not be available where Karsten causes the Pension Trust to engage in a transaction with a trustee, administrator or investment manager with respect to the Pension Trust, or any person who is a party in interest or disqualified person by virtue of a relationship to such trustee, administrator or investment manager. Karsten must submit to the Department a written report within 30 days after consummation of the transaction if Karsten actually knows that the transaction involves a person who is a party in interest or disqualified person as described above. The report must include a detailed description of the transaction, the identification of the party in interest or disqualified person and its relationship to the Pension Trust and a detailed explanation of why the transaction is in the interest of the Pension Trust and its participants and beneficiaries and protective of the rights of participants and beneficiaries of the Pension Trust.

Proposed Exemption. Based on the facts and representations set forth in the application, the Department has under consideration the granting of an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 and Rev. Proc. 75-26. If the exemption is granted, the restrictions of section 406(a) and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to transactions or arrangements between or including the Pension Trust and any of the following persons, entered into by Karsten on behalf of the Pension Trust under the Asset Management Plan and during the pendency of the aforementioned litigation, provided that the transactions or arrangements are entered into in connection with an attempt to realize value from loans and other transactions which had been entered into by the Pension Trust prior to the time that Karsten was appointed investment manager:

(1) A service provider with respect to the Pension Trust and any other person which is a party in interest or disqualified person solely by virtue of a relationship to such service provider (except a trustee, administrator, or investment manager with respect to the Pension Trust, and any other person which is a party in interest or disqualified person by virtue of a relationship to such trustee, administrator or investment manager);

(2) An employer (treating employers who are of the same affiliated group, within the meaning of section 1563(a) of the Code, determined without regard to section 1563 (a)(4) and (e)(3)(C) of the Code as one employer) whose contributions which were required for the preceding plan year did not exceed five percent of the total employer contributions paid to or under the Pension Trust for that year; or

(3) Any other person which is a party in interest or disqualified person solely by virtue of a relationship to such employer.

If granted, the proposed exemption would be subject to the following conditions:

(A) The transaction is no less favorable to the Pension Trust than the terms that would be obtained in an arm's-length transaction with an unrelated party;

(B) Where the transaction involves a person described in (1) through (3) above whom Karsten actually knows at the time of the transaction to be a party in interest or disqualified person with respect to the Pension Trust, Karsten shall have determined prior to causing the Pension Trust to engage in the transaction that the transaction is in the interests of the Pension Trust and its participants and beneficiaries and protective of the rights of participants and beneficiaries of the Pension Trust; and

(C) Karsten communicates in writing to the Department within 30 days after causing the Pension Trust to engage in a transaction described in (B) above, a detailed description of the transaction, the identity of the party in interest or disqualified person and its relationship to the Pension Trust, and a detailed explanation why the transaction is in the interest of the Pension Trust and its participants and beneficiaries and protective of the rights of participants and beneficiaries of the Pension Trust.

NOTICE TO INTERESTED PERSONS

Notice of the pending exemptions as published in the FEDERAL REGISTER will be sent by certified mail within 3 days after publication in the FEDERAL REGISTER to each current trustee and to each employer association and employee organization which is a signatory to the Trust Agreement creating the Pension Trust.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemptions, if granted, will not extend to transactions prohibited under section 406(b) of the Act, and section 4975(c)(1)(E) and (c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(5) The proposed exemptions, if granted, will be subject to the express conditions that the material facts and representations are true and complete.

WRITTEN COMMENTS

All interested persons are invited to submit written comments on the proposed exemption to the address and within the time period set forth above.

All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Signed at Washington, D.C., this 7th day of February 1979.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, United States Department of Labor.

[FR Doc. 79-4701 Filed 2-8-79; 3:01 pm]

[2] A person is a party in interest or disqualified person by virtue of a relationship if the relationship is described in section 3(14) (E), (F), (G), (H), or (I) of the Act or section 4975(e)(2) (E), (F), (G), (H) or (I) of the Code.

[4510-28-M]

Office of the Secretary

[TA-W-4452]

ATLANTIC STEEL CASTINGS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4452: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 30, 1978 in response to a worker petition received on November 27, 1978 which was filed by the Industrial Union of Marine & Shipbuilding Workers of America on behalf of workers and former workers producing steel castings of various shapes and sizes at Atlantic Steel Castings, Inc., Chester Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on December 8, 1978 (43 FR 57692). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Atlantic Steel Castings, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of steel castings constitute less than 2 percent of domestic production.

The Department conducted a survey of the principal customers of Atlantic Steel Castings, Inc. One customer that imported indicated that its demand for steel castings has been declining and will continue to decline, although it has increased purchases of imported steel castings. This increase was related to the fact that Atlantic could not manufactuer large size castings (20,000 lbs. and over).

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that all workers of Atlantic Steel Castings, Inc., Chester, Pennsylvania, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington. D.C., this 6th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-4723 Filed 2-12-79; 8:45 am]

[4510-28-M]

[TA-W-4463]

BARRINGER KNITTING MILLS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4463: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 6, 1978 in response to a worker petition received on November 20, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' sweaters and knit tops at the Philadelphia, Pennsylvania plant of Barringer Knitting Mills, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59165). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Barringer Knitting Mills, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's sweaters increased from 1975 to 1976. In 1977, imports of sweaters increased 9.0 percent over the average level of imports for the years 1973 through 1976. The ratio of imports of sweaters to domestic production in 1977 was above the import to domestic production ratio recorded in each year in the 1973 to 1975 time period.

U.S. imports of women's, misses' and children's blouses and shirts increased from 1976 to 1977. Imports increased in the first three quarters of 1978 compared to the first three quarters of 1977.

A Departmental survey of customers of Barringer Knitting Mills, Incorporated revealed that several customers increased their purchases of imported women's sweaters and decreased their purchases from Barringer during comparable periods in 1978 versus 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' sweaters and knit tops produced at the Philadelphia, Pennsylvania plant of Barringer Knitting Mills, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of that Act, I make the following certification:

All workers of the Philadelphia, Pennsylvania plant of Barringer Knitting Mills, Incorporated who became totally or partially separated from employment on or after Sep-

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tember 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-4722 Filed 2-12-79; 8:45 am]

[4510-28-M]

[TA-W-4454]

FIESTA FASHIONS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4454: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 30, 1978 in response to a worker petition received on November 27, 1978 which was filed on behalf of workers and former workers producing ladies', misses', children's, juniors', and girls' coats at Fiesta Fashions, Inc., Farmingdale, New York. The investigation revealed that the company also maintained a sales office in New York, New York and that the primary product was ladies' coats.

The Notice of Investigation was published in the FEDERAL REGISTER on December 8, 1978 (43 FR 57692-93). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Fiesta Fashions, Inc., its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysis and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses', and children's coats and jackets increased both absolutely and relative to domestic production in 1977 compared to 1976. Imports declined slightly, in absolute terms, in the first three quarters of 1978 compared to the like period of 1977.

The Department conducted a survey of the major customers who purchased coats from Fiesta Fashions, Inc., in 1977 and 1978. The survey revealed that several customers, accounting for a significant percent of Fiesta's decline in sales, reduced purchases of ladies' coats from Fiesta and increased purchases of imported ladies' coats for the January-September period of 1978 as compared to the similar period of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the ladies', misses', children's, juniors', and girls' coats produced at Fiesta Fashions, Inc., Farmingdale, New York and the New York, New York sales office contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Fiesta Fashions, Inc., Farmingdale, New York and the New York, New York sales office who became totally or partially separated from employment on or after February 19, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-4721 Filed 2-12-79; 8:45 am]

[4510-23-M]

[TA-W-4260]

IMPERIAL READING CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4260: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 16, 1978 in response to a worker petition received on October 12, 1978 which was filed on behalf of workers and former workers engaged in employment related to the production of boys' jeans at the Piney Flats, Tennessee plant of the Imperial Reading Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on October 27, 1978 (43 FR 50269). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Imperial Reading Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of boys' cotton and man-made jeans and dungarees increased absolutely form 1976 to 1977 and continued to increase in the first three quarters of 1978 when compared to the first three quarters of 1977. The ratio of imports to the domestic production of boys' jeans and dungarees also increased from 1976 to 1977.

The Office of Trade Adjustment Assistance conducted a survey of some of the customers of boys' jeans of the Imperial Reading Corporation. Customers accounting for a significant percent of the company's decline in sales in the first ten months of 1978 compared to the like 1977 period reported increased purchases of imported boys' jeans.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the boys' jeans produced at the Piney Flats, Tennessee plant of the Imperial Reading Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Piney Flats, Tennessee plant of the Imperial Reading Corporation who became totally or partially separated from employment on or after October 2, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-4720 Filed 2-12-79; 8:45 am]

[4510-28-M]

[TA-W-4493]

MEDIAS, INCORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4493: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 8, 1978, in response, to a worker petition received on December 4, 1978, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's and boys' socks at Medias, Incorporated, Bayamon, Puerto Rico.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59179-80). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Medias, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to made an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increase of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of all hosiery, except pantyhose, a category which includes men's and boys' socks decreased absolutely and relative to domestic production in 1977 compared to 1976 and increased absolutely in the first nine months of 1978 compared to the same period of 1977. The ratio of imports to domestic production was less than 1.0 percent in each year from 1973 through 1977.

Medias, Incorporated sold all of its production to one distributing firm. This distributor purchased no imported men's or boys' socks in 1977 or 1978.

CONCLUSION

After careful review, I determine that all workers of Medias, Incorporated, Bayamon, Puerto Rico are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-4719 Filed 2-12-79; 8:45 am]

[3510-24-M]

[TA-W-4147]

NIPAK, INC.

Affirmative Determination Regarding Application for Reconsideration

On January 12, 1979, the Oil, Chemical and Atomic Workers' International Unior requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers of Nipak, Inc., Pryor, Oklahoma. This determination was published in the FEDERAL REGISTER on January 2, 1979 (44 FR 122).

The petitioning union raises one basic issue in the application; namely, that the Department of Labor should have conducted a survey of a cross section of Nipak's customers instead of a survey of major customers. The union alleges that had this been done workers at Nipak, Inc., Pryor, Oklahoma, would have met the test that increased imports contributed importantly to worker separations and sales or production declines.

CONCLUSION

After review of the application, I conclude that this claim of the petitioning union is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 7th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4718 Filed 2-12-79; 8:45 am]

[4510-28-M]

[TA-W-4373]

ROCKWELL-DRAPER DIVISION, ROCKWELL INTERNATIONAL, SPARTANBURG, S.C.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4373: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 13, 1978 in response to a worker petition received on November 6, 1978 which was filed on behalf of workers and former workers producing textile machinery, machinery repair parts and textile accessories at Rockwell-Draper Division, Spartanburg, South Carolina. The investigation revealed that the plant primarily produces textile machinery repair parts.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55012). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Rockwell-Draper Division, Rockwell International, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of all power looms decreased absolutely from 1976 to 1977 from 4,592 units to 3,643 units. The imports to production ratio increased from 133.4 percent to 206.2 percent.

For the first half of 1978 compared to the first half of 1977, imports of looms increased from 2,065 to 2,252 units. The imports to production ratio increased from 168.4 percent to 385.0 percent.

Imports of aluminum cast parts similar to those purchased at the Spartanburg plant, from a Draper division plant in Ireland increased substantially from 1976 to 1977. Though decreasing slightly in 1978, imports were still significantly higher than the 1976 level.

Further, loom parts production from the Spartanburg plant are integrated into the production of new looms at the Hopedale, Massachusetts plant, which is the only Draper plant that assembles finished looms. The Hopedale, Massachusetts plant was certified by the Department in case TA-W-2179 on August 19, 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with repair parts for textile machinery produced at Rockwell-Draper Division, Spartanburg, South Carolina contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Rockwell-Draper Division, Rockwell International, Spartanburg, South Carolina who became totally or partially separated from employment on or after November 2, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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Signed at Washington, D.C. this 7th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4717 Filed 2-12-79; 8:45 am]

[4510-28-M]

[TA-W-4511]

SEWARD LUGGAGE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4511: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1978 in response to a worker petition received on December 11, 1978 which was filed on behalf of workers and former workers producing luggage and trunks at the Seward Luggage Company, Petersburg, Virginia. The investigation revealed that the petition was filed only on behalf of workers engaged in the production of luggage at plant #2 of Seward Luggage Company.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59180-59181). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Seward Luggage Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of luggage increased both absolutely and relative to domestic production in 1977 from 1976 and in January-September 1978 compared to the same period in 1977.

Imports of luggage by Seward Luggage increased both absolutely and relative to sales of luggage produced by the Petersburg plant in 1978 from 1977. Increased reliance on imported luggage by Seward led to decreased production and employment at plant #2 of Seward Luggage Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the luggage produced at plant #2 of Seward Luggage Company, Petersburg, Virginia contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of plant #2, Seward Luggage Company, Petersburg, Virginia who became totally or partially separated from employment on or after March 5, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-4716 Filed 2-12-79; 8:45 am]

[4510-28-M]

[TA-W-4523]

WEISS SHIRT CO., INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4523: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 14, 1978 in response to a worker petition received on December 4, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing women's shirts and blouses at the Lebanon, Pennsylvania plant of Weiss Shirt Company, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on December 26, 1978 (43 FR 60243). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Weiss Shirt Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's blouses and shirts increased from 30,273 thousand dozen in 1976 to 30,849 thousand dozen in 1977 and increased from 24,036 thousand dozen in the first three quarters of 1977 to 28,505 thousand dozen in the same period in 1978.

A Labor Department survey revealed that a major customer of Weiss Shirt substantially increased purchases of imported women's shirts and blouses in 1977 compared to 1976 and also in the first three quarters of 1978 compared to the same period in 1977. Purchases by this major customer of women's shirts and blouses and blouses from Weiss Shirt decreased sharply in 1977 compare to 1976 and in 1978 compared to 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's shirts and blouses produced at the Lebanon, Pennsylvania plant of the Weiss Shirt Company, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of the Lebanon, Pennsylvania plant of Weiss Shirt Company, Incorporated who became totally or partially separated from employment on or after November 13, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 6th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 79-4715 Filed 2-12-79; 8:45 am]

[6325-01-M]

MERIT SYSTEMS PROTECTION BOARD

APPEALS PROCESSED

Announcement

Pursuant to 5 U.S.C. § 7701(i), the Merit Systems Protection Board hereby announces that all appeals processed by it pursuant to 5 U.S.C. § 7701 or 5 U.S.C. § 7702 will be decided within 120 days of the filing of the appeal. In the event that an appeal filed under 5 U.S.C. § 7701 cannot be decided within 120 days and the expected delay will exceed 30 days, a new date for completion of the appeal will be publicly announced by the Board field office having jurisdiction over the appeal.

RUTH T. PROKOP,
Chair, Merit Systems Protection Board.

FEBRUARY 9, 1979.[

[FR Doc. 79-4851 Filed 2-13-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES

Nominations For New Members

The Nuclear Regulatory Commission (NRC) is anticipating three vacancies on its Advisory Committee on the Medical Uses of Isotopes (ACMUI) and is inviting nominations from members of the medical community and from other interested groups or individuals.

The purpose and function of the ACMUI is to advise the NRC staff on problems or questions that arise in licensing the use of radioactive material for human diagnosis and therapy. Duties and responsibilities include evaluating the training and experience requirements for physicians who request authorization to use radioactive materials for medical purposes; providing guidance and comments concerning changes in NRC rules, regulations and guides concerning medical uses; and evaluating certain nonroutine uses of radioactive materials for human diagnosis and therapy. Additional details regarding the duties and functions of the committee and its members can be obtained by telephoning Mrs. Patricia C. Vacca at (301) 427-4232.

The eight member ACMUI consists of two physician specialists in Therapeutic Radiology, one physician a specialist in Nuclear Medicine with a background in Pathology, two physician specialists in Nuclear Medicine with a background in Radiology, two physician specialists in Nuclear Medicine with a background in Internal Medicine, and a specialist in Medical Physics. It is intended that this balance of medical specialists.remain constant.

In Accordance with established procedures, the three committee members with the greatest length of service will be retired, creating vacancies for two specialists in Nuclear Medicine who have backgrounds in Radiology and specialist in Nuclear Medicine who has a background in Internal Medicine.

Nominations must include a resume describing the educational and professional qualifications of the nominee and his or her current address. Candidates must be U.S. citizens and be able to devote approximately 150 hours per year to committee business.

All qualified nominees will receive full consideration. Appointments are for four year terms. Compensation for services of the members is provided in accordance with government policies.

Nominations received by March 15, 1979 will be considered for the forthcoming vacancies. Nominations received after that date will be considered for future vacancies as they develop. Nominations should be sent to the:

Secretary of the Commission, ATTN: Advisory Committee Management, Officer, Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Washington, D.C. this 7th day of February 1979.

For the Nuclear Regulatory Commission.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 79-4590 Filed 2-12-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-348A and 50-364A]

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alabama Power Co. (Joseph M. Farley Nuclear Plant Units 1 and 2); Order

FEBRUARY 5, 1979.

The NRC staff has requested that we postpone the oral argument in this antitrust proceeding for approximately one week. No party opposes the request. For good cause shown, the argument is *rescheduled for Thursday, March 8, 1979,* the date agreed upon by the parties, at *9:30 a.m. in the Commission's Hearing Room, 5th floor, 4350 East-West Highway, Bethesda, Maryland.* In all other respects the argument will be governed by the terms of our January 23, 1979 order.

It is so ordered.

For the Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 79-4591 Filed 2-12-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10588]

AMERICAN LEADERS FUND, INC., EMPIRE FUND, INC. AND FOURTH EMPIRE FUND, INC.

Notice of Filing of Application Pursuant to Section 17(b) of the Act for Order Exempting Proposed Transaction From the Provisions of Section 17(a) of the Act.

FEBRUARY 9, 1979.

NOTICE IS HEREBY GIVEN that American Leaders Fund, Inc. ("American Leaders"), Empire Fund, Inc. ("Empire"), and Fourth Empire Fund, Inc. ("Fourth Empire") (hereinafter American Leaders, Empire, and Fourth Empire are collectively referred to as "Applicants"), registered under the Investment Company Act of 1940 (the "Act") as open-end, diversified, management investment companies, filed an application on July 7, 1978, and an amendment thereto on December 4, 1978, requesting an order pursuant to Section 17(b) of the Act exempting the proposed statutory merger of Empire and Fourth Empire into American Leaders from the provisions of Section 17(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that American Leaders is engaged in a continuous offering of its shares to the public, and that Empire and Fourth Empire, created as "exchange type" or "swap" funds, commenced and completed public offerings of their shares in exchange for stock or other securities of various corporations shortly after their organization. Applicants represent that as of October 31, 1978, the net assets of American Leaders, Empire, and Fourth Empire were $14,684,628, $20,965,979 and $18,489,689, respectively, and that American Leaders, Empire and Fourth Empire had 661, 662, and 1,665 shareholders, respectively.

Applicants represent that each of their Boards of Directors has decided to recommend the proposed merger to their shareholders. Applicants state that American Leaders, Empire, and Fourth Empire have entered into an Agreement of Merger, under which Empire and Fourth Empire shall be merged into American Leaders in accordance with the laws of the State of Maryland, and that on the date the merger becomes effective (the "Effective Date"), the outstanding shares of capital stock of Empire and Fourth Empire shall be converted into shares of American Leaders based upon the relative net asset values of the Applicants. Shares of capital stock of Empire and Fourth Empire owned by each shareholder on the Effecitve Date will be converted into such number of shares of American Leaders as shall have an aggregate net asset value (as of the last day on which the New York Stock Exchange is open for unrestricted trading prior to the Effective Date) (the "Valuation Date") equal to such shareholder's pro rata interest in the value of the net assets of shares held in Empire and Fourth Empire respectively. Applicants state that under ordinary circumstances, no more than two calendar days could pass between the Valuation Date and the Effective Date, and assure that such period shall not exceed a maximum of three days. Applicants state that as a result of the merger, the sep-

V 4 4 / 3 1 F E 1 3 7 9 UMI

arate existence of Empire and Fourth Empire shall cease.

Applicants state that the investment advisers of American Leaders, Empire, and Fourth Empire are Federated Asset Management Corp. ("Asset Management"), F.E.F. Research Corp., and Empire IV Research Corp., respectively; that each of those investment advisers is a wholly-owned subsidiary of Federated Investors, Inc. ("Investors"); that Federated Research Corp. ("Research"), another wholly-owned subsidiary of Investors, currently acts as sub-investment adviser to each Applicant; and that the investment advisory contracts between each Applicant and its investment adviser, and the sub-advisory agreements between each of the investment advisers and Research have terms and conditions which are identical in all material respect. According to the application, the Board of Directors of American Leaders has determined to propose to shareholders the ratification of a new investment advisory contract with Asset Management which contract would consolidate into Asset Management the advisory activities now performed by Research.

Applicants state that each of their investment policies and investment restrictions are identical in all material respects; that the investment objective of both Empire and Fourth Empire is long-term growth of capital and of income; and that the investment objective of American Leaders is growth of capital and of income. According to the application, Asset Management recommends securities for American Leaders' portfolio from secureities of the 100 companies on the "Leader's List", a list of 100 "blue chip" companies selected by Research. Applicants represent that American Leaders as the surviving corporation of the merger, does not contemplate selling, except in the ordinary course of business, any portfolio securities it will receive from Empire and Fourth Empire in the proposed merger because all of Empire's and Fourth Empire's portfolio securities are on the Leader's List.

Applicants state that they each distribute to their shareholders substantially all of their net investment income; that American Leaders distributes net taxable long-term capital gains to its shareholders; and that Empire and Fourth Empire retain a portion of net taxable long-term capital gains, paying the applicable federal tax thereon. Applicants contemplate that, if Empire and Fourth Empire are merged into American Leaders, the policies of American Leaders with respect to distribution of net income and capital gains would be followed. Applicants believe that this change in policy for Empire and Fourth Empire, with respect to distributions of long-term capital gains, will have no material adverse effect upon their shareholders.

According to the application, Applicants will make the following distributions and accruals prior to the Effective Date, which they believe will put the shareholders of each Applicant on a more equal basis upon which to effect the exchange of shares: (1) each Applicant will distribute to its shareholders a dividend consisting of substantially all of its then undistrubuted net taxable investment income and net taxable short-term capital gains (if any); (2) American Leaders will distribute to its shareholders a long-term capital gains distribution, if available, substantially equal to its long-term capital gains realized, but not previously distributed, since March 1, 1978, the start of its fiscal year; and (3) the federal income tax payable with respect to the long-term capital gains realized by Empire and Fourth Empire from the beginning of their fiscal years, January 1, 1978 and April 1, 1978, respectively, up to the Effective Date (which shall be the close of their taxable years), will be accrued as liabilities of Empire and Fourth Empire in order that such liabilities are charged aginst the value of their net assets in determining the number of shares of American Leaders to be issued to Empire and Fourth Empire shareholders in the merger. Applicants state that as of October 31, 1978, American Leaders, Empire and Fourth Empire had realized long-term capital gains of $234,292, $280,994 and $227,739 respectively. At the end of their last fiscal years, American Leaders, Empire and Fourth Empire had capital loss carryforwards for tax purposes in the amount of $2,423, $3,449,991 and $3,817,092, respectively, which amounts can be used to offset (1) any realized capital gains prior to the Effective Date, and (2) if utilized prior to the expiration of the applicable carryforward periods, any capital gains realized by American Leaders, the surviving corporation of the merger. In view of the capital loss carryforwards of Empire and Fourth Empire, Applicants conclude that it is unlikely that Empire or Fourth Empire will incur any federal tax that would have to be accrued prior to the merger.

Applicants state that prior to the Effective Date that they will have received either a ruling from the Internal Revenue Service, or opinions from their respective tax counsel, that the proposed merger will constitute a reorganization under Section 368(a)(1)(A) of the Internal Revenue Code. Applicants further state that the consequences of such a reorganization are the following: (1) no Applicant will recognize any gain or loss as a result of the merger; (2) the assets acquired by American Leaders in the merger will have the same tax basis and holding period as those assets had in the hands of Empire and Fourth Empire, respectively; (3) the exchange of Empire and Fourth Empire shares for shares of American Leaders will not result in the recognition of gain or loss by shareholders; and (4) the American Leaders shares so acquired will, in the hands of Empire and Fourth Empire shareholders, retain the same tax basis and holding period as those of the shares exchanged.

According to the application, Applicants' Boards of Directors have each concluded that the use of a tax adjustment formula, to take into account each Applicant's unrealized gains and losses, and tax loss carryforwards, would be inappropriate in this situation. Applicants suggest that the use of a tax adjustment formula among merging investment companies with varying unrealized gains or losses, or tax loss carryforwards, does not result in any "determinatively valuable adjustment to any identifiable group of shareholders." In this regard, Applicants assert that any tax impact depends on a variety of future indeterminable factors, including; (1) market action; (2) the timing of realized gains; and (3) the period of time for which a shareholder holds shares of American Leaders.

Section 17(a) of the Act provides, in part, that it shall be unlawful fo any affiliated person of a registered investment company, or any affiliated person of such person, knowingly to sell to or to purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, shall exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Section 2(a)(3) of the Act defines the term "affiliated person" of another person, to include any person directly or indirectly controlling, controlled by, or under common control with, such other person. Applicants state that the Boards of Directors of each Applicant are composed of the same eight members. Applicants submit that because of the identity of membership on their Boards of Directors, and the fact that the same organization, Investors, controls their investment advisers and sub-investment advisers, it might be deemed that any disposition of portfolio securities by one Applicant to another, or any acquisition by one Applicant of the portfolio securities of another, by merger or otherwise, would be prohibited by Section 17(a) of the Act. Accordingly, Applicants have requested an order of the Commission pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act, the proposed merger of Empire and Fourth Empire into American Leaders.

Applicants submit that the operation of three corporations is generally more expensive than the operation of a single corporation, and state that they believe that certain expenses will be less after the proposed merger than what such expenses would have been if incurred by each Applicant individually. Based upon the projected expenses of American Leaders for the first fiscal year after the merger, Applicants estimate the following savings to shareholders as a result of the elimination of duplicative services: directors fees of $7,520; administrative, personnel, and service expenses of $58,377; custodian, transfer and dividend disbursing agent fees of $20,985; auditing fees of $15,800; and legal fees of $6,150. Applicants assert that, as a result of these savings, sharholders are likely to derive an immediate economic benefit from the proposed merger. Applicants state that these figures exclude costs which are attributable to the proposed merger because such costs are not recurring expenses.

Applicants estimate that Empire and Fourth Empire will incur costs in the amount of $10,200 and $17,850 respectively in connection with the expenses of their special meetings to vote on the proposed merger, and that, including such expenses, the total expenses of the proposed merger will be $62,000. Applicants state that the costs of the merger will be allocated among them so that each Applicant will bear its proportionate share of the expenses of the merger based upon its respective net assets.

Applicants state that their investment advisory fee rates are identical, and that the state expense limitation rules to which each Applicant is subject are also identical. Applicants submit that these state expense limitations rules would be more restrictive on the larger asset base which would result from the proposed merger, than what such expense limitations would be on each Applicant presently. Thus, Applicants assert that the economic benefits of the proposed merger to Investors, the parent of each Applicant's investment adviser, are minimal. Applicants state that Investors is not paying any of the costs of the merger.

Applicants state that because of the nature of Empire and Fourth Empire, continuous offerings of their shares have never been made, and that, as a result, these funds have and will continue to grow smaller because of redemptions. In the opinion of each of their Boards of Directors, if any of the Applicants became uneconomical, they would have to propose a distribution of assets and dissolution, or take other steps as deemed appropriate. Applicants state that the proposed merger will enable shareholders to continue their investment in a fund which would meet their investment goals, and that reorganization appears to each Applicant's Board of Directors to be to the benefit of all shareholders. Applicants further state that each of their Boards of Directors have concluded that the proposed merger is particularly appropriate in view of the similarity of each Applicant's investment objectives, investment policies, management, and management operating procedures. Applicants assert that the increased size of American Leaders after the proposed merger would make American Leaders more attractive to prospective investors, and state that each of their Boards of Directors have considered, among other things, the projected expenses and savings resulting from the merger and the other benefits of the merger to the various parties.

Applicants submit that the proposed merger is consistent with their investment objectives, and with the general purposes of the Act, and does not involve any of the practices which Section 16(a) of the Act was designed to prevent. According to the application, the Boards of Directors have concluded that the proposed transaction is consistent with the policy of each applicant in all material respects.

NOTICE IS FURTHER GIVEN that any interested person may, not later than February 27, 1979, at 10:00 a.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-4875 Filed 2-12-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 09-09-0211]

FLORISTS CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Florists Capital Corporation (FCC), 10542 West Pico Boulevard, Los Angeles, California 90064, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004(1979)), for approval of a conflict of interest transaction.

Mr. Brown, an employee of the licensee's parent (C. M. Conroy Company, Inc.), is deemed an Associate of Florists pursuant to § 107.3 of the Small Business Administration Rules and Regulations.

FCC proposes to make a combination debt and equity investment of $100,000 to a new corporation to be formed by Mr. Brown. The new corporation will use the investment proceeds to acquire Edmund's Wholesale Florists, 756 St. Julien Street, Los Angeles, California 90063 and to supply working capital.

The proposed $100,000 investment falls within the purview of § 107.1004(b)(1) of the SBA's Regulations and requires prior written approval from SBA, because of Mr. Brown's ownership of the new corporation.

Notice is further given that any person may, not later than February 28, 1979, submit to SBA written comments on the proposed transaction. Any such comments should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, Washington, D.C. 20416.

A copy of this Notice shall be published in newspapers of general circulation in Los Angeles, California 20416.

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(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated February 5, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4704 Filed 2-12-79; 8:45 am]

[8025-01-M]

[License No. 06/06-0184]

TSM CORP.

Filing of Application for Approval of a Conflict of Interest Transaction Between Associates

Notice is hereby given, pursuant to § 107.1004(e) of the Regulations governing small business investment companies (13 CFR 107.1004 (1978)), of a request for approval of a conflict of interest transaction between TSM Corp. (Licensee), Suite A-203, 4171 North Mesa, El Paso, Texas 79902, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and Associates.

Licensee was licensed by SBA on November 16, 1976. It is owned 39 percent by Tri-State Wholesale Associated Grocers, Inc. (Tri-State), and 61 percent by approximately 65 additional shareholders, none of whom own as much as 5 percent. Tri-State is a nonprofit wholesale grocery distributor which acts as a central purchasing agent for all of its member stores.

It is proposed that the Licensee provide Financial Assistance to Mr. Hong W. Law and his brother, Howard, as individuals, and to their partnership entity, to acquire certain assets of Wilmac's Inc., a grocery store located in Anthony, Texas. Wilmac's is not associated with the Licensee.

Mr. Howard Law is a Director of the Licensee and, as such, is considered to be an Associate of the Licensee as defined by § 107.3(a) of SBA's Rules and Regulations. His brother and the partnership entity itself become Associates under § 107.3 (e) and (f) respectively.

The proposed financing falls within the purview of § 107.1004(b)(1) of the Regulations and requires a written exemption from SBA. SBA is considering a request for such exemption.

Notice if further given that any person may, not later than February 28, 1979, submit to SBA in writing, comments on the proposed transaction. Any such communication should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in El Paso, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 6, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-4703 Filed 2-12-79; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority No. 133.2]

A.I.D. MISSIONS IN THE NEAR EAST REGION

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 133, dated February 1, 1979 regarding authorization and approval of project and non-project assistance, I hereby redelegate to the Directors of A.I.D. Missions in Afghanistan, Egupt, Jordan, Morocco, Syria, Tunisia, and Yemen, and to any person serving as "Acting Director" in such Missions, authority to exercise any of the following functions with respect to assistance for the country to which the Director or Acting Director is assigned, retaining for myself and any person serving as Acting Assistant Administrator for the Near East concurrent authority to exercise such functions and the authority to limit approval with respect to a particular project:

1. Authority to approve and authorize funding for project and non-project assistance under the Foreign Assistance Act of 1961, as amended, where such assistance does not, over the approved life of the project or non-project assistance, exceed $5 million.

2. Authority to approve amendments amounting cumulatively to up to ten percent (10%) of the life of the project or non-project assistance value for any project or non-project assistance authorized in accordance with the authority redelegated in Section 1, above.

3. References to project and non-project assistance in this Redelegation do not include Housing Investment Guaranties.

4. The authorities redelegated in Sections 1 and 2, above, shall be exercised in accordance with applicable statutes and regulations, policies and procedures now or hereafter established or modified and promulgated within A.I.D., and only after consultation with appropriate Mission or AID/W technical personnel and legal counsel.

5. The authorities redelegated in Sections 1 and 2, above, shall not be further redelegated.

6. This Redelegation of Authority is effective immediately.

Dated: February 2, 1979.

JOSEPH C. WHEELER,
Assistant Administrator, Bureau for Near East.

[FR Doc. 79-4709 Filed 2-12-79; 8:45 am]

[4710-02-M]

ASIA MISSION DIRECTORS, ET AL.

Amendment of Redelegations of Authority To Require Consultation

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority Nos. 5, 38, 99, and 112, I hereby amend existing Redelegations of Authority Nos. 162-7, 164-6 (Revised), 164-9, 164-10 (Revised), 164-11 (Revised), 164-12 (Revised), 164-13 and 164-14 as follows:

1. By adding a new subparagraph 2(f) to read as follows:

"(f) Authority to extend terminal dates for signing Project Agreements and meeting initial conditions precedent for a cumulative period of not to exceed six months for each, and to extend terminal dates for requesting disbursement authorizations, terminal disbursements dates, and Project Assistance Completion Dates (PACD's) for a cumulative period of not to exceed one year for each."

2. By inserting a new paragraph immediately before the penultimate paragraph in each such redelegation as follows:

The authorities enumerated above may be exercised only after appropriate consultation with A.I.D. technical and legal staff.

These amendments are effective immediately.

Dated: February 2, 1979.

JOHN H. SULLIVAN,
Assistant Administrator, Bureau for Asia.

[FR Doc. 79-4708 Filed 2-12-79; 8:45 am]

[4910-06-M]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

MINORITY BUSINESS RESOURCE CENTER ADVISORY COMMITTEE

Meeting; Cancellation

The Minority Business Resource Center Advisory Committee meeting scheduled for February 23, 1979 in Miami, Florida at the General Services Administration Building, 51 Southwest 1st Avenue has been *cancelled.* The announcement appeared in the February 6, 1979 issue of the FEDERAL REGISTER (Vol. 44, No. 26) on page 726. Information pertaining to *future* Minority Business Resource Center Advisory Committee meetings may be obained from Mr. Harvey C. Jones, Advisory Committee Staff Assistant, Minority Business Resource Center, Federal Railroad Administration: (202) 426-2449. Persons wishing to attend and persons wishing to present oral statements at future Advisory Committee meetings should notify the Minority Business Resource Center not later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on February 5, 1979.

KENNETH E. BOLTON,
Executive Director.

[FR Doc. 79-4675 Filed 2-12-79; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Customs Service

PIG IRON FROM BRAZIL

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and a countervailing duty investigation is being initiated to determine if benefits which constitute the payment of a bounty or grant within the meaning of the countervailing duty law are paid by the Government of Brazil to manufacturers or exporters of pig iron. A preliminary determination will be made not later than May 20, 1979, and a final determination not later than November 20, 1979.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Michael Ready, Technical Branch, Duty Assessment Division, Office of Operations, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on November 20, 1978, from the Ad Hoc Committee of Merchant Pig Iron Producers of America, alleging that benefits conferred by the Government of Brazil upon the manufacture, production, or exportation of pig iron from Brazil constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

For purposes of this notice "pig iron" includes merchant pig iron of basic, foundry, malleable, and low phosphorous grades, and is classified under item 607.1500 of the Tariff Schedules of the United States Annotated (TSUSA). This pig iron is free of ordinary customs duty. In the event that it becomes necessary to refer this matter to the United States International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930, as amended, (19 U.S.C. 1303(a)(2)), there is evidence on record concerning injury to, or likelihood of injury to, an industry in the United States. This information indicates that imports of pig iron from Brazil have been increasing, domestic prices are suppressed, domestic production has stagnated, and the capacity utilization rate of the domestic industry remains low.

Alleged bounties or grants, as listed in the petition, include the following:

(1) Excessive remission of the Industrial Products Tax (IPI), a value added tax.

(2) Excessive remission of non-value added taxes, including a transportation tax.

(3) Exemption from payment of Customs duties and value added taxes on the plant and on equipment imported for the production of pig iron for export. These benefits are allegedly conferred under programs of the Industrial Development Council (CDI) and the Commission for the Granting of Fiscal Benefits to Special Export Programs (BEFIEX).

(4) Accelerated depreciation for the plant and for equipment manufactured in Brazil for production of pig iron for export.

(5) Preferential credit arrangements for the production and storage of pig iron destined for export under Resolutions 398 and 330.

(6) Preferential export financing for pig iron exporters under Resolutions 68 and 331.

(7) Benefits under the "Entreposto Aduaneiro" system which permits small producers of pig iron to receive a remission of the IPI tax immediately upon the sale of their product to trading companies, rather than at the time of export, the date normally applicable.

(8) Exemption from the corporate income tax for profits attributable to export sales.

Pursuant to section 303(a)(4) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within six months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition.

Therefore, no later than May 20, 1979, a preliminary determination on this petition will be made as to whether or not the alleged payments or bestowals conferred by the Government of Brazil upon the manufacture, production or exportation of the merchandise described above constitute a bounty or gant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than November 20, 1979.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15), March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 6, 1979.

[FR Doc. 79-4696 Filed 2-12-79; 8:45 am]

[4830-01-M]

Internal Revenue Service

PROPOSED REVENUE PROCEDURE ON PRIVATE TAX-EXEMPT SCHOOLS

Proposed Revenue Procedure

AGENCY: Internal Revenue Service. Treasury.

ACTION: Proposed revenue procedure.

SUMMARY: This document contains a revised proposed revenue procedure which sets forth guidelines the Internal Revenue Service will apply in determining whether certain private schools have racially discriminatory policies as to students and therefore are not qualified for tax exemption under the Internal Revenue Code.

PUBLIC COMMENTS: Before this proposed revenue procedure is adopted, consideration will be given to written comments that are submitted to the Commissioner of Internal Revenue. Written comments should be mailed by April 20, 1979. Comments should be sent to: Commissioner of Internal Revenue, Attention: E:EO, Washington, D.C. 20224. All written commentes will be available for public inspection and copying.

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SUPPLEMENTARY INFORMATION: On August 21, 1978, a proposed revenue procedure was announced in News Release IR-2027, and appeared in the FEDERAL REGISTER for Tuesday, August 22, 1978 (43 FR 37296). Many comments were received, and public hearings were held December 5 through 8, 1978. After consideration of the comments and the testimony given at the hearings, the proposed revenue procedure has been revised.

As revised, the proposed revenue procedure applies to two types of private elementary and secondary schools; (1) those which have been held by a court or agency to be racially discriminatory, and (2) "reviewable schools". "Reviewable schools" are those (a) which were formed or substantially expanded at the time of public school desegregation in the community served by the school; (b) which do not have significant minority student enrollment; and, (c) whose creation or substantial expansion was related in fact to public school desegregation in the community.

A school that has been adjudicated to be discriminatory will be considered nondiscriminatory if it has significant minority enrollment, has undertaken actions or programs to attract minority students on a continuing basis. A school that is "reviewable" will be considered nondiscriminatory if it has undertaken actions or programs to attract minority students on a continuing basis. Schools unable to demonstrate such actions or programs, or a significant minority student enrollment, will be considerd racially discriminatory, and tax exemption will be revoked or denied.

This document, a proposed revenue procedure, does not technically meet the Treasury Department's criteria for "significant regulations" set forth in paragraph 8 of the Treasury Directive appearing in the FEDERAL REGISTER for Wednesday, November 8, 1978 (43 FR 52120). However, because of the considerable public interest expressed in this subject, and the need of the IRS for information, this revenue procedure is being republished in proposed form for public comment.

FOR FURTHER INFORMATION CONTACT:

James E. Griffith, of the Exempt Organizations Division, Internal Revenue Service, Washington, D.C. 20224 (202-566-6181).

JEROME KURTZ,
Commissioner of Internal Revenue.

SECTION 1. PURPOSE.

.01 This Revenue Procedure sets forth guidelines the Internal Revenue Service will apply in determining whether certain private schools have racially discriminatory policies as to students and therefore are not qualified for tax exemption under section 501(c)(3) of the Internal Revenue Code of 1954.

SEC. 2. BACKGROUND.

.01 A school must have a racially nondiscriminatory policy as to students in order to qualify as an organization exempt from federal income tax. Revenue Ruling 71-447, 1971-2 C.B. 230. This requirement also applies to church-related and church-operated schools. Revenue Ruling 75-231, 1975-1 C.B. 158.

.02 Revenue Procedure 75-50, 1975-2 C.B. 587, sets forth certain affirmative recordkeeping and publicity requirements along with other guidelines for determining whether schools have a racially nondiscriminatory policy as to students. Revenue Procedure 75-50 generally requires tax-exempt private schools to adopt formally a racially nondiscriminatory policy and to publicize that policy annually to the community.

.03 All private schools are subject to the requirement that they have a racially nondiscriminatory policy as to students in order to qualify for and retain tax exemption, and schools are subject to examination to verify the existence of that policy.

The question whether a private school has a racially nondiscriminatory policy as to students is based on all the applicable facts and circumstances.

If a school engages in any acts or practices that are racially nondiscriminatory as to students, the school is not entitled to tax exemption even though it may otherwise comply with the provisions of Revenue Procedure 75-50 or this Revenue Procedure. For example, if there are overt acts of racial discrimination as to students, the school is not entitled to federal income tax exemption.

.04 There are situations in which a school's formation or expansion at the time of public school desegration in the community casts doubt on the existence of a bona fide racially nondiscriminatory policy. In such situations the mere assertion and publication of a non-discriminatory policy may be insufficient evidence of a bona fide nondiscriminatory policy. In these cases it is appropriate to examine whether actions have been taken by the school to overcome the indications that the school was established to foster racial segregation and that minorities are not welcome at the school. See *Norwood v. Harrison*, 382 F. Supp. 921 (N.D. Miss. 1974), on remand from the Supreme Court, 413 U.S. 455 (1973); *Brumfield v. Dodd*, 405 F. Supp. 338 (E.D. La 1975).

This Revenue Procedure sets forth guidelines to identify certain private elementary and secondary schools that are racially nondiscriminatory, even though they claim to have a racially nondiscriminatory policy as to students.

.05 This Revenue Procedure applies only to private elementary and secondary schools, other than schools organized and operated solely for the education of the handicapped or the emotionally disturbed. For example, it applies to church-related and church-operated elementary and secondary schools, but does not apply to colleges and universities, pre-schools, nursery schools, or schools for the blind or the deaf.

SEC. 3. DEFINITIONS.

.01 A racially nondiscriminatory policy as to students means that: the school admits the students of any race to all the rights, privileges, programs, and activities generally accorded or made available to students at that school and that the school does not discriminate on the basis of race in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

Revenue Ruling 71-447. The Service considers discrimination on the basis of race to include discrimination on the basis of color and national or ethnic origin. Revenue Procedure 75-50.

.02 A school "adjudicated to be discriminatory" means any school found to be racially nondiscriminatory as to students by a final decision of a federal or state court of competent jurisdiction; by final agency action of a federal administrative agency in accordance with the procedures of the Administrative Procedure Act, 5 U.S.C. 551, *et seq.*; or by final agency action of a state administrative agency following a proceeding in which the school was a party or otherwise had the opportunity for a hearing and an opportunity to submit evidence. The terms "final decision of a federal or state court" and "final agency action" mean actions or decisions from which no further administrative or judicial appeal can be taken.

.03 "Reviewable school" means a school (i) formed or substantially expanded at the time of public school desegration in the community served by the school; (ii) which does not have significant minority student enrollment; and, (iii) whose creation or substantial expansion was related in fact to public school desegration in the community. A school will not be treated as a reviewable school unless all three of the foregoing characteristics exist.

(a) A school will be considered formed or substantially expanded at the time of public school desegregation in the community served by the school if its formation or expansion takes place during any calendar year any part of which falls within the period beginning one year before implementation of a public school desegregation plan in the community (whether a court-ordered or voluntary plan) and ending three years after substantial implementation of such desegregation order or plan. "Voluntary plan" includes, for example, a written desegregation plan entered into with the Department of Health, Education, and Welfare (HEW), or with a state agency.

A school will not be considered to have substantially expanded during a particular calendar year if the increase in the maximum number of students enrolled at any time during that calendar year is 20 percent or less of the maximum number of students enrolled at any time during the immediately preceding calendar year. If the increase is more than 20 percent, a determination will be made whether the expansion is related in fact to public school desegregation, as described in section 3.03(c), *infra*, before the school will be treated as a reviewable school.

(b) Whether a school's minority student enrollment is significant depends on all the relevant facts and circumstances. Consideration will be given to special circumstances which limit the school's ability to attract minority students, such as an emphasis on special programs or special curricula which by their nature are of interest only to identifiable groups which are not composed of a significant number of minority students, so long as such programs or curricula are not offered for the purpose of excluding minorities. In giving such consideration, the Service will also take into account whether schools in similar circumstances are not limited in their ability to attract minority students.

In any event, a school will be considered to have significantly minority student enrollment if its percentage of minority students is 20 percent or more of the percentage of the minority school age population in the community served by the school. For example, if 50 percent of the school age population in the community is minority, and the school enrolls 200 students, a school would not be "reviewable" if it had at least 20 minority students. (20 percent × 50 percent = 10 percent. 10 percent × 200 students = 20 students.)

If a particular school which is part of a system of commonly supervised schools would be treated as not having significant minority student enrollment under the foregoing provisions, it may nevertheless be considered to have a significant minority student enrollment if all the following conditions are met:

1. Taking into account all schools operated by the system within the community, the school system, in the aggregate, has significant minority student enrollment;

2. The schools within the community serve designated geographical areas, which designations are based on considerations other than race; and,

3. There is no evidence that the school system operates on a racially nondiscriminatory basis, such as through the operation of a dual school system based on race.

(c) Ordinarily, the formation or substantial expansion of a school at the time of public school desegregation in the community will be considered to be related in fact to public school desegregation. However, notwithstanding this general rule, the Service will consider evidence that a school's formation or substantial expansion was not related in fact to public school desegregation in the community and that the school therefore is not a reviewable school. The determination that a school's formation or substantial expansion is not related in fact to public school desegregation must be based on objective evidence, taking into account all the facts and circumstances relating to the school's formation or expansion. The following are illustrative of facts which are relevant in making this determination, but these facts are not exclusive.

Facts tending to indicate that the formation or substantial expansion of a school was not related in fact to public school desegregation include the following:

(1) The students to whom the opening or substantial expansion of the school is attributable are not to any significant extent drawn from the public school grades subject to desegregation in the community served by the school. For example, the students may be drawn from other private schools, or from other areas not undergoing public school desegregation.

(2) The rate of expansion is not greater than the rate of expansion experienced by the school in years prior to the time of public school desegregation, as defined in section 3.03(a) of this procedure.

(3) The expansion is attributable to an increase in the school age population in the community.

(4) The expansion results from a merger of the school with another private school and neither of the schools is otherwise "reviewable."

(5) The expansion is attributable to a continuation of previous periodic expansion by adding grade levels as the school's enrollment in lower grades advance, and the school does not enroll a significant number of new students in the newly added grades from the public schools.

(6) The school was formed or expanded in accordance with a longstanding practice of a religion or religious denomination which itself is not racially discriminatory to provide schools for religious education when circumstances are present making it practical to do so (such as a sufficient number of persons of that religious belief in the community to support the school), and such circumstances are not attributable to a purpose of excluding minorities.

(7) At the time of formation or expansion, the school had some minority students, faculty, or board members.

Facts tending to indicate that the formation or substantial expansion of a school was related in fact to public school desegregation in the community include:

(8) The opening or substantial expansion of the school occurs in one or more of the same grades that are subject to public school desegregation.

(9) The students who enroll are primarily drawn from the public schools.

(10) The school occupies or utilizes former public school facilities made available to the school in the course of implementation of the public school desegregation plan.

(11) The school is a member of an organization which practices or advocates racial segregation in schools.

(12) The school, or its founders, officers, substantial contributors or trustees, have engaged in efforts to oppose desegregation of the public schools.

(13) The school in practice limits enrollment to students from a geographic area (or areas) with few or no minorities, and this limitation coincides with a public school desegregation plan that involves exchanges of students between such area or areas and one or more other areas that have a substantial school age minority population.

(14) Non-minority faculty members added to the school's staff at the time of its formation or substantial expansion are drawn primarily from the public school system subject to desegregation.

.04 The "community" served by the school means the public school district within which the school is located, together with any other public school district from which the school enrolls a substantial percentage of its student body. As an objective guideline, the Service will consider 20 percent a substantial percentage of its student body. Where a court desegregation order involves the mandatory assignment of students to or from any of such foregoing school districts, "community" includes all public school dis-

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tricts covered by the order, and the appropriate percentage of minority students will be determined with reference to all such districts. For example, if the school is located in public school district A, but draws 30 percent of its students from school district B, which is under a court-ordered busing program with school district C, the relevant community for the particular school, for purposes of computing the relevant minority school age population, is school districts A, B, and C.

For purposes of determining minority school age population, the Service will rely generally on satistics compiled by the Department of Health, Education and Welfare (HEW) on public school enrollment, unless the school furnishes acceptable statistics relating to its community showing both public and private school enrollment. The enrollment data used by HEW concerning the minority school age population of a public school district may be obtained from local school boards, which are required to maintain such information by HEW regulations.

.05 "Minority" is defined as including the following separate categories: blacks; Hispanics; Asians or Pacific Islanders; and, American Indians or Alaskan natives. These classifications are in accordance with guidelines of the Department of Commerce which are currently set forth at 43 Fed. Reg. 19,269 (1978). The relevant minority for purposes of computing the percentage of minority student enrollment under this Revenue Procedure is the group or groups found to have been the object of discrimination in the court or agency adjudication, or in the public school desegregation proceeding. For example, if both blacks and Hispanics have been found in a court or agency adjudication to have been the object of discrimination, the appropriate percentage of minority students will be determined separately for blacks and for Hispanics.

SEC. 4. GUIDELINES.

.01 *Schools adjudicated to be discriminatory.* Notwithstanding a prior adjudication of racial discrimination as to students, a school adjudicated to be racially discriminatory as to students will be considered to be now operated on a nondiscriminatory basis if the school can show that: (a) the school currently has significant minority enrollment, as defined in section 3.03(b), *supra;* or, (b) the school has undertaken actions or programs reasonably designed to attract minority students on a continuing basis. See section 4.03, *infra,* for examples of such actions or programs. Ordinarily, an adjudicated school will not be considered to be operated on a racially nondiscriminatory basis unless the school has enrolled some minority students.

.02 *"Reviewable schools."*—Notwithstanding the fact that a school is a reviewable school as defined in section 3.03, the school will be considered to have a racially nondiscriminatory policy as to students if the school can show that it has undertaken actions or programs reasonably designed to attract minority students on a continuing basis. See section 4.03, *infra,* for examples of such actions or programs.

.03 Actions and programs reasonably designed to attract minority students must convey clearly to the affected minority community that, notwithstanding the circumstances of the school's formation or expansion and the absence of a significant number of minority students, the school, in fact, is operating on a nondiscriminatory basis and minorities are welcome at the school. The level of actions and programs that are adequate may vary from school to school and depends on the circumstances of the school, including the level of minority student enrollment. Examples of actions and programs that may contribute to attracting minority students on a continuing basis include:

1. Active and vigorous minority recruitment programs, such as extensive public advertisements in media designed to reach the minority community, specifically inviting minority applicants; communication to minority groups and minority leaders in the community inviting minority applicants; personal contacts of prospective minority students; and, participation in local, regional, or national programs designed to develop new sources of minority recruitment for the school.

2. Publicized offering of tuition waivers, scholarships or other financial assistance, with emphasis on their availability for minority students; or, actual granting of such financial assistance to minority students.

3. Employment of, or substantial efforts to recruit, minority teachers or other professional staff.

4. Participation with integrated schools in sports, music, and other events or activities.

5. Special minority-oriented curriculum or orientation programs.

6. Minority members of the board or other governing body of the school.

The failure of such actions or programs to obtain some minority student enrollment within a reasonable period of time will be a factor in determining whether such activities are adequate or are undertaken in good faith.

SEC. 5. PROCEDURES FOR HANDLING SCHOOLS CURRENTLY RECOGNIZED AS TAX-EXEMPT

.01 *Schools adjudicated to be discriminatory.* The Service will propose revocation of exemption for schools adjudicated to be discriminatory which do not meet the guidelines of section 4.01, *supra.*

.02 *"Reviewable schools".* The Service will propose revocation of exemption for reviewable schools which do not meet the guidelines of section 4.02, *supra.*

.03 *Tax deductibility of contributions.* The Service will apply the provisions of Revenue Procedure 72-39, 1972-2 C.B. 818, in determining the tax deductibility of contributions made to adjudicated or reviewable schools.

.04 *General guidelines.* Proposed revocations of exemption will be processed in accordance with the procedures set forth in Revenue Procedure 73-8, 1973-1 C.B. 754, and this Revenue Procedure. After exhausting its administrative remedies, the school may seek judicial relief.

In appropriate cases, the Service will consider deferring issuing notice of a final revocation of exemption to a school not meeting the standards of this Revenue Procedure, if the school so requests and sets forth actions already taken and to be undertaken in good faith which demonstrate a racially nondiscriminatory policy in accordance with section 4 of this Revenue Procedure.

SEC. 6. APPLICATIONS FOR TAX-EXEMPT STATUS.

.01 *Schools adjudicated to be discriminatory.* A favorable ruling or determination will be issued to a school adjudicated to be discriminatory only if it meets the guidelines of section 4.01, *supra.*

.02 *"Reviewable schools".* A favorable ruling or determination will be issued to a reviewable school which has commenced operation only if it meets the guidelines of section 4.02, *supra.* A favorable ruling or determination will be issued to a school with no record of actual operation only if the school's proposed operations can be described in sufficient detail to permit a conclusion that the school will not be classified as a reviewable school, or will clearly meet the guidelines of section 4.02.

.03 *General guidelines.* Applications for tax-exempt status will be processed in accordance with the procedures set forth in Revenue Procedure 72-4, 1972-1 C.B. 706, and this Revenue Procedure. A school which has either received an adverse ruling or determination or which has exhausted its administrative remedies may seek judicial relief.

SEC. 7. NATIONAL OFFICE APPEALS AND REVIEW.

Applications for exemption and examinations of private elementary and secondary schools will be reviewed in the National Office under procedures established by the Assistant Commissioner (Employee Plans and Exempt Organizations). Under this procedure, appeals from adverse key district actions in these cases will be considered by the National Office rather than the Regional Directors of Appeal.

SEC. 8. EFFECTIVE DATE.

In the case of schools adjudicated to be discriminatory, this Revenue Procedure will be effective on final publication for purposes of examinations and applications for exemptions. In the case of reviewable schools, this Revenue Procedure will be effective for purposes of examinations on and after January 1, 1980. For reviewable schools whose applications for exemption are pending on the date of final publication, but which do not meet the provisions of section 6 of this Revenue Procedure, the Service will, if requested by the school, defer any action on the application for exemption until January 1, 1980, to give the school an opportunity to supplement its application to demonstrate compliance with section 6. Otherwise, for purposes of applications for exemption by reviewable schools, this Revenue Procedure will be effective on final publication.

SEC. 9. EFFECT ON OTHER DOCUMENTS.

Revenue Procedure 75-50 is amplified, and continues to be applicable to all private schools, whether or not affected by this Revenue Procedure.

[FR Doc. 79-4801 Filed 2-12-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

120-BED NURSING HOME CARE UNIT, CLINICAL FACILITIES, AND AN UNDERGROUND PARKING GARAGE, VETERANS ADMINISTRATION MEDICAL CENTER, WASHINGTON, D.C.

Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement for a 120-Bed Nursing Home Care Unit, Clinical Facilities, and an Underground Parking Garage, Veterans Administration Medical Center, Washington, D.C.," dated December 1978, has been prepared as required by the National Environmental Policy Act of 1969.

The proposed project includes new construction and necessitates alterations in the existing hospital building. The new construction will contain (1) a Nursing Home Care Unit of 120 beds (2) Clinical Facilities to include the Dental Service, Audiology and Speech Pathology and (3) an Underground Parking Garage for approximately 650 cars.

This final statement responds to comments received on the draft Environmental Impact Statement. This document and the draft Environmental Impact Statement are placed for public examination in the Veterans Administration office in Washington, D.C.

Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, NW., Washington, DC 20420, Phone 202-389-2526.

Single copies of the Final Statement may be obtained on request to: Director, Environmental Affairs Office (66) Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: February 7, 1979.

MAURY S. CRALLE, Jr.,
Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-4693 Filed 2-12-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-19 (Sub-No. 40F)]

BALTIMORE & OHIO RAILROAD CO. AND BUFFALO, ROCHESTER & PITTSBURGH RAILWAY CO.

Discontinuance of Service—Abandonment at Dock Junction in Rochester, Monroe County, N.Y.; Findings

Notice is hereby given pursuant to Section 10903 of the Interstate Commerce act (formerly Section 1a) (49 U.S.C. 19093) that by a Certificate and Decision decided January 24, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen,* 354 I.C.C. 584 (1978), and for public use as set forth in said decision), the present and future public convenience and necessity permit the discontinuance of service by the B&O on, and abandonment by the BR&P of, a line of railroad known as the Dock Branch extending from railroad milepost 0.0 at Dock Junction to railroad milepost 1.14 at the end of line, a distance of approximately 1.14 miles, in Rochester, Monroe County, N.Y. A certificate of public convenience and necessity permitting abandonment and discontinuance of service was issued to the Baltimore and Ohio Railroad Company and the Buffalo, Rochester and Pittsburgh Railway Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than February 28, 1979. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 30, 1979.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4727 Filed 2-12-79; 8:45 am]

[7035-01-M]

[Docket No. AB-1 (Sub-No. 71F)]

CHICAGO & NORTH WESTERN TRANSPORTATION CO.

Abandonment Near Rochester and Stewartville in Olmsted County, MN; Findings

Notice is hereby given pursuant to Section 10903 of the Interstate Commerce Act (formerly Section 1a) (49 U.S.C. 10903) that by a Certificate and Decision decided January 18, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the (1) protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen,* 354 I.C.C. 584 (1978), and further that North Western shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track, all bridges and all culverts on the line for a period of 120 days from the effective date of this certificate and decision unless this property has first been offered, upon reasonable terms, to public authorities or other responsible persons interested in acquiring the property for public use; and (2) North Western shall work with the Minnesota Department of Natural Resources to assure that the distrubance of prairie grass is kept to a minimum during the salvaging of the line and that salvaging operation occur during the period August 1 through

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May 1 in order to mitigate the impact on the wildlife during their nesting season, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a line of railroad known as the Stewartville Spur extending from railroad milepost 146.0 near Rochester to railroad milepost 158.6 at the end of the line near Stewartville, a distance of 12.6 miles, in Olmsted County, MN.

A certificate of public convenience and necessity permitting abandonment was issued to the Chicago and North Western Transportation Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than February 28, 1979. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 30, 1979.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-4724 Filed 2-12-79; 8:45 am]

[7035-01-M]

[Docket No. AB-160 (Sub-No. 2F)]

MONTOUR RAILROAD CO.

Abandonment in Bethel Park, Allegheny County, Pa.; Findings

Notice is hereby given pursuant to section 10903 of the Interstate Commerce Act (formerly Section 1a) (49 U.S.C. 10903) that by a Certificate and Decision decided January 24, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment, Goshen*, 354 I.C.C. 584 (1978), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Montour Railroad Company of a portion of its main line of railroad extending from railroad milepost 39.9 to the end of the line at railroad milepost 41.3, a distance of 1.4 miles, in Bethel Park, Allegheny County, PA. A certificate of public convenience and necessity permitting abandonment was issued to the Montour Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than February 28, 1979. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 30, 1979.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-4726 Filed 2-12-79; 8:45 am]

[7035-01-M]

[Docket No. AB-7 (Sub-No. 77F)]

STANLEY E. G. HILLMAN

Abandonment Near Berverly Junction and Hanford in Kittitas, Yakima and Benton Counties, WA; Findings

Notice is hereby given pursuant to Section 10903 of the Interstate Commerce Act (formerly Section 1a) (49 U.S.C. 10903) that by a Certificate and Decision decided January 18, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the (1) protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen*, 354 I.C.C. 584 (1978), and further that Milwaukee Road shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track, all bridges and all culverts on the line for a period of 120 days from the effective date of this certificate and decision unless this property has first been offered, upon reasonable terms, to public authorities or other responsible persons interested in acquiring the property for public use; (2) Milwaukee Road shall notify the Washington Historical Society 30 days prior to salvaging the track so that a trained archaeologist can be available to monitor salvage opertions; and (3) Milwaukee Road shall include in its contract for sale of those portions of the right-of-way within which archaeological sites have been identified, a provision requiring the purchasers to notify the Washington Historical Society of their plans for development of the property, the present and future public convenience and necessity permit the abandonment by Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, of a line of railroad know as the Hanford Branch extending from railroad milepost 0.0 near Beverly Junction to railroad milepost 20.8 near Hanford, a distance of 20.8 miles, in Kittitas, Yakima and Benton Counties, WA. A certificate of public convenience and necessity permitting abandonment was issued to Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than February 28, 1979. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 30, 1979.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-4725 Filed 2-12-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

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[6320-01-M]

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[M-193 Amdt. 4; Feb. 7, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of items from the February 7, 1979 meeting agenda.

TIME AND DATE: 10 a.m., February 7, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

12. Docket 33221, joint application of frontier and Louisville for exemption authority in the Louisville-Kansas City market (memo 8452, BPDA, OGC).

14. Dockets 33824 and 33514. TWA's application for pendente lite exemption to provide immediate air transportation in approximately 70 named city-pair markets; Air Florida's application for pendente lite exemption to operate in the New York-Miami/West Palm Beach market (memo 8435-A, BPDA, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: In light of the age of this application and present availability of dormant authority in the affected market under the new Act, this item (12) is being deleted from the February 7, 1979, agenda in order that a revised recommendation may be submitted by staff. Item 14 is being deleted because it requires additional staff discussion. Accordingly, the following members have voted that agency business requires deletion of items 12 and 14 from the February 7, 1979, agenda and that no earlier announcement of these deletions was possible:

Chairman Marvin S. Cohen
Member Elizabeth E. Bailey
Member Gloria Schaffer

[S-286-79 Filed 2-9-79; 10:20 am]

[6320-01-M]

2

[M-194; Feb. 8, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., February 15, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 32860, elimination of the reporting of user charge data for foreign en route and airport facilities and services (memo 7998-A, OEA, BCAA, BIA, OGC).

3. Docket 34052, final rule to amend section 213.3(d) of the economic regulations to remove the mandatory 30-day waiting period for effectiveness of orders requiring foreign air carriers to discontinue operation of existing schedules (memo 8285-A, BIA, OGC, BPDA).

4. Amendment of Part 302 to set uniform 30-day answer period (memo 8456, OGC).

5. Final rules amending Part 384 statement of organization delegation of authority, and availability of records and information and Part 385 delegations and review of action under delegation; nonhearing matters. These amendments transfer the functions and delegations of the former Bureau of Accounts and Statistics (BAS) to a new Bureau of Carrier Accounts and Audits (BCAA), to the Office of Economic Analysis (OEA) and to the Office of the Comptroller (OC) (BCAA, OEA, OC, OGC).

6. Request for public comments regarding a report that the Board must make to Congress about direct sale of charter (memo 8490, OGC, OI, OEEO, BCAA, BLJ, BIA, BPDA, OEA, BCP).

7. Docket 26509 (EDR-264)—Termination of rulemaking proceeding proposing amendments to Part 212 charter regulations applicable to foreign scheduled carriers (memo 4418-A, OGC, BIA).

8. Docket 32420, Part 223 of the Board's Economic Regulations—Final rule amending Part 223 to permit free or reduced-rate interstate transportation to employees of foreign air carriers not serving U.S. points (memo 8143-A, OGC).

9. Docket 32466, Part 302, expedited procedures for licensing and rates cases: Supplemental notice of rulemaking (OGC, BIA, BPDA, BLJ).

10. Dockets 33112 and 33283. Texas International—National acquisition case and Pan American—National acquisition case. National Airlines application to take the testimony of Dr. Robert H. Frank (OGC).

11. Docket 32872, *Braniff Airways, Inc.* v. *Texas International Airlines, Inc.* Section 411 enforcement proceeding (OGC) (memo 8504).

12. Dockets 28213 et al. Applications of seven Japanese air freight forwarders—Final order (memo 8492, OGC).

13. Docket 30055, Phoenix-Las Vegas-Reno nonstop service investigation—Draft order (memo 6403-J, OGC).

14. Docket 30635, Arizona service investigation (memo 8158-E, OGC).

15. Docket 34258, application of Continental Air Lines for Denver-Reno exemption authority (memo 8495, OGC).

16. Dockets 33363, 32504, 32505, 32506, 32507, 32508, 32509, 32510, 32511, 32514, 32515, and 32580; former large irregular air service investigation (memo 7690-M, OGC).

17. Dockets 32327, 33361, 33362, 33363, 33941, 34292, 34293, 34241, 34107, 34108, 34476, 34477, 34281, and 34282; former large irregular air carrier investigation—Order granting six motions to consolidate and delegating authority to the presiding administrative law judges to grant or dismiss future motions to consolidate (memo 7690-N, OGC).

18. Docket 31013; petition for reconsideration of order 78-3-63, which approved an air traffic conference of America resolution allowing intrastate carriers to participate in the area settlement plan, provided that certain practices are optional, rather than specific (memo 7750-D, BPDA, BCP, OEA, OGC).

19. Docket 32881, Petition of General Mills, Inc., and Trans-Mark Services, Inc., for the Board to reexamine the Air Traffic Conference of America's resolution governing establishment of travel agent offices on customer premises (in-plant agency resolution) under section 403 of the Act (memo 8496, BPDA, BCP, OGC).

20. Docket 26951; Motion by Trans International Airlines for modification of arbitrator's award and other relief (memo 8494, BPDA).

21. Docket 31298, Sky West's application and motion to show cause for certification of those points on their system which were not certificated in the Arizona service investigation, Docket 30635 (BPDA).

22. Dockets 32873, 33490, 33505, 33535, 33585, 33730, and 33738; Applications of American, Allegheny, TWA, Braniff, Northwest, Ozark, and Continental for Reno-Chicago authority (memo 8179-A, BPDA, OGC, BLJ).

23. Dockets 32573, 32628, 32756, 33606, 34079, 32725, and 32758; application of the city of Birmingham for institution of route proceeding for new nonstop authority in the Birmingham - Cleveland / Dallas / Houston /Philadelphia/Pittsburg/St. Louis/Tampa/

V 44/31 FEB 13 79 UMI

Washington markets; Braniff's Southern's Frontier's, and Ozark's applications, respectively requesting the authority sought by Birmingham in whole or in part, and motions to consolidate; as amended certificate application of Allegheny Airlines for Birmingham-Bristol/Kingsport/Johnson City/Dallas / Houston / Philadelphia / Pittsburgh /Tampa/Washington nonstop authority; certificate application of Piedmont Aviation for Birmingham-Charlotte/Dallas/Greensboro / Houston / Richmond / Roanoke / Washington nonstop authority (memo 8497, BPDA).

24. Docket 33754, application of TWA for amendment of its certificate of public convenience and necessity for route 2 for authority in 72 new city-pair markets (memo 8499, BPDA, OGC).

25. Dockets 33824 and 33514; TWA's application for pendent lite exemption to provide immediate air transportation in approximately 70 named city-pair markets; Air Florida's application for exemption to operate in the New York-Miami/West Palm Beach market (memo 8435-A, BPDA, OGC).

26. Dockets 33747, 33920, and 34173, Eastern's application and petition for an order to show cause requesting Albuquerque-St. Louis/Atlanta authority (BPDA).

27. Docket 34370, Ozark's 60-day notice to suspend nonstop and/or single-plane service in several markets (memo 8488, BPDA, OCCR).

28. Docket 34473—Airwest's 401(j)(2) notice of intent to suspend service in 85 markets in 60 days (BPDA, OCCR) (memo 8505).

29. Docket 34148, petition of the County of Kern for reconsideration of the Board's notice of intent not to prohibit Hughes Airwest from suspending service at Bakersfield (BPDA) (memo 8415-A).

30. Dockets 26681, 34565, and 34513; Hughes Airwest petition for modification of orders granting temporary suspension authority and notice of intent to terminate service at Astoria/Seaside, Oregon; petition of the Port of Astoria requesting the Board to determine the essential air transportation of Astoria/Seaside and name a replacement carrier (BPDA, OCCR) (memo 4737-E).

31. Docket 33752, notice of Airwest to terminate service at Santa Maria, Calif. (BPDA).

32. Docket 34296, application of Air New England for removal of its one-stop restriction in the Burlington-New York market and motion to consolidate in Docket 33658 (memo 8326-B, BPDA, OGC, BLJ).

33. Docket 34544, notice of Frontier Airlines, Inc., of intent to terminate service at Enid, Ponca City, and McAlester, Okla. (memo 8060-B, BPDA, OCCR, OGC, BCP).

34. Dockets 32773, 33026, 33508, and 23888; Allegheny replacement service agreements; Altair petition (memo 8502, BPDA).

35. Docket 25476, agreement CAB 23157, organizational documents of Airline Tariff Publishing Co., Inc., (ATPCO) (BPDA, BCP, OGC) (memo 8506).

36. Docket 33218, boarding priority rules of the U.S. certificated carriers (BPDA) (memo 8165-A).

37. Tariff rule governing acceptance of stretcher patients proposed by United (memo 8493, BPDA).

38. Air carrier rules governing the application of tariffs (memo 8503, BPDA, BCP).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-300-79 Filed 2-9-79; 2:42 pm]

[6712-01-M]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, February 8, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special closed commission meeting.

CHANGES IN THE MEETING: The following item has been deleted:

AGENDA, ITEM NUMBER, AND SUBJECT

Hearing—6—Applications for review of Review Board decision and related interlocutory requests in the Gainesville, Fla., new FM station proceeding (Docket Nos. 20622-4).

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone number (202) 632-7260.

Issued: February 7, 1979.

[S-287-79 Filed 2-9-79; 10:20 am]

[6712-01-M]

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, February 14, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting following the open meeting.

MATTERS TO BE CONSIDERED:

AGENDA, ITEM NUMBER, AND SUBJECT

General—1—*McGraw-Hill Boradcasting Co., Inc.* v. *FCC*, No. 78-1895 and 78-2225.

Complaints and Complaince—1—Field investigation into the operation of radio stations WDAS and WDAS-FM, Philadelphia, Pa.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone number (202) 632-7260.

Issued: February 7, 1979

[S-288-79 Filed 2-9-79; 10:20 am]

[6712-01-M]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, February 14, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

AGENDA, ITEM NUMBER, AND SUBJECT

General—1—Use of radio for the remote reading of utility meters (Docket No. 20005) and for automated utility distribution systems (RM-2824).

General—2—Authority of the Executive Director to act on requests by other Federal agencies for disclosure of information submitted to the Commission in confidence.

General—3—Reinstatement of radiotelephone second class operator license issued to Arthur W. Brothers.

Safety and Special Radio Services—1—Credit for the telegraphy portion of the amateur extra class examination to applicants who hold the amateur extra first class license.

Common Carrier—1—Notice of inquiry on treatment of litigation expenses for rate making purposes.

Common Carrier—2—Provision of domestic facilities to International Record Carriers by A.T. & T. (CC Docket No. 21499).

Cable Television—1—Applications for certificates of compliance to carry WVIA-TV (Educ), Scranton, Pa., filed by Cablevision Systems, et al.

Cable Television—2—Petition for waiver filed by Warner Cable Corp.

Cable Television—3—Petition for waiver filed by Midwest Video Corp.

Assignment and Transfer—1—Assignment of KFMK, Houston, Tex., from Liberty Communications Corp. to First Media Corp. (BALH-2731, BASCA-909).

Renewal—1—Petition to deny the renewals of all five Washington, D.C. TV stations.

Renewal—2—Imposing EEO sanctions on certain broadcast stations.

Renewal—3—Petition to deny renewal of KSBW-TV, Salinas, Calif.

Aural—1—Application for modification of facilities filed by Hall Broadcasting Co., Inc., WIYD-FM, Palatka, Fla., and petition for reconsideration of the Commission's memorandum opinion and order, FCC 78-721 granting the application filed by Rounsaville of Jacksonville, Inc. et al.

Television—1—Applications of KLOC Broadcasting (BPCT-4982) and Leejon Broadcasting (BPCT-5021) for a television station on channel 35, Salinas, Calif.

Broadcast—1—Petition for rulemaking (RM-2830), filed by the National Association of Broadcasters, to permit rebroadcast of CB and Amateur transmissions of emergency information.

Broadcast—2—Waiver of the "off-network" restriction of the prime time access rule, filed by WBRE-TV, Wilkes-Barre, Pa.

Broadcast—3—Reconsideration of the assignments of FM channel 243 to Fort Walton Beach, Fla. and of FM channel 221A to Destin, Fla.

Complaints and Compliance—1—Fairness doctrine complaint of the Committee for the Scientific Investigation of Claims of the Paranormal Against NBC.

Complaints and Compliance—2—Complaint regarding the program "Youth Terror: The View From Behind the Gun."

Complaints and Compliance—3—Response of KIFW (AM & TV), Sitka, Alaska, to a notice of apparent liability.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone number (202) 632-7260.

Issued: February 7, 1979.

[S-289-79 Filed 2-9-79; 10:20 am]

[6450-01-M]

6

FEBRUARY 8, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 3:30 p.m., February 8, 1979.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: An additional item is added to this previously announced closed meeting relating to pending civil litigation.

CONTACT PERSON FOR FURTHER INFORMATION:

Kenneth F. Plumb, Secretary, 202-275-4166.

[S-294-79 Filed 2-9-79; 11:17 am]

[6730-01-M]

7

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: February 8, 1979, 44 FR 8099.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: February 14, 1979, 10 a.m.

CHANGE IN THE MEETING: Addition of the following item to the open session:

4. Rates on Neptune Orient Line and Far Eastern Shipping Co.

[S-302-79 Filed 2-9-79; 3:48 pm]

[6735-01-M]

8

FEBRUARY 7, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., Febr- uary 7, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Closed (pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS CONSIDERED: Diposition on the merits:

Secretary of Labor v. Peter White Coal Mining Corp. HOPE 78-374, etc., 78-344, etc., 78-509, 78-535, etc.; Peabody Coal Co., VINC 78-386; United States Steel Corp., PITT 78-335; Monterey Coal Co., VINC 78-416; Rochester & Pittsburgh Coal Co., PITT 78-323; Helvetia Coal Co., PITT 78-322; Iselin Preparation Co., PITT 78-344; and Energy Fuels Corp., DENV 78-410.

Eastern Associated Coal Corp. v. Secretary of Labor, PITT 76X203; Florence Mining Co., Helen Mining Co., Oneida Mining Co., North American Coal Corp. v. Secretary of Labor, Pitt 77-15, 77-16, 77-17, 77-18, 77-19, 77-23; Alabama By-Products Corp. v. Secretary of Labor, BARB 76-153; Inland Steel Coal Co. v. Secretary of Labor, VINC 77-164.

Vote: Voting to close the meeting: Commissioners Waldie (Chairman), Lawson, Nease, and Jestrab. It was determined by this vote that Commission business required that this meeting be closed. Further, the Commission members voted to hold the meeting immediately on the basis that agency business so required and to issue public notice as soon as practicable.

Attendance: Those present at that closed meeting were: Commissioners Waldie (Chairman), Lawson, Nease, and Jestrab; Al Treherne; Robert Phares, Mary Masulla; Arthur Sapper; Dan Delacey; General Robert Pleasure; Joanne Kelley, Carolyn Crittenden; Cris Gilbert and Joan Haugen.

CONTACT FOR MORE INFORMATION:

Joanne Kelley, 202-653-5632.

[S-296-79 Filed 2-9-79; 12:07 pm]

[6735-01-M]

9

FEBRUARY 8,1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 8:30 p.m., February 8, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Closed (pursuant to 5 U.S.C. 552b(c) (10)).

MATTERS CONSIDERED:

Secretary of Labor v. Republic Steel Corp., IBMA 76-28, MORG 76-21.

Secretary of Labor v. Republic Steel Corp., IBMA 77-39, Morg 76X95-P.

Secretary of Labor v. Kaiser Steel Corp., DENV 77-13-P.

Vote: Voting to close the meeting: Commissioners Waldie (Chairman), Lawson, Nease, Jestrab, and Backley. It was determined by this vote that Commission business required that the meeting be closed. Further the Commission members voted to hold the meeting immediately on the basis that agency business so required and to issue public notice as soon as practicable.

Attendance: Those present at that closed meeting were: Commissioners Waldie (Chairman), Lawson, Nease, Backley, and Jestrab; Al Treherne; Robert Phares, Mary Masulla; Arthur Sapper; Dan Delacey; Howard Schellenberg; Jim Lastowka; Phil Paschall; General Counsel Robert Pleasure; Joanne Kelley; Carolyn Crittenden and Cris Gilbert.

CONTACT FOR MORE INFORMATION:

Joanne Kelley 202-653-5632.

[S-297-79 Filed 2-9-79; 12:07 pm]

[6735-01-M]

10

FEBRUARY 9, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., February 12, 1979.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: This meeting may be closed.

MATTERS TO BE CONSIDERED:

The Commission will consider and act upon the following:

Secretary of Labor v. Peter White Coal Mining Corp. HOPE 78-374 etc., 78-444 etc., 78-509, 78-535 etc.; Peabody Coal Co., VINC 78-386; United States Steel Corp., PITT 78-335; Monterey Coal Co., VINC 78-416; Rochester & Pittsburgh Coal Co., PITT 78-323; Helvetia Coal Co., PITT 78-322; Iselin Preparation Co., PITT 78-343, 78-344; and Energy Fuels Corp. DENV 78-410, (disposition on the merits).

Eastern Associated Coal Corp. v. Secretary of Labor, PITT 76X203; Florence Mining Co., Helen Mining Co., Oneida Mining Co., North American Coal Corp. v. Secretary of Labor, PITT 77-15, 77-16, 77-17, 77-18, 77-19, 77-23; Alabama By-Products Corp. v. Secretary of Labor, BARB 78-153; Inland Steel Coal Co. v. Secretary of Labor, VINC 77-164 (disposition on the merits).

It was determined by unanimous vote of the Commissioners that Commission business required that these matters be scheduled for Commission action as soon as possible and that no earlier announcement of this action was possible.

CONTACT PERSON FOR MORE INFORMATION:

Joanne Kelly, 202-653-5632.

[S-298-79 Filed 2-9-79; 12:07 pm]

[6735-01-M]

11

FEBRUARY 8, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

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TIME AND DATE: 10:00 a.m., February 14, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTER TO BE CONSIDERED:

It was determined by unanimous vote of all Commissioners that Commission business required that a meeting be held on this matter and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION:

Joanne Kelley, 202-653-5632.

[S-299-79 Filed 2-9-79; 12:07 pm]

[6210-01-M]

12

FEDERAL RESERVE SYSTEM (Board of Governors).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Forwarded to the FEDERAL REGISTER on February 6, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, February 14, 1979.

CHANGES IN THE MEETING: Deletion of the following open item from the agenda:

Proposals to implement Titles VIII and IX of the Financial Institutions Regulatory and Interest Rate Control Act.

This item will be rescheduled at a later time.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204.

Dated: February 9, 1979.

THEODORE E. ALLISON,
Secretary of the Board.

[S-295-79 Filed 2-9-79; 11:42 am]

[7020-02-M]

13

[USITC SE-79-8B]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 6838-9, February 2, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Tuesday, February 13, 1979.

CHANGES IN THE MEETING: Change of time and date.

The meeting originally scheduled to be held on Tuesday, February 13, 1979, has been rescheduled to begin at 10 a.m., on Wednesday, February 14, 1979. There are no other changes to the agenda for that date.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-284-79 Filed 2-9-79; 10:20 am]

[7020-02-M]

14

[USITC SE-79-9]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, February 22, 1979.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: (a) Spindle adapters from the United Kingdom (Docket No. 555); and (b) Perchlorethylene from Belgium, France, and Italy (Docket Nos. 556, 557, and 558).
5. Any items left over from previous agenda.

Portions closed to the public:

6. Status report on Investigation 332-101 (MTN Study), if necessary.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-293-79 Filed 2-9-79; 10:55 am]

[6820-35-M]

15

LEGAL SERVICES CORPORATION.

Legal Services Corporation—Meeting of the committee on Provision of Legal Services.

TIME AND DATE: 10 a.m., Friday, February 16, and Saturday, February 17, 1979.

PLACE: Marvin Center, George Washington University, room 405, 800 21st Street NW., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of agenda.
2. Approval of minutes of the meeting of November 13, 1978.
3. Discussion of the Reginald Heber Smith Community Lawyer Fellowship Program.
4. Report in accordance with section 1007(h) of the LSC Act.
5. Other business.

CONTACT PERSON FOR MORE INFORMATION:

Dellanor Young, Office of the President, 202-376-5100.

Issued: February 7, 1979.

THOMAS EHRLICH,
President.

[S-301-79 Filed 2-9-79; 3:48 pm]

[7590-01-M]

16

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 12, 1979.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Wednesday, February 14 1:30 p.m.

1. Discussion of decision in S-3 rulemaking (approximately 1 hour, public meeting).
2. Briefing on NRC legislative proposals including siting and licensing and omnibus legislation (approximately 2 hours, public meeting).
3. Affirmation session (approximately 10 minutes, public meeting): (a) Amendment to 10 CFR 50, appendices G & H; and (b) Cochran FOIA appeal (78-A-6) (partial); postponed from February 8, 1979.

Thursday, February 15 9:30 a.m.

1. Initial briefing on draft report "Regulation of Federal Radioactive Waste Activities" (tentative) (approximately 1½ hours public meeting).
2. Briefing on use of WASH-1400 in licensing actions (Approximiately 1 hour, public meeting).

1:30 p.m.

1. Tarapur discussion (approximately 1½ hours, closed—exemption 1) (continued from February 6).
2. Discussion of personnel matter (approximately 1½ hours, Chairman's conference room, closed—exemption 6).

Friday, February 16 9:30 a.m.

1. Time reserved for continuation of legislative proposals (if necessary) (approximately 2½ hours, public meeting).

ADDITIONAL INFORMATION: The following changes were made to items announced for the Week of February 5:

(a) Discussion of personnel matter—continued at 3 p.m. on February 7.
(b) Discussion of amendment to 10 CFR 73.55—postponed to February 8 at 3 p.m.
(c) Continuation of NRC legislative proposals—postponed to February at 1:30 p.m.
(d) Discussion of testimony before the House Foreign Affairs Committee—added on February 7 at 2:45 p.m. (closed—exemption 9).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

FEBRUARY 7, 1979.

[S-290-79 Filed 2-9-79; 10:20 am]

[4410-01-M]

17

PAROLE COMMISSION.

TIME AND DATE: 9 a.m., Thursday, February 15, 1979.

PLACE: Room 831, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed, pursuant to a vote to be taken at the beginning of the meeting.

MATTER TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 15 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

A. Ronald Peterson, Analyst, 202-724-3094.

[S-292-79 Filed 2-9-79; 10:53 am]

[7715-01-M]

18

POSTAL RATE COMMISSION.

TIME AND DATE: 9 a.m., February 14, 1979.

PLACE: Conference room, room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Office reorganization and personnel matters.

Closed pursuant to 5 U.S.C. 552b(c)(2)(6).

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, room 500, 2000 L Street NW., Washington, D.C. 20268, 202-254-5614.

[S-285-79 Filed 2-9-79; 10:20 am]

[7910-01-M]

19

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 4095, January 19, 1979.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, January 30, 1979; 10 a.m.

CHANGE IN MEETING: Matters five and six are added to the previously announced agenda.

MATTERS TO BE CONSIDERED: Board meeting concerning:

5. Recommendation for finding of excessive profits: Stelma Inc., successor-in-interest to a 1960 Delaware corporation of the same name, fiscal years ended March 31, 1968 and 1969 and May 8, 1969.
6. Recommendation for denial of contractor's request for special accounting agreement: National Steel and Shipbuilding Co., fiscal year ended December 31, 1974.

STATUS: Closed to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C., 202-254-8277.

Dated: February 5, 1979.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-291-79 Filed 2-9-79; 10:53 am]

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TUESDAY, FEBRUARY 13, 1979

PART II



ENVIRONMENTAL PROTECTION AGENCY

1983 AND LATER MODEL YEAR HEAVY-DUTY ENGINES

Proposed Gaseous Emission Regulations

V 4 4 / 3 1 F E 1 3 7 9 UMI

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 86]

[FRL 1024-4]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND MOTOR VEHICLE ENGINES

Gaseous Emission Regulations for 1983 and Later Model Year Heavy-Duty Engines

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes more stringent hydrocarbon and carbon monoxide emission standards, and establishes an assembly line testing program and nonconformance penalty system for 1983 and later model year heavy-duty (HD) gasoline-fueled and diesel engines as mandated by the Clean Air Act Amendments of 1977. Substantial changes are also being proposed to the emission test procedures, the definition of useful life, and the procedures used to verify the durability of emission control systems over their useful life.

Although there have been gains in control of air pollution, many air quality control regions still fail to meet the ambient air quality standards. Heavy-duty vehicles contribute a significant percentage of the total hydrocarbons (HC), carbon monoxide (CO), and oxides of nitrogen (NOx). For this reason the Clean Air Act Amendments of 1977 have mandated a 90% reduction from 1969 baseline gasoline levels of HC and CO pollutants. The amended Clear Air Act also requires a more stringent NOx standard for 1985, which will be proposed at a later date.

This proposed regulatory action will result in significant reductions in gaseous emissions from heavy-duty vehicles, particularly from gasoline-fueled vehicles. If promulgated as final rule, this action is anticipated to reduce HC emissions up to 2 tons per vehicle and CO emissions up to 39 tons per vehicle for HD gasoline-fueled vehicles. HD diesel vehicles will also experience up to one ton per vehicle reduction in HC. In the major urban regions evaluated (48 for HC and 26 for CO), reductions of up to 11% for mobile source HC emissions and up to 21% for mobile source CO emissions will be realized. These reductions correspond to urban air quality improvements of 2% for oxidants and 6% for carbon monoxide.

DATES: Proposed effective date is Dec. 1979. Comments received on or before the first normal business day, June 13, 1979, will be considered.

PUBLIC HEARING: A public hearing on the provisions of the proposed regulations will be convened approximately May 14, 1979. The time and place of the public hearing will be announced later in the FEDERAL REGISTER. Pursuant to Section 307 of the Clean Air Act, the record of the public hearing will be kept open for 30 days following the close of the hearing.

ADDRESS—PUBLIC COMMENT: Interested persons may submit written comments to the: Administrator, Environmental Protection Agency, Attention: Director, Emission Control Technology Division, 2565 Plymount Rd., Ann Arbor, MI 48105. Four copies of the comments are requested but not required.

FOR FURTHER INFORMATION CONTACT:

Mr. Chester J. France, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymount Road, Ann Arbor, Michigan 48105, Telephone: (313) 668-4338.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Heavy-duty (HD) engine exhaust emissions (gasoline-fueled vehicles only) were first regulated by the State of California in 1969. A year later, EPA adopted the California emission standards and test procedures and added exhaust and smoke emission standards for diesel engines. The emission standards for HC and CO were lowered by California in 1972. California further modified their HD emission regulations in 1973 by changing the gasoline test procedure to a mass measurement basis, adding a standard for oxides of nitrogen emissions, and establishing diesel test procedures and standards. EPA adopted the 1973 California regulations for the 1974 model year. EPA also included a peak smoke level standard for diesel engines. California has since lowered the standards once in 1975 and once in 1977.

In 1977, EPA promulgated more stringent HD emission standards and also adopted a number of test procedure refinements to improve the test procedure's measurement accuracy and test repeatability. These new standards and modified test procedures apply to 1979 and later model year HD vehicles (gasoline and diesel) and are currently in effect.

Section 202(a)(3)(A) of the amended Clean Air Act (42 U.S.C. 7521(a)(3)(A)) now requires a 90% reduction from 1969 gasoline baseline levels in HC and CO emissions effective in the 1983 model year. THe Clean Air Act, as amended in August 1977, also requires a 75% reduction (from 1973 gasoline baseline levels) in NOx effective in 1985, but this new standard will be promulgated at a later date.

For the past several years, EPA has been developing transient test procedures that are relatable to actual in-use emissions. Based on analysis of the current steady-state procedures (9-mode for gasoline and 13-mode for diesel) EPA has determined that the current emission test procedures are incapable of insuring that the reductions mandated by the Clean Air Act are achieved in actual use. This action proposes standards that represent 90% reductions (from baseline levels) in HC and CO emissions. It is proposed to measure emissions using EPA's newly developed transient engine test procedure.

In conjunction with these changes EPA is proposing assembly-line testing and non-conformance penalty regulations as required by the Act. Other significant changes which include redefinition of useful life, revised durability requirements, parameter adjustment, and allowable maintenance are also being proposed.

An attempt has been made in this rulemaking action to consolidate several significant regulations (e.g., test cycles, parameter adjustment, durability procedures, and Selective Enforcement Auditing (SEA)). The package represents what EPA feels is a comprehensive "compliance strategy" necessary to achieve the emission reductions mandated by the Clean Air Act. In the past, EPA has implemented similar regulations, for light-duty vehicles, however, it was done with numerous rulemaking actions. Not only has this approach been wasteful of resources, but has at times confused the manufacturers. With respect to this rulemaking action, the manufacturers will know from one rulemaking action what EPA's long-term requirements will be. Moreover, they will have an opportunity to provide meaningful comments on the interdependence of the various elements of the package as they relate to the complete compliance strategy.

PROPOSED CHANGES

1. EMISSION STANDARDS

Standards which represent a 90% reduction from 1969 baseline levels are proposed for both hydrocarbon (HC) and carbon monoxide (CO) emissions. These standards will apply to 1983 and later model year heavy-duty gasoline-fueled and diesel engines over their full useful like. Exact numerical standards are not specified in the proposed regulations, but will be in the final action. EPA has not completed its baseline testing of 1969 gasoline engines and can only quote approximate standards at this time. The approximate HC and CO standards for 1983, derived from a sales weighted average of the baseline engines tested to date, are 1.4 grams per brake horsepower-hour (g/BHP-hr) HC and 14.7 g/BHP-hr CO. Based on a statistical analysis of the baseline data gathered to date, EPA has determined, with reasonable confidence, that the final standards will not be less than .76 g/BHP-hr for HC and 11.4 g/BHP-hr for CO. EPA will not finalize standards below these lower limits without reproposing. Although the approximate standards may change pending completion of baseline testing, EPA does not expect substantial changes to occur.

The above approximate standards were developed from baseline testing of 12 1969 HD gasoline engines. The 12 engines tested so far, represent approximately 58 percent of the gasoline engine sales for 1969. Individual test results for each baseline engine can be found in Appendix A of the Regulatory Analysis. The 1969 baseline testing is expected to be finished by May 1979. The goal is to test enough engines to represent at about 80 percent of 1969 sales. This goal can be achieved by testing 20 to 30 engines. Additional engines will be tested as time permits in order to obtain data from several engines of the same type in the case of the most popular engine models. EPA will continue to update the regulated industry concerning results of its baseline testing.

It is not EPA's intent to substantially increase the stringency of the NOx standard for 1983. EPA will derive the NOx standard from transient test results of 1979 and later model year HD gasoline engines. EPA plans to base such a standard on the sales weighted average of a representative 1979 gasoline engine sample. Manufacturers are invited to submit their ideas on how to derive such a standard. A NOx standard that will achieve at least a 75 percent reduction will be proposed for 1985 in a later Notice of Proposed Rulemaking (NPRM).

Separate HC and CO idle standards representing 90% reductions from 1969 gasoline levels are also being proposed under the authority granted EPA in Section 202(a) of the Clean Air Act (as amended August 1977). Specific values for the idle standards are not contained in the proposed rule itself, but will be in the final rule. The approximate standards, based on the engines tested to date, are 1400 ppmC for HC and .55 percent for CO. These standards are in terms of raw exhaust gas concentrations. As mentioned before EPA will update the manufacturers as further results from the 1969 baseline testing are obtained.

EPA has determined statistically that it is unlikely that the additional baseline testing will result in idle standards less than 530 ppmC for HC and .30 percent for CO. The final idle standards are not expected to change substantially from the approximate idle standards given above. EPA will not finalize idle standards below these lower limits without reproposing.

The chief reason EPA is proposing HC and CO idle standards is that the idle mode has been identified as the largest single mode of heavy-duty operation. Based on heavy-duty truck operational data collected in Los Angeles and New York City, idle conditions constitute approximately 25% of a truck's operation (32% in New York City and 17% in Los Angeles). In addition to being such a significant portion of overall heavy-duty truck operation, it is important to control idle CO emissions since idle operation will occur in situations that involve fairly direct exposure of people, i.e., local "hot spots". Examples of such situations include crosswalks at intersections, loading dock areas, and bus stops in congested traffic.

EPA has determined from light-duty emission test results that idle HC and CO levels are related to engine displacement and idle speed. The need for expressing the idle standards for heavy-duty engines as a function of engine displacement and idle speed is being evaluated at this time. If a need is identified for expressing the standards in this manner, EPA will act accordingly in the final rule.

Finally, EPA proposes to control HD diesel crankcase emissions. Statutory authority for proposing such controls is provided under Section 202(a) of the Clean Air Act. The current HC emission regulations place controls on crankcase emissions from gasoline-fueled engines, but not from diesel engines. It's inappropriate that diesel engines continue to be excluded from regulations which apply to a competing engine. In addition to being a source of HC and CO emissions, recent testing indicates the possible presence of various nitrosamines in diesel crankcase gaseous flow (refer to EPA report titled "Diesel Crankcase Emissions charaterization, Final Report of Task No. 4, Contract 68-03-2196," May 1977 for description and summary of test results). Nitrosamines are a very strong carcinogen in animals and strongly suspected to be carcinogenic in humans.

The same testing also indicated that the particulate emissions from diesel crankcase flow consisted mostly of lubricating oil. Recent work by other researchers has indicated that whereas fresh lubricating oil appears to be non-mutagenic, it quickly becomes mutagenic with use. Therefore, it is very likely that diesel crankcase emissions could be mutagenic (as measured by Ames testing) soon after each oil change. (For further information on "Ames testing" refer to the article titled "Methods for Detecting Carcinogens and Mutagens with the Salmonella/Mammalian—Microsome Mutagenicity Test," by B. N. Ames, J. McCann, and E. Yamasaki, *Mutation Research*, 31 (1975), pgs. 347-364.)

EPA estimates at this time that crankcase emissions can be controlled at minimal cost and within the available lead time. However, EPA is soliciting comments from the manufacturers concerning the costs and feasibility of controlling diesel crankcase emissions beginning with the 1983 model year. If it is determined from the comments to this NPRM that control of crankcase emissions is not practical for 1983, then EPA will propose this requirement together with the Clean Air Act mandated NOx emission reductions (applicable for 1985 and later model years).

2. TEST PROCEDURES

EPA is proposing new test procedures for determining gaseous exhaust emissions from heavy-duty engines (gasoline-fueled and diesel). The major change being proposed is that the current steady-state test cycles (9-mode for gasoline and 13-mode for diesel) are being replaced by transient test cycles. Significant modifications are also being proposed for the emission sampling techniques. The current optional use of the 1974-1978 test procedures by low volume manufacturers will be disallowed after 1982. EPA proposes that the current smoke measurement procedure and standards be retained intact.

The need for the new transient test procedures is thoroughly discussed in Chapter VI, Alternate Actions, of the Regulatory Analysis. Fundamentally, EPA considers the existing steady-state test procedures inadequate for assuring that heavy-duty vehicles achieve the same reductions in on-road emissions as they do in the laboratory. As the emission standards become more stringent the motivation to design around the test procedures will be increased. The emission control techniques used to obtain low emission levels on the steady-state procedures may not achieve the same degree of control on the transient test procedure, nor in actual on-road use. In fact, even at current levels, the steady-state procedures do not provide an accurate assessment of true, real world reductions. For these reasons and others discussed in the Regulatory Analysis, EPA is proposing the numerous test procedure changes.

The need for the transient test has been clearly demonstrated for gasoline-fueled engines, however for diesel engines the need is not as obvious. EPA recognizes that diesel HC and CO levels are already quite low, and in most cases they are already close to the proposed 90% reduction levels. This fact raises a question concerning

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the need for the transient procedure for diesel engines. However, under another program, EPA is developing regulations for the control of heavy-duty particulate emissions (required by Section 202(a)(3)(A)(iii) of the Clean Air Act as amended in 1977). These procedures are planned to be implemented in 1983 and will require a transient test. Since acquisition of transient test facilities are a long lead time item, it is imperative that the transient procedure be proposed in this action. Otherwise, the implementation of the heavy-duty diesel particulate regulations in 1983 will be seriously jeopardized. Finally, the required 75 percent reduction in NOx for 1985 will be difficult for diesel engines to meet. It is anticipated that at such low NOx levels, a transient test will be necessary to insure that engines achieve 75% reductions in on-road emissions; it is also imperative that the manufacturers have the test procedure finalized at the earliest possible time so as to allow them to proceed with the development of control technology necessary for compliance with the 75% NOx reduction requirements.

The proposed transient test cycles were developed by EPA from actual in-use truck operational data collected in New York City and Los Angeles. A different cycle for both gasoline-fueled and diesel engines is included in the proposed rule. Each transient cycle is specified by a second-by-second listing of pairs of normalized engine speed and horsepower values. The listings for the cycles can be found in Appendix I of the regulations.

The first step in the test sequence is the generation of the maximum torque curve. The experimentally derived maximum torque curve is then used to unnormalize the test cycle into an acutal speed-power cycle. After the maximum torque curve generation the engine is allowed to soak a minimum of 12 hours and a maximum of 36 hours. The engine is then started cold, operated over the test cycle, shut-off for a 20 minute hot soak, restarted again, and operated over the test cycle. The idle emission test procedure (Subpart P) can be conducted at the conclusion of the transient test, if desired. Cycle run validation requirements and tolerances are specified in the procedures.

Under the current test procedures mass emissions are determined from raw exhaust gas analysis. This sampling technique is used because the emissions are measured during periods when exhaust gas composition and flow are not changing. However, during the transient test cycle exhaust gas composition and flow is changing continuously. To measure mass emissions under these conditions it is proposed to dilute the exhaust emissions with ambient air and collect a continous proportional sample for both the cold and hot start tests. A constant volume sampler (CVS) is required to obtain a continuous proportional emission sample. Emissions are required to be bagged separately over the cold start test and hot start tests. HC emissions from diesel engines, though, are not baggged, but are continuously sampled and analyzed during the sample periods using heated sample lines and a heated flame ionization detector. The dilute samples collected in the bags are analyzed using a flame ionization detector for HC, a non-dispersive infrared analyzer for CO and CO_2, and a chemiluminescence analyzer for NOx.

The total volume of dilute sample is measured during the test, and is used to calculate the mass of each pollutant emitted during the sample period. To enable a determination of brake-specific emissions (i.e., g/BHP-hr), the useful work output during both test phases (cold start and hot start test) is measured. The mass emissions for each pollutant is weighted appropriately for the number of cold and hot start trips in a day and is divided by the similarly weighted work output (brake horsepower-hour). The resultant g/BHP-hr pollutant value represents the brake-specific emissions from an average urban trip for a HD truck.

The proposed idle test procedure (Subpart P) includes very general analytical and sampling system requirements which are different from the transient test requirements since the measurements can be made directly from the exhaust without dilution. These requirements of course allow the use of those systems described in Subparts D and N. If the Subpart N analytical system is used, an additional CO_2 analyzer is required to measure CO_2 concentrations in the raw exhaust. This CO_2 measurement is necessary to accurately determine the dilution factor during the idle mode. Additional flexibility is also allowed in running the idle test itself since it is conducted after the engine is at normal operating temperature and therefore would be less sensitive to preconditioning than the cold start, transient test. In addition, the flexible preconditioning procedure and less restrictive instrumentation specifications for the idle procedure permit the straightforward adoption of regulations under section 207(b) of the Act, if such regulations become necessary. For example, wide ambient temperature ranges and simple engine warm-up procedures are specified.

The HC and CO emissions measured during the idle test are not expressed in the units used for the transient emission test results (i.e., g/BHP-hr). Instead, hydrocarbon emissions are expressed in parts per million (ppm) and carbon monoxide emissions are expressed in percent.

Organizationally, the proposed test procedures (Subpart N) are arranged in a format similar to the light-duty vehicle (LDV) emission regulations. In fact, the following sections are in common with the LDV emission regulations § 86.1309, § 86.1311, § 86.1313, § 86.1314, § 86.1319, § 86.1321, § 86.1322, § 86.1323, § 86.1324, and § 86.1340.

3. REDEFINITION OF "USEFUL LIFE"

EPA is proposing to amend the current definition of "useful life" for heavy-duty engines under the authority given EPA in Section 202(d) of the Clean Air Act. For gasoline-fueled HD engines the useful life is presently defined as a period of use of 5 years or 50,000 miles of vehicle operation or 1,500 hours of engine operation (or 1,500 hours of engine dynamometer operation), whichever occurs first. For diesel HD engines, useful life is presently defined as a period of use of 5 years or 100,000 miles of vehicle operation or 3,000 hours of engine operation (or an equivalent period of 1,000 hours of engine dynamometer operation), whichever occurs first. Both of these definitions are unrealistically short. The amendment would bring the definition of useful life into closer agreement with the periods of use actually seen by heavy-duty engines. Specifically, the useful life for heavy-duty engines would be defined as the average period of use up to engine retirement or rebuild, whichever occurs first. The manufacturer would be responsible for making the useful life determination(s) for its engines.

It is further proposed that the manufacturer make two useful life related statements on the engine label and, with more detail, in the owner's manual. The average useful life (in hours or miles) as determined by the manufacturer shall be stated, as well as a statement of compliance with the emission regulations for the useful life of the engine.

4. REVISED DURABILITY TESTING REQUIREMENTS

EPA proposes to allow each manufacturer to design the test procedure used to determine emission deterioration factors (DFs) for its engines. Manufacturers would be required to state that their procedures are designed and conducted in accordance with good engineering practice and that the procedures account for representative emission deterioration processes. Manufacturers would submit descriptions of the test procedures used, the data collected and the resultant deterioration factors for each engine family control system combination.

The above proposal would apply *only* to engine family-control system combinations seeking initial certification. For a family-system combination eligible for carry-over under current regulations (i.e., one which has not been significantly redesigned from the previous model year(s)), EPA proposes that manufacturers be required to derive deterioration factors from engines tested via in-chassis, on-the-road service accumulation. The manufacturers would be required to initiate in-chassis service accumulation within three months after the engine(s) in question go into production. The certificate of conformity would become invalid if the manufacturer fails to meet this requirement. EPA will retain the authority to make engine family determinations to discourage the manufacturers from creating "new" engine families each year by making minor engine modifications. By creating new families each year the manufacturers could conceivably avoid use of deterioration factors based upon the in-chassis service accumulation requirements.

EPA will waive the requirement for in-chassis service accumulation for 1983 and 1984 if the manufacturer states in its application for certification that an engine family-control system combination (for which it seeks an initial certificate of conformity for 1983 or 1984) will not be produced past the 1984 model year. EPA is allowing this waiver because it is likely that the manufacturers will be employing different or modified emission control systems on their engines in 1985 to meet the mandated reductions in NOx emissions. This waiver provision will not be available after 1985.

A minimum of three engines per family would be required to undergo in-chassis service accumulation testing. The service application of the vehicle shall be typical of commercial or consumer applications for the engine/vehicle combination. The minimum guidelines the manufacturer is required to follow are:

(1) a minimum annual mileage of at least 15,000 miles or 10 percent of the useful life mileage, whichever is greater, must be accumulated, and

(2) no more than 40,000 miles or 40 percent of the useful life mileage, whichever is greater, can be accumulated in any one year.

After 30,000 miles are accumulated, the engine would be emission tested and an in-chassis deterioration factor would be derived by linear extrapolation over the full useful life. This newly derived deterioration factor would then supersede the initial year's deterioration factor. As more miles are accumulated and until the useful life is reached, the manufacturer would perform emission tests in sufficient number to insure accurate assessment of the deterioration. The additional emission results are then used to update the in-chassis DF on a yearly basis.

EPA is proposing that the deterioration factors be employed as multiplicative factors, rather than as additive factors (being used in current procedures) to account for deterioration in emission control performance with use and time. Theoretical considerations and empirical studies do not unequivocably support use of multiplicative over additive deterioration factors, or vice versa. However, EPA's position is that for catalyst-equipped engines there is more technical justification for preferring the use of multiplicative factors over additive factors than for the reverse since catalyst systems reduce emissions by a given percentage regardless of input levels. Multiplicative factors are presently used for light-duty vehicles and light-duty trucks for this reason. Since gasoline-fueled engines capable of meeting the proposed standards will include catalysts, EPA is proposing the use of multiplicative factors for all heavy-duty engines beginning in 1983.

5. PARAMETER ADJUSTMENT

EPA proposes to amend the certification procedures to permit the Administrator to adjust or require manufacturers to adjust certain previously identified engine parameters to settings anywhere within the physical limits of adjustment for the parameter(s) in question. This provision is also included in the proposed Selective Enforcement Auditing (SEA) and Production Compliance Auditing (PCA) regulations. The authority to establish such regulations is granted to EPA in Sections 202, 206, and 301 of the Clean Air Act. The parameters that will be initially subject to these requirements will be the same as those in the recently promulgated light-duty vehicle parameter adjustment regulations (a complete copy of the light-duty parameter adjustment rulemaking package can be found in the Public Docket pertaining to this NPRM (No. OMSAPC-78-4)): idle fuel-air mixture, idle speed, initial spark timing, and choke valve action. Any other parameter which is physically capable of being adjusted, may significantly affect emissions, and was not present on engines of the same engine family in the previous model year may also be subjected to adjustment. Other parameters which were present on engines of the same engine family in the previous year may be added to the list of four parameters given in this paragraph, but only with sufficient lead time notice to the manufacturers.

These proposed requirements, which are identical to those promulgated recently for light-duty vehicles, will encourage manufacturers to design engines to be less susceptible to in-use maladjustment. Such maladjustment is capable of causing in-use emissions to be substantially higher than allowed by the standards. EPA does not have test data which indicate how serious this problem may become for heavy-duty vehicles with the use of advanced emission control technology. However, there is no reason to believe that the degree of HD in-use maladjustments will be much different than has been the case with catalyst equipped light-duty vehicles and light-duty trucks. Based on this experience with catalyst technology, EPA expects that the relative impact of this proposed action will be similar to those projected for light-duty vehicles and light-duty trucks. (For additional information refer to the light-duty parameter adjusdtment rulemaking package contained in Public Docket No. OMSAPC-78-4.) EPA solicits comments on EPA's judgment in this regard. In particular, if a manufacturer feels that because of some difference in the use or maintenance of heavy-duty vehicles, emission-related parameters will not be adjusted and set to specifications other than the manufacturer's, then the rationale and/or data to support this judgement is requested. The proposed parameter adjustment provision will help ensure that the 90% reductions in HC and CO mandated by statute are actually achieved by in-use engines.

6. ALLOWABLE MAINTENANCE

These regulations include definitions for non-emission related maintenance and emission-related maintenance. (These definitions and the allowable maintenance provisions described below are being proposed under the statutory authority granted by the Clear Air Act in Section 207(c)(3)(A)) and 206(d). The definitions are as follows:

"Non-emission related maintenance" means that maintenance which does not substantially affect emissions and which does not have a lasting effect on the deterioration of the vehicle or engine with respect to emissions, once the maintenance is performed at any particular date.

"Emission-related maintenance" means that maintenance, which does substantially affect emissions, or which is likely to have a lasting effect on the deterioration of the vehicle or engine with respect to emissions, even if the maintenance is performed at some time other than that which is recommended.

A replacement of the air cleaner would be an example of non-emission related maintenance. A dirty air cleaner may affect emissions to some extent by richening the fuel-air mixture, but

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the effect would not be expected to be a large one. The effect of a dirty air cleaner could also be completely reversed by replacement with a clean air cleaner. A dirty air cleaner should not cause any component to be permanently damaged.

Spark plug replacement would be an example of emission-related maintenance, since a malfunctioning spark plug can greatly increase hydrocarbon emissions. A malfunctioning spark plug can also cause catalyst activity to deteriorate at a faster rate than normal and such deterioration would not be reversed by replacement with a good spark plug.

These regulations also include provisions limiting the amount of emissions-related maintenance which can be performed on durability vehicles. These regulations limit emissions-related maintenance to that which is technologically necessary and also has a reasonable likelihood of being performed in-use. Included in the provisions are minimum mileage intervals for the maintenance of emission-related components. EPA has determined that these intervals are technologically feasible and that shorter intervals are not technologically necessary. The manufacturer will still need to show that his emission-related maintenance is technologically necessary, even if these intervals are "longer" than the minimum intervals included in the provisions. EPA believes that these provisions are necessary to help insure that in-use emissions do not exceed the standards due to manufacturers using emission control technology which require extensive maintenance and then not having such maintenance performed. No costs for these provisions have been included in the regulatory analysis because EPA believes that the savings due to decreased maintenance requirements will pay for any first cost increases incurred due to these limitations.

7. SELECTIVE ENFORCEMENT AUDITING

As a further step to insure HD engines achieve the mandated emission reduction in the real world, EPA is proposing Selective Enforcement Auditing (SEA) regulations (see Subpart K). Selective Enforcement Auditing (SEA) is emission testing performed on a sample of heavy-duty engines coming off the assembly line to determine whether they conform to the regulations under which their respective certificates of conformity were issued.

The authority to conduct SEA testing is contained in Sections 206(b) and (g) of the Clean Air Act. Section 206(b) authorizes the Administrator to test, or to have manufacturers test, new production motor vehicle engines to determine whether the engines conform to the regulations with respect to which a certificate of conformity was issued. The Clean Air Act Amendments of 1977 added Section 206(g), which requires testing of heavy-duty production engines as necessary to determine the percentage not in compliance with the regulations with respect to which a certificate of conformity was issued.

An SEA audit is initiated by a test order to the engine manufacturer. The test order will be confined to a single engine configuration. Each manufacturer will have a preliminary limit on the number of test orders with which it has to comply each year based on projected annual sales.

The manufacturer is required to test the specified engines or to provide the engines to EPA for Agency testing. EPA Enforcement Officers are authorized to enter the manufacturer's facilities to monitor SEA-related activities, either through the consent of the manufacturer or, if consent is refused, under the authority of a warrant or court order in accordance with the Supreme Court's decision in Marshall v. Barlow's, Inc. (98 S.Ct. 1816 (1978)). The manufacturer is also required to retain records related to the SEA audits it conducts and, if the manufacturer has its own assembly-line testing program, to report test results from such a program to the EPA on a quarterly basis.

The sampling plans and decision criteria for SEA are based on an Acceptable Quality Level (AQL) of 10%. This AQL would provide assurance that all engines meet applicable standards after adjustment for deterioration with only 10% allowed to exceed standards to provide for test variability and isolated instances of nonconformity. (Any engine that failed the initial test would be require to pass a subsequent test before it could be sold.) This is consistent with the requirement of the Clean Air Act that every engine be warranted to meet emission standards throughout its useful life.

A 10% AQL also was proposed for the SEA program for light-duty vehicles (39 FR 45360 (1974)). In that proposal, emission standards for light-duty vehicles had already been fixed, and comments on the proposal asserted that adverse economic repercussions could occur to the light-duty vehicle industry by immediately imposing a 10% AQL. Under the production practices of the industry in effect at that time, production was not geared so that all manufacturers of light-duty vehicles would comply with emission standards, but so that the total production of light-duty vehicles would meet standards on the average. Thus, a 40% AQL was adopted in the final regulations to avoid an unreasonable economic impact on the industry (41 FR 31422 (1976)).

In this NPRM, EPA is proposing a 10% AQL as part of a total compliance strategy for heavy-duty engines. EPA believes that a 10% AQL can be met within the costs estimated for this proposed action, and that such costs should not place an unreasonable economic burden on the manufacturers.

The test order will specify the manner and location of the selection of test engines. Since the sampling plans are designed to be "sequential" in the sense that a decision can be made on compliance with the AQL after each engine is tested (a minimum number of engines must be tested), the test engines can be selected in several ways: one at a time as required to keep the audit progressing, a large group over a short period of time, or a small group on a daily basis.

The manufacturer will be permitted to "break in" engines before testing, up to a maximum service accumulation limit of 125 hours. The emission measurements will then be performed according to the test procedure described in Subpart I, N and P. The results obtained will be adjusted to be in accordance with the deterioration factors developed during the certification process to assure that the engines are in conformance with the regulations under which their certificate of conformity was issued. The manufacturer is expected to complete at least two tests per day. If a manufacturer can be classified as a "low-volume manufacturer," as defined in Subpart K, it is required to complete only one test per day.

Passing or failing an SEA audit is determined by testing individual engines consecutively until the number of failing engines, relative to the total number of engines tested to that point, corresponds to the pass or fail number specified in the decision rule for the applicable sampling plan. Classifying individual engines as either passing or failing the SEA emissions test, rather than examining their respective emission levels actually measured, reflects the "attributes" rather than a "variables" decision-making approach of the SEA sampling plans. The choice of an "attributes" approach is based primarily on current uncertainty regarding the characteristic distribution of emissions throughout the population of heavy-duty production engines.

Failure of an SEA audit may result in suspension or revocation of the certificate of conformity for the test configuration. The certificate can be reinstated only after the manufacturer demonstrates compliance through additional audit testing following implementation of a design or quality control change on the affected configuration. The follow-up audit, however, is conducted according to a different sampling plan designed to reduce the "consumer's risk" that the manufacturer might pass the audit when it is in fact not complying with the AQL. In the case of any suspension or revocation of a certificate arising from an SEA failure, the hearing provisions of Subpart K allow the manufacturer to dispute the Agency's decision on the basis of application of the sampling plans or the manner in which emission tests were conducted.

These regulations will permit heavy-duty engines to be certified, even when their emissions as measured during certification testing, exceed the HC and CO standards. In that event a certificate of conformity would be issued only as long as the measured emissions do not exceed maximum levels, termed "upper limits", which EPA would establish above the emission standards for the two pollutants. If such engines are certified above the standards, but below the "upper limit," the manufacturer will be subjected to an SEA (using the follow-up audit sampling plans as described in the previous paragraphs) and if necessary, a Production Compliance Audit (PCA) to establish the nonconformance penalty. (See the following section on Production Compliance Auditing and Nonconformance Penalties.) If upper limits are set for the 1983 standards for HC or CO (or both), several decisions could be made as a result of an SEA audit: the test configuration passes with respect to the standard, fails with respect to the standard but not with respect to the upper limit, or fails with respect to the upper limit. In the second case, if the manufacturer did not wish to institute a change to rectify the nonconformity, it could avoid a certificate suspension or revocation by electing to pay a nonconformance penalty on the basis of Production Compliance Audit testing.

8. PRODUCTION COMPLIANCE AUDITING (PCA) AND NONCONFORMANCE PENALTIES

In Section 206(g), the Clean Air Act Amendments of 1977 also added a requirement that a certificate of conformity be issued and remain in effect for engines exceeding an emission standard, yet within a specified upper limit, if the manufacturer of these engines paid a nonconformance penalty based in part on the extent to which those engines are exceeding the standard(s). Therefore, a Production Compliance Auditing (PCA) program and a nonconformance penalty system is also being proposed in Subpart K. Production Compliance Auditing is emission testing performed on a sample of heavy-duty engines to determine the "compliance level." As indicated above, a PCA would be conducted when a manufacturer elects to pay a penalty upon failure of an SEA in lieu of bringing the engines into compliance. The compliance level established is in turn used to determine the amount of the nonconformance penalty that will be imposed on the manufacturer.

A PCA is not initiated by a test order but rather upon a request by a manufacturer. The terms of the test order initiating the original failing SEA would still apply. The aspects of SEA testing relating to testing by EPA, maintenance of records, entry and access of Enforcement Officers, engine selection and break-in, test procedures, test per day requirements, and application of deterioration factors still apply to PCA testing. Engines tested during a PCA are not classified as "passes" or "failures." Instead, the emission test results obtained are used to make a point estimate of the 90th percentile of the data distribution. This point estimate is the "compliance level."

The PCA sampling plans indicate the number of engines that must be tested to determine the compliance level. The plans also allow a determination as to whether the configuration is in compliance with the AQL at the upper limits (or at the standard for a pollutant that has no upper limit). If the PCA is failed with respect to the upper limit (or the standard if there is no upper limit) the same sanctions of certificate suspension or revocation may be imposed as in SEA testing. The manufacturer can dispute the Agency's sanction decision on the same bases as described in the SEA program and request a hearing. If the PCA is conducted and no fail decision is reached, a nonconformance penalty will be imposed.

Two alternative approaches to calculating the nonconformance penalty were considered. Both approaches are based on incremental costs, i.e., those avoided by an engine's not meeting emissions standards. Such costs include those borne by the manufacturer, such as the variable costs associated with each engine and amortization of fixed costs, and those borne by the end-user, such as increased fuel consumption and maintenance requirements.

In the first approach considered, the "actual cost" approach, the penalty is equal to the full cost (including the indirect cost of any performance degradation borne by consumers) of bringing a particular nonconforming engine configuration into compliance with the standards. The underlying philosophy is that a potential purchaser ought to be indifferent, in economic terms, to purchasing the nonconforming engine with its price increased to reflect the penalty and the same engine brought into conformance. The penalty will automatically increase with the degree of nonconformity, since the cost of bringing an engine into compliance generally increases with the degree of nonconformance. After the initial penalty has been set, the penalty can be increased by a fixed percentage over subsequent time periods so as to create incentives for the development of production engines which meet standards.

In the second approach, the penalty is based on the "marginal cost" of reducing emissions for a "typical" engine to bring it into compliance with the standards. As one moves towards the standard from higher emission levels, it generally becomes more expensive to remove each incremental unit of emissions, although it is still cost-effective to do so. The most expensive incremental reduction is to move to the standard from a level just above the standard; the cost of doing this is referred to as the "marginal cost" of compliance at the standard. The nature of this approach is such that it can result in penalties significantly higher than the cost of bringing a particular engine into compliance with the standards. These generally high penalties should provide a substantial degree of protection to the conforming manufacturer, as required by the Act: "Such penalties • • • shall remove any competitive disadvantage to manufacturers whose engines or vehicles achieve the required degree of emission reduction. • • •" (Section 206(g)(3)(E)). Like the "actual cost" approach, the penalty assessed will escalate over time to provide an increasing incentive to conform.

A more thorough discussion of both alternative approaches to calculating the nonconformance penalty can be found in a paper in the rulemaking docket entitled "Nonconformance Penalties for Heavy Duty Engines." As described in this paper, both alternatives satisfy the three mandatory criteria for the nonconformance penalty required by the Act (Section 206(g)(3)(C), (D), (E)). However, they do differ significantly in the areas of equity, ease of administration and degree of emission reduction expected.

The Agency has chosen to use the "marginal cost" approach in its proposal because of the relative merits of this alternative compared with the cost-based approach. In the area of equity, the choice of one approach over the other may well depend upon how one defines "equity." The "marginal cost" approach is considered to be the more equitable alternative in the sense that engines with the same degree of noncompliance will incur the same penalty, regardless of type of manufacturer or the possibility that one may actually cost less to bring

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into compliance than the other. In the area of administrative burden, the "marginal cost" approach has the decided advantage because it will not require extensive cost estimating and documentatin by the manufacturers and subsequent verification and auditing by the Agency. In the area of expected emission reductions, the "marginal cost" approach is again favored because it is set up to be economically advantageous to the manufacturer to comply with standards rather than to pay a penalty.

There is some question as to when nonconformance penalties should be applicable. Section 206(g)(1) of the Act states that a nonconformance penalty should be available "in the case of any class or category of heavy-duty vehicles or engines to which a standard promulgated under section 202(a) of this Act applies." However, the House Committee, which initially proposed the nonconformance penalty provision which eventually was adopted by Congress, indicated in its committee report that the nonconformance penalties would be used only in conjunction with "revised standards," i.e., revisions to the 1983 statutory standards for HC and CO and revision to the 1985 statutory standard for NOx. (H.R. Rep. No. 95-294, 95th Cong. 1st Sess 275).

Congress indicated that revised standards were to be implemented if EPA determined that manufacturers would be unable to meet the statutory emission standards within the time frame provided in the Act. To ensure that standards would not be relaxed more than necessary in moving from statutory to revised levels, EPA was directed to set revised standards at levels based on the capability of the industry's "technological leader." A nonconformance penalty alternative was then to be made available to accomodate those "technological laggards" unable to meet established standards. By paying the nonconformance penalty, the laggards would be able to continue selling engines while improving their technology to the point where they could meet the standards.

EPA's position on the applicability of nonconformance penalties is that they should not be available until 1983 for HC and CO, and until 1985 for NOx, and then only if standards (either revised or statutory) are set so that technological laggards need to be accomdated. Since the interim standards that went into effect for the 1979 model year were set on the basis of technology currently available and one year was judged to be sufficient time to incorporate this technology into production engines, nonconformance penalties will not be available which the interim standards remain in effect.

A general formula for the nonconformance penalty has been proposed in these amendments. This formula is based on the emissions charge (marginal cost of compliance) approach. It is not possible to determine the actual dollar amount of the penalty at this time because the marginal cost of meeting the proposed 1983 standards have not been established.

Paragraph (g)(3) of Section 206 of the Clean Air Act sets five criteria for the establishment of a nonconformance penalty formula. One of these criteria is that the penalty be increased periodically, beyond the amount determined by the "marginal cost," to create incentive for the development of production engines which achieve the required degree of emission reduction. These proposed amendments establish a 25% increase in the penalties each model year. This value was selected on the basis of being a sufficient increase in the amount of the penalty to provide additional incentive to bring nonconforming engines into compliance, yet not so large an increase that it would preclude a manufacturer from selling noncomplying engines if it in fact required more than a year to bring them into compliance.

In the event that a nonconformance penalty is assessed against a particular engine configuration, the regulations provide that the penalty shall apply to the engines of that configuration produced since the beginning of the model year and all produced after the penalty has been set. If no changes have been made to the engine configuration up to the time of PCA testing (which establishes the penalty) and thereafter, the Agency has no reason to believe that engines other than those in the test sample will have emissions different from engines in the test sample. This assumes that the emissions performance of the configuration is consistent throughout the year so that the sample of engines selected during a PCA is representative of the entire year's production. As a result, the penalty must be paid on all engines of the noncomplying configuration.

The heavy-duty engine emission standards, as well as the upper limits for HC or CO, if any, will be finalized during the course of this relemaking. At this time EPA believes that the proposed standards are practical and achievable by all manufacturers. Therefore, no technological laggards need accommodating, no upper limit need be set and the nonconformance penalty would not be available to the manufacturers. However, if the comments in response to this proposal support the need for nonconformance penalty provisions to accommodate any technological laggards, EPA will proceed to determine a marginal cost factor and establish an upper limit through an evaluation of information obtained from the comments and other sources. The upper limit will correspond to the lowest emission level which the Agency determines any technological laggard has the capability of achieving. Under that approach, no manufacturer would be forced to suspend engine production when the new standards go into effect. EPA would repropose nonconformance penalty provisions incorporating the calculated marginal cost factor and upper limit to ensure that the public would have adequate opportunity to comment on that portion of the regulations.

Heavy-duty engine manufacturers are encouraged to submit data on the cost of compliance with the proposed standards and with hypothetical standards more or less stringent than those proposed, including support documentation. Such data and documentation will be used in determining the marginal cost factor in the nonconformance penalty formula.

Anticipated Need for Inspection and Maintenance Programs

EPA anticipates that the proposed levels of HC and CO will require the use of catalyst emission control technology for gasoline-fueled engines. This type of emission control system is susceptible to significant in-use deterioration. The proposed parameter adjustment requirements and redefinition of useful life will aid in decreasing catalyst system deterioration, but the problem may still be serious. Therefore EPA expects that an inspection and maintenance (I/M) program will be necessary for in-use heavy-duty vehicles. The chief purpose of such a program would be to identify failed catalysts caused by improper maintenance and/or maladjustment(s) and consequently insure that the full benefits of the more stringent standards are achieved. The costs of an I/M program were included in the economic impact analysis of this proposed regulation. However, the regulations being proposed in this action do not include I/M requirements.

Lead Time and Feasibility

This notice of proposed rulemaking (NPRM) represents official notice that EPA intends to implement the statutory standards prescribed by Congress under Section 202(a)(3)(A)(ii) of the Clean Air Act as amended in August 1977 for the 1983 model year. Based upon information available at this time, EPA believes that sufficient lead time is available to acquire the necessary test equipment, modify test cells, develop and apply the necessary emission control technology and to conduct compliance testing by 1983. Therefore, EPA cannot make the findings under Section 202(a)(3)(C) necessary to permit consideration of revised standards at this time. However, manufacturers' comments on the feasibility of meeting the proposed standards will be considered in setting final standards. If revisions to the statutory standards are warranted, they will be made.

For the gasoline engine manufacturers, test equipment acquisition involves the procurement of CVS samplers, analytical equipment, and engine dynamometer modifications. Unlike most diesel manufacturers, the gasoline engine manufacturers are corrently using electric motoring dynamometers which can be modified for transient control without acquiring all new dynamometers. Based on recent EPA experience in these areas, total lead time for these actions is 10 months, with CVS procurement probably being the critical path item. All of these procurements can proceed simultaneously. If procurement of the required test equipment and modifications were initiated on January 1, 1980, test facilities would be operational by October 1980. Allowing 12 months for certification testing, a full 14 months of development time would be available between October 1980 and January 1982.

EPA anticipates that gasoline-fueled engines will require the use of catalyst based emission control systems to meet the proposed emission standards. For the most part, the HD manufacturers will be able to utilize the catalyst control technology currently used on ligh-duty vehicles and light-duty trucks. The light-duty catalyst systems are presently achieving percentage emission reductions in excess of those required for HD engines in 1983. Also, catalyst light-off during cold starts will be less of a problem for HD vehicles than for light-duty vehicles because HD vehicles have significantly fewer cold starts and thus have less emphasis in the test. EPA projects that catalyst durability may require some work by the HD manufacturers, since HD operation can be more severe than light-duty operation. The minimum of 14 months, after the acquisition of test facilities, available to the gasoline engine manufacturers for development efforts should be sufficient time to resolve final catalyst system integration and optimization problems. Considering the clearly established Clean Air Act mandate, the industry should already be pursuing catalyst development and durability work. Much of the work can be done using actual vehicles before the transient engine dynamometer test equipment is obtained. An additional year's development time is gained if this approach is used.

For the diesel engine manufacturers, test facility acquisition and modifications will take 10 months longer than for gasoline engine manufacturers because complete dynamometers rather than modifications will be required. The engine dynamometers currently used by the diesel manufacturers, eddy-current type, cannot be readily converted to transient operation. The additional time necessary for equipment procurement will reduce the time period available to the diesel manufacturer for development effort. However, to obtain more time, facility acquisition can be begun before promulgation of final rules. Some companies have already initiated plans to acquire new dynamometer systems.

The development time period is admittedly short for the diesel manufacturers, but they should not have significant developmental requirements to comply with the 1983 standards. Their engines are already close to compliance. EPA recognizes that the planned promulgation of the HD diesel particulate regulations for 1983 may alter the manufacturer's development requirements because there may be an interaction between the control of diesel particulates and the control of HC, CO and NOx emissions. If there is an interaction, the development effort required by the diesel manufacturers (to meet the proposed emission levels) could be increased. These potential interactions and possible lead time impacts are not quantified in this proposal, but will be considered when EPA proposes the HD diesel particulate regulations and standards.

The heavy-duty engine manufacturers have been aware of the Clean Air Act amendments since their adoption in 1977 and should already be working toward meeting its requirements. In addition, EPA has kept the manufacturers well informed during the last several years of its planned implementation of transient test procedures. Even assuming that the manufacturers do nothing until promulgation of final rules (assumed promulgation date is December 1979), EPA concludes that the proposed emission levels are achievable with already available emission control technology within the lead time existing.

The industry has traditionally argued that they cannot be expected to make major commitments toward compliance with a regulation until final regulations are promulgated. While it would be unreasonable to expect companies to order the numerous duplicate facilities required to run a full scale development and certification program prior to the promulgation of final regulations, EPA believes this notice of proposed rulemaking coupled with the amendments to the Clean Air Act provide a sufficient basis for initiation of the acquistion of several basic developmental test cells. While it is conceivable that minor changes could be made to the proposed test procedure as a result of public comments received in response to this notice, there is no reason to expect changes great enough to void the basic specifications used by EPA to establish its own dynamometer and CVS capabilities.

Economic Impact

EPA anticipates that gasoline-fueled engines will require oxidation catalyst systems and calibration changes, in addition to EGR and air injection already in use, to comply with the 1983 standards. The added emission control system costs are estimated at $171 per engine. Adding certification testing costs, SEA testing costs and amortized facility costs, the first cost increase per engine attributable to this proposed action will be $204. This cost is equivalent to 1 to 2.5 percent of the price of a new gasoline-fueled HD vehicle. The increased cost of unleaded fuel, catalyst repacement (it is assumed that 60% of in-use catalysts will require replacement), and I/M fees are estimated to total $1,016 (present worth on January 1, 1983, assuming 10% interest rate) over the useful life of a gasoline powered heavy-duty vehicle. The increase in cost attributable to the use of unleaded fuel (required because of expected catalyst usage on gasoline-fueled engines) is the major cost resulting from these proposed regulations. More than 80% of the total cost per gasoline-fueled vehicle is chargeable to unleaded fuel.

At present, EPA anticipates that diesel engines can meet the proposed 1983 standards with minor changes to injectors and calibration. These changes are estimated to cost an average of $25 per engine. The total first cost increase resulting from these proposed regulations is estimated at $185 per engine. This cost is equivalent to 0.2 to 1 percent of the price of a new diesel-fueled HD vehicle. This figure includes amortized facility costs, certification costs, and SEA testing costs.

EPA does not expect an increase in fuel consumption for either gasoline-fueled or diesel engines. Based on experience with LDV and LDT catalyst technology, fuel consumption may be decreased for gasoline-fueled engines, thus resulting in the cost savings. A fuel economy increase was not estimated, therefore no cost credit was included in the above cost estimates.

Cost Effectiveness

It is not possible to present the individual cost effectiveness values of each

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element (e.g., parameter adjustment and Selective Enforcement Auditing) of this proposal due to insufficient data on incremental effectiveness. This is because the individual elements are interrelated which makes it difficult to isolate the benefits for each element. Removing one element would seriously jeopardize the effectiveness of the remaining program. Each element was evaluated with respect to its criticalness and with respect to the reasonableness of its associated cost. Therefore, the overall cost effectiveness for the total compliance strategy was evaluated as a whole.

The cost effectiveness for the total action is summarized below.

COST EFFECTIVENESS ($/TON)

	Pollutant		
	HC	CO	NOx
Gasoline-fueled engines	300*	15*	
Diesel engine	162*		

*The costs used in calculating these values are present worths on January 1, 1983 using a 10% interest rate.

Based on the above figures the proposed action appears cost effective when compared to other emission control strategies. Chapter VII of the Regulatory Analysis contains the cost effectiveness figures for other strategies.

REQUEST FOR COMMENTS AND INFORMATION

Athough the HD engine manufacturers may not have the capability to conduct transient emission tests at this time, EPA maintains that they do have a genuine opportunity to comment on the proposed rule and aid EPA in formulating final rules. Since the early 1970's, EPA has been involved in the development of the proposed transient procedure and has continuously provided industry with periodic progress reports. These progress reports have taken the form of formal briefings, meetings, and numerous technical reports. The available information has provided the industry with a step-by-step description of EPA's development effort. The manufacturers should have a thorough understanding of this effort which can be used to provide EPA with meaningful comments on its proposed regulations. EPA has identified several areas in which the manufacturers can provide constructive input. These areas are listed below.

SPECIFIC COMMENT REQUESTS

1. Manufacturers are asked to comment on the technological feasibility of:

(a) Developing catalyst control systems which can survive in a heavy-duty vehicle environment;

(b) Achieving 90% control of HC and CO emissions with catalyst systems based on experience gained from light-duty vehicles and trucks and from retrofit programs; and

(c) Meeting more stringent levels of HC and CO than those proposed;

(d) Controlling diesel crankcase emissions such that none are discharged into the atmosphere.

2. Comments are requested on the representativeness of the emission test cycles, including the weighting factors for hot and cold starts, cycle, length, and cycle segment sequencing.

3. Manufacturers are asked to comment on the methodology used to develop the transient cycles, including the data base, horsepower models, data editing process, category analysis, and the cycle generation technique.

4. Comments concerning lead time requirements for acquiring CVS's, engine dynamometers, transient control systems, and building modifications are solicited.

5. The manufacturers are asked to evaluate the representativeness of the baseline engine sample and the methodology used to determine the baseline emission values (i.e., sales weighted average).

6. Manufacturers asserting that a nonconformance penalty alternative should be made available for model year 1983 are requested to comment on what emission levels should be used as upper limits. These estimates should be based on the lowest emission levels that the manufacturer projects it will be able to achieve.

7. Comments are requested on the proposed method for calculating nonconformance penalties.

8. Comments are requested on the following cost related items:

(a) Test facility modifications and costs;

(b) Certification costs;

(c) SEA costs; including costs associated with meeting a 10 percent AQL;

(d) Emission control system development costs;

(e) Emission control system and engine modification costs;

(f) Costs associated with the various emission control systems which have the *potential* for reducing HC and CO emissions by 90%;

(g) Costs associated with meeting HC and CO levels more stringent than those proposed (include development costs, hardware costs, etc.);

(h) Cost analysis methodology; and

(i) Fuel economy changes associated with different emission control systems and emission reductions (above and below the proposed standards.)

9. Manufacturers, particularly manufacturers with low sales, are asked to comment on the impact of these proposed regulations with respect to their survival in the heavy-duty market.

10. In estimating the emissions reductions and costs associated with this proposal, inspection maintenance (I/M) programs were assumed to play a significant role. Moreover, the implementation of I/M is not directly under the control of EPA. EPA specifically solicits comments on the cost effectiveness of this proposal both with and without the implementation of heavy-duty I/M programs.

Comments submitted on the above items should be presented at least at the level of detail used in the Regulatory Analysis. Relevant comments, views, suggestions, and data from any individual or group on pertinent topics will be considered in drafting the final regulations. Comments submitted shall be available for public inspection during normal business hours at the Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 4th and M Streets, S.W., Washington, DC 20460.

AVAILABILITY OF DOCUMENTS

The following EPA technical reports are available from the Director, Emission Control Technology Division, 2565 Plymouth Rd., Ann Arbor, MI 48105. These reports relate to the development of this proposed regulation.

TECHNICAL REPORTS DOCUMENTING THE DEVELOPMENT OF NEW HEAVY-DUTY ENGINE TEST PROCEDURES

EPA Report Number	Technical Report Title	Author	Public Release Date
HDV 76-03	Engine Horsepower Modeling for Diesel Engines.	C. France	October 1976.
HDV 76-04	Engine Horsepower Modeling for Gasoline Engine.	L. Higdon	December 1976.
HDV 77-01	Selection of Transient Cycles for Heavy-Duty Engines.	T. Wysor and C. France	November 1977.
HDV 78-01	Category Selection for Transient Heavy-Duty Chassis and Engine Cycles.	C. France	May 1978.
HDV 78-02	Selection of Transient Cycles for Heavy-Duty Vehicles.	T. Wysor and C. France	June 1978.
HDV 78-03	Truck Driving Patterns and Use Survey, Phase II, Final Report, Part II, Los Angeles.	L. Higdon	May 1978.

TECHNICAL REPORTS DOCUMENTING THE DEVELOPMENT OF NEW HEAVY-DUTY ENGINE TEST PROCEDURES—Continued

EPA Report Number	Technical Report Title	Author	Public Release Date
HDV 78-04	Transient Cycle Arrangement for Heavy-Duty Engine and Chassis Emission Testing.	C. France	July 1978
HDV 78-05	Analysis of Hot/Cold Cycle Requirements for Heavy-Duty Vehicles.	C. France	July 1978.
HDV 78-06	A Preliminary Examination of the Repeatability of the Heavy-Duty Transient Dynamometer Emission Test.	W. Clemmens	June 1978.
HDV 78-07	Draft—Recommended Practice for Determining Exhaust Emissions from Heavy-Duty Engines Under Transient Conditions.	C. France and W. Clemmens	August 1978.
	Diesel Crankcase Emissions Characterizations: Final Report of Task No. 4, Contract 68-03-2196.	C. J. Hare and D. A. Montalvo, Southwest Research Institute.	May 1977.
	Nonconformance Penalties for Heavy-Duty Engines.	R. Hayes and S. Besse, Putnam, Hayes, and Barlett, Inc..	April 1978.
	Draft Preamble: Selective Enforcement Auditing and Production Compliance Auditing of New Gasoline-Fueled and Diesel Heavy-Duty Engines.		October 1978.
	Air Quality Analysis of 1983 and 1985 Mandated Heavy-Duty Vehicle Emission Standards.	EPA Office of Air Quality Planning and Standards.	August 1978.
	Analytical Development of Sampling Plans for Selective Enforcement Auditing.	Sylvia F. Leaver	December 1978.
	Analytical Development of Sampling Plans for Production Compliance Auditing.	Sylvia F. Leaver	December 1978.

Other reports available through the National Technical Information Service (U.S. Dept. of Commerce, 5285 Port Royal Road, Springfield, VA 22161) are:

EPA Report Number	Technical Report Title	Author	Release Date
APT.D-1523	Heavy-Duty Vehicle Driving Pattern and Use Survey, Final Report Part I, New York City.	J. C. Cosby, Wilbur Smith and Associates.	May 1973.
EPA-460/3-75-005.	Heavy-Duty Vehicle Driving Pattern and Use Survey: Part II—Los Angeles Basin Final Report.	Wilbur Smith and Associates	February 1974.
EPA-460/3-77-009.	Truck Driving Pattern and Use Survey Phase II—Final Report, Part I.	Wilbur Smith and Associates	June 1977.
EPA-460/3-78-008.	Heavy-Duty Vehicle Cycle Development.	Malcolm Smith Systems Control, Inc..	July 1977.

COMMENTS AND THE PUBLIC DOCKET: Copies of materials relevant to this rulemaking action are contained in Public Docket No. OMSAPC-78-4 at the U.S. Environmental Protection Agency, Central Docket Section, Waterside Mall Room 2903B (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. (As provided in 40 CFR Part 2 the Agency may charge a reasonable fee for copying services.)

EVALUATION PLAN: EPA intends to review the effectiveness and need for continuation of the provisions contained in this action no more than five years after initial implementation of the final regulation. In particular, EPA will solicit comments from affected parties with regard to cost and other burdens associated with compliance and will also review data on the gaseous emissions from heavy-duty vehicles built before and after promulgation of the regulation to determine how effective this measure has been.

REPORTING AND RECORD KEEPING REQUIREMENTS: While the EPA is not aware that this proposed regulation would impose any significant new or additional reporting or recordkeeping requirements on affected parties, the Agency specifically invites comments on ways that any such burdens might be reduced.

Under the EPA's new "sunset" policy for reporting requirements in regulations, the reporting requirements in this regulation will automatically expire five years from the date of promulgation, unless EPA takes affirmative action to extend them. To accomplish this, a provision automatically terminating the reporting requirements at that time will be included in the text of the final regulation.

EPA intends to promulgate a final regulation, modified as the Administrator deems appropriate, after considering comments and in time to apply to the 1983 model year.

NOTE.—The Administrator has determined that this action is a "Significant" regulation. We have prepared a document entitled "Proposed Gaseous Emission Regulations for 1983 and Later Model Year Heavy-Duty Engines: Regulatory Analysis" detailing the Regulatory Analysis required by Executive Order 12044 and the Economic Impact Assessment required by Section 317 of the amended Clean Air Act. Anyone may review and reproduce this document in the EPA Central Docket Section. Copies are also available upon request from the Director, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, 2565 Plymouth Rd., Ann Arbor, Michigan 48105.

Dated: January 25, 1979.

DOUGLAS M. COSTLE,
Administrator.

Part 86 of Chapter I, Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

NOTE: This Notice of Proposed Rulemaking concerns only provisions of Part 86 applicable to heavy-duty engines. Certain of the proposed amendments listed here, if read literally, might indicate that provisions currently in effect for light-duty trucks are to be retained. This is not the case. Another, independent Notice of Proposed Rulemaking concerning only provisions of Part 86 applicable to light-duty trucks recently has been or will shortly be published. Interested persons should consult that Notice regarding the light-duty truck amendments proposed to take effect concurrently with the heave-duty engine amendments being proposed here.

1. Paragraph (a) of § 86.077-2 is proposed to be revised to read as follows:

§ 86.077-2 Definitions.

(a) The definitions in this section apply to this subpart and also to Subparts B, D, H, I, J, N, and O of this part.

. . . . . .

2. Paragraph (a) of § 86.078-3 is proposed to be revised to read as follows:

§ 86.078-3 Abbreviations.

(a) The abbreviations in this section apply to this subpart and also to Subparts B, D, H, I, J, N, O and P of this part and have the following meanings:

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3. A new § 86.083-2 is proposed to read:

§ 86.083-2 Definitions.

The following definitions apply beginning with the 1983 model year. Section 86.080-2 remains effective excepting those definitions which are hereby superseded.

A "maximum torque curve" is a plot of engine torque versus engine speed.

The "measured rated rpm" is the engine speed at which the maximum horsepower occurs as derived from the maximum torque curve.

The "high idle speed" for a diesel engine means the governed speed at no load.

"Integrated brake horsepower" is the total work done by an engine during a transient test, calculated by the incremental summing of brake horsepower-hour segments.

"Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed on a periodic basis to prevent part failure or vehicle (if the engine were installed in a vehicle) malfunction, or anticipated as necessary to correct an overt indication of vehicle malfunction or failure for which periodic maintenance is not appropriate.

"Unscheduled maintenance" means any adjustment, repair, removal disassembly, cleaning, or replacement of vehicle components or systems which is performed to correct a part failure or vehicle (if the engine were installed in a vehicle) malfunction which was not anticipated.

"Useful life" means:

(1) For light-duty vehicles and light-duty trucks a period of use of 5 years or 50,000 miles, whichever first occurs.

(2) For heavy-duty engines the average period of use up to engine retirement or rebuild, whichever occurs first, as determined by the manufacturer based on survey information of in-service engines or, for new engines, based on durability testing of prototype engines. However, if the manufacturer determines that this period of use is less than 5 years or 50,000 miles (or the equivalent) whichever occurs first, the useful life shall be a period of use of 5 years or 50,000 miles (or the equilvalent), whichever occurs first, as required by section 202(d)(2) of the Act. The manufacturer shall not determine the useful life to be less than the period of the basic mechanical warranty on the engine assembly.

"Non-emission related maintenance" means that maintenance which does not substantially affect emissions and which does not have a lasting effect on the deterioration of the vehicle or engine with respect to emissions once the maintenance is performed at any particular date.

"Emission-related maintenance" means that maintenance which does substantially affect emissions or which is likely to have a lasting effect on the deterioration of the vehicle or engine with respect to emissions, even if the maintenance is performed at some time other than that which is recommended.

4. A new § 86.083-4 is proposed to read:

§ 86.083-4 Section numbering; construction.

(a) (1) *Section numbering.* (1) The model year of initial applicability is indicated by the last two digits of the 5-digit group. A section remains in effect for subsequent model years until it is superseded. The number following the hyphen designates what previous section is replaced by a future regulation.

EXAMPLES: Section 86.077-6 applies to the 1977 and subsequent model years until superseded. If a § 86.080-6 is promulgated it would take effect with the 1980 model year; § 86.077-6 would not apply after the 1979 model year. Section 86.077-10 would be replaced by § 86.078-10 beginning with the 1978 model year.

(2) Where a section still in effect references a section that has been superseded, the reference shall be interpreted to mean the superseding section.

(b) *Construction.* Except where indicated, the language in this subpart applies to both vehicles and engines. In many instances language referring to engines is enclosed in parentheses and immediately follows the language discussing vehicles.

5. A new § 86.083-5 is proposed to read:

§ 86.083-5 General standards; increase in emissions; unsafe conditions.

(a) (See paragraph (a) of § 86.081-5.)

(b)(1) Any system installed on or incorporated in a new motor vehicle (or new motor vehicle engine) to enable such vehicle (or engine) to conform to standards imposed by this subpart:

(i) Shall not in its operation or function cause the emission into the ambient air or any noxious or toxic substance that would not be emitted in the operation of such vehicle (or engine) without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motor vehicle, its occupants, or persons or property in close proximity to the vehicle.

(2) In establishing the physically adjustable range of each adjustable parameter on a new motor vehicle (or new motor vehicle engine), the manufacturer shall insure that, taking into consideration the production tolerances, safe vehicle driveability characteristics are available within that range, as required by § 202(a)(4) of the Clean Air Act.

(3) Every manufacturer of new motor vehicles (or new motor vehicle engines) subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles (or motor vehicle engines) in accordance with good engineering practice to ascertain that such test vehicles (or test engines) will meet the requirements of this section for the useful life of the vehicle (or engine).

6. A new § 86.083-10 is proposed to read:

§ 86.083-10 Emission standards for 1983 gasoline-fueled heavy-duty engines.

(a)(1) Exhaust emissions from new 1983 model year gasoline-fueled heavy-duty engines shall not exceed:

(i) *Hydrocarbons.* (A) A level determined by the Administrator to be equal to 10% of a sales-weighted average of emissions from 1969 model year gasoline-fueled heavy-duty engines, measured under transient operating conditions.

(B) A level expressed in parts per million (as carbon) of exhaust flow at curb idle and determined by the Administrator to be equal to 10% of a sales-weighted average of emissions from 1969 model year gasoline-fueled heavy-duty engines.

(ii) *Carbon monoxide.* (A) A level determined by the Administrator to be equal to 10% of a sales-weighted average of emissions from 1969 model year gasoline-fueled heavy-duty engines, measured under transient operating conditions.

(B) A level expressed in percentage of exhaust gas flow at curb idle and determined by the Administrator to be equal to 10% of a sales-weighted average of emissions from 1969 model year gasoline-fueled heavy-duty engines.

(iii) *Oxides of nitrogen.* A level determined by the Administrator that requires the same relative degree of control as required by § 86.079-10 for 1979 model year gasoline-fueled heavy-duty engines.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over operating schedules set forth in Subparts N or P and measured and calculated in accordance with those procedures.

(b) [Reserved]

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new 1983 model year gasoline-fueled heavy-duty engine.

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this section shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with applicable procedures in Subparts N or P of this part to ascertain that such test engines meet the requirements of paragraph (a) and (c) of this section.

7. A new § 86.083-11 is proposed to read:

§ 86.083-11 Emission standards for 1983 diesel heavy-duty engines.

(a)(1) Exhaust emissions from new 1983 model year diesel heavy-duty engines shall not exceed:

(i) *Hydrocarbons.* (A) A level determined by the Administrator to be equal to 10% of a sales-weighted average of emissions from 1969 model year gasoline-fueled heavy-duty engines, measured under transient operating conditions.

(B) A level expressed in parts per million (as carbon) of exhaust gas flow at curb idle and determined by the Administrator to be equal to 10% of a sales-weighted average of emissions from 1969 model year gasoline-fueled heavy-duty engines.

(ii) *Carbon monoxide.* (A) A level determined by the Administrator to be equal to 10% of a sales-weighted average of emissions from 1969 model year gasoline-fueled heavy-duty engines, measured under transient operating conditions.

(B) A level expressed as a percentage of exhaust gas flow at curb idle and determined by the Administrator to be equal to 10% of a sales-weighted average of emissions from 1969 model year gasoline-fueled heavy-duty engines.

(iii) *Oxides of nitrogen.* A level determined by the Administrator that requires the same relative degree of control as required by § 86.079-11 for 1979 model year diesel heavy-duty engines.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust over operating schedules as set forth in Subparts N or P and measured and calculated in accordance with those procedures.

(b)(1) The opacity of smoke emissions from new 1983 and later model year diesel heavy-duty engines shall not exceed:

(i) 0 percent during the engine acceleration mode.

(ii) 15 percent during the engine lugging mode.

(iii) 50 percent during the peaks in either mode.

(2) The standards set forth in paragraph (b)(1) of this section refer to exhaust smoke emissions generated under the conditions set forth in Subpart I of this part and measured and calculated in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new 1983 model year diesel heavy-duty engine.

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this section shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with applicable procedures in Subparts I, N, or P of this part to ascertain that such test engines meet the requirements of paragraphs (a) (b) and (c) of this section.

8. A new § 86.083-21 is proposed to read:

§ 86.083-21 Application for certification.

(a) A separate application for a certificate of conformity shall be made for each set of standards and each class of new motor vehicles or new motor vehicle engines. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1)(i) Identification and description of the vehicles (or engines) covered by the application and a description of their engine (vehicles only), emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle (or certification test engine).

(ii)(A) The manufacturer shall provide to the Administrator in the preliminary application for certification:

(1) A list of those parameters which are physically capable of being adjusted (including those adjustable parameters to which access is difficult) and that, if adjusted to settings other than the manufacurer's recommended setting, may affect emissions:

(2) A specification of the manufacturer's intended physically adjustable range of each such parameter, and the production tolerances of the limits or stops used to establish the physically adjustable range;

(3) A description of the limits or stops used to establish the manufacturer's intended physically adjustable range of each adjustable parameter, or any other means used to inhibit adjustment;

(4) The nominal or recommended setting, and the associated production tolerances, for each such parameter.

(B) The manufacturer may provide, in the preliminary application for certification, information relating to why certain parameters are not expected to be adjusted in actual use and to why the physical limits or stops used to establish the physically adjustable range of each parameter, or any other means used to inhibit adjustment, are expected to be effective in preventing adjustment of parameters on in-use vehicles to settings outside the manufacturer's intended physically adjustable ranges. This may include results of any tests to determine the difficulty of gaining access to an adjustment or exceeding a limit as intended or recommended by the manufacturer.

(C) The Administrator may require to be provided detailed drawings and descriptions of the various emission related components, and/or hardware samples of such components, for the purpose of making his determination of which vehicle or engine parameters will be subject to adjustment for certification and Selective Enforcement Audit (and Production Compliance Audit for heavy-duty engines) and of the physically adjustable range for each such vehicle or engine parameter.

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles (or engines) for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4)(i) A description of the proposed mileage (or service) accumulation procedures for durability testing.

(ii) A description of the test procedures to be used to establish the evaporative emission deterioration factors required to be determined and supplied in § 86.083-23(b)(2).

(iii)(A) A description of the test procedures to be used to establish the preliminary exhaust emission deterioration factors for heavy-duty engines required to be determined and supplied in § 86.083-23(b)(3).

(B) A statement of the useful life of each heavy-duty engine as determined by the manufacturer. The useful life shall be expressed as a period of engine or vehicle operation or as an equivalent vehicle mileage (or both). The manufacturer shall include in the application the data or information on which it based its determination of the useful life.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicles (or engines) covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission-data and durability-data test fleet.

(c) Complete copies of the application and of any amendments thereto, and all notifications under §§ 86.079-32, 86.079-33, and 86.079-34 shall be

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submitted in such multiple copies as the Administrator may require.

(d) Incomplete light-duty trucks shall have a maximum completed curb weight and maximum completed frontal area specified by the manufacturer.

9. A new § 86.083-22 is proposed to read:

§ 86.083-22 Approval of application for certification; test fleet selections; determinations of parameters subject to adjustment for certification and Selective Enforcement Audit and Production Compliance Audit, adequacy of limits, and physically adjustable ranges.

(a) through (c) (See paragraphs (a) through (c) of § 86.081-22).

(d)(1) The Administrator does not approve the test procedures for establishng the evaporative emission deterioration factors. The manufacturer shall submit the procedures as required in § 86.083-21(b)(4)(ii) prior to the Administrator's selection of the test fleet under § 86.083-24(b)(1) and if such procedures will involve testing of durability-data vehicles selected by the Administrator or elected by the manufacturer under § 86.083-24(c)(1), prior to initiation of such testing.

(2) The Administrator does not approve the test procedures for establishing preliminary exhaust emission deterioration factors for heavy-duty engines nor the manufacturer's determination of the useful life or lives of its heavy-duty engines. The manufacturer shall submit the procedures and useful life determinations as required in §86.083-21(b)(4)(iii) prior to the initiation of durability testing.

(e) When the Administrator selects emission-data vehicles (engines) for the test fleet, he will at the same time determine those vehicle or engine parameters which will be subject to adjustment for certification, Selective Enforcement Audit and Production Compliance Audit testing, the adequacy of the limits, stops, seals, or other means used to inhibit adjustment, and the resulting physically adjustable ranges for each such parameter and notify the manufacturer of his determinations.

(1)(i) The Administrator may determine to be subject to adjustment the idle fuel-air mixture, idle speed, and initial spark timing parameters on gasoline-fueled vehicles (engines) (carbureted or fuel injected); the choke valve action parameter(s) on carbureted, gasoline-fueled vehicles (engines); or any parameter on any vehicle (engine) (diesel or gasoline-fueled) which is physically capable of being adjusted, may significantly affect emissions, and was not present on vehicles (engines) of the same engine family in the previous model year.

(ii) The Administrator may, in addition, determine to be subject to adjustment any other parameters on any vehicle or engine which is physically capable of being adjusted and which may affect emissions. However, the Administrator may do so only if he has previously notified the manufacturer that he might do so and has found, at the time he gave this notice, that the intervening period would be adequate to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period. In no event will this notification be given later than September 1 of the calendar year two years prior to the model year.

(iii) In determining the parameters subject to adjustment, the Administrator will consider the likelihood that, for each of the parameters listed in paragraphs (e)(1)(i) and (e)(1)(ii) of this section, settings other than the manufacturer's recommended setting will occur on in-use vehicles (engines). In determining likelihood, the Administrator may consider such factors as, but not limited to, information contained in the preliminary application, surveillance information from similar in-use vehicles (engines), the difficulty and cost of gaining access to an adjustment, damage to the vehicle (engine) if an attempt is made to gain such access and the need to replace parts following such attempt, and the effect of setting other than the manufacturer's recommended setting on vehicle (engine) performance characteristics including emission characteristics.

(2)(i) The Administrator shall determine a parameter to be adequately inaccessible or sealed if:

(A) In the case of an idle mixture screw, the screw is recessed within the carburetor casting and sealed with lead, thermosetting plastic, or an inverted elliptical spacer or sheared off after adjustment at the factory, and the inaccessibility is such that the screw cannot be accessed and/or adjusted with simple tools in one-half hour.

(B) In the case of a choke bimetal spring, the plate covering the bimetal spring is riveted or welded in place, or held in place with nonreversible screws.

(C) In the case of a parameter which may be adjusted by elongating or bending adjustable members (e.g., the choke vacuum break), the elongation of the adjustable member is limited by design or, in the case of a bendable member, the member is constructed of a material which when bent would return to its original shape after the force is removed (plastic or spring steel materials).

(D) In the case of any parameter, the manufacturer demonstrates that adjusting the parameter to settings other than the manufacturer's recommended setting takes more than one-half hour or costs more than $20 (1978 dollars).

(ii) The Administrator shall determine a physical limit or stop to be an adequate restraint on adjustability if:

(A) In the case of a threaded adjustment, the threads are terminated, pinned or crimped so as to prevent additional travel without breakage or need for costly repairs.

(B) The adjustment is ineffective at the end of the limits of travel regardless of additional forces or torques applied to the adjustment.

(C) The manufacturer demonstrates that travel or rotation limits cannot be exceeded with the use of simple and inexpensive tools (screwdriver, pliers, open-end or box wrenches, etc.) without incurring significant and costly damage to the vehicle (engine) or control system or without taking more than one-half hour or costing more than $20 (1978 dollars).

(iii) If manufacturer service manuals or bulletins describe routine procedures for gaining access to a parameter or for removing or exceeding a physical limit, stop, seal or other means used to inhibit adjsutment, or if surveillance data indicate that gaining access, removing, or exceeding is likely, paragraphs (e)(2)(i) and (e)(2)(ii) of this section shall not apply for that parameter.

(iv) In determining the adequacy of a physical limit, stop, seal, or other means used to inhibit adjustment of a parameter not covered by paragraph (e)(2)(i) or (e)(2)(ii) of this section, the Administrator will consider the likelihood that it will be circumvented, removed, or exceeded on in-use vehicles. In determining likelihood, the Administrator may consider such factors as, but not limited to, information contained in the preliminary application; surveillance information from similar in-use vehicles (engines); the difficulty and cost of circumventing, removing, or exceeding the limit, stop, seal, or other means; damage to the vehicle (engine) if an attempt is made to circumvent, remove, or exceed it and the need to replace parts following such attempt; and the effect of settings beyond the limit, stop, seal, or other means on vehicle (engine) performance characteristics other than emission characteristics.

(3) The Administrator shall determine two physically adjustable ranges for each parameter subject to adjustment:

(i)(A) In the case of a parameter determined to be adequately inaccessible or sealed, the Administrator may include within the physically adjustable range applicable to testing under this subpart (certification testing) all settings within the production tolerance associated with the nominal setting for that parameter, as specified by the manufacturer in the preliminary application for certification.

(B) In the case of other parameters, the Administrator shall include within this range all settings within physical limits or stops determined to be adequate restraints on adjustability. The Administrator may also include the production tolerances on the location of these limits or stops when determining the physically adjustable range.

(ii)(A) In the case of a parameter determined to be adequately inaccessible or sealed, the Administrator shall include within the physically adjustable range applicable to testing under Subpart G or K (Selective Enforcement Audit and Production Compliance Audit for heavy-duty engines) only the actual settings to which the parameter is adjusted during production.

(B) In the case of other parameters, the Administrator shall include within this range all settings within physical limits or stops determined to be adequate restraints on adjustability, as they are actually located on the test vehicle (engine).

(f) If the manufacturer submits the information specified in § 86.083-21(b)(1)(ii) in advance of its full preliminary application for certification, the Administrator shall review the information and make the determinations required in paragraph (e) of this section.

(g) Within 30 days following receipt of notification of the Administrator's determinations made under paragraph (e) of this section, the manufacturer may request a hearing on the Administrator's determinations. The request shall be in writing, signed by an authorized representative of the manufacturer, and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.078-6 with respect to such issue.

10. A new § 86.083-23 is proposed to read:

§ 86.083-23 Required data.

(a) (See paragraph (a) of § 86.079-23).

(b)(1) Exhaust emission durability data on such vehicles (or engines) tested in accordance with applicable test prodedures and in such numbers as specified, which will show the performance of the systems installed on, or incorporated in, the vehicle (or engine) for extended mileage, (or extended operation), as well as a record of all pertinent maintenance (all maintenance and servicing for diesel heavy-duty engines) performed on the test vehicles (or test engines).

(2) Evaporative emission deterioration factors for each evaporative emission family-evaporative emission control system combination and all test data that are derived from testing described under § 86.083-21(b)(4)(ii) designed and conducted in accordance with good engineering practice to assure that the vehicles covered by a certificate issued under § 86.079-30 will meet the evaporative emission standards in § 86.081-8 or 86.081-9, as appropriate, for the useful life of the vehicle.

(3) For each heavy-duty engine family-emission control system combination for which application for certification is made for the first time, preliminary emission deterioration factors and all test data that are derived from testing described under § 86.083-21(b)(4) (iii) designed and conducted in accordance with good engineering practice to assure that the engines covered by a certificate issued under § 86.083-30 will meet the emission standards in § 86.083-10 or § 86.083-11, as appropriate, for the useful life of the engines. Preliminary deterioration factors shall also be submitted for each combination for which certification has been granted in the previous model year and for which the Administrator has waived the requirement for in-use service accumulation under the waiver provision of § 86.083-26(b)(7)(i).

(c) through (e)(1) (See paragraphs (c) through (e)(1) of § 86.079-23).

(2) For evaporative emission durability and heavy-duty engine exhaust emission durability, the statement of compliance with paragraph (b)(2) or (b)(3) of this section.

11. A new § 86.083-24 is proposed to read:

§ 86.083-24 Test vehicles and engines.

(a)(1) The vehicles or engines covered by an application for certification will be divided into groupings of engines which are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following aspects:

(i) the cylinder bore center-to-center dimensions.

(ii) the dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air cooled or water cooled; L-6, 90°, V-8, etc.).

(v) The location of the intake and exhaust valves (or ports) and the valve (or port) sizes (within a ⅛-inch range on the valve head diameter or within 10 percent on the port area).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics.

(ix) Thermal reactor characteristics.

(x) Type of air inlet cooler (e.g., intercoolers and after-coolers) for diesel heavy-duty engines.

(3)(i) Engines identical in all the respects listed in paragraph (a)(2) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(A) The bore and stroke.

(B) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center positions.

(C) The intake manifold induction port size and configuration.

(D) The exhaust manifold port size and configuration.

(E) The intake and exhaust valve sizes.

(F) The fuel system.

(G) The camshaft timing and ignition or injection timing characteristics.

(ii) Heavy-duty engines produced in different model years and distinguishable in the respects listed in paragraph (a)(2) of this section shall be treated as belonging to a single engine family if the Administrator requires it, after determining that the engines may be expected to have similar emission deterioration characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraphs (a) (2) and (3) of this section, the Administrator will establish families for those engines based upon those features most related to their emission characteristics.

(5) The gasoline-fueled vehicles covered by an application for certification will be divided into groupings which are expected to have similar evaporative emission characteristics throughout their useful life. Each group of vehicles with similar evaporative emission characteristics shall be defined as a separate evaporative emission family.

(6) To be classed in the same evaporative emission family, vehicles must be similar with respect to:

(i) Type of vapor storage device (e.g., canister, air cleaner, crankcase).

(ii) Basic canister design.

(iii) Fuel system.

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(7) Where vehicles are of a type which cannot be divided into evaporative emission families based on the criteria listed above, the Administrator will establish families for those vehicles based upon the features most related to their evaporative emission characteristics.

(b) Emission data:

(1) *Emission-data vehicles.* Paragraph (b)(1) of this section applies to light-duty vehicle and light-duty truck emission-data vehicles.

(b)(1)(i) through (b)(1)(vii). (See paragraphs (b)(1)(i) through (b)(1)(vii) of § 86.080-24).

(2) *Gasoline-fueled heavy-duty emission-data engines.* Paragraph (b)(2) of this section applies to gasoline-fueled heavy-duty engines.

(b)(2)(i) through (b)(2)(iv). (See paragraphs (b)(2)(i) through (b)(2)(iv) of § 86.080-24).

(3) *Diesel heavy-duty emission-data engines.* Paragraph (b)(3) of this section applies to diesel heavy-duty emission-data vehicles.

(i) Engines will be chosen to be run for emission data based upon engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into groups based upon their exhaust emission control systems. One engine of each engine system combination shall be run for smoke emission data and gaseous emission data. Either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine that features the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed, will usually be selected. If there are military engines with higher fuel rates than other engines in the same engine system combinations, then one military engine shall also be selected. The engine with the highest fuel feed per stroke will usually be selected.

(iii) The Administrator may select a maximum of one additional engine within each engine-system combination based upon features indicating that it may have the highest emission levels of the engines of that combination. In selecting this engine, the Administrator will consider such features as the injection system feel system, compression ratio, rated speed, rated horsepower, peak torque speed, and peak torque.

(c) Durability data:

(1) *Durability-data vehicles.* Paragraph (c)(1) of this section applies to light-duty vehicle and light-duty truck durability-data vehicles.

(i) A durability-data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control-system combination in that engine family and will be designated by the Administrator as to transmission type, fuel system, inertia weight class, and test weight.

(ii) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of paragraph (c)(1)(i) of this section. Notice of an intent to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(2) *Heavy-duty durability-data engines.* Paragraph (c)(2) of this section applies to engines, subsystems, or components used to establish preliminary deterioration factors for heavy-duty engines, and to heavy-duty durability-data engines.

(i) The manufacturer shall select the engines, subsystems, or components to be used to determine preliminary exhaust emission deterioration factors for each engine family-control system combination for the initial year(s) of certification of the combination.

(ii) For each engine family-control system combination for which a manufacturer applies for a certificate of conformity with the applicable emission standards of § 86.083-10 or § 86.083-11 for the first time, the manufacturer shall select at least three durability-data engines to represent the combination during the in-vehicle service accumulation required by § 86.083-26(b). At least one of these three engines shall be of the displacement with the largest projected sales volume of engines in the combination. The selected engines shall be randomly selected production engines. Emission tests of any kind shall not be used to select specific production engines to be durability-data engines. The manufacturer shall notify the Administrator of the engine configuration(s) of the durability-data engines to be selected under this paragraph no later than when it submits the compiled information required by § 86.083-23. The manufacturer shall select specific production engines to be durability-data engines not later than two months after the start of production of the configuration(s).

(d) through (e). (See paragraphs (d) through (e) of § 86.083-24).

(f) In lieu of testing an emission-data or durability-data vehicle (or engine) selected under paragraph (b) or (c) of this section, and submitting data therefore, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data and/or fuel evaporative emission data, as applicable on a similar vehicle (or engine) for which certification has previously been obtained or for which all applicable data required under § 86.083-23 has previously been submitted. For heavy-duty engine durability data required to be obtained from in-vehicle service accumulation, the Administrator will grant this approval only if each durability-data engine in an engine family-control system has completed service accumulation up to its useful life or up to the point at which it was no longer functional as required by § 86.083-26 (b).

(g) (See paragraph (g) of § 86.080-24).

12. A new § 86.083-25 is proposed to read:

§ 86.083-25 Maintenance.

(a) through (b) (See paragraphs (a) through (b) of § 86.079-25).

(c) *Heavy-duty engines.* Paragraph (c) of this section applies to heavy-duty engines.

(1) All emission-related scheduled maintenance which is performed on durability-data engines must be technologically necessary and must have a reasonable likelihood of being performed in-use.

(i) The manufacturer must submit data to the Administrator which demonstrates that all of the emission-related maintenance which is to be performed on the durability-data engines is technologically necessary. EPA has determined that emissions-related maintenance in addition to, or at shorter intervals than, that outlined in paragraphs (c)(1)(ii) and (c)(1)(iii), is not technologically necessary. The Administrator may determine that even maintenance more restrictive (e.g., longer intervals) than that listed in paragraphs (c)(1)(ii) and (c)(1)(iii) is not technologically necessary.

(ii) For gasoline-fueled engines, emission-related maintenance in addition to, or at shorter intervals than, that listed below will not be accepted as technologically necessary, except as provided in paragraph (c)(1)(iv).

(A) The cleaning or replacement of spark plugs at 30,000 miles and at 30,000 mile intervals thereafter.

(B) The inspecting, cleaning, adjustment, or replacement of the following at 50,000 miles of use and at 50,000-mile intervals thereafter:

(*1*) Positive crankcase ventilation and exhaust gas recirculation valves;

(*2*) Emission-related hose and tubes;

(*3*) Ignition wires;

(*4*) Oxygen sensor;

(*5*) Idle mixture.

(C) The replacement of the catalytic converter or inspecting and cleaning

of the injector tips at 100,000 miles of use and at 100,000-mile (or longer) intervals thereafter.

(iii) For diesel engines, emission-related maintenance in addition to, or at shorter intervals than, that listed below will not be accepted as technologically necessary, except as provided in paragraph (c)(1)(iv).

(A) The cleaning or replacement of the exhaust gas recirculation and positive crankcase ventilation valves at 50,000 miles of use and at 50,000-mile intervals thereafter.

(B) The cleaning of injector tips at 100,000 miles of use and at 100,000-mile intervals thereafter.

(C) The cleaning, rebuilding, or replacement of the following at 200,000 miles of use and at 200,000-mile intervals thereafter:

(*1*) Turbocharger;

(*2*) Injectors.

(iv) Requests for authorization of scheduled maintenance of emission control related components in addition to those items of maintenance covered under paragraphs (c)(1)(ii) and (c)(1)(iii) will be considered if the maintenance is a direct result of the implementation of new technology. New technology means any technology not found in production on any motor vehicle prior to the 1980 model year.

(v) Emission-related scheduled maintenance items which satisfy one of the following will be accepted as having a reasonable likelihood of being performed in-use.

(A) Data is presented to the Administrator which adequately demonstrates that vehicle performance will quickly deteriorate to a point unacceptable for typical driving if the maintenance item is not performed at the recommended interval.

(B) The manufacturer provides this maintenance free of charge.

(C) Survey data is submitted to the Administrator which adequately demonstrates that 90 percent of such engines (at an 80% confidence level) already have this maintenance item performed in-use at the recommended interval and throughout the useful life of the engine for which certification is being sought.

(D) For maintenance for which there is no in-use experience on heavy-duty engines, a clearly displayed visual signal alerts the vehicle driver that maintenance is due. This option is available only for a period sufficient to allow the manufacturer to collect the appropriate survey data to demonstrate that the signal is at least contributing to the adequate demonstration (paragraph (C) above) that the specific maintenance is actually being performed in-use. This survey data must be submitted at least once every 2 years. The signal must be continuous while the engine is in operation, but may be overridden by the driver after each engine start-up. The signal, with the possible addition of a label, must also direct the driver to that place in the owner's manual where this maintenance item is recommended and also show the driver which maintenance item is due. The signal may be eliminated by the performance of the required maintenance.

(vi) Non-emission related engine maintenance which is reasonable and necessary (e.g., oil change, oil filter change, fuel filter change, air filter change, cooling system maintenance, accessory belt inspection, adjustment of idle speed, governor, engine bolt torque, valve lash, injector lash, timing, etc.) may be performed on durability-data engines at the intervals recommended by the manufacturer to the ultimate purchaser.

(vii) Unscheduled maintenance may be performed on durability-data engines, except as provided in paragraph (c)(1)(viii)(A) of this section, only under the following provisions:

(A) An injector or spark plug may be changed if a persistent misfire is detected.

(B) Readjustment of a gasoline-fueled engine cold-start enrichment system may be performed if there is a problem of stalling.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, if the idle speed exceeds the manufacturer's recommended idle speed by 300 rpm or more, or if there is a problem of stalling.

(viii) any other unscheduled engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability-data engines shall be performed only with the advance approval of the Administrator.

(A) Such approval will be given if the Administrator:

(*1*) Has made a preliminary determination that the part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and,

(*2*) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, engine stalling, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (c)(1)(vii) of this section.

(ix) If the Administrator determines the part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not continue to be used as a durability-data engine. The emission data from an engine that is discontinued as a durability-data engine shall not be included in the evaluation of the deterioration factor for the family-system combination if its calculated deterioration factor is less than the average deterioration factor for the remaining durability-data engines in the combination, unless the manufacturer's engineering analysis demonstrates, to the satisfaction of the Administrator, that the data is representative.

(2) [Reserved]

(3)(i) Scheduled maintenance on emission-data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(4) [Reserved]

(5)(i) Complete emission tests (see Subparts I, N, and P of this part) are required, unless waived by the Administrator, before and after catalytic converter or oxygen sensor servicing on any engine and before and after turbocharger and injector maintenance at 200,000 miles on diesel engines.

(ii) The Administrator may require emission tests before and after any unscheduled maintenance.

(iii) [Reserved]

(c)(5)(iv) through (c)(7). (See paragraphs (c)(5)(iv) through (c)(7) of § 86.079-25).

13. A new § 86.083-26 is proposed to read:

§ 86.083-26 Mileage and service accumulation; emission measurements.

(a) (See paragraph (a) of § 86.079-26).

(b)(1) Paragraph (b) of this section applies to heavy-duty engines.

(2) There are three types of service accumulation applicable to heavy-duty engines:

(i) Service accumulation on engines, subsystems, or components selected by the manufacturer under § 86.083-24(c)(2)(i). The manufacturer determines the form and extent of this service accumulation, consistent with good engineering practice, and describes it in the application for certification.

(ii) Dynamometer service accumulation on emission-data engines selected under § 86.083-24(b)(2) or § 86.083-24(b)(3), and on durability-data en-

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gines selected under § 86.083-24(c)(2)(ii). The manufacturer determines the engine operating schedule to be used for dynamometer service accumulation, consistent with good engineering practice. A single engine operating schedule shall be used for all engines in an engine family-control system combination. Operating schedules may be different for different combinations.

(iii) In-vehicle service accumulation on durability-data engines selected under § 86.083-24(c)(2)(ii). The manufacturer determines the host vehicles and vehicle service applications to be used in this service accumulation, subject to the requirements of paragraph (b) of this section and consistent with good engineering practice.

(3) Preliminary exhaust emission deterioration factors will be determined on the basis of the service accumulation described in paragraph (b)(2)(i) of this section and related testing, according to the manufacturer's procedures. These preliminary factors shall be used for the first model year for which a certificate of conformity with applicable standards of § 86.083-10 or § 86.083-11 is sought for the engine family-control system combination. They may be used for the second model year also if 30,000 miles of in-vehicle service has not been accumulated three months prior to the second model year.

(4)(i) Each emission-data engine and each durability-data engine selected for in-vehicle service accumulation shall be operated on a dynamometer for 125 hours plus or minus eight hours with all emission control systems installed and operating. An emission test shall be conducted at the end of this dynamometer service accumulation. The manufacturer may conduct up to three emission tests on durability-data engines, provided it stated it would do so in the application and provided all durability-data engines in an engine family-control system combination receive the same number of tests. A zero-hour emission test may be performed after the engine has been approved by the Administrator to begin service accumulation. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system. If a break-in procedure is used the procedure must be the same as recommended to the ultimate purchaser. The hours accumulated during the break-in procedure will not be counted as part of the service accumulation.

(ii) If the emission test conducted at the end of the 125 hours of dynamometer service accumulation on a durability-data engine, in combination with the appropriate preliminary deterioration factors, indicates that the engine is projected to fail the emission standards at its useful life, the engine shall not be used as a durability-data engine. The manufacturer shall randomly select another production engine of the same configuration to replace the failed engine. The certificate of conformity is suspended with respect to the failed engine.

(5)(i) Within one month of the selection of each specific production engine to be ued as a durability-data engine, the manufacturer shall have completed the dynamometer service accumulation and emission testing of the engine as required by paragraph (b)(4) of this section, shall have installed the engine in the host vehicle, and shall have put the host vehicle into service.

(ii) The physical characteristics of each host vehicle shall be representative of those vehicles commonly used in combination with engines of the same configuration as the durability-data engine.

(iii) The service application of the host vehicles shall be typical of commercial or consumer applications of vehicles commonly used in combination with engines of the same configuration as the durability-data engine. The manufacturer shall document before beginning in-vehicle service accumulation that the selected service application of the host vehicles will normally provide an annual mileage accumulation of at least 15,000 miles or 10 percent of the useful life mileage, whichever is greater, and at most 40,000 miles or 40 percent of the useful life mileage, whichever is greater.

(iv) At least 15,000 miles or 10 percent of the useful life mileage, whichever is greater, and at most 40,000 miles or 40 percent of the useful life mileage, whichever is greater, shall be accumulated on each druability-data engine representing the engine family-control system combination in each year. Service accumulated on a test track or on a public or private road when the only purpose is to accumulate service may not be credited toward the required amount of in-vehicle service accumulation.

(v) At least 30,000 miles shall be accumulated on at least one of the durability-data engines representing the engine family-control system combination in time to allow in-use deterioration factors to be calculated and used for the third model year for which the manufacturer applies for a certificate of conformity for the combination. This test data must be supplied not later than three months prior to the third model year.

(vi) Each durability-data engine shall be removed from the host vehicle, tested for emissions, and reinstalled in the host vehicle as follows. At least one complete emission test (see Subpart N and P for gasoline-fueled engines and Subparts I, N, and P for diesel engines) shall be conducted at each point specified. The manufacturer may conduct up to three tests at each point, provided it stated it would do so in the application and provided all durability-data engines in an engine family-control system combination receive the same number of tests at all test points.

(A) Each engine shall be removed and tested between the 30,000 and 35,000 mileage points. After this test has been completed for at least one durability-data engine in an engine family-control system combination, the preliminary deterioration factors determined under paragraph (b)(3) of this section shall not be used in determining compliance by the combination with emission standards, for any model year for which a certificate of conformity has not yet been granted. Instead, in-use deterioration factors will be calculated based on all emission test results from all engines in the combination which have accumulated at least 30,000 miles of service, except those emission test results excluded from the calculation under § 86.083-25(c)(1)(ix) or under paragraph (b)(5)(vii) of this section.

(B) Each engine shall be removed and tested before and after those maintenance operations requiring such testing under § 86.083.25.

(C) The interval between successive removals and tests after the test between 30,000 and 35,000 miles shall not exceed twelve months. The interval between successive removal and tests may be less than four months only if such testing is required by this subpart or by the Administrator.

(D) After 30,000 miles, the manufacturer shall perform removals and tests on a schedule which provides at least one additional test point for each engine for use in determining updated in-use deterioration factors for each successuve model year. This additional test data shall be provided not later than three months prior to the new model year. Any test data supplied after that time will apply to the following model year's deterioration factors.

(E) The manufacturer may perform one removal and test prior to 30,000 miles, in addition to any which this subpart or the Administrator requires the manufacturer to conduct before and after maintenance.

(F) Each engine shall be removed and tested upon completion of its in-vehicle service accumulation, if still functioning.

(vii) In-vehicle service accumulation for each enginge shall continue until the engine has reached the eno of its useful life as previously determined by the manufacturer. For any engine which stops functioning before reaching the end of its useful life, the manufacturer must submit to the Administrator an engineering analysis of why the engine stopped functioning. Any emission data from an engine which stops functioning befor reaching the end of its useful life shall not be included in the calculation of the deterioration factor for the family-system combination if its calculated deterioration factor is less than the average deterioration factor for the remaining durability-data engines in the combination, unless the manufacturer's engineering analysis demonstrates to the satisfaction of the Administrator that the data is representative. A credit of 4,000 miles is allowed when determining when the useful life point has been reached, to account for the 125 hours of dynamometer service accumulation.

(6)(i) Upon completion of in-vehicle service accumulation for all engines in an engine family-control system combination, the emission test results collected during service accumulation will be used in the calculation of the in-use deterioration factors in all model years for which certification has not yet been granted. However, the manufacturer may elect to replace the emission test results from the original durability-data fleet with results from an additional fleet.

(ii) At the request of the manufacturer, the Administrator shall select durability-data engine configurations for the additional fleet, equal in number to the original fleet. Once notified of the Administrator's selection, the manufacturer may select a specific production engine for each configuration from the current model year and begin to accumulate dynamometer and in-vehicle service on those engines. The manufacturer shall meet the requirements of this section in conducting this service accumulation.

(iii) The manufacturer is not required to wait until the original fleet completes service accumulation before beginning an additional fleet. Multiple additional fleets are allowed. No two fleets for a single combination may contain engines produced in a single model year.

(iv) Emission test results from the original fleet shall be used to calculate all official in-use deterioration factors until an additional fleet has completed service accumulation. Once an additional fleet has done so, emission test results from that additional fleet shall be used to calculate deterioration factors until another additional fleet of later model year engines has completed service accumulation.

(7) If the manufacturer states in its application for certification that an engine family-control system combination, for which it seeks a certificate of conformity with applicable standards of § 86.083-10 or § 86.083.11 for the 1983 or 1984 model year will not be produced past the 1984 model year, the Administrator shall waive the requirement for in-vehicle service accumulation for that combination.

(8)(i) The Administrator may waive the requirement for in-vehicle service accumulation for a small volume manufacturer (one which meets the requirements of § 86.083-24(e)), for any engine family-control system combination which the Administrator determines may be expected to have exhaust emission deterioration characteristics similar to those of another combination (produced by any manufacturer) which is undergoing or has completed in-vehicle service accumulation. The Administrator will base the determination on the physical similarity of the two combinations and on the service applications to which engines belonging to the combinations are commonly put. If the Administrator does waive in-vehicle service accumulation, the in-use deterioration factors derived from the other combination which is undergoing or has comleted in vehicle service accumulation) will be applied to the combination for which the requirement is waived.

(ii) If a manufacturer for which the Administrator has previously waived in-vehicle service accumulation under paragraph (b)(8)(i) of this section ceases to be a small volume manufacturer, the Administrator may withdraw the waiver and require the manufacturer to begin in-vehicle service accumulation using production engines from the model year in which the manufacturer ceased to be a small volume manufacturer. In-use deterioration factors derived from the other combination (which has been undergoing or has completed in-vehicle service accumulation) shall continue to be used until one engine in the manufacturer's own fleet has reached the 30,000-mile point.

(9)(i) Data from all emission tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within 5 working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. The Administrator may require emission tests at points in addition to those specified in this subpart. In addition, all test data shall be complied and provided to the Administrator in accordance with § 86.083-23. Where the Administrator conducts a test on a durability-data engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29-67.

(10) Whenever the manufacturer proposes to operate and test an engine which may be used for emission or durability data, it shall provide such information concerning components used on the engine as the Administrator may require and make the engine available for such testing under § 86.083-29 as the Administrator may require, before beginning to accumulate hours on the engine. Failure to comply with this requirement will invalidate all test data later submitted for this engine.

(11) Once the manufacturer begins to operate an emission-data or durability-data engine, as indicated by compliance with paragraph (b)(10) of this section, it shall continue to run any emission-data engine to 125 hours plus or minus eight hours and shall complete the in-vehicle service accumulation as required by this section. The manufacturer may not remove a durability-data engine from the durability fleet except as required or permitted by this section.

(12)(i) The Administrator may elect to test any test engine at any time during the service accumulation and testing procedure. In such cases the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (Subparts N and P of this part for gasoline-fueled engines, and Subpart I, N, and P of this part for diesel engines) will be followed by the Administrator. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(13) Emission testing of any type with respect to any certification engine other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

14. A new § 86.083-27 is proposed to read:

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§ 86.083-27 Special test procedures.

(a) (See paragraph (a) of § 86.079-27).

(b) For heavy-duty engines:

(1) The Administrator may, on the basis of a written application by a manufacturer, prescribe test procedures, other than those set forth in this subpart, for any motor-vehicle engine, which he determines is not susceptible to satisfactory testing by the procedures set forth herein or in Subparts N, I, and P of this part.

(2) If the manufacturer does not submit a written application for use of special test procedures but the Administrator determines that a motor-vehicle engine is not susceptible to satisfactory testing by the procedures set forth herein, the Administrator will reject the applicable portions of the application. The Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection in accordance with the provisions of § 86.083-22(c).

15. A new § 86.083-28 is proposed to read:

§ 86.083-28 Compliance with emission standards.

(a) (See paragraph (a) of § 86.079-28).

(b)(1) Paragraph (b) of this section applies to heavy-duty engines.

(2) The exhaust emission standards for gasoline-fueled engines in § 86.083-10 or for diesel engines in § 86.083-11 apply to the emissions of engines for their useful life.

(3) Since emission control efficiency generallly decreases with the accumulation of service on the engine, deterioration factors will be used in combination with emission-data engine test results as the basis for determining compliance with the standards.

(4)(i) Paragraph (b)(4) of this section describes the procedure for determining compliance of a new engine with emission standards, based on preliminary deterioration factors supplied by the manufacturer. The procedure described here shall be used for the first model year for which the manufacturer applies for a certificate of conformity with the standards of § 86.083-10 or § 86.083-11 for an enging family-control system combination. The procedure also shall be used for the following model year if no durability-data engine in the combination has accumulated at least 30,000 miles of in-vehicle service three months prior to the new model year, or if the Administrator has waived the requirement for in-vehicle service accumulation under the waiver provision of § 86.083-26(b)(7).

(ii) Separate preliminary exhaust emission deterioration factors, determined from tests of engines, subsystems, or components conducted by the manufacturer, shall be supplied for each engine-system combination. Separate factors shall be established for transient HC, CO, and NOx and for idle HC and CO. For diesel engines, separate factors shall also be established for the acceleration mode (designated as "A"), the lugging mode (designated as "B"), and the peak opacity (designated as "C").

(iii)(A) For transient HC, CO, and NOx and for idle HC, and CO, the official exhaust emission results for each emission-data engine at the 125-hour test point shall be adjusted by multiplication by the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than one, it shall be one for the purposes of this paragraph.

(B) For acceleration smoke ("A"), lugging smoke ("B"), and peak smoke ("C"), the official exhaust emission results for each emission-data engine at the 125-hour test point shall be adjusted by the addition of the appropriate deterioration factor. However, if the deterioration factor supplied by the manufacturer is less than zero, it shall be zero for the purposes of this paragraph.

(iv) The emission values to compare with the standards shall be the adjusted emission values of paragraph (b)(4)(iii) of this section rounded to two significant figures in accordance with ASTM E 29-67 for each emission-data engine.

(5)(i) Paragraph (b)(5) of this section describes the procedure for determining compliance of a new engine with emission standards, based on partial or full results of in-vehicle service accumulation. The procedure described here shall be used for any engine family-control system combination which has been certified in a previous model year and for which at least one engine in the durability-data fleet has accumulated 30,000 miles of in-vehicle service three months prior to the new model year.

(ii) Separate emission deterioration factors shall be determined from the emission results collected to date from the durability-data engines in each engine-system combination. Separate factors shall be established for transient HC, CO and NOx and for idle HC and CO. For diesel engines, separate factors shall also be established for the acceleration mode (designated as "A"), the lugging mode (designated as "B"), and the peak opacity (designated as "C").

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) The results of the emission tests conducted on durability-data engines after completion of 125 hours of dynamometer service accumulation. The mileage point for these results shall be taken to be 4,000 miles for the purpose of this section.

(*2*) The results of all emission tests conducted on durability-data engines during in-vehicle service accumulation, as required or permitted by § 86.083-26(b)(5)(vi), except those excluded under §§ 86.083-25(c)(1)(ix) or 86.083-26(b)(5)(vii). The mileage points for these results shall be adjusted by the addition of 4,000 miles for the purpose of this section.

(B) All applicable emission results for (1) transient HC, (2) transient CO, (3) transient NOx, (4) idle HC, (5) idle CO, (6) acceleration smoke ("A"), (7) lugging smoke ("B"), and (8) peak smoke ("C"), shall be plotted as a function of miles of in-vehicle service. Separate plots shall be made for each durability-data engine which has been tested in the 30,000 to 35,000 mileage interval. Emission results from engines which have not yet been tested in this interval shall not be used in the calculation of the deterioration factors. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points.

(C) Deterioration factors for each engine contributing emission results to the calculation, for transient HC, CO, and NOx and for idle HC and CO, shall be calculated by whichever of the following two methods results in the larger factor:

(*1*) Divide exhaust emissions extrapolated using the best fit straight line (or interpolated if in-vehicle service accumulation is complete) to the useful life point of each engine by the exhaust emissions interpolated to the 4,000-mile point. A factor less than one shall be set equal to one.

(*2*) Divide the largest emission test result (or the largest average of results at a single test point if the manufacturer conducted multiple tests at each point) for each engine by the result of the test (or the average of the tests) of the engine after 125 hours of dynamometer service accumulation. A factor less than one shall be set equal to one.

(D) The single deterioration factor for each engine family-control system combination, for each of transient HC, CO, and NOx and idle HC and CO, shall be the arithmetic mean of the corresponding factors for each engine as determined in paragraph (b)(5)(ii)(C) of this section.

(E) Deterioration factors for each engine contributing emission results to the calculation, for acceleration smoke ("A"), lugging smoke ("B"), and peak smoke ("C"), shall be calculated by whichever of the following two methods results in the larger factor:

(*1*) Subtract exhaust emissions interpolated to the 4,000-mile point from exhaust emissions extrapolated (or interpolated if in-vehicle service accumulation is complete) to the useful life point of each engine by the exhaust emissions interpolated to the 4,000-mile point. A negative factor shall be set equal to zero.

(*2*) Subtract the result of the test (or the average of the results of the tests if the manufacturer conducted more than one test) of each engine after 125 hours of dynamometer service accumulation from the largest emission test result (or the largest average of the results at a single test point) for the engine. A negative factor shall be set equal to zero.

(F) The single deterioration factor for each engine family-control system combination, for each of acceleration smoke ("A"), lugging smoke ("B"), and peak smoke ("C"), shall be the arithmetic mean of the corresponding factors for each engine as determined in paragraph (b)(5)(ii)(E) of this section.

(iii)(A) For transient HC, CO, and NOx and for idle HC and CO, the official exhaust emission results for each emission-data engine at the 125-hour test point shall be adjusted by multiplication by the appropriate deterioration factor.

(B) For acceleration smoke ("A"), lugging smoke ("B"), and peak smoke ("C"), the official exhaust emission results for each emission-data engine at the 125-hour test point shall be adjusted by the addition of the appropriate deterioration factor.

(iv) The emission values to compare with the standards shall be the adjusted emission values of paragraph (b)(5)(iii) of this section rounded to two significant figures in accordance with ASTM E 29-67 for each emission-data engine.

(6) [Reserved]

(7) Every test engine of an engine family must comply with all applicable standards, as determined in paragraph (b)(4)(iv) or (b)(5)(iv) of this section, before any engine in that family will be certified.

16. A new § 86.083-29 is proposed to read:

§ 86.083-29 Testing by the Administrator.

(a) (See paragraph (a) of § 86.081-29).

(b)(1) Paragraph (b) of this section applies to heavy-duty engines.

(2) The Administrator may require that any one or more of the test engines be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(3)(i) Whenever the Administrator conducts a test on a test engine the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the engine at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(ii) Whenever the Administrator does not conduct a test on a test engine at a test point, the manufacturer's test data will be accepted as the official data for that test point: *Provided*, that if the Administrator makes a determination based on testing under paragraph (b)(2) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer: *And further provided*, that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

(iii)(A)(*1*) The Administrator may adjust or cause to be adjusted any adjustable parameter of an emission-date engine which the Administrator has determined to be subject to adjustment for certification testing in accordance with § 86.083-22(e)(1), to any setting within the physically adjustable range of that parameter, as determined by the Administrator in accordance with § 86.083-22(e)(3)(i), prior to the performance of any tests to determine whether such engine conforms to applicable emission standards, including tests performed by the manufacturer under § 86.083-23(c)(1). However, if the idle speed parameter is one which the Administrator has determined to be subject to adjustment, the Administrator shall not adjust it to a setting which causes a higher engine idle speed than would have been possible within the physically adjustable range of the idle speed parameter on the engine before it accumulated any dynamometer service, all other parameters being identically adjusted for the purpose of the comparison. The Administrator, in making or specifying such adjustments, may consider the effect of the deviation from the manufacturer's recommended setting on emissions performance characteristics as well as the likelihood that similar settings will occur on in-use heavy-duty engines. In determining likelihood, the Administrator may consider factors such as, but not limited to, the effect of the adjustment on engine performance characteristics and surveillance information from similar in-use engines.

(*2*) For those engine parameters which the Administrator has not determined to be subject to adjustment for certification testing in accordance with § 86.083-22(e)(1), the emission-data engine presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the engine label (see § 86.083-35(a)(2)(iii)) as specified in the application for certification. If the Administrator determines that an engine is not within such tolerances, the engine shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report, the Administrator will determine if the engine shall be used as an emission-data engine.

(B) If the Administrator determines that the test data developed under paragraph (b)(3)(ii)(A) of this section would cause the emission-data engine to fail due to excessive 125-hour emission values or by the application of the appropriate deterioration factor, then the following procedure shall be observed.

(*1*) The manufacturer may request a retest. Before the retest, those engine parameters which the Administrator has not determined to be subject to adjustment for certification testing in accordance with § 86.083-22(e)(1) may be readjusted to the manufacturer's specifications, if these adjustments were made incorrectly prior to the first test. The Administrator may adjust or cause to be adjusted any parameter which the Administrator has determined to be subject to adjustment in accordance with § 86.083-22(e)(3)(i). However, if the idle speed parameter is one which the Administrator has determined to be subject to adjustment, the Administrator shall not adjust it to a setting which causes a higher engine idle speed than would have been possible within the physically adjustable range of the idle speed parameter on the engine before it accumulated any dynamometer service, all other parameters being identically adjusted for the purpose of the comparison. Other maintenance or repairs may be performed in accordance with 86.083-25. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

(*2*) The engine will be retested by the Administrator and the results of this test shall comprise the official data for the emission-data engine.

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(iv) If sufficient durability data are not available at the time of any emission test conducted under paragraph (b)(2) of this section to enable the Administrator to determine whether an emission-data engine would fail, the manufacturer may request a retest in accordance with the provision of paragraph (b)(3)(iii)(B) (*1*) and (*2*) of this section. If the manufacturer does not promptly make such a request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the engine from the test premises.

17. A new § 86.083-30 is proposed to read:

§ 86.083-30 Certification.

(a)(1) (See paragraph (a)(1) of § 86.079-30).

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary or appropriate to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles (or new motor vehicle engines) which conform, in all material respects, to design specifications that applied to those vehicles (or engines) described in the application for certification and which are produced during the model —— year production period of the said manufacturer, as defined in 40 CFR § 86.079-2.

It is a term of this certificate that the manufacturer shall consent to all inspection described by 40 CFR §§ 86.078-7(c), 86.606, and 86.1006 and authorized in a warrant or court order. Failure to comply with the requirements of such a warrant or court order may lead to revocation or suspension of this certificate as specified in 40 CFR § 86.083-30 (c), (d), or (e). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.079-30 (c), (d), or (e).

(a)(3) through (b)(1)(i). (See paragraphs (a)(3) through (b)(1)(i) of § 86.079-30).

(ii) *Heavy-Duty Engines.* (A) A gasoline-fueled emission-data test engine selected under § 86.083-24(b)(2) (ii) and (iv) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(B) A gasoline-fueled emission-data test engine selected under § 86.083-24(b)(2)(iii) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(C) A diesel emission-data test engine selected under § 86.083-24(b)(3)(ii) shall represent all engines in the same engine-system combination.

(D) A diesel emission-data test engine selected under § 86.083-24(b)(3)(iii) shall represent all engines of that emission control system at the rated fuel delivery of the test engine.

(E) The durability-data test engines selected under § 865.083-24(c)(2)(ii) shall together represent all engines of the same engine-system combination.

(b)(2) through (c)(1)(iv). (See paragraphs (b)(2) through (c)(1)(iv) of § 86.079-30).

(v) The manufacturer fails to select heavy-duty durability-data engines of the appropriate engine family-control system combination within two months of the start of production of the appropriate configurations, as required by § 86.083-24(c)(2)(ii), or the manufacturer fails to install the durability-data engines into host vehicles and place the host vehicles into service within one month of selecting the engines, as required by § 86.083-26(b)(5)(i).

(c)(2) through (c)(6). (See paragraphs (c)(2) through (c)(6) of § 86.079-30).

(d) *For light-duty vehicles and light-duty trucks.*

(d)(1) through (d)(6). (See paragraphs (d)(1) through (d)(6) of § 86.079-30.)

(e) *For heavy-duty vehicles and engines.*

(1) Notwithstanding the fact that any engine configuration or engine family may be covered by a valid outstanding certificate of conformity, the Administrator may suspend such outstanding certificate of conformity in whole or in part with respect to such engine configuration or engine family if:

(i) The manufacturer refuses to comply with the provisions of a test order issued by the Administrator pursuant to § 86.1003; or

(ii) The manufacturer refuses to comply with any of the requirements of § 86.1003; or

(iii) The manufacturer submits false or incomplete information in any report or information provided pursuant to the requirements of § 86.1009; or

(iv) The manufacturer renders inaccurate any test data submitted pursuant to § 86.1009; or

(v) Any EPA Enforcement Officer is denied the opportunity to conduct activities related to entry and access as authorized in § 86.1006 of this part and in a warrant or court order presented to the manufacturer or the party in charge of a facility in question; or

(vi) EPA Enforcement Officers are unable to conduct activities related to entry and access as authorized in 86.1006 of this part because a manufacturer has located a facility in a foreign jurisdiction where local law prohibits those activities; or

(vii) The manufacturer refuses to or in fact does not comply with the requirements of §§ 86.1004(a), 86.1005, 86.1007, 86.1008, 86.1010, 86.1011, or 86.1013.

(2) The sanction of suspending a certificate may not be imposed for the reasons in paragraphs (e)(1) (i), (ii), or (vii) of this section where such refusal or denial is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with those requirements. Such conditions and circumstances shall include, but are not limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure or illness of personnel, but shall not include failure of the manufacturers to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(3) The sanction of suspending a certificate may be imposed for the reasons outlined in paragraph (e)(1) (iii), (iv), or (v) of this section only when the infraction is substantial.

(4) In any case in which a manufacturer knowingly submitted false or inaccurate information or knowingly rendered inaccurate any test data or committed any other fraudulent acts, and such acts contributed substantially to the Administrator's original decision not to suspend or revoke a certificate of conformity in whole or in part, the Administrator may deem such certificate void from the date of such fraudulent act.

(5) In any case in which certification of a heavy-duty engine is proposed to be suspended under paragraph (e)(1)(v) of this section and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.1006 in fact occurred, if the manufacturer wishes to contend that, although the violation occurred, the engine configuration or engine family in question was not involved in the violation to a degree that would warrant suspension of certification under paragraph (e)(1)(v) of this section, he shall have the burden of establishing that contention to the satisfaction of the Administrator.

(6) Any suspension of certification under paragraph (e)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.1014 and

(ii) Not apply to vehicles or engines no longer in the hands of the manufacturer.

(7) Any voiding of a certificate of conformity under paragraph (e)(4) of this section shall be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.1014.

18. A new § 86.083-35 is proposed to read:

§ 86.083-35 Labeling.

(a) through (a)(2)(ii) (See paragraphs (a) through (a)(2)(ii) of § 86.079-35).

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: IMPORTANT ENGINE INFORMATION;

(a)(2)(iii)(B) through (a)(2)(iii)(G) (see paragraphs (a)(2)(iii)(B) through (a)(2)(iii)(G) of § 86.079-35).

(H) The prominent statement: "(Manufacturer's corporate name) has determined that this engine has an average useful life before retirement or rebuild of —— miles or —— hours of operation, whichever occurs first. This engine conforms to U.S. EPA regulations applicable to 19— Model Year New Heavy-Duty Engines, for this period." The manfacturer may alter this statement only to express the useful life in terms other than miles or hours (e.g., years, or hours only).

(a)(2)(iv) through (d) (See paragraphs (a)(2)(iv) through (d) of § 86.079-35).

(e) Incomplete heavy-duty vehicles having an 8,500-pound gross vehicle weight rating or less shall have the following prominent statement printed on the label required in paragraph (a)(2) of this section in lieu of the statement required by paragraph (a)(2)(iii)(H) of this section: "(Manfacturer's corporate name) has determined that this engine has an average useful life befre retirement or rebuild of——miles or——hours of operation, whichever occurs first. This engine conforms to U.S. EPA regulations applicable to 19— Model Year New Heavy-Duty Engines when installed in a vehicle completed at a curb weight of more than 6,000 pounds or with a frontal area greater than 46 square feet, for this period."

(f) (See paragraph (f) of § 86.079-35).

19. A New § 86.083-38 is proposed to read:

§ 86.083-38 Maintenance instructions.

(a) through (d) (See paragraphs (a) through (d) of § 86.079-38.).

(e) *For heavy-duty engines.*

(1) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 86.083-25(c), and shall explain the conditions under which maintenance to emission-related components for which visual signals are employed is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance). Scheduled maintenance in addition to that performed on the durability-data engine under § 86.083-25(c) may be recommended for reasons such as to offset the effects of operating conditions which differ from the conditions experienced by the durability-data engines or to increase the life of the engine beyond the useful life as determined by the manufacturer. The instructions may schedule maintenance on a calendar time basis, mileage basis, engine service time basis, or combinations of each.

(2) Such instructions shall specify the useful life of the engine as determined by the manufacturer. This useful life shall be expressed as a period of engine or vehicle operation or as an equivalent vehicle mileage (or both). The manufacturer shall also include in the instructions an explanation of the method(s) used to determine the useful life of the engine. The explanation shall be in clear, nontechnical language that is understandable to the ultimate purchaser.

20. A new § 86.085-23 is proposed to read:

§ 86.085-23 Required data.

(a) through (b)(2) (See paragraphs (a) through (b)(2) of § 86.083-23).

(3) For each heavy-duty engine family-emission control system combination for which application for certification is made for the first time, preliminary emission deterioration factors and all test data that are derived from testing described under § 86.083-21(b)(4)(iii), designed and conducted in accordance with good engineering practice to assure that the engines covered by a certificate issued under § 86.083-30, will meet the emission standards in effect for those engines, for the useful life of the engines.

(c) through (e) (See paragraphs (c) through (e) of § 86.083-23).

21. A new § 86.085-26 is proposed to read:

§ 86.085-26 Mileage and service accumulation; emission measurements.

(a) through (b)(6) (See paragraphs (a) through (b)(6) of § 86.083-26).

(7) [Reserved]

(b)(8) through (b)(13) (See paragraphs (b)(8) through (b)(13) of § 86.083-26).

22. A new § 86.085-28 is proposed to read:

§ 86.085-28 Compliance with emission standards.

(a) through (b)(3) (See paragraphs (a) through (b)(3) of § 86.083-28).

(4)(i) Paragraph (b)(4) of this section describes the procedure for determining compliance of a new engine with emission standards, based on preliminary deterioration factors supplied by the manufacturer. The procedure described here shall be used for the first model year for which the manufacturer applies for a certificate of conformity with the standards in effect for an engine family-control system combination. The procedure also shall be used for the following model year if no durability-data engine in the combination has accumulated at least 30,000 miles of in-vehicle service by the time the determination of compliance is made.

(b)(4)(ii) through (b)(8) (See paragraphs (b)(4)(ii) through (b)(8) of § 86.083-28).

23. A new Subpart K is proposed to be added to Part 86 and reads as follows:

Subpart K—Selective Enforcement Auditing and Production Compliance Auditing of New Gasoline-Fueled and Diesel Heavy-Duty Engines

Sec.

86.1001-83—Applicability.
86.1002-83—Definitions.
86.1003-83—Test orders.
86.1004-83—Testing by the Administrator.
86.1005-83—Maintenance of records; submittal of information.
86.1006-83—Entry and access.
86.1007-83—Sample selection.
86.1008-83—Test procedures.
86.1009-83—Calculation and reporting of test results.
86.1010-83—Compliance with acceptable quality level and passing and failing criteria for Selective Enforcement Audits.
86.1011-83—Production Compliance Auditing.
86.1012-83—Suspension and revocation of certificates of conformity.
86.1013-83—Nonconformance penalties.
86.1014-83—Hearings on suspension, revocation and voiding of certificates of conformity.

Subpart K—Selective Enforcement Auditing and Production Compliance Auditing of New Gasoline-Fueled and Diesel Heavy Duty Engines

§ 86.1001-83 Applicability.

The provisions of this subpart are applicable for 1983 and later model year gasoline-fueled and diesel heavy-duty engines.

§ 86.1002-83 Definitions.

(a) The definitions in this section apply to this subpart.

(b) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act.

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"Acceptable Quality Level" (AQL) means the maximum percentage of failing engines that, for purposes of sampling inspection, can be considered satisfactory as a process average.

"Compliance level" means the emissions level at the 90th percentile point for a population of heavy-duty vehicles or engines subject to Production Compliance Audit testing pursuant to this subpart. A compliance level can be determined for each pollutant for which an upper limit has been established.

"Configuration" means a subclassification, if any, of an engine family for which a separate projected sales figure is listed in the manufacturer's Application for Certification and which can be described on the basis of emission control system, governed speed, injector size, engine calibration, and other parameters which may be designated by the Administrator.

"In the Hands of the Manufacturer" means that engines are still in the possession of the manufacturer and have not had their bills of lading transferred to another person for the purpose of transporting.

"Upper limit" means the emission level for a specific heavy-duty engine pollutant beyond which certification for that engine can not be granted or for which the certificate of conformity can be suspended. The upper limits will be established by amendments to this part.

§ 86.1003-83 Test orders.

(a) The Administrator will require any testing under this subpart by means of a test order addressed to the manufacturer.

(b) The test order will be signed by the Assistant Administrator for Enforcement or his designee. The test order will be delivered in person by an EPA Enforcement Officer to a company representative or sent by registered mail, return receipt requested, to the manufacturer's representative who signs the Application for Certification submitted by the manufacturer pursuant to the requirements of the applicable sections of Subpart A of this part. Upon receipt of a test order, the manufacturer shall comply with all of the provisions of this subpart and instructions in the test order.

(c) The test order will specify the engine configuration selected for testing, the manufacturer's vehicle or engine assembly plant or associated storage facility from which the engines must be selected, the time and location at which engines must be selected, and the procedure by which engines of the specified configuration must be selected. The test order may include alternative configurations to be selected for testing in the event that engines of the first specified configuration are not available for testing because such engines are not being manufactured at the specified assembly plant, not being manufactured during the specified time, or not being stored at the specified assembly plant or associated storage facility. In addition, the test order may include other directions or information essential to the administration of the required testing.

(d) A manufacturer may indicate preferred assembly plants or associated storage facilities for the various engine families produced by the manufacturer for selection of engines in response to a test order. This shall be accomplished by submitting a list of engine families and the corresponding assembly plants or associated storage facilities from which the manufacturer desires to have engines selected for testing. In order that a manufacturer's preferred location be considered for inclusion in a test order for a configuration of a particular engine family, the list must be submitted prior to issuance of the test order. Notwithstanding the fact that a manufacturer has submitted the above list, the Administrator may order testing at other than a preferred plant.

(e) Upon receipt of a test order, a manufacturer shall proceed in accordance with the provisions of this subpart.

(f)(1) During a given model year, the Administrator will not issue to a manufacturer more Selective Enforcement Auditing (SEA) test orders than an annual limit determined by the following:

(i) For heavy-duty gasoline engine manufacturers, the number determined by dividing the projected sales for that year, as made by the manufacturer in its Application for Certification, by 30,000 and rounding to the nearest whole number, unless the projected sales are less than 15,000, in which case the number is one;

(ii) For heavy-duty diesel engine manufacturers, the number determined by dividing the projected sales for that year, as made by the manufacturer in its Application for Certification, by 10,000 and rounding to the nearest whole number, unless the projected sales are less than 5,000, in which case the number is one; or

(iii) For manufacturers producing both gasoline and diesel heavy-duty engines, the numbers determined by applying paragraphs (f)(1)(i) and (f)(1)(ii) of this section apply individually for gasoline and diesel engines.

(2) Any SEA test order for which the configuration fails in accordance with § 86.1010-83 or for which testing is not completed will not be counted against the annual limit.

(3) SEA test orders issued on the basis of any evidence which indicates noncompliance of a configuration with the AQL will not count toward the annual limit. An SEA test order issued on this basis will include a statement as to the reason for its issuance.

§ 86.1004-83 Testing by the Administrator.

(a) The Administrator may require by test order that engines of a specified configuration be selected in a manner designated by him and submitted to him at such place as he may designate for the purpose of conducting emission tests. Such tests shall be conducted in accordance with § 86.1008-83 of these regulations to determine whether engines manufactured by the manufacturer conform with the regulations with respect to which the certificate of conformity was issued.

(b)(1) Whenever the Administrator conducts a test on a test engine or the Administrator and manufacturer each conduct a test on the same test engine, the results of the Administrator's test shall comprise the official data for that engine.

(2) Whenever the manufacturer conducts all tests on a test engine, the manufacturer's test data will be accepted as the official data: *Provided,* That if the Administrator makes a determination based on testing under paragraph (a) of this section there is a substantial lack of agreement between the manufacturer's test results and the Administrator's test results, no manufacturer's test data from the manufacturer's test facility will be accepted for purposes of this subpart.

(c) In the event that testing conducted under paragraph (a) of this section demonstrates a lack of agreement under paragraph (b)(2) of this section, the Administrator will:

(1) Notify the manufacturer in writing of his determination that the test facility is inappropriate for conducting the tests required by the subpart and the reasons therefor, and

(2) Reinstate any manufacturer's data upon a showing by the manufacturer that the data acquired under paragraph (a) of this section was erroneous and the manufacturer's data was correct.

(d) The manufacturer may request in writing that the Administrator reconsider his determination in paragraph (b)(2) of this section based on data or information which indicates that changes have been made to the test facility and such changes have resolved the reasons for disqualification.

§ 86.1005-83 Maintenance of records; submittal of information.

(a) The manufacturer of any new heavy-duty engine subject to any of the provisions of this subpart shall establish, maintain, and retain the following adequately organized and indexed records:

(1) *General records.*

(i) A description of all procedures used to test engines pursuant to a test order issued under this subpart.

(ii) Test equipment; pre-test data; test data. Reference Subparts N and P by test order requirements for equipment and test data recording.

(2) *Individual records.*

(i)(A) Identification and description of all engines tested pursuant to a test order issued under this subpart.

(B) A description of all emission control systems installed on or incorporated in each test engine.

(ii) A properly filed application for certification, following the format prescribed by the EPA for the appropriate model year, fulfills both requirements of paragraph (a)(2)(i) of this section.

(iii) A complete record of all emission tests performed pursuant to this subpart (except tests performed by EPA directly), including the following chart records or exact copies thereof:

(A) The zero, span, and exhaust gas traces associated with each analyzer.

(B) The temperature trace of the heated sample line to the hydrocarbon detector (diesel only).

(C) In the case of diesel engine smoke emission testing, the engine load and RPM traces and a trace for the throttle position shall be identified, as well as any other applicable data.

(D) The smoke opacity trace for diesel engine smoke emission testing.

(iv) Individual worksheets and/or other documentation relating to each such test, or exact copies thereof.

(v) The date, time, and location of each test; the number of hours of service accumulated on each engine when the test began and ended; and the names of all personnel, including supervisory personnel, involved in the conduct of the test.

(vi) A record and description of any repairs performed prior to and/or subsequent to approval by the Administrator, giving the date and time of the repair, the reason for it, the person authorizing it, and names of all personnel involved in the supervising and performance of the repair.

(vii) The date when the engine was shipped from the assembly plant or associated storage facility and when it was received by the test facility.

(viii) A brief description of any significant events, commencing with the test engine selection process, but not described by any entry under one of the previous headings, including such extraordinary events as engine damage during shipment.

(b) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of one (1) year after completion of all testing in response to a test order. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending upon the manufacturer's record retention procedure: *Provided,* That in every case all the information contained in the hard copy shall be retained.

(c) Heavy-duty engine manufacturers shall submit to the Administrator on a quarterly basis no later than thirty days after the close of each calendar quarter or other reporting schedule as approved by the Administrator all emission data, whether or not from FTP testing, from testing of production engines. The following information shall be provided with respect to such engines:

(1) Description of quality audit or other program under which production engines are selected including a description of sampling plans, method of sample selection and sampling rates.

(2) EPA engine family.

(3) Engine identification number.

(4) Configuration.

(5) Engine model year and build date.

(6) Number of hours of service accumulated on engine prior to testing.

(7) Description of any preparation, maintenance, modification or repair on test engines.

(8) Emission test results for each valid test. If the above information is available on Automatic Data Processing (ADP) equipment, it shall be submitted on an ADP storage device such as magnetic tape, magnetic disc, punched cards, etc. EPA will return ADP equipment submitted by the manufacturer or, upon a request by the manufacturer, furnish the necessary ADP storage devices. Information submitted once need not be submitted again if there are no subsequent changes.

(d) Pursuant to a request made by the Administrator, the manufacturer shall submit to him the following information with regard to engine production:

(1) Number of engines, by configuration and assembly plant, scheduled for production for the time period designated in the request.

(2) Number of engines, by configuration and assembly plant, produced during the time period designated in the request which are complete for introduction into commerce.

(e) Nothing in this section shall limit the Administrator's discretion in requiring the manufacturer to retain additional records or submit information not specifically required by this section.

(f) All reports, submissions, notifications, and requests for approvals made under this subpart shall be addressed to:

Director, Mobile Source Enforcement Division, U.S. Environmental Protection Agency, EN-340, 401 M Street S.W., Washington, D.C. 20460.

§ 86.1006-83 Entry and access.

(a) In order to allow the Aministrator to determine whether a manufacturer is complying with the provisions of this subpart and a test order issued thereunder, EPA Enforcement Officers are authorized to enter during operating hours and upon presentation of credentials any of the following:

(1) Any facility where any engine to be introduced into commerce or any emission related component is manufactured, assembled, or stored;

(2) Any facility where any tests conducted pursuant to a test order or any procedures or activities connected with such tests are or were performed;

(3) Any facility where any engine which is being tested, was tested, or will be tested is present; and

(4) Any facility where any record or other document relating to any of the above is located.

(b) Upon admission to any facility referred to in subsection (a) of this section, EPA Enforcement Officers are authorized to perform the following inspection-related activities:

(1) To inspect and monitor any aspects of such engine manufacture, assembly, storage, testing and other procedures, and the facilities in which such procedures are conducted;

(2) To inspect and monitor any part or aspect of such test procedures or activities, inluding, but not limited to, monitoring engine selection, preparation, service accumulation, preconditioning, emission test cycles, and maintenance; and to verify calibration of test equipment;

(3) To inspect and make copies of any records or documents related to the assembly, storage, selection and testing of an engine in compliance with a test order; and

(4) To inspect and photograph any part or aspect of any such engine and any component used in the assemby thereof that is reasonably related to the purpose of the entry.

(c) EPA Enforcement Officers are authorized to obtain reasonable assistance without charge from those in charge of a facility to help them discharge any function listed in this subpart and are authorized to request the recipient of a test order to make arrangements with those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the recipient controls the facility.

(d) EPA Enforcement Officers are authorized to seek a warrant or court order authorizing the EPA Enforce-

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ment Officers to conduct activities related to entry and access as authorized in this section, as appropriate, to execute the functions specified in this section. EPA Enforcement Officers may proceed *ex parte* to obtain a warrant whether or not the Enforcement Officers first attempted to seek permission of the recipient of the test order or the party in charge of the facilities in question to conduct activities related to entry and access as authorized in this section.

(e) EPA Enforcement Officers who present a warrant or court order as described in paragraph (d) of this section shall be permitted to conduct activities related to entry and access as authorized in this section and as described in the warrant or court order. A recipient of a test order is required to cause those in charge of its facility or a facility operated for its benefit to permit EPA Enforcement Officers to conduct activities related to entry and access as authorized in this section pursuant to a warrant or court order whether or not the recipient controls the facility. In the absence of such a warrant or court order, EPA Enforcement Officers may conduct activities related to entry and access as authorized in this section only upon the consent of the recipient or the test order of the party in charge of the facilities in question.

(f) It is not a violation of this Part of the Clean Air Act for any person to refuse to permit EPA Enforcement Officers to conduct activities related to entry and access as authorized in this section without a warrant or court order.

(g) A manufacturer is responsible for locating its foreign testing and manufacturing facilities in jurisdictions in which local foreign law does not prohibit EPA Enforcement Officers from conducting the entry and access activities specified in this section. EPA will not attempt to make any inspections which it has been informed that local foreign law prohibits.

(h) For purposes of this section:

(1) "Presentation of Credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(2) Where engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(3) Where facilities or areas other than those covered by paragraph (h)(2) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation, or engine assembly is taking place, or all times during which testing, repair, service accumulation, preparation or compilation of records, or any other procedure or activity related to testing, or to engine manufacture or assembly is being carried out in a facility.

(4) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpreting and translating services, and the making available on an EPA Enforcement Officer's request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions. Any employee whom an EPA Enforcement Officer requests the manufacturer to cause to appear for questioning will be entitled to be accompanied, represented and advised by counsel.

§ 86.1007-83 Sample selection.

(a) Engines comprising a test sample which are required to be tested, pursuant to a test order issued in accordance with this subpart, will be selected at the location and in the manner specified in the test order. If a manufacturer determines that the test engines can not be selected in the manner specified in the test order, an alternative selection procedure may be employed: *Provided*, That the manufacturer requests approval of such a procedure in advance of the start of test sample selection and that the Administrator approves such a procedure.

(b) The test engines of the configuration selected for testing shall have been assembled by the manufacturer for distribution in commerce using his normal mass production processes. If the test engines are selected at a location where they do not have their operational and emission control systems installed, the test order will specify the manner and location for selection of components to complete assembly of the engines and the manner in which assembly is to be completed.

(c) No quality control, testing, or assembly procedures shall be used on the completed test engine or any portion thereof, including parts and subassemblies, that will not be used during the production and assembly of all other engines of that configuration: *Except*, That the Administrator may approve a deviation in the normal assembly procedures pursuant to paragraph (b) of this section.

(d) The test order may specify that EPA Enforcement Officers, rather than the manufacturer, will select the test engines according to the method specified in the test order.

(e) The test order will specify the order in which test results are to be used in applying the sampling plan.

(f) The manufacturer shall keep on hand all untested engines comprising the test sample until such time as a pass or fail decision is reached in accordance with § 86.1010-83(d) or § 86.1011-83(d) or until such time as the compliance level is determined in accordance with § 86.1011-83(g), whichever is applicable.

§ 86.1008-83 Test procedures.

(a) The prescribed test procedure is the Federal Test Procedure as described in Subpart N, I and P of this Part.

(b)(1) The manufacturer shall not adjust, repair, prepare, or modify the engines selected for testing and shall not perform any emission tests on engines selected for testing pursuant to the test order unless such adjustment, repair, preparation, modification, and/or tests are documented in the manufacturer's engine assembly and inspection procedures, and are actually performed or unless such adjustments and/or tests are required or permitted under this subpart or are approved in advance by the Administrator.

(2) For 1983 and later model years the Administrator may adjust or cause to be adjusted any engine parameter which the Administrator has determined to be subject to adjustment for certification, Selective Enforcement Audit and Production Compliance Audit testing in accordance with § 86.083-22(e)(1), to any setting within the physically adjustable range of that parameter, as determined by the Administrator in accordance with § 86.083-22(e)(3)(ii), prior to the performance of any tests. However, if the idle speed parameter is one which the Administrator has determined to be subject to adjustment, the Administrator shall not adjust it to any setting which causes a lower engine idle speed than would have been possible within the physically adjustable range of the idle speed parameter if the manufacturer had accumulated 125 hours of service on the engine under paragraph (c) of this section, all other parameters being identically adjusted for the purpose of the comparison. The Administrator, in making or specifying such adjustments, may consider the effect of the deviation from the manufacturer's recommended setting on emissions performance characteristics as well as the likelihood that similar settings will occur on in-use heavy-duty engines. In determining likelihood, the Administrator may consider factors such as, but not limited to, the effect of the adjustment on engine performance characteristics and surveillance information from similar in-use engines.

(c) The manufacturer may accumulate up to 125 hours of service on each selected engine prior to performing exhaust emission testing. Service accumulation may be performed in any manner the manufacturer desires.

(1) The manufacturer shall accumulate service at a minimum rate of 16 hours during each 24 hour period, unless otherwise provided by the Administrator.

(2) Service accumulation shall be performed on a sufficient number of test engines during each 24 hour period to assure that the number of engines tested per day fulfills the requirements of paragraph (g) of this section.

(d) No maintenance will be performed on test engines after selection for testing nor will any test engine substitution or replacement be allowed, unless requested of the Administrator by the manufacturer and approved by the Administrator in advance of the performance of any maintenance or engine substitution.

(e) The manufacturer will be allowed 24 hours to ship test engines from the assembly plant or associated storage facility to the test facility if the test facility is not located at or in close proximity to the plant or storage facility: *Except*, That the Administrator may approve more time based upon a request by the manufacturer accompanied by a satisfactory justification.

(f) In the event that an engine is incapable of completing the service accumulation or emission tests because of engine malfunction, the manufacturer may request that the Administrator authorize him to repair or replace the engine. Any replacement engines will be selected in a manner prescribed in the test order.

(g) Within one working day of receipt of the test order, the manufacturer shall notify the Administrator which test facility will be used to comply with the test order. If no test cells are available at a desired facility, the manufacturer must provide alternate testing capability satisfactory to the Administrator.

(1) Heavy-duty gasoline engine manufacturers with projected annual sales of 30,000 or greater, and heavy-duty diesel engine manufacturers with projected annual sales of 10,000 or greater, as made in their respective Applications for Certification, shall complete emission testing at their testing facility on a minimum of two engines per 24 hour period, including voided tests.

(2) Heavy-duty gasoline engine manufacturers with projected annual sales of less than 30,000, and heavy-duty diesel engine manufacturers with projected annual sales of less than 10,000, as made in their respective Applications for Certification, shall complete emission testing at their testing facility on a minimum of one engine per 24 hour period, including voided tests.

(3) The Administrator may approve a longer period of time for conducting emission tests based upon a request by a manufacturer accompanied by a satisfactory justification.

(h) The manufacturer shall perform test engine selection, shipping, preparation, service accumulation, and testing in such a manner as to assure that the audit is performed in an expeditious manner.

(i) The manufacturer will be permitted to retest any engines tested during a Selective Enforcement Audit once a fail decision for the audit has been reached in accordance with § 86.1010-83(d) based on the first test on each engine. Each engine can be tested a total of three times but they all must be tested the same number of times. The manufacturer may accumulate additional service before conducting a retest, although the total amount of service accumulation on each engine prior to testing shall not exceed 125 hours.

§ 86.1009-83 Calculation and reporting of test results.

(a) Initial test results shall be calculated following the Federal Test Procedure specified in paragraph (a) of § 86.1008-83.

(b) Final test results shall be calculated by summing the initial test results derived in paragraph (a) of this section for each test engine, dividing by the number of tests conducted on the engine, and rounding in accordance with ASTM E29-67 to two places to the right of the decimal point.

(c) *Final deteriorated test results.* For the purpose of this paragraph, if a deterioration factor as computed during the certification process is less than one, that deterioration factor shall be one.

(1) The final deteriorated test results for each engine tested according to Subpart N or P of this Part shall be calculated by multiplying the final test results by the appropriate deterioration factor, derived from the certification process for the engine family-control system combination and model year for the selected configuration to which the test engine belongs.

(2) The final deteriorated test results for each engine tested according to Subpart I of this Part shall be calculated by adding the appropriate deterioration factor, derived from the certification process for the engine family-control system combination and model year for the selected configuration to which the test engine belongs, to the final test results.

(3) The final deteriorated test results shall be rounded to two significant figures in accordance with ASTM E29-67.

(d) Within five working days after completion of testing of all engines pursuant to a test order, the manufacturer shall submit to the Administrator a report which shall include the following:

(1) The location and description of the manfacturer's exhaust emission test facilities which were utilized to conduct testing reported pursuant to this section.

(2) The applicable standards against which the engines were tested.

(3) Deterioration factors for the engine family to which the selected configuration belongs.

(4) A description of the engine and any emission related component selection method used and the name of the manufacturer's representative in charge of the selection process.

(5) For each test conducted;

(i) Test engine description, including:

(A) Configuration and engine family identification,

(B) Year, make, and build date,

(C) Engine identification number, and

(D) Number of hours of service accumulated on engine prior to testing.

(ii) Location where service accumulation was conducted and description of accumulation procedure and schedule.

(iii) Test number, date, initial test results before and after rounding, final test results and final deteriorated test results for all exhaust emission tests, whether valid or invalid, and the reason for invalidation, if applicable.

(iv) A complete description of any modification, repair, preparation, maintenance, and/or testing which was performed on the test engine and has not been reported pursuant to any other paragraph of this subpart and will not be performed on all production engines.

(v) Where a replacement engine was authorized by the Administrator, the reason for the replacement and the information in (iii) above, if any, for the replacement engine.

(vi) Any other information the Administrator may request relevant to the determination as to whether the new heavy-duty engines being manufactured by the manufacturer do in fact conform with the regulations with respect to which the certificate of conformity was issued.

(6) The following statement and endorsement: This report is submitted pursuant to section 206 and section 208 of the Clean Air Act. All testing for which data is reported herein was conducted in strict conformance with applicable regulations under 40 CFR Part 86 et seq. All the data reported herein is a true and accurate representation of such testing. All other information reported herein is, to the best of

(Company name)

knowledge, true and accurate. I am aware of the penalties associated with

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violations of the Clean Air Act and the regulations thereunder.

(Authorized Company Representative)

§ 86.1010–83 Compliance with acceptable quality level and passing and failing criteria for Selective Enforcement Audits (SEA).

(a) The prescribed acceptable quality level is 10 percent.

(b) A failed engine is one whose final deteriorated test results pursuant to paragraph 86.1009-83(c), for one or more of the applicable exhaust pollutants, exceed the applicable emission standard or compliance level as prescribed in paragraph (g) of § 86.1011-83, if applicable.

(c) The manufacturer shall test engines comprising the test sample until a pass or fail decision is reached for all pollutants, or a fail decision is reached for a pollutant for which no upper limit is established in this part, or a fail decision is reached with respect to the upper limit according to paragraph (f) of this section. A pass decision is reached when the cumulative number of failed engines, as defined in paragraph (b) of this section, for each pollutant is less than or equal to the pass decision number appropriate to the cumulative number of engines tested. A fail decision is reached when the cumulative number of failed engines for each pollutant is greater than or equal to the fail decision number appropriate to the cumulative number of engines tested. The pass and fail decision numbers associated with the cumulative number of engines tested shall be determined by use of the tables in Appendix X of this part appropriate for the annual projected sales as made by the manufacturer in its Application for Certification. In the Tables in Appendix X, sampling plan "state" refers to the cumulative number of engines tested.

(d) Passing or failing of an SEA audit takes place when the decision is made on the last engine required to make a decision under paragraph (c) of this section.

(e) The administrator may terminate testing earlier than required in paragraph (c) of this section.

(f) If a fail decision is reached in accordance with paragraph (d) of this section, then a determination will also be made based on the test results up to that point whether the configuration fails with respect to the upper limit, if one has been established.

(g) If a manufacturer conducts a follow-up SEA audit pursuant to paragraph (j)(2) or (k)(2) of § 86.1012-83 subsequent to suspension or revocation of a certificate of conformity for the purpose of reinstatement or reissuance of the certificate, the provisions of this section shall apply except that the tables in Appendix XI shall be utilized.

(h) Whenever a manufacturer conducts an SEA audit pursuant to a test order issued for a configuration whose official certification test results exceeded one or more standards, the provisions of this section shall apply except that the tables in Appendix XI shall be utilized.

(i) If a manufacturer is issued a test order to conduct an SEA of a configuration which serves as a replacement for a configuration which had its certificate of conformity suspended or revoked for failure of an SEA, the provisions of this section shall apply except that the tables in Appendix XI shall be utilized.

(j) A manufacturer may request that a Selective Enforcement Audit be conducted on a configuration on which the manufacturer is paying a nonconformance penalty pursuant to § 86.1013-83 in order to demonstrate that the engines of the configuration have been brought into compliance with the applicable emission standards. The provisions of this section shall apply except that the tables in Appendix XI shall be utilized.

§ 86.1011–83 Production Compliance Auditing.

(a) During a model year in which certification above the heavy-duty engine emission standards for one or more exhaust pollutants is specifically permitted by amendments to this part, a manufacturer can elect to conduct a Production Compliance Audit (PCA) for each configuration which did not pass a Selective Enforcement Audit in accordance with paragraph (d) of § 86.1010-83 with respect to a pollutant for which an upper limit had been established in this part and for which the manufacturer does not intend to make a design change or changes to the engine and/or emission control system as described in the Application for Certification or does not intend to institute a quality control procedure to remedy the noncomformity.

(b) Production Compliance Audits shall be initiated upon a written request from the manufacturer. All applicable conditions in the original SEA test order shall continue to apply. Test results from the SEA audit shall be utilized in establishing a noncompliance level or reaching a fail decision for the PCA audit.

(c) Unless specified as being appropriate only to Selective Enforcement Auditing or to model years in which certification above the emission standards for heavy-duty engines is not specifically permitted by regulations, all other sections of this subpart shall be applicable to Production Compliance Audit testing.

(d) The manufacturer shall test consecutive engines comprising the test sample until a fail decision at the upper limit is reached for each pollutant for which an upper limit has been established or the maximum sample size has been tested. A fail decision is reached for a pollutant for which an upper limit has been established when the number of engines whose final deteriorated test results exceed the upper limit for that pollutant is equal to or greater than the fail decision number. The fail decision number and maximum test sample size are determined from the tables in Appendix XII.

(e) A fail decision is reached for a pollutant for which no upper limit has been established when the number of engines whose final deteriorated test results exceed the standard for that pollutant is equal to or greater than the fail decision number in Table II of Appendix XII.

(f) The Administrator may terminate testing earlier than required in paragraph (d) of this section.

(g) If the maximum number of engines were tested pursuant to paragraph (d) of this section and a fail decision under paragraph (d) was not made for one or more pollutants for which an upper limit has been established, a compliance level shall be established for each such pollutant according to the following procedure:

(1) For each pollutant, rank all the final deteriorated test results obtained for that pollutant in order from the lowest to the highest value.

(2)(A) If using code letter A in Appendix XII, the sixteenth lowest test result in the sequence is the compliance level.

(B) If using code letter B in Appendix XII, the nineteenth lowest test result in the sequence is the compliance level.

(C) If using code letter C in Appendix XII, the twenty-fourth lowest test result in the sequence is the compliance level.

(D) If using code letter D in Appendix XII, the twenty-fifth lowest test result in the sequence is the compliance level.

§ 86.1012–83 Suspension and revocation of certificates of conformity.

(a) The certificate of conformity is suspended with respect to any engine failing pursuant to paragraph (b) of § 86.1010-83 effective from the time that testing of that engine is completed.

(b) During those model years in which heavy-duty engines are not permitted by this part to exceed emission standards for one or more pollutants, the Administrator may suspend the certificate of conformity for a configuration which does not pass an SEA, pursuant to paragraph § 86.1010-83(c), based on the first test or all tests conducted on each engine or does not pass a PCA audit with respect to the standards for those pollutants for those engines produced at that plant. Such suspension shall not occur before ten days after failure to pass the audit.

(c) During those model years in which heavy-duty engines are permitted by amendments to this part to exceed the emission standards for one or more pollutants, the Administrator may suspend the certificate of conformity for a configuration which does not pass an SEA based on the first test or all tests conducted on each engine or does not pass a PCA audit with respect to the upper limits for those pollutants for those engines produced at that plant. Such suspension shall not occur before ten days after failure to pass the audit.

(d) If a manufacturer does not elect to conduct a PCA audit for a configuration pursuant to § 86.1011-83(a), the Administrator may suspend the certificate of conformity for all engines of that configuration produced at the plant where the configuration failed the SEA audit. A suspension for failure to elect a PCA pursuant to § 86.1011-83(a) shall not occur before ten days after failure to pass the audit.

(e) If the results of testing pursuant to these regulations indicate that engines of a particular configuration produced at one plant of a manufacturer do not conform to the regulations with respect to which the certificate of conformity was issued, the Administrator may suspend the certificate of conformity with respect to that configuration for engines manufactured by the manufacturer at all other plants.

(f) The Administrator may suspend the certificate of conformity for all engines of a configuration produced at all plants if a manufacturer fails to pay a nonconformance penalty on all engines for which a penalty is applicable within the time prescribed in § 86.1013-83(c).

(g) The Administrator will notify the manufacturer in writing of any suspension or revocation of a certificate of conformity in whole or in part: *Except*, That the certificate is immediately suspended with respect to any failed engines as provided for in paragraph (a) of this section.

(h) The Administrator may revoke a certificate of conformity for a configuration when the certificate has been suspended pursuant to paragraph (b), (c) or (e) of this section if the proposed remedy for the nonconformity, as reported by the manufacturer to the Administrator, is one requiring a design change or changes to the engine and/or emission control system as described in the Application for Certification of the affected configuration.

(i) One a certificate has been suspended for a failed engine as provided for in paragraph (a) of this section, the manufacturer must take the following actions:

(1) Before the certificate is reinstated for that failed engine,

(i) Remedy the nonconformity, and

(ii) Demonstrate that the engine conforms to the applicable standards or compliance levels, if established, by retesting the engine in accordance with these regulations.

(2) Submit a written report to the Administrator within five working days after completion of testing which contains a description of the remedy and test results for each engine in addition to other information that may be required by this regulation.

(j) Once a certificate for a failed configuration has been suspended pursuant to paragraph (b), (c) or (e) of this section, the manufacturer must take the following actions before the Administrator will consider reinstating such certificate:

(1) Submit a written report to the Administrator which identifies the reason for the noncompliance of the engines, describes the proposed remedy, including a description of any proposed quality control and/or quality assurance measures to be taken by the manufacturer to prevent future occurrences of the problem, and states the date on which the remedies will be implemented, and

(2) Demonstrate that the engine configuration for which the certificate of conformity has been suspended does in fact comply with these regulations by testing engines selected from normal production runs of that engine configuration, at the plant(s) or associated storage facilities specified by the Administrator, in accordance with paragraph § 86.1010-83(g) and the conditions specified in the initial test order; *Except*, That if the manufacturer elects to continue testing individual engines after suspension of a certificate, the certificate is reinstated for any engine actually determined to be in conformance with the applicable standards through testing in accordance with the applicable test procedures: *Provided*, That the Administrator has not revoked the certificate pursuant to paragraph (g) of this section.

(k) Once the certificate has been revoked for a configuration and the manufacturer desires to continue introduction into commerce of such configuration, the following actions shall be taken before the Administrator will consider reissuing such certificate:

(1) If the Administrator determines that the proposed change or changes in engine design may have an effect on emission performance deterioration, he will so notify the manufacturer within five (5) working days after receipt of the report in paragraph (h) of this section, whether subsequent testing under this subpart will be sufficient to evaluate the proposed change or changes or whether additional testing will be required.

(2) After implementing the change or changes intended to remedy the nonconformity, the manufacturer shall demonstrate that the engine configuration for which the certificate of conformity was revoked does in fact conform with these regulations by testing engines selected from normal production runs of that engine configuration in accordance with paragraph § 86.1010-83(g) and the conditions specified in the initial test order. This testing will be considered by the Administrator to satisfy the testing requirements of § 86.078-32 or § 86.079-33 if the Administrator had so notified the manufacturer. If the subsequent audit results in passing of the audit at the level of the standards, the Administrator will reissue or amend the certificate, as the case may be, to include that configuration: *Provided*, That the manufacturer has satisfied the testing requirements specified pursuant to paragraph (j)(2) of this section. If the subsequent audit is failed, the revocation shall remain in effect. Any design change approvals under this subpart shall be limited to the configuration affected by the test order.

(l) At any time subsequent to an initial suspension of a certificate of conformity for a test engine pursuant to paragraph (a) of this section, but not later than fifteen (15) days or such other period as may be allowed by the Administrator after notification of the Administrator's decision to suspend or revoke a certificate of conformity in whole or in part pursuant to paragraphs (b), (c), (d), (e) or (h) of this section or establishment of a compliance level in accordance with § 86.1011-83 which exceeds a standard, a manufacturer may request a hearing as to whether the tests have been properly conducted or any sampling methods have been properly applied.

(m) After the Administrator suspends or revokes a certificate of conformity pursuant to this section or notifies a manufacturer of his intent to suspend, revoke or void a certificate of conformity under paragraph § 86.079-30(e), and prior to the commencement of a hearing under § 86.1014-83, if the manufacturer demonstrates to the Administrator's satisfaction that the decision to suspend, revoke or void the certificate was based on erroneous information, the Administrator will reinstate such certificate.

(n) To permit a manufacturer to avoid storing non-test engines when

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conducting an audit of a configuration subsequent to suspension or revocation of the certificate of conformity for that configuration resulting from failure of an SEA or PCA audit, it may request that the Administrator conditionally reinstate the certificate for that configuration. The Administrator may reinstate the certificate subject to the condition that the manufacturer consents to recall all engines of that configuration produced from the time the certificate is conditionally reinstated if the configuration fails the subsequent audit at the level of the standard or upper limits, as applicable, and to remedy any nonconformity at no expense to the owner.

§ 86.1013-83 Nonconformance penalties.

(a) The nonconformance penalty shall be determined according to the following formula:

$$\left[\left(\frac{\left(\frac{CL_{HC}}{HC_{STD}} + \frac{CL_{CO}}{CO_{STD}} + \frac{CL_{NOx}}{NOx_{STD}}\right)}{3}\right) - 1\right] \times 100 \times MC \times F$$

Where:

CL_{HC} = compliance level for HC, according to paragraph § 86.1011-83(g).
CL_{CO} = compliance level for CO, according to paragraph § 86.1011-83(g).
CL_{NOx} = compliance level for NOx, according to paragraph § 86.1011-83(g).
HC_{STD} = heavy-duty engine emission standard for HC for the model year in which CL_{HC} is established.
CO_{STD} = heavy-duty engine emission standard for CO for the model year in which CL_{CO} is established.
NOx_{STD} = heavy-duty engine emission standard for NOx for the model year in which CL_{NOx} is established.
MC = marginal cost of compliance with emission standards as determined in paragraph (b) (3) of this section.
F = periodic penalty adjustment factor.
= 1.0 for the first model year in which the HC_{STD}, CO_{STD} and/or NOx_{STD} are applicable.
= $1 + [n-1) \times 0.25]$ for the nth model year in which the HC_{STD}, CO_{STD} and/or NOx_{STD} are applicable.

(1) The compliance level for a pollutant shall be set equal to the standard for that pollutant in each of the following cases:

(i) No upper limit is established in this part for that pollutant.

(ii) An upper limit has been established in this part for that pollutant and the compliance level is less than the emission standard for that pollutant.

(iii) The configuration passed the Selective Enforcement Audit preceding the Production Compliance Audit with respect to the standard for that pollutant and did not fail the Production Compliance Audit with respect to the standard for that pollutant.

(2) If the compliance level determined pursuant to paragraph § 86.1011-83(g) exceeds the upper limit for the applicable pollutant, the compliance level shall be equal to the upper limit for purposes of performing the calculation in paragraph (a) of this section.

$$(3)\quad MC = \frac{I.C.}{\left[\left(\frac{HC_{INC}}{HC_{STD}} + \frac{CO_{INC}}{CO_{STD}} + \frac{NOx_{INC}}{NOx_{STD}}\right)/3 - 1\right] \times 100}$$

Where:

HC_{INC} = a hydrocarbon emission standard an increment above HC_{STD}.
CO_{INC} = a carbon monoxide emission standard an increment above CO_{STD}.
NOx_{INC} = an oxides of nitrogen emission standard an increment above NOx_{STD}.
I.C. = cost of bringing a heavy-duty gas or diesel engine which is in compliance with the incremental standards into compliance with HC_{STD}, CO_{STD} and NOx_{STD}.
= $C_v + C_{sv} + C_{user}$, where:
C_v = Variable costs of compliance with HC_{STD}, CO_{STD}, and NOx_{STD} (e.g., labor and materials for pollution control equipment and warranty obligations).
C_{sv} = semi-variable costs of compliance (e.g., amortized research and development and retooling costs).
C_{user} = user-borne costs of compliance (e.g., mileage penalty and increased maintenance requirements).

(b) The nonconformance penalty determined in paragraph (a) of this section shall be assessed against the following engines of the noncomplying configuration:

(1) Those engines produced at all plants since the beginning of the model year and distributed into commerce, until the time that the noncompliance level(s) is (are) established; and

(2) Those engines produced at all plants after the noncompliance level(s) is (are) established and distributed into commerce, until such time, if any, that the configuration is brought into compliance with applicable emission standards as demonstrated by passing an SEA pursuant to § 86.1010-83(j).

(c) The nonconformance penalty or penalties shall be paid within 15 days of the end of each calendar quarter (March 31, June 30, September 30, and December 31) for all nonconforming engines produced by a manufacturer and distributed into commerce for that quarter. Payment shall be made to the United States Treasury and shall be delivered to:

Director, Mobile Source Enforcement Division (EN-340), U.S. Environmental Protection Agency, 401 M. Street S.W., Washington, D.C. 20460.

§ 86.1014-83 Hearings on suspension, revocation, and voiding of certificates of conformity.

(a) *Applicability.* The procedures prescribed by this section shall apply whenever a manufacturer requests a hearing pursuant to § 86.079-30(e)(6)(i), § 86.079-30(e)(7), or 86.1012-83(1).

(b) *Definitions.* The following definitions shall be applicable to this section:

(1) "Hearing Clerk" shall mean the Hearing Clerk of the Environmental Protection Agency.

(2) "Manufacturer" refers to a manufacturer contesting a suspension or revocation order directed at the manufacturer.

(3) "Party" shall include the Agency and the manufacturer.

(4) "Presiding Officer" shall mean an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR Part 930 as amended).

(5) "Judicial Officer" shall mean an officer or employee of the Agency appointed as a Judicial Officer by the Administrator pursuant to this section who shall meet the qualifications and perform functions as follows:

(i) Officer—There may be designated for the purposes of this section one or more Judicial Officers. As work requires, there may be a Judicial Officer designated to act for the purposes of a particular case.

(ii) Qualifications—A Judicial Officer may be a permanent or temporary employee of the Agency who performs other duties for the Agency. Such Judicial Officer shall not be employed by the Office of Enforcement or have any connection with the preparation or presentation of evidence for a hearing held pursuant to this subpart.

(iii) Functions—The Administrator may consult with Judicial Officer or delegate all or part of his authority to act in a given case under this section to a Judicial Officer: *Provided,* That this delegation shall not preclude the Judicial Officer from referring any motion or case to the Administrator when the Judicial Officer determines such referral to be appropriate.

(c) *Request for public hearing.*

(1) If the manufacturer disagrees with the Administrator's decision to suspend, revoke or void a certificate or disputes the basis for an automatic suspension pursuant to § 86.1012-83(a), he may request a public hearing as described in this section. Requests for such a hearing shall be filed with the Administrator not later than 15 days after the Administrator's notification of his decision to suspend or revoke unless otherwise specified by the Administrator. Two copies of such request shall simultaneously be served upon the Director of the Mobile Source Enforcement Division and two copies filed with the Hearing Clerk. Failure of the manufacturer to request a hearing within the time provided shall constitute a waiver of his right to such a hearing. Subsequent to the expiration of the period for requesting a hearing as a right, the Administrator may, in his discretion and for good cause shown, grant the manufacturer a hearing to contest the suspension or revocation.

(2) The request for a public hearing shall contain:

(i) A statement as to which engine configuration is to be the subject of the hearing;

(ii) A concise statement of the issues to be raises by the manufacturer at the hearing: *Provided, however,* that in the case of the hearing requested under § 86.1012-83(1), the hearing shall be restricted to the following issues:

(A) Whether test have been properly conducted, specifically, whether the tests were conducted in accordance with applicable regulations under this part and whether test equipment was properly calibrated and functioning; and

(B) Whether sampling plans have been properly applied, specifically, whether sampling procedures specified in Appendix X, XI, or XII, as applicable, were followed and whether there exists a basis for distinguishing engines produced at plants other than the one from which engines were selected for testing which would invalidate the Administrator's decision under § 86.1012-83(e) or cause the compliance level to be different at the other plants.

(iii) A statement specifying reasons the manufacturer believes he will prevail on the merits of each of the issues so raised; and

(iv) A summary of the evidence which supports the manufacturer's position on each of the issues so raised.

(3) A copy of all requests for public hearings shall be kept on file in the Office of the Hearing Clerk and shall be made available to the public during Agency business hours.

(d) *Summary decision.*

(1) In the case of a hearing requested under § 86.1012-83(1), when it clearly appears from the data and other information contained in the request for a hearing that there is no genuine and substantial question of fact with respect to the issues specified in § 86.1014-83(c)(2)(ii), the Administrator will enter an order denying the request for a hearing and reaffirming the original decision to suspend or revoke a certificate of conformity, if such decision has been made pursuant to § 86.1012-83(g) at any time prior to the decision to deny the request for a hearing.

(2) In the case of a hearing requested under § 86.079—30 (e)(6)(i), to challenge a proposed suspension of a certificate of conformity for reasons specified in § 86.079-30(e)(1)(i) or (e)(1)(ii), when it clearly appears from the data and other information contained in the request for a hearing that there is no genuine and substantial question of fact with respect to the issue of whether the refusal to comply with the provisions of a test order or any other requirement of § 86.1003-83 was caused by conditions and circumstances outside the control of the manufacturer, the Administrator will enter an order denying the request for a hearing and suspending the certificate of conformity.

(3) Any order issued under paragraphs (d)(1) or (d)(2) of this section shall have the force and effect of a final decision of the Administrator, as issued to paragraph (w)(4) of this section.

(4) If the Administrator determines that a geniune and substantial question of fact does exist with respect to any of the issues referred to in paragraphs (d)(1) and (d)(2) of this section, he shall grant the request for a hearing and publish a notice of public hearing in accordance with paragraph (h) of this secion.

(e) *Filing and service.*

(1) An original and two copies of all documents or papers required or permitted to be filed pursuant to this section shall be filed with the Hearing Clerk. Filing shall be deemed timely if mailed, as determined by the postmark, to the Hearing Clerk within the time allowed by this secion. If filing is to be accomplished by mailing, the doucments shall be sent to the address set forth in the notice of public hearing as described in paragraph (h) of this section.

(2) To the maximum extent possible, testimony shall be presented in written form. Copies of written testimony shall be served upon all parites as soon as practicable prior to the start of the hearing. A certificate of service shall be provided on or accompanying each document or paper filed with the Hearing Clerk. Documents to be served upon the Director of the Mobile Source Enforcement Division shall be sent by registered mail to:

Director Mobile Source Enforcement Division, U.S. Environmental Protection Agency, EN-340, 401 M Street, SW., Washington, D.C. 20460.

Service by registered mail is complete upon mailing.

(f) *Time.* (1) In computing any period of time prescribed or allowed by this section, except as otherwise provided, the day of the act or event from which the designated period of time begins to run shall not be included. Saturdays, Sundays, and Federal legal holidays shall be included in computing any such period allowed for the filing of any document or paper, except that when such period expires on a Saturday, Sunday, or Federal legal holiday, such period shall be extended to include the next following business day.

(2) A prescribed period of time within which a party is required or permitted to do an act shall be computed from the time of service, except that when service is accomplished by mail, three days shall be added to the prescribed period.

(g) *Consolidation.* The Administrator or the Presiding Officer in his discretion may consolidate two or more proceedings to be held under this section for the purpose of resolving one or more issues whenever it appears that such consolidation will expedite or simplify consideration of such issues. Consolidation shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred.

(h) *Notice of public hearings.* Notice of a public hearing under this section shall be given by publication in the FEDERAL REGISTER and by such other means as the Administrator finds appropriate to provide notice to the public. To the extent possible hearings under this section shall be scheduled to commence within 14 days of receipt

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of the application in paragraph (c) of this section.

(i) *Amicus curiae.* Persons not parties to the proceeding wishing to file briefs may do so by leave of the Presiding Officer granted on motion. A motion for leave shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable.

(j) *Presiding Officer.* The Presiding Officer shall have the duty to conduct a fair and impartial hearing in accordance with 5 U.S.C sections 554, 556 and 557 and to take all necessary action to avoid delay in the disposition of the proceedings and to maintain order. He shall have all power consistent with Agency rule and with the Administrative Procedure Act necessary to this end, including the following:

(1) To administer oaths and affirmations;

(2) To rule upon offers of proof and exclude irrelevant or repetitious material;

(3) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(4) To hold conferences for simplification of the issues or any other proper purpose;

(5) To consider and rule upon all procedural and other motions appropriate in such proceedings;

(6) To require the submission of direct testimony in written form with or without affidavit whenever, in the opinion of the Presiding Officer, oral testimony is not necessary for full and true disclosure of the facts;

(7) To enforce agreements and orders requiring access as authorized by law;

(8) To require the filing of briefs on any matter on which he is required to rule;

(9) To require any party or any witness, during the course of the hearing, to state his position on any issue;

(10) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(11) To make decisions or recommend decisions to resolve the disputed issues on the record of the hearing;

(12) To issue, upon good cause shown, protective orders as described in paragraph (n) of this section,

(k) *Conferences.* (1) At the discretion of the Presiding Officer, conferences may be held prior to or during any hearing. The Presiding Office shall direct the Hearing Clerk to notify all parties of the time and location of any such conference. At the discretion of the Presiding Officer, persons other than parties may attend. At a conference the Presiding Officer may:

(i) Obtain stipulations and admissions, receive requests and order depositions to be taken, identify disputed issues of fact and law, and require or allow the submission of written testimony from any witness or party;

(ii) Set a hearing schedule for as many of the following as are deemed necessary by the Presiding Officer;

(A) Oral and written statements;

(B) Submission of written direct testimony as required or authorized by the Presiding Officer;

(C) Oral direct and cross-examination of a witness where necessary as prescribed in paragraph (p) of this section; and

(D) Oral argument, if appropriate.

(iii) Identify matters of which official notice may be taken;

(iv) Consider limitation of the number of expert and other witnesses;

(v) Consider the procedure to be followed at the hearing; and

(vi) Consider any other matter that may expedite the hearing or aid in the disposition of the issue.

(2) The results of any conference including all stipulations shall, if not transcribed, be summarized in writing by the Presiding Officer and made part of the record.

(l) *Primary discovery (exchange of witness lists and documents).*

(1) At a prehearing conference or within some reasonable time set by the Presiding Officer prior to the hearing, each party shall make available to the other parties the names of the expert and other witnesses the party expects to call, together with a brief summary of their expected testimony and a list of all documents and exhibits which the party expects to introduce into evidence. Thereafter, witnesses, documents, or exhibits may be added and summaries of expected testimony amended upon motion by a party.

(2) The Presiding Officer, may, upon motion by a party or other person, and for good cause shown, by order

(i) restrict or defer disclosure by a party of the name of a witness or a narrative summary of the expected testimony of a witness, and

(ii) prescribe other appropriate measures to protect a witness. Any party affected by any such action shall have an adequate opportunity, once he learns the name of a witness and obtains the narrative summary of his expected testimony, to prepare for the presentation of his case.

(m) *Other discovery.* (1) Except as so provided by paragraph (1) of this section, further discovery, under this paragraph, shall be permitted only upon determination by the Presiding Officer:

(i) That such discovery will not in any way unreasonably delay the proceeding;

(ii) That the information to be obtained is not obtainable voluntarily; and

(iii) That such information has significant probative value. The Presiding Officer shall be guided by the procedures set forth in the Federal Rules of Civil Procedure, where practicable, and the precedents thereunder, except that no discovery shall be undertaken except upon order of the Presiding Officer or upon agreement of the parties.

(2) The Presiding Officer shall order depositions upon oral questions only upon a showing of good cause and upon a finding that:

(i) The information sought cannot be obtained by alternative methods; or

(ii) There is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

(3) Any party to the proceeding desiring an order of discovery shall make a motion or motions therefor. Such a motion shall set forth:

(i) The circumstances warranting the taking of the discovery;

(ii) The nature of the information expected to be discovered; and

(iii) The proposed time and place where it will be taken. If the Presiding Officer determines the motion should be granted, he shall issue an order for the taking of such discovery together with the conditions and terms thereof.

(4) Failure to comply with an order issued pursuant to this paragraph may lead to the inference that the information to be discovered would be adverse to the person or party from whom the information was sought.

(n) *Protective orders, in camera proceedings.* (1) Upon motion by a part or by the person from whom discovery is sought, and upon a showing by the movant that the disclosure of the information to be discovered, or a particular part thereof, (other than emission data) would result in methods or processes entitled to protection as trade secrets of such person being divulged, the Presiding Officer may enter a protective order with respect to such material. Any protective order shall contain such terms governing the treatment of the information as may be appropriate under the circumstances to prevent disclosure outside the hearing: *Provided,* That the order shall state that the material shall be filed separately from other evidence and exhibits in the hearing. Disclosure shall be limited to parties to the hearing, their counsel and relevant technical consultants, and authorized representatives of the United States concerned with carrying out the Act. Except in the case of the government, disclosure may be limited to counsel for parties who shall not disclose such information to the parties themselves. Except in the case of the govenment, disclosure to a party or his counsel shall be conditioned on execution of a sworn

statement that no disclosure of the information will be made to persons not entitled to receive it under the terms of the protective order. (No such provision is necessary where government employees are concerned because disclosure by them is subject to the terms of 18 U.S.C. 1905.)

(2)(i) A party or persons seeking a protective order may be permitted to make all or part of the required showing in camera. A record shall be made of such in camera proceedings. If the Presiding Officer enters a protective order following a showing in camera, the record of such showing shall be sealed and preserved and made available to the agency or court in the event of appeal.

(ii) Attendance at any in camera proceeding may be limited to the Presiding Officer, the Agency, and the person or party seeking the protective order.

(3) Any party, subject to the terms and conditions of any protective order issues pursuant to paragraph (n)(l) of this section, desiring for the presentation of his case to make use of any in camera documents or testimony shall make application to the Presiding Officer by motion setting forth the justification therefor. The Presiding Officer, in granting any such motion, shall enter an order protecting the rights of the affected persons and parties and preventing unnecessary disclosure of such information, including the presentation of such information and oral testimony and cross-examination concerning it in executive session, as in his discretion is necessary and practicable.

(4) In the submittal of proposed findings, briefs, or other papers, counsel for all parties shall make a good faith attempt to refrain from disclosing the specific details of in camera documents and testimony. This shall not preclude references in such proposed findings, briefs, or other papers to such documents or testimony including generalized statements based on their contents. To the extent that counsel considers it necessary to include specific details in their presentations, such data shall be incorporated in separate proposed findings, briefs, or other papers marked "confidential," which shall become part of the in camera record.

(o) *Motions.* (1) All motions, except those made orally during the course of the hearing, shall be in writing and shall state with particularity the grounds therefor, shall set forth the relief or order sought, and shall be filed with the Hearing Clerk and served upon all parties.

(2) Within such time as may be fixed by the Administrator, the judicial officer, or the Presiding Officer, as appropriate, any party may serve and file an answer to the motion. The movant shall, if requested by the Administrator, the judicial officer, or the Presiding Officer, as appropriate, serve and file reply papers, within the time set by the request.

(3) The Presiding Officer shall rule upon all motions filed or made prior to the filing of his decision or accelerated decision, as appropriate. The Administrator or the judicial officer, as appropriate, shall rule upon all motions filed prior to the appointment of a Presiding Officer and all motions filed after the filing of the decision of the Presiding Officer or accelerated decision. Oral argument of motions will be permitted only if the Presiding Officer, the Administrator or the judicial officer, as appropriate, deems it necessary.

(p) *Evidence.* (1) The official transcripts and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable. Documents or parts thereof subject to a protective order under paragraph (n) of this section shall be segregated. Evidence may be received at the hearing even though inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given evidence shall be determined by its reliability and probative value.

(2) The Presiding Officer shall allow the parties to examine and cross-examine a witness to the extent that such examination and cross-examination is necessary for a full and true disclosure of the facts.

(3) Rulings of the Presiding Officer on the admissibility of evidence, the propriety of examination and cross-examination and other procedural matters shall appear in the record.

(4) Parties shall automatically be presumed to have taken exception to an adverse ruling.

(q) *Record.* (1) Hearings shall be stenographically reported and transcribed and the original transcripts shall be part of the record and the sole official transcript. Copies of the record shall be filed with the Hearing Clerk and made available during Agency business hours for public inspection. Any person desiring a copy of the record of the hearing or any part thereof, except as provided in paragraph (n) of this section, shall be entitled to the same upon payment of the cost thereof.

(2) The official transcripts and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record.

(r) *Proposed findings, conclusions.* (1) Within 4 days of the close of the reception of evidence, or within such longer time as may be fixed by the Presiding Officer, any party may submit for the consideration of the Presiding Officer proposed findings of fact, conclusions of law, and proposed order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied upon.

(2) The record shall show the Presiding Officer's ruling on the proposed findings and conclusions except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

(s) *Decision of the Presiding Officer.* (1) Unless extended by the Administrator, the Presiding Officer shall issue and file with the Hearing Clerk his decision within 14 days (or within 7 days in the case of a hearing requested under § 86.1012(i)) after the period for filing proposed findings as provided for in paragraph (r) of this section has expired.

(2) The Presiding Officer's decision shall become the decision of the Administrator.

(i) When no notice of intention as described in paragraphs (t) and (u) of this section is filed, 10 days after issuance thereof, unless in the interim the Administrator shall have taken action to review or stay the effective date of the decision; or

(ii) When a notice of intention to appeal is filed but the appeal is not perfected as required by paragraph (t) or (u) of this section, 5 days after the period allowed for perfection of an appeal has expired unless within that 5 day period, the Administrator shall have taken action to review or stay the effective date of the decision.

(3) The Presiding Officer's decision shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact or law presented on the record and an appropriate rule or order. Such decision shall be supported by substantial evidence and based upon a consideration of the whole record.

(4) At any time prior to the issuance of his decision, the Presiding Officer may reopen the proceeding for the reception of further evidence. Except for the correction of clerical errors, the jurisdiction of the Presiding Officer is terminated upon the issuance of his decision.

(t) *Appeal from the decision of the Presiding Officer.* (1) Any party to a proceeding may appeal the Presiding Officer's decision to the Administrator: *Provided,* That within 10 days after issuance of the Presiding Officer's decision such party files a notice of intention to appeal and an appeal brief within 20 days of such decision.

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(2) When an appeal is taken from the decision of the Presiding Officer, any party may file a brief with respect to such appeal. The brief shall be filed within 15 days of the date of the filing of the appellant's brief.

(3) Any brief filed pursuant to this paragraph shall contain in the order indicated, the following:

(i) A subject index of the matter in the brief, with page references, and a table of cases (alphabetically arranged), textbooks, statutes, and other material cited, with page references thereto;

(ii) A specification of the issues intended to be urged: Provided, however, That in the case of a hearing requested under § 86.1012-83(1), the brief shall be restricted to the issues specified in paragraph (c)(2)(ii) of this section;

(iii) The argument presents clearly the points of fact and law relied upon in support of the position taken on each issue, with specific page references to the record and the legal or other material relied upon; and

(iv) A proposed order for the Administrator's consideration if different from the order contained in the Presiding Officer's decision.

(4) No brief in excess of 40 pages shall be filed without leave of the Administrator.

(5) Oral argument will be allowed only at the discretion of the Administrator.

(u) *Summary appeal.* (1) In the case of a hearing requested under § 86.1012-83(1), any appeal taken from the decision of the Presiding Officer shall be conducted under this paragraph.

(2) Any party to the proceeding may appeal the Presiding Officer's decision to the Administrator by filing a notice of appeal within 10 days.

(3) The notice of appeal shall be in the form of a brief, and shall conform to the requirements of paragraph (t)(3) of this section.

(4) Within 10 days after a notice of appeal from the decision of the Presiding Officer is filed under this paragraph, any party may file a brief with respect to such appeal.

(5) No brief in excess of 15 pages shall be filed without leave of the Administrator.

(v) *Review of the Presiding Officer's decision in the absence of appeal.* (1) If, after the expiration of the period for taking appeal as provided for by paragraph (t) or (u) of this section, no notice of intention to appeal the decision of the Presiding Officer has been filed, or if filed, not perfected, the Hearing Clerk shall so notify the Administrator.

(2) The Administrator, upon receipt of notice from the Hearing Clerk that no notice of intention to appeal has been filed, or if filed, not perfected pursuant to paragraphs (t) or (u) of this section, may, on his own motion, within the time limits specified in paragraph (s)(2) of this section, review the decision of the Presiding Officer. Notice of the intention of the Administrator to review the decision of the Presiding Officer shall be given to all parties and shall set forth the scope of such review and the issues which shall be considered and shall make provision for filing of briefs.

(w) *Decision of appeal or review.* (1) Upon appeal from or review of the Presiding Officer's decision, the Administrator shall consider such parts of the record as are cited or as may be necessary to resolve the issues presented and in addition shall, to the extent necessary or desirable, exercise all the powers which he could have exercised if he had presided at the hearing.

(2) In rendering his decision, the Administrator shall adopt, modify or set aside the findings, conclusions, and order contained in the decision of the Presiding Officer and shall set forth in his decision a statement of the reasons or basis for his action.

(3) In those cases where the Administrator believes that he should have further information or additional views of the parties as to the form and content of the rule or order to be issued, the Administrator, in his discretion, may withhold final action pending the receipt of such additional information or views, or may remand the case to the Presiding Officer.

(4) Any decision rendered under this paragraph which completes disposition of a case shall be a final decision of the Administrator.

(x) *Reconsideration.* Within twenty (20) days after issuance of the Administrator's decision, any party may file with the Administrator a petition for reconsideration of such decision, setting forth the relief desired and the grounds in support thereof. Any petition filed under this subsection must be confined to new questions raised by the decision or final order and upon which the petitioner had no opportunity to argue before the Presiding Officer or the Administrator. *Provided,* however, that in the case of a hearing requested under § 86.1012-83(1) such new questions shall be limited to the issues specified in paragraph (c)(2)(ii) of this section.

Any party desiring to oppose such a petition shall file an answer thereto within ten (10) days after the filing of the petition. The filing of a petition for reconsideration shall not operate to stay the effective date of the decision or order or to toll the running of any statutory time period affecting such decision or order unless specifically so ordered by the Administrator.

(y) *Accelerated decision, dismissal.* (1) The Presiding Officer, upon motion of any party or sua sponte, may at any time render an accelerated decision in favor of the Agency or the manufacturer as to all or any part of the proceeding, without further hearing or upon such limited additional evidence such as affidavits as he may require, or dismiss any party with prejudice, for any of the following reasons:

(i) Failure to state a claim upon which relief can be granted, or direct or collateral estoppel;

(ii) The lack of any genuine issue of material fact, causing a party to be entitled to judgment as a matter of law; or

(iii) Such other and further reasons as are just, including specifically failure to obey a procedural order of the Presiding Officer.

(2) If under this paragraph an accelerated decision is issued as to all the issues and claims joined in the proceeding, the decision shall be treated for the purposes of these procedures as the decision of the Presiding Officer as provided in paragraph (s) of this section.

(3) If under this paragraph, judgment is rendered on less than all issues or claims in the proceeding, the Presiding Officer shall determine what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon issue an order specifying the facts which appear without substantial controversy, and the issues and claims upon which the hearing will proceed.

(z) *Conclusion of hearing.* (1) If, after the expiration of the period for taking an appeal as provided for by paragraphs (t) and (u) of this section, no appeal has been taken from the Presiding Officer's decision, and after the expiration of the period for review by the Administrator on his own motion as provided for by paragraph (v) of this section, the Administrator does not move to review such decision, the hearing will be deemed to have ended at the expiration of all periods allowed for such appeal and review.

(2) If an appeal of the Presiding Officer's decision is taken pursuant to paragraph (t) and (u) of this section, or if, in the absence of such appeal the Administrator moves to review the decision of the Presiding Officer pursuant to paragraph (v) of this section, the hearing will be deemed to have ended upon the rendering of a final decision by the Administrator.

(aa) *Judicial review.* (1) The Administrator hereby designates the General Counsel, Environmental Protection Agency as the officer upon whom copy of any petition for judicial review shall be served. Such officer shall be responsible for filing in the court the record on which the order of the Administrator is based.

(2) Before forwarding the record to the court, the Agency shall advise the petitioner of costs of preparing it and as soon as payment to cover fees is made, shall forward the record to the court.

APPENDIX X

SAMPLING PLANS FOR INITIAL SELECTIVE ENFORCEMENT AUDITING OF HEAVY-DUTY ENGINES

Table 1

Sampling Plan Code Letter

Annual Sales	Code Letter
50-99	A
100-199	B
200-399	C
400 or greater	D

Table 2

Sample Plan for Code Letter "A"

Sample Inspection Criteria

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	3
5	(1)	3
6	(1)	3
7	0	3
8	0	4
9	0	4
10	0	4
11	1	4
12	1	4
13	1	5
14	1	5
15	1	5
16	2	5
17	2	5
18	2	5
19	2	6
20	2	6
21	3	6
22	3	6
23	3	6
24	3	6
25	4	7
26	4	7
27	4	7
28	4	7
29	4	7
30	6	7

[1] Test sample passing not permitted at this stage.
[2] Test sample passing not permitted at this stage.

Table 3

Sample Plan for Code Letter "B"

Sample Inspection Criteria

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	3
5	(1)	3
6	(1)	3
7	0	4
8	0	4
9	0	4
10	0	4
11	0	4
12	1	5
13	1	5
14	1	5
15	1	5
16	1	5
17	2	6
18	2	6
19	2	6
20	2	6
21	3	6
22	3	7
23	3	7
24	3	7
25	3	7
26	4	7
27	4	7
28	4	8
29	4	8
30	4	8
31	5	8
32	5	8
33	5	9
34	5	9
35	6	9
36	6	9
37	6	9
38	6	9
39	6	9
40	8	9

[1] Test sample passing not permitted at this stage.
[2] Test sample passing not permitted at this stage.

Table 4

Sample Plan for Code Letter "C"

Sample Inspection Criteria

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	3
5	(1)	3
6	(1)	4
7	0	4
8	0	4
9	0	4
10	0	4
11	0	5
12	1	5
13	1	5
14	1	5
15	1	5
16	1	6
17	2	6
18	2	6
19	2	6
20	2	6
21	2	7
22	3	7
23	3	7
24	3	7
25	3	7
26	3	8
27	4	8
28	4	8
29	4	8
30	4	8
31	4	9
32	5	9
33	5	9
34	5	9
35	5	9
36	6	9
37	6	10
38	6	10
39	6	10
40	6	10
41	7	10
42	7	11
43	7	11
44	7	11
45	8	11
46	8	11
47	8	11
48	8	11
49	8	11
50	10	11

[1] Test sample passing not permitted at this stage.
[2] Test sample failure not permitted at this stage.

Table 5

Sample Plan for Code Letter "D"

Sample Inspection Criteria

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	3
5	(1)	3
6	(1)	4
7	0	4
8	0	4
9	0	4
10	0	4
11	0	5
12	1	5
13	1	5
14	1	5
15	1	5
16	1	6
17	2	6
18	2	6
19	2	6
20	2	6
21	2	7
22	3	7
23	3	7
24	3	7
25	3	7
26	3	8
27	4	8
28	4	8
29	4	8
30	4	8
31	4	9
32	5	9
33	5	9
34	5	9
35	5	9
36	6	10
37	6	10
38	6	10
39	6	10
40	6	11
41	7	11
42	7	11
43	7	11
44	7	11
45	8	12
46	8	12
47	8	12
48	8	12
49	8	12
50	8	13
51	9	13
52	9	13
53	9	13
54	9	13
55	9	13
56	10	13
57	10	13
58	10	13
59	10	13
60	12	13

[1] Test sample passing not permitted at this stage.
[2] Test sample failure not permitted at this stage.

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APPENDIX XI

SAMPLING PLANS FOR FOLLOW-UP SELECTIVE ENFORCEMENT AUDITING OF HEAVY-DUTY ENGINES

Table 1

Sampling Plan Code Letter

Population Size	Code Letter
50–99	A
100–199	B
200–299	C
300–499	D
500–699	E
700 or greater	F

Table 2

Sample Plan for Code Letter "A"

Sample Inspection Criteria

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	3
5	(1)	3
6	(1)	4
7	(1)	4
8	(1)	4
9	(1)	4
10	(1)	4
11	0	4
12	0	4
13	0	5
14	0	5
15	0	5
16	1	5
17	1	5
18	1	5
19	1	5
20	1	5
21	2	6
22	2	6
23	2	6
24	2	6
25	2	6
26	2	6
27	3	6
28	3	6
29	3	6
30	5	6

(1) Test sample passing not permitted at this stage.
(2) Test sample failure not permitted at this stage.

Table 3

Sample Plan for Code Letter "B"

Sample Inspection Criteria

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	3
4	(1)	4
5	(1)	4
6	(1)	4
7	(1)	4
8	(1)	4
9	(1)	4
10	(1)	5
11	(1)	5
12	0	5
13	0	5
14	0	5
15	0	5
16	0	5
17	1	6
18	1	6
19	1	6
20	1	6
21	1	6
22	1	6
23	1	7
24	2	7
25	2	7
26	2	7
27	2	7
28	2	7
29	3	8
30	3	8
31	3	8
32	3	8
33	3	8
34	3	8
35	4	9
36	4	9
37	4	9
38	4	9
39	4	9
40	4	9
41	5	9
42	5	9
43	6	9
44	5	9
45	5	9
46	6	9
47	6	9
48	6	9
49	6	9
50	8	9

(1) Test sample passing not permitted at this stage.
(2) Test sample failure not permitted at this stage.

Table 4

Sample Plan for Code Letter "C"

Sample Inspection Criteria

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	(2)
4	(1)	4
5	(1)	4
6	(1)	4
7	(1)	4
8	(1)	4
9	(1)	4
10	(1)	5
11	(1)	5
12	0	5
13	0	5
14	0	5
15	0	5
16	0	5
17	0	6
18	1	6
19	1	6
20	1	6
21	1	6
22	1	7
23	1	7
24	2	7
25	2	7
26	2	7
27	2	7
28	2	7
29	3	8
30	3	8
31	3	8
32	3	8
33	3	8
34	3	8
35	4	9
36	4	9
37	4	9
38	4	9
39	4	9
40	4	9
41	5	9
42	5	9
43	6	9
44	5	9
45	5	9
46	6	9
47	6	9
48	6	9
49	6	9
50	8	9

(1) Test sample passing not permitted at this stage.
(2) Test sample failure not permitted at this stage.

Table 5

Sample Plan for Code Letter "D"

Sample Inspection Criteria

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	(2)
4	(1)	4
5	(1)	4
6	(1)	4
7	(1)	4
8	(1)	4
9	(1)	5
10	(1)	5
11	(1)	5
12	(1)	5
13	0	5
14	0	5
15	0	5
16	0	6
17	0	6
18	0	6
19	1	6
20	1	6
21	1	7
22	1	7
23	1	7
24	2	7
25	2	7
26	2	7
27	2	7
28	2	8
29	2	8
30	3	8
31	3	8
32	3	8
33	3	8
34	3	9
35	3	9
36	4	9
37	4	9
38	4	9
39	4	9
40	4	10
41	4	10
42	5	10
43	5	10
44	5	10
45	5	10
46	5	10
47	5	11
48	6	11
49	6	11
50	6	11
51	6	11
52	6	12
53	6	12
54	7	12
55	7	12
56	7	12
57	7	12
58	7	12
59	7	12
60	8	12
61	8	12
62	8	12
63	8	12
64	8	12
65	8	12
66	9	12
67	9	12
68	9	12
69	9	12
70	11	12

(1) Test sample passing not permitted at this stage.
(2) Test sample failure not permitted at this stage.

Table 6

Sample Plan for Code Letter "E"

Sample Inspection Criteria

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	(2)
4	(1)	4
5	(1)	4
6	(1)	4
7	(1)	4
8	(1)	4
9	(1)	4
10	(1)	4
11	(1)	4
12	(1)	4
13	0	5
14	0	5
15	0	6
16	0	6
17	0	6
18	0	6
19	1	6
20	1	6
21	1	7
22	1	7
23	1	7
24	1	7
25	2	7
26	2	7
27	2	8
28	2	8
29	2	8
30	2	8
31	3	8
32	3	8
33	3	9
34	3	9
35	3	9
36	4	9
37	4	9
38	4	9
39	4	10
40	4	10
41	4	10
42	4	10
43	5	10
44	5	10
45	5	11
46	5	11
47	6	11
48	6	11
49	6	12
50	6	12
51	6	12
52	6	12
53	6	12
54	7	12
55	7	12
56	7	12
57	7	12
58	7	12
59	7	12
60	8	12
61	8	12
62	8	12
63	8	12
64	8	12
65	8	12
66	9	12
67	9	12
68	9	12
69	9	12
70	11	12

(1) Test sample passing not permitted at this stage.
(2) Test sample failure not permitted at this stage.

Table 7

Sample Plan for Code Letter "F"

Sampele Inspection Criteria

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	(2)
4	(1)	4
5	(1)	4
6	(1)	4
7	(1)	4
8	(1)	4
9	(1)	5
10	(1)	5
11	(1)	5
12	(1)	5
13	0	5
14	0	5
15	0	6
16	0	6
17	0	6
18	0	6
19	1	6
20	1	6
21	1	7
22	1	7
23	1	7
24	1	7
25	2	7
26	2	7
27	2	8
28	2	8
29	2	8
30	2	8
31	3	8
32	3	8
33	3	9
34	3	9
35	3	9
36	4	9
37	4	9
38	4	9
39	4	10
40	4	10
41	4	10
42	4	10
43	5	10
44	5	10
45	5	11
46	5	11
47	6	11
48	6	11
49	6	12
50	6	12
51	6	12
52	6	12
53	6	12
54	7	12
55	7	12
56	7	12
57	7	12
58	7	12
59	7	12
60	8	12
61	8	12
62	8	12
63	8	12
64	8	12
65	8	12
66	9	12
67	9	12
68	9	12
69	9	12
70	11	12

(1) Test sample passing not permitted at this stage.
(2) Test sample failure not permitted at this stage.

APPENDIX XII

SAMPLING PLANS FOR PRODUCTION COMPLIANCE AUDITING OF HEAVY-DUTY ENGINES

Table 1

Sampling Plan Code Letter

Annual Sales	Code Letter
50–99	A
100–399	B
400–599	C
600 or greater	D

Table 2

Test Sample Passing and Failure Criteria; Maximum Size

Code Letter	Fail No. With Respect to Upper Limits *	Maximum Test Sample Size
A	4	17
B	5	21
C	6	26
D	6	27

*Fail Number with respect to Standard for those pollutants for which no upper limits has been established.

24. A new Subpart N is proposed to be added to Part 86 and reads as follows:

Subpart N—Emission Regulations for New Gasoline-Fueled and Diesel Heavy-Duty Engines; Gaseous Exhaust Test Procedures

Sec.

86.1301–83 Scope; applicability.
86.1302–83 Definitions.
86.1303–83 Abbreviations.
86.1304–83 Section numbering; construction.
86.1305–83 Introduction; structure of subpart.
86.1306–83 Equipment required and specifications; overview.
86.1307–83 [Reserved]
86.1308–83 Dynamometer and engine equipment specifications.
86.1309–83 Exhaust gas sampling system.
86.1310–83 [Reserved]
86.1311–83 Exhaust gas analytical system.
86.1312–83 [Reserved]
86.1313–83 Fuel specifications.
86.1314–83 Analytical gases.
86.1315–83 EPA heavy-duty transient engine cycles.
86.1316–83 Calibrations; frequency and overview.
86.1317–83 [Reserved]
86.1318–83 Engine dynamometer calibrations.
86.1319–83 CVS calibration.
86.1320–83 [Reserved]
86.1321–83 Hydrocarbon analyzer calibration.
86.1322–83 Carbon monoxide analyzer calibration.
86.1323–83 Oxides of nitrogen analyzer calibration.
86.1324–83 Carbon dioxide analyzer calibration.
86.1325–83 [Reserved]
86.1326–83 Calibration of other equipment.
86.1327–83 Engine dynamometer test procedures; overview.
86.1328–83 [Reserved]
86.1329–83 [Reserved]
86.1330–83 Test sequence; general requirements.
86.1331–83 [Reserved]
86.1332–83 Pre-test procedures.
86.1333–83 [Reserved]
86.1334–83 [Reserved]
86.1335–83 [Reserved]
86.1336–83 Engine starting and restarting.
86.1337–83 Engine dynamometer test run.
86.1338–83 [Reserved]
86.1339–83 [Reserved]
86.1340–83 Exhaust sample analysis.
86.1341–83 [Reserved]
86.1342–83 Information required.
86.1343–83 [Reserved]
86.1344–83 Calculations; exhaust emissions.

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Subpart N—Emission Regulations for New Gasoline-Fueled and Diesel Heavy-Duty Engines; Gaseous Exhaust Test Procedures

§ 86.1301-83 Scope; applicability.

This subpart contains gaseous emission test procedures for gasoline-fueled and diesel heavy-duty engines. It applies to 1983 and later model years.

§ 86.1302-83 Definitions.

The definitions in § 86.083-2 apply to this subpart.

§ 86.1303-83 Abbreviations.

The abbreviations in § 86.083-3 apply to this subpart.

§ 86.1304-83 Section numbering; construction.

(a) The model year of initial applicability is indicated by the section number. The two digits following the hyphen designated the first model year for which a section is effective. A section remains effective until superseded.

EXAMPLE: Section § 86.1311-83 applies to the 1983 and subsequent model years until superseded. If § 86.1311-85 is promulgated it would take effect begining with the 1985 model year; § 86.1311-83 would apply to model years 1983 and 1984.

(b) A section reference without a model year suffix refers to the section applicable for the appropriate model year.

(c) Unless indicated, all provisions in this subpart apply to both gasoline-fueled and diesel heavy-duty engines.

§ 86.1305-83 Introduction; structure of subpart.

(a) This subpart describes the equipment required and the procedures to follow in order to perform exhaust emission tests on gasoline-fueled and diesel heavy-duty engines. Subpart A sets forth the testing requirements and test intervals necessary to comply with EPA certification procedures.

(b) Four topics are addressed in this subpart. Sections 86.1306 through 86.1315 set forth specifications and equipment requirements; §§ 86.1316 through 86.1326 discuss calibration methods and frequency; test procedures and data requirements are listed (in approximately chronological order) in §§ 86.1327 through 86.1342; and calculation formulas are found in § 86.1344.

§ 86.1306-83 Equipment required and specifications; overview.

(a) This subpart contains procedures for exhaust emissions tests on diesel or gasoline-fueled heavy-duty engines. Equipment required and specifications are as follows:

(1) *Exhaust emission test.* All engines subject to this subpart are tested for exhaust emissions. Diesel and gasoline-fueled engines are tested indentically with the exception of hydrocarbon measurements; diesel engines require a heated hydrocarbon detector, § 86.1309. Necessary equipment and specifications appear in sections 86.1308 through 86.1311.

(2) *Fuel, analytical gas, and engine cycle specifications.* Fuel specifications for exhaust emission testing and for service accumulation for gasoline-fueled and diesel engines are specified in § 86.1313. Analytical gases are specified in § 86.1314. The EPA Heavy-Duty Transient Engine Cycles for use in exhaust testing are specified in § 86.1315 and Appendix I.

§ 86.1307-83 [Reserved]

§ 86.1308-83 Dynamometer and engine equipment specifications.

(a) Engine dynamometer.

(1) The engine dynamometer system must be capable of transiently controlling engine torque and rpm, simultaneously on a transient cycle. The transient torque and rpm schedules listed in § 86.1315 and Appendix I (f and g) must be followed within the accuracy requirements specified in § 86.1315. In addition, to these general requirements, the dynamometer shall meet the following accuracy specifications:

(i) Engine speed shall be accurate to within 2 percent of point at all speeds.

(ii) Engine torque at the flywheel shall be accurate to within 3 percent of point at all torque settings above 10 percent of full-scale. Below 10 percent of full-scale the accuracy shall be within 5 percent of point.

(2) *Dynamometer calibration weights.* A minimum of 6 calibration weights for each range used are required. The weights must be equally spaced and accurate to 0.5 percent of NBS weights. Laboratories located in foreign countries may certify calibration weights to local government bureau standards.

§ 86.1309-83 Exhaust gas sampling system.

(a)(1) *General.* The exhaust gas sampling system is designed to measure the true mass emissions of engine exhaust. In the CVS concept of measuring mass emissions, two conditions must be satisfied; the total volume of the mixture of exhaust and dilution air must be measured, and a continuously proportioned sample of volume must be collected for analysis. Mass emissions are determined from the sample concentration and total flow over the test period.

(2) *Positive displacement pump.* The positive displacement pump—constant volume sampler (PDP-CVS), Figure N83-1, satisfies the first condition by metering at a constant temperature and pressure through the pump. The total volume is measured by counting the revolutions made by the calibrated positive displacement pump. The proportional sample is achieved by sampling at a constant flow rate.

(3) *Critical flow venturi.* The operation of the critical flow venturi—constant volume sampler (CFV-CVS), Figure N83-2, is based upon the principles of fluid dynamics associated with critical flow. Proportional sampling throughout temperature excursions is maintained by use of a small CFV in the sample line. The variable mixture flow rate is maintained at sonic velocity, which is directly proportional to the square root of the gas temperature, and is computed continuously. Since the pressure and temperature are the same at both venturi inlets, the sample volume is proportional to the total volume.

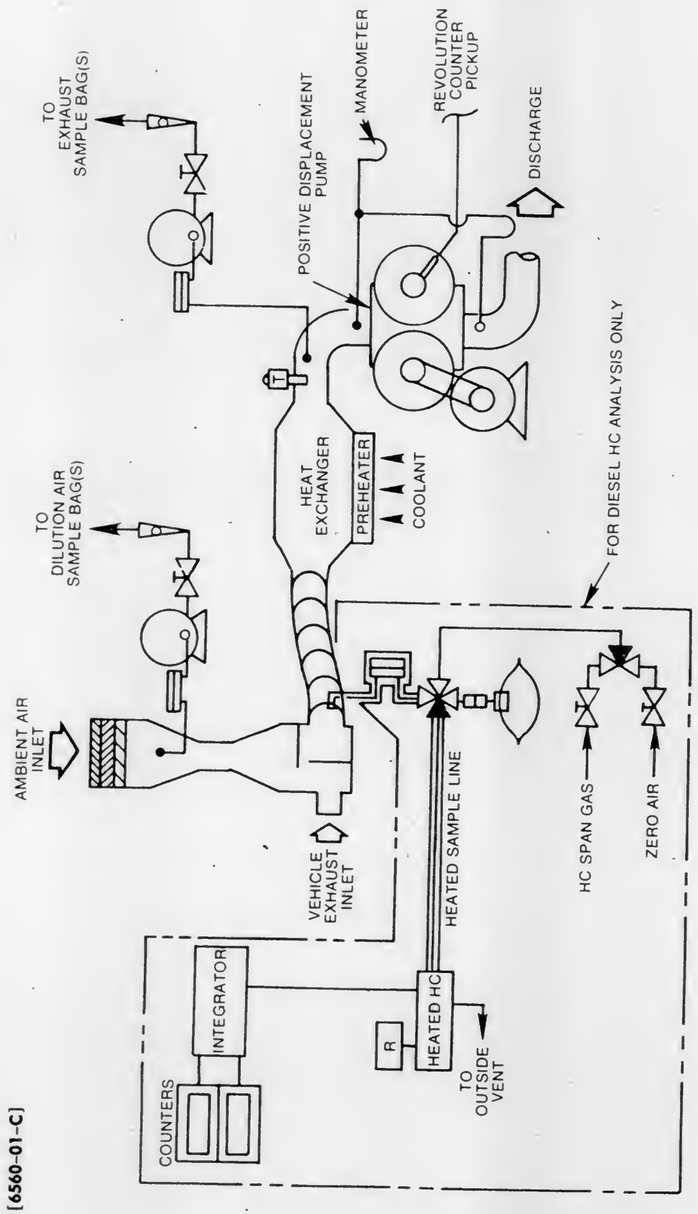
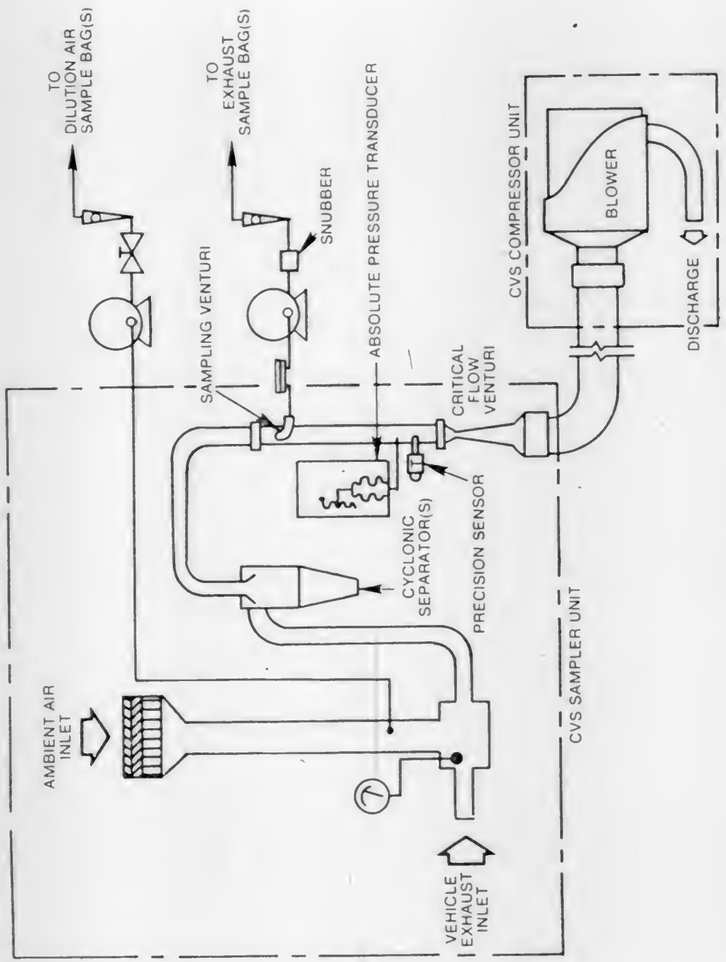


FIGURE N83-1 — EXHAUST GAS SAMPLING SYSTEM PDP-CVS

(SEE FIG. N83-3 FOR SYMBOL LEGEND).

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(SEE FIG. N83-3 FOR SYMBOL LEGEND)

FIGURE N83-2 — EXHAUST GAS SAMPLING SYSTEM (CFV-CVS)

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[6560-01-M]

(4) *Diesel sampling.* Diesel engines require a heated flame ionization detector (HFID) for hydrocarbon analysis. The sample must be taken as close as practical to the mixing point of the dilution air and exhaust sample. The HFID, by design, draws its sample at a constant flow rate. Unless compensation for varying flow is made the HFID must be used with a constant flow system to insure a representative sample.

(5) *Other systems.* Other sampling systems may be used if shown to yield equivalent results, and if approved in advance by the Administrator (e.g., a heat exchanger with the CFV-CVS; an electronic flow integrator without a heat exchanger, with the PDP-CVS; or, for diesel HC measurements, an electronic flow compensator with the CFV-CVS.

(b) *Component description, PDP-CVS.* The PDP-CVS, Figure D83-1, consists of a dilution air filter and mixing assembly, heat exchanger, positive displacement pump, sampling system, and associated valves, pressure and temperature sensors. The PDP-CVS shall conform to the following requirements:

(1) Static pressure variations at the tailpipe(s) of the engine shall remain within ±5 inches of water (1.2 kPa) of the static pressure variations measured during a dynamometer engine cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ±1 inch of water (0.25 kPa) will be used by the Administrator if a written request substantiates the need for this closer tolerance.)

(2) The gas mixture temperature, measured at a point immediately ahead of the positive displacement pump, shall be within ±10°F (5.6°C) of the designed operating temperature at the start of the test. The gas mixture temperature variation from its value at the start of the test shall be limited to ±10°F (5.6°C) during the entire test. The temperature measuring system shall have an accuracy and precision of ±2°F (1.1°C).

(3) The pressure gauges shall have an accuracy and precision of ±3 mm Hg (0.4 kPa).

(4) The flow capacity of the CVS shall be large enough to eliminate water condensation in the system.

(5) Sample collection bags for dilution air and exhaust samples shall be sufficient size so as not to impede sample flow.

(c) *Component description, CFV-CVS.* The CFV-CVS, Figure N83-2, consists of a dilution air filter and mixing assembly, cyclone particulate separator(s), sampling venturi, critical flow venturi, sampling system, and assorted valves, pressure and temperature sensors.

The CFV-CVS shall conform to the following requirements:

(1) Static pressure variations at the tailpipe(s) of the vehicle shall remain within ±5 inches of water (1.2 kPa) of the static pressure variations measured during a dynamometer engine cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ±1 inch of water (0.25 kPa) will be used by the Administrator if a written request substantiates the need for this closer tolerance.)

(2) The temperature measuring system shall have an accuracy and precision of ±2°F (1.1°C) and a response time of 0.100 seconds to 62.5 percent of a temperature change (as measured in hot silicone oil).

(3) The pressure measuring system shall have an accuracy and precision of ±3 mm Hg (0.4 kPa).

(4) The flow capacity of the CVS shall be large enough to virtually eliminate water condensation in the system.

(5) Sample collection bags for dilution air and exhaust samples shall be of sufficient size so as not to impede sample flow.

§ 86.1310-83 [Reserved]

§ 86.1311-83 Exhaust gas analytical system.

(a) *Schematic drawings.* Figure N83-3 is a schematic drawing of the exhaust gas analytical system. The schematic of the hydrocarbon analysis train for diesel engines is shown as part of Figure N83-1. Since various configurations can produce accurate results, exact conformance with either drawing is not required. Additional components such as instruments, valves, solenoids, pumps and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Major component description.* The analytical system, Figure N83-3, consists of a flame ionization detector (FID) for the determination of hydrocarbons, nondispersive infrared analyzers (NDIR) for the determination of carbon monoxide and carbon dioxide and a chemiluminescence analyzer (CL) for the determination of oxides of nitrogen. A heated flame ionization detector (HFID) is used for the continuous determination of hydrocarbons from diesel engines, Figure N83-1.

The exhaust gas analytical system shall conform to the following requirements:

(1) The CL requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

[6560-01-C]

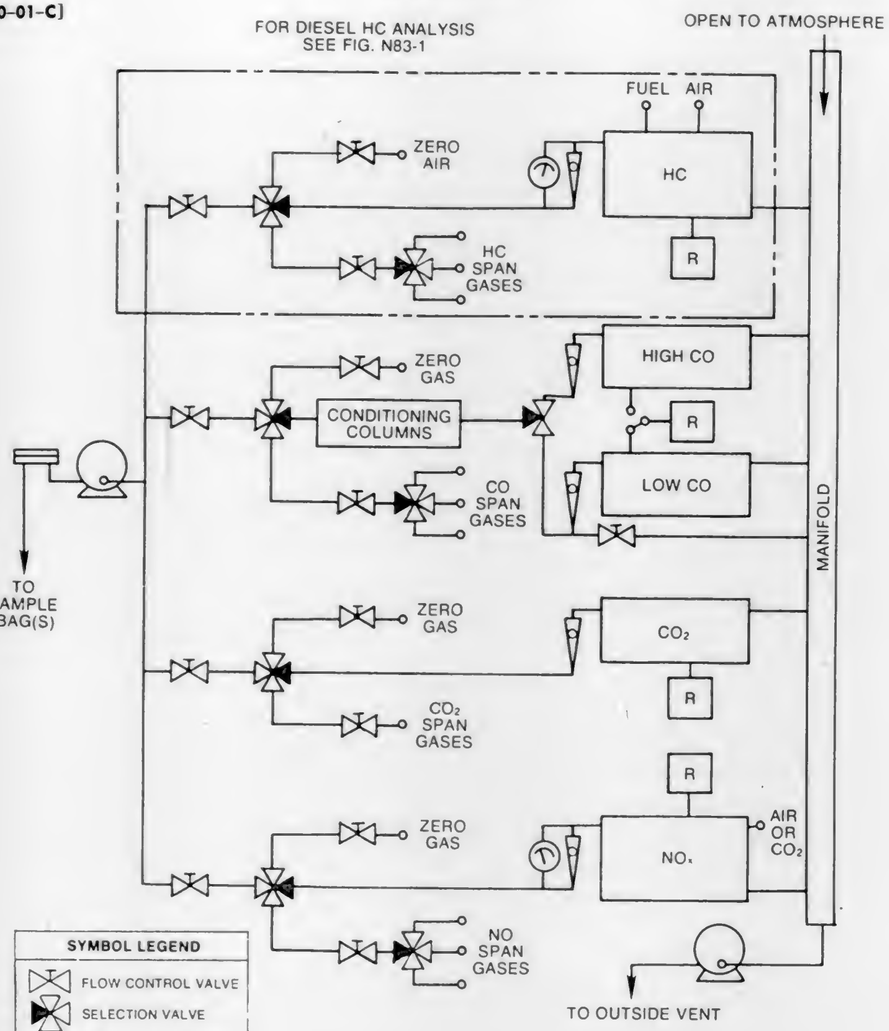


FIGURE N83-3 EXHAUST GAS ANALYTICAL SYSTEM

[6560-01-M]

(2) The carbon monoxide (NDIR) analyzer may require a sample conditioning column containing $CaSO_4$, or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

(i) If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted, see § 86.1322 and § 86.1344.

(ii) A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2 which has been bubbled through water at room temperature produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on ranges above 300 ppm full scale or less than 3 ppm on ranges below 300 ppm full scale, see § 86.1322.

(3) For diesel engines a continuous sample shall be measured using a heated analyzer train as shown in Figure N83-1. The train shall include a heated continuous sampling line, a heated particulate filter, and a heated hydrocarbon instrument (HFID) complete with heated pump, filter and flow control system.

(i) The response time of this instrument shall be less than 1.5 seconds for 90 percent of full-scale response.

(ii) Sample transport time from sampling point to inlet of instrument shall be less than 4 seconds.

(iii) The sample line and filter shall be heated to a set point ±10° F (±5.6° C) between 300 and 390° F (149 and 199° C)

(c) *Other analyzers and equipment.* Other types of analyzers and equipment may be used if shown to yield equivalent results and if approved in advance by the Administrator.

§ 86.1312-83 [Reserved]

§ 86.1313-83 Fuel specifications.

(a) *Gasoline.* (1) Gasoline having the following specifications will be used by the Administrator in exhaust emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust testing, except that the lead and octane specifications do not apply.

Item	ASTM	Leaded	Unleaded
Octane, research, minimum	D2699	98	93
Pb, (organic), gm/U.S. gallon		[1] 1.4	0.00-0.05
Distillation range:			
IBP, °F	D86	75-95	75-95
10 percent point, °F	D86	120-135	120-135
50 percent point, °F	D86	200-230	200-230
90 percent point, °F	D86	300-325	300-325
EP, °F (maximum)	D86	415	415
Sulphur, weight percent (max)	D1266	0.10	0.10
Phosphorus, gm/US. Gallon (max)		0.01	0.005
RVP, psi	D323	8.7-9.2	8.7-9.2
Hydrocarbon composition:			
Olefins, percent (max)	D1319	10	10
Aeromatics, percent (max)	D1319	35	35
Saturates	D1319	([2])	([2])

[1] Minimum.
[2] Remainder.

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation. For leaded gasoline the minimum lead content shall be 1.4 grams per U.S. gallon, except that where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use of a gasoline with a different lead content. The octane rating of the gasoline used shall be not higher than 1.0 Research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number. The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a)(2) of this section shall be reported in accordance with § 86.083-21(b)(3).

(b) *Diesel fuel.* (1) The diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of diesel fuel recommended by the engine manufacturer commercially designated as "Type 1-D" or "Type 2-D" grade diesel fuel shall be used.

Item	ASTM	Type 1-D	Type 2-D
Cetane	D613	48-54	42-50
Distillation range:			
IBP °F	D86	330-390	340-400
10 percent point, °F	D86	370-430	400-460
50 percent point, °F	D86	410-480	470-540
90 percent point, °F	D86	460-520	550-610
EP, °F	D86	500-560	580-660
Gravity, °API	D287	40-44	33-37
Total Sulfur, percent	D129 or D2622	0.05-0.20	0.2-0.5
Hydrocarbon composition:			
Aromatics, percent	D1319	[1] 8	[1] 27
Paraffins, Naphthenes, Olefins	D1319	([2])	([2])
Flashpoint, °F (minimum)	D93	120	130
Viscosity, Centistokes	D445	1.6-2.0	2.0-3.2

[1] Minimum.
[2] Remainder.

(3) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 1-D" or "Type 2-D" grade diesel fuel shall be used.

Item	ASTM	Type 1-D	Type 2-D
Cetane (minimum)	D613	42-56	30-58
Distillation range:			
90 percent point, °F	D86	440-530	540-630
Gravity °APM	D287	39-45	30-42
Total sulfur, percent (minimum)	D129 or D2622	[1] 0.05	0.2
Flashpoint, °F (minimum)	D93	120	130
Viscosity, centistokes	D455	1.2-2,2	1.5-4.5

[1] Minimum.

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(4) Other petroleum distillate fuels may be used for testing and service accumulation provided that are commercially available, and

(i) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(ii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) of this section would have a detrimental effect on emissions or durability, and

(iii) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), and (b)(4) of this section shall be reported in accordance with § 86.083-21(b)(3).

§ 86.1314-83 Analytical gases.

(a) Analyzer gases.

(1) Gases for the CO and CO_2 analyzers shall be single blends of CO and CO_2, respectively using nitrogen as the diluent.

(2) Gases for the hydrocarbon analyzer shall be single blends of propane using air as the diluent.

(3) Gases for the NOx analyzer shall be single blends of NO named as NOx with a maximum NO_2 concentration of 5 percent of the nominal value using nitrogen as the diluent.

(4) Fuel for the FID shall be a blend of 40±2 percent hydrogen with the balance being helium. The mixture shall contain less than 1 ppm equivalent carbon response. 98 to 100% hydrogen fuel may be used with advance approval of the Administrator.

(5) The allowable zero gas (air or nitrogen) impurity concentrations shall not exceed 1 ppm equivalent carbon response, 1 ppm carbon monoxide, 0.04 percent (400 ppm) carbon dioxide and 0.1 ppm nitric oxide.

(6)(a) "Zero-grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

(b) Calibration gases shall be traceable to within 1 percent of NBS gas standards, or other gas standards which have been approved by the Administrator.

(c) Span gases shall be accurate to within 2 percent of true concentration, where true concentration refers to NBS gas standards, or other gas standards which have been approved by the Administrator.

(7) The use of proportioning and precision blending devices to obtain the required gas concentrations is allowable provided their use has been approved in advance by the Administrator.

§ 86.1315-83 EPA heavy-duty transient engine cycles.

(a) The heavy-duty transient engine cycles for gasoline-fueled and diesel engines are listed in Appendix I (f and g). These second-by-second listings are designed to represent transient torque and rpm maneuvers characteristic of heavy-duty vehicles. Both rpm and torque are normalized in these listings. To unnormalize rpm use the following equation:

$$\text{Actual RPM} = \frac{\%\text{RPM}(\text{Measured Rated RPM} - \text{Curb Idle RPM})}{100} + \text{Curb Idle RPM}$$

Torque is normalized to the maximum torque at the rpm listed with it. Therefore, to unnormalize the torque values in the cycle, the maximum torque curve for the engine in question must be used. The generation of the maximum torque curve is described in § 86.1332.

(b) *Example of the unnormalization procedure.* The following test point shall be unnormalized:

% RPM	% Torque
43	82

The test engine has these values:

Measured Rated RPM=3800 (Does not appear on given torque curve)
Curb Idle RPM=600

Maximum torque curve as illustrated in Figure N83-4

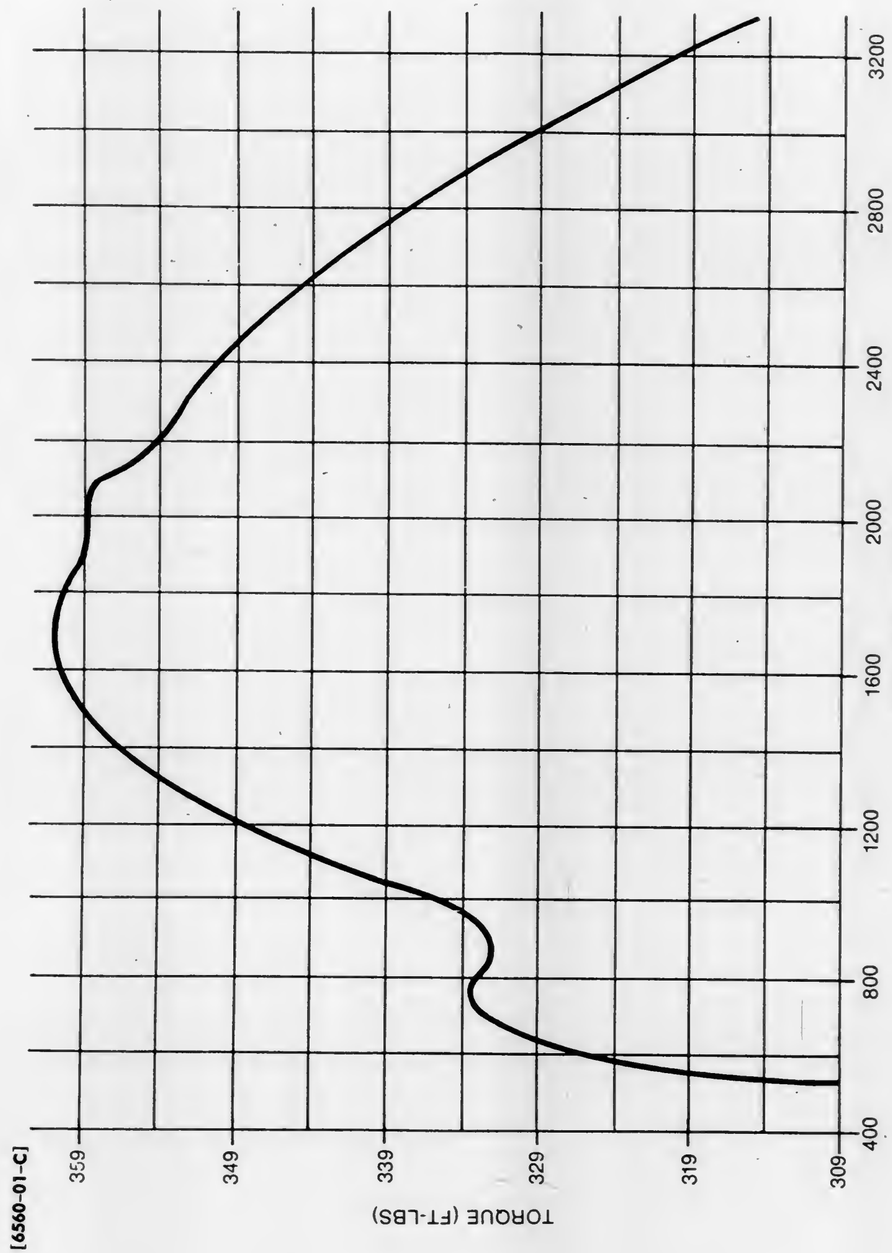


FIGURE N83-4 — SAMPLE MAXIMUM TORQUE CURVE FOR A GASOLINE-FUELED ENGINE.

[6560-01-C]

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[6560-01-M]

Calculate actual RPM:

$$\text{Actual RPM} = \frac{43(3800 - 600)}{100} + 600$$

$$\text{Actual RPM} = 1976$$

$$\text{Actual RPM} = \frac{\%\text{RPM}(\text{Rated RPM} - \text{Idle RPM})}{100} + \text{Idle RPM}$$

Determine actual torque:

Determine the maximum torque at 1976 rpm from Figure N83-4. Then multiply this value (358 ft-lb) by 0.82. This results in an actual torque of 294 ft-lbs.

(c) Engine speed and torque shall be recorded at least once every second during the cold start test and hot start test. The torque and rpm feedback signals may be electrically filtered.

(d) *Cycle validation.*

(1) To reduce errors between the feedback and reference (cycle trace) values the engine speed and torque feedback signals may be shifted a maximum of ±5 seconds with respect to the reference speed and torque traces. If the feedback signals are shifted, both must be shifted the same amount.

(2) Calculate the brake horsepower for each pair of engine speed and torque values recorded. Also calculate the reference brake horsepower for each pair of engine speed and torque reference values. Calculations shall be to five significant digits.

(3) Linear regressions of feedback value on reference value shall be performed for speed, torque and brake horsepower. The method of least-square shall be used. The equation shall have the form:

$$y = mx + b$$

where:

y = The estimated feedback (actual) value of speed (in rpm), torque (in ft-lbs.), or brake horsepower.
m = Slope of the regression line.
x = The reference value (speed, torque, or brake horsepower).
b = The y intercept of the regression line.

(4) The standard error of estimate (SE) of y on x and the coefficient of determination (r^2) shall be calculated for each regression line.

(5) All speed points except the initial 24±1 second idle period of the cold and hot start cycles shall be included when performing the speed regression.

(6) All torque points except the following points shall be included when performing the torque regression:

(i) All torque points measured during the initial 24±1 second idle period of the cold and hot start cycle.

(ii) All torque points where the throttle is wide-open and negative torque error occurs.

(7) All points included in the regression on torque shall be used when performing the regression on brake horsepower.

(8) For a valid test the following criteria must be met for both cycles (cold start and hot start), individually:

(i) *Regression line tolerances.*

	Speed	Torque	Brake horsepower
Standard error of estimate (SE) of y on x.	100 rpm	10% of max. engine torque (in ft-lbs).	5% of maximum brake horsepower
Slope of the regression line, m	0.970–1.020	0.850–1.020	0.900–1.020
Coefficient of determination, r^2	0.9700 [1]	0.8800 [1]	0.9200(1)
y intercept of the regression line, b	±50 rpm	±10.0 ft-lbs	±5.0 BHP

[1] Minimum.

(ii) The integrated brake horsepower-hour for each cycle (cold and hot start) shall be between −15% and +5% of the integrated brake horsepower-hour for the reference cycle or the test is void. All torque and speed data points including closed throttle and wide-open throttle must be used to calculate the integrated brake horsepower-hour. The free idle points do not have to be included in the calculation, however if included, the reference cycle and the engine data must be treated in a consistent manner. For the purposes of this calculation, negative torque values (i.e., motoring horsepower) shall be set equal to zero and included.

§ 86.1316-83 Calibrations; frequency and overview.

(a) Calibrations shall be performed as specified in §§ 86.1318 through 86.1326.

(b) At least monthly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Calibrate the hydrocarbon analyzer, carbon dioxide analyzer, carbon monoxide analyzer, and oxides of nitrogen analyzer.

(2) Calibrate the engine dynamometer flywheel torque and speed measurement transducers.

(3) Calibrate the engine flywheel torque and speed feedback signals.

(c) At least weekly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Check the oxides of nitrogen converter efficiency, and

(2) Perform a CVS system verification.

(d) The CVS positive displacement pump or critical flow venturi shall be calibrated following initial installation, major maintenance or as necessary when indicated by the CVS system verification (described in § 86.1319).

(e) Sample conditioning columns, if used in the CO analyzer train, should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

§ 86.1317-83 [Reserved]

§ 86.1318-83 Engine dynamometer system calibrations.

(a) The engine flywheel torque and engine speed measurement transducers shall be calibrated at least once each month.

(b) The engine flywheel torque and engine speed feedback signal shall be within 3% and 2% of the engine flywheel torque and engine speed transducer values, respectively. The torque

and speed feedback signal shall be calibrated at least once each month.

(c) Other engine dynamometer system calibrations shall be performed as dictated by good engineering practice and manufacturer's recommendations.

§ 86.1319-83 CVS calibration.

(a) The CVS is calibrated using an accurate flowmeter and restrictor valve. Measurements of various parameters are made and related to flow through the unit. Procedures used by EPA for both PDP- and CFV-CVS's are outlined below. Other procedures yielding equivalent results may be used if approved in advance by the Administrator.

(b) After the calibration curve has been obtained, verification of the entire system can be performed by injecting a known mass of gas into the system and comparing the mass indicated by the system to the true mass injected. An indicated error does not necessarily mean that the calibration is wrong, since other factors can influence the accuracy of the system, e.g. analyzer calibration. A verification procedure is found in paragraph (c) of this section.

(c) PDP calibration.

(1) The following calibration procedure outlines the equipment, the test configuration, and the various parameters which must be measured to establish the flow rate of the CVS pump.

(i) All the parameters related to the pump are simultaneously measured with the parameters related to a flowmeter which is connected in series with the pump.

(ii) The calculated flow rate, ft^3/min., (at pump inlet absolute pressure and temperature) can then be plotted versus a correlation function which is the value of a specific combination of pump parameters.

(iii) The linear equation which relates the pumpflow and the correlation function is then determined.

(iv) In the event that a CVS has a multiple speed drive, a calibration for each range used must be performed.

(2) This calibration procedure is based on the measurement of the absolute values of the pump and flowmeter parameters that relate the flow rate at each point. Three conditions must be maintained to assure the accuracy and integrity of the calibration curve:

(i) The pump pressures should be measured at taps on the pump rather than at the external piping on the pump inlet and outlet. (Pressure taps that are mounted at the top center and bottom center of the pump drive headplate are exposed to the actual pump cavity pressure, and therefore reflect the absolute pressure differentials.)

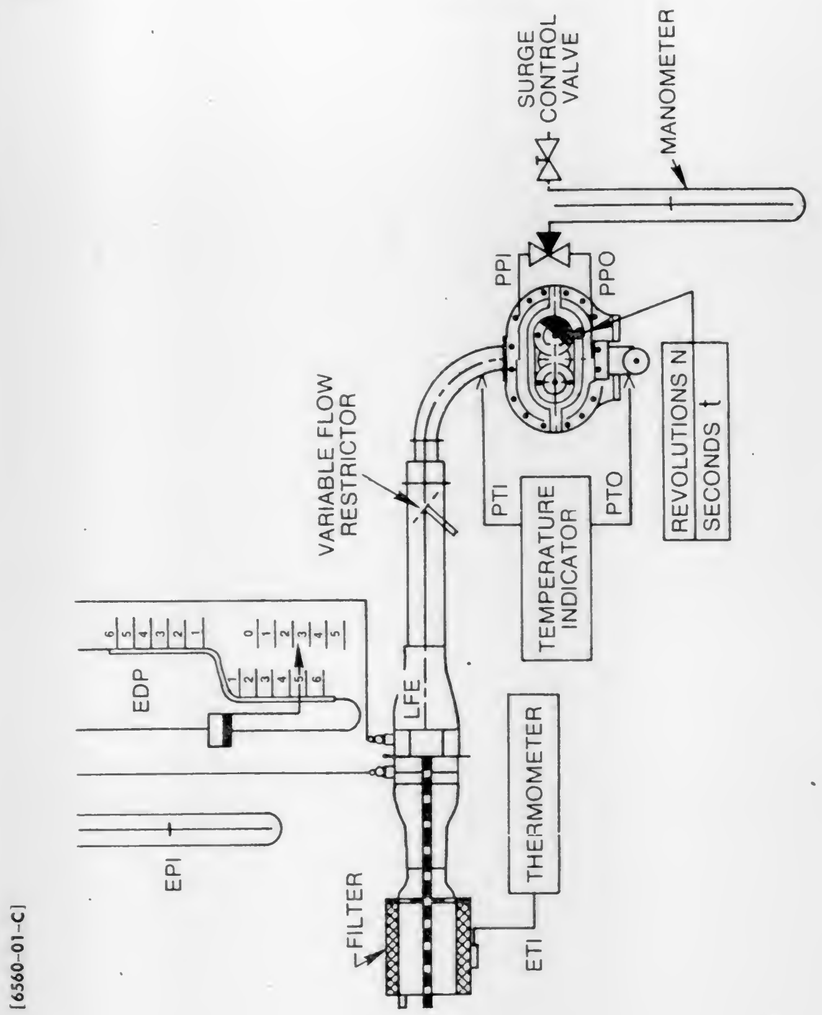
(ii) The temperature stability must be maintained during calibration. (The laminar flowmeter is sensitive to inlet temperature oscillations which cause the data points to be scattered. Gradual changes (±2°F (1.1°C)) in temperature are acceptable as long as they occur over a period of several minutes.)

(iii) All connections between the flowmeter and the CVS pump must be absolutely void of any leakage.

(3) During an exhaust emission test the measurement of these same pump parameters enables the user to calculate the flow rate from the calibration equation.

(4) Connect a system as shown in Figure N83-5. Although particular types of equipment are shown, other configurations that yield equivalent results may be used if approved in advance by the Administrator. For the system indicated, the following data with given accuracy are required:

V 4 4 / 3 1 F E 1 3 7 9 UMI



[6560-01-C]

FIGURE N83-5 — PDP-CVS CALIBRATION CONFIGURATION

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[6560-01-M]

CALIBRATION DATA MEASUREMENTS

Parameter	Sym	Units	Tolerances
Barometric pressure (corrected)	P_B	in. Hg (kPa)	±.01 in. Hg (±.034 kPa)
Ambient temperature	T_A	°F (°C)	±.5° F (±.28° C)
Air temperature into LFE	ETI	°F (°C)	±.25 °F (±.14 °C)
Pressure depression upstream of LFE	EPI	in. H_2O (kPa)	±.05 in. H_2O (±.001 kPa)
Pressure drop across the LFE matrix	EDP	in. H_2O (kPa)	±.005 in. H_2O (±.001 kPa)
Air temperature at CVS pump inlet	PTI	°F (°C)	±.5° F (±.28° C)
Pressure depression at CVS pump inlet	PPI	in. Fluid (kPa)	±.05 in. Fluid (±.022 kPa)
Specific gravity of manometer fluid (1.75 oil).	Sp. G		
Pressure head at CVS pump outlet	PPO	in Fluid (kPa)	±.05 in. Fluid (±.022 kPa)
Air Temperature at CVS pump outlet (optional).	PTO	°F (°C)	±.5° F (±.28° C)Pump revolutions during test period
	N	Revs	±1 Rev.
Elapsed time for test period	t	s	±.05 s

(5) After the system has been connected as shown in Figure N83-4, set the variable restrictor in the wide open position and run the CVS pump for 20 minutes. Record the calibration data.

(6) Reset the retrictor valve to a more restricted condition in an increment of pump inlet depression (about 4" H_2O (1.1 kPa)) that will yield a minimum of six data points for the total calibration. Allow the system to stbilize for 3 minutes and repeat the data acquisition.

(7) *Data analysis:*

(i) The air flow rate, Qs, at each test point is calculated in standard cubic feet per minute from the flow-meter data using the manufacturer's prescribed method.

(ii) The air flow rate is then converted to pump flow, V_o, in cubic feet per revolution at absolute pump inlet temperature and pressure.

$$V_o = \frac{Qs}{n} \times \frac{T_p}{528} \times \frac{29.92}{P_p}$$

Where:

V_o = Pump flow, ft^3/revolution (m^3/revolution) at T_p, P_p.

Qs = Meter air flow rate in standard cubic feet per minute, standard conditions are 68°F, 29.92 in. Hg (20°C, 101.3 kPa).

n = Pump speed in revolutions per minute.

T_p = Pump inlet temperature R(K) = PTI + 460 for SI units, T_p = PTI + 273

P_p = Absolute pump inlet pressure, in. Hg (kPa) = P_B − PPI (Sp. Gr./13.57) for SI units, $P_p = P_B - PPI$

Where:

P_B = barometric pressure, in. Hg (kPa).

PPI = Pump inlet depression, in. fluid (kPa).

Sp. Gr. = Specific gravity of manometer fluid relative to water.

(iii) The correlation function at each test point is then calculated from the calibration data.

$$x_o = \frac{1}{n}\sqrt{\frac{P_p}{P_e}}$$

Where:

x_o = correlation function.

Δp_p = The pressure differential from pump inlet to pump outlet, in Hg (kPa). $= P_e - P_p$

P_e = Absolute pump outlet pressure, in. Hg (kPa) = P_B + PPO (Sp. Gr./13.57) for SI units, $P_e = P_B$ + PPO

(b) *CVF calibration*

(1) Calibration of the CFV is based upon the flow equation for a critical venturi. Gas flow is a function of inlet pressure and temperature:

$$Q_s = \frac{K_v P}{\sqrt{T}}$$

Where:

Q_s = flow.

K_v = calibration coefficient.

P = absolute pressure.

T = absolute temperature.

The calibration procedure described below establishes the value of the calibration coefficient at measured values of pressure, temperature and air flow.

(2) The manufacturer's recommended procedure shall be followed for calibrating electronic portions or the CFV.

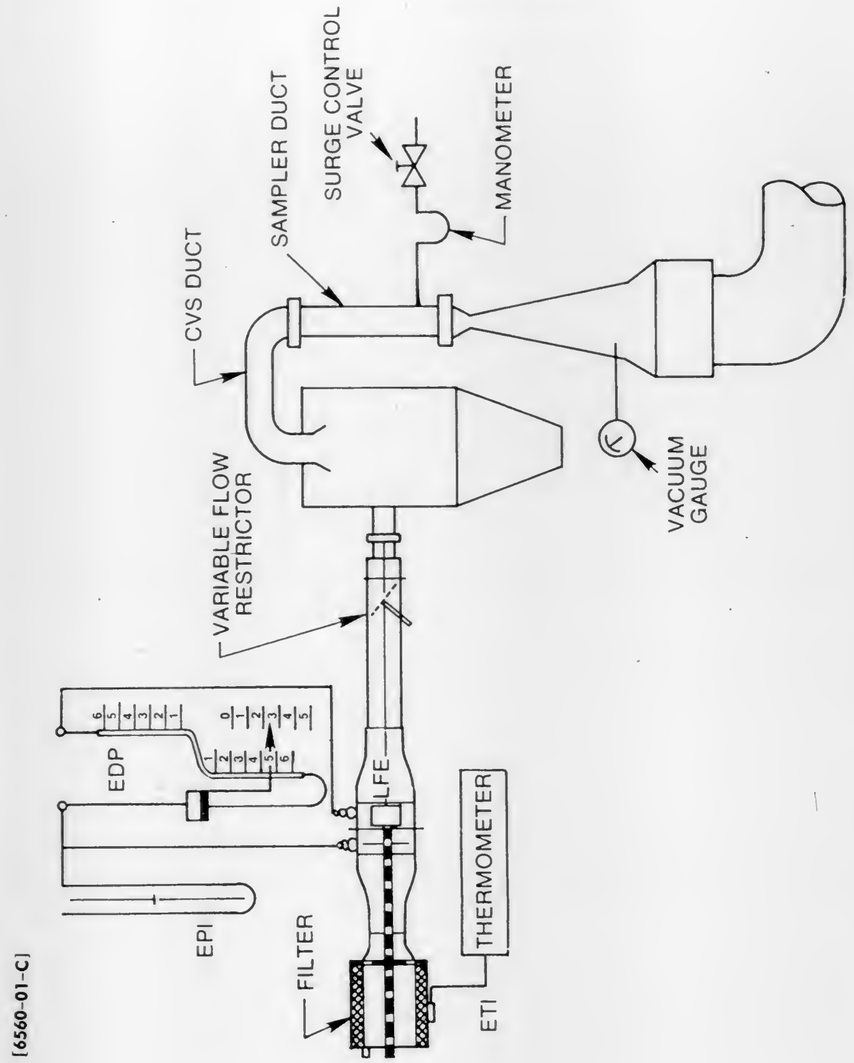
(3) Measurements necessary for flow calibration are as follows:

CALIBRATION DATA MEASUREMENTS

Parameter	Sym	Units	Tolerances
Barometric pressure (corrected)	P_B	in. Hg (kPa)	±.01 in. Hg (±.034 kPa)
Air temperature, flowmeter	ETI	°F (°C)	±.25°F (±.14°C)
Pressure depression upstream of LFE	EPI	in. H_2O (kPa)	±.05 in. H_2O (±.012 kPa)
Pressure drop across LFE matrix	EDP	in. H_2O (kPa)	±.005 in. H_2O (±.001 kPa)
Air flow	Q_s	ft^3/min. (m^3/min.)	±.5%
CFV inlet depression	PPI	in. fluid (kPa)	±.05 in. fluid (±.022 kPa)
Temperature at venturi inlet	T_v	°F (°C)	±.5°F (±.28°C)
*Specific gravity of manometer fluid (1.75 oil).	*Sp. Gr.		

(4) Set up equipment as shown in Figure N83-6 and check for leaks. Any leaks between the flow measuring devices and the critical flow venturi will seriouly affect the accuracy of the calibration.

V 4 4 / 3 1 F E 1 3 7 9 UMI



[6560-01-C]

FIGURE N83-6 — CFV-CVS CALIBRATION CONFIGURATION

[6560-01-M]

(5) Set the variable flow restrictor to the open position, start the blower, and allow the system to stabilize. Record data from all instruments.

(6) Vary the flow restrictor and make at least 8 readings across the critical flow range of the venturi.

(7) *Data analysis.* The data recorded during the calibration are to be used in the following calculations:

(i) The air flow rate, Q_s, at each test point is calculated in standard cubic feet per minute from the flow meter data using the manufacturer's prescribed method.

(ii) Calculate values of the calibration coefficient for each test point:

$$K_v = \frac{Q_s \sqrt{T_v}}{P_v}$$

Where:

Q_s = Flow rate in standard cubic feet per minute, standard conditions are 68° F, 29.92 in. Hg (20° C, 101.3 kPa).

T_v = Temperature at venturi inlet, R(K).

P_v = Pressure at venturi inlet, mm Hg (kPa).

P_B = PPI (Sp. Gr./13.57).

for SI units: $P_v = P_B - PPI$

Where:

PPI = Venturi inlet pressure depression, in. fluid (kPa).

Sp. Gr. = Specific gravity of manometer fluid, relative to water.

(iii) Plot K_v as a function of venturi inlet pressure. For sonic flow, K_v will have a reatively constant value. As pressure decreases (vacuum increases), the venturi becomes unchoked and K_v decreases. See Figure N83-7.

(iv) For a minimum of 8 points in the critical region calculate an average K_v and the standard deviation.

(v) If the standard deviation exceeds 0.3% of the average K_v take corrective action.

(c) *CVS system verification.*

The following "gravimetric" technique can be used to verify that the CVS and analytical instruments can accurately measure a mass of gas that has been injected into the system. (Verification can also be accomplished by constant flow metering using critical flow orifice devices.)

(1) Obtain a small cylinder that has been charged with pure propane or carbon monoxide gas (caution—carbon monoxide is poisonous).

V 4 4 / 3 1 F E 1 3 7 9 UMI

[6560-01-C]

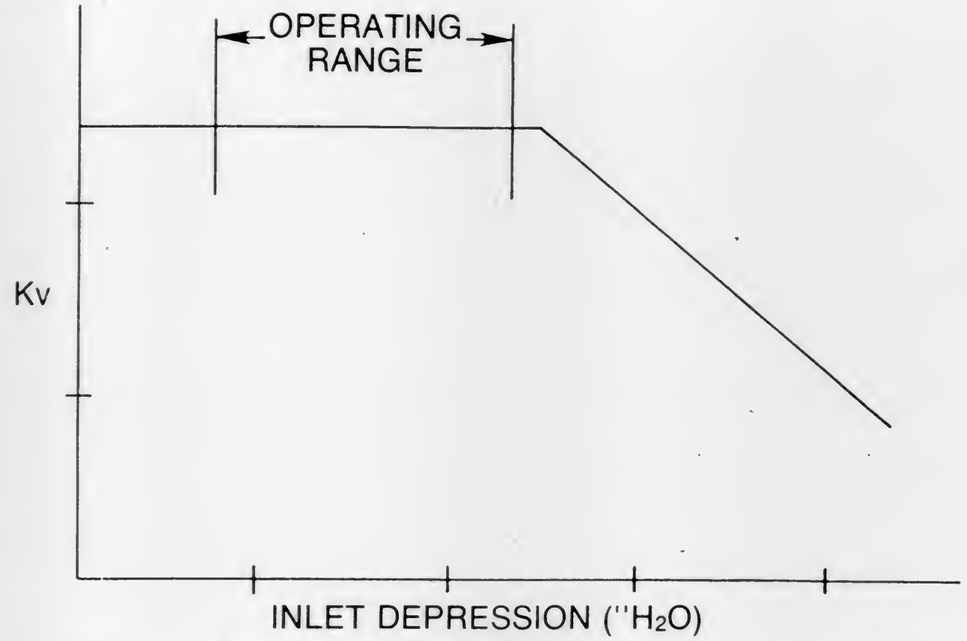


FIGURE N83-7— SONIC FLOW CHOKING

(2) Determine a reference cylinder weight to the nearest 0.01 grams.

(3) Operate the CVS in the normal manner and release a quantity of pure propane or carbon monoxide into the system during the sampling period (approximately 5 minutes).

(4) The calculations of § 86.1344 are performed in the normal way except in the case of propane. the density of propane (17.30 g/ft ^{3}/carbon atom (0.6109 kg/m ^{3}/carbon atom)) is used in place of the density of exhaust hydrocarbons. In the case of carbon monoxide, the density of 32.97 g/ft ^{3} (1.164 kg/m ^{3}) is used.

(5) The gravimetric mass is subtracted from the CVS measured mass and then divided by the gravimetric mass to determine the percent accuracy of the system.

(6) The cause for any discrepancy greater than ±2 percent must be found and corrected.

§ 86.1320-83 [Reserved]

§ 86.1321-83 Hydrocarbon analyzer calibration.

The FID hydrocarbon analyzer shall receive the following initial and periodic calibration. The HFID shall be operated to a set point ±10° F (±5.5° C) between 300 and 390° F (149 and 199° C).

(a) Initial and periodic optimization of detector response. Prior to its introduction into service and at least annually thereafter the FID hydrocarbon analyzer shall be adjusted for optimum hydrocarbon response. Alternate methods yielding equivalent results may be used, if approved in advance by the Administrator.

(1) Follow the manufacturer's instructions for instrument start-up and basic operating adjustment using the appropriate fuel (see § 86.1314) and zero-grade air.

(2) Optimize on the most common operating range. Introduce into the analyzer, a propane in air mixture with a propane concentration equal to approximately 90% of the most common operating range.

(3) Select an operating fuel flow rate that will give near maximum response and least variation in response with minor fuel flow variations.

(4) To determine the optimum air flow, use the fuel flow setting determined above and vary air flow.

(5) After the optimum flow rates have been determined, they are recorded for future reference.

(b) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter the FID hydrocarbon analyzer shall be calibrated on all normally used instrument ranges. Use the same flow rate as when analyzing samples.

(1) Adjust analyzer to optimize performance.

(2) Zero the hydrocarbon analyzer with zero-grade air.

(3) Calibrate on each used operating range with propane in air calibration gases having nominal concentrations of 15, 30, 45, 60, 75 and 90 percent of that range. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2% or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2% at any point, the best-fit non-linear equation which represents the data to within 2% of each test point shall be used to determine concentration.

§ 86.1322-83 Carbon monoxide analyzer calibration.

The NDIR carbon monoxide analyzer shall receive the following initial and periodic calibrations:

(a) Initial and periodic interference check. Prior to its introduction into service and annually thereafter the NDIR carbon monoxide analyzer shall be checked for response to water vapor and CO_2:

(1) Follow the manufacturer's instructions for instrument start-up and operation. Adjust the analyzer to optimize performance on the most sensitive range to be used.

(2) Zero the carbon monoxide analyzer with either zero-grade air or zero-grade nitrogen.

(3) Bubble a mixture of 3 percent CO_2 in N_2 through water at room temperature and record analyzer response.

(4) An analyzer response of more than 1 percent of full scale for ranges above 300 ppm full scale or more than 3 ppm on ranges below 300 ppm full scale will require corrective action. (Use of conditioning columns is one form of corrective action which may be taken.)

(b) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter the NDIR carbon monoxide analyzer shall be calibrated.

(1) Adjust the analyzer to optimize performance.

(2) Zero the carbon monoxide analyzer with either zero-grade air or zero-grade nitrogen.

(3) Calibrate on each used operating range with carbon monoxide in N_2 calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. Additional calibration points may be generated. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent of less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2% of each test point shall be used to determine concentration.

§ 86.1323-83 Oxides of nitrogen analyzer calibration.

The chemiluminescent oxides of nitrogen analyzer shall receive the following initial and periodic calibration.

(a) Prior to its introduction into service and weekly thereafter the chemiluminescent oxides of nitrogen analyzer shall be checked for NO_2 to NO converter efficiency. Figure N83-8 is a reference for the following steps:

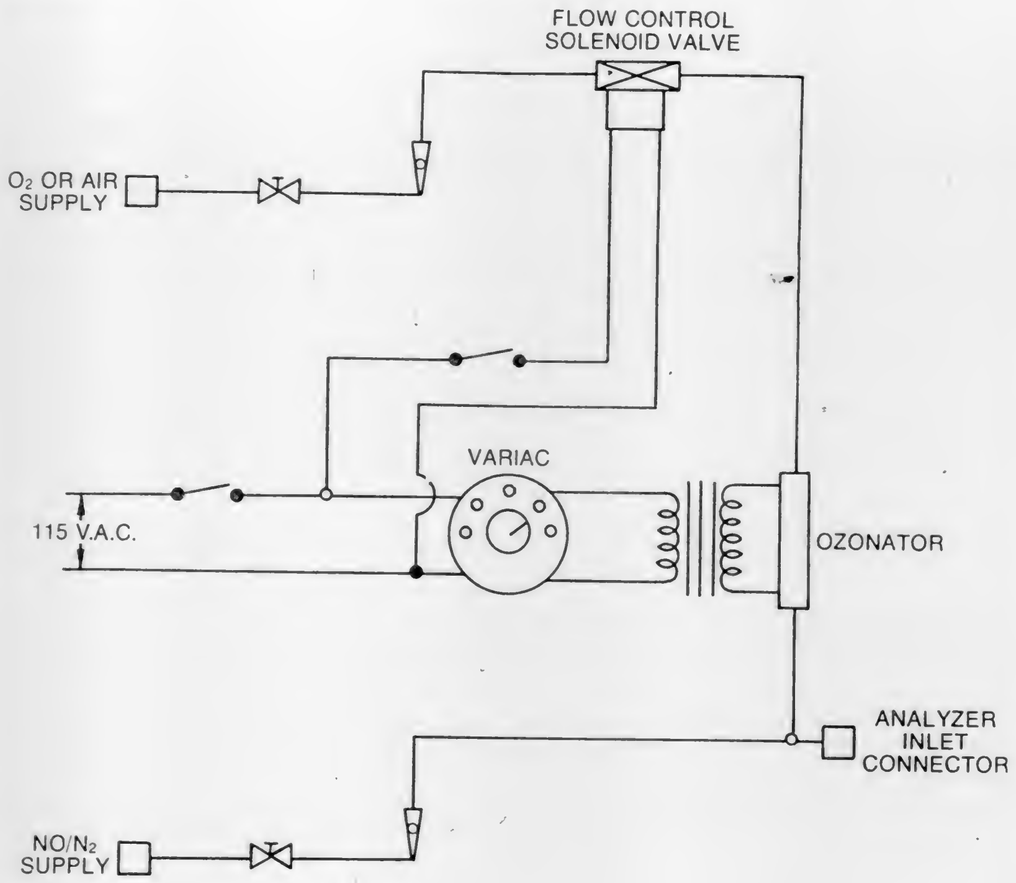
(1) Follow the manufacturer's instructions for instrument start-up and operation. Adjust the analyzer to optimize performance.

(2) Zero the oxides of nitrogen analyzer with zero-grade air or zero-grade nitrogen.

(3) Connect the outlet of the NOx generator to the sample inlet of the oxides of nitrogen analyzer which has been set to the most common operating range.

(4) Introduce into the NOx generator analyzer-system an NO in nitrogen (N_2) mixture with a NO concentration equal to approximately 80 percent of the most common operating range. The NO_2 content of the gas mixture shall be less than 5 percent of the NO concentration.

[6560-01-C]



(SEE FIG. N83-3 FOR SYMBOL LEGEND)

FIGURE N83-8— NO_x CONVERTER EFFICIENCY DETECTOR

[6560-01-M]

(5) With oxides of nitrogen analyzer in the NO mode, record the concentration of NO indicated by the analyzer.

(6) Turn on the NOx generator O_2 (or air) supply and adjust the O_2 (or air) flow rate so that the NO indicated by the analyzer is about 10 percent less than indicated in step (5). Record the concentration of NO in this $NO+O_2$ mixture.

(7) Switch the NOx generator to the generation mode and adjust the generation rate so that the NO measured on the analyzer is 20 percent of that measured in step (5). There must be at least 10 percent unreacted NO at this point. Record the concentration of residual NO.

(8) Switch the oxides of nitrogen analyzer to the NOx mode and measure total NOx. Record this value.

(9) Switch off the NOx generator but maintain gas flow through the system. The oxides of nitrogen analyzer will indicate the NOx in the $NO+O_2$ mixture. Record this value.

(10) Turn of the NOx generator O_2 (or air) supply. The analyzer will now indicate the NOx in the original NO in N_2 mixture. This value should be no more than 5 percent above the value indicated in step (4).

(11) Calculate the efficiency of the NOx converter by substituting the concentrations obtained into the following equation:

$$\text{Percent Efficiency} = \left[1 + \left(\frac{a-b}{c-d}\right)\right] \times 100$$

where:

a=concentration obtained in step (8),
b=concentration obtained in step (9),
c=concentration obtained in step (6),
d=concentration obtained in step (7).

If converter efficiency is not greater than 90% corrective action will be required.

(b) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter the chemiluminescent oxides of nitrogen analyzer shall be calibrated on all normally used instrument ranges. Use the same flow rate as when analyzing samples. Proceed as follows:

(1) Adjust analyzer to optimize performance.

(2) Zero the oxides of nitrogen analyzer with zero-grade air or zero-grade nitrogen.

(3) Calibrate on each normally used operating range with NO in N_2 calibration gases with nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2% or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2% at any point, the best-fit non-linear equation which represents the data to within 2% of each test point shall be used to determine concentration.

§ 86.1324-83 Carbon dioxide analyzer calibration.

Prior to its introduction into service and monthly thereafter the NDIR carbon dioxide analyzer shall be calibrated as follows:

(a) Follow the manufacturer's instructions for instrument start-up and operation. Adjust the analyzer to optimize performance.

(b) Zero the carbon dioxide analyzer with either zero-grade air or zero-grade nitrogen.

(c) Calibrate on each normally used operating range with carbon dioxide in N_2 calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. Additional calibration points may be generated. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2% of each test point shall be used to determine concentration.

§ 86.1325-83 [Reserved]

§ 86.1326-83 Calibration of other equipment.

Other test equipment used for testing shall be calibrated as often as required by the manufacturer or as necessary according to good practice.

§ 86.1327-83 Engine dynamometer test procedures; overview.

(a) The engine dynamometer test procedure is designed to determine the brake-specific emission of hydrocarbons, carbon monoxide, and oxides of nitrogen. The test procedure consists of a "cold" start test after a minimum 12-hour and a maximum 36-hour soak as described in § 86.1332. A "hot" start test follows the "cold" start test after a hot soak of 20 minutes. The idle test of subpart P may be run after the "hot" start test. The exhaust emissions are diluted with ambient air and a continuous proportional sample is collected for analysis during the cold and hot start tests. The composite samples collected in bags are analyzed for hydrocarbons (except diesel hydrocarbons which are analyzed continuously), carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen.

(b) Engine torque and rpm shall be recorded continuously during both the cold and hot start tests. Data points shall be recorded at least once every second.

(c) Using the torque and rpm feedback signals the brake horsepower is integrated with respect to time for the cold and hot cycles. This produces a brake horsepower-hour value that enables the brake-specific emissions to be determined (see § 86.1344, Calculations; exhaust emissions).

(d)(1) When an engine is tested for exhaust emissions or is operated for service accumulation on an engine dynamometer, the complete engine shall be tested, with all emission control devices installed and functioning.

(2) Evaporative emission controls need not be connected if data are provided to show that normal operating conditions are maintained in the engine induction system.

(3) On air cooled engines, the fan shall be installed.

(4) Additional accessories (e.g., oil cooler, alternators, air compressors, etc.) may be installed with advance approval by the Administrator.

(5) The engine must be equipped with a production type starter.

(e) *Engine cooling.* Means of engine cooling which will maintain the engine operating temperatures (e.g., intake air, oil, water, etc.) at approximately the same temperature as specified by the manufacturer shall be used. Auxiliary fan(s) may be used to maintain engine cooling during operation on the dynamometer.

(f) *Exhaust system.*

(1) A chassis-type exhaust system shall be used. The exhaust system shall meet the following requirements:

(i) For all catalyst systems, the distance from the exhaust manifold flange(s) to the catalyst shall be the same as in the vehicle configuration unless the manufacturer provides data showing equivalent performance at another location.

(ii) The exhaust back pressures shall typify those seen in the actual vehicle exhaust system configuration.

§ 86.1328-78 [Reserved]

§ 86.1329-83 [Reserved]

§ 86.1330-83 Test sequence, general requirements.

(a) The test sequence shown in Figure N83-9 shows the major steps encountered as the test engine undergoes the procedures subsequently described.

(b) The average ambient temperature of the test cell and engine intake air shall be maintained at 25° C ±5° C

V 4 4 / 3 1 F E 1 3 7 9 UMI

V 44/31 FE 13 79 UMI

(77° F ±9° F) throughout the test sequence.

(c) During the generation of the maximum torque curve and the exhaust emission test runs, the humidity level shall be maintained at 75±15 grains of water per pound of dry air and the barometer pressure shall not deviate more than 1 in. Hg from the value measured at the beginning of the test sequence.

(d) The idle test of Subpart P may be run after completion of the hot start exhaust emission test.

[6560-01-C]

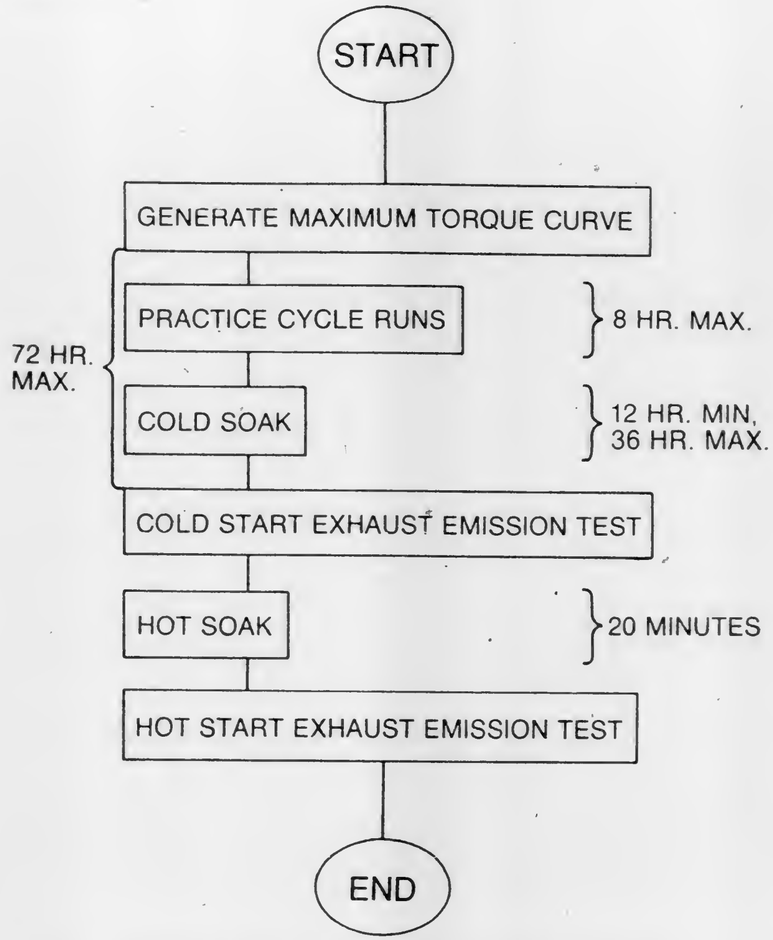


FIGURE N83-9 — TEST SEQUENCE

V 4 4 / 3 1 F E 1 3 7 9 UMI

[6560-01-M]

§ 86.1331-83 [Reserved]

§ 86.1332-83 Pre-test procedures.

(a) Mount test engine on the engine dynamometer.

(b) Determine maximum engine speed.

(1) *Gasoline-fueled.*

(i) For ungoverned engines the maximum engine speed shall be the manufacturer's recommended maximum safe operating speed.

(ii) For governed engines the maximum engine speed shall be the speed at which there is at least a 50 percent drop-off in torque.

(2) *Diesel fueled.* The maximum engine speed shall be the manufacturer's rated speed.

(c) Determine minimum engine speed.

(1) *Gasoline-fueled.* The minimum engine speed is calculated from the following equation:

minimum speed = (curb idle − 200 rpm) or 400 rmp, whichever is greater.

(2) *Diesel fueled.* The minimum engine speed is calculated from the following equation:

minimum speed = 0.6 (manufacturer's rated speed).

(d) Determine maximum torque curve.

(1) *Gasoline-fueled.*

(i) Start the engine and operate at zero load in accordance with the manufacturer's start-up and warm-up procedures for 1 minute ±30 seconds.

(ii) Operate the engine at a torque equivalent to 10 ±3 percent of the most recent determination of maximum torque for 4 minutes ±30 seconds at 2000 rpm.

(iii) Operate the engine at a torque equivalent to 55 ±5 percent of the most recent determination of maximum torque for 35 minutes ±1 minute at 2000 rpm.

(iv) Operate the engine at idle.

(v) Operate the throttle fully.

(vi) While still maintaining wide-open throttle and full-load obtain minimum engine speed. Maintain minimum engine speed for 15 seconds.

(vii) Record the average torque during the last 5 seconds.

(viii) In 100 rmp increments determine the maximum torque curve from minimum speed to maximum speed. Hold each test point for 15 seconds and record the average torque over the last 5 seconds.

(2) *Diesel fueled.*

(i) Start the engine and operate at idle for 2 to 3 minutes.

(ii) Operate the engine at approximately 50 percent power at the peak torque speed for 5 to 7 minutes.

(iii) Operate the engine at rated speed and maximum horsepower for 25 to 30 minutes.

(iv) *Option.* It is permitted to precondition the engine at rated speed and maximum horsepower until the oil and water temperatures are stabilized. The temperatures are defined as stabilized if they are maintained within 2 percent of point for 2 minutes. The engine must be operated a minimum of 10 minutes for this option. This optional procedure may be substituted for step (iii).

(v) Unload the engine and measure the curb idle speed.

(vi) Operate the engine at wide-open throttle and minimum engine speed. Maintain minimum engine speed for 30 seconds.

(vii) Record the average torque over the last 5 seconds.

(viii) In 200 rpm increments determine the maximum torque curve from minimum speed to the maximum speed (rated speed). Hold each test point for 30 seconds and record the average torque over the last 5 seconds.

(ix) Unload the engine, maintain wide-open throttle, and measure the high idle speed.

(e) Mapping curve generation.

(1) *Gasoline-fueled.*

(i) Fit all data points recorded under (d)(1) of this section with a cubic spline curve generation technique. The resulting curve is the mapping curve and will be used to convert the normalized torque values in the engine cycles (see Appendix I f and g) to actual torque values.

(2) *Diesel.*

(i) Calculate the torque at curb idle using the equation below. Assume a BMEP of 90 PSI.

$$T = \frac{(BMEP)D\ (5252)}{(12)(33000)x}$$

Where:

BMEP = brake mean effective pressure, psi;
T = engine torque, lb.-ft.;
D = total piston displacement, cubic inches;
x = number of revolutions required for each power stroke delivered per cylinder—2 for a four-stroke cycle engine and 1 for a two-stroke cycle engine.

(ii) Fit all the torque values recorded under (d)(2) of this section with a cubic spline curve generation technique.

(iii) Draw a straight-line from the maximum torque at curb idle (as calculated in (e)(2)(i) of this section) to the maximum torque at minimum speed (as calculated from the cubic spline curve generated in (e)(2)(ii) of this section).

(iv) Draw a straight-line between the maximum torque at rated speed (curve value) and zero torque at high idle rpm.

(v) The complete mapping curve is shown in Figure N83-10.

The resulting mapping curve is used to convert the normalized torque values in the engine cycles (see Appendix I) to actual torque values.

(f) *Engine preparation.*

(i) Before the cold soak, practice cycle runs may be performed, but emissions may not be measured. A maximum of 8 hours of practice is allowed.

(ii) After any practice runs turn the engine off and allow to cold soak at 60° to 80°F for a minimum of 12 hours and a maximum of 36 hours.

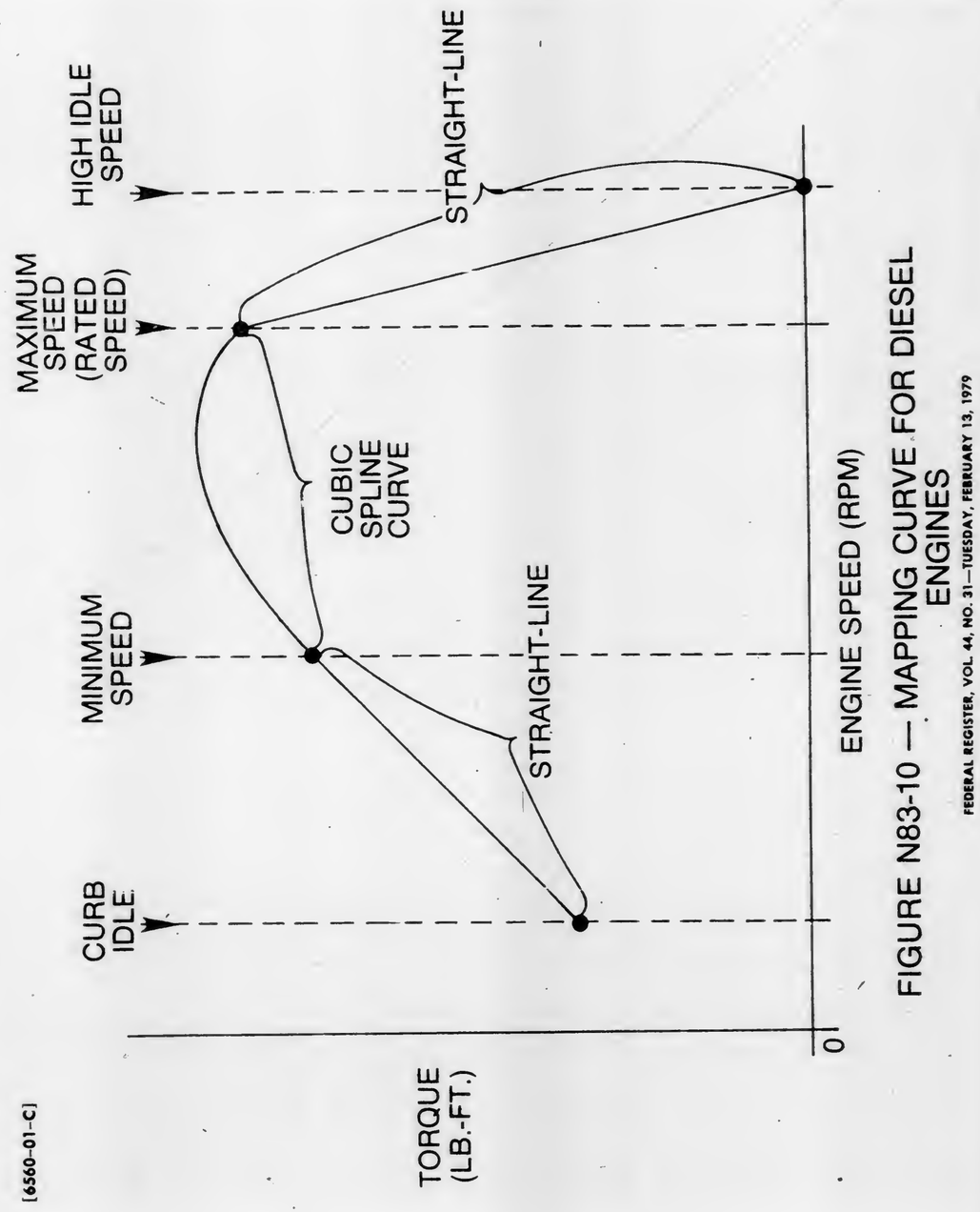


FIGURE N83-10 — MAPPING CURVE FOR DIESEL ENGINES

[6560-01-C]

V 4 4 / 3 1 F E 1 3 7 9 UMI

[6560-01-M]

§ 86.1333-83 [Reserved]

§ 86.1334-83 [Reserved]

§ 86.1335-83 [Reserved]

§ 86.1336-83 Engine starting and restarting.

(a) *Gasoline-fueled engines.* This paragraph (b) applies to gasoline-fueled engines only.

(1) The engine shall be started with a production engine starting-motor according to the manufacturer's recommended starting procedures in the owner's manual. The 24±1 second free idle period shall begin when the engine starts.

(2) *Choke operation:*

(i) Engines equipped with automatic chokes shall be operated according to the manufacturer's operating instructions in the owner's manual, including choke setting and "kick-down" from cold fast idle.

(ii) Engines equipped with manual chokes shall be operated according to the manufacturer's operating instructions in the owner's manual.

(3) The operator may use the choke, throttle, etc. where necessary to keep the engine running.

(4) If the manufacturer's operating instructions in the owner's manual do not specify a warm engine starting procedure, the engine (automatic- and manual-choke engines) shall be started by depressing the throttle about half way and cranking the engine until it starts.

(b) *Diesel engines.* The engine shall be started with a production engine starting-motor according to the manufacturer's recommended starting procedures in the owner's manual. The 24±1 second free idle period shall begin when the engine starts.

(c)(1) If the engine does not start after 15 seconds of cranking, cranking shall cease and the reason for failure to start shall be determined. The gas flow measuring device (or revolution counter) on the constant volume sampler (and the hydrocarbon integrator when testing diesel vehicles, see § 86.1337, Engine dynamometer test run) shall be turned off and the sample selector valves placed in the "standby" position during this diagnostic period. In addition, either the CVS should be turned off or the exhause tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the engine shall be rescheduled for testing from a cold start.

(2) If a failure to start occurs during the cold portion of the test and is caused by an engine malfunction, corrective action of less than 30 minutes duration may be taken (according to § 86.083-25), and the test continued. The sampling system shall be reactivated at the same time cranking begins. When the engine starts, the timing sequence shall begin. If failure to start is caused by engine malfunction and the engine cannot be started, the test shall be voided and corrective action may be taken according to § 86.083-25. The reasons for the malfunction (if determined) and the corrective action taken shall be reported to the Administrator.

(3) If a failure to start occurs during the hot start portion of the test and is caused by engine malfunction, the engine must be started within one minute of key on. The sampling system shall be reactivated at the same time cranking begins. When the engine starts, the transient engine cycle timing sequence shall begin. If the engine cannot be started within one minute of key on, the test shall be voided, corrective action taken, (according to § 86.083-25), and the engine rescheduled for testing. The reason for the malfunction (if determined) and the corrective action taken shall be reported to the Administrator.

(d) If the engine "false starts," the operator shall repeat the recommended starting procedure (such as resetting the choke, etc.).

(e) *Engine stalling.*

(1) If the engine stalls during the initial idle period of either the cold or hot start test, the engine shall be restarted immediately using the appropriate cold or hot starting procedure and the test continued. If the engine cannot be started before the first non-idle record of the cycle, the test shall be voided.

(2) If the engine stalls anywhere in the cycle, except in the initial idle period, the test shall be voided.

§ 86.1337-83 Engine dynamometer test run.

(a) The following steps shall be taken for each test:

(1) Prepare the engine and dynamometer for the cold start test.

(2) With the sample selector valves in the "standby" position, connect evacuated sample collection bags to the dilute exhaust and dilution air sample collection systems.

(3) Start the CVS (if not already on), the sample pumps, the temperature recorder, the engine cooling fan(s) and the heated hydrocarbon analysis recorder (diesel only). (The heat exchanger of the constant volume sampler, if used, diesel hydrocarbon analyzer continuous sample line and filter (if applicable) shall be preheated to their respective operating temperatures before the test begins.)

(4) Adjust the sample flow rates to the desired flow rate and set the gas flow measuring devices to zero.

Note.—CFV-CVS sample flowrate is fixed by the venturi design.

(5) Attach the CVS flexible exhaust tube to engine tailpipe(s).

(6) Follow the manufacturer's choke and throttle instructions for cold starting. Simultaneously start the engine and begin exhaust and dilution air sampling. For diesel engines, turn on the hydrocarbon analyzer system integrator and mark the recorder chart.

(7) As soon as it is determined that the engine is started, start a "free idle" timer.

(8) Allow the engine to idle freely with no-load for 24 ± 1 seconds.

(9) Begin the transient engine cycles such that the first non-idle record of the cycle occurs at 25 ± 1 seconds. The free idle time is included in the 25 ± 1 seconds.

(10) On the last record of the cycle cease sampling, immediately turn the engine off, and start a hot soak timer.

(11) Immediately after the engine is turned off, turn off the engine cooling fan(s) if used, and the CVS blower. As soon as possible transfer the "cold start cycle" exhaust and dilution air samples to the analytical system and process the samples according to § 83.1340 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(12) Allow the engine to soak for 20 ± 1 minutes.

(13) Prepare the engine and dynamometer for the hot start test.

(14) With the sample selector valves in the "standby" position, connect evacuated sample collection bags to the dilute exhaust and dilution air sample collection systems.

(15) Start the CVS (if not already on), the sample pumps, the temperature recorder, the engine cooling fan and the heated hydrocarbon analysis recorder (diesel only). (The heat exchanger of the constant volume sampler, if used, diesel hydrocarbon analyzer continuous sample line and filter (if applicable) shall be preheated to their respective operating temperatures before the test begins.)

(16) Adjust the sample flow rates to the desired flow rate and set the gas flow measuring devices to zero.

Note.—CFV-CVS sample flowrate is fixed by the venturi design.

(17) Follow the manufacturer's choke and throttle instruction for hot starting. Simultaneously start the engine and begin exhaust and dilution air sampling.

(18) As soon as it is determined that the engine is started, start a "free idle" timer.

(19) Allow the engine to idle freely with no-load for 24 ± 1 seconds.

(20) Begin the transient engine cycle such that the first non-idle record of the cycle occurs at 25 ± 1 seconds. The free idle is included in the 25 ± seconds.

(21) On the last record of the cycle cease sampling.

(22) As soon as possible transfer the "hot start cycle" exhaust and dilution air samples to the analytical system and process the samples according to § 86.1340 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(23) Disconnect the exhaust tube from the engine tailpipe(s).

(24) The CVS may be turned off, if desired.

§ 86.1338-83 [Reserved]

§ 86-1339-83 [Reserved]

§ 86.1340-83 Exhaust sample analysis.

The following sequence of operations shall be performed in conjunction with each series of measurements:

(a) Zero the analyzers and obtain a stable zero reading. Recheck after tests.

(b) Introduce span gases and set instrument gains. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test sample. Span gases shall have concentrations equal to 75 to 100 percent of full scale. If gain has shifted significantly on the analyzers, check the calibrations. Show actual concentrations on chart.

(c) Check zeros; repeat the procedure in paragraphs (a) and (b) of this section if required.

(d) Check flow rates and pressures.

(e) Measure HC, CO, CO_2 and NOx concentrations of samples.

(f) For diesel engines, continuously record (integrate electronically if desired) dilute hydrocarbon emission levels during test. Background samples are collected in sample bags and analyzed as above.

(g) Check zero and span point. If difference is greater than 2% of full scale, repeat the procedure in paragraphs (a) through (f).

§ 86.1341-83 [Reserved]

§ 86.1342-83 Information required.

The following information, as applicable, shall be recorded for each test:

(a) *Engine description and specification.* A copy of the information specified in this paragraph must accompany each engine sent to the Administrator for compliance testing. The manufacturer need not record the information specified in this paragraph for each test if the information, with the exception of subparagraph (3) is included in the manufacturer's Part I.

(1) Engine-system combination.

(2) Engine identification numbers.

(3) Number of hours of operation accumulated on engine.

(4) Manufacturer's rated maximum horsepower and torque.

(5) Manufacturer's rated maximum horsepower and torque speeds.

(6) Engine displacement.

(7) Governed speed.

(8) Maximum safe engine speed (ungoverned engines).

(9) Manufacturer's start-up procedure.

(10) Curb-idle rpm.

(11) Maximum exhaust system back pressure (diesel engines only).

(b) *Test data; general.* This information may be recorded at any time between 4 hours prior to the test and 4 hours after the test.

(1) Engine-system combination.

(2) Engine identification number.

(3) Instrument operator(s).

(4) Engine operator(s).

(5) Number of hours of operation accumulated on the engine prior to beginning the test sequence (Figure N83-8).

(6) Fuel identification, including H/C ratio.

(7) Date of most recent analytical assembly calibration.

(8) All pertinent instrument information such as tuning, gain, serial numbers, detector number, calibration curve numbers, etc. As long as this information is traceable, it may be summarized by system number or analyzer identification numbers.

(c) *Test data; pre-test.*

(1) Date and time of day.

(2) Test number.

(3) Engine intake air temperature.

(4) Barometric pressure.

(5) Engine intake humidity.

(6) Maximum torque curve as determined in § 86.1332.

(7) Measured maximum horsepower and torque speeds.

(8) Measured maximum horsepower and torque.

(9) Maximum engine speed.

(10) Minimum engine speed.

(11) High idle engine speed (diesel engines only).

(12) Calculated torque at curb-idle (diesel engines only).

(13) Fuel consumption at maximum power and torque (diesel engines only).

(14) Curb-idle fuel flow rate.

(d) *Test data.*

(1) Total number of hours of operation accumulated on the engine prior to starting emission test.

(2) Cold soak time interval.

(3) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(4) Test cell barometric pressure.

Note.—A central laboratory barometer may be used: *Provided,* That individual test cell barometric pressure are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(5) Engine intake air temperature and humidity.

(6) Pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

(7) The number of revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic feet metered by a critical flow venturi during each test phase would be the equivalent record for a CFV-CVS.

(8) The humidity of the dilution air.

Note.—If conditioning columns are not used (see § 86.1322 and § 86.1344) this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(9) Temperature set point of the heated sample line and heated hydrocarbon detector temperature control system (for diesel engines only).

(10) Integrated brake horsepower-hours for each test phase.

(11) Record engine torque and engine rpm continuously. The maximum time interval between recorded data points is one second.

(12) Total number of hours of operation accumulated on the engine after completing the test sequence described in Figure N83-8.

§ 86.1343-83 [Reserved]

§ 86.1344-83 Calculations; exhaust emissions.

(a) The final reported transient emission test results shall be computed by use of the following formula:

$$A_{wm} = \frac{1/7(g_C) + 6/7(g_H)}{1/7(BHP\text{-}Hr_C) + 6/7(BHP\text{-}Hr_H)}$$

Where:

A_{wm} = Weighted mass emission level (HC, CO, CO_2, or NO_x) in grams per brake horsepower hour.

g_C = Mass emission level in grams, measured during the cold start test.

g_H = Mass emissions level in grams, measured during the hot start test.

BHP-HR_C = Total brake horsepower-hour (brake horsepower integrated with respect to time) for the cold start test.

BHP-HR_H = Total brake horsepower-hour (brake horsepower integrated with respect to time) for the hot start test.

(b) The mass of each pollutant for the cold start test and the hot start

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test is determined from the following equations:

(1) Hydrocarbon mass:

$HC_{mass} = V_{mix} \times Density_{HC} \times (HC_{conc}/1{,}000{,}000)$

(2) Oxides of nitrogen mass:

$NOx_{mass} = V_{mix} \times Density_{NO2} \times K_H \times (NOx_{conc}/1{,}000{,}000)$

(3) Carbon monoxide mass:

$CO_{mass} = V_{mix} \times Density_{CO} \times (CO_{conc}/1{,}000{,}000)$

(4) Carbon dioxide mass:

$CO_{2mass} = V_{mix} \times Density_{CO2} \times (CO_{2conc}/100)$

(c) Meaning of symbols:

(1)

HC_{mass} = Hydrocarbon emissions, in grams per test phase.

Density = Density of hydrocarbons is 16.33 g/ft³ (.5767 kg/m³), assumng an average carbon to hydrogen ratio of 1:1.85, at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

HC_{conc} = Hydrocarbon concentration of the dilute exhaust sample corrected for background, in ppm carbon equivalent, i.e., equivalent propane X 3.

$$HC_{conc} = HC_e - HC_d[1-(1/DF)]$$

where:

HC_e = Hydrocarbon concentration of the dilute exhaust sample or, for diesel, average hydrocarbon concentration of the dilute exhaust sample as calculated from the integrated HC traces, in ppm carbon equivalent.

HC_d = Hydrocarbon concentration of the dilution air as measured, in ppm carbon equivalent.

(2)

NOx_{mass} = Oxides of nitrogen emissions, in grams per test phase.

$Density_{NO2}$ = Density of oxides of nitrogen is 54.16 g/ft³ (1.913 kg/m³), assuming they are in the form of nitrogen dioxide, at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

NOx_{conc} = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in ppm.

$NOx_{conc} = NOx_e - NOx_d[1-(1/DF)]$

where:

NOx_e = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in ppm.

NOx_d = Oxides of nitrogen concentration of the dilute air as measured, in ppm.

(3)

CO_{mass} = Carbon monoxide emissions, in grams per test phase.

$Density_{CO}$ = Density of carbon monoxide is 32.97 g/ft³ (1.164 kg/m³), at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

CO_{conc} = Carbon monoxide concentration of the dilute exhaust sample corrected for backgroud, water vapor, and CO_2 extraction, in ppm.

$$CO_{conc} = CO_e - CO_d[1-(1/DF)]$$

where:

CO_e = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in ppm. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$$CO_e = [1-0.01925CO_{2e}-0.000323R]CO_{em}$$

Where:

CO_{em} = Carbon monoxide concentration of the dilute exhaust sample as measured, in ppm.

CO_{2e} = Carbon dioxide concentration of the dilute exhaust sample, in percent.

R = Relative humidity of the dilution air, in percent (see § 86.1342).

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in ppm.

$CO_d = (1-0.000323R)CO_{dm}$

Where:

CO_{dm} = Carbon monoxide concentration of the dilution air sample as measured, in ppm.

NOTE.—If a CO instrument which meets the criteria specified in § 86.1311 is used and the conditioning column has been deleted, CO_{em} can be substituted directly for CO_e and CO_{dm} can be substituted directly for CO_d.

(4)

CO_{2mass} = Carbon dioxide emissions, in grams per test phase.

$Density_{CO2}$ = Density of carbon dioxide is 51.85 g/ft³ (1.843 kg/m³), at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

CO_{2conc} = Carbon dioxide concentration of the dilute exhaust sample corrected for background, in percent.

$CO_{2conc} = CO_{2e} - CO_{2d}[1-(1/DF)]$

Where:

CO_{2d} = Carbon dioxide concentration of the dilution air as measured, in percent.

(5)

$DF = 13.4/[CO_{2e} + (HC_e + CO_e) \times 10^{-4}]$

K_H = Humidity correction factor.

$K_H = 1/[1-0.0047(H-75)]$ for SI units $= 1/[1-0.0329(H-10.71)]$

Where:

H = Absolute humidity in grains (grams) of water per pound (kilogram) of dry air.

$H = [(43.478)R_s \times P_d]/[P_B - (P_d \times R_s/100)]$ for SI units, $H = [(6.211)R_s \times P_d]/[P_B - (P_d \times R_s/100)]$

R_s = Relative humidity of the ambient air, in percent.

P_d = Saturated vapor pressure, in mm Hg (kPa) at the ambient dry bulb temperature.

P_B = Barometric pressure, in mm Hg (kPa).

V_{mix} = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528°R (293°K) and 760 mm Hg (101.3 kPa)).

For PDP-CVS, V_{mix} is:

$$V_{mix} = V_o \times \frac{N(P_B - P_A)(528\ R)}{(760\ mm\ Hg)(T_p)}$$

for SI units,

$$V_{mix} = V_o \times \frac{N(P_B - P_A)(293.15\ K)}{(101.3\ kPa)(T_p)}$$

Where:

V_o = Volume of gas pumped by the positive displacement pump, in cubic feet (cubic meters) per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

P_B = Barometric pressure, in mm Hg (kPa).

P_p = Pressure depressions below atmospheric measured at the inlet to the positive displacement pump, in mm Hg (kPa) (during an idle mode).

T_p = Average temperature of dilute exhaust entering positive displacement pump during test, °R (°K).

(d) Sample calculation of mass values of exhaust emissions:

(1) Assume the following test results:

	Cold start cycle test results	Hot start cycle test results
V_{mix}	6924 ft³	6873 ft³
R	30.2%	30.2%
R_s	30.2%	30.2%
P_B	735 mm Hg	735 mm Hg
P_d	22.676 mm Hg	22.676 mm Hg
HC_e	132.07 ppm C equiv.	86.13 ppm C equiv.
NOx_e	7.86 ppm	10.98 ppm
CO_{em}	171.22 ppm	114.28 ppm
CO_{2e}	.178%	.381%
HC_d	3.60 ppm C equiv.	8.70 ppm C equiv.
NOx_d	0.0 ppm	0.10 ppm
CO_{dm}	0.89 ppm	0.89 ppm
CO_{2d}	0.0%	0.038%
BHP-HR	0.259	0.347

Then:

Cold Start Test

$H = [(43.478)(30.2)(22.676)]/[735-(22.676)(30.2)/100] = 41$ grains of water per pound of dry air.

$K_H = 1/[1-0.0047(41-75)] = 0.862$

$CO_e = [1-0.01925(.178)-0.000323(30.2)]171.22 = 169.0$ ppm

$CO_d = [1-0.000323(30.2)]0.89 = .881$ ppm

$DF = 13.4/[.178+(132.1+168.9)\ (10^{-4})] = 64.265$

$HC_{conc} = 132.1-3.6[1-(1/64.265)] = 128.6$ ppm

$HC_{mass} = 6924(16.33)(128.6/1{,}000{,}000) = 14.53$ grams

$NOx_{conc} = 7.86-0.0[1-(1/64.265)] = 7.86$ ppm

$NOx_{mass} = 6924(54.16)(.862)(7.86/1{,}000{,}000) = 2.54$ grams

$CO_{conc} = 169.0-.881[1-(1/64.265)] = 168.0$ ppm

$CO_{mass} = 6924(32.97)(168.0/1{,}000{,}000) = 38.35$ grams

$CO_{2conc} = .178-0[1-1/64.265)] = .178\%$

$CO_{2mass} = 6924(51.85)(.178/100) = 639$ grams

Hot Start Test

Assume similar calculations result in the following:

$HC_{mass} = 8.72$ grams

$NOx_{mass} = 3.49$ grams

$CO_{mass} = 25.70$ grams

$CO_{2mass} = 1226$ grams

(2) Weighted mass emission results:

$$HC_{wm} = \frac{1/7(14.53) + 6/7(8.72)}{1/7(0.259) + 6/7(0.347)} = 28.6 \text{ grams/BHP-HR}$$

$$NOx_{wm} = \frac{1/7(2.54) + 6/7(3.49)}{1/7(0.259) + 6/7(0.347)} = 10.0 \text{ grams/BHP-HR}$$

$$CO_{wm} = \frac{1/7(38.35) + 6/7(25.70)}{1/7(0.259) + 6/7(0.347)} = 82.2 \text{ grams/BHP-HR}$$

$$CO_{2wm} = \frac{1/7(639) + 6/7(1226)}{1/7(0.259) + 6/7(0.347)} = 3415 \text{ grams/ BHP-HR}$$

(e) The final reported brake-specific fuel consumption (BSFC) shall be computed by use of the following formula:

$$BSFC = \frac{1/7(M_C) + 6/7(M_H)}{1/7(BHP\text{-}HR_C) + 6/7(BHP\text{-}HR_H)}$$

Where:

BSFC = brake-specific fuel consumption in pounds of fuel per brake horsepower-hour (lbs/BHP-HR)

M_C = mass of fuel, in pounds, used by the engine during the cold start test.

M_H = mass of fuel, in pounds, used by the engine during the hot start test.

$BHP\text{-}HR_C$ = total brake horsepower-hours (brake horsepower integrated with respect to time) for the cold start test.

$BHP\text{-}HR_H$ = total brake horsepower-hours (brake horsepower integrated with respect to time) for the hot start test.

(f) The mass of fuel for the cold start and hot start test is determined from the following equation:

$$M = (G_s/R)(1/453.6)$$

(g) Meaning of symbols:

M = Mass of fuel, in pounds, used by the engine during the cold or hot start test.

G_s = Grams of carbon measured during the cold or hot start test.

$G_s = [12.011/(12.011+\alpha(1.008))]HC_{mass} + 0.429CO_{mass} + 0.273\ CO_{2mass}$

where:

HC_{mass} = Hydrocarbon emissions, in grams for cold or hot start test.

CO_{mass} = Carbon monoxide emissions, in grams for cold or hot start test.

CO_{2mass} = Carbon dioxide emissions, in grams for cold or hot start test.

α = The measured hydrogen to carbon ratio of the fuel.

R = The grams of carbon in the fuel per gram of fuel.

$R = 12.011/[12.011+\alpha(1.008)]$

(h) Sample calculation of brake-specific fuel consumption:

(1) Assume the following test results:

	Cold start cycle test results	Hot start cycle test results
BHP-HR	6.945	7.078
α	1.85	1.85
HC_{mass}	37.08 grams	28.82 grams
CO_{mass}	357.69 grams	350.33 grams
CO_{2mass}	5419.62 grams	5361.32 grams

$$BSFC = \frac{1/7(4.24) + 6/7(4.17)}{1/7(6.945) + 6/7(7.078)} = .592 \text{ lbs. of fuel/BHP-HR}$$

Then:

G_s for cold start test $= [12.011/(12.011+(1.85)(1.008))](37.08+0.429(357.69)+0.273(5419.62) = 1665.10$ grams

G_s for hot start test $= [12.011/(12.011+(1.85)(1.008))](28.82)+0.429(350.33)+0.273(5361.32) = 1638.8$ grams

$R = 12.011/[12.011+1.85(1.008)] = .866$

$M_C = (1665.10/.866)(1/453.6) = 4.24$ lbs.

$M_H = (1638.88/.866)(1/453.6) = 4.17$ lbs.

(2) Brake-specific fuel consumption results:

25. A new Subpart P is proposed to be added to Part 86 and reads as follows:

Subpart P—Emission Regulations for New Gasoline-Fueled and Diesel Heavy-Duty Engines and Vehicles and New Light-Duty Trucks; Idle Test Procedures

NOTE.—This proposed subpart is concerned only with regulations for heavy-duty vehicles and engines. That the title mentions light-duty trucks means only that an independent Notice of Proposed Rulemaking, applicable to light-duty trucks, recently has been or shortly will be published; the procedures of this subpart were written to apply to that proposed rulemaking as well. As it is now proposed, however, this subpart applies only to heavy-duty vehicles and engines.

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Subpart P—Emission Regulations for New Gasoline-Fueled and Diesel Heavy-Duty Engines and Vehicles and New Light-Duty Trucks; Idle Test Procedures

§ 86.1501-83 Scope; applicability.

This subpart contains gaseous emission idle test procedures for heavy-duty gasoline-fueled engines and vehicles, heavy-duty diesel engines and vehicles, and light-duty trucks. It applies to 1983 and later model years.

§ 86.1502-83 Definitions.

The definitions in § 86.083-2 apply to this subpart.

§ 86.1503-83 Abbreviations.

The abbreviations in § 86.083-3 apply to this subpart.

§ 86.1504-83 Section numbering; construction.

(a) The model year of initial applicability is indicated by the section number. The two digits following the hyphen designate the first model year for which a section is effective. A section remains effective until superseded.

EXAMPLE: Section § 86.1511-83 applies to the 1983 and subsequent model years until superseded. If a section § 86.1511-85 is promulgated, it would take effect beginning with the 1985 model year; § 86.1511-83 would apply to model years 1983 and 1984.

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(b) A section reference without a model year suffix refers to the section applicable for the appropriate model year.

(c) Unless indicated, all provisions in this subpart apply to gasoline-fueled and diesel heavy-duty engines and vehicles and light-duty trucks.

§ 86.1505-83 Introduction; structure of subpart.

(a) This subpart describes the equipment required and the procedures to follow in order to perform idle exhaust emission tests on gasoline-fueled and diesel heavy-duty engines and vehicles and light-duty trucks. Subpart A sets forth the testing requirements and test intervals necessary to comply with EPA certification procedures.

(b) Four topics are addressed in this subpart. Sections 86.1505 through 86.1515 set forth specifications and equipment requirements; §§ 86.1516 through 86.1526 discuss calibration methods and frequency; test procedures and data requirements are listed (in approximately chronological order) in §§ 86.1527 through 86.1542; and calculation formulas are found in § 86.1544.

§ 86.1506-83 Equipment required and specifications; overview.

(a) This subpart contains procedures for idle exhaust emission tests on diesel or gasoline-fueled heavy-duty vehicles and engines and light-duty trucks. Equipment required and specifications are as follows:

(1) *Exhaust emission tests.* All vehicles subject to this subpart are tested for exhaust emissions. Diesel and gasoline-fueled vehicles and engines are tested identically. Necessary equipment and specifications appear in §§ 86.1509 through 86.1511.

(2) *Fuel and analytical gas specifications.* Fuel requirements for idle exhaust emission testing are specified in § 86.1513. Analytical gases are specified in § 86.1514.

§ 86.1507-83 (Reserved)

§ 86.1508-83 (Reserved)

§ 86.1509-83 Exhaust gas sampling system.

(a) The exhaust gas sampling system shall transport the exhaust sample from the engine or vehicle tailpipe to the analysis system in such a manner as to maintain the integrity of the sample constituents that are to be analyzed.

(b) The sample system shall supply a dry sample (i.e., water removed) to the analysis system.

(c) A CVS sampling system with bag analysis as specified in Subpart N is permitted. The inclusion of an additional raw CO_2 analyzer as specified in Subpart D is required if the CVS system is used in order to accurately determine the CVS dilution factor (D.F.). The heated sample line specified in Subpart D for raw emission measurements is not required for the raw CO_2 measurement.

(d) A raw exhaust sampling system as specified in Subpart D is permitted.

§ 86.1510-83 (Reserved)

§ 86.1511-83 Exhaust gas analysis system.

(a) Analyzers used for this subpart shall meet the following specifications.

(1) The analyzers used must have ranges such that

(i) the carbon monoxide (CO) idle standard specified in § 86.083-10 and § 86.083-11 for heavy-duty engines or vehicles and for light-duty trucks will provide an analyzer response between 45 and 90 percent of full scale deflection on the CO analyzer.

(ii) the hydrocarbon (HC) idle standard specified in § 86.083-10 and § 86.083-11 for heavy-duty engines or vehicles and for light-duty trucks will provide an analyzer response between 45 and 90 percent of full scale deflection on the HC analyzer. The standard in ppmC can be divided by 6.0 to obtain n-hexane values (ppmC-6).

(2) The resolution of the readout device for the ranges specified in (a)(1) of this section shall be equal to or less than the following:

(i) 0.05 percent for a carbon monoxide analyzer, and

(ii) 5 ppmC-6 (n-hexane) for a hydrocarbon analyzer.

(3) For the ranges specified in (a)(1) of this section the precision shall be less than ±3 percent of full scale deflection. The precision is defined as 2 times the standard deviation of 5 repetitive responses to a given calibration gas.

(4) For the ranges specified in (a)(1) of this section the mean response to a zero calibration gas shall not exceed ±3 percent of full scale during a one hour period.

(5) For the ranges specified in (a)(1) of this section the mean calibration response shall be less than ±3 percent of full scale during a one hour period. The calibration response is defined as the analyzer response to a calibration gas after the analyzer has been spanned by the electrical spanning network at the beginning of the one hour period.

(6) The analyzer must respond to an instantaneous step change at the entrance to the sampling system with a response equal to 90 percent of that step change within 15 seconds or less on the ranges specified in (a)(1) of this section. The step change shall be at least 60 percent of full scale deflection.

(7) The interference gases listed shall individually or collectively produce an analyzer reading less than ±2 percent of full scale on the ranges specified in (a)(1) of this section.

Interference gas	Concentration	Applicable analyzer
CO_2	14%	HC, CO
C_3H_8	1%	CO
CO	7%	HC
H_2O	Saturated Vapor at 200° F.	HC, CO
NOx	1,000 ppm	HC, CO
O_2	5%	HC, CO

(8) The analyzer shall be able to meet the specifications in paragraph (a) of this section.

(i) after a 30 minute warm-up from the prevailing ambient conditions,

(ii) between the ambient temperatures of −20° C and 45° C (−4° F to 113° F),

(iii) between 0 to 85 percent relative humidity, and

(iv) during flow variations of ±50 percent.

(b) The following analysis systems are permitted when the analysis system is in a temperature controlled environment.

(1) A CVS sampling system with bag analysis as specified in Subpart N provided suitable corrections are used to convert dilute wet-basis results to raw dry-basis results. The inclusion of an additional raw CO_2 analyzer as specified in Subpart D is required if the CVS system is used in order to accurately determine the CVS dilution factor (D.F.).

(c) A raw exhaust analysis system as specified in Subpart D provided suitable corrections are used to convert raw wet-basis results to raw dry-basis results. Measurements made on a raw dry-basis do not need correction.

§ 86.1512-83 (Reserved)

§ 86.1513-83 Fuel specifications.

Fuel meeting the engine or vehicle manufacturer's recommendations to the ultimate purchaser shall be used. Fuels meeting the specifications in § 86.1313-83 for heavy-duty engines or vehicles, or § 86.113-79 for light-duty trucks as applicable are permitted.

§ 86.1514-83 Analytical gases.

(a) *Analyzer gases.*

(1) Calibration gases for the CO analyzer shall be single blends using nitrogen as the diluent.

(2) Calibration gases for the (n-hexane) HC analyzer shall be single blends of propane using nitrogen as the diluent. The conversion factor from propane (ppmC-3) to n-hexane (ppmC-6) shall be:

ppm propane (0.50) = ppm n-hexane.

(3) Ambient air may be used for zero gas provided it is treated to remove impurities or drawn from a source that would tend to minimize CO and HC background levels (e.g., a large room with no vehicles, ambient air, etc.).

(b) Calibration gases shall be traceable to within 3 percent of NBS gas standards, or other standards which have been approved by the Administrator.

(c) Calibration gases shall be equivalent in concentration (± 10%) to the standards specified in § 86.083-10 and § 86.083-11 for heavy-duty engines or vehicles and for light-duty trucks.

(d) If the CVS sampling system is used, the analytical gases specified in Subpart N shall be used.

(e) If the raw sampling system (Subpart D) is used, the analytical gases specified in Subpart D shall be used.

§ 86.1515-83 (Reserved)

§ 86.1516-83 Calibration; frequency and overview.

(a) Calibrations shall be performed as specified in §§ 86.1518 through 86.1526.

(b) At least weekly or after any maintenance which could alter calibration, check the calibration of the HC and CO analyzers. Adjust or repair the analyzer as necessary.

(c) Water traps, filters, or conditioning columns should be checked at least daily.

(d) If the sampling and analysis procedures of Subpart D or N are used, the required calibrations and their frequencies are specified in their respective Subparts.

§ 86.1517-83 (Reserved)

§ 86.1518-83 (Reserved)

§ 86.1519-83 CVS calibration.

If the CVS system is used for sampling during the idle emission test, the calibration instructions are specified in § 86.1319-83 of Subpart N.

§ 86.1520-83 (Reserved)

§ 86.1521-83 Hydrocarbon analyzer calibration.

(a) *Initial check.*

(1) Follow the manufacturers instructions for instrument start-up and operation. Adjust the analyzer to optimize performance on the range specified in § 86.1511(a)(1).

(2) Calibrate the analyzer with the calibration gas specified in § 86.1514(c).

(3) Adjust the electrical span network such that the electrical span point is correct when the analyzer reads the calibration gas correctly.

(4) Determine that the analyzer complies with the specifications in § 86.1511.

(b) *Periodic check.* Follow steps (a)(1), (2), and (3) of this section as specified in § 86.1516(b). Adjust or repair the analyzer as necessary.

(c) If the analysis procedures of Subpart D or N are used, the required calibrations are specified in their respective Subparts.

§ 86.1522-83 Carbon monoxide analyzer calibration.

(a) *Initial check.*

(1) Follow the manufacturers instructions for instrument start-up and operation. Adjust the analyzer to optimize performance on the range specified in § 86.1511(a)(1).

(2) Calibrate the analyzer with the calibration gas specified in § 86.1514(c).

(3) Adjust the electrical span network such that the electrical span point is correct when the analyzer reads the calibration gas correctly.

(4) Determine that the analyzer complies with the specifications in § 86.1511.

(b) *Periodic check.* Follow steps (a)(1), (2), and (3) of this section as specified by § 86.1516(b). Adjust or repair the analyzer as necessary.

(c) If the analysis procedures of Subpart D or N are used, the required calibrations are specified in their respective Subparts.

§ 86.1523-83 (Reserved)

§ 86.1524-83 Carbon dioxide analyzer calibration.

(a) The calibration requirements for the dilute-sample carbon dioxide analyzer are specified in Subpart N.

(b) The calibration requirements for the raw carbon dioxide analyzer are specified in Subpart D.

(c) If another sampling and analyzing system is used that does not require carbon dioxide (CO_2) analysis, this section may be disregarded.

§ 86.1525-83 (Reserved)

§ 86.1526-83 Calibration of other equipment.

Other test equipment used for testing shall be calibrated as often as required by the manufacturer or as necessary according to good practice.

§ 86.1527-83 Idle test procedure; overview.

(a) The idle emission test procedure is designed to determine the raw concentrations (in parts per million of carbon) of hydrocarbons and carbon monoxide in the exhaust flow at idle. The test procedure begins with a warm engine, required to be at the normal operating temperature. (For example, the warm-up for an engine may be a transient dynamometer test, or for a vehicle it may be any convenient operation).

(b) *Vehicles.*

(1) If the idle test is being performed on a vehicle, all emission control systems shall be intact and functioning.

(c) *Engines.*

(1) If the idle test is being performed on an engine, the required engine configuration is specified in Subpart N.

§ 86.1528-83 (Reserved)

§ 86.1529-83 (Reserved)

§ 86.1530-83 Test sequence; general requirements.

The test sequence shown in Figure P83-1 shows the major steps encountered during the idle test described by the subsequent procedures. The average ambient temperature of the engine test cell (in the case of an engine dynamometer test) or the vehicle environment (in the case of a vehicle test) shall be between −20° C and 45° C (−4° F to 113° F).

V 4 4 / 3 1

[6560-01-C]

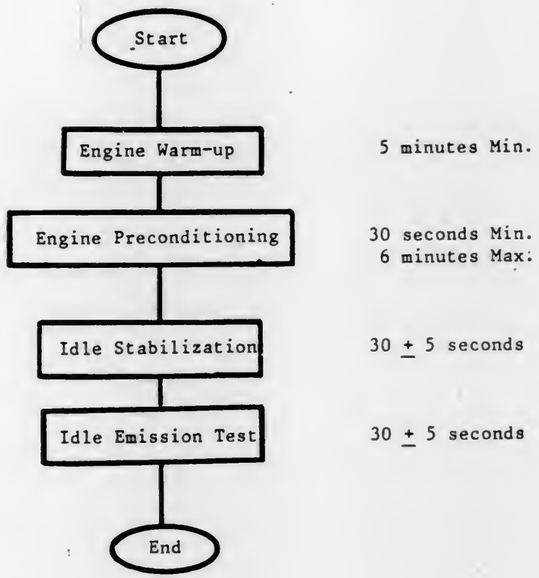


Figure P83-1 - Test Sequence

F E 1 3 7 9 UMI

[6560-01-M]

§ 86.1531-83 (Reserved)

§ 86.1532-83 (Reserved)

§ 86.1533-83 (Reserved)

§ 86.1534-83 (Reserved)

§ 86.1535-83 (Reserved)

§ 86.1536-83 (Reserved)

§ 86.1537-83 Idle test run.

(a) *Test run.* The following steps shall be taken for each test:

(1) Achieve normal engine operating parameters. The transient emission dynamometer test is an acceptable technique to warm-up the engine to normal operating parameters for an engine test. If the transient emission test is not performed prior to the idle emission test, the engine may be warmed-up according to § 86.1332-83(d)(1) (i) through (iii) (applies to gasoline-fueled engines) or § 86.1332-83(d)(2) (i) through (iii) (applies to diesel engines). For a vehicle test, sufficient vehicle operation shall take place to achieve normal operating parameters.

(2) Check the device(s) for removing water from the exhaust sample and the sample filter(s). Remove any water from the water trap(s). Clean and replace the filter(s) as necessary.

(3) Set the zero and span points of the HC and CO analyzers with the electrical spanning network. It is permitted to set the analyzer span with calibration gases.

(4) Hook-up or attach the sampling system to the tailpipe of the engine or vehicle.

(5) Operate the engine at 2500 ± 50 rpm for gasoline-fueled engines (1200± 50 rpm for diesel) and zero load for a minimum of 30 seconds and a maximum of 6 minutes.

(6) Operate the engine at curb idle for 30 ± 5 seconds with the dynamometer off for the engine test, or the transmission in neutral (or park for automatic transmissions) for the vehicle tests.

(7) Sample the exhaust (after step 6) for an additional 30 ± 5 seconds for raw dry-basis HC in ppm C-6 (n-hexane) and raw dry-basis CO in percent. The highest value observed during this sample period shall be the value recorded.

(b) If the CVS sampling system is used, the following procedures apply:

(1) Warm-up the engine as specified in (a)(1) of this section.

(2) Precondition the engine as specified in (a)(5) of this section.

(3) With the sample selector valves in the "standby" position, connect evacuated sample collection bags to the dilute exhaust and dilution air sample collection systems.

(4) Start the CVS (if not already on), the sample pumps, the temperature recorder, the engine cooling fan, the heated hydrocarbon analysis recorder (diesel only) and the raw CO_2 analyzer. (The heat exchanger of the constant volume sampler, if used, diesel hydrocarbon analyzer continuous sample line, and filter (if applicable) shall be preheated to their respective operating temperatures before the test begins).

(5) Adjust the sample flow rates to the desired flow rate and set the gas flow measuring devices to zero.

(6) Operate the engine at the conditions specified in (a)(6) of this section.

(7) Begin HC and CO bag sampling and raw CO_2 sampling.

(8) Sample idle emissions long enough to obtain a sufficient bag sample, but in no case shorter than 60 seconds nor longer than 6 minutes. Follow the sampling and exhaust measurements requirements of Subpart D for the conducting of the idle modes of the gasoline or diesel steady-state test for the raw CO_2 measurement.

(9) As soon as possible, transfer the idle test exhaust and dilution air samples to the analytical system and process the samples according to § 86.1540 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(10) Disconnect the exhaust tube from the engine tail-pipe(s).

(11) The CVS may be turned off, if desired.

(c) If the raw exhaust sampling and analysis technique specified in Subpart D is used, the following procedures apply:

(1) Warm-up the engine as specified in (a)(1) of this section.

(2) Precondition the engine as specified in (a)(5) of this section.

(3) Operate the engine at the conditions specified in (a)(6) of this section.

(4) Follow the sampling and exhaust measurement requirements of Subpart D for conducting the idle modes. The respective mode lengths for gasoline-fueled and diesel engines apply.

(d) If the engine stalls at any time during the test run, the test is void.

§ 86.1538-83 [Reserved]

§ 86.1539-83 [Reserved]

§ 86.1540-83 Idle exhaust sample analysis.

(a) Record the idle concentrations in ppm C-6 (n-hexane) for HC and percent for CO.

(b) If the CVS sampling system is used, the analysis procedures for dilute HC, CO, and CO_2 specified in subpart N apply. Follow the raw CO_2 analysis procedure specified in Subpart D for the raw CO_2 analyzer. The HC may be recorded as ppm propane (ppmC-3) or ppm carbon (ppmC).

(c) If the continuous raw exhaust sampling technique (Subpart D) is used, the analysis procedures for HC and CO specified in Subpart D apply. The HC may be recorded as ppm propane (ppmC-3) or ppm carbon (ppmC).

§ 86.1541-83 [Reserved]

§ 86.1542-83 Information required.

(a) *General data.* The following information shall be recorded for each idle emission test:

(1) Vehicle identification number for a vehicle test.

(2) Engine identification number for an engine test.

(3) Engine family.

(4) Engine displacement.

(5) Analyzer operator(s).

(6) Vehicle (engine) operator(s).

(7) Fuel identification.

(8) Date of purchase of analytical equipment.

(9) Date of most recent analytical assembly calibration.

(10) All pertinent instrument information such as tuning, gain, serial numbers, detector number, calibration curve numbers, etc. As long as this information is traceable, it may be summarized by system number or analyzer identification numbers.

(11) *Pre-test data.*

(i) Date and time of day.

(ii) Test number.

(iii) Ambient temperature (vehicle test) or engine intake air temperature (engine test).

(iv) Vehicle mileage or engine hours as applicable.

(12) *Test data.*

(i) Curb idle speed during the test.

(ii) Idle exhaust HC concentration.

(iii) Idle exhaust CO concentration.

(b) If a CVS sampling system with bag analysis is used for the idle emission test, record the additional information specified in Subpart N as applicable. In addition, record the raw exhaust CO_2 concentration during the test.

(c) If the raw exhaust sampling and analysis system specified in Subpart D is used, record the additional information specified in Subpart D as applicable.

§ 86.1543-83 [Reserved]

§ 86.1544-83 Calculations; idle exhaust emissions.

(a) The final idle emission test results shall be reported as ppmC (equivalent carbon) for hydrocarbons and percent for carbon monoxide, both on a dry basis. The results shall be reported to the same number of significant digits as the idle standards specified in § 86.083-10 and § 86.083-11.

V 4 4 / 3 1 F E 1 3 7 9

(b) Convert dry-basis ppmC-6 (n-hexane) to ppmC (equivalent carbon) by:

ppmC=(6.0) ppmC-6 .

(c) If a CVS sampling system is used, the following procedure shall apply:

(1) Use the procedures, as applicable, in Subpart N to determine the dilute wet-basis HC in ppmC, and CO and CO_2 in percent.

(2) Use the procedure, as applicable, in Subpart D to determine the raw dry-basis CO_2 in percent.

(3) Convert the raw dry-basis CO_2 to raw wet-basis. An assumption that the percent of water by volume in the raw sample is equal to the percent of raw dry-basis CO_2 minus 0.5 percent is acceptable. For example:

10.0% dry CO_2−0.5%=9.5% water (1.00-0.095) (10.0% dry CO_2)=9.05% wet CO_2

(4) Calculate the CVS dilution factor (DF) by:

$$DF = \frac{\text{Raw Wet } CO_2 - \text{Background } CO_2}{\text{Dilute Wet } CO_2 - \text{Background } CO_2}$$

(5) Convert the dilute wet-basis HC and CO to dilute dry-basis values. An assumption that the percent of water by volume in the sample bag is 2 percent is acceptable. For example:

dilute dry HC=(dilute wet HC) / (1.00−0.02)

(6) Calculate the raw dry-basis HC and CO values by:

raw dry HC=(DF) (dilute dry HC)
raw dry CO=(DF) (dilute dry CO)

(d) If the raw exhaust sampling and analysis system specified in Subpart D is used, the following procedure shall apply:

(1) Use the procedure, as applicable, in Subpart D to determine raw wet-basis HC and raw dry-basis CO and CO_2.

(2) Use calculations specified in Subpart D to determine raw dry-basis HC.

26. Appendix I of Part 86 is proposed to be amended as follows:

Appendix I—Urban Dynamometer Schedules

(a) • • •
(b) • • •
(c) • • •
(d) • • •
(e) • • •

(f) EPA Engine Dynamometer Schedule for Heavy-Duty Gasoline Engines.

Percent RPM and Percent Torque Versus Time Sequence

Record (Sec.)	Percent RPM	Percent torque
0	0.0	0.0
1	0.0	0.0
2	0.0	0.0
3	0.0	0.0
4	0.0	0.0
5	0.0	0.0
6	0.0	0.0
7	0.0	0.0
8	0.0	0.0
9	0.0	0.0
10	0.0	0.0
11	0.0	0.0
12	0.0	0.0
13	0.0	0.0
14	0.0	0.0
15	0.0	0.0
16	0.0	0.0
17	0.0	0.0
18	0.0	0.0
19	0.0	0.0
20	0.0	0.0
21	0.0	0.0
22	0.0	0.0
23	0.0	0.0
24	0.0	0.0
25	−1.78	44.40
26	0.0	85.35
27	4.25	100.00
28	27.47	100.00
29	42.96	100.00
30	45.79	100.00
31	48.11	99.46
32	50.42	90.00
33	52.74	75.23
34	54.00	50.00
35	44.42	8.96
36	45.05	Motoring
37	46.00	9.99
38	37.69	Motoring
39	31.61	5.68
40	22.94	35.29
41	24.00	4.87
42	20.86	Motoring
43	12.45	Motoring
44	6.00	Motoring
45	6.52	Motoring
46	7.17	Motoring
47	2.56	Motoring
48	0.0	0.0
49	0.0	0.0
50	0.0	0.0
51	0.0	10.11
52	4.32	46.40
53	8.90	45.17
54	1.95	50.00
55	3.33	41.68
56	4.00	89.46
57	13.76	55.60
58	26.43	26.96
59	33.85	6.16
60	36.00	Motoring
61	34.45	Motoring
62	34.00	Motoring
63	35.64	Motoring
64	32.99	27.39
65	36.00	80.00
66	41.63	74.37
67	60.41	26.76
68	48.44	Motoring
69	43.86	Motoring
70	40.39	Motoring
71	38.50	4.01
72	35.05	30.00
73	40.66	16.70
74	43.64	26.45
75	45.96	Motoring
76	47.10	Motoring
77	49.29	Motoring
78	37.10	Motoring
79	36.00	Motoring
80	34.47	Motoring
81	32.15	Motoring
82	31.67	Motoring
83	28.48	13.89
84	32.38	90.00
85	38.00	90.00
86	41.69	90.00
87	45.74	90.00
88	49.95	80.00
89	49.10	80.00
90	50.59	62.97
91	45.99	34.98
92	42.76	7.23
93	35.12	Motoring
94	32.06	67.92
95	35.53	62.55
96	46.57	68.60
97	49.77	48.85
98	52.00	60.00
99	58.06	60.00
100	63.66	23.42
101	64.14	17.84
102	59.58	3.76
103	38.00	42.26
104	39.09	30.00
105	40.00	30.00
106	34.85	47.18
107	32.03	10.33
108	34.00	33.48
109	34.00	50.00
110	33.02	20.69
111	25.54	Motoring
112	15.57	Motoring
113	14.00	Motoring
114	14.47	27.64
115	18.00	4.49
116	17.13	Motoring
117	16.00	Motoring
118	10.02	Motoring
119	9.81	Motoring
120	5.88	Motoring
121	4.00	Motoring
122	4.00	Motoring
123	2.93	Motoring
124	0.62	Motoring
125	0.0	0.0
126	0.0	0.0
127	0.0	0.0
128	0.0	0.0
129	0.0	0.0
130	0.0	10.00
131	0.0	10.00
132	0.0	29.02
133	0.0	27.83
134	0.0	7.34
135	0.0	0.0
136	0.0	0.0
137	0.0	0.0
138	0.0	0.0
139	0.0	0.0
140	0.0	0.0
141	0.0	0.0
142	0.0	0.0
143	0.0	0.0
144	0.0	0.0
145	0.0	0.0
146	2.00	0.0
147	1.38	0.0
148	0.0	0.0
149	0.0	6.27
150	0.0	2.16
151	0.0	0.0
152	0.0	0.0
153	0.0	0.0
154	0.83	Motoring
155	2.00	Motoring
156	0.54	Motoring
157	0.0	0.0
158	0.0	0.0
159	0.0	0.0
160	0.0	0.0
161	0.0	0.0
162	0.0	0.0
163	0.0	0.0
164	0.0	0.0
165	0.0	0.0
166	0.0	0.0
167	0.0	22.01
168	1.23	72.29
169	6.63	80.00
170	17.29	89.29
171	22.17	90.00
172	24.00	82.70
173	24.00	31.96
174	24.00	Motoring
175	22.57	Motoring
176	22.00	Motoring

Percent RPM and Percent Torque Versus Time Sequence—Continued

Record (Sec.)	Percent RPM	Percent torque
177	13.88	Motoring
178	10.00	Motoring
179	9.31	Motoring
180	3.99	Motoring
181	0.0	0.0
182	0.0	0.0
183	0.0	0.0
184	0.0	0.0
185	0.0	0.0
186	0.0	0.0
187	0.0	0.0
188	0.0	0.0
189	0.0	0.0
190	0.0	0.0
191	0.0	0.0
192	0.0	0.0
193	0.0	0.0
194	0.0	0.0
195	0.0	0.0
196	0.0	0.0
197	0.0	0.0
198	0.0	0.0
199	0.0	0.0
200	0.0	0.0
201	0.0	0.0
202	0.0	0.0
203	0.0	0.0
204	−2.52	6.30
205	−4.22	15.28
206	0.0	10.00
207	0.0	10.00
208	0.0	10.00
209	0.0	75.93
210	0.0	32.22
211	1.67	35.00
212	15.48	29.82
213	25.46	Motoring
214	24.22	Motoring
215	23.44	Motoring
216	12.41	80.00
217	8.94	83.61
218	7.26	84.82
219	16.70	80.00
220	24.67	83.33
221	0.24	79.81
222	0.0	8.52
223	0.0	0.0
224	0.0	0.0
225	0.0	0.0
226	0.0	0.0
227	0.0	0.0
228	0.0	0.0
229	0.0	0.0
230	0.0	0.0
231	0.0	0.0
232	0.0	0.0
233	0.0	17.59
234	0.0	19.63
235	0.0	10.00
236	0.0	10.00
237	0.0	10.00
238	0.0	3.34
239	0.0	0.0
240	0.0	0.0
241	0.0	0.0
242	0.0	0.0
243	0.0	0.0
244	0.0	0.0
245	0.0	0.0
246	0.0	0.0
247	0.0	0.0
248	0.0	0.0
249	0.0	0.0
250	0.0	0.0
251	0.0	0.0
252	0.0	0.0
253	0.0	0.0
254	0.0	0.0
255	0.0	0.0
256	0.0	0.0
257	0.0	0.0
258	0.0	0.0
259	0.0	0.0
260	0.0	0.0
261	0.0	0.0
262	0.0	0.0
263	0.0	0.0
264	0.0	0.0
265	0.0	0.0
266	0.0	0.0
267	0.0	0.0
268	0.0	0.0
269	0.0	0.0
270	0.0	0.0
271	0.0	0.0
272	0.0	0.0
273	0.0	0.0
274	0.0	0.0
275	0.0	0.0
276	0.0	0.0
277	0.0	0.0
278	0.0	0.0
279	0.0	0.0
280	0.0	0.0
281	0.0	4.17
282	1.15	10.00
283	2.00	10.00
284	0.22	10.00
285	0.0	0.0
286	0.0	0.0
287	0.0	0.0
288	0.0	0.0
289	0.0	0.0
290	0.0	0.0
291	0.0	0.0
292	0.0	0.0
293	0.0	0.0
294	0.0	0.0
295	0.0	0.0
296	0.0	0.0
297	0.0	0.0
298	0.0	0.0
299	0.0	0.0
300	0.0	4.07
301	0.0	10.00
302	0.0	17.22
303	0.0	20.00
304	0.0	20.37
305	2.33	31.94
306	16.22	36.48
307	24.00	24.91
308	24.00	13.34
309	19.06	10.00
310	18.00	Motoring
311	17.17	Motoring
312	9.04	Motoring
313	1.09	Motoring
314	0.0	0.0
315	0.0	0.0
316	0.0	0.0
317	0.0	0.0
318	0.0	0.0
319	0.0	0.0
320	0.0	0.0
321	0.0	0.0
322	0.0	0.0
323	0.0	0.82
324	0.37	41.08
325	2.68	90.00
326	6.00	94.99
327	11.94	100.00
328	15.63	100.00
329	41.26	90.28
330	46.26	90.00
331	44.56	87.08
332	36.00	1.12
333	27.58	50.12
334	23.52	90.00
335	24.00	90.00
336	26.29	70.00
337	30.00	65.38
338	30.00	34.47
339	30.00	10.00
340	30.00	10.00
341	30.00	10.00
342	30.18	60.00
343	40.00	58.25
344	40.67	50.00
345	41.02	50.00
346	40.00	50.00
347	41.61	50.00
348	42.00	50.00
349	46.00	50.00
350	48.22	50.00
351	59.21	58.69
352	67.18	70.00
353	71.00	70.00
354	72.00	70.00
355	72.13	68.08
356	74.89	28.94
357	68.91	Motoring
358	49.71	Motoring
359	41.84	Motoring
360	38.30	Motoring
361	35.93	Motoring
362	28.00	Motoring
363	23.48	Motoring
364	10.16	Motoring
365	4.72	Motoring
366	0.82	5.90
367	9.53	19.53
368	2.20	45.60
369	20.53	7.33
370	21.15	0.0
371	17.67	Motoring
372	13.04	Motoring
373	8.41	79.70
374	10.33	100.00
375	17.27	100.00
376	22.00	100.00
377	25.16	100.00
378	29.37	100.00
379	36.73	66.35
380	40.00	Motoring
381	23.50	Motoring
382	9.37	Motoring
383	8.00	Motoring
384	6.74	Motoring
385	2.86	Motoring
386	0.11	Motoring
387	0.0	0.0
388	0.0	0.0
389	0.0	0.0
390	0.0	0.0
391	0.0	0.0
392	0.0	0.0
393	0.0	0.0
394	0.0	0.0
395	0.0	0.0
396	0.0	0.0
397	0.0	0.0
398	0.0	0.0
399	0.0	0.0
400	0.0	0.0
401	0.0	0.0
402	0.0	0.0
403	0.0	0.0
404	0.0	0.0
405	0.0	0.0
406	0.0	0.0
407	0.0	0.0
408	0.0	0.0
409	0.0	0.0
410	0.0	0.0
411	0.0	0.0
412	0.0	0.0
413	0.0	0.0
414	0.0	0.0
415	0.0	0.0
416	0.0	0.0
417	0.0	0.0
418	0.0	0.0
419	2.27	20.00
420	2.82	14.11
421	0.0	0.0
422	0.0	0.0
423	0.0	0.0
424	0.0	0.0
425	0.0	0.0
426	0.0	0.0
427	0.0	0.0
428	0.0	0.0
429	0.0	0.0
430	0.0	0.0
431	0.26	0.78
432	16.60	31.83
433	45.32	29.78
434	43.00	10.00
435	40.69	10.00
436	35.12	10.00
437	28.18	19.70

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PERCENT RPM AND PERCENT TORQUE VERSUS TIME SEQUENCE—Continued

Record (Sec.)	Percent RPM	Percent torque
438	28.26	47.45
439	30.00	30.00
440	30.00	30.00
441	30.00	30.00
442	34.54	30.00
443	36.00	30.00
444	36.43	30.00
445	43.84	30.00
446	50.00	30.00
447	50.00	24.56
448	50.00	20.00
449	50.00	Motoring
450	37.97	Motoring
451	35.30	Motoring
452	30.88	Motoring
453	27.02	Motoring
454	26.00	Motoring
455	26.00	Motoring
456	20.24	Motoring
457	14.00	Motoring
458	13.45	18.27
459	9.40	52.99
460	10.72	81.81
461	15.50	97.48
462	19.62	100.00
463	20.25	100.00
464	25.76	100.00
465	35.02	100.00
466	42.14	94.65
467	44.00	90.00
468	45.70	90.00
469	51.99	60.00
470	50.00	60.90
471	51.29	63.22
472	54.96	70.00
473	56.00	70.00
474	62.35	38.25
475	71.81	30.00
476	76.22	50.00
477	78.00	50.00
478	78.00	41.53
479	55.93	12.58
480	38.52	0.0
481	34.42	71.05
482	36.11	79.47
483	38.84	87.90
484	42.74	80.00
485	44.00	54.75
486	49.46	36.35
487	52.00	30.00
488	32.05	Motoring
489	25.69	0.0
490	24.00	0.0
491	24.00	Motoring
492	20.24	Motoring
493	10.16	68.43
494	8.00	80.58
495	10.20	80.99
496	13.54	90.00
497	18.00	94.13
498	20.28	100.00
499	22.00	100.00
500	23.77	91.15
501	28.08	90.00
502	30.00	86.01
503	32.85	80.70
504	32.86	100.00
505	33.37	100.00
506	36.00	100.00
507	51.77	100.00
508	60.57	95.72
509	64.00	70.00
510	64.91	70.00
511	75.83	70.00
512	82.00	70.00
513	85.72	51.42
514	86.17	49.14
515	88.49	35.13
516	90.00	15.99
517	91.12	26.74
518	92.00	32.85
519	93.74	30.00
520	89.29	Motoring
521	66.00	41.87
522	67.38	56.88
523	80.02	54.96
524	93.95	66.34
525	97.63	63.69
526	94.11	80.00
527	85.66	Motoring
528	70.00	Motoring
529	69.11	Motoring
530	66.80	Motoring
531	64.48	Motoring
532	53.00	44.98
533	52.73	49.27
534	62.00	40.00
535	62.00	43.88
536	64.18	44.55
537	53.36	4.88
538	46.28	15.79
539	46.00	19.83
540	45.65	10.00
541	45.99	10.00
542	48.05	10.00
543	44.71	3.54
544	48.82	Motoring
545	51.92	66.82
546	47.53	Motoring
547	36.31	9.23
548	17.73	55.68
549	29.43	38.22
550	36.00	37.46
551	36.00	40.00
552	34.00	40.00
553	34.00	40.00
554	34.00	36.25
555	38.26	24.68
556	43.38	51.38
557	50.78	46.12
558	52.00	19.92
559	52.32	0.0
560	52.09	3.19
561	48.00	10.00
562	48.00	10.00
563	48.00	10.00
564	30.94	19.48
565	28.00	20.00
566	28.00	20.00
567	28.00	15.81
568	28.00	10.00
569	26.53	10.00
570	26.00	10.00
571	23.71	Motoring
572	17.59	Motoring
573	11.65	Motoring
574	1.92	Motoring
575	0.0	0.0
576	0.0	0.0
577	0.0	0.0
578	0.0	0.0
579	0.0	0.0
580	0.0	0.0
581	0.0	0.0
582	0.0	0.0
583	1.26	25.19
584	6.72	47.87
585	13.67	40.56
586	16.20	80.00
587	18.52	80.00
588	25.83	75.83
589	35.15	70.00
590	38.93	77.31
591	41.78	80.00
592	40.00	10.00
593	40.00	20.18
594	40.00	52.78
595	40.00	34.82
596	40.00	30.00
597	40.00	38.33
598	40.00	30.09
599	38.30	100.00
600	40.61	100.00
601	42.00	100.00
602	42.00	100.00
603	42.00	100.00
604	42.00	100.00
605	42.00	100.00
606	42.00	97.50
607	43.19	85.93
608	43.13	85.65
609	44.00	90.00
610	44.00	90.00
611	44.00	80.00
612	44.00	80.00
613	44.70	80.00
614	46.00	74.91
615	46.00	63.34
616	46.00	60.00
617	46.00	60.00
618	44.00	10.00
619	44.00	10.00
620	43.09	10.00
621	42.00	10.00
622	42.00	10.00
623	43.85	19.26
624	50.00	90.00
625	50.00	90.00
626	50.00	90.00
627	50.00	90.00
628	50.00	90.00
629	48.26	90.00
630	48.00	89.73
631	48.37	80.00
632	49.32	80.00
633	48.00	80.00
634	48.00	80.00
635	48.00	80.00
636	48.00	70.28
637	48.00	70.00
638	48.00	70.00
639	48.00	74.44
640	48.00	61.96
641	49.52	50.00
642	50.00	50.00
643	50.00	40.00
644	50.00	44.62
645	50.78	60.00
646	52.00	49.09
647	52.00	40.00
648	52.00	40.00
649	52.04	40.89
650	54.00	90.00
651	54.00	90.00
652	54.00	85.10
653	55.29	73.53
654	56.00	70.00
655	56.00	70.00
656	56.00	60.00
657	56.00	57.23
658	56.00	50.00
659	56.00	38.17
660	56.00	30.00
661	56.00	30.00
662	54.00	39.36
663	54.00	27.79
664	54.00	20.00
665	54.00	20.00
666	54.00	20.00
667	54.00	11.49
668	54.00	0.08
669	54.00	13.31
670	54.00	30.00
671	54.96	30.00
672	57.28	30.00
673	56.41	30.00
674	57.91	30.00
675	58.22	36.60
676	60.00	90.00
677	60.00	90.00
678	60.00	95.82
679	60.00	92.60
680	60.00	90.00
681	60.00	90.00
682	60.42	90.00
683	62.74	90.00
684	65.05	90.00
685	66.00	83.16
686	66.00	71.59
687	66.00	70.00
688	66.00	70.00
689	66.00	73.14
690	66.00	80.00
691	66.00	86.28
692	66.00	90.00
693	66.00	90.00
694	68.20	100.00
695	70.00	100.00
696	70.00	100.00
697	70.00	100.00
698	74.38	100.00

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SEQUENCE—Continued

Record (Sec.)	Percent RPM	Percent torque
699	76.00	100.00
700	72.09	100.00
701	73.60	100.00
702	72.00	100.00
703	72.00	100.00
704	72.00	100.00
705	72.00	100.00
706	72.00	100.00
707	72.29	100.00
708	73.39	100.00
709	72.92	100.00
710	74.00	100.00
711	74.00	100.00
712	77.73	100.00
713	78.00	100.00
714	77.50	100.00
715	76.00	100.00
716	76.00	100.00
717	76.00	100.00
718	72.49	100.00
719	71.79	100.00
720	67.16	100.00
721	72.70	100.00
722	75.02	100.00
723	73.34	100.00
724	73.64	91.78
725	74.00	31.21
726	78.27	28.63
727	80.00	17.05
728	80.00	5.48
729	80.00	Motoring
730	80.00	Motoring
731	80.00	63.93
732	84.00	80.00
733	85.43	82.39
734	87.62	93.96
735	84.00	100.00
736	84.00	100.00
737	84.00	91.32
738	86.00	100.00
739	86.73	100.00
740	90.00	96.59
741	91.99	90.00
742	94.00	90.00
743	95.63	81.87
744	96.00	89.70
745	100.00	98.72
746	100.57	78.60
747	102.88	50.00
748	104.00	73.99
749	104.00	90.00
750	104.00	25.98
751	103.71	20.00
752	99.54	20.00
753	98.00	20.00
754	99.09	25.44
755	98.60	65.08
756	103.15	80.00
757	100.03	80.00
758	102.35	80.00
759	104.00	73.38
760	104.00	55.11
761	101.42	30.62
762	98.39	11.97
763	57.65	Motoring
764	58.00	Motoring
765	57.45	Motoring
766	56.00	Motoring
767	56.00	Motoring
768	56.00	27.39
769	56.00	40.00
770	56.00	50.00
771	56.00	45.60
772	56.00	33.77
773	56.00	40.00
774	60.15	5.40
775	62.00	Motoring
776	62.00	Motoring
777	62.00	41.64
778	62.00	59.65
779	62.00	75.21
780	62.00	76.36
781	62.00	80.00
782	62.00	80.00
783	62.00	80.00
784	62.00	80.00
785	61.15	80.00
786	60.00	80.00
787	60.00	87.38
788	60.00	90.00
789	60.00	90.00
790	60.00	90.00
791	60.00	90.00
792	60.00	90.00
793	60.00	83.17
794	60.00	80.00
795	60.00	86.97
796	62.31	90.00
797	64.00	86.88
798	64.00	80.00
799	64.00	80.00
800	64.00	80.00
801	64.00	80.00
802	66.00	70.00
803	66.51	70.00
804	68.00	65.87
805	68.00	60.00
806	68.00	60.00
807	73.31	86.55
808	74.00	90.00
809	74.00	90.00
810	73.29	90.00
811	72.00	84.88
812	73.34	73.29
813	74.00	70.00
814	72.03	70.00
815	71.71	50.00
816	70.00	50.00
817	70.00	50.00
818	68.77	56.15
819	68.00	60.00
820	68.00	60.00
821	68.00	58.28
822	68.00	40.00
823	68.00	48.01
824	68.00	60.00
825	68.00	60.00
826	68.00	60.00
827	68.00	60.00
828	68.00	61.87
829	68.00	70.00
830	69.00	70.00
831	70.00	70.00
832	70.00	70.00
833	70.00	70.00
834	70.00	70.00
835	70.00	70.00
836	70.00	70.00
837	73.61	70.00
838	76.00	62.41
839	76.00	60.00
840	76.00	100.00
841	76.92	100.00
842	80.78	100.00
843	82.00	100.00
844	83.40	100.00
845	84.00	100.00
846	83.97	90.00
847	82.35	90.00
848	85.33	93.31
849	89.95	100.00
850	88.13	100.00
851	89.21	100.00
852	95.76	100.00
853	100.23	100.00
854	102.00	100.00
855	104.59	100.00
856	112.71	100.00
857	113.01	100.00
858	112.00	100.00
859	104.00	Motoring
860	103.56	Motoring
861	102.75	Motoring
862	102.94	Motoring
863	99.24	Motoring
864	94.61	Motoring
865	93.99	Motoring
866	92.32	Motoring
867	93.36	Motoring
868	92.00	Motoring
869	90.73	Motoring
870	88.42	Motoring
871	84.21	Motoring
872	82.00	10.00
873	82.00	7.38
874	82.00	Motoring
875	82.00	Motoring
876	68.79	48.69
877	64.00	70.00
878	64.00	70.00
879	58.66	67.95
880	27.27	60.00
881	34.96	60.00
882	32.65	73.54
883	30.33	80.00
884	28.02	80.00
885	25.70	50.00
886	23.39	37.76
887	21.07	10.00
888	18.76	10.00
889	14.89	Motoring
890	12.13	Motoring
891	50.45	Motoring
892	0.0	0.0
893	0.0	0.0
894	0.0	0.0
895	0.0	0.0
896	0.0	0.0
897	0.0	0.0
898	0.0	0.0
899	0.0	0.0
900	0.0	0.0
901	0.0	0.0
902	0.0	0.0
903	0.0	0.0
904	0.0	0.0
905	0.0	0.0
906	0.0	0.0
907	0.0	0.0
908	0.0	0.0
909	0.0	0.0
910	0.0	0.0
911	0.0	0.0
912	0.0	0.0
913	0.0	0.0
914	0.0	0.0
915	0.0	0.0
916	0.0	0.0
917	0.0	0.0
918	0.0	0.0
919	0.0	0.0
920	−1.76	44.40
921	0.0	85.35
922	4.25	100.00
923	27.47	100.00
924	42.96	100.00
925	45.79	100.00
926	48.11	99.46
927	50.42	90.00
928	52.74	75.23
929	54.00	50.00
930	44.42	8.96
931	45.05	Motoring
932	46.00	9.99
933	37.69	Motoring
934	31.61	5.68
935	22.94	35.29
936	24.00	4.87
937	20.86	Motoring
938	12.45	Motoring
939	6.00	Motoring
940	6.52	Motoring
941	7.17	Motoring
942	2.56	Motoring
943	0.0	0.0
944	0.0	0.0
945	0.0	0.0
946	0.0	10.11
947	4.32	46.40
948	8.90	45.17
949	1.95	50.00
950	3.33	41.68
951	4.00	89.46
952	13.76	55.60
953	26.43	26.96
954	33.85	6.16
955	36.00	Motoring
956	34.45	Motoring
957	34.00	Motoring
958	35.64	Motoring
959	32.99	27.39

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V 4 4 / 3 1 F E 1 3 7 9

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SEQUENCE—Continued

Record (Sec.)	Percent RPM	Percent torque
960	36.00	80.00
961	41.63	74.37
962	80.41	26.76
963	48.44	Motoring
964	43.86	Motoring
965	40.39	Motoring
966	38.50	4.01
967	35.05	30.00
968	40.66	18.70
969	43.64	26.45
970	45.96	Motoring
971	47.10	Motoring
972	49.29	Motoring
973	37.10	Motoring
974	36.00	Motoring
975	34.47	Motoring
976	32.15	Motoring
977	31.87	Motoring
978	28.48	13.89
979	32.38	90.00
980	36.00	90.00
981	41.69	90.00
982	45.74	90.00
983	49.95	80.00
984	49.10	80.00
985	50.59	82.97
986	45.99	34.98
987	42.76	7.23
988	35.12	Motoring
989	32.06	87.92
990	35.53	82.55
991	46.57	68.80
992	49.77	48.85
993	52.00	60.00
994	58.06	60.00
995	63.66	23.42
996	64.14	17.84
997	59.58	3.76
998	38.00	42.26
999	39.09	30.00
1000	40.00	30.00
1001	34.85	47.18
1002	32.03	10.33
1003	34.00	33.48
1004	34.00	50.00
1005	33.02	20.69
1006	25.54	Motoring
1007	15.57	Motoring
1008	14.00	Motoring
1009	14.47	27.64
1010	18.00	4.49
1011	17.13	Motoring
1012	18.00	Motoring
1013	10.02	Motoring
1014	9.81	Motoring
1015	5.88	Motoring
1016	4.00	Motoring
1017	4.00	Motoring
1018	2.93	Motoring
1019	0.82	Motoring
1020	0.0	0.0
1021	0.0	0.0
1022	0.0	0.0
1023	0.0	0.0
1024	0.0	0.0
1025	0.0	10.00
1026	0.0	10.00
1027	0.0	29.02
1028	0.0	27.83
1029	0.0	7.34
1030	0.0	0.0
1031	0.0	0.0
1032	0.0	0.0
1033	0.0	0.0
1034	0.0	0.0
1035	0.0	0.0
1036	0.0	0.0
1037	0.0	0.0
1038	0.0	0.0
1039	0.0	0.0
1040	0.0	0.0
1041	2.00	0.0
1042	1.38	0.0
1043	0.00	0.0
1044	0.00	6.27
1045	0.00	2.16
1046	0.00	0.0

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SEQUENCE—Continued

Record (Sec.)	Percent RPM	Percent torque
1047	0.00	0.0
1048	0.00	0.0
1049	0.83	Motoring
1050	2.00	Motoring
1051	0.54	Motoring
1052	0.0	0.0
1053	0.0	0.0
1054	0.0	0.0
1055	0.0	0.0
1056	0.0	0.0
1057	0.0	0.0
1058	0.0	0.0
1059	0.0	0.0
1060	0.0	0.0
1061	0.0	0.0
1062	0.0	22.01
1063	1.23	72.29
1064	6.83	80.00
1065	17.29	89.29
1066	22.17	90.00
1067	24.00	82.70
1068	24.00	31.96
1069	24.00	Motoring
1070	22.57	Motoring
1071	22.00	Motoring
1072	13.88	Motoring
1073	10.00	Motoring
1074	9.31	Motoring
1075	3.99	Motoring
1076	0.0	0.0
1077	0.0	0.0
1078	0.0	0.0
1079	0.0	0.0
1080	0.0	0.0
1081	0.0	0.0
1082	0.0	0.0
1083	0.0	0.0
1084	0.0	0.0
1085	0.0	0.0
1088	0.0	0.0
1087	0.0	0.0
1088	0.0	0.0
1089	0.0	0.0
1090	0.0	0.0
1091	0.0	0.0
1092	0.0	0.0
1093	0.0	0.0
1094	0.0	0.0
1095	0.0	0.0
1096	0.0	0.0
1097	0.0	0.0
1098	0.0	0.0
1099	−2.52	8.30
1100	−4.22	15.28
1101	0.0	10.00
1102	0.0	10.00
1103	0.0	10.00
1104	0.0	75.93
1105	0.0	32.22
1106	1.67	35.00
1107	15.48	29.82
1106	25.46	Motoring
1109	24.22	Motoring
1110	23.44	Motoring
1111	12.41	80.00
1112	8.94	83.61
1113	7.26	84.82
1114	16.70	80.00
1115	24.67	63.33
1116	0.24	79.81
1117	0.0	8.53
1118	0.0	0.0
1119	0.0	0.0
1120	0.0	0.0
1121	0.0	0.0
1122	0.0	0.0
1123	0.0	0.0
1124	0.0	0.0
1125	0.0	0.0
1126	0.0	0.0
1127	0.0	0.0
1128	0.0	17.59
1129	0.0	19.63
1130	0.0	10.00
1131	0.0	10.00
1132	0.0	10.00
1133	0.0	3.34

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SEQUENCE—Continued

Record (Sec.)	Percent RPM	Percent torque
1134	0.0	0.0
1135	0.0	0.0
1136	0.0	0.0
1137	0.0	0.0
1138	0.0	0.0
1139	0.0	0.0
1140	0.0	0.0
1141	0.0	0.0
1142	0.0	0.0
1143	0.0	0.0
1144	0.0	0.0
1145	0.0	0.0
1146	0.0	0.0
1147	0.0	0.0
1148	0.0	0.0
1149	0.0	0.0
1150	0.0	0.0
1151	0.0	0.0
1152	0.0	0.0
1153	0.0	0.0
1154	0.0	0.0
1155	0.0	0.0
1156	0.0	0.0
1157	0.0	0.0
1158	0.0	0.0
1159	0.0	0.0
1160	0.0	0.0
1161	0.0	0.0
1162	0.0	0.0
1163	0.0	0.0
1164	0.0	0.0
1165	0.0	0.0
1166	0.0	0.0
1167	0.0	0.0

(g) EPA Engine Dynamometer Schedule for Heavy-Duty Diesel Engines.

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE

Record (Sec.)	Percent RPM	Percent torque
0	0.0	0.0
1	0.0	0.0
2	0.0	0.0
3	0.0	0.0
4	0.0	0.0
5	0.0	0.0
6	0.0	0.0
7	0.0	0.0
8	0.0	0.0
9	0.0	0.0
10	0.0	0.0
11	0.0	0.0
12	0.0	0.0
13	0.0	0.0
14	0.0	0.0
15	0.0	0.0
16	0.0	0.0
17	0.0	0.0
18	0.0	0.0
19	0.0	0.0
20	0.0	0.0
21	0.0	0.0
22	0.0	0.0
23	0.0	0.0
24	0.0	0.0
25	0.0	3.67
26	0.0	47.69
27	3.11	59.41
28	9.09	84.54
29	15.63	80.00
30	33.49	80.00
31	37.93	79.29
32	31.20	38.25
33	21.99	26.67
34	30.00	15.10
35	22.23	16.47
36	19.61	28.05
37	20.00	20.36
38	18.33	Motoring
39	6.55	Motoring
40	15.82	Motoring
41	23.63	Motoring

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
42	17.51	Motoring
43	14.19	62.52
44	16.64	69.36
45	27.77	60.00
46	37.03	63.79
47	47.36	75.36
48	54.77	80.00
49	57.70	80.00
50	54.03	79.92
51	58.00	65.03
52	58.85	43.23
53	62.88	50.00
54	69.83	50.00
55	72.00	42.05
56	75.81	40.00
57	84.22	42.20
58	83.86	41.28
59	80.55	Motoring
60	80.51	Motoring
61	78.00	Motoring
62	79.79	Motoring
63	80.33	30.54
64	85.58	42.12
65	81.78	50.00
66	78.00	50.00
67	80.74	43.16
68	92.10	73.65
69	88.01	Motoring
70	84.00	Motoring
71	84.00	Motoring
72	81.17	Motoring
73	70.46	Motoring
74	66.00	13.57
75	62.23	29.43
76	64.00	20.00
77	63.48	17.42
78	80.34	10.00
79	56.85	10.00
80	56.00	Motoring
81	52.45	Motoring
82	39.91	10.00
83	36.36	10.00
84	30.00	10.00
85	27.93	10.00
86	26.00	16.74
87	27.66	3.36
88	28.00	Motoring
89	27.41	Motoring
90	20.96	Motoring
91	12.15	Motoring
92	3.81	Motoring
93	0.0	0.0
94	0.0	0.0
95	0.0	0.91
96	0.0	7.52
97	0.0	0.0
98	0.0	0.0
99	0.0	0.0
100	0.0	0.0
101	0.0	0.0
102	0.0	0.0
103	0.0	0.0
104	0.0	0.0
105	0.0	0.0
106	0.0	0.0
107	0.0	0.0
108	0.0	0.0
109	0.0	0.0
110	0.0	0.0
111	0.0	0.0
112	0.0	0.0
113	0.0	0.0
114	0.0	0.0
115	0.0	0.0
116	0.0	0.0
117	0.0	0.0
118	0.0	0.0
119	0.0	0.0
120	0.0	0.0
121	0.0	0.0
122	0.0	0.0
123	0.0	0.0
124	0.0	0.0
125	0.0	0.0
126	0.0	0.0
127	0.0	0.0
128	0.0	0.0

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
129	1.77	Motoring
130	1.60	Motoring
131	0.0	0.0
132	0.0	0.0
133	2.14	9.28
134	3.08	0.0
135	0.0	0.0
136	0.0	0.0
137	0.0	0.0
138	0.0	0.0
139	0.0	0.0
140	0.0	0.0
141	0.0	0.0
142	0.0	0.0
143	0.0	0.0
144	0.0	0.0
145	0.0	0.0
146	0.0	0.0
147	0.0	5.51
148	0.0	11.34
149	0.0	0.0
150	0.0	0.0
151	0.0	0.0
152	0.0	0.0
153	0.0	0.0
154	0.0	0.0
155	0.0	0.0
156	0.0	0.0
157	0.0	0.0
158	0.0	0.21
159	0.0	30.00
160	0.0	26.78
161	0.0	20.00
162	0.0	20.00
163	0.0	4.12
164	0.0	0.0
165	0.0	0.0
166	0.0	0.0
167	0.0	0.0
168	0.0	0.0
169	0.0	0.0
170	0.0	0.0
171	0.0	0.0
172	0.0	0.0
173	0.0	0.0
174	0.0	0.0
175	0.0	0.0
176	0.0	0.0
177	0.0	0.0
178	0.0	0.0
179	0.0	0.0
180	0.0	0.0
181	0.0	0.0
182	0.0	0.0
183	0.0	0.0
184	0.0	20.00
185	0.0	20.00
186	0.0	11.73
187	0.0	0.0
188	0.0	0.0
189	0.0	0.0
190	0.0	0.0
191	0.0	0.0
192	0.0	0.0
193	0.0	0.0
194	0.0	0.0
195	0.0	0.0
196	0.0	0.0
197	0.0	0.0
198	0.0	0.0
199	0.0	0.0
200	0.0	0.0
201	0.0	0.0
202	0.0	0.0
203	0.0	0.0
204	0.0	0.0
205	0.0	0.0
206	0.0	0.0
207	0.0	0.0
208	0.0	0.0
209	0.0	0.0
210	0.0	0.0
211	0.0	0.0
212	0.0	0.0
213	0.0	0.0
214	0.0	73.41
215	0.0	90.00

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
216	31.30	61.30
217	41.15	90.00
218	44.00	90.00
219	46.41	90.00
220	51.04	62.41
221	66.66	80.00
222	75.03	90.00
223	89.85	90.00
224	96.78	93.88
225	96.91	50.94
226	94.60	17.02
227	99.16	28.60
228	100.00	39.83
229	100.00	30.00
230	100.00	26.69
231	100.98	20.00
232	100.71	20.00
233	100.00	36.06
234	96.16	40.00
235	95.77	30.00
236	94.55	32.75
237	96.86	35.68
238	99.18	30.00
239	100.00	44.93
240	101.81	50.00
241	86.54	Motoring
242	63.56	Motoring
243	56.00	Motoring
244	46.00	Motoring
245	41.86	45.18
246	38.31	78.47
247	35.98	80.00
248	31.03	80.00
249	25.36	80.00
250	23.05	60.97
251	18.20	27.34
252	12.84	43.71
253	10.10	68.95
254	3.79	68.95
255	1.48	44.28
256	0.0	0.0
257	0.0	0.0
258	0.0	0.0
259	0.0	0.0
260	0.0	0.0
261	0.0	0.0
262	0.0	0.0
263	0.0	24.97
264	0.0	17.16
265	0.0	6.20
266	0.0	10.00
267	0.0	10.00
268	0.0	0.0
269	0.0	0.0
270	0.0	0.0
271	0.0	0.0
272	0.0	0.0
273	0.0	0.0
274	0.0	0.0
275	0.0	0.0
276	0.0	0.0
277	0.0	0.0
278	0.0	0.0
279	0.0	0.0
280	0.0	0.0
281	0.0	0.0
282	0.0	0.0
283	0.0	0.0
284	0.0	0.0
285	0.0	0.0
286	0.0	0.0
287	0.0	0.0
288	0.0	0.0
289	0.0	0.0
290	0.0	0.0
291	0.0	0.0
292	0.0	0.0
293	0.0	0.0
294	0.0	0.0
295	0.0	0.0
296	0.0	0.0
297	0.0	0.0
298	0.0	0.0
299	0.0	0.0
300	0.0	0.0
301	0.0	0.0
302	0.0	0.0

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PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
303	0.0	0.0
304	0.0	0.0
305	0.0	0.0
306	0.0	0.0
307	0.0	0.0
308	0.0	0.0
309	0.0	0.0
310	0.0	0.0
311	0.0	0.0
312	0.0	0.0
313	0.0	0.0
314	0.0	0.0
315	0.0	0.0
316	0.0	0.0
317	0.0	0.0
318	0.0	0.0
319	0.0	0.0
320	0.0	0.0
321	0.0	15.55
322	0.0	20.00
323	24.18	19.08
324	23.00	10.00
325	11.56	1.86
326	6.87	Motoring
327	8.00	Motoring
328	0.72	Motoring
329	0.0	0.0
330	0.0	0.0
331	0.0	0.0
332	0.0	0.0
333	0.0	0.0
334	0.0	0.0
335	0.0	0.0
336	0.0	0.0
337	0.0	0.0
338	0.0	0.0
339	0.0	0.0
340	0.0	0.0
341	0.0	0.0
342	0.0	0.0
343	0.0	0.0
344	0.0	0.0
345	0.0	0.0
346	0.0	0.0
347	0.0	0.0
348	0.0	0.0
349	0.0	0.0
350	0.0	0.0
351	0.0	0.0
352	0.0	0.0
353	0.0	0.0
354	0.0	0.0
355	0.0	0.0
356	0.0	0.0
357	0.0	0.0
358	0.0	0.0
359	0.0	0.0
360	0.0	0.0
361	0.0	0.0
362	0.0	0.0
363	0.0	0.0
364	0.0	0.0
365	0.0	0.0
366	0.0	0.0
367	0.0	0.0
368	0.0	0.0
369	0.0	0.0
370	0.0	0.0
371	0.0	0.0
372	0.0	0.0
373	0.0	0.0
374	0.0	0.0
375	0.0	0.0
376	0.0	0.0
377	0.0	29.59
378	−1.50	87.48
379	8.88	100.00
380	46.04	100.00
381	76.89	100.00
382	80.00	100.00
383	82.14	94.64
384	85.39	83.07
385	87.70	88.51
386	92.00	79.83
387	92.00	81.66
388	94.58	66.77
389	102.88	60.00

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
390	106.00	72.76
391	109.18	8.43
392	111.91	Motoring
393	82.00	Motoring
394	79.33	Motoring
395	71.15	Motoring
396	68.84	Motoring
397	78.35	49.17
398	82.00	70.00
399	80.85	89.46
400	92.85	60.00
401	97.48	60.00
402	98.95	60.00
403	100.74	60.00
404	103.68	43.17
405	104.00	10.04
406	80.62	20.00
407	83.37	20.00
408	81.06	15.29
409	80.00	10.00
410	76.88	Motoring
411	74.11	Motoring
412	71.60	Motoring
413	70.58	Motoring
414	78.00	Motoring
415	80.29	1.45
416	80.54	17.30
417	78.23	11.13
418	76.45	19.55
419	84.36	24.16
420	72.16	80.00
421	79.10	74.83
422	90.09	16.04
423	74.04	Motoring
424	68.02	Motoring
425	88.53	Motoring
426	59.39	Motoring
427	63.54	Motoring
428	70.00	2.38
429	73.10	17.76
430	72.13	Motoring
431	67.27	Motoring
432	36.03	Motoring
433	20.75	Motoring
434	11.49	Motoring
435	−2.09	0.0
436	−0.73	0.0
437	8.57	60.00
438	30.55	61.93
439	87.10	63.00
440	86.03	39.85
441	89.33	30.00
442	91.84	30.00
443	97.88	10.40
444	97.73	1.37
445	96.00	10.00
446	96.00	0.96
447	96.00	Motoring
448	85.27	28.34
449	87.54	30.78
450	86.16	29.18
451	88.00	20.00
452	87.21	20.00
453	86.00	20.00
454	87.42	20.00
455	88.00	11.32
456	77.84	Motoring
457	72.00	Motoring
458	71.32	Motoring
459	70.00	0.04
460	70.00	Motoring
461	74.88	Motoring
462	74.06	Motoring
463	67.74	Motoring
464	66.00	Motoring
465	64.23	Motoring
466	62.00	Motoring
467	55.94	Motoring
468	54.00	Motoring
469	66.43	Motoring
470	75.21	70.00
471	86.00	54.53
472	86.00	24.56
473	88.81	Motoring
474	90.00	Motoring
475	105.48	Motoring
476	74.00	Motoring

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
477	73.34	Motoring
478	71.02	10.00
479	76.46	29.38
480	81.61	40.00
481	78.18	30.39
482	74.13	26.46
483	90.00	0.0
484	90.87	0.0
485	92.00	Motoring
486	93.50	Motoring
487	94.00	Motoring
488	94.13	Motoring
489	88.96	Motoring
490	83.25	Motoring
491	62.00	Motoring
492	49.54	45.37
493	52.49	86.99
494	64.00	90.00
495	64.99	90.00
496	71.93	93.22
497	78.87	95.21
498	82.00	83.64
499	86.76	80.00
500	93.71	80.00
501	94.87	80.00
502	103.80	80.00
503	101.23	41.89
504	95.48	24.85
505	98.00	50.00
506	99.79	50.00
507	106.21	46.82
508	110.84	Motoring
509	98.55	Motoring
510	70.95	Motoring
511	87.27	Motoring
512	60.96	Motoring
513	48.03	Motoring
514	52.31	Motoring
515	54.00	Motoring
516	85.27	Motoring
517	78.00	Motoring
518	57.81	Motoring
519	42.58	Motoring
520	38.81	Motoring
521	22.37	Motoring
522	3.52	Motoring
523	0.0	0.0
524	−1.46	36.39
525	−0.23	5.75
526	0.0	0.0
527	0.0	0.0
528	0.0	0.0
529	0.0	0.0
530	0.0	0.0
531	0.0	0.0
532	0.0	0.0
533	0.0	0.0
534	0.0	0.0
535	0.0	0.0
536	0.0	0.0
537	0.0	0.0
538	0.0	0.0
539	0.0	0.0
540	0.0	0.0
541	0.0	0.0
542	0.0	0.0
543	0.0	0.0
544	0.0	Motoring
545	0.0	0.0
546	−0.75	0.0
547	−0.58	0.0
548	4.00	Motoring
549	0.68	Motoring
550	0.0	0.0
551	0.0	0.0
552	0.0	2.60
553	0.0	20.00
554	0.0	20.00
555	0.0	7.96
556	0.0	0.0
557	0.0	0.0
558	0.0	78.53
559	1.85	60.00
560	11.10	63.88
561	16.00	70.00
562	30.05	70.00
563	42.88	70.00

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
564	56.10	70.00
565	63.39	66.52
566	70.66	59.94
567	72.98	80.00
568	77.87	86.46
569	88.03	90.00
570	90.00	90.00
571	92.23	100.00
572	94.00	100.00
573	94.86	100.00
574	96.00	100.00
575	97.49	100.00
576	108.84	100.00
577	110.00	83.92
578	104.77	Motoring
579	87.50	Motoring
580	90.00	0.0
581	91.38	Motoring
582	81.84	Motoring
583	65.99	Motoring
584	63.68	Motoring
585	60.73	Motoring
586	57.05	Motoring
587	53.47	Motoring
588	50.42	Motoring
589	44.31	Motoring
590	37.58	37.91
591	33.48	20.00
592	31.16	20.00
593	28.85	20.00
594	22.13	20.00
595	9.31	Motoring
596	0.0	0.0
597	0.0	0.0
598	0.0	0.0
599	0.0	0.0
600	0.0	0.0
601	0.0	0.0
602	0.0	0.0
603	0.0	0.0
604	0.0	0.0
605	0.0	0.0
606	2.52	6.30
607	10.30	17.87
608	13.89	20.00
609	20.20	20.00
610	24.07	22.59
611	33.33	17.50
612	40.30	Motoring
613	47.85	Motoring
614	66.00	7.78
615	68.00	10.93
616	67.59	32.04
617	66.00	40.00
618	67.04	40.00
619	66.00	40.00
620	68.00	48.33
621	75.93	99.53
622	78.00	100.00
623	78.00	100.00
624	77.07	100.00
625	76.00	100.00
626	76.00	100.00
627	76.00	100.00
628	75.63	100.00
629	73.00	97.50
630	76.81	90.00
631	80.26	90.00
632	83.44	90.00
633	84.00	98.79
634	84.00	100.00
635	83.81	100.00
636	82.00	100.00
637	83.02	94.91
638	86.67	90.00
639	89.65	90.00
640	90.00	99.81
641	89.45	100.00
642	86.00	100.00
643	86.00	95.47
644	87.22	90.00
645	88.00	90.00
646	88.00	80.74
647	88.00	79.17
648	88.00	77.21
649	88.00	100.00
650	88.00	94.45

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
651	88.00	90.00
652	88.00	90.00
653	90.00	90.00
654	89.63	90.00
655	88.68	90.00
656	90.00	90.00
657	90.00	90.00
658	91.63	81.86
659	92.00	80.00
660	90.00	81.29
661	89.43	92.86
662	87.11	100.00
663	86.00	100.00
664	86.00	100.00
665	89.66	100.00
666	90.00	99.27
667	90.46	90.00
668	92.78	90.00
669	95.09	90.00
670	100.22	82.97
671	102.00	80.00
672	102.00	70.18
673	102.00	80.00
674	97.34	50.07
675	87.02	Motoring
676	86.00	Motoring
677	73.12	22.19
678	75.77	39.62
679	75.76	48.80
680	75.11	37.23
681	78.00	34.34
682	80.37	40.00
683	77.51	47.49
684	81.44	50.00
685	82.13	39.36
686	84.00	27.79
687	84.00	16.21
688	84.00	15.36
689	85.39	26.93
690	86.00	30.00
691	86.00	30.08
692	85.67	40.00
693	84.65	40.00
694	86.00	35.20
695	87.28	30.00
696	88.00	22.05
697	86.09	Motoring
698	83.78	Motoring
699	81.47	Motoring
700	81.70	Motoring
701	85.18	Motoring
702	84.52	Motoring
703	82.21	Motoring
704	79.89	Motoring
705	77.58	Motoring
706	76.00	6.31
707	79.16	0.0
708	75.16	27.36
709	72.00	40.00
710	72.00	40.00
711	74.00	38.44
712	74.00	30.00
713	74.00	30.00
714	74.00	36.28
715	72.43	47.86
716	68.23	59.43
717	73.80	50.00
718	72.52	50.00
719	74.00	45.85
720	72.85	57.18
721	76.38	62.70
722	81.55	60.00
723	80.18	60.00
724	83.60	60.00
725	83.44	56.40
726	86.00	50.00
727	87.35	50.00
728	86.34	50.00
729	86.00	40.11
730	88.29	61.47
731	88.78	63.92
732	86.92	50.00
733	86.76	50.00
734	87.55	42.24
735	88.00	49.34
736	86.00	50.91
737	86.00	67.45

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
738	86.00	81.88
739	87.13	70.00
740	89.44	77.21
741	91.76	88.78
742	90.07	89.65
743	92.00	80.00
744	92.70	80.00
745	94.00	80.00
746	94.00	80.00
747	94.00	80.00
748	94.00	80.00
749	94.00	81.37
750	94.59	87.05
751	96.00	57.40
752	96.00	42.19
753	96.00	42.33
754	96.00	40.00
755	96.00	38.37
756	96.00	12.83
757	96.00	Motoring
758	96.00	Motoring
759	96.00	Motoring
760	97.74	7.37
761	100.05	19.74
762	102.00	11.83
763	102.00	26.81
764	103.00	49.96
765	104.00	80.00
766	102.37	60.00
767	103.94	60.00
768	104.00	40.00
769	104.00	25.75
770	103.12	Motoring
771	100.80	Motoring
772	100.00	Motoring
773	101.83	44.88
774	102.00	36.40
775	102.00	Motoring
776	102.00	Motoring
777	100.91	Motoring
778	101.40	Motoring
779	100.28	Motoring
780	97.97	Motoring
781	96.00	Motoring
782	96.00	10.00
783	96.00	0.23
784	96.00	Motoring
785	96.00	Motoring
786	94.08	Motoring
787	75.00	Motoring
788	77.45	Motoring
789	71.67	28.96
790	67.18	80.00
791	68.50	87.48
792	71.43	90.00
793	74.13	90.00
794	75.56	92.20
795	74.75	100.00
796	77.07	94.65
797	79.38	83.08
798	80.00	71.51
799	80.01	69.93
800	82.33	58.36
801	84.00	50.00
802	84.00	59.58
803	84.00	76.36
804	84.00	80.00
805	84.00	70.49
806	82.00	90.00
807	81.47	82.66
808	80.00	90.00
809	77.68	90.00
810	74.52	75.24
811	77.58	78.96
812	81.89	80.00
813	80.42	80.00
814	82.00	83.68
815	83.05	79.50
816	84.00	70.00
817	84.00	61.60
818	84.00	50.03
819	86.00	60.00
820	86.00	60.00
821	86.00	69.39
822	88.51	73.73
823	88.43	70.00
824	88.00	70.00

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PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
825	94.00	70.99
826	94.51	80.00
827	95.17	80.00
828	95.14	80.00
829	94.54	80.00
830	94.00	80.00
831	94.00	77.89
832	94.00	31.99
833	94.00	43.57
834	94.00	80.28
835	94.00	63.29
836	94.00	78.57
837	94.00	89.56
838	94.29	90.00
839	97.80	87.00
840	102.91	80.00
841	104.00	73.85
842	104.00	62.28
843	104.00	69.29
844	106.00	70.00
845	106.00	62.70
846	106.00	40.00
847	104.88	40.00
848	104.00	32.85
849	104.00	30.00
850	104.00	0.30
851	103.63	11.87
852	100.62	13.12
853	98.00	5.01
854	96.68	10.00
855	96.00	Motoring
856	96.00	Motoring
857	98.00	Motoring
858	95.43	Motoring
859	94.00	Motoring
860	94.00	Motoring
861	95.52	5.18
882	97.83	Motoring
883	98.00	Motoring
864	98.00	Motoring
865	97.22	Motoring
866	96.00	6.35
867	96.00	12.98
868	96.00	10.00
869	95.93	10.00
870	92.00	10.00
871	92.00	10.00
872	92.98	14.89
873	94.00	13.54
874	90.79	42.12
875	88.08	40.40
876	86.23	30.00
877	88.00	32.75
878	87.14	44.32
879	84.82	50.00
880	82.51	50.00
881	82.00	50.00
882	82.12	40.00
883	83.13	35.64
884	80.00	20.00
885	84.26	51.95
886	86.82	66.21
887	84.31	60.00
888	81.99	9.96
889	79.35	1.61
890	75.36	19.56
891	73.05	40.00
892	70.73	8.35
893	68.42	Motoring
894	47.15	8.95
895	35.79	10.00
896	32.95	7.38
897	29.16	Motoring
898	16.47	Motoring
899	2.13	Motoring
900	0.0	0.0
901	0.0	0.0
902	0.0	0.0
903	0.0	0.0
904	0.0	0.0
905	0.0	0.0
906	0.0	0.0
907	0.0	0.0
908	0.0	0.0
909	0.0	0.0
910	0.0	0.0
911	0.0	0.0

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
912	0.0	0.0
913	0.0	0.0
914	0.0	0.0
915	0.0	0.0
916	0.0	0.0
917	0.0	0.0
918	0.0	0.0
919	0.0	0.0
920	0.0	0.0
921	0.0	0.0
922	0.0	0.0
923	0.0	0.0
924	0.0	0.0
925	0.0	0.0
926	0.0	0.0
927	0.0	3.67
928	0.0	47.69
929	3.11	59.41
930	9.09	84.54
931	15.62	80.00
932	33.49	80.00
933	37.93	79.29
934	31.20	38.25
935	21.99	26.67
936	30.00	15.10
937	22.23	16.47
938	19.61	28.05
939	20.00	20.38
940	18.33	Motoring
941	6.55	Motoring
942	15.82	Motoring
943	23.63	Motoring
944	17.51	Motoring
945	14.19	62.52
946	16.64	69.36
947	27.77	60.00
948	37.03	63.79
949	47.38	75.36
950	54.77	80.00
951	57.70	80.00
952	54.03	79.92
953	58.00	65.03
954	58.65	43.23
955	62.68	50.00
956	69.83	50.00
957	72.00	42.05
958	75.81	40.00
959	84.22	42.20
980	83.86	41.28
981	80.55	Motoring
962	80.51	Motoring
963	78.00	Motoring
964	79.79	Motoring
965	80.33	30.54
966	85.58	42.12
967	81.78	50.00
968	78.00	50.00
969	80.74	43.16
970	92.10	73.65
971	88.01	Motoring
972	84.00	Motoring
973	84.00	Motoring
974	81.17	Motoring
975	70.48	Motoring
976	66.00	13.57
977	62.23	29.43
978	64.00	20.00
979	63.48	17.42
980	60.34	10.00
981	56.85	10.00
982	56.00	Motoring
983	52.45	Motoring
984	39.91	10.00
985	36.38	10.00
986	30.00	10.00
987	27.93	10.00
988	26.00	16.74
989	27.66	3.36
990	28.00	Motoring
991	27.41	Motoring
992	20.96	Motoring
993	12.15	Motoring
994	3.81	Motoring
995	0.0	0.0
996	0.0	0.0
997	0.0	0.91
998	0.0	7.52

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
999	0.0	0.0
1000	0.0	0.0
1001	0.0	0.0
1002	0.0	0.0
1003	0.0	0.0
1004	0.0	0.0
1005	0.0	0.0
1006	0.0	0.0
1007	0.0	0.0
1008	0.0	0.0
1009	0.0	0.0
1010	0.0	0.0
1011	0.0	0.0
1012	0.0	0.0
1013	0.0	0.0
1014	0.0	0.0
1015	0.0	0.0
1016	0.0	0.0
1017	0.0	0.0
1018	0.0	0.0
1019	0.0	0.0
1020	0.0	0.0
1021	0.0	0.0
1022	0.0	0.0
1023	0.0	0.0
1024	0.0	0.0
1025	0.0	0.0
1026	0.0	0.0
1027	0.0	0.0
1028	0.0	0.0
1029	0.0	0.0
1030	0.0	0.0
1031	1.77	Motoring
1032	1.80	Motoring
1033	0.0	0.0
1034	0.0	0.0
1035	2.14	9.28
1036	3.08	0.0
1037	0.0	0.0
1038	0.0	0.0
1039	0.0	0.0
1040	0.0	0.0
1041	0.0	0.0
1042	0.0	0.0
1043	0.0	0.0
1044	0.0	0.0
1045	0.0	0.0
1046	0.0	0.0
1047	0.0	0.0
1048	0.0	0.0
1049	0.0	5.51
1050	0.0	11.34
1051	0.0	0.0
1052	0.0	0.0
1053	0.0	0.0
1054	0.0	0.0
1055	0.0	0.0
1056	0.0	0.0
1057	0.0	0.0
1058	0.0	0.0
1059	0.0	0.0
1060	0.0	0.21
1061	0.0	30.00
1062	0.0	26.78
1063	0.0	20.00
1064	0.0	20.00
1065	0.0	4.12
1066	0.0	0.0
1067	0.0	0.0
1068	0.0	0.0
1069	0.0	0.0
1070	0.0	0.0
1071	0.0	0.0
1072	0.0	0.0
1073	0.0	0.0
1074	0.0	0.0
1075	0.0	0.0
1076	0.0	0.0
1077	0.0	0.0
1078	0.0	0.0
1079	0.0	0.0
1080	0.0	0.0
1081	0.0	0.0
1082	0.0	0.0
1083	0.0	0.0
1084	0.0	0.0
1085	0.0	0.0

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
1086	0.0	20.00
1087	0.0	20.00
1088	0.0	11.73
1089	0.0	0.0
1090	0.0	0.0
1091	0.0	0.0
1092	0.0	0.0
1093	0.0	0.0
1094	0.0	0.0
1095	0.0	0.0
1096	0.0	0.0
1097	0.0	0.0
1098	0.0	0.0
1099	0.0	0.0
1100	0.0	0.0
1101	0.0	0.0
1102	0.0	0.0
1103	0.0	0.0
1104	0.0	0.0
1105	0.0	0.0
1106	0.0	0.0
1107	0.0	0.0
1108	0.0	0.0
1109	0.0	0.0
1110	0.0	0.0
1111	0.0	0.0
1112	0.0	0.0
1113	0.0	0.0
1114	0.0	0.0
1115	0.0	0.0
1116	0.0	73.41
1117	0.0	90.00
1118	31.30	81.30
1119	41.15	90.00
1120	44.00	90.00
1121	46.41	90.00
1122	51.04	82.41
1123	66.66	80.00
1124	75.03	90.00
1125	89.85	90.00
1126	96.78	93.88
1127	96.91	50.94
1128	94.60	17.02
1129	99.16	28.60
1130	100.00	39.83
1131	100.00	30.00
1132	100.00	26.89
1133	100.98	20.00
1134	100.71	20.00
1135	100.00	36.06
1136	96.16	40.00
1137	95.77	30.00
1138	94.55	32.75
1139	96.86	35.68
1140	99.18	30.00
1141	100.00	44.93
1142	101.81	50.00

PERCENT RPM AND PERCENT TORQUE VERSUS TIME SCHEDULE—Continued

Record (Sec.)	Percent RPM	Percent torque
1143	66.54	Motoring
1144	63.56	Motoring
1145	56.00	Motoring
1146	46.00	Motoring
1147	41.86	45.18
1148	38.31	78.47
1149	35.98	80.00
1150	31.03	80.00
1151	25.36	80.00
1152	23.05	60.97
1153	18.20	27.34
1154	12.84	43.71
1155	10.10	68.95
1156	3.79	68.95
1157	1.48	44.28
1158	0.0	0.0
1159	0.0	0.0
1160	0.0	0.0
1161	0.0	0.0
1162	0.0	0.0
1163	0.0	0.0
1164	0.0	0.0
1165	0.0	24.97
1166	0.0	17.16
1167	0.0	6.20
1168	0.0	10.00
1169	0.0	10.00
1170	0.0	0.0
1171	0.0	0.0
1172	0.0	0.0
1173	0.0	0.0
1174	0.0	0.0
1175	0.0	0.0
1176	0.0	0.0
1177	0.0	0.0
1178	0.0	0.0
1179	0.0	0.0
1180	0.0	0.0
1181	0.0	0.0
1182	0.0	0.0
1183	0.0	0.0
1184	0.0	0.0
1185	0.0	0.0
1186	0.0	0.0
1187	0.0	0.0
1188	0.0	0.0
1189	0.0	0.0
1190	0.0	0.0
1191	0.0	0.0
1192	0.0	0.0
1193	0.0	0.0
1194	0.0	0.0
1195	0.0	0.0
1196	0.0	0.0
1197	0.0	0.0
1198	0.0	0.0
1199	0.0	0.0

[FR Doc. 79-4389 Filed 2-12-79; 8:45 am]

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TUESDAY, FEBRUARY 13, 1979

PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

DIAGNOSTIC ULTRASOUND EQUIPMENT

Development of Action Program

federal

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[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Subchapter J]

[Docket No. 78N-0288]

DIAGNOSTIC ULTRASOUND EQUIPMENT

Intent to Propose Rules and Develop Recommendations

AGENCY: Food and Drug Administration.

ACTION: Notice of intent.

SUMMARY: The Food and Drug Administration (FDA) is considering an action program for diagnostic ultrasound equipment, including that used to visualize and monitor the fetus during pregnancy and labor. The agency may develop recommendations or mandatory performance standards related to diagnostic ultrasound equipment or may require manufacturers to supply purchasers with performance data and other information related to safety. One or more actions could follow, including recommended user procedures, recommended training criteria for users, recommendations covering equipment performance, manufacture and test procedures, regulatory product performance standards, and/or informational requirements. Before beginning this program, the agency is requesting further information and is inviting comments on conceptual criteria for users and for manufacturers of diagostic ultrasound equipment.

DATES: Comments and data by August 13, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Melvyn R. Altman, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration, through the Bureau of Radiological Health (BRH) and under the authority of the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.), administers and electronic product radiation control program. This authority provides for the protection of the public health and safety through development and administration of radiation safety performance standards and development of recommendations for controlling electronic product radiation. The Food and Drug Administration also has authority under the Federal Food, Drug, and Cosmetic Act, as amended by the Medical Device Amendments of 1976 (Pub. L. 94-295; 90 Stat. 539-583 (21 U.S.C. 360c et seq.)) regarding safety and effectiveness of medical diagnostic ultrasound equipment.

The Commissioner recognizes the demonstrated benefit of the use of diagnostic ultrasound in neurology, cardiology, obstetrics and gynecology, opthalmology, and other fields of clinical medicine. Although ultrasound is now widely accepted as an indispensable diagnostic tool, the possible risks associated with diagnostic ultrasound are not fully understood. To date there have been no reports of adverse effects associated with the clinical use of diagnostic ultrasound, but clinical impressions, although valuable, do not establish conclusively that the use of diagnostic ultrasound involves no risks. Past human epidemiological studies have yielded inconclusive evidence, and it will probably be several years before definitive data will be available from current and future epidemiological studies. Thus, laboratory studies on animals must be used as indicators of possible adverse biological effects in humans.

Many of the early animal studies utilized ultrasound intensities that were well above diagnostic intensities and examined endpoints which were often representative of only gross pathological damage. However, recent reports of biological effects in animals exposed to ultrasound have involved levels of ultrasound representative of current diagnostic ultrasound applications (Ref. 1). It may be argued that many of the studies do not represent the exact exposure conditions of the clinical situations, or that the dosimetry is imperfect, or that the data have not been verified by other investigators, or that most of the data involve continuous wave exposure. However, the Commissioner believes that not all such studies can be dismissed as irrelevant, particularly because some of the studies involve the use of clinical devices.

Because of the extent of use of diagnostic ultrasound procedures during pregnancy and the recognized susceptibility of embryonic tissue to a variety of insults, those studies indicating that ultrasound can effect the development of laboratory animals exposed in utero are of particular concern. Some of the reported effects include delayed neuromotor reflex development (Ref. 2), altered emotional behavior (Ref. 3), and fetal anomalies in rodents exposed to clinical diagnostic ultrasound devices with reported acoustic outputs ranging from 20 milliwatts per square centimeter (mW/cm^2) to 40 mW/cm^2 (spatial and temporal-average intensities) (Ref. 4).

An examination of the current literature suggests that some of the most sensitive indicators of ultrasound-induced alterations appear to be associated with the central nervous system. These reported effects include increased levels of an enzyme (glutamic oxaloacetic transaminase) in the cerebrospinal fluid of dogs (Ref. 5) and induced electrical activity in the brain (evoked electroencephalographic responses) of nonhuman primates (Ref. 6) after exposure to ultrasound from diagnostic instruments with reported acoustic spatial and temporal-average intensities of 1.5 mW/cm^2 and 3 mW/cm^2 respectively.

How the available bioeffects data translate into risk to humans exposed to ultrasound is not clear at this time. There have been attempts to use the available data, both positive and negative, to construct curves or limits that delineate threshold levels or lowest levels for significant biological effects (Refs. 7, 8, and 9). Such levels have been widely interpreted as representing "safe" levels of ultrasound. However, the Commissioner does not believe such graphic analyses of isolated bioeffect data, most of which represent studies not designed to measure threshold effects, can define a safe region. It will probably be several years before the risks of diagnostic ultrasound to humans can be established and quantified. Because human studies of adverse effects from ultrasound have been inadequate, there is no direct way at this time to establish the exposure limits that assure safety in the use of this modality. Thus, the Commissioner believes manufacturers should not state in advertising or promotional literature that diagnostic ultrasound is unequivocally safe.

In view of reports of biological effects in laboratory animals after exposure to ultrasound at intensities representative of those used in a diagnostic applications (Ref. 1) and a report of increased movement of the human fetus during examination with clinical diagnostic ultrasound (Ref. 10), the Commissioner believes an individual's exposure to ultrasound should be kept as low as practicable, consistent with obtaining essential diagnostic information. Also, ultrasound exposure of pregnant humans for commercial demonstration of equipment is not considered acceptable by most professional organizations in the field.

The Commissioner is also concerned about the rapidly growing use of this modality while definitive information on biological effects is lacking. In recent years ultrasound radiation has become a common diagnostic tool in many widely varied medical specialties. The types of devices used in diagnostic medicine include pulse-echo imaging devices, continuous-wave Doppler units, pulse devices, and transmission equipment. One study has advocated that diagnostic ultrasound be used as a routine screening practice in all pregnancies (Ref. 11). The Obstetrical and Gynecological Device Classification Panel recommended that physicans not use this modality indiscriminately. However, the extent to which exposure to ultrasound radiation actually occurs will depend on whether available equipment is actually used in obstetrics and whether marketing forecasts are valid.

Several investigators have measured acoustic intensity levels from commercial diagnostic pulse-echo devices. The results of these limited studies indicate that the spatial and temporal-average intensities for most available pulse-echo devices are less than 10 mW/cm^2 (Ref. 12). However, there is currently no way to assure that all equipment will operate at these levels. For example, a report submitted by a manufacturer to BRH indicates that time-average intensity output of approximately 80 mW/cm^2 can be expected from the manufacturer's pulse-echo equipment. Clearly, output levels of pulse-echo devices can vary widely without operator knowledge.

Similar variation can occur with continuous-wave Doppler devices (Ref.13). One investigator has reported that obstetrical continuous-wave Doppler devices can be designed to operate at ultrasonic intensities below 5 mW/cm^2 (Ref. 14). Here again, widely varying outputs of similar devices designed to obtain the same medical information have been observed. It may be desirable to discourage marketing of equipment with higher intensity capabilities, unless they are justified on the basis of needed improvement in diagnostic capability. With regard to Doppler units, it is important to consider that exposure times can range from less than 1 minute to periods of several hours, as in the case of fetal monitoring during labor and delivery.

From these examples, the Commissioner, in accord with recommendations of the Obstetrical and Gynecological Device Classification Panel, believes it prudent to use the lowest practical exposure levels, consistent with obtaining needed diagnostic information, and to use diagnostic ultrasound only when there is a valid medical reason. In this respect, the Commissioner believes the proposed recommendations of the Technical Committee of the Ultrasound Section of the National Electrical Manufacturers Association (NEMA) for abdominal scanning (10 mW/cm^2 for pulse-echo devices) provide reasonable guidelines for the upper limits of spatial and temporal-average intensities that should be expected from these types of diagnostic ultrasound equipment (Ref. 19).

Information on acoustic emissions and imaging characteristics should be available to the user so that the user can make informed judgments regarding the use of this diagnostic modality. The Commissioner believes disclosure of output levels, as well as imaging characteristics, would aid the user in selecting equipment that would provide the desired diagnostic information while at the same time expose the patient to the lowest levels of ultrasonic radiation. Disclosure of imaging characteristics and output information would discourage claims that higher output necessarily implies more useful equipment. The Commissioner is considering requirements that output and imaging information be provided to users by manufacturers. In addition, user training activities are needed to eliminate unproductive exposure and to assure that consistently high quality diagnostic information is produced.

Several factors, including system sensitivity, resolution, gray scale dynamic range, registration, and calibration, directly affect the diagnostic capability of Doppler and/or pulse-echo equipment. Optimizing these factors can yield superior diagnostic information with minimum ultrasound exposure. Measurement surveys by FDA and other institutions indicate these factors vary widely among commercial models of diagnostic ultrasound equipment (Refs. 15 and 16). Other reports show that in the absence of routine testing and maintenance these factors vary with time for individual devices, and the informational quality of diagnostic ultrasound equipment will deteriorate (Refs. 17 and 18). The Commissioner is considering the promulgation of recommendations to users and/or equipment performance standards to improve this situation.

Because of these concerns and unresolved issues, BRH will continue to conduct biological effects investigations, evaluate equipment performance, and support research in these areas. Also, NEMA is considering ways to support biological effects studies. As in other problem areas (e.g., effects of ionizing radiation), no single study can provide all the necessary information. A program of collaborative research including well designed and executed studies is needed to determine the extent of risk to human health posed by exposure to diagnostic ultrasound. In addition to investigating biological effects, work will continue on developing methods to measure and evaluate the acoustic emissions and the imaging characteristics of diagnostic ultrasound equipment. The BRH will continue to measure and evaluate the performance of such equipment through laboratory tests and review of reports that manufacturers are required to submit as specified in §§ 1002.10 and 1002.12 (21 CFR 1002.10 and 1002.12). Current and future data will be evaluated relative to the development of recommendations and performance standards and BRH may obtain additional performance and other technical data from manufacturers. In addition, the Commissioner encourages ultrasound users to notify BRH of accidental overexposures and adverse reactions of patients and workers.

The Commissioner recognizes and encourages the constructive efforts of the industry and others towards the development of standards for safe and effective diagnostic ultrasound equipment. A joint project by NEMA and the American Institute of Ultrasound in Medicine (AIUM) may result in a voluntary safety performance standard for this equipment. In addition, the Acoustical Society of America is actively developing standards for diagnostic ultrasound devices. The Commissioner will carefully consider the results, if timely and effective, of these and other voluntary efforts before taking further action.

The Commissioner will consult one or more of the advisory committees concerned with the safety and effectiveness of diagnostic ultrasound devices—the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC), the Medical Radiation Advisory Committee (MRAC), and appropriate medical device panels—concerning any further proposed action and any comments received in response to this notice. The TEPRSSC, is a permanent statutory advisory committee to the Secretary of Health, Education, and Welfare and must be consulted before the establishment of standards under the Radiation Control for Health and Safety Act of 1968. The MRAC advises and consults with BRH in formulating policy and developing a coordinated program related to use of radiation in the healing arts. Medical device panels have been established under section 513(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(b)) to make recommendations to the Commissioner for the classification of medical devices for human use. The MRAC and TEPRSSC considered drafts of this notice at their respective meetings on May 8 through 10 and June 1 and 2, 1978. Both committees generally supported the plan to publish a notice of intent concerning diagnostic ultrasound. Earlier, the Obstetrical and Gynecological Device Classification Panel recommended that all diagnostic and monitoring ultrasound devices be classified in class II, performance standards.

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The following questions and conceptual criteria for users and manufacturers are provided for consideration and comment. Such criteria may be the subject of future proposed performance standards or voluntary recommendations under the acts administered by the agency.

QUESTIONS AND CONCEPTUAL CRITERIA RELATED TO THE CLINICAL USE OF DIAGNOSTIC ULTRASOUND EQUIPMENT

1. Diagnostic ultrasound should be used for human exposure only when there is a valid medical reason. Which of the following or what additional reasons should be considered valid (and under what conditions): medical diagnosis, patient or fetal monitoring, and educational and research applications approved by institutional review boards?

2. Users of diagnostic ultrasound equipment should have adequate training. How extensive should such training be? Should such training be only formalized training? Should it include instruction in both operator techniques and interpretation of diagnostic ultrasound information, instruction in performance measurements and procedures, and instruction in biological effects of ultrasound radiation?

3. Users of diagnostic ultrasound should implement adequate routine quality assurance programs to monitor equipment performance. What should be the elements of such programs? For example, should system sensitivity, depth calibration, and transducer resolution be periodically measured? What other measurements should be made?

QUESTIONS AND CONCEPTUAL CRITERIA RELATED TO THE MANUFACTURE OF DIAGNOSTIC ULTRASOUND EQUIPMENT

1. Manufacturer's specifications regarding ultrasound emissions as well as imaging effectiveness should be provided to the user. Which of the following or what additional parameters should be specified? (Items related to acoustic output defined in the proposed AIUM nomenclature (Ref. 20) are italicized):

a. Maximum and average ultrasound *intensity* in time and space;

b. Maximum and average ultrasound *power*;

c. Transducer pulse shape, *pulse duration*, and *pulse repetition rate*;

d. Transducer frequency spectrum information;

e. Transducer *beam pattern* (axial and transverse);

f. Transducer *focal length* and *focal zone*;

g. Area of transducer *beam cross-section* and *beam width* (at focal length, if focused);

h. Lateral resolution for each transducer;

i. Range resolution for each transducer (except for continuous-wave Doppler);

j. Sensitivity;

k. Position registration accuracy (for compound B-scan);

l. System dynamic range;

m. Range calibration accuracy (pulse-echo equipment).

2. Manufacturers should adopt quality control and testing programs adequate to assure that equipment performance specifications are met and that information provided with equipment is accurate. What are the elements of an adequate testing program for the manufacture of diagnostic ultrasound equipment?

3. Ultrasonic equipment maximum output capabilities should be as low as practical, consistent with obtaining needed diagnostic information. Should there be a specific recommended or mandatory limit on equipment output? For example, such a limit might require that diagnostic ultrasound equipment not produce spatial peak, time-average intensities in excess of 100 mW/cm² unless the manufacturer can strongly justify such exposures based on needed improvement in diagnostic capability. Would such a limit discourage trends to increased equipment output? Would such a limit be viewed as a "perfectly safe" level?

4. Diagnostic ultrasound should be used for human exposure only when there is a valid reason for its use. Are there any valid reasons for exposure of living humans to diagnostic ultrasound for purposes of commercial demonstration?

Persons or organizations wishing further information made public on the development of the action program for ultrasound diagnostic equipment and its use may write to the contact person whose address appears in the heading of this notice.

The following references are on file at the office of the Hearing Clerk, FDA, and may be seen in that office between 8 a.m. and 4 p.m., Monday through Friday:

(1) Stratmeyer, M. E., "Research Directions in Ultrasound Bioeffects—A Public Health View," Symposium on Biological Effects and Characterizations of Ultrasound Sources, June 2 and 3, 1977, pp. 240-245, HEW Publication (FDA) 78-8044.

(2) Murai, N., K. Hoshi, and T. Nakamura, "Effects of Diagnostic Ultrasound Irradiated During Fetal Stage on Development of Orienting Behavior and Reflex Ontogeny in Rats," *Tohoku Journal of Experimental Medicine*, 116:17-24, 1975.

(3) Murai, N., K. Hoshi, C. Kang, and M. Suzuki, "Effects of Diagnostic Ultrasound Irradiated During Fetal Stage on Emotional and Cognitive Behavior in Rats," *Tohoku Journal of Experimental Medicine*, 117:225-235, 1975.

(4) Shoji, R., E. Momma, T. Shimizu, and S. Matsuda, "An Experimental Study on the Effects of Low Intensity Ultrasound on Developing Mouse Embryos," *Teratology*, 6:119, 1972.

(5) Tsutsumi, Y., K. Sano, T. Kuwabara, T. Takakura, K. Hayakawa, T. Suzuki, and M. Katanuma, "A New Portable Echo-Encephalograph, Using Ultrasonic Transducers; and its Clinical Application," *Medical Electronics and Biological Engineering*, 2:21-29, 1964.

(6) Hu, J. H. and W. D. Ulrich, "Effects of Low-Intensity Ultrasound on the Central Nervous System of Primates," *Aviation, Space, and Environmental Medicine*, 47:640-643, 1976.

(7) Nyborg, W. L., "Physical Mechanisms for Biological Effects of Ultrasound," report based on series of lectures presented March 12 to April 2, 1976, at the Bureau of Radiological Health, HEW Publication (FDA) 78-8062.

(8) Ulrich, W. D., "Ultrasound Dosage for Experimental Use on Human Beings," Naval Medical Research Institute Research Report, Proj. M4306, 01-101-0 BXXO, Report #2, August 18, 1971.

(9) Wells, P. N. T., "The Possibility of Harmful Biological Effects in Ultrasound Diagnosis," *in* "Proceedings of Symposium on Cardiovascular Applications of Ultrasound," Beese, Belguim, May 29 and 30, 1973.

(10) David, H., J. B. Weaver, and J. F. Pearson, "Doppler Ultrasound and Fetal Activity," *British Medical Journal*, 2:62-64, 1975.

(11) Donald, I., "New Problems in Sonar Diagnosis in Obstetrics and Gynecology," *American Journal of Obstetrics and Gynecology*, 118:299-309, 1974.

(12) Stewart, H. F., G. R. Harris, and H. M. Frost, "Development of Principles and Concepts for Specification of Ultrasonic Diagnostic Equipment Performance," *Ultrasound in Medicine*, Vol. 3B, Edited by Dennis White and Ross Brown, Plenum Press, pp. 2115-2142, 1977.

(13) Rooney, J. A., "Determination of Acoustic Power Outputs in the Microwatts-Milliwatts Range," *Ultrasound in Medicine and Biology*, 1:1-4, 1973.

(14) Ziedonis, J. G., "Ultrasonic Power Levels Used in Commercial Equipment for Medical Applications and How to Control It for Patients Safety," Proceedings of the Society of Photo-Optical Instrumentation Engineers, 47:110-111, Aug. 1 and 2, 1974.

(15) Christensen, S. L. and P. L. Carson, "Performance Survey of Ultrasound Instrumentation and Feasibility of Routine Monitoring," *Radiology*, 122:449-454, 1977.

(16) Erickson, K. R., P. L. Carson, and H. F. Stewart, "Field Evaluation of the AIUM Standard 100 mm Test Object," *Ultrasound in Medicine*, Vol. 2, Edited by White and Barnes, Plenum Press, New York, 1976.

(17) Goldstein, A., "Gray Scale Shifts in Ultrasound Displays," *Radiology*, 121:175-162, 1976.

(18) Smith, S. W., H. Lopez, and H. F. Stewart, "Methods and Results of Dynamic Range Testing of Diagnostic Ultrasound Instrumentation," Proceedings of the Society of Photo-Optical Instrumentation Engineers (in press).

(19) Technical Committee of the Ultrasound Section of the Radiation Imaging Products Division, National Electrical Manufacturers Association, "Recommendations of the Technical Committee Proposed for Consideration," submitted to the Ultrasound Subcommittee of the BMD OB/Gyn Device Classification Panel, October 22, 1976.

(20) Proposed American Institute of Ultrasound in Medicine (AIUM) Nomenclature, Fifth Draft, August 21, 1977.

This notice of intent is issued under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 356 and 358, 82 Stat. 1174-1179 (42 U.S.C. 263d and 263f)); the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 301 et seq.); and authority delegated to the Commissioner (21 CFR 5.1).

Interested persons are invited to participate in the development of an action program by submitting written comments, views, and data on the subject. Communications should reference the docket number appearing in the heading of this document and should be sent to the hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, by August 13, 1979. Timely comments will be considered in formulating the action program. Comments received after the closing date may be considered, depending on the stage of development of any standards or recommendations.

Dated: February 1, 1979.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc. 79-4659 Filed 2-12-79; 8:45 am]

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TUESDAY, FEBRUARY 13, 1979

PART IV



ENVIRONMENTAL PROTECTION AGENCY

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CHLOROBENZILATE

Notice of Intent to Cancel Registrations and Deny Applications for Registration of Pesticide Products Containing Chlorobenzilate

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[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1058-8; OPP-30000/3E]

CHLOROBENZILATE

Notice of Intent To Cancel Registrations and Deny Applications for Registration of Pesticide Products Containing Chlorobenzilate Pursuant to Section 6(b)(1) and 3(d) of Federal Insecticide, Fungicide, and Rodenticide Act

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of Intent to Cancel Registrations and Deny Applications for Registration of Pesticide Products; Analysis of Comments (Position Document 4) Concerning Chlorobenzilate.

SUMMARY: On May 26, 1976, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (41 FR 21517) a notice of rebuttable presumption against registration and continued registration (RPAR) of pesticide products containing chlorobenzilate. Registrants and other interested persons were provided the opportunity to submit data and information to rebut the presumption. After reviewing all available information, the EPA determined that the cancer risk presumption announced in the chlorobenzilate RPAR had not been rebutted, and that the uses of chlorobenzilate posed risks of cancer and adverse testicular effects to certain exposed groups. The Agency also reviewed information relating to the benefits of these uses and, after considering risks in relation to benefits, determined that these risks may be reduced by modifying the terms and conditions of registration for some uses as detailed in this notice and by cancelling or denying applications for other uses. These preliminary decisions were announced in the Notice of Determination Concluding the Chlorobenzilate RPAR, published on July 11, 1978 (Preliminary Notice).

This Notice initiates actions to cancel unconditionally the registrations of the non-citrus uses of chlorobenzilate and to cancel the registrations of the citrus uses of chlorobenzilate unless registrants modify the terms and conditions of registration as required by this Notice. This Notice also notifies applicants for new registrations of non-citrus uses that these applications will be denied, and applicants for new registrations of citrus uses that unless they comply with (correct) conditions as required by this Notice and notify the Agency within 30 days, the Agency will refuse to register new citrus uses of chlorobenzilate.

FOR FURTHER INFORMATION CONTACT:

J. B. Boyd, Project Manager, Special Pesticide Review Division, Office of Pesticide Programs (TS-791), Room 447, East Tower, EPA, 401 M St. SW., Washington, D.C. 20460, 202-755-2972.

SUPPLEMENTARY INFORMATION: Position Document 4 (PD 4), which accompanies this Notice, discusses in detail the comments which were received concerning Position Document 3 (PD 3) and the Preliminary Notice. The SAP and USDA comments are included in their entirety in PD 4 as Appendix A.

I. INTRODUCTION

On June 30, 1978 (43 FR 29824; July 11, 1978) the Environmental Protection Agency issued a Notice of Determination pursuant to 40 CFR 162.11(a)(5), terminating the Chlorobenzilate RPAR. The Agency determined that the risks of using chlorobenzilate on citrus crops in Florida, Texas, and California, are greater than the social, economic, and environmental benefits of these uses, unless risk reductions are accomplished by modifications in the terms or conditions of registration, as described below. The Agency further determined that these modifications in the terms and conditions of registration accomplish significant risk reductions, and that these risk reductions can be achieved without significant impacts on the benefits of the uses. In addition, the Agency decided to require registrants and applicants for registration for these citrus uses to conduct additional exposure studies in order to permit the Agency to further refine its exposure estimates.

With respect to the non-citrus uses of chlorobenzilate and the use of chlorobenzilate on citrus crops in Arizona, the Agency determined that the risks of chlorobenzilate use outweigh the benefits, and the Agency initiated action to cancel or deny registrations for these uses.

The remainder of this Notice sets forth in detail the Agency's analysis of the comments submitted by the Secretary of Agriculture, the FIFRA Scientific Advisory Panel (SAP), and other interested parties regarding the reasons and factual bases for the regulatory actions announced in the Notice of Determination.

This Notice is organized into four Sections. This introduction is section I. Section II, titled "Legal Background," is a general discussion of the regulatory framework within which these actions are taken. Section III and the accompanying PD 4 set forth the bases for the decisions. Section IV, titled "Procedural Matters," is a brief discussion of the procedures which will be followed in implementing the regulatory actions which the Agency is announcing in this Notice.

II. LEGAL BACKGROUND

In order to obtain a registration for a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires (among other things) that the pesticide perform its intended function without causing "unreasonable adverse effects" on the environment [section 3(c)(5)]. "Unreasonable adverse effects on the environment" is defined as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide" (FIFRA, section 2(bb)). In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in accordance with the terms and conditions of registration, or in accordance with commonly recognized practice. The manufacturer's burden of proving that a pesticide satisfies the registration standard continues as long as the registration remains in effect. Under section 6 of FIFRA the Administrator is required to cancel the registration of a pesticide or modify the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.[1]

The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide a structure for gathering and evaluating information about the risks and benefits of these uses. This structure invites public participation at major points in the evaluation process.

The RPAR process is set forth at 40 CFR 162.11. This section provides that a rebuttable presumption shall arise if a pesticide meets or exceeds any of the risk criteria set out in the regulations. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant exposure to man or the animal or plant of concern with regard to the adverse effect in question.[2] Further, in addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social, and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use.

The regulations require the Agency to conclude an RPAR by issuing a Notice of Determination. In that Notice, the Agency states and explains its position on the question whether the risk presumption has been rebutted. If the Agency determines that the presumption is not rebutted, it then considers information relating to the social, economic, and environmental costs and benefits which registrants and other interested persons submitted to the Agency, and any other benefits information known to the Agency. If the Agency determines that the risks of a pesticide use appear to outweigh its benefits, the RPAR process finally concludes with a Notice of Intent to Cancel or Deny Registration, pursuant to FIFRA section 6(b)(1) or section 3(c)(6).

When the uses of a pesticide appear to pose risks which are greater than benefits, the Agency considers modifications to the terms and conditions of registration which can reduce risks, and the impacts of such modifications in the terms or conditions of registration on the benefits of the use. The risk reduction measures, short of cancellation, which are available to the Agency include requiring changes in the directions for use on the pesticide's labeling, and classifying the pesticide for "restricted use", pursuant to FIFRA, section 3(d).

The statute requires the Agency to submit notices issued pursuant to section 6 to the Secretary of Agriculture for comment and to provide the Secretary of Agriculture with an analysis of the impact of the proposed action on the agricultural economy [section 6(b)]. The Agency is required to submit these documents to the Secretary at least 60 days before making the Notice effective by sending it to registrants or making it public. The Secretary of Agriculture is required to comment in writing within 30 days of receiving the Notice, and the Agency is required to publish the Secretary's comments and the Administrator's response with publication of the Notice. The statute also requires the Administrator to submit Section 6 notices to a Scientific Advisory Panel (SAP) for comment on the impact of the proposed action on health and the environment, at the same time and under the same procedures as those described for review by the Secretary of Agriculture [FIFRA section 25(d)].

Although not required to do so under the statute, the Agency decided that it is consistent with the general theme of the RPAR process and the Agency's overall policy of open decision-making to afford an opportunity to registrants and other interested persons to comment on the bases for the proposed action during the time that the proposed action is under review by the Secretary of Agriculture and the SAP. Accordingly, the Preliminary Notice and PD 3 were made available to registrants and other interested persons at the time the decision documents were transmitted for formal external review (The Preliminary Notice was published in the FEDERAL REGISTER; interested persons were notified that PD 3 was available through publication of a Notice of Availability in the FEDERAL REGISTER and by other means). Registrants and other interested persons were allowed the same period of time to comment, 30 days, that the statute provides for receipt of comments from the Secretary of Agriculture and the SAP. The Agency extended this period to allow time for a public meeting to be held during the comment period; this amounted to a 17-day extension. Moreover, the Agency considered comments received after this date, to the extent it was possible to do so, consistent with orderly decision making.

III. DETERMINATIONS AND ANNOUNCEMENT OF REGULATORY ACTIONS

As detailed in the Preliminary Notice and PD 3, the Agency considered information on the risks associated with the uses of chlorobenzilate, including information submitted by registrants and other interested persons in rebuttal to the chlorobenzilate RPAR. The Agency also considered information on the social, economic, and environmental benefits of the uses of chlorobenzilate subject to the RPAR, including benefits information submitted by registrants and other interested persons in conjunction with their rebuttal submissions and information submitted by the United States Department of Agriculture. The Agency's assessment of the risks and benefits of the uses of chlorobenzilate subject to this RPAR, its conclusions and determinations on whether any uses of chlorobenzilate pose unreasonable adverse effects on the environment, and its determination on whether modifications in terms or conditions of registration reduce risks sufficiently to eliminate any unreasonable adverse effects, were summarized in the Preliminary Notice and set forth in detail in PD 3. PD 3 was adopted by the Agency as its statement of reasons for the determinations and actions announced in the Preliminary Notice and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy.

This Notice constitutes the Agency's Final Notice of Determination Concluding the Chlorobenzilate RPAR. It reflects modifications in the Agency's initial determinations on the risks, benefits, and unreasonable adverse effects of chlorobenzilate pesticide uses which the Agency has concluded are appropriate, after review of the comments and information received concerning PD 3 and the Preliminary Notice from the Secretary of Agriculture, the SAP, and other sources. This Notice also reflects the modifications in the regulatory actions announced in the Preliminary Notice which the Agency has concluded are appropriate, in light of the comments and other information received on PD 3 and the Preliminary Notice from all sources. PD 4, which accompanies this Notice, discusses in detail the information that was received,[3] and the Agency's

[1] The statutory standard for registration also requires that the pesticide satisfy the labeling requirements of FIFRA. These requirements are set out in the statutory definition of "misbranded" [FIFRA Section 2(q)]. Among other things, this Section provides that a pesticide is misbranded if "the labeling . . . does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any • • • [restrictions] imposed under section 3(d) • • • are adequate to protect health and the environment." The Agency can require changes to the directions for use of a pesticide in most circumstances either by finding that the pesticide is misbranded if the labeling is not changed, or by finding that the pesticide would cause unreasonable adverse effects on the environment, unless labeling changes are made which accomplish risk reductions.

[2] 40 CFR 162.11(a)(4) provides that registrants and applicants may rebut a presumption against registration by sustaining the burden of proving: "(1) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraphs (a)(3)(i) or (iii) that when considered with the formulation, packaging, method of use, and proposed restrictions and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute adverse effects; or (ii) in the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraph (a)(3)(ii) that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist, or accrue to levels in man or the environment likely to result in any significant chronic adverse effects; or (iii) that the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error. A primary purpose of the RPAR process is to screen for appropriate action those pesticide uses which pose risks which are of sufficient concern to require the Agency to consider whether offsetting benefits justify the risks. Accordingly, the Agency's approach to rebuttal determinations concentrates on whether the risk concerns which are central to each RPAR proceeding have in fact been answered.

[3] The comments received from the SAP and the Secretary of Agriculture are attached as Appendix A to PD 4. All other

Footnotes continued on next page

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reasons for changing or not changing its initial determinations and the regulatory actions announced in the Preliminary Notice. Finally, this Notice announces the regulatory actions which the Agency is implementing concerning chlorobenzilate. The Agency hereby incorporates PD 3 and PD 4 as its statement of reasons for these actions.

A. DETERMINATIONS ON RISKS

The chlorobenzilate RPAR was based on laboratory studies showing that chlorobenzilate induced oncogenic effects in experimental mammalian species. The Agency has determined that the presumption that chlorobenzilate poses an oncogenic risk was not rebutted. The Agency has determined that two of the studies which formed the basis for the Chlorobenzilate RPAR were insufficiently reliable to assess the oncogenicity of chlorobenzilate. However, the Agency has further determined that several other studies provide a reliable basis for concluding that chlorobenzilate induces oncogenic effects in experimental mammalian species, and that under the Agency's Interim Cancer Assessment Guidelines, these laboratory studies provided substantial evidence that chlorobenzilate poses a cancer risk to humans. The Agency has further determined that human exposure may result form the uses of chlorobenzilate, and that chlorobenzilate use therefore poses a cancer risk to man of sufficient magnitude to require the Agency to determine whether the uses of chlorobenzilate offer offsetting social, economic, or environmental benefits. The Agency identified the key populations at risk with respect to chlorobenzilate use: the U.S. populations at large, Florida residents, pesticide applicators, and citrus pickers.

The Agency has further determined that exposure levels to male pesticide applicators are high enough, in comparison to the "no observable effect" levels for adverse testicular effects in rats, to warrant a conclusion that chlorobenzilate may pose a risk of adverse effects to the testes of applicators of sufficient magnitude to require the Agency to determine whether offsetting social, environmental, or economic benefits result from the uses of the pesticide.

B. DETERMINATIONS ON BENEFITS

The uses of chlorobenzilate which are subject to this notie are grouped into two categories: Citrus uses, and other uses.[4]

Footnotes continued from last page

comments are available for public inspection in the chlorobenzilate public file, except for limited portions of some comments which are protected from public disclosure by FIFRA, section 10.

[4]The category of "other" uses consists of these agricultural crops: cotton; fruits, and nuts (apples, pears, cherries, almonds, and walnuts); melons (casaba, cantaloupes, crenshaw, honeydew, Persian); ornamentals (lawns and turf), grass (herbaceous plants and bulbs) aster, carnations, chrysanthemums, gladioli, iris, marigold, phlox, snapdragon, zinnia; (woody shrubs, trees and vines) arbovitae, azaleas, birch, boxwood, camellia, Douglas fir, elm, hawthorn, hemlock, holly, juniper, lilac, locust, maple, oak, ornamental shrubs, ornamental trees, pine, poplar, rhododendron, roses, spruce, willow yew; domestic dwellings, medical facitities and schools, commercial establishments (areas other than edible product areas) outdoor areas, boats, and docks.

1. *Citrus uses.* Chlorobenzilate is used on citrus crops in Florida, Texas, California, and Arizona to control mites. Most of this use (72%) occurs in Florida. Significant adverse economic and environmental impacts would occur if mite pests were controlled by alternative miticides. Chlorobenzilate is used in citrus integrated pest management ("IPM") because it is selective to mites and does not kill predators and parasites of citrus scale pests. Such integrated pest management approaches are used extensively in Florida, to a lesser extent in most other citrus growing regions, and IPM programs are planned in Arizona. These are several other selective miticides registered for use on citrus crops, and a number of nonselective miticides are registered for use on citrus crops.

With respect to Florida, the Agency has determined that chlorobenzilate cancellation would cause significant increases in pest control costs. Nonselective miticides would be the predominant replacements for chlorobenzilate, for economic and other reasons developed in detail in PD 3. This would necessitate abandonment of IPM control of scale insects because of reduction in populations of beneficial insects (i.e., scale parasites), and the subsequent use of large volumes of chemical pesticides to control scale insects.

In Texas, pest control costs would also increase if chlorobenzilate were cancelled. Economic and other factors favor adoption of selective alternatives to a greater extent in Texas than in Florida. However, the selective alternatives appear to pose risk problems which warrant caution in encouraging their increased use.

Relatively small amounts of chlorobenzilate are used in California on a few citrus corps in one area. However, its use is almost entirely in connection with integrated pest control. Cancellation of chlorobenzilate for this use would have a significant economic impact, because there are no registered alternatives that the Agency believes are suitable chlorobenzilate replacements.

Although the loss of chlorobenzilate and the adoption of alternative miticides is projected to have no net economic impact to Arizona citrus growers, the use fo alternatives could disrupt projected IPM strategies in Arizona and lead to more environmentally adverse pest management practices.

2. *Other uses.* With respect to the other uses of chlorobenzilate, the Agency has determined that registered alternatives are available for each use; in some cases the alternatives are less expensive than chlorobenzilate, and achieve comparable levels of control.

C. DETERMINATIONS ON UNREASONABLE ADVERSE EFFECTS

The Agency has made the following unreasonable adverse effect determinations with respect to the uses of chlorobenzilate subject to this RPAR:

1. *Determinations on citrus uses.* The Agency has determined that the risks of the citrus uses of chlorobenzilate in Florida, Texas, California, and Arizona are greater than the social, economic, and environmental benefits of these uses, unless risk reductions are accomplished by modifications in the terms or conditions of registration, as described below. The Agency has further determined that these modifications in the terms and conditions of registration accomplish significant risk reductions, and that these risk reductions can be achieved without significant impacts on the benefits of the uses. Accordingly, the Agency has determined that unless these changes in the terms and conditions of registration are accomplished, the citrus uses of chlorobenzilate in Florida, Texas, California and Arizona will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice, and that the labeling of chlorobenzilate pesticide products for citrus uses will not comply with the provisions of FIFRA.

2. *Determinations on uses other than the citrus use.* The Agency has determined that the uses of chlorobenzilate other than the citrus use which are subject to this notice pose risks which are greater than the social, economic, and environmental benefits of the use. Accordingly, the Agency has determined that these uses of chlorobenzilate will generally cause unreasonable adverse effects on the environment when used in accordance with commonly recognized practice; the notice of intent to cancel these uses is hereby announced.

D. OTHER DETERMINATIONS

The Agency has determined that registrants and applicants for registration of chlorobenzilate products for citrus uses must develop and submit to the Agency within 1 and ½ years the additional exposure studies described in Section IV of PD 3. The Agency will use the exposure data for the purpose of refining its exposure estimates with

respect to the citrus uses of chlorobenzilate, and re-assessing its conclusions that use of chlorobenzilate on citrus crops in Florida, Texas, California, and Arizona, in accordance with the modifications to the terms or conditions of registration determined herein to be necessary, does not cause unreasonable adverse effects on the environment.

The rat reproductive study described in PD4 will be used by the Agency to further evaluate the safety of these uses.[5]

E. ANNOUNCEMENT OF REGULATORY ACTIONS

Based upon these determinations, the Agency is initiating the following regulatory actions, and this document shall constitute its notice of intent regarding these actions:

1. Cancellation and denial of registrations of chlorobenzilate products for uses other than citrus uses in Florida, Texas, California, and Arizona.

2. Cancellation and denial of registrations of chlorobenzilate products registered for use on citrus crops in Florida, Texas, California, and Arizona, unless registrants or applicants for registration modify the terms or conditions of registration as follows: [6]

a. Classification of chlorobenzilate products for these citrus uses for restricted use, for use only by or under the direct supervision of certified applicators.

b. Modification of the labeling of chlorobenzilate products for these citrus uses to include the following:

(1) *Restricted Use Pesticide*

For retail sale to and use only by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator's certification.

(2) *General Precautions*

a. Take special care to avoid getting chlorobenzilate in eyes, on skin, or on clothing.

b. Avoid breathing vapors or spray mist.

c. In case of contact with skin, wash as soon as possible with soap and plenty of water.

d. If chlorobenzilate gets on clothing, remove contaminated clothing and wash affected parts of body with soap and water. If the extent of contamination is unknown, bathe entire body thoroughly. Change to clean clothing.

e. Wash hands with soap and water each time before eating, drinking, or smoking.

f. At the end of the work day, bathe entire body with soap and plenty of water.

g. Wear clean clothes each day and launder before reusing.

(3) *Required Clothing and Equipment for Application*

a. One-piece overalls which have long sleeves and long pants constructed of finely-woven fabric as specified in the *USDA/EPA Guide for Commercial Applicators.*

b. Wide-brimmed hat.

c. Heavy-duty fabric work gloves.

d. Any article which has been worn while applying chlorobenzilate must be cleaned before reusing. Clothing which has been drenched or has otherwise absorbed concentrated pesticide must be buried or burned.

e. Facepiece respirator of the type approved for pesticide spray applications by the National Institute for Occupational Safety and Health.

f. Instead of the clothing and equipment specified above, the applicator can use an enclosed tractor cab which provides a filtered air supply. Aerial application may be conducted without the specified clothing and equipment.

(4) *Handling Precautions*

Heavy duty rubber or neoprene gloves and apron must be worn during loading, unloading, and equipment clean-up.

In addition to these actions, the Agency will soon be initiating action to require the additional exposure studies referred to earlier to be accomplished and submitted to the Agency. This action is required by this notice, but will be implemented by subsequent correspondence from the Registration Division, Office of Pesticide Programs, to registrants and applicants for registration of chlorobenzilate products for citrus uses.

IV. PROCEDURAL MATTERS

This Notice initiates actions to cancel unconditionally the registrations of the non-citrus uses of chlorobenzilate and to cancel the registration of the citrus uses of chlorobenzilate unless registrants modify the terms and conditions of registration as required by this Notice. This Notice also notifies applicants for new registrations of non-citrus uses that these applications will be denied, and applicants for new registrations of citrus uses that unless they comply with (correct) conditions as required by this Notice and notify the Agency on or before March 15, 1979, the Agency will refuse to register new citrus uses of chlorobenzilate.

Under Sections 6(b) and 3(d) of FIFRA, applicants, registrants, and other interested or affected parties may request a hearing on the cancellation and denial actions that this Notice initiates. This Section of the Notice explains how affected persons may request a hearing, and the consequences of requesting or failing to request a hearing in accordance with the procedures specified in this Notice.

A. PROCEDURE FOR REQUESTING A HEARING

1. *When a hearing must be requested for cancellation actions.* Registrants affected by the actions initiating cancellation of the registered uses of chlorobenzilate may request a hearing on specific registered uses within 30 days of receipt of this notice, or on or before March 15, 1979, whichever occurs later. Any person adversely affected by the cancellation actions initiated by this notice may request a hearing on specific registered uses affected by this notice on or before March 15, 1979.

2. *When a hearing must be requested for actions to deny applications.* Applicants for new registration of the uses affected by this notice may request a hearing on specific uses within 30 days of receipt of this notice or on or before March 15, 1979, whichever occurs later. Other interested persons may request a hearing with the concurrence of the applicant during the time period available to the applicant.

3. *How to request a hearing.* All registrants, applicants, and other interested or affected parties who request a hearing must file the request in accordance with the Agency's Rules of Practice Governing Hearings (40 CFR, Part 164). These procedures specify among other things, that: 1) all requests for a hearing must be accompanied by objections that are specific for each use for which a hearing is requested [40 CFR 164.20(b)], and 2) that all requests must be received by

[5]For the Agency's authority to require registrants to conduct studies relevant to assessing the risks and benefits of a pesticide, and to report the results thereof to the Agency, see FIFRA section 3(c)(2)(B).

[6]FIFRA section 6(b)(1) provides that the Administrator may initiate proceedings to cancel a registration or change its use classification, where the Administrator finds that the pesticide does not satisfy the statutory standard for registration. However, the registered chlorobenzilate products subject to this action have not yet been initially classified. Accordingly, any classification action with respect to these products is an initial classification, and not a change in classification. Initial classification generally does not give rise to a right to review the classification decision in an adjudicatory hearing. (See Preamble to *Optional Procedures for Classification of Pesticide Uses by Regulation*, 43 FR 5782, 5784 (Feb. 9, 1978)). However, in view of the fact that the Agency is proposing other changes to the terms or conditions of the registration (e.g. labeling changes) for registered chlorobenzilate products, which are reviewable in adjudicatory hearings, the Agency has determined that it is appropriate to exercise its discretion to fashion procedures in excess of minimum statutory requirements, and to permit the question of whether chlorobenzilate products for citrus uses should be initially classified for restricted use and its use limited to certified applicators to be reviewed in any such adjudicatory hearing as well.

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the Hearing Clerk within the applicable thirty (30) day time period [40 CFR 164.5(a)]. Failure to comply with these requirements will automatically result in denial of the request for a hearing.

Requests for hearings must be submitted to:

Hearing Clerk (A-110), U.S. Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 2060.

B. CONSEQUENCES OF FILING OR FAILING TO FILE A HEARING REQUEST

1. *Consequences of filing a timely and effective hearing request.* If a hearing on the Administrator's intent to cancel the citrus and/or non-citrus uses of chlorobenzilate is requested in a timely and effective manner before the end of the 30-day notice period, the hearing will be governed by the Agency's rules of practice for hearings under FIFRA Section 6 (40 CFR, Part 164). In the event of a hearing, the cancellation and denial actions subject to the hearing will not become effective except pursuant to orders of the Administrator at the conclusion of the hearings.

2. *Consequences of failure to file in a timely and effective manner.* If a hearing on the Administrator's intent to cancel the non-citrus uses of chlorobenzilate is not requested in accordance with the procedures specified above within the 30-day notice period, cancellation of the non-citrus uses of chlorobenzilate becomes final and effective at the end of the 30-day notice period.

If a hearing on the Administrator's intent to cancel conditionally the citrus uses of chlorobenzilate is not requested in accordance with the procedures specified above within the 30-day notice period, immediately after this 30-day notice period, the Agency will notify registrants and applicants of the procedures for amendment of their registrations and applications in accordance with the determinations specified in this notice. This notification will establish the date(s) on which the cancellations will become effective if registrants do not apply to amend their registrations as required by this notice, and will provide other necessary instructions and information.

Dated: February 5, 1979.

STEVEN D. JELLINEK,
Assistant Administrator for Toxic Substances.

CHLOROBENZILATE POSITION DOCUMENT 4

SPECIAL PESTICIDE REVIEW DIVISION, OFFICE OF PESTICIDE PROGRAMS, OFFICE OF TOXIC SUBSTANCES, U.S. ENVIRONMENTAL PROTECTION AGENCY

CHLOROBENZILATE

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The Agency designed the Rebuttable Presumption Against Registration (RPAR) process to gather risk and benefit information about problem pesticides and to make balanced decisions concerning them in a manner which allows all interested groups to participate. This process is set forth in 40 CFR 162.11.

On May 26, 1976, the Agency issued an RPAR notice for pesticide products containing chlorobenzilate (41 FR 21517, May 26, 1976). The chlorobenzilate RPAR was one of the first issued by the Agency. At the time it was issued, Agency RPAR procedures were still in a formative stage, and a detailed Position Document 1 did not accompany the chlorobenzilate RPAR notice.

On June 30, 1978, the Agency issued Position Document 3 for chlorobenzilate, and published a notice of determination and availability of the position document in the FEDERAL REGISTER on July, 11, 1978 (43 FR 29824-29828). In Position Document 3 the Agency analyzed the rebuttals it received in response to the original RPAR notice, presented its analysis of both the risks and benefits associated with the uses of chlorobenzilate, and proposed a decision to conclude the RPAR process.

40 CFR 162.11 requires the Agency to submit notices issued pursuant to Section 6 to the Secretary of Agriculture for comment on the impact of the proposed action on the agricultural economy [Section 6(b)] and to a Scientific Advisory Panel (SAP) for comment on the impact of the proposed action on health and the environment [Section 25(d)]. The Agency is required to submit these documents to the Secretary and the SAP at least 60 days before making the notice effective by sending it to registrants or making it public. The Secretary of Agriculture and SAP are invited to comment in writing within 30 days of receiving the notice, and the Agency is required to publish their comments and the Administrator's response with publication of the notice.

Although not required to do so under the statute, the Agency has decided that it is consistent with the purposes of the RPAR process and the Agency's overall policy of open decision-making to afford registrants and other interested persons an opportunity to comment on the bases for the proposed action while it is under review by the Secretary of Agriculture and the SAP.

The Agency has received a number of comments in response to the June 30, 1976 Notice of Determination and the Chlorobenzilate Position Document 3. The Agency also considered comments which were received after the mandatory 30-day period allowed by law. All comments received either during or after the 30-day period were made available in the public file for review and evaluation by the public. Responses from the SAP, the U.S. Department of Agriculture, and other interested parties have been analyzed and are addressed in Section II of this document. Section III summarizes the Agency's decision concerning pesticide products containing chlorobenzilate. The responses from the SAP and the USDA are contained in Appendix A in their entirety.

I. INTRODUCTION

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) (7 U.S.C. Section 136 *et seq.*), the Environmental Protection Agency (EPA or the Agency) regulates all pesticide products. Section 6(b) of FIFRA authorizes the Administrator of the EPA to issue a notice of intent to cancel the registration of a pesticide or to change its classification if it appears to him that the pesticide or its labeling "does not comply with the provisions of [FIFRA] or, when used in accordance with wide-spread and commonly recognized practice, generally causes unreasonable adverse effects on the environment." Section 3(c)(6) authorizes the Administrator to deny applications for pesticide registration if the statutory standards for registration are not met.

II. ANALYSIS OF COMMENTS

The Agency received comments from the Secretary of Agriculture, the Scientific Advisory Panel (SAP), and 15 other concerned individuals and organizations. These comments are organized by topic and discussed below. As indicated in the following discussion, the Agency has revised some aspects of its assessment of risks, benefits, and regulatory requirements in accordance with USDA, SAP, and other recommendations. Except as discussed below, other aspects of the analyses presented in Position Document 3 are unchanged.

A. COMMENTS RELATING TO RISK

1. *EPA Risk Assessment.* The chlorobenzilate risk assessment was based in part on data from studies by Innes and the National Cancer Institute (NCI) which showed that chlorobenzilate produced statistically significant increases in the incidence of tumors in male mice ingesting the pesticide.

a. *Problems in Extrapolating Risk to Actual Human Populations.* One commenter [42 (30000/3D)] stated that, "EPA's (cancer) risk assessment does not account for the heterogeneity of the human population and subpopulations of more susceptible individuals compared to the homogeneity of animal populations in test situations. It also does not account for the fact that human populations exposed to chlorobenzilate, as opposed to test animal populations, are composed of sick and poorly nourished individuals as well as healthy people. Further, the EPA assessment does not account for possible greater sensitivity of the human population than even the most sensitive rodent species tested. Finally, CAG's assessment does not account for synergistic effects from exposure to other toxic chemicals in the human environment to which humans are exposed."

First, the Agency notes that the risk assessment, like many other aspects of the Agency's risk/benefit analysis, is based on various relevant factors, data, and considerations. However, not all such factors are known to the Agency or usable in the risk/benefit analysis. In many cases the nature of and limits on the Agency's estimates for chlorobenzilate are detailed and explained in Position Document 3. Because uncertainties such as synergism and heterogeneity exist, the Agency used the most conservative model and test results from the most sensitive group of test animals to extrapolate to humans the cancer risk associated with chlorobenzilate.

More specifically, with respect to heterogeneity, the straight-forward simplified model of population effects used by the Carcinogen Assessment Group (CAG) is a probabilistic model which only attempts to estimate the overall impact of the use of the compound. The Agency recognizes that some people will be more sensitive than the average and others will be less sensitive, but no detailed information about the distribution of sensitivities is available. It is, therefore, impossible to factor this kind of information into a risk estimate.

With respect to synergism, one of the many uncertainties in estimating the risk to humans is the concomitant exposure to other chemicals along with chlorobenzilate. Some of these chemicals could have additive effects, whereas others could potentiate or counteract the effects of chlorobenzilate. As with heterogeneity, the Agency cannot factor this kind of information into a risk estimate because no realistic model of the nature and amounts of the background exposure to other chemicals is available.

b. *Innes Study Deficiencies.* One commenter [40 (30000/3D)] outlined what he believed to be significant deficiencies in the Innes study. Specifically, this commenter argued that the physical location of the animals which were fed chlorobenzilate in relation to the positive control groups may have resulted in contamination of the treated animals by other chemicals which could have caused the tumors and, therefore, invalidated the study.

The Agency found that in the Innes study many groups of animals were kept in the same room; this included 27 groups of animals on which various pesticides were being tested, including the animals which were being fed chlorobenzilate and the positive and negative controls. While the current practice is to avoid co-housing of this type, the possibility that contamination affected the outcome of the study is low since the untreated controls did not develop tumors, and only 3 of the 27 other groups of animals being tested showed an increase in tumor incidence.

This commenter also contended that the Agency's risk estimate should have been based on the tumor incidence among female mice of the NCI study using a time-to-tumor model.

The Agency generally uses the more conservative linear model and the most sensitive group of test animals (in the case of chlorobenzilate, male mice from the NCI study as well as the male mice from the Innes study) in developing its risk estimates. This is based on the fact, as discussed above, that there are many uncertainties which the Agency cannot factor into a risk estimate, such as species difference, susceptible subgroups of the human population, lack of adequate data about human exposure, and the synergistic effect of chemicals, which make a more conservative approach to assessing cancer risk to humans preferable to a liberal one.

Another commenter [42 (30000/3D)] submitted a published pathological review (Reuber, M.D., *Digestion* 16: 308, 1977) of the Innes study in support of its validity in indicating oncogenic risk. The CAG recognized and cited this paper in their final assessment of chlorobenzilate.

2. *Dietary Risks.* The general population of the United States was identified in Position Document 3 as being potentially at risk from exposure to chlorobenzilate in the diet. Florida residents may ingest additional amounts of chlorobenzilate because pulp from chlorobenzilate-treated citrus fruit is fed to dairy cattle and beef cattle which are raised and marketed in Florida. Thus, residents of Florida may be indirectly exposed to chlorobenzilate in milk and meat as well as directly exposed to chlorobenzilate from treated citrus fruit, while the general population in the rest of the United States is potentially exposed to chlorobenzilate residues only from treated citrus fruit and citrus fruit byproducts (Position Document 3, pp. 25-27).

a. *Risk to General Population.* The Secretary of Agriculture [36 (30000/3)] recommended that the Agency recalculate the dietary exposure estimates "based on obtainable analytical sensitivity. In addition, these theoretical calculations should be replaced with actual exposure data as it becomes available. The frequency of positive chlorobenzilate residue traces should also be taken into account in calculating theoretical exposure levels."

To recalculate dietary exposure estimates based on the most sensitive analytical methods which are currently available might lead the Agency to underestimate the actual exposure, since most of the monitoring data were obtained with less sensitive methods. Therefore, this suggestion is not acceptable.

By the same reasoning, the suggestion to take into account the frequency of positive samples in the monitoring data was also rejected, since the Agency cannot be sure that samples which appeared to be negative did not actually have chlorobenzilate residues which could have been detected if more sensitive analytical methods had been used. The Agency will, however, revise its estimate of dietary exposure if the required monitoring data indicate that a revision is necessary.

b. *Risk to Infants in Florida.* One commenter [42 (30000/3D)] asserted that the "risk to infants was not factored into CAG's risk assessments," although the CAG forsaw a "risk to infants who could get chlorobenzilate residues from cow's milk via pulp feed as well as through orange juice (Position Document 3, p. 33)." This commenter claimed that according to his calculations, "the dose to child/kg body weight may be greater than 70 times that of an adult."

The Agency recognizes that since milk makes up a large portion of an infant's diet, infants in Florida could be exposed to relatively more chlorobenzilate than adults in Florida, but to the Agency's knowledge, no actual residues of chlorobenzilate have been detected in milk or orange juice intended for human consumption. However, in an attempt to deal with the general possibility of low-level residues, in Position Document 3 Agency scientists projected residues to occur in milk at levels just below the current level of detection.

c. *Revisions in Exposure Analysis.* In order to take account of the higher percentage of milk in an infant's diet, the Agency has recalculated the percentage increase in life-time exposure to chlorobenzilate for infants in Florida. The Agency found that this factor would increase its previous cancer risk estimate by 4% to 14% for infants in Florida (Anderson, 1978b). As indicated by the requirement to develop data on milk and pulp residues (described in pages 85-86 of Position Document 3), this issue is of concern to the Agency. However, the results of the cattle feeding study and milk monitoring data are needed in order to more accurately estimate the additional risk to infants.

Also, the risk associated with milk applies only to the State of Florida, not the entire population of the United States, as the commenter assumed. The additional exposure associated with beef and milk in Table 3 of Position Document 3 refers only to Florida, and has been corrected to indicate this. The revised table appears on page 11.

Although no comments were received on the potential dietary exposure through residues of chlorobenzilate in citrus oil, the Agency is also concerned about this issue. Analyses by EPA laboratories found chlorobenzilate residues of 36 to 53 ppm in orange oil, and 86 and 91 ppm in grapefruit oil, using samples representing "cold-pressed

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oil" from eight samples of oranges and two of grapefruit (Kutz, 1978).

The oil content of citrus juices is limited by USDA grading standards to levels varying between 0.015 and 0.03%. For grapefruit juice, the oil content is limited to 0.02%. Thus, the residues which the oil contributes to citrus juices are calculated to be in the range of 0.92 ppm, i.e., 0.02% x 100 ppm in oil.

The only foods where some additional exposure from the use of citrus oil as a flavoring agent can be calculated are fruit-flavored drinks (ready-to-drink, concentrated, and powdered forms). The USDA Household Food Consumption Survey indicates consumption of 19.2 grams/person/day for carbonated fruit-flavored soft drinks and 18.8 grams/person/day for non-carbonated fruit drinks, concentrates, and mixes. Assuming that citrus oil flavorings contribute similar levels of residues to all fruit-flavored soft drinks, concentrates, and powders, as was calculated above for fruit juices, 0.02 ppm x (19.2+18.8 grams)=0.76 μg chlorobenzilate ingested/day. This calculation makes no adjustment for the fact that not all fruit drinks are citrus-flavored (since the Agency has no consumption breakdown), but, on the other hand, does not include the use of citrus oil to flavor foods such as candy, baked goods, and liqueurs.

The additional 0.76 μg/day is roughly 20% of the total dietary chlorobenzilate exposure from fruit (3.8 μg/day) calculated by the EPA in Position Document 3. The Agency has revised its dietary exposure calculations to reflect this additional exposure. This is reflected in Tables 3, 7, and 8 from Position Document 3; these revised tables are included on pages 11, 12, and 13.

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TABLE 3

REASONABLE UPPER LIMIT OF DIETARY EXPOSURE TO CHLOROBENZILATE

U.S. Population Exposure

Commodity	Consumption[a] (g/day)	Extent[b] of Use by Crop (%)	Assumed[c] Maximum Residue (ppm)	Maximum Ingestion (ug/day)
Citrus:				
Oranges (Inc.juice)	42.00	47.80	0.1	< 2.01
Grapefruit	19.30	60.90	0.1	< 1.18
Other Citrus g/	12.70	31.00	0.1	< 0.40
Flavored Drinks	38.00	-	0.02	< 0.76
Other Fruit:	55.20	0.08	5.0[d]	< 0.21
Nuts:	1.18	3.60	0.1	< 0.0043
Total U.S.				< 4.56 (0.0024 ppm)

Florida Population's Additional Exposure[e]

(Percent with Potential Occurrence)[f]

Beef and Lamb	143.2	10	0.04	< 0.57
Milk	184.7	100	0.0024 - 0.04	< 0.44 - < 7.39
Total Florida Additional				< 1.01 - < 7.96
Grand Total Florida				< 5.57 - < 12.52 (< 0.0029 - < 0.0065 ppm)

a/ Severn, 1978
b/ Doane, 1976
c/ Detection level in the most representative sampling
d/ Tolerance level
e/ Feeding by-products of citrus processing (pulp and molasses) to cattle in Florida is viewed as an indirect dietary souce of chlorobenzilate. It results in additional dietary exposure for the Florida population.
f/ Based on limited EPA survey (Luttner and McWhorter, 1978).
g/ Added to account for possible additional residues in citrus oil (Reed, 1978).

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TABLE 7

CHLOROBENZILATE

POTENTIAL CANCER RISK THROUGH DIETARY EXPOSURE

FLORIDA POPULATION (8,000,000)

	Maximum[a/] Lifetime Probability of Tumor Formation (Less Than)	Maximum[b/] Mathematical Expectation of Numbers of Tumors During a Lifetime (Less Than)
One-hit Model (NCI Data)[c/]		
Observed	0.6 to 1.3 in 1 million	5 to 10
One-hit Model (Innes Data)[d/]		
Observed[e/]	3.1 to 7.0 in 1 million	25 to 56

a/ Assumes that dietary exposure occurs at the level of exposure expressed as reasonable upper limit (0.0025 to 0.0061 ppm daily throughout lifetime), and model projects conservative expression of risk.

b/ Since the animal study was conducted throughout lifetime exposure, the chance of cancer occurrence is extrapolated as the potential of a cancer event during a lifetime, and should, therefore, be interpreted as an index or "mathematical" expectation rather than a "clinical" expectation.

c/ In addition to normal spontaneous rate; estimate based on NCI study male mice with hepatocellular carcinomas [32 out of 48 (treated); 4 out of 19 (controls)] (Albert, 1978b).

d/ In addition to normal spontaneous rate; estimate based on Innes study "Strain X" male mice with hepatomas [9 out of 17 (treated); 8 out of 79 (controls)] (Albert, 1978).

e/ Estimate used.

TABLE 8

CHLOROBENZILATE

POTENTIAL CANCER RISK THROUGH DIETARY EXPOSURE

U.S. POPULATION (EXCEPT FLORIDA) (212,000,000)

	Maximum[a/] Lifetime Probability of Tumor Formation (Less Than)	Maximum[b/] Mathematical Expectation of Numbers of Tumors During a Lifetime (Less Than)
One-hit Model (NCI Data)[c/]		
Observed	0.5 in 1 million	106
One-hit Model (Innes Data)[d/]		
Observed[e/]	2.6 in 1 million	551

a/ Assumes that dietary exposure occurs at the level of exposure expressed as reasonable upper limit (0.0025 to 0.0061 ppm daily throughout lifetime), and model projects conservative expression of risk.

b/ Since the animal study was conducted throughout lifetime exposure, the chance of cancer occurrence is extrapolated as the potential of a cancer event during a lifetime, and should, therefore, be interpreted as an index or "mathematical" expectation rather than a "clinical" expectation.

c/ In addition to normal spontaneous rate; estimate based on NCI study male mice with hepatocellular carcinomas [32 out of 48 (treated); 4 out of 19 (controls)] (Albert, 1978b).

d/ In addition to normal spontaneous rate; estimate based on Innes study "Strain X" male mice with hepatomas [9 out of 17 (treated); 8 out of 79 (controls)] (Albert, 1978).

e/ Estimate used.

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3. *Testicular Effects.* The presumption against chlorobenzilate was based on the risk of oncogenic effects. However, in re-evaluating long-term chlorobenzilate feeding studies in connection with the RPAR review, the Agency concluded that the data on testicular effects also required consideration. Upon re-examination, the Agency found that testicular toxicity in rats had been reported in five studies. In Position Document 3 [Section II(A)(3)], the Agency analyzed the risk of testicular effects associated with chlorobenzilate.

The Agency received a letter from a registrant on June 22, 1978, which contained raw data and an additional statistical analysis which he claimed proved that the reproductive performance of the rats in the Woodard (1965) three-generation reproduction study was not impaired. The Agency issued Position Document 3 on June 30, 1978, and this information was too late to be considered in that document. During the comment period after Position Document 3 was issued, the registrant [40 (30000/3D)] re-stated his statements of June 22nd, and the Agency has now analyzed this information.

In this study, Woodard fed rats 50 ppm chlorobenzilate and subsequent generations 25 or 50 ppm chlorobenzilate. Initially, significantly-reduced mean testicular weights were reported using the Rank Sum Test of Wilcoxon. In 1966, an FDA reviewer [1] said that the reproductive performance of test and control rats was essentially the same. She observed, however, that there could be a difference in the two groups, because of possible diminished testes weights in the first generation of treated males. The reviewer recommended that the question of whether or not the decrease in testicular weights was significant could be resolved by further statistical analysis. In the letter of June 22nd, the registrant noted that the testicular weights of one animal in the group given 50 ppm chlorobenzilate was more than five standard deviations from the group mean. The registrant therefore eliminated the testicular weights of that animal from subsequent analysis. The decrease in testicular weights was then found to be insignificant by one-way analysis of variance and Fischer's Least Squares Difference tests.

Although the registrant's statistical approach changes the analysis for this study, it does not alter the fact that adverse testicular effects have been regularly observed in animals which received chlorobenzilate at high doses in four other studies discussed in Position Document 3. For this reason, the Agency continues to be concerned about the reproductive effects of chlorobenzilate. Accordingly, the Agency will require the registrants to perform a three-generation reproduction study with appropriate protocol as discussed under Section C(4) of this document.

B. COMMENTS RELATING TO BENEFITS

The Agency's analysis of the benefits associated with chlorobenzilate was presented in Position Document 3 (pp. 39-67). The Agency invited information on the economic, social, and environmental benefits of the pesticide during the rebuttal period, and this information was included in the Chlorobenzilate Benefit Analysis in Position Document 3. The USDA also aided the Agency in a joint effort to develop information on the benefits of the ongoing uses of chlorobenzilate. Several commenters raised questions on the benefits information. This Section also contains new information that has become available since the publication of Position Document 3.

1. *General.* One commenter [50 (30000/3)] wrote, "Concerning chlorobenzilate, there were two major problems with the benefit data. First, it was incomplete * * *."

The chlorobenzilate benefits assessment team (BAT) [2] used only the most current and relevant data which was available to them when they prepared their 1977 report. The BAT was aware of the references cited by this commenter, even though not all of these references were discussed or referenced specifically in the BAT report. The information presented by the commenter either supports the Agency's position or is not the most relevant, current, or accurate data available on the subject (Knapp, 1978a).

This commenter [50 (30000/3)] continued: The second deficiency of the chlorobenzilate benefit data was the use of the Allen paper itself. * * * Incidentally, grapefruit were not mentioned in the Allen paper, but a 17% yield loss of grapefruit was attributed to the Allen paper. Where did the number come from?

The actual objection to Allen's paper is not clear. Jon Allen is a leading expert doing research on how mites damage citrus fruit, foliage, trees, and groves. His results are the most precise and timely available, and his work includes both oranges and grapefruit. Additional data regarding yield are discussed in Section II (4)(a) of this document.

2. *Alternatives.*—a. *Dicofol.* One commenter [39 (30000/3D)] disagreed with the Agency's conclusion that dicofol was not a satisfactory alternative to chlorobenzilate. He first questioned the Agency's representation of the problem of controlling snow scale when dicofol is used as a miticide. Specifically, Position Document 3 stated that, "If dicofol is used in groves infested with snow scale (approximately 75% of Florida groves) the snow scale populations increase, causing serious infestation and necessitating the use of scalicides (Florida Cooperative Extensive Service, 1977)," and "Growers using dicofol in place of chlorobenzilate in groves infested with snow scale would need to supplement dicofol applications with scalicide applications."

The phenomenon of dicofol's effect upon snow scale populations (rapid increases after application in groves where this pest is present) is well documented in the literature (Brooks and Whitney, 1976). Application of dicofol for mite control when snow scale are also present in the grove necessitates the concurrent use of a scalicide, many of which have a negative effect upon beneficial insect populations.

The commenter supplied data which indicate that the effect of dicofol on snow scale is seasonal. These data show that dicofol can be used during the spring and fall without increasing snow scale, but that during the summer growers would need to supplement dicofol with scalicides in groves infested with snow scale. Although the Agency recognizes this seasonal variation effect, it does not alter the chlorobenzilate benefit analysis, because that analysis was based on the use of chlorobenzilate during the summer when growers could not use dicofol alone (Luttner, 1978a; Knapp, 1978b).

Secondly, the commenter [39 (30000/3D)] questioned the Agency's statements on the oncogenic effects of dicofol (Position Document 3, Appendix C). The Agency's statements on dicofol's oncogenicity were based on preliminary results of an NCI study in which dicofol reportedly induced hepatocellular carcinomas in male mice. This commenter questioned the validity of the dicofol bioassay as follows:

* * * according to the NCI Clearinghouse on Environmental Carcinogens, the stability of the sample of dicofol fed the animals in the NCI studies was not maintained throughout the study so that it is unclear what the animals were fed. Therefore, the Clearinghouse has indicated that the NCI studies prohibit drawing any conclusions concerning dicofol carcinogenicity.

The Agency's Carcinogen Assessment Group (CAG) did not agree that this problem invalidated the NCI study for several reasons. First, the NCI increased the amount of dicofol which they fed to the animals during the latter part of the study, perhaps to compensate for the degradation of the initial dose of the chemical. Second, the Agency has no information about the stability of this compound when it is actually applied to citrus crops; it is possible that decomposition of the compour... during the NCI bioassay parallels that in the field. Thus, it is immaterial whether the male mice responded to the parent compound or its decomposition products since exposure to both is expected. Finally, participants in the Clearinghouse Meeting stated that hepatocellular carcinoma among treated mice was 74% in the high dose group and 44% in the low dose group, as compared to 25% in historic controls and 17% in experimental controls. The CAG believes that this is a statistically significant induction of hepatocellular carcinoma, and therefore sufficient to conclude that dicofol is carcinogenic in male mice (Albert, 1978).

b. *Hirsutella and Diflubenzuron.* One commenter [42 (30000/3D)] asked by the Agency had not evaluated two alternatives for chlorobenzilate (diflubenzuron and *Hirsutella*) which they termed "promising." The Agency reviewed these potential alternatives before issuing Position Document 3 (McWhorter, 1978d) and agrees that these are promising. However, neither diflubenzuron or *Hirsutella* is currently registered as a citrus miticide, and their effectiveness on citrus crops as well as the potential risks associated with these uses have not yet been fully evaluated.

3. *Need for Miticides.* Several commenters questioned the need for miticides, especially for the large percentage of citrus fruit which is destined for the process market. Two respondents disputed the Agency's position that mites need to be controlled because they affect fruit size, appearance, crop yield, and tree stock stamina (Position Document 3, p. 44). For example, one commenter [42 (30000/3D)] suggested that chlorobenzilate does not need to be used on citrus fruit which is to be processed, and that the Agency should have considered cancelling the use of chlorobenzilate on all citrus fruit intended for processing.

[1] This division of FDA became part of the EPA when the Agency was established in 1970.

[2] The BAT consisted of USDA and State extension and research personnel.

Another commenter [50 (30000/3)] asserted that mites affect the appearance of citrus fruit and that this is merely a cosmetic effect rather than a substantive effect such as a change in yield. The commenter concluded that the Agency's benefit analysis overestimated the economic benefit derived from the use of chlorobenzilate on citrus crops, leading the Agency to continue registrations of chlorobenzilate on citrus fruit rather than cancelling them. This commenter implied that it may not be necessary for growers to treat citrus crops for mites at all.

a. *Yield Effects of Rust Mite Damage.* One commenter [50 (30000/3)] noted, "One would expect citrus rust mite damage to be of less importance to the processor, as it affects only the appearance of the fruit." However, information available to the Agency contradicts the assertion that rust mite damage affects only the appearance of the fruit. Several researchers have evaluated the impact of citrus rust mites on citrus production and found that, in addition to harming the appearance of the fruit, citrus mites have other adverse effects upon both citrus trees and fruit, including lower yields due to increased fruit drop and decreased fruit size; leaf drop; damage to leaves and young shoots; and increased fruit transpiration rates both on the tree and when the fruit is in the marketing process (Yothers and Mason, 1930; Spencer and Osburn, 1950; Albrigo and McCoy, 1974; Yothers, 1918; Pratt, 1958). For example, a recent study showed that mite damage reduces tree longevity: of 4,892 Florida orange trees lost due to insect damage in 1977, 1,753 trees (or 36%) were lost due to rust mite damage (Doane Agricultural Service, Inc., 1978).

The most significant research to date on the nature and extent that yield is affected by citrus mites is that of Allen (1978a, 1978c) and Allen and Stamper (1978), which has become available since Position Document 3 was published. Allen was the first to use quantitative methods to determine the degree to which rust mites reduce yields by causing fruit to drop from the trees and by reducing fruit size given specific levels of mite infestation. Allen's fruit drop work has demonstrated that citrus fruit damaged by rust mites tends to lose water more rapidly than undamaged fruit, and damaged fruit also has a lower bonding force to the tree. Four different studies have shown that fruit which has been damaged by rust mites is more likely to drop from the tree prematurely than will undamaged fruit (Allen, 1978a).

Effects on fruit growth similar to those found by Allen were described by Tono et al. (1978). These authors found that the citrus rust mite reduced the diameter, volume, and weight of Satsuma mandarin oranges when compared to undamaged fruit. Allen concluded that, "since the data of Tono et al. (1978) for a different rust mite attacking a different citrus species is very similar to the present study, the effects of citrus rust mite on other citrus varieties are probably similar to that reported here" (Allen, 1978c).

Allen has very recently developed a simulation model to predict yield loss based on mite densities, control timing, and different control strategies (Allen, 1978c). Allen's recent data concerning the relationship between yield effects and the fruit surface area which is damaged by mites indicate that, in the absence of treatment for mites, growers can expect fruit surface area damage (russetting) ranging from a low of 10% to a high of 50%. Allen's new data for oranges and grapefruit show the following yield effects at these damage levels: [3]

Surface area damage (pct)	Volume loss (pct) (includes drop plus size reduction)	Reduction insoluble solids (pct)
10 (Low)	4.38	3.53
30 (Med)	13.61	11.00
50 (High)	23.89	19.33

These volume loss data provide new support for the Agency's earlier estimates of 21.2% (oranges) and 25.3% (grapefruit) at the 50% damage level and 11.6% (oranges) and 14.0% (grapefruit) at the 30% damage level (Luttner, 1978c). Allen's new data also include figures on the reduction of soluble solids, an economic loss which was not known and therefore not included in the Agency's earlier analyses, and which indicates another benefit of controlling citrus mites.

To support his contention that mites damage only the appearance of citrus fruit, this commenter [50 (30000/3)] quoted several sources, including Griffiths and Thompson (1953), Reinking (1967), Simanton (1962), McCoy et al. (1967a), Ziegler and Wolfe (1975), Townsend (1976), and Olmert and Kenneth (1974). The Agency does not agree with his interpretation of the conclusions of some of these sources, while the results of others were taken out of context. In addition, one source did not deal with chlorobenzilate at all, while another was strictly a laboratory and not a field test.

Most importantly, the performance of chlorobenzilate was not evaluated in most of the studies cited. Further, the data presented by the commenter as Table 4 (reproduced on the following page) appear to be very misleading. "Significance" was apparently assigned in most instances by the commenter and not by the authorities who generated the data. The problems associated with using Griffiths and Thompson (1953), Reinking (1967), and Simanton (1962) as sources have already been discussed, and are discussed in detail in Ludvik (1978). The McCoy et al. (1967a) reference must not have been read correctly. These authors clearly show that on the average for a four-year period, yields measured as "mean pounds solids/year" were 3,986.2, 3,887.1, and 3,499.5 pounds for conventional, integrated, and no-spray programs, respectively. The first two did not differ significantly, but the third did differ significantly from the other two. The commenter cited 3,898 and 3,500 pounds as "NS" and thus ignored a major thrust of the research described, namely, comparison of a "complete" and an integrated spray program with a no-spray program. For purposes of this discussion, the Agency is primarily concerned with the Commenter's use and interpretation of the data, rather than with the data as generated and analyzed by the several authors.

The Agency concludes that there are yield effects associated with rust mite infestations. However, the benefit analysis is insensitive to the level of such damage, because no yield benefits were claimed for chlorobenzilate over substitute miticides which would be used to replace it.

[3] These data reflect mite damage on June 1 and harvest on April 1 for Valencia oranges; June 1 damage and March 1 harvest for grapefruit. Both situations are typical for Florida (Allen, 1979). Allen's analysis (for oranges) projects these relationships over a range of 1% to 80% surface area damage (0.5% to 42.3% volume loss, respectively.

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NOTE: This table is reproduced from the submission of commenter 50 (30000/3).

TABLE 4

YIELDS OF CITRUS IN SPRAYED AND UNSPRAYED PLOTS

State	Crop	Yield		Significance 1/	Source
		Spray	No Spray		
Florida	Valencia Oranges	2.9 boxes/tree		NS	Griffiths & Thompson (1953)
Florida	Seedy Grapefruit	10.0 ave. - 13.4 expct. ave. of boxes/tree	8.7 Ave.-10.8 expct. ave. of boxes/tree	NS	Griffiths & Thompson (1953)
Texas	Oranges	126 lbs/tree	123 lbs/tree	NS	Reinking (1967)
Texas	Grapefruit	372 lbs/tree	285 lbs/tree	NS	Reinking (1967)
Florida	Oranges	201 boxes/acre	201 boxes/acre	NS	Simanton (1962)
Florida	Grapefruit	307 boxes/acre	245 boxes/acre	?	Simanton (1962)
Florida	Tangerine	310 boxes/acre	310 boxes/acre	NS	Simanton (1962)
Florida	Oranges	3,896 lbs solid/acre	3,500 lbs 2/ solid/acre	NS	McCoy et al. (1976) 3/

1/ Mite infestation due to yield reduction.
2/ Lower yield caused by greasy spot fungus infestations.
3/ McCoy et al. (1976a).

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b. *Economic Importance of Russetting.* A commenter [50 (30000/3D)] also implied that miticides are unnecessary in citrus production, because there are no marketing incentives to avoid mite damage. Aside from the effects on yield, the russetting factor is economically important, because russetted fruit commands a lower price in the fresh market for citrus fruit; russetted fruit commands a lower price because American consumers prefer non-russetted citrus fruit, a preference that is reflected in the USDA grading system. These fresh market sales provide significant revenues to citrus growers in all States, and are especially important for certain crops in Arizona, California, and Texas, where volume sales of both oranges and grapefruit in the fresh market exceeded volume sales of these crops in the process market during 1977-1978 (U.S. Department of Agriculture, 1978). Therefore, growers plan to sell as much of their fruit as possible to the fresh market. However, because growers cannot predict during the growing season how much of their fruit they will be able to sell to the fresh market, they tend to treat their fruit with miticides in order to maximize their sales potential in the fresh market.

This commenter [50 (30000/3)] disagreed with the conclusion that bright, undamaged fruit command higher prices: "Another point that was missed is that russetted grapefruit sell for a premium price on some markets. All this information is in the literature."

The actual and complete quotation from Ziegler and Wolfe (1975) is:

"Russetted fruit is just as good to eat as bright fruit, and some markets even pay a premium for it, although it is unusually discounted somewhat for poor external appearance and may not keep as long." Ziegler and Wolfe (1975) did not cite references to support their statement, identify locations, or indicate the magnitude of sales or the percentage of the total market involved, yet this commenter presented their statement in a manner which suggested that a major segment of the citrus market had been ignored in the Agency's analysis. The Agency has since verified that such a market does exist. It is a limited local specialty market which, according to Wardowski (1978) accounted for the sale of 0.83%, 0.02%, and 0.03% of the fresh grapefruit, oranges, and tangerines, respectively, in Florida in 1976-1977. Wardowski (1978) also commented that "the contention [50 (30000/3)] that russetted grades of grapefruit command higher prices is seldom correct." He also said that, based on the *Annual Statistical Record, 1977-1978 Season*, by the Citrus Administrative Committee, the average prices for russetted grades of grapefruit for the 1977-1978 season are appreciably lower than for better looking fruit. There are occasional exceptions when russetted grades command higher prices, as for example the Indian River white seedless grapefruit sold during the week ending June 18, 1978. However, no one could sell those grades for premium prices on the season-long average; such a specialty market is very 'price elastic' [4], and an extra carload or two could well break the market (Wardowski, 1978).

In addition, commenters recognized that processors often pay less for marked fruit, even though one would think cosmetic appearance would be of little or no consequence to them. Internal quality is of greater importance to the processor than external appearance, but when the crop is large and the fresh fruit market slow, the processor tends to discount fruit for external quality even though the lower grade fruit is fully as satisfactory for his use.

The Agency concludes that russetted fruit is less valuable in the fresh market and even in the process market. Apart from any other losses in quantity or quality (e.g., reduction in soluble solids), russetting causes economic damage. It is economic damage to the grower if he receives a lower price for a crate of russetted fruit, regardless of whether he suffered a loss in yield, i.e., he got fewer crates from the grove.

4. *Value in IPM Programs.* Two commenters (40, 50 (30000/3D)) questioned the Agency's position that chlorobenzilate is an important component of IPM programs to control the citrus rust mite in citrus groves. As described in Position Document 3, the Agency's position is based in the demonstrated benefits of using integrated chemical and biological pest management (IPM) practices on citrus crops, as in Florida where chlorobenzilate is used to control rust mites in combination with parasitic wasps which were introduced to control the scale insects endogenous to Florida citrus groves. Initially, a parasitic wasp release program was instituted in Florida during the 1950's to control scale insect infestations, and this program established parasite populations which control purple and red scale throughout the entire State. In 1973, the University of Florida began a Federally-funded demonstration IPM program involving chlorobenzilate and the parasitic wasps. This program has shown growers throughout the State that using chlorobenzilate in IPM programs controls the rust mite without harming the parasitic wasp populations. Currently, biological scale control efforts are directed at release and establishment of a third wasp species to control snow scale (Brooks, 1977). Current data (Doane Agricultural Service, Inc., 1978)[5] which indicates that at least as much chlorobenzilate is now being used as was reported in the 1975 data on which the Benefits Analysis was based, reflect the success of this IPM program.

An important dimension of IPM in Florida has been the reduced need for chemical control of scale insects. Prior to the introduction of two *Aphytis* species, purple and Florida red scales were ranked as the first and fourth most important pests of Florida citrus, respectively (Thompson, 1955). However, ". . . spectacular successes of biological control of Florida red scale, *Chrysomphalus aonidum* (L.), and purple scale, *Lepidosaphes beckii* (Newm.), have reduced the need for multiple applications of organic phosphate insecticides" (McCoy et al., 1976b). The program to establish scale parasites was so successful that, at present, both insects are considered to be minor pests (Brooks, 1977). Both red and purple scale can still be found at very low levels in most Florida citrus groves and are generally only serious where parasite development has been retarded (Brooks, 1977). The maintenance of scale parasite populations represents a very significant IPM consideration throughout Florida's citrus-growing areas.

In California, chlorobenzilate is by far the most effective material for control of citrus bud mite on lemons. It is estimated that, without chlorobenzilate, one petroleum spray would be required on all of the southern California lemon acreage, and two petroleum oil sprays would be required on two-thirds of the acreage each year. As a consequence of using chlorobenzilate, only a fraction of this acreage needs to be treated each year. The use of chlorobenzilate in Florida and Texas, primarily to control the citrus rust mite, has been one of the key factors enabling growers in these States to significantly reduce the total number of pesticide treatments applied each year. Chlorobenzilate provides excellent rust mite control without the phytotoxic properties of petroleum oil during periods of stress to the trees and with little or none of the reductions in populations of important beneficial insects which the nonselective alternatives cause.

5. *Variability of Actual Benefits.* In the previous sections, a number of commenters raised issues relating to the Agency's analysis of benefits. While each of these issues were discussed individually, as a group they implied that the Agency had overestimated the economic impact of cancelling chlorobenzilate. This general concern is discussed below.

The Benefit Analysis projected that cancelling the use of chlorobenzilate on citrus crops would cost approximately $13.1 million the first year after cancellation and increase to $57.6 million by the fifth year. These projections were based on the recent use patterns for chlorobenzilate, the dynamics and interelationships between pests and beneficial insects in citrus groves, and the impacts which might reasonably be expected to occur if substitute pesticides were used to control the rust mite. Although Position Document 3 stated that these projections are based on a number of variables and assumptions and that the projected cost totals are maximum values, the commenters have apparently interpreted the projections as precise impacts. This misunderstanding might have been avoided if the discussion had indicated a range of possible impacts rather than reporting point estimates.

It is possible that in any given year the loss of chlorobenzilate on citrus fruit would result in no economic impacts other than the higher replacement costs for alternative miticides (about $3 million per year). However, this could occur only if infestations of scale insects did not materialize in the absence of scale parasites, thus making it unnecessary to treat the groves to control scale insects. In view of the fact that purple and red scale now exist at generally sub-economic levels throughout the State (and that snow scale also infest about 75% of Florida's citrus acreage), and given the toxicity of certain of the major alternative miticides to scale parasites, the Agency considers the likelihood of such an occurrence to be extremely unlikely. It is inappropriate to assume a constant need for additional scale control treatments on all of the Florida citrus acreage, since scale populations could reasonably be expected to vary by year as well as by area. The same argument also ap-

[4] The price is very sensitive to changes in supply.

[5] This new data, which has just become available to the Agency, indicates that more chlorobenzilate is now being used. This could increase both the risks and benefits associated with the citrus uses of chlorobenzilate. However, the Agency did not receive this information in time to evaluate it and correspondingly revise both the risk and benefits estimates.

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plies to the projected need for added mite control treatments on additional acres of lemons in California if chlorobenzilate is unavailable.

The Agency has reviewed the incidence of economic infestations of red and purple scale in the citrus-growing States during 1975 and more recent years (Doane Agricultural Service, Inc., 1976, 1978) and the incidence of use of multiple applications of organophosphates which are harmful to scale insect predators and has found that a relationship appears to exist. The more such chemicals are used (including insecticides as well as miticides), the more treatments will be required for red and purple and unspecified scale insect problems.

There is no precise methodology or logic which the Agency can use to assign probabilities to the many outcomes which could ensue if chlorobenzilate were cancelled. Keeping in mind that red and purple scale insects are presently an economic problem for a number of growers and that low levels of infestation exist on most of the acreage, it is reasonable to project that most of the citrus acreage could easily be infested by red and purple scales which would require treatment if the existing parasites were killed because growers were using miticides other than chlorobenzilate.

In view of the numerous biological, environmental, and economic factors involved in projecting economic impacts, the projection of such impacts is necessarily judgmental. The Agency's conclusion is that, quite clearly, the upper limit of economic impacts on citrus could occur in a given year ($57 million). In any given year, the particular combination of environmental and economic variables will cause this projection to vary. While the Agency recognizes the probabilistic nature of the conclusions of the benefit analysis, it is confident that the economic benefits of using chlorobenzilate on citrus crops are substantial and that the range of variability in the projected impact of cancelling the citrus uses of chlorobenzilate would not be of sufficient magnitude to change the Agency's regulatory decision.

C. COMMENTS RELATING TO REGULATORY OPTIONS

1. *Non-Citrus Uses.* In Position Document 3, the Agency recommended cancelling all non-citrus uses of chlorobenzilate, because: 1) chlorobenzilate poses a risk of cancer and adverse testicular effects to humans, and 2) no benefits would be lost, since effective alternatives are registered for each of the non-citrus uses of chlorobenzilate. In some cases these alternatives are less expensive than chlorobenzilate and achieve comparable levels of control.

The Secretary of Agriculture [36 (30000/3)] recommended that the Agency continue the registrations for chlorobenzilate use on cherries, walnuts, melons, almonds, cotton, certain ornamentals, and outdoor areas.

The Secretary stated:

"In view of the relatively small amount of chlorobenzilate used on these crops and, thus, the correspondingly small risk associated with these uses, the Department recommends that these registrations be continued while biological and economic data are obtained in order to better determine the complete risk/benefit situation. A requirement for accomplishing this during the same 18-month period allowed for collecting additional exposure data on the citrus uses should be included in the final determination.

The SAP also recommended that the Agency continue all non-citrus uses. Specifically, the Panel stated:

"The Scientific Advisory Panel believes the registration for chlorobenzilate on non-citrus crops and ornamentals should continue on the same basis as for citrus crops. In this regard, the proposed studies concerning residues in food crops, applicator exposure, aerial application exposure, etc., required in Option F for citrus crops should also be required for non-citrus crops. The Scientific Advisory Panel believes the continued use of chlorobenzilate on non-citrus crops is justified on the basis of the fact that alternative pesticides may pose a greater potential health threat than chlorobenzilate."

Another commenter [42 (30000/3D)] agreed with the Agency's decision to cancel all non-citrus uses, but disagreed with the decision to allow citrus uses to continue.

The recommendation to cancel the non-citrus uses of chlorobenzilate was based in part on the results of USDA's questionnaire to all State Pesticide Impact Assessment Liaison Coordinators concerning the value of these uses. Except for one comment that chlorobenzilate is important in controlling clover mites around buildings (Allen, George E., 1978), that questionnaire elicited no information on benefits of the non-citrus uses. Therefore, the Agency considered this a confirmation of its preliminary conclusion that no appreciable benefits were associated with these uses.

It is true, as the USDA noted, that a relatively small amount of chlorobenzilate is used on these crops, and that there is a correspondingly small risk. However, neither the USDA nor the SAP submitted any additional information to suggest that there are benefits to be gained from these uses of chlorobenzilate or that the benefits exceed the risk. Moreover, many alternative pesticides are available for the non-citrus uses, and, based upon currently available toxicology data, several appear to be less hazardous than chlorobenzilate. These alternatives are listed in Table 14 of Position Document 3. Therefore, neither registrants, the USDA, nor the SAP have provided information to justify the risk associated with the continued use of chlorobenzilate on these non-citrus crops.

2. *Use of Chlorobenzilate on Citrus Crops in Arizona.* Although the Agency decided to continue registrations of chlorobenzilate use on citrus crops in Florida, Texas, and California (with amended terms and conditions of registration, including a requirement to submit specific exposure data within 18 months), the Agency recommended that chlorobenzilate use be cancelled on citrus crops in Arizona.

The Secretary of Agriculture and the SAP [36, 45 (30000/3)] both recommended that chlorobenzilate registrations be continued for citrus crops in Arizona. The SAP stated that all States should be permitted to use chlorobenzilate on citrus fruit, because the data which the Agency presented was inadequate to justify excluding any State. The USDA explained that, "The benefits of chlorobenzilate use in (Arizona) citrus production are greater than originally perceived," and, "A benefit analysis for Arizona citrus should be developed and evaluated." In addition, several other commenters [40, 46, 38, 41, 47, 48, 44, and 51 (30000/3)] objected to cancelling chlorobenzilate use on citrus fruit in Arizona, but generally provided no data supporting these opinions.

In 1976, the USDA surveyed various pesticide officials in citrus-producing States, including Arizona, to determine their need for chlorobenzilate, but Arizona pesticide officials did not respond. USDA supplied the results of that survey (Riley, 1976) to the Agency. Since Arizona had provided no information, the Agency concluded in Position Document 3 that chlorobenzilate was not regarded as useful or important by Arizona.

After discussing this issue with the SAP, the Agency requested additional data from the USDA that might support their claim that chlorobenzilate is needed in Arizona (Boyd, 1978a). As a result, officials from the University of Arizona [47, 48 (30000/3)] provided the Agency with information whch included the results of field trials on the comparative usefulness of various miticides, statements on possible mite resistance to dicofol, and data on reduction of beneficial arthropod populations due to miticides other than chlorobenzilate. Further, the University of Arizona noted that an acarologist and a citrus entomologist are developing integrated control programs for Arizona which include chlorobenzilate.

As stated in Position Document 3, the use of alternatives to chlorobenzilate may disrupt IPM strategies in Arizona. The Agency observed that although the extent of natural controls is unknown, the generic selectivity of chlorobenzilate would make its use compatible with the endemic arthropod parasites and predators in Arizona.

The possible disruption of IPM strategies, when considered with Arizona's recent activities, stated intentions, and willingness to research and develop integrated programs which use chlorobenzilate in conjunction with existing biological controls, justifies the continued availability of chlorobenzilate for use on citrus crops in Arizona.

In view of the information now available, the Agency has determined that the risk of using chlorobenzilate on citrus crops in Arizona is outweighed by the associated benefits. The registration of chlorobenzilate for use in Arizona is therefore continued under the same terms and conditions of registration specified for California, Florida, and Texas.

3. *Use of Citrus Pulp As Cattle Feed.* One commenter [42 (30000/3D)] disagreed with the Agency's decision to allow pulp from citrus fruit which had been treated with chlorobenzilate to continue to be used as cattle feed, arguing that the "pulp feed use is hazardous exposure and should not be continued until there are better data." This commenter took issue with the Agency's position that prohibiting chlorobenzilate residues in citrus pulp would amount to a *de facto* cancellation. It is logical to assume that if the processors could not sell pulp from chlorobenzilate-treated citrus fruit, they would refuse to accept fruit treated with chlorobenzilate. Since over 80% of Florida citrus fruit is processed, if growers stopped using chlorobenzilate for this reason, a prohibition on the sale of chlorobenzilate-treated pulp may amount to a *de facto* cancellation.

The studies which the Agency is requiring will determine whether or not there are significant chlorobenzilate residues in meat and milk as a result of feeding pulp from treated fruit to the cattle. If significant residues are found, the Agency will re-evaluate its position on the pulp feed issue.

This group [42 (30000/3D)] also noted, "There is no tolerance set for chlorobenzilate residues in citrus pulp."

There are currently chlorobenzilate tolerances on citrus fruit at 5 ppm and on meat, fat, and meat by-products of cattle and sheep at 0.5 ppm. An additional tolerance would be required on pulp used as animal feed only if the concentration of chlorobenzilate in citrus pulp exceeds the 5 ppm permitted on citrus fruit. This can be determined when the required residue data are submitted.

At the present time, there is no tolerance for chlorobenzilate in milk. Therefor, any detectable residue of chlorobenzilate would make the milk subject to seizure by the Food and Drug Administration (FDA). Such detectable residues (> 0.01 ppm) are not likely, based on the current data (Reed, 1978), but the results of the required residue studies should clarify this. The citrus fractionation study and the citrus by-product monitoring data which the Ageny is requiring will also enable the Agency to more realistically and accurately assess the potential amount of dietary exposure from citrus oil, as discussed in Section II (A)(2)(c), as well as other sources. In any case, seizure at levels above detection level is as conservative and safe a posture as can be taken, short of prohibiting feeding of treated pulp. Maintaining the status quo is as effective in this case as establishing a tolerance.

4. *Additional Studies.* As a condition of continued registration, the Agency will require additional studies to be performed within an 18-month period. One commenter [42 (30000/3D)] argued that the Agency should require the results of the following studies to be submitted before making a regulatory decision: exposure studies on citrus pickers and applicators; residue monitoring studies on citrus pulp, milk, and meat; and studies on metabolism, degradation, and environmental fate. This commenter noted that the exposure studies which the Agency will require within 18 months "could indicate a very significant adverse human reproductive effect." Therefore, the results of these studies "should precede the decision to continue uses," instead of following it.

The RPAR process is not intended to fill all data gaps which are found to occur with respect to a chemical. However, the Agency may require registrants to conduct studies on metabolism, degration, and persistence or other effects as a condition of registration. In the case of chlorobenzilate, the Agency will require the exposure studies and residue monitoring studies described in Position Document 3 as a condition of continued registration and will use the results of these studies to reassess the risk associated with using chlorobenzilate.

This commenter also objected to the fact that the registrant(s) rather than someone else will conduct the exposure studies which the Agency is requiring. FIFRA gives the Agency authority to require registrants to conduct all studies in support of pesticide registrations. Although the Agency may itself conduct studies to develop pesticide hazard and exposure data, data of this type is generally provided by registrants.

This commenter also objected that data on chlorobenzilate residues in citrus pulp as well as the plans and protocols for the new studies which the Agency is requiring were all secret. Most of the data on which the analyses in Position Documents 3 and 4 are based is available to the public in the position documents themselves, in the references, or in other supporting documents in the official RPAR file on chlorobenzilate. In addition, copies of attachments to these position documents which were not published with the notice of determination are available in the public file that the Special Pesticide Review Division maintains for each RPAR pesticide. Information protected from disclosure pursuant to Section 10 of FIFRA cannot be provided.

The SAP [45 (30000/3)] recommended that, "Due to the lack of information on the potential adverse effects of chlorobenzilate on human reproduction, we recommend the following studies:

(a) The examination of sperm counts in a selected population of chlorobenzilate applicators, and

(b) A three-generation reproductive study in rats at sufficient dose levels to allow the determination of a no-adverse-effect level of chlorobenzilate on reproduction in that species. This study should be carried out using the protocol currently described in the proposal EPA guidelines for risk assessment of FIFRA chemicals."

The Agency agrees with the SAP that a three-generation reproduction study would be worthwhile, and will require the registrants to conduct such a study according to the protocol described in the proposed EPA guidelines for hazard assessment (43 FR 163:37384-37385, August 22, 1978).

The SAP's recommendation that sperm counts in applicators be examined will be considered again when data from the animal studies become available (Gardner, 1979). If data from the reproduction study suggest that human applicators should also be studied, applicator sperm counts may then be required.

5. *Reducing Occupational Risks*—a. *Risk to Applicators.* The Agency found in Position Document 3 that spray applicators are the population at greatest risk as a result of applying chlorobenzilate on citrus fruit. The Agency proposed steps to reduce their exposure by amending the terms and conditions of registration so that chlorobenzilate may be applied only by certified applicators. Further, ground applicators would have to use either protective clothing and a respirator or a suitably-equipped enclosed cab. In addition, as a condition of registration, the Agency is requiring that the registrant submit additional data which can be used to further assess exposure to applicators.

The Secretary of Agriculture and several other respondents commented on the Agency's recommendations to reduce the risk to applicators. The USDA [36 (30000/3)] offered to assist the Agency and the registrants in developing "research protocols for obtaining the necessary dermal and inhalation data on exposure to chlorobenzilate" as well as in evaluating "alternative methods of reducing exposure." Although the final specifications for all required studies must be approved by the EPA, the USDA's assistance will be welcomed in developing studies and evaluating alternative protective measures.

The Secretary of Agriculture agreed with the Agency's decision to allow chlorobenzilate to be applied by certified applicators only, but disagreed with the requirement to specify clothing type or respirator requirements on the label. The Agency originally specified that protective clothing should be made of "jersey", which was intended to describe any finely-woven fabric. The Agency will clarify its clothing requirement as follows: applicators must wear one-piece overalls which have long sleeves and long pants constructed of finely-woven fabric as specified in the USDA/EPA *Guide for Commercial Applicators*, which was cited by USDA. In addition, the Agency will continue to require that applicators wear heavy-duty fabric work gloves and a wide-brimmed hat when applying chlorobenzilate.

Under its requirements for clothing and equipment for applicators, the Agency also stated that, "Any article which has become contaminated must be replaced" (Position Document 3, Appendix D). A commenter [40 (30000/3D)] recommended that this be changed to, "Any article which has become contaminated must be cleaned before reusing."

The Agency will accept this modification; however, clothing worn when applying chlorobenzilate should not be worn again until it has been laundered separately, using a strong detergent and liquid chlorine bleach. If clothing is drenched or exposed to concentrated pesticide, it should be buried or burned.

The Secretary of Agriculture [36 (30000/3)] suggested that the Agency simply encourage ground applicators to wear respirators instead of requiring this on the label. Several other commenters [37, 40 (30000/3D); 43, 47 (30000/3)] also contended that the respirator requirement is impractical or unwarranted and should be deleted from the proposed measures.

While the Agency recognizes that wearing a respirator poses some discomfort and entails frequent maintenance, the respirator provides a significant amount of protection to ground applicators as does the protective clothing. In view of the many comments on this issue, the Agency has recalculated its ground applicator exposure estimates. The revised exposure estimates for ground applicators (Severn, 1978) are based on exposure to forearms, hands, and face (15.8% of the total body surface). Covering the forearms and hands would reduce dermal exposure from between 12 and 40 mg/day, as stated in Position Document 3, to between 4 and 10 mg/day. Face-piece respirators would effectively eliminate exposure by inhalation, estimated at 1 mg/day, and further reduce dermal exposure to the face by 1-3 mg/day. Thus, the total exposure could be reduced to between 2 and 6 mg/day (Severn, 1978).

Using protective clothing and respirators will reduce the estimated lifetime cancer risk to applicators from its current level (400 to 1,400 in one million) to between 65 and 190 in one million. There would also be a greater margin of safety [9] (371 to 1,884 as opposed to 55 to 291 without protective clothing and respirators) from testicular effects (Gardner, 1978). The Agency has concluded that this reduction in risk would tend to outweigh both the minimal cost for the protective clothing and the respirators and any potential discomfort which applicators may encounter during the 18-month period in which the exposure studies are being conducted. Therefore, until the required applicator exposure data are submit-

[9] The margin of safety is the ratio of the no-observed-effect level in test animals to the projected human exposure and is based on the assumption that chlorobenzilate irreversibly affects testes, which represents the worst possible situation.

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ted and evaluated, the Agency will require applicators to wear protective clothing, as described in this document, and to use a respirator, as described in Appendix D of Position Document 3. If the new exposure data indicate a lower level of risk, the Agency will reconsider the need for applicators to wear respirators. In addition to these requirements, the general and handling precautions described in Appendix D of Position Document 3 are required.

One commenter [46 (30000/3)], suggested that the tractor canopies which are currently in use reduce applicator exposure more than respirators could. However, the commenter provided no specific data to support this claim, and the Agency cannot assume that the canopy, although already in widespread use, could be used in place of respirators as a means of protection for ground applicators. The ground applicator study will allow the Agency to assess the actual exposure these applicators currently receive and revise its regulatory measures, if indicated.

b. *Risk to Pickers.* Citrus pickers are also occupationally exposed to chlorobenzilate, but the available data was insufficient to estimate their exposure and potential risk. As described in the exposure analysis (Severn, 1978), various data on dislodgable chlorobenzilate residues are available, but this data is not adequate to determine the extent to which pickers absorb such pesticide residues. Since the pickers work in the groves after the pesticide is applied, the Agency assumed that they would be exposed to less chlorobenzilate than the applicators, but the available data does not permit a risk assessment for Florida citrus pickers. In order to obtain the data needed for a risk estimate and perhaps subsequent regulatory action, the Agency is requiring studies to determine whether and to what extent dislodgable chlorobenzilate residues may adhere to pickers. In addition, the Agency will require studies which define the degradation rate of chlorobenzilate under field conditions.

One commenter [42 (30000/3D)] recommended that the Agency require protective measures for citrus pickers during the 18-month data-gathering period, but provided no data to support this recommendation. The Agency did not recommend interim regulatory measures pending new data development because, as indicated above, the data needed for risk assessment was not available.

6. *Comparison of Options D and F.* One group [42 (30000/3D)] disagreed with the Agency's selection of Option F. This group contended that the Agency should have selected Option D, which would have limited chlorobenzilate's availability to five years. It felt that this option would reduce potential lifetime effects, encourage technological innovation, and "reflect a conclusion" that the risks associated with using chlorobenzilate are unacceptable if continued indefinitely.

The Agency feels its decision to request relevant information within 18 months provides an even greater degree of safety than Option D. If the Agency has underestimated the risk, it can take appropriate regulatory action at the end of 18 months when the new information is available. Furthermore, the course being pursued by the Agency in no way discourages development of these alternatives.

This commenter also claimed that rejecting Option D "is contrary to the most recent official Agency actions," particularly the decisions on chlordane/heptachlor and Mirex, where the Agency allowed a period of time in which to develop alternative pest control technologies. The Agency makes every effort to reach informed decisions on each pesticide that it regulates. Because each pesticide may pose unique environmental problems as well as benefits, the Agency's decisions will vary with each particular situation. It is intended that each decision will reflect a balanced consideration of both the specific risks and specific benefits involved. As explained on page 19, alternatives for chlorobenzilate are being developed. The primary difference between these decisions is that the Agency did not view the risk from chlorobenzilate in comparison to its benefits as being as great as the risk from chlordane/heptachlor or Mirex, in comparison to the benefits of those pesticides.

This commenter [42 (30000/3D)] also noted that,

The Agency's selection of Option F is also inexplicable in view of its conclusion that no additional costs will be imposed on consumers unless cancellation results in significant reductions in yield or fruit grade. Due to excess production, stability of the industry and no projection of yield quality effects, growers would absorb any loss (Position Document 3, p. 65).

The Agency does have a mandate to be concerned about grower-level effects as well as consumer effects. This issue is discussed in the "Interim Administrative Procedures for Regulatory Decisions Involving Suspected Carcinogens" (41 FR 102:21403-405, May 25, 1976) and also presented as Appendix I(B) of the May, 1977 "Chlorobenzilate Preliminary Benefit Analysis."

III. Conclusions

After reviewing comments from the Secretary of Agriculture, the Scientific Advisory Panel, and others who commented on the Agency's findings and recommendations concerning chlorobenzilate as set forth in Position Document 3, the Agency has decided to implement Option F, as set forth on page 87 of Position Document 3, with the following modifications:

OPTION F

**Continue Registration of Chlorobenzilate Use on Citrus in Florida, Texas, California, and Arizona.*

The same terms and conditions of of registration are now required for Arizona as those for California, Florida, and Texas.

**Amend the Terms and Conditions of Registration*

The Agency will modify its requirements for applicator clothing and equipment in two ways. Where the Agency originally specified that protective clothing should be made of "jersey", the clothing requirement will be changed to one-piece overalls which have long sleeves and long pants constructed of finely-woven fabric as specified in the *USDA/EPA Guide for Commercial Applicators.*

The Agency has also accepted modifications in this section regarding contaminated clothing. This requirement will now read, "Any article which has been worn while applying chlorobenzilate must be cleaned before reusing. Clothing which has been drenched or has otherwise absorbed concentrated pesticide must be buried or burned."

All other requirements for applicator clothing and equipment remain as stated in Position Document 3.

**Require That Identified Exposure Data Be Submitted to EPA in 18 Months; Reevaluate the Use on Citrus After Additional Exposure Data Becomes Available*

In addition to the exposure data required in Position Document 3, a three-generation reproduction study will also be required during the 18-month period. The study is to be conducted according to the protocol described in the proposed EPA guidelines for risk assessment (43 FR 163:37384-37385, August 22, 1978).

**Cancel All Other Uses*

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Appendix A.—USDA and SAP Comments

Department of Agriculture,
Office of the Secretary,
Washington, D.C., August 2, 1978.

Mr. Edwin L. Johnson (WH-566),
Deputy Assistant Administrator for Pesticide Programs, U.S. Environmental Protection Agency, Washington, D.C.

Dear Mr. Johnson: This is the United States Department of Agriculture's response to the Environmental Protection Agency's (EPA) Notice of Determination, pursuant to 40 CFR 162.11(a)(5), concluding the Rebuttable Presumption Against Registration (RPAR) on chlorobenzilate, and EPA's proposed intent to cancel or modify the terms and conditions of registration, pursuant to Section 6(b)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The notice, received on July 3, 1978, indicates EPA is proposing to (a) cancel certain uses of chlorobenzilate; and (b) retain major uses on citrus provided that appropriate changes in labeling are implemented by the registrants.

The U.S. Department of Agriculture and State cooperators, under the National Agricultural Pesticide Impact Assessment Program (NAPIAP), have been pleased to interact with EPA in developing information materials upon which the proposed EPA regulatory action is based. We reached agree-

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ment on many important chlorobenzilate issues. Further, we are dedicated to mutual resolution of problems involving actual health risks to the consumer or farm workers. In many instances, the data base needed to accurately estimate potential risks of chlorobenzilate use is limited or not available, and we agree that better information must be obtained as soon as possible. We concur that chlorobenzilate should be classified as a restricted use pesticide and, thus, applied only by or under the supervision of a certified applicator. The issues of concern to the Department relative to the regulatory actions proposed in the Notice of Determination and our recommendations follow:

1. *Citrus uses:* The USDA-State-EPA chlorobenzilate assessment team reached agreement on the benefits of chlorobenzilate use on citrus in Florida, Texas and California. However, recent developments in Arizona indicate that the benefits of chlorobenzilate use in citrus production are greater than originally perceived. Arizona citrus producers have experienced difficulties with the use of the principal miticides that are being used in place of chlorobenzilate. Resistance is developing in some areas and some of these materials cannot be used when temperatures exceed 90 degrees F. In addition, toxicity to bees and other beneficial organisms make them less appropriate for use in integrated pest management programs than chlorobenzilate.

Recommendation: The use of chlorobenzilate on citrus in Arizona, which involves only a small amount of additional material (p. 3 – of PD #3), should be continued under the same terms as for Florida, Texas and California. A benefit analysis for Arizona citrus should be developed and evaluated. A requirement for accompilshing this should be included in the final registration determination.

2. *Noncitrus uses:* In September 1977, the Department surveyed NAPIAP State Liaison Representatives to determine the importance of the noncitrus uses of chlorobenzilate. At that time, it appeared that adequate alternative miticides were available for the noncitrus uses of chlorobenzilate. In July 1978, State Liaison Representatives were recontacted to assure that all relevant and recent information is being considered in the decisionmaking process. They indicated the following concerns: More serious resistance to alternative materials possible loss of alternative pesticides through regulatory action or other means; and not having available miticides with the unique attributes of chlorobenzilate for developing effective integrated pest management systems.

The Department concurs with this reassessment by the State Liaison Representatives and believes continued use of chlorobenzilate for mite control is potentially critical for the following commodities: cherries, walnuts, melons, almonds, cotton, certain ornamental and other outdoor uses. We believe it is desirable to retain these registered uses of chlorobenzilate. We will provide detailed information on the importance of chlorobenzilate for these commodities within the same time frame provided for collecting citrus use exposure data. This action will also make it possible for research and extension workers to continue the evaluation of the most effective and compatible IPM systems for these specialty crops.

Recommendation: In view of the relatively small amount of chlorobenzilate used on these crops and, thus, the correspondingly small risk associated with these uses, the Department recommends that these registrations be continued while biological and economic data are obtained in order to better determine the complete risk/benefit situation. A requirement for accomplishing this during the same 18-month period allowed for collecting additional exposure data on the citrus uses should be included in the final determination.

3. *Occupational Exposure:* No specific data are available on applicator or agricultural worker exposure to chlorobenzilate. The Department agrees that 18 months are needed to collect adequate exposure information on chlorobenzilate.

The Department agrees with the need for protective clothing but believes that the specification of a one piece "Jersey" jumpsuit could pose availability problems. The Department does not concur with the requirement of a face piece respirator because this places an unreasonable burden on the applicator. Under hot and humid climatic conditions occurring in citrus-producing areas, the wearing of a face piece respirator is extremely uncomfortable and has caused breathing difficulties and chest pains for the operator. Aggravation of existing health problems or heat prostration also could occur. This may prompt an applicator to disregard the requirement or use the respirator intermittently, causing contamination of the respirator which could actually increase exposure. Data presented in Position Document 3 indicates that dermal exposure is significantly more important than inhalation as a route for applicator exposure (p. 30). Thus, protective clothing is a far more important factor in reducing applicator exposure than is the face piece respirator.

Recommendation: The Department recommends that the USDA-State-EPA chlorobenzilate assessment team meet with other employees of EPA and the registrants to assist in developing research protocols for obtaining the necessary dermal and inhalation data to fully assess applicator and field worker exposure to chlorobenzilate. This should include evaluation of alternative methods of reducing exposure. The Department recommends that chlorobenzilate be classified as a restricted-use pesticide to be applied by or under the supervision of certified applicators, without further specification on the label of clothing type or respirator requirements. We suggest that label wording be developed to encourage the use of a respirator but that it not be made a requirement for permitted use. In addition, we suggest the wording found on page 5-2 of *A Guide for Commercial Applicators*, USDA/EPA be used to specify protective clothing.

4. *Dietary Exposure:* The dietary exposures presented in Position Document 3 are theoretical exposures and do not reflect actual dietary exposures to chlorobenzilate. FDA residue monotoring programs reflect a very small percentage of total samples that contain chlorobenzilate. Of the 6–8,000 samples analyzed annually, approximately 0.12% contained chlorobenzilate residues most of which were reported at trace residue levels of less than 0.1 ppm. EPA assumed that all citrus and nut crops treated with chlorobenzilate contain the analytical detection sensitivity level of 0.1 ppm even though there were no detectable residues in most edible portions of these foods (p. 25). For apples and pears a residue of 5 ppm was assumed (the established tolerance) solely because a portion of these fruits are eaten as fresh, unpeeled produce. No reference is made as to whether residue tests were conducted for these commodities. In determining chlorobenzilate ingestion through milk for the Florida population it was assumed 100 percent of the milk came from cows fed citrus-pulp. No data were presented on the quantity of citrus pulp produced annually or the amount contained in the animal rations. It seems highly unlikely that all dairy cows in Florida would be fed citrus pulp on a continuing basis. Even if this is the case, it is highly questionable that residue levels would be as high as those assumed in the report.

To the extent EPA assumed higher residues than actually exist, the risks based on dietary exposure to chlorobenzilate are too high. Currently, a sensitivity level of 0.01 ppm is obtainable and is being used by FDA and CIBA-GEIGY as indicated in the assessment team's September 1977 letter to EPA. It is our view that these theoretical exposure estimates overstate the possible risk from the continued use of chlorobenzilate beyond a reasonable margin of safety.

Recommendation: The Department recommends that EPA recalculate the estimates based on obtainable analytical sensitivity. In addition, these theoretical calculations should be replaced with actual exposure data as it becomes available. The frequency of positive chlorobenzilate residue traces should also be taken into account in calculating theoretical exposure levels.

We are confident EPA will give favorable consideration to these suggestions and recommendations in developing the final chlorobenzilate registration determinations. The opportunity to have cooperated on this important agricultural matter is very much appreciated by us as well as the whole agricultural community. Please let us know if you need any additional information.

Sincerely,

BOB BERGLAND,
Secretary.

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF TOXIC SUBSTANCES
WASHINGTON, D.C., *August 17, 1978.*

To: Deputy Assistant Admnistrator for Pesticide Programs (TS-766).

From: Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel (TS-766).

Subject: Review of Section 6(b) Action on Chlorobenzilate.

The FIFRA Scientific Advisory Panel has completed review of the Notice of Determination concluding the RPAR on chlorobenzilate and associated regulatory action under consideration by the Agency pursuant to Section 6(b) of FIFRA. Attached is a report of findings by the Panel.

The Panel waives all legal time constraints and agrees that EPA should implement appropriate regulatory action on chlorobenzilate as soon as possible.

Enclosure: Report.

FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA) SCIENTIFIC ADVISORY PANEL

REVIEW OF NOTICE OF DETERMINATION CONCLUDING THE RPAR ON CHLOROBENZILATE

The FIFRA Scientific Advisory Panel completed review of documents outlining

plans by the Environmental Protection Agency to conclude the Rebuttable Presumption Against Registration (RPAR) on chlorobenzilate and for initiation of a combination of regulatory actions under the provisions of Section 6(b) of FIFRA, as amended. The review was completed in an open meeting held in Arlington, Virginia, on August 10, 1978.

Maximum public participation has been encouraged at all meetings of the Panel. In respect to formal review of the Agency position on chlorobenzilate, a FEDERAL REGISTER Notice announcing the meeting was published on July 25, 1978. Discussions relative to potential regulatory action by the Agency on chlorobenzilate were also held in meetings of the Panel in Miami, Florida, during May 25-26, 1978, (FEDERAL REGISTER Notice dated May 5, 1978), and Arlington, Virginia, on June 14, 1978, (FEDERAL REGISTER Notice dated May 26, 1978). In addition to public notices, telephonic calls and special mailings were sent to the general public who had previously expressed an interest in activities of the Panel. Written statements relative to regulatory action on chlorobenzilate were received over a period of several months from the following sources: CIBA-GEIGY Corporation (May 26 and June 22, 1978), United States Department of Agriculture (USDA), Florida Citrus Mutual (two submissions on July 3, 1978), Rohm and Haas Company, and the University of Arizona. Dr. C. Cueto of the National Cancer Institute (NCI) presented an overview of the results of a recently released NCI report on bioassay of chlorobenzilate for possible carcinogenicity. In addition, oral comments were received from EPA staff, USDA staff, Dr. Jim Griffiths of the Florida Citrus Mutual, Dr. Joseph L. Knapp of the University of Florida, members of the pesticide industry, and the general public.

In consideration of all matters brought out during Panel meetings, matters detailed in written statements, and careful study of all documents submitted by the Agency, the Panel submits the following report on chlorobenzilate:

The FIFRA Scientific Advisory Panel would like to compliment Dr. Wells, Mr. Boyd, and others of the Special Pesticide Review Division and technical support team (Working Group) on the quality of the position document on chlorobenzilate. In addition, we believe the regulatory option chosen by the Agency generally reflects a proper balance between economic considerations, implied health risks from exposure to chlorobenzilate and the availability of alternative pesticides.

The Scientific Advisory Panel is of the opinion the data supporting the consideration of chlorobenzilate as a potential carcinogenic chemical in man is weak. We feel the lack of a positive response in rats, and the weaknesses inherent in the Innes study leaves the NCI study as the only well documented evidence of an oncogenic potential for chlorobenzilate in man.

In spite of the weakness in the data suggesting an oncogenic potential in man, the Scientific Advisory Panel believes it is prudent to reduce the human exposure to chlorobenzilate to the extent feasible after due consideration of the economic aspects of this action and the availability of alternative pesticides.

The Scientific Advisory Panel believes too little attention was paid to the potential adverse effects of chlorobenzilate on human reproduction. The Scientific Advisory Panel considers the potential adverse effect on reproduction in humans to be as important an issue as the potential oncogenicity of chlorobenzilate. The Scientific Advisory Panel recognizes that the Agency and other interested parties only became aware of reproductive effects as a potential trigger late in the development of the decision document. Therefore, there appears to be some justification for the incomplete nature of the decision document regarding potential reproductive effects.

In regard to the specific recommendations of EPA relative to chlorobenzilate, the Scientific Advisory Panel proposed the following modifications:

1. We do not feel the Working Group has provided sufficient justification for the exclusion of States other than Florida, Texas, and California from the continued use of chlorobenzilate on citrus crops. Therefore, we feel all States should be allowed the continued use of chlorobenzilate on citrus crops.

2. The Scientific Advisory Panel believes the registration for use of chlorobenzilate on non-citrus crops and ornamentals should be continued on the same basis as for citrus crops. In this regard, the proposed studies concerning residues in food crops, applicator exposure, aerial application exposure, etc., required in Option F for citrus crops should also be required for non-citrus crops. The Scientific Advisory Panel believes the continued use of chlorobenzilate on non-citrus crops is justified on the basis of the fact that alternative pesticides may pose a greater potential health threat than chlorobenzilate.

3. Due to the lack of information on the potential adverse effects of chlorobenzilate on human reproduction we recommend the following studies be carried out:

a. The examination of sperm counts in a selected population of chlorobenzilate applicators.

b. A three-generation reproductive study in rats at sufficient dose levels to allow the determination of a no-adverse-effect level of chlorobenzilate on reproduction in that species. This study should be carried out using the protocol currently described in the proposed EPA guidelines for risk assessment of FIFRA chemicals.

Dated: August 17, 1978.

H. WADE FOWLER, Jr.,
Executive Secretary,
FIFRA Scientific Advisory Panel.

[FR Doc. 79-4646 Filed 2-12-79; 8:45]

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TUESDAY, FEBRUARY 13, 1979

PART V



DEPARTMENT OF ENERGY

Economic Regulatory Administration

SALE AND DIRECT INDUSTRIAL USE OF NATURAL GAS FOR OUTDOOR LIGHTING

Proposed Prohibition; Public Hearing

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[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 516]

[Docket No. ERA-R-79-6]

SALE AND DIRECT INDUSTRIAL USE OF NATURAL GAS FOR OUTDOOR LIGHTING

Proposed Prohibition; Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) proposes this rule to carry out provisions of the Powerplant and Industrial Fuel Use Act of 1978 (the Act) which prohibit the installation of new or replacement natural gas outdoor lighting fixtures by local distribution companies and direct industrial customers. The Act also prohibits local distribution companies from providing natural gas to residential, commercial, and industrial customers for use in outdoor lighting, as well as prohibiting the use of natural gas by direct industrial customers for outdoor lighting. ERA also has the prerogative of delegating, to the States, its authority for administering prohibitions with regard to gas lighting under section 402 of the Act, and proposes to do so in this rule.

DATES: Comments by April 16, 1979; hearing to be held at 9:30 a.m. on March 22, 1979.

ADDRESS: Any person wishing to comment on this proposed rule should send 10 copies of written comments to: Department of Energy, Office of Public Hearing Management, Room 2313, 2000 M Street, N.W., Docket ERA-R-79-6, Washington, D.C. 20461, Telephone 202-254-5201. This address should also be used to make requests to speak at the public hearing and for submitting copies of hearing testimony. Hearing location: Room 2105, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Barry W. Hirsch, Office of Utility Systems, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W. (Vanguard 538), Washington, D.C. 20461, 202-254-9700.

Robert C. Gillette (Hearing Procedures), Office of Public Hearing Management, 2000 M Street, NW., Room 2222, Washington, D.C. 20461, 202-254-5201.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On November 9, 1978, the President signed into law the Powerplant and Industrial Fuel Use Act of 1978 as one part of the National Energy Act. Section 402 of the Act, "Prohibition on Use of Natural Gas for Decorative Outdoor Lighting," directs DOE (ERA) to prohibit by rule, by May 8, 1979, any local distribution company from supplying natural gas for use in outdoor lighting and any direct industrial customers from using natural gas for outdoor lighting. The purpose of this Notice is to propose such a rule. In addition, the Act prohibits, effective November 9, 1978, the installation of new outdoor lighting fixtures using natural gas.

Under the Act, ERA has the prerogative of fully delegating responsibility and authority for implementation of Section 402 to appropriate State regulatory authorities. This proposed rule exercises this prerogative and prescribes those conditions and requirements imposed by ERA pursuant to the delegation.

Environmental Impact

After reviewing the rule pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), ERA has determined that the proposed action does not constitute a federal action significantly affecting the quality of the human environment. Therefore, no environmental assessment or environmental impact statement was prepared and a negative determination to that effect is hereby issued.

Regulatory Impact

ERA has determined that the publication of this rule does constitute a significant regulatory action. Preparation of a regulatory analysis is not required, however, on the basis of criteria established by Executive Order 12044. This conclusion is based on the fact that the rule will not have a major impact. That is, it is not likely to impose a gross economic annual cost of $100 million or more; nor is the rule likely to impose a major increase in costs or prices for individual industries, levels of government, geographic regions, or demographic groups.

It is estimated that 1.5 million natural gas outdoor lighting fixtures will be affected by this rule. Since the average annual gas usage per fixture is about 18,000 cubic feet, this will result in gas savings of 27.5 trillion BTU's per year. Assuming substitution of electric lighting for 40 percent of those natural gas fixtures eliminated, and further assuming that the substitute electric lighting will use a 60 watt bulb for an average of five hours a days, the net energy savings would be about 26.8 trillion BTU's per year or 13,110 barrels of oil per day equivalent (BPDE). This represents approximately 0.14 percent of national annual natural gas consumption.

Specific Comments Requested

ERA is issuing this proposed rule with the desire of focusing public attention and discussion on ERA's proposal for implementing Section 402 of the Act. The public is encouraged to comment not only on those issues enumerated below, but on all aspects of this rule. ERA will consider all comments before reaching any final decisions.

1. *Delegation of Authority.* The Act gives ERA the prerogative of delegating responsibility and authority for administering the program to the appropriate State regulatory authorities. We propose to exercise this option, noting that the congressional conferees, in their Explanatory Statement for the Act, explicitly encourage DOE to do so. Enforcement of the statutory provisions of the Act constitutes a regulatory activity most appropriately conducted at the State level. Programs to prohibit the use of natural gas for outdoor lighting already exist in 21 States. Delegating authority to the appropriate State regulatory authorities, with minimum Federal guidance, will allow sensitivity to local conditions.

ERA believes that the appropriate State regulatory authority for administering the program will be, in most cases, the agency which has authority to fix, modify or approve rates for the sale of natural gas. Though this will generally be the public utility or public service commission, in some cases a municipality will have the authority to determine its own rates and will be responsible for program administration in its service area. In other cases, State law may provide that some agency other than a public utility or public service commission has jurisdiction in regard to prohibiting the use of natural gas for outdoor lighting. The definition of "State regulatory authority" found in § 516.11(g) of the rule allows flexibility in these cases.

ERA also requests comments regarding any role that the Federal Energy Regulatory Commission should play in regard to the prohibition on the supply of natural gas by pipeline companies to industrial customers.

2. *Guidance on Exemptions—General.* ERA has made provisions for States to adopt their own criteria and the guidance set forth in this rule applies until such time as the various States exercise this option. ERA is particularly interested in receiving comments regarding the practicality and fairness of the guidance provided as criteria by the States for granting exemptions. ERA is also interested in suggestions as to the appropriate role of Federal or State government agencies or natural gas utility companies in providing assistance in converting to alternate lighting facilities.

3. *Guidance on Exemptions—Lighting of Historical Significance.* ERA believes that the historical significance of a property should be founded upon a showing that the specifically identified historic property:

- Is listed on the National Register of Historical Places maintained by the Heritage Conservation and Recreation Service, Department of Interior, or is officially determined eligible for listing by the Secretary of Interior (pursuant to the National Historic Preservation Act, 16 U.S.C. 470); or
- Is in a district whose State statutes are certified as providing adequate protection of historic places by the Secretary of the Department of Interior (pursuant to the Tax Reform Act of 1976, 26 U.S.C. 191, 280B).

An element was added regarding certification by the petitioner that the specifically identified natural gas outdoor lighting fixture meaningfully contributes to the quality of significance of the historic property. ERA recognizes the subjective nature of the requirement. ERA feels, however, that adding more specific criteria or requiring documentation would not serve the purposes of the Act, since the regulatory burden this would entail would be significant, with little benefit in terms of increased energy savings.

ERA particularly invites comments from the Heritage Conservation and Recreation Service, Department of Interior, and the State Historic Preservation Officers.

4. *Guidance on Exemptions—Safety.* ERA believes that it is not sufficient for a petitioner to show only that a natural gas outdoor lighting fixture is required to protect the safety of persons and property before a safety exemption is granted. For this reason, ERA's guidance includes a provision that a person demonstrate that conversion to another lighting system would entail substantial and unjustified expense.

Public Hearing and Comment Procedures

1. *Written Comments.* The public is invited to submit data, views or arguments with respect to the proposals set forth in this rule.

2. *Public Hearings*—a. *Procedures for request to make oral presentation.* If you have any interest in this notice, or represent a person, group, or class of persons that has an interest, you may request an opportunity to speak at the public hearing. Requests to speak must be received in writing by 4:30 p.m. on March 8, 1979.

In your request, briefly describe your interest and, if applicable, state why you are a proper representative of a group or class of persons having such interest. In addition, give a concise summary of the proposed oral presentation and a phone number where ERA may contact you through March 21, 1979. If ERA selects you to be heard, you will be told before March 14, 1979. For distribution at the hearings, you should submit 100 copies of your hearing testimony for receipt by 4:30 p.m., on March 21, 1979.

b. *Conduct of the Hearing.* ERA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. ERA may limit the length of each presentation, based on the number of persons requesting to be heard. ERA will designate an official to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only to those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement may be given the opportunity, if he so desires, to make a rebuttal statement. Rebuttal statements will also be subject to time limitations.

If you wish to ask a question at the hearing, you must submit it in writing to the presiding officer. The presiding officer will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

The presiding officer will announce any further procedural rules needed for the proper conduct of the hearing.

ERA will have a transcript made of the hearing, and ERA will retain the entire record of the hearing, including the transcript, and make it available for inspection at the Freedom of Information Office, Room GA 152, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., on February 7, 1979.

Hazel R. Rollins,
Acting Administrator, Economic Regulatory Administration.

Part 516 is added to Title 10, Chapter II, to read as follows:

PART 516—PROHIBITION ON SALE AND DIRECT INDUSTRIAL USE OF NATURAL GAS FOR OUTDOOR LIGHTING

Subpart A—General Purpose and Scope: Definitions

Sec.
516.10 General purpose and scope.
516.11 Definitions.

Subpart B—Prohibitions

Sec.
516.20 General prohibition on installation of natural gas outdoor lighting fixtures.
516.21 General prohibition on sale of natural gas for use in outdoor lighting.
516.22 Prohibition on use of natural gas by direct industrial customers for outdoor lighting.

Subpart C—Delegation of Authority

516.30 Delegation.
516.31 Reports.
516.32 Recission.

Subpart D—Guidance on Exemptions

516.41 Applicability.
516.42 Lighting of historical significance.
516.43 Memorial lighting.
516.44 Safety of persons and property.
516.45 Time to install substitute lighting.
516.46 Substantial expense.
516.47 Public interest.

Subpart A—General Purpose and Scope; Definitions

§ 516.10 General purpose and scope.

(a) The purpose of this rule is to implement section 402 of Pub. L. 95-620, the Powerplant and Industrial Fuel Use Act of 1978 (the Act). The objective of section 402 of the Act is to eliminate the use of natural gas for nonessential outdoor lighting and to conserve such gas for the benefit of present and future generations.

(b) The rule consists of four subparts. Subpart A consists of this section, entitled "General Purpose and Scope," and § 516.11, "Definitions."

(c) Subpart B contains the prohibitions on the installation of natural gas outdoor lighting fixtures and the sale and direct industrial use of natural gas for outdoor lighting. Section 516.20 prohibits the installation of natural gas outdoor lighting fixtures. Sections 516.21 and 516.22 prohibit local distribution companies from providing natural gas to residential, commercial, and industrial customers for use in outdoor lighting as well as prohibiting the use of natural gas by direct industrial customers for outdoor lighting.

(d) Subpart C delegates to the appropriate State regulatory authorities the responsibility and authority of the Secretary of DOE with regard to natural gas outdoor lighting. The specific authorities delegated are set forth in § 516.30. Section 516.31 sets forth the reports which the appropriate State regulatory authorities are required to submit to ERA. Section 516.32 provides for rescission, by ERA, of the delegation of authority as it applies to any particular State.

(e) Subpart D sets forth guidance to be followed by the appropriate State regulatory authorities in granting or denying requests for exemption in the absence of the exercise of authority by the State in promulgating its own criteria. Criteria for granting or denying exemptions are provided for each of

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the categories of exemption established by the Act: Lighting of historical significance (§ 516.42); memorial light (§ 516.43); safety of persons and property (§ 516.44); time to install substitute lighting (§ 516.45); substantial expense (§ 516.46); and public interest (§ 516.47).

§ 516.11 Definitions.

Unless otherwise expressly provided, for the purposes of this rule—

(a) The term "direct industrial customer" means an industrial user of natural gas who obtains the natural gas under a contract with a natural gas pipeline company, or any agent thereof.

(b) The term "local distribution company" means any person engaged in the business of interstate or intrastate transportation and local distribution of natural gas for ultimate consumption.

(c) The term "natural gas" means any fuel consisting in whole or in part of natural gas, liquid petroleum gas, or synthetic gas derived from petroleum or natural gas liquids.

(d) The term "natural gas outdoor lighting fixture" means a complete stationary natural gas outdoor lighting unit, or any parts thereof, which may include a mantle or mantles together with the parts designed to distribute the light, to position and protect the mantles and fuel supply lines, and to connect the mantle or mantles to the fuel supply.

(e) The term "pipeline company" means any person engaged in the business of interstate or intrastate transportation of natural gas by pipeline other than as a local distribution company.

(f) The term "residence" means any single or multiple family dwelling unit, including commonly held areas associated with such unit and including multiple family dwelling units which may be classified by the local distribution company as "commercial" customers.

(g) The term "State regulatory authority" means any agency of the 50 States, the District of Columbia, Puerto Rico, or any territory or possession of the United States, which has authority to fix, modify or approve rates for the sale of natural gas by local distribution companies within that State, unless otherwise designated by ERA. In the case of a local distribution company which is not regulated by a State regulatory authority, references in this part to "State regulatory authority" or "State" shall be treated as references to such local distribution company.

(h) The term "substitute lighting" means outdoor lighting which does not directly burn natural gas.

Subpart B—Prohibitions

§ 516.20 General prohibition on installation of natural gas outdoor lighting fixtures.

(a) *Prohibition.* No local distribution company or direct industrial customer shall install any natural gas outdoor lighting fixture.

(b) *Effective date.* The prohibition stated in paragraph (a) of this section shall be effective beginning on November 9, 1978.

§ 516.21 General prohibition on sale of natural gas for use in outdoor lighting.

(a) *Prohibition.* No local distribution company shall supply natural gas for use in outdoor lighting.

(b) *Effective dates.* (1) In the case of any residential, commercial, or industrial customer, the prohibition stated in paragraph (a) of this section shall be effective on May 8, 1979, unless a later effective date is applicable under paragraphs (b) (2), (3), or (4) of this section.

(2) In the case of any industrial or commercial structure to which natural gas was being supplied by the local distribution company for outdoor lighting use on November 9, 1978, the prohibition stated in paragraph (a) of this section shall be effective on November 5, 1979.

(3) In the case of any municipal outdoor lighing fixture to which natural gas was being supplied by the local distribution company for outdoor lighting use on November 9, 1978, the prohibition stated in paragraph (a) of this section shall be effective January 1, 1982.

(4) In the case of any outdoor lighting fixture used in connection with a residence to which natural gas was being supplied by the local distribution company for outdoor lighting use on November 9, 1978, the prohibition stated in paragraph (a) of this section shall be effective January 1, 1982.

§ 516.22 Prohibition on use of natural gas by direct industrial customers for outdoor lighting.

(a) *Prohibition.* No direct industrial customer shall use natural gas for outdoor lighting.

(b) *Effective dates.* (1) In the case of a direct industrial customer who was using natural gas for outdoor lighting on November 9, 1978, the prohibition stated in paragraph (a) of this section shall be effective on November 5, 1979.

(2) In the case of a direct industrial customer using a natural gas outdoor lighting fixture(s) that:

(i) Was installed prior to the ban on the installation of such fixture(s) set out in § 516.20 of this rule; and

(ii) Was not using natural gas for such fixture(s) on the date this rule is issued as a final rule—

The prohibition stated in paragraph (a) of this section shall be effective on May 8, 1979.

Subpart C—Delegation of Authority

§ 516.30 Scope.

Pursuant to section 402(e) of the Act, ERA delegates to the appropriate State regulatory authorities, effective on the date this rule is issued as a final rule, the full responsibility and authority of the Secretary of DOE with regard to natural gas outdoor lighting. The authorities and responsibilities delegated by this rule to the appropriate State regulatory authorities are those enumerated in paragraphs (a) through (g) of this section.

(a) *Authority to promulgate regulations.* The authority to promulgate regulations pursuant to Subpart B of this rule, prohibiting the installation of natural gas outdoor lighting fixtures and the sale and direct industrial use of natural gas for outdoor lighting, is delegated to the appropriate State regulatory authorities.

(b) *Authority to issue orders.* The authority to issue orders exempting certain natural gas outdoor lighting fixtures from the prohibitions set forth in Subpart B of this rule is delegated to the appropriate State regulatory authorities. Such exemption orders may be issued on the basis of:

(1) Lighting of historical significance;

(2) Memorial lighting;

(3) Lighting which is necessary to protect the safety of persons and property;

(4) the necessity to permit the installation of substitute lighting where no adequate outdoor lighting (other than that using natural gas) existed on November 9, 1978;

(5) Substantial expense which would not be cost justified; or

(6) The public interest and consistency with the purposes of the Act.

(c) *Authority to establish exemption criteria.* The authority to establish criteria to be used in making any determinations to issue any orders relating to exemptions from the prohibitions set forth in Subpart B of this rule is delegated to the appropriate State regulatory authorities.

(d) *Authority to establish exemption procedures.* The authority to establish procedures for the acceptance, processing, consideration, and grant or denial of applications and requests for exemptions from the prohibitions set forth in Subpart B of this rule is delegated to the appropriate State regulatory authorities.

(e) *Authority to establish enforcement mechanisms.* The authority to establish enforcement policies, criteria and procedures with respect to the prohibitions set forth in Subpart B of

this rule is delegated to the appropriate State regulatory authorities.

(f) *Authority to enforce prohibitions and assess civil penalties.* The authority to enforce the prohibitions set forth in Subpart B of this rule, including the authority to assess civil penalties for noncompliance with such prohibitions pursuant to Section 723(c) of the Act, is delegated to the appropriate State regulatory authorities.

(g) *Authority to investigate.* The authority to initiate investigations and compel the submission of data or relevant documents is delegated to the appropriate State regulatory authorities.

§ 516.31 Reports.

Pursuant to this delegation, the appropriate State regulatory authority shall submit to ERA the documents specified in paragraphs (a) and (b) of this section. Such documents shall be submitted to: Economic Regulatory Administration, Office of Utility Systems, Department of Energy, 2000 M Street, NW. (Vanguard 538-A), Washington, D.C. 20461.

(a) *Annual Report.* The appropriate State regulatory authority shall submit annually to ERA, until January 1, 1984, either in separate format or in conjunction with reports required by DOE pursuant to requirements established under Section 309 of the Public Utility Regulatory Policies Act of 1978, 92 Stat. 3117 (Pub. L. 95-617), a report setting forth:

(1) Current estimated annual natural gas consumption within the State attributable to outdoor lighting;

(2) A current set of rules and regulations establishing any prohibitions against the use of outdoor natural gas lighting, for enforcing the prohibitions, and for granting or denying exemptions to the prohibitions; and

(3) A summary of orders granted and denied during the year, by category of exemption, and including the rationale for such grant or denial.

(b) *Enforcement plan.* The appropriate State regulatory authority shall submit to ERA, within one year of the date this rule becomes a final rule, an enforcement plan containing the following:

(1) Copies of all State statutes, rules or regulations relating to the regulation or prohibition of natural gas lighting within the State;

(2) A description of the State's current or projected efforts to enforce the prohibitions set forth in Subpart B of this rule; and

(3) A current copy of all State procedures to grant or deny an exemption from the prohibitions set forth in Subpart B of this rule.

§ 516.32 Rescission.

This delegation as it applies to any particular State my be rescinded by ERA at any time by notifying the appropriate State Regulatory authority of such rescission.

Subpart D—Guidance on Exemptions

§ 516.41 Applicability.

The appropriate State regulatory authority shall grant or deny a request for exemption on the basis of the guidance specified in this subpart until such time as the appropriate State regulatory authority chooses to exercise the authority delegated by § 516.30(c) of this rule.

§ 516.42 Lighting of historical significance.

(a) *Scope.* A Federal, State or local government agency, or an appropriate historical association, may petition the appropriate State regulatory authority for an exemption from the prohibitions set forth in §§ 516.20 and 516.21 of this rule on the basis of historical significance. An exemption on the basis of historical significance for a commercial establishment may be requested by any interested person. In the case of a petition for an exemption from the prohibition set forth in § 516.20 of this rule (General prohibition on installation of natural gas outdoor lighting fixtures), an exemption shall be granted only for replacement of a natural gas outdoor lighting fixture(s) that was installed prior to November 9, 1978.

(b) *Criteria.* The criteria for an exemption on the basis of historical significance shall be satisfied upon certification, by the petitioner, that the specifically identified natural gas outdoor lighting fixture(s) directly contributes to the quality of significance of the specifically identified historic property or district, as applicable; and upon a finding that the specifically identified historic property:

(1) Is listed on the National Register of Historic Places maintained by the Heritage Conservation and Recreation Service, Department of Interior, or is officially determined eligible for listing by the Secretary of Interior, pursuant to the National Historic Preservation Act (16 U.S.C. 470 as amended), applicable regulations (36 CFR Parts 60 and 63), and Executive Order 11593; or

(2) Is in a district whose State statutes are certified as providing adequate protection of historic places by the Secretary of the Department of Interior, pursuant to the Tax Reform Act of 1976 (26 U.S.C. 191, 280B) and applicable regulations.

(c) *Stays.* An exemption request shall result in a stay from the prohibitions set forth in Subpart B of this rule if:

(1) The petitioner has certified that the specifically identified natural gas outdoor lighting fixture(s) directly contributes to the quality of significance of the specifically identified historic property or district, as applicable; and

(2) An application is pending, before the Department of Interior, for inclusion in one of the categories specified in subparagraphs (1) or (2) of paragraph (b) of this section.

§ 516.43 Memorial lighting.

(a) *Scope.* A Federal, State or local government agency, or an appropriate historical association, may petition the appropriate State regulatory authority for an exemption from the prohibitions set forth in §§ 516.20 and 516.21 of this rule on the basis of memorial lighting. In the case of a petition for an exemption from the prohibition set forth in § 516.20 of this rule (General prohibition on installation of natural gas for outdoor lighting fixtures), an exemption shall be granted only for replacement of a natural gas outdoor lighting fixture(s) that was installed prior to November 9, 1978.

(b) *Criteria.* The criteria for an exemption on the basis of memorial lighting shall be satisfied upon a finding that the specifically identified outdoor lighting fixture(s) directly contributes to preserving the memory of a deceased person or persons.

§ 516.44 Safety of persons and property.

(a) *Scope.* A local distribution company, a direct industrial customer, or an interested person acting on behalf of either, may petition the appropriate State regulatory authority for an exemption from the prohibitions set forth in §§ 516.21 and 516.22 of this rule on the basis of the necessity to protect the safety of persons and property if such natural gas was being supplied on November 9, 1978.

(b) *Criteria.* The criteria for an exemption on the basis of the necessity to protect the safety of persons and property shall be satisfied upon a finding that:

(1) (i) Compliance with the prohibition would significantly increase the chances of bodily injury or damage to property;

(ii) Compliance with the prohibition would significantly increase the chances of the occurrence of crime; or

(iii) The lighting in question is necessary to assure conformance with American National Standards Institute (ANSI) Standard Number D 12.1 "The American National Standard Practice for Roadway Lighting;" and

(2) Converting to a substitute lighting facility:

(i) Would impose a substantial hardship on a person other than a local distribution company, a pipeline company, or a company that manufactures or supplies natural gas outdoor light-

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ing fixtures, in terms of personal income or savings; or

(ii) Would not be justified by the savings likely to be accrued over the useful life of the substitute lighting facility.

§ 516.45 Time to install substitute lighting.

(a) *Scope.* A local distribution company, a direct industrial customer, or an interested person acting on behalf or either, may petition the appropriate State regulatory authority for a temporary exemption from the prohibitions set forth in §§ 516.21 and 516.22 of this rule. Such an exemption shall be on the basis of the time needed to permit the installation of substitute lighting where no adequate outdoor lighting (other than that using natural gas) exists, if such natural gas was being supplied on November 9, 1978.

(b) *Criteria.* The criteria for an exemption on the basis of time to install substitute lighting shall be satisfied upon a finding that:

(1) No adequate outdoor lighting (other than that using natural gas) is available at the time the applicable prohibition became effective; and

(2) The time required for installation of the substitute lighting will not extend beyond one year from the date the applicable prohibition became effective, unless facts and circumstances warrant a longer period.

§ 516.46 Substantial expense.

(a) *Scope.* A local distribution company, a direct industrial customer, or an interested person acting on behalf of either, may petition the appropriate State regulatory authority for an exemption from the prohibitions set forth in §§ 516.21 and 516.22 of this rule on the basis of substantial expense which would not be cost justified, if such natural gas was being supplied on November 9, 1978.

(b) *Criteria.* The criteria for an exemption on the basis of substantial expense which would not be cost justified shall be satisfied upon a finding that compliance with the prohibitions set forth in §§ 516.21 and 516.22 of this rule would substantially and negatively affect the profit margin, return on investment, or rates of a local distribution company or direct industrial customer.

§ 516.47 Public interest.

(a) *Scope.* A local distribution company, a direct industrial customer, or an interested person acting on behalf of either, may petition the appropriate State regulatory authority for an exemption from the prohibitions set forth in §§ 516.21 and 516.22 of this rule on the basis of the public interest and consistency with the pruposes of the Act, if such natural gas was being supplied on November 9, 1978.

(b) *Criteria.* The criteria for an exemption on the basis of the public interest and consistency with the purposes of the Act shall be satisfied upon a finding that converting a specific natural gas outdoor lighting fixture(s) to substitute lighting would not reduce the use of natural gas.

[FR Doc. 79-4686 Filed 2-12-79; 8:45 am]

federal register

TUESDAY, FEBRUARY 13, 1979

PART VI



CIVIL AERONAUTICS BOARD

FILING DOMESTIC PASSENGER FARES; COMPLAINTS REQUESTING SUSPENSION OF TARIFFS—ANSWERS TO SUCH COMPLAINTS

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATION

[Regulation ER-1104; Amendment No. 48; Docket 33113]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Filing Domestic Passenger Fares; Notice Requirement

FEBRUARY 7, 1979.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule sets the notice required for filing domestic passenger fares filed within the zone of reasonableness at 30 days, and for passenger tariffs outside the zone and cargo tariffs at 60 days. It also sets the deadline for complaints seeking suspension of fares and rates at 10 days after tariffs are filed, and for answers to complaints at 6 working days after the complaint is filed. The rules are effective immediately, but by a notice in this issue of the FEDERAL REGISTER, we invite comments on them to aid adoption of a final policy.

DATES: Adopted: February 7, 1979. Effective: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Mark S. Kahan or John Freeman, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428: (202) 673-5205/673-5793.

STATUTORY TARIFF NOTICE

The Airline Deregulation Act of 1978 (Pub. L. 95-504) changes the notice period carriers must give when they change their tariffs. Previously all tariffs were filed on at least 45 days' notice, except air freight tariffs of direct carriers which were filed on 60 days' notice. The Deregulation Act creates a system of 60- and 30-day filings. Under section 403(c) (49 U.S.C.A. 1373(c)), changes in tariffs are to be made on 60 days' notice if they institute a fare which is outside the range of fares specified in subparagraphs (A) and (B) of section 1002(d)(4), (49 U.S.C.A. 1482(d)(4)) or a fare to which the range does not apply. Other tariffs are to be filed on 30 days' notice.

This rulemaking is designed to conform our rules to the new Act and clarify any ambiguities as to our administration of it. Because the provisions in the new Act were effective upon adoption and there has been some uncertainty in the area, we find for good cause that these rules of agency policy, procedure and practice should become effective immediately. However, we welcome the views of interested persons on this matter, and, by a notice in this issue of the FEDERAL REGISTER, we invite them to file comments in this docket on the rule.

We will require all tariffs instituting a fare inside the zone to be filed at least on 30 days' notice. For now, that will include domestic fare decreases down to 50 percent of the standard industry fare level (SIFL) as defined in the statute. Even though we have not yet computed a precise SIFL inflation factor carriers may file fare decreases that clearly fall within the zone on 30 days' notice; if the carrier is uncertain, it can file on 60 days'. As of July 1, 1979, carriers with less than 70 percent of the traffic in a market may file fare increases up to 105 percent of the SIFL on 30 days' notice. Until then, *all* fare increases are considered outside the zone. By that date we should have taken final action on a method for determining eligibility for upward flexibility and for calculating the SIFL, so that there will be a greater certainty about whether a specific filing is within the zone. All tariff filings outside the zone or to which the zone does not apply (including domestic passenger filings outside the zone and all international passenger and cargo filings) must be on 60 days' notice.[1] In determining whether a carrier has 70 percent of the traffic in a market, we will, for the present, use the most recent available month of service segment data on file with the Board.

We recognize ambiguities in the statute but conclude that the above scheme best gives effect to Congress' intent throughout the Act. First, section 403(c)(2) establishes 60-day filing for fares outside the zone or fares not covered by the zone. Inasmuch as the zone applies strictly to interstate and overseas air transportation, tariffs governing foreign air transportation are to be filed on at least 60 days' notice, unless a bilateral agreement between the United States and the country at issue governs and requires a different filing period. While section 403(c)(2) is written in terms of "fares", there is no reason to believe that Congress intended to limit that section to passenger tariffs. There are other places in the statute where the term "fare" is used to include rates for freight transportation—*e.g.*, section 1002(d)(8), section 403(c)(1). Accordingly, we conclude that section 403(c)(2) governs both foreign passenger and freight tariffs.[2]

A second ambiguity concerns the advance notice the Board must give of a tariff suspension. Under section 403(c)(3), that period is 30 days. Ordinarily there is no problem with the 30-day notice requirement because tariffs subject to suspension are outside the zone and are therefore filed on 60 days' notice. However, some tariffs that are subject to suspension may be filed on less than 60 days' notice. For example, fare decreases are filed on 30 days' notice, but if the Board concludes that they may be predatory, it has the authority to suspend under section 1002(g). Similarly, there are bilateral agreements permitting foreign filings (which are subject to suspension) on less than 60 days' notice. For tariffs filed on less than 60 days' notice, it will usually be impractical to expect the Board to give 30 days' notice of suspension. Indeed, some tariffs need only be filed on 30 days' notice.

There are several ways to preserve the Board's suspension authority consistent with the Act's advance filing requirements. First, we can invoke section 1002(g) to suspend up to 15 days before the tariffs' effective date. Second, we can suspend the tariffs' effectiveness in order to provide additional time for pleadings and analysis for the suspension issue. Third, where a bilateral agreement is invoked to permit filing on less than statutory notice, the same agreement may permit suspension on less than 30 days' notice. Finally, section 1002(j)(2) permits the Board to suspend an existing tariff in foreign air transportation. We are of course reluctant to use that provision because of the disruption caused by suspension of an existing fare, but we may do so if there is no other means to prevent the charging of a potential unlawful fare, and we will make every effort to give the carrier notice of our intent to do so.

COMPLAINTS AND ANSWERS

By ER-1038 and PR-169, we amended the existing rules for complaints and answers to conform to changes in Pub. L. 95-163. For domestic passenger fares, tariffs were filed on 45 days' notice, complaints were due 33 days before the tariffs' effective date and answers to complaints continued to be required 6 working days after the complaints. For international tariffs (which were generally filed on 45 days' notice except for direct cargo carriers which filed on 60 days' notice) complaints were filed 25 days before the tariff's effective date and answers were due 5 calendar days later.

In PR-177 (adopted, August 25, 1978), we further amended our procedural rules to provide for responses to answers to complaints against tariffs which institute fares within the no-suspend zone created by PS-80 and for which we require no accompanying justification. Such complaints were due 39 days before the effective date of the tariff, answers were due 7 days after the complaints and replies to the answer were due 7 days after answers.

At the same time that the above changes were being made to reflect statutory requirements and the Board's no-suspend zone in PS-80, the Board also proposed to revamp the complaints and answer procedure completely so that the complaint period would be measured from the date of the tariff filing, rather than its effective date. EDR-360, PDR-55, 43 FR 34788, August 7, 1978. For tariffs filed well in advance of the date when suspension would be required, this would give the Board more time to consider complaints and answers, and it would make for a more uniform scheme of filing requirements.

Several carriers have complained that EDR-360/PDR-55 does not allow sufficient time to prepare complaints and answers.[3] They claim inadequate intercity mail service, the need to coordinate analytical and legal work, the time lag for mail to Hawaii and to Europe and the possibility that intervening holidays will further erode time for preparation. The carriers do not generally challenge the idea of measuring the complaint period from the tariff-filing date.

As noted above, we will generally give notice of suspension at least 30 days before a tariff's effective date. If a tariff is filed on 60 days' notice, that leaves 30 days for pleadings and Board analysis of those pleadings. If we permit 10 days for complaints, and 6 working days for answers, the remaining Board time for suspension would be as few as 6 working days.[4] We consider this to be a minimum period for Board Action. Of course, for domestic passenger tariffs which are within the zone and are filed on 30 days' notice to be suspended no later than 15 days before the effective date, the 10 day complaint period will probably not give the Board sufficient time. We urge complainants to file as early as possible, and to notify the Board's staff of their intent to file in advance.[4]

This scheme keeps in effect the current six working (as opposed to calendar) day period for answers and thus moots most of the objections noted by the carriers to EDR-360. While some carriers suggest that the 10 day complaint period is also skimpy, we are convinced that it is adequate, but will be open to change it if real problems develop.

It should be noted that the above rules apply to all filings, thus doing away with existing special rules for foreign tariffs. We have had a different scheme for foreign tariffs because of the requirement in section 801 (49 U.S.C.A. 1461) that the President have 10 days to disapprove Board action under section 1002(j). With the passage of the ADA, the advance suspension requirement generally applies to foreign filings. Since that requirement is one of notice, that period and the Presidential period can run concurrently, once the Board's decision has been released to the public, so there is no longer a need for any distinction between foreign and domestic filings for purposes of our complaint and answer procedures.

We are amending Part 302 of our Procedural Rules (14 CFR Part 302) in PR-194 (FR Doc. 79-4756, published in this separate part), to reflect the above findings.

Accordingly, the Civil Aeronautics Board Amends Part 221 of its Economic Regulations (14 CFR Part 221) as follows:

1. Secton 221.22 is amended by revising subparagraph (b)(5) to read as follows:

§ 221.22 Specifications applicable only to loose-leaf tariff publications.

* * * * *

(b) *Information required on all interior pages.* Each original page and revised page following the title page of a loose-leaf tariff shall contain the following information in the location specified:

* * * * *

(5) In the lower left corner, the issued date of the page.

2. Section 221.31 is amended by revising subparagraph (a)(10) to read as follows:

§ 221.31 Title page.

(a) *Contents.* Except as otherwise required in this Part, or by other regulatory agencies, the title page of every tariff shall contain the following information to be shown in the order named in subparagraphs (1) to (12) of this paragraph and shall contain no other matter:

* * * * *

(10) *Issued date.* The date on which the tariff is issued shall be shown in the lower left-hand portion of the title page in the following manner:

Issued: ————————————, 19—

(Show month, date, and year in full, using no abbreviations.)

Tariffs must be received by the Board on or before the designated issued date. (See § 221.160(d) and § 221.171 of this Part.)

3. Section 221.112 is amended by revising subparagraph (b)(7) to read as follows:

§ 221.112 Amending book tariff by supplement (also applicable to supplements to loose-leaf tariffs when such supplements are specifically authorized in this Part).

* * * * *

(b) *Title page of supplement.* Except as otherwise provided in this part, the title page of each supplement shall contain the following information to be shown in the order named below, and shall contain no other maner:

* * * * *

(7) *Issued date.* The date on which the supplement is issued shall be shown in the lower left-hand portion of the title page. Tariffs must be received by the Board on or before the designated issued date. (See § 221.160(d) and § 221.171 of this part.)

4. Section 221.160 is amended by amending paragraph (a) and by adding paragraph (d) to read as follows:

§ 221.160 Required notice.

(a) *Statutory notice required.* Unless otherwise authorized by the Board, or otherwise provided in a bilateral agreement between the United States and the Government of a foreign country, all tariffs, supplements, and loose-leaf tariff pages and all fares, rates, charges, ratings, routings, rules, amendments and other tariff provisions therein (including initial rates, fares, charges, and tariff provisions) as required by this part shall be filed with the Board at least the following number of days before the date they are to become effective regardless of whether or not any changes are effected thereby:

[1] For purposes of tariff filing, we are using the statutory zone, as opposed to the wider zone the Board has created for purposes of its no-suspend policy.

[2] The Board is no longer concerned with advance filing for most domestic freight tariffs, or suspension of those tariffs. ER-1080/1081/1082, adopted November 8, 1978.

[3] Aloha Airlines, Inc.; American Airlines, Inc., British Airways; British Caledonian Airways, Ltd., Delta Air Lines, Inc.; DHL Corporation; Hawaiian Airlines, Inc., Hughes Airwest; Trans World Airlines, Inc., and United Air Lines, Inc., filed answers opposing part or all of the proposed rule.

[4] Assume that days 10, 11, 12 and 17, 18, 19 are holidays, so that the complaint is due on day 13 and the answer is due on day 22. If days 24 and 25 are also holidays, then the Board would have only 6 working days to evaluate the pleadings and make its decision.

[4] We of course can no longer adhere to the three-pleading system adopted in PR-177 for tariffs which are filed only 15 days before the Board must act to suspend, and we are ending that system.

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(1) For tariffs stating a domestic passenger fare within the range of fares created by section 1002(d)(4) of the Act (49 U.S.C.A. § 1482(d)(4)), at least 30 days;

(2) For all other tariffs, at least 60 days.

. . . . .

(d) *Issued date.* All tariff publications must be received by the Board on or before the designated issued date.

5. Section 221.171 is amended by revising paragraph (c) to read as follows:

§ 221.171 Posting at stations, offices, or locations other than principal or general office.

(c) Tariff publications shall be posted by each carrier party thereto no later than the issued date designated thereon except that in the case of carrier stations, offices or locations situated outside the United States, its territories and possessions, the time shall be not later than five days after the issued date, and except that a tariff publication which the Board has authorized to be filed on shorter notice shall be posted by the carrier on like notice as authorized for filing.

(Sections 204, 403, 1002; 72 Stat. 743, 758, 788; 49 U.S.C. 1324, 1373, 1482, as amended.)

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4759 Filed 2-12-79; 8:45 am]

[6320-01-M]

SUBCHAPTER B—PROCEDURAL REGULATION

[Regulation PR-194; Amendment No. 52; Docket 33113]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Change in Deadlines for Complaints Seeking Suspension of Tariffs

FEBRUARY 7, 1979.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule changes the deadlines for complaints seeking suspension of tariffs and for answers to those complaints. Complaints against tariffs are due ten days after the issued date on the tariff and answers are due six working days after the complaint is filed. A full explanation of the Board's action is set out in ER-1104, in this issue of the FEDERAL REGISTER.

DATES: Adopted: February 7, 1979. Effective: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Mark S. Kahan or John Freeman, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5205/673-5793.

Accordingly, the Civil Aeronautics Board amends Part 302 of its Procedural Regulations (14 CFR Part 302) as follows:

Section 302.505 is amended to read as follows:

§ 302.505 Complaints requesting suspension of tariffs-answers to such complaints.

. . . . .

(b) A complaint requesting suspension of a tariff ordinarily will not be considered unless made in conformity with this section and filed no more than ten (10) days after the issued date contained within such tariff.

(c) A complaint requesting suspension, pursuant to section 1002(j) of the Act, of an existing tariff for foreign air transportation may be filed at any time. However, such a complaint must be accompanied by a statement setting forth compelling reasons for not having requested suspension within the time limitations provided in paragraph (b) of this section.

(d) In an emergency satisfactorily shown by complainant, and within the time limits herein provided, a telegraphic complaint may be sent to the Board and to the carrier against whose tariff provision the complaint is made. Such a telegraphic complaint shall state the grounds relied upon, and must immediately be confirmed by complaint filed and served in accordance with this part.

(e) Answers to complaints shall be filed within six (6) workings days after the complaint is filed.

(Sections 204, 403, 1002; 72 Stat. 743, 758, 788; 49 U.S.C.A. 1324, 1373, 1482, as amended.)

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4756 Filed 2-12-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[EDR-371, PDR-61, Docket 33113, dated February 7, 1979]

[14 CFR Parts 221 and 302]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS; RULES OF PRACTICES IN ECONOMIC PROCEEDINGS

AGENCY: Civil Aeronautics Board.

ACTION: Proposed rule.

SUMMARY: The Board is issuing today (ER-1104 and PR-194) rules on the statutory notice required for filing tariffs, and deadlines for complaints and answers regarding suspension of tariffs. (See FR Doc. 79-4759 and 79-4756 published in this separate Part). Although they are effective immediately, the Board hereby invites comments on those rules and will consider revising them on the basis of information and arguments sumitted by all interested persons.

DATES: Comments by: April 16, 1979. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

FOR FURTHER INFORMATION CONTACT:

Mark S. Kahan, or John Freeman, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5205, (202) 673-5792.

(Section 204, 403, 1002; 72 Stat. 743, 758, 788; 49 U.S.C.A. 1324, 1373, 1482, as amended.)

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4760 Filed 2-12-79; 8:45 am]

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PART VII

COUNCIL ON WAGE AND PRICE STABILITY

■

MODIFIED PRICE STANDARDS FOR MEDICAL, DENTAL, OTHER INSURANCE PROVIDERS, AND FOR PETROLEUM REFINERS; CHANGE IN PERCENTAGE MARGIN STANDARD FOR WHOLESALE AND RETAIL TRADE AND REPORTING PROCEDURES FOR INSURANCE COMPANIES AND PETROLEUM REFINERS

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[3175-01-M]

Title 6—Economic Stabilization

CHAPTER VII—COUNCIL ON WAGE AND PRICE STABILITY

PART 705—NONINFLATIONARY PAY AND PRICE BEHAVIOR

Modified Price Standards for Medical and Dental and for Other Insurance Providers

AGENCY: Council on Wage and Price Stability.

ACTION: Final standards for medical and dental and for other insurance providers.

SUMMARY: The Council has determined that considerations particular to the insurance industry merit adopting modified price standards for providers of medical and dental and of other forms of insurance.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Zachary Dyckman, Office of Price Monitoring (202/456-6475), or Sandra Sherman (202/456-6286), Office of General Counsel, Council on Wage and Price Stability, 726 Jackson Place, NW., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: The two new standards issued today are 705C-5, "Price Standard for Medical and Dental Insurance Providers", and 705C-6, "Price Standard for Providers of Insurance other than Medical and Dental Insurance". They reflect consultations with all aspects of the insurance industry, including State regulatory authorities, and are intended to reduce the acceleration of premium costs without threatening the financial viability of insurance providers.

I. Medical and Dental Insurance

A special standard has been developed for medical and dental insurance. The standard applies to "inflation trend factors", which are numerical multipliers used in the computation of premiums. These factors are used to incorporate expected increases in claims costs due to growth in prices and utilization of health services into the computation of premium rates.

Reasons for Special Standards

(A) *Greater Deceleration.* Premium rate increases are mainly a reflection of growth in claims costs, which in turn reflect changes in prices and utilization of health care services. Health care costs have been rising faster than inflation rates in other sectors in recent years. However, the Administration has announced a hospital cost containment program with the goal of limiting hospital expenditure growth to a 9.7 percent annual increase. In addition, the Council's professional fee standard (705C-3) is applicable to medical and dental services. Thus, it is anticipated that costs of health care services will exhibit greater deceleration than in other sectors of the economy. The standard is designed to achieve decleration of inflation trend factors by approximately 15 percent.

The standard imposes a degree of deceleration on individual insurance plans that varies with the magnitude of the base period inflation trend factor. This reflects the assumption that deceleration should, and can, be greater where medical care costs have been increasing more rapidly.

(B) *Uniqueness of Premiums for Individual Policies.* Most medical and dental insurance is sold on a group basis, with premiums typically based on the claims experience of the previous period. Because claims experience differs according to the group or individual covered, and because coverage or level of benefits may change from one policy period to the next, premiums *per se* cannot practicably be addressed in a price deceleration standard. Accordingly, the standard does not apply directly to premiums, but rather to the inflation trend factors used in setting premiums.

Other Features of the Standard

An alternative profit-margin limitation is available to insurers who provide medical and dental insurance if they can demonstrate, on the basis of actual claims data, a deterioration in the ratio of claims to premiums or a likelihood of negative profit for the year.

The standards apply to all policies for which premiums are quoted or announced after February 15, or which are issued or renewed on or after April 1, 1979.

Health Maintenance Organizations (HMO's) are expected to achieve deceleration in their premium increases because of compliance with the pay standard and, where applicable, with the Council's professional fee standard and the Administration's hospital-expenditure-limitation goal. HMO's embody an incentive structure which, to a greater degree than the dominant system of fee-for-service physicians and independent hospitals, rewards cost consciousness and discourages excess utilization. Accordingly, the standard for medical and dental insurance providers need not be applied by HMO's.

II. Providers of Insurance Other Than Medical and Dental

A price standard for providers of insurance other than medical and dental is necessary so that the Council can adapt its general price standard to the reporting requirements of the States and, thereby, avoid imposing redundant reporting burdens on the affected companies. In addition, the industry derives the major share of its profit from investment income, and it was necessary that the profit margin limitation as applied to the industry take this into account.

This modified price standard covers most insurance other than medical and dental insurance. This includes, but is not limited to, automobile, homeowner, and other common lines of property and liability insurance.

Several lines of insurance fall under exclusions listed in 705A-3. Negotiated commercial insurance coverages with annual premiums per contract of $100,000 or more, reinsurance, ocean marine insurance and inland marine insurance are each custom products, often competitively bid as part of international markets. Life insurance, including pensions, annuities and disability insurance are also excluded. There is great difficulty in defining a meaningful price for these products because of changes in life expectancy, which change payment flows under the policies and basically change the nature of the product. In the case of disability insurance, claims experience is tied heavily to business cycle developments, and premium fluctuations for this insurance, therefore, are not primarily related to rates of inflation.

The modified standard permits the general price deceleration standard to be applied on any basis permitted by the definition of "company" in 705D, with appropriate exclusions. If a company experiences uncontrollable price increases, and cannot, therefore, comply with the price-deceleration standard, it may comply with the profit-margin limitation, as modified in 705C-6(c). Once a company applies the profit-margin limitation to its non-medical/dental insurance business, then all such business written by its affiliated companies will be subject to that limitation.

The major changes in the general profit margin limitation are the inclusion of investment income, the application of statutory reporting terms required by State authorities, and the use of calendar instead of fiscal (other than calendar) years. Profit from the excluded lines of insurance, mentioned above, are included when the profit-margin limitation is applied.

The standards will be monitored by the Council, with the help of the State insurance commissioners under a plan adopted by the National Association of Insurance Commissioners.

Reporting requests under these standards are provided in an accompanying addition to the Council's procedural rules.

While these changes are effective immediately, the Council will accept comments on them through March 9, 1979. Comment should be addressed to Sandra Sherman at the address given above. In addition, notwithstanding the effective date, these standards should be applied throughout a company's program year.

(Council on Wage and Price Stability Act, Pub. L. 93-387, as amended (12 U.S.C. 1904, note); E.O. 12092.)

In consideration of the foregoing, Sections 705C-5 and 705C-6 are added to the appendix to Part 705 of Chapter VII, Title 6 of the Code of Federal Regulations to read as follows.

Issued in Washington, D.C., February 8, 1979.

Barry Bosworth,
Director, Council on Wage and Price Stability.

1. New Sections 705C-5 and 705C-6 are added to the appendix to Part 705 to read as follows:

* * * * *

705C-5 *Price Standard for Medical and Dental Insurance Providers.*

(a)(1)(i) *Standard.* The price standard for medical and dental insurance providers is based on a percentage deceleration in the inflation trend factors used in determining premium rates. The standards apply to all policies for which premiums are quoted or announced after February 15, 1979, or which are issued or renewed on or after April 1, 1979.

(ii) Notwithstanding the definition of "company" in 705D, a firm should separately identify (A) Medical and dental insurance, (B) insurance other than medical and dental insurance, and (C) all other lines of business.

(2) To be in compliance with the standard, the revenue weighted average of the inflation trend factors (or each of the inflation trend factors) should be no more than:

(i) 95 percent of the base period inflation trend factor, if the base-period factor is less than 7 percent, or

(ii) 6.65 percent plus 75 percent of the amount by which the base-period inflation trend factor exceeds 7 percent, if the base-period factor is 7 percent or more.

(b) For purposes of paragraph (a)(2):

(1) The inflation trend factors are the numerical factors, used in determining medical and dental insurance premiums, that reflect expected increases in claims costs due to increases in the prices of health services and in utilization of such services, net of the effect of benefit changes;

(2) Base-period inflation trend factors may be computed in one of two ways: (i) The average value of inflation trend factors in use on April 1, July 1, and October 1, 1978; or (ii) the percentage increase (net of the effect of benefit changes) of per capita (insured unit) claims cost for the most recent 12-month period for which data are available, relative to costs for the corresponding period one year earlier;

(3) If a company can separate the price and utilization components of the base-period inflation factors and the utilization component is negative, the base period inflation trend factors may be computed under the assumption that the utilization component is zero.

(c) *Profit-Margin Limitation.* If a company's loss ratio (i.e., the ratio of claims to premiums), based on at least three months' medical and dental claims experience during calendar 1979, exceeds that of the same period during 1978 by 2 percentage points or more or the company can show that it will have negative profits for calendar 1979, the company need only comply with the Profit-Margin Limitation in 705A-6 and should use the following definitions:

(1) A program year of calendar 1979, and a base year of calendar 1978;

(2) The relevant years for 705A-6(a)(1)(i) are calendar 1976, 1977, and 1978;

(3) Investment income is included in the definition of profit; and

(4) The physical volume adjustment is the ratio of program-year premiums at 1978 rate levels to 1978 premiums.

705C-6 *Price Standard for Providers of Insurance Other Than Medical and Dental Insurance.*

(a)(1) The price standard for companies providing insurance other than medical and dental insurance is the price deceleration standard in 705A-2, except that, if a company experiences uncontrollable cost increases, it should comply with the profit-margin limitation in 705A-6, subject to the provisions of paragraph (b) of this section.

(2) Notwithstanding subparagraph (1), life insurance, including pensions, annuities, and disability insurance, should not be included in the computation of the price deceleration standard.

(b)(1) *Profit Margin Limitation.* If, in accordance with paragraph (a), an insurance company is complying with the profit margin limitation, it should use the following definitions;

(i) A program year of calendar 1979, and a base year of calendar 1978;

(ii) For purposes of 705A-6(a)(1)(i), the relevant years are calendar 1976, 1977, and 1978;

(iii) The physical volume adjustment is the ratio of program year premiums at 1978 rate levels to 1978 premiums; and

(iv) Investment income is included in the definition of profits.

(2) Notwithstanding the definition of "company" in 705D, firms should separately identify (i) medical and dental insurance, (ii) insurance other than medical and dental insurance, and (iii) all other lines of business. If any firm providing insurance specified in clause (ii) applies the profit margin limitation, and is affiliated with other firms providing such insurance, all the affiliated firms should comply with the profit margin limitation.

(3)(i) For companies providing Property and Casualty Insurance, the profit margin is calculated so that the numerator is "net income, after dividends to policy holders", as reported at line 18B of the Property and Casualty annual report required for such firms by State insurance departments, and the denominator is "net direct written premiums".

(ii) Where life insurance companies comply with the profit margin limitation, the numerator (profit) is the sum of "net gain from operations after dividends to policy holders", line 32A (less income from medical and dental insurance premiums) from the Summary of Operations, plus "net realized capital gains or losses on assets disposed of during the year", entry 1, line 11, Exhibit 4, both of which are included in the Life and Accident and Health annual report; this report is required by State insurance departments. Premiums for life insurance are the denominator.

(iii) Companies providing other lines of insurance, and filing comparable annual statements with State commissions, should use entries analogous to those specified in clauses (i) or (ii).

(c) *Insurance Brokerage.* Revenues of an insurance brokerage company are in compliance with the price deceleration standard if the average commission rate on which they are based does not increase in 1979.

2. Section III of the cumulative Questions and Answers issued by the Council at 44 FR 5362 (January 25, 1979) is amended by adding Question and Answer number 8 to read as follows:

Q.8 How is the "average" in "average value of inflation trend factors in use on April 1, July 1, and October 1, 1978" to be computed for purposes of 705C-5(b)(2)?

A. If there is a single company inflation trend factor, the base is the simple average of the trend factors in use as of the three dates, April 1, July 1, and October 1, 1978. If there are multiple inflation trend factors, and the company chooses to compute a revenue-weighted average of them for compliance purposes, then the base-period average is computed by taking a simple average of the revenue-weighted average trend factor computed for each of the three dates. If the company complies with the standard by adjusting separately each of its several trend factors, the base for each separate factor is found by taking the simple average of the three values of each factor as of April 1, July 1, and October 1, 1978.

[FR Doc. 79-4778 Filed 2-12-79; 8:45 am]

[3175-01-M]

PART 705—NONINFLATIONARY PAY AND PRICE BEHAVIOR

Modified Price Standard for Petroleum Refiners

AGENCY: Council on Wage and Price Stability.

ACTION: Modified Price Standard for Petroleum Refiners.

SUMMARY: The Council is adding a new section 705C-7 to its voluntary standards for noninflationary price behavior that permits petroleum refiners to disaggregate for purposes of compliance (1) petroleum refinery operations, (2) crude oil and natural gas production, and (3) all other operations, and to treat them as if they were separate companies. In addition,

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it allows a gross margin standard to be applied to the petroleum refinery operations, treated as a separate company.

DATES: Effective date: February 13, 1979. Comments by March 9, 1979.

ADDRESS: Comments should be sent to: Jack E. Triplett, Office of Price Monitoring, Council on Wage and Price Stability, 726 Jackson Place, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Jack E. Triplett, (202) 456-7000.

SUPPLEMENTARY INFORMATION: Under the definition of "company" in Subpart 705D, a petroleum refiner could split off its petroleum refinery operations from its crude oil and natural gas production only if it had a historical practice of doing so and had accounting records that permitted an allocation of costs. In many instances, petroleum refiners with integrated petroleum production and refinery operations would be unable, under the Council's standards, to separate petroleum refineries from other operations.

However, prices for domestic crude oil and natural gas production are regulated by the Department of Energy, and imported petroleum prices are set by the Organization of Petroleum Exporting Countries (OPEC). This means that prices of crude oil and natural gas should logically be considered separately from prices of "downstream" products under the Council's price standard.

The modified price standard for petroleum refiners allows for the separation of the firm into three units: (1) Petroleum refinery operations, (2) crude oil and natural gas production, and (3) all other operations and the treatment of these entities as separate companies. In addition, the standard gives guidance on the allocation of indirect costs among disaggregated entities. Finally, the standard provides, for petroleum refinery operations, a gross-margin standard similar to the one available for food manufacturing and processing. This standard allows for the passthrough of crude oil costs on a dollar-for-dollar basis but maintains a limitation on the growth in the gross margin.

While this standard is effective immediately, the Council will consider comments on it. Comments should be sent to the above address by March 9, 1979. In addition, notwithstanding the effective date, these standards should be applied throughout a company's program year.

(Council on Wage and Price Stability Act, Pub. L. 93-387, as amended (12 U.S.C. 1904 note); E.O. 12092.)

In consideration of the foregoing, Section 705C-7 is added to the Appendix to Part 705 of Chapter VII, Title 6 of the Code of Federal Regulations, to read as follows.

Issued in Washington, D.C., February 8, 1979.

BARRY BOSWORTH,
Director, Council on Wage and Price Stability.

A new 705C-7 is added to the Appendix to Part 705 to read as follows:

705C-7 MODIFIED PRICE STANDARD FOR PETROLEUM REFINERS

(a)(1) *Standard.* A gross margin standard is available for petroleum refiners as an alternative to the price deceleration standard of 705A-2.

(2) *Definitions.* (i) The definition of "petroleum refiners" corresponds to the definition of "refiners" contained in § 212.31 of Department of Energy regulations, 10 CFR 212.31 (in brief, a firm which refines, blends, or substantially changes crude oil and certain petroleum products, and sells its output to resellers, retailers, or ultimate consumers).

(ii) Notwithstanding the definition of "company" in 705D, petroleum refiners are permitted to disaggregate into (1) petroleum refinery operations, (2) crude oil and natural gas production, and (3) all other operations, as if they were separate companies. Thus, a firm which engages in petroleum refining operations meeting the definition of a petroleum refiner, may split its overall operations into three separate companies: Crude oil and natural gas production to the point of first sale or transfer; petroleum refinery operations (including distribution and retailing of petroleum products, but excluding manufacture and distribution of petrochemicals); and all other operations (including petrochemicals, if any).

(iii) For petroleum refinery operations, the gross margin is equal to net sales (gross sales adjusted for discounts, rebates and other allowances) less the cost of petroleum, petroleum products, natural gas, natural gas liquids, and natural gas liquid products used in refinery operations. However, if there are changes in the input mix (for example, a shift to greater utilization of crude and away from blends), the gross margin must be adjusted to remove the effects of changes in the mix of inputs. The gross margin for the petroleum refinery operations company may be computed after adjustment for changes in the product mix of sales, provided that such adjustments are consistently applied for the base and program periods.

(b) *Alternative Gross Margin Standard.* (1) When a petroleum refiner elects to report its petroleum refinery operations as a separate company, this company satisfies the gross margin standard if the rate of increase in its gross margin (defined in (a)(2)(iii) of this section) between the base quarter (the last complete calendar or fiscal quarter ending prior to October 2, 1978) and the corresponding quarter of 1979 does not exceed 8.5 percent, plus any positive percentage growth in physical volume over the same period.

(2) Physical volume increases to be used in justifying increases in gross margins may be computed by deflation of revenues using a measure of price increase as the deflator, or by computing changes in barrels sold when such barrels are revenue weighted by major product categories.

(c) *Application of the Profit Margin Limitation.* The Council recognizes that the revised definition of "company," in paragraph (a)(2)(ii) of this section, may make it difficult to allocate some indirect costs among the separate companies. Firms should follow generally accepted accounting practices and procedures, allocating all costs to the respective separate companies for which they have historically made these allocations. All other indirect costs (for example, unallocated corporate overhead expenses) may be allocated between the petroleum refinery operations and other companies in any reasonable manner, so long as it is done consistently in the base and program periods (the Council suggests a simple allocation of these other costs to the company, other than the crude and natural gas production company, having the largest sales dollar volume).

[FR Doc. 79-4779 Filed 2-12-79; 8:45 am]

[3175-01-M]

PART 705—NONINFLATIONARY PAY AND PRICE BEHAVIOR

Change in Percentage Margin Standard for Wholesale and Retail Trade

AGENCY: Council on Wage and Price Stability.

ACTION: Change in Modified Price Standard.

SUMMARY: The Council is amending the voluntary standard for noninflationary price behavior by changing the percentage margin standard for wholesale and retail trade. Under this change, if the growth in a company's average percentage gross margin between the base year and the program year is no greater than its margin trend, it will satisfy the standard. It will no longer be necessary to deduct 0.5 percentage points from the margin trend to be in compliance.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Stephen J. Hiemstra, Office of Price Monitoring, Council on Wage and Price Stability, 726 Jackson Place, NW., Washington, D.C. 20506 (202/456-2601).

SUPPLEMENTARY INFORMATION: The Modified Price Standards for Selected Industries, 6 CFR Part 705C, provide at Section 705C-2(c)(1) that a company engaged in wholesale or retail trade may satisfy the percentage margin standard if "the growth in its average percentage gross margin between the base year and the program year is no greater than its margin trend *minus 0.5 percentage points*" (emphasis supplied). The Council is deleting the emphasized words in response to comments that deceleration of the percentage margin trend would require extraordinary deceleration of wholesale and retail prices. The comments pointed out that if retail and wholesale prices, and the gross margin all decelerate by 0.5 percentage point, the margin trend will remain constant—i.e., it will not decelerate. Thus, a standard calling for a constant margin trend is consistent with the notion of price deceleration.

In order to reflect this change in the Questions and Answers issued by the Council, this notice also contains a revision in the answer to Question III.A.5, in 43 FR 60782 (December 28, 1978), regarding how the allowable percentage gross margin for a retail company is computed.

In addition, notwithstanding the effective date, the standard, as amended, should be applied throughout a company's program year.

(Council on Wage and Price Stability Act, Pub. L. 93-387, as amended (12 U.S.C. 1904 note), and E.O. 12092)

In accordance with the foregoing, Chapter VII of Title 6 of the code of Federal Regulations is amended in Section 705C-2, and the Answer to Question III.A.5 is revised, to read as follows.

Issued in Washington, February 8, 1979.

BARRY BOSWORTH,
Director, Council on Wage and Price Stability.

1. In the appendix to Part 705, section 705C-2 is amended in subparagraph (1) of paragraph (c) to read as follows:

705C-2 MARGIN STANDARDS FOR WHOLESALE AND RETAIL TRADE AND FOR FOOD MANUFACTURING AND PROCESSING.

. . . . . .

(c) • • •

(1) The growth in its average percentage gross margin between the base year and the program year is no greater than its margin trend, or

. . . . . .

2. The answer to Question III.A.5 is revised to read as follows:

A. Assume the percentage gross margin for the four quarters prior to October 2, 1978, was 44 percent, and 40 percent for the corresponding four quarters prior to October 2, 1976. The 2-year overall increase is 10 percent and the annual average rate of change is 4.88 percent. The allowable percentage margin in the program year is 46.15 percent (44 x 1.0488).

[FR Doc. 79-4780 Filed 2-12-79; 8:45 am]

[3175-01-M]

PART 705—NONINFLATIONARY PAY AND PRICE BEHAVIOR

Correction in Numbering of Questions and Answers

AGENCY: Council on Wage and Price Stability.

ACTION: Correction in Numbering of Questions and Answers.

SUMMARY: Certain Questions and Answers (Q's and A's) issued on January 25, 1979, are being renumbered to correct an inadvertent misnumbering.

EFFECTIVE DATE: January 25, 1979.

FOR FURTHER INFORMATION CONTACT:

Sandra Sherman, Office of General Counsel, Council of Wage and Price Stability, 726 Jackson Place, NW., Washington, D.C. 20506 (202/456-6286).

SUPPLEMENTARY INFORMATION: On January 25, 1979, the Council published Q's and A's relating to its Voluntary Standards for Noninflationary Pay and Price Behavior (44 FR 5362). These Q's and A's were numbered in sequence with those previously published. Inadvertently, Q's and A's given in Section I.A. (The Price Standards—Coverage) were misnumbered 24 through 34, giving them the same numbers as some already published. In order to correct the sequence, the Q's and A's in this section are being redesignated 35 through 45.

(Council on Wage and Price Stability Act, Pub. L. 93-387, as amended (12 U.S.C. 1904, note); E.O. 12092)

In consideration of the foregoing, Questions and Answers 24 through 39 in Section I.A. of the cumulative Questions and Answers published by the Council, are redesignated respectively, 35 through 45.

Issued in Washington, D.C., February 8, 1979.

BARRY BOSWORTH,
Director, Council on Wage and Price Stability.

[FR Doc. 79-4781 Filed 2-12-79; 8:45 am]

[3175-01-M]

PART 706—SPECIAL PROCEDURAL RULES

Reporting Procedures for Insurance Companies

AGENCY: Council on Wage and Price Stability.

ACTION: Final rule.

SUMMARY: The Council is adopting a special reporting provision for insurance companies so that the reports requested from such companies will be consistent with the modified price standards which apply to such companies.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Sandra Sherman, Office of General Counsel, Council on Wage and Price Stability, 726 Jackson Place, NW., Washington, D.C. 20506, (202) 456-6286.

SUPPLEMENTARY INFORMATION: Sections 705C-5 and 705C-6, issued today, contain modified price standards for providers of medical and dental, and of other types of insurance. These standards specify different methods of calculating both price deceleration and the profit margin limitation and, accordingly, the reporting provisions of Part 706 do not, in every respect, request data which would be generated by these calculations. In addition, companies providing insurance are permitted to separate their operations into medical/dental insurance, non-medical/dental insurance, and all other lines of business, without complying with the definition of "company" in 705D. In order to conform the Council's request for data to these modified standards, Subpart B of Part 706, "Reports and Notifications", is being amended by adding a new § 706.26, which contains reporting procedures appropriate for insurance companies. It should be noted that the changes in reporting apply only with respect to the Price Standard; reporting with respect to wages remains the same.

In brief, organizational data for all insurance firms (with $250 million or more in annual revenues) is requested, except that insurance companies need not show that the separation of their insurance business from their other lines of business complies with the definition of "company" in 705D. Firms that write only lines of insurance excluded from company average price calculations under 705A-3, or life insurance, are not requested to report pricing data under § 706.22. Firms not in this category are asked to provide modified pricing and profit margin data (for their nonmedical and dental insurance) if they have revenues of $500 million or more. With respect to medical and dental insurance, companies are asked to report inflation trend factors instead of data under § 706.22, and to provide modified profit margin data if § 706.23 applies. Also, where companies have premium revenues from medical and dental insurance of at least $50 million in 1978, they

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should, when the Commissioner of Domicile does not monitor compliance with the standards in accordance with the program of the National Association of Insurance Commissioners (NAIC), furnish their inflation trend factors for 1978.

The reporting date for insurance companies, with respect to price data, has been changed from February 15, 1979, to March 5, 1979, to allow companies to prepare the requested reports on the basis of the modified price standard. Wage data, while technically due earlier, can be incorporated in the March 5 report if this is more convenient.

These standards will be monitored with the help of the State insurance commissioners under a plan adopted by the NAIC's convention in December 1978. The Council will also independently monitor compliance with the standards as it deems necessary.

While these changes are effective immediately, the Council will accept comments on them through March 9, 1979. The comments should be sent to Ms. Sandra Sherman at the address given above.

(Council on Wage and Price Stability Act, Pub. L. 93-387, as amended (12 U.S.C. 1904, note); E.O. 12092.)

In consideration of the foregoing, Part 706 of Chapter VII, Title 6 of the Code of Federal Regulations, is amended by adding a new § 706.26 to Subpart B—Reports and Notifications to read as follows.

Issued in Washington, D.C., February 8, 1979.

BARRY BOSWORTH,
Director, Council on Wage and Price Stability.

Part 706 is amended by adding a new § 706.26 to Subpart B—Reports and Notifications, as follows:

§ 706.26 Compliance with the price standard by insurance companies.

(a) Notwithstanding § 706.21(c), a firm providing insurance is not requested to show that the separation of medical and dental insurance and/or non-medical and dental insurance from all other lines of business complies with the definition of "company" in 705D. A firm should provide documentation signed by the Chief Executive Officer in support of the separation which it has made. The provisions of § 706.21(c) do apply to a firms separate treatment of companies which do not provide insurance.

(b) With respect to those lines of insurance other than medical and dental insurance, a company:

(1)(i) Is not requested to file reports specified in § 706.22 if it writes only life insurance or other insurance entirely in areas excluded from company price calculations under 705A-3; but

(ii) If it is not covered by subparagraph (1)(i) of this section, should, when filing reports under § 706.22, delete data requested under § 706.22(d)(1) and substitute therefor its total revenues for calendar year 1978, and total revenues from life insurance or other lines of insurance excluded from company price calculations under 705A-3 for 1978, reported separately as provided in § 706.22(d)(1);

(2) When providing data under § 706.23, should use the definition of profit margin in 705C-6, and the best two out of the calendar years 1976, 1977, and 1978.

(c) With respect to medical and dental insurance, a company:

(1) Need not file reports under § 706.22, but should furnish its inflation trend factors for 1978, and

(2) When furnishing data under § 706.23, should use the definition of profit margin in 705C-5, and the best two out of the calendar years 1976, 1977, and 1978;

(3) With revenues from medical and dental premiums of at least $50 million in 1978 should, when the Commissioner of Domicile does not monitor compliance with the standards in accordance with the program of the National Association of Insurance Commissioners, furnish its inflation trend factores for 1978.

(d) Reports made pursuant to this section should be filed with the Council by March 5, 1979.

[FR Doc. 79-4782 Filed 2-12-79; 8:45 am]

[3175-01-M]

PART 706—SPECIAL PROCEDURAL RULES

Reporting Procedures for Petroleum Refiners

AGENCY: Council on Wage and Price Stability.

ACTION: Final rule.

SUMMARY: The Council is adopting a special reporting provision for petroleum refiners so that the reports requested from such companies will be consistent with the modified price standards which apply to such companies.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Sandra Sherman, Office of General Counsel, Council on Wage and Price Stability, 726 Jackson Place, N.W., Washington, D.C., 20506, (202) 456-6286.

SUPPLEMENTARY INFORMATION: Section 705C-7 contains a modified price standard for petroleum refiners. Under this standard, companies which refines petroleum can separate their operations into three units—(1) petroleum refining, (2) crude oil and natural gas production, and (3) all other operations—and treat these entities as separate companies notwithstanding the definition of "company" in Section 705D. In addition, a gross margin standard may be applied to petroleum refining operations as a alternative to the price deceleration standard. Subpart B of Part 706, "Reports and Notifications, " is being amended so that the reports requested from petroleum refiners will be consistent with these changes.

Under these amendments, a new paragraph (e) is being added to § 706.21, "Company Organization for Purposes of Compliance," which provides that petroleum refiners need not show, as requested in paragraph (c) of that section, that the separation of these petroleum refining operations and crude oil and natural gas production, from all other operations, complies with the 705D definition of "company." Rather, refiners are asked to provide documentation in support of the separate reporting designations which they have made. Paragraph (c) would still apply to a refiner's separate treatment of companies which are not engaged in petroleum refining or production. In addition, paragraph (c) of § 706.22 is amended to request base-quarter gross margin data from petroleum refiners electing to use that option.

It should be noted that the changes in reporting apply only with respect to the price standard; reporting with respect to pay remains the same. In order to allow companies to prepare the requested reports on the basis of the modified standard, the reporting date for petroleum refiners is changed from February 15, 1979, to March 9, 1979. Pay data can be incorporated in the March 9 report.

While these changes are effective immediately, the Council will accept comments on them through March 9, 1979. The comments should be sent to Ms. Sandra Sherman at the address given above.

(Council on Wage and Price Stability Act, Pub. L. 93-387, as amended (12 U.S.C. 1904, note; E.O. 12092.)

Chapter VII, Title 6 of the Code of Federal Regulations, in amended by adding new provisions to §§ 706.21 and 706.22 to Subpart B—Reports and Notifications to read as follows.

Issued in Washington, D.C., February 12, 1979.

BARRY BOSWORTH,
Director, Council on Wage and Price Stability.

1. § 706.21 is amended by adding a new paragraph (e) to read as follows:

§ 706.21 Company organization for purposes of compliance.

• • • • •

(e) Notwithstanding paragraph (c), a petroleum refiner, as defined in section 705C-7, is not requested to show that the separation of its petroleum refinery operations and crude oil and natural gas production, from all other operations, complies with the definition of "company" in 705D. A refiner should provide documentation, signed by its Chief Executive Officer, in support of the separation which it has made. The provisions of paragraph (c) do apply to a refiner's separate treatment of companies which are not engaged in petroleum refining or crude oil or natural gas production.

2. § 706.22 is amended in subparagraph (1) of paragraph (c) to read as follows:

§ 706.22 Price or margin data.

• • • • •

(c) • • •

(1) for companies in food manufacturing and food processing, and for petroleum refiners, the base-quarter gross margin, as defined, respectively, in sections 705C-2(b) and (d), and 705C-7(a)(2)(iii) and (b)(1).

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[FR Doc. 79-4933 Filed 2-12-79; 11:59 am]

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Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 2, Amdt. 10]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers to Florida No. 1 Golden the minimum grade requirement on domestic and export shipments of fresh Florida Honey Tangerines, during the period February 9 through October 14, 1979. Grade requirements for other varieties of tangerines remain unchanged. Currently, the minimum grade for domestic and export shipments of Honey Tangerines is Florida No. 1. The change in minimum grade is necessary because of current and prospective supply and demand for the fruit and to maintain orderly marketing conditions in the interest of producers and consumers.

EFFECTIVE DATES: February 9 through October 14, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the marketing agreement and Order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the recommendations of the committee established under the marketing agreement and order, and upon other available information, it is found that the regulation of Honey Tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

(2) This amendment reflects the Department's appraisal of the current and prospective supply and market demand conditions for Florida Honey Tangerines. It is designed to assure an ample supply of acceptable quality Honey Tangerines to consumers consistent with the quality of the crop.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act; and this amendment relieves restrictions on the handling of Honey Tangerines.

Accordingly, it is found that the provisions of § 905.302 (43 FR 43013; 52197; 53027; 54617; 57139; 58175; 58353; 59335; and 44 FR 6349) should be and are hereby amended by revising Table I, paragraph (a) applicable to domestic shipments, and Table II, paragraph (b) applicable to export shipments, to read as follows:

§ 905.302 Orange, Grapefruit, Tangerine, and Tangelo Regulation 2.

(a) • • •

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines: Honey	Feb. 9 through Oct. 14, 1979	Florida No. 1 Golden	2⅛

(b) • • •

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines: Honey	Feb. 9 through Oct. 14, 1979	Florida No. 1 Golden	2⅛

• • • • • • • •

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674.))

Dated: February 9, 1979.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-4872 Filed 2-13-79; 8:45 am]

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[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATION

[Regulation ER-1103; Amdt. 3]

PART 291—GENERAL RULES FOR ALL-CARGO CARRIERS

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is amending, on its own initiative, its regulations exempting persons involved in domestic cargo transportation from section 408(a) of the Federal Aviation Act. The amendment is to make clear that transactions by international cargo carriers are included within the exemption to the same extent as those by domestic cargo carriers.

DATES: Effective: March 15, 1979. Adopted: February 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 7, 1979.

In ER-1080, effective November 9, 1978 (43 FR 53628, November 16, 1978), the Board issued comprehensive regulations implementing Public Law 95-163, which deregulated the domestic all-cargo air transportation industry. To equalize competitive conditions in all portions of the industry as much as possible, the rule applied to all domestic cargo carriers, whether they operated all-cargo aircraft only under a section 418 certificate (providing authority for domestic operations), combination aircraft under a section 401 certificate, or all-cargo aircraft in addition to other passenger and/or international cargo operations under a section 401 certificate. To the greatest extent feasible, all domestic cargo operations were made subject to the same rules, so that there would be no greater regulatory burden on a carrier that provides domestic cargo service in combination with other operations than on a carrier that provides domestic cargo service exclusively.

The new rules were contained in a revised 14 CFR Part 291. Sections 291.31(e) and 291.32 granted exemptions from the antitrust provisions of the Federal Aviation Act (section 408(a)) dealing with consolidations, mergers, and acquisitions of control. The Board intended by this exemption to free the domestic cargo industry from mandatory Board approval of acquisitions. Instead, the industry will be subject to the general public antitrust laws, as § 291.35 makes clear.

Because many carriers do not limit themselves to cargo operations, the exemption applied by its terms only to "direct air carrier[s] providing domestic cargo transportation, • • • with respect to such transportation." Thus, transactions between any person and an all-cargo carrier operating solely under a section 418 certificate (conferring authority for domestic cargo operations only) are totally exempt, as the section 418 operator is engaged only in domestic cargo service. On the other hand, an acquisition of a carrier with both passenger and cargo authority by a carrier with like authority is not exempt, even though both carriers are involved in domestic cargo transportation, because the transaction involves passenger operations over which the Board has not relinquished authority. Since the exemption was restricted to domestic cargo activities, transactions involving international cargo activities were not exempted.

By excluding international cargo activities from the exemption, however, we have unintentionally put some section 401 carriers at a competitive disadvantage in their domestic cargo operations. Under the rule as originally adopted, section 418 operators are completely free of CAB antitrust regulations. Consequently, they may without Board approval integrate their operations with air freight forwarders, common carriers other than air carriers, or persons substantially engaged in the business of aeronautics other than as air carriers. Section 401 operators, in contrast, are free of CAB regulation only to the extent that their transactions involve domestic cargo service. Therefore, they cannot vertically integrate their cargo operations with freight forwarders, ground carriers, or others substantially engaged in aeronautics unless the acquired person happens to be engaged solely in domestic cargo transportation. Thus, section 418 operators can acquire air freight forwarders with both domestic and international authority, while section 401 operators cannot. The same difference exists for acquisitions of ground carriers and others mentioned above. This gives section 418 operators better opportunities than section 401 operators have to integrate their cargo operations vertically.

The Board did not intend to give section 418 operators this advantage. We are therefore revising the exemption language to provide that all-cargo transactions, whether they involve domestic or international operations, are exempt from section 408(a). The Board will retain control over acquisitions that might seriously affect international cargo transportation by means of the notification procedure in § 291.33. Through that procedure, the Board must be notified of transactions between certificated carriers, where at least one is involved in international cargo operations, before the transactions become effective, so that it may invoke its jurisdiction over the matter if it wishes. The exemption is thus qualified, and subject to the notification provision.

The exemption does not apply to transactions affecting passenger operations. Since carriers operating exclusively under a section 418 certificate are engaged solely in cargo operations, any transaction between a section 418 carrier and a section 401 passenger carrier will not be considered to affect passenger transportation. However, the activities of any person controlled by another person will be attributed to the controlling person, so that a section 418 carrier controlling a passenger carrier will be considered to be engaged in passenger operations. Thus, the first acquisition of a passenger carrier by a section 418 carrier would be exempt. But further acquisitions of passenger carriers would not be exempt, because the section 418 carrier would be considered engaged in passenger operations after the first acquisition.

Sections 291.31, 291.32, and 291.33 have been revised by this issuance, and the headings for § 291.31 and § 291.32 have been changed for accuracy and clarity. The exemption itself has been restated separately in § 291.31(b), instead of being included with exemptions from other sections of the Act. This treatment allows more specific and accurate language.

The purpose of § 291.32 has not been changed. It is intended to make clear that if the acquisition of A by B is exempted by § 291.31, then the acquisition of B by A is also exempted. It has also been reworded to eliminate the unnecessary and confusing distinction between transactions involving assets and transactions involving securities.

Section 291.33 has been reworded to fit the changes in § 291.31. Any transaction between certificated carriers (including section 418 carriers), one of which has international cargo authority, is subject to the notification provision.

EFFECTIVENESS

This issuance rephrases ER-1080 to state more clearly the Board's intended action with respect to antitrust exemptions for air cargo transportation. It does not present any new issues. The public had opportunity to comment, and did comment, on the scope and wording of the exemption from section 408(a), and this amendment takes those comments into account. Therefore, the Board finds that notice and public procedure on the present amendment are unnecessary. The changes will become effective March 16, 1979.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 291 as follows:

1. The Table of Contents for Subpart D of Part 291 is amended to read:

Subpart D—Exemptions for Domestic Cargo Transportation

• • • • •

Sec.
291.31 Exemptions from the Act for direct air carriers.
291.32 Exemptions from the Act for persons other than direct air carriers.

• • • • •

2. Section 291.31 is revised to read:

§ 291.31 Exemptions from the Act for direct air carriers.

(a) Each direct air carrier providing domestic cargo transportation is, with respect to such transportation, exempted from the following section or subsections of the Act:

(1) Section 403, with the following exceptions:

(i) Air transportation of property within the States of Alaska or Hawaii; and

(ii) To the extent necessary, as provided in Part 222 of this title, tariffs for pickup and delivery services not otherwise provided for in domestic cargo transportation.

NOTE.—Tariffs already on file with the Board may remain in effect for not longer than 90 days after the effective date of this rule.

(2) Subsection 404(a), except for air transportation of property within the States of Alaska or Hawaii, and (for all domestic cargo transportation) except the requirement to provide safe and adequate service, equipment, and facilities in connection with that transportation.

(3) Section 405 for all-cargo operations under section 418.

(4) Subsections 407(b) and 407(c).

(5) Sections 409 and 412(c).

(b) Each direct air carrier is exempted from section 408(a) of the Act, except that the exemption in this paragraph—

(1) Does not include section 408(a)(4),

(2) Does not apply to transactions affecting passenger air transportation, and

(3) Is subject to the notification requirement of § 291.33.

3. Section 291.32 is amended to read:

§ 291.32 Exemptions from the Act for persons other than direct air carriers.

Air freight forwarders, common carriers that are not air carriers, and persons substantially engaged in the business of aeronautics other than as air carriers, are exempted from section 408(a) of the Act, except section 408(a)(4), for all transactions that do not affect passenger air transportation.

4. Section 291.33 is amended to read:

§ 291.33 Notification requirement for certain transactions involving section 401 certificated carriers.

(a) The exemption in § 291.31(b) is subject to the following condition:

Notice of any acquisition or other control transaction between a section 401 certificated carrier authorized to transport cargo in foreign air transportation and a carrier certificated under either section 401 or 418 of the Act shall be filed with the Board not later than 45 days before the effective date of the transaction. The Board may invoke any of the powers and procedures described in section 408(b)(3) of the Act within 45 days after notice is filed.

(b) For the purposes of this section, the "presumption of control" provisions of section 408(f) of the Act are not applicable.

(Secs. 204, 408, 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 92 Stat. 1726, 1731; 49 U.S.C. 1324, 1378, 1386.)

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4807 Filed 2-13-79; 8:45 am]

[3710-92-M]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

[ER 1110-2-1802]

PART 222—ENGINEERING AND DESIGN

Reporting Earthquake Effects

AGENCY: Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This document provides guidance and establishes procedures for assuring the structural integrity and operational adequacy of major Civil Works structure following a significant earthquake. A recent review of Corps practices in dam design revealed a need for updating guidance in gathering data after an earthquake occurs. Post-earthquake evaluations will detect conditions of significant structural distress and provide a basis for timely initiation of restorative and remedial measures.

EFFECTIVE DATE: February 14, 1979.

FOR FURTHER INFORMATION CONTACT:

Ernest L. Dodson, Chief, Geotechnical Branch, Office, Chief of Engineers, Department of the Army, Washington, D.C. 20314, (202) 693-6823.

Accordingly, 33 CFR Part 222 is amended by adding a new § 222.6 as follows.

§ 222.6 Reporting earthquake effects.

(a) *Purpose.* This regulation states policy, defines objectives, assigns functions, and establishes procedures for assuring the structural integrity and operational adequacy of major Civil Works structures following the occurrence of significant earthquakes. It primarily concerns damage surveys following the occurrences of earthquakes greater than Richter Magnitude 4.0.

(b) *Applicability.* This regulation is applicable to all field operating agencies having Civil Works responsibilities.

(c) *References.* (1) ER 1110-2-100;
(2) ER 1110-2-1806;
(3) ER 1110-2-8150; and
(4) State-of-the-Art for Assessing Earthquake Hazards in the United States—WES Miscellaneous Papers S-73-1—Reports 1 thru 10. Available from U.S. Army Engineer Waterways Experiment Station, P.O. Box 631, Vicksburg, Mississippi 39180.

(d) *Policy.* Civil Works structures which could be caused to fail or partially fail by an earthquake and whose failure or partial failure would endanger the lives of the public and/or cause substantial property damage will be evaluated following earthquake occurrences to insure their continued structural stability, safety and operational adequacy. These structures include dams, navigation locks, powerhouses, and appurtenant structures, (intakes, outlet works, buildings, tunnels, paved spillways) which are operated by the Corps of Engineers and for which the Corps is fully responsible. Also included are major levees, floodwalls, and similar facilities designed and constructed by the Corps of Engineers and for whose structural safety and stability the Corps has a public obligation to be aware of although not responsible for their maintenance and operation. The evaluation of these structures will be based upon post-earthquake inspections which will be

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conducted to detect conditions of significant structural distress and to provide a basis for timely initiation of restorative and remedial measures.

(e) *Post-earthquake inspections and evaluation surveys.* (1) *Limitations of present knowledge.* The design of structures for earthquake loading is limited by the infrequent opportunity to compare actual performance with the design. Thus it cannot be assumed that a structure will not be damaged from earthquake loadings below that for which it was designed. Furthermore, earthquakes have occurred in several parts of the country where significant seismic activity had not been predicted by some seismic zoning maps. This indicates the possibility that earthquake induced loads may not have been adequately considered in the design of older structures.

(2) *Need for timely appraisals.* Prompt post-earthquake field inspections and reports will help insure that appropriate remedial measures can be taken in a timely manner for structures that may have been damaged by earthquake or other type of induced ground motion (i.e., underground nuclear blasts). In addition, the accumulated information can be used to improve the earthquake design criteria for future Corps projects.

(3) The following general limits outlining prescribed areas for post-earthquake inspection should be followed:

(i) *Richter Magnitude between 4.0 and 5.0*—No inspection required unless epicenter location is less than 30 miles from the project and/or specific reports of possible damage are received from the field.

(ii) *Richter Magnitude 5 through 7*—Inspection required within 100 miles of epicenter or greater distance where specific knowledge of damage is available.

(iii) *Richter Magnitude 7 and above*—Inspection required within 200 miles of epicenter or greater distance where specific knowledge of damage is available.

(4) *Types of reportable damage.* Many types of structural damage can be induced by ground motion from earthquakes or from large nuclear blasts (which also tend to induce ground vibrations in the more damaging lower frequency ranges). Any post-earthquake change in appearance or functional capability of a major Civil Works structure should be evaluated and reported. Examples are symptoms of induced stresses in buildings made evident by cracked plaster, windows or tile, or in binding of doors or windows; cracked or shifted bridge pier footings or other concrete structures; turbidity or changed static level of water wells; cracks in concrete dams or earth embankments; and misalignment of hydraulic control structures or gates. Induced dynamic loading on earth dams may result in loss of freeboard by settlement, or cause localized quick conditions within the embankment sections or earth foundations. Also, new seepage paths may be opened up within the foundation or through the embankment section. Ground motion induced landslides may occur in susceptible areas of the reservoir rim, causing embankment overtopping by waves and serious damage. All such unusual conditions should be evaluated and reported.

(f) *Inspection and evaluation programs.* (1) A program for inspection of structures should be established immediately following a significant earthquake as defined in paragraph (f)(3). It is expected that the initial boundaries of the area to be inspected will be established only within rather broad limits. HQDA (DAEN-CWE) WASH DC 20314 will be notified of the inspection program as soon as it is established.

(2) As a general rule, the structures which would be of concern following an earthquake are also the structures which are involved in the inspection program under ER 1110-2-100. Whenever feasible, instrumentation and prototype testing programs undertaken under ER 1110-2-100 to monitor structural performance and under ER 1110-2-8150 to develop design criteria will be utilized in the post-earthquake safety evaluation programs. Additional special types of instrumentation will be incorporated in selected structures in which it may be desirable to measure forces, pressures, loads, stresses, strains, displacements, deflections, or other conditions relating to damage and structural safety and stability in case of an earthquake.

(3) A detailed, systematic technical inspection will be made of the post-earthquake condition of each selected structure, taking into account its distinctive features. For structures which have incurred earthquake damage a formal technical report will be prepared in a format similar to inspection reports required under ER 1110-2-100. The report will include summaries of the instrumentation and other observation data for each inspection, for permanent record and reference purposes. This report will be used to form a basis for major remedial work when required. Where accelerometers or other types of strong motion instruments have been installed, readings and interpretations from these instruments should also be included in the report. The report will contain recommendations for remedial work when appropriate, and will be transmitted through the Division Engineer for review and to DAEN-CWE for review and approval. For structures incurring no damage a simple statement to this effect will be all that is required in the report, unless seismic instrumentation at the project is activated. (See paragraph (g)(4)).

(g) *Responsibilities.* (1) The Engineering Divisions of the District offices will formulate the inspection program, conduct the post-earthquake inspections, process and analyze the data of instrumental and other observations, evaluate the resulting condition of the structures, and prepare the inspection reports. The Engineering Division is also responsible for planning special instrumentation felt necessary in selected structures under this program.

(2) The Construction Divisions of the District offices will be responsible for the installation of the earthquake instrumentation devices and for data collection if an earthquake occurs during the construction period.

(3) The Operations Divisions of the District offices will be responsible for earthquake data collection after the construction period in accordance with the instrumental observation programs, and will assist and participate in the post-earthquake inspections.

(4) The U.S. Geological Survey has the responsibility for servicing and collecting all data from strong motion instrumentation at Corps of Engineers dam projects following an earthquake occurrence. However, the U.S. Army Waterways Experiment Station (WES) is assigned the responsibility for analyzing and interpreting these earthquake data. Whenever a recordable earthquake record is obtained from seismic instrumentation at a Corps project, the Division will send a report of all pertinent instrumentation data to the Waterways Experiment Station, ATTN: WESGH, P.O. Box 631, Vicksburg, Mississippi 39180. The report on each project should include a complete description of the locations and types of instruments and a copy of the instrumental records from each of the strong motion machines activated.

(5) The Engineering Divisions of the Division offices will select structures for special instrumentation for earthquake effects, and will review and monitor the data collection, processing, evaluating, and inspecting activities. They will also be specifically responsible for promptly informing HQDA (DAEN-CWE) WASH DC 20314, when evaluation of the condition of the structure or analyses of the instrumentation data indicate the stability of a structure is questionable. (Exempt Report, para 7-2o, AR 335-15).

(h) *Funding.* Funding for the evaluation and inspection program will be under the Appropriation 96X3123, Operations and Maintenance, General. Funds required for the inspections, including Travel and Per Diem costs incurred by personnel of the Division office or the Office, Chief of Engineers, will be from allocations made to the various projects for the fiscal year in which the inspection occurs.

(Pub. L. 738, 74th Congress, 49 Stat. 1570 (33 U.S.C. 701b); Pub. L. 685, 75th Congress, 52 Stat. 802 (33 U.S.C. 540); Pub. L. 92-367, 86 Stat. 506 (33 U.S.C. 467 et seq.))

Dated: February 6, 1979.

THORWALD R. PETERSON.
Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 79-4747 Filed 2-13-79; 8:45 am]

[6730-01-M]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[General Order No. 16, Amdt. 28; Docket No. 78-47]

PART 502—RULES OF PRACTICE AND PROCEDURE

Intercoastal Shipping; Guidelines

AGENCY: Federal Maritime Commission.

ACTION: Final rules.

SUMMARY: Part 502 of the Federal Maritime Commission's Rules has been revised to enable the Commission to comply with the requirements of Pub. L. 95-475, an amendment to the Intercoastal Shipping Act, 1933. This new statute is intended in part to expedite the Commission's decision-making process in its regulation of the domestic offshore trades. Pub. L. 95-475 imposes a definitive procedural schedule upon Commission consideration of matters arising under the 1933 Act. The new rules effectuate the legislative intent by establishing detailed guidelines for participants in proceedings under the Act to permit prompt adjudication by the Commission.

EFFECTIVE DATE: February 14, 1979.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, NW, Washington, D.C. 20573. (202) 523-5725.

SUPPLEMENTAL INFORMATION: This proceeding was initiated by a Notice of Proposed Rulemaking published in the FEDERAL REGISTER on November 24, 1978 (43 F.R. 54960-62). The Federal Maritime Commission proposed to revise its rules of practice and procedure in order to enable it to comply with the requirements of Pub. L. 95-475, 92 Stat. 1494 (1978), which amends the Intercoastal Shipping Act, 1933 (46 U.S.C. 843 et seq.). In its Notice, the Commission indicated that in order to effectuate the legislative intent to expedite the Commission's decision-making process, strict procedural guidelines for participants in the proceedings under the Act were required. These Final Rules establish such guidelines.

Comments were received from six parties.[1] They addressed a variety of issues raised by the proposed Rules. All comments received were carefully reviewed and considered. The various objections raised and the revisions made in the Proposed Rules are discussed below.

1. *Section 502.67(a).* Crowley, Matson, and Sea-Land expressed concern as to the confidentiality of the underlying workpapers filed concurrently with a general rate increase or decrease. The Commission agrees that the confidentiality of particular financial data submitted by a carrier must be protected. Allowing a carrier's competitors to have unlimited access to this information could cause undue harm to the submitting carrier without significantly advancing any regulatory purpose. Therefore, the Commission has incorporated into the Final Rules a number of specific controls on the distribution of the material filed pursuant to the Rules. Unless authorized by an order of the Commission or a Presiding Administrative Law Judge, the contents of the underlying workpapers are not to be disclosed. However, in order to provide the public with the information necessary to evaluate general rate increases or decreases, copies of this information must be readily accessible prior to the institution of formal investigations. Therefore, carriers will be required to promptly furnish their underlying workpapers to those persons who have requested their release and submitted a certificate indicating that the data is sought in connection with protests related to and proceedings resulting from the carrier's general rate increase or decrease. This method of distribution will limit release of the data to those persons having an interest in the rate action and will enable the carrier to be informed as to those people who have had access to its workpapers.

A copy of the testimony and exhibits filed at the Federal Maritime Commission by the carrier must also be made available at every port in the relevant trade at the offices of the carrier or its agent. The Commission agrees with Matson that the inclusion of the phrase "or its agent" clarifies the nature of the requirement. However, the Commission cannot endorse Sea-Land's suggestion that the availability of the direct testimony and exhibits should be restricted to the offices of the Commission. The public's need for information must be weighed against any burden imposed upon the carrier. Making the testimony and exhibits available only at Commission offices would unduly weight the scale against those seeking access to that material.

The Commission believes there is merit in Sea-Land's suggestion that copies of testimony, exhibits, and underlying workpapers should be served only on the attorney general of each *noncontiguous* State, Commonwealth, Possession, or Territory having ports in the relevant trade served by the carrier. Service on officials of contiguous States would be unwarranted and unnecessarily burdensome to the submitting carrier. Under the Final Rules, carriers will be required to certify that all of the designated material has been served simultaneously on the appropriate attorney general. The concern here is that in the absence of such a requirement, timely service will not be made upon officials in the more outlying regions.

Another comment which the Commission has incorporated into the Final Rules is Matson's proposal that the word "workpapers" be substituted for the words "underlying data". "Underlying data" is too broad and too vague, and the use of this term might impose upon a carrier the burden of providing a quantity of material unnecessary to an analysis of a rate action.

Both Crowley and T.O.T.E. urged that the requirement that a carrier submit its entire direct case concurrently with the filing of a general rate increase or decrease, irrespective of whether the filing is subsequently protested, imposes an undue and unnecessary burden on the carrier. The Commission cannot agree with this assessment of the Rule. In order to evaluate the justness and reasonableness of the rate and to expedite Commission decision-making, it is imperative that carriers make the designated material available at the time of their initial filing. The Commission firmly believes that this requirement is necessary to meet the procedural schedule imposed by Congress.

Further, in response to an inquiry by Sea-Land, the filing of certain past and projected financial data as presently required by General Order 11 would not constitute a *prima facie* direct case under § 502.67. As is true in

[1] Comments were submitted by: Crowley Maritime Corporation (Crowley); Matson Navigation Company (Matson); The Military Sealift Command (M.S.C.); Puerto Rico Maritime Shipping Authority (P.R.M.S.A.); Sea-Land Service, Inc. (Sea-Land); and Totem Ocean Trailer Express, Inc. (T.O.T.E.).

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current rate actions, a far more comprehensive submission would be required.

M.S.C. urged that the testimony and exhibits filed by the carrier should be executed under oath. The Commission agrees that this suggestion has merit. M.S.C. also proposed that carriers be required to serve their entire direct case on major ratepayers who have requested such service prior to the filing of the rate increase or decrease. The Commission believes that such a requirement would impose a substantial and unnecessary burden upon carriers. The material is readily available to the ratepayer at the offices of the carrier or its agent at every port in the trade served by the carrier. Requiring ratepayers to inspect this material at these locations clearly will not substantially disadvantage their participation in any proceedings under the Act.

The substance of Sea-Land's proposal that a provision be included in the Rules which would set forth the Commission's authority to reject tariffs and establish an early deadline for the exercise of that authority has been incorporated in the Final Rules.

2. *Section 502.67(b).* Sea-Land recommended the inclusion of a provision mandating that protests which address only the effect of general rate increases on specific commodities should not be entertained. The Commission concurs. If individual commodity considerations were to be superimposed on general rate cases, it is doubtful that proceedings could be completed expeditiously.

3. *Section 502.67(c).* The Commission has not adopted Sea-Land's proposal that the provision mandating that replies to protests shall be filed no later than fifteen days prior to the effective date of the proposed changes. Section 502.74 (Rule 74) provides adequate guidelines for the timely filing of replies to protests, while allowing a degree of flexibility absent in the Sea-Land proposal.

4. *Section 502.67(d).* Both Matson and M.S.C. have urged the Commission to include a provision in the Final Rules concerning the filing requirements for other than general revenue changes in tariffs made pursuant to section 3 of the Intercoastal Shipping Act, 1933. M.S.C. argued that the requirement for concurrent filing by the carrier of its entire direct case should be expanded to encompass all tariff changes. Matson has contended that the direct cases of all parties, including the carrier, should be filed twenty days after a proceeding is instituted which involves less than a general rate increase. We believe there is a distinction which must be recognized in evaluating these comments. A general rate increase or decrease is far more likely to evoke a protest than are other kinds of tariff changes. The greater likelihood that a general rate action will be protested justifies the imposition of a stringent filing requirement on the carrier submitting such a change. Therefore, the Commission endorses Matson's proposal that the carrier, Hearing Counsel, and all protestants be required to simultaneously serve testimony, exhibits, and workpapers on all parties and lodge copies of testimony and exhibits with the Administrative Law Judge no later than twenty days after the effective date of other than general revenue tariff changes should the proposed change be made subject to a docketed proceeding. The modified filing requirement approved by the Commission ensures that proceedings involving other tariff changes will proceed expeditiously, but avoids imposing an additional burden on the carrier. If the Commission were to adopt M.S.C.'s recommendation, carriers would be compelled to compile substantial amounts of evidence which, based upon past experience, they may not be called upon to use in a formal proceeding.

Matson's suggestion that the phrase "general increase in rates or general decrease in rates" should be substituted for the word "matter" has also been incorporated with stylistic modification into the Final Rules. The phrase offered by Matson serves to clarify the intent of the section that Hearing Counsel's and protestants' responsibility to serve testimony, exhibits, and underlying data in response to carrier filings arises only in general rate cases.

Sea-Land also urged the adoption of a requirement that would limit the time during which the Commission would be authorized to issue orders of investigation not involving suspensions to the seven-day period prior to the effective date of the proposed changes. The suggestion has merit and will be considered as an amendment to the Commission's internal procedures. As such, its inclusion in the Commission's rules of practice and procedure would be inappropriate.

The Commission has not incorporated a proposal by M.S.C. that would have guaranteed Hearing Counsel and all protestants fourteen days to prepare their direct cases. The Commission acknowledges M.S.C.'s concern that the guidelines incorporated in the Final Rules might impose severe time constraints on Hearing Counsel and protestants, but believes that the adoption of the internal Commission procedure discussed above obviates the problem.

5. *Section 502.67(e).* The Commission has incorporated into the Final Rules the concept of Matson's suggestion that the Administrative Law Judge be allowed to dispense with a prehearing conference if, in his discretion, he determines that a conference would not expedite the proceedings at hand. The inclusion of Matson's proposal injects an additional degree of flexibility into the Rules.

Matson also recommended that the phrase "Such other matters as may aid in the disposition of the proceeding" be added to the list of subjects to be considered at the prehearing conference. Again, to allow for increased flexibility under the Final Rules, the Commission has adopted this suggestion.

6. *Section 502.67(f).* P.R.M.S.A. expressed concern that the carrier may be required to prepare a prehearing statement prior to receipt of the direct case of Hearing Counsel and protestants. While acknowledging that this possibility exists, the Commission is reluctant to interfere with the Administrative Law Judge's discretionary authority to set the date of the prehearing conference. The Commission believes that the detailed protests mandated by the Rules would provide carriers with the information necessary to prepare a prehearing statement in the event that the direct case of Hearing Counsel or protestants had not been received.

7. *Section 502.67(g).* P.R.M.S.A. also expressed concern that the Rules do not indicate whether oral argument will be held prior to a Commission decision in an action under the Rules. The Commission believes that § 502.241 adequately addresses this issue and renders additional guidelines in the Final Rules unnecessary.

P.R.M.S.A. urged that the procedural regulations mandated by Pub. L. 95-475 should not be adopted prior to the issuance of the substantive guidelines required by the amendment to section 3 of the Intercoastal Shipping Act. The Commission agrees with P.R.M.S.A. that it would be advisable to await the adoption of the substantive guidelines. Unfortunately, it is imperative that the procedural rules be issued immediately in order to coincide as closely as possible with the effective date of the Act. We anticipate that the procedural rules will evolve, based on our experience in processing general rate changes under these procedures.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 21, 27, and 43 of the Shipping Act, 1916 (46 U.S.C. 820, 826, 841(a)), and section 3 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 845), Part 502 of Title 46, Code of Federal Regulations, is amended as set forth hereinafter.

Section 502.67 is revised as follows:

§ 502.67 Proceedings under section 3(a) of the Intercoastal Shipping Act, 1933.

(a)(1)(i) The term "general rate increase" means any change in rates, fares, or charges which will (A) result in an increase in not less than 50 per centum of the total rate, fare, or charge items in the tariffs per trade of any common carrier by water in intercoastal commerce; and (B) directly result in an increase in gross revenues of such carrier for the particular trade of not less than 3 per centum.

(ii) The term "general rate decrease" means any change in rates, fares, or charges which will (A) result in a decrease in not less than 50 per centum of the total rate, fare, or charge items in the tariffs per trade of any common carrier by water in the intercoastal commerce; and (B) directly result in a decrease in gross revenue of such carrier for the particular trade of not less than 3 per centum.

(2) No general rate increase or decrease shall take effect before the close of the sixtieth day after the day it is posted and filed with the Commission. The carrier shall file, under oath, concurrently with any general rate increase or decrease testimony and exhibits of such composition, scope and format that they will serve as the carrier's entire direct case in the event the matter is set for formal investigation, together with all underlying workpapers used in the preparation of the testimony and exhibits. The carrier shall also certify that copies of testimony, exhibits and underlying workpapers have been served simultaneously on the attorney general of every non-contiguous State, Commonwealth, Possession or Territory having ports in the relevant trade that are served by the carrier. The contents of underlying workpapers served on attorneys general pursuant to this paragraph are to be considered confidential and are not to be disclosed to members of the public except to the extent specifically authorized by an order of the Commission or a Presiding Administrative Law Judge. A copy of the testimony and exhibits shall be made available at every port in the trade at the offices of the carrier or its agent during usual business hours for inspection and copying by any person. In addition, the underlying workpapers shall be made available promptly by the carrier to all persons requesting them for inspection and copying upon the submission of the following certification, under oath, to the carrier:

CERTIFICATION

I (Name and Title if Applicable) ——— of (Full Name of Company or Entity ———, having been duly sworn certify that the underlying workpapers requested from (Name of Carrier) ———, will be used solely in connection with protests related to and proceedings resulting from (Name of Carrier) ——— general rate increase or decrease scheduled to become effective (Date) ——— and that their contents will not be disclosed to any person who has not signed, under oath, a certification in the form prescribed, which has been filed with the carrier, unless public disclosure is specifically authorized by an order of the Commission or a Presiding Administrative Law Judge.

Signature ———

Date ———

Signed and Sworn before me this ——— Day of ———.

Notary Public ———

My Commission expires ———.

(3) Failure by the carrier to meet the service and filing requirements of paragraph (a)(2) of this section may result in rejection of the tariff matter. Such rejection will take place within three work days after the defect is discovered.

(b)(1) Protests against a proposed general rate increase or decrease made pursuant to section 3 of the Intercoastal Shipping Act, 1933, may be made by letter and shall be filed with the Director, Bureau of Ocean Commerce Regulation and the carrier no later than thirty (30) days prior to the proposed effective date of the proposed changes. In the event the due date for protests falls on a Saturday, Sunday or national legal holiday, protests must be filed with the Director, Bureau of Ocean Commerce Regulation and the carrier no later than the last business day preceding the weekend or holiday. Persons filing protests pursuant to this section shall be made parties to any docketed proceeding involving the matter protested, provided that the issues raised in the protest are pertinent to the issues set forth in the order of investigation. Protests shall include:

(i) Identification of the tariff in question;

(ii) Grounds for opposition to the change;

(iii) Identification of any specific areas of the carrier's testimony, exhibits, or underlying data that are in dispute and a statement of position on each area in dispute;

(iv) Specific reasons why a hearing is necessary to resolve the issues in dispute;

(v) Any requests for additional carrier data;

(vi) Identification of any witnesses that protestant would produce at a hearing, a summary of their testimony and identification of documents that protestant would offer in evidence; and

(vii) A subscription and verification.

(2) Protests against other proposed changes in tariffs made pursuant to section 3 of the Intercoastal Shipping Act, 1933, shall be filed no later than twenty (20) days prior to the proposed effective date of the change. The provisions of paragraph (b)(1) of this section relating to the form, place and manner of filing protests against a proposed general rate increase or decrease shall be applicable to protests against other proposed tariff changes.

(c) Replies to protests shall conform to the requirements of § 502.74 (Rule 74).

(d)(1) In the event a general rate increase or decrease is made subject to a docketed proceeding, Hearing Counsel and all protestants shall serve, under oath, testimony and exhibits constituting their direct case, together with underlying workpapers on all parties and lodge copies of testimony and exhibits with the Administrative Law Judge no later than seven (7) days after the tariff matter takes effect or, in the case of suspended matter, seven (7) days after the matter would have otherwise gone into effect.

(2) If other proposed tariff changes made pursuant to section 3 of the Intercoastal Shipping Act, 1933 are made subject to a docketed proceeding, the carrier, Hearing Counsel and all protestants will simultaneously serve testimony and exhibits constituting their direct case, together with underlying workpapers on all parties and lodge copies of testimony and exhibits with the Administrative Law Judge no later than twenty (20) days after the tariff matter takes effect, or in the case of suspended matter, twenty (20) days after the matter would have otherwise gone into effect.

(e)(1) Subsequent to the exchange of testimony, exhibits, underlying data and prehearing statements by all parties, the Administrative Law Judge shall, at his discretion, direct all parties to attend a prehearing conference to consider:

(i) Simplification of issues;

(ii) Identification of issues which can be resolved readily on the basis of documents, admissions of fact, or stipulations;

(iii) Identification of any issues which require evidentiary hearing;

(iv) Limitation of witnesses and areas of cross-examination should an evidentiary hearing be necessary;

(v) Requests for subpoenas; and

(vi) Other matters which may aid in the disposition of the hearing.

(2) After considering the procedural recommendations of the parties, the Administrative Law Judge shall limit the issues to the extent possible and establish a procedure for their resolution.

(3) The Administrative Law Judge shall, whenever feasible, rule orally upon the record on matters presented before him.

(f)(1) It shall be the duty of every party to file a prehearing statement on a date specified by the Administra-

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tive Law Judge, but in any event no later than the date of the prehearing conference.

(2) A prehearing statement shall state the name of the party or parties on whose behalf it is presented and briefly set forth:

(i) Identification of issues which can be resolved readily on the basis of documents, admissions of fact, or stipulations;

(ii) Identification of any issues which require evidentiary hearing, together with the reasons why these issues cannot be resolved readily on the basis of documents, admissions of fact, stipulations or an alternative procedure;

(iii) Requests for cross-examination of the direct written testimony of specified witnesses, the subjects of such cross-examination and the reason why alternatives to cross-examination are not feasible;

(iv) Requests for additional, specified witnesses and documents, together with the reasons why the record would be deficient in the absence of this evidence; and

(v) Procedural suggestions that would aid in the timely disposition of the proceeding.

(g) The provisions of this section are designed to enable the Administrative Law Judge to complete a hearing within sixty (60) days after the proposed effective date of the tariff changes and submit an initial decision to the Commission within one hundred twenty (120) days pursuant to section 3(b) of the Intercoastal Shipping Act, 1933. The Administrative Law Judge may employ any other provision of the Commission's rules of practice and procedure, not inconsistent with this section, in order to meet this objective. Exceptions to the decision of the Administrative Law Judge, filed pursuant to § 502.227 (Rule 227) shall be served no later than fifteen (15) days after date of service of the initial decision. Replies thereto shall be served no later than ten (10) days after date of service of exceptions.

(h) Intervention by persons other than protestants ordinarily shall not be granted. In the event intervention of such persons is granted, the Administrative Law Judge or the Commission may attach such conditions or limitations as are deemed necessary to effectuate the purpose of this section.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-4977 Filed 2-13-79; 8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. (R-79-620)]

MOBILE HOME LOANS

Down Payments

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: With this proposed amendment, Department requirements regarding mobile home loans would be liberalized with respect to down payment provisions. The change is needed to enable borrowers purchasing a new home to offer their present home in down payment. Currently, only cash payment is permitted.

DATES: Communications must be received on or before April 14, 1979.

ADDRESS: Comments should be addressed to Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410. A copy of each comment will be available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

William B. Stansberry, Title I Loan Insurance Division, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410 (202) 755-8686.

SUPPLEMENTARY INFORMATION: The present regulation requires that down payments made in connection with the purchase of mobile homes finances pursuant to this part be made in cash. This amendment will permit borrowers who presently own a mobile home to "trade-in" their mobile home rather than sell it.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available during regular business hours at the above address.

Accordingly, it is proposed to amend § 201.535(a) to read as follows:

§ 201.535 Borrower's minimum investment.

(a) • • • A used mobile home owned by the borrower may be accepted as a "trade-in" lieu of the total cash down payment required: *Provided,* That the borrower's equity in the home exclusive of liens on the home is equal to or greater than the minimum down payment required under this section. No part of the required down payment may be borrowed. The mobile home being "traded-in" shall be clearly identified and the method used to determine the value of the home shall be clearly documented.

• • • • • •

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, (12 U.S.C. 1703.)

Issued at Washington, D.C., February 7, 1979.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 79-4818 Filed 2-13-79; 8:45 am]

[4210-01-M]

[24 CFR Part 201]

[Docket No. R-79-621]

MOBILE HOME IMPROVEMENT LOANS

Proposed Rule

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This proposed regulation provides for the insurance of financial institutions which make or purchase loans for the improvement of mobile homes. The purpose of the change is to encourage loans insured under the National Housing Act for insulation and other conservation improvements.

DATE: Interested persons are invited to submit written comments, data, suggestions or objections by April 16, 1979.

ADDRESS: All materials which persons wish to submit should be sent to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. A copy of each comment will be available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

William B. Stansberry, Acting Director, Title I Insured Loan Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755-8686.

SUPPLEMENTARY INFORMATION: This amendment will enable mobile home owners, many of whom cannot pay cash, to borrow and improve their mobile homes, by means of alteration and repair. It is expected that many of these loans will be made for insulation and other energy conservation improvements.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. a copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, the proposed amendments are as follows:

1. In § 201.12 paragraph (b) is proposed to be amended as follows:

§ 201.12 Insurance reserve.

• • • • • •

(b) There shall be maintained for each insured a general insurance reserve which shall equal 10 percent of the aggregate amount advanced on all eligible loans originated by such insured pursuant to the provisions of the regulations in Subparts A, B, C, D, E, and F of this part on or after March 1, 1950, and prior to the expiration of the Commissioner's authority to insure under the provisions of this Act, less the amount of all claims approved for payment in connection with such loans and less the amount of any adjustment made pursuant to paragraph (c) of this section.

• • • • • •

2. In Part 201 a new Subpart F is proposed to be added as follows:

Subpart F—Improvements to Mobile Homes

Sec.
201.1700 Purpose.
201.1701 Applicability of Subpart A.
201.1702 Definitions.

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Sec.
201.1703 Maximum loan amount and terms.
201.1704 Use of loan proceeds.

AUTHORITY: Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, (12 U.S.C. 1703) as amended.

Subpart F—Improvements to Mobile Homes

§ 201.1700 Purpose.

This subpart permits approved Title I lenders to make or purchase loans to finance improvements to mobile homes.

§ 201.1701. Applicability of Subpart A.

All of the provisions of Subpart A of this part concerning insurance of institutions making or purchasing property improvement loans shall be applicable to the insurance of institutions making or purchasing mobile home improvement loans pursuant to this subpart except the following provisions:

Sec.
201.1(i), (j), (k), (l), (m), (n), (o), (p), Definitions.
201.2(d)(2) Eligible notes.
201.3(a), (b) and (c) Maximum amounts of loans.
201.5(h) Credits and collections.
201.6(b), (d) and (e) Eligible loans.

§ 201.1702 Definitions.

As used in the regulations in this subpart the term—

(a) "Borrower" means an individual who is a mobile home owner and who applies for and receives a loan for the improvement of a mobile home that is his principal residence which the borrower has occupied at least 90 days before applying for the Title I improvement loan.

(b) "Principal residence" means that place where the borrower expects to live at least nine (9) months of the year.

(c) "Mobile home owner" means a borrower who has title to at least one-half (½) interest in the mobile home.

(d) "Mobile home" means a structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

§ 201.1703 Maximum loan amount and terms.

The maximum loan amount shall not exceed $5,000. The maximum maturity of a loan shall not exceed twelve (12) years and thirty-two (32) days.

§ 201.1704 Use of loan proceeds.

The proceeds of a loan shall be used by a mobile home owner to finance alterations, repairs and improvements of a mobile home owned by the borrower which mobile home is the principal residence of the borrower. The proceeds shall be used solely for the purposes indicated. Alterations, repairs and improvements shall substantially protect or improve the basic livability or utility of the mobile home and must be commenced in reliance upon the credit facilities afforded by Title I of the Act. Moveables, furniture, freestanding appliances, and other items not part of the structure of the mobile home, shall not be eligible for financing.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, (12 U.S.C. 1703) as amended.)

Issued at Washington, D.C., February 7, 1979.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-4808 Filed 2-13-79; 8:45 am]

[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 258]

INDIAN FISHING—HOOPA VALLEY INDIAN RESERVATION

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule on which comment is solicited.

SUMMARY: The Department of the Interior is proposing new regulations to govern Indian fishing on the Hoopa Valley Indian Reservation for the 1979 salmon, steelhead and sturgeon fisheries. Normally tribal governments would be responsible for regulation of Indian fishing on a reservation. Tribal regulations on the Hoopa Valley Indian Reservation has not been possible because the Reservation is shared by two tribes, one of which does not currently have a functioning government. However, numerous meetings have been held by and with Indians of the Reservation in an effort to develop regulations which overcome the problems experienced with the Department's interim rules governing Indian fishing, which became effective on July 15, 1978. During these meeting Hoopa and Yurok Indians initiated a process to draft their own proposed version of fishing regulations, and further developments in this process will be carefully taken into account before this proposed rule is made final. In the absence of a Yurok tribal government and a mechanism for achieving effective, Reservation-wide self-regulation, the Secretary of the Interior will continue to exercise the Department's responsibilities as trustee to preserve and protect Indian resources, by regulating the Indian fishery to allow for the exercise of Indian fishing rights consistent with conservation of the resource.

DATES: This is a proposed rule on which comment is solicited. Comments on this proposed rule must be received on or before March 16, 1979. Comments received will be carefully reviewed, and changes will be made where appropriate, prior to publication of the final rule.

ADDRESS: Send written comments to: Assistant Secretary—Indian Affairs, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Joe Weller, Superintendent, Bureau of Indian Affairs, Hoopa Agency P.O. Box 367, Hoopa, California 95546. (916/625-4285).

SUPPLEMENTARY INFORMATION: The Department of the Interior is responsible for the supervision and management of Indian Affairs under 43 U.S.C. § 1457, 25 U.S.C. § 2 and § 9, 25 U.S.C. § 262 and the Reorganization Plan No. 3 of 1950 (64 Stat. 1262), including the protection and implementation of federally reserved Indian fishing rights.

These proposed regulations reflect the Department's continuing concern for the protection of the federally reserved fishing rights of Indians of the Hoopa Valley Indian Reservation and for the conservation of the fishery resources for which the fishing rights of these Tribes were reserved. It is necessary to publish these proposed regulations now in order to provide time for public comment and proper review and consideration of comments received. Final rules will be published in time to govern spring fishing on the Reservation. Further progress by Indians of the Reservation in the development of their proposed fishing regulations will be carefully considered in the review process. If the measures proposed by the Indians during the comment period have consensus among Hoopas and Yuroks and if they are biologically sound, enforceable, and legally sufficient to protect the rights of all Indians of the Reservation, they will be given great weight in the Department's review and consideration of comments for changes prior to publication of the final rules.

The pertinent historical data for informational purposes relative to the Hoopa Valley Indian Reservation Indian fishery, was published in the Federal Register, July 13, 1978, Vol. 43 No. 135, Pages 30047 through 30049. It is incorporated herein by reference, and supplemented herewith.

On November 20, 1978, the Assistant Secretary—Indian Affairs, recognized that the Hoopa Tribe was an organized tribe, whereas the Yurok Tribe was not. The letter went on to state that criteria would be developed in order that the Yurok Tribe could organize, and until such time as a Reservation-wide management and coordination body could be established, it would be "necessary for the Department fo the Interior through my office to assume complete management of the Reservation assets on behalf of both Tribes." There can be no doubt that the fishery resource is a "Reservation asset."

The Hoopa Agency Superintendent has been conducting a series of meetings with the Indians along the Klamath and Trinity Rivers in an effort to develop consensus among the Indians as to specific measures to be included in the fishing regulations for the Reservation. During these meetings Hoopa and Yurok Indians initiated a process to draft their own proposed version of fishing regulations. Although the Hoopa Tribal Council has not participated in this process, Indian participants have indicated an intention to reach a consensus with the Hoopa Tribe. Any such consensus, and progress in that direction, is highly encouraged by the Department. All progress in this respect will be carefully considered in the review of comments and consideration of changes of this proposed rule. With this in mind and in the absence of a mechanism for the Hoopa and Yurok Tribes to establish a uniform system for Reservation-wide self-regulation, the Department will provide the regulatory vehicle and will exercise its trust responsibility in the preservation and protection of the fishery resources of the Reservation.

Based on the biological data available it is expected that the 1979 Chinook salmon runs will be smaller than usual because of the drought conditions which existed during the 1976 production year. As a result of the smaller than usual runs, it is believed that the fisheries will not be large enough to sustain commercial fishing in addition to providing for consumptive fishing and spawning escapement. Based on written correspondence and the meetings which have been held, there is every reason to believe that the majority of the Indians of the Reservation place priority on consumptive over commercial fishing and would favor a moratorium on commercial fishing if such is required to meet the consumptive fishing and escapement needs. Therefore, it is proposed that commercial fishing not be permitted under these regulations. It is recognized, however, that the rights to fish commercially do exist and may be exercised at such future time when the runs can withstand the increased harvest, and that such rights will not be modified or extinguished by these regulations.

No age limit has been proposed for eligible fishers to fish on the Reservation. Traditionally and historically Indian children have assisted their parents and grandparents in the fishery on the Reservation. Consideration was given to establishment of an age limitation for permissible fishing under these regulations, with the rationale based upon safety considerations. However, since children have traditionally and historically assisted their parents and grandparents in the fishery, it is the opinion of the Department that the safety considerations are in the nature of parental guidance and should not be a subject of regulation by the Department. Identification cards will be issued by the Hoopa Agency, Bureau of Indian Affairs, to eligible Indians who do not now have cards. Arrangements for obtaining such cards may be made by contacting Joe Weller, Superintendent, Bureau of Indian Affairs, Hoopa Agency, P.O. Box 367, Hoopa, California, 95546, (916/625-4285).

The purpose of the provision requiring tail-clipping for transportation of fish outside the Reservation is to help curb the illegal sale of fish. If eligible fishers desire to transport fish off the Reservation to consume them, they may legally do so simply by removing the top half of the tail fin. There is reason to believe that some of the "subsistence" fish taken by eligible fishers are unlawfully sold. If fish brokers, wholesalers, dealers, etc., are advised that fin-clipped fish cannot be sold, the probability of their buying them is likely to be much reduced. At the same time, if fishers intend to sell fish taken under these regulations (claiming they came from Oregon, the ocean, or any other place), the fin-clipping provision would be a valuable enforcement tool.

There is a significant change in the method of gill net fishing for the spring run over the methods employed in previous seasons. It is proposed that only set-nets will be allowed. Experience has shown that the principle method of fishing on the Reservation is by the use of set-nets. The best biological data available indicate that the method of fishing that would permit a more equitable distribution of the harvestable fish is that of the use of set-nets rather than drift-nets. If drift-netting were permitted, the allowable harvest of fish would be divided disproportionately amont the fishers. About 15 drift-net fishers would end up with perhaps 50% of the fish. The remaining 50% of the allowable harvest would be distributed among the nearly 300 Indians who fish with set-nets. If all fishers utilized the drift-net method, the season (days permitted to fish) would be severely curtailed, possibly allowing only five or six days for fishing. There also have been reports of drift-nets infringing upon locations traditionally used for set-nets. This has increased conflict. It is the Department's desire to minimize conflict and to provide for an equitable distribution of harvestable fish to the Indians of the Reservation. The necessary conclusion is that the method of fishing must be limited to set-nets only.

The provision allowing for fishing seven (7) days per week is not considered to be detrimental to the fishery resource because of the low efficiency of the set-net fishery during the spring chinook salmon fishery. This occurs because of the length, mesh size, etc., restrictions set forth in the regulations. Although there may be 200 to 250 nets in the river at any given time, the high water conditions which usually prevail in the spring significantly lower the net's efficiency in catching fish, compared to fishing seasons at other times of the year.

The proposed rules provide for the use of in-season adjustments when data indicate a change is needed to meet management goals. Although the notice period for such adjustments is necessarily very short (24 hours) the basic regulations would have to be substantially more stringent if such adjustments were not possible. "Worst case" estimates on run size and harvest would have to be used in order to assure achievement of the escapement goal for conservation. The proposed rules provide for notice of the adjustment to be posted at numerous specific locations on the Reservation and published as a legal notice in local newspapers. These changes are all in response to specific recommendations from Indian fishers.

Consultation procedures have also been set forth in greater detail. The proposed rules provide generally for meetings every other week, rotating among Hoopa, Pecwan and Klamath, during which the status of the fishery, ocean harvests, the sport fishery, Indian harvests, and such specifics as the need for in-season adjustments will be discussed. It is anticipated that the use of such regular meetings will enable Indians to participate in the Department's decision-making process more effectively and at a much earlier stage than occurred last year.

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Under these proposed rules provision is made for the use of criminal penalties and arrest to enforce the regulations to assure protection of the fishery resource and other Indian users' access to the resource. It is anticipated that law enforcement personnel will continue to issue citations rather than make arrests of most violators who are uncooperative. The provision of criminal penalties also eliminates the need to rely on Del Norte and Humboldt County officials to prosecute persons who assault law enforcement officers.

It should be emphasized that this regulation is interim only. It is expected that present organization-related activities of the Indians of the Reservation will enable the Tribes to assume regulation of the fishery under a Reservation-wide management plan in the very near future.

Upon review of that assessment it has been concluded that the proposed regulation of this on-reservation Indian fishery is not a major federal action which would significantly affect the environment within Section 102(2)(c) of the Act. Accordingly, the preparation of an environmental impact statement is not required. The assessment is available for review at the Sacramento Area Office of the Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California, 95825. (916/484-4682). The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary author of this document is William Finale, Director, Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. (916/484-4682).

Dated: February 9, 1979.

JAMES A. JOSEPH,
Acting Secretary.

Chapter 1 of Title 25 CFR is proposed to be amended by revising Part 258 to read as follows:

PART 258—INDIAN FISHING—HOOPA VALLEY INDIAN RESERVATION

Sec.

258.1 Purpose.
258.2 Term of regulation.
258.3 Application.
258.4 Definitions.
258.5 Eligible fisher—eligible Indian.
258.6 Fishers identification cards required.
258.7 Registration and identification of gear.
258.8 Fishing locations, gear restrictions and catch marking.
258.9 Permissible fishing, open fishing days and times and mesh size.
258.10 Consultation.
258.11 In-season and emergency regulations.
258.12 Fish catch reporting.
258.13 Identification of persons fishing.
258.14 Enforcement.
258.15 Penalties.
258.16 Forceable assault and impeding a law enforcement officer.
258.17 Hoopa Valley Indian Reservation Court of Indian Offenses.

AUTHORITY: 43 U.S.C. § 1457, 25 U.S.C. § 2 and § 9, 25 U.S.C. § 262, and the Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

§ 258.1 Purpose.

(a) The regulations contained in this Part govern fishing by eligible Indians on the Hoopa Valley Indian Reservation. The purpose of these regulations is to protect the fishery resources and to establish procedures for the exercise of the fishing rights of Indians of the Reservation until a Reservation-wide management mechanism is established with the capability to manage and regulate the Indian fisheries on the Reservation. These regulations are intended to promote reasonably equal access to the fishery resources of the Reservation by all Indians of the Reservation, and to assure adequate spawning escapement.

(b) The limited extent to which regulation is undertaken by this Part is not intended nor should it be construed as a conclusion that the Secretary does not have the authority to take additonal measures to protect fishery resources on the Reservation if it is later determined that such measures are necessary.

§ 258.2 Term of Regulation.

These are proposed only, and not regulations effective as rules governing fishing. The regulations published by the Department of the Interior on Thursday, July 13, 1978 and amendments made thereto, will be superseded by these regulations, as revised following comments, when they are published as final rules.

§ 258.3 Application.

(a) The provisions of these regulations and all in-season adjustment orders issued under them apply to the waters of the Klamath and Trinity Rivers and their tributaries within the exterior boundaries of the Hoopa Valley Indian Reservation.

(b) Non-Indians are not regulated under this Part at this time and must therefore comply with all other applicable laws when fishing on the Hoopa Valley Indian Reservation.

§ 258.4 Definitions.

(a) *Channel means:* the wetted area from bank to bank.

(b) *Commercial fishing means:* the taking of fish with the intent to sell or trade them or profit economically from them.

(c) *Consumptive or subsistence fishing means:* the taking of fish to be eaten by Indians of the Reservation and their immediate families.

(d) *Depth of net means:* the total distance between cork and lead lines measured in meshes perpendicular to either cork or lead line.

(e) *Drift net (pole net) means:* a gill net which is not staked, anchored or weighted, but drifts free.

(f) *Eligible Fisher—Eligible Indian means:* any Indian who is determined to be an Indian of the Reservation under § 258.5 of this Part.

(g) *Enforcement officer means:*
(1) Any enforcement officer of the Department of the Interior;
(2) Any U.S. Marshal;
(3) Any tribal enforcement officer;
(4) Any person deputized to enforce these regulations.

(h) *Fish, fishing means:* the fishing for, catching, or taking or the attempted fishing for, catching, or taking of any salmon, steelhead or sturgeon within the exterior boundaries of the Reservation.

(i) *Fishers identification card means:* the identification card issued by the Bureau of Indian Affairs identifying the holder as a person eligible to fish as an Indian of the Reservation. The identification card shall include the name, basis for eligibility to fish, address, birthdate, color of hair, color of eyes, height, weight, identification number of the holder, the holder's photograph, and the disclaimer provided in Section 258.5.

(j) *Fishing gear means:* any boat, motor, gillnet, seine, hook-and-line, and other apparatus used for taking fish.

(k) *Identification number means:* the identification number issued by the Bureau of Indian Affairs identifying the eligible fisher by number. This number is to be obtained by the eligible fisher and placed on his or her fishing gear where required by these regulations.

(l) *Gillnet means:* a net of single web construction bound at the top by a float line and at the bottom by a weight line.

(m) *Hand dip net means:* a section of netting distended by a rigid frame operated by a process commonly recognized as dipping. Such nets may be of any size.

(n) *Non-member means:* any person who is not an Indian of the Reservation as determined under Section 258.5.

(o) *Reservation means:* the Hoopa Valley Indian Reservation as extended, including those parts known as the "Extension" and the "Hoopa Square".

(p) *Secretary means:* Secretary of the Interior or his designated representative.

(q) *Set-net means:* a gill net which is staked or anchored or weighted at each end so that it does not drift free.

(r) *State enforcement officer means:* any official of the State of California who is authorized to enforce state fish and game laws.

(s) *Stretched measure means:* the distance between the inside of one knot and the outside of the opposite (vertical) knot on one mesh of a gill net. Measurement shall be taken when the mesh is stretched vertically while wet, by using a tension of ten (10) pounds on any three (3) consecutive meshes, then measuring the middle mesh of the three while under tension.

(t) *Subsistence or consumptive fishing means:* the taking of fish to be eaten by Indians of the Reservation and their immediate families.

(u) *Test fishery means:* a fishery allowed on a limited basis under the supervision of a biologist for the purpose of acquiring technical or management information including run strength, timing, composition, gear selectivity, exploitation rate, and enhancement possibilities. A duly elected or appointed eligible Indian observer may accompany the biologist.

§ 258.5 Eligible Fisher—Eligible Indian.

(a) Enrolled members of the Hoopa Valley Tribe or plaintiffs in the case entitled *Jessie Short et al.* v. *United States*, Ct. Cls. No. 102-63 may exercise fishing rights under the authority of this Part. Also, persons who are allottees or direct descendants of allottees on the Hoopa Valley Indian Reservation, who currently and for eight (8) of the past ten (10) years have resided on the Reservation or within a 60 miles radius thereof are eligible to exercise Indian fishing rights within the Reservation boundaries. Such persons are eligible fishers for the purposes of these regulations only.

(b) *Disclaimer:* Determination of eligibility to fish under paragraph (a) of this section shall not be considered evidence of entitlement or lack of entitlement or in any way affect eligibility for enrollment or other tribal benefits or rights on the Hoopa Valley Indian Reservation.

(c) An eligible Indian as determined under paragraph (a) of this section who allows an ineligible person to assist in an Indian fishery on the Hoopa Valley Indian Reservation shall be subject to the penalties set out in Section 258.15(a).

§ 258.6 Fishers Identification Cards Required.

(a) Persons qualifying as an "Eligible Fisher" or "Eligible Indian" under § 258.5 shall obtain an Indian fishers identification card before exercising any Indian fishing rights on the Hoopa Valley Indian Reservation for the period covered by this regulation.

(b) *Penalties:* Eligible Indian fishers who do not have their identification card in their possession while fishing or transporting fish may be presumed to be ineligible to exercise fishing rights as an Indian of the Reservation and, therefore, subject to all other applicable laws. In the event such an Indian subsequently shows proof of eligibility, he or she shall be subject to the penalties prescribed in § 258.15 for failure to have an identification card in his or possession.

(c) *Fishers Identification Card:* A fishers identification card shall be issued by the Bureau of Indian Affairs Hoopa Agency to applicants who fulfill eligibility requirements stated in § 258.5(a). The card shall show the name, basis for eligibility to fish, address, birthdate, color of hear, color of eyes, height, weight, identification number, and holder's photograph, and it shall not the disclaimer stated in § 258.5(b). Such cards may be obtained by contacting the Agency Superintendent, P. O. Box 367, Hoopa California, 95546 (916/625-4285).

The card shall be signed by the card holder. The card shall be countersigned by the authorized official of the Bureau of Indian Affairs certifying that the card holder is recognized as eligible to exercise Indian fishing rights on the Hoopa Valley Indian Reservation. A list of eligible fishers to whom identification cards have been issued will be furnished to the U.S. Fish and Wildlife Service and to fisheries management and enforcement agencies.

§ 258.7 Registration and identification of gear.

(a) At the time an eligible fisher applies for a fishers identification card he or she shall be issued an identification number and shall be required to place the identification number on all of his or her nets used for fishing in the exercise of Indian fishing rights on the Hoopa Valley Indian Reservation. Each net shall be marked on the first front, middle, and last end cord of each net used by each eligible fisher. Each net must have floats or corks attached which shall be floating and visible at all times.

(b) All fishing nets shall be conspicuously marked so that the fisher's identification number may be read without removing the gear from the water. In the absence of proof to the contrary, unmarked fishing nets shall be presumed not to be used in the exercise of the fishing rights of Indians of the Reservation and will be subject to seizure by a law enforcement officer.

§ 258.8 Fishing Locations, Gear Restrictions and Catch Marking.

(a) *Klamath River and Trinity River within exterior boundaries of the Hoopa Valley Indian Reservations.*

(1) Drift-net fishing shall not be permitted.

(2) No eligible fishers may use more than one set-net.

(3) Set-nets may not be tied together or otherwise used in combinations of two (2) or more nets.

(4) No set-net shall exceed one hundred (100) feet in length and both ends shall be anchored or staked at all times it is in use.

(5) No set-net may be placed in the Klamath River or Trinity River in such a way that it covers more than one-third (⅓) of the distance across the wetted area of any channel.

(6) No set-nets may be placed within twenty (20) feet of the mouth or across the mouth of any tributary stream of either the Klamath or Trinity Rivers. No set-nets may be placed in any tributary stream of either the Klamath River or the Trinity River.

(7) No set-nets may be placed within five hundred (500) feet in any direction of the confluence of the Klamath and Trinity Rivers.

(b) *Set-net Locations:* Set-net locations shall be determined by the individual Indian fishers in accordance with tradition and custom and in a manner consistent with the provisions of paragraph (a) of this Section 258.8. Disputes over set-net locations are to be resolved between the parties. If no satisfactory resolution is reached then all disputes are to be referred by the parties to elders or knowledgeable adults of the community for the particular area in which the unresolved dispute takes place.

(c) *Prohibited Gear:* The use of wire, fencing materials, traps, snag gear, explosives, stunning agents or caustic or lethal chemicals in any form is expressly prohibited in all fisheries.

(d) *Hook-and-Line Fishing:* Eligible Indians may engage in single hook-and-line fishing at all times on the Hoopa Valley Indian Reservation except when fishing is prohibited for all persons by emergency regulations promulgated hereafter for conservation purposes. Fishers identification cards shall be carried by all eligible Indians when engaged in hook-and-line fishing.

(e) *Dip-Net Fishing:* Eligible Indians may engage in dip-net fishing at all times on the Hoopa Valley Indian Reservation except when fishing is prohibited by emergency regulations promulgated hereafter for conservation purposes.

(f) *Authorized Gear:* Set-nets, dip-nets, and hook-and-lines are authorized for use on the Hoopa Valley Indian Reservation pursuant to the

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limitations established in these regulations or the in-season or emergency regulations promulgated hereunder.

(g) *Special Fishing for Rest Home on Hoopa Square:* Two nets which are used in conformity with these regulations may be used for fishing for the Rest Home on the Hoopa Square. Such nets shall be clearly marked with a number assigned by the BIA Agency Office at Hoopa upon registration of the nets. An eligible Indian of the Reservation shall tend these nets.

(h) *Catch Marking:* All fish transported outside of the exterior boundaries of the Hoopa Valley Indian Reservation shall be clearly marked by clipping or cutting off the top half of the tail fin. The bottom half of the tail fin may not be removed until the fish have arrived at the location where they are to be consumed or preserved for consumption.

§ 258.9 Permissible Fishing, Open fishing days and times and mesh size.

(a) The Hoopa Valley Indian Reservation is open to the taking of salmon, steelhead and sturgeon by eligible Indians for subsistence and ceremonial purposes unless specifically closed by these regulations or by properly adopted in-season and emergency regulations promulgated hereafter. Fishing shall be permitted seven days per week and 20 hours per day except that all nets must be out of the water between the hours of 8:00 a.m. and noon each day.

(b) Fishing is permitted under these regulations for subsistence and ceremonial purposes only.

(c) Commercial fishing is prohibited by these regulations.

(d) Fish caught on the Hoopa Valley Indian Reservation may not be sold.

§ 258.10 Consultation.

The BIA Agency Superintendent shall generally hold meetings every other week during the fishing seasons, rotating among Klamath, Hoopa and Pecwan, to consult with Indians of the Reservation on the status of the fishery, ocean harvests, the sport fishery, Indian harvests, and such specifics as proposed in-season adjustments to the regulations, as appropriate. At the end of each presentation, comments will be received from those in attendance. A written summary of those comments shall be prepared by the Area Director or his designated representative.

§ 258.11 In-Season and Emergency Regulations.

(a) The Director of the U.S. Fish and Wildlife Service or his specifically authorized delegate is authorized to make in-season and emergency changes to the regulations when necessary to ensure proper management of the fisheries of the Klamath and Trinity Rivers. This authority includes the following powers:

(1) To close all or part of an Indian fishery when, in the Director's judgment, a closure is necessary to meet conservation needs.

(2) To re-open all or part of an Indian fishery when, in the Director's judgment, that action will not jeopardize spawning escapement.

(b) In-season or emergency regulations shall be effective until modified or rescinded by the Director.

(c) *Notification of in-season adjustments:*

(1) The Superintendent of the Hoopa Agency shall be responsible for having each emergency or in-season adjustment to the fishing regulations published in the *Eureka Times Standard* as a legal notice at least twenty-four (24) hours before it is to become effective, and in the *Del Norte Triplicate, Klamity Kourier,* and the *Arcata Union* as promptly as possible.

(2) The BIA Area Director shall have each in-season adjustment or emergency regulation published in the FEDERAL REGISTER as promptly as possible.

(3) The Superintendent of the Hoopa Agency shall attempt to post each emergency or in-season adjustment at least twenty-four (24) hours before it is to become effective at each of the following locations:

(i) Hoopa Post Office
(ii) Hoopa Shopping Center
(iii) Hoopa Agency, Bureau of Indian Affairs
(iv) Willow Creek Post Office
(v) Willow Creek Public Library
(vi) Weitchpec Bulletin Board, Pierson's Store
(vii) Weitchpec Elementary School
(viii) Pecwan Church
(ix) Pecwan Elementary School
(x) Requa Community Center
(xi) Resighini Rancheria Office
(xii) Klamath Post Office
(xiii) Requa Inn
(xiv) U.S. Coast Guard Station, Requa
(xv) Klamath Grocery Store
(xvi) Klamath Field Office, Bureau of Indian Affairs
(xvii) Bureau of Indian Affairs, Eureka
(xviii) Bureau of Indian Affairs, Redding

(4) If the owners of the property at the following locations so desire, a courtesy copy of the notice will be placed there:

(i) Hoopa Tribal Office
(ii) Young's Bar
(iii) Dad's Camp
(iv) Chub's Camp
(v) Gensaw's Landing
(vi) Notchkeo
(vii) Terwar
(viii) Bacon's Camp
(ix) Sim's Camp
(x) Mattz's Dock

§ 258.12 Fish Catch Reporting.

(a) All fishers shall cooperate and allow access to harvested fish to biologists, enforcement officers and Indian trainees for the purpose of monitoring the harvest and to check for compliance with these regulations.

(b) Fish catch data shall be compiled and summarized by the U.S. Fish and Wildlife Service and made available to all Indians. It will not be permissible to release catch information for individual fishers of the Reservation.

(c) U.S. Fish and Wildlife Service will compile in-season catch data from information obtained from fishers spot checks, landing counts, creel census, and from other information collected by state and federal officials.

§ 258.13 Identification of Persons Fishing.

Each eligible fisher shall produce for examination the applicable Indian fishers identification card required under these regulations upon demand of an enforcement officer.

§ 258.14 Enforcement.

Eligible Indians who violate these regulations or any in-season or emergency adjustment promulgated under these regulations shall be subject to prosecution before the Court of Indian Offenses for the Hoopa Valley Indian Reservation. The pertinent provisions of 25 CFR Part 11 and the Indian Civil Rights Act of 1968 apply.

(a) *Citations:* Law enforcement officers may issue citations to any elgible Indian the officer believes has commited a violation of the regulations of this Part. Such citation shall state when and where the person cited is expected to appear in court and the offense with which the person is charged.

(b) *Seizure: Confiscation of Fishing Gear and Fish:*

(1) Any net or other fishing gear used in violation of these regulations and any fish caught or possessed in violation of these regulations may be seized by a law enforcement officer.

(2) When a net or other fishing gear is seized and the owner is not present or is unknown to the enforcement officer, the officer shall, without unreasonable delay, commence proceedings in the Court of Indian Offenses by petitioning the Court for a judgment forfeiting the fishing gear or fish.

(3) Upon the filing of such petition, the clerk of the Court shall set out details of the seizure citing time, place and location of such seizure and fix a time for a hearing and cause notices for unattended gear or fish to be posted and published. Notices shall be posted for fourteen (14) days at both courthouses of the Court of Indian Offenses and the Del Norte County Court House and be published in local news media having circulations on the Hoopa Valley Indian Reservation for a period of five (5) days. Notices will set forth the substance of the petition and the time and place of such seizure and hearing.

(4) Any fishing gear or fish ordered forfeited shall be disposed of as directed by the Secretary.

(5) Any person who satisfies the court that he or she is the owner of any fishing gear or fish seized under this section may intervene in the forfeiture proceeding on behalf of the fishing gear or fish.

(c) *Arrests:*

(1) (i) Each judge of the Court of Indian Offenses is authorized to issue warrants for the arrest of an eligible Indian.

(ii) No arrest warrant may be issued except upon a written affidavit based upon reliable information or belief alleging that there is probable cause to believe that the person to be arrested has violated the regulations of this Part.

(2) A law enforcement officer may arrest any individual without a warrant if that officer has probable cause to believe that person is committing a violation of the regulations of this Part in the officer's presence.

(3) Any eligible Indian charged with a violation of the regulations of this Part may be admitted to bail in an amount set by the Court of Indian Offenses. The Court may release a prisoner on his or her own recognizance in an appropriate case.

§ 258.15 Penalties.

(a) An eligible Indian who fishes in violation of these regulations shall be subject to the following penalties:

(1) *1st Offense*

Not more than $200, or two (2) months in jail or suffer suspension of tribal fishing rights for 30 days during the fishing season or any combination of the above.

(2) *2nd Offense*

Not more than $400, or four (4) months in jail or suffer suspension of tribal fishing rights for 60 days during the fishing season or any combination of the above.

(3) *3rd Offense*

Not more than $500, or six (6) months in jail or suffer suspension of tribal fishing rights for 90 days during the fishing season or any combination of the above.

(b) An eligible Indian under 18 years of age who fishes in violation of these regulations shall be subject to the penalties set forth in this Part.

(c) Any eligible Indian who sells or attempts to sell fish caught on the Hoopa Valley Indian Reservation in violation of the regulations of this Part shall be fined not more than $500 or sentenced to jail for period not to exceed six months or both.

(d) Any eligible Indian who fishes with gear that is not properly identified and registered as required by the regulations of this Part shall be fined not more than $250 or suffer suspension of tribal fishing rights for up to 90 days during the fishing season or both.

(e) Any eligible Indian who fails to cooperate in the reporting of fish catch data as required by the Section 258.12 of this Part shall be fined not more than $250 or suffer suspension of tribal fishing rights for up to 90 days during the fishing season or both.

(f) Any eligible Indian who refuses to obey a lawful order of the Court of Indian Offenses shall be fined not more than $100 or sentenced to jail for a period not to exceed thirty (30) days or both.

(g) Any eligible Indian who fishes without an identification card or who refuses to show an identification card shall be fined not more than $100 or sentenced to jail for a period not to exceed thirty (30) days or both.

§ 258.16 Forceable Assault and Impeding a Law Enforcement Officer.

Any eligible Indian who forcibly assaults, resists, impedes, or interferes with a law enforcement officer engaged in the enforcement of the regulations of this Part shall be prosecuted in the federal courts under 18 U.S.C. § 111 and § 1114.

§ 258.17 Hoopa Valley Indian Reservation Court of Indian Offenses.

The Hoopa Valley Indian Reservation Court of Indian Offenses established under 25 CFR Part 11 has jurisdiction to try eligible Indians accused of violating the regulations of this Part and to determine whether nets and other fishing gear are forfeited.

[FR Doc. 79-4901 Filed 2-13-79; 8:45 am]

[1505-01-M]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2618]

RULES FOR ADMINISTRATIVE REVIEW OF AGENY DECISIONS

Proposed Rulemaking

Correction

In FR Doc. 79-3989, appearing at page 7178, in the issue for Tuesday, February 6, 1979, make the following corrections:

1. On page 7178, in the third column, in "Subpart A—General Provisions", at the end of the seventeenth line the word "a" should be added.

2. On page 7179, in the first column, under "SUBPART C—RECONSIDERATION OF INITIAL DETERMINATIONS", in the second line, the word "propose" should be changed to read "proposed".

3. On page 7180, in the second column, under "SUBPART A—GENERAL PROVISIONS", in § 2618.1(a), in the third line, the word "determination" should be changed to read "determinations".

4. On page 7180, in the third column, in § 2618.2, the definition "PNGC" should be changed to read "PBGC".

5. On page 7182, in the first column, in the fourth line, "§ 2618.1(b)(5)(11)" should be changed to read "§ 2618.1(b)(5)—(11)".

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1060-7]

[40 CFR Part 65]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued by the Connecticut Department of Environmental Protection to Ross and Roberts, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Connecticut Department of Environmental Protection to Ross & Roberts, Inc. The order requires the company to bring air emissions from its coating lines in Stratford, Connecticut into compliance with certain regulations contained in the federally approved Connecticut State Implementation Plan (SIP) by March 15, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an aproved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before March 16, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region I, Room 2103, J.F.K. Federal Building, Boston, MA 02203. The State order, supporting material, and public comments received in response to this notice may

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be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Attorney Michael Gurchin at 617/223-5061 or engineer Steven Fradkoff at 617/223-5610, both at the following address: U.S. Environmental Protection Agency, J.F.K. Federal Building, Room 2103, Boston, Massachusetts 02203.

SUPPLEMENTARY INFORMATION: Ross & Roberts, Inc. operates a plastic and vinyl sheet manufacturing plant at Stratford, Connecticut. The order under consideration addresses emissions form two coating lines at the facility, which are subject to Sections 19-508-18(a)(1)(i) and 19-508-23(a)(1) of the Connecticut Regulations for the Abatement of Air Pollution. The regulation limits the emission of odors and visible air pollutants, and is part of the federally approved Connecticut State Implementation Plan. The order requires final compliance with the regulation by March 15, 1979 through installation of fans, dampers, and a heat exchanger.

Because this order has been issued to a major source of odors and visible emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regualtion covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Connecticut SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

(Authority: 42 U.S.C. 7413, 7601.)

Dated: Feburary 5, 1979.

REBECCA W. HANMER,
Acting Regional Administrator,
Region I.

[FR Doc. 79-4876 Filed 2-13-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1060-6]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued by the Connecticut Department of Environmental Protection to Ferro Corp.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Connecticut Department of Environmental Protection to the Ferro Corporation. The order requires the company to bring air emissions from its fabric coating plant in Norwalk, Connecticut into compliance with certain regulations contained in the federally approved Connecticut State Implementation Plan (SIP) by April 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before March 16, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Divisions, EPA, Region I, Room 2103, J.F.K. Federal Building, Boston, MA 02203. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Attorney Michael Gurchin at 617/223-5061 or engineer Steven Fradkoff at 617/223-5610, both at the following address: U.S. Environmental Protection Agency, J.F.K. Federal Building, Room 2103, Boston, Massachuetts 02203.

SUPPLEMENTARY INFORMATION: The Ferro Corporation operates a fabric coating plant at Norwalk, Connecticut. The order under consideration addresses emissions from coating machines and a fume incinerator at the facility, which are subject to Section 19-508-23 of the Connecticut Regulations for the Abatement of Air Pollution. The regulation limits the emissions of odors, and is part of the federally approved Connecticut State Implementation Plan. The order requires final compliance with the regulation by April 1, 1979 through upgrading the fume incinerator by among other things, repairing the heat exchanger and dumper system.

Because this order has been issued to a major source of odors and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Connecticut SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated February 5, 1979.

REBECCA W. HANMER,
Acting Regional Administrator,
Region I.

[FR Doc 79-4891 Filed 2-13-79; 8:45 am]

[4110-35-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

[42 CFR Part 463]

REVIEW RESPONSIBILITY AND AUTHORITY OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS (PSROs)

PSRO Review of Intermediate Care Facilities If Medicaid State Agency Review is Ineffective or Inefficient

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed rule.

SUMMARY: This proposal sets forth procedures and criteria for determinations of: (1) The effectiveness of the Medicaid State agency's review of the quality and necessity of health care services provided in intermediate care facilities (ICFs) and intermediate care facilities for the mentally retarded (ICFs-MR); and (2) the efficiency of the Medicaid State agency's review of the quality and necessity of health care services provided in those ICFs and ICFs-MR that are also skilled nursing facilities (SNFs). This proposal implements section 5(d)(3) of the "Medicare-Medicaid Anti-Fraud and Abuse Amendments" (Pub. L. 95-142). The intent of these proposed regulations is to establish criteria for determining whether Medicaid agency review is effective or efficient and to provide for PSROs to assume review responsibility and authority in ICFs and ICFs-MR where Medicaid review is not effective or efficient.

DATES: Consideration will be given to written comments or suggestions received by April 16, 1979.

ADDRESS: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, Post Office Box 2372, Washington, D.C. 20013.

In commenting, please refer to HSQ-46-P. Organizations and agencies are requested to send comments in duplicate. Comments will be available for public inspection, beginning approximately 2 weeks from today, in room 5231 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday from 8:30 a.m. to 5 p.m. (202-245-0950).

FOR FURTHER INFORMATION CONTACT:

Alan Reider, Division of Peer Review, Health Standards and Quality Bureau, HCFA, Parklawn Building, Room 16-A-30, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4985.

SUPPLEMENTARY INFORMATION:

REVIEW IN LONG-TERM CARE FACILITIES PRIOR TO STATUTORY AMENDMENTS

PSROs are organizations with medical expertise which are designated by the Secretary, under Title XI, Part B of the Social Security Act, to review the medical necessity, quality and appropriate level of health care services paid for by the Medicare, Medicaid and the Maternal and Child Health and Crippled Children's Services programs.

Prior to the passage of Pub. L. 95-142, PSROs were required to gradually assume review responsibility for all long-term care institutions, including SNFs, ICFs, and ICFs-MR, under section 1152(g) of the Social Security Act. Until PSROs assumed these responsibilities, other programs under Medicare and Medicaid were responsible for reviewing care provided in long-term care institutions. In particular, the Medicaid State agencies were required by section 1902(a)(26) of the Social Security Act to operate a medical review program for SNFs. An independent professional review program for ICFs was also required of Medicaid State agencies under section 1902(a)(31) of the Social Security Act.

Since the state of the art for quality review of long-term care institutions was not far advanced and PSRO funding was limited, PSROs have not assumed review functions in these institutions on a wide scale. At the same time, some States were reluctant to relinquish long-term care authority to PSROs, in view of the direct influence PSRO decisions would have on the State funding of the Medicaid services in these facilities and the untested nature of PSRO long-term care review. As a result, Congress amended the PSRO statute in 1977 to limit the role of the PSROs to review in SNFs and in those long-term care institutions where problems existed in the effectiveness or efficiency of the State reviewing mechanisms.

STATUTORY AMENDMENTS

Section 1155(a) of the Social Security Act, as amended by Pub. L. 95-142, establishes the conditions under which PSROs shall assume review responsibilities in ICFs and ICFs-MR. Section 1155(a)(7)(A)(i) of the Act provides for PSRO assumption of review responsibility in ICFs or ICFs-MR if the Secretary finds that the performance of that review function by the Medicaid State agency is ineffective. Section 1155(a)(7)(B) of the Act provides for PSRO assumption of review responsibility in those ICFs or ICFs-MR that are also SNFs if the Secretary finds that Medicaid State agency review is inefficient.

REGULATORY PROVISIONS

This proposal would add to Part 463 a new Subpart D, setting forth criteria and procedures for determinations of effectiveness and efficiency. It would also amend § 463.2(e) (3) and (4) to provide cross-references to the proposed new policies. The proposal generally reflects the respect for the Medicaid State agency's responsibility to conduct review in ICFs and ICFs-MR under an approved State plan, and provides that determinations of inefficiency or ineffectiveness will not be made without thorough documentation and appropriate consultation with the State.

Cases may arise in which HCFA discovers serious concerns about the State's review, but concludes that a determination should not be made that State review is ineffective or inefficient or that the PSRO should not assume review responsibility. In this instance, HCFA will offer the State technical advice on improving its review and may request the State to develop and implement a plan of improvement.

The major provisions and policy issues are as follows:

1. DETERMINATIONS OF EFFECTIVENESS

"Effectiveness" would be measured in terms of the Medicaid State agency's ability to carry out an acceptable utilization control program, make appropriate level of care determinations identify deficiencies and take action to have them corrected.

Under section 1903(g) of the Act, the Secretary presently monitors the Medicaid State agency's utilization control activities in ICFs and ICFs-MR on the basis of quarterly reports from the Medicaid State agency and onsite validation surveys. If a Medicaid State agency fails to provide a satisfactory quarterly showing, the Federal share of Medicaid expenditures is reduced. (See 42 CFR Part 456.) If this financial penalty is imposed on the State for two consecutive calendar quarters, HCFA could initiate procedures to determine the effectiveness of the Medicaid State agency's review in ICFs and ICFs-MR. HCFA would consider whether these reductions reflect significant deficiencies and whether the Medicaid State agency has corrected them. If HCFA determined that the Medicaid State agency was not performing effective review in any ICFs or ICFs-MR; the PSRO would assume the responsibility and authority for review in these facilities. If HCFA found ineffective review in a significant sample of facilities, HCFA may direct the PSRO to assume responsibility for all ICFs or ICFs-MR in the State.

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2. DETERMINATIONS OF EFFICIENCY

Although the procedures for determining efficiency are the same ones that are used to determine effectiveness, the criteria are different. "Efficiency" would be measured in terms of the Medicaid State agency's ability to perform its review activities in combined facilities at costs that are reasonable and in a manner that is appropriately coordinated with the PSRO's SNF review.

Consideration will be given to various factors that may affect the efficiency of Medicaid State agency review, such as:

1. Travel time to remote facilities. Geographic factors such as the size of a State, the remote location of a facility, or general problems of access to a facility may affect the ability of a State to conduct an efficient review.

2. Size of ICF or ICF-MR bed complement. Review of a facility with a small number or small percentage of ICF or ICF-MR beds in a combined facility may be inefficient. Each visit will have certain fixed administrative costs which must be spread over the cost of each review. In facilities with a small bed complement, this factor may produce a large cost of review for each bed.

3. Compatibility of State ICF review procedures with PSRO SNF review procedures. In a combined facility, both the PSRO and Medicaid State agency have review reponsibilities. Both of these review operations demand coordination with the facility's medical staff, and adequate access to the medical records. With two separate review programs, efficient conduct of these reviews requires compatibility between State ICF review procedures and PSRO SNF review procedures.

It should also be noted that, under section 1152(h) of the Social Security Act, each PSRO is required to consult with the Medicaid State agency during the early development of its formal plan for long-term care review. HCFA will issue guidance material to PSROs and State agencies urging that the efficiency of a joint review program in combined facilities should be discussed during their consultations. This guidance will also urge that if both agencies will be performing reviews in combined facilities, steps to assure good coordination should be specified in their memorandum of understanding on long-term care review.

3. PSRO ASSUMPTION OF REVIEW RESPONSIBILITIES

After a determination that Medicaid State agency review is ineffective or inefficient, the area PSRO would extend its review to the affected ICFs and ICFs-MR, or all such institutions in a State, if appropriate. Before assuming review responsibility and authority in ICFs and ICFs-MR, the PSRO would have to satisfy the requirements of Subpart A of Part 463, "Assumption of Review Responsibility by Conditional PSROs." Subpart A includes provisions for: (1) A formal plan and its review and approval; (2) modification of the PSRO's memorandum of understanding with the Medicaid State agency; (3) a phase-in timetable; and (4) public notice. The Medicaid State agency would be relieved of review responsbility and authority in the affected institutions and of the risk of financial penalties under section 1903(g) of the Act and 42 CFR Part 456, as of the first day of the calendar quarter in which the PSRO is scheduled to commence its review. The PSRO would be required to have extended its review to all affected institutions no later than one year from the time review began in the first affected institution.

42 CFR Part 463 is amended as set forth below:

1. The table of contents is amended to read as follows:

PART 463—REVIEW RESPONSIBILITY AND AUTHORITY OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS (PSROs)

Sec.
463.1 Definitions.

Subpart A—Assumption of Review Responsibility by Conditional PSROs

Sec.

. . . . . .

Subpart B—Conclusive Effect of PSRO Determinations on Claims Payment

. . . . . .

Subpart C—Correlation of Title XI Functions with Functions Required Under Title XVIII and Title XIX of the Act

. . . . . .

Subpart D—PSRO Review of Intermediate Care Facilities if Medicaid State Agency Review is Ineffective or Inefficient

463.30 Scope and purpose.
463.32 When effectiveness or efficiency will be determined by HCFA.
463.33 Determination procedures and criteria.
463.34 Notice of determination.
463.35 Reconsideration.
463.36 PSRO assumption of review responsibility and authority.
463.37 Cessation of Medicaid agency review responsibility and liability.

AUTHORITY: Secs. 1102 and 1155(a)(7) of the Social Security Act (42 U.S.C. 1302 and 1320c-4).

2. Section 463.1 is revised to read as follows:

§ 463.1 Definitions.

As used in this part, unless otherwise specified: *"Act"* means the Social Security Act (42 U.S.C. Chapter 7).

"Combined facility" means a health care institution that functions both as a skilled nursing facility and as an intermediate care facility.

"Conditional PSRO" means a Professional Standards Review Organization designated on a conditional basis in accordance with sections 1152(a) and 1154 of the Act.

"Health care institution" means an organization involved in the delivery of health care services or items for which reimbursement may be made in whole or in part under the Act.

"HCFA" stands for Health Care Financing Administration. *"Intermediate care facility (ICF)"* means a health care institution or distinct part of an institution that (a) provides health related care and services to individuals who do not require hospital or skilled nursing facility care, and (b) is certified to participate in the Medicaid program (see Part 442 of this chapter).

"Intermediate care facility for the mentally retarded (ICF-MR)" means a health care institution or distinct part of an institution (a) whose primary purpose is to provide health or rehabilitative services for mentally retarded individuals, and (b) that is certified to participate in the Medicaid program (see Part 442 of this chapter).

"Medicaid State agency" means the State agency that is established or designated to administer the State plan for medical assistance under Title XIX of the Act.

"Medicare fiscal agents" means intermediaries which are parties to agreements entered into by the Secretary pursuant to section 1816 of the Act and carriers which are parties to contracts entered into by the Secretary pursuant to section 1842 of the Act. *"MOU"* stands for memorandum of understanding.

"Phase-in timetable" means a schedule, contained in the PSRO's formal plan and updated as necessary, specifying the estimated dates when a conditional PSRO will assume review responsibilities in particular health care institutions either directly or through delegation to the health care institutions.

"Review responsibility" means (1) the responsibility of the PSRO to perform review functions prescribed under Title XI, Part B of the Act and the regulations of this part; and (2) the authority of a PSRO to make conclusive determinations regarding the medical necessity, quality, and appropriateness of health care.

"Secretary" means the Secretary of Health, Education, and Welfare or any other officer or employee of the Department of Health, Education, and Welfare to whom the Secretary has delegated a specified authority.

"Skilled nursing facility (SNF)" means a health care institution or distinct part of an institution that (a) is primarily engaged in providing skilled nursing care or rehabilitative services to injured, disabled, or sick persons and (b) is certified to participate in Medicare or Medicaid, or both (see Part 405, Subpart K and Part 442 of this chapter).

"State survey agency" means an agency performing provider surveys under section 1864(a) of the Act. *"Title V State agency"* means an agency established or designated to administer the State plan for maternal and child health and crippled children services under Title V of the Act.

3. Section 463.2 is amended to read as follows:

§ 463.2 Evaluation of capability.

. . . . . .

(e) *Extension of PSRO review activities.* • • •

(3) Except as provided in paragraph (e)(4) of this section, a PSRO shall assume review responsibility in intermediate care facilities and in public institutions for the mentally retarded only if:

(i) HCFA finds that the Medicaid State agency is not performing effective review of the quality and necessity of health care services provided in those facilities and institutions (see Subpart D of this part); or

(ii) The State requests the PSRO to assume this responsibility.

(4) A PSRO shall assume review responsibility for intermediate care facility services furnished in a combined facility if HCFA finds that performance of ICF review by the Medicaid State agency is inefficient (see Subpart D of this part).

. . . . . .

4. A new Subpart D is added to read as follows:

Subpart D—PSRO Review of Intermediate Care Facilities if Medicaid State Agency Review Is Ineffective or Inefficient

§ 463.30 Scope and purpose.

This subpart implements section 1155(a)(7) of the Act, which requires PSROs to assume responsibility for reviewing the professional activities in ICFs and ICFs-MR if the Secretary finds that:

(a) The Medicaid State agency is not performing effective review in ICFs or ICFs-MR; or

(b) Medicaid State agency review of ICF services in combined facilities is inefficient.

The subpart sets forth the procedures and criteria that HCFA will use to make such findings.

§ 463.32 When effectiveness or efficiency will be determined by HCFA.

(a) *Upon request.* Any person may request that HCFA determine the effectiveness of the Medicaid State agency's review in ICFs and ICFs-MR or the efficiency of its ICF review in combined facilities. HCFA will initiate determination procedures if the requesting party provides sufficent information to indicate that there is a significant lack of effectiveness or efficiency.

(b) *Failure to meet utilization control requirements.* HCFA may initiate determinations of the effectiveness of Medicaid State agency review, if:

(1) Federal financial participation (FFP) is reduced by a substantial amount for two successive calendar quarters because of the State's failure to submit a satisfactory and valid quarterly utilization control showing (see Part 456 of this chapter); and

(2) The deficiencies leading to the reduction in FFP have not been corrected.

§ 463.33 Determination procedures and criteria.

(a) *Fact-finding activities.* HCFA will assess the effectiveness of the Medicaid State agency's review in ICFs and ICFs-MR or the efficiency of its ICF review in combined facilities:

(1) By requiring the Medicaid State agency and the PSRO to submit pertinent information; and

(2) Through meetings with the Medicaid State agency, the PSRO, and other involved parties.

(b) *Criteria for a determination of effectiveness.* When determining the effectiveness of a Medicaid State agency's review, HCFA will consider whether:

(1) The Medicaid State agency has a utilization control program in ICFs and ICFs-MR that satisfies the requirements of Part 456 of this chapter;

(2) The Medicaid State agency's review in ICFs and ICFs-MR results in appropriate level-of-care determinations in accordance with the definitions provided in Part 442 of this chapter; and

(3) The Medicaid State agency detects any significant deficiencies that exist in the quality of care provided in ICFs or ICFs-MR and takes action to have the facility correct the deficiencies.

(c) *Criteria for a determination of efficiency.* When determining the efficiency of Medicaid State agency review in combined facilities, HCFA will consider whether:

(1) The costs of review by the Medicaid State agency are significantly greater than the incremental costs would be for the PSRO to expand its review activities in these facilities; and

(2) The medicaid State agency properly contributes to the coordination of its review activities with those of the PSRO.

§ 463.34 Notice of determination.

(a) HCFA will provide timely notice to the medicaid State agency, the pertinent PSROs, and any other interested parties of:

(1) Its determination of effectiveness or efficiency;

(2) The basis for this determination;

(3) The consequences of this determination; and

(4) The right to reconsideration under § 463.35.

(b) If HCFA finds deficiencies in the medicaid State agency review system which are not so significant as to make a determination of ineffective or inefficient review, HCFA will:

(1) Request the State to develop a plan of correction; and

(2) Offer the State technical assistance on improving its review system.

§ 463.35 Reconsideration.

The Medicaid State agency, the PSRO, or the party that requested the determination may, within 30 days from the date on the notice, request HCFA to reconsider its determination, and submit additional information. HCFA will notify all interested parties whether it has granted a reconsideration. If HCFA grants a reconsideration, all parties to the initial determination may submit additional information. HCFA will notify all interested parties of its decision to affirm or reverse its original determination of effectiveness or efficiency.

§ 463.36 PSRO assumption of review responsibility and authority.

(a) IF HCFA determines that the Medicaid State agency review is ineffective or inefficient, the PSRO shall assume review responsibility as soon as it has met the requirements of § 463.2.

(b) Except in unusual circumstances, the PSRO shall phase in review in all ICFs and ICFs-MR affected by a determination under paragraph (a) of this section within 1 year of initiating review in the first of the affected facilities.

§ 463.37 Cessation of Medicaid agency review responsibility and liability.

The Medicaid State agency will be relieved of review responsibility, and of the risk of financial penalties under section 1903(g) of the Act and Part 456 of this chapter, in those ICFs and ICFs-MR in which the PSRO is to assume review, beginning on the first

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day of the calendar quarter in which the PSRO initiates review in the first of the affected facilities.

(Secs. 1102 and 1155(a)(7) of the Social Security Act (42 U.S.C. 1302 and 1320c-4))

(Catalog of Federal Domestic Assistance Program No. 13.714 medical Assistance Program)

Dated: September 25, 1978.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: February 7, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 79-4870 Filed 2-13-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 230]

WHALING

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes; Correction

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Proposed rulemaking; correction.

SUMMARY: In FR Doc. 79-3036 appearing at page 5916 in the issue for Tuesday, January 30, 1979, make the following corrections;

1. On page 5916, in the third column, the paragraph reading "DATE: Comments may be submitted on or before March 1, 1979." should read "DATE: Comments may be submitted on or before March 16, 1979."

2. On page 5917, in the first column, in the fourth line from the top, the word "observation" should read "observations."

3. On page 5917, in the middle column, the paragraph beginning "2. 50 CFR Part 230 is proposed to be amended by revising § 270.70-270.77" should read "2. 50 CFR Part 230 is proposed to be amended by revising § 230.70-230.77."

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal Program Manager, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, Telephone: 202-634-7461.

Dated: February 9, 1979.

WINFRED H. MEIBOHM,
Executive Director,

National Marine Fisheries Service.

[FR Doc. 79-4892 Filed 2-13-79; 8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PARTIALLY CLOSED MEETING OF THE PLANT VARIETY PROTECTION BOARD

Public Availability of Report

Pursuant to the Federal Advisory Committee Act, P.L. 92-463 of October 6, 1972 (86 Stat. 770), and Office of Management and Budget Circular No. A-63, revised March 27, 1974, the Plant Variety Protection Board, which held a partially closed meeting on December 12-13, 1978, (pursuant to section 10(d) of the Federal Advisory Committee Act, section 552b(c)(3) of the Government in the Sunshine Act, 5 U.S.C. 552b, and section 56, Confidential Status of Application, of the Plant Variety Protection Act, 7 U.S.C. 2321 *et seq.*) has prepared a report on the activity of this meeting.

Copies of the report have been filed and are available for public inspection at the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, and the Plant Variety Protection Office, National Agricultural Library, Beltsville, Maryland 20705.

Dated: February 8, 1979.

WILLIAM T. MANLEY,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-4786 Filed 2-13-79; 8:45 am]

[3410-11-M]

Forest Service

ROADLESS AREA REVIEW EVALUATION, (RARE II)

Extension of Review Period

The notice of availability of the Final Environmental Impact Statement for the USDA RARE II, Roadless Area Review and Evaluation was published in the FEDERAL REGISTER on January 15, 1979 (Vol. 44, No. 10, pg. 3087).

The period for interagency review and comment by governors and members of Congress is extended to March 15, 1979.

JOHN R. MCGUIRE,
Chief.

FEBRUARY 9, 1979.

[FR Doc. 79-4850 Filed 2-13-79; 8:45 am]

[3410-03-M]

Science and Education Administration

AVAILABILITY OF RESEARCH DATA FOR REGISTRATION OF NOSEMA LOCUSTAE

The Science and Education Administration in cooperation with the U.S. Environmental Protection Agency mutually agree that *Nosema locustae* can be used for the control of grasshoppers species on rangeland. Following is the data within the U.S. Department of Agriculture which is available to potential registrants to be used toward registration.

For further information contact:

Dr. Ralph T. Ross, Science and Education Administration, U.S. Department of Agriculture, Room 447-W, Administration Building, Washington, D.C. 20250, Telephone: (202) 447-2597.

Done in Washington, D.C., this 6th day of February 1979.

RALPH J. MCCRACKEN,
Acting Director, Science and Education.

LITERATURE PERTAINING TO NOSEMA LOCUSTAE

PUBLICATIONS

1. Henry, J. E. Extension of the host range of *Nosema locustae* in Orthoptera. Ann. Ent. Soc. Amer. 62: 452-3. 1969.

2. Henry, J. E. Protozoan and viral pathogens of grasshoppers. Thesis. 1969. (Portion dealing with *Nosema locustae.*)

3. Henry, J. E. Experimental application of *Nosema locustae* for control of grasshoppers. J. Invert. Pathol. 18: 389-94. 1971.

4. Henry, J. E. Epizootiology of infections by *Nosema locustae* Canning (Microsoporida:Nosematidae) in grasshopers. Acrida 1: 111-20. 1972.

5. Henry, J. E., Tiahrt, K. and Oma, E. A. Importance of timing, spore concentrations, and levels of spore carrier in applications of *Nosema locustae* (Microsporida: Nosematidae) for control of grasshoppers. J. Invert. Pathol. 21: 263-72. 1973.

6. Henry, J. E. and Oma, E. A. Effect of prolonged storage of spores on field applications of *Nosema locustae* (Microsporica:Nosematidae) against grasshoppers. J. Invert. Pathol. 23: 371-7. 1974.

7. Henry, J. E. and Oma. E. A. Effects of infection by *Nosema locustae* Canning, *Nosema acridophagus* Henry, and *Nosema cuneatum* Henry (Microsporida: Nosematidae) in *Melanoplus bivittatus* (Say) Orthoptera: Acrididae). Acrida 3: 223-31. 1974.

8. Henry, J. E. *Nosema locustae*: An alternative method of grasshopper control. Proceedings: Advancements in Pesticides. State Department of Health and Sciences. Helena, Montana. pp: 16-28. 1975. (Review article.)

9. Henry, J. E., Oma, E. A., and Onsager, J. A. Relative effectiveness of ULV spray applications of spores of *Nosema locustae* Canning (Protozoa:Nosematidae) against grasshoppers. J. Econ. Ent. 71: 629-32. 1978.

10. Henry, J. E. Development of microbial agents for the control of Acrididae. Accepted 1977. (To be published as a separate issue of Revista de la Sociedad Entomologica Argentina in the proceedings of a bi-national seminar-study conference on "Recent Advances and New Trends in Acridology".) (Conference proceedings.) (Manuscript form.)

11. Henry, J. E. Microbial control with *Nosema locustae* Canning. Misc. Pub. Ent. Soc. of America 11:1 85-95. 1978. (Review article.)

12. Henry, J. E. Strategies for using pathogenic microorganisms to control noxious insects in the pasture and rangeland ecosystems. Accepted 1978. (To be published with the proceedings of workshop: Microbial Control of Insect Pests: Future Strategies in Pest Management Systems.) (Conference proceedings.) (Manuscript form.)

13. Mussgnug, G. M. and Henry, J. E. Compatibility of Malathion and *Nosema locustae* (Microsporidia:Nosematidae) in *Melanoplus sanguinipes.* Acrida. (Accepted 1978.)

14. Henry, J. E. and Oma, E. A. Protozoa: Pest control by *Nosema locustae*, a pathogen of grasshoppers and crickets. In Microbial control of insects and mites. Vol. 2. H. D. Burges, Editor. (In press.)

15. Menapace, D. M. Sackett, R. R., and Wilson, W. T. Adult honey bees are not susceptible to infection by *Nosema locustae.* J. Econ. Ent. 71: 304-6. 1978.

REPORTS

1. Hazleton Laboratories. Inc. Acute LC_{50}—Rainbow trout and bluegill sunfish *Nosema locustae.* 1974.

2. Hazleton Laboratories. Inc. Subacute oral—rats *Nosema locustae.* 1973.

3. Hazleton Laboratories. Inc. Primary skin irritation study in rabbits *Nosema locustae.* 1972.

4. Hazleton Laboratories. Inc. Acute dermal toxicity—guinea pigs *Nosema locustae.* 1973.

5. Hazleton Laboratories. Inc. Acute inhalation toxicity—rats *Nosema locustae.* 1973.

6. Hazleton Laboratories. Inc. 13-week dietary administration—rats *Nosema locustae.* 1973.

7. McEwen, Lowell. Results of *Nosema locustae* toxicity tests with pheasants and mallard ducklings. 1975.

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8. Henry, J. E., Oma., E. A. and Billeb, B. Special Report G-260. Safety of *Nosema locustae:* Bioassay of tissue from rats treated with spores. 1973.

9. Henry, J. E. Tests on the viability of spores in ruminant animals. 1977.

10. McEwen, Lowell C. Progress Report: Field studies of wildlife hazards related to new range grasshopper control chemicals and other materials. 1977.

11. Heimpel, A. M. Intraperitoneal injections in mice using *Nosema locustae* spores. 1978.

12. Henry, J. E. and Onsager, J. A. Special Report: Control of grasshoppers with *Nosema locustae:* The results of a large-scale pilot test. 1978.

[FR Doc. 79-4849 Filed 2-13-79; 8:45 a.m.]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket No. 34226]

APPLICATION OF EASTERN AIR LINES, INC. FOR APPROVAL OF ACQUISITION OF CONTROL OF NATIONAL AIRLINES, INC.

Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on February 13, 1979 (44 FR 5697 January 29, 1979) is postponed to February 20, 1979, at 9:30 a.m. (local time) in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C.

Notice is also given that the date for service of Rebuttal exhibits and related testimony is postponed from February 9, 1979 to February 13, 1979.

Dated at Washington, D.C., February 8, 1979.

RICHARD J. MURPHY
Administrative Law Judge.

[FR Doc. 79-4812 Filed 2-13-79; 8:45]

[6320-01-M]

[Docket Nos. 33580, etc.; Order 79-2-30]

FRONTIER AIRLINES ET AL.

Applications of Frontier Airlines, Docket 33580; Braniff Airways, Docket 33629; Northwest Airlines, Docket 33672; Allegheny Airlines, Docket 33821; Continental Air Lines, Docket 33863; American Airlines, Docket 33878; Ozark Air Lines, Docket 33997; for amendments to certificates of public convenience and necessity for Denver-Detroit nonstop authority.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of February 1979.

On September 29, 1978, Frontier Airlines, Inc., filed in Docket 33580 an application for the amendment of its certificate of public convenience and necessity to permit nonstop transportation of passengers, property, and mail between Denver, Colorado, and Detroit, Michigan. It contemporaneously moved for a hearing.

Subsequently, Braniff Airways, Inc.,[1] Northwest Airlines, Inc.,[2] Allegheny Airlines, Inc.,[3] Continental Air Lines, Inc.,[4] American Airlines, Inc.,[5] and Ozark Air Lines, Inc.,[6] each filed for an amendment to its respective certificate to permit nonstop Denver-Detroit service. Each moved to consolidate its application with that of Frontier.

The Wayne County, Michigan, Board of County Road Commissioners and the Greater Detroit Chamber of Commerce filed an answer in support of the motion for hearing.

No incumbent carrier or party filed an answer in opposition to any of the applications or motions. However, Frontier moved on January 2, 1979, to dismiss its motion as moot in light of the award to it of unused Denver-Detroit authority by Order 78-11-41.

We tentatively conclude, on the basis of the tentative findings below, that it is consistent with the public convenience and necessity to award multiple authority on a Category II subsidy-ineligible basis, in the Denver-Detroit market and to grant the applications of Braniff, Northwest, Allegheny, Continental, American, Ozark and any other fit, willing, and able applicant, whose fitness, willingness, and ability can be established by officially noticeable data.[7] Further, we tentatively conclude that no oral evidentiary hearing is needed here since there are no material determinative issues of fact requiring such a hearing for their resolution. Finally, we are dismissing Frontier's application in response to its motion.

Under the Airline Deregulation Act of 1978, we must approve an application for certificate authority unless we find, by a preponderance of evidence, that approval would not be consistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). The new Act creates a presumption that the grant of all applications is consistent with the public convenience and necessity. It places on any opponents of these applications the burden of proving them inconsistent with the public convenience and necessity (Pub. L. 95-504, section 14). To give such opponents a reasonable opportunity to meet an admittedly heavy burden of proof, it is our view that applicants must indicate what type of service they would provide if, after receiving authority, they chose to serve the markets at issue. This does not mean that an applicant must show that it will provide service if it receives authority but rather what the nature of its service would be if it decided to serve. We will give all existing and would-be applicants 15 days from the date of service of this order to supply data,[8] in order to give interested persons sufficient information on the nature of the applicant's proposal to assess consistency with the public convenience and necessity. Our tentative findings concerning all applicants that have not filed illustrative service proposals are contingent on such filings.

Upon review of all the facts and pleadings in this case, we have tentatively determined that there is no reason why we should not grant multiple awards. Our tentative conclusions comport with the letter and spirit of the Airline Deregulation Act of 1978, particularly the declaration of policy set forth in section 102 which instructs us to rely, to the maximum extent possible, on competitive forces, including potential competition.[9] See our gener-

[1] Docket 33629, Application to amend Route 9 certificate.
[2] Docket 33672, Application to amend Route 3 certificate.
[3] Docket 33821, Application to amend Route 97 and Route 97-F certificate.
[4] Docket 33863, Application to amend Route 29 certificate.
[5] Docket 33878, Application to amend Route 4 certificate.
[6] Docket 33997, Application to amend Route 107 certificate.
[7] Officially noticeable data consist of that information filed with us under section 302.24(m) of our rules. Applicants whose fitness cannot be so established must make a showing of fitness, as well as dealing with any questions under sections 408 and 409 of the Act. Should such applications be filed, we will then consider how to deal with them procedurally. On the basis of officially noticeable data, we find that Braniff, Northwest, Allegheny, Continental, American and Ozark are citizens of the United States and are fit, willing and able to perform the air services proposed and to conform to the provisions of the Act and our rules, regulations and requirements.

[8] They should submit an illustrative schedule of service in the markets at issue, which shows all points that they might choose to serve, the type and capacity of the equipment they would likely use and the elapsed trip time of flights in block hours over the segments. For the markets at issue only, they should also provide an environmental evaluation as required by Part 312 of our Regulations, and an estimate of the gallons of fuel to be consumed in the first year of operations in the markets if they instituted the proposed service as well as a statement on the availability of the required fuel.

[9] Section 102(a) specifies as being in the public interest, among other things: "The placement of maximum reliance on competitive market forces and on actual and potential competition (a) to provide the needed air transportation system, and (b) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital" and "The encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the vari-

Footnotes continued on next page

al conclusions about the benefits of multiple permissive authority in *Improved Authority to Wichita Case, et al.*, Order 78-12-106, December 14, 1978. Accordingly, we conclude that it is desirable to award the additional authority sought by the applicants, whether or not services are in fact operated. The existence of additional operating rights in markets now being served by incumbent carriers or authorized to be served will best effect the statute's policy objective of placing maximum reliance on the decisions of the marketplace. This will occur because newly authorized carriers may actually enter the market in order to exploit unmet demand, both in terms of price and service, or because incumbents will be encouraged by the realistic threat of entry to meet that demand. Because demand is dynamic in character and therefore constantly changing, the most effective means to assure that competitive forces will operate quickly and efficiently is to award multiple operating authority to carriers that are fit, willing and able to provide service.

Notwithstanding the foregoing tentative conclusions in support of multiple authority in this proceeding, we wish to make clear that we in no way desire to deter objections that might be asserted under the 1978 Act by air carriers, civic interests or other interested persons. The new statute contains a completely revised declaration of policy in section 102, as well as numerous additional and modified substantive provisions. Some of these statutory changes relate to considerations not expressly covered in the preceding statute. For example, while diversion from existing carriers will not be given decisive weight in rejecting applications for new authority except upon an extraordinary showing of financial jeopardy on the part of one or more existing air carriers, with the consequent loss of essential air service which cannot be immediately replaced, other provisions suggest that the Congress desires us to take into account other factors. These include, but are not limited to, satellite airport questions, the degree of concentration within the industry and safety. Any party in this proceeding may explain in full why the authority that we propose to grant should not issue. Such explanations should apply specifically to the application in issue and should be sufficiently detailed to overcome the statutory presumption of favorable treatment that the Act bestows on applications.

Finally, we note that absent environmental evaluations submitted on behalf of any of the active applications, we are unable to reach any conclusions required by us under the National Environmental Policy Act of 1969 or the Energy Policy and Conservation Act of 1975. We reserve judgment on the environmental consequences of all applications, pending submission of environmental data.

We will give interested persons 30 days following the service date of this order to show cause why the tentative findings and conclusions set forth here should not be made final; replies will be due within 10 days thereafter. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a proceeding that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.

Accordingly,

1. We direct all interested person to show cause why we should not issue an order making final the tentative findings and conclusions stated above and amending the certificates of public convenience and necessity of Braniff, Northwest, Allegheny, Continental, American, and Ozark, respectively, so as to authorize the carriers to engage in nonstop operations between Denver and Detroit;

2. We direct any interested persons objecting to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth here to file with us and serve upon all persons listed in paragraph 7, no later than March 15, 1979, a statement of objections together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections. Answers shall be due not later than March 26, 1979;

3. If timely and properly supported objections are filed, we will give full consideration to the matters and issues raised by the objections before we take further action; [10]

4. In the event no objections are filed, we will deem all further procedural steps to have been waived and may proceed to enter an order in accordance with the tentative findings and conclusions set forth here;

5. We grant the motions of Braniff, Northwest, Allegheny, Continental, American and Ozark to consolidate their applications in Dockets 33629, 33672, 33821, 33863, 33878, and 33997, respectively, with Frontier's application in Docket 33580;

6. We dismiss Frontier's application in Docket 33580; and

7. We shall serve this order upon all persons named in the service list of Docket 33580.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

All members concurred.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4813 Filed 2-13-79; 8:45 am]

[6320-01-M]

[Docket No. 34277; Order 79-2-58]

MILLARDAIR LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of February 1979.

Millardair Limited is the holder of a foreign air carrier permit [1] authorizing charter flights of persons and their accompanied baggage, and planeload charters of property, between any point or points in Canada and any point or points in the United States, subject to conditions, one of which precludes the use of large aircraft.

By application filed with the Board on December 19, 1978, Millardair Limited requests amendment of its permit to authorize large aircraft [2] Charter operations between Canada and the United States pursuant to the Nonscheduled Air Services Agreement signed by the Governments of Canada and the United States on May 8, 1974.

FITNESS OF THE APPLICANT

Millardair Limited began charter service between Canada and the United States early in 1964.[3] The Canadian Air Transport Commission has issued Millardair a Class 9-4 license (No. ATC 315/62(CF), dated February 25, 1977,) which authorizes the holder to operate international charter commerical air services. The license contains a restriction which limits the holder to the use of aircraft in Groups A, C and D (limited to DC-3 aircraft and to one Hansa aircraft in Group D) and Group E (restricted to two DC-4

Footnotes continued from last page
ety, quality and price of air transportation services."

[10] Since provision is made for the filing of objections to this order, we will not entertain petitions for reconsideration.

[1] Order 74-12-19, approved November 27, 1974, amended Millardair's permit for an indefinite period.

[2] "Large aircraft" are defined in the Nonscheduled Air Services Agreement as aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds. "Small aircraft" are defined as aircraft which are not "large aircraft".

[3] See Order E-20472, adopted January 20, 1964.

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cargo only aircraft).[4] The Canadian Department of Transport, Civil Aviation Branch, has issued Millardair Operating Certificate No. 1550, dated August 8, 1978, which certifies that the carrier is adequately equipped and able to conduct safe operations.

The applicant's balance sheet as of december 31, 1977 shows current assets of $360,039, total assets of $1,267,363, current liabilities of $831,558 and shareholders' equity of $435,805. The company reports earnings of $109,839 for calendar year 1977 with total retained earnings of $422,295. The applicant states that since its inception it has been able to meet its current financial obligations and has never defaulted on its transportation commitments. Our records show that within the last five years (when its permit was last amended), it has not incurred any safety or tariff violations nor experienced any aircraft accidents.

PUBLIC INTEREST

The applicant relies on the Nonscheduled Air Services Agreement signed by the Governments of Canada and the United States of America on May 8, 1974, as the basis for the grant of the requested authority. By diplomatic Note No. 722, dated December 7, 1978, the Embassy of Canada indicated that the Canadian Government has granted an amendment to Millardair's Canadian Class 9-4 license to include authority to operate large aircraft within the meaning of the Agreement. The applicant plans to continue its charter commerical air services from Toronto, the largest city in Canada, carrying persons and cargo to various points in the United States. Millardair's charter demand includes all-cargo operations for the motor vehicle industry to supply production lines on both sides of the border, often on an urgent basis. The applicant has utilized DC-3 aircraft and has now acquired two DC-4's for its larger cargo operations, which will result in significant savings to the Canadian branches of several U.S. companies.[5]

OWNERSHIP AND CONTROL

The citizenship of the owners of the beneficial interest in Millardair and all of its officers and directors is Canadian. The only debt of the applicant is in the form of loans from the shareholders of the company. Neither the applicant nor any of its officers, directors or shareholders who hold more than five percent of the issued shares of Millardair hold any shares or interest in any other air carrier.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes that:

1. Millardair Limited is substantially owned and effectively controlled by nationals of Canada;

2. It is in the public interest to amend the foreign air carrier permit held by Millardair Limited to authorize it to engage in charter foreign air transportation of persons and their accompanied baggage and planeload charter flights of property between any point or points in Canada and any point or points in the United States without restrictions as to aircraft size (except as may be specified in its Canadian license).

3. The public interest requires that the exercise of the privileges granted by the amended permit shall be subject to the terms, conditions, and limitations contained in the speciment form of the permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board;

4. Millardair Limited is fit, willing, and able properly to perform the foreign air transportation described in the attached speciment permit and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board;

5. The public interest does not require an oral evidentiary hearing on the application; [6]

6. The amendment of Millardair Limited's foreign air carrier permit would not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975, as defined in §313.4(a)(1) of the Board's Regulations;[7] and

7. Except to the extent granted, the application of Millardair Limited in Docket 34277 should be denied.

Accordingly,

1. We direct all interested persons to show cause why the Board should not (1) make final its tentative findings and conclusions, and (2) subject to the disapproval of the President, issue an amended foreign air carrier permit to Millardair Limited in the speciment form attached;

2. Any interested person objecting to the issuance of an order making final the Board's tentative findings and conclusions and issuing the attached speciment permit shall, no later than March 5, 1979, file with the Board and serve on the persons named in paragraph 5, a statement of objections specifying the part of parts of the tentative findings or conclusions objected to, together with a summary of testimony, statistical data, and concrete evidence expected to be relied upon in support of the objections. If an oral evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings. Answers to objections may be filed until March 15, 1979;

3. We will give full consideration to timely filed and properly supported objections before taking further action, except that we may proceed to enter an order in accordance with the tentative findings and conclusions stated here if we determine that there are no factual issues present that warrant the holding of an oral evidentiary hearing;[8]

4. In the event no objections are filed, all further procedural steps will be deemed waived, and the Secretary shall enter an order which (1) shall make final the tentative findings and conclusions stated here, and (2) subject to the disapproval of the President pursuant to section 801 (a) of the Act, shall issue an amended foreign air carrier permit to the applicant in the specimen form attached; and

5. We shall serve this order upon Millardair Limited, the Ambassador of Canada in Washington, D.C., and the Departments of State and Transportation.

We shall publish this order in the FEDERAL REGISTER and shall transmit a Copy to the President of the United States.

[4] Under Canadian Air Transport Regulations, aircraft are grouped according to the maximum authorized takeoff weight as follows: Group A—not greater than 4,300 pounds; Group C—greater than 7,000 pounds, but not greater than 18,000 pounds; Group D—greater than 18,000 pounds, but not greater than 35,000 pounds; Group E—greater than 35,000 pounds, but not greater than 75,000 pounds.

[5] General Motors, Ford, Chrysler and IBM are among the corporations listed by the applicant for which it provides cargo charter service.

[6] Any interested person objecting to the issuance of an order making final the Board's tentative findings and conclusions and issuing the attached amended permit shall be allowed twenty (20) days from the date of service of this order to file such objection.

[7] Our tentative findings are based on the fact that amendment of Millardair's permit to authorize use of large aircraft will not result in any significant increase in fuel consumption, since multiple trips in smaller DC-3 aircraft will not be required.

[8] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[9]
Secretary.

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.,
SPECIMEN PERMIT

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

Millardair Limited (Canada) is authorized, subject to the provisions of the Federal Aviation Act of 1958, as amended, and the orders, rules, and regulations of the board, to engage in charter foreign air transportation as follows: Charter flights of persons and their accompanied baggage, and planeload charter flights of property, between any point or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada and in the United States, as are now or may be prescribed in Annex B of the Nonscheduled Air Services Agreement between the United States and Canada, signed May 8, 1974, including any amendments, supplements, reservations, or supersessions to that Agreement.[1]

This permit shall be subject to the following terms, conditions, and limitations:

(1) The authority of the holder to perform United States originating large aircraft charter flights shall be subject to the provisions of Part 214 of the Board's Economic Regulations, other regulations of the Board governing tours or charters, and all amendments and revisions adopted by the Board to its charter regulations. The authority of the holder to perform United States-originating small aircraft charter flights shall be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such group. The authority of the holder to perform Canadian-originating charter flights shall be subject tot he Air Carrier Regulations of the Canadian Transport Commission. The holder shall, nevertheless, not be authorized to provide charters of a type other than as authorized by Annex B of the Nonscheduled Air Serivces Agreement between the United States and Canada, signed May 8, 1974, including any amendments, supplements, reservations or supersessions to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey includes a prior, subsequent, of intervening movement by air (except for the movement of passangers independently of any group) to or from a point not in the United States or Canada: *Provided*, that the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974 exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided*, that the Board may authorize the performance of charter flights not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on board in that country, and shall be considered as one flight whether the charter is one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "large aircraft" flights of persons; (ii) "large aircraft" flights of property; (iii) "small aircraft" flights of persons; and (iv) "small aircraft" flights of property.[2]

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation:

(i) flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and

(ii) flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement which establishes obligations or privileges (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when such flight serve either (a) a Canadian terminal point on such route, or (b) any Canadian intermediate point authorized for service on such route by such foreign air carrier permit.

(4) The holder may grant stopover privileges at any point of points in the United States only to passengers and their accompanied baggage moving (a) on a Canadian-originating large aircraft flight operating under a contract for charter transportation to be provided solely by the holder (even if a different aircraft is used), or (b) on a Canadian-originating small aircraft flight operating under a contract for round-trip charter transporation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey, *Provided*, that the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The initial tariff filed by the holder shall not set forth rates, fares, and charges lower than those in effect for any U.S. air carrier in the same foreign air transportation; *However*, this limitation shall not apply to a tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

(6) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(7) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(8) The holder shall not operate any aircraft under the authority granted by this permit unless the holder complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention.

(9) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(10) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(11) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liabill-

[9] All Members concurred except Member O'Melia who did not vote.

[1] Annex B(II)(B) and (III)(B) presently authorize the following types of large and small aircraft charters originating in Canada: Single Entity Passenger, Single Entity Property, Pro Rata Common Purpose, Advance Booking, and Inclusive Tour, and split passenger charters of the types set forth, subject to Canadian Transport Commission Regulations which presently do not permit Advance Booking Charters for small aircraft. Annex B(II)(A) presently authorizes the following types of large aircraft charters originating in the United States: Single Entity Passenger, Single Entity Property, Pro Rata Affinity, Mixed (Entity/Pro Rata), Inclusive Tour, Study Groups, Overseas Military Personnel, and Travel Group, and split passenger charters of the types set forth. United States originating small aircraft charters are governed by the definition set forth in condition (1)—see Anex B(III)(A).

[2] Annex A(I)(A) of the Nonscheduled Air Services Agreement between the United States and Canada, signed May 8, 1974, defines a "large aircraft" as an aircraft having both: (1) a maximum passenger capacity (as determined by CAB Regulations) of more than 30 seats or a maximum payload capacity (as determined by CAB Regulations) of more than 7,500 pounds; and (2) a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) greater than 35,000 pounds. A "small aircraft" is defined as an aircraft which is not a "large aircraft."

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ty insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(12) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board.

This permit shall become effective on ———— . Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment which shall have the effect of eliminating the charter foreign air transportation here authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation here authorized, the authority granted shall terminate to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder, or (3) upon the termination or expiration of the Non-scheduled Air Services Agreement between the United States and Canada, signed May 8, 1974: *Provided*, that clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation here authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on ————.

———— ————,
Secretary.

[FR Doc. 79-4814 Filed 2-13-79; 8:45 am]

[3510-07-M]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the *Current Population Reports*—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since June 30, 1978, for which tabulations were completed between January 1, 1979 and January 31, 1979.

Dated: February 8, 1979.

MANUEL D. PLOTKIN,
Director, Bureau of the Census.

State/place or special area	County	Date of census	Population
Arkansas: Siloam Springs city	Benton	August 29	7,105
Illinois:			
Schaumburg village	Cook and DuPage	September 13	50,639
Wheaton city	DuPage	October 3	40,846
Wisconsin: Barnes town	Bayfield	November 6	562

[FR Doc. 79-4800 Filed 2-13-79; 8:45 am]

[3510-12-M]

Industry and Trade Administration

DEPARTMENT OF THE INTERIOR, ET AL.

Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 6, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

DOCKET NUMBER: 79-00119. APPLICANT: Department of the Interior, U.S. Geological Survey, Topographic Division, 12201 Sunrise Valley Dr., National Center (No. 525), Reston, VA 22092. ARTICLE: Stereoscopic Plotting System Model PG-2 with Automatic Coordinatograph Table and Accessories. MANUFACTURER: Kern and Co. Ltd., Switzerland. INTENDED USE OF ARTICLE: The article is intended to be used for studies of aerial photographs of the earth's surface used in stereopairs which permit accurate measurement of the earth's features. The objectives pursued in the course of the investigation are obtaining information permitting compilation of data which may be combined to produce accurate topographic maps.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 15, 1979.

DOCKET NUMBER: 79-00130. APPLICANT: University of Massachusetts, Department of Microbiology, Amherst, MA 01003. ARTICLE: Electron Microscope, Model JEM 100S and accessories. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in the following ongoing research projects:

(1) Cytochemical analysis of gliding microorganisms of the human oral cavity,

(2) Cytology of the adrenal medulla and its catecholamine secretory vesticles,

(3) Cytological studies of age changes in the surface membrane in the nematode, *caenorhabditis briggsae*,

(4) Plasma membrane studies in *dictyostelium discoidium*,

(5) Cytological analysis of the red blood cell membrane as a function

structural transitions induced by scanning calorimetry,

(6) Electron microscopy of RNA-protein interactions,

(7) Studies of the pollen wall of the ranalean complex.

(8) Cytological characterization of cell types from cultured endothelial and smooth muscle cells,

(9) The development of photosynthetic reaction center in the green photosynthetic bacteria,

(10) Migration of spriochetes through mammalian tissues,

(11) Genetics of *bacillus thuringiensis* and its phages,

(12) Genetic analysis of the interactions between a unique RNA bacteriophage and its bacillus host,

(13) Electron microscopy of African pathogenic protozoa,

(14) Electron microscopy of selected bacterial viruses,

(15) Electron microscopy of genetic material, and

(16) Cytology of the cell envelop of *pseudomonas cepacia*.

In addition, the article will be used to teach graduate, undergraduate students and faculty the newer techniques in ultrastructural identification of biological material in the course: Microbiol 750. Electron Microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 19, 1979.

DOCKET NUMBER: 79-00132. APPLICANT: University of Alabama in Birmingham, University Station, Birmingham, Alabama 35294. ARTICLE: LKB 2088 Ultrotome V Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for investigations that include ultrastructural studies on normal and pathologic human and animal tissues, cyto and histochemical studies on enzyme antigens and subcellular organelle localization in cells and tissues, and subcellular changes in cells induced by changes in their biochemical and physical environments. The objective of these investigations is to further basic knowledge on cell and tissue ultrastructure and to reveal at the ultrastructural level, the localization of enzymes, cations, mucosubstances and immunologic antigens, and their distribution in cells and tissues developing under normal and pathological conditions. In addition, the article will be used in courses entitled Ultrastructure and Cytochemistry which will involve a study of general principles of techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 19, 1979.

DOCKET NUMBER: 79-00133. APPLICANT: George Washington University Medical School, 2300 I Street, NW., Washington, DC 20037. ARTICLE: Electron Microscope, Model JEM-100S. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for ultrastructural studies of biological materials, specifically cell membranes of various types. Experiments to be conducted involve the effects of dietary fibers on the gastrointestinal tract at an ultrastructural level and rheological studies of sickle cell anemia. The article will also be used in the course Electron Microscopy in Cell Biology to introduce graduate and/or medical students to the theory and practical aspects of electron microscopy with particular respect to biological samples. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 19, 1979.

DOCKET NUMBER: 79-00134. APPLICANT: University of Alabama in Birmingham, 1808 - 7th Avenue South, Room 801, Birmingham, Alabama 35294. ARTICLE: LKB 2088 Ultrotome V Ultramicrotome and LKB 14800-3 CryoKit and CryoKit Tools. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used to prepare ultrathin frozen sections of isolated rat pancreatic islets. These frozen thin sections will be analyzed by immunocytochemical labelling techniques in an effort to identify and characterize the molecular components of the insulin release machinery contained within these cells. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 19, 1979.

DOCKET NUMBER: 79-00136. APPLICANT: Loma Linda University Medical Center, 11234 Anderson Street, Loma Linda, Calif. 92350. ARTICLE: AECL Therac 20 - Saturne Linear Accelerator. MANUFACTURER: Atomic Energy of Canada Ltd., Canada. INTENDED USE OF ARTICLE: The article is intended to be used for clinical research in which some of the patients treated may be entered into local or national protocol studies. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 22, 1979.

DOCKET NUMBER: 79-00131. APPLICANT: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. ARTICLE: Backward-Wave Oscillator Tube, Type RWO-50, Power Output 150 mW. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used in radio astronomy investigations for observation of the emission of various rotational-state spectral line emissions, including the water-vapor line at 22.235 GHz; the array of ammonia lines at 23.694, etc. GHz; the methanol lines at 24.010, etc. GHz; and a variety of other lines in the region between 20.0 and 27.0 GHz. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 19, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 79-4857 Filed 2-13-79; 8:45 am]

[3510-25-M]

NORTHWESTERN UNIVERSITY, ET AL.

Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 6, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

DOCKET NUMBER: 79-00111. APPLICANT: Northwestern University, 619 Clark Street, Evanston, Illinois 60201. ARTICLE: High Resolution Fourier Transform Multinuclear Magnetic Resonance Spectrometer System, Model JNM/FX-90Q and Accessories. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for a variety of chemistry studies including the following:

(1) Studies of inorganic complexes by multinuclear NMR spectroscopy,

(2) Investigation of metalloporphyrins in which the metals are iron, cobalt manganese, and chromium,

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(3) Actinide Organometallic Chemistry,
(4) Syntheses of uranium hexamethoxide and mixed methoxy uranium (VI) fluorides from uranium hexafluoride,
(5) Magnetic resonance spectra of metal nuclei in transition metal cluster complexes,
(6) Biorganic applications, i.e., study of the environment of transition metal ions in porphyrins and related systems,
(7) Determination of imidzole pK,'s in different polymer matrices,
(8) Structure-function studies in mitochondrial cytochrome c,
(9) Effect of inversional motion on spin-lattice relaxation,
(10) Nitrogen-15 relaxation by Spin-(Internal Rotation), and
(11) Kinetics of Processes with Long Correlation times.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00112. APPLICATION: University of Virginia, Department of Anatomy, 1300 Jefferson Park Avenue, Box #439, Charlottesville, Va. 22908. ARTICLE: Electron Microscope, Model JEM-100CX/SEG and Accessories. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for electron microscopic studies of the following:

(1) Formation of myocardial T-axial tubules and sarcoplasmic reticulum—a thorough study of the development, in mammalian heart, of the two major "membrane systems" of cardiac muscle cells,
(2) Morphology and cytochemistry of N-SR and J-SR—study which will document a number of features of SR, including its morphological variations among different species of mammals, the geometric makeup of couplings, and the types of, and time of development, of various enzymatic activities within the SR,
(3) Determination of the ionic content (Na^+, K^+, Cl^- Ca^{--}) of the tubular systems and various organelles of muscle cells, and
(4) Development of the mature pattern of insulin receptors in cells from normal and diabetic mice.

In addition, the article will be used to train graduate students, post-doctoral fellows, residents, and medical students in the use of an electron microscope.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00113. APPLICANT: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. ARTICLE: Double Flash Photographic System. MANUFACTURER: University of Sheffield, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to investigate the rate of fuel nitrogen emission under atmospheres of varying temperature, composition and relative velocity. The experiments will be conducted to determine the size and velocity of an atomized liquid fuel under pyrolysis and combustion conditions and their relationship to nitrogen oxide pollution. The article will also be used for educational purposes in the courses Graduate Thesis (10 ThG), Graduate Research Project (10.91). APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00114. APPLICANT: The Methodist Hospital, 6516 Bertner, Cullen Eye Institute, Houston, Texas 77030. ARTICLE: Electron Microscope, Model JEM-100CX and Accessories. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used to probe minimally denatured, high resolution molecular details of human and experimental ocular tissue. Specifically, the following will be studied: molecular aspects of minimally denatured photoreceptor membranes; membrane and organelle changes associated with retinitis pigmentosa; retinal abnormalities related to defined human genetic lesions; collagen and mucopolysaccharide abnormalities in human corneal keratoconus; surface changes associated with intraocular lens rejections. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00115. APPLICANT: The Mercy Hospital of Pittsburgh, Pride & Locust Sts., Pittsburgh, Pennsylvania 15219. ARTICLE: Electron Microscope, Model JEM-100S and Accessories. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for studying the ultrastructural morphology of a variety of biological materials; human tissues obtained by surgical biopsy and autopsy to aid in the diagnosis of various kidney, muscle, and neoplastic diseases. The article will also be used diagnostically in the examination of peripheral blood lymphocytes from leukemic patients. In addition to the diagnostic information provided by ultrastructural examination, analysis should lead to new insights to the nature of some of the less well-studied disorders encountered. The article is also important to specific research projects: (1) ultrastructural high-resolution autoradiographic analysis of viral-induced transformation of skeletal muscle cells differentiating *in vitro* (2) ultrastructural analysis (including high-resolution histochemistry and immunocytochemistry) of tumor cell colonies differentiating *in vitro*. In addition to training members of the Pathology Department in ultrastructural techniques, the article will be used to train any physicians in approved residency training programs. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00116. APPLICANT: University of Nebraska-Lincoln, Department of Veterinary Science, Institute of Agriculture and Natural Resources, Lincoln, Nebraska 68583. ARTICLE: LKB 2128-010 Ultrotome IV Ultramicrotome and Accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for ultrathin sectioning of different types of animal and plant tissues and other biological materials such as bacteria, parasites, viruses cultured cells, and tissues which have been embedded in epoxy resins. These specimens will be studied to further basic knowledge of cell and tissue ultrastructure and to provide at the fine structural level the enzymes and hormone localization and distribution in cells and tissue under normal, pathological and artificially induced disease conditions both *in vivo* and *in vitro*. The article will also be used in courses in Veterinary Histology and Fine Structures and Ultrastructural Pathology to train students and trainees in the proper use and application of electron microscopy techniques. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00117. APPLICANT: University of California, Department of Chemistry, Santa Barbara, California 93106. ARTICLE: V.G. Micromass MMZAB 2-F High Resolution Mass Spectrometer. MANUFACTURER: Vacuum Generators Micromass Co., United Kingdom. INTENDED USE OF ARTICLE: The foreign article is intended to be used in studies that include the formation of metastable ion by ionization of neutral compounds, ion-molecule reactions formed via chemical ionization of organic or inorganic compounds by the MIKES technique and in new research programs including analytical applications in the marine science area, structural determination and amino acid sequencing in biological systems and ion structure determination of products of ion-molecule reactions. The article will also be used in present programs, such as, studies involving kinetics of gas phase ions, the thermodynamics of gas phase ions, and the theory of gas phase ion-molecule reactions. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00120. APPLICANT: University of California, Lawrence Berkeley Laboratory, 1 Cyclotron Road, Berkeley, CA 94720. ARTICLE: Electron Microscope, Model EM 400 and accessories. MANUFACTURER: Philips Electronics Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for studies of inorganic materials, and to relate these findings to their macroscopic properties. In addition, the article will be used in Materials Science and Engineering courses (Electron Diffraction and Microscopy (MSE 213 A), Electron Diffraction and Microscopy Laboratory (MSE 213L), and Advanced Electron Microscopy (MSE 213 B)) to familiarize students with the best available techniques in transmission electron microscopy for research in materials science. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 79-4656 Filed 2-13-79; 8:45 am]

[3510-25-M]

U.S. EASTERN REGIONAL RESEARCH CENTER, ET AL.

Applications For Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 6, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Consititution Avenue, N.W. Washington, D.C. 20230.

DOCKET NUMBER: 79-00118. APPLICANT: U.S. Eastern Regional Research Center, 600 East Mermaid Lane, Philadelphia, Pennsylvania 19118. ARTICLE: Electron Microscope, Model EM 10B, and Accessories. MANUFACTURER: Carl Zeiss, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used to carry out ultrastructural investigations involving detailed studies of the morphology of agricultural products and byproducts as related to their physical and biochemical properties. Investigations in progress involve host-pathogen relationships in the potato, changes in ultrastructure of meat tissues as related to thermal and mechanical stress, determination of location of specific proteins and enzymes associated in the lactating cells of bovine mammary tissue using ferritin label antibodies, and location of the polymer graft site in polymerized leathers. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 15, 1978.

DOCKET NUMBER: 79-00121. APPLICANT: University of Texas Medical Branch at Galveston, Texas, UMED 9-12920. Galveston, Texas 77550. ARTICLE: LKB 2088 Ultrotome V Ultramicrotome, and Accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for investigations that include ultrastructural studies on pathologic human tissues and normal and pathologic animal tissues, cyto- and histochemical studies on enzymes and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in cellular biochemical and physiological environments. One objective is to reveal, at the ultrastructural level, the enzyme localization and distribution in cells and tissues developing under normal and pathological conditions. A further objective to reveal what, if any, diagnostic correlates exist between light and electron microscopic examination of pathological tissues. Moreover, the study of host-parasite interactions will reveal at the ultrastructural level morphological alterations in cellular and subcellular components as a result of parasite infestation. The objective pursued in the course of these investigations is to understand early pathological alterations in tissues (as induced in animal models) and to correlate these changes with clinical alterations seen in human pathologic tissues. By understanding early alterations we may begin to formulate preventive treatments in human diseases. The article will also be used in the residency training program offered by the Pathology Department and in the graduate training program of the School of Biomedical Sciences wherein the residents and graduate students will be exposed to the techniques of electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 15, 1979.

DOCKET NUMBER: 79-00122. APPLICANT: Massachusetts Institute of Technology, Cambridge, MA 02139. ARTICLE: UCL Flexible Boundary True Triaxial Apparatus and UCL Directional Shear Apparatus with Accessories. MANUFACTURER: University College, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to investigate the anisotropic stress-strain strength behavior of soils under generalized states of stress. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 15, 1979.

DOCKET NUMBER: 79-00123. APPLICANT: National Institutes of Health, Bldg. 2, Room 322, 9000 Rockville Pike, Bethesda, Maryland 20014. ARTICLE: Electron Microscope, Model EM 400 HMG with Accessories. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for the study of the structures of enzymes and protein-nucleic acid complexes. For the study of such complex molecules, particularly for the detailed study of the mechanism of enzyme action, detailed information on the internal structure of individual proteins, or the interaction between protein and nucleic acid is essential. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 15, 1979.

DOCKET NUMBER: 79-00124. APPLICANT: Carnegie Institution of Washington, 2801 Upton St., N.W., Washington, D.C. 20008. ARTICLE: Rotating Anode X-Ray Generator and Accessories. MANUFACTURER: Rigaku, Japan. INTENDED USE OF ARTICLE: The article is intended to be used to determine by experiment the mineralogical and physical properties of the earth's mantle. This involves an x-ray diffraction study at high pressures utilizing the MBC (megarbar pressure cell), including crystal structure determination and accurate specific volume measurements. Doctoral candidates and post-doctoral fellows will be using the article in thesis experiments and in gereral research. The objectives are to provide training in the field of high pressure geophysics and to produce research data useful to mankind. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 15, 1979.

DOCKET NUMBER: 79-00125. APPLICANT: University of Colorado, Department of Geological Sciences, Boulder, Colorado 80309. ARTICLE: Mi-

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crothermometry Apparatus. MANUFACTURER: Chaixmeca Ltd., France. INTENDED USE OF ARTICLE: The article is intended to be used for studies of fluid inclusions in vein materials from ore deposits to determine the salinity of the fluids and to determine temperatures of formation of the ore deposits. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 15, 1979.

DOCKET NUMBER: 79-00126. APPLICANT: Viral and Rickettsial Disease Laboratory, California State Department of Health Services, 2151 Berkeley Way, Berkeley, CA 94704. ARTICLE: Electron Microscope, Model H-500L with accessories. MANUFACTURER: Hitachi Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for the identification of viral agents in specimens submitted from public health and medical care agencies to the State Laboratory. It will be used primarily for the identification of those agents which cannot be grown in the laboratory, thus precluding the use of standard methods of culture of identification of viral agents. Some of the important human viruses for which identification has become possible by the application of high resolution immunoelectron microscopy technics include: (1) the causative viruses of widespread outbreaks of acute nonbacterial gastroenteritis; (2) rotavirus, the causative agent of infantile gastroenteritis; and (3) hepatitis A virus, the agent of common infectious hepatitis. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 15, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 79-4855 Filed 2-13-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF CHICAGO, ARGONNE LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

DOCKET NUMBER: 78-00336. APPLICANT: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. ARTICLE: Microwave Plasma Detector, Model MPD 850/AG and accessories. INTENDED USE OF ARTICLE: The article is intended to be used in research to accumulate sufficient information on the chemical nature of coals and related materials so that a logical diagenesis of biological materials to peat, lignite, sub-bituminous, bituminous, and anthracite coals can be established and correlated with the chemical structure of petroleum, shale oils, and Fischer-Tropsch products. The article will also be used at times for demonstration purposes for classes on chromatography.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article provides high resolving power with the capability of simultaneous detection of several elements over a wide linear range and the capability of detecting deuterium, Hydrogen, Oxygen, Fluorine, and Chlorine in the range 0.1 to 1.0 nanograms per second. The National Bureau of Standards advises in its memorandum dated January 12, 1978 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or combination of domestic instruments of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 79-4858 Filed 2-13-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF PUERTO RICO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

DOCKET NUMBER: 78-00358. APPLICANT: University of Puerto Rico, Mayaguez Campus, Mayaguez, P.R. 00708. ARTICLE: Centrifugal force apparatus and accessories. MANUFACTURER: Experimental Engineering Equipment Lt., Canada. INTENDED USE OF ARTICLE: The article is intended to be used for educational purposes in the course Engineering 242-Dynamics, Study of the Principles of Dynamics.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article is a motor driven device for the demonstration of dynamic force with a capability for measurement of rotating masses by direct weighing. The National Bureau of Standards advises in its memorandum dated January 10, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 79-4860 Filed 2-13-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF ROCHESTER

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

DOCKET NUMBER: 78-00451. APPLICANT: University of Rochester, Nuclear Structure Research Laboratory, 271 East River Road, Rochester, N.Y. 14627. ARTICLE: Particle Acceleration tube. Manufacturer: Dowlish Developments Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to upgrade an existing Van de Graaf accelerator which is being used in a variety of nuclear studies. The projects being conducted will involve the following:

I. Light Ion Studies:

A. Multi-Step Processes in the Interpretation of the $^{28}Si(d, ^3He)\ ^{27}Al$ Reaction,

B. Study of the (^3He,n) and (^3He,p) Reactions on ^{27}Al and ^{28}Si to Analogue Final States,

C. Study of the $^{28}Si(d,py)$ Reaction, etc.

II. Heavy Ion Reactions:

A. The transition between Light- and Heavy-Ion Elastic Scattering,

B. Unnatural Parity Levels Populated in the $^{16}O(^6Li,d)^{20}Ne$ Reaction,

C. Further Attempts to Resolve the Double Near 6.3MeV in ^{22}Ne in the Reaction $^{19}O(^6Li,d)^{23}Ne$.

III. Measurement of Total Muon-Capture Rates in ^{232}Th, $^{235, 238}U$ and ^{239}Pu.

ADVICE SUBMITTED BY THE NATIONAL BUREAU OF STANDARDS ON: January 16, 1979.

ARTICLE ORDERED: January 10, 1977.

DOCKET NUMBER: 78-00452. APPLICANT: University of Rochester, Nuclear Structure Research Laboratory, 271 East River Road, Rochester, N.Y. 14627. ARTICLE: Particle Acceleration tube. MANUFACTURER: Dowlish Developments Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to upgrade an existing Van de Graaf accelerator which is being used in a variety of nuclear studies. The projects being conducted will involve the following:

I. Light Ion Studies:

A. Multi-Step Processes in the Interpretation of the $^{28}Si(d, ^3He)\ ^{27}Al$ Reaction,

B. Study of the (^3He,n) and (^3He,p) Reactions on ^{27}Al and ^{28}Si to Analogue Final States,

C. Study of the $^{28}Si(d,py)$ Reaction, etc.

II. Heavy Ion Reactions:

A. The transition between Light- and Heavy-Ion Elastic Scattering,

B. Unnatural Parity Levels Populated in the $^{16}O(^6Li,d)^{20}Ne$ Reaction,

C. Further Attempts to Resolve the Double Near 6.3MeV in ^{22}Ne in the Reaction $^{19}O(^6Li,d)^{23}Ne$.

III. Measurement of Total Muon-Capture Rates in ^{232}Th, $^{235, 238}U$ and ^{239}Pu.

ADVICE SUBMITTED BY THE NATIONAL BUREAU OF STANDARDS ON: January 22, 1979.

ARTICLE ORDERED: June 12, 1978.

COMMENTS: No comments have been received with respect to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. REASONS: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the National Bureau of Standards (NBS) in the respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 79-4854 Filed 2-13-79 8:45 am]

[3510-25-M]

SRI INTERNATIONAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00331. Applicant: SRI International, 333 Ravenswood Avenue, Menlo Park, Calif. 94025. ARTICLE: Lambda Physik Excimer EMG 500 Multigas Laser. MANUFACTURER: Lambda Physik, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used to supply problems associated with the U.S. Department of Energy's advanced laser programs; specifically the study of the photolysis of OCSe under conditions of very high laser fluxes. The article will also be used by three graduate students from the Stanford Electrical Engineering Department for part of the research contained in their Ph.D. dissertation.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article provides a minimum energy output of 100 millijoules using argon fluoride as the laser medium. The National Bureau of Standards advises in its memorandum dated December 22, 1978 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 79-4859 Filed 2-13-79; 8:45 am]

[3510-13-M]

National Bureau of Standards

COMMERCIAL STANDARD

Action of Withdrawal

In accordance with section 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of Commercial Standard CS 248-64, "Vinyl-Coated Glass Fiber Insect Screening and Louver Cloth."

This withdrawal action is being taken for the reason that CS 248-64 is adequately covered by the American Society for Testing and Materials' standard ANSI/ASTM D 3656-78, "Standard Specification for Insect Screening and Louver Cloth Woven from Vinyl-Coated-Glass Fiber Yarn," and duplication is inappropriate and not in the public interest. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of December 22, 1978 (43 FR 59866) to withdraw this standard.

The effective date for the withdrawal of this standard will be April 16, 1979. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: February 9, 1979.

ERNEST AMBLER,
Director.

[FR Doc. 79-4793 Filed 2-13-79; 8:45 am]

[3510-13-M]

SIMPLIFIED PRACTICE RECOMMENDATION

Action of Withdrawal

In accordance with section 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of Simplified Practice Recommendation R 114-63, "Gummed Kraft Paper Sealing Tape."

This withdrawal action is being taken for the reason that R 114-63 is technically inadequate, and, in view of the existence of up-to-date Federal Specification PPP-T-45D, "Tape, Gummed, Paper, Reinforced and Plain, for Sealing and Securing" and industry literature for sealing tape, revision would serve no useful purpose. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of December 26, 1978 (43 FR 60182) to withdraw this standard.

The effective date for the withdrawal of this standard will be April 16, 1979. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: February 9, 1979.

ERNEST AMBLER,
Director.

[FR Doc. 79-4794 Filed 2-13-79; 8:45 am]

[3510-22-M]

National Oceanic and Atmospheric Administration

PACIFIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Scientific and Statistical Committee, of the Pacific Fishery Management Council, established under Section 302(g) of the Fishery Conservation and Management Act (Public Law 94-265), will meet to discuss: (1) Salmon Management Plan for 1979; (2) development of comprehensive salmon, squid, groundfish, billfish, Dungeness crab, jack mackerel, pink shrimp and anchovy FMPs; (3) operational/procedural matters of the Council, including Advisory Panel and Management Plan Development Team activities; (4) other committee business.

DATE: The meeting will convene on Wednesday, March 7, 1979, at 10:00 a.m. and will adjourn on Thursday, March 8, 1979, at approximately 5:00 p.m. The meeting is open to the public. A public comment period will begin at 3:30 p.m. on March 7, 1979.

ADDRESS: The meeting will take place at the Eureka Inn, 7th and F Streets, Eureka, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: February 9, 1979.

WINFRED H. MEIBOHM,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-4795 Filed 2-13-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Office of the Special Counsel for Compliance

KERR-MCGEE CORP.

Proposed Consent Order

AGENCY: Department of Energy (DOE).

ACTION: Notice of Proposed Consent Order and Opportunity for Public Comment.

SUMMARY: The Office of Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR 205.199J that it entered into a consent order with Kerr-McGee Corporation on February 7, 1979. The consent order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations for the period August 1973 through December 1978. To remedy any overcharges that may have occurred during the period, Kerr-McGee agrees to refund $46 million to its customers through payments, credit, memoranda and the rollback of retail prices.

As required by the regulations cited above, OSC will receive comments on the consent order for a period of March 16, 1979. Although the consent order has been signed and accepted by the parties, the OSC may, after the expiration of the comment period, withdraw its acceptance of the consent order, attempt to obtain a modification of the consent order or issue the consent order as proposed.

COMMENTS: Comments must be received on or before March 16, 1979 to be considered. Address comments to:

Kerr-McGee Consent Order Comments, Office of Special Counsel, Department of Energy, 12th and Pennsylvania Avenue, NW., Rm. 3134, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Carl Corrallo, Solicitor to the Special Counsel for Compliance, Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-633-8288.

Copies of the consent order may be received free of charge by written request to:

Consent Order Request, Office of Special Counsel, Department of Energy, 12th and Pennsylvania Avenue, NW., Rm. 3134, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW., Room GB145.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Kerr-McGee Corporation is one of the 34 major refiners audited by the Special Counsel to determine compliance with the DOE Petroleum Price and Allocation Regulations (Regulations). Kerr-McGee engages in the production, refining and marketing of crude oil and refined petroleum products. DOE and its predecessors have been conducting an audit of Kerr-McGee since February 1974. Responsibility for that audit was assumed by the Special Counsel in October of 1977. The audit included a review of Kerr-McGee's records relating to compliance with the Regulations during the period August 19, 1973 through December 31, 1978 (the audit period). During the audit, questions and issues were raised and enforcement documents were issued. This consent order resolves all issues not previously resoved, concerning the allocation and sale of covered products during the audit period, whether or not raised in a previous enforcement action.

THE CONSENT ORDER

OSC and Kerr-McGee have discussed the issues addressed by this consent order and each believes that its position on these issues would be sustained if tried by a court. However, the parties desire to resolve these issues without resort to lengthy and disputed compliance actions by OSC. Such enforcement actions would be complex, time consuming and expensive to both parties. Additionally, the operation of the Regulations makes difficult the determination of amounts by which individual purchasers may have been overcharged. OSC believes that the consent order represents a fair disposition of the total dispute with Kerr-McGee and provides an appropriate means of making restitution for any possible overcharges. Kerr-McGee, without admitting a violation or overcharge, is willing to compromise its disputes with OSC. OSC thus believes that the terms and conditions of this consent order provide a reasonable resolution and conclusion of the audit of Kerr-McGee and that the consent order is in the best interests of the United States.

The consent order provides that Kerr-McGee will make available to its purchasers $46 million, of which, in approximate figures, $31.5 million is allocated to purchasers of motor gasoline, $8 million is allocated to purchasers of fuel and heating oil, $5.1 million is allocated to the purchasers of general refinery products and $1.4 million is allocated to the Department of Defense for purchases of aviation jet fuel.

DISTRIBUTION OF THE REFUND

A portion of the refund allocated to motor gasoline purchasers represents sales at Kerr-McGee proprietary stations. The amount, approximately $891,000, will be distributed through a reduction in the price of motor gasoline at Kerr-McGee outlets which will remains in effect until the entire amount has been accounted for. The price reduction is to be implemented within 15 days of notice to Kerr-McGee that the consent order is effective. By regulation, the consent order cannot be made final until comments received during the 30 day comment period have been considered and notice of action taken is pusblished in the FEDERAL REGISTER.

The refund allocated to nonretail and large volume retail customers will be distributed pursuant to agreements, called "Participation Agreements." Under the terms of the consent order, Kerr-McGee will send agreements to those customers identified as having paid prices in excess of the weighted average price for that product. The object of the agreements is to ensure that distributors of Kerr-McGee's products, termed "resellers" under the Regulations, receive an appropriate portion of the amount allocated to their purchases during the audit period and that in virtually all instances, no less than 55 percent of that amount is passed through to the retail customer. Where Kerr-McGee sells products to a reseller who in turn sells to another distributor, the first reseller must submit a "Secondary Participation Agreement" to his customer. If the customer is also a reseller, the secondary participant must submit an agreement to his customer until the chaim of distribution is ended at the retail level, where a price reduction will take place.

Large volume purchasers from Kerr-McGee who consume the refined product rather than redistribute it are entitled to retain the entire amount of the refund, unless the large volume consumer is a refiner.

Participation in this refund program is voluntary. Participation Agreements will be sent to Kerr-McGee purchasers within 15 days of the effective date of the consent order. The Participation Agreement will indicate the amount of refund and to what products and time periods it has been allocated. To take part in the program, the Participation Agreement must be signed and returned within 45 days of receipt. Execution of the agreement will constitute a release of Kerr-McGee from further liability to the party signing the agreement for claims arising under the Regulations in the audit period. After executing the agreement, the primary participant must submit Secondary Participation Agreements to its wholesale customers, and the Secondary Participant must submit Tertiary Participation Agreements to its wholesale customers, if any. Terms of the Secondary and Tertiary Participation Agreements are similar to the terms of the primary agreement.

The primary participant will receive its refund after it reports certain details concerning the secondary participants to Kerr-McGee. That refund will be reduced by amounts allocated to secondary participants who choose not to participate. Although the primary participant's refund may be reduced in this manner, it will still retain 30 percent of the unreduced amount of its original agreement. Secondary participants will be entitled to retain 21.5 percent of the amount allocated to them, while tertiary participants retain 15 percent. In all cases, large volume consumers are treated similarly.

All participants will be subject to the possibility of audit by DOE to assure compliance with the participation agreements, and all agreements are subject to DOE's right to seek judicial enforcement in the event of breach.

In the event that some primary or secondary participants choose not to enter into the agreements, the amounts they would have received will be retained in a fund which will bear interest at the same average rate as 90 day Treasury bills. The fund will be used to satisfy judgments against Kerr-McGee, or settlements approved by OSC for alleged violations of the Regulations during the audit period. Following the third anniversary of the effective date of the consent order, the fund, except for an amount agreed to be sufficient to offset possible judgments in pending cases, will be distributed through price reductions in Kerr-McGee's retail gasoline sales. The amount of the balance remaining after outstanding suits are conluded will be paid into the U.S. Treasury.

The provisions of 10 CFR § 205.199J, including the publication of this notice and a press release, are applicable to the consent order. Under the terms of that section, and by agreement, Kerr-McGee and OSC agree that the consent order constitutes neither an admission by Kerr-McGee, nor a finding by OSC, that Kerr-McGee has violated the Regulations during the audit period. Kerr-McGee further waives its right to appeal or seek judicial review which would otherwise attach to an order issued by OSC.

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SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to submit written comments concerning this consent order to the address noted above. All comments received by 4:30 p.m. on the thirtieth calendar day following publication of this notice, or the first federal work day following, if the thirtieth day falls on a weekend or holiday, will be considered by OSC before determining whether to finalize the consent order. Modifications of the consent order which, in the opinion of OSC, significantly change the terms or impact of the consent order will be published for comment.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C., February 8, 1979.

PAUL L. BLOOM,
Special Counsel for Compliance.

[FR Doc. 79-4822 Filed 2-13-79; 8:45 am]

[6450-01-M]

OFFICE OF ENERGY RESEARCH STUDY GROUP OF THE ENERGY RESEARCH ADVISORY BOARD

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Energy Research Advisory Board Study Group will meet at the times and places indicated below:

Thursday, March 1, 1979—2:00 p.m. to 4:00 p.m. Lawrence Livermore Laboratory, Poseidon Room, Building 111 (entrance at West Gate off East Ave.), Livermore, California.

Friday, March 2, 1979—3:00 p.m. to 5:00 p.m. Berkeley School District Administration Building, Board of Education Room, 1414 Walnut Street, Berkeley, California.

The parent Board was established to advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

The Study Group will examine the relationships between the University of California and the Los Alamos Scientific and Lawrence Livermore Laboratories and will report its findings and recommendations to the parent Board.

The tentative agenda is as follows:

Discussion concerning the University of California's relationship with the Lawrence Livermore Laboratory and the Los Alamos Scientific Laboratory.

The meeting is open to the public. The Chairman of the Study Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Study Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to the agenda should inform Georgia Hildreth, Director, Advisory Committee Management Office, 202/252-5187, at least 5 days prior to the meeting and reasonable provision will be made to include their presentation on the agenda.

Minutes of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 9, 1979.

GEORGIA HILDRETH,
Director,
Advisory Committee Management.

[FR Doc. 79-4853 Filed 2-13-79; 8:45 a.m.]

[6450-01-M]

Office of Hearings and Appeals

APPLICATION FOR EXCEPTION FILED BY AMOCO OIL CO.

Public Hearing

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Public Hearing.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) gives notice of a public hearing to be held in Washington, D. C. to receive comments with respect to an Application for Exception filed by Amoco Oil Company (Amoco) on February 7, 1979, Case No. DEE-2152. In its submissions, Amoco requests relief from the provisions of 10 CFR 211.10 which requires that allocations of motor gasoline be determined by references to volumes supplied during 1972, as adjusted. The purpose of this hearing is to provide interested persons an opportunity to make oral presentations regarding the basis for Amoco's request that exception relief be granted to Amoco which permits the firm to determine allocation levels on the basis of 1978 supply levels.

DATES: Hearing: February 22, 1979. Request to Speak: February 20, 1979.

ADDRESSES: Request to Speak: Debra Kidwell, Office of Public Hearing Management, Box WT, 2000 M Street, NW., Room 2313, Washington, D.C. 20461, 202-254-5201.

Hearing Location: Room 2105, 2000 M Street, NW., Washington, D.C. 20461.

Time: 9:30 a.m.

Comments and Further Information to: Thomas O. Mann, Associate Director, Office of Hearings and Appeals, 2000 M Street, NW., Room 8014, Washington, D.C. 20461, (202) 254-8606.

SUPPLEMENTARY INFORMATION: Currently pending before the Office of Hearings and Appeals is an Application for Exception filed by Amoco Oil Company (Amoco) on February 7, 1979. In its Application for Exception, Amoco states that the firm's current supply of gasoline is insufficient to meet the needs of its customers. Amoco states that due to an unusually high number of refinery breakdowns which occurred in recent months the firm's production of gasoline has been severely curtailed. Amoco further states that during the same period, increased demand resulting from uncertainties about the crisis in Iran has prevented Amoco from purchasing sufficient quantities of gasoline on the open market to compensate for the supply shortfalls caused by the firm's curtailment in production.

Amoco claims that it will be unable to fully meet its customers' current gasoline requirements during the months of March, April and May 1979. Amoco contends that in order to equitably distribute its available supplies of gasoline until that time, an exception should be granted which permits it to use an allocation method which more closely reflects current demand than the 1972 base period specified in Section 211.102 of the DOE allocation regulations.

Since granting exception relief will affect the customers of Amoco and may have a precedential effect on other purchasers and suppliers, the DOE has determined that it would prove beneficial to convene a public hearing at which all interested parties will have an opportunity to make oral presentations regarding the merits of the underlying Amoco exception application.

Any party that wishes to make an oral presentation at the hearing should contact the individual whose name appears at the beginning of this notice by February 20, 1979. The Office of Hearings and Appeals reserves the right to limit the number of persons to be heard and to establish the procedures governing the conduct of the hearing. Those individuals selected to make oral presentations will be notified by February 21, 1979. The

Director of the Office of Hearings and Appeals or his designee will preside at this hearing. Please submit 100 copies of the Proposed Statement by 4:30 p.m. on February 21, 1979.

At the hearing, representatives from Amoco will be afforded an opportunity to make an initial statement. Following those statements, interested parties, including customers affected by the exception application, will be permitted to make statements subject to reasonable time constraints. If any person wishes to ask a question of any person who has made an oral presentation at the hearing, he or she may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for an answer.

At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and may be purchased from the reporter. The entire record of the hearing will be retained by DOE and will be made available for inspection at the Office of Hearings and Appeals Public Docket Room, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., Monday through Friday. Issued in Washington, D.C., February 12, 1979.

MELVIN GOLDSTEIN,
Director, Office of
Hearings and Appeals.

[FR Doc. 79-4954 Filed 2-12-79; 2:36 pm]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1060-4; OPP—180264]

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Crisis Exemption to Use Permethrin to Control Heliothis Species

The Environmental Protection Agency (EPA) gives notice that the California Department of Food and Agriculture (hereafter referred to as "California") has availed itself of a crisis exemption to use permethrin to control *Heliothis* species on a maximum of 42,000 acres of winter lettuce in two California counties. The exemption is subject to the provisions of 40 CFR Part 166, which prescribes requirements of Federal and State agencies for use of pesticides under emergency conditions. As required, California has submitted in writing the following information.

According to California, approximately 42,000 acres of winter lettuce are grown in Riverside and Imperial counties with an estimated value of $63,500,000; all of this acreage is infested with budworm, a serious pest of lettuce. Without some type of effective controls, *Heliothis* species can be expected to cause total loss of some fields, California stated. Currently registered materials, including methomyl, parathion, and acephate, have not provided adequate control of this pest, even at maximum application rates and frequencies.

California used Ambush and Pounce which contain the active ingredient (a.i.) permethrin at a rate of 0.2 pound in not less than 20 gallons of water per acre when applied by ground or not less than 5 gallons of water when applied by aircraft. Applications were made at 5- to 7-day intervals with a 7-day pre-harvest interval. Application was made by State-certified applicators in accordance with California closed mixing system regulations. Workers were not permitted reentry into fields until the spray dried. Since treatment was expected to exceed 30 days, California has submitted a request for a specific exemption for continuation of this use of permethrin.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: February 3, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 79-4877 Filed 2-13-79; 8:45 am]

[6560-01-M]

[FRL 1061-2; Opp-50402]

EXPERIMENTAL USE PERMITS

Issuance

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 1471-EUP-59. Elanco Products Co., Indianapolis, Indiana 46206. This experimental use permit allows the use of the remaining supply of approximately 112.5 pounds of the herbicide oryzalin on transplant burley and dark tobacco to evaluate control of annual grasses and broadleaf weeds; this use was authorized in a previous experimental use permit. A total of 150 acres is involved; the program is authorized only in the States of Kentucky, Maryland, Ohio, and Wisconsin. The experimental use permit its effective from January 19, 1979 to April 5, 1980. (PM-25, Room: E-301, Telephone: 202/755-2196)

No. 2724-EUP-15. Zoecon Industries, Dallas, Texas 75234. This experimental use permit allows the use of 20 pounds of the insecticide N-(mercaptomethyl) phthalimide S-(0,0-dimethyl phosphorodithioate) on 1,250 hogs to evalute control of hog mange and hog lice. The program is authorized only in the States of Arkansas, Illinois, Indiana, Iowa, Nebraska, and Virginia. The experimental use permit is effective from January 22, 1979 to January 22, 1980. A permanent tolerance for residues of the active ingredient in or on the fat, meat, and meat by-products of hogs has been established (40 CFR 180.261). (PM-25, Room: E-229, Telephone: 202/426-9425)

No. 10182-EUP-9. ICI Americas, Inc., Wilmington, Delaware 19897. This experimental use permit allows the use of 12,000 pounds of the insecticide permethrin on celery to evaluate control of the vegetable leaf miner, cutworm, and looper. A total of 6,000 acres is involved; the program is authorized only in the State of Florida. The experimental use permit is effective from January 25, 1979 to January 25, 1980. A temporary tolerance for residues of the active ingredient in or on celery has been established. (PM-17, Room: E-229, Telephone: 202/426-9425)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday.

STATUTORY AUTHORITY: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: February 7, 1979.

HERBERT S. HARRISON,
Acting Director,
Registration Division.

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[6560-01-M]

[FRL 1060-3; OPP-180265]

GUAM DEPARTMENT OF ENVIRONMENTAL PROTECTION

Issuance of a Specific Exemption To Use Picloram to Eradicate Bunchy-Top Infected Banana Plants

The Environmental Protection Agency (EPA) has granted a specific exemption to the Guam Department of Environmental Protection (hereafter referred to as the "Applicant") to use picloram to eradicate banana plants infected with a viral disease known as "Bunchy-Top." This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

According to the applicant, fifty percent of the banana plants in Guam are infected with Bunchy-Top disease. This disease is vectored by an aphid and elimination of the infected host is the only means of preventing further spread of the causative virus to healthy plants. Diseased plants grow only one to two feet high and normally do not bear fruit.

There are not registered pesticides to eradicate banana plants, the only means of preventing further spread. According to the Applicant, mechanical removal of infected plants may not remove the entire root system and both hand and mechanical removal is cost prohibitive since the plants occur not only in cultivated fields but also in dense jungles and hilly terrain. The use of 2,4-D has been suggested, but the Applicant stated that 2,4-D has not been tested on banana plants and, therefore, its effectiveness is not known. Further, 2,4-D would have to be mixed and bulky injection equipment would have to be transported. This procedure would not be practical on Guam's terrain, the Applicant claimed. According to the Applicant, the disease threatens to end banana production on Guam, an important element in the island's economy.

The Applicant proposed to use K-Pin, a Japanese product not registered with EPA. K-Pin is a tooth pick impregnated with picloram. The Applicant claimed that four to six K-Pins inserted into the base of an infected banana plant will kill it. The Applicant also stated that because of the compactness of the product, personnel could treat and do necessary follow-up easily and quickly.

Since the proposed use is essentially a non-food use (infected plants do not normally produce fruit, as mentioned above), EPA has determined that this use of picloram presents little or no hazard to man. Any fruit that may have developed will be removed before treatment. EPA has also concluded that the proposed use pattern should present no environmental problem.

After reviewing the application and other information, EPA has determined that (a) a pest outbreak of Bunchy-Top disease has occurred; (b) there is no pesticide presently registered and available for use to eradicate Bunchy-Top infected banana plants in Guam; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the infected banana plants are not eradicated; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until January 2, 1980. The specific exemption is also subject to the following conditions:

1. Picloram applications are limited to banana plants infected with the viral disease known an "Bunchy-Top";
2. The dosage rate may not exceed six K-Pins per banana plant;
3. The total number of K-Pins authorized is 30,000;
4. Plants bearing bananas must be harvested prior to treatment or the fruit must be destroyed;
5. Application must be carried out by trained Department of Agriculture personnel who will be under the supervision of applicators certified by the Territory of Guam;
6. The following message, in English, must be stamped on a blank 1½ by 6 inch space inside the cover on the face of the cardboard pin holder:

K-Pin
Warning—Keep out of reach of children
Herbicide treated pins for use only in the eradication of bunchy top diseased banana plants.
Directions for use—Insert pin into base of stem on plant to be eradicated to depth of colored ring on pin.
Pin contains picloram; 50 pins per box.
Not for internal use.

7. All K-Pins will be signed out daily, recording the user, date, and amount;
8. A standardized daily field protocol will be required of each user indicating where and when the material is applied;
9. All K-Pins not used at the end of the day will be returned and signed into the supervisor with the field protocol;
10. The field protocols and supply records will be reviewed by the program leaders to confirm proper use;
11. During the extended follow up period, the sign-outs of K-Pins and the field protocols will be on a weekly basis instead of daily;
12. Measures should be taken to place K-Pins in areas not readily accessible to view;
13. The Applicant is responsible for assuring that the restrictions pursuant to this specific exemption are met and must submit a report summarizing the results of this program by January, 1981; and
14. The EPA shall be immediately informed of any adverse effects resulting from the use of picloram in connection with this exemption.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: February 2, 1979.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-4881 Filed 2-13-79; 8:45 am]

[6560-01-M]

[FRL 1060-5; OPP-180263]

HAWAII DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Benomyl as a Post-Harvest Treatment on Papayas

The Environmental Protection Agency (EPA) granted a specific exemption to the Hawaii Department of Agriculture (hereafter referred to as the "Applicant") to use benomyl as a post-harvest treatment on a maximum of 25 million pounds of papayas intended for export from Hawaii. This exemption was granted in accordance with, and was subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, post-harvest diseases of papaya are currently the largest single factor contributing to market losses of fresh papayas. Anthracnose and stem-end rot, two fungal diseases, are the most serious. The diseases are not visible on unripened fruits as they are packed, making it impossible for the packer to cull potentially diseased fruits. Later, as fruits ripen after shipping, fungal lesions develop rapidly and fruits may decay within 24 hours. Disease may be reduced but not entirely eliminated by a careful orchard management program.

There are no fungicides registered for post-harvest treatment of papayas; however, there are other means of reducing losses due to post-harvest decay. EBDC and chlorothalonil are registered for use on papayas during the growing season, but, according to the Applicant, give only partial control and require a supplemental post-harvest treatment. The only other treatment available is a hot water dip but only 21% control of post-harvest disease is achieved with this method alone. The use of benomly after a hot water dip has yielded 75% control of post-harvest disease, the Applicant claimed.

The Applicant stated that in 1977 over 75% of Hawaii's papaya crop was exported. The Applicant explained the need to ship papayas by surface vessels, rather than air for two reasons: (1) over $2 million could be saved by using surface transportation, and (2) there is not adequate air freight space during the peak production months. The Applicant claimed that there is, therefore, a need to have an effective and economical post-harvest treatment to protect the fruit during the longer surface trips.

The Applicant proposed to treat up to 25 million pounds of papayas intended for export with Benlate (EPA Reg. 352-354) which contains the active ingredient (a.i.) benomyl at a dosage rate of 0.5-1.0 pound a.i. per 100 gallons of water. An adjuvant such as Bio-film or pineapple wax might be incorporated to promote even distribution of benomyl.

EPA has determined that a residue level of 2 parts per million (ppm) of benomyl on papayas is adequate to protect the public health and this program should not have exceeded that level. The segment of the public most likely to be exposed to benomyl under this program was the workers in the papaya processing warehouses; EPA imposed protective conditions for them. EPA imposed a further condition to prevent processing plant run-off water containing benomyl from adversely affecting aquatic organisms.

EPA further required the Applicant to inititate tests of alternative fungicides such as thiabendazole, for use as a post-harvest dip on papayas. This provision was to insure that other fungicides could be made available if additional toxicological data on benomyl indicate that the risk of applying that fungicide outweighs the benefits.

It should be noted that a rebuttable presumption against registration of pesticide products containing benomyl was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61788); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter.

After reviewing the application and other available information, EPA determined that (a) a pest outbreak of fungal diseases had occurred or was about to occur; (b) there was no pesticide registered and available for post-harvest treatment of papayas in Hawaii; (c) there were no alternative means of control, taking into account the efficacy and hazard; (d) signficant economic problems might have resulted if the fungal diseases were not controlled; and (e) the time available for action to mitigate the problems posed was insufficient for a pesticide to be registered for this use. Accordingly, the Applicant was granted a specific exemption to use the pesticide noted above until December 31, 1978, to the extent and in the manner set forth in the application. The specific exemption was also subject to the following conditions:

1. The DuPont product Benlate (EPA Reg. No. 352-354) which contains the active ingredient benomyl was authorized at a dosage rate of one to two pounds of product (0.5 to 1.0 pound a.i.) in 100 gallons of water;
2. Benomyl might be applied as a dip or spray and might be used alone or with an adjuvant such as Bio-film or 1:4 dilution of pineapple wax;
3. All personnel involved in the mixing, loading, and application of Benomyl to treat papayas were to wear full length trousers, shirt, gloves, goggles, and a respirator;
4. All clothing worn during the preparation and application of benomyl was to be removed and cleaned after each day of use;
5. All employees were to wash immediately upon dermal contact with benomyl in the spray suspension;
6. Only papayas intended for interstate shipment were to be treated. Up to 25 million pounds of papayas were to be treated;
7. The amount of benomyl employed on a daily basis was to be planned carefully so that contamination through waste disposal was kept at a minimum;
8. The use of benomyl to treat papayas was authorized only in processing plants where run-off water was recirculated;
9. The Applicant was to initiate testing of alternative methods of control of post-harvest fungi on papayas. Fungicides such as thiabendazole were to be evaluated for this purpose;
10. All label precautions, directions and restrictions were to be adhered to;
11. The Applicant was to initiate residue studies to resolve the issue of wax incorporation and the differences in residues of benomyl likely to occur through the use of wax in combination with benomyl;
12. A 2.0 ppm combined residue level of benomyl and its metabolites containing the benzimidazole moiety in or on papayas has been decmed adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, was advised of this action;
13. A full report on the results of this program must be submitted to the EPA by June 30, 1979; and
14. The EPA was to be informed immediately of any adverse effects resulting from the use of benomyl in connection with this specific exemption.

Inadvertently, information concerning this specific exemption was not published before its expiration. Since the granting of this specific exemption, the Applicant requested a six-month extension of the exemption because testing of thiabendazole with respect to residue studies has not been completed, and the use of benomyl is needed to minimize further losses due to post-harvest decay. EPA has granted that extension so that the specific exemption now expires on June 30, 1979. All other restrictions of the original exemption remain in force.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 US.C. 136).

Dated: February 3, 1979.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-4878 Filed 2-13-79; 8:45 am]

[6560-01-M]

[FRL 1061-1; PP-121]

PESTICIDE PROGRAMS

Filing of Pesticide/Food Additive Petitions

Pursuant to sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following have been submitted to the Agency for consideration.

PF 9F2162. Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166. Proposes that 40 CFR 180.364 be amended by establishing a tolerance for the combined residues of the herbicide glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid on the raw agricultural commodity stone fruit with a tolerance limitation of 0.2 part per million (ppm). The proposed analytical method for determining residues is by gas liquid chromatography using a phosphorus-specific flame photometric detector. PM25. (202/755-2196)

FAP 9H5204. Monsanto Agricultural Products Co. proposes that 21 CFR 193.235 be amended by establishing a regulation permitting residues of herbicide glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid on the commodity potable water with a tolerance limitation of 0.1 ppm. PM25 (202/755-2196)

Interested persons are invited to submit written comments on this petition to the FEDERAL REGISTER Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St., SW, Washington, DC 20460. Inquiries concerning this petition may be directed to designated Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, at the above address, or by telephone at the

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numbers cited. Written comments should bear a notation indicating the petition number to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: February 7, 1979.

HERBERT S. HARRISON,
Acting Director,
Registration Division.

[FR Doc. 79-4882 Filed 2-13-79 8:45 am]

[6560-01-M]

[FRL 1060-1; OPP 30155B]

PESTICIDE PROGRAMS

Approval of Application to Register Pesticide Product Containing New Active Ingredient

On December 20, 1978, notice was given (43 FR 59432) that Rhodia Inc., Agricultural Div., Monmouth Junction, NJ 08852, had filed an application (EPA File Symbol No. 359-AIL) with the Environmental Protection Agency (EPA) to register the pesticide product CHIPCO 26019 FUNGICIDE containing 50% of the active ingredient 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide which was not previously registered at the time of submission. As stated in the December 20, 1978 notice, the pesticide is primarily used as a turf fungicide.

This application was approved January 23, 1979, and the product has been assigned the EPA Registration No. 359-685. CHIPCO 26019 FUNGICIDE is classified for general use. A copy of the approved label and list of data references used to support registration are available for public inspection in the office of the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, Rm. 401 East Tower, 401 M St., SW, Washington, DC 20460. The data and other scientific information used to support registration, except for the material specifically protected by Section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in accordance with Section 3(c)(2) of FIFRA, within 30 days after the registration date of January 23, 1979. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW, Washington, DC 20460. Such requests should: 1) identify the product by name and registration number and 2) specify the data or information desired.

Dated: February 1, 1979.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-4880 Filed 2-13-79; 8:45 am]

[6560-01-M]

[FRL 1060-2; OPP-30155A]

PESTICIDE PROGRAMS

Approval of Application To Register Pesticide Product Containing New Active Ingredient

On December 20, 1978, notice was given (43 FR 59432) that Rhodia Inc., Agricultural Div., Monmouth Junction, NJ 08852, had filed an application (EPA File Symbol No. 359-AIU) with the Environmental Protection Agency (EPA) to register the pesticide product RHODIA IPRODIONE TECHNICAL containing 95% of the active ingredient 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide which was not previously registered at the time of submission.

This application was approved on January 23, 1979 for use as a technical chemical for formulating fungicides. The product has been assigned EPA Registration No. 359-684. A copy of the approved label and list of data references used to support registration are available for public inspection in the office of the FEDERAL REGISTER Section, Program Support Division (TS-757), Office of Pesticide Programs, Rm. 401 East Tower, 401 M St., SW, Washington DC 20460. The data and other scientific information used to support registration, except for the material specifically protected by Section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in accordance with Section 3(c)(2) of FIFRA, within 30 days after the registration date of January 23, 1979. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW, Washington, DC 20460. Such requests should: (1) identify the product by name and registration number and (2) specify the data or information desired.

Dated: February 1, 1979.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-4880 Filed 2-13-79; 8:45 am]

[6560-01-M]

[FRL 1059-2; OPP-00088]

PESTICIDES/INTERIM ADMINISTRATIVE REVIEWS

Proposed Definitions of "Validated Test" and "Other Significant Evidence"

AGENCY: Environmental Protection Agency (EPA or Agency), Office of Pesticide Programs.

ACTION: Proposed definition of the terms "validated test" and "other significant evidence" as they apply to initiation of an interim administrative review (rebuttable presumption against registration (RPAR)).

SUMMARY: On September 30, 1978, the President signed the Federal Pesticide Act of 1978 (FPA), (Public Law 95-396, 92 Stat. 819) amending the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq. Section 6 of the FPA adds a new section 3(c)(8) to FIFRA which provides that the Administrator of EPA may not initiate an interim administrative review of a pesticide unless the review is based on "a validated test or other significant evidence raising prudent concerns of unreasonable adverse risk to man or the environment." Section 3(c)(8) further directs the Administrator to publish in the FEDERAL REGISTER definitions of the terms "validated test" and "other significant evidence." This notice satisfies the direction to publish definitions of the terms "validated test" and "other significant evidence." Comments by the public on the definitions are invited.

DATES: Comments on this notice should be submitted on or before March 16, 1979.

ADDRESS: Address all comments to Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. Comments received will be available for public inspection in Room E-401, Waterside Mall East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Dr. William A. Wells (see mailing address above), telephone (202) 755-5687.

SUPPLEMENTARY INFORMATION: Section 6 of the FPA added a new section 3(c)(8) to FIFRA, which provides as follows:

> Notwithstanding any other provision of this Act, the Administrator may not initiate a public interim administrative review process to develop a risk-benefit evaluation of the ingredients of a pesticide or of any of its uses prior to initiating a formal action to cancel, suspend, or deny registration of such pesticide, required under this Act, unless such interim administrative process is based on a validated test or other significant evidence raising prudent concerns of unreasonable adverse risk to man or to the environment. Notice of the definition of the terms "validated test" and "other significant evidence" as used herein shall be published by the Administrator in the FEDERAL REGISTER.

The Agency adopts as its definitions of these terms the definition given to them in the Conference Report on the FPA [No. 95-1188]:

> The Administrator shall ensure that pesticides shall be subject to the RPAR process only on the basis of a validated test or other significant evidence (and not on the basis of unsubstantiated claims), and that the term "validated test" be defined as a test conducted and evaluated in a manner consistent with accepted scientific procedures, and that the term "other significant evidence" be defined as evidence that relates to the uses of a pesticide and their adverse risk to man or to the enviroment. It is the intent of the conferees that "other significant evidence" of adverse risk means factually significant information and is not to include evidence based only on misuse of the pesticide.

Interested persons are reminded that the Agency announced its intention to modify its regulations governing the RPAR process (40 CFR Part 162) and its regulations governing hearings under FIFRA section 6 in an Advance Notice of Proposed Rulemaking that was published in the FEDERAL REGISTER on November 28, 1977 (42 FR 60573). This notice solicited comments from all interested persons. Any additional comments on the terms defined above or other subjects relevant to modifications to 40 CFR Part 162 or 40 CFR Part 164 are welcome.

Dated: February 5, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-4647 Filed 2-13-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

ADVISORY COMMITTEE ON UHF-TV RECEIVER NOISE FIGURE MEASUREMENT STANDARDS

Notice of Establishment

The Federal Communications Commission has determined that establishment of an Advisory Committee on UHF-TV Receiver Noise Figure Measurement Standards is necessary and in the public interest. The committee is being established for the purpose of studying and making recommendations on the proper techniques for measuring television receiver noise figures. (The noise figure is a technical measure of one of the factors which influences the amount of "snow," a kind of visual interference seen by viewers on their television receivers.) The Commission's rules require all new television models certified after October 1, 1979 to have a UHF noise figure of 14 decibels or less. The Commission seeks to ensure that the techniques which will be used to measure the noise figure are accurate, reliable, and repeatable. Advice from the committee now being established will be used in the development of appropriate measurement techniques.

The committee will have two informal subcommittees, one to study development of the measurement procedure and one to study the optimum accuracy and tolerance of the measurement procedure. The committee is being chartered for a period of approximately eight months and will terminate on October 15, 1979. The designated Federal employee for this committee is Lawrence Middlekamp, FCC Laboratory Division, Office of Chief Engineer. Individuals desiring additional information concerning this committee may contact Mr. Middlekamp at (301) 725-1585.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 79-4768 Filed 2-13-79; 8:45 am]

[6325-01-M]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

OPEN MEETINGS

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, March 1, 1979
Thursday, March 8, 1979
Thursday, March 15, 1979

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management respresentatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street NW., Washington, D.C. 20415 (202-632-9710).

JEROME H. ROSS,
Chairman, Federal Prevailing Rate Advisory Committee.

FEBRUARY 9, 1979.

[FR Doc. 79-4847 Filed 2-13-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the

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Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than March 9, 1979.

A. *Federal Reserve Bank of New York*, 33 Liberty Street, New York, New York 10045:

1. CHEMICAL NEW YORK CORPORATON, New York, New York (consumer finance and insurance activities; North Carolina): to engage, through its subsidiary, Sunamerica Financial Corporation, in making direct loans and purchasing installment sales finance contracts such as would be made or acquired by consumer finance companies, including making loans secured by real and personal property; and acting as agent or broker for the sale of life, accident and disability, and property and casualty insurance directly related to its extensions of credit. These activities would be conducted from an office in Wilmington, North Carolina, and the geographic area to be served is the Wilmington, North Carolina metropolitan area. This application is for the relocation of an existing office within the same city.

2. MANUFACTURERS HANOVER CORPORATION, New York, New York (consumer finance and insurance activities; New Jersey): to engage through Applicant's subsidiaries, Ritter Financial Corporation and The Financial Source, Inc., of New Jersey, in arranging, making, or acquiring loans and other extensions of credit secured by second mortgages on residential real property such as would be made by a consumer finance company; servicing such loans and other extensions of credit; and acting as agent or broker for the sale of credit life insurance directly related to such loans or extensions of credit by Applicant's subsidiaries. These proposed services would be provided from offices in Flemington and Riverside, New Jersey, and the geographic areas to be served are the counties in which the offices are located and certain adjacent counties in New Jersey. Notice of this application was previously published in newspapers of general circulation in the communities to be served, and comments must be received by February 27, 1979.

B. *Federal Reserve Bank of Richmond*, 701 East Byrd Street, Richmond, Virginia 23261:

THE CITIZENS AND SOUTHERN CORPORATION, Charleston, South Carolina (financing and insurance activities; North Carolina, South Carolina): to engage, through its subsidiary, Carolina National Mortgage Investment Company, Inc., in servicing loans and other extensions of credit and making or acquiring loans and other extensions of credit such as would be made by a mortgage or finance company; and offering life insurance directly related to its extensions of credit. These activities would be conducted from an office in Charlotte, North Carolina, and the geographic areas to be served encompass Cabarrus, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly, and Union Counties, North Carolina, and Lancaster and York Counties, South Carolina.

C. *Federal Reserve Bank of Chicago*, 230 South LaSalle Street, Chicago, Illinois 60690:

WALTER E. HELLER INTERNATIONAL CORPORATION, Chicago, Illinois (commercial finance activities; Iowa, Kansas, Missouri, Nebraska, Oklahoma): to engage, through its subsidiary, Walter E. Heller & Company, in the business of commercial finance. These activities would be conducted from an office in Kansas City, Missouri, and the geographic areas to be served are Iowa, Kansas, Missouri, Nebraska, and Oklahoma.

D. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

ZIONS UTAH BANCORPORATION, Salt Lake City, Utah (mortgage and insurance activites; Utah): to engage, through its subsidiary, Zions Mortgage Company, in the origination, acquisition, and servicing of mortgage loans, including development and construction loans on multifamily and commercial properties; and acting as agent or broker for the sale of life and accident and health insurance directly related to its extensions of credit. These activities would be conducted from an office in Midvale, Utah, and the geographic area to be served is the south part of Salt Lake County, Utah.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 7, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4827 Filed 2-13-79; 8:45 am]

[6210-01-M]

FIRST DOVER INVESTMENT COMPANY, INC.

Acquisition of Bank

First Dover Investment Company, Inc., Elgin, Minnesota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 35.2 percent or more of the voting shares of First State Bank of Dover, Dover, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 6, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 6, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4826 Filed 2-13-79; 8:45 am]

[4110-84-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

PROJECT GRANTS FOR GENETIC DISEASES TESTING AND COUSELING SERVICES, AND PROJECT GRANTS FOR SICKLE CELL DISEASE SCREENING AND EDUCATION CLINICS

Announcement of Availability of Grants

The Health Services Administration (HSA) announces that applications are being accepted for (1) voluntary comprehensive genetic diseases testing and counseling services project grants under the authority of Section 1101(a) of the Public Health Service (PHS) Act (42 U.S.C. 300b *et seq.*) and (2) sickle cell screening and education services project grants under the authority of Section 301 (42 U.S.C. 241) of the PHS Act.

Comprehensive Genetic Diseases Testing and Counseling Services

Section 1101(a) authorizes the Secretary to make grants to public and nonprofit private entities for projects to plan, establish, and operate broad-range genetic diseases testing and counseling services. A continuing resolution for fiscal year 1979, Public Law 95-482, makes $4 million available for operation of this program.

The amount available in fiscal year 1979 for support of comprehensive genetic diseases testing and counseling projects is approximately $3,340,000. Of this amount, it is anticipated that approximately $3 million will be used to fund 19 noncompeting, continuation applications. Approximately $340,000 will be available to support new, competing applications, and the average amount of an award will be approximately $175,000. The Secretary will make grants to eligible applicants for projects which will in his judgment best promote the purposes of Section 1101(a) of the Act. Factors which will be considered by the Secretary include: (1) the number of persons proposed to be served, and the extent to which rapid and effective use of funds would be made; (2) the comprehensiveness of the proposed project; (3) the degree to which the project would be operated in conjunction with other existing health programs, including programs assisted under Title B of the Social Security Act (Maternal and Child Health and Crippled Children's Services); (4) the feasibility of the plan in the application for providing services, and the capability of the applicant to provide sound financial management; and (5) the extent to which the project would meet all other statutory and regulatory (when published) requirements. Grants will be made to applicants who propose to serve statewide areas unless the applicant demonstrates good cause to serve a smaller area.

Applications must be submitted to the appropritate Health Systems Agency(s) for review and comment, or review and approval, as appropriate, 60 days prior to the due date for completed applications to HSA. The deadline for receipt of completed applications for broad-range projects for genetic diseases testing and counseling services is 5:00 p.m., May 25, 1979. (See, "Application Information" below.)

Sickle Cell Screening and Education Services

Projects for sickle cell screening and education clinics are supported under the authority of Section 301 of the PHS Act, which authorizes the Secretary to make grants to, or enter into contracts with, public or nonprofit private entities for the development of these services. Under the continuing resolution, Public Law 95-482, $3.75 million is available for support of these projects in fiscal year 1979. Projects for sickle cell screening and education services supported under this authority are currently funded through contracts. However, beginning in fiscal year 1979, these services will be supported by grant awards rather than by contracts, and sickle cell project grants will be awarded on the same funding cycle as the broad-range genetic diseases project grants previously described. These changes will provide greater flexibility for the development of sickle cell screening and education services, and also will assist in the coordination of sickle cell projects with projects providing testing and counseling services for a broad range of genetic diseases.

Approximately $3.5 million is available, in fiscal year 1979, for sickle cell project grants. Funding priority will be given to approvable applications from sickle cell projects which have current contracts with HSA for the provision of sickle cell services. After this funding priority has been satisfied, and within the limits of available funds, new, competing applications for sickle cell project grants will be considered. Factors which will be considered by the Secretary include whether the proposed high-risk target population is located in a statewide area in which a broad-range genetic diseases testing and counseling services project has not been established, the extent of unmet need for sickle cell-related services in the proposed area, and whether the application is otherwise approvable. Applications must be submitted to the appropriate Health Systems Agency(s) for review and comment, or review and approval, as appropriate, 60 days prior to the due date for completed applications to HSA. The deadline for receipt of completed applications for sickle cell screening and education projects is 5:00 p.m., May 25, 1979. (See, "Application Information" below.)

Application Information

Application kits, including all necessary forms, instructions, and information may be obtained from, upon written request, and completed applications should be returned to, the Grants Management Branch, Bureau of Community Health Services, Room 6-49, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301-443-1440.

Consultation and technical assistance regarding the development of an application are available from Audrey F. Manley, M.D., Bureau of Community Health Services, Office for Maternal and Child Health, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301-443-1080. Regulations which establish procedures and criteria for the approval of applications for genetic diseases testing and counseling services projects, and, also, for the approval of applications for projects for sickle cell screening and education clinics are forthcoming. All information and guidance provided are subject to modification based on the final regulations, and minor revisions in applications may be required.

Dated: February 8, 1979.

GEORGE I. LYTHCOTT, M.D.,
Administrator, Health Services Administration.

[FR Doc. 79-4767 Filed 2-13-79; 8:45 am]

[4110-24-M]

Institute of Museum Services

NATIONAL MUSEUM SERVICES BOARD

Meeting

The National Museum Services Board will hold an open meeting February 23-24 in San Antonio, Texas, to discuss future policy directions of the Institute of Museum Services' grants program and the status of regulations and to participate in a panel discussion with representatives from the Texas Association of Museums and the Mountain Plains Museum Association.

The Board will meet from 9 to 4:30 February 23, in the Auditorium of the Institute of Texan Cultures, University of Texas, 801 South Bowie Street and from 9 to 2:30 February 24, in the Koelhler Gallery of the Witte Memorial Museum, 3801 Broadway, San Antonio. The meeting will be open to the public.

For more information, contact Sam Eskenazi, 202/472-3325.

Dated: February 7, 1979.

CELIA PANAGOPOULOUS,
Acting Director.

[FR Doc. 79-4787 Filed 2-13-79; 8:45 am]

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[4110-02-M]

Office of Education

ENVIRONMENTAL EDUCATION

Closing Date for Receipt of Applications for Fiscal Year 1979

Applications are invited for grants under the Environmental Education Program. Funds are available under Continuing Resolution, Pub. L. 95-482, and awards will be made in accordance with the requirements of the Environmental Education Act, as amended by Pub. L. 93-278, and with the regulations issued in 1974 (39 FR 17842), as amended in 1975 (40 FR 12990). (20 U.S.C. 1531-1536)

Grants are awarded in public and nonprofit private institutions, agencies, and organizations.

The purpose of these grants is to support research, demonstration, and pilot projects designed to improve public understanding of environmental issues as they relate to the quality of life. Projects develop educational practices and resources dealing with the relation of various aspects of the natural and manmade environment to the total human environment. These aspects include the relation of energy, population, pollution, resource allocation and depletion, conservation, transportation, technology, economic impact, and urban and rural planning to the total human environment.

Closing Date for Transmittal of Applications. Applications for awards must be mailed (postmarked) or hand delivered by April 16, 1979.

Applications Delivered by Mail. An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center Attention: 13.522, Washington, D.C. 20202.

Proof of mailing must consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipt will not be accepted without a legible date stamped by the U.S. Postal Service. (Note: The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.) Applicants are encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered in the current competition.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:00 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand delivered will not be accepted after 4:00 p.m. on the closing date.

Program Information. In formulating proposals, potential applicants should be aware that approximately 50 projects will be funded in Fiscal Year 1979, including new and competing continuation projects. Grants averaging $50,000 for General Project activities and not exceeding $10,000 for Mini-grant activities will be awarded for a 12-month period. Mini-grants are available for community workshops, conferences, symposia, or seminars on a local environmental problem.

Available Funds. Approximately $3,500,000 will be available for the Environmental Education Program in FY 1979.

Application Forms. Application forms and program information packages are expected to be ready for mailing by January 29, 1979. They may be obtained by writing to the Office of Environmental Education, U.S. Office of Education, Room 2025, 400 Maryland Avenue, SW, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

State and Areawide Clearinghouse Review (OMB Circular A-95). Applications under the Environmental Education Program are subject to the clearinghouse procedures required by OMB Circular A-95, the regulations for facilitating coordinated planning under the Intergovernmental Cooperative Act. State/areawide clearinghouse procedures are applicable. Applicants should check with the appropriate Federal Regional Office to obtain the name(s) and address(es) of the Clearinghouse(s) if unknown. Indian Tribe applicants need not notify "clearinghouses" unless a Tribal, formalized procedure has been established through the Office of Management and Budget. All applicants, other than Indian tribes, must provide evidence of compliance with clearinghouse review requirements in the application to the Commissioner. Evidence of compliance may consist of:

(1) A State application identifier number obtained from the clearinghouse and comments from clearinghouses, if available.

(2) Certification by the applicant that he has provided either or both State and areawide clearinghouses with the opportunity to review the application and has received no comments.

Clearinghouse comments received by the applicant after the submission of the application to the U.S. Office of Education must be forwarded to the Office of Environmental Education, U.S. Office of Education. (See address under "For Information Contact.") Clearinghouse comments received by the Office of Environmental Education no later than May 29, 1979 will be considered in reviewing applications.

State Educational Agency Comment. The regulations for the Environmental Education Program, in accordance with the statute, require that a local educational agency provide a copy of its application to a State educational agency of the State within which the applicant is located, concurrently with its submission of the application to the Office of Education. For verification of the submission to the State educational agency, the local educational agency applicant must enclose, in its application to the Commissioner, a copy of the dated cover letter used to forward a copy of its application to the State educational agency. State educational agencies wishing to submit advice and comments on any educational agency application originating within their State may do so by forwarding advice and comments to the Office of Environmental Education, U.S. Office of Education. (See address under "For Further Information Contact.") Advice and comments received from SEAs no later than May 29, 1979 will be considered in reviewing applications.

Applicable Regulations. The regulations applicable to this program are:

(a) Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a), and

(b) Regulations governing the Environmental Education Program (45 CFR Part 183) published in the FEDERAL REGISTER on May 21, 1974, (39 FR 17842) as amended March 24, 1975, (40 FR 12990).

Further Information. For further information contact, Mr. Walter Bogan, Director, Office of Environmental Education, Washington, D.C. 20202, Telephone (202) 245-9231.

(20 U.S.C. 3011-3018)

(Catalog of Federal Domestic Assistance Number 13.522, Environmental Education Program)

Dated: February 5, 1979.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 79-4825 Filed 2-13-79; 8:45 am]

[4110-02-M]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of Public Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S. Code, Appendix I, Section 10(a)(2)). This document is intended to notify the general public of its opportunity to attend.

DATE: March 8, 9, 1979.

ADDRESS: Hotel Washington, Pennsylvania Avenue at 15th Street NW Washington, D.C. The Capital Room.

The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90-576. The Council is directed to:

(A) Advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

On March 8, 1979, the National Advisory Council on Vocational Education will meet in regular session from 9:00 a.m. to 5:00 p.m. in the Capital Room of the Hotel Washington, Washington, D.C. The following agenda will be included in the meeting:

MARCH 8

Call to Order 9:00 a.m., Determination of Quorum, Acceptance of January 11, 12 Minutes, Reports of the Chairperson and Executive Director.

Report from the Bureau of Occupational and Adult Education, U.S. Office of Education.

Council Committee Reports: MERC/Q (Trust Territories Visit), Special Populations (NACWEP Hearings), Technical Assistance, BOAE Evaluation Task Force Status.

Special Report on Nursing Programs.

Council Issue Paper No. 2—"Transition from School to Work".

MARCH 9

Continuation of Other Council Business.

Adjournment—Noon.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Vocational Education, located at 425-13th Street N.W., Suite 412, Washington, D.C. 20004. For further information call Virginia Solt: (202) 376-8873.

Signed at Washington, D.C., on February 8, 1979.

RAYMOND C. PARROTT,
Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 79-4848 Filed 2-13-79; 8:45 am]

[4110-02-M]

STATE POSTSECONDARY EDUCATION COMMISSIONS

Closing Date for Receipt of Information Concerning Establishment of State Postsecondary Education Commissions

In order for a State to receive funds appropriated during fiscal year 1979 to support statewide comprehensive planning for postsecondary education as authorized under Section 1203(a) of the Higher Education Act of 1965 (20 U.S.C. 1142b(a)), it must have established a State Postsecondary Education Commission which, as required by Section 1202(a) of the Act, is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State, including community colleges, junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four year institutions of higher education and branches thereof. States which have not previously submitted information concerning establishment of a State Commission and which wish to receive planning funds must submit the following information to the U.S. Commissioner of Education by March 9, 1979:

(1) An indication of which of the following three options for establishing a Section 1202 State Commission the State has chosen to follow: (i) Creation of a new Commission, (ii) designation of an existing State agency or State Commission, or (iii) expanding, augmenting or reconstituting the membership of an existing State agency or State Commission.

(2) An indication whether any of the following State-administered program authorities contained in the Higher Education Act of 1965 have been assigned to the Section 1202 State Commission:

(i) Community Services and Continuing Education (HEA Section 105);

(ii) Equipment for Undergraduate Instruction (HEA Section 603); and

(iii) Grants for Construction of Undergraduate Academic Facilities (HEA Section 704).

(3) The official name, address and telephone number of the State Commission.

(4) The names, mailing addresses and terms of office of the members of the State Commission.

(5) The name, title, mailing address and telephone number of the principal staff officer of the State Commission.

(6) A letter, signed by the Governor, explaining how the membership of the State Commission meets the "broadly and equitably representative" requirements of Section 1202(a) and what provisions have been made to ensure continuing compliance with these requirements of the law.

The above information may be sent by mail or hand-delivered.

(a) *Information sent by mail.* Information sent by mail should be addressed to the U.S. Commissioner of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. The information will be considered to be received on time if:

(1) The information was sent by registered or certified mail not later than March 5, 1979 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The information is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time date stamp of the mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(b) *Information delivered by hand.* Information to be delivered by hand must be taken to Room 4004, 400 Maryland Avenue SW., Washington, D.C. Hand-delivered information will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Information will not be accepted after 4:00 p.m on the closing date.

(20 U.S.C. 1142b.)

Dated: February 5, 1979.

ERNEST L. BOYER,
U.S. Commissioner of Education.

V 4 4 / 3 2 F E 1 4 7 9 UMI

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions)

[FR Doc. 79-4823 Filed 2-13-79; 8:45 am]

[4110-39-M]

National Institute of Education

WOMEN'S EDUCATIONAL EQUITY RESEARCH GRANTS PROGRAM

Closing Date for Receipt of Applicotions

Notice is given that applications are being accepted for grants in the Women's Educational Equity Research Grants Program according to the authority contained in section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e).

This announcement covers applications for new awards that are to be considered in Fiscal Year 1979. Awards will be made for research on the informal social processes which influence women's achievement, particularly in the areas of mathematics, science, and technology, and with special attention to racial, ethnic, and socio-economic diversity.

An individual, a college university, State department of education, local education agency, other public or private agency, organization or group, or any combination of these is an eligible applicant.

CLOSING DATE: May 10, 1979.

A. *Application and program information:* Persons who wish to receive the program announcement may request one by sending a self-addressed mailing label to the Social Processses/ Women's Research Team, National Institute of Education, Washington, D.C., 20208 (202-254-6572). The program announcement includes the guidelines governing the program, information on the availability of funds, expected number of awards eligibility and review criteria, and instructions on how to apply. Prospective applicants who have previously requested that their names be placed on the mailing list for this program will be sent copies of the announcement as soon as it is available.

B. *Estimated distribution of program funds:* The program has a proposed funding allocation of $500,000 in Fiscal Year 1979. It is expected that there will be about 10-25 project awards. The program will support only projects of the highest quality. Funded projects normally will not exceed 12 months in duration; however, multi-year proposals for projects up to three years duration will be accepted in this competition. If the Institute makes an award for longer than twelve months, the recipient can expect to receive funding as described in the award unless (1) the Director terminates or suspends the award in accordance with regulations or (2) appropriations are not available. Further, nothing in the announcement will commit the Institute to award any specific amount. The actual total of funds awarded may change because of a need to reserve funds for continuation of projects begun earlier, for contract or in-house research, or because of budget or staffing restrictions.

C. *Applications delivered by mail:* An application sent by mail must be addressed to the Proposal Clearinghouse, National Institute of Education, Attention: Women's Educational Equity Research Grants, Room 813, 1200 19th Street NW, Washington, D.C., 20208. Applications will be accepted only if they are mailed on or before the closing date and the following proof of mailing is provided:

Proof of mailing must consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service.

NOTE.—The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Applicants are encouraged to use registered or at least first-class mail.

Each late applicant will be notified that the late application will not be considered in the current competition.

D. *Applications delivered by hand:* An application that is hand-delivered must be taken to the Proposal Clearinghouse, National Institute of Education, Room 813, 1200 19th Street, NW, Washington, D.C. The proposal Clearinghouse will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications for new awards that are hand-delivered will not be accepted after 4:30 p.m., May 10, 1979.

E. *Applicable regulations:* The regulations applicable to this program include the National Institute of Education General Provisions Regulations (45 CFR Part 1400-1424) published in the FEDERAL REGISTER on November 4, 1974, 39 FR 38992, and the Educational Equity Research Grants Program Final Regulations (45 CFR Part 1490) published in the FEDERAL REGISTER on September 26, 1978, 43 FR 43672.

(Catalog of Federal Domestic Assistance Number 13.950, Educational Research and Development)

Dated: February 8, 1979.

PATRICIA ALBJERG GRAHAM,
Director, National Institute of Education.

[FR Doc. 79-4776 Filed 2-13-79; 8:45 am]

[4110-07-M]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Public Meetings

AGENCY: Advisory Council on Social Security, HEW.

ACTION: Notice is hereby given, pursuant to Public Law 92-463, that the Advisory Council on Social Security, established pursuant to section 706 of the Social Security Act, as amended, will meet on Sunday, March 11, 1979, from 10:30 a.m. to 8:00 p.m. and Monday, March 12, 1979, from 9:00 a.m. to 5:00 p.m. at Marriott Twin Bridges Hotel, U.S. 1 and I-395, Washington, D.C. 20024. The meetings will be devoted to the topic of disability insurance issues. On March 11, there will be a report of the actuarial and economic consultants to the Council.

These meetings are open to the public.

Individuals and groups who wish to have their interest in the Social Security program taken into account by the Council may submit written comments, views, or suggestions to Mr. Lawrence H. Thompson.

FOR FURTHER INFORMATION CONTACT:

Mr Lawrence H. Thompson, Executive Director, Advisory Council on Social Security, P.O. Box 17054, Baltimore, Maryland 21235.

Telephone inquiries should be directed to Mr. Edward F. Moore, (301) 594-3171.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807 Social Security Program.)

Dated: February 9, 1979.

LAWRENCE H. THOMPSON,
Executive Director, Advisory Council on Social Security.

[FR Doc. 79-4806 Filed 2-13-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Correction to Notice of Filing of Plat of Survey

JANUARY 23, 1979.

In FR Doc 78-35474, appearing on page 59553 in the issue of Thursday, December 21, 1978, the Official filing date should read January 19, 1979, rather than January 19, 1978.

Dated: January 29, 1979.

IRVING ZIRPEL, Jr.,
Chief, Division of Cadastral Survey.

[FR Doc. 79-4761 Filed 2-13-79; 8:45 am]

[4310-84-M]

ROCK SPRINGS DISTRICT ADVISORY BOARD

Meeting

FEBRUARY 5, 1979.

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Rock Springs District Grazing Advisory Board will be held on March 21, 1979.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management District Office on Highway 187 North, Rock Springs, Wyoming.

The agenda for the meeting will include: (1) A discussion of proposed Allotment Management Plans for the Sandy Environmental Statement Area; (2) the expenditure of range betterment and Advisory Board funds for range improvements; (3) a public comment period and; (4) the arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 1:30 and 2:30 p.m., or file written statements for the Board's consideration. Anyone wishing to make oral statements must notify the District Manager, Bureau of Land Management, Highway 187 North, Rock Springs, Wyoming 82901 by March 19, 1979. Depending on the number of persons wishing to make oral statements a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

JERRY OSTROM,
Assistant District Manager.

[FR Doc. 79-4819 Filed 2-13-79; 8:45 am]

[4310-10-M]

Office of the Secretary

PRIVACY ACT OF 1974

Systems Notice

Notice is hereby given that the Department of the Interior has under consideration an amended system notice describing a record system which will be maintained and will be subject to the Privacy Act of 1974, 5 U.S.C. 552a. The system is:

Hunting and Fishing Survey Records—Interior, Fish and Wildlife Service—6

The system notice, as amended, is published below.

Comments on the amended notice may be submitted to the Departmental Privacy Act Officer, Office of Administrative and Management Policy, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. All comments received on or before March 7, 1979, will be considered. Copies of any comments may be inspected in Room 5316 at the above address.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

FEBRUARY 5, 1979.

System name: Hunting and fishing Survey Records—Interior, FWS-6

System Location: *Division of Program Plans,* Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240

Categories of individuals covered by the system: Contains days of participation and expenditures of individuals participating in hunting, fishing and nonconsumptive wildlife activities.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, as amended; the Fish and Wildlife Act of 1956 (16 U.S.C. 741a-7421); the Federal Aid in Wildlife and Fish Restoration Acts of 1937 and 1950, as amended, 16 U.S.C. 777-777k, 669-669i.

Routine uses of records maintained in the system, including categories of uses and the purpose of such uses: The primary use of the records is the development of statistical analyses to assist *State and Federal governments* in managing wildlife resources. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local or foreign agencies responsible for investigation or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, assessing, retaining and disposing of records in the system: (1) **Storage:** magnetic tape

(2) **Retrievability:** indexed by identification number.

(3) **Safeguards:** maintained in accordance with the provisions of 43 CFR 2.51.

(4) **Retention and disposal:** *for each survey that uses this system,* the records will be maintained until summary analyses are completed, after which the names and addresses will be destroyed.

System manager and address: Chief, *Division of Program Plans,* Fish and Wildlife Service, U.S. Department of the interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System nanager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

[FR Doc. 79-4824 filed 2-13-8:45 am]

[4310-84-M]

[Wyoming 66325]

WYOMING

Notice of Application

FEBRUARY 5, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 112 W.,
Sec. 20, SW¼SW¼.

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The pipeline will transport natural gas produced from the Champlin 358 Well located in the NW¼ of section 29 to a point of connection with Northwest Pipeline Corporation's existing pipeline in the NW¼SE¼ of section 19, T. 18 N., R. 112 W., 6th P.M., Uinta County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4762 Filed 2-13-79; 8:45 am]

[4310-84-M]

[Wyoming 66858]

WYOMING

Notice of Application

FEBRUARY 5, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 112W.,
Sec. 15, NW¼NW¼ and S½NW¼;
Sec. 18, S½NE¼.

The pipeline is a proposed addition to an existing gathering system transporting natural gas from a well in the SE¼NW¼ section 15 into an existing pipeline in NE¼ section 18, T. 28 N., R. 112 W., in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4763 Filed 2-14-79; 8:45 am]

[4310-84-M]

[Wyoming 66324]

WYOMING

Notice of Application

FEBRUARY 2, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 30 N., R. 113 W.,
Sec. 28, SE¼SW¼;
Sec. 33, NE¼NW¼.

The pipeline will transport natural gas produced from the Belco S-27-33 Well located in the NE¼NW¼ of section 33 to a point of connection with Northwest Pipeline Corporation's existing pipeline in the SE¼SW¼ of section 28, all within T. 30 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4764 Filed 2-13-79; 8:45 am]

[4310-84-M]

[Wyoming 66323]

WYOMING

Notice of Application

FEBRUARY 2, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act o 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 30 N., R. 113 W.,
Sec. 27, SW¼SW¼.

The pipeline will transport natural gas produced from the S-29-27 Well to a point of connection with Northwest Pipeline Corporation's existing pipeline all within the SW¼SW¼ of section 27, T. 30 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-4765 Filed 2-13-79; 8:45 am]

[8230-01-M]

INTERNATIONAL COMMUNICATION AGENCY

CULTURALLY SIGNIFICANT OBJECTS FROM THE UNION OF SOVIET SOCIALIST REPUBLICS

[Public Notice 538—Amendment No. 1]

Presentation Specimen Colt Revolvers; Extension of Exhibition within the United States

Pursuant to the authority vested in me by Pub. L. 89-259 of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978) I hereby amend Public Notice No. 538, published in the FEDERAL REGISTER on May 2, 1977 (42 FR 22212), by adding to the places of exhibition or display: The Metropolitan Museum of Art, New York, New York, and by extending the period of display in the United States by an additional period of twelve months.

The additional exhibition is pursuant to agreement between the Metropolitan Museum of Art and Colt Industries, Inc.

Notice of this amendment of the determination is ordered to be Published in the FEDERAL REGISTER.

Dated: February 7, 1979.

JOHN E. REINHARDT,
Director, International Communication Agency.

[FR Doc. 79-4777 Filed 2-13-79; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[TA-201-38]

CERTAIN MACHINE NEEDLES

Report to the President

FEBRUARY 7, 1979.

TO THE PRESIDENT: In accordance with section 201(d)(1) of the Trade Act of 1974 (19 U.S.C. 2251(d)(1), 88 Stat. 1978), the United States International Trade Commission herein reports the results of an investigation relating to certain machine needles.

On the basis of the information developed in investigation No. TA-201-38 the Commission [1] unanimously determines that needles for machines for making nonwoven or nonknit fabrics; needles for knitting, embroidery, and other textile machines; and needles for sewing machines, except sewing machines designed for household use; provided for in items 670.35; 670.58, 670.60, 670.62, 670.64, and 670.74; and 672.20 of the Tariff Schedules of the United States (TSUS), are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

The Commission instituted this investigation under the authority of section 201(b)(1) of the Trade Act on August 25, 1978, following receipt on August 7, 1978, of a petition filed by the Torrington Co., Torrington, Conn.

The investigation was undertaken to determine whether needles for machines for making nonwoven or nonknit fabrics; needles for knitting, embroidery, and other textile machines; and needles for sewing machines, except sewing machines designed for household use; provided for in TSUS items 760.35; 670.58, 670.60, 670.62, 670.64, and 670.74; and 672.20, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

A public hearing in connection with the investigation was held in the Commission's hearing room in Washington, D.C., on November 20 and 21, 1978. All interested persons were afforded the opportunity to be present, to produce evidence, and to be heard. A transcript of the hearing and copies of briefs submitted by interested parties in connection with the investigation are attached.[2] Notice of the investigation and hearings was duly given by publishing the notice in the FEDERAL REGISTER of August 31, 1978 (43 FR 38949).

The information contained in this report was obtained from fieldwork, and questionnaires sent to domestic producers and importers, and from the Commission's files, other Government agencies, and information presented at the hearing and in briefs filed by interested parties.

By order of the Commission.

Issued: February 9, 1979.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-4884 Filed 2-13-79 8:45 am]

[7020-02-M]

[TA-203-5]

STAINLESS STEEL AND ALLOY TOOL STEEL

Change of Time of Prehearing Conference

Notice is hereby given that the prehearing conference in this investigation scheduled for Tuesday, February 13, 1979, will be held at 2 p.m., e.s.t., rather than at 10 a.m., as previously announced. The conference will be held in Room 117 of the U.S. International Trade Commission Building.

Notice of the investigation and hearing was published in the FEDERAL REGISTER of December 22, 1978 (43 FR 59914), and notice of change of the date of the hearing was published in the FEDERAL REGISTER of January 9, 1979 (44 FR 2028).

By order of the Commission.

Issued: February 9, 1979.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-4885 Filed 2-13-79; 8:45 am]

[4110-09-M]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 79-2]

RAPHAEL C. CILENTO

Notice of Hearing

Notice is hereby given that on December 27, 1978, the Drug Enforcement Administration, Department of Justice, issued to Raphael C. Cilento, M.D., Brooklyn, New York, an Order to Show Cause as to why the Drug Enforcement Administration should not deny Respondent's application for registration, executed July 17, 1978.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, February 27, 1979, in the Hearing Room, Room 1210, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C.

Dated: February 6, 1979.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 79-4796 Filed 2-13-79; 8:45 am]

[6820-35-M]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

FEBRUARY 7, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Legal Aid Services in Casper, Wyoming to serve Big Horn, Washakee, partial Hot Springs, partial Fremont, Park and Converse Counties.
2. Legal Services for Laramie County in Cheyenne, Wyoming to complete service to Albany County,

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Seattle Regional Office, 506 Second Avenue, Seattle, Washington 98104.

THOMAS EHRLICH,
President.

[FR Doc. 79-4862 Filed 2-13-79; 8:45 am]

[6820-35-M]

GRANTS AND CONTRACTS

FEBRUARY 8, 1979.

The Legal Services Corporation was established pursuant to the Legal

[1] Chairman Joseph O. Parker, Vice Chairman Bill Alberger and Commissioners George M. Moore, Catherine Bedell, and Paula Stern.

[2] Attached to the original report sent to the President, and available for inspection at the U.S. International Trade Commission, except for material submitted in confidence.

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Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly • • • such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid of Central Michigan in Lansing, Michigan to serve Barry County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Virginia.

THOMAS EHRLICH,
President.

[FR Doc. 79-4863 Filed 2-13-79; 8:45 am]

[6820-35-M]

GRANTS AND CONTRACTS

FEBRUARY 8, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly • • • such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid Bureau in Baltimore, Maryland to serve Baltimore, Frederick, Carroll and Cecil Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Philadelphia Regional Office, 101 North 33rd Street, Suite 404, Philadelphia, PA 19104.

THOMAS EHRLICH,
President.

[FR Doc. 79-4864 Filed 2-13-79; 8:45 am]

[6820-35-M]

GRANTS AND CONTRACTS

FEBRUARY 8, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly • • • such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Central Minnesota Legal Services in Minneapolis, Minnesota to serve Kandiyohi, Renville, Yellow Medicine, Chippewa, Lac qui Parle, Swift, Big Stone, Isanti, Chisago, Lincoln and Lyon Counties.

2. Southern Minnesota Regional Legal Services in St. Paul, Minnesota to serve Scott, Carver, Waseca, McLeod, LeSueur, Steele, Dodge, Freeborn, Mower, Sibley, Jackson, Cottonwood, Redwood, Nobles, Murray, Rock and Pipestone.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,
President.

[FR Doc. 79-4865 Filed 2-13-79; 8:45 am]

[7537-01-M]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

VISUAL ARTS PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Photographer's Exhibition Aid) to the National Council on the Arts will be held on March 7, 1979, from 9:30 a.m.-5:30 p.m.; March 8, 1979, from 9:30 a.m.-5:30 p.m.; March 9, 1979, from 9:30 a.m.-5:30 p.m., in Room 1422 on March 7th, and in Room 1115 on March 8 and 9, of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

FEBRUARY 7, 1979.

[FR Doc. 79-4820 Filed 2-13-79; 8:45 am]

[7537-01-M]

VISUAL ARTS PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Craftsmen's Fellowships) to the National Council on the Arts will be held on March 14, 1979, from 9:30 a.m.-5:30 p.m.; March 15, 1979, from 9:30 a.m.-5:30 p.m.; March 16, 1979, from 9:30 a.m.-5:30 p.m., in Room 1115 of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

FEBRUARY 7, 1979.

[FR Doc. 79-4821 Filed 2-13-79; 8:45 am]

[7536-01-M]

National Endowment for the Humanities

HUMANITIES PANEL

Meeting

FEBRUARY 9, 1979.

Pursuant to the provisions of the Federal Advisory Committee (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506:

1. Date: March 1 and 2, 1979. Time: 9 a.m. to 5:30 p.m. Room: 1130. Purpose: To review NEH Challenge Grant applications submitted to the National Endowment for the Humanities for projects beginning after October 30, 1979.

2. Date: March 5 and 6, 1979. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review NEH Challenge Grant applications submitted to the National Endowment for the Humanities for projects beginning after October 30, 1979.

3. Date: March 8 and 9, 1979. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review NEH Institutional Development Grant applications submitted to the National Endowment for the Humanities for projects beginning after July 1, 1979.

4. Date: March 15 and 16, 1979. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review Higher Education Projects applications submitted to the National Endowment for the Humanities for projects beginning after July 1, 1979.

Because the proposed meetings will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552(c) and that it is essential to close these meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 79-4861 Filed 2-14-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

SUBCOMMITTEE ON EVALUATION OF LICENSEE EVENT REPORTS

Meeting

The ACRS Subcommittee on Evaluation of Licensee Event Reports will hold an open meeting on March 1 and 2, 1979, in Room 1046, 1717 H Street, NW, Washington, DC 20555.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 4, 1978, (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

THURSDAY, MARCH 1, 1979

8:30 a.m. until the conclusion of business.

FRIDAY, MARCH 2, 1979

8:30 a.m. until the conclusion of business.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, representatives of the NRC Staff and their consultants, to continue its review of Licensee Event Reports submitted during the period 1976-1978.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Robert L. Wright, Jr., (telephone 202/634-3314) between 8:15 a.m. and 5:00 p.m., EST.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, NW, Washington, DC 20555.

Dated: February 9, 1979.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 79-4852 Filed 2-13-79; 8:45 am]

[7590-01-M]

[Docket No. 50-549]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Availability of Final Environmental Statement for the Greene County Nuclear Power Plant

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commissions's Office of Nuclear Reactor Regulation, related to the proposed construction of the Greene County Nuclear Power Plant to be located in Greene County, New York is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Catskill Public Library, 1 Franklin Street, Catskill, New York. The Final Environmental Statement is also being made available at the State Clearinghouse, New York State Division of the Budget, State Capitol, Albany New York.

The notice of availability of the Draft Environmental Statement for the Greene County Nuclear Power Plant and requests for comments from interested persons was published in the FEDERAL REGISTER on March 11, 1976 (41FR 10485). The comments received from Federal, State, and local agencies and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0512) may be purchased, at $23.50 for printed copies and $3.00 for microfiche, from the National Technical Information Service, Springfield, Va. 22161. Dated at Bethesda, Maryland, this 30 day of January 1979.

For the Nuclear Regulatory Commission.

O. D. T. LYNCH, Jr.,
Acting Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 79-4774 Filed 2-13-79; 8:45 am]

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[4810-25-M]

DEPARTMENT OF THE TREASURY

[107-1]

ETHICS IN GOVERNMENT ACT OF 1978

Appointment of Designated Agency Official

Pursuant to the authority vested in me and in implementation of the Ethics in Government Act of 1978 (Pub. L. 95-521), the General Counsel is appointed "Designated Agency Official" for the Department of the Treasury within the meaning of that law and with the right to redelegate.

ROBERT CARSWELL,
Deputy Secretary.

[FR Doc. 79-4775 Filed 2-13-79; 8:45 am]

[4810-22-M]

GRAIN ORIENTED SILICON ELECTRICAL STEEL FROM ITALY

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in preliminary determination that a producer and exporter to the United States of grain oriented silicon electrical steel does not receive from the Government of Italy benefits which are bounties or grants under the countervailing duty statute (19 U.S.C. 1303).

EFFECTIVE DATE: February 14, 1979.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Office of Tariff Affairs, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220, telephone (202) 566-8585.

SUPPLEMENTARY INFORMATION: On April 25, 1978, a "Notice of Receipt of Information and Initiation of Countervailing Duty Investigation" was published in the FEDERAL REGISTER (43 FR 17560). That notice stated:

"On October 11, 1977, a "Final Countervailing Duty Determination" was published in the FEDERAL REGISTER (42 FR 54899). The notice stated that Terni-Societa per l'Industria e l'Elettricita, S.p.A., ("Terni"), had not received from the Government of Italy, directly or indirectly, any bounties or grants on its exports of grain oriented silicon electrical steel within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

"Among the alleged benefits claimed by petitioner to constitute bounties or grants was the purchase of stock or conversion of debt to equity in Terni's parent, Finsider, S.p.A., by the Istituto per la Ricostruzione Industriale ("IRI"), and agency of the Italian Government under the Ministry of State Participations. The available evidence indicated that no such transaction had occured since 1965, a date deemed too remote from Terni's expansion to have an impact on its current exports, and that to the extent Finsider had invested in Terni since 1965, it had done so with funds internally generated or raised in capital markets on commercial terms. Accordingly, it was determined that even if Finsider's recent decision to expand Terni were made at the suggestion or direction of the Italian Government, no bounty or grant within the meaning of the Law exists. The final determination then stated:

"Of course if, in the future, the Italian Government should, either through IRI or otherwise, increase Finsider's available funds, on other than terms that may reasonably be regarded as commercial, this conclusion may require reconsideration."

On November 11, 1977, petitioner submitted information alleging that payments or bestowals conferred by the Government of Italy upon the manufacture, production or exportation of grain oriented silicon electrical steel by Terni Societa per l'Industria e l'Elettricita, S.p.A. ("Terni") constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

Grain oriented silicon electrical steel is provided for in the Tariff Schedules of the United States under item numbers 608.88 and 609.07.

On the basis or and investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that no benefits have been received by Terni which constitute bounties or grants within the meaning of the Act. The alleged benefit preliminarily determined not to constitute a bounty or grant based on the information available and analysis to date is described below.

Petitioner submitted information indicating that on October 3, 1977, Finsider, S.p.A., the parent company of Terni, held a special shareholders' meeting at which a 390 billion lire increase in share capital was approved. The shareholder resolution approved issuance of 780 million shares with a par value of 500 lire, and the offer of an option to all shareholders to purchase at par two newly-issued shares for each one held. Although the stock market value of Finsider's shares was then 85 lire per share, the Istituto per la Ricostruzione Industriale ("IRI"), an agency of the Italian Government under the Ministry of State Participations, not only agreed to purchase its quota of the newly-issued stock (58 percent of the offering) at par but also agreed to buy the remainder of the offering and to hold it in escrow for five years to enable Finsider's minority shareholders to purchase their *pro rata* portions at 500 lire per share. Accordingly, it was concluded that a new investigation of grain oriented silicon electrical steel from Italy was warranted. Investigation of the above-described recapitalization has revealed the following facts:

At the IRI Board of Directors' meeting of August 1, 1977, and at the Finsider shareholders' meeting of October 3, 1977, it was agreed to:

1. Increase the capitalization of Finsider by 390 billion lire in several stages, the cost of which was to be borne by IRI;

2. Increase the Capitalization of Italsider, S.p.a., a Finsider subsidiary, by a sum not less than credits to be transferred from IRI to Finsider, with the cost of such increase in share capital to be borne by Finsider;

3. Transfer IRI credits with Italsider to Finsider; and

4. Transfer the outstanding Italsider debt with IRI to Finsider.

The increase in capital of Finsider was to be accomplished in serveral stages, the first two of which have been completed and which increased Finsider's capital by an amount equivalent to the amount of indebtedness of Italsider. Since at this time the total amounts received by Finsider from IRI have been the precise equivalent of the conversion of the Italsider debt, it is clear that no benefits have been received by Terni, a subsidiary company of Finsider which is not otherwise related to Italsider. At some future stage, the remainder of the funds by which IRI has agreed to increase the share capital of Finsider, will probably be received by the latter company which may, in turn, invest it in one or more subsidiaries. At such time, Treasury will determine the extent to which the receipt by Finsider of such a capital infusion has, directly or indirectly, benefited Terni and the extent to which such receipt benefits Terni's production of grain oriented silicon electrical steel. The Treasury will monitor future actions by Finsider along these lines.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitutions Avenue, NW., Washington, D.C. 20229, in time to be received by his office no later than March 16, 1979. Any request for an opportunity to present views orally should accompany such submission and a copy of all submissions should be delivered to any counsel that has heretofore represented any party to these proceedings.

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190, Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised November 2, 1954, and § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 8, 1979.

[FR Doc. 79-4817 Filed 2-13-79; 8:45 am]

[4810-22-M]

Office of the Secretary

CARBON STEEL PLATE FROM TAIWAN

Antidumping; Notice of Withholding of Appraisement and Determination of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Withholding of Appraisement and Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that carbon steel plate from Taiwan produced by China Steel corporation is being sold at less than fair value under the Antidumping Act, 1921. Appraisement of entries of this merchandise from China Steel Corporation will be suspended for 3 months. This case is being referred to the U.S. International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: February 14, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Kugelman, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On October 25, 1978, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER (43 FR 49875). This investigation was initiated by the Treasury Department in conjunction with its administration of the "Trigger Price Mechanism" (TPM), a program established in December, 1977, to monitor prices at which certain steel mill products enter the United States. As stated in the FEDERAL REGISTER of December 30, 1977 (42 FR 65214), the TPM consists of four major parts: (1) The establishment of trigger prices for certain steel mill products imported into the United States; (2) the use of a Special Summary Steel Invoice ("SSSI") applicable to imports of all steel mill products; (3) the continuous collection and analysis of data concerning (a) the cost of production and prices of steel mill products exported to the United States, and (b) the condition of the domestic steel industry; and (4) where appropriate, the expedited initiation and disposition of proceedings under the Antidumping Act of 1921 with respect to imports entering the U.S. at prices below the Trigger Prices.

This case was initiated after information developed from SSSI's indicated that imports of carbon steel plate from Taiwan produced by China Steel Corporation (CSC) were being sold at prices less than the appropriate "trigger price" for that product and further investigation revealed the possibility that the subject carbon steel plates were being, or were likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (hereinafter referred to as "the Act"). Evidence was developed regarding injury or the likelihood of injury to the U.S. domestic industry caused by CSC's allegedly less than fair value exports to the U.S.

For purposes of this determination, the term "carbon steel plate" means hot rolled carbon steel plate, not coated or plated with metal and not clad, other than black plate, not alloyed, and other than in coils. This merchandise is classified under item 608.8415 of the Tariff Schedules of the United States, Annotated.

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, carbon steel plate from Taiwan produced by China Steel Corporation is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and basis for the above determination are as follow:

a. *Scope of the Investigation.* The only evidence of sales to the U.S. of carbon steel plate from Taiwan at prices below the applicable "trigger prices" was with respect to carbon steel plate manufactured by CSC. Consequently, this determination only applies to carbon steel plate manufactured by CSC. This investigation encompassed all shipments of carbon steel plate to the United States by CSC during August and September, 1978.

b. *Basis of Comparison.* For purposes of this determination, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales to the United States of hot rolled carbon steel plate from CSC were made to unrelated purchasers in the United States prior to the dates of exportation. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide an adequate basis for comparison.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was requested concerning U.S. imports during the period August 1 through September 30, 1978. Home market price data was requested for the period corresponding to the dates of purchase of the U.S. sales. CSC declined to furnish home market prices. Therefore, this determination is based on such information as was otherwise available, pursuant to § 153.31(a), Customs Regulations (19 CFR 153.31(a)).

(c). *Purchase Price.* For the purpose of this determination, purchase price has been calculated on the basis of the ex-factory prices to the United States purchasers, with an addition for certain taxes paid upon the importation of raw materials which were rebated upon the export of the steel plate.

d. *Home Market Price.* Data available to the Treasury Department clearly establishes "home market prices" as the appropriate basis for calculating "fair value." However, due to the refusal of CSC to provide verified home market price data, recourse was made to such other information as was available regarding home market prices. In conjunction with its operation of the TPM, the U.S. Customs Service requires every import of steel mill products covered by the TPM to be accompanied by an SSSI. The price of comparable steel products in the home market is one of the entries required on the SSSI. Home market prices in this case were calculated from the data supplied on SSSI's submitted with imports of carbon steel plate produced by CSC during the period of investigation, with dates of purchase corresponding to the dates of the U.S. sales.

No deduction for inland freight was made due to the refusal of CSC to supply data from which the appropriate deduction could be calculated and which the Customs Service could verify.

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e. *Result of Fair Value Comparisons.* Using the above criteria, comparisons were made on 100 percent of the sales of hot rolled carbon steel plate to the United States by CSC during the period of investigation. These comparisons indicate that the purchase price was less than the home market price of such or similar merchandise in all instances. The weighted-average margin of dumping on these sales amounted to 34 percent.

The Secretary has provided an opportunity to known interested parties to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

Customs officers are being directed to withhold appraisement of hot rolled carbon steel plate from Taiwan produced by CSC, in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This notice, which is published pursuant to section 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective February 14, 1979. It shall cease to be effective at the expiration of 3 months from the date of this publication unless previously revoked.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 7, 1979.

[FR Doc. 79-4816 Filed 2-13-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 6, 1979, at 10:00 a.m., the San Diego Regional Office Station Committee on Educational Allowances shall at Room *501*, 2022 Camino del Rio North, San Diego, California 92108, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in American Flight School, Gillespie Field, 1935 North Marshall, El Cajon, California 92020 should be discontinued, as provide in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: February 2, 1979.

HERBERT R. RAINWATER,
Director, VA Regional Office.

[FR Doc. 79-4766 Filed 2-13-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Amend. No. 2 to Revised Exemption No. 155]

ALL RAILROADS

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

FEBRUARY 9, 1979.

Upon further consideration of Revised Exemption No. 155 issued January 19, 1979.

It is ordered, That under the authority vested in me by Car Service Rule 19, Revised Exemption No. 155 to the Mandatory Car Service Rules Ordered in Ex Parte No. 241, is amended to *expire February 9, 1979.*

This amendment shall become effective February 2, 1979.

Issued at Washington, D.C., February 2, 1979.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-4834 Filed 2-13-79; 8:45 am]

[7035-01-M]

[Amdt. No. 2 to Exception No. 12]

ALL RAILROADS

Exception Under Section (a), Paragraph (1), Part (v) Second Revised Service Order No. 1332

Decided February 2, 1979.

BY THE BOARD

Upon further consideration of Exception No. 12 and good cause appearing therefor:

It is ordered,

Exception No. 12 to Second Revised Service Order No. 1332 is amended to: *Expire February 9, 1979.*

Issued at Washington, D.C., February 2, 1979.

ROBERT S. TURKINGTON,
Acting Chairman
Railroad Service Board.

[FR Doc. 79-4835 Filed 2-13-79; 8:45 am]

[7035-01-M]

[Amdt. No. 3 to I.C.C. Order No. 16 Under Service Order No. 1344]

ALL RAILROADS

Rerouting Traffic

FEBRUARY 9, 1979.

Upon further consideration of I.C.C. Order No. 16, and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 16 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 9, 1979, unless otherwise modified, changed or suspended.

Effective date. This order shall become effective at 11:59 p.m., February 2, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 2, 1979.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-4830 Filed 2-13-79; 8:45 am]

[7035-01-M]

Office of Hearings

[Notice No. 26]

ASSIGNMENT OF HEARINGS

FEBRUARY 9, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 123407 (Sub-495F), Sawyer Transport, Inc., now assigned for hearing April 23, 1979 (1 week), at Billings, Montana in a hearing room to be later designated.

MC 114569 (Sub-240F), Shaffer Trucking, Inc., now assigned for hearing April 17, 1979 at Philadelphia, Pennsylvania (9 days) in a hearing room to be later designated.

MC 124692 (Sub-200F), Sammons Trucking now assigned for hearing April 18, 1979 (3 days) at Billings, Montana in a hearing room to be later designated.

MC 61231 (Sub-127F), Easter Enterprises, Inc., DBA Ace Line now assigned for hearing April 17, 1979 at Billings Montana (1 day) in a hearing room to be later designated.

MC 111320 Sub 69, Keen Transport, Inc., now assigned continued hearing April 3, 1979, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 32166 Sub 10, Bronaugh Motor Express, Inc., now assigned continued hearing March 7, 1979, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 145137F, Eight Way Xpress, Inc., now assigned March 13, 1979, at Chicago, Ill., is postponed indefinitely.

MC 37093, Joint Rates Via The Ann Arbor Railroad System, December 1978, now being assigned for hearing on March 13, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114211 Sub 370F, Warren Transport, Inc., now being assigned March 13, 1979, (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 25798 Sub 347, Clay Hyder Trucking Lines, Inc., now being assigned March 14, 1979, (3 days), at Philadelphia, Pa., in a hearing room to be later disignated.

MC 2228 Sub 69F, Merchants Fast Motor Lines, Inc., now being assigned continued hearing March 14, 1979, (3 days), at the Offices of the New Mexico Corporation Commmission, Santa Fe, New Mexico.

MC 121683 (Sub-3F), Jackson Express, Inc., now assigned for hearing on March 13, 1979, at Jackson, Tennessee in a hearing room to be later designated.

MC 117574 Sub 312F, Daily Express, Inc., now being assigned continued hearing February 20, 1979, (4 days), at the Ramada Inn Atlanta Central, I-85 North at Monroe Drive, Atlanta, Ga., and continued to March 13, 1979, (1 day), at the Des Moines Hilton Inn, 111 Fleur Drive, Des Moines, Ia., and continued to March 15, 1979, (7 days), at Chicago, Ill., in a hearing room to be later designated.

MC 117604 (Sub-11), Early Rival Motor Express, Inc., now assigned for hearing on March 19, 1979, (2 weeks), at Atlanta, Georgia in a hearing room to be later designated.

MC 2908 (Sub-24), Capital Motor Lines, DBA Capital Trailways, now assigned for hearing on March 19, 1979, at Montgomery, Alabama and will be held in Room 816, Aronov Building.

MC 136828 (Sub-26F), Cook Transports, Inc., now assigned for hearing on March 13, 1979, at Birmingham, Alabama and will be held in Room 430, U.S. Court & Federal Building.

MC 114274 (Sub-50F), Vitalis Truck Lines, Inc., now assigned March 6, 1979, at Chicago, Illinois, is canceled, transferred to Modified Procedure.

MC 32882 (Sub-96F), Mitchell Bros. Truck Lines, A Corp., now assigned for hearing on March 13, 1979, at Los Angeles, Calif. and will be held in Room 203, U.S. Courthouse.

MC 22301 (Sub-26F), Sious Transportation Company, Inc., now assigned for hearing on March 12, 1979, at Sioux Falls, South Dakota and will be held in Room D-19, Fed. Bldg., & U.S. Courthouse.

MC 113678 (Sub-748F), Curtis, Inc., No. MC—113678 (Sub-No. 761F), Curtis, Inc., now assigned for hearing on March 20, 1979, (4 days), at Orlando, Florida in a hearing room to be later designated.

MC 109708 (Sub-87F), Indian River Transport Co., DBA, Indian River Transport, Inc., now assigned for hearing on March 26, 1979, (2 days), at Orlando, Florida in a hearing room to be later designated.

MC 144140 (Sub-21F), Southern Freightways, Inc., now assigned for hearing on March 28, 1979, (3 days), at Orlando, Florida in a hearing room to be later designated.

MC 144979 F, Daniel P. Geiger DBA Atlantic Limousine Service, now assigned for hearing on March 6, 1979, at Atlantic City, New Jersey and will be held in the Boardwalk Regency Hotel, 2100 Pacific Avenue.

MC 128469 (Sub-4F), John J. Conahan DBA Central Air Freight Service, now assigned for hearing on March 1, 1979, at Philadelphia, Pennsylvania and will be held in the New U.S. Court House, 601 Market Street.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4839 Filed 2-13-79; 8:45 am]

[7035-01-M]

[Amdt. No. 1 to I.C.C. Order No. 22 Under Service Order No. 1344]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

Rerouting Traffic

FEBRUARY 9, 1979.

Upon further consideration of I.C.C. Order No. 22, and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 22 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 9, 1979, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., February 2, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., February 2, 1979.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-4831 Filed 2-13-79; 8:45 am]

[7035-01-M]

[Amdt. No. 1 to I.C.C. Order No. 24 under Service Order No. 1344]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

Rerouting Traffic

FEBRUARY 9, 1979.

Upon further consideration of I.C.C. Order No. 24 and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 24 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 9, 1979, unless otherwise modified, changed or suspended.

Effective date. This amendment shall become effective at 11:59 p.m., February 5, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 5, 1979.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-4838 Filed 2-13-79; 8:45 am]

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[7035-01-M]

[Revised I.C.C. Order No. 21 Under Service Order No. 1344]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

Rerouting Traffic

FEBRUARY 9, 1979.

In the opinion of Robert S. Turkington, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport promptly all traffic offered for movement, to, from or via stations on its lines in the States of Illinois, Wisconsin and Indiana, because of snow drifts.

It is ordered,

(a) *Rerouting traffic.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, being unable to transport promptly all traffic offered for movement to, from or via stations on its lines in the States of Illinois, Wisconsin and Indiana, because of snow drifts, is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no agreements, contracts or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., February 2, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 9, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 2, 1979.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-4832 Filed 2-13-79; 8:45 am]

[7035-01-M]

[Finance Docket No. 28952F]

DENVER & RIO GRANDE WESTERN RAILROAD CO.

Acquisition and Operation of a Line of Railroad Near Craig in Moffat County, Colo.

THE DENVER & RIO GRANDE WESTERN RAILROAD CO. (Rio Grande) P.O. Box 5482, Denver, CO 80217, represented by Samuel R. Freeman, Vice President and General Counsel, and Kendall T. Sanford, Assistant General Attorney, The Denver & Rio Grande Western Railroad Co., P.O. Box 5482, Denver, CO 80217, hereby give notice that on the 29th day of January, 1979, it filed with the Interstate Commerce Commission at Washington, DC, an application under Section 10901 of the Interstate Commerce Act (formerly Section 1(18)) for a decision approving and authorizing the acquisition and operation of a line of railroad near Craig, CO.

Applicant proposes to acquire and operate an existing line of railroad, 6.48 miles in length, extending from a point called Ute Junction on the Colorado-Ute spur (over which Applicant has lease rights and operating rights) near Craig, CO, to a point known as Empire Junction, southwesterly of Craig, CO. Applicant is presently operating over said line by contract and, upon approval of its application, proposes to acquire and operate said line as a common carrier by railroad.

The line of railroad proposed to be acquired is located entirely within Moffat County, CO. Said line was constructed and is presently owned by Empire Energy Corporation to serve it and others' coal operations located near the terminus of said line.

In the opinion of the Applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969,* 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra,* at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4842 Filed 2-13-79; 8:45 am]

[7035-01-M]

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

FEBRUARY 7, 1979.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 26, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 115840 (Sub-E-116), filed September 12, 1977. Applicant: COLONIAL FAST FREIGHT LINES, INC., P.O. Box 10327, Birmingham, AL 35202. Representative: E. Stephen Heisley, 666 Eleventh Street, NW., Washington, D.C. 20001. *Iron and steel pipe, fittings and gaskets, and iron castings* (except commodities in bulk, and restricted against the transportation of which because of size or weight require the use of special equipment), (1) from *Decatur*, AL to points in CA, OR, WA, ID, NV, AR, MT, UT, WY, CO, NM, ND, SD, NE, TX, MN, LA, FL, ME, NH, VT, MA, RI, CT, NJ, DE, and MD, (2) from *Knoxville*, TN to points in CA, OR, WA, ID, AR, MT, UT, WY, CO, NM, SD, TX, and LA, (3) from *Memphis*, TN to point in CA, OR, WA, ID, ME, NH, VT, MA, RI, CT, NJ, DE, MD, VA, NC, and SC, (4) from *Greenville*, MS to points in CA, OR, WA, ID, NV, MT, ND, MI, IN, OH, GA, FL, NY, PA, DE, MD, WV, VA, NC, and SC, (5) from *Vicksburg*, MS to points in CA, OR, WA, ID, NV, MT, IN, ND, MN, WI, MI, KT, OH, GA, ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, WV, VA, NC, and SC, (6) from *Natchez*, MS to points in CA, OR, WA, ID, NV, MT, ND, SD, WI, MN, MI, IN, KT, OH, ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, WV, VA, NC, and SC, (7) from *Baton Rouge*, LA, to points in OR, WA, ID, NV, MT, ND, SD, MN, WI, MI, IN, IL, KT, OH, ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, WV, VA, NC, SC, and GA, (8) from *New Orleans*, LA to points in CA, OR, WA, ID, NV, AR, ND, SD, MN, WI, MI, IN, KT, OH, IL, ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, WV, VA, NC, SC, and GA, (9) from *Chattanooga*, TN to points in CA, OR, WA, ID, AR, MT, UT, WY, CO, NM, SD, TX, LA, NV, ND, and NE. (Gateway eliminated: point of Holt, AL.)

MC 119968 (Sub-E-49), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in NJ south of a line beginning at the PA-NJ State line extending along I Hwy 80 to junction I Hwy 95, then along I Hwy 95 to the NJ-NY State line, points in DE on and north of a line beginning at the DE-MD State line extending along DE Hwy 300 to junction DE Hwy 44, then along DE Hwy 44 to junction DE Hwy 8, then along DE Hwy 8 to the Atlantic Ocean, and points in MD on, east and north of a line beginning at the PA-MD State line extending along US Hwy 15 to junction I Hwy 70, then along I Hwy 70 to junction I Hwy 695, then along I Hwy 695 to junction US Hwy 40, then along US Hwy 40 to the MD-DE State line, on the one hand, and, on the other, points in KY east and north of a line beginning at the KY-OH State line extending along I Hwy 75 to junction I Hwy 64, then along I Hwy 64 to the KY-WV State line. (Gateway eliminated: Dover, OH.)

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-50), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in WA and Greene Counties, PA, on the one hand, and, on the other, points in KY bounded on the west by I Hwy 75 and bounded on the east by a line beginning at the KY-OH State line extending along KY Hwy 11 to junction US Hwy 421, then along US Hwy 421 to the KY-VA State line. (Gateway eliminated: Dover, OH.)

NOTE.—This authority expires October 31, 1981.

MC 119968 (Sub-E-51), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in KY on and east of a line beginning at the KY-OH State line extending along KY Hwy 1 to junction KY Hwy 7, then along KY Hwy 7 to junction KY Hwy 80, then along KY Hwy 80 to junction US Hwy 421, then along US Hwy 421 to the KY-VA State line, on the one hand, and, on the other, points in the Lower Peninsula of MI on and north of US Hwy 10. (Gateway eliminated: Dover, OH.)

NOTE.—This authority will expire October 31, 1981.

MC 119968 (Sub-E-52), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in WA and Greene Counties, PA, on the one hand, and, on the other, points in KY bounded on the west by I Hwy 75 and bounded on the east by a line beginning at the KY-OH State line extending along KY Hwy 11 to junction US Hwy 421, then along US Hwy 421 to the KY-WV State line. (Gateway eliminated: Dover, OH.)

NOTE.—This authority will expire October 31, 1981.

MC 119968 (Sub-E-53), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in KY on and east of a line beginning at the KY-OH State line extending along KY Hwy 1 to junction KY Hwy 7, then along KY Hwy 7 to junction KY Hwy 80, then along KY Hwy 80 to junction US Hwy 421, then along US Hwy 421 to the KY-VA State line, on the one hand, and, on the other, points in the Lower Peninsula of MI on and north of US Hwy 10. (Gateway eliminated: Dover, OH.)

NOTE.—This authority will expire October 31, 1981.

MC 119968 (Sub-E-54), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in MD bounded on the west and north by a line beginning at the MD-VA State line extending along US Hwy 15 to junction I Hwy 70, then along I Hwy 70 to junction I Hwy 695, then along I Hwy 695 to junction US Hwy 40, then along US Hwy 40 to the MD-DE State line, and bounded on the south by a line beginning at the DC-MD State line extending along US Hwy 50 to junction MD Hwy 404, then along MD Hwy 404 to the MD-DE State line, and points in DE south of a

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line beginning at the MD-DE State line extending along DE Hwy 300 to junction DE Hwy 44, then along DE Hwy 44 to junction DE Hwy 8, then along DE Hwy 8 to the Atlantic Ocean, on the one hand, and, on the other, points in KY bounded on the west by a line beginning at the KY-OH State line extending along KY Hwy 10 to junction KY Hwy 22, then along KY Hwy 22 to junction US Hwy 127, then along US Hwy 127 to junction US Hwy 62, then along US Hwy 62 to junction I Hwy 65, then along I Hwy 65 to junction US Hwy 68, and bounded on the east by a line beginning at the KY-OH State line extending along US Hwy 68 to junction I Hwy 65. (Gateway eliminated: Dover, OH.)

NOTE.—This authority will expire October 31, 1981.

MC 119968 (Sub-E-55), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by chemical manufacturing plants, between points in MD bounded on the west and north by a line beginning at the VA-MD State line extending along US Hwy 15 to junction I Hwy 70, then along I Hwy 70 to junction I Hwy 695, then along I Hwy 695 to junction US Hwy 40, then along US Hwy 40 to the MD-DE State line, and bounded on the south by a line beginning at the DC-MD State line extending along US Hwy 50 to junction MD Hwy 404, then along MD Hwy 404 to the MD-DE State line, and points in DE south of a line beginning at the MD-DE State line extending along DE Hwy 300 to junction DE Hwy 44, then along DE Hwy 44 to junction DE Hwy 8, then along DE Hwy 8 to the Atlantic Ocean, on the one hand, and, on the other, points in KY bounded on the west by a line beginning at the KY-OH State line extending along KY Hwy 10 to junction KY Hwy 22, then along KY Hwy 22 to junction US Hwy 127, then along US Hwy 127 to junction US Hwy 62, then along US Hwy 62 to junction I Hwy 65, then along I Hwy 65 to junction US Hwy 68, and bounded on the east by a line beginning at the KY-OH State line extending along US Hwy 68 to junction I Hwy 65. (Gateway eliminated: Dover, OH.)

NOTE.—This authority will expire October 31, 1981.

MC 119968 (Sub-E-56), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, which constitute materials and supplies used by manufacturing plants, between points in MD on, north and west of a line beginning at the WV-MD State line extending along US Hwy 48 to junction US Hwy 40, then along US Hwy 40 to junction I Hwy 70, then along I Hwy 70 to junction US Hwy 15, then along US Hwy 15 to the MD-PA State line, on the one hand, and, on the other, points in KY bounded on the west by a line beginning at the KY-OH State line extending along I Hwy 75 to junction KY Hwy 80, and bounded on the east by a line beginning at the OH-KY State line extending along KY Hwy 11 to junction US Hwy 421, then along US Hwy 421 to junction KY Hwy 80, then along KY Hwy 80 to junction I Hwy 75. (Gateway eliminated: Dover, OH.)

NOTE.—This authority will expire October 31, 1981.

MC 119968 (Sub-E-57), filed December 15, 1978. Applicant: A. J. WEIGAND, INC., 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals*, in bulk, as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, between points in MD on, north, and west of a line beginning at the WV-MD State line extending along US Hwy 48 to junction US Hwy 40, then along US Hwy 40 to junction I Hwy 70, then along I Hwy 70 to junction US Hwy 15, then along Hwy 15 to the MD-PA State line, on the one hand, and, on the other, points in KY bounded on the west by a line beginning at the KY-OH State line extending along I Hwy 75 to junction KY Hwy 80, and bounded on the east by a line beginning at the OH-KY State line extending along KY Hwy 11 to junction US Hwy 421, then alone US Hwy 421 to junction KY 80, then along KY Hwy 80 to junction I Hwy 75. (Gateway eliminated: Dover, OH.)

NOTE.—This authority will expire October 31, 1981.

MC 124174 (Sub-E-79), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces, thereof, and tannery products, by-products, and supplies* (except commodities in bulk, in tank vehicles) from points in WY on and north and east of a line beginning at the IA-WY State line extending along WY Hwy 89 to junction US Hwy 30, then along US Hwy 30 to junction I Hwy 80, then along I Hwy 80 to junction WY Hwy 430, then along WY Hwy 430 to CO-WY State line to points in TX on and east of a line beginning at the US-MX boundary line extending along unnumbered Hwy to Del Rio, then along US Hwy 277 to junction TX Hwy 6, then along TX Hwy 6 to junction TX Hwy 283, then along TX Hwy 283 to junction TX Hwy 34, then along TX Hwy 34 to the TX-OK State line. (Gateway eliminated: Oklahoma City, OK.)

MC 124174 (Sub-E 80), filed November 2. 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products,* and *supplies* (except commondities in bulk, in tank vehicles) from points in WY to points in MN on and east of a line beginning at the IA-MN State line extending along US Hwy 169 to junction US Hwy 614, then along US Hwy 614 to junction MN Hwy 4, then along MN Hwy 4 to junction I Hwy 94, then along I Hwy 94 to junction US Hwy 71, then along US Hwy 71 to junction MN Hwy 27, then along MN Hwy 27 to MN Hwy 371, then along MN Hwy 371 to junction MN Hwy 210, then along MN Hwy 210 to Duluth. (Gateway eliminated: St. Paul, MN.)

MC 124174 (Sub-E 81), filed November 2. 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above *Hides, skins, and pieces thereof and tannery products, by-products,* and *supplies* (except commondities in bulk, in tank vehicles) from points in ND on and north of a line beginning at the MN-ND State line extending along ND Hwy 17 to junction ND Hwy 1, then along ND Hwy 1 to junction ND Hwy 200, then along ND Hwy 200 to junction ND Hwy 20, then along ND Hwy 20 to junction US Hwy 10, then along US Hwy 10 to junction ND Hwy 22, then along ND Hwy 22 to junction ND Hwy 21, then along ND Hwy 21 to ND Hwy 85, then along ND Hwy 85 to junction US Hwy 12, then along US Hwy 12 to the MT-ND State line to points in MN on and east of a line beginning at the IA-MN State line extending along MN Hwy 263 to junction MN Hwy 60, then along MN Hwy 60 to junction MN Hwy 162 to MN Hwy 100, then along MN Hwy 100 to junction I Hwy 35W, then along I Hwy 35W to junction US Hwy 8, then along US Hwy 8 to the MN-WY State line. (Gateway eliminated: St. Paul, MN.)

MC 124174 (Sub-E 82), filed November 2. 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Reprsentative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products,* and

supplies (except commondities in bulk, in tank vehicles) from points in CO to points in NB on and east of a line beginning at the Intersection of US Hwy 34 and US Hwy 281 extending along US Hwy 281 to the NB-SD State line, points in SD on south and east of a line beginning at the SD-NB State line extending along US Hwy 281 to junction SD Hwy 44, then along SD Hwy 44 to junction SD Hwy 45, then along SD Hwy 45 to junction SD Hwy 10, then along SD Hwy 10 to the SD-MN State line; points in MN on and east of MN Hwy 28; points in OK on and east of a line beginning at Oklahoma City extending along US Hwy 77 to the OK-TX State line; points in TX on and east of a line beginning at the OK-TX State line extending along I Hwy 35 to Austin, then along US Hwy 183 to junction US Hwy 77, then along US Hwy 77 to the US-MX International boundary line and points in IA, WI, IS, IN, MI, OH, PA, NY, VT, NH, ME, MA, NJ, MD, WV, VA, AR, KY, TN; points in Missouri within 60 miles of Auburn, NB and Asheville, NC; Buford, GA; and New Orleans, LA. (Gateways eliminated: Hastings, NE; Sioux City, IA; St. Paul, MN; and Oklahoma City, OK.)

By the Commission.

H. G. HOMME, JR.,
Secretary.

[FR Doc. 79-4837 Filed 2-13-79; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 23 Under Service Order No. 1344]

LOUISIANA MIDLAND RAILWAY CO.

Rerouting Traffic

FEBRUARY 9, 1979.

In the opinion of Robert S. Turkington, Agent, the Louisiana Midland Railway Company is unable to transport promptly all traffic offered for movement over its lines between Vidalia, Louisiana, and Packton, Louisiana, because of track conditions.

It is ordered,

(a) *Rerouting traffic.* The Louisiana Midland Railway Company, being unable to transport promptly all traffic offered for movement over its lines between Vidalia, Louisiana, and Packton, Louisiana, because of track conditions, is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification of shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:00 p.m., January 29, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 6, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 29, 1979.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-4833 Filed 2-13-79; 8:45 am]

[7035-01-M]

[No. 37047]

NEW ORLEANS PUBLIC BELT RAILROAD—PETITION FOR DECLARATORY ORDER—CONSTRUCTION AND MAINTENANCE OF INDUSTRIAL SPUR TRACKS

Notice Instituting Proceeding

FEBRUARY 9, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of a declaratory order proceeding.

[7035-01-M]

[Notice No. 157]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 14, 1979.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

MC-FC 77929. By application filed November 27, 1978, MEL MOTOR EXPRESS, INC., 111 East Canal Street, Picayune, MS 39466, seeks temporary authority to transfer the operating rights of ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, LA 70189, under section 210a(b). The transfer to MEL MOTOR EXPRESS, INC., of the operating rights of ACTION MOTOR EXPRESS, INC., is presently pending.

MC-FC 78020. By application filed January 31, 1979, JET TRANSFER CORP., East Road, North Clarendon, VT 05759, seeks temporary authority to transfer the operating rights of RONALD A. HESS, AN INDIVIDUAL, d.b.a. EQUINOX MOTORS, Route 7, P.O. Box 414, Manchester, VT 05254, under section 210a(b). The transfer to JET TRANSFER CORP., of the operating rights of RONALD A. HESS, AN INDIVIDUAL, d.b.a. EQUINOX MOTORS, is presently pending.

MC-FC 78021. By application filed January 31, 1979, GOODWILL MOVING & STORAGE, INC., 1619 E. 95th Street, Brooklyn, NY 11236, seeks temporary authority to transfer the operating rights of A.J.N. EXPRESS SERVICE, INC., 1311 Washington Avenue, West Islip, NY 11795, under section 210a(b). The transfer to GOODWILL MOVING & STORAGE, INC., of the operating rights of A.J.N. EXPRESS SERVICE, INC., is presently pending.

By the Commission.

H. G. HOMME, JR.,
Secretary.

[FR Doc. 79-4836 Filed 2-13-79; 8:45 am]

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SUMMARY: A petition was filed by the New Orleans Public Belt Railroad (Public Belt) for a declaratory order. The Board of Commissioners of the Port of New Orleans (Dock Board) answered.

The dispute concerns the extent of Public Belt's obligation, if any, to construct, maintain, replace, or relocate spur tracks exclusively serving certain facilities owned by or located on the property of the Dock Board. Public Belt argues that the involved tracks are industrial spur tracks whose repair and maintenance are the responsibility of the Dock Board and not of the Public Belt. The Dock Board argues that it does not occupy the position of a private shipper because it merely administers and provides its facilities for the use of the shipping public. It concludes that the spur tracks serving its facilities are owned and operated by Public Belt as part of the carrier's system and under its obligation to provide, repair, and maintain reasonable facilities for the furnishing of adequate transportation services to the public.

By order served concurrently with this publication, a proceeding is being instituted to resolve this controversy.

DATES: Interested parties are asked to submit a statement of intent to participate on or before March 1, 1979. Parties should indicate whether they intend to actively participate or whether they merely wish to receive copies of decisions and releases of the Commission.

Active participants shall serve copies of their statements on all parties appearing on the service list. An original and six copies of written statements must be filed with the Commission. An original and one copy of the statement of intent to participate shall also be filed.

The filing and service of statements shall be as follows: (a) opening statements within 40 days of publication of this notice, (b) reply statements 20 days thereafter. A service list will be sent to all active participants before the filing deadline to enable them to comply with the requirement for cross-service of pleadings.

ADDRESS: Statements and replies should be sent to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, or Harvey Gobetz, Section of Rates, Office of Proceedings, Washington, D.C. 20423 (202-275-7693).

Issued in Washington, D.C., January 25, 1979.

By the Commission, Division 1, Commissioners Gresham, Brown, and Clapp.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-484] Filed 2-13-79; 8:45 am]

[7035-01-M]

[Exception No. 14]

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, SOUTHERN PACIFIC TRANSPORTATION COMPANY

Exception Under Section (a), Paragraph (1), Part (V), Second Revised Service Order No. 1332

FEBRUARY 19, 1979.

By the Board: Because of adverse weather conditions on the St. Louis Southwestern Railway Company (SSW) and on the Southern Pacific Transportation Company (SP), the SP and the SSW are temporarily unable to forward all cars within 60 hours as required by Section (a)(4)(i) of Second Revised Service Order No. 1332.

It is ordered, Pursuant to the authority vested in the Railroad Service Board by Section (a)(1)(v) of Second Revised Service Order No. 1332, the SSW and the SP are required to forward loaded cars or empty foreign or private cars from the points named below within 72 hours.

SSW: Pine Bluff, Arkansas, East St. Louis, Illinois.

SP: Roseville, California, Los Angeles, California, West Colton, California, El Paso, Texas, San Antonio, Texas, Houston, Texas, Eugene, Oregon.

Effective February 2, 1979.

Expires 11:59 p.m., February 15, 1979.

ROBERT S. TURKINGTON,
Acting Chairman,
Railroad Service Board.

[FR Doc. 79-4840 Filed 2-13-79; 8:45 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552(e)(3)

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[6714-01-M]

1

FEDERAL DEPOSIT INSURANCE CORPORATION

TIME AND DATE: 10:30 a.m. on Friday, February 16, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550-17th Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

Bank of South Palm Beaches, a proposed new bank to be located at 135 Hypoluxo road, Hypoluxo, Florida, for Federal deposit insurance.

Bank of Lemont, a proposed new bank to be located at 1200 South State Road, Lemont, Illinois, for Federal deposit insurance.

Community Bank of Raymore, a proposed new bank to be located on State Highway 58, at Skyline Drive, Raymore, Missouri, for Federal deposit insurance.

South Ridge Bank, Inc., a proposed new bank to be located at 27th Street and Old Cheney Road, Lincoln, Nebraska, for Federal deposit insurance.

Application for consent to establish a branch:

The Troy Savings Bank, Troy, New York, for consent to establish a branch in the Aviation Mall, Town of Queensbury, New York.

Applications for consent to merge and establish branches:

Emigrant Savings Bank, New York (Manhattan), New York, an insured mutual savings bank, for consent to merge under its charter and title with Prudential Savings Bank, New York (Manhattan), New York, also an insured mutual savings bank, and for consent to establish the 15 offices of Prudential Savings Bank as branches of the resultant bank.

First Trust and Deposit Company, Syracuse, New York, an insured State nonmember bank, for consent to merge, under its charter and title, with Genesee Valley National Bank and Trust Company of Geneseo, Geneseo, New York, and for consent to establish the two offices of Genesee Valley Bank and Trust Company of Geneseo as branches of the resultant bank.

Requests pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank:

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,712-L—Franklin National Bank, New York, New York.

Case No. 43,762-SR (Addendum)—Citizens State Bank, Carrizo Springs, Texas.

Case No. 43,773-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Case No. 43,777-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Case No. 43,788-L—The Bank of Bloomfield, Bloomfield, New Jersey.

Case No. 43,789-L—Algoma Bank, Algoma, Wisconsin.

Case No. 43,792-NR—United States National Bank, San Diego, California.

Case No. 43,794-L—Franklin National Bank, New York, New York.

Case No. 43,795-L—The Drovers' National Bank of Chicago, Chicago Illinois.

Case No. 43,796-L—Franklin National Bank, New York, New York.

Case No. 43,800-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Case No. 43,801-L—Algoma Bank Algoma, Wisconsin.

Case No. 43,802-L—Franklin National Bank, New York, New York.

Case No. 43,806-L—Franklin National Bank, New York, New York

Case No. 43,809-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Case No. 43,812-L—Franklin National Bank, New York, New York.

Memorandum re: Skyline national Bank, Denver, Colorado.

Memorandum re: Surety Bank and Trust Company, Wakefield, Massachusetts.

Memorandum re: First State Bank of Hudson County, Jersey City, New Jersey.

Memorandum re: Northern Ohio Bank, Cleveland, Ohio.

Memorandum re: Northeast Bank of Houston, Houston, Texas.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-307-79 Filed 2-12-79; 2:53 pm]

[6714-01-M]

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10:00 a.m. on Friday, February 16, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550—17th Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Request from the Board of Governors of the Federal Reserve System for a report on the competitive factors involved in the proposed consolidation of The Chartered Bank of London, San Francisco, California, with Union Bank, Los Angeles, California.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the liquidation of First State Bank of Northern California, San Leandro, California (two memorandums).

Pitney, Hardin & Kipp, Morristown, New Jersey, in connection with the liquidation of assets acquired by the Corporation from Farmers Bank of the State of Delaward, Dover, Delaware.

Powell, Goldstein, Frazer & Murphy, Atlanta, Georgia, in connection with the liquidation of First Augusta Bank & Trust Company, Augusta, Georgia.

Lemle, Kelleher, Kohlmeyer & Matthews, New Orleans, Louisiana, in connec-

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tion with the liquidation of Republic National Bank of Louisiana, New Orleans, Louisiana.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Pryor, Cashman, Sherman & Flynn, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

J. Randolph Pelzer, P.A., North Charleston, South Carolina, in connection with the liquidation of American Bank & Trust, Orangeburg, South Carolina.

Wildman, Harrold, Allen, Dixon & McDonnell, Memphis, Tennessee, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Recommendations with respect to the amendment of Corporation rules and regulations:

Memorandum and resolution proposing the publication for comment of amendments to Part 308 of the Corporation's rules and regulations, entitled, "Rules of Practice and Procedure."

Memorandum and resolution proposing the final adoption of an amendment to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," to authorize preauthorized transfers from savings to checking or other deposit accounts of the same or another depositor.

Memorandum and resolution proposing the adoption and the publication of a Notice of Changes to existing Systems of Records and Request for Waiver of Sixty-Day Advance Notice, as required by the Privacy Act of 1974, to implement Title VI (the "Change in Bank Control Act of 1978") of the "Financial Institutions Regulatory and Interest Rate Control Act of 1978."

Memorandum proposing the acquisition of additional space for use as Division of Bank Supervision Training Center lodging facilities.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding his transmittal of "no significant effect" competitive factor reports.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446

[S 310-79 Filed 2 12 79; 3:25 pm]

[6740-02-M]

3

FEBRUARY 12, 1979

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: February 13, 1979, 10:00 a.m.

PLACE: Room 9306, 825 North Capitol St., N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Commission Meeting to Consider, Proposed Opinions on Indefinite Price, Escalator Clauses.

CONTACT PERSON FOR INFORMATION:

Kenneth F. Plumb, Secretary, Telephone (202) 275-4166.

KENNETH F. PLUMB,
Secretary.

[S-306-79 Filed 2-12-79; 10:42 am]

[7600-01-M]

4

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: February 22, 1979 at 1:00 p.m.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Patricia Bausell, 202 634-4015.

Dated: February 8, 1979.

[S-305-79 Filed 2-12-79; 10:42 am]

[8010-01-M]

5

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [44 FR 6839, February 2, 1979].

STATUS: Open Meeting, Closed Meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, January 30, 1979.

CHANGES IN THE MEETING: Deletion and rescheduling of items.

The following item was not considered at the open meeting on Thursday, February 8, 1979, but has been rescheduled for Thursday, February 15, 1979 at 1:30 p.m.:

Oral argument in broker-dealer proceedings on a petition by Richard O. Bertoli and Arnold L. Froelich, for review of the adverse initial decision of an Administrative Law Judge.

The following item was not considered by the Commission at the closed meeting scheduled for February 8, 1979, but has been rescheduled for Thursday, February 15, 1979, following the 1:30 p.m. open meeting:

Post oral argument discussion.

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

FEBRUARY 8, 1979.

[S 304-79 Filed 2-12-79; 9:34 am]

[8120-01-M]

6

TENNESSEE VALLEY AUTHORITY.

(Meeting No. 1210)

TIME AND DATE: 10:30 a.m., Friday, February 16, 1979.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS FOR DISCUSSION:

1. Preliminary rate review.

MATTERS FOR ACTION:

OLD BUSINESS

1. Changes in arrangements for sale of interruptible power to industrial customers.
2. Req. No. 822846—Process radiation monitoring systems for the Hartsville and Phipps Bend Nuclear Plants.

PERSONNEL ACTIONS:

NEW BUSINESS

1. Change of status for Hobart N. Stroud, Jr., from Assistant General Manager to Assistant Manager of Power, Chattanooga, Tennessee.
2. Change of status for David G. Powell from Executive Assistant to the Chairman of the Board to Executive Assistant to the General Manager.
3. Change of status for Richard G. Crawford from Acting Assistant Director of Transmission Planning and Engineering to permanent position of Assistant Director of Transmission Planning and Engineering, Office of Power, Chattanooga, Tennessee.

PURCHASE AWARDS:

1. Req. No. 824930—Insulated conductors, Type EPSJ, for Hartsville and Phipps Bend Nuclear Plants.
2. Req. No. 824711—Chimney for Johnsonville Steam Plant.
3. Amendment to contracts with Brown Boveri Corporation, North Brunswick, New Jersey, for turbogenerators for Bellefonte, Hartsville, and Phipps Bend Nuclear Plants.
4. Req. No. 47—Coal for TVA steam plants.

PROJECT AUTHORIZATIONS:

1. No. 3294.1—Amendment to provide for deletion of authorization to install additional electrostatic precipitators on Paradise Steam Plant Units 1 and 2.
2. No. 3414—Limestone wet scrubber facility for units 1-2 and balanced draft conversion for units 1-3 of the Paradise Steam Plant.

POWER ITEMS:

1. New power contract with Hickman-Fulton Counties Rural Electric Cooperative Corporation.
2. New power contract with Winchester, Tennessee.

REAL PROPERTY TRANSACTIONS:

1. Filing of condemnation suit.
2. Grant of permanent easement to Duffield Development Authority, Duffield, Virginia, for expansion of wastewater treatment facilities, affecting approximately 3.4 acres of TVA land in Scott County, Virginia—Tract XTLDFP-1WT.
3. Grant of 32-year easement to R-C Limited II for construction and leasing to TVA of the Eastern Area Radiological Laboratory, affecting approximately 17.5 acres of Tellico Reservoir land at the Niles Ferry Industrial Park, Monroe County, Tennessee—tract XTTELR-5E.

UNCLASSIFIED:

1. Settlement of claim by Commonwealth of Kentucky, Department of Transportation, against TVA for damage by TVA vehicle to Clark's River Bridge at Paducah, Kentucky.
2. Contracts with Southern Railway Company providing for temporary and permanent rail service to the Phipps Bend Nuclear Plant.

DATED: February 9, 1979.

CONTACT PERSON FOR MORE INFORMATION:

Lee C. Sheppeard, Acting Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-566-1401.

[S-303-79 Filed 2-12-79; 9:34 am]

[4410-01-M]

7

UNITED STATES PAROLE COMMISSION.

TIME AND DATE: Wednesday, February 21, 1979 at 9:00 a.m.

PLACE: Room 814, 320 First Street, N.W., Washington, D.C.

STATUS: Closed, pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 7 cases decided by the National Commissioners pursuant to a reference under 28 C.F.R. § 2.17 and appealed pursuant to 28 C.F.R. § 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

A. Ronald Peterson, Analyst, 202-724-3094.

[S-308-79 Filed 2-12-79; 2:53 pm]

[4410-01-M]

8

UNITED STATES PAROLE COMMISSION.

TIMES AND DATES: February 21, 1979—1:30 to 5:30 p.m., February 22, 23, 1979—9 a.m. to 5:30 p.m.

PLACE: Sheraton International Conference Center, 11810 Sunrise Valley Drive, Reston, Virginia.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Accreditation of the U.S. Parole Commission.
(2) Approval of Minutes.
(3) Proposal for a National Parole Institute.
(4) Dispositional Review Procedures.
(5) Personnel Allocation.
(6) Guideline Revisions:
(a) Proposed rule changes affecting the Youth and Narcotic Addict Rehabilitation Act Guidelines.
(b) Proposed rule changes—instituting application of guidelines in effect at time of sentencing.
(c) Disputed allegations concerning Offense Behavior—proposal to publish a standard of proof as an addition to 28 C.F.R. § 2.20.
(d) Modification of time ranges, offense severity ratings, salient factor scores, and other items.
(7) Institutional Behavior:
(a) Forfeited good time.
(b) Institutional Disciplinary Committee reports.
(c) Superior program achievement—what constitutes clearly exceptional circumstances.
(8) Role of the National Appeals Board.
(9) Interagency transmittal of confidential material.
(10) Scheduling of next meeting.
(11) Ratification of the cancellation of statutory interim hearings.
(12) Ratification of a policy and procedures memo making miscellaneous changes or correcting editorial/typing errors in rules.
(13) Ratification of rewording of procedures manual section on "Visitors at Hearings".
(14) Review and discussion of any other of the Commission's policies, rules, and procedures.

CONTACT PERSON FOR MORE INFORMATION:

M. E. Malin Foehrkolb, 724-3094.

[S-309-79 Filed 2-12-79; 2:53 pm]

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federal register

WEDNESDAY, FEBRUARY 14, 1979

PART II



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

federal

STATUS OF NATIVE SPECIES PROTECTED BY THE ENDANGERED SPECIES CONVENTION

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[4310-55-M]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 23]

ENDANGERED SPECIES CONVENTION

Status of Protected Native Species

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Notice of final determinations on United States proposals to amend list of protected species.

SUMMARY: The second conference of the 47 nations that are party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (T.I.A.S. 8249) will be held on March 19-30, 1979, in Costa Rica. At this meeting, the Parties will consider proposed amendments to Appendices I and II to the Convention, which list protected species, and will consider other implementation issues. The United States has submitted proposals to amend Appendices I and II based on a survey of the status of all native United States wildlife species currently included in those appendices. These proposals were announced in the FEDERAL REGISTER on November 27, 1978 (43 FR 55314-55319). The present notice announces the Service's final determinations on these proposals for purposes of negotiation with other Parties in Costa Rica.

DATES: The final determinations will be among the topics discussed at a public meeting on March 8, 1979. Following decisions on these proposals by the Parties, the Service will publish a notice announcing any amendments to the appendices and the date when they enter into force.

ADDRESS: Please send correspondence to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240. Comments and documents concerning this notice are available for public inspection during the normal business hours of 7:45 a.m. to 4:15 p.m. in room 616, 1000 N. Glebe Road, Arlington, VA.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Convention on International Trade in Endangered Species of Wild Fauna and Flora is a treaty regulating the import, export, re-export and introduction from the sea of certain species of wildlife and plants. Each species for which such trade is controlled is included in one of three appendices according to the degree of protection it needs. The development of the appendices and the criteria for the Party nations to follow in amending them were discussed in a proposed rule issued by the Service in the March 24, 1978, FEDERAL REGISTER (43 FR 12349-12351).

Following the adoption of criteria for amending the appendices, the Parties agreed at their first meeting in November 1976 to undertake a review of previously listed species in light of the criteria. Their resolution was as follows:

> Considering further that some species or taxa of plants and animals may be incorrectly placed on the present appendices, and that there are fundamental practical problems of implementation of the present lists, the First Meeting of the Convention resolves that the appendices should be examined in their entirety, species by species, by a technical conference that could be held in the near future or by some other means.

The need for a technical conference to examine the appendices and other issues of implementing the Convention led to the Special Working Session, which was held in October 1977. This meeting did not accomplish a review of the appendices, but it did lead to a subsequent review that was coordinated by the Convention Secretariat.

After the Special Working Session, the Service initiated a survey of the status of all wildlife species native to the United States that were included in Appendix I or II. The Service took steps to include participation by the public and by state fish and wildlife agencies in this survey, recognizing that the state agencies have primary responsibility for conservation of most of the listed species. The Service requested information and published its findings in a series of FEDERAL REGISTER notices:

March 6, 1978 (43 FR 9169), May 3, 1978 (43 FR 19176), and November 27, 1978 (43 FR 55314).

Proposals to amend Appendices I and II that resulted from this survey were sent to the Convention Secretariat on October 5, 1978, in order to meet the deadline for their consideration at the Second Meeting of the Conference of the Parties. The status of these proposals and the roles of the public and of the U.S. delegation to the meeting in regard to them were described in a FEDERAL REGISTER notice published on January 16, 1979 (44 FR 3384). In that notice, the Service announced it would subsequently publish final determinations on the biological and trade status of species subject to U.S. proposals in light of the criteria for amending the appendices. The negotiating positions of the U.S. delegation will be based on these determinations, noting, however, that the process of negotiation might require a shift in certain negotiating positions.

FINAL DETERMINATIONS

The Service has considered all comments and information received by January 15, 1979, in making final determinations on United States proposals to amend Appendices I and II. These determinations are the result of compilation and examination of the evidence by the staffs of the Service and the Endangered Species Scientific Authority. In addition, the Service has prepared Environmental Impact Assessments to determine if these proposed U.S. actions would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act.

The following table shows the current appendix listing, proposed amendment and final determination for each species subject to a U.S. proposal.

FINAL DETERMINATIONS OF THE SERVICE ON PROPOSALS BY THE UNITED STATES TO AMEND THE CONVENTION APPENDICES

Species	Current listing	Proposal to parties	Final determination [1]
Mexican duck	App. I	Delete from App. I	Delete from App. I.
Marsh hawk	App. II	Delete from App. II	Delete from App. II.
Trumpeter swan	App. II [2]	Delete from App. II	Retain in App. II.
Mearn's quail	App. II	Delete from App. II	Delete from App. II.
Sparrow hawk	App. II	Delete from App. II	Delete from App. II.
Bobcat	App. II	Delete from App. II	Retain in App. II.
Osprey	App. II	Delete U.S. pop. from App. II	Delete U.S. pop. from App. II.
Greater prairie chicken	App. II	Delete from App. II	Delete from App. II.
Atlantic sturgeon	App. I	Transfer to App. II	Transfer to App. II.
American alligator	App. I	Transfer to App. II	Transfer to App. II [3]
Southern sea otter	App. I	Transfer to App. II	Retain in App. I.
Peale's peregrine	App. I	Transfer to App. II	Transfer to App. II [3]
Bald eagle	App. I	Transfer Alaska pop. to App. II	Transfer Alaska pop. to App. II.

FINAL DETERMINATIONS OF THE SERVICE ON PROPOSALS BY THE UNITED STATES TO AMEND THE CONVENTION APPENDICES—Continued

Species	Current listing	Proposal to parties	Final determination [1]
Northern elephant seal	App. I	Transfer to App. II	Transfer to App. II.
Golden eagle	App. II	Transfer eastern U.S. pop. to App. I	Transfer eastern U.S. pop. to App. I.
Guadalupe fur seal	App. II	Transfer to App. I	Transfer to App. I.
American crocodile	App. II	Transfer U.S. pop. to App. I	Transfer U.S. pop. to App. I
Bolson tortoise	App. II	Transfer to App. I	Transfer to App. I.
Goshawk	App. II	App. II for control of other species	Retain as is on App. II.
Golden eagle	App. II	List western U.S. pop. in App. II for control of other species.	List western U.S. pop. in App. II for control of other species.
Gray wolf	App. II	List Alaska pop. in App. II for control of other species.	List Alaska pop. in App. II for control of other species.
Puma	App. II	List U.S. and Canada pop. in App. II for control of other species.	List U.S. and Canada pop. in App. II for control of other species.
Bighorn sheep	App. II	List U.S. and Canada pop. in App. II for control of other species.	List U.S. pop. in App. II for control of other species.
Grizzly and brown bears	App. II	List Alaska and Canada pop. in App. II for control of other species.	List Alaska and Canada pop. in App. II for control of other species.

[1] Final decisions on amendments to Appendices I and II are made by agreement of the Party nations.
[2] The trumpeter swan was omitted from App. II in the authentic text of the Convention, apparently by clerical error.
[3] At request of ESSA, the Service will propose to the Parties that these species be included in App. II both because of the potential threat of extinction and because of the need to control trade in other listed species.

The basis for the Service's final determination on each species is discussed below, noting that a summary of the information on biological and trade status that led to the proposed amendments was published in the FEDERAL REGISTER on November 27, 1978. The present notice therefore focuses on comments and information received subsequent to publication of the proposed amendments on November 27, 1978.

1. Mexican duck (*Anas platyrhynchos diazi*). No additional data have been received concerning this species beyond that considered in making the proposal. The Defenders of Wildlife, in a letter to the Service dated January 15, 1979, stated that Mexico "has traditionally wanted the Mexican duck on Appendix I" and that it is "completely inappropriate for the U.S., to propose any change in the status of the Mexican duck under CITES, except upon request from Mexico." Defenders also stated that Mexico has expressed its opposition to the U.S. position and has recommended the Mexican duck for Appendix II.

The Service had requested information from the government of Mexico and from all other national governments through the Department of State in March, 1978. A response was received from the Secretary of Agriculture and Hydraulic Resources of Mexico, suggesting that the Mexican duck belongs in Appendix II but offering no supporting reasons or information. This suggestion was considered along with all other comments. In that the Mexican suggestion was made prior to development of a U.S. position, it was not made as an expression of opposition to the U.S. position as claimed by Defenders. The Service recognizes the importance of national views, especially as they concern species native to that nation. However, such views must be considered in the context of other information rather than to the exclusion of such information. Accordingly, the Service has determined to support the proposal to delete the Mexican duck from Appendix I on the basis of recent surveys that show substantial populations with no evidence of potential threat to their survival because of trade.

Marsh hawk or northern harrier (*Circus cyaneus*). The Service received only one substantial comment on its proposal to delete this species from Appendix II, other than general statements of support or requests to withdraw all proposals. The Office of Migratory Bird Management in the Service reported that this is a common species within its range and that available data indicate a stable population between the years 1967 and 1974. The Office also noted that only one of 2,131 raptors marked by Federal markers for birds held in captivity was a harrier. They reported no significant falconry, commercial or trade interest in it. The Endangered Species Scientific Authority recommended that the harrier be deleted from Appendix II or annotated in Appendix II for purposes of controlling trade in other populations if there is opposition from other nations to its deletion.

The Service has concluded from these comments and from previously available information to support the proposal to delete the marsh hawk (or northern harrier) from Appendix II because of its stable population status and the absence of any significant trade.

3. Trumpeter swan (*Cygnus buccinator*). The decision on whether or not to delete this species from Appendix II was difficult. The swan's populations have increased from very low numbers to the point where habitat appears to be a limiting factor for the interior population of slightly under 1,000 birds, while the Alaska population (4,170 birds in the summer of 1975) is still expanding. Despite these increases, the total population is only about 5,000 individuals. The Endangered Species Scientific Authority, in a letter to the Director dated January 4, 1979, requested that this species be retained in Appendix II because "the population is still quite small, and trade in feathers was the primary cause of its original depletion." They add that "The species is closely protected by other laws, but as for the sea otter, these laws are more restricted in scope than the Convention." The Trumpeter Swan Society, in a January 12, 1979, letter, stated that deletion of the species from Appendix II "conceivably could allow international trade that would be contrary to the integrity and viability of the species • • •" They concluded that "considering the possible existence of two subspecies of

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trumpeter swans, the critical winter habitat of the interior population of the trumpeter swan, and the decreasing viability of the Yellowstone-area trumpeters, the Trumpeter Swan Society recommends that the U.S. Fish and Wildlife Service remove any consideration of deleting the trumpeter swan from Appendix II * * *"

Although deletion of the trumpeter swan from Appendix II would have no demonstrable impact on its continued survival, the Service has determined that the status of the two populations is not now sufficiently secure to merit the removal of Appendix II trade controls under the criteria adopted by the Parties for deletion of species from the appendices. Therefore, the Service has determined to retain this species in Appendix II, and it will seek correction of the error that eliminated the species from Appendix II to the authentic text of the Convention in 1973.

4. Mearn's quail (*Cyrtonyx montezumae mearnsi*). The Service has received no additional information or any adverse comments on the proposal to delete this subspecies from Appendix II, which is supported by the Endangered Species Scientific Authority and the wildlife agencies of states in which Mearn's quail occurs. In view of the questionable basis for the original listing of this subspecies, the absence of significant international trade and the occurrence of populations large enough to support legal hunting in New Mexico and Arizona, the Service has determined to support the proposal deleting Mearn's quail from Appendix II.

5. Sparrow hawk or kestrel (*Falco sparverius*). The Service proposed to delete this species from Appendix II. The only additional information on this species subsequent to the notice of November 27, 1978, came from the Service's Office of Migratory Bird Management, which reported that the estimate of a population exceeding 300,000 was based on the 1974 Christmas Count, and that the estimate is undoubtedly conservative. Although this species is used in falconry, it is used mainly by persons entering the sport. Only 3.4% of the 2,131 raptors held in captivity and identified by Federal markers were of this species. Considering the large populations of the kestrel and the negligible impact of international trade, the Service has determined to support the proposal to delete it from Appendix II.

6. Bobcat (*Lynx rufus*). The Service's proposal to delete the bobcat from Appendix II was based on a large body of information assembled by the Service and the Endangered Species Scientific Authority (ESSA). It was reexamined in light of criticism comments and detailed analysis of the available data from the ESSA, the Council on Environmental Quality, Defenders of Wildlife, other non-governmental organizations, and numerous individual citizens, and in light of support for the proposal by many state wildlife agencies that have the primary responsibility for conserving bobcat populations, and by the National Wildlife Federation.

Despite all of the controversy generated by this proposal, very few additional data on bobcats have been presented during the comment period. It is still an open question as to whether or not the bobcat may become threatened with extinction unless international trade in it is subject to strict regulation (which is a basic requirement for including a species in Appendix II). There is some question as to whether the bobcat would qualify for inclusion if it were not already listed. Such questions are beside the point at this time, however, because the Service is conducting the present survey in terms of criteria for addition and deletion adopted by the Parties. The criteria for deletion require "positive scientific evidence that the species can withstand the exploitation resulting from the removal of protection afforded by the present listing."

Further, "such evidence should include at least a well-documented population survey, an indication of the population trend of the species, showing recovery sufficient to justify deletion or transfer, and an analysis of the potential for commercial trade in the species." Reconsideration of all presently available information by the Service indicates that the criteria for deletion are not met. The criteria, being guidelines, leave considerable room for interpretation. However, the Service believes that these data are insufficient, even allowing a generous interpretation. Accordingly, the Service has determined that the available data on bobcat do not satisfy the criteria for deletion of species from Appendix II. However, because of pending litigation in the states of Louisiana and Wisconsin, the Service may be presently precluded from withdrawing the proposal to delete bobcat from Appendix II at this time. Once there has been a resolution of these court cases, the Service intends to take appropriate action to withdraw the bobcat proposal.

It has been proposed by both the Service and the Endangered Species Scientific Authority that the Party nations adopt special criteria for transfer or deletion of previously listed species. Until the Fourth Meeting of the Conference of the Parties (expected to be held in 1983), these criteria would provide for transfer or deletion of species if a review of available data indicated that the presently existing criteria for addition are not met. If such proposal and special criteria are adopted, the Service will reconsider the appropriateness of including the bobcat and other species in the appendices.

7. Osprey (*Pandion haliaetus*). The Service has received general comments from several state wildlife agencies and the National Wildlife Federation supporting the proposal to delete the osprey from Appendix II. The only other organization to comment on the proposal during the comment period was the Defenders of Wildlife, which had no objection to it. Considering that there is no significant international trade in the species or potential for such trade, the Service has determined to support the proposal that the osprey be deleted from Appendix II.

8. Greater prairie chicken (*Tympanuchus cupido pinnatus*). The Service has received no additional information on this subspecies beyond that considered in the FEDERAL REGISTER notice of November 27, 1978. Several state wildlife agencies and the national Wildlife Federation endorsed the proposal and the Defenders of Wildlife did not object to it. In view of the large populations that support sport hunting and the absence of significant international trade, the Service has determined to support the proposal to delete this subspecies from Appendix II.

9. Atlantic sturgeon (*Acipenser oxyrhnchus*). The Service's proposal to transfer the Atlantic sturgeon from Appendix I to Appendix II was based primarily on a recommendation from the Endangered Species Scientific Authority, which noted that although this species experienced a general population decline in the 19th century, it is still widespread and abundant in some areas. Two such areas are the St. John River in New Brunswick and the Hudson River in New York. Significant trade in this species in the past contributed to its decline. A recovery of the populations could lead to further trade, which justifies the maintenance of protection under the Convention. Therefore, the Service has determined to support the proposal to transfer the Atlantic sturgeon to Appendix II.

10. American alligator (*Alligator mississippiensis*). The proposal to transfer this species from Appendix I to Appendix II has generated much controversy. The proposal is strongly supported by the state wildlife agencies of Louisiana and Florida. These states have supplies extensive information on the alligator, both prior to and during the comment period for the FEDERAL REGISTER notice of November 27, 1978. The Secretary of the Louisiana Wildlife and Fisheries Commission, in a letter to the Director dated January 4, 1979, emphasized that "the Federal government should

monitor exports, and work closely with affected states in developing alligator management programs, particularly in regards to harvest." He adds that "We view the amazing recovery of the alligator as a complex issue, involving state and federal management programs; concerned citizens, particularly landowners; legislative and judicial cooperation; all in conjunction with a strong enforcement effort."

The Executive Director of the Florida Game and Fresh Water Fish Commission, in a letter to the Director dated January 15, 1979, pointed out various shortcomings in the Service's proposal. The Service acknowledges receipt of additional information supporting transfer of the alligator to Appendix II that would have been appropriate to include in the proposal, and will seek to introduce it for consideration by the Party nations.

Objections to the proposal were raised by Monitor, Inc., the Environmental Defense Fund, Defenders of Wildlife and the Natural Resources Defense Council, Inc. The objections by these organizations were essentially as follows:

(1) The species, or at least populations in some areas, are still endangered, due in part to loss of habitat;

(2) transfer of the alligator to Appendix II will reopen commercial trade that would encourage illegal killing and smuggling of alligators, which is difficult to enforce against;

(3) if legal commercial trade is reopened, non-Party nations and any nations that have entered a reservation on the species will not help insure that only legally exported alligators are allowed in trade;

(4) trade in alligators would be detrimental to other species of crocodilians because of similarity in appearance;

(5) it will be impossible to determine if U.S. imports of alligator products fabricated in other nations consist of legally or illegally exported specimens.

With regard to the issue of endangered populations, it should be noted that the species as an entity is not presently threatened with extinction. Listing in Appendix II does not eliminate the possibility of restricting legal exports to only those populations that can sustain a harvest. The Endangered Species Scientific Authority (ESSA) must advise that export will not be detrimental to the survival of the species. Such findings can be made at the population level. This provides the flexibility needed to address problems raised by local or regional variations in alligator abundance and to address the issue of marketing products of alligators that were legally harvested.

Concerning the second point, it is not clear if reopening legal trade in alligators will encourage or discourage illegal killing and smuggling. It can be argued that trade will flow through a legal outlet if one is provided. An overseas market already exists, and transfer of the alligator to Appendix II would not necessarily expand that market to make alligator smuggling more profitable. Enforcement of export controls is obviously difficult, considering the manpower limitations of the Service and other concerned state and federal agencies, but enforcement can be as effective in dealing with a controlled commercial export as it is in dealing with a total ban on commercial export.

The third point, that certain other nations will not assist the U.S. in insuring that only legally exported alligators enter trade, leads to the conclusion that primary reliance must be on U.S. export controls. However, non-Parties and Parties with reservations would not offer much help even if the species were kept in Appendix I. This is clear from the demonstrated existence of a foreign market for smuggled alligator hides. The only effective weapon against such illegal trade is the imposition of controls by the U.S. and other Parties on any subsequent reexport trade. Such controls can be imposed for Appendix II about as well as for Appendix I.

The fourth point about problems of controlling trade in other crocodilians is probably the most significant one. Identification of alligator hides and fabricated products as to species will be necessary to reduce the threat to other species. Otherwise, hides and products of those species might enter commercial trade as "alligator" specimens. In response to this issue, the Endangered Species Scientific Authority, with endorsement from the Council on Environmental Quality, has requested the Service to propose that the alligator be listed in Appendix II "expressly both because [it] may become threatened with extinction unless trade is regulated and because trade in [it] must be regulated to control trade in other species." The significance of this request is that if it is adopted, the ESSA will base its finding about detriment to the survival of the species on both the alligator and other species that could be harmed by alligator trade.

The fifth point about limiting imports of previously exported alligator products to legally exported specimens hinges on the development of a reliable method of marking such specimens in a way that shows up in the finished product. Besides marking, two alternatives that have been suggested are to confine commercial trade in alligators to the U.S. or to allow only export of finished products. In any case, imports of alligator products would not be allowed by the Service unless there were means of demonstrating their legal origin.

In conclusion, the Service has determined to support the proposal to transfer the alligator from Appendix I to Appendix II, and to seek agreement by the Parties that it be included in Appendix II both because it may become threatened with extinction unless trade is regulated and because trade in it must be regulated in order to effectively control trade in other listed species.

11. Southern sea otter (*Enhydra lutris nereis*). The Service's proposal to transfer this subspecies from Appendix I to Appendix II was based on evidence that it was not presently threatened with extinction, the basic requirement for inclusion in Appendix I. This proposal, while supported by a number of state wildlife agencies and the National Wildlife Federation, was opposed by the Friends of the Sea Otter, The Defenders of Wildlife, the Environmental Defense Fund and the Otter Specialist Group of the I.U.C.N. Survival Service Commission. The points raised in these objections were summarized in a letter dated January 4, 1979, from the Endangered Species Scientific Authority to the Director:

> The Southern sea otter has recovered from virtual extinction to a population estimated at somewhat less than 2000 individuals. Although this recovery is encouraging, the population is still extremely small, is in competition with abalone fishery in California, and is vulnerable to oil pollution. In addition, the animal's pelt is very valuable, having led to its original decimation. Perhaps the strongest argument in support of the Management Authority proposal is that the sea otter is thoroughly protected by other laws: particularly, the Marine Mammal Protection Act, the Endangered Species Act, and California State law. However, the Convention is the only global international agreement affording protection to this species, and because potential trade in the species has global dimensions that protection should not be lessened on the basis of more parochial laws.

Subsequent discussions between the ESSA staff and the Service involved a weighing of the biological status of the sea otter, including evidence of recovery, protection under federal and State laws, and threats from oil spills and fishermen, against the potential trade that could affect the species. The result of this weighing was that the evidence did not clearly show whether the species belongs in Appendix I or Appendix II. However, considering that the criteria adopted by the Parties for transfer or deletion state that if the Conference of the Parties errs, it should be toward protection of the resource, the Service has determined to retain the southern sea otter in Appendix I.

12. Peale's peregrine (*Falco peregrinus pealei*). The Service's proposal to transfer this subspecies of the per-

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egrine falcon from Appendix I to Appendix II was based on scientific evidence that it was not currently threatened with extinction. To a large extent, this is because Peale's peregrine has experienced no significant eggshell thinning due to pesticide contamination.

Objections to the proposal were raised by the Defenders of Wildlife, the Environmental Defense Fund, Monitor, Inc., the Natural Resources Defense Council, Inc., and the Animal Welfare Institute. The issues raised in their objections are:

(1) transferring Peale's peregrine to Appendix II creates an enforcement problem because of its similarity in appearance to other subspecies in Appendix I;

(2) the proposed transfer would stimulate demand for the species in commercial trade and affect attitudes of foreign nations as they concern protecting peregrines;

(3) There is no evidence that populations of Peale's peregrine can support commercial trade, and the potential effects of such trade should be analyzed.

As explained in the discussion of the alligator proposal, there are ways to reduce the enforcement problem caused by similarity of appearance to other subspecies or species. Marking requirements for any peregrines presented for export from the U.S. will help, in connection with a requirement for documentary evidence of the specimen's identity and legal acquisition by the exporter. The Convention provides for listing species in Appendix II rather than in Appendix I when their trade must be regulated in order to control trade in other listed species. The Endangered Species Scientific Authority, with endorsement from the council on Environmental Quality, has requested the Service to propose that Peale's peregrine be listed in Appendix II both because it may become threatened with extinction unless trade is regulated and because trade in it must be regulated to effectively control trade in other species (in this case, other peregrine subspecies). Such listing would entail dual findings of nondetriment, as described above for the alligator.

The argument that the proposed transfer of Peale's peregrine would stimulate demand for the species and affect attitudes of foreign nations about protecting peregrines does not take certain factors into account. The desirability for this species in falconry is already high and it is countered by strict Federal and state controls. Also, the attitudes of foreign authorities about peregrine protection are based on information they have on the biological status and conservation measures applied to the species, as well as knowledge of its Convention appendix status. The Service advocates wildlife conservation based on the best available scientific evidence, both in the U.S. and abroad, and would expect the appendix listing to be viewed in light of such evidence by other authorities.

The proposed transfer of Peale's peregrine to Appendix II would not result in a lessening of other Federal and state controls. In Appendix II, as in Appendix I, exports may only be allowed if they are found not to be detrimental to the survival of the species. It should be noted that the number of peregrines legally exported is very low and does not represent a significant fraction of the population. Domestic use within the U.S., which is greater than use for export, is also strictly regulated. Therefore, the potential for commercial trade that might result from the transfer of Peale's peregrine to Appendix II is limited and does not appear to present a problem for the conservation of this subspecies.

Accordingly, the Service has determined to support the proposal to transfer Peale's peregrine from Appendix I to Appendix II, and to seek agreement by the Parties that it be included in Appendix II both because it may become threatened with extinction unless trade is regulated and because trade in it must be regulated in order to effectively control trade in other species.

13. Bald eagle (*Haliaeetus leucocephalus*). The Service has proposed to transfer the Alaskan and Canadian populations of this species from Appendix I to Appendix II in recognition of their biological status, which is not presently threatened with extinction, and the potential for international trade in their plumage. Support for this proposal has been expressed by the state wildlife agencies of Alaska, Alabama, Minnesota, Missouri, New Mexico, Pennsylvania and Wisconsin, and by the National Wildlife Federation. The only comments critical of the proposal were received from the Defenders of Wildlife, which argued that the population information was inadequate to justify the transfer from Appendix I to Appendix II in terms of the criteria adopted by the Parties, and that if Canada were to allow commercial trade it would likely to significantly impact U.S. populations.

With regard to population data, recent surveys of the eagles in Alaska indicate a population between 35,000 and 50,000. The most thorough and reliable of these surveys have been conducted in southeastern Alaska, the area where eagles are most abundant. Approximately 7,500 pairs of eagles breed in Alaska. There has been no nationwide scientific survey of bald eagles in Canada, but the available studies indicate a total Canadian population of around 46,000 birds. It is clear from these figures, and from the absence of any indication of a decline in numbers, that these populations are not presently threatened with extinction. The population in the 48 conterminous United States, presently remaining in Appendix I, did decline between the 1940's and the mid- to late 1960's. Since then, numbers of eagles have stabilized or increased within their important ranges according to the Service's Office of Migratory Bird Management. In 1976-77, there were 1,067 known active nests south of Canada.

The possibility that Canada would allow commercial trade in bald eagles if they were transferred to Appendix II is very remote. In Canada, control of activities involving eagles and other raptors is accomplished by the Provinces, and there is no history of their allowing commercial exploitation of bald eagles. This does not seem to be a topic for serious concern.

The Service, therefore, has determined to support the proposal to transfer the Alaskan and Canadian populations of the bald eagle from Appendix I to Appendix II.

14. Northern elephant seal (*Mirounga angustirostris*). The Service received no information related to its proposal to transfer this species from Appendix I to Appendix II during the comment period following publication fo the FEDERAL REGISTER notice on November 27, 1978. Several state wildlife agencies and the National Wildlife Federation expressed general support for the proposal, which was developed in accordance with a recommendation made on August 7, 1978, by the Endangerd Species Scientific Authority. Because the northern elephant seal is still recovering from previous depletion and because there is some potential for trade, the Service has determined to support the proposal to transfer this species to Appendix II.

15. Golden eagle (*Aquila chrysaetos*). The Service proposed to transfer the population of this species in the United States east of the Mississippi River from Appendix II to Appendix I, based on its extremely low abundance. The Service's Office of Migratory Bird Management reported that this population is "undoubtedly less than 10 breeding pairs," and that no breeding pairs were known in 1978. This proposal was supported by the Defenders of Wildlife, Environmental defense Fund and National Wildlife Federation, in addition to the state wildlife agencies of Missouri, New Mexico, Pennsylvania, Tennessee and Wisconsin. The Alabama Department of Conservation and Natural Resources, in a letter to the Director dated December 18, 1978, reported: "as a point of interest, the wintering population has always been low in Alabama but observation records of this species do not indicate a declining population in this state."

Opposition to the proposal was expressed by the Texas Parks and Wildlife Department, in a letter to the Director dated January 19, 1979. Their objection was that the determination that a species or population occurring in the United States is threatened with extinction should only be made under the authority of the Endangered Species Act of 1973. Further, they suggest that based on current information and on the existence of other controls, consideration should be given to deleting the U.S. population from the appendices entirely.

The Service has weighed the biological status of this species, including the effect of other existing forms of legal protection, against the potential impact of trade. It is apparent that the trade potential is small, but also that any trade could be detrimental to the eastern population of the golden eagle. There are questions about whether or not this population is distinct from the western one.

In the Service's view, it is generally best to list all populations of a particular species in need of protection on a single appendix unless subspecies or geographically distinct populations of that species clearly require different treatment. This view is based on a consideration of the enforcement difficulties and of the problems involved in determining if a population or subspecies is a valid entity deserving separate treatment. Considering that every species varies in abundance over its range of geographic distribution, it would be inappropriate and very complicated to separately list populations at the center or at the periphery of the range unless it can be demonstrated that they are distinct subspecies or geographically distinct populations, and that their listings should be different under the terms of the Convention. In the present case, the Service believes the eastern population of the golden eagle merits separate treatment.

With regard to the argument that the determination of threatened status for U.S. species should be made only under the Endangered Species Act, it should be recognized that the terms for listing species in appendices to the Convention do not correspond directly with those for listing species as Endangered or Threatened under the Act. The same information on the biological status of a species that leads to listing the species under one of these controls might lead to listing it under the other control, but there is no requirement that listings under the Act precede those under the Convention. The significant concern here is the procedure for listing rather than the Act-Convention sequence of listing. The Service has taken steps, as discussed in the FEDERAL REGISTER notice of January 16, 1979 (44 FR 3384-3385), to provide for full public and state involvement in developing U.S. proposals to amend the Convention appendices. These steps should help alleviate the concerns of the Texas Parks and Wildlife Department and other organizations.

16. Guadalupe fur seal (*Arctocephalus townsendi*). The Service's proposal to transfer the Guadalupe fur seal from Appendix II to Appendix I received support from several state wildlife agencies, the Defenders of Wildlife, the Environmental Defense Fund, and the National Wildlife Federation. The latter organization did not support the immediate deletion of a species from the appendices because of apparent extinction, citing the example of this species as one that has been twice considered extinct. No additional information has been received on this sepcies beyond that considered in developing the proposal. Because of the small, localized population of this species and the potential for trade in it, the Service has determined to support the proposal to transfer it to Appendix I.

17. American crocodile (*Crocodylus acutus*). As with the preceding species, the Service has received several expressions of support but no additional information with regard to its proposal to transfer the United States population of the American crocodile from Appendix II to Appendix I. The Service has determined to support this proposal in view of the very small size of this population and the high potential for trade in this and other crocodilians.

18. Bolson tortoise (*Gopherus flavomarginatus*). The Service's proposal to transfer this species from Appendix II to Appendix I was based on a recent study indicating that it was threatened with extinction, primarily because of predation by man. Support for the proposal was expressed by the Defenders of Wildlife, the Enviornmental Defense Fund, the National Wildlife Federation, and the state wildlife agencies of Alabama, Missouri, New Mexico, Pennsylvania and Wisconsin. Considering that no additional comments or information have been received on this proposal, the Service has determined to support it.

19. Goshawk (*Accipiter gentilis*). The Service's proposal to annotate United States populations of this species in Appendix II was based on evidence that although populations were small relative to those or other raptors, the were healthy, and that the potential for international trade did not appear to present a serious threat to their survival. Annotation in this case would serve to indicate that the species is included in Appendix II to effectively control trade in other listed species, among them other populations of the goshawk. The Endangered Species Scientific Authority (ESSA) has proposed that when a species is so annotated, their finding on whether or not the export would be detrimental to the survival of the species would be directed at the effects of such trade on the survival of other species it is listed to protect. If the Party nations adopt this proposal, it would mean that exports of goshawks from the U.S. would not be limited by ESSA on the basis of detriment to U.S. populations of goshawks. ESSA, in a letter to the Director dated January 4, 1979, that was endorsed by the Council on Environmental Quality, stated:

> We also believe that the goshawk outside of Alaska, should be retained without annotation indicating that it is included for similarity of appearance to other species. . . . The goshawk is the rarest raptor in the conterminous 48 United States, after the Peregrine. It is sought for falconry, and it is in demand internationally. Although use of the species for falconry appears to have little impact on the species across its entire range, there may be overexploitation locally. The species is not currently threatened with extinction, but regulation of trade may be significant in preventing loss from areas that are easily accessible. Consequently, retention in Appendix II without annotation is appropriate for the population outside of the conterminous 48 United States (sic). Annotation of the Alaska population, however, appears to be appropriate.

Support for the Service's proposal came from the state wildlife agencies of Missouri, New Mexico, Pennsylvania and Wisconsin, and from the National Wildlife Federation. Kentucky indicated a preference that the goshawk be deleted from Appendix II, but otherwise supported the proposed annotation.

The proposal was opposed by the Defenders of Wildlife on the grounds that it did not contain a description of ESSA's procedures for making their findings or the Service's proposed regulations for insuring that such findings are properly carried out. Defenders of Wildlife also argued that the annotation of a species "makes smuggling and illegal trade in the similar-appearing listed species all the more possible." In response to these criticisms, it should be noted that the type of finding described above for annotated species is still at the proposed stage and awaits approval by the Conference of the Parties. Consequently, issuance of proposed regulations would be premature. The procedures adopted by the Service to insure compliance with ESSA's findings for export of any particular species are not necessarily appropriate subjects for Federal regulations, especially when such findings are made in rela-

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tion to individual permit applications. Further, if a species is in Appendix II, all international trade requires permits and is subject to the same legal controls whether it is annotated or not. Annotation of a species, therefore, would not make smuggling or illegal trade in other listed species more possible. It is intended to make these activities less possible.

The Service's Office of Migratory Bird Management supplied the following information:

The 1974 winter estimate of 3,400 birds must be considered very conservative and not very realistic. All species of *Accipiter* are very secretive and are rarely observed in proportion to their actual numbers. A record number of goshawks were observed at one site near Duluth, Minnesota during the fall of 1972 when 5,382 were counted during 432 hours. While this is not a representative count, it does indicate that a U.S. winter population of 3,400 is not reasonable.

Of the 2,131 raptors held in captivity and identified with Federal markers, 188 (8.8%) were goshawks. This represented an annual take from the wild of about 75 per year. In consideration of the above item, well less than 2.2% of the U.S. goshawk population is taken annually by falconers.

Weighing the biological status of this species against the potential impact of trade, there is a strong indication that the U.S. population as an entity is not currently or potentially threatened by trade. Other long-standing forms of Federal, state and local protection help to control trade. However, considering that local overexploitation could occur and that the populations in the U.S., including Alaska, are not well-censused, the Service has determined to retain the U.S. population of the goshawk in Appendix II without annotation at this time.

20. Golden eagle (*Aquila chrysaetos*). In addition to proposing that the eastern U.S. population of this species be transferred to Appendix I, the Service proposed that the western U.S. population be annotated to indicate it is listed to effectively control trade in other species.

The Service's Office of Migratory Bird Management commented that the "western" population can be best described as stable, with little information suggesting any increase. They also reported that the Service has not authorized the killing of any golden eagle for predator control or other purposes since about 1969. Currently, golden eagles may not be taken for falconry in the U.S., but a small, undetermined number might be taken by Indians for ceremonial purposes.

State wildlife agencies of Alabama, Missouri, Pennsylvania and Wisconsin, the National Wildlife Federation and the Environmental Defense Fund supported this proposal. The Texas Parks and Wildlife Department suggested, as discussed earlier, that consideration should be given to deleting the United States' population of the golden eagle from the appendices entirely.

Defenders of Wildlife objected to the proposal, but only on the same procedural grounds discussed in relation to the goshawk.

The Service has determined to support the proposal for annotating the U.S. population of the golden eagle west of the Mississippi River on the basis of similarly in appearance to other populations of this species and in recognition of the absence of any potential for a significant trade threat to the western U.S. population.

21. Gray wolf (*Canis lupus*). A clerical error in the proposal led to inclusion of both Alaskan and Canadian species in the FEDERAL REGISTER notice of November 27, 1978. The Service's intention was to propose annotation of only the Alaskan population to indicate it is listed to effectively control trade in other species.

Support for the proposal, as reported in the notice of November 27, 1978, was expressed by state wildlife agencies of Alabama, Missouri, Pennsylvania and Wisconsin, and the National Wildlife Federation. The Endangered Species Scientific Authority, in a letter to the Director dated January 4, 1979, which was supported by the Council on Environmental Quality, stated: "We have previously reviewed the documentation for the Alaska population of *Canis lupus*, because of export applications, and agree that the biological, trade, and management data support such a change for that population under the Berne criteria."

The Minnesota Department of Natural Resources commented that there are at least 1200 to 1500 gray wolves in Minnesota alone, and that because of its secure status, the species should be removed from Appendix II.

The Alaska Department of Fish and Game viewed the proposed annotation as "an improvement over the former listing but still an unnecessary burden upon the states and their citizens."

Objections to the proposal were received from the Defenders of Wildlife and the Natural Resources Defense Council, Inc. (NRDC). The Defenders of Wildlife objected on the procedural grounds discussed in relation to the goshawk proposal, and also objected to ESSA's recommendation because "several management problems which may adversely affect the species" previously noted in a finding by ESSA in relation to exports are not remedied.

The NRDC commented extensively on Alaska's state management program and cited "Alaska's record of serious mismanagement of its wildlife, particularly its wolves . . ." NRDC stated that:

A review of available literature shows that the State has not exercised the necessary care in managing its wolves. Instead, Alaska has so mismanaged the wolf's prey species as virtually to necessitate implementation of control programs. Further, these control programs themselves have been poorly justified and planned and carelessly implemented. As the State is still reluctant to curb human hunting of ungulates in response to environmental factors, "crises" will continue to arise. The resulting frequent imposition of wolf control measures poses a serious threat to the health of that species in Alaska.

In addition, the NRDC cited the potential for an increase in the international trade value of wolf pelts and the decline in available habitat for prey species as further reasons for not annotating the gray wolf population in Alaska.

The Service has considered all of the above factors in determining if the Alaskan wolf population requires Appendix II listing because it may become threatened with extinction unless international trade is strictly regulated. The apparent problems with Alaska's wildlife management program cited by the NRDC, in the Service's view, do not pose a serious threat to the health of the wolf population. Current information on the biological status and management of the Alaskan gray wolf indicate that international trade in its pelts does not require control of this population for its own sake under the Convention. The ESSA recommendation must be viewed in light of that body's earlier finding that export of any gray wolves legally taken in Alaska prior to July 1, 1979, will not be detrimental to the survival of the species. The ESSA considered that the problems which may affect the species would need close monitoring, but decided that the positive steps by Alaska to manage wolves warranted a finding of non-detriment for export of wolves taken under the state's management program. The Service agrees with the ESSA that the biological, trade and management data support annotation, and therefore has determined to support the proposal to that effect.

22. Puma or cougar (*Felis concolor*). The Service proposed that the United States and Canadian populations of this species, except for the subspecies presently in Appendix I, be annotated to indicate they are listed to effectively control trade in other listed species.

Support for the proposal was expressed by the state wildlife agencies of Alabama, Missouri, Pennsylvania and Wisconsin, and by the National Wildlife Federation. The New Mexico Department of Game and Fish suggested that legally harvested specimens of pumas be exempted from any listing (New Mexico's comments on this species were based on the misunderstanding that the Service was proposing to transfer this species and the bighorn sheep from Appendix II to Appendix I).

Opposition to the proposal came from the Defenders of Wildlife, who based their criticism on the procedural grounds discussed above in relation to the goshawk and asserted that the data on puma populations in the U.S. and Canada were inadequate to support the proposal.

It should be recognized that the puma is a secretive animal that is difficult to census. Population data may be less accurate than for some other species but they are sufficient to indicate substantial numbers of individuals over a wide range of geographic distribution. In addition, taking of pumas is controlled by the various state governments. There is no significant commercial exploitation of this species. Weighing the biological status of the puma, including the effects of state management, against the potential for international trade, it is evident that the species is appropriately included in Appendix II only to effectively control trade in other species (including the subspecies of *Felis concolor* now in Appendix I). The Service, therefore, has determined to support the proposal to annotate this species.

23. Bighorn sheep (*Ovis canadensis*). The Service proposed that the U.S. and Canadian populations of the bighorn be annotated to indicate they are included in Appendix II to effectively control trade in other listed species. This was based on evidence of substantial populations subject to strict management and little international trade.

This proposal was supported by the state wildlife agencies of Alabama, Missouri, Pennsylvania and Wisconsin, and by the National Wildlife Federation. The New Mexico Department of Game and Fish requested that the bighorn be kept on Appendix II, based on their misunderstanding that the Service was proposing transfer of the species to Appendix I.

The ESSA, in their letter to the Director dated January 4, 1979, supported the proposal to annotate the U.S. population, but noted that the information on the Canadian population included in the proposal was insufficient to merit annotation. This ESSA comment was endorsed by the Council on Environmental Quality. Subsequent review of the available information on Canadian bighorns by the staffs of ESSA and the Service led to a finding that such data on the Canadian population were inadequate.

The Defenders of Wildlife objected to the proposal on the procedural grounds discussed above in relation to the goshawk, but had no substantive comments on the bighorn.

Accordingly, the Service has determined to support the proposal to annotate the United States population of the bighorn to indicate it is included to effectively control trade in other listed species, but to retain the Canadian (and Mexican) populations in Appendix II without annotation.

24. Grizzly and brown bears (*Ursus arctos*). The Service proposed that the Alaskan and Canadian populations of this species, which are in Appendix II, be annotated to indicate they are included to effectively control trade in other listed species. These populations have received considerable scientific study and hunting of them is well-regulated. There is little trade in them other than as hunting trophies.

The Service's proposal was supported by the state wildlife agencies of Alabama, Missouri, Pennsylvania and Wisconsin, and by the National Wildlife Federation. The Alaska Department of Fish and Game commented that this annotation "is an improvement over the former listing but still an unnecessary burden upon the states and their citizens."

As with other annotation proposals, the Defenders of Wildlife objected on the procedural grounds discussed above in relation to the goshawk. They did not offer any substantive comments on this particular proposal.

The service has determined, on the basis of the substantial information on this species and in consideration of the above comments, to support the proposal.

In conclusion, the Service wishes by means of this notice to acknowledge the many comments it has received from individual citizens, organizations, and state and federal agencies in connection with the survey of native species. The final results of these proposals will be announced in the FEDERAL REGISTER shortly after the meeting of the Conference of the Parties.

The Service has determined that the proposals submitted for adoption by the Parties do not constitute a major federal action that would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Therefore, an Environmental Impact Statement is not required.

This notice is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; Stat. 884, as amended), and was prepared by Dr. Richard L. Jachowski, Federal Wildlife Permit Office.

NOTE.—Although certain previous notices published in connection with this survey have been characterized as rulemakings, the Department of the Interior has determined that this notice does not constitute a rulemaking, and therefore Executive Order 12044 concerning improving government regulations does not apply to it.

Dated: February 8, 1979.

ROBERT S. COOK,
Acting Director,
Fish and Wildlife Service.

[FR Doc. 79-4695 Filed 2-13-79; 8:45 am]

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federal register

WEDNESDAY, FEBRUARY 14, 1979

PART III



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development and Office of the Assistant Secretary for Housing—Federal Housing Commission

■

LOCAL PUBLIC AGENCIES AND PUBLIC HOUSING AGENCIES EMPLOYEE BENEFIT PLANS

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[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

SUBCHAPTER A—SLUM CLEARANCE AND URBAN RENEWAL

[24 CFR Parts 501 and 806]

[Docket No. R-79-619]

LOCAL PUBLIC AGENCIES AND PUBLIC HOUSING AGENCIES EMPLOYEE BENEFIT PLANS

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This proposed rule would set forth regulations for the provision of employee benefit plans by local public agencies and public housing agencies. It would also assist insurance companies in the development and administration of employee benefit plans for such employees. HUD policy governing employee benefit plans for local public agencies is identical to HUD policy for public housing agencies. In another document published in this issue this policy has been codified and set out for public comment. This document makes applicable those codified provisions to the slum clearance and urban renewal program.

DATE: Public comments must be received by HUD on or before April 16, 1979.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Wayne Hunter, Office of Assisted Housing Management, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6460. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: HUD policy governing employee benefit plans for local public agencies (LPAs) is identical to HUD policy for public housing agencies. This document makes applicable to Subchapter A—Slum Clearance and Urban Renewal, the requirements of Chapter VIII, Part 806, Local Public Agencies and Public Housing Agencies Employee Benefit Plans.

Part 806 is published as a proposed rule elsewhere in this issue of the FEDERAL REGISTER. Copies of Part 806 are available from the Office of Assisted Housing Management, Room 6246, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures, a copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, it is proposed to amend Chapter V of Title 24 of the Code of Federal Regulations by adding a new Part 501 as set forth below.

PART 501—LOCAL PUBLIC AGENCIES AND PUBLIC HOUSING AGENCIES EMPLOYEE BENEFIT PLANS

§ 501.1 Applicability of Part 806.

The requirements of Chapter VIII, Part 806 of this title governing Local Public Agencies and Public Housing Agencies Employee Benefit Plans are applicable to the provisions of this Subchapter A.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Signed at Washington, D.C. this 7th day of February 1979.

ROBERT EMBRY,
Assistant Secretary for Community Planning and Development.

[FR Doc. 79-4770 Filed 2-13-79; 8:45 am]

[4210-01-M]

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 806]

[Docket No. (R-79-618)]

LOCAL PUBLIC AGENCIES AND PUBLIC HOUSING AGENCIES EMPLOYEE BENEFIT PLANS

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This proposed rule would set forth regulations for the provision of employee benefit plans by local public agencies (LPAs) and public housing agencies (PHAs). It would also assist insurance companies in the development and administration of employee benefit plans for such employees. HUD policy on employee benefit plans for LPAs and PHAs is currently contained in HUD handbooks. Enactment of the Employee Retirement Income Security Act of 1974 makes it necessary to codify this policy to better serve the public interest.

DATE: Public comments must be received by HUD on or before April 16, 1979.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Wayne Hunter, Office of Assisted Housing Management, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6460. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Currently HUD policy on employee benefit plans for LPAs and PHAs is contained in HUD Handbooks HM 7217.2 and 7401.5. Enactment of the Employee Retirement Income Security Act of 1974 (ERISA) (Public Law 93-406) makes it necessary to codify HUD policy on employee benefit plans to serve better the public interest. Publication of the proposed rule will permit comment from all interested parties, e.g., from employees of local public agencies and public housing agencies (hereinafter referred to as local agencies); insurance companies handling their benefit plans; and other interested persons or groups. Many items of current policy are being revised and these changes in policy are briefly discussed below. The final rule will be supplemented by revised HUD Employee Benefit Plans Handbooks (HM 7217.2 REV-1 and 7401.5 REV-1) to provide information of an instructional and reference nature.

Section 806.102 has been included to identify the current HUD-aided programs which shall be subject to the proposed rule.

Section 806.503 has been included to emphasize that it is HUD's position that local agencies' employee benefit plans are "governmental plans" as defined in Section 3(32) of ERISA and as such would be exempt from a majority of the provisions of ERISA. The HUD Employee Benefit Plans Handbooks will elaborate on the applicable provisions of ERISA.

Under section 806.508, a local agency would not be allowed to make a "contribution" to an Individual Retirement Account (IRA) in the form of a salary increase which the employee could use to offset his/her personal contribution to an IRA. HUD feels that it would be better to adopt an actual retirement plan.

Pursuant to section 806.509, HUD would no longer allow employer contributions to be deposited under an unfunded deferred compensation agreement because of the risk of forfeiture involved. There is also, at present, a question as to whether unfunded deferred compensation agreements will be acceptable to the Internal Revenue Service. Therefore, a ruling must be obtained from Internal Revenue.

In section 806.538, the current policy on mandatory employee contributions has been revised to allow employees' contributions to be reduced from 5 percent to 3 percent without reduction in the 7 percent maximum employer contribution.

In section 806.543, current policy has been revised to allow the employer to pay both employee and employer required contributions if an employee becomes disabled as defined by the Social Security Act (42 U.S.C. 423(d)).

Subpart J (sections 806.588-596) details a uniform method by which a local agency may compare, within broad parameters, the relative value of one defined contribution retirement plan to another.

Section 806.704 has been included to clarify that under existing law Health Maintenance Organization health insurance plans may be used where available.

Section 806.708 has been included to permit dental coverage within stipulated benefit and contribution limitations.

In section 806.802, current policy has been revised to permit the local agency to pay the full premium for disability income benefits for up to one year if necessary to maintian eligibility for benefits during the period after use of available paid leave and the end of the waiting period provided in the plan.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D. C.

Accordingly, it is proposed to amend Chapter VIII of Title 24 of the Code of Federal Regulations by adding a new Part 806 as set forth below.

PART 806—LOCAL PUBLIC AGENCIES AND PUBLIC HOUSING AGENCIES EMPLOYEE BENEFIT PLANS

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806.101 Purpose.
806.102 Applicability.
806.103 Policy.
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806.105 Allowable forms of employee benefit plans.
806.106 Availability of funds.
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Subpart B—Social Security

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806.202-206 [Reserved]
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806.307 Approval.

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806.401 Policy.
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806.562 Transfer of employer contributions.
806.563 Additional requirements.
806.564 Approval.
806.565-567 [Reserved]

Subpart H [Reserved]

806.568-578 [Reserved]

Subpart I [Reserved]

806.579-587 [Reserved]

Subpart J—Private Retirement Plans—Plan Comparison System

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806.592 Application of formula.
806.593 Considerations used in the rating system.
806.594 Comparison of plans.
806.595 Evaluation of plan ratings.
806.596 Standard plan designation.
806.597-599 [Reserved]

Subpart K—Life Insurance

806.601 Policy.
806.602 Definition.
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Subpart L—Health Insurance

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Subpart N [Reserved]

Subpart O—Appendices

[Appendices I and IV, which relate to internal HUD processing procedures, are not included herein, but do appear in the HUD Employee Benefit Plans Handbooks, HM 7217.2 REV-1 and 7401.5 REV-1.] Appendix II Dis-

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counting Factors—Appendix III Sample Form.

AUTHORITY: United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

PART 806—LOCAL PUBLIC AGENCIES AND PUBLIC HOUSING AGENCIES EMPLOYEE BENEFIT PLANS

Subpart A—Introduction

§ 806.101 Purpose.

This rule contains HUD policy and procedural regulations for the provision of employee benefit plans for employees of local public agencies and public housing agencies, and it assists insurance companies in the development and administration of employee benefit plans for such employees. The Assistant Secretary for Housing—Federal Housing Commissioner, or his designee, may exempt an employee benefit plan from any provisions of this part. Each such exemption shall be in writing and shall be supported by documentation of the pertinent facts and grounds.

§ 806.102 Applicability.

(a) *Urban renewal—LPAs.* This part is applicable to local public agencies (LPAs) which are continuing to operate an urban renewal program under an existing loan and grant contract regardless of the availability of Community Development Block Grant Funds.

(b) *Public housing projects—PHAs.* This part is applicable to PHAs which administer public housing projects including Section 10(c) and Section 23 Leased Housing projects. This part is not applicable to the Section 8 program or the Indian Housing program.

(c) *Exception.* This part is not applicable to LPAs or PHAs which are subject to local governmental civil service regulations.

(d) *Definition.* As used in this part, the term "local agency" means those LPAs and PHAs to which this part is applicable.

§ 806.103 Policy.

It is the policy of HUD to encourage local agencies to adopt employee benefit plans. In this respect local agencies are authorized to adopt either a public or a private employee benefit plan subject to the requirements stated in this part. Substantial compliance, as determined by HUD, with the regulations contained herein shall govern HUD approval of any employee benefit plan. Local agencies may not, however, implement an employee benefit plan until such time as there is assurance to HUD that the HUD-aided program can be expected to continue on an active basis.

§ 806.104 Comparability.

An allowable form of employee benefit plan may be provided by a local agency for its employees even though a similar type of plan is not made available by State or local governmental bodies to public employees. However, local agencies shall include consideration of employee benefit plan costs as a factor in comparing total compensation of local agency employees with total compensation of public employees. Once established, comparable salaries may be adjusted to reflect changes in public practice without further consideration of employee benefit plan costs. Comparability documentation covering all positions shall be retained on file for HUD examination and audit, and shall be complete, including identification of the source of supporting material and the basis or reasoning for establishing such comparability. A new comparability determination shall be made if revision or adoption of an employee benefit plan would result in total compensation of local agency employees appreciably in excess of the total compensation of public employees. The determination of what constitutes "appreciably in excess" shall be made exclusively by HUD.

§ 806.105 Allowable forms of employee benefit plans.

The following types of employee benefit plans may be provided and contributions made thereto are allowable costs:

(a) Social Security (see subpart B).

(b) Unemployment Compensation (see subpart C).

(c) Any type of public employees' benefit plan established by a governmental body such as a State, county, or municipality (see subpart D).

(d) A privately underwritten employee benefit plan or plans providing the following types of coverage:

(1) Retirement benefits (see subparts E, F, G, and J).

(2) Life insurance (see subpart K).

(3) Health and hospitalization benefits (see subpart L).

(4) Disability income benefits (see subpart M).

(5) Accidental death and dismemberment protection (see subpart M).

(e) Workmen's Compensation. This form of coverage is required (see HUD Guide HM G 7401.5 for details).

§ 806.106 Availability of funds.

Employer contributions shall at all times be subject to availability of funds. If the revision of an existing plan or the adoption of a new plan would create an increase in expenses in excess of approved budgetary allowances, the local agency shall obtain concurrence from the appropriate HUD office that adequate funds are or can be made available. In no instance may a HUD Field Office approve an employee benefit plan for a PHA which is dependent upon Federal Subsidies above amounts currently eligible to that PHA.

§ 806.107 Proration of contributions.

Local agency contributions toward the cost of an employee benefit plan shall be charged to individual programs or projects on the same basis as is used in distributing compensation of participating employees.

§ 806.108 General limitation.

Except as provided in section 806.704, in no event may a local agency contribute to more than one particular type of employee benefit plan for the same class of employees, unless specifically authorized by law.

§ 806.109 Employee participation.

(a) *Bona fide employee.* In order to be eligible to participate in a public or a private employee benefit plan, an employee must be a bona fide employee under the common-law test. Under this test, the employer-employee relationship exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed, it is sufficent that the employer has the right to do so.

(b) *Independent contractor.* A professional, such as and attorney, architect, or accountant, who does not meet the common-law test, is considered by HUD to be an independent contractor. An independent contractor is not permitted to participate in local agency private employee benefit plans. Participation in public employee benefit plans by an independent contractor is permitted, if State or local law requires or permits an independent contractor to participate. However, a local agency may not contribute on behalf of an independent contractor who is eligible to participate in a public employee benefit plan.

§ 806.110 Multiple employment.

An employee who is employed by more than one local agency under a common service arrangement shall be classified as a regular employee for the purpose of participation provided total employment with all such local agencies is for not less than five months per year nor for less than 20 hours per week. Each employer shall contribute its pro rata share of the "employer contribution" on the same basis as is used in prorating the employee's compensation.

§ 806.111 Conflict of interest.

A local agency may not enter into any contract or arrangement with respect to any employee benefit plan in which any member of the Board of Commissioners or board of directors, officer or employee of the local agency or any employee of a governmental body associated with the local agency has any interest, direct or indirect, during his/her employment or tenure or for one year thereafter.

§ 806.112 Retention of records.

Every employee benefit plan will require that the local agency maintain records which will serve as evidence of an employee's eligibility to participate and entitlement to benefits. The PHA should contact the benefit plan's underwriter to determine what records must be maintained. Such records shall be maintained for a period not less than that required by applicable Federal or State law.

§ 806.113 Previously approved plans.

Employee benefit plans previously approved pursuant to HUD requirements then in effect may be continued without change. In the event of a substantial amendment, such plan shall then be subject to the provisions prescribed in the appropriate subpart of this part.

§ 806.114 Approval.

All new or revised employee benefit plans shall be submitted to the appropriate HUD office for approval before execution of any plan documents or contracts and before payment of any premiums thereto. This approval relates only to authorization to adopt such employee benefit plan but does not constitute specific budgetary approval. Availability of funds for present of future contributions shall be approved separately as part of the regular budgetary process.

Subpart B—Social Security

§ 806.201 Policy.

Employer costs for participation in Social Security are an eligible operating expense. [See HUD Employee Benefit Plans Handbooks HM 7217.2 REV-1 and 7401.5 REV-1 for additional details.]

§ 806.202-206 [Reserved]

§ 806.207 Approval.

Specific HUD approval is not required to participate in the Social Security system. However, it will be necessary to secure budgetary approval for the required expenditures.

Subpart C—Unemployment Compensation

§ 806.301 Policy.

Employer costs for participation in a State unemployment compensation insurance program are an eligible operating expense. [See HUD Employee Benefit Plans Handbooks HM 7217.2 REV-1 and 7401.5 REV-1 for additional details.]

§ 806.302-306 [Reserved]

§ 806.307 Approval.

Specific HUD approval is not required to participate in a State unemployment compensation insurance program. However, it will be necessary to secure budgetary approval for the required expenditures.

Subpart D—Public Employee Benefit Plans

§806.401 Policy.

Employer costs for participation in a public employee benefit plan are an eligible operating expense where a local agency is required or permitted to participate therein.

§806.402 General

Public plans refer to those plans established by a governmental body, such as a State, county, city, or other municipality. In many cases, local agencies may voluntarily participate in a public plan. In some cases membership in a public plan is mandatory rather than permissive. In a public plan the local agency must accept all existing provisions of the plan as well as any future conditions which may be imposed.

§806.403 Contributions.

Local agency contributions for a public employee benefit plan may not exceed the employee-employer sharing formula or method applicable to other members in the plan. In no event may a local agency assume obligations for payment of any contributions or special benefits beyond the date on which an employee terminates employment or where a duplication of benefits would occur.

§806.404 Changeover problems.

In cases where a local agency changes from a private employee benefit plan to a public plan, circumstances may arise which would have a detrimental effect upon certain employees. HUD will assist a local agency to resolve such adverse situations in an equitable manner. In this respect deviations from established regulations will be allowed to the extent necessary to achieve appropriate solution.

§806.405 Approval.

Before entering a public employee benefit plan and before making any employer contributions thereto, the local agency shall submit to the appropriate HUD office for approval satisfactory evidence that the local agency is eligible or required to enter the public plan.

Subpart E—Private Retirement Plans—General Requirements

§806.501 Policy.

A local agency may provide private retirement plan benefits within the limitations stated in subparts E, F, and G.

§806.502 Purpose.

The following is a description of the criteria governing HUD approval where the local agency wishes to adopt a private retirement plan. This has no effect on the availability or status of public employee benefit plans discussed in subparts D, K, and L of this part. The purpose of these regulations is to assure that:

(a) Design considerations and plan administration are based upon proven retirement plan principles and practices,

(b) The plan meets the requirements for qualification under the Internal Revenue Code, and

(c) That local agency plans meet certain requirements stipulated by HUD.

§806.503 Employee Retirement Income Security Act of 1974.

It is the position of HUD that local agency retirement plans fall within the term "governmental plan" as defined in Section 3(32) of the Employee Retirement Income Security Act of 1974 (ERISA) and as such would not be required to comply with a majority of the provisions of ERISA. [Note: If the Department of Labor and/or the Internal Revenue Service subsequently rule(s) that local agencies are subject to the provisions of ERISA, these regulations shall be revised accordingly.] [See HUD Employee Benefit Plans Handbooks HM 7217.2 REV-1 and 7401.5 REV-1 for additional details.]

§806.504 [Reserved]

§806.505 Definition.

A private retirement plan shall mean, within the context of these regulations, a plan:

(a) Created for the primary purpose of providing employees with an income after retirement.

(b) Designed in such a manner so as not to discriminate in favor of officers, supervisors, or other highly compensated employees. The tests regarding discrimination shall be the same as those applied by the Internal Revenue Service to other retirement plans adopted within the corporate community.

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(c) The provisions of which are in writing, communicated to the employees and intended by the local agency to be permanent.

(d) Which is operated for the exclusive benefit of the employees or their beneficiaries.

(e) That provides that, until all liabilities have been met, no funds contributed on behalf of employees or any income thereon may be used for any purpose other than for the exclusive benefit of employees or their beneficiaries.

[NOTE: Any interpretation of these criteria or inconsistency with these regulations shall be resolved by HUD. Such resolution shall be conclusive.]

§806.506 Standard plans.

HUD has approved a variety of plans designated as "standard plans" to indicate their pre-approved status and general availability. A listing of "HUD Approved Standard Plans" is shown in Appendix I. Designation as a standard plan does not constitute an endorsement of any plan. The designation merely certifies that the plan conforms to HUD criteria. Proposed standard plans may be submitted by an insurance company or other plan sponsor directly to the Director, Program Management Division, Office of Assisted Housing Management, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

§806.507 Internal Revenue Service qualification.

All private retirement plans adopted or amended after the effective date of this part shall be qualified under the Internal Revenue Code. The plan shall provide that before the issuance of an initial determination letter by the Internal Revenue Service, no participant may have a vested interest in amounts contributed by the employer. If such letter cannot be obtained, the employer shall terminate the plan and shall recover all funds held under the plan which are attributable to its contributions.

§806.508 Individual retirement accounts.

Individual Retirement Accounts, Individual Retirement Annuities or Individual Retirement Bonds (IRAs) as defined in Internal Revenue Code (IRC) Sections 408(a), 408(b) and 409 are not considered employee benefit plans for the purposes of these regulations. Therefore, local agencies may not contribute to these plans to provide retirement benefits for employees. In the event a local agency does not have a retirement plan for employees, it might consider informing employees that an IRA may be available as a viable retirement planning medium to be provided independent of any local agency contribution.

§806.509 Salary reduction plans.

(a) Salary reduction plans are those retirement plans which provide a tax deferral for the employee, or the employee and the local agency, of contributions until some future date. Normally, they are of two types:

(1) Tax sheltered annuity. Employees of certain tax-exempt organizations (those that meet the requirements of IRC Section 501(c)(3) of the Internal Revenue Code) are eligible under IRC Section 403(b) to exclude from their current gross income amounts paid by their employers (through salary reduction or otherwise) towards the purchase of annuities or deposited in special custodial accounts. The total excludable contribution is limited by law.

(2) Unfunded deferred compensation agreement. This is a contractual arrangement between the employee and the employer where the later agrees to pay a benefit at some future date. If the employer purchases annuities or sets up an accounting reserve to provide the funds to meet this future liability, the employees incurs no current taxation because there is no incidence of ownership in anything but the contract itself. There would be no economic benefit inuring to the employee so long as there is a substantial risk of forfeiture with regard to the benefits promised. The Internal Revenue Service has held that so long as the employer's promise to pay is not secured in any way there is a risk of forfeiture.

(b) Both types of arrangements may be explored by a local agency to determine their appropriateness for use. A tax sheltered annuity plan as defined above may constitute an employee benefit plan in accordance with these regulations but deferred compensation agreements may not constitute an employee benefit plan. Therefore, a tax sheltered annuity plan may be used as a supplemental benefit with employee money only or as a primary retirement benefit program with local agency contributions as well. If the tax sheltered annuity approach is used as the primary retirement benefit program of a local agency, other applicable sections of these regulations shall apply.

(c) The deferred compensation agreement approach may ber used as a supplemental program with employee money only. It is required that the local agency obtain a determination from the internal Revenue Service, through a Private Letter Ruling or other Internal Revenue procedure, assuring the local agency and participating employees that the contractual agreement used to defer compensation will in fact achieve that end.

§806.510 Consultants.

It is the prerogative and responsibility of the local agency to determine which type of plan it desires to adopt. If actuarial services are required either in the initial design stage or on an annual basis for plan administration, this work shall be performed under the supervision of an Enrolled Actuary as defined by regulations issued by the Joint Board for the enrollment of Actuaries (see ERISA Section 3042). In addition, the local agency may require the services of legal counsel in connection with the establishment of a trust instrument within local law. For this purpose a consultant's or counsel's fee may be charged as an eligible operating expense separate and distinct from the plan's allowable contribution. Any payment shall be subject to prior written approval of the appropriate HUD office and funds shall be available or otherwise budgeted.

§806.511 Effective date.

The effective date of a plan should be established to coincide with the collection of employee contributions. The effective date may be any date determined appropriate by the local agency within its fiscal year. Any local agency contribution shall be subject to HUD approval but may be made in advance of such approval where the local agency has entered into an escrow agreement for the purposes described in section 806.512.

§806.5512 Escrow agreements.

Subject to approval of the appropriate HUD office, local agencies may enter into escrow agreements to bind retirement plan coverage pending completion of the retirement plan and receipt of final HUD approval. Such escrow agreements shall specify the following:

(a) Employee and local agency future service contributions may not exceed the allowances stated in section 806.538.

(b) Temporary term life insurance coverage, if provided during the escrow period, may not exceed one and one-half (1.5) times annual salary. (If it is intended that life insurance [permanent or term] is to be provided as an integral part of the retirement plan upon HUD approval, see subpart K for more details.)

(c) A definite time limit not in excess of six months. However, if additional time is needed to complete the plan or to obtain HUD approval, the binder may be approved in advance for extension on a month-to-month basis.

(d) the effective date of the binder shall constitute the effective date of the plan.

(e) Should no approval be received from HUD, the insurer shall refund

the current value of all premiums paid less the cost of temporary term life insurance premiums, if any.

(f) A brief description of the type of plan and coverage to be included.

(g) All contributions shall be limited to a fixed investment account for the duration of the escrow period.

§ 806.513 Underwriting.

The retirement plan shall be underwritten on an accepted actuarial basis and shall conform to proven retirement plan principles and practices. Retirement plan assets shall be managed by a professional money manager, which may include a life insurance company, a corporate fiduciary such as an investment bank, or a regulated investment company such as a mutual fund. Plan assets shall be deposited in a guaranteed investment medium except where equity investment is utilized pursuant to subpart G. Upon retirement or other termination of employment, unless a lump sum settlement option is elected and approved by the local agency, benefits shall be guaranteed by a life insurance company or retirement association through the purchase of individual or group policies. Permanent insurance policies such a "whole life" or "straight life" can be used where life insurance coverage is to be included subject to the provisions of subpart K. Non-life insurance retirement annuity policies can be used where life insurance is not to be provided or where life insurance is provided through a term policy. These policies may be mixed and/or split funded by using a side fund arrangement. The deposit administration (DA) type of contract may also be used. An actuarial valuation shall be made of any defined benefit plan at least every three years (or more frequently, if required by the IRS) in order to support the determination that the present value of benefits which the plan will pay can be funded by the assets and contributions made thereto. Actuarial assumptions, in the aggregate, shall be reasonable, taking into account the plan's experience and expectations. The assumptions shall represent the actuary's estimate of anticipated plan experience. A copy of the actuarial report shall be submitted to HUD for review and approval.

§ 806.514 [Reserved]

§ 806.515 Record keeping and accounting.

The local agency, in conjunction with the insurance company or any outside administrator who will be maintaining records, shall establish an appropriate system for maintaining records of credited service and earnings with respect to non-retired employees. Additional records may be needed for retired employees if there is to be a cost-of-living adjustment. Any such records shall be coded separately for each employer covered under a multiple employer plan to permit proper allocation when required.

§ 806.516 Expenses.

Routine operating expenses for the administration of the plan shall be paid from the basic contribution allowance or from forfeitures, dividends, or other plan assets. Such routine operating expenses include record keeping, investment expense, commissions or other contract loading, and corporate trustee or administrator fees, if any. An officer or employee of a local agency serving as a trustee/administrator shall serve without compensation. In addition to the basic contribution, the employer may pay for nonroutine unusual expenses, but only to the extent that such expenses are not covered by the insurance company or plan administrator as part of its routine service function. Such expenses may include (a) reasonable one-time setup expenses for booklets, forms, etc.; (b) consulting services including plan development or evaluation and actuarial valuations; (c) legal fees; (d) periodic auditing; (e) necessary local agency travel; (f) office expenses such as stationery or postage; (g) preparation of materials and forms to be submitted to the Internal Revenue Service for qualification of the retirement plan; and (h) any reporting costs imposed on the plan by a Federal, State or municipal requirement.

§ 806.517 Regular employees.

Only regular employees need be considered for participation under the eligibility requirements. A regular employee is one whose customary employment is for more than 20 hours per week or for more than five months per plan (or calendar) year, or some other lesser period, acceptable to HUD, where the job requirements of a local agency are such that the above service requirements are not necessary to perform 100 percent of the job functions of the local agency. As an alternative, the 1,000 hour test imposed by ERISA may be substituted for the 20-hour/five-month test required herein. If a waiver is granted by HUD under this section, all other subparts of this part shall be applicable, other than for temporary employees.

§ 806.518 Participation requirements.

Participation by eligible regular employees, employed on the original effective date, shall be optional at the time the plan is put into effect or at the time they become eligible. Thereafter, participation by eligible employees hired after the effective date shall be mandatory as a condition of employment. A participant may not be allowed to cease participation while classified as a regular employee. A participant in any existing plan shall be required to participate in any amended or replacement plan.

§ 806.519 Effect of delayed participation.

An eligible employee who does not elect to become a participant as of the original effective date (or upon becoming eligible to do so) may be permitted to become a participant at a later entry date (provided the plan's eligibility requirements are still met). However, an employee who does not elect to participate when first eligible to do so may not be entitled to prior service benefits for any period of employment before becoming a participant.

§ 806.520 Payment to employees.

Interest may be paid to employees on their accumulated voluntary or mandatory contributions refunded at death or termination of employment based upon actual investment experience. The plan should contain a time limit for terminated employee to apply for a benefit after reaching normal retirement age, and this may be either five years or any other period which is less than the period prescribed in the jurisdiction, after which the funds escheat to the State. An employee who does not so apply shall be deemed to have died, and the proceeds shall be settled accordingly.

§ 806.521 Spendthrift provision.

The plan shall provide that employees, beneficiaries, local agencies or trustees may not have the power to anticipate, assign, hypothecate or transfer any benefits or assets of the plan, and any contracts provided thereunder may not be sold, assigned, discounted or pledged as collateral for a loan or security for the performance of any obligation or for any other purpose, except as may be expressly provided in this part.

§ 806.522 Leave of absence.

The plan may provide for authorized leave of absence for any purpose. In this event, employer contributions shall be suspended but credits already purchased shall remain in effect. Provision may also be made for payment of premiums solely by the employee while on leave of absence. Upon return to service the employee may be eligible to participate on the next entry date provided in the plan. Prior service coverage may not be provided for leaves of absence. Periods of authorized leave of absence may be counted for the purpose of determining vesting under the plan provided the participating employee is (1) engaged in military service or (2) on an authorized

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leave of absence not to exceed two years. Paid sick or annual leave or military leave (for a period not to exceed 90 days) need not be classified as a leave of absence. All the provisions of this section shall be applicable for a "leave of absence" due to a collective bargaining dispute, except for the purposes of contributions and/or the accrual of benefits in which event contributions will recommence on the date of reemployment.

§ 806.523 Portability.

With the consent of both local agencies and insurer(s) involved credited service and the attending liabilities and plan assets may be transferred from one plan to another. If such a transfer is desirable and practical, it may only be done between plans, both of which are qualified with the Internal Revenue Service under Section 401(a) of the Internal Revenue Code.

§ 806.524 Fiduciary responsibility.

An officer or employee of the local agency, even though serving as a trustee or committee member, shall have responsibility only for the selection of a funding agency. Responsibility for the management, control, or investment of plan assets (other than for ownership of a policy) shall be handled through an organization that provides facilities for the accumulation and safekeeping of the assets such as a life insurance company, a corporate fiduciary (e.g., a bank) or a regulated investment company (e.g., a mutual fund). The employer or trustee may, however, temporarily hold employee or employer contributions and any forfeitures or other returns pending their disposition pursuant to the terms of the plan.

§ 806.525 Revision or change.

Any revision, change, amendment or restatement of the plan, contract or funding method or change of insurance company after the effective date of the plan shall be subject to prior HUD approval and shall conform to any HUD policy in effect at that time.

§ 806.526 Additional provisions.

A retirement plan and the contract(s) thereunder may contain additional provisions which are not inconsistent with the policy stated in this part.

§ 806.527 Amendment.

This section prescribes the policy and conditions to be observed in cases where an existing plan is amended.

(a) *Policy.* Local agencies may revise existing private retirement plans to take advantage of the provisions of this subpart. In this event, the plan shall be revised to comply fully with all stated requirements. The amendment, including the original plan, shall be submitted to the appropriate HUD office for approval.

(b) *Preservation of rights.* No amendment may adversely affect the rights accrued by any participant before the amendment. Further, in no event may a participant's vested percentage in the accrued benefit immediately after a plan amendment be less than the vested percentage immediately prior to such amendment.

(c) *Prior service.* The local agency shall protect prior service benefits as provided under the original plan. Prior service contributions, if any are due, shall be made in accordance with the provisions of section 806.539. the amended plan may not provide additional prior service benefits.

(d) *Participation.* Participants in the original plan shall be required to participate in the amended or replacement plan. Once in the amended plan an employee shall stay in as a condition of employment.

§ 806.528 Termination of plan.

Prior written approval from HUD shall be obtained if the retirement plan is to be terminated. In addition to the termination provisions prescribed by the Internal Revenue Service under a qualified plan, the plan shall provide that no employee may be permitted to withdraw or surrender his/her vested interest in all contracts or other assets held for his benefit while continuing to be a regular employee.

§ 806.529 [Reserved]

§ 806.530 Approval.

Before executing, replacing or amending a private retirement plan contract and before making any contributions to the plan (except under an escrow agreement as provided in section 806.512), the local agency shall submit the following documentation to the appropriate HUD office for review and subsequent advice concerning approval:

(a) A copy of the proposed application, if any, the trust agreement, plan document or contract, and the insurer's policies, including all applicable premium and benefit schedules, and the actuarial valuation, if any. In the event a standard plan (see section 806.506) is to be adopted, documentation to be submitted for prior approval may consist solely of a statement certifying that the local agency shall adopt the standard plan, identified by the specifically assigned control number, as originally approved (including any subsequent amendments which were approved).

(b) With respect to prior service benefits, a list of all present employees eligible for these benefits, including for each the salary, age, sex, period of eligible prior service, value of the annuity which would be provided, and the single premium or annual installment which will be used to amortize the prior service liability over one or more years, as applicable.

§ 806.531-536 [Reserved]

Subpart F—Private Retirement Plans—Specific Requirements

§ 806.537 Miscellaneous definitions and provisions.

(a) *Service for plan participation.* An employee must receive credit for one year of service for each year during which he is classified as a regular employee. Service may not include any periods during which the employee was eligible to participate but did not make required contributions.

(b) *Service for vesting and benefit accruals.* An employee may receive credit for one year of service (or portions thereof rounded to the nearest month) for each year of continuous employment commencing with his most recent date of hire during which he was a regular employee or plan participant (as determined by the plan) with his present employer or with a predecessor employer consistent with section 806.523 on portability. Service may not be credited for any period of time during which an employee voluntarily declined or delayed participation in any former or present plan sponsored by a local agency, nor may service be credited for periods of employment before the effective date of the plan, except as provided in section 806.539. An employee who is reemployed after a break in service shall be treated as a new employee except that for purposes of any minimum benefit he may receive only one such minimum benefit.

(c) *Accrued benefit.* The accrued benefit shall be the balance of an employee's account or accounts consisting of employee and local agency contributions plus income and other gains less expenses and other losses attributable thereto. If separate accounts for employee contributions are not maintained, the amount allocated to the accrued benefit from employee contributions shall be the same percentage of the total accrued benefit as the ratio of employee contributions less withdrawals bears to the total of employer contributions less withdrawals and employee contributions less withdrawals.

(d) *Monthly earnings.* The definition of monthly earnings shall be determined by the local agency's plan. This definition shall specify whether basic or total compensation shall be used and the method of determining this amount.

(e) *Mandatory employee contributions.* Each local agency shall require employee contributions as a condition of plan participation. Such contributions shall be at least 3 percent of an employee's basic compensation, but may not be more than 5 percent of an employee's total compensation over a 12-month period (see subpart K if life insurance is provided).

(f) *Voluntary employee contributions.* The plan may provide for voluntary employee contributions. These contributions may not, however, exceed 10 percent of an employee's total compensation over a 12-month period as defined in the plan.

(g) *Eligibility to participate.* A local agency's plan may not require an employee to serve longer than one year or attain an age greater than 25 as a condition of participation. A maximum age limitation may be established if desired by the local agency, provided such limitation is not considered by the Internal Revenue Service as discriminatory. No plan provision, however, may be adopted which would require an employee's termination of employment before age 70.

(h) *Benefits.* Plan benefits shall be payable upon a participant's normal, early, late or disability retirement, as determined by the plan or upon death. Also, benefits may be payable upon termination of employment. Unless specific provisions are made to the contrary, benefits shall be paid monthly under the normal form of annuity as determined by the plan. Alternate forms of payment, including a lump sum cash settlement, may be made available. In the event alternate forms of payment are provided by the plan, the election of such forms of payment shall be conditioned upon the approval of the local agency, trustee or administrator so as to avoid the employees' constructive receipt of any such alternate forms of payment before such approval.

§ 806.538 Normal retirement benefit.

(a) *Eligibility.* The normal retirement date may be any age determined by the local agency. Ordinarily, normal retirement age is 65 to coincide with the retirement age (for males) under the old age and survivors' provisions of the Social Security Act. The local agency may establish an earlier or later age, if desired. In general, an age earlier than 60 or later than 70 should be avoided. If a normal retirement date is selected which is before a participant's attainment of age 70, the plan may require a cessation of a participant's and local agency contributions at that time. However, the plan may not require a participant's termination of employment solely due to attainment of a particular age which is before age 70. The plan may nevertheless require a participant to terminate employment before the commencement of benefit payments.

(b) *Amount.* The amount of monthly benefit commencing on the normal retirement date shall be an amount purchased with a participant's account balance as of that date. In accumulating a participant's account balance the following conditions shall be met.

(1) Contributions.

(i) The local agency may contribute up to 7 percent of an employee's total compensation to provide retirement benefits (see subpart K if life insurance is provided).

(ii) The local agency shall contribute an amount at least equal to that required to be contributed by the employee.

(iii) Employees shall contribute at least 3 percent of basic compensation but may not be required to contribute an amount which exceeds 5 percent of their compensation as defined by the plan (see subpart K if life insurance is provided). Under certain circumstances, employee contributions are not required where a procedure, approved by HUD, has been established which would require that employees not be credited with a prospective salary increase in one or more years.

(2) Life insurance. Where life insurance is provided as part of the plan, see subpart K and section 806.545 for further details.

(3) Salary brackets. Participating employees may be classified by salary brackets for the purpose of computing contributions.

(4) Payment of contributions. Contributions may be paid on an annual, semi-annual, quarterly, monthly, or other periodic basis. Where contributions are paid in advance by the local agency, the plan shall provide for reimbursement through employee withholding and for recovery of any excess contribution not due in the event of termination of employment. The plan may not permit the employer or trustee to borrow or otherwise exercise a policy loan, if available, to pay contributions.

(5) Refunds. Refunds such as experience rating credits, forfeitures of unvested contributions and similar recoveries may be used first to reduce routine expenses of the plan and then to reduce employer contributions becoming due thereafter. Any dividends or interest credited to the plan assets shall be credited to individual participant account balances.

§ 806.539 Prior service benefit.

(a) *Eligibility.* Local agencies which have not adopted a public or private retirement plan previously are authorized to make contributions with respect to prior service benefits. Prior service coverage may be provided only for employees who become participating employees as of the effective date. These benefits shall be forfeited by otherwise eligible employees not electing to participate at inception of the plan. Prior service coverage shall be limited to three years (36 months) of continuous service immediately preceding the effective date.

(b) *Amount of benefit.* Prior service coverage (including special prior service [see section 806.540]) may be determined pursuant to the following procedure. The annual prior service annuity shall be that amount of retirement income commencing at the normal retirement date which can be provided by the value at retirement of a total contribution equal to the product of the employer future service contribution (up to 7 percent) times the rate of basic monthly compensation on the effective date times the number of full months of eligible service in the employ of the local agency.

(c) *Purchase of annuities.* The prior service annuity may be purchased on a paid-up deferred annuity basis. Alternatively, the net contribution determined under section 806.539(b) may be deposited in either a fixed dollar account or an investment account as provided in subpart G with the actual annuity being purchased at retirement. An employee requesting that the contribution be deposited in an investment account shall be required to sign a statement or waiver acknowledging that the final annuity purchased may be larger or smaller than originally contemplated.

(d) *Refunds.* Refunds arising from the prior service provisions of the plan shall be applied in the same manner used for the handling of refunds resulting from future service contributions.

(e) *Contributions.* Contributions pursuant to this section shall be paid exclusively by the local agency in one or more annual installments based on budgetary considerations.

§ 806.540 Special prior service benefit.

If certain regular employees are ineligible to participate solely because of their attained age on the effective date, the local agency may nevertheless purchase special prior service annuities without these employees becoming participating employees. For this purpose, the local agency shall assign uniform special retirement dates to such employees to fall not later than three years following the effective date or the "normal retirement date," if later. Such special retirement dates shall be used solely for the purpose of computing the special prior service benefit and may not require an employee's termination of service solely because of attainment of an age which is less than 70.

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§ 806.541 Early retirement benefit.

(a) *Eligibility.* A participant (and former participant) may be permitted to retire early so long as early retirement does not occur more than 10 years before normal retirement. If early retirement is allowed, it may not be conditional upon a local agency's consent.

(b) *Amount.* The amount of monthly payment commencing on the early retirement date shall be an amount provided with a participant's account balance as of that date. Provision may be made that, although an employee retires early, benefit payments will commence at some future date not to extend beyond the normal retirement date. In this event the amount of monthly payment may be an amount provided with a participant's account balance as of that future date.

§ 806.542 Late retirement benefit.

(a) *Eligibility.* A local agency may continue the employment of any person after his normal retirement date. In this event, the plan may provide for the continuance or discontinuance of employer contributions and employee contributions. If before the effective date of this part, contributions had been discontinued after attainment of age 65, they may re-commence on a current basis or, retroactively, for a period not greater than three years to cover all or a part of the period of discontinuance. If no maximum age is required for eligibility to join the plan and contributions are continued after normal retirement age, they shall be made for all plan participants in similar circumstances.

(b) *Amount.* The amount of monthly payments commencing on the late retirement date shall be an amount purchased with a participant's account balance as of that date.

§ 806.543 Disability retirement benefit.

(a) *Eligibility.* A plan may provide for disability retirement benefits. Eligibility for such benefits shall, however, be predicated upon an employee's disability as defined by the Federal Social Security Act (42 U.S.C. 423(d)). If the employee is covered under the Social Security system, the employee shall file an application for Social Security disability benefits within 12 months after the alleged disability commenced. Recognizing that a number of local agencies do not participate in the Social Security system and as such their employees may not be eligible for Social Security disability benefits, the local agency may determine whether an employee is disabled, using Social Security's disability definition and the advice from a licensed medical doctor. Between the date that the employee alleges the disability commenced and the date that the Social Security Aministration issues a final ruling as to whether they consider the employee disabled, the local agency may make such determination as if the employee was not eligible for Social Security and such determination shall control until the Social Security Administration determines otherwise. If an employee is eligible to do so and does not file an application for disability benefits with the Social Security Administration within the 12 month period specified hereunder, the plan shall provide that the employee is thereafter no longer disabled and shall only be eligible for benefits upon termination of employment. An employee shall notify the local agency in the event the Social Security Administration no longer considers him to be disabled. Failure to provide such notice may constitute a criminal act. Where the determination of disability is left solely with the local agency, that agency shall develop procedures consistent with this subpart to monitor through physical examination or otherwise the continued disabled condition of the employee. If an employee is initially determined by the Social Security Administration not to be disabled, the local agency may continue to contribute to the plan on behalf of the employee until the employee has exhausted all administrative and legal appeal procedures available relative to that determination. If the final decision of the highest authority with jurisdiction is that the employee is not so disabled, the value of all local agency contributions made after the initial denial of benefits hereunder shall be forfeited and used to reduce future local agency contributions to the plan.

(b) *Amount.* The amount of basic benefit may be an immediate annuity provided with an employee's account balance as of the date of disability. Alternatively, the plan may provide for payment of the basic benefit to be deferred to a date not later than an employee's normal retirement date. If disability retirement benefits are to be deferred, the plan may provide that the local agency shall make a supplemental contribution to the plan after all available compensable sick and annual leave has been used by the employee. The amount of such contribution shall be an amount equal to the local agency's contribution and the employee's mandatory contribution, based upon the employee's mandatory contribution, base upon the employee's monthly earnings (as defined by the plan) at the time of disability and the percentage rate of contributions in effect at the time the contribution is actually made. The supplemental contribution may continue to the earlier of normal retirement date and the date benefit payments begin, but shall in all events cease if the employee has been determined to no longer be disabled. All supplementary contributions shall be placed in the local agency's contribution account. If, prior to eligibility to retire on the earlier of early or normal retirement, a disabled employee elects to withdraw vested benefits in mandatory employee or local agency contributions, the disabled employee shall forfeit the value of supplemental contributions since the date of disability. If the disability benefits are to be provided, in whole or in part by an insured disability income contract, the plan may provide for the continuation of employee and local agency contributions by the local agency until benefit payments commence. There may be no loss of these supplemental contributions if a disabled employee dies before normal retirement.

(c) *Special provisions.* In the event a disability retirement benefit is provided by the plan the following provisions shall be provided:

(1) A disabled participant who receives an immediate annuity and thereafter returns to the service of the employer shall be considered as a new employee.

(2) If a disabled participant is to receive a deferred annuity and recovers, any supplementary payments made by the local agency shall cease at the time it is determined (in accordance with the plan) that the employee is no longer disabled. In the event the employee returns to the service of the local agency upon recovery, the employee may continue plan participation on the date of reemployment. An employee who does not return to the service of the local agency upon recovery shall be considered to have terminated employment as of the first day of the month coincident with or next following the date of recovery and shall be entitled to a termination benefit at that time. Notwithstanding the above, an employee who recovers, reapplies for employment within a reasonable period of time and is refused employment because of the lack of an available appropriate position shall be 100 percent vested in all employee and employer contributions.

(3) If an employee is determined to be eligible for disability retirement benefits under a local agency plan, the plan shall further provide for a periodic review, at aleast annually, by the local agency to determine whether the disability has continued and whether an employee's present condition continues to qalify for disability benefits.

§ 806.544 Termination benefit (vesting).

(a) *Eligibility.* A participant shall be eligible on termination of employment for any reason except death or

normal, early, late or disability retirement.

(b) *Amount.* The amount of monthly payment commencing on the normal retirement date shall be equal to the monthly benefit provided with the sum of (1) and (2) below where:

(1) equals the account balance of a participant attributable to mandatory or voluntary employee contributions to the plan, and

(2) equals a percentage of a participant's account balance attributable to a local agency's contributions to the plan.

(c) *Vesting percentage.* The percentage referred to in section 806.544(b)(2) above may not be more liberal than 20 percent for each year of service with the local agency or participation in the plan as determined by the local agency. The vesting percentage may not be less liberal than 10 percent for each year of service or plan participation. The plan may provide that a participant may not be considered to have terminated employment and shall continue to accrue years of service for vesting purposes so long as the participating employee is (1) engaged in military service or (2) on an authorized leave of absence not to exceed two years.

(d) *Special provisions.* (1) Benefit payment. In lieu of monthly payments starting at normal retirement date, the plan may provide that a terminating employee may elect to receive, with the consent of the local agency, either a lump sum cash settlement or a monthly annuity purchasable with his account balance starting on the date the employee would have otherwise been eligible for early retirement.

(2) Reduction in force. Where mandatory employee contributions are applied to purchase individual or group permanent insurance policies, the plan may provide that, in the event of a reduction in force, additional local agency contributions may be used to make up any difference between the cash value of such policies (and any additional account balance maintained on behalf of an employee) and the amount contributed by the employee who has elected to cash out his/her own contributions coincident with a termination of employment due to such reduction in force.

(3) Amendment or replacement of plan. In no event may a participant's vested percentage in his accrued benefit immediately after a plan document be less than his vested percentage immediately before such amendment. If a plan is terminated or if there is a complete discontinuance of employer contributions, a participant shall have a 100 percent vested interest in the value of his/her account or accounts as of the date of termination or discontinuance.

(4) Special vesting conditions. Employer contributions may be fully vested upon completion of a principal program activity. The plan may provide for full vesting of employer contributions if a reduction-in-force is necessary. A determination on completion of a principal program activity or the necessity to make staffing adjustments shall be certified by formal resolution of the Board of Commissioners. The resolution should within practical limits indicate the timing of the terminations involved as well as the individuals or functions to be affected.

(5) "Bad boy" clauses. No rights, once they are required to be vested, may be lost by the employee under any circumstances (although in some circumstances, the plan may pay the employee the actuarial value of these vested rights upon separation from service). Also, rights to benefits may not be forfeited merely because the employer (or plan administrator) cannot find the employee. However, the plan should provide that the employee will have been deemed to have died and the proceeds shall be settled accordingly in those cases where it appears, that the employee's whereabouts will remain unknown for so long that the benefits would escheat to the State.

§ 806.545 Repayment of a termination distribution.

If a participant who is less than 100 percent vested in his/her account balance terminates employment and receives a lump sum distribution pursuant to section 806.544(d)(1), equal to the value of the vested portion of the account balance, the employee shall be entitled to recapture the forfeited portion of the account balance provided the employee (a) is re-employed within 12 months and becomes a participant on the next available entry date, and (b) repays an amount equal to the distribution received within 12 months after re-participation. In the case of the reinstatement of any amounts forfeited, the local agency shall, if necessary, contribute a sufficient amount to the plan to reinstate the forfeited value as provided in this section. This contribution shall be made without regard to section 806.538.

§ 806.546 Pre-retirement death benefit.

There is no absolute maximum established on the amount of death benefits payabale provided the benefit is consistent with these regulations. The total death benefit could be the sum of (a) the face value (or cash value, if greated) of all life insurance, (b) the cash value of all non-life insurance annuities, and (c) the value in cash or kind of all separate accounts, and (d) any insurance payable, pursuant to another benefit plan, if any. Upon death, an employee is fully vested in all benefits regardless of source or type. If the plan design calls for a death benefit or a portion of the death benefit to be payable out of the retirement plan from the proceeds of a life insurance contract, the requirements set forth in subpart K shall be met.

§ 806.547 Post-retirement death benefit.

Upon actual retirement a participant shall be paid a monthly annuity based upon the normal form of payment stipulated in the plan. Alternatively, optional modes of payment may be provided at the election of the participant and with the consent of the local agency or trustee. Any post-retirement death benefit shall be determined by the mode of annuity payment used.

§ 806.548–553 [Reserved]

Subpart G—Private Retirement Plans—Equity Investments

§ 806.554 Policy.

It is the policy of HUD not to prohibit the use of equities in local agency retirement plans, provided that the investments are made consistent with this subpart.

§ 806.555 Definitions.

The term "equity investment plan" is used in this subpart to refer to a plan funded in part with common stocks and the term "variable annuity," to denote one form of retirement benefit available under a retirement plan. The terms used herein are elaborated upon below. These definitions shall apply when the context does not clearly indicate otherwise.

(a) *Equity investment plan* means a retirement plan providing a dual-funding arrangement. Under the plan, contributions may be allocated in part to an account, the assets of which will be invested primarily in common stocks (investment account) and in part to an account utilized in traditional insurance operations for fixed dollar annuities (fixed dollar account). At retirement, investment account assets may be converted to provide a fixed dollar annuity or a variable annuity.

(b) *Equity securities* mean common stocks and other investments which represent an ownership interest and the possibility of substantial appreciation or depreciation.

(c) *Fixed dollar account* means the account or procedure established to isolate reserves maintained for the purchase of fixed dollar annuities. Employee mandatory contributions shall be credited only to the fixed dollar account. Employer contributions may be credited to or transferred from this account.

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(d) *Fixed dollar annuity* means an annuity which continues to be paid (usually throughout the lifetime of the annuitant) in a level amount, fixed and guaranteed by an insurance company.

(e) *Investment account* means the account or procedure under which employer past and future service contributions (and voluntary employee contributions, if permitted) are invested primarily in equity securities. Accounting may be accomplished through the use of special pooled accounts and may be expressed in terms of dollars or units as may be applicable in the contract.

(f) *Variable annuity* means a form of annuity providing a series of payments (usually for life), the amount of which will vary, up and down, from month to month (or other valuation period) to reflect the difference between an assumed investment result and the actual investment result, including dividends and market value changes. The investment fund will consist primarily of common stocks. The variable annuity may be offered under the same settlement options available for the fixed dollar annuity.

§ 806.556 Element of risk.

With a defined contribution plan the investment risk rests with the employee whose retirement benefits will increase or decrease relative to the value of his account balance at retirement. Since, under the defined contribution approach, the employee will be affected by investment performance, many local agency plans now allow the employee to direct to some degree the investment of agency contributions into equity or fixed income portfolios. In this way it is felt that the choice is the employee's and not the local agency's. If this latter procedure is adopted, an acknowledgement of risk shall be signed by each employee before selecting an investment media.

§ 806.557 Investment objective.

The principal investment objective should be the selection of investments from the view of a prudent investor concerned primarily with the long-range growth of capital in relation to the changing value of the dollar. An additional but secondary investment objective should be the production of current income. In order to achieve these objectives, emphasis should be placed on selecting the desirable proportions of the portfolio to be placed in various industries which are expected to grow at a faster rate than the economy as a whole and on the proper selection of the companies within those industries which are deemed capable of outperforming the others.

§ 806.558 Investment restrictions.

The following investment restrictions have been adopted to assure attainment of the investment objective. Substantial compliance with these criteria shall govern HUD approval of the investment account. Nothing in these investment restrictions is intended to preclude the exercise of managerial judgment by the funding agency in investment selection and timing of purchases or sales in recognition of shorter-term, cyclical business economic or market conditions. Responsibility for the management, safe keeping, control, and investment of the investment account shall be handled by a professional money manager, which may include a life insurance company, a corporate fiduciary such as an investment bank, or a regulated investment company such as a mutual fund. This delegation of investment responsibility will not relieve a local agency, trustee, or plan administrator from its responsibilities of monitoring the investment advisor's performance to determine if the advisor should be retained. The investment account shall be a pooled account under which funds from more than one source are commingled. The investment account shall be invested in accordance with the following restrictions which are considered to be fundamental policies:

(a) Investment account assets shall be invested in a portfolio of equity securities, mainly common stocks, diversified over a variety of industries and companies. In general, the portfolio may not concentrate more than 25 percent of its assets in any one industry nor more than 5 percent of its assets in any one company or issuer, except obligations of the United States Government and instrumentalities thereof.

(b) Real estate may not be purchased or sold as a principal activity. Mortgages are not in and of themselves considered as the purchase of real estate.

(c) No purchase of commodities or commodity contracts may be made.

(d) Loans may not be made except through the acquisition of bonds, debentures, or other evidences of indebtedness of a type customarily purchased by institutional investors, whether publicly distributed or not.

(e) Investment may not be made in the securities of a company for the purpose of exercising of management control. As such, not more than 10 percent of the voting securities of any one issuer may be acquired.

(f) Short sales of securities may not be made.

(g) Purchases may not be made on margin, except for such short-term credits as are necessary for the clearance of transactions.

(h) Borrowings may not be made except for emergency or temporary administrative purposes to an extent not exceeding that permitted by Section 18(f)(1) of the Investment Company Act of 1940.

§ 806.559 Mandatory employee contributions.

Mandatory employee contributions shall be allocated only to a fixed dollar account and used to purchase, either currently or at retirement, a fully insured conventional fixed dollar annuity.

§ 806.560 Voluntary employee contributions.

Voluntary employee contributions may be required to be allocated to a fixed dollar account or the employee may be given the option of electing to place these contributions into a fixed dollar account, investment account or some combination thereof.

§ 806.561 Employer contributions.

A defined contribution plan shall allow each participant to designate the percentage of local agency contributions to be allocated to the investment account, if such account is provided in the plan, and the remainder shall be allocated to the fixed dollar account. A participant shall have the opportunity, if desired, to change the percentage of the contribution which is to be allocated to each account. This opportunity should be offered on an annual basis. An employee may not be given the above election opportunity in a defined benefit plan. The investment discretion shall be left with the local agency.

§ 806.562 Transfer of employer contributions.

Employer contributions (and voluntary employee contributions, if pertinent) allocated to the investment account should be transferable to the companion fixed dollar account. No less than two transfers should be permitted a participant; at least one such transfer being before the normal retirement date and one being at the time of actual retirement. In addition, at actual retirement only, employer contributions previously allocated to the fixed dollar account may be transferable to the investment account for application as a variable annuity. These transfer arrangements would be subject to the insurer's usual requirements regarding allocation of premiums, minimum balances, and transfer charges, if any.

§ 806.563 Additional requirements.

Except as provided in this subpart, the equity investment plan shall comply with all criteria and procedure stipulated elsewhere in this part.

§ 806.564 Approval.

In addition to the documentation required for a private retirement plan under subparts E and F, the local agency shall submit a statement of the investment objectives and restrictions applicable to the investment account as discussed in sections 806.557-558. This statement shall be prepared and signed by a responsible official of the funding agency. Where available, a prospectus may be submitted in lieu of the statement.

§ 806.565–567 [Reserved]

Subpart H [Reserved]

§ 806.568–578 [Reserved]

Subpart I [Reserved]

§ 806.579–587 [Reserved]

Subpart J—Private Retirement Plans—Plan Comparison System

§ 806.588 Policy.

It is the policy of HUD not to require that any local agency invest retirement contributions in any one insurance carrier of master trust arrangement. As long as the local agency's plan meets other HUD requirements contained in this part, the selection of an insurance carrier as fund manager is left solely with the discretion of the local agency. It must be recognized, however, that the selection is of major importance. Most local agency retirement plans provide that a certain percentage of an employee's salary will be contributed to the plan each year. That money is then invested and increased with any gains and reduced by any expenses or losses incurred until retirement. When an employee reaches retirement, the account balance is then converted to a monthly annuity. That monthly annuity is therefore dependent upon:

(a) total contributions made to the plan,

(b) charges for expenses,

(c) level of investment gains or losses (including interest and dividend credits), and

(d) annuity purchase rates.

§ 806.589 Purpose.

This subpart describes a uniform method by which a local agency may compare, within broad parameters, one funding media (or insurance carrier plan) to another. The comparison can only be made between two defined contribution/money purchase plans. No attempt should be made to compare the relative values of defined benefit plans. If this approach is used in a uniform and consistent manner, a viable comparison may be made between competing insurance carriers and/or other trusteed plans at a single point in time.

§ 806.590 Rationale.

Typically, an annuity or insurance contract is composed of two elements—guaranteed cash values and projected dividend credits. The sum of these two values plus the value of a side fund, if any, will produce the total cash available at retirement. The selection of a funding media (see Section 806.513) may influence the ultimate cash available at retirement. This in turn may influence the monthly benefit available at retirement. Most insurance carriers guarantee a specific annuity purchase rate for the conversion of the lump sum cash into a monthly annuity. Insurance carriers normally have two annuity purchase rates—the guaranteed rate and the current annuity rate. The former is that which is guaranteed by the insurance contract. The latter is dependent upon the current long term investment yield and is normally substantially more favorable than the guaranteed rate. Upon reaching retirement an insurance carrier normally will automatically apply the more favorable of the two rates. As an example, assume at retirement a participant accumulated $50,000 and the guaranteed annuity purchase rate is $125 per $1.00 of annuity. It would cost $125 to buy each $1.00 of monthly annuity. The $50,000 would then provide $400 of monthly income. If the current rate was $110 per $1.00 of annuity, the $50,000 could buy $455 of monthly annuity. Consequently, there is a close interrelationship between the amount of cash available at retirement and the rate at which that cash is converted to a monthly annuity. Any comparison of contracts or investment accounts must attempt to take reasonably into account accumulations and annuity rates. This is what is illustrated in this subpart.

§ 806.591 Basic formula.

Frequently, insurance carrier annuity rates and asset accumulations are not consistently proportionate from one age to another. One insurance contract or investment media which favors younger employees might be less favorable to a local agency which has an older employee population than another contract more favorable to that older population base. As such, the comparison will necessitate the application of the mathematical formula illustrated below to every employee participating in the plans being evaluated. Each individual factor should then be multiplied by the participant's salary, in thousands, rounded to the nearest thousand. The results so determined should then be summed and divided by the number of participants. This rating system may not be applied to anyone who has attained the age of 65 or older.

$$F=(A/B)\,D$$

(a) F=Factor—This factor, once determined, will be multiplied by the employee's salary (expressed in thousands).

(b) A=Total cash available from all sources from the pension plan at retirement. Life insurance or annuity contract cash values, separate account assets (fixed account only), dividend credits and any other earnings (except assumed forfeitures) are to be accumulated assuming an annual contribution of $100 per year until retirement. Dividend credits or other interest earnings are projected on the basis of the current published rate being credited in the year in which the calculation is being made. Expense charges are charged against the annual contribution. The value of total cash available is multiplied by a factor of 1.083 if permanent insurance was used. This reflects the 1 percent contribution allowance for life insurance (see section 806.603). The cost of term insurance, if any, is not included in the calculation of the total cash available at retirement.

(c) B=The current single premium immediate annuity purchase rates offered by the carrier expressed as an amount necessary to purchase one dollar ($1) of monthly income on a life only basis.

(d) D=Discounting factor. This factor is necessary to determine the present value of the monthly annuities. The present value is the lump sum amount that would have to be deposited currently to produce the same amount of total cash available at retirement. The purpose of this discounting procedure is to reflect the age and sex distribution of the employee population of the local agency. The discounting factor is provided by age and sex in Appendix II.

§ 806.592 Application of formula.

Assume the following data:

(1) Name	(2) Age	(3) Sex	(4) Annual salary	(5) Cash at retirement per $100 annual contribution	(6) Plan with life insurance column (5) ×1.083	(7) Annuity [1] purchase rate per $1 a month
A	50	M	$26,424	$2,327	$2,520	$119.10
B	35	M	20,780	7,905	8,561	119.10
C	30	F	13,010	11,143	12,068	141.55
D	26	M	7,200	14,506	15,710	119.10
E	20	F	6,300	21,274	23,040	141.55

[1] Based upon the 1971 standard group annuity mortality table using interest rate of 5.5 pct, compounded annually.

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Step (1).

WITHOUT LIFE INSURANCE DIVIDE COLUMN (5) BY COLUMN (7)

A	2,327 / 119.10	=19.54
B	7,905 / 119.10	=66.37
C	11,143 / 141.55	=78.72
D	14,506 / 119.10	=121.80
E	21,274 / 141.55	=150.29

WITH LIFE INSURANCE DIVIDE COLUMN (6) BY COLUMN (7)

A	2,520 / 119.10	=21.16
B	8,561 / 119.10	=71.88
C	12,088 / 141.55	=85.26
D	15,710 / 119.10	=131.91
E	23,040 / 141.55	=162.77

Step (2). Multiply above result by discount factor found in Appendix II.

WITHOUT LIFE INSURANCE

A	19.54	(.43765)	= 8.55
B	66.37	(.18915)	=12.56
C	78.72	(.19095)	=15.03
D	121.80	(.11596)	=14.12
E	150.29	(.11141)	=16.74

WITH LIFE INSURANCE

A	21.16	(.43765)	= 9.26
B	71.88	(.18915)	=13.60
C	85.26	(.19095)	=16.28
D	131.91	(.11596)	=15.30
E	162.77	(.11141)	=18.13

Step (3). Multiply the results obtained in step (2) by the participant's salary in thousands, rounded to the nearest thousand (i.e., a salary of $26,424 would be rounded to 26), sum the results obtained and divide by the number of participants.

WITHOUT LIFE INSURANCE

A	26	(8.55)	= 222.30
B	21	(12.55)	= 263.55
C	13	(15.03)	= 195.39
D	7	(14.12)	= 98.84
E	8	(16.74)	= 100.44
			880.52

Rating = $\frac{880.52}{5}$ = 176.10

WITH LIFE INSURANCE

A	26	(9.26)	= 240.76
B	21	(13.60)	= 285.60
C	13	(16.26)	= 211.64
D	7	(15.30)	= 107.10
E	8	(18.13)	= 106.78
			953.88

Rating = $\frac{953.88}{5}$ = 190.76

The decimal portion of the rating is not significant and may be disregarded when comparing ratings.

§ 806.593 Considerations used in the rating system.

(a) *Expenses.* Any expense charges and/or loadings incurred in the operation of the plan shall be reflected in the total cash available at retirement as described in section 806.591. Expenses to be recognized include such things as commissions, record keeping charges, service fees, consulting fees, investment charges and any other expenses incurred in the normal operation of the plan (see also section 806.516). Do not deduct any expense or premium for term insurance which may otherwise be included in the actual plan. Where permanent insurance is used, the 1.083 multiplication factor adjustment reflects the cost of the insurance element therby allowing the adjusted value to compare with other types of plans.

(b) *Services.* The services to be provided for the expenses determined above are highly subjective and no attempt has been made to compare there services or their relative values. Provision has been made for each carrier being rated to list the services it is prepared to perform for the expense loading included in the comparison and those additional services and charges available.

(c) *Dividend credits.* Due to the multitude of insurance carriers and the divergent types of contracts available, the term "dividend credits" is to be construed liberally. However, no projections on equity accounts may be used. Most "guaranteed" contracts will provide a fixed return or floor under which interest credits may not go. Interest credits in excess of this floor are not guaranteed but to some extent are normally expected. Insurance carriers, at least annually, publish the current additional interest (dividends) currently being credited under these types of contracts. It is the total current rate which may be used to project total cash available at retirement (age 65) per $100 annual contribution. If permanent insurance and/or retirement annuities are being used along with a side fund, the total cash available from both sources are combined in determining the total cash available. Some plans will use dividend credits to increase cash values. This is an acceptable approach. Another acceptable approach would be a situation where the plan was split funded (assuming 40 percent to life insurance and 60 percent to a side fund). The dividend credits would then go to reduce the life insurance premium, thus freeing up more of the $100 annual contribution to be invested in a higher interest bearing side fund.

(d) *Single premium annuity rates.* These rates are available from all insurance carriers on a current basis. All quotations shall assume a straight life monthly annuity and shall be expressed as the net cost to purchase $1.00 of monthly income on a life only basis. These rates are not necessarily fixed and may fluctuate from year to year or month to month. All carriers wishing to have standard plan designation pursuant to section 806.506 shall notify HUD of the single premium annuity rate as of April 1 and October 1 of each year. If rates change more frequently, additional notifications not more frequently than nonthly will be accepted.

(e) *Qualified status.* All annuity rates and interest credits shall be based upon the assumption the plan will qualify under Section 401(a) of the Internal Revenue Code.

(f) *Waiver of premium.* Due to the fact that a disability benefit arising out of a qualified retirement plan must be considered incidental and that some plans may offer such benefits and others may not, all comparisons for the purpses of this section shall assume that no waiver of premium is offered.

(g) *Premium taxes.* All computations and annuity rates shall assume that no State premium taxes will be paid and that all comparisons will be done on a pre-State premium tax basis.

§ 806.594 Comparison of plans.

The rating system described in this subpart should be applied against all insurance carriers or other plan sponsors the local agency is considering in the adoption or continuation of a retirement plan. This system may be used to compare one or more proposed plans against other proposed plans or an existing plan. Calculations may be prepared by the soliciting insurance agent(s), the local agency (using data supplied by the plan sponsor/insurance carrier), or on request by HUD.

In this latter regard, HUD will provide technical assistance in the calculation of comparison ratings. A local agency may request that HUD prepare up to three such comparisons for that local agency. The local agency shall designate which plan sponsors/insurance carriers they want included in the comparison and supply to HUD the necessary census of employees which would include name or employee number, sex, date of birth and salary. For each plan to be rated, the local agency shall supply the information specified in section 806.591(c)-(d) for those employees to be included in the plan. In the event a plan to be compared is classified as a standard plan and the funding method is the same as those previously supplied to HUD pursuant to section 806.596, then only the plan control number or name need be designated. If some other result would be produced, the information in section 806.591(c)-(d) shall be supplied.

§ 806.595 Evaluation of plan ratings.

The value of a plan's rating is not the sole criteria to be used in ranking those plans evaluated by order of preference. First, it must be recognized that the rating system uses assumptions that may not be valid in the long term. Current dividend credits, as used in the projection, may not be realized; actual credits may fluctuate, up or down. For this reason, the numerical value of the plan's rating should be viewed as being relative rather than specific, i.e., a variation of 5 to 10 percent between the ratings of two plans may not be considered conclusive. However, a variation of 10 to 15 percent or more could be viewed as significant. The percentage variation between plans is determined by dividing a higher plan's rating by the lowest plan's rating, subtracting one, and multiplying by 100. This process would be applied to all plans if more than two comparisons are being made. Second, the rating value of a plan, no matter what the spread may be, becomes meaningless if that plan cannot be serviced and maintained adequately. The quality of service that is needed and that which can be provided it not reflected in the comparison rating system except to the extent that expenses for services may be charged, i.e., the nature, extent, and quality of service are not shown. In this respect, it is essential to take into account that what may appear to be a superior plan is not necessarily a practical choice. In seeking a decision, the local agency must evaluate its particular service needs and with these when reaching a decision. One significant factor to be weighed is the necessity or ability of the insurance agency or administrator to service the plan effectively for the fee or commission provided by the plan. These may be a necessity for personalized service to explain the plan to participants and enroll them. Furthermore, administrative services might be necessary to provide information, reports, claim settlements, etc., on a timely basis. With respect to service, emphasis beyond what is reasonable or necessary is a waste of resources which could produce greater benefits while failure to obtain satisfactory service could result in dissatisfaction. Thus, the decision processs must weigh not only the tangible values indicated by the plan comparison ratings but also must carefully weigh the intangible elements that are involved.

§ 806.596 Standard plan designation.

In order to be designated a standard plan as defined in section 806.506, an insurance carrier or other plan sponsor shall supply to HUD the information necessary to complete the comparison outlined in this subpart on a form acceptable by HUD. A suggested form is illustrated in Appendix III. With this information, upon request by a local agency, HUD will calculate the standard plan's rating unless the standard plan's agent or sponsor desires to provide the calculation personally. Thereafter, this form shall be submitted to HUD by the end of April and September of each year and shall contain requested information as of April 1 and September 1 of each year. If from one submission date to another there has been no change in the data previously supplied, new data need not be submitted provided that is so indicated on the form. More frequent submissions of updated information will be accepted but are not required. Form(s) applicable to a standard plan shall be submitted and updated even though the insurer or agent will prepare the calculation directly.

§ 806.597-599 [Reserved]

Subpart K—Life Insurance

§ 806.601 Policy.

A local agency may provide the insurance coverage within the cost and coverage limitations stated below:

(a) *Public plan.* Life insurance may be provided under a plan established by a governmental body provided local agency contributions may not exceed the employee/employer cost basis applicable to other governmental participants. There is no limitation on the amount of life insurance benefits which is set by the public plan. To the extent that life insurance is not provided under any public plan which the local agency participates in, the local agency may provide life insurance coverage as provided in the following paragraphs.

(b) *Private plan.* Life insurance may be include in combination with another private benefit plan or may be provided as an independent plan, subject to the limitations stated in this subpart.

§ 806.602 Definition.

As used herein, "life insurance" means that form of death benefit provided through an individual or group policy of term or permanent insurance. In this respect, the following forms of death benefits are not considered to be life insurance: (a) refunds of employees and employer contributions to a retirement plan, (b) the cash surrender value of retirement annuity policies, (c) proceeds from an accidental death and dismemberment policy, (d) incidental lump-sum payments primarily intended for settlement of expenses for final illness and burial, and (e) subsidiary life insurance included as part of a "package" benefit plan, usually health insurance. Generally, life insurance included as part of a package in excess of $2,500 will not be considered as incidental or subsidiary.

§ 806.603 General limitations.

Life insurance coverage may be provided under any one of the following four sub-classifications provided the criteria for that sub-classification is met. Not more than one sub-classification may be used to provided such benefits. If under sections 806.603(b)(d), an employee is totally uninsurable under the insurance company's rules, the contribution for life insurance shall nonetheless be allocated to increase an employee's retirement benefit.

(a) *Term insurance separate from a retirement plan.* (1) Amount. The maximum amount of term life insurance which a local agency may maintain in force on the life of an employee pursuant to a plan not associated with a retirement plan shall be one and one-half (1.5) times the employee's total annual compensation.

(2) Contribution. The local agency's contribution applicable to a term life insurance program described in section 806.603(a)(1) above may not exceed 50 percent of an individual's applicable premium for the amount of coverage provided. The employee's contribution may not be less than the local agency's contribution. No maximum dollar cost or percentage of compensation cost limitation may be placed on this coverage.

(3) Premium calculation. Premiums relative to a term insurance contract may be calculated on an individual or group averaging basis. Such term insurance premiums may be paid in association with any other form of approvable employee benefit plans (except as provided in section 806.603(b)) pro-

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vided the above conditions of this section 806.603(a) are met.

(b) *Term insurance as part of a retirement plan.* (1) Amount. The maximum amount of term life insurance which a local agency may maintain in force on the life of an employee pursuant to a plan associated with a retirement plan shall be one and one-half (1.5) times annual compensation (as defined by the retirement plan). The minimum amount of such life insurance coverage shall be three-quarters of one percent (0.75%) of annual compensation (as defined by the retirement plan).

(2) Contribution. Employee and local agency contributions to a retirement plan providing term life insurance coverage may be increased by up to one-half percent (0.5%), respectively, of annual compensation (as defined by the retirement plan). The total amount of increase, however, must be borne equally by the employee and the local agency. Furthermore, the local agency's portion of such increase may not exceed 25 percent of the total local agency contribution to the retirement plan. This maximum 1 percent combined contribution is intended to pay the cost of the term life insurance coverage. The plan may presume that the mandatory employee contribution will first be applied to pay all applicable life insurance premiums.

(3) Premium calculations. Premiums relative to a term insurance contract may be calculated on an individual or group averaging basis.

(c) *Permanent whole life insurance as part of a retirement plan.* (1) Amount. There shall be no maximum or minimum amount of whole life insurance which a local agency must maintain in force on the life of an employee pursuant to a plan associated with a retirement plan. However, if a whole life contract is used no more than 40 percent and no less than 10 percent of the total local agency and mandatory employee contributions to the plan may be used for the purpose of paying the premiums on such coverage.

(2) Contribution. If whole life insurance is used to provide an insured death benefit, the local agency may increase its contribution to the plan by an additional amount up to one-half of one percent (0.5%) of the participating employee's annual compensation (as defined by the plan). Any increased contribution above shall be matched by a similar increase required of participating employees and included as part of their mandatory contributions to the plan. The plan may presume that the mandatory employee contribution will first be applied to pay all applicable life insurance premiums.

(d) *Retirement income insurance contract as part of a retirement plan.* (1) Amount. There shall be no maximum or minimum amount of life insurance which a local agency must maintain in force on the life of an employee pursuant to a plan associated with a retirement plan if such life insurance protection is provided through a retirement income or similar type insurance contract. A retirement income contract is one which provides as a death benefit $1,000, or the reserve, if greater, for each $10 per month of guaranteed life annuity at retirement.

(2) Contribution. The additional contribution to cover the cost of this benefit would be the same as section 806.603(c)(2). Furthermore, the entire local agency contribution and mandatory employee contribution may be applied to pay the premiums of these contracts. However, at leasst 25 percent of local agency and mandatory employee contributions shall be applied to the purchase of these coverages. The plan may presume that the mandatory employee contribution will first be applied to pay all applicable life insurance premiums.

§ 806.604 Special type policies.

Certain types of policies supply coverage for risks or hazards of a special or limited nature which are inappropriate for general applicability. Such forms of benefits may be provided only to the extent that the premiums therefor are separable and paid exclusively by the employee. Such benefits shall be optional. Examples of special type policies are:

(a) Aviation accident insurance.
(b) Key-man insurance.
(c) Business travel accident policies.
(d) Dependent life insurance.

§ 806.605 Approval.

The following information relative to a private life insurance plan shall be submitted to the appropriate HUD office:

(a) A specimen copy of the application and policy or contract which shall include all applicable premium and benefit schedules.

(b) A list of all present employees who would be eligible for such coverage including for each the salary, age, sex, amount of coverage, and premium.

Subpart L—Health Insurance

§ 806.701 Policy.

It is the desire of HUD to encourage, but not require, that local agencies participate in a public health insurance plan if available on a voluntary basis because more often than not premiums of public plans are very reasonable in relation to benefits. Each local agency should examine the public plan as if it were a private plan to determine its appropriateness.

§ 806.702 Public plan.

When a local agency is required or permitted to participate in a State, municipal or other local government public health insurance plan, local agency contributions may not exceed the employer contribution basis applicable to other governmental participants.

§ 806.703 Comparable private plan.

When a local agency is not permitted to participate in a State, municipal, or other local government public health insurance plan, it may establish a comparable private health insurance plan. In this event, the types and extent of coverage, as well as the employer contribution basis, may not exceed, but may be less than, those applicable to the public plan. A comparable plan may not be established where the local agency may voluntarily participate in a public plan; rather the comparable plan concept can be achieved directly by participating in the public plan.

§ 806.704 Health maintenance organizations.

According to the Health Maintenance Organization Act of 1973 and pursuant regulations, employers with an average of 25 employees must offer them the option of participating in a "qualified" health maintenance organization (HMO) and plan. While it apparently is not mandatory for a governmental entity to comply with this act, a local agency will be permitted to voluntarily agree to offer the option to its employees. Any exclusions or limitations stipulated in sections 806.706-708 need not apply to coverage provided under an HMO arrangement.

§ 806.705 Autonomous private plan.

In lieu of entering a public plan or where a public plan is not available, a local agency may establish an autonomous private health insurance plan under the following conditions:

(a) *Contributions.* Local agency contributions may not exceed 100 percent of the premium rate for an employee alone or 60 percent of the premium rate(s) for an employee plus one or more eligible dependents. The local agency may not contribute on behalf of any employee in a nonpay status or who is not classified by the local agency as a regular employee. Experience credits (dividends) shall either be applied to reduce the next premium payable or shall be held by the insurer to reduce future premiums.

(b) *Types of benefits.* The private health plan may include any of the general types of benefits described below, subject to the conditions stated in this subpart.

(1) Basic medical expense benefits including:

(i) Hospital expense benefits (including outpatient treatment of injuries and other emergencies).

(ii) Surgical expense benefits (including professional administration of anesthesia).

(iii) Physician expense benefits (in-hospital only).

(iv) Diagnostic X-ray and laboratory expense benefits.

(v) Radiation therapy.

(2) Major medical expense benefits supplement basic medical expense benefits and also cover other medical expenses, such as out-of-hospital physician expenses, private duty nursing (R.N.), prescription drugs and medicines, artificial prosthetic appliances, etc.

(3) Comprehensive medical expense benefits cover a broad spectrum of medical expenses, including those mentioned in the preceding sections 806.705(b)(1)-(2).

(4) Maternity expense benefits may be provided in conjunction with basic medical expense benefits, major medical expense benefits or comprehensive medical expense benefits, and cover hospital and obstetrical expenses. The level of benefits should approximate the prevailing level of maternity benefits under local insured or service plans.

(5) Dental expense benefits may be provided if a major medical or comprehensive medical expense benefit plan also exists. (See section 806.708 for details.)

(c) *Enrollment.* Any regular employee may enroll in an approved health plan either as an employee or for employee and eligible dependents. If any employee's spouse is employed by the same local agency, either spouse (but not both) may enroll for family coverage, but no person may be enrolled both as an employee and as a dependent. Family enrollment may be defined to include unmarried dependent children who have not attained age 19 (age 25 if classified as a regular, full-time student), and unmarried dependent children regardless of age who are incapable of self-support because of physical or mental incapacity incurred before age 19 (age 25 if covered as a student).

§ 806.706 Limitations required.

Substantial compliance with the following required limitations shall govern HUD approval.

(a) All major medical expense benefits and comprehensive medical expense benefits shall be subject to a deductible of at least $100 and co-insurance of up to 80 percent on the first $2,500 of covered expenses. The plan may then pay 100 percent of covered expenses in excess of $2,500.

(b) All medical expense plans shall contain the standard "Coordination of Benefits" provision if provided on a group basis. Exceptionally small agencies which may not qualify for group coverage may use individual health policies not containing a coordination of benefits provision.

(c) The plan may not cover the expenses of optional private accommodations to the extent they exceed the expenses of semi-private accommodations.

(d) The expenses of a convalescent facility may be covered if confinement follows hospitalization and is certified by the attending physician to be medically necessary, but only if the medical prognosis is that the confinement will reduce the individual's disability to permit living outside an institution providing medical care. Benefits should not exceed 50 percent of the daily benefit for hospitalization and the benefit period should not exceed 60 days.

(e) Medical expenses incurred in the treatment of mental and nervous disorders outside a hospital may be covered only under a major medical or a comprehensive medical plan. The benefit may not exceed 50 percent of the physician's charge and not more than $1,000 in benefits may be paid in a calendar year.

§ 806.707 Exclusions.

Expenses incurred for the following types of treatment or care shall be excluded from any plan supported by employer contributions. Coverage of any of these excluded expenses may be purchased separately but only if the employee pays the full cost. The plan may contain exclusions in addition to those listed below:

(a) Occupational injury or disease covered by Workmen's Compensation or similar law;

(b) Cosmetic surgery, except that required for medical reasons or to repair injuries caused by an accident;

(c) Custodial care;

(d) Eye glasses and contact lenses or the examination for them except as required by ocular surgery or injury;

(e) Routine or periodic physical examinations;

(f) Speech, occupational, recreational or milieu therapy or other forms of nonmedical self-care or self-help training;

(g) Hearing aids or examinations, whether or not prescribed;

(h) Specified disease riders or policies; and

(i) Integrated major medical insurance providing coverage of deductibles, co-insurance amounts, etc.

§ 806.708 Dental expense benefit.

Benefits for dental care or treatment may be obtained only if a major medical or comprehensive medical plan also exists. However, any dental benefit so provided would be in addition to coverage otherwise provided by the local agency's medical plan. The extent of participation in a major medical or comprehensive medical plan shall govern the extent of participation in the dental plan. Substantial compliance with the following limitations shall govern HUD approval.

(a) *Coverage.* Due to the wide variety of dental plans offered by insurance carriers and the difference in objectives of various local agencies, it is the intent of HUD not to place any limitations on the breadth of coverage under this section, however, the benefits so offered shall not go beyond the following definitions of services:

(1) Diagnostic: Procedures to assist the dentist in evaluating and identifying existing conditions and the dental care required. This includes oral examinations, bitewing/full-mouth X-rays, consultations and laboratory examinations.

(2) Endodontics: The specialty of dental science that deals with procedures for the treatment of diseases of the pulp chamber and pulp canals (root canal therapy).

(3) Oral surgery: The procedures with include extractions as well as other surgery, including pre-operative and post-operative care.

(4) Orthodontics: Treatment for the proper alignment of teeth. This includes straightening of crooked, crowded or protruding teeth. This benefit is limited to children covered as dependents.

(5) Periodontics: The examination, diagonosis and treatment of diseases of the tissues supporting the teeth (gums).

(6) Preventive: Procedures to prevent or minimize the occurrence of oral disease. This includes prophylaxis (cleaning, polishing and scaling of teeth), topical application of flouride solutions and space maintainers.

(7) Prosthodontics: The procedures for the construction, placement, insertion and repair of natural teeth by artificial devices. This includes bridges, partial and complete dentures.

(8) Filling: Filling of teeth to include amalgam, porcelain and other synthetic materials.

(9) Restorative: Pertains specficially to repair and reconstruction of natural teeth, including gold restorations, crowns, and jackets.

(10) Other services: Includes emergency care, general anesthesia, drugs and special consultation.

(b) *Benefit limitations.* Although no other limitations are placed on the design of the benefits that may be provided, no dental plan adopted pursuant to this section may provide for the payment of more than $500 in dental expense benefits in any one calendar year per covered member.

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(c) *Contribution limitations.* A local agency may pay up to 100 percent of the premium of the single employee or 60 percent of family benefits under this section.

§ 806.709 Medicare and medicare supplements.

A local agency may establish a supplement to Medicare within its own health care plan and/or through an HMO for active employees. The cost of employee only coverage under the supplement to Medicare may be borne by the local agency. In the event an employee covered by Medicare is covered by a medicare supplement also elects to cover his/her dependents under the plan, the total local agency contribution may not exceed the contribution rate applicable to other employees. If the cost for employee only medicare supplement coverage is less than the local agency's contribution for health care benefits provided to other employees who are not eligible for Medicare, the local agency's contribution must be limited to a proportionate expenditure.

§ 806.710 Individual policies.

Where a local agency would have too few eligible employees to obtain a group policy, it may nonetheless contribute on a nondiscriminatory basis toware one-half (50%) of the cost of an individual policy obtained by the employee personally, provided such policy conforms to the provisions of this subpart.

§ 806.711 Coverage while on leave of absence.

The plan may provide that an employee who is granted a leave of absence without pay may have individual coverage and the coverage of any eligible family members continued for the duration of the leave of absence upon application, but only upon the employee's assuming payment of the contributions otherwise required of the employer. This section would also be applicable in the event the employee was not at work due to a collective bargaining dispute.

§ 806.712 Life insurance.

Life insurance may be provide in combination with a public or private health insurance plan pursuant to subpart K. In some cases an insurance company will require that a small amount of life insurance must be provided along with its health policy. In such case, the cost of subsidiary life insurance, not in excess of $2,500, may be included in the premium even though the local agency is providing the maximum level of life insurance under another employee benefit plan.

§ 806.713 Approval.

Health insurance plans shall be submitted to the appropriate HUD office for technical review and approval. The following data shall be submitted in this respect:

(a) For public plans, satisfactory evidence that the local agency is eligible to enter the plan.

(b) For comparable private plans, satisfactory evidence that the local agency is not eligible to participate in a public plan; a copy of the proposed comparable private plan including applicable premium and benefit schedules; and a copy of the public plan's premium and benefit schedules for comparative purposes, including the employee-employer sharing formula applicable thereto.

(c) For autonomous private plans, a copy of the proposed application, and the policy or contract including applicable premium and benefit schedules.

(d) For HMO plans, a copy of the proposed application, certification that the organization is a qualified entity, and the policy or contract including applicable premium and benefit schedules.

Subpart M—Miscellaneous Benefit Plans

§ 806.801 Policy.

To the extent that they are not provided under any public plan in which the local agency participates, a local agency may provide the following benefit plans subject to the cost and coverage limitations stated in this subpart.

§ 806.802 Disability income benefits.

Disability income benefits (DIB) are periodic payments, usually on a monthly basis, to replace lost earnings due to sickness or injury, the following provisions shall apply.

(a) *Definition.* The definition of disability shall conform to the standard definition customarily used by the insurance company.

(b) *Waiver of premium.* The plan may provide for waiver of DIB premiums while disabled, but may not provide for supplemental pension credits or contributions (see section 806.543).

(c) *Individual policies.* Where a local agency would have too few eligible or participating employees to obtain a group policy, it may nonetheless contribute on a nondiscriminatory basis toward the cost of an individual DIB policy in accordance with section 806.802(d).

(d) *Contributions.* The employer contribution may not exceed the lesser of (1) one-half percent (0.5%) of an employee's regular compensation or (2) 50 percent of an individual's applicable premium. The employee's contribution may not be less than the employer's contribution. If an employee is totally and permanently disabled, as defined in the plan, and does not have sufficien' accumulated leave (sick, annual or otherwise) to carry him through the qualifying period for the receipt of benefits, the local agency is authorized to continue to pay the employee's and employer's portion of the premium from the time the leave benefits cease and benefit payments begin. This special contribution provision is not applicable for a period of time greater than one year after the date of disability.

§ 806.803 Accidental death and dismemberment.

Accidental death and dismemberment coverage (AD&D) provides indemnity for loss of life, limbs, or sight resulting from accidental bodily injury. The AD&D policy may provide accident coverage off the job or at all times. The AD&D death benefit or principal sum for any participating employee may not exceed that amount which can be purchased by a total per employee premium of $3.00 per month of which the employe shall pay 50 percent and the local agency shall pay the other 50 percent. The premium shall either (a) be deducted from the basic contribution attributable to a private retirement and/or life insurance plan, or (b) be integrated with a private health insurance or DIB plan's premium on a matching contribution basis. AD&D coverage for dependents may be provided only to the extent that the premiums thereof are paid exclusively by the employee.

§ 806.804 Approval.

The following information relative to a miscellaneous benefit plan shall be submitted to the appropriate HUD office: a copy of the application and policy or contract which shall include all pertinent premium and benefit schedules.

Subpart N [Reserved]

Subpart O—Appendices

[Appendices I and IV, which relate to internal HUD processing procedures, are not included herein, but do appear in the HUD Employee Benefit Plans Handbooks HM 7217.2 REV-1 and 7401.5 REV-1.]

APPENDIX II—DISCOUNTING FACTORS [1]

Age	Male	Female
18	.08382	.11141
19	.08382	.11141
20	.08382	.11141
21	.08847	.11756
22	.09339	.12406
23	.09858	.13093
24	.10406	.13817
25	.10984	.14582
26	.11596	.15389
27	.12241	.16241
28	.12924	.17141

APPENDIX II—DISCOUNTING FACTORS [1] Continued

Age	Male	Female
29	.13644	.18092
30	.14406	.19095
31	.15210	.20155
32	.16061	.21274
33	.16959	.22456
34	.17910	.23704
35	.18915	.25023
36	.19977	.26417
37	.21101	.27889
38	.22291	.29445
39	.23550	.31090
40	.24883	.32828
41	.26294	.34666
42	.27790	.36610
43	.29377	.38666
44	.31063	.40841
45	.32856	.43143
46	.34765	.45579
47	.36799	.48159
48	.38969	.50892
49	.41287	.53788
50	.43765	.56858
51	.46418	.60115
52	.49259	.63569
53	.52308	.67234
54	.55581	.71127
55	.59099	.75264
56	.62885	.79662
57	.66964	.84345
58	.71364	.89337
59	.76117	.94666
60	.81273	1.00364
61	.86883	1.06469
62	.93004	1.13020
63	.99701	1.20065
64	1.07049	1.27653

[1] Based upon the 1971 Standard Group Annuity Mortality Table using an interest rate of 5.5 percent compounded annually.

APPENDIX III—SAMPLE FORM

1. Plan Name or Control Number _____
Date _____
2. Plan Sponsor/Insurer _____
3. Date as of which information is being supplied
April 1, 19—— September 1, 19——
4. Single premium immediate annuity purchase rate assuming payment commencement date at age 65 and a straight life annuity. Express rate as cost per $1.00 of monthly annuity. (If no change from prior submissions, check here ☐).
Males $_____ Females $_____
5. Total cash available at retirement assuming annual contributions of $100 (contributed at the beginning of the year) and accumulated to age 65 for the following ages (assuming all birthdates occur on January 1): (If no change from prior submissions check here ☐).

18	$_____
19	$_____
20	$_____
21	$_____
22	$_____
23	$_____
24	$_____
25	$_____
26	$_____
27	$_____
28	$_____
29	$_____
30	$_____
31	$_____
32	$_____
33	$_____
34	$_____
35	$_____
36	$_____
37	$_____
38	$_____
39	$_____
40	$_____
41	$_____
42	$_____
43	$_____
44	$_____
45	$_____
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47	$_____
48	$_____
49	$_____
50	$_____
51	$_____
52	$_____
53	$_____
54	$_____
55	$_____
56	$_____
57	$_____
58	$_____
59	$_____
60	$_____
61	$_____
62	$_____
63	$_____
64	$_____

6. General explanation of the basis upon which the numbers in item (5) above were developed, including the types of investment vehicles, the split between those investment vehicles, if any, the rate of the projected return and the expense loading built into the program. If any of the following services are to be provided for the expense loading built into the plan, please indicate below. If these services are not included, please indicate their approximate annual cost if available.

	Included	Not Included	Approx. Cost [1]
(a) Cost of Investment			$_____
(b) Consulting Related to Plan Administration			$_____
(c) Record Keeping			$_____
(d) Preparation of Tax Data (P. S. 58 Rates)			$_____
(e) Preparation of Annual Reports (5500/5500-C)			$_____
(f) Preparation of Plan Summary Booklets			$_____
(g) Preparation of Annual Benefits Statements			$_____
(h) Cost of IRS Qualification			$_____
(i) Other (specify)			$_____

[1] Approximate annual cost may be expressed in dollars per $100 of contribution or as a percentage of the contribution. Use additional space to expand upon the services provided if desired. I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Date _____
Signature of Preparer _____
Title _____

AUTHORITY: United States Housing Act of 1937, (42 U.S.C. 1437 et seq.); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Signed at Washington, D.C., this 7th day of February, 1979.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 79-4712 Filed 2-13-79; 8:45 am]

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Federal Register

WEDNESDAY, FEBRUARY 14, 1979

PART IV



DEPARTMENT OF THE INTERIOR

Bureau of Land Management

RECORDATION OF UNPATENTED MINING CLAIMS

Simplification and Clarification Procedures

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Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2441]

PART 3830—LOCATION OF MINING CLAIMS

Subpart 3833—Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention To Hold Mining Claims, Mill or Tunnel Sites

AMENDMENTS

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: On January 27, 1977 (42 FR 5298), the Department of the Interior published regulations implementing section 314 of the Federal Land Policy and Management Act of 1976 requiring the recordation of unpatented mining claims located on the public lands. Based on comments and suggestions received since the implementation of the regulations, the Department proposed amendments to the present regulations to simplify and clarify procedures for the recordation of unpatented mining claims. This final rule implements those changes.

DATE: The rule will be effective March 16, 1979.

ADDRESS: Director (723), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION, CONTACT: Mr. Bob Anderson, 202-343-7722.

SUPPLEMENTARY INFORMATION: The preamble to the final rulemaking issued to implement section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744), requiring the recordation of unpatented mining claims located on the public lands stated that the practical effects of the implementation of the regulations would be observed and any changes found necessary to improve the recordation procedure would be made. A proposed rulemaking carrying out that pledge and making changes in the recordation regulations was published in the FEDERAL REGISTER on April 10, 1978, and provided a 60 day comment period.

As a result of the publication of the proposed rulemaking, the Department of the Interior received 19 comments. Seven of the comments came from companies, seven from mining associations or their attorneys, one from a local government, and four from individuals, with one of the comments being signed by four individuals.

Several of the comments raised a general objection to the principle of having to record unpatented mining claims with the Federal Government. The regulations carry out a mandate of Congress. In carrying out the mandate, the Department has made every effort to keep the requirements on the public to a minimum, consistent with the law.

Several comments were offered on proposed amendments to the definitions in the regulations. Specific comments were made on the amended definition of the term "owner". One comment suggested that the rulemaking should make it clear that failure to file the names of all of the owners of a claim would not be reason for rejecting the recording. The regulations make that point clear. The Department's efforts are aimed at obtaining and having on record the names of all or as many of the claim owners as possible. The only condition imposed for failing to list an owner is that provided for in § 3833.5 of the regulations, no notice if a contest is pursued. A similar comment wanted a recorded claim to be valid if all of the owners are not identified in the documents filed for recordation purposes. There is nothing in the regulations or amendments that makes the recordation invalid if all of the owners are not listed.

Another comment on the definition of "owner" recommended that the term be tied to locator. This suggestion is not being adopted because the term "owner" is more appropriate. The locator may be the person who files in most cases, but for those claims located on or before October 21, 1976, there is a good possibility that the locator is no longer connected with the claim. A locator falls within the definition of "owner" as it is set out in the rulemaking.

Another comment on the definition of "owner" recommended that the term "person" be defined. The word "person" as used in the definition of "owner" appears to be sufficiently clear so that it need not be defined.

A change was made in the definition of the term "proper BLM office" to make it clear that the concern is the claim or site, not the lands in which they are located.

A comment on the term "date of location" suggested that the definition make it clear that the date of location is established by State law and not these regulations. The proposed amendment was designed to allow the claimant the broadest possible latitude in recording his claim. It is clear that the proposed amendment creates further problems and we have therefore, adopted the suggested comment and simply state that the "date of location" is that determined by the State law in the jurisdiction where the claim is located.

Another comment on the "date of location" suggested that the definition be changed to reflect the date of recording rather than the date of location. The Federal Land Policy and Management Act following the mining law and ties the date of location to the time of location of the claim. The regulations follow that concept.

Comments were offered on the amendment to the definition of "copy of the official record of the notice or certificate of location". One comment requested that the document filed with the Bureau of Land Management be the document filed with the local recording agency for the claim. This provision was included in the proposed amendment because experience indicates that there is not sufficient time in most jurisdictions to record with the local agency, get a certified copy of the recorded instrument and file it with the Bureau of Land Management. The suggested change would only complicate the problem that the amendment was designed to relieve.

A second comment wanted the amendment changed to make it clear that an acceptable document was not only one that had been filed but one that will be filed. This change is in keeping with the intent of the amendments in the proposed rulemaking and it was adopted.

Two changes that were made after a careful study of the amendment were the addition of the word "legible" in two places and the phrase, "name or other pertinent fact" in one place. The word "legible" was inserted to make it clear that the copy of the document filed must be legible or it is useless as a document of recordation. The experience of the Bureau of Land Management has been that some of the documents filed have been useless because they could not be read. The phrase ", name or other pertinent fact" was inserted in the last sentence of the definition to further clarify the circumstances when an amendment needs to be filed with the Bureau of Land Management. Finally, the typographical error in the second line of the amendment was corrected by substituting the word "or" for "of".

Two comments were offered on § 3833.1-2(a). One dealt with the question of "agency" and was not adopted. The other comment wanted the addition of the words "or will be filed". While these words have been made part of other sections of the amendment, they were not considered appropriate for this section and were not

added. An editorial change was made in the section to make it easier to read.

Several comments were directed to § 3833.1-2(c). It was suggested that the section should be made applicable to mill and tunnel sites as well as claims. This suggestion was adopted and the phrase "or site" was added in several places in the section. Another comment raised the problem of tying a claim to a quarter section especially on unsurveyed lands. In recognition of this difficulty, the section has been changed to make it apply to the extent possible.

A comment on § 3833.1-2(c)(6) felt that the restrictions on the type of map to be furnished were too restrictive. We agree and have changed the section to remove the authority of the authorized officer to approve the map, but do require the use of U.S.G.S. topographic maps. Another comment was raised about the inclusion of groups of claims in § 3833.1-2(c)(6). The provision has been rewritten to make it clear that more than one claim or site could be shown on a single map or described in a single narrative or sketch if located in the same general area. The new language is clearer and carries out the intent of the rulemaking.

Finally, the section was amended to add a provision allowing the furnishing of an approved mineral survey in lieu of other requirements of the section. It was determined that the mineral survey contained all of the information needed and will be accepted if a claimant offers it for filing.

The question of the service fee was raised once again in several comments. As pointed out in earlier rulemakings on this subject, the fee is imposed under the authority of section 304 of the Federal Land Policy and Management Act. To eliminate uncertainty as to when the fee is to be paid, the phrase "one time" has been inserted in the section. This change makes it clear that a one time payment of the fee is all that is required for the recordation of a single claim. If, however, the claim is relocated or any other action taken creating a new claim, a new fee is required.

Several comments were received relative to § 3833.1-3. Most of the comments raised issue with the provision that a filed patent application is deemed as compliance with the recordation requirements. This provision was put in the regulations to relieve the mining claimant who had filed a patent application of having to take any additional steps to record his claim since the patent application normally contains all required information. As was pointed out in the comments, this action would require a patent applicant to file evidence of assessment work or notice of intention to hold the claim or it would become void. This could have an adverse impact on a mining claimant who, even though he had filed a patent application on a claim located prior to October 21, 1976, decided to await a determination on that patent application before recording. If action were taken to grant the patent prior to the filing deadline of October 1979, recording would not be necessary. If, however, no action were taken, recording could be accomplished just prior to the October 1979 deadline. This would keep the claimant from having to file evidence of assessment work with the Department. The result of the regulations as presently written removes this option and puts the claimant in a position of having to file evidence of assessment work with the Department. Without notice of a pending patent application being deemed compliance with the recording requirements, the claimant might not be aware of it and might find his claim voided by his failure to file necessary papers. To clarify this situation, the regulations have been amended to provide that the claimant will be notified that his pending patent application fulfills the recording requirements and as a result of the notification the claimant is required to file evidence of assessment work. This change will require notification to the 300 or so individuals who had patent applications pending on October 21, 1976, that their claims have been recorded in accordance with the recording provisions and they are required to file evidence of assessment work or a notice of intent after the date of the notification.

Another suggestion adopted makes § 3833.1-3 clearer by setting out in more precise language what must be contained in a patent application for it to be deemed as meeting the recordation requirements.

In response to several comments and in keeping with other changes in the rulemaking, § 3833.2-1 was amended to clarify the reference to December 31. One comment pointed out that the statute did not require the annual filing of a notice of intent to hold a mill or tunnel site and the requirement should be deleted. However, the section is needed so the Bureau can keep informed as to the status of sites and has been retained.

In response to a general comment made on the rulemaking concerning documents that will be filed, § 3833.2-2(a) was amended to insert the phrase "or will be". The word "legible" has also been inserted in this section and section (b) to make it clear that the copy must be a legible copy. We also rewrote paragraph (1) of § 3833(a) to make it clear that the furnishing of the serial number assigned to a claim or site would fulfill the requirement of the act for a full description because the file already contains a description. Of course, if the serial number is not available, the full description will need to be furnished. This change was also made in § 3833.2-2(a)(1). These changes were made in response to comments on this point.

It was pointed out in the comments that the wording of §§ 3833.2-2 and 3833.2-3 indicates that an affidavit of assessment or notice of intent will be limited to contiguous claims and suggested that the word contiguous be deleted. The suggested comment has been adopted because contiguity is not part of the requirement for the filing of the two documents.

In response to comments, § 3833.2-3 was amended to make it clear that an official record of the notice or certificate of location is not needed. This amendment is consistent with other amendments made to the rulemaking. The amendment adding the word "legible" was also included in this section.

One of the comments on § 3833.2-3 raised the point that a situation can arise when those mining claims located on or before October 21, 1976, must be recorded simultaneously with the filing of either an affidavit of assessment or a notice of intent to hold and as a result no serial number would have been assigned prior to that time. This one time situation will be covered by an instruction memorandum to make sure that no affidavit of assessment or notice of intent to hold a mining claim is rejected for failure to furnish the serial number of the claim.

One comment suggested that § 3833.2-3(a)(v) be amended to make it clear that assessment work was not required by law. We agree and the section has been changed accordingly.

Section 3833.2-3 was amended to recognize that a pending petition for a deferment of assessment work if properly recorded with the local recording office is effective until acted on by the authorized officer. As a result of comments received relating to the wording of the parts of § 3833.2-3 on use of sites, the section has been amended to change the words "is being" to "will continue to be". This wording is more in keeping with the statutory requirement.

Finally, in § 3833.2-3, the suggestion that the words "discovery or" be inserted in paragraph (4) to make it clear that a tunnel site could be for discovery as well as development was adopted.

One of the comments on § 3833.4 pointed out that regulations cannot extend the time for recordation set by statute. This is correct. The last sentence of § 3833.4 has been deleted.

The Bureau of Land Management will continue to check recordation filings to determine if they meet the minimum requirements of the law and

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the regulations. If the filing fails to meet the minimum requirements of the law and the regulations and there is sufficient time before the filing deadline to allow correction, the claimant will be notified of the deficiencies and requested to correct the deficiencies. If, however, a recordation filing fails to meet the requirements of the law and the regulations and there is insufficient time to allow correction of the deficiencies, the recording will be rejected. The Bureau of Land Management will, in those instances where it finds a recordation filing meets the minimum requirements of the law and the regulations, accept the filing for recording and contact the claimant for any additional information that might be desired.

Editorial and language changes needed to clarify the rulemaking have been made.

Under the authority of section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744), Subpart 3833, Part 3830, Group 3800, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations is amended as set forth below.

GUY R. MARTIN,
Assistant Secretary of the Interior.

FEBRUARY 9, 1979.

Subpart 3833—Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention to Hold Mining Claims, Mill or Tunnel Sites.

Sec.

* * * * *

3833.2 Evidence of assessment work/notice of intention to hold claims, or site

* * * * *

3833.2-3 Form—notice of intention to hold claim or site.

* * * * *

§ 3833.0-3 Authority.

* * * * *

(e) The Act of August 31, 1951 (31 U.S.C. 483a) and section 304(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

* * * * *

§ 3833.0-5 Definitions.

* * * * *

(e) "Owner" means the person who is the holder of the right to sell or transfer all or any part of the unpatented mining claim, mill or tunnel site. The owner shall be identified in the instruments required by these regulations by a notation on those instruments.

(f) "Federal lands" means any lands or interest in lands owned by the United States, except lands within units of the National Park System, which are subject to location under the General Mining Law of 1872, supra, including, but not limited to, those lands within forest reservations in the National Forest System and wildlife refuges in the National Wildlife Refuge System.

(g) "Proper BLM office" means the Bureau of Land Management office listed in § 1821.2-1(d) of this title as having jurisdiction over the area in which the claims or sites are located.

(h) "Date of location" or "located" means the date determined by State law in the local jurisdiction in which the unpatented mining claim, mill or tunnel site is situated.

(i) "Copy of the official record of the notice of certificate of location" means a legible reproduction or duplicate, except microfilm, of the original instrument of recordation of an unpatented mining claim, mill or tunnel site which was or will be filed in the local jurisdiction where the claim or site is located or other evidence, acceptable to the proper BLM office, of such instrument of recordation. It also includes an exact reproduction, duplicate or other acceptable evidence, except microfilm, of an amended instrument which may change or alter the description of the claim or site.

* * * * *

§ 3833.1-2 Manner of recordation—Federal lands.

(a) The owner of an unpatented mining claim, mill site or tunnel site located on or before October 21, 1976, on Federal lands, shall file (file shall mean being received and date stamped by the proper BLM office), on or before October 22, 1979, a copy of the official record of the notice or certificate of location of the claim or site filed under state law. If state law does not require the recordation of a notice or certificate of location of the claim or site, a certificate of location containing the information in paragraph (c) of this section shall be filed.

* * * * *

(c) * * *

(1) The name or number of the claim or site, or both, if the claim or site has both;

(2) The name and current mailing address, if known, of the owner or owners of the claim or site;

(3) The type of claim or site;

(4) The date of location;

(5) For all claims or sites located on surveyed or unsurveyed lands, a description shall be furnished. This description shall recite, to the extent possible, the section(s), the approximate location of all or any part of the claim or site to within a 160 acre quadrant of the section (quarter section) or sections, if more than one is involved. In addition, there must be furnished the township, range, meridian and State obtained from an official survey plat or other U.S. Government map showing either the surveyed or protracted U.S. Government grid, whichever is applicable;

(6) For all claims or sites located on surveyed or unsurveyed land, either a topographic map published by the U.S. Geological Survey on which there shall be depicted the location of the claim or site, or a narrative or sketch describing the claim or site with reference by appropriate tie to some topographic, hydrographic or man-made feature. Such map, narrative description or sketch shall set forth the boundaries and positions of the individual claim or site with such accuracy as will permit the authorized officer of the agency administering the lands or the mineral interests in such lands to identify and locate the claim on the ground. More than one claim or site may be shown on a single map or described in a single narrative or sketch if they are located in the same general area, so long as the individual claims or sites are clearly identified; and

(7) In place of the requirements of (5) and (6) above, an approved mineral survey may be supplied.

(8) Nothing in the requirements for a map and description found in this section shall require the owner of a claim or site to employ a professional surveyor or engineer.

(d) Each claim or site filed shall be accompanied by a one time $5 service fee which is not returnable. A notice or certificate of location shall not be accepted if it is not accompanied by the service fee and shall be returned to the owner.

§ 3833.1-3 When recordation not required.

If the owner of an unpatented mining claim or mill site had on file in the proper BLM office on October 21, 1976, an application for a mineral patent which contains the documents and information required in § 3833.1-2 of this title, except if the application is for a patent for a placer claim which is located on surveyed lands and conforms to legal subdivisions, such applicant need not comply with the requirements of § 3833.1-2(c)(6) of this title, or if the owner of an unpatented mining claim or mill site located on or before October 21, 1976, files in the proper BLM office an application for a mineral patent, as described above, on or before October 22, 1979, the filing of the application shall be deemed full compliance with the recordation requirements of section 314(b) of the Act and the owner of that claim or site shall be exempt from the filing requirements of § 3833.1. For purposes of complying with the requirement of § 3833.2-1(a) of this title, upon notification to the claimant, the date of recordation in the proper BLM office shall be October 21, 1976, for claims and sites included in mineral patent applications on file as of that date. The date on which the application was actually filed shall be the date of recordation for all other claims and sites.

* * * * *

§ 3833.2 Evidence of assessment work—notice of intention to hold a claim or site.

§ 3833.2-1 When filing required.

(a) The owner of an unpatented mining claim located on Federal lands on or before October 21, 1976, shall file in the proper BLM office on or before October 22, 1979, or on or before December 30 of each calendar year following the calendar year of such recording, which ever date is sooner, evidence of annual assessment work performed during the preceding assessment year or a notice of intention to hold the mining claim.

(b) The owner of an unpatented mining claim located within the boundaries of units of the National Park System must comply with the requirements of 35 CFR 9.5(d) for annual filing and copies of all those annual filings received by the National Park Service pursuant to that regulation will be given by the National Park Service to the proper BLM office. Compliance with the requirements of that regulation will be deemed full compliance with the requirements of section 314 of the Act for all owners of unpatented mining claims located in any unit of the National Park System.

(c) The owner of an unpatented mining claim located on Federal lands after October 21, 1976, shall, on or before December 30 of each calendar year following the calendar year in which such claim was located, file in the proper BLM office evidence of annual assessment work performed during the previous assessment year or a notice of intention to hold the mining claim.

(d) The owner of a mill or tunnel site located on Federal lands shall file in the proper BLM office on or before December 30 of each year following the year of recording pursuant to § 3833.1-2 of this title, a notice of intention to hold the mill or tunnel site.

§ 3833.2-2 Form—evidence of assessment work.

Evidence of annual assessment work shall be in the form of either;

(a) An exact legible reproduction or duplicate, except microfilm, of the affidavit of assessment work performed which was or will be filed for record pursuant to section 314(a) of the Act in the local jurisdiction of the State where the claim or group of claims is located and recorded setting forth the following additional information:

(1) The serial number assigned to each claim by the authorized officer upon filing of the notice or certificate of location or patent application in the proper BLM office. Filing the serial number shall comply with the requirement in the act to file an additional description of the claim.

* * * * *

(b) An exact legible reproduction or duplicate, except microfilm, of the detailed report concerning geological, geochemical and geophysical surveys provided for by the Act of September 2, 1958 (30 U.S.C. 28-1) and filed for record pursuant to section 314(a)(1) of the Act in the local jurisdiction of the State where the claim or group of claims is located and recorded setting forth the following additional information:

* * * * *

§ 3833.2-3 Form—notice intention to hold claim or site.

(a) A notice of intention to hold a mining claim or group of mining claims shall be in the form of either (1) an exact legible reproduction or duplicate, except microfilm, of a letter signed by the owner of a claim or his agent filed for record pursuant to section 314(a)(1) of the Act in the local jurisdiction of the State where the claim is located and recorded setting forth the following information:

(i) The serial number assigned to each claim by the authorized officer upon filing in the proper BLM office of a copy of the notice or certificate of location. Filing the serial number shall comply with the requirement in the act to file an additional description of the claim;

(ii) Any change in the mailing address, if known, of the owner or owners of the claim;

(iii) A statement that the claim is held and claimed by the owner(s) for the valuable mineral contained therein;

(iv) A statement that the owner(s) intend to continue development of the claim; and

(v) The reason that the annual assessment work has not been performed or an affidavit of assessment work performed or a detailed report of geological, geochemical or geophysical survey under § 3833.2-2, has not been filed or

(2) The decision on file in the proper BLM office which granted a deferment of the annual assessment work required by 30 U.S.C. 28, so long as the decision is in effect on the date required for filing a notice of intention to hold a mining claim under § 3833.2-1 of this title or a petition for deferment, a copy of which has been recorded with the appropriate local office, which has not been acted on by the authorized officer.

(b) A notice of intention to hold a mill or tunnel site(s) shall be in the form of a letter signed by the owner or owners of such sites or their agent setting forth the following information:

(1) The serial number assigned to each site by the authorized officer upon filing in the proper BLM office of a copy of the official record of the notice or certificate of location;

(2) Any change in the mailing address, if known, of the owner or owners of the site(s); and

(3) In the case of a mill site, a statement that a claim-related site will continue to be used for mining or milling purposes or that an independent mill site will continue to be used for the purposes of a quartz mill or reduction works; or

(4) In the case of a tunnel site, a statement that the owner(s) will continue to prosecute work on the tunnel with reasonable diligence for the discovery or development of the vein or lode.

§ 3833.4 Failure to file.

(a) The failure to file an instrument required by §§ 3833.1-2 (a), (b), and 3833.2-1 of this title within the time periods prescribed therein, shall be deemed conclusively to constitute an abandonment of the mining claim, mill or tunnel site and it shall be void.

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§ 3833.5 Effect of recording and filing.

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(b) Nothing in this subpart shall be construed as a waiver of the assessment work requirements of section 2324 of the Revised Statutes, as amended (30 U.S.C. 28). Compliance with the requirements of this subpart shall be in addition to and not a substitute for compliance with the requirements of section 2324 of the Revised Statutes and with laws and regulations issued by any State or other authority relating to performance of annual assessment work.

(c) Filing of instruments pertaining to mining claims under other Federal law with the BLM or other Federal agency shall not excuse the filings re-

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quired by this subpart and filings under this subpart shall not excuse the filing of instruments pertaining to mining claims under any other Federal law, except that filing a notice or certificate of location or an affidavit of annual assessment work under this subpart which is marked by the owner as also being filed under the Act of April 8, 1948 (62 Stat. 162) or the Act of August 11, 1955 (30 U.S.C. 621-625), will satisfy the recording requirement for O & C lands under 43 CFR subpart 3821 and Pub. L. 359 lands under 43 CFR Part 3730, or as provided in § 3833.2-1(b) of this title.

(d) In the case of any action or contest affecting an unpatented mining claim, mill or tunnel site, only those owners who have recorded their claim or site pursuant to § 3833.1-2 or filed a notice of transfer of interest pursuant to § 3833.3, shall be considered by the United States as parties whose rights are affected by such action or contest and shall be personally notified. All methods reasonably calculated to insure that those parties receive actual notice of the action or contest shall be employed. If those methods are not successful, the interested parties shall be notified by publication in accordance with 43 CFR 4.450. Owners who have not recorded a claim or site or filed a notice of transfer shall not be personally served and will be bound by any contest proceeding even though they have not been personally served. This section applies to all unpatented mining claims, mill or tunnel sites located after October 21, 1976, and shall apply to such claims or sites located on or before October 21, 1976, only after they have been recorded pursuant to § 3833.1-2 of this title.

(f) Failure of the government to notify an owner upon his filing or recording of a claim or site under this subpart that such claim or site is located on lands not subject to location or otherwise void for failure to comply with Federal or State law or regulations shall not prevent the government from later challenging the validity of or declaring void such claim or site in accordance with due process of law.

(g) Any person who files an instrument required by these regulations knowing the same to contain any false, fictitious or fraudulent statement or entry, may be subject to criminal penalties under 18 U.S.C. 1001.

[FR Doc. 79-4797 Filed 2-13-79; 8:45 am]

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federal register

WEDNESDAY, FEBRUARY 14, 1979

PART V



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

FINANCIAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITY

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[4110-02-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 114]

FINANCIAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITY

Proposed Rulemaking

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commissioner of Education proposes to amend the regulations that govern the award of Federal assistance to school districts that enroll certain categories of children receiving free public education in areas affected by Federal activities.

The amendments are designed to insure the safety of children who are educated on federally owned property, and to make certain that handicapped children have access to educational programs located on federally owned property.

DATES: Comments must be received on or before April 2, 1979.

ADDRESSES: Comments should be addressed to Mr. William L. Stormer, Office of Education, Room 2107-A, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Written comments received in response to this notice will be available for public inspection in the office indicated above on Mondays through Fridays between 8:30 a.m. and 4:00 p.m. except on Federal holidays.

FOR FURTHER INFORMATION CONTACT:

William L. Stormer (202) 245-8427.

SUPPLEMENTARY INFORMATION:

BACKGROUND

LEGISLATIVE HISTORY

Section 10 of Pub. L. 81-815 provides for direct Federal construction of school facilities for children residing on Federal property. It was adopted to serve two situations where the Commissioner should take the responsibility to provide school facilities for children residing on Federal property:

Section 10(a)(1)—where State law precludes the expenditure of funds to educate children on Federal property.

Section 10(a)(2)—where the local educational agency (LEA) is unable to provide a suitable free public education for children residing on Federal property.

PRIORITY RANKING

Funding priorities for Section 10 were initiated to distribute limited funds. Groups for establishing priority in funding at present are as follows:

1. Repairs to existing Federally-owned school facilities for children's safety.
2. Upgrading for facility transfer where a local educational agency has assured the Commissioner that it will apply for and accept ownership of the Federaly-owned facilities.
3. Upgrading or new construction or both to provide facilities for unhoused students.
4. New construction, remodeling or rehabilitation necessary to permit the implementation of a contemporary education program.

AUTHORITY TO INITIATE STUDY

The Commissioner of Education directed the initiation of an in-depth study to analyze Section 10 school construction needs.

FINDINGS

The findings of the in-depth study projected a total cost estimate of $198,231,641 ($200 million) in FY 1976 dollars to repair, upgrade or construct school facilities to provide for contemporary educational programs. Construction estimates for upgrading existing facilities to meet life safety and handicapped access standards total approximately $10.5 million in 1976 dollars.

Estimates for construction of replacement facilities where upgrading is not sufficient to meet life safety standards total approximately $60 million in 1976 dollars.

For the purpose of this estimate, it is assumed that the responsible LEA is unable to provide a suitable free public education for the children concerned. A determination to this effect, of course, will be required prior to the initiation of any extensive remodeling or new construction.

The in-depth study disclosed many instances where existing school facilities are simply inadequate to house the total number of pupils enrolled. Large numbers of children are required to be housed in makeshift facilities, such as those that have been abandoned from the use they originally served.

Some of the pupil membership increases have resulted from Department of Defense programs to construct additional on-post military family housing units at an accelerated pace over the past several years, or from a change in the basic mission the installation serves.

The safety of children being educated in buildings under the Commissioner's cognizance is a first priorty. A portion of the construction needed to bring existing facilities up to life safety standards requires only repairs or upgrading activities. Construction can be performed which will meet life safety standards and achieve access for the handicapped equal to that called for by Section 504 of the Rehabilitation Act of 1973.

Certain Section 10 facilities, however, cannot be made life safe (i.e., old wooden buildings with an unacceptable "burn rate") and, therefore, construction of replacement facilities is required.

In these cases, the current priority system precludes the Commissioner from targeting money toward major renovation or new construction efforts.

AMENDMENTS TO THE REGULATIONS

Modification of the priorities, by regulation, of existing funding priority groupings to be promulgated are as follows:

1. Emergency repairs for the children's safety.
2. Upgrading and new construction to meet life safety and handicapped access standards.
3. Upgrading to provide facility transfers to local educational agencies.
4. Upgrading to provide facilities for unhoused children.
5. Upgrading and/or new construction to provide contemporary educational programs.

Criteria by which to judge "suitable free public education" and "ability to provide suitable free public education" have never been defined in the regulations or the law. Without established criteria and a revision of priorities, applicants cannot be sure of their eligibility status. These two proposed amendments will alleviate the present shortcoming.

This definition of suitable free public education is distinguished from the definition of "free appropriate public education" given in Section 602 (18) of the Education of the Handicapped Act. Although the definitions may have similar application to the situation of handicapped children in certain instances, the latter definition applies specifically to special education and related services.

The primary standard against which to measure an LEA's suitability will be that which is commonly provided in the State. The school attended by a pupul residing on Federal property must be within the State's established maximum commuting distance from that pupil's home.

The programs of instruction offered or which can be offered must meet minimum standards for State accreditation or approval. In the event a State has not established minimum educational requirements, the Commissioner then may apply appropriate accreditation associations standards to assess suitability of the LEA's program of instruction.

Examination will also be made of the ability of the LEA to provide suitable free public education, particularly as it applies to school construction. Operational indicators would be the percentage of the LEA's bonded indebtedness; the present level of debt service; and the amount of resources the LEA has, State, local and Federal, to provide minimum school facilities for the children to be housed.

The following changes are being made:

1. Under § 114.1 *Definitions.*

Add a new definition (a-1) "Ability to provide suitable free public education" before (a) "Act."

2. Add a new definition (x-1) "Suitable free public education" after (w) "Subpriority indices."

3. Under § 114.5 *Determination of priority indices and priority groupings for applications.*

Under subparagraph (b)(2) add a new item (ii) and change (ii) to (iii), (iii) to (iv), and (iv) to (v).

The new priority is as follows:

(ii) Applications in cases where upgrading or new construction or both is necessary to meet life safety and handicapped access standards.

These proposed rules deal only with specific amendments and will be recodified under Operation Common Sense early in 1979.

(Catalog of Federal Domestic Assistance Nos. 13.477, School Assistance in Federally Affected Areas—Construction)

Dated: December 1, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: February 7, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

PART 114—ASSISTANCE FOR SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES

* * * * *

§ 114.1 Definitions.

As used in this part, the term:

(a-1) *Ability to provide a suitable free public education for the purposes of section 10 of the Act.* The Commissioner considers a local educational agency (LEA) able to provide a suitable free public education if the LEA—

(a) Has the authority under State law to provide suitable free public education to pupils residing on Federal property;

(b) Has not refused to provide that education;

(c) Has the authority to provide educational facilities on property it does not own where the LEA determines that the property is necessary to serve pupils residing on Federal property; and

(d) Has the actual or potential financial resources and/or facilities to provide that education.

* * * * *

(x-1) Free public education is considered "suitable" for purposes of Section 10 of the Act if—

(1) The primary language of instruction is English; and

(2) The school facility which a pupil attends or would attend is within the State's established maximum commuting distance from a pupil's home; and

(3) The programs of instruction offered or which can be offered with combined local, State, and Federal resources meet standards for State accreditation or approval. If the particular State has not established standards for accreditation or approval, the Commissioner applies appropriate accreditation associations' standards to assess suitability of the local educational agency's program of instruction; or

(4) In the judgment of the Commissioner, an arrangement under section 10 would operate, because of adverse social and political factors, to the serious detriment of the children to be served.

* * * * *

(20 U.S.C. 640(a)(2))

§ 114.5 Determination of priority indices and priority groupings for applications.

* * * * *

(b) For requests under section 10 of the Act, a priority index will be determined for the first pending requested project of each applicant by adding (1) the percentage that the estimated number of children for whom minimum school facilities are to be provided is of the total estimated number of all children residing and attending school on the installation at the close of the applicable period; and (2) the percentage of the estimated school membership at such installation which is without minimum school facilities as of the same time. However, in no case will the combined percentage used in determining the priority index exceed twice the percentage arrived at in subparagraph (1) of this paragraph. In determining the order of priority for approving applications under section 10, applications will be classified in priority groups for establishing priority in funding from funds allocated for applications under section 10 as prescribed in paragraph (c) of § 114.4 and a priority listing will be established for each such group in the following order: (i) Applications requesting major repairs necessary for the safety of school children or to prevent further deterioration of existing school facilities; (ii) applications in cases where upgrading or new construction or both is necessary to meet life safety and handicapped access standards; (iii) applications in cases where the local educational agency which operates the school program in school facilities located on Federal property has given assurance and a firm commitment to the Commissioner that, upon completion of the proposed project, it will accept ownership of such school facilities under section 10(b) of the Act; (iv) applications in cases where there are unhoused pupils; and (v) applications requesting the construction of capacity or noncapacity school facilities, or the rehabilitation or remodeling of existing school facilities which is required to bring the school facilities up to a standard which will permit the offering of a contemporary educational program.

(20 U.S.C. 640)

[FR Doc. 79-4871 Filed 2-13-79; 8:45 am]

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WEDNESDAY, FEBRUARY 14, 1979

PART VI



INTERSTATE COMMERCE COMMISSION

federal

UNIFORM SYSTEM OF ACCOUNTS

Branch Line Accounting System Report; Decision

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[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS REPORT AND RECORDS

[Docket No. 36366]

PART 1201—UNIFORM SYSTEM OF ACCOUNTS

Subpart B—Branch Line Accounting System Report

Decision

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Final Rule on Amendments to the Branch Line Accounting Report.

SUMMARY: On October 26, 1978 the Rail Services Planning Office (RSPO) published proposed amendments to the Branch Line Accounting System that would (1) replace the Branch Line Annual Report Form R-6 with a certification and (2) change the filing date from June 30 to March 31 of each year. RSPO is amending the regulations to adopt the certification to replace the current Form R-6 but the filing date for the certification will remain June 30. This change includes the Form R-6 that will be filed for data collected during 1978.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

James Wells, Chief, Cost Evaluation Branch, Rail Services Planning Office (202) 254-7552.

SUPPLEMENTARY INFORMATION: On October 26, 1978, the Rail Services Planning Office published proposed amendments that would eliminate the Annual Report of Railroad Branch Lines, Form R-6 and replace it with a certification that the proper data was being collected and maintained for all of the rail lines prescribed by the regulations. In addition, the proposed filing date of the certification was to be on or before March 31 instead of the current June 30 date.

Comments on the proposed changes were submitted by several state DOT's, individual railroads and the Association of American Railroads. All of the submissions agreed that the combined data submitted to the ICC in the Form R-6 was of little value. The states expressed concern over the availability of the data for individual branch lines as a result of the proposed amendments. The notice of proposed rulemaking stated withhout qualification that the proposed change only eliminated the process of combining the individual line data into a consolidated report. In addition, the notice said that the states' access to the data was not altered by the amendments that were being proposed. The certification will be filed for data collected during 1978.

The notice also proposed a change related to the filing date, for the certification, from June 30 to March 31 of each year. This proposed change will not be made. From the comments received, it appears that this would cause some confusion as to the availablility of individual line data subsequent to the submission of the certification. Therefore, RSPO has decided that the certification will be filed on or before June 30, the same date that the report Form R-6 had been due.

The AAR proposed that the burden on the railroads could be further relieved by not requiring them to maintain the data for every branch line at the level of detail called for by the regulations. The AAR's reasoning was that (1) the detailed data has not been requested for every line for which it is being maintained and (2) some states do not want the information at the level of detail required by the regulations. RSPO feels that many states have not requested the individual line data because their rail planning organizations are currently not at a level that allows them to evaluate information for every line within their state. However, as the amount of Federal money available to the states becomes less and decisions have to be made on which lines will continue in operation while others are abandoned, the need for more precise information will increase as well as the level of knowledge within the state DOT's. The level of detail that a state wishes to obtain from a railroad regarding the revenues and expenses of particular branch lines is a matter between the parties involved. However, the regulations will not be amended regarding the availability of the detailed data.

The certification that will be filed by the railroads beginning June 30, 1979 will be included in the regulations as Appendix I, Certification of Branch Line Accounting System Records. The other amendments to the regulations are technical changes which are necessary as a result of substituting the certification for the Form R-6.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Issued on February 5, 1979 by Alexander L. Morton, Director, Rail Services Planning Office.

By the Commission.

H. G. HOMME, Jr.
Secretary.

Part 1201, Subchapter C, Chapter X, title 49 Code of Federal Regulations is amended as follows:

§ 930 [Amended]

1. Section 930(a) is revised to read as follows: "(a) General. The railroad shall file on or before June 30 of each calendar year the certification included in these regulations as Appendix I. The railroad shall include a description of each branch line using the format set forth in Appendix I of these regulations. The description of each branch line requires the same data as that submitted under 49 CFR 1121.21. This section prescribes the branch line information required in conjunction with the system diagram maps specifying the line's designation, states and counties traversed, delineation of mileposts, and location of agency and terminal stations."

2. Section 930(b) is deleted.

§ 940 [Amended]

3. The first sentence of Section 940 is amended to read as follows: "This section specifies the format in which the data collected for each branch line shall be maintained."

§ 950 [Amended]

4. The first sentence of Section 950 is amended to read as follows: "This section defines each account outlines in the format shown under Section 940 of these regulations."

5. Appendix I, "Certification of Branch Line Accounting System Records" is incorporated into these regulations (end of Subpart B) in the format shown below.

APPENDIX I

CERTIFICATION OF BRANCH LINE ACCOUNTING SYSTEM RECORDS

Carrier:(Exact legal title or name of the respondent) _____

_____

Name, title, telephone number and address of the person to be contacted:
Name _____
Title _____
Telephone Number: (Area Code) and (Telephone number) _____
Office Address: (Street and number) (City, State, and ZIP code) _____

_____

CERTIFICATION

I, the undersigned, _____
of (Title of officer in charge of accounts) _____

_____

(Full name of reporting company) _____
certify that during the calendar year 19—— the branch line accounting system data were collected and maintained for each line that met the criteria set forth in 49 CFR

1201, Subpart B, Section 920(a), Lines For Which Data Collection Is Required, (Docket No. 36366).

Signature _____
Date_____

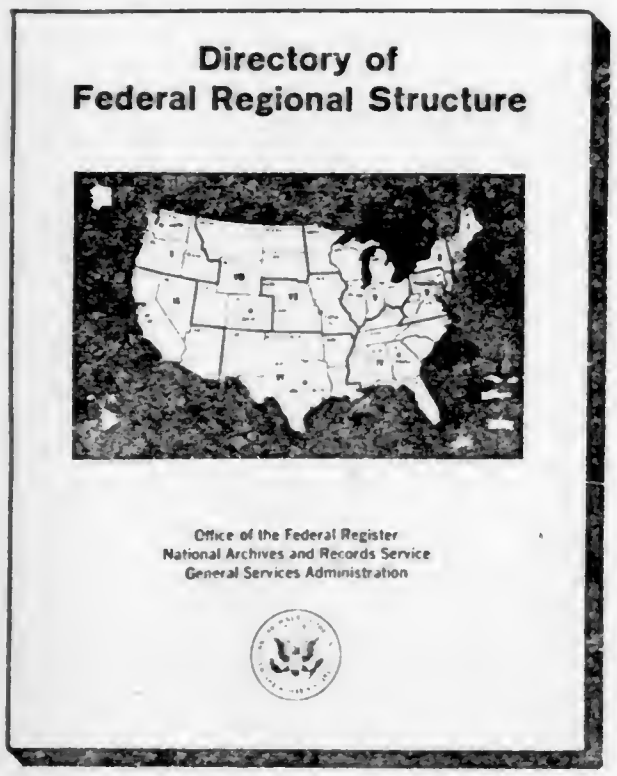
The lines covered by this certification are described below: (Describe each branch line separately using the following format as set forth in 49 CFR 1121.21.)

(a) Carrier's designation for line (Ex. Zanesville Secondary Track);
(b) State or states in which line is located;
(c) County or counties in which line is located;
(d) Milepost delineating each line or portion of line;
(e) Agency or terminal station(s) located on line or portion of line with milepost designations;
(f) Current category designation and date placed in that category; and
(g) Previous category.

[FR Doc. 79-5049 Filed 2-13-79; 11:37 am]

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